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federal register

Wednesday
September 16, 1981

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45927 **Extension of credit to the People's Republic of China** Presidential determination.

45964 **Medicaid** HHS/HCFA proposes revocation of sixty-day public notice of proposed changes in Statewide method or level of reimbursement for services.

45951 **Continental Shelf—Equal Employment Opportunity** Interior/GS rescinds regulations on nondiscrimination against minority and women-owned business enterprises in Outer Continental leasing activities.

45942 **Black Lung Benefits** HHS/SSA authorizes withholding of Part B (Social Security Administration) benefits to recover overpayments of Part C (Department of Labor) benefits.

45934 **Consumer Protection—Air Carriers** CAB revises regulation on smoking aboard certificated and commuter airlines.

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45940 **Consumer Protection** CPSC withdraws proposal on standards for miniature Christmas tree lights.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 4857 of September 14, 1981

Yorktown Bicentennial

By the President of the United States of America

A Proclamation

On October 19, 1781, the British forces under Lord Cornwallis surrendered at Yorktown, Virginia, to General Washington and our French allies. That surrender signified the practical end of the struggle by our forefathers for liberty and independence. The impossible dream of those patriots was about to be transformed into the reality of a bright new Nation.

As the King's troops came slowly down the road to the surrender field, legend has it that they struck up the tune, "The World Turned Upside Down." And, indeed, the old order was to be turned upside down, for the creative powers of democracy were about to be released on an unsuspecting world.

This year marks the two hundredth anniversary of the surrender. October 19, 1781, was a major date in the development of America and her freedoms; and today, two centuries later, it remains an important reminder of our identity as a nation. The anniversary is also an appropriate time to recall the assistance France gave to America's revolutionary struggle. We, as Americans, are the product of many victories, many sacrifices, and many hopes. The campaign at Yorktown is a historic example.

The Congress has enacted a joint resolution (Public Law 96–414) designating October 19, 1981, as a "Day of National Observance of the Two Hundredth Anniversary of the Surrender of Lord Cornwallis to General George Washington at Yorktown, Virginia." It is fitting that we reflect upon our victory at Yorktown and commemorate it in such a manner as to inspire love of country and devotion to ideals by recalling to this generation the struggles of the past. We can do this at the same time as we give thanks for the great bond of friendship which exists between ourselves and Great Britain.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Monday, October 19, 1981, as a day of national observance to remember and to honor the sacrifice of our ancestors in their quest for the political freedom that we enjoy today. I urge all Americans to celebrate again the joyous victory of our forefathers and I urge appropriate officials of the Federal, State, and local governments, as well as private organizations, to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of Sept., in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81–27104
Filed 9–14–81; 3:45 pm]
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Presidential Documents

Presidential Determination No. 81-12 of September 4, 1981

Determination Under Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended—People's Republic of China

Memorandum for the Secretary of State

Pursuant to Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended, I determine that it is in the national interest for the Export-Import Bank of the United States to extend two credits in the amount of $57,105,000 to the People's Republic of China in connection with the purchase of turbine generator components, boiler components, air preheaters and related technology.

On my behalf, please transmit this determination to the Speaker of the House and the President of the Senate.

This determination shall be published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
Washington, September 4, 1981.

[FR Doc. 81-27107
Filed 9-14-81; 4:20 pm]
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Rules and Regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1980

Business and Industrial Loan Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations pertaining to the administration of the Business and Industry (B&I) Loan Programs. The changes involve revisions and additions to the administrative parts and some minor clarifications of the regulations. These changes are related to the functions for monitoring of the lender's servicing activities and FmHA's overall responsibilities for the B&I loans once they are closed and in operation. These actions are being taken in response to agency recommendations and to correct certain deficiencies in the program for servicing loans as suggested by the Department's Office of Inspector General. The intended effect of the changes are to strengthen for the most part FmHA's internal management operating procedures, identified as "Administrative." The changes will not have any major impact upon the public.

EFFECTIVE DATE: Effective on September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Charles P. Hickey, Deputy Director, Business and Industry, Loan Servicing Division, USDA, FmHA, Washington, DC, Telephone (202) 447-7001.

The final Impact Statement describing the changes is available on request from the Chief, Directives Management Branch, USDA, FmHA, 14th and Independence Avenue, SW, Room 6346-S, Washington, DC 20250, Telephone (202) 447-4057.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 and Executive Order 12291, and has been determined to be exempt from such requirements. The reasons for this decision are: (1) Such changes as set forth in this amendment involve only internal management practices which have no effect upon the public, and (2) No additional burden or costs to the public will result from the changes. It is the policy of this Department to publish all regulations for public comment, however, since the changes only involve internal Administrative procedures, it is unnecessary to publish the amendment for public comment.

The FmHA program and projects which are affected by this action are subject to state and local clearinghouse review in the manner delineated in FmHA Instruction 1901-H, CFDA number 10.422, Business and Industrial Loan. FmHA amends various sections of Subpart E of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations.

This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal Action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, P.L. 91-190, an Environmental Impact Statement is not required.

Discussion of Rule

The basic objective of the Business and Industrial (B&I) program is to provide economic benefit and employment in rural America, primarily through loans and loan guarantees to local lenders. Once a loan is closed by the lender and the business is in operation, the lender has the overall responsibility to service the loan until it is either paid off, liquidated or the lender no longer desires the guarantee. FmHA's responsibility is one of monitoring the lender's servicing actions to assure the project meets the requirements established by FmHA and the conditions set forth in the lender's loan agreement with the borrower. The lender's responsibilities for the loan are set forth in FmHA Form 449-35, "Lender's Agreement" executed between FmHA and the lender at time of FmHA's issuance of the Loan Note Guarantee. Throughout the FmHA Regulations Part 1980 Subpart E, there are numerous administrative provisions identified as "Administrative" which set forth FmHA's internal operating procedures for administering the program and interpreting regulation sections.

Since the B&I program regulations were published in 1975, no significant administrative changes have been made to the internal processing and servicing instructions. FmHA's experience over these past 6 years has brought to our attention the need to revise and strengthen these administrative provisions. In addition, the Department's Office of Inspector General in its audit of the B&I program also recommended that FmHA clarify and revise some of its administrative procedures to correct noted deficiencies in the program.

FmHA has made an exhaustive review of the regulations and has classified the needed changes into two categories: (1) Those which will involve various internal "Administrative" revisions, and additions and clarifications to the regulations but will not change the actual intent or burden upon the public and (2) those changes that are more significant which will require a proposed rule and public participation before they are implemented. This rule deals only with the first set of changes as noted above. Since the changes do not affect the public, the agency is publishing the changes as a final rule. Those that do affect the public will be published at a later date as a proposed rule with 60-day public comment period.

Since there are a considerable number of administrative changes involved in this final rule, FmHA will not discuss each and every change.

PART 1980—GENERAL

Accordingly, Subpart E of Part 1980 is amended as follows:

§1980.412 Ineligible loan purposes.

1. In §1980.412 the first sentences in paragraphs (c) and (d) are amended by removing the word "or" between "$1,000,000" and "direct" and inserting in place the words "and when."

2. In §1980.412 a new "administrative" paragraph is added at the end of the section and reads as follows:

* * * * *

Administrative

Par. (c) and (d) the FmHA State Director will review the criteria in §1980.412 (c) and (d) and make a written determination with supporting data and reasons as to these determinations. Such review must be independent of the D.O.L. certification. The State Director will make sure the loan file contains these determinations as part of the loan analyses prior to the issuance of the Conditional Commitment for Guarantee.

* * * * *

3. Section 1980.451, Administrative B.8. is revised and reads as follows:

§ 1980.451 Filing and processing applications.

* * * * *

Administrative

B. * * *

8. Applications will be organized in a loan file in accordance with FmHA Instruction 2033–A, Exhibit A. An 8-position folder will be utilized. The State Director may supplement the Position Guides to include specific legal requirements within their State. If the applicant prepares a complete application package, it may accompany the loan file provided the file is organized in a binder, indexed, tabled, and feasibility studies are kept separate.

It is the responsibility of FmHA employee who works on an application or any servicing action to add to the correspondence section of the loan file (also known as the running record) a written report of any field visits, meetings, telephone convessations of any importance and memorandums covering decisions or reasons for FmHA actions on the case. Particular attention must be given to this requirement on cases that become delinquent or problems in order that FmHA's position will be defendable in event of an adverse action.

* * * * *

4. Section 1980.452, Administrative paragraph C.1. is revised to add paragraphs (d) and (e) to read as follows, and in paragraph D.5. all references to Form FmHA 440–1 throughout paragraph D.5. are changed to read "Form FmHA 1940–1", and in paragraph D.5.b. the reference to "section 37" is changed to "section 40".

§ 1980.452 FmHA evaluation of application.

* * * * *

Administrative

* * * * *

C. * * *

1. * * *

(d) The percentage of guarantee should be adjusted to assure that the lender does not bring its previously existing unguaranteed exposure under the guarantee.

(e) Any special servicing requirements should be identified and included in the Conditional Commitment for Guarantee.

* * * * *

5. In § 1980.453, the Administrative Section is revised and reads as follows:

§ 1980.453 Review of requirements.

* * * * *

Administrative

A. The State Director will negotiate with the lender and proposed borrower any changes made to the initially issued or proposed Form FmHA 449–14, "Conditional Commitment for Guarantee." A copy of Form FmHA 449–14 and any amendments thereto will be included when the loan file is submitted to the National Office for review. When the National Office recommends modifications or additions to Form FmHA 449–14, the State Director will further negotiate these recommendations with the lender and proposed borrower. If, as a result of these further negotiations, the lender, proposed borrower or State Director presents alternate conditions which would modify recommendations of the National Office, the State Director will submit these conditions by memorandum to the National Office for consideration with a copy of the revised Form FmHA 449–14 and any amendments thereto.

B. On loan applications within the State Director's loan approval authority, the State Director will submit to the National Office, B&I Loan Servicing Division within 30 days after the Form FmHA 449–14 has been accepted:

1. A copy of Form FmHA 449–29, "Project Summary Business Industrial Loan Division."

2. A copy of Form FmHA 449–14 as accepted by the lender and borrower.

3. A copy of FmHA State Loan Review Board Minutes.

4. Notification of required financial and other reports, their frequency, due dates, and fiscal year-end.

5. A copy of the proposed loan agreement between the lender and the borrower.

6. When debt refinancing is involved, a copy of the justification for the refinancing.

7. Indicate in your cover memorandum whether the Form FmHA 449–34, "Loan Note Guarantee" has been issued. If the Loan Note Guarantee has been issued enclose a copy of the Lender Certification required by Subpart A, §1980.60(a) and if not, a proposed date for issuance of the Form FmHA 449–34.

6. Section 1980.454, Administrative A.2. and B. are revised and read as follows:

§ 1980.454 Conditions precedent to issuance of the Loan Note Guarantee.

* * * * *

Administrative

A. * * *

2. Plans for inspection made on construction projects. These should be coordinated with the Lender and Borrower. Form FmHA 424–12, "Inspection Report," may be used by the District Director who will usually make the inspections. However, Engineers, the B&I Chief or B&I specialists may also make inspections.

* * * * *

B. In all cases, the B&I Chief or the B&I Loan Specialist will conduct a preguarantee audit before issuance of the Loan Note Guarantee to assure that all requirements of the application, Conditional Commitment for Guarantee, and Loan Agreement have been met and will provide such verification in the loan file. In the conduct of this audit, all requirements of § 1980.60(a) will be reviewed and special attention should be paid to reviewing current financial statements of the borrower to assure that no adverse change has taken place. The District Director may participate in the audit.

* * * * *

7. Section 1980.461, Administrative A and B are revised and read as follows:

§ 1980.461 Issuance of lender's agreement, loan note guarantee, and assignment guarantee agreement. (See Subpart A, § 1980.61.)

Administrative

A. *Par. (a) of Subpart A, § 1980.61.* The original Form FmHA 449–35 will be kept in the District Office. A copy may be retained in the State Office.

B. *Par. (b)(1) of Subpart A, § 1980.61.* Copy(s) of the Loan Note Guarantee(s) will be kept in the District Office. Additional copy(s) may be retained in the State Office. Copies of all issued Loan Note Guarantees will be kept in the loan file.

* * * * *

8. In § 1980.469 the introductory paragraph and the entire Administrative provision are revised and read as follows:

§ 1980.469 Loan servicing.

The Lender is responsible for loan servicing and for notifying FmHA of any violations in the Lender's Loan Agreement. See paragraph XI of Form FmHA 449–35.

Administrative

A. While the Lender has the primary responsibility for loan servicing and protecting the collateral, the State Director is responsible for seeing that servicing as required by the Lender's Agreement and regulations are properly accomplished. Loan servicing is intended to be a preventive rather than a curative action. Prompt followup on delinquent accounts and early recognition of potential problems and pursuing a solution to them are keys to resolving many problem loan cases.

B. *The State Director will assure that:*

1. The Lender understands upon initial contact during loan application and in particular at loan closing that the Lender is responsible for loan servicing and that annual audited Financial Statements are required.

2. A timetable for routine site, Borrower and Lender visitations by FmHA personnel is esatablished before the Loan Note Guarantee is issued. As a guide, visits to newly

established Borrowers with the Lender represented should be scheduled monthly. Visits to established, nonproblem Borrowers must be made at least annually. Special attention problem accounts should be visited as frequently as the need demands. If possible, these visitations should be coordinated with the Lender's visits.

3. During or in preparation for field visits, the following functions are to be performed:

(a) Current financial information is obtained in advance and analyzed for trends.

(b) Any issues revealed or problems not resolved since the last visitation are included in the agenda.

(c) Collateral is observed and its condition, maintenance, protection and utilization by the borrower appear satisfactory.

(d) A report of the visit is made on Form FmHA 449-39, or otherwise documented and included in the loan file. The report should include an opinion of the Borrower's status based upon observations made during the visit.

(e) Any instructions or directions made to the Lender should be confirmed by letter.

4. The B&I Chief or Loan Specialist will conduct an annual meeting with each Lender or its agent with whom a Loan Note Guarantee(s) or Contract of Guarantee(s) is outstanding. This may not be redelegated. The District Director should also attend. These meetings may be scheduled at the time FmHA makes periodic field inspections to the Borrower's place of business. At the meeting, a review will be made of the Lender's performance in loan servicing, including enforcement of conditions and convenants in the loan agreements. The observations and results of the meeting will be documented. Form FmHA 449-39, may be used for this purpose. Servicing exceptions on the part of the Lender which are noted by FmHA will be confirmed by letter to the Lender.

5. The Lender performs an adequate analysis of Borrower financial statements for FmHA. FmHA in turn will evaluate the Lender's analysis and followup with the Lender on servicing action required or negative observations not detected through the Lender's analysis. The financial statement analysis of the Lender, the financial statement and a memorandum reflecting FmHA's analysis including a comparison to previous and projected performance of the Borrower will be forwarded to the National Office, ATTN: Business and Industry Loan Servicing Division only for the following loans:

(a) All loans within the first year of loan closing.

(b) Loans over one year old as determined by the State Director or a National Office assigned loan reviewer who is participating in a field review. In the event of a disagreement between the State Director and an assigned loan reviewer as to which loans should be included, the assigned loan reviewer's decision will take precedence.

(c) All problem and delinquent loans.

(d) Loans that the State Director would like reviewed by the National Office.

6. A proper followup with the District Director and County Supervisor is made if reports and financial statements are not being transmitted on time or if there are servicing actions needed.

7. Meetings are arranged between the Lender, Borrower and FmHA to resolve any problems of late payment, etc.

C. *State Director Authorities:*

1. The State Director may delegate authority for the conduct of all functions listed in § 1980.469 Administrative B., except item B.4.

2. The State Director may approve the following servicing actions for projects for which the outstanding principal balance does not exceed his/her loan approval authority on the aggregate of all loans to the same or related Borrowers.

(a) Alterations in the Loan Agreement with the Borrower which will not increase the Government's exposure to loss on the guarantee and are not inconsistent with FmHA regulations.

(b) Collateral subordinations.

(c) Replacement of collateral.

(d) Release of collateral provided the loan remains adequately secured.

(e) Transfers and assumptions.

(f) Any payment deferment or reamortization of the loan in concurrence with holder(s).

3. Servicing actions on loans which exceed the State Director's loan approval authority are to be referred together with the State Director's recommendations to the Director, Loan Servicing Division for prior review and concurrence.

* * * * *

9. Section 1980.470, "Administrative" is revised and reads as follows:

§ 1980.470 Defaults by borrower. (Se § 1980.63.)

Administrative

A. In case of any monetary or significant non-monetary default under the loan agreement, the Lender is responsible for arranging a meeting with the State Director or its designee and Borrower to resolve the problem. A memorandum of the meeting, individuals who attend, a summary of the problem, and proposed solutions will be prepared by the FmHA representative and retained in the loan file. When the State Director receives a notice of default on a loan, he/she will immediately notify the National Office in writing of the details and will subsequently report the problem loan to the National Office on the quarterly status report. The State Director will notify the Lender and Borrower of any decision reached by FmHA.

B. In considering servicing options, some of which are identified in paragraph XI A of Form FmHA 449-35, "Lender's Agreement," the prospects for providing a permanent cure without adversely affecting the risks of the FmHA and the Lender must become the paramount objective. Within the State Director's authority, temporary curative actions such as payment deferments, moratoriums on payments or collateral subordination, if approved, must strengthen the loan and be in the best interests of the Lender and Farmers Home Administration. Some of these actions may require concurrence of the holder(s).

C. Subsequent loan guarantee requests will be processed in accordance with provisions of Subpart E, § 1980.473.

D. When the loan was closed with the multi-note option, the Lender may need to possess all notes to take some servicing actions. In these situations when FmHA is holder of some of the notes, the State Director may endorse the notes back to the Lender after the State Director has sought the advice and guidance of OGC provided a proper receipt is received from the Lender which defines the reason for the transfer. Under no circumstances will FmHA endorse the original Form FmHA 449-34 to the Lender.

E. The State Director's authority to approve servicing actions is defined in § 1980.469, Administrative C.2.

F. Consultant services may be recommended by the State Director to assist FmHA in determining which servicing action is appropriate. Requests for consultant services should be made by the State Director and addressed to the Administrator, ATTN: Business and Industry Loan Servicing Division. A full explanation of the loan history, an evaluation and scope of the proposed study and the current need should be included in the request.

G. When the National Office determines it is necessary on individual cases, due to some special servicing requirements, the National Office may at its option assume the servicing responsibility on individual cases from the State Office.

H. The State Director will report all delinquent and problem loans quarterly to the Director, Business and Industry Loan Servicing Division, by the 10th day of January, April, July, and October.

J. The State Director will notify the Finance Office by memorandum of any change in payment terms such as reamortizations or interest rate adjustments and effective dates of any change resulting from servicing actions.

* * * * *

10. Section 1980.471, "Administrative:" is revised and reads as follows:

§ 1980.471 Liquidation. (See § 1980.64.)

Administrative

A. State Director determines which FmHA personnel will attend meetings with the Lender.

B. *Paragraph XII B of the Lender's Agreement.* FmHA will exercise the option to liquidate only when there is reason to believe the Lender's liquidation plan is not likely to result in maximum recovery. When there is unresolved disagreement between FmHA and the Lender on the means to maximize recovery through liquidation, the State Director will forward the Lender's liquidation plan with appropriate recommendations, along with the State Director's exceptions to the plan to the Director, Business and Industry Loan Servicing Division for evaluation. Only when compromise cannot be reached on disputed liquidation plan will FmHA consider conducting the liquidation. When FmHA liquidates, reasonable liquidation expenses will be assessed against the proceeds derived from the sale of the collateral. In such instances the State Director will send to the Finance Office Form

FmHA 1980–45, "Notice of Liquidation Responsibility."

C. State Directors are authorized to approve Lender liquidation plans after they have been submitted with the State's recommendations to Director, Business and Industry Loan Servicing Division for review prior to approval.

D. *Paragraph XII D.* State Directors are responsible for review and acceptance of accounting reports as submitted by Lenders and for submission of such reports to Lenders when FmHA is conducting liquidation, after they have been submitted with the State's recommendations to Director, Business and Industry Loan Servicing Division prior review.

E. *Paragraph XII E 2.* State Directors are authorized to approve Reports of Loss from the Lender after they have been submitted with the audit review, supporting documentation and State's recommendations to Director, Business and Industry Loan Servicing Division for review prior to approval. The State Director will submit to the Finance Office for payment any loss claims of the Lender on Form FmHA 449–30, "Loan Note Guarantee Report of Loss." The Finance Office forwards loss payment checks to the State Director for delivery to Lender. When a loss claim is involved on a particular loan guarantee, ordinarily one Estimated Loss Report will be authorized. Only one final Report of loss will be authorized. A final Form FmHA 449–30 must be filed with the Finance Office at the completion of all liquidations even though the lender may not be entitled to a settlement. Finance Office will use this form to close out the account.

F. *Paragraph XII E 3.* Final loss payments will be made within the 60 days required but only after an audit by FmHA to assure that all collateral for the loan has been properly accounted for and liquidation expenses are reasonable and within approved limits. State Directors are responsible to see that such audits are accomplished in time to be reviewed by the State within 30 days and forwarded to be accepted or otherwise resolved by review of the Director, Business and Industry Loan Servicing Division within the 60-day period. B&I Chiefs or Loan Specialists will conduct such audits. All audits of final loss claims will be submitted to the National Office, Loan Servicing Division, for review prior to the State Director's approval of the claim. Close scrutiny of liquidation proceeds and their application in accordance with lien priorities is required.

Before final loss payments are approved and to assist in the required audit, the B&I Chief will prepare a narrative history of the guarantee transaction which will serve as the summary of occurrences which led to failure of the borrower and actions taken to maximize loan recovery. The original of this report will be filed in the loan case file. A copy of this report together with the audit of the final loss claim will be included in the material sent to the Director, Loan Servicing Division for review prior to approval of final loss payments.

G. *Paragraph XIII.* Liquidation expenses must be reasonable and customary for the Lender when compared to the anticipated recovery value of collateral. The State Director will assure that the liquidation expenses set forth in the liquidation plan are reviewed by the B&I Chief or Loan Specialist. These expenses must be approved by the State Director in writing prior to the incurrence of the expense. No in-house expense of the Lender such as employee wages, attorney fees, routine travel costs or accounting expenses will be covered under the Loan Note Guarantee. Only those reasonable liquidation expenses and protective advances that were previously approved by FmHA will be accepted.

* * * * *

11. Section 1980.472, "Administrative" is revised and reads as follows:

§ 1980.472 Protective advances. (See § 1980.65.)

Administrative

A. Protective advances will not be made in lieu of additional loans, in particular working capital loans. Protective advances are advances made by the Lender for the purpose of preserving and protecting the collateral where the debtor has failed to and will not or cannot meet its obligations. Ordinarily, protective advances are made when liquidation is contemplated or in process. A precise rule of when a protective advance should be made is impossible to state. A common, but by no means the only period when protective advances might be needed, is during liquidation. At this point, the borrower and success of the project are no longer of paramount importance but preserving collateral for maximum recovery is of vital importance. Elements which should always be considered include how close the project is to liquidation or default, how much control the borroer would have over the funds, what anger is there that collateral may be destroyed and whether there will be a good chance of saving the collateral later if a protective advance in contemplation of liquidation is made immediately.

B. The State Director must approve in writing all protective advances on loans within his/her loan approval authority which exceed a total cumulative advance of $500 to the same borrower. Protective advances must be reasonable when associated with the value of collateral being preserved.

C. When considering protective advances, sound judgment must be exercised in determining that the additional funds advanced will actually preserve collateral interests and recovery is actually enhanced by making the advance.

12. In § 1980.476, paragraphs (d) (3) and (4) are revised and "Administrative," Paragraphs A.1., C. and D. are revised and read as follows:

§ 1980.476 Transfer and assumptions.

* * * * *

(d) * * *

(3) Less than the total indebtedness may be transferred to another borrower on the same terms.

(4) Less than the total indebtedness may be transferred to another borrower on different terms.

* * * * *

Administrative

A. * * *

1. Release in writing of the transferor and guarantors from liability.

* * * * *

C. Any transfer and assumption of less than the total indebtedness must be submitted to Director, Loan Servicing Division for review and concurrence.

D. If the guaranteed loan debt balance is in excess of the State Director's loan approval authority, the State Director will forward the file, together with his/her recommendations, to the National Office for approval ATTN: Business and Industry Loan Servicing Division.

* * * * *

13. The General Administrative Section following §§ 1980.496–1980.500 [Reserved] is revised and reads as follows:

General Administrative

A. *Office of the General Counsel (OGC).* In performing the FmHA functions with respect to B&I loans, the advice and assistance of OGC may be sought and followed on any legal matter. However, it is the responsibility of the Lender to ascertain that all requirements for making, securing, and servicing the loan are duly met. If FmHA has any questions concerning the Lender's resolution of these matters, OGC should be consulted. Assistance of OGC will be requested in all major liquidations and workouts.

B. Initial informal contact with OGC should be made as soon as practicable. FmHA State Director's should use the following format in formally requesting legal assistance.

1. *Origination:* All written requests should come from State Director.

2. *Method:* Request should be made by referral memorandum to the Regional Attorney setting forth a brief statement of the pertinent facts, the reason assistance is requested, the extent of legal assistance sought, the date when FmHA's response to the Lender's liquidation or workout plan (if any) is due, and a statement on whether you think this is a "major" case.

3. *Materials to submit:* Referral memorandums will be accompanied by a copy of Lender's liquidation plan together with copy of FmHA's planned response. If Lender refuses to prepare a plan, the State Director should so state. DO NOT SEND DOCKETS unless specifically requested by OGC.

4. *Additional materials for major cases:* In "major" cases, also send principal loan papers, conditional commitment for guarantee, guarantee documents and any comments from the National Office.

5. FmHA will consider the following factors in deciding whether a liquidation or workout is "major."

(a) *Projected losses on collateral: e.g.,* projected losses on collateral are expected to be significant.

(b) *Unusual or complex nature of primary collateral: e.g.,* multi-state foreclosures or foreclosures of leases or general intangibles.

(c) *Presence of other major creditors or of senior creditors: e.g.,* guaranteed loan collateral may be subject to a prior lien or other creditors may have rights in other assets of borrower, such as inventory and accounts receivable.

(d) *Litigation is pending or threatened: e.g.,* bankruptcy, other foreclosure suits.

C. *Delegation of Authority:* The State Director may delegate those administrative duties and responsiblities as authorized in the Administrative sections of this subpart except those specifically reserved to the State Director.

* * * * *

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Note.—The reporting and/or recordkeeping requirement contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: August 19, 1981.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 81-26978 Filed 9-15-81; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes; Special Requirements for Admission, Extension and Maintenance of Status

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule codifies the Service's instructions, as expressed in a published administrative decision, requiring that, where the petitioner for an intra-company transferee does not have an existing branch, subsidiary or affiliate in current operation in the United States, the petitioner must submit evidence of the acquisition of physical premises for the new establishment before the petition may be approved.

Although the instructions relating to this documentary requirement are printed on the back of the visa petition form, the Service believes that codifying the requirements under the appropriate section is of greater benefit to the public and clarifies that particular section.

EFFECTIVE DATE: October 15, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536 Telephone: (202) 633-3048

For specific information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536 Telephone: (202) 633-3946

SUPPLEMENTARY INFORMATION: Section 101(a)(15)(L) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(15)(L), describes an intra-company transferee as an alien who, prior to applying for admission into the United States, has been employed continuously for one year by a firm or corporation or other related legal entity, and who seeks to enter the United States temporarily to render services to the same employer or subsidiary or affiliate in a capacity that is managerial, executive or involves specialized knowledge. In the administrative decision, *Matter of LeBlanc,* 13 I. & N. Dec. 816, it was held that the statute does not require that the beneficiary (employee) be coming to an existing office, branch or other establishment of the petitioner (employer) in order that the petition may be approved; provided, the petitioner has acquired the physical premises necessary to its function in the United States, and submits evidence of such acquisition.

Thus, a pre-existing office of the petitioner (employer) is not needed within the United States in order to transfer an intra-company transferee (beneficiary) to the United States. Where the evidence of record establishes that physical premises for a proposed branch, subsidiary or affiliate have been acquired, a petition seeking to accord the beneficiary status as an L-1 nonimmigrant may be approved. The evidence in *LeBlanc,* supra, consisted of a lease agreement for premises to house the proposed operation.

Current guidelines issued by the Service to its adjudicating personnel require the submission of evidence that physical premises have been secured through purchase or rental agreement. The instructions printed on the back of the visa petition, Form I-129B (Petition to Classify Nonimmigrant as Temporary Worker or Trainee.) under "L-1 Petition for intra-company transferee", also require the submission of this evidence. The instructions on the back of Form I-129B are incorporated by reference and have the effect of a regulation per 8 CFR 103.2(a). This rule codifies the instructions under § 214.2(l)(2) for further clarity.

Compliance with 5 U.S.C. 553 as to notice of proposed rule making is unnecessary because this rule merely codifies an existing rule and is solely clarifying in nature.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This rule is not a major rule as defined in subsection 1(b) of E.O. 12291 and is not subject to a regulatory impact analysis.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 214—NONIMMIGRANT CLASSES: SPECIAL REQUIREMENTS FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS

In § 214.2, paragraph (l)(2) is revised to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(l) *Intra-company transferees.* * * *

(2) *Supporting evidence.* A petitioner seeking to accord an alien classification under section 101(a)(15)(L) of the Act shall attach to the petition a statement describing the capacity in which the beneficiary has been employed abroad and the capacity in which he/she is to be employed in the United States. If the services to be rendered by the beneficiary are not managerial or executive in nature but involve specialized knowledge, the statement must describe the nature of the specialized knowledge possessed by the beneficiary which makes his/her presence in the United States necessary. If the petition indicates that the beneficiary is coming to open or to be employed in an establishment being newly opened in the United States by his/her employer, parent company, subsidiary or affiliate of the employer, the petition must be accompanied by evidence that sufficient physical premises to house the United States operation have been secured by purchase, lease, or rental. A copy of a document submitted in support of a visa petition filed under section 214(c) of the Act and § 214.2(l) of this part may be accepted, without an accompanying original if the copy bears a certification by an attorney, typed or rubber-stamped in the language set forth in section 204.2(f) of this chapter. However, the

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original document must be submitted if requested by the Service.

* * * * *

(Secs. 103 and 214; 66 Stat. 163. (8 U.S.C. 1103 and 1184))

Dated: August 31, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-28941 Filed 9-15-81; 8:45 am]

BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

14 CFR Part 252

[Reg. ER-1245; Dockets 29044, 38048, 39355]

Smoking Aboard Aircraft

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB revises its smoking rule. The new rule applies to certificated and commuter airlines in their operations with larger than 30-seat aircraft. It requires these airlines to separate smokers and nonsmokers and to provide a seat in the no-smoking section for all nonsmokers who arrive by the airline's check-in deadline. This action is taken after a general review of the smoking issue.

DATES: Adopted: September 2, 1981. Effective: October 16, 1981.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION:

Background

On November 26, 1980, the Board, in a public meeting, decided to hold an oral argument on and conduct a thorough review of its smoking rule, 14 CFR Part 252, *Smoking Aboard Aircraft*. The Board has issued four proposals, EDR-306, 41 FR 44424, October 8, 1976, EDR-377, 44 FR 29486, May 21, 1979, EDR-377A, 44 FR 33410, June 11, 1979, and EDR-399, 45 FR 26976, April 22, 1980, in which it has proposed several specific changes to Part 252. The review was instituted by EDR-420, 46 FR 11827, February 11, 1981, where the Board raised the possiblity of prohibiting all in-flight smoking and, on the other hand, abolishing all CAB regulation of smoking aboard aircraft. Oral argument was held on May 13, 1981. After considering the oral presentations, dozens of formal written comments, and thousands of letters from individuals, we have decided to retain a smoking rule, with some modifications to simplify it and ease the burden of compliance by airlines.

Although the proposals cited above raised a large number of options for consideration, most of those who commented in this proceeding chose to address the two ultimate issues raised by EDR-420: whether the Board should eliminate its smoking rules, or whether it should ban all smoking aboard aircraft. Those opposing the regulation of smoking attacked the rule on both legal and policy grounds.

Revocation

In adopting Part 252, the Board relied primarily on section 404(a) of the Federal Aviation Act. That section requires air carriers to provide "adequate service" (404(a)(1)) and to establish "just and reasonable practices" (404(a)(2)). Airlines, tobacco organizations, and many individuals argued that the adequate-service provision cannot be relied on as authority for this rule because that provision applies only to aircraft operations, *i.e.*, number of flights scheduled, rather than to issues of passenger preference that are removed from any valid economic considerations. Neither, in their view, can the Board turn to the "just and reasonable practices" provision as that, in their view, relates solely to rates and fares. Furthermore, they argued that Board regulation of smoking is specifically forbidden by section 401(e)(4) of the Act, which prohibits the Board from restricting an air carrier from changing its equipment, accommodations, or facilities.

In Order 80-8-80, the Board denied a petition to revoke Part 252 that raised a similar challenge to the smoking rule. In that order, the Board cited *National Association of Motor Bus Owners v. United States*, 370 F. Supp. 408 (D.D.C. 1974), as justification for its reliance on seciton 404(a) as authority for the smoking rule. That case affirmed actions by the Interstate Commerce Commission (ICC) restricting smoking on interstate buses. Although the statutory authority for the ICC's rule, section 204 of the Interstate Commerce Act (49 U.S.C. 304), is similar to section 404(a) of the Federal Aviation Act, several opponents of Part 252 argued that they are distinguishable. They claimed that section 404(a) places duties on the air carrier, while the statutory provision in the *Motor Bus* case placed the duty to ensure adequate service on the ICC itself. They considered this distinction important when viewed in light of the pro-competitive policies in the Federal Aviation Act and the specific limitation of section 401(e)(4). Rather than relying on the *Motor Bus* case, they contended that the Board should be guided by the case of *Continental Air Lines v. CAB*, 522 F.2d 107 (D.C. Cir. 1974), where the court found that air carriers' ability to provide service competition through various seating configurations could not be interfered with by the Board. They also claimed that the Board's situation was distinguishable from that of the ICC, in that the regulations themselves were vastly different and the enforcement responsibilities placed on the regulated operators were not parallel in scope.

Opponents of Part 252 also argued that continued regulation of smoking was inconsistent with airline deregulation and the movement toward reducing government regulation in general. Smoking, in their view, was just another aspect of in-flight service over which airlines compete. Airlines would have to satisfy these passengers or risk losing them to a competitor. Several carriers complained that the rule is impossible to enforce because there is no legal duty on passengers to comply, and that the existence of the rule causes some nonsmokers to behave obnoxiously. Smokers complained that the rule discriminates against them, drawing analogies with civil rights cases. Other smokers viewed the issue as one of passenger comfort, and argued that their comfort was just as important as that of the nonsmokers. Some suggested that reasonable persons can work out their differences on this issue through courtesy and common sense without a government rule.

Supporters of the rule pointed out that most people are nonsmokers. Many considered airlines to be insensitive to the needs of nonsmokers and expressed concern that nonsmokers would not receive the same consideration if Part 252 were revoked. In support of this argument, they cited the large number of complaints that the Board received prior to the adoption of the rule.

Many nonsmokers were not convinced that their interests would be protected by market forces. They noted that there is no competition on many routes and, even in markets where more than one carrier is serving, passengers are often forced to choose an airline on the basis of schedules or other factors unrelated to an airline's smoking policy. They did not consider a guaranteed no-smoking seat to be a passenger amenity, but a health matter. In their view, nonsmokers had a right to be protected from being exposed to tobacco smoke.

We do not agree with the restrictive reading of the Act by the airlines and the tobacco interests. While section 404(a) has been invoked in cases where a carrier was not operating enough flights at a point, it has also been the basis for other Board actions. See, for example, *Capital Airlines v. Civil Aeronautics Board,* 281 F.2d 48, (D.C. Cir. 1960) where the court upheld the Board's reliance on section 404(a) as grounds for requiring carriers to provide coach, rather than first class, service in a market and SPDR-70, 44 FR 32401, June 6, 1979, where section 404(a) was one authority cited by the Board in proposing rules to require carriage of handicapped travelers. Congress had an opportunity to reject the Board's interpretations of section 404(a) with respect to smoking when it was considering the Airline Deregulation Act of 1978 (Pub. L. 95-504), but did not do so. In fact, Congress explicitly retained the adequate-service provision at the same time that it established a schedule for phasing out the other requirements of section 404(a). (Section 1601 of the Federal Aviation Act). The requirement to provide adequate service remains in force at least until Board sunset in 1985 even under the current law.

The Board considers the *Motor Bus* case as supporting its reading of section 404(a). The fact that the obligation to provide adequate service is on the carriers, not the Board, is not a relevant distinction between the situation of the ICC and the CAB. The Federal Aviation Act contains other provisions that impose obligations on carriers to which the Board, under section 204 of that Act, may give substance by rule or order. The prohibition of section 401(e)(4) must be balanced against the adequate service requirement, as the court did in *Capital Airlines v. CAB.* Part 252 will have, at most, a minimal impact on carriers' accommodations and facilities. To the extent that it does have an impact, the rule is justified by the other statutory goals of adequate service and just and reasonable practices. The distinctions based on the differences between the Board's rule and that of the ICC are, moreover, further weakened by today's action to simplify Part 252.

The Board has decided to retain a rule on smoking aboard aircraft. It is true that the commercial need to satisfy their passengers would provide an incentive for carriers to make arrangements that are satisfactory to most, and also that the Board cannot accurately project what course each carrier would take. On balance, however, the following factors have been found more persuasive.

(1) From the information available, it appears that a substantial majority of the traveling population favors the retention of either the present separation rule or stronger measures to protect nonsmokers. This conclusion is borne out both by the comments received and by surveys conducted by the Airline Passengers Association and by the Roper Organization for the Tobacco Institute. This does not end the matter, of course, since it could be argued that an unregulated marketplace might arrive at an equally satisfactory solution. Nevertheless, considering that smoking arrangements relate especially to the feelings and preferences of individual travelers, it must be counted heavily in the rule's favor that, as against total revocation, it has strong public support.

(2) A small but significant minority of the traveling public suffer disproportionate discomfort and health problems from ambient tobacco smoke. Because this group is a minority, it is possible that economic incentives would not be sufficient to make their needs consistently noticed by the carriers. Furthermore, this group is understandably and often vocally sensitive in situations where they feel that carriers have not given nonsmokers sufficient protection. The existence of a government-enforced rule, and a central agency to which any complainants can appeal, therefore helps to keep order and promote civility between the different groups of passengers—especially important in the enclosed environment of an aircraft.

(3) The economic impact of the rule, especially as modified today, is negligible, and the rule has little bearing on the ability of carriers to compete with each other. It therefore does not conflict with the economic deregulation policy mandated by Congress.

Some comments on behalf of smokers characterized the Board's rule as "discriminating" against smokers or regulating purely "personal habits," but the Board finds these arguments without merit. Smoking is not a personal characteristic in the same way as race or physical handicap, which are largely unalterable characteristics. Smoking, in contrast, is an activity, not a personal attribute. It is one that impinges on the senses and the bodies of others in a way that cannot be easily avoided in a closed environment and has traditionally been regulated like many other activities that may have a negative effect on the surrounding public.

Smoking Ban

Anti-smoking, public interest and public health groups, and many individuals sought a complete prohibition of in-flight smoking. They claimed that smoke drifts into the no-smoking section despite separate seating arrangements. Several studies were cited showing that this drifting smoke damages the health of nonsmokers, particularly Hirayama, *Non-smoking Wives of Heavy Smokers Have a Higher Risk of Lung Cancer: A Study From Japan,* British Medical Journal (January 17, 1981), Repace and Lowry, *Indoor Air Pollution, Tobacco Smoke, and Public Health,* Science (May 2, 1980), and White and Froeb, *Small-Airways Dysfunction in Nonsmokers Chronically Exposed to Tobacco Smoke,* the New England Journal of Medicine (March 27, 1980). Most of the flight attendants who commented expressed concern that breathing second-hand smoke damages their health, and called for a total ban. The Association of Flight Attendants, however, did not support this view.

Many nonsmokers argued that smoking on aircraft was a denial of a right to clean air and good health. Some expressed concern about the possibility of fire from a dropped cigarette.

Smokers tended to view the issue as one of passenger comfort, and argued that they had a right to adequate service that would be abridged by a smoking ban. They asserted that the discomfort of nonsmokers was only equivalent to that caused by crying babies or heavy perfume. Some stated that if smoking were banned, it would be done surreptitiously in aircraft lavatories.

Airlines and tobacco industry groups opposed a ban on smoking on grounds that they considered it a health issue that should not be decided by an economic regulatory agency. They considered the studies of passive smoking to be inapplicable to aircraft, because their air is recirculated more frequently than in buildings, and people spend less time in aircraft than in the types of buildings that were involved in those studies. Carriers and the Association of Flight Attendants also expressed concern that a smoking ban would place a heavier enforcement burden on flight attendants.

The Board has decided that a universal, government-imposed ban on smoking aboard aircraft is too extreme an action to be justified by the evidence and arguments that have been presented. It is true that such bans have been imposed for years by local authorities in public places such as auditoriums and theaters. Aircraft differ from such environments, however, in two important respects: (1) The relatively careful allocation of seats and supervision by flight attendants make separation into smoking and no-smoking sections a feasible alternative to a total

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ban; and (2) the air in modern aircraft is filtered and circulated more rapidly and thoroughly than it is in many public buildings. Again, the evidence is that the majority of the flying public favors the present separation rule as against a total ban on smoking.

The only finding that would, in the Board's judgment, justify a total ban would be that smoking aboard aircraft under the present rules is significantly damaging the health of nonsmokers. But it is questionable whether the Board's authority could be exercised on that basis, since the FAA has primary jurisdiction over matters of health and safety in aircraft operations. In a previous examination of the issue, that agency determined that there was "no persuasive evidence that exposure to tobacco smoke, in concentrations likely to occur in transport aircraft (assuming normal ventilation rates) is injurious to the health of non-smokers." 38 FR 19048, July 17, 1973.

On the health issue, the available evidence is not persuasive that a total ban is justified. The evidence of a link between "passive smoking" and cancer is so far slight and controversial. (The Hirayama study cited above has been questioned in Garfinkel, *Time Trends in Lung Cancer Mortality Among Nonsmokers and a Note on Passive Smoking,* Journal of the National Cancer Institute, June 1981.) Even if it is substantiated, the length and level of exposure to smoke of nonsmoking passengers aboard aircraft is so far below those of the subjects of the studies to date that it would take dramatic new evidence to justify a smoking ban. Flight attendants do spend far more time aboard aircraft than passengers, of course, but the Board's authority to act on the basis of their welfare is much more doubtful even than it is with respect to passengers. Flight crews' problems in this area seem to be within the jurisdiction of either the FAA or the Occupational Safety and Health Administration.

Concerns expressed by some commenters that cigarettes pose a fire hazard aboard aircraft do not appear to be valid, since the fire-resistance of aircraft interiors is closely regulated by the FAA (14 CFR 25.853).

The Board's refusal to require a ban on smoking aboard aircraft does not preclude a carrier from instituting such a policy on its own. Section 252.1 states that "nothing in this regulation shall be deemed to require such carrier to permit the smoking of tobacco aboard aircraft." Several smaller carriers have banned smoking on all their flights.

The New Rule

In EDR–377 and 377A, the Board proposed the following:

Banning smoking on aircraft with 30 seats or less;

Banning smoking on flights of 1 hour or less;

Requiring partitions between smoking and no-smoking areas;

Requiring that a one-row buffer zone be placed between the smoking and no-smoking area;

Requiring special accommodations for persons who are unusually susceptible to physical ill effects from breathing tobacco smoke;

Limiting smoking areas to one per compartment to prevent sandwiching of non-smokers between two smoking sections;

With respect to cigar and pipe smoking—

Permit them to be smoked only by persons seated close to the air vent in each row;

Limit them to an area at least seven rows from the no-smoking section;

Limit them to the rear of the compartment;

Prohibit them in any compartment where a person requests such a ban through a flight attendant;

Ban the smoking of cigars and pipes.

In addition to specific proposals, the Board, in EDR–377, also placed all the existing provisions of Part 252 in issue once again. These included the applicability section, the section requiring special segregation of cigar and pipe smokers, the requirement that carriers ban smoking when their ventilations systems are not fully functioning, and the provisions on enforcement and the submission of carrier manuals.

After considering the outstanding proposals and reviewing the existing provisions, we have decided to replace the current rule with a less detailed regulation. In our view, carriers should still be required to provide separate seating for nonsmokers, but should be free to decide most other aspects of in-flight smoking, policy. Decisions regarding the minimum size of the no-smoking section, pipe and cigar smoking, and banning smoking when the air conditioning system is not operating are therefore left to carrier discretion under the new rule. References to the burden of breathing smoke (former § 252.2) and sandwiching (former § 252.2(e)) have also been removed.

The provision on enforcement is being retained. Carriers must still take such action as is necessary to ensure that smoking does not occur in the no-smoking areas. Submission and review of carrier manuals, however, is not required by the revised rule. The information provided by the manuals can be acquired under the Board's general data-gathering and enforcement powers if it is needed. The waiver provisions adopted by ER–1203, 45 FR 83206, December 18, 1980, is being retained. Changes in its language are made to more accurately reflect the Board's intent in adopting it. It has also been renumbered.

The section on applicability (§ 252.1) is being changed. Currently, Part 252 applies to all certificated air carriers, but to commuter air carriers only in their operation of over-30-seat aircraft. When the rule was first adopted, ER–800, 38 FR 12207, May 10, 1973, it applied only to certificated air carriers. Commuters and other air taxis were not covered. At the time, the distinction between certificated air carriers and commuter air carriers was clear. Certificated air carriers operated primarily aircraft of larger than 30 seats. Commuters had to operate 30-seat or smaller aircraft to retain their exemption from the certification requirements of section 401 of the Federal Aviation Act.

The Airline Deregulation Act of 1978 (Pub. L. 95–504), and the Board on its own initiative, made several changes that blurred the distinction between certificated and commuter air carriers. Section 32 of that Act (amending section 416 of the Federal Aviation Act) raised to 56 seats the size of aircraft that commuters could operate without losing their exemption. It also permitted the Board to raise further the passenger capacity allowed commuters. By ER–1123, 44 FR 30080, May 24, 1979, affirmed by ER–1123A, 45 FR 84989, December 24, 1980, the Board raised the limit to 60 seats. These changes allowed commuters to operate the same size of aircraft that many certificated carriers were using without having to comply with the smoking rule. So that both would have the same obligations to smokers and nonsmokers on larger aircraft, the Board, by ER–1124, 44 FR 30080, May 24, 1979, extended the coverage of Part 252 to commuters in their operation of over-30-seat aircraft.

The Deregulation Act also made it easier for small-aircraft operators to acquire certificates, both directly and under the "dormant authority" provisions (sec. 401(d)(5)) of the Federal Aviation Act. Many commuter carriers operating smaller aircraft have taken advantage of these provisions to become certificated air carriers. They have thus become subject to Part 252 although they have not changed any other aspect of their operation.

With these changes, Part 252 places a greater regulatory burden on small certificated carriers than on small commuters. To equalize that burden, we could extend the coverage of the rule to all commuters and air taxis, as was proposed in EDR–377A, 44 FR 33410, June 11, 1979. This proposal was opposed by the Commuter Airline Association of America (CAAA) and the National Air Transportation Association (NATA). The CAAA stated that requiring commuters using 30-seat or smaller aircraft to comply with Part 252 would create an intolerable administrative and economic burden for them. NATA argued that other air taxis providing only on-demand service should not be covered because the person hiring the aircraft should be allowed to dictate the nature of the service provided.

We agree that applying the rule to operations by small commuters and other air taxis as proposed in EDR–377A is inadvisable. We also consider that the distinction between commuters and certificated carriers in the current rule will soon be obsolete. We have therefore decided that the coverage of Part 252 should be based on operating equipment size and that the line should continue to be drawn at 30 seats. Under this rule, all air carriers will have to comply with Part 252 only in their operations with over-30-seat aircraft. This is the current rule with respect to commuter air carriers, and the change will reduce the coverage for small certificated carriers. Other air taxis, not now covered by Part 252, will not be affected.

This application scheme places certificated air carriers on an equal footing with commuters with respect to the smoking rule. It is consistent with the Regulatory Flexibility Act, Pub. L. 96–354, which requires agencies to consider flexible approaches to the regulation of small businesses. It will be simple to apply and for passengers to understand, and bears a clear and rational relationship of the substance of the rule itself. Passengers are likely to recognize that separate seating arrangements for smokers and nonsmokers are more effective on large planes than small ones. This rule change effectively grants the relief requested by Yukon Air Service, Inc. d/b/a Air North in Docket 39355. Any other changes in the applicability section, such as suggestions that were made concerning charters and foreign air transportation, should be dealt with in a separate rulemaking proceeding.

Late Arrivals

The only new provision we are adopting is the "check-in rule" proposed in EDR–399. Currently, an airline must accommodate all passengers requesting a no-smoking seat regardless of when they arrive for boarding or their reservation status. This can create problems on flights operating at or near capacity when the no-smoking section may be full. In these circumstances, the carrier must accommodate late-arriving nonsmokers by either expanding the no-smoking section or by rearranging passengers, which may delay the flight. Under the proposal in EDR–399, airlines would be relieved of the obligation to accommodate nonsmokers who arrived at the boarding gate within 5 or 10 minutes of scheduled departure, or who were traveling stand-by, unless there was still room in the no-smoking section.

Airlines and smokers tended to support this proposal. Smokers considered it unfair that a late-arriving passenger could cause them to lose a smoking seat when they had arrived in a timely matter. Airlines were concerned about the serious disruption that may be caused by a last-minute passenger demanding a seat in the no-smoking section. They stated that demands of this sort add greatly to the pressures on flight attendants. Airlines also asked that the deadline for demanding expansion of the no-smoking section conform to the individual carrier's check-in deadline rather than be 5 or 10 minutes in all cases. Transamerica and Pacific Southwest Airlines (PSA) suggested changes in some of the wording of the proposed provision. PSA asked that the rule be tied to checking in or being in line for check-in no later than the deadline, rather than simply being present at the boarding gate. Transamerica stated that the rule should refer to the check-in or seat assignment counter rather than the boarding gate as the place where passengers must be by the deadline in order to preserve their rights. As an alternative, Transamerica suggested that the rule could simply refer to the "place where seats are assigned" in lieu of the "boarding gate."

Nonsmokers generally opposed the EDR–399 proposal. They argued that the "right to breath unpolluted air" should not depend on when one arrives at the boarding gate. They pointed out that the late arrival may not be the fault of the passenger but could be caused by the airline itself, due to the lateness of a connecting flight. They contended that it is the smokers who should be "penalized" by requiring them to arrive early in order to obtain their desired seat. (This argument is based on a misunderstanding. Not only do smokers now have to arrive before the deadline to be reasonably sure of a smoking seat, under the practices of most carriers, but as far as the CAB is concerned there is never a "right" to a smoking seat—carriers may restrict smoking as they wish.) Opponents of EDR–399 also asked that the reference to stand-by passengers be eliminated since many people can only afford to fly stand-by.

It is the requirement to provide seats in the no-smoking section for last-minute arrivals that has evoked the most adverse reaction from carriers. The three waiver requests received under former § 252.6 have all sought a waiver of the rule for late-arriving passengers. (Orders 81–4–55, 81–5–93, and 81–5–115). This requirement also imposes the greatest cost on carriers, and the greatest disruption in passenger arrangements, while providing benefits to only a small number of non-smoking passengers. Moreover, it is the carrier that is most diligent in complying with the regulation that is likely to suffer the greatest loss.

The Board has decided to adopt a modification of the proposal of EDR–399 that it finds will provide a reasonable balance between the desires of smokers, the rights of nonsmokers, and the needs of the airlines. It will preserve the basic right of nonsmokers to be seated away from the smokers, but will shift some of the responsibility for obtaining a no-smoking seat from the carrier to the passenger. Since the reservation of a late arrival has already in effect been cancelled, such a passenger will have the choice of either accepting the available seat or waiting for a later flight.

We are adopting the carriers' suggestion that the deadline be that established by each airline for normal check-in, rather than one imposed by the Board. This will provide the carriers the freedom to decide when a reservation, and the concomitant right to demand the expansion of the no-smoking section, should be terminated.

The suggestions of Transamerica and PSA have also prompted us to make changes in the language of the rule. The rule, as hereby revised, is now based on the carrier's procedures for check-in rather than the passenger's presence at the boarding gate. In its new form, a passenger must conform with the carrier's requirements as to time and method of obtaining a seat on the flight in order to be entitled to demand that the airline expand, or otherwise open up a seat in, the no-smoking section.

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We recognize that nonsmoking connecting passengers may be late through no fault of their own. This will seldom result in their being placed in the smoking section, since whenever there are seats in the no-smoking section, passengers who request them must, under the rule, be seated there regardless of when they arrive. They would not, however, have to be upgraded to a no-smoking seat in a higher class of service.

Stand-by passengers are in a situation similar to that of late arrivals in that they have not been assigned a seat. In fact, they have understood from the outset that they would only obtain seating on an as-available basis. Trying to provide them with a no-smoking seat at the last minute when the no-smoking section is full creates similar problems. Carriers will therefore be allowed to treat stand-by passengers the same as late arrivals under this rule. That is the reason for the reference to a passenger "who does not have a confirmed reservation" at the end of the first sentence of § 252.2(b).

Scheduled flights for which advance reservations are not available and seats are not assigned in advance, such as "shuttle" services, are not affected by this change with regard to check-in deadlines. They must continue to offer seats in a no-smoking section to all passengers who want them. These services are currently designed to accommodate and arrange passengers on a walk-on basis, making a check-in deadline for the purposes of the smoking rule unnecessary.

Final Regulatory Flexibility Analysis

The discussion above constitutes the Board's final regulatory flexibility analysis of this rule, pursuant to 5 U.S.C. 604. Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428 ((202) 673–5432) by referring to the "ER" number at the top of the document. This document represents the culmination of the Board's general review of its smoking rule pursuant to the Regulatory Flexibility Act and Executive Order 12291.

Members' Statements

Smith, Member, Concurring

The Board has historically taken the lead role among federal agencies in the protection of consumer interests in commercial aviation. Although the smoking issue is primarily a health consideration with economic overtones, the public interest mandates of the Board require our involvement for consumer protection. While I advocate the lessening of restrictions on airlines allowed by this rule, I favor a more liberal rule which would allow the establishment of minimum fixed no-smoking zones by air carriers which could be expanded at the prerogative of the individual airline. This would allow a minimum of governmental intervention to protect the public interest and give carriers wide latitude in accommodating the individual wishes of passengers beyond that minimum requirement. In addition, this rule, as structured, poses an undue administrative burden on commuters operating a mixed fleet with different rules for aircraft over and under 30 seats. The rules should apply only to aircraft over 60 seats. While the marketplace is no doubt the superior determinant of economic decisions by air carriers, aviation safety, health and consumer interest requires federal involvement by virtue of the nature of interstate commerce embodied therein.

James R. Smith.

Dalley, Member, Dissenting

The Civil Aeronautics Board has been a pioneer in regulatory reform. For nearly five years the Board has consistently questioned the need for its rules, invariably concluding that the market, rather than government regulation, was best suited to protect the rights of consumers. This perspective, which differs substantially from that of most regulatory agencies, is producing a more competitive and efficient industry than existed under a tight regulatory regime.

In the present matter, the Board has arbitrarily decided to substitute its view of what is "just and fair" for the discipline of the market. A similar attitude adopted by previous Boards created a plethora of needless and costly regulations that are now being undone. In fact, the Board's sole rationale for government intervention in airlines' operating decisions is the observation that ten years ago, when it was tightly regulated, the airline industry did not respond to the legitimate concerns of nonsmokers. This is not an adequate reason for adopting the present regulation.

Much has changed in the eight years since the Board adopted its no-smoking rule. Not only have nonsmokers become more aware of their rights since then, the airline industry has become more competitive. One can now argue, with some justification, that the market is fully capable of protecting nonsmokers. In other matters, the Board has placed the burden of proof on those who advocate government intervention. Yet, the advocates of a no-smoking rule have limited their arguments to the undeniable proposition that tobacco smoke is a substantial irritant to many nonsmokers. No convincing case has been made by any party to this proceeding that the market cannot protect the interests of nonsmokers. Without such a finding, government intervention cannot be justified. Moreover, there has been no attempt to measure the benefits of the rule adopted by the majority—nor its costs.

A more prudent course of action would have been to suspend the current rule and thereby determine whether a rule on no-smoking is required in a competitive airline industry. This choice is particularly appropriate in view of our plan to conduct a thorough review of all major consumer protection regulations prior to sunset to determine which, if any, are truly necessary. It is possible that market forces may have protected nonsmokers' needs better than the rule the majority has adopted and that there is no need to transfer a smoking rule to our successor.

It is doubtful that the no-smoking rule will be reconsidered by the Board or its successor in the foreseeable future. Thus, the Board's actions effectively locks into place a potentially costly and unnecessary rule for an extended period of time. This is an unfortunate action by an agency that has pioneered the now nationwide movement to reevaluate the cost effectiveness of government regulation.

George A. Dalley.

Cohen, Chairman, Dissenting

I join in the thoughtful, well reasoned dissent of my colleague, Member Dalley. Member Smith, in his concurrence with the majority, states that he would have preferred less regulation of smoking than the majority—to wit: "establishment of minimum fixed no-smoking zones by air carriers which could be expanded at the prerogative of the individual airline."

The Board has required the airlines to separate smokers from non-smokers since 1973. During the past 8 years, the relative number of smokers in the United States has diminished significantly. The overwhelming majority of airline passengers today expect to be offered a seat in a no-smoking section. If the airlines fail to fulfull this expectation, they will incur the justified wrath of most of their passengers. Under deregulation, every airline is now free to enter the routes of every other airline. An airline which angers its customers is inviting other airlines, which are eager to satisfy passenger expectations, to enter its routes.

Under these circumstances, it is highly unlikely that any airline would eliminate non-smoking sections on its aircraft if the Federal government suspended the current smoking rules. The most any airline might do would be to adopt Member Smith's suggestion—to establish a fixed no smoking zone. I believe that, given consumer expectations and the newly competitive nature of the industry, most airlines would go farther, and continue to offer no-smoking seats to all passengers who met the carrier's check-in rules.

If Member Dalley and I are mistaken, and the airlines force a significant number of reluctant passengers to sit next to smokers, the Board retains the power to re-institute protective regulation. I invite those of my colleagues who share the faith Member Dalley and I have in the efficacy of actual and potential competition, to suspend the current rule and, through experience, find out whether smoking regulations are actually required in a competitive airline industry.

Marvin S. Cohen.

The Final Rule

Accordingly, the Civil Aeronautics Board revises 14 CFR Part 252, *Smoking Aboard Aircraft*, to read:

PART 252—SMOKING ABOARD AIRCRAFT

Sec.
252.1 Applicability.
252.2 No-smoking sections.
252.3 Enforcement.
252.4 Waivers.

Authority: Secs. 204, 404, 407, and 416 of Pub. L. 85–726, as amended, 72 Stat. 743, 760, 766, 771, 49 U.S.C. 1324, 1374, 1377, 1386.

§ 252.1 Applicability.

This part establishes rules for the smoking of tobacco aboard aircraft. It applies to all operations of direct air carriers, except on-demand services of air taxi operators, with aircraft designed to have a passenger capacity of more than 30 seats. Nothing in this regulation shall be deemed to require carriers to permit the smoking of tobacco aboard aircraft.

§ 252.2 No-smoking sections.

(a) Except as provided in paragraph (b) of this section, air carriers shall upon request give each passenger a no-smoking seat and to that end shall provide at a minimum;

(1) A no-smoking area for each class of service and for charter service;

(2) A sufficient number of seats in the no-smoking sections of the aircraft for all persons who wish to be seated there; and

(3) Expansion of no-smoking sections to meet passenger demand.

(b) On flights for which passengers may make confirmed reservations and on which seats are assigned before boarding, an air carrier need not provide a seat in a no-smoking section to a passenger who has not met the carrier's requirements as to time and method of obtaining a seat on the flight, or who does not have a confirmed reservation. If a seat is available in the established no-smoking section, however, a carrier shall seat there any enplaning passenger who so requests, regardless of boarding time or reservation status.

§ 252.3 Enforcement.

Each air carrier shall take such action as is necessary to ensure that smoking is not permitted in no-smoking sections and to enforce its rules with respect to the separation of passengers in smoking and no-smoking areas.

§ 252.4 Waivers.

Air carriers may file with the Board's Docket Section applications for waivers of one or more of the requirements of this part, in order to experiment with other methods of achieving the public policy objectives of this part.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81–26964 Filed 9–15–81; 8:45 am]
BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

Imposition of Controls on Calcium and Magnesium for Nuclear Non-Proliferation Reasons

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule and request for comments.

SUMMARY: This rule places controls for nuclear non-proliferation reasons on the export of calcium and magnesium of certain purities. It has been determined that controls are necessary because these commodities, if used for purposes other than those for which an export is intended, could be of significance for nuclear explosive purposes.

DATES: This rule change is effective September 14, 1981. Comments must be received by November 16, 1981.

ADDRESS: Written comments (six copies) should be sent to: Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Services, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION:

Substance of Regulations

Pursuant to section 17(d) of the Export Administration (50 U.S.C. app. 2416(d)) and section 309(c) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2139a), this rule imposes nuclear controls on the export of calcium and magnesium with certain purity levels. This change is made following a request by the Department of Energy and consultation within the Subgroup on Nuclear Export Coordination. It has been determined that these commodities, if used for purposes other than those for which an export is intended, could be of significance for nuclear explosive purposes.

Rulemaking Requirements

Under section 13(a) of the Export Administration Act of 1979 this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. However, because of the importance of the issues raised by those regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations. The period for submission of comments will close on November 16, 1981. Comments received after the close of the comment period cannot be assured consideration in the development of the final regulations. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the final regulations.

All public comments on those regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communcations from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration, Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230. Records in the facility, including written public comments and memoranda summarizing the substance of oral communications may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained form Mrs. Patricia L Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

In connection with various other

rulemaking requirements, the Office of Export Administration has determined that:

1. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

2. This rule involves a "foreign affairs" function of the United States and is exempt from the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulations."

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

§ 399.1 [Amended]

Accordingly, Supplement No. 1 to § 399.1 of the *Export Administration Regulations* (15 CFR Part 368 *et seq.*) is amended as follows:

1. By adding a new CCI, entry preceding CCL entry 1648A to read as follows:

4638B Calcium containing both less than one tenth percent (0.001) by weight of impurities other than magnesium and less than 10 parts per million of boron.	Lbs.	PORTVWYZ	0	MG	4

* * * * *

2. By adding a new CCL entry proceding CCL entry 1658A to read as follows:

4654B Magnesium containing both less than one fiftieth percent (0.0002) by weight of impurities other than calcuim and less than 10 parts per million of boron.	Lbs.	PESTVWYZ	0	MG	4

* * * * *

(Section 17(d), 13, 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.;* Section 309(c), Pub. L. 95–242, 92 Stat. 141, 42 U.S.C. 2139a; Executive Order 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980)

September 14, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81–27114 Filed 9–14–81; 5:00 pm]

BILLING CODE 3510–25–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1208

Miniature Christmas Tree Lights; Withdrawal of Proposed Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: Based on information showing that there has been significant upgrading of voluntary standards to address the risks of injury from fire and shock associated with miniature Christmas tree lights, as well as information showing a decline in fire incidents from 1977 to 1980, the Commission withdraws its proposed standard for miniature Christmas tree lights.[1]

DATE: The withdrawal is effective on September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Carl W. Blechschmidt, Program Manager, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6557.

SUPPLEMENTARY INFORMATION:

A. Background

On May 3, 1978, the Commission proposed a standard under section 7 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2056) for miniature Christmas tree lights and similar miniature decorative lights in order to reduce the risks of injury from electric shock and fires (43 FR 19136). Based on information available at the time of the proposal the Commission preliminarily determined that a consumer product safety standard was necessary to eliminate or reduce the unreasonable risks of injury from fires and electric shock associated with these products.

Since its formation in 1973, the Commission has received reports of incidents and injuries due to electric shocks and fires from miniature Christmas tree lights and similar miniature decorative lights. In 1974 a number of manufacturers voluntarily initiated a recall of certain lights as a result of reports received at that time and the encouragement of the Commission's staff.

The Commission initiated its standard development proceeding on March 31, 1977 (42 FR 17154) based primarily on the CPSC's 1975 Christmas Decorative Light Survey and technical analyses of Christmas light products. The 1975 survey involved the inspection of manufacturers, importers, and major retailers of miniature Christmas tree lights to identify hazardous products. From this survey, the Commission learned that defects in miniature Christmas tree light products could very likely lead to hazardous situations.

B. Voluntary Standards Efforts

At the time the Commission initiated the standard development proceeding the Commission had information about two existing voluntary standards for miniature Christmas tree products: Underwriters Laboratories Inc. (UL)—"Standard for Christmas Tree and Decorative Lighting Outfits— UL 588" (13th Edition, November 15, 1974, revised December 30, 1974 and February 4, 1976); and National Ornament and Electric Lights Christmas Association (NOEL)—"NOEL Standard for Midget Sets, September 16, 1975." The Commission recognized at that time that although the voluntary standards included many beneficial features, application of those standards as they existed would not eliminate or sufficiently reduce the unreasonable risks of injury (43 FR 19137). During the rulemaking proceeding the Commission staff continued to work with the voluntary standards organizations in an effort to encourage improvements in the voluntary standards.

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[1] The vote to withdraw the proposed standard was 4–0, Commissioner Edith Barkadale Sloan abstained.

In response to the Commission's work, in July, 1978, UL revised its existing standard to include virtually all of the requirements in the Commission's proposed standard. In addition, NOEL indicated in October 1978 that it would amend its standard to include the provisions of the standard recommended to the Commission by the National Consumers League. On March 9, 1979, after considering the existing information on the improvements in the voluntary standards, the Commission extended, until March 15, 1981 the date for either publishing a final standard or withdrawing the proposed standard (44 FR 13040). The reason for the extension was to allow the Commission additional time in which to monitor the voluntary standards before making any decision that a mandatory standard is not necessary to protect the public.

Since March, 1979 the staff has provided the Commission with eight progress reports concerning the status of the voluntary standards. The Commission staff's efforts to monitor the voluntary standard development showed that UL has in fact, adopted the provisions of the Commission's proposed standard and has, in addition, adopted certain provisions for larger size parallel-connected light strings. The staff reports also showed that NOEL has adopted the provisions of the NCL standard, with the exception of one testing requirement.

The Commission staff estimates that in 1980, 38.5 million miniature Christmas tree lights were imported into the United States. Over 35 million were imported from Taiwan and Korea. Only a small number of miniature Christmas tree lights are produced in the United States. The staff estimates that by 1979, over 50 percent of miniature Christmas tree lights were UL listed. (In 1974 less than 20 percent of miniature Christmas tree lights were UL listed.)

C. Injury and Incident Information

The staff also examined the reported incidents of injuries and fires associated with miniature Christmas tree lights from 1977–1980. Based on this examination, the number of fires involving Christmas tree lights appears to have decreased in the 1980 Christmas season compared to previous years. From 1977–1979, there were an estimated 150 fires each year caused by miniature Christmas tree lights, based on U.S. Fire Administration data. Although the data collection for 1980 is not yet complete, the number of fires reported to the Commission from newspaper clippings and consumer complaints in the 1980 Christmas season shows a decline from those in previous years—from 41 in 1977, 37 in 1978, and 40 in 1979 to 25 in 1980. There have been no shock injuries reported from 1977—1980, except for those involving consumer abuse. The number of reported incidents involving melting or overheating of component parts has decreased from 53 in 1977 to 13 in 1980.

D. Proposal To Withdraw the Proposed Standard

Based on the information described above concerning the voluntary standards efforts and the injury and incident information associated with miniature Christmas tree lights, the Commission proposed to withdraw its proposed standard for miniature Christmas tree lights and similar miniature decorative lights (46 FR 17788, March 20, 1981). In the proposal the Commission solicited comments from interested members of the public and received comments from nine interested persons. The Commission also extended, until September 15, 1981, the date by which it must either issue a final standard or withdraw the proposed standard.

E. Response to Comments

Six commenters supported the Commission's proposed withdrawal of the proposed standard. These commenters generally agreed with the Commission's conclusion that there has been significant improvement in the voluntary standards for the product since the Commission has become involved with the safety aspects of miniature Christmas tree lights.

Three commenters were opposed to the withdrawal of the proposed standard. One commentor objected to the proposed withdrawal based on the position that overcurrent protection devices, fuses, and circuit breakers only provide little protection for the household wiring and do not provide protection beyond the receptacle for hazards that are associated with miniature Christmas tree lights.

While the Commission agrees that the branch circuit overcurrent devices provide little protection for the small gauge wires (No. 24 AWG) typically used in miniature Christmas tree lights, the voluntary standards for miniature Christmas tree lights require overcurrent protection devices to be built into the Christmas tree light strings. The Commission believes that the provisions of the voluntary standards, if followed, will sufficiently reduce the risk of fire and shock associated with miniature Christmas tree lights.

Two other commenters who opposed the withdrawal of the proposed standard were concerned that withdrawal of the proposal at this time would lessen the degree of protection afforded the public. One commenter stated the opinion that withdrawing the proposal would lead to a general decline in the quality of the non-UL listed light sets, even though the level of quality may not be lowered to the point it was before the Commission's involvement. Another commenter was concerned about the low level of compliance with the NOEL standard and the failure of the NOEL standard to include independent testing and certification requirements. This commenter believed that by withdrawing the proposed standard, the Commission would be indicating that it is no longer concerned with the safety of miniature Christmas tree lights and that, as a result, progress in the voluntary standards activities would be reversed.

In the **Federal Register** document proposing to withdraw the proposed standard, the Commission reported on the results of the NBS project to monitor compliance with the voluntary standards and stated its concern with the disappointing level of compliance found in the survey. The Commission recognized, however, that the sets that were tested represented only the first year's production. The manufacturers have been informed of the test results for their products. In addition, the Commission has contacted UL and NOEL and informed them of the test results. Failures because of quality control problems in meeting the newly upgraded standards could be corrected in a second production year.

The Commission does not believe that withdrawing the proposal will significantly lessen the degree of protection afforded the public by the voluntary standards. Since the Commission's standard is a proposal and has not been issued in final form, it does not, by itself, impose obligations on manufacturers. As noted in the notice of proposed withdrawal, the Commission has instructed the staff to continue to monitor industry's compliance with the voluntary standards. The Commission also stated that if in the future it becomes aware of significant violations of the voluntary standards that result in serious risks of injury from fire and shock, the Commission will consider the need for action under section 15 of the CPSA (15 U.S.C. 2064). Under this section, if the Commission determines, after a hearing, that a product presents a substantial product hazard, the Commission may require the manufacturer or any distributor or retailer to give public notice and either repair, replace, or refund the purchase price of, the defective product. A decision to withdraw the proposal at this time does not preclude the Commission from future regulation in this area. The Commission could in the future issue a mandatory standard for miniature Christmas tree lights if the Commission determines that a standard is reasonably necessary to reduce or eliminate an unreasonable risk of injury associated with the product.

One commenter who supported the withdrawal stated that in light of the significant improvements in the voluntary standards, it is not necessary for the Commission to continue to monitor industry's activities. As discussed above, the Commission is concerned with the level of conformance with the voluntary standards indicated in the NBS survey. The Commission believes that continued monitoring is necessary.

F. Impact on Small Businesses

In the proposal, the Commission certified that under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. section 601 et. seq.), the proposed rule withdrawing the proposed standard for miniature Christmas tree lights will not, if issued, have a significant economic impact on a substantial number of small entities. The Commission observed that, as opposed to a final regulation with requirements that are being or will be enforced, the proposed standard is not binding, creates no obligations, and has no legal impact. Thus any action to withdraw the proposed standard will also not have a significant impact on small entities.

G. Environmental Considerations

The withdrawal of the proposed standard for miniature Christmas tree lights falls within the categories of Commission action described at 16 CFR 1021.5(c)(1) that have little or no potential for affecting the human environment. As a result, the withdrawal does not require either an environmental assessment or an environmental impact statement.

H. Conclusion and Effective Date

Having reviewed the information summarized above concerning the voluntary standards activities and the injury and incident information associated with miniature Christmas tree lights, as well as having reviewed the public comments received in response to the proposal, the Commission determines that a standard is not reasonably necessary at this time to address the risks of injury from fire and shock associated with miniature Christmas tree lights. No new information has been submitted since the proposal demonstrating that a mandatory standard is necessary at this time. Therefore, in accordance with section 9(a)(1)(B) of the CPSA, the Commission withdraws its proposal of May 3, 1978 (43 FR 19136) to issue a standard addressing the fire and shock hazards associated with miniature Christmas tree lights. (Section 9 of the CPSA was amended on August 13, 1981 by the Consumer Product Safety Amendments of 1981, Pub. L. 97–8. However, section 1215(b) of the Amendments provides that the amendments shall apply to section 9 rules proposed after August 14, 1981. Therefore, the Amendments do not apply to the present proceeding since notice of both the proposed standard and the proposed withdrawal of this proposed standard were issued before August 14, 1981.)

Section 4 of the Administrative Procedure Act (APA) 5 U.S.C. 553, provides that the delayed effective date provisions for substantive rules are inapplicable to rules which relieve a restriction. Since this rule relieves a restriction within the meaning of this section, it is effective immediately. Accordingly, as provided by 5 U.S.C. 553(d)(1), the effective date of the Commission's withdrawal of its proposed consumer product safety rule is September 16, 1981.

(Sec. 9, Pub. L. 92–573, 86 Stat. 1215, 15 U.S.C. 2058(e))

Dated: September 10, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81–26825 Filed 9–15–81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 410

Federal Coal Mine Health and Safety Act of 1969 (The Black Lung Benefits Act); Withholding Part B Benefits to Recover Overpayments of Part C Benefits

AGENCY: Social Security Administration, HHS.

ACTION: Interim rule.

SUMMARY: This regulation will authorize the Social Security Administration to withhold Part B Black Lung Benefits to recover overpayments of Part C benefits. We are doing this by expanding the definition of "overpayment" in 20 CFR 410.560(a) to include payments in excess of the amount due under Part C. Frequently, Part C overpayments result from subsequent entitlement to large amounts of retroactive Part B benefits. This regulation will provide a quick and efficient means of recovery by permitting retroactive Part B benefits to be withheld as recoupment of the overpayment.

EFFECTIVE DATE: This regulation is effective on an interim basis beginning September 16, 1981. We will consider any comments we receive by November 16, 1981 and will publish a final regulation if public comments warrant it.

ADDRESS: Send your written comments to the Social Security Administration, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Room 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–6785.

SUPPLEMENTARY INFORMATION: Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, known as the Black Lung Benefits Act, provides for the payment of monthly cash benefits to coal miners who are totally disabled due to pneumoconiosis and to certain survivors of the miner if the miner was entitled to Black Lung benefits or was totally disabled by pneumoconiosis at the time of death, or died from pneumoconiosis. The law provides for two programs—Part B and Part C, which insofar as claimants are concerned, have an identical objective. The difference is that Part B is administered by the Social Security Administration; Part C by the

Department of Labor. Part B consists of miners' claims filed on or before June 30, 1973 and survivors' claims filed on or before December 31, 1973 or, if filed later, within 6 months of a miner's or widow's death. All claims filed after these dates or more than 6 months after a miner's or widow's death are considered Part C claims and are within the jurisdiction of the Department of Labor (DOL).

Under Part B, benefits may be awarded for the same period for which Part C benefits are payable. However regardless of the order in which benefits under the two Parts are awarded, the Act provides (30 U.S.C. 932(g)) that the amount of Part C benefits must be reduced by the amount of any other compensation which is payable because of pneumoconiosis.

Because of the lengthy appeals and litigation process, there are many claims for Part B benefits that are now or will be payable to persons for the same months that they have been receiving Part C benefits. Since Part C benefits must be reduced by the amount of other benefits payable because of pneumoconiosis, the payment of Part B benefits will create Part C overpayments.

Section 413(b) of the Black Lung Benefits Act provides for Black Lung overpayments to be recovered as provided by section 204 of the Social Security Act, "as if [Black Lung] benefits . . . were . . . [Social Security] benefits." Section 204(a) provides authority to recover Social Security overpayments under regulations issued by the Secretary.

If Part B payments were Social Security, i.e., title II benefits, then other Social Security benefits, i.e., those paid under the same title for the same period, could be recouped from the Part B benefits. Hence, Part C benefits paid for the same period may be recovered from Part B benefits. (It seems highly unlikely that Congress intended to provide duplicate benefit payments for the same period of time in the same program. Duplicate payments are specifically banned under title II of the Social Security Act where, for instance, a disabled individual cannot receive both disability benefits and old-age benefits for the same period.) However, § 410.560(a) of the Black Lung regulations (20 CFR 410.560(a)) which defines the term "overpayment" does not now include excessive Part C payments. Thus we are currently barred from recovering a Part C overpayment from any payment payable under Part B of title IV of the Act, though Part C benefits can be offset by Part B benefits. (Therefore, DOL must seek recovery of the overpayments from the recipients, who generally are unable to pay back the large overpayment amounts.)

To correct this inconsistency, we are revising 20 CFR 410.560(a), so that overpayments of Part C benefits may be recovered by withholding or reducing the overpaid person's Part B benefits. This regulation adds much needed uniformity to the Black Lung benefits program and will immediately facilitate the recovery of often large overpayments which might otherwise never be recovered. Accordingly, we find that there is "good cause" in that it is "in the public interest" to publish this regulation without Notice of Proposed Rulemaking in accordance with 553(b)(B) of the Administrative Procedure Act. (5 U.S.C. 553(b)(B)).

Certification Under E.O. 12291 and the Regulatory Flexibility Act

We have determined that this regulation does not meet the criteria specified in Executive Order 12291 for a major regulation. In addition, we certify that this regulation does not have a significant impact on small business and comparable entities because the rule affects individuals only. Consequently, we have determined that a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act of 1980, is not necessary.

There are no recordkeeping or reporting requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Programs No. 13.806—Special Benefits for Disabled Coal Miners)

Date: August 5, 1981.

John A Svahn,

Commissioner of Social Security.

Approved: August 31, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969–)

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended by revising paragraph (a) of § 410.560 to read as follows:

§ 410.560 Overpayments.

(a) *General.* As used in this subpart the term "overpayment" includes a payment where no amount is payable under Part B of title IV of the Act; a payment in excess of the amount due under Part B or Part C of title IV of the Act; a payment resulting from the failure to reduce benefits under section 412(b)of the Act (see §§ 410.520 and 410.530); a payment to a resident of a State whose residents are not eligible for payment (see § 410.550); a payment of past due benefits to an individual where such payment had not been reduced by the amount of attorney's fees payable directly to an attorney (see § 410.686d); and a payment resulting from the failure to terminate benefits of an individual no longer entitled thereto.

* * * * *

(Sec. 204 of the Social Security Act, as amended, and Sec. 413 of the Federal Coal Mine Health and Safety Act of 1969, as amended; 49 Stat. 624, as amended and 83 Stat. 793; 42 U.S.C. 404 and 30 U.S.C. 923)

[FR Doc. 81–26766 Filed 9–15–81; 8:45 am]

BILLING CODE 4110-07-M

POSTAL SERVICE

39 CFR Part 960

Implementation of the Equal Access to Justice Act

AGENCY: Postal Service.

ACTION: Final Rule.

SUMMARY: In compliance with the Equal Access to Justice Act, the Postal Service is adopting these implementing regulations which establish procedures for making awards of attorney fees and other expenses under the Act. The Act, which takes effect October 1, 1981, provides for the award of attorney fees and other expenses to individuals and small businesses who prevail against the Federal Government in certain administrative and court proceedings. The Postal Service regulations follow the model rules adopted by the Administrative Conference of the United States, with conforming changes.

EFFECTIVE DATE: October 1, 1981.

ADDRESS: Written comments should be addressed to Assistant General Counsel, Legislative Division, Law Department, U.S. Postal Service, Washington, D.C. 20260, or delivered to Room 10401, 475 L'Enfant Plaza, West, SW, Washington, D.C. between 9 a.m. and 4 p.m. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 10401, 475 L'Enfant Plaza, West, SW, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Neva R. Watson, (202) 245–4642.

SUPPLEMENTARY INFORMATION: On June 25, 1981 the Chairman of the Administrative Conference issued model rules for Federal agency implementation of the Equal Access to Justice Act, Pub. L. 96–481, 94 Stat. 2325 (46 FR 32900). Draft model rules had been published for comment in the **Federal Register** on March 10, 1981 (46 FR 15895). The regulations adopted by the Postal Service in this document follow closely the Administrative Conference model rules. The Postal Service has made certain minor adjustments to adapt the model rules to its own use. Generally, the words "Postal Service" have been inserted where the words "this agency" appeared in the model rules. Covered proceedings, those relative to mail stop orders and mailability under chapter 30 of title 39, U.S.C., with the exception of proceedings under 39 U.S.C. 3008, have been listed. In addition, the model rules' provision regarding "awards against other agencies" was deleted because the Postal Service does not conduct any covered proceedings in which another agency would participate. The model provision on delegation of authority to make awards has been revised to provide that the official authorized to render the final decision on behalf of the Postal Service in a proceeding (ordinarily the Judicial Officer) is also authorized to take final action under the Equal Access to Justice Act for the same proceeding.

Board of Contract Appeals Proceedings Not Covered

It was noted in supplementary information published with the Administrative Conference's model rules, under "Proceedings Covered," that some agencies had asked the Conference to determine whether proceedings conducted by agency boards of contract appeals are covered by the Equal Access to Justice Act. There followed an allusion to "some indication" in 28 U.S.C. 2412(d)(3) (enacted by sec. 204(a) of the act) that proceedings of boards of contract appeals are not covered. But the matter was left unresolved, the Conference stating: "we believe individual agencies are far better equipped to determine whether their proceedings are under section 554 of the Administrative Procedure Act than we are * * *" See 46 FR 32901–2. The model rules themselves contain no reference to proceedings of boards of contract appeals. The model rules do include provisions, however, under which agencies may designate those of their proceedings that are covered. See Model Rules, Sec. 0.103 (a) and (b).

The implementing regulations that we now adopt specify that they do not cover proceedings before the Postal Service Board of Contract Appeals. These regulations implement that portion of the Equal Access to Justice Act which deals only with adversary adjudications under 5 U.S.C. 554, a section of the Administrative Procedure Act. See Pub. L. 96–481, Sec. 203–(a)(1) (enacting 5 U.S.C. 504) 93 Stat. 2325–6. Proceedings of boards of contract appeals, though described in the Equal Access to Justice Act as "adversary adjudications" (see, 28 U.S.C. 2412(d)(3)), are not adjudications under the Administrative Procedure Act. See S. Rep. No. 95–1118, 95th Cong., 2d Sess., reprinted in (1978) U.S. Code Cong. & Ad. News 5249: "Agency boards of contract appeals * * * are not subject to the adjudication procedures of the Administrative Procedure Act (5 U.S.C. 554)."

No provision of the Equal Access to Justice Act provides expressly for the award of attorney fees in board of contract appeals proceedings, nor does any provision of the act provide for fee awards in any sort of administrative proceeding except adversary adjudications under 5 U.S.C. 554. The argument has been made, however, that proceedings of boards of contract appeals are covered by the act derivatively because of the act's inclusion of a provision (28 U.S.C. 2412(d)(3)) directing courts to include fees and expenses, to the same extent authorized in 5 U.S.C. 504 with regard to administrative proceedings, in awards of fees and expenses to a prevailing party in an action for judicial review of any adversary adjudication which was conducted under either 5 U.S.C. 554 or the Contract Disputes Act of 1978. Under this provision, the Court of Claims evidently is empowered, when reviewing an adjudication of a board of contract appeals, to award attorney fees and expenses to the prevailing party for its efforts before the board of contract appeals as well as before the court. The "derivative" argument states that, as the Court of Claims may make such awards, the boards, too, are authorized to make such awards, because of a provision of the Contract Disputes Act of 1978, as follows: "(i)n exercising (its) jurisdiction, the agency board is authorized to grant any relief that would be available to a litigant asserting a contract claim in the Court of Claims." 41 U.S.C. 607(d).

There appear to be reasons to doubt that the Equal Access to Justice Act was intended to give boards of contract appeals any such derivative authority. As the act evidences a contemporaneous legislative awareness of a need to make provision for board proceedings under the Disputes Act (see 28 U.S.C. 2412(d)(3)), it can be argued that the omission of board proceedings from the expressly covered adjudications of both administrative bodies and courts was deliberate. It arguably would have been a simple matter for the Congress to have included adjudications of boards of contract appeals in the covered administrative adjudications if it had intended such coverage. Furthermore, in the absence of corroborative legislative history, the Postal Service is reluctant to rely on an implication that the 1978 Disputes Act provision which generally authorizes boards to grant any relief available in the Court of Claims, confers on parties to board proceedings such an extraordinary, affirmative new right as the right to attorney fees and expenses which is accorded to litigants in court actions by the temporary, mandatory provisions of the Equal Access to Justice Act. See 28 U.S.C. 2412(d)(1)(A). The latter provisions require courts to award attorney fees to prevailing private litigants if the agency fails to convince the court that its actions had substantial justification. (Compare that provision to the permissive, permanent provision, 28 U.S.C. 2412(b), which grants discretion to courts to award attorney fees if a prevailing private litigant satisfies the court that the agency acted in bad faith. See H.R. Rep. No. 96–1418, 96th Cong., 2d Sess., pp. 17–18, reprinted in (1980) U.S. Code Cong. & Ad. News 4996–7.)

Uncertainty as to the legislative intent, given that substantial amounts of public moneys may be at stake, would seem to tilt the argument toward the position that board proceedings are not covered. In any case, the regulations that we now adopt are inapplicable to board proceedings because they deal only with adjudications under the Administrative Procedure Act, 5 U.S.C. 554. Our conclusion with regard to board proceedings is that the Postal Service should not adopt regulations purporting to apply the Equal Access Act to board proceedings unless and until a definitive court ruling holds the Act applicable to such proceedings.

Because the Equal Access to Justice Act takes effect on October 1, 1981, it is necessary that this rule be effective on that date. The rule is largely identical to the model rules, which were adopted following public notice and comment. However, comments on the coverage of the rule, as well as any other comments, are invited and will be given serious study.

In consideration of the foregoing, Subchapter N of the Title 39, Code of Federal Regulations is amended by adding a new Part 960 as follows:

PART 960—RULES RELATIVE TO IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN POSTAL SERVICE PROCEEDINGS

Subpart A—General Provisions

Sec.
960.1 Purpose of these rules.
960.2 When the Act applies.
960.3 Proceedings covered.
960.4 Eligibility of applicants.
960.5 Standards for awards.
960.6 Allowable fees and expenses.
960.7 Rulemaking on maximum rates for attorney fees.
960.8 Official authorized to take final action under the Act.

Subpart B—Information Required from Applicants

960.9 Contents of application.
960.10 Net worth exhibit.
960.11 Documentation of fees and expenses.
960.12 When an application may be filed.

Subpart C—Procedures for Considering Applications

960.13 Filing and service of documents.
960.14 Answer to application.
960.15 Reply.
960.16 Comments by other parties.
960.17 Settlement.
960.18 Further proceedings.
960.19 Decision.
960.20 Further Postal Service review.
960.21 Judicial review.
960.22 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96–481, 94 Stat. 2325 [5 U.S.C. 504(c)(1)]; 39 U.S.C. 204, 401(2).

Subpart A—General Provisions

§ 960.1 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before the Postal Service. An eligible party may receive an award when it prevails over the Postal Service, unless the Postal Service's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Postal Service will use to make them.

§ 960.2 When the Act applies.

The Act applies to any adversary adjudication pending before the Postal Service at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final agency action occurs. For purposes of this provision, final action is deemed to have been taken in proceedings under 39 U.S.C. 3005 if the party(ies) involved have entered into a compromise agreement and the Administrative Law Judge has entered an order before October 1, 1981 suspending indefinitely further proceedings on the basis of the agreement.

§ 960.3 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Postal Service. These are adjudications under 5 U.S.C. 554 in which the position of the Postal Service is presented by an attorney or other representative who enters an appearance and participates in the proceeding. For the Postal Service, the types of proceedings generally covered are proceedings relative to stop orders and mailability under chapter 30 of title 39, U.S.C., with the exception of proceedings under 39 U.S.C. 3008. Proceedings before the Postal Service Board of Contract Appeals are not covered by these regulations.

(b) The Postal Service may also designate a proceeding not listed in paragraph (a) of this section as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. The failure to designate a proceeding as an adversary adjudication shall not preclued the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 960.4 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show by clear and convincing evidence that it meets all conditions of eligibility set out in this subpart and in subpart B and must submit additional information to verify its eligibility upon order by the adjudicative officer.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 960.5 Standard for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the Postal Service, which may avoid an award by showing that its position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 960.6 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Postal Service pays expert witnesses, which is generally $50.00 per hour. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the adjudicative officer shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 960.7 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Postal Service may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. The Postal Service will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may request the Postal Service to initiate a rulemaking proceeding to increase the maximum rate for attorney fees. The request should identify the rate the person believes the Postal Service should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. The Postal Service will respond to the request within 60 days after it is filed, by determining to initiate a rulemaking proceeding, denying the request, or taking other appropriate action.

§ 960.8 Official authorized to take final action under the Act.

The Postal Service official who renders the final agency decision under § 952.26 or § 953.15 in a proceeding is authorized to take final action on matters pertaining to the Equal Access to Justice Act as applied to the proceeding.

Subpart B—Information Required From Applicants

§ 960.9 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the Postal Service in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states on the application that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Postal Service to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 960.10 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 960.4(f)) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The adjudicative officer may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the adjudicative officer in a sealed envelope labeled "Confidential Financial Information", accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b) (1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the adjudicative officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Postal Service's established procedures under the Freedom of Information Act, Part 265 of this title.

§ 960.11 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The adjudicative officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 960.12 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Postal Service's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) the date on which an initial decision or other recommended disposition of the merits of the proceeding by an adjudicative officer or intermediate review board becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of the Postal Service's final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration; or (5) in proceedings under 39 U.S.C. 3005, on the date that an Administrative Law Judge enters an order indefinitely suspending further proceedings on the basis of a compromise agreement entered into between the parties.

Subpart C—Procedures for Considering Applications

§ 960.13 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 960.11(b) for confidential financial information.

§ 960.14 Answer to application.

(a) Within 30 days after service of an application, counsel representing the Postal Service may file an answer to the application. Unless the Postal Service counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If the Postal Service counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the adjudicative officer upon request by Postal Service counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the Postal Service's position. If the answer is based on any alleged facts not already in the record of the proceeding, the Postal Service shall include with the answer either supporting affidavits or a request for further proceedings under § 960.19.

§ 960.15 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 960.19.

§ 960.16 Comments by other parties.

Any party to a proceeding other than the applicant and Postal Service may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 960.17 Settlement.

The applicant and the Postal Service may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and Postal Service counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 960.18 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or Postal Service counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, such as an informal conference, oral argument, additional written submissions, or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the adjudicative officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 960.19 Decision.

The adjudicative officer shall issue an initial decision on the application as promptly as possible after completion of proceedings on the application. The

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decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Postal Service's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against the Postal Service and another agency, the decision shall allocate responsibility for payment of any award made between the Postal Service and the other agency, and shall explain the reasons for the allocation made.

§ 960.20 Further Postal Service review.

Either the applicant or Postal Service counsel may seek review of the initial decision on the fee application, in accordance with § 952.25 or § 953.14. If neither the applicant nor the Postal Service counsel seeks review, the initial decision on the application shall become a final decision of the Postal Service 30 days after it is issued. If review is taken, the Judicial Officer will issue a final decision on the application or remand the application to the adjudicative officer for further proceedings.

§ 960.21 Judicial review.

Judicial review of final Postal Service decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 960.22 Payment of award.

An applicant seeking payment of an award shall submit to the Judicial Officer a copy of the Postal Service's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. Requests for payment should be sent to: Judicial Officer, Room 10803, U.S. Postal Service, 475 L'Enfant Plaza W., SW., Washington, D.C. 20260. The Judicial Officer shall submit certification for payment to the Postal Data Center. The Postal Service will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-26966 Filed 9-15-81; 8:45 am]

BILLING CODE 7710-12-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 51, Supp. 1]

Telecommunications Acquisitions

AGENCY: General Services Administration.

ACTION: Temporary regulation supplement.

SUMMARY: This regulation extends the expiration date of Federal Procurement Regulations Temporary Regulation 51, relating to Telecommunications acquisitions, pending codification of FPR Temporary Regulation 51.

DATES: Effective date: August 18, 1981. Expiration date: September 30, 1982.

FOR FURTHER INFORMATION CONTACT: Robert R. Johnson, Procurement Policy and Regulations Branch, Policy and Analysis Division, Office of Policy and Planning, Automated Data and Telecommunications Service (202-566-0194).

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

In 41 CFR Chapter 1, FPR Temporary Regulation 51, Supplement 1 is added to the appendix at the end of the chapter.

August 21, 1981.

Federal Procurement Regulations; Temporary Regulation 51, Supplement 1

Telecommunications Acquisitions

1. *Purpose.* This supplement extends the expiration date of FPR Temporary Regulation 51.

2. *Effective date.* This regulation is effective August 18, 1981.

3. *Expiration date.* This regulation expires on September 30, 1982.

4. *Background.* The proposed codification of FPR Temporary Regulation 51 was distributed to Federal agencies and other interested parties for comment on May 29, 1981. Notice of this proposed codification in the **Federal Register** (46 FR 30369, June 8, 1981) advised others of the opportunity to review and comment by July 28, 1981. To provide sufficient time for the review, coordination, and implementation of comments in the final codification version, it is necessary to extend the Temporary Regulation.

5. *Explanation of change.* The expiration date contained in paragraph 3 of FPR Temporary Regulation 51 is revised to September 30, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-26940 Filed 9-15-81; 8:45 am]

BILLING CODE 6820-25-M

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41 CFR Part 101-39

[FPMR Amdt. G-53]

Accident Claims and Withdrawal Procedures Concerning Motor Pool Vehicles

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides policy and procedures to charge the using agency for all damages to a GSA vehicle except those caused by an identifiable third party, mechanical failure of the GSA vehicle, or normal wear and tear. It also provides for the withdrawal of a motor pool vehicle from use by a customer agency.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Peter T. Glading, Assistant Commissioner for Motor Equipment, Transportation and Public Utilities Service (202-275-5404).

SUPPLEMENTARY INFORMATION: On November 13, 1979, the General Services Administration (GSA) published for comment (44 FR 65411) proposed amendments to 41 CFR Part 101-39 concerning grounds for withdrawal of a motor pool vehicle from use by a customer agency (Subpart 101-39.7), and liability of customer agencies for damage to GSA vehicles (Subpart 101-39.8). Agencies were invited to submit comments by December 31, 1979.

Seven agencies offered comments on the proposal concerning vehicle withdrawal. Those objecting to the proposal did so primarily on the grounds that disciplinary action against individual drivers is the responsibility of the employing agency, not GSA. Concern was also expressed with the inclusion of "credit card abuse and misuse" as grounds for withdrawal of a vehicle. GSA acknowledges these objections; it should be understood, however, that withdrawal of vehicles necessarily involves discretion on the part of GSA, and that GSA will consider the seriousness of the offense and all contributing factors, including flagrancy, repetitiveness, and the effectiveness of disciplinary action by the employing agency. Where there are minor offenses limited to one or two occasions, or where the violation is deemed excusable due to mitigating circumstances, GSA would not normally resort to the withdrawal procedure. However, where there are serious or repeated violations, and disciplinary action by the employing agency has been ineffective, withdrawal of a vehicle is justified as a last resort to protect the investment in the asset. One agency suggested that accidents for which the agency driver was not responsible should not be considered in determining that a vehicle would be withdrawn. GSA accepts this suggestion and modifies the wording to read "at-fault accidents." The remainder of the responding agencies either supported the proposal or agreed subject to inclusion of modifictions reflective of the concerns discussed above.

Eleven agencies offered comments on the proposed change affecting liability for damages. Four objected to GSA retaining the authority to make final determination of agency responsibility, and an equal number commented that it is unfair for an agency to be held liable for damage to a motor pool vehicle resulting from an accident for which its employee was not at fault. GSA maintains that the proposed changes are the least unfair and least cumbersome of the available alternatives. They also reflect GSA's statutory obligation to recover its costs in operating and maintaining the vehicle fleet.

Accident costs must be recovered either through direct recovery from customer agencies and third parties or indirectly through upward revision of vehicle rental rates. GSA believes that the latter course would constitute an unreasonable burden on agencies with lower than average rates of accident occurrence, while failing to properly charge agencies with excessively high accident rates. When agencies suggest that GSA absorb these costs, this is the course of action which is implied. In addition, it should be noted that the dollar amount chargeable to customer agencies under the proposal will be relatively small for the agencies involved, whereas the costs to GSA for administrative effort, claims resolution, and unrecovered accident damages under the current FPMR have been great. Agencies were also concerned that minor damage which ordinarily results from normal vehicle operation would be charged to the customer agencies as accident damage. GSA believes that this point is well taken, and language exempting "normal wear and tear" is added to the proposal. Three agencies completely supported the proposal without change.

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

1. The table of contents for Part 101-39 is amended to add and retitle, respectively, the following entries:

Subpart 101-39.7—Care of Vehicles

Sec.
101-39.701-1 Grounds for withdrawal of vehicle.
101-39.704 Vehicle damage.

2. Section 101-39.701-1 is added to read as follows:

§ 101-39.701-1 Grounds for withdrawal of vehicle.

The General Services Administration (GSA) may withdraw the issued vehicle from further use by the agency involved if it is determined that the using agency has not complied with the provisions of this subpart or that the vehicle has been used improperly. Improper use includes, but is not limited to, credit card abuse and misuse, violation of traffic ordinances, at-fault accidents, and reckless driving.

3. Section 101-39.704 is retitled and revised to read as follows:

§ 101-39.704 Vehicle damage.

Except for the exclusions listed in § 101-39.807, the agency employing the vehicle operator shall be financially responsible for damage to an interagency motor pool vehicle.

Subpart 101-39.8—Accidents and Claims

4. Section 101-39.805 is revised to read as follows:

§ 101-39.805 Claims in favor of the Government.

(a) If there is any indication that a party other than the operator of the motor pool system vehicle or an employee of the using agency is at fault, and that party can be reasonably identified, the agency responsible for investigating the accident shall submit all original documents and data pertaining to the accident and its investigations to the motor pool that issued the vehicle.

(b) If GSA determines that the accident occurred as a result of a negligent or willful act of an identified third party, GSA Regional Counsel will initiate the necessary action to effect recovery of the Government claim. Upon specific request of the using agency, the GSA Regional Counsel will notify that agency of the introduction of the Government claim and will provide pertinent information concerning the progress and final settlement of the claim.

5. Section 101-39.807 is revised to read as follows:

§ 101-39.807 Responsibility for damages.

(a) GSA will charge the using agency all costs resulting from damage to an interagency motor pool vehicle which occurs during the period that the vehicle is assigned or issued to that agency or to an employee of that agency; however, the using agency will not be held responsible for damages to the vehicle if it is determined by GSA, after a review of the documentation required by § 101-39.802, that damage to the vehicle occurred:

(1) As a result of the negligent or willful act of a party other than the agency (or the employee of that agency) to which the vehicle was assigned or issued, and the identity of the party can be reasonably determined;

(2) As a result of mechanical failure of the vehicle, and the using agency (or its employee) is not otherwise negligent. Proof of mechanical failure must be submitted; or

(3) As a result of normal wear and tear such as is expected in the operation of a similar vehicle.

(b) If an agency is held responsible for damages, GSA will charge all costs for removing and repairing the vehicle to that agency. If the vehicle is damaged beyond economical repair, GSA will charge all costs to that agency, including the fair market value of the vehicle less any salvage value. Upon request, GSA will furnish an accident report regarding the incident to the agency. Each agency shall be responsible for disciplining its employees who are guilty of damaging motor pool vehicles through misconduct or improper operation (including inattention).

(c) If an agency has information or facts that indicate that the agency was not responsible for an accident, the agency may furnish the data to GSA and request that the costs charged to and collected from the agency be credited to the agency. The final determination of agency responsibility will be made by GSA, based upon Government as well as police accident reports and any available witness statements.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Dated: August 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-26904 Filed 9-15-81; 8:45 am]

BILLING CODE 6820-AM-M

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41 CFR Parts 101-43 and 101-47

[FPMR Amdt. H-128]

Related Personal Property

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is amending portions of 41 CFR Parts 101-43 and 47 to clarify the definition of related personal property to reflect the concern of the Congress that the reporting of personal property and related personal property be carried out under appropriate classifications and under respective personal and real property laws and regulations.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Pitts, Director, Special Programs Division (703-557-2510).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

The revised definition of related personal property more precisely describes this property and provides examples of common use items that have been inappropriately reported as related personal property. The revised definition will aid the correct reporting of real and related personal property on Standard Form 118 and the reporting of personal property items on Standard Form 120. This efficiency of reporting will result in a significant cost savings to taxpayers in terms of reduced expenditures of personnel and other resources within the GSA Offices of Real Property and Personal Property.

GSA received five responses to the proposed rule which was published in the **Federal Register** on February 11, 1981. The respondents included the Department of Defense, the Department of the Army, the Department of Health and Human Services, the Department of Housing and Urban Development, and the Department of Transportation. These agencies, along with GSA, are among the members of the Economic Adjustment Committee (EAC), established pursuant to the Executive Order 12049, dated March 27, 1978, for the purpose of assisting State and local governmental entities in the alleviation of serious economic and social impacts following major Defense installation realinements. These agencies have recommended that the revised related personal property definition be reconsidered for the following reasons, which are abstracted as follows:

1. The revised definition would preclude productive civilian use of a minimal level of common use items and does not offer any means for securing the Administrator's approval of a reasonable level of related personal property.

2. Removal of common use items from the reuse package would be a key factor in rendering the entire property less attractive to potential applicants since the cost of refurnishing the property would place an additional strain on the local economy already burdened with program startup costs.

3. Recent General Accounting Office (GAO) and congressional committee comments on effective use of personal property do not bear on the revised definition of related personal property.

4. The revised definition will result in additional cost to the Government by requiring that common use items be shipped to property centers for storage, advertising, and sale, resulting in some damage in transit and only a fractional return to the Government of the expenses incurred to process these items.

5. The revised definition is not consistent with Executive Order 12049 which affords "priority consideration to community requests for Federal technical assistance, financial resources, excess or surplus property or other requirements that are part of a comprehensive plan used by the EAC."

These responses were given careful consideration, reflective of recent meetings held among EAC members including GSA to discuss GSA's intention to revise the related personal property definition. GSA's position, then as now, is that the revised definition continues to provide the Administrator with the necessary flexibility to determine that common use items are related personal property when such determination, though generally contrary to the policy contained in Pub. L. 94-519, could be found to be appropriate under specific fact situations. The Administrator's authority to make this determination remains unchanged.

With regard to the relevance of congressional committee and GAO comments on the revised definition, House Committee on Government Operations Reports 94-1778 and 95-1821 noted the concern of the Committee that common use items, such as desks, files, office machines, and general-purpose vehicles, were being disposed of under real property law and regulations because of inappropriate classification as related personal property. Public Law 94-519, which became effective October 17, 1977, established new policies and procedures for the disposal of personal property generally. GAO Report LCD-79-321 of September 12, 1979, recommended the implementation of controls to ensure the proper reporting of real and related personal property.

The House Committee on Government Operations and GAO have been critical of past GSA disposals of common use personal property reported as "related personal property," particularly those disposals which preempted Federal agency requirements or eligible donees under the donation program. When common use personal property is included as a part of a real property package, the effect is to preempt Federal agency requirements for the personal property separate from the real property. In the present cost-cutting environment, it is difficult to justify priority personal property transfers to non-Federal entities when Federal agencies have requirements for like items. When common use personal property is strictly identified as such and its removal would not damage the realty or diminish its value, we are required by law to ensure that Federal needs are met prior to any disposals to non-Federal activities.

As noted in the responses to the proposed rule, handling costs associated with common use items would be a factor in determing whether these items were related personal property. In the interest of cost reduction, Federal agencies requesting transfers would identify those items that would cost them more to acquire as excess than to buy on the open market. If costs of handling a minimal amount of personal property exceed the benefits to the Government from such a procedure, discretion should be used to dispose of items that fall into this category with the real property.

Finally, the "priority consideration" aspect of Executive Order 12049 is subject to section 4 of the order which states that nothing in the order shall be construed as subjecting any function vested in law in any agency or head thereof to the authority of any other agency or officer or as abrogating or restricting such function in any manner. While GSA view interagency cooperation as desirable and often necessary in the disposition of any Federal property, it must also be emphasized that GSA is governed in this regard by existing provisions of law set forth in the Federal Property and Administrative Services Act of 1949.

In summary, GSA believes the revised definition strikes an appropriate balance between the unique requirements of Executive Order 12049 as well as a general concern for effective reutilization of personal property within the Federal community, as required by existing law.

Accordingly, Chapter 101 of Title 41, Code of Federal Regulations, is amended to read as follows:

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

1. Section 101-43.001-16 is revised to read as follows:

§ 101-43.001-16 Related personal property.

"Related personal property" means any personal property:

(a) Which is an integral part of real property or is related to, designed for, or specially adapted to the functional or productive capacity of the real property and removal of this personal property would significantly diminish the economic value of the real property. Normally, common use items, including but not limited to general-purpose furniture, utensils, office machines, office supplies, or general-purpose vehicles, are not considered to be related personal property; or

(b) Which is determined by the Administrator of General Services to be related to the real property.

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 101-47.1—General Provisions

2. Section 101-47.103-13 is revised to read as follows:

§ 101-47.103-13 Related personal property.

"Related personal property" means any personal property:

(a) Which is an integral part of real property or is related to, designed for, or specially adapted to the functional or productive capacity of the real property and removal of this personal property would significantly diminish the economic value of the real property. Normally, common use items, including but not limited to general-purpose furniture, utensils, office machines, office supplies, or general-purpose vehicles, are not considered to be related personal property; or

(b) Which is determined by the Administrator of General Services to be related to the real property.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 31, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-26903 Filed 9-15-81; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF THE INTERIOR

Geological Survey

43 CFR Part 35

Nondiscrimination Against Minority and Women-Owned Business Enterprises in Outer Continental Shelf Leasing Activities

AGENCY: Geological Survey, Interior.

ACTION: Final rule.

SUMMARY: This rulemaking rescinds the regulations related to nondiscrimination against minority-owned business enterprises (MBE) and women-owned business enterprises (WBE) in Outer Continental Shelf (OCS) leasing activities. In response to the public solicitation for comments on the proposed rescission published in the **Federal Register** on June 4, 1981 (46 FR 29955), the regulated industry and interested public expressed the opinion that the requirements of the regulations were burdensome, unnecessary, and counterproductive. This rescission eliminates a needless and burdensome regulation.

EFFECTIVE DATE: October 16, 1981.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860-7395, (FTS) 928-7395.

SUPPLEMENTARY INFORMATION:

Background

In the legislative history of the 1978 Amendments to the OCS Lands Act, Congress expressed concern that existing Federal programs designed to assure equal opportunity in employment and procurement might not be applicable to OCS leasing activities. The Congress added section 604 to the Act, requiring each Agency with regulatory responsibility under the Act to "take such affirmative action as deemed necessary to prohibit all unlawful employment practices and to assure that no person" is excluded from participation in OCS activities on the basis of unlawful discrimination. The law authorizes the Department to promulgate rules that are deemed necessary, but the law does not require rules.

During the period since the rule became effective, the Department received numerous petitions for reconsideration of the necessity for the rules and for rescission of the rules pursuant to 43 CFR 14.6. Comments from the public on excessive, burdensome, and counterproductive regulations have also been received in response to the Secretary's solicitation in January of 1981. Thereafter, the Secretary proposed that the rule be rescinded.

Comments

A total of 24 comments and recommendations were received in a timely manner in response to the solicitation in the Notice of Proposed Rulemaking. The comments included support for the rescission by 20 commenters, and opposition to the rescission by 1 commenter, with the remaining 3 commenters neither supporting nor opposing but expressing concern over how the Department intended to meet the congressional mandate in lieu of regulations.

Difference Between Proposed Rule and Final Rule

There is no difference between the proposed and final rule, both resulting in rescission.

Discussion of Relevant Comments

Twenty commenters supported rescission and provided a variety of reasons to support their position.

Legally Deficient

The majority of commenters responded that the rule was legally deficient because the rule went beyond the authority of the statute. One commenter stated that section 604 of the statute only requires the Department to take such action necessary to assure that no one is excluded from any OCS leasing activity, sale, or employment on the grounds of race, creed, color, national origin, or sex; but the Department's regulations make it mandatory to include such persons. A number of commenters cited the rule's failure to meet the statutory requirement to conform to provisions under Title VI and Title VII of the Civil Rights Act of

1964 in that the rules require percentage goals for utilization of MBE's and WBE's in the absence of a finding of prior discrimination. In the recent case, *Fullilove* v. *Klutznick*, the Supreme Court upheld racial and ethnic preferences only when Congress mandates such affirmative action in order to remedy discrimination that has been found to exist. We agree that in the absence of findings of discrimination and a specific requirement by Congress to use percentage goals or set asides, the regulation exceeds the authority of the statute.

Two commenters felt that actions authorized by the regulations upon a determination of noncompliance violated the due process of protections of the operators by not providing adequate hearing rights prior to taking action that, in effect, would halt part or all of an alleged violator's OCS operations.

We no not agree with this comment. The administrative review under 30 CFR 250.90 is available to operators and provides for appeals, hearings, reviews, and determinations which we believe adequately protect due process rights.

Two commenters also expressed the opinion that the definitions opened up the possibility of extending jurisdiction beyond activities on OCS, and therefore, beyond the scope of the Act.

We do not believe the definitions in the regulations expand the jurisdiction beyond that of the Act, which embraces "any activity, sale, or employment, conducted pursuant to provisions of this Act."

We do agree with the view that, because the regulations are not necessary in the absence of any findings of discrimination, they exceed the authority of the statute which authorizes that such action be taken and rules promulgated that are "deemed necessary."

We are also of the view that because the regulations provide no criteria on which to accept or reject a plan submitted under the rules, the regulations are unenforceable, the requirements in the regulations are illusory, and therefore, legally deficient.

Other Federal and Voluntary Industry Programs

All the commenters that supported rescission cited the existence of extensive and successful voluntary industry programs that were already in place. Four commenters provided historical and statistical data concerning their programs that identify, assist, and reach socially and economically disadvantaged persons. One company indicated it has made voluntary purchases under its program of over $177,000,000 since 1974; has set up and participated in numerous national, regional, and local minority purchasing councils; and maintains corporate accounts in numerous minority-owned banks. Another company's program has grown from $4,000,000 in 1975 to over $30,000,000 in 1980. Furthermore, over $170,000,000 of the company's business flowed through minority-owned or managed dealerships. Another major operator on the OCS reported it has purchased over $350,000,000 from MBE's and WBE's since 1970; has provided technical and financial assistance in order to increase the pool of qualified vendors; and has cooperated with various business and community organizations concerned with MBE's and WBE's.

The comments received indicate that the industry has been conducting highly successful voluntary programs for several years. We feel that the rule's additional, detailed, and potentially inconsistent requirements could undermine the equal opportunity efforts on the OCS by diverting resources currently committed to direct voluntary programs to the different administrative requirements of the regulations. The regulations also have the potential for splintering currently effective company-wide plans into inconsistent separate pieces for OCS operations and all other operations.

A majority of the commenters objected to the duplication of effort and overlap with other Federal regulatory programs directed toward nondiscrimination. Several other Federal regulations require companies to develop programs to increase opportunity for utilization of MBE's and WBE's, and these programs complement the companies' already substantial voluntary programs. Those regulations also impose reporting and record-keeping requirements that parallel those required under the Department's rules. The most relevant requirements are set out in section 8 of the Small Business Act, as amended (Pub. L. 95–507). This Act and its implementing regulations promote the use of MBE's and WBE's by Federal contractors and subcontractors. The comments indicate that a sizeable majority of the companies operating on the OCS also engage in Federal contracting or subcontracting and, therefore, are subject to a rigorous set of regulatory requirements in this regard. The information and data the contractors are required to maintain is already available to the Government, as the contractors are required to maintain records and submit reports to the contracting Agency. Under Executive Order 11246, the Office of Federal Contract Compliance monitors the program on a sampling basis, requiring submission of reports and plans following a specific request.

Other Comments

Several commenters objected to the requirement that the ownership status of a subcontractor or vendor be a key factor in the selection process. Commenters stated that such a requirement could conflict with health, safety, and environmental standards and compromise the quality of technical performance. It is true that the exploration, development, and production of energy resources is a highly scientific and technical task of vital interest to the Nation as well as the operator involved. The use of certain business enterprises for reasons other than those related to the quality of performance could jeopardize the efficient, effective, and safe utilization of the public resources of the OCS if such use were inconsistent with minimum standards of quality and performance.

One commenter who opposed rescission asked a number of questions concerning measures the Department intended to take to meet the requirement of the statute.

- Will the Department or another Agency monitor the program and will the other Agency provide the reports to the Department? As the vast majority of operators are companies that contract with the Government and are required as a consequence to submit plans and reports under other authorities, the information is already largely in Federal hands and available to the Department. The information provides the necessary basis for enforcing the intent of the statute.
- What kind of showing of unlawful discrimination will be required to necessitate regulatory requirements? No allegations of instances or patterns of discrimination surfaced in any of the comments to the initial rulemaking or the proposed rescission. We feel that there has been ample opportunity for the presentation of any evidence which might necessitate regulatory remedies. In the absence of such evidence, the regulations address a problem which has not been shown to exist, and as such are excessive and unnecessary. We see no merit in speculating as to the actions which would be taken in connection with the occurrence of possible violations in the future.
- Will the information on OCS activities be available to interested

parties to challenge discriminatory practices or the lack of enforcement? Information in the hands of the Department and other Federal Agencies concerned is subject to public disclosure under the Freedom of Information Act.

- What are the actual numbers and percentages of minority and women-owned business enterprises presently engaged on OCS leasing in the State of Alaska? The Department does not have that information, but we would direct the commenter to the Minority Business Development Agency and the Office of Federal Contract Compliance in the Department of Commerce. A source of information outside the Government is the Offshore Operators Committee.

Commenters opposing rescission questioned how the Department intended to meet the mandate of the statute. One congressional commenter also expressed concern that rescission of the rule might create the impression that the Department was no longer interested in equal opportunity and indicated that some action would be necessary to reaffirm the Department's commitment to carrying out the congressional intent. It is, and will continue to be, the policy of the Department to support and encourage equal opportunity in the conduct of its activities and the activities for which it has regulatory responsibility. The Secretary is considering alternative methods of implementing the congressional requirement, including the issuance of a policy statement and the establishment of agreements with other Agencies to monitor allegations of discrimination against MBE's and WBE's in the employment and contracting activities of operators on the OCS.

Summary

Section 604 of the OCS Lands Act requires the Agency to "take such affirmative action as deemed necessary" and to "promulgate such rules as it deems necessary." The Secretary has reconsidered the rules in light of the fact that no evidence of unlawful discrimination has been shown, the existence of other Federal programs, voluntary industry programs, and the questionable legal validity of the rule and finds that the rule is unnecessary to meet the purposes of the statute.

Author: Jane Roberts and David Schuenke, U.S. Geological Survey, Department of the Interior (703) 860-7395.

Environmental Impact Analysis, Regulatory Analysis, and Small Entity Flexibility Analysis

The Department of the Interior has determined that proposed rescission of these regulations, 43 CFR Part 35, does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an Environmental Impact Statement is not required. The Department has determined that the proposed rescission is not a major action and does not require the preparation of a Regulatory Impact Analysis under Executive Order 12291. The Department has also determined that rescission of the rule will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility analysis is not required.

William P. Pendley,
Acting Assistant Secretary of the Interior.

PART 35—NON-DISCRIMINATION AGAINST MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES IN OUTER CONTINENTAL SHELF LEASING ACTIVITIES [REMOVED]

For the reasons set out in the preamble, Title 43 of the Code of Federal Regulations is amended by removing Part 35.

(43 U.S.C. 1334)

[FR Doc. 81-26866 Filed 9-15-81; 8:45 am]

BILLING CODE 4310-31-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

45 CFR Part 1176

Part-time Career Employment

AGENCY: National Endowment for the Humanities.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule regarding part-time career employment which was published July 10, 1981 (46 FR 35647). This correction adds the title of Subchapter D which was inadvertently left out.

FOR FURTHER INFORMATION CONTACT: Joseph R. Schurman, General Counsel, National Endowment for the Humanities, (202) 724-0367.

The National Endowment for the Humanities is correcting 45 CFR Chapter XI, (FR Doc. 81-19813), by inserting a title for Subchapter D as follows:

Subchapter D—National Endowment for the Humanities.

Dated: September 10, 1981.

Joseph D. Duffey,
Chairman, National Endowment for the Humanities.

[FR Doc. 81-26944 Filed 9-15-81; 8:45 am]

BILLING CODE 7536-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 80-605; RM-3569; FCC 81-347]

Use of Certain Offset Assignments in a Specific Frequency Band in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This amendment makes the 12.5 kHz offset frequencies lying between regularly assigned channels in the 450-470 MHz band available to all private and mobile services as is already being done in the Business Radio Service. These offset frequencies have been used extensively in the Business Radio Service for a number of years and have proved to be highly effective in satisfying a variety of communications requirements. The amendment makes over 300 additional interstitial channels available for systems requiring limited coverage.

EFFECTIVE DATE: September 21, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Emmett Haines Pritchard or Arthur King, Private Radio Bureau, Washington, D.C. 20554, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Adopted: July 30, 1981.

Released: August 14, 1981.

In the matter of amendment of Subpart D of Part 90 of the Commission's rules and regulations to permit the use of 12.5 kHz offset assignments in the 450-470 MHz band in the Private Land Mobile Radio Services; report and order.

Introduction

1. On October 3, 1980, the Commission adopted a Notice of Proposed Rule Making (NPRM) in this proceeding proposing to add a new rule § 90.267 to extend the use of 12.5 kHz offset frequency assignments to all eligible users of the 450-470 MHz frequency band in the Private Land Mobile Radio Services. The NPRM was issued in response to a petition for rulemaking

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filed by the Central Committee on Telecommunications of the American Petroleum Institute (API).

2. The use of 12.5 kHz offset frequency assignments in this band is not a new concept. They have been used extensively in the Business Radio Service for a number of years and have proved to be highly effective in satisfying a variety of communications requirements. Further, the primary channels in the 450–470 MHz band are extensively used and offset assignments will permit many additional low power operations to be satisfied without the allocation of additional spectrum. This would have the added benefit of allowing the offsets to serve low power needs, thereby freeing the primary assignments to accommodate other communications requirements.

3. In the NPRM we proposed to allow the use of 12.5 kHz offsets at 450–470 MHz in all of the private land mobile radio services in which frequencies in this band are assigned. The use of these frequencies would be on a secondary, non-interference basis to regularly assigned adjacent frequency operations and interservice frequency coordination would be required. The maximum transmitter output power would be two watts. Further, as proposed in the NPRM, wide-area operations would continue to not be authorized, and all private land mobile systems operating in the 450–470 MHz band on offsets would be limited to 10 watts ERP for fixed or mobile relay stations.

Public Comment

4. During the period for comments in response to the proposed rule, twelve comments were received and a reply comment was filed by API. Comments were received from the following organizations:

Association of American Railroads (AAR)
State of New Jersey
Union Oil Company of California (Union)
American Telephone and Telegraph Company (AT&T)
General Electric Company (GE)
Utilities Telecommunications Council (UTC)
Motorola, Inc. (Motorola)
Special Industrial Radio Service Association (SIRSA)
Manufacturers Radio Frequency Advisory Committee (MRFAC)
Forest Industries Telecommunications (FIT)
California Public-Safety Radio Association (CPRA)
Plectron Corporation (Plectron)

The overall reaction to the proposed rule was highly supportive.

5. The following specific comments were made. After a summary of each comment, a response is set forth stating changes which have been made to the rule or the reasons why no change is considered appropriate. The comments appear in the order of the sections of the final regulation.

a. *Comment.* UTC suggested increasing the output power of mobile units from two watts to four watts. (See § 90.267(a)(1)). No reasons were given by UTC to support this request.

Response. We have considered the UTC request; however, we have decided to retain the two watts output power limitation. Our experience with the use of offsets in the Business Radio Service shows no indication that two watts is not adequate for these systems and UTC has provided no evidence to the contrary. Further, an increase in power output increases the possibility of interference.

b. *Comment.* FIT suggested that offset assignments be additionally permitted for tone signalling and telemetry operations.

Response. We have considered FIT's proposal and believe it will enhance the utility of these systems for licensees. Therefore, the rule we are adopting includes A1, A2, A3, A9, F1, F2, F3 and F9 emissions. (See § 90.267(a)(1)). Conforming amendments are also made to § 90.238 for telemetry operations. Further, the restrictions on mode of operations in non-voice communication at § 90.233 do not apply to these offset frequencies because § 90.233 applies to the secondary use of primary channels, while the offsets are secondary use channels.

c. *Comment.* FIT and AAR suggested that an interservice coordination requirement be added to § 90.267(a)(2).

Response. Section 90.267(a)(3) already requires interservice coordination with the appropriate services. Further, since § 90.175, which is not affected by this rulemaking, also requires frequency coordination for offset assignments when only one service is involved, there is no need to reiterate that requirement in the new § 90.267. No change therefore has been made to the rule.

d. *Comment.* Two commenters wanted the prohibition against wide area operations to be defined more precisely. UTC suggested that the areas of operation not exceed sixteen kilometers (ten miles), but gave no reasons to support its request. MRFAC suggested that systems be limited to a coverage area of no more than twenty miles radius. MRFAC's concern was that the term "wide area" is simply too vague to adequately describe those applications for which these offset channels are intended. MRFAC believes that a more specific standard should be imposed if these offset channels are to be utilized effectively. Further, MRFAC suggested that the area of operation should be specified on the license as a condition.

Response. We have considered these requests; however, a change in the rule in these respects is not considered to be appropriate. A specific standard for defining "wide area operation" is not feasible, because distances to be covered would vary in different situations depending on such factors as the size of metropolitan areas and the jurisdiction of particular governmental entities. Additionally, there would seem to be no need to specify the area of operation on the license because, with a two watt output power limitation, wide area operation is normally improbable. Should a problem develop in a particular situation, this could be addressed on a case by case basis.

e. *Comment.* SIRSA suggested that offset licensees be permitted the assignment of multiple frequencies.

Response. The rule already permits assignment of multiple frequencies. However, we have reworded § 90.267(a)(5) to clarify the fact that while the assignment of an additional freuquency or pair of frequencies in the primary channels in most cases requires a satisfactory showing of need (e.g. § 90.75(e)), no such showing is required with the offset frequencies; rather, only a statement of proposed use is required.

f. *Comment.* CPRA suggested that the proposed height limitation for antennas at § 90.267(a)(6)[1] be amended to state "not to exceed twenty feet above ground or above a man-made structure other than an antenna structure." Union suggested that the rule be changed to twenty feet above the trees or natural formation at the antenna site for land-based stations. GE concurred with the proposed height limitation in the NPRM, stating that it serves to protect the primary channels.

Response. No change has been made in the antenna height limitation at § 90.267(a)(6). Amending the height limitation to twenty feet above a man-made structure or to twenty feet above the trees or natural formation at the antenna site for land-based stations would increase the potential for interference.

g. *Comment.* SIRSA and API suggest that § 90.267(a)(5)(iii) of the NPRM, which provides an ERP limitation of ten watts, should be deleted because the secondary status of the offsets renders the ERP limitation superfluous. Conversely, the State of New Jersey suggests elimination of the transmitter output limitation in favor of an ERP limit of less than ten watts.

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[1] Height limitation in § 90.267(a)(6) is 7 m. (20 ft.).

Response. We are deleting the ERP limitation in the final rule. We agree that it does not appreciably enhance the protection accorded to primary adjacent channel licensees and would tend to limit the usefulness of the offset channels to users who depend upon high gain directional antennas for operation of their communications systems. The two watt limitation on transmitter power, however, has served to limit in some degree the interference potential to adjacent channel licensees in the Business Radio Service where it has been in effect for several years and it will be retained in this final rule.

h. *Comment.* Regarding the coordination requirement at § 90.267(a)(6) of the NPRM, AT&T pointed out that, as currently written, § 90.175(a)(1) accords interference protection only to the licensees of "existing co-channel stations." AT&T therefore argues that it appears necessary to amend § 90.175(a)(1) to include stations operating on primary frequencies and separated by 12.5 kHz from the proposed station as well as the existing co-channel stations, in order to provide protection to users of the primary frequency assignments and to minimize interference to the secondary offset user.

Response. The need for coordination to protect primary channels is implicit in §§ 90.175 and 90.267(a)(3), which was § 90.267(a)(6) in the NPRM, but which was reworded and changd to § 90.267(a)(3) for editorial reasons. We do not believe additional language on this point is necessary.

i. *Comment.* AAR requested that for the four frequencies in § 90.91 (b) and (c) that are assigned to the Railroad Radio Service for specific purposes, the use of offsets be limited to licensees of radio services authorized on the adjacent primary channels in order to facilitate close coordination of compatible usages.

Response. No change has been made in the rule. Two of the frequencies to which AAR refers are only available with cross service coordination and the other two are already exclusively assigned to the Railroad Radio Service. Therefore, AAR's request is essentially accommodated under existing rules.

j. *Comment.* Plectron requested that thirteen enumerated 453 MHz offset channels be made availble to the Fire Radio Service only.

Response. No change has been made in the rule. The primary, adjacent channels are all shared by the five radio services in the Public Safety Radio Services. Rather than allocate the offset splits exclusively, we think that the public interest is better served by a cooperative approach between the public safety radio services.

k. *Comment.* GE, API, Motorola, and CPRA enthusiastically endorsed the proposed rules, but urged that the concept be expanded from the 450–470 MHz band to include the 470–512 MHz band.

Response. The expansion of the offset concept to the 470–512 MHz band is beyond the scope of this rulemaking. Further, operations in this band are presently the subject of a Commission proceeding in the low power TV docket. (See *Notice of Proposed Rulemaking and An Inquiry into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System,* 45 FR 69178, October 17, 1980.)

l. *Comment.* CPRA suggested that the offset concept should be expanded, at least in the Public Safety Radio Services, to permit the use of offsets not only on a low-power, secondary basis, but on an equal basis with regularly allocated channels in accordance with the technical parameters set forth in subpart I of Part 90. API objected to CPRA's proposal, stating this proceeding is not the proper forum in which to consider what is essentially a "channel splitting" proposal.

Response. We agree with API. The proposal of CPRA is beyond the scope of this rulemaking proceeding and would best be considered in a separate rulemaking proceedings.

m. *Comment.* The State of New Jersey suggested that the standard five MHz spacing be required for mobile relay operations.

Response. No change has been made in the rule. While § 90.173(i) provides for five MHz separation for the regularly available channels, the implementation of 12.5 kHz in the Business Radio Service did not follow this scheme. Since it has worked well in the Business Radio Service, we do not see the need to adopt a strict rule requiring five MHz separation. The choice will be with the applicant; and since frequency coordination is required, it would appear that each radio service coordinator would adopt a flexible mechanism for selection and use of these frequencies. Consequently, we have not adopted the requirements of five MHz separation when used for base, mobile relay or fixed purposes for the 12.5 kHz offsets.

n. *Miscellaneous Comments.* Several typographical and/or editorial errors were cited by the commenters, for which corrections have been made in the final rules.

Conclusion

6. In consideration of the foregoing, it is our determination that amendment of our rules, essentially as proposed with certain modifications as discussed herein, is in the public interest, convenience and necessity.[3] The amended rules provide as follows:

a. The use of 12.5 kHz offsets at 450–470 MHz will be allowed in all of the private land mobile radio services in which frequencies in this band are assigned.

b. The use of these frequencies will be on a secondary, non-interference basis to regularly assigned adjacent frequency operations.

c. Frequency coordination pursuant to § 90.175 is required, and where more than one service is involved, interservice coordination is also required.

d. The maximum power output for unmodulated carriers would be two watts, and A1, A2, A3, A9, F1, F2, F3, and F9 emissions will be authorized.

e. Wide area operations will not be authorized.

f. Multiple frequency assignments will be permitted.

7. Accordingly, it is hereby ordered, That, pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 90 of the Commission's rules is amended, effective September 21, 1981, as set forth in the attached Appendix. It is further ordered That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

47 CFR Part 90 is amended as follows:

1. Section 90.75(d)(4) is removed and (d)(5) is renumbered as (d)(4).

2. Section 90.238(e) is revised and (f) is removed and reserved as follows:

§ 90.238 Telemetry operations.

* * * * *

(e) Frequencies separated by 12.5 kHz from regularly assignable frequencies in the 450–470 MHz band, which are listed at § 90.267(b), except that frequencies separated by 12.5 kHz from frequencies in the 460.650–460.875 MHz and 465.650–

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[3] The Commission has an on-going proceeding looking at narrow band technologies. Should narrow band technologies ultimately be introduced on a primary basis, operations on offset frequencies would be secondary to these narrow band systems.

465.875 MHz bands are available in the Business Radio Service exclusively for one-way, non-voice biomedical telemetry operation in hospitals, or in medical or convalescent centers. (See § 90.75(d)(4)).

(f) [Reserved]

* * * * *

3. A new § 90.267 is added to read as follows:

§ 90.267 Assignment and use of 12.5 kHz frequency offsets.

(a) Frequencies separated by 12.5 kHz from regularly assignable frequencies in the 450–470 MHz band, which are listed in the table at paragraph (b) of this section may be assigned in the land mobile services in accordance with the following conditions:

(1) All stations shall be licensed as mobiles but they may serve the functions of base, fixed or mobile relay stations. Such stations are limited to 2 watts output power. A1, A2, A3, A9, F1, F2, F3, and F9 emissions may be authorized.

(2) All operations shall be on a secondary, non-interference basis to the primary operations and shall be entitled to no protection from such stations.

(3) Where the primary channel availability is indicated in more than one service in the table at paragraph (b) of this section, the frequency coordination requirements in § 90.175 apply in all such services (See § 90.555(a) for identification of service abbreviations).

(4) Wide area operations will not be authorized. The area of normal day-to-day operations shall be described in the application in terms of maximum distance from a geographical center (latitude and longitude).

(5) Applicants for stations under this part shall provide a statement of proposed use, but are otherwise exempt from any limitation on the number of frequencies assignable contained elsewhere in Part 90.

(6) Antennas of mobile stations used as fixed stations communicating with one or more associated stations located within 45 degrees of azimuth shall be directional and have a front to back ratio of at least 15 dB. Except as provided below, the height of the antenna used at any mobile station serving as a base, fixed or mobile relay station may not exceed 7 m. (20 ft) above the ground.

(i) No limit shall be placed on the length or height above ground of any commercially manufactured radiating transmission line when the transmission line is terminated in a nonradiating load and is routed at least 7 m. (20 ft) interior to the edge of any structure or is routed below ground level.

(ii) Sea-based stations may utilize antennas mounted not more than 7 m. (20 ft.) above the man-made supporting structure, excluding antenna structures.

(b) Frequencies available for assignment under this section are as follows:

Offset Channels Available in Services Indicated

Frequency	
451.0375	IW.
451.0625	IW.
451.0875	IW.
451.1125	IW.
451.1375	IW.
451.1625	IF, IP, IT, IW, IX.
451.1875	IF, IP, IT, IX.
451.2125	IF, IP, IT, IW, IX.
451.2375	IF, IP, IT, IW, IX.
451.2625	IF, IP, IT, IW IX.
451.2875	IF, IP, IT, IW, IX.
451.3125	IT.
451.3375	IT.
451.3625	IF, IP, IT, IW, IX.
451.3875	IF, IP, IT, IW, IX.
451.4125	IF, IP, IT, IW, IX.
451.4375	IF, IP, IT, IW, IX.
451.4625	IF, IP, IT, IW, IX.
451.4875	IF, IP, IT, IW, IX.
451.5125	IF, IP, IT, IW, IX.
451.5375	IF, IP, IT, IW, IX.
451.5625	IF, IP, IT, IW, IX.
451.5875	IF, IP, IT, IW, IX.
451.6125	IF, IP, IT, IW, IX.
451.6375	IF, IP, IT, IW, IX.
451.6625	IF, IP, IT, IW, IX.
451.6875	IF, IP, IT, IW, IX.
451.7125	IF, IP, IS.
451.7375	IF, IP, IS.
451.7625	IF, IP, IS.
451.7875	IS.
451.8125	IS.
451.8375	IS.
451.8625	IS.
451.8875	IS.
451.9125	IS.
451.9375	IS.
451.9625	IS.
451.9875	IS.
452.0125	IS.
452.0375	IS, LX.
452.0625	IS, LX.
452.0875	IS, LX.
452.1125	IS, LX.
452.1375	IS, LX.
452.1625	IS, LX.
452.1875	IS, LX.
452.2125	
452.2375	LX.
452.2625	LX.
452.2875	LX.
452.3125	LX.
452.3375	LM, LR, LX.
452.3625	LM, LR, LX.
452.3875	LM, LR, LX.
452.4125	LM, LR, LX.
452.4375	LM, LR, LX.
452.4625	LM, LR, LX.
452.4875	LM, LR, LX.
452.5125	LA, LX.
452.5375	LA.
452.5625	LA.
452.5875	LA.
452.6125	LA, LM.
452.6375	LM.
452.6625	LM.
452.6875	LM.
452.7125	LM.
452.7375	LM.
452.7625	LM, LR.
452.7875	LM, LR.
452.8125	LM, LR.
452.8375	LM, LR.
452.8625	LM, LR.
452.8875	LM, LR.
452.9125	LR.
452.9375	LR.

Offset Channels Available in Services Indicated—Continued

Frequency	
452.9625	IY, LR.
452.9875	IY.
453.0125	PL, PS, IY.
453.0375	PF, PH, PL, PO, PP.
453.0625	PF, PH, PL, PO, PP.
453.0875	PF, PH, PL, PO, PP.
453.1125	PF, PH, PL, PO, PP.
453.1375	PF, PH, PL, PO, PP.
453.1625	PF, PH, PL, PO, PP.
453.1875	PF, PH, PL, PO, PP.
453.2125	PF, PH, PL, PO, PP.
453.2375	PF, PH, PL, PO, PP.
453.2625	PF, PH, PL, PO, PP.
453.2875	PF, PH, PL, PO, PP.
453.3125	PF, PH, PL, PO, PP.
453.3375	PF, PH, PL, PO, PP.
453.3625	PF, PH, PL, PO, PP.
453.3875	PF, PH, PL, PO, PP.
453.4125	PF, PH, PL, PO, PP.
453.4375	PF, PH, PL, PO, PP.
453.4625	PF, PH, PL, PO, PP.
453.4875	PF, PH, PL, PO, PP.
453.5125	PF, PH, PL, PO, PP.
453.5375	PF, PH, PL, PO, PP.
453.5625	PF, PH, PL, PO, PP.
453.5875	PF, PH, PL, PO, PP.
453.6125	PF, PH, PL, PO, PP.
453.6375	PF, PH, PL, PO, PP.
453.6625	PF, PH, PL, PO, PP.
453.6875	PF, PH, PL, PO, PP.
453.7125	PF, PH, PL, PO, PP.
453.7375	PF, PH, PL, PO, PP.
453.7625	PF, PH, PL, PO, PP.
453.7875	PF, PH, PL, PO, PP.
453.9125	PF, PH, PL, PO, PP.
453.9375	PF, PH, PL, PO, PP.
453.9625	PF, PH, PL, PO, PP.
453.9875	PL, IP.
454.0125	Not available (adjacent to domestic public).
454.025 to 454.975	Domestic public.
455.050 to 455.950	Broadcast auxiliary.
456.0125	Not available (adjacent to broadcast auxiliary).
456.0375	IW.
456.0625	IW.
456.0875	IW.
456.1125	IW.
456.1375	IW.
456.1625	IF, IP, IT, IW, IX.
456.1875	IF, IP, IT, IW, IX.

Offset Channels Available in Services Indicated—Continued

Frequency	
456.2125	IF, IP, IT, IW, IX.
456.2375	IF, IP, IT, IW, IX.
456.2625	IF, IP, IT, IW, IX.
456.2875	IF, IP, IT, IW, IX.
456.3125	IT.
456.3375	IT.
456.3625	IF, IP, IT, IW, IX.
456.3875	IF, IP, IT, IW, IX.
456.4125	IF, IP, IT, IW, IX.
456.4375	IF, IP, IT, IW, IX.
456.4625	IF, IP, IT, IW, IX.
456.4875	IF, IP, IT, IW, IX.
456.5125	IF, IP, IT, IW, IX.
456.5375	IF, IP, IT, IW, IX.
456.5625	IF, IP, IT, IW, IX.
456.5875	IF, IP, IT, IW, IX.
456.6125	IF, IP, IT, IW, IX.
456.6375	IF, IP, IT, IW, IX.
456.6625	IF, IP, IT, IW, IX.
456.6875	IF, IP, IT, IW, IX.
456.7125	IF, IP, IS.
456.7375	IF, IP, IS.
456.7625	IF, IP, IS.
456.7875	IS.
456.8125	IS.
456.8375	IS.
456.8625	IS.
456.8875	IS.
456.9125	IS.
456.9375	IS.
456.9625	IS.
456.9875	IS.
457.0125	IS.
457.0375	IS, LX.
457.0625	IS, LX.
457.0875	IS, LX.
457.1125	IS, LX.
457.1375	IS, LX.
457.1625	IS, LX.
457.1875	IS, LX.
457.2125	LX.
457.2375	LX.
457.2625	LX.
457.2875	LX.
457.3125	LM, LR, LX.
457.3375	LM, LR, LX.
457.3625	LM, LR, LX.
457.3875	LM, LR, LX.
457.4125	LM, LR, LX.
457.4375	LM, LR, LX.
457.4625	LM, LR, LX.
457.4875	LM, LR, LX.
457.5125	IB, LX.
457.5375	IB.
457.5625	IB.
457.5875	IB.
457.6125	IB, LM.
457.6375	LM.
457.6625	LM.
457.6875	LM.
457.7125	LM.
457.7375	LM.
457.7625	LM, LR.
457.7875	LM, LR.
457.8125	LM, LR.
457.8375	LM, LR.
457.8625	LM, LR.
457.8875	LM, LR.
457.9125	LR.
457.9375	LR.
457.9625	IY, LR.
457.9875	IY.
458.0125	PS, IY.
458.0375	PF, PH, PL, PO, PP, PS.
458.0625	PF, PH, PL, PO, PP, PS.
458.0875	PF, PH, PL, PO, PP, PS.
458.1125	PF, PH, PL, PO, PP, PS.
458.1375	PF, PH, PL, PO, PP, PS.
458.1625	PF, PH, PL, PO, PP, PS.
458.1875	PF, PH, PL, PO, PP, PS.
458.2125	PF, PH, PL, PO, PP.
458.2375	PF, PH, PL, PO, PP.
458.2625	PF, PH, PL, PO, PP.
458.2875	PF, PH, PL, PO, PP.
458.3125	PF, PH, PL, PO, PP.
458.3375	PF, PH, PL, PO, PP.
458.3625	PF, PH, PL, PO, PP.
458.3875	PF, PH, PL, PO, PP.
458.4125	PF, PH, PL, PO, PP.
458.4375	PF, PH, PL, PO, PP.
458.4625	PF, PH, PL, PO, PP.
458.4875	PF, PH, PL, PO, PP.
458.5125	PF, PH, PL, PO, PP.
458.5375	PF, PH, PL, PO, PP.
458.5625	PF, PH, PL, PO, PP.
458.5875	PF, PH, PL, PO, PP.
458.6125	PF, PH, PL, PO, PP.
458.6375	PF, PH, PL, PO, PP.
458.6625	PF, PH, PL, PO, PP.
458.6875	PF, PH, PL, PO, PP.
458.7125	PF, PH, PL, PO, PP.
458.7375	PF, PH, PL, PO, PP.
458.7625	PF, PH, PL, PO, PP.
458.7875	PF, PH, PL, PO, PP.
458.8125	PF, PH, PL, PO, PP.
458.8375	PF, PH, PL, PO, PP.
458.8625	PF, PH, PL, PO, PP.
458.8875	PF, PH, PL, PO, PP.
458.9125	PF, PH, PL, PO, PP.
458.9375	PF, PH, PL, PO, PP.
458.9625	PF, PH, PL, PO, PP.
458.9875	PL, IP.
459.0125	(Not available, adjacent to domestic public).
459.025 to 459.975	Domestic Public.
459.9875	(Not available, adjacent to domestic public).
460.0125	PP.
460.0375	PP.
460.0625	PP.
460.0875	PP.
460.1125	PP.
460.1375	PP.
460.1625	PP.
460.1875	PP.
460.2125	PP.
460.2375	PP.
460.2625	PP.
460.2875	PP.
460.3125	PP.
460.3375	PP.
460.3625	PP.
460.3875	PP.
460.4125	PP.
460.4375	PP.
460.4625	PP.
460.4875	PF.
460.5125	
460.5375	
460.5625	
460.5875	
460.6125	PF.
460.6375	PF, IB.
460.6625	IB.
460.6875	IB.
460.9125	IB.
460.9375	IB.
460.9625	IB.
460.9875	IB.
461.0125	IB.
461.0375	IB.
461.0625	IB.
461.0875	IB.
461.1125	IB.
461.1375	IB.
461.1625	IB.
461.1875	IB.
461.2125	IB.
461.2375	IB.
461.2625	IB.
461.3875	IB.
461.4125	IB.
461.4375	IB.
461.4625	IB.
461.4875	IB.
461.5125	IB.
461.5375	IB.
461.5625	IB.
461.5875	IB.
461.6125	IB.
461.6375	IB.
461.6625	IB.
461.6875	IB.
461.7125	IB.
461.7375	IB.
461.7625	IB.
461.7875	IB.
461.8125	IB.
461.8625	IB.
461.8875	IB.
461.9125	IB.
461.9375	IB.
461.9625	IB.
461.9875	IB.
462.0125	IB.
462.0375	IB.
462.0625	IB.
462.0875	IB.
462.1125	IB.
462.1375	IB.
462.1625	IB.
462.1875	IB, IX.
462.2125	IX.
462.2375	IX.
462.2625	IX.
462.2875	IX.
462.3125	IX.
462.3375	IX.
462.3625	IX.
462.3875	IX.
462.4125	IX.
462.4375	IX.
462.4625	IF, IP, IT, IW, IX.
462.4875	IF, IP, IT, IW, IX.
462.5125	IF, IP, IT, IW, IX.
462.5375	Not available, adjacent to general mobile.
462.550 to 462.725	Not available—general mobile.
462.7375	Not available, adjacent to general mobile.
462.7625	IB.
462.7875	IB.
462.8125	IB.
462.8375	IB.
462.8625	IB.
462.8875	IB.
462.9125	IB.
462.9375	PS.
462.9625	PS.
462.9875	PS.
463.0125	PS.
463.0375	PS.
463.0625	PS.
463.0875	PS.

Offset Channels Available in Services Indicated—Continued

Frequency	
463.1125	PS.
463.1375	PS.
463.1625	PS.
463.1875	PS.
463.2125	[illegible]
463.2375	[illegible]
463.2625	[illegible]
463.2875	[illegible]
463.3125	IB.
463.3375	[illegible]
463.3625	[illegible]
463.3875	[illegible]
463.4125	[illegible]
463.4375	[illegible]
463.4625	[illegible]
463.4875	[illegible]
463.5125	[illegible]
463.5375	[illegible]
463.5625	[illegible]
463.5875	[illegible]
463.6125	[illegible]
463.6375	[illegible]
463.6625	[illegible]
463.6875	[illegible]
463.7125	[illegible]
463.7375	[illegible]
463.7625	[illegible]
463.7875	IB.
463.8125	IB.
463.8375	[illegible]
463.8625	[illegible]
463.8875	IB.
463.9125	IB.
463.9375	IB.
463.9625	[illegible]
463.9875	IB.
464.0125	[illegible]
464.0375	IB.
464.0625	IB.
464.0875	IB.
464.1125	IB.
464.1375	IB.
464.1625	[illegible]
464.1875	[illegible]
464.2125	IB.
464.2375	IB.
464.2625	IB.
464.2875	IB.
464.3125	IB.
464.3375	IB.
464.3625	IB.
464.3875	IB.
464.4125	IB.
464.4375	IB.
464.4625	IB.
464.4875	IB.
464.5125	IB.
464.5375	IB.
464.5625	IB.
464.5875	IB.
464.6125	IB
464.6375	IB.
464.6625	IB.
464.6875	IB.
464.7125	IB.
464.7375	IB.
464.7625	IB.
464.7875	IB.
464.8125	IB.
464.8375	IB.
464.8625	IB.
464.8875	IB.
464.9125	IB.
464.9375	IB.
464.9625	IB.
464.9875	IB.
465.0125	PP.
465.0375	PP.
465.0625	PP.
465.0825	PP.
465.1125	PP.
465.1375	PP.
465.1625	PP.
465.1875	PP.
465.2125	PP.
465.2375	PP.
465.2625	PP.
465.2875	PP.
465.3125	PP.
465.3375	PP.
465.3625	[illegible]
465.3875	PP.
465.4125	PP.
465.4375	PP.
465.4625	PP.
465.4875	PP.
465.5125	PF, PP, PS
465.5375	PF, PP, PS
465.5625	PF, PP, PS
465.5875	PF.
465.6125	PF.
465.6375	PF, IB
465.6625	IB.
465.6875	IB.
465.7125	IB.
465.7375	IB.
465.7625	IB.
465.7875	IB.
465.8125	IB.
465.8375	IB
465.8625	IB.
465.8875	IB.
465.9125	IB.
465.9375	IB.
465.9625	IB.
465.9875	IB.
466.0125	IB.
466.0375	IB.
466.0625	IB.
466.0875	IB
466.1125	IB.
466.1375	IB
466.1625	IB.
466.1875	IB.
466.2125	IB.
466.2375	IB.
466.2625	IB
466.2875	IB
466.3125	IB.
466.3375	IB.
466.3625	IB.
466.3875	IB.
466.4125	IB.
466.4375	IB.
466.4625	IB.
466.4875	IB.
466.5125	IB.
466.5375	IB.
466.5625	IB.
466.5875	IB.
466.6125	IB.
466.6375	IB.
466.6625	IB.
466.6875	IB.
466.7125	IB.
466.7375	IB.
466.7625	IB.
466.7875	IB.
466.8125	IB.
466.8375	IB.
466.8625	IB.
466.8875	IB.
466.9125	IB.
466.9375	IB.
466.9625	IB.
466.9875	IB.
467.0125	IB.
467.0375	IB.
467.0625	IB.
467.0875	IB.
467.1125	IB.
467.1375	IB.
467.1625	IB.
467.1875	IB, IX.
467.2125	IX.
467.2375	IX.
467.2625	IX.
467.2875	IX.
467.3125	IX.
467.3375	IX.
467.3625	IX.
467.3875	IX.
467.4125	IX.
467.4375	IX.
467.4625	IF, IP, IT, IW, IX.
467.4875	IF, IP, IT, IW, IX.
467.5125	IF, IP, IT, IW, IX.
467.5375	Not available, adjacent to general mobile.
467.550–467.725	(Not available—general mobile.)
467.7625	Not available, adjacent to general mobile.
467.7875	IB.
467.8125	IB.
467.8375	IB.
467.8625	IB.
467.8875	IB.
467.9125	IB.
467.9375	PS.
467.9625	PS.
467.9875	PS.
468.0125	PS.
468.0375	PS.
468.0625	PS.
468.0875	PS
468.1125	PS.
468.1375	PS.
468.1625	PS
468.1875	PS
468.2125	IB.
468.2375	IB.
468.2625	IB.
468.2875	IB.
468.3125	IB.
468.3375	IB.
468.3625	IB.
468.3875	IB.
468.4125	IB.
468.4375	IB.
468.4625	IB.
468.4875	IB.
468.5125	IB.
468.5375	IB.
468.5625	IB.
468.5875	IB.
468.6125	IB.
468.6375	IB.
468.6625	IB.
468.6875	IB.
468.7125	IB.
468.7375	IB.
468.7625	IB.
468.7875	IB.
468.8125	IB.
468.8375	IB.
468.8625	IB.
468.8875	IB.
468.9125	IB.
468.9375	IB.
468.9625	IB.
468.9875	IB.
469.0125	IB.
469.0375	IB.
469.0625	IB.
469.0875	IB.
469.1125	IB.
469.1375	IB.
469.1625	IB.
469.1875	IB.
469.2125	IB.
469.2375	IB.
469.2625	IB.
469.2875	IB.
469.3125	IB.
469.3375	IB.
469.3625	IB.
469.3875	IB.
469.4125	IB.
469.4375	IB.
469.4625	IB.
469.4875	IB.
469.5125	IB.
469.5375	IB.
469.5625	IB.
469.5875	IB.
469.6125	IB.
469.6375	IB.
469.6625	IB.
469.6875	IB.
469.7125	IB.
469.7375	IB.
469.7625	IB.
469.7875	IB.
469.8125	IB.
469.8375	IB.
469.8625	IB.
469.8875	IB.

Offset Channels Available in Services Indicated—Continued

Frequency	
469.9125	IB.
469.9375	IB.
469.9625	IB.

[FR Doc. 81-26741 Filed 9-15-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1206 and 1207

[No. 37562]

Increasing the Minimum Rule on Capital Expenditures

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission has decided to increase the minimum rule on capital expenditures from $200 to $500 for both the motor carriers of property and the motor carriers of passengers. This revision will reduce the carriers' accounting burden, accelerate the capital recoverability of minor capital expenditures and adjust the minimum rule's dollar amount for inflation.

DATE: This rule is effective January 1, 1981.

ADDRESS: Send any comments to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission served a Notice of Proposed Rulemaking (NPR) on March 4, 1981, proposing to increase the minimum rule from $200 to $500 for both the motor carriers of passengers and the motor carriers of property. The NPR was published in the **Federal Register** on March 5, 1981 (46 FR 15302). The Commission's objectives in this proceeding are to reduce carriers' accounting burden, accelerate the capital recoverability of minor capital expenditures, and adjust the minimum rule's dollar amount for the effects of inflation.

The Commission's present accounting instructions for these carriers provide that an expenditure be recognized as a capital expenditure if (1) the cost exceeds $200, and (2) the life of the item is one year or more. Capitalized items are carried on the books as assets, depreciated over an estimated life, and removed from the books only when disposed. An expenditure that does not meet this criteria is expensed in the period incurred. Accordingly, the increase in the minimum rule to the $500 threshold will significantly reduce the carriers' accounting and reporting burden and recognize the effects of inflation.

The Commission received responses to the NPR from the Las Vegas, Tonopah, Reno Stage Line, Inc. and the National Accounting & Finance Council of the American Trucking Associations. Both agreed with our proposal to increase the minimum rule.

The National Bus Traffic Association, Inc. (NBTA) initially requested the $200 minimum rule be increased to $500. They stated that the $200 level had remained constant since 1/1/68, and if this amount was adjusted by the increase in the Consumer Price Index from 1/1/68 to 12/31/80, it would now be equal to $516. In addition, the NBTA also suggested that previously capitalized items under $500 that are fully depreciated be removed from the property records.

The Commission recognizes the need for an upward adjustment in the minimum rule and believes that the NBTA's proposal and other respondents' comments are noteworthy. Therefore, the new $500 threshold is adopted.

However, the NBTA did not present a justification for removing previously capitalized items under $500 that are fully depreciated from the property records. The proposed increase in the minimum rule is meant to be a prospective adjustment. If previously capitalized items under $500 are still being used in carrier operations, they should continue to be carried in the carrier's operating property accounts in accordance with the uniform system of accounts. If these items are no longer used in carrier operations, they should be transferred to non-carrier operating property accounts or retired.

Accordingly, 49 CFR 1206 and 49 CFR 1207 are amended as set forth in the Appendix, effective January 1, 1981.

This action does not appear to affect significantly the quality of the human environment, the conservation of energy resources, or small entities.

This action is proposed under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: September 3, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix

Amend 49 CFR Parts 1206 and 1207 as follows:

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

1. Revise the text of 49 CFR Part 1206, Instruction 2-19, Operating property to be recorded at cost, paragraph (c), as follows:

2-19 Operating property to be recorded at cost.

* * * * *

(c) Any unit of property, including additions to or betterments of existing property, having a cost not in excess of $500.00, or having a life of one year or less, may be charged to the appropriate operation and maintenance expense or clearing account and not to the property account. However, if small tools, portable equipment and similar items are consumed directly in construction work, the cost may be included as part of the cost of the constructed unit. This is not to be construed as authorizing the parceling of expenditures to bring them within this limit, or the inconsistent application of any rule or practice adopted by the carrier regarding the same item or class of property. Changes in method of applying this rule, shall be reported to the Commission.

* * * * *

2. Revise the text of 49 CFR Part 1206, Instruction 2-22, Leased property; expenditures, as follows:

2-22 Leased property; expenditures.

(a) Except as provided in paragraph (b) of this section, the cost of initial improvements, including rearrangements, additions and betterments to property leased from others made in the course of preparing the property for motor carrier operations and the cost of any subsequent additions to and betterments of such leased property shall be charged to the operating property account 1271, Improvements to leasehold property. Depreciation on such expenditures shall be provided for in accordance with instruction 25.

(b) When the cost of alterations to leased transportation property otherwise chargeable to account 1271, Improvements to leasehold property, is not in excess of $500.00 or the period of the lease is less than one year, the cost may be charged to the accounts chargeable with the cost of repairs to such property. Changes in method of applying this rule shall be reported to the Commission.

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3. Revise the text of 49 CFR Part 1206, Account 1271, Improvements to leasehold property, as follows:

1271 Improvements to leasehold property.

(a) This account shall include, except as provided in paragraph (b) of this section the cost of initial improvements (including rearrangements, additions, and betterments) to property used for motor carrier operations and held under lease or through control of the carrier owning the property, and in existence at the date of the balance sheet; and, the cost of any subsequent additions to and betterments of such leased or controlled property but not including replacements of other than the carrier's own improvements. Depreciation on such expenditures shall be provided for in accordance with instruction 25.

(b) When the cost of alterations to leased property used in motor carrier operations otherwise chargeable to this account is not in excess of $500.00 or the period of the lease is less than one year, the cost may be charged to the accounts chargeable with the cost of repairs to such property. (See provisions of instruction 22.)

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

4. Revise the text of 49 CFR Part 1207, Instruction 19, Carrier operating property, paragraph (c), as follows:

19 Carrier operating property.

* * * * *

(c)(1) Units of property (see definition 37) and additions to and betterments of existing property, having a life in excess of one year and costing more than $500 shall be charged to the appropriate property investment accounts. Units having a life of 1 year or less or costing not more than $500 may be charged to operating expenses.

The carrier shall not parcel expenditures for acquisitions of several units of property, when made under a general plan (where the cost of each unit is less than $500, but the total expenditures under the plan represent a substantial investment), for the purpose of charging them to expense. Carrier shall not combine unrelated items for the purpose of including their cost in the property investment accounts.

(2) A carrier will be permitted to adopt a limit of less than $500 for charges to the property investment account, providing it files a statement with the Commission showing the amount it proposes to use and makes no subsequent change in the amount except by authority of the Commission.

* * * * *

5. Revise the text of 49 CFR Part 1207, Account 1241, Improvements to leasehold property (classes I and II), paragraph (b), as follows:

1241 Improvements to Leasehold Property (classes I and II).

* * * * *

(b) When the cost of alterations to leased property used in motor carrier operations otherwise chargeable to this account is not in excess of $500.00 or the period of the lease is less than one year, the cost may be charged to the accounts chargeable with the cost of such repairs to such property. (See instruction 19(c).)

* * * * *

[FR Doc. 81-26896 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries off the Coasts of California, Oregon, and Washington; Correction

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule for Ocean Salmon Fisheries off the Coasts of California, Oregon, and Washington published September 9, 1981 (46 FR 44989). In the original notice of final rule the intention was to remove the words "Regional Director" only from certain sentences.

FOR FURTHER INFORMATION CONTACT: Mr. H. A. Larkins, Regional Director, National Marine Fisheries Service, 206-527-6150.

Dated: September 11, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF CALIFORNIA, OREGON, AND WASHINGTON

Accordingly, NOAA corrects 50 CFR 661.12 by removing the words "Regional Director" from certain sentences and inserting in their place the word "Secretary" to read as follows:

§ 661.12 Inseason adjustment.

(a) *Automatic fishing season closures based on harvest guidelines.* Harvest guidelines for salmon fisheries subject to this Part are:

(1) The WPP Area (U.S.-Canada border to Cape Falcon, Oregon):

The total harvest quota for coho salmon has been established at 620,000, of which 40 percent or 248,000 coho are allocated to the recreational fishery and 60 percent or 372,000 to the commercial fishery.

(2) The OPI south of Cape Falcon, including California:

The total harvest quota for coho salmon has been established at 772,000 coho salmon, of which 29 percent or 224,000 salmon are allocated to the recreational fishery, and 71 percent or 548,000 coho to the commercial fishery; *Provided,* That the 548,000 coho allocated to the commercial fishery shall be reduced by the number of coho projected to be taken incidentally during the open season specified in § 661.10(a)(2)(iv).

(3) The California Area (marine waters of the territorial sea and the FCZ between the Oregon-California border and the U.S.-Mexico Border):

(i) For that part of the California Area north of Point Arena (38°57'20" N. lat.) the total harvest quota for chinook salmon has been established at 315,000 salmon, with 300,000 allocated to the commercial fishery and 15,000 to the recreational fishery.

(ii) For that part of the California Area south of Point Arena, the total harvest quota for chinook salmon has been established at 380,000 salmon with 265,000 allocated to the commercial fishery and 115,000 to the recreational fishery.

(4) When a harvest guideline for the commercial, the recreational fishery, or both, in any Area or specified portion of an Area is projected by the Regional Director [for the area described in paragraph (a)(3) of this section, the Southwest Regional Director of the National Marine Fisheries Service shall make the projections] to be reached prior to the end of a season scheduled in this Part 661, the Secretary shall, by publication of a field order in the **Federal Register,** close the commercial or recreational fishery, or both, as of the date the harvest guideline will be reached in that Area or specified portion of an Area.

(5) If it appears that either the commercial or recreational fishery will not catch all of its quota of chinook salmon in either the area north of Point Arena or the area south of Point Arena in the California Area by the end of the

scheduled season, the surplus that will not be harvested shall be re-allocated to the other fishery in that portion of the California Area by field order of the Secretary upon recommendation of the Southwest Regional Director.

(6) Availability of Data: The Regional Director shall compile in aggregate form all data and information relevant to the projections and field orders specified in paragraph (a) of this section and shall make them available for public review during normal office hours at the Northwest Regional Office, 1700 Westlake Avenue North, Seattle, Washington 98109, or subsequent address of that office. Data and information pertaining to the California Area shall also be available for public review at the Southwest Regional Office of the National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

(7) Public Comment: Interested persons may submit comments, relevant to the actions taken as described in paragraph (a) of this section, to the Regional Director from the date of filing any required notices with the **Federal Register** through the 15th day following any closure of fishing.

(b) *Modifications of regulations based on in-season developments.* (1) In addition to automatic fishing season closures based on harvest guidelines, the Secretary may also modify the open seasons and catch limits in § 661.10 and § 661.11 in Sub-Areas A and B by issuing a field order in accordance with the provisions of this section, if the Secretary determines that:

(i) Actual conditions of abundance and distribution of coho salmon, and of fishing effort and catches, differ from conditions anticipated prior to the opening of the fishing season; or

(ii) In-season modifications are reasonably necessary to provide adequate escapement of coho salmon from the ocean fisheries for spawning, to meet treaty Indian allocation requirements, or to maintain the historical harvest ratio between commercial and recreational salmon fisheries as set forth in paragraph (b)(4) of this section.

(2) Procedures for *Preliminary* Determinations: Within 24 days following the opening of an All-Salmon Species season in Sub-Areas A or B, or the working day closest following, the Secretary shall, based on catch data, make a preliminary projection of total ocean harvests that will occur by the end of the commercial and recreational salmon fishing seasons in the WPP and OPI Areas. The preliminary projections and determinations shall be published in the **Federal Register** and disseminated to public news media as soon as practicable after they are made.

(3) Procedures for *Final* Determinations and Field Orders: Within 40 days following the opening of an All-Salmon Species season in Sub-Areas A or B (hereinafter referred to as Day–40), or the working day closest following, the Secretary following consultation with the Chairman of the Council, the Director of WDF, and the Director of ODF&W, and taking into consideration all information received as provided for in this paragraph, shall estimate coho stock abundances in the WPP and OPI Areas and make a final projection of fishing effort and total ocean harvests that will occur by the end of the scheduled fishing season by the commercial and recreational fisheries. The final determinations by the Secretary and any field order issued under paragraph (b) of this section shall be published in the **Federal Register** and disseminated to public news media as soon as practicable after they are made, together with the reasons therefore. The following factors shall be considered in the final projection of coho abundance, ocean fishing effort and coho harvests in the WPP and OPI Areas:

(i) The amount, distribution, and trends of fishing effort and coho salmon catches of the commercial and recreational fisheries in the WPP and OPI Areas as of Day–40, compared to similar data and time periods in prior years; and

(ii) The current and historical coho salmon harvest ratios between the commercial fishery and the recreational fishery, as set forth in paragraph (b)(4) of this section; and

(iii) Updated estimates of coho salmon abundance and distribution in the WPP and OPI Areas compared to the pre-season WPP and OPI predictions; and

(iv) Any available data from marked-fish recoveries, including analyses of recoveries of coho salmon with implanted coded-wire tags; and

(v) Any other available scientific information relevant to the abundance and distribution of coho salmon stocks, total fishing effort and catches of coho salmon in the WPP or the OPI Areas.

(4) Any modifications of fishing regulations made by the Secretary under paragraph (b) of this section, shall, insofar as possible, maintain the historical coho salmon harvest ratios between the commercial and recreational fisheries as follows:

(i) For the WPP Area, a 60:40 coho harvest ratio between the commercial and recreational fisheries, respectively.

(ii) For the OPI Area south of Cape Falcon, a 71:29 coho harvest ratio between the commercial and recreational fisheries, respectively.

(5) Availability of Data: The Regional Director shall compile in aggregate form all data relevant to the preliminary projections and final determinations under paragraph (b) of this section, and shall make them available for public review during normal office hours at the Northwest Regional Office of the National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, or subsequent address of that office.

(6) Public Comments: Interested persons may submit comments that are relevant to the projections and determinations in paragraphs (b)(2) and (b)(3) of this section to the Regional Director, for at least 10 days following filing with the **Federal Register**.

(c) *Effectives Dates.* (1) Any field order issued under paragraphs (a) or (b) of this section shall be disseminated to public news media and shall be effective on the date specified in the field order or on the date the field order is filed with the **Federal Register**, whichever is later.

(2) Any field order issued under paragraphs (a) or (b) of this section shall remain in effect until the expiration date stated in the order, or until rescinded or superceded; *Provided, That* no such field order shall have any effect beyond the end of the calendar year in which issued, at which time provisions of this Part 661 that were superseded by such field order shall again become effective until subsequently modified or superseded.

(d) Nothing contained in this Section shall limit the authority of the Secretary to issue emergency regulations under section 305(e) of the Act as specified in § 661.14.

[FR Doc. 81–26927 Filed 9–15–81; 8:45 am]

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Proposed Rules

Federal Register
Vol. 46, No. 179
Wednesday, September 16, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 948

Irish Potatoes Grown in Colorado—Area No. 2; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed continuing regulation would require fresh market shipments of potatoes grown in Colorado—Area No. 2 to be inspected and meet minimum grade, size and maturity requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

DATE: Comments due on or before October 16, 1981.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615. Copies of the marketing policy and the Department's impact analysis will be available from Mr. Porter.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado Area No. 2. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Colorado Area No. 2 Potatoe Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at a public meeting in Monte Vista, Colorado.

The grade, size, maturity, and inspection requirements recommended herein are similar to those issued during past seasons. They are necessary to prevent potatoes of low quality or undesirable sizes from being distributed in fresh market channels. They would also provide consumers with good quality potatoes consistent with the overall quality of the crop and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity, and inspection requirements provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Certified seed would be exempt because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt since no purpose would be served by regulating such potatoes. Shipments for charity purposes also would be exempt. Also, potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While standard quality requirements are desired in foreign markets, smaller sizes are often more acceptable. Therefore, different requirements for export shipments are proposed.

It is proposed that requirements contained in this proposed handling regulation, effective November 1, 1981, would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Interested persons are invited to comment through October 16, 1981 with regard to the proposed handling regulation. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. The proposed change to issue regulations which would continue in effect from marketing season to marketing season reflects the fact that regulations change infrequently from season to season and it is believed unnecessary to issue them for only a single season. In addition, the proposed action could result in a reduction in operational costs to the committee and the government. Although the final regulation would be effective for an indefinite period, the committee would continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season in accordance with § 948.20 of the order, including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Hearing Clerk before July 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, comments filed, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of Colorado Area 2 potatoes would tend to effectuate the declared policy of the act.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 948—IRISH POTATOES GROWN IN COLORADO

It is proposed that § 948.384 (45 FR 68912, October 17, 1980) be removed and a new § 948.386 be added as follows:

§ 948.384 [Removed]

§ 948.386 Handling regulation.

On and after November 1, 1981, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Minimum grade and size requirements.* (1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Russet Burbank.* U.S. No. 2, or better grade, 1⅞ inches minimum diameter.

(3) *All other long varieties except Russet Burbank.* U.S. Commercial, or better grade, 2 inches minimum diameter or 4 ounces minimum weight, or U.S. No. 2 grade, 1⅞ inches minimum diameter.

(4) *All varieties.* Size B, if U.S. No. 1.

(5) *All varieties for export.* 1½ inches minimum diameter.

(b) *Maturity (skinning) requirements.* During September and October minimum maturity requirements shall be:

(1) *For U.S. No. 2 grade.* Not more than "moderately skinned."

(2) *All other grades.* Not more than "slightly skinned."

(c) *Inspection.*

(1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to § 948.40(d) that each inspection certificate shall be valid for a period not to exceed five days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) the grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) for any of the special purposes set forth therein shall:

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b), and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," "Size B," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (7 CFR 2851.1540–2851.1566), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to 8e of the act and § 980.1 *Import regulations* (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the periods November 1 through June 30 and September 1 through October 31 each year shall meet the minimum grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

Dated: September 10, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-26839 Filed 9-15-81; 8:45 am]

BILLING CODE 3410-02-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1208

Miniature Christmas Tree Lights; Withdrawal of Proposed Rule

Cross Reference

In the Rules section of this **Federal Register**, the Consumer Product Safety Commission (CPSC) is withdrawing its proposed standard for miniature Christmas Tree lights (43 FR 19136, May 7, 1978). This withdrawal appears in the Rules section at the request of the CPSC and in conformity with applicable provisions of the Consumer Product Safety Act.

For more detailed information on the withdrawal, see FR Doc. 81-26825 in the rules section of this **Federal Register.** Refer to the Table of Contents in the front of the **Register** for the proper page number.

BILLING CODE 6355-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 33 and 35

[PRM-FRL 1934-5]

Procurement Regulations Under Grants

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: EPA Has begun the process of revising its procurement regulations under grants in order to implement OMB Circulars A-102 and A-110, Attachments O, which establish government policy for procurement under grants. We published an Advance Notice of Proposed Rulemaking in the **Federal Register** on Monday, April 6, 1981. Subsequently, we prepared a draft set of preliminary regulations for procurement under grants.

We will make copies of these preliminary regulations available to anyone, and we also want to receive comments on these preliminary

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regulations. In February 1982 we intend to issue a Notice of Proposed Rulemaking for these regulations.

DATE: In order to have your comments considered in the development of the proposed rule, please submit them by November 10, 1981.

ADDRESS: You should submit your comments (in duplicate if possible) to: Central Docket Section (A–130), Environmental Protection Agency, Attn.: Docket No. G–81–4, Washington, D.C. 20460.

Docket No. G–81–4, containing material relevant to this rulemaking is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, 401 M Street SW, Washington, D.C. 20460. You may inspect the docket between 8 a.m. and 4 p.m. on weekdays; we may charge a reasonable fee for copying.

FOR FURTHER INFORMATION CONTACT: Richard A. Johnson, Grants Policy and Procedures Branch, Grants Administration Division (PM–216), telephone (202) 755–0860, 401 M Street, SW, Washington, D.C. 20460.

Dated: September 11, 1981.

Rebecca W. Hanmer,

Acting Assistant Administrator for Administration.

[FR Doc. 81–26931 Filed 9–15–81; 8:45 am]

BILLING CODE 6560–42–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 447

Medicaid Program; Revocation of Sixty-Day Public Notice of Changes in Method or Level of Reimbursement

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: We are proposing to remove the current requirement that Medicaid State agencies give sixty days public notice of certain proposed changes in the Statewide method or level of reimbursement for Medicaid services. This requirement has been widely criticized by States that believe it is burdensome and not required by statute. We would expect that removal of the sixty-day public notice provision would reduce the regulatory burden on States and allow them greater flexibility in developing reimbursement methodologies and in adjusting reimbursement rates in response to changing fiscal situations. Because most States have their own procedures for notifying the public of reimbursement changes and receiving public input respecting agency policy changes, we do not think that rescission of this rule would deprive interested parties of advance information on Medicaid reimbursement changes.

DATE: To assure consideration, comments should be received by September 30, 1981.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17076, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPO–25–P. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., SW., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

FOR FURTHER INFORMATION CONTACT: Roberta Ward, 301–597–2953.

SUPPLEMENTARY INFORMATION:

Background

On April 6, 1979, we issued final regulations that require medicaid agencies to give public notice at least sixty days before certain proposed changes in medicaid reimbursement levels or methods are effective (see 44 FR 20693). These regulations are authorized under sections 1902(a)(4)(A) and 1902(a)(30) of the Social Security Act and are codified at 42 CFR 447.205.

The sixty-day public notice is required for proposed reimbursement changes that:

1. Would either: a. Affect the general method of payment to all providers of a particular service; or

b. Affect the level of payments for a particular service; for example, a change in the maximum allowable rate under a Statewide schedule of usual and customary charges due to an adjustment of the percentile ceiling; and

2. Would be projected to affect a State's Medicaid expenditures for a particular service by one percent or more during the 12 months following the effective date of change.

The notice must describe the change, give an estimate of the expected annual increase or decrease in expenditures, and explain why the agency is changing its reimbursement methodology or level. The location, date, and time of any public hearings must also be included. Public comments must be solicited and an address given where the comments may be viewed by the public. A local agency in each county must have a copy of the proposed change for public review.

The notice must be published by the Medicaid agency in a State register similar to the **Federal Register** or in the newspaper of widest circulation in each city with a population of 50,000 or more. If there is no city with a population of 50,000 or more, the notice must be published in the newspaper of widest circulation in the State. At the time of publication, the proposed change must be sent to the HCFA Regional office.

The current regulations were intended to help restrain the rapid increase in health care costs and to give the public an opportunity to comment on proposed changes in order to bring new ideas, concerns, and information to the attention of the State Medicaid agency.

Problems Identified Through Public Comments

When the current regulations were published as a notice of proposed rulemaking (NPRM) on May 12, 1978 (43 FR 20516), a majority of the States responded unfavorable. Their main concerns were that the sixty-day public notice provision limits States' abilities to make timely changes, duplicates requirements of State administrative procedure acts, and is administratively burdensome.

The States believe that the current regulations are inflexible because they make no provision for legislatively mandated reimbursement changes that must be implemented immediately. Also, the States are unable to change rapidly their reimbursement levels in response to crises, thus causing budgetary complications.

Of the 34 States that commented on the NPRM, 26 stated that they already had procedures in place to notify the public of reimbursement changes. Often these procedures are codified in State administrative procedure acts. The requirements imposed by the sixty-day public notice regulations are duplicative, overlapping, and sometimes in conflict with these State procedural requirements.

The States also cited the increased administrative costs associated with implementing these regulations. The detailed requirements (publication of the notice and analyzing and responding to public comments) may force States to hire additional professional and clerical staff. A further expense is the actual cost of preparing and publishing the public notice. The States also commented on how broadly the regulations are written, requiring the States to publish notices on a large number of routine reimbursement changes.

Several States contendthat the regulations do not really help contain health care costs (the justification for the regulations). They suggest that no State operating under the tight fiscal constraints that exist today is interested in unnecessarily increasing Medicaid provider fees. In fact, the sixty-day public notice requirement could very well promote increased Medicaid costs by delaying proposed reimbursement decreases and imposing unnecessary administrative costs.

We also received comments on the NPRM from providers, health care provider organizations, and beneficiary and welfare rights organizations. Many of the providers responded unfavorably because they believe the regulations impose a needless obstacle to increasing provider reimbursement rates. They contend that providers are rarely reimbursed the full amount of their costs and these regulations only delay much needed reimbursement increases.

On the other hand, health care provider organizations such as the American Medical Association and the American Hospital Association supported the regulations as giving a public forum for discussion of Medicaid reimbursement levels. In addition, beneficiary groups and welfare rights organizations favored the sixty-day public noitice provision because it allows Medicaid beneficiaries and their advocates a chance to comment on proposed reimbursement changes.

Decision To Propose Revocation of the Current Regulations

The current regulations have impeded health care cost containment measures. Thus, the States and the Federal government are forced to assume extra costs (both administrative and service-related), while the regulations actually help to delay reductions in reimbursement levels.

These regulations were originally implemented as an administrative tool to assure that Medicaid payments are not excessive. There is no statutory requirement that a sixty-day public notice provision be imposed on the States. Another method of controlling health care costs would be to reduce the regulatory burden on States by giving them greater flexibility in setting rates.

These current regulations are an example of Federal requirements that impose a regulatory burden on the States without a comparable return in the form of decreased health care costs. We are proposing to delete these regulations and thereby allow the States to make the reimbursement changes they believe are necessary with a minimum of administrative delay. Also, this action would not deprive the public of an opportunity for imput into reimbursement decisions since most States have their own procedures in effect that allow for public participation.

We expect that rescission of these regulations would ease the State's regulatory burden and allow them the flexibility to respond timely to both legislative and fiscal mandates concerning Medicaid reimbursements levels. The Department is, however, considering approaches to assure that State reimbursement decisions continue to be made in a public process.

15-Day Comment Period

We are allowing only 15 days for the public to comment on these proposed regulations because we believe a longer comment period is unnecessary, impracticable and not in the public interest. Congress, in the Omnibus Reconciliation Act of 1981 (Pub.L. 97-35), has recently enacted several changes in the Social Security Act that give the States wide latitude in setting Medicaid provider reimbursement levels. Most of these provisions were effective either upon enactment, which was August 13, 1981, or October 1, 1981. Therefore, we are allowing only a 15-day comment period so we can review the comments and should we decide to rescind the 60-day public notice requirement, prepare the final regulations in time to allow the States to make their reimbursement changes as close to these effective dates as possible.

In addition, since the regulations we are proposing to delete by this document became effective fairly recently, we believe a longer comment period is unnecessary because interested parties had a similar chance to comment on these regulations when the original NPRM was published. Therefore, we believe there is good cause to allow only 15 days for comment on this proposal.

Regulatory Analysis

Executive Order 12291

We have determined that this proposed rule does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291. That is, this proposed rule will not have an annual effect on the economy of $100 million or more; or cause a major increase in costs or prices for consumers, government agencies, industry, or a geographic region; or cause significant adverse effects on business or employment. We believe that this proposal will neither cause any increase in expenditures nor result in any appreciable savings, but would allow States the flexibility they need to make appropriate reimbursement changes quickly in response to State needs.

Regulatory Flexibility Act

Section 603(a) of Pub. L. 96-354 (the Regulatory Flexibility Act of 1980) requires Federal agencies to prepare and make public an initial regulatory flexibility analysis when proposed regulations would have a significant economic impact on a sustantial number of small businesses or small governmental jurisdictions. Because the economic impact of the revocation of the sixty-day public notice regulations is not significant, we believe an initial regulatory analysis is not required.

42 CFR Part 447 is amended as set forth below:

PART 447—PAYMENTS FOR SERVICES

1. The table of contents of Supart B is amended by removing § 447.205.

§ 447.205 [Removed]

2. Section 447.205 is removed.

(Catalog of Federal Domestic Assistance Program No. 13.714; Medical Assistance Program)

Dated: September 1, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 10, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-27079 Filed 9-14-81; 1:25 pm]

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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1241

[Docket No. 38590]

Revision to Railroad Annual Report Form R-1

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission (Commission) proposes to eliminate certain schedules in railroad Annual Report Form R-1. The Commission also proposes to add to R-1 certain operating statistics information (formerly in quarterly report forms OS-A, OS-B, and OS-C) and one schedule from Annual Report Supplement—Corporate Disclosure which we propose to eliminate. The objective in these changes is to reduce reporting burden on all Class I railroads. This Notice of Proposed Rulemaking is being published without an Appendix to conserve paper and reduce printing costs. Persons wishing a complete copy of the Notice of Proposed Rulemaking, which includes copies of the revised and new schedules, may obtain them from the Commission by calling the telephone number listed below.

DATE: Written responses should be filed on or before November 2, 1981.

ADDRESS: An original and 15 copies, if possible, of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, . Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275-7448.

Copies: For copies of the complete notice call 800-424-5403.

SUPPLEMENTARY INFORMATION:

Background

The annual report form prescribed by the Commission is the principal medium of gathering railroad financial and operational data for the reporting year. The information presented in the annual reports is essential in assessing and monitoring the overall condition of railroads. The disclosures are not only important to the Commission, but also are relied upon extensively by other transportation specialists. Consequently, it is important that the annual report forms be designed to require and highlight key elements.

The Commission realizes the importance of periodically reviewing the effectiveness of annual report forms. Over time, certain schedules become outdated or otherwise lose their intended usefulness. The Staggers Rail Act of 1980 (49 U.S.C. 11166) generally limits Commission reports to information considered necessary for disclosure to meet cost accounting objectives or to comply with generally accepted accounting principles (GAAP).

Elimination of Schedules

In order to reduce carrier reporting burden, we propose to remove the following 21 schedules which have been tentatively identified to be no longer needed on a continuing basis:

Title	Schedule No.
1. Items and Selected Current Asset Accounts	300
2. Investments and Advances Affiliated Companies	310
3. Investments in Common Stocks of Affiliated Companies	310A
4. Special Funds and Other Investments	315
5. Securities, Advances, and Other Intangibles Owned or Controlled Through Non-reporting Subsidiaries	319
6. Property Used in Other Than Carrier Operations	325
7. Other Assets and Deferred Debits	329
8. Other Elements of Investment	355
9. Non-Capitalized Capital Leases	362
10. Items in Selected Current Liability Accounts	370
11. Other Long Term Liabilities and Other Deferred Credits	379
12. Rent for Leased Roads and Equipment	413
13. Miscellaneous Rent Income	430
14. Miscellaneous Rents (Expense)	440
15. Separately Operated Properties—Profits or Loss	445
16. Railway Tax Accruals	[1] 461
17. Miles of Tracks at Close of Year By States and Territories (For Switching and Terminal Companies)	709
18. Grade Crossings—A Railroad with Railroad	760A
19. Grade Crossings—B Railroad with Highway	760B
20. Grade Separations	761
21. Compensation of Officers, Directors, etc.	900

[1] Information on railroad tax accruals has been transferred to Schedule 450, Analysis of Federal Income Taxes.

This reduction will not result in the Commission becoming less aware of the financial condition in operations of Class I railroads. We believe the Commission, if needed, can request railroads to furnish the information contained in these schedules without burdening them with ongoing reporting requirements.

Operating Statistics

By Commission Order, served March 5, 1981, we eliminated quarterly report Forms OS-A, OS-B and OS-C. The proposed R-1, Schedule 755, Railroad Operating Statistics, includes selected information from those reports.

Corporate Disclosure

In 1978, we initiated an Annual Report Supplement—Corporate Disclosure which requires all railroads having gross carrier operating revenues of $20 million or more to file selected corporate information. We propose to eliminate all corporate disclosure requirements with the exception of information in Schedule 120, Debtholdings. This schedule is added to R-1.

Additional Disclosures

We propose reinstatement of the reporting requirements for average cost of ties and average cost of rail which were eliminated previously. We also propose expansion of traffic density categories in Schedule 720 to 728 to include categories 20 million gross ton-miles per mile (GTM) to 40 GTM, 40 to 60 GTM, and 60 and over GTM. We believe expanded categories are needed to disclose these higher operating levels. We solicit comments on all these additional reporting disclosures.

Comments

We request respondents to this NPR to comment on the appropriateness and usefulness of the proposed report as well as schedules which have been eliminated. Guidelines for responses are outlined below.

Objections to Proposed Reporting Requirements

If objections are raised concerning any proposed reporting requirement then (1) list and fully explain the objections supporting your reasoning with examples, (2) estimate the cost of filing for the objectionable reporting requirement, and (3) recommend other means of obtaining the objectionable reporting.

Improvements to Reports

If the schedules or other requirements of the reports should be modified then (1) list and fully explain what improvements are needed, and (2) present examples of the suggested improvements.

Additional Reporting Requirements

If additional disclosures are needed then (1) fully explain the types of additional disclosures needed, (2) enclose examples of such information, and (3) support the need for additional disclosures with appropriate discussions, especially stressing the cost/benefit relationship.

Revised and new schedules in Annual Report Form R-1 are presented in Appendix A.[1]

This decision does not significantly affect the quality of the human environment or the conservation of energy resources or small entities.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553. This proposed change in rules would apply to the reporting of data for the reporting year beginning January 1, 1981.

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[1] Appendix A is filed as part of the original document.

Decided: September 8, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham, and Gillman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26901 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1249

[No. 38568]

Revisions to Annual Motor Carrier Reporting Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission is proposing to reduce the reporting burden presently required of Class I and II motor carriers of property by eliminating certain annual reporting requirements. The Commission believes that a number of supporting schedules contained in the Form M (annual report for motor carriers of property) are no longer used on a regular basis. The Commission also believes that the Annual Report Supplement on Corporate Disclosure is no longer needed. Therefore, the Commission is proposing that these reporting burdens by eliminated. Adoption of these proposals would result in a significant reduction in reporting burden for the carriers involved.

DATES: This action is proposed to be effective for the reporting year beginning January 1, 1981. Comments are due November 2, 1981.

ADDRESS: An original and 15 copies, if possible, of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission is authorized by the Interstate Commerce Act to require and prescribe the form of annual, periodic, and special reports filed by carriers subject to its regulation. The information reported by these carriers is needed to fulfill the regulatory responsibilities of the Commission in the areas of rate regulation, valuation of transportation property, operating rights, mergers, acquisitions, abandoments and discontinued service.

The Commission has recently completed a review of its annual reporting requirements for Class I and II motor carriers of property. Based on this review the Commission has determined that certain supporting schedules contained in the Form M are no longer used on a regular basis. In keeping with our policy not to require information that is not being used regularly, we are proposing that these schedules be removed from the Form M (See Appendix).

The Commission's review also suggests that the Annual Report Supplement on Corporate Disclosure (for carriers having gross operating revenues of $20 million or more) is no longer needed. Therefore, the Commission is proposing the elimination of this report. If it is determined that certain information contained in the corporate disclosure report is still needed then that particular schedule or schedules will be added to the Form M. This way the burden of filing a second report will be eliminated.

The Commission is also proposing that the method in which motor carriers report consolidated financial information be changed. Currently, each carrier in a consolidated group is required to file consolidated financial information. This results in double accounting and a wasteful duplication of effort. Therefore, the Commission is proposing that only the highest ranking carrier in the consolidated group file the consolidated financial information. Subsidiary carriers would merely identify which carrier in the consolidated group is reporting the consolidated financial information. Anyone interested in the financial position of the consolidated group would simply refer to that report. Adoption of this proposal would further reduce the burden placed upon Motor Carriers.

This decision does not significantly affect the quality of the human environment, the conservation of energy resources or small entities.

Accordingly, we proposed to amend 49 CFR Part 1249, as shown in the appendix.

These rules are proposed under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: September 8, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1249—REPORTS OF MOTOR CARRIERS

The Commission is proposing that the following items be removed from the annual reporting requirements for motor carriers of property, under 49 CFR Part 1249—Reports of Motor Carriers.

(1) The following schedules are proposed to be eliminated from the Form M:

Schedule 300—Compensating Balances And Short-Term Borrowing Arrangements
Schedule 310—Receivables From Affiliates
Schedule 320—Transactions With Officers, Stockholders, And Employees
Schedule 400—Leases
  (A)—Rental Expense Of Lessee
  (B)—Minimum Rental Commitments
  (C)—Lessee Disclosure
  (D)—Lease Commitments—Present Value
Schedule 500—Other Intangible Property And Accumulated Amortization
Schedule 510—Investments and Advances—Affiliated Companies
Schedule 520—Undistributed Earnings From Certain Investments In Affiliated Companies
Schedule 530—Other Investments And Advances
Schedule 540—Payable To Affiliated Companies—Current And Long Term
Schedule 551—Equipment And Other Long-Term Obligations
Schedule 610 C—Transactions Between Noncarrier Subsidiaries Of Respondent And Other Affiliated Companies Or Persons For Services Received Or Provided
Schedule 610 D—Other Transactions Between Noncarrier Subsidiaries Of Respondent And Other Affiliated Companies Or Persons
Schedule 710—Commodities Transported In Intercity Service By Tank Or Hopper Type Vehicles
Schedule 800 B—Compensation of Officers, Directors, Etc.
Schedule 900—Competitive Bidding—Clayton Antitrust Act

(2) The Annual Report Supplement on Corporate Disclosure is proposed to be eliminated. This Report is only required from carriers having gross operating revenues of $20 million or more.

(3) The instruction requiring consolidated financial information from each carrier in a consolidated group is proposed to be changed. If accepted only the highest ranking carrier in the consolidated group would file the consolidated financial information

Note.—The report forms prescribed by Part 1249 are available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

[FR Doc. 81-26900 Filed 9-15-81; 8:45 am]

BILLING CODE [illegible]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule and notice of plan amendment.

SUMMARY: NOAA issues a proposed rulemaking for foreign fishing and notice of availability of an amendment to the preliminary fishery management plan for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific. The amendment and implementing rules require the closure during the fall and winter of certain areas in the Eastern Bering Sea to groundfish trawling by vessels of a foreign nation which have caught a specified number of chinook salmon incidental to such trawling. This action responds to recent increases in the number of chinook salmon incidentally caught by foreign groundfish trawlers in the Eastern Bering Sea.

The intended effect of this action is to reduce the incidental catch and unnecessary mortality of chinook salmon, which is a prohibited species to foreign fishing vessels. The regulations will supplement and facilitate the enforcement of existing regulations designed to protect prohibited species.

DATE: Comments on the amendment and proposed rule are invited until October 16, 1981.

ADDRESSES: Comments may be mailed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, or delivered to Room 453, Federal Building, 709 West 9th Street, Juneau, Alaska. Copies of the amendment are available from Mr. McVey.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907–586–7221.

SUPPLEMENTARY INFORMATION:

Background

The foreign groundfish fisheries in the fishery conservation zone (FCZ) of the Eastern Bering Sea are managed under authority of the Preliminary Fishery Management Plan for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific (PMP). The PMP was published in the **Federal Register** (42 FR 9298) on February 15, 1977, and implemented on March 1, 1977, under provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The rules specifically implementing the PMP and subsequent amendments generally require that foreign groundfish trawl vessels minimize the incidental harvest of certain species and that they return any such species that are incidentally caught to the sea immediately (50 CFR 611.13). Among the "prohibited" species are chinook salmon (by definition (bb) of 50 CFR 611.2 and by exclusion from § 611.93), which are of special subsistence and commercial importance to residents of villages located on the coast of the Bering Sea and along the Kuskokwim and Yukon Rivers in western Alaska.

On August 21, 1980, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), received a petition for rulemaking from fifteen villages, three State of Alaska fish and game advisory committees, one fishermen's cooperative, one Native resource and environmental organization, and the Association of Village Council Presidents, Inc., all of western Alaska. The petitioners requested amendment of rules implementing the PMP to reduce the interception of chinook salmon and herring in the foreign groundfish trawl fisheries; interceptions seem to have increased sharply in 1979 and 1980. Specifically, they proposed prohibiting foreign trawling in the FCZ within International North Pacific Fishery Convention (INPFC) Statistical areas I and II (equivalent to "fishing areas I and II in the Bering Sea and Aleutian Islands" described in the PMP) from October 1 through March 31.

On October 3, 1980, the Assistant Administrator published an advanced notice of proposed rulemaking in the **Federal Register** (45 FR 65642), requesting comments by October 31, 1980, on the petition and on three alternative management measures suggested by NOAA. Alternatives included (1) smaller time/area closures; (2) gear restrictions; and (3) maintenance of the status quo. NOAA also requested comments on the advisability of amending the fishery management plan (FMP) prepared by the North Pacific Fishery Management Council (NPFMC), which will replace the PMP for groundfish in the Eastern Bering Sea and Aleutian Islands. On December 19, 1980, the deadline prescribed in NOAA regulations for final action on the petition, the Assistant Administrator denied the petition, but stated that alternatives to the proposed amendment would continue to be considered.

On November 3, 1980, the petitioners filed a lawsuit to force the Assistant Administrator to adopt the amendment proposed in their petition. [*Hanson v. Klutznick*, 506 F. Supp. 583 (D. Alaska 1981)]. On January 28, 1981, the Court dismissed this lawsuit on the ground that the petitioners had violated the procedural requirements prescribed for challenging regulations under the Magnuson Act. The petitioners have appealed this dismissal to the U.S. Court of Appeals for the Ninth Circuit.

Subsequent to denial of the petition and dismissal of the suit, representatives of western Alaskan villages, the Japan Deep Sea Trawlers Association, and the Japanese Hokuten Trawlers Association met to formulate mutually acceptable management measures to reduce the incidental catch of chinook salmon. The two Japanese associations harvest the largest number of trawl-caught groundfish and incidentally intercept the largest number of chinook salmon.

These parties came to an agreement and presented a joint statement at the March 1981 meeting of the NPFMC. In the statement, the parties jointly requested that the PMP be amended to limit the prohibited species catch (PSC) of chinook salmon in the Eastern Bering Sea groundfish trawl fishery to 65,000 fish. When, in the course of a fishing year, the trawl vessels of a foreign nation intercept incidentally an amount of the chinook salmon PSC that is proportional to that nation's share of the Eastern Bering Sea groundfish total allowable level of foreign fishing (TALFF), further trawling by vessels of that nation in INPFC statistical area II and between 55° and 57° N. latitude and 165° and 170° W. longitude in INPFC statistical area I will be prohibited during the remainder of the periods January 1–March 31 and October 1–December 31 of that fishing year. The chinook salmon PSC may be adjusted by amending the PMP if environmental, biological, or other factors so warrant.

The NPFMC has amended similarly its FMP for the Eastern Bering Sea and Aleutian Islands Groundfish Fishery which is expected to be implemented early in 1982 and would supersede the PMP. The NPFMC may amend the FMP further by adopting a schedule of annual reductions in PSC for chinook salmon and establishing PSG limits for other prohibited species.

The Assistant Administrator, having considered the merits of the parties' agreement and joint statement, has initially approved an amendment to the PMP which incorporates the agreed upon management measures, but which does not include a provision to reduce the PSC by annual increments. NOAA issues this proposed rulemaking for implementing the management measures to provide an opportunity for comment by all interested parties. This document also gives notice of availability of the plan amendment. A proposed rulemaking to include this action in the FMP will be published soon.

The Assistant Administrator emphasizes that this proposed action is not intended to modify current regulations concerning "prohibited" species in any respect. It is rather intended to facilitate enforcement of existing requirements. The interception of all or part of the PSC of 65,000 chinook salmon specified in the proposed rule should be considered an incidation catch of the extent to which foreign groundfish trawl fleets are meeting their obligation under 50 CFR 611.13 to minimize their incidental catch of "prohibited" species. If a foreign groundfish trawl fleet were actually to catch the portion of the chinook salmon PSC that would subject it to time/area closures under the proposed rule, this could be an indication that its vessels were not, in fact, minimizing their incidental catch of chinook salmon in accordance with 50 CFR 611.13. Under no circumstances is the specification of the PSC to be considered a grant of permission to harvest any chinook salmon, or an "allocation" of such salmon.

A technical change has been made in the regulations to conform with the Magnuson Act definition of "Secretary", which includes the designee of the Secretary.

National Environmental Policy Act

An environmental impact statement on the original PMP was prepared under section 102(2)(C) of the National Environmental Policy Act and is on file with the Environmental Protection Agency (EPA). The Assistant Administrator has determined that approval and implementation of this amendment would not consititute a major Federal action requiring a supplement to the environmental impact statement. An environmental assessment has been prepared on this proposed action and is on file with the EPA.

Classification

For the reasons set forth in the preamble, the Assistant Administrator has determined that this amendment to the PMP is necessary and appropriate for the conservation and management of fisheries resources, is consistent with the Magnuson Act, as amended, and with other applicable law.

The Administrator, NOAA, has determined that the proposed rule implementing the amendment is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The Administrator has also certified that this rule will not have a significant economic impact on a substantial number of small entities, and thus does not require preparation of a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 603 and 604).

This rule does not contain a collection of information requirement, and does not involve any agency in conducting or sponsoring the collection of information under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Dated: September 11, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Part 611 is amended as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. For the reasons set out in the preamble, it is proposed that § 611.93 be amended by adding paragraph (d)(2)(iii) to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

(d) * * *

(2) * * *

(iii) During any fishing year, that portion of fishing area I lying between 55° and 57° N. latitude and 165° and 170° W. longitude and all of fishing area II may be closed for the remainder of the periods January 1 through March 31 and October 1 through December 31 to trawl vessels of any nation. This closure will occur when vessels of that nation intercept that nation's part of the prohibited species catch (PSC) of chinook salmon. A nation's part of the PSC for chinook salmon for a fishing year is determined by multiplying 65,000, the total PSC for chinook salmon, by the ratio of that nation's allocation of groundfish to the total TALFF for groundfish:

$$\text{National part of PSC} = 65{,}000 \times \frac{\text{National Allocation of TALFF}}{\text{Total TALFF}}$$

Fishing areas I and II are described at Section 611.9, Appendix II, figure 2.

* * * * *

§ 611.93 [Amended]

3. Section 611.93 is amended by removing the words "Regional Director" and inserting in their place, the word "Secretary" in the following places: (b)(3)(i), (b)(3)ii, (b)(3)(iii), (b)(3)(iii)(C), (b)(3)(iii)(D)(2), (b)(3)(iii)(E), (b)(3)(iii)(F), (b)(4)(ii), (b)(4)(ii)(A), (b)(4)(ii)(B), (b)(4)(ii)(C), and (b)(4)(iii).

[FR Doc. 81–26977 Filed 9–15–81; 8:45 am]

BILLING CODE 3510–22–M

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50 CFR Part 662

Northern Anchovy Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; notice of initial approval and availability of plan amendment.

SUMMARY: NOAA issues notice that Amendment No. 2 for the fishery management plan for the Northern Anchovy Fishery has been initially approved and the plan amendment is available. Regulations to implement the amendment are proposed and comments on the amendment and proposed regulations are invited. This amendment establishes a procedure by which the Secretary of Commerce makes all or a portion of the reduction harvest quota reserved for reduction fishing in subarea A available to reduction fishing in subarea B. The Secretary may take action if the reduction fishery in subarea A has not harvested or demonstrated an intent to harvest the full reserve toward the end of the fishing season. The intended effect is to increase the probability that the optimum yield for this fishery will be achieved.

DATE: Comments must be received on or before November 2, 1981.

ADDRESS: Send comments and requests for copies of the current regulations and plan amendment to: Alan W. Ford, Regional Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Smith (Chief, Fisheries Management Division), 213 548–2518.

SUPPLEMENTARY INFORMATION: The fishery management plan for the Northern Anchovy Fishery (FMP) which was developed by the Pacific Fishery Management Council (Council) was published in the **Federal Register** on July 21, 1978 (43 FR 31652). Final regulations to implement the FMP were published on September 13, 1978 (43 FR 40868).

The current amendment to the FMP was adopted by the Council during its meeting on February 13–14, 1980, and was initially approved by the Acting Administrator of NOAA on May 19, 1980. This amendment establishes procedures for an inseason reallocation of the reduction harvest quota and increases the probability that the optimum yield (OY) for the northern anchovy *(Engraulis mordax)* fishery within the fishery conservation zone will be achieved.

The northern anchovy fishery management area is divided by the FMP into two subareas; subarea A is that portion of the fishery conservation zone (FCZ) between Point Buchon and Point Reyes, California, and subarea B is that portion of the FCZ between Point Buchon and the United States-Mexico International Boundary. Currently, 10,000 tons, or ten percent, of the total reduction fishery quota, whichever is less, is reserved for reduction fishing in subarea A. The FMP, however, does not provide for an inseason adjustment whereby all, or a portion, of this 10,000 ton reserve could be released to fishing in subarea B if the fishermen in subarea A are not expected to harvest their reserve quota by the end of the fishing year. The amendment establishes a procedure whereby the Secretary of Commerce or his disignee, will estimate by May 15 of each year, the amount of anchovies that will be harvested by fishermen in subarea A prior to any reallocation determination.

Presently, there are two reduction processing plants in subarea A. In addition, a maximum of five vessels have participated in subarea A fishery during the last four years. The Secretary is required to contact these two reduction plant operators and five fishing vessel operators licensed by the State of California to determine whether the subarea A reserve will be taken. If the reserve amount will not be taken, the Secretary will specify what amount should be reallocated to reduction fishing vessels of subarea B. This procedure ensures that the reallocation is based on the most recent and complete information available. Any reallocation of this reserve would be made as soon as practicable after June 1, of each year and only that portion which is not expected to be harvested in subarea A would be subject to release in this manner.

The amendment is intended to increase the probability that the OY will be achieved and that the economic benefits of the management regime will be realized. It provides flexibility to deal with changes in fishing strategy, practices, and capacity in subarea A on an annual basis without further amendment to the FMP.

In preparing this amendment the Council considered three alternative methods of accomplishing a future inseason reallocation from the reduction harvest quota reserved for the northern area to the southern area. The Council chose the option that incorporates up to date harvesting and processing data into the reallocation procedure rather then relying on catch data alone, or by establishing a specific cutoff date when reallocation would take place prior to closure of the fishing season. Public comments on the alternative reallocation methods were invited and public hearings were held during December, 1979, and January, 1980, in Monterey, Long Beach, and San Diego, California. The Council reviewed the comments received and selected the most desirable method of reallocation during its January 9, 1980, meeting. At that time, the Council's Plan Development team was directed to provide an explicit, reallocation procedure in accordance with the option selected. Their procedure for the selected method of reallocation was approved by the Council on February 14, 1980. This action implements the approved procedure.

Classification:

The Acting Assistant Administrator has determined that this amendment to the FMP and the implementing regulations comply with the national standards, other provisions of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and other applicable law.

This amendment to the FMP has no significant environmental or biological impacts because the OY specified in the FMP remains unchanged. That portion of the reserve which might be reallocated in any year will be small in relation to the total biomass and the total reduction harvest quota. Thus, there is no need to supplement the environmental impact statement currently on file with the Environmental Protection Agency (EPA). An Environmental Assessment was filed with EPA on May 9, 1980.

The Administrator, NOAA, has determined that the regulations implementing this amendment do not constitute a major rule under Executive Order 12291 and do not require the preparation of a regulatory impact statement. These regulations are designed to ensure maximum flexibility in achieving the OY without significant adverse impacts upon individuals or government agencies. Economic impacts (if any) will be beneficial. If the northern fishery is active, there will be no adjustment of the reserve quota. If the northern fishery is less active, there will be no adverse impact upon northern vessels from an inseason adjustment, but the southern area fishery may benefit and the potential yield of the total fishery is more likely to be realized.

The Administrator also certified that the regulations implementing this amendment will not have a significant economic impact on a substantial number of small entities; therefore, no regulatory flexibility analysis is required by the Regulatory Flexibility Act, under 5 USC 601 *et seq.*

The regulations implementing this amendment require a determination of whether the subarea A reserve quota will be harvested by anchovy vessels in Subarea A; that determination is to be made on the basis of information solicited from seven individuals (two reduction plant operators and approximately five anchovy fishing vessel operators). Since information is to gathered from fewer than ten persons, no "collection of information" is involved for purposes of the Paperwork Reduction Act, 44 USC 4501 *et seq.*

Dated:

William G. Jordan,

Director, Office of Resource, Conservation and Management.

For the reasons set out in the preamble, 50 CFR Part 662 is proposed to be amended as follows.

PART 662—NORTHERN ANCHOVY FISHERY

1. The authority citation for Part 662 reads as follows:

AUTHORITY: 16 U.S.C. 1801 *et seq.*

2. In Part 662, § 662.3 is revised to read as follows:

§ 662.3 Quota.

(a) *Determination of harvest quota.* The total harvest quota, reduction harvest quota and subarea B harvest quota shall be determined by the following formulas and announced by notice in the **Federal Register** on or about August 1 of each year.

(1) When spawning biomass is less than 100,000 short tons, there shall be no fishing for anchovies for any purpose.

(2) When spawning biomass is equal to, or greater than 100,000 short tons, but less than 1 million short tons, the total harvest quota for the PAFA shall not exceed 12,600 short tons which will be reserved for nonreduction purposes.

(3) When spawning biomass is equal to, or greater than, 1 million short tons, the total harvest quota in the PAFA

shall not exceed 70 percent of one third of the spawning biomass in excess of 1 million short tons, or 12,600 short tons, whichever is greater; of this amount, the first 12,600 short tons will be reserved for nonreduction fishing and the remainder will constitute the reduction harvest quota.

(b) *Special allocation.* Except as provided in paragraph (c) of this section, ten percent of the reduction harvest quota or 10,000 tons, whichever is less, is reserved for reduction fishing in subarea A. The remainder of the reduction harvest quota is the subarea B harvest quota.

(c) *Reallocation of special allocation.* The Secretary may reallocate from subarea A to subarea B that portion of the special allocation reserved under paragraph (b) of this section which he determines will not be harvested in subarea A by the end of the fishing year. The Secretary's determination under this paragraph shall be based on the estimated reduction harvest in subarea A projected to the end of the fishing year, which is the sum of:

(1) The catch in subarea A through May 31; and

(2) The lesser of the following:

(i) the *Processor-based estimate,* which is the total amount of anchovies each reduction plant licensed by California in subarea A is expected to process each day multiplied by the number of days each plant is expected to operate during June; or

(ii) The *harvester-based estimate,* which is the total amount of anchovies each anchovy vessel operator who has filed the declaration of intent specified in § 662.5(d) is expected to harvest in subarea A during June, based on a survey of the registered operators.

(d) *Procedure for reallocation of special allocation.*

(1) The Secretary shall make the estimate under paragraphs (c)(1) and (2) of this section on or about May 15.

(2) As soon as practicable after June 1, the Secretary shall announce to all registered anchovy fishing vessels and licensed anchovy reduction plant operators by certified mail and publish by notice in the **Federal Register**:

(i) The change, if any, in the reduction harvest quota in subareas A and B;

(ii) the reasons for the change, if any, in the reduction harvest quotas in subareas A and B; and

(iii) a summary of, and responses to, any comments submitted under paragraph (d)(4) of this section.

(3) The Regional Director shall compile in aggregate form all data used to make the estimates under paragraphs (c)(1) and (2) of this section and make them available for public inspection during normal business hours at the Southwest Regional Office, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

(4) Comments from the public on the estimates made under paragraphs (c)(1) and (2) may be submitted to the Regional Director until May 31.

(e) Anchovies harvested after August 1 will be counted toward harvest quotas for the fishing year beginning August 1.

[FR Doc. 81-26890 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-22-M

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Notices

Federal Register
Vol. 46, No. 179
Wednesday, September 16, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

Duke University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00165. Applicant: Duke University, Durham, N.C. 27706. Article: Radiation and Temperature Integrators with Digital LED Output. Manufacturer: Dr. E. I. Woodward, United Kingdom. Intended use of article: See Notice on page 23094 in the **Federal Register** of April 23, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article needs only 3 milliwatts to measure temperature and photosynthetically active radiation. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26922 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Medical College of Wisconsin; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81-00115. Applicant: Medical College of Wisconsin, National Biomedical ESR Center, 8701 Watertown Plank Road, P.O. Box 26509, Milwaukee, Wisconsin 53226. Article: Excimer Laser EMG 101 and CO_2 Conversion Kit. Manufacturer: Lambda-Physik, GmbH, West Germany. Intended use of article: See Notice on page 20583 in the **Federal Register** of April 6, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 26, 1980).

Reasons: The foreign article provides 14 watts average power and a 0.1 to 30 hertz repetition rate. The National Bureau of Standards advises in its memorandum dated August 25, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use that was available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Statutory Import Programs Staff.

[FR Doc. 81-26923 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Research Foundation of State University of New York; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81-00156. Applicant: The Research Foundation of State University of New York, SUNY College of Environmental Science and Forestry, P.O. Box 9, Albany, New York 12201. Article: KRK Experimental Fiber Refiner with Accessories. Manufacturer: Kumagai Riki Kogyo Co., Ltd., Japan. Intended use of article: See Notice on page 22630 in the **Federal Register** of April 20, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 30, 1980).

Reasons: The foreign article is a thermo mechanical pulp pressure refiner for laboratory use. The National Bureau of Standards advises in its memorandum dated August 20, 1981 that (1) the characteristics of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 26924 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Southern California Regional NMR Facility; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 80-00475. Applicant: Southern California Regional NMR Facility, California Institute of Technology, Division of Chemistry & Chemical Engineering, Mail Code 164-30, Pasadena, CA 91125. Article: NMR Spectrometer, Model WM 500 and Accessories. Manufacturer: Bruker Physik A.G., West Germany. Intended use of article: See Notice on page 9684 in the **Federal Register** of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 26, 1979).

Reasons: The foreign article operates at a maximum field strength of 11.75 Tesla. The National Bureau of Standards advises in its memorandum dated August 20, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use that was available when the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26925 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

University of Alaska; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00158. Applicant: University of Alaska, Anchorage, 3211 Providence Drive, Anchorage, Alaska 99504. Article: Microcalorimeter, Model LKB 2107-011. Manufacturer: LKB Produkter, AB, Sweden. Intended use of article: See Notice on page 22360 in the **Federal Register** of April 20, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 28, 1980).

Reasons: The foreign articles has a 200 microjoule minimum detectable heat pulse and a one microwatt minimum detectable continuous heat effect. The domestic Model DBC-100 batch calorimeter manufactured by Commonwealth Technology Incorporated, Alexandria, Va. appears to exceed these specifications but, at the time the foreign was ordered, the DBC-100 was in development. The Department of Health and Human Services advises in its memorandum dated August 6, 1981 that (1) the specifications of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use that was available at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26918 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

University of California, Davis; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket Number 81-00184. Applicant: University of California, Davis, Department of Clinical Pathology, School of Veterinary Medicine, Davis, CA 95616. Article: Micro-Cleanup Concentrator Apparatus. Manufacturer: John Solomon, Canada. Intended use of article: See Notice on page 27745 in the **Federal Register** of May 21, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: the foreign article conentrates nanogram samples to small volumes providing recoveries, on some pesticides, of more than 90% depending on the final concentrate volume with no addition of interfering substances. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26921 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

University of Kansas, College of Sciences, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00343. Applicant: University of Kansas, College of Sciences, 39th and Rainbow, Kansas City, KS 66103. Article: Automatic Recording Spectropolarimeter, Model J500-A. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The foreign article will be used to study proteins, nucleic acids, enzymes, ribosomes and other proteins. The experiments will be conducted to obtain circular dichroism spectra of the ribosome, proteins and RNA's; which will be used to develop quantitative methods of assessing the structure of these biomedical materials, to study the conformational changes, to study the kinetic properties and to compare their structure-function relations. Applications received by Commissioner of Customs: August 4, 1981.

Docket Number 81-00344. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, Illinois 60439. Article: 54R Isomass Mass Spectrometer System with Accessories. Manufacturer: VG Isotopes Limited, United Kingdom. Intended use of article: The foreign article will be used in studies of uranium in nuclear reactor fuel elements by the destructive analysis of a 33 rod sample to determine total fissile content and uranium isotropic distribution. Application received by Commissioner of Customs: August 5, 1981.

Docket Number 81-00345. Applicant: University of California, San Diego, Department of Biology, C-016, La Jolla, CA 92093. Article: Voltage-clamp Unit. Manufacturer: Jens Meyers, West Germany. Intended use of article: The article is intended to be used in research to further elucidate the mechanisms of action of intracellular messengers such as calcium ion, c-AMP and c-CMP on electrical properties of photoreceptor cell membranes, in particular the *membrane conductances*. Experiments will be done on *Limulus* ventral photoreceptor, utilizing voltage clamp in conjunction with application and injection methods. Experiments are intended to open the way for approaches which will lead to understanding the roles Ca, cyclic nucleotides and rhodopsin play in the phototransduction process, with particular emphasis on the modulation of these regulatory agents on the electrical properties of photoreceptors. Application received by Commissioner of Customs: August 5, 1981.

Docket Number 81-00346. Applicant: St. Joseph Hospital, 2900 N. Lake Shore Drive, Chicago, IL 60657. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The foreign article will be used in the diagnosis of surgical specimens obtained from hospitalized patients. Most of the specimens subjected to examination will be three types: kidney biopsies, muscle biopsies, and problematic malignant tumors. Application received by Commissioner of Customs: August 6, 1981.

Docket Number 81-00347. Applicant: Research Foundation of State University of New York, Stony Brook, NY 11794. Article: Klystron Tube, VRE 2103A. Manufacturer: Varian Canada Inc., Ltd., Canada. Intended use of article: The article is intended to be used for studies of molecular line emission from trace gases in the earth's stratospheric layer. Experiments to be conducted will involve detection and monitoring of chlorine monoxide and other trace gases in the earth's stratosphere, as part of an on-going program of monitoring the influence of human activities on the earth's ozone layer. Application received by Commissioner of Customs: August 14, 1981.

Docket Number 81-00348. Applicant: University of Wisconsin, Department of Chemistry, 1101 University Avenue, Madison, Wisconsin 53706. Article: JNM/FX-200 NMR Spectrometer System. Manufacturer: JOEL Ltd., Japan. Intended use of article: The Article is intended be be used for the study of the molecular structure and the molecular dynamics of a wide range of organic and inorganic molecules. FT-NMR experiments will be conducted on the following nuclei: ^{183}W, ^{103}Rh, ^{195}Pt, ^{15}N, ^{14}N, ^{25}Mg, ^{23}Na, ^{39}K, ^{85}Rb, ^{133}Cs, ^{43}Ca, ^{33}S, ^{77}Se, ^{125}Te, ^{189}O5, and ^{101}Ru. By measuring line widths and/or relaxation times of the quadrupolar nuclei, important information will be obtained about the site geometry of the nucleus in question. Detailed information about chemical exchange (e.g., activation energies and exchange rates) will be obtained. Application received by Commissioner of Customs: August 20, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26926 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

University of Pennsylvania; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number: 81-00160. Applicant: University of Pennsylvania, 3400 Walnut Street, Franklin Building, Philadelphia, PA 19104. Article: Human Limb ^{31}P NMR System, TMR-32. Manufacturer: Oxford Instruments, United Kingdom. Intended Use of Article: See Notice on page 22631 in the **Federal Register** of April 20, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article measures phosphorus (^{31}P) in live human limbs. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26920 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Villanova University; Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m., and 5:00 p.m., in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 81-00174. Applicant: Villanova University, Lancaster Avenue, Villanova, PA 19085. Article: Nihon Kohden Model PC-3A Continuous Record Oscilloscope Camera with Accessories. Manufacturer: Nihon Kohden, Japan. Intended use of Article: See Notice on page 27745 in the **Federal Register** of May 21, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides simultaneous remote control of viewing and recording and at high ambient light levels. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importantion of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26919 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determination; Sodium Gluconate From the European Economic Community

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: We have preliminarily determined that the European Economic Community ("EC") is subsidizing the manufacture, production, and exportation of sodium gluconate within the meaning of the countervailing duty law. Therefore, we are directing the U.S. Customs Service to suspend the final determination of duties on U.S. entries of this merchandise and to require a cash deposit, bond, or other security equal to the estimated net subsidy of $107.05 per metric ton. We will make our final determination by November 23, 1981.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mary A. Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230 (202-377-3534).

Preliminary Determination

Based upon our investigation and in accordance with section 703(b) of the Tariff Act of 1930 ("the Act"), we have preliminarily determined that there is reason to believe or suspect that the EC provides subsidies upon the manufacture, production, and exportation of sodium gluconate imported into the United States. We estimated the net subsidy to be $107.05 per metric ton of sodium gluconate from the EC exported to the United States. We also preliminarily determine that critical circumstances do not exist pursuant to section 703(e) of the Act. We will make our final determination by November 23, 1981.

Case History

On June 16, 1981, we received a petition from counsel representing Pfizer, Inc. of New York, New York. Petitioner simultaneously filed a copy of the petition with the United States International Trade Commission ("ITC"). The petition alleged that the EC, which is a "country under the Agreement" as defined by section 701(b) of the Act, is providing subsidies for the production and exportation of sodium gluconate and that the sodium gluconate industry in the United States is being materially injured, or is threatened with material injury, by reason of the importation of sodium gluconate into the United States.

After conducting a summary review of the petition, we found that its information reasonably supported its allegations. Therefore, we instituted an investigation, and notice was published in the **Federal Register** of July 14, 1981 (46 FR 3621).

On July 31, 1981, the ITC notified us that it had determined, as required by section 703(a) of the Act, that there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of the importation of the subject imports. The Commission's determination and the reasons therefore were published in the **Federal Register** of August 12, 1981 (46 FR 40839).

Scope of the Investigation

The merchandise covered by this investigation is sodium gluconate, the sodium salt of gluconic acid, currently provided for in item number 437.5250 of the Tariff Schedules of the United States Annotated.

We presented a questionnaire concerning the allegations in the petition to the EC. On August 25, 1981, we received a response to the questionnaire, which we analyzed including the EC regulations concerning production refunds and export restitution payments. The EC advised us on September 1, 1981, that we should obtain company specific information from the EC producers. Absent this company specific information, we have assumed for purposes of this preliminary determination the total utilization of all available benefits by manufacturers, producers, and exporters.

Programs Under Investigation

We have preliminarily determined that the following benefits available to EC manufacturers, producers, and exporters of sodium gluconate qualify as subsidies: Production subsidies to certain products derived from maize or other agricultural products, production subsidies to glucose derived by direct hydrolysis from maize groats and meal, and export restitution payments to exporters of sodium gluconate.

According to the EC response, which we are using as best available information, the maximum benefit a producer, manufacturer, or exporter of sodium gluconate could receive was 63.31 ECU per metric ton. This is equal to the variable levy paid on maize for May 1981. In addition, producers of potato starch received an additional 20 ECU premium, and absent better information, for purposes of this preliminary determination, we are assuming all sodium gluconate exported to the United States is made from potatoes. This yields a total subsidy of 83.31 ECU per metric ton. This estimated subsidy of 83.31 ECU per metric ton of sodium gluconate was converted into dollars by multiplying the 83.31 ECU per metric ton times $1.285, which is the average of the conversion rate for the fourth quarter of 1980 ($1.34) and the first quarter of 1981 ($1.23). The result is an estimated subsidy of $107.05 per metric ton.

Production Refunds

The EC provides benefits in the form of production refund payments under the common agricultural policy ("CAP") to produce of glucose and starch, the materials from which sodium gluconate is produced. The production of glucose by the direct hydrolysis process benefits from a production refund of 21.19 ECU per metric ton on maize groats and meal used to this effect. The amount of maize groats generally accepted as being used to produce one metric ton of glucose by the direct hydrolysis process is 1.31 tons. On this basis, the production refund per ton of glucose is 27.76 ECU.

The production of maize starch benefits from a production refund of 17.23 ECU per metric ton of maize used to this effect. The amount of maize generally accepted as being used to produce one metric ton of maize starch is 1.61 tons. On this basis, the production refund per ton of maize starch is 27.74 ECU. Potato starch is assimilated to maze starch and the production refund is 27.74 ECU.

In addition to the previously described production refunds, manufacturers of potato starch are eligible for a premium of 20 ECU per ton of potato starch. In the absence of specific information on the actual production processes used by EC producers, we have assumed that all sodium gluconate imported into the United States is derived from potatoes.

Export Restitution Payments

The EC provides benefits under the CAP to exporters of sodium gluconate through export restitution payments. These payments are based upon the amount of maize or potatoes actually used in the production of sodium gluconate. In setting the level of the export refund on maize or potatoes used for the production of starch/glucose and thereafter sodium gluconate, the EC Commission takes into account the level of the production refund already granted, so that the sum of the two payments does not exceed the difference between world and EC maize or potato prices.

Verfication

Although we have verified only the EC regulations to date, all information relied upon in making the final determination will be verified prior to the final determination in accordance with section 776 of the Act (19 U.S.C. 1677e).

Critical Circumstances

Petitioner filed an amendment to its petition on August 5, 1981, contending, pursuant to section 703(e)(1) of the Act, that critical circumstances now exist with respect to the importation of sodium gluconate from the EC.

We have preliminarily determined on the basis of the best information available at this time that critical circumstances do not exist because there have not been massive imports of the subject merchandise over a relatively short period.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date of this notice's publication.

We are also directing Customs to require a cash deposit, bond, or other security in the amount of $107.05 per metric ton to be posted on this merchandise. Until further notice, this suspension will remain in effect.

Public Comment

As described in § 355.35 of the Commerce Department Regulations, we will hold a public hearing to afford interested parties an opportunity to comment orally on this preliminary determination. If requested, this hearing will be scheduled to be held at 10:00 a.m. on October 21, 1981, at the U.S. Department of Commerce, Room 4830, 14th Street, and Constitution Avenue, NW., Washington, D.C. 20230. All requests for hearings must be submitted within 10 days of this notice's publication to the Deputy Assistant Secretary for Import Administration, Room 2800, 14th Street and Constitution Avenue, NW., Washington D.C. 20230. They should contain (1) the party's name, address, and telephone number; (2) the number participants; (3) the reason for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by October 14, 1981. Oral presentations will be limited to the issues raised in the briefs. All written views must be filed before October 21, 1981; in accordance with section 355.34 of the Commerce Department Regulations at the above address and in at least 10 copies.

This determination is published in accordance with section 703(f) of the Act.

Dated: September 9, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-26875 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Investigation of Imports of Glass-Lined Chemical Processing Equipment

AGENCY: Office of Industrial Mobilization, International Trade Administration, Commerce.

ACTION: Notice of initiation of an investigation under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and request for comments.

SUMMARY: This notice is to advise the public that an invesigation is being conducted under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effects on the national security of imports of glass-lined chemical processing equipment. Interested parties are invited to submit written comments, opinions, data, information or advice to the Office of Industrial Mobilization, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: Comments must be received by November 16, 1981.

ADDRESS: Written comments (6 copies, if possible) should be sent to Richard V. Meyers, Compliance Officer, Office of Industrial Mobilization, International Trade Administration, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Richard V. Meyers, Compliance Officer, Office of Industrial Mobilization, International Trade Administration, Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230 (202–377–3634).

SUPPLEMENTARY INFORMATION: In an application received March 13, 1981, the Secretary of Commerce was requested to initiate an investigation under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effect on the national security of U.S. imports of glass-lined chemical processing equipment provided for in TSUS items 640.35, 661.68, 680.17, 610.80, 610.32, 610.37, 610.49, and 610.52. Accordingly, such an investigation is being undertaken in accordance with International Trade Administration Regulation 15 CFR 359.

Interested parties are invited to submit written comments, opinions, data, information or advice with respect to this question to the Office of Industrial Mobilization, International Trade Administration, Department of Commerce, by November 16, 1981.

While all relevant material will be helpful, the Department is especially interested in information relative to the criteria listed in § 359.4 of the regulation (15 CFR 359.4) as follows:

(a) The effect on the national security of the quantity of imports of the article in question or other circumstances related to its import;

(b) The requirements of national security with regard to:

(1) Domestic production of the article in question needed for projected national defense requirements;

(2) The capacity of domestic industries to meet projected national defense requirements of the article in question;

(3) The existing and anticipated availabilities of human resources, products, raw materials, production equipment and facilities, and other supplies and services with respect to the article in question that are essential to the national defense;

(4) The growth requirements of domestic industries to meet national defense requirements of the article in question and the supplies and services including the investment, exploration and development necessary to assure such growth; and

(5) Any other relevant factors.

(c) The quantity, availability, character and uses of the article in question with regard to:

(1) The impact of foreign competition on the economic welfare of any domestic industry essential to our national security;

(2) The displacement of any domestic products causing substantial unemployment, decrease in the revenues of government, loss of investment or specialized skills and productive capacity, or other serious effects; and

(3) Any other relevant factors that are causing or will cause a weakening of our national economy.

All material should be submitted with six copies and will be made available at the Department of Commerce for public inspection and copying, except for information or material that is national security classified or determined to be confidential as provided in section 359.6 of the regulation (15 CFR 359.6). Additionally, communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning this investigation will be maintained in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230. The records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, The International Trade Administration's Freedom of Information Officer, at the above address or by calling (202) 377–3031.

If deemed appropriate by the Department, a public hearing may be held to elicit further information as provided in section 359.8 (15 CFR 359.8) of the regulation. Adequate notice will be given as to time, place and matters to be considered at the hearing(s) so that interested parties will have an opportunity to participate.

The findings of this investigation and a recommendation by the Secretary of Commerce for action or inaction regarding the imports of glass-lined chemical processing equipment shall be made to the President no later than March 12, 1982.

Dated: September 10, 1981.

Bo Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 81–26829 Filed 9–15–81; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Its Statement of Organization, Practices and Procedures Subcommittee, Its Education and Information Subcommittee, and Its Administration Subcommittee, Meetings

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Changes in Meeting Dates and/or Locations for the Caribbean Fishery Management Council and its Subcommittees.

SUMMARY: The scheduled meeting dates and/or locations for the Caribbean Fishery Management Council, its Statement of Organization, Practices and Procedures Subcommittee (SOPPs), Education and Information Subcommittee (E & I) and Administrative Subcommittee, as published in the **Federal Register**, August 27, 1981 (46 FR 43226), have been changed as follows:

From

Council—convening on Tuesday, September 22, 1981, at approximately 9 a.m., adjourning on Wednesday, September 23, 1981, at approximately noon.

SOPPS—convening on Monday, September 21, 1981, at approximately 10:30 a.m., adjourning at approximately noon.

E & I—convening on Monday, September 21, 1981, at approximately 1:30 p.m., adjourning at approximately 3 p.m.

Administrative Subcommittee—convening on Monday, September 21, 1981, at approximately 3 p.m., adjourning at approximately 5 p.m.

To

Council—convening on Monday, September 21, 1981, at approximately 10:30 a.m., adjourning at approximately 5 p.m.; reconvening on Tuesday, September 22, 1981, at approximately 9 a.m., and adjourning at approximately noon.

SOPPS—convening on Wednesday, October 14, 1981, at approximately 1:30 p.m., adjourning at 4 p.m.

E&I—convening on Wednesday, October 14, 1981, at approximately 4 p.m., adjourning at approximately 5 p.m.

Administrative Subcommittee—convening on Thursday, October 15, 1981, at approximately 9 a.m., adjourning at approximately noon. The Council meeting location is unchanged (Conference Room of the St. Thomas Hotel and Marina, St. Thomas, U.S. Virgin Islands). However, the three Subcommittee meetings will now take place at the Council's Conference Room, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753–4926.

Dated: September 10, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81–26876 Filed 9–15–81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changing Officials of the Government of the Republic of the Philippines Authorized To Issue Export Visas and Exempt Certifications for Certain Cotton, Wool, and Manmade Fiber Products From the Philippines

September 10, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing changes in the officials of the Government of the Republic of the Philippines who are authorized to issue export visas and certifications for exempt cotton, wool and man-made fiber textile products from the Philippines.

SUMMARY: The Government of the Republic of the Philippines has notified the United States Government that Asuncion B. Kalalo, Guillermo Parayno, Lucita P. Reyes, and Ramon R. Tayas are now authorized to issue export visas and certifications for exempt textile products exported to the United States, replacing the five previously authorized officials, who will no longer issue and sign these documents.

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On November [illegible], 1979, a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the **Federal Register** (44 FR 68005), which established a new export visa requirement and certification for exemption of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported to the United States. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of the Republic of the Philippines. The Government of the Philippines has designated four new officials to issue export visas and certifications for exemption. A list of the authorized officials is published as an enclosure to the letter to the Commissioner of Customs which follows this notice.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

September 10, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of November 21, 1979 from the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton, wool and man-made fiber textile products in designated categories for which the Government of the Republic of the Philippines had not issued an appropriate export visa or exempt certification.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on September 11, 1981, to recognize the four officials listed on the enclosure as authorized to issue and sign export visas and exempt certifications. This new list cancels and supersedes all previous lists of officials.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton, wool and man-made fiber textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Officials Authorized by the Government of the Republic of the Philippines to Issue Visas and Certifications for Exemption for Certain Cotton, Wool, and Man-Made Fiber Textile and Apparel Products Exported to the United States

Asuncion B. Kalalo

Guillermo Parayno

Lucita P. Reyes

Ramon R. Tayas

[FR Doc. 81–26874 Filed 9–15–81; 8:45 am]

BILLING CODE 3510-25-M

Adjusting the Import Restraint Level for Certain Man-Made Fiber Textile Products From Costa Rica; Correction

September 11, 1981.

In F.R. Doc. 81–23977 appearing at page 41840 in the issue for Tuesday, August 18, 1981, the adjusted level of restraint for man-made fiber brassieres in Category 649 for the twelve-month period which began on January 1, 1981 should have been 1,644,310 dozen instead of 1,607,732 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-26911 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Export Visa Requirement for Cotton, Wool and Man-Made Fiber Textile and Apparel Products From Macau

September 11, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing a new export visa requirement for cotton, wool and man-made fiber textiles and apparel exported from Macau, which calls for inclusion of the correct category and quantity on the visa.

SUMMARY: The Governments of the United States and Macau have exchanged letters establishing an export visa requirement for cotton, wool and man-made fiber textiles and apparel in Categories 300–369, 400–469, and 600–669, produced or manufactured in Macau, which are subject to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the two governments.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

EFFECTIVE DATE: Effective on October 15, 1981, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile and apparel products, produced or manufactured in Macau and exported on and after October 15, 1981 for which the Government of Macau has not issued an appropriate export visa will be prohibited. Textile and apparel products exported from Macau before October 15, 1981 will not be denied entry if visaed in accordance with previously established visa requirements.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U. S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: The export visa will be an original circular stamped marking in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice when such form is used) and will be signed by an official of the Government of Macau. In addition, each visa will include its number, the date, and shall state the correct categories and quantities in the shipment in the applicable category units. If the quantity indicated on the export visa is more than the actual quantity of the shipment, entry will be permitted.

Merchandise in Categories 300–369, 400–469 and 600–669 imported for the personal use of the importer, not for resale, does not require a visa, regardless of value.

The officials authorized by the Government of Macau to issue export visas are the following: Florinda de Rosa Silva Chan, Angelo Bemdito Galdino Dias, Jose Bernardino Marques Ferreira, Francisco Xavier Jose de Mesquita, Jose Carlos Mesquita, Rui Manuel Barata Paiva, Joana Maria de Sousa Santos, Maria Manuela Aguiar Viana.

Interested parties are advised to take all necessary steps to ensure that cotton, wool and man-made fiber textile and apparel products, produced or manufactured in Macau, which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the stated visa requirements.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishes the new visa mechanism.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

September 11, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive cancels and supersedes the directive of August 6, 1973, as amended, from the Chairman of the Committee for the Implementation of Textile Agreements which established a previous visa mechanism for certain cotton, wool and man-made fiber textile products, produced or manufactured in Macau.

Under the terms of the Arrangment Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Macau; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 15, 1981, and until futher notice, entry into the cotton, wool and man-made fiber textile and apparel products in Categories 300–369, 400–469 and 600–669, produced or manufactured in Macau and exported on and after October 15, 1981 for which the Government of Macau has not issued an appropriate export visa, fully described below. Merchandise exported before the effective date of this directive shall be permitted entry if visaed in accordance with previously established visa requirements.

The new export visa will be an original circular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commerical invoice when that form is used) and will be signed by an official of the Government of Macau. It will also include its number, the date and show the correct categories and quantities in the shipment in the applicable category units; otherwise, entry will be denied. However, if the quantity indicated on the visa is more than than of the shipment, entry shall be permitted.

Merchandise for the personnal use of the importer and not for resale does not require a visa, regardless of value.

You are further directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton, wool and/or man-made fiber textile and apparel products, produced or manufactured in Macau, notwithstanding the designated shipment or shipments do not fulfill the aforementioned visa requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textile Agreements.

A detailed description of the textitle categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Macau and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in th **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-26912 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; Systems of Records; Annual Publication

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of annual notice of the existence and character of each system of records that the Commodity Futures Trading Commission ("Commission") maintains which contains information about individuals; changes from previous annual notice.

SUMMARY: The purpose of this notice is to announce the existence and character of the systems of records of the Commodity Futures Trading Commission as required by the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a.

Pursuant to 5 U.S.C. 552a(f), the Commission, on September 4, 1975, promulgated rules relating to records maintained by the Commission concerning individuals. (40 FR 41056). The rules, as amended, (17 CFR Part 146) deal with an individual's right to know what information the Commission has in its files concerning him, his right to have access to those records, his right to petition the Commission to have inaccurate or incomplete records amended or corrected, and his right not to have personal information disseminated to unauthorized persons.[1]

Under 5 U.S.C. 552a(e)(4), the Commission is required to publish annually a notice of the existence and character of each system of records it maintains which contains information about individuals. This notice implements this requirement and, when read together with the Commission's rules, and its two previous annual notices, 45 FR 28391–28408 (April 29, 1980) and 46 FR 12042–12049 (February 12, 1981), will provide individuals with the information they need to exercise fully their rights under the Privacy Act.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Jane K. Stuckey, Secretary of the Commission, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–6120.

SUPPLEMENTARY INFORMATION:

Content of System Notices

Each system notice contains the following information:

1. The name of the system;
2. The location of the system;
3. The categories of individuals on whom records are maintained in the system;
4. The categories of records maintained in the system;
5. The authority for maintaining the system;
6. Each routine use of the records contained in the system, including the categories of users and the purpose to each use;
7. The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
8. The title and business address of the agency official who is responsible for the system of records;
9. The agency procedures by which an individual can find out whether the system of records contains a record pertaining to him;
10. The agency procedures by which an individual can find out how he may gain access to any record pertaining to him contained in the system of records, and how he can contest the content of the records; and
11. The categories of sources of records in the system.[2]

The Location of Systems of Records

The eighth item described above calls for the address of the Commission office involved. The Commission maintains offices in the following locations:

2033 K Street, NW., Washington, D.C. 20581, Telephone: (202) 254–3382
2000 L Street, NW., Washington, D.C., Telephone: (202) 254–3067
233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606, Telephone: (312) 353–9499
4901 Main Street, Room 208, Kansas City, Missouri 64112, Telephone: (816) 374–2994
One World Trade Center, Suite 4747, New York, New York 10004, Telephone: (212) 466–2071
Two Embarcadero Center, Suite 1660, San Francisco, California 94111, Telephone: (415) 556–7503
510 Grain Exchange Building, Minneapolis, Minnesota 55415, Telephone: (612) 725–2025

Where multiple locations are involved in a system office notice, rather than listing each address the notice merely identifies the offices and refers to this introductory section for each address. In the system notice, the Washington office is referred to as the "principal office," the Chicago, Kansas City, New York and San Francisco offices as the "regional offices," and all offices collectively are described as "all CFTC offices."

In many cases records within a system will not all be available at each of the offices listed in the system notice. For example, case files are basically maintained in the office where the investigation is being conducted, but certain information may be maintained in other offices as well. Similarly, many but not necessarily all employee records are maintained in the particular office where the employee works. In addition, the Commission's computers are physically located in Chicago and also in the Washington, D.C., headquarters office, although information in computer printout form may be available in any office.

Of course, it will be the Commission's responsibility, unless otherwise specified in the system notice, to determine where the particular records being sought are located. However, if the individual seeking the records in fact knows the location, it would be helpful to the Commission if he would indicate that location.

Scope and Content of Systems of Records

The Privacy Act applies to personal information about individuals. Personal information subject to the provisions of the Privacy Act may sometimes be found in a system of records that might appear to relate solely to commercial matters. For example, the system of records entitled "registration of futures commission merchants"[3] contains essentially business information. However, the application for registration contains a few items of personal information concerning key personnel of the registrant firm. Since the capability exists through the Commission's computer to retrieve information from this system of records not only by use of the name of the futures commission merchant but also by the use of the name of these individuals this information is within the purview of the Privacy Act.[4]

Such a capability would generally not exist, however, in a Commission staff investigation of the activities of the futures commission merchant. Thus, if the investigation were opened under the name of the futures commission merchant, information would be retrievable only under that name. Accordingly, information about principals of a firm under investigation which might be developed during the investigation would generally not be retrievable by the name of the individual, and the provisions of the Privacy Act would not apply.

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[1] The full text of the Commission's rules implementing the Privacy Act should be consulted for a detailed description of the procedures to be followed.

[2] Two systems of records, one relating to investigatory material compiled for law enforcement purposes and the other relating to confidential information obtained during employee background investigations, have been exempted in the Commission's rules from certain requirements of the Privacy Act, as authorized under the Privacy Act, 5 U.S.C. Section 552a(k). Among the requirements from which these systems have been exempted is the requirement that the information listed under items (9), (10), and (11) above be furnished.

[3] A futures commission merchant is someone engaged in soliciting or accepting orders for the purchase or sale of commodity futures in the manner defined in Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2.

[4] See the definition of system of records in the Privacy Act, 5 U.S.C. 552a(a)(5), and Section 146.2(g) of the Commission's Privacy Act rules, 17 CFR 146.2(g).

General Statement of Routine Uses

A principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning an individual. In this connection, the Privacy Act and the Commission's rules prohibit all dissemination except for specific purposes.[5]

The Privacy Act and the rules specifically provide that disclosure may be made with the written consent of the individual to whom the record pertains. Disclosure may also be made to those officers and employees of the Commission who need the record in the performance of their duties. In addition, disclosures are authorized if they are made pursuant to the terms of the Freedom of Information Act, 5 U.S.C. 552.

In addition, the Privacy Act and Commission's rules permit disclosure of individual records if it is for a "routine use," which is defined as a use of a record which is compatible with the purpose for which it was collected. The system notice for each system of records is required to list each of these routine uses.

Many of the routine uses of Commission records are applicable to a number of systems. These include the following:

1. The information in the system may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or any member of the Commission or its staff participates as a party or the Commission participates as amicus curiae, and may be disclosed in response to a supoena issued in the course of a proceeding to which the Commission is not a party.

2. The information may be given to the Justice Department, the Securities and Exchange Commission, the United States Postal Service, the Internal Revenue Service, the Department of Agriculture, the Office of Personnel Management, and to other federal, state or local law enforcement or regulatory agencies for use in meeting responsibilities assigned to them under the law, or made available to any member of Congress who is acting in his capacity as a member of Congress.

3. The information may be given to any board of trade designated as a contract market by the Commission if the Commission has reason to believe this will assist the contract market in carrying out its responsibilities under the Commodity Exchange Act, 7 U.S.C. 1, et seq., and to any national securities exchange or national securities association registered with the Securities and Exchange Commission, to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.

4. At the discretion of the Commission staff, the information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.

5. The information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts some of this information might be considered personal in nature.

6. The information may be disclosed to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter.

7. The information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.

8. The information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person",

To avoid unnecessary repetition of these routine uses, where they are generally applicable the system notice refers the reader to the above desription. Unless otherwise indicated, where the system notice contains a reference to the foregoing routine uses, all of the eight routine uses listed above apply to that system.

System Notices

In the interest of economy, only particular items of those Commission systems of records which have changed during this reporting period are set forth below.

In the annual notice of its system of records published on April 29, 1980, 45 FR 28391–28408, as updated at 46 FR 12042–12049 (February 12, 1981), the Commission published complete information about each system. This further update should thus be read together with the two previous notices.

In addition, the Commission has indicated its intention to revise its system of records, consistent with its revision of registration regulations. In particular, three of these systems of records—CFTC 12, CFTC 20, and CFTC 22—will be altered to include completed fingerprint cards and where appropriate, new forms 8–S and 8–T. The Commission further contemplates the combination of existing systems CFTC–20 into one system of records at that time. See 45 FR 80573–80575 (December 5, 1980). Furthermore, an additional routine use, concerning verification of information submitted for sponsorship purposes has been proposed by the Commission in connection with implementation of final rules relating to registration of associated persons and their sponsorship by futures commission merchants. 45 FR 80539, 80542 (December 5, 1980), 45 FR 80573–80575 (December 5, 1980).

For further information contact: Freedom of Information Act, Privacy Act and Government in the Sunshine Act compliance staff,[6] Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. (202) 254–3382.

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[5] Individuals should refer to the full text of the Privacy Act, 5 U.S.C. 552a(b), and to the Commission's rules for a complete list of authorized disclosures. Only those arising most frequently have been mentioned herein.

[6] Hereinafter referred to as the "FOI, Privacy and Sunshine Acts compliance staff."

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CFTC-2 Correspondence Files
CFTC-3 Docket Files
CFTC-4 Employee Leave, Time and Attendance
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CFTC-6 Employee Travel Records
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CFTC-22 Deleted—Incorporated in CFTC-20
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CFTC-25 Deleted
CFTC-26 Deleted—Incorporated in CFTC-14
CFTC-27 Deleted
CFTC-28 Exchange Disciplinary Action File
CFTC-29 Reparations Complaints

CFTC-5

SYSTEM NAME:

Employee Personnel Records—CFTC.

SYSTEM LOCATION:

These records are maintained in the Personnel Section at 2033 K Street, N.W., Washington, D.C. 20581.

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RETENTION AND DISPOSAL:

The records are maintained in the current file until the employee is terminated or separated, retained for 2 years thereafter, and then destroyed, except for those maintained under the Commission's rules of conduct and the Ethics in Government Act which are maintained until no longer needed or required under applicable law and regulation.

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CFTC-8

SYSTEM NAME:

Employment Applications—CFTC.

SYSTEM LOCATION:

These records are maintained in the Personnel Section at 2033 K Street, N.W., Washington, D.C. 20581.

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RETRIEVABILITY:

Indexed by occupational interest.

SAFEGUARDS:

These records are maintained in lockable cabinets.

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SYSTEM MANAGER(S) AND ADDRESS:

The Personnel Officer of the Commission is the system manager for all records maintained in the Personnel Section.

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CFTC-10

SYSTEM NAME:

Exempted Investigatory Records—CFTC.

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SYSTEM MANAGER(S) AND ADDRESS:

The Director of the Commission's Division of Enforcement is the system manager for all records maintained in this system, except for those records maintained under the Commission's rules of conduct and the Ethics in Government Act which are kept in the Office of the General Counsel as to which the General Counsel is the system manager. Addresses of these offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

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CFTC-12

SYSTEM NAME:

Fitness Investigations—CFTC.

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RETENTION AND DISPOSAL:

The records are maintained on the premises for three years after they become inactive, then held in the Federal Records Center for seven years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Director, Registration Unit, Division of Trading and Markets in the Commission's principal office and the Chief, Registration Branch, Division of Trading and Markets in the Commission's Chicago regional office. Addresses of CFTC offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

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CFTC-15

SYSTEM NAME:

Large Trader Report Files—CFTC.

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CATEGORIES OF RECORDS IN THE SYSTEM:

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2. Reports to be filed by futures commission merchants and foreign brokers.

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b. Large trader reporting form (Series 01 Form). Contains material described in Part 17 of the Commission's rules and regulations, for each "special account." Shows customer account number, reportable position held in each commodity future and information concerning deliveries and exchanges of futures for physicals by persons with reportable positions. These reports are filed in the CFTC office in the city where the contract market involved is located. If there is no CFTC office in that city, they are filed in the office where the CFTC instructs that they be filed.

* * * * *

CFTC-20

SYSTEM NAME:

Registration of Futures Commission Merchants, Commodity Trading Advisors, Commodity Pool Operators, Associated Persons and Floor Brokers.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information pertaining to the fitness and registration of futures commission merchants, commodity trading advisors, commodity pool operators, associated persons and floor brokers. The system includes applications for registration [Form 7-R and related schedules and Form 8-R and related schedule], correspondence relating to registration, and reports containing information developed from various sources outside the agency. A computer system is also maintained that consists primarily of information taken from the Form 8-R. The computerized record contains information on each associated person, floor broker and individual listed on Form 7-R as an officer, partner, sole proprietor, branch office manager, agent, or more than 10 percent stockholder of a futures commission merchant, commodity trading advisor or commodity pool operator. The computer memory contains the name, date and place of birth (optional), social security number (optional), fitness code, membership (floor brokers only), firm affiliation (except floor brokers), business address and resident address (associated persons only) of all individuals and the name, telephone number, telephone contact, fitness code, membership (futures commission merchants only) and business address of all firms. The computer memory also contains education and experience codes for each registered associated person. Microfiche records listing the above information (except experience and education codes) are made on a monthly basis. The microfiche records, as well as non-confidential portions of the application for registration, are considered public records and are available to any person for inspection and copying. In addition, auxiliary records, such as card indexes summarizing information contained in the system are maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4k(2), 4n(1), 8a(1) and 8a(2) of the Commodity Exchange Act, 7 U.S.C. 6f(1), 6k(2), 6n(1), 12a(1) and 12a(2).

* * * * *

RETRIEVABILITY:

By the name of the registrant.

SAFEGUARDS:

Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases, the records are maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

Applications for registration and related documents and correspondence are maintained on the premises for three years after they become inactive, then held in the Federal Records Center for seven years before being destroyed. The computer memory is maintained on the premises permanently and updated periodically as long as the registrant remains active. Computer printouts are maintained on the premises for six months and then destroyed. Computer tapes used to make microfiche records are maintained on the premises for two months and then destroyed. Microfiche records are maintained on the premises permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Registration Branch, Central Region, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606.

* * * * *

RECORD SOURCE CATEGORIES:

The record is made from the application form, information developed during the fitness inquiry and from correspondence between the Commission and commodity and securities exchanges, other government agencies and other persons with relevant information concerning an applicant's or registrant's fitness.

CFTC-28

SYSTEM NAME:

Exchange Disciplinary Action File—CFTC.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Contract Markets Section, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

* * * * *

Issued by the Commission in Washington, D.C. on September 11, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-27065 Filed 9-15-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, U.S. Military Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy.
Dates of Meeting: 5-7 November 1981.
Place of Meeting: West Point, New York.
Time: At West Point:
  2000-2200, 5 November, Board Discussions (Hotel Thayer)
  0800-1200, 6 November, Observe Cadet Academic Classes (Thayer & Mahan Halls)
  1330-1730, 6 November, Board Discussions (Bldg 600)
  0800-1030, 7 November, Board Discussions (Cadet Library)
  1100-1130, 7 November, Attend Cadet Review (The Plain)
  1130-1700, 7 November, Attend Army-Holy Cross Football Game Activities (Michie Stadium)
Proposed Agenda: Inquiry into the USMA Curriculum, civilianization of the USMA faculty, potential use of USMA graduates who were White House Fellows, admissions efforts in a changing demography and other matters relating to the Military Academy that the Board decides to consider. The Board will also draft conclusions and recommendations for their Report to the President.

All proceedings are open. For further information, contact Col. D. P. Tillar, Jr., United States Military Academy, West Point, New York, telephone 914-938-2785/4723.

For the Board of Visitors.

D. P. Tillar, Jr.,

Col., GS, Executive Secretary, USMA Board of Visitors.

[FR Doc. 81-26879 Filed 9-15-81; 8:45 am]

BILLING CODE 3710-08-M

Department of Army Bonus/Awards Schedule for Senior Executive Service (SES)

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule of bonuses to be awarded senior executives in Department of the Army.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Carol D. Smith, Chief, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters, Department of the Army, the Pentagon, Washington, DC 20310, (202) 697-2204.

SUPPLEMENTARY INFORMATION: In accordance with general recommendations provided in the Office of Personnel Management's memo of July 21, 1980, the Department of the Army bonuses are scheduled for payment prior to October 31, 1981.

Carol D. Smith,

Chief, SES Office.

[FR Doc. 81-27013 Filed 9-15-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Mitchell Energy Corp.; Final Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Final Action taken on a Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy announces final action on a Consent Order.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT:
Wayne I. Tucker, District Manager, Southwest District Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

SUPPLEMENTARY INFORMATION: On July 15, 1981 the ERA of the DOE executed a Proposed Consent Order with Mitchell Energy Corporation of The Woodlands, Texas, and a **Federal Register** Notice was published on August 3, 1981. Under 10 CFR 205.199](c), a Proposed Consent Order becomes effectively only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the Proposed Order. At the conclusion of the thirty-day comment period, the ERA had received three notices of claim against the refund amount of the Consent Order and there were no objections received to the Consent Order. Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Mitchell Energy Corporation is an appropriate resolution of the compliance proceeding which it described and it shall become final and effective as proposed, without modification, upon publication of this Notice.

Issued in Dallas, Texas on the 3rd day of September, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-26962 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA82-1-31-001 (PGA82-1, IPR82-1)]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

September 4, 1981.

Take notice that on August 31, 1981 Arkansas Louisiana Gas Company (Arkla) tendered for filing 26th Revised Sheet No. 185 and 4th Revised Sheet No. 185A to its FERC Gas Tariff First Revised Volume No. 3, Rate Schedule No. X-28, to become effective October 1, 1981.

Arkla states that the purpose of 26th Revised Sheet No. 185 is to (1) reflect the cost of purchased gas for the six months period commencing October 1, 1981, (2) recover the accumulated deferred gas costs as of June 30, 1981, and (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contained on 4th Revised Sheet No. 185A effective October 1, 1981.

Arkla also states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26840 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-229-001]

Carnegie Natural Gas Co.; Amendment to Application

September 8, 1981.

Take notice that on August 21, 1981, Carnegie Natural Gas Company (Applicant), 3904 Main St., Munhall, Pennsylvania 15120, filed in Docket No. CP81-229-001 an amendment to its application filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect a limitation of the scope of the proposed transportation service and a reduction in the proposed rate and minimum bill, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that the proposed transportation service, as amended, is available only to Owens-Illinois, Inc. to provide transportation of natural gas from its leaseholds in Marion County, West Virginia, along Applicant's interstate pipeline system to a delivery point at Owens-Illinois, Inc.'s facilities in Clarion County, Pennsylvania. It is asserted that final delivery is to be accomplished by displacement of natural gas volumes by Applicant and Apollo Gas Company, one of Applicant's corporate affiliates.

Applicant submits that a reduced minimum charge of $1,740 based on 6,000 Mcf per month minimum billing is provided in lieu of the proposed minimum of $2,433 in the application. Applicant also asserts that a reduced rate of 29.0 cents per Mcf is provided in lieu of the 32.0 cents per Mcf in the application. Applicant avers that the proposed Rate Schedule T-2 is amended to reflect the aforesaid modified provisions.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26859 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2559-001]

Central Maine Power Co.; Application for Amendment of License

September 8, 1981.

Take notice that on August 25, 1981, Central Maine Power Company (Licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for amendment of its license for the Oakland Project No. 2559 located on Messalonskee Stream near the town of Oakland, Kennebec County, Maine. Correspondence with the Licensee should be directed to: Mr. Jon Readnour, Central Maine Power Company, Edison Drive, Augusta, Maine 04336.

Licensee proposes that its project license be amended to include

Messalonskee Lake with a total storage capacity of 22,270 acre-feet and its 130-foot long, 8-foot high, regulating dam and gatehouse as part of the project. Messalonskee Lake has been providing storage and stream regulation for the Oakland Project and four other licensed projects downstream. No change in the operation of Messalonskee Lake has been proposed.

Anyone desiring to be heard or make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before November 22, 1981. The Commission's address is 825 North Capitol Street, N.E., Washington, D.C. 20426. The Application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-26860 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2662-001]

Connecticut Light & Power Co.; Application for Major License for a Constructed Project

September 4, 1981.

Take notice that an application was filed on January 5, 1981, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by the Connecticut Light and Power Company (Applicant) for a license for the Scotland Hydroelectric Project, FERC No. 2662. The project is located on the Shetucket River near the Town of Windham, Windham County, Connecticut. Correspondence with the Applicant should be directed to: Mr. William G. Counsil, Senior Vice President, Northeast Utilities, P.O. Box 270, Hartford, Connecticut 06101.

Project Description—The Scotland Project consists of: (1) a 183-foot long, 32.5-foot high earthen dike at the west dam abutment; (2) a 119-foot long, 34-foot high gate section containing five 20-foot wide taintor gates; (3) an 89-foot long, 35-foot high Ambursen dam section with 2.5-foot high flashboards; (4) a 134-acre reservoir with a usable storage capacity of 268 acre-feet at a drawdown of 2 feet; (5) a powerhouse located at the east dam abutment, constructed integrally with the dam containing a single 2-MW turbine-generator; (6) 125-foot long generator leads; (7) a switchyard containing three 2,400/23,000-kV step-up transformers; and (7) appurtenant facilities.

Applicant proposes to construct canoe portage facilities on the west side of the project dam.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 9, 1981. Since this application was filed during the term of a preliminary permit, any party intending to file a competing application should review 18 CFR 4.33(h). A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Persons who have made filings in response to an earlier public notice of this application will retain their standing before the Commission and need not resubmit their findings. Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before November 9, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-26841 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-490-000]

Consolidated Gas Supply Corp.; Application

September 4, 1981.

Taken notice that on August 28, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-490-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to and the storage of natural gas for Philadelphia Gas Works (PGW) for a limited term, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to sell up to 3,000,000 dekatherms (dt) equivalent of gas to PGW, commencing on the later of the day following receipt of all regulatory approvals or October 1, 1981. It is stated that Applicant would charge PGW the currently effective rate of $2.7050 per dt equivalent, as specified in Applicant's Rate Schedule E, FERC Gas Tariff, Third Revised Volume No. 1, or any effective superseding rate adjustments.

Applicant further proposes to store up to 3,000,000 dt equivalent of gas for PGW and to withdraw and deliver on a best efforts basis up to 19,868 dt equivalent of gas per day, for a term beginning on the later of the day following receipt of all regulatory approvals or October 1, 1981, and ending on the earlier of twelve months following the effective date or the date all gas has been withdrawn for PGW.

It is submitted that the point of delivery for PGW's gas would be the existing interconnection between the facilities of Applicant and Texas Eastern Transmission Corporation (Texas Eastern) in Westmoreland County, Pennsylvania.

For such storage service, Applicant proposes to charge PGW the currently effective rate of 31.36 cents per dt equivalent of gas, as specified in Applicant's Rate Schedule GSS, FERC Gas Tariff, Third Revised Volume No. 1, applied on an average unit base.

Applicant asserts that no new facilities would be required in order to provide the proposed sale and storage services to PGW, and further, that it

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would treat revenues from such sale in accordance with the provisions of the rate settlement agreement approved by the Commission in the order issued April 3, 1981, in Docket Nos. RP79–22 and RP80–61.

It is indicated that the subject gas supplies and storage services would assist PGW in meeting the requirements of PGW's customers in the upcoming winter heating season. Further, Applicant asserts that the source of the gas supply to be sold to PGW is Applicant's general system supply and that the gas is surplus to the needs of Applicant's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rule of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Engery Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–26842 Filed 9–15–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. TA82–1–33–000]

El Paso Natural Gas Co.; Proposed Change in Rates Pursuant to Purchased Gas Cost Adjustments

September 4, 1981.

Take notice that on August 31, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing a notice of:

(i) a change in rates, effective as of October 1, 1981, for jurisdictional gas service rendered to customers served by its interstate gas transmission system under rate schedules affected by and subject to Section 19, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in the General Terms and Conditions of El Paso's FERC Gas Tariff, Original Volume No. 1;

(ii) a change in rates, effective as of October 1, 1981, attributable to advance payments and transportation costs pursuant to the adjustment mechanisms designed to track such costs provided for in El Paso's Stipulation and Agreement as Restated and Amended ("Extension Agreement") dated and filed on January 16, 1980, at Docket No. RP79–12 (Extension), as approved by Commission order dated May 30, 1980 and gas well royalty and production tax costs pursuant to the adjustment mechanisms provided for in the Extension Agreement and extended pursuant to El Paso's Stipulation and Agreement filed July 13, 1981 at Docket Nos. RP79–12 (Further Extension), CP80–367 and CI80–311 through CI80–320, which Further Extension is presently pending Commission approval.

El Paso states that the total proposed net change in its currently effective rates attributable to the PGAC and tracking mechanism adjustments is an increase of 66.49¢ per Mcf.

To implement the instant notice of change in rates (items (i) and (ii) above), El Paso filed the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A:

Tariff Volume and Tariff Sheet

Original Volume No. 1—Twenty-ninth Revised Sheet No. 3–B, Fourth Revised Sheet No. 159

Third Revised Volume No. 2—Twentieth Revised Sheet No. 1–D

Original Volume No. 2A—Twenty-first Revised Sheet No. 1–C

El Paso states that in the event the Further Extension Agreement at Docket No. RP 79–12 is not approved by the Commission on or before October 1, 1981, El Paso tendered alternate tariff sheets reflecting the elimination of the adjustment attributable to gas well royalty and production tax costs. El Paso respectfully requests that the alternate tariff sheets be made effective on October 1, 1981 in lieu of their respective counterpart sheets, if El Paso's Further Extension Agreement is not approved. The total proposed net change in its currently effective rates attributable to the PGAC reflecting the elimination of said adjustment attributable to gas well royalty and production tax costs is an increase of 67.87¢ per Mcf.

El Paso has requested that waiver be granted of all applicable rules, orders and regulations of the Commission, as may be deemed necessary to permit the effectiveness of its tendered revised tariff sheets on October 1, 1981.

El Paso states that copies of the filing and the enclosures thereto have been served upon all interstate pipeline system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before Sept. 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–26843 Filed 9–15–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5220–000]

Gilead Hydroelectric, Inc.; Application for Preliminary Permit

September 8, 1981.

Take notice that Gilead Hydroelectric, Inc. (Applicant) filed on August 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 5220 to be known as the Gilead Project located on the Androscoggin River in Coos County, New Hampshire and Oxford County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Russell F. Ingram, P.O. Box 19, Colebrook, New Hampshire 03576.

Project Description—The proposed project, an entirely new development, would consist of: (1) a 650-foot long, 55-foot high concrete dam including a 420-foot long gate section with 8 taintor gates; (2) a 600-foot long, 12-foot high, earth dike located about 275 feet south of the dam; (3) a 2200 acre reservoir; (4) a powerhouse, integral with the dam with a single turbine-generator unit, having a total rated capacity of 8 MW; (5) a 700-foot long, 100-foot wide tailrace channel; (6) a transmission line and (7) appurtenant facilities. The project would produce up to 56,570,000 kWh annually. Energy produced at the project would be sold to Central Maine Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Applicant also proposed geotechnical studies in the vicinity of the proposed dam and dike. Geotechnical studies would require core sampling of foundation soils and test pits. No new roads would be required for those studies and Applicant will recover and reseed all disturbed areas. Based on results of these studies Applicant would decide whether to proceed with the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $170,000. Applicant requests a preliminary permit term of 36 months.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 13, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 13, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-26861 Filed 9-15-81; 8:45 am]

BILLING CODE [illegible]

[Docket No. RP81-18]

High Island Offshore System; Settlement Conference

September 4, 1981.

Take notice that on September 15, 1981, at 10:00 a.m., a settlement conference of all interested parties will be convened concerning the issues involved in the above-referenced proceeding. All parties should come prepared to discuss all the remaining issues in this case including issues associated with the separation, handling and transportation of liquids and liquefiables. The conference will be held in a room to be designated for such purposes at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-26844 Filed 9-15-81; 8:45 am]

BILLING CODE [illegible]

[Project No. 4616-000; Project No. 5075-000]

Mitchell Energy Company, Inc. and Village of Marissa, Illinois; Application for Preliminary Permit

September 4, 1981.

Take notice that Mitchell Energy Company, Inc. and the Village of Marissa, Illinois (Applicants) filed on May 1, 1981, and July 13, 1981, respectively, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Projects Nos. 4616 and 5075, respectively to be known as the Rend Lake Dam located on the big Muddy River in Franklin & Jefferson Counties, Illinois. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Mayor Arthur Macke, Village of Marissa, 212 North Main Street, Marissa, Illinois 62257.

Project Description—The Mitchell Energy Company, Inc., proposed project would utilize a U.S. Army Corps of Engineers' dam and reservoir. Project No. 4616 would consists of: (1) a proposed powerhouse located below the existing structure with an estimated installed capacity of 10 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 34.0 GWh.

The Village of Marissa, Illinois' proposed project would utilize a U.S. Army Corps of Engineers' dam and reservoir. Project No. 5075 would consist of: (1) a proposed powerhouse located below the existing structure with an estimated installed capacity of 1.6 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 5.0 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Both Applicants seek issuance of preliminary permits for a period of 24 months, during which time studies would be made to determine the engineering, environmental and economic feasibility of the project. In addition, historic and

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recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. Both Applicants estimate that the cost of the studies would be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 9, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28645 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5224-000]

Modesto Irrigation District; Application for Preliminary Permit

September 4, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5224 to be known as the Dark Canyon and Henderson Canyon Project located on the tributaries to Thomas Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) two 5-foot high natural rock and concrete diversion dams; (2) two diversion conduits or channels with a total length of 10,000 feet; (3) a penstock approximately 3,200 feet long and 28 inches in diameter; (4) a powerhouse with total installed capacity of 4,200 kW; and (5) a 12.5-kV transmission line approximately 5 miles long.

The Applicant estimates that the average annual energy output would be 19.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, environmental, economic and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $45,000.

Competing Applications—This application was filed as a competing application to the Dark Canyon and Henderson Canyon Project No. 4190 filed on February 12, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 12, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above Address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28646 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4952-001]

Modesto Irrigation District Application for Preliminary Permit

September 4, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on July 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4952 to be known as the Swift Creek Power Project located on Swift Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231—11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 4-foot high concrete diversion structure (2) a 14,500-foot long open ditch and 48-inch diameter conduit combination; (3) a 48-inch diameter, 5,200-foot long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 4,300 kW, and (5) a ½-mile long, 12-kV transmission line. The average annual energy output is 16.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required for conducting these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $45,000.

Competing Applications—This application was filed as a competing application to the Swift Creek Power Project No. 4516 filed on April 13, 1981, by Power Resources, Inc. Under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commisssion's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the orginal and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26847 Filed 9-15-81; 8:45 am]

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[Project No. 4679-000; Project No. 4683-000]

Power Authority of the State of New York and Long Lake Energy Corp.; Applications for Preliminary Permit

September 4, 1981.

Take notice that the Power Authority of the State of New York and Long Lake Energy Corporation (Applicants) filed on May 18, 1981, applications for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Projects Nos. 4679 and 4683, respectively, known as the Vischer Ferry Project located on the Mohawk River in Saratoga and Schenectady Counties, New York. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Thomas R. Frey, Esq., General Counsel, Power Authority, State of New York, 10 Columbus Circle, New York, New York 10019, and Messrs. Paul J. Elston and Donald E. Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The two proposed run-of-the-river projects would consist of existing project works to include: (1) Vischer Ferry Dam, owned by the State of New York, a concrete gravity structure consisting of three spillway sections with a total length of about 2,085 feet and a maximum height of about 33 feet at spillway crest elevation of 210 feet m.s.l. and provisions for 27-inch flashboards; (2) a reservoir with a surface area of 1,047 acres and storage capacity of 25,000 acre-feet at a surface elevation of 210 feet m.s.l.; and (3) the lock gates at Lock No. 7 at the west abutment of the dam.

Additional project works (at the east abutment of the dam) for Project No. 4679 would include: (1) an existing intake structure and headrace; (2) an existing powerhouse with an installed capacity of 5,600 kW and a proposed additional capacity of 6,800 kW; (3) existing discharge draft tubes; and (4) other appurtenances. Applicant estimates annual generation for project No. 4679 would average about 65,300,000 kWh. Project energy would be marketed based on project cost and market conditions at project completion.

Additional project works (at the east abutment of the dam) for Project No. 4683 would include: (1) a new intake structure modifying the existing gated spillway; (2) a new power canal; (3) a new powerhouse with installed capacity of 5,600 kW; (4) a new tailrace; (5) new switchyard and transmission facilities; and (6) other appurtenances. Applicant estimates annual generation for Project No. 4683 would average about 17,000,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Power Authority of the State of New York (PASNY) seeks issuance of a preliminary permit for a period of 24 months, and Long Lake Energy Corporation (LLEC) for a period of 36 months. During the term of the permit, each Applicant would accomplish hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. PASNY estimates the costs of studies under the permit would not exceed $50,000, and LLEC estimates costs of studies would not exceed $110,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 7, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described applications. (Copies of the applications may be obtained by agencies directly from the Applicatants). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-26848 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5201-000]

Puget Sound Power and Light Co.; Application for Preliminary Permit

September 4, 1981.

Take notice that Puget Sound Power and Light Co. (Applicant) filed on August 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791 (a)-825(r)] for Project No. 5201 to be known as the Deadhorse Creek Project located on Deadhorse Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power and Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The proposed project would consist of: (1) a 25-foot high, 120-foot long concrete gravity dam; creating (2) a reservoir with a total surface area of less than one acre at elevation 3,575 feet; (3) a 10-foot diameter 3,900-foot long tunnel; (4) a 48-inch diameter, 5,200-foot long steel penstock; (5) a reinforced concrete powerhouse to contain a single generating unit with a rated capacity of 6,060 kW; (6) an excavated tailrace; (7) a 1,000-foot long road for access to the powerhouse; and (8) a 1,600-foot long, 55-kV transmission line extending from the powerhouse to an existing line. The average annual energy output is 23.4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $250,000.

Competing Applications—This application was filed as a competing application to the Deadhorse Creek Project No. 4282 filed on March 2, 1981, by Mountain Water Resources under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intevene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practices and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 5201. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-26849 Filed 9-15-81; 8:45 am]

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[Docket No. QF81-42-000]

John Root; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 8, 1981.

On July 7, 1981, John Root filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a Jacobs 10 kilowatt Wind Electric System to be located in Holy Cross, Iowa. The primary energy source of the facility is wind. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility. Applicant states that this is the only unit installed at the site owned by John Root.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within

30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26862 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5186-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

September 4, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5186 to be known as the Melvern Lake Dam near Melvern, Kansas Located on Melvern Lake on the Marais des Cygnes River in Osage County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, Inc., 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 5186 would consist of: (1) an existing flood control gate; (2) an existing conduit to be used as a penstock; (3) a proposed powerhouse to be built at the end of the existing conduit; (4) a proposed tailrace; (5) a proposed transmission line to run from the powerhouse to a Kansas Power and Light substation in Melvern, 3⅛ miles from the proposed site; and (6) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 2.0 MW and the annual energy output to be 4.0 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 12 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 9, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petition To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26850 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5148-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

September 4, 1981.

Taken notice that San Juan Hydro, Inc. (Applicant), filed on July 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5148 to be known as the Clinton Lake Dam near Lawrence, Kansas located on Clinton Lake on the Wakarusa River in Douglas County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, Inc., 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineer's dam and reservoir. Project No. 5148 would consist of: (1) an existing flood control gate; (2) an existing conduit to be used as penstock; (3) a proposed powerhouse to be built at the end of the existing conduit; (4) a proposed tailrace; and (5) a proposed transmission line to run from the powerhouse to a Kansas Power and Light substation one-half mile north of the proposed site. Applicant estimates the capacity of the proposed project to be 2.0 MW and the annual energy output to be 3.0 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 12 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be $12,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 7, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent

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allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26951 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5231-000]

Tehama County Flood Control & Water Conservation District; Application for Preliminary Permit

September 4, 1981.

Take notice that the Tehama County Flood Control & Water Conservation District (Applicant) filed on August 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5231 to be known as the North Elder Creek Project located on North Elder Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence A. Coleman, Director of Water Resources, Tehama County Flood Control & Water Conservation District, Route 1, Box 4, Gerber, California 96035.

Project Description—The proposed project would consist of:

(A) The Upper Facility consisting of:

(1) a natural rock and concrete diversion structure;

(2) a 7,920-foot long diversion conduit;

(3) a 1,100-foot long, 42-inch diameter steel penstock;

(4) a 25-foot wide by 30-foot long powerhouse containing one generating unit rated at 7,000 kW; and

(5) a 12.5-kV transmission line.

The average annual energy output is estimated to be 22.0 kWh.

(B) The Middle Facility consisting of:

(1) a rubble masonry diversion structure;

(2) a 4,000-foot long diversion conduit;

(3) a 270-foot long, 24-inch diameter steel penstock;

(4) a 15-foot wide by 20-foot long powerhouse, containing one generating unit rated at 900 kW; and

(5) a 12.5-kV transmission line.

The average annual energy output is estimated to be 4.4 million kWh.

(C) The Lower Facility consisting of:

(1) a rubble masonry diversion structure;

(2) a 8,000-foot long diversion conduit;

(3) a 1,350-foot long, 36-inch diameter steel penstock;

(4) a 15-foot wide by 25-foot long powerhouse containing one generating unit rated at 2,400 kW; and

(5) a 12.5-kV transmission line.

The average annual energy output is estimated to be 11.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $65,000 to $130,000.

Competing Applications—This application was filed as a competing application to the North Elder Creek Project No. 4074 filed on January 29, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 5231. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26953 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5232-000]

The Tehama County Flood Control and Water Conservation District; Application for Preliminary Permit

September 4, 1981.

Take notice that the Tehama County Flood Control & Water Conservation District (Applicant) filed on August 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5232 known as the Dark Canyon and Henderson Canyon Project located on the Thomas Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence A. Coleman, Director of Water Resources, Tehama County Flood Control & Water Conservation District, Rt. 2, Box 9, Gerber, California 96035.

Project Description—The proposed project would consist of: (1) two 12-foot high rubble-masonry diversion structures; (2) two diversion conduits with a total length of 2.5 miles; (3) a 3,200-foot long and 36-inch diameter penstock; (4) a powerhouse containing one generating unit rated at 3,900 kW; and (5) a 4-mile long transmission line. The Applicant estimates that the average annual energy output would be 14.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $80,000 to $140,000.

Competing Applications—This application was filed as a competing application to the Dark Canyon and Henderson Canyon Project No. 4190 filed on February 12, 1981, by Consolidated Hydroelectric Inc., under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-70854 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-474-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

September 8, 1981.

Take notice that on August 20, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-474-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Gulf Oil Corporation (Gulf) pursuant to a gas transportation agreement dated August 14, 1981, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the transportation agreement it would receive and transport natural gas for Gulf from the terminus of the South Pass 77 Project which is jointly owned by Applicant and Columbia Gulf Transmission Company (Columbia Gulf) to a delivery point onshore at Applicant's side valve 527A-320 on Applicant's 30-inch pipeline near the inlet of Gulf's Venice Plant in Plaquemines Parish, Louisiana. It is asserted that the agreement would become effective on the date of its execution and would remain in full force and effect for a period equal to the term of a construction, ownership, operating and maintenance agreement for Project SP 77.

It is stated that Gulf would pay Applicant for providing such transportation service a monthly volume charge of 1.44 cents per Mcf with provision for a minimum monthly bill. It is also stated that Gulf would provide Applicant a volume of gas equal to 1.2 percent of the volumes received for transportation each day to compensate for Applicant's system fuel and use requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26663 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-479-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

September 8, 1981.

Take notice that on August 24, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-479-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.208 of the Commission's Regulations for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Con Ed) for a limited term, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to transport for a period commencing September 1, 1981, and ending October 31, 1981, up to 20,000 Mcf of natural gas per day for Con Ed which gas would be purchased by Con Ed from Connecticut Natural Gas Corporation (Connecticut Natural). It is submitted that Applicant would receive such gas at Applicant's existing Greenwich sales meter station in fairfield County, Connecticut, and would subsequently deliver equivalent quantities to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Con Ed at Applicant's existing Rivervale sales meter station in Bergen County, New Jersey.

For such transportation service, Applicant proposes to charge Con Ed 1.76 cents per Mcf of natural gas delivered to Transco.

It is asserted that Con Ed would use the subject gas solely to displace fuel oil in its electric generating station.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26664 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-296-000]

Tennessee Gas Pipeline Co.; a Division of Tenneco Inc.; Environmental Inspection of Route of Proposed Pipeline

September 4, 1981.

Notice is hereby given that from September 21, 1981, to September 23, 1981, members of the staff of the Federal Energy Regulatory Commission, accompanied by representatives of Tennessee Gas Pipeline Company (Tennessee), will conduct an environmental inspection of the pipeline construction route proposed by Tennessee in Docket No. CP81-296-000. The proceeding in Docket No. CP81-296-000 is one element of a larger proposal to import volumes of natural gas from Canada by Tennessee and by Boundary Gas, Inc., a consortium of thirteen local distribution companies and one interstate pipeline company. The inspection will be conducted by means of an overflight of the proposed route.

Further information concerning the nature and purpose of this inspection may be obtained by contacting Mr. James Daniel of the Commission's Environmental Evaluation Branch at (202) 357-9042.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26653 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4857-001]

Trans Mountain Construction Co.; Application for Preliminary Permit

September 8, 1981.

Take notice that Trans Mountain Construction Co. (Applicant) filed on June 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 4857 to be known as the Blue Valley Ranch, Unit Number 3, Project located on King Creek in Grand County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 19000 West 58*th* Avenue, Golden, Colorado 80401.

Project Description— The proposed project would consist of existing Upper and Lower Spring Sites (a) The Upper Spring Development would include: (1) a proposed 5,000-foot long, 4-inch diameter P.V.C. waterline to convey the water of the existing Upper Spring through; (2) a proposed turbine-generator having a rated capacity of 4.01 kW; (3) a proposed 750 gallon tank; and (4) 1 mile of 14.4-kV proposed transmission line. (B) The Lower Springs development would include: (1) the use of the proposed 750 gallon collection tank to collect the water from the existing Lower Springs, which will be conveyed by: (2) 1 mile of proposed 6-inch diameter P.V.C. waterline to; (3) a proposed turbine-generator with a rated capacity of 1.25 kW; and (4) 1 mile of proposed 14.4-kV transmission line. The total head for the Upper Site will be 880 feet, the anticipated flow is 30 gallons per minute. The total head for the Lower Site will be 200 feet, the anticipated flow is 40 gallons per minute. The land within the project boundary, the pipeline right-of-way, and the water rights are owned by Vidler Tunnel Water Company. The applicant estimates that the the average annual energy output would be 10,930 kWh for the Lower Site and 34,948 kWh for the Upper Site.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the requested permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 14, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Any one may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26866 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51316; TSH-FRL-1933-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-435 and 436, November 2, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51316]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-435	George Bagley	202-426-2601	E-210.
81-436	George Bagley	202-426-2601	E-210.

Mail address of notice manager: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-435

Close of Review Period. December 2, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. 1-(2-nitrophenyl) ethanone.

Use. The manufacturer states that the PMN substances will be used as a site-limited intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	200	500
2d year	200	500
3d year	200	500

Physical/Chemical Properties.

Boiling point. 159°C at 16mm/Hg

Toxicity Data

Acute oral LD$_{50}$ (rats)—400-800 mg/kg (mice)—800-1,600 mg/kg

Acute dermal LD$_{50}$—> 20 ml/kg

Eye irritation—Slight

Acute intraperitoneal LD$_{50}$ (rats)—400-800 mg/kg

(mice)—800-1,600 mg/kg

Acute inhalation—Slightly toxic

Ames Salmonella—Non-mutagenic

Exposure. The manufacture states that during manufacture and use up to five workers may experience dermal and inhalation exposure for a maximum of 0.5 hrs/day, 10 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that there will be no release to the land or water and essentially none to the air. Wastes generated during manufacture will be disposed of by incineration.

PMN 81-436

Close of Review Period. December 2, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstitutedheteropolycycle.

Use. The manufacturer states that the PMN substance will be incorporated as a minor component in an article for commercial use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	25	[illegible]
2d year	[illegible]	150
3d year	[illegible]	[illegible]

Physical/Chemical Properties

Solubility:
Water—> 0.1%
Octanol—> 0.1%
Melting point—224°C

Toxicity Data

Acute oral LD_{50}—> 3,000 mg/kg
Acute dermal LD_{50}—> 1,000 mg/kg
Skin irritation—Slight

Exposure. The manufacturer states that during manufacture up to 10 workers may experience dermal and inhalation exposure for a maximum of 4 hrs/day, 4 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that there will be no release to the land or water and essentially none to the air. Wastes generated during manufacture will be disposed of by incineration.

Dated: September 9, 1981.

Denise F. Swink,
Acting Director for Management Support Division.

[FR Doc. 81-26906 Filed 9-15-81; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51314; TSH-FRL-1933-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of fourteen PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-319—September 22, 1981. PMN 81-382—October 5, 1981. PMN 81-412—October 26, 1981. PMN 81-414, 81-415, 81-416, 81-417, and 81-418—October 30, 1981. PMN 81-419, 81-420, 81-421, 81-422, 81-423, and 81-424—October 31, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51314]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-319	Richard Green	(202-426-2601)	E-208.
81-382	George Bagley	(202-426-2601)	E-210.
81-412	Kathleen Ehrensberger.	(202-426-8815)	E-222.
81-414	Carrie Berlin	(202-426-8815)	E-222.
81-415	Carrie Berlin	(202-426-8815)	E-222.
81-416	Wendy Cleland-Hamnett.	(202-426-0503)	E-229.
81-417	Kathleen Ehrensberger.	(202-426-8815)	E-222.
81-418	George Bagley	(202-426-2601)	E-210.
81-419	George Bagley	(202-426-2601)	E-210.
81-420	Mary Cushmac	(202-426-0503)	E-229.
81-421	Rose Allison	(202-426-8815)	E-222.
81-422	Rose Allison	(202-426-8815)	E-222.
81-423	Cynthia Work	(202-426-0503)	E-229.
81-424	George Bagley	(202-426-2601)	E-210.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-319

Close of Review Period. September 27, 1981.

Importer's Identity. Naarden International USA Inc., 919 Third Avenue, New York, NY 10022.

Specific Chemical Identity. 2,4-dimethyl-4 phenyltetrahydrofuran.

Use. The importer states that the PMN substance will be used as an aroma chemical to be used in fragrance.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	10	40
2d year	20	80
3d year	100	250

Physical/Chemical Properties

Density $d\frac{20}{20}$ 0.992

Refraction index $n\frac{20}{D}$ 1.518

Solubility in alcohol 80% @ 20° C—1:0, 9 and more
Boiling point—5 mm/kg—90° C
Flash point—96° C
Solubility Water—1 a' 2 g/1

Toxicity Data

Oral toxicity LD_{50} (rats)—5,000 mg/kg
Primary skin irritation (rabbits)—Moderate irritant
(Guinea pigs)—No irritant
Eye irritation (Draize) (rabbits)—Irritant
Sensitization (guinea pigs)—No sensitization
Ames Salmonella—No mutagenic activity

Exposure. The importer states that during manufacture exposure may occur only when the product is used for compounding.

Environmental Release/Disposal. The importer states that discharge of the compound to land or water would only result from an accidental spill. Disposal is by incineration.

PMN 81-382

Close of Review Period. November 3, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of disubstitutedbenzene, disubstitutedbenzene and substitutedacrylic acid.

Use. The manufacturer states that the PMN substance will be used as an article for commercial use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	30	50
2d year	30	90
3d year	30	90

Physical/Chemical Properties

Solubilities:
Water—<0.1%
Octanol—<0.1%
Glass Transition Temperature—112° C

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg
Acute dermal LD_{50}—>1,000 mg/kg
Skin irritation—Slight

Exposure. The manufacturer states that during manufacture and processing, dermal and inhalation exposure may occur for up to 15 people for a maximum of 0.5 hr/day for up to 10 days/yr during manual transfer operations. The average concentration during these operations is expected to be 0-2 mg/m³ with a potential maximum concentration of 10-30 mg/m³.

Environmental Release/Disposal. The manufacturer states that there will be no release of the new chemical substance to the land and essentially none to the air and water during manufacture and processing. Waste generated during processing and a small part of the waste generated during manufacturing will be treated in a biological treatment system. The insolubles removed from this system will be incinerated. Any discharge will be in accordance with a National Pollution Discharge Elimination System (NPDES) Permit. Based on the very low volume of the polymer, there will be essentially no risk to the environment from the commercial use of the article.

PMN 81-412

Close of Review Period. November 25, 1981.

Manufacturer's Identity. Celanese Plastics and Specialties Company, 26 Main Street, Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymeric alkenoic acid ester of substituted hydroxyalkyl, aryl ether.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a component of coating.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	10,000
2d year	5,000	200,000
3d year	5,000	500,000

Physical/Chemical Properties

100% non-volatile—Assumed
Viscosity—Solid at 25° C
Acid value—<5

Toxicity Data

Ames Salmonella—Not mutagenic

Further toxicity testing in progress.

Exposure. The manufacturer states that during manufacture and processing 70 workers may experience dermal exposure 16 hrs/day, 25 days/yr. The process is primarily a closed batch process. Contact is likely to occur only during filling, sampling, and cleaning operations.

Environmental Release/Disposal. Materials requiring treatment or disposal are filter sludge and cleaning solvents from reactor. Filter sludge is disposed of in an approved chemical landfill. Cleaning solvents are recycled; eventually they are recovered by distillation or disposed of by incineration or in an approved landfill.

PMN 81-414

Close of Review Period. November 29, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million
Manufacturing site—Mid Atlantic region
Standard Industrial Classification Code—282

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyalkanediol polyurethane.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Liquid
Percent solids—24–26
Viscosity @ 25° C—1,000–2,000 cps
Octanol/Water Partition Coefficient—0.008
Specific gravity—1.03
Flash point—Not applicable

Toxicity Data. No toxicity data are available on the chemical substance.

Exposure. The manufacturer states that the new chemical substance will be handled primarily in a bulk form by industrial workers in a contained use with low potential for skin or eye exposure. Consumers will only have potential for exposure to the new chemical substance highly diluted in a formulated product in a dispersive use. Environmental releases are expected to be minimal.

Environmental Release/Disposal. The manfacturer states that no release of the new substance to air is expected. Trace amounts of the new chemical substance could be discharged to plant water discharge streams as a result of kettle cleaning operations. No discharge to land is expected except for possible accidental spills which would be discharged on inert material and landfilled in approved facilities.

PMN 81-415

Close of Review Period. November 29, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million
Manufacturing site—Mid Atlantic region
Standard Industrial Classification Code—282

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of a propenoic acid derivative and a heteromonocycle.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Liquid
Percent solids—25
Viscosity @ 25° C—1,000–2,000 cps
Octanol/Water Partition Coefficient—0.063
Specific gravity—1.03
Flash point—68° F

Toxicity Data. No toxicity data are available on the chemical substance.

Exposure. The manufacturer states that the new chemical substance will be handled primarily in a bulk form by industrial workers in a contained use with low potential for skin or eye exposure. Consumers will only have potential for exposure to the new highly diluted chemical substance in a formulated product in a dispersive use. Environmental releases are expected to be minimal.

Environmental Release/Disposal. The manufacturer states that no release of the new substance to air is expected. Trace amounts of the new chemical substance could be discharge to plant water discharge streams as a result of kettle cleaning operations. No discharge to land is expected except for possible accidental spills which would be discharged on intert material and landfilled in approved facilities.

PMN 81-416

Close of Review Period. November 29, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl sunbstituted polyalkylene polyamine.

Use. The manufacturer states that the PMN substance will be used as an epoxy crosslinking agent.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—>260° C
Vapor pressure @ 38° C—37 Torr
Specific gravity @ 25° C—0.88 g/ml
Amine number—830–920
Viscosity @ 25° C—7–8cps
Solubility;
  Water—Very slightly soluble
  Alcohol—Very soluble
  Hydrocarbons—Very soluble

Toxicity Data

Acute oral LD_{50} (rats)—0.3–0.6 g/kg of body weight
Acute dermal toxicity LD_{50} (rabbits)—1.28± 0.31 g/kg of body weight
Primary skin irritation (rabbits)—Extremely irritating

Eye irritation (rabbits)—Extremely irritating

Acute inhalation toxicity LD_{50} (rats)—>329 parts per million (ppm)

Skin sensitization (guinea pigs)—Strongly sensitive

Exposure. The manufacturer states that during manufacture 1 worker may experience dermal and inhalation exposure 2 hrs/day, 12 days/yr. During processing and/or use workers may experience dermal and inhalation exposure 3–24 hrs/yr.

Environmental Release/Disposal. the manufacturer states that 175 lbs/yr of water distillate may be released to water while off-grade product and solid or semi-solid paint may be sent to landfill.

PMN 81–417

Close of Review Period. November 29, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—Mid Atlantic region

Standard Industrial Classification Code—285; e

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified poly(urea/urethane).

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year		2,000
2d year		[illegible]
3d year		4,000

Physical/Chemical Properties

NCO Equivalent weight—2,000–3,000 pms

Viscosity—2,000–15,000 cps

Flash point—95° F

Residual—81 ppm

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing, a total of 79 workers may experience eye and dermal exposure 24 hrs/day, 20 days/yr. Exposure may occur during sample extraction, container filling, and batch charging operations.

Environmental Release/Disposal. The manufacturer states that trace amounts of the solvent used in the manufacture of the new chemical substance may be the only significantly released material. An exhaust is employed to remove solvent vapors. A scrubber is employed to clean reactor vapors. Clean air is passed to the atmosphere. Solvent is used to clean the equipment and is reclaimed by distillation. Sludge is incinerated.

PMN 81–418

Close of Review Period. November 29, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Nitropolyhaloalkylbenzenepolyamine.

Use. The manufacturer states that the PMN substance will be used as a captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—118–120° C. Thermally unstable above 150°C. Soluble in acetone and ethanol. Insoluble in water.

Toxicity Data

Oral toxicity LD_{50} (rats)—> 500 mg/kg

Dermal toxicity LD_{50} (rats)—> 500 mg/kg

Rabbit occular irritation—Slight irritant

Inhalation toxicity LC_{50}—> 0.64 mg/1

Ames Salmonella—Non-mutagenic

Exposure. The manufacture states that during manufacture 2 workers may experience dermal and inhalation exposure 8 hrs/day, 6 days/yr.

Environmental Release/Disposal. The manufacturer states that environmental release is negligible. Vapors will be condensed. Liquid wastes will be either thermally oxidized or biotreated on site.

PMN 81–419

Close of Rēview Period. November 30, 1981.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aliphatic ester.

Use. Claimed confidential business information.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	10	100
2d year	10	1,000
3d year	100	2,000

Physical/Chemical Properties

Appearance—Liquid

Color—Pale to yellow

Refractive index @ 25° C—1.456–1.464

Specific gravity @ 25° C—0.952–0.972

Flash point—Above 100° F

Toxicity Data

Acute oral toxicity LD_{50} (rats)—4.2 gm/kg

Acute dermal toxicity LD_{50} (rabbits)—> 2.0 gm/kg

Primary skin irritation (rabbits)—Non-irritant

Primary eye irritation (rabbits)—Non-irritant

Repeated Insult Patch Test/Photosensitization Study in Human Subjects—Not a primary irritant.

Exposure. The importer states that the anticipated concentration of the substance as sold will range from less than 0.1% to more than 10%. The main exposure to workers in customer locations will be in the workplace air. Based on the vapor pressure of the substance and its anticipated concentration, the exposure concentration to workers would be expected to be less than 1 ppm. The duration and frequence of exposure and the number of workers exposed is unpredictable.

Environmental Release/Disposal. No date were submitted.

PMN 81–420

Close of Review Period. November 30, 1981.

Importer's Identity. American Cyanamid, One Cyanamid Plaza, Wayne, NJ 07470.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Organo phosphorus-containing acid.

Use. The importer states that the PMN substance will be used in separation of cobalt from aqueous cobalt/nickel solutions.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50} (rats)—2.10 g/kg for males; 1.75 g/kg for females

Acute dermal toxicity LD_{50} (rabbits)—Slightly irritating

Eye irritation—Mildly irritating

Ames Salmonella—Non-mutagenic

Exposure. The importer states that the potential risk of inquiry to human health is extremely low because of insignificant human exposure and low toxicity.

Environmental Release/Disposal. The importer states that the economics of metals solvent extraction dictate minimal loss of substance to the environment.

PMN 81–421

Close of Review Period. November 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million
Manufacturing site—East North Central
Standard Industrial Classification Code—285

Specific Chemical Identity. Bisphenol A-epichlorohydrin resinmixed acrylic polymer.

Use. The manufacturer states that the PMN substance will be used as a component of a metal coating.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

	Aqueous dispersion	Neat polymer
pH	7.2	
Non volatiles (percent)	20	
Weight/Gallon (pounds per gallon)	8.4	
Viscosity (poise)	1	[1]
Flash point (degrees fahrenheit)	112	
Molecular weight		35,000
Solubility		[2]

[1] Semisolid.
[2] Acetones, aromatics, esters, glycol ethers.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and disposal a total of 11 workers may experience dermal exposure 5 hrs/day, 210 days/yr. Potential for contact exists during fill off and filtration stages of the reaction process. During the cleaning and reconditioning of drums exposure may occur when the bung and drum head are removed.

Environmental Release/Disposal. No data were submitted.

PMN 81–422

Close of Review Period. November 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million
Manufacturing site—East North Central
Standard Industrial Classification Code—285

Specific Chemical Identify. Polymer of alkylpropenoate, propenoic acid, substituted propenoic acid, and vinyl benzene.

Use. The manufacturer states that the PMN substance will be used in an intermediate used in metal coating formulation.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	50,000
2d year	75,000	150,000
3d year	300,000	600,000

Physical/Chemical Properties

	Neat polymer	Polymer solution
Molecular weight	56,000	50% in ethylene glycol ethyl ether acetate
Solubility	Aromatics, ketones, esters, glycol ethers.	
Viscosity	Very heavy	300 poise.
Weight/Gallon		8.65 lbs/gal.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, and disposal an average of 4 workers may experience dermal exposure 10 hrs/day, 88 days/yr. Exposure may occur during fill off, filtration, and transfer of substance from drum to processing tank. During the cleaning and reconditioning of drums exposure may occur when the bung and drum head are removed.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated.

PMN 81–423

Close of Review Period. November 30, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: alkenyl succinic acid, monoester.

Use. The manufacturer states that the PMN substance will be used as a lubricant additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50} (rats—>16.0 gm/kg
Primary skin irritation (Draize) (rabbits)—Not a primary irritant
Primary eye irritation (Draize) (rabbits)—Not a primary irritant

Exposure. Claimed confidential business information.

Environmental Release/disposal. Claimed confidential business information.

PMN 81–424

Close of Review Period. November 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided: Manufacturing site—East North Central region Standard Industrial Classification Code—286; e

Specific Chemical Identity. Polyurethane thermoplastic.

Use. The manufacturer states that the PMN substance will be used as a thermoplastic resin.

Production Estimates. Claimed confidential business information.

Physical/chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50} (rats)—>5 g/kg

Exposure. Claimed confidential business information.

Environmental Release/disposal. The manufacturer states that solid polyurethane plastic waste is containerized in a cardboard box and disposed of in a sanitary landfill via a licensed commercial carting service.

Dated: September 4, 1981.

Linda K. Smith,
Acting Director for Management Support Division.

[FR Doc. 81–26906 Filed 9–15–81; 8:45 am]

BILLING CODE 6560–31–M

[OPP–38501; PH–FRL–1934–]

Maleic Hydrazide; Notification of Issuances of Notices of Intent To Suspend Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This action is being taken because registrants of diethanolamine maleic hydrazide (DEA–MH) formulations have failed to comply with a requirement to arrange for the submission of additional data as specified in an August 14, 1980 Order and Notice under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act. In addition, registrants who did not respond to the August 14, 1980 Order and Notice will receive Notices of Intent to Suspend both diethanolamine maleic hydrazide and potassium maleic hydrazide (K–MH) registrations.

V 46 6 SE 16 81 1 UMI

DATE: Persons adversely affected by this Notice may contest these suspension actions by requesting a hearing by October 16, 1981.

ADDRESS: Written requests for a hearing should be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. M-3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jerry Moore, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Environmental Protection Agency, Rm. 711G, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7420).

SUPPLEMENTARY INFORMATION: This suspension action is being taken under the authority of section 3(c)(2)(B)(iv) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA).

On August 14, 1980, the agency issued an Order and Notice requiring registrants to take steps to submit additional data on the herbicide maleic hydrazide in its diethanolamine and potassium formulations.

The August 14, 1980 request for additional data gave registrants 90 days to respond to the Agency. On December 31, 1980, the Agency granted all registrants an additional 45 days to respond, making March 16, 1981, the final response date.

The Agency has received a commitment from one registrant to produce and submit the required data on the potassium formulation. However, no registrant has agreed to initiate studies required for the diethanolamine formulation. The Agency has therefore decided to notify all DEA-MH manufacturers of its intent to suspend all DEA-MH registrations. Furthermore, registrants who did not respond to either the August 14, 1980 Order and Notice or the December 31, 1980 time extension will have all their DEA-MH and K-MH registrations suspended. None of these suspension actions, however, will in any way limit the registrants' production of either DEA-MH or K-MH for export purposes.

Each suspension will become final and effective within 30 days of your receipt of this Notice. Registrants may attempt to avoid suspension by either requesting a hearing within 30 days from receipt of the Notice of Intent to Suspend or by taking appropriate steps as outlined in the August 14, 1980 Order and Notice.

If a hearing is requested by a registrant or a person adversely affected, the only matters for resolution at the hearing shall be whether the registrant has failed to take the action that served as the basis for issuance of the Notice of Intent to Suspend the registration of DEA-MH or K-MH and whether the Administrator's determination with respect to disposition of existing stocks is consistent with FIFRA.

If no hearing is requested, the suspension will become effective within 30 days of your receipt of this Notice. Each suspension will prohibit the sale, offering for sale, holding for sale, shipment, delivering for shipment, or receiving and, having so received, delivering or offering to deliver to any person any DEA-MH or K-MH products the registrations of which have been suspended by the Administrator.

Registrants who responded in a timely manner to the August 14, 1980 Order and Notice and who are receiving Notices of Intent to Suspend their DEA-MH registrations, and any distributors of their products, will be allowed to sell or distribute existing stocks of DEA-MH products which are packaged, labeled and released for shipment on or before the effective date of the suspensions. Furthermore, such existing stocks of DEA-MH products may be used at any time thereafter. Registrants who made no response to the Agency will receive no provisions for the disposition of their existing stocks.

Finally, each registrant whose registrations are affected by this suspension action is required to inform purchasers or distributors of their DEA-MN or K-MH products of the suspension and its constraints.

Dated: September 8, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-26907 Filed 9-15-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-59062; TSH-FRL-1934-3]

Polymer of Disubstitutedbenzene, Disubstitutedbenzene and Substitutedacrylic Acid; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by October 17, 1981. Persons should submit written comments on the application no later than October 1, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street SW., Rm. E-210, Wshington, DC 20460, 202-426-2601.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before October 1, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M Street, SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59058]". Comments received may be seen in Rm. E-107 between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

TME 81-32

Close of Review Period. October 17, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of disubstitutedbenzene, disubstitutedbenzene, and substitutedacrylic acid.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the TME substance will be used as a minor constituent of an article for commercial use.

Production Estimates

	Maximum (kilograms)
4 months	50

Physical/Chemical Properties

Solubilities:
Water—<0.1%
Octanol—<0.1%
Glass Transition Temperature 112° C.

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. The submitter states that there will be no release of the new chemical substance to the land and essentially none to the air or water during manufacture and processing. Waste generated during processing and a small part of the waste generated during manufacturing will be treated in a biological treatment system. The insolubles removed from this system will be incinerated. Any discharge will be in accordance with National Pollution Discharge Elimination System (NPDES) Permit. Most wastes generated during manufacture will be incinerated in compliance with applicable federal and state regulations.

Dated: September 4, 1981.

Linda K. Smith,

Acting Director for Management Support Division.

[FR Doc. 81-28908 Filed 9-15-81; 8:45 am]

BILLING CODE [illegible]

[FRL-1934-4]

Receipt of Application Pursuant to the Steel Industry Compliance Extension Act of 1981: National Steel Corp.

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt.

SUMMARY: On July 20, 1981 EPA received an application from the National Steel Corporation pursuant to the Steel Industry Compliance Extension Act of 1981 (Pub. L. 97-23). The application requests that EPA extend certain deadlines for achieving compliance with Clean Air Act requirements. The Administrator will be making her interim findings with regard to National Steel's eligibility for an extension within a few weeks. Persons desiring to make public comments are encouraged to do so without delay.

ADDRESS: Section 113(e)(3) of the Clean Air Act, as amended, provided that any records, reports or information obtained by the Administrator pursuant to this subsection shall be available to the public unless the Administrator determines, pursuant to a request by the applicant company, that such information is confidential within the meaning of 18 U.S.C. 1905. Documents received by the Administrator that are not confidential in nature have been placed in Public Docket Number EN 81-16-A: National Steel and are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at: Central Docket Section, Gallery One, West Tower Lobby, U.S. Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. A reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Michael Alushin (EN-329), Office of Legal Counsel and Enforcement, Environment Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202) 755-0658.

Dated: September 9, 1981.

Frank A. Shepherd,

Associate Administrator for Legal Counsel and Enforcement.

[FR Doc. 81-28909 Filed 9-15-81; 8:45 am]

BILLING CODE [illegible]

FEDERAL HOME LOAN BANK BOARD

Washington Federal Savings and Loan Association, Miami Beach, Fla.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)(6)), the Federal Home Loan Bank Board, by Resolution No. 81-518 dated September 4, 1981, appointed Charles B. Hall as Conservator for Washington Federal Savings and Loan Association, Miami Beach, Florida. The appointment was effected on September 4, 1981.

Dated: September 11, 1981.

J. J. Finn,

Secretary.

[FR Doc. 81-25065 Filed 9-15-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Data Monitoring Group; Open Meeting

On September 24, 1981, the Centers for Disease Control will convene an open meeting of a work group to review clinical research data. The meeting is open to the public, limited only by space available.

The meeting is scheduled to begin at 9:00 a.m., at the CDC Hepatitis Laboratories Division, Center for Infectious Diseases, 4402 North Seventh Street, Phoenix, Arizona.

For further information, please contact: Dr. Donald P. Francis, Chief, Epidemiology Section, Hepatitis Laboratories Division, Centers for Disease Control, Phoenix, Arizona 85014, Telephone: FTS: 261-2665, Commercial: 602/241-2665.

Dated: September 10, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-26928 Filed 9-15-81; 8:45 am]

BILLING CODE 4110-86-M

Mine Health Research Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Mine Health Research Advisory Committee
Date: October 13-14, 1981
Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Time: 8:30 a.m. to 4:30 p.m.—October 13; 8:30 a.m. to 12:30 p.m.—October 14
Type of Meeting: Open
Contact Person: Roy M. Fleming, Sc.D., Executive Secretary, 5600 Fishers Lane, Room 8A-44, Rockville, Maryland 20857, Phone (301) 443-4614.
Purpose: The Committee is charged with advising the Secretary of Health and Human Services on matters involving or relating to mine health research, including grants and contracts for such research.
Agenda: Agenda items for the meeting will include announcements, consideration of minutes of previous meeting and future meeting dates, presentations and discussions on the respiratory research program, surveillance program, pulmonary function test procedures, and direction of the mining research program.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits. Anyone wishing to have a question answered during the meeting by a scheduled speaker should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson and as time permits, appropriate questions will be asked of the speakers.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 9, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-26929 Filed 9-15-81; 8:45 am]

BILLING CODE 4110-87-M

Public Health Service

Health Maintenance Organization; Determination of Noncompliance

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of health maintenance organizations; Determination of Noncompliance.

SUMMARY: on September 29, 1980, the Office of Health Maintenance Organizations determined that Anchor Organization for Health Maintenance (Anchor), 1725 West Harrison Street, Chicago, Illinois 60612, a federally qualified health maintenance organization (HMO), was not in compliance with certain of the assurances it had provided to the Secretary. As described under "Supplementary Information," as of July 21, 1981, Anchor had successfully reestablished compliance with one of these assurances. Anchor has been given the opportunity to and has, in fact, initiated corrective action to bring itself into compliance with the other assurances. The determination of noncompliance does not itself affect the status of Anchor as a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)) (the Act), if the Secretary makes a determination under section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination in the **Federal Register**.

On September 29, 1980, OHMO notified Anchor that it was not in compliance with the assurance that it had given the Secretary that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, (3) maintain organizational arrangements for an ongoing quality assurance program for its health services, and (4) include certain specified provisions in its contracts with health professionals. On July 21, 1981, OHMO notified that it had successfully reestablished compliance with its assurance to the Secretary that it would maintained a fiscally sound operation, and that OMHO had approved a plan for Anchor to restore compliance with the requirements listed above in items (2)-(4).

Dated: September 2, 1981.

Frank H. Seubold, Ph.D.,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-26878 Filed 9-15-81; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations; List

AGENCY: Public Health Service, HHS.

ACTION: Notice, July—qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition, the notice reports that two qualified HMOs surrendered their qualification status as

other entities achieved that status and took over their operations. Service area revisions of previously qualified HMOs are reported at the end of the list.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph. D., Acting Director, Office of Health Maintenance Organizations, Park Building—Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

(Transitional Qualified Health Maintenance Organization: 42 CFR 110.603(b))

1. Coordinated Health Care, Inc., (Group Model, see Section 1310(b)(1) of the Public Health Service Act), 285 E. University Avenue, St. Paul, Minnesota 55101. Service area: Counties of Washington, Dakota, Anoka, Ramsey, Hennepin, Scott, and Carver, Minnesota; and St. Croix County and River Falls Township, Wisconsin. Date of qualification: July 21, 1981.

(Preoperational Qualified Health Maintenance Organization: 42 CFR 110.603(c))

1. HealthCare of Broward, Inc., (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 3075 West Oakland Park Boulevard, Suite 103, Ft. Lauderdale, Florida 33311. Service area: Broward County, Florida. Date of qualification: July 31, 1981.

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1. Community Health Care Association, Inc., d.b.a. Health Care Plus, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), P.O. Box 1966, Wichita, Kansas 67201. Service area: Sedgwick County, Kansas. Date of qualification: July 1, 1981. (Achieved preoperational qualification on June 3, 1981.)

2. HealthWays, Inc., (Individual Practice Association Model, see section 1310(b)(2)(A) of the Public Health Service Act), Parkway Towers, 485 U.S. Route 1, Iselin, New Jersey 08830. Service area: Middlesex and Union Counties, New Jersey. Date of qualification: July 29, 1981. (Achieved preoperational qualification on July 24, 1981.)

3. Herrick Alta Bates Services, (HEALS), (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), East Bay Park Building, 5901 Christie Avenue, Emeryville, California 94608. Service area: Alameda and Contra Costa Counties, California. Date of qualification: July 16, 1981. (Achieved preoperational qualification on June 19, 1981.)

4. INA Healthplan of Clearwater, Inc., (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 1417 South Belcher Road, Clearwater, Florida 33516. Service area: Pinellas County, Florida. Date of qualification: July 30, 1981.

Note.—INA Healthplan of Clearwater, Inc., took over the operations of Prepaid Health Care, Inc., a qualified HMO. When INA Healthplan of Clearwater, Inc., became a qualified HMO, Prepaid Health Care, Inc., surrendered its qualification status.

5. Prudential Health Care of Chicago (PruCare of Illinois), (Medical Group see Section 1310(b)(1) of the Public Health Service Act), 2050 Pfingsten Road, Glenview, Illinois 60025. (A regional component of Prudential Health Care Plan, Houston, Texas 77001—see 45 FR 13899-900). Service area: Towns of Arlington Heights, Bannockburn, Barrington, Buffalo Grove, Deerfield, Deer Park, Des Plaines, E. Rogers Park, Evanston, Glencoe, and Glenview, Golf, Great Lakes, Green Oaks, Hawthorn Woods, Highland Park, Highwood, Indian Creek, Kenilworth, Kildeer, Lake Bluff, Lake Forest, Lake Zurich, Libertyville, Lincolnshire, Lincolnwood, Long Grove, Mettawa, Morton Grove, Mount Prospect, Mundelein, Niles, North Brook, North Chicago, North Field, Palatine, Park Ridge, Prospect Heights, Riverwoods, Rolling Meadows, Skokie, South Barrington, Vernon Hills, West Rogers Park, Wheeling, Wilmette, and Winnetka; and the following zip codes in the City of Chicago: 60610-1, 60614, 60622, 60630, 60634-5, 60639, 60641, 60647, 60651, and 60656.

Date of qualification: June 24, 1981.

Note.—(1) PurCare of Illinois took over the operations of North Communities Health Plan, Inc. (NorthCare), a qualified HMO. When PruCare became a qualfied HMO, NorthCare surrendered its qualification status. (2) The service area of PruCare of Illinois has been revised as described below.

Service Area Revisions

1. Prudential Health Care of Chicago (PruCare of Illinois), 2050 Pfingsten Road, Glenview, Illinois 60025. Add the following towns to the service area described above, effective July 23, 1981:

Addison,
Algonquin,
Barrington Hills,
Bartlett,
Batavia,
Bellwood,
Bensenville,
Berkeley,
Bloomingdale,
Carol Stream,
Carpentersville,
Cary,
Crystal Lake,
East Dundee,
Elgin,
Elk Grove Village,
Elmhurst,
Elmwood Park,
Fox River Grove,
Franklin Park,
Geneva,
Glendale Heights,
Glen Ellyn,
Hanover Park,
Harwood Heights,
Highland Hills,
Hillside,
Hoffman Estates,
Island Lake,
Itasca,
Lake Barrington,
Lake in the Hills,
Lombard,
Maywood,
Melrose Park,
Norridge,
North Aurora,
North Barrington,
Northlake,
Oakbrook Terrace,
Oak Park,
Oakwood Hills,
Prairie Grove,
River Forest,
River Grove,
Roselle,
Rosemont,
St. Charles,
Schaumburg,
Schiller Park,
Sleepy Hollow,
South Elgin,
Steamwood,
Tower Lake,
Villa Park,
Warrenville,
Wauconda,
Wayne,
West Chicago,
West Dundee,
Wheaton,
Willowbrook,
Winfield,
Wood Dale,
York Center.

2. Genesee Valley Group Health Association, 41 Chestnut Street, Rochester, New York 14647. Add the following zip codes to the service area published on July 1, 1981, in the **Federal Register**, 46 FR 34517:

Wayne County

14413,
14469,
14505
14519-20,
14538,
14551,
14554-5,
14568,
14589.

Livingston and Ontario Counties

14414,
14423-4,
14443-4,
14453-4,
14466,
[illegible]
14471,
14475,
14480-1,
14485-8,
14502,
14522,
14533,
14537,
14539,
14558,
14564-5,
14585,
14592.

Effective Date July 1, 1981.

3. HIP of Greater New Jersey, Inc., 5301-15 Broadway, West New York, New Jersey 07093. Add the following zip codes to the service area published on July 1, 1981, in the **Federal Register**, 46 FR 34519:

Bergen County

07025,
07057,
07070,
07075,
07407,
07410,
07452,
07601-7,
07620-1,
07624,
07626,
07628,
07630-2,
07641,
07644,
07646,
07649,
07652,
07660-2,
07670,
07675.

Passaic County

07011-5,
07056-7,
07424,
07501-6,
07508-24.

Effective date: July 1, 1981.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 1240 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: September 2, 1981.

Frank H. Seubold, Ph. D.,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-26880 Filed 9-15-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-75]

Tampa Palms, Hillsborough County, Fla.; Intended Environmental Impact Statement; Meeting

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Tampa Palms, Hillsborough County, Florida. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publcation of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., September 8, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix.—EIS on Tampa Palms, Hillsborough County, Florida

The Department of Housing and Urban Development (HUD) Region IV, Jacksonville Area Office, intends to prepare an Environmental Impact Statement (EIS) on the Project Described below. We are Soliciting information and comments for consideration in the EIS.

Description: Tampa Palms is a proposed planned community located on 5,400 acreas in Hillsborough County, Florida. The site is located about 11 miles northwest of downtown Tampa and is within two miles of the Tampa City limits. Approximately 13,500 units of housing are planned to be built over the next 20 years. Also planned are 20 park sites, 6 church sites, 2 school sites, 2 fire stations, 2 public facility sites, and 3 golf courses. Open space will comprise the largest percentage of the site (47%). Recreational and park facilities will take up 13% of the site.

At present, the project site is 45% covered by forested uplands, 36% covered by wetlands, 15% by rangeland, 4% by urban areas and less than 1% by water. Extensive evaluation and planning has been done on the wetlands and hydrology of the site.

Need: The Deltona Corporation has made an application to HUD for financial assistance under the Title X Program. As part of the decision-making process regarding the application, HUD will review the environmental impacts of the Project.

Where necessary to comply with Federal standards and regulations, mitigating measures will be proposed. Through the impact statement process, HUD seeks to avoid environmental hazards that could be dangerous to occupants of the Project and to prevent or minimize damage to natural resources.

Alternatives: At this time, the HUD alternatives are: 1) To reject the application, 2) to accept the application as is, 3) accept the application provided that the developer agrees to mitigate environmental hazards or damages.

Scoping: HUD will hold a scoping meeting in accordance with § 1501.7 of the regulations for implementing the National Environmental Policy Act. The meeting will be open to all individuals, groups and government agencies and will be held at 10:00 a.m., on Thursday, October 8, 1981, in Room 527, Department of Housing and Urban Development, Tampa Service Office, 700 Twiggs Street, Federal Building, Tampa, Florida. HUD seeks to determine the significance of issues to be addressed in the EIS. All persons having relevant information or concerns to be presented in this meeting should contact HUD at the following address: Mr. Buddy E. Arbuckle, Environmental Staff Officer, Jacksonville Area Office, 661 Riverside Avenue, 4.6SS, Peninsular Plaza, Jacksonville, Florida 32204.

[FR Doc. 81-26945 Filed 9-15-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-74]

Multnomah County, Oreg.; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: An Areawide Environmental Impact Statement (EIS) for Multnomah County, Oregon". This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., September 4, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix.—Areawide EIS for Multnomah County, Oregon

The U.S. Department of Housing and Urban Development (HUD) Region X, Portland Area Office, intends to prepare an Areawide Environmental Impact Statement (EIS) for Multnomah County, Oregon, and hereby solicits comments and information for consideration in this EIS.

Description: The purpose of the EIS is to assemble in one unified document planning and environmental data which impacts upon development and housing costs, to evaluate environmental and socio-economic constraints to development and to provide a basis for site selection which is beneficial to the community, lenders, developers and residents without unmitigated adverse environmental impacts.

Multnomah County had a 1970 population of 554,668 in 208,271 households and a 1980 population of 562,640 in 256,135 households. This presents a growth of 1.4% in population and an 18.2% increase in households which reflect the effects of the socio-economic trends.

Multnomah County contains the major portion of the City of Portland and shares the

Columbia River as its Northern boundary with the State of Washington.

Need: Significant development takes place in the unincorporated portions of the County. There is a serious conflict between the adequacy of infrastructure and the planned growth areas. Many individual environmental assessments are required for HUD/FHA multi-family and subdivision projects. Duplication of effort can be significantly reduced or eliminated and fragmented data can be consolidated into one reference document for analysis of development feasibility.

Alternatives: 1. The proposed action is to consider applications for mortgage insurance for a subdivision in the jurisdiction without automatically requiring any additional site EIS's. 2. One alternative is to consider applications for mortgage insurance for all subdivisions in only a portion of the area without automatically requiring site specific EIS's; normal environmental processing would be continued in other portions of the area. 3. The other alternative is to continue normal environmental processing for applications for mortgage insurance for all subdivisions on an individual basis, including any requiring an EIS on all projects with automatic requirements for EIS's. This is the no action alternative.

The alternative of Local Area Certification was ruled out as infeasible from analyses of preliminary information.

Scoping: This notice is part of the process used for scoping the EIS in conformance with Council on Environmental Quality regulations. Responses received will be used to help (1) determine significant environmental issues; (2) identify data which the EIS should address; and (3) identify cooperating agencies.

A scoping meeting is planned to be held at the Portland Area Office of HUD, 520 S.W. Sixth Avenue, Portland, Oregon 97204, at a date to be at least 21 days after publication of this Notice in the **Federal Register**. Interested agencies and individuals who respond to this Notice will be notified.

Comments: Comments, information and requests for notice of the scoping meeting should be directed to Clifford T. Safranski, Environmental Clearance Officer, HUD–PAO, 520 S.W. Sixth Avenue, Portland, Oregon 97204, or telephone (503) 221–1701 (FTS 423–1701) as soon as practical and on or before October 7, 1981.

[FR Doc. 81–26946 Filed 9–15–81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska Outer Continental Shelf; Dates and Locations of Public Hearings Regarding the Environmental Impact Statement for Proposed Outer Continental Shelf (OCS) Oil and Gas Lease Sale No. 57

In accordance with 43 CFR 3314.1, public hearings will be held in order to receive comments and suggestions relating to the Draft Environmental Impact Statement prepared for a proposed Outer Continental Shelf oil and gas lease sale of 429 tracts of submerged Federal lands in the Norton Sound region of Alaska. Each hearing will have both an afternoon and an evening session, beginning at 1:00 p.m. and 7:00 p.m., respectively. The hearings will be held on the following dates at the locations indicated.

Monday, October 5, 1981

Nome Elementary School,
Nome, Alaska

Tuesday, October 6, 1981

Community Center,
Emmonak, Alaska

Thursday, October 8, 1981

Anchorage Historical and Fine Arts Museum,
121 West 7th Avenue, Anchorage, Alaska

The hearings will provide the Secretary of the Interior with information from Government agencies and the public which will help in the evaluation of the potential effects of the proposed lease sale.

The Draft Environmental Impact Statement concerning proposed OCS Lease Sale No. 57 was made available to the public on June 24, 1981. Copies of this statement can be obtained from the Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510 (907) 276–2955. Copies of the Draft Environmental Impact Statement are also available for review in public libraries throughout Alaska (46 FR 32673).

Interested individuals, representatives of organizations, and public official wishing to testify at the hearings are asked to contact Nancy Hendrix, Alaska Outer Continental Shelf Office, at the address and telephone number above, by 4:00 p.m. (Alaska Daylight Time), Friday, October 2, 1981. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented by a more complete written statement which may be submitted to a hearing official at the time of oral presentation or by mail until October 16, 1981. To the extent that time is available after presentation of oral statements by those scheduled to testify, the hearing officer will give others present an opportunity to be heard. The Bureau of Land Management will accept written comments on the Draft Environmental Impact Statement until Friday, October 16, 1981. This will allow those unable to testify at a public hearing an opportunity to make their views known and for those presenting oral testimony to submit supplemental information and comments. Written comments should be addressed to the Manager, Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510.

The Bureau of Land Management recognizes the distances involved and the travel difficulties faced by those in the more remote areas who may be affected by this proposal and may wish to participate in the public hearing process. For this reason we have instituted a supplemental mechanism which we have termed "Public Hearing Extensions." A Public Hearing Extension team will travel to some of the more remote areas in order to receive comments from those who are unable to travel to the formal public hearing sites. These meetings will be recorded and transcribed for the record. Accordingly, public hearing extensions have been scheduled for Savoonga and Unalakleet, Alaska on October 5, 1981, and Kotlik and Bethel, Alaska on October 6, 1981. While the setting and procedures at extension meetings are less formal and structured, the comments received there are no less important. All comments, whether provided at the formal public hearings, the public hearing extensions, or in writing, are given equal weight in preparation of the Final Environmental Impact Statement.

Ed Hastey,

Associate Director, Bureau of Land Management.

September 11, 1981.

[FR Doc. 81–26983 Filed 9–15–81; 8:45 am]

BILLING CODE 4310-84-M

[I–17973 and I–17974]

Idaho Falls District; Realty Action Public Land in Madison County, Idaho

The following described land has been examined and identified for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Boise Meridian

I–17974
T. 6 N., R. 39 E.
  Section 17: Lots 11, 12, 14; 29.11 acres
I–17973
T. 6 N., R. 38 E.
  Section 36: Lot 5; 24.85 acres

The above described land is being offered as direct, non-competitive sales. Sale I–17974, will be offered to Harold and Ray Rigby. Sale I–17973, is being offered to Murland Boulter.

The Rigby's and Mr. Boulter have historical use of these tracts. These lands lie within the Omitted Land boundaries on the Henry's Fork of the

V 46 6 SE 16 81 UMI

Snake River. When the determinations were made on the subject tracts in 1972, it was found that they did not meet the criteria for disposal under the Snake River Omitted Lands Act of 1962.

With the passage of the Federal Land Policy and Management Act of 1976, new criteria for the disposal of public lands were identified. The sale of these tracts would satisfy this criteria.

The location and physical characteristics of the tracts make them difficult and uneconomic to manage as public lands. They are not suitable for management by another federal department. The tracts are surrounded by lands deeded to the Rigbys and to Mr. Boulter. There is not legal access, except by river, to the tracts. The tracts are often flooded by high water during the spring and early summer.

Direct sales of these tracts is justified by the limited physical access, lack of legal access and position of the tracts within the Rigby's and Boulter's deeded land. Sale of the tracts to a third party would place undue physical and legal hardship on both the Rigby's and Boulter and new purchasers.

The land will not be offered for sale for at least 60 days after the date of this notice.

Patent, when issued, will contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.
2. All mineral rights in the land to be patented will be reserved to the United States.
3. An easement over and across a 100 foot strip parallel to the high water line of the right bank of the Snake River along the easterly side of the lots for recreational use by the people of the United States generally, and for recreational facilities constructed by the authority of the U.S.

And will be subject to:

1. Those rights granted by oil and gas leases I-8626 and I-8634, made under section 29 of the Act of February 25, 1920, 41 Stat. 437.

Detailed information concerning the sales is available for review of at the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.

For a period of 45 days, interested parties may submit comments to the District Manager of the Idaho Falls District. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior. The required payment, at fair market value, shall then be requested of Harold and Ray Rigby and Murland Boulter. The payment, in full, is in accordance with 43 CFR 1822.1-2.

Dated: September 4, 1981.

O'dell A. Frandsen,

District Manager.

[FR Doc. 81-26790 Filed 9-15-81; 8:45 am]

BILLING CODE 4310-84-M

[CA-8809]

California; Realty Action—Exchange

September 16, 1981.

The following described land has been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716:

Mt. Diablo Mer., Calif.

T. 11 N., R. 20 E.,
  Sec. 21: SW¼SW¼.
  Containing 40 acres.

In exchange for this land, the Federal Government will acquire the following describe land in Alpine County, California:

Mt. Diablo Mer., Calif.

T. 10 N., R. 20 E.,
  Sec. 9: NW¼NW¼.
  Containing 40 acres.

The purpose of the exchange is to acquire private land identified in the Indian Creek Recreation Plan adjacent to Summit Lake which would be beneficial to the Carson City District's recreation management program. The proposed exchange is consistent with BLM land use planning.

An appraisal has been completed and the lands being exchanged are of equal acreage and equal value. Both the surface and mineral estates will be exchanged.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1980, 26 Stat. 391; 43 U.S.C. 945.
2. A right-of-way 60 feet in width for Diamond Valley Road, a county road, and rights-of-way 30 feet in width for two unimproved roads, one heading northeasterly through Dutch Valley and one heading northerly to the Nevada-California State Line.
3. The right-of-way, S-5328, granted to the Bureau of Indian Affairs, for a sewer line and sewage treatment plant.

Upon publication of this Notice of Realty Action in the **Federal Register**, the public lands will be segregated from all appropriations under the public land laws, except exchange, and the mining laws but not the mineral leasing laws for a period of two (2) years or upon issuance of patent or other documents of conveyance to such lands, whichever occurs first.

Detailed information concerning the exchange including the Environmental Assessment Record/Land Report, Cultural Resources Report and Mineral Report are available for review at the Carson City District Office, 1050 E. William Street, Suite 335, Carson City, Nevada 89701.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Carson City District Office of the Bureau of Land Management, 1050 E. William St., Suite 335, Carson City, Nevada 89701. Any adverse comments will be evaluated by the District Manager, and forwarded through the California State Director to the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become a final determination of the Department of the Interior.

Tom Owen,

Carson City District Manager.

[FR Doc. 81-26981 Filed 9-15-81; 8:45 am]

BILLING CODE 4310-84-M

[W-75552]

Wyoming; Invitation for Coal Exploration License; Sheridan Enterprises, Inc.

September 8, 1981.

Sheridan Enterprises, Inc. hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Johnson County, Wyoming:

Sixth Principal Meridian, Wyoming

T. 52 N., R. 81 W.,
  Sec. 4, lots 2, 3, 4;
  Sec. 5, lots 1, 2, 3, 4, S½NW¼, SW¼;
  Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼,
    SE¼NW¼, E½SW¼, SE¼;
  Sec. 7, lots 1, 4, NW¼NE¼, NE¼NW¼;
  Sec. 18, lots 1, 3, 4, SE¼SW¼;
  Sec. 19, lots 1, 2, 3, 4, E½W½, S½SE¼;
  Sec. 30, lots 1, 2, 3, 4, NE¼, E½W½,
    N½SE¼;

Sec. 31, lots 1, 2, 3, 4, NE¼NW¼.
T. 53 N., R. 81 W.,
Sec. 21, E½E½, SW¼SE¼;
Sec. 22, W½NW¼, S½;
Sec. 27, All;
Sec. 28, NE¼NE¼, W½SE¼, SE¼SE¼;
Sec. 31, lots 1, 2, 3, 4, N½NE¼, E½W½, E½SE¼;
Sec. 32, E½, SW¼, E½NW¼, NW¼NE¼;
Sec. 33, All;
Sec. 34, W½W½.
T. 52 N., R. 82 W.,
Sec. 1, lots 2, 3, 4, S½NW¼, S½;
Sec. 2, lots 1, 2, S½N½, S½;
Sec. 3, lots 2, 3, 4, S½N½, S½;
Sec. 10, NE¼, E½NW¼, NW¼NW¼;
Sec. 11, All;
Sec. 12, NE¼NE¼, W½W½;
Sec. 13, NE¼, SE¼NW¼, W½NW¼, NW¼SW¼, E½SE¼;
Sec. 14, N½, N½SE¼, SW¼SE¼, NE¼SW¼, S½SW¼;
Sec. 15, E½E½;
Sec. 22, N½NE¼, SW¼NE¼;
Sec. 23, N½NW¼, SW¼NW¼;
Sec. 24, E½, E½NW¼;
Sec. 25, E½, SW¼.
T. 53 N., R. 82 W.,
Sec. 34, SE¼SW¼, SE¼;
Sec. 35, SW¼.

All of the coal in the above lands consists of unleased Federal coal, a portion of which is within the Powder River Basin known recoverable coal resource area. The purpose of the exploration program is to determine the quality and quantity of the coal within the boundaries of the above-described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number W–75552): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001, and the Bureau of Land Mangement, 951 Rancho Road, Casper, Wyoming 82061.

This notice of invitation will be published in this newspaper once each week for two (2) consecutive weeks beginning the week of September 21, 1981, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Sheridan Enterprises, Inc., no later October 19, 1981. The written notices should be sent to the following addresses: Sheridan Enterprises, Inc., 9745 East Hampden Avenue, No. 350, Denver, Colorado 80231, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 of the Code of Federal Regulations, § 3410.2–1(d)(1).

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–28880 Filed 9–15–81; 8:45 am]
BILLING CODE 4310–84–M

[4310–84]

Oregon, Roseburg Timber Management Plan; Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meeting

The Department of the Interior, Bureau of Land Management, Oregon State Office, will prepare an Environmental Impact Statement (EIS) on the proposed timber management plan for the Douglas and South Umpqua Sustained Yield Units (SYUs) in the Roseburg District of western Oregon. The final statement is to be completed by December 10, 1982. Decisionmaking will take place over a period of several months following completion of the final statement.

This statement will analyze the environmental effects of a proposed 10-year timber management plan and alternatives to the proposal for 424,000 acres of public land in the SYUs. Except for 280 acres in Lane County and 400 acres in Jackson County, both SYUs are within Douglas County. The proposed land use allocations and resulting timber management plans have evolved through public development of planning criteria with specific resource goals and objectives. Public comments on the draft land use alternatives have helped guide the selection of the proposed action (preferred alternative). A proposed sustained yield timber harvest level for the next decade has been identified for each alternative, as have management practices required to achieve the goals and objectives of each land use allocation alternative. Harvest would be predominately by clearcutting with some shelterwood cutting. Single tree selection would be used in salvage situations. Additional management practices to be employed include slash disposal, artificial reforestation (some with genetically improved stock), animal damage control, road construction, thinning, fertilization and vegetation control (both to release conifers from competing vegetation and to convert some brush and hardwood stands to conifers) with herbicides as well as manual and mechanical methods.

Discussion of an alternative of no change from present harvest level and practices is required and will be included in the EIS. Additional types of alternatives to the proposal which might be discussed in the statement include:

1. Variation in land use allocation in which more or less land is designated for intensive timber production.
2. Different acreages, cycles or types of intensive timber management practices.

Each alternative included in the statement is expected to have a different annual harvest level.

The EIS will identify the impacts that can be expected from implementation of any alternative, including the proposed action. The statement will be an analytical tool used to assist in making final decisions for managing timber resources in the SYUs. The final decisions are expected to guide the operations in the SYUs for a 10-year period beginning in October 1983.

A public scoping meeting to identify significant issues and to obtain public comments on the formulation of specific alternatives will be held. Significant environmental issues are those considered to be of particular importance for in-depth analysis in the EIS. The public meeting will be held at the Roseburg BLM District Office, 777 N.W. Garden Valley Blvd. in Roseburg, October 19, 1981 at 7:00 p.m. Informal meetings as requested by groups or agencies may take place prior to October 19 on an arranged basis.

Further information may be obtained from:

Bob Alverts, Planning Coordinator, Bureau of Land Management, 777 N.W. Garden Valley Blvd., Roseburg, Oregon 97470, Telephone (503) 672–4491.

Richard Bonn, Statement Leader, Bureau of Land Management (922), P.O. Box 2965, Portland, Oregon 97208, Telephone (503) 231–6953.

Dated: September 9, 1981.

Philip C. Hamilton,
Chief, Division of Planning and Environmental Coordination, Oregon State Office.

[FR Doc. 81–28881 Filed 9–15–81; 8:45 am]
BILLING CODE 4310–84–M

National Park Service

[FES–81–41]

General Management Plan, Lowell National Historical Park, Lowell, Massachusetts; Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (Pub. L. 91–190; 83 Stat. 852 (42 U.S.C. 4321–4347)), the

National Park Service, U.S. Department of the Interior has prepared a Final Enviornmental Impact Statement (FEIS) on the General Management Plan (GMP) for Lowell National Historical Park (Pub. L. 95–290; 92 Stat. 292 (16 U.S.C. 410cc 21(b)(1))).

The FEIS discusses four management and development alternatives which are briefly described as: (1) Dispersion of National Park Service interpretive and visitor facilities to three locations; (2) no action; (3) and (4) concentration of interpretive and visitor facilities at the Boott and Wannalancit Mills, respectively. The GMP focuses on the preferred alternative (alternative 1) and provides a detailed discussion of its features and implementation while the FEIS evaluates the various impacts of all the alternatives.

Following this 30-day filing period of this FEIS with the Environmental Protection Agency, a Record of Decision will be completed and final approval given to the GMP. No physical works will be undertaken to implement the various features of this plan until it is approved in final.

A limited number of copies of both the GMP and the FEIS are available upon request from:

Superintendent, Lowell National Historical Park, 171 Merrimack Street, Lowell, Massachusetts 01852, (617) 459–1000—FTS 223–0755

Acting Regional Director, North Atlantic Region, National Park Service, 15 State Street, Boston, Massachusetts 02109, (617) 223–3769—FTS 223–3769

Public reading copies will be available for review at the following locations:

Office of Public Affairs, National Park Service, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, (202) 343–6843.

Library, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

Dated: August 20, 1981.

Steven H. Lewis,

Acting Regional Director, North Atlantic Region.

[FR Doc. 81–26872 Filed 9–15–81; 8:45 am]

BILLING CODE 4310–70–M

National Park System Advisory Board; History Areas Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the History Areas Committee of the National Park System Advisory Board will be held on Tuesday, October 6, 1981, commencing at 9 A.M. in hearing room No. 2, 1100 L Street, NW, Washington, DC.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935. At this meeting the History Areas Committee of the National Park System Advisory Board will meet to consider potential National Historic Landmarks as follows:

1. St. John's Lutheran Church, Charleston, South Carolina.
2. Musician Association Building, Local No. 627, Kansas City, Missouri.
3. Stan Hywet Hall—Frank A. Seiberling House, Akron, Ohio.
4. Applegate-Lassen Trail, Pershing, Humboldt, and Washoe Counties, Nevada.
5. Holly-Knoll—The Robert R. Moton House, Capahosic, Virginia.
6. Little Rock Central High School, Little Rock, Arkansas.
7. Langstroth Cottage, Oxford, Ohio.
8. Edison Institute—Greenfield Village and the Henry Ford Museum, Dearborn, Michigan.
9. Peavy-Haglin Experimental Concrete Grain Elevator, Minneapolis, Minnesota.
10. The Thorstein Veblen Farmstead, Nerstrand, Minnesota.
11. Bear Butte, Sturgis, South Dakota.
12. Meadow Garden, Augusta, Georgia.

The formal recommendations of the Committee will be made to the National Park System Advisory Board at its meeting on October 7–9, 1981, in Washington, DC. No formal action of the Secretary of the Interior will be sought until after the Advisory Board has considered the recommendations of its History Areas Committee and acted thereon.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Mr. Benjamin Levy, Acting Chief, History Division, National Park Service, Washington, DC at (202) 523–0089.

Minutes of the meeting will be available for public inspection 4 to 6 weeks after the meeting in room 4141, 1100 L Street, NW, Washington, DC.

Benjamin Levy,

Acting Chief Historian, National Park Service.

[FR Doc. 81–26948 Filed 9–15–81; 8:45 am]

BILLING CODE 4310–70–M

Office of Surface Mining Reclamation and Enforcement

Petition to Designate Certain Lands in Southeastern Montana Unsuitable for Surface Coal Mining Operations; Public Hearing; Availability of Draft Evaluation Document for the Tongue River Petition

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of the draft petition evaluation whether document evaluating certain lands in southeastern Montana along the Tongue River are unsuitable for surface coal mining and reclamation operations and Notice of Public Hearing to receive comments on the draft document.

SUMMARY: The Office of Surface Mining and the Montana Department of State Lands, with the assistance of several Federal, State and county agencies, have prepared an evaluation of the petition to designate certain lands in southeastern Montana unsuitable for all or certain types of surface coal mining and reclamation operations.

Copies of the draft evaluation document have been made available. OSM and DSL have arranged delivery to assure that known interested parties have a full 30 days for review. The public is encouraged to comment on the document, and public hearings will be held on October 21 and 22, 1981. Additional information on the mailing address for comments and the locations of the public hearings is given below. The petition alleges that surface coal mining on lands near the Tongue River would irreparably harm the water quality of the Tongue River and ground waters. It further alleges that soil conditions would make reclamation technically and economically infeasible.

DATES: Written comments on the draft document must be received by 5 p.m. on October 30, 1981, at the address given below.

Public hearings will be held on October 21 and 22, 1981.

ADDRESSES: Copies of the draft document are available at the following locations: OSM Headquarters Office, 1951 Constitution Avenue, NW, Room 202, Interior South, Washington, D.C. 20240; OSM Regional Office, Division of State and Federal Programs, Region V, 2nd Floor, Brooks Towers, 1020 15th Street, Denver, CO 80202; and Montana Department of State Lands, 1625 Eleventh Avenue, Helena, MT 59620. Written comments on the draft document may be mailed or handcarried to Sandi Johnson, Montana Department of State Lands, 1625 Eleventh Avenue, Helena, MT 59620 by 5:00 p.m. on October 30, 1981.

Public hearings will be held on October 21 and 22, 1981, in the multipurpose room at the Ashland School, Ashland, Montana. The hearing sessions will begin at 6:00 p.m. and end at 10:00 p.m. each day at the same address.

FOR FURTHER INFORMATION CONTACT: Sandi Johnson, Department of State Lands, Capitol Station, Helena, Montana 59620, telephone (406) 449–4560, or John Lovell, Office of Surface Mining, 1951 Constitution Avenue, NW, Washington, D.C. 20240, telephone (202) 343–5287.

SUPPLEMENTARY INFORMATION: The draft petition evaluation document presents an analysis of the allegations made in the petition. The document summarizes available information on the petition area (including related NEPA reviews) as well as material from new studies. The document also contains discussion of the potential coal resources in the area; the demand for coal resources; the impact of designation on the environment, the economy, and the supply of coal; and the impacts of alternatives available to the Montana Commissioner of State lands and the Secretary of the Interior.

Public hearings are scheduled at the times and places indicated under "DATES" and "ADDRESSES" above. Individual testimony at these hearings will be limited to 10 minutes except where the number of persons wishing to comment is small enough to allow more time. Anyone who wishes to comment will be given the opportunity to do so. Persons wishing to be scheduled to present testimony should contact the Montana DSL at the address given above. Witnesses are encouraged to bring three copies of written statements to the hearings for presentation to the hearing panel. Submission of written statements to the DSL address given above, in advance of the hearing date, would be helpful by giving OSM and DSL officials an opportunity to consider appropriate quesitons which could be asked to clarify or elicit more specific information from the person commenting. All written comments may be mailed to the Montana DSL at the address listed above after the public hearing but must be received no later than the time indicated under "DATES" in order to be considered.

Until October 18, 1981, at 5:00 p.m., any person may file an application for intervention in the proceedings at the above address. Such application must contain allegations of fact, supporting evidence, a short statement identifying the petition to which the allegations pertain, and the intervenor's name, address, and telephone number.

Dated: September 11, 1981.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

[FR Doc. 81–27089 Filed 9–15–81; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 24745]

Denver and Rio Grande Western Railroad Co. Abandonment Between Farmington, N. Mex. and Alamosa and Antonito, Colo.

AGENCY: Interstate Commerce Commission.

ACTION: Removal of rate prescriptions.

SUMMARY: The Denver and Rio Grande Western Railroad Company has requested removal of conditions 1, 3 and 4, imposed by the Commission in its decision of July 14, 1969. The relief sought is provisionally granted.

DATES: Comments are due within 30 days. Petitioner's reply to any comments is due within 50 days. The relief will become effective 45 days from the date of publication of this notice in the **Federal Register** unless comments are filed, in which case the conditions will remain effective pending a final decision.

ADDRESS: An original and two copies of comments should be sent to: Interstate Commece Commission, Room 5417, Washington, DC. 20423.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275–7564.

SUPPLEMENTARY INFORMATION: Petitioner seeks reopening and modification of the earlier decision in this proceeding, reported at 334 I.C.C. 539 (1969). Specifically, it asserts that conditions 1, 3 and 4 of that decision, set forth in the Appendix, have resulted in inequities with respect to rates and charges.

The pertinent conditions require D&RGW to maintain "rail through-rates" on traffic to and from points along its abandoned rail line that are now being served by its motor carrier subsidiary, Rio Grande Motor Way (Motor Way). Furthermore, those rates are required to be established on a basis no higher than the rail rates applicable to the traffic, subject to any general rate increase authorized by the Commission. The conditions were imposed to insure that the competitive position of shippers located along the abandoned lines would not be adversely affected.

D&RGW asserts that it is unreasonable to maintain rates and charges at the levels in effect in 1969, even as increased by general rate increases, because the rates have provided insufficient revenue since at least 1972.

D&RGW's petition has merit. The Commission's original purpose in imposing the rail rate level on D&RGW and Motor Way was to protect the competitive position of shippers located along the rail lines. The circumstances which led the Commission to impose those conditions may well have changed since 1969. There is no evidence that any of the individual shippers for whose benefit the conditions were imposed continued to need Motor Way's service at reduced rates. Although the parties of record were sent copies of this petition, none have appeared to protest the removal of the conditions. Without evidence of a continuing need for rate relief, continued imposition of the conditions is not justified.

Further, granting the petition will remove an artificial restriction in Motor Way's pricing of service. Motor Way is currently providing motor carrier service over short distances to a rail head for subsequent shipment by rail. Under the restrictions, its rates are computed on the basis of an uninterrupted long distance rail movement. Motor Way should be able to set its rates based on the service it provides.

Removal of the restrictions also finds support in recent changes in our jurisdiction over rail rates. Sections 201 and 202 of the Staggers Rail Act of 1980, Pub. L. No. 96–448, limited the Commission's maximum rate jurisdiction to situations where a rail carrier has "market dominance" over the transportation to which the particular rate applies. Moreover, "market dominance" is defined to exclude from the Commission's jurisdiction any rail rate less than 160 percent of the variable costs of providing service.[1] By tieing the Commission's jurisdiction over rates directly to the cost of service, these changes confirm Congress' intent that rail carriers have the flexibility to match the rate being charged with the service being performed. *See also* H.R. Rep. No. 1430, 96th Cong., 2d Sess. 90 (1980); *cf.* 49 USC 10707a(e)(2)(A). Retention of artificial "rail through rates" for actual

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[1] This 160 percent figure will increase to 165 percent, 170 percent, and the lesser of 175 percent or "the cost recovery percentage" on October 1 of 1981, 1982, and 1983, respectively. *See* 49 U.S.C. [illegible]

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motor carrier-rail joint movements appears to be inconsistent with that intent.

In the 12 years since the conditions were imposed, the shippers have had sufficient time to alter their market strategy, and to adjust to any necessary increases in the cost of moving their products. The shippers along the abandoned lines should bear their full share of the transportation costs. We do not believe there is a continuing basis to require Motor Way to provide service at possibly non-compensatory rates for the benefit of shippers.

Notice of our decision to lift conditions 1, 3 and 4 will be published in the **Federal Register**. Comments by interested parties are due within 30 days of publication. Petitioner's reply to any comments is due within 50 days from the date of publication. This decision will be effective 45 days after notice is published in the **Federal Register** unless comments are filed, in which case the conditions will remain effective pending final decision.

This decision is not a major federal action significantly affecting the quality of the human environment or conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Conditions 1, 3 and 4 imposed by the Commission in the decision of July 14, 1969, are removed.
3. This decision shall be effective 45 days after notice is published in the **Federal Register** unless opposing comments are filed within 30 days of publication. Petitioner shall have an additional 20 days to file a reply.

Decided: September 1, 1981.

By the Commission, Division 1, Commissioners Clapp, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,
Secretary.

Appendix

Conditions imposed by Division 3 in Finance Docket No. 24745, Denver and Rio Grande Western Railroad Company Abandonment Between Farmington, New Mexico, and Alamosa and Antonito, Colorado, 334 I.C.C. 539 (2969)[1]

(1) Rates and charges, and rules, regulations, and practices affecting such rates and charges, applicable on all traffic handled in through service (combination motor carrier and rail), between points on the lines to be abandoned, on the one hand, and, on the other, Alamosa, Colo., and points beyond, routed via Rio Grande and its connections, shall be established, which unless otherwise authorized by this Commission pursuant, to an appropriate petition therefor, shall be on a basis no higher than the present rail rates applicable to the same traffic moving between the same points, and which shall contain the same provision for the performance of loading and unloading service at Alamosa without added charge as that contained in current rail tariffs applicable to traffic moving through Alamosa to or from points on Rio Grande's narrow gauge line of railroad.

(2) Applicant shall cause its wholly owned subsidiary, Rio Grand Motor Way, to obtain appropriate Commission authority for a modification of its motor carrier certificates relating to operations between Cortez and Durango, Colo., and intermediate and off-route points, which will specifically substitute Alamosa, Colo., in lieu of Durango, Colo., as the point where shipments moved over the Cortez-Durango route by Rio Grande Motor Way will be interchanged with applicant.

(3) Applicant and its wholly owned motor carrier subsidiary, Rio Grande Motor Way, Shall establish rates and charges, and rules, regulations, and practices affecting such rates and charges, applicable on all traffic handled in through service between points on Rio Grande Motor Way's authorized routes between Cortez and Durango, Colo., including authorized off-route points, on the one hand, and, on the other, Alamosa and points beyond, routed via Rio Grande and its connections, which, unless otherwise authorized by this Commission pursuant to an appropriate petition therefor, shall be on a basis no higher than the rates presently applicable on through movements of the same traffic handled in combination motor and rail service (motor carrier between points on the Cortez-Durango route and Durango, with rail service or substituted-motor-carrier-for-rail service beyond), and which shall contain the same provision for the performance of all loading and unloading services at Alamosa without added charge as that contained in current rail tariffs applicable to traffic moving through Alamosa to or from points on applicant's narrow gauge line of railroad;

(4) Rates and charges, and rules, regulations, and practices in connection therewith, applicable on all traffic handled in through service (combination rail-motor carrier-rail), between points on the Silverton Branch, on the one hand, and Alamosa and points beyond, on the other, shall be established, which, unless otherwise authorized by this Commission pursuant to an appropriate petition therefor, (1) shall be on a basis no higher than the present rail rates applicable to the same traffic moving between the same points (2) shall contain the same provision for the performance of loading and unloading services at Alamosa without additional charge, as that contained in current rail tariffs applicable to traffic moving through Alamosa to or from points on the Silverton Branch; and (3) shall contain the specific provision that such traffic will be transported between Durango and Alamos over the highway in substituted-motor-carrier-for-rail service.

[FR Doc. 81-26897 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Finance Applications; Correction

In the **Federal Register** issue of August 25, 1981, Vol. 46, No. 160, appearing on page 42934, Column 1, Paragraph 1, the docket number was incorrectly published as MC-FC 79266. It should be corrected to read MC-FC 79226. At the end of the same application where the Note reads "This application is directly related to MC-125688 (Sub-No. 7)." The number should be corrected to read "MC-126588 (Sub-No. 7)."

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-26893 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Finance Applications; Decision

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submittng protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the

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[1] Conditions 1, 3 and 4 were amended by Commission decision in F.D. 24745, served June 26, 1972, by adding to each the words "subject to any general rate increase authorized by the Commission since July 14, 1969."

Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where sepcifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: August 20, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 126588 (Sub-7), filed June 2, 1981. Applicant: KERR MOTOR LINES, INC., 1/4 Jackson Street, Binghamton, NY 13903. Representative: David M. Marshall, 101 State Street, Springfield, MA 01103. *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in MA, on the one hand, and, on the other, points in Albany, Fulton, Herkimer, Montgomery, Otsego, Saratoga, Schenectady, Schoharie, Delaware, Ulster (except the Village of Ellenville), and Greene Counties, NY and Binghamton, NY.

Note.—The purpose of this Application is to eliminate the gateway of Albany, NY. This matter is directly related to Docket No. MC-FC 79226, notice of which appeared in the **Federal Register** issue of August 25, 1981.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26894 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP4-5-145]

Motor Carriers; Permanent Authority Decisions

Decided: September 4, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 3328 (Sub-2), filed August 19, 1981. Applicant: A. D. McMULLEN, INC., 640 State Road, North Dartmouth, MA 02747. Representative: Andrew S. Koczera, 72 North Water Street, New Bedford, MA 02740-6258, (617) 999-6969. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 152229 (Sub-6), filed May 4, 1981. Applicant: SALINAS TRUCK BROKERS, INC., P.O. Box 128, Salinas, CA 93902. Representative: Ben Ryburn (same address as applicant), (408) 757-2991. Transporting *general commodities* between Holly Springs, Fuguay-Varina and Stokedale, NC, Radcliffe, Ellsworth and Lawn Hill, IA, Henery and Clark, SD, Esmond, IL, Shell Lake, Cumberland, Gillette and Green Valley, WI, Elgin, NE, Benton, Barlow, LaCenter, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville, and Edgoten, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia and Riverside, TN, Edna, Lewistown, Hurdland and Ewing, MO, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe and Allison, TX, Reydon, Cheyenne, Strong City, Hammon, and Butler, OK, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 157808, filed August 20, 1981. Applicant: TRANSPORT TASK GROUP LTD., 62 Upland Rd., Wyomissing Hills, PA 19610. Representative: John R. Schmidt (same address as applicant), (215) 678–5820. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 157828, filed August 21, 1981. Applicant: C. WILLIS TARTER, d.b.a. NORTH STAR EXPRESS, 13062 S. Barnards Rd., Molalla, OR 97038. Representative: C. Willis Tarter (same address as applicant), (503) 829–8354. Transporting *food and other edible products and byproducts intended for human consumption,* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157878, filed August 25, 1981. Applicant: DAN CALVERLEY, 203 South Dorothy, Richardson, TX 75080. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157899, filed August 24, 1981. Applicant: FRANK KNEIP, d.b.a. FRANK KNEIP TRUCKING, Box 1464 (1955 Race Rd), Dundee, FL 33838. Representative: Frank Kneip (same address as applicant), (813) 439–4306. Transporting *Food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157918, filed August 26, 1981. Applicant: JAMEL & CO., Cassville, MO 65625. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. As a *broker of general commodities* (except household goods), between points in the U.S.

[FR Doc. 81–26692 Filed 9–15–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier duel operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–4–363

Decided: September 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 154416 (Sub-2), filed August 31, 1981. Applicant: J & S LINES, INC., P.O. Box 184, Mukwonago, WI 53149. Representative: Ronald E. Laitsch, 117 S. Third St., Watertown, WI 53094, (414) 261–9725. Transporting *general commodities* (except classes A and B explosives), between the facilities of Troy International, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155916 (Sub-2), filed September 2, 1981. Applicant: ARDMORE FARMS, INC., P.O. Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *such commodities* as are dealt in or used by a processor or distributor of food and related products, between points in the U.S., under continuing contract(s) with Beaver Street Fisheries, Incorporated, of Jacksonville, FL.

MC 155916 (Sub-3), filed September 2, 1981. Applicant: ARDMORE FARMS, INC., P.O. Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *food and related products,* between points in Queens County, NY, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, AR, and LA.

MC 156616, filed August 31, 1981. Applicant: L & M TRANSPORTATION, INC., Rural Route 1, Box 30, Deloit, IA 51441. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting *cement,* between points in Douglas and Cass Counties, NE, on the one hand, and, on the other points in IA.

MC 157406, filed September 2, 1981. Applicant: AUTAUGA TRANSPORT, INC., Rt. 3, Box 363A, Prattville, AL

36067. Representative: Terry P. Wilson, 428 S. Lawrence St., Montgomery, AL 36104, (205) 262-2756. Transporting (1) *pulp, paper and related products, and (2) machinery,* between points in the U.S., under continuing contract(s) with Albany International Corp., Appleton Wire Division, of Montgomery, AL.

Volume No. OPY-4-364

Decided: September 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 1756 (Sub-35), filed September 2, 1981. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, NJ 07105. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048-0640, (212) 466-0220. Transporting *food and related products,* between points on NY and NJ and Baltimore, MD, Boston, MA and Philadelphia, PA, on the one hand, and, on the other, points in NY, NJ, PA, DE, MD, OH, IN, IL, CT, RI, and MA.

MC 35807 (Sub-118), filed August 31, 1981. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: David E. Wells (same address as applicant), (404) 256-0540. Transporting *currency, coin, securities and other articles of unusual value,* between points in the U.S., under continuing contract(s) with the Federal Reserve Bank of Philadelphia, of Philadelphia, PA.

MC 140276 (Sub-6), filed September 9, 1981. Applicant: LARRY SCHEFUS TRUCKING, INC., Route 1, P.O. Box 202, Redwood Falls, MN 56283. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340-0808. Transporting *metal products* between points in the U.S., under continuing contract(s) with St. Paul Steel Supply Company, Inc., of St. Paul, MN.

MC 147916 (Sub-4), filed September 1, 1981. Applicant: GAMPAC EXPRESS, INC., 4103 Second Ave., Seattle, WA 98134. Representative: Richard J. Howard, 3201 Bank of California Center, Seattle, WA 98124, (206) 464-4224. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the Pillsbury Company, of Minneapolis, MN, and its wholly-owned subsidiaries of Burger-King Corporation, of Miami, FL, Green Giant Company, of Minneapolis, MN, Poppin Fresh Pies, Inc., of Minneapolis, MN, and Steak and Ale Restaurants of America, Inc., of Dallas, TX.

MC 153016 (Sub-1), filed September 9, 1981. Applicant: McGUIRE TRUCKING, INC., P.O. Box 5417, Lake Station, IN 46405. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *thread, yarn, clothing components and accessories,* including *materials* and *supplies* used in the manufacture of such commodities, between points in the U.S., under continuing contract(s) with Coast & Clark, Inc.

Volume No. OPY-5-144

Decided: September 4, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 67198 (Sub-2), filed August 24, 1981. Applicant: MEADVILLE MOVING & STORAGE, INC., 129 Sycamore Street, Meadville, PA 16335. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Hughson Chemicals, Division of Lord Corporation, of Saegertown, PA.

MC 98868 (Sub-6), filed August 25, 1981. Applicant: CAPROCK TRUCKING, INC., P.O. Box 352, Odessa, TX 79760. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767, (512) 472-1101. Transporting *Mercer commodities,* between points in LA, AR, OK, TX, NM, CO, WY, UT, ID, ND, SD, MT, MS, KS, CA, OR, WA, NV, and OH.

MC 115669 (Sub-210), filed August 25, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar Street, P.O. Box 95, Clay Center, NE 68933.Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392-1220. Transporting *general commodities* (except classes A and B explosives), between the facilities of Cargill Incorporated and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 121339 (Sub-4), filed August 20, 1981. Applicant: McCOMBS FREIGHT LINE, INC., 1201 20th Avenue North, Birmingham, AL 35204. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-2881. (A) over *regular* routes, transporting *general commodities* (except classes A and B explosives), (1) between Birmingham and Hartselle, AL, (a) over U.S. Hwy 31, and (b) over Interstate Hwy 65, (2) between Cullman and Baileyton, AL, over AL Hwy 69, (3) between Baileyton and Holly Pond, AL, over unnumbered county road, (4) between Holly Pond and Cullman, AL, over U.S. Hwy 278, (5) between Birmingham and Gadsden, AL, (a) over U.S. Hwy 11, (b) over U.S. Hwy 411 and (c) over Interstate Hwy 59, (6) between Birmingham and Calera, AL, (a) over U.S. Hwy 31, and (b) over Interstate Hwy 65, (7) between Pelham and Montevallo, AL, over unnumbered county road, (8) between Calera and Vincent, AL, over AL Hwy 25, serving Shelby as an off-route point, (9) between Calera and Wilton, AL, over AL Hwy 25, and (10) serving in routes (1) through (9) above all intermediate points. (B) over *irregular* routes, transporting (1) *farm products* (a) between points in Morgan County, AL, on the one hand, and, on the other, those points in AL on and north of U.S. Hwy 78, and (b) betwen Birmingham, Gadsden, Collinsville, Decatur, Attalla, Anniston and Florence, AL, and points in Morgan, Etowah, Talladega, Lee, Limestone, Shelby and Dale Counties, AL, (2) *household goods,* between those points in AL on and north of U.S. Hwy 80, (3) *sand and gravel,* between points in Morgan County, AL, (4) *farm products, lumber and wood products,* between points in Morgan, Limestone and Cullman Counties, AL, (5) *such commodities* as are dealt in by suppliers of welding products, between Birmingham, Mobile, Huntsville, Childersburg, Boaz and Attalla, AL, and points in Etowah County, AL, (6) *metal products and tile,* between Birmingham and Florence, AL, (7) *tile,* between Birmingham and Childersburg, AL, and (8) *brick,* between Kimberly, AL and points in Etowah County, AL.

Note.—Applicant seeks to convert its Certificate of Registration in MC-121339 Sub 1, issued November 13, 1963, to a Certificate of Public Convenience and Necessity. Issuance of a Certificate is conditioned applicant's written request for the coincidental cancellation of its Certificate of Registration in MC-121339 Sub 1.

MC 127738 (Sub-9), filed August 20, 1981. Applicant: TWA SERVICES, INC., Yellowstone National Park, WY 82190. Representative: Michael McCarty, P.O. Box 550, Cody, WY 82414, (307) 587-5594. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, (a) beginning and ending at Denver, CO, and points in Salt Lake, Davis and Morgan Counties, UT, Denver, Jefferson, Arapahoe and Adams Counties, CO, and extending to Alta, WY, under continuing contract(s) with Big Valley, Inc., d.b.a. Grand Targhee Resort, of Alta, WY, and (b) beginning and ending at Salt Lake City, UT, Los Vegas, NV, Alta, Grand Teton National Park, and Yellowstone National Park, WY, and points in Bonneville County, ID, Weber County, UT, and Sweetwater and Teton Counties, WY, and extending to points in the U.S., under continuing contract(s) with Old West Tours, of Jackson, WY.

MC 144079 (Sub-1), filed August 25, 1981. Applicant: LAS VEGAS TOWING CORP., 5725 N. Riley, Las Vegas, NV 89108. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882–5640. Transporting *transportation equipment*, between points in CA, AZ, and UT, on the one hand, and, on the other, points in Clark County, NV.

MC 145108 (Sub-55), filed August 24, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren, 5600 First Ave., Brooklyn, NY 11220, (212) 492–7332. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Tenneco West, of Bakersfield, CA.

MC 146728 (Sub-5), filed August 17, 1981. Applicant: GOLDEN BROS., INC., 234 East McClure St., Kewanee, IL 61443. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting *metal products*, between points in Dallas, Harris, and Runnels Counties, TX and FL, on the one hand, and, on the other, points in AL, AZ, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, and DC.

MC 150578 (Sub-24), filed August 21, 1981. Applicant: STEVENS TRANSPORT, a division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquire, TX 75150. Representative: Michael Richey (same address as applicant), (214) 681–0454. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 152459, filed August 25, 1981. Applicant: SUNSHINE TRANSPORTATION, INC., 112 Lehigh Drive, Fairfield, NJ 07007. Representative: Frank M. Cushman, 36 South Main St., Sharon, MA 02067, (617) 784–6041. Transporting *such commodities* as are delt in by retail department stores, between points in the U.S., under continuing contract(s) with Jefferson Stores, Inc., of Miami, FL.

MC 152609 (Sub-3), filed August 24, 1981. Applicant: SHIPPERS FREIGHT SERVICES, INC., P.O. Box 1248, Lake Oswego, OR 97034. Representative: Lawrence V. SMart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *paper and paper articles*, between points in the U.S., under continuing contract(s) with the Boise Cascade Corporation, of Boise, ID.

MC 153328 (Sub-17), filed August 24, 1981. Applicant: RED K TRANSPORT, INC., 2524 Peach Tree Street, Cape Girardeau, MO 63701. Representative: G. H. Boles, 400 State Street, Madison, IL 62060, (618) 451–2323. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of footwear, between points in Cape Girardeau and Cole Counties, MO, and Cook and Union Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 154118, filed August 24, 1981. Applicant: ANDERSON & JOURGENSEN TRUCK LINE, INC., P.O. Box 6, Ennis, TX 75119. Representative: James W. Hightower, First Continental Bank Bldg #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339–4108. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of paint, under continuing contract(s) with (a) Ennis Paint Mfg., Inc., of Ennis, TX, (b) Ennis Chemicals Co., Inc., of White Plains, NY, and (c) Stripe-A-Zone, Inc., of Granc Prairie, TX, (2) *machinery*, under continuing contract(s) with (a) Ennis Paint Mfg., Inc., of Ennis, TX, and (b) Stripe-A-Zone, Inc., of Granc Prairie, TX, and (3) *iron and steel articles*, under continuing contract(s) with (a) Ennis Steel Industries, and (b) M.F.I. Incorporated, both of Ennis, TX, between points in the U.S.

MC 154629 (Sub-3), filed August 14, 1981. Applicant: GLOBAL DISTRIBUTORS, INC., P.O. Box 335; Riverside Drive, Fultonville, NY 12072. Representative: Vincent Gramuglia (same address as applicant), (518) 853–3476. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Finch, Pruyn & Co., Inc., of Glen Falls, NY, Tagsons Papers, Inc., of Albany, NY, White Mop Wringer Company, of Fultonville, NY, Stevens & Thompson Paper Company, of Greenwich, NY, Beechnut Foods Corporation, of Canajoharie, NY, U.S. By-Products Corporation, of Kansas City, MO, and Chase Bag Company, of Oak Brook, IL.

MC 155648, filed August 20, 1981. Applicant: RAY OILFIELD THREADING & STORAGE, INC., P.O. Box 26, Talco, TX 75487. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *metal products*, between points in Titus County, TX, on the one hand, and, on the other, points in the U.S.

MC 156399 (Sub-1), filed August 10, 1981. Applicant: CASTLE CONTRACT CARRIER, INC., 2337 Summer St., Lauderdale, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164, (612) 633–7911. Transporting *filters, spark plugs, tires, and tubes*, between points in the U.S., under continuing contract(s) with Universal Cooperatives, Inc. of Albert Lea, MN.

MC 157868, filed August 15, 1981. Applicant: WEST VALLEY CHARTER LINES, INC., 240 Cristich Lane, Campbell, CA 95008. Representative: Lois J. Kohler (same address as applicant), (408) 371–1230. Transporting *passengers and their baggage*, in the same vehicle with passengers, between points in San Mateo, Santa Clara, and Alameda Counties, CA, on the one hand, and, on the other, points in OR, WA, NV, AZ, UT, WY, and CO.

MC 157888, filed August 24, 1981. Applicant: KEN'S TRANSPORTATION SERVICE, INC., 10602 East Pine, Tulsa, OK 74116. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1114 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting *containers* and *container ends*, between points in the U.S., under continuing contract(s) with Ball Corporation, of Muncie, IN.

MC 157889, filed August 24, 1981. Applicant: TRI STATE CARTAGE, INC., 313 W. Seventh St., Perrysburg, OH 43511. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *general commodities* (except classes A and B explosives), between points in Lucas County, OH, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26896 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application Important Notice

The following are notices of filing of applications for temporary authority under § 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-153

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 158103 (Sub-3-1TA), filed September 8, 1981. Applicant: WILLIS TRANSPORTATION, INC., 102 12th Street, SE., Ft. Payne, AL 35967. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contract;* irregular *Carpet backing, bagging, and synthetic yarn,* from facilities of Amoco Fabrics Company, at or near Hazelhurst, Nashville and Bainbridge, GA, and Roanoke, AL, to points in CA, WA, OR, OK, TX, NM, NV, AZ, and ID. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Amoco Fabrics Company. Supporting shipper: Amoco Fabrics Company, Post Office Box 836, Hazelhurst, GA 31539.

MC 143956 (Sub-3-21TA), filed September 8, 1981. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, S.C. 29488. Representative: Steven W. Gardner, Suite 1631, 3400 Peachtree Road, Atlanta, GA 30326. *Animal food and supplies* between Finley, OH, and Louisberg, OH, on the one hand, and points in AZ, CA, NV, OR, and WA, on the other hand. Supporting shipper: Hamilton Enterprises, P.O. Box 26491, San Jose, CA 95159.

MC 157614 (Sub-3-1TA), filed August 10, 1981. Republication—orginally published in **Federal Register** of August 19, 1981, volume 46, No. 160 page 42206. Applicant: CHARLES E. ALEXANDER d.b.a. BRUCE BUILDING SUPPLY, Box 686, Bruce, MS 38915. Representative: Edward G. Grogan, 2000 First Tennessee Bank Building, Memphis, TN 38103. *Lumber products and building materials* between states of MS, AL, AR, LA, TN and TX. Supporting shipper: Weyerhaeuser Company, P.O. Box 2288, Columbus, MS, 39701.

MC 154540 (Sub-3-3TA), filed August 10, 1981. Republication—originally published in the **Federal Register** of August 19, 1981, Volume 46, No. 160 page 42207. Applicant: FREEDOM FREIGHT SYSTEMS, INC., 1797 Florida St., Memphis, TN 38109. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. *Agricultural Chemicals; and products and supplies used in the manufacture, sale, and distribution thereof,* between points in CA, AZ, NM, TX, OK, AR, LA, MS, MO, TN, AL, GA, FL, SC, NC, VA, PA and NJ. Supporting shipper: Helena Chemical Company, Suite 3200, 5100 Poplar Ave., Memphis, TN 38137.

MC 155614 (Sub-3-2TA), filed September 8, 1981. Applicant: ALL CARGO TRANSPORTATION, INC., 5065 Lebanon Road, Old Hickory, TN 37138. Representative: Francis J. Orscheln, 5065 Lebanon Rd., Old Hickory, TN 37138. *(1) Household & Commercial Electrical and Gas Appliances, parts and accessories thereof, and materials and supplies used in the manufacture of aforementioned commodities* between the facilities of Enterprise Appliance Corp., Davidson County, TN, on the one hand, and, on the other, points in the United States; (2) *Automotive Parts and Accessories, and materials and supplies used in the manufacture of aforementioned commodities* between the facilities of Holley Replacement Parts Division of Colt Industries, Davidson County, TN, on the one hand, and, on the other, points in KY. Supporting shippers: Enterprise Appliance Corp., 710 Massman Drive, Nashville, TN 37210 and Holley Replacement Parts Division of Colt Industries, Space Park North, Goodlettsville, TN 37072.

MC 37896 (Sub-3-6TA), filed September 8, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Henry B. Stockinger (same address as above). *Contract Carrier:* irregular; *General Commodities (except Household Goods and Classes A and B Explosives)* Between points in the U.S. pursuant to continuing contract(s) with Midland-Ross Corporation of Owosso, MI. Supporting shipper: Midland-Ross Corporation, 490 South Chestnut Street, Owosso, MI 48867.

MC 152543 (Sub-3-2TA), filed September 4, 1981. Applicant: J & S TRANSPORTATION, INC., 1015 North Street, Conyers, GA 30207. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Chemicals,* between points in Barrow County, GA, on the one hand, and, on the other, points in the states of AL, AR, DE, FL, GA, IL, IN, KY, LA, MI, MO, MS, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA and WV. Supporting shipper: Alkaril Chemicals, Inc., Industrial Parkway, Winder, GA 30680.

MC 146623 (Sub-3-3TA), filed September 8, 1981. Applicant: STAMEY ENTERPRISES, INC., 7350 102d Place, South, Boynton Beach, FL 33435. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. *General commodities (except classes A & B explosives)* between points in the U.S. Supporting shippers: Burger King Corp., Distron Div., P.O. Box 520843, Miami, FL; Brothers Trading Co., d/b/a Victory Wholesale Grocers, 333 West 1st St., Suite 170, Dayton, OH.

MC 149498 (Sub-3-12TA), filed September 8, 1981. Applicant: RIVER BEND TRANSPORTATION, INC., P.O. Box 5808, Pearl, MS 39208. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Contract* carrier: irregular: *Trailer axles, suspensions, landing gear, fifth wheels, hitches and mechanical refrigeration units* between points in the U.S. under continuing contract(s) with Standard Parts & Equipment Company, Portland, OR. Supporting shipper: Standard Parts & Equipment Company, P.O. Box 42294, Portland, OR 97242.

The following applications were filed in region 4. Send Protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 25823 (Sub-4-3TA), filed August 31, 1981. Applicant: WERCH TRUCKING COMPANY, INC., a Wisconsin Corporation, Route 2, Box 113, Berlin, Wisconsin 54923. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Foundry products and metal products and materials, equipment and supplies used or useful in the manufacture and distribution of foundry products and metal products* from Berlin, WI to TX and OK. Supporting shipper: McQuay-Perfex, Inc., 242 Pearl Street, Berlin, WI 54923.

MC 52473 (Sub-4-6TA), filed August 28, 1981. Applicant: BEHNKE, INC., 77 S. Monroe St. Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200

Bank of Lansing Bldg., Lansing, MI 48933. *Recyclable scrap paper* between points in MI, IN, IL, OH, MN, WI and IA. Supporting shippers: Medina Paper Recycling, Inc., P.O. Box 561, Medina, OH 44258; Great Lakes Paper Stock Corp., 30615 Grosbeck Highway, Roseville, MI 48066.

MC 107605 (Sub-4–5TA), filed August 31, 1981. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road NE., Minneapolis, MN 55413. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities (except classes A and B explosives),* serving points in Brown, Outagamie, Winnebago and Fond du Lac Counties, WI, as off-route points in connection with applicant's otherwise authorized regular route operations, together with the right to tack and interline at all authorized service points. There are 14 supporting shippers. Corresponding 30 day ETA filed herewith.

MC 109449 (Sub-4–12), filed August 28, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th St., Winona, MN 55987. Representative: Daniel O. Hands, Attorney At Law, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068. *Transportation of such commodities as are dealt in or used by retail hardware stores* between the facilities of General Power Equipment Co., General Paint and Chemical Co. and Wheeler Mfg. Co. at or near Carey and Harvard, IL, on the one hand, and, on the other, points in MN. Supporting shippers: Wheeler Mfg. Co., General Power Equipment Co. and General Paint and Chemical Co., 308 S. Division St., Harvard, IL 60033.

MC 120436 (Sub-4–2TA), filed August 28, 1981. Applicant: NUSSBAUM TRUCKING, INC., Route 51 North, Normal, IL 61761. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, Attorneys at Law, 907 South Fourth St., Springfield, IL 62703. *Foodstuffs* between Westville, IN, on the one hand, and St. Louis, MO. Davenport & Muscatine, IL & the state of IL, on the other hand. Supporting shipper: Lucky Stores, Inc., P.O. Box 67, Rock Island, IL 61201.

MC 126555 (Sub-4–30TA), filed August 28, 1981. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Barry C. Burnette (same as applicant). *Machinery and Supplies* (1) From points in WI, IA, IN, OH, to TX, LA, (2) From points in TX, OK, LA to points in MT, IN, WY, CO, ND, and SD. Supporting shipper: Ingersoll-Rand, P.O. Box 19188, Houston, TX 77024.

MC 134453 (Sub-4–3TA), filed August 31, 1981. Applicant: STERNLITE TRANSPORTATION COMPANY Winsted, MN 55395. Representative: Robert P. Sack, P.O. Box 6010 West St. Paul, MN 55118. *Contract,* irregular; *Metal products,* from the facilities of V.A.W. of American, Inc. at St. Augustine, FL to the U.S.-Canadian Border at or near Detroit, MI. Supporting shipper: V.A.W. of America Inc., Ellenville, NY.

MC 145371 (Sub-4–4TA), filed: August 31, 1981. Applicant: MFCH, INC., Route 1, Kings, IL 61045. Representative: Daniel O. Hands, Suite 200–A, 205 West Tougy Ave., Park Ridge, IL 60068. *Food and related products* between the facilities of Lucky Stores, Inc., Eagle Midwestern Region at or near Westville, IN, on the one hand, and, on the other, points in IL on the north of U.S. Highway 136, IA and WI. Supporting shipper: Lucky Stores, Inc., Eagle Midwestern Region, P.O. Box 67, Rock Island, IL 61201.

MC 150281 (Sub-4–9TA), filed August 28, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Michigan St., Topeka, IN 46571. Representative: Chandler L. van Orman, 1729 H Street, N.W., Washington, D.C. 20006. *Contract:* irregular. *Boats, boat parts and materials, supplies and equipment used in the transportation or distribution of boats or boat parts* between Bradenton, FL and points in CT, NY, MA, and MD under a continuing contract(s) with W. D. Schock Corp. Supporting shipper: W. D. Schock Corp., 2398 63rd Ave., E., Bradenton, FL 33505.

MC 150746 (Sub-4–30TA), filed August 28, 1981. Applicant: DFC TRANSPORTATION COMPANY, P.O. Box 929 Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Pulp, paper and allied products and materials, equipment and supplies used in the manufacture, sale or distribution thereof,* between points in CA, GA, IL, IN, MA, NJ, NY, OH, PA, TN, TX and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Clevepak Corporation, 925 Westchester, White Plains, NY 10604.

MC 152568 (Sub-4–2TA), filed August 28, 1981. Applicant: KISTLER AMELING TRANSPORTATION, INC., 408 East Indiana Street, Kouts, IN 46347. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. *Contract;* irregular; *Weed killing compounds and animal feed supplements,* from Clinton, Indianapolis, and Lafayette, IN, and Mendota, IL to points in IN, IA, MN, NE, ND, and SD. Restricted to a contract or continuing contracts with Eli Lilly & Company and Elanco Products Company, a Division of Eli Lilly & Company, 740 South Alabama Street, Indianapolis, IN 46225. An underlying ETA seeks 120 days operating authority. Supporting shipper: Eli Lilly & Company and Elanco Products Company.

MC 153119 (Sub-4–2TA), filed August 31, 1981. Applicant: FLEEGE DISTRIBUTING CO., Box 273, Foley, MN 56329. Representative: Robert Fleege, Box 273, Foley, MN 56329. *Contract* irregular: *Finished and unfinished furniture, particle board, plywood, 2X10 ponderosa pine, other pine products, waterbed accessories, sheets, bedding, matteresses and heaters* between St. Cloud, MN and points located within all 50 states of the U.S. Restricted to traffic moving under continuing contract with Samson Custom Furniture Mfg., Inc. Supporting shipper: Samson Custom Furniture Mfg., Inc, RR1, St. Cloud, MN 56301.

MC 153273 (Sub-4–4TA), filed August 31, 1981. Applicant: SCHREIBER TRANSIT, INC., 425 Pine Street, Green Bay, WI 54305. Representative: John H. Sage ("Same as Applicant"). *Contract:* Irregular *Food and food related articles used in the operation of Institutional and Retail Food Service Houses,* from, to, and between Rocky Mount, NC, Forest City, NC, and Oneida, NY and Points in FL, GA, IA, KY, MO, and PA, under contract with Fast Food Merchandisers Inc. Supporting shippers: Fast Food Merchandisers Inc., 1233 N. Church St., P.O. Box 1619, Rocky Mount, NC.

MC 153829 (Sub-4–30TA), filed August 31, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Electric motors and parts, electric controls and controller parts, power transmission machinery, weighing and scaling machines, telecommunication equipment and parts and electric circuit breakers, switches, switchboards, condensers, or capacitors or parts thereof,* from the facilities of Reliance Electric Co. located at or near Ashtabula and Cleveland, OH, Lawrenceburg, KY, Mishawaka and Columbus, IN, Ashville, NC, Greenville, SC, Flowery Branch and Athens, GA and Rogersville, TN to points in the U.S. Supporting shipper: Reliance Electric Co., 220 Eastview, Brooklyn Heights, OH 44131.

MC 154121 (Sub-4–9TA), filed August 28, 1981. Applicant: TRAILINER CORP., 5367 West 86th St., Indianapolis, IN 46268. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1)*

Paper, paper products, plastic, and plastic products, and (2) materials equipment, and supplies used in the manufacture and sale of the commodities named in (1) above, between the facilities used by Lily Tulip, Inc., its subsidiaries, divisions, and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S. Supporting shipper: Lily Tulip, Inc., First National Bank Bldg., Toledo, OH.

MC 157946 (Sub-4–1TA), filed August 26, 1981. Applicant: G & G TRUCKING, INC., 26661 W. Ten Mile Rd., Southfield, MI 48034. Representative: Robert E. McFarland, 2855 Coolidge, St. 201A, Troy, MI 48084. *Contract,* irregular: *such commodities as are dealt in or used by manufacturers of spray booths and bake ovens and materials, accessories and supplies used in the manufacture and production thereof;* between Indianapolis, IN and Detroit, MI and the commercial zones thereof, on the one hand, and, on the other, points in the U.S. under a continuing contract(s) with Haden-Schweitzer Corp. Supporting shipper: Haden-Schweitzer Corp., 32200 N. Avis Dr., Madison Heights, MI.

MC 157280 (Sub-4–1TA), filed August 28, 1981. Applicant: DATIM, INC., P.O. Box 425, McFarland, WI 53558. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701. *Contract* irregular: *Cleaning compounds, in bulk,* from Des Plaines, IL, to points in MN, WI, MI, IN, IL, and IA, under continuing contract(s) with Diversey Wyandotte Corp. Supporting shipper: Diversey Wyandotte Corp., 1532 Biddle Avenue, Wyandotte, MI 48912.

MC 157773 (Sub-4–1TA), filed August 28, 1981. Applicant: MICHIGAN CONTAINER REDEMPTION SERVICE, INC., 28836 Highland Road, Romulus, MI 48174. Representative: John E. Fuyat, 1345 Warwick Ave., Warwick, RI 02888. *Contract,* irregular; *Empty beverage containers,* from Romulus, MI to points in OH, under continuing contract with Faygo Beverages, Inc. of Detroit, MI. Supporting shipper: Faygo Beverages, Inc., 3579 Gratiot Ave., Detroit, MI 48207 and The Great Atlantic & Pacific Tea Company, Inc., 19900 W. Nine Mile Road, Southfield, MI 48075.

MC 157973 (Sub-4–1TA), filed August 28, 1981. Applicant: EDWARD D. OWENS, P.O. Box 25, Rice Lake, WI 54868. Representative: Harold O. Orlofske, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract:* Irregular; Transportation of *(1) malt beverages, wine, advertising materials, cups glasses, and empty containers and pallets* in return movements between Ashland County, WI on the one hand, and, on the other, points in the Commercial Zones of Chicago, IL; Minneapolis, MN; Detriot, MI and Memphis, TN under a counting contract with Reinerio Beverage of Ashland, WI *(2) Malt beverages, adverstising materials, empty containers and pallets* in return movements between Barron County, WI on the one hand, and, on the other, points in the commerical Zones of Memphis, TN and Longview, TX under a continuing contract with Decker Distributing of Rice Lake, WI *(3) Paper products, food and related items* between Carlton County, MN on the one hand, and, on the other, points in FL, GA, IL, IN, MI, OH, and WI under a continuing contract with Upper Lake Foods of Cloquet, MN Supporting shippers: (1) Reinerio Beverage, 420 Ellis Ave., Ashland, WI 54806. (2) Decker Distributing, 211 W. Coleman, Rice Lake, WI 54868. (3) Upper Lake Foods, 801 Industry Ave., Cloquet, MN 55720.

MC 157975 (Sub-4–1TA), filed August 31, 1981. Applicant: S. & K. LEASING CORP., Main Street, Box 301, Bloomington, WI 53804. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *petroleum, natural gas, and their products* between points in Dubuque County, IA, and points in IL and WI. Restriction: restricted to transportation performed under a continuing contract(s) with Gramco, Ltd., Molo Oil Co., and Quality Oil Corporation. An underlying ETA seeks 120 days authority. Supporting shippers: Gramco, Ltd., P.O. Box 108, 1080 4th Street, Fennimore, WI 53809; Molo Oil Co., 41 Main Street, Dubuque, IA 52001; and Quality Oil Corp., Box 301, Bloomington, WI 53804.

MC 15546 (Sub-4–3TA), filed September 1, 1981. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1700 West Carroll Ave., Chicago, IL 60612. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. *Commodities which are dealt in or used by groceries, supermarkets and chain stores, other than commodities in bulk;* between points in IL, IN, IA, KS, MI, MN, MO, OH and WI, on the one hand, and, on the other, points in the U.S. Supporting shippers: Certified Grocers of Illinois, Inc., 6701 South La Grange Road, Hodgkins, IL 60525 and Barr Company, 6100 West Howard Street, Niles, IL 60648.

MC 47898 (Sub-4–1TA), filed September 3, 1981. Applicant: WISCONSIN-PACIFIC EXPRESSES, INC., P.O. Box 190, Weyauwega, WI 54983.Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Foodstuffs* (except in bulk), from the facilities utilized by Schreiber Foods, Inc.; in Lawrence, Barry, Jaspar, and Newton Counties, MO to points in MO, KS, NE, ND, SD, MN, IA, WI, IL, KY, IN, OH, MI, and TN. Supporting shipper: Schreiber Foods, Inc., P.O. Box 610, Green Bay, WI, 54304.

MC 108973 (Sub-4–1TA), filed September 3, 1981. Applicant: INTERSTATE EXPRESS, INC., 2334 University Ave., St. Paul, MN 55114. Representative: Sperling R. Englehart, 2334 University Ave., St. Paul, MN 55114. *Contract,* irregular; *Foodstuffs and materials, equipment and supplies used in the manufacture of foodstuffs* (except commodities in bulk, in tank vehicles), between the facilities of Cherry Central Cooperative, Inc. In MI on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Cherry Central Cooperative, Inc., Supporting shipper: Cherry Central Cooperative, Inc., P.O. Box 988, Traverse City, MI.

MC 141889 (Sub-4–8TA), filed September 3, 1981. Applicant: RONALD DEBOER d.b.a. RON DEBOER TRUCKING, Route 1, Milladore, WI 54454. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Wire and wire products* from Turlock, CA to Chesterfield, MO and points in IA, IL, MN and WI. Underlying ETA seeks 120 days authority. Supporting shipper: Volk Enterprises, Inc., P.O. Box 943, Turlock, CA 95381.

MC 142310 (Sub-4–12TA), filed September 3, 1981. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. *Common,* carrier, irregular routes; (1) *Glass* from the facilities of Twin Pane, division of Philips Industries, Inc. at Livonia, MI to Marshfield and Stevens Point, WI; and (2) *fiberglass products* from the facilities of Lasco Industries, division of Philips Industries, Inc. at Three Rivers, MI to points in CT, MA, MN, NJ, ND, PA, RI, VA, and WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Philips Industries, Inc., 4801 Springfield St., P.O. Box 943, Dayton, OH 45401.

MC 145701 (Sub-4–4TA), filed September 1, 1981. Applicant: D. C. TRANSPORT, INC., 916 South Riverside Ave., St. Clair, MI 48079. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226. *Fireplaces, furnaces and stoves* between Nashua, NH, and Charlotte, Morrisville and Randolph, VT, on the one hand, and, on the other, Wiliamston, MI. An underlying ETA seeks 120 days authority. Supporting shipper: Heat N Sweep, Inc., 119 South Putman Street, Williamston, MI 48895.

MC 146133 (Sub-3TA), filed September 3, 1981. Applicant: HALVOR LINES, INC., 4609 W. First, Duluth, MN 55806. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Malic* and *fumaric acid* from the Duluth, MN commercial zone to the commercial zones of Chicago, IL, Evansville, IN and St. Louis, MO. Supporting shipper: Alberta Gas Chemicals, Inc., 7 Century Dr, Parsipity, NJ 07054.

MC 146574 (Sub-4-1TA), filed September 3, 1981. Applicant: PARKER BROTHERS TRUCKING CORPORATION, 322 Bacon St., Lake City, MI 49651. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. *Contract;* irregular; *machined forgings (agricultural implements)* between all points in the U.S. under continuing contract(s) with Buyers Products Co. of Cleveland, OH. An underlying ETA seeks 120-day authority. Supporting shipper: Buyers Products Co. 23520 St. Clair Ave, Cleveland, OH 44117.

MC 150267 (Sub-4-2TA), filed September 3, 1981. Applicant: MCARDLE TRANSPORTATION, INC., Route 1, Hazel Green, WI 53811. Representative: Richard A. Westley, Attorney, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086. *Food and related products, materials, equipment and supplies used in the production and distribution of food and related products,* between the facilities used by Sanna, Inc. at or near Menomonie, Vesper, Eau Claire, and Wisconsin Rapids, WI on the one hand and, on the other hand, points in AL, FL, GA, MS, NC, SC, and TN. Supporting shipper: Sanna, Inc., P.O. Box 8046, Madison, WI 53708.

MC 152513 (Sub-4-2TA), filed September 3, 1981. Applicant: LARRY JACOBSON, RR #2, Williston, NC 58501. Representative: Jack B. Wolfe, 665 Capitol Life Center, Denver, CO 80203. *Dry ground corn starch,* from the facilities of Hubinger Co. at or near Keokuk, IA to points in ND, SD, MT, WY, CO, and ID. An underlying ETA seeks 120 days authority. Supporting shipper: Hubinger Co., 601 Main St., Keokuk, IA 52632.

MC 153829 (Sub-4-31TA), filed September 3, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Articles dealt in by farm and home supply stores,* from points in the U.S. to the facilities of TSC Industries-Western Division, at or near Omaha, NE. Supporting Shipper: TSC Industries-Western Division, 14242 C Circle, Omaha, NE 68144.

MC 157926 (Sub-4-1TA), filed September 3, 1981. Applicant: SPARHAWK TRUCKING, INC., 130 25th Ave., South, Wisconsin Rapids, WI 54494. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Food and related products* from Berlin, WI to points in IA, IL, MI, OH, and NY, for 270 days. an underlying ETA seeks 120 days authority. Supporting shipper: Wisconsin Spice, Inc., 114 South Capron St., Berlin, WI 54923.

MC 158020 (Sub-4-1TA), filed August 31, 1981. Applicant: FRY TRANSPORT, 2831 Barton Beach Road, Lafayette, IN 47905. Representative Robert L. Fry, 2831 Barton Beach Road, Lafayette, IN 47905. *contract;* irregular; *Malt beverages in bottles, cans, kegs,* from points in WI, MI, OH, KY, and TN to the facilities of Lafayette Beverage Distributors under continuing contract(s) with Lafayette Beverage Distributors, 705 S. Earl Avenue, P. O. Box 5686, Lafayette, IN.

MC 158024 (Sub-4-1), filed August 31, 1981. Applicant: TRIPLE R TRANSPORT, 807 S. Bundy Ave., Rice Lake, WI 54868. Representative: R. Revel Rustong, 807 S. Bundy Ave., Rice Lake, WI 54868. Contract, irregular, *used automobiles* between points in WI, IL, MN, and IA, under continuing contract with J. R. Auto Sales, Skars Auto Sales, Suburban Auto World, Irv's Cameron Auto, Discount Motors, Southside Auto. There are 6 Supporting shippers.

The Following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 52460 (Sub-5-41), filed September 2, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, OK 74107. Representative: Don D. Kruizinga (same as above). *Plastic Articles* between points in the States of CA, GA, IN, IA, NC, TN and TX, restricted to traffic originating at or destined to the facilities of Hancor, Inc. Supporting shipper: Hancor, In., 90 A East, P.O. Box 392, Hallettsville, TX 77964.

MC 52460 (Sub-5-42TA), filed September 2, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, OK 74107. Representative: Don D. Kruizinga (same as above). *General Commodities (except household goods, as defined by the Commission and Classes A and B Explosives)* Between points in the US (except AK and HI restricted to traffic originating at or destined to the facilities used by Hilti Industries, Inc. Supporting shipper: Hilti Industries, In., P.O. Box 21148, Tulsa, OK 74121.

MC 108053 (Sub-5-6TA), filed September 3, 1981. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., 1520 W. 23rd Street, Fremont, Nebraska 68025. Representative: Arnold L. Burke, Burke, Kerwin, Towle & Andrin, 180 North LaSalle Street, Chicago, IL 60601. *Parts and equipment used in the manufacture of aircraft,* between pts in the states of CA, UT, and MO. Supporting shipper: McDonnell Douglas Corp. St. Louis, MO.

MC 125535 (Sub-5-16TA), filed September 4, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY 2275 Schuetz Rd., St. Louis MO 63141. Representative: Donald S. Helm (same as applicant). Contract: Irregular (1) *Aluminum printing plates or sheets, gum solvents, printing machinery, and (2) products used in the manufacturing and distribution in (1) above (except commodities in bulk in tank vehicles),* Between Springfield MO, St. Louis MO and Jacksonville TX, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Western Litho Plate, 3433 Tree Court Industrial Blvd., St. Louis MO 63122.

MC 138328 (Sub-5-28TA), filed September 4, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 & Hwy. 50, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). *Chemicals and related products,* from Burley, ID, to points in IL, IN, MI, and OH. Supporting shipper: C.J.C. Inc., P.O. Box 304, Burley, ID 83318.

MC 139306 (Sub-5-2TA), filed September 4, 1981. Applicant: STANAGE TRANSPORTATION, INC., 121 Indian Springs Road, Hot Springs, AR 71901. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Cullet Glass, in bulk,* between Danville, KY and Trenton, NJ, on the one hand, and, on the other, Paris, TX. Supporting shipper: Westinghouse Electric Corporation, Bloomfield, NJ.

MC 145154 (Sub-5-7TA), filed September 3, 1981. Applicant: YOUNG'S TRANSPORTATION CO., 1230 West 17th Street, Houston, TX 77008. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *(1) Swimming pools, swimming pool supplies; and (2) chemicals and related products,* between points in Harris County, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Ideal Pool Corporation of Texas, 10050 Old Katy Road, Houston, TX 77055.

MC 145939 (Sub-5-1TA), filed September 3, 1981. Applicant: ATLANTIC CARRIERS, INC., Box 284, Atlantic, IA 50022. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Fertilizer* between pts., in IA, MO, KS, NE, SD, MN, WI and IL. Supporting shipper, Chevron Corporation, Box 282, Ft. Madison, IA 52627.

MC 149235 (Sub-5-10TA), filed September 2, 1981. Applicant: C. MAXWELL TRUCKING CO., INC. 9108 Reeds Drive, Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. Contract irregular *chemicals in packages and/or drums, proprietary antifreeze preparations in packages and/or drums,* from Kansas City, MO and its Commercial Zone to points in CO and WY. Supporting shipper: Texaco Chemical Company, P.O. Box 430, Bellaire, TX 77401.

MC 149296 (Sub-5-1TA), filed September 2, 1981. Applicant: LEVINGE CORPORATION, 14027 Chrisman, Houston, TX 77039. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Mercer commodities, metal products, and machinery,* between Houston, TX, and points in its commercial zone, on the one hand, and, on the other, points in AL, AR, CO, LA, MS, NM, OK, and WY. Supporting shippers: 7.

MC 154690 (Sub-5-2TA), filed September 3, 1981. Applicant: NEAL FERTILIZER, INC., R.F.D., Dexter, IA 50070. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Dry fertilizer,* from the facilities of W. R. Grace & Co. at or near Henry, IL and Trenton, MO to points in IA. Supporting shipper(s): W. R. Grace & Co., Agricultural Products, Central Region, P.O. Box 742, New Albany, IN 47150.

MC 155090 (Sub-5-6TA), filed September 3, 1981. Applicant: S & T TRUCKING CO., INC., P.O. Box 4054, Kansas City, MO 64101. Representative: Charles J. Fain, Attorney at Law, 333 Madison Street, Jefferson City, MO 65101. Contract, Irregular. *Primary metal products and fabricated metal products (except ordnance)* from Independence, MO and Kansas City, KS to points in AZ, AR, CA, CO, FL, GA, IL, IN, LA, MI, MN, MO, NJ, NY, OH, SC, TX and WA. Supporting shipper: S—G Metals Industries, 2nd and Riverview, Kansas City, KS 66118.

MC 155209 (Sub-5-2TA), filed September 3, 1981. Applicant: DOT TRANSPORTATION, INC., 1825 Midland Boulevard, Ft. Smith, AR 72904. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. Contract irregular; *air conditioners and accessories and metal products,* between points in the U.S. under continuing contract with General Electric Company. Supporting shipper(s): General Electric Company, 4811 S. Zero Street, Ft. Smith, AR 72903.

MC 155365 (Sub-5-2TA), filed September 3, 1981. Applicant: BEVERAGE TRANSPORTS, INC., 3741 WALTON, FORT WORTH, TX 76133. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. *Malt Beverage and related advertising materials; and return of empty, used beverage containers and materials, equipment and supplies used in and dealt with by breweries and distributors* between the plant sites of G. Heileman Brewing Company, Inc., located at Evansville, IN and Belleville, IL on the one hand, and points in TX on the other hand. Supporting shipper: G. Heileman Brewing Company, Inc., 100 Harborview Plaza, LaCrosse, WI 54601.

MC 157491 (Sub-5-1TA), filed September 2, 1981. Applicant: LINDAMOOD ENTERPRISES, INC., P.O. Box 392, Canyon, TX 79105. Representative: Grady L. Fox, Olsen Park Office Center, 3505 Olsen Suite 120, Amarillo, TX 79109. *New and used automobile (in a truckaway service) requiring special equipment* between points in NY, NJ, PA, MD, CT, RI, MA, OH, NE, IL, IN, VA, WV, NC, SC, GA, FL, AL, AR, MN, MO, WI, TN, IA, LA, OK, KS, CO, WY, UT, NV, CA, AZ, MN, on the one hand and points in TX on the other hand. Supporting shipper: 16.

MC 157823 (Sub-5-1TA), filed September 3, 1981. Applicant: NOTO MAGIC CITY EXPRESS, LTD., P.O. Box 364, Moberly, MO 65270. Representative: Patricia F. Scott, 20 East Franklin, Liberty, MO 64068-0258. Contract, irregular; *Malt beverages and empty containers,* between Moberly, MO and Belleville, IL and Memphis, TN. Supporting shippers: Carter Distributing Co., Inc. 102 W. Burkhart St., Moberly, MO 65270 and Hunt Distributing, Inc., 200 West Rollins, Moberly, MO.

MC 158039 (Sub-5-1TA), filed September 2, 1981. Applicant: RICK TENNANT AND NORMA BESSIRE, d.b.a. SOLAR HULL COMPANY, P.O. Box 1272, Canadian, TX 79014. Representative: Harold O. Orlofske, 145 West Wisconsin Avenue, Neenah, WI 54956. *Commodities, in bags, that are utilized by oil field operations* between (1) points in Butte County, SD; Park County, WY; Big Horn County, WY; Sweetwater County, WY; Natrona County, WY; and Weston County, WY on the one hand, and, on the other, Hemphill County, TX and (2) facilities used by or operated by American Colloid in Butte County, SD; Weston County, WY; Big Horn County, WY; Bowman County, ND; and Phillips County, MT on the one hand, and, on the other, points in OK and TX. Supporting shippers: Winkler Mud Company, P.O. Box 57, Canadian, TX, 79014; United Mud Company, P.O. Box 932, Canadian, TX, 79014; General Supply Mud Company, P.O. Box 1161, Canadian, TX, 79014; American Colloid, P.O. Box 228, Skokie, IL, 60077.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-26895 filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 416]

Railroad Revenue Adequacy, 1980; Determination; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of 1980 determinations of rail revenue adequacy.

SUMMARY: In Ex Parte No. 393, *Standards for Railroad Revenue Adequacy,* 364 I.C.C. 803 (1981), the Commission determined that a railroad would be considered revenue adequate under 49 U.S.C. 10704(a) if the railroad had a rate of return equal to the current cost of capital. The revenue adequacy of individual carriers was calculated using 1979 data. Since the issuance of that decision, 1980 data have become available. Using that data, the Commission has now determined that the following three of the thirty-seven class I carriers are revenue adequate: the Clinchfield, the Fort Worth and Denver, and the Pittsburgh and Lake Erie.

FOR FURTHER INFORMATION CONTACT: Jane Mackall (202) 275-7656.

SUPPLEMENTAL INFORMATION: Section 10704(a) of the Interstate Commerce Act requires the Commission to maintain revenue adequacy standards and procedures for rail carriers. In Ex Parte No. 393, *Standards for Railroad Revenue Adequacy,* 364 I.C.C. 803 (1981) notice of which appeared at 45 FR 20808, April 4, 1981, the Commission determined that a railroad would be considered revenue adequate if it had a rate of return equal to the current cost of capital.

In that decision, the Commission used 1979 data to determine the revenue adequacy of individual rail carriers because 1980 data were not available at that time. Data for 1980 have since become available, and this decision revises our determination of individual railroad revenue adequacy based on the carriers' operating results for the year 1980.

We have not requested public comment prior to updating the revenue adequacy determinations because none is necessary. This decision merely performs recalculations, using current data, according to standards and procedures previously established in Ex Parte No. 393, *supra*, after public notice and comment.

I. Net Investment Base

In the March 30, 1981 decision in Ex Parte No. 393, *supra*, we assessed the value of the rate base as the sum of the original cost of track assets plus betterments to track, plus the depreciated book value of all other assets. The same basis of assessment was used for this determination. For these purposes, the net investment base is calculated as the sum of the average of beginning and end of year investment in railroad property used in transportation service (Annual Report R1, Schedule 352A, line 39, columns d minus e) minus interest during construction (R-1 Schedule 352B, line 44, columns b through e); minus other elements of investment (if a debit) from the R-1, Schedule 352B, line 47, columns b through e; plus the working capital allowance from Rail Form A.

The numerator into which the net investment base is divided to determine the ROI is net railway operating income, obtained from the Annual Report, R1, Schedule 210, line 67, column b.

II. Cost of Capital

In the March 30, 1981 decision in Ex Parte No. 393, *supra*, we used a cost of capital rate of 11.7 percent predicated on the Commission's cost of capital findings in Ex Parte No. 363, *Adequacy of Railroad Revenue (1979 Determination)*, 362 I.C.C. 344 (1979). The Commission's cost of capital findings for 1979 were used since in that decision we were measuring the adequacy of 1979 revenues for the individual railroads. The use of 1980 data in this proceeding, however, necessitates the use of the Commission's 1980 cost of capital findings in Ex Parte No. 381, *Adequacy of Railroad Revenue (1980 Determination)*, 364 I.C.C. 311 (1980).

In that proceeding, we found that the appropriate cost of capital rate is 12.1 percent, computed as follows:

$$0.40 \times 10.0\% = 4.00\% \text{ (cost of debt portion)}$$

$$0.60 \times 13.5 = \underline{8.10\%} \text{ (cost of equity portion)}$$

$$12.10\%$$

III. Revenue Adequacy Determination

Based on the standard described above, we have made revenue adequacy determinations for thirty-seven class I freight railroads using 1980 data. Using the cost of capital standard for revenue adequacy, a railroad will be found adequate if it has a 1980 return on investment of 12.1 percent or higher. Railroads with lower returns on investment will be considered revenue inadequate.

In Ex Parte No. 393, *supra*, we treated the Southern Railway System as a consolidated entity because our calculations used general rate increase data that treated the Southern as a unit. In this proceeding, since we are using individual annual reports, we have examined each of the four class I railroads in the Southern System separately. This decision also omits the St. Louis San Francisco Railway which became part of the Burlington Northern during 1980. Thus, this decision examines thirty-seven railroads while the Ex Parte No. 393 decision examined thirty-five railroads.

We find three carriers to have earned adequate revenues during 1980. These railroads are the Clinchfield, the Fort Worth and Denver, and the Pittsburgh and Lake Erie. Their rates of return were 19.1, 19.3 and 17.8 percent respectively. Of these carriers, only the Fort Worth and Denver was found to have earned adequate revenues in 1979.

It should be noted that the Pittsburgh and Lake Erie wrote down its assets during 1979. In the absence of this writedown, the net investment base would have been considerably higher and the 1980 ROI might have been less than 12.1 percent. The other revenue adequate carriers are unusual also. The Clinchfield is a lessor railroad, with no shareholders' equity. The Fort Worth and Denver is a wholly-owned subsidiary of the Colorado and Southern which, in turn, is a wholly-owned subsidiary of the Burlington Northern.

A summary of our findings for all thirty-seven railroads, including the 1980 ROI, is contained as an appendix to this decision.

We find:

1. Under the standard previously established in Ex Parte No. 393, the following three of the thirty-seven class I railroads are revenue adequate: Clinchfield, Fort Worth and Denver, and the Pittsburgh & Lake Erie.

2. This proceeding will not significantly affect either the quality of the environment or conservation of energy resources; nor will it have adverse economic effects on small businesses or other entities.

This decision will be served on all those who were parties in Ex Parte No. 393.

Authority: 49 U.S.C. 10704(a).

Dated: September 9, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Chairman Taylor concurred with a separate expression. Vice Chairman Clapp concurred in the decision.

Agatha L. Mergenovich,

Secretary.

Chairman Taylor, concurring:

In its prior decision in Ex Parte 393, the Commission committed itself to making a revenue adequacy determination based on 1980 data no later than September 15, 1981. I concur in this decision in order to keep that commitment, and not because I accept the previously adopted formula.

Railroad Revenue Adequacy Determinations Revised Based on 1980 Operating Results (Based on ROI Standard of 12.1 Percent)

Carrier	1980 ROI (percent)	Determination of revenue adequacy
Eastern district		
Baltimore & Ohio	6.6	Inadequate.
Bessemer & Lake Erie	11.6	Inadequate.
Boston & Maine	2.0	Inadequate.
Chesapeake & Ohio	9.6	Inadequate.
Conrail	0	Inadequate.
Delaware & Hudson	0	Inadequate.
Detroit Toledo & Ironton	0	Inadequate.
Elgin Joliet & Eastern	3.4	Inadequate.
Grand Trunk Western	0	Inadequate.
Norfolk & Western	9.3	Inadequate.
Pittsburgh & Lake Erie	17.8	Adequate (see note 1).
Western Maryland	4.2	Inadequate.
Southern district		
Alabama Great Southern	8.6	Inadequate.
Central of Georgia	10.0	Inadequate.
Cinc, New Orleans, & Texas Pac.	10.7	Inadequate.
Clinchfield	19.1	Adequate.
Florida East Coast	6.7	Inadequate.
Illinois Central Gulf	0	Inadequate.
Louisville & Nashville	5.6	Inadequate.
Seaboard Coast Line	7.0	Inadequate.
Southern	7.8	Inadequate.
Western district		
Atchison, Topeka & Santa Fe	7.0	Inadequate.
Burlington Northern	5.5	Inadequate (see note 2).
Chicago & Norwestern	3.6	Inadequate.
Chi, Milwaukee, St. Paul & Pac.	0	Inadequate.
Colorado & Southern	7.7	Inadequate.
Denver & Rio Grande Western.	8.3	Inadequate.
Duluth, Messabi & Iron Range	7.8	Inadequate.
Fort Worth & Denver	19.3	Adequate.
Kansas City Southern	7.8	Inadequate.
Missouri-Kansas-Texas	6.5	Inadequate.
Missouri Pacific	8.1	Inadequate.
St. Louis Southwestern	5.8	Inadequate.

Railroad Revenue Adequacy Determinations Revised Based on 1980 Operating Results (Based on ROI Standard of 12.1 Percent)—Continued

Carrier	1980 ROI (percent)	Determination of revenue adequacy
Soo Line	9.2	Inadequate.
Southern Pacific	2.6	Inadequate.
Union Pacific	7.8	Inadequate.
Western Pacific	3.2	Inadequate.

NOTE 1.—The Pittsburgh & Lake Erie made a substantial write-down of its assets during 1979 to a figure well below its original cost (less depreciation) investment base. The 1980 ROI of 17.8 percent would be significantly lower using the pre-writedown data.

NOTE 2.—The data for the Burlington Northern incorporate the St. Louis San Francisco data (merged during 1980)

[FR Doc. 81-26899 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-48 (Preliminary)]

Certain Amplifier Assemblies and Parts Thereof From Japan

Determination

On the basis of the record [1] developed in investigation No. 731-TA-48 (Preliminary), the Commission unanimously determines that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Japan of certain amplifier assemblies and parts thereof, provided for in item 685.29 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).[2]

Background

On July 24, 1981, the U.S. International Trade Commission and the U.S. Department of Commerce each received a petition from Aydin Corp., Fort Washington, Penn.,[3] alleging that imports from Japan of certain amplifier assemblies [4] are being, or are likely to be, sold in the United States at LTFV. Accordingly, the Commission instituted a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the imports of such merchandise into the United States. The statute directs that the Commission make its determination within 45 days of its receipt of the petition, or in this case by September 8, 1981.

Notice of the institution of the Commission's investigation and of the public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and by publishing the notice in the **Federal Register** on August 5, 1981 (46 FR 39912). The conference was held in Washington, D.C. on August 19, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

Domestic industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."[5] "Like product" is defined as a product which is like, or in the absence of like, most similar in characteristics and uses with, the article under investigation.[6]

The imported articles subject to this investigation are radio-frequency power amplifiers specially designed for transmission in the C, X, and Ku bands [7] from fixed earth stations to communications satellites. These articles were made according to specifications in COMSAT contracts ESOC 1263 and ESOC 1264. ESOC 1263 is a contract for nine klystron 3-kilowatt (kW) [8] amplifiers designed for use on the C band. ESOC 1264 is a contract for 20 traveling-wave-tube (TWT) [9] 3-kW amplifiers designed for use on the C band.[10] Both of these contracts were for amplifiers for sending signals to communications satellites and both were won by Nippon Electric Co. (NEC) of Japan.

We find that the products in this investigation that are like those imported under ESOC 1263 and ESOC 1264 are klystron and TWT amplifiers of over 1 kW for use on the C, X, or Ku bands.[11] Amplifiers that have power ratings above 1 kW can be used to send all types of signals to communications satellites, including video signals.[12] The best information available indicates that amplifiers below 1 kW would not be capable of sending video signals. On this basis, we believe that only amplifiers above 1 kW should be considered like the 3-kW amplifiers involved in the two COMSAT contracts.[13]

Section 771(4)(D) directs the Commission to assess the effect of dumped imports in relation to the U.S. production of a like product if available data permit the separate identification of that product in terms of such criteria as the production process or the producers' profits. In this investigation, however, the available data permit the Commission to assess the effect of only the allegedly dumped imports on the overall operations of U.S. producers (i.e., employment and financial performance) on the production of high-powered amplifiers (HPA's) rather than limiting that assessment to operations regarding amplifiers of over 1 kW. The U.S. industry consists of those portions of Aydin Corp., Varian Associates, Inc., MCL, Inc., Hughes Aircraft Corp., and Comtech Telecommunications devoted to the production of the subject HPA's.[14]

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[1] The record is defined in § 207.2(j) of the Commission's rules of practice and procedure (19 CFR 207.2(j)).

[2] Vice Chairman Calhoun determines that there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports of the subject merchandise.

[3] MCI., Inc., La Grange, Ill., joined Aydin Corp. as a copetitioner on July 29, 1981.

[4] For purposes of this investigation, the subject merchandise is defined as radio-frequency power amplifier assemblies, and parts thereof, specially designed for transmission in the C, X, and Ku bands from fixed earth stations to communications satellites, provided for in item 685.29 of the Tariff Schedules of the United States.

[5] 19 U.S.C. 1677(4)(A).

[6] 19 U.S.C. 1677(10).

[7] Operating frequencies for radio transmitters are assigned by the Federal Communications Commission. Commercial satellite communications systems are assigned the C band (5.9–6.4 gigahertz (GHz)) and Ku band (12–14 GHz) frequencies, and military systems are assigned the X band (7.9–8.4 GHz).

[8] Power is measured in kilowatts and amplifiers are engineered for certain power ranges depending on design characteristics and intended uses.

[9] Both klystron and traveling-wave tubes provide the power amplification needed to transmit the signals to a satellite. The klystron and TWT amplifiers are somewhat different in terms of the manner in which they perform. The TWT amplifier is capable of sending signals over a much wider bandwidth than a klystron amplifier. As a result, the TWT amplifier does not need to be retuned as frequently, and one amplifier can be used to send signals to several transponders on a satellite. Nevertheless, klystron and TWT amplifiers are essentially performing the same function, in that they amplify the signal for uplink transmission to a communications satellite. We therefore believe that klystron and TWT amplifiers are like in terms of the statute.

[10] The COMSAT contracts call for amplifiers designed to broadcast on the C band, which is the principal band in the United States for civilian satellite broadcasting. Amplifiers that broadcast to satellites on the X or Ku bands are essentially the same as C-band amplifiers except that radio-frequency components and the tubes are designed to broadcast on the appropriate wavelengths. Because this is only a minor variation, we are of the view that the C, X, and Ku band amplifiers are like in terms of the statute.

[11] See additional views of Vice Chairman Calhoun.

[12] The type of signal that can be sent to communications satellites is a function of the power of the amplifier and the size of the antenna. In defining the like product, we assume use of an antenna in the range normal in the industry. The vast majority of transmitter stations use antennas in the normal range because it is not economical to do otherwise.

[13] It is our view that an amplifier with a linearizer, which is included in ESOC 1264, but not in ESOC 1263, is not significantly different in characteristics or uses from an amplifier without a linearizer. The purpose of a linearizer is to adjust for distortions in a signal as it passes through the amplifier. ESOC 1264 is the first COMSAT contract that has called for the use of this device. Although the linearizer may have a beneficial effect (there is some difference of opinion in this regard among producers and users), the essential characteristics of the amplifier remain the same.

Threat of material injury [15]

The Senate Finance Committee report on the Trade Agreements Act of 1979 makes clear that an affirmative finding on threat of material injury "must be based upon information showing that the threat is real and injury is imminent, not a mere supposition or conjecture." [16] The report of the Committee on Ways and Means of the House of Representatives states that, with respect to threat, the Commission should focus on

> demonstrable trends—for example, the rate of increase of the * * * dumped exports to the U.S. market, capacity in the exporting country to generate exports, the likelihood that such exports will be directed to the U.S. market taking into account the availability of other export markets, * * * [17]

Despite the current healthy conditions of the U.S. industry with regard to many of the factors listed in section 771(7)(c)(iii) of the Tariff Act of 1930,[18] including sales, profits, and employment, data collected during the investigation point to a reasonable indication of threat of material injury to that industry.[19] Imports of the subject amplifiers from Japan and the market penetration of such imports rose dramatically in 1981.[20] There is reason to believe that such import trends will continue in the immediate future as amplifiers are imported under the terms of the COMSAT contracts and future lost sales occur. We note that even though present indicators show a healthy industry, the injury occurring from the loss of the two COMSAT contracts has not yet manifested itself in the financial data.

The prices offered by NEC on the two COMSAT contracts on which dumping is alleged were significantly below those of U.S. producers,[21] and demonstrate NEC's desire and ability to compete aggressively in the growing U.S. market for satellite communications equipment. This substantial price undercutting may prevent the U.S. industry from raising its prices to a significant degree. If price suppression develops, the U.S. industry will experience adverse effects on investment and may be unable to retain highly skilled personnel or fund research and development plans.

The structure of this high-technology industry and the market in which it operates is such that funds for research and development and the retention of highly skilled personnel are very significant factors in the continued health of the industry. Because of long lead times and the built-to-specification nature of this market, every firm faces periods of rapid increases in sales and periods of lesser activity. Therefore, price suppression that threatens the domestic industry's ability to retain essential personnel and carry on necessary research and development require especially close scrutiny.

COMSAT provided the Commission with detailed information on its reasons for awarding both contracts to NEC. COMSAT's letter, which is reproduced in the report,[22] indicates that NEC was awarded both contracts because of several considerations, including technical superiority and delivery schedule. However, in each of the two instances, COMSAT has stated that proposals by some domestic firms were deemed adequate in terms of the non-price criteria. COMSAT operates under Federal Communications Commission rules that require that cost of the product be a major factor in determining the awarding of a contract.[23] Given "technical adequacy" of several bidders, the lower price offered by NEC was a deciding factor in the sales lost by the domestic producers.

NEC is a major world producer of HPS's, with vertically integrated manufacturing facilities capable not only of providing HPA's, but also all major components of HPA's, as well as entire earth stations for communication satellites on a turnkey basis.[24] NEC's success in winning the two COMSAT contracts will allow them to demonstrate technical capabilities and performance credibility with a large and technically exacting U.S. consumer. This could help NEC to make further inroads into the rapidly growing U.S. market for satellite communications equipment.

In sum, we determine that there is a reasonable indication that the rapid increase in market penetration by the alleged LTFV imports, together with the capture by NEC of two major procurements at prices well below those of its U.S. competitors, and NEC's ability to generate future exports to the United States will have a detrimental impact on the performance of the domestic industry in terms of profitability, productivity, return on investments, utilization of capacity, employment, and other areas. Thus, the investigation should continue.

Additional Views of Vice Chairman Calhoun

In finding the like product in this case to be Klystron and TWT amplifiers of over 1 kW for use on the C, X, or Ku bands, we have found domestically produced articles to be like products for which there is no imported counterpart and for which there is an absence of any allegation or substantial information suggesting fungibility between them and the products actually being imported.[25] To the extent this finding carries to the final investigation, its effect is to broaden the scope of the domestic production against which material injury or threat must be assessed under section 771(4)(D). Such a broadening would, thus, include products which may not be suffering any adverse impact from imports because, in the marketplace, they may not, in fact, face competition from imports. The result of such a broadening, then, is a tendency to reduce the likelihood of an affirmative finding because we would be assessing import impact against production which may be unaffected by imports. This would seem to frustrate the effectiveness of a law designed to provide relief to producers of products adversly affected by unfair imports.

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[14] Staff Report at A–5–6.

[15] Vice Chairman Calhoun, in voting material injury *or* threat takes the view that, except in unusual circumstances, data collected in preliminary investigations are not normally suitable for use in reaching especially precise conclusions such as whether injury is threatened or is extant. Nor, in his view, is such precision required in preliminary investigations. Consequently, in most preliminary investigations his vote is in the alternative pending receipt of more definitive data from the final investigation.

[16] S. Rep. No. 249, 96th Cong., 1st Sess. 88–89 (1979).

[17] H.R. Rep. No. 317, 96th Cong., 1st Sess. 47 (1979).

[18] 19 U.S.C. 1677(7)(iii).

[19] Specific company-related data are confidential and cannot be discussed in this public document.

[20] Staff Report at A–9, 11, and 12.

[21] *Id.* at A–16 and 19.

[22] *Id.* at A–30–42.

[23] 47 CFR 25.151.

[24] Staff Report at A–15.

[25] The articles which are actually to be imported are 9 Klystron-tube 3 kilowatt (kW) amplifiers designed for use on the C band and 20 travelling-wave-tube (TWT) 3 kW amplifiers designed for use on the C band. Therefore, the products included in the like product category which are not being imported are amplifiers over 1 kW but under 3 kW and amplifiers over 3 kW, both categories for use on C, X, or Ku bands. Included, as well, are amplifiers of 3 kW for use on X or Ku bands.

Despite the potential of our board like product finding to dilute the impact of imports, it seems appropriate because of the particular circumstances of this case. As a general rule, a finding of the domestic like product should follow, as close as practicable, the characteristics and uses of the imported article. That is, the like product ought to be the domestic product which the marketplace considers to be the closest thing to the article being imported. This approach is difficult, here, because, unlike most cases, the specific amplifiers in question are not standard production items, either domestically or abroad, in that they are to be manufactured in accordance with COMSAT specifications. Indeed, production of amplifiers for transmission from earth stations to communication satellites seem, generally, to take place on a made-to-specification basis. Thus, applying this general rule to find like products, in cases involving products made to order, leaves the finding dependent solely on the fortuity of there being some domestic production of a product having specifications close to those of the imported article. Such decisionmaking, based upon happenstance, cannot be sound policy.

Therefore, in reaching a finding of like product, a somewhat different approach has been undertaken. This approach should eliminate dependence on coincidence and should result in a like product finding which accurately identifies that production most likely to be impacted by imports. In this regard, then, while the specific requirements of particular users of amplifiers for transmission from earth to satellite may vary, there are, nevertheless, domestic producers who are capable of meeting the terms of specific contracts and ought to be entitled to the benefits of our trade laws. More relevant, however, is the fact that it is possible to describe rather particular characteristics of the category of amplifiers produced by these manufacturers which, subject to special efforts to meet particularized specifications, would meet the uses to which COMSAT and other consumers are likely to put such amplifiers. These characteristics and uses are discussed in the opinion and are the basis for my view that this category of amplifiers is most similar to the imported articles.

With such a view of like product, given the data thus far collected, we assess the impact of imports on the production of amplifiers which are generally capable of meeting the terms of a particular contract since production of more closely related amplifiers may or may not exist. This, then, makes the focus of our investigation properly on producers who are capable of competing with foreign producers for specification contracts for amplifiers for earth to satellite transmission.

I have explained my reasoning in some detail as an invitation to parties to address more closely in the final investigation the issue of like product and to supply the relevant data on a product line basis that tracks as close as possible our like product finding. These two matters are likely to be especially important considerations in our final investigation.

Issued: September 8, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-26933 Filed 9-15-81; 8:45 am]

BILLING CODE 7020-01-M

[Investigation No. 337-TA-102]

Certain Wheel Locks and Components Thereof; Settlement Agreement and Request for Public Comments

AGENCY: U.S. International Trade Commission.

ACTION: Request for public comments on proposed termination of investigation on the basis of a settlement agreement.

SUMMARY: Notice is hereby given that the presiding officer in this investigation has recommended that the Commission grant a joint motion by the parties to terminate the investigation on the basis of a settlement agreement executed by the complainant and the respondents. Before taking final action on the proposed termination of the investigation, the Commission requests that interested members of the public submit written comments thereon.

DATES: Comments will be considered if received within thirty (30) days of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Michael P. Mabile, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION: On August 7, 1981, the complainant, all respondents, and the Commission investigative attorney filed a joint motion (motion 102-4) to terminate this investigation pursuant to rule § 210.51(a) of the Commission's rules of practice and procedure on the basis of a settlement agreement executed by the complainant and the respondents. On August 20, 1981, the presiding officer recommended that motion 102-4 be granted, and the proposed termination of this investigation based on the settlement agreement is now before the Commission.

The substantive provisions of the settlement agreement are summarized as follows:

1. The agreement is between complainant McGard, Inc., respondents Kyo-Ei Industrial Corp., Mackin Industries, Superior Industries International, Inc., and Custom Plating Corp., and Kyo-Ei America Corp., a non-party to the investigation.

2. Complainant McGard, Inc., is the owner of all rights in U.S. Letters Patent No. 3,241,408, and all parties agree that the patent is valid.

3. Respondents and Kyo-Ei American Corp. agree that they will cease importing wheel locks of a design alleged to infringe the patent after November 15, 1981, and that they will not import or cause to be imported any wheel lock until after March 22, 1983, the date of expiration of the patent, except as provided in the agreement.

4. Between June 25, 1981, and November 15, 1981, respondents and Kyo-Ei American Corp. may sell their existing inventories of the allegedly infringing wheel locks and may import 97,510 additional sets of those wheel locks. Replacement keys for allegedly infringing wheel locks that have already been imported may be imported as necessary.

5. The parties agree that wheel locks conforming to specific new designs submitted by the respondents and Kyo-Ei America Corp. would not infringe the claims of the patent and that Kyo-Ei Industrial Corp. may manufacture, and that the other respondents and Kyo-Ei America Corp. may import, distribute and sell, wheel locks conforming to those designs.

6. For the duration of the agreement, Kyo-Ei Industrial Corp. may submit drawings for different or additional wheel lock designs to McGard for approval, and such approval shall not be unreasonably withheld. If the parties cannot agree to such different or additional designs, either party may petition the Commission to reopen the investigation. The successful party to any Commission investigation, suit at law, or other proceeding to resolve such a dispute shall be entitled to recover its attorneys fees and costs.

7. All wheels locks manufactured in Japan and imported, distributed or sold in the United States by respondents and Kyo-Ei America Corp. will be clearly and conspicuously labeled as having been manufactured in Japan.

8. The parties agree that prior to March 22, 1983, the expiration date of

the patent, any party may move to reopen the Commission investigation on the basis of an alleged breach of the agreement.

9. Respondents and Kyo-Ei America Corp., by signing the agreement, do not admit violation of section 337 of the Tariff Act of 1930 or any other statute or regulation.

The complete text of the settlement agreement, except for confidential business information contained therein, is available for public inspection during normal business hours (8:45 a.m. to 5:15 p.m.) at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

All comments should conform to rule § 201.8 of the Commission's rules of practice and procedure (19 CFR 201.8) and should be addressed to the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

Issued: September 9, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-26934 Filed 9-15-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-97]

Certain Steel Rod Treating Apparatus and Components Thereof; Opportunity To File Preliminary Response

AGENCY: United States International Trade Commission.

ACTION: Having reviewed Motion Nos. 97–55 and 97–56, and the record in this investigation, the Commission has granted respondents an opportunity to file a preliminary response to Motion No. 97–55 no later than September 10, 1981. The preliminary response should address the threshold issue of whether a Temporary Exclusion Order proceeding in the form of a hearing before the Commission is warranted in this investigation.

SUMMARY: Opportunity for a preliminary response.

SUPPLEMENTARY INFORMATION: Notice is hereby given that complainant Morgan Construction Co. has filed Motion No. 97–55, requesting a temporary exclusion order (TEO) and Motion No. 97–56, requesting that respondents' time to respond to Motion No. 97–55 be shortened.

After reviewing Motions Nos. 97–55 and 97–56 and the record in this investigation, the Commission has determined that respondents should be given an opportunity to submit a preliminary response to Motion No. 97–55. The preliminary response should address the threshold issue of whether the allegations made in Motion No. 97–55 warrant a TEO proceeding in this investigation. Any such preliminary responses are due by close of business, September 10, 1981.

If the Commission determines on the basis of Motion No. 97–55 and any preliminary responses thereto that a TEO proceeding is warranted in this investigation, the Commission will set a hearing date and schedule. The schedule (if any) will give notice of any deadline for the submission of briefs by parties concerning the possible issuance of a TEO. Thus in the event that the Commission decides to conduct a TEO proceeding, respondents (and all other parties) will be given a further opportunity to respond to Motion No. 97–55 in the form of a brief.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

By Order of the Commission.

Issued: September 9, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-26935 Filed 9-15-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Which the United States Seeks To Enforce Compliance by Pester Refining Co. and American Petrofina Co. of Texas With the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on September 2, 1981, a proposed consent decree and order in *United States of America* v. *Pester Refining Company and American Petrofina Company of Texas*, Civil Action No. 78-1448, was lodged with the United States District Court for the District of Kansas. Since May, 1979, defendants have been in compliance with the Clean Water Act and their National Pollution Discharge Elimination System (NPDES) permit, and therefore, no injunctive relief is provided as part of the consent decree.

In lieu of the payment of a civil penalty, defendants have agreed to install additional environmental controls beyond that which is necessary to comply with law. No later than December 31, 1982, Pester Refining Company (Pester), will install automatic oxygen stack gas analyzers in the main Crude Unit heater and the Alkylation Unit depropanizer reboiler at its refinery located in El Dorado, Kansas. No later than December 31, 1982, American Petrofina Company of Texas (APCOT) will install a froth storage tank and low-rate pumping system in the air flotation unit sludge disposition system at its refinery in Port Arthur, Texas. The controls shall result in the expenditure of not less than Thirty Thousand Dollars ($30,000.00) each by Pester and APCOT.

The Department of Justice will receive on or before October 16, 1981 written comments related to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Pester Refining Company and American Petrofina Company of Texas*, D.J. Ref. 90-5-1-1-1135.

The proposed consent decree may be examined at the office of the United States Attorney, 444 Quincy Street, Topeka, Kansas 66683; at the Region VII office of the Environmental Protection Agency, Enforcement Division, 324 East 11th Street, Kansas City Missouri 64106; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, 10th and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-26882 Filed 9-15-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Dow Chemical Co.; Withdrawal of Application

On July 17, 1981, the Administrator of the Drug Enforcement Administration published in the **Federal Register** (46 FR 37098) a notice concerning action on Dow Chemical Company's (DOW) application for registration as an importer of bulk dextropropoxyphene, a narcotic substance listed in Schedule II of the Controlled Substances Act. The notice stated in part that DEA had notified Dow that it had failed to make a substantive showing to support its registration as an importer of bulk dextropropoxyphene, and that Dow had been given the opportunity to either withdraw its application or to submit additional information in support of it.

Dow has notified DEA that it desires to withdraw the subject application. Section 1301.37, Title 21, Code of Federal Regulations provides that an application may be withdrawn at any time prior to the date on which the applicant receives an Order to Show Cause. Accordingly, the subject application shall be, and it hereby is, withdrawn. Dow will dispose of its remaining stock of dextropropoxyphene according to the procedures set forth in the above-mentioned **Federal Register** announcement.

Dated: September 8, 1981.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 81-20691 Filed 9-15-81; 8:45 am]

BILLING CODE 4410-09-M

National Institute of Justice

Crime Control Theory, et al.; Competitive Research Proposal Solicitations

The National Institute of Justice announces competitive research proposal solicitations in the following three program areas: (1) Crime Control Theory; (2) Criminal Justice System Performance Measurement; and (3) Classification, Prediction and Methodology Development. Subject to the availability of funds for fiscal year 1982, it is anticipated that from $500,000 to $1,000,000 will be allocated for the support of research in each of these areas. It is expected that individual grant awards will average about $100,000. Funding recommendations among proposals received will be made to the National Institute of Justice by peer review panels consisting of experts in each of the subject areas. To be eligible for consideration, proposals must be postmarked by the following deadline dates:

(1) Crime Control Theory
1st cycle—December 5, 1981
2nd cycle—April 17, 1982

(2) Performance Measurement
January 15, 1982

(3) Classification, Prediction, Methodology Development
1st cycle—December 18, 1981
2nd cycle—April 30, 1982

Copies of these solicitations can be obtained by writing to: Program Solicitation Office, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Harry M. Bratt,

Acting Director.

[FR Doc. 81-20683 Filed 9-15-81; 8:45 am]

BILLING CODE 4410-18-M

Privacy Act of 1974; Modified System of Records

[AAG/A Order No. 76-81]

Pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a, the Federal Bureau of Investigation, Department of Justice, proposes to add the routine uses printed below to the JUSTICE/FBI-001 National Crime Information Center (NCIC) system, notice of which was published in the **Federal Register** on April 17, 1981.

Data in NCIC files, other than the Computerized Criminal History File, is disseminated to (1) a nongovernmental agency or subunit thereof which allocates a substantial part of its annual budget to the administration of criminal justice, whose regularly employed peace officers have full police powers pursuant to state law and have complied with the minimum employment standards of govermentally employed police officers as specified by state statute; (2) a noncriminal justice governmental department of motor vehicle or driver's license registry, established by a statute, which provides vehicle registration and driver record information to criminal justice agencies; (3) a govermental regional dispatch center, established by a state statute, resolution, ordinance or Executive order, which provides communication services to criminal justice agencies; and (4) The National Automobile Theft Bureau, a nongovernmental, nonprofit agency which acts as a national clearinghouse for information on stolen vehicles and offers free assistance to law enforcement agencies concerning automobile thefts, identification and recovery of stolen vehicles.

Disclosures of information from this system, as described above, are for the purpose of providing information to authorized agencies to facilitate the apprehension of fugitives, the location of missing persons, the location and/or return of stolen property, or similar criminal justice objectives.

All of the additional routine use language has been italicized for the convenience of the public.

Since these routine uses are compatible with the purposes for which the system is maintained, no report to the Office of Management and Budget or the Congress is required.

Inquiries or comments may be submitted in writing to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, NW, Washington, D.C. 20530. If no comments are received within 30 days following the date of publication of this notice in the **Federal Register**, the new routine uses will be adopted as set forth. No oral hearings are contemplated.

The amended system is reprinted below in its entirety.

Dated: September 3, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/FBI-001

SYSTEM NAME:

National Crime Information Center (NCIC).

SYSTEM LOCATION:

Federal Bureau of Investigation; J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Wanted Persons: 1. Individuals for whom Federal warrants are outstanding. 2. Individuals who have committed or have been identified with an offense which is classified as a felony or serious misdemeanor under the existing penal statutes of the jurisdictions originating the entry and felony or misdemeanor warrant has been issued for the individual with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria. 3. A "Temporary Felony Want" may be entered when a law enforcement agency has need to take prompt action to establish a "want" entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictionary boundaries and circumstances preclude the immediate procurement of a felony warrant. A "Temporary Felony Want" shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the initial entry of a temporary want. The agency originating the "Temporary Felony Want" shall be responsible for subsequent verification or re-entry of a permanent want.

B. Individuals who have been charged with serious and/or significant offenses.

C. Missing Persons: 1. A person of any age who is missing and who is under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger. 2. A person of any age who is missing under circumstances indicating that his disappearance was not voluntary. 3. A person of any age who is missing and in the company of another person under circumstances indicating that his physical safety is in danger. 4. A person who is missing and declared unemancipated as defined by the laws of his state of residence and does not meet any of the entry criteria set forth in 1, 2, or 3 above.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Stolen Vehicle File: 1. Stolen vehicles. 2. Vehicles wanted in conjunction with felonies or serious misdemeanors. 3. Stolen vehicle parts, including certificates of origin or title.

B. Stolen License Plate File: 1. Stolen or missing license plate.

C. Stolen/Missing Gun File: 1. Stolen or missing guns. 2. Recovered gun, ownership of which has not been established.

D. Stolen Article File.

E. Wanted Person File: Described in "Categories of individuals covered by the system: A. Wanted Persons".

F. Securities File: 1. Serially numbered stolen, embezzled, counterfeited, missing securities. 2. "Securities" for present purposes of this file are currency (e.g. bills, bank notes) and those documents or certificates which generally are considered to be evidence of debt (e.g. bonds, debentures, notes) or ownership of property (e.g. common stock, preferred stock), and documents which represent subscription rights, warrants) and which are of those types traded in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

G. Boat file.

H. Computerized Criminal History File: A cooperative federal-State program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies.

I. Missing Person File: Described in "Categories of individuals covered by the system: C. Missing Persons".

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with Title 28, United States Code, Section 534 and Title 28—Judicial Administration, Chapter I—Department of Justice (Order No. 601–75) Part 20—Criminal Justice Information Systems. Public Law 92–544 (86 Stat. 115), Executive Order 10450, Public Law 94–29 (89 Stat. 97) Security Acts Amendments of 1975.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data in NCIC files is exchanged with and for the official use of authorized officials of the Federal Government, the States, cities, and penal and other institutions. The data is exchanged through NCIC lines to Federal criminal justice agencies, criminal justice agencies in the 50 States, the District of Columbia, Puerto Rico, U.S. Possessions and U.S. Territories. Additionally, data contained in the various "want files," i.e., the stolen vehicle file, stolen license plate file, stolen/missing gun file, stolen article file, wanted person file, securities file, and boat file may be accessed by the Royal Canadian Mounted Police. Criminal history data is desseminated to non-criminal justice agencies for use in connection with licensing for local/state employment or other uses, but only where such dissemination is authorized by Federal or state statutes and approved by the Attorney General of the United States.

Data in NCIC files, other than the Computerized Criminal History File, is disseminated to (1) a nongovernmental agency or subunit thereof which allocates a substantial part of its annual budget to the administration of criminal justice, whose regularly employed peace officers have full police powers pursuant to state law and have complied with the minimum employment standards of governmentally employed police officers as specified by state statute; (2) a noncriminal justice governmental department of motor vehicle or driver's license registry, established by a statute, which provides vehicle registration and driver record information to criminal justice agencies; (3) a governmental regional dispatch center, established by a state statute, resolution, ordinance or Executive order, which provides communication services to criminal justice agencies; and (4) The National Automobile Theft Bureau, a nongovernmental, nonprofit agency which acts as a national clearinghouse for information on stolen vehicles and offers free assistance to law enforcement agencies concerning automobile thefts, identification and recovery of stolen vehicles.

Disclosures of information from this system, as described above, are for the purpose of providing information to authorized agencies to facilitate the apprehension of fugitives, the location of missing persons, the location and/or return of stolen property, or similar criminal justice objectives.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personnel privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the NCIC system is stored electronically for use in a computer environment.

RETRIEVABILITY:

On-line access to data in NCIC is achieved by using the following search descriptors. 1. Vehicle file: (a) Vehicle identification number; (b) License plate number; (c) NCIC number (unique number assigned by the NCIC computer to each NCIC record). 2. License Plate file: (a) License plate number; (b) NCIC number. 3. Gun File: (a) Serial number of gun; (b) NCIC number. 4. Article File: (a) Serial number of article; (b) NCIC number. 5. Wanted Person File: (a) Name and one of the following numerical identifiers, date of birth, FBI number (number assigned by the Federal Bureau of Investigation to an arrest fingerprint record), Social Security number (It is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system), Operator's license number (driver's license number), Miscellaneous identifying number (military number or number assigned by Federal, state, or local authorities to an individual's record), Originating agency case number, (b) Vehicle or license plate known to be in the possession of the wanted person; (c) NCIC number (unique number assigned to each NCIC record). 6. Securities File. (a) Type, serial number, denomination of security; (b) Type of security and name of owner of security; (c) Social Security number of owner of security, (d) NCIC number. 7. Boat File: (a) Registration document number, (b) Hull serial number, (c) NCIC number. 8. Computerized Criminal History File; (a) Name, sex, race, and date of birth; (b) FBI number, (c) State identification number; (d) Social Security number; (e) Miscellaneous number. 9. Missing Person file—Same as "Wanted Person" File.

SAFEGUARDS:

Data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized criminal justice agencies. The following security measures are the minimum to be adopted by all criminal justice agencies having access to the NCIC Computerized Criminal History File. These measures are designed to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

1. Computer Centers: a. The criminal justice agency computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data. b. Since personnel at these computer centers can access data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. (This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel. c. All visitors to these computer centers must be accompanied by staff personnel at all times. d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals. e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data. f. Each state control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verificaion. The configuration and operation of the center shall provide for the integrity of the data base.

2. Communications: a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice use, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels. b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept of inject system traffic.

3. Terminal Devices Having Access to NCIC; a. All agencies having terminals on the system must be required to physically place these terminals in secure locations within the authorized agency. b. The agencies having terminals with access to criminals history must have terminal operators screened and restrict access to the terminal to a minimum number of authorized employees. c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of that data. d. All remote terminals on NCIC Computerized Criminal History will maintain a hard copy of computerized criminal history inquiries with notations of individual making request for record (90 days).

RETENTION AND DISPOSAL:

Unless otherwise removed, records will be retained in file as follows:

1. Vehicle File: a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) therein, will be purged from file 90 days after the end of the license plate's expiration year as shown in the record. Unrecovered stolen vehicle records (including snowmobile records) which contain VIN's will remain in file for the year of entry plus 4. b. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be reentered. c. Unrecovered stolen VIN plates, certificates or origin of title, and serially numbered stolen vehicles engines or transmissions will remain in file for the year of entry plus 4.

2. License Plate File: Unrecovered stolen license plates not associated with a vehicle will remain in file for one year after the end of the plate's expiration year as shown in the record.

3. Gun File: a. Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record. b. Weapons entered in file as "recovered" weapons will remain in file for the balance of the year entered plus 2.

4. Article File: Unrecovered stolen articles will be retained for the balance of the year entered plus one year.

5. Wanted Person File: Persons not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except "Temporary Felony Wants", which will be automatically removed from file after 48 hours).

6. Securities File: Unrecovered, stolen, embezzled, counterfeited or missing securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders, which will be retained for the balance of th year entered plus 2.

7. Boat File: Unrecovered stolen boats will be retained in file for the balance of the year entered plus 4.

8. Missing Person File: Will remain in the file until the individual is located or, in the case of unemancipated persons, the individual reaches the age of emancipation as defined by laws of his state.

9. Computerized Criminal History File: When an individual reaches age of 80.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, J. Edgar Hoover F.B.I. Building, 9th and Pennsylvania Avenue N.W., Washington, D.C. 20535.

NOTIFICATION PROCEDURES:

Same as the above.

RECORD ACCESS PROCEDURE:

It is noted the Attorney General is exempting this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to a requester. The procedures by which an individual may obtain a copy of his computerized Criminal History are as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the NCIC CCH File, it is available to that individual for review, upon presentation of appropriate identification, and in accordance with applicable State and Federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure 1. All requests for review must be made by the subject of his record through a law enforcement agency which has access to the NCIC

CCH File. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are in file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry of NCIC to obtain his record on-line or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Washington, D.C., by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI or possibly, in the State's central identification agency.

CONTESTING RECORD PROCEDURES:

The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

RECORD SOURCE CATEGORIES:

Information contained in the NCIC system is obtained from local, State, Federal and international criminal justice agencies.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H), (e)(8) (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

[FR Doc. 81-26913 Filed 9-15-81; 8:45 am]

BILLING CODE 4410-02-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Addendum

The Agenda for the meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) scheduled for September 22–24, 1981 published in the **Federal Register** of September 9, 1981 (Page 45053), has changed. The closed session scheduled September 23, 1981 from 8:30 a.m. to 10:00 a.m. has been deferred. The amended Agenda is as follows:

Tuesday, September 22, 1981

Plenary

9:00 a.m.—9:30 a.m.—Announcements
9:30 a.m.—12:00 noon—To Be Announced
12:00 noon—1:00 p.m.—Lunch
1:00 p.m.—5:00 p.m.—Panel meetings
1:00 p.m.—3:00 p.m.—Hydrology, Chairman: Paul Bock (Room B-100)
1:00 p.m.—3:00 p.m.—Coastal Zone, Topic: Coastal Barriers, Co-Chairmen: Sharron Stewart, Jack R. Van Lopik
3:00 p.m.—5:00 p.m.—Environment and Regulations, Topic: Review of Several Regulating Areas, Co-Chairmen: Sylvia A. Earle, Peter Emerson
5:00 p.m.—Recess

Wednesday, September 23, 1981

8:30 a.m.—12:00 noon—Panel meetings
8:30 a.m.—12:00 noon—Costal Zone, Topic: OCS Revenue Sharing, Co-Chairmen: Sharron Stewart, Jack R. Van Lopik

Note.—Session on Global Positioning System deferred to subsequent meeting.

10:00 a.m.—12:00 noon—Weather Services, Topic: Provision of Weather Services; User Fees. Guest: Richard E. Hallgren, Director, National Weather Service, National Oceanic & Atmospheric Administration, Chairman: Warren Washington (Room B-100)
12:00 noon—1:00 p.m.—Lunch
1:00 p.m.—3:00 p.m.—Plenary
Panel Reports
3:00 p.m.—Adjourn (Regular NACOA Meeting)
3:00 p.m.—6:30 p.m.—Panel meeting
Marine Minerals, Chairman: Burt Keenan
3:00 p.m.—3:15 p.m.—Opening Remarks: Burt Keenan
3:15 p.m.—4:00 p.m.—Strategic metals stockpiling policy: Charles Fontana, FEMA
4:00 p.m.—5:00 p.m.—Continental Shelf Minerals: J. Robert Moore
5:00 p.m.—5:45 p.m.—Financing of Deep Ocean Mining: Richard Tinsley
5:45 p.m.—6:30 p.m.—Mineral Marketing and Ocean Mining: Jim Johnston
6:30 p.m.—Recess

Thursday, September 24, 1981

Panel Meeting

8:30 a.m.—12:00 noon—Marine Minerals (Cont'd)
NOAA Presentation
Regulations: Amor Lane, John Padan
Environmental Issues/Assessment: Jim Lawless
Negotiations of Like-Minded Nations: Jim Lawless
Sea Grant: Dave Duane
Polymetallic Sulfides: Dave Duane
12:00 noon—1:00 p.m.—Lunch
1:00 p.m.—1:30 p.m.—Report on Administration Review of the draft Law of the Sea Treaty: Conrad Welling
1:30 p.m.—3:00 p.m.—Review of task statement; Discussion of issues
3:00 p.m.—3:15 p.m.—Coffee break
3:15 p.m.—5:30 p.m.—Discussion of issues (cont'd); November meeting date
5:30 p.m.—Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman has the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Room 438, Page Building #1), Washington, DC 20235. The telephone number is (202) 653-7818.

Dated: September 14, 1981.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-26902 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for PCM; Subcommittee on Genetic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Genetic Biology of the Advisory Committee for Physiology, Cellular & Molecular Biology.
Date and time: October 8–10, 1981, 9:00 AM.
Place: Room 421, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. DeLill Nasser, Program Director, Genetic Biology Program, Room 329. National Science Foundation, Washington, D.C. 20550, telephone (202) 357-9687.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in genetic biology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee

Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 11, 1981.

[FR Doc. 81–26973 Filed 9–15–81; 8:45 am]

BILLING CODE 7555-01-M

Committee on Equal Opportunities in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub.L. 92–463, the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Technology

Place: Rm. 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550

Date: Tuesday, October 6 and Wednesday, October 7, 1981

Time: 9:00 a.m. to 5:00 p.m. both days

Type of meeting: Open

Contact person: Mrs. Mary Poats, Executive Secretary of the Committee, National Science Foundation, Rm. 537, 1800 G Street, NW., Washington, D.C. 20550 Telephone: 202/357–9571

Purpose of committee: To provide advice to the Foundation on policies and activities of the Foundation to encourage full participation of women, minorities and other groups currently underrepresented in scientific, engineering, professional and technical fields.

Summary minutes: May be obtained from the contact person at the above stated address.

Agenda: To review progress by the two subcommittees of the NSF Committee on Equal Opportunities in Science & Technology and to meet with the Director and the Deputy Director and NSF staff.

M. Rebecca Winkler,

Committee Management Coordinator.

September 11, 1981.

[FR Doc. 81–26975 Filed 9–15–81;8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Regulatory Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Regulatory Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology

Date and time: October 7, 8, 9, 1981 (8:30 am to 5:00 pm)

Place: Conference Room 338, National Science Foundation, 1800 G Street, NW., Washington, DC 20550

Type of meeting: Closed

Contact person: Dr. Bruce L. Umminger, Program Director, Regulatory Biology, Room 332, National Science Foundation, Washington, DC 20550, Telephone 202/357–7975

Purpose of subcommitte: To provide advice and recommendations concerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,

Committee Management Coordinator.

September 11, 1981.

[FR Doc. 81–26971 Filed 9–15–81; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Metabolic Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Metabolic Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: October 1, 1981 (11:00 am to 6:00 pm); October 2, 1981 (8:30 am to 6:00 pm); October 3, 1981 (8:30 am to 4:00 pm).

Place: Conference Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Elijah B. Romanoff, Program Director, Metabolic Biology, Room 325, National Science Foundation, Washington, D.C. 20550, Telephone 202/357–7987.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in metabolic biology.

Agenda: To review research proposals and advise the program staff as part of the selection process for awards.

Reason for: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 11, 1981.

[FR Doc. 81–26972 Filed 9–15–81; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Mechanical Engineering and Applied Mechanics; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Mechanical Engineering and Applied Mechanics (MEAM) of the Advisory Committee for Engineering

Date and time: October 5 and 6, 1981—9 am to 5 pm each day

Type of meeting: 10/5—9:00 am to 12:15 pm—open; 1:30 pm to 5:00 pm—closed; 10/6—9:00 am to 1:00 pm—open; 2:00 pm to 5:00 pm—closed

Contact person: Dr. A. M. Strauss, Division Director, Mechanical Engineering and Applied Mechanics, Room 1108, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–9542

Summary minutes: May be obtained from Hope Duckett, Division of Mechanical Engineering and Applied Mechanics, Room 1108, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–9542

Purpose of subcommittee: To provide directions for Mechanical Engineering and Applied Mechanics research

Agenda:

Monday, October 5—Open—9 am to 12:15 pm, Rm. 543

9:00—Welcome by Dr. J. Slaughter, Director, NSF and Dr. J. Sanderson, Assistant Director for Engineering

10:00—Questions and Answers

10:15—Briefing of Division Programs

11:45—Questions and Answers

12:15—Recess for Lunch

Monday, October 5—Closed—1:30 pm to 5:00 pm, Rm. 543

1:30—Review and comparison of declined proposals (and supporting documentation) with successful awards under the Mechanical Engineering and Applied Mechanics Division, including review of peer review materials and other privileged material

Tuesday, October 6—Open—9:00 am to 1:00 pm, Rm. 642

9:00—Oral reports from Subcommittee

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9:30—Subcommittee discussion of future directions of programs
10:30—Subcommittee discussion of division-wide concerns
11:30—Drafting of preliminary Subcommittee response

Tuesday, October 6—Closed—2:00 pm to 5:00 pm, Rm. 642

2:00—Further review of peer review process on individual grants and declinations
5:00—Adjourn

Reason for closing: The Subcommittee will be reviewing grant and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 11, 1981.

[FR Doc. 81–26974 Filed 9–15–81; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Anticipated Transients Without Scram; Meeting

The ACRS Subcommittee on Anticipated Transients Without Scram (ATWS) will hold a meeting on October 2, 1981, Room 1046, at 1717 H Street, NW., Washington, DC. The Subcommittee will discuss the ATWS Rule recently proposed by the Commission. Discussion will focus on the portion of the Rule that incorporates risk assessment methodology. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members to the public in attendance.

The agenda for subject meeting shall be as follows:

Friday, October 2, 1981—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this topic.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: September 10, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–26961 Filed 9–15–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Transportation of Radioactive Materials; Meeting

The ACRS Subcommittee on Transportation of Radioactive Materials will hold a meeting on October 1 and 2, 1981 at the Oak Ridge National Laboratory, Engineering Division Conference Room, Building 1000, Room 101–C, Oak Ridge, TN. The Subcommittee will discuss NRC procedures for certifying packages used for transportation of radioactive materials. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, October 1, 1981—1:00 p.m. Until the Conclusion of Business

Friday, October 2, 1981—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 10, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–26960 Filed 9–15–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–348 and 50–364]

Alabama Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. NPF–2 and Amendment No. 6 to Facility Operating License No. NPF–8 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Houston County, Alabama. The amendments were effective August 7, 1981.

On July 31, 1981, Amendment No. 21 to Facility Operating License No. NPF-2 and Amendment No. 3 to Facility Operating License No. NPF-8 authorized a six day extension from Technical Specification requirements to allow repairs to diesel generator 1C. The planned maintenance evolved into a major overhaul and more time is necessary to complete the repairs.

The present amendments were authorized by telephone on August 7, 1981. The amendments revise the previously granted extension from diesel generator operability and surveillance frequency requirements to allow continued plant operation for a total of fifteen days during repairs to diesel generator 1C. The amendments were authorized on an expedited basis to maintain the plant at a steady-state condition and avoid a shutdown transient shown by our evaluation to be unnecessary but required by Technical Specifications unless amended.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the request for amendments dated August 7, 1981, (2) Amendment No. 24 to License No. NPF-2, (3) Amendment No. 6 to License No. NPF-8, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 35303. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 27th day of August 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-26949 Filed 9-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-358]

Cincinnati Gas and Electric, et al.; William H. Zimmer Nuclear Power Station, Unit 1; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Cincinnati Gas and Electric, et al.* (William H. Zimmer Nuclear Power Station, Unit 1) Docket No. 50-358, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. John H. Frye III. Mr. Charles Bechhoefer was a member of this Board but, because of a schedule conflict, is presently unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

John H. Frye III, Chairman
Dr. M. Stanley Livingston
Dr. Frank F. Hooper

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Mr. John H. Frye III, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 10th day of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-26951 Filed 9-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket 50-341-OL]

Detroit Edison Co., et al.; Enrico Fermi Atomic Power Plant, Unit 2; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Detroit Edison Company, et al.* (Enrico Fermi Atomic Power Plant, Unit 2), Docket No. 50-341-OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. Peter A. Morris. Mr. Frederick Shon was a member of this Board but, because of a schedule conflict, is presently unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Gary L. Milhollin, Chairman
Dr. David R. Schink
Dr. Peter A. Morris

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Dr. Peter A. Morris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 10th day of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-26952 Filed 9-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-423]

Northeast Nuclear Energy Company, et al.[1]; Millstone Nuclear Power Station, Unit No. 3; Issuance of Amendment to Construction Permit

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Construction Permit No. CPPR-113. The amendment adds Connecticut Municipal Electric Energy Cooperative as a co-owner and reflects a transfer of 1.739% ownership shares from Public Service Company of New Hampshire to Connecticut Municipal Electric Energy Cooperative for the Millstone Nuclear Power Station, Unit No. 3 (the facility), located in New London County,

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[1] The following are holders of Construction Permit No. CPPR-113: Ashburnham Municipal Light Plant, Boylston Municipal Lighting Plant, Central Maine Power Company, Central Vermont Public Service Corporation, Chicopee Municipal Lighting Plant, City of Burlington, Vermont, City of Holyoke, Connecticut Municipal Electric Energy Cooperative, Massachusetts Gas and Electric Department, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Green Mountain Power Corporation, The Hartford Electric Light Company, Marblehead Municipal Light Department, Massachusetts Municipal Wholesale Electric Company, Middleton Municipal Light Department, Montaup Electric Company, New England Power Company, North Attleborough Electric Department, Northeast Nuclear Energy Company, Paxton Municipal Light Department, Peabody Municipal Light Plant, Public Service Company of New Hampshire, Shrewsbury Light Plant, Templeton Municipal Lighting Plant, Town of South Hadley Electric Light Department, The United Illuminating Company, Vermont Electric Cooperative, Inc., Vermont Electric Power Company, Inc., The Village of Lyndonville Electric Department, Wakefield Municipal Light Department, West Boylston Municipal Lighting Plant, Western Massachusetts Electric Company, Westfield Gas and Electric Light Department.

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Connecticut. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment, dated June 10, 1981; (2) Amendment No. 7 to Construction Permit CPPR–113; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. Items 2 and 3 may be requested by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Technical Information and Document Control.

Dated at Bethesda, Maryland, this 9th day of September 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81–26953 Filed 9–15–81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–354 and 50–355]

Public Service Electric and Gas Co.; Atlantic Electric Co.; Hope Creek Generating Station, Units 1 and 2; Order Extending Construction Completion Dates

Public Service Electric and Gas Company and Atlantic Electric Company (the permittees) are the holders of Construction Permits CPPR–120 and CPPR–121 issued by the Atomic Energy Commission * on November 4, 1974. These permits authorize the construction of the Hope Creek Generating Station, Units 1 and 2, presently under construction at the Public Service Electric and Gas Company's site on Artificial Island, near the town of Salem in the State of New Jersey.

On April 29, 1981, the Permittees filed a request pursuant to the Code of Federal Regulations, Title 10, Part 50, section 50.55(b) for an extension of the construction completion dates for these units because construction has been delayed by the following factors beyond their control:

1. Less then anticipated growth in electrical demand.
2. Continuing forecasts of relatively low growth.
3. Reduction in anticipated revenues.
4. Inadequate rate relief which has prompted the Permittees to reduce capital outlays which, in turn, has led to a reduction in the construction budget.

This action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period, the bases for which are set forth in the staff's evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The NRC staff evaluation of the request for extension of the construction permits is available for public inspection at the Commission's public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Salem Free Public Library, Salem, New Jersey.

It is hereby ordered that the lastest completion date for CPPR–120 is extended from May 31, 1981 to December 31, 1986 and that the lastest completion date for CPPR–121 is extended from May 31, 1982 to December 31, 1989.

Dated of issuance: September 10, 1981.

For the Nuclear Regulatory Commission.

Darrell B. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulations.

[FR Doc. 81–26950 Filed 9–15–81; 8:45 am]

BILLING CODE 7590-01-M

[NUREG–0800]

"Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants"; Issuance and Availability

The U.S. Nuclear Regulatory Commission (NRC) has published a revision to the "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," LWR Edition (NUREG–0800), dated July 1981.

The Standard Review Plan revision program was designed to satisfy three major objectives. The first of these was to assure congruence of the Standard Review Plan with the regulations of the NRC, i.e., to more clearly identify which requirements were to be satisfied in each phase of the review process and to collectively show that all requirements were met. The second objective was to describe more fully how each requirement shall be satisfied. In this effort, the acceptance criteria employed by the NRC to determine satisfaction were amplified and clarified; extensive use of references to Regulatory Guides, codes and standards, and NUREGs has been made. The third objective was to incorporate in the Standard Review Plan many new and revised regulatory positions established in the past two years, primarily as a result of the Three Mile Island accident in March 1979.

This revision is effective immediately. Applications near completion or under review for which TMI-related items are addressed in a separate supplement will be processed in that form; a TMI supplement will not be needed for applications which incorporate the TMI-related items in the manner described in the revised Standard Review Plan.

The revised Standard Review Plan, NUREG–0800, Accession No. PB–81–920199, is available upon written request from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 3rd day of September, 1981.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Division of Safety Technology, Office of Nuclear Reactor Regulation.

[FR Doc. 81–26954 Filed 9–15–81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–259, 50–260, and 50–296–OLA]

Tennessee Valley Authority; Browns Ferry, Units 1, 2, and 3; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Tennessee Valley Authority* (Browns Ferry Units 1, 2 and 3), Docket Nos. 50–259, 50–260 and 50–296–OLA, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. John H. Frye III. Mr. Herbert Grossman was a member of this Board but, because of schedule conflict, is presently unable to continue to serve.

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* Effective January 19, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

As reconstituted, the Board is comprised of the following Administrative Judges:

John. Frye III, Chairman
Ms. Elizabeth B. Johnson
Dr. Quentin J. Stober

All correspondence, documents and other materials shall be filled with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is:

Mr. John H. Frye III Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 9th day of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-26955 Filed 9-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445 and 446-OL]

Texas Utilities Generating Company, et al.; Comanche Peak, Units 1 and 2; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for Texas Utilities Generating Company, Et Al. (Comanche Peak, Units 1 and 2), Dockets Nos. 50-445-OL and 50-446-OL is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. Kenneth A. McCollom

As reconsititited, the Board is comprised of the following Administrative Judges:

Marshall E. Miller, Chairman
Dr. Richard F. Cole
Dr. Kenneth A. McCollom

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is:

Dr. Kenneth A. McCollom Dean, Division of Engineering, Architecture and Technology, Oklahoma State University, Stillwater, Oklahoma 74074.

Issued at Bethesda, Maryland this 9th of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-26956 Filed 9-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 27-39-SP]

U.S. Ecology, Inc.; Sheffield, Ill. Low-Level Radioactive Waste Disposal Site; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board U.S. Ecology, Incorporated (Sheffield, Illinois Low-Level Radioactive Waste Disposal Site), Docket No. 27-39-SP, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. Emmeth A. Luebke.

As reconstituted, the Board is comprised of the following Administrative Judges:

Andrew C. Goodhope, Chairman
Dr. Jerry R. Kline
Dr. Emmeth A. Luebke

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Dr. Emmeth A. Luebke, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20055.

Issued at Bethesda, Maryland this 9th day of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-26957 Filed 9-15-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18091 (SR-CBOE-81-14)]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

On July 24, 1981, the Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act ofd 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which limits the imposition of restrictions on selling options at a discount in connection with a public distribution of securities underlying the options to those instances when requested by underwriters of the public distribution.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 18005, August 5, 1981) and by publication in the **Federal Register** (46 FR 40853, August 12, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchanges and, in particular, the requirements of Section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26916 Filed 9-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18089 (SR-Phlx-81-11)]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

On July 27, 1981, the Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, PA 19103 ("Phlx") filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and rule 19b-4 thereunder, copies of a proposed rule change which amends Commendary .10 of its rule 1014 to provide that a Registered Options Trader ("ROT"), when initiating an opening transaction from on the trading floor, will be required to yield priority and parity to all off-floor orders, even if the ROT places his on-floor order on the specialist's book.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17991, July 31, 1981) and by publication in the **Federal Register** (46 FR 40124, August 6, 1981). No written statements with respect to the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-[illegible] Filed 9-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22190; 70-6639]

Connecticut Light & Power Co., et al.; Proposed Financing of Nuclear Fuel Through Fuel-Trust Arrangements

September 11, 1981.

In the Matter of the Connecticut Light & Power Co., the Hartford Electric Light Co., Selden Street, Berlin, Connecticut 06037; Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Massachusetts 01089.

The Connecticut Light and Power Company ("CL&P"), The Hartford Electric Light Company ("HELCO"), and Western Massachusetts Electric Company ("WMECO") (collectively the "Applicants"), each a public-utility subsidiary of Northeast Utilities, a registered holding company, have filed an application-declaration with this commission pursuant to Sections 6(a), 7, 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder.

The Applicants have ownership interests in three nuclear electric generating units located at Millstone Point in Waterford, Connecticut. CL&P, HELCO, and WMECO have a 53%, 28% and 19% (aggregating 100%) ownership interest, respectively, in Millstone Unit Nos. 1 and 2. Millstone Unit No. 1 ("Millstone 1") has a capacity of approximately 660,000 kw and was placed in operation in late 1970. Millstone Unit No. 2 ("Millstone 2") has a capacity of approximately 870,000 kw and was placed in operation in late 1975. The Applicants collectively own 65% (CL&P 34.45%, HELCO 18.20%, and WMECO 12.35%) of Millstone Unit No. 3 ("Millstone 3"), which is presently under construction. This unit will have a capacity of approximately 1,150,000 kw and is presently scheduled for service in 1986.

The Applicants are presently financing their fuel expenses for Millstone 1 and 2 during the "on-site" portions of the nuclear fuel cycle (that is, during the period after the arrival of fabricated fuel assemblies at the Millstone site) through Northeast Nuclear Energy Company ("NNEC"), a subsidiary of Northeast Utilities, pursuant to a Fuel Supply Contract dated as of December 1, 1972, between NNEC and the Applicants, as amended (the "Fuel Supply Contract"). NNEC has become the owner of the fuel for Millstone 1 and 2 and has supplied the fuel to the Applicants for use in these Units. In turn, the Applicants have obligated themselves, pursuant to the Fuel Supply Contract, to pay to NNEC all costs incurred by NNEC in connection with the ownership and financing of the nuclear fuel for these Units.

NNEC presently has in effect several contracts which, in the aggregate, supply the requisite nuclear fuel assemblies for use in Millstone 1 and 2. NNEC has effected long-term financing of this nuclear fuel after it arrives at the Millstone site through the issuance and sale of this Secured Notes under a Trust Indenture dated as of December 1, 1972, as amended and supplemented ("Indenture"). Under the terms of the Indenture, the Secured Notes are secured by a lien on all fuel for Millstone 1 and 2 located at the Millstone site.

Although the Indenture provides a vehicle for financing fabricated fuel assemblies after their arrival at the Millstone site, it does not provide a basis for the financing of nuclear fuel during the "off-site" portions of the nuclear fuel cycle, that is, during the period when the fuel is undergoing processing and fabrication, prior to its arrival at the Millstone site. As a result, the Applicants are presently financing a substantial portion of their capital requirements with respect to the "off-site" portion of the fuel cycle for Millstone 1 and 2 through the Waterford Fuel Supply Trust ("Waterford Trust") and short-term unsecured borrowings by NNEC.

Due to the limitations of the Waterford Fuel Supply Trust, the restrictions of the Indenture, the growth of the Applicants' nuclear fuel program, and in order to provide a single comprehensive framework for the financing of nuclear fuel through the burn-up stage of the nuclear fuel cycle for Millstone 1 and 2 as well as the Applicants' 65% ownership interest in the nuclear fuel required for millstone 3, the Applicants propose to enter into arrangements with Bankers Trust Company, not in its individual capacity but solely as trustee ("Trustee") of the Niantic Bay Fuel Trust ("Trust"), which will be specially created for the purpose of such financing pursuant to a proposed Trust Agreement ("Trust Agreement") between The Connecticut Bank and Trust Company as trustor ("Trustor"), the Trustee, and the Applicants, as beneficiaries. Pursuant to a proposed Nuclear Fuel Lease Agreement ("Lease Agreement") between the Applicants and the Trustee, the Applicants will agree to assign to the Trustee all of their right, title, and interest in and to all or part of certain nuclear fuel contracts and nuclear fuel (including the nuclear fuel and nuclear fuel contracts for Millstone 1 and 2 at any time that such fuel can be assigned to the Trustee free of the lien of the Indenture and the existing arrangements with respect to the Waterford Trust) pursuant to one or more assignments ("Assignments"). The Trustee, in turn, will agree to either reimburse the Applicants for payments made to contractors under the assigned nuclear fuel contracts or to make such payments directly to the contractors. The Lease Agreement and the Assignments will allow the Applicants to assign to the Trustee the nuclear fuel contract or to make such payments directly to the contractors. The Lease Agreement and the Assignments will allow the Applicants to assign to the Trustee the nuclear fuel contract rights with respect to one or more reload batches of fuel, and to request the Trustee to finance such reload batches, without assigning or asking the Trustee to finance all of the reload batches covered by a given contract. This "partial assignment" approach will afford the Applicants maximum flexibility to finance the purchase of nuclear fuel under these or other arrangements, as they deem appropriate.

Upon making a payment with respect to nuclear fuel, the Trustee will acquire title to such nuclear fuel and the related nuclear fuel contract rights (or under certain circumstances, relating to enrichment contracts with the United States Government, the right to acquire title in the future). The Lease Agreement will obligate the Trustee to finance the nuclear fuel for the entire period through acquisition and processing of uranium, fabrication of the fuel assemblies, delivery of such fuel assemblies to the plant site, and the insertion and use of such assemblies in the reactors. Prior to the insertion of fuel into a reactor, finance charges and administrative expenses will be capitalized and added to the Trustee's investment in the fuel. When the fuel is inserted in the reactor and heat production begins, the Lease Agreement will require the Applicants to pay the Trustee quarterly lease payments which will be structured to fully amortize the cost of the fuel as it is burned up in the reactor. Such payments will be computed so as to pay to the Trustee its full cost with respect to the fuel. Under the Lease Agreement, the Applicants will be responsible for operating, maintaining, repairing, replacing, and insuring the nuclear fuel and for paying all taxes arising out of the ownership, possession, and use thereof.

The commitment of the Bank will have an initial term of five years. Thereafter, such commitment will automatically be extended each year for an additional term of one year, unless the Bank has given notice on or before the anniversary date of the closing in any year that the commitment will terminate, in whole or in part, on the anniversary date of the closing in the fourth following year. The commitment shall terminate in any event no later than June 1, 2040. The Applicants may terminate the Lease Agreement at any time upon 5 days written notice to the Trustee.

Pursuant to a proposed Credit Agreement ("Credit Agreement") between the Trustee and The First National Bank of Boston ("Bank"), the Trustee will finance its own payments to the Applicants and the contractors through a variety of sources, including (i) the sale of the Trust's commercial paper notes, which notes will be backed by an irrevocable master letter of credit issued by the Bank, and (ii) revolving credit loans from the Bank. The Credit Agreement also permits the Trustee to raise funds by selling its intermediate term notes to institutional investors in the private placement market ("IT Notes"). The Applicants will select the form of financing to be used by the Trustee to fund any payment obligation.

The Applicants believe that the proposed fuel trust arrangements constitute the most practical and economical method presently available to them for financing their fuel requirements. They estimate that the weighted average composite cost, on an after-tax basis, of letter-of-credit backed commercial paper and IT notes issued by a special purpose trust would be approximately 3½ to 4% per annum lower than the weighted average composite cost, on an after-tax basis, of the traditional methods of financing which are presently available to them.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 7, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26938 Filed 9-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22189; 70-6208]

September 11, 1981.

System Fuels, Inc., et al.; Proposed Extension of Time for the Issuance and Sale of Commercial Paper by a Nonutility Subsidiary To Finance Nuclear Fuel Procurement

In the matter of System Fuels, Inc., 666 Poydras, Noro Plaza, New Orleans, Louisiana 70130; Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Middle South Energy, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Mississippi Power & Light Company, Electric Building, Jackson, Mississippi 39205; New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112.

Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc., (collectively referred to as "Operating Companies"), and Middle South Energy, Inc., all subsidiary companies of Middle South Utilities, Inc., a registered holding company, and System Fuels, Inc. ("SFI"), a jointly-owned non-utility subsidiary company of the Operating Companies, have filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act").

Pursuant to the Commission's order in the proceeding dated October 31, 1978 (HCAR No. 20753), SFI has entered into a Participation Agreement, dated as of October 31, 1978, as amended ("Participation Agreement"), between SFI and The Aetna Casualty and Surety Company ("Aetna") whereby SFI may issue its commercial paper notes ("Notes") and Aetna, under a Bond of Indemnity ("Bond"), undertakes to pay any Note in the event that SFI does not pay any such Note when presented. The maximum principal amount of the Notes outstanding at any one time may not exceed $60,000,000, less the amount, if any, of Notes paid by Aetna for which Aetna shall not have been reimbursed.

Aetna, with SFI's consent, has elected to extend the term of the Bond, and, therefore, the term of the Participation Agreement, through the twelve-month period ending October 31, 1983. SFI proposes to continue to issue Notes past the original October 31, 1981 termination date and through the extended term. No changes in the transactions previously authorized, other than the extension of the term, have been or are expected to be effected. Authorization is further requested to permit SFI to continue to issue Notes pursuant to the arrangement during further twelve-month extensions of the Participation Agreement without seeking further Commission authorization prior to entering such twelve-month extensions. SFI believes that such a procedure would avoid the administrative necessity of making subsequent filings with the Commission concerning these transactions and would permit SFI to avoid placing its nuclear-fuel financing in doubt and adopting contingency mechanisms in the event timely Commission approval is not obtained for such further extensions.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 7, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26939 Filed 9-15-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0154]

Heritage Venture Group Inc.; Issuance of a Small Business Investment Company License

On May 27, 1981, a notice was published in the Federal Register (46 FR 28548) stating that an application has been filed by Heritage Venture Group, Inc., 3375 One Indiana Square, Indianapolis, Indiana 46204, with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 C.F.R. 107. 102 (1980)) for a license as a small business investment company.

Interested parties were given until close of business June 11, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0154 to Heritage Venture Group, Inc. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 11, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-26969 Filed 9-15-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2010]

Indiana; Declaration of Disaster Loan Area

St. Joseph County and adjacent counties within the State of Indiana constitute a disaster area as a result of damage caused by heavy rains and flooding which occurred on July 25-28, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 9, 1981, and for economic injury until the close of business on June 10, 1982, at:

Small Business Administration, District Office, New Federal Building, 5th Floor, 575 North Pennsylvania Street, Indianapolis, Indiana 46204

or other locally announced locations.

For recent changes in the disaster loan eligibility, see 46 FR 182527 dated March 25, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 9, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-26960 Filed 9-15-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2008]

Maine; Declaration of Disaster Loan Area

Aroostook County within the State of Maine constitutes a disaster area as a result of damage caused by torrential rains and flash flooding which occurred on August 17, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 2, 1981, and for economic injury until the close of business on June 2, 1982, at: SMALL BUSINESS ADMINISTRATION, District Office, 40 Western Avenue, Augusta, Maine 04330. or other locally announced locations.

Information on recent regulatory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above mentioned office(s)

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 2, 1981.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 81-26828 Filed 9-15-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. S-702]

Lykes Bros. Steamship Co., Inc.; Application for Written Permission

Notice is hereby given that Lykes Bros. Steamship Co., Inc. (Lykes) by letters of December 22, 1980, August 17, 1981 and September 4, 1981, has requested written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (Act) for the carriage of passengers between the west and gulf coasts of the United States and Hawaii on voyages engaged in foreign trade, and intercoastal between the gulf and west coast of the United States on voyages to the Far East. Such written permission is required since Lykes is party to an operating-differential subsidy contract.

Lykes advises that it expects to provide passenger service, for the most part, with its RO/RO vessels operating between the U.S. west coast and the Far East. However, due to the existing interchange and transfer privileges, and the several Lykes services involved, any of Lykes' ships may be permitted to engage in the requested service.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a)) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on October 2, 1981 together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Acting Maritime Administrator.

Dated: September 11, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-26962 Filed 9-15-81; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Print Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Closed Meeting of Art Print Advisory Panel.

SUMMARY: A closed meeting of the Art Print Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held October 14, 1981.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, T:C:E:V. 1111 Constitution Avenue, NW., Washington, D.C. 20224, Telephone No. (202) 566-4196, (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Print Advisory Panel will be held on October 14, 1981, beginning at 9:30 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals and allocations of value of the assets in art print publishing ventures involved in Federal income tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978. (43 FR 52122.)

Joseph T. Davis,

Acting Commissioner.

[FR Doc. 81-26873 Filed 9-15-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TREASURY

Office of Revenue Sharing

Final Date of Adjustment Demands; Correction

AGENCY: Office of Revenue Sharing, Department of the Treasury.

ACTION: Correction notice.

In the notice of September 2, 1981 (46 FR 44121), misprints appeared in a sentence in the SUPPLEMENTARY INFORMATION section. The sentence should read:

> Therefore, the allocations to recipient governments for Entitlement Period 11 (October 1, 1979-September 30, 1980) will become final, unless a government or the Secretary of the Treasury has a demand for adjustment pending with the Office of Revenue Sharing on September 30, 1981.

Dated: September 9, 1981.

Judith A. Denny,

Acting Director, Office of Revenue Sharing.

[FR Doc. 81-26882 Filed 9-15-81; 8:45 am]

BILLING CODE 4810-01-M

[Order No. 103-2]

Delegation of Authority to the Assistant Secretary (Domestic Finance) To Act as a Voting Member of the Chrysler Corporation Loan Guarantee Board

Dated: August 25, 1981.

By virtue of the authority vested in me as Secretary of the Treasury, I hereby delegate to the Assistant Secretary (Domestic Finance) the authority to exercise any power and perform any duty of a voting member and the Chairperson of the Chrysler Corporation Loan Guarantee Board (the "Board"), established under Public Law 96-185, in connection with all actions to be taken by the Board in writing without a meeting pursuant to § 400.5(g) of the Board's Rules of Procedure.

Donald T. Regan,

Secretary of the Treasury.

[FR Doc. 81-26959 Filed 9-15-81; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 179
Wednesday, September 16, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION.

Open Commission Meeting

The Federal Communications Commission will hold an Open Meeting on the subject listed below on Thursday, September 17, 1981, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Legislative proposals. *Summary:* The Commission will consider legislative proposals to amend the Communications Act of 1934.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 10, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-1397-81 Filed 9-14-81; 4:00 pm]
BILLING CODE 6712-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, September 21, 1981, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance and for consent to establish a branch:

Chemical Bank Houghton-Higgins, a proposed new bank, to be located at 8025 Highway M-55, Houghton Lake Heights, Michigan, for Federal deposit insurance, and for consent to establish a branch at the southwest corner of Highway M-55 at Maplegrove Street, Prudenville, Michigan.

Application for consent to establish a remote service facility:

Bank of Breckenridge, Breckenridge, Colorado, for consent to establish a remote service facility at 435 Columbine Street, Breckenridge, Colorado.

Application for consent to purchase assets and assume deposit liabilities and to establish one branch:

First-Citizens Bank and Trust Company of South Carolina, Columbia, South Carolina, for consent to purchase certain assets of and assume the liability to pay certain deposits made in the Irby Street Branch, Florence, South Carolina, of First National Bank of South Carolina, Columbia, South Carolina, and to establish the Irby Street Branch as a branch of First-Citizens Bank and Trust Company of South Carolina.

Request for reconsideration of a previous denial of an application for consent to acquire assets and assume liabilities, establish two branches, and for advance consent to retire capital notes:

Santa Ana State Bank, Santa Ana, California, for consent to purchase certain assets of and assume the liability to pay certain deposits made in the Main Office and the Whittier-Vancouver Unit Branch of Pan American National Bank of Los Angeles, Los Angeles, California, and to establish these two offices as branches of the resultant bank, and for advance consent to the retirement provisions of subordinated capital notes to be issued to Pan American National Bank of Los Angeles.

Requests for exemptions pursuant to Part 348 of the Corporation's rules and regulations entitled "Management Official Interlocks":

Peoples Bank of Pasco County, Land O'Lakes, Florida, and Peoples Bank of Hillsborough County, Tampa, Florida, for an exemption pursuant to section 348.6(a)(2).

Adair State Bank, Adair, Oklahoma, for an exemption pursuant to section 348.4(b)(2).

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,902-L—Franklin National Bank, New York, New York

Case No. 44,904-NR—Coronado National Bank, Denver, Colorado

Case No. 44,907-L—The Mission State Bank & Trust Company, Mission, Kansas

Memorandum and Resolution re: American Bank & Trust Company, New York, New York

Memorandum and Resolution re: The Metro Bank of Huntington, Inc., Huntington, West Virginia

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Memorandum re: Attorneys' Fees Paid During the Second Quarter 1981.

Memorandum and Resolution re: Proposed amendments to policy statements regarding applications (1) for deposit insurance; (2) to establish a domestic branch; and (3) to relocate main office or branch.

Appeal from an initial partial denial of a request for records pursuant to the Freedom of Information Act.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with resect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director of the Division of Bank Supervision, entitled "Regulation of Interest Rates in Uninsured Mutual Savings Banks in Massachusetts."

Reports of the Director, Office of Corporate Audits:

Audit Report re: Security of Data Stored on Magnetic Tape, dated April 17, 1981.

Audit Report re: Liquidation Audits, dated July 29, 1981.

Reports of the Director, Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Status of Approved Committee Cases as of April 1, 1981.

Memorandum re: Reports Required Under Delegated Authority Status of Approved Committee Cases as of July 1, 1981.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: September 14, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1394-81 Filed 9-14-81; 11:20 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, September 21, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance (United States branch of a foreign bank):

Dai-Ichi Kangyo Bank, Ltd., Tokyo, Japan, for Federal deposit insurance of deposits received at and recorded for the account of its proposed branch to be located at 111 South Wabash Avenue, Chicago, Illinois.

Application for consent to establish a branch:

Hudson City Savings Bank, Jersey City, New Jersey, for consent to establish a branch within the Lacey Shopping Center, Lacey Road and Manchester Avenue, Lacey Township, New Jersey.

Richmond County Savings Bank, New York (Staten Island), New York, for consent to establish a branch at 525-27 86th Street, New York (Brooklyn), New York.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: September 14, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1395-81 Filed 9-14-81; 11:21 am]

BILLING CODE 6714-01-M

4

FEDERL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 9:30 a.m., Monday, September 21, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previsouly announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: September 11, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1391-81 Filed 9-14-81; 8:49 am]

BILLING CODE 6210-01-M

5

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE.

Notice of Public Meeting

DATE: September 25, 1981.

PLACE: 412 First Street, SE.

TIME: 9:00 a.m. until Noon.

PURPOSE: The Commission was established by Public Law 96-374 to analyze the federal role in providing student financial assistance and to advise the President and the Congress as to what direction this role should take in the future. The purpose of this meeting is to discuss the recent activities of the Commission, to establish the Commission's agenda for the coming year, and to review the Commission's budget requests and proposed activities for fiscal year 1983.

FOR FURTHER INFORMATION CONTACT: Richard T. Jerue, Executive Director, 202-472-9023.

The meeting was called by the Commission today, September 11, 1981.

Submitted the 11th day of September, 1981.

Richard T. Jerue,

Executive Director.

[S-1392-81 Filed 9-14-81; 8:56 am]

BILLING CODE 6820-BC-M

6

NATIONAL MEDIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 43944.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:00 p.m., September 9, 1981.

CHANGES IN THE MEETING: Addition to matters considered—

The Board determined that representation election ballot return envelopes returned to Washington, D.C. will be maintained at the Board's offices in lieu of the Washington, D.C. Post Office. A fire-proof security safe will be obtained for this purpose and maintained under the custody of the Board's Chief Hearing Officer. This action was required by the Postal Service's decision to terminate the storage of NMB ballot return envelopes in the Washington, D.C. Post Office as well as to charge a fee for the sorting of envelopes in each case. An announcement of the details for conducting mail ballot elections in Washington, D.C. will be provided to all persons on the Board's mailing lists.

SUPPLEMENTARY INFORMATION: Chairman Brown and Board Member Harris have determined by recorded vote that Agency business required this change and that no earlier announcement of such change was possible.

Date of Notice: September 10, 1981.

[S-1393-81 Filed 9-14-81; 11:12 am]

BILLING CODE 7550-01-M

7

POSTAL SERVICE.

Change of Place, Time and Agenda of Meeting

By notice published in the Federal Register on September 10, 1981, 46 FR 45244, the Board of Governors of the United States Postal Service announced its intention to hold a meeting on Tuesday, September 22, 1981, at Honolulu, Hawaii. Because of changed circumstances, the Chairman of the Board, acting pursuant to its Bylaws (39 CFR 6.1), has changed the place of this meeting from Honolulu to the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260, and the time from 9:00 a.m. to 8:00 a.m. EDT. The date of the meeting remains unchanged as Tuesday, September 22, 1981.

The Board will consider as the first item of its agenda at this meeting the Opinion and Recommended Decision Upon Further Reconsideration of the Postal Rate Commission encaptioned Postal Rate and Fee Changes, 1980 (Commission Docket R80–1), if such Opinion and Recommended Decision has been issued at that time. The Board anticipates that it will consider after approximately 2:00 p.m. on September 22 such of the agenda items previously announced as time permits, except that the report of the Regional Postmaster General, Western Region, will not be presented.

It is noted that the Government in the Sunshine Act (5 U.S.C. 552b) provides that an agency may close a portion of a meeting to the public, following public announcement of the time, place, and subject matter of the meeting, under certain circumstances. It is possible that the Board may determine on September 22 that the nature of its discussion requires closure of a portion of this meeting, having in mind that the instant rate proceeding is in litigation.

W. Allen Sanders,

Acting Secretary.

[S-13961-81 Filed 9-14-81; 3:27 pm]

BILLING CODE 7710-12-M

federal register

Wednesday
September 16, 1981

Part II

Department of Agriculture

Federal Grain Inspection Service

Grain Standards Inspection Points; Hastings Grain Inspection Inc. and Aberdeen Grain Inspection Inc., et al.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Request for Comments on the Applicant for Designation in the Area Currently Assigned to Hastings Grain Inspection, Inc.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicant for designation as the official agency in the area currently assigned to the Hastings Grain Inspection, Inc. Hastings' designation terminates effective 12 p.m., October 31, 1981.

DATE: Comments to be postmarked on or before October 16, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditors Building, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 447-3910. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 447-3910.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore the Executive Order does not apply to this action.

The July 30, 1981, issue of the Federal Register (46 FR 39078) contained a notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to perform official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the area currently assigned to the Hastings Grain Inspection, Inc. (Hastings) Hastings, Nebraska. Applications were to be postmarked by August 31, 1981.

One applicant requested designation for all of the geographic area currently assigned to Hastings. That applicant is Hastings Grain Inspection, Inc., Hastings, Nebraska, President and Chief Inspector: Theodore Hoelck. Hastings applied for a renewal of designation for an additional 3-year period.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicant. All comments must be submitted to the Issuance and Coordination Staff, specified in the address section of this notice, and postmarked not later than October 16, 1981.

The Administrator of FGIS has determined that a 30-day comment period would not impose any undue obligations on others and, under the circumstances, provides a sufficient period of time for comments while expediting the designation process.

Consideration will be given to all comments filed and to all other information available to the Administrator of FGIS before a final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register** and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: September 10, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81-26870 Filed 9-15-81; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Applicants for Designation in the Areas Currently Assigned to Aberdeen Grain Inspection, Inc., McGregor Grain Inspection and Weighing, and the Missouri Department of Agriculture

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the areas currently assigned to Aberdeen Grain Inspection, Inc. (Aberdeen), McGregor Grain Inspection and Weighing (McGregor), and the Missouri Department of Agriculture (Missouri). The three designations terminate effective 12 p.m., November 30, 1981.

DATE: Comments to be postmarked on or before October 16, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditors Building, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 447-3910. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 447-3910.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore the Executive Order does not apply to this action.

The July 30, 1981, issue of the **Federal Register** (46 FR 39078) contained a notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to perform official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to Aberdeen, McGregor, and Missouri. Applications were to be postmarked by August 31, 1981.

One applicant requested designation for all of the geographic area currently assigned to Aberdeen. That applicant is Aberdeen Grain Inspection, Inc., Aberdeen, South Dakota, Manager and Chief Inspector: John Schroeder. Aberdeen applied for a renewal of designation for an additional 3-year period.

One applicant requested designation for all of the geographic area currently assigned to McGregor. That applicant is McGregor Grain Inspection and Weighing, McGregor, Iowa, Owner and Chief Inspector: Robert E. Kepple. McGregor applied for a renewal of designation for an additional 3-year period.

Two applicants requested designation for all of the geographic area currently assigned to Missouri. One applicant is the Missouri Department of Agriculture, Jefferson City, Missouri, Director: James B. Boillot. Missouri applied for a renewal of designation for an additional 3-year period. A second existing official agency has also applied for designation; if designated, this action would result in an amendment to their presently assigned geographic area in accordance with section 800.207 of the regulations under the Act. That applicant is the Southern Illinois Grain Inspection Service, Inc., Fairview Heights, Illinois, Owner and Manager: Holger C. Danielsen.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants. All comments must be submitted to the Issuance and Coordination Staff, specified in the address section of this notice, and postmarked not later than October 16, 1981.

The Administrator of FGIS has determined that a 30-day comment period would not impose any undue obligations on others and, under the circumstances, provides a sufficient period of time for comments while expediting the designation process.

Consideration will be given to all comments filed and to all other information available to the Administrator of FGIS before a final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register** and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: September 10, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81–26871 Filed 9–15–81; 8:45 am]

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federal register

Wednesday
September 16, 1981

Part III

Office of Management and Budget

Budget Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals totaling $6.7 million and revisions to three previously reported deferrals.

The deferrals affect programs in International Development Assistance, the Department of Health and Human Services, the Department of Transportation, the Pennsylvania Avenue Development Corporation, and the Motor Carrier Ratemaking Study Commission.

The details of each deferral are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE,
September 10, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Funds Appropriated to the President	
	International Development Assistance	
D81-130	Functional development assistance program	4,922
	Department of Health and Human Services	
	Social Security Administration	
D81-112A	Refugee assistance	10,000
	Department of Transportation	
	Federal Railroad Administration	
D81-91A	Rail service assistance	35,341
	Other Independent Agencies:	
	Pennsylvania Avenue Development Corporation	
D81-40A	Land acquisition and development fund	30,896
	Motor Carrier Ratemaking Study Commission	
D81-131	Salaries and expenses	1,800
	Total deferrals	82,959

* *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981
(in thousands of dollars)

	Rescissions	Deferrals
Thirteenth special message:		
New items	---	6,722
Effect of thirteenth special message	---	6,722
Previous special messages	15,361,937	9,477,741
Total amount proposed in special messages	15,361,937 a/	9,484,463 b/

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a/ This amount represents budget authority except for $751.8 million involving authority to incur obligations for direct loans.

b/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (D81-19B).

Deferral No: D81-130

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Funds Appropriated to the President

Bureau: International Development Assistance

Appropriation title & symbol:
Functional development assistance program (Food and Nutrition)
11X1023

New budget authority (P.L. ____)	$ ____
Other budgetary resources	5,538,279
Total budgetary resources	5,538,279
Amount to be deferred:	
Part of year	$ ____
Entire year	4,922,400

OMB identification code: 11-1021-0-1-151

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other ____

Grant program ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☐ Multiple-year ____ (expiration date)
☒ No-year

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other ____

Justification:

The Agency for International Development functional development assistance program provides economic resources to developing countries with the aim of bringing the benefits of development to the poor. AID recently identified $23 million of prior-year and current funds for development projects which had not accomplished their objectives, and subsequently deobligated these funds. Of the amounts deobligated, $4.9 million are no-year funds in the functional development assistance program that remain available for reprogramming. These funds cannot be used effectively in FY 1981 and are being deferred for use in FY 1982 and subsequent years. The remaining $0.6 million in budgetary resources in this account remain available for use in FY 1981.

Estimated Effects:

This deferral action would preserve these no-year funds for use in FY 1982 or subsequent years.

Outlay Effect:

This deferral action will not affect outlays.

D81-112A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D81-112A transmitted to the Congress on June 19, 1981.

This revision reduces the amount deferred for Refugee assistance (Social Security Administration) in the Department of Health and Human Services from $35 million to $10 million and extends the deferral for the entire fiscal year. The $25 million was released after the shortfall in FY 81 funding for cash and medical assistance was resolved. The $10 million remaining is deferred until the Department completes a review to determine whether the FY 1982 cash and medical assistance appropriation is adequate to meet actual State needs for FY 1982.

Deferral No: D81-112A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services Bureau: Social Security Administration *	New budget authority (P.L. 97-12) $648,552,000 Other budgetary resources --- Total budgetary resources 648,552,000
Appropriation title & symbol Refugee assistance 751/20473	Amount to be deferred: Part of year $ Entire year $ 10,000,000*
OMB identification code: 75-0473-0-1-609 Grant program ☒ Yes ☐ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:*

The Refugee Assistance Program reimburses States for cash and medical assistance, and social services to refugees. The Department has completed a review indicating a cash and medical assistance shortfall for FY 1981. This shortfall was met through the use of unexpended prior year funds and reprogrammed FY 1981 funds. The Department continues to defer $10 million in social service funds until the completion of a review to determine whether the FY 1982 cash and medical assistance appropriation is adequate to meet actual State needs for FY 1982. Deferral of the social service funds pending the outcome of this study will preserve the flexibility of the Administration and Congress if the results of the review indicate the FY 1982 cash and medical assistance appropriation is inadequate to meet State needs. This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:*

Deferral of funds pending the outcome of this study should not cause a significant interruption in the provision of services to refugees in most States. These funds are used by States to contract for services to be provided in FY 1982.

Outlay Effect:*

This deferral will shift an estimated $6 million in outlays from FY 1981 to FY 1982.

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* Revised from previous report.

D81-91A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D81-91, transmitted to the Congress on March 10, 1981.

This revision to the previous report for Rail service assistance (Federal Railroad Administration) in the Department of Transportation reflects a reduction in the amount deferred from $80,341 thousand to $35,341 thousand, extends the deferral for the remainder of the year (previously $80,000 thousand was deferred for part of the year), and changes the justification for $35 million of the funds currently deferred. This amount is now reserved as part of the Administration's effort to reduce Federal spending.

Deferral No: D81-91A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 96-400&97-12) $ 120,492,380* Other budgetary resources 14,882,555* Total budgetary resources 135,374,935*
Bureau: Federal Railroad Administration	
Appropriation title & symbol Rail service assistance 69X0122	Amount to be deferred: Part of year $ ______ Entire year 35,341,000*
OMB identification code: 69-0122-0-1-401	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ($341,000) ☐ Other ______
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ______ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ______

Justification:* This appropriation provides financial assistance to states for continuing rail services on low-volume branch lines, providing assistance to minority businesses, monitoring Conrail and Amtrak operations, facilitating rail restructuring projects, and liquidating loan guarantee defaults.

Funds totaling $35 million for continuing services on low-volume branch lines are deferred in FY 1981. This deferral action is part of the Administration's effort to reduce Federal spending by postponing lower priority activities wherever feasible. Obligation of these funds is planned for FY 1982.

Savings associated with staffing reductions, travel restrictions, and reductions in equipment purchases and use of consulting services total $341,000 for FY 1981. These funds are deferred for the remainder of this fiscal year and will be used to help offset administrative costs in FY 1982. This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:* The low-volume branch line program will be discontinued after the remaining $35 million is obligated in 1982.

Outlay Effects:* This deferral action will shift $3.5 million from low volume branch lines and $341,000 from administrative expenses into FY 1982.

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*Revised from previous report.

Deferral No: D81-40A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Pennsylvania Avenue Development Corporation Bureau	New budget authority $ 15,000,000 (P.L. 9 -514) Other budgetary resources 43,895,523 Total budgetary resources 58,895,523
Appropriation title & symbol Land acquisition and development fund 42X4084	Amount to be deferred: Part of year $ ____ Entire year 30,895,523*
OMB identification code: 42-4084-0-3-451	Legal authority *(in addition to sec 1013)*: ☒ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ *(expiration date)* ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Borrowing

Justification:* The land acquisition and development project for the eastern sector of the Pennsylvania Avenue Development plan (east of the FBI headquarters building) is being reevaluated. The study is designed to determine if it is feasible to construct residential housing within the Pennsylvania Avenue Development area in downtown Washington, D.C. The change in property values and demand for space that has occurred since the development of the 1974 plan makes this study desirable.

The study initially was scheduled for completion by the spring of 1981; however, the project has slipped and the earliest study completion date is set for October 1981.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: The Corporation presently is refraining from all actions that would unduly restrict options during the preliminary stages of the study. This deferral action will postpone new design and construction activity for the eastern sector of the Pennsylvania Avenue Development Project.

Outlay Effects: This deferral has the effect of shifting $20.0 million in FY 1981 outlays into FY 1982 and $10.8 million in outlays from FY 1982 into 1983.

* Revised from previous report.

D81-40A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D81-40, transmitted to the Congress on January 1[illegible], 1981.

This revision to the previous report is necessary to report a change in the period of time that $30,895,523 will be deferred in the Land acquisition and development fund of the Pennsylvania Avenue Development Corporation. This amount was originally deferred for part of the FY 1981, pending completion of a feasibility study. The study is now scheduled for completion in October 1981; consequently these funds will be deferred until October 1, 1981.

Deferral No: D81-131

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Motor Carrier Ratemaking Study Commission	New budget authority (P.L. 97-12) $ 2,000,000
Bureau	Other budgetary resources
Appropriation title & symbol Salaries and Expenses 48X2700	Total budgetary resources 2,000,000
	Amount to be deferred: Part of year $ Entire year 1,800,000
OMB identification code: 48-2700-0-1-401	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Motor Carrier Ratemaking Study Commission is authorized to study the collective ratemaking process for all rates of motor common carriers. The Commission is to determine whether motor carriers require antitrust immunity in this process. The study is scheduled to last until January 1, 1983 and was fully funded in P.L. 97-12. The funds being deferred will not be needed until FY 1982 and FY 1983.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral is in accord with the Commission's plans. It will have no effect on the study.

Outlay Effects: This deferral will have no effect on outlays.

[FR Doc. 81-27108 Filed 9-15-81; 8:45 am]

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federal register

Wednesday
September 16, 1981

Part IV

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals; September 1, 1981

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OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

September 1, 1981.

This report is submitted in fulfillment of the requirements of Section 1014 (e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014 (e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of September 1, 1981 of 166 rescission proposals and 129 deferrals contained in the first twelve messages for fiscal year 1981. These messages were transmitted to the Congress on October 1 and December 2, 1980, January 15 and 29, February 13, March 10, 17, and 19, April 27, June 8 and 19, and July 16, 1981.

Rescissions (Table A and Attachment A)

Congressional action has been completed on the 155 rescission proposals contained in the first nine special messages for fiscal year 1981. Eleven rescission proposals, totaling $608.1 million, contained in the tenth, eleventh, and twelfth special messages are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of September 1, 1981, while Attachment A shows the history and status of each rescission proposed during fiscal year 1981.

Deferrals (Table B and Attachment B)

As of September 1, 1981, $3,647.0 million in 1981 budget authority was being deferred from obligation and another $6.3 million in 1981 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during fiscal year 1981.

Information from special messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** of:

Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195)
Friday, December 5, 1980 (Part VII, Vol. 45, No. 236)
Wednesday, January 21, 1981 (Part XII, Vol. 46, No. 13)
Tuesday, February 3, 1981 (Part III, Vol. 46, No. 22)
Thursday, February 19, 1981 (Part II, Vol. 46, No. 33)
Friday, March 13, 1981 (Part VI, Vol. 46, No. 49)
Monday, March 23, 1981 (Part III, Vol. 46, No. 55)
Tuesday, March 24, 1981 (Part III, Vol. 46, No. 56)
Friday, May 1, 1981 (Part IV, Vol. 46, No. 84)
Thursday, June 11, 1981 (Part IV, Vol. 46, No. 112)
Wednesday, July 1, 1981 (Part IV, Vol. 46, No. 126)
Tuesday, July 21, 1981 (Part IV, Vol. 46, No. 139)

David A. Stockman,
Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1981 RESCISSIONS

	Amount (In millions of dollars)	
Rescissions proposed by the President	$ 16,504.3	
Rescission proposals withdrawn	-1,142.4	
Accepted by the Congress	-11,715.1	a.
Rejected by the Congress	-3,038.7	b.
Pending before the Congress	$ 608.1	

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a. Of the $12,023.2 million identified in Attachment A (page 18) as rescinded by the Congress in action on the Administration's proposals, $308.1 million exceeded the amounts proposed for rescission. This amount excludes the $308.1 million not proposed by the Administration.

b. Of the $15,920.9 million identified in Attachment A (page 18) as made available, $1,142.4 million was released when the related proposals were withdrawn and $11,525.6 million was subsequently rescinded. In addition, as noted in footnote (e) on page 19, $189.5 million related to a rescission of Temporary Employment Assistance funds (R81-92) was not withheld.

* *

TABLE A

STATUS OF 1981 DEFERRALS

	Amount * (In millions of dollars)	
Deferrals proposed by the President	$ 9,477.7	
Routine Executive releases (-5,482.2 million) and adjustments (+19.1 million) through September 1, 1981	-5,463.1	
Overturned by the Congress	-361.4	
Currently before the Congress	$ 3,653.3	a.

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a. This amount includes $6.3 million in outlays for a Department of the Treasury deferral (D81-19B).

* Detail does not add to total due to rounding

Attachments

PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
EXECUTIVE OFFICE OF THE PRESIDENT							
Council on Env. Quality and Office of Env. Quality							
Council on Env. Quality and Office of Env. Quality BA	R81- 38	708		3 17 81	708	708a	5 18 81
Council on Wage and Price Stability							
Salaries and expenses BA	R81- 34	1,500		1 29 81	1,500	1,500a	3 26 81
Office of Science and Technology Policy							
Salaries and expenses BA	R81- 39	595		3 17 81	595	595a	5 18 81
EXECUTIVE OFFICE OF THE PRESIDENT TOTAL BA		2,803			2,803	2,803	
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Development Programs							
Appalachian Regional Development programs BA	R81- 40	110,000		3 17 81	40,000	110,000b	5 18 81
Disaster Relief							
Disaster relief BA	R81- 41	8,000		3 17 81	8,000	8,000a	5 18 81
International Development Assistance							
Sahel development program BA	R81- 42	2,000		3 17 81	1,800	2,000b	5 18 81
Inter-American Foundation							
Inter-American Foundation							

PAGE 2 ATTACHMENT A - STATUS OF RESCISSIONS FISCAL YEAR 1981 AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 43	138		3 17 81	138	138a	5 18 81
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		120,138			49,638	120,138	
DEPARTMENT OF AGRICULTURE							
Agricultural Stabilization Conservation Service							
Dairy and beekeeper indemnity programs BA	R81- 44	1,500		3 17 81		1,500	5 18 81
Rural Electrification Administration							
Rural communication development fund BA	R81- 45	16,341		3 17 81			
BA	R81- 45A	-341		4 27 81	16,000	16,000a	5 18 81
Farmers Home Administration							
Rural development planning grants BA	R81- 46	2,000		3 17 81		2,000	5 18 81
Rural community fire protection grants BA	R81- 47	1,500		3 17 81		1,500	5 18 81
Rural housing supervisory assistance grants BA	R81- 48	500		3 17 81	500	500a	5 18 81
Rural housing insurance fund BA	R81-119	316,000c		3 17 81	150,000	316,000b	5 18 81
Agricultural credit insurance fund BA	R81-120	88,850c		3 17 81	50,000	88,850b	5 18 81
Rural development insurance fund BA	R81-121	160,000c		3 17 81		160,000	5 18 81

PAGE 3 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Forest Service							
Construction and land acquisition							
BA	R81-160		20,000	6 19 81			
DEPARTMENT OF AGRICULTURE TOTAL BA		586,350	20,000		216,500	586,350	
DEPARTMENT OF COMMERCE							
Economic Development Administration							
Economic development assistance programs							
BA	R81- 49	342,350		3 17 81	187,850	342,350b	5 18 81
Regional Development Programs							
Regional development programs							
BA	R81- 50	21,000		3 17 81	21,000	21,000a	5 18 81
United States Travel Service							
Salaries and expenses							
BA	R81- 51	41		3 17 81	41	41a	5 18 81
National Oceanic and Atmospheric Administration							
Operations, research, and facilities							
BA	R81- 1	30,493d		1 15 81		30,493	2 13 81
BA	R81-123	36,493		3 19 81	23,840	36,493b	4 28 81
Construction							
BA	R81- 52	9,000		3 17 81	11,000	9,000b	5 18 81
Coastal energy impact fund							
BA	R81- 53	40,000		3 17 81		40,000	5 18 81
Science and Technical Research							
Scientific and technical research and services							

PAGE 4 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	BA	R81- 54	3,370		3 17 81	3,370	3,370a	5 18 81
National Telecommun. and Info Administration								
Salaries and expenses	BA	R81- 55	313		3 17 81	183	313b	5 18 81
Public telecommun. facil., plan. and construction	BA	R81- 2	4,000d		1 15 81		4,000	2 13 81
	BA	R81-124	25,717		3 19 81	6,000	25,717b	4 28 81
Maritime Administration								
Research and development	BA	R81- 56e	2,500		3 17 81	2,500	2,500a	5 18 81
DEPARTMENT OF COMMERCE	TOTAL BA		515,277			255,564	515,277	
DEPARTMENT OF EDUCATION								
Office of Elementary and Secondary Education								
Elementary and secondary education	BA	R81- 4	52,150d		1 15 81		52,150	2 13 81
	BA	R81-126	982,385		3 19 81	462,646	982,385b	4 28 81
School assistance in federally affected areas	BA	R81- 3	148,000d		1 15 81		148,000	2 13 81
	BA	R81-125	66,500		3 19 81	33,250	66,500b	4 28 81
Equal educational opportunities	BA	R81- 57	73,253		3 17 81	97,563	73,253b	5 18 81
Office of Special Education and Rehab. Services								
Education for the handicapped, gifted and talented	BA							

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R81- 58	267,938		3 17 81	76,819	267,938b	5 18 81
Rehabilitation services and handicapped research							
BA	R81- 59	22,323		3 17 81	12,126	22,323b	5 18 81
Office of Vocational and Adult Education							
Vocational and adult education							
BA	R81- 5	11,862d		1 15 81		11,862	2 13 81
BA	R81-127	238,777		3 19 81	132,565	238,777b	4 28 81
Office of Postsecondary Education							
Student financial assistance							
BA	R81-161		14,800	6 19 81			
Student loan insurance							
BA	R81- 6	78,728d		1 15 81		78,728	2 13 81
BA	R81-128	103,270		3 19 81		103,270	4 28 81
Higher and continuing education							
BA	R81- 7	30,989d		1 15 81		30,989	2 13 81
BA	R81-129	49,239		3 19 81	33,970	49,239b	4 28 81
College housing loans							
BA	R81- 60	14,550		3 17 81	14,271	14,550b	5 18 81
Office of Educational Research and Improvement							
Libraries and learning technologies							
BA	R81- 61	42,750		3 17 81	12,250	42,750b	5 18 81
Institute of museum services							
BA	R81- 62	12,357		3 17 81		12,357	5 18 81
School improvement programs							
BA	R81- 63	36,606		3 17 81	37,843	36,606b	5 18 81

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981

AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF EDUCATION							
TOTAL BA		2,231,677	14,800		913,303	2,231,677	
DEPARTMENT OF ENERGY							
Energy Programs							
Energy supply R&D- operating expenses							
BA	R81- 8	25,026d		1 15 81		25,026	2 13 81
BA	R81-130	126,609		3 18 81			
BA	R81-130A	-327		4 27 81	82,511	126,282b	4 28 81
Energy supply R&D- plant and capital equip.							
BA	R81- 9	3,650d		1 15 81		3,650	2 13 81
BA	R81-131	7,967		3 19 81	2,500	7,967b	4 28 81
Fossil energy research and development							
BA	R81- 10	25,450d		1 15 81		25,450	2 13 81
BA	R81-132	65,932		3 18 81	53,036	65,932b	4 28 81
Fossil energy construction							
BA	R81-166			7 16 81			
BA	R81- 64	246,900		3 17 81	89,400	246,900b	5 18 81
BA	R81-166		173,000	7 16 81			
Energy production demo. and distribution							
BA	R81- 65	12,649		3 17 81	10,348	12,649b	5 18 81
Energy conservation							
BA	R81- 11	47,800d		1 15 81		47,800	2 13 81
BA	R81-133	306,095		3 18 81	153,180	306,045b	4 28 81
Energy information administration							
BA	R81- 66	13,443		3 17 81	13,700	13,443b	5 18 81

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Economic regulation							
BA	R81- 67	33,155		3 17 81	17,167	33,155b	5 18 81
Geothermal resources development fund							
BA	R81- 68	22,066		3 17 81	21,982	22,066b	5 18 81
Alternative fuels production							
BA	R81- 69	300,000		3 17 81	300,000	300,000a	5 18 81
Departmental Administration							
Departmental administration							
BA	R81- 70	11,500		3 17 81	11,500	11,500a	5 18 81
DEPARTMENT OF ENERGY TOTAL BA		1,247,865.	173,000		755,324	1,247,865	
DEPARTMENT OF HEALTH AND HUMAN SERVICES							
Health Services Administration							
Health services							
BA	R81- 12	8,057d		1 15 81		8,057	2 13 81
BA	R81-134	11,616		3 19 81	45,776	11,616b	4 28 81
Indian health facilities							
BA	R81- 71	8,871		3 17 81	3,916	8,871b	5 16 81
Centers for Disease Control							
Preventive health services							
BA	R81- 13	27,000d		1 15 81		27,000	2 13 81
BA	R81-135	38,520		3 19 81	54,381	38,520b	4 28 81
National Institutes of Health							
National Cancer Institute							
BA	R81- 14	13,565d		1 15 81		13,565	2 13 81

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981

AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81-136	17,986		3 19 81	10,785	17,986b	4 28 81
National Heart, Lung, and Blood Institute							
BA	R81- 15	10,324d		1 15 81		10,324	2 13 81
BA	R81-137	11,120		3 19 81	9,850	11,120b	4 28 81
National Institute of Dental Research							
BA	R81- 16	302d		1 15 81		302	2 13 81
BA	R81-138	700		3 19 81		700	4 28 81
Nat. Inst. of Arth., Metab. and Diges. Diseases							
BA	R81- 17	3,232d		1 15 81		3,232	2 13 81
BA	R81-139	3,943		3 19 81	2,113	3,943b	4 28 81
Nat. Inst. of Neurol. and Comm. Disord. and Stroke							
BA	R81- 18	2,031d		1 15 81		2,031	2 13 81
BA	R81-140	4,388		3 19 81	997	4,388b	4 28 81
Nat. Inst. of Allergy and Infectious Diseases							
BA	R81- 72	1,000		3 17 81		1,000	5 14 81
Nat. Inst. of General Medical Sciences							
BA	R81- 73	18,642		3 17 81	1,571	18,642b	5 14 81
Nat. Inst. of Child Health and Human Develop.							
BA	R81- 19	3,285d		1 15 81		3,285	2 13 81
BA	R81-141	4,119		3 19 81	2,594	4,119b	4 28 81
National Eye Institute							
BA	R81- 20	2,355d		1 15 81		2,355	2 13 81
BA	R81-142	3,856		3 19 81	2,117	3,856b	4 28 81
Nat. Inst. of Environmental Health Sciences							
BA	R81- 21	3,258d		1 15 81		3,258	2 13 81

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AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81-143	2,179		3 19 81	3,630	2,179b	4 28 81
National Institute of Aging							
BA	R81- 22	588d		1 15 81		588	2 13 81
BA	R81-144	1,593		3 19 81	377	1,593b	4 28 81
Research resources							
BA	R81- 23	10,561d		1 15 81		10,561	2 13 81
BA	R81-145	3,714		3 19 81	8,623	3,714b	4 28 81
National Library of Medicine							
BA	R81- 24	341d		1 15 81		341	2 13 81
BA	R81-146	341		3 19 81		341	4 28 81
Office of the Director							
BA	R81- 25	360d		1 15 81		360	2 13 81
BA	R81-147	360		3 19 81		360	4 28 81
Alcohol, Drug Abuse, and Mental Health Admin.							
Const. and renovation, St. Elizabeths Hospital							
BA	R81- 74	1,020		3 17 81	1,500	1,020b	5 18 81
Alcohol, drug abuse, and mental health							
BA	R81- 26	67,140d		1 15 81		67,140	2 13 81
BA	R81-148	98,370		3 19 81	112,244	98,370b	4 28 81
Health Resources Administration							
Health resources							
BA	R81- 27	78,683d		1 15 81		78,683	2 13 81
BA	R81-149	131,751		3 19 81	158,189	131,751b	4 28 81
Office of Assistant Secretary for Health							
Salaries and expenses							

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 75	30,724		3 17 81	38,270	30,724b	5 18 81
Health Care Financing Administration							
Payments to health care trust funds							
BA	R81- 76	8,693		3 17 81	6,520	8,693b	5 18 81
Program management							
BA	R81- 77	6,992		3 17 81	7,494	6,992b	5 18 81
Social Security Administration							
Refugee assistance							
BA	R81- 78	25,100		3 17 81	41,805	25,100b	5 18 81
Human Development Services							
Grants to states for social services							
BA	R81-162		100,000	8 19 81		100,000	8 12 81
Human development services							
BA	R81- 28	10,000d		1 15 81		10,000	2 13 81
BA	R81-150	10,100		3 19 81	13,500	10,100b	4 28 81
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		686,906	100,000		530,472	786,906	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Programs							
Subsidized housing programs							
BA	R81- 79	5,099,104		3 17 81	5,219,104	5,099,104b	5 18 81
Congregate services program							
BA	R81- 29	10,000d		1 15 81		10,000	2 13 81
BA	R81-151	10,000		3 19 81	10,000	10,000a	4 28 81

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Solar Energy and Energy Conservation Bank							
Assistance for solar and conserv. improvements							
BA	R81- 80	121,000		3 17 81	121,000	121,000a	5 18 81
Community Planning and Development							
Planning assistance							
BA	R81- 81	34,976		3 17 81	34,976f	34,976a	5 18 81
Rehabilitation loan fund							
BA	R81- 82	110,857		3 17 81	110,857f	110,857a	5 18 81
Urban development action grants							
BA	R81-163		130,000	6 19 81			
Community development grants							
BA	R81-164		50,000	6 19 81			
Neighborhoods, Vol. Assoc. and Consumer Prot.							
Housing counseling assistance							
BA	R81- 83	6,000		3 17 81	3,000	6,000b	5 18 81
Neighborhood self-help devel. program							
BA	R81- 84	8,119		3 17 81	8,119	8,119a	5 18 81
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		5,400,056	180,000		5,507,056	5,400,056	
DEPARTMENT OF THE INTERIOR							
Office of Water Research and Technology							
Salaries and expenses							
BA	R81- 85	11,800		3 17 81	5,900	11,800b	5 18 81
United States Fish and Wildlife Service							
Construction and anadromous fish							

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 86	2,500		3 17 81	2,500	2,500a	5 18 81
National Park Service							
Urban park and recreation grants							
BA	R81- 87	35,000		3 17 81	19,000	35,000b	5 18 81
Land and water conservation fund							
BA	R81- 88	250,000		3 17 81	90,000	250,000b	5 18 81
Historic preservation fund							
BA	R81- 89	8,000		3 17 81	6,500	8,000b	5 18 81
Construction (trust fund)							
BA	R81- 90	15,500		3 17 81	12,000	15,500b	5 18 81
Office of Surface Mining Reclam. and Enforcement							
Regulation and technology							
BA	R81- 91	1,954		3 17 81	3,154	1,954b	5 18 81
Office of the Solicitor & Office of the Secretary							
Youth conservation corps							
BA	R81- 35	38,194		3 10 81	34,000	38,194b	5 11 81
DEPARTMENT OF THE INTERIOR TOTAL BA		362,948			173,054	362,948	
DEPARTMENT OF LABOR							
Employment and Training Administration							
Temporary employment assistance							
BA	R81- 92	234,475g		3 17 81	234,475	45,000b	5 18 81

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AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF LABOR							
TOTAL BA		234,475			234,475	45,000	
DEPARTMENT OF STATE							
Bureau of Refugee Programs							
Migration and refugee assistance							
BA	R81- 93	22,500		3 17 81	17,500	22,500b	5 18 81
Bureau for International Narcotics Matters							
International narcotics control							
BA	R81- 94	3,100		3 17 81	12,785	3,100b	5 18 81
DEPARTMENT OF STATE							
TOTAL BA		25,600			30,285	25,600	
DEPARTMENT OF TRANSPORTATION							
Urban Mass Transportation Administration							
Urban mass transportation fund							
BA	R81- 95	24,700		3 17 81	20,700	24,700b	5 18 81
Research and Special Programs Administration							
Cooperative automotive research							
BA	R81- 96	11,500		3 17 81	11,500	11,500a	5 18 81
DEPARTMENT OF TRANSPORTATION							
TOTAL BA		36,200			32,200	36,200	
DEPARTMENT OF THE TREASURY							
Bureau of Government Financial Operations							
Biomass energy development							
BA	R81- 97	1,245,500		3 17 81	974,500	1,245,500b	5 18 81

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AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF THE TREASURY TOTAL BA		1,245,500			974,500	1,245,500	
ENVIRONMENTAL PROTECTION AGENCY							
Salaries and expenses							
BA	R81-165		6,200	8 19 81			
Res. and dev. (pollution and abatement)							
BA	R81- 98	149		3 17 81	499	149b	5 18 81
BA	R81-156		56,300	6 8 81		56,300	8 5 81
Abatement control and compliance							
BA	R81- 99	1,253		3 17 81	4,253	1,253b	5 18 81
BA	R81-157		43,700	6 8 81		43,700	8 5 81
Construction grants							
BA	R81-100	1,700,000		3 17 81	1,700,000	1,700,000a	5 18 81
ENVIRONMENTAL PROTECTION AGENCY TOTAL BA		1,701,402	106,200		1,705,452	1,801,402	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Research and development							
BA	R81-101	4,500		3 17 81	4,500	4,500a	5 18 81

PAGE 15 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TOTAL BA		4,500			4,500	4,500	
VETERANS ADMINISTRATION							
Construction, major projects							
BA	R81-102	162,160		3 17 81	162,160	162,160a	5 18 81
VETERANS ADMINISTRATION TOTAL BA		162,160			162,160	162,160	
OTHER INDEPENDENT AGENCIES							
Action							
Operating expenses, domestic programs							
BA	R81-103	3,207		3 17 81			
BA	R81-103A	-3,007		4 23 81	5,187	200b	5 18 81
Arms Control and Disarmament Agency							
Arms control and disarmament activities							
BA	R81-104	1,500		3 17 81	1,500	1,500a	5 18 81
Community Services Administration							
Community services program							
BA	R81- 30	6,000d		1 15 81		6,000e	2 13 81
BA	R81-152	6,000		3 19 81	16,915	6,000b	4 28 81

PAGE 16 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Corporation for Public Broadcasting							
Salaries and expenses							
BA	R81-105	95,000		3 17 81	35,000h	95,000b	5 18 81
Federal Mediation and Conciliation Service							
Salaries and expenses							
BA	R81-106	687		3 17 81		687	5 18 81
Federal Mine Safety and Health Review Commission							
Salaries and expenses							
BA	R81- 31	163d		1 15 81		163	2 13 81
BA	R81-153	186		3 19 81	273	186b	4 28 81
Federal Trade Commission							
Salaries and expenses							
BA	R81-107	226		3 17 81	226	226a	5 18 81
Marine Mammal Commission							
Salaries and expenses							
BA	R81-108	4		3 17 81		4	5 18 81
Merit Systems Protection Board							
Office of the special counsel							
BA	R81-109	210		3 17 81	210	210a	5 18 81
National Consumer Cooperative Bank							
Investment in Nat. Consumer Cooperative Bank							
BA	R81- 36	59,889		3 10 81		59,889	5 11 81
Self-help development and technical assistance							
BA	R81- 37	29,990		3 10 81	16,990	29,990b	5 11 81
National Foundation on the Arts and Humanities							

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981

AS OF 09/02/81 08:10

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
National Endowment for the Arts: sal. & expen.							
BA	R81-158		6,650	6 8 81		6,650	8 5 81
National Endowment for the Human.: sal. & expen.							
BA	R81-159		7,417	6 8 81		7,417	8 5 81
National Science Foundation							
Research and related activities							
BA	R81-110	66,000		3 17 81	46,000	66,000b	5 18 81
BA	R81-110A	i		4 27 81			
Science and engineering activities							
BA	R81-111	16,000		3 17 81	10,000	16,000b	5 18 81
BA	R81-111A	i		4 27 81			
Occupational, Safety, and Health Review Comm.							
Salaries and expenses							
BA	R81-112	39		3 17 81	54	39b	5 18 81
Office of Fed. Insp. for the Alaska Nat. Gas Sys.							
Salaries and expenses							
BA	R81-113	445		3 17 81	445	445a	5 18 81
Pennsylvania Avenue Development Corporation							
Salaries and expenses							
BA	R81-114	60		3 17 81		60	5 18 81
Postal Service							
Payment to the Postal Service Fund							
BA	R81- 32	250,000d		1 15 81		250,000	2 13 81
BA	R81-154	250,000		3 19 81	250,000	250,000a	4 28 81
Selective Service System							

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981

AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Salaries and expenses							
BA	R81-115	1,940		3 17 81	1,940	1,940a	5 18 81
Small Business Administration							
Salaries and expenses							
BA	R81-116	1,405		3 17 81	700	1,405b	5 18 81
Tennessee Valley Authority							
Tennessee Valley Authority fund							
BA	R81- 33	177,000d		1 15 81		177,000	2 13 81
BA	R81-117	500		3 17 81		500	5 18 81
BA	R81-155	177,000		3 19 81	[illegible]5,500	177,000b	4 28 81
Water Resources Council							
Water resources planning							
BA	R81-118	5,000		3 17 81	5,000	5,000a	5 18 81
OTHER INDEPENDENT AGENCIES TOTAL BA		1,145,404	14,067		475,840	1,1[illegible],471	
OFF-BUDGET FEDERAL ENTITIES							
Department of Agriculture							
Rural electr. and telephone revolving fund							
BA	R81-122	187,000c		3 17 81			
BA	R81-122A	1		4 27 81		187,000	5 18 81
TOTAL BA		15,896,261	608,067		12,023,226	15,920,853	

NOTE: This report does not include Congressionally-initiated rescissions.

FOOTNOTES

a. These funds were made available for obligation on the date shown in the column to the right. Subsequently, the funds were rescinded by the Supplemental Appropriations and Rescission Act, 1981 (PL 97-12), signed into law on June 5, 1981.

b. These funds were made available for obligation on the date indicated in the column to the right. Subsequently, the amount listed in the column to the left was rescinded by PL 97-12.

c. This amount represents a proposed reduction in authority to incur obligations for direct loans.

d. This rescission proposal was withdrawn on February 13, 1981.

e. This rescission proposal was submitted to and acted on by the Congress prior to the transfer of the Maritime Administration from the Department of Commerce to the Department of Transportation, which became effective on August 9, 1981

f. This amount reflects the Administration's estimate of unreserved funds for FY 1981 and prior years that were proposed for rescission at the time the special message was transmitted. The current estimate of unreserved funds that were rescinded by PL 97-12 is $17,225,000 for Planning Assistance and $121,351,000 for the Rehabilitation Loan Fund.

g. The amount withheld totals $45,000,000, which is $189,475,000 less than the amount proposed for rescission.

h. This amount represents a rescission of 1983 funds.

i. This supplementary report was transmitted solely to report a technical correction to the appropriation language accompanying the original report. This change did not affect amounts proposed for rescission.

END OF REPORT

PAGE 1 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs								
BA	D81- 79	10,000		3 10 81				10,000
International Security Assistance								
Foreign military credit sales								
BA	D81- 23	659,250		12 2 80	-659,250			
Economic support fund								
BA	D81- 24	1,984,500		12 2 80	-1,965,500			19,000
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		2,653,750			-2,624,750			29,000
DEPARTMENT OF AGRICULTURE								
Foreign Assistance Programs								
Expenses, P.L. 480, for. assist. prog., Agric.								
BA	D81-107	28,000		6 19 81				
BA	D81-107A		20,000	7 16 81	-48,000			
Agricultural Stabilization & Conservation Service								
Dairy and beekeeper indemnity programs								
BA	D81-120	1,500		7 16 81				1,500
Farmers Home Administration								
Rural development planning grants								
BA	D81-121	2,000		7 16 81				2,000
Rural housing insurance fund								
BA	D81-122	166,000		7 16 81				166,000
Agricultural credit insurance fund								
BA	D81-123	35,000		7 16 81				35,000
Soil Conservation Sevice								

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981

AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA-TIVE OMB /AGENCY RELEASES	CONGRES-SIONALLY REQUIRED RELEASES	CUMULA-TIVE ADJUST-MENTS	AMOUNT DEFERRED AS OF 9-01-81
~~Watershed and flood prevention operations~~									
	BA	D81-108	11,000		6 19 81				11,000
Forest Service									
Construction and land acquisition									
	BA	D81-134	13,578		7 15 81				13,578
Timber salvage sales									
	BA	D81- 1	16,481		10 1 80				
	BA	D81- 1A		237	6 19 81				16,718
Expenses, brush disposal									
	BA	D81- 2	37,342		10 1 80				
	BA	D81- 2A		3,228	4 27 81				40,570
DEPARTMENT OF AGRICULTURE TOTAL	BA		310,901	23,465		-48,000			286,366
DEPARTMENT OF COMMERCE									
General Administration									
Participation in U.S. expositions									
	BA	D81- 3	2,867		10 1 80				
	BA	D81- 3A		184	1 15 81				3,051
Minority Business Development Agency									
Minority business development									
	BA	D81-103	3,400		3 17 81				3,400
National Oceanic and Atmospheric Administration									
Operations, research, and facilities									
	BA	D81- 42	30,493		2 13 81	-30,493			
Construction									
	BA	D81- 4	10,230		10 1 80	-5,230			5,000
Coastal zone management									
	BA	D81-125	33,000		7 16 81				33,000

PAGE 3 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Promote and develop fishery products and research									
	BA	D81-105	5,000		4 27 81	-2,500	-2,500b		
National Telecom and Information Admin.									
Public telecom facilities, plan. & constr.									
	BA	D81- 43	4,000a		2 13 81	-4,000			
Maritime Administration									
Ship construction									
	BA	D81- 80c	92,000		3 10 81		-55,000b		37,000
DEPARTMENT OF COMMERCE									
TOTAL	BA		180,990	184		-42,223	-57,500		81,451
DEPARTMENT OF DEFENSE-MILITARY									
Procurement									
Shipbuilding and conversion, Navy									
	BA	D81- 27	1,125,000		1 15 81				1,125,000
Procurement activities									
	BA	D81- 5	139,700		10 1 80	-139,700			
Research, Development, Test, and Evaluation									
RDT&E Activities									
	BA	D81- 6	46,500		10 1 80	-46,500			
Military Construction									
Military construction (medical facilities)									
	BA	D81- 25	111,300		12 2 80	-111,300			
Military construction, all services									
	BA	D81- 7	6,983		10 1 80				
	BA	D81- 7A		600,344	12 2 80	-569,624		1,134	38,837
Family Housing, Defense									
Family Housing, Defense									
	BA	D81- 8	18,651		10 1 80	-18,651			
	BA	D81- 28	1,992		1 15 81				1,992

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PAGE 4 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA			1,450,126	600,344		-885,775		1,134	1,165,829
DEPARTMENT OF DEFENSE-CIVIL									
Cemeterial Expenses, Army									
Salaries and expenses	BA	D81-126	659		7 16 81				659
Corps of Engineers									
Construction, general	BA	D81- 81	10,000		3 10 81				
	BA	D81- 81A		57,600	6 19 81				67,600
Operation and maintenance, general	BA	D81-109	30,000		6 19 81				30,000
Flood control, Mississippi River & tributaries	BA	D81-110	5,000		6 19 81				5,000
Wildlife Conservation, Military Reservations									
Wildlife conservation, all services	BA	D81- 9	667		10 1 80	-136d			
	BA	D81- 9A		147	1 15 81	-154		136	660
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA			46,326	57,747		-290		136	103,919
DEPARTMENT OF EDUCATION									
Office of Elem. and Secondary Education									
Elementary and secondary education	BA	D81- 45	52,150a		2 13 81	-52,150			
School assist. in federally affected areas	BA	D81- 44	148,000a		2 13 81	-148,000			
Office of Vocational and Adult Education									
Vocational and adult education	BA	D81- 46	11,862a		2 13 81	-11,862			

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PAGE 5 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Office of Postsecondary Education									
Student loan insurance	BA	D81- 47	78,728a		2 13 81	-78,728			
Higher and continuing education	BA	D81- 48	30,989a		2 13 81	-30,989			
Higher education facilities loan and ins.	BA	D81- 82	25,000		3 10 81		-25,000b		
DEPARTMENT OF EDUCATION TOTAL BA			346,729			-321,729	-25,000		
DEPARTMENT OF ENERGY									
Atomic Energy Defense Activities									
Operating expenses	BA	D81- 29	5,000		1 15 81	-5,000			
	BA	D81- 29A		5,000	3 10 81		-10,000b	5,000	
Plant and capital equipment	BA	D81- 30	12,000		1 15 81	-12,000			
Energy Programs									
Fossil energy R&D	BA	D81- 51	25,450a		2 13 81	-25,450			
Fossil energy construction	BA	D81- 33	42,000		1 15 81				
	BA	D81- 33A		163,000	3 10 81				
	BA	D81- 33B		e	4 27 81	-205,000			
Energy supply R&D-operating expenses	BA	D81- 31	23,860		1 15 81				
	BA	D81- 49	25,026a		2 13 81	-48,886			
Energy supply R&D-plant and capital equip.	BA	D81- 32	3,690		1 15 81				
	BA	D81- 50	3,650a		2 13 81	-7,340			
Energy conservation	BA	D81- 34	10,450		1 15 81				
	BA	D81- 52	47,800a		2 13 81	-58,250			

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Strategic Petroleum Reserve								
BA	D81- 83	8,000		3 10 81				8,000
DEPARTMENT OF ENERGY								
TOTAL BA		206,926	168,000		-361,926	-10,000	5,000	8,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Health Services Administration								
Health Services								
BA	D81- 53	8,057a		2 13 81	-8,057			
Centers for Disease Control								
Preventive Health Services								
BA	D81- 54	27,000a		2 13 81	-27,000			
National Institutes of Health								
National Cancer Institute								
BA	D81- 55	13,565a		2 13 81	-13,565			
Nat. Heart, Lung, and Blood Institute								
BA	D81- 56	10,324a		2 13 81	-10,324			
Nat. Institute of Dental Research								
BA	D81- 57	302a		2 13 81	-302			
Nat. Inst. of Arth., Metab., and Digest. Dis.								
BA	D81- 58	3,232a		2 13 81	-3,232			
Nat. Inst. of Neuro. and Commun. Dis. and Stroke								
BA	D81- 59	2,031a		2 13 81	-2,031			
Nat. Inst. of Child Health and Human Development								
BA	D81- 60	3,285a		2 13 81	-3,285			
National Eye Institute								
BA	D81- 61	2,353a		2 13 81	-2,353			
Nat. Inst. of Environ. Health Sciences								
BA	D81- 62	3,258a		2 13 81	-3,258			
National Institute of Aging								
BA	D81- 63	588a		2 13 81	-588			

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Research Resources									
	BA	D81- 64	10,561a		2 13 81	-10,561			
National Library of Medicine									
	BA	D81- 65	341a		2 13 81	-341			
Office of the Director									
	BA	D81- 66	360a		2 13 81	-360			
Alcohol, Drug Abuse & Mental Health Administration									
Alcohol, drug abuse & mental health									
	BA	D81- 67	67,140a		2 13 81	-67,140			
Construction & renovation, St. Elizabeths Hospital									
	BA	D81- 10	10,698a		10 1 80				
	BA	D81- 10A		25,375	7 16 81				36,073
Health Resources Administration									
Health resources									
	BA	D81- 68	78,683a		2 13 81	-78,683			
Office of Assistant Secretary for Health									
Special foreign currency program									
	BA	D81- 11	8,000		10 1 80				
	BA	D81- 11A		1,118	4 27 81				9,118
Social Security Administration									
Refugee assistance									
	BA	D81-112	35,000		6 19 81	-25,000			10,000
Limitation on administrative expenses									
	BA	D81-104	8,004		3 19 81				8,004
Human Development Services									
Grants to states for social & child welfare serv.									
	BA	D81-111	20,000		6 19 81				20,000
Human development services									
	BA	D81- 69	10,000a		2 13 81	-10,000			
White House Conference on Children and Youth									
	BA	D81- 12	562		10 1 80	-562			

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
White House Conference on Aging								
BA	D81-127	1,152		7 16 81				1,152
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		324,496	26,493		-266,642			84,347
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Congregate services program								
BA	D81- 70	10,000a		2 13 81	-10,000			
Policy Development and Research								
Research and technology								
BA	D81- 84	5,000		3 10 81	-5,000			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		15,000			-15,000			
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Acquisition, construction and maintenance								
BA	D81-113	2,600		6 19 81				2,600
Oregon and California grant lands								
BA	D81- 71	1,849		2 13 81				
BA	D81- 71A		71	6 19 81				1,920
Bureau of Reclamation								
Construction program								
BA	D81-114	21,430		6 19 81	-21,430			
General investigations								
BA	D81-115	570		6 19 81	-570			
Heritage Conservation and Recreation Service								
Land and water conservation fund								
BA	D81- 13	30,000		10 1 80				30,000

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
National Park Serivice									
Construction	BA	D81-116	14,720		6 19 81	-14,720			
Geological Survey									
Surveys, investigations and research	BA	D81-117	6,000		6 19 81	-6,000			
Exploration of National Petroleum Res. in Alaska	BA	D81- 35	10,710		1 15 81	-7,960			2,750
Payments from proceeds, sale of water	BA	D81- 14	41		10 1 80				41
Bureau of Mines									
Drainage of anthracite mines	BA	D81- 15	765		10 1 80				
	BA	D81- 15A		226	6 19 81				991
DEPARTMENT OF THE INTERIOR TOTAL	BA		88,685	297		-50,680			38,302
DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses	BA	D81- 85	7,485		3 10 81	-4,320	-3,165b		
Federal Prison System									
Buildings and facilities	BA	D81- 16	15,750		10 1 80				
	BA	D81- 16A		4,050	1 15 81				
	BA	D81- 16B		9,083	7 16 81	-19,800			9,083
Salaries and expenses	BA	D81- 86	4,385		3 10 81		-4,385b		
Office of Justice Assist., Res., and Statistics									
Law enforcement assistance	BA	D81- 87	670		3 10 81	-670			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981

AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
DEPARTMENT OF JUSTICE								
TOTAL BA		28,290	13,133		-24,790	-7,550		9,083
DEPARTMENT OF LABOR								
Employment and Training Administration								
Employment and training assistance								
BA	D81- 36	76,699		1 15 81				
BA	D81- 36A		652,488	3 10 81				
BA	D81- 36B		21,968	7 16 81				751,155
DEPARTMENT OF LABOR								
TOTAL BA		76,699	674,456					751,155
DEPARTMENT OF STATE								
Other								
Emergency refugee and migration assistance fund								
BA	D81- 37	15,000		1 15 81				
BA	D81- 37A		20,000	6 19 81				35,000
DEPARTMENT OF STATE								
TOTAL BA		15,000	20,000					35,000
DEPARTMENT OF TRANSPORTATION								
Office of the Secretary								
Transportation planning, res. and dev.								
BA	D81- 88	1,040		3 10 81	-1,040			
Federal Aviation Administration								

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Various activities									
	BA	D81- 72	3,403		2 13 81				3,403
Facilities & equip. (Airport & airway trust fund)									
	BA	D81- 17	133,823		10 1 80				
	BA	D81- 17A		240,603	12 2 80	-14,893			
	BA	D81- 17B		f	3 10 81		-30,000b	6,250	335,783
Federal Highway Administration									
Trust fund share of other highway programs									
	BA	D81- 89	21,500		3 10 81				
	BA	D81- 89A		e	4 27 81	-3,765			17,735
Federal Railroad Administration									
Railroad research and development									
	BA	D81- 90	383		3 10 81				383
Rail service assistance									
	BA	D81- 91	80,341		3 10 81	-5,000	-40,000b		35,341
Northeast corridor improvement program									
	BA	D81- 92	125,000		3 10 81				125,000
Urban Mass Transportation Administration									
Urban mass transportation fund									
	BA	D81- 93	210,000		3 10 81	-210,000			
Research and Special Programs Administration									
Research and special programs									
	BA	D81- 94	3,100		3 10 81	-1,000			2,100
DEPARTMENT OF TRANSPORTATION TOTAL	BA		578,590	240,603		-235,698	-70,000	6,250	519,745
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
State and local government fiscal assistance fund									
	BA	D81- 10	111,773		10 1 80	-2,302		267	109,738

PAGE 12 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
	O	D81- 19	5,485		10 1 80				
	O	D81- 19A		5,209	12 2 80	-3,959			
	O	D81- 19B		51,062	2 13 81	-57,797		6,287	6,287
Bureau of the Mint									
Construction of mint facilities	BA	D81- 20	5,730		10 1 80	-5,730			
DEPARTMENT OF THE TREASURY TOTAL BA			117,503			-8,032		267	109,738
TOTAL O			5,485	56,271		-61,756		6,287	6,287
Veterans Administration									
Medical care	BA	D81- 95	29,389		3 10 81		-29,389b		
Medical and prosthetic research	BA	D81- 96	1,690		3 10 81		-1,690b		
Medical admin. and misc. operating expenses	BA	D81- 97	515		3 10 81		-515b		
Construction, major projects	BA	D81- 98	183,493		3 10 81		-85,965b		97,528
Veterans Administration TOTAL BA			215,087				-117,559		97,528
OTHER INDEPENDENT AGENCIES									
Board for International Broadcasting									
Grants and expenses	BA	D81-106	1,370		4 27 81	-1,370			
Community Services Administration									

PAGE 13 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Community services program								
BA	D81- 73	6,000a		2 13 81	-6,000			
Federal Emergency Management Agency								
Emergency planning, preparedness, and mobilization								
BA	D81- 21	80		10 1 80	-80			
Federal Mine Safety & Health Review Commission								
Salaries and expenses								
BA	D81- 74	163a		2 13 81	-163			
General Services Administration								
Office of Inspector General								
BA	D81- 99	444		3 10 81	-444			
Allowances and office staff for former Presidents								
BA	D81-100	8		3 10 81	-8			
Consumer information center								
BA	D81-101	50		3 10 81	-50			
Intelligence Community Staff								
Intelligence Community Staff								
BA	D81- 38	2,000		1 15 81	-2,000			
International Communication Agency								
Salaries & expenses								
BA	D81- 75	1,500		2 13 81		-350b		1,150
Acquisition & construction of radio facilities								
BA	D81- 76	1,252		2 13 81				
BA	D81- 76A		12,074	4 27 81				13,326
National Consumer Cooperative Bank								
Self-help development fund								
BA	D81- 39	13,133		1 15 81	-13,133			
National Foundation on the Arts & Humanities								
National endowment for the arts: sal. & expen.								
BA	D81-118	25,356g		8 19 81	-25,356			

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Nat. endowment for the human.: sal. and expen.									
	BA	D81-119	20,460h		6 19 81	-20,460			
Pennsylvania Avenue Development Corporation									
Land acquisition and development									
	BA	D81- 40	30,896		1 15 81				30,896
Postal Service									
Payment to the Postal Service fund									
	BA	D81- 77	250,000a		2 13 81	-250,000			
Railroad Retirement Board									
Milwaukee railroad restructuring, administration									
	BA	D81-128	179		7 16 81				179
Small Business Administration									
Business loan and investment fund									
	BA	D81- 41	57,500		1 15 81				
	BA	D81- 41A		55,900	3 10 81		-73,400b		40,000
Surety bond guarantees revolving fund									
	BA	D81-102	6,000		3 10 81	-6,000			
Tennessee Valley Authority									
Tennessee Valley Authority fund									
	BA	D81- 22	17,000		10 1 80	-17,000			
	BA	D81- 26	15,800		12 2 80	-15,800			
	BA	D81- 78	177,000a		2 13 81	-177,000			
United States Railway Association									
Payments for purchase of Conrail securities									
	BA	D81-129	242,000		7 16 81				242,000
OTHER INDEPENDENT AGENCIES									
TOTAL BA			868,191	67,074		-534,864	-73,750		327,561
TOTAL BA			7,523,289	1,892,696		-5,420,399	-361,359	12,787	3,647,014
TOTAL D			5,485	56,271		-61,756		6,287	6,287

NOTE: This report does not include Congressionally-initiated deferrals.

FOOTNOTES

a. These funds were proposed for rescission from January 15, 1981 until February 13, 1981. The former rescission proposal related to these funds is listed in Attachment A.

b. This amount was disapproved by the Congress in the Supplemental Appropriations and Rescission Act, 1981 (PL 97-12), signed into law on June 5, 1981.

c. This deferral was made prior to the transfer of the Maritime Administration from the Department of Commerce to the Department of Transportation, which took effect on August 9, 1981.

d. This amount was released before the special message containing the deferral was transmitted to the Congress.

e. This report was transmitted solely to reflect technical adjustments to the previous report.

f. This report was transmitted solely to reflect a change in justification for $30 million of the deferred funds.

g. This amount excludes the effect of a release totaling $12 million made prior to the transmittal of the special message.

h. This amount excludes the effect of a release totaling $5 million made prior to the transmittal of the special message.

END OF REPORT

[FR Doc. 81-27106 Filed 9-15-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS**		DOT/FAA	USDA/FSIS**
DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of September 20 through September 26, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

44680 9–4–81 / Federally licensed warehouses; fees for services; comments by 9–24–81

43980 9–2–81 / Milk marketing order; New England; comments by 9–22–81

Federal Grain Inspection Service—

43056 8–26–81 / Adjustment of fees for certain Federal inspection services; comments by 9–25–81

38336 7–27–81 / Grain regulations; comments by 9–25–81

Food Safety and Inspection Service—

37514 7–21–81 / Official export certificates, marks and devices; comments by 9–21–81

CIVIL AERONAUTICS BOARD

35664 7–10–81 / Proposing to allow foreign indirect air carriers to organize charters and consolidate freight in interstate and overseas markets; reply comments by 9–23–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

44764 9–8–81 / Channel Islands and Point Rexes—Farallon Islands National Marine Sanctuaries; partial suspension of regulations; comments by 9–25–81

40226 8–7–81 / Fishing vessel and gear damage compensation fund; comment by 9–21–81

CONSUMER PRODUCT SAFETY COMMISSION

41081 8–14–81 / Omnidirectional citizens band base station antennas; proposed consumer product safety standard; Proposed nonmandatory test method; comments by 9–22–81

ENERGY DEPARTMENT

Economic Regulatory Administration—

44192 9–3–81 / Procedures for owners and operators of electric powerplants; comments by 9–21–81

Federal Energy Regulatory Commission—

43843 9–1–81 / Colorado; high-cost gas produced from tight formations; comments by 9–24–81

43844 9–1–81 / New Mexico; high-cost gas produced from tight formations; comments by 9–24–81

43845 9–1–81 / Oklahoma; high-cost gas produced from tight formations; comments by 9–24–81

43847 9–1–81 / Texas; high-cost gas produced from tight formations; comments by 9–24–81

ENVIRONMENTAL PROTECTION AGENCY

42289 8–20–81 / Approval and promulgation of Idaho State Implementation Plan; extension of comment period to 9–21–81

[Originally published at 46 FR 36869, 7–16–81]

42290 8–20–81 / Approval and promulgation of Illinois State Implementation Plan; comments by 9–21–81

42292 8–20–81 / Approval and promulgation of implementation plan attainment status designations; New Hampshire; comments by 9–21–81

42683 8–24–81 / Captan feed additive regulation; comments by 9–23–81

42685 8–24–81 / Captan; tolerances; comments by 9–23–81

42293 8–20–81 / Designation of areas for air quality planning purposes; attainment status designations; Washington; comments by 9–21–81

37724 7–22–81 / Designation of areas for air quality planning purposes; Indiana; comments by 9–21–81

42880 8–25–81 / Fully halogenated chlorofluoroalkanes; essential use exemption spinnerette release agents; comments by 9–24–81

42299 8–20–81 / Hexakis; proposed tolerance; comments by 9–21–81

41103 8–14–81 / New Hampshire Application for Interim Authorization, Phase I, Hazardous Waste Management Program; comments by 9–21–81

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42296 8-20-81 / Paraquat; proposed tolerance; comments by 9-21-81

42878 8-25-81 / Standards of performance for new stationary sources; proposed alternative performance test requirement for primary aluminium plant; comments by 9-24-81

42878 8-25-81 / Texas; designation of areas for air quality planning purposes; comments by 9-24-81

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

37523 7-21-81 / Procedural regulations; 706 State and local agencies; comments by 9-21-81

FEDERAL COMMUNICATIONS COMMISSION

37920 7-23-81 / FM broadcast station, Delhi, Louisiana; changes in table of assignments; comments by 9-21-81

35534 7-9-81 / FM broadcast station in Martin and Salyersville, KY; changes in table of assignments; reply comments by 9-21-81

40536 8-10-81 / Frequency allocations and radio treaty matters; general rules and regulations; reply comments by 9-23-81

39185 7-31-81 / Inland expansion of non-government radiolocation in the 420-450 MHz frequency band including use of spread spectrum technology; comments by 9-21-81

41535 8-17-81 / Licensing of nonprofit corporations and associations of eligible users in the business and special industrial radio services; reply comments by 9-25-81

40899 8-13-81 / Policy regarding character qualifications in broadcast licensing; comments by 9-25-81

43068 8-26-81 / Process regarding Equal Access to Justice Act rules; reply comments by 9-25-81

GENERAL SERVICES ADMINISTRATION

Automated Data and Telecommunications Service—

27940 5-22-81 / Data telecommunications service requests; comments by 9-22-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Social Security Administration—

37521 7-21-81 / Federal old-age, survivors and disability insurance benefits; benefits for remarried widowers and surviving divorced husbands; comments by 9-21-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

33063 6-26-81 / Endangered and threatened wildlife; Wiest's Sphinx moth; status review; comments by 9-24-81

45172 9-10-81 / Export of bobcats, lynx, river otter, Alaskan gray wolf, Alaskan brown bear, American alligator and American Ginseng taken in 1981-82 season; comments by 9-25-81

Geological Survey—

32685 6-25-81 / Announcement of study of adequacy of existing safety and health regulations and of technology available for exploration drilling, development, and production of oil and gas on the Outer Continental Shelf; comments by 9-22-81

37524 7-21-81 / Clarifying regulations concerning appeals; comments by 9-21-81

42286, 42287 8-20-81 / Oil and gas and sulphur operations on the Outer Continental Shelf; comments by 9-21-81 (2 documents)

Land Management Bureau—

39964, 39968 8-5-81 / Proposed elimination of certain rights-of-way provisions under the Mineral Leasing Act; comments by 9-21-81 (2 documents)

Surface Mining Reclamation and Enforcement Office—

42873 8-25-81 / Modified portions of the Arkansas Permanent Regulatory Program; comments by 9-25-81

42874 8-25-81 / Modified portions of the Kansas Permanent Regulatory Program; comments by 9-25-81

42875 8-25-81 / Modified portions of the Missouri Permanent Regulatory Program; comments by 9-25-81

42684 8-24-81 / Surface coal mining and reclamation operations permanent regulatory program; availability of summary of meeting on two-acre exemption and haul roads, Virginia; comments by 9-23-81

INTERSTATE COMMERCE COMMISSION

40060 8-6-81 / Railroad Classification Index; comments by 9-21-81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

40221 8-7-81 / Contract delivery or performance, cost principles, and contractor liability for loss of or damage to property of the government; comments by 9-23-81

NATIONAL CREDIT UNION ADMINISTRATION

38527 7-28-81 / Minimum security devices and procedures; comments by 9-25-81

NATIONAL TRANSPORTATION SAFETY BOARD

44797 9-8-81 / Equal Access to Justice Act; implementation; comments by 9-25-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

38054 7-23-81 / "Major repairs"; maintenance and repair procedures for aircraft, airframes, aircraft engines, propellers, and appliances; comments by 9-21-81

38062 7-23-81 / Parts manufactured approval; falsification of airworthiness certification documents; reply comments by 9-21-81

37905 7-23-81 / Summary of petitions received and dispositions of petitions denied; comments by 9-20-81

TREASURY DEPARTMENT

Internal Revenue Service—

42285 8-20-81 / Books and records of foreign corporations and operations; outlines of oral comments by 9-22-81

VETERANS ADMINISTRATION

43058 8-26-81 / Interest on debts; comments by 9-25-81

Deadlines for Comments on Proposed Rules for the Week of September 27 through October 3, 1981

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43707 8-31-81 / Grants and contracts; suspension and termination and denial of application for refunding; comments by 9-30-81

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

43824 9-1-81 / Handling of almonds grown in California; salable, reserve, and export percentages for 1981-82 crop year; comments by 10-1-81

Agricultural Stabilization and Conservation Service—

39162 7-31-81 / Conservation and environmental programs; comments by 9-29-81

Food and Nutrition Service—

44712 9-4-81 / Food Stamp Program; household composition, income standards, initial month benefits, adjustments, deductions, and outreach; comments by 10-1-81

Food Safety and Inspection Service—

38525 7-28-81 / Official establishment numbers on meat and poultry products; comments by 9-28-81

39159 7-31-81 / Sale, transportation, and marketing of meat and meat food products; comments by 9-29-81

72197 10-31-80 / U.S. standards for grades of frozen strawberries; comments by 9-30-81

Forest Service—

44007 9-2-81 / Wild and scenic rivers; water resources projects; comments by 10-2-81

43057 8-28-81 / Elimination of rules tariff; notice to passengers of conditions of carriage; comments by 9-28-81

[*See also* 45 FR 25817, 4-16-80; 45 FR 42630, 7-25-80; 46 FR 35936, 7-13-81; 46 FR 38656, 7-28-81; 46 FR 40768, 8-11-81 and 46 FR 42672, 8-25-81]

38930 7-30-81 / Tariffs; sum of segments fares; permission to use rather than higher through fare; comments by 9-28-81

CONSUMER PRODUCT SAFETY COMMISSION

43452 8-28-81 / Full-size and non-full-size baby cribs; safety requirements; comments period extended to 9-28-81

[*See also* 45 FR 82660, 12-16-80]

DEFENSE DEPARTMENT

Air Force Department—

43187 8-27-81 / Air Force Privacy Act Program; comments by 9-28-81

Engineers Corps, Army Department—

44006 9-2-81 / Danger zone; California; Pacific Ocean at San Miguel Island; comments by 10-2-81

ENVIRONMENTAL PROTECTION AGENCY

43168 8-27-81 / Approval and promulgation of implementation plan for nonattainment areas in Indiana; comments by 9-28-81

43704 8-31-81 / Approval and promulgation of State Implementation Plan; Michigan; comments by 9-30-81

43701 8-31-81 / Approval and promulgation of State Implementation Plans; State of Kansas; comments by 9-30-81

38725 7-29-81 / California; approval and promulgation of State Implementation Plans; comments by 9-28-81

38732 7-29-81 / Nebraska; attainment status designations; comments by 9-28-81

31677 6-17-81 / Technological feasibility of 1985 light-duty diesel particulate standard; comments by 10-1-81

EXPORT-IMPORT BANK OF THE UNITED STATES

39165 7-31-81 / Standards of conduct for employees; comments by 9-29-81

FEDERAL COMMUNICATIONS COMMISSION

40902 8-13-81 / Bell operating company procurement of telecommunications equipment; comments by 10-1-81

39629 8-4-81 / FM broadcast station in Brookville and Versailles, Ind.; changes in table of assignments; comments by 9-29-81

39627 8-4-81 / FM broadcast station in Carnelian Bay and South Lake Tahoe, Calif.; changes in table of assignments comments by 9-28-81

37058 7-17-81 / FM broadcast station in Natchitoches, La.; changes in tables of assignments; reply comments by 9-28-81

37921 7-23-81 / FM Broadcast Station in Redmond, Oregon; changes in table of assignments; reply comments by 9-28-81

43709 8-31-81 / Operation of computing equipment prior to certification or verification; comments by 10-2-81

43475 8-28-81 / Overseas communications services; reply comments period extended to 9-28-81

[*See also* 45 FR 76498, 11-19-80]

40899 8-13-81 / Radio frequency interference to electronic equipment; comments by 9-30-81

41620 8-18-81 / Short-term operation without prior approval; creation of new auxiliary broadcast service license class to permit non-broadcast station license holders to be licensed and operate radio relay stations for direct rebroadcast of program material; reply comments by 9-28-81

FEDERAL RESERVE SYSTEM

37905 7-28-81 / Data processing and electronic funds transfer activities; comments by 10-1-81

19824 4-1-81 / Semiannual agenda of regulations and regulatory flexibility agenda; comments by 10-1-81

FEDERAL TRADE COMMISSION

38710 7-29-81 / Premerger notification; reporting and waiting period requirements; comments by 9-28-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

43415 8-28-81 / Food additivies permitted in animal feed and drinking water; selenium; objections by 9-28-81

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45012 9-9-81 / ED—Research on Institutions of Postsecondary Education Grants Program; cancellation of closing date for grant applications for FY 1982 funding

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45012 9-9-81 / ED—Special Projects and Demonstrations for providing Vocational Rehabilitation Services to severely handicapped individuals (Spinal Cord Inqury System Projects); closing date for applications for awards during FY 1981 extended to 9-21-81

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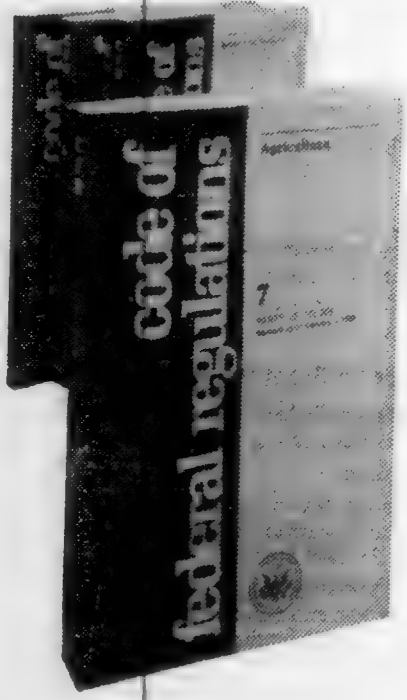

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federal register

Thursday
September 17, 1981

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46107 **Historically Black Colleges and Universities** Executive order.

46126 **Housing** HUD/NVACP temporarily reduces inspection fee for mobile homes.

46134 **Social Services Programs** HHS clarifies rule on time limits for States to file claims for Federal financial participation.

46144 **Grant Programs** Justice/OJARS proposes revisions to hearing and appeal procedures available to grantees and applicants for financial assistance.

46113 **Small Businesses** SBA revises regulations on Surety Bond Guarantee Program.

46111 **Meat and Poultry Inspection** USDA/FSIS increases rates for inspection and related services.

46155 **Nuclear Materials** DOE announces revised price schedule for Plutonium-238.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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46273 **Treasury Notes** Treasury invites tenders for series V–1983.

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46270 **Transportation** DOT/FHWA and UMTA issues policy for meeting urban planning requirements for newly designated urbanized areas resulting from 1980 Federal census.

46150 **Burley Tobacco** USDA/CCC establishes 1981 price support rates for eligible grades.

46152 **Antidumping** Commerce/ITA issues preliminary determination that truck trailer axle-and-brake assemblies from Hungary are being sold at less than fair value.

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Title 3—

The President

Executive Order 12320 of September 15, 1981

Historically Black Colleges and Universities

By the authority vested in me as President by the Constitution of the United States of America, in order to advance the development of human potential, to strengthen the capacity of historically Black colleges and universities to provide quality education, and to overcome the effects of discriminatory treatment, it is hereby ordered as follows:

Section 1. The Secretary of Education shall supervise annually the development of a Federal program designed to achieve a significant increase in the participation by historically Black colleges and universities in Federally sponsored programs. This program shall seek to identify, reduce, and eliminate barriers which may have unfairly resulted in reduced participation in, and reduced benefits from, Federally sponsored programs. This program will also seek to involve private sector institutions in strengthening historically Black colleges.

Sec. 2. Annually, each Executive Department and those Executive agencies designated by the Secretary of Education shall establish annual plans to increase the ability of historically Black colleges and universities to participate in Federally sponsored programs. These plans shall consist of measurable objectives of proposed agency actions to fulfill this Order and shall be submitted at such time and in such form as the Secretary of Education shall designate. In consultation with participating Executive agencies, the Secretary of Education shall undertake a review of these plans and develop an integrated Annual Federal Plan for Assistance to Historically Black Colleges for consideration by the President and the Cabinet Council on Human Resources (composed of the Vice President, the Secretaries of Health and Human Services, Agriculture, Labor, Housing and Urban Development, and Education, the Attorney General, the Counsellor to the President, and the White House Chief of Staff).

Sec. 3. Each participating agency shall submit to the Secretary of Education a mid-year progress report of its achievement of its plan and at the end of the year an Annual Performance Report which shall specify agency performance of its measurable objectives.

Sec. 4. Prior to the development of the First Annual Federal Plan, the Secretary of Education shall supervise a special review by every Executive agency of its programs to determine the extent to which historically Black colleges and universities are given an equal opportunity to participate in Federally sponsored programs. This review will examine unintended regulatory barriers, determine the adequacy of the announcement of programmatic opportunities of interest to these colleges, and identify ways of eliminating inequities and disadvantages.

Sec. 5. The Secretary of Education shall ensure that each president of a historically Black college or university is given the opportunity to comment on the proposed Annual Federal Plan prior to its consideration by the President, the Vice President, and the Cabinet Council on Human Resources.

Sec. 6. The Secretary of Education, to the extent permitted by law, shall stimulate initiatives by private sector businesses and institutions to strengthen historically Black colleges and universities, including efforts to further improve their management, financial structure, and research.

Sec. 7. The Secretary of Education shall submit to the President, the Vice President, and the Cabinet Council on Human Resources an Annual Federal Performance Report on Executive Agency Actions to Assist Historically Black Colleges. The report shall include the performance appraisals of agency actions during the preceding year to assist historically Black colleges and universities. The report will also include any appropriate recommendations for improving the Federal response directed by this Order.

Sec. 8. The special review provided for in Section 4 shall take place not later than November 1, 1981. Participating Executive agencies shall submit their annual plans to the Secretary of Education not later than January 15, 1982. The first Annual Federal Plan for Assistance to Historically Black Colleges developed by the Secretary of Education shall be ready for consideration by the President, the Vice President, and the Cabinet Council on Human resources not later than March 31, 1982.

Sec. 9. Executive Order No. 12232 of August 8, 1980, is revoked.

Ronald Reagan

THE WHITE HOUSE,
September 15, 1981.

[FR Doc. 81-27177
Filed 9-15-81; 1:25 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12321 of September 14, 1981

Foreign Assistance and Arms Export Control

By the authority vested in me as President of the United States of America by Section 515(f) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2321i(f)), Section 29 of the Arms Export Control Act, as amended (94 Stat. 3133; 22 U.S.C. 2769), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. Section 1-701(d) of Executive Order No. 12163 of September 29, 1979, is amended by deleting "515(f),".

Sec. 2. Section 1(d) of Executive Order No. 11958 of January 18, 1977, is amended to read as follows: "Those under Sections 22(a) and 29 of the Act to the Secretary of Defense.".

Ronald Reagan

THE WHITE HOUSE,
September 14, 1981.

[FR Doc. 81-27211
Filed 9-15-81; 4:02 pm]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 46, No. 180
Thursday, September 17, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 681; Valencia Orange Reg. 680, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period September 18–24, 1981, and increases the quantity of such oranges that may be so shipped during the period September 11–17, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective September 18, 1981, and the amendment is effective for the period September 11–17, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a non-major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–227–5975.

The committee met again publicly on September 15, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. § 908.981 is added as follows:

§ 908.981 Valencia Orange Regulations 681.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period September 18, 1981, through September 24, 1981, are established as follows:

(1) District 1: 600,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons.

2. § 908.980 Valencia Orange Regulation 680 (46 FR 45111), is hereby amended to read:

§ 908.980 Valencia Orange Regulation 680.

* * * * *

(1) District 1: 600,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 16, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–27345 Filed 9–16–81; 1:52 p.m.]

BILLING CODE 3410-02-M

Food Safety and Inspection Service

9 CFR Parts 307, 350, 351, 354, 355, 362, and 381

[Docket No. 81–036]

Rate Increase for Inspection Services

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The rates charged by USDA to provide overtime inspection, identification, certification, or laboratory service to meat and poultry establishments are increased to reflect the increased costs of providing these services in the upcoming fiscal year. These amendments are being implemented on an interim basis without a prior proposal because of the Agency's need to increase these rates to cover increases in costs of these services commencing with the beginning of the fiscal year. It is also being published for comment as a means to provide full public participation in the rulemaking process prior to promulgation of a final rule.

DATES: Interim rule effective October 4, 1981; comments must be received on or before December 1, 1981.

ADDRESS: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, U.S. Department of Agriculture, Washington, DC 20250. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: June P. Blair, Director, Finance Division, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (703) 756-6443.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Dr. Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601) because the fees provided for in this document are not new but merely reflect a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services.

Comments

Interested persons are invited to submit written comments concerning these interim amendments. Comments must be sent in duplicate to the Regulations Coordination Division and should bear a reference to the docket number located in the heading of this document. Comments submitted pursuant to this document will be made available for public inspection in the Regulations Coordination Division between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Background

Each fiscal year, the fees for certain services rendered to operators of official meat and poultry establishments, importers, or exporters by the Food Safety and Inspection Service are reviewed and a cost analysis is performed to determine if such fees are adequate to recover the cost of providing the services. Specifically, the analysis relates to fees charged in connection with overtime and holiday inspection, identification, certification, or laboratory services rendered to operators of official meat and poultry establishments, importers, or exporters.

The fees to be charged for these services are determined by an analysis of data on the current cost of these services coupled with the increase in that cost due to the increase for salaries of Federal employees allocated by Congress under the Federal Pay Comparability Act of 1970.

Based on the Agency's analysis of the costs incurred in providing these services, the fees relating to such services are hereby amended effective October 4, 1981, to reflect increased costs associated therewith in the upcoming fiscal year.

Mandatory inspection by U.S. Government inspectors of meat and poultry slaughtered and/or processed at official establishments is provided for under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*). Such inspection is required to ensure the safety, wholesomeness, and proper labeling of meat and poultry products and the ordinary costs of providing it are borne by the U.S. Government. However, other than ordinary costs for these inspection services may be incurred to accommodate the business needs of particular establishments. These costs are recoverable by the Government.

Previously, § 307.5 (9 CFR 307.5) of the meat inspection regulations provided that the Food Safety and Inspection Service (FSIS) shall be reimbursed for the cost of meat inspection on holidays or on an overtime basis at the rate of $16.76 per inspector hour. Similarly, § 381.38 (9 CFR 381.38) of the poultry products inspection regulations provided that FSIS will be reimbursed at the rate of $16.76 per inspector hour for overtime and holiday poultry inspection services. These fees are being increased to $18.12 per inspector hour.

FSIS also provides a range of voluntary inspection and certification services, the costs of which are totally recoverable by the Government. These services, provided under Subchapter B—Voluntary Inspection and Certification Service of Meat and Poultry are provided under various statutes to assist in the orderly marketing of various animal products and byproducts not covered under the Federal Meat Inspection Act or the Poultry Products Inspection Act.

The basic hourly rate for providing such certification and inspection services has been $13.46 per inspector hour (§§ 350.7, 351.8, 351.9, 354.101, 355.12, and 362.5). The overtime and holiday hourly rate has been $16.76. The rate for laboratory services has been $26.24 per hour. These hourly rates for these services are being increased to $14.64, $18.12, and $27.28, respectively.

The Agency is implementing these amendments effective October 4, 1981, in order to accommodate increased wage costs which are effective at the beginning of fiscal year 1982. Therefore, the Administrator has determined that the following amendments in the meat and poultry regulations must be adopted immediately, on an interim basis. A final rule will be promulgated after evaluation of any comments received in response to this notice.

PART 307—FACILITIES FOR INSPECTION

1. The authority citation for Part 307 reads as follows:

Authority: (41 Stat. 7 U.S.C. 394; 34 Stat. 1264, as amended; 21 U.S.C. 621; 62 Stat. 334; 21 U.S.C. 695, 7 CFR 2.15(a), 2.92).

2. Section 307.5(a) is revised to read as follows:

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service $18.12 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

* * * * *

PART 350—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

3. The authority citation for Part 350 reads as follows:

Authority: (41 Stat. 241, 7 U.S.C. 394; 60 Stat. 1087, as amended, 7 U.S.C. 1622; 60 Stat. 1090, as amended, 7 U.S.C. 1624; 34 Stat. 1264, as amended, 21 U.S.C. 621; 62 Stat. 334, 21 U.S.C. 695; 7 CFR 2.15(a), 2.92).

4. Section 350.7(c) is revised to read as follows:

§ 350.7 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this Part shall be at the rate of $14.64 per hour for base time, $18.12 per hour for overtime including Saturdays, Sundays, and holidays, and $27.28 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service. Where appropriate, this time will include but will not be limited to the time required for travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

* * * * *

PART 351—CERTIFICATION OF TECHNICAL ANIMAL FATS FOR EXPORT

5. The authority citation for Part 351, reads as follows:

Authority: (60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92)

6. Section 351.8 is revised to read as follows:

§ 351.8 Charges for surveys for plants.

Applicants for the certification service shall pay the Department for salary costs at the rate of $14.64 per hour for base time, $18.12 per hour for overtime, travel and per diem allowances at rates currently allowed by the Government Travel Regulations, and other expenses incidental to the initial survey of the rendering plants or storage facilities for which certification service is requested.

7. Section 351.9(a) is revised to read as follows:

§ 351.9 Charges for examination.

(a) The fees to be charged and collected by the Administrator for examination shall be $14.64 per hour for base time and $18.12 per hour for overtime including Saturdays, Sundays, and holidays, as provided for in § 351.14 and $27.28 per hour for any laboratory service required to determine the eligibility of any technical animal fat for certification under the regulations in this Part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

* * * * *

PART 354—VOLUNTARY INSPECTION OF RABBITS AND EDIBLE PRODUCTS THEREOF

8. The authority citation for Part 354 reads as follows:

Authority: (60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92).

9. Section 354.101(b) and (c) are revised to read as follows:

§ 354.101 On a fee basis.

* * * * *

(b) The charges for inspection service will be based on the time required to perform such services. The hourly rate shall be $14.64 for base time and $18.12 for overtime or holiday work.

(c) Charges for any laboratory analysis or laboratory examination of rabbits under this Part related to the inspection service shall be $27.28 per hour.

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

10. The authority citation for Part 355 reads as follows:

Authority: (60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92).

11. Section 355.12 is revised to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $14.64 per hour for base time, $18.12 per hour overtime, including Saturdays, Sundays, and holidays, and $27.28 per hour for laboratory services to reimburse the Service for the cost of the inspection service furnished.

PART 362—VOLUNTARY POULTRY INSPECTION REGULATIONS

12. The authority citation for Part 362 reads as follows:

Authority: (60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92).

13. Section 362.5(c) is revised to read as follows:

§ 362.5 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this Part shall be at the rate of $14.64 per hour for base time, $18.12 per hour for overtime including Saturdays, Sundays, and holidays, and $27.28 per hour for laboratory service to cover the costs of the service and shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

* * * * *

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

14. The authority citation for Part 381 reads as follows:

Authority: (71 Stat. 447, 448, as amended, 21 U.S.C. 463, 468; 7 CFR 2.15(a), 2.92).

15. Section 381.38(a) is revised to read as follows:

§ 381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service $18.12 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

* * * * *

Done at Washington, DC, on September 2, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81-27097 Filed 9-16-81; 8:45 am]

BILLING CODE 3410-DM-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 115

Surety Bond Guarantee; Revision of Rules and Regulations

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule replaces the existing regulations governing the Surety Bond Guarantee Program. The revision results from the enactment of amendments (Pub. L. 95-507, 92 Stat. 1757, October 24, 1978) to the statutory authority for this program (15 U.S.C., Sec. 694a and b), and in order to make other needed changes in the operation of the program. These changes are designed to clarify and simplify the existing regulations, and deal essentially with underwriting standards, the SBA guarantee, and other aspects of participation by sureties in the program. The change affecting small contractor applicants has to do with fees payable to SBA and participating sureties by the contractor.

SBA's proposed rule was published on December 24, 1980, and provided for a 60-day comment period. The final rule takes into consideration the responses received.

EFFECTIVE DATE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: Howard F. Huegel, Chief, Surety Bond Guarantee Section, Office of Special Guarantees, 4040 N. Fairfax Drive, Suite 500, Arlington, Virginia 22203, (703) 235–2907.

SUPPLEMENTARY INFORMATION: SBA received 25 letters of comment on the proposed rule, many of them containing the same or similar recommendations. The major comments, and an explanation regarding them, follow: (1) SBA had proposed that, in § 115.9(c)(2), it would remove the old maximum fee of 1 percent to be charged by the surety on any contract amount above this first $250,000, and allow a surety to charge up to 1½ percent on bonds where the contract price exceeds $250,000. This was proposed as an incentive for sureties to participate in larger-size contracts. However, four commenters suggested that the real disincentive was that SBA permits only an 80 percent guarantee over the $250,000 contract size, and recommended that the 90 percent permitted for contracts under $250,000 should apply to all. Because SBA does not to any great extent agree with this argument, and because of compelling budgetary restraints, no change has been made in this part of the proposed rule. (2) Two persons suggested that the title of § 115.2(d) be changed to read "Persons Eligible to Present Surety Bond Guarantee Applications to SBA," since the proposed title suggested that such persons were representatives of sureties, when this was not always the case. SBA agrees with this recommendation and the change has been made. (3) Seven commenters objected to the need for the Regional Administrator to grant an exception authorizing a bond guarantee where the contract work already is underway. SBA continues to believe that circumstances warranting issuance of a guarantee after contract work has begun should be exceptional. Revised § 115.2(e) reflects the adoption of this policy, but allows an exception to be authorized by the regionally-located supervisor of the Surety Bond Guarantee representative. (4) Four commenters objected for various reasons to the definition of a surety in § 115.3. SBA has little choice in this matter since a definition of a surety is prescribed in the legislation. An effort has been made, however, to clarify this by citing the legislative definition in § 115.3(a) and adding SBA interpretation in new § 115.3(b). § 115.3(a) has also been broadened to include *all* legislative definitions for ease of reference. (5) One person suggested that, in § 115.6(a)(2), the words "or construction" be added after the word "surety," since sureties do not have control over many of the forms used by public and private obligees. SBA concurs and the change has been made. (6) Two commenters suggested that if "any loss," no matter how small, in § 115.6(a)(4) were to be literally interpreted, it could prove not to be cost-effective to the surety and SBA. They suggested a clarification. SBA believes this argument is largely semantical. The same wording is in SBA Form 990, Surety Bond Guarantee Agreement, and we are not aware of any objections of sureties having been forced needlessly to file or pursue a suit to "mitigate" loss. The word "mitigate" means "alleviate," not "aggravate;" it follows that a step which increases loss does not mitigate it. Therefore, no change is being made in this subsection. (7) Four persons objected to the language of § 115.6(a)(5) regarding the notification by the surety and SBA of any suit or claim filed against the surety. SBA is not making a change to this subsection; the same language has been contained in SBA Form 990, Surety Bond Guarantee Agreement, at least since 1976, and sureties have not complained about it. Concerning the suggestion that the sureties notify SBA of the "first claim or suit," the first claim or suit is not necessarily that which SBA might be interested in taking charge of. Also, the same paragraph on the Form 990 requires the surety to take charge only *until* SBA steps in. (8) Two commenters suggested that the language of § 115.6(a)(6) might present a problem of legal enforcement. SBA does not concur in this and points out that SBA Form 990, Surety Bond Guarantee Agreement, has contained this exact language at least since 1976 without challenge. However, in an effort to clarify, we have added the words "as a third party" after the first "SBA" in the subsection. (9) One comment was received suggesting that SBA should establish its own underwriting standards and practices rather than relying on the standards of the surety industry, as referred to in several sections of the proposal. SBA is well aware of the provisions of the surety bond legislation which relates to "Administration standards for underwriting, claim practices, and loss ratios," and used the language in the proposal as an interim process until SBA standards are more fully developed. However, in order to clarify this matter, § 115.6(b) has been changed to delete the reference to generally accepted surety industry practices, and § 115.7 has been revised to add a parenthetical reference to the future issuance of SBA standards. (10) Two persons objected to the flat prohibition of oral approvals in § 115.8(b). SBA has now provided for an exception in those cases not in the contiguous United States, and has added clarifying and permissive language regarding telephone advices of approval under certain conditions. (11) Twenty comments were received regarding § 115.9 on fees, ranging from partial or full approvals of the proposed changes to partial disapprovals. After further study, SBA has determined to make no change to the proposal except for increasing the $10 minimum in § 115.9(b) to $15, and minor language changes for clarification. (12) One commenter recommended that the $500,000 limit on contracts under the bonding line in § 115.10(d) be eliminated. SBA concurs and the change, to $1 million, has been made. (13) Five comments were made relating to the 30-day notification period in § 115.10(e)(2); four felt this too short a period, one felt it was too long. In an effort to be both accommodating to the sureties and protective of the Agency's interest, SBA has changed the 30 days to 45 days. (14) Two commenters suggested clarification of § 115.10(e)(5) regarding notification of the cancellation of a bonding line. SBA concurs and has added specific instructions for the surety to notify the contractor, and has specified an effective date. (15) Three comments raised legal questions concerning the discussion of fraud and material representation in § 115.11(a)(2). After reconsideration, the last sentence was deleted. (16) One comment recommended a clarification of the language of § 115.11(b) regarding the deductible amount after loss. SBA concurs and the subsection has been rewritten to clarify and simplify the instruction. (17) One commenter suggested that the regulations contain a requirement for an arm's-length relationship between a surety company and any claims agent engaged by the surety company. From preliminary study of this issue, including existing practices of claims handling by surety companies, SBA has not determined whether or not such a requirement would benefit the program, or the interest of the Government as a guarantor. Consequently, no position is being taken at this time regarding the suggestion. However, a new § 115.12 has been added, titled Claims for Losses, to incorporate long-standing policies on this subject. Previous §§ 115.12 and

115.13 have been renumbered §§ 115.13 and 115.14. (18) One comment recommended that specific mention of acts of wrongdoing be added to § 115.13 (new numbering) as reasons for refusal to issue further guarantees. Such addition has been made. (19) One commenter suggested that § 115.13 (new numbering) should also be clarified to indicate which SBA official may refuse to issue further guarantees and which official may take action on an appeal. This has been done. (20) One comment recommended that § 115.14 (new numbering) be revised to make clear that SBA may audit not only the books and records and other relevant material of the surety but also the relevant books and records of its attorneys, and the completing contractor or subcontractors. Since SBA has such authority under its legislation, as well as the Inspector General Act of 1978 (5 U.S.C., App. 1), revised § 115.14 (as renumbered) implements this recommendation.

Pursuant to authority contained in Title IV, Part B, of the Small Business Investment Act of 1958, as amended (U.S.C. 694a, *et seq.*), the following revision of Part 115 is adopted, as follows:

PART 115—SURETY BOND GUARANTEE

Sec.

115.1 Statutory provisions.
115.2 Policy.
115.3 Definitions.
115.4 Eligibility.
115.5 Procedures for surety bond guarantee assistance.
115.6 Guarantee agreement.
115.7 Surety's underwriting standards.
115.8 SBA's underwriting review.
115.9 Guarantee fees and surety bond premiums.
115.10 Surety bonding line.
115.11 Loss under bond.
115.12 Claims for losses.
115.13 Refusal to issue further guarantees.
115.14 Audit and investigation.

Authority: Title IV—Part B, of the Small Business Investment Act of 1958, (15 U.S.C. 694a, 694b), and the Inspector General Act of 1978, (5 U.S.C., App. 1).

§ 115.1 Statutory provisions.

The relevant statutory provisions will be found at 15 U.S.C. 694a, *et seq.*

§ 115.2 Policy.

(a) It is the intent of Congress to strengthen the competitive free enterprise system by assisting qualified small business concerns to obtain bid, payment, or performance bonds which are otherwise unobtainable without an SBA guarantee. Consequently, Congress has authorized SBA to guarantee sureties participating in the Surety Bond Guarantee Program up to 90 percent of the losses incurred as a result of a principal's breach of the terms of a bid bond, payment bond, performance bond, or bonds which are ancillary and coterminous with such bonds, on any contract not exceeding one million dollars in face value. On multiple requests for bond guarantees by one contractor on one project, the aggregate amount of the contracts shall not exceed $1,000,000.

(b) *Percentage guarantee.* SBA may guarantee up to 90 percent of the loss incurred and paid under a bond on a contract up to $250,000 in face value and up to 80 percent of the loss incurred and paid under a bond on a contract between $250,000 and $1,000,000 in face value.

(c) *Types of bonds.* The Administration has determined that only bid, performance, and payment bonds issued in connection with a contract and of a type listed in the "Contract Bonds" section of the Rating Manual of the Surety Association of America will be eligible for an SBA guarantee. In addition, the SBA guarantee may be expressly extended in writing to such "ancillary" bonds as are incidental to the contract and essential for its performance. From time to time, SBA reviews the bond forms used in the surety bond industry to determine whether or not the terms and conditions of any bond form are reasonable in light of the risks involved and the extent of the guarantee by SBA of a participating surety's bond. SBA notifies its field offices of bond forms deemed by SBA to be unreasonable in light of these criteria.

(d) *Persons eligible to present surety bond guarantee applications to SBA.* SBA shall accept surety bond guarantee applications only from those representatives of a surety who are empowered in writing by the surety to issue a final bid, payment, or performance bond on behalf of the surety.

(e) SBA's guarantee will be honored only if issued prior to the date the work under the contract is actually begun unless SBA, in writing, consents to an exception from this policy. Such exception may be authorized only by the regionally-located supervisor of the Surety Bond Guarantee representative.

§ 115.3 Definitions.

(a) This section incorporates those terms defined at 15 U.S.C. 694a, as follows:

(1) The term "bid bond" means a bond conditioned upon the bidder on a contract entering into the contract, if he receives the award thereof, and furnishing the prescribed payment bond and performance bond.

(2) The term "payment bond" means a bond conditioned upon the payment by the principal of money to persons under contract with him.

(3) The term "performance bond" means a bond conditioned upon the completion by the principal of a contract in accordance with its terms.

(4) The term "surety" means the person who (i) under the terms of a bid bond, undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, (ii) under the terms of a performance bond, undertakes to incur the cost of fulfilling the terms of a contract in the event the principal breaches the conditions of the contract, or (ii) under the terms of a payment bond, undertakes to make payment to all persons supplying labor and material in the prosecution of the work provided for in the contract if the principal fails to make prompt payment, or (iv) is an agent, independent agent, underwriter, or any other company or individual empowered to act on behalf of such person.

(5) The term "obligee" means (i) in the case of a bid bond, the person requesting bids for the performance of a contract, or (ii) in the case of a payment bond or performance bond, the person who has contracted with a principal for the completion of the contract and to whom the obligation of a surety runs in the event of a breach by the principal of the conditions of a payment bond or performance bond.

(6) The term "principal" means (i) in the case of a bid bond, a person bidding for the award of a contract, or (ii) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in respect of such contract, and for whose performance of his obligation the surety is bound under the terms of a payment or performance bond. A principal may be a prime contractor or a subcontractor.

(7) The term "prime contractor" means the person with whom the obligee has contracted to perform the contract.

(8) The term "subcontractor" means a person who has contracted with a prime contractor or with another subcontractor to perform a contract.

(b) This section provides further definitions to those contained at 15 U.S.C. 694a, as follows:

(1) "SBA" and "Administration" shall mean the Small Business Administration.

(2) "Surety" for the purpose of participating in this program means (i) a

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surety company listed by the U.S. Treasury as eligible to issue bonds in connection with Federal procurement contracts, or (ii) a corporation determined by SBA to be a surety eligible to participate in the Surety Bond Guarantee Program, or (iii) any agent, independent agent, underwriter, or any other company or individual empowered to act on behalf of such person.

(3) "Loss" means all damages, court costs, counsel fees, charges, and expenses which the surety has incurred and actually paid as a result of having executed the bond or bonds guaranteed by SBA, less those amounts recoverd at the time of payment by the surety company. "Loss" shall not include and SBA's guarantee does not extend to attorneys' fees and court costs incurred in a suit by a surety against SBA.

§ 115.4 Eligibility.

In order to be eligible for a surety bond guarantee, the principal must:

(a) Qualify as a small business under § 121.3–15 of this chapter.

(b) Possess good character and reputation, as determined by SBA. A principal will be deemed to meet this standard if its owners, officers, directors, or partners possess good character and reputation.

(c) Certify that a bond is required in order to bid on a contract or to serve as a prime contractor or subcontractor thereon.

(d) Certify that a bond is not obtainable on reasonable terms and conditions without SBA's bond guarantee assistance.

§ 115.5 Procedure for surety bond guarantee assistance.

(a) Application for an SBA guarantee is made by the principal to a surety on the SBA Application for Surety Bond Assistance (Form 994), and the Schedule of Contractor's Uncompleted Work (Form 994F or equivalent). The contractor's application must include disclosure authorization required by Section 1104(a) of the Right to Financial Privacy Act (12 U.S.C. 3404) (Form 1187). In addition, completion of SBA's Form 912 is required (on initial application only). The completed application, together with the surety's report of underwriting review (Form 994B), and an executed surety bond guarantee agreement (Form 990), are to be submitted to SBA only by a person empowered by the surety to issue a final bond guaranteed by SBA.

(b) SBA makes no charge for reviewing an application for a surety bond guarantee. Fees are payable both by the contractor and the surety once a final bond has been issued (See § 115.9).

§ 115.6 Guarantee agreement.

(a) *Conditions of guarantee.* Any Agreement by SBA to guarantee a bond issued by a surety company shall contain the following:

(1) Surety shall represent that the bond or bonds being issued are appropriate to the contract requiring them.

(2) Surety shall represent that the terms and conditions of the bond or bonds executed are in accordance with those generally used by the surety or construction industry for the type of bond or bonds involved.

(3) Surety shall affirm that without the SBA guarantee to Surety, it will not issue the bond or bonds to the principal.

(4) Surety shall take all steps necessary to mitigate any loss resulting from Principal's default.

(5) Surety shall inform SBA of any suit or claim filed against Surety on any guaranteed bond within thirty (30) days of Surety's receipt of notice thereof in the Surety's home office. Unless SBA decides otherwise, and so notifies Surety within thirty (30) days of SBA's receipt of Surety's notice, Surety shall take charge of the suit or claim and compromise, settle or defend such suit or claim until so notified. SBA shall be bound by the Surety's actions in such matters. SBA may by written notice require the Surety to obtain written SBA approval before any settlement and in such cases the Surety will be liable to SBA for any damages SBA sustains as a result of a settlement which SBA has not approved.

(6) Surety shall not join SBA as a third party in any lawsuit to which Surety is a party unless SBA has denied liability in writing or SBA has consented to such joinder.

(7) Surety shall pay SBA a portion of the bond premium in accordance with § 115.9 of these regulations.

(8) The guarantee agreement is made exclusively for the benefit of SBA and the Surety, and does not confer any rights or benefits on any other party, including any right of action against SBA by any person claiming under the bond.

(b) *SBA's right to vary terms and conditions.* The terms and conditions of SBA's guarantee commitment or actual bond guarantee may vary from surety to surety, depending on the Administration's experience with a particular surety. In determining whether the Administration's experience with a surety warrants terms and conditions which may be at variance with terms and conditions applicable to another surety, SBA will consider, among other things, the adequacy of the surety's underwriting, the adequacy of the surety's substantiation and documentation of its claims practice, the surety's loss ratio and its efforts to minimize loss on SBA-guaranteed bonds, and other factors. Any surety which deems itself adversely affected by the exercise of the foregoing authority may file an appeal with SBA's Associate Administrator for Investment. That office will review the action pursuant to its procedures and will render the final Agency decision.

§ 115.7 Surety's underwriting standard.

In underwriting an SBA guarantee bond, the surety is expected to adhere to the surety industry's general principles and practices used in evaluating the credit, capacity, and character of a principal (pending the issuance by SBA of its own standards), taking the SBA guarantee into consideration.

§ 115.8 SBA's underwriting review.

(a) No application for bond guarantee assistance shall be approved unless the following conditions have been met:

(1) The principal must meet the standards of eligibility set forth in § 115.4 of these regulations, and must satisfy the Administration that there is reasonable expectation that the principal will perform the covenants and conditions of the contract with respect to which a bond is required. The Administration's evaluation will consider the principal's experience and reputation, and its present and projected financial condition and needs.

(2) The Administration must be satisfied as to the reasonableness of cost and the feasibility of successful completion of the contract. The Administration's determination will take into account the standards and principles referred to in § 115.7.

(3) The bond is either a bid, performance, or payment bond issued in connection with a contract not exceeding $1,000,000 in face value and is the type of bond listed in the "Contract Bonds" section of the Rating Manual of the Surety Association of America. The bond may also be an "ancillary and coterminous" bond which is incidental to the contract and essential to its performance, e.g., a maintenance or union fringe benefit bond.

(b) *Delegation of authority.* SBA field offices, according to delegated authority as published in Part 101 of the Code of Federal Regulations, will take final action on all applications on contracts. Field offices, however, may *not* give oral approval to applications, except for cases not in the contiguous United States. This does not prohibit telephone advice to an agent or surety of approval, provided the Form 990 has been executed and that any approval conditions are made known at the time of the telephone advice. An appeal by a surety for reconsideration of a decline shall be directed to the Regional Administrator/or District Director who made the decision. If the appeal decision is negative, and the surety wishes to pursue its appeal, such further appeal action will be referred to the SBA Central Office for final decision.

§ 115.9 Guarantee fees and surety bond premiums.

(a) *SBA charge to applicant.* No application fee and no bid bond guarantee fee will be charged by SBA. Upon obtaining the contract for which SBA is guaranteeing a payment and/or performance bond, the small business concern shall pay SBA a guarantee fee of $5 per thousand of the contract amount.

(b) *SBA charge to surety.* The surety shall pay SBA a guarantee fee equal to twenty percent (20%) of the bond premium. If there is a subsequent increase in the contract amount or an increase in the face amount of the bond, the surety will remit to SBA a supplemental guarantee fee of 20 percent of the additional premium charged. If the contract amount and bond amount are reduced, SBA will refund 20 percent of the premium reduction. Premium adjustments in favor of SBA or surety which do not amount to more than $15.00 are to be disregarded.

(c) *Surety bond premiums.* SBA will deem acceptable a bond premium charged by the surety to a contractor which is based upon:

(1) Rates listed in the "Contract Bonds" section of the "Rating Manual" issued by the Surety Association of America; or

(2) Rates greater than "Rating Manual" rates if—(i) the surety's premium rate schedule does not charge more than 1.5 percent of the contract price or bond amount, whichever is greater, and (ii) these premium rates have been authorized by the appropriate State Insurance Department; or

(3) A minimum bond premium regardless of the contract price, if this minimum charge does not exceed $50 and has been authorized by the appropriate State Insurance Department.

(d) *Non-premium charges.* SBA will not approve an application for a bond guarantee where the surety makes any charge above the standard premium for the bond, except where other services are performed for the contractor and the additional charge or fee is permitted by the appropriate State Insurance Department. SBA shall not receive any portion of any non-premium charges.

§ 115.10 Surety bonding line.

A surety bonding line is a commitment to a surety company by the SBA that allows the surety to issue bid, payment, and performance bonds to a specified small contractor within preapproved terms, conditions, and limitations.

(a) *Eligibility.* SBA, in its discretion, may issue a bonding line for a particular principal with a specified surety if SBA's prior experience with the requesting surety has been satisfactory.

(b) *Application for bonding line.* When requesting SBA to establish a bonding line for a particular principal, the surety must provide SBA with all of the following:

(1) The appropriate forms required by SBA and any other information deemed necessary by SBA. The information should be furnished by the principal to the surety.

(2) A recommendation regarding the maximum number of SBA-guaranteed contract bonds the principal may have on hand at any one time.

(3) A recommendation regarding the maximum dollar amount of any one contract the principal may have on hand at any one time.

(4) The recommended total value of all outstanding bids plus uncompleted work (bonded and unbonded) the principal may have on hand at any one time.

(5) A specific type of work to which the principal may be restricted, and

(6) A specific geographic area to which the principal may be limited.

(c) *Establishment of a bonding line.* In each case where SBA approves a bonding line for a particular principal, SBA will establish:

(1) The time period during which the authorization is effective;

(2) The total dollar volume of contracts, both bonded and unbonded, which the principal may have on hand or in progress at any one time during the period of authorization;

(3) The total number of contracts, bonded and unbonded, which the principal may have on hand or in progress at any one time during the authorization period;

(4) The maximum dollar amount of any one contract; and

(5) Other restrictions deemed appropriate by SBA relating to geographic area or specific type of work eligible for bid.

(d) *Bonding line limitations.* In addition to any limitations of this Part 115 which are generally applicable to the Surety Bond Guarantee Program, the following restrictions apply:

(1) Contracts exceeding $1,000,000 in face value are not eligible.

(2) The bonding line will be limited to a specified period of time which is not to exceed one year. Upon expiration of the agreed upon period, SBA may, in writing, approve renewal of the time period.

(3) SBA may, in its discretion, set additional limitations and restrictions. The establishment of a surety bonding line for a particular small business concern will not prevent such concern from applying for bond guarantees on contracts exceeding established limits. These limits pertain only to SBA's prequalification for the particular principal under the streamlined procedures. Applications for contracts exceeding the agreed-upon limits may be made under regular Surety Bond Guarantee procedures.

(e) *Terms and conditions.* In addition to the applicable general provisions set forth in this Part 115, the following terms and conditions shall apply to the surety bonding line:

(1) The surety may issue any number of bid or final bonds (negotiated or bid) within the limitations approved by SBA, and in accordance with these regulations.

(2) Within 45 calendar days of issuance of any final bonds, the surety must notify SBA that the bond or bonds have been issued by submitting the appropriate SBA forms. SBA may determine that the bond guarantee is void from its inception if surety fails to notify SBA in 45 days.

(3) Surety must promptly furnish SBA with all required fees, financial and credit data, indemnities, and other data deemed necessary by SBA.

(4) The principal must agree to indemnify surety for losses on each bond issued.

(5) SBA or the surety may unilaterally cancel a bonding line at any time upon written notice to the other party. In either event, surety must immediately notify the contractor, in writing, and the cancellation will be effective upon receipt by the contractor of that notice.

(6) The surety must determine that there is a reasonable expectation that the principal will perform the contract or contracts, and that the contract is reasonable.

§ 115.11 Loss under bond.

(a) *Loss under breach of bond.* Where a breach occurs under an SBA guaranteed bond, SBA is liable for its percentage share of all losses sustained and actually paid by the surety, less the

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deductible amount in paragraph (b) of this section except where:

(1) The total contract amount at the time of execution of the bond or bonds exceeds $1,000,000 in face value, or

(2) The surety obtained the guarantee or agreement or applied for reimbursement for losses by fraud or material misrepresentation. Material misrepresentation includes both the making or untrue statements of material facts and the omission of statements of material facts which are necessary to make the statements not misleading in light of the circumstances under which they were made.

(b) *Deductible amount.* SBA's agreed percentage of loss payment shall commence after the surety has incurred and paid the lesser of (1) the first $500 of loss of (2) the amount of bond premium as reduced by the guarantee fee. Before remitting to SBA its pro rata share of salvage, the surety may credit itself with the deductible amount: *Provided, however,* That unless or until SBA has been reimbursed for its loss under its guarantee of such bond, contract proceeds or collateral held by the surety may not be so credited.

§ 115.12 Claims for losses.

Claims for losses shall be submitted to SBA's Washington office on forms prescribed by SBA. SBA may request additional information prior to paying any claim.

§ 115.13 Refusal to issue further guarantees.

SBA at its sole discretion may refuse to issue further guarantees to a participating surety where the Administration finds that the surety, in its underwriting of surety bonds which are or have been the subject of the SBA guarantee, or in its efforts to minimize loss, or in its claims practices, or its documentation related to such bonds, has failed to adhere to prudent underwriting standards or other practices relative to those of other sureties participating in the SBA Guarantee Program. Acts of wrongdoing such as fraud or material misrepresentation shall constitute adequate grounds for refusal to issue further guarantees. SBA may also impose other sanctions against a surety which experiences excessive losses on SBA-guaranteed bonds resulting from unacceptable underwriting and/or claims practices, relative to those of other sureties participating in the program. Such refusals or sanctions will be issued by the Director, Office of Special Guarantees. Any surety which has been so penalized may file an appeal in writing with SBA's Associate Administrator for Investment, who will review the adverse action and will render the final Agency decision.

§ 115.14 Audit and investigation.

(a) *Audit.* At all reasonable times, SBA may audit in the office of either a participating surety, its attorneys, or the contractor or subcontractor completing the contract all documents, files, books, records and other material relevant to the Administration's surety bond guarantee commitments to guarantee a surety bond or agreements to indemnify the surety. Failure of a surety to consent to such audit will be grounds for SBA to refuse to issue further surety guarantees until such time as the surety consents to such audit provided, however, that when SBA has so refused to issue further guarantees the surety may appeal such action to SBA's Assiciate Administrator for Investment.

(b) *Investigation.* The Administration may conduct such investigations as it deems necessary to determine whether a person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the Small Business Investment Act of 1958, as amended, or any rule or regulation under this Act or of any order issued under this Act.

(c) *Authority.* Authority for paragraphs (a) and (b) of this section, is contained in Sections 310(a) and 411(g) of the Small Business Investment Act of 1958, as amended, and in the Inspector General Act of 1978 (5 U.S.C., App. 1).

(Catalog of Federal Domestic Assistance Program No. 59.016, Bond Guarantee Assistance for Surety Companies)

Dated: September 10, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-27109 Filed 9-16-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 21740; Special Conditions No. 25-101-EU-26]

Israel Aircraft Industries Model 1124 Series Airplanes; Special Conditions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued under §§ 21.16 and 21.101(b) of the Federal Aviation Regulations (FAR) to Israel Aircraft Industries for an amended type certificate for the Israel Aircraft Industries (IAI) Model 1124 series airplanes. The IAI Model 1124 airplane will have novel or unusual design features associated with an automatic takeoff thrust control system (ATTCS) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. The ATTCS will permit the airplane to take off with less than maximum takeoff thrust approved for the airplane, and if one engine fails, the system will automatically provide maximum takeoff thrust on the operating engine. These special conditions contain safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations applicable to the IAI Model 1124 series airplanes because of novel or unusual features.

EFFECTIVE DATE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: James Walker, Lead Region Staff, FAA Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108, telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION:

Background

On August 5, 1980, Israel Aircraft Industries, Lod Airport, State of Israel, filed an application for an amendment to Type Certificate No. A2SW to include an automatic takeoff thrust control system (ATTCS) installation for approval under that type certificate covering the Model 1124 series aircraft.

The Model 1124 airplane is a twin-engine, mid-wing, transport category aircraft having pressurization, a maximum takeoff weight of 23,500 pounds, a maximum approved operating altitude of 45,000 feet, and a total occupancy of 12 persons, including the crew. The airplane is equipped with two AiResearch TFE 731-3 turbofan engines each producing 3,700 pounds rated thrust or TFE 731-3R engines each rated at 3,880 pounds thrust. The higher rated -3R engine is used in conjunction with the installation of an ATTCS.

The modification requiring the amendment to the type certificate is the installation of an ATTCS. With the ATTCS installed, takeoffs would normally be made with engine thrust set at less than the maximum takeoff thrust approved for the airplane under existing conditions. In the event of an engine failure during takeoff, the automatic system will reset the fuel control fuel metering schedule on the operating engine to provide the maximum takeoff thrust. In the event of an ATTCS failure with engine failure, the crew would be required to activate an override switch to obtain maximum thrust. The application of maximum takeoff thrust, whether set by the automatic system or manually, will not result in the takeoff operating limits of the engine being exceeded.

The Israel Model 1124 series airplane is an import product and, as such, type certification will be accomplished using the procedures covered under § 21.29 of the Federal Aviation Regulations.

Type Certification Basis

The type certification basis for the Israel Aircraft Industries Model 1124 airplane, with the ATTCS to be incorporated in the type certificate, is as follows:

A. Applicable to Model 1124: Section 21.29 and CAR 4b, effective December 31, 1953, Amendment 4b-1 through 4b-11, including certain sections of Amendment 4b-12, and paragraphs pertaining to engine fire shielding.

1. SR 422b, effective July 9, 1959, and SR 450A, effective August 31, 1962.

2. Section 25.771 of Amendment 25-4; § 25.2 of Amendments 25-15, 25-17, and 25-20, certain sections of FAR Part 25, up to and including Amendment 25-34, that correspond to certain sections of Part CAR 4b, including § 25.1309 with respect to reverse thrust installations.

3. Sections 33.97 and 33.99 of Amendment 33.33; SFAR 27 effective January 1, 1974; Part 36 effective December 1, 1969, Amendments 36-1 through 36-8.

4. Special conditions specified in FAA letter to the applicant dated December 13, 1963, and June 2, 1964; Special conditions No. 25-37-EU-8, dated November 16, 1971, and these special conditions.

B. Applicability of the Model 1124A: The same certification basis cited for the Model 1124 airplane except for the addition of § 25.672 of Amendment 25-23 dealing with lateral stability.

The Israel Model 1124 series airplane with the ATTCS installed contains a number of novel or unusual design features for which the applicable airworthiness requirements in effect for the airplane on the date of application for the change are inadequate or inappropriate. In view of this, special conditions are necessary to provide a level of safety equivalent to that established by the regulations incorporated in the type certificate for the IAI Model 1124 series airplanes. The proposed special conditions specify limits on the maximum thrust increment which may be applied to the operating engine by the ATTCS, prescribes system reliability and status monitoring requirements, requires provisions for manual selection of the maximum takeoff thrust approved for the airplane under existing conditions, prohibits approval of the system if the automatic or manual application at maximum takeoff thrust would result in an engine operating limit being exceeded, and requires the installation of an independent engine failure warning system if the inherent characteristics of the airplane do not provide a clear warning to the crew.

The applicant and other interested parties have been given an opportunity to participate in the making of these special conditions by notice published in the **Federal Register** (46 FR 27712; May 21, 1981). One comment was received. The commenter suggests deleting criteria for the probability of the concurrent existence of an engine and ATTCS failure because the implied engine failure rate would either be significantly higher or lower than current experience would indicate to be appropriate. FAA does not concur with this suggestion. Deleting the combined engine/ATTCS failure criteria would permit the concurrent existence of an engine and ATTCS failure to be more likely than extremely improbable with the consequence that the level of safety equivalent to that provided by the regulations would not be assured. Therefore, the combined engine/ATTCS failure criteria are specified.

Special Conditions

Accordingly, the following special conditions are issued for Israel Aircraft Industries for the Model 1124 series airplane equipped with an automatic takeoff thrust control system:

A. *General.* With the automatic takeoff thrust control system (ATTCS) and associated systems functioning normally as designed, all applicable requirements of FAR Part 25 (CAR 4b and SR 422B), except as provided in these special conditions, must be met without requiring any action by the crew to increase thrust. In addition, the ATTCS system must meet these special conditions.

B. *Definitions.*

1. ATTCS. An Automatic Takeoff Thrust Control System (ATTCS) is defined as the entire automatic system used on takeoff, including all devices, both mechanical and electrical, that sense engine failure, transmit signals, actuate fuel controls or power levers on operating engines to achieve scheduled thrust increase, and furnish cockpit information on system operation.

2. Critical Time Interval. When conducting an ATTCS takeoff, the critical time interval between V1 minus 1 second and a point on the minimum performance all-engine flight path where assuming a simultaneous engine and ATTCS failure, the resulting minimum flight path thereafter intersects the FAR Part 25 (SR 422B) required gross flight path at no less than 400 feet from the takeoff surface. This definition is shown in the following graph:

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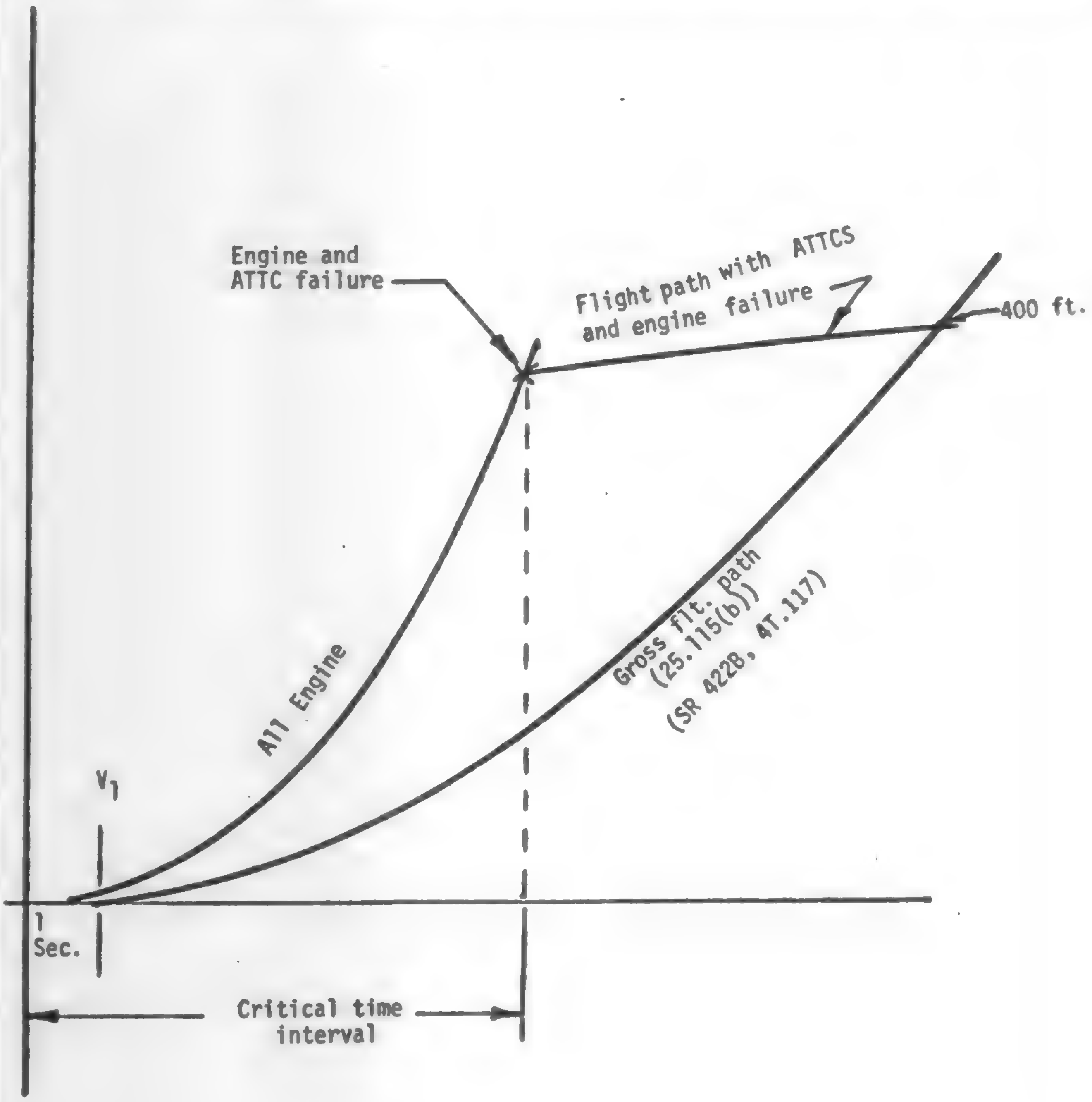
Engine and
ATTC failure
Flight path with ATTCS
and engine failure
400 ft.
Height'
(ft.)
All Engine
Gross flt. path
(25.115(b))
(SR 422B, 4T.117)
V_1
1
Sec.
Critical time
interval

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3. Takeoff Thrust. Notwithstanding the definition of "Takeoff Thrust" in Part 1 of the Federal Aviation Regulations, "takeoff thrust" means each thrust obtained from each initial thrust setting approved for takeoff under these special conditions.

C. *Performance Requirements.* The applicant may elect to comply with the performance requirements contained in either paragraph 1 or 2 as follows:

1. The following reliability and performance criteria apply:

a. ATTCS system failure during the critical time interval must be shown to be improbable.

b. The concurrent existence of an ATTCS failure and an engine failure during the critical time interval must be shown to be extremely improbable.

c. All applicable performance requirements of Part 25 (CAR 4b and SR 422B) must be met with an engine failure occuring at the most critical point during takeoff with the ATTCS system functioning.

2. If compliance is not shown with the criteria given in paragraph 1 of this special condition, the following apply:

a. An ATTCS system failure during the critical time interval must be shown to have a probability of failure of 10–3 or less.

b. The concurrent existence of an ATTCS failure and an engine failure during critical time interval must be shown to be extremely improbable.

c. All applicable performance requirements of Part 25 (CAR 4b and SR 422B) must be met with an engine failure occuring at the most critical point during takeoff with the ATTCS system functioning.

d. The takeoff runway length required shall be the greater of—

(1) The accelerate-stop distance determined under § 25.109 (SR 422B and section 4T.115) with initial takeoff thrust setting and with ATTCS operating.

(2) The horizontal distance along the takeoff path from the start of takeoff to the point at which the airplane is 35 feet above the takeoff surface, determined under § 25.113 (SR 422B and section 4T.117) with one engine failed and the ATTCS operating at the most critical point during takeoff;

(3) The horizontal distance along the takeoff path from the start of takeoff to the point at which the airplane is 15 feet above the takeoff surface with one engine and the ATTCS failed at the most critical takeoff point; or

(4) One hundred fifteen (115) percent of the horizontal distance along the takeoff path, with all engines operating at the initial takeoff thrust setting, from the start of takeoff to the point at which the airplane is 35 feet above the takeoff surface as determined by a procedure consistent with § 25.111 (SR 422B and section 4T.116).

e. With the initial takeoff thrust set as described in Special Condition D (Thrust Setting), the critical engine inoperative, the ATTCS system failed, and without moving the power lever on the remaining engine, the airplane must—

(1) Have a positive gross climb gradient at all points in the takeoff path (procedures consistent with § 25.111 (SR 422B and section 4T.116) must be used): and

(2) Have an available gradient of climb of not less than 1.0 percent determined in accordance with § 25.121(b) (SR 422B and section 4T.120(b)).

f. The gradient of climb used to determine the takeoff path required by § 25.1587 (SR 422B and section 4T.743) may not be greater than—

(1) The net gradient determined in accordance with § 25.115(b) (SR 422B and section 4T.117) with the ATTCS functioning; or

(2) The gross gradient available resulting from the configuration of Special Condition C2e.

D. *Thrust Setting.* The initial takeoff thrust setting on each engine at the beginning of the takeoff roll may not be less than—

1. Ninety (90) percent of the thrust level set by the ATTCS (the maximum takeoff thrust approved for the airplane under existing conditions);

2. That required to permit normal operation of all safety-related systems and equipment dependent upon engine thrust or power lever position; or

3. That shown to be free of hazardous engine response characteristics when thrust is advanced from the initial takeoff thrust level to the maximum approved takeoff thrust.

E. *Powerplant Controls.*

1. In addition to the requirements of § 25.1141 (CAR 4b.470), no single failure or malfunction, or probable combination thereof, of the ATTCS system, including associated systems, may cause the failure of any powerplant function necessary for safety.

2. The ATTCS must be designed to—

a. Apply thrust on the operating engine following an engine failure during takeoff to achieve the selected takeoff thrust without exceeding engine operating limits;

b. Permit manual decrease or increase in thrust up to the maximum takeoff thrust approved for the airplane under existing conditions through the use of the power lever, except that for aircraft equipped with limiters that automatically prevent engine operating limits from being exceeded under existing conditions, other means may be used to increase the maximum level of thrust controlled by the power levers in the event of an ATTCS failure provided the means is located on or forward of the power levers, is easily identified and operated under all operating conditions by a single action of either pilot with the hand that is normally used to actuate the power levers, and meets the requirements of § 25.777 (a), (b), and (c) (CAR 4b.353 (a), (b), and (c));

c. Provide a means to verify to the flightcrew before takeoff that the ATTCS is in a condition to operate; and

d. Provide a means for the flightcrew to deactivate the automatic function. This means must be designed to prevent inadvertent deactivation.

F. *Powerplant Instruments.* In addition to the requirements of § 25.1305 (CAR 4b.604)—

1. A means must be provided to indicate when the ATTCS is in the armed or ready condition; and

2. If the inherent flight characteristics of the airplane do not provide adequate warning that an engine has failed, a warning system that is independent of the ATTCS must be provided to give the pilot a clear warning of any engine failure during takeoff.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.28)

Note.—This action is not a rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Washington, D.C., on September 4, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-26987 Filed 9-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR PART 39

[Docket No. 81-NW-41-AD; Amdt. No. 39-4212]

Boeing Model 727 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration, DOT.

V 46 6 SE 17 81 UMI

ACTION: Final rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD) which requires repetitive inspections and eventual installation of a fusible plug in the Boeing 727 air conditioning airflow multiplier (AFM) in order to provide redundant overheat protection for the AFM. This action is necessary to prevent AFM overheating or fire.

DATES: Effective date September 20, 1981.

ADDRESSES: The service bulletins specified in this Airworthiness Directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Lium, Systems and Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: Twenty-five occurrences of B-727 AFM overheating have been reported since 1968. In 12 of these, heat damage or fire occurred. AFM damage may occur when the AFM is operated in deep surge due to the malfunction of one air conditioning pack, either anti-ice system, or due to excessively dirty water separator bags or heat exchangers. If the deep surge remains undetected and the AFM does not shut down due to malfunction of the overheat protective system, damage to the AFM or airplane may occur. Mandatory inspection and modification is required, since continued operation of an airplane with the unmodified AFM could result in an overheat condition or possibly a fire.

Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires a repetitive inspection of the AFM to check the condition of the overheat protection system, with the repetitive inspection continuing until the AFM is modified. The modification consists of installation of a fusible plug which provides redundant overheat protection for the AFM. No reports of overheat damage to the AFM have been reported on airplanes on which the modification has been made.

Since a situation exists that requires immediate adoption of this regulation, it is found that public procedure hereon is impractical and good cause exists for making this amendment effective in less than 30 days.

Adoption Of The Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Boeing Model 727 airplanes certificated in all categories with the Air Flow Multiplier installed, through line number 1264, on which AiResearch Service Bulletin 21-2291 has not been incorporated. Within 300 hours time-in-service after the effective date of this AD, accomplish one of the following, unless already accomplished:

A. Begin performing the repetitive inspections of the Air Flow Multiplier in accordance with Boeing Alert Service Bulletin 727-21A95, dated May 29, 1981. This inspection must be repeated at intervals not to exceed 1000 hours time-in-service. Step B or C below may be used for terminating action for these repetitive inspections.

B. Accomplish the modification to the air flow multiplier in accordance with AiResearch Service Bulletin 21-2291.

C. Alternative inspections, repairs, or other action which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received the above specified alert service bulletin from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or it may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective September 20, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION, CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on August 31, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-26720 Filed 9-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-WE-14-AD; Amdt. 39-4214]

Rayjay Industries, Inc.; Airworthiness Directives

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires initial visual inspection and/or replacement, as necessary, of certain hose assemblies on engine installations incorporating turbochargers per Rayjay Industries, Inc. Supplemental Type Certificates. The AD requires a one time initial visual inspection to establish the age and condition of the affected hose assemblies and schedules hose retirement. The AD is needed to prevent hose assembly failures due to aging and deterioration that will cause in-flight fire hazard and/or engine(s) power loss.

DATES: Effective September 17, 1981.

Compliance schedule: Initial compliance required within the next 100 hours or prior to the next annual inspection, whichever occurs first, after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Rajay Industries, Inc., 2600 East Wardlow Road, P.O. Box 207, Long Beach, California 90801, (213) 426-0346.

Also, a copy of the service information may be reviewed at, or a copy obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Guy Dalla Riva, Aerospace Engineer, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: The FAA has received several reports of powerplant fuel and oil hose failures on aircraft modified to incorporate turbocharger provisions of Rayjay Industries, Inc. supplemental type certificates. These failures are attributed to age combined with the high temperature environment associated with turbocharger installations. In one case of hose failure a fire resulted and engine power loss was sustained in a second reported case. Since this condition is likely to exist or develop in other airplanes of the same (supplemental) type design, an airworthiness directive is being issued which requires inspection and removal from service of deteriorated powerplant fuel, air and oil hose assemblies on aircraft modified to incorporate turbocharger provisions of Rayjay Industries, Inc. supplemental type certificates. The AD also requires that the age of the hose be limited to 5 years, and, where the age of the hose can not be determined that such hose(s) be removed from service.

Since a situation exists that requires immediate adoption of this regulation, it is found that noitice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

§ 39.13 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive.

Rayjay Industries, Inc.: Applies to all affected aircraft, certified in all categories modified per

Rayjay supplemental type certificates aircraft model	Rayjay STC No.
Aerocommander 500-A	STC SA683WE.
Aerocommander 500-B, 500-S and 500-U.	STC SA529WE.
Beech, 35, H, J, K, M, N and P, and 35-33, 35-A33, 35-B33, 35-C33, E33 and F33.	STC SA1252WE
Beech 35, S and V, Bonanza	STC SA2556WE.
Beech 95, B95, B95A, D95A and E95	STC SA153SO.
Britten Norman Islander, BN-2, BN-2A, BN-2A-6, BN-2A-8, BN-2A-9.	STC SA2243WE.
Cessna 180-A, B, C, D, E, F, G, H, and J.	STC SA1157WE.
Cessna 182-A, B, C, D, E, F, G, H, J, K, L, M, N, and P.	STC SA1032WE
Cessna 210-A, B, C, 210-5(205), 210-5A(205A).	STC SA1098WE
Cessna 310-C, D, E, F, and G	STC SA2383SO.
Cessna 310-I and J	STC SA181SO
Evangel 4500-300	STC SA2657WE.
Evangel 4500-300, Series II	
Helio Currier H-295	STC SA156SO

Rayjay supplemental type certificates aircraft model	Rayjay STC No.
Helio Currier H-395	STC SA125SO.
Lake 4 and 4A	STC SA2270WE.
Lake 4-200	STC [illegible]
Mooney 20A, M20B, M20C, M20D, and M20G.	STC SA1156WE.
Mooney 20E and M20F	STC SA1411WE.
Mooney 20J	STC SA3555WE.
Piper PA-23-160, Apache	STC SA1260WE.
Piper PA-23-160, Apache	STC SA4-1637-WE.
Piper PA-23-235, -250, Aztec "B"	STC SA539WE.
Piper PA-23-250, Aztec "C"	STC SA540WE.
Piper PA-24-250, Comanche	STC SA811WE.
Piper PA-24-400, Comanche	STC [illegible]
Piper PA-30 and 39, Twin Comanche	STC SA787WE.
Piper PA-32-260, Cherokee	STC SA1557WE.
Piper PA-32R-300, Lance	STC SA3513WE.
Piper PA-34-200, Seneca	STC [illegible]

Compliance required as indicated, unless already accomplished.

To prevent failure of the powerplant hoses carrying air, fuel and/or oil and resultant fire hazard, accomplish the following:

(a) Within 100 hours' time in service from the effective date of this AD, or prior to return to service after the next annual inspection, whichever occurs first; visually inspect the powerplant fuel, air and oil hose assemblies listed in Rayjay Service Letter No. 28 dated August 3, 1981 to determine the general condition and age of the hose assemblies based upon the metal plate attached to the hose, and;

(1) If the hose assembly is five years old or older, replace with like serviceable part prior to further flight.

(2) If the hose assembly does not have a metal tag and the age cannot be determined, replace with like serviceable part prior to further flight.

(3) Record hose ages in the aircraft engine log book and establish a replacement schedule for affected hoses such that a five year life will not be exceeded.

(4) If the hose assembly is deteriorated, (regardless of age), replace with like serviceable part prior to further flight.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to:

Rayjay Industries, Inc., 2600 East Wardlow Road, P.O. Box 207, Long Beach, California 90801, (213) 426-0346.

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its Headquarters in Washington, D.C. and at FAA Western Region Office.

This amendment becomes effective September 17, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on September 2, 1981.

DeWitte T. Lawson, Jr.,

Acting Director, FAA Western Region.

[FR Doc. 81-26722 Filed 9-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-WE-14-AD; Amdt. 39-4213]

Varga Aircraft Corporation Model 2150A Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment superseding a currently effective Airworthiness Directive (AD) which was previously made effective on all Varga Aircraft Corporation Model 2150A airplanes by letter AD No. 81-17-05 dated August 13, 1981. This amendment requires inspection and near-term replacement of the elevator horn assembly on Varga Aircraft Corporation Model 2150A airplanes. The AD is prompted by a report of elevator horn

failure which was not prevented by accomplishment of the previous AD.

DATES: Effective September 17, 1981, except with respect to certain persons specified in the body of the AD.

Compliance schedule—As prescribed in the body of the AD unless already accomplished.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: On August 13, 1981, priority letter AD 81-17-05 was issued and made effective immediately to all known U.S. operators of Varga Aircraft Corporation Model 2150A airplanes because of failure of the elevator horn flange assembly which were apparently not remedied by the issuance of previous AD 79-15-06, which is superseded by this AD 81-17-05. This condition has caused the loss of elevator control prior to and subsequent to the issuance of superseded AD 79-15-06 and is believed to be a possible factor in a fatal accident. Since this condition is likely to exist in other airplanes of the same type design, an AD is being issued which supersedes AD 79-15-06 and requires inspection and near-term replacement of the elevator horn assembly with an improved part.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Varga Aircraft Corporation (Morrisey): Applies to Varga Model 2150A Series airplanes certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent failure of the elevator horn flange assembly, which will result in loss of elevator control capability, accomplish the following:

(a) Before further flight after the effective date of this AD, accomplish the following:

(1) Raise elevator for access to Elevator Horn,

(2) Remove paint from the Elevator Horn and Flange in the area of the flange radius.

Note 1.—To prevent possible damage to this structure, use a paint remover recommended by the manufacturer.

(3) Conduct a close visual inspection of this flange radius for cracks, and

(4) If any cracks are found, before further flight, accomplish replacement of complete Elevator Horn/Balance Arm Assembly in accordance with (c) below.

(b) Before each subsequent flight, until (c) below is accomplished, conduct the procedures of close visual checks in accordance with the instructions in (a)3 above. If any cracks are found, before further flight, accomplish replacement of complete Elevator Horn/Balance Arm Assembly in accordance with (c) below.

Note 2.—The pre-flight checks required by paragraph (b) of this AD may be performed by the pilot.

Note 3.—For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's permanent maintenance record, see FAR 91.173.

(c) Within ten (10) hours additional time in service, after the effective date of this AD, unless already accomplished, remove the complete Elevator Horn/Balance Arm Assembly, P/N VAC 6000J-32, or P/N VAC 6000K-32 and replace with a new improved steel assembly, P/N VAC 6000L-65, at which time the special inspections required by this AD may be terminated.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections required by this AD.

(e) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its Headquarters in Washington, D.C. and at FAA Western Region Office.

This supersedes Amendment 39-3518 (44 FR 44484), AD 79-15-06. This AD becomes effective September 17, 1981, to all persons except those to whom it was made effective by the letter dated August 13, 1981.

This amendment becomes effective September 17, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89]

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on September 2, 1981.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 81-26721 Filed 9-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWE-20]

Establishment of Transition Area, Grass Valley, California

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule designates a 700 foot transition area for Nevada County Air Park Airport, Grass Valley, California, in order to provide controlled airspace for aircraft executing an instrument approach procedure to the Nevada County Air Park.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

On July 23, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area for Grass Valley, California (46 FR 37907). Establishment of this transition area will provide controlled airspace for protection of instrument operations at Nevada County Air Park Airport.

Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181

was republished in the Federal Register on January 2, 1981 (46 FR 540).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes a transition area at Grass Valley, California. This transition area provides protection for instrument operations at Nevada County Air Park Airport, increases air traffic safety and improves flow control procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901, October 1, 1981, by adding the following:

§ 71.181 Grass Valley, California.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Nevada County Air Park Airport (latitude 39°13′15″ N., longitude 121°00′15″ W.) and within 4 miles each side of the Marysville, California VOR (latitude 39°05′56″ N., longitude 121°34′19″ W.) 074° radial extending from the 5-mile radius area to 16 miles east of the VOR.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on September 2, 1981.

R. L. Devereaux,

Acting Director, Western Region.

[FR Doc. 81-26885 Filed 9-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-7]

Designation of Transition Area; Cadillac, Mich.

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Cadillac, Michigan, in order to accommodate revised NDB and RNAV instrument approaches into the Wexford County Airport, Cadillac, Michigan. The intended effect of this action is to insure segregation of the aircraft using these approach procedures in instrument weather conditions from other aircraft operating under visual conditions.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200′ above surface to 700′ for a distance of approximately 1 mile beyond that now depicted. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedures will be contained within controlled airspace. The minimum descent altitude for these procedures may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedures, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 32879 of the Federal Register dated June 25, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the transition area near Cadillac, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 26, 1981, as follows:

§ 71.181 [Amended]

In § 71.181 (46 FR 540), the following transition area is amended:

Cadillac, Michigan

That airspace extending upward from 700′ above the surface within 8.5 miles of the Wexford County Airport (latitude 44°16′32″N, longitude 085°25′11″W) at Cadillac, Michigan, and within 4.5 miles either side of the 247° bearing of the Wexford County Airport from 8.5 miles to 9.5 miles.

This amendment is made under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore— (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on August 24, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-26886 Filed 9-16-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 81-AWA-4]

Revocation and Designation of Area High Routes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects a final rule that designates Area High Route J804R from Anchorage, AK, to the U.S./Canadian Border, as published in the Federal Register on August 6, 1981 (46 FR 39995). Inadvertently, the coordinates of the Middleton Island, AK, location were not published correctly and this action amends that description.

EFFECTIVE DATE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

Adoption of the Amendment

§ 75.400 [Amended]

Accordingly, pursuant to the authority delegated to me, § 75.400 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 848) is amended, as follows:

By amending J804R by deleting coordinates "59°53′28″N." for Middleton Island, AK, and substituting for them coordinates "59°25′21″N."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 9, 1981.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–26884 Filed 9–16–81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

24 CFR Part 3282

[Docket No. R-81-937]

Mobile Home Procedural and Enforcement Regulations

AGENCY: Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends 24 CFR 3282.454 to temporarily reduce the monitoring inspection fee established in that section from $19.00 to $15.00 per unit inspected. This reduction will only apply to homes manufactured between April 1, 1981, and December 31, 1981. On January 1, 1982 the fee will return to $19.00 per unit unless subsequently modified by the Secretary.

EFFECTIVE DATE: October 23, 1981.

FOR FURTHER INFORMATION CONTACT: John S. Mason, Acting Director, Office of Mobile Home Standards, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. (202) 755–6893. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Section 614(a) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (the Act), 42 U.S.C. 5413(a) authorizes the Secretary of HUD to conduct such inspections and investigations as are necessary to enforce and carry out the Secretary's duties under the Act. To assist the Secretary in carrying out these activities, section 614(b) of the Act, 42 U.S.C. 5413(b), authorizes contracts with state and local governments as well as private organizations.

In order to pay for these activities, Congress has authorized a special fee. Section 620 of the Act, 42 U.S.C. 5419, permits the Secretary to establish and impose such fees as may be necessary to offset the expenses incurred in conducting the inspections. Under the authority granted by this section, the Secretary established in 1976, at 24 CFR 3282.454, a monitoring inspection fee of $19.00 per unit inspected. The fee is to be paid by manufacturers to the Secretary.

The design and construction of manufactured homes is monitored by agencies known as Design Approval Primary Inspection Agencies (DAPIAs) and Production Inspection Primary Inspection Agencies (IPIAs). These agencies are collectively known as Primary Inspection Agencies (PIAs). The performance of the PIAs is monitored and evaluated by the Secretary through a monitoring inspection contractor. A portion of the $19.00 inspection fee is used to fund the activities of the monitoring inspection contractor.

Another portion of the monitoring inspection fee ($9.00 per unit) is paid to states which have qualified to enforce the Act within their boundaries. At the present time, 34 states have met the qualification requirements set out in section 623 of the Act, 42 U.S.C. 5422 and 24 CFR 3282.302. The Secretary distributes funds to the qualified states based on the first location of each manufactured home after leaving the manufacturer. When homes are first located in states which have not qualified, the Secretary retains that portion of the inspection fee which would otherwise go to the state.

In practice, the Secretary has not distributed all monitoring inspection fees received. The fees received by the Secretary have not been fully utilized to fund state activities and the monitoring inspection contractor principally because 16 states are not participating in the program. The undistributed reserve is now approximately $3.2 million.

On November 17, 1980, the Manufactured Housing Institute (MHI) petitioned for a new rule which would reduce the monitoring inspection fee from its present rate of $19.00. In support of its petition, MHI cited the large undistributed reserve and alleged that it might be used for unauthorized purposes.

When the $19.00 fee was set in 1976, the Secretary was estimating the amount needed to cover inspection expenses. At that time, HUD had no experience on which to base the estimate. In response to MHI's proposed rule, the Secretary has determined, in view of the present reserve, that the fee may be temporarily reduced to $15.00 without affecting the Secretary's ability to carry out his responsibilities under the Act. This reduction will apply to all homes which enter the first stage of production on April 1, 1981 through December 31, 1981.

On January 1, 1982 the fee will return to $19.00 per unit unless subsequently modified by the Secretary. However, the Department will conduct an internal staff study which will evaluate the present enforcement system. This study will include an evaluation of different ways in which the Secretary can carry out his statutory responsibilities in non-participating states. This study is scheduled to be completed in the late fall of 1981. It is possible that changes to the enforcement system will be proposed as a result of this study and that a new fee will be proposed. The new fee may be higher, lower or the same as the present fee. In making its report, the staff will consider additional uses for fee proceeds, including hiring private contractors to perform certain SAA functions in non-SAA states, installing automated inspection and monitoring systems, training for inspection-related activities and testing of manufactured home components.

The Secretary has determined that by reducing the fee to $15 the present reserve will be significantly reduced within a nine month period. After that time, a reserve will remain which will allow the Secretary to carry out his responsibilities under the Act.

In practice, the fee reduction will be effected in part through a prospective reduction in the fee charged per manufactured home and in part through credits which will be issued to manufacturers based upon the number of units that entered the first stage of production on or after April 1, 1981 through the earlier of: (1) the effective date of this rule; or (2) December 31, 1981. The amount of credit to which a manufacturer is entitled will be calculated by the monitoring inspection contractor using the following formula: the total number of units which entered the first stage of production, during the period specified above, at each of the manufacturer's plants, will be multiplied by $4 (the amount of the fee reduction). Labels will then be issued to each plant and charged against such credit until the credit is exhausted. The charge against such credit will be $15 for each manufactured home which enters the first stage through December 31, 1981 and $19 for each manufactured home which enters the first stage of production thereafter. Credits cannot be transferred from one plant to another even if they both belong to the same manufacturer.

Inactive manufacturing plants will not receive the benefit of the credit until and unless they become active. IPIAs will not release lables on credit more than one month before anticipated production.

During the same period in which the fee will be reduced, the portion of the fee which is allocated to the states will be increased from $9.00 to $12.00. The allocation of $9.00 to the states was established in 1976. Since then, there has been no increase in the share received by the states. At the same time, however, expenses incurred by the states in fulfilling their obligations have increased significantly. The increased share is designed to partially offset these expenses and to reduce the reserve.

The Department has determined that prior notice and public comment are impracticable and contrary to the public interest and that good cause exists for making this rule effective as promptly after publication as possible because:

1. The rule must be quickly implemented to prevent further buildup of the undistributed reserve.
2. Because of the relatively short period of time during which the fee will be reduced, deferral of effectiveness until after a public comment period would prevent the reduction from taking place until after the desired reduction period has expired.

Accordingly, the rule will become effective 30 continuous session days of Congress after publication pursuant to Section 7(o)(3) of the Department of Housing and Urban Development Act.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Pursuant to section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The Catalog of Federal Domestic Assistance Program number is 14.804 Manufactured Housing.

PART 3282—MOBILE HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

Accordingly, 24 CFR 3282.454 is revised to read as follows:

§ 3282.454 Monitoring inspection fee.

(a) There is hereby established a monitoring inspection fee of $19.00 which is to be paid by manufacturers for each mobile home manufactured in nonapproved and conditionally approved states as described in § 3282.210; *Provided,* That a fee of $15.00 will apply to all manufactured homes which enter the first stage of production on or after April 1, 1981 through December 31, 1981.

(b) The monitoring inspection fee to be established by approved states under Section 3282.307(a) shall be in the amount of $19.00 per manufactured home produced therein; *Provided,* That a fee of $15.00 will apply to all manufactured homes which enter the first stage of production on or after April 1, 1981 through December 31, 1981.

(Sec. 620, Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5419)

Issued at Washington, D.C. on September 11, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 81-26997 Filed 9-16-81; 8:45 am]

BILLING CODE 4210-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2640, 2642, and 2643

Variances for Sale of Assets; Procedures for Individual and Class Variances or Exemptions

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This regulation establishes procedures under which interested parties may request the Pension Benefit Guaranty Corporation to grant an individual or class variance or exemption from the statutory requirements imposed when an employer who contributes to a multiemployer pension plan (covered under Title IV of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980) ceases covered operations under the plan because of a sale of assets.

Under section 4204 of ERISA, the sale of assets of a contributing employer will not be considered a withdrawal if certain conditions are met. Among other things, the purchaser must post a bond or escrow with the multiemployer plan, and the contract of sale between the seller and the purchaser must provide that the seller will be secondarily liable for its withdrawal liability if the purchaser withdraws from the plan within five years after the sale and does not pay its withdrawal liability. Section 4204(c) authorizes the PBGC to grant individual or class variances or exemptions from the bond/escrow and sale-contract requirements.

The effect of this regulation is to establish procedures for obtaining PBGC approval of requests for individual or class variances and exemptions from the statutory rules.

EFFECTIVE DATE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

The Statute

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96-364, 94 Stat. 1208 (the "Multiemployer Act") became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (The Act as amended is hereinafter referred to as "ERISA".) As a result of the Multiemployer Act, an employer that withdraws, or partially withdraws, from a multiemployer pension plan covered under Title IV of ERISA may be liable to the plan for a portion of the plan's unfunded vested benefits. The withdrawal liability rules generally apply to withdrawals occurring after April 28, 1980.

Section 4204 of ERISA provides that a cessation of the obligation to contribute or a cessation of covered operations

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resulting from the bona fide, arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal from a multiemployer plan if three conditions are met. These conditions, enumerated in section 4204(a) (1) (A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan with respect to the purchased operations for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount into escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The purchaser's bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

It should be noted that section 4204 only applies to bona-fide, arm's-length sales between two "unrelated parties." Therefore, a cessation of contributions or covered work resulting from a sale of assets involving related parties will generally constitute a withdrawal under Title IV. Section 4204(d) of ERISA provides that a purchaser and seller are "unrelated parties" if they do not "bear a relationship * * * described in section 267(b)" of the Internal Revenue Code of 1954, as amended. Further, section 4204 is only pertinent where there is a withdrawal or partial withdrawal as defined in ERISA.

Section 4204(b)(1) of ERISA contains a special rule for computing the withdrawal liability of a purchaser involved in a sale of assets covered under section 4204(a). Under this special rule the purchaser assumes the contribution record of the seller for the plan year in which the sale occurs and for the preceding four plan years. As a result, if the purchaser were to subsequently withdraw, its withdrawal liability would be based in part on the liability that the seller would have incurred had the purchase not come within the purview of section 4204.

Variances and Exemptions From Statutory Requirements

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") by regulation to grant variances or exemptions from the bond/escrow and sale-contract requirements of section 4204(a)(1) (B) and (C) if the variance or exemption would "more effectively or equitably carry out the purposes of [Title IV of ERISA]." In addition, the PBGC may grant individual or class variances or exemptions from the requirements if a particular case warrants such action. Congress intended to grant broad authority to the PBGC to administer the sales rules in a manner that assures protection of multiemployer plans with the least practicable intrusion into normal business transactions.[1]

The PBGC recognizes that the requirements of sections 4204(a)(1) (B) and (C) might frustrate certain normal business transactions that pose no risk of financial loss to a multiemployer plan. As noted in the PBGC's latest "Semiannual Agenda of Regulations Under Development", 46 FR 23267 (April 24, 1981), PBGC is currently developing staff recommendations for a proposed regulation that would provide variances from the bond/escrow and sale-contract requirements for sales occurring before or shortly after September 26, 1980. That regulation may also vary these requirements under certain other conditions.

In the meantime, the PBGC believes it is useful to issue a regulation establishing procedures under which employers may apply to the PBGC for individual or class variances or exemptions from the bond/escrow and sale-contract requirements of section 4204(a). It should be noted that a variance of or exemption from the sale-contract requirement under this regulation is not a waiver of the seller's secondary liability under section 4204(a)(2) of ERISA.

The Regulation

Section 2643.1 sets forth the purpose and scope of the regulation. Section 2643.1(b) provides that the regulation generally applies to any sale of assets by a contributing employer occurring after April 28, 1980. Section 2643.1(c) provides a special rule for a sale of assets involving an operation for which an employer is obligated to contribute to a plan described in section 404(c) of the Internal Revenue Code of 1954, as amended, or a continuation of such a plan. This special rule implements section 4211(d)(2) of ERISA, which provides that section 4204 does not apply to such a plan "unless the plan is amended to provide that [section 4204 applies]."

Section 2643.2(b) of the regulation specifies that a seller or a buyer may make a request for an individual or class variance or exemption. Under this rule, when a contributing employer withdraws from a plan as a result of related sales involving several purchasers, the seller may request a class variance or exemption for all the transactions.

In order to determine whether a request for an exemption satisfies the conditions set forth in section 4204, the PBGC must be able to examine certain information regarding the financial viability of the purchaser and the circumstances surrounding the sale. Consequently, § 2643.2(d) of the regulation requires the party making a request for a variance or exemption to supply certain information to the PBGC. Under normal circumstances the information required under § 2643.2(d) should be readily available to the party making the request. Section 4204(c)(2) of ERISA requires that interested persons must be given notice of a request for an exemption or variance. Accordingly, § 2643.2(d)(11) of the regulation provides that the party making a request for an exemption or variance must certify to the PBGC that a complete copy of the request has been sent to the plan and the collective bargaining representative of the seller's employees.

It should be noted that the information contained in a request for a variance or exemption will generally be available to the public under the Freedom of Information Act, 5 U.S.C. 552, unless the information falls within certain exemptions designated in that Act. In that regard, § 2643.2(f) provides that a party filing a request shall indicate if it believes that any of the information submitted with the request falls within a Freedom of Information Act exemption.

Section 2643.3 of the regulation sets forth the procedure under which the PBGC will act on a request for an exemption or variance. Section 4204(c)(1) of ERISA requires the PBGC to publish a notice of the pendency of a request for an exemption or variance in the **Federal Register** prior to approving the request. Further, section 4204(c)(3) provides that interested persons must have an opportunity to comment on the request. Accordingly, § 2643.3(b) of the regulation provides that the PBGC will publish a notice of the pendency of a request in the **Federal Register** as soon as practicable after the PBGC has received a request containing all the required information. The notice will provide a brief description of the request, and will solicit comments from interested parties. The normal comment period will be 45 days, although longer periods may be established when appropriate; *e.g.* for certain requests for class exemptions.

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[1] Senate Committee on Labor and Human Resources, 96th Cong., 2nd Sess., The Multiemployer Pension Plan Amendments Act of 1980: Summary and Analysis of Consideration, 16 (Comm. Print, April 1980); 126 Cong. Rec. S10117 (daily ed. July 29, 1980) (Joint Explanation of S.1076).

As soon as practicable after the close of the comment period, the PBGC will issue a written determination on a request for an exemption or variance. If the PBGC disapproves a request, the decision will state the grounds on which PBGC based its determination. Notice of the decision will be published in the **Federal Register.** It should be noted that PBGC's granting of a variance or exemption under this part does not constitute a determination that section 4204 of ERISA applies to a specific sale.

These procedures for individual and class variances and exemptions are contained in Subpart A of Part 2643. Subpart B of that part is reserved for the future rules varying the bond/escrow and sale-contract requirements in specified circumstances.

The PBGC is also consolidating definitions for all regulations in Subchapter F of Chapter XXVI (relating to withdrawal liability) in a new Part 2640. As a result of this change the PBGC is amending Part 2642 (relating to Alternative Allocation Methods) by removing § 2642.2, which sets forth the definitions for that Part.

The PBGC has determined that this regulation is not a "major rule" under section 3(b) of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of $100 million or more; or cause a major increase in costs or prices; or adversely effect competition, employment, investment, productivity or innovation in United States-based enterprises.

Further, the regulation will reduce certain financial and administrative burdens on employers involved in sales that are subject to section 4204 of ERISA without exposing plans to any significant risks of financial loss. Exemption from the bond/escrow requirement will eliminate an unnecessary burden on normal business transactions, reduce the purchaser's costs of doing business, and will free the purchaser's assets for other purposes.

Because this regulation deals only with matters of procedure, no general notice of proposed rulemaking is required. Because of the need to provide procedural rules to interested parties who wish to apply for an exemption under section 4204 of ERISA, and because this regulation does not require any action by plans or employers, the PBGC finds that good cause exists for making this regulation effective immediately. Further, since no general notice of proposed rulemaking is required, the Regulatory Flexibility Act of 1980 has no application to this regulation (5 U.S.C. 601(2)).

In consideration of the foregoing, Subchapter F of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

1. A new Part 2640 is added to read as follows:

PART 2640—DEFINITIONS

Sec.
2640.1 Purpose and scope.
2640.2 General definitions.
2640.3 [Reserved]
2640.4 Allocating unfunded vested benefits.
2640.5 Variances for sale of assets.

Authority: Secs. 4002(b)(3), Pub. L. 93–406, as amended by sec. 403 (1), Pub. L. 96–364, 94 Stat. 1208, 1302 (1980) (29 U.S.C. 1302)

§ 2640.1 Purpose and scope.

This part sets forth the definitions used in Subchapter F. Section 2640.2 contains definitions of terms of general applicability. The subsequent sections contain definitions of terms specific to each part within the subchapter.

§ 2640.2 General definitions.

For purposes of Subchapter F—

"Act" means the Employee Retirement Income Security Act of 1974, as amended.

"Internal Revenue Code" means the Internal Revenue Code of 1954, as amended.

"Multiemployer plan" means a pension plan described in section 4001(a) (3) of the Act.

"Nonforfeitable benefit" means a benefit described in section 4001(a)(8) of the Act.

"PBGC" means the Pension Benefit Guaranty Corporation.

"Plan" means a multiemployer plan.

"Plan year" means the calendar, policy or fiscal year on which the records of the plan are kept.

§ 2640.3 [Reserved]

§ 2640.4 Allocating unfunded vested benefits.

For purposes of Part 2642—

"Post-1980 fraction" means the fraction described in section 4211(c)(2)(C)(ii) or (c)(3)(B) of the Act.

"Pre-1980 fraction" means the fraction described in section 4211(b)(3)(B) or (c)(2)(B)(ii) of the Act.

"Unfunded vested benefits" means an amount by which the value of nonforfeitable benefits under the plan exceeds the value of the assets of the plan.

"Withdrawing employer" means the employer for whom withdrawal liability is being calculated under section 4201 of the Act.

"Withdrawn employer" means an employer who, prior to the withdrawing employer, has discontinued contributions to the plan or covered operations under the plan and whose obligation to contribute has not been assumed by a successor employer within the meaning of section 4204 of the Act. A temporary suspension of contributions, including a suspension described in section 4218(2) of the Act, is not considered a discontinuance of contributions.

§ 2640.5 Variances for sale of assets.

For purposes of Part 2643.

"Purchaser" means a purchaser described in section 4204(a)(1) of the Act.

"Seller" means a seller described in section 4204(a)(1) of the Act.

PART 2642—INTERIM REGULATIONS ON ALLOCATING UNFUNDED VESTED BENEFITS

§ 2642.2 [Removed]

2. Part 2642 is amended by removing § 2642.2.

3. A new Part 2643 is added to read as follows:

PART 2643—VARIANCES FOR SALE OF ASSETS

Subpart A—Procedures for Individual and Class Variances or Exemptions

Sec.
2643.1 Purpose and scope.
2643.2 Requests to PBGC for variances and exemptions.
2643.3 PBGC action on requests.
2643.4—2643.9 [Reserved]

Subpart B—[Reserved]

Authority: Secs. 4002(b)(3) and 4204(c) Pub. L. 93–406, 88 Stat. 829, (1974), as amended by secs. 403(1) and 104 (respectively), Pub. L. 96–364, 94 Stat. 1302, and 1221 (1980) (29 U.S.C. 1302(b)(2) and 1384(c)).

Subpart A—Procedures for Individual and Class Variances or Exemptions

§ 2643.1 Purpose and scope.

(a) *Purpose.* The purpose of this subpart is to establish procedures under which an interested party may request the PBGC to grant individual or class variances or exemptions from the

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requirements of section 4204(a)(1) (B) and (C) of the Act.

(b) *Scope.* Except as provided in paragraph (c) of this section, this subpart applies to a sale of assets occurring after April 28, 1980 by an employer obligated to contribute to a multiemployer pension plan covered by section 4021 of the Act.

(c) *Special rule.* Unless the plan is amended to provide otherwise, this subpart does not apply to a sale of assets involving operations for which an employer is obligated to contribute to a plan described in section 404(c) of the Internal Revenue Code of 1954, as amended (a plan established prior to January 1, 1954 as a result of an agreement between employer representatives and the United States during a period of government operation, under seizure powers, of a major part of the productive facilities of an industry), or a continuation of such a plan.

§ 2643.2 Requests to PBGC for variances and exemptions.

(a) *Filing of request.* A request for a variance or exemption under section 4204(c) of the Act may be filed with the PBGC.

(b) *Who may request.* A purchaser or a seller may file a request for a variance or an exemption. When a contributing employer withdraws from a plan as a result of related sales involving several purchasers, the seller may request a class variance or exemption for all the transactions. The party making the request, or a duly authorized representative acting on behalf of the party, shall sign the request.

(c) *Where to file.* The request shall be delivered by mail or submitted by hand to the Office of Program Operations (542), Pension Benefit Guaranty Corporation, Room 5300A, 2020 K Street, NW., Washington, D.C. 20006.

(d) *Information.* Each request shall contain the following information:

(1) The name and address of the plan or plans for which the variance or exemption is being requested, and the telephone number(s) of the plan administrator of the plan(s).

(2) For each plan described in paragraph (d)(1) of this section, the nine-digit Employer Identification Number (EIN) assigned by the Internal Revenue Service to the plan sponsor and the three-digit Plan Identification Number (PIN) assigned by the plan sponsor to the plan, and, if different, also the EIN-PIN last filed with the PBGC. If an EIN-PIN has not been assigned, that should be indicated.

(3) The name, address and telephone number of the seller, and that of its duly authorized representative, if any.

(4) The name, address and telephone number of the purchaser, and that of its duly authorized representative, if any.

(5) A full description of the transaction(s) for which the request is being made, including effective date.

(6) A statement explaining why the requested variance or exemption would not pose a significant risk of financial loss to the plan.

(7) A copy of the purchaser's audited (or if not available, unaudited) financial statements for the three fiscal years ending immediately before the date of the sale.

(8) A statement indicating the amount of the purchaser's bond or escrow required under section 4204(a)(1)(B) of the Act.

(9) The estimated amount of withdrawal liability that the seller would otherwise incur as a result of the sale if section 4204 did not apply to the sale.

(10) A certification that a complete copy of the request has been sent to the plan(s) described in paragraph (d)(1) of this section and the collective bargaining representative(s) of the seller's employees by certified mail, return receipt requested.

(e) *Additional information.* In addition to the information described in paragraph (d) of this section, the PBGC may require the purchaser, the seller, or the plan to submit any other information the PBGC determines it needs to review the request.

(f) *Disclosure of information.* Any party submitting information pursuant to this section may include a statement of whether any of the information is of a nature that its disclosure may not be required under the Freedom of Information Act, 5 U.S.C. 552. The statement should specify the information that may not be subject to disclosure and the grounds therefor.

§ 2643.3 PBGC action on requests.

(a) *General.* The PBGC shall approve a request for a variance or exemption if PBGC determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

(b) *Notice of pendency of request.* As soon as practicable after receiving a variance or exemption request containing all the information specified in § 2643.2, the PBGC shall publish a notice of the pendency of the request in the **Federal Register**. The notice shall provide that any interested person may, within the period of time specified therein, submit written comments to the PBGC concerning the request. The notice will usually provide for a comment period of 45 days.

(c) *PBGC decision on request.* The PBGC shall issue a decision on a variance or exemption request as soon as practicable after the close of the comment period described in paragraph (b) of this section. PBGC's decision shall be in writing, and if the PBGC disapproves the request, the decision shall state the reasons therefor. Notice of the decision shall be published in the **Federal Register**.

Subpart B [Reserved]

Issued at Washington, D.C., on this 28th day of August, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-27098 Filed 9-16-81; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1928-2]

Approval and Promulgation of Implementation Plans; Alabama: Alternative Control Strategy for 3M Company, Guin

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On February 11, 1981 the Alabama Air Pollution Control Commission submitted to EPA a proposal to utilize the bubble concept at the 3M Company in Guin, Alabama. The proposal indicated no increase in total suspended particulate (TSP) emissions. The emission points which 3M proposed to "bubble" included three boilers and a glass furnace line, which includes frit handling and raw materials mixing equipment. 3M Company proposed to limit the boiler fuel to only natural gas, reducing the allowable boiler emissions to compensate for the excess emissions from the glass furnace process. Subsequent to a request for comments in the **Federal Register** on July 6, 1981 (46 FR 34816), no comments were received. EPA today announces approval of this alternative control strategy.

DATE: This action is effective October 19, 1981.

ADDRESSES: Copies of the materials submitted by Alabama may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library System Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460;
Library, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365;
Library, Office of the Federal Register, 1100 L Street N.W., Rm 8401, Washington, D.C. 20005;
Alabama Air Pollution Control Commission, Division of Air Pollution Control, 645 South McDonough Street, Montgomery, Alabama 36130.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas C. Cook, Region IV, Air Programs Branch, 345 Courtland St. N.E., Atlanta, Georgia 30365, 404/881-2865 (FTS 257-2865).

SUPPLEMENTARY INFORMATION: On February 11, 1981, the Alabama Air Pollution Control Commission (AAPCC) submitted to the Region IV EPA office an alternative control strategy for TSP for the 3M Company in Guin, Alabama. EPA determined that the revision met the criteria of EPA's bubble policy as published on December 11, 1979 (44 FR 71780). Accordingly, EPA proposed approval of 3M's alternative compliance plan in the **Federal Register** of July 6, 1981 (46 FR 34816). The revision implements the bubble concept with regard to emissions from three boilers and a glass furnace line. Currently, AAPCC regulations limit particulate emissions from the three boilers to 24.3 pounds per hour and 2.85 pounds per hour from the glass furnace line, for a total of 27.15 pounds per hour from the described sources. Under the bubble, actual emission will be 27.2 pounds per hour.

The three boilers were installed 20 to 25 years ago. All three are combination gas-fuel oil fired, burning #2 fuel oil only when natural gas is unavailable. From 1979 to the present no fuel oil has been required. The particulate emissions generated are typical of any boiler operation and are approximately 50% of the allowable limit when natural gas is used.

The glass furnace line was installed in 1978 and includes raw materials mixing and frit handling equipment. This manufacturing line is considered one emission source in determining allowable emissions.

The following table shows the present allowable emission limits and the proposed emission limits set to accomplish the bubble concept.

Boilers	Allowable emissions (#/hr)	Bubble emissions (#/hr)
Spencer	9.4	4.7
Cleaver Brooks	6.7	3.4
Power Master	8.2	4.1
Glass Furnace Line		
Furnace Zone 1	[1] 2.85	[illegible]
Furnace Zone 2		1.2
Frit Handling Equipment		2.0
Raw Materials Mixing Equipment		[illegible]
Total	27.15	27.2

[1] Total for operation.

Modeling done by the State showed that no primary or secondary ambient air quality standards will be violated. The AAPCC staff utilized a multiple source model (PTMTP) to examine the combined impact of the sources. The plant, located in an attainment area for TSP, will not change its actual emissions and so, will not consume any PSD increment.

Action: EPA is today approving the alternative TSP control strategy for the 3M Company in Guin, Alabama.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before November 16, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. In addition, this action applies to only one facility.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Note.—Incorporation by reference of the State Implementation Plan for the State of Alabama was approved by the Director of the Federal Register on July 1, 1981.

(Section 110 Clean Air Act (42 U.S.C. 7410))

Dated: September 11, 1981.

John W. Hernandez,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart B—Alabama

In § 52.50, paragraph (c) is amended by adding subparagraph (29) as follows:

§ 52.50 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(29) Alternative TSP control strategy for 3M Company's Guin plant, submitted on February 4, 1981, by the Alabama Air Pollution Control Commission.

[FR Doc. 81-27096 Filed 9-16-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL 1911-11]

Approval and Promulgation of Implementation Plans; Massachusetts, Approval To Burn Higher Sulfur Oil at Millers Falls Paper Co.; Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the Massachusetts State Implementation Plan (SIP) which allows Millers Falls Paper Company, Millers Falls to burn higher sulfur fuel oil.

The revision amends Regulation 7.05(1)(E), "Sulfur content of Fuels in Control thereof", to allow the Company to increase its Sulfur-In-Fuel content from 1.0% to 2.2%.

The SIP revision request was submitted on May 5, 1981 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department).

The intended effect of the Rule is to allow Millers Falls Paper Company to burn less expensive fuel oil.

EFFECTIVE DATE: November 16, 1981.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-4448.

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ADDRESSES: Copies of the Massachusetts submittal which is incorporated by reference are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460; Office of the Federal Register, 110 L Street, N.W., Room 8401, Washington, D.C. and the Department of Environmental Quality Engineering, 1 Winter Street, Boston, MA 02110.

SUPPLEMENTARY INFORMATION: EPA is today approving a revision to the Massachusetts SIP, submitted on May 5, 1981 by the Commissioner of the Massachusetts Department, which allows the Millers Falls Paper Company to increase its sulfur in fuel content from 1.0% sulfur to 2.2% sulfur.

On January 19, 1981 (46 FR 4917) EPA published its disapproval of a Massachusetts SIP revision submitted on March 2, 1979 allowing the burning of fuel oil having a sulfur content of not more than 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content by weight) at the Millers Falls Paper Company. This decision was based on mathematical air dispersion modeling (VALLEY model) which predicted that violations of air quality standards would occur if the Millers Falls Paper Company burned 2.2% sulfur fuel oil at its maximum design firing rate.

Since publishing its January 19, 1981 rulemaking, EPA has received new technical support demonstrating that air quality standards will not be violated by the burning of 2.2% sulfur fuel oil if the maximum firing rate of the facility is reduced. This new technical support, included in the SIP revision request submitted on May 5, 1981, consists of a new modeling analysis based on a reduced enforceable fuel input and new ambient air monitoring data for sulfur dioxide (SO_2). The new ambient air data used was collected at a privately owned monitoring station and was previously unavailable to EPA. EPA has determined that this new lower ambient air level of SO_2 is more representative of the existing ambient air quality at Millers Falls than the level determined from State air monitoring data in EPA's original analysis.

The air quality standards which the Millers Falls Paper Company must meet are the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2). The NAAQS are maximum allowable ambient air pollutant concentrations which are set to protect public health and welfare. The company is not required to meet Prevention of Significant Deterioration (PSD) SO_2 increments under EPA's PSD regulations promulgated on August 7, 1980 (45 FR 52676). The PSD increments are allowable incremental increases in ambient pollutant concentrations which are set to limit the degredation over baseline levels.

Increases in sulfur dioxide emissions resulting from relaxations of sulfur-in-fuel limits must show compliance with PSD increments if the increase occurs in or impacts on an area in which a baseline date has been established. A baseline date is the date after August 7, 1977 on which the first PSD permit application in that area was filed with EPA by a source subject to the PSD regulations as amended on August 7, 1980. The baseline date is set in the Section 107 designated attainment area in which the source subject to the PSD regulations is located and in all Section 107 designated pollutant attainment areas on which the source has an annual impact of $1\mu\ SO_2/m^3$. The Millers Falls Paper Company is not located in and does not impact on any section 107 designated attainment area in which a baseline date has been set.

In its original proposed rulemaking of August 28, 1980 (45 FR 57459) and subsequent final rulemaking of January 19, 1981, EPA stated that it would consider approval of a SIP revision allowing the Millers Falls Paper Company (the Company) to burn higher sulfur fuel oil if the source or the State presented new information demonstrating that air quality standards will be maintained. EPA cited a reduced maximum firing rate and new ambient air monitoring data as examples of information it would accept in reconsidering its decision. During the public comment period which ended September 29, 1980, the Company indicated it would investigate new air dispersion modeling, a reduced firing rate and new ambient air monitoring data. No other comments were received on the proposed disapproval of the SIP revision or EPA's intention of considering new information. However, since the Company did not present any new information during the 30-day public comment period EPA published a final disapproval of the SIP revision request.

Since there has already been a proposed rulemaking on which no comments other than that of the Millers Falls Paper Company were received regarding EPA's decision to disapprove the Massachusetts Department's request to allow the Company to burn higher sulfur content oil or regarding EPA's intention of reconsidering its decision upon receipt of sufficient new technical support, EPA considers a new proposed rulemaking to be impracticable, unnecessary and contrary to the public interest. Furthermore, the information submitted on May 5, 1981 is consistent with that which EPA stated, in its proposed and final rulemakings which have already been completed, it would accept in considering approval of the burning of 2.2% sulfur content fuel oil at the Millers Falls Paper Company.

Since EPA views this SIP revision as noncontroversial, this action is being taken without prior proposal. This action will be effective November 16, 1981. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose the action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. The attached rule constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves state actions. It imposes no new requirements. In addition, this action applies to only one facility.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Analysis. This regulation is not major because it imposes no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly this revision is approved as a revision to the Massachusetts Implementation Plan.

(Sec. 110(a) and sec. 301(a), Clean Air Act, as amended, 42 U.S.C. 7410 and 7610)

Note.—Incorporation by reference of the State Implementation Plan for the state of Massachusetts was approved by the Director of the Federal Register on July 1, 1981.

Dated: September 11, 1981.

John W. Hernandez,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

§ 52.1120 [Amended]

1. Section 52.1120(c)(33) is amended by striking the words "March 2, 1979" and inserting in place thereof "March 2, 1979 and May 5, 1981".

§ 52.1126 [Amended]

2. In § 52.1126(b), the paragraph following the words "Mount Tom Generating Station, Holyoke," which reads "Masschusetts Regulation 310 CMR 7.05(1)(e)(3) for Pioneer Valley as submitted on March 2, 1979 * * *" is amended by striking the phrase "as submitted on March 2, 1979" and inserting in place thereof "as submitted on March 2, 1979 and May 5, 1981". Section 52.1126(b) is further amended by removing the source name "Millers Falls Paper Company, Millers Falls" from the list of exceptions.

[FR Doc. 81–27094 Filed 9–16–81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1924-6]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision of the Pennsylvania State Implementation Plan (SIP). The revision consists of amendments to the regulations for Philadelphia, PA, which allow a limited resumption of industrial coal burning on a case-by-case basis.

EFFECTIVE DATE: October 19, 1981.

ADDRESSES: Copies of the revisions and the accompanying support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch, Curtis Building—10th Floor, Sixth & Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Sheridan

Air Management Services, 801 Arch Street—6th Floor, Philadelphia, PA 19107, Attn: William Reilly

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, Post Office Box 2063, Harrisburg, PA 17120, Attn: Gary L. Triplett

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Office of the Federal Register, 1100 L Street N.W., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Ham (3AH11), Air Media & Energy Branch, U.S. Environmental Protection Agency, Region III, Curtis Building—10th Floor, Sixth & Walnut Streets, Philadelphia, PA 19106, Phone: (215) 597–2745.

SUPPLEMENTARY INFORMATION: These amendments to the Pennsylvania SIP were submitted on June 5, 1980. The amendments were approved by the Philadelphia Air Pollution Control Board on December 11, 1979, and a public hearing was held on February 19, 1980, and the amendments were reapproved by the Board with revisions on March 11, 1980. The requirements for notification and advertisement as listed under 40 CFR 51.4 were satisfied by procedures used for these amendments.

The amendments allow a resumption of coal burning at a limited number of existing industrial boiler facilities that had previously burned and are still capable of burning coal in Philadelphia. Existing sulfur-in-fuel regulations, without provision for emission equivalency, have effectively precluded the burning of coal. The two-phased emission limitations have been structured to accommodate combination fuel burning (low sulfur coal with low-sulfur oil and/or gas) as an interim approach to full coal burning with application of state-of-the-art control for both particulate matter and sulfur dioxide. This second phase would begin no later than July 1, 1984, and allowable emission limits at the affected facilities would be less than or equivalent to present fuel oil requirements.

These regulations will be applied on a case-by-case basis to sources who have petitioned Air Management Services and are given approval to convert to coal. Two sources which have been approved for these regulations are the Container Corporation of America, located in the Manayunk Industrial District of Philadelphia, and Publicker Industries Inc., located in the South Philadelphia Riverfront Industrial District.

EPA proposed the revision submitted by the Commonwealth of Pennsylvania in the Federal Register on May 13, 1981 at 45 FR 26499. Those wishing to see a complete description of the revision are referred to the proposal notice.

EPA solicited public comment on Pennsylvania's requested revision in the proposal notice. One favorable comment was received.

EPA has reviewed the proposed changes in Air Management Regulations II and III and the demonstration of the effects of this revision. EPA has found that this revision meets the requirements for approval of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, 51.6, and 51.11. Accordingly, the Administrator is approving this revision.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under Sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401–642)

Dated: September 11, 1981.

John W. Hernandez,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the Commonwealth of Pennsylvania was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart NN—Pennsylvania

In § 52.2020, paragraph (c)(37) is added to read as follows:

§ 52.2020 Identification of Plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified * * *

(37) A revision submitted by the Commonwealth of Pennsylvania on June 5, 1980, consisting of amendments to Philadelphia's Air Management Regulations II and III, allowing a limiting resumption of industrial coal burning.

[FR Doc. 81-27086 Filed 9-16-81; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5985

[M-40874]

Montana; Partial Revocation of Public Water Reserve

Correction

In FR Doc. 81-26209, appearing on page 44983, second column, the second line of paragraph "2." reading "NW¼SE¼, * * *" should have read "NW¼SW¼, * * *".

BILLING CODE 1505-01-M

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43 CFR Public Land Order 5989

[CA-584]

California; Powersite Cancellation No. 349, Partial Cancellation of Powersite Classification No. 85

Correction

In FR Doc. 81-26206 appearing on page 44982 in the issue of Wednesday, September 9, 1981, make the following corrections:

1. On page 44982, third column, the second line from the bottom of the page should have read:

"N½NW¼SE¼, N½NW¼SE¼SE¼),".

2. On page 44983, first column, the land description under paragraph "2." for "**Mount Diablo Meridian**", a comma was omitted after "SW¼" in the eleventh line. As corrected the eleventh line of the land description reads as follows:

"SW¼, N½NE¼SW¼, N½S½NE¼".

BILLING CODE 1505-01-M

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43 CFR Public Land Order 5992

[A-5942]

Arizona; Powersite Restoration No. 706; Revocation of Powersite Reserve Nos. 531, 558, 610, 670, 691, 717 and 719; Partial Revocation of Waterpower Designation No. 9

Correction

In FR Doc. 81-26406, appearing at page 45132, in the issue of Thursday, September 10, 1981, make the following corrections:

(1) On page 45135, column one, line 3, is corrected to read: "Sec. 5, N½SW¼, SE¼SW¼, S½SE¼".

(2) On page 45137, column one, the sixteenth line from the end of the page is corrected to read: "Sec. 2, lots 1 to 4, inclusive,".

BILLING CODE 1505-01-M

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43 CFR Public Land Order 5995

[W-50035]

Wyoming; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a Secretarial order, as modified, which withdrew lands for the Bureau of Reclamation's proposed Frannie Division of the Shoshone Project. This action will restore 2,367.16 acres of lands to the operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: October 10, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of April 21, 1903, as modified by the Secretarial Order of August 9, 1906, August 2, 1913, October 21, 1913, and April 2, 1929, are hereby revoked insofar as they affect the following described lands:

Sixth Principal Meridian

T. 57 N., R. 96 W.
  Secs. 3, 4, and 5;
  Sec. 9, N½NE¼, and NE¼NW¼;
  Sec. 10, N½.

The area described aggregates 2,367.16 acres in Big Horn County.

2. At 10 a.m. on October 10, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 10, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 10, 1981, the lands will be open to location under the United States mining laws. The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Land and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

September 4, 1981.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-27093 Filed 9-16-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 95

Time Limits for States To File Claims

AGENCY: Office of the Secretary, HHS.

ACTION: Final rule.

SUMMARY: This rule clarifies the circumstances under which Federal Financial participation (FFP) is available to States in otherwise allowable State expenditures in the programs established under titles I, IV-A, IV-B, IV-D, IV-E, X, XIV, XVI(AABD), XIX, and XX of the Social Security Act, i.e. financial assistance, child welfare, child support enforcement, adoption assistance, and social services programs and the medicaid program. FFP is currently available with respect to otherwise allowable State expenditures

for these programs made before September 30, 1978 only if the State filed a claim for FFP within one year of the expenditure.

DATES: This rule is effective September 17, 1981. However, see the effective date discussion below for the effective date of the statutory provisions which this rule implements.

FOR FURTHER INFORMATION CONTACT:

For financial assistance programs under Titles I, IV–A, XIV and XVI(AABD): Kent Dickson—(202) 245–2056

For child support enforcement programs under Title IV–D: Pera P. Daniels—(301) 443–2910

For child welfare services programs under Title IV–B and foster care and adoption assistance programs under Title IV–E: Jim Rich—(202) 755–7800

For social services programs under Titles I, IV–A, X, XIV, XVI(AABD), and XX: Bettye Mobley—(202) 472–5075

For medical assistance programs under Title XIX: Miles McDermott—(301) 594–7345

SUPPLEMENTARY INFORMATION:

Background

On January 15, 1981, the Department issued final regulations implementing section 1132 of the Social Security Act, 46 FR 3527. Section 1132 was added to the Social Security Act by section 306 of Pub. L. 96–272, the Adoption Assistance and Child Welfare Act of 1980. The regulations apply to the financial assistance, child welfare, child support enforcement, adoption assistance, and social services programs established under titles I, IV–A, IV–B, IV–D, IV–E, X, XIV, XVI(AABD), and XX of the Social Security Act as well as to the Medicaid program established under title XIX. Under section 306 States must file claims for payment for their expenditures under these programs within the following time limits in order for the claims to be eligible for Federal financial participation (FFP):

- Section 306(a) provides that claims for FFP with respect to State expenditures made after September 30, 1979 ordinarily must be filed within 2 years after the calendar quarter in which the State agency made the expenditure.
- Section 306(b)(2) provides that there is no time limit for the payment of claims filed with the Department prior to June 17, 1980 for expenditures made in calendar quarters beginning before October 1, 1979.
- Section 306(b)(3) provides that generally, States must have filed claims for FFP with respect to expenditures made before October 1, 1979 before January 1, 1981.
- Section 306(c) provides that

> "[N]otwithstanding any other provision of law, there shall be no time limit for the filing and payment of such claims except as provided in [section 306], unless such other provision of law, in imposing such a time limitation, specifically exempts such filing or payment from the provisions of [section 306]."

Even in light of these provisions, however, there are circumstances under which the Department may be unable to provide FFP with respect to otherwise allowable expenditures. In particular, we believe that the Department's ability to provide FFP with respect to such expenditures is subject to the availability of funds. On April 24, 1981, we proposed a regulation to this effect. We believe that any restriction on the payments of claims which is enacted by Congress after it enacted section 306 of Pub. L. 96–272 limits our ability to make FFP available with respect to otherwise allowable State expenditures. This conclusion is based primarily on the legislative history of section 306(c) of Pub. L. 96–272 and is also consistent with well established rules of statutory construction.

Section 306(c) was added on the floor of the Senate. Senator Javits, one of the co-sponsors of the provision explained its purpose as follows:

> Paragraph (c) of the amendment stipulates that no other provision of law may alter the policy established in H.R. 3434 [Pub. L. 96–272] with respect to the filing or payment of medicaid, welfare or social services claims unless such other provision of law specifically exempts such filing or payment from the provisions of this section. This paragraph is designed to address a concern which might arise if the fiscal year 1980 Labor/HEW appropriations bill [H.R. 4389] is enacted after H.R. 3434 given the general rule that the policy of the most recently enacted bill prevails. I would like to stress that the reason for including this provision is to clarify the intent of Congress should this unusual circumstance occur; consequently, I would recommend to the Finance Committee that this particular paragraph be dropped in the conference on H.R. 3434 if the fiscal year 1980 Labor/HEW appropriations bill is enacted first. 125 Cong. Rec. S 15128 (daily ed., Oct. 25, 1979).

The legislative history of section 306(c) makes clear, therefore, that this provision was only intended to address the unusual circumstance of two bills in the same Congress (H.R. 3434 and H.R. 4389) having conflicting provisions concerning time limits for filing and payment of claims. However, H.R. 4389 was never enacted into law. Accordingly, we believe that the provisions of section 306(c) are inapplicable to laws subsequently enacted by Congress and that such laws must be considered in determining whether the Department may pay these claims.

Federal funding for these programs for fiscal year 81 is governed by the provisions of the first and second joint resolutions providing continuing appropriations for fiscal year 81 (Pub. L. 96–369 and Pub. L. 96–536) and the Supplemental Appropriations and Rescission Act, 1981 (Pub. L. 97–12). Funds available under these laws are subject to the authority and conditions provided in the applicable appropriation Acts for fiscal year 1980. The fiscal year 1980 Acts applicable to the Department prohibit the use of funds appropriated for fiscal year 1980 for the Aid to Families with Dependent Children (AFDC), Medicaid and various social services and assistance programs under Titles I, IV–A, IV–B, IV–D, IV–E, X, XIV(AABD), XVI, XIX, and XX of the Social Security Act, to reimburse a State for any expenditure incurred in those programs before September 30, 1978, unless the claim for reimbursement was filed within one year of the expenditure. (See Pub. L. 96–86 and Pub. L. 96–123.) These Acts incorporate provisions of H.R. 4389 (96th Congress, 1st Session), as passed by the House of Representatives on August 2, 1979.

These restrictions on the use of fiscal year 81 appropriations for payment of prior year claims were enacted into law after section 306(c) of Pub. L. 96–272. Moreover, they are not inconsistent with the purpose of that provision. Accordingly, we believe that they must be given effect. This regulation thus sets out the payment restrictions which apply to our use of fiscal year 81 funds. (Since this regulation was proposed, Congress enacted Pub. L. 97–12 which continues these restrictions for the balance of fiscal year 81. We have added a reference to this law in the final rule.)

Discussion of Public Comments:

1. *Comment:* One comment suggested that the Department's interpretation of section 306 is erroneous. The commenter believes that section 306 was intended to prescribe prospective rules for the filing of claims and that the intent of section 306 was to require that claims for expenditures made before October 1979 must be treated in accordance with the provisions of section 306(b) and (c).

Response: We believe that, as a general rule of statutory construction, a later enacted statute must be given effect over an earlier enacted law. There are of course some exceptions to this general rule, such as where Congress expresses a contrary intention. The provisions of section 306(c) of Pub. L. 96–272 represent such an exception, but only to a very limited extent. Specifically, Congress intended that section to apply exclusively to the unusual circumstance of conflicting time limit provisions appearing in the FY 80 appropriations bill and the bill enacted as Pub. L. 96–272. Therefore, since the section 306(c) exception was narrowly addressed to circumstances which do not exist with respect to FY 81 funds, and since the statutes making these funds available were enacted after Pub. L. 96–272, we believe that the restrictions found in these later enacted statutes are controlling, and must be given effect. Any other construction would require us to conclude that restrictions on payment of prior year claims found in these later enacted statutes are simply nullities.

2. *Comment:* One comment asserted that the enactment of section 306(c) of Pub. L. 96–272 was intended to overrule the prior year claims limitations found in H.R. 4389 (96th Cong., 1st Sess.). According to the commenter, Congress did not therefore intend to include those limitations when it incorporated in the FY 81 appropriations Acts the references to H.R. 4389 found in FY 80 appropriations Acts (which also control FY 81 funds).

Response: As discussed above, we believe that section 306(c) was intended narrowly to address a potential conflict that would arise if H.R. 4389 were enacted into law after the enactment of H.R. 3434 (Pub. L. 96–272). H.R. 4389, however, was not enacted into law, even though relevant provisions thereof were incorporated by reference into later appropriations Acts and are applicable to funds available for FY 81. Because the statutes making FY 81 funds available were enacted after Pub. L. 96–272 and because they refer to the FY 80 appropriations Acts (which in turn refer to the provisions of H.R. 4389 as enacted by the House of Representatives on August 2, 1979), we believe that the limitations on payments for prior year claims found in the FY 80 appropriations Acts govern our use of FY 81 funds.

3. *Comment:* Two comments noted that the January 15, 1981 regulations provided for exceptions from the time limits for filing prior year claims. 45 CFR 95.19. (46 FR 3529.) These exceptions pertained to (1) claims for adjustments to prior year costs, (2) claims resulting from audit exceptions, (3) claims resulting from court-ordered retroactive payments, and (4) claims as to which the Secretary decides there was good cause for late filing. The comments suggested that similar exceptions should be included in this rule.

Response: The exceptions found in 45 CFR 95.19 reflect the statutory provisions of section 306 of Pub. L. 96–272. As discussed above, we have concluded that the later enacted provisions of the FY 81 funding statutes must be given effect and therefore payment may only be made in accordance with the limitations of those statutes.

EFFECTIVE DATE: These final rules are effective upon publication. However, the Acts placing limitations on the use of FY 81 funds have been in effect since October 1, 1980, and have been observed by the department since that date.

PART 95—GENERAL ADMINISTRATION—GRANT PROGRAMS (PUBLIC ASSISTANCE AND MEDICAL ASSISTANCE)

1. Subpart A of 45 CFR Part 95 is amended by adding a new § 95.11, to read as follows:

§ 95.11 Payment of claims subject to appropriations restrictions.

Notwithstanding any other provision of this Subpart, we will pay States' otherwise allowable claims for Federal financial participation under the programs covered by this Subpart, subject to the availability of funds (as provided in Acts appropriating funds to the Department in effect at the time in which such claims are being considered for payment), and subject to conditions or restrictions applicable to payments out of such funds, including provisions of the first and second continuing resolutions for FY 1981 (Pub. L. 96–369 and Pub. L. 96–536) and the Supplemental Appropriations and Rescission Act, 1981 (Pub. L. 97–12) that make funds under those Acts available to pay for a State agency expenditure made before September 30, 1978, only if the State had filed a claim for that expenditure with us within one year of the expenditure.

(Pub. L. 96–369, 94 Stat. 1351; Pub. L. 96–536, 94 Stat. 3166; and Pub. L. 97–12, 95 Stat. 14)

Dated: September 14, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 81–27178 Filed 9–15–81; 2:34 pm]

BILLING CODE 4110-12-M

FEDERAL MARITIME COMMISSION

46 CFR Part 537

[General Order 18, Amdt. 5; Docket No. 81–4]

Filing of Minutes

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This rule excludes from existing reporting requirements discussions and decisions dealing with certain routine rate actions. Experience has shown that such reporting is redundant and of little use as a surveillance tool. This exemption will lessen regulatory requirements.

DATE: Effective October 19, 1981.

ADDRESSES: For further information contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Commission previously gave notice (46 FR 8599–8600) that it proposed to amend 46 CFR 537.3 to exclude from the reporting requirements minutes of conference or rate agreement meetings dealing with certain routine rate actions. Section 537.3 presently requires that:

> (a) Within 60 days of the effective date of this part, the parties to each approved conference agreement, agreement between or among conferences, or agreements whereby the parties are authorized to fix rates (except two-party rate-fixing agreements and except leases, licenses, assignments or other agreements of similar character for the use of marine terminal property or facilities) shall, through a designated official, file with the Federal Maritime Commission a report of all meetings describing all matters within the scope of the agreement which are discussed or taken up at any such meeting, and shall specify the action taken with respect to each such matter. For the purpose of this part, the term "meeting" shall include any meeting of parties to the agreement, including meetings of their agents, principals, owners, committees or subcommittees of the parties authorized to take final action in behalf of the parties. If the agreement authorizes final action by telephonic or personal polls of the membership, a report describing each matter so considered and the action taken with respect thereto shall be filed with the Commission. These reports need not disclose the identity of parties that propose actions, or the identity of parties that participated in the discussions of any particular matter.

Since these rules became effective in 1966, experience has shown that the majority of minutes filed with the Commission involve decisions by the conference or rate agreement membership to adopt new or initial rates or to alter the level of or delete existing rates, with little or no substantive discussion being presented as to the basis for the proposals or the decisions reached. The minutes reporting those rate actions are essentially redundant because such rates must also be filed in an appropriate FMC conference tariff. Also, many conference actions involving rates are taken pursuant to requests received from shippers. All such requests are ultimately included in reports filed with the Commission annually under General Order 14 (46 CFR 527) which include more detail than is usually incorporated in conference minutes. These rate related minute filings, standing alone, generate a considerable paper flow through the Commission at substantial expense to all concerned without providing significant useful information.

Therefore, it was proposed that 46 CFR 537.3 be amended to exclude from its scope reports of decisions by ratemaking groups to adopt a new or initial commodity rate or alter the level of or delete an existing commodity rate, to the extent said rate actions are filed in tariffs pursuant to the notice requirements of section 14(b) and 18(b) of the Shipping Act, 1916 (46 U.S.C. 813a and 817b). At the same time, and in order to preserve the essential elements of those reports required under 46 CFR 537.3, it was proposed that those discussions and decisions relating to general rate policy, *i.e.*, rule changes, general rate increases, surcharges, the opening of a rate or rates, etc., must continue to be reported. Periodic reports related to these matters are useful to the Commission in carrying out its responsibility to assure, on a continuing basis, that rate activities under approved agreements are consistent with Shipping Act objectives.

Commentators were requested to respond with specific examples, if any, as to how, in their view, the proposed exclusion would substantially impair effective regulation by the Federal Maritime Commission or significantly affect the overall design of regulation contemplated by the Act.

Twelve responses were received representing the views of 35 conferences and ocean carriers, including the members of one discussion agreement. The commentators either supported the proposed rule as written or with modifications. The main area of concern related to the distinction between "routine rate actions," which do not have to be reported, and "general rate policies," which do. The commentators maintain that the proposed rule puts conferences and rate agreements in the position of making decisions with respect to minute filing requirements without clear and precise guidelines. One conference noted that such uncertainty and confusion could subject the group to penalties due to their not reporting certain actions which the Commission may have intended them to report. Accordingly, it was suggested that the rule be revised to more clearly define those actions that are either included in or exempted from the Commission's minute filing requirements.

Several commentators expressed concern that the rule might actually increase the industry's paperwork burdens. These commentators argue that because minutes of conference meetings will be kept regardless of any Commission requirement and because such meetings virtually never involve decisions on only "exempt" commodity rates, the proposed rule would require the conference to (1) either keep two sets of minutes for the same meeting, one for commodity rate adjustment items and the other for the rest of the tariff items being considered, or (2) continue to submit a full set of minutes to the Commission. The Commission has considered these comments, but since minutes of routine rate actions may still be filed at the conference's option, it is unlikely that the rule would result in increased paperwork.

To eliminate the confusion which apparently exists as to which discussion or action items are to be considered "routine rate actions," and therefore exempt, and which items relate to "general rate policy," and therefore must be reported, the Commission is including appropriate criteria for such determinations into the final rule. Under these criteria, which relate to tariff format requirements presently outlined in 46 CFR 536.4(f),[1] rate actions or discussions of rate actions that, if adopted, would be required to be filed in the Commodity Rate Section, Class Rate Section or Open Rate Section of the applicable tariff need not be reported. Actions on, and discussion of, matters of general rate policy, general rate changes, the act of opening or closing rates, or the removal of an item from inclusion in a dual rate system must be reported as are all other "general rate policy" items that would, if adopted, be published in other tariff sections specified in 46 CFR 536.4(f), *e.g.*, the Surcharge Section, the Rules and Regulations Section.

The rule promulgated herein is intended to reduce the volume of minutes required to be filed without jeopardizing the Commission's ability to carry out its statutory responsibilities. As such, it is in furtherance of the Commission's continuing effort to more clearly define those matters considered necessary for effective regulation. The Commission therefore intends to periodically evaluate the quality and quantity of minutes filed to determine whether they enable it to effectively and efficiently monitor the concerted activities of carriers operating under FMC approved agreements or, alternatively, whether they impose unnecessary regulatory burdens. In the event the existing minute reporting requirements prove inadequate or without valid regulatory purpose, further revisions will be considered.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule will not impose any reporting or record keeping requirements which might result in a compliance or reporting burden on small entities. It will primarily benefit carriers by lessening reporting requirements imposed on conferences and rate agreements.

PART 537—CONFERENCE AGREEMENT PROVISIONS RELATING TO CONCERTED ACTIVITIES

Therefore, it is ordered, That pursuant to sections 15, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820 and 841a), and 5 U.S.C. 553, 46 CFR Part 537 is amended by adding paragraph (d) to § 537.3 to read as follows:

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[1] 46 CFR 536.4(f) provides as follows:

"(f) To the extent applicable, all tariffs filed pursuant to this part shall be arranged in the following order:

Title Page. Check Sheet. Table of Contents. Participating Carrier Page. Surcharge and/or Arbitrary/Differential/Outport Differential (or other identifying term) Section. Rules and Regulations Section. Index of Commodities and Classifications. Commodity Rate Section. Classifications and Class Rate Section. Routing Section. Open Rate Section."

§ 537.3 Filing of minutes.

* * * * *

(d) No report need be filed under paragraph (a) of this section with respect to any discussion of or action taken with regard to rates that, if adopted, would be required to be published in the Commodity Rate Section, Class Rate Section or Open Rate Section of the pertinent tariff on file with the Commission. This reporting exemption does not apply to (1) discussions involving general rate policy, general rate changes, the opening or closing of rates or the removal of items from a dual rate system, or (2) discussions involving items, that, if adopted, would be required to be published in other tariff sections as specified in 46 CFR 536.4(f).

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-26930 Filed 9-16-81; 8:45 am]

BILLING CODE 6730-01-M

Proposed Rules

Federal Register
Vol. 46, No. 180
Thursday, September 17, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-52-AD]

Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes a new Airworthiness Directive (AD) that would require inspection and replacement, as necessary, of rudder pedal arms on McDonnell Douglas DC-8 series airplanes. This action is needed to detect fatigue cracking of the rudder pedal arms; the failure of which could compromise the flight crew's ability to maintain directional control of the airplane at a critical point during takeoff, landing, or approach.

DATES: Comments must be received no later than October 30, 1981. Compliance schedule as prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information and copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training C1-750, (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Michael O'Neil, Aerospace Engineer, Airframe Branch, ANW-120L, Federal Aviation Administration, Los Angeles Area Aircraft Certification Office, Northwest Region, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2826.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81-NW-52-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

Three operators reported five failures of the Captain's left rudder pedal arm and one failure of the Captain's right rudder pedal arm on aircraft having logged between 18,397 and 47,850 flight hours. The failures are due to fatigue cracks in the magnesium casting which originated in the top attachment holes and in the inside diameter of the upper boss, between the attachment holes and the exterior surface, in the region where the upper boss intersects with the tubular section of the arm.

If undetected, a failure of the rudder pedal arm could cause a momentary loss of rudder control, nose wheel steering or braking input at the Captain's or First Officer's position. Duplication of controls does not alleviate the potential hazard that could occur at a critical flight condition.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being proposed which requires initial and repetitive visual inspection of the rudder pedal arms and replacement of the arms as necessary. Replacing the existing rudder pedal arm assemblies with new arm assemblies having increased wall thickness, manufactured from aluminum, instead of magnesium, will constitute terminating action.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to all McDonnell Douglas Model DC-8 Series airplanes, certificated in all categories with rudder pedal arms P/N 3616012 installed which have accumulated 13,500 hours time in service. Compliance required as prescribed herein. To detect fatigue cracking and possible structural failure of the rudder pedal arms, P/N 3616012, accomplish the following:

A. Within the next 2,000 hours time in service or six months, whichever occurs first, after the effective date of this AD perform ultrasonic and dye penetrant inspections on rudder pedal arm assemblies P/N 3616012 as outlined in Service Sketch 3224 and Accomplishment Instructions of McDonnell Douglas DC-8 Service Bulletin 27-265 dated June 11, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Nothwest Region.

B. If no cracks are found, replace the rudder pedal arms with new P/N 3953505 aluminum rudder pedal arm assemblies or reinstall the 3616012 parts and repeat ultrasonic and dye penetrant inspection at intervals not to exceed 4,000 hours time in service or one year, whichever occurs first. Replacement with aluminum rudder pedal arm assemblies constitutes terminating action for this AD.

C. If cracks are found, prior to further flight replace the rudder pedal arms with:

1. New P/N 3953505 aluminum rudder pedal arm assemblies and thereby terminate the repetitive inspection requirements of this AD, or

2. Replace with new P/N 3616012 magnesium rudder pedal arm assemblies.

D. Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

E. Upon request of the operator, an FAA maintenance inspector, subject to prior approval by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region, may adjust the inspection times specified in this AD to permit compliance at an established inspection period of the operator if the request contains

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substantiating data to justify the change for that operator.

F. Alternative means of compliance with this AD, which provide an equivalent level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

The FAA has determined that his document involves a proposed regulation that is not major under the provisions of Executive Order 12291. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaulation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities, since it involves few, if any, small entities.

Issued in Seattle, Washington, on August 31, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81–26719 Filed 9–16–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–NW–53–AD]

Airworthiness Directives; McDonnell Douglas Model DC–9 and C–9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes a new Airworthiness Directive (AD) that would require inspection and replacement, as necessary, of rudder pedal arms on McDonnell Douglas Model DC–9 and C–9 series airplanes. This action is needed to detect fatigue cracking of the rudder pedal arms; the failure of which could compromise the flight crew's ability to maintain directional control of the airplane at a critical point during takeoff, landing or approach.

DATE: Comments must be received no later than October 30, 1981.

Compliance schedule as prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information and copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, ATTENTION: Director, Publications and Training C1–750, (54–60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Harry J. Irwin, Aerospace Engineer, Airframe Branch, ANW–120L, Federal Aviation Administration, Los Angeles Area Aircraft Certification Office, Northwest Region, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2826.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81–NW–53–AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

Five operators reported eleven failures of the Captain's left rudder pedal arm and one failure of the Captain's right rudder pedal arm on aircraft having logged between 14,995 and 34,056 flight hours. The failures are due to fatigue cracks in the magnesium casting which originated in the top attachment holes and in the inside diameter of the upper boss, between the attachment holes and the exterior surface, in the region where the upper boss intersections with the tubular section of the arm.

If undetected, a failure of the rudder pedal arm could cause a momentary loss of rudder control, nose wheel steering, or braking input at the Captain's or First Officer's position. Duplication of controls does not alleviate the potential hazard that could occur at a critical flight condition.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being proposed which requires initial and repetitive visual inspections of the rudder pedal arms and replacement of the arms as necessary. Replacing the existing rudder pedal arm assemblies with new arm assemblies having increased wall thickness, manufactured from aluminum instead of magnesium, will constitute terminating action.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to all McDonnell Douglas Model DC–9 and C–9 series airplanes, certificated in all categories, with rudder pedal arms P/N 3616012 installed which have accumulated 13,500 hours time in service. Compliance required as prescribed herein. To detect fatigue cracking and possible structural failure of the rudder pedal arms, P/N 3616012, accomplish the following:

A. Within the next 2,000 hours time in service or six months, whichever occurs first after the effective date of this AD, perform ultrasonic and dye penetrant inspections on rudder pedal arm assemblies P/N 3616012 as outlined in Service Sketch 3251 and Accomplishment Instructions of McDonnell Douglas DC–9 Service Bulletin 27–209 dated May 29, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

B. If no cracks are found, replace the rudder pedal arms with new P/N 3953505 aluminum rudder pedal arm assemblies or reinstall the 3616012 parts and repeat ultrasonic and dye penetrant inspection at intervals not to exceed 4,000 hours time in service or one year, whichever occurs first. Replacement with aluminum rudder pedal arm assemblies constitutes terminating action for this AD.

C. If cracks are found, prior to further flight replace the rudder pedal arms with:

1. New P/N 3953505 aluminum rudder pedal arm assemblies and thereby terminate the repetitive inspection requirements of this AD, or

2. Replace with new P/N 3616012 magnesium rudder pedal arm assemblies, and repeat inspections specified in paragraph B above.

D. Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base in order to comply with the inspection requirements of this AD.

E. Upon request of the operator, an FAA maintenance inspector, subject to prior approval by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region, may adjust the inspection times specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the change for that operator.

F. Alternative means of compliance with this AD which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c)), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities, since it involves few, if any, small entities.

Issued in Seattle, Washington, on August 31, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81–28718 Filed 9–16–81; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 81–GL–11]

Cancellation of Control Zone

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to cancel the existing control zone serving Mt. Vernon—Outland Airport, Mt. Vernon, Illinois, due to nonavailability of required weather observations. The intent of this action is to return designated airspace to a non-controlled status.

The most recent airspace action involving the control zone, excluding Notices to Airmen, was accomplished in Airspace Docket No. 75–GL–47 issued September 10, 1975.

DATES: Comments must be received on or before October 16, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 81–GL–11, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace within this area will be raised from the surface to 700 feet above the surface. Existing instrument approach procedures will not be affected by this action. However, the minimum descent altitude associated with those instrument approach procedures may no longer be contained within controlled airspace.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 81–GL–11, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 16, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment in Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) control zone near Mt. Vernon, Illinois. Subpart F was published in the **Federal Register** on January 2, 1981 (46 FR 455).

The Proposed Amendment

§ 71.171 [Amended]

Accordingly, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.171 (46 FR 455), the following control zone designation is cancelled.

Mt. Vernon, Illinois

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are

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necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on August 27, 1981.

Kenneth C. Patterson,

Acting Director, Great Lakes Region.

[FR Doc. 81-26887 Filed 9-16-81; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 81-AGL-35]

Designation of Transition Areas

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate a small additional amount of airspace determined necessary to encompass existing instrument procedures for Branch County Memorial Airport near Coldwater, Michigan.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before October 12, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 81-AGL-35, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: During a routine airspace review it was noted that the Coldwater, Michigan, transition area as currently described did not totally provide the controlled airspace needed for the Branch County VOR Rwy 6 and VOR Rwy 24 instrument procedures. This action designates approximately a ½ mile addition to the northwest sides of the northeast and southwest transition area extensions. The floor of controlled airspace within the ½ mile additions will be lowered from 1200' above ground to 700' above ground.

Aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 81-AGL-35, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 12, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part) to establish a 700 foot controlled airspace transition area near Coldwater, Michigan. Subpart G of Part 71 was published in the Federal Register on January 2, 1981 (45 FR 540).

The Proposed Amendment

§ 71.181 [Amended]

Accordingly, The FAA purposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is amended:

Coldwater, Michigan

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Branch County Memorial Airport (latitude 41°56'05" N., longitude 85°01'55" W.) within 2.5 miles north of and 3 miles south of the Litchfield, Michigan VORTAC 240 radial extending from the 5 mile radius area to 8 miles northeast of the southwest of the airport, and within 2 miles each side of the 209° bearing from the Branch County Memorial Airport extending from the 5 mile radius area to 8 miles southwest of the airport.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 30 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on August 24, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-26886 Filed 9-16-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Utah-4)]

High-Cost Gas Produced from Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that

the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 C.F.R. § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Utah that the Morrison Formation be designated as a tight formation under § 271.703(d).

DATES: Comments on the proposed rule are due on October 13, 1981.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on September 28, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION: In the matter of high-cost gas produced from tight formations, Docket No. RM79-76, (Utah-4), notice of proposed rulemaking by Director, OPPR.

Issued: September 11, 1981.

I. Background

On August 31, 1981, the State of Utah Board of Oil, Gas, and Mining, (Utah) and the United States Geological Survey submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Morrison Formation located in Grand and Uintah Counties, Utah, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Utah's recommendation that the Morrison Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Utah's recommendation. Utah's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation underlines certain lands in the Book Cliffs area of Grand and Uintah Counties, Utah, just north of the town of Thompson. The recommended area contains 550,860 acres located in the general area of Townships 15 South through 20 South and Ranges 17 East through 24 East. The average depth to the top of the Morrison Formation is 6,315 feet. The gross production interval averages approximately 600 feet in thickness.

III. Discussion of Recommendation

Utah claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. TGF-103 convened by Utah on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Utah further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Utah that the Morrison Formation, as described and delineated in Utah's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 13, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Utah-4), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed . An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such requests shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than September 28, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I Title 18, Code of Federal Regulations, as set forth below, in the event Utah's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703 is amended by adding new paragraph (d)(64) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(48) through (63) [Reserved]

(64) *Morrison Formation in Utah.* RM79-76 (Utah-4).

(i) *Delineation of formation.* The Morrison Formation is found in the Book Cliffs area of Grand and Uintah Counties, Utah, and is in the general area of Townships 15 South, through 20 South and Ranges 17 East through 24 East.

(ii) *Depth.* The average depth to the top of the Morrison Formation is 6,315 feet.

[FR Doc. 81-27099 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF JUSTICE

Office of Justice Assistance, Research, and Statistics

28 CFR Part 18

Grantees and Applicants for Financial Assistance; Hearing and Appeal Procedures

AGENCY: Office of Justice Assistance, Research, and Statistics, Justice.

ACTION: Proposed rule.

SUMMARY: OJARS is seeking comment on proposed revisions to the hearing and appeal procedures available to grantees and applicants for financial assistance awarded by OJARS, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the National Institute of Justice (NIJ), the Bureau of Justice Statistics (BJS), and the Law Enforcement Assistance Administration (LEAA).

This rule would implement the hearing and appeal provisions of the Justice System Improvement Act, Section 803 of Pub. L. 96–157, 42 U.S.C. 3783. Section 803 sets forth the appeal procedures available to units of State and local government and non-profit organizations that have been denied a grant, or had a grant terminated by LEAA, OJJDP, NIJ, BJS, or OJARS.

The proposed rule is intended to revise the LEAA Administrative Review Procedure presently found at 28 CFR Part 18. It is intended, specifically, to:

(1) Conform the regulations to changes made in the LEAA Statute since their adoption;

(2) Make the regulations less cumbersome on all parties;

(3) Allow the parties the opportunity to resolve their dispute in as informal a manner as they wish; and

(4) Make the regulations easier to understand.

DATES: Comment is requested until November 16, 1981.

ADDRESS: Send comments to Mr. David Tevelin, Acting Deputy General Counsel, 633 Indiana Avenue, Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: Mr. David Tevelin, Acting Deputy General Counsel, OJARS, (202) 724–6235.

OJARS, accordingly, proposes to revise 28 CFR Part 18 to read as follows:

PART 18—OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS (OJARS) HEARING AND APPEAL PROCEDURES

Sec.
18.1 Purpose.
18.2 Application.
18.3 Definitions.
18.4 Grant suspension hearings (in nondiscrimination cases).
18.5 Grant denial hearings.
18.6 Grant termination hearings.
18.7 Conduct of hearings.
18.8 Discovery.
18.9 Recommended decision.
18.10 Final agency decision.
18.11 Rehearing.

Authority: Sec. 802a and 803, Pub. L. 96–157, Justice System Improvement Act, (42 U.S.C. 3782a and 3783).

§ 18.1 Purpose.

The purpose of this regulation is to implement the hearing and appeal procedures available under the Justice System Improvement Act, 42 U.S.C. 3701, et seq., to applicants for, and recipients of financial assistance from the Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, and the Office of Justice Assistance, Research, and Statistics

§ 18.2 Application.

(a) These procedures apply to:

(1) All grant denial hearings requested under Section 803 (b) and (c) of the Justice System Improvement Act, 42 U.S.C. 3783 (b) and (c);

(2) All grant termination or suspension hearings requested under Section 803(a), and (with the exception of the notice provision set forth in § 18.6(a)), Section 815(c) of the Justice System Improvement Act, 42 U.S.C. 3783(a) and 3789d(c), respectively. The method of notifying recipients of their non-compliance with Section 815(c) (the nondiscrimination provision of the Justice System Improvement Act) is set forth at Section 815(c)(2)(A) of the Justice System Improvement Act, and 28 CFR.

(b) These procedures do not apply to hearings requested under the Public Safety Officers' Benefits Act, 42 U.S.C. 3796, *et seq.* The hearing and appeal procedures available to claimants denied benefits under that Act are set forth at 28 CFR 32.24.

§ 18.3 Definitions.

(a) "Administration" or "LEAA" means the Law Enforcement Assistance Administration.

(b) "Administrator" means the head of LEAA or OJJDP, as appropriate, or the person delegated the authority to act as such.

(c) "Applicant" means any party that has submitted an application for financial assistance directly to LEAA, NIJ, BJS, OJARS, or OJJDP under the Justice System Improvement Act, or the Juvenile Justice Act, as appropriate.

(d) "Bureau" or "BJS" means the Bureau of Justice Statistics.

(e) "Director" means the head of OJARS, NIJ, or BJS, as apppropriate, or the person delegated the authority to act as such.

(f) "Grant" means a direct award of financial assistance from LEAA, NIJ, BJS, OJARS, or OJJDP to an applicant, and includes an award of assistance made under a cooperative agreement.

(g) "Grantee" means the recipient of a grant.

(h) "Institute" or "NIJ" means the National Institute of Justice.

(i) "Justice System Improvement Act" means the Justice System Improvement Act of 1979, Pub. L. 96–157, 42 U.S.C. 3701, et seq.

(j) "Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, Pub. L. 93–415, as amended by Pub. L. 94–503, Pub. L. 95–115, and Pub. L. 96–509, 42 U.S.C. 5601, et seq.

(k) "Office" or "OJARS" means the Office of Justice Assistance, Research, and Statistics .

(l) "OJJDP" means the Office of Juvenile Justice and Delinquency Prevention.

(m) "Responsible agency" means the organizational unit whose action is being appealed. In hearings requested under the nondiscrimination provisions of the Justice System Improvement Act, the responsible agency is OJARS. In hearings requested to contest grant denials, terminations, or discontinuations, the responsible agency is the organizational unit that took the action at issue: LEAA, NIJ, BJS, OJARS, or OJJDP.

(n) "Subgrant" means an award of financial assistance from a grantee to a subgrantee out of funds made available under either the Justice System Improvement Act, or the Juvenile Justice Act.

(o) "Subgrantee" means the recipient of a subgrant.

§ 18.4 Grant suspension hearings (in nondiscrimination cases).

(a) A grantee or subgrantee determined to be in noncompliance with the nondiscrimination provision of the Justice System Improvement Act, 42 U.S.C. 3789d (c)(1), may request a preliminary hearing within 90 days after receipt of the notification of noncompliance sent pursuant to 42 U.S.C. 3789d(c)(2)(A) in order to prevent a suspension of funds under 42 U.S.C. 3789d (c)(2)(C).

(b) The preliminary hearing shall be initiated within 30 days of the request.

(c) The sole issue to be adjudicated by the hearing examiner is whether the grantee or subgrantee is likely to prevail on the merits of the issue at a full hearing requested under 28 CFR 42.215. The grantee or subgrantee shall have the burden of persuading the hearing examiner that it is likely to prevail on the merits.

(d) The hearing examiner may, in his discretion, permit the parties to argue the issue by briefs, oral argument, or the presentation of testimony and exhibits. The hearing examiner shall accept as evidence documents and other exhibits which he reasonably believes can be authenticated and subjected to cross-examination at a full hearing.

(e) The hearing examiner shall make the final decision on the issue within 15 days after the conclusion of the hearing.

(f) All oral hearings requested under this Section shall be held at the location of the grantee, or subgrantee, unless the hearing examiner decides that the hearing could be conducted in a more expeditious manner in another location.

§ 18.5 Grant denial hearings.

(a) If:

(1) An applicant has been denied a grant, or has been given a grant for a lesser amount than it believes appropriate; or

(2) A grantee has had a grant, or any portion of a grant discontinued,

The responsible agency shall notify the applicant or grantee of its action and set forth the reasons for the action taken.

(b) If the applicant or grantee wishes to appeal any action covered by § 18.5(a), it may request a review of the material factual issues in controversy within 30 days after the notice has been sent, by writing to:

Office of General Counsel, Office of Justice Assistance, Research, and Statistics, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531

(c) The request for a review shall contain:

(1) A clear and concise statement sufficient to inform the responsible agency of the nature of the material factual issues involved;

(2) A recital of the relief requested; and

(3) A request for an oral hearing, or in the alternative, an opportunity to submit only written information or argument to a hearing examiner. If the applicant or grantee elects to submit only written information or argument, it waives its opportunity for an oral hearing.

(d) The responsible agency may attempt to informally resolve a controversy arising under this section prior to initiating a hearing. Unless it is expressly agreed otherwise, the applicant, or grantee, does not waive its right to a hearing by agreeing to attempt to informally resolve the controversy.

(e) If the Office of General Counsel does not receive a request for a review within 30 days after the notice in § 18.5(a) has been sent, the opportunity for review is waived.

(f) All oral hearings requested under this section shall be held in Washington, D.C., unless the hearing examiner decides that the hearing could be conducted in a more expeditious manner in another location.

(g) A subgrant applicant may not request the responsible agency for an adjudicatory hearing to review the denial of its application by a grantee.

§ 18.6 Grant termination hearings.

(a) Except as provided in Section 815(c) of the Justice System Improvement Act, whenever LEAA, NIJ, BJS, OJARS, or OJJDP finds that a grantee, or subgrantee, has substantially failed to comply with:

(1) The provisions of the Justice System Improvement Act or the Juvenile Justice Act;

(2) Regulations or guidelines promulgated by OJARS under either Act; or

(3) A plan or application submitted in accordance with the provisions of any applicable Federal Act;

the responsible agency shall notify the grantee or subgrantee that all or part of its grant or subgrant will be terminated until the agency is satisfied that there is no longer such failure.

(b) The notice shall contain:

(1) A statement of facts sufficient to inform the grantee, or subgrantee, of the reasons for the agency's proposed action;

(2) A statement of the nature of the action proposed to be taken; and

(3) An explanation of the available appeal rights.

(c) If the grantee, or subgrantee, wishes to appeal the action taken under § 18.6(a), it may request a review of the issues in controversy within 30 days after the notice has been sent, by writing to:

Office of General Counsel, Office of Justice Assistance, Research, and Statistics, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531

(d) The grantee, or subgrantee, may request an oral hearing or, in the alternative, an opportunity to submit only written information or argument to a hearing examiner. If the grantee, or subgrantee, requests an opportunity to submit only written information or argument, the opportunity for an oral hearing is waived.

(e) If the Office of General Counsel does not receive a request for review within 30 days after the notice in paragraph (a) of this section has been sent, the opportunity for review is waived.

(f) The parties may attempt to informally resolve a contoversy arising under this section prior to initiating a hearing. Unless it is expressly agreed otherwise, the applicant, or grantee, does not waive its right to a hearing by agreeing to attempt to informally resolve the controversy.

(g) All oral hearings requested under this section shall be held at the location of the grantee or subgrantee, unless the hearing examiner decides that the hearing could be conducted in a more expeditious manner in another location.

(h) The responsible agency may suspend all or part of the grantee or subgrantee's funding pending the completion of the review process. If, at the conclusion of the review process, the agency determines that the grantee or subgrantee is in compliance, it shall restore all previously suspended funding to the grantee or subgrantee.

(i) Any person may request LEAA, NIJ, BJS, OJARS, or OJJDP to determine whether a grantee or subgrantee has failed to comply with the terms of its grant, or subgrant. The responsible agency may, in its discretion, conduct an investigation into the matter and, if warranted, make a determination of noncompliance. Only a grantee or subgrantee determined to be in noncompliance may request a compliance hearing.

§ 18.7 Conduct of hearings.

(a) A hearing examiner appointed by the head of the responsible agency shall preside over the hearing. The hearing examiner may be an administrative law judge, or an employee of LEAA, NIJ, BJS, OJARS, or OJJDP to whom the responsible Administrator or Director has delegated the authority to conduct hearings. In hearings held under the nondiscrimination provisions of the Justice System Improvement Act, or the Juvenile Justice Act, the hearing examiner shall be an administrative law judge.

(b) If the hearing examiner appointed is unacceptable to the applicant, grantee, or subgrantee, it shall promptly inform the responsible Administrator, or Director, of the reasons for its position. The Administrator, or Director, may select another hearing examiner, or affirm the initial selection. In either

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case, the Administrator, or Director, shall inform the applicant, grantee, or subgrantee of the reasons for his decision.

(c) The hearing examiner shall have the following powers and duties:

(1) The power to hold hearings and regulate the course of the hearings and the conduct of the parties and their counsel;

(2) The power to sign and issue subpoenas requiring testimony, or the production of records;

(3) The power to administer oaths and affirmations;

(4) The power to examine witnesses;

(5) The power to rule on offers of proof and to receive evidence;

(6) The power to take depositions or to cause depositions to be taken;

(7) The power to hold conferences under § 18.7(d) for the settlement or simplification of the issues or for any other proper purpose;

(8) The power to consider and rule upon procedural requests and other motions, including motions for default;

(9) The duty to conduct fair and impartial hearings;

(10) The duty to maintain order;

(11) The duty to avoid unnecessary delay; and

(12) All powers and duties reasonably necessary to perform the functions enumerated in paragraphs (c)(1)–(c)(11) of this section.

(d) The hearing examiner, upon his own motion or upon application of either party, may call upon the parties to appear before him to consider:

(1) Simplification or clarification of the issues;

(2) Stipulations, admissions, agreements on documents, or other understandings which will expedite conduct of the hearing;

(3) Limitation of the number of witnesses and of cumulative evidence;

(4) Settlement of all or part of the issues in dispute;

(5) Such other matters as may aid in the disposition of the case.

(e) All hearings under this part shall be public unless otherwise ordered by the responsible Administrator or Director.

(f) The hearing shall be conducted in conformity with Section 5–8 of the Administrative Procedure Act, 5 U.S.C. 554–557.

(g)(1) At an adjudicative hearing held under § 18.5, the applicant, or grantee, shall have the burden of going forward with the evidence and shall present its evidence first.

(2) At a compliance hearing held under § 18.6, the responsible agency shall have the burden of going forward with the evidence and shall present its evidence first.

(h) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules designed to assure production of the most credible evidence available and to subject testimony to cross-examination shall be applied where reasonably necessary by the hearing examiner. The hearing examiner may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered for the record shall be open to examination by the parties, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence presented.

(i) During the time a proceeding is before a hearing examiner, all motions shall be addressed to the hearing examiner and, if within his authority, shall be ruled upon by him. The opposing party may answer within such time as may be designated by the hearing examiner. The hearing examiner may, in his discretion, permit further replies by both parties. Any motion upon which the hearing examiner has no authority to rule shall be certified by him to the responsible Administrator, or Director, with his recommendation.

§ 18.8 Discovery.

(a)(1) At any time after the initiation of the proceeding, the hearing examiner may order the taking of a deposition and the production of relevant documents by the deponent. Such order may be entered upon a showing that the deposition is necessary for discovery purposes, and that such discovery could not be accomplished by voluntary methods.

(2) Examination and cross-examination of deponents may proceed as permitted at the hearing. The officer before whom the deposition is taken shall put the witness on oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically or recorded by any other means ordered by the hearing officer. All objections made at the time of the examination to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition and he shall transmit them to the officer, who shall propond them to the witness and record the answers verbatim.

(3) A deposition may be admitted into evidence as against any party who was present or represented at the taking of the deposition or who had due notice thereof, if the hearing examiner finds that there is substantial reason to believe that such evidence could not be presented through a witness at the hearing.

(b)(1) At any time after the initiation of the appeal, any party may serve upon any other party written interrogatories to be answered by the party served, or by an authorized representative of the party if the party served is a corporate or governmental entity. The party served shall furnish all information which is available to him.

(2) Each interrogatory shall be answered separately and fully in writing under oath by the party addressed or by his authorized representative. The time and manner of returning the interrogatory shall be prescribed by the hearing examiner.

§ 18.9 Recommended decision.

Within a reasonable time after the close of the record in hearings conducted under §§ 18.5 and 18.6, the hearing examiner shall submit his findings of fact, conclusions of law, and recommended order to the responsible Administrator or Director, in writing. The hearing examiner shall promptly make copies of these documents available to the parties.

§ 18.10 Final agency decision.

(a) In hearings conducted under §§ 18.5 and 18.6, the responsible Administrator or Director shall make the final agency decision, on the basis of the record, findings, conclusions, and recommendations presented to him by the hearing examiner.

(b) Prior to making his final decision, the responsible Administrator shall give the parties an opportunity to submit the following, within thirty (30) days after the submission of the hearing examiner's recommendations:

(1) Proposed findings and determinations;

(2) Exceptions to the recommendations of the hearing examiner;

(3) Supporting reasons for the exceptions or proposed findings or determinations; and

(4) Final briefs summarizing the arguments presented at the hearing.

(c) All determinations and findings of fact made by the responsible Administrator or Director shall be final and conclusive upon the responsible agency and all applicants, grantees, and subgrantees. The final agency decision may be appealed to the United States Court of Appeals for the Circuit in which the applicant, grantee, or sub-grantee is located pursuant to Section 805 of the Justice System Improvement Act, 42 U.S.C. 3785.

§ 18.11 Rehearing.

(a) Any applicant, grantee, or subgrantee dissatisfied with a final agency decision under §18.10, may within 30 days after the notice of the final agency decision is sent, request the responsible Administrator or Director to re-review the record, and present additional evidence argument to support a different decision.

(b) If the Administrator, or Director, finds that the applicant, grantee, or subgrantee, has:

(1) Presented new evidence which requires the conduct of further proceedings; or

(2) Shown some defect in the conduct of the initial hearing sufficient to cause substantial unfairness or an erroneous finding in that hearing, the Administrator, or Director, may, in his discretion, require that another oral hearing be held on one or more of the issues in controversy, or permit the dissatisfied party to present further evidence or argument to the Administrator, or Director, in writing.

(c) Any rehearing ordered by the Administrator, or Director, shall be conducted pursuant to § 18.5, if it is a grant denial rehearing, or § 18.6, if it is a grant termination rehearing, and in accordance with §§ 18.7–18.10.

Robert F. Diegelman,

Acting Director, Office of Justice Assistance, Research, and Statistics.

[FR Doc. 81–27131 Filed 9–16–81; 8:45 am]

BILLING CODE 4410–18–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81–436; RM–3772]

FM Broadcast Station in Natchitoches, La.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding involving the proposed assignment of an FM channel to Natchitoches, Louisiana. Natchitoches Broadcasting Company, Inc., licensee of Stations KNOC and KDBH(FM), in Natchitoches, requested the additional time to complete certain engineering studies.

DATES: Comments must be filed on or before September 22, 1981, and reply comments on or before October 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Natchitoches, Louisiana), BC Docket No. 81–436, RM–3772.

Adopted: September 4, 1981.

Released: September 9, 1981.

1. On July 6, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 37058, published July 17, 1981, in the above-entitled proceeding. The dates for filing comments and reply comments are September 8, 1981, and September 27, 1981, respectively.

2. On September 2, 1981, counsel for Natchitoches Broadcasting Company, Inc., licensee of Stations KNOC and KDBH(FM), Natchitoches, filed a request seeking a two-week extension of time to file comments and reply comments. Counsel states that an extension is necessary to enable its consulting engineer to furmulate certain specialized technical studies, as specified in the *Notice*, with regard to the signal strength capabilities of the proposed allocation herein at a restricted transmitter site. Counsel adds that this request is necessitated by earlier assumed commitments of its engineer which have prevented the formulation and completion of those technical studies.

3. Section 1.46(b) of the rules specifies that extension requests must be filed seven days in advance of the deadline. Although this request was not received within the required time period, the Commission believes it would be in the public interest to have this material available to it in arriving at a decision herein. Since it appears that no other party to this proceeding would be prejudiced, we will grant the instant request.

4. Accordingly, it is ordered, that the time for filing comments and reply comments herein in BC Docket No. 81–436 (RM–3772) is extended to and including September 22, and October 13, 1981, respectively.

5. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division. Broadcast Bureau

[FR Doc. 81–27110 Filed 9–16–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 78–253]

An Inquiry Into the Future Role of Television Translators and Low-Power Television Broadcasting in the National Telecommunications Commission; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of comment and reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments to the Further Notice of Proposed Rule Making released in a proceeding inquiring into the future role of television translators and low-power television broadcasting. The request for additional time to prepare and submit comments was filed by the Association of Maximum Service Telecasters, Inc., and the Consumer Electronics Group of the Electronic Industries Association.

DATES: Comments must be filed on or before October 13, 1981, and reply comments on or before November 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of an inquiry into the future role of television translators and low-power television broadcasting in the National Telecommunications Commission, BC Docket No. 78–253.

Adopted: September 4, 1981.

Released: September 9, 1981.

1. On July 30, 1981, the Commission adopted a *Further Notice of Proposed Rule Making*, released August 18, 1981, 46 FR 42478, published August 21, 1981, concerning the necessity of additional technical standards to facilitate the processing of the unexpectedly great numbers of television translator and low-power applications currently on file and those additional applications anticipated when the present

moratorium is lifted. Comments and reply comments are presently due on or before September 15, and October 15, 1981, respectively.

2. On August 31, 1981, the Association of Maximum Service Telecasters, Inc. ("MST"), by its counsel, submitted a request to extend the time for filing comments and reply comments to and including October 15, and November 16, 1981, respectively.[1] Counsel states that since the *Further Notice* proposes new or significantly modified technical standards which could have a substantial effect on both the television broadcast service and the Commission's administrative processes, careful Commission consideration assisted by informed and focused public comment is necessary. Therefore, MST requests the extended period of time for comment.

3. We agree with petitioner that public comment is desirable on a number of important issues, and we further agree that the release of the *Further Notice* on August 18, 1981, could impede the ability of interested parties to file comments. However, a thirty day extension of both comment and reply dates would unduly delay the staff's consideration of this matter. Accordingly, we will extend the time for comments and reply comments to and including October 13, and November 1, 1981, respectively. We believe this is sufficient time for the parties to study and comment on the issues and yet will not impede our efforts to issue a Report and Order as expeditiously as possible.[2]

4. Accordingly, it is ordered, that the dates for filing comments and reply comments in BC Docket No. 78-253 are extended to and including October 13, and November 1, 1981, respectively.

5. This action is taken pursuant to Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. For further information concerning this proceeding, contact Molly Pauker, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-27113 Filed 9-16-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket 79-191; RM-3380; Docket 79-334, RM-3691]

Release of 800 MHz Reserve Channels; Order Extending Comment Period

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: This ORDER extends by 45 days the time for filing comments and reply comments to the Further Notice of Proposed Rule Making in PR Docket 79-191 concerning the release of the remaining 250 channels in the 800 MHz land mobile reserve band. This action is taken in response to a request for a time extension filed by the Land Mobile Communications Council who indicated that the analysis of the Commission's proposal will require this additional time in order for them to provide comprehensive and responsive comments.

DATES: Comments are now due by October 30, 1981, and reply comments by November 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 90 of the Commission's rules to designate frequencies in the 806-821 and 851-866 MHz bands for Slow-Growth Land Mobile Radio Systems of Utilities and Public Safety Agencies, PR Docket No. 79-191, RM-3380; amendment of Part 90 of the Commission's rules to allocate frequencies in the 806-821 and 851-866 MHz bands for Public Safety/Special Emergency, Industrial/Land Transportation, Business Radio Service and SMRS/CR Frequency Pools; amendment of Part 90 of the Commission's rules to facilitate authorization of Wide-Area Mobile Radio Communications Systems on Frequencies Allocated for Trunked Systems, PR Docket No. 79-334; amendment of Part 90 of the Commission's rules to allocate additional frequencies from the 800 MHz Spectrum Reserve to Loaded Specialized Mobile Radio-Trunked Systems in Markets Having All Presently-Allocated SMR-Trunked Frequencies Assigned, RM-3691. See also 46 FR 37927; 7-23-81.

Adopted: August 31, 1981.

Released: September 3, 1981.

1. A Further Notice of Proposed Rule Making in the above-captioned matter was released July 14, 1981. The deadline for filing Comments is September 14, 1981, and for filing Reply Comments is October 14, 1981. On August 18, 1981, the Land Mobile Communications Council (LMCC) requested that the date for filing Comments and Reply Comments in this proceeding be extended by 45 days.

2. LMCC states that its Comments are being developed by its Drafting Committee and that even though many of LMCC's suggestions were incorporated into the Further Notice, the analysis of the differences in the Commission's proposal as compared to the LMCC proposal, will require additional time and that it would be difficult, if not impossible for LMCC to provide comprehensive and responsive comments by September 14, 1981.

3. Due to the importance of this proceeding to the private land mobile community, and because of the Commission's desire to have the most definitive and complete responses possible, an additional forty-five (45) days for filing Comments and Reply Comments will be allowed.

4. Accordingly, it is ordered, pursuant to §§ 0.331 and 1.46 of the Commission's rules and regulations, that the time for filing Comments in the above-captioned proceeding is extended from September 14, 1981, to October 30, 1981, and for filing Reply Comments from October 14, 1981, to November 30, 1981.

Federal Communications Commission.

James C. McKinney,

Chief, Private Radio Bureau.

[FR Doc. 81-27111 Filed 9-16-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[Docket No. 81-416; RM-3500]

Medical Services Operations in a Certain Frequency Band in the Special Emergency Radio Service; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry; extension of comment date.

SUMMARY: On July 9, 1981, the Commission released a Notice of Inquiry

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[1] American Broadcasting Co., Inc. has indicated its support for the MST request.

[2] Another motion to extend the September 15, 1981, deadline for comments in this proceeding was filed by the Consumer Electronics Group of the Electronic Industries Association on September 1, 1981. It argued that the abbreviated comment period does not allow adequate time to develop meaningful comments and that its staff is presently unavailable to devote their attention to the proposed rule. Our extension of time should more than adequately answer movant's needs.

requesting information from industry as to the need for rule changes or deregulation in the field of medical emergency communications. The Notice was issued in response to a petition for reconsideration by the Department of Transportation protesting denial of a petition seeking modification of the Commission's Rules. Various interested parties requested additional time in which to respond to the Notice and this Order deals affirmatively with those requests.

DATES: Comments are now due on or before October 23, 1981 and replies on or before November 24, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of rules concerning Medical Services Operations in the 450-460 MHz band in the Special Emergency Radio Service, PR Docket No. 81-416, RM-3500. See also 46 FR 38390, July 27, 1981.

Adopted: September 8, 1981.

Released: September 10, 1981.

1. On July 9, 1981, the Commission released a Memorandum Opinion and Order and Notice of Inquiry in the above-captioned matter (FCC 81-293). The date for filing comments in response to this document is on September 8, 1981, and reply comments on or before October 8, 1981. We have received comments, however, from the Commonwealth of Massachusetts, Department of Public Health and the Department of Transportation, National Highway Traffic Safety Administration requesting that this time period be extended because the present time periods do not allow adequate time to prepare comments after having to await input from correspondents.

2. In view of the broad based nature of the review which is the subject of this proceeding, we believe that the requested additional time is warranted and will enable a more thorough exploration of the issues before the Commission.

3. Accordingly, it is ordered, that the time for filing comments in Docket 81-416 is extended to and including October 23, 1981, and reply comments to and including November 24, 1981.

This action is taken pursuant to authority found in Section 4(i) 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules.

Federal Communications Commission.

James C. McKinney,

Chief, Private Radio Bureau.

[FR Doc. 81-27112 Filed 9-16-81; 8:45 am]

BILLING CODE 6712-01-M

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Notices

Federal Register
Vol. 46, No. 180
Thursday, September 17, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Interagency Coordination; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92-463), notice is hereby given of a meeting of the Committee on Interagency Coordination of the Administrative Conference of the United States, to be held at 9:00 a.m., Thursday, October 1, 1981 at the office of O'Melveny & Myers, 1800 M Street, N.W., Suite 500 South, Washington, D.C. (This committee was previously called the Committee on Licenses and Authorizations.)

The Committee will meet primarily to discuss Professor Richard Merrill's study of regulation of carcinogens. Also on the agenda will be a brief presentation by Philip Harter on his forthcoming study of regulatory negotiation.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact David M. Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. (Telephone: 202-254-7065). Minutes of the meeting will be available on request.

Richard K. Berg,
General Counsel.
September 11, 1981.

[FR Doc. 81-27086 Filed 9-16-81; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981 Burley Tobacco; Price Support Rates

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determination of 1981 burley tobacco price support rates.

SUMMARY: This notice sets forth the price support rates applicable to eligible grades of 1981-crop burley tobacco. The support rates have been determined, in accordance with the Agricultural Act of 1949, as amended. These rates shall apply to both tied and baled tobacco.

DATE: Effective September 17, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Stabilization and Conservation Service (ASCS), (202) 447-6733. This determination sets forth the rates at which eligible grades of 1981-crop burley tobacco will be supported. These rates reflect the national average support level which is determined in accordance with a statutory formula. Since there are no options associated with this determination, an Impact Analysis has not been prepared.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures estblished in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more, will not cause a major increase in costs to consumers, and will not have an adverse effect on competition.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The title and number of the Federal assistance program to which this notice applies are: *Title:* Commodity Loan and Purchases; *Number:* 10.051. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget (OMB) Circular A-95 was not used to assure that units of local government are informed of this action.

Price support for burley tobacco is made available each year by CCC through a cooperative marketing association in accordance with regulations codified at 7 CFR Part 1464. Price support is mandatory at the level determined in accordance with Section 106 of the Agricultural Act of 1949, as amended. Under this provision, the level of support for the 1981 crop of tobacco is determined by multiplying the support level for the 1959 crop of such kind of tobacco by the ratio of the average of the index of prices paid by farmers for the three calendar years 1978-80 (which is 851) to the average index of prices paid by farmers for the 1959 calendar year (which is 298). The resulting ratio is 2.86. The support level for the 1981 crop of each eligible kind of tobacco is, therefore, 286 percent of the 1959 level. The support rates determined by the Secretary for the various grades of 1981-crop burley tobacco as set forth in this notice reflect the required support level.

Since the Secretary of Agriculture has no discretion in determining the level of support for 1981-crop burley tobacco which must be established in accordance with the formula prescribed by Section 106 of the 1949 Act, it has been determined that no further public rulemaking is required with respect to the price supports rates specified herein.

Determinations

Accordingly, the Secretary has determined that the following support rates will be in effect for the following grades of 1981-crop burley tobacco.

Grade	Rate	Grade	Rate	Grade	Rate
B1F	182	C2L	180	M1F	149
B2F	180	C3L	178	M2F	148
B3F	178	C4L	175	M3F	147
B4F	175	C5L	171	M4F	145
B5F	171	C1F	183	M5F	143
B3VF	170	C2F	180	M3FR	145
B4VF	161	C3F	178	M4FR	143
B5VF	158	C4F	175	M5FR	139
B3K	162	C5F	171	T3F	170
B4K	160	C3V	164	T4F	164
B5K	154	C4V	158	T5F	154
B1FR	181	C5V	152	T4VF	151
B2FR	179	C3K	160	T5VF	141
B3FR	177	C4K	152	T3FR	170
B4FR	174	C5K	146	T4FR	164
B5FR	170	C3M	173	T5FR	150
B1R	176	C4M	171	T3R	163
B2R	176	C5M	159	T4R	160
B3R	174	C4G	148	T5R	154
B4R	171	C5G	136	T4VR	144
B5R	165	X1L	181	T5VR	142
B3VR	166	X2L	179	T4D	143
B4VR	157	X3L	172	T5D	139

Grade	Rate	Grade	Rate	Grade	Rate
B5VR	151	X4L	172	T4K	145
	X5L	167	T5K	138	
B4D	150			T4GF	136
B5D	145			T5GF	135
B3M	172	X1F	181	T4GR	140
B4M	162	X2F	179	T5GR	135
B5M	152	X3F	177	N1L	130
B3GF	153	X4F	172	N2L	123
B4GF	151	X5F	166	N1F	127
B5GF	147	X4M	162	N1R	125
B3GR	151	X5M	150	N2R	122
B4GR	149	X4G	143	N1G	118
B5GR	146	X5G	132	N2G	108
C1L	162				

The rates listed are applicable to burley tobacco which is tied in hands or packed in bales and which is eligible tobacco as defined by the regulations. Only the original producer is eligible to receive price support. Tobacco graded "U" (unsound), "W" (wet), "No-G" (no grade), or scrap will not be accepted. Cooperatives are authorized to deduct $1 per hundred pounds to apply against overhead costs.

(Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423))

Signed at Washington, D.C. on September 10, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-26963 Filed 9-16-81; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Deerlodge National Forest Grazing Advisory Board; Meeting

The Deerlodge National Forest Grazing Advisory Board will meet at 1:00 p.m., Friday, October 9, 1981, at the Federal Building, Room 315, corner of Main and Copper streets in Butte.

The purpose of the meeting is to discuss priorities for distribution of Range Betterment Funds. The meeting will be open to the public.

Frank E. Salomonsen,

Forest Supervisor.

[FR Doc. 81-27061 Filed 9-16-81; 8:45 am]

BILLING CODE 3410-11-M

COMMISSION ON CIVIL RIGHTS

Louisiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Louisiana Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:00 p.m., on October 9, 1981, and will convene again at 9:00 a.m. and will end at 12:00 noon, on October 10, 1981, at the Sheraton Inn—Airport, 2150 Veterans Memorial Boulevard Kenner, New Orleans, Louisiana 70062. The purpose is to orient new members and conduct a planning session.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Louis Pendleton, 1514 Gary Street, Shreveport, LA 71103, 318/424-1297, or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas 78204, 512/229-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 11, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-26968 Filed 9-16-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 14-81]

Foreign-Trade Zone No. 14, Little Rock; Application for Subzone

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Little Rock Port Authority (LRPA) on behalf of the State of Arkansas, grantee of Foreign-Trade Zone No. 14, requesting authority to establish a special-purpose subzone at the Sanyo Manufacturing Corporation facility in Forrest City, Arkansas, adjacent to the Memphis Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on September 10, 1981.

On October 4, 1972, the Board authorized the State of Arkansas, through its Department of Industrial Development, to establish a foreign-trade zone project in the Little Rock area (Board Order No. 90, 37 FR 21461). Operated and administered by LRPA, the zone project currently covers 25 acres in the City's port terminal area.

LRPA requests subzone status for the Sanyo Manufacturing Corporation's (SMC) production and assembly plant, located at 3333 Sanyo Road, Forrest City, Arkansas. The 162-acre facility contains six buildings with a total of 1.2 million square feet of floor space. SMC manufactures and assembles color television receivers, telecaption adaptors and microwave ovens from foreign and domestic components. The plant also produces wooden TV cabinets and other furniture.

Zone procedures will permit SMC to export finished television sets and microwave ovens without paying duties on foreign components. On domestic sales, the company can take advantage of the same duty rates that are available to importers of the finished products, thus encouraging assembly in the U.S. The duty rate is 5 percent for finished televisions and 4 percent for microwave ovens, whereas the weighted-average duty rates for the imported components used by SMC are 5.7 and 5.5 percent for televisions and microwave ovens respectively. The applicant indicates that the savings available from zone procedures will play a major role in SMC's decision to expand the plant's operations, including a substantial increase in production for export, which would add some 300 employees to the plant's workforce by 1983.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), International Trade Specialist, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Max G. Willis, District Director, U.S. Customs Service, Region V, 423 Canal Street, Room 244, New Orleans, Louisiana 70130; and Colonel John F. Hatch, Jr., District Engineer, U.S. Army Engineer District Memphis, 668 Clifford Davis Federal Building, Memphis, Tennessee 38103.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before October 15, 1981.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 147 Jefferson Avenue, Room 710, Memphis, Tennessee 38103

Office of the Executive Secretary,
Foreign-Trade Zones Board, U.S.
Department of Commerce, 14th and E
Streets, N.W., Room 2006,
Washington, D.C. 20230

Dated: September 11, 1981.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 81–26968 Filed 9–16–81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Truck Trailer Axle-and-Brake Assembiles From the Hungarian People's Republic; Antidumping; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Determination of Sales at Less Than Fair Value: Axle-and-Brake Assemblies from Hungary.

SUMMARY: We have preliminarily determined that axle-and-brake assembiles from Hungary are being sold in the United States at less than fair value. Therefore, we have directed the U.S. Customs Service to "suspend the liquidation" of all entries or warehouse withdrawals of this merchandise and to require a cash deposit, bond, or other security in an amount equal to the estimated dumping margin of 68.1 percent. Unless we extend the investigation, we will make our final determination on or before December 1, 1981. Interested parties are invited to submit oral or written views concerning this determination.

EFFECTIVE DATE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: John Kenkel, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W. Washington, D.C. 20230 (202–377–3464).

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based on our investigation and in accordance with 19 CFR 353.39(a)(2), we have preliminarily determined that there is reason to believe or suspect that axle-and-brake assembiles from Hungary are being sold in the United States at less than fair value within the meaning of the section 731 of the Tariff Act of 1930, as amended (the Act). We have found that the U.S. price of this merchandise is lower than its foreign-market value. The estimated dumping margins are 68.6 and 67.2 percent, with the weighted-average margin being 68.1 percent. Unless we extend this investigation, we will make our final determination on or before December 1, 1981.

Case History

On February 12, 1981, we received an antidumping petition in proper form from Rockwell Internation Corporation of Pittsburgh, Pennsylvania. The petition alleged that truck trailer axle-and-brake assembiles from Hungary are being sold in the United States at less than the fair value and that the sales were materially injuring a U.S. industry.

After reviewing the petition, we determined it contained sufficient grounds to initate an antidumping investigation. Therefore, we notified the U.S. International Trade Commission, and on March 11, 1981 we announced the initiation in the **Federal Register** (46 F Reg 16109).

On March 23, 1981, the ITC preliminarily found that there is a reasonable indication that these imports are materially injuring or are threatening to materially injure a U.S. industry (46 FR 21121). Because the case is extraordinarily complicated and we needed additional time to collect and analyze data, on July 6, 1981, we postponed our preliminary determination by 50 days (46 FR 31630).

Scope of the Investigation

Currently classifiable under items 692.32 and 692.60 of the Tariff Schedules of the United States, truck trailer axle-and-brake assemblies are tubular, rectangular or square beams, with brakes attached. After wheels are added, these assemblies provide the vehicular mobility for truck trailers that, in combination with a "tractor," are commonly seen on the nation's highways. In their most common configuration, tractor trailers are colloquially known as "eighteen whellers."

The trailer axle beams are cut from seamless steel tubing or formed from plate steel. Forged spindles are machined to the required dimension and welded to the beam. Cam shafts are machined from forgings and attached, with the foundation brakes, to the beam. The trailer axle, as ordinarily sold in the United States, is "stripped"; that is, it includes only the basic beam, brakes, cam shafts, air chamber brackets, axle spindles and spindle nuts. The trailer manufacturer purchases from other sources (or manufactures) the spoke wheel and drum, bearing cones, oil seals and hub caps, slack adjuster, and air chambers; when assembled, these constitute a complete axle. The imported axles are stripped.

Our investigation covers the U.S. sales of the Hungarian Railway Carriage and Machine Works (RABA), Hungary's only exporter of the merchandise in question.

Methodology For Fair-Value Comparison

To determine the fair value of any product, we compare its U.S. price with its foreign-market value.

U.S. Price

To determine the U.S. price of axle-and-brake assemblies, we used purchase price, as defined in section 772(b) of the Act. We did so because the price to the unrelated customer was agreed to before the axles were imported to the United States.

We calculated purchase price by taking the selling price of the RABA axle to Eaton Corporation, the U.S. importer, and adding the estimated payment Eaton plans to make to RABA because of an increased sales price, as well as the packing costs. Then we subtracted freight, insurance, bonding, and customs duty to arrive at the f.o.b. value. We did not add the producer turnover tax rebate since foreign market value does not include the value-added tax.

Foreign-Market Value

In the petition, Rockwell International alleged that Hungary's economy was state controlled to the extent that sales of merchandise from that country did not permit a determination of foreign market value as prescribed by the Act. The Commerce Department, after a thorough review of the Hungarian economy by the Import Administration staff, and careful consideration of the briefs and materials submitted by the parties, concludes that Hungary is state controlled for purposes of this investigation. Some of the factors involved in determining the state-control issue are as follows:

1. The Hungarian government controls the wage increase levels through a marginal tax rate (50 to 100%) applied to increases greater than the acceptable level. Although new reforms have been introduced in 1980, it would be premature to assess their impact on the period of investigation or the products under investigation.

2. An enterprise's primary source of capital financing is internally generated funds. These funds are controlled by the state (via taxes) for purpose of controlling investment. For additional capital, the sources are the state-owned bank, state grants and state loans, all of which are given under state-controlled terms. Thus external financing

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(necessary for large investments) is controlled by the state.

3. State agencies control international transactions with "hard currency" countries through a system of import licenses and currency exchange. The Hungarian currency, the forint, is not convertible and is traded officially under a dual exchange rate.

4. Through branch ministries the Hungarian Ministry of Finance has the power to appoint high-level enterprise management, determine management bonuses, develop sectoral plans and control capital investment.

5. It was argued that the 1978 reforms in effect created free-market type economic conditions within the Hungarian economy. To date, virtually all sources agree that there is considerable uncertainty as to the extent that the 1978 reforms are being instituted and enforced.

The structure of the Hungarian economy is undergoing major internal reforms. These reforms, if adopted as expected, may change the Hungarian economy sufficiently to establish "free market" characterization in future cases.

We cannot state categorically that certain factors we have relied on in this case will have the same relevance in any other investigation. Therefore, our determination of state control in no way means that in any future investigation we will necessarily treat Hungary as a state-controlled economy.

RABA has requested that we reconsider our decision of state control.

We have reconsidered and maintain our position that Hungary's economy is state controlled to the extent we are unable to determine the foreign-market value of truck trailer axle-and-brake assemblies under section 773(a) of the Act. As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "non-state-controlled," or free market, country.

Our regulations establish a preference for foreign-market value based upon sales prices. They stipulate that, to the extent possible, we should determine sales prices or constructed value on the basis of prices or costs in a free-market country at a stage of economic development comparable to the country with the state-controlled economy.

After considering countrywide and sectoral criteria, we have determined that Italy's level of economic development is comparable to that of Hungary. The respondent gave us a list of countries it felt were appropriate. After reviewing that list, we continue to think that Italy is the best choice.

In late July we gave a questionnaire to O/CAVA, Italy's largest producer of trailer axles. The company responded promptly but because its factory shut down for vacation August 1, it was unable to provide us with all the needed data within this strict time limitation. Thus, prices are adjusted only to the extent that the information is considered to be accurate. Therefore, the estimated dumping margin is only a general indication and could be adjusted when we receive the additional data. Counsel for the respondent and importer have submitted data that they believe will fill in these data gaps. As we may use for the final determination only that data which is provided by the surrogate company, we are constrained to use only data for the preliminary determination that we reasonably believe the surrogate company will corroborate. As we have not received all the requisite information from the Italian company, we may use a different surrogate or constructed value either in Italy or elsewhere, to arrive at a foreign market value, should we determine that the Italian axles are not such or similar merchandise.

We calculated the foreign-market value by taking the selling price of the "complete" axle and substracting the direct costs of the items not included on the Hungarian "stripped" axle (including cost of materials, labor, and estimated direct manufacturing overhead). We also subtracted profit for two of the items which are sold separately. We then made an adjustment for the differences in the remaining parts (including cost of materials, labor, and estimated direct manufacturing overhead) O/CAVA gave us a figure to adjust for differences in production quantities in order to make their production run more comparable to RABA's; we subtracted that figure as well. This gave us a foreign-market value in lira, which we converted into dollars. We then subtracted the weighted average value of the technological services that Eaton Corporation provides to RABA. We also added an estimated cost for export packing. Based on this price we then made an adjustment for the differences in the terms of payment. This gave us the final foreign-maket value, which we compared with the U.S. purchase price.

The dumping regulations state that we may ignore differences in prices solely reflecting sustained or temporary changes in prevailing rates (§ 353.56(b)). To be able to fulfill the constraint that some or all of the margins calculated are due solely to the currency fluctuation, the exporter would have to demonstrate that the transactions, converted at the prevailing rate before temporary fluctuation, would be at fair prices or at prices yielding lower margins. Furthermore, the exporter must also demonstrate that the fluctuation was temporary.

A different situation occurs when exchange rates during the investigatory period may be different from those during the time of the investigation itself since the investigatory period occurs prior to a determination by necessity. The issue is complicated in this case where the currency at issue is not that of the exporter but rather of a surrogate country the selection of which respondent could not have predicted at the time of the sales at issue here. In view of those complications regarding the issue of currency conversion, we decide, at least for the preliminary determination, to convert the Italian lira at the rate in effect on the date of sale of the Italian axle (October 8, 1981).

Although the current exchange rate is not being used here, the use of that rate (now over 1,200 lira to the dollar) and current O/CAVA prices based (on our best information) would produce an apparent margin of less than 15 percent. Should an Antidumping Duty Order eventually be issued, the respondent could file a request for expedited review under section 736 of the Act, which, in examining a later period, would take into account the changes in currency exchange rates.

Verification

Although we have verified no information to date, we will verify all the information we rely on in making our final determination.

ITC Notification

We are making available to the U.S. International Trade Commission all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

As described by 19 CFR 353.47, we will hold a public hearing to afford interested parties an opportunity to comment orally on this preliminary determination. If requested, this hearing is scheduled to begin at 10:00 a.m. on October 21, 1981, at the U.S. Department of Commerce, Room 6802, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230. All requests for a hearing must be submitted, on or before September 28, 1981, to the Deputy Assistant Secretary for Import Adminstration, Room 2800, at the same address. They should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by October 16, 1981. Oral presentations will be limited to the issues raised in the briefs.

Any written views should be filed in accordance with 19 CFR 353.46(a), on or before October 19, 1981, at the above address, and in at least 10 copies.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend, upon this notice's publication, the liquidation of all unliquidated entries of this merchandise entered or withdrawn from warehouse for U.S. consumption on or after September 17, 1981. As of that date a cash deposit, bond, or other security in the amount of 68.1 percent of the f.o.b. value of truck trailer axle-and-brake assemblies must be posted. Until further notice this suspension of liquidation will remain in effect.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 11, 1981.

[FR Doc. 81-27105 Filed 9-16-81; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 614]

Werner J. Bruchhausen; Order Temporarily Denying Export Privileges

In the matter of: Werner J. Bruchhausen; Anatoli T. M. Maluta, a.k.a. Tony Metz; Sabina Dorn Tittel, a.k.a. Sabina Dorn; Techma GmbH; Ing. Dietmar Ulrichshofer Vertriebs; Electronic Elektronische Bauelemente GmbH; ADT Analog und Digital Technik, 8019 Niederseeon, House 21, Federal Republic of Germany; Respondents.

By Order of March 24, 1981, 46 FR 19290 (March 30, 1981), the above named respondents were temporarily denied all export privileges of participating in any manner or capacity in the export of U.S.-origin commodities or technical data.

Paragraph III of that Order, consistent with 15 CFR Part 388.1(b) provides:

> Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

On August 19, 1981, a Federal grand jury returned a 60-count indictment naming the above respondents as individuals who conspired to violate U.S. export control statutes. The Federal grand jury also charged that Bruchhausen, in addition to owning and controlling Techma, GmbH, a party named in the Order temporarily denying export privileges, also owns and controls ADT. In addition, the grand jury charged that both ADT and Techma were engaged in the sale of U.S.-origin high technology commodities to the Soviet Union and other Soviet Bloc countries.

From the foregoing, I find ADT Analog und Digital Technik (ADT) are properly named as related parties as well as respondents in this proceeding. Accordingly, the Order of March 24, 1981 is hereby amended to name ADT as a respondent which is subject to all the provisions and restrictions of that Order. ADT will be notified of the foregoing and given an opportunity to appear and answer.

This Order is effective immediately.

Dated: September 10, 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81-27082 Filed 9-16-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to discuss amendment No. 3 to the Squid, Mackerel and Butterfish Fishery Management Plan (FMP); discuss status of other FMP's, foreign fishing applications, as well as other fishery management and administrative matters.

DATES: The public meetings will convene on Wednesday, October 14, 1981, at approximately noon and will adjourn on Thursday, October 15, 1981, at approximately 4 p.m. The meetings may be lengthened or shortened depending upon progress on the agenda.

ADDRESS: The meetings will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: September 14, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-27127 Filed 9-16-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council's Anchovy/Jack Mackerel Subpanel and Its Billfish Subpanel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established an Anchovy/Jack Mackerel Subpanel and a Billfish Subpanel which will hold separate meetings to provide input into issues to be considered in drafting an amendment to the Anchovy Fishery Management Plan (FMP) and also to consider the latest draft Billfish FMP.

DATES: The Anchovy/Jack Mackerel Subpanel meeting will convene on Tuesday, October 6, 1981, at approximately 1 p.m., and will adjourn at approximately 5 p.m. The Billfish Subpanel meeting will also convene on October 6, at approximately 10 a.m., and will adjourn at approximately 5 p.m. These meetings are open to the public.

ADDRESS: The Anchovy/Jack Mackerel Subpanel meeting will take place in the International Center of the Hacienda Airport Hotel, 525 N. Sepulveda Boulevard, El Segundo, California. The Billfish Subpanel meeting will take place in Suite 1152, of the Hacienda Airport Hotel, same address.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: September 14, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-27128 Filed 9-16-81; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), will meet to discuss the decision process for the Snapper-Grouper Fishery Management Plan (FMP), status of Coral and Spiny Lobster FMP's, as well as other management and administrative business.

DATES: The public meetings will convene on Tuesday, September 22, 1981, at approximately 1:30 p.m., and will adjourn on Thursday, September 24, 1981, at approximately noon.

ADDRESS: The meetings will take place at the Holiday Inn, Kill Devil Hills, North Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: September 14, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 27129 Filed 9-16-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

National Security Agency

Advisory Committees; Public Cryptography Advisory Committee; Establishment

Under the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the establishment of the Public Cryptography Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law.

The nature and purpose of the Public Cryptography Advisory Committee is to advise the Director, National Security Agency (NSA), on the national security implications of papers submitted voluntarily to the National Security Agency by researchers/authors for review prior to publication. The committee is to be composed of NSA and non-NSA representatives with an understanding of national security interests and academic research concerns as these pertain to cryptologic research.

For further information contact: Lt. Col. David Tisdale, Office of Policy, National Security Agency, Ft. George G. Meade, Maryland 20755, Telephone: 301–688–6527.

M. S. Healy,

OSD Federal Register Liaison Officer. Washington Headquarters Services. Department of Defense.

September 14, 1981.

[FR Doc. 81–27103 Filed 9-16-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Increase in Price for Plutonium-238

AGENCY: Department of Energy.

ACTION: Notice of price increase.

SUMMARY: The U.S. Department of Energy (DOE) hereby announces a revised price schedule for Plutonium-238. Due to increases in the costs of reactor operations and chemical processing, current prices do not recover to DOE the full cost of producing this product.

EFFECTIVE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: Roger K. Heusser, (301) 353–5496.

SUPPLEMENTARY INFORMATION: On June 2, 1981, DOE published in the Federal Register (46 FR 29496) a proposed revised price schedule for Plutonium-238. Interested persons were invited to submit written comments. No comments were received.

In accordance with section 501(c)(1) of the Department of Energy Organization Act, DOE has determined that this action presents no substantial issue of fact or law, and is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Accordingly, this rule is being promulgated in accordance with 5 U.S.C. 553. DOE has determined that this section is necessary to assure "resonable compensation to the Government" as required by Section 53 of the Atomic Energy Act of 1954, as amended, and that "good cause" within the meaning of 5 U.S.C. 553(d)(3) exists, therefore, for making it effective upon publication.

DOE certifies that the promulgation of this rule will not have a significant economic impact on a substantial number of small entities because few, if any, small entities purchase more than a few grams a year of this material. Therefore, no regulatory flexibility analyses will be prepared.

DOE has determined that this is not a "major rule" as defined in Section 1(b) of Executive Order 12291 because it is not likely to result in (1) an annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions or, (3) a significant adverse impact on competition, employment, investment, productivity, innovation, or on the ability of United States—based enterprises to compete with foreign—based enterprises in domestic or export markets.

A prior notice, entitled Thorium, Uranium, and Plutonium, Isotopically Enriched Quantities, published by the Atomic Energy Commission (AEC) in the Federal Register at 34 FR 11336, as amended by a notice, published in the AEC in the **Federal Register** at 35 FR 8300 on May 27, 1970, and further modified by a notice entitled Plutonium-238 Prices, published by the Energy Research and Development Administration (ERDA) in the **Federal Register** at 41 FR 53525 on December 7, 1976, is amended by substituting the following price schedule:

Department of Energy Revised Price Schedule Plutonium-238 Prices

Element and isotope	Enrichment percent and Pu-236 content	Price per milligram
Plutonium-238	[1] 97	[illegible]
Plutonium-238	[1] 95	2.60
Plutonium-238	[illegible]	[illegible]
Plutonium-238	[illegible]	3.15
Plutonium-238	[1] 89	2.50
Plutonium-238	[2] 89	2.05
Plutonium-238	[3] 89	2.15
Plutonium-238	[1] 83.5	[illegible]
Plutonium-238	[1] 79	1.70
Plutonium-238	[1] 40	([4])

[1] No limit on Pu-236.

[2] Equal to 0.6 PPM Pu-236.

[3] Equal to 0.3 PPM Pu-236.

[4] Price available at Savannah River Plant, Aiken, S.C., upon request.

Issued in Washington, D.C. August 5, 1981.

H. E. Roser,

Assistant Secretary for Defense Programs.

[FR Doc. 81–27116 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Coordinating Subcommittee of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Coordinating Subcommittee of the Committee on Arctic Oil and Gas Resources will meet in October 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Coordinating Subcommittee meeting follows:

The eighth meeting of the Coordinating Subcommittee will be held on Monday, October 5, 1981, starting at 9:00 a.m., in the Ford Room, Vail Athletic Club Hotel, 352 East Meadow Drive, Vail, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review and discussion of the Subcommittee's draft.
3. Discussion of the overall timetable for completion of the study.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Oil, Gas and Shale Resources Development Division, Fossil Energy, 202/633-8395, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on August 4, 1981.

Jan W. Mares,

Assistant Secretary for Fossil Energy.

September 8, 1981.

[FR Doc. 81-27115 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Alta Loma Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, 2000 M Street, N.W., Room 5204, Washington, D.C. 20461, (202) 653-3517.

SUPPLEMENTARY INFORMATION: On September 6, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Alta Loma Oil Company, (Alta Loma) of Dallas, Texas on August 13, 1979, 44 FR 52018, (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund paid by Alta Loma pursuant to the Consent Order were requested to submit notice of their claims to the OE. One Comment was received which contained no new evidence which was materially inconsistent with evidence upon which the DOE's acceptance of the Consent Order was based. After review of that comment, the OE determined that the Consent Order should not be modified.

Pursuant to the Consent Order, Alta Loma is refunding the sum of $294,617.21, plus interest, by certified checks made payable to the United States Department of Energy in 36 monthly installments. All such funds received by DOE have been placed into a suitable account pending determination of their proper distribution.

The following persons submitted notices of claim to the OE: Mobil Oil Corporaton, Getty Refining and Marketing Company, Defense Logistics Agency.

Action taken: The OE is unable, readily, to identify the persons entitled to receive the $294,617.21, plus interest, or to ascertain the amount of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearing and Appeals on September 1, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the remaining refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 11th day of September 1981.

Robert Gerring,

Director, Program Operations Division.

[FR Doc. 81-27117 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4827-000]

Akzona Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 11, 1981.

Take notice that on June 8, 1981, Akzona Incorporated (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 4827) would be located on the South Fork, Catawba River in Gaston County, near High Shoals, North Carolina. Correspondence with the Applicant should be directed to: Mr. Peter S. Gold, Senior Attorney, Akzona Incorporated, P.O. Box 2930, Asheville, North Carolina 28802.

Project Description—The constructed, inoperable project consists of: (1) An existing reinforced concrete dam approximately 525 feet long and 20 feet high; (2) an existing 10-foot diameter penstock, approximately 500 feet in length; (3) an existing powerhouse containing a single 1,560 kW generating unit; and (4) appurtenant facilities. Applicant proposes to restore the generating facilities to service.

Purpose of Project—The Applicant estimates that the averge annual generation to be 12.0 GWh. The power generated would be used in applicant's High Shoals Mill which is located adjacent to the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the North Carolina Wildlife Resource Commission are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 24, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments, filed, but only those who file a petition to intervene in accordance wth the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 24, 1981.

Filing and Service of Responsive Documents—Any fillings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–27087 Filed 9–16–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5177-000]

Bluepond Associates; Application for Preliminary Permit

September 11, 1981.

Take notice that Bluepond Associates (Applicant) filed on August 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5177 to be known as the Hampstead Project located on the Little Cimarron River in Gunnison County, Colorado and Uncompahgre National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Michael D. White, Yegge, Hall and Evans, 2900 Energy Center One, 717 Seventeenth Street, Denver, Colorado 80202.

Project Description—The proposed project would consist of: (1) A collection system consisting of 20 wells, each with a 15 h.p. pump; (2) 15,000 feet of pipeline to collect pumped water from an aquifer under the Little Cimarron River to be know as the Hampstead Groundwater Reservoir; (3) an 8,000-foot long penstock; (4) a powerhouse containing a single turbine-generator with a total rated capacity of 1.2 MW; (5) a 9-mile long 7.2/12.47-kV transmission line; and (6) appurtenant facilities. Energy produced at the project would be sold to the Western Area Power Authority or the Colorado-Ute Electric Association. The project would generate up to 6,000,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The cost of the studies under the preliminary permit has been estimated by the Applicant to be $150,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 21, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-2708[illegible] Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project Nos. 2994 and 3028]

Borough of Lehighton and Delaware River Basin Commission, Commonwealth of Pennsylvania, Department of Environmental Resources; Denial by Operation of Law

Issued: September 9, 1981.

On August 7, 1981 the Delaware River Basin Commission and the Pennsylvania Department of Environmental Resources appealed the Secretary of the Commission's notice denying them an extension of time in which to file an application for rehearing in the above dockets. Pursuant to 18 CFR 1.7(d), this appeal was denied by operation of law on September 8, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-[illegible] Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4974-000]

City of Rohnert Park, Calif., Application for Preliminary Permit

September 10, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4974 to be known as the Little North Fork of Salmon River Power Project located on Little North Fork of Salmon River in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) A 5-foot high, 70-foot long diversion structure; (2) a 48-inch diameter, 5,700-foot long diversion conduit; (3) a 36-inch diameter, 1,000-foot long penstock; and (4) a powerhouse containing one or more generating units with a total rated capacity of 3,890 kW. The Applicant estimates that the annual average energy output would be 17.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, perparing a license application conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Littel North Fork Salmon River Project No. 4096 filed on January 30, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent of file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding: Any comments, protests, or petitions to intervene must be received on or before October 8, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27052 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4977-000]

City of Rohnert Park, California; Application for Preliminary Permit

September 11, 1981.

Take notice that the City of Rohnert Park (Applicant) filed on June 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4977 known as the Mosquito Creek, Plumas Project located on Mosquito Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Boulevard, Rohnert Park, California 95427.

Project Description—The project would consist of: (1) A 125-foot long, 5-foot high diversion structure; (2) a 10,750-foot long diversion conduit; (3) a 725-foot long penstock; (4) a powerhouse to contain one or more generating units with a total rated capacity of 2,900 kW; and (5) a 3-mile long transmission line. The average annual energy generation is estimated to be 11.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, and economic feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Mosquito Creek, Plumas Project No. 4381 filed on March 20, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 9, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTESTS," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4977. Any comments, protests, or petitions to intevene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27053 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5149-000]

City of Santa Rosa, California; Application for Preliminary Permit

September 11, 1981.

Take notice that the City of Santa Rosa, California (Applicant) filed on July 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5149 to be known as the Badger Mountain Hydroelectric Project located on Hat Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Broydon J. Riha, City Engineer, City of Santa Rosa, P.O. Box 1678, Santa Rosa, California 95402.

Project Description—The project would consist of: (1) A 4-foot high diversion structure; (2) a 11,000-foot long conduit; (3) a 2,300-foot long or 4,000-foot long, 42-inch diameter penstock; (4) a powerhouse with total installed capacity of 2,500 kW or 2,900 kW; and (5) a 4.5-mile long, 12.5-kV transmission line which would connect the powerhouse to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy production would be 10.6 million kWh or 12.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 15, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27069 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-472-000]

Colorado Interstate Gas Co.; Application

September 11, 1981.

Take notice that on August 19, 1981, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP81-472-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the systemwide transportation for an exchange of natural gas with MIGC, Inc. (MIGC) and for permission and approval to abandon natural gas sales to MIGC, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authority for the systemwide transportation and exchange of natural gas pursuant to a gas transportation and exchange agreement dated May 28, 1981, between Applicant and MIGC. Applicant states that said agreement provides for a term of 15 years from the date of commencement of deliveries by either party to the other and from year to year thereafter. It is stated that the transportation and exchange of gas

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would be from all sources of supply which are acquired by Applicant or MIGC which are committed for a delivery period of at least five years and can be economically and feasibly connected to a party's transmission system. Applicant states that the gas transported and exchanged would not be limited to current existing delivery points. Applicant submits that a maximum quantity of 30,000 Mcf per day would be transported by it for MIGC and that MIGC would not transport more than 60,000 Mcf per day for Applicant.

Applicant proposes no new facilities at present, however, Applicant proposes to add and delete delivery points which would be constructed pursuant to budget-type authority or necessary specific application. It is stated that Applicant would file an annual tariff revision on January 31 as necessary to inform the Commission of any delivery point additions or deletions.

Applicant avers that the parties would compensate each other for fuel usage and unaccounted-for gas to the extent reasonable. It is stated that imbalances would be corrected during the following month at the Powder River Basin Station pipeline interconnection between Applicant and MIGC. It is stated that during the period December 1 through April 30 of each year MIGC may request from Applicant up to 10,000 Mcf per day in excess of the exchange volumes otherwise transported to MIGC; however, such excess deliveries made by Applicant during the winter season may not exceed an exchange gas imbalance created during the previous March 1 through November 30 period by MIGC foregoing receipt of exchange volumes otherwise due MIGC. It is asserted that the summer season imbalance would not exceed 1,000,000 Mcf at any time.

Applicant submits that if the thermal equivalent of gas delivered from supply sources should be exactly equal no balancing deliveries would be required and no transportation charges would apply. However, it is stated that if MIGC's deliveries from its various supply sources to Applicant thermally exceed Applicant's deliveries to MIGC, Applicant would make balancing deliveries to MIGC at the Powder River Station. In that event, MIGC would pay transportation charges to Applicant equal to the appropriate transportation rate multiplied by the volume of balancing deliveries, it is explained. Similarly, if Applicant's supply deliveries exceed MIGC's, MIGC, it is stated, would make balancing deliveries to Applicant at the Powder River Station and Applicant would pay MIGC the appropriate transportation charges. It is stated that transportation charges were 22.24 cents per Mcf for Applicant's system and 25.61 cents per million Btu for MIGC's system as of May 28, 1981. It is also asserted that said transportation charges are to reflect each party's transmission system transportation rate exclusive of the cost of service attributable to its gathering and storage systems and exclusive of the cost of service attributable to gas used in the operation and maintenance of the transmission system.

Applicant further proposes to abandon service under an expired natural gas agreement between Applicant and MIGC dated July 15, 1976. It is stated that pursuant to authorization issued in Docket No. CP74-62 on November 26, 1976, Applicant sold to MIGC 40 percent of Applicant's 25 percent interest in the gas volumes which Applicant purchased from Mountain Fuel Supply Company attributable to a certain defined area in the Spearhead Ranch area of Wyoming. Applicant submits that this sale of gas was to be contractually for a limited period and both parties have agreed to abandon the sale. Furthermore, Applicant contends that the July 15, 1976, natural gas agreement is superseded by the May 28, 1981, gas transportation and exchange agreement.

It is stated that granting Applicant's proposals would enable Applicant and MIGC to receive gas that is distant from their existing pipeline systems without requiring major facilities.

Any persons desiring to be heard or to make any protest with reference to said application should on or before October 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27054 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-05-M

[Project No. 4318-001]

Darobsum, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 11, 1981.

Take notice that on June 30, 1981, Darobsum, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project Project No. 4318 would be located on the Contoocook River in the Town of Peterborough, Hillsborough County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Timothy P. Brown, Jr., Darobsum, Inc., Box 592, Keene, New Hampshire 03431.

Project Description—The proposed run-of-the-river project would consist of existing facilities including: (1) A composite concrete, timber, and stone dam, owned by the Applicant, 267 feet long and 20 feet high, with a 102-foot long center spillway section and a second spillway section 34 feet long at the right (east) abutment; (2) a reservoir with 315 acre-feet of storage at surface elevation 754 feet m.s.l.; (3) an intake structure and bar rack at the left (west) abutment connecting to an abandoned penstock 5.5 feet in diameter and 140 feet long; and new project works to include (4) a new 72-inch diameter penstock 250 feet long; (5) a new powerhouse with unit(s) having an installed capacity of 300 kW; (6) a tailrace; and (7) other appurtenances. The Applicant estimates that the average annual energy output would be 966,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of New Hampshire.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New Hampshire Fish and Game Department are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—This application was filed as a competing application to American Hydro Power Company's Project No. 3616 filed on October 27, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 29, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–27055 Filed 9–16–81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5100–000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 11, 1981.

Taken notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5100 known as the Indian Springs Water Power Project located on Indian Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 2-foot high diversion structure; (2) a 3,100-foot long, 20-inch diameter penstock; (3) a powerhouse with total installed capacity of 375 kW; and (4) a 4,000-foot long, 5-kV transmission line which would connect the powerhouse to the existing Lincoln Electric Corporation transmission line. The Applicant estimates that the average annual energy production would be 1,480,400 kWh.

Proposed Scope and Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,600.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 15, 1981, either the competing application itself [See 18 CFR § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27056 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5096-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 11, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5096 known as the Ray Miller Creek Water Power Project located on Ray Miller Creek in Shoshone County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 2-foot high diversion structure; (2) a 4,400-foot long, 16-inch diameter penstock; (3) a powerhouse with total installed capacity of 150 kW; and (4) a 200-foot long, 120/240-V transmission line which would connect the powerhouse to the existing Washington Water Power Company transmission line. The Applicant estimates that the average annual energy production would be 788,400 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $4,500.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 14, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27057 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5106-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 11, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5106 known as the Highland Creek Water Power Project located on Highland Creek in Boundary County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 2-foot high diversion structure; (2) a 3,000-foot long, 12-inch diameter penstock; (3) a powerhouse with total installed capacity of 150 kW; and (4) a 1,400-foot long, 5-kV transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 700,800 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $2,750.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 21, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)-(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the

Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before November 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27070 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1962-000]

Pacific Gas and Electric Co.; Revisions in Application for a New Major License

September 11, 1981.

Take notice that on May 18, 1981, the Pacific Gas and Electric Company (PG&E) of San Francisco, California (Applicant), filed revisions to its application for a new major license (notice of the intial application was issued on March 12, 1980) for the existing Rock Creek-Cresta Project No. 1962, located on the North Fork Feather River, in the counties of Plumas, Butte, Yuba and Sutter, California. Correspondence concerning the application should be sent to: Mr. W. M. Gallavan, Vice President, Rates and Valuation, 77 Beale Street, San Francisco, California 94106.

Applicant proposes to increase the installed capacity of the project by approximately 30 percent by modifying the project as follows:

A. *Rock Creek Development:* (1) Constructing a powerhouse, containing a single generating unit with a rated capacity of 750 kW, located at the center sluice pipe within the existing concrete dam, a switchyard on the dam and a short transmission line tying into the Applicant's existing distribution system; (2) constructing a 10.5-foot diameter, 500-foot long penstock that would bifurcate off the existing Rock Creek penstock No. 1 above the Western Pacific Railroad leading to a generating unit (Unit 3) with a rated capacity of 37,000 kW, housed in a reinforced concrete structure adjacent to the existing Rock Creek Powerhouse; (3) replacing the existing transformers with new ones to accommodate the increase in the installed capacity of Rock Creek Powerhouse; (4) replacing the turbine runners at Rock Creek Powerhouse (Units 1 and 2) to increase efficiency.

B. *Cresta Development:* (1) Constructing a powerhouse, containing a single generating unit with a rated capacity of 375 kW, located at the center sluice pipe within the existing concrete dam, a switchyard on the dam and a short transmission line tying into the Applicant's existing distribution system; (2) constructing a 12-foot diameter, 335-foot long penstock that would bifurcate off the existing Cresta penstock No. 1, below State Highway 70, leading to a generating unit (Unit 3) with a rated capacity of 17,500 kW, housed in a reinforced concrete structure adjacent to the existing Cresta Powerhouse; (3) replacing the existing transformers with new ones to accommodate the increase in installed capacity of the Cresta Powerhouse; and (4) replacing the turbine runners at Cresta Powerhouse (Units 1 and 2) to increase efficiency.

Applicant estimates the costs of the proposed modifications at $56.4 million.

Applicant would utilize the increased output of the project to meet the load demands of its service area.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27058 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 77-002]

Pacific Gas and Electric Co.; Application for Amendment of a Major License

September 10, 1981.

Take notice that on May 26, 1981, the Pacific Gas and Electric Company (Applicant) filed an application for an amendment of a major license with the Federal Energy Regulatory Commission [Pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] to include construction, operation, and maintenance of the Scott Powerhouse in the license for Project No. 77. The proposed Scott Powerhouse would be located on the Eel River in Lake County, California. Correspondence concerning the application should be sent to: Mr. M. W. Gallavan, Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, Room 1087, San Francisco, California 94106.

Project Description—The proposed project would consist of: (1) A 60-foot long, 72-inch diameter penstock tapped into the existing outlet pipe of the Scott Dam, bifurcating into two 48-inch diameter penstocks—one 30-foot long and the other 18-foot long; (2) a powerhouse with a total installed capacity of 3 MW; (3) a switchyard located 300 feet from the powerhouse; and (4) an 11.8-mile long, 60-kV transmission line interconnecting with the transmission system at the Potter Valley Powerhouse.

The Applicant estimates that the cost for the proposed project is $11,326,000. The power generated by the project would be integrated into the Applicant's interconnected transmission and distribution system.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before October 22, 1981. The Commission's address: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–[illegible] Filed 9–16–81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5150–000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

September 11, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on July 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5150 to be known as the Clearwater Creek Project located on Clearwater Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The project would consist of: (1) A 15-foot high, 500-foot long rock-fill gravity dam and a reservoir with a 50-acre-foot volume; (2) a 10,100-foot long, 72-inch diameter concrete pipe; (3) a 2,500-foot long, 54-inch diameter steel penstock; (4) a powerhouse with a total installed capacity of 7,200 kW; and (5) a 9-mile long, 55-kV transmission line that would connect the powerhouse to an existing Puget Power 55-kV transmission line. The applicant estimates that the average annual energy production would be 30 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $250,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 15, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–27071 Filed 9–16–81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5235–000]

Siskiyou County Flood Control and Water Conservation District; Application for Preliminary Permit

September 10, 1981.

Take notice that Siskiyou County Flood Control and Water Conservation District (Applicant) filed on August 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5235 known as the Ukonom Creek Project located on Ukonom Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David A. Gravenkamp Siskiyou County Flood Control and Water Conservation District, Department of Public Works, County of Siskiyou, Yreka, California 96097.

Project Description—The proposed project would consist of:

A. The Upper Facility consisting of:

(1) A 5-foot high rock-and-concrete diversion dam;

(2) A 3,500-foot long diversion channel;

(3) A 500-foot long and 36-inch diameter steel penstock;

(4) A powerhouse containing one generating unit rated at 3,600 kW; and

(5) A transmission line.

The estimated annual energy output would be 12 million kWh.

B. The Lower Facility consisting of:

(1) A 5-foot high rock-and-concrete diversion dam;

(2) A 2,500-foot long diversion channel;

(3) A 600-foot long and 24-inch diameter steel penstock;

(4) A powerhouse containing one generating unit rated at 3,600 kW; and

(5) A transmission line.

The estimated annual energy output would be 14.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, environmental, economic and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to Ukonom Creek Project No. 4077 filed on January 29, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27060 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5091-000]

Trans Mountain Construction Co.; Application for Preliminary Permit

September 11, 1981.

Take notice that Trans Mountain Construction Company (Applicant) filed on July 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5091 to be known as the Keystone Hydro Project located on Keystone Creek near the town of Dillon in Summit County, Colorado in the Arapahoe National Forest (T5S,R77W). The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Herbert C. Young, 19000 West 58th Avenue, Golden, Colorado 80401.

Project Description—The proposed project would consist of: (1) A concrete intake structure and overflow spillway; (2) a 5,000-foot long, 8-inch diameter penstock; (3) a powerhouse containing a single, 31-kW turbine-generator; (4) a 14.4-kV transmission line; and (5) appurtenant facilities. The project would generate up to 273,000 kWh annually. Energy produced at the project would be sold to the local Rural Electric Association or the Public Service Company of Colorado.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 14, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27061 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-470-000]

United Gas Pipe Line Co.; Application

September 11, 1981.

Take notice that on August 19, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-470-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and appurtenant facilities and the replacement of measurement and regulating equipment, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to reinforce its facilities in St. Tammany Parish serving Slidell, Louisiana. Applicant specifically proposes to construct and operate approximately 6 miles of 6-inch pipeline extending from Applicant's Florenville compressor station to a dual regulator station to be constructed at the Slidell delivery station No. 2, to install 1,000

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feet to 4-inch tie-over line extending from St. Joe Brick meter and regulator station to larger capacity regulators to be constructed at the Slidell delivery station No. 1, to install a dual regulatory station and to replace a positive displacement meter with a turbine meter to be constructed at the St. Joe Brick meter and regulator station, and to install a dual regulatory station to serve the LaCombe delivery station.

It is stated that Applicant serves the Slidell, Louisiana, area pursuant to service agreements with Louisiana Gas Service Company and Entex, Inc. and under a gas sales contract with St. Joe Brick Works. Applicant submits that in recent years it has experienced difficulty in meeting peak-hour demands due to current operating pressure limitations caused by the overall physical condition of the existing 6-inch line which is serving the Slidell market area. Applicant contends that it has chosen a shorter route for the new facilities as the most economical alternative to overcome the operating problem. Applicant asserts that this would involve approximately 6 miles of pipeline while replacing the existing facilities would involve approximately 13 miles.

The estimated cost of the proposed reinforcement of the Slidell facilities is $1,277,600 to be financed from funds on hand.

It is stated that the construction of the proposed facilities would ensure Applicant's ability to maintain an adequate supply of gas to the Slidell area. Furthermore, Applicant contents that there would be no increase in the maximum daily quantity of the existing service agreement and contract affected by this proposal.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27062 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5209-000]

Vermont Power Consortium; Application for Preliminary Permit

September 11, 1981.

Take notice that the Vermont Power Constorium (Applicant) filed on August 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5209-000 to be known as the Corning Fiber Products Mill Project located on the Wells River in Orange County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Stuart, 120 Lake Street, Burlington, Vermont 05401.

Project Description—The project would consist of: (1) The existing Corning Fibers Company Paper Mill Dam, a 60-foot-long, 20-foot-high concrete structure. The dam is owned by Mr. William Bushey of Ashuelot, New Hampshire and Mr. Maury Wallace of Corning, New York; (2) a reservoir having a total storage capacity of approximately 697,000 cubic feet; (3) a proposed powerhouse with a total installed capacity of 312 kW; and (4) appurtenant works. The Applicant estimates that the average annual energy output would be 1,503,200 kWh. Project energy would be sold to a local public utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time it would perform hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under permit would be approximately $14,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Sprnger, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27063 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5238-000]

Vidler Tunnel Water Co.; Application for Preliminary Permit

September 11, 1981.

Take notice that Vidler Tunnel Water Company (Applicant) filed on August 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5238 to be known as the Snake River Hydro Power Project located on the Snake River in Summit County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondents with the applicant shall be directed to: Mr. Herbert C. Young, 75 Manhattan Drive, Suite 201, Boulder, Colorado 80303.

Project Description—The proposed unconstructed project would affect lands of the United States within the Arapahoe National Forest and would consist of: (1) A 10-foot long and 4-foot high diversion dam with crest elevation 10,040 feet; (2) a 36-inch diameter, 2,500-foot long buried penstock; (3) a powerhouse containing a generating unit having a rated capacity of 594 kW at a head of 240 feet and a flow of 36 cfs; (4) a short tailrace; (5) a ¼-mile long 14.4-kV transmission line; and (5) appurtenant facilities. Applicant estimates that the average annual energy output would be 7,419,230 kWh. Project energy would be sold to several small municipalities or to the Public Service Company of Colorado.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 3 years, during which time it would complete feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates that the cost of the work under the permit would be $80,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27064 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-728-000]

Appalachian Power Co.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on behalf of its affiliate, Appalachian Powerl Company (APCo) tendered for filing on August 31, 1981, a change of rate schedule, Modification No. 15 to the Interconnection Agreement between APCo and Virginia Electric and Power Company (VEPCO). This Modification provides for an extension of the present System Unit Power sale by APCo of 600 MW to VEPCO from September 1, 1981 to December 31, 1981.

The proposed terms and conditions including billing rates of the service Schedule H—System Unit Power have not been changed and are the same as the rates originally accepted for filing by FERC on September 30, 1980.

Applicant has requested the Commission to accept the Modification for filing on or before September 1, 1981 as it intends to continue the sale of System Unit Power to VEPCO as of that date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27036 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-727-000]

Appalachian Power Co.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

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Take notice that American Electric Power Service Corporation (AEP) on August 31, 1981, tendered for filing on behalf of its affiliate Appalachian Power Company (APCo) Modification No. 8, dated June 1, 1981, to the Interconnection Agreement, dated February 7, 1957, between Carolina Power & Light Company and APCo's Rate Schedule FERC No. 24.

Sections 1 and 2 of Modification No. 8 provide for an increase in the demand charge for Short Term and Limited Term Power from $0.85 to $1.05 per kilowatt per week and $4.50 to $5.50 per kilowatt per month respectively. Both schedules are proposed to become effective June 1, 1981. AEP operating companies have filed such increases with various interconnected companies which have been accepted for filing by the Commission.

Applicant states that since the use of Short Term Power cannot be accurately estimated for the twelve-month period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from modification for such period. Applicant's Appendix III which is included with the filing of this modification demonstrates that the increase in revenues which would have resulted had the modification been in effect during the twelve-month period ending May 1981, would have been $250,000 (i.e., from $7,206,330 to $7,456,330) for Short Term Power. There were no Limited Terms sales during this period.

Copies of the filing were served upon CP&L, State Commission of Virginia and the Public Service Commission of West Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27037 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-718-000]

Central Vermont Public Service Corp.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Taken notice that Central Vermont Public Service Corporation (Central) on August 31, 1981, tendered for filing proposed changes in its FERC Electric Service Rate No. 102. The proposed changes would increase revenues from jurisdictional sales and service by $492 for the twelve month period ending October 31, 1981.

The change is proposed in accordance with the provisions of Article III of the Company's transmission service agreement with the Rochester Electric Light and Power Company which provides the charges will be updated annually to incorporate the Company's cost experience for the preceding calendar year.

Central proposes an effective date of November 1, 1981.

Copies of the filing were served upon the Rochester Electric Light and Power Company and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27036 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-711-000]

Central Vermont Public Service Corp.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Taken notice that on August 31, 1981 the Central Vermont Public Service Corporation (Central) tendered for filing proposed changes in its FERC Electric Service Rate No. 93. The proposed changes would increase revenues from jurisdictional sales and service by $605 for the twelve month period ending October 31, 1981.

The change is proposed in accordance with the provisions of Article III of the Company's transmission service agreement with the Lyndonville Electric Department which provides that charges will be updated annually to incorporate the Company's cost experience for the preceding calendar year.

Central proposes an effective date of November 1, 1981.

Copies of the filing were served upon the Lyndonville Electric Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27039 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-712-000]

Central Vermont Public Service Corporation; Notice of Proposed Tariff Change

September 10, 1981.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Company) on August 31, 1981, tendered for filing a proposed change in its FERC Electric Service Rate No. 88. The proposed change would increase revenues from jurisdictional sales and service by $163,008 for the twelve month period ending October 31, 1981. Also tendered for filing is Amendment No. 1 to the contract which changes the period of the Company's purchased power capacity cost experience incorporated in the modification of annual charges from twelve months ending April to twelve months ending October preceding the proposed effective date of November 1 of each year. And also tendered for filing is the Company's assent to the assignment by Vermont Electric Cooperative, Inc. of its interests in the contract to Vermont Electric Generation and Transmission, Inc.

The change is proposed in accordance with Article V of the Company's contract and Amendment No. 1 with Vermont Electric Generation and Transmission Cooperative, Inc. which provides that charges under the agreement will be updated annually to incorporate the Company's purchased power cost experience for the twelve months ending October and the Company's capacity cost associated with company-owned generating facilities for the calendar year preceding the proposed effective date of November 1, 1981. The change in costing period incorporates into the modification of the annual charges more recent actual purchased power cost experience of the Company.

Copies of the filing were served upon the Vermont Electric Generation and Transmission Cooperative, Inc. and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application shall file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27040 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-710-000]

Central Vermont Public Service Corp.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Central) on August 31, 1981, tendered for filing a proposed change in its FERC Electric Service Rate No. 98. The proposed change would increase revenues from jurisdictional sales and service by $25,344 for the twelve month period ending October 31, 1981.

The change is proposed in accordance with Article V of the Company's agreement with the Village of Ludlow Electric Light Department which provides that charges under the agreement will be updated annually to incorporate the Company's purchased power cost experience for the preceding twelve months ending April and the Company's capacity cost associated with company-owned generating facilities for the preceding calendar year.

Central proposes an effective date of November 1, 1981.

Copies of the filing were served upon the Village of Ludlow Electric Light Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27041 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-715-000]

Central Vermont Public Service Corp.; Notice of Proposed Tariff Change

September 10, 1981.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Central) on August 31, 1981, tendered for filing proposed changes in its FERC Electric Service Rate No. 103. The proposed changes would decrease revenues from jurisdictional sales and service by $36 for the twelve month period ending October 31, 1981.

The change is proposed in accordance with the provisions of Article VIII of the Company's transmission service agreement with the Village of Johnson Water and Light Department which provides that charges will be updated to incorporate the Company's cost of experience for the preceding calendar year.

Central proposes an effective date of November 1, 1981.

Copies of the filing were served upon the Village of Johnson Water and Light Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27042 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-716-000]

Central Vermont Public Service Corp.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Central) on August 31, 1981, tendered for filing proposed changes in its FERC Electric Service Rate No. 97. The proposed changes would decrease revenues from jurisdictional sales and services by $1,199 for the twelve month period ending October 31, 1981.

The change is proposed in accordance with the provisions of Article VIII of the Company's transmission service agreement with the Village of Ludlow Electric Light Department which provides that charges will be updated annually to incorporate the Company's cost experience for the preceding calendar year.

Central proposes an effective date of November 1, 1981.

Copies of the filing were served upon the Village of Ludlow Electric Light Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

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Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-2704[illegible] Filed 9-16-81; 8:45 am]

BILLING CODE [illegible]-85-M

[Docket No. ER81-719-000]

Central Vermont Public Service Corp.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Central) on August 31, 1981, tendered for filing proposed changes in its FERC Electric Service Rate No. 89. The proposed changes would increase revenues from jurisdictional sales and services by $27,036 for the twelve month period ending October 31, 1981.

The change is proposed in accordance with the provisions of Article VIII of the Company's transmission service agreement with the Vermont Electric Cooperative, Inc. which provides that charges will be updated annually to incorporate the Company's cost experience for the preceding calendar year.

Central proposes an effective date of November 1, 1981.

Copies of the filing were served upon the Vermont Electric Cooperative, Inc. and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27044 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-724-000]

The Connecticut Light and Power Co.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Take notice that on August 31, 1981, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units dated August 15, 1977 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO), and (2) Newport Electric Corportation (Newport).

CL&P states that the Purchase Agreement provides for a sale to Newport of a specified percentage of capacity and energy from eleven gas turbine generating units during the period from November 1, 1981 to October 31, 1985, together with related transmission service.

CL&P requests that the Commission permit the rate schedule filed herein to become effective on November 1, 1981.

CL&P states that the Capacity Charge for the proposed service was determined on a cost of service basis. The monthly Transmission Charge is equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly transmission Charge is determined by the product of (i) the transmission charge rate ($/KW-month), and (ii) the number of kilowatts of winter capability which Newport is entitled to receive, reduced to give due recognition of the payments made by Newport for transmission service on intervening systems. The Variable Maintenance Charge was derived from historical costs and the Additional Maintenance Charge is twice the Variable Maintenance Charge.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to HELCO, WMECO, and Newport.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27045 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-730-000]

Georgia Power Co.; Notice of Proposed Tariff Change

September 10, 1981.

The filing Company submits the following:

Take notice that Georgia Power Company (Georgia Power), on September 1, 1981, tendered for filing proposed changes in its FERC Electric Tariff, Original Volume No. 2 (partial requirements service). Based on the twelve-month period ended November 30, 1982, the proposed changes would increase revenues from jurisdictional partial requirements service by $25,331,000. The filing contains proposed Rate Schedule PR-6 which would replace Rate Schedule PR-5 (partial requirements). Georgia Power has stated an effective date of September 1, 1981 for the proposed changes, and therefore requests waiver of the Commission's notice requirements.

Georgia Power asserts that its costs have escalated steadily since the filing of its PR-5 rates, resulting in a large increase in the revenue required from wholesale service. The data submitted with Georgia Power's filing allegedly demonstrates that PR-5 rates do not provide a fair return on Georgia Power's wholesale service.

Georgia Power states that copies of the filing were served upon all of its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8

and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27046 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-725-000]

Idaho Power Co.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Take notice that on August 31, 1981, the Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during July, 1981, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are avaliable for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27047 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-726-000]

Mississippi Power Co.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Take notice that Mississippi Power Company (MPC) on August 31, 1981, tendered for filing Supplement Agreement with Singing River Electric Power Association (SREPA) under its FERC Electric Tariff Original Volume No. 1. This agreement provides for a new delivery point to be established at Singing River Mall. To effect this change, MPC and SREPA have entered into a supplemental agreement under the Company's FERC Electric Tariff Original Volume No. 1 (Second Revised Sheet No. 14).

MPC agrees to deliver up to a maximum of 6,000 kilowatts at 115,000 volts at the connections to the customer's 115 KV tap line located in the NE¼ of the NW¼ of Sections 35, Township 7 South, Range 7 West, Jackson County, Mississippi.

MPC states that this supplement will become effective on or about December 1, 1981, when the required additional facilities will be energized.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27048 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-722-000]

New England Power Co.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Take notice that New England Power Company ("NEP") on August 31, 1981 filed an amendment to its Service Agreement with the Narragansett Electric Company. The amendment adds a new delivery point to reflect the replacement of Montaup Electric Company with NEP as the supplier of electricity at wholesale to a Narragansett division in Tiverton, Rhode Island.

NEP requests that the amended Service Agreement become effective on November 1, 1981, which is the date NEP is to replace Montaup as the supplier of the Tiverton load.

Any person desiring to be heard or to make any protest with reference to this filing should submit to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 28, 1981, petitions to intervene or protest according to the Commission's Rule of Practice and Procedure (18 CFR 1.8 or 1.10). All protests will be considered by the Commission in determining the appropriate action to be taken, but protests will not serve to make protestants parties to the proceeding. A person wishing to become a party must file a petition to intervene. Copies of the application and supporting documents are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27049 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-708-000]

Public Service Company of Indiana, Inc.; Notice of Proposed Tariff Change

September 10, 1981.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc. (PSCII), on August 28, 1981, tendered for filing proposed changes in its FERC Electric Service Tariff, Original Volume No. 1 (5th Revision); Original Volume No. 2 (3rd Revision) and Rate Schedules FERC No. 212, 229 and 230.

The proposed changes would increase revenues from jurisdictional sales and service by $26,195,701.92, based on the twelve month period ending September 30, 1980.

PSCII has indicated that the filing of new tariffs and rates has been mandated by inadequate earnings on its jurisdictional sales. The average rate of return on such sales is, in its opinion, inadequate to attract capital required by the Company to pay for necessary expansion of its electric plant and increased operating expenses. For the twelve month period ended September 30, 1980, the rate of return from the jurisdictional customers was estimated to be 8.00%, which is below the Company's estimated cost of embedded debt of 8.90% for the same period.

PSCII proposes an effective date of October 28, 1981.

Copies of the filing were served upon PSCII's jurisdictional customers, and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make a protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27050 Filed 9-16-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4922-000]

Arizona Power Authority and the Division of Colorado River Resources of the State of Nevada; Application for Preliminary Permit

September 9, 1981.

Take notice that Arizona Power Authority and the Division of Colorado River Resources of the State of Nevada (Applicants) filed on June 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Projects No. 4922–000 known as the Hoover Powerplant Modifications Project located on the Colorado River in Mohave County, Arizona and Clark County, Nevada. (T22S, R65E) The application is on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: L. S. Ornsby, Administrator, Arizona Power Authority, 1810 W. Adams St., P.O. Box 6694, Phoenix, Arizona 85005, and Duane R. Sudweeks, Administrator, Division of Colorado River Resources, P.O. Box 19090, Las Vegas, Nevada 89110.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Hoover Dam, its outlet works, and Lake Mead. The proposed project would consist of: (1) an underground surge tank; (2) a penstock connected to the existing 30-foot diameter lower penstock; (3) a new powerhouse on the Arizona or Nevada side containing one or two turbine-generator units with a total rated capacity of between 400 and 1,000 MW; (4) new draft tube tunnels, an access tunnel, cable and ventilation shafts, a switchyard; and (5) appurtenant facilities. The proposed project does not include the existing Hoover Powerplants operated by the U.S. Bureau of Reclamation. Exact sizing of the turbine-generator units will depend on whether or not the U.S. Bureau of Reclamation carries out any uprating program of the existing generating units. The proposed project may effect the operation of Lake Mead, Lake Mohave and Lake Havasu. Energy produced by the project would be utilized by the Applicant's customers in Nevada and Arizona.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $600,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 15, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27014 Filed 9-16-81; 8:45 am]
BILLING CODE 6450-85-M

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 9, 1981.

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JD NO    JA DKT       API NO      D SEC CPT WELL NAME                           FIELD NAME                  PROD  PURCHASER
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  TEXAS RAILROAD COMMISSION
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-AMMEX PETROLEUM INC                    RECEIVED:  08/21/81  JA: TX
 8146576  F-03-038473  4205132183   102-2   HETTIE UNIT #1                      GIDDINGS (AUSTIN CHALK)     75.6 CLAJON GAS CO
 8146576  F-03-038473  4205132183   103     HETTIE UNIT #1                      GIDDINGS (AUSTIN CHALK)     75.6 CLAJON GAS CO
-AMOCO PRODUCTION CO                    RECEIVED:  08/21/81  JA: TX
 8146577  F-03-038477  4207101155   108     A D MIDDLETON #5                    TURTLE BAY/6000 HET/        10.2 TEXAS EASTERN TRA
 8146641  F-08-038713  4200332475   103     BLOCK 9 FUHRMAN MASCHO UNIT NO 112  FUHRMAN-MASCHO               9.9 PHILLIPS PETROLEU
 8146578  F-08-038478  4200332622   103     BLOCK 9 FUHRMAN-MASCHO UNIT #120    FUHRMAN-MASCHO              14.2 PHILLIPS PETROLEU
 8146566  F-08-038454  4200332613   103     BLOCK 9 FUHRMAN-MASCHO UNIT NO 111  FUHRMAN-MASCHO              13.1 PHILLIPS PETROLEU
 8146565  F-03-038453  4219931567   103     J L MOSKOWITZ #30                   NEW BATSON                  13.1 MATADOR PIPELINE
 8146632  F-08-038688  4200332116   102-4   MIDLAND FARMS BE #12                INEZ (STRAWN)                8.8 AMOCO PRODUCTION
 8146455  F-7C-026534  4244330052   102-4   PAKENHAM RANCH CO LTD B #1          UNIVERSITY BLK 34 E (WOL   350.0 EL PASO NATURAL C
 8146640  F-08-038712  4249531209   102-4   SEALY SMITH FOUNDATION A # 1        MONAHANS NORTH               1.8 AMOCO PRODUCTION
 8146511  F-06-035524  4220330633   107-TF  T W GEORGE/B/ WELL NO 1             BLOCKER/COTTON VALLEY/     170.0 UNITED GAS PIPELI
-ANDERSON PETROLEUM INC                 RECEIVED:  08/21/81  JA: TX
 8146485  F-7C-032555  4243532304   103     PAULINE FRIESS A 3-101              SAWYER CANYON                0.0 SUTTON COUNTY PIP
 8146485  F-7C-032555  4243532304   107-TF  PAULINE FRIESS A 3-101              SAWYER CANYON                0.0 SUTTON COUNTY PIP
-ARCO OIL AND GAS COMPANY               RECEIVED:  08/21/81  JA: TX
 8146463  F-01-029430  4231131478   103     D W RHODE 9(A) #5T                  RHODE RANCH EAST (WILCOX   526.0 ARCO OIL & GAS CO
-BARUCH-FOSTER CORP                     RECEIVED:  08/21/81  JA: TX
 8146598  F-08-038568  4213500000   108     TXL #1-S TEXAS-RRC-ID#19651         COWDEN NORTH                10.0 PHILLIPS PETROLEU
-BLADE OIL CO                           RECEIVED:  08/21/81  JA: TX
 8146529  F-10-037434  4223300000   103     J M SANFORD E #23 04570             PANHANDLE                    0.0 PHILLIPS PETROLEU
 8146528  F-10-037433  4223300000   103     J M SANFORD E #32 04570             PANHANDLE                    0.0 PHILLIPS PETROLEU
-C & K PETROLEUM INC                    RECEIVED:  08/21/81  JA: TX
 8146510  F-7C-035352  4238331866   103     SUGG #3                             CALVIN (DEAN)               22.0
-CHAMPLIN PETROLEUM COMPANY             RECEIVED:  08/21/81  JA: TX
 8146513  F-04-035732  4221500000   108     A W BEAURLINE NO 3                  LOS INDIOS                  18.9 TENNESSEE GAS PIP
 8146491  F-03-033187  4205100000   102-2   ALVIN M PAUL NO 2                   GIDDINGS                     0.0 FERGUSON CROSSING
 8146451  F-03-033187  4205100000   103     ALVIN M PAUL NO 2                   GIDDINGS                     0.0 FERGUSON CROSSING
 8146508  F-04-035124  4235500000   108     RUSH-WOFFORD B NO 1                 AGUA DULCE                   9.8 TENNESSEE GAS PIP
 8146473  F-03-030758  4205100000   102-2   HENRY R ZGABAY NO 1                 GIDDINGS                     0.0 FERGUSON CROSSING
 8146473  F-03-030758  4205100000   103     HENRY R ZGABAY NO 1                 GIDDINGS                     6.0 FERGUSON CROSSING
 8146492  F-03-033188  4205131266   102-2   JAMES R CALVIN NO 1                 GIDDINGS                   115.0 FERGUSON CROSSING
 8146492  F-03-033188  4205131268   103     JAMES R CALVIN NO 1                 GIDDINGS                   115.0 FERGUSON CROSSING
 8146493  F-03-033191  4205100000   102-2   JOHNNIE KNESEK NO 1                 GIDDINGS                   131.0 FERGUSON CROSSING
 8146493  F-03-033191  4205100000   103     JOHNNIE KNESEK NO 1                 GIDDINGS                   131.0 FERGUSON CROSSING
 8146482  F-03-031895  4205130943   102-2   LOUIS KNESEK NO 1                   GIDDINGS                   258.0 FERGUSON CROSSING
 8146482  F-03-031895  4205130943   103     LOUIS KNESEK NO 1                   GIDDINGS                   256.0 FERGUSON CROSSING
 8146494  F-03-033192  4205131233   102-2   MILDRED CRNKOVIC NO 1               GIDDINGS                    26.0 FERGUSON CROSSING
 8146494  F-03-033192  4205131233   103     MILDRED CRNKOVIC NO 1               GIDDINGS                    26.0 FERGUSON CROSSING
 8146495  F-03-033202  4205131258   102-2   WOODROW WORTHINGTON NO 1            GIDDINGS                    57.0 FERGUSON CROSSING
 8146495  F-03-033202  4205131258   103     WOODROW WORTHINGTON NO 1            GIDDINGS                    57.0 FERGUSON CROSSING
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                                                                           VOLUME  504          PAGE  602
 JD NO     JA DKT          API NO       D SEC CAT WELL NAME                        FIELD NAME                 PROD    PURCHASER
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-CHARLES M GREEN                                  RECEIVED:  08/21/81  JA: TX
 8146643   F-04-038717   4240931447    103        W L ROOTS WELL NO 3              TAFT EAST (5180)            10.0 HOUSTON PIPE LINE
-CHEVRON U S A INC                                RECEIVED:  08/21/81  JA: TX
 8146625   F-08-038656   4200332473    103        COLUMBUS GRAY ET AL 21-18        FUHRMAN-MASCHO              91.0 PHILLIPS PETROLEU
 8146623   F-08-038684   4222732384    103        G M DODGE #59                    IATAN EAST (HOWARD)         30.0 GETTY OIL CO
 8146621   F-08-038652   4222732360    103        G M DODGE #60                    IATAN EAST (HOWARD)         15.0 GETTY OIL CO
 8146631   F-09-038686   4209731671    103        M BUTLER MINERAL FEE #1          SIVELLS BEND                23.7
 8146624   F-08-038655   4249531304    103        SEALY SMITH FOUNDATION 4 NO 2    AREAOSO (STRAWN DETRITUS   167.0 PHILLIPS PETROLEU
 8146633   F-09-038689   4218130746    103        SHERMAN #11A-2                   SHERMAN (7500 SAND)        317.0 LONE STAR GAS CO
 8146626   F-09-038657   4209731707    103        SIVELLS BEND #1004               SIVELLS BEND                54.0
 8146622   F-08-038653   4233531890    103        W L FOSTER #69                   IATAN EAST (HOWARD)         29.0 GETTY OIL COMPANY
-CITIES SERVICE COMPANY                           RECEIVED:  08/21/81  JA: TX
 8146557   F-10-038439   4217930807    103        EAKIN A NO 2                     PANHANDLE                    1.8 PHILLIPS PETROLEU
 8146558   F-10-038438   4206530804    103        WHITTEMORE A NO 12               PANHANDLE                    3.6
-CLAYTON W WILLIAMS JR                            RECEIVED:  08/21/81  JA: TX
 8146470   F-08-030638   4247531941    103        J F PATTEE ET AL UNIT #1         SCOTT (CHERRY CANYON)      800.0 TRANSWESTERN PIPE
-CLEMCO INC                                       RECEIVED:  08/21/81  JA: TX
 8146585   F-01-038512   4216331922    103        HENDERSON LTM ENTER NO 2         PEARSALL (AUSTIN CHALK)     20.0 TGM INC
-COASTAL OIL & GAS CORP                           RECEIVED:  08/21/81  JA: TX
 8146560   F-10-038441   4237530843    103        MASTERSON A 8409AP               PANHANDLE (RED CAVE)         5.0 COLORADO INTERSTA
 8146561   F-10-038442   4237530835    103        MASTERSON B 8355P                PANHANDLE (RED CAVE)        10.0 COLORADO INTERSTA
 8146562   F-10-038443   4237530838    103        MASTERSON C 1102 RC              PANHANDLE (RED CAVE)        26.0 COLORADO INTERSTA
-COLOGNE PRODUCTION CO                            RECEIVED:  08/21/81  JA: TX
 8146526   F-02-037765   4246931727    103        C SCHAAR B WELL #6               COLOGNE (4100)             120.0 HOUSTON PIPELINE
-COLUMBIA GAS DEVELOPMENT CORP                    RECEIVED:  08/21/81  JA: TX
 8146593   F-03-038529   4228730877    102-2      LINDEN & FRANK BOWERS NO 5       GIDDINGS (AUSTIN CHALK-3    10.0 PHILLIPS PETROLEU
-CONOCO INC                                       RECEIVED:  08/21/81  JA: TX
 8146515   F-04-036079   4242700000    108        FRIO D-5 UNIT #9                 RINCON                      19.0 TENNESSEE GAS PIP
 8146531   F-04-037458   4242731210    108        M M GARCIA F542 #14              RINCON                      15.0 TENNESSEE GAS PIP
 8146572   F-04-038462   4213100000    108        ROBERT DRISCOLL #352             CONOCO - DRISCOLL            2.0 TRANSCO GAS PIPEL
 8146569   F-04-038459   4213100000    108        ROBERT DRISCOLL #364             CONOCO-DRISCOLL              1.5 TRANSCO GAS PIPEL
 8146573   F-04-038463   4213100000    108        ROBERT DRISCOLL #365             CONOCO - DRISCOLL            4.0 TRANSCO GAS PIPEL
 8146571   F-04-038461   4213100000    108        ROBERT DRISCOLL #381             CONOCO - DRISCOLL            4.8 TRANSCO GAS PIPE
 8146567   F-04-038457   4213100000    108        ROBERT DRISCOLL #386             CONOCO - DRISCOLL            5.6 TRANSCO GAS PIPE
 8146568   F-04-038458   4213100000    108        ROBERT DRISCOLL #58              CONOCO-DRISCOLL              0.5 TRANSCO GAS PIPEL
 8146570   F-02-038460   4212300000    108        ROYCE C WOOD ET AL #1            SLICK (REKLAW               20.0 UNITED GAS PIPELI
 8146514   F-10-036042   4206500000    108        S B BURNETT - A NO 9             CARSON - HUTCHINSON          0.2 PHILLIPS PETROLEU
 8146483   F-04-032190   4247932827    103        WILLIAM HUBBERD NO 19            LAREDO (LOBO)              350.0 VALERO TRANSMISSI
-COTTON PETROLEUM CORPORATION                     RECEIVED:  08/21/81  JA: TX
 8146552   F-10-038423   4219530010    108        MILLER ESTATE GAS UNIT NO 1      S BERNSTEIN                  0.0 TRANSWESTERN PIPE
-COURSON OIL & GAS INC                            RECEIVED:  08/21/81  JA: TX
 8146500   F-10-034246   4235731052    103        ARCHER-DENDY #1-25T              WAKA WEST                   70.0 TRANSWESTERN PIPE
-CRYSTAL OIL COMPANY                              RECEIVED:  08/21/81  JA: TX
 8146503   F-06-034590   4236531185    103        E DOUGLAS A #1 - L               BETHANY                    248.2 UNITED GAS PIPELI
 8146503   F-06-034590   4236531185    107-TF     E DOUGLAS A #1 - L               BETHANY                    248.2 UNITED GAS PIPELI
-DAMSON OIL CORPORATION                           RECEIVED:  08/21/81  JA: TX
 8146635   F-02-038693   4202531037    102-4      M S SCHOOLFIELD #1               RAGSDALE N (WILCOX)          0.0 TEXAS EASTERN TRA
-DAVID TAYLOR                                     RECEIVED:  08/21/81  JA: TX
 8146536   F-10-038022   4235700000    108        BUZZARD 38145                    FARNSWORTH (LOWER MORROW    18.0 EL PASO NATURAL G
-DIAMOND SHAMROCK CORPORATION                     RECEIVED:  08/21/81  JA: TX
 8146487   F-10-032731   4239300000    103        FRANK CHAMBERS A NO 3            MENDOTA NW                   0.0
 8146634   F-10-038691   4242100000    108        PRICE D NO 22                    TEXAS HUGOTON                3.0 NORTHERN NATURAL
 8146600   F-10-038570   4223300000    108        RYAN NO 2                        PANHANDLE                    1.0 NORTHERN NATURAL
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                                                                              VOLUME  504           PAGE  503
JD NO     JA DKT         API NO       D SEC CAT WELL NAME                         FIELD NAME                PROD   PURCHASER
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8146599   F-10-038569   4223300009    108      RYAN NO 7                          PANHANDLE                   1.0 NORTHERN NATURAL
8146488   F-10-032734   4239330789    103      SUSAN B KAUFFMAN NC 3-81           MENDOTA NW                166.0
-DISCOVERY OPERATING INC                    RECEIVED:  08/21/81  JA: TX
8146481   F-08-031858   4200332387    103      UNIVERSITY 11 C #1                 EMBAR (PERMIAN)             6.3 PHILLIPS PETROLEU
-ECHOLS OIL CO                              RECEIVED:  08/21/81  JA: TX
8146588   F-7B-038386   4242900000    103      WALKER NO 1                        STEPHENS CO REGULAR (GAS   25.0 WEL-GAS INC OF TE
-EL PASO NATURAL GAS COMPANY                RECEIVED:  08/21/81  JA: TX
8146610   F-10-038615   4217930794    103      BROWN B #1                         PANHANDLE EAST BROWN DOL   20.0 EL PASO NATURAL G
-ENSERCH EXPLORATION INC                    RECEIVED:  08/21/81  JA: TX
*8146517  F-08-036426   4232900000    108      T M OLDHAM C NO 5                  AZALEA                      4.0 WARREN PETROLEUM
-ESENJAY PETROLEUM CORP                     RECEIVED:  08/21/81  JA: TX
8146507   F-02-034891   4202531432    103      EDWIN WALLEK NO 1 #53567           SLIVA 3800                 75.0 UNITED GAS PIPELI
-ESTATE OIL & GAS CORP                      RECEIVED:  08/21/81  JA: TX
8146469   F-06-030549   4220330755    102-4    MARGARET SUGGS NC 2 90581          LANSING NORTH (COTTON VA   46.5 TEJAS GAS CORP
8146469   F-06-030549   4220330755    107-TF   MARGARET SUGGS NO 2 90581          LANSING NORTH (COTTON VA   46.5 TEJAS GAS CORP
-EUGENE MCCRACKEN                           RECEIVED:  08/21/81  JA: TX
8146878   F-09-031567   4250300000    108      HARTY B 21358                      HARTY B CONGLOMERATE       17.0
-EXXON CORPORATION                          RECEIVED:  08/21/81  JA: TX
8146549   F-03-038413   4233530458    103      CONROE FIELD UNIT #1717            CONROE FIELD              102.0 MORAN UTILITIES C
8146548   F-03-038412   4233930500    103      CONROE FIELD UNIT #1718            CONROE FIELD              120.0 MORAN UTILITIES C
8146550   F-03-038414   4233930488    103      CONROE FIELD UNIT #1934            CONROE FIELD               36.0 MORAN UTILITIES C
8146547   F-03-038411   4233930489    103      CONROE FIELD UNIT #218             CONROE FIELD              110.0 MORAN UTILITIES C
8146551   F-03-038415   4233930503    103      CONROE FIELD UNIT #717             CONROE FIELD               91.0 MORAN UTILITIES C
8146532   F-03-037459   4205131325    102-2    COOKS POINT UNIT NC 9 WELL 1       GIDDINGS (AUSTIN CHALK)    35.0 FERGUSON CROSSING
*8146615  F-04-038631   4235531654    103      EAST FLOUR BLUFF N-4 (#53327)      EAST FLOUR BLUFF EAST DE   76.0 ARMCO STEEL CORP
8146597   F-08-038563   4238931141    102-4    FIC BANK OF HOUSTON #1             HAMILLA DRAW (BELL CANYC    6.0
8146497   F-08-033784   4200332521    103      FULLERTON CLEARFORK UNIT #1235     FULLERTON                  15.0 PHILLIPS PETROLEU
*8146537  F-04-038292   4226130612    103      K R BADENO 10 (92719)              SAN JOSE (G-41)            14.0 ARMCO STEEL CORP
*8146639  F-03-038711   4215731138    103      KATY GAS FIELD UNIT 2 WELL 56      KATY S (FIRST WILCOX)     981.0 ARMCO STEEL CORP
8146533   F-04-037505   4204700000    108      MCGILL BROS 288-G (81356)          KELSEY DEEP (19-A)          1.0 TRUNKLINE GAS CO
8146523   F-08-037225   4200332656    103      MEANS/SAN ANDRES/ UNIT #1382       MEANS                      20.0 PHILLIPS PETROLEU
8146522   F-8A-037224   4216532013    103      ROBERTSON CLFK UNIT #6803          ROBERTSON N (CLFK 7100)    20.0 PHILLIPS PETROLEU
8146583   F-04-038501   4226100000    108      SARITA FLD OIL & GAS UN 123-F0657  SARITA (15-M)               6.7 NATURAL GAS PIPEL
8146524   F-04-037244   4204700000    108      SCOTT & HOPPER FLD GAS #1 41387    SCOTT & HOPPER (I-14 & I   12.0 TENNESSEE GAS PIP
8146534   F-04-037506   4213100000    108      V KOHLER A-111 (82582)             VIGGC (B-26)                6.0 TENNESSEE GAS PIP
-FISHER-WEBB INC                            RECEIVED:  08/21/81  JA: TX
8146619   F-7B-038647   4244131815    103      H MCCOY NO 3                       SAM W (STRAWN SAND)        30.0 PALO DURO PIPELIN
8146617   F-7B-038644   4244113185    103      RODE B NO 1                        LAKE ABILENE (4000)        50.0 FORT CHADBOURNE C
8146618   F-7B-038645   4244131861    103      V BROWN NO 1                       LAKE ABILENE (4000)        50.0 FORT CHADBOURNE C
-FLAG-REDFERN OIL CO                        RECEIVED:  08/21/81  JA: TX
8146521   F-08-037095   4247532823    103      STATION NO 2 WELL------ #86149     RHODA WALKER (CANYON 590  110.0 UNITED TEXAS TRAN
-FRAC INC                                   RECEIVED:  08/21/81  JA: TX
8146629   F-08-038681   4200332530    103      THORNBERRY NO 4-4 #25877           FUHRMAN-MASCHO             29.5 PHILLIPS PETROLEU
-GENERAL AMERICAN OIL COMPANY OF TEX        RECEIVED:  08/21/81  JA: TX
8146637   F-09-038730   4207731054    103      COWLEY NO 1-28                     BLUE GROVE SOUTH (BRYSON    2.0
-GETTY OIL COMPANY                          RECEIVED:  08/21/81  JA: TX
8146460   F-05-028837   4216100000    102-0    J E ANDERSON WELL #1               NEAL (COTTON VALLEY)      500.0 LONE STAR GAS CO
8146498   F-03-033921   4205100000    102-2    RICHARD SMITH #1                   GIDDINGS (AUSTIN CHALK)     0.0 FERGUSON CROSSING
8146479   F-08-031772   4247531851    107-DP   UNIVERSITY 42-20 #1-L              WILDCAT                  1800.0 INTRATEX GAS CO
8146480   F-08-031773   4247531851    107-DP   UNIVERSITY 42-20 #1-U              WILDCAT                  1300.0 INTRATEX GAS CO
-GO OIL CORP                                RECEIVED:  08/21/81  JA: TX
8146808   F-7B-038802   4205932537    103      NEUMANN NO 1 WELL LEASE NO 18855   PUTNAM NORTH (DUFFER)       6.0 LONE STAR GAS CO
-GRACE PETROLEUM CORPORATION                RECEIVED:  08/21/81  JA: TX
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  JD NO     JA DKT       API NO      D SEC CAT WELL NAME                                  FIELD NAME                 PROD     PURCHASER
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  8146638   F-06-038684  4236530993   103      CAPPS #1                                   CARTHAGE (COTTON VALLEY)     0.0 UNITED GAS PIPELI
  8146584   F-04-038525  4224930522   108      H S SHANKS NO 2                            AMARGOSA (2700)             16.0 NATURAL GAS PIPEL
  8146607   F-04-038597  4224930843   108      LESTER MOORE #4                            AMARGOSA (2700)             17.0 NATURAL GAS PIPEL
 -GULF ENERGY PRODUCING COMPANY                 RECEIVED:  08/21/81  JA: TX
  8146509   F-04-035194  4250531176   103      BLAS RAMIREZ #4-L (69671)                  LOPENO (WILCOX G)            0.0 INTRASTATE GATHER
 -GULF OIL CORPORATION                          RECEIVED:  08/21/81  JA: TX
  8146592   F-04-038528  4247932968   102-4    BRUNI MINERAL TRUST A NO 15                JUANITA (LOBO)               0.0 TENNESSEE GAS PIP
 -HAROLD D COURSON                              RECEIVED:  08/21/81  JA: TX
  8146472   F-10-030696  4235700000   108-ER   LEROY SMITH #1                             FARNSWORTH S E/CLEVELAND    18.0 DIAMOND SHAMROCK
 -HARWOOD EXPLORATION INC                       RECEIVED:  08/21/81  JA: TX
  8146499   F-02-034024  4202500000   103      GEORGIE HEARD 2-C                          GEORGIE HEARD 3500          48.0 TRUNKLINE GAS CO
 -HUMBLE EXPLORATION CO INC                     RECEIVED:  08/21/81  JA: TX
  8146474   F-03-030830  4228730772   102-2    AUDRA #1                                   GIDDINGS                    20.0 PHILLIPS PETROLEU
  8146474   F-03-030830  4228730772   103      AUDRA #1                                   GIDDINGS                    20.0 PHILLIPS PETROLEU
 -HUNT ENERGY CORPORATION ET AL                 RECEIVED:  08/21/81  JA: TX
  8146489   F-10-032762  4248330762   102-2    G C DAVIS #1-61                            STILES RANCH              2000.0 COLORADO INTERSTA
  8146489   F-10-032762  4248330762   107-TF   G C DAVIS #1-61                            STILES RANCH              2000.0 COLORADO INTERSTA
 -HUNT OIL COMPANY                              RECEIVED:  08/21/81  JA: TX
  8146538   F-06-038295  4221330297   103      FAIRWAY (JAMES LIME) UNIT #658-2           FAIRWAY (JAMES LIME) UNI   230.0 LONE STAR GAS CO
  8146539   F-06-038297  4200131003   103      FAIRWAY (JAMES LIME) UNIT #653-2           FAIRWAY (JAMES LIME) UNI    10.0 LONE STAR GAS CO
 -IKE LOVELADY INC                              RECEIVED:  08/21/81  JA: TX
  8146518   F-08-036735  4237132612   103      TAFT O #2                                  LEHN-APCO SOUTH (QUEEN)    365.0 ADOBE GAS CO
 -INTERNATIONAL OIL & GAS CORP                  RECEIVED:  08/21/81  JA: TX
  8146453   F-7C-024074  4210532377   102-2    VAUGHN 85 #1                               VAUGHN CLEARFORK             4.0 APACHE GAS CORP
  8146453   F-7C-024074  4210532377   103      VAUGHN 85 #1                               VAUGHN CLEARFORK             4.0 APACHE GAS CORP
 -J M HUBER CORPORATION                         RECEIVED:  08/21/81  JA: TX
  8146613   F-10-038629  4239300000   108      BROWN NO 1                                 QUINDUNO                     1.5 PHILLIPS PETROLEU
  8146612   F-10-038628  4239300000   108      BROWN NO 2                                 QUINDUNO                     1.5 PHILLIPS PETROLEU
  8146614   F-10-038630  4239300000   108      ROBBINS NO 1                               KELLN                        5.0 PHILLIPS PETROLEU
 -JONES CO                                      RECEIVED:  08/21/81  JA: TX
  8146556   F-7B-038432  4242900000   102-4    LOVING 67 # 1 (87276)                      LOVING (STRAWN)             82.0 WARREN PETROLEUM
 -K L H OIL & GAS INC                           RECEIVED:  08/21/81  JA: TX
  8146555   F-7B-038431  4204932479   102-4    H C WILLIAMS # 1 (92667)                   CHAMBERS (CONGL)           511.0 ODESSA NATURAL CO
  8146554   F-7B-038430  4204932582   102-4    MOORE ESTATE #1 (92668)                    CHAMBERS (CONGL)           200.0 ODESSA NATURAL CO
  8146553   F-7B-038429  4204932495   102-4    O B FOMBY # 2 (92775)                      CHAMBERS (CONGL)           613.0 ODESSA NATURAL CO
 -KEITH-STEVENS RESOURCES INC                   RECEIVED:  08/21/81  JA: TX
  8146545   F-09-038806  4250334398   103      DEWITT MCCLATCHY #1-A 20718                JEAN NW (CADDO)             12.0 GAS ASSOCIATED SY
 -KENNEDY & MITCHELL INC                        RECEIVED:  08/21/81  JA: TX
  8146452   F-10-022520  4235700000   103      HUNGATE #24-352                            SPOONEY UPPER MORROW       186.0 NORTHERN NATURAL
 -KILLAM & HURD LTD                             RECEIVED:  08/21/81  JA: TX
  8146465   F-04-029895  4247932869   102-4    KILLAM & HURD FEE (1569) WELL #2           JUANITA (LOBO)               0.0
 -LADD PETROLEUM CORPORATION                    RECEIVED:  08/21/81  JA: TX
  8146451   F-7B-017618  4236731588   103      DAVIS UNIT NO 2                            TOTO (BEND CONGLOMERATE     30.0 LONE STAR GAS CO
  8146448   F-7B-013498  4236731246   103      STANLEY UNIT NO 3-T                        TOTO (BEND CONGLOMERATE     96.0 LONE STAR GAS CO
 -M J G INC                                     RECEIVED:  08/21/81  JA: TX
  8146638   F-02-038701  4217531482   103      P O MAYFIELD WELL NO 1                     CABEZA CREEK (MELROSE) F   120.0 UNITED GAS PIPE L
 -MARK IV ENERGY                                RECEIVED:  08/21/81  JA: TX
  8146535   F-01-037713  4249330747   102-4    JEROME FLIELLER JR #1 52709                DINCY ANN (AUSTIN CHALK)   365.0 J L DAVIS
 -MCCORMICK OPERATING CO                        RECEIVED:  08/21/81  JA: TX
  8146579   F-04-038491  4247931459   103      I O BENAVIDES GAS UNIT NO 1                LA CRUZ (OLMOS)             15.9 LONE STAR GAS CO
  8146575   F-04-038471  4247931508   103      TRIPHENE MIDDLETON ET AL B #4              BOOTH RANCH (WILCOX 3500   156.0 LONE STAR GAS CO
  8146466   F-06-030215  4240131048   103      VINSON GAS UNIT NO 4                       OAK HILL (COTTON VALLEY)   400.0 HYDROCARBON TRANS
  8146466   F-06-030215  4240131048   107-TF   VINSON GAS UNIT NO 4                       OAK HILL (COTTON VALLEY)   400.0 HYDROCARBON TRANS
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                                                                            VOLUME  504        PAGE  005
JD NO     JA DKT         API NO       D SEC CAT WELL NAME                    FIELD NAME                     PROD   PURCHASER
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-MESA PETROLEUM                         RECEIVED:  08/21/81  JA: TX
 8146611   F-05-038619   4229330130   108      F D CONNELL #1                HEADSVILLE                     16.0 LONE STAR GAS CO
 8146586   F-04-038514   4247930428   108      MATRIX LAND CO #1-2292        OWEN                            2.5 HOUSTON PIPELINE
 8146587   F-04-038515   4247930758   108      MATRIX LAND CO #3-2292        OWEN                           14.0 HOUSTON PIPELINE
 8146603   F-04-038591   4247931137   108      MATRIX LAND CO #5-2292        OWEN                           12.0 HOUSTON PIPELINE
 8146602   F-04-038550   4247931251   108      MATRIX LAND CO #6-2292        OWEN                           19.0 HOUSTON PIPELINE
 8146605   F-04-038593   4247931475   108      MATRIX LAND CO #9             OWEN                           16.0 HOUSTON PIPELINE
 8146604   F-04-038592   4247930482   108      S C OWEN #1-1133              M G CLARK                      12.0 HOUSTON PIPELINE
-NEWBOURNE OIL COMPANY                  RECEIVED:  08/21/81  JA: TX
 8146501   F-10-034488   4219530756   103      WILSON #1 WELL RRC ID #       SHAPLEY SOUTH                  20.0
-MIDWAY OIL CORP                        RECEIVED:  08/21/81  JA: TX
 8146462   F-03-029392   4205131024   102-4    KAZMAR NO 1                   CALDWELL (AUSTIN CHALK)       183.0 CLAJON GAS CO
-MITCHELL ENERGY CORPORATION            RECEIVED:  08/21/81  JA: TX
 8146449   F-09-017047   4249700000   108-ER   A M PEARSON #1 35072          BOONSVILLE (BEND CONGL)        15.0 NATURAL GAS PIPEL
 8146502   F-09-034523   4249700000   108      BONNER REEVES #1              BOONSVILLE (BEND CONGL G       12.0 SOUTHWESTERN GAS
 8146527   F-09-037317   4249700000   108      ELMER ROBINSON #2 #13[illegible]76     BOONSVILLE (BEND CONGL G        8.6 NATURAL GAS PIPEL
 8146490   F-09-032997   4249700000   108      H R HARTSELL #3               BOONSVILLE (BEND CONGL G        0.0 NATURAL GAS PIPEL
 8146468   F-09-030471   4233731217   103      HENRY D MOORE #1              BINGHAM CREEK (MISS LOWE       55.0
 8146475   F-09-030865   4236731855   103      JIM WILKERSON #1              BOONSVILLE (BEND CONGL G       45.0
 8146476   F-03-030873   4231300000   103      NORMA BURKHARDT #1            NORTH ZULCH (SUB-CLARKSV        0.0 LONE STAR GAS CO
-MITCHELL ENERGY OFFSHORE CORP          RECEIVED:  08/21/81  JA: TX
 8146450   F-03-017193   4232130408   102-4    STATE TRACT 266 #1-UT         SPANISH LAKE (MIOCENE M-      400.0
-MOBIL PRODUCING TEXAS & NEW MEXICO     RECEIVED:  08/21/81  JA: TX
 8146606   F-8A-038596   4221932983   103      NORTH CENTRAL LEVELLAND UT NO 338   LEVELLAND                 4.4 AMOCO PRODUCTION
-NATURAL GAS ANADARKO INC               RECEIVED:  08/21/81  JA: TX
 8146457   F-10-028390   4235730976   103      BAUMANN #1-31                 PERRYTON (MORROW LOWER)        90.0 PHILLIPS PETROLEU
-NEMOURS CORPORATION                    RECEIVED:  08/21/81  JA: TX
 8146636   F-06-038694   4236500000   108      L WERNER SAWMILL CC 2 WELL 1  BETHANY (PETTIT) FIELD         15.0 TENNESSEE GAS PIP
-NUCORP ENERGY INC                      RECEIVED:  08/21/81  JA: TX
 8146616   F-01-038637   4217730544   103      F T SCHAUER #06264            PILGRIM (AUSTIN CHALK)         53.0 TIPPERARY GATHERI
-PARMA PETROLEUM CORP                   RECEIVED:  08/21/81  JA: TX
 8146459   F-7C-028821   4246131577   103      ELKINS 30-1                   CALVIN (DEAN)                  25.0 EL PASO NATURAL G
-PDC GAS CO                             RECEIVED:  08/21/81  JA: TX
 8146546   F-08-038405   4237100000   108      MARGRAVE UNIVERSITY #1        CARDINAL (QUEEN W)              0.0 NORTHERN NATURAL
-PENNZOIL PRODUCING COMPANY             RECEIVED:  08/21/81  JA: TX
 8146516   F-04-036377   4221500557   108      MONTGOMERY UNIT NO 2-M        SAN CAROLOS (FF-18)            15.0 TRUNKLINE GAS CO
-PERRYMAN OPERATING CO INC              RECEIVED:  08/21/81  JA: TX
 8146504   F-05-034674   4221300000   102-2    HOWARD WELL NO 1              THOMAS LAKE (COTTON VALL       56.0 TEXAS UTILITIES F
 8146504   F-05-034674   4221300000   107-TF   HOWARD WELL NO 1              THOMAS LAKE (COTTON VALL       56.0 TEXAS UTILITIES F
 8146505   F-05-034683   4221300000   102-2    MCATEE WELL NO 1              THOMAS LAKE (COTTON VALL        0.0 TEXAS UTILITIES F
 8146505   F-05-034683   4221300000   107-TF   MCATEE WELL NO 1              THOMAS LAKE (COTTON VALL        0.0 TEXAS UTILITIES F
 8146506   F-05-034684   4221300000   102-2    ROCHE WELL NO 1               THOMAS LAKE (COTTON VALL       62.0 TEXAS UTILITIES F
 8146506   F-05-034684   4221300000   107-TF   ROCHE WELL NO 1               THOMAS LAKE (COTTON VALL       62.0 TEXAS UTILITIES F
-PHILLIPS PETROLEUM COMPANY             RECEIVED:  08/21/81  JA: TX
 8146620   F-08-038651   4213533518   103      GS ADOBE #39-14 (18713)       GOLDSMITH (5600)                0.7 EL PASO NATURAL G
 8146458   F-10-028493   4248330498   102-4    JACO A NO 1                   WHEELER PAN (HUNTON NORT      840.0 MICHIGAN WISCONSI
 8146590   F-06-038515   4210332348   103      TUBB D NO 6 (25121)           SAND HILLS (JUDKINS)           65.7 WARREN PETROLEUM
-QUINTANA PETROLEUM CORP                RECEIVED:  08/21/81  JA: TX
 8146601   F-02-038574   4239131356   103      CLEMENT HEARD 23-U            TOM OCONNOR (5500 SAND)         8.0 UNITED TEXAS TRAN
 8146540   F-02-038315   4239131309   102-4    MAUDE WILLIAMS ET AL A D-114-L   LAKE PASTURE (FT-680-W S      0.0 UNITED TEXAS TRAN
 8146543   F-02-038329   4239100000   102-4    MAUDE WILLIAMS ET AL E 32     TOM OCONNOR (6700 SAND)        18.0 UNITED TEXAS TRAN
 8146542   F-02-038327   4239100000   103      MAUDE WILLIAMS ET AL C 4-L    TOM OCONNOR (5800 SAND)        54.0 UNITED TEXAS TRAN
 8146541   F-02-038326   4239130605   102-4    THOMAS OCONNOR # 46           MARY ELLEN OCONNOR (7900       16.0 UNITED TEXAS TRAN
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JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-R A W ENERGY CORP					RECEIVED: 08/21/81 JA: TX			
8146484	F-7B-032231	4236731959		103	LUMPKIN #1 - RRC I C 52321	TOTC (STRAWN)	40.0	LONE STAR GAS CO
-RANDADO OIL & MINERALS INC					RECEIVED: 08/21/81 JA: TX			
8146628	F-01-038679	4216331929		103	A L GANN #1	PEARSALL (AUSTIN CHALK)	5.5	T G P INC
8146627	F-01-038677	4216331872		103	M V HUNTER #2	PEARSALL (AUSTIN CHALK)	3.7	T G P INC
-RIDGE OIL CO					RECEIVED: 08/21/81 JA: TX			
8146596	F-7B-038552	4213300000		102-4	J W BARNES #3	RANGER NW (MARBLE FALLS)	35.0	COMPRESSOR RENTAL
8146595	F-7B-038534	4213300000		102-4	MARY BARNES #3	RANGER NW (MARBLE FALLS)	26.3	COMPRESSOR RENTAL
-SAXON OIL COMPANY					RECEIVED: 08/21/81 JA: TX			
8146471	F-7C-030643	4238331659		103	TURNER D NO 4	SPRABERRY (TREND AREA)	13.9	NORTHERN NATURAL
-SECURITY PETROLEUM DRILLING INC					RECEIVED: 08/21/81 JA: TX			
8146496	F-10-033244	4217930779		103	SHERIDAN #2 04840	PANHANDLE GRAY COUNTY	73.0	CABOT PIPELINE CO
-SOHIO PETROLEUM CO					RECEIVED: 08/21/81 JA: TX			
8146594	F-7C-038531	4217331129		103	W A BIGBY A NO 4	CALVIN (DEAN)	57.0	EL PASO NATURAL G
-STRATA ENERGY INC					RECEIVED: 08/21/81 JA: TX			
8146609	F-03-038605	4215131444		102-2	C W HANCOCK #1	GIDDINGS (AUSTIN CHALK)	6.0	CLAJON GAS CO
-STRAWN AUTO PARTS INC					RECEIVED: 08/21/81 JA: TX			
8146530	F-7B-037454	4208333248		103	CLYDE B DAVENPORT #2	COLEMAN COUNTY REGULAR	0.0	ODESSA NATURAL CO
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 08/21/81 JA: TX			
8146564	F-04-038452	4242700000		108	H P LEE -A- NO 2	NORTH RINCON	7.0	TRANSCONTINENTAL
8146563	F-04-038448	4213100000		108	L WIEDERKEHR NO 119	GOVERNMENT WELLS N	11.8	TENNESSEE GAS PIP
8146486	F-04-032675	4224931198		103	P CANALES NO 136-U	T C B (I-02)	832.0	
-SUPERIOR OIL CO					RECEIVED: 08/21/81 JA: TX			
8146464	F-03-029640	4271500018		102-4	STATE OF TEXAS BLK 14-L UNIT #10	HIGH ISLAND BLK 14-L (92	350.0	NATURAL GAS PIPEL
8146464	F-03-029640	4271500018		103	STATE OF TEXAS BLK 14-L UNIT #10	HIGH ISLAND BLK 14-L (92	350.0	NATURAL GAS PIPEL
8146512	F-08-035626	4247532270		103	UNIVERSITY 32-18-WELL NO 1	WAR-WINK S (WOLFCAMP)	0.0	
-TARPON OIL CO					RECEIVED: 08/21/81 JA: TX			
8146461	F-7B-029268	4214330573		103	#1 MOUNTAIN VIEW	MORGAN MILLS MARBLE FALL	36.5	SOUTHWESTERN NATU
-TEXACO INC					RECEIVED: 08/21/81 JA: TX			
8146589	F-08-038518	4247500000		108	STATE OF TEXAS EA #2	WAR-WINK N (DELAWARE)	8.6	NORTHERN NATURAL
8146591	F-08-038527	4243130959		103	STERLING N FEE #2	CONGER (PENN)	173.0	
-TEXAS OIL & GAS CORP					RECEIVED: 08/21/81 JA: TX			
8146477	F-05-030969	4216130825		102-4	MCMICHAEL B #1	REED N (COTTON VALLEY LI	0.0	
8146477	F-05-030969	4216130825		107-TF	MCMICHAEL B #1	REED N (COTTON VALLEY LI	0.0	
-TIPPERARY OIL AND GAS CORP					RECEIVED: 08/21/81 JA: TX			
8146588	F-01-038517	4217730834		103	REESE #1	PEACH CREEK (AUSTIN CHAL	9.5	VALERO TRANSMISSI
-TRANSCONTINENTAL OIL CORPORATION					RECEIVED: 08/21/81 JA: TX			
8146642	F-7C-038714	4241330999		103	UNIVERSITY 52-25 #1	UNIVERSITY 53 (CANYON)	73.5	CRA INC
8146642	F-7C-038714	4241330999		107-TF	UNIVERSITY 52-25 #1	UNIVERSITY 53 (CANYON)	73.5	CRA INC
-TUCKER DRILLING COMPANY INC					RECEIVED: 08/21/81 JA: TX			
8146574	F-7C-038466	4241330987		102-4	GLASS 59 #2	GLASS (LIME 5950)	495.2	NORTHERN NATURAL
8146574	F-7C-038466	4241330987		103	GLASS 59 #2	GLASS (LIME 5950)	495.2	NORTHERN NATURAL
-UNION TEXAS PETROLEUM					RECEIVED: 08/21/81 JA: TX			
8146519	F-08-036813	4247532213		107-DP	CHINA LAKE #1	WILDCAT (CHINA LAKE AREA	1825.0	LONE STAR GAS CO
-VANDERBILT RESOURCES CORPORATION					RECEIVED: 08/21/81 JA: TX			
8146494	F-01-025608	4246530324		103	CAUTHORN 2-10 - 10 - 056626	VINEGARONE (STRAWN)	1000.0	NORTHERN NATURAL
-WALSH AND WATTS INC					RECEIVED: 08/21/81 JA: TX			
8146525	F-08-037278	4222732319		103	ABRAMS B NO 2 (LEASE NO 18630)	COAHOMA N (FUSSEL)	40.0	GETTY OIL CO
-WALTER CLINE					RECEIVED: 08/21/81 JA: TX			
8146645	F-02-038720	4217500000		108	F A ARNOLD 04638	S WEESTACHE	8.6	LONE STAR GAS CO
8146644	F-02-038719	4217500000		108	LILLIE MEYER-44111	S WEESTACHE	6.8	LONE STAR GAS CO
8146646	F-02-038721	4217500000		108	SOUTH-TEXAS CHILDRENS HOME	MARSHALL	7.0	LONE STAR GAS CO
-WHEELER OIL COMPANY					RECEIVED: 08/21/81 JA: TX			

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                                                                                    VOLUME  504          PAGE  007

JD NO     JA DKT        API NO       D SEC CAT WELL NAME                     FIELD NAME                  PROD      PURCHASER
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8146467   F-10-030220   4206700000     103      HILL #1                      PANHANDLE EAST                12.0 EL PASO NATURAL G
-WHITEHEAD PRODUCTION CO INC                   RECEIVED:  08/21/81  JA: TX
8146557   F-7B-03[illegible]   4236332465     102-2    BLACKWELL-GLOVER             MINERAL WELLS E (WHITIS       38.0 NATURAL GAS PIPEL
-WILLIAM MOSS PROPERTIES INC                   RECEIVED:  08/21/81  JA: TX
8146581   F-7C-038495   4246131613     103      POWELL 24 WELL NO 1          SPRABERRY (TREND AREA)        18.3 MOBIL PRODUCING T
8146580   F-7C-038492   4246131596     103      POWELL 26 WELL NO 1          SPRABERRY (TREND AREA)        12.8 MOBIL PRODUCING T
8146582   F-7C-038496   4246131608     103      POWELL 28 WELL NO 1          SPRABERRY (TREND AREA)        11.0 MOBIL PRODUCING T
-WILLIAM PERLMAN                               RECEIVED:  08/21/81  JA: TX
8146456   F-7C-027787   4243500000     108      GEO BROCKMAN 37 NO 3         SAWYER (CANYON)               20.0 EL PASO GAS TRANS
-WITHERSPOON & SIMPSON                         RECEIVED:  08/21/81  JA: TX
8146520   F-10-036906   4248300000     108      SIMPSON NO 1 ID NO 50744     PANHANDLE EAST                 4.0 EL PASO NATURAL G


      OTHER PURCHASERS
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     8146517    ODESSA NATURAL CORP
     8146537    E I DUPONT DE NEMOURS & CO INC
     8146615    E I DUPONT DE NEMOURS & CO INC
     8146639    E I DUPONT DE NEMOURS & CO INC
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol, St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before October 2, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
  102–2: New well (2.5 mile rule)
  102–3: New well (1000 ft)
  102–4: New onshore reservoir
  102–5: New reservoir on old OCS lease
Section 107–DP: 15, 000 feet or deeper
  107–GB: Geopressured brine
  107–CS: Coal seams
  107–DV: Denonian shale
  107–PE: Production enhancement
  107–TF: New tight formation
  107–RT: Recompletion tight formation
Section 108: Stripper well
  108–SA: Seasonally affected
  108–ER: Enhanced recovery
  108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–27020 Filed 9–16–81; 8:45 am]

BILLING CODE 6450–85–M

[Volume 503]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 9, 1981.

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 JD NO    JA DKT       API NO      D SEC CAT WELL NAME                        FIELD NAME                  PROD    PURCHASER
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******************************************************************************
   NEW MEXICO DEPARTMENT OF ENERGY & MINERALS
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-AMOCO PRODUCTION CO                       RECEIVED:  08/20/81  JA: NM
 8146301               3004524162   103     COOPER GAS COM NO 1E (DAKOTA)     BASIN DAKOTA                  30.0 EL PASO NATURAL G
 8146277               3004520285   108     GALLEGOS CANYON UNIT #262         BASIN-DAKOTA                  16.0 EL PASO NATURAL G
 8146324               3004511798   108     GALLEGOS CANYON UNIT NO 255       PINON FRUITLAND               20.0 EL PASO NATURAL G
 8146261               3004524004   103     JOHNSON GAS COM C NC 1E           BASIN DAKOTA                  30.0 EL PASO NATORAL G
 8146316               3001523437   102-4   LANCASTER SPRINGS CCM #1                                      1400.0 EL PASO NATURAL G
 8146342               3001522953   102-4   STATE HE COM #1                   WILDCAT MORROW                45.0 PHILLIPS PETROLEU
 8146296               3004524852   103     TOTAH VISTA GAS COM NO 1E         BASIN DAKOTA                  50.0 EL PASO NATURAL G
 8146323               3004524885   103     WHITE GAS CCM 1E                  BASIN DAKOTA                  30.0 AMOCO GAS CO
-ARCO OIL AND GAS COMPANY                  RECEIVED:  08/20/81  JA: NM
 8146273               3002527146   103     E L STEELER WN #5                 LANGLIE MATTIX (7 R QN)       14.0 EL PASO NATURAL G
*8146252               3001522910   103     EMPIRE ABO UNIT F WELL #334       EMPIRE ABC                   119.0 PHILLIPS PETROLEU
*8146264               3001522919   103     EMPIRE ABO UNIT F WELL #336       EMPIRE ABO                    36.0 PHILLIPS PETROLEU
*8146266               3001522927   103     EMPIRE ABO UNIT F WELL #364       EMPIRE ABO                    35.0 PHILLIPS PETROLEU
*8146258               3001522911   103     EMPIRE ABO UNIT F WELL #391       EMPIRE ABC                    75.0 PHILLIPS PETROLEU
*8146247               3001522823   103     EMPIRE ABO UNIT G WELL #361       EMPIRE ABO                    60.0 PHILLIPS PETROLEU
*8146259               3001522912   103     EMPIRE ABO UNIT M WELL #341       EMPIRE ABO                    80.0 PHILLIPS PETROLEU
*8146251               3001523116   103     EMPIRE ABO UNIT J WELL #213       EMPIRE ABO                    35.0 PHILLIPS PETROLEU
*8146257               3001522913   103     EMPIRE ABO UNIT J WELL #235       EMPIRE ABO                    86.0 PHILLIPS PETROLEU
*8146246               3001522952   103     EMPIRE ABO UNIT K WELL #142       EMPIRE ABO                    40.0 PHILLIPS PETROLEU
*8146248               3001522914   103     EMPIRE ABO UNIT K WELL #161       EMPIRE ABO                    20.0 PHILLIPS PETROLEU
 8146272               3002527102   103     JOHN P COMBEST WN #5              LANGLIE MATTIX 7 R QUEEN     146.0 EL PASO NATURAL G
*8146297               3002527248   103     T M LANKFORD WN #3                LANGLIE MATTIX (7 R QN)       15.0 EL PASO NATURAL G
 8146271               3002527212   103     WHITTEN NO 1                      YATES - SEVEN RIVERS QUE      25.0
-BCO INC                                   RECEIVED:  08/20/81  JA: NM
 8146280               3003922333   103     STATE M #3                        LYBROOK GALLUP & UND GRA .   300.0 EL PASO NATURAL G
-BLANKS ENERGY CORP                        RECEIVED:  08/20/81  JA: NM
 8146267               3002500000   103     PENNZOIL #3                       NE LOVINGTON PENN            284.8 GAS CO OF NEW MEX
-BRAZOS PETROLEUM CO                       RECEIVED:  08/20/81  JA: NM
 8146321               3002500000   103     GETTY STATE COM NC 1              SAWYER (SAN ANDRES)           50.0 WARREN PETROLEUM
-BTA OIL PRODUCERS                         RECEIVED:  08/20/81  JA: NM
 8146307               3002527166   102-2   8006 JV-P ANTELOPE #1             ANTELOPE RIDGE (ATOKA)      1880.0 PHILLIPS PETROLEU
-CORDINA OIL CORPORATION                   RECEIVED:  08/20/81  JA: NM
 8146325               3001500000   108-ER  STATE 16 #1                       S CARLSBAD MORROW W            0.0 NATURAL GAS P L C
-DALLAS MCCASLAND                          RECEIVED:  08/20/81  JA: NM
 8146312               3002500000   108     LITIE WOOLWORTH NO 3              JALPAT                        18.4 EL PASO NATURAL G
 8146313               3002500000   108     LITIE WOOLWORTH NC 4              JALPAT                         0.5 EL PASO NATURAL G
-DON H WILSON                              RECEIVED:  08/20/81  JA: NM
 8146314               3002500000   108     STATE AT NO 2                     EUMONT                        16.6 NORTHERN NATURAL
-EL PASO NATURAL GAS COMPANY               RECEIVED:  08/20/81  JA: NM
 8146298               3004524325   103     DECKER #1A                        BLANCO MESAVERDE             130.0 EL PASO NATURAL G
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JD NO     JA DKT        API NO      D SEC CAT WELL NAME                         FIELD NAME                 PROD      PURCHASER
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 8146299                3004524072    103       HEATON 2#A                      BLANCO MESAVERDE            200.0 EL PASO NATURAL G
 8146278                3003907097    108       SAN JUAN 28-6 UNIT #67          BLANCO - MESAVERDE           20.0 EL PASO NATURAL G
 8146279                3003907983    108       SAN JUAN 32-5 UNIT #10          BLANCO-MESAVERDE             19.0 EL PASO NATURAL G
-ENERGY RESERVES GROUP INC               RECEIVED:  08/20/81  JA: NM
 8146254                3004524614    103       GALLEGOS CANYON UNIT PC #324    KUTZ WEST PICTURED CLIFF     82.4 EL PASO NATURAL G
-GETTY OIL COMPANY                       RECEIVED:  08/20/81  JA: NM
 8146270                3002527250    102-4     BERRY 5 STATE COM WELL NO 1     NORTH BERRY - MORROW GAS    524.1 EL PASO NATURAL G
 8146276                3002500000    108-ER    STATE AF #1                     EUMONT                        0.0 EL PASO NATURAL G
-JAKE L HAMON                            RECEIVED:  08/20/81  JA: NM
 8146262                3002526803    103       SAMEDAN PETTY NO 1 WELL         WILDCAT                      18.0 WARREN PETROLEUM
 8146268                3002526803    102-4     SAMEDAN PETTY NO 1 WELL         WILDCAT                      18.0 WARREN PETROLEUM
-JOHN E HICKETT                          RECEIVED:  08/20/81  JA: NM
 8146281                3004500000    108       GRACE PEARCE #1                 AZTEC FRUITLAND               0.0 EL PASO NATURAL G
-LEWIS B BURLESON                        RECEIVED:  08/20/81  JA: NM
 8146263                3002500000    103       LANEHART #4                     JALPAT                       50.0 EL PASO NATURAL G
-M G CROSSLAND                           RECEIVED:  08/20/81  JA: NM
 8146335                3002500000    108       WHITTEN NO 1                    JALMAT                        3.1 EL PASO NATURAL G
-MCCLELLAN OIL CORPORATION               RECEIVED:  08/20/81  JA: NM
 8146245                3001510388    102-4     TRES AMIGOS NO 1                RUNYON RANCH (ABO) GAS       14.4 NORTHERN NATURAL
-MESA PETROLEUM                          RECEIVED:  08/20/81  JA: NM
 8146275                3000560868    107-TF    DAVIS #1                                                    600.0 TRANSWESTERN PIPE
-MOBIL PROD TEXAS & NEW MEXICO INC       RECEIVED:  08/20/81  JA: NM
 8146256                3002526955    103       STATE ZZ COM NO 1               VACUUM ABO NORTH             38.3
-NORTHWEST PIPELINE CORPORATION          RECEIVED:  08/20/81  JA: NM
 8146294                3003922305    103       SAN JUAN 31-6 #37               BASIN DAKOTA                 90.0 NORTHWEST PIPELIN
 8146295                3003922302    103       SAN JUAN 31-6 #38               BASIN DAKOTA                110.0 NORTHWEST PIPELIN
 8146334                3004510767    108       SAN JUAN 32-8 #28               BLANCO MESAVERDE              0.0 EL PASO NATURAL G
-PERRY R BASS                            RECEIVED:  08/20/81  JA: NM
 8146293                3001522670    103       BIG EDDY UNIT NO 65             CARLSBAD EAST STRAWN        600.0 NATURAL GAS PIPEL
-PHILLIPS PETROLEUM COMPANY              RECEIVED:  08/20/81  JA: NM
 8146302                3002526993    103       E VACUUM GB/SA UNIT TR 2801 #017 VACUUM GB/SA              584.0 EL PASO NATURAL G
 8146322                3002526782    103       EAST VACUUM GB/SA TR 3202 #13   VACUUM GB/SA                 60.6 EL PASO NATURAL G
-PLAINS RADIO BROADCASTING CO            RECEIVED:  08/20/81  JA: NM
 8146308                3000560870    102-2     CAMEL STATE #1                  WILDCAT UND PENN            550.0 TRANSWESTERN PIPE
-READ & STEVENS INC                      RECEIVED:  08/20/81  JA: NM
 8146274                3002527084    103       NORTH BAUM UNIT NO 1            BAUM UPPER PENN               1.0 WARREN PETROLEUM
-SHELL OIL CO                            RECEIVED:  08/20/81  JA: NM
 8146292                3002500000    108       DEVONIAN STATE NO 2             EUMONT YATES SEVEN RIVER      9.1 PHILLIPS PETROLEU
 8146326                3002500000    108       LANGLIE MATTIX UNIT NC 1 WELL NO 10 LANGLIE MATTIX SEVEN RIV   0.1 EL PASO NATURAL G
 8146327                3002500000    108       LANGLIE MATTIX UNIT NC 1 WELL NO 12 LANGLIE MATTIX SEVEN RIV   0.1 EL PASO NATURAL G
 8146328                3002500000    108       LANGLIE MATTIX UNIT NC 1 WELL NO 16 LANGLIE MATTIX SEVEN RIV   0.1 EL PASO NATURAL G
 8146329                3002500000    108       LANGLIE MATTIX UNIT NC 1 WELL NO 18 LANGLIE MATTIX SEVEN RIV   0.1 EL PASO NATURAL G
 8146306                3002500000    108       LANGLIE MATTIX UNIT NC 1 WELL NO 2  LANGLIE MATTIX SEVEN RIV   0.1 EL PASO NATURAL G
 8146311                3002500000    108       LANGLIE MATTIX UNIT NO 1 WELL NO 4  LANGLIE MATTIX SEVEN RIV   0.1 EL PASO NATURAL G
 8146310                3002500000    108       LANGLIE MATTIX UNIT NO 1 WELL NO 6  LANGLIE MATTIX SEVEN RIV   0.1 EL PASO NATURAL G
 8146309                3002500000    108       LANGLIE MATTIX UNIT NO 1 WELL NO 8  LANGLIE MATTIX SEVEN RIV   0.1 EL PASO NATURAL G
 8146290                3002500000    108       N HOBBS (G-SA) UNIT SEC 13 NO 211   HOBBS (G-SA)               0.8 PHILLIPS PETROLEU
 8146283                3002500000    108       N HOBBS (G-SA) UNIT SEC 14 NO 241   HOBBS (G-SA)               3.3 PHILLIPS PETROLEU
 8146331                3002500000    108       N HOBBS (G-SA) UNIT SEC 18 NO 341   HOBBS (G-SA)              11.9 PHILLIPS PETROLEU
 8146330                3002500000    108       PLUMLEE NO 1                    DRINKARD                      1.8 GETTY OIL CO
 8146249                3002527210    103       STATE B COMMERCE NO 2           CUSTER (ELLENBURGER)       1116.9 EL PASO NATURAL G
 8146250                3002500000    103       STATE B COMMERCE NC 2           CUSTER (DEVONIAN)          1116.9 EL PASO NATURAL G
 8146291                3002500000    108       STATE D NO 3                    EUNICE-MONUMENT (G-SA)        5.3 WARREN PETROLEUM
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8146305                3002500000   108       STATE M NO 4                            VACUUM (GLORIETA)             2.0  PHILLIPS PETROLEU
-SIDWELL OIL & GAS INC                    RECEIVED:  08/20/81  JA: NM
8146300                3000500000   103       GRAVES #1                               RAILROAD MT (SAN ANDRES)    110.0  K B KENNEDY ENGIN
-SOUTHLAND ROYALTY CO                     RECEIVED:  08/20/81  JA: NM
8146280                3004523393   108       VASALY FEDERAL #2                                                    19.0  EL PASO NATURAL G
-SUPRON ENERGY CORPORATION                RECEIVED:  08/20/81  JA: NM
8146315                3004500000   108       PIERCE 1-A                              AZTEC PICTURE CLIFFS          0.0  EL PASO NATURAL G
-TENNECO OIL COMPANY                      RECEIVED:  08/20/81  JA: NM
8146265                3004524258   103       STATE 16-1E                             BASIN DAKOTA                500.0  EL PASO NATURAL G
-W M GALLAWAY                             RECEIVED:  08/20/81  JA: NM
8146282                3003921754   108       MYERS #1                                                             10.0  EL PASO NATURAL G
-WARREN PETR CO A DIV OF GULF OIL CO      RECEIVED:  08/20/81  JA: NM
8146303                3002527055   103       ALICE PADDOCK WELL NO 9                 WANTZ ABO                     0.0  EL PASO NATURAL G
8146304                3002527239   103       LEA VF STATE WELL NO 1                  SAUNDERS PERMO UPPER PEN      0.0  EL PASO NATURAL G
-YATES PETROLEUM CORPORATION              RECEIVED:  08/20/81  JA: NM
8146287                3000560615   107-TF    COTTONWOOD RANCH MK STATE #1                                          0.0  TRANSWESTERN PIPE
8146344                3001523716   102-4     DAVIS NC COM #2                         WILCCAT MISSISSIPPIAN         0.0  TRANSWESTERN PIPE
8146286                3000560850   107-TF    DEE OG STATE #1                                                       0.0  TRANSWESTERN PIPE
8146333                3000560564   107-TF    ERICKSON KY STATE #1                    UNDES ABO                     0.0  TRANSWESTERN PIPE
8146332                3000560602   107-TF    GRYNBERG LZ STATE #1                    UNDES ABO                     0.0  TRANSWESTERN PIPE
8146341                3000560700   107-TF    HILLTOP NO STATE #1                     UNDES ABO                     0.0  TRANSWESTERN PIPE
8146317                3001523664   103       HOFFMAN PL #1                           ATOKA-YESO                    0.0  TRANSWESTERN PIPE
8146319                3001523666   103       JACKSON PI #1                           UND ATOKA-YESO                0.0  TRANSWESTERN PIPE
8146340                3000560741   107-TF    JOHNSON FEE #1                          UNDES ABO                     0.0  TRANSWESTERN PIPE
8146285                3001500000   103       KLEEMAN PB #2                           ATOKA-YESO                    0.0  TRANSWESTERN PIPE
8146339                3000560788   107-TF    KUYKENDALL OP COM #1                    UNDES ABO                     0.0  TRANSWESTERN PIPE
8146284                3001523336   103       MENEFEE NT COM #1                       EAST EAGLE CREEK ATOKA-M      0.0  TRANSWESTERN PIPE
8146343                3001523336   102-4     MENEFEE NT COM #1                       EAST EAGLE CREEK ATOKA-M      0.0  TRANSWESTERN PIPE
8146318                3001523667   103       NIX PK #1                               ATOKA-YESO                    0.0  TRANSWESTERN PIPE
8146338                3000560775   102-6     PAPALOTE OI STATE #1                    UNDES ABO                     0.0  TRANSWESTERN PIPE
8146244                3000560904   107-TF    PAULETTE PV STATE #1                    WILDCAT                       0.0  TRANSWESTERN PIPE
8146337                3000560733   107-TF    RATTLESNAKE NZ STATE COM #1             UNDES ABO                     0.0  TRANSWESTERN PIPE
8146269                3000560964   107-TF    REDMAN OY STATE #1-Y                    UND ABO                       0.0  TRANSWESTERN PIPE
8146255                3001522435   107-TF    ROSS IZ COM #1                          N CEMETERY ATOKA              0.0  TRANSWESTERN PIPE
8146288                3000560701   107-TF    SELMAN DRAW NS STATE #1                 UNDES ABO                     0.0  TRANSWESTERN PIPE
8146289                3000560669   107-TF    SMERNOFF NL STATE #1                    UNDES ABO                     0.0  TRANSWESTERN PIPE
8146336                3000560728   107-TF    WILLOW CREEK UNIT #2                    UNDES ABO                     0.0  TRANSWESTERN PIPE
8146320                3001523669   103       YOUNG PJ #1                             ATOKA-YESO                    0.0  TRANSWESTERN PIPE
-ZIA ENERGY INC                           RECEIVED:  08/20/81  JA: NM
8146253                3002527195   103       FALK STAE NO 1                          EUMONT Y SR Q (GAS)          11.0  EL PASO NATURAL G
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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM
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-AMOCO PRODUCTION CO                      RECEIVED:  08/20/81  JA: NM  4
8146347  NM-0015-81-E  3004507840   108-ER    GALLEGOS CANYON U #159 (2ND FILING      BASIN-DAKOTA                 17.0  EL PASO NATURAL G
8146369  NM-0790-81    3004511689   108       GALLEGOS CANYON UNIT NO 247 (2ND)       BASIN - DAKOTA               23.0  EL PASO NATURAL G
8146375  NM-0814-81    3004524669   103       HUBBELL GAS COM B NC 1E                 BASIN DAKOTA                 30.0  EL PASO NATURAL G
8146426  NM-0931-81    3003921274   108       JICARILLA APACHE 102 NO 17 (2ND)        TAPACITO - PICTURED CLIF     15.0  GAS CO OF NEW MEX
8146368  NM-0786-81    3003905569   108       JICARILLA 35-8 GAS COM NO 1             BASIN - DAKOTA               21.0  EL PASO NATURAL G
8146377  NM-0816-81    3004524401   103       MARTIN GAS COM NO 1E                    BASIN DAKOTA                 30.0  EL PASO NATURAL G
8146374  NM-0813-81    3004524338   103       SHANE GAS COM B NO 1                    BLANCO - PICTURED CLIFFS     35.0  EL PASO NATURAL G
8146427  NM-0932-81    3004510267   108       STANOLIND A NO 2 (3RD FILING)           BASIN - DAKOTA               19.0  EL PASO NATURAL G
8146376  NM-0815-81    3004524378   103       W D HEATH A NO 9E                       BASIN DAKOTA                 30.0  EL PASO NATURAL G
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-ARAPAHOE DRILLING CO                           RECEIVED:  08/20/81  JA: NM  4
 8146349   NM-0955-80     3003920552    108      SCHALK 62 WELL NO 1                BASIN DAKOTA                6.0 NORTHWEST PIPELIN
-ARCO OIL AND GAS COMPANY                       RECEIVED:  08/20/81  JA: NM  4
 8146373   NM-0812-81     3004524426    103      SCHLOSSER UN FEDERAL #4E (DK)      BASIN DAKOTA               77.0 NORTHWEST PIPELIN
-ATAPCO                                         RECEIVED:  08/20/81  JA: NM  4
 8146446   NM-0979-81     3004526747    102-2    TALCO UNIT NO 1 (NM-12280)         TALCO (STRAWN)            365.0
-BILLY J KNOTT                                  RECEIVED:  08/20/81  JA: NM  4
 8146378   NM-0818-81     3004509616    108      KELLY #1                           BLANCO MESA VERDE          20.0 EL PASO NATURAL G
-BLACKWOOD & NICHOLS CO LTD                     RECEIVED:  08/20/81  JA: NM  4
 8146433   NM-0954-81     3004524857    103      NORTHEAST BLANCO UNIT WELL NO 70   MESAVERDE BLANCO A-27-31  300.0 EL PASO NATURAL G
-CONSOLIDATED OIL & GAS INC                     RECEIVED:  08/20/81  JA: NM  4
 8146428   NM-0935-81     3004510866    108      OWEN #1                            BLANCO MESAVERDE           21.0 EL PASO NATURAL G
-DOME PETROLEUM CORP                            RECEIVED:  08/20/81  JA: NM  4
 8146351   NM-0315-81     3004320484    103      DOME FEDERAL 10-22-7 #1            RUSTY CHACRA              267.6 SOUTHWEST GAS COR
 8146352   NM-0330-81     3004320281    103      DOME FEDERAL 15-22-7 #1            RUSTY CHACRA              298.2 SOUTHWEST GAS COR
 8146353   NM-0347-81     3304320420    103      DOME NAVAJO 17-22-7 #2             RUSTY CHACRA               48.6 SOUTHWEST GAS COR
-DUGAN PRODUCTION CORP                          RECEIVED:  08/20/81  JA: NM  4
 8146379   NM-0820-81     3004524905    103      ELWOOD P DOWD #2                   WHITEWASH MANCOS DAKOTA    11.0 EL PASO NATURAL G
 8146487   NM 0891-81     3004523853    103      JUNE JOY #2                        BASIN DAKOTA               73.0 EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY                    RECEIVED:  08/20/81  JA: NM  4
 8146398   NM-0875-81     3004522507    103      ATLANTIC A #3A                     BLANCO PICTURED CLIFFS    110.0 EL PASO NATURAL G
 8146399   NM-0876-81     3004522879    103      ATLANTIC A #5A                     BLANCO PICTURED CLIFFS    150.0 EL PASO NATURAL G
 8146400   NM-0877-81     3004522492    103      ATLANTIC A #9A                     BLANCO PICTURED CLIFFS    150.0 EL PASO NATURAL G
 8146394   NM-0866-81     3003920703    108      CANYON LARGO UNIT #198             BALLARD-PICTURED CLIFFS    16.0 EL PASO NATURAL G
 8146393   NM-0861-81     3003920756    108      CANYON LARGO UNIT #203             SOUTH BLANCO-PICTURED CL   16.0 EL PASO NATURAL G
 8146431   NM 0946-81     3004523184    103      CASE #7A                           BLANCO MESAVERDE          230.0 EL PASO NATURAL G
 8146432   NM-0947-81     3004524073    103      HEATON #6A                         BLANCO MESAVERDE          230.0 EL PASO NATURAL G
 8146413   NM 0899-81     3004524056    103      HUBBELL #5E                        BASIN DAKOTA              100.0 EL PASO NATURAL G
 8146380   NM-0824-81     3004520395    108      HUERFANO UNIT #173                 BASIN - DAKOTA             26.0 EL PASO NATURAL G
 8146381   NM-0826-81     3004506120    108      HUERFANO UNIT #75                  WEST KUTZ - PICTURED CLI   14.0 EL PASO NATURAL G
 8146350   NM-1654-80     3004507715    108      HUGHES A #4                        BLANCO-MESAVERDE           16.0 EL PASO NATURAL G
 8146388   NM-0844-81     3004520861    108      LACKEY A #6                        AZTEC-PICTURED CLIFFS GA   20.0 EL PASO NATURAL G
 8146384   NM-0829-81     3004513064    108      LACKEY B #18                       AZTEC-PICTURED CLIFFS      19.0 EL PASO NATURAL G
 8146389   NM-0845-81     3004508700    108      LUDWICK #14 MV & PC                BLANCO-MESAVERDE & AZTEC   19.0 EL PASO NATURAL G
 8146420   NM-0904-81     3004520456    108      MCCULLEY #8                        AZTEC PICTURED CLIFFS      17.0 EL PASO NATURAL G
 8146382   NM-0827-81     3004560069    108      MOORE #3                           BLANCO-MESAVERDE           16.0 EL PASO NATURAL G
 8146383   NM-0828-81     3004509060    108      MURPHY E #2                        AZTEC-PICTURED CLIFFS      20.0 EL PASO NATURAL G
 8146386   NM-0834-81     3004512081    108      NEUDECKER #5                       AZTEC-PICTURED CLIFFS      20.0 EL PASO NATURAL G
 8146411   NM-0897-81     3004524057    103      SAN JACINTO #6E                    BASIN DAKOTA              100.0 EL PASO NATURAL G
 8146385   NM-0831-81     3003906964    108      SAN JUAN 27-5 UNIT #16             BLANCO-MESAVERDE           14.0 EL PASO NATURAL G
 8146395   NM-0869-81     3003920038    108      SAN JUAN 28-6 UNIT #136            BASIN - DAKOTA             16.0 EL PASO NATURAL G
 8146414   NM 0900-81-B   3003922208    103      SAN JUAN 28-7 UNIT #61A            SOUTH BLANCO PICTURED CL   50.0 EL PASO NATURAL G
 8146415   NM 0900-81 A   3003922208    103      SAN JUAN 28-7 UNIT #61A            BLANCO MESAVERDE          170.0 EL PASO NATURAL G
 8146429   NM 0943-81-A   3003922237    103      SAN JUAN 28-7 UNIT #74A            BLANCO MESAVERDE          200.0 EL PASO NATURAL G
 8146430   NM 0943-81-B   3003922237    103      SAN JUAN 28-7 UNIT #74A            SOUTH BLANCO PICTURED CL   80.0 EL PASO NATURAL G
 8146396   NM-0873-81     3003907886    108      SAN JUAN 30-6 UNIT #36             BLANCO-MESAVERDE           17.0 EL PASO NATURAL G
 8146412   NM-0898-81     3004524074    103      TURNER A #1A                       BLANCO MESAVERDE          170.0 EL PASO NATURAL G
 8146387   NM-0835-81     3003906283    108      VAUGHN #4 CH & PC                  OTERO-CHACRA AND SOUTH B   26.0 EL PASO NATURAL G
-ELLIOTT OIL CO                                 RECEIVED:  08/20/81  JA: NM  4
 8146392   NM-0859-81     3004524136    103      SOUTHERN UNION #1-E                BASIN DAKOTA              100.0 EL PASO NATURAL G
-ENERGY RESERVES GROUP INC                      RECEIVED:  08/20/81  JA: NM  4
 8146359   NM-0722-81-B   3004524798    103      GALLEGOS CANYON UNIT #311          PINON FRUITLAND EXTENSIO  148.2 EL PASO NATURAL G
 8146357   NM-0721-81     3004524654    103      GALLEGOS CANYON UNIT P C #311      KUTZ WEST PICTURED CLIFF   50.8 EL PASO NATURAL G
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8146358	NM-0722-81-A	3004524798		103		GALLEGOS CANYON UNIT P C #312	KUTZ WEST PICTURED CLIFF	18.7	EL PASO NATURAL G
8146360	NM-0723-81	3004524655		103		GALLEGOS CANYON UNIT P C #315	KUTZ WEST PICTURED CLIFF	23.4	EL PASO NATURAL G
-ESTORIL PRODUCING CORP						RECEIVED: 08/20/81 JA: NM 4			
8146423	NM-0926-81	3002526887		103		ADOBE FEDERAL #1	ANTELOPE RIDGE	3000.0	GAS CO OF NEW MEX
-GENERAL AMERICAN OIL COMPANY OF TEX						RECEIVED: 08/20/81 JA: NM 4			
8146406	NM 0885-81	3001523167		103		BURCH C NO 42	GRAYBURG JACKSON	20.0	PHILLIPS PETROLEU
8146405	NM 0884-81	3001523168		103		BURCH C NO 43	GRAYBURG JACKSON	20.0	PHILLIPS PETROLEU
8146355	NM-0710-81	3001523392		103		MADDREN A #5	GRAYBURG JACKSON	36.0	PHILLIPS PETRO CO
8146356	NM-0711-81	3001523405		103		MADDREN E #2	GRAYBURG JACKSON	30.0	PHILLIPS PETRO CO
-HIXON DEVELOPMENT COMPANY						RECEIVED: 08/20/81 JA: NM 4			
8146419	NM-0903-81	3004524845		103		CHRISTOPHER RAY COM NO 1	PICTURED CLIFFS	8.3	HIXON DEVELOPMENT
-J GREGORY MERRION&ROBERT L BAYLESS						RECEIVED: 08/20/81 JA: NM 4			
8146408	NM 0893-81	3004320519		103		BONANZA #4	CHACON DAKOTA	110.0	EL PASO NATURAL G
8146434	NM-0935-81	3004320520		103		BONANZA #5	CHACON DAKOTA	95.0	EL PASO NATURAL G
-JACK A COLE						RECEIVED: 08/20/81 JA: NM 4			
8146401	NM-0878-81	3004320538		103		CHACON AMIGOS NO 4	CHACON DAKOTA ASSOCIATED	164.0	EL PASO NATURAL G
8146436	NM-0965-81	3004320513		103		CHACON AMIGOS NO 6	CHACON DAKOTA ASSOCIATED	30.0	EL PASO NATURAL G
-KIMBELL OIL COMPANY						RECEIVED: 08/20/81 JA: NM 4			
8146424	NM-0927-81	3003922724		103		WARREN NO 5	BALLARD PICTURED CLIFFS	146.0	EL PASO NATURAL G
-MESA PETROLEUM						RECEIVED: 08/20/81 JA: NM 4			
8146421	NM-0907-81	3000560791		107-TF		BEDFORD FEDERAL COM #1		382.0	TRANSWESTERN PIPE
8146422	NM-0925-81	3004524856		103		JOHNS FEDERAL #5	BLANCO PICTURED CLIFFS	548.0	EL PASO NATURAL G
8146397	NM-0874-81	3004524892		103		SUTER #6	BLANCO PICTURED CLIFFS	180.0	EL PASO NATURAL G
-MOBIL PRDG TEXAS & NEW MEXICO INC						RECEIVED: 08/20/81 JA: NM 4			
8146402	NM-0879-81	3003907057		108		JICARILLA E NC 2	BLANCO MESAVERDE	18.3	NORTHWEST PIPELIN
8146409	NM 0894-81	3003922714		103		LINDRITH B UNIT NO 20	CHACON-DAKOTA ASSOCIATED	73.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION						RECEIVED: 08/20/81 JA: NM 4			
8146403	NM-0880-81	3003921396		108		ROSA UNIT #61	BASIN DAKOTA	21.0	NORTHWEST PIPELIN
-OKLAHOMA OIL COMPANY						RECEIVED: 08/20/81 JA: NM 4			
8146345	NM 161-80	3004523030		108		DOLACK B-1 P-28-27N-11W	WEST KUTZ FRUITLAND	15.0	EL PASO NATURAL G
-PERRY R BASS						RECEIVED: 08/20/81 JA: NM 4			
8146361	NM-0745-81	3001523283		103		POKER LAKE UNIT NO 50	WILDCAT	300.0	NATURAL GAS PIPEL
8146410	NM089581102	3001522162		102-2		JAMES RANCH UNIT NC 12	WILCCAT	274.0	NATURAL GAS PIPEL
-PETROLEUM CORPORATION OF TEXAS						RECEIVED: 08/20/81 JA: NM 4			
8146354	NM-0518-81	3004524720		103		FEDERAL 21-1R	BASIN DAKOTA	595.7	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO						RECEIVED: 08/20/81 JA: NM 4			
8146363	NM-0761-81	3004523889		103		BECK A #1E	BASIN	468.0	SOUTHERN UNION GA
8146367	NM-0765-81	3004524944		103		FRONTIER D #1E	BASIN	96.0	EL PASO NATURAL G
8146437	NM-0967-81	3004524659		103		GRENIER B #10	AZTEC	338.0	SOUTHERN UNION GA
8146366	NM-0764-81	3004524477		103		HANKS #12E	BASIN	150.0	SOUTHERN UNION GA
8146416	NM090181-A	3004524683		103		HANKS #25	HARRIS MESA	110.0	SOUTHERN UNION GA
8146417	NM090181-M	3004524683		103		HANKS #25	BLANCC	54.0	SOUTHERN UNION GA
8146438	NM-0968-81-B	3004524833		103		HARE #17-E	BLANCO	206.0	SOUTHERN UNION GA
8146439	NM-0968-81-M	3004524833		103		HARE #17-E	BASIN	798.0	SOUTHERN UNION GA
8146441	NM 0970-81-A	3004524632		103		HARE #18-M	BASIN	122.0	SOUTHERN UNION GA
8146442	NM 0970-81-B	3004524632		103		HARE #18-M	BLANCO	773.0	SOUTHERN UNION GA
8146346	NM-0014-81-E	3004508588		108-ER		HILL #3	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8146440	NM-0969-81-B	3004524128		103		MANGUM #4-E	BASIN	104.0	SOUTHERN UNION GA
8146364	NM-0762-81	3004524435		103		MCDANIEL B #1E	BASIN	292.0	SOUTHERN UNION GA
8146418	NM-0902-81	3004524710		103		REESE MESA #9		148.0	NORTHWEST PIPELIN
-SUPRON ENERGY CORPORATION						RECEIVED: 08/20/81 JA: NM 4			
8146365	NM 0763-81	3004507571		108		ANGEL PEAK #21	BASIN DAKOTA	16.8	SOUTHERN UNION GA
8146443	NM-0971-81	3004521866		1[illegible]		CONGRESS 8	BLOOMFIELD CHACRA	20.8	SOUTHERN UNION GA

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                                                                    VOLUME  503         PAGE  006
 JD NO     JA DKT          API NO      D SEC CAT WELL NAME                   FIELD NAME                 PROD     PURCHASER
 -----     ------          ------      - --- --- ---------                   ----------                 ----     ---------
 8146372   NM-0805-81      3003922039    108      JICARILLA J-16             SOUTH BLANCO PICTURED CL    16.5 GAS CO OF NEW MEX
 8146371   NM-0804-81      3004520131    108      NEWSOM B-14 .              BASIN DAKOTA                17.4 EL PASO NATURAL G
 8146425   NM 0928-81      3004524471    103      NICKSON #9-E               BASIN DAKOTA               455.0 EL PASO NATURAL G
 8146444   NM-0974-81-A    3004524368    103      NORDHAUS 6-A               BASIN DAKOTA               181.0 SOUTHERN UNION GA
 8146445   NM-0974-81-B    3004524368    103      NORDHAUS 6-A               BLANCO MESAVERDE           351.0 SOUTHERN UNION GA
 8146370   NM-0802-81      3004508944    108      SANCHEZ #1                 AZTEC PICTURED CLIFFS       20.2 SOUTHERN UNION GA
 8146362   NM 0758-81      3004507634    108      ZACHRY #2                  AZTEC PICTURED CLIFFS       20.0 SOUTHERN UNION GA
-TENNECO OIL COMPANY                          RECEIVED:  08/20/81  JA: NM  4
 8146390   NM-0857-81-A    3004524751    103      DAWSON FEDERAL #1M         BLANCO MESAVERDE           500.0 EL PASO NATURAL G
 8146391   NM-0857-81-B    3004524791    103      DAWSON FEDERAL #1M         BASIN DAKOTA               500.0 EL PASO NATURAL G
 8146435   NM-0958-81      3004500000    108      FLETCHER #1                BASIN DAKOTA                13.0 EL PASO NATURAL G
 8146404   NM 0883-81      3004524555    103      FLORANCE #63E              BASIN DAKOTA               500.0 NORTHWEST PIPELIN
 8146447   NM-0980-81      3004524689    103      HAMNER #2E                 BASIN DAKOTA               500.0 EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY                   RECEIVED:  08/20/81  JA: OK  4
 8146348   OK-79-1         3501521039    103      EAST BINGER UNIT #17-2     EAST BINGER                 60.0 OKLAHOMA NATURAL


     OTHER PURCHASERS
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    8146246     TRANSWESTERN PIPELINE COMPANY
    8146247     TRANSWESTERN PIPELINE COMPANY
    8146248     TRANSWESTERN PIPELINE COMPANY
    8146251     TRANSWESTERN PIPELINE COMPANY
    8146252     TRANSWESTERN PIPELINE COMPANY
    8146257     TRANSWESTERN PIPELINE COMPANY
    8146258     TRANSWESTERN PIPELINE COMPANY
    8146259     TRANSWESTERN PIPELINE COMPANY
    8146264     TRANSWESTERN PIPELINE COMPANY
    8146266     TRANSWESTERN PIPELINE COMPANY
    8146297     NORTHWEST PIPELINE CORP
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production: (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before October 2, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
  102-2: New well (2.5 mile rule)
  102-3: New well (1000 ft rule)
  102-4: New onshore reservoir
  102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
  107-GB: Geopressured brine
  107-CS: Coal seams
  107-DV: Devonian shale
  107-PE: Production enhancement
  107-TF: New tight formation
  107-RT: Recompletion tight formation
Section 108: Stripper well
  108-SA: Seasonally affected
  108-ER: Enhanced recovery
  108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27019 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 502]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 9, 1981.

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 JD NO     JA DKT         API NO      D SEC CAT WELL NAME                             FIELD NAME                PROD   PURCHASER
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**************************************************************************************
   CALIFORNIA DEPARTMENT OF CONSERVATION
**************************************************************************************
-HAMILTON BROTHERS OIL CO                  RECEIVED:  08/20/81  JA: CA
 8146208   81-6-0026    0409520447   102-4   BELLEAIRE NO 1-16 U AND L              MILLAR GAS                800.0 PACIFIC GAS & ELE
-JORDAN OIL & GAS COMPANY                  RECEIVED:  08/20/81  JA: CA
 8146209   81-6-0023    0401120153   102-4   TRANSAMERICA #1-19                     PRINCETON GAS TOWNLOT AR  100.0 PACIFIC GAS & ELE
-SANTA FE ENERGY COMPANY                   RECEIVED:  08/20/81  JA: CA
 8146207   81-6-0025    0411320603   103     CWAD-WFL #13-30 (LOWER) & (UPPER)      CONWAY RANCH GAS FIELD    120.0 PACIFIC GAS & ELE
-TENNECO OIL COMPANY                       RECEIVED:  08/20/81  JA: CA
 8146210   81-6-0024    0410120161   102-4   CLARK-BREWER #1                        BUTTES SLOUGH              64.0 PACIFIC GAS & ELE
**************************************************************************************
   LOUISIANA OFFICE OF CONSERVATION
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-AMERADA HESS CORPORATION                  RECEIVED:  08/17/81  JA: LA
 8146157   81-1541      1705703702   108     C E GHEENS #65                         BAYOU DES ALLEMANDS        16.6 TRANSCONTINENTAL
-ARKANSAS LOUISIANA GAS CO                 RECEIVED:  08/17/81  JA: LA
 8146146   81-1533      1711122716   103     FROST LBR CO #2                        MONROE                     30.0 ARKANSAS LOUISIAN
-BAYLES & WHITE                            RECEIVED:  08/17/81  JA: LA
 8146143   81-1536      1711123157   103     MT ARARAT NO 1                         MONROE GAS ROCK             0.0 MID-LOUISIANA GAS
-DEWEY WHITE                               RECEIVED:  08/17/81  JA: LA
 8146015   81-1509      1708320117   108     HENRY A NO 1                           RICHLAND                    3.6 MID LOUISIANA GAS
 8146016   81-1508      1708300868   108     L E JOHNSTON NO 1                      RICHLAND                   15.8 MID LOUISIANA GAS
 8146014   81-1510      1708320467   108     MCDONALD NO 2                          RICHLAND                    3.2 MID LOUISIANA GAS
 8146013   81-1511      1708320476   108     MCDONALD NO 3                          RICHLAND                   18.2 MID LOUISIANA GAS
-ERGON INC                                 RECEIVED:  08/17/81  JA: LA
 8146094   81-1521      1711123076   103     ADA TALTON NO 1                        MONROE (6824)              11.5 TEXAS GAS TRANSMI
 8146094   81-1521      1711123076   107-TF  ADA TALTON NO 1                        MONROE (6824)              11.5 TEXAS GAS TRANSMI
 8146055   81-1627      1711121826   108     ARCHIE C MILLER SR NO 1                MONROE (6824)               9.1 TEXAS GAS TRANSMI
 8146144   81-1535      1711123137   103     CLEO PRATT NO 1                        MONROE (6824)              14.0 TEXAS GAS TRANSMI
 8146144   81-1535      1711123137   107-TF  CLEO PRATT NO 1                        MONROE (6824)              14.0 TEXAS GAS TRANSMI
 8146119   81-1626      1711121825   108     H D GREEN NO 10                        MONROE (6824)              10.9 TEXAS GAS TRANSMI
 8146086   81-1624      1711121824   108     H D GREEN NO 8                         MONROE (6824)               7.8 TEXAS GAS TRANSMI
 8146085   81-1623      1711121815   108     R L EDWARDS NO 5                       MONROE (6824)               7.8 TEXAS GAS TRANSMI
 8146076   81-1628      1711121822   108     R L EDWARDS NO 6                       MONROE (6824)               7.8 TEXAS GAS TRANSMI
 8146118   81-1625      1711121827   108     R L EDWARDS NO 8                       MONROE (6824)               7.8 TEXAS GAS TRANSMI
 8146095   81-1520      1711123077   103     Z P ZACHARY NO 1                       MONROE (6824)               9.6 TEXAS GAS TRANSMI
 8146095   81-1520      1711123077   107-TF  Z P ZACHARY NO 1                       MONROE (6824)               9.6 TEXAS GAS TRANSMI
-FLORIDA GAS EXPLORATION COMPANY           RECEIVED:  08/17/81  JA: LA
 8146090   81-1516      1702321017   102-4   SWEET LAKE LAND & OIL COMPANY NO 1     CHALKLEY                  400.0 FLORIDA GAS TRANS
-FRANKS & BASS ETAL                        RECEIVED:  08/17/81  JA: LA
 8146142   81-1537      1706120253   103     CV DAVIS RA SUW COLVIN EST H NO 1      UNIONVILLE                  0.0 LOUISIANA GAS PUR
-GODFREY & RILEY                           RECEIVED:  08/17/81  JA: LA
 8146147   81-1532      1711122876   108     MASHAW-RABUN NO 5                      MONROE                      6.0 MID LOUISIANA GAS
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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-MADDOX PETROLEUM CORP						RECEIVED: 08/17/81 JA: LA			
8146096	81-1519	1711122855		103		MURPHY #1	MONROE	0.0	MID LOUISIANA GAS
-IMC EXPLORATION COMPANY						RECEIVED: 08/17/81 JA: LA			
8146043	81-1577	1711123230		103		EXXCN 29 #8	MONROE	11.0	IMC PIPELINE CO I
8146045	81-1575	1711123217		103		EXXON 31 #11	MONROE	35.0	IMC PIPELINE CC I
8146044	81-1576	1711123229		103		EXXCN 31 #12	MONROE	18.0	IMC PIPELINE CC I
8146031	81-1574	1711123107		103		EXXON 31 #8	MONROE	37.0	IMC PIPELINE CC I
8146145	81-1534	1711123108		103		EXXCN 31 NO 10	MONROE	32.0	IMC PIPELINE CO I
8146088	81-1518	1711123184		103		SMITH #16	MONROE	14.0	IMC PIPELINE CC I
8146089	81-1517	1711123185		103		SMITH #17	MONROE	14.0	PETRO-LEWIS CORP
-INEXCO OIL COMPANY						RECEIVED: 08/17/81 JA: LA			
8146087	81-1515	1705320655		102-4		E F LYON ET AL NO 1 WELL	SOUTH THORNWELL 8921	1[illegible]60.0	COLUMBIA GAS TRAN
-JIM V MADDOX						RECEIVED: 08/17/81 JA: LA			
8146037	81-1585	1711121476		108		OLINKRAFT A-1	MONROE	19.4	MID LOUISIANA GAS
-LANKFORD & NANCE						RECEIVED: 08/17/81 JA: LA			
8146102	81-1565	1711123188		103		ARRANT ETAL NC 1	MONROE	0.0	TEXAS GAS TRANSMI
8146156	81-1542	1711123216		103		FROST NO 13	MONROE	32.0	TEXAS GAS TRANSMI
8146155	81-1543	1711123234		103		FROST NO 15	MONROE	20.0	TEXAS GAS TRANSMI
8146030	81-1567	1711123235		103		FROST NO 16	MONROE	14.0	TEXAS GAS TRANSMI
8146097	81-1528	1711123153		103		FROST NO 3	MONROE	12.0	TEXAS GAS TRANSMI
8146101	81-1566	1711123194		103		FROST NO 4	MONROE	24.0	TEXAS GAS TRANSMI
8146098	81-1527	1711123195		103		FROST NO 5	MONROE	32.0	TEXAS GAS TRANSMI
8146154	81-1544	1711123231		103		FROST NO 7	MONROE	30.0	TEXAS GAS TRANSMI
8146151	81-1547	1711123160		103		HAILE NO 3	MONROE	24.0	TEXAS GAS TRANSMI
8146091	81-1524	1711123162		103		HAILE NO 6	MONROE	10.0	TEXAS GAS TRANSMI
8146104	81-1529	1711123163		103		HAILE NO 7	MONRCE	10.0	TEXAS GAS TRANSMI
8146100	81-1525	1711123159		103		J M EDWARDS NO 2	MONROE	24.0	TEXAS GAS TRANSMI
8146153	81-1545	1711123189		103		J W LANKFORD NO 1	MONROE	34.0	TEXAS GAS TRANSMI
8146029	81-1568	1711123243		103		K D LANKFORD NO 6	MONRCE	12.0	TEXAS GAS TRANSMI
8146103	81-1530	1711123244		103		K D LANKFORD NO 7	MONROE	20.0	TEXAS GAS TRANSMI
8146028	81-1569	1711123265		103		K D LANKFORD NO 8	MONROE	30.0	TEXAS GAS TRANSMI
8146152	81-1546	1711123164		103		POTTS NO 1	MONROE	28.0	TEXAS GAS TRANSMI
8146099	81-1526	1711123165		103		WILSON NO 1	MONROE	28.0	TEXAS GAS TRANSMI
-MID LOUISIANA GAS COMPANY						RECEIVED: 08/17/81 JA: LA			
8146040	81-1580	1711123080		103		MLGC FEE GAS #1026	MONROE GAS FIELD	26.6	MID LOUISIANA GAS
8146034	81-1571	1711123118		103		MLGC FEE GAS #1040	MONROE GAS FIELD	29.2	MID LOUISIANA GAS
8146027	81-1570	1711123119		103		MLGC FEE GAS #1041	MONROE GAS FIELD	32.8	MID LOUISIANA GAS
8146038	81-1582	1711123149		103		MLGC FEE GAS #1042	MONROE GAS FIELD	26.6	MID LOUISIANA GAS
8146039	81-1581	1711123150		103		MLGC FEE GAS #1050	MONROE GAS FIELD	36.5	MID LOUISIANA GAS
8146141	81-1601	1711121383		108		MLGC FEE GAS #666	MONROE GAS FIELD	20.8	MID LOUISIANA GAS
8146051	81-1591	1711121493		108		MLGC FEE GAS #693	MONROE GAS FIELD	17.2	MID LOUISIANA GAS
8146129	81-1602	1711121488		108		MLGC FEE GAS #698	MONROE GAS FIELD	20.4	MID LOUISIANA GAS
8146130	81-1603	1711121530		108		MLGC FEE GAS #713	MONROE GAS FIELD	20.8	MID LOUISIANA GAS
8146131	81-1604	1711121541		108		MLGC FEE GAS #724	MONROE GAS FIELD	19.7	MID LOUISIANA GAS
8146052	81-1590	1711121831		108		MLGC FEE GAS #765	MONROE GAS FIELC	17.9	MID LOUISIANA GAS
8146132	81-1605	1711121865		108		MLGC FEE GAS #798	MONROE GAS FIELD	19.7	MID LOUISIANA GAS
8146046	81-1596	1711121924		108		MLGC FEE GAS #812	MONROE GAS FIELC	17.4	MID LOUISIANA GAS
8146137	81-1597	1711121946		108		MLGC FEE GAS #816	MONRCE GAS FIELD	19.9	MID LOUISIANA GAS
8146138	81-1598	1711121948		108		MLGC FEE GAS #818	MONROE GAS FIELD	20.3	MID LOUISIANA GAS
8146139	81-1599	1711121951		108		MLGC FEE GAS #821	MONRCE GAS FIELC	19.7	MID LOUISIANA GAS
8146050	81-1592	1711121955		108		MLGC FEE GAS #825	MONROE GAS FIELD	21.1	MID LOUISIANA GAS
8146049	81-1593	1711121956		108		MLGC FEE GAS #826	MONRCE GAS FIELD	12.6	MIC LOUISIANA GAS
8146048	81-1594	1711121965		108		MLGC FEE GAS #835	MONROE GAS FIELD	12.8	MID LOUISIANA GAS

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                                                                      VOLUME  502          PAGE  003
 JC NO    JA DKT         API NO     D SEC CAT WELL NAME                            FIELD NAME                  PRCD     PURCHASER
 -----    ------         ------     - --- --- ---------                            ----------                  ----     ---------
8146140   81-1600       1711122057   108      MLGC FEE GAS #859                   MONROE GAS FIELD             15.6 MID LOUISIANA GAS
8146047   81-1595       1711122323   108      MLGC FEE GAS #867                   MONROE GAS FIELD             11.7 MID LOUISIANA GAS
8146089   81-1622       1711122453   108      MLGC FEE GAS #894                   MONROE GAS FIELC             14.3 MID LOUISIANA GAS
8146133   81-1606       1711122461   108      MLGC FEE GAS #895                   MONROE GAS FIELD             14.0 MID LOUISIANA GAS
8146134   81-1607       1711122482   108      MLGC FEE GAS #897                   MONROE GAS FIELC             11.3 MID LOUISIANA GAS
8146126   81-1608       1711122452   108      MLGC FEE GAS #898                   MONROE GAS FIELD             13.2 MID LOUISIANA GAS
8146127   81-1609       1711122494   108      MLGC FEE GAS #900                   MONROE GAS FIELD              7.2 MID LOUISIANA GAS
8146124   81-1612       1711122513   108      MLGC FEE GAS #901                   MONROE GAS FIELC             15.9 MID LOUISIANA GAS
8146125   81-1613       1711122514   108      MLGC FEE GAS #902                   MONROE GAS FIELD             13.6 MID LOUISIANA GAS
8146120   81-1614       1711122538   108      MLGC FEE GAS #910                   MONROE GAS FIELD              8.6 MID LOUISIANA GAS
8146121   81-1615       1711122540   108      MLGC FEE GAS #912                   MONROE GAS FIELC             13.8 MID LOUISIANA GAS
8146122   81-1616       1711122541   108      MLGC FEE GAS #913                   MONROE GAS FIELD             13.9 MID LOUISIANA GAS
8146079   81-1617       1711122546   108      MLGC FEE GAS #914                   MONROE GAS FIELD              5.8 MID LOUISIANA GAS
8146080   81-1618       1711122547   108      MLGC FEE GAS #915                   MONROE GAS FIELD             10.6 MID LOUISIANA GAS
8146081   81-1619       1711122548   108      MLGC FEE GAS #916                   MONROE GAS FIELC              8.0 MID LOUISIANA GAS
8146082   81-1620       1711122551   108      MLGC FEE GAS #919                   MONROE GAS FIELD             18.5 MID LOUISIANA GAS
8146083   81-1621       1711122554   108      MLGC FEE GAS #922                   MONROE GAS FIELD             20.1 MID LOUISIANA GAS
8146128   81-1610       1711122645   108      MLGC FEE GAS #943                   MONRCE GAS FIELC             10.2 MID LOUISIANA GAS
8146123   81-1611       1711122646   108      MLGC FEE GAS #944                   MONRCE GAS FIELD              9.0 MID LOUISIANA GAS
8146036   81-1586       1711122647   108      MLGC FEE GAS #945                   MONROE GAS FIELD              6.7 MID LOUISIANA GAS
8146035   81-1587       1707321460   108      MLGC FEE GAS #974                   MONROE GAS FIELD             16.6 MID LOUISIANA GAS
8146054   81-1588       1707321458   108      MLGC FEE GAS #976                   MONROE GAS FIELC             19.8 MID LCUISIANA GAS
8146053   81-1589       1711121950   108      MLGC FEE GAS NO 820                 MONRCE FIELD                  5.4
-MILES OIL & GAS CO                        RECEIVED:  08/17/81  JA: LA
8146068   81-1643       1705921357   103      WALSH #1 SER #155189                OLLA                         27.0 TEXAS GAS TRANSMI
-OLIDITT CORP                              RECEIVED:  08/17/81  JA: LA
8146042   81-1578       1706721577   103      OLIVER #1 - 169855                  MONROE GAS FIELD           1460.0 IMC CORP
8146041   81-1579       1706721578   103      OLIVER #2 - 169856                  MONROE GAS FIELD              0.0 IMC CORP
-PANOLA ENERGY CORP                        RECEIVED:  08/17/81  JA: LA
8146033   81-1572       1707321734   103      COLEMAN NO 1                        MONROE GAS FIELC              0.1 INTERNATIONAL MIN
8146032   81-1573       1707321737   103      DONALD NO 1                         MONRGE GAS FIELC              0.1 INTERNATIONAL MIN
-PRIMOS PRODUCTION CO                      RECEIVED:  08/17/81  JA: LA
8146115   81-1556       1706721626   103      FEE 71 #3                           MONROE                        4.1 UNITED GAS PIPELI
8146114   81-1557       1706721635   103      GEORGIA PACIFIC F #10               MONROE                       10.3 UNITED GAS PIPELI
8146116   81-1555       1706721627   103      GEORGIA PACIFIC F #3                MONROE                       10.3 UNITED GAS PIPELI
8146117   81-1554       1706721628   103      GEORGIA PACIFIC F #4                MONROE                       12.3 UNITED GAS PIPELI
8146063   81-1638       1711122340   108      PETRO LEWIS RAMSEY ET AL #1         MONRCE GAS                    4.7 PETRO-LEWIS FUNDS
8146007   81-1667       1707321314   108      PETRO LEWIS STUBBS #10              MONROE                       14.9 PETRO LEWIS FUNDS
8146009   81-1665       1707321312   108      PETRO LEWIS STUBBS #8               MONROE                       14.9 PETRO-LEWIS FUNDS
8146065   81-1640       1711122472   108      PETRO LEWIS UNION PCWER #11         MONROE GAS                    5.3 PETRO-LEWIS FUNDS
8146060   81-1635       1711122465   108      PETRO LEWIS UNION PCWER #2          MONROE GAS                   11.9 PETRO-LEWIS FUNDS
8146059   81-1634       1711122468   108      PETRO LEWIS UNION PCWER #5          MCNROE GAS                    5.3 PETRO-LEWIS FUNDS
8146058   81-1633       1711122469   108      PETRO LEWIS UNION PCWER #6          MONRCE GAS                    5.3 PETRO-LEWIS FUNDS
8146067   81-1642       1711122470   108      PETRO LEWIS UNION PCWER #7          MONRCE GAS                    5.3 PETRO-LEWIS FUNDS
8146073   81-1655       1711122757   108      PETRO LEWIS W B MCKINNIE #5         MONROE                        6.8 PETRO-LEWIS FUNDS
8146075   81-1657       1711122779   108      PETRO-LEWIS ALVIN HOWELL #1         MONROE                        9.5 PETRO-LEWIS FUNDS
8146064   81-1639       1711122384   108      PETRO-LEWIS FROST LUMBER #1         MONRCE GAS                   13.7 PETRO-LEWIS FUNDS
8146074   81-1656       1711122458   108      PETRO-LEWIS HOLLIS ET AL #2         MCNROE                        6.4 PETRO LEWIS FUNDS
8146109   81-1562       1711122498   103      PETRO-LEWIS HOLLIS ET AL #2         MONROE                        4.1 PETRO-LEWIS FUNDS
8146108   81-1658       1711122459   108      PETRO-LEWIS HOLLIS ET AL #3         MCNROE                        6.4 PETRO-LEWIS FUNDS
8146069   81-1651       1711122856   108      PETRO-LEWIS J B LANKFCRC #1         MONRCE                        7.4 PETRO-LEWIS FUNDS
8146135   81-1563       1711122896   103      PETRO-LEWIS J B LANKFORD #1         MONROE                        8.2 PETRO-LEWIS FUNDS
8146070   81-1652       1711122897   108      PETRO-LEWIS J B LANKFORC #2         MONRCE                        7.4 PETRO-LEWIS FUNDS
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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
8146113	81-1558	1711122857		103		PETRO-LEWIS J B LANKFORD #2	MONROE	13.3	PETRO LEWIS FUNDS
8146071	81-1653	1711122859		108		PETRO-LEWIS J B LANKFORD #3	MONROE	7.4	PETRO-LEWIS FUNDS
8146112	81-1559	1711122899		103		PETRO-LEWIS J B LANKFORD #3	MONROE	12.3	PETRO-LEWIS FUNDS
8146062	81-1637	1711122341		108		PETRO-LEWIS RAMSEY ET AL #2	MONROE GAS	6.2	PETRO-LEWIS FUNDS
8146061	81-1636	1711122342		108		PETRO-LEWIS RAMSEY ET AL #3	MONROE GAS	6.2	PETRO-LEWIS FUNDS
8146018	81-1680	1707321301		108		PETRO-LEWIS STUBBS #1	MONROE	16.3	PETRO LEWIS FUNDS
8146006	81-1668	1707321315		108		PETRO-LEWIS STUBBS #11	MONROE	14.9	PETRO LEWIS FUNDS
8146107	81-1659	1707321302		108		PETRO-LEWIS STUBBS #2	MONROE	12.3	PETRO-LEWIS FUNDS
8146106	81-1660	1707321303		108		PETRO-LEWIS STUBBS #3	MONROE	12.3	PETRO-LEWIS FUNDS
8146105	81-1661	1707321304		108		PETRO-LEWIS STUBBS #4	MONROE	12.3	PETRO-LEWIS FUNDS
8146012	81-1662	1707321305		108		PETRO-LEWIS STUBBS #5	MONROE	12.3	PETRO LEWIS FUNDS
8146011	81-1663	1707321306		108		PETRO-LEWIS STUBBS #6	MONROE	12.3	PETRO-LEWIS FUNDS
8146010	81-1664	1707321307		108		PETRO-LEWIS STUBBS #7	MONROE	16.3	PETRO LEWIS FUNDS
8146008	81-1666	1707321313		108		PETRO-LEWIS STUBBS #9	MONROE	14.9	PETRO-LEWIS FUNDS
8146005	81-1669	1707321317		108		PETRO-LEWIS STUBLES #12	MONROE	14.9	PETRO LEWIS FUNDS
8146066	81-1641	1711122471		108		PETRO-LEWIS UNION POWER #10	MONROE GAS	5.3	PETRO-LEWIS FUNDS
8146111	81-1560	1711122880		103		PETRO-LEWIS V M EDWARDS #1	MONROE	12.3	PETRO-LEWIS FUNDS
8146072	81-1654	1711122758		108		PETRO-LEWIS W B MCKINNIE #6	MONROE	6.8	PETRO LEWIS FUNDS
8146110	81-1561	1711122914		103		PETRO-LEWIS W B MCKINNIE #7	MONROE	15.4	PETRO-LEWIS FUNDS
8146020	81-1678	1707321340		108		PETRO-LEWIS WALL #2	MONROE	16.2	PETRO-LEWIS FUNDS
8146019	81-1679	1707321617		108		PETRO-LEWIS WALL #3	MONROE	9.5	PETRO-LEWIS FUNDS
8146057	81-1632	1707320919		108		SPARKS #1	MONROE	2.5	IMC PIPELINE CO I
8146056	81-1631	1707320920		108		SPARKS #2	MONROE	2.5	IMC PIPELINE CO I
8146078	81-1630	1707320921		108		SPARKS #3	MONROE	2.5	IMC PIPELINE COMP
8146077	81-1629	1707320922		108		SPARKS #4	MONROE	2.5	IMC PIPELINE CO I
8146026	81-1672	1706721228		108		TEASAS DELTA E #8	MONROE	14.3	UNITED GAS PIPELI
8146024	81-1674	1706721239		108		TENSAS DELTA E #11	MONROE	14.3	UNITED GAS PIPELI
8146023	81-1675	1706721248		108		TENSAS DELTA E #15	MONROE	14.3	UNITED GAS PIPELI
8146022	81-1676	1706721242		108		TENSAS DELTA E #16	MONROE	14.3	UNITED GAS PIPELI
8146021	81-1677	1706721251		108		TENSAS DELTA E #25	MONROE	14.4	UNITED GAS PIPELI
8146004	81-1670	1706721207		108		TENSAS DELTA E #6	MONROE	14.3	UNITED GAS PIPELI
8146003	81-1671	1706721208		108		TENSAS DELTA E #7	MONROE	14.3	UNITED GAS PIPELI
8146025	81-1673	1706721229		108		TENSAS DELTA E #9	MONROE	14.3	UNITED GAS PIPELI
-PRIMOS-PENNZOIL JV						RECEIVED: 08/17/81 JA: LA			
8146136	81-1564	1706721593		103		FEE 71 #2	MONROE	3.1	UNITED GAS PIPELI
8146160	81-1553	1706721629		103		GEORGIA PACIFIC F #10	MONROE	10.3	UNITED GAS PIPELI
8146161	81-1552	1706721630		103		GEORGIA PACIFIC F #11	MONROE	10.3	UNITED GAS PIPELI
8146162	81-1551	1706721631		103		GEORGIA PACIFIC F #12	MONROE	10.3	UNITED GAS PIPELI
8146163	81-1550	1706721632		103		GEORGIA PACIFIC F #13	MONROE	10.3	UNITED GAS PIPELI
8146164	81-1549	1706721633		103		GEORGIA PACIFIC F #15	MONROE	10.3	UNITED GAS PIPELI
8146150	81-1548	1706721634		103		GEORGIA PACIFIC F #17	MONROE	10.3	UNITED GAS PIPELI
-RELIANCE & HOOTKINS-SMITH						RECEIVED: 08/17/81 JA: LA			
8146017	81-1507	1711121710		107-RT		E ALBRITTON #1	MONROE	4.0	TEXAS GAS TRANSMI
-SHADRACK PRODUCTION CO						RECEIVED: 08/17/81 JA: LA			
8146093	81-1522	1711123186		103		WATSON #1	MONROE GAS	13.0	WEST MONROE GAS G
8146093	81-1522	1711123186		107-TF		WATSON #1	MONROE GAS	13.0	WEST MONROE GAS G
-SHELL OIL CO						RECEIVED: 08/17/81 JA: LA			
8146158	81-1540	1709720639		102-4		L WX RA SUI MARTIN A NO 2	ELBA	100.0	TRANSCONTINENTAL
-SUPERIOR OIL CO						RECEIVED: 08/17/81 JA: LA			
8146092	81-1523	1711320936		107-DP		D LEJEUNE NO 1	S E GUEYDAN	1500.0	MICHIGAN-WISCONSI
-TEXACO INC						RECEIVED: 08/17/81 JA: LA			
8146149	81-1538	1710922378		102-4		DGL CC RV SU CGL U-12 NO 68	DOG LAKE	34.0	TEXAS GAS TRANSMI
8146159	81-1539	1710921943		103		VUL LP U-12 NO 54	LAKE PELTO	35.0	KAISER ALUMINUM &

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                                                                                          VOLUME  502          PAGE  005
 JD NO     JA DKT          API NO      D SEC CAT WELL NAME                               FIELD NAME                PROD    PURCHASER
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-UNION TEXAS PETROLEUM                          RECEIVED:  08/17/81  JA: LA
 8146148   81-1531         1706120273    102-4   GRAY RA SUM DOWLING 20-1                TERRYVILLE               730.0 SUGAR BOWL GAS CO
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   NEW MEXICO DEPARTMENT OF ENERGY & MINERALS
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-AMOCO PRODUCTION CO                            RECEIVED:  08/17/81  JA: NM
 8146239                   3004507782    108     MADDOX GAS COM B NO 1 (2ND)             AZTEC PICTURED CLIFFS     21.0 EL PASO NATURAL G
 8146236                   3001522553    102-4   TELEDYNE 17 #1                          UND ATOKA                800.0 EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY                       RECEIVED:  08/17/81  JA: NM
 8146235                   3002527156    103     SHIPLEY A WN WELL NC 6                  JALMAT (YATES GAS)       150.0 EL PASO NATURAL G
-ELK OIL COMPANY                                RECEIVED:  08/17/81  JA: NM
 8146238                   3000560065    107-TF  STATE S E #1                            WILDCAT (ABO)            135.0 TRANSWESTERN PIPE
-ENSERCH EXPLORATION INC                        RECEIVED:  08/17/81  JA: NM
 8146243                   3004120553    103     PEARL JORDAN NO 3                       PETERSON N                62.0 TRANSWESTERN PIPE
 8146241                   3002527083    103     T G BATES NO 1                          WILDCAT                    0.0
 8146240                   3004120552    103     TERRY NO 1                              WILDCAT                    0.0 TRANSWESTERN PIPE
-FRED POOL JR                                   RECEIVED:  08/17/81  JA: NM
 8146237                   3000560935    102-0   MACHO #1                                UND WILDCAT                0.0 TRANSWESTERN PIPE
-MORRIS R ANTWEIL                               RECEIVED:  08/17/81  JA: NM
 8146242                   3002527284    103     EGGPENT #1                              UNDESIGNATED DRINKARD      0.0 WARREN PETROLEUM
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   UTAH DIVISION OF OIL,GAS, & MINING
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-BELCO PETROLEUM CORPORATION                    RECEIVED:  08/21/81  JA: UT
 8146211   K-111-14        4304730515    102-4   NBU 2-366                               NATURAL BUTTES UNIT        0.0 NORTHWEST PIPELIN
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   WEST VIRGINIA DEPARTMENT OF MINES
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-ASHLAND EXPLORATION INC                        RECEIVED:  08/18/81  JA: WV
 8146202                   4700501243    108     SILER COAL & LAND #3 - 009910           SILER                      1.0 PENNZOIL UNITEC I
 8146200                   4700501244    108     SILER COAL & LANC #4 - 009920           SILER                      1.0 PENNZOIL UNITED I
-BEREA OIL AND GAS CORPORATION                  RECEIVED:  08/18/81  JA: WV
 8146187                   4710701050    107-DV  DORON NO 1 GORDON GELY                  UNICN DISTRICT             0.9
*8146193                   4700101348    102-4   E GAINER #1                             BARKER                   675.3 CONSOLIDATED GAS
 8146184                   4710701113    107-DV  LOCKHART #1                             UNION                     11.7 CONSOLIDATED GAS
*8146198                   4700101511    102-4   MATKINS #1                              BARKER                   268.3 CONSOLIDATED GAS
 8146185                   4710721101    107-DV  MCCALE #2                               UNION                      5.4 CONSOLIDATED GAS
*8146191                   4700101426    102-4   W T GEORGE #2                           VALLEY                   647.5 CONSOLIDATED GAS
*8146194                   4700101502    102-4   WOLFORD #1                              VALLEY                   538.7 CONSOLIDATED GAS
-BURDETTE OIL & GAS CO INC                      RECEIVED:  08/18/81  JA: WV
 8146183                   4703501455    107-DV  GLEAN STAATS WELL E1                    WASHINGTON CISTRICT        0.0 COLUMBIA GAS CORP
-C W RIGGS INC                                  RECEIVED:  08/18/81  JA: WV
 8146186                   4708504957    107-DP  HUFFMAN R-170                           GRANT                      7.0
-CARBONIT EXPLORATION INC                       RECEIVED:  08/18/81  JA: WV
 8146177                   4707300958    103     #1 DOUGLAS MORRISON                     ST MARYS FIELD             0.0 COLUMBIA GAS
 8146173                   4707300888    103     #1 JUMMY MCKNIGHT                       ST MARYS FIELD             0.0 COLUMBIA GAS
 8146169                   4707300954 D  103     #2 JIMMY MCKNIGHT                       ST MARYS FIELD             0.0 COLUMBIA GAS
 8146178                   4707300993    103     #2 KATHLEEN RUTTENCUTTER                ST MARYS FIELD             0.0 COLUMBIA GAS
 8146170                   4707300955 D  103     #3 JIMMY MCKNIGHT                       ST MARYS FIELC             0.0 COLUMBIA GAS
 8146167                   4707300941 D  103     #4 RUTH MARSHALL                        ST MARYS FIELD             0.0 COLUMBIA GAS
 8146166                   4707300850 D  103     NO 1 DAVID WEEKLEY                      ST MARYS FIELC             0.0 COLUMBIA GAS
 8146174                   4707300923    103     NO 1 RUTH MARSHALL                      ST MARYS FIELD             0.0 COLUMBIA GAS
 8146168                   4707300959 D  103     NO 2 DAVID WEEKLEY                      ST MARYS FIELD             0.0 COLUMBIA GAS
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                                                                                VOLUME  502          PAGE  006
 JD NO     JA DKT         API NO      D SEC CAT WELL NAME                      FIELD NAME                 PROD      PURCHASER
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 8146175                  4707300924    103     NO 2 RUTH MARSHALL              ST MARYS FIELD                0.0 COLUMBIA GAS
 8146176                  4707300940    103     NO 3 RUTH MARSHALL              ST MARYS FIELD                0.0 COLUMBIA GAS
-CLINT HURT & ASSOCIATES INC             RECEIVED:  08/18/81  JA: WV
 8146196                  4710701073    103     MCCULLOUGH #1                   PROGRESS RIDGE - BEREA     1000.0 CONSOLIDATED GAS
-D C MALCOLM INC                         RECEIVED:  08/18/81  JA: WV
 8146165                  4704302498    107-DV  SIAS HEIRS #1                   ALUM CREEK                   25.0 INDUSTRIAL GAS CO
 8146182                  4704302497    107-DV  SIAS HEIRS #2                   ALUM CREEK                   50.0 INDUSTRIAL GAS CO
-DOYLE E CARLTON JR                      RECEIVED:  08/20/81  JA: WV
 8146206                  4701500499 D 108      ELK RIVER LUMBER COMPANY #3     PLEASANT DISTRICT            10.0 CABOT CORP
 8146205                  4701500505 D 108      ELK RIVER LUMBER COMPANY #4     PLEASANT DISTRICT            12.0 CABOT CORP
-FOX DRILLING CO INC                     RECEIVED:  08/18/81  JA: WV
 8146203                  4700101517    107-DV  GOODWIN #1                      BELINGTON FIELD              40.0 COLUMBIA GAS TRAN
-H D WELLS OIL & GAS EXPL & DEVEL IN     RECEIVED:  08/18/81  JA: WV
 8146172                  4703501469    107-DV  C W STARCHER #1                 WASHINGTON DISTRICT           4.9 COLUMBIA GAS TRAN
-JACKSON GAS CO                          RECEIVED:  08/18/81  JA: WV
 8146171                  4707900271    108     WELL NO 4 IN A RUPE FARM        TROYS VALLEY                  8.0 PENNZOIL CO
-RAINBOW 7 8 & 9 80 LTD                  RECEIVED:  08/18/81  JA: WV
 8146189                  4708504808    107-DV  BERNARD RICHARDS H-997          CLAY DISTRICT                20.0 CONSOLIDATED GAS
-TIMOTHY C STAMMEN                       RECEIVED:  08/18/81  JA: WV
 8146192                  4706700390    102-4   ALICE B KOONTZ NO 1             GRAND DISTRICT (HAWKS NE     40.0 EQUITABLE GAS CO
-UNITED OPERATING COMPANY                RECEIVED:  08/18/81  JA: WV
 8146197                  4703903676    107-DV  COBB #1                         BROAD RUN                     0.0 COLUMBIA GAS TRAN
-UNITED STATES ENERGY CORP               RECEIVED:  08/18/81  JA: WV
 8146195                  4702102436    108     ALICE J SNIDER A-1              GLENVILLE                     5.0 CONSOLIDATED GAS
 8146199                  4702102538    108     JOHN WITHERS B-1                GLENVILLE                     4.0 CONSOLIDATED GAS
 8146198                  4702102554    108     O A BROWN 1-D                   GLENVILLE                    18.0 CONSOLIDATED GAS
 8146179                  4702102463    108     T M SYNDER A-1                  GLENVILLE                     6.0 CONSOLIDATED GAS
 8146180                  4702102513    108     WITHERS A-1                     GLENVILLE                    10.0 CONSOLIDATED GAS
 8146181                  4702102578    108     WITHERS E-1                     GLENVILLE                     4.0 CONSOLIDATED GAS
-WACO OIL AND GAS CO INC                 RECEIVED:  08/18/81  JA: WV
 8146188                  4702103418    108     JONES HEIRS #1A                 ELLIS                        19.7 CARNEGIE NATURAL
 8146201                  4702103505    108     JONES HEIRS #3A                 ELLIS                        19.7 CARNEGIE NATURAL
 8146204                  4702103678    107-DV  WALTER JONES #1A                ELLIS                        15.0 CONSOLIDATED GAS
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** U.S. GEOLOGICAL SURVEY - CASPER,WY
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-LADD & LUKOWICZ INC                     RECEIVED:  08/17/81  JA: MT  5
 8146224   W 247-1        4904521461    103     FEDERAL I-32                                                270.0 PHILLIPS PETROLEU
-MIDLANDS GAS CORPORATION                RECEIVED:  08/17/81  JA: MT  5
 8146215   M 218-1-P      2507121238    108-PB  FEDERAL #1 0932                                               0.0 KANSAS NEBRASKA N
-SHELL OIL CO                            RECEIVED:  08/17/81  JA: MT  5
 8146213   M 216-1        2502521167    103     USA 11-25                       PENNEL                       11.0 MONTANA DAKOTA UT
-SOUTHLAND ROYALTY CO                    RECEIVED:  08/17/81  JA: MT  5
 8146229   M257-1         2507121745    102-2   FEDERAL 0952 #1                 BOWDOIN DOME                347.0 KANSAS NEBRASKA N
-AMOCO PRODUCTION CO                     RECEIVED:  08/17/81  JA: ND  5
 8146230   ND 258-1       3300700611    102-2   AMOCO USA ARMOR B NC 1          BIG STICK                    52.8 KOCH HYDROCARBON
 8146231   ND 259-1       3300700528    102-2   AMOCO USA ARMOR C NC 1          BIG STICK                   142.3 KOCH HYDROCARBON
 8146233   ND 261-1       3300700449    102-2   STEVENS FEDERAL C NO 1-29       BIG STICK                    70.6 KOCH HYDROCARBON
 8146232   ND 260-1       3300700440    102-2   STEVENS FEDERAL UNIT B NO 2-29  BIG STICK - MISSION CANY     94.5 KOCH HYDROCARBON
-SHELL OIL CO                            RECEIVED:  08/17/81  JA: ND  5
 8146214   ND 217-1       3305301233    102-4   USA 12-11-105                   SQUAW GAP                     5.0 MONTANA DAKOTA UT
 8146221   ND 248-1       3305301249    102-4   USA 33-18-123                   SQUAW GAP                     0.0 MONTANA DAKOTA UT
-TENNECO OIL COMPANY                     RECEIVED:  08/17/81  JA: ND  5
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                                                                         VOLUME  582          PAGE  007
JD NO     JA DKT        API NO      D SEC CAT WELL NAME                  FIELD NAME               PRCD    PURCHASER
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8146232    ND 243-1     3300700518    102-2    STUART USA #4-30          BIG STICK               385.0 WESTERN GAS PRCCE
-AMOCO PRODUCTION CO                           RECEIVED:  08/17/81  JA: WY  5
8146216    W 219-1      4903721526    102-2    KOBUS FEDERAL NO 1        BRUFF - DAKOTA          700.0 CITIES SERVICE GA
8146226    W 249-1-T    4903721168    107-TF   U S A AMOCO Q NO 1        SENTINEL RIDGE          144.0 CITIES SERVICE GA
8146227    W250-1-T     4903721235    107-TF   USA AMOCO S NO 1          TIERNEY                  71.0 CITIES SERVICE GA
8146228    W251-1-T     4903721252    107-TF   USA AMOCO T NO 1          FIVE MILE GULCH          58.0 CITIES SERVICE GA
-BELCO PETROLEUM CORPORATION                   RECEIVED:  08/17/81  JA: WY  5
8146225    W 248-1      4903520558    103      ELBU 29-28                EAST LABARGE UNIT         0.0 NORTHWESTERN PIPE
-MARATHON OIL COMPANY                          RECEIVED:  08/17/81  JA: WY  5
8146219    W 240-1      4900720517    102-2    CRESTON III UNIT #5-24    CRESTON III UNIT         73.0 NORTHWEST PIPELIN
8146220    W 241-1T     4900720517    107-TF   CRESTON III UNIT #5-24    CRESTON III UNIT #5-24   73.0 NORTHWEST PIPELIN
8146234    W 262-1      4903721612    102-4    TIERNEY II UNIT #5-34     TIERNEY II UNIT         146.0
-MICHIGAN WISCONSIN PIPE LINE CO               RECEIVED:  08/17/81  JA: WY  5
8146212    W 138-1      4901320786    107-DP   LYSITE NO 1-9             MADDEN FIELD              0.0 MICHIGAN WISCONSI
-MOUNTAIN FUEL SUPPLY COMPANY                  RECEIVED:  08/17/81  JA: WY  5
8146217    W 234-1      4904120249    102-2    PANDO FEDERAL NO 32-1     BRUFF                   310.3 MOUNTAIN FUEL SUP
-RAINBOW RESOURCES INC                         RECEIVED:  08/17/81  JA: WY  5
8146218    W 235-1      4900720019    108      BALTA A-1 W-0311495       SMITH RANCH              10.0 NORTHWEST PIPELIN
-TEXACO INC                                    RECEIVED:  08/17/81  JA: WY  5
8146223    W 244-1      4903520600    103      LABARGE UNIT WELL NO 7    LABARGE                 271.0 NORTHWEST PIPELIN


    OTHER PURCHASERS       VOLUME NC :582
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   8146190     BROOKLYN UNION GAS CO
   8146191     BROOKLYN UNION GAS CO
   8146193     BROOKLYN UNION GAS CO
   8146194     BROOKLYN UNION GAS CO
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdicational agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capital St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before October 2, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
  102-2: New well (2.5 mile rule)
  102-3: New well (1000 ft rule)
  102-4: New onshore reservoir
  102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
  107-GB: Geopressured brine
  107-CS: Coal seams
  107-DV: Devonian shale
  107-PE: Production enhancement
  107-TF: New tight formation
  107-RT: Recompletion tight formation

Section 108: Stripper well
  108-SA: Seasonally affected
  108-ER: Enhanced recovery
  108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27018 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 505]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 9, 1981

NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-PARAGON RESOURCES INC RECEIVED: 08/21/81 JA: NY

JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8146917	1005	3101310278	108	UNIT NO 109 - E KORTA	LAKESHORE	10.7	NATIONAL FUEL GAS
8146921	1015	3101311133	108	UNIT NO 192 - C SMITH	LAKESHORE	12.8	NATIONAL FUEL GAS
8146889		3101311182	108	UNIT NO 233-WILSON HOLCOMB	LAKESHORE	3.2	NATIONAL FUEL GAS
8146888		3101311200	108	UNIT NO 237-MAUDE WINSLOW	LAKESHORE	1.8	NATIONAL FUEL GAS
8146914		3101311596	108	UNIT NO 240 - LONGHOUSE ESTATE	LAKESHORE	10.3	NATIONAL FUEL GAS
8146887		3101311257	108	UNIT NO 241-DONALD KUNDRATH	LAKESHORE	4.7	NATIONAL FUEL GAS
8146905	1018	3101311170	108	UNIT NO 247 - R BRADLEY	LAKESHORE	9.5	NATIONAL FUEL GAS
8146906	1020	3101311207	108	UNIT NO 252 - F MEYERS	LAKESHORE	16.1	NATIONAL FUEL GAS
8146907	1022	3101311315	108	UNIT NO 261 - L DEAN	LAKESHORE	14.1	NATIONAL FUEL GAS
8146919	1009	3101310967	108	UNIT NO 27 - G BECKER	LAKESHORE	12.2	NATIONAL FUEL GAS
8146872		3101311486	108	UNIT NO 275 - KENNETH FARMET	LAKESHORE	11.1	NATIONAL FUEL GAS
8146896	271	3101311468	108	UNIT NO 276 - MARVIN ZOOP	LAKESHORE	7.6	NATIONAL FUEL GAS
8146886		3101311266	108	UNIT NO 277-NORMAN READ	LAKESHORE	16.0	NATIONAL FUEL GAS
8146890	466	3101311267	108	UNIT NO 281 - NORMAN READ	LAKESHORE	6.4	NATIONAL FUEL GAS
8146903	255	3101311355	108	UNIT NO 283 - HARRIS CHARDWICK	LAKESHORE	6.0	NATIONAL FUEL GAS
8146902	449	3101311532	108	UNIT NO 304 - CHARLES JOHNSTON	LAKESHORE	3.2	NATIONAL FUEL GAS
8146877		3101311316	108	UNIT NO 307-JACK SHOEMAKER	LAKESHORE	5.1	NATIONAL FUEL GAS
8146876		3101311268	108	UNIT NO 310-JOSEPH MIKULA	LAKESHORE	4.0	NATIONAL FUEL GAS
8146875		3101311256	108	UNIT NO 312-CLAUDE CRANSTON	LAKESHORE	6.8	NATIONAL FUEL GAS
8146874		3101311297	108	UNIT NO 313 - CLAUDE CRANSTON	LAKESHORE	2.3	NATIONAL FUEL GAS
8146873		3101311427	108	UNIT NO 314 - RALPH SHOEMAKER	LAKESHORE	7.1	NATIONAL FUEL GAS
8146895	276	3101311487	108	UNIT NO 318 - CHARLES PEDER	LAKESHORE	4.1	NATIONAL FUEL GAS
8146894	278	3101311340	108	UNIT NO 319 - CHARLES PEDER	LAKESHORE	3.7	NATIONAL FUEL GAS
8146913		3101311766	108	UNIT NO 323 - WARD RAYNOR	LAKESHORE	6.7	NATIONAL FUEL GAS
8146908	102[illegible]	3101311605	108	UNIT NO 339 - A.VANDETTE	LAKESHORE	6.1	NATIONAL FUEL GAS
8146885		3101311295	108	UNIT NO 367-LARRY YUKON	LAKESHORE	6.3	NATIONAL FUEL GAS
8146904	242	3101311298	108	UNIT NO 369 - ROBERT BEST	LAKESHORE	4.9	NATIONAL FUEL GAS
8146901	450	3101311724	108	UNIT NO 374 - F H HENDERSON	LAKESHORE	1.8	NATIONAL FUEL GAS
8146900	451	3101311752	108	UNIT NO 375 - HARRY ECKERT	LAKESHORE	6.5	NATIONAL FUEL GAS
8146899	452	3101311715	108	UNIT NO 376 - WILLIAM POTKOVICK	LAKESHORE	2.8	NATIONAL FUEL GAS
8146898	453	3101311716	108	UNIT NO 377 - HENRY OLROGGE	LAKESHORE	5.0	NATIONAL FUEL GAS
8146897	454	3101311718	108	UNIT NO 378 - IMOGENE DELCAMP	LAKESHORE	3.0	NATIONAL FUEL GAS
8146915		3101311717	108	UNIT NO 379 - KENNETH SWANSON	LAKESHORE	1.9	NATIONAL FUEL GAS
8146912		3101311765	108	UNIT NO 388 - WARD RAYNOR	LAKESHORE	1.8	NATIONAL FUEL GAS
8146869	972	3101311866	108	UNIT NO 387 - WILLIAM MOUBER	LAKESHORE	4.4	NATIONAL FUEL GAS
8146871		3101311868	108	UNIT NO 389 - ANTHONY MARRANO	LAKESHORE	6.0	NATIONAL FUEL GAS
8146893	282	3101311873	108	UNIT NO 396 - RAYMOND LAWSON	LAKESHORE	4.5	NATIONAL FUEL GAS
8146892	283	3101311874	108	UNIT NO 397 - RAYMOND LAWSON	LAKESHORE	5.5	NATIONAL FUEL GAS
8146863		3101311876	108	UNIT NO 400 - MARY HALL	LAKESHORE	7.8	NATIONAL FUEL GAS
8146864		3101311877	108	UNIT NO 401 - STANLEY HARRINGTON	LAKESHORE	2.6	NATIONAL FUEL GAS

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JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8146885		3101311878		108	UNIT NO 402 - GENA MARTY	LAKESHORE	5.2	NATIONAL FUEL GAS
8146867		3101311882		108	UNIT NO 405 - HORACE CLOUGH	LAKESHORE	4.3	NATIONAL FUEL GAS
8146866		3101311883		108	UNIT NO 406 - MID-MEADOWS	LAKESHORE	3.0	NATIONAL FUEL GAS
8146882		3101311884		108	UNIT NO 407-GERALD PERRY	LAKESHORE	8.3	NATIONAL FUEL GAS
8146870		3101311886		108	UNIT NO 409 - BISSELL-BABCOCK	LAKESHORE	3.2	NATIONAL FUEL GAS
8146884		3101311887		108	UNIT NO 411-ALOYSIOS LEMANSKI	LAKESHORE	4.7	NATIONAL FUEL GAS
8146883		3101311889		108	UNIT NO 413-GERALD PIERCE	LAKESHORE	10.5	NATIONAL FUEL GAS
8146881		3101311890		108	UNIT NO 414-ERNEST KELLEY	LAKESHORE	4.5	NATIONAL FUEL GAS
8146880		3101311891		108	UNIT NO 415-ERNEST KELLY	LAKESHORE	2.6	NATIONAL FUEL GAS
8146879		3101311892		108	UNIT NO 416-RAY ANDERSON	LAKESHORE	3.6	NATIONAL FUEL GAS
8146878		3101311893		108	UNIT NO 418-RAY ANDERSON	LAKESHORE	2.3	NATIONAL FUEL GAS
8146860		3101311913		108	UNIT NO 439 - ALBERT VANDETTE	LAKESHORE	3.6	NATIONAL FUEL GAS
8146861		3101311916		108	UNIT NO 442 - JACK INGALLS	LAKESHORE	2.4	NATIONAL FUEL GAS
8146868		3101312259		108	UNIT NO 448 - JOSEPH JUREZAK	LAKESHORE	4.8	NATIONAL FUEL GAS
8146862		3101312273		108	UNIT NO 452 - STANLEY GIZOWSKI	LAKESHORE	1.2	NATIONAL FUEL GAS
8146911		3101312274		108	UNIT NO 453 - STANLEY GIZOWSKI	LAKESHORE	5.7	NATIONAL FUEL GAS
8146910	1033	3101312232		108	UNIT NO 462 - R PALMER	LAKESHORE	11.3	NATIONAL FUEL GAS
8146916	1035	3101312238		108	UNIT NO 478 - G BALL	LAKESHORE	0.3	NATIONAL FUEL GAS
8146891	463	3101311025		108	UNIT NO 520 - JOSEPH MIKULA	LAKESHORE	6.0	NATIONAL FUEL GAS
8146920	1036	3101312614		108	UNIT NO 528 - KINGSMITH FARM INC	LAKESHORE	8.9	NATIONAL FUEL GAS
8146909	1008	3101310756		108	UNIT NO 73 - P SUPPO	LAKESHORE	12.0	NATIONAL FUEL GAS
8146918	1006	3101310584		108	UNIT NO 88 - W SKINNER	LAKESHORE	8.3	NATIONAL FUEL GAS
-SCG GAS QUEST INC					RECEIVED: 08/20/81 JA: NY			
8146659	1067	3102913536		108	LARDO #1	[illegible]-EVANS	9.2	TENNESSEE GAS PIP
OHIO DEPARTMENT OF NATURAL RESOURCES								
-BEREA OIL AND GAS CORPORATION					RECEIVED: 08/24/81 JA: OH			
8146800		3411925507		103	GRANT #2	UNION	0.0	COLUMBIA GAS TRAN
8146800		3411925507		107-TF	GRANT #2	UNICN	0.0	COLUMBIA GAS TRAN
8146801		3411925542		107-TF	K LEPAGE #2	UNION	0.0	COLUMBIA GAS TRAN
-CLINTON OIL CO					RECEIVED: 08/24/81 JA: OH			
8146803		3411925615		107-TF	OHIO POWER #3-604	CASS	0.0	
8146802		3411925372		107-TF	ROY THOMAS #2-608	CASS	100.0	
-DEVON PETROLEUM CORP					RECEIVED: 08/24/81 JA: OH			
8146808		3416726423		107-DV	CHARLES WAGNER #2	DECATURVILLE	20.0	COLUMBIA GAS TRAN
8146809		3416726669		107-DV	CHARLES WAGNER #5	DECATUR	18.0	COLUMBIA GAS TRAN
8146807		3416726417		107-DV	L JOHNSON-R BARTH #2	BARLOW	20.0	COLUMBIA GAS TRAN
8146804		3416726393		107-DV	RACHEL GIDDINGS #1	DECATUR	15.0	COLUMBIA GAS TRAN
8146805		3416726394		107-DV	SAMPLES GATES FRAME #1	BARLOW	15.0	COLUMBIA GAS TRAN
8146806		3416726416		107-DV	VERGIE BARTH #1	BARLOW	20.0	COLUMBIA GAS TRAN
-ELKHEAD GAS & OIL COMPANY					RECEIVED: 08/24/81 JA: OH			
8146810		3408322853	U	103	MCMILLAN #5	KNOX	12.0	COLUMBIA GAS TRAN
-ENERGY RECOVERY CO					RECEIVED: 08/24/81 JA: OH			
8146811		3411925481		107-TF	TURNER #2	LICKING	10.0	
-GNOME PETROLEUM INC					RECEIVED: 08/24/81 JA: OH			
8146814		3415521631		103	HOFFMAN #1	SOUTHINGTON	150.0	
8146814		3415521631		107-TF	HOFFMAN #1	SOUTHINGTON	150.0	
8146815		3415521846		103	KOVAR #1	SOUTHINGTON	21.0	
8146815		3415521846		107-TF	KOVAR #1	SOUTHINGTON	21.0	
-HARRIS ENGINEERING CO					RECEIVED: 08/24/81 JA: OH			
8146812		3412724795		103	CATHERINE KIENER NO 1	PIKE	36.0	COLUMBIA GAS TRAN
8146812		3412724795		107-TF	CATHERINE KIENER NO 1	PIKE	36.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-INLAND DRILLING CO INC					RECEIVED: 08/24/81 JA: OH			
8146819		3413322182		103	ARMENTROUT UNIT #1	CHARLESTOWN	0.5	
8146819		3413322182		107-TF	ARMENTROUT UNIT #1	CHARLESTOWN	0.5	
8146824		3413322463		103	BOHAC #1	FREEDOM	0.3	
8146824		3413322463		107-TF	BOHAC #1	FREEDOM	0.3	
8146823		3413322462		103	BOWER #1	SHALERSVILLE	0.6	
8146823		3413322462		107-TF	BOWER #1	SHALERSVILLE	0.6	
8146818		3413322160		103	DAVIES #2	NELSON	0.1	
8146818		3413322160		107-TF	DAVIES #2	NELSON	0.1	
8146816		3413321794		103	RESNICK #1	RAVENNA	0.3	
8146816		3413321794		107-TF	RESNICK #1	RAVENNA	0.3	
8146822		3413322406		103	RESNICK #5	RAVENNA	0.3	
8146822		3413322406		107-TF	RESNICK #5	RAVENNA	0.3	
8146820		3413322184		103	WHEATON-ARMENTROUT #1	CHARLESTOWN	0.5	
8146820		3413322184		107-TF	WHEATON-ARMENTROUT #1	CHARLESTOWN	0.5	
8146821		3413322357		103	WINDMILL #2	RAVENNA	0.3	
8146821		3413322357		107-TF	WINDMILL #2	RAVENNA	0.3	
8146817		3413322135		103	WITCHEY #1	CHARLESTOWN	0.5	
8146817		3413322135		107-TF	WITCHEY #1	CHARLESTOWN	0.5	
-JOHN C MASON					RECEIVED: 08/24/81 JA: OH			
8146833		3407523048		107-TF	ANDY & MARY ERB #6	MECHANIC	15.0	COLUMBIA GAS TRAN
8146832		3407522653		107-TF	ERB-ZUERCHER UNIT #1	MECHANIC	15.0	COLUMBIA GAS TRAN
8146834		3407523091		107-TF	LESTER ERB #3	MECHANIC	20.0	COLUMBIA GAS TRAN
-K C PRODUCTION OF OHIO					RECEIVED: 08/24/81 JA: OH			
8146826A		3407523163		103	CROWE #4	KILLBUCK	20.0	COLUMBIA GAS TRAN
8146826B		3407523163	D	107-TF	CROWE #4	KILLBUCK	20.0	COLUMBIA GAS TRAN
8146828A		3407523167		103	FLINTSTONE FARMS #10	KILLBUCK	20.0	COLUMBIA GAS TRAN
8146828B		3407523167	D	107-TF	FLINTSTONE FARMS #10	KILLBUCK	20.0	COLUMBIA GAS TRAN
8146827A		3407523165		103	FLINTSTONE FARMS #7	KILLBUCK	20.0	COLUMBIA GAS TRAN
8146827B		3407523165	D	107-TF	FLINTSTONE FARMS #7	KILLBUCK	20.0	COLUMBIA GAS TRAN
8146825A		3407523152		103	HAROLD MOORE #2	KILLBUCK	20.0	COLUMBIA GAS TRAN
8146825B		3407523152	D	107-TF	HAROLD MOORE #2	KILLBUCK	20.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC					RECEIVED: 08/24/81 JA: OH			
8146829A		3407522891		103	ANDREW LEE YOUNG #1	KILLBUCK	15.0	COLUMBIA GAS TRAN
8146829B		3407522891	D	107-TF	ANDREW LEE YOUNG #1	KILLBUCK	15.0	COLUMBIA GAS TRAN
-LEADER EQUITIES INC					RECEIVED: 08/24/81 JA: OH			
8146830		3411925592		103	FOSTER - FOSTOR #1	ADAMS	15.0	
8146830		3411925592		107-TF	FOSTER - FOSTOR #1	ADAMS	15.0	
8146831		3411925597		103	GEORGE W CULLINS #1	CASS	15.0	
8146831		3411925597		107-TF	GEORGE W CULLINS #1	CASS	15.0	
-MARMAC RESOURCES LTD					RECEIVED: 08/24/81 JA: OH			
8146813		3407522484		103	YODER #1	PRAIRIE	0.0	
8146813		3407522484		107-TF	YODER #1	PRAIRIE	0.0	
-NATIONAL PETROLEUM CORP					RECEIVED: 08/24/81 JA: OH			
8146836		3411122149		103	E ACKERMAN #1	MALAGE	15.0	TEXAS EASTERN TRA
-NOBLE OIL CORP					RECEIVED: 08/24/81 JA: OH			
8146838		3413322157		107-TF	ENSINGER #1	EDINBURG	20.0	GENERAL ELECTRIC
8146842		3413322520		107-TF	HUGHES #1	PALMYRA	20.0	GENERAL ELECTRIC
8146844		3413322535		107-TF	KAINRAD #1	PALMYRA	20.0	GENERAL ELECTRIC
8146840		3413322279		107-TF	KAINRAD #2	PALMYRA	20.0	GENERAL ELECTRIC
8146839		3413322169		107-TF	MANN-VILLERS #2	PALMYRA	20.0	GENERAL ELECTRIC
8146843		3413322534		107-TF	ROOSA #1	PALMYRA	20.0	GENERAL ELECTRIC
8146837		3413322148		107-TF	RUGGLES #2	PALMYRE	20.0	GENERAL ELECTRIC

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JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8146841		3413322379		107-TF	STEPHENS #1	EDINBURG	20.0	GENERAL ELECTRIC
-PENN-OHIO ENERGY CORP					RECEIVED: 08/24/81 JA: OH			
8146845		3407522713		103	ADAM H & LIZZIE MILLER #1	BERLIN	38.0	COLUMBIA GAS TRAN
8146845		3407522713		107-TF	ADAM H & LIZZIE MILLER #1	BERLIN	38.0	COLUMBIA GAS TRAN
8146846		3407522855		103	GLENN & EVELYN HENNIS #1	BERLIN	40.0	COLUMBIA GAS TRAN
8146846		3407522855		107-TF	GLENN & EVELYN HENNIS #1	BERLIN	40.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY					RECEIVED: 08/24/81 JA: OH			
8146847		3407522836		103	BYRON J SWARTZ	PRAIRIE	12.0	COLUMBIA GAS TRAN
8146847		3407522836		107-TF	BYRON J SWARTZ	PRAIRIE	12.0	COLUMBIA GAS TRAN
-RELIANCE ENERGY					RECEIVED: 08/24/81 JA: OH			
8146848		3407522888		103	ABE J KEIM #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
8146848		3407522888		107-TF	ABE J KEIM #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
-REPUBLIC STEEL CORP					RECEIVED: 08/24/81 JA: OH			
8146849		3411925727		103	CONSOLIDATION COAL CO CH #1	SALEM	32.0	COLUMBIA GAS TRAN
8146849		3411925727		107-DP	CONSOLIDATION COAL CO CH #1	SALEM	32.0	COLUMBIA GAS TRAN
-RIMCO OPERATING INC					RECEIVED: 08/24/81 JA: OH			
8146850		3416722746		103	MCMILLEN #1	PLAIN	12.0	COLUMBIA GAS TRAN
-ROVI RESOURCES CORP					RECEIVED: 08/24/81 JA: OH			
8146851		3411925657		107-TF	JOHN FRICK #1	RICH HILL	100.0	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC					RECEIVED: 08/24/81 JA: OH			
8146853A		3411122004		103	CHRISTMAN #1	MALAGA	0.0	TEXAS EASTERN TRA
8146853B		3411122004	D	107-TF	CHRISTMAN #1	MALAGA	0.0	TEXAS EASTERN TRA
8146854A		3411122005		103	CLAUSS #1	MALAGA	0.0	TEXAS EASTERN TRA
8146854B		3411122005	D	107-TF	CLAUSS #1	MALAGA	0.0	TEXAS EASTERN TRA
8146852A		3411121941		103	E J & HAZEL WELLS #1	MALAGA	20.0	TEXAS EASTERN TRA
8146852B		3411121941	D	107-TF	E J & HAZEL WELLS #1	MALAGA	20.0	TEXAS EASTERN TRA
8146855A		3411122006		103	GALLAGHER #1	MALAGA	0.0	TEXAS EASTERN TRA
8146855B		3411122006	D	107-TF	GALLAGHER #1	MALAGA	0.0	TEXAS EASTERN TRA
8146856A		3411122007		103	MOORE #1	MALAGA	0.0	TEXAS EASTERN TRA
8146856B		3411122007	D	107-TF	MOORE #1	MALAGA	0.0	TEXAS EASTERN TRA
8146858A		3411122060		103	STEPHEN #1	MALAGA	0.0	TEXAS EASTERN TRA
8146858B		3411122060	D	107-TF	STEPHEN #1	MALAGA	0.0	TEXAS EASTERN TRA
8146857A		3411122059		103	WARD #1	MALAGA	0.0	TEXAS EASTERN TRA
8146857B		3411122059	D	107-TF	WARD #1	MALAGA	0.0	TEXAS EASTERN TRA
-THE MUTUAL OIL & GAS COMPANY					RECEIVED: 08/24/81 JA: OH			
8146835		3413322446		103	POLISH LEGION OF AMERICAN VETS #1	NELSON	18.0	EAST OHIO GAS CO
8146835		3413322446		107-TF	POLISH LEGION OF AMERICAN VETS #1	NELSON	18.0	EAST OHIO GAS CO
-VIKING RESOURCES CORP					RECEIVED: 08/24/81 JA: OH			
8146859		3415123522		103	BOOTH-MILLER UNIT #1	STARK	38.0	
8146859		3415123522		107-TF	BOOTH-MILLER UNIT #1	STARK	38.0	
OKLAHOMA CORPORATION COMMISSION								
-MAPCO PRODUCTION COMPANY					RECEIVED: 08/18/81 JA: OK			
8146653	11038	3501922170		102-4	WESTHEIMER-NEUSTADT #2-18	WEST HEWITT FIELD	40.0	AMINOIL USA INC
8146653	11038	3501922170		103	WESTHEIMER-NEUSTADT #2-18	WEST HEWITT FIELD	40.0	AMINOIL USA INC
-SAMSON RESOURCES COMPANY					RECEIVED: 08/18/81 JA: OK			
8146656	10513	3512120698		102-4	CANFIELD UNIT NO 1 - CROMWELL	FEATHERSTON	4.4	ARKANSAS LOUISIAN
8146656	10513	3512120698		103	CANFIELD UNIT NO 1 - CROMWELL	FEATHERSTON	4.4	ARKANSAS LOUISIAN
8146654	10515	3512120698		102-4	CANFIELD UNIT NO 1-SPIRO	FEATHERSTON	17.5	ARKANSAS LOUISIAN
8146654	10515	3512120698		103	CANFIELD UNIT NO 1-SPIRO	FEATHERSTON	17.5	ARKANSAS LOUISIAN
8146655	10514	3512120698		102-4	CANFIELD UNIT NO 1-WAPANUCKA	FEATHERSTON	92.0	ARKANSAS LOUISIAN
8146655	10514	3512120698		103	CANFIELD UNIT NO 1-WAPANUCKA	FEATHERSTON	92.0	ARKANSAS LOUISIAN

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                                                                                   VOLUME  505           PAGE  005
  JD NO     JA DKT          API NO      D SEC CAT WELL NAME                            FIELD NAME               PROD     PURCHASER
  -----     ------          ------      - --- --- ---------                            ----------               ----     ---------
 -SUMMIT ENERGY INC                               RECEIVED:  08/18/81  JA: OK
  8146647   11608           3511921483    102-4    AUFLEGER NO 4-30                                                36.5 COLORADO GAS COMP
  8146647   11608           3511921483    103      AUFLEGER NO 4-30                                                36.5 COLORADO GAS COMP
 -TE CO                                           RECEIVED:  08/18/81  JA: OK
  8146648   11536           3514321032    102-4    MCKEE #1                                                         0.0 COLORADO GAS COMP
  8146649   11537           3514321047    102-4    MCKEE #3                                                         0.0 COLORADO GAS COMP
  8146650   11538           3514321135    102-4    MCKEE #5                                                        91.0 COLORADO GAS COMP
  8146652   11522           3514321087    102-4    MCKEE #6                                                        10.0 COLORADO GAS COMP
  8146651   11539           3514321136    102-4    MCKEE #7                                                         0.0 COLORADO GAS COMP
 -TEXACO INC                                      RECEIVED:  08/18/81  JA: OK
  8146657   10110           3507322694    103      P BRUEGGEN NO 1                     N E OKARCHE                 80.0 CONOCO INC
 -THOMAS N BERRY & CO                             RECEIVED:  08/18/81  JA: OK
  8146658   12008           3511900000    102-4    BERRY FEE #7                        MEMAN                      200.0 CITIES SERVICE GA
 **************************************************************************************
   PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES
 **************************************************************************************
 -ADOBE OIL & GAS CORPORATION                     RECEIVED:  08/20/81  JA: PA
  8146661   8622            3706572270    103      HERMAN FROST #1-B                   REYNOLDSVILLE               23.0
  8146662   8624            3706522247    103      C S THOMPSON #1-B                   REYNOLDSVILLE               23.0
  8146660   8621            3706522258    103      OHARAH-FROST UNIT #1-A              REYNOLDSVILLE               22.0
 -ALCOVE INVESTMENTS                              RECEIVED:  08/20/81  JA: PA
  8146663   8633            3706320386    108      BYRON FRICK NO 1                    ELDERS RIDGE                 6.3 PEOPLES NATURAL G
  8146665   8635            3706320464    108      BYRON FRICK NO 2                    ELDERS RIDGE                 6.3 PEOPLES NATURAL G
  8146666   8636            3706320600    108      BYRON FRICK NO 3                    WASHINGTON                  13.0 PEOPLES NATURAL G
  8146664   8634            3706320891    108      THOMAS M FRICK NO 1                 WASHINGTON                   8.8 PEOPLES NATURAL G
  8146667   8637            3706321103    108      THOMAS M FRICK NC 2                 WASHINGTON                   7.9 PEOPLES NATURAL G
 -B G BARTLEY                                     RECEIVED:  08/20/81  JA: PA
  8146668   8469            3706320118    108      W H BARRETT #1                      SMICKSBURG                   2.2 PEOPLES NATURAL G
 -BITTINGER - BARRETT LEASEHOLD                   RECEIVED:  08/20/81  JA: PA
  8146672   8615            3700500000    108      DENNIS BOYER #3                     W MAHONING                   3.0 PEOPLES NATURAL G
  8146670   8613            3700500000    108      DENNIS BOYER #4                     W MAHONING                   5.0 PEOPLES NATURAL G
  8146671   8614            3700500000    108      DENNIS BOYER #5                     W MAHONING                   3.0 PEOPLES NATURAL G
  8146673   8616            3700500000    108      DENNIS BOYER #6                     W MAHONING                   3.0 PEOPLES NATURAL G
  8146669   8472            3706324028    108      J ELMER ELKIN #2                    W MAHONING                   8.0 PEOPLES NATURAL G
 -CABOT OIL & GAS CORP                            RECEIVED:  08/20/81  JA: PA
  8146674   8765            3703920718    102-2    #1 WILLIAM HANSEN                   FAIRFIELD                   50.0 TENNESSEE GAS PIP
  8146676   8771            3703921168    102-2    RONALD KALINOWSKI #1                FAIRFIELD                   50.0 TENNESSEE GAS PIP
  8146675   8767            3703920962    102-2    THOMAS JOHNSTON #1                  FAIRFIELD                   50.0 TENNESSEE GAS PIP
 -CARROLL A WEAVER                                RECEIVED:  08/20/81  JA: PA
  8146797   8772            3703100000    108      CARROLL A WEAVER #1                 VAN FIELD                    0.7 NATIONAL FUEL GAS
  8146798   8773            3703100000    108      FIELD MAYS #1                       VAN FIELD                    6.5 NATIONAL FUEL GAS
  8146799   8774            3703100000    108      METZ #1                             VAN FIELD                    2.9 NATIONAL FUEL GAS
 -CASTLE GAS CO INC                               RECEIVED:  08/20/81  JA: PA
  8146680   8788            3706323461    108      A CCUGHANOUR #1 (PNG-#5065) 23461   GRANT TOWNSHIP              12.0 PEOPLES NATURAL G
  8146679   8787            3706324080    103      C WINDOWS #1 (PNG-#5256) IND-24080  BLACKLICK TOWNSHIP          70.0 PEOPLES NATURAL G
  8146681   8791            3706323542    108      H R KINTER #1 (PNG-#5113) IND-23542 GRANT TOWNSHIP               7.0 PEOPLES NATURAL G
  8146685   8795            3706323302    108      I M PARK #2 (PNG-#4975) IND-23302   WHITE TOWNSHIP              10.0 PEOPLES NATURAL G
  8146684   8794            3706323514    108      R E MCCOY #1 (PNG-#5106) IND-23514  GRANT TOWNSHIP               5.0 PEOPLES NATURAL G
  8146682   8792            3706323403    108      S E LEMMON #1 (PNG-#5061) IND-23403 GRANT TOWNSHIP               7.0 PEOPLES NATURAL G
  8146683   8793            3706323404    108      S E LEMMON #2 (PNG-#5062) IND-23404 GRANT TOWNSHIP               7.0 PEOPLES NATURAL G
  8146677   8785            3706324095    103      T H STUCHELL #3 (PNG-#5258) 24095   YOUNG TOWNSHIP              65.0 PEOPLES NATURAL G
  8146678   8786            3706324096    103      T H STUCHELL #4 (PNG-#5259) 24096   BLACKLICK TOWNSHIP          75.0 PEOPLES NATURAL G
 -CONSOLIDATED GAS SUPPLY CORPORATION             RECEIVED:  08/20/81  JA: PA
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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8146686	8581	3703321081		102-2		J L DUMM WN-1847	BURNSIDE	0.0	GENERAL SYSTEM PU
8146687	8535	3703320625		108		JAMES MITCHELL EST WN-1561	BELL TOWNSHIP	8.7	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC						RECEIVED: 08/20/81 JA: PA			
8146689	8243	3706325045		103		E BARTLEBAUGH #2 KA 50	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
8146688	8632	3706326088		102-2		R HENRY #4 KA-69	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
-EARL M RICHARDS						RECEIVED: 08/20/81 JA: PA			
8146789	8617	3700520589		108		DICKEY #1	SPRING CHURCH	1.5	PEOPLES NATURAL G
8146790	8618	3700500000		108		GEORGE NOLF #1	PUTNEYVILLE	3.0	PEOPLES NATURAL G
8146792	8620	3700522350		108		ROSS #1	RORING RUN	5.5	PEOPLES NATURAL G
8146791	8619	3700520850		108		TOWNSEND #4	SHADY PLAIN	1.4	PEOPLES NATURAL G
-ENERGY QUEST INC						RECEIVED: 08/20/81 JA: PA			
8146693	8763	3706325998		103		C L RUFFNER & SONS #2	CLYMER	30.0	COLUMBIA GAS TRAN
8146690	8760	3706325901		103		WILLIAM C HOUSER JR 118 A #3	CLYMER	30.0	COLUMBIA GAS TRAN
8146691	8761	3706325888		103		WILLIAM C HOUSER JR 159 A #3	CLYMER	30.0	COLUMBIA GAS TRAN
8146692	8762	3706325906		103		WILLIAM C HOUSER JR 159 A #5	CLYMER	30.0	COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO						RECEIVED: 08/20/81 JA: PA			
8146695	8651	3706320780		108		EVA LITTLE NO 1 F-224	CRETE	36.0	PEOPLES NATURAL G
8146694	8638	3706320052		108		WOODROW PLYMIRE NO 1 F-2[illegible]	ELDERS RIDGE	6.0	PEOPLES NATURAL G
-FOX OIL & GAS INC						RECEIVED: 08/20/81 JA: PA			
8146696	8582	3706326029		103		ALVIN E HENRY #1-A	MONTGOMERY	25.5	COLUMBIA GAS TRAN
-GOAL DRILLING CO						RECEIVED: 08/20/81 JA: PA			
8146698	8640	3703120267		108		C O BOYER #57	CLARION	2.7	COLUMBIA GAS TRAN
8146699	8641	3703122791		108		C O BOYER #59	CLARION	2.7	COLUMBIA GAS TRAN
8146700	8642	3703120118		108		E KEEFER #42	CLARION	1.5	COLUMBIA GAS TRAN
8146697	8639	3703120164		108		MARSHALL HEIRS #50	CLARION	5.1	COLUMBIA GAS TRAN
-MID-EAST OIL CO						RECEIVED: 08/20/81 JA: PA			
8146703	8667	3706322342		108		JOHN R NASER #1	MCINTYRE	19.1	PEOPLES NATURAL G
8146702	8666	3706322714		108		RONALD D BAGLEY #2	ERNEST	16.5	PEOPLES NATURAL G
8146701	8668	3706522045		103		WILLIAM J DOMBROWSKI #1	REYNOLDSVILLE	17.0	CONSOLIDATED GAS
-ONEXXX PRODUCTION & EXPLORATION COR						RECEIVED: 08/20/81 JA: PA			
8146778	8755	3712500000		108		BANFIELD #47	CANONSBURG	1.2	COLUMBIA GAS TRAN
8146776	8753	3712500000		108		BANFIELD #48	CANONSBURG	1.2	COLUMBIA GAS TRAN
8146775	8752	3712500000		108		BANFIELD #49	CANONSBURG	1.2	COLUMBIA GAS TRAN
8146717	8694	3712500000		108		BOWER # 34	HICKORY	0.7	COLUMBIA GAS TRAN
8146756	8733	3712500000		108		BRADY #63	LONE PINE	1.0	COLUMBIA GAS TRAN
8146718	8695	3712500000		108		BRIGICH # [illegible]	HICKORY	0.7	COLUMBIA GAS TRAN
8146777	8754	3712500000		108		BRISTOL #4[illegible]	CANONSBURG	1.2	COLUMBIA GAS TRAN
8146757	8734	3712500000		108		BRISTOL #62	LONE PINE	1.0	COLUMBIA GAS TRAN
8146743	8720	3712500000		108		CARLISLE-BRIGICH #13	HICKORY	0.7	COLUMBIA GAS TRAN
8146712	8689	3712500000		108		CHARTIERS SOUTHERN # 76	LONE PINE	1.0	COLUMBIA GAS TRAN
8146765	8742	3712500000		108		CURRY #53	LONE PINE	1.0	COLUMBIA GAS TRAN
8146713	8690	3712500000		108		DAGUE # 70	LONE PINE	1.0	COLUMBIA GAS TRAN
8146746	8723	3712500000		108		DHANS #10	HICKORY	0.7	COLUMBIA GAS TRAN
8146747	8724	3712500000		108		DHANS #9	HICKORY	0.7	COLUMBIA GAS TRAN
8146714	8691	3712500000		108		DON COWDEN #104	HICKORY	0.7	COLUMBIA GAS TRAN
8146779	8756	3712500000		108		FATTMAN #68	LONE PINE	1.0	COLUMBIA GAS TRAN
8146742	8719	3712500000		108		FLYNN #14	HICKORY	0.7	COLUMBIA GAS TRAN
8146741	8718	3712500000		108		FLYNN #15	HICKORY	0.7	COLUMBIA GAS TRAN
8146762	8739	3712500000		108		FRIEND #56	LONE PINE	1.0	COLUMBIA GAS TRAN
8146761	8738	3712500000		108		FRIEND #57	LONE PINE	1.0	COLUMBIA GAS TRAN
8146758	8735	3712500000		108		FULTON #61	LONE PINE	1.0	COLUMBIA GAS TRAN
8146768	8745	3712500000		108		GOUGHENOUR #50	LONE PINE	1.0	COLUMBIA GAS TRAN
8146767	8744	3712500000		108		GOUGHENOUR #51	LONE PINE	1.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8146766	8743	3712500000		108		GOUGHENOUR #52	LONE PINE	1.0	COLUMBIA GAS TRAN
8146739	8716	3712500000		108		GRIFFITH #17	HICKORY	0.7	COLUMBIA GAS TRAN
8146738	8715	3712500000		108		GRIFFITH #18	HICKORY	0.7	COLUMBIA GAS TRAN
8146709	8686	3712500000		108		GUNDLACH #81	LONE PINE	1.0	COLUMBIA GAS TRAN
8146744	8721	3712500000		108		HARBISON - BRIGICH #12	HICKORY	0.7	COLUMBIA GAS TRAN
8146708	8685	3712500000		108		HARSCH #83	LONE PINE	1.0	COLUMBIA GAS TRAN
8146763	8740	3712500000		108		HILDEBRANDT #55	LONE PINE	1.0	COLUMBIA GAS TRAN
8146749	8726	3712500000		108		JOHN HERRIOTT #7	HICKORY	0.7	COLUMBIA GAS TRAN
8146729	8706	3712500000		108		JONES #70	LONE PINE	1.0	COLUMBIA GAS TRAN
8146731	8708	3712500000		108		KINDER #60	LONE PINE	1.0	COLUMBIA GAS TRAN
8146706	8683	3712500000		108		MARTIN #90	LONE PINE	1.0	COLUMBIA GAS TRAN
8146730	8707	3712500000		108		MATTHEWS #66	LONE PINE	1.0	COLUMBIA GAS TRAN
8146745	8722	3712500000		108		MILLER - KERIN #11	HICKORY	0.7	COLUMBIA GAS TRAN
8146781	8758	3712500000		108		MILLER #65	LONE PINE	1.0	COLUMBIA GAS TRAN
8146770	8747	3712500000		108		MILLER-BRIGICH #22	HICKORY	0.7	COLUMBIA GAS TRAN
8146733	8710	3712500000		108		MILLER-DAVIS #103	LONE PINE	1.0	COLUMBIA GAS TRAN
8146782	8759	3712500000		108		MOORE #64	LONE PINE	1.0	COLUMBIA GAS TRAN
8146704	8681	3712500000		108		MOWL #96	LONE PINE	1.0	COLUMBIA GAS TRAN
8146735	8712	3712500000		108		MOWL #97	LONE PINE	1.0	COLUMBIA GAS TRAN
8146734	8711	3712500000		108		MOWL #98	LONE PINE	1.0	COLUMBIA GAS TRAN
8146759	8736	3712500000		108		MYERS #59	LONE PINE	1.0	COLUMBIA GAS TRAN
8146726	8703	3712500000		108		NOVOTNY #25	HICKORY	0.7	COLUMBIA GAS TRAN
8146719	8696	3712500000		108		PAWLOSKY # 32	HICKORY	0.7	COLUMBIA GAS TRAN
8146728	8705	3712500000		108		PERRY - SPRIGGS #84	LONE PINE	1.0	COLUMBIA GAS TRAN
8146737	8714	3712500000		108		PHILLIPS #19	HICKORY	0.7	COLUMBIA GAS TRAN
8146736	8713	3712500000		108		PHILLIPS #20	HICKORY	0.7	COLUMBIA GAS TRAN
8146771	8748	3712500000		108		PHILLIPS #21	HICKORY	0.7	COLUMBIA GAS TRAN
8146774	8751	3712500000		108		PIECHNIK #100	CANONSBURG	1.2	COLUMBIA GAS TRAN
8146723	8700	3712500000		108		PITTSBURGH COAL # 28	HICKORY	0.7	COLUMBIA GAS TRAN
8146773	8750	3712500000		108		PITTSBURGH COAL #101	CANONSBURG	1.2	COLUMBIA GAS TRAN
8146725	8702	3712500000		108		PITTSBURGH COAL #26	HICKORY	0.7	COLUMBIA GAS TRAN
8146724	8701	3712500000		108		PITTSBURGH COAL #27	HICKORY	0.7	COLUMBIA GAS TRAN
8146772	8749	3712500000		108		QUIVEY #102	CANONSBURG	1.2	COLUMBIA GAS TRAN
8146727	8704	3712500000		108		R HERRIOTT #24	HICKORY	0.7	COLUMBIA GAS TRAN
8146707	8684	3712500000		108		ROSS #85	LONE PINE	1.0	COLUMBIA GAS TRAN
8146748	8725	3712500000		108		S ELSE COWDEN #8	HICKORY	0.7	COLUMBIA GAS TRAN
8146711	8688	3712500000		108		SARGENT #77	LONE PINE	1.0	COLUMBIA GAS TRAN
8146715	8692	3712500000		108		SHIDLER # 36	HICKORY	0.7	COLUMBIA GAS TRAN
8146753	8730	3712500000		108		SICKLES-HUTCHINSON #3	HICKORY	0.7	COLUMBIA GAS TRAN
8146752	8729	3712500000		108		SICKLES-HUTCHINSON #4	HICKORY	0.7	COLUMBIA GAS TRAN
8146751	8728	3712500000		108		SICKLES-HUTCHINSON #5	HICKORY	0.7	COLUMBIA GAS TRAN
8146760	8737	3712500000		108		SOWERS #58	LONE PINE	1.0	COLUMBIA GAS TRAN
8146716	8693	3712500000		108		SPIERS # 35	HICKORY	0.7	COLUMBIA GAS TRAN
8146755	8732	3712500000		108		STEWART #1	HICKORY	0.7	COLUMBIA GAS TRAN
8146754	8731	3712500000		108		STEWART #2	HICKORY	0.7	COLUMBIA GAS TRAN
8146764	8741	3712500000		108		SUNNEDECKER #54	LONE PINE	1.0	COLUMBIA GAS TRAN
8146780	8757	3712500000		108		SWART #67	LONE PINE	1.0	COLUMBIA GAS TRAN
8146732	8709	3712500000		108		THEAKSTON #99	LONE PINE	1.0	COLUMBIA GAS TRAN
8146710	8687	3712500000		108		WALLACE ROSS #80	LONE PINE	1.0	COLUMBIA GAS TRAN
8146750	8727	3712500000		108		WAYNE JOHNSTON #6	HICKORY	0.7	COLUMBIA GAS TRAN
8146705	8682	3712500000		108		WHERRY #94	LONE PINE	1.0	COLUMBIA GAS TRAN
8146740	8717	3712500000		108		WILLIAM B JOHNSON #16	HICKORY	0.7	COLUMBIA GAS TRAN
8146722	8699	3712500000		108		WILLISON # 29	HICKORY	0.7	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PRCD	PURCHASER
8146721	8698	3712500000		108		WILLISON # 30	HICKORY	0.7	COLUMBIA GAS TRAN
8146720	8697	3712500000		108		WILLISON # 31	HICKORY	0.7	COLUMBIA GAS TRAN
8146769	8746	3712500000		108		WOODRUFF - SKILES #23	HICKORY	0.7	COLUMBIA GAS TRAN
-VICTORY DEVELOPMENT CO						RECEIVED: 08/20/81 JA: PA			
8146796	8655	3700521460		108		ALCORN #1 ARM-1460 R	ALCORN	2.0	PEOPLES NATURAL G
8146794	8653	3706320593		108		EDWARDS #1 IND-593	EDWARDS	3.5	PEOPLES NATURAL G
8146793	8652	3706320651		108		MILLER #2 (CANALE) IND-691	MILLER #2 (CANALE)	3.5	PEOPLES NATURAL G
8146795	8654	3700521443		108		RUPP #2 ARM-1443 R	RUPP	1.5	PEOPLES NATURAL G
-WILLIAM R PARRY						RECEIVED: 08/20/81 JA: PA			
8146783	8644	3705900000		108		J M PARRY NO 1	NEW FREEPORT QUADRANGLE	2.3	PEOPLES NATURAL G
8146784	8645	3705900000		108		PERRY YATES #3	NEW FREEPORT QUADRANGLE	2.3	THE PEOPLES NATUR
-WM R & TAYLOR PARRY						RECEIVED: 08/20/81 JA: PA			
8146787	8648	3705900000		108		JOHN WOOD		3.7	PEOPLES NATURAL G
8146788	8649	3705900000		108		JOSH AND EMMA WOOC	NEW FREEPORT QUADRANGLE	4.2	PEOPLES NATURAL G
8146786	8647	3705900000		108		PETER PARSON		3.9	PEOPLES NATURAL G
8146785	8646	3705900000		108		WILLIAM W GLENDENING	NEW FREEPORT QUADRANGLE	2.0	PEOPLES NATURAL G

BILLING CODE 6450-85-C

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production: (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before October 2, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
  102-2: New well (2.5 mile rule)
  102-3: New well (1000 ft rule)
  102-4: New onshore reservoir
  102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
  107-GB: Geopressured brine
  107-CS: Coal seams
  107-DV: Devonian shale
  107-PE: Production enhancement
  107-TF: New tight formation
  107-RT: Recompletion tight formation
Section 108: Stripper well
  108-SA: Seasonally affected
  108-ER: Enhanced recovery
  108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27021 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4578-000]

Mascoma Power Co.; Application for Preliminary Permit

September 9, 1981.

Take notice that Mascoma Power Company (Applicant) filed on April 23, 1981, and revised on August 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4578 known as the Mascoma Project located on the Mascoma River in Grafton County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Roger Lee Easton, 10 King Hill Road, Canaan, New Hampshire 03741, and Mr. Blynn Merrill, Church Street, Canaan, New Hampshire 03741.

Project Description—The proposed project would consist of: (1) the existing 12-foot-high, 250-foot-long Mascoma Dam. The dam is owned by the New Hampshire Water Resources Board; (2) the existing 115-acre Mascoma Lake Reservoir; (3) a proposed penstock with a length of approximately 38,000 feet; (4) a proposed powerhouse with a total installed capacity of 6,100 kW; and (5) appurtenant works. The Applicant estimates that the average annual output would be 20,600,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would prepare an application for an FERC license. Applicant estimates the cost of studies under the permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 13, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 13, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27015 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. TA81-2-11-003 and RP72-133]

United Gas Pipe Line Co.; Filing in Compliance With Commission Order

September 8, 1981.

Take notice that on August 11, 1981, United Gas Pipe Line Company (United) filed herein Revised Fifty-Third Revised Sheet No. 4 and Revised Second Revised Sheet No. 4-C of its FERC Gas Tariff, First Revised Volume No. 1, to become effective July 1, 1981.

This filing is made for purposes of complying with a Commission Order to file revised tariff sheets within thirty (30) days of June 30, 1981. By order issued July 30, 1981, in Docket No. TA81-2-11-003, the Commission granted an extension on time for the filing of revised tariff sheets to and including August 11, 1981. By order dated August 10, 1981, the Commission granted a further extension of time for filing revised tariff sheets as required by said order dated June 30, 1981, to and including fifteen (15) days after the Commission acts on United's pending application for rehearing of that order.

In addition to the revisions required by said order dated June 30, 1981, United states that the enclosed filing also reflects a reduction in the surcharge resulting from (1) an adjustment to correct prior period overcollections of gas cost, (2) adjustments for excess surcharge collections for the months of August and September, 1979 and February, 1980, (3) a Natural Gas Policy Act of 1978 gas cost adjustment, and (4) correction of the surcharge adjustment resulting from deferred transmission compression and storage costs made pursuant to the Docket No. RP78-68 Stipulation and Agreement.

United states that said order issued June 30, 1981, directed United to eliminate the Louisiana First Use Tax Tracking Adjustment from the current portion of its rates. In accordance therewith, Revised Fifty-Third Revised Sheet No. 4 reflects elimination of the Louisiana First Use Tax Cumulative Adjustment identified in footnotes 1 and 2 on the Fifty-Third Revised Sheet No. 4.

United also states that it proposes by this filing to eliminate from its FERC Gas Tariff the Louisiana First Use Tax Surcharge.

United states that because of the elimination of the Louisiana First Use Tax Adjustments, Appendix A, submitted with United's PGA filing which became effective July 1, 1981, is no longer applicable.

United proposes that the tariff sheets submitted herewith become effective on July 1, 1981, in accordance with the hereinabove described orders issued by the Commission on June 30, 1981 and July 30, 1981.

United, moreover, requests such additional waiver of Section 154.22 of the Commission's Regulations as may be required to permit such sheets to become effective July 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27016 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5182-000]

Vermont Power Consortium; Application for Preliminary Permit

September 9, 1981.

Take notice that the Vermont Power Consortium (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5182-000 to be known as the Ladd's Mill Project located on the North Branch of the Winooski River in Washington County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Stuart, 120 Lake Street, Burlington, Vermont 05401.

Project Description—The project would consist of: (1) the existing Ladd's Mill Dam, a 17.7-foot-high concrete structure; (2) a reservoir having a total storage capacity of approximately 150,000 cubic feet; (3) a proposed powerhouse with a total installed capacity fo 150 kW; and (4) appurtenant works. The Applicant estimates that the average annual energy output would be 788,400 kWh. Project energy would be sold to a local public utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time Applicant would investigate the engineering, economic and environmental aspects of the project. Depending whether to proceed with an application for license or exemption from licensing. Applicant estimates the cost of studies under the permit would be in the range of $24,500.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 14, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENT," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27017 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4292-001]

Arkansas Electric Cooperative Corp.; Application for Preliminary Permit

September 9, 1981.

Take notice that the Arkansas Electric Cooperative Corporation (Applicant) filed on July 31, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4292 to be known as the Irons Fork Dam Hydroelectric Power Project located on Irons Fork of the Ouachita River in Polk County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joe R. Moody, Jr., Benham-Holway Power Group, 4111 South Darlington Avenue, Tulsa, Oklahoma 74135.

Project Description—The proposed project would consist of: (1) The existing Irons Fork Dam with a crest length of 1,440.0 feet and a height of 88.0 feet; (2) the existing Irons Fork Reservoir with a surface area of 305 acres at a mean surface elevation of 1,089.5 feet m.s.l; (3) a reconditioned 60-inch penstock; leading to (4) a new powerhouse 20 feet high, 25 feet wide, and 30 feet long containing one turbine/generator unit with a rated capacity of 300 kW; (5) a 60-inch diameter diversion structure to bypass flow; (6) a new tailrace; (7) a new switchyard; (8) a new 13.8-kV transmission line approximately six miles long; and (9) appurtenant works. The Irons Fork Dam and Reservoir are owned by the City of Mena, Arkansas. The Applicant estimates that the average annual energy output would be 275,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be between $38,000 and $80,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 14, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below), it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26996 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3207-001]

Borough of Saltsburg, Pa., Pennsylvania Renewable Resources, Inc.; Application for Major License—Existing Dam

September 9, 1981.

Take notice that the Borough of Saltsburg, Pennsylvania and Pennsylvania Renewable Resources, Inc., (Applicant) filed on July 13, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the proposed Conemaugh River Dam Project, FERC No. 3207-001, to be located at the base of the U.S. Army Corps of Engineers' (Corps) existing Conemaugh Dam on the Conemaugh River in Westmoreland County, Pennsylvania. Correspondence with the Applicant should be directed to: Mr. John Johnson, Council President, Borough of Saltsburg, City Hall, Saltsburg, Pennsylvania 15681; and Mr. Jeffrey M. Kossak, Pennsylvania Renewable Resources, Inc., 14 Wall Street, Suite 1900, New York, New York 10005.

Project Description—The proposed project would consist of (1) A bi-level, gated intake structure; (2) a 740-foot long, 16-foot diameter concrete and steel-lined power tunnel; (3) a powerhouse with a single 10-MW turbine-generator unit; (4) a tailrace channel; (5) approximately two miles of 23-kV transmission line; and (6) appurtenant works. The application was filed pursuant to the Applicant's preliminary permit for the Conemaugh River Dam Project, issued on December 12, 1980.

Purpose of Project—Project energy would be sold to local public utilities. Recreational facilities at the Conemaugh Lake Development have been developed by the Corps. Facilities are available for hiking, picnicking, and hunting. Applicant estimates the total cost of the project to be about $23,931,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 22, 1981. A notice of intent must conform with requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, and Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.0 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before October 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICES OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITIONS TO INTERVENE", as applicable. Any of these filings must state that it is made in response to this notice of application for license for Project No. 3207-001. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications

Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26999 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5262-000]

Mr. James O. Boyd, Application for Preliminary Permit

September 10, 1981.

Take notice that Mr. James O. Boyd (Applicant) filed on August 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5262 to be known as the Boyd's Hat Creek Ranch Hydroelectric Project located on Hat Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Neal P. Dixon, CH2M HILL, P.O. Box 2088, Redding, California 96099.

Project Description—The proposed project would consist of: (1) A diversion intake structure within the west bank of the Hat Creek; (2) a 3,400-foot long pipeline/penstock combination; (3) a powerhouse containing a single generating unit with a rated capacity of 1,100 kW; and (4) a 750-foot long transmission line connecting the powerhouse with an existing Pacific Gas and Electric Company transmission line east of the powerhouse. Applicant estimates the annual energy output at 7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $80,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 12, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 12, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27022 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-717-000]

Central Vermont Public Service Corp.; Filing

September 9, 1981.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Central) on August 31, 1981, tendered for filing a proposed change in its FERC Electric Service Rate No. 92. The proposed change would not change in revenue from jurisdictional sales for the twelve month period ending October 31, 1981. No transactions have occurred under the Agreement during the preceding twelve months, and none are contemplated during the succeeding twelve months.

The change is proposed in accordance with Article V of the Company's agreement with the Lyndonville Electric Department, which provides that charges under the agreement will be updated annually to incorporate the Company's purchased power cost experience for the preceding twelve months ending April and the Company's capacity cost associated with company-owned generating facilities for the preceding calendar year.

Central proposes an effective date of November 1, 1981.

Copies of the filing were served upon the Lyndonville Electric Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27000 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-714-000]

Central Vermont Public Service Corp.; Filing

September 10, 1981.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Central) on August 31, 1981, tendered for filing proposed changes in its FERC Electric Service Rate No. 99. The proposed changes would increase revenues from jurisdictional sales and service by $36 for the twelve month period ending October 31, 1981.

The change is proposed in accordance with the provisions of Article VIII of the Company's transmission service agreement with the Village of Hyde Park Water and Light Department which provides that charges will be updated annually to incorporate the Company's cost experience for the preceding calendar year.

Central proposes an effective date of November 1, 1981.

Copies of the filing were served upon the Village of Hyde Park Water and Light Department and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27023 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-713-000]

Central Vermont Public Service Corp.; Filing

September 10, 1981.

The filing Company submits the following:

Take notice that Central Vermont Public Service Corporation (Central) on August 31, 1981, tendered for filing proposed changes in its FERC Electric Service Rate No. 101. The proposed changes would increase revenues from jurisdicational sales and service by $984 for the twelve month period ending October 31, 1981.

The change is proposed in accordance with the provisions of Article VIII of the Company's transmission service agreement with the Allied Power and Light Company which provides that charges will be updated annually to incorporate the Company's cost of experience for the preceding calendar year.

Central proposes an effective date of November 1, 1981.

Copies of the filing were served upon the Allied Power and Light Company and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27024 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-704-000]

Commonwealth Electric Co.; Filing

September 9, 1981.

The filing Company submits the following:

Take notice that on August 27, 1981, Commonwealth Electric Company (Commonwealth) filed a rate schedule pursuant to § 35.12 of the Regulations under the Federal Power Act, governing the sale by Commonwealth of a portion of its entitlement to capacity and related energy produced by Canal Electric Company's Unit No. 2 (the Unit) to the Massachusetts Municipal Wholesale Electric Company (MMWEC).

By the provisions of the tendered rate schedule Commonwealth proposes to sell to MMWEC 6,030 kilowatts of the Net Capability of the Unit (as defined in Article III of the tendered rate schedule) plus the energy related thereto for a six month period beginning May 1, 1981.

Commonwealth requests that the Commission waive its notice requirements pursuant to Section 35.11 of its Regulations to allow an effective date of May 1, 1981.

A copy of the filing has been served upon MMWEC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27001 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-709-000]

Duke Power Co.; Filing

September 9, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on August 28, 1981 a supplement to the Company's Electric Power Contract with Blue Ridge Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 142.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following additional delivery: Delivery Point No. 18 with a designated demand of 4,500 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of August 19, 1981.

According to Duke Power copies of this filing were mailed to Blue Ridge Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27002 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP79-12-014]

El Paso Natural Gas Co.; Filing Post-Period Audit Report

September 9, 1981.

Take notice that on August 31, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing and acceptance its Post-Period Audit Report based on actual data for the twelve-month period ending May 31, 1981 ("Period 2") reflecting the proposed disposition of refunds to El Paso's customers for the excess of jurisdictional revenues over the jurisdictional cost of service for Period 2 and crediting the jurisdictional provision for refund which is $27,565,972 to El Paso's unrecovered purchased gas cost account (Account 191) effective July 1, 1981. Such report is submitted in accordance with Section C of Article V, *Contingent Refunds for Revenues in Excess of Settlement Cost of Service,* of El Paso's Stipulation and Agreement as Restated and Amended dated and filed with the Federal Energy Regulatory Commission ("Commission") January 16, 1980, as approved by Commission order issued May 30, 1980 at Docket No. RP79-12 (Extension) and Article III, *Crediting of Period 2 Refunds to Account 191,* of El Paso's Stipulation and Agreement dated July 10, 1981 and filed July 13, 1981 at Docket Nos. RP79-12 (Further Extension), CP80-367 and CI80-311 through CI80-320. The latter Stipulation and Agreement is pending Commission approval.

El Paso states that copies of the applicable documents were served upon all of El Paso's interstate transmission system customers, all parties of record in Docket No. RP79-12 (Extension) and RP79-12 (Further Extension) and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before Sept. 23, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27003 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-9279, et al.]

Florida Gas Transmission Co., et al; Filing of Pipeline Refund Reports and Refund Plans

September 9, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 24, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company and Docket No.	Type filing
May 12, 1980	Florida Gas Supply Co.; G-9279.	Report.
Aug. 24, 1981	Columbia Gas Transmission Corp.; RP81-117-001 [1].	Report.
Do	Arkansas Louisiana Gas Co.; RP81-101-001 [1].	Report.
Aug. 27, 1981	El Paso Natural Gas Co.; RP81-131-000 [1].	Report.
Aug. 31, 1981	Transwestern Pipeline Co.; RP75-74-007.	Report.
Sept. 1, 1981	Arkansas Louisiané Gas Co.; RP81-101-002 [1].	Report.

[1] All future LFUT flow-through refunds will retain the same by-company docket number.

[FR Doc. 81-27004 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-707-000]

Florida Power & Light Co.; Filing

September 9, 1981.

The filing Company submits the following:

Take notice that on August 28, 1981, Florida Power & Light Company (FPL) tendered for filing one Exhibit A which provides for the Contract Demand for the City of Vero Beach.

The proposed effective date for the Contract Demand for Vero Beach is October 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27005 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4481-000]

Midvale Irrigation District; Application for Preliminary Permit

September 9, 1981.

Take notice that Midvale Irrigation District (Applicant) filed on April 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4481 to be known as the Bull Lake Dam Project located at the U.S. Bureau of Reclamation's Bull Lake Dam on Bull Lake Creek in Fremont County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jack Long, Manager, Midvale Irrigation District, P.O. Box 128, Pavillion, Wyoming 82523.

Project Description—The proposed project would consist of: (1) A proposed powerhouse located on the north side of Bull Lake Creek and the existing outlet works; (2) proposed transmission facilities; and (3) appurtenant facilities. Applicant estimates the capacity of its project to be between 2.2 and 4.0 MW, with an average annual generation of between 6.1 GWh and 8.4 GWh. The Applicant proposes to study the power market in the Bull Lake Area to determine the most appropriate power market for the project generation. The proposed project is located on lands owned by the U.S. Government of the Shoshone and Arapahoe Tribes.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the technical environmental, economic and financial feasibility of the proposed project. The cost of Applicant's studies are estimated to be $40,000.

Competing Applications—This application was filed as a competing application to the Bull Lake Power Project No. 3550 filed on October 9, 1980, by Continental Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4481. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27006 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-48-001]

Mississippi River Transmission Corp; Filing of Motion To Make Suspended Tariff Sheets Effective

September 9, 1981.

Take notice that on August 31, 1981, Mississippi River Transmission Corporation ("Mississippi") filed a Motion to Make Suspended Tariff Sheets Effective. In its Motion, Mississippi moves to make effective on October 1, 1981 the below-listed revised tariff sheets to its FERC Gas Tariff, such sheets being those filed by Mississippi in this proceeding on March 31, 1981 with certain revisions:

First Revised Volume No. 1

Eightieth Revised Sheet No. 3A
Fifteenth Revised Sheet No. 5
Eighth Revised Sheet No. 27B
Seventh Revised Sheet No. 27J

Original Volume No. 2

Third Revised Sheet No. 86
First Revised Sheet No. 145
First Revised Sheet No. 178

Mississippi states that pursuant to Commission order, and as described in the motion, revisions have been made to the rates and charges in the tariff sheets to reflect: (1) The elimination of all costs and associated expenditures related to those facilities not anticipated to be in service by September 30, 1981; (2) the actual balance of advance payments as of July 31, 1981 and the estimated recoupment of advances during August and September, 1981; (3) PGA unit adjustments based on the cost of purchased gas and the deferred surcharge included in Mississippi's PGA effective September 1, 1981; (4) adjustments for costs of transportation and compression and storage services provided by others; and (5) the elimination of amounts for the Louisiana First Use Tax.

Mississippi states that copies of the Motion, together, with the revised tariff sheets, computations in support of the rate revisions, Agreement and Undertaking, and Resolution have been served on all jurisdictional customers, parties to this proceeding and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10) All such petitions or protests should be filed on or before September 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27007 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-134-000]

Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

September 10, 1981.

Take Notice that on Sept. 1, 1981, Natural Gas Pipeline Company of America (Natural), tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 2:

Second Revised Sheet No. 1499

Natural states that the purpose of this filing is to revise Rate Schedule X-116, a transportation agreement dated June 23, 1980, between Natural and Chevron Chemical Company, to reflect a revised transportation rate pursuant to Paragraphs 1 and 2 of Article III. Authorization for this service was granted by Commission Order issued December 31, 1980 at Docket No. CP80-452.

A copy of this filing was mailed to Chevron Chemical Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Sept. 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27025 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-135-000]

Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

September 10, 1981.

Take Notice that on Sept. 1, 1981, Natural Gas Pipeline Company of America (Natural), tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 2:

First Revised Sheet No. 1424E

The purpose of this filing is to revise the charges for gathering under Rate Schedule X-111, a transportation and exchange agreement dated December, 29, 1976, between Natural and Colorado Interstate Gas Company. The revised reimbursement charges for gathering services have been computed pursuant to Paragraph 5.5 of Article V of that agreement. Authorization for this service was granted at Docket No. CP79-204.

Copies for this filing were mailed to Colorado Interstate Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Sept. 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27026 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-720-000]

New England Power Co.; Filing

September 10, 1981.

The filing Company submits the following:

Take notice that New England Power Company ("NEP") on August 31, 1981 filed a notice to terminate, as of October 31, 1981, the following rate schedules: Schedules II-B, II-CD, III-C, III-CD, III-D and III-T of Original Volume Number 1 of NEP's FPC Electric Tariff; and the entire Original Volume Number of 2 of NEP's FPC Electric Tariff.

Any person desiring to be heard or to make any protest with reference to this filing should submit to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 28, 1981, petitions to intervene or protest according to the Commission's Rule of Practice and Procedure (18 CFR 1.8 or 1.10). All protests will be considered by the Commission in determining the appropriate action to be taken, but protests will not serve to make protestants parties to the proceeding. A person wishing to become a party must file a petition to intervene. Copies of the application and supporting documents are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27027 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-723-000]

Pacific Gas and Electric Co.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Take notice that on August 28, 1981, Pacific Gas and Electric Company (PG&E) tendered for filing a Certificate of Concurrence of an exchange agreement between PG&E and the Washington Water Power Company, dated April 3, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27028 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA82-1-39-000]

Pacific Interstate Transmission Co.; Proposed Changes in FERC Gas Tariff Pursuant To Purchased Gas Cost Adjustment Provision and Incremental Pricing Provision

September 9, 1981.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on August 31, 1981 tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the following sheets:

Eighteenth Revised Sheet No. 4
Third Revised Sheet No. 4-A
Fifteenth Revised Sheet No. 5

Pacific Interstate states that these tariff sheets are issued pursuant to the Purchased Gas Cost Adjustment (PGCA) Provision and Incremental Pricing Provision as set forth in Sections 16 and 17, respectively, of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 2. The proposed effective date of these tendered tariff sheets and the rates reflected thereon is October 1, 1981.

Pacific Interstate further states that the tendered tariff sheets reflect a proposed S-G-1 commodity rate of 227.63¢ per decatherm, an increase of 43.01¢ from the 184.62¢ per decatherm rate effective April 1, 1981, the date of the last S-G-1 commodity rate change, and that such increase reflects a Current Gas Cost Adjustment and a change in the Surcharge Adjustment.

Pacific Interstate states that the Current Gas Cost Adjustment is based on an annualized gas cost increase of $60,278 and that the Surcharge Adjustment is designed to amortize, over a six-month period beginning October 1, 1981, an amount of ($5,574), which is the amount of Pacific Interstate's Unrecovered Purchased Gas Cost account at June 30, 1981.

Furthermore, Pacific Interstate states that there is no incremental pricing surcharge adjustment applicable to this filing, since its only customer has no surcharge absorption capability.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27008 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-729-000]

Pacific Power & Light Co.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Take Notice that Pacific Power & Light Company (Pacific) on August 31, 1981, tendered for filing, in accordance with Section 35.12 of the Commission's Regulations, individual Letter Agreements between Pacific and the following Purchasers:

Idaho Power Company.

Pacific Gas and Electric Company.

Southern California Edison Company.

The Letter Agreement provide for the sale of firm electric capacity and energy by Pacific to the Purchasers.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective on the date of initial service specified in the Letter Agreements.

Copies of the filing were supplied to the Purchasers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27029 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-78-000]

Pennsylvania Power & Light Co.; Notice of Application

September 9, 1981.

Take notice that on August 28, 1981, Pennsylvania Power & Light Company (Applicant) filed an application with the Federal Energy Regulatory Commission pursuant to Section 204 of the Federal Power Act seeking authority to issue not more than $400,000,000 of short-term unsecured Promissory Notes including commercial paper notes on or before September 30, 1982.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 24, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27009 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-705-000]

Public Service Company of Oklahoma; Notice of Cancellation

September 10, 1981.

The filing Company submits the following:

Take notice that Public Service Company of Oklahoma (PSO) on August 28, 1981, tendered for filing a Notice of Cancellation of Supplement No. 7 to Rate Schedule FPC No. 118 dated May 25, 1981, between PSO and Gulf States Utilities.

PSO proposes an effective date of October 3, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27030 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4892-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

September 10, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on June 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4892 to be known as the Glacier Creed Project located on Glacier Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert V. Myers, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The proposed project would consist of: (1) a 25-foot high concrete gravity diversion dam; (2) a 1.7-mile long concrete pipeline; (3) a 2,000-foot long steel penstock; (4) a powerhouse containing one generating unit rated at 7,000 kW; and (5) a 1,250-foot long transmission line. The Applicant estimates the average annual energy generation to be 28 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, environmental and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. Land disturbing studies under the work plan include test borings and pits at the dam, powerhouse, and the pipeline sites, and brush clearing for surveying and setting gaging stations. Disturbed areas will be restored.

The cost of the work to be performed under the preliminary permit is estimated to be $250,000.

Competing Application—This application was filed as a competing application to the Glacier Creek Project No. 4738 filed on May 26, 1981, by Dennis McGrew and Associates under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or " PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27031 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA82-1-38-000]

Ringwood Gathering Co.; Proposed PGA Rate Adjustment (Revised)

September 9, 1981.

Take notice that on August 28, 1981, Ringwood Gathering Company (formerly Oklahoma Natural Gas Gathering Corporation) filed a tariff sheet to track changes in producer rates pursuant to the provisions of Section 4 of the Natural Gas Act and the applicable provisions of the Commission's regulations thereunder.

Ringwood Gathering Company (Ringwood) states that said tariff sheet provides for changes in Ringwood's FERC Gas Tariff to include Twenty-Fifth Revised Sheet PGA-1. This tariff sheet will become effective October 1, 1981, and revised Ringwood's Base Tariff Rate to flow through the increase in the system cost of purchase gas and recover the balance accumulated in the unrecovered purchase gas cost account.

Ringwood states that the projected cost of purchased gas, as computed, is based on the applicable rates for October, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27010 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4769-001]

S & S Limited Partnership; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 10, 1981.

Take notice that on July 31, 1981, S & S Limited Partnership (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 4769) would be located on Mud Creek in Twin Falls, County, Idaho. Correspondence with the Applicant should be directed to: Dan C. Skeem, Route 3, Buhl, Idaho 83316.

Project Description—The proposed project would consist of: (A) The Upper Facility consisting of: (1) a 5-foot high dam; (2) a 190-foot long and 38-inch diameter penstock; (3) a powerhouse to contain a 166-kW generating unit; and (4) a transmission line from the powerhouse to the existing Idaho Power Company substation. The average annual energy generation is estimated to be 1,223 MWh. (B) The Lower Facility consisting of: (1) a 5-foot high dam; (2) a 250-foot long and 42-inch diameter penstock; (3) a powerhouse to contain a 100-kW generating unit; and (4) a transmission line. The average annual energy generation is estimated to be 600 MWh.

Purpose of Project—The energy produced by the project would be sold to a local utility company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 21, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be recieved on or before October 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27032 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2840-003]

South Columbia Basin Irrigation District, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District; Application for License for Major Project; Existing Dam

September 9, 1981.

Take notice that on June 4, 1981, the Columbia Basin Irrigation Districts (Applicants) filed a joint application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for a major license for the unconstructed P.E.C. Headworks Power Plant (FERC Project No. 2840). The project would be located on the Potholes East Canal near the City of Moses Lake in Grant County, Washington. Correspondence with the Applicant should be directed to: Mr. Russell Smith, Secretary-Manager, South Columbia Basin Irrigation District, P.O. Box 1006, Pasco, Washington 99301.

The proposed P.E.C. Headworks Power Plant Project would consist of: (1) a 120-foot long approach channel; (2) an intake structure located adjacent to the existing Potholes East Canal Headworks intake structure at the Bureau of Reclamation's O'Sullivan Dam; (3) a 17-foot diameter power tunnel, excavated in bedrock, passing beneath the dam embankment; (4) a powerhouse, located at the toe of the dam, containing a single generating unit rated at 6.5 MW; (5) a tailrace channel returning flows to the Potholes East Canal; (6) a 4.16/115-kV substation adjacent to the powerhouse; and (7) 600 feet of 115-kV transmission line.

The proposed project would have an average annual generation of 19,900 MWh at an estimated 1982 cost of $14,846,000. Power would be marketed to the Cities of Seattle and Tacoma.

All project facilities would be constructed on U.S. lands administered by the Bureau of Reclamation of the Department of the Interior.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 15, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27011 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA82-1-41-000 PGA82-1]

Southwest Gas Corp.; Change In Rates Pursuant To Purchased Gas Cost Adjustment

September 9, 1981.

Take notice that SOUTHWEST GAS CORPORATION ("Southwest") on August 31, 1981 tendered for filing Twelfth Revised Sheet No. 10 and Third Revised Sheet No. 10A pursuant to Section 9, Purchased Gas Adjustment Clause ("PGA"), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect an increase in rates occasioned by an increase in rates from Southwest's northern Nevada sole supplier of gas, Northwest Pipeline Corporation, effective October 1, 1981. The proposed effective date for Southwest's proposed increase in rates is October 1, 1981.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the

California Public Utilities Commission, Sierra Pacific Power Company and CP National.

Any person desiring to be heard, or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFT 1.8, 1.10). All such petitions or protests should be filed on or before Sept. 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27012 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA82-1-42-000]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 10, 1981.

Taken notice that Transwestern Pipeline Company (Transwestern) on September 1, 1981, tendered for filing a part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Eighteenth Revised Sheet No. 5
Eighteenth Revised Sheet No. 6
Fourth Revised Sheet No. 6A

These sheets are issued pursuant to Transwestern's Purchased Gas Cost Adjustment provision set forth in Article 19 of the General Terms and Conditions of its tariff and Article V, Transportation By Others, of Transwestern's Stipulation and Agreement in Docket No. RP78-88 approved by Commission order issued September 10, 1980. The Purchased Gas Cost Adjustment reflected herein consists of an increase of 41.38¢/dth based upon increased purchased gas costs, adjusted for Projected Incremental Pricing Surcharges for the months of October, 1981 through March, 1982, and an increased balance in the Gas Cost Adjustment Account. The Transportation Adjustment included in the rate filed herein is an increase of 3.74¢/dth from the previous adjustment.

The proposed effective date of the above traffic sheets is October 1, 1981.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 24, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must filed a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27033 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-723-000]

The Washington Water Power Co.; Notice of Filing

September 10, 1981.

The filing Company submits the following:

Take notice that on August 31, 1981, The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a "Letter Agreement" between Washington and Pacific Gas and Electric Company (PG&E), which applies to the sale of emergency peak and energy to PG&E. Washington will schedule energy to PG&E during times of emergency on PG&E's system to the extent that Washington has energy available.

Washington further states that energy delivered from other than combustion turbine generation, shall be returned to Washington during a later time period mutually agreed upon by both parties.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to March 1, 1981, adding that their would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27034 Filed 9-16-81; 8:45 am]

BILLING CODE 6450-85-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consamation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in effeciency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than October 5, 1981.

A. *Federal Reserve Bank of New York* (A Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. **Chemical New York Corporation,** New York, New York (financing and

insurance activities; Georgia): To engage through its subsidiary, Sunamerica Corporation, in making or acquiring for its own account loans and other extensions of credit and servicing loans and other extensions of credit, including but not limited to, making or acquiring consumer loans; acquiring installment contracts from retail sellers covering the time sales of goods and related services; making or acquiring loans and other extensions of credit to businesses (including but not limited to, inventory financing); making or acquiring extensions of credit secured by personal property lease contracts; making available to its debtors credit life, credit accident and health, mortgage life, mortgage disability and property and casualty insurance, all directly related to extensions of credit. These activities will be conducted from an office in Atlanta, Georgia, and the service area of this office will be the State of Georgia. Credit life and credit accident and health insurance provided by this office in connection with the proposed activities will be reinsured through Sun State Life and/or Great Lakes Insurance Companies, indirect subsidiaries of the applicant.

2. **First National State Bancorporation,** Newark, New Jersey (financing and leasing activities; New Jersey): To engage, through its subsidiary, FNSB Capital Corporation, in consumer and commerical financing activities, including the extension of direct loans, lines of credit, letters of credit and other like indebtedness; and to engage in lease financing tranactions, personal and real property leasing transactions, and to own, acquire, and sell or otherwise dispose of leases and lease finance documents and the underlying leased property in accordance with the Board's Regulation Y. These activities would be conducted from an office in Newark, New Jersey, serving the State of New Jersey.

3. **Manufacturers Hanover Corporation,** New York, New York (financing and insurance activities; Florida): To continue to hold the shares of Termplan Credit, Inc. ("Termplan Credit") after Termplan Credit establishes two *de novo* offices from which Termplan Credit would engage in the activities of purchasing installment sales finance contacts, and acting as agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit, and from which Termplan Credit would engage in purchasing motor vehicle sales finance contracts, and acting as agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance. Tempco Life Insurance Company would reinsure such credit life and accident and health insurance. Termplan Credit would do business under the name Finance One Credit of Florida, Inc.

Applicant also applies to continue to hold the shares of Manufacturers Hanover Consumer Services, Inc. ("MHCS") after MHCS acquires all the shares of a *de novo* subsidiary Finance One Mortgage of Florida, Inc. ("Finance One Mortgage") which would establish two *de novo* offices from which Finance One Mortgage would engage in the activities of arranging, making, or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, and acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit. These activities of Termplan Credit and Finance One Mortgage would be conducted from a *de novo* office located in Fort Lauderdale, Florida, serving the counties of Palm Beach, Broward, eastern Collier, and northern Dade, and from a *de novo* office located in Altmonte Springs, Florida and serving the counties of southern Flagler, Volusia, Lake, Seminole, Orange, northern Brevard, northern Osceola, Polk, eastern Pasco, eastern Hernando, Sumter, southeastern Marion, and Southern Putnam.

4. **The Chase Manhattan Corporation,** New York New York, (consumer lending, related lending and credit insurance agency activities and sale of travelers checks at retail; Florida): To make or acquire, for its own account and for the account of others, loans and other extensions of credit, both secured and unsecured, including but not limited to, consumer and business lines of credit, installment loans for personal, household and business purposes and mortgage loans secured by real property; to service loans and other extensions of credit; to sell travelers checks at retail; and to act as insurance agent or broker for credit life insurance and credit accident and health insurance directly related to such lending and servicing activities. These activities will be conducted by a subsidiary, Chase Manhattan Financial Services, Inc., from an office in Tampa, Florida, serving the State of Florida.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. **The Dai-Ichi Kangyo Bank, Limited,** Tokyo, Japan (mortgage banking, servicing and financing activities; California): To continue to engage through its indirectly owned subsidiary, C.F. Overseas, Inc., in making or acquiring loans and other extensions of credit such as would be made by a mortgage banking company, including loans secured by first and second mortgages on real estate; servicing such loans for others; and to a lesser extent business purpose loans such as would be made by a commercial finance company in accordance with the Board's Regulation Y. These activities would be conducted from an office in San Francisco, California, serving portions of contiguous counties in the San Francisco Bay area within a 30-mile radius from downtown San Francisco. Comments on this application must be received not later than September 29, 1981.

2. **NBD Bancorp, Inc.,** Detroit, Michigan (mortgage banking activities): To engage, through its subsidiary, NBD Mortgage Company, in mortgage banking activities, including the making and acquiring for its own account or for the account of others mortgage loans and other extensions of credit in connection with the purchase, development and improvement of real property. These activities would be conducted from an office in Grand Rapids, Michigan, serving the cities of Grand Rapids, Holland, and Rockford, and the counties of Ottawa and Kent, Michigan. Comments on this application must be received not later than September 29, 1981.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. **Moore Financial Group Incorporated,** Boise, Idaho (finance company, loan servicing, and personal and real property leasing activities, United States): To engage in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be engaged in by a commercial finance company; servicing loans and other extensions of credit for any person; and leasing personal or real property or acting as agent, broker, or adviser in leasing such property. Such activities will be conducted from an office located in Boise, Idaho, serving the United States.

2. **Peoples Ban Corp.,** Seattle, Washington (data processing; Oregon):

To engage *de novo* through its subsidiary, Peoples Computer Services, Inc., formerly Western States Computer Services, Inc., in providing data processing services to commercial banks and thrift institutions which are correspondents of Applicant's banking subsidiary, Peoples National Bank. These activities will be conducted from an office of Peoples Computer Services, Inc., in Clakamas, Oregon and will serve the State of Oregon.

3. **Peoples Ban Corporation,** Seattle, Washington (insurance activities; Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Wyoming, Montana and Colorado): Proposes to engage *de novo,* through its subsidiary, Peoples Insurance, Inc., as an agent or broker for the sale of property and casualty insurance, and credit life and disability insurance, in extended geographical areas, that is directly related to extensions of credit or provision of other financial services by a bank or bank related subsidiary of the Applicant. The activities will be conducted from an office of Peoples Insurance, Inc., in Seattle, Washington, and will serve Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Wyoming, Montana and Colorado.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, September 9, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-26991 Filed 9-16-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Schedule for Awarding SES Bonuses and Announcement of PRB Members

The Federal Trade Commission plans to award bonuses to Senior Executive Service members on or about September 30, 1981.

The Federal Trade Commission has two Performance Review Boards. The members of the first Performance Review Board are:

- Leroy Richie
- Katherine Mazzaferri
- Lewis Goldfarb
- Wallace Snyder
- Ronald Rowe
- Walter Winslow
- Barry Rubin
- James Williams

The members of the second Performance Review Board are:

- Christian S. White
- Benjamin Sharp
- Michael Lynch
- James Sneed
- Carol Thomas
- Kenneth Hunter

For further information, please call Kenneth Hunter, Director, Division of Personnel, Federal Trade Commission, (202) 523-3986.

Kenneth Hunter,

Director, Division of Personnel, Federal Trade Commission.

[FR Doc. 81-27035 Filed 9-16-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Int FEIS 81-42]

Benton-Owens Valley Planning Unit, Bishop Resource Area, Bakersfield District, Calif.; Proposed Grazing Management; Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a final environmental impact statement concerning a proposed intensive grazing management program for the Benton-Owens Valley Planning Unit in Inyo and Mono counties, California. The proposed action allocates 18,462 AUMs to wild horses and 2,967 AUMs to deer and Tule elk. The alternatives consider no domestic livestock grazing, no action (continue with 21,010 AUMs to livestock), and stocking by condition class (11,894 AUMs to livestock).

Comments on the final environmental impact statement are being solicited from public agencies and interested individuals and entities. The Bureau of Land Management invites written comments on the statement to be submitted by October 19, 1981 to the Area Manager, Bishop Resource Area, Bureau of Land Management, 873 No. Main St., Suite 201, Bishop, CA 93514.

A limited number of copies of the final environmental impact statement are available upon request at the Bishop Resource Area (714) 872-4881 and the California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825. Telephone (916) 484-4541.

In addition to the above offices, copies of this EIS are avialable for public reading and review at:

Division of Rangeland Management, Bureau of Land Management, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240.

Bakersfield District Office, Bureau of Land Management, Federal Building Room 304, 800 Truxton Ave., Bakersfield, CA 93301.

Dated: September 2, 1981.

Ronald D. Hofman,

Acting State Director.

[FR Doc. 81-26992 Filed 9-16-81; 8:45 am]

BILLING CODE 4310-84-M

Anchorage District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: The Anchorage District Advisory Council will meet to consider the following issues: proposals for leasing oil and gas on public lands in Alaska; a land use plan for the southwestern portion of Alaska managed by the BLM; and the forthcoming land settlement program in the Minchumina Block.

DATE: October 21, 1981, 8:00 a.m. to 4:00 p.m., Anchorage, Alaska. Requests to present oral comments should be sent to the District Manager at the district office.

ADDRESS: The meeting will be held at the BLM Anchorage District Office, 4700 East 72nd Avenue, Anchorage, Alaska 99507.

FOR FURTHER MORE INFORMATION CONTACT:

Joette Storm, Public Information Officer, (907) 276-1284 or 276-1285.

SUPPLEMENTARY INFORMATION: Proposed Agenda.

8:45-9:00—Call to Order, Reading of the Minutes, Sally Suddock, Chairman
9:00-10:00—Status report on the Oil and Gas Leasing program action plan
10:00-10:15—Break
10:15-11:30—Report on the Southwest Land Use Plan recommendations, Robert Ward, Chief, Planning and Environmental Review
11:30-1:00—Lunch
1:00-2:00—Public Comment Period, Suddock
2:00-3:00—Report on Settlement Program in the Minchumina Block, Louis Waller, McGrath Resource Area Manager
3:00-3:30—Break
3:30-4:00—New Business, Suddock
4:00—Adjournment

Richard W. Tindall,

District Manager.

[FR Doc. 81-27088 Filed 9-16-81; 8:45 am]

BILLING CODE 4310-84-M

V 46 SE 17 81 UMI

Management Framework Plan (MFP) and Rangeland Management Environmental Impact Statement (EIS); Ashley Creek and Duchesne Planning Units

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Bureau of Land Management, Vernal District intends to prepare a Management Framework Plan (MFP) and Rangeland Management Environmental Impact Statement (EIS) on the Ashley Creek and Duchesne Planning Units located in northeastern Utah. The units encompass portions of Uintah, Duchesne and Carbon Counties. Land status is as follows:

Land ownership	Acres	Percent
Public Lands (BLM)	[illegible]	64
Withdrawn (BLM Managed)	16,340	2
Non-Federal Surface	268,016	33
Ouray Waterfowl Refuge	5,977	1
Total	819,274	100

The General Issues which have been identified at this time are: (1) Competitive Forage Demand, (2) Range Improvements, (3) Wildlife Habitat, (4) Energy Resources Development, (5) Water Resources, (6) Endangered Species, (7) Wood Product Harvest, (8) Access, (9) Recreation.

The disciplines to be represented on the interdisciplinary team are: Range Conservationist, Geologist, Botanist, Wildlife Biologist, Archaeologist, Aquatic Biologist, Land Specialist, and Recreation Planner.

A public scoping meeting will be held October 22, 1981 from 7:00 p.m. to 9:00 p.m. at the Bureau of Land Management District Office, 170 South 500 East, Vernal, Utah.

The purpose of the meeting is to identify issues and alternatives that should be discussed in the MFP and EIS.

Items discussed in the EIS will be used by the Vernal District Manager in making decisions that will become part of the MFP.

Other public participation activities will include requests for written comments, review of the Draft EIS and a 30-day protest period after the Final EIS has been released. The dates, times and locations of public participation activities will be announced by local media and mailings to interested parties prior to each activity.

Ralph Heft, Diamond Mountain Area Manager, may be contacted for further information at the Vernal District Office, 170 South 500 East, Vernal, Utah 84078, or (801) 789-1362. Documents relevant to the planning and EIS process can be examined at the Vernal District Office during regular office hours 7:45 a.m. to 4:30 p.m. Monday thru Friday.

Dated: September 9, 1981.

Lloyd H. Ferguson,
District Manager

[FR Doc. 81-27060 Filed 9-16-81; 8:45 am]

BILLING CODE 4310-84-M

Office of Surface Mining, Reclamation and Enforcement

[Federal Lease No. C-18820, as Modified]

Lone Star Steel Co., Milton Strip Mine Extension No. 2, LeFlore County, Okla.; Approval of Mine Plan Modification

AGENCY: Office of Surface Mining, Reclamation and Enforcement, Interior.

ACTION: Notice of Approval of Mine Plan Extension for surface coal mining and reclamation operation, with stipulations.

SUMMARY: Pursuant to 30 CFR 211.5, notice is hereby given that the Regional Director, Office of Surface Mining, Reclamation and Enforcement (OSM), has completed a technical and environmental review of Lone Star Steel Company's Milton (Oklahoma) strip mine plan for Extension No. 2 on Federal Lease No. C-18820 (as modified July 1, 1981) and has approved the plan, with certain stipulations, effective August 28, 1981. Notice of availability of the plan for public review and comment was published in the **Federal Register** on July 9, 1981, 46 FR No. 131, p. 35563. The Regional Director finds that no environmental impact statement is necessary.

Location of Lands

Applicant: Lone Star Steel Company.
Mine Property Name: Milton Strip Mine Extension No. 2—Federal Lease No. C-18820, as modified July 1, 1981.
State: Oklahoma.
County: LeFlore.
General Description of Affected Lands: T. 8N, R. 24E Indian Meridian, Section 18.

SUPPLEMENTARY INFORMATION: This mine plan is a proposal to surface mine coal from approximately 10 acres of a 50-acre Federal lease extension (Lease No. C-18820) located between two areas mined by Lone Star Steel Company (Lone Star) since 1979 in operations known collectively as the Milton Mine. On one side is a 21-acre mine on private lands (McBee property) permitted by the Oklahoma Department of Mines (ODM). On the other side are two adjacent Federal lease tracts, totaling 2813 acres, (Lease Nos. C-18820 & NM-059992) already surface mined. The tract immediately adjacent on the west is known as the Holmes tract or Milton Mine Plan Extension No. 1, part of Lease No. C-18820. A mine plan for that 18.61-acre tract was approved by the regional director on August 8, 1980, following a thorough review and public notice of pending decision dated July 7, 1980 (See 45 FR 45702). The original Milton Mine Plan totaling 155 acres within the BLM Leases C-18820 & NM059992 was approved August 31, 1977. The present proposed mine plan, to be known as Milton Extension No. 2, was received May 28, 1981. This plan is designed to recover approximately 35,000 tons of strippable Federal coal from approximately 10 acres in the gap between the two previously mined areas. Mining is complete on the Holmes tract, where final reclamation work is in progress, and is almost complete on the private McBee tract. Lone Star's intent is to move immediately from the McBee tract onto the new Federal tract as soon as the private reserves are exhausted.

Although this Milton Extension No. 2 plan is for a small area, it has been prepared in the format of a full scale mine plan following the requirements of 30 CFR 211.10(c). ODM, BLM and GS have reviewed the plan and provided written concurrence in the proposed action and public comments were solicited. (See 46 FR 35563, July 9, 1981.) OSM staff has prepared an Environmental Assessment (EA) and a Technical Analysis (TA) of the plan to determine if approval will have a significant impact on the human environment and to determine that the plan was technically adequate. I have reviewed the comments from the public, the ODM and Federal agencies, as well as the TA and EA, and have found as follows:

Findings

(1) The Milton No. 2 mine plan does not constitute a major modification of the Milton Mine Plans approved August 8, 1980, and August 31, 1977. Accordingly, the plan has been approved without the notice of pending decision and further public comment period required for major modifications under 30 CFR 211.5.

The basis for this finding includes several factors. The primary factor is that the proposed mining area is very small by surface coal mining standards and is the final unmined tract in the center of a larger area that has been surface mined over several years in accordance with the Federal initial program regulations under SMCRA. No significant adverse environmental effects have appeared in the course of mining and reclamation under the State and Federal mine plans under which Lone Star Steel has operated, and there is no evidence that cumulative adverse effects will appear if this tract is mined. The public and agency comments received by OSM indicate that there will be no major technical problems with continuing the existing mines across this tract under the plan, as amended, and there is no public controversy regarding the proposed mine extension. The estimated 35,000 tons of Federal coal to be recovered from two seams on the subject tract can most economically be recovered by immediate recovery as part of the ongoing mining operation. If this coal is not mined now, it may not be feasible for any operator to mine the tract in the future, resulting in a loss of royalties to the United States and irretrievable loss of the solid fuel resource.

The post-mining land use for the tract will be the same as the present use, native rangeland with interspersed trees and shrubs. Approximately 26 disturbed acres, including the 10 acres actually mined, will be revegetated as rangeland with additional plantings of trees and shrubs to provide wildlife habitat for quail, deer, and associated wildlife. The post-mining land use is consistent with adjacent land uses and with the desires of the surface owner.

In summary, the mining of this tract should be viewed as the final step in the completion of one medium-sized coal mine on intermingled private and Federal lands.

(2) The Milton No. 2 Mine Plan, as amended, complies with the applicable requirements of 30 CFR Parts 211, 715 and 716.

OSM, GS and BLM conducted a thorough review of the submitted plan under the requirements of 30 CFR 211.10(c). Several changes and additions were recommended by OSM. Lone Star complied with all requested changes on August 19, 1981, by submitting revisions to the plan. Based on staff review and evaluation of the amended plan and my review of the technical analysis there should be no violations of 30 CFR Parts 715 and 716.

(3) Approval of the Milton No. 2 Extension does not constitute a major Federal action significantly affecting the human environment.

OSM has prepared an environmental assessment (EA) in accordance with the requirements of 40 CFR Parts 1500–1508 and 516 Department Manual 1–6, Appendix 8. I have reviewed the EA and conclude that because of the small size of the mine area, the short duration of the operation (six months) and the high probability of successful reclamation under the plan, there are virtually no adverse effects to the environment or to the health and safety of the public expected from the approval of this project. Therefore, no environmental impact statement is required under the National Environmental Policy Act.

(4) Operations under the proposed mine plan extension are not prohibited by Section 522(e) of SMCRA.

Pursuant to 30 CFR Part 761, the plan has been reviewed to determine whether any of the prohibitions or limitations of Section 522(e) of the Act are applicable. No such prohibitions or limitations have been identified.

Additional Information

Any person with an interest affected by this decision may, pursuant to 30 CFR 211.10(d)(2)(iii), petition the Regional Director, OSM, to require revisions to or supplementation of the approved mine plan. The approved, revised plan, the letter of approval, with stipulations, the technical analysis and the environmental analysis are available for review on request from the Regional Director, Office of Surface Mining, Region IV, 818 Grand Avenue, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Richard E. Dawes, Assistant Regional Director, Technical Services and Research, Office of Surface Mining, Region IV, 818 Grand Avenue, Kansas City, Mo. 64106. Telephone 816–374–5109 or FTS 758–5109.

Raymond L. Lowrie,

Regional Director.

[FR Doc. 81–27084 Filed 9–16–81; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Volume No. 21]

Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 146832 (Sub-2) (republication), filed December 26, 1979, published in the **Federal Register** of March 27, 1980, and republished this issue. Applicant: DELTA MOTOR FREIGHT, INC., 1616 Rowe Boulevard, P.O. Box 1083, Poplar Bluff, MO 63901. Representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, MO 64105. A decision of the Commission, *Review Board 1,* decided January 7, 1981, and served January 15, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over regular routes, as a *common carrier,* by motor vehicle, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between (1) Poplar Bluff, MO, and Memphis, TN: from Poplar Bluff over U.S. Hwy 67 to its junction with U.S. Hwy 63, then over U.S. 63 to its junction with Interstate Hwy 55, then over Interstate Hwy 55 to Memphis, and return over the same route, and (2) Poplar Bluff, MO, and the junction of Interstate Hwy 55 and U.S. Hwy 63: from Poplar Bluff over Missouri Hwy 53 to its junction with Missouri Hwy 25, then over Missouri Hwy 25 to its junction with Missouri Hwy 84, then over Missouri Hwy 84 to its junction with Interstate Hwy 55, then over Interstate Hwy 55 to its junction with U.S. Hwy 63, and return over the same route, serving all intermediate points on routes (1) and (2); that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section

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206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 60833, filed August 19, 1981. Applicant: VIKING FREIGHT SYSTEM, INC., 3405 Victor Street, Santa Clara, CA 95050. Representative: Thomas M. Loughran, 100 Bush St., 21st Floor, San Francisco, CA 94104. Certificate of Public Convenience and Necessity sought to operate a freight service as follows; Transportation of: general commodities

1. Between all points and places in the San Francisco Territory as described in Note A hereof.

2. Between all points and places in the Los Angeles Basin Territory as described in Note B hereof.

3. Between all points and places in the San Diego Territory as described in Note C hereof.

4. Between all points and places on and within 25 statute miles laterally of the following named highways:

a. Interstate Highway 80 between Oakland and Colfax, inclusive.

b. State Highway 4 between its intersection with Interstate Highway 80 near Pinole, and Stockton, inclusive

c. Interstate Highway 5 and U.S. Highway 101 between San Diego and Willits, inclusive, and U.S. Highway 101 between Willits and the Oregon State line, except that carrier, pursuant to this authority, shall not serve any point more than 5 statute miles laterally of this route between Healdsburg and the Oregon State line.

d. State Highway 1 between its intersections with U.S. Highway 101 at Montalvo and Interstate Highway 5 at San Juan Capistrano.

e. State Highway 118 between its intersection with State Highway 26 near Ventura, and Chatsworth, inclusive.

f. State Highway 99 between Red Bluff and Wheeler Ridge and Interstate Highway 5 between Wheeler Ridge and San Fernando, inclusive, except that carrier, pursuant to this authority, shall not serve any point more than five statute miles easterly of this route between Bakersfield and San Fernando.

g. State Highway 33 between Banta and its junction with State Highway 166 at Maricopa, thence via State Highway 166 to its junction with State Highway 99 at Mettler, inclusive.

h. Interstate Highway 15 between Temecula and San Diego, inclusive.

i. State Highway 60 between the eastern boundary of the Los Angeles Basin Territory and Beaumont and Interstate Highway 10 between Beaumont and Blythe, inclusive, except that between Indio and Blythe, service on or within 25 statute miles laterally of Interstate Highway 10 is restricted to shipments weighing 20,000 pounds or more (truckload lots).

j. Interstate Highway 10 between Redlands and Indio and State Highway 86 between Indio and Calexico, inclusive, except that no service is authorized to any point north of the northerly boundary of the Los Angeles Basin Territory.

k. Interstate Highway 8 between Bostonia and Winterhaven, inclusive.

l. Interstate Highway 40 between Barstow and Needles, inclusive (See restriction below).

m. San Bernardino County Road designated "National Trails Highway," from its junction with Interstate Highway 40 at Ludlow to its junction with Interstate Highway 40 at Fenner, via Amboy and Essex.

n. U.S. Highway 395 between Independence and its junction with State Highway 14 north of Inyokern, inclusive, restricted to shipments weighing 20,000 pounds or more (truckload lots). (See restriction below.)

Restriction: No service is authorized to, from or between Intermediate points on Interstate Highways 15 and 40 between San Bernardino and Newberry, nor on State Highway 14 between San Fernando and its junction with U.S. Highway 395 north of Inyokern, nor on any other highways not named herein.

o. State Highways 33 and 119 between Ventura and Greenfield, inclusive, including the off-route points of Santa Paula and Fillmore.

p. State Highway 140 between Merced and Mariposa, inclusive.

q. State Highway 49 between Mariposa and Grass Valley, inclusive, except that carrier pursuant to this authority shall not serve any point more

r. State Highway 20 between its intersection with State Highway 1 near Noyo and Grass Valley, inclusive, except that no service shall be provided at points more than 5 miles laterally from this route between its intersections with U.S. Highway 101 and State Highway 1.

s. State Highway 29 between Vallejo and Upper Lake, inclusive.

t. State Highway 1 between its intersection with State Highway 20 near Noyo and its intersection with U.S. Highway 101 near Leggett, except that no service shall be provided at points more than 5 miles laterally from this route.

u. Interstate Highway 5 between Sacramento and Project City, inclusive.

In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

Except that pursuant to the authority herein granted carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in saleman's hand sample cases, suitcases, overnight or boston bags, briefcases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).

2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.

3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.

4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.

5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.

6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

7. Logs.

8. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

9. Telephone Directories.

NOTE A

San Francisco Territory

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San

Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

NOTE B

Los Angeles Basin Territory

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando, westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Neuvo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

NOTE C

San Diego Territory

The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67; thence southerly on County Road S-17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning.

(End of Appendix A)

Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to California Public Utilities Commission, Civic Center, State Bldg., San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-1162, filed August 28, 1981. Applicant: P. E. REALE TRANSPORTATION, 1095 Close Ave., Bronx, NY 10472. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities—Between Westchester County and New York City on the one hand, and, on the other, all points in Albany, Columbia, Delaware, Dutchess, Greene, Nassau, Ontario, Orange, Putnam, Rensselaer, Rockland, Ulster and Westchester Counties and New York City. Between Orange and Rockland Counties on the one hand, and, on the other, all points in Albany, Delaware, Greene, Nassau, Ontario, Orange, Putnam and Rockland Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-2707[illegible] Filed 9-16-81; [illegible]]

BILLING CODE 7035-01-M

[Vol. No. 163]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 10, 1981.

The following restriction removal applications filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstated that its requested removal of restrictions or broadening of unduly narrow authority in consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF-516 (Sub-1)X, filed August 28, 1981. Applicant: SAM-SON DISTRIBUTION CENTER, INC., 290 Larkin St., Buffalo, NY 14202. Representative: Brian S. Stern, 5411-D Backlick Rd., Springfield, VA 22151. Applicant seeks to remove restrictions from its lead permit to (1) remove all exceptions to its general commodities authority to authorize "general commodities except classes A and B explosives"; and (2) replace one-way with radial authority; (3) replace ports of entry on the International Boundary line between the U.S. and Canada at Buffalo and Niagara Falls, NY, with those ports of entry in NY; (4) remove the restriction which limits service to the transportation of traffic moving through the facilities of Sam-Son Distribution Center, Inc., at Buffalo, N.Y.

MC 3581 (Sub-34)X, filed August 31, 1981. Applicant: THE MOTOR CONVOY, INC., 2175 Parklake Drive, Suite 107, Atlanta, GA 30345. Representative: Paul M. Daniell, Suite 1200, Atlanta Gas Light Tower, 235 Peachtree Street, N.E., Atlanta, GA 30303. Applicant seeks to remove restrictions in its Sub-Nos. 10, 12, 23 and 28F certificates and E-1 letter notice to (A) broaden the commodity description to (1) "machinery"from (a) tractors (except crawler type) when moving in mixed loads with automobiles and trucks, in secondary movements, in truckaway service, and tractor attachments, parts and accessories when moving at the same time and in the same vehicle with the tractors authorized above in Sub-No. 10, (b) farm-type tractors, in Sub-Nos. 12 and E-1 (parts 5 and 7), (c) tractors, in Sub-Nos. 23, 28F and E-1 (part 1), and (2) "transportation equipment" from (a) automobiles, trucks, and/or chassis, in secondary movements, in truckaway and/or driveaway service, in Sub-Nos. 12, 23, 28F and E-1 (parts 1, 2, 3, 4, 5 and 6), (B) eliminate the restriction prohibiting the transportation of (a) traffic to AK and HI, in Sub-No. 23 and (b) shipments having a prior movement by rail or water, in Sub-No. 12; and (C) authorize radial authority to replace existing one-way authority, in Sub-Nos. 10, 12 (as it applies to farm-type tractors), 23 and E-1 parts 2, 3 (c, d, e and f), and 7 (a and b).

MC 23618 (Sub-70)X, filed August 31, 1981. Applicant: McALISTER TRUCKING COMPANY, d.b.a MATCO, P.O. Box 2377, Abilene, TX 79604. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. Applicant seeks to remove restrictions in its Sub-No. 64F certificate to broaden parts 3 and 4 of the commodity description from earth drilling machinery and equipment and equipment, materials and supplies used in connection therewith to "machinery and metal products."

MC 26825 (Sub-66)X, filed September 8, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 11 certificate to (1) broaden the commodity description from household goods to "household goods and furniture and fixtures" and (2) delete the exception against service to AK and HI.

MC 34631 (Sub-10)X, filed August 28, 1981. Applicant: A. ARNOLD & SON TRANSFER & STORAGE CO., INC., 2600 West Broadway, Louisville, KY 40211. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden the commodity description from household goods as defined by the Commission to "household goods and furniture and fixtures"; and (2) remove the except AK and HI restriction.

MC 41406 (Sub-177)X, filed July 10, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 West Lake Drive, Merrillville, IN 46410. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions from its Sub-Nos. 16, 18, 20, 26, 27, 28, 29, 30, 34, 39, 40, 41G, 42, 46, 47, 50, 52 M1F, 53G, 54, 58, 59, 60, 62, 63F, 65F, 67F, 69F, 70F, 71F, 72F, 73F, 81F, 83F, 85F, 86F, 87F, 88F, 90F, 91F, 92F, 93F, 95, 97F, 98F, 99F, 100F, 101F, 102F, 103F, 104F, 105F, 107F, 114F, 115F, 116F, 117F, 118F, 120F, 121F, 126F, 127F, 129F, 130F, 131F, 132F, 133F, 134F, 135F, 136F, 137F, 138F, 140F, 145F, 146F, 147F, 148F, 149F, 150F, 151F, 152F, 154F, 155F, 157F, 158F, 159F, 160F, 161F, 162F, 163F, and 164 certificates (1)(a) to broaden its commodity description (a) from iron and steel articles to "metal products" in Subs 16, 26, 27, 34, 40, 42, 47, 50, 72, 73, 85, 91F, 99F, 100F, 101F, 102F, 103F, 107F, 114F, 115F, 116F, 118F, 119F, 120F, 126F, 129F, 132F, 134F, 138F, 147F, 148F, 149F, 155F, 158F, and 159F; (b) from steel, iron castings, forgings, and iron and steel articles, scrap metal, nonferrous metals, to "metal products"; from wooden platform skids to "lumber and wood products", from printed matter, crates, foundry alloys, and metal alloys to "printed matter, lumber and wood products, and metal products", from nonferrous metals to "metal products", from nonferrous metals and plastic products to "metal products and rubber and plastic products", from firebrick, fireclay, furnace and kiln mining to "clay, concrete, glass or stone products", in Sub-No. 18; (c) from ferro alloys, pig iron, and silicon metals to "metal products", from foundry facings and refractories to "clay, concrete, glass or stone products", and from iron and steel articles to "metal products" in Sub-No. 20; (d) from iron and steel articles, building accessories, and prefabricated buildings to "metal products and building materials" in Sub-No. 28; (e) from steel joists to "metal products" in Sub-No. 29; (f) from iron and steel articles and contractors' machinery, equipment, supplies and materials to "metal products, and contractors' machinery, equipment, supplies and materials" in Sub-No. 30; (g) from iron and steel castings to "metal products" in Sub-No. 39; (h) from iron and steel articles and from such iron and steel articles as are building and construction materials to "metal products" in Sub-No. 41G; (i) from lead oxide to "chemicals and related products" in Sub-No. 46; (j) from iron and steel articles to "metal products", from plastic pipe and plastic pipe connections to "rubber and plastic products", from bituminized fibre conduit and conduit connections to "pulp, paper and related products", from steel, steel products and machinery to "metal products and machinery", from paper and paper products to "pulp, paper and related products", from concrete and plastic pipe to "clay, concrete, glass or stone products and rubber and plastic products", from pipe fittings to "metal products", and from pre-cast concrete slabs and beams to "clay, concrete, glass or stone products", and from pig iron to "metal products" in Sub-No. 52 M1F; (k) from steel and steel products to "metal products" in Sub-No. 53G; (1) from cast iron pipe, hydrants, valves, fittings, couplings, and castings to "metal products" in Sub-No. 54; (m) from roofing, siding, and materials, equipment and supplies used in the manufacture, distribution and installation of roofing and siding to "building materials, and supplies and equipment used in the manufacture, installation and distribution of building materials" in Sub-No. 58; (n) from agricultural implements to "machinery" in Sub-No. 59; (o) from iron, steel, zinc, lead and articles or products thereof, springs, and construction materials, supplies and equipment to "metal products and building materials, and materials, equipment and supplies used in the manufacture and distribution of those commodities" in Sub-No. 62; (p) from roofing, building, and insulating materials except iron and steel articles to "roofing, building and insulating materials" in Sub-No. 63F; (q) from dry lead oxides to "chemicals and related products" in Sub-No. 65F; (r) from paint to "chemicals and related products" in Sub-No. 67F; (s) from industrial ventilating systems, and materials, equipment and supplies used in the manufacture, installation and distribution of industrial ventilating systems to "machinery and commodities which because of size or weight require the use of special equipment or handling" in Sub-No. 69F; (t) from aluminum articles to "metal products" in Sub-No. 70F; (u) from window glass, and flat glass to "clay, concrete, glass or stone products" in Sub-No. 71F; (v) from iron and steel, and iron and steel articles to "metal products" in Sub-No. 72F; (w) from enameled steel silos, loading devices, livestock feeding systems, livestock feed bunkers, forage metering devices, and animal waste storage and spreader tanks to "metal products and machinery" in Sub-No. 73F; (x) from iron and steel articles to "metal products" in Sub-No. 81F; (y) from grain storage and grain drying bins, grain dryers, and parts and accessories therefor to "machinery and metal products and materials and supplies used in the manufacture and distribution of machinery and metal products" in Sub-No. 83F; (z) from part (1) steel tubing to "metal products" in Sub-No. 86F; (aa) from part (1) building materials and roofing materials to "building and construction materials" in Sub-No. 87F; (bb) from aluminum articles to "metal products" in Sub-Nos. 88F, 89F, and 90F; (cc) from part (1) pipe, fittings, valves and hydrants and part (2) accessories used in the installation of those commodities to "metal products" in Sub-No. 92F; (dd) from part (1) pipe, fittings, valves and hydrants and part (2) as in Sub-No. 92F, to "metal products", in Sub-No. 93F; (ee) from part (1) building materials and construction materials to "building and construction materials and materials, equipment and supplies used in the manufacture and distribution of those commodities" in Sub-No. 95; (ff) from part (1) iron and steel articles, hydrants, valves, and accessories for hydrants, valves and iron and steel articles to "metal products" in Sub-No. 97F; (gg) from tanks knocked down to "metal products" in Sub-No. 98F; (hh) from aluminum and aluminum articles to "metal products" in Sub-No. 104F; (ii) from steel railroad cars in locomotive engine wheels to "transportation equipment" in Sub-No. 105F; (jj) from part (1) steel, metal castings, and forgings to "metal products" in Sub-No. 117F; (kk) from iron and steel articles and stationary highway products to "metal products and stationary highway products" in Sub-No. 121F; (ll) from aluminum and aluminum ingots, and zinc alloy ingots to "metal products" in Sub-No. 127F; (mm) from part (1) steel pipe, pipe fittings, beams, piling, rails, railway track accessories, bridge and highway railings, pile drivers, and pile extractors and part (2) parts for those commodities to "metal products and machinery", materials, equipment and supplies used in the manufacture and distribution of those commodities in Sub-No. 130F; (nn) from part (1) iron and steel articles, and part (2) iron and steel reinforcing bars and accessories to "metal products" in Sub-No. 131F; (oo) from rough dies and iron and steel articles to "metal products" in Sub-No. 133F; (pp) from aluminum zinc and lead articles, VIS. pig, ingot, scrap and dross to "metal products" in Sub-No. 135F; (qq) from fertilizer compounds, dry animal feed and ingredients, and corn cob products to "chemicals and related products and food and related products" in Sub-No. 136F; (rr) from furnaces to "machinery and metal products" in Sub-No. 137F; (ss) from lead to "metal products in Sub-No. 140F; (tt) from part (1)(a) iron and steel wood burning stoves, (1)(b) agricultural implements to "metal products and machinery" in Sub-No. 145F; (uu) from iron, steel, aluminum, nickel, brass, and copper to "metal products" in Sub-No. 146F; (vv) from part (1) coke oven component parts and materials, equipment and supplies to "metal products", and materials, equipment and supplies used in their installation in Sub-No. 150F; (ww) from aluminum plate, sheet, and foil to "metal products" in Sub-No. 151F; (xx) from enameled steel silos, loading devices, livestock feeding systems, livestock feed bunkers, forage metering devices, and animal waste storage and spreader tanks to "metal products and machinery" in Sub-No. 152F; (yy) from refractories to "clay, concrete, glass or stone products" in Sub-No. 154F; (zz) from lead and lead allows to "metal products" in Sub-No. 157F; (aaa) from part (1) refractories, part (2) materials and supplies used in the installation of refractories and part (3) magnesite and magnesite products to "clay, concrete, glass or stone products" in Sub-No. 160F; (bbb) from oil well tubing to "metal products" in Sub-No. 161F; (ccc) from part (1) aluminum articles to "metal products" in Sub-No. 162F; (ddd) from railway car and locomotive wheels to "transportation equipment" in Sub-No. 163F; (2) replace named facilities and other points with county or city-wide authority (a) Putnam County, IL, (plantsite in Putnam County) in Sub-No. 16, (b) Cook County, IL, (Chicago Heights); Butler and Warren Counties, OH, (Middletown), St. Louis, St. Charles, and Jefferson Counties, MO, and St. Louis, MO, (St. Louis); Chicago, IL, (Chicago); Cook County, IL, (Chicago Heights); Monroe, Macomb, Oakland, and Wayne Counties, MI, (Detroit); Hamilton, Butler and Clermont Counties, OH, and Campbell, Kenton and Boone Counties, KY, (Cincinnati, OH); Lake and Porter Counties, IN, (Portage), Kankakee County, IL, (facility at Kankakee County); Winnebago and

Boone Counties, IL, (Rockford); Henderson County, KY, (Henderson); Jefferson, Bullitt and Oldham Counties, KY, and Clark and Floyd Counties, IN, (Louisville, KY); Daviess County, KY, (Owensboro), McCracken County, KY, (Paducah), Jefferson, St. Louis, and St. Charles Counties, MO, St. Louis, MO, and St. Clair, Madison and Monroe Counties, IL, (St. Louis, MO); Porter County, IN, (plantsite at Burns Harbor) in Sub-No. 18; (c) Lee County, IA, Hancock County, IL, and Clark County, MO, (Keokuk, IA), Lake and Porter Counties, IN, (Portage and Burns Harbor), in Sub-No. 20; (d) Putnam County, IL, (facilities at Hennepin) in Sub-No. 2[illegible]; (d) Vermillion, Whiteside, Will, Peoria, Tazewell, Woodford, Mason, Madison, St. Clair, and Monroe Counties, IL, (Danville, Sterling, Peotone, Peoria, Havana, Alton, Granite City, Madison, and E. St. Louis, IL), St. Louis County, MO, (East St. Louis, IL), Macomb, Oakland, Wayne and Monroe Counties, MI, and Calhoun County, MI, (Detroit and Albion) in Sub-No. 27; (3) Racine, Milwaukee, Waukesha, Washington, and Ozaukee Counties, WI, (Milwaukee), in Sub-No. 28; (f) Putnam County, OH, (plantsite at Continental) in Sub-No. 2[illegible]; (g) Kankakee County, IL, (Indian Oaks), in Sub-No. 30; (h) Erie County, NY, (plantsite at Lackawanna) and St. Louis, Jefferson and St. Charles Counties, MO, and St. Louis MO, (St. Louis MO), in Sub-No. 34; (i) Berrien County, MI, (Benton Harbor and St. Joseph) and Barren County, KY, (Glasgow) in Sub-No. 39; (j) Boyd and Greenup Counties, KY, and Lawrence County, OH, (Ashland, KY), and Butler County, PA, (Butler) in Sub-No. 40; Will County, IL, (Joliet) and Jefferson, Bullitt and Oldham Counties, KY, and Floyd and Clark Counties, IN, (Louisville, KY), Warren and Butler Counties, OH, (Middletown), Vermillion County, IL, and Vermillion and Warren Counties, IN, (Danville, IL), Macomb, Oakland, Wayne and Monroe Counties, MI, and Saginaw County, MI, (Detroit and Saginaw), in Sub-No. 41G; (1) LaPorte County, IN, (plantsite at Kingsbury) in Sub-No. 42; (m) Lake County, IN, and Cook County, IL, (Hammond, IN), in Sub-No. 46; (n) Appanoose County, IA, (Centerville) and Henderson County, KY, (Henderson); Jefferson, Bullitt and Oldham Counties, KY, and Clark and Floyd Counties, IN, (Louisville, KY); McCracken County, KY, (Paducah), and Barren County, KY, (Glasgow), in Sub-No. 47; (o) Muscatine and Cedar Counties, IA, (facilities at Wilton), in Sub-No. 50; (p) Porter County, IN, (plantsite at Burns Harbor); Cabell and Wayne Counties, WV, and Lawrence County, OH, (Huntington, WV); Lawrence County, OH, and Greenup and Boyd Counties, KY, (Ironton, OH); points in Allegheny and Washington Counties, PA, points in Ohio (except points in Williams, Fulton, Lucas, Defiance, Henry, Wood, Paulding, Putnam, Hancock, Van Wert, Mercer, Allen, Auglaize, and Logan Counties, OH), Niagara County, NY, Monroe County, MI, Macon, Oakland and Wayne Counties, MI, (Pittsburgh, PA and Youngstown, OH, and points within 50 miles of each, Cleveland, Lorain, Zanesville, Cambridge, Mansfield, Cincinnati, Middletown, and Portsmouth, OH; Buffalo, NY, Monroe and Detroit, MI), points in Kentucky as above, Wayne County, MI, (Gilbraltar); Macomb County, MI, (plant in Macomb County); Wayne County, MI, (plant in Wayne County); Macomb, Oakland, Wayne and Monroe Counties, MI, Cuyahoga, Lake, Geauga, Summit, Medina, Lorain, Franklin, Butler and Warren Counties, OH, (Detroit and Monroe, MI, Cleveland, Columbus, and Middletown, OH); Lawrence County, PA, Jefferson County, OH, Hancock and Brooke Counties, WV, Greene and Erie Counties, OH, Macon, Oakland, Wayne and Monroe Counties, MI, (Bessemer, PA, Steubenville, Fairborn, and Sandusky, OH, and Detroit and Monroe, MI); Macon, Oakland, Wayne and Monroe Counties, MI, (Detroit, MI, commercial zone except Detroit); Cuyahoga, Lake, Geauga, Summit, Medina, and Lorain Counties, OH, (Cleveland commercial zone except Cleveland), Erie County, NY, (Lackawanna and Hamburg); Sangamon County, IL, (Springfield); Portage and Summit Counties, OH, Montgomery and Greene Counties, OH, (Kent and Dayton); Montgomery County, OH, (Wayne Township); Niagara and Erie Counties, NY, Muskegon County, MI, Macomb, Oakland, Wayne and Monroe Counties, MI, Porter County, IN, (Buffalo, NY, Muskegon and Detroit, MI, Portage, IN); in Sub-52M1F; (q) St. Charles, St. Louis and Jefferson Counties, MO, and St. Louis, MO, (St. Louis); points in Pennsylvania in, south and west of Crawford, Venango, Clarion, Indiana, Westmoreland, and Somerset Counties, PA, points in Ohio, in, north, and east of Ashtabula, Lake, Cuyahoga, Summit, Stark, Tuscarawas, Harrison, and Jefferson Counties, OH, Erie County, NY, Boyd, Greenup, Lewis, Mason, Bracken, Campbell, Kenton, Boone, Gallatin, Trimble, Oldham, Jefferson, Bullitt, Meade, Breckenridge, Hancock, Daviess, Anderson, Union, Crittenden, Livingston, McCracken, and Broward Counties, KY, Medina, Lorain, Cuyahoga, Lake, Summit, Muskingum, Guernsey, Richland, Hamilton, Butler, Clermont, Warren, and Scioto Counties, OH, Greenup County, KY, Monroe, Macomb, Oakland, and Wayne Counties, MI, Niagara County, NY, (Pittsburgh, PA, and Youngstown, OH), and points within 50 miles of each (Lackawanna and Hamburg Townships), Erie County, NY, points in Kentucky within 5 miles of the Ohio River, Cleveland, Lorain, Zanesville, Cambridge, Mansfield, Cincinnati, Middletown and Portsmouth, OH, Monroe and Detroit, MI, Buffalo, NY), in Sub-No. 53G; (r) Coshocton County, OH, (facilities at Coshocton), in Sub-No. 54; (s) Elkhart County, IN, (Elkhart), in Sub-No. 58; (t) Rock Island and Henry Counties, IL, and Scott County, IA, (facilities at Moline, IL), in Sub-No. 59; (u) Warren County, OH, (Franklin), in Sub-No. 60; (v) Cook and Will Counties, IL, Hamilton, Elkhart, Allen, and Howard Counties, IN, Appanoose County, IA, Kent, Ottawa, Clinton, Eaton and Ingham Counties, MI, Ranklin, Madison, and Hinds Counties, MS, Franklin County, Lucas, Wood, and Ottawa Counties, OH, and Monroe County, MI, (facilities at Blue Island and Joliet, IL, Cicero, Elkhart, Ft. Wayne and Kokomo, IN, Centerville, IA, Grand Rapids and Lansing, MI, Jackson, MS, Columbus and Toledo, OH), in Sub-No. 62; (w) Cook County, IL, (Chicago Heights), in Sub-No. 63; (x) Cook County, IL, and Lake County, IN, (Hammond, IN), and Muskingum County, OH, (Zanesville), in Sub-No. 65F; (y) Delaware County, OH, (Delaware) and Porter County, IN, (Portage), in Sub-No. 67F; (z) Clermont County, OH, (Batavia), in Sub-No. 69F; (aa) Jackson County, WV, and Meigs County, OH, (Ravenswood, WV), in Sub-No. 70F; (bb) Wayne and Oakland Counties, MI, (Dearborn and Wixom, MI), in Sub-No. 71F; (cc) Cabell and Wayne Counties, WV, Lawrence County, OH, and Boyd County, KY, (Huntington, WV, and Coalton, KY), in Sub-No. 72F; (dd) DeKalb and Woodford Counties, IL, and Walworth County, WI, (DeKalb and Eureka, IL, and Elkhorn, WI), in Sub-No. 73F; (ee) Washington County, MD, (Hagerstown), in Sub-No. 81F; (ff) McHenry County, IL, (facilities at Marengo), in Sub-No. 83F; (gg) Kankakee County, IL, (facilities at Kankakee), in Sub-No. 85F; (hh) Franklin County, MO, (Gerald), in Sub-No. 86F; (ii) Chicago, IL, (facilities at Chicago), in Sub-No. 87F; (jj) Oswego County, NY, (Oswego), in Sub-No. 88F; (kk) Trumbull County, OH, (Warren), in Sub-No. 89F; (ll) Marion County, WV, (Fairmont), in Sub-No. 90F; (mm) Somerset and

Cambria Counties, PA, (facilities at Johnstown), in Sub-No. 91F; (nn) Boone County, MO, (facilities at Columbia), in Sub-No. 92F; (oo) Upshur County, WV, (Buckhannon), in Sub-No. 93F; (pp) Jo Davies County, IL, Dubuque County, IA, and Grant County, WI, (Dubuque, IA), Will County, IL, (Wilmington), Northumberland and Snyder Counties, PA, (Sunbury), Hancock County, WV, Beaver County, PA, and Columbiana County, OH, (Chester, WV), and Hamilton County, OH, (Lockland), in Sub-No. 95F; (qq) Jefferson County, AL, (Jefferson County), in Sub-No. 97F; (rr) DeKalb County, IL, (DeKalb), in Sub-No. 98F; (ss) Franklin County, MO, (facilities at Union), in Sub-No. 99F; (tt) Shelby County, KY, (facilities at Shelbyville), in Sub-No. 100F; (uu) Montgomery County, KY, (Mt. Sterling), in Sub-No. 101F; (vv) Allegheny and Washington Counties, PA, (facilities at Pittsburgh), in Sub-No. 102F; (ww) Baltimore, MD, (facilities at Baltimore), and Cambria and Somerset Counties, PA, (Johnstown), in Sub-No. 103F; (xx) Jackson County, WV, and Meigs County, OH, (Ravenswood, WV), in Sub-No. 104F; (yy) Lee County, IA, Hancock County, IL, and Clark County, MO, (Keokuk, IA), in Sub-No. 105F; (zz) Milwaukee, Ozaukee, Racine, Washington and Waukesha Counties, WI, (Milwaukee), in Sub-No. 107F; (aaa) Lake County, IN, Will County, IL, and Cook County, IL, (facilities at Gary, IN, and Joliet and South Chicago, IL), in Sub-No. 114F; (bbb) between points in Lauderdale and Colbert Counties, AL, (facilities at Florence), in Sub-No. 115F; (ccc) Cuyahoga, Lake, Geauga, Summit, Medina, and Lorain Counties, OH, (facilities at Cleveland), in Sub-No. 116F; (ddd) Chippewa County, MI, (Chippewa County), in Sub-No. 117F; (eee) ports of entry on the International Boundary Line between the United States and Canada located in Michigan (ports of entry at Sault Ste. Marie, MI), in Sub-No. 118F; (fff) between Kenton, and Campbell Counties, KY, and Hamilton County, OH, (Newport and Wilder, KY), in Sub-No. 119F; (ggg) Shelby County, AL, (facilities at Calera), in Sub-No. 120F; (hhh) Franklin County, OH, (facilities at Columbus), in Sub-No. 121F; (iii) Miami and Howard Counties, IN, Franklin County, OH, Jefferson, Bullitt, and Oldham Counties, KY, and Floyd and Clark Counties, IN, and Henry County, KY, (facilities at Peru and Kokomo, IN, Columbus, OH, and Louisville and Eminence, KY), in Sub-No. 126F; (jjj) Cuyahoga County, OH, (facilities at Maple Heights), in Sub-No. 127F; (kkk) Whiteside County, IL, (facilities at Sterling), in Sub-No. 129F; (lll) Wood County, WV, and Washington County, OH, (facilities at Parkersburg and Washington, WV), in Sub-No. 130F; (mmm) Porter County, IN, Erie County, NY, Baltimore County, MD, Northampton and LeHigh Counties, PA, Somerset and Cambria Counties, PA, and Dauphin County, PA, (facilities at Lackawanna, NY, Sparrows Point, MD, Bethlehem, Johnstown, and Steelton, PA), and Cook County, IL, (Bedford Park), in Sub-No. 131F; (nnn) Porter and Lake Counties, IN, and Cook and DuPage Counties, IL, (facilities at Porter and Lake Counties, IN, and Cook and DuPage Counties, IL), in Sub-No. 132F; (ooo) Franklin County, OH, (facilities at Columbus), in Sub-No. 133F; (ppp) Cuyahoga County, OH, (Solon), in Sub-No. 134F; (rrr) Lucas, Wood and Ottawa Counties, OH, and Lenawee and Monroe Counties, MI, Cook and Madison Counties, IL, Porter and Lake Counties, IN, Lancaster County, PA, Franklin and Calhoun Counties, AL, (facilities at Toledo, OH, Alton and Madison, IL, Gary, and East Chicago, IN, Marietta, PA, and Russellville and Anniston, AL), in Sub-No. 135F; (sss) Lucas, Wood and Ottawa Counties, OH, and Lenawee and Monroe Counties, MI, (Maumee and Toledo, OH), in Sub-No. 136F; (ttt) Randolph County, IL, (facilities at Red Bud), in Sub-No. 137F; (uuu) Marshall County, AL, LaPorte County, IN, Macoupin County, IL, (facilities at Guntersville, AL, Michigan City, IN, and Carlinville, IL), in Sub-No. 138F; (vvv) Cook County, IL, (facilities at Summit), in Sub-No. 140F; (www) Wayne County, IN and Preble County, OH, (plantsite at Richmond, IN), in Sub-No. 145F; (xxx) Orange, Hardin, and Jefferson Counties, TX, (Beaumont), in Sub-No. 147F; (yyy) Harris, Brazoria, Chambers, Fort Bend, Montgomery, and Waller Counties, TX, (Houston), in Sub-No. 148F; (zzz) Union County, KY, (Sturgis), in Sub-No. 150F; (i) Scott County, IA, (Riverdale), in Sub-No. 151F; (ii) DeKalb, and Woodford Counties, IL, and Walworth County, WI, (DeKalb and Eureka, IL, and Elkhorn, WI), in Sub-No. 152F; (iii) Huntingdon County, PA, (Mt. Union), in Sub-No. 154F; (iv) Monroe County, MI, (facilities at Monroe), in Sub-No. 155F; (v) Jefferson County, MO, (Herculaneum), in Sub-No. 157F; (vi) Clinton County, IA, and Whiteside County, IL, Cook County, IL, and Anderson County, TN, (Clinton, IA, Chicago Heights, IL, and Clinton, TN), in Sub-No. 158F; (vii) Stark and Columbiana Counties, OH, Lake County, IN, Cook County, IL, Madison and St. Clair Counties, IL, and St. Louis County, MO, (Alliance, OH, East Chicago and Hammond, IN, and Granite City, IL), in Sub-No. 159F; (viii) Ross County, OH, and Seneca County, OH, (Maple Grove and Bettsville), in Sub-No. 160F; (ix) Brazos County, TX, and Jefferson and Orleans Parishes, LA, (Bryan, TX, and Harvey, LA), in Sub-No. 161F; (x) Licking County, OH, Washington County, OH, Wood County, WV, Lucas, Wood and Ottawa Counties, OH, and Lenawee and Monroe Counties, MI, Hamilton, Butler, and Clermont Counties, OH, and Campbell, Kenton and Boone Counties, KY, Jackson County, WV, and Meigs County, OH, (facilities at Newark, Belpre, Toledo, and Cincinnati, OH, and Ravenswood, WV), in Sub-No. 162F; (xi) Quemahoning, PA, (facilities at Quemahoning), in Sub-No. 163F; (xii) Lorain County, OH, (Elyria), in Sub-No. 164F; (3) replace one-way with radial authorities in all certificates except Sub-Nos. 87F, 88F, 89F, 90F, 100F, 101F, 103F, 116F, 121F, 126F, 132F, 134F, 135F, 138F, 145F, 146F, 148F, 150F, and 164F; (4) delete except in bulk restrictions, in tank vehicles, in drums, and in special equipment from Sub-Nos. 16, 30, 46, 50, 52 M1F, 54, 58, 60, 62, 63F, 65F, 67F, 69F, 86F, 87F, 95F, 97F, 98F, 99F, 102F, 116F, 117F, 119, 129F, 130F, 131F, 132F, 136F, and 138F; (5) remove restrictions limiting transportation to traffic originating at or destined to named facilities or points in Sub-Nos. 16, 18, 26, 29, 30, 50, 52 MIF, 53G, 58, 59, 62, 72F, 83F, 88F, 89F, 90F, 95F, 99F, 102F, 114F, 116F, 119F, 120F, 126, 129F, 131F, 132F, 133F, 134F; (6) delete AK and HI limitations in Sub-Nos. 54, 58, 62, 88F, 89F, 90F, 117F, 118F, 121F, 129F, 133F, 145F, 148F, and 164F; against interlining at involved destination points in connection with (a) service from points in IL to described points in WI; (b) service from Detroit and Saginaw, MI, to points in IA, and (c) service from Joliet, IL, to points in IA, in Sub-No. 41G; against the transportation of refractories from points in Audrain, Calloway and Montgomery Counties, MO, in Sub-No. 50; in part (2) to the transportation of mixed loads of the same commodities, moving at the same time and with bituminized fibre conduit and conduit connections which originate at Ironton, OH; and in part (7) against the transportation of cement and mortar from Fairborn, OH; and to traffic having an immediate, prior, or subsequent movement in foreign commerce in Sub-No. 118.

MC 107544 (Sub-161)X, filed August 31, 1981. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 138

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MI certificate to (A) broaden the commodity description to "chemicals and related products" from chemicals, in bulk, in tank or hopper-type vehicles, and (B) authorize radial authority to replace existing one-way authority, in part (2) which would then embrace the authority in part (1).

MC 116142 (Sub-32)X, filed August 31, 1981. Applicant: BEVERAGE TRANSPORTATION, INC., 625 Eberts Lane, P.O. Box M–25, York, PA 17405. Representative: John T. Keagel (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 1, 8, 9, 15, 17, 19, 20, 23, 25, 27F, 29F, and 30 certificates to (1) broaden the commodity description from malt beverages, empty used malt beverage containers, malt and brewed beverages and containers, food products agricultural commodities, cranberry sauce and malt beverages and related advertising materials to "food and related products" in each certificate; from new furniture uncrated, pillows, mattresses, and materials, and hair, hair felt, and rugs to "furniture or fixtures," from paper and paper products and paper boxboard to "pulp, paper and related products", from tank bark and tanning materials to "lumber and wood products", and from metal alloy to "metal products" in Sub-No. 8; (2) change city to county-wide (a) in Sub-No. 1, Lebanon, PA with Lebanon County, PA; Newark, NJ with Essex County, NJ; Natick, MA with Middlesex County, MA; (b) in Sub-No. 8, Pittsburgh, PA with Allegheny County, PA; Wilmington, DE with New Castle County, DE; Harrisburg, PA with Dauphin County, PA; Pittsburgh, PA with Allegheny County, PA; Cumberland, MD with Allegheny County, MD; Buffalo, NY with Erie County, NY; Cincinnati, OH with Hamilton County, OH; Upper Darby, PA with Delaware County, PA; Detroit, MI with Wayne County, MI; Trenton, NJ to Mercer County, NJ; Lancaster, PA with Lancaster County, PA; York, PA with York County, PA; Cleveland, OH with Cuyahoga County, OH; Latrobe, PA with Westmoreland County, PA; points in Pennsylvania within 35 miles of York, PA with Adams, Cumberland, Dauphin, Lancaster, Lebanon, and York Counties, PA; Utica, NY with Oneida County, NY; points in New Jersey within 15 miles of Trenton, NJ, including Trenton, NJ with Mercer, Hunterdon, Middlesex, Somerset, and Monmouth Counties, NJ; points within 20 miles of Camden, NJ, including Camden, NJ with Gloucester, Camden, and Burlington Counties, NJ; Yardville, NJ with Mercer County, NJ; Trenton, NJ to Mercer County, NJ; Landisville, NJ to Camden County, NJ; Newfield, NJ to Gloucester County, NJ; Malaga, NJ to Gloucester County, NJ; Hammonton, NJ with Atlantic County, NJ; Norwich, CT with New London County, CT; Clifton, NJ with Passaic County, NJ; New Haven CT with New Haven County CT; Norwalk and Bridgeport, CT to Fairfield County, CT; Bristol, PA with Bucks County, PA; Port Chester, NY with Westchester County, NY; Williamsport, PA with Lycoming County, PA; (c) in Sub-No. 9, Newark, NJ with Essex County, NJ; Olean, Hornell and Jamestown, NY to Cattaragus, Steuben and Chautauqua Counties, NY; (d) in Sub-No. 15, Columbus, OH with Franklin County, OH; (e) in Sub-No. 17, Glyndon, MD with Baltimore County, MD; (f) in Sub-No. 19, Detroit, MI with Wayne County, MI; Chambersburg, PA with Franklin County, PA; Johnstown, PA with Cambria County, PA; Rices Landing, PA with Greene County, PA; Williamsport, PA with Lycoming County, PA; (g) in Sub-No. 20, Williamansett, MA with Hampden County, MA; Johnstown, PA with Cambria County, PA; Greensburg, PA to Westmoreland County, PA; Bellefonte, PA with Centre County, PA; Williamsport, PA with Lycoming County, PA; Beaver Falls, PA with Beaver County, PA; Gettysburg, PA to Adams County, PA; Lock Haven, PA with Clinton County, PA; Coatesville, PA to Chester County, PA; York, PA to York County, PA; (h) in Sub-No. 23, Volney, NY with Oswego County, NY; (i) in Sub-No. 25, Eden, NC with Rockingham, NC; and (j) in Sub-No. 27F, Fogelsville, PA with Lehigh County, PA; (3) eliminate the facilities limitations in Sub-Nos. 25F, 27F and 29F; (4) change one-way to radial authority; and (5) remove the restrictions "in containers" in Sub-Nos. 8 and 19; and "originating at and destined to" in Sub-Nos. 19, 20, 25F, and 29F.

MC 117344 (Sub-295)X, filed August 31, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Ave., Columbus, OH 43212. Applicant seeks to remove restrictions in its Sub-Nos. E–11, E–12, E–13, E–24,(1), E–24(2), E–25, E–27, E–30(1), E–30(2), E–31, E–32, E–33, E–35, E–40, E–43, E–44, E–49, E–50, E–52, E–55, E–57, E–58, E–59, E–60, E–66, E–67, E–68, E–69, E–71, E–74, E–75, E–77, E–81, E–82, E–83, E–84, E–86, E–87, E–88, E–91, E–92, E–93, E–97, E–116, E–125, letter notices to (A) broaden the commodity description in each to "commodities in bulk" form various specified bulk commodities such as vegetable oil products, vegetable oils, soya bean oil, liquid glue, etc., (B) replace one way authority with radial authority in all Subs, (C) expand city-wide authority to county-wide authority as follows: Cook County, IL and Lake and Porter County, IN for Gary and Hammond, IN in E–11 and E–12, Adams County, IN for Decatur, IN in E–12, E–13, and E–83, Morgan County, IL for Jacksonville, IL in E–40, Delaware, Fairfield, Franklin, Licking, Madison, Pickaway and Union Counties, OH for Columbus, OH in E–49, E–50, and E–52, Daviess County, KY for Owensboro, KY in E–59, Butler, Clermont and Hamilton Counties, OH for Cincinnati, OH in E–60, LaPorte and Porter Counties, IN for Michigan City, IN in E–74, E–75 and E–92, and Macon County, IL for Decatur, IL in E–86, (D) remove the equipment restrictions "in tank vehicles", from all Subs except E–57 and E–59; "in insulated stainless steel or aluminum tank vehicles" (E–66); or "in hopper vehicles" (E–74, E–75 and E–92) and (E) remove the restriction against service to Kingsport and Elizabethton, TN in E–13, E–32 and E–33.

MC 119789 (Sub-735)X, filed August 31, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 20, 23, 24, 31, 32, 41, 42, 53, 56, 119, 200, 295, 301, 351, 406, 410, 437, 523, 525, 554, 600, 627, 628, 629, 646, 648, 673, 674, 676, 686, 697, 709, and 729 certificates to (1) remove the restriction against hides and/or commodities in bulk in Sub-Nos. 20, 23, 24, 31, 41, 42, 53, 56, 119, 200, 295, 301, 308, 334, 340, 351, 406, 410, 437, 523, 525, 554, 600, 627, 628, 629, 646, 648, 673, 674, 697, 709 and parts 21, 22 and 23 of 729X, (2) change one-way to radial authority in Sub-Nos. 334, 629 and 686F, (3) remove facilities limitation in (a) Sub-Nos. 20, 23, 24, 41, 31, 32, 646, 56, 554, 340, 629, 673, 523, 628, 600, 646, 648, and 437 (b) in Sub-No. 119 and 709 and replace Garden City, and Holcomb, KS with Finney County, KS, (c) in Sub-No. 200 and replace Cactus, TX with Moore County, TX, (4) change city to county-wide authority in (a) Sub-No. 697 from Brownsville, TX to Cameron County, TX, (b) Sub-No. 674 from Garden City, KS to Finney County, KS, (5) remove originating at and/or destined to restriction in Sub-Nos. 20, 23, 24, 41, 351, 53, 410, 554, 119, 200, 334, 629, 627, 600 and 648, (6) remove restriction against service to Springfield and Macon, MO in Sub-No. 119, and (7) remove in tank vehicle restriction in Sub-Nos. 119, 31 and 200.

MC 121598 (Sub-22)X, filed August 25, 1981. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Avenue, Shelbyville, TN 37160. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 8F certificates to (1) remove all restrictions from its general commodities authority except classes A and B explosives; (2) remove the following restrictions; (a) against the handling of traffic which originates at or is destined to points in Davidson County, TN, on the one hand, and on the other, that which originates at or is destined to Memphis TN, and points in its commercial zone in Sub-Nos. 2 and 8F and (b) against service in the commercial zone of any LA points which lie in MS and against the interlining of traffic at any points in LA which originates at or is destined to points in MS and against service at points in AR which are in the commercial zone of Memphis TN, and Junction City, LA or at any point in AR in Sub-No. 2; (3) remove the joinder only and excluding service on U.S. Hwy 84 from the Mississippi River to Jena, LA, including the commerical zone of Jena in Sub-No. 2 (part 3); (4) allow service at all intermediate points: (a) between Shelbyville and Memphis, TN and between Memphis, TN and Monroe, LA in Sub-No. 2, and (b) between Shelbyville and Memphis, TN and between Memphis, TN and Shreveport, LA in Sub-No. 8F; and (5) broaden off-route points to county-wide authority: points within 5 miles of Shelbyville with Bedford County, TN in Sub-No. 2 and 8F.

MC 123794 (Sub-6)X, filed September 2, 1981. Applicant: A.F.T. MOTOR FREIGHT, INC., 1003 Ridge Pike, Conshohocken, PA 19428. Representative: E. Stephen Heisley 805 McLachlen Bank Building, 666 Eleventh St., NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description to "furniture and fixtures, metal products, clay, concrete, glass or stone products, rubber and plastic products, and machinery," from steel shelving, lockers and cabinets, sheet steel, culvert pipe, galvanized sheet metal, metal lathes, pipe, reinforcing steel rods, nails, and other sheet metal products; and (2) broaden the territorial description to authorize service between points in the U.S., under contract(s) with unnamed shippers.

MC 124174 (Sub-184)X, filed August 14, 1981, previously noticed in the Federal Register of September 4, 1981, republished as corrected this issue. Applicant: MOMSEN TRUCKING CO., 2405 Hiway Boulevard, Spencer, IA 51301. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. (1)(e) broaden off-route points in Rock Island, Moline, Rock Falls, East Moline and Sandwich, IL and points within 35 miles of Oskaloosa and 5 miles of Gilman, IA in A(1)(b) to Rock Island and Moline, IL, and Whiteside, Henry, and Dekalb Counties, IL and Jasper, Mahaska, Powenshiek, Iowa, Keokuk, Jefferson, Wapello, Davis, Appanoose, Monroe, Lucas, Warren, Marion, Polk and Marshall Counties, IA. The purpose of this republication is to correct part (1)(e) of the caption summary previously published to read Rock Island and Moline, IL, and Whiteside, Henry, and Dekalb Counties, IL, in lieu of Rock Island, Moline Rock Falls, East Moline and Dekalb Counties, IL.

MC 126526 (Sub-1)X, filed August 31, 1981. Applicant: FAIRBANKS MIDWEST TRUCK LINES, INC., 625 Strander Blvd., Suite C, Seattle, WA 98188. Representative: J. G. Dail, Jr., P.O. Box LL McLean, VA 22101. Applicant seeks to remove restrictions in its lead cetificate to (1) broaden the commodity description to "general commodities (except Classes A and B explosives)" from general commodities with exceptions; and (2) expanding the territory to Lincoln and Minnehaha Counties, SD for Sioux Falls, SD; to Pennington, and Meade Counties, SD, for Rapid City, SD; to Buena Vista County, IA, for Storm Lake, IA; to Woodbury County, IA, and Dakota County, NE, for Sioux City, IA; to Douglas and Sarpy Counties, NE, and Pottawattamie County, IA, for Omaha, NE; to Dixon and Wayne Counties, NE, for Wakefield, NE; and to Cass County, ND, and Clay County, MN, for Fargo, ND.

MC 136720 (Sub-11)X, filed August 31, 1981. Applicant: APEX BULK COMMODITIES, 11655 East Washington Blvd., P.O. Box 872, Whittier, CA 90608. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4F, 6F, 7, and 10F certificates to: (1) broaden the commodity descriptions from (a) meat meal and blood meal, in bulk, in Sub-No. 2, from soda ash, in bulk in Sub-No. 6, and from petroleum and petroleum products, in bulk, in Sub-No. 7 to "commodities in bulk;" (b) cement to "clay, concrete, glass, or stone products" in Sub-No. 4F; and (c) cement, sand, fluorspar, and coal to "ores and minerals, clay, concrete, glass, or stone products, and coal and coal products" in Sub-No. 10F; (2) remove the restrictions against service at specified points in CA and facilities in Sub-No. 4F; (3) remove the facilities restriction in Sub-No. 6F; (4) replace authority to serve named cities with county-wide authority in Sub-No. 2, Tolleson, AZ, with Maricopa County, AZ, Anaheim with Orange County, CA, and Fontana with San Bernardino County, CA; in Sub-No. 6, Saugus, CA, with Los Angeles County, CA; and (5) expand one-way authority to radial authority between Maricopa County, AZ, and, Orange and San Bernardino Counties, CA, in Sub-No. 2; between points in CA, and, points in AZ, CA, and NV in Sub-No. 4F; and between points in WY, and, points in Los Angeles County, CA, in Sub-No. 6F.

MC 138741 (Sub-132)X, filed August 26, 1981. Applicant: AMERICAN CENTRAL TRANSPORT INC., 914 East Highway H, Liberty, MO 64068. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068-0258. Applicant seeks to expand its commodity description in its Sub-No. 122 certificate from (1) refractory products and (2) building and insulating materials, to: (1) "refractory products, and clay, concrete, glass or stone products," and (2) "building, construction and insulating materials."

MC 140205 (Sub-12)X, filed August 19, 1981. Applicant: MOUW TRANSPORTATION, INC., 307 Maple Drive, Sibley, IA 51249. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F, 5F, and 10F certificates to (1) broaden the commodity descriptions from (a) soybean meal, soybean mill run and soybean hulls, dry, in bags and in bulk to "food and related products and farm products" in the lead, and (b) meats, meat, products, meat byproducts, and articles distributed by meat-packinghouses to "food and related products" in Sub-Nos. 4F, 5F, and 10F; (2) remove the except hides and commodities in bulk restrictions in Sub-Nos. 4F, 5F, and 10F; (3) eliminate the facilities limitation in each certificate; (4) expand city to county-wide authority from Sergeant Bluff and Sioux City to Woodbury County, IA, in the lead and Sub-No. 4F; Sioux Falls to Minnehaha County, SD, Estherville to Emmet County, IA, and Worthington to Nobles County, MN, in Sub-Nos. 4F and 5F; and Britt and Mason City to Hancock and Cerro Gordo County, IA, in Sub-No. 10F; (5) change one-way to radial authority in Sub-Nos. 4F and 5F; and (6) remove the originating at or destined to restrictions

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in Sub-Nos. 4F, 5F and 10F and the except AK and HI in Sub-No. 10F.

MC 140378 (Sub-4)X, filed August 24, 1981. Applicant: COOK TRUCKING SERVICE, INC., 305 South Harbor Blvd., Fullerton, CA 92632. Representative: Richard C. Celio, 2300 Camino Del Sol Fullerton, CA 92633. Applicant seeks to (1) expand the commodity description in its Sub-No. 2 permit to "food and related products" from liquid sugar and syrups, in bulk; and (2) expand the territorial description to authorize service between points in the U.S., under continuing contract(s) with Holly Sugar Corp., of Colorado Springs, CO.

MC 144858 (Sub-47)X, filed August 25, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72219. Representative: Scott E. Daniel (same as applicant). Applicant seeks to remove restrictions from its Sub-Nos. 5F, 8F, 15F, 18F, 29F and 30F certificates to (1) broaden the commodity description from shampoo and toilet preparations and accessories therefore to "chemicals and related products" in Sub-Nos. 5F, 8F and 15F; from foodstuffs in Sub-Nos. 18F and 30F and animal feed, feed ingredients, supplements and additives, in Sub-Nos. 29F to "food and related products;" (2) remove commodities in bulk, in tank vehicles restriction in all Sub-Nos; (3) remove the originating at and/or destined to restrictions in Sub-Nos. 5F, 18F and 30F; (4) remove facilities limitations at and/or replace with county-wide authority as follows: Clark, Cranford, Piscataway and South Brunswick, NJ with Middlesex and Union Counties, NJ in Sub-Nos. 5F, 8F, and 15F; Birmingham, AL, Mattoon, IL Hutchinson, KS, Columbus, OH, and Ogden, UT with Jefferson County, AL, Coles County, IL, Reno County, KS Franklin County, OH, Davis, Weber and Morgan Counties, UT, in Sub-No. 29F; Independance, MO with Jackson and Clay Counties, MO, in Sub 30F; and only remove facilities in Sub-No. 18F and (5) Change one-way authorities to radial authority.

MC 146890 (Sub-39)X, filed August 31, 1981. Applicant: C & E TRANSPORT, INC. d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 7F certificate to replace the shipper facilities with countywide authority: Anoka, Hennepin, Washington, Dakota, Scott, Carver and Ramsey Counties, MN (facilities near Minneapolis, MN), Clinton County, IA and Whiteside County, IL (facilities near Clinton, IA), Scott and Muscatine Counties, IA and Rock Island and Henry Counties, IL (facilities near Davenport, IA), Calhoun, Kalamazoo and Barry Counties, MI (facilities near Battle Creek, MI), Fairfield, Hamilton, Warren and Butler Counties, OH (facilities near Lancaster and Sharonville, OH), Cumberland County, PA (facilities near Mechanicsburg, PA), Chautauqua County, NY (facilities near Dunkirk, NY, Jefferson, Bullitt and Oldham Counties, KY and Clark, Floyd and Harrison Counties, IN (facilities near Louisville, KY), and Hudson, Bergen, Essex and Union Counties, NJ and Richmond, Kings, Queens, New York and Bronx Counties, NY (facilities near Jersey City, NJ).

MC 148654 (Sub-2)X, filed August 18, 1981. Applicant: CLOVERLEAF TRANSPORTATION, INC., 14 Kerri Lane, Spring Valley, NY 10977. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10123. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden the commodity description from beverages, and materials and supplies used in the manufacture and distribution of beverages, to "food and related products, and materials and supplies used in the manufacture and distribution of food and related products."

MC 153461 (Sub-1)X, filed September 8, 1981. Applicant: FLYNN'S MOTOR EXPRESS, INC., P.O. Box 627, Southington, CT 06489. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. Applicant seeks to remove restrictions in its lead certificate to broaden the commodity description from general commodities (except Classes A and B explosives and household goods as defined by the Commission) to "general commodities (except Classes A and B exposives)".

[FR Doc. 81-27077 Filed 9-16-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

[Volume No. OP1-259]

Decided: September 11, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

MC F-14681, filed August 19, 1981. LEASEWAY TRANSPORTATION CORP. (Leaseway) (3700 Park East Drive, Cleveland, OH 44122)—continuance in control—COMMERCIAL MOTOR, INC. (Commercial) (445 Earlwood Ave., Oregon, OH 43616). Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566-5639. Leaseway, a non-carrier seeks authority to continue in control of Commercial upon the institution by Commercial of operations, in interstate or foreign commerce, as a contract carrier. Leaseway, sole stockholder of Commercial, seeks authority to acquire control of said rights and property through the transaction. Leaseway is a publicly held corporation that controls Anchor Motor Freight, Inc. (MC-808), Gypsum Haulage, Inc. (MC-112113), Signal Delivery Service, Inc. (MC-108393), Sugar Transport, Inc. (MC-115924), Dedicated Freight Systems, Inc. (MC-139583), Custom Deliveries, Inc. (MC-142693), LDF, Inc. (MC-147101), Stam-Win, Inc. (MC-147294, 150185), Pep Lines Trucking Co. (MC-120184, 135280), Mitchell Transport, Inc. (MC-124212, 152085), General Trucking Service, Inc. (MC-143308), Charlton Transport (Quebec) Limited (MC-141250), Vernon Equipment, Inc. (MC-150412), Amac Trucking, Inc. (MC-140619), Max Binswanger Trucking (MC-116314), and Refiners Transport & Terminal Corporation (MC-50069). Refiners Transport & Terminal Corporation controls A. R. Gundry, Inc. (MC-25562). Max Binswanger Trucking (MC-116314) controls Balser Trucking Co. (MC-96630) and Bulk Freightways (MC-125417). Leaseway also controls, with authority issuance pending, George McNeill, d.b.a. George McNeill Teaming Company (MC-153315), Leaseway Trucking, Inc. (MC-153610), and United Home Delivery, Inc. (MC-153685). Applicant has on file an application pending in MC-F-14662 seeking to continue in control the operations of Contract Trucking Corporation (MC-156146).

Note.—Commercial has filed as a directly related application its initial contract carrier application, docketed MC-157690, published in this same **Federal Register** issue.

[FR Doc. 81-27076 Filed 9-16-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

[Volume No. OP1-260]

Decided: September 11, 1981.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Parkers, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 157690, filed August 19, 1981. Applicant: COMMERCIAL MOTOR, INC., 445 Earlwood Ave., Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (419) 698-1671. Transporting *liquid argon, liquid nitrogen, liquid oxygen, and liquid hydrogen,* between points in the U.S., under continuing contract(s) with Union Carbide Corporation, of New York, NY. Condition: This certificate shall expire 5 years from date of issuance.

Note.—This application is directly related to MC-F-14681, published in the same **Federal Register** issue.

[FR Doc. 81-27075 Filed 9-16-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-258]

Motor Carriers; Permanent Authority Decisions; Decision—Notice

Decided: September 9, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1 Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 108340 (Sub-39), filed August 27, 1981. Applicant: HANEY TRUCK LINE, P.O. Box 485, Cornelius, OR 97113. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting *general commodities* (except classes A and B explosives), between Gales Creek, OR, on the one hand, and, on the other, points in the U.S.

MC 116881 (Sub-7), filed August 31, 1981. Applicant: CLINTON H. MILLER, d.b.a. C. H. MILLER TRANSPORTATION, P.O. Box 1776, Oroville, CA 95965. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701 (702) 882-5649. Transporting for, or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 136391 (Sub-5), filed August 27, 1981. Applicant: BILL'S MOVING, INC., d.b.a. PIONEER MOVING & STORAGE, 471 W 5th S, Salt Lake City, UT 84101. Representative: Irene Warr, 311 S. State St. Ste. 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 154331 (Sub-1), filed August 28, 1981. Applicant: BOB GALLANT TRUCKING, INC., 1935 Lombardy Dr., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343-4036. Transporting *general commodities*, between points in Pennington County, SD, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 157941, filed August 27, 1981. Applicant: S & W CARTAGE, INC., 21701 Hoover Rd., Warren, MI 48089. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649-6650. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds and (3) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 157980, filed August 28, 1981. Applicant: FARM AND MARKET EXPRESS, 4616 N. Dover St., Chicago, IL 60640. Representative: Warren W. Kmiec (same address as applicant), (312) 769-3354. Transporting (1) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners;* and (2) *shipments weighing 100 pounds* or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 158001, filed August 31, 1981. Applicant: ELIZABETH S. LINVILLE, 207 N. East St., Pendleton, IN 46064. Representative: E. H. van Deusen, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889-2531. As a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-27074 Filed 9-16-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OR-9-88]

Motor Carriers; Permanent Authority Decisions; Decision—Notice

Decided: September 14, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the

Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, Williams.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 150317 (Sub-1F), filed December 5, 1980. Previously published in the FR issue of December 23, 1980 and republished this issue. Applicant: BOSSHARDT TRANSPORT,INC., Redmond, UT 84652. Representative: Macoy A. McMurray, 800 Benefield Life Tower, 36 So. State St., Salt Lake City, UT 84111. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with Redmond Clay & Salt Co., of Redmond, UT. Condition: Issuance of a Permit in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of the permit issued April 13, 1981 in No. MC 150317 Sub-1.

Note.—This republication is to change the commodity decription from specific commodities to general commodities.

[FR Doc. 81–27072 Filed 9–16–81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (execpt those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPI-257

Decided: September 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 13300 (Sub-95), filed August 25, 1981. Applicant: CAROLINA COACH COMPANY, d.b.a. CAROLINA TRAILWAYS, 1201 S. Blount Street, Raleigh, NC 27611. Representative: Lawrence E. Lindeman, 425 13th Street, N.W., Suite 1032, Washington, D.C. 20004 (202) 628-4600. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at Chesapeake, Colonial Heights, Danville, Emporia, Franklin, Hopewell, Norfolk, Petersburg, Portsmouth, Richmond, Suffolk, and Virginia Beach, VA, Baltimore, MD, Philadelphia, PA, and DC, and points in Alamance, Beaufort, Bertie, Cabarrus, Camden, Caswell, Chatham, Chowan, Cumberland, Currituck, Dare, Davidson, Durham, Edgecombe, Franklin, Gates, Greene, Guilford, Halifax, Harnett, Hertford, Hyde, Johnston, Lee, Lenoir, Martin, Mecklenburg, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pasquotank, Pender, Person, Perquimans, Pitt, Randolph,

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Rockingham, Rowan, Stanley, Tyrrell, Wake, Warren, Washington, and Wilson Counties, NC, Accomack, Chesterfield, Greensville, Henrico, Isle of Wight, Northampton, Prince George, Southampton, Surry, and Sussex Counties, VA, Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, MD, Kent, New Castle, and Sussex Counties, DE, and Delaware County, PA, and extending to points in the U.S.

MC 85970 (Sub-58), filed August 27, 1981. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), serving all points in MO as off-route points in connection with applicant's authorized routes.

MC 110191 (Sub-45), filed August 28, 1981. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Ave., Norfolk, VA 23502. Representative: D. L. Turner, P.O. Box 1006, Norfolk, VA 23501, (804) 853–4344. Transporting *general commodities* (except classes A and B explosives), between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC.

MC 117850 (Sub-5), filed August 31, 1981. Applicant: J. B. KENNEDY, R.R. No. 3, Brookfield, MO 64628. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Adept Manufacturing, Inc., Ag-Land, Inc., Brookfield Plastic Container, Inc., Brookfield Publishing Co., Brookfield Tire & Supply Co., Fletcher Hardware Co., Pepsi-Cola Bottling Co., and L. T. York Co., all eight of Brookfield, MO, Muff Warehouse and Trenton Coca Cola Bottling Company, both of Trenton, MO, MFA Incorporated, of Columbia, MO, and Walsworth Publishing, Inc., of Marceline, MO.

MC 118610 (Sub-37), filed August 19, 1981. Applicant: GEORGE PARR TRUCKING SERVICE, INC., P.O. Box 1995, Owensboro, KY 42301. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting (1) *those commodities which because of their size or weight require the use of special handling or equipment,* (2) *parts, attachments, and accessories* for the commodities named in (1), (3) *self-propelled articles,* (4) *oilfield commodities,* (5) *earth drilling commodities,* and (6) *iron and steel articles,* between points in the U.S.

MC 126091 (Sub-13), filed August 31, 1981. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 462460. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Allegheny International, Inc., of Pittsburgh, PA.

MC 128450 (Sub-2), filed August 28, 1981. Applicant: SAN JUAN TOURS, INC., P.O. Box 38667, Denver, CO 80238. Representative: James F. Olmsted (same address as applicant) (303) 289–2841. As a *broker,* at Denver, CO, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at Denver and Longmont, CO, and extending to points in the U.S.

MC 142310 (Sub-39), filed August 28, 1981. Applicant: H. O. WOLDING, INC., P.O. Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703 (608) 256–7444. Transporting *general commodities* (except classes A and B explosives) between the facilities of Philips Industries, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 142920 (Sub-25), filed August 27, 1981. Applicant: OLIVER TRUCKING CORP., 620 South Belmont Avenue, Indianapolis, IN 46217. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048–0640 (212) 466–0220. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Electrosound, Inc., of Shelbyville, IN.

MC 143230 (Sub-5), filed August 14, 1981. Applicant: LUCK TRUCKING, INC., Rural Route #1, Box 190, Wolcott, IN 47995. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638–1301. Transporting (1) *glass products,* (2) *food and related products,* and (3) *rubber and plastic products,* between points in the U.S., under continuing contract(s) in (1) above with Indiana Glass Co., Division of Lancaster Colony Corp., of Dunkirk, IN, and in (2) and (3) above with Ross Laboratories, of Columbus, OH.

Mc 143331 (Sub-20), filed August 27, 1981. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 E. Compton Blvd., P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609 (213) 945–2745. Transporting *such commodities* as are dealt in or used by manufacturers of paper and plastic products and containers, between points in the U.S.

MC 144821 (Sub-14), filed August 31, 1981. Applicant: FREEDOM FREIGHTWAYS, INC., 9060 Latty Avenue, St. Louis, MO 63134. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701 (601) 335–3576. Transporting (1) *paper and paper products,* (2) *rubber and plastic products,* (3) *metal products, and* (4) *clay, concrete, glass or stone products,* between St. Louis, MO, Chicago, IL, Kansas City, KS, Memphis and Nashville, TN, Indianapolis, IN and Syracuse, NY, and points in Thomas County, GA and Tippah County, MS, on the one hand, and, on the other, points in the U.S.

MC 148380 (Sub-18), filed August 31, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603 (312) 236–9375. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Rappahannock Wire Company, a Division of Exposaic Industries, Inc., of Fredericksburg, Va.

MC 149151 (Sub-4), filed August 31, 1981. Applicant: SCHUH TRANSPORT, INC., P.O. Box 207, Kaukauna, WI 54130. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719 (608)–273–1003. Transporting *petroleum, natural gas, and their products,* between points in the U.S., under continuing contract(s) with Petroleum Conservation, Inc., of Green Bay, WI, and Garrow Oil Corp., of Appleton, WI.

Note.—To the extent any certificate authorizes the transportation of liquefied petroleum gas, it shall be limited to a period of 5 years from the date of issuance.

MC 149230, filed August 31, 1981. Applicant: BRAMCO TRANSPORT, INC., 1700 Lewis Rd., Sandston, VA 32150. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, VA 23235 (804)–745–0446. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Brenco, Inc., of Petersburg, VA; (b) The Chesapeake Corporation of Virginia, of West Point, VA; (c) Old Dominion Warehouse and Distribution, of Richmond, VA; (d) Scott Paper Company, of Philadelphia, PA; (e) Richfoods, Inc., of Mechanicsville, VA; and (f) A. H. Robins Co., of Richmond, VA, and its subsidiaries, Miller-Morton Co., Chap Stick and Elkins-Sinn, Inc., all of Richmond, VA.

MC 152320 (Sub-1), filed August 31, 1981. Applicant: VERSPEETEN CARTAGE LIMITED, 67 Dalton Road, Delhi, Ontario, Canada N4B 1B4. Representative: Neill T. Riddell, 900 Guardian Building, Detroit, MI 48226 (313) 963–3750. Transporting *tobacco products,* between points in the U.S., under continuing contract(s) with Benson and Hedges Canada, Inc., of Montreal, Quebec, Canada.

MC 152511 (Sub-1), filed August 24, 1981. Applicant: PATRICIA WENGLIKOWSKI, d.b.a. W. RENTAL COMPANY, 5404 Hilltop Drive, Bay City, MI 48706. Representative: Mark Wenglikowski, 621 14th Street, Bay City, MI 48706, (517) 893–0456. Transporting (1) *Petroleum and petroleum products,* between points in Venango County, PA, on the one hand, and, on the other, points in the Lower Peninsula of MI, (2) *fireworks,* between points in Cook County, IL, on the one hand, and, on the other, points in the Lower Peninsula of MI, (3) *food and related products,* between points in La Crosse, Houston, and Milwaukee Counties, WI, Shelby County, TN, and Kenton and Campbell Counties, KY, and those in OH, IL and IN, on the one hand, and, on the other, points in the Lower Peninsula of MI, (4) *metal products,* (a) between points in Allegheny County, PA, on the one hand, and, on the other, points in the Lower Peninsula of MI, (b) between points in Saginaw, Midland, Huron, Ogemaw, Bay and Tuscola Counties, MI, on the one hand, and, on the other, points in OH, IL, IN, WI, MO, TN, KY, and AL, (5) *chemicals and related products,* between points in Bay and Midland Counties, MI, on the one hand, and, on the other, points in OH, IN, NJ and IL, except Cook and Will Counties, IL, and (6) *paper and paper products and printed matter,* between points in Midland County, MI, on the one hand, and, on the other, points in IL, IN, OH, IA, WI, NY and GA.

MC 155720, filed August 31, 1981. Applicant: DOYLE V. LOTT, d.b.a. LOTT MOBILE HOME MOVERS, Highway 1 By-Pass, Natchitoches, LA 71457. Representative: Doyle V. Lott (same address as applicant), (318) 352–2302. Transporting *mobile homes and modular housing,* between points in LA, TX, AR, and MS.

MC 155940, filed August 27, 1981. Applicant: DWIGHT MOSES AND ROY MOSES, d.b.a. MOSES BROS. TRUCKING, R.R. 1, P.O. Box 65A, Crosby, ND 58730. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502–2578, (701) 223–5300. Transporting (1) *fertilizer,* (a) between ports of entry on the international boundary line between the U.S. and Canada in MT, ND, and MN, on the one hand, and, on the other, points in MN, ND, and MT, and (b) between points in MN, on the one hand, and, on the other, points in ND and MT, (2) *sand,* between points in MN, on the one hand, and, on the other, points in ND, and MT, and (3) *agricultural chemicals,* between points in ND and MT, on the one hand, and, on the other, points in the U.S.

MC 156581, filed August 31, 1981. Applicant: METROPLEX FREIGHT SERVICE, INC., 1804 Vantage Street, Carrollton, TX 75006. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Fox Vliet Drug Company of Oklahoma City, OK, and (2) International Packaging Systems, Inc., of Carrollton, TX.

MC 156840, filed August 28, 1981. Applicant: STRICKLIN TRUCKING COMPANY, 108 College Street, Arcadia, MO 63621. Representative: Joseph E. Rebman, 314 North Broadway, St. Louis, MO 63102, (314) 421–0845. Transporting *building materials,* between points in AR, IL, LA, MS, MO and TX.

MC 157780, filed August 19, 1981. Applicant: FORTSON TRAVEL AGENCY, 12 Greenacre Rd., Greenville, SC 29607. Representative: David L. Fortson (same address as applicant), (803) 233–2576. As a *broker* at Greenville, SC, in arranging for the transportation of *passengers and their baggage,* beginning and ending at Greenville, SC, and extending to points in the U.S.

MC 157930, filed August 27, 1981. Applicant: COUNTRY ROADS TOURS, INC., P.O. Box 1426, Clarksburg, WV 26301. Representative: A. Charles Tell, 100 E. Broad Street, Columbus, OH 43215, (614) 228–1541. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, between points in MI and WV, on the one hand, and, on the other, points in the U.S.

MC 157950, filed August 31, 1981. Applicant: HEISLER TRANSPORTS, INC., P.O. Box 26243, Oklahoma City, OK 73126. Representative: Michael H. Lennox, 531 N. Portland, P.O. Box 75613, Oklahoma City, OK 73147, (405) 943–2722. Transporting *petroleum and petroleum products,* between points in OK and TX.

MC 157960, filed August 28, 1981. Applicant: WILLIAM SIGLE, d.b.a. SIGLE TRANSFER COMPANY, 400 Miley Rd., North Lima, OH 44452. Representative: Joe F. Asher, 88 East Broad St., Columbus, OH 43215, (614) 221–2300. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, CT, DE, FL, GA, IL, IN, KY, ME, MA, MD, MI, MO, NH, NY, NC, OH, PA, RI, SC, TX, VA, WV, WI and DC.

MC 157961, filed August 28, 1981. Applicant: JOE W. and SAMMY S. SHELTON, d.b.a. SHELTON BROS. TRUCKING, P.O. Box 133, Borger, TX 79007. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *oilfield equipment and supplies,* between points in TX, NM, OK, KS, LA and CO.

MC 157971, filed August 28, 1981. Applicant: DAISY TOURS, 205 Chattington Ct., San Antonio, TX 78213. Representative: June Bratcher (same address as applicant) (512) 344–9258. As a *broker* at San Antonio, TX, arranging for the transportation of *passengers and their baggage,* between in points TX, on the one hand, and, on the other, points in the U.S.

MC 158000, filed August 31, 1981. Applicant: ROPPE TRANSPORTATION CORPORATION, 1602 North Union St., Fostoria, OH 44830. Representative: William H. Borghesani, Jr., 1150 17th St., NW., Suite 1000, Washington, D.C. 20036, (202) 457–1122. Transporting (1) *chemicals and related products,* (2) *rubber and plastic products,* and (3) *ores and minerals,* between points in the U.S., under continuing contract(s) with (a) Anderson Development Company, of Gary, IN, and A. Z. Bogert Co., Inc., of Baltimore, MD, in (1) above; (b) Synpol, Inc., of Port Neches, TX, H. Muehlstein & Co., Inc., of Akron, OH, Roppe Rubber Corporation, of Fostoria, OH, and A. Z. Bogert Co., Inc., of Baltimore, MD, in (2) above; and (c) International Chemicals, Inc., of Mt. Pleasant, TX, in (3) above.

MC 158011, filed August 31, 1981. Applicant: ACCURATE BULLDOZING, INC., 2882 W. Lake Sammamish Parkway, NE., Redmond, WA 98052. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009 (206) 453–0312. Transporting (1) *general commodities* (except classes A and B explosives), having a prior or subsequent movement by water, (2) *building materials,* and (3) *iron and steel articles* between points in WA, OR, ID, and MT.

Volume No. OPY–4–367

Decided: September 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 139966 (Sub-5), filed September 3, 1981. Applicant: FAIRPORT TRUCKING COMPANY, Williams St., P.O. Box 217, Grand River, OH 44045. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017 (614) 889-2531. Transporting *commodities in bulk*, between points in the U.S. in and east of MN, IA, MO, KS, OK and TX.

MC 145076 (Sub-4), filed September 3, 1981. Applicant: JOHN MANS, INC., R.R. No. 2, Haubstadt, IN 47639. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204 (317) 638–1301. Transporting *heavy construction, excavation and mining equipment and supplies*, between points in the U.S., under continuing contract(s) with Brandeis Machinery & Supply Corp., of Louisville, KY.

MC 151596 (Sub-5), filed September 2, 1981. Applicant: BOB WHITAKER & SON, INC., P.O. Box 65, Roswell, NM 88201. Representative: Bob Whitaker, P.O. Box 65, Roswell, NM 88201 (505) 622–3485. Transporting *food and related products*, between points in the U.S.

MC 154236 (Sub-2), filed September 2, 1981. Applicant: MAMMOTH OF CALIFORNIA, INC., 6725 N Motel Dr., Fresno, CA 93711. Representative: Jerry J. Jackson 6725 N Motel Dr., Fresno, CA 93711 (209) 486–0800. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Benedict Sale Corporation, of Greenwich, CT.

MC 155266 (Sub-2), filed September 4, 1981. Applicant: JOHN J. VETERI LEASING CORP., P.O. Box 624, West Paterson, NJ 07424. Representative: John J. Veteri (Same address as applicant) (201) 785–8775. Transporting *food and related products*, between New York, NY, Hanover, PA, and Baltimore, MD, on the one hand, and, on the other, points in IL, WI, MI, OH, IN, NY, CT, PA, MA, and RI.

MC 158066, filed September 3, 1981. Applicant: 5 "J" EXPRESS, INC., 9144 E. 400 N., Van Buren, IN 46991. Representative: Gerald J. Baumann (Same address as applicant) (317) 934–2368. Transporting *general commodities* (except classes A and B explosives), between the facilities of the SCM Corporation, at points in thc U.S., on the one hand, and, on the other, points in the U.S.

Volume No. OPY–5–146

Decided: September 9, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 76449 (Sub-36), filed August 27, 1981. Applicant: NELSON'S EXPRESS, INC., 675 Market St., Millersburg, PA 17061. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108 (717) 233–5731. Transporting *general commodities* (except classes A and B explosives) between points in PA, on the one hand, and, on the other, points in DE, MD, VA, and DC.

MC 126288 (Sub-4), filed August 25, 1981. Applicant: ROY WILLIAM KASARI, d.b.a. R. W. KASARI, 200 N E Seventh, Hermiston, OR 97838. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *chemicals and related products*, between points in OR, WA, and ID.

MC 141758 (Sub-10), filed August 14, 1981. Applicant: LYDALL EXPRESS, INC., 615 Parker St., Manchester, CT 06040. Representative: Hugh M. Joseloff, 410 Asylum St., Hartford, CT 06103 (203) 728–0700. Transporting *plastic products, metal products, lumber and wood products, pulp, paper and related products, machinery*, and *finished textile products*, between points in the U.S., under continuing contract(s) with Clopay Corporation, of Cincinnati, OH.

MC 142888 (Sub-18), filed July 8, 1981, previously noticed in **Federal Register** issue of July 29, 1981. Applicant: COX TRANSFER, INC., P.O. Box 168, Eureka, IL 61530. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468.Transporting *food and related products* and *such commodities* as are dealt in or used by drug, grocery and food business houses, between points in the U.S. in and east of MT, WY, CO, and NM.

Note.—This republication shows applicant's actual grant of authority.

MC 146758 (Sub-18), filed August 21, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main Street, Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant) (800) 533–6038. Transporting (1) *furniture*, (2) *lighting fixtures*, (3) *plastic articles*, and (4) *paper and paper products*, between the facilities of Scott Paper Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149218 (Sub-17), filed August 27, 1981. Applicant: SUNBELT EXPRESS, INC., U.S. Highway 78, W, P.O. Box 604, Bremen, GA 30110. Representative: Pat H. Carden (same address as applicant) (404) 537–5206. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company and its subsidiaries, at those points in the U.S. in and east of MN, IA, NE, CO, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, CO, OK, and TX.

MC 150088 (Sub-7), filed August 21, 1981. Applicant: STERLING TRANSPORT DIVISION, INC., 2005 South Great Southwest Parkway, Grand Prairie, TX 75051. Representative: Robert K. Frisch, 2711 Valley View Lane, Suite 101, Dallas, TX 75234 (214) 247–0994. Transporting *malt beverages*, between points in Tarrant County, TX, on the one hand, and, on the other, points in Jackson County, AR.

MC 150339 (Sub-36), filed August 25, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same address as applicant) (301) 673–7151. Transporting *glass*, between points in the U.S., under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 150339 (Sub-37), filed August 28, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same address as applicant) (301) 673–7151. Transporting *metal products*, between points in the U.S., under continuing contract(s) with TUPY American Foundry Corp., of Lancaster, PA.

MC 152368 (Sub-2), filed August 27, 1981. Applicant: D. L. WILLIAMS TRUCKING, INC., P.O. Drawer 818, Hillsboro, TX 76645. Representative: James W. Hightower, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237 (214) 339–4108. Transporting *metal products*, between points in Hill County, TX, on the one hand, and, on the other, points in Hopkins County, KY, Clark County, NV, and Franklin County, OH, and points in CO and LA.

MC 152509 (Sub-13), filed August 28, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant) (216) 566–2677). Transporting *vegetable oils, resin compounds, and plastic materials*, between points in the U.S., under continuing contract(s) with Spencer-Kellogg Textron, of Buffalo, NY.

MC 153448 (Sub-2), filed August 26, 1981. Applicant: CONTRUX, INC., 9001 West 79th Place, Justice, IL 60458. Representative: Jack I. Anderson (same address as applicant) (800) 323–8485. Transporting *such commodities* as are dealt in or used by a manufacturer of gas and electric appliances, between points in the U.S., under continuing contract(s) with Whirlpool Corporation, of Benton Harbor, MI.

MC 156019 (Sub-1), filed August 25, 1981. Applicant: HURD-CORRIGAN MOVING & STORAGE CO., 3600 Ellsworth Rd., P.O. Box 1504, Ann Arbor, MI 48106. Representative: B. W LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105 (314) 727–0777. Transporting *household goods* between points in AL, AR, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, NE, NH, NJ, NM, NY, OH, OK, PA, RI, SC, TN, TX, VA, VT, WI, WV, and DC.

MC 156769, filed August 27, 1981. Applicant: HARE CARTAGE, INC., 7400 E. McNichols, Detroit, MI 48234. Representative: Alex J. Miller, 555 S. Woodward, Suite 512, Birmingham, MI 48011 (313) 647–3350. Transporting *general commodities* (except classes A and B explosives), between Detroit, MI, on the one hand, and, on the other, points in Macomb, St. Clair, Lapeer, Oakland, Genessee, Livingston, Washtenaw, and Monroe Counties, MI.

MC 157818, filed August 20, 1981. Applicant: JEVIC TRANSPORTATION, INC., 25 Bretton Way, Mt. Laurel, NJ 08054. Representative: Robert B. Einhorn, 12 South 12th St., 3220 P.S.F.S. Bldg., Philadelphia, PA 19107 (215) 922–1400. Transporting (1) *metal products*, under continuing contract(s) with Metal Litho International, Inc., of Trenton, NJ, (2) *such commodities* as are dealt in or used by manufacturers and distributors of lighting fixtures, under continuing contract(s) with Crescent Lighting Division of Keene Corp., of Pennsauken, NJ, and (3) *machinery, transportation equipment* and *metal products*, under continuing contract(s), with Johnson & Towers, Inc., of Mt. Laurel, NJ, between points in the U.S.

MC 157879, filed August 25, 1981. Applicant: RELM TOURS, INC., 68–07 Myrtle Ave., Glendale, NY 11385. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10017 (212) 755–9500. As a *broker* at New York, NY, arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at New York, NY, and points in Nassau, Suffolk, and Westchester Counties, NY, and extending to points in the U.S.

MC 157938, filed August 27, 1981. Applicant: REGIONAL ENTERPRISES, INC., P.O. Box 8299, Richmond, VA 23226. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229 (804) 282–3809. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Hercofina, of Wilmington, NC.

Volume No. OPY–5–147

Decided: September 10, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 110948 (Sub-5), filed August 28, 1981. Applicant: MOTORWAYS (1980) LIMITED, 60 Eagle Drive, P.O. Box 738, Winnipeg, Manitoba, Canada R3C 2L8. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333–1341. Over *regular* routes, transporting *general commodities* (except classes A and B explosives), (1) between the ports of entry on the international boundary line between the United States and Canada, at Blaine, WA and Seattle, WA, over Interstate Hwy 5, and (2) between the ports of entry on the international boundary line between the United States and Canada, at Sumas, WA, and Seattle, WA, over WA Hwy 9, serving all intermediate points in routes (1) and (2) above, and serving Tacoma, WA as an off-route point.

MC 118838 (Sub-90), filed August 31, 1981. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333–1341. Transporting *railroad car parts*, between points in Cook County, IL and Lucas County, OH, on the one hand, and, on the other, points in CA, KS, MT, NE, ND, OR, SD, and WA.

MC 118838 (Sub-91), filed August 31, 1981. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Peter Gabor (same address as applicant) (218) 847–9217. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of machinery, between points in the U.S., under continuing contract(s) with The Manitowoc Company, Inc., of Manitowoc, WI.

MC 128888 (Sub-6), filed August 31, 1981. Applicant: PANDA TRANSPORT, INC., 2700 Broening Highway, Baltimore, MD 21222. Representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, DC 20036 (202) 296–2900. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers and container ends, between those points in the U.S., in and east of IL, MO, AR, and TX.

MC 136818 (Sub-134), filed August 31, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 W. Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008 (602) 275–3124. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in St. Louis, County, MO, on the one hand, and, on the other, points in CA, GA, NC, OH, TX, MI, FL, MN, OR, IA, NB, and TN.

MC 136818 (Sub-136), filed August 31, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 W. Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008 (602) 275–3124. Transporting *such commodities* as are dealt in or used by retail grocers, between points in Maricopa County, AZ, on the one hand, and, on the other, points in the U.S.

MC 140549 (Sub-24), filed September 2, 1981. Applicant: FRITZ TRUCKING, INC., Highway 7 East, Clara City, MN 56222. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. Transporting *hardware and building materials*, between points in the U.S., under continuing contract(s) with Knox Lumber Company, of St. Paul, MN.

MC 143059 (Sub-186), filed August 24, 1981. Applicant: MERCER TRANSPORTATION CO., INC., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant) (502) 584–2301. Transporting *general commodities* (except classes A and B explosives), between points in OK, TX, and NM, on the one hand, and, on the other, points in the U.S.

MC 147698 (Sub-7), filed August 21, 1981. Applicant: JLMS, INC., 115 Moonachie Ave., Moonachie, NJ 07474. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048 (212) 432–0940. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MA, MD, NJ, NY, PA, RI, VA, and DC.

MC 148479 (Sub-24), filed August 31, 1981. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Kenneth E. Smith (same address as applicant) (913) 367–1480. Transporting *such commodities* as are dealt in or used by manufacturers of alcoholic beverages, between points in the U.S., under continuing contract(s) with Tri-L Distributors, Inc., of Tustin, CA.

MC 151078 (Sub-5), filed August 31, 1981. Applicant: COASTAL FAST FREIGHT, INC., P.O. Box 445, Jersey

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City, NJ 07303. Representative: Owen B. Katzman, 1828 L St., NW., Suite 1111, Washington, DC 20036 (202) 296–2728. Transporting *plastic materials,* between points in the U.S., under continuing contract(s) with Bamberger Polymers, Inc., of Houston, TX.

MC 152709 (Sub-2), filed September 2, 1981. Applicant: INTERMODAL MARKETING CORPORATION, 1448 Wabash Ave., Ste. 406, Detroit, MI 48216. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084 (313) 649–6650. Transporting *general commodities* (except classes A and B explosives) between Detroit, MI, and Toledo, OH on the one hand, and, on the other, points in the Lower Peninsula of MI.

MC 152839 (Sub-2), filed August 25, 1981. Applicant: ROCKET MOTOR FREIGHT LINES, INC., 2715 Rockwood Drive, P.O. Box 623, Peoria, IL 60601. Representative: Douglas G. Brown, P.C., 913 South Sixth St., Springfield, IL 62703 (217) 753–3925. Transporting *petroleum products* between Tulsa, OK, on the one hand, and, on the other, points in IL, IA, MN, and MO.

MC 155348 (Sub-1), filed August 28, 1981. Applicant: VENEZIA HAULING, INC., 703 West Ridge Pike, Limerick, PA 19465. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting (1) *ores and minerals,* (2) *chemicals,* (3) *machinery,* (4) *metal products,* (5) *building materials,* and (6) *clay, concrete, glass or stone products,* between points in CT, DE, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 158008, filed August 31, 1981. Applicant: SINGER STEEL, INCORPORATED, 101 East Illinois, Enid, OK 73701. Representative: George H. Laposay (same address as applicant) (405) 233–0411. Transporting *iron and steel articles,* between points in the U.S., under continuing contract(s) with Agnew Steel Co., of Oklahoma City, OK, and Thurman Bridge and Block, Inc., of Enid, OK.

MC 158038, filed August 31, 1981. Applicant: CRANBERRY COUNTRY TOURS, d.b.a. CRANBERRY TRAVEL, 247 Main Street, Wareham, MA 02571. Representative: Sharon F. Silva (same address as applicant) (617) 295–6700. To operate as a *broker* at Wareham, MA, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* in special and charter operations, beginning and ending at points in MA, and extending to points in the U.S.

Volume No. OPY–5–148

Decided: September 11, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 109448 (Sub-38), filed August 27, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of air brake systems and components, between points in Lorain County, OH, Franklin County, KY, Mecklenburg and Rowan County, NC, Huntington County, IN, Oklahoma County, OK, and Washoe County, NV, on the one hand, and, on the other, points in the U.S.

MC 114098 (Sub-59), filed August 24, 1981. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004 (202) 628–4600. Transporting (1) *metal products* and (2) *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Syro Steel Company of Girard, OH.

MC 115758 (Sub-2), filed August 27, 1981. Applicant: OTTAWA BUS SERVICE, INC., P.O. Box 129, Ottawa, KS 66067. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612 (913) 233–9629. Transporting *passengers and their baggage,* in special and charter operations, between points in KS, on the one hand, and, on the other, points in the U.S.

MC 120728 (Sub-10), filed August 24, 1981. Applicant: MOJAVE TRANSPORTATION CO., 14410 S. Avalon Blvd., Gardena, CA 90247. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 90247, (602) 264–4891. Transporting (1) *metal products,* (2) *machinery,* (3) *construction materials,* and (4) *those commodities which because of size or weight require the use of special handling or equipment,* between points in the U.S., under continuing contract(s) with Almas International, Inc., of Gardena, CA.

MC 126899 (Sub-144), filed August 28, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., Paducah, KY 42001. Representative: George M. Catlett, Suite 708, McClure Bldg., Frankfort, KY 40601, (502) 227–7364. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of malt beverages, between Memphis, TN, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, OH, and WI.

MC 134838 (Sub-32), filed August 25, 1981. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Road, Smyrna, GA 30080. Representative: Walter S. Wallace (same address as applicant), (404) 794–2401. Transporting (1) *those commodities* which because of their size or weight require the use of special handling or equipment, and (2) *self-propelled vehicles,* between points in AL, AR, FL, GA, LA, KY, MS, NC, SC, TN, TX, VA, and WV.

MC 139858 (Sub-41), filed August 27, 1981. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Avenue, Hamilton, OH 45015. Representative: Chandler L. van Orman, 1729 H Street, NW., Washington, D.C. 20006, (202) 337–6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Trojan Shippers Association, of Troy, OH.

MC 139858 (Sub-42), filed August 27, 1981. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Avenue, Hamilton, OH 45015. Representative: Chandler L. van Orman, 1729 H Street, NW., Washington, D.C. 20006, (202) 337–6500. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of welding equipment, between points in the U.S., under continuing contract(s) with Hobart Brothers Company, of Troy, OH.

MC 141958 (Sub-26), filed August 28, 1981. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 546, Effingham, IL 62401. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *foodstuffs,* between points in the U.S., under continuing contract(s) with Foremost McKesson, Inc., Grocery Products Division, of Jersey City, NJ.

MC 141958 (Sub-27), filed August 28, 1981. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 546, Effingham, IL 62401. Representative: Micheal W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *frit glazing compounds,* between points in Cherokee County, AL, Champaign County, OH, Lake County, IN, and Harris County, TX.

MC 146388, filed August 28, 1981. Applicant: GRANTSKI GRAIN CORPORATION, P.O. Box 158, Beaver Crossing, NE 68313. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506 (402) 488–4841. Transporting *food and related products,* between points in Erie County, NY and points in CA, CO, ID, IL, OR, WA, WI, and UT, on the one hand, and, on the other, points in IA, MN, NE, ND, SD, and WY.

MC 155338, filed August 28, 1981. Applicant: CREST-FOAM TRUCKING CORP., 100 Carol Place, Moonachie, NJ 07074. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123 (212) 239–4610. Transporting *plastic and plastic products*, between points in the U.S., under continuing contract(s) with Crest-Foam Corp., of Moonachie, NJ.

MC 157969, filed August 27, 1981. Applicant: JAMES M. SMITH and SUSAN HUGHES d.b.a. SMITH/HUGHES TRUCKING, 510 West Franklin Road, Glassboro, NJ 08028. Representative: James M. Smith (same address as applicant) (609) 881–2925. Transporting *food and related products*, between Philadelphia, PA, and points in NY, and NJ.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–27078 Filed 9–16–81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency

Coordinating Council on Juvenile Justice and Delinquency Prevention; Meeting

Notice is hereby given that the Coordinating Council on Juvenile Justice and Delinquency Prevention will meet on Wednesday, September 30, 1981 in the Hubert H. Humphrey Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue, S.E., Washington, D.C. 20201. The meeting will be open to the public and will begin at 10:00 a.m.

There will be discussion of the program and budget changes affecting Federal delinquency related programs. The Coordinating Council will make a preliminary selection of the issues it intends to discuss during calendar 1982. The results of a survey of selected Coordinating Council member agencies' fiscal 1982 research and development, technical assistance and training priorities will be presented. Other items to be discussed include efforts to reduce and control serious and violent juvenile crime, Native American youth and Federal delinquency related programs and State coordination of juvenile delinquency and youth services.

For further information, contact Mr. William Modzeleski, Office of Juvenile Justice and Delinquency Prevention, Department, of Justice, 633 Indiana Avenue, N.W., Room 442, Washington, D.C. 20531. Telephone: (202) 724–7751.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81–27087 Filed 9–16–81; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81–65]

Performance Review Board; Senior Executive Service

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of amendment.

SUMMARY: In accordance with 5 U.S.C. (4314(c)(4)), this Notice amends the initial NASA Notice 81–20, Performance Review Board; Senior Executive Service, 46 FR 12169, February 12, 1981, which was subsequently amended by NASA Notice 81–31, 46 FR 20337, April 3, 1981, and NASA Notice 81–53, 46 FR 30433, June 8, 1981. This Notice further amends the membership of the Senior Executive Committee and the Performance Review Board; Senior Executive Service by adding:

Senior Executive Committee

Hans Mark, Chairperson to replace Alan M. Lovelace.

Performance Review Board

Thomas J. Lee (Term expires July 1984) to replace John M. Klineberg (Term expired July 1981) and Angelo Guastaferro (Term expires July 1984) to replace Gerald D. Griffin (Term expired July 1981).

DATE: Effective August 3, 1981.

ADDRESS: Executive Personnel Management Program, NPD–32, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Philip D. Waller, telephone 202–755–8825.

James M. Beggs,

Administrator.

[FR Doc. 81–26990 Filed 9–16–81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Behavioral and Neural Sciences; Subcommittee for Anthropology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences—Subcommittee for Anthropology
Date and time: October 28–30, 1981, 9:00–5:00 p.m.
Meeting place: National Science Foundation, 1800 G Street, N.W., Room 1224
Type meeting: Closed
Contact person: Dr. John E. Yellen, Program Director for Anthropology
Purpose of subcommittee: To provide advice and recommendations concerning support for research in anthropology
Agenda: To review and evaluate research proposals as part of the selection process for awards
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial (salary) data, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979

M. Rebecca Winkler,

Committee Management Coordinator.

September 14, 1981.

[FR Doc. 81–26996 Filed 9–16–81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physiology, Cellular, and Molecular Biology; Subcommittee on Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Cell Biology, of the Advisory Committee for Physiology, Cellular, and Molecular Biology
Date & time: October 14, 15, and 16, 1981; 9:00 a.m. to 5:00 p.m. each day
Place: Room 643, National Science Foundation, 1800 G. Street, N.W. Washington, DC 20550
Type of meeting: Closed
Contact person: Dr. Jack Pate, Program Director, Cell Biology Program, Room 332, National Science Foundation, Washington DC 20550 Telephone: 202/357–7474
Purpose of subcommittee: To provide advice and recommendations concerning support for research in Cell Biology
Agenda: To review and evaluate research proposals as part of the selection process of awards
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal

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information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act

Authority to close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979

M. R. Winkler,

Committee Management Coordinator.

September 14, 1981.

[FR Doc. 81-28995 Filed 9-16-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physiology, Cellular and Molecular Biology; Subcommittee on Cellular Physiology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Cellular Physiology of the Advisory Committee for Physiology, Cellular and Molecular Biology

Date & Time: October 19, 20, 21, 1981—starting at 8:30 a.m. to 5:00

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, DC 20550

Type of meeting: Closed

Contact person: Dr. Joseph Albright, Director, Cellular Physiology Program, Room 332 National Science Foundation, Washington, DC 20550: Tel (202) 357–7377

Purpose of subcommittee: To provide advice and recommendtions concerning support for research in Cellular Physiology

Agenda: To review and evaluate research proposals as part of the selection process of awards

Reasoning for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information: Financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c). Government in the Sunshine Act

Authority to close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979

M. R. Winkler,

Committee Management Coordinator.

September 14, 1981.

[FR Doc. 81-28994 Filed 9-16-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physiology, Cellular and Molecular Biology; Subcommittee on Developmental Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Developmental Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology

Date and time: October 22, 23, 24, 1981, starting at 9:00 a.m. to 5:00 p.m.

Place: Room 543, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550

Type of meeting: Closed

Contract person: Dr. Mary E. Clutter, Program Director, Developmental Biology Program, Room 332–E National Science Foundation, Washington, D.C. 20550, telephone 202/357–7989

Purpose of subcommittee: To provide advice and recommendations concerning support of research in developmental biology

Agenda: To review and evaluate research proposals as part of the selection process for awards

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personnel concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(c), Government in the Sunshine Act

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF July 6, 1979

M. Rebecca Winkler,

Committee Management Coordinator.

September 14, 1981.

[FR Doc. 81-28993 Filed 9-16-81; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-38]

Reports, Recommendations, Responses; Availability

- **Aircraft Accident Reports:** *Brief Format, U.S. Civil Aviation, Issue No. 8, 1980 Accidents (NTSB–BA–81–9).*
- **Special Investigation Report:** *Recent Accident History of Hot Box Detector Data Management (NTSB–SIR–81–1).*—As a result of its findings and conclusions, the Board on August 31 issued these recommendations to—

Chicago and Northwestern Transportation Company; Chicago, Milwaukee, St. Paul, and Pacific Railroad Company; Burlington Northern Railroad; Louisville and Nashville Railroad; Illinois Central Gulf Railroad; and Grand Trunk Western Railroad Company: Review and evaluate training and procedures for handling hot box detector data to ensure that correct action is taken to accurately determine the location of the bearing in the train and that the train is properly inspected when an overheated journal bearing is identified **(R–81–84)**. Establish a method for determining and verifying that actions taken to prevent journal failure when an overheated bearing is indicated by a hot box detector are of a sufficient and acceptable quality **(R–81–85)**.

Association of American Railroads: Initiate research to devise a visible means on or near the bearing mounting surface or box to alert railroad employees of the presence of overheated roller bearings and conventional solid bearings that have been identified by a hot box box detector **(R–81–86)**. Advise its member railroads of the circumstances of the accidents described in this special investigation and urge them to evaluate their existing training and procedures for handling hot box detector data and to make any changes deemed appropriate to achieve further reduction of overheated journal bearing accidents **(R–81–87)**.

- **Safety Recommendations**

To the *Federal Aviation Administration,* September 4: Review the flight operations manuals and flight attendant's manual of all commuter airlines operating Nord 262 aircraft to insure that they include appropriate information regarding procedures to be followed when a potential leak is identified in pressurized cabins **(A–81–99)**. Require on Nord 262 aircraft that the markings on the main cabin doors, viewing window centering lines, red door lock safety latch, and latch lock tab conform to those described in the flight attendant's manual **(A–81–100)**.

To the *Federal Aviation Administration,* September 3: Issue an immediate Airworthiness Directive to establish a retirement time on the Robinson R–22 main rotor blades based on the service time of the failed blade **(A–81–101)**. Develop and implement an inspection technique for the main rotor blades to detect progressive fatigue in the area of the rib root fitting **(A–81–102)**.

To the *State Highway Administration, Maryland Department of Transportation,* September 3: Routinely remove soil buildup adjacent to guardrail systems so that the design height of the system is maintained (H–81–48). Strengthen management procedures to insure that damaged guardrail is replaced to meet, at a minimum, the latest guidelines of the American Association of State Highway and Transportation Officials (H–81–49). Develop and implement a program or systematically upgrading bridge approach guardrail to presently accepted American Association of State Highway and Transportation Officials guidelines (H–81–50).

Recommendations A–81–101 and –102 are designated "Class I, Urgent Action." All other recommendations, above, are designated "Class II, Priority Action."

- **Responses to NTSB Recommendations**

(H–81–28 through –30, from *Department of California Highway Patrol,* August 25.—Does not concur in view of: existing elaborate Statewide communication networks including land line systems, a microwave system, and a Statewide radio frequently; dispatch centers with 24-hour access to weather advisories; and no significant problems in transporting aluminum products. (46 FR 36968, 7–16–81).

M–81–69, from *National Aeronautics and Space Administration,* August 21.—Reports on progress in starting the demonstration and evaluation phase of the Satellite-Aided Search and Rescue Program at the earliest possible time. (46 FR 42373, 8–20–81)

M–81–70, from *National Cargo Bureau, Inc.,* August 26.—Has issued a number of directives and instructions concerning grain loading activity on 'tween-deck-type vessels; the trimming of vessels is continually stressed at annual and regional meetings and surveillance at the various grain ports. (46 FR 42373, 8–20–81)

R–79–64, from *Louisville & Nashville Railroad Company,* August 27.—Provides copy of instructions regarding train makeup, issued to Division Superintendents, Assistant Superintendents, and Terminal Heads, Nov. 2, 1979. Engineers are trained and retrained annually with aid of FreightMaster Train Dynamics Analyzers which simulate train movements under various conditions. (44 FR 58821, 10–11–79)

R–79 –78 through –81, from *Union Pacific Railroad Company,* August 25.—Has recently initiated an air certification program for all carmen involved in airbrake test; now requires all enginemen, trainmen, operators, dispatchers, and Operating officers to take a multiple choice, written reexamination every 2 calendar years—failure to pass means removal from service; places extreme importance on monitoring rule compliance of Operating employees. Decision on application of brake pipe flow meters is withheld pending results of AAR testing. (45 FR 5853, 1–24–80)

R–80 –51 through –53, from *Conrail:* August 10.—Conrail's Transportation Department Rule 986 provides that unless conductors and engineers have made a service or special trip over a specific portion of the railroad within the past 12 months "in such a manner as to review the physical characteristics," they must not be employed on that portion until they have qualified on it; Rule 904 requires train dispatchers to be familiar with physical characteristics of the territory in their charge. Instructional programs for train service personnel include elementary trouble-shooting. Review of maintenance procedures indicates no change in assigned forces is justified. (46 FR 22297, 4–16–81)

R–81 –39 and –40, from *Federal Railroad Administration,* August 27.—Research has failed to answer key questions on installation and maintenance costs, material durability, and effects of different crossings' geometric layouts. Under FRA and FHWA agreement, Transportation Systems Center will complete research and define alternative remedial actions concerning train conspicuity at night: improve passive warnings, crossing illumination, increased use of active warnings, and locomotive alerting lights. Other test findings, available this December, will assist FRA in possible rulemaking on reflectorization of railroad rolling stock. (46 FR 34734, 7–2–81) **R–81–75.**—FRA order (Docket HM–174, March 30, 1981, **Federal Register**) adds requirements for thermal and head protection of Specification 112A tank cars transporting anhydrous methylamines, compliance effective July 1, 1982. Dupont's advanced progress in the retrofit process leads FRA to believe that no interim safety precaution, such as distinctive markings for unretrofitted tank cars, is warranted at this time. (46 FR 34734, 7–2–81)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

September 11, 1981.

[FR Doc. 81–26932 Filed 9–16–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–368]

Arkansas Power and Light Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. NPF–6 issued to the Arkansas Power and Light Company, which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit No. 2 (the facility), in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The Amendment consists of changes to the Facility Technical Specifications which define the minimum allowable value of the power uncertainty factor, BERR1, which is used by the core protection calculator system in the calculation of the departure from nucleate boiling ratio.

The applications for the amendment comply with the Standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated February 20 and March 5, 1981, as supplemented by the licensee's letter dated August 12, 1981, (2) Amendment No. 27 to Facility Operating License No. NPF–6, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

20555 and at the Arkansas Tech University, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of September, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-27121 Filed 9-16-81; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, WM 039-4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 2 to Regulatory Guide 3.5 and is entitled "Standard Format and Content of License Applications for Uranium Mills." This guide describes the information needed by the NRC staff in its review of an application for an NRC Source Material License authorizing uranium milling activities and provides an acceptable format for its presentation.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Silver Spring, Md. this 9th day of September 1981.

For the Nuclear Regulatory Commission.

Frank J. Arsenault,

Director, Division of Health, Siting, and Waste Management, Office of Nuclear Regulatory Research.

[FR Doc. 81-27126 Filed 9-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of the Turkey Point Plant, Unit No. 4 (the facility) located in the Dade County, Florida. The amendment is effective as of the date of issuance.

The amendment authorizes continued operation of Unit 4 for ten equivalent full power months from January 13, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 30, 1981, (2) Amendment No. 66 to License No. DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of September, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-27122 Filed 9-16-81; 8:45 am]

BILLING CODE 7590-01-M

[NUREG-0744]

Issuance and Availability; "Resolution of the Reactor Vessel Materials Toughness Safety Issue"

The Nuclear Regulatory Commission (NRC) staff has prepared for public comment a report entitled, "Resolution of the Reactor Vessel Materials Toughness Safety Issue" (NUREG-0744), dated September 1981. This report, when issued in its "Final" form, will provide the staff's resolution of the NRC's Task A-11, "Reactor Vessel Materials Toughness." This issue was identified as an "Unresolved Safety Issue" in the 1978 Annual Report, pursuant to Section 210 of the Energy Reorganization Act of 1974.

The central problem of Unresolved Safety Issue A-11 was to provide guidance to performing analyses for reactor pressure vessels (RPVs) which fail to meet the toughness requirements during service life as a result of neutron radiation embrittlement. A technical team of recognized experts was organized to assist the NRC staff in addressing the problem. Using the foundation of the tearing modulus concept, which had been developed under earlier NRC sponsorship, relationships were obtained which provided approximate solutions to the RPV fracture problem with assumed beltline region flaws. Volume I of this report is a brief presentation of the problem and the results; Volume II provides the detailed technical foundations.

Public comments are being solicited from interested organizations, groups and individuals. The staff will evaluate the comments received, and where applicable, incorporate them into the "Final" NUREG report.

Copies of the "For Comment" report will be available after September 1981. Copies will be sent directly to utilities, utility industry groups and associations and environmental and public interest groups. Other copies will be available for review at the NRC Public Document Room, 1717 H Street, NW, Washington, D.C.; and the Commission's Local Public Document Rooms located in the vicinity of nuclear power plants. Addresses of these Local Public Document Rooms can be obtained from the Chief, Local Public Document Room Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492-7536.

Comments should be forwarded to Dr. Richard E. Johnson, Division of Safety Technology, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by November 16, 1981.

Dated at Bethesda, Maryland, this 11th day of September, 1981.

For the Nuclear Regulatory Commission.

Frank Schroeder,

Acting Director, Division of Safety Technology, Office of Nuclear Reactor Regulation.

[FR Doc. 81-27123 Filed 9-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275 OL and 50-323 OL]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Plant, Units 1 and 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this low power proceeding:

Thomas S. Moore, Chairman
Dr. John H. Buck
Dr. W. Reed Johnson

Dated: September 10, 1981.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 81-27124 Filed 9-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-354 and 50-355]

Public Service Electric & Gas Co. and Atlantic City Electric Co. (Hope Creek Generating Station, Units 1 and 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit proceeding:

Alan S. Rosenthal, Chairman
Dr. W. Reed Johnson
Thomas S. Moore

Dated: September 10, 1981.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 81-27125 Filed 9-16-81; 8:45 am]

BILLING CODE 7590-01-M

State of Washington: Staff Assessment of Proposed Amended Agreement Between the NRC and the State of Washington

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed amended agreement with State of Washington.

SUMMARY: Notice is hereby given that the Nuclear Regulatory Commission is publishing for public comment a proposed amendment to the existing Section 274b. Agreement between NRC and the State of Washington which was effective December 31, 1966. The request dated August 17, 1981 from the Governor of the State of Washington, if approved, would permit the State of Washington to regulate byproduct material as defined in Section 11e.(2) of the Atomic Energy Act, as amended, (uranium mill tailings) after November 8, 1981 in conformance with the requirements of Section 274o. of the Atomic Energy Act of 1954, as amended.

A staff assessment of the State's proposed radiation control program to implement the amended agreement is set forth below as supplementary information to this notice. A copy of the complete program description submitted by Washington including a narrative prepared by the State of Washington and describing the State's proposed program for control over byproduct materials as defined in Section 11e(2) of the Act and appropriate State legislation, and Washington regulations is available for public inspection in the Commission's public document room at 1717 H Street, NW, Washington, D.C.

DATE: Comments must be received on or before October 19, 1981.

ADDRESS: All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed amended agreement should send them to the Nuclear Regulatory Commission, Office of State Programs, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Craig Z. Gordon, Office of State Programs, Nuclear Regulatory Commission, Washington, D.C. 20555 Phone: (301) 492-9886.

SUPPLEMENTARY INFORMATION: Assessment of Proposed Washington Programs To Regulate Byproduct Material as Defined in Section 11e(2) of the Act. Reference: Criteria 29-36 of "Guidance of States and NRC in Discontinuance of NRC Regulatory Authority Thereof by States Through Agreement," 44 FR 42818.

I. Introduction

The Uranium Mill Tailings Radiation Control Act of 1978 amended the requirements for Section 274 of the Atomic Energy Act, "Cooperation With States" and imposed certain requirements that must be met by Agreement States in order to regulate uranium mill tailings after November 8, 1981. Governor John Spellman of the State of Washington has requested NRC to amend its agreement with NRC to permit continued State regulation of uranium mill tailings after this date. His request was supported by a description of the State's program for control or uranium mill tailings. NRC staff has completed an assessment of the State's proposal as follows:

II. Assessment of Proposed State of Washington Radiation Control Program for Uranium Mill Tailings

1. Statutes

State statutes or duly promulgated regulations should be enacted, if not already in place, to make clear State authority to carry out the requirements of Pub. L. 95-604, Uranium Mill Tailings Radiation Control Act (UMTRCA).

In the enactment of any supporting legislation, the State should take into account the reservations of authority to the United States in UMTRCA as stated in 10 CFR 150.15a.

It is preferable that State statutes contain the provisions of Section 6 of the Model Act,[1] but the provisions may be accomplished by adoption of either procedures by regulation or technical criteria. In any case, authority for their implementation should be adequately supported by statute, regulation or case law as determined by the State Attorney General.

In the licensing and regulation of ores processed primarily for their source material content and for the disposal of byproduct material, procedures shall be established which provide a written analysis of the impact on the environment of the licensing activity. This analysis shall be available to the public before commencement of hearings and shall include:

a. An assessment of the radiological and nonradiological public health impacts;

b. An assessment of any impact on any body of water or groundwater;

c. Consideration of alternatives to the licensed activities; and

d. Consideration of long-term impacts of licenses activities.

A detailed evaluation of the pertinent Washington Statutes, Chapter 110, Laws 1979—Senate Bill No. 2197, Chapter 70.121 of the Revised Code of Washington (RCW): Public Health and Safety Statute, and Amendments to Washington Administrative Code (WAC) 402-52 has been performed by NRC staff. The State's statutes provide sufficient authority for Washington agencies to comply with the requirements of UMTRCA. The evaluation was performed against and relates to a checklist (which is included in the Washington proposal) which outlines each statutory requirement and section number contained in UMTRCA. Relevant provisions of the Washington Statute were cited and reflected as to how the UMTRCA requirements are satisfied. Resolution of deficiencies were made by frequent contacts with the State's Department of Social and Health Services (DSHS) and the State's Attorney General's Office. Where deficiencies could not be adequately addressed by regulations, the State has committed to incorporate necessary requirements into the licensing process by appropriate license conditions or order.

2. Regulations

State regulations should be reviewed for regulatory requirements, and where necessary incorporate regulatory language which is equivalent to the extent practicable or more stringent than regulations and standards adopted and enforced by the Commission, as required by Section 274o. (see 10 CFR Part 40 and 10 CFR 150.31(b)).

On January 1, 1980, Title 402 of the Washington Administrative Code was amended by WAC 402-22-150 to incorporate Special Requirements for Issuance of Specific Licenses for Source Material Milling and by WAC 402-52-100, Criteria Related to Disposition for Uranium Mill Tailings or Wastes. These regulations followed the Suggested State Regulations of the Council of State Governments which were deemed by the staff to be equivalent, to the extent practicable to the requirements of 10 CFR 40, Appendix A. Satisfactorily addressed in Title 402 regulations are: bonding requirements, siting requirements, criteria for tailings management, dam stability analyses, surety arrangements, requirements for ownership, and criteria for ongoing active maintenance for uranium mill tailings impoundments.

3. Organizational Relationships Within the States

Organizational relationships should be established which will provide for an effective regulatory program for uranium mills and mill tailings.

When personnel in agencies other than the lead agency are included in the professional staff's effort, their availability on a routine and continuing basis must be demonstrated. Arrangements for availability for such resources have been proposed by Washington through interagency memoranda of understanding with the Departments of Ecology and Natural Resources. Contained in each agreement are duties of the agency, the period required for their performance, and procedures to resolve disputes if they should arise. An organization chart outlining the organizational relationships between the Radiation Control Section and other State agencies is also included. The proposal acknowledges that all MOU's between Radiation Control Section and other State agencies are only for the work required by State statutes. Although not contained in the proposal, commitments for assistance by various State agencies assures that consideration for necessary budgeting has been confirmed.

4. Personnel

Personnel needed in the processing of the license applications can be identified or grouped according to the following skills: Technical, Administrative, and Support.

In order to meet the requirements of UMTRCA, current indications are that 2-2.75 total professional person-years' effort is necessary to process and evaluate a new conventional mill license, in-situ license, or major license renewal. A complete review of in-plant safety, production of the environmental assessment, and consultant use are primary considerations in the total professional effort for each licensing case. With respect to clerical support, one secretary is required to process two conventional milling applications, including the pre-licensing and post-licensing phases. Legal support is also an essential element of the mill program, and the effort is set at a minimum of ½ staff-year. In addition, consideration must be given to such post-licensing activities as issuance of minor amendments, mill inspections, and environmental monitoring. Professional staff effort is estimated at 0.5-1.0 person-years for each year of post-licensing activities.

Currently, there are two conventional licensed uranium milling operations in the State of Washington. We estimate the total professional staff-years effort within the Radiation Control Section (RCS) directly responsible for regulation of uranium mills and mill tailings to be well within our guidelines. Specialty functions and responsibilities of each staff member have been outlined and broken down by percentage of time devoted to the mill program in the proposal. Eight of the ten professional positions having full-time and part-time responsibilities in uranium mill regulation have been filled. (This does not include the Supervisor of the Radioactive Materials Program and a Radiation Health Physicist II normally assigned to Special Projects.) State funds are committed for the remainder and there is an active effort to fill the existing vacancies. The make-up of the Uranium Mill Subunit of the RCS is as follows:

a. Nancy P. Kirner, RHP III, Supervisor of Radioactive Materials Program. Will be responsible for planning, directing, and supervising the operations and emergency response activities for the regulation of uranium mills and mill tailings.

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[1] The reference is to the Model Uranium Mill Radiation Control Act, a copy of which has been placed in the Commission's Public Document Room. Section 6 of the Model Act requires that, among other things, statutory authority must be enacted to make clear State authority to carry out the requirements of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended. UMTRCA specifies that when States license an activity involving mill tailings, that has a significant impact on the human environment, they must prepare a written independent analysis of the impact of such license on the environment, including any activities conducted pursuant thereto.

b. Terry C. Frazee, RHP II, Compliance Supervisor, Responsible for supervision and planning activities of compliance program and inspection staff.

c. Donaly C. Peterson, RHP II, Environmental Radiation Protection Supervisor. Duties and responsibilities include supervision of professional staff for environmental radiation monitoring at the uranium mill facility.

d. Robert R. Verellen, RHP II, Licensing Supervisor. Will direct and supervise the licensing activities of source materials and prepare licenses in final form.

e. Robert H. Bidstrup, RHP I, Manager of Uranium Milling Control Program. Responsible for planning and coordinating licensing and compliance functions of the uranium mill subunit. Will also supervise health physicists responsible for control of uranium milling operations.

f. Arden C. Scroggs, Kent M. Prendergast, and Leonard Knowles, RHP I—Responsible for evaluation of radiological impacts associated with regulation of uranium mills and mill tailings; conducting field inspections at mills to assure licensee compliance with license conditions; evaluation of license applications, license amendments, preparation of safety evaluation reports; and environmental impact statements prior to issuing licenses.

The Radiation Control Section staff have attended the following short-term training courses related to uranium mill regulation: NRC "Orientation Course in Regulatory Practices and Procedures"—Kirner, Frazee, Peterson, Verellen, Haars; NRC "Inspection Procedures"—Kirner, Frazee, Haars; NRC "Uranium Mill Training for State Regulatory Personnel"—Verellen; NRC "Radiological Emergency Response Training"—Kirner, Frazee, Bidstrup Verellen; "EPA Groundwater Migration Course"—Frazee, Peterson, Verellen, Bidstrup; Eberline Instrument Corp. "Use of Instrumentation and Environmental Surveillance at Uranium Processing Facilities"—Peterson, Scroggs, Frazee.

During evaluations of license applications the State must have access to speciality resources such as hydrologists, geologists, and geotechnical engineers. It is also recommended that radioactive materials regulatory personnel have some training in these areas in addition to specialized training in uranium mill health physics and preparation of environmental assessments. Mr. Knowles has obtained many years of education and training in the field of geology; he will serve as staff geologist. Consultants to provide hydrological, geological and geotechnical assistance have been identified by Washington and are adequately qualified. Such consultants will be utilized to perform an independent review of a proposed license application. Memoranda of Understanding (MOU) or contracts between the Radiation Control Section (RCS) and consultants provide for a RCS evaluation of consultants' work. Consultants will be compensated on a fee-for-service basis to be reimbursed through provisions of State regulation specific to preparation of environmental reports.

5. Functions To Be Covered

The State should develop procedures for licensing, inspection, and preparation of environmental assessments.

Each uranium mill license application will be evaluated against State statutes, regulations, and NRC Regulatory Guides. A list of NRC Regulatory Guides utilized by the State in evaluating licensing actions has been furnished. State personnel will perform in-plant safety reviews. The individual in charge for licensing is also responsible for assuring that the in-plant safety review meets State requirements. The safety evaluation report is written under guidance from the State's Uranium Mill Project Manager.

Inspections of all byproduct material licensees are conducted by Washington in accordance with general procedures outlined in the State Radiation Control Section's manual. These procedures which are common to all routine inspections have been supplemented by instructions specific to inspections at mills. The general procedures have been judged acceptable during the periodic NRC review meetings with Washington. The functions of State inspectors are to prepare for inspections, conduct on-site inspections, prepare a written report of the inspection, prepare enforcement letters, and review corrective actions. With respect to uranium mill inspections, inspectors are required to review all aspects of mill operations and tailings control with appropriate consultation and review by the division's environmental RCS's Radiation Subunit. The compliance staff and the environmental radiation safety staff conduct both joint and independent inspections. This is to assure that the facility's effluents meet the requirements of the State Environmental Policy Act (SEPA). Inspections of each of the two mills will be conducted at least on an annual basis.

Preparation of an environmental impact statement by persons outside State government is not specifically prohibited by State law. However, Federal statute, i.e., Section 274o.(3)(c) requires the State to prepare a written analysis of the impact on the environment with respect to uranium mill tailings from proposed operations. Sections WAC-402-22-040(5), WAC 402-22-070(6), and WAC 402-52 of the Washington Regulations, and SEPA guidelines (§ 197-10-230(13)) indicate that DSHS will act as lead agency to independently prepare the environmental impact statement (EIS).[2] On January 5, 1981 the State issued its most recent EIS for the Dawn Mining Company application to expand the existing tailings disposal area. With technical assistance from NRC on the radiological assessment, a determiniation was made that all requirements and criteria had been satisfied by Dawn to minimize the potential for adverse environmental effects.[3]

Procedures for coordinating, organizing, and completing an environmental impact statement have been submitted in a separate section of the proposal. This process, described in detail, basically is as follows: (1) The environmental report is received from the applicant; (2) A review of the report is performed by consultant teams; (3) The consultants' assessments are reviewed by the Radiation Control Section and other State agencies; and (4) These entities submit reports to the State Uranium Mill Project Manager who then prepares the environmental impact statement for issuance.

As a supplement to the reporting requirements required by regulation or license conditions, the State should require the licensee to submit in writing on a semi-annual schedule reports specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents from all pathways during the previous six months of operations. This data shall be reported in a manner that will permit the regulatory agency to confirm annual radiation doses to nearest individuals are within the requirements of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations."

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[2] WAC-402-070(6)(a)(ii)(B) also requires consideration of long-term impacts for decommissioning, decontamination, and reclamation relevant for the proposed activities.

[3] This radiological assessment continues to be refined by NRC and a final radiological assessment will be included in the EIS. Renewal of the Dawn license is expected to be issued by December, 1981.

V 46 SE 17 81 UMI

The environmental impact statement on Dawn's facility has identified the dose contribution from the expansion operation (with a below-grade pit) as having little bearing on overall site compliance with 40 CFR Part 190. Dose estimates from the existing operation, especially the front end of the mill circuit, indicate a need for better effluent control. The State has required Dawn by license condition to keep all effluent control equipment in good working order and in use at all times during mill operations. Furthermore, the licenses of both mills (the other being Western Nuclear's Sherwood Facility) were amended to require a determination of compliance with 40 CFR Part 190 using on-site data collected from the licensee's radiological monitoring programs. The monitoring programs must conform to specifications of NRC Regulatory Guide 4.14, Radiological Effluent and Environmental Monitoring at Uranium Mills" (issued as revision 1, April 25, 1980). These amendments require the licensee to perform land-use surveys, to develop and maintain a quality assurance program, emergency response procedures, data review programs, and semi-annual reporting specifications.

The Department's Environmental Radiation Subunit is responsible for review and verification of the licensee's environmental monitoring data. Dose assessments have been made at both mills. The assessment for Dawn was completed by NRC using computer models. At Western Nuclear's Sherwood Facility, the Department's report of the assessment shows the mill to be in compliance with 40 CFR Part 190. This finding was based upon field data taken during the period of July 1979–June 1980. Both mills are required to submit their own dose assessments by May 1, 1982 which will be based on data collected during CY 1981. The Environmental Subunit will then assess and confirm that radiation doses to nearest receptors are within the limits of 40 CFR Part 190.

6. Instrumentation

The State should have available both field and laboratory instrumentation sufficient to ensure the licensee's control of materials and to validate the licensee's measurements.

The Radiation Control Section has utilized a portion of funds authorized under its UMTRCA grant to purchase field equipment for monitoring and surveillance purposes. The submitted list shows the following detection capabilities:

a. Sampling of air particulates—The State has four (4) area air samplers to detect natural uranium, Ra-226, Th-230, and Pb-210 in addition to adequate personal air sampling equipment (lapel samplers).

b. Sampling of radioactive gases—scintillation detectors with compatible scintillation cells (ZnS) are utilized for detection of Radon-222.

c. Site surveillance—The State owns two portable survey meters designed to be used with interchangeable detector probes, i.e., proportional, Geiger-Mueller, and scintillation probes for detection of alpha, beta, and gamma radiations, respectively. A micro-R meter for counting of low-level gamma does rates also has been obtained. There are two general purpose survey meters providing versatility for use in field and laboratory. Alpha scintillation probes are currently being used with these survey meters.

d. Equipment calibration—Procedures have been developed and staff has been trained in calibration of radiation detection equipment. National Bureau of Standards traceable sources for calibration of counting equipment have been identified and are utilized. The State is currently working with the University of Washington to establish a regional calibration facility.

The Environmental Radiation Laboratory is a division within the State's Office of Public Health Laboratories and Epidemiology and provides direct support to the Radiation Control Section in the areas of environmental monitoring and processing of samples. It has all necessary equipment to analyze and evaluate environmental samples taken around milling activities including alpha counters for uranium and thorium, alpha spectrometer, alpha scintillation counter, intrinsic Germanium-Lithium detector, and automatic TLD analyzer.

Procedures have been developed for determining uranium and radium-226 concentration by precipation methods. Development of procedures for Thorium-230 analysis began in July 1981. All laboratory methods are derived from NRC Regulatory Guide 4.14 and EPA procedures and guides used for laboratory support of a uranium will control program. The laboratory also participates regularly in the inter-laboratory quality assurance (QA) program offered by EPA. A full-time chemist contributes to the main staffing effort and is responsible for carrying out effective QA. This is done by supplementing environmental samples with standards, spiked samples and blank samples for evaluation. The State has committed to further developing procedures for evaluating Ra-226 by emanation, Pb-210 analysis, Po-210 analysis, and familiarizing staff with alpha spectroscopy evaluation.

7. Conclusion

Based on the foregoing, the NRC staff concludes that the State of Washington has met the criteria for an amended agreement.

III. Amendment to Agreement Between the United States Nuclear Regulatory Commission and the State of Washington for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, the United States Atomic Energy Commission[4] (hereinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of December 6, 1966 with the State of Washington under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on December 31, 1966 and provided for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, it is necessary to enter into this amendment in order to implement new requirements of section 274 of the Act which become fully effective on November 8, 1981; and

Whereas, the Commission found on ———— that the program of the State for the regulation of materials covered by this amendment is in accordance with the requirements of section 274o. of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, this amendment is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting on behalf of the State, as follows:

Section 1. Article I of the Agreement of December 6, 1966 is amended by adding "as defined in section 11e.(1) of the Act;" after the words "byproduct materials" in paragraph A., by redesignating paragraphs B. and C. as paragraphs C. and D., and by inserting the following new paragraph immediately after paragraph A.:

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[4] Under the provisions of the Energy Reorganization Act of 1974, the regulatory functions formerly carried out by the Atomic Energy Commission are now carried out by the Nuclear Regulatory Commission as of January 19, 1975.

"B. Byproduct materials as defined in section 11e.(2) of the Act;".

Section 2. Article II of the Agreement of December 6, 1966 is amended by inserting "A." before the words "This Agreement," by redesignating paragraphs A. through D. as subparagraphs 1. through 4., and by adding the following at the end thereof:

"B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct materials as defined in section 11e.(2) of the Act:

"1. Prior to the termination of a State license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.

"2. The Commission reserves the authority to establish minimum standards governing reclamation, long term surveillance or maintenance, and ownership of such byproduct material. Such reserved authority includes:

"a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

"b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State at the option of the State (provided such option is exercised prior to termination of the license);

"c. The authority to permit use of surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to subparagraph B.2.b. of this Article;

"d. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety, and other actions as the Commission deems necessary; and

"e. The authority to enter into arrangements as may be appropriate to assure Federal long term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.".

Section 3. Article III of the Agreement of December 6, 1966 is amended by inserting "otherwise licensable by the State under Article I of this Agreement" after the words "special nuclear material."

Section 4. Article VII of the Agreement of December 6, 1966 is amended by inserting "all or part of" after the words "terminate or suspend," by inserting "(1)" after the words "finds that," and by adding at the end before the period the following:

", or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with the provisions of section 274 of the Act.".

Section 5. Article VIII of the Agreement of December 6, 1966 is amended by redesignating it Article IX and by inserting a new Article VIII as follows:

"In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in production of such material, the State shall comply with the provisions of section 274o. of the Act. If, in such licensing and regulation, the State requires financial surety arrangements for the reclamation or long term surveillance or maintenance of such material,

"A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

"B. Such State surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long term management of such byproduct material and its disposal site.".

This amendment shall becomed effective on ————.

Done at Olympia, State of Washington, in triplicate, this day of ————.

For the State of Washington.

John Spellman,

Governor.

Done at Washington, D.C., in triplicate, this day of ————.

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino,

Chairman.

Dated at Bethesda, Maryland, this 11th day of September, 1981.

For the United States Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 81-27130 Filed 9-16-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

September 14, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents are available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

- Agricultural Marketing Service

Peanut Administrative Committee Handler Report Forms
On occasion, monthly, annually, other—See SF83
Businesses or other institutions
Signers of the peanut marketing agreement
SIC: 203 072 515
Agricultural research and services: 7,210 responses; 1,631 hours; $687 Federal cost; 14 forms; $8,147 Public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The 14 committee forms used by peanut handlers enable the Peanut Administrative Committee to determine acquisitions and assessments, and to authorize handler indemnification, disposition determination of inedible peanuts and handler compliance determination. Forms are used marketing agreement.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

Extensions (burden change)

- Departmental and Others

Application for retired pay benefits
DD 108
On occasion
Individuals or households
Retired active and reserve members applying for benefits
Department of Defense—Military: 28,000 responses; 4,666 hours; $1,260,000 Federal cost; 1 form not applicable under 3504(h)
Kenneth B. Allen, 202-395-3785

Used in processing requests for retired pay for reserve service members under the provisions of title 10, U.S.C. Sections 1331-1337. Identifies qualifying service performed in any of service department. Once completed, the form is accepted by Department Finance Agencies to certify for retired pay.

- Departmental and Others

Contractor Crew Member Record (Flight Record of Expenses and Qualification)
DD 1821
On occasion
Business or other institutions
Aircraft production/maintenance companies
SIC: 372
Multiple functions: 70 response; 70 hours; $900 Federal cost; 1 form; $1,225 Public cost; not applicable under 3504(h)
Kenneth B. Allen, 202-395-3785

Used to record individual contractor flight crew personnel records and approval to operate Government aircraft.

- Departmental and Others

Request for approval of Contractor's Flight Crew Members (operating government aircraft)
On occasion
Businesses or other institutions
Aircraft production/maintenance companies
SIC: 372
Multiple functions: 30 responses; 30 hours; $600 Federal cost; 1 form; $525 Public cost; not applicable under 3504(h)
Kenneth B. Allen, 202-395-3785

Used to record individual contractor flight crew personnel records and approval to operate Government aircraft.

- Departmental and Others

Requests for Approval for Qualification Training (Contractors Operating Government Aircraft)
On occasion
Businesses or other institutions
Aircraft production/maintenance companies
SIC: 372
Multiple functions: 20 responses; 20 hours; $500 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202-395-3785

Used to record individual contractor flight crew personal records and approval to operate Government aircraft.

Extensions (no change)

- Department of the Air Force

Contractor Reporting . . . (Production Difficulties and Quantity of Materials)
Other-See SF83
Businesses or other institutions
Defense aerospace contractors
SIC: 372, 376
Small businesses or organizations
Department of Defense—Military: 480 responses; 9,120 hours; $16,800 Federal

cost; 1 form; $160,597 Public cost; not applicable under 3504(h)
Edward C. Springer, 202-395-4814

Means of managerial control used by AFLC engineers to ensure performance on engineering contracts and to inform OPR'S of technical progress to date, general trends, and plans, scope, content, and frequency of a particlar report is an engineering decision and is incorporated into the contract.

- Department of the Air Force

AFLCR 70-1 Bidders List Catalog/ Bidders List by Individual Bidder
Annually
Businesses or other institutions manufactures and dealers
SIC: all
Small businesses or organizations
Department of Defense—Military: 4,750 responses; 2,375 hours; $5,000 Federal cost; 1 form; $23,750 Public cost; not applicable under 3504(h)
Edward C. Springer, 202-395-4814

The bidders list catalog identifies products and services which will be bought by the Air Logistics Center during the next 12 months. Firms are asked to identify those they can provide. This information is input to the mechanized bidders list system.

- Department of the Air Force

Material Requirements List (MRL) AFLCR 65-1 Chapter 4
Quarterly
Businesses or other institutions
Contr. engaged in repairing recoverable Air Force Items
SIC: 372, 376
Small businesses or organizations
Department of Defense—military: 1,848 responses; 31,416 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Edward C. Springer, 202-395-4814

Data are required to maintain surveillance over the usage of components by contractors performing depot repair, overhaul of Air Force equipment; establish useage factors for determinations of replenishment quantities; and to project consumption during repair.

Reinstatements

- Departmental and Others

Termination Settlement Forms
DD 540 thru 548, 831, and 832
On occasion
Businesses or other institutions
Defense contractors
Small businesses or organizations
Department of Defense—military: 1,200 responses; 1,200 hours; $129,000 Federal cost; 11 forms; not applicable under 3504 (h)
Kenneth B. Allen, 202-395-3785

Informs Dept. of Defense of contractor costs and residual inventory amounts to support negotiation of fair and reasonable termination costs.

- Departmental and Others

Production Progress Report
DD 375 and 375C
On occasion, monthly
Businesses or other institutions
Defense contr. and DOD contr. administration offices
SIC: 970
Small businesses or organizations
Department of Defense—military: 2,400 responses; 816 hours; $35,000 Federal cost; 2 forms; not applicale under 3504 (h)
Kenneth B. Allen, 202-395-3785

Informs Dept. of Defense buying offices of potential or actual delivery delays and reasons for such in order for the Gov't to project its interests.

- Departmental and Others

Request for Authorization of Additional Classification and Rate
DD 1565
On occasion
Businesses or other institutions
Defense contractors
SIC: 970
Department of Defense—military: 300 responses; 600 hours; $6,300 Federal cost; 1 form; not applicable under 3504 (h)
Kenneth B. Allen, 202-395-3785

Where the Dept. of Labor has not determined minimum wage rates for certain employees, this form is used to set forth dates agreed to by the parties or where agreement cannot be reached to request a rate determination from the Department of Labor.

- Departmental and Others

Material Inspection and Receiving Report
DD 250 and 250C
On occasion
Businesses or other institutions
Defense contractors
SIC: 970
Small businesses or organizations
Department of Defense—military: 1,500,000 responses; 1,125,000 hours; $1,750,000 Federal cost; 2 forms; not applicable under 3504 (h)
Kenneth B. Allen, 202-395-3785

Provides standardized evidence of Government quality assurance and acceptance of supplies and services to support contract payment and other contract management activities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

- Centers for Disease Control

Development of System to Collect Local Health Department Data and Program Performance Indicators
Nonrecurring
State or local governments
State health agen. and local health departments
SIC: 943
Health: 0 responses; 0 hours; $350,000 Federal cost; 1 forms; not applicable under 3504 (h)
Gwendolyn Pla, 202-395-6880

This is related to the national public health program reporting system. The purpose of this clearance request is for approval to develop a system to collect local Health Department data and program performance indicators.

- Center for Disease Control

Data required by PHS From 1981 National Public Health Program Reporting System
Nonrecurring
State or local governments
State health agencies
SIC: 943
Health: 57 responses; 14,432 hours; $130,000 federal costs; 7 forms; $144,320 public costs; not applicable under 3504 (h)
Gwendolyn Pia, 202-395-6880

Data are collected as indicated by statutes and the intent of Congress in section 313(d) of the Public Health Service Act. Monitoring and planning data are collected for maternal and crippled children's services, title V of the Social Security Act.

- Social Security Administration

Parental Kidnapping Locator Services
OCSE-6
On occasion
State or Local Governments
State IV-D agencies
SIC: 832
Other income security: 25,000 responses; 2,083 hours; $40,199 Federal cost; 1 form; not applicable under 3504 (h)
Robert Neal, 202-395-6880

Forms will be used by State Child Support Enforcement agencies (title IV-D) to request address information to be used for locating persons in cases of parental kidnapping or child custody determinations. This is a non-federally funded program and is offered as service to States on a cost-reimbursable basis.

- Human Development Services

Reporting and Recordkeeping Requirements of P.L. 97-35, the Omnibus Budget Reconciliation Act for Social Services Block Grants
Annually, Biennially
State or local governments
State agen. admin, or supv. the admin. of the SS blk grant
SIC: 832
Social services; 57 responses; 600,000 hours; $25,000 Federal cost; 1 form; $6,000,000 public costs; not applicable under 3504(h)
Gwendolyn Pia, 202-395-6880

Under P.L. 97-35 a State participating in the social securities block grant program must prepare and submit to the secretary two separate reports: One annually on the intended use of funds (section 2004) and the other at least biennially on activities carried out with funds (section 2006).

- Health Services Administration

Primary Care Block Grant Reporting Requirements
Annually
State or local governments
State governments
SIC: 943
Health Care Services: 57 Responses; 1 hour; 1 form; not applicable under 3504 (h)
Gwendolyn Pia, 202-395-6880

Statutory requirements for reports describing the intended, and actual uses of allotments to the States under the primary care block grant.

- Alcohol, Drug Abuse, and Mental Health Administration

Alcohol and Drug Abuse and Mental Health Services Block Grant Reporting Requirements
Annually
State or local governments
State governments
SIC: 943
Health: 57 Responses; 1 hour; 1 form; not applicable under 3504 (h)
Gwendolyn Pia, 202-395-6880

Statutory requirements for reports describing the intended, and actual uses of allotments to the States under the alcohol and drug abuse and mental health services block grant.

- Centers for Disease Control

Preventive Health and Health Services Block Grant Reporting Requirements
Annually
State or local governments
State governments
SIC: 943
Health: 57 Responses; 1 hour; 1 form; not applicable under 3504 (h)
Gwendolyn Pia, 202-395-6880

Statutory requirements for reports describing the intended uses of allotments to the States under the preventive health and health services block grant.

- Health Services Administration

Maternal and Child Health Services Block Grant Reporting Requirement
Annually
State or local governments
State governments
SIC: 943
Health Care Services; 57 responses; 1 hour; 1 form not applicable under 3504 (h)
Gwendolyn Pia, 202-395-6880

Statutory requirement for reports describing the intended and actual use of allotments to the States under the maternal and child health services block grant.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184

New

- Community Planning and Development

Final Statement (State's program)
Annually
State or local governments
States departments of community or economic development
SIC: 953
Community Development: 25 responses; 7,500 hours; 1 form; $97,500 public cost; not applicable under 3504 (h)
Richard Sheppard, 202-395-6880

Public Law 93-383, as amended by P.L. 97-35, gives each State the option to administer community development block grant nonentitlement funds in its jurisdiction. Pursuant to section 104(a)(1), the State must prepare a final statement (of its community development objectives and method of funds distribution) in order to receive the CDBG funds.

- Community Planning and Development

Annual report (State's program)
Annually
State or local governments
States' departments of community or economic development
SIC: 953
Community development; 25 responses; 2,500 hours; 1 form; $32,500 public cost; not applicable under 3504 (h)
Richard Sheppard, 202-395-6880

Public Law 93-383, as amended by P.L. 97-35, gives each State the option to administer community development block grant nonentitlement funds in its jurisdiction. Pursuant to section 104(d), the State must prepare a performance report (concerning the use of funds and assessing the relationship of use to objectives).

Revisions

- Community Planning and Development

Community Development Block Grant Application Forms
7087, 4045, 7086, 4322, 4326, 4324.1, 4325.1, 4326.1
Annually
State or local governments
Local government, including States, cities and Indian tribes
SIC: 953
Community development: 3,449 responses; 161,536 hours; $1,401,180 public cost; 16 forms; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

Pub. L. 93-383, section 104 and Pub. L. 95-128, sections 104 and 105 require HUD to establish application forms for the CDBG programs. In particular, Pub. L. 93-383, section 104(a)(4) requires a "housing assistance plan." The schedules are realistic, etc.

Extensions (Burden Change)

- Community Planning and Development

Community Development Block Grant Entitlement Grantee Performance Report, Small Cities Performance Assessment Report
4950.1, 4950.10, 4052, 4052.9
Annually
State or local governments
Local governments
SIC: 953
Community Development: 2,724 responses; 274,900 hours; 20 forms; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

Pub. L. 93-383, sec. 104(d) requires that "each grantee shall submit to the Secretary a performance report concerning the activities carried out pursuant to this title, together with an assessment by the grantee of the relationship of those activities to the objectives of this title and the needs and objectives identified in the grantee's original application for funding.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

New

- Pension Benefit Guaranty Corporation

Mergers and Transfers Between Multiemployer Plans
On occasion
Businesses or other institutions
Multiemployer pension plans
SIC: Multiple

Small businesses or organizations
General retirement and disability insurance: 40 responses; 200 hours; $31,000 Federal cost; 0 form; $12,000 public cost; NPRM under 3504(h)
Laverne V. Collins, 202-395-6880

Needed to determine whether mergers, spin-offs, or transfers of assets or liabilities between multiemployer plans will jeopardize benefits of participants and beneficiaries or the multiemployer insurance program.

Revisions

- Employment and Training Administration

National Longitudinal Survey of Work Experience (Young Women) 1982
LGT-4101 (census), LGT-4103 (census) and MT-290 (ETA)
Annually
Individuals or households
Women aged 14-24 in 1968
Training and employment: 23,100 responses; 23,390 hours; $2,100,000 Federal cost; $233,900 public cost; 2 forms; not applicable under 3504(h)
Laverne V. Collins, 202-395-6880

The information provided in this survey will be used by the Department of Labor to help develop programs designed to ease the employment and unemployment problems faced by men in this age group.

Extensions (No Change)

- Bureau of Labor Statistics

Work Injury Report
BLS-98
Nonrecurring
Individuals or households
Workers injured as a result of specific source or cause
Other labor services: 3,000 responses; 500 hours; $200,000 Federal cost; $3,500 public cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

The work injury report survey program examines selected types of work accidents to develop in-depth information based on the data needs of the Occupational Safety and Health Administration. The surveys are used to assist in the development of safety standards, compliance strategy, and training programs.

- Bureau of Labor Statistics

Occupational Employment Statistics (OES) Survey Monthly Progress Reports
BLS-02877 A
Monthly
State or local governments
State employment security agency (SESA)
SIC: 944
Other labor services: 636 responses; 318 hours; $12,720 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

The OES Survey monthly progress reports are the primary source of current management on the status of State OES operations. They allow for early identification and resolution of State collection problems on an ongoing basis. The early identification and resolution of State collection problems is critical to the success of the OES program since the data collected is the primary input to the national occupational estimates and projections produced by the Bureau of Labor Statistics.

- Bureau of Labor Statistics

Annual OSHA Survey and Prenotification of Recordkeeping Requirements
OSHA 200S and OSHA No. 200PRE
Annually
State or local governments/farms/businesses or other institutions
Employers in the private sector and State and local gov. agncs.
SIC: Multiple
Small businesses or organizations
Other labor services: 280,000 responses; 70,000 hours; $4,700,000 Federal cost; $235,000 public cost; 2 forms; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

Section 8(c) of the Occupational Safety and Health Act (Pub. L. 91-596) legislates the Secretary of Labor to require employers to maintain records of occupational injuries and illnesses and to submit periodic reports. Uses of the data: Indicates industries needing safety and health attention; guidance in administering Federal and State programs; and used by labor and management for safety program comparisons.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887

New

- Federal Highway Administration

Qualification Certificate
On occasion
Individuals or households/businesses or other institutions
Motor carriers and drivers operating in interstate commerce
SIC: 962
Small businesses or organizations
Ground transportation: 82,555 responses; 9,631 hours; 0 form; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

49 CFR 391.65 allows use of this certificate in lieu of other documentation required in 49 CFR 391, if driver used is employed by another motor carrier. Voluntary use of this form reduces the overall paperwork burden required by 49 CFR Part 391.

- Federal Highway Administration

Process for Highway Safety Improvement Program
On Occasion
State or local governments
State Highway/Transportation Agencies
SIC: 962
Ground transportation: 56 responses; 5,600 hours; $15,000 Federal cost; 1 form; $56,000 public cost; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

FHWA regulations for administration of the Highway Safety Improvement program require FHWA approval of processes developed by each State for planning, implementation and evaluation.

- Federal Highway Administration

Solicitation of Highway Safety Research Problem Statements
Biennially
State or local governments
State and local highway/transportation agencies and others
SIC: 962
Ground transportation: 200 responses; 600 hours; $15,000 Federal cost; 1 form; $6,000 public cost; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

To develop a successful research program under 23 U.S.C. 403 and to ensure that the needs of FHWA and State and local agencies with safety responsibilities are met, FHWA bienially solicits outside advice on subjects for safety research.

- Federal Highway Administration

Aisle seats—Buses
On occasion
Businesses or other institutions
Charter bus operations transporting migrant workers
SIC: 962
Small businesses or organizations
Ground transportation: 12 responses; 2 hours; 0 form; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

As required by 49 CFR 393.91, a report must be filed by motor carriers operating charter buses using temporary aisle seats (transporting migrant workers) in the event any passengers were injured.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–[illegible]

New

- Internal Revenue Service

Information Furnished by Payees Upon Receipt of Certain Types of Gambling
Annually
Individuals or households/State or local governments businesses or other INS certain gambling establishments, such as race tracks/wagers
SIC: 799
Central Fiscal Operations: 553,835 responses; 19,523 hours; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Information supplied by payees receiving at least $600 from certain wagering transactions. Information regarding identical wagers is needed to determine whether payments are subject to withholding requirements. The program change increase indicated by item 16(G) does not exceed budget allowance, because of offsetting decreases in forms W–2 and 941.

- Internal Revenue Service

Request for Bank to Furnish Information Regarding Taxpayer Account
CO–42
On occasion
Businesses or other institutions
Banks who may have asset accounts with delinquent taxpayers
SIC: 605
Small businesses or organizations
Central fiscal operations: 300 responses; 150 hours; $75 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

- Internal Revenue Service

Additional Information Needed From Taxpayer on Return Delinquency Notices
FL 1853
On occasion
Individuals or households taxpayer who has received a return delinquency notice
Central fiscal operations: 10,000 responses; 1,167 hours; $11,902 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The service center uses the FL 1853 when there is insufficient response from a taxpayer concerning a notice of a return delinquency. FL 1853 requests additional information and the taxpayer's business and home telephone numbers so that the IRS can contact the taxpayer directly to determine the taxpayer's liability for filing a return.

- Internal Revenue Service

Employee Processing Record
ROWR 1470
On occasion
Individuals or households
Individuals—job applicants
Central fiscal operations: 4,000 responses; 400 hours; $107 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form is used to collect information regarding former U.S. Government employment so that prior records can be obtained for status and leave purposes. Data gathered on this form is also used in obtaining a security clearance for the new employee.

- Internal Revenue Service

Small Business Tax Workshop Information Card
Small Business Workshop Evaluation Questionnaire
6243 6013 6013A
On occasion, other—see SF83
Individuals or households/businesses or other institutions
Newly establish small business persons
SIC: 501 525 543 546 554 581 591 599 701 753
Small businesses or organizations
Central fiscal operations: 100,000 responses; 16,667 hours; $83,700 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 6243 is prepared by members of the business community who express interest in attending a small business workshop. Additionally, it is used to inform interested persons of the time and date of the workshop. Form 6013 and form 6013A evaluation questionnaires are used by the IRS to evaluate the workshop for use in preparing subsequent programs.

- Internal Revenue Service

Tax Shelter Questionnaire Coal
DIR–DET 4–297
On occasion
Individuals or households/businesses or other institutions all taxpayers who invest in a coal tax shelter
SIC: all
Small businesses or organizations
Central fiscal operations: 150 responses; 113 hours; $6,230 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The questionnaire has been devised with district counsel to properly develop each tax shelter case. Without this questionnaire, Internal Revenue Service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

- Internal Revenue Service

Vita Assistance Card
6522
On occasion, other—see SF83
Individuals or households
Volunteers and employees of social action agencies
Central fiscal operations: 530,000 responses; 4,399 hours; $8,755 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is prepared by each volunteer who assists an individual under the volunteer income tax assistance program. The purpose of the form is to measure the types and extent of assistance provided to the public.

- Internal Revenue Service

Tax Protester Questionnaire A & B
Dir-Det 4–321A 4–321B
On occasion
Individuals or households/businesses or other institutions
Individuals using the Eisner vs. Macomber argument on retns
SIC: multiple
Small businesses or organizations
Central fiscal operations: 1,000 responses; 500 hours; $41,481 Federal cost; 2 forms; not applicable under 3504(H)
Kevin Broderick, 202–395–6880

The questionnaire is used to determine the preparer of the return using the Eisner V. Macomber Argument. Preparer penalties may then be applied. Without this questionnaire, taxpayer returns would be prepared incorrectly, resulting in improper payment by taxpayer and later assessment of penalties and interest by IRS.

- Internal Revenue Service

Request for Public-Inspection Copy of Exempt Organization
Tax Form
4506–A
On occasion
Individuals or households/State or local governments/businesses or other INS
General public
SIC: 806, 811, 821, 822, 823, 839, 841, 842, 864, 866
Small businesses or organizations
Central fiscal operations: 56,630 responses; 18,858 hours; $223,858 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 4506–A is used to secure/inspect a copy of an exempt organization tax form. The form has all pertinent questions which must be answered to correctly secure the return by the IRS.

- Internal Revenue Service

Initial Contact Letter Requesting Information
889 (DO)
On occasion
Individuals or households/farms/businesses or other institutions
Individual and business taxpayers
SIC: All
Small businesses or oganizations
Central fiscal operations: 1,005,400 responses; 1,508,100 hours; $1,696,460 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This letter is used to notify a taxpayer of an examination appointment and informs the taxpayer of the need to provide verifying records used as a basis for the items checked off at end of the letter. The IRS uses this information to recommend an increase, decrease or no change to their tax liability for a given year.

- Internal Revenue Service

Contact Letter Requesting Additional Information
565(DO) (C)
On occasion
Individuals or households
Individual taxpayers
Central fiscal operations: 165,900 responses; 82,950 hours; $280,850 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Letters 565 (DO) and (C) are used to notify a taxpayer that the information previously received from them was insufficient to determine their tax liability. The letter identifies and requests the data needed by IRS to make a determination of tax liability upon examination of the taxpayer's return.

- Internal Revenue Service

Information Request for Late Filed Returns
5585
On occasion
Businesses or other institutions
Most organizations
SIC: multiple
Small businesses or organizations
Central fiscal operations: 6,568 responses; 3,284 hours; $3,800 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The information is needed to complete or substantiate items required on an exempt organization return. It is used to administer exempt organization reporting requirements established in the IRC. (26 U.S.C. 6652(D))

- Internal Revenue Service

Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement
5305–SEP
Nonrecurring
Farms/businesses or other institutions
Retail, wholesale and manufacturing busiss. stating sep
SIC: All
Small businesses or organizations
Central fiscal operations: 100,000 responses; 26,600 hours; $10,231 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used by an employer to make an agreement to provide benefits to all employees under a simplified employee pension (sep—) described in section 408(K). This form is not to be filed with IRS but to be retained in the employer's records as proof of establishing such a plan, thereby justifying a deduction for contributions made to this sep. The data is used to verify the deduction.

- Internal Revenue Service

Request for Information to Trace Money Order
CO–50
On occasion
Businesses or other institutions
Financial Institutions that issue money orders
SIC: all
Central fiscal operations: 50 responses; 12 hours; $12 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6155 requires that payment of tax be made upon receipt of notice of demand. If a taxpayer alleges that payment was made by money order, letter CO–50 is sent to the financial institution that issued the money order to verify the payment.

- Internal Revenue Service

Vita/TCE Site Order Form
2333V
Annually
Individuals or households
Volunteers, including college students and others
Central fiscal operations: 24,000 responses; 7,999 hours; $36,460 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The Vita/TCE site order form is used by the volunteers to order the tax forms they use at the tax assistance sites.

- Internal Revenue Service

Inform Taxpayer, EIN not needed
F–1905
On occasion
Individuals or households/farms/businesses or other institutions taxpayers with an assigned EIN and requesting a new EIN
SIC: all
Small businesses or organizations
Central fiscal operations: 20 reponses; 2 hours; $12 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Letter F 1905 allows IRS to return SS–4's to the submitting taxpayer requesting the taxpayer to explain the need for a new employee identification number (EIN), as the taxpayer already has an assigned number. A second number will not be assigned unless a reasonable explanation is received from the taxpayer.

- Internal Revenue Service

Request for information—Highway Motor Vehicle use Tax

919(DO)
On Occasion
Individuals or households/farms/businesses or other institutions, Truck, truck-tractors and bus owners
SIC: all
Small businesses or organizations
Central fiscal operations: 10,000 responses; 5,000 hours; $75,474 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Letter 919(DO) requests information needed to verify information submitted by the taxpayer on form 2290, Federal use tax return on Highway motor vehicles. IRC section 4481 imposes a tax on the use of public highways by certain highway vehicles.

- Internal Revenue Service

Request for payment
4192 4192–SP
On Occasion
State or local governments/farms/businesses or other institutions used by taxpayers filing business returns except for 1065
SIC: all
Small businesses or organizations
Central fiscal operations: 2,831,168 responses; 1,415,584 hours; $4,178,216 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6155 requires that tax due be paid upon receipt of notice and demand. 26 U.S.C. 6303(A) authorizes issuance of notice and demand for tax. Form 4192 and 4192SP are sent to taxpayers as the first notice. Taxpayers may respond with payment or complete the form to trace a prior uncredited payment.

- Internal Revenue Service

Allowance Estate Tax Credit
628(C) 628(SC/DO)
On Occasion

Individuals or households/businesses or other institutions
Executors of estates
SIC: all
Central fiscal operations: 20,000 responses; 20,000 hours; $103,300 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To determine an estates tax liability, it is necessary that its valuation be known to the IRS. Letter 628(C) or (SC/DO) is used to secure certain information relating to the valuation of the estates assets, expenses, and deductions.

- Internal Revenue Service

Proposed increases in Tax—Discrepancy State Credits
5245
On Occasion
State or local governments/farms/businesses or other institutions
All employers
SIC: all
Small businesses or organizations
Central fiscal operations: 295,490 responses; 147,745 hours; $902,059 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 3302 allows a credit against tax for the amount of contributions paid to State unemployment funds. If the amount claimed as a credit differs from the amount paid to the State, form 5245 is sent to the taxpayer to determine the reason for the discrepancy.

- Internal Revenue Service

Letter to Taxpayer Concerning Mismatch Between Return and Schedule K-1
SWR E–2459
On Occasion
Individuals or households/farms/businesses or other institutions
Partnerships owners whose returns are being examined
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 15,000 responses; 1,500 hours; $15,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

When IRS form 1065, partnership return, and IRS form 1040 do not agree as to income and deductions for each partner's share, we need to verify with the taxpayer the correct amounts or reasons for the discrepancies, in order to determine the correct tax liability.

- Internal Revenue Service

Questionnaire on Requirements of Rev. Rul. 71–20
RC–C–GEN 4–874
Nonrecurring
Businesses or other institutions
Primarily coordinated examination program cases
SIC: all
Small businesses or organizations
Central fiscal operations: 50 responses; 12 hours; $250 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6001 requires taxpayers to keep records to verify their returns and comply with regulations. The information on form RC–C–GEN. 4–874 is used to determine whether it would be beneficial to both the taxpayer and the IRS to enter into an agreement to limit the number of machine sensible records to be retained. This is to insure that taxpayers keep records required by law.

- Internal Revenue Service

Extension of Time to File Letters
297C, 297SC, 631C
On occasion
Individuals or households/farms/businesses or other institutions
Individual and business taxpayers
SIC: 019, 138, 162, 399, 446, 501, 599, 605, 739, 919
Small businesses or organizations
Central fiscal operations: 2,705 responses; 1,352 hours; $9,843 Federal cost; 3 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

These letters are necessary to obtain information which enables the taxpayer to receive service, benefits, or IRS action on an extension request to file an income tax return.

- Internal Revenue Service

Financial Schedule
DSTL 9–2 (4/81)
Nonrecurring
Businesses or other institutions
New formed charitable organizations
SIC: 805, 806, 821, 822, 823, 832, 863, 864, 866, 869
Central fiscal operations: 3,000 responses; 3,000 hours; $7,500 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form will assist the taxpayer and reduce their time in submitting financial information necessary to establish that they are a publicly supported organization. Without this form, we have found that it takes numerous follow-ups to obtain the necessary information.

- Bureau of Government Financial Operations

Claim Against the United States for the Proceeds of a Government Check
TFS 1503
Nonrecurring
Individuals or households
Private households
Central fiscal operations: 1,967 responses; 98 hours; $20,152 Federal cost; 1 form; $4,583 public cost; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

This form is used to transmit incomplete claim forms back to payee that has requested payment for a lost, stolen or mutilated U.S. Government check. Any unanswered questions will require that the claim be returned for completion.

- Internal Revenue Service

Request to Perfect Defective Claim
F1895 letter
On occasion
Farms/businesses or other institutions
All corporate entities filing an incomplete form 1139
SIC: All
Small businesses or organizations
Central fiscal operations: 5,000 responses; 5,000 hours; $1,783 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

The form is used to secure information which will perfect an incomplete form 1139, corporate application for tentative refund. If this information is not received, the application is disallowed and the taxpayer will not receive the refund.

- Internal Revenue Service

Records Request
RC MW 3–564
On occasion
Individuals or households/farms/businesses or other institutions
Corps. partnerships indiv. with schedule C's and F's returns
SIC: All
Small businesses or organizations
Central fiscal operations: 16,500 responses; 16,500 hours; $3,191 Federal cost; 1 form; Not applicable under 3504(h)

Kevin Broderick, 202–395–6880

The information requested on this form is needed to examine income tax returns. Examiners will use the information to determine if the taxpayer's tax liability has been reported correctly.

- Internal Revenue Service

Verification of Employer Identification Number
F1915
On occasion

Individuals or households/State or local governments/farms/businesses or other institutions
All employers
SIC: All
Small businesses or organizations
Central fiscal operations: 5,000 responses; 1,250 hours; $7,237 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

This letter is used to secure information from an employer concerning the correct employer identification number (EIN) and/or name in order to correctly process a document and/or an account.

- Internal Revenue Service

Statement of Annual Estimated Personal and Family Expenses
4822
On occasion
Individuals or households
Individuals establishing personal family expenses for tax
Central fiscal operations: 107,275 responses; 53,637 hours; $858,962 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

Form 4822 is used to establish personal and family expenses during examination of certain taxpayers when records are inadequate for determining correct income.

- Internal Revenue Service

Letter requesting Instructions on Disposition of a Credit Card Balance on a Deceased Taxpayer's Account
FL 1899
On occasion
Individuals or households
Deceased taxpayer's survivor, or executor of estate
Central fiscal operations: 5,000 responses; 2,000 hours; $7,060 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

FL 1899 is used to resolve a credit balance posted to a deceased taxpayer's form 1040 account. Letter is sent to taxpayer's estate or survivor requesting information pertaining to the proper disposition of the credit balance. If the letter is not sent, the proper disposition of a credit balance cannot be otherwise determined.

- Bureau of Government Financial Operations

Letter to Payee Requesting Return of Funds or Submission of Formal Claim When Double Payment Is Involved
TFS 1443
Nonrecurring
Individuals or households
Private households
Central fiscal operations: 15,581 responses; 3,895 hours; $68,343 Federal cost; $34,200 public cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

Transmittal of claim form 1133C to payee to determine if double payment exists. Form mailed to payee with copy of both checks so that information can be obtained on the check which was not received by the payee.

Extensions (Burden Change)

- Internal Revenue Service

Fed Deposit for Outer Continental Shelf Oil
6008, 6009
On occasion, quarterly
Businesses or other institutions
Oil exploration companies,
SIC: 131, 621, 651, 679, 492, 461
Central fiscal operations: 1,000 responses; 665 hours; $30,647 Federal cost; 2 forms; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

Forms 6008 and 6009 are used to compute and deposit fees due on oil that is produced on the Outer Continental Shelf. Informtion is used to verify that the correct fees have been paid.

- Internal Revenue Service

Notice to Shareholders of Undistributed Long-Term Capital Gains
2439
Annually
Businesses or other institutions
Regulated investment companies
SIC: 621, 622, 623, 628, 671, 672, 615
Small Businesses or organizations
Central fiscal operations: 362,000 responses; 81,233 hours; $12,330 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

IRC section 852(b)(3) and regulations 1.852–9 require regulated investment companies to report their undistributed capital gain income (and taxes paid on the income) to their shareholders on form 2439. The shareholders then report as income their share of the gain and claims a credit for their portion of tax paid on the gain. The information is used to check compliance on the part of the shareholders.

- Internal Revenue Service

Statement for Certain Gambling Winnings
W–2G W–3G
Annually
State or local governments/businesses or other institutions
Gambling establishemts
SIC: 794, 799
Small businesses or organizations
Central fiscal operations: 379,000 responses; 333,500 hours; $165,152 Federal cost; 2 forms; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

IRC section 6041 requires payers of certain gambling winnings to report them to the IRS. If applicable, section 3402(q) requires a 20% tax withholding. Form W–2G is used for these purposes. Form W–3G transmits form(s) W–2G to the IRS. The IRS uses the information to ensure taxpayer income-reporting compliance.

- United States Customs Service

Report of International Transportation of Currency or Monetary Instruments
CF 4790
On occasion
Individuals or households
Recipients, shippers, travelers
Federal law enforcement activities: 100,179 responses; 16,690 hours; $287,225 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

A document which provides a record, where none previously existed, of currency and negotiable instruments entering and leaving the United States. Such a record would have a high degree of usefullness in criminal, tax and regulatory investigations or proceedings.

- Bureau of Government Financial Operations

Claim Against the United States for the Proceeds of Government Check or Checks
TFS 1133C
Nonrecurring
Individuals or households
Private households
Central fiscal operations: 59,115 responses; 14,779 hours; $69,186 Federal cost; $120,181 public cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202–395–6880

This form is used to record information pertinent to adjudicating the payee's request for payment for one or more lost, mutilated, or stolen Government checks.

- Internal Revenue Service

Regulated Investment Company Undistributed Capital Gains Tax Return
2438
Annually
Businesses or other institutions
Regulated investment companies
SIC: 621, 622, 623, 628, 671, 615, 672

Central fiscal operations: 500 responses; 690 hours; $10,713 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Under section 852(B)(3) of the IRC, regulated investment companies use form 2438 to figure and report undistributed capital gain income and the alternative tax on this income. IRS uses the information to determine the correct tax.

Extensions (No Change)

- Bureau of Alcohol, Tobacco and Firearms

Records of Receipt, Uses, Dispositions of Alcohol and Applications, Letterheads and Notices Relating to Operations of Tax Free Alcohol users
ATF REC 5150/1
On occasion
Businesses or other institutions
Tax-free alcohol users
SIC: 518
Small businesses or organizations
Federal law enforcement activities: 10,094 responses; 10,094 hours; $40 Federal cost; 0 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Accounting Tool, Audit Trail. Protection of the Revenue

- Bureau of Alcohol, Tobacco and Firearms

Users of Specially Denatured Spirits—Application, Letterheads, and Notices Relating to Operations
ATF REC 5150/3
On Occasion
Businesses or other institutions
Users of specially denatured spirits
SIC: 286
Small businesses or organizations
Federal law enforcement activities: 6,570 responses; 3,285 hours; $200 Federal cost; 0 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

To ascertain that revenue is not placed in jeopardy and protection thereof.

- Bureau of Alcohol, Tobacco and Firearms.

Dealers in Specially Denatured Alcohol—Applications Relating to Operations, including Notices and Letterheads
ATF REC 5150/2
On Occasion
Businesses or other institutions
Dealers in specially denatured alcohol
SIC: 518
Small businesses or organizations
Federal law enforcement activities: 96 responses; 48 hours; $200 Federal cost; 0 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Ascertain that revenue is not placed in jeopardy and protection thereof.

- Bureau of Government Financial Operations

Claim against the United States for the Proceeds of Government Check
TFS 1133
Nonrecurring
Individuals or households
Private households
Central fiscal operations: 271,146 responses; 67,787 hours; $194,757 Federal cost; 1 form; $595,165 Public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used to record information pertinent to ajudication that payee's request for payment for a lost, mutilated, or stolen U.S. Government checks.

- Bureau of Alcohol, Tobacco and Firearms

All permittees and Licensees of Distilled Spirits Statutory Authorizations to Employ Alternate and Emergency Variations From the Regulations
ATF REC 5000/1
On occasion
Businesses or other institutions
Distilled spirits proprietors
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,000 responses; 500 hours; $38 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Alternate records can lessen the burden placed on industry; used to determine that intent of the regulations is met with alternate record and revenue is not placed in jeopardy.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—202–389–4481

Extensions (No Change)

- Deregistration Form for Registered Transfer Agents

Nonrecurring
Businesses or other institutions
Insured banks or subsidiaries not members of FRS
SIC: 602, 603
Small businesses or organizations
Mortgage credit and thrift insurance: 41 responses; 14 hours; $332 Federal cost; 1 form; $126 public cost; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Once a bank is no longer subject to registration as a transfer agent with the corporation, section 17a(c)(3)(C) of the Securities Exchange Act of 1934, as amended, provides that the corporation shall cancel its registration. The form is to provide documentation for this action by the FDIC.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202–357–7811

New

- Survey of Physical Resources in Systemic Biology

Nonrecurring
Businesses or other institutions
Systemics community
SIC: 841, 842, 892, 822
General Science and basic research: 10,000 responses; 2,500 hours; $146,216 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

To assist the NSF (DEB) in establishing program objectives and priorities over the next ten years, a survey is proposed of the systemic biology community and associated physical resources to determine the types, diversity, and availability of physical resources, and the number and diversity of professional systematists (accounting for their taxonomic expertise and geographic focus) in the U.S. The two-phase survey will be initiated in fiscal year 1982 and completed in fiscal year 1983.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7737

Extensions (burden change)

- Background Survey Questionnaire 79–2

OPM 1386
On occasion
Individuals or households
Individuals applying for Federal employment
Central personnel management: 300,000 responses; 25,000 hours; $30,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Used by agencies to collect race, sex, and national origin data for determining impact of selection procedures and for monitoring affirmative action and FEORP programs.

Personnel Research Questionnaire 79–1
OPM 1377
On occasion
Individuals or households
Individuals applying for Federal employment
Central personnel management: 200,000 responses; 34,000 hours; $40,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Used by OPM to collect race, sex, and national origin data for determining impact of selection procedures and to monitor effectiveness of affirmative action and FEORP programs.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2146

New

- Assessment of Home Improvement Structural Alterations (HISA) Benefit Usage

Nonrecurring
Individuals or households
Blinded vets in receipt of a VA ser. connec. compen. award
Hospital and medical care for veterans: 3,750 responses; 1,250 hours; $35,920 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

Section 612(a) of title 38, U.S.C., establishes the home improvements structural alterations (HISA) benefit for blinded veterans. This study will evaluate the benefits now provided, examine ways to improve the administration of the current program and ascertain why more eligible blinded veterans are not using the benefit to modify their dwellings.

DMA Consumer Feedback Card
40-9970 (NR)
Nonrecurring
Individuals or households
Veterans and veterans families
Other veterans benefits and services 20,000 responses; 667 hours; $12,470 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

The DMA feedback card provides consumers (veterans and their families) a voluntary means of expressing their satisfaction or dissatisfaction with VA burial benefits and services. It will help management pinpoint deficiencies, initiate remedial actions and improve services to its consumers.

Arnold Strasser,

Acting Assistant Administrator for Reports Management.

[FR Doc. 81-27118 Filed 9-16-81; 8:45 am]

BILLING CODE 1110-01-M

Agency Forms Under Review

Background

September 9, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents in available); the office of the agency issuing this form; the title of the form; the agency form number, if applicable; how often the form must be filled out; who will be required or asked to report; the Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected; whether small businesses or organizations are affected; a descriptions of the Federal budget functional category that covers the information collection; an estimate of the number of responses; an estimate of the total number of hours needed to fill out the form; an estimate of the cost to the Federal Government; an estimate of the cost of the public; the number of forms in the request for approval; an indication of whether Section 3504(h) of Pub. L. 96-511 applies; the name and telephone number of the person or office responsible for OMB review; and an abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest require more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instruction, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

- Food Safety and Quality Service
- Monitoring chlorine levels used in official establishments
- Annually; other-see SF83
- Businesses or other institutions
- Federally inspected meat and poultry establishments

SIC: 281
Small businesses or organizations
Consumer and occupational health and safety: 2,000 responses; 200 hours; $58,271 Federal cost; 1 form; $1,442 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Chlorine is used as a sanitizer to decrease microbial levels. However, concentrations that exceed the effective dosage can be potentially dangerous to employees and consumers and concentrations below the effective dosage may not achieve the desired sanitization. Therefore, chlorine use has traditionally been regulated and monitored.

Revisions

- Food and Nutrition Service

Monthly report of commodity supplemental food programs
FNS-153

Monthly
State or local governments
State gov. agencies, local gov. agencies & prvt. organs.
SIC: 911
Food and nutrition assistance: 348 responses; 698 hours; $1,980 Federal cost; 1 form; $6,960 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

This report provides data on participation, the inventory levels of commodity food items and the amounts distributed. This data is monitored to ensure commodity food items are being distributed and not diverted for unauthorized purposes.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

- Office of Educational Research and Improvement

Application for grants under the national diffusion network
Annually
State or local governments/businesses or other institutions
Institutions of higher education, nonprofit organizations
SIC: 941 822 892
Elementary, secondary, and vocational education: 225 responses; 756 hours; $25,000 Federal cost; 1 form; $2,250 public cost; not applicable under 3504(h)
Federal education data acquisition council, 202-426-5030

This information requested in the national diffusion network grant application will be used solely for program management in the determination of grant eligibility and in the determination of the amount of the grant award.

Revisions

- Office of Educational Research and Improvement

Standard application for library training programs, title II-B, HEA 1965
OE-547
Annually
State or local governments/businesses or other institutions
Instns. of higher education, library org. St/local gov't
SIC: 823 822
Research and general education aids: 70 responses; [illegible] hours; $25,000 Federal cost; 1 form; not applicable under 3504(h)
Federal education data acquisition council, 202-426-5030

This application form is necessary to elicit institutional and proposed project data called for by the selection criteria and which is used by field readers and program staff to evaluate the merit of a proposal and to determine funding levels.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

New

- Conservation and Solar Energy

State energy conservation plan application
CE-741
Nonrecurring
State or local governments
States amd U.S. territories
SIC: 919
Energy conservation: 57 responses; 3,192 hours; $2,003 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

The CE-741 shall be used by the States to apply for financial assistance and as a form for the submission of the State energy conservation plan and the supplemental State energy conservation plan. The information collected will be used to make a determination to award grants. Since Congress has not taken final action on these programs, the start and completion dates have not been determined.

Reinstatements

- Federal Energy Regulatory Commission

Annual reports of system flow diagrams
FERC-567
Annually
Businesses or other institutions
Natural gas pipeline companies
SIC: 131
Energy information, policy, and regulation: 49 responses; 8,869 hours; $3,577 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

The annual reports of system flow diagrams are used by the FERC staff for general regulatory purposes in connection with the processing of applications filed by interstate pipelines under sections 7(a), 7(b), and 7(c) of the Natural Gas Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488.

New

- Departmental Management

Nonfarm self-employment data collection
OS-13-81
Nonrecurring
Individuals or households
Persons in Chicago area owning or having owned own business
Public assistance and other income supplements: 400 responses; 100 hours; $90,184 Federal cost; 1 form; $1,000 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

The proper measurement of nonfarm self-employment income and the value of these businesses is an integral part of the research in the methodological development of the proposed SIPP. This research involves interviews of persons who have owned or currently owned small businesses to develop adequate methodological approaches to measure these variables in an interview.

- Office of Assistant Secretary for Health

Directory of on-going research in smoking and health
Biennially
Businesses or other institutions
Questionnaires sent researchers engaged in smkng research
SIC: 892
Health: 2,300 responses; 766 hours; $79,500 Federal cost; 1 form; $7,660 public cost; not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

The OSH collects and disseminates information on the health consequences of smoking, as mandated by the Congress (PL 91-222). The directory is one means whereby the OSH discharges this responsibility of informing the Congress and the public of current and active research in smoking and health.

- Social Security Administration

Work incentive demonstration program report
SAA-4769 (9-81)
Quarterly
State or local governments
States choosing to operate the work incentive demns.
SIC: 944
Other income security: 80 responses; 1,200 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

The information is needed to determine whether the demonstration is more effective than the WIN program operation under title IV-C of the Social Security Act and to evaluate, as required by law, each State's program at the end of one and three years.

- Social Security Administration

Work incentive demonstration application
SSA-4768 (9-81)

Nonrecurring
State or local governments
States choosing to operate the work incentive demonstra.
SIC: 944
Other income security: 20 responses; 800 hours; $15,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

The information is required to determine whether the proposed WIN demonstration conforms to section 445 of title IV–C, whether it is more effective than the WIN program operated under title IV–C excluded section 445, and to compare the administrative performance with different WIN demonstration characteristics.

- Social Security Administration

Community work experience financial records
SSA–4767 9–81
On occasion
State or local governments
States which elect to operate community work exper. Progms
SIC: 944
Other income security: 25 responses; 500 hours; $15,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

409(A)(1)(F) of the Social Security Act requires provision be made for transportation and other costs, as limited by the Secretary, related to participation in CWEP. In 45 CFR 238.60 the Secretary limits payment to participants to $25 per month. The information is needed to insure that State payments do not exceed this limit.

- Health Care Financing Administration

Survey for study of appropriate staffing ratios in nursing homes
HCFA–290 290A thru F
Nonrecurring
Businesses or other institutions
Patients, staff, admins. in nursing care facilities
SIC: 805
Health: 1 response; 1,162 hours; $415,459 Federal cost; 7 forms; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This study examines staffing patterns in 200 U.S. nursing homes to determine how staffing affects the quality and cost of care. Quality is measured with a reliable survey instrument previously developed under Federal contract. Purpose of study is to determine whether HCFA should issue nursing home staffing regulations.

Revisions

- Departmental Management

The survey of income and program participation
OS–2–81
Other—see SF83
Individuals or households
Households in nationally representative sample
Public assistance and other income supplements: 40,000 responses; 20,000 hours; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

To provide statistics for the executive and legislative branches not previously available such as multiple-recipiency of benefits of major Government programs, to support policy analysis, monthly program participation and eligibility statistics. The data requirements include income, employment and household composition, taxes paid, noncash income recipiency and related subjects to estimate the effects of Government programs.

Reinstatements

- Human Development Services

WIN certification report, SAU certification record, WIN
Grant change report, and WIN grant change record
HDS–WIN–117, parts A&B HDS–WIN 117 parts A&B
SAU 4 IM 9
Quarterly
State or local Governments
State and project WIN SAU agencies
Training and employment: 403,632 responses; 9,915 hours; $102,000 Federal cost; 4 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The WIN 117 part A report is used to report the number of certifications, with breakouts by type. The WIN 117 part B report form is used to report the amount of reduction or change in grants due to employment or registrants.

- Human Development Services

Guidelines for the development of the State child welfare service plan
Annually
State or local governments
State public welfare agencies
Social services: 350 responses; 19,250 hours; $102,000 Federal cost; 4 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

These guidelines represent the basic State plan for the development of child welfare services. The four-part document consists of a long range strategy, an annual operating plan, all of which emphasize the joint Federal-State planning process; and an annual budget request.

- Human Development Services

Annual State WIN plan, worksheets 1–6 and signature page
ETA–8479, ETA–8480, ETA–8481, ETA–8482, ETA–8483, ETA–8484, ETA–8485
Annually
State or local governments
State WIN program (ES and welfare agencies)
Training and employment: 317 responses; 15,920 hours; $102,000 Federal cost; 7 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The State WIN plan (SWP) is the basic vehicle for providing WIN funds to State agencies for the operation of the WIN program. It indicates the levels and kinds of services to be provided to employable AFDC recipients and how the funds are to be utilized, including staffing levels. The SWP worksheets Nos. 1–6 call for backup information needed to assure that Federal funds will be used in a responsible, accountable and effective manner.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

- Bureau of Reclamation

Recreation and wildlife summary
Annually
State or local governments/businesses or other institutions
State & county govern. agncs. & water user associations
SIC: 951
Water resources: 155 responses; 969 hours; $45,000 Federal cost; 1 form; $13,252 public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Data collected via the report are needed to effectively plan, develop, administer, and monitor recreation areas associated with Bureau projects. Data are used as input to land management decisions, for statistical information in the Bureau's annual accomplishments and to respond to Congressional and public inquiries and the Federal fee program.

Revisions

- Bureau of Mines

Production Estimates
6–1209–A
Annually
State or local governments/businesses or other institutions
Producers of metals and nonmetals
Sic: 104, 102, 103, 109
Small businesses or organizations
Other natural resources: 7,150 responses; 1,788 hours; $2,000 Federal cost; 1 form; not applicable under 3504(h)

Robert Shelton, 202–395–7340

The area covered by the bureau in the collection of production estimates is dictated by its responsibilities to furnish estimates of Mineral production for the secretary's new year's report and for preliminary annual estimates, published by commodity, shortly after the end of the year. There is considerable interest in Government agencies, the industry and the public, to know the level of minerals production for the year just past preliminary estimate.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

- Coast Guard

Official Logbook
CG–706B
On occasion
Businesses or other institutions
U.S. merchant shipping comp. through their shipboard agent
SIC: 441, 442, 443, 444, 445
Water transportation: 16,800 responses; 16,800 hours; $75,000 Federal cost; 1 form, not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Needed to keep official record of all foreign and intercoastal voyages and all incident inherent thereto. Required to keep load line record as well as a statement of crew's conduct. 46 U.S.C. 86G.(b), 86I.(c) and 201.

- Coast Guard

Tankerman examination
Answer sheet CG–4814
On occasion
Individuals or households
Applicants for tankerman endorsement
Water transportation: 2,651 responses; 2,651 hours; $19,543 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

These examinations are used by the Coast Guard to assure that tankerman possess a minimum level or qualifications when applying for the tankerman endorsement.

- Coast Guard

Alternative Compliance—Colregs
On occasion
Businesses or other institutions
Commercial boat operations
SIC: 441
Small businesses or organizations
Water transportation: 75 responses; 38 hours; $443 Federal cost; 0 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

33 U.S.C. 1601.72 colregs has a statutory requirement of compliance with Technical rules. Some vessels due to configuration and functional needs are unable to comply. These rules allow certification for such vessels. Information supplied will be used for determining appropriateness of applications and maintenance of records. Certification will be carried aboard vessels to facilitate inspections.

- Coast Guard

Alternative Compliance—Inland Rules
On occasion
Businesses or other institutions
Commercial boat operations
SIC: 444
Small businesses or organizations
Water transportation: 10 responses; 5 hours; $59 Federal cost; 0 form; $240 public cost; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

P.L. 96–591—The Inland Navigational Rules Act has a statutory requirement of compliance with technical rules. Some vessels due to configuration and functional needs are unable to comply. These regulations allow certification of such vessels. Information supplied will be used to determine appropriateness of applications and the maintenance of records. Certification will be carried aboard vessels to ease inspections.

- Coast Guard

Application and Report of Physical, First Aid, and Ship Sanitation Examination, and application and Report of Color vision
CG–954
Other-see SF83
Individuals or households
Merchant marine personnel
Water transportation: 14,085 responses; 14,822 hours; $3,668,550 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

This form is used to record the results of the physical exam of a merchant mariner's license. It is also used to record color vision tests for renewal of deck officer's licenses. This information is necessary to determine an applicant's physical competency.

- Coast Guard

Safety Zones
On occasion
Individuals or households/businesses or other institutions
Users of waterways
SIC: 441, 442, 444, 445
Small businesses or Organizations
Water transportation: 50 responses; 25 hours; $1,780 Federal cost; 0 form; $750 public cost; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Users of waterways may request that the captain of the port of district commander establish a safety zone for the protection of vessels, structures and water and shore area. Those users affected by a safety zone may appeal through the captain of the port, district commander and commandant.

- Federal Highway Administration

Medical Examination
Biennially
Individuals or households
Motor carriers and drivers operation in Interstate commerce
Small businesses or organizations
Ground transportation: 589,360 responses; 29,484 hours; 0 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The FH WA requires (49 CFR 391.4, 391.51) each driver employed by a motor carrier to be physically qualified and requires the motor carrier to retain a copy of the driver's medical examination certificate.

Revisions

- Coast Guard

Facility Application for Certificate of Financial Responsibility Outer Continental Shelf Lands Act Amendments of 1978
CG–5210
On occasion
Businesses or other institutions
OCS oil industry
SIC: 131, 132, 138
Small businesses or organizations
Water transportation: 1,00 responses; 250 hours; $715,700 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

To implement P.L. 95–372, an application is required from the owner or operator for each offshore facility applying for a certificate of financial responsibility. The application form states the facility involved, as well as the financial responsibility method the owner or operator will utilize.

Extensions (Burden Change)

- Coast Guard

Application for Coast Guard Port Security Card CG–2685
Other-see SF83
Individuals or households
Civilian worker requiring access to vessels or waterfront water transportation: 8,000 responses; 2,000 hours; $45,000 Federal cost; 1 form; $16,000 public cost; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

14 U.S.C. sec. 2, 89, 91, 93 & 141—civilian workers who need access to vessels and/or waterfront installations

must apply for a Coast Guard post security card on Form CG–2685.

Reinstatements

- Coast Guard

Importation of Noncomplying Recreational Boats and Products Subject to U.S. Customs Regulations and U.S. Coast Guard Regulations
CG–5096
Other-see SF83
Individuals or households/businesses or other institutions
Importers of recreational boats and associated equipment
SIC: 555
Small businesses or organizations
Water transportation: 300 responses; 75 hours; $2,500 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

If an imported recreational boat or product does not comply with Federal safety standards, the importer, or consignee, completes CG–5096. Customs forwards the original to the Coast Guard. The Coast Guard uses the form to contact the importer and assist him in bringing the boat or product into compliance with the standards.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394.

New

- Internal Revenue Service

Tax Shelter Questionnaire IME Gold Mining
DIR–DET 4–295
On Occasion
Individuals or households/businesses or other institutions
All taxpayers who invest in a IME Gold mining tax shelter.
SIC: All
Small businesses or organizations
Central fiscal operations: 200 responses; 150 hours; $8,302 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

The questionnaire has been devised with district counsel to properly develop each tax shelter case. Without this questionnaire, internal revenue service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

- Internal Revenue Service

Inquiry Related to Non-receipt of Form W–2
ROWR 3089 (12–80)
On occasion
Individuals or households/State or local governments/farms/Businesses or other institutions
Individuals, any employer
SIC: All
Small businesses or organizations
Central fiscal operations: 41,060 responses, 82,120 hours; $64,246 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

When a person does not receive a form W–2 from an employer. He/she writes or calls the Internal Revenue Service. ROWR form 3089 is prepared, from the information supplied by the person, and is sent to the employer requesting that a form W–2 be sent to the person.

- Internal Revenue Service

Information Request—Meneral Interests
SWR AUD–565
Nonrecurring
Individuals or households/farms/businesses or other institutions
Owners of mineral interests.
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 15,000 responses; 7,500 hours; $15,000 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Information is needed by estate tax examiners and engineers to obtain the value of mineral interests shown on returns filed for estates or donors. Data is used to ensure that the value reported on the return is correct.

- Internal Revenue Service

Kansas Appeals Conference Locations
SWR AP–2371 (Rev. 3–80)
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers who appeal an IRS adjustment increasing tax liab.
SIC: All
Small businesses or organizations
Central fiscal operations: 250 responses; 21 hours; $250 Federal cost, 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The form is needed to give taxpayers the opportunity to select a conference location convenient for them. The data is used to determine which appeals office should handle the case and arrange the conference at the site selected.

- Internal Revenue Service

Verification of Dependent Exemption
977 (DO), (C)
On occasion
Individuals or households
Individuals taking deductions for dependents
Central fiscal operations: 238,600 responses; 119,300 hours; $403,870 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880.

This letter is used to request information from third parties to substantiate dependency exemptions. This information is used to determine who provided the major support for the dependent.

- Internal Revenue Service

Application To Sponsor Student Tax Clinic
P–687
Nonrecurring
Businesses or other institutions
Law and graduate accounting school officials
SIC: 822
Small businesses or organizations
Central fiscal operations: 50 responses; 25 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acqusition Council, 202–426–5030

A law or graduate accounting school official would prepare this pattern letter to apply for sponsorship of a student tax clinic in cooperation with the IRS. The purpose of the pattern letter is to record the institution's application for clinic sponsorship and agreement to meet IRS requirements to conduct the clinic.

- Internal Revenue Service

Determination of Reported Income Being Subject To Self
Employment Tax.
718 (SC)
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers who report business income as "Other income"
SIC: All
Central fiscal operations: 10,000 responses; 5,000 hours; $137,930 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

When a taxpayer reports income (other than wages) that could be subject to self/employment tax, additional information is required to verify their tax liability. During an examination, letter 718 (SC) is sent to the taxpayer requesting the necessary information to help the IRS determine whether their income is subject to self-employment tax.

- Internal Revenue Service

Information To Determine Valuation of Capital Stock Reported by Taxpayer
909(C), 909(DO)
On occasion
Businesses or other institutions
Closely held businesses
SIC: All
Small businesses or organizations

Central fiscal operations: 8,300 responses; 8,300 hours; $41,160 Federal cost; 2 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Letters 909(C), (DO) is used to request closely held business financial data. The data submitted is reviewed by IRS to substantiate capital stock values reported on the taxpayers return under examination.

• Internal Revenue Service
Tax Counselling for the Elderly
6244 APPEN. A.B. C AND E
Annually
Businesses or other institutions
Public or private non-profit organizations
SIC: 839, 869
Small businesses or organizations
Central fiscal operations: 250 responses; 325 hours; $11,000 Federal cost; 5 forms; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 6244 is a budget and tax assistance summary sheet completed by prospective tax counseling for the elderly sponsors and used by the Internal Revenue Service to evaluate their proposals. Appendices A, B, C and E enable IRS to evaluate the grantee's potential as a tax assistance program.

• Internal Revenue Service
Tax Shelter Questionnaire General
DIR–DET 4–296
On occasion
Individuals or households/businesses or other institutions all taxpayers who invest in a general tax shelter.
SIC: All
Small businesses or organizations
Central fiscal operations: 1,500 responses; 1,125 hours; $6,284 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

The questionnaire has been devised with district counsel to properly develop each tax shelter case, without this questionnaire, Internal Revenue Service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

• Internal Revenue Service
Letter is Used to Inform Taxpayers About the Status of Their Tax Refund and to Request Information to Trace a Refund
FL–1519 (Rev. 12–80)
On occasion
Individuals or households
Individuals taypayers
Central fiscal operations: 19,000 responses; 4,750 hours; $76,811 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

This letter is used to reply to taxpayer inquiry concerning issuance of a refund check. In some cases (10%), the taxpayer must complete form 3911 to put a tracer on the check. Without this information, the taxpayer may not received the refund to which he/she is entitled.

• Internal Revenue Service
Initial Contact Letter Requesting Verifying Information 890 (DO)
On occasion
Individuals or households/farms/businesses or other institutions
Individuals and business
SIC: All
Central fiscal operations: 484,000 responses; 726,000 hours; $821,467 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Letter 890 (DO) is used to notify a taxpayer that they are to call an IRS office for an appointment for an examination of a return. This letter informs them of the need to provide verifying records used as a basis for the items checked off at the end of the letter. The IRS uses this information to recommend an increase, decrease or no change to their tax liability for a given year.

• Internal Revenue Service
Request for Information Needed to Effect Offset From Civil Service Commission to Pay Tax
CO–51
On occasion
Individuals or households
Individual taxpayers residing in other countries
Central fiscal operations: 15 responses; 4 hours; $25 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

26 U.S.C. 6155 requires payment of tax be made on receipt of notice of demand. Taxpayers residing in other countries, particularly under a blockled currency policy, can request their tax be paid from their civil service retirement income. Form CO–51 is sent to taxpayers to identify this source of income.

• Internal Revenue Service
Request for Verification on Income, Interest and Dividends Paid
F 1805 (Rev. 3–81)
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Usually someone that issues W–2's and 1099 forms
SIC: All
Small businesses or organizations
Central fiscal operation: 6,000 responses; 3,000 hours; $22,030 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Information requested by the letter is to verify certain IRP information which is compared to taxpayers returns. Without the information many potential fraud cases would be lost.

• Internal Revenue Service
Tax Shelter Questionnaire Commodity Transaction
DIR–DET 4–293
On occasion
Individuals or households/businesses or other institutions
All taxpayers who invest in a commodity tax shelter
SIC: All
Small businesses or organizations
Central fiscal operations: 150 responses; 113 hours; $6,222 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

The questionnaire has been devised with district counsel to properly develop each tax shelter case. Without this questionnaire, Internal Rvenue Service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

• Internal Revenue Service
Personnel Processing Masterform
599–5–325
Nonrecurring
Individuals or households
Candidates for employment with Internal Revenue Service Ctr.
Central fiscal operations: 4,500 responses; 2,250 hours; $1,312 Federal cost; 1 form; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

Information is gathered from prospective candidates for employment with Internal Revenue Service Center regarding former employment, education, arrest record and personal information. This information is used to complete other forms necessary to process a candidate for employment, as well as initiate investigations on the candidate's background.

• Internal Revenue Service
Request for Federal Tax Deposit Information
CO–33
On occasion
Individuals or households/farms/businesses or other institutions
Indiv. taxpayers, farms/businesses making Fed'l tax depsts.
SIC: All
Small businesses or organizations

Central fiscal operations: 50 responses; 25 hours; $12 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. requires payment of tax to be made upon receipt of notice of demand. If an employer claims more Federal tax deposit credits than IRS records show, letter CO–33 is sent to the employer to resolve the discrepancy.

- Internal Revenue Service

Visitor Register
ROWR 2183
Other—See SF83
Individuals or households/State or local governments/businesses or other ins vendors making deliveries, pickups, repairs and visitors
SIC: All
Small businesses or organizations
Central fiscal operations: 28,000 responses; 932 hours; $24 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

This form is used to record all visitors, vendors, etc. entering the service center and restricted areas and to maintain a close control on badges issued to them.

- Internal Revenue Service

Request to Employer to Furnish Income Information
CO–30
On occasion
Individuals or households/farms/businesses or other institutions
Indiv. taxpayers, farms/buss. who have employees
SIC: All
Small businesses or organizations
Central fiscal operations: 50 responses; 25 hours; $12 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

26 U.S.C. requires payment of tax to be made upon receipt of notice of demand. If the taxpayer alleges that additional tax than credited was withheld by the employer, letter CO–30 is sent to the employer to verify income and withholding tax.

- Internal Revenue Service

Tax Shelter Questionnaire Lithographs
DIR–DET 4–294
On occasion
Individuals or households/businesses or other institutions
All taxpayers who invest in a lithograph tax shelter
SIC: All
Small businesses or organizations
Central fiscal operations: 100 responses; 75 hours; $4,154 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

- Internal Revenue Service

VITA Test Spanish
6742
Annually
Individuals or households
Volunteers, college students, members of social action agcs.
Central fiscal operations: 500 responses; 1,000 hours; $3,500 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

As part of the training program for Spanish speaking volunteers, all volunteers are requested to take a test at the end of the VITA/TCE course to insure that students have been adequately trained. It is a pass/fail system. (VITA/TCE—volunteer income tax assistance/tax unseling for the elderly).

Extensions (No Change)

- Comptroller of the Currency

Application for Issuance of Subordinated Notes or Debentures
CC 7028–02
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of Commerce: 70 responses; 70 hours; $8,750 Federal cost; $827 public cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Contains data needed to evaluate subject application.

- Internal Revenue Service

Special Tax Return and Application for Registry Wagering
11C
Annually
Businesses or other institutions
Persons accepting wagers
SIC: 794, 799
Small businesses or organizations
Central fiscal operations: 3,000 responses; 4,000 hours; 1 form; not applicable under 3504(h)
Kevin Broderick, 202–395–6880

Form 11–C is used to register persons accepting wagers (IRC sections 4401, 4411, and 4412). IRS uses this form to register the respondent, collect the annual occupational tax and to verify that the tax on wagers is reported on form 730.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–287–0793

Extensions (Burden Change)

- Application Form 1—General Information (ICR–227)

EPA 3510–1
Nonrecurring
Businesses or other institutions
Activities that require permits under NPDES, RCRA
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 10,000 responses; 110,000 hours; $40,000 Federal cost; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

EPA is consolidating application forms for permit programs. Form 1 will be used by the hazardous waste management program to control treatment, storage and disposal of wastes defined in section 3001 of the resource conservation and recovery act.

- Form 2C of EPA Consolidated Application Forms

EPA 3510–2c
On occasion
State or local governments/businesses or other institutions
Existing manufac., comm., mining & silvicultural operations
Small businesses or organizations
Pollution control and abatement: 4,500 responses; 180,000 hours; $442,000 Federal cost; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

RCRA regulations require existing manufacturing, commercial, mining, and silvicultural dischargers to file a renewal application for an NPDES permit when existing permits expire. New application forms collect data needed to issue permits for bat-level control of toxic pollutants.

Extensions (No Change)

- Form 2B—Concentrated Animal Feeding Operations—(ICR 226)

EPA 3510–2B
Nonrecurring
Businesses or other institutions
Animal feeding operations & aquatic animal producing facil.
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 500 responses; 3,000 hours; $5,000 Federal cost; 1 form; not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

This new permit application form identifies owners of concentrated animal feeding operations and aquatic animal production and requires them to supply information on their operations. Form 2B is part of EPA's hazardous waste management program.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—202–452–2983

Revisions

- Home Mortgage Disclosure Statement

HMDA–1
Annually
Businesses or other institutions
State member banks that are located in an SMSA
SIC: 602
General government: 387 responses: 11,610 hours; $220,000 Federal cost; 1 form; $92,880 public cost; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

State member banks subject to the act annually disclose by census tract county originated and purchased residential mortgage loans. Disclosures publicly available at the bank for 5 years and at the SMSA central data repository. Public officials, examiners, and the public use of disclosure to determine lending patterns in home financing and to detect discrimination among other things.

Extensions (No Change)

- Terms of Bank Lending to Business

FR 2028A
Quarterly
Businesses or other institutions
Sample of insured commercial banks
SIC: 602
Small businesses or organizations
General government: 4,080 responses: 7,847 hours; $106,685 Federal cost; 1 form; $117,705 public cost; not applicable under 3504 (h)
Kevin Broderick, 202–395–6880

The FR 2028A and 2028B reports collect information on interest rates and selected nonprice terms of lending on individual loans to business and farmers from a sample of insured commercial banks. The FR 2028A–S report collects the banks' prime interest rate for each day covered by the 2028A survey. Current analysis of the data provides a basis for monetary policy purposes.

INTERNATIONAL COMMUNICATION AGENCY

Agency Clearance Officer—Mary Jane Winnett—202–523–4308

Revisions

- Voice of America English-Teaching Broadcasts to the PRC

IAP–16
Nonrecurring
Individuals or households
Professional teachers of ESI with PRC experience
Foreign information and exchange activities: 64 responses; 64 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

Study will assess the appropriateness of VOA English-teaching (ET) Broadcasts to the PRC in the context of China's modernizing educational system. Findings from a survey of 64 English-teaching experts with PRC experience will be analyzed with the intention of providing conclusions and recommendations for current and planned VOA ET programs.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301–492–8585

Revisions

- Dosages

On occasion, monthly, quarterly, annually
Other—see SF83
Businesses or other institutions
Nuclear medical licensees
Sic: 493
Small businesses or organizations
Energy information, policy, and regulation: 2,000 responses; 52,000 hours; $13,500 Federal cost; 0 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7304

Provides that specific medical licensees measure the total activity of radioactive drug dosage before administration to patients to enhance patient radiation safety by minimizing potential misadministrations that can be caused by not measuring the patient dosage.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202–272–2142

New

- Regulation F Under the 1933 Act, Exemption for assessments on Assessable Stock and for Assessable Stock Offered or Sold to Realize Amount (cont.), Sec 1810, 1–F; Sec 1912, Reg F

On occasion
Businesses or other institutions
Issuers of certain offerings of assessments/assessable stock.
Sic: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 7 responses; 21 hours; $446 Federal cost; 1 form; $1,070 Public cost; not applicable under 3504 (h)
Robert Veeder, 202–395–4814

Regulation F and the related form are necessary to provide A basis for the exemption from registration under the 1933 Act for assessments and for securities sold at delinquent assessment sales and, at the same time, to provide protection for investors in such securities.

- Rule 236

Under the 1933 Act, exemption of Shares Offered in connection with certain Transactions
On occasion
Businesses or other institutions
Iss. that have a class of equity sec. reg. under The 1934 A.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 5 responses; 8 hours; $27 Federal cost; 1 form; $400 Public cost; not applicable under 3504 (h)
Robert Veeder, 202–395–4814

Rule 236 is necessary to provide a basis for the exemption from registration under the 1933 Act of shares of stock or similiar security which are publicly offered to provide funds to be distributed to security holders in lieu of issuing fractional shares, scrip certificates, or other evidences of such fractional interest, in connection with a stock dividend, stock split, reorganization or similar transaction.

- Regulation a Small Offering Exemption From Registration Provisions of the Securities Act and its attendant Forms

Other-see SF83
Businesses or other institutions
ION from registration
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 685 responses; 624,920 hours; $731,544 Federal cost; 8 forms; $14,445,160 Public cost; not applicable under 3504 (h)
Robert Veeder, 202–395–4814

Regulation A provides a general exemption to the registration provisions of the Securities Act of 1933 which may be used by a variety of issues to raise up to $1.5 million worth of securities during any twelve month period.

- Notice of sales on form 4(6) relating to the private offer and sale of securities made pursuant to section 4(6) sec. 1831

On occasion
Businesses or other institutions
Any iss. which elects to offer and sell sec. W/O reg. etc.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 4 responses; 24 hours; $4,926 Federal cost; 1 form; $1,080 Public cost; not applicable under 3504 (h)
Robert Veeder, 202–395–4814

Section 4(6) of the Securities Act provides an exemption from the issuer solely to accredited investors, if, among other things, a notice of sales it filed with the commission. Form 4(6) was adopted in order that issuers may rely on this exemption.

- Securities Act of 1933 Registration Form S–18

Sec 1766
On occasion
Businesses or other institutions
This form is intended for use by any bus. not filing repts.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 280 responses; 364,000 hours; $572,838 Federal cost; 1 form; $19,600,000 Public cost; not applicable under 3504 (h)
Robert Veeder, 202–395–4814

To help insure that investors have the necessary information to make security purchases, the Securities Act requires the filing of a registration statement which makes publicly available the information necessary for informed investing. Form S–18 is one of the forms prescribing for such purpose for small offerings by first time issuers.

- Rule 242 and Notice of Sales on form 242 Relating to the Private Offer and sale of Securities Made Pursuant to that Rule

Sec 1814
On occasion
Businesses or other institutions
Iss. who elect to offer and sell sec. in reliance upon exemp.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 81 responses; 486 hours; $8,682 Federal cost; 1 form; $21,870 Public cost; not applicable under 3504 (h)
Robert Veeder, 202–395–4814

Rule 242 provides a limited exemption from the registration provisions of the Securities Act for certain offers and sales of securities by qualifying issuers. Form 242 provides the commission with the information necessary to assess the effectiveness of the exemption and to monitor compliance with the rule.

- Notice of sales on form 240 Relating to the Private Offer and Sale of securities Made Pursuant to Rule 240

Sec 1768
On occasion
Businesses or other institutions
Any iss. which elects to offer and sell sec. purs. to rule 240
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 525 responses; 1,575 hours; $23,309 Federal cost; 1 form; $84,000 Public cost; not applicable under 3504 (h)
Robert Veeder, 202–395–4814

Rule 240 provides a limited exemption from the registration requirements of the Securities Act for certain offers and sales of securities by qualifying issuers. Form 240 provides the commission with the information necessary to assess the effectiveness of the exemption as a capital formation device for issuers, particularly small businesses.

Notice of Proposed Sale of Securities Form 144 Relating to Resales of Restricted Securities and Securities Held by Affiliates
Sec. 1147
On Occasion
Individuals or households/businesses or other institutions any indiv. or entity which elects to resell restr. sec. etc.
Sic: multiple
Small businesses of organizations
Other advancement and regulation of commerce: 33,526 responses; 67,052 hours; $26,090 Federal cost; 1 form; $2,849,710 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Generally, rule 144 exempts from the registration requirements of the Securities Act certain resales of restricted securities provided among other things, that form 144 is filed. The form enables the commission to monitor the use of the rule and to ensure it is being complied with and is functioning as intended.

- Tender Offer Regulations 14D and 14E (schedules 14D–1 and 14D–9)

1747 (SCH 14D–1) 1917 (SCH 14D–9)
On occasion
Businesses or other institutions
Iss. of sec. reg. under sec. 12 of the Sec. Exch. Act of 1934
SIC: multiple
Small businesses or organizaitons
Other advancement and regulation of commerce: 228 responses. 85,500 hours; $78,500 Federal cost; 2 forms; $3,634,000 public cost; not applicable under 3504(H) Robert Veeder, 202–395–4814

Because of the special market and investment decision problems which attend tender offers for publicly-held securities, regulations 14D and 14E, and related schedules 14D–1 and 14D–9, require disclosure of information important to security holders in deciding how to respond to such offers.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146.

Extensions (burden change)

- Financial Counseling Statement

26–0044
On occasion
Individuals or households
Veteran-obligors
Veterans housing: 1,300 responses; 975 hours; $13,399 Federal cost; 1 form; not applicable under 3504(H)
Robert Neal, 202–395–6880

Abstract: form is completed by VA loan service representatives in counseling Veteran—obligors of seriously defaulted guaranteed home loans. The form is used in supplemental servicing activities developed pursuant to 38 U.S.C. 1820.

Arnold Strasser,
Acting Assistant Administrator For Reports Management.

[FR Doc. 81-27119 Filed 9-16-81; 8:45 am]
BILLING CODE 3110-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding the Application of Certain International Agreements

The notice modifies the determination published in the **Federal Register** of January 4, 1980 (45 FR 1181), as amended by determinations published at 45 FR 18547, 45 FR 36569, 45 FR 63402, 45 FR 85239, 46 FR 24059 and 46 FR 40624.

Under Section 1–103(b) of Executive Order 12188 of January 2, 1980, the functions of the President under section 2(b) of the Trade Agreements Act of 1979 (the Act) and section 701(b) of the Tariff Act of 1930 as amended, are delegated to the United States Trade Representative (the Trade Representative), who shall exercise such authority with the advice of the Trade Policy Committee.

Now, therefore, I, William E. Brock, United States Trade Representative, in conformance with the provisions of section 2(b) of the Act, Section 701(b) of the Tariff Act of 1930 as amended, and section 1–103(b) of Executive Order 12188, do hereby determine, effective on the date of signature of this Notice,* that:

With respect to the Agreement on Interpretation and Application of

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* Inquiries concerning this notice should be addressed to Kathryn Flynn, Office of GATT Affairs, Office of the U.S. Trade Representative, Washington, D.C. 20506, (202) 395–3063.

Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the Subsides Code), New Zealand has accepted the obligations of the agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement.

In accordance with section 701(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1671(b)), as of September 16, 1981, New Zealand is a "country under the Agreement."

William E. Brock,

United State Trade Representative.

[FR Doc. 81-27312 Filed 9-16-81; 10:58 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18094; SR-MSRB-81-11, SR-MSRB-79-11]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Changes

September 11, 1981.

In the matter of Municipal Securities Rulemaking Board, Suite 507, 1150 Connecticut Avenue, NW., Washington, D.C. 20036.

On July 17, 1981 and October 25, 1979, the Municipal Securities Rulemaking Board (the "MSRB") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of proposed rule changes to amend MSRB rule G-11, which establish terms and conditions for the sale of new issue municipal securities during the underwriting period. Rule G-11 currently requires that every municipal securities dealer submitting an order for municipal securities to an underwriting syndicate or to a member of the syndicate disclose whether such orders are for such dealer's own account, the account of a related portfolio, a municipal securities investment trust sponsored by the dealer, or an accumulation account established under such trust. In addition, G-11 provides, among other things, that the above information regarding the capacity in which any municipal securities dealer submits an order to the underwriting syndicate shall be disclosed by the senior syndicate manager to other members of the syndicate upon request made prior to final settlement of the syndicate account. The rule also requires senior syndicate managers to disclose to other members of the syndicate, upon request, the identity of persons submitting "group" orders to the syndicate, or the aggregate face amounts of such orders.

The proposed rule changes would require only syndicate members to make disclosures regarding the capacity in which their orders are submitted to the syndicate. Further, the proposed rule changes would require the senior syndicate manager to disclose to other members of the syndicate available information concerning the allocation of securities to orders submitted to the syndicate, in writing, within ten days after the date of sale. The information to be disclosed would include, with respect to such orders, the identity of each syndicate member's related portfolio, municipal securities investment trust or accumulation account, the identity of each person submitting a group order, and a summary list of other orders which, under the syndicate's previously-agreed-upon priority provisions, were entitled to a higher priority than members' "take-down" orders. The senior syndicate manager also would be required to furnish to syndicate members, along with certain information regarding syndicate expenses, a summary statement showing aggregate par values and prices of all securities sold from the syndicate account. The terms "date of sale" and "priority provisions" would also be defined in amended rule G-11.

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of Commission Releases (Securities Exchange Act Release No. 17981, July 28, 1981) (Securities Exchange Act Release No. 16309, October 31, 1979) and by publication in the **Federal Register** (46 FR 39714, August 4, 1981) (44 FR 64578, November 7, 1979). All written statements with respect to the proposed rule changes which were filed with the Commission and all written communications relating to the proposed rule changes between the Commission and any person were considered and were made available to the public at the Commission's Public Reference Room.

On September 8, 1981, the Commission received one comment letter with respect to the most recent proposed rule change (SR-MSRB-81-11). The Public Securities Association (the "PSA") expressed opposition to the proposed rule change, particularly the requirement that the syndicate manager provide written disclosure, within ten business days after the date of sale, of certain information concerning the allocation of securities to orders submitted to the syndiate. The PSA termed this requirement "untimely and duplicative." The MSRB believes information concerning actual allocations would be important to syndicate members in that such information would increase understanding of syndicate practices and enable syndicate members to make independent determinations of whether allocations were in conformity with established priority provisions.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and in particular, the requirements of Section 15B, and the rules and regulations thereunder.

The MSRB has requested a delayed effective date for the proposed rule changes to allow the MSRB sufficient time to educate the industry regarding the implementation of amended rule G-11. The MSRB believes that such education is necessary since the proposed rule changes effect certain substantive changes in syndicate practices.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved effective with respect to sales of new issues of securities during the underwriting period on or after October 11, 1981.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27101 Filed 9-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18093; SR-NASD-81-17]

National Association of Securities Dealers, Inc.; Order Approving Amended Proposed Rule Change

September 11, 1981.

In the matter of National Association of Securities Dealers, Inc., 1735 K Street, NW., Washington, D.C. 20006.

On June 12, 1981, the National Association of securities Dealers, Inc. (the "NASD") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change that would amend Schedule D of the NASD's By-Laws. The proposed rule change would permit temporary inclusion on NASDAQ of certain new issues exempt from registration under Section 3(a) of the Securities Act of 1933, upon the effectiveness of the issuer's registration statement or equivalent document filed with the appropriate regulatory authority. Any such temporary inclusion would automatically expire 120 days after the effective date of the offering, at which time the securities would be required to meet standard NASDAQ criteria to remain on the system.

Notice of the proposed rule together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17895 (June 25, 1981)), and by publication in the **Federal Register** 46 FR 34749 (1981).[1] No comments were received with respect to the filing.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and in particular the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned amended proposed rule change, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27102 Filed 9-16-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/441]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on October 7, 1981, of the Working Groups on Restrictive Business Practices and Multilateral Investment Standards for MNE's and U.N. Activities of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 9:30 a.m. to 12 noon. The meeting will be held in Room 2722B of the State Department, 2201 C Street, N.W., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to discuss recent developments in the U.N. restrictive business practices code, the draft letter to U.S. corporations describing the restrictive business practices code, the upcoming first meeting of the Intergovernmental Group of Experts on the Restrictive Business Practices Code to be held in early November, and the results of the Seventh Session of the U.N. Commission on Transnational Corporations.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: September 8, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81-27091 9-16-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/442]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on October 9, 1981, of the Working Group on the U.N. Conference on New and Renewable Sources of Energy of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 9:30 a.m. to 12:00 noon. The meeting will be held in Room 1107 of the State Department, 2201 C Street, N.W., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to review and discuss the Program of Action that was adopted by the U.N. Conference held in Nairobi, Kenya, August 10–21, 1981.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: September 9, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81-27092 Filed 9-16-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/440]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Working Group on the Carriage of Dangerous Goods of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 9:30 a.m. on October 22, 1981 in Room 6332 of the Nassif Building, 400 7th St., SW., Washington, D.C. 20590.

The purpose of the meeting will be to discusss:

US positions on matters to be considered at the XXXIII Session of the Subcommittee on the Carriage of Dangerous Goods (December 7–11, 1981);

Progress of IMCO activities of a continuing nature such as implementation of the IMDG Code.

Members of the public may attend up to the seating capacity of the room.

For further information contact Lt. Kevin J. Eldridge, US Coast Guard (G-MHM-2/14), 2100 2nd St., SW., Washington, D.C. 20593. Telephone (202) 426-1577.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

September 9, 1981.

[FR Doc. 81-26090 Filed 9-16-81; 8:45 am]

BILLING CODE 4710-01-M

[Public Notice CM-8/439]

Study Group B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on September 29, 1981 at 10:00 a.m. in Room 1205 of the Department of State, 2201 C Street, N.W., Washington, D.C. This Study Group deals with international telegraph operations.

The Study Group will discuss preparations for the meeting of CCITT Study Group VIII, scheduled for October 5–16, 1981 at Geneva. The July 23 meeting of Study Group B approved U.S. contributions for Study Group VIII; the September 29 meeting will review contributions submitted by other member countries.

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[1] On August 21, 1981, the NASD filed technical amendments to proposed rule change.

V 46 SE 17 81 UMI

Member of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to September 29, members of the general public who plan to attend the meeting so advise Mr. Richard H. Howarth, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632–1007. All non-Government attendees must use the C street entrance to the building.

Dated: September 3, 1981.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81–27089 Filed 9–16–81; 8:45 am]

BILLING CODE 4710–07–M

Office of the Secretary

[CM–8/443]

Shipping/Coordinating Committee; Committee on Ocean Dumping; Meeting

The Committee on Ocean Dumping, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 on Wednesday, September 23, 1981 in Room 3908 (Mall), Waterside Mall, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C.

The purpose of the meeting is to review position documents for the Sixth Consultative Meeting of the Contracting Parties of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, scheduled to be held in London October 5–9, 1981.

Requests for further information should be directed to Ms. Norma Hughes, Executive Secretary, Ocean Dumping Committee (WH–585), Environmental Protection Agency, Washington, D.C. 20460. Ms. Hughes may be reached by telephone on (202) 755–2927.

Members of the public may attend up to the seating capacity of the room. The Chairman will entertain comments from the public as time permits.

Due to a delay in receipt of the essential conference documentation from the IMCO Secretariat, it was not possible to meet the two week prior notification requirement in connection with this meeting.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

September 14, 1981.

[FR Doc. 81–27202 Filed 9–16–81; 8:45 am]

BILLING CODE 4710–01–M

SYNTHETIC FUELS CORPORATION

Revised Interim Guidelines on Disclosure and Confidentiality

AGENCY: Synthetic Fuels Corporation.

ACTION: Publication of Revised Interim Guidelines on Disclosure and Confidentiality.

SUMMARY: This notice publishes Revised Interim Guidelines on Disclosure and Confidentiality of the United States Synthetic Fuels Corporation to carry out the requirements of Section 121 of the United States Synthetic Fuels Corporation Act of 1980, Pub. L. 96–294 relating to public access to information.

EFFECTIVE DATE: These guidelines are effective immediately and supercede the Interim Guidelines on Disclosure and Confidentiality published in the **Federal Register** on April 14, 1981 (46 FR 21895).

FOR FURTHER INFORMATION CONTACT: Catherine McMillan, Director of Public Disclosure, United States Synthetic Fuels Corporation, 2100 "M" Street, N.W., Suite 607, Washington, D.C. 20586, (202) 653–4245.

Revised Interim Guidelines on Disclosure and Confidentiality

Sec. 1 Purpose and Scope

These guidelines implement the policy and procedures of the United States Synthetic Fuels Corporation with respect to public access to information in the possession and under the control of the Corporation, as provided in Sec. 121 of the Energy Security Act (Pub. L. 96–294). While the Corporation is not subject to the Freedom of Information Act (5 U.S.C. 552), the Corporation's disclosure policy follows the spirit of that Act consistent with its obligation to carry out its duties, functions and responsibilities under the Energy Security Act. Application of the Freedom of Information Act to the Corporation is not to be inferred from any provision of these guidelines. The Corporation will make available to the public, upon request, any information regarding its organization, procedures, requirements, and activities; providing that the Corporation reserves the right to withhold information which would be exempted from disclosure pursuant to either subsection (b) of Sec. 552 of Title 5, United States Code or Sec. 116(f) of the Energy Security Act as it pertains to minutes of meetings of the Corporation's Board of Directors. The Corporation may furnish to the public informally and without compliance with these guidelines information of types which are customarily furnished to the public. These guidelines are intended solely to assist the officers and employees of the Corporation in implementing Sec. 121 of the Energy Security Act. Nothing herein shall be construed as granting to any person a right or rights not expressly provided for by the Energy Security Act.

Sec. 2 Administration

The administration of these guidelines is the duty and responsibility of the Director of Public Disclosure, United States Synthetic Fuels Corporation, 2100 "M" Street, N.W., Washington, D.C. 20586. The Corporation will promulgate such supplementary guidelines as may be necessary.

Sec. 3 Definitions

As used in these guidelines:

(a) "Corporation" or "United States Synthetic Fuels Corporation" means the Corporation created by Subtitle B of Title I of the Energy Security Act.

(b) "General Counsel" means the General Counsel provided for in Sec. 117(b)(1) of the Energy Security Act.

(c) "Information" means all reproducible books, papers, manuals, maps, photographs, reports, and other documentary materials, regardless of physical form or characteristics, made or received by or under the control of the Corporation in connection with the transaction of public business. In the context of a request for information, the term "information" refers only to information in being and in the possession and under the control of the Corporation. It does not include the compiling or procuring of information, information belonging to another government entity, material available in the Corporation's public reading room, or library material acquired and preserved solely for reference or exhibition purposes.

(d) "Director of Public Disclosure" and "Director" mean the person designated to administer Sec. 121 of the Energy Security Act at the Corporation.

Sec. 4 Public Reading Room

The Corporation will maintain a public reading room located at the Corporation's offices at 2000 "L" Street, N.W., Washington, D.C. The reading room will be open from 9:00 a.m. to 4:30 p.m., on working days to any interested person.

The public reading room will contain the following information and such additional information as may be determined from time to time by the Corporation.

1. Descriptions of the organization, procedures, requirements, and activities of the Corporation.
2. A file on each project receiving financial assistance from the Corporation containing copies of all previously released information on the project.
3. Copies of all portions of original proposals for financial assistance not marked confidential by the submitter.
4. Copies of the approved minutes of every public board meeting of the Corporation except those portions withheld by the Board pursuant to Sec. 116(f)(2) of the Energy Security Act.
5. Copies of all Corporation press releases and transcripts made of all public conferences and briefings sponsored by the Corporation.
6. Copies of all public speeches or testimony given by directors or officers of the Corporation acting in that capacity.
7. Copies of all public reports and other public documents transmitted by the Corporation to the Congress including all quarterly and annual reports.
8. Copies of all statements of policy and interpretations of the Energy Security Act which have been adopted by the Board of Directors of the Corporation.
9. A current directory of all employees of the Corporation, listing their office assignment, office address, and office telephone number.
10. Copies of all written instruments by the Chairman delegating functions, powers, and duties to directors, officers or employees of the Corporation pursuant to Sec. 119(a) of the Energy Security Act.
11. Copies of all public reports of the Inspector General of the Corporation.
12. Copies of all public reports of the Advisory Committee to the Board of Directors.
13. Copies of all Federal Register or similar notices issued by the Corporation.
14. Copies of all solicitations for proposals issued by the Corporation.
15. Copies of all environmental and health monitoring plans developed pursuant to Sec. 131(e) of the Energy Security Act.
16. Copies of the annual audit of accounts required by Sec. 177(d)(1) of the Energy Security Act.
17. Copies of Sec. 121 information requests on which action by the Corporation has been completed.
18. Copies of current catalogs to material available in the public reading room.

Sec. 5 Submission of Documents

Any person who submits information to the Corporation may seek confidential treatment of portions of such information marked "confidential" by the submitter, on the basis of 18 U.S.C. 1905 (the Trade Secrets Act), 5 U.S.C. 552(b) (the exemptions from the Freedom of Information Act), or any other federal law applicable to the Corporation.

At the time information is submitted to the Corporation, the submitter must place the mark of "confidential" in a prominent manner on each page or segregable portion of each page for which confidential treatment is sought. The cover of any information containing any confidential markings must also prominently display the name, address, and telephone number of an individual associated with the submitter who can be contacted on short notice by the Corporation with regard to the confidential markings. While the Corporation will not generally require a justification for the confidential markings at the time information is submitted, it reserves the right to do so. Submitters should make a good faith effort to segregate non-confidential information from information for which confidential treatment is requested.

The Corporation will not generally make any decision on the validity of confidentiality markings of submitters at the time of submission, but the Corporation will make a decision if and when a request is made for information so marked. At that time, the relevant submitters will be provided with an opportunity to support the confidentiality markings on such information. Such an opportunity will also be provided to submitters in the event of any appeal with respect to a request for such information.

The Corporation reserves the right to make available to the public all portions of original project proposals not marked confidential by the submitter. Proposals submitted in response to future solicitations should include, in addition to the full proposal with "Confidential" markings thereon, a copy marked "Public Information Copy" from which there shall be deleted all material for which confidential treatment is requested.

Sec. 6 Requests for Information

Any person who wishes to obtain a copy of any information submitted to or generated by the Corporation which is not available in the public reading room shall file a written request with the Director of Public Disclosure. All written requests shall be addressed to the Director of Public Disclosure. The Corporation will not process oral or anonymous requests for information; nor will the Corporation assure that requests addressed to other offices in the Corporation will be processed, though it will endeavor to forward such requests to the Director of Public Disclosure.

Both the envelope and the letter shall be marked as a "Sec. 121 Information Request." If the description in a request is not sufficiently specific so that the Director and the staff can identify and locate the information requested with a reasonable amount of effort, the Director will endeavor to contact the requester for additional identifying information. A request shall include the firm agreement of the requester to pay whatever fees will be assessed in accordance with Sec. 12 of these guidelines or shall otherwise address the issue of fees in accordance with Sec. 12. No request shall be deemed to have been received until the Corporation has received notification of the requester's firm agreement to pay the fees assessed for processing of the request. In addition, any request that processing fees be reduced or waived shall state in detail the justification therefor. All requests shall include the name, address, and phone number of a contact person and shall specify, to the maximum degree feasible, each item of information requested. A request should describe the specific event of action to which the request refers, the type of information (such as an application or report), the Corporation personnel or outside parties who authored the information, the approximate date the information was prepared or submitted to the Corporation, and any citations to newspapers or publications which have mentioned the information.

A request may be denied on the grounds that the description is insufficient to allow identification and location of the information requested.

Sec. 7 Information of Federal Agencies

Some of the information in the files of the Corporation may have been obtained from federal agencies or contain information obtained from such agencies. When a request received by the Corporation involves an entire document which originated with a federal agency, the Director of Public Disclosure will refer the request to the originating agency and so inform the requester. A requester who does not object to the referral within 5 business days will be deemed to have consented.

When a requester objects to the referral in a timely manner, the Corporation will, in consultation with the originating agency, continue to process the request.

Requests seeking information received from another agency, or information prepared jointly by the Corporation and other agencies, will be treated as requests for Corporation information except that coordination will be effected by the Director of Public Disclosure with the appropriate official of the other agency. Such coordination will be done on an expedited basis, for the purpose of determining whether the other agency official wishes to deny the request and obtaining the identity, certification and signature of the other agency's responsible official. The notice of determination to the requester, in the event part or all of the request is recommended for denial by the other agency, shall cite the other agency official denying the request and will also indicate whether a denial by the Corporation is involved.

Sec. 8 Exemptions

(a) Sec. 121(a) of the Energy Security Act authorizes the Corporation to withhold information which is exempted from disclosure pursuant to 5 U.S.C. 552(b). These exemptions cover nine categories of information which include such matters as national defense and foreign policy information; investigatory records; internal procedures and communications; materials exempted from disclosure by other statutes; confidential, commercial, and financial information; and matters involving personal privacy.

(b) Specifically, the Corporation will apply the exemptions in 5 U.S.C. 552(b), consistent with Sec. 1 of these guidelines, to matters that are:

(1)(A) Specifically authorized under criteria established by an executive order to be kept secret in the interest of the national defense or foreign policy and (B) are in fact properly classified pursuant to such executive order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute (other than 5 U.S.C. 552(b)): *Provided*, That such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(c) Criteria to be applied in determining whether information is exempt from mandatory disclosure pursuant to 5 U.S.C. 552(b)(4) include:

(1) Whether the information has been held in confidence by the person to whom it pertains;

(2) Whether the information is of a type customarily held in confidence by the person to whom it pertains and whether there is a reasonable basis therefor;

(3) Whether the information was transmitted to and received by the Corporation in confidence;

(4) Whether the information is available in public sources;

(5) Whether disclosure of the information is likely to impair the Corporation's ability to obtain similar information in the future; and

(6) Whether disclosure of the information is likely to cause substantial harm to the competitive position of the person from whom the information was obtained.

(d) Any reasonably segregable non-exempt portion of a record will be provided to a requester after deletion of portions exempt under this section or otherwise exempt from disclosure.

Sec. 9 Inital Determinations

The Director of Public Disclosure will stamp a receipt date on each request meeting the requirements set forth above, and will make an initial determination by the tenth business day after the receipt date. However, the Director may take up to an additional twenty business days to make an initial determination if the request involves information all or part of which has been marked confidential or the need to search a voluminous amount of material, to review complex or lengthy material, to contact the requester, or to consult with other government corporations or government agencies.

While the Corporation is responsible for making final determinations with regard to the disclosure or non-disclosure of information contained in requested documents, the Corporation will consider the submitter's views in making its determination. If a request is received for information which the submitter has marked confidential, the submitter will be promptly notified and provided an opportunity to agree in writing to the release of the information or to provide the Corporation its views, in writing, on whether the information requested (i) is exempt from disclosure under 5 U.S.C. 552(b), (ii) contains information referred to in 18 U.S.C. 1905, or (iii) is otherwise exempt by law from public disclosure. The Director of Public Disclosure will give the submitter ten business days after its receipt of such notice to provide such views before proceeding with the determination.

If a request for any type of information is denied, the Director will promptly notify the requester in writing, which notice shall indicate the legal basis for the denial and inform the requester of its right of appeal pursuant to Sec. 10. If the request is for any information marked confidential by a submitter, a copy of the notice will also be transmitted to such submitter.

If access is granted to any information requested, the Director will promptly notify the requester in writing. If access is granted to any information of a submitter, a copy of the notice will also be transmitted to such submitter. If the information to which access has been granted has been marked confidential by the submitter such notice will inform the submitter of its right of appeal pursuant to Sec. 10. The actual release of such information will be delayed until the appeal period provided for in Sec. 10 has expired or, if an appeal is taken, until there is a ruling on the appeal.

Sec. 10 Appeals

An initial determination by the Director of Public Disclosure under Sec. 9 may be appealed to the General Counsel—

(a) By a requester whose request for information has been denied in whole or in part; or

(b) By a submitter if the initial determination grants a requester access to information marked confidential by that submitter.

The appeal must be in writing and shall be filed with the Director of Public Disclosure not later than ten business days after receipt of notice denying or granting access to information as provided in Sec. 9, which appeals should be accompanied by a copy of the initial determination, and address the legal basis for the determination cited therein. Both the appeal and the envelope forwarding it to the Director shall be clearly marked "Sec. 121 Information Appeal".

The Director will stamp a filing date on each appeal letter and promptly forward it, together with the records compiled during the initial determination, to the Corporation's General Counsel. No request for a personal appearance, oral argument or hearing will be entertained.

In the case of an appeal by a requester involving any information of a submitter, the General Counsel will promptly notify the submitter of such appeal. The submitter may file a written statement with the General Counsel not later than fifteen business days after the filing date. In the case of appeal by a submitter, the General Counsel will promptly notify the requester of such appeal, and the requester may file a written statement with the General Counsel not later than fifteen business days after the filing date.

The General Counsel will rule on an appeal not later than 25 business days after the filing date and will thereupon promptly transmit the ruling and the basis therefor in writing to the requester and to any submitter participating in the appeal. No further appeal will be entertained.

If the ruling of the General Counsel grants access to information marked confidential by a submitter, such information shall not be released until ten business days after the submitter has received notice by mail of such ruling.

Sec. 11 Computation of Time

Any period of time prescribed in relation to any notice shall commence on the date such notice is receipted for by, or on behalf of, the addressee.

Sec. 12 Schedule of Fees

(a) As provided in Sec. 6, every request for information hereunder shall include a firm agreement by the requester to pay fees in accordance with this section. Unless the requester either states a willingness to pay whatever fees are assessed by the Corporation for processing the request, or alternatively, specifies an amount in excess of $10.00 which he is willing to pay and which, in fact, covers the anticipated fees for meeting the request, a request that is expected to involve assessed fees in excess of $10.00 will not be deemed to have been received until the requester is notified of and agrees to bear the anticipated cost. Such notification shall be made by the Director of Public Disclosure. Where the anticipated fees exceed $100.00, the requester shall remit to the Corporation, in advance, an amount equal to 25% of such fees.

(b) Fees shall not be charged (i) where they would amount, in the aggregate, for a request or series of related requests from the same person to $10.00 or less; or (ii) if the information requested is not found or is withheld as exempt. Where fees in excess of $10.00 are to be charged, fees will be assessed for the full amount.

(c) For the services listed below, expended in locating or making available information or copies thereof, the following charges shall be assessed:

(1) Copying:

(i) For paper copies of documents, $.20 per copy of each page.

(ii) For microform (microfiche), $1.00 per fiche.

(iii) For computerized material, actual cost.

(2) Searches:

(i) Charges will be $2.25 for each quarter hour spent by clerical personnel in searching for and producing requested information.

(ii) Where a search cannot be performed by clerical personnel and higher level personnel are required (for example, where the task of determining which records fall within a request involves definition or interpretation and requires the time of professional or managerial personnel), charges will be $4.50 per each one quarter hour.

(iii) Charges for searches requiring less than 30 minutes may be waived by the Director. No charge shall be made for time spent in resolving legal or policy issues affecting access to information or for time spent in determining if information is exempt from disclosure.

(3) Transcripts: Transcripts of a reporting firm under contract with the Corporation may be purchased directly from the reporting firm or, if permitted by the reporting firm, the Corporation, at the cost of reproduction as provided for in the Corporation's contract with the reporting firm.

(4) Certification of true copy: $2.00.

(d) Fees shall be charged according to this schedule for services rendered in responding to requests for information under these guidelines, unless the Director of Public Disclosure determines that waiver of payment of such charges, or a portion thereof, is in the public interest. Such a determination shall ordinarily not be made unless the service to be performed will be of benefit primarily to the public as opposed to the requester.

(e) The Director of Public Disclosure shall require that fees be paid before the requested information is released. All such payments shall be in the form of a check or money order payable to the order of the United States Synthetic Fuels Corporation and shall be sent to the Director.

United States Synthetic Fuels Corporation.

Edward E. Noble,

Chairman of the Board of Directors.

[FR Doc. 81-27136 Filed 9-16-81; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-81-072]

New York Vessel Traffic Service Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 USC App. 1), notice is hereby given of a meeting of the New York Harbor Vessel Traffic Service Advisory Committee to be held on October 20, 1981, in the conference Room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park Office, New York, New York, beginning at 9:30 a.m.

The agenda for this meeting of the New York Harbor Vessel Traffic Service Advisory Committee is as follows:

1. Introduction of VADM J. S. GRACEY, USCS, Commander, Third Coast Guard District and Committee Sponsor.
2. Discussion of schedule for implementation of Vessel Traffic Service.

The New York Harbor Vessel Traffic Service Advisory Committee was established by Commander, Third Coast Guard District to advise on the need for, and development, installation and operations of a Vessel Traffic Service for New York Harbor. Members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may make oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Additional information may be obtained by writing Captain D. J. Linde, USCG, Executive Director, NYHVTS Advisory Committee, New York Vessel Traffic Service, Governors Island, New York, New York 10004; or by calling (212) 668–7954.

Dated September 3, 1981, in New York, N.Y.

J. S. Gracey,

Commander of the Third Coast Guard District.

[FR Doc. 81–27100 Filed 9–16–81; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Snohomish County, Wash.

AGENCY: Federal Highway Administration, DOT, Snohomish County.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Snohomish County, Washington.

FOR FURTHER INFORMATION CONTACT: William J. Glover, Environmental Engineer, Federal Highway Administration, Suite 501, Evergreen Plaza, 711 South Capital Way, Olympia, Washington 98501, Telephone (206) 753–9480 or Darrel J. Huckabay, P.E., Location Engineer, Snohomish County Public Works Department, 5th Floor County Administration Building, Everett, Washington 98201, Telephone (206) 259–0025.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington Department of Transportation and the Snohomish County Public Works Department, will prepare an environmental impact statement (EIS) on a proposal to Marine Drive in Snohomish County, Washington. The proposed improvement would involve the realignment and reconstruction of Marine Drive for a distance of about 1.2 miles from Interstate 5 at Marysville to Rainwater Road on the Tulalip Indian Reservation. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. Also included in this proposal is the replacement of the existing bridges over the Quilceda and Sturgeon Creeks, which the part of an extensive tidal wetland system.

Alternatives under consideration include (1) widening the existing two lane roadway to five lanes, with fill approaches to the bridges; (2) constructing a portion of the five lane roadway on a new alignment with fill approaches to the bridges; (3) constructing a portion of the five lane readway on a new alignment with trestle type approaches to the Quilceda Creek bridge and fill approaches at the Sturgeon Creek; (4) taking no action. All the build alternatives propose the realignment of the Sturgeon Creek channel to shorten the necessary bridge.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. A public involvement program involving meetings and newsletters will be incorporated into the EIS scoping process. Public notice will be given of the time and place of meetings and/or hearings that may be held. The draft EIS will be available for public and agency review and comments. No formal scoping meeting is scheduled at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or Snohomish County at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: September 8, 1981.

William J. Glover,

Environmental Engineer, Washington Division, Olympia, Washington.

[FR Doc. 81–26877 Filed 9–16–81; 8:45 am]

BILLING CODE 4910-22-M

Urban Mass Transportation Administration

FHWA and UMTA Policy on the Applicability of Urban Planning Requirements in Newly Designated Urbanized Areas as a Result of the 1980 Federal Census

AGENCIES: Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: The purpose of this notice is to issue the FHWA and UMTA policy on newly designated urbanized areas as a result of the 1980 Federal Census and the applicability of the planning requirements of Title 23 U.S.C. and Title 49 U.S.C. thereto. Urbanized areas are required to meet the joint urban transportation planning regulations; however, in light of the Department's effort to reduce redtape and to simplify or eliminate Federal requirements wherever possible, it is FHWA and UMTA's belief that the burden on these 95 newly designated urbanized areas should be minimized within the constraints of existing statutes. The FHWA and UMTA are currently conducting a comprehensive review of the urban transportation planning process; this review will examine all existing planning requirements. The transportation issues in these newly designated urbanized areas will be a subject of this comprehensive review. In the interim, FHWA and UMTA have developed a policy for meeting the FHWA-UMTA planning requirements to avoid placing a hardship on the newly designated urbanized areas and provides for an appropriate level of effort for them.

FOR FURTHER INFORMATION CONTACT: FHWA: Sam W. P. Rea, Jr., Urban Planning Division (202) 426–2961, or Stanley Abramson, Office of the Chief Counsel, (202) 426–0761, or UMTA: Robert Kirkland, Office of Planning Assistance, (202) 426–4991, or Anthony Anderson, Office of the Chief Counsel, (202) 426–1906, all located at 400 Seventh Street SW., Washington, D.C. 20590. FHWA office hours are from 7:45 a.m. to 4:15 p.m. ET, UMTA office hours are from 8:30 a.m. to 5:00 p.m. ET, Monday through Friday.

FHWA and UMTA Policy on Applicability of Urban Planning Requirements in Newly Designated Urbanized Areas as a Result of the 1980 Federal Census

The 1980 Federal Census has resulted in the designation of 95 new urbanized areas. These new areas are subject to the statutory planning and programming requirements of Titles 23 and 49 of the United States Code. The Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) intend to make significant changes to the planning and programming requirements for all smaller urbanized areas; however, this will entail regulatory changes which we expect will be made as part of the ongoing comprehensive review of the Federal role in the urban transportation planning process.

In the interim, FHWA and UMTA believe that the burden on the new urbanized areas should be minimized within the constraints of the existing statutes. Therefore, our intent is to provide a transition period, not to exceed 2 years. Such an action has statutory precedent in that Congress did not require full compliance with the 1962 urban planning requirements until July 1965. Also the new urbanized areas resulting from the 1970 Federal Census were administratively given a 2 year transition period before they had to comply fully with the planning requirements of 23 U.S.C. 134. This action is also in concert with our efforts to streamline Federal requirements, reduce redtape, and to reexamine the urban transportation planning requirements in the next year.

In meeting the planning and programming requirements of 49 CFR Part 613 and 23 CFR Parts 450 and 630, the planning process should be kept simple, rely on existing procedures and data, and reflect the simplification efforts embodied in Appendix "C" to the joint planning regulation published on August 6, 1981, at 46 FR 40170. The following points should be observed in efforts to meet these requirements:

1. *Designation of the MPO.* Both the UMTA statute (49 U.S.C. 1607) and the FHWA statute (23 U.S.C. 134), refer to the designation of a Metropolitan Planning Organization (MPO). Both statutes require any designation of an MPO to be by agreement among the units of general purpose local government and the Governor. The FHWA and UMTA intent is to allow the new urbanized areas as much flexibility as possible in designating an MPO. In light of the uncertainty regarding future requirements for transportation planning in small urbanized areas, interim designations may be useful. Such a designation preferably should be an existing agency, such as the A-95 organization or in some instances a unit of local government.

2. *Federal financial assistance for planning.* The institution of UMTA's Section 8 (49 U.S.C. 1607) funded activities in new urbanized areas will be in response to applications and to the extent program funds are available.

If an eligible area elects to use Federal planning assistance, an MPO must be designated and a simplified work program would be required. The work program should support the expenditure of Federal planning funds, and be in a form acceptable to the MPO and the State. It should be brief; highlight the important transportation issues facing the area and the planning activities that will be undertaken to address these issues; identify the agencies responsible for performing these various planning activities; and provide a budget for the planning activities that are to be undertaken.

3. *Federal capital financial assistance.* For UMTA capital assistance, a program of projects based upon a transportation plan and a designated MPO are prerequisites for the receipt of transit capital assistance (49 U.S.C. 1607). The program should be based upon the existing transportation plan until it is updated or a new plan is developed. The program should be brief and should reflect the needs of the area and the financial capabilities of the area to implement the program.

For Federal-aid highway capital assistance, local officials must select urban system projects and their views must be considered on all other highway projects before they can be included in the State's program of projects (23 U.S.C. 105 and 134). Currently, the metropolitan planning organization develops the transportation improvement program with the implementing agencies and this program must be found consistent with the transportation plan (23 CFR 450.112). However, many of these newly designated urbanized areas may not have adequate transportation plans. Accordingly, during the transition period (2 years), the finding by the A-95 areawide clearinghouse that the projects selected by the State and local elected officials are consistent with other plans and programs of the area will satisfy the planning requirements.

4. *Certification.* Under the joint planning regulations, published on August 6, 1981 (46 FR 40170), certification should be accomplished on a "periodic" basis (23 CFR 450.122). For the newly designated urbanized areas certification will be presumed for a 2-year period if items 1 through 3 of this policy are being met where planning or capital funds are being expended.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction; 20.500, Urban Mass Transportation Capital Grants; 20.501, Urban Mass Transportation Capital and Operating Assistance Formula Grants. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to these programs)

Issued on September 11, 1981.

L. P. Lamm,

Executive Director, Federal Highway Administration.

Arthur E. Teele, Jr.,

Urban Mass Transportation Administrator, Urban Mass Transportation Administration.

[FR Doc. 81-26979 Filed 9-16-81; 8:45 am]

BILLING CODE [illegible]

Federal Railroad Administration

[Docket Nos. RFA-305-81-1 and RFA-305-81-2; Notice No. 2]

Consolidated Rail Corp.; Expedited Supplemental Transaction Proposals

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Public notice of informal conference for shippers and other interested parties on the process to transfer Consolidated Rail Corporation (Conrail) lines in the States of Rhode Island and Connecticut and certain Conrail lines in the Commonwealth of Massachusetts to other railroads in the region.

SUMMARY: Legislation recently signed into law requires that the Secretary of Transportation (Secretary) initiate negotiations for the transfer of all Conrail rail properties and freight service obligations in the States of Connecticut and Rhode Island, and certain rail ines in the Commonwealth of Massachusetts, to another railroad or railroads. This notice announces an informal conference that will be convened by the Federal Railroad Administrator to brief shippers and other interested parties on the status of the transfer process and to solicit their views. Previous conferences were held on August 31, 1981 at New Haven, Connecticut, and on September 1, 1981 at Springfield, Massachusetts.

DATE: The informal conference will be convened on September 28, 1981 at 10:00

V 46 SE 17 81 UMI

a.m. in Room 313 of the State House, Smith Street, Providence, Rhode Island.

ADDRESSES: Five copies of written materials must be submitted to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Room 7321A, 400 Seventh Street, S.W., Washington, D.C. 20590. Submissions should identify the docket number and notice number to which they respond. (RFA-305-81-1 for Connecticut/Rhode Island properties; RFA-305-81-2 for Massachusetts properties). Written submissions other than privileged material will be available for public examination at the above address between 8:30 a.m. and 5 p.m., EST, Monday through Friday, with the exception of Federal holidays. Those desiring notification of receipt should include a self-addressed stamped postcard.

As indicated in the previous notice in these dockets, nonprivileged material submitted by Conrail and prospective purchasers will also be available for public inspection at the following locations:

Connecticut Department of Transportation, Rail Planning Division, Room 214, Department of Transportation Administration Building, 24 Wolcott Road, Wethersfield, Connecticut 06109, Monday through Friday, 8:30 a.m. to 4 p.m. EST;

Executive Office of Transportation, Commonwealth of Massachusetts, Room 1610, One Ashburton Place, Boston, Massachusetts 02108, Attn: Paul A. McBride, Assistant Secretary, Monday through Friday, 9 a.m. to 5 p.m. EST;

Rhode Island Department of Transportation, Planning Division, Room 369, State Office Building, Providence, Rhode Island 02903, Monday through Friday, 8:30 a.m. to 4:30 p.m. EST.

FOR FURTHER INFORMATION CONTACT: Steve Black, Office of Federal Assistance, FRA, (202) 472-7180.

SUPPLEMENTARY INFORMATION: This notice is issued in response to amendments to section 305 of the Regional Rail Reorganization Act of 1973 (3R Act) (45 U.S.C. Section 745) which were effected by Section 1155 of the Northeast Rail Service Act of 1981. The President signed that legislation into law on August 13, 1981, as a part of the Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35. section 1155 amends section 305 of the 3R Act in two significant respects.

First, it requires the Federal Railroad Administrator, as delegate of the Secretary, to initiate, within 10 days of enactment, discussions and negotiations for the transfer of "some or all of (Conrail's) rail properties and freight service obligations in the States of Connecticut and Rhode Island to one or more parties under a plan which provides for continued rail freight service on all lines operated by (Conrail) on the date of enactment for at least four years." Within 120 days of enactment, the Administrator is required to petition the Special Court established under the 3R Act for an order to transfer the properties. The Special Court is expected to rule on the petition within 180 days, providing in its final order for a purchase price and divisions of joint rates that are fair and equitable. Conrail may be designated by the Administrator to retain certain lines, but only if Conrail agrees to maintain service over those lines for the four-year period. Branch lines and other non-mainline properties located in adjoining States that connect with those lines subject to transfer may also be considered for transfer under this provision to permit efficient operation of the Connecticut and Rhode Island properties.

The second amendment requires the Administrator, within 20 days of enactment, to initiate discussions and negotiations for the transfer of five designated Conrail lines in Massachusetts (including short segments of two lines that extend several miles into Connecticut) to a financially self-sustaining railroad (or railroads) that guarantees continuous service for at least four years. The Administrator is required to transfer the lines, without approval of any court or other body, within 120 days of enactment, having determined a fair and equitable price for the properties and fair and equitable divisions of joint rates (unless the parties have agreed upon the price or divisions). The Administrator may also transfer up to 5 miles of trackage rights on other Conrail lines for each line designated in the law, on fair and equitable terms, if trackage rights are necessary to operate the transferred lines in an efficient manner.

The Connecticut and Rhode Island properties of Conrail that are subject to transfer under the first of the above-described provisions (amending subsection 305(f) of the 3R Act) were described in Appendix A to Notice No. 1 (46 FR 42565) (hereafter Appendix A properties). The Massachusetts properties that are subject to transfer under the second provision (adding a new subsection (g) to section 305) were described in Appendix B to that notice (Appendix B properties). Connecting non-mainline properties identified by prospective purchasers as appropriate for transfer with Appendix A properties will be classified as Appendix C properties. Trackage rights identified by prospective purchasers as necessary to operate Appendix B lines will be classified as Appendix D properties. Neither Appendix C nor Appendix D lines have been identified at this time. By **Federal Register** notice of August 21, 1981 (46 FR 42565), FRA requested persons interested in receiving information on the development of transfer proposals to submit their names, addresses, and a statement regarding the nature of their interest to the Docket Clerk by September 11, 1981.

The proposed transfer of Appendix A properties (and certain of the Appendix B properties) was the subject of a previous FRA proceeding. Prospective purchasers may wish to review public docket materials describing the properties and indicating the type of data that FRA required in the previous proceeding. FRA will contract prospective purchasers concerning data requirements for these proceedings. *See* Docket No. RFA-305-80-1; 45 FR 85542 (Dec. 29, 1980); 46 FR 22300 (April 16, 1981); 46 FR 30019 (June 4, 1981).

Informal Conferences

Informal conferences were held on August 31, 1981 at New Haven, Connecticut, and on September 1, 1981 at Springfield, Massachusetts to elicit the views of prospective transferees and other interested parties concerning the procedures and criteria that should be adopted to effect the transfers. These conferences were announced in the **Fedeal Register** on August 17, 1981 (49 FR 42565). Transcripts of these meetings will be placed in the public docket files.

This third meeting will be held to brief interested parties on the status of the transfer process and to solicit their views, with particular emphasis on the concerns of shippers by rail. Participants in the conferences are particularly requested to address the following issues:

1. Service needs of affected shippers and consignees (frequency, equipment requirements, routing considerations); and
2. Rate issues, including the establishment or recommendation of divisions of joint rates.

Issued in Washington, D.C., on September 14, 1981.

Robert W. Blanchette,

Federal Railroad Administrator.

[FR Doc. 81-27159 Filed 9-16-81; 8:45 am]

BILLING CODE 4910-06-M

Maritime Administration

[Docket No. S-703]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Notice of Application of Boston VLCC Tankers, Inc. VI

Notice is hereby given that by application of September 9, 1981, Boston VLCC Tankers, Inc. VI (Boston VI) requested permission under section 506 of the Merchant Marine Act, 1936, as amended, for its owned vessel, the SS MARYLAND, to operate for six months in the Alaskan oil trade. The 265,000 deadweight ton MARYLAND, which was built with construction-differential subsidy, would carry crude oil from Valdez, Alaska, to Panama for transshipment, and/or from Valdez direct to the U.S. Gulf. Boston VI understands that suitable vessels of a competitor will not be available for the carriage of this cargo.

The MARYLAND would operate under time charter to SPC Shipping, Inc., a subsidiary of Standard Oil Company (Ohio). First loading of the vessel at Valdez would commence on or after November 4–10, 1981.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration, Room 7300A, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Any person, firm, or corporation who is a "competitor," as defined in section 250.2 of the regulations as set forth in 46 CFR 250 published in the Federal Register issue of June 29, 1977 (42 FR 33035), and desires to protest such application for carriage of oil in the domestic trade from Alaska to Panama should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Any person, firm or corporation who desires to protest such application for carriage of oil in the domestic trade from Alaska directly to the U.S. Gulf should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Protests must be received or or before September 24, 1981. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Maritime Administrator. Within five working days after due date for the applicant's response, the Maritime Administrator will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Maritime Administrator will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidy (CDS)).

By Order of the Acting Maritime Administrator.

Dated: September 11, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-27066 Filed 9-16-81; 8:45 am]

BILLING CODE 3510-15-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Treasury Current Value of Funds Rate

AGENCY: Bureau of Government Financial Operations, Fiscal Service, Treasury.

ACTION: Notice of rate for use in Federal cash management operations.

SUMMARY: This notice provides the percentage rate based on the current value of funds to the Treasury. This rate is required by the Treasury Fiscal Requirements Manual (I TFRM 6–8000) to be used in Federal billing, collection, and disbursement operations and is provided here as public notice to assist agencies in their negotiations with affected contractors, organizations, and individuals. The applicable rate is 18.35 percent.

DATES: The rate will be in effect for the period beginning on October 1, 1981, and ending on December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Inquiries should be directed to the Cash Management Regulations and Compliance Staff, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, Washington, DC 20226 (Telephone: 202/566–8251).

SUPPLEMENTARY INFORMATION: Revisions to I TFRM 6–8000 in June 1980, provided that the current value of funds rate should be used in assessing charges for late payments to the Government (except where prohibited by law or where a different rule is prescribed by statute), and in determining whether it is cost-effective for the Government to avail itself of prompt payment discounts. This rate reflects the short-term value of funds to the Treasury and is based on rates set for purposes of Pub. L. 95–147, 91 Stat. 1227. It should be noted that the Federal Claims Collection Standards (4 CFR 102) also require that interest be charged on delinquent debts and debts being paid in installments in accordance with I TFRM 6–8000.

Dated: September 11, 1981.

W. E. Douglas,

Commissioner.

[FR Doc. 81-27120 Filed 9-16-81; 8:45 am]

BILLING CODE 4810-35-M

Office of the Secretary

[Department Circular; Public Debt Series—No. 28-81]

Treasury Notes of September 30, 1983; Series V–1983

September 11, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,750,000,000 of United States securities, designated Treasury Notes of September 30, 1983, Series V–1983 (CUSIP No. 912827 MH 2). The securites will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated September 30, 1981, and will bear interest from that date, payable on a semiannual basis on March 31, 1982, and each subsequent 6 months on September 30 and March 31, until the principal becomes payable. They will mature September 30, 1983, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue code of 1954. The scurities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Bookentry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, September 16, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, September 15, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit nore than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in section 3.4., must be made or completed on or before Wednesday, September 30, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediatley available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States Securities; or by chech drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, September 28, 1981. When payment has been submitted with the tender and the purchase price of allotted sucurities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities ae not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securites in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-27209 Filed 9-15-81; 4:35 pm]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on October 8, 1981, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A-220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in McKenzie College, 1000 Riverfront Parkway, Chattanooga, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: September 9, 1981.

R. S. Bielak,

Director, VA Regional Office, 110 Ninth Avenue, South, Nashville, Tenn.

[FR Doc. 81-27085 Filed 9-16-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 180
Thursday, September 17, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-329 (Amdt. 3), September, 14, 1981]

CIVIL AERONAUTICS BOARD.

Notice of addition and closure of item to the September 15, 1981 Board meeting

TIME AND DATE: 9:30 a.m., September 15, 1981.

PLACE: Room 1027 (open), Room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 24. Further Discussion on LACAC Developments. (BIA)

STATUS: Items 1-22 (open), Items 23-24 (closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S. 1406-81 Filed 9-15-81; 3:46 p.m.]

BILLING CODE 6320-01-M

2

[M-330, September 11, 1981]

CIVIL AERONAUTICS BOARD.

Short notice and closure of Board meeting

TIME AND DATE: 12 Noon, September 11, 1981.

PLACE: Room 1012, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: Docket 32851, *The IATA Review (Show Cause) Proceeding.* (OGC, BIA)

STATUS: Closed.

PERSON TO CONTACT: Phillis T. Kaylor, the Secretary (202) 673-5068.

[S-1407-81 Filed 9-15-81; 3:46 pm]

BILLING CODE 6320-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, September 22, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: National Futures Association's Application for Registration.

* * * * *

TIME AND DATE: 10 a.m., Wednesday, September 23, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Proposed Contract Market Designation for the New York Futures Exchange's GNMA contract application
Proposed Contract Market Designation for the Chicago Board of Trade Long-Term Treasury Note contract application

* * * * *

TIME AND DATE: 11:30 a.m., Wednesday, September 23, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Closed .

MATTERS TO BE CONSIDERED: Rule Enforcement Review.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1402-81 Filed 9-15-81; 3:27 pm]

BILLING CODE 6351-01-M

4

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE.

(Comptroller of the Currency, Federal Reserve Board, Federal Deposit Insurance Corporation, National Credit Union Administration, Federal Home Loan Bank Board, Department of the Treasury)

TIME AND DATE: 3:30 p.m., September 22, 1981.

PLACE: Cash Room, Department of the Treasury (use Pennsylvania Avenue entrance), Pennsylvania Avenue between 15th Street and East Executive Avenue, Washington, D.C. 20220.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Reconsideration of final rule on interest rate ceilings on money market certificates (MMCs) and Small Savers Certificates (SSCs).
2. Consideration of raising the interest rate ceiling for savings deposits.
3. Consideration of creation of a new short-term deposit instrument and proposals to change the method of calculating the ceiling rate on money market certificates (MMCs).
4. Reconsideration of proposals to create a deregulated IRA/Keogh Account.
5. Consideration of proposal to create a new long-term dertegulation schedule with new deposit categories.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the DIDC offices at the Department of the Treasury, and copies may be purchased for $5.00 per cassette by calling (202) 566-5152 or by writing to: Depository Institutions Deregulation Committee, Department of the Treasury, Room 1054 MT, Washington, D.C. 20220.

For further information about the DIDC and the September 22 meeting, please call (202) 566-3734.

Gordon Eastburn,
Acting Executive Secretary of the Committee.

[S-1404-81 Filed 9-15-81; 3:42 pm]

BILLING CODE 4810-25-M

5

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, September 22, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel. FY82 Management Plan

* * * * *

DATE AND TIME: Thursday, September 24, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinion 1981-32: Donald M. Middlebrooks, on behalf of former Governor Reubin O'D. Askew
Pending legislation

Appropriations and budget: Budget Execution Report for August
Notice of proposed rulemaking on 11 CFR 102.6: Collecting agents and joint fundraising
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065

[S-1403-81 Filed 9-15-81; 3:24 pm]

BILLING CODE 6715-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (46 FR 45850: September 15, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. September 16, 1981.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company.

CI-1. CI64-26 (Force Majeure), Gulf Oil Corporation
CI-2. RI79-21, Shell Oil Company

Kenneth F. Plumb,
Secretary.

[S-1401-81 Filed 9-15-81; 2:16 pm]

BILLING CODE 6450-85-M

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 45851: Tuesday, September 15, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, September 17, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Thursday, September 15, 1981.

Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance and Transfer of Stock—Fort Pitt Federal Savings and Loan Association, Pittsburgh, Pennsylvania into First Federal Savings and Loan Association of Pittsburgh, Pittsburgh, Pennsylvania.

No. 538, September 15, 1981.

[S-1399-81 Filed 9-15-81; 10:14 am]

BILLING CODE 6720-01-M

8

METRIC BOARD.

Convening of the Data Processing/Office Equipment Sector Committee of the American National Metric Council.

The United States Metric Board (USMB) was establishment by the Metric Conversion Act of 1975 (Pub. L. 94-168) to coordinate the voluntary increasing use of the metric system. Section 6(3) of the Act directs the USMB to keep interested parties informed and to encourage broad participation in private sector metric activities.

Therefore, notice is hereby given that on October 20, 1981, at 10:00 a.m., the convening meeting of the American National Metric Council's (ANMC) Data Processing/Office Equipment Sector Committee will take place in Washington, D.C. The ANMC is a private sector nonprofit organization.

The preliminary agenda for the meeting is as follows:

10:00 Call to Order:
  Introduction Remarks
Introduction of Participants
Metric Status Update:
  ANMC
  Industry
  Government
Canadian Update
Metric Conversion Experience of Attendees: Problems and Opportunities
Sector Objectives
Sector Scope
Selection of Chairman
Selection of Vice Chairman
Selection of Secretariat
2:00 Adjournment

The meeting is open to the public. Persons who which to attend or who wish additional information concerning this metric planning activity may contact Gracelyn Deebo, Program manager at ANMC. Telephone (301) 530-8333.

Dated: September 14, 1981.

Theodore S. Farfaglia,
Executive Director.

[S-1405-81 Filed 9-15-81; 3:46 pm]

BILLING CODE 6250-01-M

9

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 21, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, September 22, 1981, at 10:00 a.m. and on Thursday, September 24, 1981, following the 10:00 a.m. open meeting. Open meetings will be held on Thursday, September 24, 1981, at 10:00 a.m. and 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and 10 and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Thomas and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, September 22, 1981, at 10:00 a.m., will be:

Settlement of injunctive action.
Access to investigative files by Federal, State or Self-Regulatory authorities.
Freedom of Information Act appeal.
Institution of injunctive actions.
Litigation matter.
Institution and settlement of administrative proceedings of an enforcement nature.
Regulatory matter bearing enforcement implications.

The subject matter of the closed meeting scheduled for Thursday, September 24, 1981, at 2:30 p.m., will be:

Post oral argument.

The subject matter of the open meetings scheduled for Thursday, September 24, 1981, at 10:00 a.m., will be:

1. Consideration of whether to adopt certain revisions to the exemption regulations for the securities of the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank. For further information, please contact Ronald Adee at (202) 272-3250.

2. Consideration of whether to issue a release adopting amendments to rule 5-04 of Regulation S-X to limit the presentation of the detailed schedule of property, plant, and equipment and the related schedule of accumulated depreciation, depletion and amortization to those registrants that are relatively capital intensive. Other related amendments proposed for comment in Securities Act Release No. 33-6293 (February 25, 1981) which would have modified the form and content of these schedules are not being recommended for adoption. For further information, please contact Eugene W. Green at (202) 272-2130.

3. Consideration of proposal to amend Regulation S-X to establish instructions for the preparation and presentation of pro forma financial information. For further information, please contact David F. Martin at (202) 272-2130.

4. Consideration of whether to authorize the Division of Corporation Finance and the Office of the Chief Accountant to issue a release discussing their assessment of certain initial disclosures made in response to the newly adopted Item 11 of Regulation S-K, Management's Discussion and Analysis of Financial Condition and the Results of Operations. For further information, please contact William H. Carter at (202) 272-3229.

The subject matter of the open meeting scheduled for Thursday, September 24, 1981, at 2:30 p.m., will be:

The Commission will hear oral argument on appeals by James E. Ryan and the Commission's Division of Enforcement from initial decision of an administrative law judge. For further information, please contact Robert J. Zutz at (202) 523-4588.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272-2178

September 14, 1981.

[S-1398-81 Filed 9-15-81; 9:43 am]

BILLING CODE 8010-01-M

10

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 9 a.m., Thursday, September 17, 1981.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

MATTERS FOR ACTION: Recommendations on rates for pay and certain monetary fringe benefits for salary policy employees in represented positions, and on changes in the Articles of Agreement, resulting from the thirtieth annual salary policy negotiations; and on proposed salary and benefit adjustments for certain management schedule employees and other nonsalary policy employees.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington office, 202-245-0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not requiring otherwise, that TVA business requires that this meeting be called at the time set out above and that no earlier announcement of the meeting was possible.

The members of the TVA Board voted to approve the above findings and their approvals are recorded below:

Dated: September 15, 1981.

Approved:

C. H. Dean, Jr.,

S. David Freeman,

Richard M. Freeman.

[S-1400-81 Filed 9-15-81; 1:51 pm]

BILLING CODE 8120-20-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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federal register

Friday
September 18, 1981

Highlights

46279 **Citizenship Day and Constitution Week, 1981** Presidential proclamation.

46317 **Condominiums** HUD/FHC issues interim rule on mutual mortgage insurance and insured home improvement loans to facilitate homeowner purchases of properties.

46282 **Food Stamps** USDA/FNS establishes procedures for Work Registration/Job Search Demonstration Project.

46332 **Government Employees** OPM proposes definition and designations of medically underserved areas under the Federal Employees Health Benefits Program.

46330 **Grant Programs—Government Employees** OPM proposes implementation procedures for personnel management research and demonstration projects.

46443, 46448 **Pensions** Labor/P&WBP discusses class exemptions for transactions involving "guaranteed contract separate accounts." (2 documents)

46333 **Radiation Protection** NRC proposes to amend physical protection regulations for certain nonpower reactor facilities.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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46528, 46538	**Continental Shelf** Interior/BLM indentifies bidding systems and designates tracts for oil and gas lease sale no. 66 in the Gulf of Mexico. (Part III of this issue) (2 documents)
46386	**Securities** FRS issues policy statements on forward placement or delayed delivery contracts and interest rate futures contracts.
46462	**Government Securities** Treasury invites tenders for notes of September 30, 1985, Series J–1985.
46300	**Savings Accounts** FHLBB issues amendments on rates of return.
46303	**Credit Unions** NCUA issues interpretive ruling and policy statement on sale-and-leaseback transactions.
46307	**Small Businesses** SBA establishes regulations for loans to Employee Stock Ownership Plans.
46338	**Air Carriers** CAB proposes automatic extension of certain expiring foreign air carrier licenses.
46287	**Retail Food Stores** USDA/FSIS clarifies exemption procedure for Federal meat and poultry products inspection.
46395	HHS/FDA announces 1981 revision of proposed Model Retail Food Store Sanitation Ordinance.
46340	**Bread** HHS/FDA reinstates proposal on reduced calorie labeling.
46340	**Alcohol and Alcoholic Beverages** Treasury/BATF proposes to minimize regulatory requirements on producers of volatile fruit-flavor concentrates.
46542	**Hunting** Interior/FWS prescribes late open seasons, hunting hours and areas, and daily bag and possession limits for certain migratory game birds. (Part IV of this issue)
46361	**Wildlife** Interior/FWS proposes to revise wildlife and plant permit regulations.
46498	**Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)
46465	**Sunshine Act Meetings**

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46498	**Part II, Labor/ESA/W&H**
46528, 46538	**Part III, Interior/BLM (2 documents)**
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Presidential Documents

Title 3—

The President

Proclamation 4858 of September 16, 1981

Citizenship Day and Constitution Week, 1981

By the President of the United States of America

A Proclamation

Daniel Webster once wrote, "We may be tossed upon an ocean where we can see no land—nor, perhaps, the sun or stars. But there is a chart and a compass for us to study, to consult, and to obey. The chart is the Constitution."

September 17, 1981, marks the 194th anniversary of our Constitution. Its Framers scarcely could have conceived of the timelessness of the document they so carefully drafted. They prepared a Constitution to meet the needs of a fledgling nation. Yet today, amid the complexities of the twentieth century, that same Constitution, with only several amendments, serves a nation whose territory spans a continent and whose population exceeds two hundred and twenty-five million. With the passing of each year, it becomes increasingly evident that, in the words of Chief Justice John Marshall, our Constitution will "endure for ages to come."

The Constitution establishes the Congress, the Executive, and the Judiciary, and through a deliberate allocation of authority, it defines the limits of each upon the others. It particularizes the liberties which, as free men and women, we insist upon, and it constrains both Federal and State powers to ensure that those precious liberties are faithfully protected. It is our blueprint for freedom, our commitment to ourselves and to each other.

It is by choice, not by imposition, that the Constitution is the supreme law of our Land. As we approach the bicentennial of this charter, each of us has a personal obligation to acquaint ourselves with it and with its central role in guiding our Nation. While a constitution may set forth rights and liberties, only the citizens can maintain and guarantee those freedoms. Active and informed citizenship is not just a right; it is a duty.

In recognition of the paramount importance of the Constitution to our Nation, and in recognition of all who have attained the status of United States citizens, the Congress by joint resolution on February 29, 1952 (36 U.S.C. Section 153), designated September 17th as Citizenship Day, and by joint resolution of August 2, 1956 (36 U.S.C. Section 159), requested the President to proclaim the week beginning September 17th and ending September 23rd of each year as Constitution Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, call upon appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1981. I urge Federal, State and local officials, as well as leaders of civic, educational and religious organizations to conduct ceremonies and programs that day to commemorate the occasion.

I also proclaim the week beginning September 17th and ending September 23rd, 1981 as Constitution Week, and I urge all Americans to observe that week with appropriate ceremonies and activities in their schools, churches and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of Sept. in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-27403
Filed 9-16-81; 4:22 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Friday, September 18, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 273

[Amendment No. 204]

Food Stamp Program: Income Eligibility Standards and Amendment to Three-Person Thrifty Food Plan for Guam; Correction

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule and correction.

SUMMARY: This document amends Food Stamp Program (FSP) regulations relating to the Thrifty Food Plan (TFP). This action is necessary to correct the dollar figure for the three-person Thrifty Food Plan for Guam that was incorrectly published in final rules dated December 2 and December 19, 1980 (45 FR 79741 and 83473 respectively). This document also corrects typographical errors to certain references and the authority citation that appeared in the **Federal Register** publication of May 22, 1981 (46 FR 27901).

DATES: The amendment to the Thrifty Food Plan for Guam is effective, retroactively, to January 1, 1981. The corrections to the May 22, 1981 **Federal Register** publication are effective on September 15, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor, Chief, Regulations and Policy Section, Program Standards Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250; 202-447-9075.

SUPPLEMENTARY INFORMATION: This action has been reviewed under Executive Order No. 12291. The action simply corrects typographical errors that appeared in a recent **Federal Register** publication and amends the Code of Federal Regulations (CFR) to correct an error that resulted from previous publications. There is no cost involved in this action, thus the action would not result in an annual effect on the economy of $100 million or more or a major increase in cost or price for consumers, industries, Federal, State or local governments, or geographical region. Additionally, this action would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the rule has been classified "not major."

This action has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164, September 19, 1980). The Administrator, Food and Nutrition Service, has certified that this action has absolutely no economic impact on small entities because the action simply amends or corrects typographical errors in previous rules.

On December 2, 1980, the Department published final rules (45 FR 79741) setting forth, among other things, the Thrifty Food Plan amounts to be used as the basis for determining FSP benefits in Guam, for the period of January 1-June 30, 1981. However, the dollar amount for the three-person TFP for Guam appearing in a chart on page 79743 of the December 2 publication was incorrect. The figures had been unintentionally transposed. The dollar amount should be $265 instead of $256 as published.

Further, this same typographical error was repeated when the Department published final rules on December 19, 1980 (45 FR 83473) setting forth the TFP amounts for Puerto Rico. For reproduction purposes, the December 19 rule amended the Code of Federal Regulations by not only adding the TFP amounts for Puerto Rico but by repeating the TFP amounts published on December 2 for all areas.

Since the December 19, 1980 rule superseded the December 2, 1980 rule and has already been included in the CFR (revised as of January 1, 1981), it is necessary to amend the CFR, rather than the two individual rulemakings of December 2 and December 19 to correct the error.

On May 22, 1981, the Department issued final rules (46 FR 27901) setting forth the net monthly income eligibility limits for all areas. For the convenience of the public, the preamble to that rule contained a chart which referenced the TFP amounts currently in effect for all areas. Unfortunately, the error in the dollar amount for the three-person TFP for Guam also appears in that publication. Accordingly, this action corrects the May 22, 1981 publication as well as the CFR on this issue.

This action is a technical change to correct the CFR and the May 22, 1981 rulemaking and does not result in additional program cost or restoration of lost benefits for households in Guam. Guam implemented the new standards based on information received from the Department prior to publication of the dollar amounts and that information contained the proper dollar amount.

Additionally, the May 22, 1981 publication contained two other typographical errors: the first appears at the top of column two on page 27902. The reference to the period of "July 1, 1981-July 30, 1982" should read "July 1, 1981-June 30, 1982." Also the authority citation appearing at the end of rule should read "91 Stat. 958 (7 U.S.C. 2011-2027)," in lieu of "91 Stat. 958 (7 U.S.C. 2001-2027)."

Accordingly, the following corrections are being made to 7 CFR Part 273 (Code of Federal Regulations, Jan. 1, 1981 edition) and FR Doc 81-15450 (46 FR 27901, May 22, 1981):

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

§ 273.10 [Corrected]

1. In § 273.10, Appendix A, the chart entitled "Thrifty Food Plan Amounts—September 1980" is amended by removing the figure of $256 appearing in the column marked "Guam" (third entry down) and inserting in lieu thereof the figure of $265.

2. In FR Doc. 81-15450 (46 FR 27901) dated May 22, 1981, the following corrections should be made to page 27902:

a. In the preamble, in the table appearing in the first column, Thrifty Food Plan Amounts, the dollar figure of $256 under the column entitled "Guam" (third entry down) should read $265.

b. In the preamble, at the top of the second column, line four, the reference to "July 1, 1981–July 30, 1982" should read "July 1, 1981–June 30, 1982."

§§ 273.9 and 273.10 [Corrected]

c. In column two, four lines above the signature, the authority citation for the amendments to §§ 273.9 and 273.10 appearing as "91 Stat. 958 (7 U.S.C. 2001–2027)" should read "91 Stat. 958 (7 U.S.C. 2011–2027)."

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance, No. 10.551, Food Stamps)

Dated: September 9, 1981.

Darrel E. Gray,

Acting Administrator.

[FR Doc. 81–26831 Filed 9–14–81; 8:45 am]

BILLING CODE 3410-30-M

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7 CFR Part 282

[Amdt. No. 167]

Food Stamp Program Work Registration/Job Search Demonstration Project

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule sets forth procedures for conducting a Work Registration/Job Search Demonstration Project. This project examines six different approaches for implementing the work registration and job search provisions contained in the Food Stamp Act of 1977, as amended. The Department of Agriculture (USDA) and the Department of Labor (DOL) published proposed rules on this project in the **Federal Register** on October 7, 1980 (45 FR 66463).

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Claire Lipsman, Director, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Room 658, 500 12th Street, S.W., Washington, D.C. 20250; phone (202) 447–8325; or Michelle Casey, Chief, Food Stamp Unit, Office of Work Incentive Program, Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20213; phone (202) 376–7580.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available from Ms. Lipsman.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been reviewed in relation to the requirements of Executive Order 12291 and it has been determined that the action is not a major rule as defined by the Order. This rule will have an effect on the economy of less than $100 million and will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. True cost benefits of the various work registration and job search techniques to be tested cannot be determined in advance of this demonstration. The primary purpose of this demonstration is to gather data which will serve as a basis for conducting cost benefit analysis of the various work registration and job search models. The resulting adjustments made to the Food Stamp Program may produce a significant annual dollar earnings in operational costs which may well equal or exceed the cost of the demonstration. Additional dollar-savings in benefits can also be anticipated due to increases in the employment and earnings of recipients, and the elimination of persons able but not willing to work from the Program. The Department has further determined that the rule will not have an adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The proposed experimental changes in program policies and procedures have no foreseeable effects on private enterprises here or abroad. Therefore, the rule is classified as not major.

This rule has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 9, 1980). The Administrator, Food and Nutrition Service, has certified that this action does not have a significant economic impact on a substantial number of small entities. The proposal may have a limited impact on small business and organizations to the extent that in those sites selected for demonstration operations additional job inquires may be made by food stamp work registrants. The primary impact will be on State governments (or County governments within States to the extent that they administer the Food Stamp Program) which have volunteered to conduct the demonstration project and on food stamp work registrants within the project sites.

Introduction

Section 17(b)(1) of the Food Stamp Act of 1977 (Pub. L. 95–113, 91 Stat. 958, September 29, 1977), as amended, authorizes the Secretary of Agriculture to conduct demonstration projects for the purposes of improving the efficiency of benefit delivery and program administration. Under this authority, the Secretary of Agriculture, in cooperation with the Secretary of Labor, has undertaken a demonstration project involving the administration and operation of the food stamp work registration and job search requirements. On October 7, 1980, the two Departments published in the **Federal Register** proposed regulations governing project operations and a final Notice of Intent soliciting project sponsors (45 FR 66463). Fourteen comment letters were received in response to the publication. The majority of commenters (eight) were State welfare agencies. Three State employment agencies, two FNS Regional Offices, and one Federal government office also commented. This preamble discusses the comments received and changes made as a result of those comments. Portions of the preamble from the October 7, 1980 **Federal Register** (45 FR 66463) are also reprinted for the purpose of clarity.

Three State welfare agencies expressed general support for testing new approaches to work registration/job search operations; one State employment agency believed that conducting the project indicates the ineffectiveness of the current system. Three State welfare agencies objected to the timing of the proposed demonstration project regulations, i.e., publication prior to finalization of the ongoing work registration/job search regulations; while one State welfare agency suggested that the demonstration project be completed prior to implementation of the ongoing work registration/job search regulations. As noted in the preamble to the October 7, 1980 proposed project regulations, the Departments believed that the proposed requirements for the ongoing work registration/job search system (as published in the **Federal Register** on August 8, 1980) represented a reasonable option for an operational system. (Those proposed requirements were published in final form on January 16, 1981 (46 FR 4622).) It was recognized, however, that other variations might be more desirable. To comply with the legislative mandate for a job search requirement, the Departments decided to simultaneously establish an operational system and conduct a demonstration project which would assess the results of both the ongoing system and variations to these procedures. Given that the final evaluation report on the results of the demonstration project is not due until early 1983, postponing nationwide implementation of any job search requirement until that time would not have met congressional intent.

Demonstration Models

The proposed regulations established six different demonstration models. The individual models varied three major elements:

(1) The method of work registration;

(2) The provider of work registration and job search services; and

(3) The nature and intensity of the job search requirements.

One State employment agency and two State welfare agencies expressed dissatisfaction with the proposed models, believing them to be too limited and no real improvement over current operations. The State welfare agencies, in making their suggestions for additional models, proposed either enrichments to the operational requirements of the existing models or proposed that local agencies be allowed to develop a model suited to their unique environments. The models were designed to permit some individual tailoring. The Departments intended to create a basic operational structure, within which procedures could be developed and resources allocated to fit the needs of the locality. Subcontracting of specific parts of the operational requirements, i.e., counselling, testing, or the establishment of formal and/or informal linkages with other related service groups, was not discouraged.

One commenter suggested that the ongoing work registration/job search regulations be considered as one of the models. While it was originally intended that sites operating under the ongoing work registration/job search procedures would serve as control groups, the Departments have decided instead to consider these procedures as a model. However, rather than introducing a seventh model, we have revised the operational procedures of Model A to include both the work registration and job search requirements contained in the ongoing regulations. Thus, the models would be as follows:

Model A would operate in accordance with the procedures contained in the ongoing work registration and job search regulations, as finalized in the January 16, 1981 rulemaking. The objective of this model would be to test the effectiveness of the ongoing regulations.

Model B would maintain the ongoing work registration and job search provisions. A Job Finding Club would, however, be introduced as an alternative job search requirement for those work registrants deemed to be eligible. The objectives of this model would be to determine both how successful the Job Finding Club technique is in securing employment for food stamp work registrants and the effectiveness of the Job Finding Club in reducing the costs of the Food Stamp Program.

Model C would require non-exempt food stamp applicants to register for work in person at the SESA office as a condition of eligibility, i.e., prior to certification for food stamp benefits, but would not require any job search activity. Applicant households' would not be certified to receive program benefits until all persons required to register for work had registered in person at the SESA office and proof of such registration was provided to the State agency. The objective of Model C, then, is to test if program costs can be reduced by ensuring earlier contact with the SESA.

Model D would link in-person registration at the SESA office with the ongoing job search requirements. The objective of this model would be to test the combined effectiveness of early contact with the SESA, and of providing work registrants with a directed approach to seeking employment.

Model E would combine in-person registration with the Job Finding Club approach. The objective of this model would be to test the effectiveness of establishing rigorous requirements for both work registration and job search.

Model F would establish the State welfare agency as the provider of job related services. The State welfare agency would assume all responsibilities associated with registration for work, providing job information, and job search monitoring. The objective of this model would be to test whether a social service agency would be effective in providing employment assistance which meets the needs of food stamp participants subject to the work registration and job search requirements.

General comments on the models varied. One State employment agency supported Model B as providing maximum service to clients; one State welfare agency supported Model D as optimum for getting job ready people into employment; one State welfare agency opposed Model F as cost ineffective. In reviewing applications of potential sponsors, the Departments recognized that all models were not equally well accepted. Consequently, as provided in these regulations, the Departments may not use all of the above models in this demonstration project.

Job Finding Club

Several specific comments on the operational procedures for the Job Finding Club (JFC) were received. One FNS Regional Office suggested that specific criteria for assignment to the JFC be established, while one State welfare agency suggested that there be random assignment to either a JFC or job search Category I to avoid placement that might introduce bias into the study. The proposed regulations provide needed flexibility to the sponsoring SESA. Knowing that a JFC may not be forming at the time of a work registrant's assessment interview, the SESA may either have the registrant conduct his or her own job search (depending on labor market conditions) or the work registrant could wait until the next JFC begins. Other comments recommended that the JFC be required for two months (see discussion on length of job search below) and that the evaluation include a verification that reported employer contacts were made. The latter suggestion was rejected since the nature of certain job contacts often precludes verification (e.g. a worker reports to an employer who is not hiring on that day).

In-Person Registration

Four State welfare agencies and one FNS Regional Office commented on the procedures developed for the in-person registration component. Three commenters opposed the exemption given to persons qualifying for expedited service since they believed that most work registration problems concern these households. In response to these comments, the final rules exempt persons qualifying for expedited service only if the SESA office is more than a two hour round trip by available public or private transportation from the State welfare agency office. The Departments believe that the requirement on the SESA to provide the registrant with separate documentation upon registration ensures that expedited service requirements and in-person registration can be simultaneously accomplished. This separate documentation can be taken back to the food stamp office, when the SESA office is unable to expeditiously interview the registrant, so that food stamp expedited service can be provided. Another comment related to the requirement that the assessment interview be conducted within 72 hours if the applicant cannot be seen on the day of initial contact with the SESA. The commenter recommended changing the 72 hour requirement to three working days to alleviate scheduling problems caused by weekends. This suggestion has been incorporated in the final rule.

An additional comment addressed the timing requirements for notification of the State welfare agency by the State employment agency. The majority of these time frames are in keeping with those established for the Work Incentive Program (WIN) and the Departments believe them necessary to ensure prompt application processing.

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Job Search

In the proposed rulemaking of August 8, 1980 (45 FR 53067) the job search period was established at a maximum of eight weeks within each six-month registration period. Commenters on that rulemaking suggested that the maximum job search period be changed to conform with Pub. L. 96–258 (the 1980 amendments). This law amended the Social Security Act to provide that persons must search for employment as a condition of eligibility for benefits under the Aid to Families with Dependent Children (AFDC) Program. The length of the job search period for AFDC was mandated in the law to be no more than eight weeks in a year.

Both the Department of Agriculture and the Department of Health and Human Services are continually making an effort for greater compatability of food stamp and AFDC regulations whenever practical and feasible to do so. Therefore, the Department adopted the requirement for an 8-week job search effort over the course of a year in the final ongoing work registration/job search regulations. Hence, for the purposes of the demonstration project work registrants would also be subject to an eight-week maximum job search period over a year's time. The State employment agency or State welfare agency, as appropriate to the model, would have flexibility in determining whether the job search period was to be a continuously applied eight-week period or spread out over a longer period of time.

Demonstration Project Design

Four State welfare agencies and one FNS Regional Office had comments on the demonstration project design. One primary issue was the proposed random split of work registrants into control and experimental groups. This design feature was opposed because: (1) it effectively limited the participation of rural areas; (2) contamination of the results could occur unless all work registrants were included; and (3) the lack of any work registration requirement for a segment of the population was perceived as creating credibility problems. The evaluation design established for use in the demonstration project has shown itself effective in past and ongoing demonstrations conducted by the Department of Health and Human Services (HHS), the Department of Labor (DOL) and numerous other public and private agencies. The random division of project participants into experimental and control groups is widely accepted by researchers as the best procedure to ensure the integrity of and ability to interpret demonstration project results. Under the proposed rules, the random assignment of work registrants into treatment and control groups was scheduled to occur during the last 12 months of the project. However, under the final regulations, the random split into control and experimental groups will take place during the entire period of demonstration project operations for all models.

One commenter suggested that the project be operational for 12 rather than 18 months. The 18-month period has been established to allow six months for start-up during implementation—making sure the "bugs" are worked out of the system prior to collecting impact information. Once this has been accomplished, the Department believes that a minimum of 12 months of data is necessary for a thorough evaluation.

Quality Control

Several commenters addressed the procedures established in the proposed project regulations related to quality control. The proposed regulations stated that the State agency would be responsible for taking whatever action was necessary to exclude errors related to the demonstration from the quality control error rate. These procedures have been reviewed by the Department in light of the emergency final regulations regarding quality control which were published in the **Federal Register** on December 9, 1980 (45 FR 81030). In accordance with those regulations, the Department has determined that the operational procedures related to the demonstration project do not have a significant effect on the certification process. Hence, households participating in the demonstration project which are subsequently selected as part of the quality control sample shall be reviewed using normal procedures and the results of such reviews included in the cumulative allotment error rate. Due to this determination, the previous section on quality control is omitted from these final regulations.

PART 282—DEMONSTRATION, RESEARCH AND EVALUATION PROJECTS

Accordingly, Part 282 is amended by adding a new § 282.13 which reads:

§ 282.13 Work registration/job search demonstration project.

(a) *Purpose.* These regulations establish the procedures under which the Work Registration/Job Search Demonstration Project shall operate. Under this project, household members not exempt from the work registration requirements of § 273.7(b) shall be required to participate in a series of tests which are variations of the rules on work registration and job search that were published by the Department of Agriculture as final on January 16, 1981 (46 FR 4622). (Such finalized rules will, hereafter, be referred to as "the ongoing work registration and job search requirements".) These tests are designed to assess alternative methods for administration of the work registration/job search requirements which are mandated by Section 6(d) of the Food Stamp Act of 1977, as amended.

(b) *Statutory requirements to be waived.* Subsection 17(b)(1) of the Food Stamp Act of 1977 authorizes the Secretary of Agriculture to waive any requirement of the Act to the degree necessary to conduct a demonstration project, as long as the project does not lower or further restrict the income or resource standards or benefit levels of project participants. Under the Work Registration/Job Search Project, the requirements of Subsection 6(d) pertaining to work registration and job search may be waived at demonstration project sites during specific time intervals. The effective dates of each waiver will be publicized at the project sites to provide participants with specific knowledge of the occurrence. The limitations specified in Section 16 on Federal cost-sharing of administrative expenses are also waived. Other requirements may be waived if the Secretary deems it to be necessary, consistent with the limitations on the waiver authority provided in Subsection 17(b)(1). Any further waivers will be published in the **Federal Register.** The Secretary reserves the right to combine existing elements in various techniques or models, or to not implement/fund all the models described herein, as may be deemed appropriate to the realization of project objectives.

(c) *Regulatory requirements.* All current Food Stamp Program regulations, including the ongoing work registration or job search regulations, except as specifically provided or except where inconsistent with any rules governing this project, shall govern the operation of this project.

(d) *Areas of operation.* The Work Registration/Job Search Project shall be operated in up to 20 project sites for a period of approximately eighteen months beginning on or about September 1, 1981. Project operators shall be selected by the Food and Nutrition Service (FNS) and the Department of Labor (DOL) based on applications submitted by State Employment Security Agencies (SESA's) wishing to implement Models A, B, C, D, or E and applications submitted by State agencies wishing to implement Model F. For all site operations, the concurrence of the cooperating State agency or SESA shall be obtained.

(e) *Demonstration Models.* (1) At those sites chosen to operate Model A, work registrants shall be subject to the ongoing work registration and job search regulations. During the operation of the demonstration project, work registrants shall be randomly split into treatment and control groups. The treatment group shall be subject to the demonstration requirement during the entire demonstration period; the control group shall not be subject to either work registration or job search requirements (§ 273.7) during the same period. The procedure of randomly assigning work registrants to treatment and control groups during the demonstration, and the application of model requirements to only the treatment group during the entire project shall be implemented at each of the sites selected to operate the remaining five demonstration models described below.

(2) At those sites chosen to operate Model B, work registrants in the treatment group shall be subject to the ongoing regulations regarding work registration and job search. Selected work registrants shall, however, be subject to the requirements of the Job Finding Club, as discussed in paragraph (f) of this section, instead of the normal job search requirements.

(3) At those sites chosen to operate Model C, all work registrants in the treatment group shall be subject to the in-person registration requirements discussed in paragraph (g) of this section. No job search requirement shall be imposed.

(4) At those sites chosen to operate Model D, work registrants in the treatment group shall be required to register in-person at the SESA office, as discussed in paragraph (f) of this section, and shall be subject to the ongoing job search requirements.

(5) Work registrants residing in those areas selected to operate Model E which are selected for the treatment group shall be subject to in-person registration (as discussed in paragraph (g) of this section), the ongoing job search requirements, and, if selected, the requirements of the Job Finding Club, which are detailed in paragraph (f) of this section, in lieu of the ongoing job search requirements.

(6) In those sites where the State welfare agency has been chosen to be job service provider (Model F), the basic requirements for work registrants shall be unchanged. System responsibilities shall be changed to the extent that ongoing responsibilities assigned to the SESA in § 273.7, shall be assumed by the State welfare agency.

(f) *Job Finding Club.* At those demonstration sites where the Job Finding Club is in operation, the ongoing job search requirements shall be waived for those work registrants selected to participate in the Job Finding Club. The procedures established in this paragraph shall be substituted in their place.

(1) Job Finding Club Assignment.

(i) During the initial assessment interview, or for those work registrants currently participating in job search, at the time of a subsequent interview, the SESA shall determine which work registrants shall be required to participate in the Job Finding Club. Persons not selected to participate in the Job Finding Club shall be required to meet the ongoing job search requirements established in § 273.7(e).

(ii) At the time that the work registrant is selected to participate in the Job Finding Club, the SESA shall explain to the work registrant the requirements of the Job Finding Club and the penalties for failure to comply with these requirements. In addition, the work registrant shall be provided with written information on the Job Finding Club which shall include the dates, time(s) and location of meetings.

(2) Operational Procedures. Specific operational procedures for the Job Finding Club may vary from site to site. Participants shall, however, be subject to the following basic requirements:

(i) Report to the Job Finding Club Monday through Friday, except for holidays, until suitable employment (§ 273.7(i)) is secured which exempts the work registrant from the work registration requirements (§ 273.7(b)(viii)), or for a maximum of eight weeks, whichever occurs sooner. Failure to report to the Job Finding Club on more than two occasions per month, without good cause (§ 273.7(m)), shall subject the household to disqualification as established in § 273.7(g);

(ii) Comply with the directions of the Job Finding Club Counselor regarding participation in Club activities and contact with prospective employers;

(iii) Report for interviews with prospective employers; and

(iv) Accept a bona fide offer of suitable employment, as defined in § 273.7(i).

(g) *In-person Registration.* At those sites where in-person registration at the SESA office is required, the work registration requirement shall operate in the following manner:

(1) Persons required to register. Based on information contained in the application and other information obtained during the application process, the State agency shall determine which household members are required to register for employment. Each household member who is not exempted by § 273.7(b) shall register in person at the SESA at the time of initial application for program benefits and once every six months thereafter. Registration for employment at the appropriate SESA office shall be completed prior to household certification. In those instances where households qualify for expedited service, as discussed in § 273.2(i), the in-person work registration requirement shall be waived for the initial issuance if the SESA office is more than a two hour round trip by available public or private transportation, from the State welfare agency office where application is made. In such cases, in-person registration shall be completed prior to the issuance of any subsequent allotments. The expedited service time limits shall run from the time that the State agency receives notice that the in-person registration is completed, as set forth in paragraph (g)(3)(iii) of this section, or the household has returned to the food stamp office with proper documentation as set forth in paragraph (g)(3)(ii) of this section, whichever occurs earlier.

(2) State agency responsibilities.

(i) The State agency shall be responsible for informing all applicants or potential applicants of the requirement that all non-exempt persons must register in-person at the SESA office as a condition of eligibility. This information shall be provided in a manner which would allow potential applicants, if they so choose, to pre-register at the SESA office prior to the food stamp certification interview.

(ii) Upon reaching a determination that a household member is required to register, the State agency shall explain to the applicant the procedures for registering for work at the SESA (including the fact that the applicant may proceed immediately to the SESA office and register and same day that the applicant visits the State agency office), and the consequences of failing to register. Such information shall be both explained orally and provided in written form.

(iii) The State agency shall complete, to the extent possible, the certification process at the time of the food stamp interview so that the application can be readied for decision-making once the in-person registration requirement is completed.

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(iv) The State agency shall provide a referral form to each person required to register for work and shall direct the applicant to the appropriate SESA.

(v) The State agency shall work with the SESA to ensure that persons subject to the work registration requirement are expeditiously interviewed by the SESA.

(vi) Upon receipt of notification from the SESA or directly from the applicant that all persons within a household who are subject to the work registration requirement have registered, the State agency shall complete application processing.

(vii) If the State agency does not receive notification of the applicant's registration, the household shall not be certified until registration occurs. The application shall instead be processed in accordance with the procedures discussed in § 273.2(h)(2), for delays caused by the household. In addition, if an applicant registers but subsequently fails, without good cause, to comply with the interview requirement or additional work requirements imposed at the time of the interview, and the State agency office receives notification of this before the applicant has been certified, the application shall be processed in accordance with the procedures in § 273.2(h)(2) for delays caused by the household.

(3) SESA responsibilities. The SESA shall be responsible for the following activities:

(i) Establishing, with the State agency, procedures to ensure the expeditious interviewing of food stamp applicants. To the extent possible, such interviews shall be scheduled to occur on the same day that the applicant makes initial contact with the SESA, but they must occur no later than three working days from the day of initial contact with the SESA office;

(ii) Allowing food stamp applicants to register on the same day as their initial contact with the SESA, and providing applicants with documentation of their registration on the same day. If the interview appointment is scheduled for the same day, the registration form may be completed during the interview. If it is scheduled for a later day, applicants shall be allowed to register at the time of the initial contact, and documentation of registration shall be provided at that time. By providing such documentation, the applicant may return, if he or she chooses, to the State agency to ducument his/her registration without waiting for the interview appointment;

(iii) Notifying the State agency, within one working day, of all food stamp applicants registered;

(iv) Conducting an interview. At the time of the interview, the work registrant shall be provided all services normally available to "walk-in" clientele, including job market information, the Job Bank, and referral to available employment;

(v) Recontacting those registrants failing to report for their scheduled interview to arrange a second interview appointment; and

(vi) Notifying the State agency, within five working days, of those food stamp applicants who fail, without good cause, to comply with the interview requirement or any additional work requirements imposed at the time of the interview.

(4) Household member responsibilities. Those persons identified by the State agency as required to register for work shall be responsible for the following activities:

(i) Reporting to the SESA for an interview;

(ii) Completing a work registration form at the time of contact with the SESA;

(iii) Returning to the State agency with a notification of registration, if they so choose; and

(iv) Complying with the additional work requirements of § 273.7(f).

(h) *Funding.* FNS will provide both State agency and SESA sponsors with funding equal to 100 percent of costs associated with the project which are above those normal and customary to administration of the ongoing work registration and job search requirements.

(i) *Records and reports.* Involved State agencies and SESA's shall maintain records on both model operations and results in a manner prescribed by FNS and DOL.

(j) *Monitoring and evaluation.* FNS and DOL shall jointly establish procedures for monitoring SESA's and State agencies' compliance with the requirements of § 272.13. DOL shall assume primary monitoring responsibility for those sites chosen to operate Models A through E and FNS shall assume primary monitoring responsibility at those sites chosen to operate Model F. The evaluation of the project shall be conducted by an independent contractor. The State agency and SESA shall, upon reasonable notification, provide the evaluation contractor with access to all information pertaining to project operations.

Note.—The reporting and recordkeeping requirements contained in this rule are being submitted for approval by the Office of Management and Budget (OMB) in accordance with the Federal Reports Act of 1942.

(91 Stat. 958, as amended (7 U.S.C. 2011–2027)).

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps)

Dated: July 30, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

Dated: September 8, 1981.

Albert Angrisani,

Assistant Secretary for Employment and Training.

[FR Doc. 81–26827 Filed 9–14–81; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 324]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period September 20–26, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: September 20, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit

Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on September 15, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues strong.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Section 910.624 is added as follows:

§ 910.624 Lemon Regulation 324.

The quantity of lemons grown in California and Arizona which may be handled during the period September 20, 1981, through September 26, 1981, is established at 235,219 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 16, 1981.

D. S. Kuryloski,

Deputy Director,

Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–27506 Filed 9–17–81; 12:09 pm]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins; Correction

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule: Correction.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to issue a pen and ink revision to Bulletin 345–73, REA Specification for All Weather Pressure Sensitive Vinyl Tape, PE–68, to correct errors incorporated during printing. The bulletin containing the errors was issued November 2, 1976. Shortly thereafter REA discontinued the listing of this product, so that a correction was not deemed justifiable. With the recent proposal to reintroduce the listing of this tape, it was felt that the minor errors should be corrected. As a result, the change is being issued at this time.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3827.

Dated: September 4, 1918.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 81–26791 Filed 9–14–81; 8:45 am]

BILLING CODE 3410-11-M

Food Safety and Inspection Service[1]

9 CFR Parts 303 and 381

[Docket No. 81–029]

Federal Meat and Poultry Products Inspection; Exemptions for Retail Stores

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the Federal meat and poultry products inspection regulations to clarify the procedure by which the Agency revises its retail exemption limits. For an establishment to be considered "retail" and thus exempt from routine Federal inspection requirements, it may sell only a limited amount of meat and poultry products to nonhousehold consumers. This exemption is expressed in terms of a dollar limitation subject to annual revision as indicated by changes in the price of meat and poultry products according to the Consumer Price Index. The current dollar limitations were recently increased by the administrator and published in the **Federal Register** on May 15, 1981, (46 FR 26760–26761). The current dollar limitation is $27,800 for meat products and $22,200 for poultry products. This final rule amends the regulations by deleting outdated dollar limitations, and expressly stating that whenever the dollar limitations for retail exemptions are adjusted, the Agency will publish a notice in the **Federal Register** announcing the adjustment and the new dollar limitation.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. John Prucha, Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3219.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made an initial determination that this proposed rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises in domestic or export markets.

This docket has been reviewed for cost effectiveness pursuant to Departmental guidelines for implementing Executive Order 12291. It is anticipated that this final rule will not give rise to any additional costs as it makes no new policy requirements, but rather merely clarifies the existing regulations.

Effect on Small Entities

Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). There would be no economic impact on small entities since this rule merely clarifies the existing regulations.

Background

Federal inspection of meat and poultry products prepared for sale and distribution in commerce and in certain designated States is required by law and administered by the Food Safety and Inspection Service (FSIS). However,

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[1] Pursuant to the reorganizational plans outlined in USDA Secretary's memo 1030–1, issued June 19, 1981, the Food Safety and Quality Service has become the Food Safety and Inspection Service. A notice detailing the agency's reorganization is now being drafted for later publication.

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section 301(c)(2) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C. 454(c)(2)) state that the general requirement of routine Federal inspection "* * * shall not apply to operations of types traditionally and usually conducted at retail stores * * * when conducted at any retail store * * * for sale in normal retail quantities * * * to consumers * * *."

The Agency has enacted extensive regulations on how it determines whether stores qualify for this exemption from routine Federal inspection (9 CFR 303.1(d) and 381.10(d)). Whether or not an establishment is deemed by the Agency to be an exempt retail establishment depends, in part, upon the level of its trade with nonhousehold consumers, such as hotels, restaurants and similar institutions. Accordingly, Federal meat and poultry products inspection regulations have expressed in terms of dollars the maximum amount of meat and poultry products which may be sold to nonhousehold consumers if the establishment is to remain an exempt retail establishment.

The first such retail limitation was for sales of meat products to nonhousehold consumers. The limitation was established in 1970 and set at $10,000. In 1972 the poultry retail limitation was established and set at $10,000.

In 1973 the retail limitations for both meat and poultry products were raised to $18,000 in order to reflect actual price increases and to allow for ongoing price fluctuations and unexpected marketing changes.

On April 25, 1980, the Agency published a final rule in the **Federal Register** (45 FR 27919–27922) raising the annual dollar limitations to $27,000 for meat products and to $21,100 for poultry products. These increases also reflected actual price increases for meat and poultry products. In addition to increasing the annual dollar limitations, the Agency amended the Federal meat and poultry inspection regulations to provide that the dollar limitations on the sales of meat and poultry products by exempt retail stores to nonhousehold consumers will be automatically adjusted during the first quarter of each calendar year, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor, indicates a change of at least $500, upward or downward (9 CFR 303.1(d)(2)(iii) and 381.10(d)(2)(iii) (45 FR 27919–27922)).

The purpose of this provision was to obviate the need for formal rulemaking proceedings each time an adjustment in the dollar figure is required to keep the actual volume of product at roughly constant levels. Instead, the Agency would merely publish a notice announcing any adjustment in the dollar limitations in the **Federal Register** and the new limitations would become effective upon publication.

Accordingly, on May 15, 1981, the Agency published a notice in the **Federal Register** (46 FR 26760–26761) announcing that the Consumer Price Index for 1980 indicated an increase in the price of meat products of $800, and and an increase in the price of poultry products of $1,100, and that the Agency was therefore adjusting the dollar limitations for these products pursuant to the regulations. The adjustments raised the dollar limitations to $27,800 for meat products and to $22,200 for poultry products.

The regulations, however, still retained the dollar amounts for retail limitations set by the April 25, 1980, amendment.

In order to avoid any possible confusion as to what the current annual dollar amounts for retail limitations are for the calendar year 1981, the Agency is amending §§ 303.1(d) and 381.10(d) of the Federal meat and poultry products inspection regulations (9 CFR 303.1(d) and 381.10(d)) by deleting the actual dollar amounts stated therein for limitations on sales of meat and poultry products, respectively, to nonhousehold consumers by retail establishments exempt from routine Federal inspection.

Further, the existing regulations do not clearly specify how the agency will automatically revise the dollar limitations. Therefore, this final rule will also amend the regulations by expressly stating that whenever adjustments in the dollar limitations are indicated by the consumer price index, the Agency will publish a notice in the **Federal Register** announcing the adjustments and the new dollar limitations.

For these reasons, the Federal meat and poultry products inspection regulations are amended as set forth below.

PART 303—EXEMPTIONS

1. The authority citation for Part 303 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; (21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 466–466k).

2. Section 303.1(d)(2)(iii)(*b*) is revised to read as follows:

§ 303.1 Exemptions.

* * * * *

(d) * * *

(2) * * *

(iii) * * *

(*b*) At least 75 percent, in terms of dollar value, of total sales of product represents sales to household consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed the dollar limitation per calendar year set by the Administrator. This dollar limitation is a figure which will automatically be adjusted during the first quarter of each calendar year, upward or downward, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor, indicates a change in the price of this same volume of product which exceeds $500. Notice of the adjusted dollar limitation will be published in the **Federal Register.**[1]

* * * * *

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

3. The authority citation for Part 381 reads as follows:

Authority: Sec. 14, Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962, (7 U.S.C. 450); and subsection 21(b) of the Federal Water Pollution Control Act; as amended by Public Law 91–224 and by other laws (33 U.S.C. 1171(b)).

4. Section 381.10(d)(2)(iii)(*b*) is revised to read as follows:

§ 381.10 Exemptions for specified operations.

* * * * *

(d) * * *

(2) * * *

(iii) * * *

(*b*) At least 75 percent, in terms of dollar value, of total sales of product represents sales to household consumers and the total dollar value of sales of product to consumers other than household consumers does not exceed the dollar limitation per calendar year set by the Administrator. This dollar limitation is a figure which will automatically be adjusted during the first quarter of each calendar year, upward or downward, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor, indicates a change in the price of this same volume of product which exceeds $500. Notice of the adjusted dollar limitation will be published in the **Federal Register.**[1]

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[1] The dollar limitation currently in effect may be obtained by contacting Dr. John Prucha, Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Food and Safety Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447–3219.

* * * * *

These amendments are merely for purposes of clarification. The amendments do not make any changes in Agency policy nor will they substantially affect any member of the public. Further, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public rulemaking procedures concerning these amendments are impracticable and unnecessary and good cause is found for making these amendments effective less than 30 days after publication in the **Federal Register.**

Done at Washington, DC, on September 8, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81-27215 Filed 9-17-81; 8:45 am]

BILLING CODE 3410-DM-M

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[1] The dollar limitation currently in effect may be obtained by contacting Dr. John Prucha, Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Food and Safety Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-3219.

DEPARTMENT OF ENERGY

10 CFR Ch. II

Administrative Procedures and Sanctions: Interpretations of the General Counsel

AGENCY: Department of Energy.

ACTION: Notice of interpretations.

SUMMARY: Attached are interpretations (Appendix A) and responses to petitions for reconsideration (Appendix B) issued by the Office of General Counsel of the Department of Energy (DOE) during the period May 1, 1981 through August 31, 1981.

Appendix C identifies those requests for interpretations which have been dismissed during the same period.

FOR FURTHER INFORMATION CONTACT: Diane Stubbs, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6B234, Forrestal Building, Washington, D.C. 20585, (202) 252-2931.

SUPPLEMENTARY INFORMATION: Interpretations issued by the DOE are published in the **Federal Register** in accordance with the editorial and classification criteria set forth in 42 FR 7923 (February 8, 1977), as modified in 42 FR 46270 (September 15, 1977).

These interpretations respond to formal written requests for interpretation. They depend for their authority on the accuracy of the factual statement used as a basis for the interpretation and may be rescinded or modified at any time. Only the persons to whom interpretations are addressed and other persons upon whom interpretations are served are entitled to rely on them. An interpretation is modified by a subsequent amendment to the regulation or ruling interpreted thereby to the extent that the interpretation is inconsistent with the amended regulation or ruling. The interpretations published below are not subject to administrative appeal.

Certain of the interpretations published below pertain to provisions of the Mandatory Petroleum Allocation and Price Regulations. Effective at 12:01 a.m., January 28, 1981, Executive Order 12287, 46 FR 9909 (January 30, 1981), exempted all crude oil and refined petroleum products from controls imposed by these regulations. However, because the various issues presented for review involved past years governed by these regulations or provisions specifically exempted from decontrol, it was both appropriate and necessary to resolve the issues for the parties requesting the interpretation.

The responses to petitions for reconsideration published herein have been issued in accordance with the provisions set forth in 10 CFR 205.85(f). It should be emphasized that the reconsideration procedure is not the equivalent of an administrative appeal, but merely provides a mechanism to insure that no inadvertent errors are made which affect the validity of the interpretation.

Issued in Washington, D.C. on September 11, 1981.

Merrill F. Hathaway, Jr.,

Acting Assistant General Counsel for Interpretations and Rulings.

Appendix A—*Interpretations*

No.	To	Date	Category	File No.
1981-15	Energy Services, Inc.	May 29	Price	A-546.
1981-16	Green Hills, Inc	May 29	Conservation	A-620.
1981-17	Murphy Oil Co	June 15	Allocation	A-635.
1981-18	Union Carbide Corp	June 23	Allocation and Price	A-606.
1981-19	D. H. Hunt	June 24	Price	A-578.

Interpretation 1981-15

To: Energy Services, Inc.

Rules and Regulations Interpreted: 212.72, 212.74; 212.79 Rulings 1975-15; 1977-1

Code: GCW-Part 212, Subpart D; Definition of Property, Unitization; Newly Discovered Crude Oil

Facts

Kerr McGee is the full-interest lessee of seven gas and gas condensate leases in Canadian County, Oklahoma.[1] These seven oil and gas leases were assigned by Kerr-McGee to Energy Services, Inc., (ESCO) on March 29, 1978.[2] ESCO acquired the entire leasehold interest in and under these leases. In addition, ESCO is assignee to the full gas and gas condensate leasehold interests assigned by (1) W.M. Bryan, Inc., Lot 6 (½ interest) of Section 7-12N-6W, Canadian County, Oklahoma May 3, 1977; and (2) W.M. Bryan, Inc., Lot 6 (½ interest) of Section 7-12N-6W,

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[1] The leases are:

(1) Verna A. Leighton and Authur B. Leighton, W/2 SE/4, Section 7-12N-6W, Canadian County, Oklahoma, May 24, 1972;

(2) Esther M. Hurst, E/2 SE/4, Section 7-12N-6W, Canadian County, Oklahoma, May 24, 1972;

(3) Wilbur C. Hall and Lois Hall, S/2 NE/4 and NW/4 NE/4 and Lot 5 and Lots 1 and 2, E/2 NW/4 of Section 7-12N-6W, Canadian County, Oklahoma, (except 80 acres comprising the land covered by leases number 4, 5 and 6 herein), October 6, 1972;

(4) Darrel L. Cooksey and Elizabeth Cooksey, Tract containing 10.24 acres in NW/4 of Section 7-12N-6W, Canadian County, Oklahoma, January 14, 1975;

(5) Cooksey and Sons Farms, Inc., Tract containing 24.76 acres in NW/4 Section 7-12N-6W, Canadian County, Oklahoma, January 14, 1975;

Continued

(6) Dorothy Jean C. Hucek and Raymond Hucek. Tract containing 45 acres in NW/4 of Section 7-12N-6W, Canadian County, Oklahoma, January 11, 1975;

(7) Gary Lee Evans and Margaret Evans, Lots 3 and 4 and E/2 SW/4, Section 7-12N6W, Canadian County, Oklahoma, January 4, 1975.

[2] Executive Order 12287, 46 FR 9909 (January 30, 1981) exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*). This order was effective at 12:01 a.m., January 28, 1981. Because ESCO must determine its past compliance with crude oil pricing requirements, imposed by the Mandatory Petroleum Price Regulations in order to properly determine prices charged in past transactions, it is necessary to resolve the issues presented in this request.

Canadian County, Oklahoma, May 3, 1977.

Through these assignments, ESCO obtained the entire gas and gas condensate leasehold estate in and under all of Section 7, Township 12 North, Range 6 West, Canadian County, Oklahoma, for the production of gas and gas condensate. These leases represent the first and only leases ever entered with regard to the premises comprising Section 7. No crude oil production had ever taken place on these premises prior to drilling by ESCO in 1977. ESCO is, therefore, a "producer" of crude oil subject to the provisions of 10 CFR Part 212, Subpart D.

The Oklahoma Corporation Commission (the Commission) established Section 7, as a single, 640-acre, drilling and spacing unit on September 24, 1974, by Order No. 107775 for the production of gas and gas condensate from the Oswego, Cherokee and Hunton formations. On May 24, 1977, the Commission established Section 7 as a single drilling and spacing unit by Order No. 130956 for production from the Mississippi formation. On May 23, 1977, ESCO began drilling the Verna No. 1 well (the Verna well) in the center of the SE/4 of Section 7 to establish the well as the unit well pursuant to the Commission's Orders. The Verna well was completed and became a commercial producer of commingled hydrocarbons in the Cherokee, Hunton and Mississippi formations on October 7, 1977. Production from the Verna well has been continuous to the present time.

After the Verna No. 1 well had a production history established, ESCO found that the Verna well could not adequately and efficiently drain the 640 acre drilling unit due to the porous and permeable characteristics of the Cherokee, Hunton and Mississippi formations. ESCO determined that three additional wells would be necessary in Section 7 in order to recover all of the hydrocarbons underlying Section 7 to permit the parties owning an interest in Section 7 to receive their share of the production.[3] ESCO therefore applied to the Commission for a new Order.

Upon a finding by the Commission that a drilling and spacing unit for a prospective common source of supply cannot be adequately drained by the single state authorized well within the boundary of the unit, the Commission may, among other options, permit the original well to remain intact and amend the original orders to permit additional wells to be drilled on the unit. On September 12, 1978, the Commission issued Order No. 144872 allowing the drilling of three additional wells in Section 7, each one at a legal location within each of the three remaining quarter sections pursuant to the Commission's Order. This Order, however, did not reform the boundaries of the Section 7 unit. *See* Order No. 144872, Finding No. 4, *infra* at p. 1.

Pursuant to this Order, ESCO began drilling the Hall No. 1 well (the Hall well) on December 7, 1978, in the NE 4 of Section 7. Drilling was completed January 4, 1979, and the well began production of hydrocarbons in the Hunton and Mississippi formations. Subsequently, ESCO drilled and completed the Cooksey No. 1 well (the Cooksey well) in the NW 4 of Section 7 in the same formations. First production from the Hall and Cooksey wells commenced subsequent to January 1, 1979. ESCO planned to begin drilling the fourth and final well authorized by Order No. 144872 in the SW 4 of Section 7 in June 1980.

Issues

1. Was Section 7 a single property as that term is defined in 10 CFR 212.72?

2. Did crude oil produced from each of the wells drilled in 1978, 1979, and 1980 qualify as "newly discovered crude oil" pursuant to 10 CFR 212.79?

Interpretation

Section 7 was a single property for purposes of the Mandatory Petroleum Price Regulations, based upon the unitization of the entire 640 acres by the Oklahoma Corporation Commission.

The term "property" is defined in 10 CFR 212.72 in part as "the right to produce domestic crude oil, which arises from a lease or from a fee interest." 39 FR 1924 (January 15, 1974), effective January 14, 1974. The definition was amended once in 41 FR 4931 (February 3, 1976), effective February 1, 1976, before it was published in its present form in 41 FR 36171 (August 26, 1976):

> *"Property" means the right to produce domestic crude oil,* which arises from a lease or from a fee interest. A producer may treat as a separate property each separate and distinct producing reservoir subject to the same right to produce crude oil, provided that such reservoir is recognized by the appropriate governmental regulatory authority as a producing formation that is separate and distinct from, and not in communication with, any other producing formation. (Emphasis added.)

The property concept has been the subject of several rulings and interpretations. In *Rustex Oil, Inc.*, Interpretation 1978–5, 45 FR 12852 (March 28, 1978), for example, the agency stated that "property" is synonymous with the physical premises described in a lease or fee interest and is not to be interpreted as a reference to a particular lessee's rights under a particular lease.

However, the DOE also has recognized that events subsequent to 1972 establish properties different from those in existence in 1972. In Ruling 1975–15[4] the agency stated that "where a unit consists of several leases that were unitized in 1973, *the property consists of the unit,* and the BPCL (base production control level) is the total 1972 monthly production from all of the several leases that now comprise the unit. Under no circumstances, therefore, would a post-1972 unitization create a 'new' property, *i.e.,* one that has no BPCL." (Emphasis added.)

A "unitized property" is defined in § 212.75(b) as "the right to produce crude oil that arises from bona fide unitization agreement approved by the applicable governmental regulatory authority (or ERA)." Such a bona fide unitization agreement can be voluntary or involuntary as discussed in Ruling 1977–1:[5]

> Thus, for example, various parties may hold partial undivided interests in the right to produce crude oil from a particular tract. Whether voluntarily through a joint operating agreement or other type of agreement, or *pursuant to compulsory state regulations, such undivided interests in the right to produce from a tract must typically be aggregated before production can begin. Under such circumstances, no apparent purpose would be served by requiring property delineations to be carried back to the individual partial undivided interests* which have been aggregated in order to perfect the right to produce.
>
> Similarly, in states that maintain spacing requirements for oil wells, *individual rights to produce may need to be combined, whether voluntarily or involuntarily,* before a single well may be drilled and the right to produce made effective. *Such aggregations of rights to produce* (sometimes known as

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[3] The Commission establishes drilling and spacing units pursuant to OKLA STAT. tit. 52, § 87.1 (1979), in part to prevent waste and to protect correlative rights by forming units of approximately uniform shape and size covering a common or "prospective" common source of supply. Uniform development prevents the drilling of unnecessary wells. The Commission relies upon all available geological and engineering data on the nature of the common source of supply in order to enable one well—the unit well—suitably located, to adequately, effectively and economically drain all the hydrocarbons within the boundary of the established unit. All royalty interests within the drilling and spacing unit are pooled and unitized and each royalty owner shares in ⅛ of all production from any well drilled on the unit in the proportion that the acreage owned by the royalty owner bears to the total acreage in the unit. Request, pp. 3, 4.

[4] 40 FR 40832 (September 4, 1975).

[5] 42 FR 3628 (January 19, 1977).

> "drilling units") *are also appropriately recognized as single "properties."* (Emphasis added.)

For production of crude oil in Oklahoma, the Commission requires drilling and spacing units consisting of a certain number of acres. In order to obtain the minimum acreage required, the drilling and spacing unit may be composed of several leases and fee interests. This voluntary or involuntary combination creates a unitized property under § 212.75. However, it is Oklahoma, rather than DOE, that requires the unit acreage before any well can be drilled. Whether a single well or several are drilled is the subject of state rather than Federal controls. For state purposes, a single well must be drilled at the most efficacious location to adequately drain the formation(s) underlying the unit. Thus, production from the Verna well on the Section 7 property beginning October 7, 1977, constituted new crude oil and was subject to the upper tier crude oil ceiling price rule set forth in 10 CFR 212.74. All future production from the property also constituted upper tier crude oil.

In 1977, the production from the property consisted of commingled production from the Cherokee, Mississippi and Hunton underlying formations. Proceeds from this commingled production was shared by ESCO, the assignee and operator, with the lessors and royalty interest holders. All original nine leases merged into Section 7 and production from Section 7 accrues to the benefit of all parties. Once the status of a property has been established for DOE purposes, it is immaterial how many wells are drilled on that property. The proposed classification of crude oil from that property is the necessary factor for DOE pricing purposes.

Moreover, the remaining quarter sections of Section 7 were not transformed into separate properties pursuant to the Commission's amended order. The determination that the three new wells were necessary to drain the underlying formations, and the Commission's decision concerning their general location on the unit, were due to state statutes requiring an origanized and uniform drilling system. The Commission's decision has nothing to do with the determination of a property for DOE regulatory purposes. The Commission amended its original orders to permit more wells to be drilled on the same unit as is set forth in Finding No. 4 of the amended order:

> That such pattern and density are not adequate when taking into consideration the changed conditions which now prevail, as compared to conditions as known when such well pattern and density were ordered. *That it is now necessary to drill three additional wells on said unit in order to effectuate the maximum recovery of hydrocarbons* from said common sources of supply * * * (Emphasis added.)

The Commission concludes in its "Order" at No. 1:

> That *Orders No. 107775 and No. 130956* be and they *are hereby amended to permit* Applicant, *ESCO* Energy Services, Inc. to *drill three additional wells on the unit comprised of all of Section 7* * * * said wells to be located as follows:
>
> One at a legal location in the NE/4 of Section 7;
>
> One at a legal location in the NW/4 of Section 7; and,
>
> One at a legal location in the SW/4 of Section 7; in Township 12 North, Range 6 West, Canadian County Oklahoma. (Emphasis added.)

Thus, when drilling began on the Section 7 drilling and spacing unit the premises constituted a single property and all individual rights to produce had been subsumed into one right to produce crude oil on the unitized property.[6] When production began from the Verna Well No. 1 on October 7, 1977, the property had a base production control level (BPCL) of zero, since no crude oil had been produced from any portion of Section 7 in 1972.[7]

The regulations governing newly discovered crude oil are set forth at 10 CFR 212.79 and provide in pertinent part:

> (a) *Rule.* Notwithstanding the provisions of § 212.739(a), the first sales of newly discovered crude oil on or after June 1, 1979 are not subject to the ceiling price limitations of this subpart.
>
> (b) *Definitions.* For purposes of this section—
>
> * * * * *
>
> "Newly discovered crude oil" means: (1) Prior to January 1981, domestic crude oil which is (i) produced from a new lease on the Outer Continental Shelf, or (ii) produced (other than from the Outer Continental Shelf) from a property from which no crude oil was produced in calendar year 1978; or (2) after December 1980, domestic crude oil which is produced from a newly discovered crude oil property.
>
> "Newly discovered crude oil property" means: (1) A new lease on the Outer Continental Shelf; or (2) a property (not on the Outer Continental Shelf) from which no crude oil was produced and sold in commercial quantities in calendar year 1978; or (3) any unitized property that includes only properties that prior to inclusion within the unit qualified as newly discovered crude oil properties. * * *.[8]

Crude oil produced and sold from the leases ESCO acquired by assignment that were components of the Section 7 unit did not qualify for the newly discovered crude oil exemption set forth in § 212.79. The leases constituted the Section 7 unit which was a property that produced crude oil in 1978. In addition, the unit did not consist of "only properties that prior to inclusion within the unit qualified as newly discovered crude oil properties."

The Verna well, the first producing well on the unit, began production in 1977. Therefore, the crude oil produced from the Section 7 property constituted

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[6] *Pacific Lighting Exploration Co.,* Interpretation 1975–27, 43 FR 23740 (May 10, 1977).

[7] *See Joseph J. C. Paine & Associates,* Interpretation 1977–37 42 FR 54270 (October 5, 1977) at 54271 which states:

> Since no crude oil was produced from the section 10 property subsequent to October 1971, the section 10 sublease has no base production control level.
>
> "New crude oil" is defined in § 212.72 to mean: with respect to a specific property:
>
> (1) Prior to February 1, 1976, the total number of barrels of domestic crude oil produced and sold in a specific month, less (A) the base production control level for that month, and less (B) the current cumulative deficiency;
>
> (2) Effective February 1, 1976, the total number of barrels of domestic crude oil produced and sold in a specific month, less (A) the property's base production control level for that month and less (B) the current cumulative deficiency since February 1, 1976;
>
> * * * * *
>
> Thus, all crude oil produced from the section 10 property will, upon proven certification pursuant to § 212.131(a), be classified as new crude oil and will therefore be subject to the upper tier ceiling price rule set forth in § 212.74.

For the purposes of determining the unit BPCL, however, ESCO must refer to 10 CFR 212.75 which defines "new crude oil" to mean in part:

> "New crude oil" means, in a particular month, (1) with respect to a unitized property for which a unit base production control level was established prior to August 1, 1977, either (i) actual new crude oil produced is the total number of barrels of crude oil produced and sold in that month from all properties that constitute the unitized property, less (A) the unit base production control level, and less (B) the current cumulative deficiency; or (ii) imputed new crude oil, which is a number of barrels of crude oil equal to the total number of barrels of new crude oil produced and sold during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property, from all properties that constitute the unitized property, divided by the number of days in that 12-month period, and multiplied by the number of days in the particular month whichever number is greater; * * *

In addition, § 212.75(e) provides:

> Notwithstanding the provisions of paragraph (d) of this section, a producer of crude oil from a unitized property may, in any month, charge a price not to exceed the upper tier ceiling price (as determined pursuant to §§ 212.74 and 212.77 of this part) in first sales of new crude oil produced and sold from the unitized property.

See also L. O. Ward, Interpretation 1979–17, 44 FR 60264 (October 19, 1979) and *W. E. Shrider,* 1 DOE ¶80,111 (October 21, 1977) (the creation of more than one drilling unit on premises subject to a single right to produce [i.e. a unitized property] does not establish each such unit as a separate property).

[8] 44 FR 25828 (May 2, 1979), as amended at 45 FR 78586 (November 25, 1981) effective January 1, 1980: Ruling 1980–3, 45 FR 48577 (July 21. 1980).

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new crude oil and must have been so certified in accordance with 10 CFR § 212.131.[9]

Accordingly, (1) Section 7 was a single property for purposes of 10 CFR Part 212, Subpart D and crude oil produced from that property qualified as upper tier crude oil upon proper certification pursuant to 10 CFR 212.131; (2) pursuant to 10 CFR 212.79, crude oil produced from the three wells drilled on Section 7 during and subsequent to 1978 did not qualify as newly discovered crude oil because production had begun on the property prior to calendar year 1978.

Issued in Washington, D.C. on May 29, 1981.

Lona L. Feldman,
Assistant General Counsel for Interpretations and Rulings.

Interpretation 1981–16

To: Green Hills, Inc.
Regulation Interpreted: 10 CFR 430.2
Code: GCW–CI–Energy Conservation Programs for Appliances; Furnace, definition

Facts

Green Hills, Inc. (Green Hills) is a small manufacturing firm located in Mount Ayr, Iowa. Under the provisions of a licensing agreement executed in July 1980 with Dollar-Wise, Ltd., Green Hills assumed complete responsibility for the manufacturing and sale of a device referred to and marketed as the Dollar-Wise Heat Exchanger System (the system). The system is designed to function as the sole source of home heat. It receives hot water piped from a water heater and by means of a blower unit expels the air warmed by the hot water through the house ventilation system. Therefore, the system operates like a conventional forced-air furnace despite its lack of a built-in heat source.

Green Hills contends that since the cabinet for its heating system does not itself contain the mechanism which generates the heat (in this case, the hot water heater), its system is not a furnace as that term is defined in 10 CFR 430.2 of the Department of Energy's (DOE) energy conservation program for appliances. If the system is not a furnace, i.e., a covered product, Green Hills is not required to comply with the relevant test procedures promulgated in accordance with Section 323 of the Energy Policy and Conservation Act (EPCA), as amended, Pub. L. No. 94–163 (December 22, 1975) (the Act). Green Hills argues further that because the system as marketed does not have the capacity to generate heat and cannot logically be attributed with a Btu output, Green Hills cannot adapt existing test procedures applicable to hot water heaters to its system's design. If it were to attempt to test and label its product as required by law, Green Hills believes the result would be misleading since the hot water heater has been selected to satisfy the heating requirements of a particular structure and the introduction of its system constitutes an unknown variable dependent on the actual heat load. Accordingly, Green Hills argues that the Dollar-Wise Heat Exchanger System falls outside the definition of furnace set forth in § 430.2(14) and is not subject to the test procedures described in Appendix N of Part 430.[1]

Issue

Is the heating system manufactured by Green Hills a furnace as defined in § 430.2(14), and must Green Hills apply the test procedures specified in Appendix N of Part 430 of the DOE's energy conservation program for covered consumer products?

Interpretation

The Dollar-Wise Heat Exchanger System is not a furnace as defined in § 430.2(14). Green Hills is therefore not required to determine the energy efficiency and consumption estimates of its product in compliance with the test procedures outlined in Appendix N of Part 430 of the energy conservation program for appliances.

Section 323 of the Act prohibits manufacturers of covered products from making any representation in writing, labeling, or broadcast advertising regarding the energy consumption of their products without first testing representative samples of such products in accordance with test procedures prescribed by the DOE.[2] Consumer products are covered products for purposes of § 323 if they are one of 13 designated types or if they are designed to perform a function principally performed by any of the types of consumer products identified in § 322(a).

The definition of "furnace" at § 430.2(14) was amended on August 4, 1980, to mean:

> [A] device, utilizing only single-phase electric current, or single-phase electric current or millivoltage DC current in conjunction with either natural gas, propane, or home heating oil, which is designed to be the principal heating source for the living space of a residence and which is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 Btu's per hour. *Every furnace is either an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace, or low pressure steam or hot water boiler.* The heat input rate of a furnace is less than 300,000 Btu's per hour for electric boilers and low pressure steam or hot water boilers, and is less than 225,000 Btu's per hour for forced-air central furnaces, gravity central furnaces, and electric central furnaces. (Emphasis added).[3]

In its request Green Hills asserts that the system which it manufactures is not a furnace because its heat source is not contained within the physical unit. While Green Hills' system is designed to serve as the principal heating source for a residence, the definition of furnace requires that the system be distinguishable as "either * * * [a] forced-air central furnace * * * *or* hot water boiler." [4] (Emphasis added). Although the system is connected to a hot water heater/boiler upon installation, and uses the hot water boiler as its heat source, the system is *not* itself a hot water boiler. Moreover, the system does not qualify as a forced air central furnace. It is designed to function in much the same way, but it is not a "gas or oil burning furnace." Thus, the system does not qualify as a furnace under the literal definition of that term and is not subject to the test procedures set forth in Appendix N of Part 430 for furnace. However, Green Hills may still be required to justify any claims which it may make concerning the system.[8]

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[9] *See Farmers Union Central Exchange, Inc.*, Interpretation 1980–40, issued on December 9, 1980.

[1] On June 13, 1980, Dollar-Wise, Ltd. (Dollar-Wise) filed an exception application with the DOE Office of Hearings and Appeals (OHA). Dollar-Wise claimed that it would suffer gross inequity and serious hardship if it were required to comply with existing furnace test procedures. In a decision issued on December 17, 1980, (Case No. BEE–1212), the OHA agreed with the applicant that the burden of testing its product with every basic model of water heater encompassed by Part 430 was so extreme as to contravene legislative intent. OHA granted an exception which permitted Dollar-Wise to limit the required test procedures to two representative water heaters. Decision and Order at p. 5.

[2] Section 324 directs the Federal Trade Commission (FTC) to prescribe rules which require that covered products carry labels which disclose the estimated annual operating cost or a different useful measure of energy consumption of such products. Pursuant to this authority, the FTC issued regulations which require the disclosure of the results of the energy efficiency tests by affixing energy-use labels on covered products after May 19, 1980. *See* 16 CFR 305.11.

[3] 45 FR 53714 (August 12, 1980).

[4] These terms are defined as § 430.2 as follows:

"Low pressure steam or hot water boiler" means an electric, gas or oil burning furnace designed to supply low pressure steam or hot water for space heating application. A low pressure steam boiler operates at or below 15 pounds psig steam pressure; a hot water boiler operates at or below 160 psig water pressure and 250° F water temperature.

* * * * *

"Forced air central furnace" means a gas or oil burning furnace designed to supply heat through a system of ducts with air as the heating medium. The heat generated by combustion of gas or oil is transferred to the air within a casing by conduction through heat exchange surfaces and is circulated through the duct system by means of a fan or blower.

43 FR 20154.

Accordingly, because the Dollar-Wise Heat Exchanger System cannot properly be characterized as a furnace consistent with the definition set forth in § 430.2(14), Green Hills is not required to perform the test procedures outlined in Part 430, Appendix N of the energy conservation program for appliances.

Issued in Washington, D.C., on May 29, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings Division.

Interpretation 1981–17

To: Murphy Oil Corporation
Regulations Interpreted: 10 CFR 211.63
Code: GCW—AI—Supplier/Purchaser Relationship

Facts

Murphy Oil Corporation (Murphy) is a small and independent refiner whose principal place of business is El Dorado, Arkansas. From July 1974 until either May or July 1980 Ferguson Energy Corporation (Ferguson), a reseller of crude oil, sold to Murphy crude oil that it purchased from various producers in South Arkansas.[1] The sales were made pursuant to the provisions of six crude oil supply contracts,[2] each of which contained the same termination clause providing for cancellation by either party upon 30 days' advance written notice. On June 25, 1980 Ferguson notified Murphy that all of the purchase/sale contracts would be cancelled effective July 25, 1980. On July 30, 1980 Murphy was advised by Mid-America that effective July 1, 1980 it had purchased the assets of Ferguson. Mid-America further stated that it would continue performance under the purchase/sale contracts between Murphy and Ferguson during July 1980, but would discontinue deliveries of crude oil on July 31, 1980. Mid-America continued to deliver crude oil to Murphy during July 1980 at the delivery point provided for in the supply contracts. However, Mid-America ceased supplying Murphy after July 1980 and neither Ferguson nor Mid-America made further deliveries to Murphy after July 1980.[3]

Issue

Did the termination clause in the purchase/sale contracts between Murphy and Ferguson constitute consent by Murphy to terminate the supplier/purchaser relationship in accordance with 10 CFR 211.63(d)(1)(i)?[4]

Interpretation

The termination clause in the purchase/sale contracts between Murphy and Ferguson did not constitute consent by Murphy to terminate the supplier/purchaser relationship in accordance with § 211.63(d)(1)(i).

Section 211.63, the provision governing crude oil supplier/purchaser relationships, provided in relevant part:

> (b) *General rule.* (1) All supplier/purchaser relationships with respect to crude oil within the scope of paragraph (a) of this section which were in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976 shall remain in effect for the duration of this program: *Provided, however,* That any such supplier/purchaser relationship to which this section is applicable may be terminated as provided in paragraph (d) of this section.[5]

Therefore, because the purchase/sale contracts between Murphy and Ferguson were in effect on January 1, 1976, Ferguson established a supplier/purchaser relationship with Murphy pursuant to § 211.63(b). Accordingly, Ferguson was required by § 211.63(b) to continue this relationship for the duration of the Federal Crude Oil Allocation Program unless terminated in compliance with the specific mandates of § 211.63(d).

In July 1980, the time in which Ferguson intended to terminate its supply of crude oil to Murphy, § 211.63(d) governed the termination of supplier/purchaser relationships. Section 211.63(d)(1)(i), which provided the sole mechanism for the termination of supplier/purchaser relationships, stated:

> (d) *Termination of supplier/purchaser relationships.* (1) Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated as follows:
>
> (i) At the option of the purchaser, as evidenced by its written consent thereto together with notice of the termination date given to the producer, provided all subsequent purchasers of the crude oil involved have consented to such termination in writing * * *.[6]

Thus, Murphy could have consented in advance to a termination of the supplier/purchaser relationship pursuant to § 211.63(d)(1)(i), as long as the strict requirements of the provision were satisfied.

In *Arizona Fuels Corporation,* Interpretation 1979–18, 44 FR 60266 (October 19, 1979), the DOE concluded that the purchaser could waive its option to terminate by giving its advance consent only if the express regulatory requirements set forth in §211.63(d)(1)(i) were satisfied. The agreement at issue contained a clause providing for written notice of the termination of the supply agreement a minimum of 65 days prior to cancellation. Because a specific termination date was not included in the agreement, the termination clause was found to be insufficient on its face to

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[8] Any claims made by Green Hills are subject to scrutiny under other federal statutes, including Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1), 38 Stat. 719 (September 26, 1914).

[1] The effective date of Ferguson's termination of deliveries is unclear. Ferguson informed Murphy that it sold its assets to Mid-America Company, Inc. (Mid-America) on May 8, 1980, while Mid-America advised Murphy that it acquired Ferguson's assets effective July 1, 1980.

[2] The contracts were dated as follows: July 25, 1974; October 31, 1975; February 23, 1977; November 2, 1977; June 1, 1978.

[3] Mid-America raised various equitable considerations in its comments to Murphy's request for interpretation. However, such considerations should be raised before the DOE's Office of Hearings and Appeals.

[4] Executive Order 12287, 46 FR 9909 (January 30, 1980), exempted effective January 28, 1981, all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended. Because Murphy's request involves matters which occurred prior to January 28, 1981, under § 211.63, the request has not become moot by the issuance of the Executive Order.

[5] As originally adopted in January 1974, § 211.63 basically provided that all contracts for sales, purchases, and exchanges of domestic crude oil in effect on December 1, 1973, were to be maintained for the duration of the crude oil allocation program. The rule originated as 10 CFR 211.64, 39 FR 1924 (January 15, 1974), but was amended and renumbered 10 CFR 211.63 on May 10, 1974. 39 FR 17287 (May 14, 1974). On February 12, 1976 § 211.63 was amended to substitute January 1, 1976 for December 1, 1973, as the relevant date for determining supplier/purchaser relationships. Section 211.63 was amended on August 18, 1980 effective October 1, 1980, to read as quoted above in this Interpretation. Although all of the purchase/sale contracts between Murphy and Ferguson were entered into between July 1974 and June 1978, the August 1980 Amendments to the supplier/purchaser rule have not altered its application to the facts in this case.

[6] 42 FR 54261 (October 5, 1977), effective December 1, 1977. Section 211.63(d)(1) was amended by 45 FR 56732 (August 25, 1980), effective October 1, 1980, as follows:

> (d) *Termination of supplier/purchaser relationships.* Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated as follows:
>
> (1) Mutual Consent.
>
> (i) A purchaser and supplier may mutually agree to terminate their relationship, as evidenced by their written consent thereto, together with notice of the termination date, if all subsequent purchasers of the crude oil involved that have a supplier/purchaser relationship with respect to such crude oil have consented to such termination in writing;
>
> (ii) With respect to any new supplier/purchaser relationship created after September 30, 1980, other than a relationship created pursuant to paragraph (3) of this paragraph, a purchaser and supplier may mutually agree to terminate their relationship, as evidenced in a contract entered into on or after October 1, 1980, expressly waiving the requirements of subsections (b) and (c) of this section or providing for the termination of a supplier/purchaser relationship.

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constitute consent. In *Giant Industries, Inc.,* Interpretation 1981–2, issued January 6, 1981, the DOE concluded that the provisions under which a crude oil supply contract could be "cancelled by either party giving 30 days notice" did not constitute consent to terminate the supplier/purchaser relationship in accordance with § 211.63(d)(1)(i). *Southwestern Refining Co., Inc.,* Interpretation 1981–7, issued March 12, 1981, concluded that because the agreement between the purchaser and seller did not give notice of a specific termination date, the termination clause was insufficient on its face to constitute consent to terminate pursuant to § 211.63(d)(1)(i).[7]

Similarly, in this case the termination clause in the purchase/sale contracts between Murphy and Ferguson failed to specify a termination date. Rather, the termination clause in each of the six purchase/sale contracts merely provided that the contract would continue "until cancelled by either party hereto on thirty (30) days advance written notice to the other party." The result of the failure to include a specific termination date was that Murphy did not give advance consent to a termination of the supplier/purchaser relationship in compliance with § 211.63(d)(i). Therefore, Ferguson's unilateral cancellation of crude oil supplies to Murphy was improper.

Issued in Washington, D.C. on June 15, 1981.

Lona L. Feldman,

Assistant General counsel for Interpretations and Rulings.

Interpretation 1981–18

To: Union Carbide Corporation

Regulations Interpreted: 10 CFR 211.67(a), 211.67(d)(5), 212.53(a)

Code: GCW-AI—Entitlements Program, Export Sales Deduction

Facts

Union Carbide Corporation (Union Carbide) is the parent company of a wholly-owned subsidiary, Union Carbide, Caribe Inc. (Caribe), a petrochemical plant at Ponce, Puerto Rico, which processes imported and domestic (from the Island) naphtha and liquified petroleum gas for the production of petrochemical products. Union Carbide, as the owner of a petrochemical plant, was subject to the Mandatory Petroleum Allocation and Price Regulations, 10 CFR Part 211 and Part 212.[1]

Union Carbide's subsidiary, Caribe, is the largest producer of petrochemicals in Puerto Rico. Union Carbide is also the largest investor in petrochemicals in Puerto Rico. In 1979, these petrochemicals were produced from a raw material mix consisting of 75 percent imported naphtha, 20 percent on-Island produced naphtha and raffinate, and 5 percent imported propane. Union Carbide's major products are:

- —Polyethylene resins—used for wire and cable insulation, film packaging.
- —Ethylene glycols—used as antifreeze, manufacture of polyester fibers.
- —Glycol ethers—solvents and intermediates.
- —Alcohols—manufacture of plasticizers and intermediates.
- —Phenolics—plastic resins.

All by-product fuels produced from feedstock are consumed internally in the manufacturing process. Caribe's plant at Ponce is an integral part of Union Carbide's domestic petrochemical operations and represents about 20 percent of its producing capacity. A number of products produced in Puerto Rico are also produced in Union Carbide's facilities in Texas and Louisiana. Petrochemical intermediates are also shipped from the mainland to Ponce for further processing. Approximately 95 percent of Caribe's sales in 1979 were to Union Carbide on the mainland, while 4 percent were to on-Island customers and 1 percent were exports from Puerto Rico.

According to Union Carbide, the Caribe petrochemicals purchased by Union Carbide are commingled with like stateside production at various distribution terminals, and from an accounting standpoint, are not normally traced through the system. Very few of Union Carbide's exports can be identified as being uniquely produced in Puerto Rico. About 5 percent of the total shipments sold by Caribe to Union Carbide in 1979 were exported as received, while another 2 percent were exported after further processing. Total exports of Caribe petrochemicals, both by Caribe and by Union Carbide, were approximately 7.5 percent of sales in 1979. In addition, according to Union Carbide, although exports vary on a month-to-month basis, Caribe's use of domestic naphtha and imported propane as feedstock during the 1976-to-date period was more than sufficient to account for all of the petrochemicals sold by Caribe, directly and indirectly, into the export market.

Issue

Was Union Carbide required to deduct from its crude oil runs to stills export sales of petrochemical products processed from imported naphtha at its Puerto Rico petrochemical plant according to the provisions of 10 CFR 211.67 and 10 CFR 212.53 of the Mandatory Petroleum Allocation and Price Regulations?

Interpretation

Union Carbide was eligible to receive entitlements under 10 CFR 211.67, for imported naphtha used as a petrochemical feedstock at its Puerto Rican petrochemical plant. Exports of the processed naphtha were required to be deducted from Union Carbide's volume of "crude oil runs to stills" as export sales pursuant to 10 CFR 211.67(d)(5).

Section 211.67(d)(5) of the Mandatory Petroleum Allocation Regulations governed the issuance of entitlements for imported naphtha in Puerto Rico and provides in pertinent part:

> (i) The volume of a refiner's crude oil runs to stills beginning with the month of January 1981 in a particular month for purposes of the calculations in subparagraph (1) of paragraph (a) of this section and the calculations for the national domestic crude oil supply ratio shall include the number of barrels of naphthas which are imported into Puerto Rico (other than imports from the U.S. Virgin Islands and other than naphthas imported into Puerto Rico which are acquired pursuant to an exchange or similar matching purchase and sale transaction for naphthas produced by a refinery located in the United States) and are utilized in that month as a petrochemical feedstock at a petrochemical plant owned or operated by that refiner in Puerto Rico, * * *
>
> (ii) *The volume of naphthas eligible for inclusion in the volume of a refiner's crude oil runs to stills* in a particular month under subdivision (i) of this subparagraph *shall be reduced by the volume of export sales* (under § 212.53 of Part 212 of this chapter, including sales to a purchaser which certifies it or an entity affiliated with that purchaser will export the product so purchased), *for that month of products produced at the*

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[7] *Arizona Fuels, Giant,* and *Southwestern* also made it clear that it was consistent with the objectives of the emergency Petroleum Allocation Act of 1973 (EPAA), as amended, Pub. L. 93–159 (November 27, 1973), to require that the purchaser's option to terminate be exercised in strict compliance with § 211.63(d). Specifically, § 211.63 was promulgated to further "(the) preservation of * * * the competitive viability of independent refiners, (and) small refiners." Strict compliance with § 211.63 protected the purchaser from the unexpected interruption of their crude oil supplies at the discretion of their suppliers. EPAA § 4(b)(1)(D).

[1] Executive Order 12287, 46 FR 9909 (January 30, 1981) exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*). This Order was effective at 12:01 a.m., January 28, 1981. Because the issue presented here for review involved transactions subject to the Mandatory Petroleum Allocation and Price Regulations, it is necessary to resolve the issue in order to determine compliance of the firm involved in these transactions with the regulations prior to January 28, 1981.

> *petrochemical plant that has processed the imported naphthas.*
>
> (iii) Notwithstanding any other provisions of this section, a firm other than a refiner that owns a petrochemical plant in Puerto Rico shall be eligible to receive entitlements with respect to naphthas processed at such a plant on the same basis as is provided for refiners in subdivisions (i) through (ii) of this subparagraph, except that such a firm shall not be eligible for any additional entitlements under the provisions of paragraph (e) of this section. Any such firm shall file reports under § 211.66 on the same basis as a refiner.
>
> (iv) Any firm that is eligible for entitlement issuances under this subparagraph shall obtain appropriate certifications from any other firm to which it sells products produced at a petrochemical plant located in Puerto Rico. Such certification shall set forth whether or to what extent the products so purchased will be sold (whether directly by that other firm or indirectly through any firm affiliated with that other firm) in transactions that constitute export sales under § 212.53 of Part 212 of this chapter. Any firm purchasing products produced at a petrochemical plant located in Puerto Rico shall, upon the request of the owner or operator of that facility, certify to that owner or operator as to whether or what extent the further sale of those products by that firm (or any affiliate thereof) will constitute export sales under § 212.53. (Emphasis added.)

Thus, a refiner's basis for entitlements as provided in § 211.67(d)(5) included its imports of naphtha used in a petrochemical plant in Puerto Rico. However, this had to be reduced by "the volume of export sales * * * for that month of products produced at the petrochemical plant that has processed the imported naphthas." § 211.67(d)(5)(ii).

Export sales of petroleum products were exempt from the Mandatory Petroleum Price Regulations under § 212.53(a) which provides:

> The prices charged for export sales, including sales to a domestic purchaser which certifies the product is for export, are exempt.

In *Mobil Oil Corp.*, Interpretation 1977–16, 42 FR 31151 (June 20, 1977), the agency determined that a sale is *an "export sale" if it produces revenues from foreign sources.* (Emphasis added.)[2]

In its submission, Union Carbide argues that because products produced at a petrochemical plant are not now and never were covered products or refined petroleum products, the export sales deduction does not apply to petrochemical products processed from imported naphtha at its Puerto Rican petrochemical plant and sold as exports. Such a determination would constitute "an overbroad application of the export sales deduction," Union Carbide contends. Union Carbide argues that export sales of naphtha petrochemicals at uncontrolled prices would not be contrary to the protection of the domestic market as contemplated by § 212.53(a) or the entitlements program.

Union Carbide has incorrectly analyzed the provisions of § 211.67(d)(5). Section 211.67(d)(5) requires the reduction of crude oil runs to stills for exports of *products* produced at the petrochemical plant that had purchased the imported naphtha. The exported products are *not* defined as either "covered products" (as defined in § 212.31) or refined petroleum products (as defined in § 211.51). In the preamble to § 211.67(d)(5), the agency stated:

> An export sales deduction has been included in the amendments adopted. This is consistent with the general purpose of the export sales deduction for refined petroleum products and residual fuel oil, i.e., retention of the benefits of domestic price controls within the domestic economy.

41 FR 30321 at 30322 (July 23, 1976).

Accordingly, the agency recognized that products derived from naphtha were not necessarily products covered by the Mandatory Petroleum Allocation and Price Regulations. If the agency had intended to apply the export deduction to covered products only, or to refined petroleum products only, it would have so indicated, as it did in § 211.67(d)(2) which states:

> (2) *The volume of a refiner's crude oil runs to stills in a particular month* for purposes of the calculations in paragraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio *shall be reduced by that refiner's volume of export sales under § 212.53* of Part 212 of this chapter *in that month of refined petroleum products (including aviation fuels* as defined in § 211.142 of this part, *but excluding refined lubricating oils) and residual fuel oil, including sales to a domestic purchaser which certifies the product is for export; provided,* however, that the volume of a refiner's crude oil runs to stills for a month shall not be reduced by that refiner's volume of export sales of Bunker C and Navy Special fuel oils and No. 4 diesel, which are sold for use as a marine fuel on a voyage departing from a United States port. (Emphasis added.)

41 FR 13899 (April 1, 1976).

Accordingly, the purpose of the export sales deduction for all entitlements benefits was to retain the benefits of domestic price controls within the domestic economy. Entitlements benefits were not necessary to make export sales competitive or viable because foreign petroleum and petrochemical products did not benefit from price controls on either crude oil or products. However, the grant of entitlements for export sales would raise the effective price of crude oil to refiners in the United States and therefore the price of petroleum products in the United States. Entitlements benefits for export sales would subsidize those sales at the expense of the domestic market for petroleum products, whether or not the exported product would be subject to price controls in the United States.

Thus, Union Carbide's reading of § 211.67(d)(5) would be inconsistent with the purpose of the export sales deductions set forth in § 211.67(d)(2) as well as § 211.67(d)(5) since virtually the entire refined output of a barrel of crude oil was subject to the export sales deduction, whether or not the particular product was subject to price controls. Similarly, § 211.67(d)(5) required a deduction from the special Puerto Rican naphtha entitlement for export sales of any product derived from the naphtha which would otherwise be eligible for that benefit. The agency concluded:

> * * * that the amendments adopted in this regard will provide sufficient entitlement value for petrochemical producers located in Puerto Rico so as to render them competitive with other domestic firms; at the same time the amendments should not provide a level of relief in excess of that warranted * * *

41 FR 30321 (July 23, 1976).

In this manner, the regulation made Puerto Rican petrochemical producers competitive with other domestic firms without granting them unwarranted and unnecessary benefits in foreign markets.

In addition, as a petrochemical plant owner in Puerto Rico, Union Carbide was required to file Form FEA–P–129–M–O, the "Domestic Crude Oil Entitlements Program Naphtha Imports Monthly Report." According to its submission, Union Carbide has not reported export sales of "naphtha derivatives" as required by the form on line 10209. Union Carbide justifies this by contending that the term "naphtha derivatives" is undefined and no explanation for the export sales deduction appears on the form. Therefore, Union Carbide argues that it may export naphtha derivatives and not deduct these volumes from its volume of crude oil runs to stills.[3] Moreover, Union Carbide asserts that the export sales deduction discussion in the preamble to § 211.67(d)(5) distinguishes "naphtha derivatives" from "finished petroleum products."[4]

The lack of a definition for the term "naphtha derivatives" on the form does not excuse Union Carbide's actions.

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[2] *See Amerient Petroleum Company, California,* Interpretation 1981–12, 46 FR 27295 (May 18, 1981).

[3] Union Carbide's Request for Interpretation, pp. 2 and 3.

[4] Ibid., p. 6.

When read together with the pertinent regulations, the term "naphtha derivatives" means those products derived from naphtha. The form expressly required the reporting of export sales of "naphtha derivatives," and Union Carbide should have reported its export sales of products derived from naphtha, as required by § 211.67(d)(5) and Form FEA–P–129–M–O.

Furthermore, the preamble language cited by Union Carbide in its submission does not support its claim. The preamble stated:

> Because considerable amounts of finished petrochemical products are exported subsequent to the initial sale of the naphtha derivative by the petrochemical producer, resulting in potential tracing difficulties, FEA has decided to limit the applicability of the export sales deduction to export sales by the petrochemical producer or by the first purchaser (or any affiliate thereof) from that producer.

41 FR 30321 at 30322 (July 23, 1976).

The preamble only drew a distinction for purposes of export sales between initial sales and subsequent sales. The agency concluded that tracing difficulties with respect to subsequent purchasers justified limiting the export sales deduction to the sales by the petrochemical producer or the first purchaser from that producer.[8] The preamble does not limit the applicability of the export sales deduction to finished petrochemical products or naphtha derivatives, much less "covered products" or "refined petroleum products." Thus, whether Union Carbide's products are naphtha derivatives or finished petrochemical products, as described in the preamble, they were subject to the export sales deduction if they were either sold by Union Carbide for export or were sold by Union Carbide's first purchaser for export.

Accordingly, Union Carbide was required by the provisions of 10 CFR 211.67(d)(5) to calculate its entitlements by deducting from its volume of imported naphtha eligible for inclusion in the entitlements program, the volume of petrochemical products sold in export sales pursuant to 10 CFR 212.53, from its petrochemical plants in Puerto Rico in order to comply with the provisions of the entitlements program as set forth in 10 CFR 211.67.

Issued in Washington, D.C., on June 23, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

Interpretation 1981–19

To: D. H. Hunt

Regulations and Rulings Interpreted: 10 CFR § 212.72; Rulings 1975–15, 1977–1

Code: GCW—PI—Property, def.

Facts

D. H. Hunt is a producer of crude oil who was subject to the Mandatory Petroleum Price Regulations governing first sales of crude oil set forth in 10 CFR Part 212, Subpart D and implemented by the Department of Energy and its predecessor agencies (DOE).[1] D. H. Hunt is presently producing crude oil from leasehold acreage located in Ward County, Texas.

The crude oil producing properties that are now operated by D. H. Hunt and that are the subject of this interpretation can be traced to leases which were executed in 1943. On June 17, 1943, Lewis M. Watson and Marion W. Watson leased to F. H. Scott approximately 640 acres in Ward County (Watson Lease). F. H. Scott also held the rights to two other leases in Ward County. One parcel contains approximately 160 acres (Scott lease No. 1); the other parcel contains approximately 640 acres (Scott lease No. 2).

Continental Oil Company (Conoco) received an assignment of the Watson lease from F. H. Scott on July 12, 1943. On November 1, 1943, F. H. Scott also assigned the Scott lease No. 1 and Scott lease No. 2 to Conoco.

Conoco together with Kennecott Copper Corporation (hereinafter collectively referred to as Conoco), transferred on December 4, 1953 a "Partial and Conditional Assignment" of several oil and gas leases to Trinity Production Company (Trinity). This assignment transferred certain rights covering the full 160 acres of the Scott lease No. 1, 600 acres of the Scott lease No. 2 (excluding the 40 acres surrounding Conoco well No. 1), 560 acres of the Watson lease (excluding the 40 acres surrounding each of Conoco's wells No. 1 and No. 2), and one additional lease covering 40 acres. Conoco also reserved an overriding royalty interest in the production from this acreage.

After this transfer, Trinity assigned the Watson lease, the Scott lease No. 1, and the Scott lease No. 2 to Joe L. Rush and Ralph L. Rush on August 20, 1954. On the same day, Messrs. Rush assigned their rights in the three leases to N. B. Hunt, W. H. Hunt and Lamar Hunt, subject to the same outstanding interests retained by Conoco.

Finally, on January 4, 1978 Messrs. Hunt entered into a farmout agreement with the present owner, D. H. Hunt, covering the Watson lease, the Scott lease No. 1 and the Scott lease No. 2. This farmout agreement is subject to the outstanding interests in those leases retained by Conoco.

The Conoco wells No. 1 and No. 2 located on acreage retained by Conoco that was originally part of the Watson lease have continued to produce crude oil and were certified by Conoco as stripper well properties for the twelve months preceding December 31, 1973. In addition, the Conoco No. 1 well located on acreage retained by Conoco that was originally part of the Scott lease No. 2 has continued to produce crude oil and was certified by Conoco as a stripper well property for the twelve months preceding January 31, 1978.

There was no other production from the Watson lease or the Scott leases No. 1 and No. 2 until D. H. Hunt took possession of the drilling rights to the three leases. Then, in July 1978 D. H. Hunt drilled a new well and began production from his interest in the Watson lease. Subsequently, in August 1978 D. H. Hunt drilled another new well and began production from his interest in the Scott lease No. 2.

Based upon the history of the transfers of rights involving the Watson lease, the Scott lease No. 1 and the Scott lease No. 2, D. H. Hunt contends that the 1943 agreements for the leases continued to define the limits of the property for the duration of the Mandatory Petroleum Price Regulations. The terms of these 1943 lease agreements provide that the original lessees, Conoco and F. H. Scott, possessed leases of 10 years duration and as long thereafter as oil, gas or other products were produced from the acreage. The leases also continued in effect if at the end of 10 years the lessee commenced drilling operations. In that event, the lease remains in effect as long as drilling operations are conducted in good faith and continues in effect so long thereafter as production continues. D. H. Hunt contends that, despite subsequent assignments of interests in the leases, because the right to produce from the acreage described by the original 1943 leases depends upon continued operation of the tracts, the original 1943 leases must be the basis for defining these properties for the petroleum price regulations.

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[8] This limitation is not found in the refined petroleum products and residual fuel oil export sales deduction because product tracing was not as difficult.

[1] Executive Order No. 12287, 46 FR 9909 (January 30, 1981), exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973 (EPAA) as amended, Pub. L. No. 93–159 (November 27, 1973), 15 U.S.C. 751 *et seq.* (1976). On March 30, 1981, the DOE issued a final rule revoking those regulations made unnecessary by the Executive Order, 46 FR 20508 (April 3, 1981). All of the crude oil price regulations except certain definitions set forth in § 212.31 and not relevant to this interpretation were revoked effective March 30, 1981. However, D. H. Hunt's request involves matters relating to the period prior to March 30, 1981. Therefore, the request has not become moot by the issuance of the Executive Order and the revocation of the crude oil price regulations.

In addition, D. H. Hunt contends that the December 4, 1953 "Partial and Conditional Assignment" of certain rights regarding these three leases from Conoco to Trinity did not create separate properties under the provisions of the Mandatory Petroleum Price Regulations. D. H. Hunt also asserts that the 1978 transfer of rights regarding these three tracts, *i.e.*, the 1978 farmout agreement, also did not create separate properties from the acreage subject to the leases established in 1943. Thus, D. H. Hunt maintains that his production, which began in 1978 from the acreage subject to the farmout agreement, qualifies as stripper well crude oil because the relevant "properties" for the duration of the crude oil price regulations are those created by leases in 1943, and because Conoco has certified as stripper well properties in 1973 and in 1978 the production from the wells it retains on that acreage.

Issue

Were separate properties created for the purposes of determining crude oil production pursuant to 10 CFR Part 212, Subpart D by the December 4, 1953 "Partial and Conditional Assignment" of certain rights from Conoco to Trinity, the farmout agreement executed in 1978, or any other assignment of interest in the Scott lease #2 and the Watson lease? [2]

Interpretation

The lease between Conoco and Trinity in 1953 altered the acreage subject to the original right to produce crude oil and determined D. H. Hunt's "property" from which crude oil was produced for purposes of the Mandatory Petroleum Price Regulations. Neither the farmout agreement nor any other assignment subsequent to the agreement between Conoco and Trinity established a new right to produce crude oil and, hence, a new "property" for purposes of determining prices for crude oil pursuant to 10 CFR Part 212, Subpart D. [3]

The DOE originally defined the term "property" [4] for the purposes of the crude oil price regulations set forth in Part 212, Subpart D, at § 212.72 as: "The right which arises from a lease or from a fee interest to produce domestic crude petroleum." 39 FR 1924 (January 15, 1974), effective January 14, 1974. Although the definition was amended once in 41 FR 4931 (February 3, 1976), effective February 1, 1976, the effect of the definition was always the same for the purpose of this interpretation. The definition was published in its final form in 41 FR 36171 (August 26, 1976):

> *"Property" means the right to produce domestic crude oil,* which arises from a lease or from a fee interest. A producer may treat as a separate property each separate and distinct producing reservoir subject to the same right to produce crude oil, provided that such reservoir is recognized by the appropriate governmental regulatory authority as a producing formation that is separate and distinct from, and not in communication with, any other producing formation. [Emphasis added.]

The companion regulatory concept that gave significance to the "property" definition of the Mandatory Petroleum Price Regulations was the concept of a "base production control level" (BPCL). A BPCL was a historical benchmark figure through which a domestic producer of crude oil measured current production from a "property" against production from corresponding acreage and during the corresponding month in a base year to determine the amounts of "new" and "old" crude oil [5] for which that producer could charge lower tier ceiling prices [6] and upper tier ceiling prices.[7] Thus, the "right to produce," not the specific nature of the ownership interest, determined the "property" from which a producer of crude oil measured production and compared it to the relevant BPCL to determine the prices that could be charged pursuant to Subpart D. That the "right to produce" was central to the regulatory definition of property in § 212.72 is implicit in the definition itself.[8]

The agency has interpreted the definition of "property" in several rulings. Ruling 1975-15, 40 FR 40832 (September 4, 1975) addressed the definition of property, explaining that "a producer must look to the limits of the right to produce crude oil in defining a particular property." [9] It was this right to produce crude oil that was emphasized in Ruling 1977-1, 42 FR 3628, 3633 (January 19, 1977):

> *The right to produce.* FEA Ruling 1975-15 made it clear that the property concept is one that begins with "the right *to produce crude oil.*" Consistent with the discussion above of the common meaning of that term as being generally synonymous with the concept of "working interest," the analysis of property will generally begin with identifying the one or more "premises" or "tracts" described in the instrument that confers the right to produce. Generally speaking, * * * the "premises" as to which the right to produce exists will generally be described in terms of surface acreage—commonly referred to as a "tract."

Ruling 1977-1, at 3631-2, also explained the manner in which a "property" was identified by associating it with the right to produce crude oil described in a lease:

> FEA has concluded that the literal meaning of the term "property," as defined by FEA, is generally to be understood as synonymous with the physical "tract" or "premises" as to which a working interest is established by an oil and gas lease, or by a fee interest * * *.
>
> * * * * *
>
> * * * FEA has concluded that CLC (Cost of Living Council) by its definition of the term "property" intended to refer to the premises described in the oil and gas lease pursuant to which crude oil was being produced * * *.
>
> The term "lease" has been generally defined, for purposes of oil and gas law, as "[t]he instrument by which a leasehold or working interest is created in minerals. * * *" *Williams and Meyers, Manual of Oil and Gas Terms* at 240-241 (3d ed. 1971).

Therefore, D. H. Hunt was required to determine his "properties" by referring to the limits of the right to produce crude oil as specified in the oil and gas leases applicable to the premises. This principle was consistently applied throughout the term of the crude oil price regulations.[10] Changes in the right to produce crude oil as evidenced by a lease were determinative of the "property" from which crude oil was produced. Thus, changes occurring since 1943 in the rights to produce crude oil from the acreage which originally formed the Watson lease and the Scott lease #2 resulted in the formation of separate rights to produce that were considered to be separate properties pursuant to Subpart D.

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[2] Since D. H. Hunt only has produced crude oil from the Watson lease and the Scott lease #2, his interpretation request is limited to these two leases, although D. H. Hunt still possesses an interest in the Scott lease #1.

[3] This interpretation addresses only the circumstances set forth by D. H. Hunt under which the rights to produce crude oil constitute a "property." Unitized properties and certain other types of properties may be different from properties that were originally determined by the right to produce crude oil that existed in 1972. However, this interpretation does not address such circumstances.

[4] The Cost of Living Council (CLC) promulgated regulations applicable to the petroleum industry that included a definition of "property" which was set forth in 6 CFR 150.354(b), 38 FR 22538 (August 22, 1973). The definition of "property" adopted by the CLC was the same as the definition first adopted by the DOE.

[5] The definitions of "BPCL", "new crude oil" and "old crude oil" were set forth in 10 CFR 212.72.

[6] Lower tier ceiling prices were determined pursuant to 10 CFR 212.73.

[7] Upper tier ceiling prices were determined pursuant to 10 CFR 212.74.

[8] *Grigsby v. DOE*, 585 F.2d 1069, 1083 (1978), *cert. denied*, 440 U.S. 908 (1979).

[9] Ruling 1975-15 addressed the definition of "property" for purposes of computing "base production control level" (BPCL). BPCL was defined in 10 CFR 212.72 and basically referred to the number of barrels of domestic crude oil produced and sold from a property during 1972.

Although all prior assignments of interests in the Watson lease and the Scott lease #2 had transferred the entire acreage of each lease intact, Conoco's 1953 "Partial and Conditional Assignment" to Trinity of 560 acres of the Watson lease and 600 acres of the Scott lease #2 divided into separate properties each of the original rights to produce from the 640 acre Watson lease and the 640 acre Scott #2 lease that were created by the 1943 leases. Conoco's 1943 leases, covering the Watson lease and the Scott #2 lease, were for 10 years and as long thereafter as drilling operations were conducted in good faith. D. H. Hunt contends that the requirement to continue drilling operations set forth in the original 1943 leases requires that those leases must be the basis for defining the properties for the petroleum price regulations. However, Conoco had conducted drilling operations and had continuing rights beyond the original 10 year period, under which it could convey an interest in the leases to Trinity in 1953. Conoco's retention of 40 acres and one well from the Scott lease #2 and 80 acres and two wells from the Watson lease when it transferred its interests to Trinity did not interfere with the original right to produce stemming from the leases executed in 1943. By Conoco's continued operation of portions of the original tracts it maintained the rights to the entirety of both tracts, any part of which it could legally assign to Trinity.

When Conoco executed the "Partial and Conditional Assignment" of its interests in the Watson lease and the Scott lease #2 to Trinity in 1953, it reserved three wells with 40 acres surrounding each and certain continuing rights. The principal rights that Conoco reserved were the right to receive royalties and the right to a reassignment of any interest in leased acreage that the Trinity desired to relinquish. In addition, the agreement contained some minor requirements obligating Trinity to drill test wells, survey the acreage, keep records, pay taxes and rentals, protect the acreage from drainage by wells on adjoining lands, plus several other requirements. D. H. Hunt contends that the nature of these rights and interests retained by Conoco indicates that a complete assignment was not intended. However, the retention of producing acreage and certain continuing rights set forth in the assignment agreement does not negate the conveyance of a leasehold interest to Trinity. Although all of the rights reserved by Conoco are not specifically addressed, Ruling 1977–1 makes clear that even the retention of the rights to receive royalties and to a reversionary interest in the leasehold are typical features of an oil and gas lease. Indeed, Ruling 1977–1, at 3634, states that:

> the modern oil and gas lease typically conveys a right to produce which must be exercised within a specific period in order for production rights to be retained by the lessee * * *. Accordingly, most oil and gas leases confer a right to produce as to an area within which exploration and development by the lessee can reasonably be expected within a reasonable time—five years is typical.

Thus, the DOE anticipated that leases could revert back to the lessor without affecting the limits of the right to produce described in the lease. Further, Ruling 1977–1, at 3629, makes it clear that "a share of production or proceeds * * * described as a 'royalty interest' " is "typically retained by the holder of the mineral interest." Moreover, the 1953 assignment agreement specifically construes Trinity's obligations and the interests reserved by Conoco as covenants and not as limitations on the title of the leases. Therefore, the DOE and the parties themselves recognized that the reservations expressed in the 1953 assignment agreement do not limit the transfer of title to a leasehold interest in the specified acreage. Indeed, the assignment is a lease that delineates separate rights to produce crude oil.

Accordingly, the 1953 assignment created two rights to produce from the Watson lease and separate rights to produce from the Scott #2 lease for purposes of the crude oil price regulations. With respect to the Scott lease #2, Conoco retained the right to produce crude oil from 40 acres surrounding Conoco well No. 1, and Trinity received an assignment of the right to produce crude oil from the balance of the 600 acres. Similarly, Conoco retained the right to produce crude oil from 40 acres surrounding each of Conoco's wells No. 1 and No. 2 on the Watson lease, and Trinity received an assignment of the right to produce crude oil from the balance of the 560 acres.

Thus, each of the successors to Trinity's interests in the Watson lease and the Scott #2 lease (i.e., Messrs. Rush and Hunt on August 20, 1954) received the right to produce crude oil set forth in the 1953 assignment to Trinity. From the facts presented, no additional transfers of interest in the premises occurred until the January 4, 1978 farm-out agreement under which D. H. Hunt acquired his interest. Therefore, for purposes of the Mandatory Petroleum Price Regulations the limits of the rights to produce crude oil set forth in Conoco's 1953 assignment of certain oil and gas leasehold interests in the Watson lease and the Scott lease #2 to Trinity define the properties from which crude oil prices were determined.

However, the farm-out agreement between Messrs. Rush and D. H. Hunt executed in 1978 did not create any separate "properties". The definition of "property" was not dependent on the continued effectiveness of a specific lease agreement. Accordingly, a farm-out agreement conferring a limited right to produce crude oil and involving the same acreage which constituted a "property" pursuant to Subpart D did not alter the existing "property."

Therefore, D. H. Hunt's production, which began in 1978 from the acreage subject to the farm-out agreement did not qualify as stripper well crude oil. Although Conoco certified as stripper well properties in 1973 and in 1978 the production from the wells it retains on acreage that was part of the Watson lease and the Scott lease #2 in 1943, the properties operated by D. H. Hunt were not identical with the rights to produce created by the leases executed in 1943. Thus, the rights to produce described in the December 4, 1953 assignment from Conoco to Trinity of a leasehold interest in 560 acres of the Watson lease and 600 acres of the Scott lease #2 defined the properties in which D. H. Hunt possesses an interest. Neither the 1978 farm-out agreement, nor any other assignments of interest that subsequently transferred the rights to produce from the acreage which originally formed the Watson lease and the Scott lease #2 that Trinity received in 1953 created separate rights to produce that were separate properties pursuant to Part 212, Subpart D.

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[10] *Indiana Farm Bureau Cooperative Association, Inc.*, Interpretation 1979–21, 44 FR 60270 (October 19, 1979); *John D. Manley III*, Interpretation 1978–15, 43 FR 19624 (May 9, 1978); *Texaco, Inc.*, Interpretation 1977–42, 42 FR 64104 (December 22, 1977); *Shell Oil Co.*, Interpretation 1975–4, 42 FR 23728 (May 10, 1977).

Further, Congress enacted the Energy Policy and Conservation Act, Pub. L. 94–163, which, *inter alia*, defined "old crude oil production" as "that volume of crude oil produced and sold from a property in a month which is equal to or less than the volume of old crude oil, as defined in § 212.72 of Title 10, Code of Federal Regulations (as in effect on November 1, 1975) * * *." Thus, Congress examined and approved of § 212.72 with the knowledge that it had been previously interpreted by the FEA. Moreover, Congress recently enacted the Windfall Profit Tax on Domestic Crude Oil Act, Pub. L. 96–223, 26 U.S.C. 4986 *et seq.* which explicitly adopted the DOE's regulatory definitions, including that for "property", as the basis for the new tax system.

Issued in Washington, D.C., on June 24, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

Appendix B.—*Responses to Petitions for Reconsideration*

Petitioner	Interpretation	Date of response
The Crude Company	Giant Industries, Inc., 1981–2, 46 FR 27279 (May 18, 1981)	May 23.
Johnson Oil Co., Inc	Southwestern Refining Co., 1981–7, 46 FR 27286 (May 18, 1981).	June 16.

Interpretation: *Giant Industries, Inc.* 1981–2
Petitioner: The Crude Company
Date: May 23, 1981

This responds to The Crude Company's (TCC's) petition seeking reconsideration of *Giant Industries, Inc.*, Interpretation 1981–2, issued on January 6, 1981.

Interpretations issued by the Office of General Counsel of the Department of Energy (DOE) may be reconsidered only in certain limited circumstances. In such cases, the burden is on the petitioner to demonstrate that the interpretation was erroneous in fact or in law, or that the result reached in the interpretation was arbitrary or capricious. 10 CFR 205.85(f).

Interpretation 1981–2 concluded that paragraph 8 of the agreement between Giant Industries, Inc. (Giant) and TCC failed to specify a termination date and therefore Giant had not affirmatively consented to termination of the supplier/purchaser relationship in a manner consistent with the strict requirements of § 211.63(d)(1)(i).[1]

TCC's petition for reconsideration raises several arguments to support its view that Interpretation 1981–2 is erroneous in fact and law. TCC contends that the termination provisions of 10 CFR 211.63(d)(1)(i) were subject to a valid waiver of its protection by the voluntary and uncoerced act of the purchaser. TCC further contends that even if these provisions could not be waived, the termination provisions of the contract between it and Giant complied with the regulation.

Interpretation 1981–2 is correct in both fact and law. Giant could have waived its option to terminate its January 22, 1979 contract with TCC by giving its advance consent only if the express regulatory requirements set forth in § 211.63(d)(1)(i) were satisfied. Because the contract between Giant and TCC did not include a specific termination date, the termination provisions of the contract between Giant and TCC were insufficient to constitute such consent by Giant in accordance with the strict requirements of § 211.63(d)(1)(i).

Because TCC has failed to demonstrate that the Interpretation is erroneous in fact or in law, or that the Interpretation is arbitrary or capricious, the petition for reconsideration is denied. The denial of TCC's petition for reconsideration is a final order of the Department of Energy from which the petitioner may seek judicial review.

Petition for Reconsideration

Interpretation: *Southwestern Refining Co., Inc.*, 1981–7
Petitioner: Johnson Oil Co., Inc.
Date: June 16, 1981

This responds to Johnson Oil Company, Inc.'s (Johnson's) petition seeking reconsideration of *Southwestern Refining Co., Inc.* (Southwestern), Interpretation 1981–7, issued on March 12, 1981.

Interpretations issued by the Office of General Counsel of the Department of Energy (DOE) may be reconsidered only in certain limited circumstances. In such cases, the burden is on the petitioner to demonstrate that the interpretation was erroneous in fact or in law, or that the result reached in the interpretation was arbitrary or capricious. 10 CFR 205.85(f).

Interpretation 1981–7 concluded that since paragraph 8 of the contractual agreement between Southwestern and Johnson did not give notice of a specific termination date, Southwestern had not consented to termination of the supplier/purchaser relationship in a manner consistent with the strict requirements of § 211.63(d)(1)(i).

In support of its view that Interpretation 1981–7 is arbitrary and capricious and erroneous in fact and law, Johnson contends that DOE lacked the authority and jurisdiction to issue Interpretation 1981–7 and failed to inquire about or consider all relevant factors, and that paragraph 8 of the Southwestern/Johnson contract complied with the termination provision of § 211.63(d)(1)(i).

Interpretation 1981–7 is correct in both fact and law and is neither arbitrary nor capricious. The DOE has the primary responsibility to issue interpretations of its own regulations. *See* 10 CFR Part 205, Subpart F.

An interpretation is issued on the basis of the information provided in the request, unless that information is supplemented by other information brought to the attention of the General Counsel. *See* 10 CFR Part 205, Subpart F. The DOE had sufficient facts before it on which to base Interpretation 1981–7 and no additional information was brought to its attention at the time. Moreover, any new facts contained in Johnson's petition for reconsideration do not alter the conclusion reached in Interpretation 1981–7.

Southwestern could have given advance consent to terminate the Southwestern/Johnson contract, but only if the express regulatory requirements set forth in § 211.63(d)(1)(i) were satisfied. Because the contract between Southwestern and Johnson did not include a specific termination date, paragraph 8 was insufficient to constitute such consent by Southwestern in accordance with the requirements of § 211.63(d)(1)(i).

An interpretation does not take into account any hardship that might result to any person from the application of the regulations. Requests for exception from DOE regulations should be addressed to the Office of Hearings and Appeals.

Because Johnson has failed to demonstrate that Interpretation 1981–7 is erroneous in fact or in law, or that the interpretation is arbitrary or capricious, the petition for reconsideration is denied. The denial of Johnson's petition for reconsideration is a final order of the Department of Energy from which the petitioner may seek judicial review.

Appendix C.—*Cases Dismissed*

File No.	Requester	Category	Date dismissed
A–595	Key Oil Co	Procedural	May 28.
A–600	Powerine Oil Co	Procedural	June 9.
A–633	Compton Corp	Price	June 17.
A–517	Risser Oil Corp	Allocation and price.	July 30.
A–472	Childress Oil Co	Allocation and price.	August 14.
A–506	Clardy Oil Co	Allocation and price.	August 14.

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[1] Executive Order 12287, 46 FR 9909 (January 30, 1981) exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973 (EPAA), as amended, Pub. L. No. 93–159 (November 27, 1973), 15 U.S.C. § 751 *et seq.* (1976). This Order was effective at 12:01 a.m., January 28, 1981. Because the issue presented here for review, whether there was requisite consent to terminate the supplier/purchaser relationship by Giant, pertained to a period governed by the Mandatory Petroleum Allocation and Price Regulations, it is necessary to resolve the issue in order to determine whether TCC complied with the regulations during the period prior to January 28, 1981.

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Appendix C.—*Cases Dismissed*—Continued

File No.	Requester	Category	Date [illegible]
A-507....	Western Marketing, Inc.	Allocation and price.	August 14.
A-466....	Marshall Oil Corp.	Price..........................	August 19.
A-467....	Marshall Oil Corp.	Price..........................	August 19.
A-455....	Ezell Oil Co...........	Allocation and price.	August 19.

[FR Doc. 81-27218 Filed 9-17-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 526, 545, and 563

[No. 81-436]

Amendments on Rates of Return Payable on Savings Accounts

July 31, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final amendments.

SUMMARY: On June 25, 1981, the Depository Institutions Deregulation Committee adopted a schedule to phase out interest-rate ceilings on all savings accounts with fixed terms at depository institutions whose accounts are insured by either the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. It also removed the existing "cap" on the ceiling rate of return payable by such institutions on accounts of 2½ up to four years. Under the schedule, interest-rate ceilings on fixed-term savings accounts also would have been eliminated in steps over a four-year period. However, on July 31, 1981, the United States District Court for the District of Columbia ruled that the schedule was invalid insofar as it would have eliminated any differential in interest-rate ceilings for accounts in existence on December 10, 1975. Therefore, by its action today, the Board is conforming its regulations only to the Committee's action on accounts of 2½ up to four years. In addition, to grant institutions greater flexibility, the Board is authorizing the issuance of fixed-term accounts with variable rates and is permitting institutions to pay interest in the form of a discount for any account exempt from interest-rate ceilings.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett (telephone (202) 377-6445), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Rate of Return

By the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221, tit. II; 94 Stat. 134 (1980)), Congress created the Depository Institutions Deregulation Committee (the "Committee") and transferred to the Committee the authority to limit the maximum rates of return payable on savings accounts at depository institutions whose accounts are insured by either the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC). At its meeting of June 25, 1981, the Committee removed the existing "cap" on the ceiling rate of return payable on small saver certificates ("SSCs") with an original maturity of 2½ years up to four years, and adopted a schedule to eliminate interest-rate ceilings entirely on all savings accounts with a fixed maturity. *See* 46 FR 37020 (July 17, 1981). The Committee provided that, effective August 1, 1981, institutions would be permitted to pay a rate tied to the average 2½-year yield on U.S. Department of the Treasury securities on SSCs with maturities of at least 2½ but less than 4 years, and would not be subject to a maximum rate limitation on certificate accounts of 4 years or more.

However, on July 31, 1981, the United States District Court for the District of Columbia, while upholding the Committee's action with respect to SSCs, declared the Committee's action adopting a schedule to eliminate interest-rate ceilings on all savings accounts with a fixed maturity to be invalid insofar as it would have eliminated any differential in interest-rate ceilings for accounts in existence on December 10, 1975, and directed the Committee to rescind its action. *United States League of Savings Associations* v. *Depository Institutions Deregulation Committee*, Civ. Action No. 81-1666 (D.D.C., July 31, 1981). This decision invalidated the Committee's action eliminating interest-rate ceilings for certificate accounts with an original maturity of four years or more which was to be effective on August 1, 1981. Therefore, the Board is conforming its regulations only to that part of the Committee action that was upheld by the District Court.

Sections 526.2 and 526.3 of the Regulations for the Federal Home Loan Bank System govern the rate of return payable on savings accounts by members of the Bank System other than mutual savings banks whose accounts are insured by the Federal Deposit Insurance Corporation or an institution whose home office is located in Guam. The regulations provide that member institutions may pay the maximum rate of return permitted by 12 CFR 1204.106 on savings accounts with maturities from 2½ up to 4 years. On savings accounts with maturities of 4 years or more, the rate limitations contained in § 526.3 continue to apply.

Fixed or Variable Rates

Board regulations governing the terms of fixed-term savings deposits of Federal associations (12 CFR 545.1-3, 545.2) and fixed-term accounts of insured institutions (12 CFR 563.3-1) provide only for the payment of interest at a fixed rate determined at the time the deposit was accepted. However, pursuant to § 526.3-1, no restrictions on maximum rates of return apply to certificate accounts of $100,000 or more ($50,000 or more if the issuing member's home office is in Puerto Rico) with a term of at least 14 days. In addition, effective August 1, 1981, members will be able to pay interest on SSCs at the average 2½-year yield on Treasury securities. In issuing these accounts, or other accounts, institutions may desire to pay interest at a rate that changes over the term of the deposit.

Accordingly, the board is eliminating the requirement that savings accounts with fixed terms also have fixed rates. Institutions may provide for payment of interest at: (1) A fixed rate, (2) a rate that varies according to a schedule, or (3) a rate that varies according to an index or formula. In any case, the rate, schedule, index or formula must be specified at the time the deposit is accepted and disclosed on the certificate or other evidence of account. This action permits institutions full flexibility in offering all types of accounts with fixed terms, including SSCs and certificate accounts of $100,000 or more, and reduces unnecessary restrictions on terms of savings accounts. However, for accounts subject to interest-rate ceilings, the rate of interest never may exceed the applicable ceiling rate.

Discounts

Current Board regulations (12 CFR 545.1-3, 563.3-1) permit the payment of interest on fixed-term savings accounts in the form of a discount only in the case of accounts exempt from rate ceilings because the amount received by the institutions exceeds $100,000 ($50,000 in Puerto Rico). These regulations have been amended to permit payment of interest in the form of a discount for any account exempt from the interest-rate ceilings regardless of the amount received by the institution. Although only accounts in excess of $100,000 currently are exempt from interest-rate ceilings and the amendments do not change the effect of current regulations, the Board is taking this opportunity to relieve a potential restriction prospectively.

Other Amendments

In addition to the amendments described above, the Board is making technical amendments in provisions (12 CFR 545.1-1, 545.4, and 563.3-1) relating to early withdrawal that cross-reference 12 CFR 526.7 and has made conforming amendments in the provision (12 CFR 526.2) governing the rate payable on renewal of a certificate account. The Board also is restating in § 526.3 the reference rate for four-year accounts issued prior to January 1, 1980. While these accounts no longer may be issued, existing accounts may be renewed pursuant to § 526.2

The Board finds that notice and public procedure with respect to the amendments pursuant to 12 CFR 508.11 and 5 U.S.C. 553(b) is unnecessary because (1) the amendments conform the Board's regulations on rate limitations to regulations of the Committee and (2) it is in the public interest to give consumers the benefits of higher rates of return on savings and to give insured institutions increased flexibility in designing instruments to attract savings. The Board finds that the effective date of these amendments pursuant to 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary for the same reasons and therefore makes these amendments effective August 1, 1981.

Accordingly, the Board hereby amends Parts 526, 545 and 563 of Subchapters B, C and D, respectively, Chapter V, of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 526—LIMITATIONS ON RATE OF RETURN

1. Revise paragraph (a) and paragraph (b)(2) of § 526.2 to read as follows:

§ 526.2 Maximum rate of return.

(a) *Prohibition on paying more than the maximum prescribed rate.* No member shall pay a return, directly or indirectly, by any means whatsoever, exceeding the applicable maximum rate prescribed in this Part.

(b) *Exceptions.* * * *

* * * * *

(2) *Certificate account.* At the rate specified in the certificate, for such period, including any renewal period, as the account remains outstanding; except that:

(i) Six-month (26-week) certificate accounts issued pursuant to § 1204.104 of this title may not be issued or renewed at any rate in excess of the applicable maximum provided for by § 1204.104;

(ii) Certificate accounts with maturities of at least 2½ but less than 4 years issued pursuant to § 1204.106 of this title may not be issued or renewed at any rate in excess of the applicable maximum provided for by § 1204.106; and

(iii) Certificate accounts with maturities of 4 years or more and issued prior to January 1, 1980, subject to § 526.3(a)(6)(ii), may not be renewed at a rate in excess of the applicable maximum rate provided for by § 526.3(a)(6)(ii).

* * * * *

2. Revise paragraphs (a) and (c) of § 526.3 in their entirety to read as follows:

§ 526.3 Maximum rates of return payable by members on savings accounts.

(a) A member may pay an annual rate of return (disregarding the effect of compounding) on savings accounts of less than $100,000 ($50,000 if the issuing member's home office is in Puerto Rico and the member does not advertise or promote the account outside Puerto Rico) not to exceed the following:

(1) 5.25 percent—on savings accounts subject to automatic transfers to the member or to a demand or deposit account of the same accountholder, made as a normal practice, pursuant to an agreement with the accountholder, to cover checks, drafts, or similar instruments drawn by the accountholder on the member;

(2) 5.50 percent—on regular accounts;

(3) 6.00 percent—on notice accounts, except public unit accounts which may receive a rate of return as provided in paragraph (c) of this section, and certificate accounts with a term or qualifying period of at least 90 days or more;

(4) 6.50 percent—on certificate accounts with a term or qualifying period of at least 1 year or more;

(5) 6.75 percent—on certificate accounts with a term or qualifying period of 30 months or more;

(6)(i) 7.50 percent—on certificate accounts with a term or qualifying period of 4 years or more; or

(ii) 1 percent below the average four-year rate based on the yield curve for United States Treasury securities as determined by the U.S. Department of the Treasury immediately prior to the first day of the month—on certificate accounts with a term or qualifying period of 4 years or more issued on or after the first day of the month: *Provided,* The account was issued prior to January 1, 1980, or renewed pursuant to paragraph (b)(2)(iii) of § 526.2. No addition to any such account shall be accepted during the term of the account.

(7) 7.75 percent—on certificate accounts with a term or qualifying period of 6 years or more;

(8) 8.00 percent—on certificate accounts with a term or qualifying period of 8 years or more; and

(9) Any rate prescribed by Part 1204 of this title.

* * * * *

(c) *Exceptions as to terms or qualifying periods.* A member may pay a rate of return not exceeding 8.00 percent on:

(1) A public unit account that is either a certificate account with a maturity of 14 days or more or a notice account, or

(2) A certificate account that qualifies as a retirement account under 401(d) or 408(a) of the Internal Revenue Code and has term of 3 years.

A member may pay any rate of return prescribed by paragraph (a)(6)(ii) of this section or Part 1204 of this title on a public unit account or certificate account that qualifies as a retirement account: *Provided,* That such account meets the applicable maturity requirements of those provisions.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

3. Revise paragraph (b)(4) of § 545.1-1 to read as follows:

§ 545.1-1 Rates of return on savings accounts.

* * * * *

(b) *Fixed-balance bonus account.* * * *

* * * * *

(4) If any part of a fixed-balance bonus account is withdrawn before expiration of the term, a penalty shall be applied in accordance with § 526.7 of this chapter. If earnings were distributed on the account before the withdrawal, deduction shall be made from the amount withdrawn to adjust for the applicable penalty.

* * * * *

4. Revise the first sentence of paragraph (a), and paragraph (b), of § 545.1-3; to read as follows:

§ 545.1-3 Fixed-term savings deposit.

(a) *General.* In addition to savings deposits authorized by § 545.1-2, a deposit association may accept savings deposits for fixed periods of time and bearing rates of return as provided in paragraph (b) of this section. * * *

(b) *Payment of interest.* Subject to the provisions of Part 526 of this chapter, a deposit association may pay interest at the rate determined by the association at the time that the deposit is accepted in accordance with § 545.3. The annual rate of return paid on a savings deposit either may be fixed at the time the deposit is accepted or may vary according to a schedule, index or formula specified at the time the deposit is accepted. The term of such savings deposits shall be at least (1) 90 days or (2) 14 days for a public unit account as defined in § 526.1(m) or an account of $100,000 ($50,000 if the association's home office is in Puerto Rico) or more, but not more than 10 years. Such savings deposits may provide for renewal for successive periods not exceeding 10 years from each renewal. The return on such accounts may be in the form of discount only in the case of certificates exempt from the maximum rates of Part 526 of this chapter and Part 1204 of this title.

* * * * *

5. Amend § 545.2 by redesignating paragraph (c) and (d) as paragraphs (d) and (e), respectively, and by adding a new paragraph (c) thereto, to read as follows:

§ 545.2 Evidence of account.

* * * * *

(c) *Disclosure.* Each certificate evidencing a fixed-term savings deposit authorized under § 545.1–3 or a certificate account authorized under § 545.1–1(f) of this Part, whether incorporated in an account book or printed as a separate certificate, shall display in easily read type:

(1) The rate of interest to be paid, the basis, frequency, extent and limits of any variation in the rate over the term of the account, and the dates or frequency at which such return is distributable;

(2) The amount of the certificate and the date on which it is issued;

(3) The minimum term (or for a savings deposit, the term) and minimum balance;

(4) The penalty or penalties imposed under § 545.4 for withdrawal prior to expiration of the term;

(5) Any provisions relating to renewal when the term expires;

(6) Any provision relating to earnings after expiration of the term or any renewal period; and

(7) For fixed-term savings deposits, a provision converting the deposit at the expiration of the term or renewal, or whenever the minimum balance may cease to be met, to a regular savings deposit.

* * * * *

6. Revise paragraph (a)(1) of § 545.4 to read as follows:

§ 545.4 Withdrawals.

(a) *Withdrawal prior to expiration of term.* (1) If any part of a savings account authorized under § 545.1–1(f), or any part of a fixed-term savings deposit, is withdrawn before expiration of the term, a penalty shall be applied in accordance with § 526.7 of this chapter. If earnings were distributed on the account before the withdrawal, deduction shall be made from the amount withdrawn to adjust for the applicable penalty.

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

7. Revise § 563.3–1 to read in its entirety as follows:

§ 563.3–1 Fixed-term accounts (certificate accounts).

(a) *General.* A State-chartered institution which, in accordance with State law, may accept certificate accounts, as defined in Part 526 of this chapter, and whose board of directors has adopted a resolution providing for the issuance of such accounts, may, subject to the requirements of this section, issue certificate accounts in such form as the board of directors of the institution may determine.

(b) *Payment of interest or other earnings.* Subject to Part 526 of this chapter, an institution may pay earnings on a certificate account at the rate or anticipated rate of return determined at the time that the account is accepted. The rate or anticipated rate on a certificate account either may be fixed or may vary according to a schedule, index, or formula specified at the time that the account is accepted.

(c) *Limitations.* In issuing certificate accounts, no institution shall:

(1) Provide for the payment of interest or the distribution of earnings on any certificate account in excess of the applicable maximum rate of return prescribed in Part 526 of this chapter;

(2) Issue any negotiable form of certificate evidencing a certificate account, except in compliance with § 545.1–4, in the case of a Federal association, or § 563.3–3, in the case of a State-chartered insured institution, of this chapter;

(3) Accept any fixed-term account of less than $100,000 for a term of less than 90 days (14 days for a public unit account as defined in § 526.1(m) of this chapter) or more than 10 years;

(4) Accept any fixed-term account of $100,000 or more for a term of less than 14 days or more than 10 years;

(5) Provide for withdrawal from any certificate account prior to the expiration of its term, except as provided in paragraph (f) of this section;

(6) Issue any certificate account that is subject to redemption;

(7) Issue any form of certificate account, unless the institution has first:

(i) Obtained a written legal opinion of its counsel that such certificate complies with the requirements of applicable law and regulations and the institution's charter and bylaws, which opinion shall be retained by the institution as long as it continues to issue certificates in such form; and

(ii) Submitted a copy of such certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation: *Provided,* That such legal opinion need not be obtained if the institution uses a form of certificate which has been approved by the Corporation for use by insured institutions in the State where such institution is located; or

(8) Pay a return in the form of a discount, except in the case of certificates exempt from the maximum rates of return of Part 526 of this chapter and Part 1204 of this title.

(d) *Disclosure.* Each certificate account shall include in its provisions and display in easily-read type:

(1) The rate or anticipated rate of earnings to be paid, the basis, frequency, extent and limits of any variation in the rate of return over the term of the account, and the dates or frequency at which earnings are distributable;

(2) The amount of the account and the date on which it is issued;

(3) The term of the account;

(4) The penalty for withdrawal prior to maturity of the account;

(5) Any provisions limiting the right of the holder to withdraw all or any portion of the account prior to its maturity;

(6) Any minimum balance requirement;

(7) Any provisions relating to a renewal at maturity of the account;

(8) Any provisions relating to the rate of return to be paid after maturity of the account; and

(9) A provision converting the certificate account at its maturity, or at the time that any applicable minimum balance requirement ceases to be met, to the status of a regular account as defined in § 526.1(d) of this chapter.

(e) *Renewal.* Any certificate account may provide for renewal at the option of the institution for successive periods not exceeding 10 years for each renewal.

(f) *Withdrawals prior to maturity.* (1) Each certificate issued by an institution, other than an institution whose principal office is located on Guam, shall provide that, for any withdrawal of all or any part of the certificate account before maturity, a penalty shall be imposed in accordance with § 526.7 of this chapter. If any earnings were distributed on the account before withdrawal, deduction shall be made from the amount withdrawn to adjust for the applicable penalty.

(2) In the case of early withdrawal of only a part of such account, the certificate account shall be canceled if the applicable minimum balance requirement ceases to be met. If such requirement continues to be met: (i) Appropriate notation may be made on the certificate indicating the amount and date of such withdrawal and the remaining account balance, or (ii) the certificate may be canceled and a new certificate issued for the remaining portion of the account with the same term, rate and dates as on the canceled certificate.

(3) A certificate account may provide that the owner cannot withdraw any portion of such account prior to maturity except under such circumstances as may be set forth therein: *Provided* That no certificate may prohibit withdrawal in the event of death or adjudication of incompetence of an account owner.

8. Revise paragraph (d)(1) of § 563.3–2 to read as follows:

§ 563.3–2 Certificates evidencing other accounts.

* * * * *

(d) *Provisions relating to early withdrawal.* (1) Each certificate issued by an institution, other than an institution whose principal office is located on Guam, shall provide that, for any withdrawal of any part of a certificate account before expiration of the term, a penalty shall be applied in accordance with § 526.7 of this chapter. If any earnings were distributed on the account before the withdrawal, deductions shall be made from the amount withdrawn to adjust for the applicable penalty.

* * * * *

(Sec. 203, Pub. L. 96–221, 94 Stat. 132 (12 U.S.C. 3502); sec. 4, 80 Stat. 824, as amended (12 U.S.C. 1425b); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81–27219 Filed 9–17–81; 8:45 am]

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

[IRPS 81–7]

Sale-and-Leaseback Arrangements, Interpretive Ruling and Policy Statement

AGENCY: National Credit Union Administration (NCUA).

ACTION: Interpretive ruling and policy statement.

SUMMARY: This document defines sale-and-leaseback transactions as falling within the provisions of Section 107(4) of the Federal Credit Union Act (12 U.S.C. 1757(4)) and § 701.36 of the National Credit Union Administration Rules and Regulations (12 CFR 701.36). It describes conditions which are necessary to constitute a valid sale-and-leaseback arrangement. The document cautions *all* federally insured credit unions against improperly constructed sale-and-leaseback arrangements that would subject the credit unions and the National Credit Union Share Insurance Fund, to undue risks and losses, resulting therefrom. Implementation of an improperly constructed sale-and-leaseback transaction could cause the National Credit Union Administration Board to take administrative action under the provisions of Section 206(b)(1) of the Federal Credit Union Act (12 U.S.C. 1786(b)(1)) for unsafe and unsound practices.

EFFECTIVE DATE: September 18, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Harry E. Moore, Accounting Officer, Office of Examination and Insurance, telephone number (202) 357–1065.

SUPPLEMENTARY INFORMATION:

1. Background Information

In recent years credit unions have experienced a decline in share growth. This decline caused credit unions to seek borrowed capital from outside sources at high interest costs to satisfy members' needs. During the same period, credit unions have had to compete for deposits with other financial institutions by offering high dividend rates. To meet this cost-price squeeze, some federally insured credit unions turned to sale-and-leaseback transactions. Sale-and-leasebacks offered the potential for immediate significant gains that could be used for dividends. Factors disregarded in some cases were: the collectibility of the note offered in payment, the time value of money, the ability to foreclose on the collateral, and the liability incurred as a result of the lease.

Examinations of Federal credit unions and federally insured state-chartered credit unions that have entered into sale-and-leaseback arrangements have disclosed questionable arrangements that have been characterized as sale-and-leaseback transactions. The arrangements are similar in nature in that each involves: a long-term note that has a maturity ranging from approximately 25 to 30 years; a short-term lease ranging in maturity from approximately 1 to 5 years; an interest rate on the note that appears to be significantly below the market interest rates for similar transactions; a borrowing of the downpayment; a downpayment that is significantly below the amount that would be required for the type of financing and property involved; and a senior lien which subjects the seller-lessee to a second lien on the building sold. The National Credit Union Administration has reviewed the economic substance of these transactions and has considered the views of accounting specialists in other federal financial institution regulatory agencies, representatives of the American Institute of Certified Public Accountants, representatives of private industry, as well as published interpretations of sale-and-leaseback transactions from the accounting industry, and recent court decisions. The National Credit Union Administration Board has interpreted these arrangements as being contrary to the definition of a valid sale-and-leaseback arrangement as stated herein. The arrangements have thus been deemed financing transactions rather than sale-and-leaseback transactions. In addition, the resulting gains from some of these transactions were recognized over the periods of the short-term leases, rather than over the amortization schedules of the above-mentioned notes. Thus, due consideration was not given to capitalization techniques and the time value of money in accordance with generally accepted accounting practices. Giving consideration to the latter, some of the recorded gains would actually result in significant losses.

The National Credit Union Administration Board recognizes the benefits of sale-and-leaseback transactions when they are properly arranged and constructed. Sale-and-leaseback arrangements, when properly planned, can provide liquidity by freeing up capital that is concentrated in fixed assets. Sale-and-leaseback arrangements, when properly planned and carried out, can provide the necessary funds to improve the credit union's earnings capabilities during a period of inflationary pressures. The National Credit Union Administration Board wants to emphasize that a sale-and-leaseback arrangement must not be constructed and implemented for the sole purpose of obtaining a one-time significant gain for the purpose of providing immediate earnings for current dividends. Such an arrangement may have a detrimental impact on the long-term operations of the credit union.

In those cases where credit union officials are uncertain as to whether a contemplated sale-and-leaseback conforms with this Interpretive Ruling and Policy Statement, the National Credit Union Administrative Board encourages those officials to submit the sale-and-leaseback plan to the appropriate National Credit Union Administration Regional Office of review before the transaction is finalized. Such requests for review will be given prompt attention by regional office staff.

2. Purpose

The purpose of this Interpretive Ruling and Policy Statement is to advise the public and credit union officials as to what the National Credit Union Administrative Board considers to be a valid sale-and-leaseback arrangement, the proper accounting treatment, and the required components of the arrangement.

Text of Interpretive Ruling and Policy Statement [IRPS 81-7]

In accordance with Section 107(4) of the Federal Credit Union Act (12 U.S.C. 1757(4)), "A Federal credit union * * * shall have power * * * to purchase, hold and dispose of property necessary or incidental to its operations." The National Credit Union Administration Board interprets this provision to include a Federal credit union's authority to enter into a sale-and-leaseback transaction, as herein defined. The authority for federally insured state-chartered credit unions to enter into such an activity would depend on state statutes and the credit union's respective state regulatory authority. The implementation of a sale-and-leaseback transaction requires a thorough knowledge of all the risks, accounting and legal interpretations, and the advantages and disadvantages of entering into such a transaction on a long-term basis. The National Credit Union Administration Board has thus approved this Interpretive Ruling and Policy Statement for implementing a sale-and-leaseback transaction, with special emphasis being placed on the requirements for a valid sale-and-leaseback transaction. The NCUA Board recognizes that Federal credit unions have entered into sale-and-leaseback transactions in the past and wishes to caution *all* federally insured credit union that it may interpret any past, present, and future sale-and-leaseback arrangements that are structured contrary to the provisions of this Interpretive Ruling and Policy Statement as being comprised of "unsafe and unsound" business practices. They may thus be subject to administrative remedies available to the NCUA Board, in accordance with Section 206(b)(1) of the Federal Credit Union Act (12 U.S.C. 1786(b)(1)). The National Credit Union Administration Board also interprets § 701.36 of the National Credit Union Administration Rules and Regulations as being applicable to sale-and-leaseback arrangements and transactions. Sale-and-leaseback transactions must thus be structure in accordance with the text that follows:

a. *Definitions.*

(1) *Sale-and-Leaseback Transaction:* Involves a two-step transaction that is essentially a financial management device. It involves the outright sale of property to an investor and the granting of a lease by the purchaser to the seller so that all the normal risks of ownership are retained by the purchaser.

(2) *Substance Over Form:* The economic substance of a sale-and-leaseback transaction should determine the timing, recognition, amount, and the designation of revenue. The economic or financial substance of a transaction may differ from its actual legal form. For example, a sale-and-leaseback transaction that involves a legal form of a sale may actually be, in economic substance: a construction contract; a lease of a property; and agreement to loan or borrow funds; an agreement to establish a joint venture; an agreement to divide profits in a specified ratio; a deposit on or an option to purchase an asset; a sale of something such as depreciation; a transfer of other tax deductions for income tax purposes; or a right to participate in the profits from operating an asset other than the asset that is the apparent object of the sale.

b. *Conditions Conducive To Entering Into a Sale-and-Leaseback Transaction.*

When a credit union builds its own building, it plans for the cost of the building by projecting income, expenses, share and loan growth over a period of time, generally 5 to 10 years. These projections are usually based on the historical performance over the previous years. When the projections are made there is no way of positively knowing what the economic situation will be at the end of the projected period. Therefore, some credit unions may find that, because of errors in estimating growth or because of other causes, they are unable to use the space that they had planned to use in future years, and in the meantime, had been renting to others. Other credit unions may have experienced periods of declining shares due to local, regional, or national economic downturns. These credit unions may thus be in a position of borrowing funds from outside sources at high interest costs. Those costs may exceed the interest income being received from loans granted to credit union members. Such credit unions are confronted with reduced earnings to pay competitive dividends and also with liquidity problems insofar as meeting members' loan and share withdrawal needs. When the credit union officials look at the overall situation they may determine that they have encountered a tight money and earnings situation that is not expected to improve over the short run. Therefore, when they weigh their alternatives they might find that the only prudent decision is to sell the credit union's fixed assets to improve its liquidity position and earnings capabilities. A sale-and-leaseback transaction is an excellent means of converting nonearning fixed assets into cash. It is a long-term commitment, however, and it requires careful and thorough preparation. Thus, in constructing a sale-and-leaseback transaction, one must consider not only what the consequences will be tomorrow, but also what the impact of the sale-and-leaseback arrangement will be, for example, 20 years from now.

A sale-and-leaseback arrangement involves selling the credit union's building for the best possible price, negotiating a lease to cover a sufficiently long period of time, preserving the credit union's earnings capabilities, and providing a sufficient amount of liquidity to satisfy members' needs in order to retain their confidence in the credit union.

c. *Requirements for a Valid Sale-and-Leaseback Transaction.*

(1) *Long-Range Planning.*

A sale-and-leaseback arrangement involves long-range planning that could involve projections for periods as long as 10 to 20 years. The projections need to include estimates of the growth of shares, loans, income, and expenses. They must also include the planned activities of the credit union so that the projections will include the estimated costs of those activities and any income that will be derived therefrom.

(2) *Appraisals by Qualified Independent Appraisers.*

Appraisals must be made of the properties being sold and the lease being negotiated to determine whether the lease costs are comparable to the cost of available lease space in other buildings in the vicinity of the credit union's building. The appraisal should be signed and certified by an independent real estate appraiser who is a member of the Society of Real Estate Appraisers bearing the designation of "SRPA" or "SREA" or who is a member of the American Institute of Real Estate Appraisers bearing the designation of "MAI".

The Society of Real Estate Appraisers is a society composed of senior residential appraisers, senior real property appraisers, and senior real estate analysts. The senior residential appraiser (SRA) is a professional who has chosen to specialize in the appraisal of residential properties. A senior real property appraiser (SRPA) is a professional who has chosen to specialize in appraisals of income-producing properties rather than residential properties. The training and educational program necessary to achieve this designation instructs the member in the appraisal of both residential and income-producing real estate. The Senior Real Estate Analyst (SREA) is an SRPA whose practice has expanded to include all forms of appraisals as well as analytical assignments. Advanced education and experience are only two of the qualifications necessary for this unique designation. In addition, the analysts must demonstrate capability in investment analysis, marketability studies, feasibility studies, etc.

The American Institute of Real Estate Appraisers consists of members who have proved their ability to appraise varied types of property (MAIs) and those members who are specialists in appraising single- to four-family properties (RMs).

Appraisal Methodology. Three approaches to value form the foundation for current appraisal theory. These approaches are the cost approach, the market approach, and the income approach.

The cost approach is based upon the proposition that the informed purchaser will pay no more than the cost to produce a substitute property with the same utility as the subject property. It is particularly applicable when the property being appraised involves new improvements which represent the highest and best use of the land or when relatively unique or specialized improvements are located on site for which no comparable properties exist on the market.

The market approach utilizes prices paid in actual market transactions of similar properties to estimate the market value of the subject property. This appraisal technique is dependent upon utilizing truly comparable data for sales which have occurred near enough in time to reflect market conditions relative to the time period of the subject appraisal. In essence, all approaches to value are market data approaches, since the data input is from current market conditions.

The income approach is widely applied in appraising income producing properties. Anticipated present and future income as well as any future reversions are discounted to the present value figures through the capitalization process. This approach also relies on market data to establish current economic rents and expense levels to arrive at the expected net income.

(3) *Comparability Between the Maturity of the Note and the Term of the Lease.*

For an arrangement to be considered a sale-and-leaseback transaction the definition of a sale-and-leaseback transaction must be considered. A sale-and-leaseback transaction is essentially a financial management device. It involves the outright sale of property to an investor and the granting of a long-term lease by the purchaser to the seller so that all normal risks of ownership are retained by the purchaser. When the lease is of a short-term nature, and the sale involves a long-term note, it is *not* considered to be a valid sale-and-leaseback transaction.

When the lease obligation is unduly short (unless the institution has firm documented plans to vacate upon the expiration of the lease), and the lease payments clearly guarantee the financial substance of the transaction, a sale-and-leaseback is a financing transaction. In other words, when a long-term note is offered (as indicated above) in partial payment of a purchase of fixed assets, and the corresponding lease is of a short-term nature, any resulting gain would be amortized in proportion to the amortization schedule of the note.

In making the note comparable to the lease term, it must be remembered that it is possible to make the lease terms too long, thus, causing the arrangement to also be called a financing transaction. For example, when the lease term extends for more than 75 percent of the estimated useful life of a building, or the present value of the future base rental payments exceed 90 percent or more of the fair market value, the lessor has transferred to the lessee substantially all the benefits and risks incident to ownership of the property. This is in accordance with the AICPA's Financial Accounting Standards Board (FASB) Statement No. 13, "Accounting for Leases." When the FASB standards are compared to tax and Uniform Commercial Code interpretations, they create an invitation for a court to find that many real estate sale-and-leasebacks, unless they were carefully structured at inception, are disguised mortgage loans. Quite often courts considered the parties' accounting treatment of a sale-and-leaseback as an indication of their substantive intention. For these reasons, the maturity of the note must be comparable to the term of the lease.

(4) *Multiple Bids and Offers for the Building.*

The more offers and bids the credit union receives, the better the credit union officials will be able to determine which sale-and-leaseback transaction is the most beneficial for the credit union and its members. The time period allowed for accepting bids should be sufficient to allow potential buyers to prepare and present their bids for consideration. The bids and offers will aid in verifying the accuracy of the appraisal of the credit union's building.

(5) *The Economics of the Lease.*

As part of arranging for the sale-and-leaseback transaction, the credit union officials must determine, through an appraisal process, what the market lease cost is for their present building. This may be accomplished by having the appraisal prepared on the basis of two premises: (1) that the credit union will continue to occupy the existing space, paying an economic rent at the terms and conditions typical of the current rental market for commercial office space; and (2) that the credit union will vacate the building, and that the space will be placed on the open market at an appropriate economic rent for non-credit union tenant(s).

If a negotiation of a sale-and-leaseback transaction results in a lease cost that is near market, or slightly below market, and the appraisal of the building is equal to market value, the only negotiable terms are the maturity of the transaction (note and/or lease) and the interest rate. The maturity of the transaction will generally follow the lending practices of commercial lenders for the type of transaction.

(6) *Minimum Downpayment Requirements.*

Minimum downpayment requirements must be in accordance with the AICPA's Industry and Accounting Guide for "Accounting for Profit Recognition on Sales of Real Estate." Minimum downpayment requirements are found in the main text and in Exhibit A of that publication. That publication indicates that if a single tenancy is involved, and the user has a satisfactory credit rating, that the downpayment will be 15 percent of the sales value, while other properties will have a downpayment requirement of 20 percent of the sales value.

(7) *Comparability Between the Master Lease and Any Subleases.*

If the sale-and-leaseback arrangement includes a master lease that covers additional office space that can be subleased, the maturities of the subleases must be comparable to that of the master lease. In other words, the master lease could not be for a period of 5 years while the subleases are for a period of 30 years, inclusive of all options. If that were the case, the credit union holding the master lease may not be able to renew its lease and may have to depart from the building when it was still responsible for the subleases.

(8) *Documentation as to Market Interest Rate.*

When a sale-and-leaseback arrangement involves a note, the remaining negotiable items would be the maturity of the note, the maturity of the lease, or the interest rate on the note. The interest rate on the note should be comparable to interest rates granted on loans to parties having good credit ratings for similar type transactions within the community in which the credit union's property is located. If the interest rate is below the market interest rate for that type of transaction, there must be documentation as to why the interest rates are below market. It is not in the interest of credit union members to underbid the interest rate on a particular note, with the credit union as lessee. If the interest rate is understated, the credit union members may not receive the amount of dividends that they are entitled to because of the size and maturity of the note. Therefore, the credit union officials have an obligation to make certain that the interest rate on the note approximates the market rate that could be obtained by the lessor if he were to borrow the funds elsewhere. When a credit union negotiates a sale-and-leaseback transaction that involves a note that is payable back to the credit union, and the interest rate on the note is below market, it must document the reasons why that interest rate on the note is below market. Any resulting gain from the transaction would be subject to the AICPA's Opinion No. 21, "Interest on Receivables and Payables," thus causing a reduction in the amount of gain that is recognized at the time of sale.

(9) *Arm's Length Transaction.*

For a sale-and-leaseback transaction to be considered valid, it must be a transaction that is conducted at arm's length. In other words, the transaction must be reflective as though an independent lender-lessee and independent borrower-purchaser negotiated a similar transaction, under comparable terms and conditions, with the option to pay the credit union the cash price upon actual purchase or to give a note for the amount of the purchase at the prevailing rate of interest to maturity. The transaction should not be connected with any credit union officials, employees, or their relatives, nor should any credit union officials, employees, or their relatives derive monetary benefits from the transaction.

(10) *Right of Tenancy for the Seller.*

Each federally insured credit union that is involved in a sale-and-leaseback transaction must make certain that the contracts involving the arrangement include the right of tenancy for the selling federally insured credit union. That tenancy should approximate the maturity of any existing note, unless otherwise documented.

(11) *Escalator Clauses—Cost of Living Adjustments.*

In order to encourage the lessor to keep the credit union's building in a condition that is near to its original state, and to encourage an investor to become involved in a sale-and-leaseback arrangement because of higher investment earnings, it may be necessary for a seller-lessee to provide for an inflation hedge. This inflation hedge provides additional incentive over and above that which is afforded by ownership of the real estate, itself. This may be accomplished by increasing the monthly rental payments according to the Wholesale or the Consumer Price Index. It might also be accomplished by establishing periodic rental increases based on an originally agreed upon scale. If the rental increase was based on a percentage of the gross or net income of the credit union, however, the arrangement would be considered improper for a federally insured credit union, since that action would result in the assigning of earnings. If earnings increased as the result of more efficient management, the lessor would benefit partially from the change, when the credit union member should benefit fully from such an improvement.

(12) *No Repurchase Agreements.*

For a valid sale-and-leaseback arrangement to exist there should not be any provision in the lease or the sales agreement giving the federally insured credit union the right to purchase the building back at a future date. (In accordance with the AICPA Industry Accounting Guide entitled "Accounting for Profit Recognition of Sales of Real Estate.") A repurchase agreement may imply that the original purchaser never intended to assume the responsibilities of ownership of the building. Therefore, the validity of the sale-and-leaseback transaction is questionable and may be subject to accounting for the transaction as a financing, leasing, or profit sharing arrangement. However, this does not preclude a "right of first refusal" clause in the event that the buyer sells the property at a future time. This accounting treatment is applicable when:

(a) A seller has an obligation or an option to repurchase the property;

(b) A buyer has an option to compel the seller to repurchase the property; or

(c) A seller guarantees the return of the buyer's investment.

(13) *Adherence to Generally Accepted Accounting Practices.*

The sale-and-leaseback transaction must be accounted for in accordance with generally accepted accounting practices. This applies, except when statutory or regulatory requirements prevail. The sale-and-leaseback transaction must take into account the AICPA's Accounting Principles Board Opinion No. 21, "Interest on Receivables and Payables", the AICPA's Financial Accounting Standards Board's Statement No. 13, "Accounting for Leases," and the AICPA Industry Accounting Guide entitled, "Accounting for Profit Recognition on Sales of Real Estate."

(14) *No Senior Liens.*

A sale-and-leaseback transaction involving federally insured credit unions must not include any senior liens. In other words, the purchaser must not make a downpayment with borrowed money, whereby the lender of the downpayment would obtain a lien superior to that of the lending credit union who is the seller-lessee, assuming the purchaser offers a note in partial payment of the purchase price of the asset.

(15) *Adherence to Court Decisions Interpreting and Defining Valid Sale-and-Leaseback Transactions.*

For a sale-and-leaseback transaction to be considered valid for a federally insured credit union, the sale-and-leaseback transaction must be in accordance with applicable laws and legal precedent that define the essence of a sale-and-leaseback transaction.

(16) *Recognition of Profits and Losses in Accordance With Generally Accepted Accounting Practices.*

Profits and losses on sale-and-leaseback transactions will be recognized and accounted for in accordance with the AICPA's Financial Accounting Standards Board Statement No. 13, "Accounting for Leases," its Accounting Principles Board Opinion No. 21, "Interest on Receivables and Payables," and its Industry Accounting Guide, "Accounting for Profit Recognition on Sales of Real Estate." If a loss is indicated by the arrangement, the loss will always be recognized.

The above-mentioned Industry Accounting Guide emphasizes the following:

(a) To recognize a profit on the sale of real estate, the buyer's initial investment and his continuing investment must be adequate to demonstrate his commitment to pay for the property. To be considered adequate the following factors must be considered:

(1) The relative size of the buyer's downpayment compared to the sales value of the property; and

(2) The composition of the downpayment. Funds that have been borrowed by the purchaser, or provided indirectly by the seller, cannot be included in determining the buyer's investment in the property.

(b) Profit recognition should be postponed if the seller must perform a significant part of the contract after the time of sale.

(c) The sales contract should not be accounted for as a sale if the seller's continued involvement carries in essence the same kinds of risks as does ownership of the property.

(d) The seller can only recognize profit on the sale of real estate if the buyer is required to continue to increase his investment in the property each year after he pays an adequate downpayment.

When the buyer borrows the necessary funds from the selling credit union, the credit union will defer the gain over the term of the lease or over the term of the note, whichever is longer. Deferred gains will be recognized in proportion to the aggregate cash received (including the downpayment to the total sales price of the property).

d. *Summary.* This Interpretive Ruling and Policy Statement provides the essential information requirements and considerations for credit unions contemplating sale-and-leaseback transactions. It is, again, emphasized that sale-and-leaseback transactions that are implemented by federally insured credit unions, which are contrary to the provisions stated in this text, may be considered unsafe and unsound practices by the National Credit Union Administration Board in accordance with section 206(b)(1) of the Federal Credit Union Act (12 U.S.C. 1786(b)(1)).

Rosemary Brady,
Secretary of the NCUA Board.
September 11, 1981.

[FR Doc. 81–27162 Filed 9–17–81; 8:45 am]
BILLING CODE 7535–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 122

[Rev. 3, Amdt. 16]

Business Loans

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This amendment to Part 122 establishes the regulations for loans to Employee Stock Ownership Plans or other employee benefit plans that can be treated as Employee Stock Ownership Plans. This final rule considers the written and oral comments received in response to the proposed rule that was published in the **Federal Register** on September 17, 1980 (45 FR 61637).

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Questions regarding this final rule may be directed to: Richard L. Wray, Financial Analyst (202) 653–6470.

SUPPLEMENTARY INFORMATION: SBA received three (3) written responses and one oral response to the proposed rule. In addition, discussions within SBA developed modifications in the proposed rule.

The final rule has placed the definitions ahead of the policy portion, reversing the order of the proposed rule. It appeared that the definitions added to an understanding of the policy statement and should appear first. An administrative change has been made by designating the sections in this part in the 300 series whereas the proposed rule was published as the 200 series.

One comment indicated that, since SBA definitions do not follow those in the Internal Revenue Code or in the Treasury Department or the Department of Labor Regulations, there is confusion about whether SBA is amending the definitions of these other agencies. To clarify this question, the final rule refers to other definitions, when appropriate, or states that the SBA definition is for loan purposes only. SBA has neither the intention nor the authority to amend the definition of terms used in the regulations of other agencies. In some cases, the SBA definition or requirement is more restrictive than another agency's. This is necessary for the loan to comply with SBA loan policy and is not intended to amend or otherwise modify the requirements of any other regulation.

Written comments also pointed out that the proposed rule appeared to impose conditions on all employer securities held by the trust, not just those acquired with SBA guarantee loan funds. The final rule has been amended to clarify that our regulation applies only to the employer securities that are purchased with SBA guarantee loan funds.

The proposed rule referred to specific Internal Revenue Code citations which appeared in the Act. Written comments pointed out that the citations were incomplete unless additional Internal Revenue Code Section or Treasury Department and Department of Labor regulations were also incorporated. The final rule, therefore, refers to the requirements of the three agencies without specific citations.

One respondent suggested that SBA list all corporate actions that require the participants to direct the trust on the manner of voting. Since the laws of the various states are not uniform and the charter or by-laws of the various employers can impose different requirements, it is not possible for SBA to list all of the specific actions which would be subject to this requirement in every situation.

In § 122.303(a) SBA recognized, too late to change the proposed regulation, that our requirements went beyond the scope of the legislation. This was also pointed out in the written comments. As amended, the final rule no longer requires a qualifying trust to have sufficient shares to give it negative control in case of a sale. To give the employee participants some voice in their job future we have added two provisions—§ 122.306(a) (7) and (8)—that allow them a right of first refusal in case of voluntary sale or liquidation and that prevent the employer from limiting the amount of voting control that a trust or employee benefit plan can acquire.

The final rule contains a new section, 122.304, entitled Amount and Term. An oral suggestion was received that the obligation of the employee organization should be considered independently of any obligations of the small business to SBA. The wording of the enabling legislation prevents SBA from taking this posture. The law states (1) that a loan to an employee organization should be treated as a loan to the small business concern and (2) that these loans are 7(a) loans. Therefore, the loans to the employer, employee organization and any other affiliates must be considered together and all such loans, combined, are subject to a single $500,000 limit. The maturity of these loans is limited to 25 years.

This regulation applies only to the maximum loan maturity under section 7(a) and does not, in any way, modify the regulation of any other agency.

As the proposed rule was written, it appeared that the voting requirements applied only after the employer securities were allocated (generally not until the loan is paid and all encumbrances are released). Also, it appeared that the transfer of ownership was not accomplished until all securities purchased with loan proceeds had been allocated. The final rule (§ 122.306) clarifies that the employee participants direct the voting of the employer securities that have been or will be allocated to their individual accounts and that the change of ownership is accomplished as soon as the securities are registered in the trust's name. It is the intent of SBA that employee participants will determine how shares purchased with SBA loan funds will be voted and to avoid a situation where a trustee is unduly influenced by the employer in voting these shares.

An oral question was presented requesting clarification of when an SBA loan guarantee is made for the purpose of a major change of ownership. The question related to a situation where a trust borrows with an SBA guarantee for growth purposes. If, due to previous stock acquisitions, the stock purchased with the loan proceeds represented between 50 percent and 51 percent could SBA make the loan? While the regulation does not specifically address this situation, SBA will consider the intended use of proceeds as the determining factor. If the loan purpose is to provide funds for corporate growth, not to effect a majority change of ownership, the percentage of stock owned by the employee organization after the transaction would not be a material factor.

Accordingly, pursuant to the authority contained in sections 3(c)(3) and 5(b)(6) of the Small Business Act [115 U.S.C. 631 *et seq.*], Part 122, Chapter I, Title 13 of the Code of Federal Regulations, is hereby amended as follows:

1. Present Part 122 is amended by designating it as Subpart A.

2. Subpart B is added and reserved.

3. A new Subpart C is added to read as follows:

PART 122—BUSINESS LOANS

* * * * *

Subpart C—Loans to Qualified Employee Trusts

Sec.
122.301 Statutory provisions.
122.302 Definitions.
122.303 Policy.
122.304 Amount and term (maturity).
122.305 Applicability of other SBA regulations.
122.306 Eligibility.
122.307 Change of ownership.
122.308 Credit requirements.
122.309 Application procedure.

Subpart C—Loans to Qualified Employee Trusts

§ 122.301 Statutory provisions.

The statutory authorities for these loans appear at 15 U.S.C. 632(c), and 636(a).

§ 122.302 Definitions.

These definitions are used to clarify this regulation and supplement, but do not amend or modify, the Internal Revenue Code or Treasury Department or Labor Department definitions in their ESOP or ERISA (Employee Retirement Income Security Act of 1974) regulations. As used in this Subpart:

Act means the Small Business Act, 15 U.S.C. 631 *et seq.*

Employee means, in the case of a loan not involving a change of majority ownership of the employer concern's voting stock, every person who has been on the payroll of the employer concern as a permanent, full-time employee in any capacity for at least 30 days prior to the date SBA receives the application for a loan guarantee. In case of a loan guarantee to an employee trust to effect a change of the majority ownership (at least 51 percent) of the employer concern, employee means every person on the payroll of such concern as a permanent, full-time employee in any capacity at the time such majority ownership is acquired. (Any person who has worked, or is hired to work, 1,000 or more hours over 12 consecutive months is considered a full-time, permanent employee.)

Employee Organization means an entity representing at least 51 percent of the employees of the employer concern and which maintains a trust treated as an employee trust.

Employee Trust means a qualified employee trust or a trust (described in § 122.306(b)) maintained by an employee organization.

Employer Concern means the present, or prospective, small business concern with respect to which an employee trust is receiving an SBA loan guarantee. It does not include a proprietorship, partnership, cooperative or other form of business organization.

ESOP means an employee stock ownership plan as defined in the Internal Revenue Code, Treasury Department regulations and Department of Labor regulations.

Qualified Employee Trust means, with respect to a small business concern, a trust which forms a part of an ESOP (or a part of an employee benefit plan that is treated as an ESOP for SBA loan guarantee purposes):

(a) Which is maintained by such concern;

(b) Which represents at least 51 percent of the employees;

(c) Which provides that each plan participant is entitled to direct the plan how to vote the qualifying employer securities which are or will be (as the SBA guarantee loan is repaid and encumbrances are removed) allocated to the account of such participant with respect to corporate matters which by law, charter or by-laws must be decided by a majority vote of outstanding qualifying employer securities voted; and

(d) Which the Internal Revenue Service has qualified in writing or which has been exempted in writing from appropriate Labor Department regulations governing Employee Benefit Plans under ERISA.

Qualifying Employer Securities means, for SBA purposes, an employer security which is (a) stock or otherwise an equity security or (b) a bond, debenture, note, certificate or other evidence of indebtedness which is described in the ESOP provisions of the Internal Revenue Code. Warrants and options are excluded.

Small Business Concern means a corporation organized or chartered under State law that is eligible for an SBA guaranteed loan under section 7(a) of the Act.

§ 122.303 Policy.

Subject to the limitations in this Subpart, SBA may guarantee a loan under section 7(a) of the Act:

(a) To a qualified or other employee trust which may be treated as a qualified employee trust that represents at least 51 percent of the employees and that is maintained by a continuing small business concern which is seeking to finance its corporate growth through the use of a loan from the trust; or

(b) To a qualified or other employee trust representing at least 51 percent of the employees to purchase at least 51 percent of the voting control of a business operated for profit which is (1) a small business concern or (2) a business controlled by another person or entity if, after the purchase is accomplished, such business would be a small business concern.

§ 122.304 Amount and term (maturity).

(a) *Amount.* SBA can guarantee obligations of the employee organization, the employer and all other affiliates in a combined amount not to exceed $500,000.

(b) *Maturity.* These loans have a maximum maturity of 25 years.

§ 122.305 Applicability of other SBA regulations.

All regulations of this chapter applicable to borrowers under section 7(a) of the Act shall apply to the employer concern except as provided in this section.

(a) The borrower receiving these loan guarantees must be an eligible employee trust as described in this subpart.

(b) SBA's assistance is available only as a loan guarantee (deferred participation).

(c) Repayment ability shall be based on the reasonable prospects of success of the employer concern.

(d) Personal guarantees of the participants in the plan and trust, including those having managerial responsibilities, shall not be required as a condition of the loan guarantee.

(e) The individual business experience or personal assets of the employee-owners shall not be used as criteria in determining whether to guarantee a loan; in the case, however, where certain employee-owners may assume managerial responsibilities, SBA may consider business experience.

(f) An employee trust may apply for a loan guarantee to purchase a business which, by reason of affiliation with another person or entity, is other than small if, after the purchase is accomplished, such business would be an eligible small business concern. Such purchase shall be deemed accomplished when at least 51 percent of the total voting stock of the employer concern is registered in the name of the trust to be allocated to the accounts of at least 51 percent of the employees no later than the date the guaranteed loan is repaid or as soon thereafter as is consistent with provisions in the Internal Revenue Code and regulations thereunder.

§ 122.306 Eligibility.

(a) *Qualified Employee Trust.* A qualified employee trust shall be eligible for an SBA loan guarantee to assist a small business employer concern if the trustee of the trust enters into an agreement with SBA which is binding on both the trust and the small business concern and which provides that:

(1) The SBA guaranteed loan shall be used solely for the purchase of qualifying employer securities,

(2) The employer concern agrees to use funds received from the employee trust solely for the business purposes for which the loan was guaranteed,

(3) The employer concern agrees to provide the funds necessary for the trust to repay loan principal plus interest,

(4) The property of the employer concern shall be available as security for repayment of the loan,

(5) All unencumbered qualifying employer securities acquired by the trust using SBA guarantee loan funds shall be allocated to the accounts of plan participants who are entitled to share in the allocation,

(6) Each plan participant has a nonforfeitable (vested) right, not later than the date such loan is repaid, to all such allocated qualifying employer securities which are acquired with SBA guarantee loan funds,

(7) The employer concern agrees that an employee organization owning less than 51 percent of the voting control will have a 90 day "right of first refusal" before the business is relocated, sold, liquidated or otherwise loses its identity as an independently owned and operated small business concern by any means other than court action, and

(8) The employer concern has placed no maximum or minimum limits on the percentage of voting stock that the employee organization is allowed to purchase and control.

(b) *Trust equivalent to a qualified employee trust.* A trust may be treated as a qualifying employee trust for the purposes of an SBA loan guarantee if:

(1) Such trust is maintained by an employee organization which represents at least 51 percent of the employees of such concern:

(2) The trust is part of a plan which constitutes an employee benefit plan under the Department of Labor (DOL) regulations implementing ERISA or has a written DOL exemption from such regulations and the plan:

(i) Is designed to invest primarily in qualifying employer securities,

(ii) Provides that each plan participant is entitled to direct the trustee in the manner of voting all qualifying employer securities acquired with SBA loan guarantee funds that have been or, as the SBA loan is repaid, will be allocated to the participants' accounts, on all corporate matters which, by law, charter or by-laws, must be decided by a majority vote of the qualifying employer securities voted.

(iii) Which provides that each participant who is entitled to distribution from the plan has a right, with respect to qualifying employer securities not readily tradable on an established market, to require that the employer concern repurchase such securities under either a fair valuation formula, appraisal requirement or other method any of which the Internal Revenue Service or the Labor Department has accepted in writing, and

(iv) Which provides procedures for including future employees in the plan, and

(3) The trust, with respect to an SBA loan guarantee, enters into an agreement with SBA setting forth the provisions outlined in paragraph (a) of this section.

§ 122.307 Change of ownership.

When the purpose of a loan guarantee to an employee trust is to purchase at least 51 percent of the stock for the benefit of at least 51 percent of the employees of a small business concern or a business controlled by another person or entity, the trustee must include, without limitation, in a proposed agreement with SBA to be submitted with the application for the guarantee the requirements that:

(a) Subsequent to such purchase, the small business will be a corporation which is:

(1) A small business concern, and

(2) Is not under the effective control (as defined in Part 121 of this Chapter), directly or indirectly, of the seller, and

(b) Not later than the date the guaranteed loan is repaid (or as soon thereafter as is consistent with the requirements of the Internal Revenue Code of 1954) at least 51 percent of the total voting stock of the small business shall be allocated to the accounts of at least 51 percent of the employees,

(c) There will be annual reviews by the plan participants or by the trustee of the role of the employees in the management of such concern,

(d) There will be adequate management to assure management expertise and continuity, and

(e) The trustee shall report annually to the lender with respect to the requirements of this section.

§ 122.308 Credit requirements.

(a) *Management ability.* The small business concern must maintain adequate managerial ability which may

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be derived from contracts with employee-owners, or from others. The individual business experience of employee-owners may be considered only when such persons assume managerial responsibilities. An employee trust relying on the expertise of other than employee-owners shall endeavor to train employee-owners for management responsibilities in order to accelerate the assumption of managerial responsibilities by employee-owners no later than the date the guaranteed loan is repaid.

(b) *Repayment ability.* In determining whether there exists a reasonable assurance of repayment by the employee trust pursuant to § 122.305(c), SBA shall consider the earnings history and projected future earnings of the employer concern together with its ability to make the necessary payments to the trust. An employee trust owning less than 51 percent of the total stock of the employer concern may—but is not required to—provide a plan whereby contributions from the participants to the trust will supplement the small business concern's payment in order to establish repayment ability.

(c) *Personal resources.* In determining whether to guarantee any loan under this Subpart C, SBA shall not consider the personal assets of employee-owners or other owners of the small business concern. The terms of the loan may require, however, that the small business concern dispose of assets not required by it in the conduct of its business or not reasonably necessary to its potential healthy growth.

(d) *Competitiveness.* The trustee must document in the application that funds generated from the employee trust will enable the small business concern to overcome present competitive difficulties, if any, which may have an adverse impact on the small business concern's prospects of success, including (without limitation) plant obsolescence or the need for regulatory compliance.

§ 122.309 Application procedure.

Applications for these loans shall be submitted by a participating lender following the procedures for all section 7(a) guaranteed loans, including (without limitation) proof of refusal of the required financial assistance as specified in § 120.2(a)(1) of these regulations. Applications shall be made on SBA Forms 4 and 4I, which are incorporated herein by this reference, and shall include the agreement described in § 122.306 or § 122.307.

(Catalog of Federal Domestic Assistance No. 59.012 (Small Business Loans))

Date: September 9, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-27270 Filed 9-17-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 151

[T.D. 81-240]

Customs Regulations Amendments Relating to the Examination of Merchandise; Correction

AGENCY: Customs Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects the text of a final rule concerning the Customs Regulations relating to the examination of merchandise which was published as T.D. 81-240 (FR Doc. 81-2460) in the **Federal Register** on September 10, 1981 (46 FR 45128).

FOR FURTHER INFORMATION CONTACT: Lawrence P. Dunham, Regulations Control Branch, Customs Service (202-566-8237).

The following correction is made to the final rule document:

On page 45130 left-hand column, the sentence under the caption "AMENDMENTS TO THE REGULATIONS" is corrected to read "Sections 151.1 and 151.2(a), Customs Regulations (19 CFR 151.1, 151.2(a)), are revised to read as follows:"

Dated: September 14, 1981.

Steven I. Pinter,

Acting Director, Regulations Control and Disclosure Law Division.

[FR Doc. 81-27216 Filed 9-17-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Certification of True Copies

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority regarding certification of true copies and use of the Department seal. On June 19, 1981, the Acting Director, Office of Management, Public Health Service issued a new delegation of authority relating to certification of true copies which superseded the previous delegation and all redelegations. This amendment reestablishes the redelegations of authority to certify true copies and use the Department seal to officials in the agency. Position and organization titles have been corrected where appropriate.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in that position in an acting capacity or on a temporary basis.

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Therefore, under the Federal Food, and Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 5 is amended by revising § 5.22 to read as follows:

§ 5.22 Certification of true copies and use of Department seal.

(a) The following officials are authorized to certify true copies of or extracts from any books, records, papers, or other documents on file within the Food and Drug Administration, to certify that copies are true copies of the entire file, to certify the complete original record, or to certify the nonexistence of records on file within the Food and Drug Administration, and to cause the seal of the Department to be affixed to such certifications:

(1) Associate and Deputy Associate Commissioners.

(2) The Director of the Executive Coordination Staff of the Office of Policy Coordination.

(3) Executive Officer, Office of the Commissioner.

(4) The Director of the Division of Management Systems and Policy of the Office of Management and Operations and the Chief of the Dockets Management Branch of that Division and Office.

(5) The Director of the Freedom of Information Staff of the Office of Public Affairs.

(6) The Executive Director and Deputy Executive Director of Regional Operations; and the Associate Director for Administration, the Associate Director and Deputy Associate Director for Field Support, and the Associate Director for Federal-State Relations of the Executive Director of Regional Operations.

(7) The Director and Deputy Director of the Bureau of Drugs; and the Director of the Office of Planning, Evaluation, and Management, the Associate Director and Deputy Associate Director for Compliance, and the Directors of the Divisions of: Methadone Monitoring; Drug Quality Evaluation; Drug Labeling Compliance; and Drug Quality Compliance of that Bureau.

(8) The Director and Deputy Director of the Bureau of Foods; and the Associate Director for Planning and Operations, the Associate Director for Compliance, and the Directors of the Divisions of: Regulatory Guidance; Food Technology; and Cooperative Programs of that Bureau.

(9) The Director and Deputy Director of the Bureau of Radiological Health; and the Associate Director for Management and Systems and the Director of the Division of Compliance of that Bureau.

(10) The Director and Deputy Director of the Bureau of Biologics; and the Associate Director for Compliance and the Director of the Division of Compliance of that Bureau.

(11) The Director of the Bureau of Veterinary Medicine; and the Executive Officer, the Associate Director and Deputy Associate Director for Surveillance and Compliance, and the Director and Deputy Director of the Division of Compliance of that Bureau.

(12) The Director and Deputy Director of the Bureau of Medical Devices; and the Assistant Director for Program Operations, the Associate Director for Compliance, and the Director of the Division of Compliance Operations of that Bureau.

(13) The Director and the Director of the Office of Management of the National Center for Toxicological Research.

(14) Regional Food and Drug Directors and District Directors.

(15) Director, Winchester Engineering and Analytical Center.

(16) Director, Minneapolis Center for Microbiological Investigations.

(b) The following officials are authorized to cause the seal of the Department to be affixed to agreements, awards, citations, diplomas, and similar documents:

(1) Associate and Deputy Associate Commissioners.

(2) The Director of the Division of Personnel Management of the Office of Management and Operations.

(c) The Federal Register Writer and his/her alternates of the Office of Regulatory Affairs are authorized to certify true copies of **Federal Register** documents.

Effective date. This regulation shall be effective September 18, 1981

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: September 9, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs

[FR Doc. 81–26936 Filed 9–17–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Parts 436, 442, 446, 449, 450, and 455

[Docket No. 81N–0215]

Antibiotic Drugs; Updating and Technical Changes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic regulations by making corrections, by updating, and by making minor noncontroversial technical changes in the regulations providing for the certification of antibiotic and antibiotic-containing drugs for human use. These changes will result in more accurate and usable regulations that reflect current certification practices.

DATES: Effective September 18, 1981; comments, notice of participation, and request for hearing by October 19, 1981; data, information, and analyses to justify a hearing by November 17, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA is amending the antibiotic drug regulations by making corrections, by updating, and by making minor noncontroversial technical changes in several antibiotic drug regulations that provide for certification of antibiotic and antibiotic-containing drugs intended for human use. To aid in understanding the types of changes included in this document, the changes have been grouped into three general classes for discussion in this preamble: Monograph corrections, updating, and technical changes.

Monograph Corrections

1. In § 436.105 (a) and (b), the tables are corrected by alphabetically inserting the item "Natamycin" into the tables. Paragraph (b) is also corrected by adding the item "Not dried" in the second column and changing the footnote reference from "5" to "6". These items were published in the **Federal Register** on November 28, 1978 (43 FR 55382), but were inadvertently omitted from the Code of Federal Regulations.

2. In § 442.25a(a)(1)(vii), the word "sodium" is added to state clearly that the amount of test method sample is measured in weight, not activity.

3. In §§ 446.275a, 446.275b, 446.276a, and 446.276b, in paragraph (b)(1) of each section, the figure in the last sentence is corrected. The figure appeared correctly in the **Federal Register** published on March 17, 1978 (43 FR 11151), but was incorrectly printed in the Code of Federal Regulations.

4. In § 446.381b(b)(3), the test method reference is corrected.

5. In § 449.120d, the second paragraph (b)(1)(ii) is removed. It was correctly removed in the **Federal Register** published on April 6, 1979 (44 FR 20659), but was inadvertently printed in the Code of Federal Regulations.

6. In § 450.220(b)(5), the test reference is corrected to refer to the appropriate test method.

7. In § 455.310a, paragraph (b)(1)(i) and (ii) is removed. It was correctly removed in the **Federal Register** published on December 19, 1978 (43 FR 59057), but was inadvertently printed in the Code of Federal Regulations.

Updating

1. In § 442.25a, the heading and the first sentence in paragraph (a)(1) are updated by moving the word "sodium" to follow the word "cephalothin" to reflect current nomenclature.

2. In § 450.220, the last sentence in paragraph (a)(1) is updated by referencing the dactinomycin used in the preparation of the injectable dosage form to the requirements for crystallinity in the bulk drug monograph.

Technical Changes

1. In § 436.105(a), the inoculum size for the item "Natamycin" in the seventh column in the table is revised from 0.25 milliliter to 0.8 milliliter to reflect the amount of inoculum currently used in the FDA laboratory.

2. In § 436.204(b)(1), the diluent for the item "Dicloxacillin", in the third column

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in the table is changed from distilled water to buffer to correspond with the current laboratory method.

3. In § 446.150(a)(1), the limit for moisture content for methacycline hydrochloride capsules is raised from 5.0 to 7.5 percent. The sole manufacturer has submitted adequate stability data to support the higher limit.

4. In §§ 446.275a, 446.275b, 446.276a, and 446.276b, in the last two sentences of paragraph (b)(1) in each section, the word "sterile" is deleted in reference to sterile distilled water in the description of the sample preparation. A study by FDA's laboratory, the National Center for Antibiotics Analysis, demonstrates that distilled water used in the microbiological turbidimetric assay of rolitetracycline need not be sterile.

5. In § 446.381b(b)(1), the first sentence is revised to provide for the use of polysorbate 80. The addition of polysorbate 80 greatly facilitates the handling of the assay solution of tetracycline hydrochloride ophthalmic suspension and reflects the official method.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701(f), (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f), (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Part 436 is amended:

a. In § 436.105(a) and (b), by alphabetically inserting the item "Natamycin" in the respective tables to read as follows:

§ 436.105 Microbiological agar diffusion assay.

* * * * *

(a) * * *

Antibiotic	Media to be used (as listed by medium number in § 436.102(b))		Milliliters of media to be used in the base and seed layers		Test organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar (milliliters)	Incubation temperature for the plates (degrees C.)
	Base layer	Seed layer	Base layer	Seed layer			
*	*	*	*	*	*	*	*
Natamycin	None	19	None	8	E	0.8	29–31
*	*	*	*	*	*	*	*

(b) * * *

Antibiotic	Working standard stock solutions				Standard response line concentrations		
	Drying conditions (method number as listed § 436.200)	Initial solvent	Diluent (solution number as listed in § 436.101(a))	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Diluent	Final concentrations, units or micrograms of antibiotic activity per milliliter
*	*	*	*	*	*	*	*
Natamycin	Not dried		Dimethylsulfoxide	1 mg[a]	Use same day	10	3.20, 4.00, 5.00, 6.25, 7.81 µg. (Prepare the standard response line solutions simultaneously with the sample solution to be tested using red low actinic glassware. Use solutions within 2 hours after preparation.)
*	*	*	*	*	*	*	*

[a] Further dilute aliquots of the working standard stock solution with dimethylsulfoxide to give concentrations 64.0, 80.0, 100, 125, and 156 micrograms per milliliter.

§ 436.204 [Amended]

b. In § 436.204 *Iodometric assay*, paragraph (b)(1) is amended in the table in the third column for the item "Dicloxacillin" by changing the entry "Distilled water" to "1".

PART 442—CEPHA ANTIBIOTIC DRUGS

2. Part 442 is amended in § 442.25a by revising the heading of the section, by revising the first sentence in paragraph (a)(1), and by revising paragraph (a)(1)(vii) to read as follows:

§ 442.25a Sterile cephalothin sodium.

(a) * * * (1) *Standards of identity, strength, quality, and purity.* Sterile cephalothin sodium is the sodium salt of the compound formed by reaction of thiophene-2-acetic acid with 7-amino-cephalosporanic acid. * * *

* * * * *

(vii) The specific rotation in an aqueous solution containing 50 milligrams of cephalothin sodium per milliliter at 25° C is +129°±5°.

* * * * *

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

3. Part 446 is amended:

a. In § 446.150a(a)(1), by revising the fourth sentence to read as follows:

§ 446.150a Methacycline hydrochloride capsules.

(a) * * * (1) *Standards of identity, strength, quality, and purity.* * * * The moisture content is not more than 7.5 percent. * * *

* * * * *

b. In § 446.275a by revising the last two sentences in paragraph (b)(1) to read as follows:

§ 446.275a Rolitetracycline for intravenous use.

* * * * *

(b) * * * (1) *Potency.* * * * Dilute the sample thus obtained with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 0.24 microgram of rolitetracycline per milliliter (estimated).

* * * * *

c. In § 446.275b by revising the last two sentences in paragraph (b)(1) to read as follows:

§ 446.275b Rolitetracycline for intramuscular use.

* * * * *

(b) * * * (1) *Potency.* * * * Dilute the sample thus obtained with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 0.24 microgram of rolitetracycline per milliliter (estimated).

* * * * *

d. In § 446.276a by revising the last two sentences in paragraph (b)(1) to read as follows:

§ 446.276a Rolitetracycline nitrate for intravenous use.

* * * * *

(b) * * * (1) *Potency.* * * * Dilute the sample thus obtained with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 0.24 microgram of rolitetracycline per milliliter (estimated).

* * * * *

e. In § 446.276b by revising the last two sentences in paragraph (b)(1) to read as follows:

§ 446.276b Rolitetracycline nitrate for intramuscular use.

* * * * *

(b) * * * (1) *Potency.* * * * Dilute the sample thus obtained with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 0.24 microgram of rolitetracycline per milliliter (estimated).

* * * * *

f. In § 446.381b, by revising the first sentence in paragraph (b)(1) and by revising paragraph (b)(3) to read as follows:

§ 446.381b Tetracycline hydrochloride ophthalmic suspension.

* * * * *

(b) * * * (1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative portion of the sample into a high-speed glass blender jar with 1 milliliter polysorbate 80 and sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration containing not less that 150 micrograms of tetracycline hydrochloride per milliliter (estimated). * * *

* * * * *

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

PART 449—ANTIFUNGAL ANTIBIOTIC DRUGS

§ 449.120d [Amended]

4. Part 449 is amended in § 449.120d by removing the second paragraph (b)(1)(ii).

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

5. Part 450 is amended in § 450.220 by revising the last sentence in paragraph (a)(1) and by revising paragraph (b)(5) to read as follows:

§ 450.220 Dactinomycin for injection.

(a) * * * (1) * * * The dactinomycin used conforms to the standards prescribed by § 450.20a(a)(1)(i), (v), (vi), and (vii).

* * * * *

(b) * * *

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

* * * * *

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

§ 455.310 [Amended]

6. Part 455 is amended in § 455.310a *Chloramphenicol ophthalmic solution* by removing paragraph (b)(1)(i) and (ii).

These amendments are corrective, editorial, or of a minor technical nature. Because the amendments are not controversial and because when effective they provide notice of accepted standards, FDA finds that notice and public procedure and delayed effective date are unnecessary and not in the public interest. The amendments, therefore, are effective September 18, 1981. However, interested persons may, on or before October 19, 1981, submit to the Dockets Management Branch (address above), written comments on these amendments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before October 19, 1981, a written notice of participation and request for hearing, and (2) on or before November 17, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the fact of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order, with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective September 18, 1981.

(Secs. 507, 701 (f), (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f), (g)))

Dated: September 9, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-26937 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 455

[Docket No. 81N-0251]

Antibiotic Drugs; Rifampin Capsules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the certification of a new strength of refampin capsule. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective September 18, 1981; comments, notice of participation, and request for hearing by October 19, 1981; data, information, and analyses to justify a hearing by November 17, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new strength (150 milligrams) of rifampin capsule. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Part 455 (21 CFR Part 455) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 455 is amended in § 455.170a by revising the second sentence in paragraph (a)(1) to read as follows:

§ 455.170a Rifampin capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* * * * Each sample contains 150 milligrams or 300 milligrams of rifampin. * * *

* * * * *

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act, FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective September 18, 1981. However, interested persons may, on or before October 19, 1981, submit written comments on this rule to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before October 19, 1981, a written notice of participation and request for hearing, and (2) on or before November 17, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective September 18, 1981.

(Secs. 507, 701(f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f) and (g)))

Dated: September 10, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-26910 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Diethylcarbamazine Citrate Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Wellcome Animal Health Division, Burroughs Wellcome Co. The NADA provides for the use of diethylcarbamazine citrate tablets for the prevention of heartworm disease and as an aid in the control of ascarid infections in dogs and cats.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: The Wellcome Animal Health Division, Burroughs Wellcome Co. (Burroughs Wellcome), Kansas City, MO 64108, filed an NADA (124-842) providing for the use of Filban Tablets (diethylcarbamazine citrate tablets). The tablets contain 60, 120, or 180 milligrams (mg) of diethylcarbamazine citrate and are labeled for the prevention of heartworm disease caused by *Dirofilaria immitis* in dogs, as an aid in the control of ascarid infections caused by *Toxocara canis* in dogs, and as an aid in the treatment of ascarid infections caused by *Toxocara canis* and *Toxascaris leonina* in dogs and cats.

The product is similar to another tablet that was the subject of a National Academy of Sciences/National Research Council (NAS/NRC) review published in the **Federal Register** of January 8, 1969 (34 FR 275). The NAS/NRC review stated, and the agency concurred, that the drug is effective as an aid in the treatment of ascarid infections in dogs and cats when administered at 25 to 50 mg per pound of body weight as a single dose with a repeat dose given after 10 to 20 days. Sponsors of NADA's for products that did not reflect the conclusions of the review were required to update their application by submitting revised labeling or adequate documentation to support the labeling used. Those sponsors whose NADA's satisfied the requirements of the NAS/NRC review or were found equivalent to the NAS/NRC reviewed products are codified in the regulations in 21 CFR 520.620 and 520.622.

An NAS/NRC review of a diethylcarbamazine medicated premix was published in the **Federal Register** of June 16, 1970 (35 FR 9869). The review concluded that the product is probably effective as an aid in the prevention and elimination of large roundworms in dogs when given as directed in feeds. The agency upon review of additional data concluded that the product is effective for this purpose. The review established the effectiveness of the drug for use in the prevention of ascarid infections.

Burroughs Wellcome submitted data from a controlled artificial challenge study and from published literature to demonstrate that their product is safe and effective for the prevention of heartworm disease (*Dirofilaria immitis)* in dogs. The agency has granted a waiver from the requirements of 21 CFR 514.111(a)(5)(ii) for further efficacy studies regarding use of the drug for this use. The ascarid claims are approved on the basis of the NAS/NRC reviews.

The agency concludes that the NADA establishes safe and effective uses for Filban Tablets. The application is approved and the regulations amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Director, Bureau of Veterinary Medicine, has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Director's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f) (1) and (2) and (g)) may be seen in the Dockets Management Branch, Food and Drug Administration.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.622a by adding new paragraph (a)(5) to read as follows:

§ 520.622a Diethylcarbamazine citrate tablets.

(a) *Sponsors.* * * *

(5) See 000081 in § 510.600(c) of this chapter for use of 60, 120, or 180 milligram tablets for prevention of heartworm disease in dogs, as an aid in the control of ascarid infections in dogs, and as an aid in the treatment of ascarid infections in dogs and cats.

* * * * *

Effective date. September 18, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 11, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-26985 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Styrylpyridinium Chloride and Diethylcarbamazine Film-Coated Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by American Cyanamid Co. providing for use of film-coated tablets containing styrylpyridinium and diethylcarbamazine as an aid in the control of large roundworms and hookworms and in the prevention of heartworm disease in dogs.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, filed an NADA (121-813) providing for use of film-coated tablets containing styrylpyridinium and diethylcarbamazine as a combination oral anthelmintic in dogs. The film-coated tablets contain the equivalent of 50 milligrams of styrylpyridinium chloride and 60 milligrams of diethylcarbamazine citrate for daily treatment of dogs weighing 20 pounds, or 87.5 milligrams of styrylpyridinium chloride and 105 milligrams of diethylcarbamazine citrate per 35 pounds, or 125 milligrams of styrylpyridinium chloride and 150 milligrams of diethylcarbamazine citrate per 50 pounds, or 162.5 milligrams of styrylpyridinium chloride and 195 milligrams of diethylcarbamazine citrate per 65 pounds. The tablets are new formulations of approved drugs which are currently codified as 21 CFR 520.2160a and 520.2160b. The new formulations incorporate the same drugs, in similar amounts, at similar dosages, and for similar uses. In approving this application the Director of the Bureau of Veterinary Medicine has waived, as provided in 21 CFR 514.111(a)(6), the requirement to perform adequate and well-controlled studies to demonstrate the effectiveness of the product. The new formulation (NADA 121-813) is supported by in vitro bioequivalency studies and has been adequately shown to be safe for its intended uses.

The NADA is approved and the regulations amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.2160d, to read as follows:

§ 520.2160d Styrylpyridinium, diethylcarbamazine film-coated tablets.

(a) *Specifications.* Each film-coated tablet contains the equivalent of 50 milligrams of styrylpyridinium chloride and 60 milligrams of diethylcarbamazine citrate, or 87.5 milligrams of styrylpyridinium chloride and 105 milligrams of diethylcarbamazine citrate, or 125 milligrams of styrylpyridinium chloride and 150 milligrams of diethylcarbamazine citrate, or 162.5 milligrams of styrylpyridinium chloride and 195 milligrams of diethylcarbamazine citrate.

(b) *Sponsor.* See No. 010042 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* The equivalent of 2.5 milligrams of styrylpyridinium chloride and 3 milligrams of diethylcarbamazine citrate per pound of body weight per day.

(2) *Indications for use.* Administer to dogs as an aid in the control of large roundworms (*Toxocara canis*) and hookworms (*Ancylostoma caninum*) and in the prevention of heartworm disease (*Dirofilaria immitis*).

(3) *Limitations.* Dogs with established heartworm infections should not be treated until they have been converted to a negative status. Administration to heartworm infected dogs may cause adverse reactions due to pulmonary occlusion.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation is effective September 18, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 11, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-26986 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Fair Housing and Equal Opportunity

24 CFR Part 115

[Docket No. R-81-915]

Recognition to Fair Housing Laws of States and Localities as Being Substantially Equivalent to Title VIII

AGENCY: Office of Fair Housing and Equal Opportunity, Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This rule amends current regulations which provide for recognition of State and local fair housing laws which provide rights and remedies substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968. The amendment grants recognition to additional jurisdictions which now meet the legal and performance standards for recognition.

EFFECTIVE DATE: September 13, 1981.

FOR FURTHER INFORMATION CONTACT: Steven J. Sacks, Director, Federal, State and Local Programs Division, Fair Housing Enforcement and Section 3 Compliance, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451-7th Street, SW., Washington, D.C. 20410 (202) 426-3500. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On April 16, 1981, the Department of Housing and Urban Development published in the **Federal Register** (46 FR 22204) a notice of proposed rulemaking that pursuant to Section 810(c) of Title VIII of the Civil Rights Act of 1968, as amended, it was proposing to grant recognition to the fair housing laws of two States and nine localities as being substantially equivalent to Title VIII. The evaluation of the fair housing laws of these two States and nine localities was conducted in accordance with the provisions of 24 CFR Part 115, with particular reference to §§ 115.2(a), 115.3 and 115.8. In the notice of proposed rulemaking of April 16, 1981, those sections were set forth to provide appropriate information to all parties with an interest in HUD's proposed action.

All interested persons and organizations were invited to submit written comments on or before May 18, 1981. Only one comment was received. With respect to the City of Detroit, Michigan, originally proposed for recognition, the Department received a comment that the Detroit Omnibus Human Rights Ordinance had been declared unconstitutional by the Wayne County Circuit Court on December 22, 1980. The Department's Office of General Counsel reviewed the decision of the Circuit Court and based on that decision rescinded the December 15, 1980 legal analysis which concluded that the Detroit fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to those provided in Title VIII. Accordingly, we have not included this jurisdiction in the final rule. No comments were received with respect to the two States and eight of the localities which are, therefore, listed in this final rule.

States

Illinois
Washington

Localities

Clearwater, Fla.
Kansas City, Kans.
Lincoln, Nebr.
Minneapolis, Minn.
New York City, N.Y.
Orlando, Fla.
Pittsburgh, Pa.
Raleigh, N.C.

In order to permit these States and localities to have an opportunity to participate in essential training for fiscal

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year 1981, this rule must be effective at the earliest possible time. Therefore, it would be impracticable to delay the effective date of this rule for the 30-day period provided in 5 U.S.C. 553(d).

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Catalog of Federal Domestic Assistance Program titles and numbers are Equal Opportunity in Housing, 14.400 and Fair Housing Assistance Program, 14.401.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this Rule does not have a significant economic impact on a substantial number of small entities.

PART 115—RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS

Accordingly, 24 CFR 115.11 is revised to read as follows:

§ 115.11 Jurisdictions with substantially equivalent laws.

The following jurisdictions are recognized as providing rights and remedies for alleged discriminatory housing practices substantially equivalent to those in the Act, and complaints will be referred to the appropriate State or local agency as provided in § 115.6.

States

Alaska
California
Colorado
Connecticut
Delaware
Illinois
Indiana
Iowa
Kansas
Kentucky
Maine
Maryland
Massachusetts
Michigan
Minnesota
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
Oregon
Pennsylvania
Rhode Island
South Dakota
Virginia
Washington
West Virginia
Wisconsin

Localities

Charleston, W.V.
Charlotte, N.C.
Clearwater, Fla.
District of Columbia
Fort Wayne, Ind.
Kansas City, Kans.
Lincoln, Nebr.
Minneapolis, Minn.
Montgomery County, Md.
New York City, N.Y
Omaha, Nebr.
Orlando, Fla.
Philadelphia, Pa.
Phoenix, Ariz.
Pittsburgh, Pa
Raleigh, N.C
Seattle, Wash.
Sioux Falls, S. Dak.
Tacoma, Wash.

(Sec. 810 (c) Civil Rights Act of 1968, (42 U.S.C. 3610); sec. 7(d) of the Department of HUD Act, (42 U.S.C. 3535(d)); sec. 7(o) of the Department of Housing and Urban Development Act, (42 U.S.C. 3535(o)); sec. 234 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., on August 11, 1981.

Antonio Monroig,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 81-27180 Filed 9-17-81; 8:45 am]

BILLING CODE 4210-01-M

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 234

[Docket No. R-81-929]

Condominium Projects; Mutual Mortgage Insurance and Insured Home Improvement Loans

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Housing and Urban Development (HUD).

ACTION: Interim rule.

SUMMARY: This rule provides for HUD/FHA mortgage insurance of condominium units in projects that have been approved for loan guaranty by the Administrator of Veterans Affairs. The rule also eliminates the requirement that a conventionally financed project be committed to a plan of condominium ownership at least twelve months prior to the time individual units are eligible for HUD/FHA mortgage insurance, although it is still required that the construction of the project be completed for twelve months prior to eligibility. Finally, the rule eliminates the requirement that at least 90 percent of the units be sold and the title conveyed with respect to conventionally financed projects. These changes are needed to facilitate homeowner purchases of condominium properties.

DATES: Effective date: September 18, 1981.

COMMENTS DUE: Comments must be received on or before November 17, 1981.

ADDRESS: Written comments should refer to the docket number and date and should be submitted to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single-Family Development Division, Department of Housing and Urban Development, Room 9270, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Housing and Community Development Act of 1980 was signed into law on October 8, 1980. Section 318 of the Housing and Community Development Act of 1980 authorizes the Department to insure, under Section 234(c) of the National Housing Act, individual unit mortgages in condominium projects which have been approved for guaranty or for a direct loan by the Veterans Administration. This authority is implemented by § 234.26(a)(4). Another change made by this interim rule concerns § 234.26(a)(3). Section 313(a) of the Housing and Community Development Amendments of 1978 (Pub. L. 95-557) amended Section 234(c) of the National Housing Act to authorize the Department to insure mortgages on individual condominium units in conventionally financed projects if construction of the project was completed more than twelve months prior to the application for mortgage insurance. When this authority was implemented by § 234.26(a)(3), a requirement was added that the project has been committed to a plan of condominium ownership at least twelve months prior to the application for mortgage insurance. In addition, it was required that 90 percent of the units in the project be sold and the title conveyed. This interim rule deletes these requirements.

The Secretary has determined that it is urgent that the benefits afforded by these amendments be made available as soon as possible. Publishing a notice of proposed rulemaking and given the public an opportunity for prior comment on these amendments would cause a substantial delay in making the benefits available. A delay could cause unnecessary hardships to homebuyers who need to use the changes to the regulations which the Act provides. Therefore, the Secretary finds that notice and prior public procedure on these regulations would be contrary to the public interest. Since these amendments relieve restrictions contained in present regulations, it is not necessary to delay the effective date of these provisions for the 30-day period provided in 5 U.S.C. 553(d). Comments received on the interim rule will be considered in the development of a final rule to be issued in this proceeding.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular hours in the Office of the Rules Docket Clerk at the address set forth above.

The following number identifies the program as listed in the Catalog of Federal Domestic Assistance, affected by this regulation change.

Section 234(c)=14.133 Mortgage Insurance—Purchase of Units in Condominiums (F)

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Accordingly, Chapter II of 24 CFR is amended as follows:

1. Section 234.26 is revised to read as follows:

§ 234.26

Project requirements.

No mortgage shall be eligible for insurance unless the following requirements are met:

(a) *Location of family unit.* The family unit shall be located in a project which the Commissioner determines to be acceptable, and which:

(1) Is or has been covered by a project mortgage insured under an FHA multifamily housing program; or

(2) Contains less than 12 units; or

(3) Contains 12 or more units and construction of the project was completed more than one year prior to the application for mortgage insurance. For purposes of this paragraph, the date on which construction was completed shall be the latest of the dates on which:

(i) All units have been substantially completed as evidenced by certificates of occupancy from a governmental entity or recorded certificates of completion executed by a registered or licensed architect or engineer; or

(ii) The declarant has completed all common elements and improvements which the declarant is obligated to complete by virtue of state condominium law or the condominium documents; or

(4) Has been approved by the Veterans Administration for its guaranty, insurance or direct loan programs.

(b) *Plan of condominium ownership.* The project shall have been committed to a plan of condominium ownership by a deed, or other recorded instrument, which is acceptable to the Commissioner.

(c) *Releases.* The family unit shall have been released from any mortgage covering the project or any part of the project.

(d) *Certificate by mortgagee.* The mortgagee shall certify that:

(1) The deed of the family unit and the deed or other recorded instrument committing the project to a plan of condominium ownership comply with all legal requirements of the jurisdiction.

(2) The mortgagor has good marketable title to the family unit subject only to the mortgage which is a valid first lien on the same.

(3) The family unit is assessed and subject to assessment for taxes pertaining only to that unit.

(e) *Conditions and provisions.* The Commissioner may require such conditions and provisions as he/she deems necessary for the protection of the consumer and public interest including, but not limited to, the execution of an agreement between the owners and the Commissioner which shall be made applicable to the Association and to any owner of a family unit.

(f) *Projects covered by an insured or Secretary-held mortgage.* Projects which are covered by an insured project mortgage, or mortgage held by the Secretary, must be in compliance with a conversion plan approved by the Commissioner. The conversion plan shall provide for:

(1) The termination by payment in full of the mortgage or by voluntary termination of the insurance contract covering any HUD/FHA-insured or Secretary-held mortgage on the project, unless the Commissioner determines that his/her interests and those of the individuals purchasing the family units are best served by not requiring the termination of the insurance or payment in full of the mortgage.

(2) On release of a family unit from the project mortgage, payment shall be made on the outstanding balance of the project mortgage in an amount equal to the share of the balance determined by HUD to be attributable to the family unit.

(3) The conveyance of family units, equal in value to at least 70 percent (or such lesser percentage as the Secretary may prescribe) of the total value of all units to owners approved by the FHA.

(4) The project mortgagee shall certify notwithstanding any provisions of the mortgage covering prepayment, that no charge is contemplated or has been collected for prepayment in full of the project mortgage.

(g) *Projects not covered by an insured or Secretary-held mortgage.* Projects which are not covered by an insured project or Secretary-held mortgage and which have not been approved by the Veterans Administration for its guaranty, insurance or direct loan programs shall meet the following additional requirements:

(1) Except with the approval of the Commissioner for the purpose of constructing or converting the project in phases or stages, any special right of the declarant (as declarant and not as a unit owner) to do any and all of the following has expired or has been waived in a recorded instrument:

(i) Add land or units to the condominium;

(ii) Convert common elements into additional units or limited common elements;

(iii) Withdraw land from the condominium;

(iv) Use easements through the common elements for the purpose of making improvements within the condominium or within any adjacent land; or

(v) Convert a unit into two or more units, common elements, or into two or more units and common elements.

(2) At least 70 percent (or such lesser percentage as the Commissioner may prescribe) of the family units shall be occupied by the owners or shall have been sold to owners who intend to occupy the units.

(Sec. 211 of the National Housing Act (12 U.S.C. 1709, 1715))

Issued at Washington, D.C., September 4, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-27179 Filed 9-17-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-91; Ref: Notice No. 353]

Fennville Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in southwestern Michigan to be known as "Fennville."

This viticultural area is located in Allegan and Van Buren Counties. The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of Fennville as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will help consumers better identify the wines from this distinctive grape-growing area.

EFFECTIVE DATE: October 19, 1981.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37671, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR for the listing of approved viticultural areas.

Section 9.11, Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

The Fenn Valley Winery of Fennville, Michigan, petitioned ATF to establish a viticultural area to be named "Fennville."

In response to this petition, ATF published a Notice of Proposed Rulemaking, No. 353, in the **Federal Register** on October 27, 1980 (45 FR 70910), proposing the establishment of the "Fennville" viticultural area.

Five comments were submitted in response to the notice. The comments were received from a State Senator, two State Representatives, a chairman of a county board of commissioners, and a representative of the State wine institute. All of the commenters supported the petition for the proposed viticultural designation.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This final rule relates to a notice of proposed rulemaking published prior to January 1, 1981 and, therefore, is not subject to the authority of the Regulatory Flexibility Act.

Public Hearing

A public hearing was held on this issue on February 3, 1981, in Douglas, Michigan, to gather evidence concerning the proposed area. The hearing included six scheduled speakers with an additional five persons giving testimony. The testimony given by these eleven persons and the information furnished with the petition is the criteria on which ATF bases this Treasury decision.

Historical and Current Evidence of the Name

The name of this area, Fennville, was well documented at the hearing as a fruit growing region within the State of Michigan. One of the witnesses testified that the area was initially named after his great-grandmother whose name was Fenn. This same individual stated that his great-grandfather operated a woodmill under the name "Fennmill." Another witness gave testimony that the current name "Fennville" came about as a mistake in printing of the schedule by a railroad company who refused to correct the mistake.

Witnesses also presented testimony that the area has a history dating back over 100 years for growing various fruits, including grapes for the production of wine. One witness stated that 100 years ago, his family grew grapes and sold them to wine merchants in Chicago. Another person verified that he personally knew of 27 different farms in the area that commercially grew grapes for either juice, jelly or wine. Currently, there are seven of these original 27 farms growing grapes commercially. Proprietors of two wineries, one located in the proposed area and one located 50 miles south, gave testimony as to the differences in character and taste of the same type of grapes grown in the two areas.

After evaluating the testimony presented and the written comments, ATF believes the historical and current evidence supports the name of the viticultural area as being a distinct grape-growing region.

Geographic Evidence

Testimony was given by representatives from the U.S. Department of Agriculture, Soil Conservation Service and Michigan State University's Cooperative Extension Service as to the geographical uniqueness of the proposed area. This testimony brought out the differences between the proposed area and the surrounding areas in regards to temperature, growing conditions, rainfall and soil. In addition, evidence was presented regarding the moderating effect of Lake Michigan on this area versus areas within a 30 mile radius. The Fennville area has average winter temperatures that are two degrees warmer and average summer temperatures two degrees cooler. Further, the proposed area averages only four days per year of above 90° Fahrenheit, while an area 30 miles northeast averages 15 such days. The lake effect of Lake Michigan has a moisture robbing effect which accounts for a decrease in rainfall from areas further inland. One witness testified that, individually, the geographical features which make the Fennville area unique can be found throughout Michigan or the country. However, it is the combination of these features (soil, soil drainage, moderating temperature, and growing season) which distinguishes Fennville from surrounding areas.

Based on this testimony and other general comparisons as to temperature and growing conditions of the Fennville area, ATF has determined that this area is distinguishable from the surrounding area.

Boundaries

The boundaries, as proposed, were established by the use of natural features on three sides and a longitudinal meridian on the fourth side.

Testimony was given which supported and verified that the proposed boundaries depict an area which is viticulturally distinctive from the surrounding area. The western boundary is the eastern shore of Lake Michigan. The north and south boundaries are the Kalamazoo River and the Middle Fork of the Black River, respectively. Testimony established the north and south boundaries as being boundaries of a glacial moraine and outwash plain which depicts the desirable soil characteristic for grape growing in this area. This glacial moraine and outwash plain meet at the intersection of the northern and eastern boundaries. The eastern boundary is the 86° 5′ west longitude meridian which separates the viticultural area from a 42,000 acre State game area. The proposed area comprises approximately 75,000 acres.

Based on this testimony and evidence submitted with the petition, ATF has determined that the proposed boundaries sufficiently delineate the viticultural area from the surrounding areas and, therefore, the boundaries are being adopted as proposed. Furthermore, while ATF believes that viticultural area boundaries based on man-made features are inappropriate, where man-made features, such as the eastern boundary, closely approximate natural features, or where they provide a demarcation line from grape-growing areas as opposed to areas unsuitable for grape-growing, it is acceptable to use man-made features in describing the boundaries.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Miscellaneous

ATF is approving this area as being viticulturally distinct from surrounding areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only be substantiated by consumer acceptance of Fennville wines.

ATF believes that substantial viticultural knowledge exists indicating that differences in climate, soil, and other physical characteristics do affect growing conditions found within a particular region. Although distinction and growing conditions may be mitigated by viticultural practices, these distinctions may also create differences in the grape growing.

Disclosure

A copy of the hearing proceeding is available for inspection during business hours at the following two locations: ATF Reading Room 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW, Washington, DC; and at the ATF Area Supervisors Office, Federal Building, 231 West Lafayette Street, Detroit, Michigan.

Drafting Information

The principal author is Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices of the Bureau participated in the preparation of this document, both in matters of substance and style.

Authority and Issuance

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.33. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.33 Fennville.

Par. 2. Subpart C is amended by adding § 9.33. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.33 Fennville.

(a) *Name.* The name of the viticultural area described in this section is "Fennville."

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the Fennville Viticultural Area are three U.S.G.S. maps. They are entitled:

(1) "Fennville Quadrangle, Michigan-Allegan County," 15 minute series;

(2) "Bangor Quadrangle, Michigan," 15 minute series; and

(3) "South Haven Quadrangle, Michigan," 15 minute series.

(c) *Boundaries.* The Fennville viticultural area is primarily located in the southwestern portion of Allegan County, Michigan, with a small finger extending into the northwest corner of Van Buren County, Michigan.

(1) The western boundary is the eastern shore of Lake Michigan, extending from the Black River, at the City of South Haven, north to the Kalamazoo River.

(2) The northern boundary is the Kalamazoo River, extending easterly from Lake Michigan to 86°5′ west longitude.

(3) The eastern boundary is the 86°5′ west longitude meridian, extending from the Kalamazoo River to the intersection of the Middle Fork of the Black River.

(4) The southern boundary is the Middle Fork of the Black River extending westerly from 86°5′ west longitude until it joins the Black River, continuing west along the Black River to the eastern shore of Lake Michigan.

Signed: August 3, 1981.

G. R. Dickerson,
Director.

Approved: August 31, 1981.

John P. Simpson,
Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-27137 Filed 9-17-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Certification of Completion of Developmental Steps for Arizona State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: Arizona on or before November 1, 1977, submitted documentation attesting to the completion of all structural, developmental aspects of its approved State occupational safety and health plan. After extensive review and opportunity for State correction, all developmental plan supplements have now been approved. This notice certifies this completion and the beginning of the 18(e) evaluation phase of State plan development. This certification attests only to the fact that Arizona now has in place those structural components necessary for an effective program. It does not render judgment, either positively or negatively, on the adequacy of the State's actual performance. In addition, although State plan commitments on staffing and resources have been met, these initial commitments may not be interpreted as meeting the ultimate requirements of the Occupational Safety and Health Act of 1970 for "sufficient staff" as redefined by the U.S. Court of Appeals decision in

"AFL–CIO v. Marshall", 570 F. 2d 1030 (1978).

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Marjorie N. Sauber, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N–3613, Washington, D.C. 20210 (202) 523–6021.

SUPPLEMENTARY INFORMATION:

Background

Section 18 of the Occupational and Health Act of 1970 (the "Act") (29 U.S.C. 667) provides that States which desire to assume responsibility for the development and enforcement of occupational safety and health standards shall submit for Federal approval a State plan for such development and enforcement. Part 1902 of Title 29, Code of Federal Regulations, sets forth procedures under which the Assistant Secretary of Labor for Occupational Safety and Health ("Assistant Secretary") shall approve such plans. Under the Act and regulations, plan approval is essentially a two-step procedure. A State must first submit its plan for an initial determination under section 18(b) of the Act. If the Assistant Secretary, after reviewing the State's submission, determines that the plan satisfies or will satisfy the criteria set forth in section 18(c) of the Act, a decision of "initial approval" is issued and the State may begin enforcement of its safety and health standards in accordance with the plan and with concurrent enforcement by the Occupational Safety and Health Administration (OSHA).

A State plan may receive initial approval even though at the time of submission not all essential components of the plan are in place. As provided at 29 CFR 1902.2(b), the Assistant Secretary may initially approve the submission as a "developmental plan," and a schedule within which the State must complete specified "developmental steps" is issued as part of the initial approval decision.

When the Assistant Secretary finds that the State has completed all developmental steps specified in the initial approval decision, a notice of such completion is published in the **Federal Register** (see 29 CFR 1902.34 and .35). Certification of completion of developmental steps initiates a thorough evaluation of the State plan by the Assistant Secretary to determine, on the basis of actual operations, whether the plan adequately protects safety and health of the State's workers. Certification does not render judgment as to the adequacy of State performance.

Final approval of the plan under section 18(e) of the Act and 29 CFR Part 1902 may not be granted until at least three years after initial approval and until at least one year after completion of developmental steps. Thereafter, when the Assistant Secretary determines on the basis of actual performance under the plan that the Act's criteria are being applied, a decision of final approval may be granted.

On November 5, 1974, a notice was published in the **Federal Register** (39 FR 39037) of initial approval of the developmental Arizona plan and the adoption of subpart CC of Part 1952 containing the decision, a description of the plan and the developmental schedule. During the three-year period ending November 1, 1977, following commencement of State operations (3 years from the date of the State's first 23(g) grant award), Donald Wiseman, former Director of the Arizona Division of Occupational Safety and Health, Industrial Commission of Arizona, submitted documentation attesting to the completion of each State developmental commitment for review and approval, as provided in 29 CFR Part 1953. Following Departmental review, opportunity for public comment, and subsequent modification of the State's submissions, as deemed appropriate, the Assistant Secretary has approved the completion of all individual Arizona developmental steps.

Completion of Developmental Steps

1. All developmental steps specified in the November 5, 1974 notice of initial approval have been completed as follows:

(a) Legislative amendments required to bring the Arizona occupational safety and health law (Arizona Revised Statutes, Chapter 23) into conformity with Federal requirements were enacted effective August 27, 1977 and were approved by the Assistant Secretary on April 3, 1981 (46 FR 20163).

(b) Occupational safety and health standards have been promulgated and subsequently amended to reflect changes in the Federal standards and were found to be at least as effective as the corresponding Federal standards and were approved by the Regional Administrator for Occupational Safety and Health on May 7, 1976 (41 FR 32917, August 6, 1976) and March 27, 1978 (43 FR 17066, April 21, 1978). The adoption of initial standards was approved as a completed developmental step on December 17, 1976 (41 FR 56315, December 28, 1976). In addition, State standards comparable to Federal standards through March 1981 have been adopted.

(c) Regulations concerning inspections, citations, and proposed penalties and Review Board Rules of Procedure were submitted on May 14, 1975, and were approved by the Assistant Secretary on July 22, 1976 (41 FR 31812, July 30, 1976).

(d) Regulations concerning recording and reporting of occupational injuries and illnesses were submitted on May 14, 1975 and were approved by the Assistant Secretary on July 22, 1976 (41 FR 31812, July 30, 1976).

(e) Regulations concerning variances were submitted on October 31, 1977, and were approved by the Assistant Secretary on November 13, 1980 (45 FR 77000, November 21, 1980).

(f) Regulations concerning complaints of discrimination against employees for exercising their rights under the law were submitted on October 31, 1977, and were approved by the Assistant Secretary on November 13, 1980 (45 FR 77000, November 21, 1980).

(g) The State's original Field Operations Manual was approved with the State plan. On March 1, 1978, the State submitted revisions to the manual to reflect changes in the Federal Manual and in the Arizona program. These revisions were approved by the Assistant Secretary on November 13, 1980 (45 FR 77000, November 21, 1980).

(h) The State poster notifying public and private employers and employees of their protections and obligations under the Arizona plan was submitted on May 14, 1975 and approved by the Assistant Secretary on July 22, 1976 (41 FR 31812, July 30, 1976).

(i) The universe file for the State's inspection scheduling system was completed and implemented on March 12, 1976, thus completing the implementation of the State's Management Information System, and was approved by the Assistant Secretary on July 22, 1976 (41 FR 31812, July 30, 1976).

(j) Interagency agreements with the Arizona Department of Health Services and the Corporation Commission of Arizona were entered into on November 7, 1974, March 20, 1975 and May 7, 1976, and were approved by the Assistant Secretary on July 22, 1976 (41 FR 31812, July 30, 1976). An agreement with the Arizona Atomic Energy Commission was entered into on December 18, 1972, and was approved with the State plan on October 29, 1974 (39 FR 39037, November 5, 1974).

2. The personnel operations of the Arizona Industrial Commission have

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been found to be in substantial conformity with the Standards for a Merit System of Personnel Administration by the U.S. Office of Personnel Management. The State also has an affirmative action plan which has been found acceptable by the Office of Personnel Management.

3. This certification covers all occupational safety and health issues covered under the Federal program except for the longshoring and maritime standards found in 29 CFR Parts 1915, 1916, 1917 and 1918 (longshoring, ship repairing, shipbuilding and shipbreaking), which are excluded from coverage under the plan. In addition, in accordance with State law, Arizona is precluded from enforcing occupational safety and health standards on Indian reservations and in mining operations. This certification also covers the State's program covering State and local government employees.

Location of the Plan and Its Supplements for Inspection and Copying

A copy of the approved supplements along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and Health Administration, Room N-3613, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 11321, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; and Division of Occupational Safety and Health, Industrial Commission of Arizona, 1601 West Jefferson St., Phoenix, Arizona 85007.

Effect of Certification

The Arizona plan is certified effective September 18, 1981 as having completed all developmental steps on or before November 1, 1977. This certification attests to structural completion, but does not render judgment on adequacy of performance.

The Arizona occupational health and safety program will be monitored and evaluated for a period of not less than one year after publication of this certification to determine whether the State program in operation provides for an effective program of enforcement including the requirement set out in "AFL-CIO v. Marshall" cited above. The Assistant Secretary will then determine whether Federal authority should be withdrawn with respect to issues covered by the plan pursuant to Section 18(e) of the Act.

Level of Federal Enforcement

In accordance with 29 CFR 1902.35, Federal enforcement authority under sections 5(a)(2), 8, 9, 10, 13 and 17 of the Act (29 U.S.C. 654(a)(2), 657, 658, 659, 662 and 666) and Federal standards authority under section 6 of the Act (29 U.S.C. 655) will not be relinquished during this evaluation period. However, exercise of Federal enforcement authority will continue generally to be limited at this time to enforcement in those issues not covered by the State plan, response to 11(c) discrimination complaints as appropriate, enforcement of new Federal standards if necessary and responses to emergency or unusual situations. The level of Federal enforcement may from time to time be reconsidered.

In accordance with this certification, 29 CFR 1952.354 is hereby amended to reflect successful completion of the developmental period by changing the title of the section and by adding a paragraph (i) as follows:

§ 1952.354 Completion of developmental steps and certification.

* * * * *

(i) In accordance with § 1902.34 of this chapter, the Arizona occupational safety and health plan was certified, effective September 18, 1981 as having completed all developmental steps specified in the plan as approved on October 29, 1974, on or before November 1, 1977. This certification attests to structural completion, but does not render judgment on adequacy of performance.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 14th day of September 1981.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 81-27220 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Navigation; COLREGS Compliance Exemption; U.S.S. La Jolla

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that U.S.S. *La Jolla* (SSN 701) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval submarine; and (2) has found that U.S.S. *La Jolla* (SSN 701) is a member of the SSN 688 class of ships, exemptions for which have previously been granted under 72 COLREGS, Rule 38. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia 22332, Telephone Number (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that U.S.S. *La Jolla* (SSN 701) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21 (c) regarding the arc of visibility of the stern light; Rule 23(a)(iv) requiring the stern light to be displayed when the vessel is underway at night; Annex I, section 2(a)(i) regarding the height of the masthead light; Annex I, section 2(k) regarding the height and relative positions of the anchor lights; and Annex I, section 3(b) regarding the location of the side lights. Full compliance with the aforementioned 72 COLREGS provisions would interfere with the special function of the ship. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that U.S.S. *La Jolla* (SSN 701) is a member of the SSN 688 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3 are equally applicable to U.S.S. *La Jolla* (SSN 701). Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function.

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

Accordingly, 32 CFR Part 706, is amended as follows:

§ 706.2 [Amended]

1. The third Table One of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by inserting the following entry after the entry for U.S.S. *Dallas* (SSN 700):

Vessel	[illegible]	Distance in meters of forward masthead light below [illegible] required height. § 2(a)(i) Annex I
* *	* *	*
U.S.S. *La Jolla*	SSN 701	3.5
* *	* *	*

2. Table Three of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by inserting the following entry after the entry for U.S.S. *Dallas* (SSN 700)

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Sidelights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Sidelights, distance inboard of ship's sides in meters; § 3 (b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward Anchor light, height above hull in meters, § 2(k), Annex I	Anchor lights, relationship of aft light to forward light in meters; § 2(k), Annex I
* *	*	*	*		*		*	
USS LA JOLLA	SSN 701	...	...	...	4.2	6.1	3.5	1.7 below
* *	*	*	*		*		*	

The effective date of this amendment will be July 10, 1981.

(Executive Order 11964; 33 U.S.C. 1605)

Approved: July 10, 1981.

John Lehman,

Secretary of the Navy.

[FR Doc. 81-27138 Filed 9-17-81; 8:45 am]

BILLING CODE 3810-AE-M

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32 CFR Part 706

Navigation; COLREGS Compliance Exemption; USNS APACHE

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USNS APACHE (T-ATF 172) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with Annex I, section 2(f) of the 72 COLREGS without interfering with its special function as a Naval fleet tug, and (2) has found that USNS APACHE (T-ATF 172) is a member of the T-ATF 166 Class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rules 38(a), 38(b), and 38(d)(i). The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Division, Office of the Judge Advocate General Navy Department, 200 Stovall Street, Alexandria, Virginia 22332, Telephone No. (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USNS APACHE (T-ATF 172) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS Annex I, section 2(f), in that, during those situations when the USNS APACHE must simultaneously display masthead lights used for towing as required by Rule 24 and the task lights of a vessel restricted in its ability to maneuver as required by Rule 27, the masthead lights used for towing will not be located above and clear of the task lights. Full compliance with this provision would interfere with the special function of the ship. The Secretary of the Navy has also certified that the aforementioned masthead lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that the Secretary of the Navy has previously authorized the use by T-ATF 166 Class of vessels of certain exemptions permitted by 72 COLREGS Rule 38. Specifically, the use of the exemptions has been authorized as allowed in Rule 38(a), pertaining to lights with ranges and intensities prescribed in Rule 22; Rule 38(b), pertaining to lights with color specifications prescribed in Annex I, section 7; and, Rule 38(d)(i), pertaining to the repositioning of masthead lights on vessels less than 150 meters in length required by Annex I, Section 3(a).

The Secretary of the Navy has determined that USNS APACHE is a member of the T-ATF 166 Class, is in compliance with the 1960 Rules of the Road, and the keel of the T-ATF 166 Class lead ship was laid prior to July 15, 1977.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to the public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function.

V 46 SE 18 81 UMI

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Four of § 706.2 is amended by adding the following note numbered 18 which reflects the certifications issued by the Secretary of the Navy:

* * * * *

18. On USNS APACHE (T-ATF 172), the masthead lights used for towing required by Rule 24 will be displaced approximately 4.1 meters below the lowest of the lights required to be displaced by Rule 27 when a vessel is not under command or is restricted in its ability to maneuver.

* * * * *

(Executive Order No. 11964; 33 U.S.C. 1605)

Dated: July 22, 1981.

Robert J. Murray,

Acting Secretary of the Navy.

[FR Doc. 81-27139 Filed 9-17-81; 8:45 am]

BILLING CODE 3810-AE-M

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32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications under the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS) to reflect that the Secretary of the Navy has determined that USS KIDD (DDG 993) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a guided missile destroyer. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia 22332, Telephone Number (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS KIDD (DDG 993) is a vessel of the Navy which, due to its special construction and purpose cannot comply fully with 72 COLREGS, Annex I, section 2(f) pertaining to the placement of masthead lights over all other lights and obstructions; 72 COLREGS, Annex I, section 3 (a) pertaining to the placement of the forward masthead lights in the forward quarter of the ship; 72 COLREGS, Annex I, section 3(a) pertaining to the placement of the after masthead light; and 72 COLREGS, Rule 23(a)(ii) regarding the arc of visibility of the after masthead light, without interfering with its special function as a naval ship. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to the public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following naval ship to the list of vessels therein, immediately following the U.S.S. Belknap, to indicate the certifications issued by the Secretary of the Navy:

* * * * * * *

Table 5

Vessel	Number	Forward masthead light not required; height above hull. Annex I Section 2(a)(ii) (c), (d)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, Section 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, Section 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, Section 2(a)(i)	Aft masthead lights not visible over foward light 1000 meters ahead of ship in all normal degrees of trim. Annex I, Section 2(b)	Forward masthead light not in forward quarter of ship. Annex I, Section 3(a)	After masthead light not less than 1/2 ship's length aft of forward masthead light. Annex I, Section 3(a)	Percentage horizontal separation attained
*	*	*	*	*	*	*			
USS KIDD	DDG 993			X			X	X	44.6
*	*	*	*	*	*	*			

2. Table Four paragraph 7, of § 706.2 is amended by adding to the list of vessels therein certifications issued by the Secretary of the Navy:

7. The arc of visibility of the after masthead light required by Rule 23(a)(ii) and Annex I, section 2(f) may be obstructed from right ahead on certain naval ships as follows:

* * * * *

USS KIDD (DDG 993)..............................0°28.8'

3. Table Four of § 706.2 is amended by adding the following new paragraph 17 to indicate the certifications issued by the Secretary of the Navy:

17. On the following ships the arc of visibility of the after masthead light required by Rule 23(a)(ii) may be obstructed through 0°48.6' arc of visibility at the point 349° relative to the ship's head: USS KIDD (DDG 993)

(Executive Order No. 11964; 33 U.S.C. 1605)

Dated: June 26, 1981.

John Lehman,

Secretary of the Navy.

[FR Doc. 81-27181 Filed 9-17-81; 8:45 am]

BILLING CODE 3810-AE-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-4-FRL 1928-1]

Kentucky: Redesignation of Ozone and Sulfur Dioxide Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On February 12, 1981 (46 FR 12023), EPA proposed to redesignate the cities of Owensboro and Henderson, Kentucky from nonattainment to attainment for the sulfur dioxide standards. Therein EPA also proposed to redesignate Henderson County, Kentucky from nonattainment to attainment for the ozone standard. Kentucky submitted air quality data showing attainment of the SO_2 standards in Henderson for calendar years 1977 through 1978 and in Owensboro from 1975 through 1979; also included was air quality data showing attainment of the ozone standard in Henderson County from 1977 through 1980. EPA today designates the Kentucky cities of Henderson and Owensboro attainment for the sulfur dioxide standards, and Henderson County attainment for the ozone standard.

EFFECTIVE DATE: This action is effective October 19, 1981.

ADDRESSES: Copies of the materials submitted by Kentucky in support of the redesignation requests may be examined at the following locations during normal business hours:

EPA Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, West Frankfort Office Complex, U.S. 127 South, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Melvin Russell of EPA Region IV's Air Programs Branch in Atlanta (see "Addresses" above). Telephone 404-881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962 at 8997), the Administrator, pursuant to Section 107 of the Clean Air Act as amended in 1977 and on the basis of information supplied by the Commonwealth of Kentucky, designated the City of Henderson and the City of Owensboro nonattainment for sulfur dioxide and Henderson County nonattainment for ozone.

On August 8, 1979 and May 5, 1980, the Kentucky Department for Natural Resources and Environmental Protection submitted air quality data showing that the national ambient air quality standards for sulfur dioxide had not been violated in Henderson in 1977 and 1978 nor in Owensboro from 1975 through 1979 and requested that these areas be redesignated to attainment.

On October 31, 1979 and July 7, 1980, the Department submitted a summary of ozone data gathered in the Henderson County nonattainment area during the period October 1977–September 1979, and requested the area be redesignated attainment. Additional data for 1980 was supplied on July 15, 1980. EPA has reviewed the sulfur dioxide and ozone data for representativeness, quality, quantity, etc., and found them to be acceptable. Additional discussion of the material submitted by Kentucky can be found in EPA's February 12, 1981, proposal notice (46 FR 12023). No comments were received in response to that notice.

Action

EPA today designates the Kentucky Cities of Henderson and Owensboro attainment for the sulfur dioxide standards, and Henderson County attainment for the ozone standard.

These actions are effective October 19, 1981.

Section 107(d)(1) of the Clean Air Act does not provide for EPA to make a formal distinction between unclassifiable and attainment in the case of an area's attainment status for ozone. Therefore, the designation of Henderson County as shown in the Code of Federal Regulations (40 CFR 81.318) will be considered to be part of the "Rest of State" area, shown as unclassified or better than national standard for ozone.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of appeals of the appropriate circuit within 60 days of today.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on substantial number of small entities. This action only recognizes a change in air quality levels. It imposes no requirements on sources.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not result in additional costs to industry or consumers. Moreover these redesignations only reflect attainment of the ambient air standard for sulfur dioxide and ozone, and make no additional demands on any industry or government entity.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sec. 107, Clean Air Act (42 U.S.C. 4707))

Dated: September 11, 1981.

John W. Hernandez,

Acting Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, Code of Federal Regulations is Amended as follows:

Subpart C—Section 107 Attainment Status Designations

§81.318 [Amended]

In §81.318, the "Kentucky-SO_2" table is revised by removing the entries titled "That portion of Daviess County in Owensboro" and "that portion of Henderson County in Henderson;" the "Kentucky-O_x" table in this section is revised by changing its title to "Kentucky-O_3" and by removing the entry titled "Henderson County."

[FR Doc. 81-27227 Filed 9-17-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-45

[FPMR Amdt. H-129]

Sale of Personal Property

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends FPMR Part 101-45 by permitting agencies, upon the approval of GSA, to sell personal property where the estimated proceeds from a sale exceed $250. It also deletes the requirement for agencies to obtain from GSA the names of private auctioneering firms qualified to conduct Government sales of personal property. Selling agencies will now obtain private auctioneering services in accordance with agency regulations for procuring services

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Milton Herman, Chief, Sales Management Branch, Sales Division (703-557-0681).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

1. The table of contents for Part 101-45 is amended by reserving one entry as follows:

* * * * *

§ 101-45.312 [Reserved]

* * * * *

Subpart 101-45.1—General

2. Section 101-45.105-3 is amended by adding new paragraph (c) to read as follows:

§ 101-45.105-3 Exemptions.

* * * * *

(c) A holding agency may sell personal property, upon the approval of GSA, where the estimated proceeds from a sale exceed $250.

Subpart 101-45.3—Sale of Personal Property

§ 101-45.312 [Reserved]

3. The text of Section 101-45.312 is removed and the section is reserved.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: August 31, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-27217 Filed 9-17-81; 8:45 am]

BILLING CODE 6820-96-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-250; RM-3709]

Radio Broadcast Services; FM Broadcast Station in Milan, Georgia Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 285A to Milan, Georgia, in response to a petition filed by George S. Walker, III. The proposed station would provide a first local aural broadcast service to Milan.

DATE: Effective November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Milan, Georgia), BC Docket No. 81-250; RM-3709, Report and Order (Proceeding Terminated).

Adopted: September 3, 1981.

Released: September 17, 1981.

By the Acting Chief, Policy and Rules Division.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 23497, published April 27, 1981, proposing the assignment of Channel 285A to Milan, Georgia, as that community's first FM assignment, in response to a petition filed by George S. Walker, III ("petitioner"). Supporting comments were filed by the petitioner. No oppositions to the proposal were received.

2. Milan (pop. 1,115)[1] is located on the border between Telfair (pop. 11,445) and Dodge (pop. 16,955) Counties, approximately 232 kilometers (145 miles) southeast of Atlanta, Georgia. It has no local aural broadcast service.

3. In his comments, petitioner incorporated by reference the information contained in the *Notice* which demonstrated the need for a first FM assignment to Milan, and restated his intent to apply for the channel, if assigned. Additionally, the petitioner notes that the site restriction proposed in the *Notice* will not be a hindrance in selecting a site for the proposed station.

4. We believe that the petitioner has adequately demonstrated the need for a first FM assignment to Milan, and that the public interest would be served by assigning Channel 285A to that community. The transmitter site is restricted to 2 kilometers (1.2 miles) south of the city to avoid short spacing to Station WDEN (Channel 287), Macon, Georgia.

5. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, That effective November 16, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules is amended with regard to Milan, Georgia, as follows:

City	Channel No.
Milan, Georgia	285A.

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-27273 Filed 9-17-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-246; RM-3614]

FM Broadcast Station in Hertford, North Carolina; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In a *Report and Order* adopted April 10, 1981, the Commission assigned FM Channel 285A to Hertford, North Carolina, with a site restriction of 1.6 kilometers (1 mile) east. Musicradio of North Carolina, Inc. requested reconsideration of that action and asked that the site restriction be amended to include a restriction of 2 miles north. The petition for reconsideration is granted; the assignment of Channel 285A to Hertford now has a site restriction of 3.5 kilometers (2.2 miles) northeast. This action will decrease the site restriction on the proposed

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[1] Population figures are taken from the 1980 U.S. Census.

assignment of Channel 284 to Havelock, North Carolina.

DATE: Effective November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Hertford, North Carolina), BC Docket No. 80-246, RM-3614.

Memorandum Opinion and Order—Proceeding Terminated

Adopted: September 3, 1981.

Released: September 17, 1981.

By the Acting Chief, Policy and Rules Division:

1. A petition for reconsideration of the Commission's *Report and Order*, 46 FR 23928, published April 29, 1981, assigning Channel 285A to Hertford, North Carolina, has been filed by Musicradio of North Carolina, Inc. ("Musicradio").[1] Musicradio seeks an addition to the site restriction placed on the Hertford assignment to include a restriction of 2 miles north. Musicradio, the petitioner in RM-3731, which seeks the substitution of Channel 284 for Channel 285A at Havelock, North Carolina, states that without this further site restriction on the Hertford assignment, it will be unable to locate a suitable transmitter site for the requested Channel 284 at Havelock. No response to the petition for reconsideration was received.

2. It appears that both the Hertford and the potential Havelock assignment can be accommodated in this instance since the additional site restriction should not place an undue burden on locating a suitable site for the Hertford assignment. Perquimanns County Broadcasters, the petitioner for the Hertford assignment, was served with a copy of the petition for reconsideration and has not responded. We must, therefore, assume that Perquimanns has no objection to the additional site restriction. In the absence of any objection from the Hertford petitioner, we shall grant Musicradio's petition and place an additional site retriction on the Hertford assignment.

3. Accordingly, it is ordered, that the petition for reconsideration filed by Musicradio of North Carolina, Inc., is granted.

4. It is further ordered, that effective November 16, 1981, the site restriction on the use of Channel 285A at Hertford, North Carolina, is amended to require a site location at least 3.5 kilometers (2.2 miles) northeast.

5. It is further ordered, that this proceeding is terminated.

6. Authority for adoption of the above amendment is contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. For further information concerning the above, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1080, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-27271 Filed 9-17-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] Public Notice of the petition was given on June 4, 1981. Report No. 1289.

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47 CFR Part 73

[BC Docket No. 80-329; RM-3447 and RM-3553]

Radio Broadcast Services; FM Broadcast Stations West Tulsa, Sand Springs, and Pawhuska, Oklahoma; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 272A to Sand Springs, Oklahoma, as that community's first FM assignment and substitutes Channel 285A for Channel 272A at Pawhuska, Oklahoma, at the request of Music Sound Radio, Inc. A mutually exclusive request for the assignment of Channel 272A to West Tulsa, Oklahoma, is denied because West Tulsa is not considered a "community" for FM assignment purposes.

DATE: Effective November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (West Tulsa, Sand Springs, and Pawhuska, Oklahoma), BC Docket No. 80-329; RM-3447, RM-3553; Report and Order (Proceeding Terminated).

Adopted: September 3, 1981.

Released: September 15, 1981.

By the Acting Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 46454, published July 10, 1980, proposing the assignment of FM Channel 272A to either West Tulsa, Oklahoma, or to Sand Springs, Oklahoma, and the substitution of Channel 285A for unused Channel 272A at Pawhuska, Oklahoma. Because of mileage separation requirements, Channel 272A cannot be assigned to both West Tulsa and Sand Springs. Comments were filed by Westside Communications, Inc. ("Westside"), the proponent of the assignment to West Tulsa, and by Music Sound Radio, Inc. ("MSR"), the proponent of the assignment to Sand Springs. Both parties filed reply comments. Late-filed comments were submitted by Advance Communications Corporation ("Advance"), Communications Marketing Consultants ("CMC"), licensee of Station KMYZ(FM), Pryor, Oklahoma, and by B.D.E. Inc. ("BDE").[1]

2. In the *Notice*, Westside was requested to present more information on whether West Tulsa was in fact a community for FM assignment purposes. We noted that West Tulsa appeared to be simply an urban neighborhood in the City of Tulsa instead of an independent municipal entity. In response, Westside states that West Tulsa has a unique population of over 35,000 people and includes the former corporate city of Red Fork. Westside also contends that West Tulsa includes the present corporate City of Jenks, Oklahoma. According to Westside, Jenks has a 1980 population of approximately 5,500 people. Westside asserts that the community it intends to serve consists ". . . not only of the city of Jenks, but also, West Tulsa, whose residents are primarily working class and who have little or nothing in common with the rest of Tulsa." Westside concludes that Jenks and West Tulsa deserve the assignment over Sand Springs because Sand Springs is already served by an AM radio station. If Channel 272A is assigned to West Tulsa, Westside states that it will promptly apply for authority to build and operate a station there.

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[1] The comments filed by Communications Marketing Consultants and BDE were submitted almost 10 months after the closing of the pleading cycle. Absent some overwhelming public interest justification, we do not normally accept comments filed at such a late date. As explained at paragraphs 7 and 8 below, we do not find any such public interest justification in the present case; thus, we have not considered the comments of CMC and BDE.

V 46 SE 18 81 UMI

3. In support of the assignment to Sand Springs, MSR incorporates the information submitted in its original petition and reiterates its intention to apply for the channel if assigned to Sand Springs. In response to a question in the *Notice* concerning preclusion to the cities of Neodesha and Sedan, Kansas, MSR states that Channels 265A and 240A can be assigned to the communities, respectively. MSR further cites various cases which allegedly support its view that West Tulsa cannot be considered a community for FM assignment purposes. MSR opines that even Westside seems unsure of "* * * just what is 'West Tulsa,' sometimes referring to it as 'West Tulsa-Jenks' or variously 'The West Tulsa Area and the City of Jenks, Oklahoma.'" Even assuming West Tulsa is an identifiable community, MSR avers that given the site restrictions placed on the use of Channel 272A, a station would not be able to place a 70 dBu signal over the entire principal community. MSR concludes that Westside is essentially requesting a seventh commercial FM assignment to Tulsa, which, MSR avers, cannot prevail over the first assignment to Sand Springs.

4. In reply comments, Westside states that Sand Springs is a "bedroom community" of Tulsa and that a station in Sand Springs could not serve West Tulsa and Jenks with an adequate signal. Westside also restates its contention that West Tulsa is, in effect, a separate community "* * * physically and geographically separated from Tulsa by the Arkansas river." Finally, Westside again states that Jenks is a separate, incorporated community. MSR states in its reply comments that Westside's discussion of Jenks amounts to a counterproposal which the Commission cannot consider because the comments of Westside were submitted several days after the filing deadline.[2] MSR asserts that the decision must then be made between Sand Springs and West Tulsa, as proposed in the *Notice*. Because West Tulsa has not been shown to be a community for the purposes of FM assignment policy, MSR avers that the channel should be assigned to Sand Springs. MSR does admit that Sand Springs has a Class IV AM station, but submits that this should not foreclose the assignment.[3]

5. West Tulsa (not listed in the 1970 U.S. Census) is located in Tulsa County (pop. 401,663),[4] and is divided from the rest of the City of Tulsa by the Arkansas River. No AM or FM station is presently assigned to West Tulsa, although Tulsa is served by five fulltime AM stations, one daytime-only AM station and six FM stations. Sand Springs (pop. 11,519), also in Tulsa County, is located a few miles west of Tulsa. Sand Springs currently is served locally by one fulltime AM station.

6. We stated in the *Notice* that we were unconvinced that West Tulsa was a community as that term is defined for purposes of FM assignments. Westside was invited to comment on this issue in order to provide the Commission with indicia of West Tulsa's status as an independent community. In response, Westside has presented no additional information about West Tulsa, but has submitted data concerning the characteristics of Jenks. Apparently, Westside is seeking to justify an assignment to West Tulsa by "incorporating" the City of Jenks into its proposal. However, we do not believe that transferring community characteristics from one entity to another is an appropriate method of proving the status of the questionable community. With regard to West Tulsa itself, Westside has offered no evidence to suggest that West Tulsa is in any way divisible from the City of Tulsa except that it lies on the west side of the Arkansas River. Without other evidence "* * * which demonstrates that the [local] businesses, organizations or services meet the needs of a recognizable group with common interests",[5] we will not make an FM assignment to West Tulsa.

7. Having decided that West Tulsa is not a community for assignment purposes, the remaining issue concerns whether to assign an FM channel to Sand Springs. Both CMC and BDE offer comments opposing the assignment of a first FM channel to Sand Springs. However, as indicated earlier, both parties filed their comments some ten months after the filing deadline in this proceeding had passed. When submission of comments so clearly falls outside the comment periods, we normally will not accept them unless they contain some new information which was not available earlier and the new information assists in the resolution of the issues under consideration. In this instance, CMC states that it wishes to relocate the transmitter of Station WMYZ, Pryor, Oklahoma, to an area five miles east of Pryor. CMC states that this relocation conflicts with the proposed channel substitution at Pawhuska. Initially we note that no application to relocate the transmitter has been filed with the Commission. More importantly, the Commission has consistently held in the assignment context that an existing licensee's transmitter site preference will not operate to deny a first FM assignment to an otherwise deserving community. *Lockhart, Texas*, 81 F.C.C. 2d 171 (1980); *Freeport, Texas*, 47 R.R. 2d 135 (Broadcast Bur. 1980). Thus, the CMC pleading provides no new information conducive to the successful resolution of this proceeding, and it is therefore dismissed as untimely.

8. BDE states in its comments that the assignment to Sand Springs should be denied in favor of an assignment to Cleveland, Oklahoma. In effect, BDE is offering a counterproposal to the proposals made in the *Notice*. In support of accepting its late-filed counterproposal, BDE states that it only recently became aware of the proceeding because the *Notice* failed to mention that the proposed assignments would have a preclusive effect on the community of Cleveland. BDE argues that because it did not receive adequate notice of the preclusion impact, it is entitled to submit its counterproposal at such a late date. BDE's claim based on improper notice must be rejected. In assignment cases such as this, the Commission lists only those communities in which *new* preclusion would occur as a result of the proposed assignments. The Commission does not list all those communities which are already precluded from receiving an assignment under the existing Table of Assignments, but which could receive the channel proposed to be reassigned. In the present case, Cleveland was already precluded due to the assignment of Channel 272A in Pawhuska. Cleveland will be similarly precluded if that channel is reassigned to Sand Springs. Cleveland had no channel available to it on a drop-in basis before

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[2] MSR filed motions to strike all of Westside's comments because they were filed several days after the filing deadline. Westside explained that the comments were mailed several days before the deadline and that previous experience lead it to believe that the comments would be received on time. Because the comments were only several days late, and MSR had an opportunity to respond to the merits of the filings, we have decided to consider the substance of Westside's comments.

[3] Two months following the close of the pleading cycle, Advance filed comments supporting the assignment to West Tulsa. Advance argues that a channel at West Tulsa could be used to serve the significant minority populations living in the north sections of Tulsa. Advance explains that it had just learned of the Commission's proceeding which is why its comments were filed late. We have not considered Advance's comments, but because of our resolution of the "community" issue at para. 6, below, we do not believe our refusal to consider Advance's comments is prejudicial.

[4] Unless otherwise indicated, all population data are taken from the 1980 U.S. Census.

[5] *Coker, Alabama*, 43 R.R. 2d 190, 193 (Broadcast Bureau, 1978).

the Sand Springs proposal was announced. The Sand Springs proposal for Channel 272A does not by itself make a channel available to Cleveland. It is the deletion of Channel 272A from Pawhuska that does so and that deletion could have been requested by BDE at any time. In fact, BDE may now suggest another substitution for Pawhuska or for some other community so as to make a channel available to Cleveland and that proposal would be entitled to the same consideration given to any other proposal. In view of the above, we find BDE's justification for submitting an untimely counterproposal for Cleveland to be unacceptable. Consequently, the counterproposal of BDE is dismissed. *See* § 1.420(d) of the Commission's Rules.

9. In light of the above, we believe that the assignment of Channel 272A to Sand Springs would serve the public interest. MSR has presented persuasive evidence of Sand Springs' need for a first local FM outlet. As stated in the *Notice,* the assignment of Channel 272A to Sand Springs requires a site restriction of 7.3 kilometers (4.6 miles) north. To accommodate the assignment to Sand Springs, Channel 285A will be substituted for Channel 272A at Pawhuska. The assignment of Channel 285A to Pawhuska requires a site restriction of 10.5 kilometers (6.6 miles) north-northwest.

10. Accordingly, it is ordered, That effective November 16, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to the following communities:

City	Channel No.
Pawhuska, Oklahoma	285A.
Sand Springs, Oklahoma	272A.

11. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

12. It is further ordered, That this proceeding is terminated.

13. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–27272 Filed 9–17–81; 8:45 am]

BILLING CODE 6712-01-M

V 46 SE 18 81 UMI

Proposed Rules

Federal Register
Vol. 46, No. 181
Friday, September 18, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 470

Personnel Management Research Programs and Demonstration Projects

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: Under the authority granted by the Civil Service Reform Act of 1978, the Office of Personnel Management is proposing regulations to implement programs which permit OPM to conduct or sponsor personnel management research and demonstration projects.

COMMENT DATE: Written comments will be considered if received no later than November 17, 1981.

ADDRESS: Send or deliver written comments to Mr. Frederick A. Kistler, Director, Office of Planning and Evaluation, Office of Personnel Management, Room 3305, 1900 E Street NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Donald Hill, (202) 632-4628.

SUPPLEMENTARY INFORMATION: A program for personnel management research and demonstration projects was enacted October 13, 1978, under Title VI of the Civil Service Reform Act of 1978 (Pub. L. 95-454, 92 Stat. 1185) and codified under chapter 47 of title 5, United States Code. The purposes of these programs are to stimulate and conduct personnel management research and to test new and different personnel management concepts under controlled conditions.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units, and small government jurisdictions.

Office of Personnel Management.
Beverly McCain Jones,
Issuance System Manager.

Accordingly, the Office of Personnel Management proposes to add to Title 5 of the Code of Federal Regulations a new Part 470 to read as follows:

PART 470—PERSONNEL MANAGEMENT RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS

Subpart A—General Provisions

Sec.
470.101 Statutory authority.
470.103 Definitions.

Subpart B—Regulatory Requirements Pertaining to Research Programs

470.201 Purposes of research programs.
470.203 Eligible parties.
470.205 Initiation of research programs.

Subpart C—Regulatory Requirements Pertaining to Demonstration Projects

470.301 Program expectations.
470.303 Eligible parties.
470.305 Submission of proposals for demonstration projects.
470.307 Notification responsibilities.
470.309 Public hearing.
470.311 Final project approval.
470.313 Project implementation regulations.
470.315 Project evaluation.

Authority: 5 U.S.C. 4706.

Subpart A—General Provisions

§ 470.101 Statutory authority.

(a) Section 4702, title 5, United States Code, provides the Office of Personnel Management (OPM) with the authority to:

(1) Establish and maintain, and assist in the establishment and maintenance of, research programs to study improved methods and technologies in Federal personnel management;

(2) Evaluate the research programs established under paragraph (a)(1) of this section;

(3) Establish and maintain a program for the collection and public dissemination of information relating to personnel management research, and for encouraging and facilitating the exchange of information among interested persons and entities; and

(4) Carry out the preceding functions directly or through agreement or contract.

(b) Section 4703, title 5, United States Code, provides OPM with the authority to conduct and evaluate demonstration projects to determine whether a specified change in personnel management policies or procedures would result in improved Federal personnel management.

(c) This part supplements and implements the provisions of chapter 47 of title 5, United States Code, relating to the conduct of personnel research programs and demonstration projects, and must be read together with those provisions of law.

§ 470.103 Definitions.

In this part:

"Demonstration Project" means a project conducted by the Office of Personnel Management, or under its supervision, to determine whether a specified change in personnel management policies or procedures would result in improved Federal personnel management (5 U.S.C. 4701). The project must require the waiver of a provision of law which is eligible for waiver under the demonstration authority contained in 5 U.S.C. 4703. A project which can be undertaken under an agency's own authority and does not require the waiver of a provision of law is not considered a "demonstration project" for purposes of this part.

"Research" means systematic, intensive study directed toward fuller scientific knowledge or understanding of the subject studied. Activities classified as research are structured experimental or descriptive investigations conducted according to sound methodological principles.

"Research Program" means a planned study of the manner in which public management policies and systems are operating or have operated, the effec-of those policies and systems, the possibilities for change, and comparisons among policies and systems.

Subpart B—Regulatory Requirements Pertaining to Research Programs

§ 470.201 Purposes of research programs.

The purposes of research programs undertaken under this subpart are to stimulate and conduct personnel management research which:

(a) Develops new knowledge, techniques, and materials about personnel management;

(b) Seeks solutions to personnel management problems;

(c) Provides a factual base to support existing or proposed changes in personnel management policies, techniques, and materials;

(d) Modifies or develops personnel management systems which improve the management of the Federal Government's human resources;

(e) Gathers, makes explicit, and systematizes the knowledge and techniques of practicing managers for the guidance of others and as a factual basis for research needs determination; or

(f) Develops new methods or provides new standards for conducting personnel management research.

§ 470.203 Eligible parties.

Research may be conducted by the Office of Personnel Management, or under contract or agreeement, as appropriate, by:

(a) Federal agencies;
(b) State and local governments;
(c) Institutions of higher education;
(d) Public interest organizations;
(e) Individuals; or
(f) Other public or private institutions or organizations, profit or nonprofit.

§ 470.205 Initiation of research programs.

OPM will announce opportunities for research contracts by issuing Requests for Proposals (RFP's) in accordance with Federal procurement regulations. Unsolicited proposals may be accepted; however the relevance of the proposed research to OPM research needs will be examined to determine the acceptability of the proposal.

Subpart C—Regulatory Requirements Pertaining to Demonstration Projects

§ 470.301 Program expectations.

(a) Demonstration projects permit the Office of Personnel Management and Federal agencies to test alternative personnel management concepts in controlled situations to determine the likely effects and ramifications of proposed changes before putting them into general effect. OPM encourages agencies to propose demonstrations whether or not a waiver of law or regulation is needed. OPM will assist agencies, within available resources, in developing projects which demonstrate new or improved personnel methods.

(b) The demonstration project must be proposed in a research context. The project plan must include a research design which contains:

(1) Measurable goals or objectives;

(2) Acceptable expected results or outcomes;

(3) A description of the procedures, methods and techniques to be demonstrated in achieving the desired goals or objectives;

(4) An evaluation section describing the data collection and analysis procedures to be used to assess the success or failure of the project from a qualitative and quantitative standpoint;

(5) A test control within the agency, or with another agency similar in mission, organization, occupations, or other elements being tested; and

(6) An itemization of all costs and benefits associated with the project, to the agency, the Government, and the community.

(c) OPM will establish and maintain programs which publish, exchange and apply the results of demonstration projects.

(d) OPM may seek legislation, or to the extent already authorized by law, make changes in regulation to implement permanently successful procedures, techniques, new management knowledge, and materials which improve personnel management program or techniques.

§ 470.303 Eligible parties.

(a) Any Federal agency, or groups of two or more Federal agencies, eligible to propose demonstration projects under 5 U.S.C. 4701(a)(1) and 4701(b) may conduct demonstration projects after approval by the Office of Personnel Management and required Congressional and public reivew.

(b) While only a Federal agency may propose and conduct a demonstration project, the agency may be assisted in the conduct and evaluation of the project under contract or agreement with individuals or other public or private institutions and organizations.

§ 470.305 Submission of proposals for demonstration projects.

(a) OPM will accept project proposals at any time. However, OPM may hold proposals until comparisons can be made with other projects.

(b) Agencies must submit the project proposal in the form of a project plan to OPM for approval. OPM will prescribe the content of a project plan in its guidance and instructions, which at a minimum will contain the items identified in 5 U.S.C. 4703(b)(1) and 5 CFR 470.301(b).

(c) Agencies will outline, at the time proposed demonstration projects are submitted to OPM for approval, what discussions of the project have been held with labor organizations which have been accorded exclusion recognition for bargaining units containing employees involved in or affected by the proposed demonstration project.

(d) OPM may combine and evaluate similar project proposals received from different agencies as a single project, with the approval of the agencies involved.

§ 470.307 Notification responsibilities.

(a) 5 U.S.C. 4703 requires notification of tentatively approved demonstration project plans to Congress, employees, labor organizations, and the public.

(b) OPM shall:

(1) Notify each House of the Congress 180 days in advance of the beginning of each project; and

(2) Public each tentatively approved project plan as a notice in the **Federal Register.**

(c) Each agency having a tentatively approved project plan shall:

(1) Notify and make available copies of the project plan to:

(i) All employees who may be interested in or affected by the activities of the demonstration project; and

(ii) All labor organizations accorded exclusive recognition for bargaining units which include employees in or affected by the project plan.

(2) Observe the consultation and negotiation requirements of 5 U.S.C. 4703(f) and (g).

§ 470.309 Public hearing.

(a) Notice of public hearing. OPM shall hold a public hearing no less than 30 days after the date of its notice in the **Federal Register** during which interested persons or organizations may present their written or oral views concerning the proposed demonstration project. The notice of public hearing shall be published in the **Federal Register** and shall:

(1) State the date, time, place and purpose of the hearing;

(2) Describe briefly the project;

(3) Indicate where more information and a copy of the project plan may be obtained;

(4) State the name and address of the person who will receive written comments from those unable to attend the hearing; and

(5) Indicate the date by which written comments must be received to be considered.

(b) *Nature of public hearing.* The hearing will be informal to encourage effective oral presentations by interested individuals and organizations. The presiding officer, designated by the Director, OPM, shall in his or her reasonable discretion regulate the course of the proceedings and the conduct of those present at the hearing by appropriate means.

(c) A written summary shall be made of the oral evidence.

(d) The record shall be left open for 2 weeks after the conclusion of the hearing to receive additional written data, views, and arguments from the parties participating in the hearing.

§ 470.311 Final project approval.

(a) The Office of Personnel Management will consider all timely relevant oral and written views, arguments, and data before final approval or disapproval of a project plan. OPM may request that the agency modify the tentatively approved project plan before final approval because of comments and data received from the Congress, the public, labor organizations, and affected employees.

(b) The Office of Personnel Management shall provide a copy of the final version of the project plan to each House of the Congress at least 90 days in advance of the date the project is to take effect.

(c) Agencies involved in the project shall communicate the content of the final project plan to:

(1) Labor organizations and affected employees; and

(2) Individuals and groups known to be interested in the project's activities.

§ 470.313 Project implementation regulations.

Agencies will prepare demonstration project implementing regulations, as appropriate, to replace Government-wide statutes and regulations waived for the project. Demonstration project implementing regulations issued pursuant to an OPM-approved demonstration project must be approved by OPM and shall have full force and authority pursuant to Title VI of the Civil Service Reform Act of 1978.

§ 470.315 Project evaluation.

(a) *Compliance evaluation.* OPM will review the operation of the project periodically to determine its compliance with the requirements of this part and the approved project plan. If OPM determines that an agency is not meeting legal, regulatory or project plan requirements, it may, as appropriate, direct the agency to take corrective action or terminate the project.

(b) *Results evaluation.* All approved project plans will contain an evaluation section to measure the impact of the project results in relation to its objectives and to determine whether or not permanent changes in law and/or regulation should be considered or proposed. Where the project plan provides for agency evaluation of project results, OPM will review those project evaluation efforts, and may conduct evaluations of its own, on a sample basis, to verify results.

[FR Doc. 81-27158 Filed 9-17-81; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 890

Federal Employees Health Benefits Program, Benefits for Medically Underserved Areas

AGENCY: Office of Personnel Management.

ACTION: Proposed Regulations.

SUMMARY: The Office of Personnel Management proposes to amend its regulations on benefits under the Federal Employees Health Benefits (FEHB) Program for individuals in medically underserved areas. This amendment is necessary to comply with the January 2, 1980, amendment to the FEHB law, which mandates special consideration for enrollees of certain FEHB plans who receive covered health services in states with critical shortages of primary care physicians.

COMMENT DATE: Written comments will be considered if received no later than November 17, 1981.

ADDRESS: Send or deliver written comments to Craig B, Pettibone, Director, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, 1900 E Street N.W. (Rm. 4351), Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Lauretta Hall, Issuances and Instructions Unit, Office of Pay and Benefits Policy, (202) 632-4684.

SUPPLEMENTARY INFORMATION: On July 18, 1980, the Office of Personnel Management published **Federal Register** (45 FR 48098) a new Subpart G under 5 CFR, Part 890, as final regulations. Subpart G pertains to administration of 5 U.S.C. 8902(m)(2), as added to the Federal Employees Health Benefits (FEHB) law by Pub. L. 95-368, approved September 17, 1978, and amended by Pub. L. 96-179, approved January 2, 1980. The law provides that effective January 1, 1980, and continuing through December 31, 1984, FEHB plans (except comprehensive prepayment medical plans), whose contracts specify payment or reimbursement for care or treatment of a particular health condition, must also provide benefits up to the limits of their contracts in return for health services rendered by any medical practitioner who is properly licensed to render such service, when the health service is provided to a plan member "in a State where 25 percent or more of the population is located in primary medical care manpower shortage areas designated under section 332 of the Public Health Service Act."

By comparing State-by-State statistics furnished by the Department of Health and Human Services (Selected Statistics on Health Manpower Shortage Areas—December 31, 1980, Report No. 81-11) with U.S. Census figures on State resident populations (1980 Census of Population and Housing PHC80-V-1), OPM has determined that 5 U.S.C. 8902(m)(2), as amended by Pub. L. 96-179, is applicable in the following 11 States as of January 1, 1982: Alabama, Alaska, Kentucky, Mississippi, Missouri, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, and West Virginia. The determination differs from OPM's 1981 determination in that the state of Indiana has been dropped.

Each year while this provision of the FEHB law remains in effect, OPM will review current data on primary medical care manpower shortage areas and State populations. If OPM determines that the status of any State has changed for purposes of 5 U.S.C. 8902(m)(2), OPM will again publish an amendment to its regulations (5 CFR Part 890, Subpart G).

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purpose of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Accordingly, OPM proposes to amend 5 CFR 890.701 to read as follows:

§ 890.701 Definitions.

* * * * *

"Medically underserved area" includes any of the 50 States of the United States where the Office of Personnel Management determines that 25 percent or more of the residents are located in primary medical care manpower shortage areas designated pursuant to section 332 of the Public Health Service Act (42 U.S.C. 254e). The Office has determined that effective January 1, 1982, the following states are "medically underserved areas" for purposes of this subpart: Alabama, Alaska, Kentucky, Mississippi, Missouri, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, and West Virginia.

(Pub. L. 96-179)

[FR Doc. 81-27157 Filed 9-17-81; 8:45 am]

BILLING CODE 6325-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 50, 70, and 73

Safeguards Requirements for Nonpower Reactor Facilities Authorized to Possess Formula Quantities of Strategic Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amendments to its physical protection regulations for nonpower reactor facilities authorized to possess formula quantities of strategic special nuclear material. The amendments would provide as a minimum that these facilities be protected at the level required for special nuclear material of moderate strategic significance, regardless of the amount of strategic special nuclear material for which the licensee would otherwise have been exempted because of an external radiation dose rate in excess of 100 rem per hour at 3 feet. These amendments would also require additional physical protection measures against theft of special nuclear material, beyond the minimum level, when the amount of possessed strategic special nuclear material having a radiation dose rate below the exemption level equals or exceeds a formula quantity.

DATES: Comments must be received on or before November 17, 1981. Comments received after that date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before that date.

ADDRESSES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be delivered to Room 1121, 1717 H Street, N.W., Washington, D.C. Comments received will be available for examination and copying at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. C. K. Nulsen, Regulatory Improvements Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301-427-4181).

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission is considering amendments to its physical protection regulations for nonpower reactor facility licensees authorized to possess a formula quantity or more of strategic special nuclear material (SSNM). The amendments would replace existing interim requirements for the physical protection of these facilities now set forth at 10 CFR 73.60. Some nonpower reactor operators, although they may possess formula quantities of SSNM, currently would be required to provide only minimal physical protection for this material since some of their material typically is irradiated to a level which would qualify them for exemption under § 73.67(b)(1)(i). The exemption is based on the deterrent effect of an external radiation dose rate in excess of 100 rem per hour at 3 feet from any accessible surface without intervening shielding.

The amendments would require nonpower reactor licensees authorized to possess formula quantities of strategic special nuclear material to protect the material they possess at least at the level prescribed in § 73.67(d) for special nuclear material (SNM) of moderate strategic significance. This requirement would apply regardless of what portion of the material possessed is irradiated in excess of the 100 rem/h external radiation dose rate level. The amendments also require that additional physical protection measures, specified in a new paragraph, § 73.67(h), be provided during periods when the amount of SSNM possessed having an external dose rate not exceeding the 100 rem/h level equals or exceeds a formula quantity. The additional measures are designed to provide the affected nonpower reactor facilities with a level of protection comparable to that provided for formula quantities of SSNM at fuel cycle facilities, while taking advantage of a number of specific facility and fuel design features that collectively offer inherent protection against theft.

At most of the nonpower reactor facilities that would be affected by the proposed amendments, the external radiation dose rate for SSNM used as reactor fuel is kept sufficiently high to allow the facility to be protected continuously at the level required for SNM of moderate strategic significance. Only rarely would the external radiation dose rate of the fuel drop sufficiently to require the additional physical protection measures described in the proposed § 73.67(h). These periods can be anticipated by the licensee, permitting sufficient time for the required additional physical protection measures to be implemented.

Nonpower reactors possessing formula quantities of SSNM previously had been designated as facilities requiring protection for SNM of moderate strategic significance, but also were required to provide a set of additional physical protection measures specified in § 73.60, on an interim basis [44 FR 68199], until several technical issues could be resolved to determine the level of physical protection appropriate for these facilities. The issues which were examined are discussed below.

Technical Basis for Radiation Dose Rate Exemption Level

The existing exemption level, 100 rem/h at 3 feet from any accessible surface without intervening shielding, was found to be appropriate and is not changed. The Commission has determined that it is appropriate to allow credit towards safeguards based upon radiation levels due to the deterrent quality of nuclear radiation and the adversaries' difficulty in accurately determining irradiation levels. The current exemption level, which is internationally accepted, does not, however, preclude the possibility of a dedicated adversary, heedless of the subsequent effects of the radiation exposure, successfully removing a formula quantity of SSNM from a nonpower reactor facility before being physically incapacitated by the radiation effects. For this reason, it is considered prudent to require that the minimum level of physical protection provided for these nonpower reactor facilities be the same as that for SNM of moderate strategic significance, regardless of the amount of SSNM possessed which is irradiated beyond the 100 rem/h at 3 feet level.

Safeguards Credit for Design Features

The staff considered the feasibility of allowing safeguards credit for unique design features of reactors and fuel types under study. The following conclusions were reached: (a) A TRIGA FLIP type fuel cluster may be considered a discrete unit in determining external radiation dose rates for exemption purposes; (b) some safeguards credit can be given for the use of TRIGA FLIP type fuel because reprocessing difficulties make it an undesirable theft target; (c) some safeguards credit can be given for the use of MTR plate-type fuel, but to a lesser degree than for TRIGA FLIP type fuel; (d) some safeguards credit can be given for the design of the Argonaut and tank-type reactors because of the difficulty in gaining access to the reactor core; (e) some safeguards credit can be given for the design of open pool-type reactors because of the difficulty in removing fuel from the pool, but to a lesser degree than for the Argonaut and tank-type reactors. Based upon these considerations, the Commission has determined that the additional physical protection requirements included in § 73.67(h) of the proposed amendments would provide for a level of protection comparable to that required for formula quantities of SSNM at fuel cycle facilities. It would be less burdensome for NPR licensees to implement these physical protection requirements than to implement the same requirements that fuel cycle facilities possessing formula quantities must implement.

Contiguous Sites

The Commission has also determined that if two sites at one facility are to be considered noncontiguous they should be in separate structures and have separate and redundant physical security systems. The licensees that originally informally requested that their facilities be considered as two separate noncontiguous Category II sites either withdrew their requests or reduced their holdings below a formula quantity.

The determinations and conclusions noted above have been used in the development of the proposed amendments. These amendments have as their objective reducing the risk of theft of a formula quantity of SSNM, and thus reducing the risk to the public health and safety. The licensees are required to maintain at all times a capability for implementing the additional physical protection measures specified in new paragraph 73.67(h). They are not required, however, to implement them unless they possess a formula quantity of SSNM with radiation dose rates below the 100 rem/h exemption level. For all except one licensee, this would occur only under unusual circumstances which prevented the licensee from maintaining a normal irradiation operating schedule. The specific additional measures required include: (1) additional physical barriers around the SSNM; (2) improved intrusion and radiation detection capabilities; (3) a two-person occupancy rule for controlled access areas where the material is used and stored; (4) exit searches; (5) requirements for redundancy in communications; (6) 48-hour advance notice by the licensee to the NRC when it is expected the additional requirements will need to be implemented; and (7) coordination of local law enforcement agency (LLEA) response times and physical security system capabilities to assure offsite response forces will arrive before a formula quantity of SSNM can be removed.

Several nonsubstantive clarifying amendments to the currently effective Parts 50, 70, and 73 are also proposed. These amendments do not modify current practices or applications of the regulations, but will clarify the text of several sections.

The Commission endorsed the approach in the proposed rule based on several considerations. The Commission acknowledges that the existing exemption level, 100 rem/hr at three feet, is not an incapacitating dose rate, but serves as a deterrent to theft. In addition, the Commission believes that this dose rate will be a significant deterrent to the processing of the material for use as a weapon particularly recognizing the small quantities of material present at these reactors and the inherent difficulty in preprocessing the TRIGA and MTR plate-type fuel used in nonpower reactors. However, the Commission also has considered this dose rate in view of the ALARA principle and believes that higher dose rates would encourage reactor operation simply to meet the regulatory exemption level. This is against the ALARA principle in that reactors might be operated at radiation levels higher than necessary.

Commissioners Gilinsky and Bradford favor an alternative approach and would like public comment on it. The Commission does not object to their requesting such comments, but because the Commission does not endorse the alternative, comments in support of that proposal will not form a basis for adopting a final rule without another round of comment. Commentators desiring to influence the Commission to adopt this alternative are therefore advised to frame their views as negative comment on the Commission proposal.

The approach favored by Commissioners Gilinsky and Bradford would require all nonpower reactors that possess in excess of 5 kilograms of highly enriched uranium fuel to implement the safeguards upgrade rule. An exemption from this requirement would be provided if the fuel emits external radiation at a rate that would produce a dose greater than 2000 rem per hour at 3 feet, a level at which the fuel is considered to be self-protecting.

This approach is more consistent with the present protection requirements for highly enriched uranium than the Commission's approach in that significant quantities of unirradiated highly enriched uranium fuel would be treated in the same way, whether they were at a fuel cycle plant or at a university.

The 100 rem/hr at 3 feet exemption level contained in the Commission proposal does not, in fact, provide self-protection to the fuel. Rather, as a study performed by Los Alamos Scientific Laboratory (LASL) for the staff clearly states,[1] 100 rem/hr is not great enough to impair the actions of the group attempting theft. The study concludes that for an incapacitating dose (to individuals attempting to remove the fuel from the facility), the dose rate per element must reach at least several thousand rem per hour at 3 feet.

Finally, Commissioners Gilinsky and Bradford note that a severe protection regime would not be necessary at university and other research reactors if these reactors switched to fuels using lower enrichment uranium which cannot be used to make weapons. That in their view is the best course.

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[1] *Special Nuclear Material Self-Protection Criteria Investigation, Phases I and II*, Los Alamos Scientific Laboratory, Los Alamos, New Mexico. (J. J. Kioelling, E. W. Barts), December 22, 1980.

Separate Views of Commissioner Bradford on the Proposed Rule on Physical Security Requirements for Nonpower Reactor Licensees Authorized to Posses Formula Quantities of Strategic Special Nuclear Material

I am concerned with both the substance and the procedure of this Commission action. Substantively, it is a serious error to contemplate a long-term arrangement under which highly enriched uranium at university reactors might be afforded less protection than the same material elsewhere. There is nothing about a university environment that is inherently any safer than the rest of the nation as a location for material that can be directly used in the making of nuclear bombs. This material has that extraordinary potential, and the commission should be seeking comment on a rule that protects it uniformly wherever it might be stolen.

As a procedural matter, this is the first rulemaking that I can recall in which the Commission has declined to seek comment on positions encompassing the full range of views among the Commissioners. Despite staff studies suggesting required external radiation dose rate levels up to 3,000 rem per hour, the only number being proposed for comment is 100 rem per hour. While the public is, of course, still free to urge a significantly higher level of protection than that proposed here, the nonpower reactor operators are not given notice that this rulemaking might end in such a result. It would have been far better to invite comment on a range as possible exposure standards and protection formats, indicating if necessary a Commission preference as of now for the lower end of the range. This would have avoided the suggestion that a particular type of reactor owner is being unduly favored and would have preserved the Commission's valuable past practice of seeking comment on each of the courses of action that we might follow.

Paperwork Reduction Statement

The Nuclear Regulatory Commission has submitted this proposed rule to the Office of Management and Budget for such review as may be appropriate under the Paperwork Reduction Act, P.L. 96–511. The SF–83, "Request for Clearance," Supporting Statement, and other related documentation submitted to OMB have been placed in the Public Document Room at 1717 H St., N.W., Washington, DC 20555 for inspection and copying for a fee.

Regulatory Flexibility Statement

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule would amend 10 CFR Part 73 to require any nonpower reactor licensee authorized to possess a formula quantity of strategic special nuclear material (SSNM) to submit amendments to their physical security plans. These plans would include certain additional security precautions that would be implemented when a sufficient amount of the licensee's irradiated fuel drops below the 100 rem/h at 3 feet external radiation dose rate exemption level resulting in the licensee possessing a formula quantity of nonself-protecting fuel. At this time the proposed amendments would require only 15 licensees to submit revised security plans, and only one nonpower reactor licensee would probably implement the additional security measures at a cost of less than $3000. The amendment probably would not affect any future licensees since they would not build a nonpower reactor requiring a formula quantity of SSNM.

The 15 licensees include three large companies (Union Carbide Corp., General Atomic Corp.—a subsidiary of Gulf Corp., and General Electric Corp.), ten major universities (Georgia Tech, University of Wisconsin, Massachusetts Institute of Technology, University of Michigan, University of Virginia, Oregon State University, Virginia Polytechnic Institute, Texas A&M, University of Missouri at Columbia, and Washington State University), the National Bureau of Standards (NBS), and the Rhode Island Atomic Energy Commission. The three corporations each employ in excess of 500 employees and have annual sales in excess of $1 million. The ten universities each employ in excess of 500 persons and have annual revenues in excess of $1 million for services they provide. NBS and the Rhode Island Atomic Energy Commission are Federal and state agencies, respectively. None of these affected licensees fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards in regulations issued by the Small Business Administration at 13 CFR Part 21.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 50, 70 and 73 is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 is revised to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955; (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended; (42 U.S.C. 2273), § 50.54(i) issued under sec. 161i, 68 Stat. 949; (42 U.S.C. 2201(i)), §§ 50.70, 50.71 and 50.78 issued under sec. 161o, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)) and the laws referred to in Appendices.

2. Paragraphs (c) and (d) of § 50.34 are revised to read as follows:

§ 50.34 Contents of applications; technical information.

* * * * *

(c) *Physical security plan.* Each application for a license to operate a production or utilization facility must include a physical security plan.

(1) For production and utilization facilities other than nonpower reactor facilities, the plan must consist of two parts. Part I must address vital equipment, vital areas, and isolation zones, and must demonstrate how the applicant plans to comply with the requirements of Part 73 of this chapter, as appropriate, at the proposed facility. Part II must list tests, inspections, and other means to be used to demonstrate compliance with these requirements, as appropriate.

(2) For nonpower reactor facilities, the plan must demonstrate how the applicant plans to comply with the requirements of Part 73 of this chapter, as appropriate, at the proposed facility, and include tests, inspections, and other means to be used to demonstrate compliance with these requirements.

(d) *Safeguards contingency plan.* Each application for a license to operate a production or utilization facility subject to § 73.50 or § 73.55 of this chapter must include a licensee safeguards contingency plan in accordance with the criteria set forth in Appendix C to Part 73 of this chapter. The safeguards contingency plan must include plans for dealing with threats, thefts, and radiological sabotage, as defined in Part 73 of this chapter, relating to the special nuclear material and nuclear facilities licensed under this chapter and in the applicant's possession and control. Each licensee's application must include the information contained in the applicant's safeguards contingency plan, as set forth in Appendix C to Part 73 of this chapter in the categories of Background, Generic Planning Base, Licensee Planning Base, and Responsibility Matrix. The fifth category of information, Procedures, does not have to be submitted for approval.[5]

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

3. The authority citation for Part 70 is revised to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, as amended, 948, as amended, 953, as amended, 954 (42 U.S.C. 2071, 2073, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846) unless otherwise noted.

For the purposes of Sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 70.3, 70.19(c), 70.21(c), 70.22(a), (b), (d)–(k), 70.24(a) and (b), 70.32(a)(3), (5), and (i), 70.36, 70.39(b) and (c), 70.41(a), 70.42(a) and (c), 70.56, are issued under Sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 70.20a(d), 70.32(a)(6), (c), (d), (e) and (g), 70.36, 70.51(c)–(g), 70.56, 70.57(b) and (d), 70.58(a)–(g)(3) and (h)–(j), and 70.81–89 are issued under Sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 70.32(h), 70.51(b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58(g)(4), (k) and (l), 70.59, are issued under Sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. Paragraphs (h) and (k) of § 70.22 are revised to read as follows:

§ 70.22 Contents of applications.

* * * * *

(h) Each application for a license to possess or use a formula quantity of strategic special nuclear material, as defined in paragraph (bb) of § 73.2 of this chapter, at any site or contiguous sites subject to control by the licensee, must include a physical security plan consisting of two parts. Part I must address vital equipment, vital areas, and isolation zones, and must demonstrate how the applicant plans to meet the requirements of §§ 73.20, 73.40, 73.45, 73.46, 73.50, 73.70, and 73.71 of this chapter in the conduct of the activity to be licensed. Part II must list tests, inspections, and other means to demonstrate compliance with these requirements. These requirements do not apply to a license for possession or use of this material in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter.

* * * * *

(k) Each application for a license to possess or use a formula quantity of strategic special nuclear material for use in the operation of a nonpower reactor, special nuclear material of moderate strategic significance, or 10 kg or more of special nuclear material of low strategic significance, as defined, respectively, under paragraphs (bb), (x) and (y) of § 73.2 this chapter, at any site or contiguous sites subject to control by the licensee, must include a physical security plan which demonstrates how the applicant plans to meet the requirements of paragraphs (d), (e), (f), (g), and (h), as appropriate, of § 73.67 of this chapter. These requirements do not apply to a license for possession and use of this material in the operation of a nuclear power reactor licensed pursuant to Part 50 of this chapter.

PARTS 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

5. The authority citation for Part 73 is revised to read as follows:

Authority: Secs. 53, 161b, 161i, 161o, Pub. L. 85–703, 68 Stat. 930, 948–950, as amended, Pub. L. 85–507, 72 Stat. 327, Pub. L. 88–489, Stat. 602, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2073, 2201); Sec. 201, Pub. L. 93–438, 88 Stat. 1242, 1243, as amended, Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 5841)

For the purposes of Sec. 223, 68 Stat. 958, as amended, 42 U.S.C. 2273, § 73.55 is issued under Sec. 161b, 68 Stat. 948, as amended, 42 U.S.C. 2201(b); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.55, and 73.67 are issued under Sec. 161i, 68 Stat. 949, as amended, 42 U.S.C. 2201(i); and §§ 73.20(c)(i), 73.24(b)(1), 73.26(b)(3), (h)(6), (i)(6) and (k)(4), 73.27(a) and (b), 73.40(b) and (d), 73.46(g)(6) and (h)(2), 73.50(g)(2), (3)(iii)(B) and (h), 73.55(h)(2), and (4)(iii)(B), 73.70, 73.71, and 73.72 are issued under Sec. 161o, 68 Stat. 950, as amended, 42 U.S.C. 2201(o).

6. Paragraph (e) of § 73.6 is revised to read as follows:

§ 73.6 Exemptions for certain quantities and kinds of special nuclear material.

* * * * *

(e) Special nuclear material at nonpower reactors. Any licensee subject to § 73.67(h) is not exempt from §§ 73.70 and 73.72, and any licensee subject to § 73.67(e) is not exempt from § 73.72 of this part.

§ 73.60 [Removed]

7. Section 73.60 is removed.

8. In § 73.67, paragraphs (a), (b), the introductory text of (c) and (c)(2) and (3) are revised and a new paragraph (h) is added to read as follows:

§ 73.67 Licensee fixed site and intransit requirements for the physical protection of special nuclear material of moderate and low strategic significance and of formula quantities at nonpower reactors.

(a) General performance objectives and requirements. (1) Each licensee who possesses, uses, or transports special nuclear material of moderate or low strategic significance, shall establish and maintain a physical protection system that achieves the following objectives:

(i) Minimizes the possibilities for unauthorized removal of special nuclear material consistent with the potential consequences of such actions; and

(ii) Facilitates the location and recovery of missing special nuclear material.

(2) To achieve these objectives, the physical protection system must meet the following general performance requirements:

(i) Provide early detection and assessment of unauthorized access or activities by an external adversary within controlled access areas containing special nuclear material;

(ii) Provide early detection of removal of special nuclear material by an external adversary from controlled access areas;

(b) *Exemptions.* (1) A license is exempt from the requirements of this section to the extent that the licensee possesses, uses, or transports: (i) sealed plutonium-beryllium neutron sources totaling 500 grams or less contained plutonium at any one site or contiguous sites, or (ii) plutonium with an isotopic concentration exceeding 80 percent in plutonium-238.

(2) A licensee, other than a nonpower reactor licensee authorized to possess a formula quantity or more of strategic special nuclear material, is exempt from the requirements of this section to the extent that the licensee possesses, uses, or transports: Special nuclear material which is not readily separable from other radioactive material and which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding.

(3) A licensee, other than a nonpower reactor licensee authorized to possess a formula quantity or more of strategic special nuclear material, who has quantities of special nuclear material equivalent to special nuclear material of moderate strategic significance distributed over several buildings for each building which contains a quantity of special nuclear material less than or equal to a level of special nuclear

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[5] A physical security plan that contains all the information required in both § 73.55 and Appendix C to Part 73 satisfies the requirement for a contingency plan.

material of low strategic significance, shall protect the material in that building at least at the level of the lower classification physical security requirements.

(c) Each licensee who possesses, uses, transports, or delivers to a carrier for transport, special nuclear material of moderate strategic significance or 10 kg or more of special nuclear material of low strategic significance, and each licensee who is authorized to possess a formula quantity of strategic special nuclear material for use in the operation of a nonpower reactor, shall:

(1) * * *

(2) Within 240 days after the effective date of these amendments or 30 days after the plan(s) submitted pursuant to paragraph (c)(1) of this section is approved, whichever is later, implement the approved security plan, and

(3) Each licensee of a nonpower reactor authorized to possess a formula quantity of strategic special nuclear material shall, in addition, (i) submit no later than 150 days after the date these amendments become effective a physical security plan or an amended physical security plan describing how the licensee will comply with all the requirements of paragraph (h) of this section, including schedules of implementation and methods used for determining external radiation dose rates of irradiated reactor fuel; and (ii) implement the approved physical security plan submitted pursuant to paragraph (c)(3)(i) of this section no later than 240 days after the date these amendments become effective or within 30 days after this plan is approved, whichever is later.

* * * * *

(h) Requirements for nonpower reactor licensees authorized to possess formula quantities of strategic special nuclear material.

(1) Each nonpower reactor licensee authorized to possess, at any site or contiguous sites subject to control by the licensee, a formula quantity of strategic special nuclear material shall establish and maintain a physical protection system meeting the requirements of paragraphs (a) and (d) of this section. During any period when the amount of strategic special nuclear material possessed equals or exceeds a formula quantity, not including irradiated strategic special nuclear material which is not readily separable from other radioactive material, and which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding, the physical protection system also must meet the following additional general performance requirements:

(i) Provide early detection and assessment of unauthorized access or activities by an insider adversary, or a conspiracy between insiders, within controlled access areas where special nuclear material is used or stored;

(ii) Provide early detection of attempts at removal of special nuclear material by an insider adversary, or a conspiracy between insiders, from controlled access areas where special nuclear material is used or stored; and

(iii) Provide for notification of the appropriate response forces, upon detection of attempts at unauthorized removal of special nuclear material from controlled access areas where the material is used or stored, in time to permit a response that will prevent the removal of a formula quantity of strategic special nuclear material.

(2) To meet the general performance requirements described in paragraphs (a) and (h)(1) of this section, during periods when required pursuant to paragraph (h)(1) of this section, the physical protection system must include the performance capabilities described in paragraphs (h)(3) through (h)(8) of this section, in addition to those described in paragraph (d) of this section.

(3) Deter access of unauthorized personnel into the controlled access areas required in paragraphs (d)(1) and (d)(2) of this section. To accomplish this the physical protection system must:

(i) Allow use and storage of the material only within controlled access areas encompassed by physical barriers.

(ii) Locate the controlled access areas within a protected area having separate and distinct physical barriers from the controlled access areas.

(iii) Provide access controls for the protected area similar to those required for controlled access areas in paragraphs (d)(4), (d)(5), (d)(6) and (d)(7) of this section.

(iv) Provide access controls for controlled access areas, in addition to those required in paragraphs (d)(4), (d)(5), (d)(6), and (d)(7) of this section, to assure that when controlled access areas are occupied, at least two authorized individuals are present and that a third authorized individual has knowledge of their presence in the controlled access area.

(v) Store the material only within controlled access areas which are controlled separately from areas where the material is used, or within a separately controlled locked compartment within a controlled access area where the material is used.

(4) Detect unauthorized activities and conditions within the protected area and the controlled access areas sufficiently to permit a response to prevent the unauthorized removal of a formula quantity of strategic special nuclear material from the controlled access areas. To accomplish this the physical protection system must:

(i) Employ, in addition to the physical security intrusion alarms or other devices or procedures required in paragraph (d)(3) of this section, tamper-safe radiation detection equipment in the controlled access area in the vicinities of the reactor core and storage pool capable of detecting the unauthorized movement of irradiated reactor fuel. The sensors must alarm upon detecting radiation at levels equal to or greater than those generated by a source at floor level having a total external radiation dose rate no greater than 10 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding. The alarm must be monitored at a location remote from the building where the sensors are installed.

(ii) Monitor the protected area with an intrusion alarm or other devices or procedures to detect unauthorized penetration or activities.

(iii) Detect attempts at unauthorized access to all special equipment kept in the controlled access areas which are normally used to gain access to the special nuclear material located in the reactor core or storage pool.

(iv) Assure that a single adversary action is not capable of preventing the communication of detection information from the controlled access areas to the onsite response forces, and

(5) Prevent unauthorized removal of formula quantities of strategic special nuclear material from the controlled access areas. To accomplish this the physical protection system must:

(i) Provide barriers at the controlled access area boundaries to deter and delay the unauthorized removal of the material at other than attended controlled access area exit control points.

(ii) Detect attempts at unauthorized removal of strategic special nuclear material at attended controlled access area exit control points through the use of personnel, vehicle, and package exit searches, as appropriate, capable of detecting the presence of concealed special nuclear material.

(6) Provide a response capability to assure that the requirements of paragraphs (h)(1) through (h)(3) of this section can be achieved. To accomplish this the physical protection system must:

(i) Assure that the response time of offsite response forces is less than the minimum time required for an adversary to remove a formula quantity of strategic special nuclear material from the reactor core and storage.

(ii) Assure that a single adversary action cannot destroy the capability of the security organization to notify offsite response forces of the need for assistance.

(7) Notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in Appendix A by telephone at least 48 hours in advance of the time the licensee expects to possess a formula quantity of nonexempt strategic special nuclear material exclusive of the type of irradiated material described in paragraph (h)(i) of this section.

(8) Include procedures in the physical protection system to assure that intrusion alarms, physical barriers, and other devices used for material protection pursuant to the requirements of this section are:

(i) Available for use in operable condition when required, and

(ii) Inspected and tested for operability and required functional performance immediately before and during periods they are required to be in use.

9. The introductory text and paragraph (c) of § 73.70 are revised to read as follows:

§ 73.70 Records.

Each licensee subject to provisions of §§ 73.20, 73.25, 73.26, 73.27, 73.45, 73.46, 73.55, or 73.67(h) shall keep the following records:

* * * * *

(c) A register of visitors, vendors, and other individuals not employed by the licensee pursuant to §§ 73.46(d)(10), 73.55(d)(6), or 73.67(h).

* * * * *

Dated at Washington, D.C. this 14th day of September 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-27225 Filed 9-17-81; 8:45 am]

BILLING CODE 7590-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 377

[SPDR-83; Docket No. 39989; Dated: September 3, 1981]

Continuance of Expired Authorizations Pending Final Determination of Applications for Renewal

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB proposes to amend its rule that implements an Administrative Procedure Act provision for automatic extension of certain expiring licenses. The amendment would provide consistent treatment of foreign air carrier permits and exemptions issued to foreign citizens, and would clarify the scope of the rule. This proposal is at the CAB's initiative.

DATES: Comments by: November 17, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: October 5, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39989, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Gaynes, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5035.

SUPPLEMENTARY INFORMATION: In order to prevent lapses of authority that could result from the time lags inherent in the administrative process, the Administrative Procedure Act provides for automatic extension of licenses in certain cases, as follows:

> When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency. (5 U.S.C. 558(c))

The Board has issued rules in 14 CFR Part 377 to implement this statutory provision with respect to many, but not all, of the types of temporary authorizations that the Board grants. The rules establish requirements for "timely and sufficient" renewal applications (§ 377.10), including deadlines such as 30, 90, and 180 days before expiration. They also interpret "license with reference to an activity of a continuing nature" (§ 377.3).

The Board is now proposing amendments of Part 377 to (1) harmonize the timeliness requirements for applications to renew foreign air carrier permits and non-U.S. citizen exemptions, and (2) clarify the interpretation in § 377.3.

Timeliness

With the current scheme, a holder of an expiring foreign air carrier permit under section 402 of the Federal Aviation Act can obtain automatic extension by filing a renewal application at any time up to the expiration date. The technical reason for this is that Part 377 by its terms does not apply to section 402 permits, and the Board has held that in the absence of an agency rule on the subject, any application filed before the expiration is timely. This result reflects the special circumstances often surrounding applications by foreign persons, which can make earlier filing difficult. For example, foreign carriers must in some cases obtain approval from their home countries before filing applications with the Board.

The Board added a footnote to § 377.2 to explain that no advance filing was necessary to extend expiring section 402 permits when it reissued Part 377 in SPR-84, 40 FR 24998, June 12, 1975. Then, as now, the rule specified a 60-day filing deadline for applications to renew expiring exemptions under section 416 of the Act. At that time, the Board's authority to grant exemptions covered only U.S. air carriers. The Airline Deregulation Act of 1978 amended section 416 to allow the Board to grant exemptions to any person, U.S. or foreign. Since there was no amendment of Part 377, the 60-day filing deadline automatically extended to applications for renewal of expiring exemptions of foreign carriers and other foreign citizens.

We see no good reason to treat foreign exemption holders and foreign permit holders differently for the purposes of the Administrative Procedure Act's automatic extension provision. We are therefore proposing that in either case a renewal application be considered timely if filed at any time before the expiration date. We would do this by bringing section 402 permits expressly within the scope of Part 377 and specifying the liberal filing deadline in a revised § 377.10(c). An additional result of this approach would be to subject applications for renewal of section 402 permits to the other provisions of Part 377. Most notable among these is the requirement in § 377.10(a) that the application indicate the applicant's intention to rely on 5 U.S.C. 558(c).

Interpretation of 5 U.S.C. 558(c)

Section 377.3 currently states that an authorization granted for a period of 180 days or less is *not* considered a "license with reference to an activity of a continuing nature" within the meaning of 5 U.S.C. 558(c). It similarly excludes authorizations, other than section 401 certificates, that by their terms are subject to termination at an uncertain date upon the happening of an event. We propose no change in these provisions.

Section 377.3 then speaks of authorizations, other than section 401 certificates, that by their terms terminate alternatively upon the happening of an event or the arrival of a specified date. A typical example would be an exemption to serve a route that is granted for 1 year or until Board action on a permit application, whichever occurs first. We propose to clarify the treatment of such authorizations without substantive change and state it in a new § 377.4 by itself. The new section would state that if the event occurred before the specified date, automatic extension rights would be unavailable. Section 377.4(b) would provide that if the eveant did not occur before the date and the date was more than 180 days after the effective date of the authorization, automatic extension rights ordinarily would be available. The purpose of this provision would be to make it clear that in such cases automatic extension rights would not be denied by virtue of the alternative termination dates. The proposed rule states only that automatic extension rights "ordinarily" would be available because one of the basic principles of Part 377 is that it does not guarantee that any given authorization is covered by 5 U.S.C. 558(c).

A Board interpretation on the applicability of 5 U.S.C. 558(c) to any particular temporary authorization is available upon written request under the current § 377.4, which requires that the request be filed at least 60 days before the deadline for renewal applications. The proposed rule would renumber that section as § 377.5 and revise it to encompass requests from not only the holder of the authorization or a competitively affected U.S. air carrier, but also from a competitively affected foreign air carrier.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that this rule will not, if adopted as proposed, have a significant economic impact on a substantial number of small entities. The economic impact would not be significant because the rule would simply relieve a minor procedural requirement.

The Proposed Rule

PART 377—CONTINUANCE OF EXPIRED AUTHORIZATIONS BY OPERATION OF LAW PENDING FINAL DETERMINATION OF APPLICATIONS FOR RENEWAL THEREOF

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 377, *Continuance of Expired Authorizations by Operation of Law Pending Final Determination of Applications for Renewal Thereof,* as follows:

PART 377—[RETITLED]

1. Part 377 would be retitled *Continuance of Expired Authorizations Pending Board Action on Renewal Requests.*

2. In § 377.1, the definition of "authorization" would be revised by adding "402,", so that it would read:

§ 377.1 Definitions.

As used in this part:

"Authorization" means any agency certificate, approval, statutory exemption or other form of permission granted pursuant to sections 101(3), 401, 402, 408, 409, 412 and 416 of the Federal Aviation Act of 1958, as amended. Where any operating authorization creates more than one separate route, each of these shall be deemed a separate authorization for the purposes of this part.

* * * * *

3. Section 377.2 would be revised to read:

§ 377.2 Applicability of part.

(a) This part implements the last sentence of 5 U.S.C. 558(c) with regard to temporary authorizations granted by the Board.

Note.—The last sentence of 5 U.S.C. 558(c) provides: "When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency."

(b) Nothing in this part prevents the Board from terminating at any time, in accordance with law, any authorization or any extension of an authorization.

(c) Nothing in this part constitutes a determination that any given authorization is a "license with reference to an activity of a continuing nature" within the meaning of 5 U.S.C. 558(c).

4. Section 377.3, *Authorizations not licenses with reference to an activity of a continuing nature,* would be retitled and revised, to read:

§ 377.3 Authorizations not covered by 5 U.S.C. 558(c).

The Board hereby determines that the following authorizations are not licenses "with reference to an activity of a continuing nature" within the meaning of 5 U.S.C. 558(c):

(a) Authorizations granted for a specified period of 180 days or less; and

(b) Authorizations, other than those granted under section 401 of the Act, that by their terms are subject to termination at an uncertain date upon the happening of an event, including fulfillment of a condition subsequent or occurrence of a contingency.

5. Section 377.4, *Procedure to obtain Board interpretation,* would be revised and redesignated as § 377.5, and a new § 377.4 would be added, to read:

§ 377.4 Certain authorizations with alternative termination dates.

Unless granted under section 401 of the Act, an authorization that by its terms is subject to termination alternatively at an uncertain date upon the happening of an event or the arrival of a specified date—

(a) Will not be considered a "license with reference to an activity of a continuing nature" within the meaning of 5 U.S.C. 558(c), if the event occurs before the specified date; and

(b) Ordinarily will be considered such a license, if the event does not occur before the specified date and that date is more than 180 days after the effective date of the authorization.

§ 377.5 Procedure to obtain Board interpretation.

(a) The Board will determine upon written request by the holder of a temporary authorization or by any competitively affected air carrier or foreign air carrier, or upon its own initiative, whether the temporary authorization is a "license with reference to an activity of a continuing nature" within the meaning of 5 U.S.C. 558(c).

(b) A written request for such a Board determination shall be filed at least 60 days before the deadline set forth in § 377.10 for a timely renewal application.

(c) The filing of such a written request shall not affect the timeliness requirements for renewal applications that are set forth in § 377.10 or any other applicable Board rule or order.

6. In § 377.10, paragraph (c) would be revised to read:

§ 377.10 Requirements for, and effect of, renewal applications.

* * * * *

(c) *Timeliness.* The application must be filed and served in compliance with applicable law and the Board's regulations at least 60 days before the expiration date of the outstanding temporary authorization, except that—

(1) For certificates issued under section 401 of the Act with a specified expiration date, the deadline is 180 days before the expiration date;

(2) For certificates issued under section 401 of the Act that terminate by their terms upon the happening of an event that could not be foreseen, the deadline is 30 days after the time that the carrier has notice that the event will occur or has occurred;

(3) For foreign air carrier permits issued under section 402 of the Act and exemptions issued under section 416 to non-U.S. citizens, the deadline is the expiration date itself;

(4) For renewal by substantially equivalent certificate authority of fixed term route authorizations granted by exemption and for interim extension of the exemption, pursuant to §§ 302.909 and 399.18 of this chapter, the deadline is 90 days before the expiration date; and

(5) Nothing in this part supersedes a requirement for earlier filing contained in any law, Board rule or order, or temporary authorization.

6. The Table of Contents would be amended accordingly.

(Secs. 204, 1001, Pub. L. 85–726, as amended, 72 Stat. 743, 788 (49 U.S.C. 1324, 1481; 5 U.S.C. 558, 559))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–27224 Filed 9–17–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 105

[Docket No. 78P–0207]

Special Dietary Foods Label Statements: Misleading Statements; Reduced Calorie Labeling for Bread; Revocation of Withdrawal of Proposed Rule; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Revocation of the withdrawal of a proposed rule on reduced calorie labeling for bread; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) extends the time for submission of comments concerning information on methods of analysis for determining the calorie content of bread. FDA is taking this action in response to a request for an extension of the comment period.

DATE: Comments by November 23, 1981.

ADDRESS: Send comments to: Dockets Management Branch (HFA–305), food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Taylor M. Quinn, Bureau of Foods (HFF-300), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1243.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 26, 1981 (46 FR 33053), FDA proposed revoking the withdrawal of the proposal to allow bread that has achieved a 25-percent reduction in calories to be labeled as "reduced calorie" bread. In addition, the agency reopened the comment period to seek comments on specific subjects, including information concerning methods of analysis for determining the calorie content of bread. The comment period ended August 25, 1981.

On August 25, 1981, the American Bakers Association (ABA) requested a 90–day extension of the comment period to permit the Approved Methods Committee of the American Association of Cereal Chemists time to complete the project of the proper method of analysis for determining the calorie content of bread.

The agency concludes that the ABA has presented sufficient grounds to support extension of the comment period.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 701(a), 52 Stat. 1041, 1047 as amended, 1055 (21 U.S.C. 321(n), 343(a), 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), the comment period is extended 90 days to November 23, 1981.

Dated: September 14, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–27190 Filed 9–15–81; 4:42 pm]

BILLING CODE 4110–03–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 18 and 240

[Notice No. 384]

Reduction of Regulatory Requirements on Producers of Volatile Fruit-Flavor Concentrates

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing this notice of proposed rulemaking to obtain comment from the public on minimizing the regulatory requirements on producers of volatile fruit-flavor concentrates. The regulations under consideration appear in 27 CFR Parts 18 and 240.

Due to the limited jeopardy to the revenue, absence of a pattern of abuse, and the small number of producers, ATF feels that continuation of historical regulatory requirements pertaining to concentrate producers would not be in the best interest of the industry or the Government. ATF also feels that careful liberalization of those regulatory requirements is not contrary to its duty to protect the revenue. Therefore, in an attempt to promote industry and Government efficiency and to relax regulatory requirements where possible, while still providing adequate protection to the revenue, ATF proposes the revisions described in this notice.

DATE: Comments must be received on or before December 17, 1981.

ADDRESS: Send comments to Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044, Notice No. 384.

FOR FURTHER INFORMATION CONTACT: E. J. Ference or J. R. Whitley, Research and Regulations Branch, 202–566–7626.

SUPPLEMENTARY INFORMATION: This notice proposes revision of the regulations in 27 CFR Part 18. Those regulations relate to the location, construction, arrangement, equipment, and qualification of plants for the manufacture of volatile fruit-flavor concentrate (essence); and to the production, removal, sale, transportation, and use of concentrate and of the fruit mash or juice from which concentrate is produced. In addition, this notice proposes conforming revisions to 27 CFR Part 240.

Executive Order 12291

It has been determined that this proposed rulemaking is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domenstic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Reasons for the Proposed Change

Due to the limited jeopardy to the revenue, absence of a pattern of abuse, and the small number of producers, ATF feels that continuation of historical regulatory requirements pertaining to concentrate producers would not be in the best interest of the industry or the Government. ATF also feels that careful liberalization of those regulatory requirements is not contrary to its duty to protect the revenue. Therefore, in an attempt to promote industry and Government efficiency and to relax regulatory requirements where possible, while still providing adequate protection to the revenue, ATF proposes the revisions described in this notice.

Existing Regulations

1. Qualification

Any person desiring to manufacture concentrate is required to submit an application to establish a concentrate plant. Information regarding proprietorship, premises, equipment, and production processes is required. Organizational documents, plats, and flow plans must also be submitted in support of the application.

2. Bonds

A concentrate plant proprietor is required to have a bond in sufficient sum to cover potential tax liability. A tax liability is brought into being when any concentrate, including mash or juice from which concentrate is produced, is made, used, sold, or transported in a manner contrary to law or regulation.

3. Operations

The production, use, and transfer of concentrate is controlled by a system of restrictions and reporting requirements. These regulatory requirements protect the revenue by providing ATF control over the operations involved in the manufacture and use of concentrate. Formulas and samples must be submitted for approval. Also, approval must be secured prior to transfer of concentrate to a bonded wine cellar.

Proposed Regulations

The proposed regulations provide simplified guidelines for the qualification and operation of concentrate plants. Numerous regulatory requirements have been diminished or deleted.

27 CFR Part 18 Changes

The major changes made to 27 CFR Part 18 are as follows:

Qualification. The requirement for submission of a plat and plan depicting the concentrate plant premises is deleted. The requirement for submission of a detailed plant description that includes major equipment, flow plans, and a statement of process is deleted. The requirement for listing all officers and directors is modified.

Changes in proprietorship, control, and name. Changes in proprietorship, control, and name must still be filed. However, the filing requirements have been made less stringent.

Changes in equipment and process. The requirement to file an amended application covering changes in plant equipment (except stills) or the production process is deleted.

Bonds. Bonds and consents of surety are no longer required.

Operations. Operational requirements are relaxed. Equipment need not be marked as to use, etc., unless required by the regional regulatory administrator. Submission of a sample of each high-proof concentrate to be produced is no longer required. However, a concentrate plant proprietor is required to submit a sample to the ATF National Laboratory for testing if he is unsure that the product is unfit for beverage use (nonpotable). The requirements that a proprietor notify the regional regulatory administrator of his suspension and resumption of operations is deleted.

Forms. Four ATF forms are eliminated, one ATF form is changed from a monthly to an annual report, and one form is no longer submitted by concentrate plant proprietors. ATF Forms 3873 (5520.1)—Application for Fruit-Flavor Concentrate and 3874 (5520.5)—Notice of Transfer of Fruit-Flavor Concentrate are eliminated. ATF Form 1694 (5110.70)—Concentrate Manufacturer's Bond is eliminated. ATF Form 1695 (5520.2)—Monthly Report of Concentrate Manufacturer is changed to an annual report. ATF Form 1533 (5000.18)—Consent of Surety is no longer required. ATF Form 27–G SUPPLEMENTAL (5520.4)—Application for Production of High Proof Concentrate is eliminated.

Records. Where feasible, commercial records have been substituted for prescribed forms. A commercial record of transfer for all products shipped from a concentrate plant has been substituted for most of the now required daily records. The record of transfer covering products shipped to a bonded wine cellar replaces the certificate that a bonded wine cellar proprietor secured from a concentrate plant proprietor.

27 CFR Part 240 Changes

Several conforming changes are made to 27 CFR Part 240 regarding the elimination of ATF Forms 3873 (5520.1) and 3874 (5520.5). The recording of losses in transmit or other discrepancies for concentrate received, which was formerly done on ATF Form 3874 (5520.5), is transferred to the record of material-received and used.

General Information

The proposed regulations modernize and simplify the requirements for proprietors to qualify and operate concentrate plants.

ATF has attempted to minimize the regulatory requirements on producers of concentrate. This notice of proposed rulemaking proposes an amended 27 CFR Part 18 that contains 37 regulation sections. This is a decrease of 34 sections. As stated previously, four public use forms will be eliminated if this proposed rulemaking becomes a final rule. Proprietors of concentrate plants will benefit from this proposal, in that potentially costly administrative

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burdens have been alleviated. Each major change, detailed in the PROPOSED REGULATIONS portion of this preamble, is modernizing, liberalizing, and simplifying in nature.

Questions

Specific comment and data is requested concerning the following questions:

1. Which remaining requirements could be further liberalized or deleted without jeopardy to the revenue or interruption of the compliance audit trail?
2. Should a bond requirement be retained? If so, in what amount? Why?
3. Should the annual report requirement in the proposed regulations be eliminated? Should the monthly report be reinstated? Why?
4. Should any of the other requirements which are changed or deleted in the proposed regulations be retained?
5. Will implementation of the proposed regulations result in a benefit or detriment to the concentrate industry or any other related industry?
6. Will implementation of the proposed regulations result in a benefit or detriment to the consumer?

Public Participation

Interested persons may participate in the rulemaking process by submitting written data, cost estimates, views, or objections regarding this proposal. Written communications should be identified by the notice number (Notice No. 384) and be submitted to the Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044. All written communications received on or before December 17, 1981, will be consider before action is taken on the final regulations.

Written communications will be available for public inspection at the ATF Reading Room, Room 4405, 12th and Pennsylvania Avenue, NW, Washington, DC, from 8:30 a.m. to 5:00 p.m.

Any interested person who desires an opportunity to comment orally at a public hearing on this notice of proposed rulemaking should submit his or her request in writing to the Director within the comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

Drafting Information

The principal authors of this document are E. J. Ference and J. R. Whitley of the Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority and Issuance

Accordingly, under the authority in 26 U.S.C. 7805 (68A Stat. 917), the Director proposes the amendment of 27 CFR Part 18—Production of Volatile Fruit-Flavor Concentrates and 27 CFR Part 240—Wine as follows:

Section A

Part 18 is revised in its entirety as follows:

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

Subpart A—Scope

Sec.
18.1 Scope.
18.2 Applicability of law.
18.3 Unlawful operations.

Subpart B—Definitions

18.11 Meaning of terms.

Subpart C—Administrative and Miscellaneous Provisions

18.13 Alernate methods or procedures.
18.14 Emergency variations from requirements.
18.15 Right of entry and examination.
18.16 Forms prescribed.

Document Requirements

18.17 Retention of documents.
18.18 Execution under penalties of perjury.
18.19 Security.

Subpart D—Qualification

18.21 General.
18.22 Restrictions as to location and use.
18.23 Stills.

Application

18.24 Data for application.
18.25 Organizational documents.
18.26 Powers of attorney.
18.27 Additional requirements.

Changes After Original Establishment

18.31 General requirement.
18.32 Change in name.
18.33 Change in location.
18.34 Continuing partnerships.
18.35 Change in proprietorship.
18.36 Change in officers and directors.
18.37 Change in stockholders.
18.38 Permanent discontinuance.

Subpart E—Operations

18.51 Processing material.
18.52 Production of high-proof concentrate.
18.53 Use of concentrate.
18.54 Transfer of concentrate.
18.55 Label.
18.56 Return of concentrate.

Subpart F—Records and Reports

18.61 Records and reports.
18.62 Record of transfer.
18.63 Record of transfer to a bonded wine cellar.
18.64 Photographic copies of records.
18.65 Annual report.

Authority: August 16, 1954, Chapter 736, 68A Stat. 917 (26 U.S.C. 7805), unless otherwise noted.

Subpart A—Scope

§ 18.1 Scope.

The regulations in this part relate to the qualification and operation (including activities incident thereto) of plants for the manufacture of volatile fruit-flavor concentrate (essence). The regulations in this part apply to the several States of the United States and the District of Columbia.

§ 18.2 Applicability of law.

Except as specified in 26 U.S.C. 5511, the provisions of 26 U.S.C. Chapter 51 are not applicable to the manufacture, by any process which includes evaporations from the mash or juice of any fruit, of any volatile fruit-flavor concentrate if—

(a) The concentrate, and the mash or juice from which it is produced, contains no more alcohol than is reasonably unavoidable in the manufacture of the concentrate; and

(b) The concentrate is rendered unfit for use as a beverage before removal from the place of manufacture, or (in the case of concentrate which does not exceed 24 percent alcohol by volume) the concentrate is transferred to a bonded wine cellar for use in the production of natural wine; and

(c) The manufacturer of concentrate complies with all requirements for the protection of the revenue with respect to the production, removal, sale, transportation, and use of concentrate, and of the mash or juice from which it is produced, as may be prescribed by this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1392, as amended (26 U.S.C. 5511))

§ 18.3 Unlawful operations.

(a) A manufacturer of concentrate who violates any of the conditions exempting him from the provisions of 26 U.S.C. Chapter 51, is subject to the taxes and penalties otherwise applicable under that chapter in respect of such operations.

(b) Any person who sells, transports, or uses any concentrate or the mash or juice from which it is produced, in violation of 26 U.S.C. Chapter 51, or the regulations promulgated thereunder, is subject to all the provisions of that chapter pertaining to distilled spirits and wines, including those requiring the payment of the tax thereon.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1314, as amended (26 U.S.C. 5001))

Subpart B—Definitions

§ 18.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Bonded wine cellar. Premises established under Part 240 of this chapter for the production, blending, cellar treatment, storage, bottling, or packaging of untaxpaid wine, and includes premises designated as "bonded winery".

Concentrate. Any volatile fruit-flavor concentrate (essence) produced by any process which includes evaporations from any fruit mash or juice.

Concentrate plant. An establishment qualified under this part for the production of concentrate.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the application, report, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this ——— (insert type of document, such as application or report), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct and complete."

Fold. The ratio of the volume of the fruit mash or juice to the volume of the concentrate produced from the fruit mash or juice. For example, one gallon of concentrate of 100-fold would be the product from 100 gallons of fruit mash or juice.

Fruit. All products commonly known and classified as fruit, berries, or grapes.

Fruit mash. Any unfermented mixture of juice, pulp, skins, and seeds prepared from fruit, berries, or grapes.

High-proof concentrate. For the purposes of this part, "high-proof concentrate" means a concentrate (essence), as defined in this section, that has an alcohol content of more than 24 percent by volume and is unfit for beverage use (nonpotable) because of its natural (without the addition of other substances) constituents.

Juice. The unfermented juice (concentrated or unconcentrated) of fruit, berries, or grapes, exclusive of pulp, skins, or seeds.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Processing material. The fruit mash or juice from which concentrate is produced.

Proprietor. A person qualified under this part to operate a concentrate plant.

Regional regulatory administrator. The principal ATF regional official responsible for administering regulations in this part.

Registry number. The number assigned to a concentrate plant by the regional regulatory administrator.

U.S.C. The United States Code.

Subpart C—Administrative and Miscellaneous Provisions

§ 18.13 Alternate methods or procedures.

(a) *General.* The proprietor, on specific approval by the Director, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(1) Good cause has been shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by the specifically prescribed method or procedure, and affords equivalent security to the revenue; and

(3) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

(b) *Application.* Where the proprietor desires to employ an alternate method or procedure, he shall submit a written application to the regional regulatory administrator, for transmittal to the Director. The application shall specificially describe the proposed alternate method or procedure and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of the authorization.

§ 18.14 Emergency variations from requirements.

(a) *General.* The regional regulatory administrator may approve emergency variations from requirements specified in this part, where he finds that an emergency exists, the proposed variations are necessary, and the proposed variations—

(1) Will afford the security and protection to the revenue intended by the prescribed specifications;

(2) Will not hinder the effective administration of this part; and

(3) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions and limitations will automatically terminate the authority for such variations and the proprietor thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authorized for any variation may be withdrawn whenever in the judgment of the regional regulatory administrator the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation.

(b) *Application.* Where the proprietor desires to employ emergency variations, he shall submit a written application to do so to the regional regulatory administrator. The application must describe the proposed variations and set forth the reasons therefor. Variations will not be employed until the application has been approved, except when an emergency requires immediate action to correct a situation that is threatening to life or property. Such corrective action may then be taken concurrent with the filing of the application and notification of the regional regulatory administrator via telephone.

§ 18.15 Right of entry and examination.

Any ATF officer may at all times, as well by night as by day, enter any concentrate plant to make examination of the materials, equipment, and facilities thereon; and make such gauges

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and inventories as he deems necessary. Whenever any ATF officer, having demanded admittance, and having declared his name and office, is not admitted into such premises by the proprietor or other person having charge thereof, he may at all times use such force as is necessary for him to gain entry to such premises.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1357 as amended, 1392, as amended (26 U.S.C. 5203, 5511))

§ 18.16 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

Document Requirements

§ 18.17 Retention of documents.

The proprietor shall maintain a file of all approved applications and other documents, on or convenient to the concentrate plant premises, available for inspection by ATF officers.

§ 18.18 Execution under penalties of perjury.

When a form or other document called for under this part is required to be executed under penalties of perjury, it shall be so executed, as defined in § 18.11, and shall be signed by an authorized person.

(68A Stat. 749 (26 U.S.C. 6065))

§ 18.19 Security.

The concentrate plant and equipment must be so constructed, arranged, equipped, and protected as to afford adequate protection to the revenue and facilitate inspection by ATF officers.

Subpart D—Qualification

§ 18.21 General.

A person shall not engage in the business of manufacturing concentrate unless he has made application for registration on Form 27–G (5520.3), to the regional regulatory administrator and has received approval thereof as provided in this part. All written statements, affidavits, and other documents submitted in support of the application or incorporated by reference shall be deemed to be a part thereof.

§ 18.22 Restrictions as to location and use.

(a) *Restrictions.* A concentrate plant may not be established in any dwelling house or on board any vessel or boat, or on any premises where any other business is conducted. The premises of a concentrate plant may be used only for the business stated in the approved application for registration.

(b) *Exceptions.* The regional regulatory administrator may authorize (1) the establishment of a concentrate plant on premises where other business is conducted, or (2) the use of the premises of a concentrate plant for other business. Any person desiring such authorization shall submit a written application to the regional regulatory administrator. The application must describe the other business by type, the relationship (if any) to the concentrate plant, and the premises to be used. A concentrate plant may not be established on premises where other business is conducted or used to conduct other business until the application is approved. The regional regulatory administrator may decline to approve the application or withdraw the authorization if the revenue is jeopardized or the effective administration of this part is hindered.

§ 18.23 Stills.

(a) Any stills set up on concentrate plant premises and intended for the production of concentrate must be registered with the regional regulatory administrator of the region in which located, as required by 27 CFR 196.45. The listing of stills in the application and the approval of the application shall constitute registration of such stills.

(b) The special occupational and commodity taxes imposed by 26 U.S.C. 5101 are not applicable in respect of any stills set up on concentrate plant premises and used in the production of concentrate pursuant to this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1355, as amended, 1392, as amended (26 U.S.C. 5179, 5511))

Application

§ 18.24 Data for application.

Applications on Form 27–G (5520.3) must include the following:

(a) Serial number;

(b) Name and principal business address of the applicant, and the location of the plant if different from the business address;

(c) Purpose for which filed;

(d) Information regarding proprietorship, supported by the organizational documents listed in § 18.25; and

(e) Description of each still and a statement of its maximum capacity.

Where any of the information required by this section is on file with the regional regulatory administrator, that information, if accurate and complete, may be incorporated by reference by the applicant and made a part of the application.

§ 18.22 Organizational documents.

The supporting information required by paragraph (d) of § 18.24 includes, as applicable:

(a) Extracts from the articles of incorporation or from the minutes of meetings of the board of directors, authorizing the incumbents of certain offices, or other persons, to sign for the corporation;

(b) Names and addresses of the officers and directors (Do not list officers and directors who have no responsibility in connection with the operation of the concentrate plant.);

(c) Names and addresses of the 10 persons having the largest ownership or other interest in the corporation or other legal entity, and the nature and amount of the stockholding or other interest of each, whether said interest appears in the name of the interested party or in the name of another for him; and

(d) In the case of an individual owner or a partnership, the name and address of every person interested in the concentrate plant, whether the interest appears in the name of the interested party or in the name of another for him.

§ 18.26 Powers of attorney.

The proprietor shall execute and file with the regional regulatory administrator a Form 1534(5000.8) for every person authorized to sign or to act on behalf of the proprietor. (Not required for persons whose authority is furnished in the application.)

§ 18.27 Additional requirements.

(a) The regional regulatory administrator, to protect the revenue, may require—

(1) Additional information in support of an application for registration;

(2) Marks on major equipment to show serial number, capacity, and use;

(3) Installation of meters, tanks, pipes, or other apparatus; and

(4) Installation of security devices.

(b) Any proprietor refusing or neglecting to comply with any requirement of this section shall not be permitted to operate.

Changes After Original Establishment

§ 18.31 General requirement.

Where there is a change with respect to the information shown in the application, the proprietor shall submit, within 30 days of the change (except as otherwise provided in this part), an amended application on Form 27–G(5520.3).

(Sec. 201, Pub. L. 85–859, 72 Stat. 1392 as amended (26 U.S.C. 5511))

§ 18.32 Change in name.

The proprietor shall submit an amended application to cover any change in the individual, firm, or corporate name.

§ 18.33 Change in location.

The proprietor shall submit an amended application to cover a change in the location of a concentrate plant. Operation of the concentrate plant may not be commenced at the new location prior to approval of the amended application.

§ 18.34 Continuing partnerships.

If, under the laws of the particular State, the partnership is not immediately terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, the surviving partner may continue to operate the plant under the prior qualification of the partnership. If the surviving partner acquires the business on completion of the settlement of the partnership, he shall qualify in his own name from the date of acquisition, as provided in § 18.35. The rule set forth in this section also applies where there is more than one surviving partner.

§ 18.35 Change in proprietorship.

(a) *General.* If there is a change in the proprietorship of a concentrate plant, the outgoing proprietor shall comply with the requirements of § 18.38, and the successor shall, before commencing operations, file application and receive approval thereof in the same manner as a person qualifying as the proprietor of a new concentrate plant. Processing material, concentrate and other material may be transferred from an outgoing proprietor to a successor.

(b) *Fiduciary.* If the successor to the proprietorship of a concentrate plant is an administrator, executor, receiver, trustee, assignee, or other fiduciary, he shall comply with the provisions of paragraph (a) of this section. If the fiduciary was appointed by a court, the effective dates of the qualifying documents filed by the fiduciary shall be the effective date of the court order, or the date specified therein for him to assume control. If the fiduciary was not appointed by a court, the date of his assuming control shall coincide with the effective date of the qualifying documents filed by him.

§ 18.36 Change in officers and directors.

The proprietor shall submit an amended application to cover changes in the list of officers and directors furnished under the provisions of § 18.25.

§ 18.37 Change in stockholders.

The proprietor shall submit changes in the list of stockholders furnished under the provisions of § 18.25 annually on May 1. Where the sale or transfer of capital stock results in a change of control or management of the business, the proprietor shall comply with the provisions of § 18.35.

§ 18.38 Permanent discontinuance.

A proprietor who permanently discontinues the business of a concentrate manufacturer shall, after completion of operations, file an application on Form 27–G(5520.3) to cover such discontinuance, giving the date of the discontinuance.

Subpart E—Operations

§ 18.51 Processing material.

(a) *General.* A proprietor may produce processing material or receive processing material produced elsewhere. Fermented processing material may not be used in the manufacture of concentrate. Processing material may be used if it contains no more alcohol than is reasonably unavoidable, and must be used when produced, or as soon thereafter as practicable.

(b) *Record of processing material.* A proprietor shall maintain a record, by kind and quantity, of processing material used.

§ 18.52 Production of high-proof concentrate.

(a) *General.* High-proof concentrate may be produced in a concentrate plant. Concentrate having an alcohol content of more than 24 percent by volume that is fit for beverage use may not be produced in a concentrate plant.

(b) *Determination.* When a proprietor has doubt that a particular concentrate is a high-proof concentrate, he shall submit a written request to the Director for a determination of whether the concentrate is unfit for beverage use. Each request for a determination must include information as to kind, percent alcohol by volume, and fold of the concentrate. The request must be accompanied by a respresentative 8-ounce sample of the concentrate.

§ 18.53 Use of concentrate.

Concentrate may be used in the manufacture of any product made in the conduct of another business authorized to be conducted on concentrate plant premises under the provisions of § 18.22, if such product contains less than one-half of one percent of alcohol by volume.

§ 18.54 Transfer of concentrate.

(a) *Concentrate unfit for beverage use.* Concentrate (including high-proof concentrate and concentrate treated as provided in paragraph (c) of this section) unfit for beverage use may be transferred for any purpose authorized by law.

(b) *Concentrate fit for beverage use.* Concentrate fit for beverage use may be transferred only to a bonded wine cellar. If concentrate is rendered unfit for beverage use, it may be transferred as provided in paragraph (a) of this section.

(c) *Rendering concentrate unfit for beverage use.* Concentrate may be rendered unfit for beverage use by reducing the alcohol content to not more than 15 percent alcohol by volume (if the reduction does not result in a concentrate of less than 100 fold), and adding to each gallon thereof, in a quantity sufficient to render the concentrate unfit for beverage use, the following:

(1) Sucrose; or

(2) Concentrated fruit juice, of at least 70 Brix, made from the same kind of fruit as the concentrate; or

(3) Malic, citric, or tartaric acid.

(d) *Record of transfer.* The proprietor shall record transfers of concentrate (including high-proof concentrate) on a record of transfer as required in §§ 18.62 or 18.63.

§ 18.55 Label.

Each container of concentrate must have affixed thereto, before transfer, a label identifying the product and showing (a) the name of the proprietor; (b) the registry number of the plant; (c) the address of the plant; (d) the number of wine gallons; and (e) the percent alcohol by volume.

§ 18.56 Return of concentrate.

(a) *General.* The proprietor of a concentrate plant may accept the return of concentrate shipped by him.

(b) *Record of returned concentrate.* When the returned concentrate is received, the proprietor shall record the receipt, including a notation regarding any loss in transit or other discrepancy.

(c) *Report of returned concentrate.* The quantity of returned concentrate received shall be reported on an unused line on the annual report Form 1695(5520.2).

Subpart F—Records and Reports

§ 18.61 Records and reports.

(a) *General.* Each proprietor shall keep records and reports as required by this part. These records and reports must be maintained on or convenient to the concentrate plant and must be available for inspection by ATF officers during business hours. Records and reports must be retained by the proprietor for three years from the date they were prepared, or three years from the date of the last entry, whichever is later.

(b) *Records.* Each proprietor shall keep such records relating to or connected with the production, transfer, or return of concentrate and the juice or mash from which it is produced, as will (1) enable any ATF officer to verify operations and to ascertain whether there has been compliance with law and regulations, and (2) enable the proprietor to prepare Form 1695(5520.2). A proprietor need not prepare a specific record to meet the record requirements of this part. Any book, paper, invoice, bill of lading, or similar document that the proprietor prepares or receives for other purposes may be used, if all required information is shown.

(c) *Reports.* Each proprietor shall prepare and submit reports (including applications) as required by this part.

§ 18.62 Record of transfer.

When concentrate, juice, or fruit mash is transferred from the concentrate plant premises, the proprietor shall prepare a record of transfer. The record of transfer may consist of a commercial invoice, bill of lading, or any other similar document. The record of transfer must be prepared, in duplicate, by the proprietor. The proprietor shall forward the original of the record of transfer to the consignee and retain the copy as a record. Each record of transfer shall show the following information:

(a) Name, registry number, and address of the concentrate plant;

(b) Name and address of the consignee;

(c) Kind (by fruit from which produced) and description of product, e.g. grape concentrate, concentrated grape juice, unconcentrated grape juice, grape mash;

(d) Quantity (in wine gallons); and

(e) For concentrate, percent alcohol by volume.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1392, as amended (26 U.S.C. 5511))

§ 18.63 Record of transfer to a bonded wine cellar.

A proprietor transferring concentrate, juice, or fruit mash to a bonded wine cellar shall prepare a record of transfer as required by § 18.62 and enter the following additional information:

(a) Registry number of the bonded wine cellar;

(b) For each product manufactured from grapes or berries, variety of grape or berry;

(c) For juice and fruit mash, whether volatile fruit flavor has been removed and, if so, whether the identical volatile fruit flavor has been restored; and

(e) For concentrated juice, total solids content before and after concentration.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1392, as amended (26 U.S.C. 5511))

§ 18.64 Photographic copies of records.

Proprietors may record, copy, or reproduce records required by this part by any process which accurately reproduces or forms a durable medium for reproducing the original of records. Whenever records are reproduced under this section, the reproduced records must be preserved in conveniently accessible files, and provisions must be made for examining, viewing, and using the reproduced record the same as if it were the original record. The reproduced record will treated and considered for all purposes as though it were the original record. All provisions of law and regulation applicable to the original record are applicable to the reproduced record.

§ 18.65 Annual report.

An annual report, on Form 1695(5520.2), of concentrate plant operations must be prepared by each proprietor. The report shall be forwarded to the regional regulatory administrator not later than 15 days after the close of the calendar year for which rendered. When a proprietor permanently discontinues the business of manufacturing concentrate, the proprietor shall submit the annual report not later than 15 days after such discontinuance and mark the report "Final Report".

Section B

PART 240—WINE

Part 240 is amended as follows:

Paragraph 1. The Table of Contents is amended to remove the section headings for §§ 240.359a and 240.359b and to revise the section headings for §§ 240.357, 240.358 and 240.359. The revised headings read as follows:

Sec.

* * * * *

240.357 General.

240.358 Use of volatile fruit-flavor concentrate in cellar treatment of natural wine.

240.359 Use of juice (or must) from which volatile fruit flavor has been removed.

* * * * *

Paragraph 2. Section 240.353 is amended to add the phrase "from other than a concentrate plant", to remove the word "thereof", and to remove reference to a certificate for fruit juice received at a bonded wine cellar from a concentrate plant. As revised, § 240.353 reads as follows:

§ 240.353 Concentrated and unconcentrated fruit juice.

Concentrated fruit juice reduced with water to its original density, or to 22 degrees Brix, or to any degree of Brix between its original density and 22 degrees Brix, and unconcentrated fruit juice reduced with water to not less than 22 degrees Brix, shall be deemed to be juice for the purpose of standard wine production. Where concentrated fruit juice is received on bonded wine cellar premises from other than a concentrate plant, the proprietor shall procure from the producer a certificate stating the kind of fruit juice from which it was produced and the total solids content of such juice before and after concentration. Concentrated or unconcentrated fruit juice may be used in juice or wine made from the same kind of fruit for purposes of developing alcohol by fermentation or for sweetening as provided in this part. Concentrated fruit juice, or juice which has been concentrated and reconstituted, shall not be used in standard wine production if at any time it was concentrated to more than 80 degrees Brix.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

Paragraph 3. Sections 240.357 through 240.359 are revised to reflect the elimination of Forms 3873(5520.1) and 3874(5520.5). As revised, these sections read as follows:

§ 240.357 General.

A proprietor may receive volatile fruit-flavor concentrate for use in the production of wine as provided in this part. A proprietor may, for any legitimate reason, return volatile fruit-flavor concentrate to the concentrate plant from which it was received, if the proprietor of the concentrate plant consents to the return. If volatile fruit-flavor concentrate is not used immediately, it must be stored on the bonded premises separately from essences and flavors which may be on hand for use in the production of special natural wine. The proprietor shall record the receipt or return of any volatile fruit-flavor concentrate in the manner required by § 240.915.

§ 240.358 Use of volatile fruit-flavor concentrate in cellar treatment of natural wine.

In the cellar treatment of natural wine, there may be added:

(a) To natural grape or berry wine of the winemaker's own production, volatile fruit-flavor concentrate produced from the same variety of grape or the same kind and variety of berry, or

(b) To natural fruit wine (other than grape or berry) of the winemaker's own production, volatile fruit-flavor concentrate produced from the same kind of fruit,

so long as the proportion of the volatile fruit-flavor concentrate to the wine does not exceed the proportion of the volatile fruit-flavor concentrate to the original juice (or must) from which it was produced.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

§ 240.359 Use of juice (or must) from which volatile fruit flavor has been removed.

Juice (or must) or concentrated juice processed at a concentrate plant is deemed to be pure juice (or must) or concentrated juice even though volatile fruit flavor has been removed if, at such concentrate plant or at the bonded wine cellar, there is added to such juice (or must) or concentrated juice, or (in the case of a bonded wine cellar) to wine of the winemaker's own production made therefrom, either the identical volatile fruit flavor removed or:

(a) In the case of natural grape or berry wine of the winemaker's own production, an equivalent quantity of volatile fruit-flavor concentrate derived from the same variety of grape or the same kind and variety of berry, or

(b) In the case of natural fruit wine (other than grape or berry wine) of the winemaker's own production, an equivalent quantity of volatile fruit-flavor concentrate derived from the same kind of fruit.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383, as amended (26 U.S.C. 5382))

§ 240.359a [Removed]

§ 240.359b [Removed]

Paragraph 4. Sections 240.359a and 240.359b are removed because Forms 3873 (5520.1) and 3874 (5520.5) have been eliminated.

Paragraph 5. Section 240.915 is amended by revising the section to include the requirement (formerly in § 240.359a which has been removed) that a notation regarding losses in transit for volatile fruit-flavor concentrate be entered into the record required by this section. As revised, § 240.915 reads as follows:

§ 240.915 Separate record of materials received and used.

Each proprietor producing wine shall maintain a separate record showing the receipt and use or other disposition of basic winemaking materials, such as fruit, juice or concentrated juice. Where juice (or must) or concentrated juice is received from a concentrate plant, the record shall also show whether the identical volatile fruit flavor has been restored to such juice (or must) or concentrated juice , and further as to any such concentrated juice, its original density. If volatile fruit-flavor concentrate is received for use in the cellar treatment of natural wine, as authorized in Subpart O of this part, the record shall also show the receipt of such concentrate, a notation regarding any loss in transit or other discrepancy, the fold of such concentrate, the percent of alcohol by volume contained therein, and the use or other disposition of such concentrate. The record must show the date of receipt, the quantity received, the name and address of the person from whom received, and the date of use or other disposition of the materials. The invoices or commercial papers showing the receipt of materials will be retained in chronological order in support of the record. If materials are received off bonded premises and subsequently transferred to the bonded premises, the record will be maintained only with respect to materials received on the bonded premises and will show the date of transfer and quantity transferred, but the invoices or commercial papers covering the purchase of the materials will also be kept available for inspection. Where grapes (or other fruit) received on the bonded premises are used in producing juice to be stored for future use or for removal, the record will show the quantities of grapes used and juice produced. Where fruit or juice is used to produce concentrated juice the record will show the quantity of fruit or juice used and the quantity of concentrated juice produced. The record must also show the use or other disposition of the juice or concentrated juice produced. At the close of each month the materials account will be balanced and the totals reported on Form 5120.17(702).

(Sec. 201, Pub. L. 85–859, 72 Stat. 1381 (26 U.S.C. 5367))

Signed: August 12, 1981.

G. R. Dickerson,

Director.

Approved: August 31, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81–27214 Filed 9-17-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Parts 194, 250, and 251

[Notice No. 383]

Elimination of Certain Public Use Forms Prepared by Wholesale Dealers and Importers of Distilled Spirits

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is examining all Government public use forms to determine their continued need, possible duplication with other commercially prepared records, and reporting burden on regulated industries. The primary purpose of all public use forms it to provide standardized reporting of information necessary to the Federal Government. In order to minimize the reporting burden on the industry, ATF proposed to eliminate two forms required to be prepared and submitted by importers and wholesalers of distilled sprits. In addition, ATF proposes to change one daily recapitulation record to a monthly summary report totaling the receipts and dispositions of distilled spirits and eliminate the requirement for a consignee to serially number the receiving invoices. This monthly summary report would only be maintained and filed when required, in writing, by the regional regulatory administrator. Since other available commercial records contain the same information required by the two Government forms, ATF believes the elimination of these forms will not affect

its ability to trace and identify the flow of distilled spirits.

DATE: Comments must be received by December 17, 1981.

ADDRESS: Written comments must be addressed to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION:

Forms, Records and Reports

ATF proposes to eliminate the daily Wholesale Liquor Dealer's Report of Receipts-Wholesale Liquor Dealer's Report of Disposals, ATF Form 52A and 52B (5170.9); the Wholesale Liquor Dealer's Semiannual Report, ATF Form 338 (5110.48); and the daily recapitulation record of receipts and dispositions. In lieu of the ATF Form 338 (5110.48) and daily recapitulation record, the Bureau proposes a new monthly summary report, totaling the receipts and disposition of distilled spirits on a daily basis. The proposed monthly summary report would only be maintained and filed by a dealer when required, in writing, by the regional regulatory administrator. The maintenance of the monthly summary report on a daily basis could be changed to a less frequent interval by filing and receiving an approved application from the regional regulatory administrator.

The Bureau has determined that the filing of ATF Forms 52A and 52B (5170.9) and 338 (5110.48) is no longer necessary to law enforcement and protection of the revenue. The regulations in Part 194 (Liquor Dealers) of 27 CFR still require that wholesale dealers in distilled spirits keep commercial daily records of receipt and disposition. These daily records may be invoices, credit memorandums, memorandum receiving and shipping records and other forms of records approved by the Director.

Executive Order 12291

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumer, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competion, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act of 1980

This proposed rule provides for the elimination of certain recordkeeping and reporting requirements for small businesses and other persons engaged in wholesaling and importing of liquors, therefore, this proposed rule would be subject to the requirements of 44 U.S.C. 3507. (44 U.S.C. 3501 et seq.)

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Public Participation

ATF requests comments from all interested persons regarding its proposal to eliminate ATF Forms 52A and 52B (5170.5) and 338 (5110.48), pertaining to wholesale liquor dealers and importers of distilled spirits. In addition, comments are requested regarding the proposed monthly summary report of receipts and dispositions of distilled spirits in lieu of the currently required individual daily recapitulation record. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for further action. Copies of this notice and of written comments are available for public inspection during normal business hours at the following location: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should include a request for such in the comments submitted during the 90-day comment period. The Director, however reserves the right to determine, in light of all the circumstances, whether a public hearing should be held.

Drafting Information

The principal author of these regulations is Norman Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices of the Bureau and from the Treasury Department participated in developing this document, both in matters of substance and style.

Authority and Issuance

The proposed regulations are issued under the authority contained in 26 U.S.C. 7805 (68 Stat. 917).

For the reasons set out in the preamble, it is proposed that 27 CFR Parts 194, 250 and 251 be amended as follows:

PART 194—LIQUOR DEALERS

Paragraph 1. The table of sections in 27 CFR Part 194, Subpart O is amended by changing the title of § 194.230 from "Recapitulation Records" to "Monthly Summary Report"; removing §§ 194.231, 194.234 through 194.237 and 194.244; and redesignating §§ 194.232 as 194.231, 194.233 as 194.232, 194.238 through 194.243 as 194.233 through 194.238, respectively, and §§ 194.245 through 194.247 as 194.239 through 194.241, respectively. As amended, the table of sections for 27 CFR Part 194, Subpart O reads as follows:

Subpart O—Prescribed Records and Reports, and Posting of Signs

Wholesale Dealers' Records and Reports

Sec.

* * * * *

194.230 Monthly summary report.
194.231 Conversion between metric and U.S. units.
194.232 Discontinuance of business.
194.233 Requirements when wholesale dealer in liquors maintains a retail department.

Retail Dealer's Records

194.234 Requirements for retail dealers.

Files of Records and Reports

194.235 Time and manner of filing records of receipt and disposition.
194.236 Place of filing.

Period of Retention

194.237 Retention of records and files.
194.238 Photographic copies of records.

Posting of Signs

Sec.
194.239 Sign of wholesale dealer in liquors.
194.240 Display of false sign.
194.241 Other dealers; no sign required.

* * * * *

§ 194.193 [Amended]

Par. 2. Section 194.193 is amended by changing the section reference to the last sentence from "§ 194.239" to "§ 194.234."

Par. 3. Section 194.221 is revised by including the requirement for wholesale dealers to maintain a monthly summary report in lieu of a daily recapitulation record; other minor editorial changes are included. As revised, § 194.221 reads as follows:

§ 194.221 General requirements as to distilled spirits.

Except as provided in §§ 194.223 and 194.224, every wholesale dealer in liquors shall keep daily records of the physical receipt and disposition of distilled spirits, as prescribed in §§ 194.225 and 194.226. When required in writing by the regional regulatory administrator, dealers shall also maintain and file a monthly summary report totaling the daily receipts and disposition of distilled spirits (including inventory gains and inventory losses and losses due to theft or casualty), as prescribed in § 194.230. The monthly summary report will separately record bottled spirits by wine gallons or liters, and spirits in packages will be recorded by proof gallons received and disposed of, daily, during the month.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1342, as amended, 1395, as amended (26 U.S.C. 5114, 5555))

§ 194.222 [Amended]

Par. 4. Section 194.222 is amended by changing the section reference in the second sentence from "§ 194.242" to "§ 194.237."

Par. 5. Section 194.225 is amended by revising paragraphs (a)(2) and (b) and the authority citation to read as follows:

§ 194.225 Records of receipt.

(a) * * *

(1) * * *

(2) date of receipt (to include date of inventory for recorded gains).

* * * * *

(b) *Form of record.* The record prescribed by paragraph (a) of this section will consist of consignors' invoices (or, where such invoices are not available on the day the shipment is received, memorandum receiving records prepared on the day of receipt of distilled spirits, to include date of inventory for recorded gains), and credit memorandums covering distilled spirits returned to the dealer, which contain all required information.

(Sec. 210, Pub. L. 85–859, 72 Stat. 1342, as amended, 1395, as amended (26 U.S.C. 5114, 5555))

Par. 6. Section 194.226 is amended by revising paragraphs (a)(2) and (b) and the authority citation to read as follows:

§ 194.226 Records of disposition.

(a) * * *

(1) * * *

(2) date of diposition (to include date of discovery in the case of casualty, theft or recorded inventory losses).

* * * * *

(b) *Form of record.* The record prescribed by paragraph (a) of this section shall consist of wholesale dealer's invoices (or, where such invoices are not available at the time the spirits are removed, memorandum shipping records prepared at the time of removal of the distilled spirits, to include date of discovery in the case of casualty, theft or recorded inventory losses) which contain all required information.

* * * * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1342, as amended, 1395, as amended (26 U.S.C. 5114, 5555))

Par. 7. Section 194.227 is amended by changing the section reference in the third sentence from "§ 194.240" to "194.235" and revising the authority citation to read as follows:

§ 194.227 Cancelled or corrected records.

* * * If a wholesale dealer in liquors voids and invoice for any reason, the "Government File Copy" prescribed in § 194.235 will be marked "Canceled" and be filed as provided in that section; all remaining copies of the voided invoices will be destroyed or similarly canceled and filed. If a new invoice is prepared, its serial number will be noted on all retained copies of the canceled invoice.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1342, as amended (26 U.S.C. 5114))

Par. 8. Section 194.230 is revised to read as follows:

§ 194.230 Monthly summary report.

(a) *Requirement.* Every wholesale dealer in liquors shall, when required in writing by the regional regulatory administrator, maintain on a daily basis, a monthly summary report of the total quantities of all distilled spirits received and disposed of during the month (including the date of discovery for theft, casualty and inventory losses and inventory gains). Every wholesale dealer in liquors required to maintain the monthly summary report shall also file the original of this report with the regional regulatory administrator. If there were no receipts or disposals of distilled spirits during the month, the report will be marked "No Transactions During Month." This report will be filed not later than the 15th day of the month following the report period, and a copy retained by the dealer. Upon receipt of an application, in duplicate, the regional regulatory administrator may authorize a dealer to maintain the report less frequently until otherwise notified. The regional regulatory administrator's authorization will specify the intervals at which the posting will be accomplished, but not more frequently than monthly.

(b) *Form of report.* When required, the monthly summary report may be prepared in a format which most conveniently adapts itself to the dealer's other recordkeeping systems. In addition to any other information shown therein, the report will include:

(1) Daily totals of all distilled spirits received and disposed of, including, dispositions caused by inventory, causalty of theft losses and receipts affected by recorded gains in inventory;

(2) Daily totals of bottled spirits recorded separately by wine gallons, or liters;

(3) Daily totals of bulk spirits in packages recorded separately by proof gallons.

(c) *Declaration.* When required to be filed, the monthly summary report will bear the following declaration signed by the dealer or an authorized agent:

"I declare under the penalties of perjury that I have examined this report and to the best of my knowledge and belief, it is true, correct, and complete, and is supported by true, correct, and complete records which are available for inspection."

(Act of August 16, 1954, 68A Stat. 749 (26 U.S.C. 6065); Section 201, Pub. L. 85–859, 72 Stat. 1342, as amended, 1395, as amended (26 U.S.C. 5114, 5555))

§ 194.231 [Removed and § 194.232 redesignated as § 194.231]

Par. 9. Section 194.231 is removed and § 194.232 is redesignated as § 194.231.

Par. 10. Section 194.233 is redesignated as § 194.232 and revised to read as follow:

§ 194.232 Discontinuance of business.

When a wholesale dealer in liquors, who is required under § 194.230 to maintain and file a monthly summary report, discontinues business, a monthly summary report marked "Final" shall be prepared covering transactions through the date of discontinuance.

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(Sec. 201, Pub. L. 85–859, 72 Stat. 1342, as amended (26 U.S.C. 5114, 5555))

§§ 194.234, 194,235, 194,236 and 194.237 [Removed]

Par. 11. Sections 194.234, 194.235, 194.236 and 194.237 are removed.

Par. 12. Section 194.238 is redesignated as § 194.233 and revised to read as follows:

§ 194.233 Requirements when wholesale dealer in liquors maintains a retail department.

(a) When a wholesale dealer in liquors maintains a separate department on the premises for the retailing of distilled spirits, the dealer shall, except as provided in paragraph (b) of this section, at the time the distilled spirits are transferred to the retail department, prepare a record, as prescribed in § 194.226, showing such disposition. Where it is necessary in the filling of an order to transfer distilled spirits from the retail department to the wholesale department, a record showing receipt in the wholesale department will be prepared as prescribed in § 194.225, and the entire wholesale sale shall be entered on a record of disposition in the same manner as any other disposition from the wholesale department. The provisions of § 194.230 relating to the reporting and summarizing of daily receipts and dispositions of liquors are applicable to all transfers between wholesale and retail departments. The retail department need not be maintained in a separate room, or be partitioned off from the wholesale department, but the retail department will in fact be separate from the wholesale department.

(b) Where retail sales of distilled spirits normally represent 90 percent or more of the volume of distilled spirits sold, the dealer may, in lieu of the records required by § 194.225, keep records as prescribed in § 194.234 for all retail dealers in liquors, and all distilled spirits at the premises may be considered as having been received in the dealer's retail department. In addition, as prescribed by § 194.226, the dealer shall prepare records of disposition on all distilled spirits sold at wholesale, and shall, when required by the regional regulatory administrator, prepare and file a summary of such spirits, as prescribed in § 194.230. Distilled spirits which have been considered as having been received in the retail department, and which are involved in a wholesale transaction, will be considered as having been transferred to the wholesale department at the time of sale. The monthly summary report, when required by § 194.230, will be submitted even if there have been no wholesale transactions in distilled spirits. The dealer's wholesale department need not be maintained in a separate room or be partitioned off from the retail department.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1342, as amended, 1345, as amended 1395, as amended, (26 U.S.C. 5114, 5124, 5555))

§§ 194.239 and 194.240 [Redesignated as §§ 194.234 and 194.235]

Par. 13. Sections 194.239 and 194.240 are redesignated as §§ 194.234 and 194.235, respectively.

Par. 14. Section 194.241 is redesignated as § 194.236 and amended by revising and dividing the first sentence into two sentences and revising the authority citation to read as follows:

§ 194.236 Place of filing.

Prescribed records of receipt and disposition and monthly summary reports required by § 194.230 will be maintained in chronological order in separate files at the premises where the distilled spirits are received and sent out. The regional regulatory administrator may, * * *

(Sec. 201, Pub. L. 85–859, 72 Stat. 1342, as amended (26 U.S.C. 5114))

§§ 194.242 and 194.243 [Redesignated as §§ 194.237 and 194.238]

Par. 15. Sections 194.242 and 194.243 are redesignated as §§ 194.237 and 194.238, respectively.

§ 194.244 [Removed]

Par. 16. Section 194.244 and the undesignated center headnote preceding this section is removed.

§§ 194.245 through 194.247 [Redesignated as §§ 194.239 through 194.241]

Par. 17. Sections 194.245 through 194.247 are redesignated as §§ 194.239 through 194.241, respectively.

§ 194.271 [Amended]

Par. 18. Section 194.271, paragraph (c), is amended by changing the section references in the last sentence from "§§ 194.241 and 194.242" to "§§ 194.236 and 194.237."

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

§§ 250.165 and 250.274 [Removed]

Par. 19. The table of sections in 27 CFR Part 250, Subparts H and N is amended by removing §§ 250.165 and 250.274, respectively. The undesignated center headnote, "Procurement of Forms", preceding these sections is also removed.

Par. 20. Sections 250.165 and 250.274 are removed along with the undesignated center headnote preceding these sections.

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES AND BEER

§ 251.135 [Removed]

Par. 21. The table of sections in 27 CFR Part 251, Subpart I is amended by removing § 251.135.

Par. 22. Section 251.135 is removed.

Signed: August 3, 1981.

G. R. Dickerson,
Director.

Approved: August 26, 1981.

John P. Simpson,
Acting Assistant Secretary, (Enforcement and Operations).

[FR Doc. 81–27140 Filed 9–17–81; 8:45 am]

BILLING CODE 4810–31–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 904, 916, and 925

Cancellation of Public Hearings on Modified Portions of the Arkansas, Kansas, and Missouri Permanent Regulatory Programs

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Cancellation of public hearings.

SUMMARY: OSM is announcing cancellation of public hearings on the adequacy of program amendments submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Arkansas permanent regulatory program, the Kansas permanent regulatory program, and the Missouri permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Because no one expressed an interest in attending any of the hearings by September 9, 1981, the hearings have been cancelled.

This notice cancels the public hearings but does not alter the times and locations that the Arkansas, Kansas and Missouri programs and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

DATES: The following hearings are cancelled.

The public hearing on the proposed modifications to the Arkansas program, September 21, 1981, from 7:00 p.m. to 9:00 p.m.

The public hearing on the proposed modifications to the Kansas program, September 23, 1981, from 7:00 p.m. to 9:00 p.m.

The public hearing on the proposed modifications to the Missouri program, September 22, 1981, from 7:00 p.m. to 9:00 p.m.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Assistant Regional Director, Division of State and Federal Programs, 818 Grand Avenue, Scarritt Building, Kansas City, Missouri 64106. Telephone: (816) 374-3920.

SUPPLEMETARY INFORMATION: On August 25, 1981, notice of opportunity for public hearing for the Arkansas program, Kansas program, and Missouri program was published in the **Federal Register** (46 FR 42873-42876).

The notices stated that any person interested in making an oral or written presentation at any of the hearings should contact Richard Rieke by September 9, 1981, and that if no person contacted Mr. Rieke to express an interest in participating in the hearings by the above date, the hearing would be cancelled.

Because no one expressed an interest in attending any of the hearings by September 9, 1981, the hearings have been cancelled.

While there will be no public hearings, interested persons may still submit written comments on the proposed program elements. Written comments must be received on or before 4:00 p.m. on September 25, 1981, to be considered in the Secretary's decision on whether the proposed amendments satisfy the conditions imposed on the approval of these programs.

Written comments should be mailed or hand-delivered to: Raymond L. Lowrie, Regional Director, Office of Surface Mining Reclamation and Enforcement, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 641[illegible]

Dated: September 16, 1981.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 81-27371 Filed 9-17-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1929-3]

Approval and Promulgation of Implementation Plans; Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This document proposes to approve new rules relating to excess air pollution emissions during equipment malfunctions as part of the Iowa State Implementation Plan. The state plan, required by Section 110(a)(2) of the Clean Air Act, describes what will be done to meet the air quality standards in Iowa. If these state regulations are federally approved they will become enforceable by the Federal government as well as by the state.

DATE: Comments should be received by November 17, 1981.

ADDRESSES: Comments should be sent to Daniel J. Wheeler, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. The state submission is available at the above address and at the Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa; and the Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at 816-374-3791.

SUPPLEMENTARY INFORMATION: Chapter 5 of the Iowa Air Quality rules contains requirements that apply to sources of air pollution when air pollution control equipment breaks down. Such incidents can cause "excess emissions", which are pollutant emissions greater than those allowed by state rules, and are generally regulated by what are called "malfunction" rules. Also covered by Chapter 5 are other causes of excess emissions such as startup and shutdown of the source, breakdown or malfunction of process equipment and cleaning of equipment.

The previously approved Chapter 5 provided for automatic exemptions for certain excess emissions if certain procedures were followed. This was deemed unapprovable because it was inconsistent with EPA policy on excess emission regulations and the federal promulgation for the Kennecott Copper Corporation smelter located in Salt Lake City, Utah (see 42 FR 21472, April 27, 1977) which prohibits exemptions for excess emissions. That promulgation requires that all incidents of excess emissions be treated as violations of emission limits and that there be no automatic exemptions from this requirement. Once a violation has occurred the enforcement agency may decide whether to prosecute the violation or refrain from action as a matter of "enforcement discretion." The violating source is allowed to submit information to aid in making this decision.

On December 24, 1980, the State submitted a complete revision of Chapter 5. These new rules are designed to limit excess emissions and to place the burden of proof on the source owner for demonstrating that the excess emissions were due a malfunction and not to poor maintenance or other preventable cause. This submission also contains several new definitions (Chapter 1 of the Iowa Code) that relate to Chapter 5. The major one is "malfunction" which is defined as any sudden and unavoidable failure of control or process equipment to operate in normal manner. The state does not consider preventable upsets to be malfunctions.

The new Chapter 5 generally requires sources with excess emissions to report those incidents and to end them by either repairing the malfunctioning equipment or by shutting down the source of the emissions. Reporting an incident does not excuse the violation but the source is allowed to submit information on the incident for the state's use in determining whether the violation should be prosecuted or whether it should be excused as a matter of "enforcement discretion." The purpose of submitting this information is to demonstrate that the incident was due to a true malfunction and not to a cause that could have reasonably been prevented. The state rule does not excuse violations due to malfunctions but the inference is that the state will exercise its discretion in not enforcing against this type of violation.

Chapter 5 defines all excess emissions as violations unless they result from startup, shutdown or cleaning of control equipment. Startup and shutdown are exempt only if accomplished expeditiously and in a manner consistent with minimizing emissions. Cleaning of control equipment is limited to six minutes in any sixty. Excess emissions caused by startup or shutdown that is not accomplished expeditiously or for longer than six minutes while cleaning control equipment, or for any other reason such as cleaning of process equipment or malfunction of control or process equipment, are considered violations.

With respect to the exemption for startup, shutdown and cleaning, the state submission letter notes that there are many sources in Iowa that cannot accomplish a startup without violating the applicable standard for some short period of time. Since it is the intention of the state that those brief violations would not be subject to enforcement action, it has provided an exemption that amounts to an advance exercise of enforcement discretion, if these actions are accomplished expeditiously and in a manner consistent with good practice for minimizing emissions. If these actions are not so accomplished then action can be taken against the violating source.

The state regulation does not clearly address the issue of allocation of the burden of proof where a source seeks an exemption from excess emissions (other than emissions attributable to malfunctions, which must be demonstrated by the source). The burden of establishing excess emissions rests with the regulatory agency, but once excess emissions are established, EPA interprets the state regulation as providing that the regulatory agency will grant an exemption for the emissions only where the source demonstrates that the emissions were attributable to startup, shutdown, or cleaning, and that the excess emissions could not reasonably have been prevented or reduced under such circumstances. EPA solicits comments on whether this interpretation of the regulation is correct, and whether the exemption is therefore consistent with EPA's malfunction policy.

Chapter 5 also provides authority for the state to require sources to develop maintenance plans for their equipment. Such plans are intended to aid sources to comply with emission limits and their existence does not protect sources against enforcement when they violate applicable limits.

This revision to Chapter 5 constitutes a proposed revision to the Iowa SIP. The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether or not the revision meets the requirements of Section 110 of the Clean Air Act and of 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709, January 27, 1981). This rule, if promulgated, constitutes a SIP approval under Section 110 within the terms of the January 27 certification. This action would only approve state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it imposes no new regulatory requirements. Hence it is unlikly to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: August 7, 1981.

David A. Wagoner,

Acting Regional Administrator.

[FR Doc. 81-27222 Filed 9-17-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-631; RM-3908]

FM Broadcast Station in Camden, Ala.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 272A to Camden, Alabama, in response to a petition filed by Harry A. Taylor. The assignment would provide Camden with a first FM service.

DATES: Comments must be filed on or before November 16, 1981, and reply comments must be filed on or before December 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20054.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of §73.202(b), Table of Assignments, FM Broadcast Stations. (Camden, Alabama); BC Docket No. 81-631; RM-3908, Notice of proposed rule making.

Adopted: September 3, 1981.

Released: September 17, 1981.

By the Acting Chief, Policy and Rules Division:

1. Harry A. Taylor ("petitioner") has filed a petition for rule making[1] seeking assignment of Channel 272A to Camden, Alabama, as that community's first FM assignment. The assignment can be made in compliance with the minimum distance separation requirements of §73.207 of the Commission's Rules, and petitioner states that he will apply for the channel, if assigned. No responses to the petition have been filed.

2. Camden (population 1,742),[2] the seat of Wilcox County (population 16,303), is located in south central Alabama, approximately 100 kilometers (62 miles) southwest of Montgomery. It is currently served locally by full-time AM Station WCOX.

3. Petitioner states that Camden has a weekly newspaper available to the residents, and that its principal industries are comprised of farming, logging and a relatively few resorts. Additionally, it advises that the community has its own stores, schools, banks, savings and loan association, and several civic and social organizations. Petitioner has submitted sufficient demographic data to demonstrate the need for a first FM assignment to Camden.

4. Petitioner submitted a study indicating that the proposed assignment of Channel 272A to Camden, Alabama, would not create any unacceptable preclusion. However, we need not consider the preclusive impact for a request for a first Class A channel allocation. *See, Policy Statement to Govern Requests for Additional Assignments,* 8 FCC 2d 79 (1967).

5. In view of the fact that the proposed FM channel assignment would provide Camden with a first FM and second nightime aural broadcast service, the Commission believes it appropriate to amend the FM Table of Assignments, §73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Camden, Ala.		272A

6. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE:

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[1] Public Notice of the petition was given on June 11, 1981, Report No. 1291.

[2] Population figures are extracted from the 1970 U.S. Census.

A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before November 16, 1981, and reply comments on or before December 8, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-27278 Filed 9-17-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-629; RM-3900]

FM Broadcast Station in Downs, Kans.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 231 to Downs, Kansas, as that community's first FM assignment. This action is in response to a petition filed by Ernest McRae and Jerry T. Venable.

DATES: Comments must be filed on or before November 16, 1981, and reply comments on or before December 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Downs, Kansas); BC Docket No. 81-629, RM-3900; notice of proposed rule making.

Adopted: September 3, 1981.

Released: September 16, 1981.

By the Acting Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Ernest McRae and Jerry T. Venable ("petitioners") proposing the assignment of FM Channel 231 to Downs, Kansas, as that community's first FM assignment.[2] No comments opposing the assignment have been received.

(b) A site restriction of approximately 2.3 miles northwest is required due to Station KYEZ (Channel 229) in Salina, Kansas.

(c) Petitioners have stated their intent to apply for the channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Downs is located in Osborne County approximately 224 kilometers (140 miles) northwest of Wichita, Kansas.

(b) *Population:* Downs—1,324; [3] Osborne County—5,959.

(c) *Present Aural Service:* Downs does not have any local broadcast service.

3. *Preclusion Considerations:* The assignment of Channel 231 to Downs would cause preclusion on Channel 228A within 65 miles, Channel 230 within 150 miles, Channel 231 within 180 miles, and Channel 232A within 105 miles. Petitioners list alternative channels for all precluded communities of 500 or more population.

4. Petitioners state that the assignment would provide a first FM service for 19,021 persons in an area of 7,621 square kilometers (2,977 square miles) and a second FM service to 8,621 persons in an area of 3,724 square kilometers (1,455 square miles). Further, the assignment will provide a first aural service for 15,809 persons in an area of 5,880 square kilometers (2,297 square miles), and a second aural service for 4,191 persons in

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[1] Public Notice of the petition was given on June 4, 1981, Report No. 1290.

[2] Petitioners had previously requested the assignment of FM Channel 231 to Smith Center, Kansas (BC Docket No. 80-518). This proceeding has been dismissed at their request.

[3] Population figures are taken from the 1980 U.S. Census.

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an area of 2,375 square kilometers (928 square miles).

5. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Downs, Kans.		231

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before November 16, 1981, and reply comments on or before December 8, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-27277 Filed 9-17-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-627; RM-3911]

FM Broadcast Station in Augusta and Gardiner, Maine; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C FM Channel 222 for Channel 221A at Augusta, Maine, and modification of the Class A license to specify operation on the Class B channel, in response to a petition filed by Sterling Broadcasting Corporation. In addition, we are proposing the reassignment of Channel 282 from Augusta to Gardiner, Maine, to reflect its actual use there.

DATES: Comments must be filed on or before November 16, 1981, and reply comments on or before December 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Augusta and Gardiner, Maine); BC Docket No. 81-627, RM-3911; notice of proposed rule making.

Adopted: September 3, 1981.

Released: September 17, 1981.

By the Acting Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making [1] filed by Sterling Broadcasting Corporation [2] ("petitioner"), which seeks to substitute Class B Channel 222 for Channel 221A at Augusta, Maine, and modify its license on Channel 221A for Station WSCL to specify operation on the Class B channel. Although Augusta is assigned Channel 282, that channel is presently being used at Gardiner, Maine (under § 73.203(b), of the Commission's Rules), and we are proposing to reassign the channel to reflect its actual use in that

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[1] Public Notice of the petition was given on June 11, 1981, Report No. 1291.

[2] Sterling Broadcasting Corporation is the licensee of AM Station WRDO and FM Station WSCL.

community. Petitioner states that it will apply for the Class B channel, if assigned. No oppositions to the proposal were received.

2. Augusta (population 21,819),[3] in Kennebec County (population 109,889), is located approximately 90 kilometers (57 miles) northeast of Portland, Maine. It is served locally by full-time AM Stations WFAU and WRDO, FM Station WFAU (Channel 267) and WSCL (Channel 221A), licensed to the petitioner.

3. Petitioner states that Augusta, the capital of Maine, is a unique city, inasmuch as it occupies both sides of the Kennebec River, with most industry and businesses on the west bank. According to the petitioner, Augusta is the trading center for more than 100,000 city and suburban residents, with tourism being a substantial economic factor. Petitioner claims that Augusta's population has increased to an estimated 22,300 persons in 1981. Additionally, the petitioner states that the proposed Class B facility would eliminate the current intermixture of Class A and Class B channels that exists in Augusta.

4. The study submitted by the petitioner shows that new preclusion will occur on Channels 223 and 224A as a result of the proposed assignment of Channel 222 to Augusta. There are no communities in the Channel 224A precluded area, and one community, Stonington, Maine (population 1, 291), in the Channel 223 precluded area. Channel 249A is available for assignment to Stonington. Since petitioner did not submit a *Roanoke Rapids/Anamosa* study and Augusta has a Class B station, we are assuming that no first FM service will be provided under this proposal.

5. Petitioner has shown a need for the Class B assignment, inasmuch as it would remove the intermixture that presently exists at Augusta. We are also proposing to reassign Channel 282 from Augusta to Gardiner, Maine, to reflect its actual use there. Comments are invited on the proposal to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to the following communities:

City	Channel No.	
	Present	Proposed
Augusta, Maine	221A, 267, 282	222, 267
Gardiner, Maine		282

6. Since Gardiner, Maine, is located within 420 kilometers (250 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before November 16, 1981, and reply comments on or before December 8, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration of court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended. 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division. Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only reubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* To which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-27276 Filed 9-17-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-628; RM-3888]

FM Broadcast Station in Mountain View, Mo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

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[3] Population figures are taken from the 1980 U.S. Census.

V 46 SE 18 81 UMI

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channel 244A to Mountain View, Missouri, as its first FM channel, in response to a petition filed by R. C. Trieman.

DATES: Comments must be filed on or before November 16, 1981, and reply comments must be filed on or before December 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Mountain View, Missiouri); BC Docket No. 81-628, RM-3888; notice of proposed rule making.

Adopted: September 3, 1981.

Released: September 16, 1981.

By the Acting Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making [1] filed by R. C. Trieman ("petitioner"), proposing the assignment of Channel 244A to Mountain View, Missiouri, as its first FM assignment. Petitioner states that he will apply for the channel, if assigned. No oppositions to the proposal were received.

2. Mountain View (population 1,664) [2] in Howell County (population 28,807) is located approximately 144 kilometers (90 miles) east of Springfield, Missouri. It has no local broadcast service.

3. Petitioner asserts that Mountain View, though primarily an agricultural area, is economically supported by textile manufacturing, local industry and tourism. He claims that the population has increased from 1,320 in 1970 to 1,655 in 1980. According to the petitioner, the proposed station would fill an important community need for coverage of general events, special news items, sports and the weather.

4. In view of the fact that the proposed FM assignment could provide a first local aural broadcast service to Mountain View, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Mountain View, Missouri, as follows:

City	Channel No.	
	Present	Proposed
Mountain View, Mo		244A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before November 16, 1981, and reply comments on or before December 8, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-27274 Filed 9-17-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] Public Notice of the petition was given on April 28, 1981, Report No. 1283.

[2] Population figures are taken from the 1980 U.S. Census.

47 CFR Part 73

[BC Docket No. 81-630; RM-3902]

FM Broadcast Station in Billings, Mont.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 279 to Billings, Montana, in response to a petition filed by Northern Sun Corporation. The assignment would provide Billings with a fifth commercial FM allocation.

DATES: Comments must be filed on or before November 16, 1981, and reply comments must be filed on or before December 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Billings, Montana); BC Docket No. 81-630, RM-3902; notice of proposed rule making.

Adopted: September 3, 1981.

Released: September 15, 1981.

By the Acting Chief, Policy and Rules Division:

1. Northern Sun Corporation ("petitioner"), has filed a petition for rulemaking [1] seeking assignment of Channel 279 to Billings, Montana, as that community's fifth commercial FM allocation. Petitioner states that it will apply for the channel, if assigned to Billings. No responses to the petition have been filed, and the channel can be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. Billings (population 66,798),[2] the seat of Yellowstone County (population 108,035), is located approximately 288 kilometers (180 miles) southeast of Helena, Montana. It is currently served locally by three fulltime AM stations (KBMY, KGHL and KOOK), two daytime-only AM stations (KOYN and KURL), two noncommercial educational FM stations (KEMC and KRER), and four commercial FM stations (KIDX, Channel 253, KOOK, Channel 275; KKOZ Channel 246; and KYYA, Channel 227). With the exception of Station KYYA, the remaining commercial FM stations are commonly owned by three of the AM facilities licensed to Billings.

3. Petitioner states that Billings is the wholesale, retail, medical and transportation center for eastern Montana and northern Wyoming. It alleges that its 1980 population increased 10.9 % over the past decade, while that of Yellowstone County increased 23% during the same period. Petitioner anticipates that this growth will continue due largely to its close proximity to various large energy-related projects in the area, which, according to petitioner, has provided a dramatic increase in employment in recent years. In addition to the aural facilities licensed to the community, communications services are provided by three television stations, a cable system and one daily newspaper.

4. If Class C FM Channel 279 is assigned to Billings, preclusion will occur on Channels 278 within 150 miles, 279 within 180 miles, 280A within 105 miles, 281 within 65 miles, and 282 within 65 miles. Petitioner states that, with the exception of Laurel, Montana, a suburb of Billings, all of the affected communities containing a population in excess of 2,500 persons presently have FM channels allocated to them.

5. As petitioner recognizes, the request for a fifth commercial FM assignment to Billings exceeds the population guidelines which limits a city of its size to an allotment of four FM channels. However, as the Commission has stated on numerous occasions, the population guidelines are not applied inflexibly, and assignments exceeding the guidelines have been made when the preclusive impact of the assignment is considered insignificant. With the exception noted above, channels are presently assigned to the precluded communities. Petitioner should state whether any FM channel is available at Laurel. *See, Popular Bluff, Missouri,* BC Docket No. 78-188, 45 Fed. Reg. 21636, published April 2, 1980; *North Platte, Nebraska,* BC Docket No. 79-114, 44 Fed. Reg. 67666, published November 27, 1979; and *Waycross, Georgia,* BC Docket No. 79-149, 45 Fed. Reg. 25806, published April 16, 1980.

6. Since Billings is located within 400 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 279 to that community requires coordination with the Canadian Government.

7. In view of the fact that the proposed FM channel assignment would provide Billings with a fifth commercial FM service, which could provide an additional broadcast voice in the community, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Billings, Mont	227, 246, 253, and 275	227, 246, 253, 275, and 279

8. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before November 16, 1981, and reply comments on or before December 8, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Nancy Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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[1] Public Notice of the petition was given on June 4, 1981, Report No. 1290.

[2] Population figures are extracted from the 1980 U.S. Census.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-27275 Filed 9-17-81: 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Chapter I

Back Bay National Wildlife Refuge, Virginia Petition for Rulemaking and Request for Comments

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Petition for rulemaking and request for comments.

SUMMARY: The Fish and Wildlife Service has received a petition for rulemaking from Messrs. Ronald A. Zumbrun, Raymond M. Momboisse, and Sam Kazman on behalf of the Virginia Wildlife Federation and the Pacific Legal Foundation to extend access privileges across the Back Bay National Wildlife Refuge to qualified part-time residents of the Outer Banks. This notice publishes the petition and seeks comments on the suggested regulatory revision.

DATES: Written comments will be accepted until November 17, 1981.

ADDRESS: Comments should be sent to William C. Reffalt, Chief, Division of Refuge Management, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: William C. Reffalt, Chief, Division of Refuge Management, U.S. Fish and Wildlife Service, 18th and C Streets, NW, Washington, D.C. 20240 (202) 343-4791.

SUPPLEMENTARY INFORMATION: The primary author of this notice is Ronald L. Fowler, Division of Refugee Management, U.S. Fish and Wildlife Service, Department of Interior, Washington, D.C. 20240, Phone 202-343-4305. This petition is being considered in accordance with the provisions of 43 CFR 14.6. In accordance with 43 CFR 14.10(d), notice of this petition is being published in the **Federal Register** to aid in its consideration.

On May 28, 1980, (45 FR 35823), regulations limiting vehicular access across the Back Bay National Wildlife Refuge were published. On August 7, 1980, (45 FR 52391), the regulations were amended to incorporate the provisions of Pub. L. 96-315 (94 Stat. 957) which defined the term "eligible applicant" to include all full-time residents who can furnish adequate proof of residence commencing prior to December 31, 1979, on the Outer Banks from the refuge boundary south to and including the village of Corolla, North Carolina. That provision of law was intended to enlarge the scope of the Service's Back Bay access regulations. Thus, any time the Service issues regulations governing access through the refuge, at least those persons furnishing adequate proof of residence commencing prior to December 21, 1979, shall be granted access regardless of whatever other class of property owners is granted access.

The petition requests that the regulations currently in effect be amended as follows:

1. Change the boundary line in § 26.34(a)(1) to include Whalehead;
2. Renumber § 26.34(a)(2) to (a)(3), and add the following new section (a)(2):

> Owners of improved property as of September 15, 1981, in the area described in subsection (a)(1). Only one permit will be issued per family; and

3. Insert the following after the first sentence of section 26.34(c):

> Permitted vehicles of all other improved property owners shall be limited to sixty one-way trips per year.

The petition also includes five (5) attachments which are available from the Division of Refuge Management at the above address. The petition follows:

Dated: September 15, 1981.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

Petition to the Secretary of the Interior To Allow Part-Time Residential Access Through Back Bay National Wildlife Refuge

Introduction

The Virginia Wildlife Federation (VWF) and Pacific Legal Foundation (PLF) hereby petition the Secretary of the Interior to allow limited access through the Back Bay Refuge for part-time residents of the Outer Banks. This petition is filed pursuant to 5 U.S.C. 553(e), as implemented by the Department of the Interior in 43 CFR 14.6 (1980).

The access which these residents had previously enjoyed was terminated by the Fish and Wildlife Service (FWS) on January 1, 1980. FWS, *Interim Rule,* 44 FR 72161 (Dec. 13, 1979). Requests to reinstate this access were denied in May 1980. FWS *Final Rule,* 45 FR 35823 (May 28, 1980). For the reasons set forth below, we submit that this decision should be reconsidered.

Identity of Petitioners

VWF, founded in 1939, is the oldest and largest environmental organization in Virginia. It has over 17,000 members and has been involved in numerous issues dealing with the protection of natural resources. VWF supports the concept of multiple use for public lands when those uses will not degrade the resource. VWF members have enjoyed the Back Bay Refuge for many years, and a number of them live on the Outer Banks.

PLF is a nonprofit public interest organization which has participated in past proceedings involving Back Bay access. PLF represented an Outer Banks residents association as amicus curiae in *National Audubon Society v. Kleppe*, Civil No. 76–589–N (E.D. Va., *dismissed as moot*, April 5, 1977).

Background

From the time of its acquisition by the United States in 1938 until 1972, the Back Bay Refuge beach in Virginia was open to unrestricted vehicular traffic. Rapidly increasing traffic levels led FWS to institute a permit system in 1973, which generally limited access to fill-time Outer Banks residents and qualified commercial fishermen. In 1976, access was extended to qualified improved property owners, but FWS announced its intent to terminate all access at the end of 1979. FWS, *Public Access*, 41 FR 12689 col. 3 (1976).

In its 1980 rule making, the agency reversed this decision in part, allowing access for qualified permanent residents to continue. Access for part-time residents was, however, terminated. In July, 1980, Congress extended Back Bay access by law to 13 full-time resident families who did not qualifty under the agency's regulations. Pub. L. No. 96–315, § 3, 94 Stat. 958 (1980).

For the reasons set forth below, we request that FWS extend access as well to qualified part-time residents of the Outer Banks.

Proposed Regulations

The special regulations governing access to Back Bay are promulgated under 50 CFR Part 26 and are published in 45 FR 35826 (1980). We request that these special regulations be amended as follows:

1. Change the boundary line in § 26.34(a)(1) to included Whalehead;

2. Renumber § 26.34(a)(2) to (a)(3), and add the following new paragraph (a)(2):

> Owners of improved property as of September 15, 1981, in the area described in subsection (a)(1). Only one permit will be issued per family; and

3. Insert the following after the first sentence of § 26.34(c):

> Permitted vehicles of all other improved property owners shall be limited to sixty one-way trips per year.

Limited Access for Part-Time Residents is Compatible With the Purposes of the Refuge

Under 16 U.S.C. 668dd(d)(1)(A), the Secretary of the Interior is authorized to

> permit the use of any area within the [National Wildlife Refuge] System for any purpose, including * * * access whenever he determines that such uses are compatible with the major purposes for which such areas were established * * *

FWS has itself recognized that limited access can be compatible with the purposes of Back Bay Refuge. When the agency decided to continue the permit program for permanent residents, it stated:

> We believe that such use is compatible with the purposes for which the refuge was established. 45 FR 35824 col. 3 (1980).

The additional access that this petition seeks would not add substantially to existing traffic through the Back Bay Refuge. The impact of that traffic, moreover, is itself not environmentally significant. These points are addressed below.

I

Limited Vehicular Traffic has no Significant Environmental Impact on the Refuge

FWS's finding of compatibility for the limited beach traffic which it has allowed is amply supported by scientific evidence. The two major concerns regarding such traffic are its effects on beach erosion and refuge wildlife. But studies of both the Back Bay beach and similar beaches demonstrate the insignificant environmental impact of controlled vehicular traffic, and these findings are supported by the agency's actual experience with such traffic in the refuge.

A. Limited Traffic does not Damage the Refuge Beach

In its natural state, the Back Bay beach is not a stable, unchanging entity. Rather, it is

> "one of the earth's most dynamic environments. The beach * * * is ever changing and ever migrating, and we now know that it does so in accordance with the earth's natural laws. The natural laws of the beach control a beautiful, logical environment that builds up when the weather is good, and strategically (but only temporarily) retreats when confronted by big storm waves." O. Pilkey, Jr., W. Neal, and O. Pilkey, Sr., *From Currituck to Calabash: Living with North Carolina's Barrier Islands* 31 (1978).

Because of this dynamic condition, sand disturbances in the intertidal zone due to traffic are not permanent intrusions into otherwise static environment. They are exceedingly temporary, and have no lasting impact at all. The authors of an extensive study of Cape Cod National Seashore stated:

> "Of the various ecosystems studied, the most naturally variable and *therefore the most resistant to long term vehicle impact* appears to be the intertidal ocean beach * * * The continuous change from sand transport during tidal cycles, as well as annual and storm induced beach cycles, made analysis of ORV (off-road vehicle) impacts very difficult and of questionable reliability. Therefore, no definite conclusion could be drawn regarding long term impact *other than that natural changes appeared to overwhelm vehicle effects of this particular beach.*" Godfrey, Leatherman & Buckley, *Impact of Off-Road Vehicles on Coastal Ecosystems*, in *Proceedings of the Sympŏsium on Technical, Environmental, Socioeconomic and Regulatory Aspects of Coastal Zone Planning and Management* 581, 586 (1978) (emphasis added).

Given the similar dynamic nature of the Back Bay beach, this finding is fully applicable here.

An extensive sand compaction study at Back Bay disproved the possibility that traffic leads to increased intertidal beach erosion. To the contrary, the study found that the shear strength of the sand in the trafficked areas is *increased* due to the compacting effect of the vehicles, thus *improving* the beach's ability to resist natural erosion.

> "The findings * * * indicate shear strength was significantly increased, in the vast majority of cases, by vehicular traffic within both study sites (Back Bay and False Cape State Park). *The increase in shear strength would permit the beach sand to withstand higher shear stresses before displacing.*" J. Cross & P. Crowley, A Statistical Evaluation of the Effects of Vehicular Traffic on Beach Shear Strength and the Migration of Juvenile Ghost Crabs 14 (Oct. 20, 1979) (emphasis added).

> "Consequently, vehicular traffic within the Back Bay beach area is not causing the erosion of this beach. Rather, it is helping to slow down the process by more firmly compacting the beach, thereby making it more difficult for incoming wave energies to displace the sediment." Letter from Randall S. Spencer, Professor of Geophysical Sciences, Old Dominion University, to Walter J. Leveridge at 2 (Oct. 29, 1979) (Attachment No. 1).

These findings were cited by Senator Helms when he introduced the legislation which led to the expansion of permanent resident access in 1980. 126 Cong. Rec. S7095 (daily ed. June 16, 1980).

When FWS previously considered the Cross and Crowley study, it did not disagree with the specific findings of those investigators. Instead, the agency pointed to issues not addressed by the study, such as incidents of traffic on foredune slopes and behind the dunes, which according to FWS occur at monthly high tide ranges. 45 FR 35825 col. 1–2. But FWS did not give any indication of the frequency of such incidents, the severity of any damage resulting from them, or extent to which permit holders are responsible (as opposed to drivers illegally on the beach altogether). Under Section 26.34(b), such travel is illegal. We believe that permit holders in general fully comply with the agency's restrictions on travel routes. As the President of VWF stated in 1979,

> "not one [illegible] of documented degradation of the Refuge has occurred during the limited [illegible] provided to permanent residents and improved property owners." Letter from Walter J. Leveridge to Regional FWS Director Howard N. Larsen at 2 (Dec. 18, 1979) (Attachment No. 2).

Moreover, to the extent that such incidents of illegal travel do occur, their incidence is small and their impact is minor—so minor, in fact, that it was fully acceptable to FWS at one time. When the agency first liberalized the access restrictions in 1976, it stated:

> "Current travelers generally wait for receding or low tides, concentrating travel away from the dunes, thus reducing the impact." FWS, *Final Environmental Assessment: Alternative Beach Access Regulations, Back Bay National Wildlife Refuge* at 26 (1976) (hereinafter 1976 EIA).

Finally, if incidents of illegal travel do pose a significant problem, then that problem can be more effectively solved by means other than categorically denying permits. The coincidence of high tide ranges with permitted travel periods is fully predictable. *E.g.*, 1976 EIA at 26. Travel during such times could be diverted to either of the two dike roads which run through the refuge.[1]

B. Limited Traffic does not Significantly Affect Refuge Wildlife

The impact of controlled beach traffic on wildlife is similarly insignificant. The Godfrey study (page 5 *supra*) states that the mere proximity of beach traffic does not in itself adversely affect the hatchability of shorebird eggs; to the extent that there is any loss of eggs and chicks due to direct vehicle contact, this can be practically eliminated by such protective measures as closure of nesting areas. *Id.* at 594. "When nesting colonies are protected by fences, and drivers obey the rules, ORV impact on birds can be minima * * *" *Id.* at 595. In fact, *pedestrian access* may pose a far greater danger to shorebirds than does traffic:

> "[B]irds can acclimate to vehicles passing very close to their nests, but would flush when persons or dogs approached. * * * [T]he greatest disturbance to the birds occurs when people stop their vehicles and walk over to the colony, or when they walk up the beach. Free-running pets that enter the colony can cause more harm than hudreds of vehicles passing around the enclosure." *Id.*

The Cross and Crowley study similarly found that "tire tracks should not present a barrier to juvenile ghost crab migration." Cross & Crowley, *supra* at 15.

These studies do not, of course, answer every conceivable question regarding the impact of limited traffic on beach wildlife. But they do strongly suggest that this impact is minimal. The experience of FWS with controlled Back Bay traffic over the past few years fully supports this.

II

The Extension of Access to Part-Time Residents Would not Significantly Increase Current Total Beach Traffic

Approximately 36 permits, each allowing two round trips daily, will be issued this year to permanent residents under existing legislation and rules. This will allow over 26,000 round trips per year (36×2×365 days). An extension of access to qualified seasonal residents would add no more than about 150 families, each of whom would be entitled to only 30 round trips per year. This would constitute an increase of only 4500 allowable round trips per year. In effect, access for part-time residents would increase the total allowable beach traffic by less than 18 percent. This is not a substantial amount.

The actual, as opposed to potential, increase would be far less than this. From 1977 to 1979, actual beach traffic was less than 25 percent of the allowable amount. The recorded average for those years was 5,029 round trips, even though 20,500 trips were allowed.[2] Thus, even if every part-time permit holder makes every allowable trip, it is almost certain that the total traffic will still be far below the level which is presently *permitted* by FWS.

Any extension of access poses the possibility that it will lead to additional extensions in the future, eventually producing an intolerable situation similar to that which existed in the early seventies. The mere existence of this possibility, however, is not a ground for dismissing all requests for access whatsoever. FWS has had experience with both compatible and incompatible levels of traffic in the past, and it knows the difference between the two. The agency's experience and knowledge is the best safeguard against any repetition of uncontrolled refuge traffic.

The boundary change which we have requested, from Corolla to Whalehead, would encompass a small number of individuals who have previously been excluded from permits. Recognizing that some cut-off date must be imposed in order both to control traffic and to know the number of permits at issue, we have proposed September 15, 1981. That date would allow those few families on the verge of building homes to do so, but it would not significantly increase the total number of families qualifying for permits. Should FWS find that considerations of traffic control require some other cut-off date, there is no obstacle to incorporating such a date into the regulations.

The main issue, however, is that some form of access for part-time residents be allowed. The hardships currently imposed on these residents are fully documented in the numerous individual letters sent by them to this agency. The distance they must travel to reach their homes has been increased fourfold, and these homes are subject to a much greater risk of vandalism because of the resulting prolonged absences of their occupants. The agency's past response to this issue, that vandalism would occur anyway (45 FR 35825 col. 1), simply misses the point.

Conclusion

"[T]he issues of ORV impact on the environment have frequently centered around emotional stands taken by opponents and proponents alike." Godfrey, *supra* at 582. FWS has steered clear of such emotionalism in the past by refusing to allow unlimited traffic on the Back Bay Refuge beach and by more recently refusing to shut off access entirely. The moderate extension of access which we have requested would greatly benefit part-time residents; at the same time it would not, as shown, have any substantial adverse impact on the refuge environment. For these reasons, and for the reasons set forth in the other letters and requests received by FWS on this issue, this petition should be granted.

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[1] The minimal impact of such a diversion is evidenced by the recent decision of FWS to allow the State of Virginia to haul 6000 tons of gravel over these roads to False Cape Park. *See* FWS, *Environmental Assessment: Use of Dike/Road on Back Bay National Wildlife Refuge for hauling Gravel to False Cape State Park* (May, 1981). Given this minimal impact, the agency should consider using these roads, rather than the beach, as the *regular* route for permit-holder traffic as well.

[2] The number of recorded round trips was: 1977–5480; 1978–4877; 1979–4731 (the 1979 figure is extrapolated from the available data for the first eight months of that year). The data is from information contained in a letter from Refuge Manager Glen W. Bond, Jr. to Merville Litton (Sept. 7, 1979) (Attachment No. 3).

Dated: July 1, 1981.

Respectfully submitted,

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50 CFR Parts 13, 14, 16, and 17

Wildlife and Plants; Permit Regulations

AGENCY: Fish and Wildlife Service, Interior

ACTION: Proposed rule.

SUMMARY: The Service proposes to revise certain parts of 50 CFR which address permits for wildlife and plants. The proposal contains three distinct segments: (1) Consolidation and simplification of permit requirements. The regulations contain permit requirements which are redundant and in some cases unnecessary. This confuses applicants, makes for complicated application procedures and generates excessive paperwork. Unnecessary or redundant sections would be deleted as part of an ongoing effort to make permit procedures more understandable to the public. (2) Codification of the schedule of permit application fees. The fee schedule as codified is outdated, leaving permit applicants confused as to when a fee is required and how much. There have been requests from the public to implement the fee schedule through the rulemaking process. A $25 application fee would be required for all permits, certificates, licenses and registration except for certain nonstandard fees: import/export licenses—$50; marine mammal permits—$100; migratory bird and eagle permits—none. (3) Implementation of a formal appeals procedure. Permit applicants whose applications are denied and permittees whose permits are modified, suspended or revoked currently have no defined avenue for appeal. Applicants do not know how to appeal a permit decision, and, because there is no defined procedure for the Service, appeals are not handled consistently. This rulemaking would establish a formal appeals procedure. If the reviewing office cannot grant the appeal, it would submit the request to an Appeals Board according to specific procedures for independent review.

DATE: All revelant comments on this proposed rule received by October 30, 1981 will be considered in developing the final rule.

ADDRESSES: Please address correspondence to the Director, Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240. Information on this amendment is available for review during business hours of 7:45 a.m. to 4:15 p.m., Monday through Friday in Room 605, 1000 N. Glebe Road, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Batky, Staff Biologist, Federal Wildlife Permit Office, Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903).

SUPPLEMENTARY INFORMATION: The Federal Wildlife Permit Office has been charged with reviewing and improving the Service's permit program. Although this is an ongoing project in addition to permit processing, more emphasis will be placed on review and improvement in the next year.

The Service published a Notice of Intent in the April 16, 1981 **Federal Register** (46 FR 22243) in which it solicited comments on the proposal to consolidate and simplify the permit requirements. In error, the notice implied that all applications for permits issued by the Service be submitted to the Federal Wildlife Permit Office. This is NOT the intent of the Service. This proposal in no way intends to reassign responsibilities for issuing permits within the Service.

Most comments received in response to the Notice of Intent were submitted by State fish and game agencies which disapproved of centralizing issuance of wildlife permits. They argued that a central office would not be attentive to regional needs or those of special applicants. Regional permitting authorities are more likely to understand local situations and therefore to identify information necessary for deciding on issuance or denial of an individual permit application. Regional authorities could more directly help applicants to provide all the pertinent information and eliminate general information which may not apply in an individual case.

These comments are consistent with the experience of the Federal Wildlife Permit Office, that individual situations require individual attention and that this is best provided at the local level.

In the past few months there have been two significant changes in the Service's permit programs. The first began in October 1980 when a Letter of Authorization (LOA) system was implemented. The Convention on International Trade in Endangered Species (CITES) requires an original document be issued for each shipment of listed wildlife. Stamped copies of 6-month, multiple shipment re-export certificates are no longer acceptable to some foreign countries party to CITES. For the protection of U.S. exporters, the U.S. Management Authority had to develop a system whereby an original document specific to the wildlife in each shipment would be issued by a U.S. Fish and Wildlife Service (FWS) officer. After considerable effort, we implemented the LOA system.

Under the previous system, an exporter would obtain a 6-month certificate from the Federal Wildlife Permit Office. For each shipment, the exporter would copy the certificate, enter on the copy the identity of the animals to be shipped, bring everything to the port for inspection, have the certificate copy validated by a FWS inspector, and make the shipment.

Under the LOA system, an exporter obtains a 2-year LOA from the Federal Wildlife Permit Office (instead of four 6-month certificates). For each shipment, the exporter bring his LOA or a copy to the port, identifies the animals to be shipped to a FWS agent who enters their identity on a permit specific to the shipment, proceeds to the inspector for validation of the permit, and makes the shipment. It is suggested that the exporter contact FWS seven days prior to shipment to ensure availability of agents and inspectors. However, in most cases shipment is made the same day the exporter applies for the permit, provided the exporter arrives at a reasonable time of day.

The main differences under the LOA system are that (1) the exporter has less contact with the Federal Wildlife Permit Office, (2) the exporter has an original export document specific to the shipment instead of a stamped copy and (3) the FWS agent at the port, instead of the exporter, enters the identity of the wildlife on the export document. The alternative to the LOA system is to have the exporter apply to the Federal Wildlife Permit office in Washington for a specific permit for each shipment. Processing time for this type of permit has recently averaged 50 days. The exporter would have to identify the animals to be shipped in the application and still have the shipment inspected and permit validated prior to export. The LOA system is more efficient than this alternative, requires less contact

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with the Federal Wildlife Permit Office and fulfills the requirements of CITES.

In May 1980, authority to issue Exception to Designated Port permits (50 CFR 14) was delegated to the Special Agents in Charge of the District Offices of the Division of Law Enforcement. The main reasons for doing so are exactly the ones offered as comments in response to the April 16 **Federal Register** notice: that regional permitting authorities are more likely to understand and be responsive to local situations. Although Exception to Designated Port permits may still be issued by the Federal Wildlife Permit Office in conjuction with other authorizations, we expect that the majority will be handled at the more local level.

Additional permit areas which may be simplified or consolidated will be addressed in the upcoming review. There are, however, certain items in the permit system that can be improved now. These include elimination of unnecessary application and report requirements, codification of the fee schedule and implementation of a formal appeal procedure.

Elimination of Unnecessary Requirements

Some of the regulatory requirements for permits have proved unnecessary or unwieldy and their elimination will improve the permit system. These regulations are found in Parts 10 through 23 of 50 CFR.

Section 13.11 would be revised to indicate that the application must be submitted in writing on a Service form (Form 3–200), update the addresses where applications should be forwarded and provide a realistic notice of when applications should be submitted. Almost all applications now received by the Service are on the standard permit application form. The ones which are not are usually incomplete. This causes processing delays for the applicant and creates work for reviewers, as the applicant must be contacted to provide the additional information. This extra effort lengthens processing time for all applications in the system. Much of this effort could be eliminated by requiring standard information in a standard format.

The regulations currently require that applications be submitted at least 30 days prior to the date an applicant would like to begin the activity. Few applications submitted to the Federal Widlife Permit Office meet this requirement. The regulation would be revised as a notice that most applications *should* be received at least 30 days prior to the desired effective date of the permit. Since there are statutory requirements that notice of receipt of applications for marine mammal and endangered species permits be published in the **Federal Register** and public comments invited for 30 days, applicants should allow 75 days for processing these types of applications.

Section 13.13 requires that applications be abandoned if incomplete after 60 days following notification of deficiencies. Applicants sometimes require more than 60 days to obtain certain information and request that their application remain active beyond that deadline. This could be accommodated under the proposed revision.

Section 13.14 requires that any application submitted without the correct fee shall be returned. Many applications submitted with the incorrect fee are done so unknowingly. They are often for activities to be authorized on short notice. Processing delays would be reduced in these instances if this section were revised to require that permits not be issued until the proper fee is received; processing could continue in the interim.

The application requirements, issuance criteria and duration of symbol marking permits issued under § 14.83 would be deregulated. Because of the increasing value of wildlife shipments, anyone who provides the general information in Part 13 and meets the general issuance criteria would be eligible for a symbol marking permit. Although most Service permits are issued for no more than 2 years, this should not be a regulatory requirement for symbol marking permits. The proposal would allow the Service to use discretion in assigning duration to these permits.

Applications for injurious wildlife permits under Section 16.22 should be submitted to the Federal Wildlife Permit Office as indicated in the proposal. The name and address of the consignor or other person from whom the wildlife would be obtained has not proved to be useful information in reviewing applications and would no longer be required. Permittees who import injurious wildlife must complete a Wildlife Declaration for import (Form 3–177) at the port. The requirement to make a second report to the Director within 10 days would be eliminated according to this proposal. The requirement to report death of injurious wildlife to the Director would also be eliminated because such wildlife is of concern only when alive.

Applicants for endangered and threatened species permits under Part 17 are required to provide redundant and often unnecessary information. This would be eliminated by requiring them to provide details of only the activities sought to be authorized. Contracts, a statement of willingness to participate in cooperative breeding programs and a description of facilities are not always necessary to determine if a permit is justified. According to this proposal, such information would be included as details of the activity when relevant, but would not necessarily be required of all applicants.

The requirements that reports for endangered and threatened species permits be submitted within 10 days of completion of the authorized activity and that all carcasses be preserved have proved unrealistic in many cases. Useful results are not always available within 10 days after completion of activities under scientific research permits. Permittees authorized to import or export such wildlife are required to complete a Wildlife Declaration (Form 3–177). A second report within 10 days is unnecessary. Some specimens are too large to readily preserve, or are collected under conditions which make successful preservation unlikely. This proposal would allow the Service to include realistic reporting and disposal conditions in endangered and threatened species permits.

The commercial importation of red, eastern gray and western gray kangaroos, and their parts and products, taken in accordance with management plans of Australian States is now allowed under Special Rule 50 CFR 17.40(a) (46 FR 23929). There is no longer a need for importers to obtain economic hardship permits from the Service. The regulation which provides for economic hardship permits would be eliminated since it is unnecessary and it might confuse importers.

Fee Schedule

General statutory authority to charge fees for permits and certificates is found in 31 U.S.C. 483(a) which provides that any Federal agency may charge fees for services including permits and certificates to make these services "self-sustaining to the full extent possible." The Endangered Species Act of 1973, as amended [16 U.S.C. 1540(f)] authorizes the Secretary to "charge reasonable fees for expenses to the government connected with permits or certificates authorized by the Act including processing applications and reasonable inspection * * *" The Marine Mammal Protection Act of 1972 [16 U.S.C. 1374(g)] provides that the "Secretary shall establish and charge a reasonable fee for permits" issued pursuant to the Act.

Current regulations in 50 CFR 13.11(d) stipulate a $10 application fee for feather import quota permits. Application fees for marine mammal permits for scientific research and public display are prescribed on an individual basis. The regulations provides for a $50 fee for an import/export license.

In addition, a $25 application fee is presently charged for African elephant special purpose permits, for alligator buyer, tanner, and propagator permits, for other endangered and threatened species permits, for non-designated port permits, for injurious wildlife permits, for symbol marking permits, and for Convention permits and certificates. There are currently no application fees for other types of permits.

The public has expressed confusion about when fees are charged and what amount. The Service believes that this confusion can be cleared up by codifying the fee schedule and by inviting comment through the rulemaking process.

Expenses for salaries for permit reviewers and clerical personnel, copying, publication and mailing constitute the major costs for processing permit applications. These expenses to the U.S. Fish and Wildlife Service result from reviewing applications, obtaining and reviewing data and comments submitted by other offices and individuals reviewing the applications, and preparation and transmittal of the permit or other document.

The proposed fee schedule is based on the total review process for each type of permit. Some review processes are more complicated than others, and this is reflected in the amount charged to process the application. All applications are reviewed by one or more elements of the Service. Some, such as those for marine mammal and Endangered species permits, are also reviewed by other Federal agencies and the public, and notice of receipt of the application is published in the **Federal Register**.

The total cost of processing each application is not expected to be borne by the applicant. In many cases, this cost would be prohibitive and might have a negative effect on the resource. However, the Service believes a reasonable fee should be charged for permit applications to help defray processing costs. Congress has authorized agencies to charge such fees as mentioned above.

The only exception to the proposed fee schedule is that any Federal, State, or local government agency, or an individual or institution under contract to such agency for the proposed activity, would be exempt.

The proposed amendment prescribes application fees to be charged for certain types of permits. The fee schedule reflects a portion of the expenses incurred in processing an application. The fees would be either $25 for most applications, $50 for import/export licenses or $100 for marine mammal permit applications.

The types of permit applications which would currently require a $25 fee, and the section of 50 CFR under which they are currently issued, are: exception to designated port permits for scientific purposes (14.31), to minimize deterioration or loss (14.32), and to alleviate undue economic hardship (14.33); symbol marking (14.83); feather import quota allocation (15.21) and reallocation (15.24); injurious wildlife (16.22); captive-bred wildlife registration (17.21); endangered species for scientific purposes or enhancement of propagation or survival (17.22); endangered species economic hardship (17.23); threatened species except as otherwise noted (17.32, 17.40, 17.41, 17.42, 17.44 and 17.47); endangered or threatened species similarity of appearance (17.52); endangered plants for scientific purposes or enhancement of propagation or survival (17.62); endangered plants economic hardship (17.63); threatened plants (17.72); and Convention permits and certificates (23.15).

The proposed regulation also provides that the $25 processing fee would apply to all applications unless specified otherwise. If, for instance, a special rule were promulgated under the Endangered Species Act, an applicant for a permit under that rule would realize that the processing fee for a permit application under that special rule would be $25 unless otherwise noted.

A $50 application fee for import/export licenses was implemented in the general revision to 50 CFR Part 14 (45 FR 56668). That fee would remain unchanged.

A $100 application fee would be charged for marine mammal scientific research or public display (18.31) permit applications. These require the most extensive review. All of these applications must be reviewed by at least three Fish and Wildlife Service elements, state agencies, usually at least two other Federal agencies, and notice of receipt of the application and issuance of a permit must be published in the **Federal Register**. They require careful scrutiny and extensive copying of a large volume of information.

There is currently no application fee for migratory bird permit (50 CFR 21) and eagle permits for Indian religious use (22.22) or depredation control (22.23). This would not change because it appears that a fee would prohibit many qualified persons from applying for a permit.

For convenience, proposed fees appear in table form:

Type of permit and regulations	Proposed fee
Importation at non-designated ports:	
Scientific (14.31)	$25
Deterioration prevention (14.32)	[illegible]
Economic hardship (14.33)	25
Symbol Marking (14.38)	25
Import/Export License (14.93)	[illegible]
Feather import quota:	
Allocation (15.21)	25
Reallocation (15.24)	25
Injurious Wildlife (16.22)	25
Endangered Species	25
Captive-Bred Wildlife Registration (17.21)	25
Scientific or enhancement (17.22)	25
Economic hardship (17.23)	25
Threatened Species:	
Scientific, enhancement, education, zoological exhibition, economic hardship or special purpose, except as noted otherwise (17.32)	[illegible]
Special rules—mammals (17.40)	[illegible]
Special rules—birds (17.41)	25
Special rules—reptiles (17.42)	25
Special rules—fishes (17.44)	[illegible]
Special rules—insects (17.47)	25
Marine Mammal (18.31)	100
Registered agent (18.23)	25
Scientific research and public display (18.31)	100
Convention Permits and Certificates (23.15)	[illegible]

Sometimes an application for a particular transaction or series of transactions involves more than one regulation. If the transaction can reasonably be accommodated under one permit, the associated application fees, as a rule, would not be additive. The fee would be the greatest amount of any one portion of the permit. For example, if someone wanted to import a marine mammal ($100) through a non-designated port to prevent loss ($25), the total application fee would be $100 since the transaction could reasonably be accommodated under one permit. However, if the same person also applied for registration to sell captive-bred exotic endangered species in interstate commerce ($25) at the same time, the total would be $100 plus $25, or $125 total, since two permits would probably have to be issued. The decision whether or not to split an application would lie with the issuing office, and would be based on considerations other than the fee.

Applications for renewal or amendment of permits must be accompanied by the same fee that is charged for applications for new permits. The review process and incurred costs for renewals and amendments are similar to those for new permits.

The application fee is charged to offset the costs of processing the application. It is not a permit fee. The fee will not be returned in cases where the permit is issued or the application is denied or abandoned. However, the fee may be returned if an application is withdrawn and has not been acted on by reviewing offices.

Appeals Procedure

The current regulations (50 CFR 13.21, 13.23) which provide for a written appeal to a permit action were developed for the implementation of the Lacey Act and the Migratory Bird Treaty Act. These Acts and a few others were administered almost exclusively at field and regional offices of the Service. Although permit procedures were specific to the requirements of the Acts and regulations, they were much less complex than those permit procedures developed for the Endangered Species Act, Marine Mammal Protection Act, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and even the expanded uses of the Lacey Act and Migratory Bird Treaty Act. Permit administration has expanded to accommodate the special reviews required by the new Acts. Most of the new types of permit actions are processed in the Federal Wildlife Permit Office, Washington, D.C.

These changes in permit administration and the regulations developed for the new Acts have made the present appeals regulation obsolete. As now stated, a person may appeal a permit denial "If authorized in the notice of the denial . . . Such further submission shall not be considered a new application. The final action by the Director shall be considered the final administrative decision of the Department" [50 CFR 13.21(d)]. Amendment, renewal and recall actions receive the same treatment (Sections 13.23, 13.24, 13.41).

Permits are still administered in field and regional offices, as well as the Federal Wildlife Permit Office. The Service wishes to establish a clear and concise method for applicants or permittees to appeal actions taken by the Service at any location. The proposed regulation provides for an appeal to be submitted by the applicant or permittee to the office which issued the denial, modification, amendment, or other action. Upon receipt of an appeal request, the office may either grant the request or forward the request to the Director, or to the Regional Director in the case of field and regional actions, who will establish an Appeals Board to review and recommend on the request. That Appeals Board will then submit its recommendation to the Regional Director or Director as appropriate, whose action then will be the final administrative decision of the Department.

The Appeals Board's actions will be independent of both the issuing office and the Director or Regional Director. The Board may select advisors from any office, including the issuing office, to provide background and technical information that will aid the Board in reaching a proper decision.

This rulemaking was written by Robert Batky, Staff Biologist, Federal Wildlife Permit Office, Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903).

Note.—The Department of Interior has determined that this is not a major rule and does not require preparation of a regulatory analysis under Executive Order 12291. Further, the Department of Interior has determined that the rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. This determination is based upon the fact that the rulemaking will involve only minute costs, *i.e.* the cost of permits, for small entities.

The information collection requirements contained in Sections within Part 13 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018-0022.

Regulations Revised

It is proposed that Parts 13, 14, 16, and 17 of Title 50 Code of Federal Regulations be amended as follows:

PART 13—GENERAL PERMIT PROCEDURES

Subpart A—Introduction

1. Add a new § 13.5 to read as follows:

§ 13.5 Information collection requirements.

The information collection requirements contained in Sections within Part 13 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1018-0022. This information is being collected to provide information necessary to evaluate permit applications. This information will be used to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance or denial of permits. The obligation to respond is mandatory.

Subpart B—Application for Permits

1. Section 13.11 is revised to read as follows:

§ 13.11 Procedure for obtaining a permit.

(a) *Forms.* Applications must be submitted in writing on an appropriate Service application form (Form 3-200).

(b) *Forwarding instructions.* Applications for permits listed below should be forwarded to the office indicated.

(1) Migratory bird banding permits (50 CFR 21.22)—Bird Banding Laboratory, Office of Migratory Bird Management, Fish and Wildlife Service, Laurel, Maryland 20810.

(2) Exception to designated port (50 CFR Part 14), import/export license (50 CFR 14.93), migratory bird permit other than banding (50 CFR Part 21), and eagle permits (50 CFR Part 22)—Special Agent in Charge of the Law Enforcement District in which the activity will occur (see 50 CFR 10.22).

(3) Symbol marking (50 CFR 14.83), feather quota (50 CFR Part 15), injurious wildlife (50 CFR Part 16), endangered and threatened species (50 CFR Part 17), marine mammal (50 CFR Part 18) and Convention (50 CFR 23)—Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203.

(c) *Time notice.* Applications for endangered species permits and marine mammal permits should be received by the Federal Wildlife Permit Office at least 75 calendar days prior to the desired effective date of the permit. Applications for other permits should be received by the issuing office at least 30 calendar days prior to the desired effective date. Although the Service will try to process all applications as quickly as possible, it cannot guarantee final action within the suggested time frames.

(d) *Permit fees.* (1) Applications for permits, certificates, licenses and registrations, and for their renewal and amendment, must be accompanied by an application fee in the form of a check or money order made payable to "U.S. Fish and Wildlife Service". Application fees shall not be refunded if the permit is issued or if the application is denied or abandoned. The fee may be returned if an application is withdrawn and has not been acted on by the reviewing offices.

(2) Application fees shall be $25 unless specified below as "Nonstandard." The issuing office may, at its discretion, group parts of a transaction or series of transactions for the purpose of assessing a fee, the general rule being that each part of a transaction requiring a separate permit shall require a separate fee. Application fees shall not be additive for parts of a particular transaction or series of transactions if they can be

accommodated under one permit, but shall be the greatest amount of any of those parts.

(3) The fee schedule does not apply to any Federal, State, or local government agency, nor to any individual or institution under contract to such agency for the proposed activities. Proof of such exempt status must accompany the application.

(4) Nonstandard fees.

Type of permit	Fee
Import/export license (section 14.93)	$50
Marine mammal (section 18.31)	100
Migratory bird (part 21)	None
Bald or golden eagles (part 22)	None

2. Section 13.13 is revised to read as follows:

§ 13.13 Abandoned applications.

Upon receipt of an incomplete or improperly executed application, the applicant shall be notified of the deficiency in the application. If the applicant fails to supply the deficient information or othewise fails to correct the deficiency within 60 days following the date of notification, the application may be considered abandoned.

3. Section 13.14 is revised to read as follows:

§ 13.14 Insufficient fee.

No permit will be issued until the proper fee is received.

§ 13.21 [Amended]

4. In § 13.21, paragraph (d) is removed.

5. Section 13.32 is added to read as follows:

§ 13.32 Appeal procedure.

The applicant shall be notified in writing of the denial of any permit request, and the reasons therefor. The applicant may appeal the denial in accordance with this Section. The appeal shall not be considered a new application. The final action by the Director or Regional Director, as appropriate, shall be considered the final administrative decision of the Department.

(a) The appeal of any action authorized by this Subpart may be initiated by:

(1) An applicant who has received written notice that his application has been denied;

(2) A permittee or applicant who has requested modification of a term or condition of his application or permit, which has been denied;

(3) A permittee whose permit has been recalled, amended, revoked or suspended during its term; or,

(4) A permittee whose permit has been issued, but who has not been authorized to conduct part of the requested activity, or believes that modifications made to requested actions are unacceptable.

(b) The request for an appeal must be submitted in writing to the office which issued the denial or other action to be appealed within 60 days of the date of notification of the action taken and contain new information or justification why the permit should not be denied or why the permit action in question should not be taken. Such new information or justification should address the reasons for denial as cited by the issuing office.

(c) The issuing office shall make a decision on the appeal and notify the applicant of its decision within 30 days of receipt.

(d) If a decision favoring the applicant is not made by the issuing office, the appeal shall be forwarded by the issuing office to the Director or Regional Director, as appropriate, who will establish an Appeals Board to review the material submitted in accordance with paragraphs (a) and (b) of this section, and any other material considered by the office which denied the appeal. The Board may also seek additional written or oral information from the applicant, the issuing office and from other sources.

(e) The applicant may, by submitting a written request, appear before the Appeals Board. The time and duration of such appearance shall be determined by the Appeals Board, taking into account the convenience of the applicant. The applicant may, at any point in the proceedings be represented by counsel before the Appeals Board. The applicant has a right, at any time, to see all information considered by the Appeals Board. Copies will be provided according to procedures set forth in 43 CFR Part 2.

(f) Upon receiving an appeal in accordance with this Section, the Appeals Board will determine whether or not a permit should be issued, a permit condition should be deleted or modified, a revocation or suspension discontinued or other appropriate action taken. In making this determination, the Appeals Board shall consider the issuance criteria for the type of permit for which the application was made. The Appeals Board may recommend alternate courses of action. The determination of the Appeals Board shall be immediately forwarded to the Director or his designee, or the Regional Director or his designee, as appropriate, who shall make the final administrative decision of the Department. This decision will be immediately sent to the applicant along with an explanation of the reasons for the decision.

(g) The Appeals Board shall consist of three or more persons from Service offices other than the issuing office. Majority vote shall constitute a final action of the Board. The determination of the Appeals Board must be made within 60 days of receipt of the appeal by the Director or Regional Director.

PART 14—IMPORTATION, EXPORTATION AND TRANSPORTATION OF WILDLIFE

6. In § 14.83, paragraph (b) is revised and paragraphs (d) and (e) are removed as follows:

§ 14.83 Symbol marking permit.

* * * * *

(b) Application procedures. Applications for symbol marking permits must be submitted to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203 according to § 13.12 of this chapter and may include, at the option of the applicant, a suggested two or three letter symbol.

* * * * *

(d) [Removed]

(e) [Removed]

PART 16—INJURIOUS WILDLIFE

Subpart C—Permits

7. In § 16.22, paragraphs (a) and (b)(3) are revised, and paragraph (b)(4) is removed as follows:

§ 16.22 Injurious wildlife permits.

* * * * *

(a) Application procedure. Applications for permits to import or ship injurious wildlife for such purposes shall be submitted to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203. Each such application must contain the general information and certification required by § 13.21(a) of this subchapter plus the following additional information:

(1) The number of specimens and the common and scientific names (genus and species) of each species of live wildlife proposed to be imported or otherwise acquired, transported, and possessed;

(2) The purpose of such importation, or other acquisition, transportation, and possession;

(3) The address of the premises where such live wildlife will be kept in captivity;

(4) A statement of applicant's qualifications and previous experience

in caring for and handling captive wildlife.

(b) * * *

(3) Permittees must notify the nearest Special Agent in Charge (see § 10.22 of this chapter) by telephone or telegraph within 24 hours following the escape of any wildlife or their progeny possessed under authority of a permit, unless otherwise specifically exempted by terms of the permit.

(4) [Removed]

* * * * *

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Subpart C—Endangered Wildlife

8. In § 17.22, paragraphs (a)(6), (a)(7), and (c) are revised and paragraph (a)(8) is removed as follows:

§ 17.22 Permits.

(a) * * *

(6) If the applicant seeks to have live wildlife covered by the permit, a complete description, including photographs or diagrams of the facilities to house and/or care for the wildlife, and a resume of the experience of those persons who will be caring for the wildlife.

(7) A full statement of the reasons why the applicant is justified in obtaining a permit including the details of the activities sought to be authorized by the permit.

(8) [Removed]

* * * * *

(c) Permit conditions. In addition to the general conditions set forth in Part 13 of this subchapter, the death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated in the permit.

* * * * *

Subpart D—Threatened Wildlife

9. In § 17.32, paragraphs (a)(6), (a)(7), and (c) are revised and paragraph (a)(8) is removed as follows:

§ 17.32 Permits—general.

(a) * * *

(6) If the applicant seeks to have live wildlife covered by the permit, a complete description, including photographs or diagrams of the facilties to house and/or care for the wildlife, and a resume of the experience of those persons who will be caring for the wildlife.

(7) A full statement of the reasons why the applicant is justified in obtaining a permit including the details of the activities sought to be authorized by the permit.

(8) [Removed]

* * * * *

(c) Permit conditions. In addition to the general conditions set forth in Part 13 of this subchapter, the death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated in the permit.

10. In § 17.40, paragraph (a)(1)(i)(A) is revised and paragraph (a)(2) is removed as follows:

§ 17.40 Special rules—mammals.

(a) * * *

(1) * * *

(i) * * *

(A) Except as allowed in paragraph (a)(1)(i)(B) of this section, it shall be unlawful to import any such wildlife for commercial purposes.

* * * * *

(2) [Removed]

Dated: August 28, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-27141 Filed 9-17-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 46, No. 181

Friday, September 18, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on October 21, 1981, at 7:00 p.m., a public information meeting will be held at the Griegos Public School, 1260 Van Cleave, N.W., Albuquerque, New Mexico.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed North Valley River Crossing, Albuquerque, New Mexico (Project M-4000(3)), an undertaking assisted by Federal Highway Administration (FHWA) that will adversely affect the John F. Simms House, Albuquerque, a property eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the property by FHWA.

III. A statement by the New Mexico Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statement to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 44 Union Boulevard, Suite 616, Lakewood, Colorado 80228, telephone number (303) 234-4946.

Dated: September 14, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81-27143 Filed 9-17-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Arizona Electric Power Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) in connection with proposed financing assistance by REA for Arizona Electric Power Cooperative, Inc., (AEPCO) of Benson, Arizona. AEPCO proposes to finance Carbon Coal Company's (Carbon) construction of 4.75 miles of water pipeline and 11 shallow evaporation ponds in McKinley County, New Mexico. These facilities will be utilized by Carbon to augment their existing water supply for the purpose of washing coal at the Mentmore Mine.

AEPCO prepared a Borrower's Environmental Report concerning the proposed project and an Environmental Assessment has been prepared by REA.

REA has determined that the proposed project will have no effects on wetlands, threatened and endangered species, historical and archaeological sites or important farmland, and that any potential impacts to floodplains will be minimized

The floodplain of the Puerco River will be crossed by the proposed pipeline and REA has determined there are no practical alternatives to crossing the floodplain. However, there will be no adverse effects on the floodplain of the Puerco River or incompatible development arising from the placement of the pipeline within the floodplain.

The alternatives evaluated by REA included no action, buying coal from another source, additional deep wells, alternative routes and conservation. After reviewing these alternatives, REA has determined that construction of the project as proposed represents the preferred alternative.

REA's independent evaluation of the proposed project concludes that its proposed financing assistance for this action does not represent a major Federal action that will significantly affect the quality of the human environment. Based on REA's independent evaluation, the REA Environmental Assessment, and AEPCO's Borrower's Environmental Report, a Finding of No Signifcant Impact was reached in accordance with REA Bulletin 20-21:320-21, Part I.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and AEPCO's Borrower's Environmental Report may be reviewed at REA in the office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Washington, D.C. 20250, and at the office of Arizona Electric Power Cooperative, Inc., 1401 South Highway 80, P.O. Box 670, Benson, Arizona 85602.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 11th day of September, 1981.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-27280 Filed 9-17-81; 8:45 am]

BILLING CODE 3410-15-M

Kodiak Electric Association, Inc.; Adoption of Final Environmental Impact Statement; Terror Lake Hydroelectric Project

Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, the Federal Energy Regulatory Commission (FERC), in cooperation with the Rural Electrification Administration (REA), has completed the Final Environmental Impact Statement (FEIS) on the Kodiak Electric Association's (KEA), proposed project for the construction and operation of the 20 MW Terror Lake Hydroelectric Project in Kodiak, Alaska.

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REA has participated in the preparation of this FEIS, as a cooperating agency, pursuant to § 1501.6(c) of the Council on Environmental Quality (CEQ) Regulations, and intends to use this FEIS to fulfill its requirements under NEPA. In this case, REA's anticipated potential major Federal action is that of providing financing assistance to KEA.

FERC's FEIS availability was announced in the **Federal Register** on August 14, 1981, (46 FR 41203). Limited Supplies of the FEIS are available upon request to FERC, at its Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426. Copies of the FEIS may be examined during regular working hours, at the above FERC address, as well as at REA's Energy Management and Utilization Division, Room 3862, South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and at KEA, Box 787, Kodiak, Alaska 99615. Final REA action may be taken with respect to this matter within 30 days.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C. this 14th day of September, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-2727[illegible] Filed 9-17-81; 8:45 am]

BILLING CODE 3410-15-M

Science and Education Administration

National Agricultural Research and Extension Users Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776) Science and Education announces the following meeting:

Name: National Agricultural Research and Extension Users Advisory Board.

Date: September 23-25, 1981.

Time:

8:30 a.m.-5:00 p.m., September 23-24
8:30 a.m.-1:00 p.m., September 25

Place: Hospitality House, 2000 Jefferson Davis Hwy., Arlington, Virginia

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: The Board will be reviewing and discussing agricultural research and extension programs and preparing its annual report to the Secretary of Agriculture.

CONTACT PERSON FOR AGENDA AND MORE INFORMATION: Marvin E. Konyha, Interim Executive Secretary, National Agricultural Research and Extension Users Advisory Board, Room 357-A Administration Building, U. S. Department of Agriculture; Washington, D.C. 20250; telephone 202-447-3684.

Done at Washington, D.C., this 11 day of September 1981.

John Stovall

Executive Director, National Agricultural Research and Extension Users Advisory Board.

[FR Doc. 81-27320 Filed 9-17-81; 8:45 am]

BILLING CODE 3410-03-M

Soil Conservation Service

Camden County Schools R.C. & D. Measure, North Carolina; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919-755-4210.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Camden County Schools R. C. & D. Measure, Camden County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Coy A. Garrett, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reducing flooding and for improving drainage on three school grounds. The planned works of improvement include installing catch basins, pipes, and subsurface drainage tubing. Grading and shaping will be done to improve surface drainage and to eliminate ponding. All disturbed areas will be seeded with adapted permanent vegetation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Coy A. Garrett. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 8, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-27171 Filed 9-17-81; 8:45 am]

BILLING CODE 3410-16-M

Cuthand Creek R.C. & D. Measure, Texas; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. George C. Marks, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Texas 76503, telephone 817-744-1214.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650): the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cuthand Creek R.C. & D. Measure, Red River County, Texas.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. Conservation practices include the shaping and vegetation of gullied areas, construction and vegetation of grade stabilization structures, and fencing.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy request at the above address.

Implementation of the proposal will not be initiated until October 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 10,901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 8, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-27173 Filed 9-17-81; 8:45 am]

BILLING CODE 3410-16-M

Fannin County-McCaysville School Critical Area Treatment R.C. & D. Measure, Georgia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, Federal Building, 455 East Hancock Avenue, Athens, Georgia 30613, telephone 404-546-2273.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Fannin County-McCaysville School Critical Area Treatment R. C. & D. Measure, Fannin County, Georgia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the treatment of a critically eroding school ground area. The planned works consist of the establishment of erosion control vegetation on 34 acres.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 8, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-27170 Filed 9-17-81; 8:45 am]

BILLING CODE 3410-16-M

Hazelton Butte Watershed, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Amos I. Garrison, Jr., State Conservationist, Soil Conservation Service, Room 345, 304 North 8th Street, Boise, Idaho 83702, telephone (208) 334-1601.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hazelton Butte Watershed, Jerome County, Idaho.

The environmental evaluation of this federally-assisted action indicates that the project will not cause significant adverse, local, regional, or national impacts on the environmental. As a result of these findings, Mr. Amos I. Garrison, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for applying conservation measures to reduce onfarm erosion from winter storms and irrigation return flows, reduce onsite sediment damages, and offsite sediment damages in the Snake River. Improvement of the water quality of the Snake River is a major benefit of these measures. The planned works of improvements include conservation tillage systems and improved irrigation systems, including appropriate management practices such as crop residue use and irrigation water management.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basis data developed during the environmental evaluation and environmental assessment are on file and may be reviewed by interested parties by contacting Mr. Amos I. Garrison, Jr. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 8, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-27167 Filed 9-17-81; 8:45 am]

BILLING CODE 3410-16-M

Hopkins County Youth Athletics Recreational Area R.C. & D. Measure, Kentucky; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Eddie L. Wood, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40504, telephone 606-233-2749.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR

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Part 650); the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hopkins County Youth Athletics Recreational Area R.C. & D. Measure, Hopkins County, Kentucky.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Eddie L. Wood, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage, water disposal, and vegetative cover. The planned works of improvement include: critical area treatment, underground tile drainage, open ditch drainage, a riprap chute, a grass waterway, a diversion channel, and some land smoothing.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Eddie L. Wood. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 8, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–271[illegible]9 Filed 9–17–81; 8:45 am]

BILLING CODE 3410–16–M

Moss Neck Watershed, N.C.; Availability of a Record of Decision

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of availability of a record of Decision.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, P.O. Box 27307, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone (919) 755–4210.

Notice: Mr. Coy A. Garrett, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of North Carolina, is hereby providing notification that a record of decision to proceed with installation of the Moss Neck Watershed project is available. Single copies of this record of decision may be obtained from Mr. Garrett at the above address.

Dated: September 8, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 81–27165 Filed 9–17–81; 8:45 am]

BILLING CODE 3410–16–M

Salmonberry Park R.C. & D. Measure, Oregon; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Guy W. Nutt, State Conservationist, Soil Conservation Service, 1220 S.W. 3rd, 16th Floor, Portland, Oregon 97204, telephone (503) 221–2751.

Notice: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Salmonberry Park R.C. & D. Measure, Benton County, Oregon.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Guy W. Nutt, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for recreation facilities. The planned works of improvement include reconstruction of boat ramp, upgrading access road, picnic tables, comfort station, and graveling parking area. Conservation practices include subsurface drains, streambank stabilization, and seeding.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Guy W. Nutt. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 10, 1981.

David G. Unger,

Associate Chief, Soil Conservation Service.

[FR Doc. 81–27166 Filed 9–17–81; 8:45 am]

BILLING CODE 3410–16–M

Smithville Park Recreation and Fish and Wildlife Development R.C. & D. Measure, New Jersey; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION: Mr. Plater T. Campbell, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, Somerset, New Jersey 08873, telephone 201–246–1205.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Smithville Park Recreation and Fish and Wildlife Development R.C. & D. Measure, Burlington County, New Jersey.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Plater T. Campbell, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of water-based recreation facilities and fishery development at Smithville Park to provide opportunities for picnicking, biking, boating, and fishing. The work involves the construction of picnic areas, shelters, playground equipment, and associated sanitary facilities and parking lots. The 20-acre Smithville Lake will be deepened in places for fishery improvement. Water control structures, boat ramps, and fishing piers will be installed.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Plater T. Campbell. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 8, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-27175 Filed 9-17-81; 8:45 am]

BILLING CODE 3410-16-M

Southwest Harbor Flood Prevention and Land Drainage R.C. & D. Measure, Maine; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone 207-866-2132.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Southwest Harbor Flood Prevention and Land Drainage R.C. & D. Measure, Hancock County, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Billy R. Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for a water control and disposal system which provides flood protection to a residential and business area and drainage to an athletic field in the town of Southwest Harbor, Maine. The planned water control system consists of the installation of a diversion ditch, two surface inlet structures, an underground conduit system, a tile drainage system, and two rock lined waterways to collect convey, and dispose of surface and subsurface water, and seeding the area disturbed by construction.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Billy R. Abercrombie. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 8, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-27174 Filed 9-17-81; 8:45 am]

BILLING CODE 3410-16-M

Twin Bridges Recreation Area Critical Area Treatment R.C. & D. Measure, Oklahoma; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Office Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74070, telephone 405-624-4360.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Twin Bridges Recreation Area Critical Area Treatment R. C. & D. Measure, Ottawa County, Oklahoma.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment for erosion control. The planned works of improvement include site preparation with fill placement, gravel filter, and riprap.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 8, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-27166 Filed 9-17-81; 8:45 am]

BILLING CODE 3410-16-M

Warren County Centertown School Grounds R.C. & D. Measure, Tennessee; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Donald C. Bivens, State Conservationist, U.S. Courthouse, 801 Broadway Street, Nashville, Tennessee 37203, telephone 615-852-5471.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Warren County Centertown School Grounds R.C. & D. Measure, Tennessee.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Donald C. Bivens, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns the treatment of eroding areas on the grounds of the Warren County Centertown School. The planned works of improvement include sloping, fertilizing, liming, and seeding to perennial grasses and legumes.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Donald C. Bivens. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 8, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-27172 Filed 9-17-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended September 11, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the applications by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Sept. 11, 1981	40007	Transamerica Airlines, Inc., c/o Jeffrey A. Manley, Burwell, Hansen, Manley & Peters, Suite 550, 1815 H Street, N.W., Washington, D. C. 20006. Conforming Application of Transamerica Airlines, Inc. pursuant to the provisions of Section 401 of the Act and Subpart Q of the Board's Procedural regulations, requests an amendment of its certificate of public convenience and necessity for Route 194 authorizing it to engage in foreign air transportation of passengers, property and mail by amending the route description of segment 1 to read as follows (newly-requested authority is underscored):
		1. Between a point or points in the United States (other than Sarasota/Bradenton, FL, and Orange County, CA); and Shannon, Ireland, a point or points in Belgium, the Netherlands, Luxembourg, the Federal Republic of Germany, Switzerland, *Spain, Portugal,* Jordan, and Tel Aviv, Israel.
		Answers may be filed by September 25, 1981.
Do	40013	Guy-America Airways, Inc., 118-27 Queens Blvd., Forest Hills, New York 11375. Application of Guy-America Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of an amended certificate of public convenience and necessity for Route 290 authorizing it to engage in foreign air transporation of persons, property and mail between all points in the United States and points in foreign countries as follows:
		"1. Between a point or points in the United States (except Sarasota/Bradenton, Fla., and West Palm Beach, Fla.) and a point or points in Guyana, Surinam, Chile, the Bahamas, Jamaica, Haiti, Dominican Republic, St. Maarten, St. Kitts, Antigua, Guadeloupe, Martinique, Barbados, Grenada, Trinidad and Tobago, Curacao, Aruba, Belize, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Belgium, the Netherlands, Luxembourg, the Federal Republic of Germany, Switzerland and Ireland."

Conforming Applications, motions to modify scope, and Answers may be filed by October 9, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-27294 Filed 9-17-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-9-90]

Mesaba Aviation d.b.a. Mesaba Airlines; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-9-90, Order to Show Cause.

SUMMARY: The Board is proposing to find that Mesaba Aviation, Inc., d.b.a. Mesaba Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 5, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of the order.

FOR FURTHER INFORMATION CONTACT: Barbara Pfeiffer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5354.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-90 is available from the Distribution Section,

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Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-9-90 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 15, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-27297 Filed 9-17-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-9-60]

South Pacific Agana Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81-9-60).

SUMMARY: The Board is instituting the *South Pacific Agana Proceeding* and is proposing to grant unrestricted authority to South Pacific at Agana, Guam under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed. The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing the proposed authority shall file, and serve on all persons listed below, no later than September 30, 1981, a statement of objections, together with a summary of the testimony, statistical data and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 39837, which we have entitled the *South Pacific Agana Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon South Pacific; the mayor and airport manager of Agana, Guam; and the Governor of the Territory of Guam.

FOR FURTHER INFORMATION CONTACT: Carol A. Szekely, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5107.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-60 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-9-60 to that address.

By the Bureau of Domestic Aviation: September 11, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-27296 Filed 9-17-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-9-78]

United Air Lines; Addition of Louisville, KY and Syracuse, NY

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (81-9-78).

SUMMARY: The Board is proposing to award air route authority at Louisville and Syracuse to United Air Lines under expedited show cause procedures.

The Complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions of the above order shall file, by September 28, 1981, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 39928. they should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

In addition, copies of such filings should be served on United Air Lines; the Mayor and Airport Manager of each city to which the pleading refers, and the state aeronautical commission of the state in which such city is situated.

FOR FURTHER INFORMATION CONTACT: James F. Ransom, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428, (202) 673-5197.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-78 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 81-9-78 to that address.

By the Bureau of Domestic Aviation: September 14, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-27295 Filed 9-17-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Perchlorethylene From France; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on perchlorethylene from France. The review covers the two known exporters of this merchandise to the United States, Chloe Chimie and Rhone Poulenc Petrolchimie, and the period May 1, 1980 through April 30, 1981. The review disclosed no shipments to the U.S. of this merchandise during the period. There are no known unliquidated entries.

As a result of this review, the Department has preliminarily determined to require cash deposits equal to the calculated margin on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3814/5289).

SUPPLEMENTARY INFORMATION:

Procedural Background

On December 5, 1980 the Department of Commerce ("the Department") published in the **Federal Register** (45 FR 80570) the final results of the first administrative review of the antidumping finding on perchlorethylene from France (44 FR 29045-6, May 19, 1979). The Department announced in the **Federal Register** of March 16, 1981 (46 FR 1621) its intent to conduct the next administrative review by the end of May 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review of the finding on perchlorethylene from France.

Scope of the Review

The imports covered by this review are perchlorethylene, including technical grade and purified grade perchlorethylene. Perchlorethylene is a clear water-white liquid at ordinary temperature with a sweet odor and is completely capable of being mixed with most organic liquids. It is a chlorinated solvent used mainly for dry cleaning of clothes, but is also used in other applications such as vapor degreasing of metals.

Perchlorethylene is currently classifiable under item 429.3400 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only two French exporters of perchlorethylene to the United States. They are Chloe Chimie and Rhone Poulenc Petrochimie. Rhone Poulenc Petrochimie sold its productive capacity for chlorine solvents, including perchlorethylene, to Chloe Chimie on January 1, 1981. The review covers the period May 1, 1980 through April 30, 1981. There were no known shipments to the United States during the review period and there are no known unliquidated entries.

Preliminary Results of the Review

As required by § 353.48(b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 47.8 percent of the entered value, based on the weighted-average margin in the original fair value investigation, shall be required on all shipments of perchlorethylene from France entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 14, 1981.

[FR Doc. 81-2715[illegible] Filed 9-17-81; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From East Germany; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on pig iron from East Germany. The review covers the only known exporter of this merchandise to the United States, Deutsche Stahl-Metall. The review covers the period October 3, 1978 through September 30, 1980. There have been no known shipments to the U.S. during this period and there are no known unliquidated entries.

As a result of this review, the Department has decided to require a cash deposit equal to the margin calculated during the original fair value investigation. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3814/5289).

SUPPLEMENTARY INFORMATION:

Procedural Background

On October 29, 1968, a dumping finding with respect to pig iron from East Germany was published in the **Federal Register** as Treasury Decision 68-282 (33 FR 15904). A "Notice of Tentative Determination to Modify or Revoke Dumping Findings" with respect to this merchandise was published by the Department of the Treasury on October 2, 1978 (43 FR 45497-8). Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral views. Treasury received comments but took no further action on the proposed revocation. On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on pig iron from East Germany.

Scope of the Review

Imports covered by this review are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron castings such as pipe, automobile castings, and machinery parts. Pig iron is currently classifiable under items 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only one exporter of pig iron from East Germany to the United States, Deutsche Stahl-Metall. The review covers the period October 3, 1978 through September 30, 1980. The Treasury Department reviewed all prior periods.

Review of Prior Comments

The Ad Hoc Committee of Merchant Pig Iron Producers of America objected when Treasury published its tentative revocation. The basis of its objection was that "if the impediment against price discrimination is removed, they will be free to resume their proven unfair marketing tactics and will not hesitate to do so."

Since the exporter has neither requested revocation nor provided the written agreement required by § 353.54(e) of the Commerce Regulations, we will not consider this proposed revocation further.

Preliminary Results of the Review

Our records indicate no shipments of pig iron from East Germany for the period October 3, 1978 through September 30, 1980, and there are no known unliquidated entries.

Interested parties may submit written comments on these preliminary results on or before October 19, 1981 and may request disclosure and/or a hearing on or before October 5, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

It is our general intention in cases where there are no shipments to determine cash deposit rates on the basis of the margins on the last known shipments. Deutsche Stahl-Metall has not responded to any questionnaire. Therefore, as provided by § 353.48(b) of the Commerce Regulations, a cash deposit of 70 percent, based on the margin calculated during the original fair value investigation as best evidence, shall be required on all shipments of pig iron from East Germany entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

September 15, 1981.

[FR Doc. 81-27304 Filed 9-17-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Louis Scarpuzzi Enterprises; Receipt of Amended Application for Permit

On July 29, 1981, Notice was published in the **Federal Register** (46 FR 38737) that an application had been filed with the National Marine Fisheries Service by Louis Scarpuzzi Enterprises, 339 Riverside Drive, Fort Myers, Florida 33905(P76E) for a permit to take marine mammals as authorized by the Marine Mammal Protection Act and the regulations governing the taking and importing of marine mammals.

Notice is hereby given that the Applicant has amended his request to increase to four (4) the number of Atlantic bottlenose dolphins for public display.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before October 19, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: September 15, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-27305 Filed 9-17-81; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

General Counsel; Delegation of Authority

The following delegation of authority has been signed by the Secretary of Commerce:

"Pursuant to the authority vested in the Secretary of Commerce by law, and in accordance with the Ethics in Government Act of 1978 (Pub. L. 95-521, as amended) I delegate to the General Counsel authority to coordinate and administer the ethics program of the Department of Commerce. In the absence of the General Counsel, the Assistant General Counsel for Administration is delegated this authority. This delegation of authority shall be effective on September 18, 1981.

Dated: September 15, 1981.

Marilyn B. Wagner,

Acting Assistant General Counsel for Administration.

[FR Doc. 81-27303 Filed 9-17-81; 8:45 am]

BILLING CODE 3510-BW-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Proposed Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Deletions from procurement list.

SUMMARY: The Committee has received proposals to delete from Procurement List 1981 a commodity produced by and services provided by workshops for the blind or other severely handicapped.

Comments must be received on or before: October 21, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201..

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

It is proposed to delete the following commodity and services from Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 6230

Flashlight
6230-00-643-3486

SIC 5812

Catered Noon Meals
Armed Forces Examining and Entrance Station
Seattle, Washington

SIC 7641

Furniture Rehabilitation
Sacramento, California, plus 60-mile radius, excluding San Joaquin County.

C. W. Fletcher,

Executive Director.

[FR Doc. 81-27199 Filed 9-17-81, 8:45 am]

BILLING CODE 6820-33-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 81-2]

Cable Television Royalty Fee Adjustment Proceeding

Comments of the Motion Picture Association of America, Inc. And Its Member Companies On Institution of Proceeding, Request for Immediate Establishment of Interim Rates, And Request For Ruling On Effective Date Of Final Rates Resulting From Proceeding.

The Copyright Royalty Tribunal (Tribunal) in the **Federal Register** of August 18, 1981 (46 FR 41840) published notice requesting comments not later than September 24, 1981 on a petition of the National Cable Television Association, Inc. (NCTA) to initiate a cable television royalty fee adjustment proceeding.

The Motion Picture Association of America, Inc. and its member companies (MPAA) on September 14, 1981 filed comments with the Tribunal on the NCTA petition, and in addition requested the Tribunal to adopt certain interim cable television rates and to make a ruling as to the effective date of any royalty adjustment that may result from a royalty adjustment proceeding. The comments of the MPAA are available for public inspection in the offices of the Tribunal.

The Tribunal now requests comments on the jurisdictional and procedural questions presented by the MPAA request for the adoption of interim cable royalty rates. The Tribunal at the present time is not requesting comments on the substantive aspects of any proposed interim rate schedule, or comments concerning the effective date of any final rates.

Comments limited to the scope of this notice may be submitted not later than October 1, 1981. Reply comments relating to this notice, or directed to comments filed pursuant to the notice of August 18th, may be submitted not later than October 7, 1981.

Comments shall be addressed to the Chairman, Copyright Royalty Tribunal, 1111 20th Street, N.W., Washington, D.C. 20036.

Thomas C. Brennan,

Acting Chairman, Copyright Royalty Tribunal.

[FR Doc. 81-27266 Filed 9-17-81; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Defense Science Board Task Force on Application of High Technology to Ground Forces; Change in Meeting Date

The Defense Science Board Task Force on Application of High Technology to Ground Forces meeting schedule for October 7, 1981 at Fort Lewis, Washington, as published in the **Federal Register** (Vol. 46, No. 174, dated September 9, 1981, FR Doc. 81-26255, 46 FR 45011) has been changed to October 17, 1981. In all other respects, the original notice cited above remains the same.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 15, 1981.

[FR Doc 81-27300 Filed 9-17-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[OFC Case No. 55119-9207-01-12; Docket No. ERA-FC-81-015]

General Motors Corp.; Order, Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Order granting exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On June 18, 1981, General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) for an order which would exempt a new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). Title II of FUA prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's unless an exemption has been granted by ERA. Criteria for petitioning for exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501, and 10 CFR Part 503, published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Pursuant to the provisions of FUA and 10 CFR 503.38, ERA hereby grants to GM subject to the terms and conditions specified herein, a permanent fuels mixture exemption as authorized by section 212(d) of the Act and 10 CFR 503.38(d) for the new field-erected boiler, (identified as Boiler No. 1) to be installed at GM's Assembly Division Plant at Lake Orion, Michigan.

In accordance with section 702(a) of FUA, this order shall take effect on November 17, 1981, the 60th calendar day after publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128-M, Washington, D.C. 20461, Phone (202) 653-3934

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4236

Christina Simmons, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: Eligibility and evidentiary requirements governing the permanent fuels mixture exemption, as authorized under section 212(d) of FUA, are set forth at 10 CFR 503.38. Under section 212(d), a certification alternative is available for MFBI's which will use a mixture containing less than 25 percent petroleum or natural gas, providing simplified evidentiary requirements for such facilities. GM has petitioned for a permanent exemption from the prohibition of Title II of FUA for its Boiler No. 1, under 10 CFR 503.38(d), based upon use of a mixture of coal and natural gas containing less than 25 percent natural gas for the unit.

In accordance with 10 CFR 501.3(d), ERA published notice of its acceptance of GM's petition in the **Federal Register** on July 21, 1981, at 46 FR 37542. Additionally, ERA staff examined the aforementioned certifications made by GM in its petition and determined that the petition fulfills the requirements of 10 CFR 503.38(d). A Tentative Staff Analysis was prepared recommending that ERA issue an order granting GM the requested exemption for the boiler, the availability of which was noticed in the **Federal Register** concurrently with the Notice of Acceptance. The combined notice provided for a 45-day comment period during which interested persons could submit written comments and request a public hearing on the petition for exemption or the Tentative Staff Analysis. That period expired on September 4, 1981. Comments were filed only by GM. No public hearing was requested.

In its comments to ERA, GM contended that the amount of fuel excluded from the definition of primary energy source by Section 103(a)(15) of FUA is in addition to any fuel that may be used in Boiler No. 1, under a fuels mixture exemption.

ERA believes that the statement in the Tentative Staff Determination concerning the amounts of fuel to be allowed under Section 103(a) (15)(A) of the Act as an exclusion from the definition of primary energy source, where a fuels mixture exemption has been granted, is consistent with the purposes of the Act and within the authority of ERA. Section 103(a)(15) provides that the minimum amounts which are excluded are subject to rules prescribed by the Secretary. Under the current rule implementing FUA, in connection with the definition of "Primary energy source" (10 CFR 500.2), ERA has set the excluded amount of zero where a fuels mixture exemption has been granted. The footnote to the definition provides: "For purposes of subparagraph (1), no fuels will be excluded from the definition of primary energy source where a mixtures exemption has been granted under Parts 503 or 504 of these regulations. The minimum amount of natural gas or petroleum provided by a mixtures exemption to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency is in lieu of the minimum amount required for unit ignition, start-up, testing, flame stabilization, and control uses." It should be noted that the rule does not include, as part of the exempt fuel covered by a mixtures exemption, any amount of fuel which could otherwise be excluded from the definition of primary energy source. Whenever, with respect to exemptions other than a fuels mixture, a given amount of excluded fuel is authorized (for example the 15 percent presumptive exclusion provided for in the final rule) it is in addition to the fuel that is exempt as a primary energy source. ERA has determined that this regulatory treatment (i.e., to set the amount of fuel which could be excluded under Section 103(a)(15) at zero) where a mixtures exemption is granted, best accomodates the purposes of the Act in minimizing the amounts of petroleum and natural gas to be used for congruent purposes.

As required by section 701(f) and (g) of the Act, ERA provided a copy of GM's petition to the Environmental Protection Agency (EPA) and the Federal Trade Commission (FTC) for their comment. The Acting Regional Administrator, EPA, Region V, Chicago, Illinois, filed written comment on the petition and Tentative Staff Analysis for the Lake Orion, Michigan, installation. In the opinion of EPA, Region V, the proposed exemption does not present any air quality problems and therefore, they have no objection to the granting of the requested exemption. No comments were received from FTC.

Decision and Order

Based upon review of the entire record of this proceeding, ERA has determined that GM has satisfied the certification requirements of 10 CFR 503.38(d). Therefore, pursuant to section 212(d) of the Act, and subject to the terms and conditions stated below, ERA hereby grants GM a permanent fuels mixture exemption for the new Boiler No. 1 to permit the use of natural gas in a mixture with coal in that unit. As specified in the terms and conditions below, the total amount of natural gas used in the exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit. In granting this exemption, ERA has taken into account the purposes for which the minimum percentage of petroleum and natural gas provided by a fuels mixture exemption is to be used, i.e., to maintain reliability of operations, consistent with maintaining a reasonable level of fuel efficiency. Accordingly, ERA will not exclude from the definition of primary energy source any fuel used in the new boiler for the purposes of unit ignition, start-up, testing, flame stabilization, and control uses.

Terms and Conditions

Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.38(d), GM, in accordance with 10 CFR 503.38(e), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Accordingly, such terms and conditions as enumerated below, are attached to this order granting the requested exemption.

(1) The amount of natural gas to be used in a mixture with alternate fuel in the boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the unit.

(2) Prior to operation of the boiler, GM will secure all applicable environmental permits and approvals pursuant to, but not limited to the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements

In addition to the above terms and conditions, GM must, pursuant to 10 CFR 503.38(g), upon grant of this exemption, certify to ERA the date the boiler is first operated under the provisions of this order, and must, annually thereafter at not later than 30 days after each anniversary of that date, file with ERA a certification that the amount of natural gas used in the boiler during the preceeding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of GM.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification in which the use of petroleum or natural gas in a mixture with an alternate fuel(s) will not exceed 25 percent of the exempted MFBI's total annual Btu heat input of its primary energy sources, were identified as classes of actions which normally do not require the preparation of an Environmental Impact Statement or an Environmental Assessment.

This classification raises a rebuttable presumption that the granting or denial of these exemptions will not significantly affect the quality of the human environment. GM has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed and certified to by GM pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel, and it has been determined that GM's responses to the questions therein indicate that the operation of the boiler under this exemption will not have significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to these FUA actions. No contrary information has come to the attention of ERA during the proceeding on GM's petition. Therefore, no additional environmental review is deemed to be required.

Effectiveness of Order:

The exemption granted by this order shall become effective on the 60th calendar day after the date of publication of this order in the **Federal Register** (November 17, 1981).

Judical Review:

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time before the 60th calendar day after the date of publication of this Order file a petition for judicial review thereof in accordance with the procedures outlined in 10 CFR 501.69.

Issued in Washington, D.C., on September 14, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–27233 Filed 9–17–81; 8:45 am]

BILLING CODE 6450–01–M

[OFC Case No. 55119–9206–01–12; Docket No. ERA–FC–81–016]

General Motors Corp; Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Order granting exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On June 18, 1981, General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) for an order which would exempt a new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8302 *et seq.*, (FUA or the Act). Title II of FUA prohibits the use of petroleum or natural gas as a primary energy source in certain new MFBI's unless an exemption has been granted by ERA. Criteria for petitioning for exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501, and 10 CFR Part 503, published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Pursuant to the provisions of FUA and 10 CFR 503.38, ERA hereby grants to GM subject to the terms and conditions specified herein, a permanent fuels mixture exemption as authorized by section 212(d) of the Act and 10 CFR 503.38(d) for the new field-erected boiler, (identified as Broiler No. 1) to be installed at GM's Assembly Division Plant at Wentzville, Missouri.

In accordance with section 702(a) of FUA, this order shall take effect on November 17, 1981, the 60th calendar day after publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128–M, Washington, D.C. 20461, Phone (202) 653–3994

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4226

Christina Simmons, Office of the General Counsel, Department of Energy, Forrestall Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: Eligibility and evidentiary requirements governing the permanent fuels mixture exemption, as authorized under section 212(d) of FUA, are set forth at 10 CFR 503.38. Under section 212(d), a certification alternative is available for MFBI's which will use a mixture containing less than 25 percent petroleum or natural gas, providing simplified evidentiary requirements for such facilities. GM has petitioned for a permanent exemption from the prohibitions of Title II of FUA for its Boiler No. 1, under 10 CFR 503.38(d), based upon use of a mixture of coal and natural gas containing less than 25 percent natural gas for the unit.

In accordance with 10 CFR 501.3(d) ERA published notice of its acceptance of GM's petition in the **Federal Register** on July 21, 1981, at 46 FR 37542. Additionally, ERA staff examined the aforementioned certifications made by GM in its petition and determined that the petition fulfills the requirements of 10 CFR 503.38(d). A Tentative Staff Analysis was prepared recommending that ERA issue an order granting GM the requested exemption for the boiler, the availability of which was notice in the **Federal Register** concurrently with the Notice of Acceptance. The combined notice provided for a 45-day comment period during which interested persons could submit written comments and request a public hearing on the petition for exemption or the Tenatative Staff Analysis. That period expired on September 4, 1981. Comments were filed only by GM. No public hearing was requested.

In its comments to ERA, GM contended that the amount of fuel excluded from the definition of primary energy source by Section 103(a)(15) of FUA is in addition to any fuel that may be used in Boiler No. 1, under a fuels mixture exemption.

ERA believes that the statement in the Tentative Staff Determination concerning the amounts of fuel to be allowed under Section 103(a)(15)(A) of the Act as an exclusion from the definition of primary energy source, where a fuels mixture exemption has been granted, is consistent with the purposes of the Act and within the authority of ERA. Section 103(a)(15) provides that the minimum amounts which are excluded are subject to rules prescribed by the Secretary. Under the current rule implementing FUA, in connection with the definition of "Primary energy source" (10 CFR 500.2), ERA has set the excluded amount at zero where a fuels mixture exemption has been granted. The footnote to the definition provides: "For purposes of subparagraph (1), no fuels will be excluded from the definition of primary energy source where a mixtures exemption has been granted under Parts 503 or 504 of these regulations. The minimum amount of natural gas or petroleum provided by a mixture exemption to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency is in lieu of the minimum amount required for unit ignition, start-up, testing, flame stabilization, and control uses." It should be noted that the rule does not include, as part of the exempt fuel covered by a mixture exemption, any amount of fuel which could otherwise be excluded from the definition of primary energy source. Whenever, with respect to exemptions other than a fuels mixture, a given amount of excluded fuel is authorized (for example the 15 per cent presumptive exclusion provided for in the final rule) it is in addition to the fuel that is exempt as a primary energy source. ERA has determined that this regulatory treatment (i.e., to set the amount of fuel which could be excluded under Section 103(a)(15) at zero) where a mixture exemption is granted, best accommodates the purposes of the Act in minimizing the amounts of petroleum and natural gas to be used for congruent purposes.

As required by section 701(f) and (g) of the Act, ERA provided a copy of GM's petition to the Environmental Protection Agency (EPA) and the Federal Trade Commission (FTC) for their comment. No comments were received from either EPA or FTC.

Decision and Order

Based upon review of the entire record of this proceeding, ERA has determined that GM has satisfied the certification requirements of 10 CFR 503.38(d). Therefore, pursuant to section 212(d) of the Act, and subject to the terms and conditions stated below, ERA hereby grants GM a permanent fuels mixture exemption for the new Boiler No. 1 to permit the use of natural gas in a mixture with coal in that unit. As specified in the terms and conditions below, the total amount of natural gas used in the exempted unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit. In granting this exemption, ERA has taken into account the purposes for which the minimum percentage of petroleum and natural gas provided by a fuels mixture exemption is to be used, i.e., to maintain reliability of operations, consistent with maintaining a reasonble level of fuel efficiency. Accordingly, ERA will not exclude from the definition of primary energy source any fuel used in the new boiler for the purposes of unit ignition, start-up, testing, flame stabilization, and control uses.

Terms and Conditions

Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.38(d), GM, in accordance with 10 CFR 503.38(e), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Accordingly, such terms and conditions as enumerated below, are attached to this order granting the requested exemption.

(1) The amount of natural gas to be used in a mixture with alternate fuel in the boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the unit.

(2) Prior to operation of the boiler, GM will secure all applicable environmental permits and approvals pursuant to, but not limited to the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements

In addition to the above terms and conditions, GM must, pursuant to 10 CFR 503.38(g), upon grant of this exemption, certify to ERA the date the boiler is first operated under the provisions of this order, and must, annually thereafter at not later than 30 days after each anniversary of that date, file with ERA a certification that the amount of natural gas used in the boiler during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the MFBI. Such certifications shall be executed by a duly authorized representative of GM.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanant exemptions, including the permanent fuels mixture exemption by certification in which the use of petroleum or natural gas in a mixture with an alternate fuel(s) will not exceed 25 percent of the exempted MFBI's total annual Btu heat input of its primary energy sources, were identified as classes of actions which normally do not require the preparation of an Environmental Impact Statement or an Environmental Assessment.

This classification raises a rebuttable presumption that the granting or denial of these exemptions will not significantly affect the quality of the human environment. GM has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed and certified to by GM pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, with consultation from the Office of the General Counsel, and it has been determined that GM's responses to the questions therein indicate that the operation of the boiler under this exemption will not have significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to these FUA actions. No contrary information has come to the attention of ERA during the proceeding on GM's petition. Therefore, no additional environmental review is deemed to be required.

Effectiveness of Order

The exemption granted by this order shall become effective on the 60th calendar day after the date of publication of this order in the **Federal Register** (November 17, 1981).

Judicial Review

Pursuant to section 702(c) of the Act, any person aggrieved by this order may at any time before the 60th calendar day after the date of publication of this Order file a petition for judicial review thereof in accordance with the procedures outlined in 10 CFR 501.69.

Issued in Washington, D.C., on September 14, 1981.

Robert L. Davies,
Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-27234 Filed 9-17-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-010; OFC Case No. 56358-9016-01-12, 56358-9016-02-12]

Phillips Petroleum Co.; Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: On April 9, 1981, Phillips Petroleum Company (Phillips) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting two new major fuel burning installations (MFBI's) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibits the use of petroleum and natural gas as a primary source in certain new MFBI's unless an exemption for such use has been granted by DOE. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 503 published on June 6, 1980, at 45 FR 38276 and 38302, respectively.

Phillips is seeking permanent exemptions to burn natural gas in a mixture with regenerator flue gases (containing carbon monoxide, CO) in two field-erected CO boilers to be constructed at its Borger, Texas refinery.

ERA accepted the petition on May 30, 1981, and published notice of its acceptance, together with a statement of the reasons set forth in the petition for requesting the exemptions, in the **Federal Register** on June 9, 1981 (46 FR 30525). Publication of the notice commenced a 45-day public comment period pursuant to section 701 of FUA which expired July 24, 1981. No comments were received.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available upon request at: ERA, 2000 M Street, NW., Room B-110, Washington, D.C., 20461, Monday through Friday, 8:00 a.m.–4:30 p.m.

ERA will issue a final order granting or denying the petition for permanent exemptions from the prohibitions of the Act within six months after the end of the public comment period provided for

in this notice, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extensions, will be published in the **Federal Register.**

DATE: Written comments on the Tentative Staff Analysis are due on or before October 2, 1981. A request to have DOE convene a public hearing must be made within the same period.

ADDRESS: Fifteen copies of written comments shall be submitted to the Department of Energy, DOE Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C., 20461. Docket Number ERA–FC–81–010 should appear on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, 2000 M Street. NW., Room B–110, Washington, D.C. 20461, (202) 633–4055

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, (202) 653–4477

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, (202) 653–4226

Marilyn Ross, Attorney, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2967

SUPPLEMENTARY INFORMATION: Phillips proposes to install two carbon monoxide (CO) boilers. CO Boiler 29 will have a design heat input rate of 497 million Btu's per hour. CO Boiler 40 will have a design heat input rate of 500 million Btu's per hour. Each unit will be capable of generating 350,000 pounds of steam per hour. The fuel Phillips proposes for use in the two CO boilers is a mixture of approximately 18.6 percent regenerator flue gas (185.7 million Btu/hr) and 81.4 percent natural gas (812.1 million Btu/hr). The CO containing flue gas produced at Phillips Borger, Texas refinery with a heating value of 11 Btu's per cubic foot has been determined by ERA to be an alternate fuel.

In addition to the demonstration by a petitioner that he proposes to use an alternate fuel with petroleum or natural gas in a mixture, he must also demonstrate to the satisfaction of ERA, pursuant to 10 CFR 503.38(a)(2), that the amount of petroleum or natural gas proposed to be used in the mixture will not exceed the minimum percentage of the total annual Btu heat input of the primary energy sources needed to maintain operational reliability of the unit consistent with maintaining a reasonable level of fuel efficiency.

Phillips stated that the minimum percentage of natural gas needed to maintain satisfactory operation of the CO boilers is 75.55 percent for Unit 29 and 77.25 percent for Unit 40. ERA has verified these calculations. Phillips requested however, that they be allowed to burn sufficient natural gas to install and operate the CO boilers at a combined capacity of 700,000 pounds of steam per hour. Additionally, Phillips requested that during the time that one or both FCC Units are not operating, for whatever cause, and regeneration gases are not available, that it be permitted to burn natural gas in the two CO Boilers in amounts necessary to meet the refinery's steam requirements.

ERA currently does not have the authority to grant a fuel mixtures exemption where the amount of petroleum or natural gas proposed to be used in the mixture exceeds the minimum percentage of the total Btu heat input of the primary energy sources of such powerplant or installation consistent with maintaining a reasonable level of fuel efficiency. Therefore, ERA staff has prepared a Tentative Staff Analysis recommending that the exemption be granted, subject to the term and condition recommended below, to permit the use of natural gas only in the amounts which ERA has verified are necessary to complete combustion of the regeneration gases in the CO boilers, i.e., 75.55 percent for Unit 29 and 77.25 percent for Unit 40.

Additionally, the ERA staff is sympathetic with Phillips's desires to continue the operation of the CO Boilers using all natural gas during those periods when a sufficient supply of regeneration gases are not being produced, however, ERA does not have the authority to grant as a provision of a fuels mixture exemption, the use of natural gas or pertoleum in excess of that required to maintain the exempted unit's operational reliability when fired with the fuels mixture. Therefore, the ERA staff recommends that Phillips' request to use natural gas in CO Boilers 29 and 40 during those periods when their respective FCC Units are shutdown, be denied.

Recommended Term and Condition

Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. Based upon its analysis of Phillips' petition, the ERA staff recommends that the following term and condition be attached to any order which would grant Phillips the requested exemptions:

(1) The amount of natural gas burned in a mixture with the regeneration gases shall not exceed:

For CO Boiler 29, 75.55 percent of the unit's total annual Btu heat input; and

For CO Boiler 40, 77.25 percent of the unit's total annual Btu heat input.

Reporting Requirement

In addition to the above term and condition, Phillips shall, pursuant to 10 CFR 503.38(g), submit to the Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Room 3214, 2000 M Street, NW., Washington D.C. 20461, the following:

(a) A certification of the date(s) CO Boilers 29 and 40 are first operated under the provisions of this order; and

(b) Within 30 days from each anniversary date(s) of commencement of operation of CO Boilers 29 and 40, as reported pursuant to (a) above, an annual, certified report of the types and quantities of fuels used in each boiler during the preceding year. The following report format shall be used:

CO Boiler No.	Fuel type	Amount burned (1,000 ft.³)	Btu value (MM Btu's/HR)	Percent of annual fuel consumption

Each certification shall be executed by a duly authorized representative of Phillips. OFC Case No. 56358–9106–01–12 (for CO Boiler 29) and OFC Case No. 56358–9106–02–12 (for CO Boiler 40) shall be cited on each certification.

National Environmental Policy Act of 1969 (NEPA) Review: On the basis of the analysis provided by the Office of Fuels Conversion, and reviewed by the Office of Environmental Protection, Safety, and Preparedness, with consultation from the Office of General Counsel, the Department of Energy has concluded that the granting of these exemptions will not be a major Federal action significantly affecting the quality of the human environment, within the meaning of NEPA. Accordingly, neither an environmental impact statement nor an environmental assessment is required.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the exemptions requested. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on Tentative Staff Analysis.

Issued in Washington, D.C., on September 14, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-27235 Filed 9-17-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals Issuance of Proposed Decisions and Orders; August 3 through August 14, 1981

During the period of August 3 through August 14, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 14, 1981.

Edgington Oil, Company, Inc. Washington, D.C. BEX-0220 crude oil

Edgington Oil Company filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The exception request, if granted, would result in the issuance of additional entitlement to Edgington to offset the cost of entitlements obligations incurred because the firm had purchased crude oil to increase its permanent inventory following the expansion of its refinery capacity. On March 10, 1981, the Department of Energy issued a Proposed Decision and Order that determined that the exception request be granted in part. However, on August 12, 1981, the DOE issued a Supplemental Order reversing the initial proposed determination and tentatively concluded that the Edgington request be denied.

Placid Oil Company, Washington, D.C., BEE-1584, crude oil

On January 6, 1981, Placid Oil Company (Placid) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit Placid to determine the price of crude oil produced and sold from a certain production unit without regard to a cumulative deficiency which accrued during the months of September, October and November 1980. On August 14, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Tricentennial Energy Corporation, Washington, D.C., BEE-1662, reporting requirements

Tricentennial Energy Corporation filed an Application for Exception from the requirement that the firm prepare and submit Form EIA-9A, No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that the firm had not demonstrated that it would experience a serious hardship as a result of the requirement that it submit the form, and that the information provided by the firm would be relevant to the purposes of Form EIA-9A. Accordingly, on August 11, 1981 the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-27301 Filed 9-17-81; 8:45 am]

BILLING CODE 6450-01-M

Southeastern Power Administration

Order Confirming and Approving Power Rates on an Interim Basis of Kerr-Philpott Projects

AGENCY: Southeastern Power Administration (SEPA), Energy.

ACTION: Notice of Approval on Interim Basis of Kerr-Philpott Projects' Rates.

SUMMARY: On 9-14-81, the Assistant Secretary for Conservation and Renewable Energy confirmed and approved, on an interim basis, the extension of two existing rate schedules and an adjustment and extension of the other rate schedule for Kerr-Philpott Projects' power. The rates were approved on an interim basis through September 30, 1982, and are subject to confirmation and approval by the Federal Energy Regulatory Commission on a final basis.

DATES: Approval of rates on interim basis is effective on October 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Leon Jourolmon, Jr., Chief, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635.

John J. DiNucci, Office of Power Marketing Coordination, Department of Energy, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission by Order issued January 29, 1981, in Docket No. EF80-3041 confirmed and approved Wholesale Power Rate Schedules KP-1-B, KP-2-B and JHK-1-B applicable to Kerr-Philpott Projects' power for a period ending September 30, 1981. Rate Schedules KP-1-B and KP-2-B have been extended and JHK-1-C replaces JHK-1-B.

Issued in Washington, D.C., September 14, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[Rate Order No. SEPA-11]

Southeastern Power Administration—Kerr-Philpott Projects' Power Rates; Order Confirming and Approving Power Rates on an Interim Basis

September 14, 1981.

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95-91, the functions of the Secretary of the interior and the Federal Power Commission under Section 5 of the Floor Control Act of 1944, 16 U.S.C. 825s, relating to the Southeastern Power Administration (SEPA) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204-33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary for Conservation and Renewable Energy.

Background

Power from the Kerr-Philpott Projects is presently sold under Wholesale Power Rate Schedules KP–1–B, KP–2–B, and JHK–1–B. These rates were confirmed and approved by the Federal Power Commission on February 18, 1976, for a period ending June 30, 1980, and extended by the Federal Energy Regulatory Commission on January 29, 1981, for a period ending September 30, 1981. SEPA is in the process of developing a new written power marketing policy for the Kerr-Philpott Projects and has requested that I approve a one-year extension of two of the rate schedules and an adjustment to the other rate schedule to allow time to finalize the policy, renegotiate expiring contracts and permit applicable rates appropriate to such revised policy to be developed, confirmed and approved, and placed in effect.

Public Notice and Comment

SEPA prepared a Power Repayment Study in June 1981 for the Kerr-Philpott Projects which showed that an increase in existing rates was not necessary to produce revenues sufficient to meet cost recovery criteria. Based on this Repayment Study, it was proposed to extend two of the rate schedules until September 30, 1982. An additional wheeling charge, applicable only to the customers who purchase power under JHK–1–B rate schedule, was not included in the Repayment Study. However, a revised rate schedule was drafted to pass through the increased wheeling costs to affected customers.

Opportunities for public review and comments on the extension of rates and proposed increased power rate were announced by Notice published in the **Federal Register** on June 5, 1981, 46 FR 108, and all customers were notified by mail. A Public Comment and Public Information Forum was held in Raleigh, North Carolina on July 9, 1981, where an opportunity for oral presentation of views was afforded. Written comments were invited by the Notice through August 14, 1981. A transcript of the Public Comment Forum was made.

Discussion

System Repayment

SEPA's System Power Repayment Study of June 1981 is basically an update of its system Repayment Study dated March 1975, upon which existing rates are predicated. The March 1975 repayment study included estimated costs through September 30, 1980, which were less than the costs actually experienced. Estimated future costs are slightly higher than the costs estimated in 1975; however, the Repayment Study continues to show that the revenues at present rate levels are adequate to recover all costs required by the repayment criteria.

There is one item of cost, however, which was not included in the Repayment Study and that is an increased annual wheeling charge of $200,000 required by Carolina Power & Light Company. An adjusted rate schedule appropriately responds to this added cost.

Rate Design

Because the rates are expected to be in effect for only a one-year period, the KP–1–B, and KP–2–B rates are being extended and the added wheeling charge from CP&L is being passed directly through to the affected customers. The adjusted Rate Schedule JHK–1–C is identical to the present rate schedule except a "wheeling charge" is added. The monthly wheeling charge to cover the additional cost is $0.56 per kilowatt of contract demand.

Environmental Impact

SEPA has reviewed the possible environmental impacts of the rate adjustment under consideration and has concluded with Departmental concurrence that, because the increased rates would not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, the proposed action is not a major Federal action for which preparation of an Environmental Impact Statement is required.

Availability of Information

Information regarding these rates including studies, public comment forum transcript, and other supporting material are available for public review in the offices of Southeastern Power Administration, Samuel Elbert Building, Elberton, Georgia 30635, and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission

The rates herein confirmed and approved on an interim basis, together with supporting documents, will be submitted promptly to the Federal Energy Regulatory Commission for confirmation and approval on a final basis for a period ending no later that September 30, 1981.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective October 1, 1981, attached Wholesale Power Rate Schedule KP–1–B, KP–2–B and JHK–1–C. The rate schedules shall remain in effect on an interim basis through September 30, 1982, unless such period is extended or until the FERC confirms and approves them or substitute rate schedules on a final basis.

Issued at Washington, D.C., this 14th day of September, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of which is hereinafter called the Customer) within a 150 mile radius of the John H. Kerr Project, purchasing power generated at the John H. Kerr and Philpott Projects in wholesale quantities under appropriate contracts and served through the facilities of the Virginia Electric and Power Company (hereinafter called the Company).

Applicability

This rate schedule shall be applicable to firm power and accompanying energy generated at the John H. Kerr and Philpott Projects and to deficiency energy purchased by the Government from the Company, purchased in wholesale quantities under appropriate contracts for a specified number of kilowatts of capacity and shall be applied to each customer's system consisting of one or more delivery points.

Character of Service

The electric capacity and energy supplied hereunder will be 3-phase alternating current at a nominal frequency of 60 Hertz. The voltage of delivery will be maintained within the limits established by the State Regulatory Commission.

Monthly Rate

The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: $1.25 per kilowatt of contract demand.

Energy Charge: 5.00 mills per kilowatt-hour.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

The Government will sell to the Customer and the Customer will purchase from the Government energy each billing month equivalent to a total amount annually of 5,000 kilowatt-hours per kilowatt of contract demand prorated on an equal daily amount throughout the year. The Customer's contract demand and accompanying energy will be allocated proportionately to its individual delivery points served from the Company's system.

Billing Month

The billing month for power sold under this schedule shall end at 12:00 midnight on the last day of each calendar month.

Conditions of Service

The Purchaser shall at its own expense provide, install and maintain on its side of each delivery point the equipment necessary to protect and control its own system. In so doing, the installation, adjustment, and setting of all such control and protective equipment at or near the point of delivery shall be coordinated with that which is installed by and at the expense of the Company on its side of the delivery point.

Service Interruption

When energy delivery to the Customer's system is reduced or interrupted for 1 hour or longer, and such reduction or interruption is not due to conditions on the Customer's system, the demand charge for the month shall be appropriately reduced.

July 1, 1975.

Wholesale Power Rate Schedule KP-2-B

Availability

This rate schedule shall be available to the Carolina Power and Light Company and the Virginia Electric and Power Company (either one of which is hereinafter called the Company).

Applicability

This rate schedule shall be applicable to electric capacity and energy generated at the John H. Kerr and Philpott Projects (hereinafter called the Projects) and sold under appropriate contracts between the Government and the Company.

Character of Service

Electric capacity and energy delivered to the Company will be 3-phase alternating current at a nominal frequency of 60 Hertz delivered at points of delivery specified by appropriate contract.

Monthly Rate

The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: $1.25 per kilowatt per month for dependable capacity made available to the Company for their own use.

Energy Charge: An amount for dump energy equal to eighty percent (80%) of the calculated saving in the cost of fuel for the Company's operating generating units due to the generation avoided therein by the delivery of such dump energy: *Provided,* That the procedures to determine saving in the cost of fuel will be agreed upon from time to time by the Government and the Company.

Billing Month

End-of-month meter readings shall be made at 12:00 midnight at the end of the calendar month where meters are located in continuously attended power plants and substations.

Service Interruptions

When the dependable capacity available to the Company is reduced or interrupted for 1 hour or longer during on-peak hours and such reduction or interruption is not due to conditions on the Company's system, or in the case of Philpott, the Appalachian Power Company's or the Company's system, or agreed to outages, the dependable capacity to be paid for by the Company for that month shall be reduced for billing purposes for each on-peak hour (the nearest number of whole hours) that dependable capacity available to the Company is reduced or interrupted by an amount equal to one/(number of on-peak hours in the month) times such reduction in kilowatts of dependable capacity. In the event such reduction in dependable capacity to be paid for by the Company should be greater than the dependable capacity sold to the Company in any month, any such excess shall be applied to the dependable capacity sold to the Company in subsequent months. If such reduction or interruption results in a total delivery of energy in that month to or for the account of the Company's system by the Government amounting to less than the total declared available, the declaration of energy for that month shall be reduced for accounting purposes to the amount actually delivered. On-peak hours shall be the hours between 8:00 a.m. and 10:00 p.m. on all days except Sunday.

Power Factor

The Company shall take power and energy from the Government at such power factor as will best serve the Company's system from time to time; provided, that the Compnay shall not impose a power factor of less than .85 lagging on the Government's facilities which requires operation contrary to good operating practice or results in overload or impairment of such facilities or unreasonably interferes with the delivery of power and energy by the Government to its other customers.

Termination of Contract

The Company shall pay the Government 5.00 mills per kilowatt-hour for energy remaining in the energy bank and for energy remaining as a net balance in the storage account at the termination of the contract between the Government and the Company.

July 1, 1975.

Wholesale Firm Power Rate Schedule JHK-1-C

Availability

This rate schedule shall be available to public bodies and cooperatives (any one of which is hereinafter called the Customer) within a 165 mile radius of the existing interconnection point between the Virginia Electric and Power Company and the Carolina Power and Light Company (hereinafter called the Company) at the Virginia-North Carolina State line in the vicinity of John H. Kerr Project (hereinafter called the Project), purchasing power from the Project in wholesale quantities under appropriate contracts and served through the facilities of the Company.

Applicability

This rate schedule shall be applicable to Project firm power and accompanying energy, purchased in wholesale quantities under appropriate contracts for a specified number of kilowatts of capacity and shall be applied to each

Customer's system consisting of one or more delivery points.

Character of Service

Electric capacity and energy supplied hereunder will be 3-phase alternating current at a nominal frequency of 60 Hertz delivered at existing or future delivery points on the Company's transmission and distribution system.

Monthly Rate

The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: $1.25 per kilowatt of contract demand.

Energy Charge: 5.00 mills per kilowatt-hour.

An additional rate for wheeling service provided under this rate schedule shall be:

Wheeling Charge: $0.56 per kilowatt of contract demand.

Contract Demand

The contract demand is the amount of capacity in kilowatts stated in the contract which the Government is obligated to supply and the Customer is entitled to receive.

Energy To Be Furnished by the Government

(a) If the Customer does not own or operate generating facilities (other than mobile generating equipment used for emergency purposes), the Government will supply Project energy to such Customer each month, to the extent that such energy is available, based on the ratio of the Customer's energy requirements (determined by multiplying the Customer's total energy requirements at all points of delivery located within 165 miles of the existing interconnection point between the Company and VEPCO at the Virginia-North Carolina State line in the vicinity of the Project by the ratio of the Customer's contract demand to its maximum 30-minute integrated measured demand for that month at said points of delivery) to the sum of the individual energy requirements of all such Customers purchasing under this rate schedule determined on this same basis. (The maximum 30-minute integrated measured demand of the Customer for the month shall be determined by adding together the highest 30-minute integrated measured demand at each point of delivery located within 165 miles of the aforementioned interconnection point, exclusive of abnormal nonrecurring demands resulting from transfer of loads from one point of delivery to another where such transfers are previously approved by the Company.)

(b) If the Customer owns or operates generating facilities (other than mobile generating equipment used for emergency purposes), the Government will supply Project energy each month in an amount determined by multiplying the ratio of the Customer's contract demand to the dependable capacity made available to the Company's system from the Project by 100/106 of the total energy (exclusive of dump energy) declared and made available to the Company's system from the Project.

Energy Accounting

For the purposes of energy accounting an energy bank shall be maintained, and the Government shall keep the official record of such account. In any month in which the total Project energy (exclusive of dump energy) declared and made available by the Government to the Company exceeds the energy accounted for in such month as accompanying the capacity required to meet the contract demands of the Government to preference customers, increased by six percent (6%) to provide for losses in transmission, such remaining energy shall be credited to the energy bank. Energy stored in this energy bank shall be used in subsequent months to supply to the extent possible preference customer energy requirements not supplied by energy declared and made available from the Project during such months. Withdrawals of energy from the energy bank shall reduce the bank account and shall be accounted for as Project energy available to be transmitted by the Company to the preference customers for the account of the Government.

In those months when Project energy (including energy available from the energy bank) multiplied by 100/106 is equal to or more than the total energy requirements of preference customers of the Government, all such energy requirements shall be deemed to have been supplied from the Project and transmitted by the Company for the account of the Government. In those months when Project energy (including energy available from the energy bank)multiplied by 100/106 is less than the total energy requirements of preference customers of the Government, the quantity of energy which shall be deemed to have been transmitted by the Company for the account of the Government shall be 100/106 of the total Project and bank energy available for transmission. In such months each preference customer of the Government that owns or operates generating facilities (other than mobile generating equipment used for emergency purposes) shall receive a portion of the available energy that results from multiplying the ratio of each such Customer's contract demand to the dependable capacity made available to the Company's system by 100/106 of the total energy declared and made available to the Company's system (excluding energy available from the energy bank), and each of the other preference customers of the Government shall receive a proportionate part of the remaining available energy based on the ratio of such Customer's individual energy requirements (determined by multiplying each such Customer's total energy requirements at all points of delivery by the ratio of its contract demand to its maximum 30-minute integrated measured demand for the month at said points of delivery) to the sum of the individual energy requirements of all such preference customers determined on this same basis.

Billing Month

End-of-month meter readings for billing under this schedule shall be made on the last regular working day of each month or as near thereto as may be practicable.

Conditions of Service

(a) *Parallel Operation:* The Government may condition service to the Customer upon payment by the Customer to the Company of the cost of such facilities, including special meters, as are made necessary by the Customer's operation of any generating facilities in parallel with the Company's system and in such event will require the operation and maintenance of such facilities by the Customer in accordance with good operating practices.

(b) *Energy Scheduling:* If the Customer owns or operates generating facilities (other than mobile generating equipment used for emergency purposes), it shall schedule and receive its proportionate share of the minimum monthly declarations of energy as provided in the contract between the Government and the Company dated March 30, 1973, in quantities reasonably distributed over the period of declaration. In the event energy in addition to minimum is available at the Project, the Customer shall receive its proportionate share of any excess energy so declared during the period for which it is declared.

(c) *Service Interruption:* When energy delivery to the Customer's system is reduced or interrupted for 1 hour or longer, and such reduction or interruption is not due to conditions on the Customer's system, the demand charge for the month shall be appropriately reduced.

(d) *Power Factor:* If the Customer owns or operates generating facilities (other than mobile generating equipment used for emergency purposes), the Customer will so utilize its generating units and power factor corrective equipment as to minimize its reactive requirements; *provided, however,* That unless otherwise specifically agreed, the Government will not be obligated to make available for delivery power and energy to the Customer at any time at a power factor below .85 lagging.

October 1, 1981.

[FR Doc. 81-27238 Filed 9-17-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59059 TSH-FRL-1914-6]

Certain Chemicals Premanufacture Exemption Applications

Correction

In FR DOC. 81-24346 appearing at page 42331 in the issue of Thursday, August 20, 1981 please make the following correction:

On page 42332, middle column, above, "Close of Review Period", the line "TME 81-28" should be inserted.

BILLING CODE 1505-01-M

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), Environmental Protection Agency.

PURPOSE: This notice lists the environmental impact statements (EISS) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the council on environmental qualitiy's regulations (40 CFR 1506.9) during the week of September 8, 1981 to September 11, 1981.

REVIEW PERIODS: The 45-day review period for draft EISS' listed in this notice is calculated from September 18, 1981 and will end on November 2, 1981. The 30-day review period for final EISS, as calculated from September 18, 1981 will end on October 19, 1981.

EIS AVAILABILITY: To obtain a copy of an EISS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

Dated: September 15, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

FS: Draft—Southwestern Region Plan, Standards and Guidelines, Arizona, New Mexico, Oklahoma and Texas; the review period for this EIS has been extened until December 18, 1981 (EIS order No. 810738).

SCS: Final—Richland Creek Watershed Flood Protection, Rankin County, Mississippi (EIS order No. 810740).

Extension: FS: Draft—Blackbird Cobalt-Copper Mine, Salmon National Forest, Lemhi County, Idaho–published FR September 11, 1981—the review period for this EIS has been extended until November 13, 1981 (EIS order No. 810719).

Army Corps of Engineers

Draft—Indiana Dunes National Lakeshore Erosion, Porter and LaPorte Counties, Indiana (EIS order No. 810746).

Draft—Pineville Flood Reduction and Highway Relocation, Bell County, Kentucky; the review period for this EIS has been extended until November 6, 1981 (EIS order No. 810734).

Draft—Louisiana State Penitentiary Levee, Mississippi River, Feliciana Parish, Louisiana; the reivew period for this EIS has been extended until November 8, 1981 (EIS order No. 810748).

Department of Energy

Draft—International Submarine Transmission Line, Permit, Erie County, Pennsylvania to Canada (EIS order No. 810751).

Department of Housing and Urban Development

Draft—Walnut Hills Development, Mortgage Insurance, Salt Lake County, Utah (EIS order No. 810739).

104H: Final Supplement—Woodlands New Community, Title VII, Montgomery County, Texas (EIS order No. 810745).

Department of Interior

NPS: Final—Lowell National Historical Park Management Plan, Middlesex County, Massachusetts (EIS Order No. 810744).

NPA: Final—Bighorn Canyon National Recreation Area, Wyoming and Montana (EIS order #810743)

FWS: Draft—Minnesota Valley National Wildlife Refuge, Minnesota—the EIS should have appeared in the September 11, 1981 FR—the review period for this EIS has been extended until October 30, 1981 (EIS ordre No. 810702).

Department of Transportation

FHWA: Draft—Douglas Airport Access Road, Mecklenburg County, North Carolina (EIS order No. 810747).

FHWA: Final—US 82 Improvement, Eoline to Vick, Bibb County, Alabama (EIS order No. 810749).

FHWA: Final—US 20/IL-84 Improvement, Galena River Bridge, Jo Daviess County, Illinois (EIS order No. 810741).

FHWA: Final—US 421 Improvement, Purdue University to US 20, LaPorte County, Indiana (EIS order No. 810742).

FHWA: Final—I-395 Extension, Bangor to Brewer, Penobscot County, Maine (EIS order No. 810736).

Environmental Protection Agency

EPA 3: Draft—Edinboro/Washington Township Wastewater Treatment Facilities, Grant, Erie County, Pennsylvania (EIS order No. 810737).

EPA 3: Final—Gettysburg Wastewater Treatment Facilities, Grant, Adams County, Pennsylvania (EIS order No. 810735).

EPA 4: Draft—South Fort Meade Phosphate Mine, NPDES Permit, Polk County, Florida (EIS order No. 810750).

[FR Doc. 81-27302 Filed 9-17-81; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. 10426, 10427, 10428 And 7593-7]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the proposed action listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* and

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that preparation of environmental impact statements is not required.

Agreement No. 10426, to be known as Florida/Eastern Caribbean Rate Agreement, is between Mayan Line, Inc.; The Northern Line A/S; Nopal Caribe Lines; Pan American Mail Line/Pan Atlantic Lines; and, Tropical Shipping Co. Ltd. These parties presently operate common services between U.S. Florida ports and ports in Barbados, Trinidad, Martinique and Guadeloupe.

Agreement No. 10427 is a transshipment arrangement between Aleut Alaska Shipping Company (AASC) and American President Lines, Ltd. (APL). APL and AASC will use Dutch Harbor as the transshipment point on cargoes moving between western Alaska and Seattle, Washington.

Agreement No. 10428 is a general sales agency arrangement between Puerto Rico Maritime Shipping Authority (PRMSA) and Imar Intercontinental Maritima, S.A. (IMAR). The agreement provides for the performance of all marketing, sales, booking and other services in connection with IMAR's ocean service between Miami and points in the West Coast of South America, Venezuela, Panama and Colombia.

Agreement No. 7593-7 is an amendment to joint service arrangement between Leif Hoegh Co., A/S Atlantica, A/S Arcadia and A/S Abaco.

The Findings of No Significant Impact (FONSI) will become final on or before October 8, 1981. unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-27145 Filed 9-17-81; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate [Casualty]

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89-777 (80 stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Canadian Cruise Lines Ltd., Suite #401, 1208 Wharf Street, Victoria, B.C. V8W 3B9, Canada.

This Certificate expired September 14, 1981.

Dated: September 15, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-27144 Filed 9-17-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

[Docket No. R-0261]

Forward Placement or Delayed Delivery Contracts and Interest Rate Futures Contracts; Policy Statements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final interpretation.

SUMMARY: This interpretation is to clarify the fact that State member banks intending to take positions in interest rate futures contracts specifying delivery of certificates of deposit issued by domestic banks (bank C/D's) should do so in accordance with requirements of the Board's existing policy statement governing futures and forward contracts on U.S. government and agency securities. Bank holding companies intending to engage in comparable activities should do so in accordance with the Board's existing policy statement governing bank holding company participation.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Robert S. Plotkin, Assistant Director, or Michael J. Schoenfeld, Senior Securities Regulations Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2781).

SUPPLEMENTARY INFORMATION: The three Federal bank regulatory agencies have formally adopted guidelines for banks engaging in futures, forward and standby contracts on U.S. government and agency securities.[1] In addition, the Board of Governors issued a policy statement governing the participation of bank holding companies and their nonbank subsidiaries in futures, forward and standby contracts on U.S. government and agency securities (45 FR 61595 (September 17, 1980)). Concurrent with the Commodities Futures Trading Commission's approval of trading in futures contracts specifying delivery of bank C/D's and the commencement of exchange trading of such contracts in July 1981, the Board received a number of inquiries concerning the applicability of the bank policy statement to such futures contract activities.

The Board believes that the policies and procedures (including accounting requirements) contained in the referenced bank policy statement should be followed by State member banks that choose to engage in transactions in contracts specifying delivery of bank C/D's. Futhermore, the Board believes that the referenced bank holding company policy statement would be applicable to any bank holding company or nonbank subsidiary utilization of futures contracts specifying delivery of bank C/D's.

By order of the Board of Governors of the Federal Reserve System, September 15, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-27281 Filed 9-17-81; 8:45 am]

BILLING CODE 6210-01-M

Bancshares Corp.; Formation of Bank Holding Company

Bancshares Corporation, Luling, Louisiana, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Bank of St. Charles and Trust Company, Luling, Louisiana. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27284 Filed 9-17-81; 8:45 am]

BILLING CODE 6210-01-M

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[1] See 45 FR 18116 (March 20, 1980); 45 FR 18120 (March 20, 1980); Office of the Comptroller of the Currency, Banking Circular 79 (2nd Rev.) (March 19, 1980).

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4 (b)(1)), for permission to engage *de novo* (or continue to ingage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Boards of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than October 7, 1981.

A. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. **Fourth Financial Corporation**, Wichita, Kansas (financing activities; Kansas): Proposes to engage in commercial, consumer and mortgage finance activities by making and acquiring secured and unsecured loans and other extensions of credit such as would be made by a commercial finance company, a consumer finance company, or a mortgage company. These activities would be conducted at Applicant's office in Wichita, Kansas, serving primarily the needs of borrowers located in south-central Kansas.

2. **United Banks of Colorado, Inc.**, Denver, Colorado (financing and insurance activities: Colorado): Proposes to engage through its subsidiary, United Bank Financial Center, Inc., in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit and offering credit related life, credit related accident and health and credit related property insurance; such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, making loans and other extensions of credit secured by real and personal property and offering credit related life, credit related accident and health and credit related property insurance directly related to extensions of credit made or acquired by United Bank Financial Center, Inc. These activieis will be conducted from offices in Aurora, Colorado, serving the south eastern portion of Arapahoe County, including the city of Aurora and the contiguous northeastern portion of Douglas County, Colorado; Littleton, Colorado, serving the south central portion of Arapahoe County including the cities of Englewood and Littleton and the contiguous central portion of Douglas County, Colorado; Denver, Colorado serving Jefferson County, Colorado; Northglenn, Colorado, serving Adams County and the contiguous portions of Denver and Boulder Counties, Colorado; and Fort Collins, Colorado, serving Larimer County and the contiguous western portion of Weld County, Colorado.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Bankamerica Corporation, San Francisco, California (financing and servicing activities; *de novo* offices; expansion of geographic scope): To engage, through its indirect subsidiary, MerCredit Corporation, a Pennsylvania corporation, in the activities of making loans and extending credit, servicing loans and other extensions of credit for itself and others, and providing services incidental to such loans and extensions of credit such as would be made or provided by a finance company. Such activities will include, but not be limited to, purchasing installment sales finance contracts; and providing funds and/or credit services in connection with the financing of stock and floor plan inventory of distributors and dealers of consumer products. Credit-related insurance of any type will not be offered by MerCredit Corporation in connection with its lending activities. MerCredit Corporation's activities will be conducted from three existing offices located in the following cities: Allentown, Pennsylvania, serving the entire state of Pennsylvania, all other states except Alaska and Hawaii and the District of Columbia; Kansas City, Kansas, serving the entire state of Georgia and the states of Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee; and three *de novo* offices located in the following cities: Dale City, California, serving the states of California, Arizona, Idaho, Montana, Nevada, Oregon, Utah, and Washington; Hamden, Connecticut, serving the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington, D.C.; and Bloomington, Minnesota, serving the states of Minnesota, Illinois, Indiana, Iowa, Kentucky, Michigan, Montana, New York, North Dakota, Ohio, Pennsylvania, South Dakota, West Virginia, and Wisconsin.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, September 10, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27292 Filed 9-17-81; 8:45 am]

BILLING CODE 6210-01-M

Bremen Bancorp, Inc.; Formation of Bank Holding Company

Bremen Bancorp, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bremen Bank and Trust Company, St. Louis, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27285 Filed 9-17-81; 8:45 am]

BILLING CODE 6210-01-M

Dai-Ichi Kangyo Bank Ltd.; Formation of Bank Holding Company

The Dai-Ichi Kangyo Bank Ltd., Tokyo, Japan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent, of the voting shares, less directors' qualifying shares, of Japan California Bank, Los Angeles, California. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27287 Filed 9-17-81; 8:45 am]

BILLING CODE 6210-01-M

Edville Corp.; Formation of Bank Holding Company

Edville Corporation, Villa Park, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 percent or more of the voting shares of Villa Park Trust & Savings Bank, Villa Park, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27286 Filed 9-17-81; 8:45 am]

BILLING CODE 6210-01-M

First Northbrook Bancorp, Inc.; Formation of Bank Holding Company

First Northbrook Bancorp, Inc., Northbrook, Illinois, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank of Northbrook, Northbrook, Illinois. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 10, 1981. Any comment on an application that requests a hearing must include a statement or why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27288 Filed 9-17-81; 8:45 am]

BILLING CODE 6210-01-M

First Russellville Bankstock, Inc.; Formation of Bank Holding Company

First Russellville Bankstock, Inc., Russellville, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86.64 percent or more of the voting shares of First National Bank of Russellville, Russellville, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 10, 1981. Any comment on an application that requests a hearing must include a statement of why written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27290 Filed 9-17-81; 8:45 am]

BILLING CODE 6210-01-M

Granville Bancshares, Inc.; Formation of Bank Holding Company

Granville Bancshares, Granville, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares, less directors' qualifying shares, of the successor by merger to The Granville National Bank, Granville, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27289 Filed 9-17-81; 8:45 am]

BILLING CODE 6210-01-M

Marshall Bancshares, Inc.; Formation of Bank Holding Company

Marshall Bancshares, Inc., Marshall, Arkansas, has applied for the Board's approval under section 3(a)(1) of the

Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Citizens Bank, Marshall, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27291 Filed 9-16-81; 8:45 am]

BILLING CODE 6210-01-M

Mercantile Bancorporation Inc.; Proposed Issuance and Sale of Travelers Checks

Mercantile Bancorporation Inc., St. Louis, Missouri, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in the issuance and sale of travelers checks. These activities would be performed from all offices of Applicant's subsidiary banks, and the geographic areas to be served are the areas served by Applicant's banking subsidiaries.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 10, 1981.

Board of Governors of the Federal Reserve System, September 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27283 Filed 9-17-81; 8:45 am]

BILLING CODE 6210-01-M

First Southwest Corp.; Formation of Bank Holding Company

First Southwest Corporation, McComb, Mississippi, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First Bank of Southwest Mississippi, McComb, Mississippi. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 10, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27282 Filed 9-17-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Aetna Life & Casualty Co.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Aetna Life & Casualty Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets and voting securities of TCF Holdings, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acqusition during the waiting period.

EFFECTIVE DATE: August 26, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-27229 Filed 9-17-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Campbell Taggart Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Campbell Taggart Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Rod's Food Products, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any

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action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 25, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-27230 Filed 9-17-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Esmark Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting or request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Esmark Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of InterNorth Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Esmark. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 19, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-27228 Filed 9-17-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Peter de Savary

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Peter de Savary is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Independent Refining Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 26, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-27232 Filed 9-17-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules; Zurbrugg Memorial Hospital

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Zurbrugg Memorial Hospital is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Humana Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Zurbrugg. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 24, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-27231 Filed 9-17-81; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-16]

Secretary of Defense; Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the South Carolina Public Service Commission involving electric rates, Docket No. 81-72-E.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the South Carolina Public Service Commission involving the application of the South Carolina Electric and Gas Company for an increase in its electric rates in Docket No. 81-72-E.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: September 8, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-27201 Filed 9-17-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

The Federal Employee Alcoholism Programs Work Group of the Interagency Committee on Federal Employees for Alcohol Abuse and Alcoholism; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of September 1981.

The Federal Employee Alcoholism Programs work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, September 22; 10:00 a.m.-12:00 p.m. Open, Conference Room 1137, North Building, Department of Health and Human Services, 330 Independence Avenue, S.W., Washington, D.C. 20201. Contact: Ms. Lisa Teems, Room 509-F, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245-7153.

Purpose: The Federal Employee Alcoholism Programs (FEAP) Work Group: (1) evaluates the adequacy and technical soundness of all internal programs dealing with employee alcoholism within all Federal military and civilian organizations of 1,000 employees or more; (2) provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities; (3) seeks to coordinate efforts among Federal agencies for internal employee alcoholism programs ; and (4) submits reports and recommendations to the Interagency Committee as necessary in order to perform the above functions.

Agenda: The meeting will consist of a discussion on the development of standards for consortia, a discussion on the benefits and disadvantages of contracted EAP services vs. in-house programs, a report on regional FEAP activities, and reports by Federal agencies.

This Notice has been delayed due to the tentative presentation of the key presenter of this Work Group.

Substantive program information may be obtained from the contact person listed above. Summary of the meeting and roster of the Committee members may be obtained from Mr. Leland H. Towle, Room 16C-03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-2593.

Dated: September 15, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-27200 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Blood Products Advisory Committee

Date, time, and place. October 9, 8:30 a.m., Rm. 121, Bldg. 29, 8800 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m.; open committee discussion, 9:30 a.m. to 4 p.m.; closed committee deliberations, 4 p.m. to 5:30 p.m.; Clay Sisk, Bureau of Biologics (HFB-5), Food and Drug Administration, Building 29, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-5455.

General function of the committee. The committee reviews and evaluates data on the safety, effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will review data on a pending license application for an anti-thymocyte globulin product.

Closed committee deliberations. The committee will review data on manufacturing procedures for a biologic product subject to a pending license application. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by September 28, 1981.

General Hospital and Personal Use Device Section of the General Medical Devices Panel

Date, time, and place. October 19, 8:30 a.m., Silver Room North, Holiday Inn, 8777 Georgia Ave., Silver Spring, MD.

Type of meeting and panel section leader. Closed committee deliberations, 8:30 a.m. to 9:30 a.m.; open public hearing, 9:30 a.m. to 10:30 a.m.; open committee discussion, 10:30 a.m. to 4:30 p.m.; Robert Gatling, Bureau of Medical Devices (HFK-420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7750.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data,

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information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before October 9, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the safety and effectiveness data in premarket approval application (PMA) P800036 for an implantable infusion pump.

Closed committee deliberations. The committee will discuss premarket approval application P800036 for an implantable infusion pump. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by October 2, 1981.

Immunology Device Section of the Immunology and Microbiology Devices Panel

Date, time, and place. October 19 and 20, 9 a.m., Silver Room South, Holiday Inn, 8777 Georgia Ave., Silver Spring, MD.

Type of meeting and panel section leader. Open public hearing October 19, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 a.m.; closed presentation of data, 1 p.m. to 3 p.m.; closed committee deliberations, 3 p.m. to 5 p.m.; closed committee deliberations, October 20, 9 a.m. to 11 a.m.; open committee discussion, 11 a.m. to 5 p.m.; Dr. Srikrishna Vadlamudi, Bureau of Medical Devices (HFK–440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7550.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda-Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before October 10, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval application (PMA) P790022: Lancer TennaGen Assay, Sherwood Medical Industries, Inc.

Closed presentation of data. Representatives of Sherwood Medical Industries will present data regarding PMA P70022 for a Lancer TennaGen Assay, for committee review. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Closed committee deliberations. The committee will discuss PMA P790022, Lancer TennaGen Assay, Sherwood Medical Industries. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by October 5, 1981.

Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. October 19 and 20, 9 a.m., Auditorium, 200 Independence Ave., SW, Washington, DC.

Type of meeting and panel section leader. Open public hearing, October 19, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 m.; closed committee deliberations, 1 p.m. to 5 p.m.; open public hearing, October 20, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 m.; closed committee deliberations; 1 p.m. to 5 p.m.; Dr. Max W. Talbott, Bureau of Medical Devices (HFK–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7320.

General function of committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before October 5, 1981, and submit a brief statement of the generl nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On October 19, the committe will discuss statistical/epidemiological questions pertaining to intraocular lenses (IOL's) and premarket approval applications (PMA's) for IOL's. On October 20 the committee will discuss PMA's and general issues relating to IOL's. It may also discuss PMA's for contact lens products, revision of the contact lens matrix, and general issues relating to ophthalmic devices.

Closed committee deliberations. The committe will conduct reviews of IOL premarket approval applications on October 19 and 20. These portions of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by October 2, 1981.

Gastroenterology and Urology Device Section of the General Medical Devices Panel

Date, time, and place. October 22 and 23, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and panel section leader. Open public hearing, October 22, 9 a.m. to 10 a.m.; closed presentation of data, 10 a.m. to 11 a.m.; open committee discussion, 11 a.m. to 4 p.m.; closed presentation of data, October 23, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4 p.m.; Dr Normal T. Welford, Bureau of Medical Devices (HFK–420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7750.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before October 9, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On October 22, the committee will discuss a premarket approval application for blood access for hemodialysis, and guidelines for testing conventional hemodialysers and hemofilters. On October 23, the committee will discuss a premarket approval application for a crossflow apheresis system.

Closed presentation of data. The committee will discuss data presented by sponsors of PMA's for blood access for hemodialysis, October 22, and for a crossflow filter apheresis system, October 23. These portions of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by October 5, 1981.

Circulatory System Devices Panel

Date, time, and place. October 23, Rm. 703–727A, 200 Independence Ave., SW., Washington, D.C.

Type of meeting and executive secretary. Open public hearing, 8:30 a.m. to 9:30 a.m.; open committee discussion, 9:30 a.m. to 10:30 a.m.; closed committee deliberations, 10:30 a.m. to 4 p.m.; Mr. Glenn Rahmoeller, Bureau of Medical Devices (HFK–450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7559.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before October 12, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss applications for premarket approval applications (PMA's) including those for the Siemens-Elema Carbon Tip Pacemaker Lead and the St. Jude Medical Heart Valve.

Closed committee deliberations. The committee will discuss trade secret information relevant to PMA's including those for the Siemens-Elema Carbon Tip Pacemaker Lead and the St. Jude Medical Heart Valve. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C 552b(c)(4)).

Applications for reimbursement. Must be received by October 2, 1981.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meeting(s) listed above should be sent to the Office of Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting(s) announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meeting(s) announced in this notice in the docket for this notice.

Dated: September 11, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-27194 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 75F-0355]

Aspartame; Commissioner's Final Decision

Correction

In FR Doc. 81-21696 appearing at page 38285 in the issue of Friday, July 24, 1981, please make the following changes:

(1) On page 38287, first column, thirteenth line, "impossibility of providing" should read "impossibility of proving"

(2) On page 38292, first column, in paragraph (2), last line, "4:299" should read "4:499"

(3) On page 38299, first column, in paragraph (3), seventh line, the number "323" should read "232".

(4) On page 38301, first column, four lines from bottom of the page, "AMP" should read "APM"; and in the second column, ninth line, "a review of" should read "a review by".

(5) On page 38305, third column, under the heading "B. Focal Brain Lesions" second from last line, "(30" should read "(3)"

BILLING CODE 1505-01-M

[Docket No. 75F-0355]

Aspartame; Commissioner's Final Decision; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; final decision following a hearing before a public board of inquiry; correction.

SUMMARY: In FR Doc. 81-21696 appearing at page 38285 in the **Federal Register** for Friday, July 24, 1981, the following corrections are made:

1. On page 38285, the second column under "B. Historical Chronology", the fourth line of paragraph 1.e., "products and toppings. In chewing gum," is changed to read: "product analog toppings. In chewing gum,".

2. On page 38288, the first column, in the fourth line from the botton, "food additive" is changed to read: "generally recognized as safe (GRAS) substance".

FOR FURTHER INFORMATION CONTACT: Ted Herman, Regulations Policy Staff (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

Dated: September 9, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-26858 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81M-0237]

Collagen Corp.; Premarket Approval of Zyderm™ Collagen Implant

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Zyderm™ Collagen Implact sponsored by Collagen Corp., Palo Alto, CA. After reviewing the recommendation of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petition for administrative review by October 19, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On May 2, 1980, Collagen Corp., Palo Alto, CA, submitted to FDA an application for premarket approval of the Zyderm™ Collagen Implant for soft tissue augmentation. The application was reviewed by the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended approval of the application. On July 22, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Henry Goldstein (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before October 19, 1981, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 11, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-27191 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0120]

Diversey Wyandotte Corp.; Filing of Food Additive Petition

Correction

In FR Doc. 81-24002 appearing on page 41862 in the issue of Tuesday, August 18, 1981, make the following corrections:

1. On page 41862, third column, the seventh line of the "Summary", the last "comma" in the line should be removed. As corrected the seventh line should read:

"iodine, *alpha*—[*p*—(1,1,3,3—".

2. The last word in the eleventh line of the "Summary" reading "* * * (oxypropy" should read "* * * (oxypropylene)]".

3. The word "iodine" was misspelled in the tenth line of "Supplementary Information:".

4. The eleventh line of "Supplementary Information:" reading "[*p*—1,1,3,3,—" should read "[*p*—1,1,3,3—".

5. The last word of the fifteenth line of "Supplementary Information" reading "* * * (oxypropy" should read "* * * (oxypropylene)]".

BILLING CODE 1505-01-M

[Docket No. 81N-0273]

El Paso Plasma Corp.; Revocation of U.S. License No. 586

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the revocation on July 10, 1981, of establishment license (U.S. License No. 586) and product license issued to El Paso Plasma Corp., 405 South El Paso St., El Paso, TX 79901, for the manufacture of Source Plasma (Human). Because of significant deviations from the biologics regulations in the manufacture of this biological product, the manufacturer requested that the licenses be revoked.

EFFECTIVE DATE: The revocation of the establishment and product licenses was effective July 10, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: FDA has revoked the establishment license (U.S. License No. 586) and product license issued to El Paso Plasma Corp., 405 South El Paso Street, El Paso, TX 79901, for the manufacture of South Plasma (Human).

Inspection of the El Paso Plasma Corp. from April 23 to May 15, 1981, revealed numerous deviations from the requirements of Parts 601, 610, and 640 (21 CFR Parts 601, 610, and 640) of the biologics regulations. These deviations included, but were not limited to:

1. Collecting more than the maximum permissible amount of whole blood and reinfusing the excess whole blood into the donor's vein by elevating and manually sqeezing the blood collection bag (21 CFR 601.5(b)(4));

2. Accepting an individual repeatedly for plasmapheresis who had previously tested positive for hepatitis B surface antigen and providing this plasma for use in the preparation of injectable biological products (21 CFR 610.41);

3. Accepting donors for Source Plasma (Human) without always determining their suitability by means of appropriate tests (21 CFR 640.63(c)).

Because these deviations were determined by the agency to constitute a serious danger to health, the firm's establishment and product licenses were suspended on June 3, 1981.

Following a review of the reports of the April to May, 1981, inspection which revealed willful violations by the firm, FDA issued a letter informing the firm of the agency's intention to revoke the firm's establishment and product licenses and to publish a notice of opportunity for hearing. Before further regulatory action was taken, the firm requested that its establishment and product licenses be revoked and waived the opportunity for a hearing under § 601.5(a) (21 CFR 601.5(a)). The agency has granted the request.

Accordingly, under §12.38 (21 CFR 12.38) and section 351 of the Public Health Service Act (42 U.S.C. 262), and the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), and redelegated to the Director, Bureau of Biologics (21 CFR 5.68), U.S. License No. 586 issued to El Paso Plasma Corp. and product license for the manufacture of Source Plasma (Human) were revoked, effective July 10, 1981. This notice of revocation is published under § 601.8 (21 CFR 601.8).

Dated: September 9, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-26856 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

Health Professional Organization Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming meeting with health professional organizations to be chaired by Arthur Hull Hayes, Jr., M.D., Commissioner of Food and Drugs.

DATE: The meeting will be held at 2 p.m., Tuesday, October 6, 1981.

ADDRESS: The meeting will be held at the Hubert H. Humphrey Bldg., Rm. 403A, 200 Independence Ave. SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Audrey L. Wood, Office of Health Affairs (HFY-4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5470.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs meets periodically with executives of the health professional organizations to share mutual concerns and facilitate dissemination of FDA proposals and decisions affecting the country's health care.

Dated: September 9, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-26857 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 77N-0239]

Model Retail Food Store Sanitation Ordinance; Revised Proposal Provided to Association of Food and Drug Officials

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) announces that the 1981 revision of the proposed Model Retail Food Store Sanitation Ordinance has been provided to the Association of Food and Drug Officials (AFDO), 1791 Pelham Drive, York, PA 17402. The model ordinance was initiated by AFDO and has been jointly developed with FDA to provide industry and State and local governments with a uniform food protection code for the operation and regulations of retail food stores.

ADDRESS: The 1981 revision of the proposed "Model Retail Food Store Sanitation Ordinance" and the written comments received by FDA in response to the previous proposed revision are available for viewing at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Arthur L. Banks, Bureau of Foods (HFF-340), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1508.

SUPPLEMENTARY INFORMATION: In August 1974, the Executive Board of the Association of Food and Drug Officials petitioned FDA "to publish in the **Federal Register** and adopt as soon as possible a Retail Food Market Document." A proposed retail food market sanitation standard which had been developed by AFDO's Food Service and Retail Food Handling Committee was provided to FDA as part of the petition. FDA agreed to continue development of the document provided by AFDO and to promote its adoption after it is completed.

FDA initially announced the availability for comment of a proposed model Retail Food Store Ordinance in a notice published in the **Federal Register** of October 25, 1977 (42 FR 56367). The comment period was extended to 120 days and closed February 24, 1978.

Significant changes were made in this ordinance as a result of the comments received. Consequently, FDA decided that interested persons should be allowed to comment on the revised ordinance. A notice announcing its availability for comment was published in the **Federal Register** of November 3, 1978 (43 FR 51450). The comment period for the revised document closed on January 31, 1979.

Forty-nine letters, each containing one or more comments, were submitted in response to the revised proposed ordinance. All the comments were carefully considered in preparing the 1981 revision of the document, and a number of additional changes have been made to accommodate meritorious points.

A draft copy of the 1981 revised proposal that was provided to AFDO from FDA may be viewed at the Dockets Management Branch, address above. When the model ordinance is finalized by AFDO and FDA, a notice will be published in the **Federal Register** announcing its availability and the procedures for obtaining printed copies.

Dated: September 9, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-26855 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80N-0431; DESI 11738]

Oxymorphone Hydrochloride 2-Milligram Rectal Suppositories; Withdrawal of Approval of Pertinent Parts of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is withdrawing approval of those parts of the new drug application (NDA 11-738) pertaining to Numorphan Hydrochloride Rectal Suppositories containing 2 milligrams oxymorphone hydrochloride. The basis of the withdrawal is that the drug product lacks substantial evidence of effectiveness for its labeled indications. The product was previously used for the relief of moderate to severe pain but is no longer marketed.

EFFECTIVE DATE: September 28, 1981.

ADDRESS: Request for an opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 11738 and directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jean A. Peeler, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 12, 1981 (46 FR 31069), the Food and Drug Administration reclassified 2-mg oxymorphone hydrochloride rectal suppositories to lacking substantial evidence of effectiveness and offered an opportunity for a hearing on the proposal to withdraw approval of those parts of NDA 11-738 pertaining to Numorphan Hydrochloride Rectal Suppositories containing 2 mg oxymorphone hydrochloride, formerly marketed by Endo Laboratories, 100 Stewart Ave., Garden City, NY 11530. Because Endo Laboratories did not request a hearing, approval of pertinent parts of this application is now being withdrawn.

No other person filed a written appearance of election as provided by the June 12, 1981 notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportuntiy for a hearing.

Any drug product that is identical, related, or similar to the drug product named above and that is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling compliance (address given above).

Another **Federal Register** notice of June 12, 1981 (46 FR 31070) reclassified Oxymorphone Hydrochloride 5-mg Rectal Suppositories to effective for use in the relief of moderate to severe pain. This withdrawal notice does not apply to the 5-mg suppository.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds that, on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of those parts of the new drug application (NDA 11-738) providing for the 2-mg product, listed above, and all amendments and supplements applying thereto, is withdrawn effective September 28, 1981.

Shipment in interstate commerce of the above product or of any identical, related, or similar product that is not the subject of an approved new drug application, will then be unlawful.

Dated: September 9, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-26869 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N-0231]

Philips Roxane, Inc.; Oxytocin Injectable; Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that the Director of the Bureau of Veterinary Medicine (BVM) is providing an opportunity for hearing to Philips Roxane, Inc., on his refusal to approve a supplement to a new animal drug application for oxytocin injection. The supplement requests approval for the over-the-counter (OTC) marketing of oxytocin injection labeled for use in sows, after farrowing, for milk letdown. The Director concludes that the applicant has not met the statutory requirement of demonstrating that the drug can be used safely over-the-counter for the proposed use.

DATES: A written appearance requesting a hearing by October 19, 1981; data and analysis on which a request for hearing relies by November 17, 1981.

ADDRESS: Written appearances, data, and analysis to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Philip J. Frappaolo, Bureau of Veterinary Medicine (HFV-232), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4940.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Director of the Bureau of Veterinary Medicine (the Director) is providing an opportunity for hearing to Philips Roxane, Inc., on a refusal to approve a supplement to a new animal drug application (NADA 99-169) for oxytocin injection. The supplement requests approval for the OTC marketing of oxytocin injection labeled for use in sows, after farrowing, for milk letdown. The drug is currently approved as a prescription drug for several indications, including milk letdown. The grounds for refusing to approve the supplement are:

1. The application does not include adequate tests by all methods reasonably applicable to show whether or not the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling, i.e., the applicant has not shown that the drug can be used safely if it is not used by or on the order of a licensed veterinarian, for the proposed conditions of use, pursuant to section 512(d)(1)(A) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(d)(1)(A)). The applicant has not shown that the conditions of use prescribed, recommended or suggested in the proposed labeling are reasonably certain to be followed in practice, as required by section 512(d)(2)(D) (21 U.S.C. 360b(d)(2)(D));
2. On the basis of the information submitted and other information, there is insufficient information to determine whether the drug is safe for use under the proposed conditions of use pursuant to section 512(d)(1)(D) of the act (21 U.S.C. 360b(d)(1)(D)); and
3. As a result, the proposed labeling does not and cannot bear adequate directions for use as required by section 502(f)(1) of the act (21 U.S.C. 352(f)(1)) and cannot be exempted from the requirement of bearing adequate directions for use under 21 CFR 201.105.

II. The Drug

A. *Description of the Drug.* Oxytocin is produced in the hypothalamus and stored in and released from the posterior lobe of the pituitary gland. When released, the hormone causes two distinct reactions: uterine contractions (oxytocic action) and milk letdown due to myoepithelium contraction of the mammary gland (galactagogue effect). Natural oxytocin is prepared from slaughterhouse material; however, synthesized oxytocin is commercially available and is physiologically and chemically identical to natural oxytocin.

The National Academy of Sciences/National Research Council (NAS/NRC) reviewed oxytocin injection for veterinary use as part of the Drug Effectiveness Study Implementation (DESI) review. The FDA announced the DESI findings in the **Federal Register** of February 13, 1969 (34 FR 2146). In that notice, the agency published suggested labeling and invited sponsors to submit revised labeling to limit the claims, and state the conditions of use, as follows:

Actions

Oxytocin is a hormone of the posterior pituitary with pronounced uterine-contracting and milk-releasing action.

Indications

Oxytocin may be used as a uterine contractor to precipitate and accelerate normal parturition and postpartum evacuation of uterine debris. In surgery it may be used postoperatively following cesarean section to facilitate involution and resistance to the large inflow of blood. It will contract smooth muscle cells of the mammary gland for milk letdown if the udder is in proper physiological state.

Dosage and Administration (Intravenous, Intramuscular of Subcutaneous)

	U.S.P. units
For obstetrical use:	
Horses and cows	100 (5 mL).
Sows and ewes	30-50 (1½ to 2½ mL)
Dogs	5-30 (¼ to ½ mL).
Cats	5-10 (¼ to ½ mL).
For milk letdown:	
Cows	10-20 (½ to 1 mL).
Sows	5-20 (¼ to 1 mL).

Contraindication

Do not use in dystocia due to abnormal presentation of fetus until correction is accomplished.

Precautions

For prepartum usage, full relaxation of the cervix should be accomplished either naturally or by the administration of estrogen prior to oxytocin therapy.

Caution: Federal law restricts this drug to sale [1] by or on the order of a licensed veterinarian.

The FDA adoption of the DESI review for oxytocin is reflected in 21 CFR 522.1680.

B. *Philips Roxane's Application and Supplement.* Philips Roxane, Inc., submitted a new animal drug application (NADA 99-169) for oxytocin injection (Anchor Veterinary Oxytocin Injection) under the provisions of the DESI program. The agency approved the NADA in the **Federal Register** of June 16, 1976 (41 FR 24347). The approved product contains 20 U.S.P. units of oxytocin in each milliliter and is labeled for use in horses, cows, swine, sheep, dogs, and cats. It is indicated as a uterine contractor to precipitate and accelerate normal parturition and postpartum evacuation of uterine debris, and to facilitate involution and resistance to the large inflow of blood following cesarean section. It is also labeled for use to contract smooth muscle cells of the mammary gland for milk letdown if the udder is in a proper physiological state. The drug is restricted to use by or on the order of a licensed veterinarian. Section 522.1680 *Oxytocin injection* (21 CFR 522.1680) was amended to reflect the approval.

On September 22, 1978 Philips Roxane submitted a supplement to NADA 99-169 requesting approval for the OTC marketing of oxytocin injection when labeled solely for use in sows after farrowing for milk letdown. The supplement, and an addendum, contained Philips Roxane's analysis and argument in support of its position that complete directions for safe use by the layman can be written, and that the use of oxytocin for milk letdown in sows after farrowing meets the Food and Drug Administration (FDA) criteria for a non-prescription drug. The firm also concluded that the non-prescription marketing of oxytocin for milk letdown after farrowing would be beneficial to the swine producer by making the drug more readily available, especially in those areas where veterinarians are not easily accessible.

III. Statutory Requirements

The basis for determining whether a drug can be labeled for over-the-counter use rests in sections 512 and 502(f)(1) of the act. The sponsor has the burden of showing that the drug meets the statutory requirements. (See the Commissioner's decision on Benylin (44 FR 51512, 51526, 51536; August 31, 1979).)

A. *Section 512.* Section 512 provides authority for requiring that new animal drugs be restricted to use under professional supervision and establishes bases for determining whether a drug should be so restricted.

Section 512(d)(1)(A) requires that a drug be shown to be "safe for use under the conditions prescribed, recommended or suggested in the proposed labeling thereof." Moreover, section 512(d)(2) specifically articulates factors that are to be considered in determining whether a new animal drug will be safe under its proposed conditions of use. Among the enumerated factors is the following: "(D) whether the conditions of use prescribed, recommended, or suggested in the proposed labeling are reasonably certain to be followed in practice * * *"

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[1] "Sale" in the prescription legend was subsequently changed to "use" by FDA.

Also, section 512(d)(1)(D) requires the Secretary to refuse approval of an application if, based on the information submitted by the sponsor, or any other information before him, he has insufficient information to determine whether the drug is safe under the proposed conditions of use.

Supporting evidence of the agency's authority is found in section 512(i) of the act, which requires the agency to publish as a regulation a notice of approval for a new animal drug application. The regulation is to include, among other things, "* * * the conditions and indications of use * * * and such other information * * * as the Secretary deems necessary to assure the safe and effective use * * *" of the drug. Thus, the Bureau of Veterinary Medicine may limit approval of a new animal drug to the precise conditions for which it has been shown to be safe and effective. This includes appropriate restrictions on distribution and use.

The implementing regulations, which detail the requirements for evidence that must be submitted to demonstrate that a drug is safe and effective under section 512, require the applicant to submit data showing that the new animal drug will be safe and effective for the proposed conditions of use. (See 21 CFR 514.1(b)(8) and 514.111. See also 21 CFR 514.1(b)(3) (iii) and (iv), which establish specific requirements for veterinary prescription drugs.)

B. *Section 502.* Drugs approved under section 512 must also meet the "adequate directions for use" requirement of section 502(f)(1) unless exempted under 21 CFR 201.105(c)(2). That CFR section exempts veterinary prescription drugs subject to section 512 from "adequate direction for use," provided that the labeling is that authorized by the approved NADA.

Section 502(f)(1) of the act deems a drug to be misbranded unless its labeling bears adequate directions for use. Adequate directions for use means directions under which the layman can use a drug safely and for the purposes for which it is intended (21 CFR 201.5). When adequate directions for use of a drug are not necessary for the protection of the public health, section 502(f)(1) of the act permits the Secretary to promulgate regulations exempting the drug from this requirement.

The regulation, 21 CFR 201.105, exempts veterinary drugs from the adequate directions for use provision if such directions cannot be written because of the drugs' toxicity, method of use, or other potential for harmful effect. The exemption is conditioned on certain distribution and labeling requirements. The Sixth Circuit Court of Appeals has upheld the regulation in *United States* v. *Colahan,* 635 F.2d 564 (6th Cir. 1980).

C. *Criteria Developed by the Bureau of Veterinary Medicine.* In its implementation of the statute and regulations, the Bureau of Veterinary Medicine has in the past considered the following factors in determining whether a drug can be distributed OTC:

1. Criticalness of dosage (margin of safety of the drug to the target animal);
2. Accuracy of diagnosis required;
3. Seriousness of side effects associated with the drug;
4. Route of administration (intervertebral, intra-articular, etc.); and
5. Human safety hazards (communicable disease treatment such as scabies, rabies, blood parasites, etc.).

The foregoing criteria were operative at the time Philips Roxane filed its supplemental application. The Bureau of Veterinary Medicine has recently reorganized and elaborated on the criteria, and has published them in BVM Guide 1240.2220, "Classification of OTC and Rx Drugs," of the BVM Policy and Procedures Manual. The areas to be considered in deciding whether adequate directions for lay use can be written for an animal drug product are stated in the guide as follows:

1. *Safety of the drug to the target animal.* This includes (among other factors) margin of safety, anticipated number of adverse reactions when the product is used, and the ability of laymen to distinguish expected side effects.

2. *Safety to man.* This area includes consideration of whether misue could mask a disease communicable to man or cause changes in characteristics of such diseases, whether directions for use are reasonably certain to be followed in practice, and a number of other factors.

3. *Accuracy of diagnosis.* This involves, among other things, consideration of whether diagnosis of the condition is difficult and possibly easily confused with other conditions, and whether it is necessary that the signs of the disease be followed closely to determine need for adjustment of treatment.

4. *The drug itself.* Included are considerations such as potential for misuse in man or in animals other than the labeled species, and difficulty of administration by the labeled route(s) of administration (intravenous, stomach tube, etc.).

A copy of the BVM Guide 1240.2220 is being provided to the sponsor. The Director concludes that the denial of the supplemental NADA is correct whether measured by the original or the restated criteria.

IV. Bureau's Evaluation of the Drug

The basis for the classification of oxytocin as a prescription drug is as follows: Oxytocin is an extremely potent hormone which, when injected, stimulates both the uterus and the mammary gland. The drug is used to initiate parturition (birth), hasten completion of parturition once it has started, remove post-partum uterine debris, facilitate recovery from cesarean section, and stimulate milk letdown.

Oxytocin causes powerful uterine contractions. If the drug is to be used as an aid to the initiation of parturition, dilation of the cervix must be confirmed prior to its administration. Moreover, oxytocin should not be used during parturition if there is a uterine blockage due to fetal malpresentation (dystocia). The result in either instance could be uterine rupture and severe harm or even death to the mother as well as the unborn fetus. Oxytocin should not be used for milk letdown, therefore, until completion of parturition (or absence of dystocia) is confirmed.

Furthermore, the lack of milk release may be due to mastitis-metritis-agalactia (MMA). Mastitis-metritis-agalactia is a common term applied to a heterogenous disease complex associated with lactation failure. However, mastitis-metritis-agalactia is an apparent interplay among any of approximately 30 predisposing factors (e.g., infection, management and nutritional deficiencies, endocrine imbalances). Oxytocin is ineffective when used as the only treatment in these cases. Furthermore, its administration without proper adjunctive therapy (e.g., additional use of an antibacterial agent if there is a mastitis infection) will only delay effective treatment, resulting in prolonged illness and suffering for both the mother and the newborn.

The safe use of oxytocin may, therefore, require an obstetrical examination performed either by or under the direction of a veterinarian. In swine, for instance, because of variable numbers of piglets born, it is difficult to determine when farrowing is complete and not simply interrupted by a malpresentation of an unborn fetus. Correction of the position or presentation of the unborn fetus, or surgical intervention by cesarean section, may be necessary. Also, the cause of mastitis-metritis-agalactia is difficult to diagnose, and may require veterinary intervention. The existence of a veterianian-client relationship is a precondition for safe use of oxytocin in the foregoing circumstances.

The various uses of oxytocin, in addition to milk letdown, are well-known to swine producers. These uses are also known among the producers of other animal species. In addition, oxytocin is approved as a human drug for induction of labor;[3] stimulation or reinforcement of labor; adjunctive therapy in the management of incomplete or inevitable abortion; and for several post-partum indications. Thus, the approval for OTC sale for a single use in one animal species raises questions as to the possible diversion to unapproved uses in the same and other species including man.

Philips Roxane's application must be evaluated in light of the foregoing analysis, because the firm has the burden of showing that the proposed OTC use is safe.

V. Analysis of the September 22, 1978 Supplement to NADA 99–169

The firm presented the following documents in support of its application:

1. A report of the panel at the Colloquium on Bovine Mastitis (*Journal of the American Veterinary Medical Association* 170:626–632, 1977).

Philips Roxane noted that the report states that "the FDC Act requires that drugs approved for interstate marketing must be allowed to be sold to laymen unless adequate directions for lay use cannot be written, or if a potentially harmful effect can be associated with use by non-professional persons."

The Director of the Bureau of Veterinary Medicine agrees with the statement. The statement, however, begs the question as to whether adequate directions can be written for lay use for the indication proposed by the firm for the drug oxytocin.

2. A letter from BVM outlining the criteria it uses to determine the prescription or OTC status of a drug (see previous discussion).

The firm responded to the criteria as follows:

a. *Criticalness of dosage (margin of safety of the drug to the target animal).* Philips Roxane referred to the approved dosage for milk letdown in sows (5–20 USP units) and stated that the 400 percent spread was evidence of the noncritical dosage for the drug. The firm also mentioned a study (discussed below) in which 32 postparturient sows were injected with 60 USP units of oxytocin and observed for 7 days with no unfavorable reactions in sows or baby pigs.

The Director agrees that FDA has approved a wide range in the dosage of oxytocin for milk letdown in sows. However, there is evidence (discussed below) that dosages under 20 USP units cause uterine contractions. The study cited by the firm did not establish a dosage that is effective in stimulating milk letdown, and that does not also stimulate the musculature of the uterus. Therefore, while the precise dosage of oxytocin is not critical with regard to its effectiveness for milk letdown, it is critical with regard to its safe use in parturient sows.

b. *Accurancy of diagnosis required.* Philips Roxane stated that milk letdown in sows after farrowing is a condition that is well understood by the swine producer.

Although the Director agrees that the swine producer understands the need for milk letdown, he does not agree with the implications of the sponsor's statement. Because of the difficulty of diagnosing dystocia and mastitis-metritisagalactia, the average producer is not capable, without professional assistance, of using the drug without risking occurrence of he problems described elsewhere in this notice.

c. *Seriousness of side effects associated with the drug.* Philips Roxane referred to its 60 USP unit dosage study in sows, which showed no side effects, and a literature search conducted by Dr. E. Murl Bailey, Jr., of Texas A&M University. The firm also stated that its field survey of swine raisers, and BVM's survey of reported adverse reactions, revealed no problems.

The Director finds that the Philips Roxane study was conducted under the supervision of a veterinarian and that the sows had completed farrowing before oxytocin was used. In addition, Dr. Bailey has advised the Bureau that he did not conduct an extensive literature search, but rather only a brief review of standard references in response to a telephone inquiry from the firm. Furthermore, although Dr. Bailey stated that he was not aware of adverse reactions, he also stated that oxytocin is contraindicated in the presence of dystocia due to abnormal presentation of the fetus. BVM agrees that its files contain reports of only a few adverse reactions, and that the firm's field study did not reveal any adverse findings. However, these observations only support the safe use of oxytocin as it is currently marketed (i.e., as a prescription drug).

The firm has not established, therefore, that there are no serious side effects associated with the OTC use of oxytocin in swine.

d. *Route of administration.* Philips Roxane submitted references indicating the drug is effective by intravenous, intramuscular, or subcutaneous routes.

The Director agrees that oxytocin is effective when administered by intravenous, intramuscular, or subcutaneous routes. He notes, however, that drugs cannot be administered safely by the layman if they are to be administered intravenously to swine.

e. *Human safety hazard.* Philips Roxane stated that because oxytocin is not a controlled substance in human medicine the drug is not recognized as subject to social abuse.

The Bureau agrees that oxytocin is not a "controlled substance" (e.g., narcotic, amphetamine, barbiturate, hallucinogen, etc.) subject to the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801)). However, the distribution of oxytocin for human medicine is also restricted in that it may only be dispensed for use by prescription. The firm did not submit any evidence to show that oxytocin would not be diverted to human use if it were sold OTC.

3. A Philips Roxane study titled "Evaluation of the Intramuscular Injection of 3 ml (60 units) of Veterinary Oxytocin Injection, USP, Double USP Potency, Into Sows." Thirty-two sows were given three times the maximum recommended dose for milk letdown (3 mL or 60 units) of oxytocin on the day of farrowing, but after completion of farrowing, were observed for adverse effects for a minimum of 7 days. No adverse effects were found.

The Director agrees that oxytrocin has a wide margin of safety when given to sows that have in fact completed farrowing and are suffering from uncomplicated agalactia. However, if milk letdown is due to mastitis-metritis-agalactia, use of oxytocin alone could be unsafe because it would prevent necessary adjunctive therapy. This study was done under veterinary supervision and, therefore, does not prove that adequate directions can be written for safe OTC use but reinforces the fact that veterinary supervision is preferable.

4. A literature review by Dr. E. Murl Bailey, Jr., and field use survey for possible side effects associated with oxytocin administration is sows for milk

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[3] Labeling for the drug bears a notice stating that oxytocin is indicated for the medical rather than elective induction of labor; available data are inadequate to define the benefits-to-risk considerations for use in elective abortions.

letdown. These submissions have been discussed above.

5. An article entitled "Some Observations on the Use of Synthetic Oxytocin in Sows" by Straub and Gutte (*Journal of the American Veteriynary Medical Association*, pp. 171–174, August 1, 1959). A 3-year-old sow that had farrowed her fifth litter without assistance was used to show the effect of synthetic oxytocin on the uterus 30 hours postpartum. Prior to administration, the uterus, exposed by laparotomy, was flaccid and dark red. Three minutes after an intravenous injection of 5 units of oxytocin, the uterus was strongly contracted and ischemic.

The experiment indicates the dramatic effect of even a relatively small dose (at the bottom of the range recommended for milk letdown) of oxytocin on the uterus of a recently farrowed sow. It lends support to the Bureau's position that the applicant has not demonstrated that there is a dosage at which oxytocin can be used for milk letdown but which would not cause uterine contraction.

6. An article on the use of oxytocin in sows that appeared in the *National Hog Farmer* (July 15, 1978).

In answer to swine producer's questions regarding the use of oxytocin, R. E. Hall, D.V.M. of the University of Wisconsin stated that oxytocin is rapidly destroyed in the sow and its effect lasts only a few minutes; that using oxytocin at 2 to 4 hour intervals is not known to cause internal stress; that oxytocin should be used only when the cervix is dilated; that he was unware of any case in which major blood vessels were ruptured by the use of oxytocin; that repeated injections do not cause addition or dependence in further farrowings; and that the labeled dosage for milk letdown was 5–20 units, and to contract the uterus, 30–50 units.

The Director does not disagree with the statements made in this article, except to the extent that it implies that uterine contractions do not occur when less than 30 units is administered. Also, the Bureau contends that an obstetrical examination by a veterinarian may be needed to assure that the cervis is dilated and that sow has finished farrowing, and that these examinations must be performed by or under the supervision of a licensed veterinarian.

7. An article entitled "Haemodynamic Effects of Oxytocin (Syntocinon) and Methyl Ergometrine (Methergin) on the Systemic and Pulmonary Circulations of Pregnant Anaesthetized Women" by Secher, Arnsbo and Wallin. [*Acta Obstetrica et Gynecologica Scandinavica (Stockholm)* 57: 97–103, 1978).

The sponsor submitted the study in general support of the safety of the drugs.

The Director concludes that the haemodynamic (blood pressure) effect of oxytocin on the post-parturient uterus of sows do not generally cause concern at the dosage levels proposed. However, this fact has no bearing on the issues posed by the supplemental application.

8. A telephone survey of the use of oxytocin by swine raisers for milk letdown in sows. The survey was conducted by Doane Agriculture Service, Inc., St. Louis, Missouri. The firm contacted 96 swine producers in 22 of the major hog producing states. The survey covered use of oxytocin by the swine raiser or an assistant.

Philips Roxane stated that the survey showed that (1) the swine raiser determined the need for oxytocin for milk letdown 80 percent of the time; (2) the swine raiser administered the oxytocin 93 percent of the time; (3) a veterianarian observed the animals prior to the use of oxytocin only 7 percent of the time; and (4) the swine owner determined the dosage from the label instructions or from past experience 52 percent of the time (47 percent relied to some degree on the veterinarian); and that problems developed from the use of oxytocin only 2 percent of the time.

The validity of the conclusions drawn from any survey depends on whether the surveyed group is a microcosm of the total population. The description of the survey design provided no indication that the persons interviewed were selected in a manner which would assure that they represented a statistically valid sample of all swine raisers using oxytocin. Additionally, the introductory telephone statement read by the interviewer was leading. In particular, the sentence "One of our client companies is interested in getting an over-the-counter clearance for oxytocin" may have influenced the responses to some of the questions. It is a common failing in a questionnaire type survey for an interviewee to guess at the preferred response based on introductory remarks made by the interviewer, and to respond in the preferred manner.

Also, 34 of the 96 swine raisers interviewed volunteered that they use oxytocin for purposes in addition to milk letdown, such as to induce farrowing, lesson infection, and eliminate uterine debris after farrowing.

The Director concludes that, even if the survey had been conducted in a valid manner and there were in fact no adverse effects, its results do not prove that the drug can be used safely OTC. The Bureau does not contend that a veterinarian must be present in all instances at the time the drug is administered. What is significant is the existence of a veterinarian-client relationship through which the veterinarian has previously determined the herd history, the conditions on the farm and the management skill of the operator. The survey did not provide any informaton that would allow analyses of the veterinarian-client relationship. Also, the extensive use for other purposes, shown by the survey, is likely to increase if the drug is sold OTC.

9. Interviews of two academic veterinarians and two large animal veterinary practitioners on their usage of oxytocin for milk letdown in gilts and sows. Sixty to ninety-five percent of the oxytocin dispensed by these veterinarians is for use in swine. The inteviewer found that these veterinarians recommend 40–60 USP units of oxytocin for milk letdown, and that they knew of no adverse effects resulting from such use.

The Director believes that the safe use of oxytocin as shown in the survey is directly related to the professional services rendered by veterinarians for the product under its current prescription status. Also, the use of oxytocin at dosage levels recommended on the label for indications requiring uterine contractions supports the Director's position that complications may occur when the drug is used for milk letdown and farrowing is not complete.

10. An article entitled "The Reactivity of the Ruminant Uterus to Posterior Pituitary Hormones" by Fitzpatrick (*Journal of Comparative Pathology*, 70: 36–58, 1960).

The article describes experiments evaluating the effect of intravenous and intramuscular injections of oxytocin on the uterine musculature of both pregnant and non-pregnant cows and sheep. The experiments demonstrated that the cow's uterus is more sensitive to oxytocin towards the end of pregnancy than in the earlier stages of pregnancy. Pronounced responses to oxytocin were detected after 1.0 unit or less was administered toward the end of pregnancy, whereas this dose at mid-pregnancy produced only very feeble responses.

The Director agrees that the sensitivity of the uterus to the action of oxytocin is greatest at the time of parturition. The study dramatizes the increased sensitivity of the uterus to the action of even small doses of oxytocin at the end of pregnancy.

11. A telephone survey of 50 swine raisers in 15 states concerning the economic and animal health impact of the prescription status of oxytocin.

This telephone survey was conducted as a supplement to the initial April 1978 survey (see item 8 above). The proposes were to determine if the swine raiser would consider OTC sales of oxytocin purchased through a veterinarian. Eighty-three percent of the respondents favoring OTC status for oxytocin gave lower price as the reason, while only 14 percent listed better product availability.

The statutory standards for determining whether a drug can be sold OTC are set forth in sections 512 and 502(f)(1) of the act, as discussed above. Convenience and price are not included in these standards. The Bureau notes, however, that the majority of swine producing areas have emergency veterinary services, including prescription dispensing services, available at all hours. Moreover, veterinarians are often willing to dispense oxytocin prior to the onset of farrowing, provided that a veterinarian-client relationship is established, the veterinarian is aware of the conditions in the herd as well as the knowledge and experience of the herds man, and telephone contact can be made in case of emergency. Therefore, the Director sees no hardship in maintaining the distribution of this drug on a prescription basis.

VI. Conclusion

A. *Summary of Standards and Evidence.* Section 512(d) of the act, and § 514.111 *Refusal to approve an application* (21 CFR 514.111), require FDA to refuse to approve an NADA or a supplement when the application does not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof; or if on the basis of the information submitted and other information, there is insufficient information to determine whether the drug is safe for use under such conditions. In determining whether a drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling, section 512(d)(2)(D) of the act requires the agency to consider whether the conditions of use prescribed, recommended, or suggested in the proposed labeling are reasonably certain to be followed in practice. These statutory criteria are applicable in the consideration of an application to label a drug for OTC distribution. (See the Benylin decision, *supra*, 44 FR at 51534 et seq.)

If a drug does not bear adequate directions for use by laymen, it is misbranded unless exempted under provisions of 21 CFR 201.105, i.e., it must be labeled and distributed as a prescription drug.

Therefore, Philips Roxane must establish that oxytocin injection can be used safely by laymen for milk letdown in sows, and that the conditions of use in the proposed labeling are reasonably certain to be followed in practice.

Philips Roxane has not submitted any data to demonstrate that oxytocin at the recommended dosage of 5–20 USP units for milk letdown in sows after farrowing as proposed in the labeling will not affect a sensitized uterus. In addition, the firm has not provided sufficient evidence to show that veterinary supervision is not required in view of the complications that can occur, e.g., dystocia and mastitis-metritis-agalactia.

Additionally, Philips Roxane has not submitted any data or information to establish that the label directions (for milk letdown in sows after farrowing) are reasonably certain to be followed in practice by swine producers. In fact, 34 out of the 96 swine raisers questioned in one of the telephone surveys voluntarily stated that they were using oxytocin for conditions other than, or in addition to, milk letdown. Thus, use for these conditions may increase if the drug is sold OTC. The firm has not established that the drug, if used by swine producers without veterinary supervision, will not be used for other purposes.

Oxytocin has been marketed for many years and its pharmacological effects are widely known. The drug is labeled for prescription use in species other than swine, including horses, cows, sheep, dogs, and cats. The precautions and contraindications discussed above are applicable in all these species. The agency believes that if oxytocin were available OTC, even though labeled only for milk letdown in sows, it would be used in other species with potentially hazardous consequences. This is particularly true with respect to use in the canine and equine species. Again, the firm has not presented evidence to show that the label directions are reasonably likely to be followed in practice.

Finally, the Director notes that while there appears to be difference of opinion among the experts, there is some concern among knowledgeable individuals about possible misuse of the drug in humans if it were to be sold OTC. The Director believes that the concern is of a sufficient level so as to require the applicant to provide evidence that harmful diversion is not likely to occur.

For the foregoing reasons, the Director concludes that oxytocin labeled for milk letdown in sows after farrowing for OTC distribution has not been shown to be safe under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

B. *Opportunity for Hearing.* Therefore, the Director announces his refusal to approve the supplement to NADA 99–169 for the OTC marketing of oxytocin injection labeled for milk letdown in sows after farrowing, on the grounds that the proposed use has not been shown to be safe under section 512(d) of the act, and the applicant has not shown that adequate directions for use can be written as required by section 502(f) of the act.

If the applicant or any other interested person elects to avail itself (themselves) of an opportunity for a hearing pursuant to section 512(c) of the act (21 U.S.C. 360b(c)) and 21 CFR 514.200, the party must file with Dockets Management Branch, (address above) a written appearance requesting such a hearing by October 19, 1981. Such person(s) must also give reasons why approval of the application should not be refused, and provide a well-organized and full-factual analysis of the scientific and other investigational data that such persons are prepared to prove by November 17, 1981 in support of their opposition to the Director's refusal to approve.

The failure of the applicant to file a timely written appearance and request for hearing as required by 21 CFR 514.200 constitutes an election not to avail itself of the opportunity for a hearing, and the Director of the Bureau of Veterinary Medicine will summarily enter a final order refusing to approve the application.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific face showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact that precludes the refusal to approve the application, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice must be filed in quintuplicate with the Dockets Management Branch. Except for data and information prohibited from public disclosure, pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, responses to this notice and copies of publication literature cited in this notice may be seen in the Dockets Management Branch, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

If a hearing is requested and is justified by the applicant's response to this notice of opportunity for hearing, the issues will be defined, an administrative law judge will be assigned, and a written notice of the time and place at which the hearing will commence will be issued as soon as practicable.

Any hearing on the refusal to approve this new animal drug application will be open to the public. If, however, the Director finds that portions of the application that serve as a basis for such hearing contain information concerning data that are entitled to protection as a trade secret, that part of the hearing will not be public, unless respondent so specifies.

This action is governed by the provisions of 5 U.S.C. 556 and 557, and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the order.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84).

Dated: September 4, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

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BILLING CODE 4110-03-M

[Docket No. 81N-0087]

Potassium Iodide as a Thyroid-Blocking Agent in Radiation Emergency; Draft Recommendations on Use

AGENCY: Food and Drug Administration.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) announces an extension of the comment period on its draft recommendations about administering potassium iodide to the general public in a radiation emergency. FDA is responding to requests from the National Council on Radiation Protection and Measurements (NCRP) and the Chairman, Environmental Hazards Committee American Thyroid Association.

DATE: Comments by October 5, 1981.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Bernard Shleien, Bureau of Radiological Health (HFX-4), Food and Drug Administration, 5600 Fishers Lane Rockville, MD 20857, 301-443-6220, or

Edwin V. Dutra, Jr., Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 5, 1981 (46 FR 30199), FDA issued a notice announcing the availability of draft recommendations about administering potassium iodide to the general public in a radiation emergency. The draft recommendations prepared by the Bureau of Radiological Health and the Bureau of Drugs were made available for public comment to provide FDA with views to be considered for incorporation into any final recommendations that the agency may develop on this use of potassium iodide. The comment period was to close on September 3, 1981.

One purpose of the draft recommendations is to facilitate a national consensus on the use of potassium iodide during a radiation emergency. Before the date the comment period was to close, FDA received a request from NCRP for an extension of the comment period because of the complexity and importance of the issues involved and because NCRP's staff would not complete its final review of its comments by September 3, 1981. FDA also received a request for an extension from the American Thyroid Association because they would not be able to submit their comments until September 25, following their annual meeting. FDA believes that additional time for preparing and submitting meaningful and carefully constructed comments on the draft recommendations is in the public interest. Therefore, FDA is granting a 30-day extension of the comment period to October 5, 1981.

Interested persons may, on or before October 5, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding the draft recommendations. Two copies of each comment are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number 81N-0087. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 14, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs

[FR Doc. 81-27193 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

Preamble Compilation; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of another volume and three cumulative pocket supplements of the preamble compilation. The volume contains significant preambles of published **Federal Register** documents relating to Biological Products regulations, from March 1936 through March 1978. The three cumulative pocket supplements to the preamble compilation are for published Federal Register documents relating to Biological Products, Radiological Health, and Medical Device regulations, from April 1978 through March 1980.

ADDRESS: The volume relating to Biological Products and the three cumulative pocket supplements may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Lola Batson, Federal Register Writer's Office (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: The preamble compilation series has been structured around the current organizational scheme for Food and Drug Administration regulations issued under Chapter I of Title 21 of the Code of Federal Regulations. This compilation is part of a comprehensive effort to make available to the public and the agency a central source for trading, by subject, the historical development of agency regulations.

Each volume of the preamble compilation will be updated with an annual cumulative pocket supplement. The agency will publish in the **Federal Register** a notice of availability for each volume and pocket supplement as they become available.

The Biological Products volume and the pocket supplements for Biological Products, Radiological Health, and Medical Devices may be purchased for the price listed below from the Superintendent of Documents (address above). To order, reference the GPO stock No. listed below.

Subject	GPO stock No.	Price
Biological Products (Mar. 1936 through Mar. 1978)	017-015-00186-5	$16.00
Biological Products (Apr. 1978 through Mar. 1980)	017-015-00190-3	4.00
Radiological Health (Apr. 1978 through Mar. 1980)	017-015-00196-2	4.50
Medical Devices (Apr. 1978 through Mar. 1980)	017-015-00195-4	8.00

Dated: September 14, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-27192 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 76N-0315; DESI 8200]

Revised Marketing Requirements for Radioactive Preparations Containing Therapeutic or Diagnostic Sodium Iodide I-131; Drugs for Human Use; Drug Study Implementation; Followup Notice

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice states the revised marketing requirements for persons who do not now hold an approved new drug application (NDA) for sodium iodide I-131. Full NDA's are now required for these drug products and abbreviated new drug application (ANDA's) will no longer be acceptable.

EFFECTIVE DATE: September 18, 1981.

ADDRESSES: Communications in response to this notice should be identified with the DESI number appearing in the heading of this notice and directed to the attention of the appropriate office named below:

Original full NDA's and supplements thereto (identify as such): Division of Oncology and Radiopharmaceutical Drug Products (HFD-150), Rm. 17B-45, Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the appicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In the DESI notice published in the Federal Register of September 13, 1976 (41 FR 38800), for sodium iodide I-131 drug products listed below, the marketing conditions for non-NDA holders stated that an ANDA (21 CFR 314.1(f)) is required from any person who wishes to market such a drug product and does not already have an approved NDA. Upon reevaluation of this requirement, the agency has determined that full NDA's are required for sodium iodide I-131 drug products. Full NDA's are needed in order to provide clinical bio-distribution data and dosimetry data since in the final product biologic properties are affected by the source of the radionuclide and any associated impurities, the specifications for the radionuclide, and the specifications for the final dosage form. No ANDA's have been submitted for sodium iodide I-131 pursuant to the September 13, 1976 notice.

1. *NDA 8-200;* Sodium Iodide I-131 Sterile Solution, Radiocaps-131 Capsules, Tracervial 131 Sterile Solution, Oriodide-131 Oral Solution, and Theriodide-131 Capsules, all containing sodium iodide I-131; marketed by Abbott Laboratories, Abbott Park, 14th & Sheridan Rd., N. Chicago, IL 60064.
2. *NDA 10-929;* Iodotope Capsules 1-60 mCi, 6 mCi; Oral Solution 5-50 mCi/mL; and Injection O-1,000 uCi/mL, 30 uCi/bottle, 50 uCi/bottle, all containing sodium iodide I-131; marketed by E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540.
3. *NDA 16-515;* Sodium Iodide I-131 Therapeutic Solution 3.5-150 mCi/vial; marketed by Mallinckrodt Chemical Works, Pharmaceutical Division, P.O. Box 5439, St. Louis, MO 63147.
4. *NDA 16-517;* Sodium Iodide I-131 Capsules 0.75-20 mCi, 15-100 uCi; marketed by Mallinckrodt Chemical Works.

The indications for which these drug products are effective were announced in the September 13, 1976 notice. Marketing before approval of an NDA will subject such products, and those persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053 as amended (21 U.S.C. 352, 355)), and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70).

Dated: September 9, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-26867 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 78N-0200; DESI 10029]

Tarcortin Cream; Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is withdrawing approval of the new drug application (NDA 10-029) for Tarcortin Cream containing hydrocortisone 0.5 percent and coal tar extract 5 percent; Reed and Carnrick Pharmaceuticals, 30 Boright Ave., Kenilworth, NJ 07033. The basis of the withdrawal is that there is a lack of substantial evidence that the coal tar component of the combination product contributes to the total effects claimed. The drug is used topically in the treatment of certain skin disorders.

EFFECTIVE DATE: September 28, 1981.

ADDRESS: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 10029 and directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jean A. Peeler, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fisher Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice of opportunity for hearing published in the **Federal Register** of December 9, 1980 (45 FR 81122), the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the new drug applications for certain topical drug products containing hydrocortisone and coal tar extract. The proposed order was based on lack of substantial evidence that the coal tar ingredient in the combinations is effective. As the holder of the following new drug application did not request a hearing, approval of this application is now being withdrawn.

NDA 10-029; Tarcortin Cream containing hydrocortisone 0.5 percent and coal tar extract 5 percent; Reed and Carnrick Pharmaceuticals, 30 Boright Ave., Kenilworth, NJ 07033.

Any drug product that is identical, related, or similar to the drug product named above and that is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address given above).

The holder of the new drug application named below has requested a hearing concerning its drug products. The request for hearing is under review.

NDA 10–452; Supertah H–C Ointment containing hydrocortisone 0.5 or 1 percent, coal tar extract 1.25 percent, and stearyl alcohol 14.8 percent; the Purdue Frederick Co., 50 Washington St., Norwalk, CT 06856.

Marketing of those drug products for which a hearing request is under review may continue pending a ruling on the request.

No other person filed a written appearance of election as provided by the December 9, 1980 notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82) finds that, on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the combination drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing finding, approval of NDA 10–029, and all amendments and supplements applying thereto, is withdrawn effective September 28, 1981.

Shipment in interstate commerce of the above product or of any identical, related, or similar product that is not the subject of an approved new drug application, except for the ones described above that may continue to be marketed pending rulings on the request for a hearing, will then be unlawful.

Dated: September 9, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81–26866 Filed 9–17–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81N–0080; DESI 7337]

Wyeth Laboratories; Opportunity for Hearing on Proposal To Refuse To Approve Supplemental New Drug Application for Oral Combination Drugs Containing Meperidine Hydrochloride and Promethazine Hydrochloride

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: The Director of the Bureau of Drugs proposes to refuse to approve a supplemental new drug application providing for Mepergan Fortis Capsules containing meperidine hydrochloride 50 milligrams (mg) and promethazine hydrochloride 25 mg on the ground that the application does not contain any adequate and well-controlled clinical investigations which meet the efficacy requirements of the statute and regulations. The drug is used for moderate to moderately severe pain.

DATES: Hearing requests due on or before October 19, 1981. In support of a request, all data and information relied upon to justify a hearing are due on or before November 17, 1981.

ADDRESS: Communications in response to this notice should be identified with the Docket number appearing in the heading of this notice, and addressed to: Dockets Management Branch (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Herbert Gerstenzang, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 9, 1966 (31 FR 9426), FDA requested that each holder of a new drug application that became effective before October 10, 1962, submit to FDA reports containing the best data available in support of the effectiveness of each such product for the claimed indications. That information was needed to facilitate a determination by FDA, with the assistance of the National Academy of Sciences-National Research Council (NAS–NRC), whether each claim in the labeling is supported by substantial evidence of effectiveness, as required by the Drug Amendments of 1962.

In response, Wyeth Laboratories, Division of American Home Products Corp., P.O. Box 8299, Philadelphia, PA 19101 (Wyeth), holder of a new drug application (NDA 11–730) for Mepergan Injection, also submitted data for two products that were not the subject of an approved NDA: Mepergan Fortis Capsules containing meperidine hydrochloride 50 mg and promethazine hydrochloride 25 mg and Mepergan Capsules containing meperidine hydrochloride 50 mg and promethazine hydrochloride 12.5 mg.

In a notice (DESI 7337) published in the **Federal Register** of April 20, 1972 (37 FR 7827), FDA announced its conclusion that the two oral drug products are less than effective (possibly effective) for moderate to moderately severe pain.

On September 5, 1972, in response to the April 20, 1972 notice, Wyeth submitted a supplement to its approved NDA 11–730 (Mepergan Injection) to provide for Mepergan Fortis Capsules. The supplement also provided for a modified statement of the indication. It contained no new studies, but consisted of seven published reports of clinical studies involving Mepergan Fortis Capsules that Wyeth had previously submitted, and a statistical reanalysis of the data from those studies. In a letter dated May 24, 1973, the Bureau of Drugs informed Wyeth that the supplemental application was incomplete in that it failed to contain full reports of adequate tests by all methods reasonably applicable to show whether or not the drug is safe and effective for use as prescribed, recommended, or suggested in the proposed labeling. The letter stated that six of the seven papers submitted were irrelevant to the issue and the seventh (Dr. Kolodny) had already been reviewed and found inadequate by the NAS–NRC panel on Drugs for Relief of Pain. On May 2, 1980, FDA again wrote to Wyeth stating that the information Wyeth had submitted was inadequate and therefore the supplemental application could not be approved.

Wyeth responded by requesting that the agency reconsider its nonapproval action and further claimed that the proper indication for Mepergan Fortis, the one currently being used in the drug product's labeling, is "Affords sedation as well as analgesia for moderate pain as seen in postoperative patients, postpartum patients, and in patients with pain associated with malignancies." Wyeth further stated that it did not claim that the promethazine ingredient potentiates or enhances the analgesic effects of the meperidine ingredient in the combination product, but rather that Mepergan Fortis provides the dual effects of analgesia (provided by meperidine) and sedation (provided by promethazine) for use when those concurrent effects are therapeutically required. In light of Wyeth's request, FDA has again evaluated the data submitted consisting of seven articles, and presents the following critique of the stuides.

1. Kolodny, A. L., "Interrelation of Mood Change and Analgesic Response: Analgesic Therapy With and Without Phenothiazine Agents," *Current Therapeutic Research* 4:37–43, 1962.

This study compared the analgesic effects of Mepergan Fortis (meperidine and promethazine), meperidine with propiomazine, meperidine alone, and placebo. This was a double-blind, randomized study on 160 outpatients with moderate to severe pain. The only response evaluated in the study was the analgesic response. The patients were given the test drugs for 1 to 7 days, with 65 percent receiving medication for 6 days. The study showed satisfactory analgesia with all three test drugs and a positive placebo response in 28 percent of the 40 patients receiving the placebo. The drug of choice was Mepergan Fortis.

This study cannot be used to demonstrate effectiveness of Mepergan Fortis for its claimed uses because it did not study the population for which the drug product is intended nor did it study all of the claimed effects of the combination. (21 CFR 314.111(a)(5)(ii)) It also did not satisfy the requirements of the combination drug policy (21 CFR 300.50). For a study to meet the requirements of the combination drug policy, it must show that each ingredient of the combination contributes to the claimed effects of the combination and that the combination product provides some benefit not obtained from the individual ingredients used alone. With respect to analgesia, the study shows only that promethazine does not contribute to the analgesic effect when it was added to meperidine. The study did not evaluate the possible contribution of promethazine to sedation. It therefore fails to show any contribution for the promethazine component. Apart from the combination question, although the study was well-designed for its purpose (examining the role of phenothiazine agents in pain relief and the patients may have been suitable for the intent of the study, they were not suitable for the labeled indication. 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*i*). The labeling offers Mepergan in "postoperative patents, postpartum patients, and in patients with pain associated with malignancies." The patients in this study were extremely diverse and included patients presenting numerous other types of pain. In fact, 44 percent of the patients had trauma; others were stated to have arthritis, rheumatic disabilities, pleural and pulmonary disease, headache, bilary disorders, dysmenorrhea, infections, uretal calculi, and neurologia. Under these circumstances, there can be no assurance that the results in the patients can be extrapolated to the patients described in the labeling.

2. Hashkes, H. R., "Clinical Experience with Promethazine and Meperidine in Relief of Pain," *"Clinical Medicine* 69:1587–1590, 1962.

This study compared the analgesic effect of Mepergan Fortis and aspirin on 129 patients with moderate to severe pain due to a variety of medical conditions. The study showed significant difference in the relief of pain between Mepergan Fortis and aspirin. However, this study cannot be used to demonstrate effectiveness of Mepergan Fortis because it does not satisfy the requirements of the combination drug policy. 21 CFR 300.50. This study did not include control groups receiving either meperidine alone or promethazine alone. Without such groups, it is impossible to establish the individual analgesic or sedative effects of these ingredients and determine their contribution to the combination product. Morever, as in the previous study, the only response reported was the analgesic response. This study obviously, therefore, cannot be used to demonstrate the effectiveness of the components or the combination for sedation.

3. Glessner, J. R. and H. Allis, "Replacement of Injectable With Orally Administered Analgesic Agents After Surgery," *Anethesia and Analgesia; Current Researches* 43: 356–359, 1964.

This study compared the analgesic effects of meperidine injection with an oral preparation of meperidine and promethazine (Mepergan Fortis) on 26 postoperative patients. The investigators concluded that there was no significant difference between the test drugs. This study also failed to include separate control groups receiving only oral promethazine and oral meperidine, and also reported results only with regard to analgesic effects of the test regimens. Accordingly, like the previous studies, it too fails to meet the criteria of the combination drug policy (21 CFR 300.50) and the statute (21 U.S.C. 355(d)).

4. Mannerelli, A. A., "Comparison of Potency of Injectable Meperidine and Promethazine-Meperidine Capsules in Post-Operative Pain," *Journal of the American Osteopathic Association* 63:1034–1037, 1964.

This double-blind, crossover study compared the analgesic effect of Mepergan Fortis with that of meperidine injection, 100 mg, in 72 postoperative patients. The investigator concluded that the drugs were equipotent. This study also failed to include a control group receiving oral promethazine alone or a group which received oral meperidine alone; it also failed to draw any conclusions regarding the sedative effect of either component. Accordingly, for the same reasons stated above, this study cannot be used to demonstrate effectiveness of Mepergan Fortis. 21 CFR 300.50; 21 U.S.C. 355(d).

5. Pena, E., "Comparison of Oral Promethazine-Meperidine with Injectable Meperidine for Relief of Post-Operative Pain," *Obstetrics and Gynecology* 25:72–75, 1965.

This study compared the analgesic effect of Mepergan Fortis with that of meperidine injection in 62 patients with post operative gynecological pain. The investigator concluded that Mepergan Fortis was as effective as meperidine 100 mg injection. For the same reasons stated in each of the foregoing studies, this study cannot be used to demonstrate effectiveness of Mepergan Fortis. In addition, the author failed to explain how subjects were assigned to test and control groups, 21 CFR 314.111(a)(5)(ii)*(a)(2)(ii)*, and to provide information regarding pertinent patient characteristics (such as age or severity of pain, 21 CFR 314.111(a)(5)(ii)*(a)(2)(iii))*. Without this information, it is impossible to tell whether the makeup of the test and control groups did not bias the results of the study.

6. Ullery, J. C. and R. Kah, "Clinical Trial of an Oral Meperidine-Promethazine Combination in Labor," *Current Therapeutic Research* 7:361–364, 1965.

In this study, 53 women in labor received either Mepergan Capsules or Mepergan Fortis Capsules for relief of pain and to reduce anxiety. The investigators concluded that pain was adequately controlled in 52 patients and anxiety in 46 patients. This study is patently inadequate because no control group of any kind was used. 21 CFR 314.111(a)(5)(ii)(*a*)(*4*). In addition, because there were no groups receiving promethazine alone or meperidine alone, the study cannot satisfy the requirements of the combination policy. 21 CFR 300.50.

7. Ullery, J. C. and R. Kah, "The Use of Mepergan for Relief of Pain in Gynecologic Tumor Patients," *Current Therapeutic Research* 6:385–386, 1964.

In this study, 54 gynecologic tumor patients received Mepergan Capsules to control their pain. The investigators concluded that all patients showed significant relief of pain. They also comment in passing that these patients had less nausea and vomiting and required a lower total dosage of narcotic than another group of patients who were receiving meperidine alone. The portion of this study which assesses pain relief is totally uncontrolled because all patients were taking the test drug. 21 CFR 314.111(a)(5)(ii)(*a*)(*4*). The portion of the study which attempts to compare the combination drug with meperidine is plainly inadequate because no information is given about the meperidine group (e.g., how patients were assigned to that group, what their characteristics were, how much meperidine they received). 21 CFR 314.111(a)(5)(ii)(*a*)(*2*) (*i*), (*ii*), and (*iii*). Also, of course, no methods were used in this portion of the study to minimize bias on the part of the observers or analysts of the data. 21 CFR 314.111(a)(5)(ii)(*a*)(*4*). Finally, this study also failed to include a group taking promethazine alone or to report any quantitative information regarding the sedative effect of the combination. 21 CFR 300.50.

In summary, not one of the above studies demonstrated that each ingredient of this combination contributes to the effects claimed for it. 21 CFR 300.50. In fact, none of the studies even attempted to demonstrate that the combination product had a sedative effect at all. Because both promethazine and meperidine are known to have a sedative effect, it is important to determine what role each component plays in producing this effect. For example, it may well be that meperidine alone will produce substantially the same sedating effect without promethazine. These studies, therefore, do not constitute substantial evidence of effectiveness of Mepergan administered orally for the indications recommended in the labeling.

In its June 11, 1980 letter, Wyeth also contended that it believed the agency was inconsistent in classifying Mepergan Injection as effective and Mepergan Fortis Capsules as lacking evidence of effectiveness for an almost identical indication.

Wyeth's argument is without merit. Mepergan Injection, containing meperidine hydrochloride 25 mg and promethazine hydrochloride 25 mg, has been evaluated as effective for use as a preanesthetic medication before general anesthesia. This indication is not related to the indication of Mepergan Fortis Capsules. These dosage forms have different indications, different ratios of active ingredients, and are used on different patient populations. In fact, the oral dosage form could not be used as a preanesthetic medication because oral preparations are not administered before general anesthesia.

On the basis of all the data and information available, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, that meets the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), 21 CFR 314.111(a)(5), and 21 CFR 300.50.

Therefore, notice is given to Wyeth Laboratories that the Director proposes to issue an order under section 505(d) of the act (21 U.S.C. 355(d)), refusing to approve the supplement to NDA 11-730 providing for Mepergan Fortis Capsules on the ground that the information submitted to him as part of the supplemental application shows there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

In addition to the ground for the proposed refusal to approve stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug product subject to it; for example, any contention that any product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act, or that it is exempt from part or all of the new drug provisions of the act under the 1938 or 1962 grandfather provisions.

In accordance with section 505 of the act and the regulations issued in 21 CFR Parts 310 and 314, Wyeth is hereby given an opportunity for a hearing to show why approval of the supplemental new drug application should not be refused and an opportunity to raise, for administratative determination, all issues relating to the legal status of the drug product named above.

If Wyeth elects to avail itself of the opportunity for a hearing, it shall file (1) on or before October 19, 1981, a written notice of appearance and request for hearing, and (2) on or before November 17, 1981, the data, information, and analyses on which it relies to justify a hearing, as specified in 21 CFR 314.200. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of Wyeth to file a timely written notice of appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by Wyeth Laboratories not to make use of the opportunity for a hearing concerning the action proposed with respect to the drug product and constitutes a waiver of any contentions concerning the legal status of any such drug product.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact which precludes the refusal to approve the supplemental application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person who requests the hearing, making findings and conclusions and denying a hearing.

All submissions pursuant to this notice shall be filed in four copies. Such submissions, except for information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 9, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-26984 Filed 9-17-81; 8:45 am]

BILLING CODE 4110-03-M

Health Care Financing Administration

Medicare Program; Schedule of Limits on Hospital Per Diem Inpatient General Routine Operating Costs for Cost Reporting Periods Beginning On or After July 1, 1981

Corrections

In FR Doc. 81-19185 appearing on page 33637 in the issue of Tuesday, June 30, 1981, make the following changes:

1. On page 33642, third column and page 33643, first and second columns, in the table, the following SMSA areas should read as set forth below:

SMSA area	Wage index
* * * * *	
Fayetteville, NC	.8353
* * * * *	
Gadsen, AL	[illegible]
* * * * *	
Harrisburg, PA	1.0534
* * * * *	
Honolulu, HI	1.1654
* * * * *	
Providence-Warwick-Pawtucket, RI	1.0314
* * * * *	
Santa Cruz, CA	1.0611

SMSA area	Wage index
* * * * *	
Vineland-Millville-Bridgeton, NJ	1.0083
* * * * *	
Washington, DC-MD-VA	1.1457

[1] Approximate value for area.

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Muckleshoot Indian Reservation, Washington; Proclaiming Certain Lands as Part of the Muckleshoot Indian Reservation

September 3, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

On September 3, 1981, pursuant to authority contained in Section 7 of the Act of June 18, 1934 (34 Stat. 986; 25 U.S.C. 467), the following described lands, located in King County, Washington, were added to and made a part of the Muckleshoot Indian Reservation.

Tract T 1002—that part of Lot 19 lying south of County Road (J.P. Fay Road) and west of P.H. No. 11 (known as Auburn-Enumclaw Highway), in section 1, Township 20 North, Range 5 East, Willamette Meridian, King County, Washington, containing 12.26 acres more or less.

Tract T 1120—That portion of the southwest quarter of the southeast quarter of section 35, Township 21 North, Range 5 East, Willamette Meridian, in King County, Washington, lying southerly of the southerly margin of Auburn-Enumclaw County Road;

Except the west 561 feet thereof;

Except the north 249 feet of the west 175 feet of that portion of said southwest quarter of the southeast quarter which lies east of a line 561 feet east of the west line of said subdivision, as measured along said east line of said west 561 feet;

Except the east 200 feet thereof;

Except that portion thereof conveyed to the State of Washington for Primary State Highway No. 5, by deeds records under Auditor's File Nos. 3662340 and 3662341; and

Except and Reserving all minerals including oil, gas and coal set forth in the warranty Deed of March 1, 1977, on file in the Bureau of Indian Affairs, Portland Title Plant under document number 130-1498, containing 16.52 acres, more or less, after the above exceptions.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 81-27196 Filed 9-17-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AR 0368, etc.]

Arizona; Order Providing for Opening of Public Lands

Correction

In FR Doc. 81-24092 published on page 42196 in the issue for Wednesday, August 19, 1981, in the third column, under "**Gila and Salt River Meridian, Arizona**", in the second line "SE¼, NE¼" should be corrected to read "SE¼NE¼".

BILLING CODE 1505-01-M

[ES 21181]

Coal Lease Offering by Sealed Bid

Department of the Interior, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304. Notice is hereby given that at 2:00 p.m., September 25, 1981, certain coal resources in the lands described below in Whitley and McCreary Counties, Kentucky, will be offered for competitive lease by sealed bid of $25 per acre or more to the qualified bidder submitting the highest bonus bid in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). However, no bids will be accepted for less than fair market value as determined by the authorized officer. This offering is being made as a result of an application filed by Ryans Creek Coal Company (ES 21181).

The sale will be held in the Conference Room of the Eastern States Office. No bids received after 2:00 p.m., September 25, 1981, will be considered.

Coal Offered: The coal resource to be offered under ES 21181 is limited to the underground Jellico and Barren Fork seams in the following described lands located between Whitley City and Williamsburg, Kentucky: On all or portions of Forest Service Tracts within the Daniel Boone National Forest numbered:

1888a, 1888b, 1888n, 1888o, 1888p, 1888t, 1888t-I, 1888x, 1888y; 1586a, 1586a-I, 1586a-II, 1586a-III, 1586a-IV, 1586a-V; 1941b, 1941c, 1941c-I, 1941c-II, 1941c-IV, 1941d.

Containing 1964.81 acres.

The metes and bounds land description is available for inspection at the above address.

The estimated total underground reserves are 4,616,498 tons. The coal quality is as follows: Btu—13,000; Sulfur—1.2 percent. The Jellico and Barren Fork coal beds average .35 feet thick over 1922.5 acres of the described lands.

Rental and Royalty: Leases issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre or fraction thereof and a royalty payable to the United States of 8% of the value of the coal mined. Value of the coal mined shall be determined in accordance with 30 CFR 211.

Notice of Availability: Bidding instructions are included in the Detailed Statement of the Lease Sale. A copy of the Statement and of the proposed coal lease for either lease offering are available at the Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304. All case file documents and written comments submitted by the public on Fair Market Value or royalty rates, except those portions identified as proprietary by the commentor and meeting exemptions stated in the Freedom of Information Act, are available for public inspection in the Public Room at the above address.

Jeff O. Holdren,

Chief, Division of Lands and Minerals Operations.

[FR Doc. 81-27203 Filed 9-17-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado Off-Road Vehicle Designations Designation Order CO-030-8101

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Off-Road Vehicle Designation Decisions.

DECISION: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and regulations contained in 43 CFR Part 8340. The lands described below are administered by the Montrose District Office of the Bureau of Land Management and are hereby designated as limited or closed to off-road vehicle use.

The 637,000-acre area affected by the designations is known as the Gunnison Basin and American Flats/Silverton Planning Area, which includes portions of public lands in Montrose, Gunnison, Saguache, Ouray, Hinsdale, and San Juan counties in Colorado. The designations are a result of land use planning decisons made in the 1980 Gunnison Basin and American Flats/Silverton Management Framework Plans. Comments received from public meetings held in 1978 and 1979, coordination with other federal, state and county agencies, and comments

V 46 SE 18 81 UMI

received during a 30-day public comment period held in mid-summer 1981 are reflected in this designation decision.

These designations become effective with this publication in the **Federal Register** and will remain in effect until rescinded or modified by the Authorized Officer. Under the provisions in 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals by any persons adversely affected by the designations. An environmental assessment describing the impact of these designations is available for inspection at the offices listed at the end of this designation order.

The designations described below are detailed on maps available for public distribution. Special rules or restrictions also appear on these maps which are available at the locations listed at the end of this designation order. Implementation of the designations will be effected with an on-the-ground informational signing program.

A. Limited Designation

1. Limited to Designated Roads (Recognizing Casual Use)—286,000 acres.

The area affected by this designation is located in Gunnison County, and small portions of Montrose, Saguache and Hinsdale counties. Motorized vehicle use will be limited to designated roads in this area, while recognizing casual use on other existing roads and off roads that does not result in unnecessary and undue resource degradation. If, in the opinion of the Authorized Officer, unnecessary and undue resource degradation begins to occur as a result of casual use, the Montrose District will immediately, and without additional **Federal Register** notification, eliminate this casual use through a signing and monitoring program. Local news releases and notices will be used to notify the public.

2. Limited to Designated Roads—133,000 acres.

The area affected by this designation is located in Hinsdale, Ouray and San Juan counties. Motorized vehicle use will be limited to designated roads in this area. Only roads in BLM's transportation system (excepting specified trails), including federal, state and county roads, will be available for vehicular use. Snowmobile use is permitted on public lands in areas with this designation.

3. Limited to Season of use—167,000 acres.

McIntosh, Signal Peak, Tomichi, South Parlin Flats and Sapinero Mesa Wildlife Wintering Areas are located in the Gunnison Basin Planning Area. These Wildlife Wintering Areas are closed to all types of motorized vehicle use (including snowmobiles) from December 1 to March 31 of each year. In addition, motorized vehicle use will be limited to designated roads in these Wildlife Wintering Areas from April 1 to November 30 of each year. Casual use on other existing roads and off roads in these areas that does not result in unnecessary and undue resource degradation will be recognized from April 1 to November 30 of each year. If, in the opinion of the Authorized Officer, unnecessary and undue resource degradation begins to occur as a result of casual use, the Montrose District will immediately, and without additional **Federal Register** notification, eliminate this casual use through a signing and monitoring program. Local news releases and notices will be used to notify the public.

4. Limited to Type of Vehicle—Trail #T3318.

This trail (T3318) is located in the American Flats/Silverton Planning Area. This designation allows use by motorized vehicles which are less than 40 inches wide.

B. Closed Designation

Closed—50,000 acres. Year-round closure to all motorized vehicles (including snowmobiles) in the Powderhorn Primitive Area.

ADDRESS: For further information about these designations, contact either of the following Bureau of Land Management Offices:

District Manager, Montrose District Office, P.O. Box 1269, 2465 South Townsend, Montrose, Colorado 81402

Area Manager, Gunnison Basin Resource Area, P.O. Box 1269, 336 South 10th Street, Montrose, Colorado 81402.

Date: September 11, 1981.

Marlyn V. Jones,
District Manager.

[FR Doc. 81-27198 Filed 9-17-81; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 81-39 and 81-40]

Paradise-Denio and Sonoma-Gerlach Resource Areas, Winnemucca District, Nevada; Proposed Livestock Grazing Management Program

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the final environmental impact statements (FEIS).

SUMMARY: Pursuant to Section 102(2) of the National Environmental Policy Act of 1969, the BLM Winnemucca District has prepared two FEISs on proposed livestock grazing management programs for the Paradise-Denio and the Sonoma-Gerlach Resource Areas.

The two EISs analyze the effects of allocating available vegetation to livestock, big game, and wild horses on approximately eight and one-half million acres of public lands. These final EISs are to be used with the Paradise-Denio and Sonoma-Gerlach draft EISs issued earlier this year. A limited number of these draft EISs as well as the finals, are still available from the Winnemucca District, 705 E. 4th Street, Winnemucca, NV 89445, (702-623-3676).

These final EISs include summaries of the impacts, errata sections and updated Public Participation chapters with public comments on the drafts and the BLM responses.

FOR FURTHER INFORMATION WRITE: Robert Neary, Division Chief, Planning and Environmental Coordination, Winnemucca District Office, 705 E. 4th Street, Winnemucca, NV 89445, (702) 623-3676.

Copies of the DEIS are available for review at the following locations:

Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, NV 89520, (702) 784-5602
Bureau of Land Management, Elko District Office, 2002 Idaho Street, Elko, NV 89801, (702) 738-4071
Bureau of Land Management, Battle Mountain District Office, Box 194, Battle Mountain, NV 89820, (702) 635-5181
Bureau of Land Management, Carson City District Office, 1050 E. Williams Street, Carson City, NV 89701, (702) 882-1631
Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, NV 89301, (702) 289-4865
Bureau of Land Management, Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, NV 89102, (702) 385-6403
Bureau of Land Management, Burns District Office, 74 S. Alvord Street, Burns, OR 97720, (503) 573-2071
Bureau of Land Management, Vale District Office, Box 700, Vale, OR 97918, (503) 473-3144
Bureau of Land Management, Susanville District Office, Box 1090, Susanville, CA 96130, (916) 257-5381

Also, copies are available for review at the following public libraries:

Churchill Public Library, 553 S. Main St., Fallon, NV 89406
Douglas County Library, Box 337, Minden, NV 89423
Clark County Library, 1401 E. Flamingo Road, Las Vegas, NV 89109
Elko County Library, 720 Court Street, Elko, NV 89801
Esmeralda County Library, Goldfield, NV 89013
Humboldt County Library, 85 East Fifth Street, Winnemucca, NV 89445

Las Vegas Public Library, 1726 E. Charleston Blvd., Las-Vegas, NV 89104
Lyon County, 29 Nevin Way, Yerington, NV 89447
Nevada State Library, Library Building, Carson City, NV 89710
Ormsby Public Library, 900 N. Roop, Carson City, NV 89701
Storey County Library, Storey County Courthouse, Virginia City, NV 89440
University of Nevada, Las Vegas, James R. Dickensen Library, 4505 Maryland Parkway, Las Vegas, NV 89154
Eureka County Library, Eureka, NV 89316
Lander County Library, Battle Mountain, NV 89820
Lincoln County Library, Box 248, Pioche, NV 89043
Mineral County Library, 1st and D Streets, Hawthorne, NV 89415
Nye County Library, Tonopah, NV 89049
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419
University of Nevada, Reno, Getchell Library, Reno, NV 89507
Washoe County Library, 301 S. Center Street, Reno, NV 89505
White Pine County Library, City Hall, Ely, NV 89301

Dated: September 9, 1981.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 81-27204 Filed 9-17-81; 8:45 am]

BILLING CODE 4310-84-M

Public Meeting on a Wild Horse Gathering in the Washakie Resource Area of the Worland District, Bureau of Land Management, Wyoming

September 10, 1981.

Notice is hereby given pursuant to Pub. L. 94-579 (The Federal Land Policy and Managment Act of 1976), Section 404, of the intent of the Worland District of the Bureau of Land Management to gather a herd of approximately 30 wild and free-roaming horses. The gathering will take place on November 15, weather permitting, or as soon thereafter as possible. The horses are in the Leikham and Spring Creek grazing allotments of the Washakie Resource Area. Helicopters may be used during the gathering if other capture methods are not feasible.

A public meeting will be held in Ten Sleep at 7:00 p.m. on Thursday, October 29, in the Ten Sleep High School Cafeteria. All interested public are urged to attend. Anyone who cannot attend may submit a written statement commenting on the wild horse gathering to the District Manager on or before Wednesday, October 28. Statements received will be read at the meeting. Written statements, questions, or other comments should be addressed to District Manager, Worland District Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401, or call Roger Inman, Washakie Resource Area Manager, (307) 347-6151.

John A. Kwiatkowski,

District Manager.

[FR Doc. 81-27160 Filed 9-17-81; 8:45 am]

BILLING CODE 4310-84-M

[W-25810]

Termination of Classification of Public Lands for Multiple-Use Management and Mineral Segregation

September 11, 1981.

1. On December 18, 1970, (FR Vol. 35 No. 245, pages 19197 and 19198), the public and Reclamation lands described in the notice aggregating approximately 132,000 acres, were classified for multiple-use management under the Act of September 19, 1964, and segregated as follows: (a) all of the described lands except those that were listed in paragraph 4 of the notice were segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334), and from sales under section 2455 of the Revised Statutes, 28 Stat. 687, (formerly 43 U.S.C. 1171); (b) the lands that were described in paragraph 4 of the notice were not segregated from the desert land entry laws, but were segregated from all other agricultural land laws (43 U.S.C. Part 7; U.S.C. Sec. 334) and from sales under section 2455 of the Revised Statutes, 28 Stat. 687, (formerly 43 U.S.C. 1171); and (c) the lands that were described in paragraph 5 of the notice were further segregated from appropriation under the general mining laws (30 U.S.C. 21).

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under paragraph 1 above, is hereby terminated. This action will restore all of the lands to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

The Reclamation lands described in the notice were previously revoked and opened to entry subject to the multiple-use classification.

3. The approximate 13,393 acres of land that were described in paragraph 5 of the notice, which were further segregated from appropriation under the general mining laws (30 U.S.C. 21), will be open to location under the United States mining laws at 7:45 a.m. on October 27, 1981.

4. All of the lands have been and will continue to be open to the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operation, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-27197 Filed 9-7-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Notice of Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Office of Natural Resources Tennessee Valley Authority Morris, TN—PRT 2-8425.

The applicant requests a permit to take and relocate fine-rayed pigtoe mussels (*Fusconaia cuneolus*) and shiny pigtoe mussels (*F. edgariana*) (or other presently unknown endangered mussels) from a section of the Clinch River near St. Paul, Virginia to the Grays Island area, Clinch River. The mussels will be relocated to prevent their destruction due to a redevelopment project at the Clinch River near St. Paul, VA.

Applicant: The University of Connecticut Storrs, CT—PRT 2-8411.

The applicant requests a permit to export and reimport museum specimens of endangered species to and from foreign institutions for scientific research.

Applicant: Los Angeles Zoo, Los Angeles, CA—PRT 2-8417.

The applicant requests a permit to import two male captive-bred Goeldi's monkeys (*Callimico goeldi*) from the Jersey Wildlife Preservation Trust, Jersey, Channel Island, Great Britian for enhancement of propagation.

Applicant: New York Zoological Society, Bronx, NY—PRT 2-8451.

The applicant requests a permit to import two hooded cranes (*Grus monacha*) from the Hong Kong Zoo and Botanical Gardens, Hong Kong, for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before October 19, 1981 by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: September 14, 1981.

Robert J. Batky,

Acting Chief, Branch of Permits Federal Wildlife Permit Office.

[FR Doc. 81-27155 Filed 9-17-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: National Marine Fisheries Service, Southeast Regional Office, St. Petersburg, Florida.

The applicant requests a permit to take hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), Atlantic ridley (*Lepidochelys kempi*), green (*Chelonia mydas*) and loggerhead (*Caretta caretta*) sea turtles incidentally to demonstrations and experimentation with sea turtle excluder devices for fishing gear.

Humane care and treatment of any turtles recovered has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-8444. Interested persons may comment on this application on or before October 19, 1981, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: September 14, 1981.

Robert J. Batky,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-27156 Filed 9-17-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Southern Appalachian Coal Region, Alabama, Maximum Economic Recovery and Fair Market Value; Request for Public Comment

Agency: Geological Survey, Interior.

The Geological Survey has identified 20 tracts as candidates for possible lease sale in the Southern Appalachian Coal Region in Alabama. The 20 tracts are currently under consideration for leasing by the Southern Appalachian Regional Coal Team. A description of these tracts is contained in Table I. More complete geologic data on these tracts are available in the engineering section of the delineation reports prepared for each tract. These reports are available for public inspection at the Office of the Eastern Region Conservation Manager, Conservation Division, Geological Survey, 1725 K St., NW., Suite 204, Washington, D.C. 20006, and at the Bureau of Land Management, Tuscaloosa Office, 1315 McFarland Blvd., Tuscaloosa, Alabama 35405. Additional data on these tracts are available from the Final Environmental Impact Statement (FEIS). Copies of the FEIS are available from Bob Todd, EIS Team Leader, Bureau of Land Management, Tuscaloosa Office.

The public is invited to submit written comments on the fair market value of the listed tracts to the Geological Survey. Comments should address, but not be limited to, the following:

1. The quantity and quality of the coal resources for each tract by seam(s).
2. The mining method or methods which would achieve maximum economic recovery of the coal, including specification of seams to be mined on each tract and the most desirable timing and rate of production.
3. The demonstrated and inferred reserves of coal on each tract by seam(s).
4. Which of the tracts, if any, should be evaluated as part of a larger mining unit (i.e., those tracts which do not in themselves form a logical mining unit).
5. The configuration of the larger mining unit of which the tract may be a part.
6. Restrictions to mining which may affect coal recovery.
7. The price that the mined coal would bring in the marketplace.
8. The cost of producing the coal, including a discussion of mining and reclamation costs.
9. The percentage rate at which anticipated income streams should be discounted, either in the absence of inflation or including inflation, in which case the anticipated rate of inflation should be given.
10. Depreciation and other accounting considerations.
11. The value of the surface estate if privately held.
12. Documented information on the terms and conditions of recent and similar coal land transactions in the lease sale area.

If information submitted is considered to be proprietary, the information should be so labeled in the first page of the written comment(s). The U.S. Geological Survey will treat this information as confidential if authorized by the exemption provisions of the Freedom of Information Act. Comments should be sent to the Eastern Region Conservation Manager, Conservation Division, U.S. Geological Survey, 1725 K St., NW., Suite 204, Washington, D.C. 20006. Comments should be received no later than 30 days after publication of this notice.

This request for comments should not be interpreted as a firm commitment by the Federal Government to lease any of the tracts listed in Table I. A decision to lease any or all tracts will be made not less than 30 days before the lease sale.

Departmental policy calls for release of all non-proprietary data which are used as input in the discounted cash flow evaluation model. Under this policy, we are releasing for public comment and review our initial estimates of: (1) "The coal selling price" which is an estimate of the range of current market prices and is based on the quality of the coal; (2) "the unit mining cost" which is an estimate of the range of all the operating costs used to produce the coal; and (3) " the nominal discount rate" which is the discount rate obtained from using a 10 percent real discount rate and a 9 percent inflation factor (see Table II).

These values may change as a result of comments received from the public and changes in the market conditions between now and when the final economic evaluations are completed.

Dated: September 11, 1981.

Table I—Description of possible lease tracts in the Southern Appalachian Coal Region in Alabama

Tract name	County; township and range, (Huntsville P.M.)	Acreage total/FMO[1]	In-place coal reserve estimate (thousand tons) total/FMO[1]	Probable type of mine	BTU per pound	Sulfur content (percent)	Ash content (percent)
Hams Cemetery [illegible]	Fayette; T14S, R10W	160/40	[illegible]	Surface	14,250	1.4	6.4
Brannon	Walker; T14S, R9&10W	394/273	1,116/672	do	13,270	2.0	14.7
Little Tyro Creek	Fayette; T15&16S, R9&10W	1,720/880	2,019/1,009	do	13,120	2.7	8.2

Table I—Description of possible lease tracts in the Southern Appalachian Coal Region in Alabama—Continued

Tract name	County; township and range, (Huntsville P.M.)	Acreage total/FMO[1]	In-place coal reserve estimate (thousand tons) total/FMO[1]	Probable type of mine	BTU per pound	[illegible] content (percent)	[illegible] content (percent)
Crabbe Road	Tuscaloosa; T17&18S, R9W	3,219/800	12,176/3,073	do	[illegible]	3.7	[illegible]
Willis Chapel (SBA)	Fayette; T15S, R9W	480/120	219/86	do	13,000	.9	10.0
North Rock Springs Church	Tuscaloosa; T17S, R9W	1,200/400	1,944/926	do	12,954	[illegible]	10.7
Dry Creek North	Tuscaloosa; T18S, R9&10W	2,025/480	14,209/3,800	do	13,200	3.5	11.0
Dry Creek South	Tuscaloosa; T18S, R9&10W	1,120/400	9,830/3,156	do	[illegible]	2.0	9.0
Boxes Creek West	Walker; T14S, R10W	[illegible]	[illegible]	do	13,270	2.0	14.7
Yellow Creek East	Tuscaloosa; T19S, R9W	[illegible]	12,474/2,759	do	13,270	1.0	9.7
Flatwood	Fayette; T16S, R9W	1,800/320	2,694/843	do	[illegible]	[illegible]	9.2
Poplar Hollow	Fayette; T16&17, R9W	3,680/1,180	8,151/2,229	do	12,512	3.2	9.1
Pendley No. 1	Fayette; T15S, R9&10W	1,520/840	887/797	do	13,440	1.2	[illegible]
Bagwell Road	Tuscaloosa; T17S, R9W	2,520/480	[illegible]	do	[illegible]	2.4	5.2
Piney Woods Church	Tuscaloosa; T18S, R9&10W	880/240	[illegible]	do	13,400	3.7	11.0
Dividing Ridge	Fayette; T16S, R9W	1,160/680	1,795/1,294	do	[illegible]	2.7	7.9
Jess Creek	Walker; T14S, R9W	6,760/1,960	29,548/9,452	Underground.	12,995	1.0	11.4
Windham Springs	Tuscaloosa; T18S, R9&10W	14,120/7,920	88,788/44,501	do	12,700	2.7	13.4
Wiley	Tuscaloosa; T17&18S, R9&10W	7,920/2,040	54,117/14,323	do	12,460	2.5	13.2
Howard	Fayette; T14S, R10W	1,337/796	3,265/2,241	Surface	13,270	2.0	14.7

[1] Federal Mineral Ownership.

Table II—Preliminary estimates of economic data to be used in discounted cash flow evaluation

	Underground	Surface
Mining Costs ($/ton)	20–25	19–25
Coal Selling Price ($/ton)	25–36	25–40
Discount rate (%)	19.9	19.9

George F. Brown,

Regional Conservation Manager, Eastern Region.

[FR Doc. 81–27135 Filed 9–17–81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held on Tuesday, October 20, 1981 at 1:00 p.m. in the City Council Chambers, 1658 Main Street, Santa Monica, California.

The Advisory Commission was established by Pub. L. 95–625 to provide for free exchange of ideas between the National Park Service and the public to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson
Honorable Marvin Braude
Ms. Sarah Dixon
Ms. Margot Feuer
Dr. Henry David Gray
Mr. Edward Heidig
Mr. Frank Hendler
Ms. Mary C. Hernandez
Mr. Bob Hollman
Ms. Susan Barr Nelson
Mr. Carey Peck
Mr. Donald Wallace
Ms. Marilyn Whaley Winters

The major agenda items include the following:

Status reports on land acquisition, law enforcement and ranger activities, coastal docent program, and trails
Interim Use and Management Committee Report
Analysis of General Management Plan Recommendations

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

Minutes of the meeting will be available for public inspection by December 31, 1981, at the above address.

Dated: September 10, 1981.

Robert S. Chandler,

Superintendent, Santa Monica Mountains National Recreation Area.

[FR Doc. 81–27226 Filed 9–17–81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Regulatory Reform: Fish and Wildlife Coordination Act; Endangered Species Act

AGENCY: Department of the Interior.

ACTION: Review under Executive Order 12291 of the programs of the Fish and Wildlife Service (FWS), Department of the Interior, and the National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, which are authorized by the Fish and wildlife Coordination Act and the Endangered Species Act.

SUMMARY: On August 12, 1981, Vice President Bush announced that the Departments of the Interior and Commerce would conduct a review of procedures implementing the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531, *et. seq.* (ESA), and Fish and Wildlife Coordination Act, 16 U.S.C. 661, *et. seq.* (FWCA), to determine whether they meet the objectives of Executive Order 12291. Lead responsibility for conduting these reviews has been given to the Assistant Secretary for Fish and Wildlife and Parks, in the Department of the Interior, who has established two interagency (FWS/NOAA) Task Forces to conduct them.

These regulatory reviews will evaluate suggested changes in the statutes, existing or proposed rules, management practices, or inter- and intra-agency agreements, and will determine what actions are necessary to attain the objectives of Executive Order 12291. Executive Order 12291 requires that, in developing or revising any rule, Federal agencies must, to the extent permitted by law—

a. Base administrative decisions on adequate information concerning the need for and the consequences of the proposed action;

b. Undertake regulatory action only when the potential benefits to society from the regulations outweigh the potential costs to society;

c. Choose regulatory objectives to maximize the net benefits to society;

d. Among alternative approaches to any given regulatory objective, choose the alternative involving the least net cost to society; and

e. Set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated in the future.

DATES: Comments on these regulatory reviews may be submitted prior to October 16, 1981. Comments received after that date will be considered if it is practicable to do so.

Public Participation Procedures

The Department of the Interior is interested in soliciting public comment on the need for the reform of the procedures and policies currently associated with these two wildlife conservation statutes. Comments submitted in response to this Notice should specify how their recommended reforms relate to the purposes of the Executive Order and should distinguish among recommendations which would require (1) changes in law, (2) changes in rules, or (3) changes only in management practice or personnel commitments. The public need not submit comments on this initiative which substantially restate those made either to (1) Secretary Watt, in response to his letters to the Governors, and others, on January 28, 1981, (2) the President or Vice President, in response to the Presidential Task Force on Regulatory Relief, or (3) upon the Draft Environmental Impact Statement and proposed FWCA rules, published on December 18, 1980 (45 FR 83412). Those comments will be incorporated in the review as if refiled.

If, as a result of this review, it is determined that rules or proposed rules should be changed, applicable rulemaking requirements will be observed which will permit the public to participate in those proceedings.

ADDRESSES: Interested persons or entities may submit comments, in writing, to Director, Fish and Wildlife Service, Department of the Interior, 18th and C Streets N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Endangered Species Act Review

Ronald E. Lambertson, Associate Director, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240, (Telephone 202-343-4646)

Fish and Wildlife Coordination Act Review

Michael J. Spear, Associate Director, FWS, Department of the Interior, 18th & C Streets, N.W., Washington, D.C. 20240, (Telephone 202-343-4767)

Dated: September 11, 1981.

G. Ray Arnett,

Assistant Secretary of the Interior.

[FR Doc. 81-27153 Filed 9-17-81; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Corporation and principal address: Colt Corp., 49 Central Avenue South, Kearny, NJ 07032.

2. Wholly owned subsidiaries which will participate in the operations and States of incorporation:

(i) Columbia Terminals, Inc., New Jersey

(ii) Amchems Inc., T/A American Chemicals, Florida

1. Parent corporation and address of principal offices: E. I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware 19898.

2. Wholly owned subsidiary which will participate in the operations, and states of incorporation:

(i) Remington Arms Company, Inc. (Delaware)

(ii) Remington Arms of Canada Limited (Canada)

(iii) Endo Laboratories, Inc. (Delaware)

(iv) Endo Pan American Corporation (New York)

(v) Endo Canada, Inc. (Canada)

(vi) Endo Inc. (Delaware)

(vii) Endo Pharmaceuticals, Inc. (Delaware)

(viii) New England Nuclear Corporation (Indiana)

1. Parent corporation and principal address: Seppala & Aho Construction Co., Inc., New Ipswich, NH 03071

2. Wholly owned subsidiaries (all New Hampshire corporations):

(i) Monadnock Fabricators, Inc.

(ii) Builders Exchange, Inc.

(iii) Trase Construction Co., Inc.

1. Parent corporation and address of principal office: Trinity Bag & Paper Co., Inc., 529 5th Avenue, New York, NY 10017.

2. Wholly owned subsidiaries which will participate in the operations, and address of their respective principal office:

(i) Terminal Paper Bag Co., Inc., P.O. Box 47, Yulee, FL 32097

(ii) Trinity Midwest Corporation, P.O. Box 301, Plainfield, IL 60544

(iii) Trinity Plastics Corporation, Route 655, New Junction Route 28, and U.S. Highway 29, Remington, VA 22734

1. Parent corporation and address of principal office: Trinity Industries, Inc., 4001 Irving Blvd., Dallas, Texas 75247; P.O. Box 10587, Dallas, Texas 75207.

2. Wholly owned subsidiaries which will participate in the operations and address of their respective principal offices:

(i) Delta Tank Corporation, Sherrill Street, P.O. Box 3750, Jackson, Georgia 30233.

(ii) Equitable Shipyards, Inc., 3636 I 10 Service Road, Metairie, Louisiana 70004.

(iii) Gambles', Inc., 1401 North Decatur, P.O. Box 310, Montgomery, Alabama 36101.

(iv) Hackney, Inc., 4001 Irving Blvd., P.O. Box 10587, Dallas, Texas 75207.

(v) Mosher Steel Company, 3910 Washington Avenue, Houston, Texas 77001.

(vi) Texas Metal Fabricating Company, 7000 Old Katy Road, P.O. Box 70125, Houston, Texas 77007.

(vii) Trinity Industries Transportation, Inc., 4001 Irving Blvd., P.O. Box 10587, Dallas, Texas 75207.

(viii) Ingalls, Inc., 620 4th Avenue South, P.O. Box 2527, Birmingham, Alabama 35202.

(ix) Ingalls Marine, Inc., 701 Market Street, N.W., Decatur, Alabama 35601.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27184 Filed 9-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 164]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 13, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 26396 (Sub-403)X, filed September 4, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 368 certificate limiting service in its regular route general commodity authority to foreign commerce only.

MC 63417 (Sub-310)X, filed August 24, 1981. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 98, 113, 146, 154, 156, 166, 171, 179, 183, 184, 186, 196, 198, 205, 211, 212, 213, 214, 226, 227, 230, 236, 237, 244, 247, 249, 251, 252, 253, 256, 261, 265, 267, 271, 272, 275, 276, 277, 278, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 295, 296, 297, 298, and 299 certificates to (1) broaden the commodity descriptions (a) by removing all restrictions from general commodies authority in Sub-Nos. 205, 214, 272, 276, 279, 285, 297, and 298, except classes A and B explosives; (b) from molded peat products and expanded foam plastic products in Sub-No. 166, molded pulp products, molded peat products, paper products and expanded foam plastic products in Sub-No. 253, to "pulp, paper and related products and rubber and plastic products"; (c) from metal containers in Sub-No. 146, and iron and steel containers in Sub-No. 154, to "metal products"; (d) from mineral fiber, mineral fiber products, insulating material and air filters in Sub-No. 156, glass containers in Sub-No. 198, insulating materials in Sub-No. 284, glass containers in Sub-No. 287, to "clay, concrete, glass, or stone products"; (e) from plumbing supplies, vanities, and vanity cabinets, and iron and steel articles in Sub-No. 171, to "plumbers goods, metal products, furniture and fixtures"; (f) from (1) small arms ammunitions and primers to "ordnance and accessories (except classes A and B explosives)"; (2) hand tools, assayers scales, melting kettles, and sporting goods to "metal products, miscellaneous products of manufacturing, and machinery; and (3) automotive parts and accessories, paint, nuts, bolts, display racks, catalogs and advertising materials to "transportation equipment, chemicals and related products, metal products, and rubber and plastic products" and materials, equipment and supplies used in the manufacture and distribution of the commodities in (1), (2) and (3), in Sub-No. 179; (g) from grain handling equipment in Sub-No. 183 to "machinery"; (h) from plumbing goods, vanities, and cabinets in Sub-No. 184 to "plumbers goods and furniture and fixtures"; (i) from polyethylene foam products in Sub-No. 113, expanded polyethylene products in Sub-No. 186, plastic bags, can liners, containers, articles, film, sheeting, dropcloths, tarpauling, and scrap in Sub-No. 226, polyethylene foam products in Sub-No. 286, to "rubber and plastic products"; (j) from new furniture in Sub-No. 256, new furniture and store fixtures in Sub-No. 290, new furniture and furniture parts in Sub-No. 295, to "furniture and fixtures"; (k) from animal feed and feed ingredients in Sub-No. 196, animal feed, feed additives and supplements in Sub-No. 213, animal feed in Sub-No. 230, to "food and related products"; (l) from fireplaces, air heaters, ventilators, barbecue grills, in (part 1) of Sub-Nos. 211 and 289, to "metal products and machinery"; (m) from malt beverages in Sub-Nos. 229 and 231, to "food and related products"; (n) from electric lamps and accessories in Sub-No. 237, to machinery"; (o) from chemicals, plastic articles, plastic materials, and liquid plastics in Sub-No. 244, to "chemicals and related products, rubber and plastic products"; (p) from containers, container closures, container components, glassware and packaging products and scrap materials in Sub-No. 247 to "such commodities as are used by or dealt in by manufacturers of containers, container closures, glassware, packaging products, and scrap materials related to such products"; (q) from water heaters, heating boilers, hot water tanks and solar heating panels in Sub-No. 251 to "metal products, and machinery"; (r) from containers and container ends and materials, supplies, and equipment used in the manufacture thereof in Sub-No. 252, to "such commodities as are dealt in or used by manufacturers of containers and container ends"; (s) from boots and shoes in Sub-No. 261, to "leather and leather products and rubber and plastic products"; (t) from plastic and paper products in Sub-No. 212, containers, parts, and accessories in Sub-No. 265, to "pulp, paper and related products, rubber or plastic products, and such commodities as are dealt in or used by manufacturers of containers"; (u) from metal ductwork, fittings, and duct heaters in Sub-No. 271 to "metal products, and machinery"; (v) from heating and air conditioning apparatus and parts in Sub-No. 277 to "machinery"; (w) from electrical sound amplifying equipment, component parts, and accessories in Sub-No. 278, to machinery, furniture and fixtures"; (x) from electrical appliances in Sub-No. 281, to "machinery"; (y) from machinery, machinery parts, rubber products, environmental control equipment, and air conditioning units in Sub-No. 282, to "rubber or plastic products, metal products, and machinery"; (z) from paints, water proofing compounds, and protective coatings in Sub-No. 288 to "chemicals and related product and protective coatings"; (aa) from household appliances in Sub-No. 296, to "machinery"; (bb) from containers and container parts in Sub-No. 299 to "such commodities as are dealt in or used by manufacturers of containers"; (cc) from paper and paper products in Sub-No. 98 to "pulp, paper, and related products"; (dd) from plastic articles in Sub-No. 249 to "rubber and plastic products"; (2) remove the facilities limitations and or replace (a) in Sub-Nos. 98 and 249 Muskogee, OK, with Muskogee County, OK; (b) in Sub-No. 146 Salisbury, NC, with Rowan County, NC; (c) in Sub-No. 154 Canton, MS, with Madison County, MS; (3) in Sub-No. 156 Wabash, IN, with Wabash County, IN; (e) in Sub-No. 166 Florin, CA, with Sacramento County, CA; (f) in Sub-No. 171 Evansville and Rockport, IN, with Vanderburgh and Spencer Counties, IN; (g) in Sub-No. 179 Lewiston, IL; Oroville, CA; Benecia, City of Industry, and Santa Ana, CA, with Nez Perce County, ID; Butte, Los Angeles, Orange, and Solano Counties, CA; (h) in Sub-No. 183 Salina, KS, with Saline County, KS; (i) in Sub-No. 184 Corsicana and Hondo, TX; Crawfordsville and Rensselaer, IN; Leominster, MA; Milwaukee, WI;

Monroe, GA; New Castle, PA; Ottumwa, IA; Phoenix, AZ; Redlands, CA; Salem, OH; and Union Point, GA, with Medina and Navarro Counties, TX; Montgomery and Jasper Counties, IN; Worcester County, MA; Milwaukee County, WI; Walton and Greene Counties, GA; Lawrence County, PA; Wapello County, IA; Maricopa County, AZ; San Berdino County, CA; Columbiana County, OH; (j) in Sub-No. 196 Hutchinson, KS, with Reno County, KS; (k) in Sub-No. 186 Biola, CA, with Fresno County, CA; (l) in Sub-No. 198 Cliffwood, NJ, with Monmouth County, NJ; Henryetta, OK, with Okmulgee County, OK; Shakopee, MN, with Scott County, MN; Terre Haute, IN, with Vigo County, IN; Warner Robins, GA, with Houston County, GA; (m) in Sub-No. 205 Corinth, MS, with Alcorn County, MS; (n) in Sub-No. 211 facilities near Baltimore, MD, with Baltimore, MD, Fullerton, CA, with Orange County, CA; Union City, TN, with Obion County, TN; (o) in Sub-No. 213 Mattoon, IL, with Coles County, IL; (p) in Sub-No. 226 facilities near Lawrenceburg, TN, with Lawrence County, TN; Macomb, IL, with McDonough County, IL; Montgomery, AL, with Montgomery County, AL; (q) in Sub-No. 230 Birmingham, AL, with Jefferson, Shelby, and St. Clair Counties, AL; Cerritos and Los Angeles, CA, with Los Angeles and Orange Counties, CA; Columbus, OH with Franklin and Fairfield Counties, OH; Ogden, UT, with Weber County, UT; Hutchinson, KS, with Reno County KS; (r) in Sub-No. 237 Charleroi, PA, with Washington County, PA; Monroe, LA, with Ouachita Parish, LA; Salina, KS, with Saline County, KS; (s) in Sub-No. 251 McBee, SC, with Chesterfield County, SC; (t) in Sub-No. 253 Albertville, AL, with Marshall County, AL; New Iberia, LA, with Iberia Parish, LA; Memphis, TN, with Shelby County, TN; (u) in Sub-No. 256 Trumann, AR, with Poinsett County, AR; (v) in Sub-No. 261 Gallatin, TN, with Sumner County, TN; Nashville, TN, with Davidson County, TN; (w) in Sub-No. 271 Kaysville, UT, with Davis County, UT; (x) in Sub-No. 272 facilities in Richmond County, GA, with Richmond County, GA; (y) in Sub-No. 277 Cedar City, UT, with Iron County, UT; E. Bloomfield, NY, with Ontario County, NY: New Braunfels, TX, with Comal and Guadalupe Counties, TX; Oceanside, CA, with San Diego County, CA; Redmond, WA, with King County, WA; Santa Fe Springs, CA, with Los Angeles and Orange Counties, CA; Somerset, PA, with Somerset County, PA; Wichita, KS, with Segwick County, KS; (z) in Sub-No. 278 Anaheim, CA, with Los Angeles and Orange Counties, CA; Oklahoma City, OK, with Oklahoma, Cleveland and Canadian, Counties, OK; (aa) in Sub-No. 279 Los Angeles, CA, with Los Angeles and Orange Counties, CA; (bb) in Sub-No. 281 Cape Girardeau, MO, with Cape Girardeau County, MO; Long Beach, CA, with Los Angeles and Orange Counties, CA; (cc) in Sub-No. 282 Oklahoma City, OK, with Cleveland, Canadian, and Oklahoma Counties, OK; (dd) in Sub-No. 284 Fruita, CO, with Mesa County, CO; Grambling, LA, with Lincoln Parish, LA; (ee) in Sub-No. 285 facilities near Roanoke, VA, with Roanoke, VA; (ff) in Sub-Nos. 286 and 113 Coldwater, MI, with Branch County, MI; (gg) in Sub-No. 288 Hollister, CA, with San Benito County, CA; (hh) in Sub-No. 289 Santa Fe Springs, CA, with Los Angeles County, CA; (ii) in Sub-No. 290 Terrell, TX, with Kaufman County, TX; (jj) in Sub-No296 Greenville and Grand Rapids, MI, with Kent and Montcalm Counties, MI; (kk) in Sub-No. 299 Los Angeles, CA, with Los Angeles and Orange Counties, CA; Kent, WA, with King County, WA; Phoenix, AZ, with Maricopa County, AZ; (3) remove restrictions (a) against the transportation of materials, equipment, and supplies used in the manufacture, sale, and distribution of malt beverages to Milwaukee; (b) service from Milwaukee, WI to MI and NE and (3) service from Fort Worth, TX, to AL, AR and MS in Sub-No. 229; (4) remove restrictions against commodities in bulk, and commodities requiring special equipment wherever they appear in the named certificates; (5) remove a restriction against service at Hodge, LA, in Sub-No. 212; (6) remove a restriction against the transportation of agricultural implements other than hand in Sub-No. 227; (7) replace one-way with radial authority; (8) remove the exceptions of AK and HI wherever they appear; (9) remove the exceptions of CA and HI in Sub-No. 166; (10) remove originating at or destined to restrictions in Sub-Nos. 98, 184, 205, 226, 230, 272, 278 and 282.

MC 99408 (Sub-11)X, filed September 4, 1981. Applicant: CITY DELIVERY SERVICE, INC., 1 Passan Dr., Laflin Borough, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Applicant seeks in its Sub-No. 7F certificate to (1) change Scranton and Wilkes Barre, PA to Lackawanna and Luzerne Counties, PA, and (2) eliminate the facility restriction.

MC 124718 (Sub-1)X, filed August 24, 1981. Applicant: REISING BROTHERS, INC., P.O. Box 5, 54 Hungry Harbor Road, Valley Stream, NY 11582. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048–0640. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from agricultural lime, limestone, and limestone poultry and animal feed to "ores and minerals, clay, concrete, glass or stone products, and food and related products"; and from empty containers to "lumber and wood products, pulp, paper and related products, plastic products and metal products"; (2) eliminate restriction to shipments in containers; and (3) change one-way authority to radial authority.

MC 129952 (Sub-2)X, filed August 25, 1981. Applicant: JO–DI TRUCKING, INC., P.O. Box 21, Harrells, NC 28444. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its Sub-No. 1 Certificate to (1) broaden lumber to "lumber and wood products"; feed, flour, canned goods, ice cream salt, apple products and vinegar to "food and related products"; store fixtures to "furniture and fixtures"; hardware to "such commodities as are dealt in by hardware or home improvement stores"; and general commodities with various exceptions to "general commodities, except classes A and B explosives," (2) substitute Sampson County, NC, for Clinton and Roseboro, NC; New Hanover County, NC for Wilmington, NC; Alamance, Beaufort, Bladen, Brunswick, Carteret, Chatham, Columbus, Cumberland, Craven, Duplin, Durham, Edgecombe, Franklin, Granville, Greene, Hartnett, Hoke, Johnston, Jones, Lee, Lenoir, Martin, Moore, Montgomery, Nash, New Hanover, Onslow, Pamlico, Pender, Pitt, Randolph, Richmond, Robeson, Sampson, Scotland, Wake, Wayne, and Wilson Counties, NC for points in NC within 75 miles of Clinton, NC; Sussex County, VA for Jarratt, VA; Berkeley County, WV for Inwood, WV; Baltimore County for Sparrows Point, MD, and (3) provide radial operations where only one-way authority exists.

MC 139083 (Sub-14)X, filed August 24, 1981. Applicant: BUILDING SYSTEMS, TRANSPORTATION, INC., P.O. Box 142, Washington Courthouse, OH 43160. Representative: Marshall Kragen, 1919 Pennsylvania Avenue NW., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 10 certificate to broaden its authority from (1) buildings, (2) iron and steel articles, (3) plastic and fiberglas pipe, and (4) materials, equipment, and supplies used in the manufacture, distribution, and sale of the commodities in (1) through (3) above, to "(1) rubber and plastic products; pulp, paper, and related products; metal products; and clay, concrete, glass, or stone products; and (2) materials, equipment, and supplies used in the manufacture, distribution, and sale of the commodities in (1) above", between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI,MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 144513 (Sub-22)X, filed August 31, 1981. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its No. MC 144513 Sub-Nos. 6 and 16 certificates and No. MC 138054 Sub-Nos. 1, 10, 14, 17, 22F, 25F, 34F and 36F permits to (1) broaden the commodity descriptions as follows: to "machinery" from shop and construction equipment and ventilators in Sub-No. 5 certificate and Sub-No. 1 permit; to "lumber and wood products" from shop and construction supplies in Sub-No. 5 certificate; to "building materials" from coatings, room dividers, partitions, ceiling grids, shutters and louvers in Sub-No. 5 certificate and Sub-Nos. 1 and 25F permits; to "rubber and plastic products" from rubber products, rubber materials, plastic articles, plastic products and plastic resins, etc. in Sub-Nos. 5 and 16 certificates and Sub-Nos. 1 and 14 permits; to "chemicals and related products" from chemicals, carbon black, saline solutions, adhesives, blood derivatives, etc. in Sub-Nos. 5 and 16 certificates and Sub-Nos. 14 and 34F permits; to "pulp, paper and related products and printed matter" from paper and paper products in Sub-No. 5 certificate; to "metal products" from ornamental iron and sheet metal products in Sub-Nos. 1, 17 and 25F permits; to "furniture and fixtures" from infant and juvenile furniture, tool stands, service carts, benches, seats, cabinets, shelving, lockers, etc. in Sub-Nos. 10, 17 and 25F permits; to "clay, concrete, glass or stone products" from glass bottles and infant feeding equipment in Sub-Nos. 14 and 22F permits; to "transportation equipment" from car seats and carriers in Sub-No. 10 permit; (2) remove "commodities in bulk, in tank vehicles" and "size and weight" restrictions in Sub-Nos. 5 and 16 certificates and Sub-Nos. 1, 14, 17, 25F, and 34F, permits; (3) remove "originating at and destined to" restriction in Sub-No. 5 certificate; (4) remove all exceptions except classes A and B explosives from its general commodities authority in Sub-No. 36F permit; (5) remove the "AK, HI and OH" exceptions wherever they appear in both the certificates and permits referred to above; (6) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper in all permits.

MC 148158 (Sub-14)X, filed July 28, 1981 previously noticed in the **Federal Register** of August 25, 1981, republished as follows: Applicant: CONTROLLED DELIVERY SERVICE, INC., P.O. Box 1299, City of Industry, CA 91749. Representative: Robert L. Cope, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description from general commodities with the usual exceptions to general commodities (except classes A and B explosives); (2) remove facilities limitation and replace El Paso, TX with El Paso County, TX, and Dona Ana and Otero Counties, NM; (3) remove restrictions against service to AK and HI; and (4) remove the restriction to traffic originating at or destined to named points. The purpose of this republication is to add two counties to part (2), which were inadvertently omitted in the original publication.

MC 150145 (Sub-2)X, filed August 26, 1981. Applicant: RALPH L. NORTON, P.O. Box 27, Jericho, VT 05465. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. Applicant seeks to remove restrictions in his MC 150145 Sub-No. 1 certificate to (1) broaden the commodity description from paper, and materials, equipment and supplies used in the manufacture of paper, to "pulp, paper and related products and materials, equipment and supplies used in the manufacture thereof" and (2) replace service point with county-wide authority as follows: Gilman, VT, with Essex County, VA. Applicant also seeks to broaden the commodity descriptions from (a) soda, malt beverages, wine, and empty glass bottles in his MC 136489 (lead) permit, and (b) malt beverages, empty malt beverage containers, soda beverages, empty glass bottles and wine in his Sub-No. 2 permit to "food and related products, and glassware, containers and closures"; remove the "except in bulk, in tank vehicles" restriction in his Sub-No. 2 (part 5) permit; and to expand the territorial description in each permit to between points in the United States under contract(s) with named shippers.

MC 150445 (Sub-2)X, filed September 8, 1981. Applicant: ALFONSO V. MANGIONE, 510 S. Main St., Pittston, PA 18640. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden its commodity description to "coal and coal products", from coal; and (2) replace cities with county-wide authority: Ashley, Hazleton, and Shennandoah, PA, with Luzerne and Schuylkill Counties, PA; and Binghamton, NY, with Broome County, NY.

[FR Doc. 81-27185 Filed 9-17-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construced as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–262

Decided: September 14, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 158050, filed August 31, 1981. Applicant: QUALITY TRANSPORT SERVICES, INC., Suite 300, Landover Mall West, Landover, MD 20785. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006, (202) 833–8884. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–2–173

Decided: September 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 139532 (Sub-3), filed August 28, 1981. Applicant: MERLIN MARTIN MOVING & STORAGE, INC., 1306 South Jefferson, Wadena, MN 56482. Representative: James B. Hovland, 525 Lumber Exchange Bldg., 10 S. 5th St., Minneapolis, MN 55402, 612–340–0808. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 147313 (Sub-2), filed August 28, 1981. Applicant: JOHN PEFROMMER, INC., Box 307, Douglassville, PA 19518. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, 703–893–4924. Transporting for or on behalf of the Untied States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156942 (Sub-1), filed August 25, 1981. Applicant: RAYMOND M. CHENOWETH AND SAMUEL A. BRUNI, d.b.a. BEST WEST EXPRESS, 1900 Westland Drive, Las Vegas, NV 89102. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, 702–882–5649. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157992, filed August 28, 1981. Applicant: Claude Bell d.b.a. C & G TRANSPORT, MILL St., Mars Hill, ME 04758–0263. Representative: Glenda D. Bell, (same address as applicant), 207–425–4361. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158013, filed September 1, 1981. Applicant: TRANSPORT SYSTEMS U.S.A., INC., 565 Plank Rd., Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, 717–344–8030. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–167

Decided: September 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 152764 filed July 6, 1981, previously published in the **Federal Register** on July 22, 1981, as MC–156764. Applicant: L.V.L., INC., P.O. Box 767, 221 S. Redmond Rd., Jacksonville, AR 72076. Representative: Larry Vassar (same address as applicant), (501) 982–0806.

Note.—The publication in the **Federal Register** on July 22, 1981, is correct, but docket No. MC–156764, should read MC–152764.

MC 156565 (Sub-1), filed September 3, 1981. Applicant: WILLIAM K. BOUNT, d.b.a. SWEETWILLIAM TRUCKING, 4942 El Monte Ave., Temple City, CA 91780. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, (213) 483–4700. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158005, filed August 31, 1981. Applicant: STATEWIDE DELIVERY SERVICE, INC., 18 Liberty Ave., Somerville, MA 02144. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696–7610. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 158034, filed September 1, 1981. Applicant: JAMES NESBITT d.b.a. NESBITT TRUCKING, 35 Turnpike Rd., Southborough, MA 01745. Representative: Robert D. Hansen, P.O. Box 625, Framingham, MA 01701 (800) 225–0490. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–362

Decided: September 4, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 135037 (Sub-1), filed August 31, 1981. Applicant: BONDED MOVING & STORAGE CO., INC., 2975 W. Edgemont Ave., Montgomery, AL 36108. Applicant: Lawson A. Goray (same address as applicant) (205) 281–0140. Transporting used *household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 158007, filed August 31, 1981. Applicant: HERBERT W. SMITH, 400 Mound City Rd., Box 1282, West Memphis, AR 72301. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103 (901) 525–6781. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–4–366

Decided: September 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 150716 (Sub-2), filed September 4, 1981. Applicant: J. R. S. LEASING CHARTER, INC., 9445 S. 51st Ave., Oak

Lawn, IL 60453. Representative: Joseph Winter, 29 S. LaSalle St., Chicago, IL 60603 (312) 263–2306. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–27182 Filed 9–17–81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–261

Decided: September 14, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 93021 (Sub.3), filed September 20, 1981. Applicant: RUSSELL TRANSFER CO., INC., 1300 Pegram Street, Charlotte, NC 28205. Representative: Earl W. White (same address as applicant) (704) 376–3368. Transporting *household goods*, between points in FL, GA, NC, SC, TN, VA, and the District of Columbia.

MC 117201 (Sub-58), filed September 2, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *general commodities* (except classes A and B explosives), between pionts in WA, OR, CA, ID, NV, AZ, NM, UT, WY, CO, and MT.

MC 138960 (Sub-22), filed September 3, 1981. Applicant: ROKO EXPRESS, INC., 819 West Fifth Avenue, PO Box 169, Columbus, OH 43212. Representative: H. Barney Firestone, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603 (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, OH and MI, on the one hand, and, on the other, points in KY, TN, MO, MS, AR, LA, AL, GA, FL, VA, WV, SC and NC.

MC 145281 (Sub-3), filed September 3, 1981. Applicant: JAMES P. KEEGAN CO. INC., Route 9 H, PO Box 426, Kinderhook, NY 12106. Representative: Louise E. Keegan (same address as applicant) (518) 758–9501. Transporting *pulp, paper and related products*, between points in Albany, Columbia, Rennselaer, and Saratoga Counties, NY, on the one hand, and, on the other, points in CT, MA, and RI.

MC 147571 (Sub-4), filed August 31, 1981. Applicant: TWIN RIVERS TRANSPORTATION COMPANY, a Corporation, 500 Armory Drive, South Holland, IL 60473. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603 (312) 236–9375. Transporting *food and related products*, between Kansas City, MO, and points in Macon, Carroll, Saline and Sullivan Counties, MO, on the one hand, and on the other, points in the U.S.

MC 147571 (Sub-5), filed August 31, 1981. Applicant: TWIN RIVERS TRNASORTATION COMPANY 500 Armory Drive, South Holland, IL 60473. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Transporting *plastic products*, between points in Cumberland County, NC, Florence County, SC and Wood County, WV, on the one hand, and, on the other, points in CA, IL, MI, OH, PA and TX.

MC 154681 (Sub-4), filed September 2, 1981. Applicant: NORTH CENTRAL TRANSPORTATION, INC., R.R. #2, Box 83B, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126 (701) 235–4487. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with AmPac Hardwoods, Inc., of Portland, OR.

MC 155801, filed September 3, 1981. Applicant: JAMES H. LONG, d.b.a. SENECA EXPRESS, Route 2, Box 209–A, Seneca, MO 64865. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804 (417) 883–7311. Transporting *general commodities* (except classes A and B explosives), between points in Jasper and Newton Counties, MO, on the one hand, and, on the other, points in Ottawa County, OK.

Volume No. OPY–2–170

Decided: September 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 123233 (Sub-96), filed August 10, 1981. Applicant: PROVOST CARTAGE INC., 7887 Grenache St., Ville d'Anjou, Quebec, Canada H1J 1C4. Representative: William H. Shawn, 1730, Suite 501, Washington, DC 20036, 202–296–2900. Transporting *commodities in bulk*, between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in the U.S.

MC 142723 (Sub-6), filed August 31, 1981. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219–2383, 412–471–1800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fishers Big Wheel, Inc., of New Castle, PA.

MC 142723 (Sub-8), filed August 31, 1981. Applicant: BRISTOL CONSOLIDATORS, INC., 106 Riding Trail Lane, Pittsburgh, PA 15215. Representative: John A. Vouno, 2310 Grant Bldg., Pittsburgh, PA 15219–2383, 412–471–1800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Giant Eagle Markets, Inc., of Pittsburgh, PA.

MC 144732 (Sub-5F), filed August 24, 1981. Applicant: S & S TRUCKING, INC., Alzada Star, Route, Belle Fourche, SD 57717. Representative: J Maurice Andren, 1734 Sheridan Lake Rd, Rapid City, SD 57701, (605) 343–4036. Transporting *clay, Concrete, Glass or stone products*, between points in Butte County, SD and Crook County, WY, on the one hand, and, on the other, points in CO KS, MT, ND, OK, SD, TX, and WY.

MC 145102 (Sub-80), filed August 31, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 South Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting *food and related products*, between points in Grand Traverse County, MI and Scott County, MS, on the one hand, and, on the other, points in the U.S.

MC 150812 (Sub-5), filed August 24, 1981. Applicant: FROST TRANSPORTATION, INC., P.O. Box 3400, Shreveport, LA 71103. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Marathon Carey-McFall Company, of Montoursville, PA and Whittaker Corporation and its Divisions and Subsidiaries, of Los Angeles, CA.

MC 157943, filed August 27, 1981. Applicant: THE TRAVEL CENTER, INC., 2365 Hampton Ave., St. Louis, MO 63139. Representative: Theodore M. Turnbough (same address as applicant) 314–647–7900. As a *broker* at St. Louis, MO, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, beginning and ending at those points in MO and IL, on and north of U.S. Hwy 136, on and east of Interstate Hwy 57, on and south of U.S. Hwy 60, and on and west of U.S. Hwy 65, on the one hand, and, on the other, points in the U.S.

MC 158012, filed August 31, 1981. Applicant: HENRY L. TAYLOR, Box 173, R.D. #1, Biglerville, PA 17307. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, St., Harrisburg, PA 17101, 717–236–9318. Transporting (1) *lumber and wood products*, between points in Adams County, PA, on the one hand, and, on the other, points in OH, MI, IL, IN, TN, KY, VA, WV, MD, MO, AR, and WI, (2) *machinery*, between points in Berrien County, MI, and Adams County, PA, on the one hand, and, on the other, points in OH, MI, IL, IN, TN, KY, VA, WV, MD, MO, AR, and WI, and (3) *food and related products*, between points in Adams and Franklin Counties, PA, and Berkeley County, WV, on the one hand, and, on the other, points in OH, MI, IL, IN, TN, KY, VA, WV, MD, MO, AR, and WI.

MC 158033, filed September 1, 1981. Applicant: CARTER INDUSTRIAL SERVICES, INC., 2501 Fairview, Anderson, IN 46011. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017, 614–889–2531. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

Volume No. OPY–2–174

Decided: September 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 25823 (Sub-13), filed August 28, 1981. Applicant: WERCH TRUCKING, INC., Rte. #2, Box 113, Berlin, WI 53923. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting *foundry products* and *metal products*, between points in Green Lake County, WI, on the one hand, and, on the other, points in the U.S.

MC 108313 (Sub-17), filed August 21, 1981. Applicant: CALEDONIA LINES, INC., 100 Sunny Sol Blvd., P.O. Box 8, Caledonia, NY 14423. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, 315–472–8845. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Drake Corporation, of New York, NY. Condition: To the extent this certificate authorizes the transportation of Classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 111023 (Sub-9), filed August 31, 1981. Applicant: BARRY LEE GROFF & SON, INC., Box 227, R. D. No. 6, York, PA 17404. Representative: Daniel W. Krane, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011 (717) 761–0520. Transporting (1) *machinery*, between Gallipolis, OH, on the one hand, and, on the other, points in the U.S.; and (2) *general commodities* (except classes A and B explosives), between points in York, Adams, Dauphin, and Lancaster Counties, PA, and Harford and Cecil Counties, MD, on the one hand, and, on the other, points in NJ, NY, DE, MD, PA, OH, VA, WV, CT, MI, NC, DC, and those in Houston County, GA, and Milwaukee County, WI.

MC 133262 (Sub-5), filed August 24, 1981. Applicant: TIGGES TRUCKING, INC., 5071 JFK Road, Dubuque, IA 52001. Representative: James M. Hodge, 1000 United Centeral Bank Bldg., Des Moines, IA 50309 (515) 243–6164. Transporting (1) *clay, concrete, glass or stone products*, (a) between points in Jo Daviess County, IL, on the one hand, and, on the other, points in Crawford, Grant and Lafayette Counties, WI, and Dubuque, Jackson, Jones, Delaware, Clinton and Linn Counties, IA, and (b) between points in Dubuque County, IA, on the one hand, and, on the other, points in Jo Daviess County, IL and Crawford, Grant and Lafayette Counties, WI; and (2) *liquid fertilizer solutions, anhydrous ammonia and fertilizer grade urea*, between points in Jo Daviess County, IL, on the one hand, and, on the other, points in IA.

MC 134922 (Sub-343), filed August 20, 1981. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Diane Price, Route 6, Box 15, North Little Rock, AR 72118, 501–758–0777. Transporting (1) *general commodities*, between points in AK and HI, on the one hand, and, on the other, points in the U.S., (2) *commodities in bulk, household goods and classes A and B Explosives*, between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 2, room 2379.

Note: Applicant by this application seeks to remove restrictions and modify authority contained in its Sub-No 337 certificate by (1) broadening the commodity description from General commodities (except commodities in bulk, household goods as defined by the Commission, and Classes A and B explosives) to "General commodities" and to (2) remove the territorial exceptions of Alaska and Hawaii.

MC 135283 (Sub-74), filed August 26, 1981. Applicant: GRAND ISLAND EXPRESS, INC., 432 South Stuhr Road, P.O. Box 2122, Grand Island, NE 68802. Representative: Lloyd A. Mettenbrink (same address as applicant) (308) 384-8555. Transporting *food and related products,* between points in AL, AZ, AR, CA, CT, DE, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NW, NH, NJ, NM, NY, ND, OH, OK, PA, RI, SD, TN, TX, VT, VA, WV, WI, and DC.

MC 139023 (Sub-18), filed August 31, 1981. Applicant: 2–G TRANSPORTATION, INC., 12589 Rhode Island Ave. South, Savage, MN 55378. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd. Suite 307, Edina, MN 55424, 612–927–8855. Transporting *food and related products* and *such commodities* as are dealt in or used by manufacturers and distributors of containers (1) between points in KS, IL, IN, IA, MN, MO, MT, NE, ND, OH, SD, and WI, and (2) between points in KS, IL, IN, IA, MN, MO, MT, NE, ND, OH, SD, and WI, on the one hand, and, on the other, points in the U.S.

MC 140302 (Sub-5), filed August 25, 1981. Applicant: AMERICAN TANK TRANSPORT, INC., 5350 Ordnance Point Rd. Curtis Bay, MD 21225. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879, (301) 840–8565. Transporting *commodities, in bulk,* between points in Frederick County, VA, on the one hand, and, on the other, points in Luzerne County, PA, and Camden County, NJ.

MC 144513 (Sub-20), (Correction) filed July 14, 1981, published in the Federal Register issue of August 12, 1981, is being republished as corrected this issue. Applicant: CONDOR CONTRACT CARRIER, INC., 656 Wooster St., Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *clay concrete, glass or stone products,* between points in Tippah County, MS and Thomas County, GA, on the one hand, and, on the other, points in IN, OH, MI, *PA and NY. *The purpose of this republication is to correct the abbreviation of a state in the territory description.

MC 145282 (Sub-4), filed August 28, 1981. Applicant: FALCON TRANSPORT, INC., P.O. Box K, Bird-in-Hand, PA 17505. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043, 716–681–7190. Transporting *metal products* and *machinery,* between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 148183 (Sub-42), filed August 24, 1981. Applicant: ARROW TRUCK LINES, INC., Post Office Box 432, Industrial Blvd., Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348, Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004, (202) 737-2188. Transporting *food and related products,* between points in Jefferson County, KY, on the one hand, and, on the other, those points in and east of ND, SD, NE, KS, OK, and TX.

MC 148993 (Sub-4), filed August 27, 1981. Applicant: TILMON YEARWOOD, 14921 South Kedzie Ave., Markham, IL 60426. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of antifreeze, fuel additives, toilet preparations and health and beauty aids, between Chicago, IL, and points in Grundy County, IL, on the one hand, and, on the other, points in MI, IN, WI, IA, MN, MO and OH.

MC 151193 (Sub-15), filed August 25, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same address as applicant), 201–499–3869. Transporting *general commodities (*except classes A and B explosives), between points in the U.S., under continuing contract(s) with interstate Express, Inc., of Brooklyn, NY.

MC 151483 (Sub-3), filed August 21, 1981. Applicant: LOVES'S TRUCKING, INC., 1841 E. State Route 55, Troy, OH 45373. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *lumber and wood products,* between the facilities and suppliers of Buckeye Wood Products, Inc., North Santiam Lumber Sales, Inc. and Wappoo Wood Products, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151632 (Sub-10), filed August 31, 1981. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Rd., Westfield, MA 01086. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *lumber and wood products,* between points in the U.S., under continuing contract(s) with Lumber Sales Management, Inc., of Needham, MA.

MC 153273 (Sub-3), filed August 25, 1981. Applicant: SCHREIBER TRANSIT, INC., 425 Pine Street, P.O. Box 610, Green Bay, WI 54305. Representative: John H. Sage (same address as applicant), (414) 437–7601. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Fast Food Merchandisers Inc., of Rocky Mount, NC.

MC 153993, filed August 28, 1981. Applicant: TKN, INC., 1242 Shawmut Ave., New Bedford, MA 02741. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting *metal products and machinery,* between points in the U.S., under continuing contract(s) with Tooltech, Inc., of Minneapolis, MN.

MC 154802, filed August 24, 1981. Applicant: RETAILERS AND MANUFACTURERS TRANSPORTATION, INC., 12 Gardner Road, Fairfield, NJ 07006. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067, (617) 784–6041. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S., under continuing contract(s) with Retailers and Manufacturers Distribution Marking Service, Inc., of Fairfield, NJ.

MC 155242, filed August 28, 1981. Applicant: ADVANCE POOL DISTRIBUTION, INC., 3700 Central Ave., Detroit, MI 48120. Representative: Alex J. Miller, 555 S. Woodward, Suite 512, Birmingham, MI 48011, 313–647–3350. Transporting *general commodities* (except classes A and B explosives), between points in Wayne County, MI, and Detroit, MI, on the one hand, and, on the other, points in MI.

MC 156843, filed August 27, 1981. Applicant: PETERS BROTHERS, INC., 37 Penn St., Lenhartsville, PA 19534. Representative: John Fullerton, 407 N. Front St., Harrisburg, PA 17101. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of meat and meat products, between points in Dakota County, NE, on the one hand, and, on the other, points in Berks County, PA.

MC 157872, filed August 25, 1981. Applicant: PROSPECT SLOPE COACH CORP., 396 Third St., Brooklyn NY 11215. Representative: Paul Spinelli (same address as applicant), 212–768–3477. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending in New York, NY, and extending to points

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in CT, DE, FL, GA, KY, MA, NH, NJ, MD, NC, OH, PA, SC, TN, VT, VA, WV, RI, DC, and ports of entry on the international boundary line between the U.S. and Canada.

MC 157873, filed August 25, 1981. Applicant: FRED'S OF MERIDIAN, INC., P.O. Box 5105, Meridian, MS 39301. Representative: H. J. Holcomb, 4300 New Getwell Road, Memphis, TN 38118, (901) 365-8880 (Ext. 3053). Transporting *such commodities* as are dealt in by department stores, between points in the U.S., under continuing contract(s) with Baddour, Inc., of Memphis, TN.

MC 157922, filed August 25, 1981. Applicant: CALUDE LAFRENIERE TRUCKING, LTD., 3 Demers, P.O. Box 1024, Chapleau, Ontario, Canada POM 1KO. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226, (313) 962-6492. In foreign commerce, transporting *lumber and wood products,* between the ports of entry on the international boundary line, between the U.S. and Canada, on the one hand, and, on the other, points in the U.S.

MC 157963, filed August 28, 1981. Applicant: J & R LEASING, INC., 3935 Ducan Ave., St. Louis, MO 63110. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102, (314) 635-7166. Transporting *general commodities* (except classes A and B explosives), between points in CA, IL, KY, TN, IN, AR, and NY, on the one hand, and, on the other, St. Louis, MO, and points in St. Louis, Jackson, and Greene Counties, MO.

Volume No. OPY-3-166

Decided: September 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 35835 (Sub-33), filed August 31, 1981. Applicant: JENSEN TRANSPORT, INC., 300 Ninth Avenue S.E., Independence, IA 50644. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682-8154. Transporting *corn products,* between the facilities of Cargil, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 46054 (Sub-86), filed September 2, 1981. Applicant: BROWN EXPRESS, INC., P.O. Box 9244, San Antonio, TX 78204. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768, (512) 476-6391. Transporting *general commodities* (except classes A and B explosives), between points in Cameron, Hidalgo and Webb Counties, TX, on the one hand, and, on the other, points in AL, AR, IA, IL, IN, KS, KY, LA, MI, MS, MO, OH, OK, TN, those in NY on and west of Interstate Hwy 81, those in PA on and west of Interstate Hwy 79, and those in WV on and west of a line beginning at the PA-WV State line and extending along Interstate Hwy 79 to junction Interstate Hwy 77, then along Interstate Hwy 77 to the WV-VA State line.

MC 61505 (Sub-27), filed August 31, 1981. Applicant: G. R. MYERS MOTOR TRANSPORTATION, INC., 3950 Eastern Rd., Barberton, OH 44203. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *metal products, machinery,* and *those commodities which because of their size or weight, require the use of special handling or equipment,* between points in the U.S. under continuing contract(s) with Babcock and Wilcox, of Barbeton, OH.

MC 99565 (Sub-21), filed August 31, 1981. Applicant: FORE WAY EXPRESS, INC., 204 S. Bellis Street, Wausau, WI 55401. Representative: Nancy J. Johnson, 103 East Washington Street, Box 218, Crandon, WI 54520, (715) 478-3341. Transporting *general commodities* (except classes A and B explosives), between points in WI, MI, IL, IN, OH, IA, and MN.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 99975 (Sub-3), filed September 3, 1981. Applicant: CATAWBA TRUCKING CO., INC., P.O. Box 10352, Rock Hill, SC 29730. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575-7700. Transporting *general commodities* (except classes A and B explosives) (a) between points in York County, SC, (b) between points in Greenville and Spartanburg Counties, SC, and (c) between points in York County, SC, on the one hand, and, on the other, points, in SC.

MC 106674 (Sub-527), filed August 31, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives), (1) between points in AL, AZ, AR, CA, CO, CT, FL, GA, ID, IA, KS, LA, ME, MA, MN, MS, MT, NE, NV, NH, NM, ND, OK, OR, RI, SC, SD, TX, UT, VT, WA, WI, WY, and DC; and (2) between points in AL, AZ, AR, CA, CO, CT, FL, GA, ID, IA, KS, LA, ME, MA, MN, MS, MT, NE, NV, NH, NM, ND, OK, OR, RI, SC, SD, TX, UT, VT, WA, WI, WY, and DC, on the one hand, and, on the other, points in DE, IL, IN, KY, MD, MI, MO, NJ, NY, NC, OH, PA, TN, VA, and WV.

MC 110325 (Sub-181), filed August 31, 1981. Applicant: TRANSCON LINES; P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105, (816) 221-1464. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Goodyear Tire & Rubber Company, of Akron, OH.

MC 116325 (Sub-92), filed August 31, 1981. Applicant: JENNINGS BOND, d.b.a. BOND ENTERPRISES, P.O. Box 8, Lutesville, MO 63762. Representative: Jennings Bond, (same address as applicant), (314) 238-2601. Transporting (1) *pipe, pipe fittings, couplings,* and *connections,* and (2) *accessories* for commodities named in (1) above, between points in Montgomery County, IL, on the one hand, and, on the other, points in the U.S.

MC 117165 (Sub-66), filed August 31, 1981. Applicant: ST. LOUIS FREIGHT LINES, INC., 1111 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243-6164. Transporting (1) *building materials* and *refractory products,* between the facilities of General Refractories Company, at points in IA, IL, IN, KS, KY, MD, MI, MO, NE, NJ, OH, PA, TN, and WV, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MD, MI, MO, NE, NJ, OH, PA, TN, and WV and (2) *lumber and wood products,* and *building materials,* between the facilities of Champion International Corporation, at those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 127115 (Sub-28), filed August 31, 1981. Applicant: MILLERS TRANSPORT, INC., 510 W. 4th N., Hyrum, UT 84319. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531-1300. Transporting *aluminum products,* between points in the U.S., under continuing contract(s) with Easton Aluminum of Salt Lake City, UT.

MC 134094 (Sub-10), filed September 9, 1981. Applicant: HEIGHT'S SERVICE, INC., 521 E. Nevada Avenue, St. Paul, MN 55101. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402, (612) 333-1341. Transporting *general commodities* (except classes A and B explosives), between points in U.S., under continuing contract(s) with (1)

National Purity Soap and Chemical Co., (2) Hawkins Chemicals, Inc., both of Minneapolis, MN, and Chemical Distribution, Incorporated, of Westmont, IL.

MC 135215 (Sub-12), filed August 31, 1981. Applicant: BULK TRANSPORTATION, 415 Lemon Ave., Walnut, CA 91789. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945-2745. Transporting *coal products*, between points in U.S., under continuing contract(s) with Seal King Mfg., a Division of Yardley Construction Co., Inc., of Oroville, CA.

MC 135705 (Sub-17), filed August 31, 1981. Applicant: MELROSE TRUCKING CO., INC., 2671 So. Robertson Rd., Casper, WY 82604. Representative: Kim Melrose, (same address as applicant), (307) 265-1277. Transporting *Mercer commodities*, in those points in and west of ND, SD, NE, KS, OK, TX and LA.

MC 135725 (Sub-22), filed August 31, 1981. Applicant: FRY TRUCKING, INC., 507 W. 5th St., Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52051, (515) 682-6154. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purnia Company and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 139495 (Sub-540), filed August 27, 1981. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 818 Connecticut Avenue, NW., Washington, DC 20006, (202) 331-3700. Transporting *general commodities* (except classes A and B explosives), between points in U.S.

MC 140945 (Sub-6), filed August 31, 1981. Applicant: JAMES W. CROWE, INC., 307 Brennan Rd., Columbus, GA 31903. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902, (404) 323-2416. Transporting *liquid fertilizer*, and *liquid agricultural chemicals*, between points in the U.S., under continuing contract(s) with USS Agri-Chemicals Division, United States Steel Corporation, of Atlanta, GA.

MC 141255 (Sub-19), filed August 31, 1981. Applicant: TANDY TRANSPORTATION, INC., 2560 E. Long Ave., Fort Worth, TX 76111. Representative: A. Roy Beans (same address as applicant), (817) 834-0182. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Univex International Ltd., of Monument, CO.

MC 143354 (Sub-1), filed August 28, 1981. Applicant: ELMER VAN NEVEL, d.b.a. VAN NEVEL & CO., 23591 N. Overhill, Lake Zurich, IL 60047. Representative: Donald S. Mullings, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298-1094. Transporting (1) *metal products*, and (2) *machinery*, between points in Cook, Kane, Lake, McHenry, and Winnebago Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 143415 (Sub-4), filed August 25, 1981. Applicant: D.M.R. TRANSPORT (91975), LTD., Hwy 97 No., Grinrod, British Columbia, Canada VOE 1YO. Representative: Michael B. Crutcher, 2000 IBM Bldg., Seattle, WA 98101, (206) 623-7580. Transporting *general commodities* (except classes A and B explosives), between points on the international boundary line between the U.S. and Canada at WA, ID, MT, ND, and MN, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI and WY.

MC 145154 (Sub-4), filed September 2, 1981. Applicant: YOUNG'S TRANSPORTATION CO., P.O. Box 7200, 1230 West 17th Street, Houston, TX 77008. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005, (202) 347-9332. Transporting (1) *general commodities* (except classes A and B explosives), between points in Hidalgo, Willacy, Nueces, San Patricio, Galveston, Fort Bend, Brazoria, Harris, Chambers, Montgomery, Dallas, Tarrant, Rockwell, Kaufman, Ellis, Johnson, Parker, Denton, Collin and Wise Counties, TX, on the one hand, and, on the other, points in the U.S., and (2) *plastic and rubber products*, between Atlanta, GA, on the one hand, and, on the other, points in the U.S.

MC 145855 (Sub-8), filed August 31, 1981. Applicant: JOHN RAY TRUCKING, INC., P.O. Box 206, Eastaboga, AL 35260. Representative: John W. Cooper, P.O. Box 56, Mentone, AL 35984, (205) 634-4885. Transporting *pipe and pipe fittings*, between points in the U.S., under continuing contract(s) with Pacific States Cast Iron Pipe Co., of Provo, UT, and Cast Iron Pipe Co., of Atlantic City, NJ, both division of McWane, Inc.

MC 146964 (Sub-19), filed August 28, 1981. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same address as applicant), (717) 845-7030. Transporting *alcoholic beverages*, between points in ME, on the one hand, and, on the other, points in the U.S.

MC 149195 (Sub-16), filed August 31, 1981. Applicant: ARCADIAN MOTOR CARRIERS, 1100 Sierra St., Kingsburg, CA 93631. Representative: James F. Hauenstein, 1100 Sierra St., Kingsburg, CA 93631. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Rug Doctor, Inc., of Fresno, CA.

MC 149235 (Sub-7), filed September 2, 1981. Applicant: C. MAXWELL TRUCKING CO., INC., 9108 Reeds Dr., Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105, (816) 221-1464. Transporting *chemicals*, between points in the U.S., under continuing contract(s) with Texaco Chemical Company of Bellaire, TX.

MC 151935, filed August 28, 1981. Applicant: WESBELL TRANSPORT LTD., 6149 Shawson Drive, Mississauga, Ontario, Canada L5T 1E4. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202, (716) 854-5870. Transporting *telephone equipment, electrical supplies, switchboards, PBX switchboard equipment*, and *powerpacks, digital equipment, batteries, crossbar frames*, and *carrier equipment*, between points in the U.S., under continuing contract(s) with Northern Telecom Canada Limited, Islington, Canada.

MC 152074 (Sub-3), filed September 3, 1981. Applicant: KEY-STONE FREIGHT, INC., 767 St. George St., Woodbridge, NJ 07095. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Abex Corporation of New York, NY, Argus Chemical Corp., Division of Witco Chemical Corporation of Brooklyn, NY, and K Mart Apparel Corporation of North Bergen, NJ.

MC 154964, filed August 31, 1981. Applicant: WILCOX TRANSFER CO., 3700 Brookpark Road, Cleveland, OH 44134. Representative: J. C. Schriner, 19706 Center Ridge Road, Rocky River, OH 44116, (216) 333-4678. Transporting *household appliances* and *audio-video products*, between points in Cuyahoga County, OH, on the one hand, and, on the other, points in OH.

MC 155924 (Sub-1), filed August 31, 1981. Applicant: ALANDALE TRUCKING CO., INC., N60 W15725 Kohler Lane, Menomonee Falls, WI 53051. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) American Paper & Packaging Corp., of Wauwatosa, WI, (2) Field Container Corporation, of Elk Grove Village, WI, (3) M. A. Gerett Division of Western Industries, Inc., of Menomonee Falls, WI, and (4) Reliable Paper Company, of Brookfield, WI.

MC 155954, filed August 31, 1981. Applicant: GREGG E. HERIFORD, d.b.a. G & H SAND AND GRAVEL, 5312 N.E. 66th Ave., Vancouver, WA 98661. Representative: Peter H. Glade, One S.W. Columbia, Suite 555, Portland, OR 97258. Transporting *building materials*, between points in OR, WA, ID, NV, CA, MT, CO, AZ, NM, UT, and WY.

MC 155664, filed September 2, 1981. Applicant: M. L. YOCKSTICK d.b.a. M. L. YOCKSTICK TRUCKING, Box 88, King City, MO 64463. Representative: Thomas E. Leahy, Jr., 1890, Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Food Distributing Service, Inc. of Kansas City, MO.

MC 157524, filed August 3, 1981, previously published in the **Federal Register** of August 25, 1981. Applicant: TRADESHOW TRANSPORTATION BROKERAGE CORP., 800 West Lunt Ave., Schaumburg, IL 60193. Representative: Volker R. Volpe (same address as applicant), (312) 351-8188. As a *broker of general commodities*, between points in the U.S.

Note.—This republication has the correct prefix.

MC 157748, filed September 1, 1981, Applicant: MIDWAY MACHINERY MOVERS INC., 92 Berczy St., Aurora, Ontario, Canada L4G 3H1. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, (716) 853-0200. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Bakery Salvage Corporation, of Buffalo, NY.

MC 157888, filed August 24, 1981, Applicant: MARITIME SERVICES, INC. 9640 Clinton Drive, P.O. Box 33, Houston, TX 77547. Representative: John G. Wentz, Jr., 7863 Cook Rd., Houston, TX 77072, (713) 495-2125. In foreign commerce only, transporting *general commodities* (except classes A and B explosives), (a) between Houston, Galveston, and Freeport, TX, on the one hand, and, on the other, points in TX, restricted to traffic having a prior or subsequent movement by water, and (b) between Houston, Galveston, and Freeport, TX, on the one hand, and, on the other, New Orleans, LA, restricted to traffic having a prior or subsequent movement by water.

MC 157945, filed August 28, 1981, Applicant: AFRAM BROS. CO., 900 South Water Street, Milwaukee, WI 53204. Representative: Glenn Madson (same address as applicant), (414) 672-2100. Transporting *scrap and manufactured steel commodities*, between points in the U.S., under continuing contract(s) with Preway, Inc., of Wisconsin Rapids, WI and Charter Manufacturing Co., of Mequan, WI.

MC 157954, filed August 28, 1981, Applicant: JOURNEY LINES, INC., 18807 88th W., Edmonds, WA 98020. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111. Transporting *passengers and their baggage*, in special or charter operations, beginning and ending at points in WA, and extending to points in WA, AZ, CA, CO, ID, MT, NM, NV, OR, UT and WY.

MC 157964, filed August 27, 1981. Applicant: MALCOLM WEBSTER AND DORTHY WEBSTER, d.b.a. WEBSTER EXPRESS, P.O. Box 212, Camdenton, MO 65020. Representative: Stephen G. Newman, P.O. Box 456, Jefferson City, MO 65102, (314) 635-7166. Transporting *gneral commodities* (except classes A and B explosives), between points in Greene County, MO, on the one hand, and, on the other, points in Camden, Morgan, and Miller Counties, MO.

MC 158035, filed September 1, 1981. Applicant: MILLER GRAVEL & READY MIX, INC., P.O. Box 728, Cando, ND 58324. Representative: Roger Miller (same address as applicant), (701) 968-3810. Transporting *fertilizer*, between points in MN, on the one hand, and, on the other, points in MT and ND.

MC 158055, filed September 3, 1981. Applicant: PEMBROKE TRANSPORTATION CORP., 15 Baldwin Street, Massena, NY 13662. Representative: Zoe Ann Pace, One World Trade Center, Suite 2373, New York, NY 10048, (212) 432-0940. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Potsdam Paper Corp., of Potsdam, NY.

Volume No. OPY-3-168

Decided September 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 116254 (Sub-328), filed September 1, 1981. Applicant: CHEM-HAULERS, INC., 118 E. Mobile Plaza, Florence, AL 35631. Representative: Fred H. Daly, 2550 M St., N.W., Washington, DC 20037. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 123115 (Sub-26), filed September 4, 1981. Applicant: PACKER TRANSPORTATION CO., 280 Parr Blvd., Reno, NV 89512. Representative: Robert C. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882-5649. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and west of AL, TN, MO, IL, and WI.

MC 138164 (Sub-8), filed August 31, 1981. Applicant: CAN-AM MARINE TRANSIT LIMITED, 472 Main Rd., P.O. Box 790, Hudson, Quebec, Canada J0P 1H0. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, (716) 853-0200. Transporting *transportation equipment*, between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S.

MC 146965 (Sub-3), filed September 4, 1981. Applicant: REDDING LUMBER TRANSPORT, INC., 4161 Eastside Rd., Redding, CA 96001. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111. Transporting *beverages*, between points in CA, OR, NV and WA.

MC 148964 (Sub-1), filed August 31, 1981. Applicant: W. L. WAGGONER TRUCKING CO., No. 4 Caine Drive-Stephen Maeras Industrial Park, Madison, IL 62060. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St., N.W., Washington, D.C. 20004, (202) 737-1030. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in AL, AR, FL, GA, IL, IN, IA, KS, KY, MI, MS, MO, NE, OH, OK, TN, TX, VA, WV, and WI.

MC 158054, filed August 31, 1981. Applicant: JUSTAK BROTHERS AND COMPANY, INC., P.O. Box 389, Whiting, IN 46394. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635-2339. Transporting *hazardous and non-hazardous waste and recyclable waste materials*, between points in Lake County, IN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 158064, filed September 3, 1981. Applicant: LP SERVICE, INC., P.O. Box 666, Clarkesville, GA 30523. Representative: J. L. FANT, P. O. Box 577, Jonesboro, GA 30237, (404) 477-

1525. Transporting *liquified petroleum gas,* between points in Lamar County, GA, on the one hand, and, on the other, points in Swain, Haywood, Macon and Cherokee Counties, NC. Condition: The authority granted here is limited in point of time to a period of five (5) years from the date of issuance.

Volume No. OPY–4–361

Decided: September 3, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 8457 (Sub-14), filed August 28, 1981. Applicant: MILWAUKIE TRANSFER & FUEL CO., P.O. Box 522, Clackamas, OR 97015. Representative: Lawrence V. Smart, Jr., 419 NW 23d Ave., Portland, OR 97210, (503) 226–3755. Transporting (1) *Lumber and wood products,* (2) *building materials,* (3) *machinery,* and (4) *metal products,* between points, in WA, OR, CA, ID, NV, UT, AZ, NM, TX, CO, UT, and MT.

MC 99117 (Sub-5), filed August 28, 1981. Applicant: T. H. RYAN CARTAGE CO., 111 S. Seventh Ave., Maywood, IL 60153. Representative: Vytas P. Ambutas, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (313) 263–1600. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Gemini Metals, Inc., of Elk Grove Village, IL.

MC 99737 (Sub-4), filed August 31, 1981. Applicant: SUPERLINE TRANSPORTATION CO., INC., 111 Braley Rd., East Freetown, MA 02717. Representative: John DeGrazia (same address as applicant), 1–800–642–7558. Transporting *general commodities* (except classes A and B explosives), between points in MA, on the one hand, and, on the other, points in CT, ME, NH, NJ, NY, PA, RI, and VT.

MC 106707 (Sub-27), filed August 31, 1981. Applicant: ADAMS TRUCKING, INC., 1711 West 2nd St., Webster City, IA 50595. Representative: Ronald D. Adams (same address as applicant), (515) 832–2813. Transporting *metal products,* between Whiteside County, IL, on the one hand, and, on the other, points in the U.S.

MC 110567 (Sub-28), filed August 31, 1981. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 245–2730. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Interbake Foods, Inc., of North Sioux City, SD.

MC 119237 (Sub-1), filed August 28, 1981. Applicant: CHAUFFEUR SERVICE, INC., 77 Oak St., Spotswood, NJ 08884. Representative: Robert B. Pepper, 168 Woodridge Ave., Highland Park, NJ 08904, (214) 572–5551. Transporting *racks, lighting fixtures and supplies, building materials, chemicals and related products, plastic and paper articles, health care and surgical products, swimming pool supplies,* and materials and supplies used in the manufacture and sale of the aforementioned commodities, between New York, NY and Monmouth County, NJ on the one hand, and, on the other, points in the U.S.

MC 140487 (Sub-5), filed August 28, 1981. Applicant: YELLOWSTONE TRUCKING, INC., 1212 Appleway, Coeur d' Alene, ID 83814. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *general commodities* (except Classes A and B explosives), between points in the U.S., under a continuing contract(s) with Conwed Corporation of St. Paul, MN.

MC 147547 (Sub-19), filed August 28, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Road, Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Transporting *general commodities (except classes A and B explosives),* between the facilities of Industrial Lubricants Company in Tom Green County, TX, on the one hand, and, on the other, points in the U.S. and (2) between the facilities of Sterling Bolt Company in CO, Chicago, IL, Monroeville, PA, Dallas, TX and Houston, TX on the one hand, and, on the other, points in the U.S.

MC 148867 (Sub-4), filed August 28, 1981. Applicant: TRANS-ADVO, INC., 239 Service Road, West, Hartford, CT 06101. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067, (617) 784–6041. Transporting *printed matter and materials, equipment and supplies used in the production and shipping of printed matter,* between points in the U.S., under continuing contract(s) with Providence Gravure, Inc., of Providence, RI.

MC 148867 (Sub-5), filed August 28, 1981. Applicant: TRANS-ADVO, INC., 239 Service Road, West, Hartford, CT 06101. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067, (617) 784–6041. Transporting *wire, cable, conduit and equipment material and supplies used in the manufacture thereof,* between points in the U.S. under continuing contract(s) with Times Wire and Cable Division, Timer Fiber Communication, Inc., of Wallingford, CT.

MC 144757 (Sub-15), filed August 21, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 412 Oshkosh, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Potlatch Corporation, of Spokane, WA.

MC 151267, filed August 28, 1981. Applicant: KETRAN, INC., 624 Main St., Moosic, PA 18507. Representative: Edward F. V. Pietrowski, 430 Scranton Life Bldg., Scranton, PA 18503, (717) 346–5761. Transporting *coal, coal ash, coal cinders, coal fines, and coal silt,* between points in the U.S., under continuing contract(s) with Keon Coal Co., Inc., of Pittston, PA.

MC 151607 (Sub-1), filed August 28, 1981. Applicant: TRANS-OVERLAND XPRESS, INC., 297 County Line Rd., Midlothian, TX 76065. Representative: Doris Hughes, P.O. Box 47861, Dallas, TX 75247, (214) 721–0360. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 151907, filed August 31, 1981. Applicant: STARR CARTAGE, INC., 10742 South Western Ave., Chicago, IL 60643. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, WI, and OH.

MC 156047, filed August 31, 1981. Applicant: ALLWAY TRANSPORT, INC., 1949 Kings Hwy., Washington Park, IL 62204. Representative: Robert Knight, P.O. Box 1148, Washington Park, IL 62204, (618) 271–9541. Transporting *machinery, scrap metal, and transportation equipment,* between St. Louis, MO, on the one hand, and, on the other, points in IL, IN, KY, FL, OH, MI, MO, TN, KS, OK. AR, TX, LA, MS, AL, IA, and WI.

MC 157867 (Sub-1), filed August 31, 1981. Applicant: DONALD J. ORANGE, 1414 S.E. Spokane St., Portland, OR 97202. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *food and related products,* between points in OR, WA, CA, and ID.

MC 157997, filed August 28, 1981. Applicant: F. P. ELNICKI, INC., P.O. Box 586, Clarendon Ave., W. Rutland, VT

05777. Representative: Frank P. Elnicki (same address as applicant), (802) 438-2387. Transporting *construction equipment and materials,* between points in ME, VT, NH, MA, RI, CT, NY, and NJ.

Volume No. OPY-4-365

Decided: September 9, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

FF-477 (Sub-1), filed August 17, 1981. Applicant: CROWN OVERSEAS FORWARDERS, 2070 Burroughs St., San Leandro, CA 94577. Representative: Daniel W. Baker, 100 Pine St., #2550, San Francisco, CA 94111, (415) 986-1414. As a freight forwarder, in connection with the transportation of (a) *used household goods and unaccompanied baggage,* and (b) *used automobiles,* between points in the U.S., with (b) restricted to import-export traffic or transportation to or from Alaska.

MC 19227 (Sub-256), filed August 31, 1981. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th St., Miami, FL 33152. Representative: Robert F. McCaughey (same address as applicant), (305) 634-2661. Transporting (1) *metal products,* (2) *machinery,* (3) *transportation equipment,* and (4) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in AL, FL, GA, MS, NC, SC, and VA, on the one hand, and, on the other, points in the U.S.

MC 103937 (Sub-10), filed September 1, 1981. Applicant: ANTHRA TRANS, INC., R.D. 3, Moscow, PA 18444. Representative: Ronald N. Cobert, 1720 M St., NW., Suite 501, Washington, DC 20036, (202) 296-2900. Transporting *coal and coal products,* between points in PA, on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, RI, and VT.

MC 111747 (Sub-2), filed September 1, 1981. Applicant: MARYLAND MOTOR LINES, INC., 27 Industrial Blvd. East, P.O. Box 1518, Cumberland, MD 21502. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739-4860. Transporting *general commodities* (except classes A and B explosives), between points in MD, PA, and WV.

MC 146447 (Sub-9), filed September 2, 1981. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd ST., Miami, FL 33166, (305) 592-0036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dow Chemical Co., USA, of Gales Ferry, CT.

MC 157457, filed August 27, 1981. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 South 17th St., Elkhart, IN 56514. Representative: Daniel C. Sullivan, 10 South LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Congoleum Corporation, of Elkhart, IN, and its subsidiaries, Bath Iron Works Corporation, and Congoleum Cartage Corporation.

MC 157867, filed August 25, 1981. Applicant: DONALD J. ORANGE, 1414 SE Spokane St., Portland, OR 97202. Representative: Lawrence V. Smart, Jr., 419 NW 23rd St., Portland, OR 97210, (503) 226-3755. Transporting (1) *lumber and wood products,* between points in OR and WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, (2) *building materials,* between points in Marion County, OR, on the one hand, and, on the other, points in CA, ID, OR, and WA, and (3) *metal products,* between points in Alameda County, CA, on the one hand, and, on the other, points in AZ, ID, MT, NM, OR, and WA.

MC 157937, filed August 31, 1981. Applicant: RICHARD CAIL d.b.a. DICK'S TOWING, 104 Winn St., Woburn, MA 01801. Representative: Richard Cail (same address as applicant), (617) 933-1460. Transporting (*1*) *containers, and* (*2*) *wrecked and disabled vehicles,* between points in MA, on the one hand, and, on the other, points in CT, ME, NH, NJ, NY, RI, and VT.

MC 157987, filed August 31, 1981. Applicant: DYNAMIC CARGO TRANSPORT, Sleight Plass Rd., Poughkeepsie, NY 12603. Representative: David Michael Clark (same address as applicant), (914) 454-6363. Transporting *rubber and plastic products,* and *metal products,* between points in Dutchess County, NY, On the one hand, and, on the other, points in the U.S.

MC 158017, filed September 1, 1981. Applicant: P & P TRUCKING CORPORATION, 335 S. Forest Hill Dr., Austintown, OH 44515. Representative: Edwin Romero, 407 Legal Arts Center, Youngstown, OH 44503, (216) 747-5700. Transporting *iron and steel articles,* between points in Butler County, PA and those in Mahoning County, OH, on the one hand, and, on the other, points in OH, PA, MD, MO, KY, NJ, and TN.

MC 158027, filed August 31, 1981. Applicant: FRANKLIN CHARTER BUS, INC., 4115 Dorforth Dr., Fairfax, VA 22030. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, (202) 737-1030. Transporting *passengers and their baggage,* in charter and special operations, between those points in VA on and north of U.S. Hwy 60 and Washington, DC, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 5331.

MC 158037, filed August 31, 1981. Applicant: ALMAC OF ARIZONA, INC., d.b.a. ADVANCE MOVING & STORAGE, 2831 West Indian School Rd., Phoenix, AZ 85017. Representative: Stanford E. Lerch, 650 North 2nd Ave., Phoenix, AZ 85003, (602) 257-5800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mountain States Telephone & Telegraph, of Denver, CO. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 5331.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27183 Filed 9-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 14F)]

Consolidated Rail Corp.; Abandonment Near Duncansville and Gallitzin, Pa.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board No. 3 issued a certificate authorizing Consolidated Rail Corporation to abandon its rail line from milepost 33.4 at Wye (near Duncansville) to milepost 48 at SF (near Gallitzin) in Blair County, PA, a total distance of 15.2 miles, subject to conditions. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that:

(1) a financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) it is likely that:

(a) if a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) if a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days after an offer is made, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for contined rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27188 Filed 9-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Nos. AB-2 (Sub-No. 29F), etc.]

Louisville and Nashville Railroad Co., et al.; Corrected Notice[1]

In the matter of No. AB-2 (Sub-No. 29F), Louisville and Nashville Railroad Company—abandonment between Bruceton and Rose Hill, TN; AB-2 (Sub-No. 30F), Louisville and Nashville Railroad Company—abandonment between Dresden and Union City, TN; AB-2 (Sub-No. 31F), Louisville and Nashville Railroad Company—abandonment between Paducah and Murry, KY; AB-43 (Sub-No 68F), Illinois Central Gulf Railroad Company—abandonment between Fordsville and Owensboro, KY; AB-43 (Sub-No. 69F), Illinois Central Gulf Railroad Company—abandonment at Elizabethtown, KY; AB-43 (Sub-No. 70F), Illinois Central Gulf Railroad Company—abandonment between Hopkinsville, KY and Nashville, TN.

Notice of the above noted abandonments was published in the **Federal Register** on March 31, 1981, (46 FR 19625), indicating that certificates of abandonment would be issued unless appropriate financial assistance offers were received within 10 days of the notice. This notice is now vacated. Notice will be republished concurrently with issuance of the Commission's administratively final decision for those abandonments which are ultimately approved.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27186 Filed 9-17-81; 8:45 am]

BILLING CODE 7035-01-M

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[1] This notice corrects the notice published at 46 FR 41221, August 14, 1981, which left AB-2 (Sub-No. 30F) out of the list of combined cases and incorrectly numbered AB-2 (Sub.No. 31F) as AB-2 (Sub-No. 30F).

[No. 38632]

National Traffic Service Bureau, Inc.; Petition To Institute Rulemaking Proceeding Into the Practice of Furnishing Information on Freight Bills

AGENCY: Interstate Commerce Commission.

ACTION: Notice of denial of petition for rulemaking.

SUMMARY: The Commission has denied requests of Nationwide Traffic Service Bureau, Inc. and The David J. Joseph Company for the institution of a rulemaking which would impose regulations upon rail carriers requiring the issuance of detailed freight bills.

FOR FURTHER INFORMATION CONTACT: Jane Mackall (202) 275-7693.

SUPPLEMENTARY INFORMATION: Nationwide Traffic Service Bureau, Inc. (NTSB) and The David J. Joseph Company (Joseph) (petitioners) requested the institution of a rulemaking or other proceeding designed to impose upon rail carriers regulations requiring the issuance of freight bills which evidence all details necessary to verify charges assessed shippers. For reasons which follow, we deny the requests.

The alleged problems encountered by petitioners stem from the railroad's adoption of data processing procedures and consequent issuance of computerized freight bills. NTSB asserts that many of these railroads formerly supplied copies of waybills as freight bills. The waybill provided all data necessary to verify charges assessed. Petitioners suggest, however, that computerized freight bills do not contain the detailed information previously provided by a waybill copy. According to the NTSB, this results in unintended falsification and/or omission of facts rendering verification of charges difficult for the bill payer.

NTSB is a company engaged in the auditing of freight bills for shipper clients to determine whether the shippers have been overcharged. As an agent of shippers, NTSB does not have direct knowledge of its client's product lines or operations. Typically, it must rely for its information on freight bills received from its clients. Bills of lading to match with these freight bills may or may not be supplied by the client. The basic problem, therefore, is the petitioner's inability to obtain consistently from its clients bills of lading to supplement insufficient information found on freight bills.[1] The remedy, however, is not to burden carriers with additional regulation, but rather, for NTSB to secure all necessary information from its client shippers. Obviously, if NTSB is to perform the function for which the shipper is paying, it is in the shipper's interest and should be its responsibility to retain and provide pertinent materials.

Joseph, a shipper of scrap steel, supports the petition filed by NTSB. It points out that computerized billing often causes auditing problems, especially in the area of verifying weights. Joseph indicates that it has already asked railroads to attach copies of revenue waybills to assist it in auditing freight charges. We believe that this sort of shipper-carrier communication is the best means for solving Joseph's problems. Moreover, the bill payor should have bills of lading in its possession or be able to obtain them. These documents provide the necessary data.

Under the circumstances, we do not believe rules are necessary and will decline to exercise our discretion to propose them. Accordingly, the petition is denied.

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[1] In its petition NTBS apparently recognizes this. On page 2, paragraph 5 NTSB asserts that "without a bill of lading, one cannot determine the correctness of charges."

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10321, 10326, 5 U.S.C. 553)

Decided: September 9, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-27186 Filed 9-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-69 (Sub-9F)]

Western Maryland Railway Co.—Abandonment Between Bergoo and Webster Springs, W. Va.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated September 11, 1981, the Commission, Review Board Number 3, found that the public convenience and necessity require or permit abandonment by Western Maryland Railway Company of its line of railroad known as Back Fork Branch between milepost 0.00 to the endof the line at milepost 1.00 at Webster Springs, Webster County, WV a total distance of 1 mile subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). A certificate of abandonment will be issued permitting the abandonment unless within 15 days from the date of this publication the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued: and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) If a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will be issued. Upon notification to the Commission of the execution of a subsidy or purchase agreement, the Commission shall further postpone the issuance of a certificate for such time as the agreement is in effect. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448) and 49 CFR 1121.38.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-27187 Filed 9-17-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistnace issued during the period September 7-11, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm of subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,368; Thunderline Corp., Wayne, MI
TA-W-10,449; Borg Warner Corp., Morse Chain Div., Ithaca, NY
TA-W-10,589; Alees Shake Mill, Taholah, WA
TA-W-10,693; J. S. Zulick and Co., Inc., Orwigsburg, PA
TA-W-10,897; Sinking Spring Foundry Co., Sinking Spring, PA
TA-W-11,860; Western Nuclear, Inc., Jeffrey City, WY
TA-W-11,501, 11,502, 11,503; Boris Smoler & Sons, Inc., La Porte, IN, Chicago, IL, and Elkhart, IN
TA-W-11,192 & 11,741; Asarco, Inc., Vanadium Mine, Vanadium, NM and Deming Mill, Deming, NW
TA-W-10,338; Waverly Sportswear, Inc., New York, NY
TA-W-11,829; Matco Allied Equipment Corp., Medina, OH
TA-W-11,907; Sweden Freezer Mfg. Co., Columbus, OH
TA-W-11,729; Waterboro Patent Corp., Waterboro, ME
TA-W-11,823 & 11,824; Amsted Industries, Inc., American Steel Foundries Div., Hammond, IN and East Chicago, IN
TA-W-11,333; Joslyn Mfg. & Supply Co., Joslyn Stainless Steels, Fort Wayne, IN
TA-W-11,205; Gerard Mills, Inc., Hazelton, PA

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,622; California Steel Co., Chicago, IL
TA-W-10,630; Bethlehem Steel Corp., Steelton, PA
TA-W-11,540; Bethlehem Steel Corp., Steelton, PA
TA-W-10,955; Westinghouse Electric Corp., Bloomfield, NJ

In each of the following cases the investigation revealed that criterion (3) has not been met for the reason(s) specified.

TA-W-10,357; Phillips Industries, Inc., Malta, OH

U.S. imports of wood windows are negligible.

TA-W-10,890; Chopper Iron Works, Detroit, MI

Aggregate U.S. imports of fabricated structural steel did not increase as required for certification.

TA-W-11,182; Crown Fabricators, Sterling Heights, MI

Aggregate U.S. imports of tractor cab enclosures and major vehicle body parts are negligible.

TA-W-11,696 & 11,812; Philips ECG, Inc. (formerly GTE Sylvania, Inc.), Emporium Receiving Tube Plant, Emporium, PA and Altoona Receiving Tube Plant, Altoona, PA

Aggregate U.S. imports of electronic receiving tubes did not increase as required for certification.

TA-W-10,898; Allied Chemical Corp., Solvay, NY

Aggregate U.S. imports of synthetic soda ash are negligible.

TA-W-11,043; A-OK Machining and Tool Co., Fraser, MI

Aggregate U.S. imports of jigs and fixtures and negligible.

TA-W-11,722; Americap, Inc., Seymour, CT

Aggregate U.S. imports of cloth caps did not increase as required for certification.

TA-W-10,718; Jim Walter Resources, Inc., Coke, Iron, and Chemical Div., Birmingham, AL

Imports of coke and mineral wool are negligible. Imports of pig iron declined in 1979 and the first 3 quarters of 1980. Employment of workers producing chemicals remained relatively stable in 1980 and increased in 1981.

In each of the following cases the investigation revealed that the workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-11,602; Parker Reynolds Chevrolet, Inc., North Olmstead, OH
TA-W-10,698; Chuck Ellis Pontiac-Buick-GMC, Inc., Batavia, NY
TA-W-11,883; Hartmen Lincoln Mercury, Inc., Oshkosh, WI
TA-W-10,507; Nichols Buick-Pontiac-GMC, Inc., Albion, MI
TA-W-11,654; Conyers Ford, Inc., Detroit, MI
TA-W-11,011; C. Miller Chevrolet, Inc., Willoughby, OH
TA-W-10,851; Falcon Products, Inc., St. Louis, MO
TA-W-10,904; Michael Chevrolet, Inc., Muskegon, MI

In the following case the investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

TA-W-11,877; Tom Holzer Ford, Inc., Farmington, MI

Affimative Determinations

TA-W-10,892; Ferry Cap and Set Screw Co., Cleveland, OH

A certification was issued covering all workers of the firm separated on or after December 1, 1979.

TA-W-10,534 & 12,733; Hyde Athletic Industries, Cambridge, MA and Spot-Bilt Factory, Bangor, ME

A certification was issued covering all workers of the Cambridge plant separated on or after August 1, 1980 and all workers of the Bangor, Maine plant separated on or after January 10, 1981.

TA-W-10,468; C. G. Conn., Limited, Abilene, TX

A certification was issued covering all workers of the firm separated on or after June 1, 1980 and before January 1, 1981.

I hereby certify that the aforementioned determinations were issued during the period September 7-11, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, Employment and Training Administration, 601 D Street, NW, Washington, D.C. 20213, during normal working hours or will be mailed to persons who write to the above address.

Dated: September 14, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-27237 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-10,341]

White Farm Equipment Co., Charles City, Iowa; Negative Determination Regarding Application for Reconsideration

By an application dated July 16, 1981, the United Auto Workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing tractors at White Farm Equipment Company's plant in Charles City, Iowa. The determination was published in the Federal Register on July 7, 1981 (46 FR 35230).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered, or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union claims in its application for reconsideration that the Department should be consistent and certify at least the workers producing small tractors at White Farm Equipment since it certified workers producing small tractors at Massey Ferguson's tractor plant in Detroit, Michigan, TA-W-10,965. The union also contends that White Farm's imports of small tractors has adversely affected production and employment at White Farm's Charles City, Iowa plant. Finally, the union questions the adequacy of the Department's customer survey.

The Department's review revealed that the worker petition did not meet the increased import criterion or the "contributed importantly" test of the Trade Act of 1974. The majority of the tractors produced at Charles City are more than 80 horsepower. Aggregate U.S. imports of agricultural tractors equal to or greater than 80 horsepower decreased absolutely during the first nine months of 1980 compared to the same period in 1979. Sales, production and average employment increased at Charles City during 1979 compared to 1978 and in the first quarter of 1980 compared to the same quarter in 1979. The Department's survey of White Farm's retail dealers showed that most respondents did not import tractors of 40 horsepower or more during the period under investigation. Customers who reported reducing their purchases from White Farm in favor of imports during 1980 accounted for a small percentage of White Farm's sales decline.

The Department does not see the inconsistency to which the union alludes concerning the production of small tractors since production of tractors under 80 horsepower at Charles City accounted for only a small percentage of total production at that plant while workers at Massey Ferguson's plant in Detroit, Michigan produced mainly small tractors. Workers at Charles City were not separately identifiable by type of tractor produced. Further White Farm does not make tractors of less than 70 horsepower. Company imports from Italy were small and in the 50 to 60 horsepower range.

The Department notes that company imports of tractors from England occurred more than five years ago. However, such imports would not provide a basis for certification of workers at White Farm since section 223(b)(1) does not permit certification for workers laid off more than one year prior to the date of the petition.

With respect to company imports of 30 and 35 horsepower tractors from Japan, the Department notes that it addresses this point in its initial denial. White Farm never manufactured tractors under 40 horsepower domestically since prior to 1970.

The Department did not survey White Farm's franchised dealers selling only White Farm tractors but surveyed retail dealers selling White Farm tractors as well as other brands. This survey revealed that import as well as domestic purchases of tractors were down in 1980 compared to 1979. Other factors dealing with the economy and White Farm's parent company markedly affected sales, production and employment at Charles City.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 10th day of September 1981.

Robert O. Deslongchamps,

Acting Deputy Administrator, Unemployment Insurance Service.

[FR Doc. 81-27253 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-37-M]

American Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

American Salt Company, P.O. Box 498, Lyons, Kansas 67554 has filed a petition to modify the application of 30 CFR 57.19-124 (hoist ropes; requirements) to its American Salt Mine and Mill located in Rice County, Kansas. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that hoist ropes be cut off at least six feet above the highest connection to the conveyance at time intervals not to exceed one year unless a shorter time is required by 30 CFR 57.19-128 or conditions of use.

2. Petitioner states that it is hazardous for employees, using a crane, to pull the wire rope up and over the sheaves and lower the wire rope to the ground. When the ropes are laid on the ground, the possibility exists that dirt and other debris may be ingrained into the rope. The ropes may also be damaged by kinking.

3. As an alternative method, petitioner proposes to employ nondestructive testing on the wire rope and rope clips. The testing would reveal wire rope deterioration and broken wires. Testing will be done by an independent contractor and a copy of the results will be sent to MSHA, or an MSHA official may attend during the testing.

4. Petitioner states that the proposed alternative method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 19, 1981. Copies of the petition are available for inspection at that address.

Dated: September 10, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-27244 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-167-C]

Beckley Coal Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Beckley Coal Mining Company, P.O. Box 145, Glen Daniel, West Virginia 25844 has filed a petition to modify the application of 30 CFR 75.1714 (availability of approved self-rescue devices; instruction in use and location) to its Beckley Mine, located in Raleigh County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each operator shall make available to each miner employed by the operator who goes underground and to visitors authorized to enter the mine by the operator a self-rescue device or devices approved by the Secretary which is adequate to protect such person for one hour or longer.

2. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because the passenger rating and the capacity requirements of the elevator do not allow for the carriage or storage of approved self-contained self-rescuers on the elevator during ascent or descent. No other practical means of storage of the approved SCSRs is available on the elevator. In addition, damage could occur to the individual units through handling and transportation.

3. As an alternative method, petitioner proposes to provide the miners with an approved sixty-minute filter type self-rescuer as they ascend or descend on the elevator. In support of this proposed alternative method, petitioner states that:

a. The elevator is located in the intake air shaft;

b. The time of ascent or descent in the elevator is seconds and all miners on the elevator would have the filter-type self-rescuer available.

4. The mantrip station is located immediately adjacent to the elevator entrance, or exit, and the petitioner requests approval to leave the approved SCSRs on the section mantrip station at the bottom of the elevator shaft.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 19, 1981. Copies of the petition are available for inspection at that address.

Dated: September 9, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-27242 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-36-M]

Butte Lode Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Butte Lode Mining Company, Butte Avenue, Randsburg, California 93555 has filed a petition to modify the application of 30 CFR 57.19-5 (clutch of manhoist drum; locking mechanism) to its Butte Lode Mine located in Kern County, California. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the hoist be driven by a direct drive gear type of mechanism.

2. Petitioner requests a modification of the standard to allow a four ¾" C-type pulley belt drive to the electric motor of the 1905 Fairbank Morse hoist.

3. In support of this request, petitioner states that:

a. The belt drive will be satisfactory, safe and secure for man hoisting;

b. A manual interlock will be installed on the clutch;

c. All the cable was purchased new and placed on the hoist about six months ago;

d. There will be a drum-type variable speed control and a reversing unit manufactured by Westinghouse which will allow the operator to manage the unit with a hand control standing at the hoist brake control;

e. The hoisting unit has a very secure heavy-duty set of brakes; and

f. Parts are unavailable for this hoist and the modification proposed will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 19, 1981. Copies of the petition are available for inspection at that address.

Dated: September 9, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-27239 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-32-C]

Coal King Corp.; Petition for Modification of Application of Mandatory Safety Standard

Coal King Corportion, Box 247, Sophia, WV 25921 has filed a petition to modify the application of 30 CFR 75.1714 (availability of approved self-rescue devices; instruction in use and location) to its Bonnie Beth and Tarrah Leigh Mines located in Raleigh County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each operator shall make available to each miner employed by the operator who goes underground and to visitors authorized to enter the mine by the operator a self-rescue device or devices approved by the Secretary which is adequate to protect such person for one hour or longer.

2. As an alternative method, petitioner proposes to provide an operative emergency vehicle on the working section at all times miners are working such section. In addition, petitioner will provide double the amount of present self-rescuers and will test these self-rescuers at intervals not exceeding 30 days. Fire drills will be practiced every 30 days.

3. Petitioner states that this proposed alternative method will provide the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 19, 1981. Copies of the petition are available for inspection at that address.

Dated: September 9, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-27238 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-140-C]

Kenellis Energies, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Kenellis Energies, Inc., P.O. Box 194, Harco, Illinois 6294 had filed a petition for modification of 30 CFR 75.1714 (availability of approved self-rescue devices; instruction in use and location) to its Bushy Creek Mine located in Saline County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each operator shall make available to each miner employed by the operator who goes underground and to visitors authorized to enter the mine by the operator a self-rescue device or devices approved by the Secretary which is adequate to protect such person for one hour or longer.

2. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because:

a. The self-rescue devices would be exposed to extreme temperatures for extented periods of time due to the slope being on intake air direct from the outside. The manufacturer has specific maximum-minimum temperatures the unit can sustain without damage;

b. A hazard exists in transporting these units with people and would also diminish the man-trip capacity;

c. The self-rescuer units would add extra weight on the man-trip, and the man-trip would have to be redesigned or another car added to accommodate the units; and

d. The self-rescuer uses granulated KO_2 as the oxygen source. The slope man-trip travels approximately 7,560 miles per year. All this travel causes considerable amounts of vibration which could cause KO_2 granules to become powder.

3. As an alternative method which will provide the same or greater degree of safety for the miners affected as that afforded by the standard, petitioner proposed that:

a. Each miner will wear a filter type self-rescuer on his or her person at all times while traveling in the slope;

b. The same number of self-contained self-rescuers will be stored that would be on the slope transportation in the immediate bottom area of the mine approximately 300 feet from the slope man-trip loading and unloading station. These would be cached in a haulage transportation entry on neutral ventilation where the temperature is more constant, where all people must pass and within 150 feet of slope intake air.

c. The area will be well designated with signs.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health

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Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 19, 1981. Copies of the petition are available for inspection at that address.

Dated: September 10, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-27245 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-161-C]

Milburn Colliery Co.; Petition for Modification of Application of Mandatory Safety Standard

Milburn Colliery Company, Burnwell, West Virginia 25034 has filed a petition to modify the application of 30 CFR 77.1605(k) (berms or guards) to its No. 4 Mine located in Fayette County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that berms or guards be installed on the mine's roadway.

2. The track and monitor system normally used to transport coal have broken down. While repairs are made, petitioner plans to install a temporary truck loading facility and plans to truck coal down the mine road using four trucks travelling two together.

3. Petitioner has been advised that the present one-foot high berm along the roadway is insufficient for the planned temporary truck haulage.

4. After a thorough investigation, petitioner has determined that increasing the berm's size will result in a diminution of safety for the mining personnel because:

a. The roadway will be disturbed, which has been stabilized for many years and will increase sedimentation and erosion, creating the danger of slides, ruts and holes in the roadway;

b. Increasing the berm's size will reduce the number of passing areas on the road, creating additional hazards of head-to-head traffic and congestion;

c. Increasing the berm's size will trap additional run-off water and permit freezing of this water in winter, creating hazardous driving conditions.

5. Petitioner further states that guards would not be effective because they would have to be built on fill material.

6. Petitioner proposes to use the mine road for truck haulage until repair of the track and monitor system. In support of this proposal petitioner states that the necessary safeguards will be followed to insure that safe operating procedures are followed on the roadway, including operator training, vehicle safety checks, roadway inspections and a posted traffic system.

7. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 19, 1981. Copies of the petition are available for inspection at that address.

Dated: September 9, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-27243 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-129-C]

Pyro Mining Co.; Petition for Modification of Application of Mandatory Safety Standards

Pyro Mining Company, P.O. Box 267, Sturgis, Kentucky 42459 has filed a petition to modify the application of 30 CFR 75.1714 (availability of approved self-rescue devices; instruction in use and location) to its Pyro No. 11 and Pride Mines located in Union County, Kentucky and its Wheatcroft and Pyro No. 6 Mines located in Webster County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each operator shall make available to each miner employed by the operator who goes underground and to visitors authorized to enter the mine by the operator a self-rescue device or devices approved by the Secretary which is adequate to protect such person for one hour or longer.

2. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because most of the available self-contained self-rescuers weigh from seven to ten pounds and are large and bulky and would be in the mniners' way when working or walking in a crouched position. In addition, wearing these rescuers would restrict movement and mobility if the miner should have to react suddenly in the event of an emergency; the devices would be cumbersome and present a possible tripping hazard when walking.

3. Because of the added weight to the miner, these rescuers would present a higher degree of back stress and strain, as well as inflicting bruises against the miner's body by the bouncing effects of walking and other movements. The weight and size of these rescuers present the potential of causing the miner to lose concentration of the surrounding mining conditions.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 19, 1981. Copies of the petition are available for inspection at that address.

Dated: September 9, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-27241 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-35-M]

Union Carbide Corp.; Petition for Modification of Application of Mandatory Safety Standard

Union Carbide Corporation, Pine Creek Operations, Bishop, California 93514 has filed a petition to modify the requirements of 30 CFR 57.4-61A (installation of fire doors) to its Pine Creek Mine located in Inyo County, California. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fire doors be installed at shaft stations.

2. The mine is accessed by three adits, located at the lower, middle and upper extremities of the mine. The three main shafts are used for normal transportation of miners and materials but are not an exclusive part of the

escapeway system; parallel routes exist.

3. Escape procedures provide for mine egress via one of the three adits.

Depending on location, any person underground can exit the mine via the closest portal without depending on any of the three main raises.

4. Many years of mining activity have resulted in many large, open stopes which interconnect to many levels and serve as an air path. Shaft doors would do little to control air flow because many alternate routes exist; doors at stations could worsen the problem of smoke distribution by diverting smoke from normal pathways through alternate airways and into areas affecting evacuation routes, possibly endangering personnel. Open stopes are effectively used as exhaust airways which aid ventilation by minimizing recirculation, but the balance could be damaged by doors at shaft stations.

5. As an alternative method, petitioner states that in the event of an internal mine fire:

a. The C-Level portal 200-hp fan will be reversed to intake and the 200-hp fan at the 90 fill raise would be changed to exhaust. This provides a fresh air base along the length of the C-Level drift and down the ramp system;

b. The exhaust fans on the 8100 Level would be reversed to intake and the 07 fan switched to exhaust;

c. The fan on the 1500 Level would be reversed which would ensure that no smoke is drawn into the mine through the intake fan.

6. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 19, 1981. Copies of the petition are available for inspection at that address.

Dated: September 9, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-27240 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 1-5 of Executive Order 12196 of February 26, 1980, published in the **Federal Register** February 27, 1980 (45 FR 12769), will meet on October 7, 1981 starting at 10:00 AM in Rooms N5437 A, B, C, of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. Call to Order
II. Presentation of FACOSH Appointees
III. Approval of Minutes of August 4, 1981 Meeting.
IV. Presentation—Federal Emphasis Program on Seat Belts
V. FACOSH Comments:
  1. Proposed Policy
  2. A Plan for the Federal Government to Save
VI. Committee Reports:
  A. Standing Committee on Federal Safety and Health Conferences
  1. Progress Report—Atlanta Conference
VII. New Business
VIII. Adjournment

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business October 2, 1981, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business October 2, 1981. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to Richard P. Wilson, Acting Director, Office of Federal Agency Programs, Department of Labor, OSHA, Bicentennial Building, 600 E Street, N.W., Suit 500, Washington, D.C. 20210, telephone (202) 376-3005.

Signed at Washington, D.C. this 16th day of September, 1981.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 81-27936 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-26-M

National Advisory Committee on Occupational Safety and Health; Appointment of Members

Notice is hereby given that appointments have been made to fill the vacancies on the National Advisory Committee on Occupational Safety and Health (NACOSH) created by the expiration of the terms of six members on June 30, 1981.

New members appointed to the Committee are: Ms. Joyce Hearn, Public Representative; Dr. Bruce Karrh, Management Representative; Mr. B. Gawain Bonner, Safety Representative; Dr. Richard P. Miethke, Health Representative.

Members reappointed to the Committee are: Dr. Marcus M. Key, Health Representative; Mr. George H. R. Taylor, Labor Representative.

The members were selected on the basis of their experience and competence in the field of occupational safety and health.

The full membership of the Committee and the categories represented are now as follows:

Public

Dr. Nicholas A. Ashford, Assistant Director, Center for Policy Alternatives, Building E40-250, Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139;

Dr. Richard E. Ginnold, OSHA Coordinator Labor Education and Research Center, PLC 154, Eugene, OR 97403;

Representative Joyce C. Hearn, State of South Carolina, 1316 Berkeley Road, Columbia, SC 29205;

Carol Oppenheimer, Antioch Law School, 2633 16th Street, NW, Washington, DC 20009.

Management

Dr. Bruce W. Karrh, Medical Director, E.I. du Pont de Nemours and Co., Inc., Medical Division, N-11400, Wilmington, DE 19898;

Dr. Peter J. Nord, President, Schauer Manufacturing Corporation, 4500 Alpine Avenue, Cincinnati, OH 45242.

Labor

John J. Sheehan, Legislative Director, United Steelworkers of America, Suite

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706, 815 Sixteenth Street, NW, Washington, DC 20006;

George H. R. Taylor, Director, Department of Occupational Safety and Health, AFL–CIO, 815 Sixteenth Street, NW, Washington, DC 20006.

Safety

Mr. B. Gawain Bonner, Director, Loss Control, Tenneco, Inc., Tenneco Building, P.O. Box 2511, Houston, TX 77001;

Dr. Thomas H. Rockwell, Professor of Industrial and Systems Engineering, Ohio State University, Columbus, OH 43220.

Health

Dr. Marcus M. Key, Professor of Occupational Medicine, School of Public Health, Rm N–210, The University of Texas Health, Science Center, P.O. Box 20186, Houston, TX 77025;

Dr. Richard P. Miethke, Medical Director, Delco Electronic Division, GMC, 700 East Firmin Street, Kokomo, IN 46902.

The newly appointed members will serve two year terms expiring on June 30, 1983. The remaining members are serving the second year of a two year term ending on June 30, 1982.

The National Advisory Committee was established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act.

For additional information contact: Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, Northwest, Rm N–3635, Washington, DC 20210, Telephone: (202) 523–8024.

Signed at Washington, D.C. this 11th day of September 1981.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 81–27258 Filed 9–17–81; 8:45 am]

BILLING CODE 4510–26–M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81–79; Exemption Application No. D–2374]

Exemption From the Prohibitions for Certain Transactions; Involving the Paul J. Ashkenaz and Richard A. Gilbert, Endodontics, Ltd. Profit Sharing Plan, Located in Chicago, Illinois

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would permit the loan of $35,000 by the Paul J. Ashkenaz and Richard A. Gilbert, Endodontics, Ltd. Profit Sharing Plan (the Plan) to Paul J. Ashkenaz and Richard A. Gilbert, Endodontics, Ltd. (the Employer).

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523–7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 6, 1981, notice was published in the **Federal Register** (46 FR 34883) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transaction described in an application filed on behalf of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan of $35,000 by the Plan to the Employer, provided that the terms of the loan are at least as favorable to the Plan as those available in an arm's length transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27263 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-74 Exemption Application No. D-2150]

Exemption From the Prohibitions for Certain Transactions, Involving the Carpenters Pension Trust for Southern California, Located in Los Angeles, California

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale of a piece of improved real property (the Rose Hills property) from the Carpenters Pension Trust for Southern California (the Trust) to the Los Angeles County District Council of Carpenters (the District Council), an employee organization some of whose members are participants in the Trust.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Office of Fiduciary Standards, Pension and Welare Benefit Programs, Room C-4526, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 30, 1981, notice was published in the **Federal Register** (46 FR 33683) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (D) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. The applicant has represented that a copy of the notice was furnished by July 15, 1981, to interested persons in compliance with the requirements set forth in the notice of proposed exemption. No public comments were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c) (1) (E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Trust and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Trust.

Accordingly the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the proposed sale of the Rose Hills property by the Trust to the District Council for $1,428,000, provided that that amount is not less than fair market value at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27258 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-80; Exemption Application No. D-2405]

Exemption From the Prohibitions for Certain Transactions Involving the Citizens Bank Employees' Stock Bonus Plan, Located in Bloomsbury, New Jersey

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the sale on March 22, 1978, of two mortgages by the Citizens Bank Employees' Stock Bonus Plan (the Plan) to Citizens Bank, N.A. (the Employer), a party in interest with respect to the Plan.

EFFECTIVE DATE: This exemption is effective March 22, 1978.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Office of

Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216; (202) 523–8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 26, 1981, notice was published in the **Federal Register** (46 FR 33137) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above mentioned transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice has been furnished to interested persons in compliance with the requirements set forth in the notice of proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401 (a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale on March 22, 1978, of the two mortgages described in the notice of proposed exemption by the Plan to the Employer, provided that the amount the Plan received for each mortgage was not less than its fair market value on that date.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 11th day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–27264 Filed 9–17–81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81–81; Exemption Application No. D–2535]

Exemption From the Prohibitions for Certain Transactions; Involving the Fazio, Dawson & Thompson, P.A. Money Purchase Pension Plan and Trust, Located in Fort Lauderdale, Fla.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts the sale by the Fazio, Dawson & Thompson, P.A. Money Purchase Pension Plan (the Plan) of two parcels of property to D. Fredrico Fazio (the Trustee), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 6, 1981, notice was published in the **Federal Register** (46 FR 34865) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406 (b) (1) and (b) (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed on behalf of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the notice to interested persons requirement as set for the in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plan of two parcels of property (the Properties), one located on the Southwest corner of S.E. 8th Street and S.E. 2nd Avenue, in Ft. Lauderdale, Florida and the other located on the Northeast corner of S.E. 9th Street and S.E. 2nd Avenue, in Ft. Lauderdale, Florida, to the Trustee for $90,000 and $64,000 respectively, provided that these amounts are at least the fair market value of the Properties on the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27265 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-75; Exemption Application No. D-2204]

Exemption From the Prohibitions for Certain Transactions; Lloyd's Bank California, Located in Los Angeles, California

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the use of assets of employee benefit trusts (Trusts), for which Lloyds Bank California (the Bank) serves as corporate co-trustee, for permanent loans to persons who will use the loan proceeds to pay off construction loans originated by the Bank.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 24, 1981, notice was published in the Federal Register (46 FR 38178) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (D) of the Code, for the above described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. No public comments were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an

exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Trusts and their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Trusts.

Accordingly the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the use of assets of the Trusts for permanent mortgage loans to the Borrowers, who will use the loan proceeds to pay off construction loans originated by the Bank.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–27[illegible] Filed 9–17–81; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 81–76; Exemption Application No. D–2207]

Exemption From the Prohibitions for Certain Transactions; Involving the William S. McAfee, M.D., Inc. Revised Profit Sharing Plan and Trust, Located in Monterey, California

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would exempt the cash sale of an interest in a parcel of unimproved real property by the William S. McAfee, M.D., Inc. Revised Profit Sharing Plan and Trust (the Plan) to William S. McAfee, M.D. (Dr. McAfee), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523–8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 6, 1981, notice was published in the **Federal Register** (46 FR 34869) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a) and 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the transaction described in an application filed by legal counsel for the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978 section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the cash sale for $106,249 by the Plan to Dr. McAfee of a 67.14% interest in one-half of a parcel of unimproved real property located at 966 Cass Street, Monterey, California, provided that this amount is not less than the fair market value at the time of sale.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27260 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-77; Exemption Application No. D-2347]

Exemption From the Prohibitions for Certain Transactions Involving Marr, Knapp & Crawfis Associates, Inc. Profit Sharing Trust, Located in New Philadelphia, Ohio

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would exempt the sale by the Marr, Knapp & Crawfis Associates, Inc. Profit Sharing Trust (the Plan) of a parcel of unimproved real property to a partnership (the Partnership) which is comprised of individuals who are members of Marr, Knapp & Crawfis Associates, Inc. (the Employer), the professional corporation which sponsors the Plan.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 6, 1981, notice was published in the **Federal Register** (46 FR 34868) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transaction described in an application filed by legal counsel for the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plan to the Partnership of a 1.048 acre tract of property located on Wabash Avenue, in New Philadelphia, Ohio, provided the price paid is no less than the fair market value of the property at the date of sale.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27261 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-70; Exemption Application No. D-2373]

Exemption From the Prohibitions for Certain Transactions; Involving Volkmuth Printers, Inc., Profit Sharing Plan, Located in St. Cloud, Minn.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would exempt the cash sale of 7.47 acres of real property (Parcel No. 1) by the Volkmuth Printers, Inc. Profit Sharing Plan (the Plan) to the Volkmuth Printers, Inc. (the Employer) and the proposed cash sale of 10.48 acres of real property (Parcel No. 2) by the Plan to the Employer.

EFFECTIVE DATE: The exemption will be effective October 12, 1981 for the sale of Parcel No. 1 and effective with the date of grant for Parcel No. 2.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 10, 1981, notice was published in the **Federal Register** (46 FR 35820) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406 (a) and 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (e) of the Code, for the transactions described in an application filed by legal counsel for the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary of other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things, require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406 (a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of Parcel No. 1 by the Plan to the Employer for $56,025, provided that this amount was not less than the fair market value at the time of sale, or to the proposed cash sale of Parcel No.2 by the Plan to the Employer of $99,560, provided that this amount is not les than the fair market value at the time of the sale.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washinton, D.C., this 11th day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services, Administration, Department of Labor.

[FR Doc. 81-27262 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-71; Exemption Application No. D-1685]

Exemption From the Prohibitions for Certain Transactions Involving the Pension Plan for Employees of Straub Clinic and Hospital, Inc., Located in Honolulu, Hawaii

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the prospective ground lease of certain real estate by the Pension Plan for Employees of Straub Clinic and Hospital, Inc. (the Plan) to the Straub Clinic and Hospital, Inc. (the Clinic), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Paul R. Antsen of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 2, 1981, notice was published in the **Federal Register** (46 FR 29566) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the retrictions of sections 406(a), 406(b) (1) and (b) (2) and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c) (1) (A) through (E) of the Code, for the above described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed to interested persons in accordance with the requirements set forth in the notice. No public comments and no requests for a hearing were received by the Department.

The applicant has requested a clarification of certain information contained in paragraphs six and eight of the Summary of Facts and Representations. The notice indicated that the improvement to the Real Estate was a three story wing (the Addition) to be added to the Clinic's existing complex. The applicant seeks to correct an erroneous factual representation by requesting the Department to restate a portion of item 6 of the Facts and Representations beginning with the second sentence. In relevant part Item 6 should be read as follows:

> * * * The Clinic now seeks to renegotiate the lease (the Renegotiated lease) as part of its agreement with NYLC for a permanent loan to repay an interim construction loan from the Bank of Hawaii in the amount of $10.5 million borrowed for the purpose of (a) adding a fourth level to a three level garage on the Real Estate (the Garage) and (b) adding a three story wing to the Clinic's existing complex, which is located on land owned by the Straub Partnership * * *

Based on this revision, subsequent references in the notice to the "Addition" should be read as the "Garage". Additionally, the third and fourth sentences of item 8 should be modified to reflect that the value of the Plan's interest in the Real Estate must reflect the encumbrance of the Lease. Therefore, in relevant part, item 8 should be read as follows:

> * * * The Real Estate was subsequently valued (with the encumbrance of the Lease) at $843,000 on December 30, 1979 for purposes of the Plan's annual report filing. As of this valuation date, the Real Estate represents twenty-seven (27) percent of Plan assets.

The Department has determined that these modifications do not materially affect the transaction as proposed, were fully disclosed to participants and beneficiaries of the Plan through the Notice to Interested Persons procedure and were known to the independent fiduciary at the time the proposed transaction was reviewed and the determination made that the transaction was in the best interest of the Plan and its participants and beneficiaries. Therefore, the Department has decided to grant this exemption as proposed.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the Renegotiated Lease of the Real Estate located on South King Street in Honolulu, Hawaii by the Plan to the Clinic as set forth in the application for exemption, provided that the terms and conditions of the lease arrangement remain as favorable to the Plan as would otherwise be available with an unrelated third party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27255 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-72; Exemption Application No. D-1814]

Exemption From the Prohibitions for Certain Transactions; Involving the Norris, McLaughlin & Marcus, P.A. Profit Sharing Plan Located in Somerville, New Jersey

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits (1) a loan of $23,790 by Norris, McLaughlin & Marcus, P.A. Profit Sharing Plan (the Plan) to Norris, McLaughlin & Marcus, P.A. (the Employer), a party in interest with respect to the Plan; and (2) the personal guarantees of the Employer's obligations pursuant to the loan by eight shareholders of the Employer.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 24, 1981, notice was published in the **Federal Register** (46 FR 38183) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was provided to interested persons in accordance with the requirements set forth in the notice. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) the loan of $23,790 (the Loan) by the Plan to the Employer provided that the terms and conditions of the Loan are not less favorable to the Plan than those obtainable in a similar transaction with an unrelated third party; and (2) the personal guarantees of the Employer's obligations with respect to the Loan by eight shareholders of the Employer.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27256 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-73; Exemption Application No. D-1962]

Exemption From the Prohibitions for Certain Transactions; Involving the Schwarz Foundry Company Profit Sharing Plan and Trust, Located in Detroit, Michigan

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits, for a period of five years, the loan (the Loan) of money by the Schwarz Foundry Company Profit Sharing Plan and Trust (the Plan) to Schwarz Foundry Company (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 6, 1981, notice was published in the **Federal Register** (46 FR 34873) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed by the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of notification to intersted persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of wether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the Loan of $150,000 by the Plan to the Employer for a term of five years provided that the terms of the Loan are at least as favorable to the Plan as the Plan could obtain in a transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 11th day of September, 1981

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27257 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2660]

Proposed Exemption for Certain Transactions Involving the Employees' Profit Sharing Plan of Downey Savings & Loan Association Located in Costa Mesa, California

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed contribution of 16 promissory notes, secured by first deeds of trust on improved real property, to the Employees' Profit Sharing Plan of Downey Savings & Loan Association (the Plan) by Downey Savings & Loan Association (the Employer). The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the Employer, the makers of the notes, and the trustee of the Plan, Title Insurance and Trust Company (the Trustee).

DATE: Written comments and requests for a public hearing must be received by the Department on or before November 9, 1981.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective on or about September 15, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-2660. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan covers employees of the Employer and other corporations associated with the Employer. Approximately 274 employees participated in the Plan as of December 31, 1980. As of December 31, 1979, the Plan's assets totalled $659,891. All assets of the Plan, as of March 12, 1981, were invested in a pooled trust fund of cash equivalent securities held by the Trustee.

2. Section 3.1(a) of the Plan provides for employer contributions from each participating employer's current or accumulated adjusted net profits in such amount as may be determined at the discretion of such employer's board of directors, not to exceed specified limits. Section 5.02(a) of the trust agreement established to fund the Plan permits the Trustee to invest Plan assets in mortgages, among other investments. Although the terms of the trust agreement generally give the Trustee exclusive discretion to manage and control the assets of the Plan, section 7.5(c) of the Plan document and sections 3.01(c) and 5.01(a) of the Trust agreement permit an administrative committee appointed by the Employer to direct the Trustee to acquire or dispose of particular assets. However, the Employer proposes to amend these sections of the Plan document and the trust agreement, subject to the granting of this proposed exemption, to provide that such directions by the administrative committee shall not apply to promissory notes contributed to the Plan by a participating employer and to certain specified securities.

3. The Employer is a savings and loan association chartered to act as such under the laws of the State of California. The Employer has made regular contributions to the Plan since its inception. The Employer wishes to continue making contributions to the Plan but its ability to do so is currently being hampered because high interest rates and the downturn in the housing market in California have reduced the Employer's profits. On December 17, 1980, the board of directors of the Employer resolved to contribute to the Plan for 1980 dividends made by Rancho Insurance Agency through the Rancho Stock Trust (the Rancho Dividends) and first deeds of trust wholly owned by the Employer in a "face sum" equal to ten percent of the participants' compensation for 1980 less the amount of such dividends. It is represented that the Rancho Dividends are cash dividends on stock held in a revocable trust created by the Employer, which includes the dividends in its gross income for Federal income tax purposes. Said trust agreement provides that the Rancho Dividends are payable to the Plan. The directors further resolved that the Employer shall not contribute the first trust deeds to the Plan for 1980 if the Department does not grant an exemption for the proposed contribution. The Employer intends to make this contribution on or before September 15, 1981, because the Employer's Federal income tax return for 1980 is due by that date. As the participants' compensation for 1980 amounted to $4,178,769.88, the proposed contribution to the Plan for 1980 will be $417,877, consisting of 16 promissory notes secured by first deeds of trust on improved real property and the Rancho Dividends. It is represented that the "face sum" of the 16 notes which the Employer proposes to contribute to the Plan is the sum of their remaining principal balances, which totalled $300,303.63 as of June 3, 1981, and that the balance of the contribution required by the board of directors' resolution (i.e., the Rancho Dividends) has already been paid to the Plan.

4. The notes were made between the years 1964 and 1967 and mature between February 1988 and January 1998. None of the borrowers are parties in interest with respect to the Plan. Each note provides for monthly payments of principal and interest at a rate of either 6 or 6¼ percent per year. None of the notes are in default. The ratios of the present unpaid principal balance of each note to the appraised value of the real property securing the loan when the note was made range from 25 to 61 percent. The real property securing each loan is insured for fire and casualty loss in an amount sufficient to cover the amount of the related first deed of trust. Each such first deed of trust provides that the real property securing the loan shall be held by the Trustee in trust, with power of sale, until the loan is fully repaid, when the Trustee will reconvey the real property to the borrower. Each such deed of trust is presently recorded in official records of either Orange County or Los Angeles County, California. Upon contribution to the Plan, the notes and trust deeds will be recorded in accordance with normally accepted procedures in order to secure the Plan's lien on the properties involved. The Employer had previously transferred some of the subject notes to the Federal Home Loan Bank of San Francisco to be held in a Government National Mortgage Association (GNMA) pool. When the proposed contribution of the notes actually takes place, the Employer will repurchase these notes from the GNMA pool so that they may be contributed to the Plan. All 16 notes will then be physically transferred by the Employer to the Plan by hand delivery to the Trustee on or about September 15, 1981. The Employer will record a written assignment to the Plan of the Employer's beneficial interest under the notes.

5. To eliminate risk to the Plan, the Employer will hold the Plan harmless, for two years from the date the notes are contributed, from any liabilities arising from or relating to the notes, other than losses arising from default or changes in the market rate of interest. Although it is anticipated that the Plan will hold the notes for investment purposes, the Trustee will be able to sell them at any time and will be under no obligation to continue to hold them if future circumstances warrant disposing of them. The Trustee will service the notes and collect all payments. The Employer will pay all expenses incurred in transferring the notes to the Plan. The Employer believes that the expenses incurred in selling the notes to independent third parties and contributing the cash proceeds to the Plan would reduce the proceeds below the value of the notes proposed to be contributed in kind to the Plan.

6. Mr. Benjamin S. Ashley, an independent appraiser, states that he believes the deeds of trust in question should sell and be valued at a discounted 40 percent of the present principal balance. Mr. Ashley has determined that the fair market value of the 16 notes to be contributed to the Plan totals $180,182.17 as of June 3, 1981.

7. The Trustee states that it is not affiliated in any way with the Employer. The Trustee also states that it believes the proposed contribution is in the best interest of Plan participants and beneficiaries. The Trustee believes that the yield-to-value ratio, based on the notes' current fair market value, equals current rates.

8. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria contained in section 408(a) of the Act because (a)

the contribution would be a one-time transaction; (b) the fair market value of the notes has been determined by an independent appraiser; (c) if the notes are not contributed, the Plan will receive only the Rancho Dividends for 1980; (d) the Employer will pay any costs incurred in the proposed transaction; (e) each note is secured by a first deed of trust on improved real property which will be held by the Trustee, with power of sale, until the note is repaid in full; and (f) the Trustee has determined that the proposed transaction is in the best interests of the Plan's participants and beneficiaries.

Notice to Interested Persons

Within 15 days of the date this notice of proposed exemption is published in the **Federal Register**, the applicant will notify all interested persons of the pendency of this application for exemption. The notice will be mailed or delivered to all present plan participants, beneficiaries, and former employees with vested interests in the Plan, and will be posted on appropriate employee bulletin boards. The notice will contain a copy of the notice published in the **Federal Register** and will inform interested persons of their rights to comment and/or request that a hearing be held with respect to the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and repesentations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed contribution of 16 promissory notes, secured by first deeds of trust on improved real property, to the Plan by the Employer provided such contribution is valued at its fair market value.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this proposed exemption.

Signed at Washington, D.C., this 14th day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27266 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Tansaction Exemption 81-62; Exemption Application No. D-780]

Class Exemption for Guaranteed Contract Separate Accounts

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Class Exemption.

SUMMARY: This document contains a final class exeption for certain transactions involving separate accounts maintained by life insurance companies in connection with contracts under which the life insurance company either: (1) guarantees repayment of amounts deposited with it by an employee pension benefit plan, together with accrued interest, on a fixed date, or (2) guarantees payment of a fixed annuity. In the absence of the exemption, these transactions might be prohibited by sections 406(a) and 407 of the Employee Retirement Income Security Act of 1974 (ERISA, or the Act) and might result in the imposition of taxes under sections 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code) with respect to certain transactions described in sections 4975(c)(1)(A) through (D) of the Code.[1] The class exemption will affect life insurance companies, employee pension benefit plans, participants and beneficiaries of such plans, and parties in interest and fiduciaries with respect to such plans.

DATE: The exemption is effective January 1, 1975.

FOR FURTHER INFORMATION CONTACT: William A. Schmidt, Plan benefits Security Division, Office of the Solicitor, U.S. Department of Labor, Washington, D.C., 20216. Telephone (202) 523-9592. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On August 1, 1980, (45 FR 51303) the Department of Labor (the Department) published a notice of the pendency before it of a proposed class exemption

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[1] As discussed below, the Department is publishing elsewhere in this issue of the FEDERAL REGISTER a proposed class exemption that would provide relief from the restrictions of 406(b) of ERISA, as well as relief from the taxes imposed by sections 4975(a) and (b) of the Code by reason of sections 4975(c)(1)(E) and (F) thereof, for certain transactions involving separate accounts of the kind described above.

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from the restrictions of sections 406 and 407 of ERISA and the taxes imposed by sections 4975(a) and (b) of the code for certain transactions involving insurance company separate accounts that are maintained by the insurance company in connection with contracts under which it guarantees repayment of amounts deposited with it by an employee benefit plan, together with accrued interest at a stated rate. These contracts are referred to in this notice as "guaranteed investment contracts."[2] That exemption was proposed in response to an application filed with the Department and with the Internal Revenue Service by Aetna Life Insurance Company, the Equitable Life Assurance Society of the United States and The Prudential Insurance Company of America.[3] The notice of proposed exemption set forth a summary of the facts and representations contained in the application, and referred interested persons to the application for a complete statement of facts and representations. The application has been available for public inspection at the Department in Washington, D.C.

Public comments and a request for a hearing with regard to the proposed class exemption were received pursuant to section 408(a) of ERISA and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Notice of a public hearing was published on November 14, 1980 (45 FR 75365), and the public hearing was held on December 8, 1980. On May 19, 1981, witnesses who appeared at the public hearing made an additional submission which amplified certain testimony.

Upon consideration of the written comments received and the testimony given at the public hearing, the Department has decided to grant a portion of the proposed exemption in an expanded form. In addition, as discussed below, the Department is also publishing in the **Federal Register** today a proposed class exemption that would provide significantly broader relief from the restrictions of section 406(b) of ERISA than would have been provided by the proposed exemption.[4]

Discussion

The Department received three comments regarding the proposed exemption, and two witnesses testified at the public hearing. In response to these comments, the Department is adopting a final exemption that would provide unconditional relief from the restrictions of section 406(a) of ERISA for transactions involving assets held by an insurance company in a "guaranteed contract separate account" of the kind described in the exemption. In addition, the Department has also decided that it may be appropriate to provide broad relief with respect to such transactions from the restrictions on fiduciary conduct that are set forth in section 406(b) of ERISA. Although the proposed exemption provided notice to interested persons that the Department contemplated providing broad relief from section 406(a) of ERISA, the proposal provided much narrower relief from section 406(b). Therefore, the proposed exemption may not have given interested persons adequate notice that a broad exemption from section 406(b) might be issued, and may not have provided such persons with a sufficient opportunity to request a hearing or to present their views on the issues involved in such an exemption. Accordingly, the Department is publishing a separate proposed exemption that would provide relief from the fiduciary restrictions of section 406(b) of ERISA for transactions involving guaranteed contract separate accounts.

The comments received, and the Department's reasons for modifying the proposed exemption in response to those comments, are discussed below.

I. Status of Assets held by an Insurance Company Under a Guaranteed Contract Separate Account

As noted in the preamble to the proposed exemption, section 401(b)(2) of ERISA provides that if an insurance company issues a "guaranteed benefit policy" to an employee benefit plan, the assets of the plan are deemed to include the policy, but do not, solely by reason of the issuance of such policy, include any of the assets of the insurance company. In ERISA Interpretive Bulletin 75–2,[5] the Department stated that if an insurance company issues a contract or policy of insurance to a plan and places the consideration for such contract or policy in its general asset, account, the assets in such account shall not be considered to be plan assets. However, in defining the term guaranteed benefit policy,[6] Congress specifically excluded amounts held by an insurance company in a separate account, and the Department has expressed its view that assets held in a separate account of an insurance company to support obligations under contracts purchased by employee benefit plans are plan assets.[7]

The applicants for the exemption, together with two other insurance companies and the American Council of Life Insurance (collectively referred to in this notice as the "companies") urged the Department to issue an opinion that assets held in a "guaranteed investment contract separate account" of the kind described in the proposed exemption are not plan assets because such separate accounts differ in many respects from conventional separate accounts.

According to the companies, the guaranteed investment contracts that were described in the exemption application have three essential characteristics: (1) the insurance company guarantees that on the date or dates set forth in the contract the company will repay to the contract-holder the amount deposited under the contract plus accrued interest; (2) interest is accrued and credited under the contract at a fixed rate set forth in the contract; and, (3) the guarantee of repayment of principal and the stated interest are fixed, and do not vary with the investment performance of any assets held by the insurance company. These features of the contracts are the same, the companies stated, whether the deposited funds are allocated to the insurance company's general account or to a separate account that is maintained in connection with such contracts.

The companies also noted that insurance companies have different reasons for establishing separate accounts in connection with guaranteed investment contracts. For example, in some cases the investments in which the insurance company's general assets are held may not provide sufficient assurance to a company that its cash flow from investments will comport with its obligations to make payments under its guaranteed investment contracts, but, by using a separate account, the insurance company can make investments that will permit the company to collect interest and principal payments at times and in amounts that are more consistent with its guaranteed payment obligations. In addition, since an insurance company's general account investments frequently include common stocks and equity interests in real estate which, under accounting standards prescribed by state regulation, may limit the calculated yield of the general account of some insurance companies, use of a separate account may affect the guaranteed interest rates that the company is able to offer plans.

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[2] This notice also refers to "guaranteed contracts;" that term includes guaranteed investment contracts and certain fixed annuity contracts that are described below.

[3] Exemption application D–780. Although this application was filed with both the Department and the Internal Revenue Service, the notice of pendency was issued, and the exemption is being granted, solely by the Department because effective December 31, 1978, section 102 of Reorganization Plan Number 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue this type of exemption to the Secretary of Labor.

[4] In the discussion of the exemption, references to the various provisions of section 406 of ERISA should be read to refer as well to the corresponding provisions of section 4975 of the Code.

[5] 29 CFR 2509.75–2.

[6] The definition of "guaranteed benefit policy" in section 401(b)(2)(B) reads as follows:

(B) The term "guaranteed benefit policy" means an insurance policy or contract to the extent that such policy or contract provides for benefits the amount of which is guaranteed by the insurer. Such term includes any surplus in a separate account, but excludes any other portion of a separate account.

[7] Notice of Proposed Exemption (42 FR 54866, October 11, 1977), subsequently adopted as Prohibited Transaction Exemption 78–19 (43 FR 59915, December 22, 1978); *see also*, 29 CFR 2509.75–2.

The companies asserted that assets held by an insurance company in a separate account maintained in connection with a guaranteed investment contract should not be considered plan assets because the contracts are "guaranteed benefit contracts" described in section 401(b)(2)(B) of ERISA. In this respect, the companies noted that, although it might be argued that section 401(b)(2)(B) excludes the assets of all separate accounts from those supporting a "guaranteed benefit policy," the Conference Report accompanying ERISA indicates that separate accounts were excluded because they are separately managed and the insurance company's payments generally are based on the investment performance of the assets held in the separate account.[8] Therefore, the companies stated, it would be inconsistent with the policy underlying section 401(b)(2) not to treat guaranteed investment contracts as "guaranteed benefit policies" regardless of whether they involve a separate account.

The companies also asserted that it would be consistent with the Department's proposed regulation regarding the definition of plan assets for the Department to conclude that monies held by an insurance company under a guaranteed investment contract are not plan assets.[9]

In the preamble to its proposed regulations dealing with the definition of plan assets, the Department emphasized that, with respect to a plan's investment in a wide variety of pooled investment vehicles, the plan is, as a practical matter, retaining the management of that investment vehicle to manage the plan assets that are invested in the fund, and that it appears consistent with the intent of Congress to treat the assets of such a pooled investment vehicle as plan assets.[10] However, as discussed above, the companies stated that the amounts payable, or credited to, a plan under guaranteed investment contracts are fixed and are not affected in any way by the investment performance of assets in any separate account in which monies received by the insurance company are held. Therefore, there are differences between a separate account maintained in connection with guaranteed investment contracts and other pooled separate accounts (where the value of the plan's investment is directly related to the investment management activities of the insurance company) which may be relevant to a determination whether the underlying assets of such an account are "plan assets." However, the specific exclusion of insurance company separate accounts in section 401(b)(2) of ERISA in connection with the definition of "guaranteed benefit policy" implies that assets of all separate accounts in which employee benefit plans invest should be considered plan assets.[11]

In light of the above factors, the Department has concluded that it would be more appropriate to resolve the question of whether assets held by an insurance company in a guaranteed investment contract separate account are "plan assets" in the context of the Department's pending proposed regulation dealing with the definition of that term, and has therefore decided not to issue the ruling requested by the companies. However, as discussed more fully below, many of the characteristics of guaranteed investment contract separate accounts that were discussed by the companies in connection with the question whether assets held in such a separate account are plan assets have been important to the Department's decision to expand the scope of the exemption for transactions involving such separate accounts.

II. Market Value Adjustments

One commentator urged that the Department make certain changes to the proposed exemption to provide additional safeguards in cases where a plan enters into an insurance company contract that provides a guaranteed rate of interest, but withdraws the monies deposited with the company before the stated maturity date. This commentator referred to a case where a plan, when it withdrew amounts deposited with the insurance company, was required to choose either a lump sum payment of the amount deposited less a "market value transfer charge" equal to 25.8% of the assets held, or to accept a gradual transfer of such assets over a five-year period, during which interest at the rate of 4% per year would be paid on the assets not yet transferred. It was not clear whether the amounts deposited were held in a separate account or commingled with the insurance company's general assets.

The commentator noted that the summary of the application contained in the preamble to the proposed exemption stated that the contracts described by the applicants provide for a "market value adjustment" in some circumstances, and this reference lends an appearance of Department approbation of the practice. Therefore, the commentator suggested, the Department should either delete the reference or state that approval of the practice is not intended.

In addition, the commentator suggested three specific conditions to the proposed exemption that would provide for disclosure of certain information regarding market value adjustments and place certain limitations on the terms of contracts described in the exemption.

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[8] H.R. Rep. No. 1280, 93rd Cong., 2d Sess., 296–7 (1974).

[9] Proposed 29 CFR 2550.401b–1 (44 FR 50363, August 28, 1979, and 45 FR 38084, June 6, 1980). Paragraph (a) of the proposed regulation provides, as a general rule, that plan assets include any property in which a plan has a beneficial ownership interest, and the companies asserted that monies held in a guaranteed contract separate account would not constitute "plan assets" under that rule because, when an insurance company issues a guaranteed investment contract that involves a separate account, the plan does not obtain a beneficial ownership interest in the assets of the account.

[10] 44 FR at 50364.

[11] Although, as the applicants pointed out, the Conference Report accompanying ERISA indicates that the primary reason for the special treatment given assets held in a separate account was that the investment performance of the separate account affects the amount payable to plans that participate in the account, it is not clear that this was the exclusive concern of the conferees. In this regard, the Conference Report explanation of the treatment of insurance company separate accounts is as follows:

> Additionally, it is understood that assets placed in a separate account managed by an insurance company are separately managed and the insurance company's payments *generally* are based on the investment performance of these particular assets. Consequently, insurance companies are to be responsible under the general fiduciary rules with respect to assets held under separate account contracts, and the assets of these contracts are to be considered as plan assets (but need not be held in trust). However, to the extent that insurance companies place some of their own funds in these separate accounts to provide for contingencies, this separate account "surplus" is not to be subject to the fiduciary responsibility rules.

H.R. Rep. No. 1280, 93 Cong., 2d Sess., 296–7(1974) (emphasis supplied).

At the public hearing on the proposed exemption, counsel for the companies responded to the comments regarding market value adjustments. According to the companies' representative, the contracts described by the applicants generally provide for the repayment of the amounts deposited, together with interest accrued at a stated rate, on a stated "maturity" date. Although one of the companies provides in its contract for repayment of the amounts deposited at an earlier date under certain circumstances, the representative stated, an insurance company entering into such a contract generally does not contemplate that there will be an early termination by the plan. In addition, the company has no legal obligation to permit such termination. Therefore, the representative asserted, when a plan requests early withdrawal of funds held by the insurance company, the parties are dealing at arm's length, and, if interest rates have increased (relative to the rate guaranteed), then the insurance company would suffer a loss if it repaid the plan 100% of the amount deposited because the market value of the investments made with such deposits would have depreciated.

The companies' counsel also indicated that, because the investment performance of assets in a separate account is not a factor in making market value adjustments, the market value adjustment issue is not relevant to the proposed class exemption or to the applicants' request that the Department issue an interpretation that assets held in a guaranteed investment contract separate account are not plan assets.

In the final exemption, the Department has not incorporated any of the specific suggestions made by the commentator with respect to market value adjustments because the proposed exemption (and the relief being provided here) is based on the Department's conclusion that, where an insurance company unconditionally guarantees the repayment, on a fixed date, of amounts deposited together with accrued interest at a stated rate, a plan has little, if any, interest in the investment performance of assets held in a separate account to which such deposits have been allocated. The Department does not believe that this conclusion has any less validity with respect to contracts that provide for a market value adjustment when amounts deposited are withdrawn before the stated maturity date, so long as the adjustment is not made with reference to the investment performance of a separate account. However, the Department notes that the "guaranteed investment contracts" described in the proposed exemption (and in the final exemption) must provide that the plan has an unqualified right to withdraw the amounts deposited and the interest accrued thereon upon the expiration of the period for which such amounts are guaranteed under the contract. Accordingly, if a contract does not provide for such an unqualified right of withdrawal on the stated maturity date, it would not be a contract described in the exemption.

Even though no specific changes to the exemption have been made to address the issues raised with respect to market value adjustments, the Department is concerned with the effect of such adjustments on employee pension plans, as well as with the potential that the fiduciary responsibility provisions of ERISA may be violated in connection with arrangements that involve the imposition of such charges. In the Department's view, under the general fiduciary responsibility provisions of ERISA, when a fiduciary contemplates contracting with an insurance company, he has an obligation to fully inform himself regarding the relevant terms of the contract, including any charges that may be made in the event amounts deposited with the insurance company are withdrawn, and to take the anticipated liquidity needs of the plan into account in determining whether to enter into the contract.[12] Similarly, the Department believes that when an insurance company that contemplates entering into a contract with a plan is a fiduciary with respect to the assets involved in the transaction for any reason, it has an obligation to adhere to the fiduciary responsibility provisions of ERISA in its dealings with the plan.[13]

III. The Final Exemption

A. *Scope.* The Department has decided to grant an exemption from the restrictions of sections 406(a) and 407(a) of ERISA for any transaction involving a guaranteed contract separate account, as defined in the exemption, provided such transaction is not part of an arrangement, direct or indirect, pursuant to which a plan acquired an interest in such separate account, and provided that such transaction is not part of any other indirect transaction between a plan and a party in interest of the kind described in ERISA Interpretive Bulletin 75–2, 29 CFR 2509.75–2.[14] In addition, as noted above, in a notice also appearing in this issue of the **Federal Register**, the Department is proposing a broad exemption from the restrictions of section 406(b) of ERISA for transactions involving the assets of such an account. This action is being taken because the Department is persuaded, on the basis of the comments received and the testimony given at the public hearing, that an insurance company has a general obligation to pay specified amounts under guaranteed contracts of the kinds described by the companies, and its obligations under such contracts are not affected in any manner by an insurance company's allocation of monies received from a plan to a separate account.[15] In addition, the supplemental submission of the witnesses at the public hearing indicated that most insurance companies are required by state insurance law to maintain a reserve under guaranteed investment contracts that involve a separate account in an amount equal to the accumulated balance under each contract (*i.e.,* deposits under the contract, less withdrawals, plus interest accrued at the contractually guaranteed rate).[16]

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[12] See section 404(a)(1)(B) of ERISA, and the Department's regulations under that section, 29 CFR 2550.404a–1.

[13] *See e.g.* sections 404(a), 405(a), 406(b)(2) and 406(c)(2) of ERISA. An insurance company may be a fiduciary not only because it renders investment management services with respect to plan assets held in a separate account, but also for other reasons. For example, an insurance company may be a fiduciary because it renders investment advice to a plan. *See* section 3(21)(A) of ERISA.

[14] Interpretive Bulletin 75–2 describes certain indirect prohibited transactions which involve reciprocal dealing between a plan and an entity in which it invests as well as indirect prohibited transactions that result from a plan's ability to direct the affairs of an entity. These limitations are derived from the exemption application. The proposed exemption did not contain such limitations because, as was noted in the preamble to the proposed exemption, the Department believes that the arrangements and other prohibited transactions described in Interpretive Bulletin 75–2 also involve the misuse of separate plan assets and would therefore be prohibited whether or not they are expressly excluded from the exemption. However, the Department has decided to include the suggested limitations in the final exemption (and in the proposed exemption from the prohibitions of section 406(b) that is being published with this notice) in order to eliminate any uncertainty regarding the scope of the relief provided.

[15] The final exemption is limited to separate accounts maintained in connection with contracts under which, among other things, the amounts received by the plan are not, in any circumstances, affected by the investment performance of assets held in any separate account or other pooled investment fund. Thus, separate accounts maintained in connection with contracts that provide for a minimum guaranteed rate of interest and for additional interest based upon the investment performance of assets in a separate account are not covered by the exemption.

[16] The supplemental submission indicates that an additional reserve is also required in certain circumstances. In the case of certain fixed annuity contracts the consideration for which may also be held in a separate account that is covered by the exemption (discussed below), reserve requirements are based on mortality tables and interest rates

Continued

Therefore, the additional protections that would be afforded to plans by the imposition of the conditions of the proposed exemption would be limited. Finally, the comments received indicate that, because compliance with the conditions of the exemption as it was proposed would involve substantial burdens, fewer insurance companies would offer such contracts to plans, and plans would accordingly be deprived of investment alternatives that might otherwise be appropriate.

B. *Definitions.* As discussed below, in the final exemption, certain revisions have been made to the definition of "guaranteed investment contract" in response to the comments received, and a new term—"guaranteed contract separate account"—has been substituted for "guaranteed investment contract separate account" in order to reflect the availability of the exemption for separate accounts maintained in connection with certain fixed annuities. In addition, the final exemption contains a definition of "guaranteed fixed annuity contract."

1. *The "insulation" provision.* Under the proposed exemption, the assets of a "guaranteed investment contract separate account" would have been required to be legally segregated and not chargeable with liabilities arising out of any other business the life insurance company may conduct. The definition of the term "guranteed contract separate account" in the final exemption does not contain this requirement.

According to the companies, although the insurance laws of various states by their terms permit an insurance company to provide in a separate account contract that the assets of the separate account are not chargeable with liabilities arising out of any other business the insurance company may conduct, these state law provisions are not mandatory and not all state laws are comparable to those statutes that authorize the inclusion of such a provision. Specifically the companies referred to a Massachusetts statute which may have the effect of prohibiting the adoption of such a provision with respect to a separate account that is maintained in connection with a guaranteed investment contract.

Although the presence or absence of an insulation provision may (depending upon the insurance company issuing the guaranteed contract) be an element in a fiduciary's consideration of whether such a contract is an appropriate investment for a plan, the Department does not believe that it is necessary for the protection of participants (or to assure that the exemption is in their interests), to limit the scope of the exemption to separate accounts that have such a provision because, in most cases, the general credit of an insurance company will provide sufficient assurance that the amounts deposited and the agreed interest (or fixed annuity payments) will actually be paid.[17]

2. *The "exclusive purpose" provision.* The applicants also objected to a portion of the definition of "guaranteed investment contract separate account" in the proposed exemption that required that such an account be "established and maintained * * * for the exclusive purpose of supporting contractural obligations of * * * [a] life insurance company under guaranteed investment contracts * * *". In this regard, the companies stated that the reasons insurance companies maintain separate accounts in connection with guaranteed investment contracts generally involve the interest of the company, and that insurance companies invest the assets of such separate accounts in an effort to make a profit. Therefore, the companies asserted, it cannot be said that these separate accounts are maintained for the exclusive purpose of maintaining obligations under guaranteed investment contracts, and no such requirement should be imposed by the exemption.

The "exclusive purpose" requirement was included in the definition of "guaranteed investment contract separate account" in order to limit the scope of the exemption to those separate accounts that are maintained in connection with an insurance company's obligations under "guaranteed investment contracts" of the kind described. By including this requirement, the Department did not intend to restrict the reasons for which such a separate account might be established, or to limit the benefits that insurance companies might derive from establishing a separate account of this kind. Therefore, in order to clarify its intent, the Department had modified the definition to provide that an insurance company separate account will meet the requirements of the definition if it is established and maintained "solely in connection with" guaranteed contracts of the kind described in the exemption. This change is intended to remove any suggestion that a separate account would fail to be covered by the exemption merely because the use of the separate account may have been motivated by the insurance company's preception that it would be in its own best business interest to do so. However, under the revised provision, the exemption would remain unavailable for transactions involving separate accounts that are maintained, in hold or in part, to support obligations of the insurance company under contracts other than those specifically described in the exemption.

3. *Non-participating contracts providing for fixed annuities.* The companies also suggested that the scope of the exemption be expanded to include separate accounts that are maintained in connection with non-participating single premium fixed annuity contracts. According to the companies, these contracts provide for fixed annuity payments to retirees for life and the amounts payable by the insurance company under such contracts would not be affected by the investment performance of assets held in the separate account. Thus, the companies asserted, the same reasons that warrant the granting of an exemption for separate accounts used in connection with guaranteed investment contracts also apply to separate accounts that hold funds under non-participating fixed annuity contracts. The Department agrees, and has revised the exemption to include separate accounts that are maintained in connection with fixed annuities of the kind described by the companies.

General Information

The attention of interested persons is directed to the following:

1. The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary of a plan to which the exemption is applicable from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties with respect to the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

2. The exemption granted here does not extend to transactions prohibited under section 406(b) of the Act and sections 4975(c)(1) (E) and (F) of the Code.

3. The exemption set forth herein is supplemental to, and not in derogation

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approved by state insurance departments or prescribed by state law.

[17] Of course, the creditworthiness of the insurance company itself would be an important factor in a fiduciary's evaluation of a guaranteed investment contract issued by the company.

of, any other provisions of the Act, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record, including the written comments submitted in response to the notice of August 1, 1980, and the testimony given at the public hearing of December 8, 1980, and the supplemental submission, the Department makes the following determinations:

(i) The class exemption set forth herein is administratively feasible;

(ii) It is in the interests of plans and of their participants and beneficiaries; and

(iii) It is protective of the rights of participants and beneficiaries of plans.

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1.

Section I. Exemption. Effective January 1, 1975, the provisions of sections 406(a) and 407(a) of the Act and the taxes imposed by reason of section 4975(c)(1)(A)–(D) of the Code shall not apply to any transaction between a guaranteed contract separate account and a party in interest, provided such transaction is not part of an arrangement, direct or indirect, pursuant to which a plan acquired an interest in such separate account, and provided such transaction is not part of any other indirect transaction between a plan and a party in interest of the kind described in ERISA Interpretive Bulletin 75–2, 29 CFR 2509.75–2.

Section II. Definitions. For the purposes of this exemption—

A. A "guaranteed investment contract" means a contract issued to an employee pension benefit plan, or to a fiduciary for the benefit of such a plan, by a life insurance company, under which—

1. The life insurance company issuing the contract guarantees the amounts deposited by the plan pursuant to such contract and guarantees a specified rate of interest on such amounts for a stated period of time;

2. The amounts received by, or credited to, a plan under such contract, and any charges made under such contract, are not, in any circumstances, affected by the investment performance of assets held in any separate account or other investment fund;

3. The plan has an unqualified right to withdraw the amounts deposited and the interest accrued thereon upon the expiration of the period for which the amounts deposited, and a specified rate of interest, are guaranteed under such contract; and,

4. The plan's right to recover any amount payable under such contract from the life insurance company issuing the contract, and the plan's claim against the general assets of such life insurance company for any amount payable under such contract, whether on insolvency or liquidation of the life insurance company or otherwise, would not be adversely affected by the allocation by the insurance company to a separate account of amounts received under such contract.

B. A "guaranteed fixed annuity contract" is an annuity contract issued by a life insurance company under which—

1. The life insurance company issuing the contract guarantees annuity payments to plan participants and beneficiaries that remain fixed at the amount specified in, or determined pursuant to schedules applicable to, the contract;

2. The amount of the annuity payable by the life insurance company is not, in any circumstances, affected by the investment performance of assets held in any separate account or other investment fund; and,

3. The annuitant's right to recover any amount payable under such contract from the life insurance company issuing the contract, and the annuitant's claim against the general assets of such life insurance company for any amount payable under such contract, whether on insolvency or liquidation of the life insurance company or otherwise, would not be adversely affected by the allocation by the insurance company to a separate account of the amounts received by it in connection with the issuance of the annuity.

C. A "guaranteed contract separate account" means a separate account that is established and maintained by an insurance company under the laws of a State solely in connection with the insurance company's contractual obligations under guaranteed fixed annuity contracts and guaranteed investment contracts.

D. The term "party in interest" includes a "disqualified person" described in section 4975(e)(2) of the Code.

Signed at Washington, D.C., this 9th day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81–27254 Filed 9–17–81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D–2874]

Proposed Class Exemption for Guaranteed Contract Separate Accounts; Fiduciary Transactions

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Class Exemption.

SUMMARY: This document is a notice of pendency before the Department of Labor (the Department) of a proposed class exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA, or the Act), and from the taxes imposed with respect to such transactions under the Internal Revenue Code of 1954 (the Code). The proposed class exemption would permit life insurance companies to engage in certain transactions involving "guaranteed contract separate accounts" that might otherwise be prohibited under ERISA, and supplements a final class exemption relating to such separate accounts that is being granted by the Department simultaneously with this notice. If granted, the proposed exemption would affect participants and beneficiaries of employee pension benefit plans, fiduciaries of such plans, and life insurance companies.

DATES: Written comments and requests for a hearing must be received by the Department on or before November 17, 1981. If adopted, the proposed exemption will be effective from January 1, 1975.

ADDRESSES: All written comments and requests for a heairng (preferably three copies) should be addressed to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: "Guaranteed Contract Separate Account Exemption—Fiduciary Transactions."

The comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, Department of Labor, Room N–4677, 200 Constitution Ave., NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: William A. Schmidt, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523-9592. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed class exemption from the restrictions of section 406(b) of ERISA, and from the taxes imposed by section 4975 (a) and (b) of the Code for transactions involving certain "guaranteed contract separate accounts" maintained by life insurance companies. As described more fully in the proposed exemption, a "guaranteed contract separate account" is a separate account maintained by an insurance company in connection with its obligations under (1) contracts under which the insurance company guarantees repayment on a fixed date of amounts deposited with it by an employee pension benefit plan, together with interest accrued at a stated rate, or (2) certain fixed annuities.

Background

By notice appearing elsewhere in this issue of the **Federal Register**, the Department has granted a class exemption (Prohibited Transaction Exemption 81-82) that provides relief from the restrictions of section 406(a) of ERISA [1] for transactions between a party in interest and a guaranteed contract separate account. That exemption was granted pursuant to a notice of proposed exemption published on August 1, 1980, [2] and in response to an application for exemption filed by Aetna Life Insurance Company, The Equitable Life Assurance Society of the United States and The Prudential Insurance Company of America. [3] Comments were received by the Department in response to the proposed exemption, and a public hearing was held with respect to the proposed exemption on December 8, 1980. [4] On May 19, 1981, a supplemental submission was made by certain witnesses who testified at the hearing.

As discussed in greate detail in the preamble to Prohibited Transaction Exemption 81-82, the applicants for the exemption, together with certain other insurance companies and the American Council of Life Insurance (the companies), urged that the Department either rule that property held in a guaranteed contract separate account does not constitute "plan assets" (and that, therefore, transactions with a party in interest that involve such property ordinarily would not be prohibited) or expand the coverage of the proposed exemption to provide unconditional relief from the prohibitions of section 406(a) and 406(b) of ERISA with respect to transactions involving the assets of a guaranteed contract separate account.

In the preamble to Prohibited Transaction Exemption 81-82, the Department indicated that it would consider whether assets held in a guaranteed contract separate account are "plan assets" in the context of its rulemaking proceeding regarding the definition of that term. However, the Department also concluded, on the basis of the comments received in response to the proposed exemption and the testimony at the public hearing, that it is appropriate to grant relief from the restrictions of section 406(a) of ERISA for transactions between a guaranteed contract separate account and a party in interest, and Prohibited Transaction Exemption 81-82 provides for this relief.

The Department also indicated in the preamble to Prohibited Transaction Exemption 81-82, that, although the basis for granting the relief provided in that exemption also appears to support a broad exemption from the restrictions of 406(b) of ERISA, it would not be appropriate to grant such relief as part of the final exemption because the proposed exemption did not provide adequate notice to interested persons that the Department contemplated providing broad relief from section 406(b).[5] Accordingly, in order to avoid delay in granting the exemption provided by Prohibited Transaction Exemption 81-82, the Department has decided to separately propose an exemption from the prohibitions of section 406(b) and the corresponding provisions of the Code for transactions involving the assets of guaranteed contract separate accounts.

The Proposed Exemption

The proposed exemption provides that the prohibited transaction restrictions of section 406(b) of ERISA shall not apply to a transaction that is prohibited solely because it involves the assets of a guaranteed contract separate account, provided such transaction is not part of an arrangement, direct or indirect, pursuant to which a plan acquired its interest in the separate account, and provided such transaction is not part of an indirect transaction between a plan and a party in interest of the kind described in ERISA Interpretive Bulletin 75-2 (29 CFR 2509.75-2). The proposed exemption is intended to provide unconditional relief from those prohibited transaction that arise in connection with a life insurance company's management of the assets of a guaranteed contract separate account. For example, absent other relevant facts, the exemption would permit an insurance company to invest the assets of a guaranteed contract separate account in a manner that might otherwise constitute prohibited dealing with plan assets in its own interest or for its own account (such as causing the separate account to lend money to an affiliate of the insurance company) since the insurance company would be a fiduciary solely by reason of its management of the "plan assets" in the separate account. However, the proposed exemption does not provide relief for transactions that are prohibited by reason of other fiduciary relationships between an insurance company and a plan or for transactions that are part of certain indirect arrangements between a plan and a party in interest. Thus, an insurance company that is a fiduciary with respect to a plan by reason of providing investment advice for a fee or other compensation, would engage in a transaction prohibited under section 406(b)(1) of ERISA, and for which the exemption as proposed would afford no relief, if it recommends that the plan acquire a guaranteed investment contract from the insurance company. Such a transaction would involve the consideration for the contract itself, and not the assets of any guaranteed contract separate account that may be maintained in connection with it; in such circumstances the exemption being proposed here would not be available.[6]

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[1] In the discussion of the proposed exemption, references to the various provisions of section 406 of ERISA should be read to refer as well to the corresponding provisions of section 4975 of the Code.

[2] [illegible] FR [illegible]

[3] Application Number D-780. The application was filed with both the Department and the Internal Revenue Service. However, Prohibited Transaction Exemption 81-82 was granted, and this notice is being issued, solely by the Department because section 102 of Reorganization Plan Number 4 of 1978 (43 FR 47713, October 17, 1978), effective December 31, 1978 (44 FR 1065, January 3, 1979), transferred the authority of the Secretary of the Treasury to issue exemptions of this type to the Secretary of Labor.

[4] *See* 45 FR 75365, November 14, 1980.

[5] Section 408(a) of ERISA, which establishes the Department's authority to grant exemptions from the prohibited transaction rules, provides, in part, that the Department may grant an exemption from section 406 of ERISA only after it publishes a notice of the pendency of the exemption, provides notice to interested persons, and affords interested persons an opportunity to present views. In addition, section 408(a) provides that the Department may grant an exemption from section 406(b) of ERISA only if, after affording an opportunity for a hearing, it makes a determination on the record that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan.

In addition, if a plan acquires an interest in a guaranteed contract separate account pursuant to an arrangement under which it is expected that the insurance company will cause assets of the separate account to be loaned to the fiduciary who has authorized the plan's acquisition of the contract, and the insurance company causes the separate account to make such loan, the insurance company has engaged in a transaction that is prohibited under section 406(b)(1) of ERISA, and, because the transaction is part of the arrangement under which the plan acquired an interest in the account, the proposed exemption would not be available.

Finally, if a plan could require a guaranteed contract separate account to engage in a transaction with a party in interest with respect to the plan (for example, if the plan owned a controlling interest in the insurance company maintaining the account and thus could direct its investments), such transaction would not be covered by the exemption because it is among the indirect prohibited transactions described in Interpretive Bulletin 75–2.[7] Such a transaction would also fail to be covered by the exemption because it involves a misuse of another plan asset—for example stock in an insurance company—and the transaction therefore would not be prohibited solely because it involves assets of a guaranteed contract separate account.

The definitions of the terms "guaranteed fixed annuity contract," "guaranteed investment contract," and "guaranteed contract separate account" in the proposed exemption are the same as the definitions used in Prohibited Transaction Exemption 81–82.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible; in the interest of the plan(s) and of participants and beneficiaries of the plan(s); and protective of the rights of such participants and beneficiaries.

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the proposed exemption to the address and within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

The Department has under consideration the granting of the following class exemption pursuant to the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedure set forth in ERISA Procedure 75–1

Section I. Exemption. Effective January 1, 1975, the provisions of section 406(b) of the Act and the taxes imposed by sections 4975(a) and (b) of the Code by reason of sections 4975(c)(1)(E) and (F) thereof shall not apply to any transaction that is prohibited solely because it involves the assets of a guaranteed contract separate account, provided such transaction is not part of an arrangement, direct or indirect, pursuant to which a plan acquired an interest in such separate account, and provided that such transaction is not part of any other indirect transaction between a plan and a party in interest of the kind described in ERISA Interpretive Bulletin 75–2, 29 CFR 2509.75–2

Section II. Definitions. For the purposes of this exemption—

A. A "guaranteed investment contract" means a contract issued to an employee pension benefit plan, or to a fiduciary for the benefit of such a plan, by a life insurance company, under which—

1. The life insurance company issuing the contract guarantees the amounts deposited by the plan pursuant to such contract and guarantees a specified rate of interest on such amounts for a stated period of time;
2. The amounts received by, or credited to, a plan under such contract, and any charges made under such contract, are not, in any circumstances, affected by the investment performance of assets held in any separate account or other investment fund;
3. The plan has an unqualified right to withdraw the amounts deposited and the interest accrued thereon upon the expiration of the period for which the amounts deposited, and a specified rate of interest, are guaranteed under such contract; and,
4. The plan's right to recover any amount payable under such contract from the life insurance company issuing the contract, and the plan's claim against the general assets of such life insurance company for any amount payable under such contract, whether on insolvency or liquidation of the life insurance company or otherwise, would not be adversely affected by the allocation by the insurance company to a separate account of amounts received under such contract.

B. A "guaranteed fixed annuity contract" is an annuity contract issued by a life insurance company under which—

1. The life insurance company issuing the contract guarantees annuity payments to plan participants and beneficiaries that remain fixed at the amount specified in, or determined pursuant to schedules applicable to, the contract;
2. The amount of the annuity payable by the life insurance company is not, in any circumstances, affected by the

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[6] However, Prohibited Transaction Exemption 77–9 (42 FR 32395, June 24, 1977; as amended 44 FR 1479 January 5, 1979, and 44 FR 52365, September 7, 1979), provides an exemption from the prohibitions of section 406(a) and 406(b) of ERISA for the purchase with plan assets of an insurance or annuity contract from an insurance company, provided certain conditions are satisfied.

[7] As noted in the preamble to the final exemption, the exemption application suggested limitations similar to those described above. These limitations have been included in this proposal (and in the companion final exemption) in order to eliminate any uncertainty regarding the scope of the relief provided.

investment performance of assets held in any separate account or other investment fund; and,

3. The annuitant's right to recover any amount payable under such contract from the life insurance company issuing the contract, and the annuitant's claim against the general assets of such life insurance company for any amount payable under such contract, whether on insolvency or liquidation of the life insurance company or otherwise, would not be adversely affected by the allocation by the insurance company to a separate account of the amounts received in connection with the issuance of the annuity.

C. A "guaranteed contract separate account" means a separate account that is established and maintained by an insurance company under the laws of a State solely in connection with the insurance company's contractual obligations under guaranteed fixed annuity contracts and guaranteed investment contracts.

Signed at Washington, D.C., this 9th day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-27267 Filed 9-17-81; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 81-66]

NASA Advisory Council (NAC); Meeting Cancellation

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting cancellation.

SUMMARY: The scheduled meeting on September 21-23, 1981, of the NAC Aeronautics Advisory Committee, Informal Advisory Subcommittee on Transport Aircraft, published in the **Federal Register** on September 3, 1981 (46 FR 44311), has been cancelled.

FOR FURTHER INFORMATION CONTACT:

Mr. Roger Winblade, National Aeronautics and Space Administration, Code RJT-2, Washington, D.C. 20546 (202/755-3000).

Russell Ritchie,

Deputy Associate Administrator for External Relations.

September 14, 1981.

[FR Doc. 81-27150 Filed 9-17-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice 81-67]

NASA Advisory Council (NAC); Meeting Cancellation

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting cancellation.

SUMMARY: The scheduled meeting on September 24-25, 1981, of the NAC Aeronautics Advisory Committee, Informal Advisory Subcommittee on General Aviation Technology, published in the **Federal Register** on September 3, 1981 (46 FR 44311), has been cancelled.

FOR FURTHER INFORMATION CONTACT:

Mr. Harry W. Johnson, National Aeronautics and Space Administration, Code RJG-2, Washington, DC 20546 (202/755-2380).

Russell Ritchie,

Deputy Associate Administrator for External Relations.

September 14, 1981.

[FR Doc. 81-27151 Filed 9-17-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Panel (Festivals Section); Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Panel (Festivals Section) will be held October 5, 1981 from 9:00 a.m. to 5:30 p.m. and October 6, 1981 from 9:00 a.m. to 5:30 p.m. in room 1422 in the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-27149 Filed 9-17-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-254-OLA, 50-265-OLA (Spent Fuel Pool Modification)]

Commonwealth Edison Co. (Quad Cities Station, Units 1 and 2); Order (Rescheduling Prehearing Conference)

September 14, 1981.

The special prehearing conference pursuant to 10 CFR 2.751a previously scheduled for September 30, 1981 is being rescheduled for October 14, 1981. The rescheduled conference will be held at the County Board Room, Rock Island County Office Building, 1504 Third Avenue, in Rock Island, Illinois, beginning at 9:00 a.m. The primary purposes of the conference will be to rule on petitions to intervene and on the contentions being advanced by the petitioners. Petitions to intervene, including contentions therein, may be amended without leave of the Board at any time up to September 29, 1981. The Board will also establish a schedule for further actions in this case and take such other actions as may expedite the proceeding.

Dated at Bethesda, Maryland, this 14th day of September, 1981.

For the Atomic Safety and Licensing Board.

James L. Kelley,

Chairman, Administrative Judge.

[FR Doc. 81-27247 Filed 9-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-414A]

Duke Power Co.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters; Correction

The Nuclear Regulatory Commission is correcting an error which appeared in the document published in FR Doc. 81-25590.

In FR Doc. 81-25590, appearing at page 44109, in the issue for Wednesday, September 2, 1981, the last sentence should read "Petitions for leave to intervene and request for hearing shall be filed by October 2, 1981 either * * *."

Dated at Washington, D.C. this 15th day of September, 1981.

For the Nuclear Regulatory Commission.

Thomas R. Combs,

Office of the Secretary.

[FR Doc. 81-27246 Filed 9-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District (the licensee), which revised the Technical Specifications for operation of the Cooper Nuclear Station located in Nemaha County, Nebraska. The amendment is effective as of the date of its issuance.

This amendment modifies Appendix A of the Technical Specifications to delete the requirement that the scram discharge volume high water level scram signal be operative while the reactor is in the shutdown mode. Since the control rods are fully inserted when the reactor is in the shutdown mode, the availability of the scram discharge volume is not required. The Standard Technical Specifications for General Electric Boiling Water Reactors (NUREG-0123, Rev. 3) only require this trip to be operative in the startup mode, run mode, and refueling mode (when a control rod is withdrawn).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 21, 1981, (2) Amendment No. 73 to License No. DPR-46 and (3) the Commission's letter to the licensee dated September 11, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Auburn Public Library, 118-15th Street, Auburn, Nebraska 68304. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of September 1981.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Branch Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-27248 Filed 9-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395-OL]

South Carolina Electric & Gas Co., et al. (Virgil C. Summer Nuclear Station, Unit 1); Further Hearing

Please take notice that the hearing, which was adjourned on July 17, 1981, will reconvene at 9:00 a.m. on September 22, 1981 at the Rembert C. Dennis Bldg., Room 149-150, Capitol Complex, Assembly Street, Columbia, South Carolina 29211.

The public is invited.

By Order of the Board.

Dated at Bethesda, Maryland this 15th day of September 1981.

For the Atomic Safety and Licensing Board.

September 15, 1981.

Herbert Grossman,

Chairman.

[FR Doc. 81-27249 Filed 9-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Issuance of Amendments; Facility Operating License Nos. DPR-77 and DPR-79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR-77 and Amendment No. 1 to Facility Operating License DPR-79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee. These amendments extend the date by which ceiling tiles in the control rooms must be replaced, authorize replacement of certain flow rate monitors no later than the next refueling instead of September 1, 1981, and delete 10 CFR Part 50, Appendix J requirements on an RHR supply line isolation valve. The amendments are effective as of their dates of issuance.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) environmental impact statements, or negative declarations and environmental impact appraisals need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) Tennessee Valley Authority letters dated August 14, August 20, and August 25, 1981; (2) Amendment No. 9 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes; (3) Amendment No. 1 to Facility Operating License No. DPR-79 with Appendix A Technical Specification page changes; and (4) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 9 and Amendment No. 1 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of September 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-27250 Filed 9-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp., Issue of Amendment to Facility Operating License

The Nuclear Regulatory Commission

(the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revises the Technical Specifications for operation of the Vermont Yankee Nuclear Power Station located in Windham County, Vermont. The amendment is effective as of the date of its issuance.

The amendment revises the organizational structure and internal responsibilities for the Vermont Yankee Nuclear Power Corporation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 4, 1981, and as amended by the licensee's letter dated August 25, 1981, (2) Amendment No. 66 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of September 1981.

For the Nuclear Regulatory Commission

Vernon L. Rooney,

Acting Branch Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-27251 Filed 9-17-81; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-528A, STN 50-529A, and STN 50-530A]

Arizona Public Service Co., et al.; Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

Note.—This document was originally published in the issue of September 2, 1981. It is reprinted here at the request of the Nuclear Regulatory Commission.

Arizona Public Service Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended; has filed information requested by the Attorney General for antitrust review as required by 10 CFR Part 50, Appendix L. This information concerns two proposed additional ownership participants, the Los Angeles Department of Water and Power and the Southern California Public Power Authority, for the Palo Verde Nuclear Generating Station. The current holders of the construction permits are Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company, and Public Service Company of New Mexico.

The information was filed in connection with the application submitted by the construction permit holders for operating licenses for three pressurized water reactors. Construction was authorized on May 25, 1976 at the Palo Verde site located in Maricopa County, Arizona.

The original application was docketed on October 7, 1974, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the Federal Register on October 22, 1974 (39 FR 37527). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Environmental Report; and the Notice of Considertion of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing was published in the Federal Register on July 11, 1980 (45 FR 46941). Subsequently, the Notice of Hearing was published in the Federal Register on April 22, 1981 (46 FR 23001).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona 85004.

Any person who wishes to have his views on the antitrust matters with respect to the Los Angeles Department of Water and Power and the Southern California Public Power Authority presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Chief, Utility Finance Branch Office of Nuclear Reactor Regulation, on or before November 9, 1981.

Dated at Bethesda, Maryland, this 28th day of August, 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-25462 Filed 9-17-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18095; File No. SR-MSRB-81-13]

Municipal Securities Rulemaking Board; Proposed Rule Change; Self-Regulatory Organizations

In the matter relating to yield disclosure on customer confirmations. Comments requested on or before October 9, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 2, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Municipal Securities Rulemaking Board is filing an interpretive notice regarding certain yield disclosure requirements on confirmations of purchases from customers under rule G-15. The notice states the Board's view that all confirmations of purchases from customers (except for purchases at par) must set forth the net or effective yield resulting from the actual unit dollar price of the transaction. The yield disclosure on confirmations of purchase

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from customers is intended to provide customers with a means of assessing the merits of alternative investment strategies (such as different possible reinvestment transactions) and the merits of the particular transaction being confirmed.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The purpose of the proposed rule change is to clarify the yield disclosure requirements of rule G–15 regarding customer confirmations. Since the December 1, 1980, effective date of these requirements, the Board has received several inquiries whether all confirmations of purchases from customers effected on the basis of a dollar price, including purchases effected at a price derived from a yield price less a spread or concession, must show a yield resulting from the actual dollar price. This interpretation will clarify that a confirmation for such a transaction, like all other confirmations of purchases from customers,[1] must set forth the net or effective yield resulting from the actual dollar price of the transaction.

(b) The Board has adopted the proposed rule change pursuant to Section 15B(b)(2)(C) of the Securities Exchange Act which establishes the Board's general authority to adopt rules.

> Designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, * * * to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *

The proposed rule change is intended to enable customers to better assess the merits of alternative investment strategies (such as different possible reinvestment transactions) as well as the merits of the particular transaction being confirmed. The Board believes that these purposes are consistent with Section 15B(b)(2)(C) and are best achieved by the disclosure of the net or effective yield, (*i.e.*, that derived from the actual unit dollar price of the transaction).

B. The Self-Regulatory Organization's Statement on Burden on Competition

The Board believes that the proposed rule change will not have any impact on competition, inasmuch as the proposed rule change merely clarifies the manner in which municipal securities brokers and municipal securities dealers are to comply with an existing requirement of Board rules, and applies equally to all such municipal securities brokers and dealers.

The Board notes that upon adoption of the provisions of rule G–15 to which this interpretation relates, the Board considered whether any burden on competition might result. The Board concluded that no siginificant burden on competition would result.

C. Self-Regulatory Organization's Statement on Comments on Proposed Rule Change Received From Members, Participants or Others

The Board neither solicited nor received comments on the proposed rule change from members, participants or others. The Board from time to time has received inquiries from industry members concerning the application of the yield disclosure requirements of rule G–15 as they apply to purchases from customers.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted or before October 9, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 14, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-27163 Filed 9-17-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11935; (812-4924)]

Putnam Qualified Accumulation Trust and Putnam High Yield Trust; Filing of an Application

September 14, 1981.

Notice is hereby given that Putnam Qualified Accumulation Trust ("Putnam Qualified"), and Putnam High Yield Income Trust ("Putnam High Yield") (collectively referred to as "Applicants"), One Post Office Square, Boston, Massachusetts 02109, registered under the Investment Company Act of 1940 ("Act") as open-end, diversified management investment companies, filed an application on July 20, 1981, and an amendment thereto on August 31, 1981, pursuant to Section 6(c) of the Act, for an order declaring that Hans H. Estin, trustee of Applicants, shall not be deemed to be an "interested person" of the Applicants, or The Putnam Management Company, Inc. ("Manager"), the investment adviser to the Applicants, or Putnam Fund Distributors, Inc. ("Underwriter"), principal underwriter of the Applicants in the continuous offering of their shares, within the meaning of Section 2(a)(19) of the Act solely by reason of his being director of The Boston Company, Inc. and Boston Safe Deposit and Trust Company ("Boston Safe"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Putnam Qualified is a Massachusetts business trust which filed a registration statement under the Securities Act of 1933 on July 28, 1980. Such registration statement has not yet become effective.

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[1] Confirmations of purchases or sales effected at par continue to be exempt from any yield disclosure requirements.

Applicants state that Putnam Qualified, whose investment objective is to seek accumulation of income through investment primarily in common stocks, is designed to fund, in whole or in part, tax qualified variable annuity contracts.

Putnam High Yield is also a Massachusetts business trust. Applicants state that its primary investment objective is high current income through investment in high yield fixed-income debt securities, convertible securities and preferred stock.

Applicants further state that Mr. Estin, whose principal occupation is Vice Chairman of North American Management Corporation, an investment adviser registered under the Investment Advisers Act of 1940, is trustee or director of substantially all other investment companies in The Putnam Group and of Yellowknife Bear Mines, Ltd. He is also director of The Boston Company, Inc. and one of its subsidiaries, Boston Safe. The Boston Company, Inc. has another subsidiary, The Boston Company Investment Creation, Inc. ("Creation"), which is a registered broker dealer under the Securities Exchange Act of 1934 ("1934 Act").

The Applicants state that by reason of his position as director of The Boston Company, Inc., Mr. Estin might be deemed to indirectly control Creation; or by reason of his position as director of Boston Safe, he might be deemed to be under common control with Creation. In either case, Mr. Estin would be an "affiliated person" of a broker-dealer within the meaning of Section 2(a)(3) of the Act.

Section 2(a)(19) of the Act, in pertinent part, defines an interested person of an investment company, investment adviser or principal underwriter to be any affiliated person of a broker-dealer registered under the 1934 Act. Section 2(a)(3) of the Act, in pertinent part, defines an affiliated person to be any person directly or indirectly controlling, controlled by or under common control with such other person.

Section 10(a) of the Act prohibits Applicants from having boards of trustees more than 60% of which are interested persons of the Applicants. Section 10(b)(2) of the Act requires that a majority of Applicants' boards of trustees not be persons who are interested persons of Applicants' principal underwriter. Although the composition of Applicants' boards presently complies with Section 10, Applicants state that the application has been filed to avoid a potential violation of Section 10 of the Act and to maintain the composition of the boards consistent with prior Commission orders and with the policy of the investment companies in The Putnam Group of having a high proportion of trustees or directors who are not deemed interested persons.

The Commission has previously granted orders (Investment Company Act Release No. 9284, May 10, 1976; Investment Company Act Release No. 9610, January 17, 1977; and Investment Company Act Release No. 9934, September 15, 1977) upon application declaring that Mr. Estin would not be deemed an "interested person" of certain investment companies solely by reason of his relationship with Boston Safe. While Mr. Estin now has a relationship with both The Boston Company and Boston Safe, Applicants submit that the facts and representations set forth in those prior applications (812-3921, 812-4029 and 812-4130) continue to be true and accurate (except that Creation is now a direct subsidiary of The Boston Company whereas its predecessor, TBCFS, Inc., was a subsidiary of a subsidiary of The Boston Company Inc., The Boston Company Financial Strategies, Inc.), and the bases upon which the prior orders were granted apply equally to the present application. The representations applicable to Mr. Estin include the following:

1. The relationship of Mr. Estin with The Boston Company, Inc., Boston Safe, and Creation will not impair his independence in acting on behalf of Applicants and their shareholders. Mr. Estin will not be director or officer of Creation, and will have no authority or responsibility for management of the operation of Creation.

2. The business of Creation, will relate primarily to the structuring and placement of sale of oil and gas programs and other investment programs and ventures. Because of their investment restruction, Applicants could not legally purchase or sell such investments from or through Creation. Applicants do not intend to make any such investments and moreover, undertake not to transact any business with Creation.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants request that an order be issued, pursuant to Section 6(c) of the Act, declaring that Mr. Estin Shall not be deemed to be an interested person of Applicants, the Manager or the Underwriter within the meaning of Section 2(a)(19) of the Act solely by reason of his being a director of The Boston Company, Inc. and Boston Safe.

The Applicants understand that certain principal shareholders of The Boston Company, Inc. have entered into an agreement in principle whereby, in pertinent part, a newly created subsidiary of Shearson Loeb Rhoades Inc. ("Shearson"), a registered broker-dealer under the Securities Exchange Act of 1934, would merge with the Boston Company, Inc. Applicants state that the consummation of this transaction is subject to a number of conditions, including approval of shareholders of The Boston Company, Inc. Notwithstanding any order of the Commission pursuant to this application, in the event that the contemplated transaction, or one substantially similar to it, is consummated, the Applicants agree to treat Mr. Estin as an "interested person", as the term is defined in Section 2(a)(19) of the Act, of each Applicant until such time as the Commission grants further appropriate exemptive relief, provided that (i) Mr. Estin remains a director of The Boston Company, Inc. or of Boston Safe and (ii) Shearson remains a registered broker-dealer under the Securities Exchange Act of 1934.

Notice is further given that any interested person may, not later than October 9, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements therof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27168 Filed 9-17-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Business Loan Policy; Notice of Intent To Publish Maximum Acceptable Rate; Extension of Comment Period

AGENCY: Small Business Administration.

ACTION: Notice of Intent; Extension of Comment Period.

SUMMARY: SBA published a Notice of Intent in the **Federal Register** of July 29, 1981, (46 FR 38894) to change the maximum acceptable interest rate that participating lenders may charge. The Agency has decided that a comment period ending on August 28 does not provide adequate time for comments to be submitted by interested parties. Accordingly, the Agency is extending the comment period for an additional 30 days to allow all interested parties to respond.

DATE: Comments must be received or postmarked on or before October 19, 1981.

ADDRESS: Written comments, in duplicate, are to be addressed to the Director, Office of Business Loans, Small Business Administration, 1441 L Street, NW., Washington, DC. 20416.

FOR FURTHER INFORMATION: Questions about this notice may be directed to: Richard L. Wray, Financial Analyst, (202) 653-6470.

SUPPLEMENTARY INFORMATION: An SBA Notice of Intent was published in the **Federal Register** on July 29, 1981, (46 FR 38894). It notified the public that the Agency was proposing to publish a notice that would limit the maximum acceptable interest rate charged by participating lenders to the lowest money center prime rate appearing in the Wall Street Journal published on the date SBA received the lender's application. The present ceiling is the money center prime rate plus 2¼ or 2¾ percent, depending on the maturity of the loan. The majority of the initial responses that SBA has received are from lenders who commented on a Wall Street Journal article that discussed the SBA Notice of Intent and did not fully respond to the **Federal Register** Notice. Also, the Chairman of the Small Business Committee of the U.S. House of Representatives requested that the comment period be extended for thirty days. Accordingly, SBA has decided to extend the comment period.

(Catalog of Federal Domestic Assistance No. 59.012, Small Business Loans)

Dated: September 14, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-27269 Filed 9-17-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket S-704]

Acturus Shipping, Inc.; Application; Participation by Vessels Built With Construction-Differential Subsidy in Carriage of Crude Oil in Domestic Trade

Notice is hereby given that by application of September 9, 1981, Acturus Shipping, Inc. (Acturus) requested permission under section 506 of the Merchant Marine Act, 1936, as amended, for its bareboat chartered vessel, the SS Williamsburgh, to operate for six months in the Alaskan oil trade. The 225,000 deadweight ton Williamsburgh, which was built with construction-differential subsidy, would carry crude oil from Valdez, Alaska, to Panama for transshipment, and/or from Valdez direct to the U.S. Gulf or Caribbean for oncarriage only to a U.S. port. Acturus states that suitable Jones Act vessels of competitors will not be available for the carriage of this cargo.

The Williamsburgh would operate under sub-time charter from American Petrofina, Incorporated to SPC Shipping, Inc., a subsidiary of Standard Oil Company (Ohio). First loading of the vessel at Valdez would commence November 1-15, 1981.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration, Room 7300A, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Any person, firm, or corporation who is a "competitor," as defined in § 250.2 of the regulations as set forth in 46 CFR 250 published in the **Federal Register** issue of June 29, 1977 (42 FR 33035), and desires to protest such application for carriage of oil in the domestic trade from Alaska to Panama should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Any person, firm or corporation who desires to protest such application for carriage of oil in the domestic trade from Alaska directly to the U.S. Gulf should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Protests must be received on or before September 25, 1981. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Maritime Administrator. Within five working days after the due date for the applicant's response, the Maritime Administrator will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Maritime Administrator will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidy (CDS))

Dated: September 16, 1981.

By Order of the Acting Maritime Administrator.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-27470 Filed 9-17-81; 10:43 am]

BILLING CODE 3510-15-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Granting of Relief From Disabilities Incurred by Conviction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of granting of relief from disabilities incurred by conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Lyman H. Schaffer, Firearms Enforcement Branch, Investigations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20026 (202-566-7457).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

Adkins, Richard N., 726 Olive Street, Chico, California, convicted on December 20, 1976, in the District Court of Morgan County, Colorado.

Agnos, Micholas W., 185 Merrimac Avenue, Springfield, Massachusetts, convicted on May 27, 1963, in the Hampden County District Court, Springfield, Massachusetts.

Andrews, William J., 4177 Jackson Highway, Apt. 2, Chehalis, Washington, convicted on March 29, 1974, in the District Court of Lewis and Clark County, Montgomery, Washington.

Azar, Solomon G., 2875 Cocklebur Cove Court, Decatur, Georgia, convicted on February 10, 1955, and on June 18, 1962, in the Fulton County Superior Court, Atlanta, Georgia.

Bailey, Danny R., 209 West 32nd Street, Covington, Kentucky, convicted on August 2, 1967, in the Kenton Circuit Court, Covington, Kentucky.

Bailey, William H., 715 Radney Street, Roanoke, Alabama, convicted on September 12, 1960, in the Coweta County Superior Court, Georgia.

Bakovich, Daniel R., 2647 Somerset Drive, Westchester, Illinois, convicted on December 6, 1945, in the Northern Judicial District of Illinois, Eastern Division of Chicago, Illinois; on September 14, 1955, in the Cook County Court, Chicago, Illinois; on June 3, 1958, in the Northern Judicial District of Chicago, Illinois; and on August 28, 1964, in the Northern District of Hammond, Indiana.

Barnes, Samuel E., 1608 Tichenor Street, Des Moines, Iowa, convicted on February 2, 1966, in the District Court of Polk County, Iowa.

Bates, Michael A., 6862 Vail Drive, Lynden, Washington, convicted on May 16, 1974, in the Superior Court of Lewis County, Washington.

Batson, Harold O. Jr., 5305 South Vista Drive, Bonney Lake, Washington, convicted on June 1, 1978, in the King County Superior Court, State of Washington.

Berry, Lionel P., Est. Mandal 14C, St. Thomas, Virgin Islands, convicted on February 24, 1956, in the United States District Court, Virgin Islands.

Billings, Floyd D., 2693 Ovid Street, Crystal, Michigan, convicted on March 19, 1956, in the Circuit Court of Montcalm County, Michigan; and on September 24, 1956, in the Circuit Court of Gratiot County, Michigan.

Bjork, Roger L., Route 1, Box 129–A, Nine Mile Falls, Washington, convicted on January 8, 1973, in the Superior Court of Okanogan County, Washington; and on July 9, 1975, in the United States District Court, Eastern District of Washington.

Blackstock, Brian T., 10611 Hemwick, Houston, Texas, convicted on October 19, 1976, in the 209th District Court, Harris County, Texas.

Blomgren, Ellis C., 531 Park Street, Shelton, Washington, convicted on May 27, 1976, in the Mason County Court, Shelton, Washington.

Bradford, John C., 1001 Wisperwood Drive, Columbus, Georgia, convicted on January 15, 1974, in the United States District Court, Birmingham, Alabama.

Bradley, Lance A., 623 South Morain, Kennewick, Washington, convicted on June 15, 1979, in the Superior Court of Benton, County, Washington.

Brasier, Orval J., 724 SW. 44th Street, Oklahoma City, Oklahoma, convicted on June 3, 1933; and on June 11, 1935, in the District Court of Oklahoma County, Oklahoma.

Brown, Cressel C., P.O. Box 312, Burnside, Pulaski County, Kentucky, convicted on November 12, 1958, in the United States District Court, London, Kentucky.

Bumgarner, Avery E., P.O. Box 415, Calaway Way, Forks, Washington, convicted on March 27, 1962, in the Clallam County Superior Court, Washington.

Bush, Charles D., 370 Fox Street, Kings Beach, California, convicted on November 25, 1977, in the Second Judicial District Court, Washoe County, Nevada.

Butler, Robert A., P.O. Box 11, Columbia, California, convicted on October 25, 1970, in the Superior Court of Siskiyou County, California; and on April 1, 1971, in the Superior Court of Tuolumne County, California.

Button, Roger, W., 204 West 34th Street, Boise, Idaho, convicted on March 30, 1970, in the Fourth District Court of Boise, Idaho.

Cacchiotti, Lawrence, 3804 West Logan Avenue, Yakima, Washington, convicted on March 14, 1977, in the United States District Court, Eastern District of Washington.

Cameron, Robert E., 10 Phillips Street, Rutland, Vermont, convicted on January 11, 1945, in the General Court Martial, U.S. Army, Kessler Field, Mississippi.

Castilaw, George D., 2190 Wharton, Vidor, Texas, convicted on October 3, 1977, in the 252nd District Court, Jefferson County, Texas.

Chaney, Victor E., 3101 North 45th Drive, Phoenix, Arizona, convicted on June 19, 1972, in the Superior Court of Maricopa County, Arizona.

Chavez, Larry C., 2134 South 2nd, P.O. Box 1663, Abilene, Texas, convicted on October 5, 1970, in the 104th Judicial District Court, Jones County, Texas.

Comp, Robert F., Sr., 1623 Graystone Road, East Petersburg, Pennsylvania, convicted on November 10, 1959, in the Bridgeport Police Department Court, Bridgeport, Connecticut.

Cook, John E., 1311 Middlebelt, Apt. 17, Inkster, Michigan, convicted on September 30, 1974, in the Hillsdale County Circuit Court, Hillsdale, Michigan.

Cordova, Frank L., P.O. Box 13, Ojo Feliz, New Mexico, convicted on March 23, 1979, in the District Court of Las Vegas, New Mexico.

Crawford, Cleo J., 9624 East 50 Highway, Raytown, Missouri, convicted on 1936, 1938, 1948, 1952, in the Missouri Circuit Court; in 1952 and 1960, in the United States District Court, Missouri; and in 1964 in the Missouri Circuit Court, Missouri.

Crother, Harry D., 1772 Armington Avenue, Sacramento, California, convicted on October 3, 1969, in the Common Pleas Court, Philadelphia, Pennsylvania.

Damm, Larry A., 330 North Water, Platteville, Wisconsin, convicted on February 9, 1976, in the Circuit Court, Grant County, Wisconsin.

D'Arpa, Danny R., 750 Royal Crest Circle, Apt. 232, Las Vegas, Nevada, convicted on September 15, 1972, in the District Court of Clark County, Nevada.

Davis, Stephen F., 4340 East Kinkaid, Witchita, Kansas, convicted on March 22, 1976, in the District Court of Sedgwick, Kansas.

Delamar, Christopher F., 4117 Stuart Avenue, Richmond, Virginia, convicted on May 11, 1977, in the Circuit Court, City of Richmond, Virginia.

Deyoe, Donald F., 4118 36th Avenue South, Seattle, Washington, convicted on May 3, 1950, in the Superior Court of King County, Washington; and on February 18, 1958, in the Superior Court of Mason County, Washington.

Ellis, Robert L., 32 Johnson Street, Ansonia, Connecticut, convicted on March 4, 1977, in the District of

Connecticut Federal Court, New Haven, Connecticut.

Epps, Robert R., 106 Fawn Hills Drive, Fredericksburg, Virginia, convicted on October 8, 1954, in the Circuit Court of Greenville, Virginia.

Erickson, John C., Rural Route 2, St. Cloud, Minnesota, convicted on May 13, 1974, in the United States District Court, Third Division, St. Paul, Minnesota.

Evans, Matthew J., 1266 Cedar Street, Apt. 1, Marysville, Washington, convicted on July 27, 1977, in the Circuit Court of Umatilla County, Washington.

Fabian, Randall W., 612 5th Avenue, SW., Stewartville, Minnesota, convicted on October 11, 1979, in the Third Judicial District Court, Olmstead County, Minnesota.

Fisher, Arthur L., 16322 Elberta Street, Cleveland, Ohio, convicted on January 18, 1974, in the Cuyahoga County Court of Common Pleas, Ohio.

Folsom, Michael D., 7800 DeBarr, Apt. 31, Anchorage, Alaska, convicted on May 7, 1976, in the United States District Court, Alaska.

Forrester, Texas J., P.O. Box 264, Cooter, Missouri, convicted on May 26, 1964, in the Shelby County Court, Tennessee.

Fowler, Steven W., 8650 Humboldt Avenue, South, Bloomington, Minnesota, convicted on November 14, 1977, in the District Court of Dakota County, Minnesota.

Fragner, Terry L., 17359 191st Avenue, NE., Woodinville, Washington, convicted on November 21, 1966, in the Circuit Court of Deschutes County, Oregon; and on May 16, 1968, in the Superior Court of King County, Washington.

Frechette, Philip L., Route 2, P.O. Box 677, North Concord, Vermont, convicted on November 5, 1973, in the Coos County Superior Court, Berlin, New Hampshire.

Freda, Carl, 151–40 23rd Avenue, Whitestone, New York, convicted on May 27, 1977, in the Federal District Court, Southern District of New York.

Frye, George F., 5055 Seminary Road, Apt. 932, Alexandria, Virginia, convicted on May 23, 1969, in the Arlington County Circuit Court, Virginia.

Fuller, John E., 132 South 50th Street, Philadelphia, Pennsylvania, convicted on March 11, 1974, in the Municipal Court, Philadelphia, Pennsylvania.

Gaskill, Sidney E., 636 South Crispell Lake, Horton, Michigan, convicted on October 20, 1968, in the Supreme Court of New York City, New York; and on December 23, 1970, in the Circuit Court of Wayne County, Michigan.

Gebhart, Billy E., 818 Cottonwood Drive, Cheyenne, Wyoming, convicted on October 24, 1973, in the United States District Court of Wyoming.

Geertgens, Darrel V., 3733 SW. Ida, Seattle, Washington, convicted on November 8, 1971, in the Superior Court of King County, Washington.

Gifford, Frederick S., 62 Cora Street, Route 1, Box 1091, Port Townsend, Washington, convicted on July 15, 1977, and on August 19, 1977, in the Superior Court of Jefferson County, Washington.

Godsey, Robert E., 1701 Foxfire Circle, Richmond, Virginia, convicted on January 14, 1972, in the Circuit Court of Henrico County, Virginia.

Goff, Gary L., Route 3, Box 483, Rustburg, Virginia, convicted on November 7, 1977, in the Circuit Court of Lynchburg, Virginia.

Gray, Edward L., 2102 East Carpenter Road, Flint, Michigan, convicted on June 1, 1971, in the Circuit Court, Genesee County, Michigan.

Greene, Alphonse, 814 Ash Street, Flossmoor, Illinois, convicted on February 21, 1958, in the Federal Court, Northern District of Illinois.

Grieco, Michael C., 8963 Alta Loma Drive, Alta Loma, California, convicted on May 17, 1961, and on June 6, 1966, in the Superior Court of Los Angeles County, California.

Griffith, Alvin T., 2600 Noble Avenue, Bakersfield, California, convicted on March 16, 1970, in the United States District Court, Eastern District of Fresno, California.

Hall, William R., Star Route, Box 274–H, Durant, Oklahoma, convicted on November 2, 1956, in the Criminal District Court #3, Dallas County, Texas; and on May 20, 1957, in the Fourth District Court of Rusk County, Texas.

Harris, Richard M., Route 3, Box 410, Athens, Texas, convicted on October 3, 1977, in the Third Judicial District Court, Henderson County, Texas.

Harvill, Harold G., 73 Helen Lane, Apt. 2, Ft. Myers Beach, Florida, convicted on December 30, 1974, in the United States District Court, Baltimore, Maryland.

Hernandez, Rene R., 11222 Newton, Houston, Texas, convicted on March 22, 1977, in the 179th Criminal District Court, Harris County, Texas.

Higgins, John R., 682 Henry Street, Vallejo, California, convicted on October 4, 1971, in the Superior Court of Solano County, California.

Holaday, Mickel A., 1315 South Brite, Springfield, Missouri, convicted on August 5, 1975, in the Circuit Court of Daviess County, Missouri.

Hollowell, James L., Route 9, Hopkinsville, Kentucky, convicted on November 15, 1978, in the Christian County Circuit Court, Hopkinsville, Kentucky.

Holtz, Carl N., 1050 Mark, South Elgin, Illinois, convicted on March 17, 1972, in the Cook County Court, Illinois.

Honeycutt, Donald E., Route 1, Box 1187 New London, Albermarle, North Carolina, convicted on April 8, 1974, in the United States District Court, Western District of North Carolina; and on October 26, 1976, in the United States District Court, Western District of North Carolina.

Huerta, Raymond, 1418 Partridge Drive, Hercules, California, convicted on April 12, 1966, in Alameda County Court, Oakland, California; on June 16, 1967, in the United States District Court, Northern District of California; and on November 10, 1969, in the United States District Court, Southern District of California.

Hunt, E. Howard, 1245 NE. 85th Street, Miami, Florida, convicted on January 12, 1973, in the United States District Court, Washington, DC.

Jack, Oakley H. Jr., 419 South Pennsylvania Street, Greenfield, Indiana, convicted on January 27, 1942, in the Henry County Circuit Court, Indiana.

Jackley, Jeff. P.O. Box 502, Bloomington, Wisconsin, convicted on October 19, 1976, in the 22nd Judicial District Court, St. Tammany Parish, Louisiana.

Jarvis, Robert L., 51 College Street, Butler, Ohio, convicted on April 14, 1977, in the United States District Court, Akron, Ohio.

Jarvis, Walter L., 21582 East 8 Mile Road, Harper Woods, Michigan, convicted on July 29, 1960, in the Macomb County Circuit Court, Michigan.

Johnson, Myron D., 150 East Bannock Street, Richfield, Idaho, convicted on July 11, 1978, in the Fifth Judicial District, Lincoln County, Idaho.

Johnson, Scott B., 4403 West Stewart Avenue, Wausau, Wisconsin, convicted on June 28, 1974, in the District Court of Marathon County, Wisconsin.

Jones, Leland C., 3516 Hickory Court, Route 2, Philpot, Kentucky, convicted on November 7, 1974, in the Daviess County Circuit Court, Kentucky.

Jones, Ronald J., 15-½ Cain Street, Proctor, Vermont, convicted on January 18, 1965, and on February 1, 1968, in the Rutland Municipal Court, Rutland, Vermont.

Jones, William P., 2009 First Street, Staunton, Virginia, convicted on December 2, 1975, in the Circuit Court of Augusta County, Staunton, Virginia.

Jourdan, George C., 13101 Bundle Road, Chesterfield, Virginia, convicted on February 3, 1978, in the Chesterfield County Circuit Court of Virginia.

Kahmann, Eric L., West Avenue, Apt. J–12, Lancaster, California, convicted on June 22, 1978, in the Superior Court of Los Angeles County, California.

Kalafut, Thomas M., 2744 Camel Road, National City, Michigan, convicted on October 30, 1978, in the Circuit Court, Iosco County, Michigan.

Kaufman, Shelby B., 1410 East Kelly Street, Indianapolis, Indiana, convicted on March 11, 1955, in the Johnson Circuit Court, Franklin, Indiana; on August 15, 1957, and on June 16, 1966, in the Marion County Criminal Court, Indianapolis, Indiana.

Kaplan, Arthur S., Route 1, Box 199, Graham, North Carolina, convicted on February 19, 1974, in the Superior Court of Chatham County, North Carolina.

Kebschull, William F. Jr., 6036 Nimbus Way, Salt Lake City, Utah, convicted on June 10, 1974, in the District Court, Third Judicial District of Tooele County, Utah.

Keith, Robert W., 3732 Sunny Slope Road, SW., Port Orchard, Washington, convicted on May 5, 1979, in the Superior Court of Kitsap County, Washington.

Kemp, Lee W., 106 Waycross Street, Berea, Kentucky, convicted on June 2, 1977, in the Madison County Circuit Court, Richmond, Virginia.

Kempton, William L., 15814 Fresno Street, Victorville, California, convicted on November 13, 1970, in the District Court of Teton County, Wyoming.

Kerrick, Jimmy R., P.O. Box 31, Bells, Texas, convicted on November 14, 1975, in the 47th District Court, Potter County, Texas.

Keuvelaar, Robert E. II, 140 Diamond, SE., Grand Rapids, Michigan, convicted on January 6, 1977, in the Circuit Court, Kent County, Michigan.

Kidwell, Charles F., 71 East Schiller, Indianapolis, Indiana, convicted on November 7, 1958, in the Marion County Criminal Court, Indiana.

King, Bill, RD 1, Box 182–B, Hazelton, Pennsylvania, convicted on November 15, 1979, in the United States District Court, Southern District of Florida.

Krupp, Neil A., Box A, 1963 Taylor Road, Elkhorn, Wisconsin, convicted on April 17, 1974, in the Walworth County Court, Elkhorn, Wisconsin.

Lampley, Albert W., P.O. Box 356, #4, Timber Village, Shingletown, California, convicted on May 10, 1976, in the Superior Court, Shasta County, California.

Landers, John W., 231 Dan Bowles Road, Augusta, Georgia, convicted on January 12, 1977, in the Superior Court of Richmond County, Georgia.

Lawson, Roger D., P.O. Box 32, Fourmile, Kentucky, convicted on November 12, 1974, in the United States District Court, London, Kentucky.

Levine, Barry, P.O. Box 139, Badger, California, convicted on June 12, 1970, in the Cayahoga County Court of Ohio.

Loch, William Y., 3813 NW. 125th, Oklahoma City, Oklahoma, convicted on September 15, 1977, in the United States District Court, Western District of Oklahoma.

Luebbert, John J., 132 West Washington, Apt. 5, St. James, Missouri, convicted on June 2, 1971, in the Phelps County Court, Rolla, Missouri.

Maddox, Charles E. II, 9119 49th Place, College Park, Maryland, convicted on March 23, 962, in the United States District Court, Oxford, Mississippi.

Madison, Robert L., 185 Clearvue Road, Huntsville, Alabama, convicted on March 11, 1978, in the Northern District of Birmingham, Alabama.

Magor, Richard N., 3439 Dover Road, Cheyenne, Wyoming, convicted on April 26, 1956, in the Second Judicial District Court, Albany County, Wyoming.

Maldonado, Robert P., 2120 North 48th Lane, Phoenix, Arizona, convicted on October 31, 1973, in the Superior Court of Maricopa County, Arizona.

Mandala, Lawrence J., RFD 1, Box 427, Edinburg, Virginia, convicted on June 29, 1977, in the Circuit Court of Woodstock, Virginia.

Mann, George P., 1122 Whistle Lake Road, Anacortes, Washington, convicted on September 17, 1970, in the Superior Court of King County, Washington; and on August 4, 1970, in the United States District Court, Western District of Washington.

Martin, Joseph C., 1620 Clark Boulevard, Laredo, Texas, convicted on May 22, 1978, in the United States District Court, in the Southern District of Texas.

McBride, Clayton E., 901 Violet Street, Coeur d'Alene, Idaho, convicted on May 19, 1966, in the Superior Court of Spokane County, Washington.

MCoy, Archie B., Rural Route 5, Box 31–A, Carrollton, Missouri, convicted on April 10, 1972, in the Circuit Court, Carrollton, Missouri.

McCullough, Gene R., 310 East Marion Street, Aberdeen, Washington, convicted on March 30, 1973, in the Superior Court of Grays Harbor, Washington.

Menard, Joseph D., 17252 Military Road, South, Seattle, Washington, convicted on July 9, 1947, in the Superior Court of Yakima County, Washington.

Metcalf, James S., Route 5, Box 413, Dothan, Alabama, convicted on December 12, 1975; and on January 21, 1976, in the United States District Court, Middle District of Alabama.

Metz, Ira G., 4240 Annapolis Drive, Salt Lake City, Utah, convicted on November 23, 1949, in the United States District Court, Charleston, West Virginia; on January 20, 1953, in the Criminal District Court of New Orleans, Louisiana; on January 9, 1956, in the Common Pleas Court, Summit County, Ohio; on September 4, 1956, in the United States District Court, Northern District of West Virginia; on June 2, 1958, in the United States District Court, Northern District of Georgia; and on September 18, 1961, in the United States District Court, Northern District of Georgia, Atlanta, Georgia.

Mewhorter, Earl E., 3716 Trent Boulvard, Lexington, Kentucky, convicted on June 29, 1973, in the Harrison County Circuit Court, Kentucky; and on July 20, 1973, in the Scott County Circuit Court, Kentucky.

Michael, Bobby J., 816 Keller Lane, Tuscubia, Alabama, convicted on March 29, 1971; and on May 21, 1974, in the Colbert County Circuit Court, Tuscumbia, Alabama.

Michaelson, Kyron C., 8337 Pennsylvania Avenue, South, Bloomington, Minnesota, convicted on June 25, 1973, United States Dsitrict Court, Third Division of Minnesota.

Milburn, Stoye W., Route 1, Box 694, Arvin, California, convicted on September 28, 1954, in the Circuit Court of Volusia County, Florida.

Monday, Daniel D., 425 Monroe Street, Apt. 35, Findlay, Ohio, convicted on July 22, 1970, in the Common Pleas Court, Wood County, Ohio; and on July 24, 1970, in the Common Pleas Court of Hancock County, Ohio.

Norcott, Mark C., 313 South 34th Street, Sioux City, Iowa, convicted on April 11, 1977, in the United States District Court, Northern Judicial District of Iowa.

Overstreet, Elgie S., Route 2, Box 535, Paducah, Kentucky, convicted on May 20, 1940, in the United States District Court, Bowling Green, Kentucky.

Paddock, Donald S., 2510 Berry Lane, East, Tacoma, Washington, convicted on February 10, 1977, in th Pierce County Superior Court, Washington.

Padgett, Samuel M., 564 East Magnolia Street, Groveland, Florida, convicted on May 21, 1962, in the Lake County Circuit Court, Tavares, Florida.

Pappas, William J. Jr., Route 3, Box 408–E, Texarkana, Texas, convicted on September 2, 1976, in the 211th Judicial District Court, Denton, Texas.

Payne, Louie R., 652 4th Street, Hollister, California, convicted on June 19, 1962; and on September 25, 1962, in the Superior Court of San Benito County, California.

Peal, Daniel L., 192 Twin Hill Way, Austell, Georgia, convicted on

December 15, 1975, in the Madison County Circuit Court of Alabama.

Penrod, James E., 7203 Homestead Place, Springfield, Virginia, convicted on March 27, 1978, in the United States District Court, Alexandria, Virginia.

Pintler, Mary Ann, 5694 North Highway 20, Oak Harbor, Washington, convicted on August 10, 1979, in the Superior Court, Island County, Washington.

Pipoly, Stephen S., 8748 West William Drive, Peoria, Arizona, convicted on January 6, 1978, in the Maricopa County Superior Court, Arizona.

Poe, Alex J. 7516 Tennessee Lane, Vancouver, Washington, convicted on February 7, 1974, in the Superior Court of Clark County, Washington.

Porter, Dean R., 2080 Miller Street, Lakewood, Colorado, convicted on April 22, 1949, in the Monmouth County District Court of New Jersey, and on December 12, 1951, in the Hennepin County District Court, Minneapolis, Minnesota.

Power, William J., 205 Skyline Boulevard, Oroville, California, convicted on February 23, 1978, in the Superior Court of Butte County, California.

Rakestraw, Lucious J., 1254 Princess Avenue, SW., Atlanta, Georgia, convicted on May 8, 1959, in the Fulton County Superior Court, Atlanta, Georgia.

Ramey, Bill G., P.O. Box 518, Grundy, Virginia, convicted on November 5, 1965, in the United States District Court, Western District of Abingdon, Virginia.

Randall, John J., 4315 7th Avenue, NE., Seattle, Washington, convicted on October 6, 1977, in the Superior Court of Santa Barbara, California.

Randolph, William H., P.O. Box 505 Powellton, West Virginia, convicted on August 25, 1970, in the Common Pleas Court, Lancaster, Ohio.

Ray, Clyde D., 1605 Anne Avenue, Opelika, Alabama, convicted on December 8, 1977, in the United States District Court, Middle District of Alabama.

Reburn, Phillip M., 1024 Lincoln Street, Hagerstown, Maryland convicted on September 25, 1970; and on December 6, 1968, in the Circuit Court of Washington County, Maryland.

Rhoda, Walter J., P.O. Box 594, Salem, Missouri, convicted on May 9, 1969, in the 28th Judicial Circuit Court, Dade County, Missouri.

Richardson, Charles R., 1501 East 21st, Odessa, Texas, convicted on October 25, 1978, in the 161st Judicial District Court, Ector County, Texas.

Risitano, Joseph, 947 Waverly Place, Baldwin, New York, convicted on December 9, 1946, in the Ft. George Wright Court, Washington; on May 11, 1947, in the United States District Court, Spokane, Washington; and on December 11, 1951, in the Kings County Court, Washington.

Roeder, Michael E., 1219 Madison, Newton, Kansas, convicted on August 11, 1964, in the District Court, Reno County, Kansas.

Rowe, Robert E., 2102 Alex Drive, Wilmington, Delaware, convicted on July 11, 1977, in the Superior Court of San Bernardino, California.

Roye, Marvin L.,
.O. Box 182, Granite Falls, Washington, convicted on September 30, 1977, in the Superior Court, Snohomish County, Washington.

Salter, Thomas J., 643 Pontzer Avenue, Saint Mary's Pennsylvania, convicted on July 14, 1978, in the Court of Common Pleas, McKean County, Pennsylvania.

Sanders, John E., 2925 West Camuba, Tucson, Arizona, convicted on June 8, 1977, in the Superior Court of Pima County, Arizona.

Schaefer, Robert A., P.O. Box 148, Renton, Washington, convicted on March 17, 1972, in the United States District Court, Seattle, Washington.

Simonson, Donald D., 457 Valleyview, Route 1, Box 49–S, Wautoma, Wisconsin, convicted on April 11, 1973, in the Circuit Court of Wood County, Wisconsin.

Sleeper, Walter G., 1116 Mill Street, Midland, Michigan, convicted on February 28, 1965, in the Midland County Circuit Court, Michigan.

Smith, Dennis M., 15 Cherokee Lane, Columbia, Missouri, convicted October 23, 1978, in the Circuit Court of Boone County, Missouri.

Snyder, Lonnie E., RD #2, Shippensburg, Pennsylvania, convicted on March 9, 1965; and on June 12, 1966, in the Cumberland County Criminal Court, Carlisle, Pennsylvania.

Stewart, Charles R., 1223 East Oklahoma Street, Guthrie, Oklahoma, convicted on February 4, 1965, in the District Court, Oklahoma County, Oklahoma.

Stone, Donald L., 170 West Gates, Romeo, Michigan, convicted on April 4, 1967, in the Macomb County Circuit Court, Michigan; and on October 28, 1971, in the Jackson County Circuit Court, Michigan.

Stribling, Michael M., 1218 East Oakdale, Irving, Texas, convicted on May 15, 1978, in the 85th Judicial District Court, Brazos County, Texas.

Strong, David L., 7028 East Bayley, Apt. 301, Wichita, Kansas, convicted on September 18, 1974; and on May 24, 1977, in the Sedgwick County District Court, Kansas.

Stuart, Gernald L., 3515 Gillette Avenue, Bremerton, Washington, convicted on August 15, 1978, in the Kitsap County Superior Court, Washington.

Talero, James E., 1804 Tall Pines Circle, Columbia, South Carolina, convicted on September 14, 1973, in the General Sessions Court, Orangeburg, South Carolina; and on July 28, 1978, in the General Sessions Court, Richland County, South Carolina.

Terlitsky, Stanley J., 4410 Zuck Road, Erie, Pennsylvania, convicted on April 8, 1980, in the United States District Court, Erie, Pennsylvania.

Thiel, Stephen A., 204 Wisconsin Drive, Jefferson, Wisconsin, convicted on November 8, 1978, in the Circuit Court II, of Jefferson County, Wisconsin.

Thrasher, David R., Route 11, Box 57 Florence, Alabama, convicted on October 6, 1964, in the Colbert County Court, Tuscumbia, Alabama.

Tucker, Ervin A., Route 1, Box 354, Rineyville, Kentucky, convicted on November 23, 1976, in the United States District Court, Louisville, Kentucky.

Urbani, Gary D., 825 Vance, Bristol, Tennessee, convicted on May 8, 1975, in the Washington County Circuit Court of Virginia.

Urschel, Stanley R., 704 Erica Street, Escondido, California, convicted on November 21, 1972, in the United States District Court, San Diego, California.

Vanhoy, Tommy R., 1221 Pou Street, Albemarle, North Carolina, convicted on July 24, 1975, in the Stanly County Superior Court, North Carolina.

Velinskie, Edward A., 1055 East 32nd Street, Brooklyn, New York, convicted on December 3, 1963; and on March 21, 1969, in the Superior Court of Kings County, New York.

Verheyen, Steven J., Route 3, Lime Kiln Road, Green Bay, Wisconsin, convicted on January 9, 1979, in the Brown County Circuit Court, Branch V, Green Bay, Wisconsin.

Virgilli, Raymond E., 205 Chippewa Drive, Butler, Pennsylvania, convicted on January 7, 1980, in the United States District Court, Pittsburgh, Pennsylvania.

Voss, Jack B., 1773 Meadow Lark Lane, Sheridan, Wyoming, convicted on December 21, 1976, in the Circuit Court of Richmond, Virginia.

Warner, David L., Rural Route 1, Box 115, Millstadt, Illinois, convicted on October 16, 1973, in the Circuit Court of St. Clair County, Illinois; and on November 30, 1973, in the Circuit Court of St. Louis County, Illinois.

Warthen, Wayne A., P.O. Box 1561, Ardmore, Oklahoma, convicted on February 26, 1979, in the Eastern District of Oklahoma.

Watkins, James S., 312 West 2nd Street, Heavener, Oklahoma, convicted on February 3, 1967, in the Superior Court, State of California Youth Authority.

Weldon, Aubrey L. Jr., Route 1, Box 966, Cusseta, Alabama, convicted on June 8, 1973, in the Circuit Court of Lee County, Alabama.

Wells, Richard W., 5837 West Turney Avenue, Phoenix, Arizona, convicted on July 15, 1974, in the Superior Court of Maricopa County, Arizona.

Werner, Roy L., 1933 Broadway, Hoquiam, Washington, convicted on February 15, 1974, in the Superior Court of Grays County, Washington.

Westenburg, Charles E., 12055 East Broadway, Tucson, Arizona, convicted on December 3, 1979, in the United States District Court, Tucson, Arizona.

Weterholt, Sheldon K., 5006 East Boulevard Drive, Flint, Michigan, convicted on May 9, 1956, in the Criminal Court of Shelby County, Tennessee.

Whitmire, Jerry W., Route 1, Box 35, Silsbee, Texas, convicted on December 15, 1966, in the Superior Court of Lewis County, Washington; and on October 14, 1971, in the Superior Court of Cowlitz County, Washington.

Whitt, Jerry C., 903 Rolling Green Circle, Round Rock, Texas, convicted on June 22, 1967, in the District Court of Travis County, Texas.

Williams, James E., Route 1, Box 35, Gore Springs, Mississippi, convicted on June 28, 1977, in the Northern Judicial District of Mississippi.

Wilmouth, Donald R., P.O. Box 5, Soper, Oklahoma, convicted on September 27, 1977, in the Lamar County District Court, Sixth Judicial District of Texas.

Woods, Richard L., G-8373 North Dort Highway, Mt. Morris, Michigan, convicted on January 24, 1955, in the Circuit Court of Genesee County, Michigan.

Worthman, Martin R., P.O. Box 301, Shawnee, Ohio, convicted on September 23, 1977, in the Muskingum County Court of Common Pleas, Ohio.

Compliance With Executive Order 12044

This notice of granting of relief does not meet the Department's criteria for significant regulations as set forth in the Federal Register of November 8, 1978.

Signed: September 8, 1981.

G. R. Dickerson,

Director.

[FR Doc. 81-27148 Filed 9-17-81; 8:45 am]

BILLING CODE 4810-31-M

Customs Service

[TMK-2-CO:R:E:E]

"BULGARI"; Application for Recordation of Trade Name

Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "BULGARI" or printed with a Roman u *i.e.*, "BULGARI," used by Ditta Sotirio Bulgari di Constantino e Giorgio Bulgari S.A.S., a partnership organized under the laws of Italy, located at 10 Via dei Condotti, Rome, Italy.

The application states that the trade name is used in connection with a wide variety of fine watches, jewelry, ornamental works and artwork made of precious metal and precious or semi-precious stones and various other items made of precious metals, manufactured in Italy. The application states further that Bulgari Distribuzione S.P.A., 6 Via Gregoriana, Rome, Italy and Bulgari S.P.A., 10 Via Dei Condotti, Rome, Italy are authorized to use the trade name. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person, in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received no later than October 19, 1981.

Notice of the action taken on the application for recordation of this trade name will be published in the **Federal Register.**

Dated: September 15, 1981.

A. Piazza,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 81-27299 Filed 9-17-81; 8:45 am]

BILLING CODE 4810-22-M

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 5]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $3,501,000 has been established for the company.

Name of Company

American Centennial Insurance Company

Business Address

Post Office Box 1319R, 55 Madison Avenue, Morristown, New Jersey 07960

Incorporated in the State of

Delaware

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision, at page 33963 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: September 14, 1981.

W. E. Douglas,

Commissioner.

[FR Doc. 81-27161 Filed 9-17-81; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1981 Rev., Supp. No. 34]

MGIC Indemnity Corporation; Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to MGIC Indemnity Corporation, Milwaukee, Wisconsin, under Sections 6 to 13 of Title 6 of the United States Code, as an acceptable surety on Federal bonds, is hereby terminated, effective June 30, 1981.

The company was last listed as an acceptable surety on federal bonds at 45 FR 14507, July 1, 1980.

With respect to any bonds currently in force with MGIC Indemnity Corporation, bond-approving officers of the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226, Telephone (202) 634-5010.

Dated: September 11, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-[illegible] Filed 9-17-81; 8:45 am]

BILLING CODE 4810-35-M

Office of the Secretary

[Dept. Circular Public Debt Series No. 29-81]

Treasury Notes of September 30, 1985 Series J-1985

September 11, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the second Liberty Bond Act, as amended, invites tenders for approximately $3,250,000,000 of United States securities, designated Treasury Notes of September 30, 1985, Series J-1985 (CUSIP No. 912827 MJ 8). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated September 30, 1981, and will bear interest from that date, payable on a semiannual basis on March 31, 1982, and each subsequent 6 months on September 30 and March 31, until the principal becomes payable. They will mature September 30, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered secruities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, September 23, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, September 22, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Wednesday, September 30, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, September 28, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-27210 Filed 9-17-81; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Wage Committee; Meetings

Under the provisions of section 10 of Pub. L. 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, October 1, 1981
Thursday, October 15, 1981
Thursday, October 29, 1981
Thursday, November 12, 1981
Tuesday, November 24, 1981
Thursday, December 10, 1981
Tuesday, December 22, 1981

The meetings will convene at 2:30 p.m. and will be held in Room 815A, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System (blue-collar) employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, as amended by Pub. L. 94-409, meetings may be closed to the public when they are concerned with matters listed under section 552b, Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c)(2)), and those involving trade secrets and commerical or financial information obtained from a person and privileged or confidential (5 U.S.C. 552b(c)(4)).

Accordingly, I hereby determine that all portions of the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention.

Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 11754, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: September 11, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-27142 Filed 9-17-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 181
Friday, September 18, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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CIVIL AERONAUTICS BOARD.

[M-329, Amdt 4; September 15, 1981]

Notice of addition and closure of item to the September 15, 1981 Board Meeting

TIME AND DATE: 9:30 a.m., September 15, 1981.

PLACE: Room 1027 (open) room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 25. U.S.-Scandinavia Discussions. (BIA).

STATUS: Items 1-22 (open) Items 23-25 (closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1417-81 Filed 9-16-81; 3:49 pm]

BILLING CODE 6320-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION.

Revised Agenda[1]

TIME AND DATE: 10 a.m., Thursday, September 17, 1981.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

1. *Enforcement Matter, OS #994*
   The Commission will consider an enforcement matter under the Consumer Product Safety Act. Closed under exemption 10: involvement in agency adjudication.
2. *Enforcement Matter, OS #997*
   The Commission will consider an enforcement matter under the Consumer Product Safety Act. Closed under exemption 10: involvement in agency adjudication.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street, NW., Washington, DC 20207; Telephone (202) 634-7700.

[S-1415-81 Filed 9-16-81; 2:42 pm]

BILLING CODE 6355-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

September 14, 1981.

TIME AND DATE: 10 a.m., Wednesday, September 23, 1981.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following cases:

1. Secretary of Labor, MSHA on behalf of Michael Dunmire and James Estle v. Northern Coal Company, Docket Nos. WEST 80-313-D and WEST 80-367-D.
2. Secretary of Labor, MSHA v. Mettiki Coal Corporation, Docket No. YORK 80-140.

There will be a Commission meeting following the oral arguments. The cases considered will be published at a later date.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1410-81 Filed 9-16-81; 10:43 am]

BILLING CODE 6820-12-M

4

FEDERAL RESERVE SYSTEM.

Board of Governors

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 44123, Wednesday, September 2, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 3:30 pm, Tuesday, September 15, 1981.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Proposed cost-saving initiatives for Federal Reserve Banks. (This matter was originally announced for a meeting on September 8, 1981.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: September 16, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1414-81 Filed 9-16-81; 12:46 pm]

BILLING CODE 6210-01-M

5

[USITC SE-81-28]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, September 24, 1981.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731-TA-3 (Sugar and Sirups from Canada)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1408-81 Filed 9-16-81; 8:53 am]

BILLING CODE 7020-02-M

6

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

Role of the Special Library in Nationwide Network and Cooperative Programs

DATE AND TIME:

Monday, September 21, 1981, 9 a.m.-5:15 p.m., Evening Session: 8:15 p.m.-9:45 p.m.
Tuesday, September 22, 1981, 8:30 a.m.-12:15 p.m.

PLACE: Adams Room, Washington Hilton Hotel, 1919 Connecticut Avenue, N.W.

STATUS: Open.

MATTERS TO BE DISCUSSED: Preparation of the Final Report.

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[1] Agenda revised to change the order of the two items.

September 15, 1981.

Douglas S. Price,

Deputy Director, NCLIS.

[S-1409-81 Filed 9-16-81; 9:26 am]

BILLING CODE 7527-01-M

7

NATIONAL RAILROAD PASSENGER CORPORATION.

Board of Directors Meeting

In Accordance with Rule 4(a) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on Friday, September 25, 1981.

A. The meeting will be held on September 25, 1981, at the Ritz Carlton Hotel, 160 East Pearson Street, Chicago, Illinois, at 9:00 a.m.

B. The meeting will be open to the public at 10:00 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda—National Railroad Passenger Corporation—Meeting of the Board of Directors—September 25, 1981

(9:00) *Closed Session*

1. Internal Personnel Matters
2. Litigation Matters

(10:00) *Open Session*

3. Approval of Minutes of Regular Meeting of August 26, 1981
4. Election of Corporate Officers
5. Approval of Amendments to Retirement Income Plan
6. Approval of Pennsylvania Liquor License
7. Commuter Corporation Formation
8. Route Structure: The Cardinal/The Midwesterner
9. Commitment Approval Requests:

81-114 Station Relocation—Grand Forks, North Dakota

81-115 Station Rehabilitation and Rail Connection—San Antonio, Texas

81-116 Lease Renewal—Suburban Station, Philadelphia, Pennsylvania

10. Board Committee Reports: Finance
11. President's Report
12. New Business
13. Adjournment

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383-3754.

September 16, 1981.

Sandra Spence,

Corporate Secretary.

[S-1411-81 Filed 9-16-81; 10:53 am]

8

NATIONAL TRANSPORTATION SAFETY BOARD.

[N-AR 81-34]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 45851, September 15, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, September 22, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Safety Effectiveness Evaluation* of the Federal Highway Administration's Non-Interstate Resurfacing, Restoration, and Rehabilitation Program.
2. *Special Investigation Report:* Eight New York City Transit Authority Subway Train Fires with Evacuation of Passengers, and Recommendation to: the New York City Transit Authority; Urban Mass Transportation Administration; Secretary, Department of Transportation; and the Governor, State of New York.
3. *Special Investigation Report:* Guardrails and Bridge Rails on Highway Bridges Over the Northeast Corridor Rail Service and *Recommendation* to the Federal Highway Administration.
4. FY 1982 Safety Objectives Program.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

September 16, 1981.

[S-1416-81 Filed 9-16-81; 3:49 pm]

BILLING CODE 4910-58-M

9

[OP0401]

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Md., Headquarters)

TIME AND DATE: 9:30 a.m., Friday, September 18, 1981.

PLACE: Room 420-F; One North Park Building; 5550 Friendship Blvd.; Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

CHANGES IN THE MEETING: On September 11, 1981, the Commission determined that the above meeting date be advanced to 9:30 a.m. on Thursday, September 17, 1981, for consideration of case referrals from Regional Commissioners. The above change is being announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, Parole Commission (301) 492-5926.

[S-1412-81 Filed 9-16-81; 11:03 am]

BILLING CODE 4410-01-M

10

[OP0401]

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters).

TIME AND DATE: 9:30 a.m., Friday, September 25, 1981.

PLACE: Room 420-F; One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 10 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, Parole Commission (301) 492-5926.

[S-1413-81 Filed 9-16-81; 11:03 am]

BILLING CODE 4410-01-M

federal register

Friday
September 18, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

V 46 6 SE 18 81 UMI

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Florida: GA81-1222	May 1, 1981.
Geogia: GA81-1222	May 1, 1981
Illinois: IL81-2053	Aug. 14, 1981
Indiana: IL81-2053	Aug. 14, 1981
Iowa: IA80-4041	Aug. 1, 1980.
Kentucky: KY81-1277	Aug. 21, 1981
Michigan: IL81-2053	Aug. 14, 1981
[redacted]	
IL81-2053	Aug. 14, 1981
MN81-2047	July 17, 1981
New York:	
IL81-2053	Aug. 14, 1981
NY81-3030	May 1, 1981
North Carolina: GA81-1222	May 1, 1981
Ohio: IL81-2053	Aug. 14, 1981.
Oregon: OR81-5127	July 6, 1981
Pennsylvania:	
IL81-2053	Aug. 14, 1981.
PA80-3074	Dec. 12, 1980.
PA81-3027	July 17, 1981.
PA81-3029	July 10, 1981.
PA81-3044	Aug. 7, 1981.
PA81-3058	Aug. 28, 1981
South Carolina: GA81-1222	May 1, 1981.
Virginia: GA81-1222	May 1, 1981.
Washington, D.C.: GA81-1222	May 1, 1981.
Wisconsin: IL81-2053	Aug. 14, 1981.
Connecticut: CT81-3062	May 15, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Nevada: NV81-5111 (NV81-5152)	May 1, 1981.
New York: NY80-3049 (NY81-3064	Aug. 29, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. this 11th day of September 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. GA81-1222 - MOD. #1 (46 FR 24813 - May 1, 1981) Georgia, North Carolina, South Carolina, Virginia, Washington, D. C. and Florida, all counties on the Atlantic Coast west to the Aucilla River and all tributory Waterways					
Change: Footnote:					
a. Six paid holidays, A through F, plus vacation contribution of 7% of straight time pay of all hours worked					
DECISION NO. IL81-2053 - MOD. #1 (46 FR 41320 - August 14, 1981) Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin					
Change:					
Tug Engineers Operators	$16.22		1.05	h	
Tug Operators on Launch	15.76		1.05	h	

Add:

h. 9 paid holidays: A through F plus Washington's Birthday, Veteran's Day and Association Day; 6½ days vacation with pay for 104 days service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employees not qualifying for vacation as set forth above, will receive one half day's vacation with pay for each full 13 days of service in one calendar year.

Modification Page 2

DECISION NO. IA80-4041, Mod. #5,
45 FR 51408 - August 1, 1980
Black Hawk County, Iowa
Building Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Laborers:					
Group 1	$10.17	.90	.55		.05
Group 2	10.32	.90	.55		.05
Group 3	10.42	.90	.55		.05
DECISION NO. KY81-1277 - MOD. #1 (46 FR 42601 - August 21, 1981) Hardin, Jefferson, & Meade Counties, Kentucky					
Change:					
Plasterers	$13.35				
Plumbers & Pipefitters					
Area I - Jefferson County Pipefitters	16.71	.95	1.69		.12
Area II - Hardin (northern portion of County up to but not including Elizabethtown) & Meade Pipefitters	17.31	.95	1.69		.12
Area III - Remainder of Hardin County Pipefitters	17.56	.95	1.69		.12
DECISION No. MN81-2047 Mod # 1 (46 FR 37182 dated July 17, 1981) Benton, Sherburne & Stearns Cos. Minnesota					
CHANGE:					
ELECTRICIANS: Benton & Stearns Cos.; Twps. of Haven, Palmer, Santiago, Becker, & Clearlake in Sherburne Co.					
Jobs under $75,000	$12.29	.70	3% + .44	10½%	.07
Jobs over $75,000	14.53	.70	3% + .44	10½%	.07

Modification Page 3

DECISION NO. NY81-3030 - Mod. #2
(46 FR 24850 - May 1, 1981)
Cattaraugus, Chautauqua, & Erie
Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	14.60	1.32	1.40		.07
CARPENTERS					
Chautauqua County & Cattaraugus County (Remainder of County)					
Carpenters, Building	12.06	.90	1.46		.02
Millwrights & Piledrivers	12.31	.90	1.46		.02
Diver Tenders	12.56	.90	1.46		.02
ELECTRICIANS					
Cattaraugus County (Leon & Dayton Townships) & Chautauqua County	14.20	1.15	3%+1.75		½%
ELEVATOR CONSTRUCTOR	15.24	1.345	.95	b+c	.035
ELEVATOR CONSTRUCTOR HELPER	10.67	1.345	.95	b+c	.035
ELEVATOR CONSTRUCTOR HELPER PROBATIONARY	7.62				
PAINTERS					
Erie County (North of White Haven Rd. on Grand Island)					
Brush	11.91	1.80	1.90		.01
Spray Mastic, Steel, Steeple Jack, Swing Scaffold, Boatswain Chair using window jack on life belts, steel tanks, smoke stacks, chruch steeples or flag poles, sandblasting & waterblasting	12.91	1.80	1.90		.01
Bridges	13.905	1.80	1.90		.01
Erie County (Remainder of County), Chautauqua County (Townships of Dunkirk, Portland, Ponifret, Sheridan, Arkwright, Hanover, & Villanova), & Cattaraugus County (Townships of Perrysburg, Dayton, Persia, Otto, Ashford, Yorkshire, East Otto, & Machias					
Base	13.00	1.63	1.40		.11
Bridges 35' in depth or 35' from road level	15.415	1.63	1.40		.11
Steel, tanks, towers, stacks, flag poles, bosun chair, radio & TV towers	13.75	1.63	1.40		.11
Taping	13.50	1.63	1.40		.11

Modification Page 4

DECISION NO. NY81-3030 - Mod. #2 (Con't)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd)					
Cattaraugus County (Townships of Leon, Conewango, Randolph, S. Valley, New Albion & Napoli), Chautauqua County (Remiander of County)					
Brush	11.30	.95	.70		.01
Structural Steel, Bridge, Tanks and Stacks	12.55	.95	.70		.01
Spray, Steam cleaning, Sandblasting & Toxic Coatings	11.95	.95	.70		.01
Swing Scaffold, Bosun Chair, Paperhangers, Taping	11.55	.95	.70		.01
Roller	11.30	.95	.70		.01
Cattaraugus County (Remainder of County)					
Brush	10.95	.90	1.25		.01
Steel above 20' Ladder or Scaffold over 30' high, Spray, Wall covering Hanging	11.55	.90	1.25		.01
Bridges	12.20	.90	1.25		.01
PLUMBERS & STEAMFITTERS					
Cattaraugus County	14.30	.98	.82	.30	
Chautauqua County (Remainder of County) & Erie County	15.06	1.03	1.63		.08
SHEET METAL WORKERS					
Erie County	15.07	1.34	1.18		.10
SPRINKLER FITTERS					
Erie County	14.69	.85	2.65		.06
STEAM FITTERS					
Erie County	15.14	2.50	1.71		.19
LABORERS, Building					
Erie County					
Basic	11.795	1.75	1.56		.15
Foundation Laborers (over 8' in depth), Hod Carriers, Plaster tender, Plaster Scaffold Bldr., Pneumatic, Gas, Electric Tool Opr. & Steel Bruners	11.895	1.75	1.56		.15
Mortar Mixer	11.945	1.75	1.56		.15
Tool Operator over 8' in depth	11.995	1.75	1.56		.15

Modification Page 5

DECISION NO. NY81-3030 - Mod. #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, Building (Cont'd)					
On Swing Scaffold, Blaster, Plumbing Laborers, Wagon Drill Operator, Bottom Man	12.045	1.75	1.56		.15
Top Man, Wreckers	11.795	1.75	1.56		.15
Chautauqua County, Cattaraugus County (Except the city of Gowanda & Twp. of Perrysburg)					
Laborers	9.88	.90	1.10		
Blasters, Curb & Form Setters, (Steel, Stone & Granite), Nozzlemen (gunite, seeding & sandblasting) & Pipelayers	10.13	.90	1.10		
work 40' and up	10.03	.90	1.10		
LABORERS, Heavy & Highway					
Erie County					
CLASS A	10.995	1.75	1.56		.15
CLASS B	11.195	1.75	1.56		.15
CLASS C	11.395	1.75	1.56		.15
CLASS D	11.595	1.75	1.56		.15
LABORERS, Free Air Tunnel					
Erie County					
Steel erectors, piledrivers, riggers	12.995	1.75	1.56		.15
Blasters, cement finishers, ironmen, miners, heading driller	12.745	1.75	1.56		.15
Powder Monkey	12.345	1.75	1.56		.15
Side or roofbolt driller, conveyor men, block layers, rod men, caulkers, miners helper, track men, nippers, burners, derail men, electrical cable men, hosemen, groutmen, gravel men, bottom bell, form workers, movers, shaft men	12.245	1.75	1.56		.15
Top Bell	11.745	1.75	1.56		.15
Mole nipper, top laborers	11.495	1.75	1.56		.15

Modification Page 6

DECISION NO. NY81-3030 - Mod. #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	12.00	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.80	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	10.20	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.00	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.42	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.73	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.35	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technicians	14.55	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.095	1.40	3%+1.00	a	

Modification Page 7

DECISION NO. NY81-3030 - Mod. #2 (Cont'd)

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.91	1.40	3%+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	14.55	1.40	3%+1.00	a	
Certified Lineman Welder	15.27	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Equipment Operator	14.55	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Groundman Truck Drivers	11.64	1.40	3%+1.00	a	
Groundman	10.91	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

Modification Page 8

DECISION NO. OR81-5127 - Mod #[illegible] (46 FR 35[illegible]19 - July 6, 1981) Statewide Oregon	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE: TILE SETTERS as contained in Mod #2 to read: "TILE SETTERS: Area 2"	$1[illegible].4[illegible]	1.10	.95		.10
DECISION NO. PA80-3074 MOD. NO. [illegible] (45 FR 81781 - December 12, 1980) Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania					
CHANGE:					
Asbestos Workers					
Zone 2	$14.01	1.12	.90		.02
Elevator Constructors	12.84	1.345	1.085	a+b	.035
Elevator Constructors Helpers	70%JR	1.345	1.085	a+b	.035
Elevator Constructors Helpers (Prob.)	50%JR				
Electricians					
Zone 2	13.56	.65	3%+.6[illegible]		1/4%
Glaziers					
Zone 1	13.44	1.12	1.55	1.29	.02
ADD: To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					

V 46 SE 18 81 UMI

Modification Page 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3027 MOD. NO. 2 (46 FR 37212 - July 17, 1981) Franklin County, Pennsylvania					
CHANGE: Asbestos Workers	$14.01	1.12	.90		.02
ADD: To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					
DECISION NO. PA81-302[illegible] MOD. NO. 1 (46 FR 35891 - July 10, 1981) Blair County, Pennsylvania					
CHANGE: Asbestos Workers	$15.06	1.00	2.27		
Carpenters & Soft Floor Layers	12.25	6½%	8%	10%	
Glaziers	13.44	1.12	1.55	1.29	.02
ADD: To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					
DECISION NO. PA81-3044 MOD. NO. [illegible] (46 FR 40477 - August 7, 1981) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford and Venango Counties, Pennsylvania					
CHANGE: Ironworkers Zone 3	$14.50	1.86	1.51		.25

Modification Page 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3058 MOD. NO. 2 (46 FR 43596 - August 28, 1981) Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, & York Counties, Pennsylvania					
CHANGE: Ironworkers: Structural, Ornamental & Reinforcing	$14.16[illegible]	1.[illegible]	1.45		.045
DECISION NO. CT81-303[illegible] - MOD. #4 (46 FR 27040 - May 15, 1981) Hartford, Middlesex, New Haven, New London and Tolland Counties, Connecticut					
CHANGE: Plumbers; Steamfitters: Area 5	$17.17	.[illegible]0	1.95	r	.10

SUPERSEDEAS DECISION

DECISION NO. NV81-5152

Page 2

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

DECISION NUMBER: NV81-5152

DATE: Date of Publication

Supersedes Decision No. NV81-5111 dated May 1, 1981, in 46 FR 24837

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:*					
Area 1	$18.26	$1.28	$1.52		
Area 2	16.11	.77	1.52		
Area 3	20.11	1.25	1.45		.11
BOILERMAKERS	17.61	1.30	1.25	1.00	.04
BRICKLAYERS; STONEMASONS:*					
Area 1	15.57	.90	.60		.06
Area 2	15.88	1.10	.75		.04
BRICK HOD CARRIERS:*					
Area 1	13.11	1.10	1.30		.10
CARPENTERS:*					
Area 1:					
Carpenters	15.31	1.05	1.60		.10
Drywall Installer	15.48	1.05	1.60		.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	15.46	1.05	1.60		.10
Lathers	15.48	1.05	1.60		.10
Millwrights	16.31	1.05	1.60		.10
Piledrivermen	15.51	1.05	1.60		.10
Area 2:					
Carpenters	14.30	1.25	1.81	1.20	.11
Drywall Installer	14.55	1.25	1.81	1.20	.11
Floor Layers; Patent Scaffold Erectors; Power Saw Operators; Shingler	14.45	1.25	1.81	1.20	.11
Millwrights	14.90	1.25	1.81	1.20	.11
Piledrivermen	14.55	1.25	1.81	1.20	.11
CEMENT MASONS:*					
Area 1:					
Cement Masons	14.50	1.50	1.50		.13
Cement Floor Finishing Machine and Color Work	14.88	1.50	1.50		.13

*See AREA Descriptions - Page 3

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:* (Cont'd)					
Area 2:					
Cement Masons	$13.55	$1.25	$1.10	$2.00	.10
Mastic, Magnesite and all Composition Masons	13.80	1.25	1.10	2.00	.10
Troweling Machine; Grinder Operator and Kelly Float	13.05	1.25	1.10	2.00	.10
Area 3:					
Cement Masons	14.30	1.25	1.10	2.00	.10
Mastic, Magnesite and all Composition Masons	14.55	1.25	1.10	2.00	.10
Troweling Machine; Grinder Operator and Kelly Float	14.00	1.25	1.10	2.00	.10
ELECTRICIANS:*					
Area 1:					
Electricians; Technicians	18.36	.98	3%+2.55		.08
Cable Splicers	18.69	.98	3%+2.55		.08
Area 2:					
Electricians; Technicians	19.63	1.09	3%+2.09		.14
Cable Splicers	21.59	1.09	3%+2.09		.14
Area 3:					
Electricians; Technicians	20.63	1.09	3%+2.09		.14
Cable Splicers	22.59	1.09	3%+2.09		.14
ELEVATOR CONSTRUCTORS:*					
Area 1:					
Elevator Constructors	16.62	1.195	.95	a	.03
Helpers	11.63	1.195	.95	a	.03
Probationary Helpers	8.31				
Area 2:					
Elevator Constructors	19.99	1.195	.95	a	.035
Helpers	13.99	1.195	.95	a	.035
Probationary Helpers	9.995				
GLAZIERS:*					
Area 1	19.23	.75	.40		.08
Area 2	12.931	.83	1.85	1.584	

*See AREA DESCRIPTIONS - Page 3

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AREA DESCRIPTIONS

ASBESTOS WORKERS:
 Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
 Area 2: Elko, Eureka, and White Pine Counties
 Area 3: Remaining Counties

BRICKLAYERS; STONEMASONS:
 Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
 Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

BRICK HOD CARRIERS:
 Area 1: Statewide (excluding Clark, Esmeralda, and Lincoln Counties, Nye County (south of Highway #6))

CARPENTERS:
 Area 1: Clark County; Esmeralda County (south of Highway #6); Lincoln County; Nye County (south of Highway #6)
 Area 2: Remaining Counties; Esmeralda and Nye Counties (north of Highway #6)

CEMENT MASONS:
 Area 1: Clark, Lincoln, and Nye Counties
 Area 2: Remaining Counties (excluding Lake Tahoe Area)
 Area 3: Lake Tahoe Area

ELECTRICIANS:
 Area 1: Clark and Lincoln Counties; Nye County (south of Mt. Diablo Base Line)
 Area 2: Remaining Counties; Nye County (north of Mt. Diablo Base Line, excluding Lake Tahoe Area)
 Area 3: Lake Tahoe Area

ELEVATOR CONSTRUCTORS:
 Area 1: Nevada east of 118° longitude and south of 39° north latitude
 Area 2: Nevada west of 118° longitude

GLAZIERS:
 Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
 Area 2: Remaining Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:*					
Area 1:					
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	$13.10	.90	$1.45		.10
Area 2:					
Fence Erector	13.11	1.39	3.22	2.15	.07
Ornamental; Reinforcing; Structural	14.00	1.39	3.22	2.15	.07
LATHERS:*					
Area 1	18.07				.01
LINE CONSTRUCTION WORKERS:*					
Area 1:					
Groundman	15.65	.98	3%		3/4%
Line Equipment Operators	18.78	.98	3%		3/4%
Linemen	20.87	.98	3%		3/4%
Cable Splicers	21.91	.98	3%		3/4%
Area 2:					
Groundman	14.72	1.09	3%+2.09		
Line Equipment Operators	17.67	1.09	3%+2.09		
Lineman; Technician	19.63	1.09	3%+2.09		
Cable Splicers	21.59	1.09	3%+2.09		
Area 3:					
Groundman	16.22	1.09	3%+2.09		
Line Equipment Operators	19.17	1.09	3%+2.09		
Linemen; Technician	21.13	1.09	3%+2.09		
Cable Splicers	23.09	1.09	3%+2.09		
MARBLE SETTERS:*					
Area 1	15.57	.90	.60		.06
Area 2	15.10	1.10	.75		.01
MARBLE, TERRAZZO, and TILE FINISHERS:*					
Area 1	12.14	.90	.60		
Area 2	8.89	1.10	.75		.01
MASON TENDERS:*					
Area 1	13.87	1.08	1.50		

*See AREA DESCRIPTIONS - Page 6

AREA DESCRIPTIONS

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:*					
Area 1:					
Brush; Roller	$17.34	.80	.70		.06
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Structural Steel; Taper	17.69	.80	.70		.06
Buffing Steel; Sandblaster, Structural Steel	18.04	.80	.70		.06
Steeplejack	19.09	.80	.70		.06
Area 2:					
Brush and Roller	16.54	.84	.75		.02
Spray; Taper; Paperhangers; Sandblaster	17.04	.84	.75		.02
Spray - Swing Stage up to 40 feet; Spray - Steel	17.29	.84	.75		.02
Brush - Swing Stage, up to 40 feet; Brush - Steel	16.79	.84	.75		.02
PLASTER HOD CARRIERS:*					
Area 1:					
Plaster Hod Carrier serving Plasterers	13.95	1.10	1.30		
Plaster Hod Carrier working on any type of Gun except TM-30	14.55	1.10	1.30		
Plaster Hod Carrier mixing on TM-30 Machine	14.80	1.10	1.30		
PLASTER TENDERS:*					
Area 1	15.42	1.08	1.58		.11
PLASTERERS:*					
Area 1	15.12	1.50	1.50		.13
Area 2	14.47	1.25	1.50		.05

*See AREA DESCRIPTIONS - Page 6

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AREA DESCRIPTIONS

IRONWORKERS:
Area 1: Elko, Eureka, White Pine Counties
Area 2: Remaining Counties

LATHERS:
Area 1: Statewide (excluding Clark County; Esmeralda County (south of Highway #6); Lincoln County; Nye County (south of Highway #6))

LINE CONSTRUCTION WORKERS:
Area 1: Clark, and Lincoln Counties; Nye County (south of Mt. Diablo Base Line)
Area 2: Remaining Counties and Nye County (north of Mt. Diablo Base Line) (excluding Lake Tahoe Area)
Area 3: Lake Tahoe Area

MARBLE MASONS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

MARBLE, TERRAZZO, and TILE FINISHERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

MASON TENDERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

PAINTERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties including Lake Tahoe Area

PLASTER HOD CARRIERS:
Area 1: Statewide excluding Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

PLASTER TENDERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

PLASTERERS:
Area 1: Clark, Lincoln, and Nye Counties
Area 2: Remaining Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:*					
Area 1	$19.35	$1.25	$2.50		.08
Area 2	17.04	1.23	1.25	2.10	.20
PLUMBERS (Utility):*					
Area 1	17.04	1.23	1.25	2.10	.20
ROOFERS:*					
Area 1	19.30	1.00			
Area 2	18.52	1.00	1.00		.05
SHEET METAL WORKERS:*					
Area 1	20.22	1.20	1.92		.19
Area 2	15.63	1.30	2.36	1.56	.14
SOFT FLOOR LAYERS:*					
Area 1	17.16	1.11			.35
Area 2	15.84	.84	.20	.33	.07
SPRINKLER FITTERS	19.56	.95	1.40		.08
TERRAZZO WORKERS; TILE SETTERS:*					
Area 1	15.57	.90	.60		.06
Area 2	15.10	1.10	.75		.01

*See AREA DESCRIPTIONS - Page 8

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTE:

a. Employer contributes 8% basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A thru G

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day

AREA DESCRIPTIONS

PLUMBERS; Steamfitters:

Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6, excluding City of Tonopah)

Area 2: Remaining Counties and Nye county (north of Highway #6, including City of Tonopah)

PLUMBERS (Utility):

Area 1: Statewide (except Clark, Esmeralda, and Lincoln Counties, Nye County (south of Highway #6, excluding the City of Tonopah))

ROOFERS:

Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

Area 2: Remaining Counties and Nye County (north of Highway #6)

SHEET METAL WORKERS:

Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of the First Standard Parallel Line north of the 38th Parallel); White Pine County

Area 2: Remaining Counties and Nye County (north of the First Standard Parallel Line north of the 38th Parallel)

SOFT FLOOR LAYERS:

Area 1: Clark, Esmeralda, Lincoln, and Nye Counties

Area 2: Remaining Counties including Lake Tahoe Area

TERRAZZO WORKERS; TILE SETTERS:

Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clark, Esmeralda, and Lincoln Counties; Nye County (south half, including Highway #6):					
Group 1	$12.75	$1.06	$1.5[illegible]	.15	
Group 2	12.96	1.06	1.5[illegible]	.15	
Group 3	13.06	1.06	1.5[illegible]	.15	
Group 4	13.15	1.06	1.5[illegible]	.15	
Group 5	13.25	1.06	1.5[illegible]	.15	

Group 1: Cutting Torch Operator (demolition); Dry Packing of Concrete and Filling of Form-bolt Holes; Fine Grader, highway and street paving, airport runways and similar type heavy construction; Spotter, Debris Handler and Dumpman; Gas and Oil Pipeline Laborer; Guinea Chaser; Laborer, demolition (cleaning of bricks, lumber, etc.); Laborer, general or construction; Laborer, packing rod steel and pans; Laborers, temporary water lines (portable type); Landscape Gardener and Nurseryman; Tarman and Mortarman, Kettleman, Potman and man applying asphalt, lay-kold creosote, lime and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Underground Laborer, including Caisson Bellowers; Window Cleaner

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LABORERS (Cont'd)
Clark, Esmeralda, and Lincoln Counties; Nye County (south half, including Highway #6)

Group 2: Asphalt Raker, Ironer, Spreader, Luteman; Buggymobile Man; Cement Dumper (on 1 yard or larger mixers and handling bulk cement); Cesspool Digger and Installer; Chucktender (except tunnel); Concrete Core Cutter; Concrete Curer, Impervious Membrane and Oiler of all materials; Concrete Saw Man, excluding tractor type, cutting, scoring old or new concrete; Gas and Oil Pipeline Wrapper, Pot Tender and Form Man; Making and caulking of all nonmetallic pipe joints; Operators and Tenders of pneumatic and electric tools, Vibrating Machines, hand-propelled Trenching Machines, Impact Wrench, multiplate and similar mechanical tools not separately classified herein; Operator of Cement Grinding Machine; Riprap Stonepaver; Roto-scraper; Sandblaster (Pot Tender); Scaler; Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner; Tree Climber, Raller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders

Group 3: Gas and Oil Pipeline Wrapper, 6 inch pipe and over; Jackhammer and/or Pavement Breaker; Laying of all non-metallic pipe, including sewer pipe, drain pipe, and underground tile; Oversize Concrete Vibrator, 70 lbs. and over; Rock Slinger; Scaler (using Bos'n Chair or Safety Belt or power tools)

Group 4: Cribber or Shorer, Lagging, Sheeting, Trench Bracing, hand guided Lagging Hammer; Head Rock Slinger; Powderman - Blaster, all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Sandblaster (Nozzleman); Steel Headerboard Man

Group 5: Driller (Core, Diamond or Wagon); Joy Driller Model TW-M-2A, Gardner-Denver Model DH 143 and similar type drills

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LABORERS: (Cont'd)

Remaining Counties:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$11.71	$1.10	$1.30		.10
Group 2	11.81	1.10	1.30		.10
Group 3	11.96	1.10	1.30		.10
Group 4	12.21	1.10	1.30		.10
Group 5	12.51	1.10	1.30		.10
Group 6-A	12.51	1.10	1.30		.10
Group 6-B	12.21	1.10	1.30		.10
Group 6-C	11.86	1.10	1.30		.10

Group 1: All cleanup work of debris, grounds and building including windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzle Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and material for reinforcing concrete; Railroad Trackmen (builders); Sloper; Semi-skilled Wrecker (salvaging of building materials other than those listed in Group 3); Greasing Dowels

LABORERS: (Cont'd)
Remaining Counties

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, Faller, Logloader and Bucker; Compactor (all types); Concrete Mixer, under 1/2 yd.; Concrete Pan Work (breadpan type) (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, Hand-guided Lagging Hammer; Curbing or Divider Machine; Curb Setter (precast or cut); Ditching Machine (hand-guided); Driller's Tender, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Worker (wet or dry); Pipe Wrapper, Kettleman, Potman, and men applying asphalt, Creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole Digger (air, gas or electric); Post Driver; Riprap-stonepaver and Rock Slinger, including placing of sack concrete, wet or dry; Roto Tiller; Rigging and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash windows, doors, plumbing and electrical fixtures

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type Drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline, conduit; Asphalt Rakers

Group 5: Blaster and Powderman, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman

Group 6-B: Gunman, Materialman

Group 6-C: Reboundman

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: Clark, Esmeralda, Lincoln, and Nye Counties:					
Group 1	$15.25	$1.25	$2.80	$1.17	.14
Group 2	15.53	1.25	2.80	1.17	.14
Group 3	15.82	1.25	2.80	1.17	.14
Group 4	15.96	1.25	2.80	1.17	.14
Group 5	16.18	1.25	2.80	1.17	.14
Group 6	16.29	1.25	2.80	1.17	.14
Group 7	16.41	1.25	2.80	1.17	.14
Group 8	16.58	1.25	2.80	1.17	.14
Group 9	16.71	1.25	2.80	1.17	.14

POWER EQUIPMENT OPERATORS
Clark, Esmeralda, Lincoln, and Nye Counties

Group 1: Brakeman; Compressor Operator; Ditch Witch, with seat or similar type equipment; Elevator Operator - inside; Engineer Oiler; Forklift Operator (under 5 tons capacity); Generator Operator; Generator, Pump or Compressor Plant Operator; Heavy duty Repairman Tender; Pump Operator; Switchman

Group 2: Concrete Mixer Operator - skip type; Conveyor Operator; Fireman; Hydrostatic Pump Operator; Oiler Crusher (asphalt or concrete plant); Rotary Drill Tender (Oilfield); Skiploader (wheel type up to 3/4 yard without attachment); Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant Operator; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck Operator; Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine Operator; Power Concrete Saw Operator; Power-driven Jumbo Form Setter Operator; Ross Carrier Operator (jobsite); Stationary pipe wrapping and cleaning Machine Operator

Group 4: Asphalt Plant Fireman; Boring Machine Operator; Boxman or Mixerman (asphalt or concrete); Bridge-type Unloader and Turnable Operator; Chip Spreading Machine Operator; Concrete Pump Operator (small portable); Dinkey Locomotive or Motorman (up to and including 10 ton); Equipment Greaser (grease truck); Helicopter Hoist Operator; Highline Cableway Signalman; Hydra-Hammer-Aero Stomper; Power Sweeper Operator; Roller Operator (compacting); Screed Operator (asphalt or concrete); Trenching Machine Operator (up to 6 feet)

Group 5: Asphalt Plant Engineer; Batch Plant Operator; Bit Sharpener; Concrete Joint Machine Operator (canal and similar type); Concrete Planer Operator; Deck Engine Operator; Derrickman (Oilfield type); Drilling Machine Operator (including water wells); Hydrographic Seeder Machine Operator (straw, pulp or seed); Jackson Track Maintainer, or similar type; Kalamazoo Switch Tamper, or similar type; Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher Operator (concrete, Clary - Johnson - Bidwell or similar); Pavement Breaker Operator; Road Oil Mixing Machine Operator; Roller Operator (asphalt or finish); Rubber-tired earth moving equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine Operator; Skiploader Operator (Crawler and wheel type, over 3/4 yard and up to and including 1½ yards); Slip Form Pump Operator (power-driven hydraulic lifting device for concrete forms); Stinger Crane (Austin-Western or similar type); Tractor Operator - Bulldozer, Tamper, Scraper (single engine, up to 100 H.P., flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist (1 drum); Tunnel Locomotive Operator (over 10 and up to and including 30 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
Clark, Esmeralda, Lincoln, and Nye Counties

Group 6: Asphalt or Concrete Spreading Operator (tamping or finishing); Asphalt Paving Machine Operator (Barber-Greene or similar type); Backhoe Operator (up to and including 3/4 yd.); Bridge Crane Operator; Cast-in-place Pipelaying Machine Operator; Combination Mixer and Compressor Operator (gunite work); Compactor Operator - self-propelled; Concrete Mixer Operator - paving; Concrete Pump Operator - truck mounted; Crane Operator (up to and including 25 tons capacity); Cretor Crane Operator; Crushing Plant Operator; Drill Doctor; Elevating Grader Operator; Forklift Operator (over 5 tons); Grade Checker; Gradall Operator; Grouting Machine Operator; Guard Rail Post Driver Operator; Heading Shield Operator; Heavy duty Repairman; Hoist Operator (Chicago Boom and similar type); Kalamazoo Balliste Regulator or similar type; Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile Operator; Lift Slab Machine Operator (Vagtborg and similar types); Loader Operator (Athey, Euclid, Sierra and similar types); Material Hoist Operator; Mucking Machine Operator (1/4 yard)(rubber-tired, rail or track type); Pneumatic Concrete Placing Machine Operator (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Polar Gantry Crane Operator; Pumpcrete Gun Operator; Rotary Drill Operator (excluding Caisson type); Rubber-tired earth moving equipment Operator (single engine, Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yards and up to and including 50 cu. yards struck); Rubber-tired earth moving equipment Operator (multiple engine - up to and including 25 yards struck); Rubber-tired Scraper Operator (self-loading - paddle wheel - John Deere, 1040 and similar single unit); Self-propelled Curb and Gutter Machine Operator; Skiploader Operator (Crawler and wheel type - over 1½ yards up to and including 6½ yards); Surface Heater and Planer Operator; Tower Crane Operator; Tractor Compressor Drill Combination Operator; Tractor Operator (any type larger than D-5 - 100 flywheel H.P. and over, or similar - Bulldozer, Tamper, Scraper, and Push Tractor, single engine); Tractor Operator (boom attachments); Traveling Pipe wrapping, cleaning and bending Machine Operator; Trenching Machine Operator (over 6 ft. depth capacity, manufacturer's rating); Tunnel Locomotive Operator (over 30 tons); Shovel, Backhoe, Dragline, Clamshell Operator (over 3/4 yard and up to 5 cu. yards M.R.C.)

POWER EQUIPMENT OPERATORS: (Cont'd)
Clark, Esmeralda, Lincoln, and Nye Counties

Group 7: Crane Operator (over 25 tons up to and including 100 tons M.R.C.); Derrick Barge Operator; Dual Drum Mixer; Heavy-duty Repairman-Welder Combination; Hoist Operator, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons); Monorail Locomotive Operator (diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type - except Quad 9 Cat); Pedestal Crane Operator; Rubber-tired earth moving equipment Operator (single engine, over 50 yards struck); Rubber-tired earth moving equipment Operator (multiple engine, Euclid, Caterpillar and similar - over 25 yards and up to 50 yards struck); Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cu. yards M.R.C.); Tower Crane Repairman; Tractor Loader Operator (Crawler and wheel-type, over 6½ yards); Woods Mixer Operator (and similar Pugmill equipment)

Group 8: Auto Grader Operator; Automatic Slip Form Operator; Crane Operator - over 100 tons; Crawler Transporter Operator; Hoe Ram or similar with Compressor; Hoist Operator (Stiff Legs, Guy Derrick, or similar type - capable of hoisting 100 tons or more); Mass Excavator Operator - less than 750 cu. yds.; Mechanical Finishing Machine Operator; Mobile Form Traveler Operator; Mobile Tower Crane Operator; Motor Patrol Operator (multi-engine); Pipe Mobile Machine Operator; Rubber-tired earth moving equipment Operator (multiple engine, Euclid, Caterpillar and similar type - over 50 cu. yds. struck); Rubber-tired Scraper Operator (pushing one another without Push Cat, Push-pull); Rubber-tired self-loading Scraper Operator (paddle wheel - Auger type self-loading - two or more units); Tandem equipment Operator (two units only); Tandem Tractor Operator (Quad 9 or similar type); Tunnel Mole Boring Machine Operator

Group 9: Canal Linear Operator; Canal Trimmer Operator; Helicopter Pilot; Highline Cableway Operator; Polar Crane Operator; Remote Controlled earth moving equipment Operator ($1.00 per hour additional to base rate); Wheel Excavator Operator (over 750 cu. yds. per hour)

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection):					
Remaining Counties:					
Area 1:*					
Group 1-A	$11.64	$2.24	$3.00	$2.07	.11
Group 2	12.08	2.24	3.00	2.07	.11
Group 3	12.31	2.24	3.00	2.07	.11
Group 4	12.93	2.24	3.00	2.07	.11
Group 5	13.18	2.24	3.00	2.07	.11
Group 6	13.32	2.24	3.00	2.07	.11
Group 7	13.53	2.24	3.00	2.07	.11
Group 8	14.02	2.24	3.00	2.07	.11
Group 9	14.29	2.24	3.00	2.07	.11
Group 10	14.59	2.24	3.00	2.07	.11
Group 10-A	14.74	2.24	3.00	2.07	.11
Group 11	14.95	2.24	3.00	2.07	.11
Group 11-A	16.31	2.24	3.00	2.07	.11
Area 2:*					
Group 1-A	12.89	2.24	3.00	2.07	.11
Group 2	13.33	2.24	3.00	2.07	.11
Group 3	13.56	2.24	3.00	2.07	.11
Group 4	14.18	2.24	3.00	2.07	.11
Group 5	14.43	2.24	3.00	2.07	.11
Group 6	14.57	2.24	3.00	2.07	.11
Group 7	14.78	2.24	3.00	2.07	.11
Group 8	15.27	2.24	3.00	2.07	.11
Group 9	15.54	2.24	3.00	2.07	.11
Group 10	15.84	2.24	3.00	2.07	.11
Group 10-A	15.99	2.24	3.00	2.07	.11
Group 11	16.20	2.24	3.00	2.07	.11
Group 11-A	17.56	2.24	3.00	2.07	.11
Area 3:*					
Group 1-A	13.39	2.24	3.00	2.07	.11
Group 2	13.83	2.24	3.00	2.07	.11
Group 3	14.06	2.24	3.00	2.07	.11
Group 4	14.68	2.24	3.00	2.07	.11
Group 5	14.93	2.24	3.00	2.07	.11
Group 6	15.07	2.24	3.00	2.07	.11

*See AREA DESCRIPTIONS - Page 17

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection): (Cont'd)					
Remaining Counties: (Cont'd)					
Area 3:* (Cont'd)					
Group 7	$15.28	$2.24	$3.00	$2.07	.11
Group 8	15.77	2.24	3.00	2.07	.11
Group 9	16.04	2.24	3.00	2.07	.11
Group 10	16.34	2.24	3.00	2.07	.11
Group 10-A	16.49	2.24	3.00	2.07	.11
Group 11	16.70	2.24	3.00	2.07	.11
Group 11-A	18.06	2.24	3.00	2.07	.11
Area 4:*					
Group 1-A	14.14	2.24	3.00	2.07	.11
Group 2	14.58	2.24	3.00	2.07	.11
Group 3	14.81	2.24	3.00	2.07	.11
Group 4	15.43	2.24	3.00	2.07	.11
Group 5	15.68	2.24	3.00	2.07	.11
Group 6	15.82	2.24	3.00	2.07	.11
Group 7	16.03	2.24	3.00	2.07	.11
Group 8	16.52	2.24	3.00	2.07	.11
Group 9	16.79	2.24	3.00	2.07	.11
Group 10	17.09	2.24	3.00	2.07	.11
Group 10-A	17.24	2.24	3.00	2.07	.11
Group 11	17.45	2.24	3.00	2.07	.11
Group 11-A	18.81	2.24	3.00	2.07	.11

AREA DEFINITIONS

Area 1: Area within 50 road miles of either the Carson City Courthouse or the Washoe County Courthouse
Area 2: Area between 50 and 150 road miles of the Washoe County Courthouse
Area 3: Area between 150 and 300 road miles of the Washoe County Courthouse
Area 4: Area over 300 road miles of the Washoe County Courthouse

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POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
Remaining Counties

Group 1-A: Brakeman; Deckhand; Fireman; Oiler; Switchman; Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pumps; Tar Pot Fireman (power-agitated)

Group 3: Box Operator (bunker); Concrete Curing Machine (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Mixer Box Operator (concrete plant); Motorman; Oiler (truck crane); Rotomist; Screedman (except asphaltic or concrete paving); Bobcat or similar loader, 1/4 cu. yd. or less

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper, multi-purpose; Boxman (asphalt plant); Concrete Mixer, skip type; Dinky; Fork Lift (construction jobsite); Line Master; Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Shuttle Car; Signalman; Screedman (Barber-Greene and similar)(asphalt or concrete paving)

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Lubrication and Service Engineer (mobile and grease rack); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb and Gutter Machine (concrete or asphalt); Pavement Breaker, truck mounted, with compressor combination; Pavement Breaker or Tamper (with or without compressor combination); Power Jumbo (setting slip-forms, etc., in tunnels); Roller (except asphalt); Self-propelled Tape Machine; Self-propelled Compactor (single engine); Slip Form Pump (power-driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Small Rubber-tired Tractors; Snooper Crane, Paxton-Mitchell or similar; Stationary Pipe Wrapping, Cleaning and Bending Machine; Auger-type drilling equipment up to and including 30 feet depth drilling capacity M.R.C.

POWER EQUIPMENT OPERATORS (Cont'd)
Except Piledriving and Steel Erection) (Cont'd)
Remaining Counties

Group 7: Bit Sharpener; Compressor (over 2); Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon Drills or Jackhammers); Crusher Plant Engineer; Generators; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plants; Roller Operator (asphalt); Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 feet depth); Post Driller and/or Driver; Auger-type drilling equipment over 30 ft. depth digging capacity M.R.C.

Group 8: Asphalt Milling Machine; Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Concrete Batch Plant (multiple units); Dozer; Drill Doctor; Elevating Grader; Gradesetter, Grade Checker; Grooving and Grinding Machine (highway); Heavy-duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine (Wood-mixer and other similar Pugmill equipment); Rubber-tired earth-moving equipment (up to and including 35 cu. yds. "struck" M.R.C., Euclid, T-Pulls, DW's 10, 20, 21, and similar); Self-propelled Compactor with Dozer; Hyster 450 or Cat 825 or similar; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber-tired or similar equipment); Tractor-drawn Scraper; Tractor; Tractor-mounted Compressor Drill combination; Trenching Machine (over 3 feet depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine; Vermeer T-600B Rock Cutter

Group 9: Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yards); Combination Mixer and Compressor (gunite); Lull Hi-lift (20 feet or over); Mucking Machine; Sub-grader (Gurries or other types); Tractor (with boom) (D6 or larger); Track-laying-type earthmoving Machine (single engine with Tandem Scrapers)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)
Remaining Counties (Cont'd)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy-duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons)(single or multiple units); Multiple-engine Earth-moving Machines (Euclid, Dozers, etc.); Pre-stress Wire-wrapping Machine; Rubber-tired Scraper, self-loading; Single-engine Scraper (over 35 cu. yds.); Self-propelled Reservoir-debris equipment Floating (200 HP and over); Shuttle Car (reclaim station); Train Loading Station; Trenching Machine multi-engine with sloping attachment (Jefco or similar); Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons)(Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin-engine); Self-propelled Boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); CMI Dual-lane Auto-grader SP30 or similar

Group 11: Automatic Asphalt or Concrete Slip-form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Cary Lift, Campbell or similar; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 cu. yds. up to and including 12 cu. yds.); Multiple-engine Scraper (when used to Push Pull); Multi-engine Earthmoving equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple-propulsion power units); Self-propelled Boom-type lifting device (over 25 tons M.R.C.); Single-engine Rubber-tired Earthmoving Machine (with Tandem Scraper); Slip-form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile (including rail-mounted); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons); Euclid Loader when controlled from the Pullcat

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loaders (over 12 cu. yds.); Multi-engine earthmoving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels, Clamshells, Draglines, Backhoes and Gradalls (over 7 cu. yds. M.R.C.); Remote-controlled earthmoving equipment; Wheel Excavator (over 750 cu. yds. per hour)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS: Piledriving:					
Remaining Counties:					
Group 1	$11.63	$2.24	$3.00	$2.07	.11
Group 1-A	12.04	2.24	3.00	2.07	.11
Group 1-B	12.29	2.24	3.00	2.07	.11
Group 2-A	12.29	2.24	3.00	2.07	.11
Group 2-B	12.98	2.24	3.00	2.07	.11
Group 2-C	13.19	2.24	3.00	2.07	.11
Group 2-D	13.37	2.24	3.00	2.07	.11
Group 3	13.55	2.24	3.00	2.07	.11
Group 3-A	14.07	2.24	3.00	2.07	.11
Group 4	14.73	2.24	3.00	2.07	.11
Group 5	14.94	2.24	3.00	2.07	.11
Group 6	16.31	2.24	3.00	2.07	.11

POWER EQUIPMENT OPERATORS (Cont'd)
Piledriving
Remaining Counties

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator or Tugger Hoist (Hoisting material only)

Group 2-B: Forklift Operator

Group 2-C: A-Frames

Group 2-D: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3-A: Heavy-duty Repairman/Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler)(up to and including 1 cu. yd. rating); Self-propelled Boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons - hoisting material only)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler)(over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam-powered Crawler, or Universal-type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work); Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 6: Cranes (over 125 tons)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
Remaining Counties:					
Group 1	$12.20	$2.24	$3.00	$2.07	.11
Group 2	12.65	2.24	3.00	2.07	.11
Group 3	13.88	2.24	3.00	2.07	.11
Group 4	14.05	2.24	3.00	2.07	.11
Group 4-A	14.42	2.24	3.00	2.07	.11
Group 5	15.02	2.24	3.00	2.07	.11
Group 6	15.54	2.24	3.00	2.07	.11
Group 7	15.90	2.24	3.00	2.07	.11
Group 8	16.25	2.24	3.00	2.07	.11
Group 9	17.51	2.24	3.00	2.07	.11

POWER EQUIPMENT OPERATORS (Cont'd)
Steel Erection

Remaining Counties

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 K.W. or over)(structural steel or tank erection only); Truck Crane Oiler

Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6) (structural steel or tank erection only); Deck Engineer; Signalman (using mechanical equipment); Forklift

Group 4: Heavy-duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman/Welder

Group 5: Boom Truck or Dual Purpose A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 ton M.R.C. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.); Single drum Hoist; Tugger Hoist

Group 6: Cary Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons M.R.C.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum Hoist

Group 7: Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: Clark, Esmeralda, and Lincoln Counties; and Nye County (south of and excluding Highway #6):					
Group 1	$12.78	.81	$1.26		
Group 2	12.89	.81	1.26		
Group 3	12.94	.81	1.26		
Group 4	13.10	.81	1.26		
Group 5	13.28	.81	1.26		
Group 6	13.78	.81	1.26		

Group 1: Dump Trucks (less than 12 yards); Trucks (legal payload capacity less than 15 tons); Water and Fuel Trucks (under 2500 gallons); Pickups; Service; Repairman Tender; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster equipment (highest rate for dual craft operation)

Group 2: Dump Trucks (12 yards but less than 16 yards); Trucks (legal payload capacity between 15 and 20 tons); Water and Fuel Trucks (2500 to 4000 gallons); Truck Driver working on gas and oil pipeline (including Winch Truck and all sizes of trucks); Truck Greaser and Tireman; Drivers of busses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6½ yards); Transit-Mix (less than 3 yards); Warehouse Clerk

Group 4: Dump Trucks (16 yards up to and including 22 yards); Trucks (legal payload capacity 20 ton but less than 30 tons); Water and Fuel Trucks (4000 gallons but less than 6000 gallons); Dumpcrete (6½ yards and over); Transit-mix (3 yards but less than 6 yards); Euclid-type Spreader Trucks; Dumpster; Fork Lift; Ross Carrier - highway; Road Oil Spreading Truck, time spent spreading oil

Group 5: Dump Trucks (over 22 yards); Trucks (legal payload capacity 20 tons and over); Water and Fuel Trucks (6000 gallons and over); Transit-mix (6 yards and over); Truck Repairman

Group 6: D.W. and similar type equipment, D.W. 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type Trucks when performing work within Teamsters' jurisdiction, regardless of types of attachment including power unit pulling off highway Belly Dumps in Tandem

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties; and Nye County (north of and including Highway #6):					
Group 1	$12.72	$1.10	$1.12	$1.01	.05
Group 2	12.77	1.10	1.12	1.01	.05
Group 3	12.88	1.10	1.12	1.01	.05
Group 4	12.94	1.10	1.12	1.01	.05
Group 5	12.99	1.10	1.12	1.01	.05
Group 6	13.04	1.10	1.12	1.01	.05
Group 7	13.15	1.10	1.12	1.01	.05
Group 8	13.21	1.10	1.12	1.01	.05
Group 9	13.26	1.10	1.12	1.01	.05
Group 10	13.32	1.10	1.12	1.01	.05
Group 11	13.43	1.10	1.12	1.01	.05
Group 12	13.48	1.10	1.12	1.01	.05
Group 13	13.74	1.10	1.12	1.01	.05
Group 14	13.76	1.10	1.12	1.01	.05
Group 15	13.92	1.10	1.12	1.01	.05
Group 16	14.09	1.10	1.12	1.01	.05

Group 1: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, under 4 yards

Group 2: Bus and Manhaul Drivers, single units, Pickup, up to 1800 lbs.

Group 3: Bus and Manhaul Drivers, single unit, Pickup, 18,000 lbs. and over; Winch Trucks, A-Frame, under 18,000 lbs.; Road Oil Trucks or Bootman; Fuel Drivers; Fuel Man and Fuel Island Man

Group 4: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 4 yards and under 8 yards; Water Trucks and Jetting Trucks, up to 2,500 gallons; Flatrack, Industrial Lift with Mechanical Tailgate, single unit 2-axle; Warehouse Clerk

Group 5: Winch Trucks, A-Frame, 18,000 lbs. and over; Lift Jitneys and Fork Lifts

Group 6: Flatrack, Industrial Lift with Mechanical Tailgate, single unit 3-axle

TRUCK DRIVERS: (Cont'd)
Remaining Counties; and Nye County (north of and including Highway #6)

Group 7: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 8 yds. and under 18 yards; Transit Mix under 8 yards; Water Trucks and Jetting Trucks, 2,500 gallons and over; Tire Repairman

Group 8: Bootman, combination; Bootman and Road Oiler

Group 9: Transit Mix, 8 yards and including 12 yards

Group 10: Dump (single or multiple unit including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 18 yards and under 35 yards; Heavy Duty Transport (Highbed); Heavy Duty Transport (Gooseneck Lowbed); Tiltbed or Flatbed Pull Trailers

Group 11: DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Fak; Water Tank Trailers, Fuel and/or Grease Tank, or other miscellaneous trailers (except as defined under Dump Trucks)

Group 12: Transit Mix, over 12 yards; Truck Repairman

Group 13: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 35 yards and under 60 yards

Group 14: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 60 yards and under 75 yards; Helicopter Pilot (when transporting men or materials)

Group 15: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 75 yards and under 100 yards

Group 16: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 100 yards and over

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(1)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ULSTER
DECISION NO. NY81-3064 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY80-3049 dated August 29, 1980 in 45 FR 57932
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.60	1.07	.66		.02
BOILERMAKERS	16.34	5%	15%	7%	.02
BRICKLAYERS, CAULKERS, CLEANERS, CEMENT MASONS, PLASTERERS, POINTERS, MARBLE MASONS, STONE MASONS, TILE & TERRAZZO WORKERS					
Building	10.90	2.80	2.40	a	.06
Heavy & Highway	11.40	2.80	2.40	a	.06
CARPENTERS, MILLWRIGHTS, PILEDRIVERS, DOCKBUILDERS, & SOFT FLOOR LAYERS	11.60	1.15	1.15	1.00	.05
ELECTRICIANS					
Hardenburgh, Denning, Rochester, Warwarsing Twps. & that portion of Gardiner & Shawangunk Twps. West of a line following the Shawangunk Kill from the Orange County line North to Wallkill River & continuing North along the Wallkill River & Lloyd, New Paltz, Esopus, Rosendale, Marbletown, Ulster, Hurley, Olive Kingston, Saugerites, Woodstock & Shandaken Twps.	11.90	.85	3%+1.65	.50	½%
Remainder of County	13.40	7.4%	3%+1.20	.70	½%
GLAZIERS	13.75	.66	1.91	.67	.01
IRONWORKERS	11.75	1.86	4.25	1.60	.01
PAINTERS					
Brush, Roller & Tapers	9.41	.80	.75		.01
Steel, Structural Steel, Towers, Smokestacks, Fire Excapes, Flagpoles & Bridge	10.16	.80	.75		.01
Sandblasting & Spray	10.46	.80	.75		.01
Paper & Vinyl Hangers, Tapers	9.41	.80	.75		.01
PLUMBERS & STEAMFITTERS					
Twps. of Warwarsing, Plattekill, Marlboro & Shawangunk	13.35	1.35	2.15		.15
Remainder of County	14.10	2.15	1.00	1.30	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS					
Cold Tar Pitch, Mopping & Dipping Application or Ripping Off	[illegible]	[illegible]	[illegible].55		.3[illegible]
Aspahlt Build-up, Asbestos Tile, Tile, Ceramic Tile, Slate, Tectum, Spray Insulation	12.75	1.20	2.55		.35
SHEET METAL WORKERS	15.73	2.27	2.38		.13
SPRINKLER FITTERS	15.55	.95	1.40		.08

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

FOOTNOTE:

a. Two hours off with pay on Election Day

LABORERS, BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Common laborers, mason tenders, mortar mixers, hod carriers, scaffold builders, concrete men, signalmen, vabrator men, poured gypsum roof work, wrecking, walking power buggy, landscaper, chipping hammer (air or electric 1" or under), operation and tending of all power driven hand fed mortar or concrete mixers, pumpcrete machines, plastering, fireproofing, and acoustic pumps and mixers					
Where total contract price does not exceed $150,000	9.54	1.25	1.25		.10
Where total contract price exceeds $150,000	10.60	1.25	1.25		.10
Asphaltmen, pipelayers, air or electric jackhammer, air track, wagon, joy and jib drills, powdermen, gunite or sandblasting barmen, chain saw operator, riding power buggy, vibro barco, joy tamper or similar type tamper (air or gas), walk behind roller, granite curbing, all fork lifts and laser operations					
Where total contract price does not exceed $150,000	9.77	1.25	1.25		.10
Where total contract price exceeds $150,000	10.85	1.25	1.25		.10
Blasters, form setters, burner acetylene torch, ingersoll rand, heavy duty crawler-master type HCMZ, drill machine or equivalent all wrecking work 50' or more above the ground					
Where total contract price does not exceed $150,000	10.13	1.25	1.25		.10
Where total contract price exceeds $150,000	11.25	1.25	1.25		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION					
GROUP I	11.25	1.25	1.25		.10
GROUP II	11.50	1.25	1.25		.10
GROUP III	11.90	1.25	1.25		.10

HEAVY AND HIGHWAY CONSTRUCTION

GROUP I

Laborer, pitman, flagman, chuck tender, dump men, handling and distributing of drinking water, placing and maintenance of all flares, lights, barricades and all reflective type materials for traffic control.

GROUP II

Concrete men, vibrator men, asphalt men, joint setter, signal men, mason tenders, mortar men, pipelayers, rip rap and dry stone layers, steel rod carriers, jackhammer, pavement breaker, wagon drill, air track, jib rig and joy drill op., power buggy op., gunnite and sandblasting, coal passers and other machine op., sprayer and nozzle men on mulching and seeding machines, all seeding and sod laying, all landscape work, grade checkers, all bridge work, walk behind self-propelled power saw walk behind rollers and tampers of all types, wrecking laborers (including barmen and burnermen), all sheeting and sharing coming under the laborers jurisdiction bit grinder, operator of form pin pullers and drivers, joint and jet sealers and filling and wiring of baskets for gabion walls, permanent sign man.

GROUP III

Concrete finisher on highways, form setter, granite stone layer, Ingersoll rand heavy duty crawler-master type HCMZ or equivalent or any drill using a 4" or larger bit.

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	12.00	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.80	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	10.20	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.00	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.42	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.73	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.35	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technicians	14.55	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.095	1.40	3%+1.00	a	

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LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.91	1.40	3%+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	14.55	1.40	3%+1.00	a	
Certified Lineman Welder	15.27	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Equipment Operator	14.55	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Groundman Truck Drivers	11.64	1.40	3%+1.00	a	
Groundman	10.91	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY & HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	16.91	12%+.40	10%	a	3%
GROUP 2	15.09	12%+.40	10%	a	3%
GROUP 3	14.21	12%+.40	10%	a	3%
GROUP 4	14.10	12%+.40	10%	a	3%
GROUP 5	13.87	12%+.40	10%	a	3%
GROUP 6	13.38	12%+.40	10%	a	3%
GROUP 7	13.09	12%+.40	10%	a	3%
GROUP 8	12.92	12%+.40	10%	a	3%
GROUP 9	12.87	12%+.40	10%	a	3%
GROUP 10	12.75	12%+.40	10%	a	3%
GROUP 11	12.70	12%+.40	10%	a	3%
GROUP 12	12.46	12%+.40	10%	a	3%
GROUP 13	12.06	12%+.40	10%	a	3%
GROUP 14	11.89	12%+.40	10%	a	3%
GROUP 15	11.55	12%+.40	10%	a	3%

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION

GROUP 1
Helicopters pilot/engineer

GROUP 2
Autograde-combination subgrader, base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); backhoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only), drillmaster, quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds. & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous, Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION (CONTD.)

GROUP 3
Pump, staging

GROUP 4
A-frame, boom attachment on loaders; boring & drilling machines; brush chopper, shipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezecrete & similar types; conveyors, 125' & over: economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2yds. but less than 5 yds.); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Pans, LeTourneau, DW's Ukes, pumpcrete-unit type; pumpcrete machines, squeezecrete & concrete pumping; scrapers-LeTourneau, DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

GROUP 5
Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6
Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

GROUP 7
Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde concrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slip-form (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or system; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar); drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd. & over but less than 2 yds.) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds.) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only;

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION (CONTD.)

GROUP 7 (Contd.)
laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers-small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe bending machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic.

GROUP 8
Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building and heavy construction rate only.

GROUP 9
Brooms & Sweepers; bulldozer, D5 and over; fireman; sprinkler & water pump trucks (used on job site or in conjunction with job site); stone spreaders; sweepers & brooms; tractor, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site).

GROUP 10
Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11
Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12
Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13
Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 or less than 4 inch suction including submersible pumps); pumps, diesel engineer & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type -

POWER EQUIPMENT OPERATORS: BUILDING, HEAVY, HIGHWAY, ROAD, STREET AND SEWER CONSTRUCTION (CONTD.)

GROUP 13 (Cont'd.)
single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

GROUP 14
Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street & sewer construction rate only; form line graders (small type) - highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street & sewer construction rate only); mulching equipment; road finishing machines (small type) - highway, road, street & sewer construction rate only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street & sewer construction rate only).

GROUP 15
Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

FOOTNOTES:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Presidential Election Day & Veterans Day provided the employee works any of the 3 days in the 5 day work week preceding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS: STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	18.72	12%+.40	10%	a	3%
GROUP 2	16.91	12%+.40	10%	a	3%
GROUP 3	16.00	12%+.40	10%	a	3%
GROUP 4	15.26	12%+.40	10%	a	3%
GROUP 5	13.48	12%+.40	10%	a	3%
GROUP 6	13.09	12%+.40	10%	a	3%
GROUP 7	12.94	12%+.40	10%	a	3%
GROUP 8	12.57	12%+.40	10%	a	3%
GROUP 9	12.01	12%+.40	10%	a	3%

50¢ per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75¢ per hour on machines where "Cat Head" or "Sheave Point" is 140 feet, or over above ground level.

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Presidential Election Day & Veterans Day provided the employee works any of the 3 days in the 5 day work week preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS: STEEL ERECTION

GROUP 1
Helicopters pilot/engineer.

GROUP 2
Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3
Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground).

GROUP 4
Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5
Compressors (2 or 3 in battery); generators; welding machines (gas or electric converters of any type 2 or 3 in battery multiple welders) welding system multiple (rectifier transformer type).

GROUP 6
Maintenance engineer

GROUP 7
Fireman

GROUP 8
Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single).

GROUP 9
Assistant engineer/oiler; straddle carrier.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Drivers on LeTourneau tractors, double barrel Euclids, Athey wagon & similar equipment (except wher hooked to scrapers), low beds, I-Bean, pole trailers, road oil distributors tire trucks tractors and trailers with 5 axle and over	11.50	1.00	1.05		a
Equipment 25 yds. & over up to and including 30 yd. bodies cable dump trailers powder and dynamite truck	11.40	1.00	1.05		a
Equipment up to and includ-ing 24 yds. bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks and all other tractor trailers	11.20	1.00	1.05		a
Ten wheelers, grease trucks and tiller man	11.60	1.00	1.05		a
Straight trucks	11.00	1.00	1.05		a
Pick-up trucks used for hauling material parts escort man over the road	11.00	1.00	1.05		a

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F;

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federal register

Friday
September 18, 1981

Part III

Department of the Interior

Bureau of Land Management

Outer Continental Shelf; Gulf of Mexico, Oil and Gas Lease Sale No. 66

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf
Gulf of Mexico

Oil and Gas Lease Sale No. 66

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., c.s.t., October 19, 1981; or by personal delivery to Louisiana Superdome, Gate "A," Main Entrance, Rooms 19, 20, and 21, Level 200, 1500 Poydras Street, New Orleans, Louisiana, between 8:30 a.m., c.s.t. and 9:30 a.m., c.s.t., October 20, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., October 20, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR 22270, April 16, 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., October 20, 1981," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A, for bonus bid tracts. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams or leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of three decimal places after the decimal point, e.g., 50.123%, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. The proposed notice of sale for Sale 66 included 32 tracts to be offered under net profit share bidding with a fixed cash bonus. Meanwhile the Supreme Court granted certiorari to review the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Energy Action Educational Foundation v. Andrus, No. 79-1633. On June 12, 1981, the Court of Appeals ruled that experimentation with the net profit share bid system is not required prior to a decision by the Supreme Court. As a result, no tracts will be offered under net profit share bidding with a fixed cash bonus for Sale 66.

All leases awarded for this sale will provide for a yearly rental payment of $3 per acre or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Net Profit Share: Bids on tracts 66-10, 66-11, 66-19, 66-20, 66-21, 66-22, 66-32, 66-33, 66-46, 66-48, 66-49, 66-58, 66-90 through 66-97, 66-100, 66-101, 66-104 through 66-107, 66-113, 66-114, 66-119, 66-120, 66-163, 66-164, 66-167 through 66-184, 66-188, 66-189, 66-190, 66-193 through 66-196, 66-199 through 66-202, and 66-205 through 66-208 must be submitted on a cash bonus basis with a fixed net profit share rate of 50 percent.

Tracts 66-10, 66-11, 66-104, 66-105, and 66-113 will have a capital recovery factor equal to 1.0. Tracts 66-100, 66-101, 66-106, 66-107, 66-114, 66-119,

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form

Tracts 66-10, 66-11, 66-104, 66-10[illegible], and 66-113 will have a capital recovery factor equal to 1.0. Tracts 66-100, 66-101, 66-10[illegible], 66-107, 66-11[illegible], 66-119, and 66-120 will have a capital recovery factor of 0.50. All of the remaining tracts listed in this paragraph will have a capital recovery factor equal to 0.[illegible]5. The net profit share payment shall be calculated according to the Department of Energy regulations in 10 CFR 390 (45 FR 367[illegible]4, May 30, 1980).

([illegible]) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum royalty payment of $3 per acre or fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., c.s.t., October 20, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

Revisions of Department of Labor regulations on Affirmative Action requirements for Government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 F.R. 42865 and 4296[illegible]). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 197[illegible]), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

6. Bid Opening. Bids will be opened on October 20, 1981, beginning at 10:00 a.m., c.s.t., at the Louisiana Superdome, at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, October 20, 1981, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it provides for a cash bonus in the amount of $25 or more per acre or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's rental, and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Leasing Maps/Official Protraction Diagrams. Tracts offered for lease may be located on the following leasing maps/official protraction diagrams which are available from the Manager, New Orleans Outer Continental Shelf Office, at the first address stated in paragraph 2.

(a) Outer Continental Shelf Leasing Maps - Louisiana Nos. 1 through 12. This set of 27 maps sells for $17.

(b) Outer Continental Shelf Official Protraction Diagrams:

NH 16-7	Viosca Knoll
NH 16-8	Destin Dome
NH 15-12	Ewing Bank
NH 16-10	Mississippi Canyon
NG 15-3	Green Canyon
NG 16-6	
NG 17-4	Charlotte Harbor

These sell for $2 each.

12. Tract Descriptions. Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice. Some of the blocks are included in prior environmental statements rather than the environmental statement prepared for this sale.

The tracts offered for bid are as follows:

TRACT LIST

SALE 66

OCS LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
66-1	41	All	5000
66-2	42	All	5000
66-3	50	All	5000
66-4	55	All	5000
66-5	98	All	5000
66-6	106	All	5000
66-7	151	All	5000
66-8	152	All	5000
66-9	154	All	5000
66-10	163	All	5000
66-11	164	All	5000
66-12	263	All	5000

OCS LEASING MAP, EUGENE ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 4A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
66-13	279	All	5000
66-14	280	All	5000
66-15	320	All	5000

OCS LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954)

Tract	Block	Description	Acreage
66-16	10	1/	4131.67
66-17	25	2/	3172.98
66-18	35	All	5000
66-19	78	All	5000
66-20	81	All	5000
66-21	101	All	5000
66-22	102	All	5000
66-23	128	All	5000
66-24	139	All	4913.33
66-25	231	All	5000

OCS LEASING MAP, SHIP SHOAL AREA, SOUTH ADDITION, LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
66-26	251	All	5000
66-27	268	All	5000
66-28	277	All	5000
66-29	278	All	5000
66-30	289	All	5000
66-31	302	All	5000
66-32	322	All	5000
66-33	323	All	5000

OCS LEASING MAP, SOUTH TIMBALIER AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
66-34	47	All	5000
66-35	48	All	5000
66-36	49	All	5000
66-37	68	All	5000
66-38	69	All	3772.18
66-39	70	All	5000
66-40	71	All	5000
66-41	78	All	5000
66-42	79	All	5000
66-43	80	All	3772.18
66-44	147	All	5000
66-45	182	All	2148.46

OCS LEASING MAP, SOUTH TIMBALIER AREA, SOUTH ADDITION, LOUISIANA MAP NO. 6A
(Approved September 8, 1959; Revised July 22, 1968)

Tract	Block	Description	Acreage
66-46	217	All	5000
66-47	219	All	5000
66-48	292	All	5000
66-49	293	All	5000
66-50	297	All	5000
66-51	298	All	5000
66-52	299	All	4503.30

OCS LEASING MAP, GRAND ISLE AREA, LOUISIANA MAP NO. 7
(Approved June 8, 1954)

Tract	Block	Description	Acreage
66-53	29	S½	2500

OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

Tract	Block	Description	Acreage
66-54	28	S½S½	1250
66-55	67	N½	2500
66-56	85	1/	2629.90

OCS LEASING MAP, WEST DELTA AREA, SOUTH ADDITION, LOUISIANA MAP NO. 8A
(Approved September 8, 1959; Revised November 24, 1961)

Tract	Block	Description	Acreage
66-57	111	All	5000

OCS LEASING MAP, SOUTH PASS AREA, LOUISIANA MAP NO. 9
(Approved June 8, 1954; Revised July 22, 1954; Revised May 11, 1973)

Tract	Block	Description	Acreage
66-58	44	All	4999.96
66-59	46	All	4999.96
66-60	50	All	4999.96
66-61	51	All	4999.96

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
66-62	27	All	4994.55
66-63	28	All	4994.55
66-64	29	All	4994.55
66-65	30	All	4994.55
66-66	39	All	4994.55
66-67	55	1/	912.48
66-68	56	1/	4898.82
66-69	57	S½	2497.77
66-70	63	All	4994.55
66-71	64	1/	4988.25
66-72	100	N½; N½N½S½; SE¼NE¼SE¼; E½SE¼SE¼	3355.713
66-73	110	All	4994.55
66-74	117	All	4994.55
66-75	119	All	4994.55
66-76	124	All	4994.55
66-77	125	All	4994.55
66-78	130	All	4994.55
66-79	131	All	4994.55
66-80	137	All	4994.55
66-81	138	All	4994.55
66-82	139	All	4994.55
66-83	141	All	4994.55

OCS LEASING MAP, MAIN PASS AREA, SOUTH AND EAST ADDITION,
LOUISIANA MAP NO. 10A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
66-84	206	All	4994.55
66-85	207	All	4994.55
66-86	235	All	4994.55
66-87	238	All	4994.55
66-88	266	All	4994.55
66-89	273	All	4994.55
66-90	277	All	4994.55
66-91	278	All	4994.55

OCS OFFICIAL PROTRACTION DIAGRAM, VIOSCA KNOLL NH 16-7
(Approved October 10, 1972; Revised February 15, 1973; Revised August 1, 1973;
Revised December 2, 1976)

Tract	Block	Description	Acreage
66-92	204	All	5760
66-93	249	All	5760
66-94	250	All	5760
66-95	251	All	5760
66-96	294	All	5659.67
66-97	295	All	5760
66-98	522	All	5760
66-99	566	All	5760
66-100	816	All	5221.36
66-101	817	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, DESTIN DOME NH 16-8
(Approved October 10, 1972; Revised August 1, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-102	485	All	5760
66-103	530	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, EWING BANK NH 15-12
(Approved February 15, 1973; Revised Decmmber 2, 1976)

Tract	Block	Description	Acreage
66-104	349	All	5688.15
66-105	350	All	2964.93
66-106	438	All	3542.89
66-107	482	All	3831.26
66-108	828	All	3730.68
66-109	872	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, MISSISSIPPI CANYON NH 16-10
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-110	20	All	2508.86
66-111	21	All	5164.76
66-112	64	All	5286.78
66-113	309	All	5760
66-114	397	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, GREEN CANYON NG 15-3
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-117	18	All	5760
66-118	62	All	5760
66-119	148	All	5760
66-120	192	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, NG 16-6
(Approved June 5, 1974; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-121	172	All	3226.88
66-122	215	All	5760
66-123	216	All	3498.97
66-124	260	All	3770.65
66-125	304	All	4041.93
66-126	347	All	5760
66-127	348	All	4312.78
66-128	391	All	5760
66-129	392	All	4583.23
66-130	612	All	5760
66-131	655	All	5760
66-132	656	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)

Tract	Block	Description	Acreage
66-133	57	All	5760
66-134	58	All	5760
66-135	100	All	5760
66-136	101	All	5760
66-137	102	All	5760
66-138	135	All	5760
66-139	136	All	5760
66-140	146	All	5760
66-141	177	All	5760
66-142	178	All	5760
66-143	179	All	5760
66-144	180	All	5760
66-145	189	All	5760
66-146	190	All	5760
66-147	222	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)
(Continued)

Tract	Block	Description	Acreage
66-148	223	All	5760
66-149	224	All	5760
66-150	232	All	5760
66-151	233	All	5760
66-152	267	All	5760
66-153	275	All	5760
66-154	276	All	5760
66-155	309	All	5760
66-156	310	All	5760
66-157	353	All	5760
66-158	397	All	5760
66-159	398	All	5760
66-160	399	All	5760
66-161	400	All	5760
66-162	401	All	5760
66-163	406	All	5760
66-164	407	All	5760
66-165	444	All	5760
66-166	445	All	5760
66-167	450	All	5760
66-168	451	All	5760
66-169	488	All	5760
66-170	489	All	5760
66-171	490	All	5760
66-172	491	All	5760
66-173	492	All	5760
66-174	494	All	5760
66-175	495	All	5760
66-176	533	All	5760
66-177	534	All	5760
66-178	535	All	5760
66-179	536	All	5760
66-180	577	All	5760
66-181	578	All	5760
66-182	579	All	5760
66-183	580	All	5760
66-184	581	All	5760
66-185	584	All	5760
66-186	585	All	5760
66-187	586	All	5760
66-188	621	All	5760
66-189	622	All	5760
66-190	623	All	5760
66-191	629	All	5760
66-192	630	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)
(Continued)

Tract	Block	Description	Acreage
66-193	665	All	5760
66-194	666	All	5760
66-195	667	All	5760
66-196	668	All	5760
66-197	673	All	5760
66-198	674	All	5760
66-199	709	All	5760
66-200	710	All	5760
66-201	711	All	5760
66-202	712	All	5760
66-203	717	All	5760
66-204	718	All	5760
66-205	753	All	5760
66-206	754	All	5760
66-207	755	All	5760
66-208	756	All	5760
66-209	759	All	5760
66-210	760	All	5760
66-211	761	All	5760

1/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13).

2/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13), excluding any valid Federal lease.

13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New Orleans Outer Continental Shelf Office, at the first address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, listed in paragraph 4 (a), Form 3300-1 will be amended as follows:

Sec. 4. Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of _____ percent with a ____ capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations, the term DCM refers to the Deputy Conservation Manager, Offshore Field Operations, Gulf of Mexico OCS Region, U. S. Geological Survey, and the term Manager refers to the Manager of the New Orleans OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the DCM, having reason to believe that a site, structure, or object of historical or archaeological significance (hereinafter referred to as "cultural resource") may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, (hereinafter referred to as "operation"), the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys, as well as other pertinent natural and cultural environmental data, shall be examined by a qualified marine survey archaeologist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present, the lessee shall: (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager for review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation No. 2

(To be included only in leases resulting from this sale for tracts 66-121 through 66-211).

Prior to any drilling activity or the construction or placement of any structure for exploration or development on this lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the DCM, as part of his exploration and/or development plan, a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum radius of 1,820 meters of the proposed exploration or production activity site.

For the purpose of this stipulation, "live bottom areas" are defined as those areas which concern biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough broken or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna.

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the DCM photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the DCM will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

(a) The relocation of operations to avoid live bottom areas;
(b) The shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;
(c) The transportation of drilling fluids and cuttings to approved disposal sites; and
(d) The monitoring of live bottom areas to assess the adequacy of any mitigating measures taken and the impact of lessee initiated activities.

Stipulation No. 3

(To be included only in leases resulting from this sale for tracts 66-121 through 66-211).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents, or employees, being conducted as a part of, or in connection with the programs and activities of the Armament Division, Eglin AFB, FL.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and its agents, employees, or invitees, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Armament Division of Eglin AFB, FL, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Armament Division, Eglin AFB, FL, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 4

(To be included only in leases resulting from this sale for tracts 66-32, 66-33, 66-48, 66-49, 66-50, 66-52, 66-56 through 66-61, 66-106 through 66-112, 66-114, and 66-117 through 66-120).

Portions of this lease may be subject to mass movement of sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the DCM's satisfaction that mass movement of sediments, is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads, and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas is allowed, all such unstable areas must be mapped. The DCM may also require soil testing before exploration and production operations are allowed.

Stipulation No. 5

(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraph 4(a) of this notice).

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production saved, removed, or sold from the lease area may be taken in amount, except as provided in Sec. 15(d). The net profit share obligations of the lessee shall be calculated to include as a credit, the value of production taken in amount by the lessor.

Stipulation No. 6

(To be included only in the leases resulting from this sale for tracts 66-104, 66-10[illegible] and 66-113).

All or portions of this tract may be subject to mass movement of sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the Deputy Conservation Manager's (DCM) satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads, and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

Prior to the emplacement of exploration or production structures or seafloor production equipment, site-specific surveys and analyses must be conducted to determine the potential mass movement of sediments. These may include geophysical surveys, coring, mapping, in situ or laboratory geotechnical analyses, and other studies specified by the DCM. Permissible loading will be determined on the basis of the site-specific studies. Any facilities which could overload unstable bottom sediments will be prohibited. Quarters, work areas, and hydrocarbon treating and storage equipment must be isolated or protected from the effects of submarine slides. These requirements may necessitate the use of buoyant platforms and storage facilities or remote bottom-founded platforms located in stable sites.

All production wells must be equipped with subsurface-safety devices, as approved by the DCM to automatically prevent the flow of hydrocarbons from the well in the event of damage to the surface-safety systems. Such devices must be located below the zone of potential mass movement.

14. Information to Lessees. The Department of the Interior will seek the advice of the States of Louisiana, Mississippi, Alabama, and Florida, and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely affected by the proposed activities, then the Deputy Conservation Manager, Offshore Field Operations, USGS, in consultation with the Regional Director, U.S. Fish and Wildlife Service; the Manager, BLM; the States; EPA; and other Federal agencies with jurisdiction and expertise to protect the environment, will require the lessee, pursuant to Section 5(a) of the Outer Continental Shelf (OCS) Lands Act of 1953, as amended, to undertake any measures to protect live bottom areas.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with Section 4(e) of the OCS Lands Act, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with Section 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or net profit share payment.

Bidders are advised that the Department of Energy is authorized, under Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

Bidders are advised that the West Indian Manatee (sea cow) is a marine mammal which is officially listed as an endangered species by the Department of the Interior. It is protected by the Endangered Species Act of 1973, as amended (86 Stat. 1027, 16 U.S.C. 1361-1407), and various other State and Federal laws and regulations. On October 22, 1979 (44 FR 60963), Interior promulgated regulations (50 CFR 17.100-17.108) providing a means for establishing manatee protection areas. Also, there is the Florida Manatee Sanctuary Act of 1978 declaring the entire State of Florida as "refuge and sanctuary for the manatee." A Cooperative Agreement between Interior and Florida on endangered species became effective on June 23, 1976.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

/s/ Ed Hastey

Associate Director, Bureau of Land Management

Approved

Date: SEP 14 1981

Donald Paul Hodel

Acting Secretary of the Interior

Certified to be a true copy of the original

Edward J. Lawrence

Certifying Officer

[FR Doc. 81-27132 Filed 9-17-81; 8:45 am]

BILLING CODE 4310-84-C

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf, Gulf of Mexico

Notice of Leasing Systems, Sale No. 66

Sec. 8(a)(8) (43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf (OCS) Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

(A) identifying the bidding systems to be used and the reasons for such use; and

(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. Bidding systems to be used. In OCS Sale No. 66, tracts will be offered under the following two bidding systems as authorized by Sec. 8(a)(1) (43 U.S.C. 1337 (a)(1)): (1) Bonus bidding with a fixed net profit share on 65 tracts, and (2) bonus bidding with a fixed 16-2/3 percent royalty on 144 tracts.

(1) Bonus Bidding with a Fixed Net Profit Share. This system is authorized by Sec. 8(a)(1)(D) of the OCS Lands Act, as amended. This system was established by Department of Energy (DOE) regulations effective May 14, 1980 (45 Fed. Reg. 36784 May 30, 1980)). This system has been used in seven previous OCS sales. The profit share system designed for this sale may increase competition by generating greater contingency payments to the Government and thereby reducing the initial cash bonus. It may also increase the volume of production because certain allowable capital costs can be deducted prior to any liability for profit share payments. In addition, the profit share system may foster the development of marginal fields when compared to a royalty system since the Government shares more of the risk and the lessees' incremental costs are lower in the presence of a capital recovery.

A profit share system which uses cash bonus as the bid variable avoids percentage bids at high levels which would make future development either economically inefficient or simply uneconomic. In addition, it is easier to administer and unitize adjacent tracts with similar profit share rates. Furthermore, a fixed profit share better assures that firms who can produce at lower costs are more likely to obtain leases than would be the case if it were possible for less efficient firms to simply bid away higher percentages of lower profits.

For 53 tracts, firms will be permitted a capital recovery factor of 0.25 over their actual allowable costs before any profit share payments are due. Seven tracts will have a capital recovery factor of 0.50 and five tracts will have a 1.00 capital recovery factor. The profit share rate selected for this sale is 50 percent. These parameters were selected on the basis of DOE and DOI studies regarding the effect on bonuses, profit-share payments, Government receipts, gross production, minimal economic tract sizes, and particularly on the incentive to alter the production profile.

(2) Bonus Bidding with a 16-2/3 Percent Royalty. This system is authorized by Sec. (8)(a)(1)(A) of the OCS Lands Act, as amended. This system has been used extensively since the passage of the OCS Lands Act in 1953 and imposes greater risks on the lessee than systems with higher contingency payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration. The use of this system will provide a data base with which to compare the performance of the alternative systems.

(B) Designation of Tracts. The selection of tracts to be offered under the two systems was based on the following factors:

(1) Lease terms on adjacent tracts were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.

(2) A sufficient number of tracts was needed to permit valid statistical analysis while limiting the risks of losses caused by unforeseen problems which could arise in the use of any new bidding system. The number of tracts must also be consistent with the requirements of Sec. 8(a)(5)(B) of the OCS Lands Act, as amended.

(3) The range and distribution of the characteristics of tracts were to be comparable for statistical purposes. Such characteristics include estimated resources, water depth, structure depth, favorable vs. unfavorable location of tracts on structures, and the location of tracts across trends.

The specific tracts to be offered under each system are as follows.

(a) Bonus Bidding with a Fixed Net Profit Share--Tracts 66-10, 66-11, 66-19, 66-20, 66-21, 66-22, 66-32, 66-33, 66-46, 66-48, 66-49, 66-88, 66-90 through 66-97, 66-100, 66-101, 66-104 through 66-107, 66-113, 66-114, 66-119, 66-120, 66-163, 66-164, 66-167 through 66-184, 66-188, 66-189, 66-190, 66-193 through 66-196, 66-199 through 66-202, and 66-205 through 66-208.

(b) Bonus Bidding with a 16-2/3 Percent Royalty--All remaining tracts.

/S/ Ed Hastey

Associate Director, Bureau of Land Management

Approved:

Donald Paul Hodel

Acting Secretary of the Interior

SEP 14 1981

Certified to be a true copy of the original

Certifying Officer

[FR Doc. 81-27133 Filed 9-17-81; 8:45 am]

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federal register

Friday
September 18, 1981

Part IV

Department of the Interior

Fish and Wildlife Service

Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the late open seasons, hunting hours, hunting areas, and daily bag and possession limits for general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; most sandhill crane seasons in the Central Flyway and in Arizona; coots, gallinules, and snipe in the Pacific Flyway; and additional falconry seasons. Taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The rules will permit taking of the designated species during the 1981–82 season within specified periods of time beginning as early as October 1, as has been the case in past years, and benefit the public by opening the seasons which are presently closed.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, Washington, D.C., telephone 202–254–3207.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

On March 25, 1981, the Fish and Wildlife Service (hereinafter the Service) published for public comment in the **Federal Register** (46 FR 18666) proposals to amend 50 CFR Part 20, with comment periods ending July 16 and August 24, 1981, respectively, for the 1981–82 early and late hunting frameworks. That document dealt with the establishment of hunting seasons, hours, areas, and limits for migratory birds under §§ 20.101 through 20.107 and 20.109 of Subpart K.

On July 8, 1981, the Service published in the **Federal Register** (46 FR 35316) a second document consisting of a supplemental proposed rulemaking dealing with both the early and late season frameworks. On July 13, 1981, the Service published for public comment in the **Federal Register** (46 FR 36056) a third document consisting of a proposed rulemaking dealing specifically with frameworks for early season migratory bird hunting regulations. On July 29, 1981, the Service published in the **Federal Register** (46 FR 38868) a fourth document consisting of a final rulemaking for the early season frameworks for migratory game bird hunting regulations from which State wildlife conservation agency officials selected early season hunting dates, hours, areas, and limits for the 1981–82 season. In a fifth document appearing in the **Federal Register** on August 17, 1981 (46 FR 41736), the Service published supplemental proposed frameworks for the late hunting seasons. On August 21, 1981, the Service published in the **Federal Register** (46 FR 42642) a sixth document consisting of a final rule amending Subpart K of 50 CFR 20 to set hunting seasons, hours, areas, and limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; September teal seasons; sea ducks in certain defined areas of the Atlantic Flyway; ducks in September in four States; sandhill cranes in designated portions of North Dakota and South Dakota; and migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands during 1981–82.

On September 9, 1981, the Service published in the **Federal Register** (46 FR 45098) a seventh document dealing specifically with final frameworks for late season migratory game bird hunting regulations from which State wildlife agency officials selected season dates and daily bag and possession limits for the 1981–82 season.

This final rulemaking document is the eighth in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and deals specifically with amending Subpart K of 50 CFR 20 to set hunting seasons and areas, shooting and hawking hours, and bag and possession limits for species subject to late hunting regulations. These regulations will take effect immediately upon publication.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 24242). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement. The 1975 FES is now out of print but copies of the environmental assessments are available from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Endangered Species Act Consideration

Compliance with Section 7 of the Endangered Species Act, insofar as late season regulations frameworks are concerned, was described in the **Federal Register** dated August 17, 1981 (46 FR 41736). As a result of intra-Service Section 7 consultation, the Chief, Office of Endangered Species, stated in a biological opinion dated July 30,1981, ". . . your action, as proposed, is not likely to jeopardize the continued existence of the above listed species [Aleutian Canada goose, bald eagle, American peregrine falcon, Arctic peregrine falcon, and whooping crane] and is not likely to result in the destruction or adverse modification of any designated Critical Habitat." As reported in the **Federal Register** dated July 13, 1981 (at 46 FR 36060), and July 29, 1981 (at 46 FR 38869), Section 7 consultations for the proposed frameworks for Alaska, Puerto Rico, and the Virgin Islands were concluded on May 15, 1981, and for other proposed early season frameworks on June 15, 1981, with satisfactory biological opinions.

The Service wishes to reiterate that delays or closures of migratory bird hunting seasons will be considered and invoked when justified, for the protection of endangered species.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate changes of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species.

The Service's biological opinions resulting from its consultation under Section 7 are considered public documents and are available for public inspection in the Office of Endangered Species and the Office of Migratory Bird Management, Department of the Interior.

Non-toxic Shot Regulations

On August 13, 1981, the Service published in the **Federal Register** (46 FR 40879) final rules under § 20.108 of 50 CFR describing zones in which non-toxic shot is required for waterfowl hunting. These will also be summarized in waterfowl regulations leaflets to be published late this summer. When eaten by waterfowl, spent lead pellets can have a toxic effect. Non-toxic shot zones reduce the availability of lead pellets in selected waterfowl feeding areas.

Regulatory Flexibility Act and Executive Order 12291

Pursuant to Executive Order 12291, the Department has determined that this rule is a major rule, and has significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq). In the **Federal Register** dated March 25, 1981 (at 46 FR 18669), the Service described measures it was taking to comply with new requirements on Federal agencies in developing new rules. A summary of an initial regulatory impact analysis was included in the same **Federal Register**.

The Service subsequently completed a final regulatory impact and flexibility analysis (FRIA) on June 30, 1981, and published a summary of it in the **Federal Register** dated August 21, 1981, at 46 FR 42643.

The Service's FRIA was planned so that it would suffice for both the early and late season final regulations. Copies of the final analysis are available upon request from the Office of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Memorandum of Law. Section 4 of Executive Order 12291 requires that certain determinations be made before any final major rule may be approved. Section 4(a) specifies that the regulation must be clearly within the authority of law and consistent with congressional intent, and that a memorandum of law be provided to support that determination. Also, the agency must state that the factual conclusions upon which the law is based have substantial support in the agency record and that full attention has been given to public comments in general, and to comments of persons directly affected by the rule in particular.

The development of the annual migratory bird hunting regulations is provided for under Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 701–711). Such regulations have been promulgated annually since 1918. They appear in 50 CFR Part 20, Subpart K. Congressional support for the development of these rules and ancillary activities involved in their development are reflected in the U.S. Fish and Wildlife Service's budget. Among these activities are biological surveys, hunter activity and harvest surveys, research investigations, law enforcement, and administrative costs associated with the development and publication of the proposed and final rules. Many other Service activities, such as the acquisition and management of habitats for migratory birds, indirectly assist in maintaining the migratory bird resource at levels which allow reasonable sport hunting harvest.

In developing its annual hunting rules for 1981–82, the Service published four proposed rules for public comment and conducted two public hearings to facilitate public input into the rulemaking process. Several hundred public comments summarized and responded to in **Federal Registers** listed in the preamble of this document describe the Service's consideration of the impacts of its proposed rules on the public. Many of these comments originated from affected State conservation agencies, while dozens of communications were submitted by the affected hunting public. In general, the comments strongly supported the Service's initial or supplementary regulatory proposals. The complete administrative record, including copies of public comments, are available for inspection at the Office of Migratory Bird Management.

Consequently, the Department has determined that it has fulfilled requirements of Section 4 of Executive Order 12291 and the Migratory Bird Treaty Act in developing the 1981–82 migratory bird hunting regulations which are adequately supported by the Service's records.

Authorship

The primary author of this final rule is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

Regulations Promulgation

After analysis of the migratory game bird survey data obtained through investigations conducted by the Service, State conservation agencies, and other sources, and consideration of all comments received on the late season proposals (46 FR 18666, March 25, 1981; 46 FR 35316, July 8, 1981; 46 FR 41736, August 17, 1981), the Service published in the **Federal Register** on September 9, 1981 (46 FR 45098) final late season frameworks. Copies of the final frameworks were also sent to the officials of the State conservation agencies who were invited to submit selections for hunting seasons and related options which complied with the shooting hours, daily bag and possession limits, season times and lengths, and areas specified in the frameworks.

The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The amendments will permit taking of the designated species within specified time periods beginning as early as October 1 and benefit the public by opening the seasons which are presently closed.

The rulemaking process for migratory bird hunting, must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemakings were published on March 25, July 8, and August 17, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the periods' close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the printing and distribution of Federal and State regulatory announcements and leaflets would be delayed to the extent that hunters would not have regulatory information available prior to the beginning of the hunting seasons. The Service has determined that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3), and these regulations will, therefore, take effect immediately upon publication.

Accordingly, each State conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, certain sections of Title 50, Chapter I, Subchapter B, Part 20, Subpart K, are hereby amended.

The late hunting season regulations will not be included in the annual codification of Title 50 CFR, Wildlife and Fisheries, inasmuch as most seasons will have terminated by the time that the annual codification is issued.

Dated: September 10, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

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Section 20.104 is revised to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are as follows:

	Rails (Sora & Virginia)	Rails (Clapper & King)	Woodcock	Common Snipe
Daily bag limit	25 (1)	See footnote (2).	5	8
Possession limit	25 (1)	See footnote (2).	10	16

Shooting Hours: One-half hour before sunrise until sunset daily on all species, except as noted otherwise.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

	Rails (Sora and Virginia)	Rails (Clapper & King)	Woodcock	Common Snipe
Seasons in the Atlantic Flyway:				
Connecticut	Sept. 1-Nov. 7	Sept. 1-Nov. 7	Oct. 17-Dec. 5.	Oct. 17-Dec. 9.
Delaware	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 12-Oct. 31 & Nov. 16-Dec. 30.	Oct. 12-Oct. 31 & Nov. 16-Dec. 30.
Florida	Sept. 2-Nov. 10	Sept. 2-Nov. 10	Dec. 5-Feb. 7	Nov. 7-Feb. 21.
Georgia	Sept. 10-Nov. 18	Sept. 10-Nov. 18	Nov. 20-Jan. 23	Nov. 20-Feb. 28.
Maine	Sept. 1-Nov. 7	Closed.	Sept. 25-Nov. 28	Sept. 1-Dec. 15.
Maryland	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 12-Nov. 27 & Dec. 14-Dec. 31.	Sept. 14-Dec. 29.
Massachusetts	Sept. 1-Nov. 7	Closed.	Oct. 10-Nov. 30.	Sept. 1-Dec. 16.
New Hampshire	Closed.	Closed.	Sept. 19-Nov. 22	Sept. 19-Nov. 22.
New Jersey: (3)				
North Zone	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 3-Nov. 26	Oct. 2-Oct. 31 & Nov. 9-Jan. 23.
South Zone	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 24-Dec. 5 & Dec. 18-Dec. 29.	Oct. 2-Oct. 31 & Nov. 9-Jan. 23.
New York: (3)				
Northern Zone including Lake Champlain	Sept. 1-Nov. 9	Closed.	Sept. 20-Nov. 23	Sept. 1-Nov. 23.
Long Island	Closed.	Closed.	Oct. 1-Nov. 23	Closed.
Remainder of State	Sept. 1-Nov. 9	Closed.	Sept. 20-Nov. 23	Sept. 1-Nov. 23.
North Carolina	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 13-Jan. 16	Nov. 13-Feb. 27.
Pennsylvania	Sept. 1-Nov. 9	Closed.	Oct. 17-Dec. 19	Oct. 17-Dec. 19.
Rhode Island	Sept. 16-Nov. 24	Sept. 16-Nov. 24	Oct. 17-Dec. 4 & Dec. 14-Dec. 29.	Sept. 16-Dec. 4 & Dec. 14-Dec. 31.
South Carolina	Oct. 6-Dec. 14	Oct. 6-Dec. 14	Nov. 27-Jan. 30	Nov. 13-Feb. 27.
Vermont	Sept. 26-Nov. 29	Closed.	Sept. 26-Nov. 29	Sept. 26-Nov. 29.
Virginia	Sept. 12-Nov. 20	Sept. 12-Nov. 20	Nov. 9-Jan. 12	Oct. 17-Jan. 31.
West Virginia	Sept. 7-Nov. 14	Closed.	Oct. 17-Dec. 19	Sept. 7-Dec. 22.
Seasons in the Mississippi Flyway:				
Alabama	Nov. 10-Jan. 18	Nov. 10-Jan. 18	Nov. 28-Jan. 31	Nov. 14-Feb. 28.
Arkansas	Sept. 1-Nov. 9	Closed.	Nov. 1-Jan. 4	Nov. 21-Feb. 28.
Illinois	Sept. 1-Nov. 9	Closed.	Oct. 1-Dec. 4	Sept. 12-Dec. 27.
Indiana	Sept. 1-Nov. 9	Closed.	Sept. 19-Nov. 22	Sept. 1-Dec. 16.
Iowa (4)	Sept. 5-Nov. 13	Closed.	Sept. 19-Nov. 22	Sept. 5-Dec. 20.
Kentucky	Nov. 12-Jan. 20	Closed.	Oct. 3-Dec. 6	Oct. 3-Dec. 6.
Louisiana	Sept. 19-Nov. 27	Sept. 19-Nov. 27	Dec. 12-Feb. 14	Nov. 7-Feb. 21.
Michigan (5)	Sept. 15-Nov. 14	Closed.	Sept. 15-Nov. 14	Sept. 15-Nov. 14.
Minnesota	Sept. 1-Nov. 4	Closed.	Sept. 1-Nov. 4	Sept. 1-Nov. 4.
Mississippi	Oct. 24-Jan. 1	Oct. 24-Jan. 1	Dec. 26-Feb. 28	Nov. 14-Feb. 28.
Missouri	Sept. 1-Nov. 9	Closed.	Oct. 1-Dec. 4	Oct. 1-Dec. 4.
Ohio	Sept. 1-Nov. 9	Closed.	Sept. 18-Nov. 21	Sept. 1-Nov. 28 & Dec. 7-Dec. 24.
Tennessee	Dec. 2-Jan. 20.	Closed.	Oct. 17-Nov. 22 & Feb. 1-Feb. 28.	Nov. 19-Feb. 28.
Wisconsin	Oct. 4(6)-Oct. 11 & Oct. 17-Nov. 27.	Closed.	Sept. 12-Nov. 15	Oct. 4 (6)-Oct. 11 & Oct. 17-Nov. 27.
Seasons in the Central Flyway:				
Colorado (7)	Sept. 1-Nov. 9	Closed.	Closed.	Sept. 1-Dec. 2.
Kansas	Sept. 12-Nov. 20	Closed.	Oct. 3-Dec. 6	Sept. 12-Dec. 27.
Montana (7)	Closed.	Closed.	Closed.	Oct. 3-Dec. 1.
Nebraska (8)	Sept. 1-Nov. 9	Closed.	Sept. 15-Nov. 18	Sept. 1-Dec. 15.
New Mexico (7)	Sept. 12-Nov. 20	Closed.	Closed.	Sept. 12-Dec. 13.
North Dakota	Closed.	Closed.	Closed.	Sept. 12-Nov. 29.
Oklahoma	Sept. 1-Nov. 8	Closed.	Nov. 20-Jan. 23	Oct. 20-Feb. 3.
South Dakota (9)	Closed.	Closed.	Closed.	Sept. 1-Oct. 31.
Texas	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Dec. 12-Feb. 14	Nov. 1-Feb. 14.
Wyoming (7)	Sept. 26-Dec. 4	Closed.	Closed.	Sept. 26-Jan. 10.
Seasons in the Pacific Flyway:				
Arizona	Closed.	Closed.	Closed.	Oct. 9-Nov. 4 & Nov. 13-Jan. 17.
California:				
Colorado River Zone (3)	Closed.	Closed.	Closed.	Oct. 9-Nov. 4 & Nov. 13-Jan. 17.
Remainder of State	Closed.	Closed.	Closed.	Oct. 17-Jan. 17.
Colorado (7)	Sept. 1-Nov. 9	Closed.	Closed.	Sept. 1-Dec. 2.
Idaho:				
Columbia Basin (3)	Closed.	Closed.	Closed.	Oct. 3-Jan. 10.
Remainder of State	Closed.	Closed.	Closed.	Oct. 3-Jan. 3.
Montana (7)	Closed.	Closed.	Closed.	Oct. 3-Jan. 3.
Nevada:				
Clark County	Closed.	Closed.	Closed.	Oct. 17-Jan. 17.
Remainder of State	Closed.	Closed.	Closed.	Oct. 10-Jan. 10.
New Mexico (7)	Sept. 12-Nov. 20	Closed.	Closed.	Sept. 12-Dec. 13.
Oregon	Closed.	Closed.	Closed.	Oct. 17-Jan. 17.
Utah (6)	Closed.	Closed.	Closed.	Oct. 3-Jan. 3.
Washington:				
Eastern Washington (6)	Closed.	Closed.	Closed.	Oct. 10-Jan. 17.
Western Washington (6)	Closed.	Closed.	Closed.	Oct. 10-Jan. 10.
Wyoming (7)	Sept. 26-Dec. 4.	Closed.	Closed.	Sept. 26-Dec. 27.

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.

(2) In addition to the limits on sora and Virginia rails, in Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 clapper and king rails, singly or in the aggregate of these two species, except that the season is closed on king rails in New Jersey by State regulation. In Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Caroline, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 clapper and king rails, singly or in the aggregate of these two species.

(3) For description of zones or management units within a State, see State regulations.

(4) In Iowa, shooting hours are sunrise to sunset. Rail limits are 15 daily and 25 in possession.

(5) In Michigan, in the counties of Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola and Wayne, and adjacent Great Lakes and connecting waters, the rail and snipe seasons shall open concurrently with the duck season and run continuously in all areas through November 14.

(6) In Wisconsin, Utah, and Eastern Washington, on the first day, the season opens at 12 noon; and in Western Washington, on the first day, the season opens at 8 a.m.

(7) The Central Flyway portion consists of: Colorado and Wyoming — the area lying east of the Continental Divide; Montana — the area lying east of Hill, Chouteau, Cascade, Meagher, and Park Counties; New Mexico — the area lying east of the Continental Divide but outside the Jicarilla Apache Indian Reservation. The remainder portions of these States are in the Pacific Flyway.

(8) In Nebraska the rail limits are 10 daily and in possession.

(9) In South Dakota, the snipe limits are 5 daily and 15 in possession.

Section 20.105 is revised to read as follows:

§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting and hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) Sea Ducks.

(1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 15, 1981, and January 20, 1982, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in:	
Connecticut	Sept. 25–Jan. 9.
Delaware	Sept. 26–Jan. 9.
Georgia	Nov. 25–Jan. 20.
Maine	Oct. 1–Jan. 15.
Maryland	Oct. 6–Jan. 20.
Massachusetts	Oct. 2–Jan. 16.
New Hampshire	Sept. 15–Dec. 30.
New Jersey	Oct. 6–Jan. 20.
New York (Long Island only)	Sept. 23–Jan. 7.
North Carolina	Oct. 6–Jan. 20.
Rhode Island	Oct. 3–Jan. 17.
South Carolina	Oct. 6–Jan. 20.
Virginia	Oct. 6–Jan. 20.

(4) Notwithstanding the provisions of this Part 20 the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(b) Teal. September season:

* * * * *

(c) Gallinules.

Limits in the Atlantic, Mississippi, and Central Flyways:	
Daily bag limit	15
Possession limit	30

Limits in the Pacific Flyway:

The daily bag and possession limits are 25 gallinules and coots singly or in the aggregate of these two species.

Shooting hours: One-half hour before sunrise to sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS, INCLUDING AREA DESCRIPTIONS.

Seasons in the Atlantic Flyway:	
Connecticut	Sept. 1–Nov. 7.
Delaware	Sept. 1–Nov. 9.
Florida (1)	Sept. 2–Nov. 10.
Georgia	Oct. 10–Oct. 14 & Nov. 25–Nov. 29 & Dec. 12–Jan. 20.
Maine	Sept. 1–Nov. 7.
Maryland	Sept. 1–Nov. 9.
Massachusetts	Sept. 1–Nov. 7.
New Hampshire	Closed.
New Jersey	Sept. 1–Nov. 9.
New York:	
Long Island	Closed.
Remainder of State	Sept. 1–Nov. 9.
North Carolina	Sept. 1–Nov. 9.
Pennsylvania	Sept. 1–Nov. 9.
Rhode Island	Sept. 16–Nov. 24.
South Carolina	Oct. 6–Dec. 14.
Vermont	Sept. 26–Nov. 29.
Virginia	Oct. 7–Oct. 10 & Nov. 24–Dec. 5 & Dec. 18–Jan. 20.
West Virginia:	
Zone 1	Oct. 1–Oct. 17 & Dec. 15–Jan. 16.
Zone 2	Oct. 1–Oct. 17 & Nov. 3–Dec. 5.

Seasons in the Mississippi Flyway	
Alabama	Nov. 10–Jan. 18.
Arkansas	Nov. 7–Jan. 15.
Illinois	Closed.
Indiana	Sept. 1–Nov. 9.
Iowa	Closed.
Kentucky	Nov. 12–Jan. 20.
Louisiana	Sept. 19–Nov. 27.
Michigan:	
North Zone	Oct. 3–Nov. 21.
South Zone	Oct. 12–Nov. 30.
Minnesota	Oct. 3–Nov. 21.
Mississippi	Sept. 12–Sept. 20 & Oct. 24–Dec. 23.
Missouri	Closed.
Ohio	Sept. 1–Nov. 9.
Tennessee	Dec. 2–Jan. 20.
Wisconsin (2)	Oct. 4–Oct. 11 & Oct. 17–Nov. 27.

Seasons in the Central Flyway:	
Colorado (3)	Closed.
Kansas	Closed.
Montana (3)	Closed.
Nebraska	Closed.
New Mexico (3)	Oct. 27–Jan. 4.
North Dakota	Closed.
Oklahoma	Sept. 1–Nov. 8.
South Dakota	Closed.
Texas	Sept. 1–Nov. 9.
Wyoming (3)	Closed.

Seasons in the Pacific Flyway:	
Arizona	Oct. 9–Nov. 4 & Nov. 13–Jan. 17.
California:	
Colorado River Zone	Oct. 9–Nov. 4 & Nov. 13–Jan. 17.
Remainder of State	Oct. 17–Jan. 17.
Nevada:	
Clark County	Oct. 17–Jan. 17.
Remainder of State	Oct. 10–Jan. 10.
New Mexico (4)	Oct. 3–Jan. 3.
All other States	Closed.

Note: See footnotes to waterfowl tables for descriptions of zones.

(1) The gallinule season in Florida applies to the common gallinule only. There is no open season on the purple gallinule in Florida.

(2) On the first day the season opens at 12 noon.

(3) Seasons apply to Central Flyway portion of State only.

(4) Season and limits apply to Pacific Flyway portion of State only.

(d) Waterfowl and coots in Atlantic, Mississippi, Central, and Pacific Flyways.

ATLANTIC FLYWAY

Flywaywide Restrictions.

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

Wood [illegible] — No more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be possessed. Exceptions: during duck seasons prior to October 16, 1981, in Georgia, North Carolina, and South Carolina, under conventional regulations, no special restrictions within the regular daily bag and possession limits shall apply to wood ducks; in Virginia, under the point system, the point value of wood ducks shall be 25. The daily bag and possession limit in Vermont is 1 and 2 birds, respectively.

Hooded mergansers — In States selecting conventional regulations, no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers [illegible] be possessed.

Canvasbacks and redheads — Except in closed areas, the limit on canvasbacks is 1 daily and 1 in possession. The limit on redheads throughout the flyway is 2 daily, except that in areas open to canvasback harvest the daily bag limit is 2 redheads, or 1 redhead and 1 canvasback. The canvasback possession limit is equal to the daily bag limit. The possession limit on redheads is twice the daily bag limit under conventional regulations. Under the point system, canvasbacks (except in closed areas) count 100 points each and redheads flywaywide count 70 points each. Areas closed to canvasback hunting are:

New York — Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls. All waters of Lake Cayuga.

New Jersey — Those portions of Monmouth County and Ocean County lying east of the Garden State Parkway.

North Carolina — Those portions of the State lying east of U.S. Highway 1.

Maryland and Virginia — The entire State.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season Dates	Limits	
		Bag	Possession
Connecticut			
Ducks:			
North Zone (1)	Oct. 17-Oct. 31 & Nov. 26-Dec. 30.	4	8
South Zone (1)	Oct. 13-Oct. 17 & Nov. 26-Jan. 9.		
including no more than:			
Black ducks		2	[illegible]
Mergansers		5	10
Coots		15	[illegible]
Geese:			
North Zone	Oct. 17-Jan. 14.		
South Zone	Nov. 2-Jan. 30.		
Canada		3	6
Snow (including blue)		4	8
Brant:		2	4
North Zone	Dec. 16-Jan. 14.		
South Zone	Dec. 22-Jan. 20.		
Delaware			
Ducks:	Oct. 1-Oct. 3 & Nov. 2-Nov. 28 & Dec. 21-Jan. 9.	5	10
including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 2-Jan. 30.	4	[illegible]
Snow (including blue)	Nov. 2-Jan. 30.	4	[illegible]
Brant	Nov. 30-Dec. 29	2	4
Florida			
Ducks	Nov. 25-Dec. 6 & Dec. 12-Jan. 18.	Point system.	
Coots		15	30
Geese	Closed.	-	-
Georgia			
Ducks:	Oct. 10-Oct. 14 (2) & Nov. 25-Nov., 29 & Dec. 12-Jan. 20.	5	10
including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese	Closed.	-	-
Brant	Closed.	-	-
Maine			
Ducks:		4	[illegible]
North Zone (Wildlife Management Units 1-5)	Oct. 1-Nov. 19.		
South Zone (Wildlife Management Units 6-8)	Oct. 1-Oct. 17 & Nov.17-Dec. 19.		
including no more than			
Black ducks		2	[illegible]
Mergansers		5	10
Coots		15	30
Geese:			
including no more than:			
Canada	Oct. 1-Dec. 9	3	6
Snow (including blue)	Oct. 1-Dec. 29.	4	8
Brant	Oct. 1-Oct. 30.	2	4
Maryland			
Ducks (except canvasbacks):	Oct. 8-Oct. 10 & Nov. 13-Nov. 27 & Dec. 9-Jan. 9.	Point system.	
Canvasbacks	Season closed.		
Coots		15	30
Geese:			
Canada:			
Delmarva Peninsula (3)	Oct. 23-Nov. 27 & Dec. 8-Jan. 30.	3	6
Remainder of State	Oct. 30-Nov. 27 & Dec. 11-Jan. 20.	3	6
Snow (including blue)	Oct. 23-Nov. 27& Dec. 8-Jan. 30.	4	8
Brant	Dec. 11-Jan. 9.	2	4
Massachusetts			
Ducks:		4	8
Inland Zone	Oct. 14-Nov. 14 & Nov. 25-Dec. 12.		
Coastal Zone	Oct. 22-Oct. 31 & Nov. 24-Jan. 2.		
including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Inland Zone	Oct. 14-Dec. 22.		
Coastal Zone	Oct. 22-Nov. 6 & Nov. 24-Jan. 16.		
Canada		3	6
Snow (including blue)		4	8
Brant:			
Inland Zone	Closed.		
Coastal Zone	Nov. 24-Dec. 23.	2	4
New Hampshire			
Ducks:		4	8
Inland Zone	Oct. 7-Nov. 25.		
Coastal Zone	Oct. 7-Oct. 18 & Nov. 7-Dec. 14.		
including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 7-Dec. 15.	3	6
Snow (including blue)	Oct. 7-Jan. 4.	4	8
Brant:		2	4
Inland Zone	Oct. 7-Nov. 5.		
Coastal Zone	Nov. 7-Dec. 6.		
New Jersey			
Ducks:		Point system (5).	
North Zone (4)	Oct. 2-Oct. 31 & Dec. 14-Jan. 2.		
South Zone (4)	Oct. 24-Oct. 31 & Nov. 14-Dec. 25.		
Coastal Zone (4)	Oct. 24-Oct. 31 & Nov. 26-Jan. 6.		
Coots		15	30
Geese:			
Canada	Oct. 2-Oct. 31 & Nov. 25-Jan. 23.	4	8
Snow (including blue)	Oct. 2-Oct. 31 & Nov. 7-Jan. 5.	4	8
Brant	Oct. 24-Oct. 31 & Nov. 26-Dec. 17.	2	4
New York			
Long Island Area:			
Ducks:	Nov. 18-Jan. 6.	4	8
including no more than:			
Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:	Nov. 18-Jan. 31.		
Canada		3	6
Snow (including blue)		4	[illegible]

	Season Dates	Limits Bag	Limits Possession
Brant	Dec. 8-Jan. 6.	2	[illegible]
Lake Champlain Area:			
Ducks:	Oct. 10 (12)-Nov. 28	[illegible]	[illegible]
including no more than:			
Black ducks		2	[illegible]
Mergansers		[illegible]	10
Coots		15	30
Geese:	Oct. 10 (12)-Dec. 18.		
Canada		3	6
Snow (including blue)		[illegible]	[illegible]
Brant	Oct. 10 (12)-Nov. 8.	2	[illegible]
North Zone (6):			
Ducks:	Oct. 7-Nov. 1 & Nov. 13-Dec. 6.	5	10
including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:	Oct. 7-Jan. 4.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 21-Nov. 19.	2	4
South Zone (6):			
Ducks:	Oct. 14-Oct. 25 & Nov. 6-Dec. 13.	5	10
including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:	Oct. 7-Jan. 4.		
Canada		3	6
Snow (including blue)		[illegible]	8
Brant	Oct. 21-Nov. 19.	2	4
West Zone (6):			
Ducks:	Oct. 14-Nov. 19 & Dec. 23-Jan. 4.	5	10
including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:	Oct. 7-Jan. 4.		
Canada		3	6
Snow (including blue)		4	8
Brant	Oct. 21-Nov. 19.	2	[illegible]
North Carolina			
Ducks:	Oct. 1-Oct. 3 (2) & Nov. 26-Nov. 28 & Dec. 8-Jan. 20.	5	10
including no more than:			
Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 26-Nov. 28 & Dec. 11-Jan. 20.	1	2
Snow (including blue)	Nov. 2-Jan. 30.	4	8
Brant	Dec. 22-Jan. 20	2	[illegible]
Pennsylvania			
Ducks:		4	[illegible]
including no more than:			
Black ducks		2	[illegible]
Wood ducks		2	4
North Zone (7)	Oct. 3 (8)-Nov. 21.		
South Zone (7)	Oct. 17 (8)-Oct. 24 & Nov. 9-Dec. 19.		
Northwest Zone (7)	Oct. 10 (8)-Oct. 17 & Oct. 26 (8)-Dec. 5.		
Lake Erie Zone (7)	Oct. 24 (8)-Dec. 12.		
Mergansers		5	10
Coots		15	30
Geese:			
Canada		3	6
Snow (including blue)		4	8
North Zone (7)	Oct. 3 (8)-Dec.11.		
South Zone (7), (9)	Oct. 17 (8)-Dec. 24.		
Northwest Zone (7), (9)	Oct. 10 (8)-Dec. 18.		
Lake Erie Zone (7), (9)	Oct. 17 (8)-Dec. 24.		
Canada (in Southeastern Zone only) (9), (10)	Oct. 17 (8)-Jan. 14.	4	8
Brant	Oct. 24 (8)-Nov. 21.	2	4
Rhode Island			
Ducks:	Oct. 8-Oct. 12 & Nov. 25-Jan. 8.	4	8
including no more than:			
Black ducks		2	[illegible]
Wood ducks		2	[illegible]
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 8-Oct. 12 & Nov. 7-Jan. 30.	[illegible]	[illegible]
Snow (including blue)		4	[illegible]
Brant	Dec. 22-Jan. 20.	2	[illegible]
South Carolina			
Ducks:	Oct. 8-Oct. 10 (2) & Nov. 25-Nov. 28 & Dec. 9-Jan. 20.	5	10
including no more than:			
Black duck (11)		1	2
Mottled duck	Closed.	-	-
Mergansers		5	10
Coots		15	30
Geese:			
Anderson, Beaufort, Chester, Colleton, Fairfield, McCormick, Newberry, Oconee, and Richland Counties	Closed.	-	-
Remainder of State	Oct. 8-Oct. 10 & Nov. 25-Nov. 28 & Dec. 9-Jan. 20.		
Canada		1	2
Snow (including blue)		4	[illegible]
Brant	Dec. 22-Jan. 20.	2	[illegible]
Vermont			
Ducks:	Oct. 10 (12)-Nov. 28	4	[illegible]
including no more than:			
Black ducks		2	4
Wood ducks		1	2
Mergansers		5	10
Coots		15	30
Geese (13):	Oct. 10 (12)-Dec. 18.		
Canada		3	6
Snow (including blue)		4	[illegible]
Brant	Oct. 10 (12)-Nov. 8.	2	[illegible]
Virginia			
Ducks (except canvasbacks):	Oct. 7-Oct. 10 & Nov. 24-Dec. 5 & Dec. 18-Jan. 20.	Point system (1-	
Canvasbacks	Season closed.	-	-
Coots		15	30
Geese:			
Canada:			
Back Bay Area (15)	Oct. 7-Oct. 10 & Nov. 24-Dec. 5 & Dec. 18-Jan. 20.	2	4
Delmarva Peninsula Area	Nov. 3-Jan. 30.	4	8
Remainder of State	Nov. 12-Jan. 20.	3	6
Snow (including blue):			
Back Bay Area (16)	Nov. 24-Dec. 5 & Dec. 18-Jan. 20.	4	8
Remainder of State	Nov. 3-Jan. 30.	4	8
Brant	Dec. 16-Jan. 16.	2	4
West Virginia			
Ducks:		4	8
Allegheny Mountain Upland Zone (Zone 2) (17)	Oct. 1-Oct. 17 & Nov. 3-Dec. 5.		
Remainder of State (Zone 1)	Oct. 1-Oct. 17 & Dec. 15-Jan. 16.		
including no more than:			
Black ducks		2	4
Canvasbacks		1	1
Redheads		1	1
Mergansers		5	10
Coots		15	30
Geese:			
Allegheny Mountain Upland Zone (Zone 2) (17)	Oct. 1-Oct. 17 & Nov. 3-Dec. 5.		
Remainder of State (Zone 1)	Oct. 1-Oct. 17 & Dec. 15-Jan. 16.		
Canada		1	1
Snow (including blue)		4	8
Brant	Closed.	-	-

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(1) In Connecticut, the North Zone is that portion of the State north of Interstate 95. The South Zone is that portion of the State south of Interstate 95.

(2) No special daily bag and possession limit restrictions apply to wood ducks in Georgia during October 10-October 14, in South Carolina during October 8-October 10, and in North Carolina during October 1-October 3. In North Carolina the sea duck season is closed during the period October 1 through October 3.

(3) In Maryland, the Delmarva Peninsula includes the counties of Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester.

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(4) In New Jersey, the Coastal Zone is that portion of the State seaward of a continuous line beginning at the New York State boundary line in Raritan Bay; then west along the New York boundary line to its intersection with Route 440 at Perth Amboy; then west on Route 440 to its intersection with the Garden State Parkway; then south on the Garden State Parkway to the shoreline at Cape May City and continuing to the Delaware boundary in Delaware Bay. The North Zone is that portion of the State west of the Coastal Zone and north of a boundary formed by Route 70, west to the New Jersey Turnpike, north on the turnpike to Route 206, north on Route 206 to Route 1, Trenton, west on Route 1 to the Pennsylvania State boundary in the Delaware River. The South Zone is that portion of the State not within the North Zone or the Coastal Zone.

(5) In New Jersey, the green-winged teal is assigned 25 points.

(6) In New York, the West Zone is that portion of Upstate New York lying west of a line commencing at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border. The North and South Zones are bordered on the west by the boundary described above and are separated from each other as follows: starting at the intersection of Interstate Highway 81 and State Route 49 and extending easterly along State Route 49 to its junction with State Route 365 at Rome, then easterly along State Route 365 to its junction with State Route 28 at Trenton; then easterly along State Route 28 to its junction with State Route 29 at Middleville, then easterly along State Route 29 to its intersection with Interstate Highway 87 at Saratoga Springs, then northerly along Interstate Highway 87 to its junction with State Route 9, then northerly along State Route 9 to its junction with State Route 149, then easterly along State Route 149 to its junction with State Route 4 at Fort Ann, then northerly along State Route 4 to its intersection with the New York/Vermont boundary.

(7) In Pennsylvania, the Lake Erie Zone includes the Lake Erie waters of Pennsylvania and a shoreline margin along Lake Erie from New York on the east to Ohio on the west extending 150 yards inland, but including all of Presque Isle Peninsula. The North Zone includes that portion of the State north of I-80 from the New Jersey State line west to the junction of State Route 147, then north on State Route 147 to the junction of Route 220, then west and/or south on Route 220 to the junction of I-80, then west on I-80 to its junction with the Allegheny River, and then north along but not including the Allegheny River to the New York border. The Northwest Zone includes that portion of the State bounded on the north by the Lake Erie Zone and the New York line, on the east by and including the Allegheny River, on the south by Interstate Highway I-80, and on the west by the Ohio line. The South Zone is the remaining portion of the State.

(8) In Pennsylvania, on the first day, the waterfowl season in the North, Northwest, and South Duck Zones and in the Southeastern Canada Goose Zone opens at 8 a.m. On October 31, shooting hours are from 9 a.m. to sunset statewide. Except on October 31, shooting hours in the Lake Erie Zone are one-half hour before sunrise to sunset. Shot size larger than BB is prohibited for taking migratory game birds.

(9) In Pennsylvania, in Butler, Crawford, Erie, and Mercer Counties, and in the controlled shooting section of the Middle Creek Wildlife Management Area, the Canada goose daily bag limit is 1 and the possession limit is 2.

(10) In Pennsylvania, the Southeastern Zone (for Canada geese only) is that portion of the State lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border.

(11) The season is closed on black ducks in Georgetown, Charlestown, and Colleton Counties.

(12) In Vermont and in the Lake Champlain Zone of New York, on opening day shooting hours are from 8 a.m. to sunset. The remaining days are one-half hour before sunrise to sunset.

(13) See State regulations for further limit restrictions for Dead Creek Area, Addison County, Vermont.

(14) In Virginia, the wood duck is assigned 25 points during the October 7-October 10 season.

(15) In Virginia, the Back Bay Area is defined for Canada geese as those portions of the cities of Virginia Beach and Chesapeake lying east of U.S. Highway 17 and Interstate 64.

(16) In Virginia, the Back Bay Area is defined for snow (including blue) geese as the waters of Back Bay and its tributaries and the marshes adjacent thereto, and on the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and on and along the shore of North Landing River and the marshes adjacent thereto, and on and along the shores of Lake Tecumseh and Red Wing Lake and the marshes adjacent thereto.

(17) In West Virginia the Allegheny Mountain Upland Zone (Zone 2 in State regulations) is contained within the following circumscribed boundaries. The north boundary is the State line adjacent to Pennsylvania and Maryland. The eastern boundary extends south along U.S. Route 220 through Keyser, West Virginia, to the intersection of U.S. Route 50, and follows U.S. Route 50 to the intersection with State Route 93. The boundary follows State Route 93 south to the intersection with State Route 42 and continues south on State Route 42 to Petersburg. At Petersburg, the boundary follows State Route 28 south to Minnehaha Springs, and then follows State Route 39 west to U.S. Route 219 and follows 219 south to the intersection of Interstate 64. The southern boundary follows I-64 west to the intersection with U.S. Route 60, and follows Route 60 west to the intersection of U.S. Route 19. The western boundary follows Route 19 north to the intersection of I-79, and follows I-79 north to the Pennsylvania State line. The Remainder of the State (Zone 1 in State regulations) is that portion outside the above boundaries.

MISSISSIPPI FLYWAY

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

The season dates for mergansers and coots are the same as those for ducks in the following tables.

	Season Dates	Limits	
		Bag	Possession
Alabama			
Ducks (1):		Point system.	
North Zone (2)	Dec. 2-Jan. 20.		
South Zone (2)	Nov. 19-Nov. 29 & Dec. 10-Jan. 17.		
Coots		15	30
Geese:		5	10
Barbour, Henry, and Russell Counties	Closed.	-	-
Pickwick, Wilson, and Wheeler Reservoirs west of U.S. Highway 31	Dec. 2-Jan. 20.		
Remainder of State	Nov. 12-Jan. 20.		
Limits include no more than:			
Canada		2	[illegible]
White-fronted		2	4
Snow (including blue)		5	10
Arkansas			
Ducks	Nov. 24-Dec. 13 & Dec. 19-Jan. 17.	Point system.	
Coots		15	30
Geese:		5	10
Canada	Closed.	-	-
Other geese	Nov. 12-Jan. 20.		
Limits include no more than:			
White-fronted		2	[illegible]
Snow (including blue)		5	10
Illinois			
Ducks (1):		Point system.	
North Zone (3)	Oct. 14-Dec. 2.		
Central Zone (3)	Oct. 22-Dec. 10.		
South Zone (3)	Oct. 29-Dec. 17.		
Coots		15	30
Geese (4), (6):		5	10
North Zone (3)			
Canada	Oct. 14-Dec. 2.		
Snow (including blue) and white-fronted	Oct. 14-Dec. 22.		
Central Zone (3)			
Canada	Oct. 22-Dec. 10.		
Snow (including blue) and white-fronted	Oct. 22-Dec. 30.		
South Zone (3)			
Alexander, Jackson, Union, and Williamson Counties (5)	Nov. 9-Dec. 28.		
Remainder of South Zone			
Canada	Nov. 12-Dec. 31.		
Snow (including blue) and white-fronted	Oct. 29-Jan. 6.		
Limits include no more than:			
Canada		2	[illegible]
White-fronted		2	[illegible]
Snow (including blue)		5	10
Indiana			
Ducks:		Point system.	
North Zone (7)	Oct. 24-Dec. 12.		
South Zone (7)	Nov. 14-Jan. 2.		
Coots		15	30
Geese:		5	10
North Zone	Oct. 24-Jan. 1.		
South Zone			
Canada (except Posey County)	Nov. 12-Jan. 20.		
Canada (Posey County)	Dec. 2-Jan. 20.		
Snow (including blue) and white-fronted	Nov. 12-Jan. 20.		
Limits include no more than:			
Canada		2	[illegible]
White-fronted		2	[illegible]
Snow (including blue)		5	10

	Season Dates	Limits	
		Bag	Possession
Iowa			
Ducks (1)	Oct. 17-Nov. 30.	Point system.	
Coots		15	30
Geese	Oct. 3-Dec. 11.	5	10
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue)		5	10
Kentucky			
Ducks	Nov. 21-Nov. 28 & Dec. 10-Jan. 20.	Point system.	
Coots		15	30
Geese		[illegible]	10
Ballard, Carlisle, Fulton, and Hickman Counties (6)	Dec. 2-Jan. 20.		
Remainder of State	Nov. 12-Jan. 20.		
Limits include no more than:			
Canada		2	4
White-fronted		2	4
Snow (including blue)		5	10
Louisiana			
Ducks (1):		Point system.	
East Zone (8)	Nov. 14-Nov. 30 & Dec. 19-Jan. 20.		
West Zone (8)	Nov. 7-Dec. 6 & Dec. 19-Jan. 12.		
Coots		15	30
Geese:			
Canada	Closed.	-	-
Other Geese:		5	10
East Zone (8)	Nov. 14-Nov. 30 & Dec. 19-Feb. 9.		
West Zone (8)	Nov. 7-Dec. 6 & Dec. 19-Jan. 27.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue)		[illegible]	10
Michigan			
Ducks (1):		Point system.	
North Zone (9)	Oct. 3-Nov. 21.		
South Zone (9)	Oct. 12-Nov. 30.		
Coots		15	30
Geese:		[illegible]	10
North Zone (9)	Oct. 3-Nov. 21.		
South Zone (9), (11), (12)	Oct. 12-Nov. 30.		
Limits include no more than:			
Canada (10), (11), (12)		1	2
White-fronted		[illegible]	[illegible]
Snow (including blue)		5	10
Minnesota (13)			
Ducks (1):	Oct. 3-Nov. 21.	5	10
Limits include no more than:			
Mallards (no more than 2 female mallards daily or 4 in possession)		3	6
Black ducks		1	[illegible]
Wood ducks		2	4
Canvasbacks (except in closed areas)		1	2
Redheads		1	[illegible]
Mergansers		5	10
Limits include no more than:			
Hooded mergansers		1	[illegible]
Coots		15	30
Geese:		5	10
Lac Qui Parle Quota Zone (4), (14)	Oct. 3-Nov. 21.		
Limits include no more than:			
Canada		1	[illegible]
White-fronted		2	[illegible]
Snow (including blue)		5	10
Southeastern Zone (14)	Oct. 3-Dec. 11.		
Limits include no more than:			
Canada		2	[illegible]
White-fronted		[illegible]	[illegible]
Snow (including blue)		[illegible]	10
Remainder of State	Oct. 3-Nov. 21.		
Limits include no more than:			
Canada		2	[illegible]
White-fronted		[illegible]	[illegible]
Snow (including blue)		5	10
Mississippi			
Ducks	Dec. 12-Dec. 13 & Dec. 15-Jan. 31.	Point system.	
Coots		15	30
Geese:		5	10
Canada:			
Sardis Reservoir Area (15)	Nov. 7-Dec. 16.	1	2
Remainder of State	Closed.	-	-
Other geese	Oct. 3-Nov. 1 & Dec. 12-Jan. 20.		
Limits include no more than:			
White-fronted		2	[illegible]
Snow (including blue)		5	10
Missouri			
Ducks (1):		Point system.	
North Zone (16)	Oct. 17-Oct. 21 & Oct. 31-Dec. 14.		
South Zone (16)	Oct. 31-Dec. 14 & Dec. 26-Dec. 30.		
Coots		15	30
Geese (6):		[illegible]	10
Canada:			
Southeastern Area (east of U.S. Highway 67 and south of Crystal City)	Dec. 2-Jan. 20.	2	[illegible]
Swan Lake Zone (4), (17)	Oct. 31-Jan. 8.	See footnote 18.	
Remainder of State	Oct. 31-Dec. 14.	[illegible]	[illegible]
White-fronted	Oct. 31-Jan. 8.	[illegible]	[illegible]
Snow (including blue)	Oct. 31-Jan. 8.	5	10
Ohio			
Pymatuning Area (17), (19):	Oct. 10-Oct. 17 & Oct. 26-Dec. 5.	4	8
Ducks:			
Limits include no more than:			
Black ducks		[illegible]	4
Wood ducks		[illegible]	[illegible]
Canvasbacks		1	1
Redheads		2	4
Canvasbacks and redheads combined		2	3
Coots		15	30
Mergansers (except hooded)		5	10
Hooded mergansers		1	2
Geese:	Oct. 10-Dec. 18.		
Limits include no more than:			
Canada		[illegible]	[illegible]
Snow (including blue)		[illegible]	8
Remainder of State:			
Ducks (1):		5	10
North Zone (20)	Oct. 16-Nov. 28 & Dec. 28-Jan. 2.		
South Zone (20)	Oct. 23-Oct. 31 & Nov. 23-Jan. 2.		
Limits include no more than:			
Mallards (no more than 2 female mallards daily or 4 in possession		3	6
Black ducks		1	2
Wood ducks		2	[illegible]
Canvasbacks (except in closed areas)		1	2
Redheads		1	[illegible]
Coots		15	[illegible]
Geese	Oct. 16-Dec. 18 & Dec. 26-Jan. 2.	[illegible]	[illegible]
Limits include no more than:			
Canada:			
Ashtabula, Auglaize, Erie, Lucas, Marion, Mercer, Ottawa, Sandusky, Trumbull, and Wyandot Counties		[illegible]	[illegible]
Remainder of State		[illegible]	[illegible]
White-fronted		2	[illegible]
Snow (including blue)		[illegible]	10
Tennessee			
Ducks (1):		Point system.	
Reelfoot Zone (21)	Nov. 7-Dec. 26.		
Remainder of State	Dec. 2-Jan. 20.		
Coots		15	30
Geese:		5	10
Canada (22):			
Northwest Goose Zone	Dec. 2-Jan. 20.		
Southwest Goose Zone	Closed.	-	-
Remainder of State	Nov. 12-Jan. 20.		
Other geese:			
Northwest Goose Zone (22)	Dec. 2-Jan. 20.		
Remainder of State	Nov. 12-Jan. 20.		
Limits include no more than:			
Canada:			
West of State Highway 13		[illegible]	4
Remainder of State		[illegible]	[illegible]
White-fronted		[illegible]	[illegible]
Snow (including blue)		5	10
Wisconsin			
Ducks (1)	Oct. 4 (23)-Oct. 11 & Oct. 17-Nov. 27.	Point system (24).	
Coots		15	30
Geese (17):		5	10

	Season Dates	Limits Bag	Limits Possession
Canada:			
Horicon Zone	Oct. 4 (23)-Nov. 22.	1	1
Central Zone	Oct. 4 (23)-Oct. 11 & Oct. 17-Nov. 27.	1	1
Mississippi River Zone	Oct. 4 (23)-Oct. 11 & Oct. 17-Dec. 17.	1	2
Remainder of State	Oct. 4 (23)-Oct. 11 & Oct. 17-Nov. 27.	1	2
Other geese:			
Horicon Zone	Oct. 4 (23)-Dec. 12.		
Remainder of State	Oct. 4 (23)-Oct. 11 & Oct. 17-Dec. 17.		
Limits include no more than:			
White-fronted		2	4
Snow (including blue)		5	10

(1) The areas closed to canvasback hunting are:

Mississippi River — Entire River, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama — Baldwin and Mobile Counties.

Louisiana — Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan — Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under the jurisdiction of the State of Michigan.

Minnesota — Douglas, Mahnomen, Polk, Pope, and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed. In addition, all land in Sec. 13, T130N, R31W (i.e., land between Lake Christina and Pelican Lake) is closed.

Ohio — Land and water areas comprising Erie, Ottawa, and Sandusky Counties.

Tennessee — Kentucky Lake lying north of Interstate Highway 40.

Wisconsin — In the Mississippi River Zone, all that portion of Wisconsin west of the Burlington-Northern Railroad in Grant, Crawford, Vernon, LaCrosse, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, the following lakes and waters, including a strip of land 100 yards wide adjacent to the shorelines thereof: Lake Poygan in Winnebago and Waushara Counties and Lakes Winneconne and Butte des Morts, including the connecting waters thereof, in Winnebago County.

(2) In Alabama, the South Zone consists of Mobile and Baldwin Counties. The North Zone consists of the remainder of Alabama.

(3) In Illinois, the North Zone is that portion of the State north of a line running east from the Iowa border along Illinois Highway 17 to I-74, north along I-74 to I-80, then east along I-80 to the Indiana border. The Central Zone is that portion of the State between the North and South Zone boundaries. The South Zone is that portion of the State south of a line running east from the Missouri border along Illinois Highway 150 to Illinois Highway 4, north along Illinois Highway 4 to Illinois Highway 15, east along Illinois Highway 15 to I-57, north along I-57 to I-70, then east along I-70 to the Indiana border.

(4) The harvest of Canada geese will be limited to 30,000 birds in Illinois, 20,000 in Wisconsin, 20,000 in the Swan lake Zone of Missouri, and 5,500 in the Lac Qui Parle Zone of Minnesota. When it is determined by the Director, U.S. Fish and Wildlife Service, that the quota of Canada geese allotted to the Southern Illinois Zone and the Swan Lake Zone of Missouri will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

(5) Shooting hours for geese are sunrise until 3 p.m.

(6) Geese taken in Illinois and Missouri and in the Kentucky counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped or delivered for transportation or shipment by common carrier, the Postal Service, or by any person except as the personal baggage of licensed waterfowl hunters, provided that no hunter shall possess or transport more than the legally-prescribed possession limit of geese. Geese possessed or transported by persons other than the taker must be labeled with the name and address of the taker and the date taken.

(7) In Indiana, the North Zone consists of that portion of the State north of State Highway 18. The South Zone consists of the remainder of Indiana.

(8) In Louisiana, the West Zone is described as follows: that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Bossier City; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass. The East Zone consists of the remainder of Louisiana.

(9) In Michigan, the North Zone is that portion of the State north of a line extending east from the mouth of the Manistee River along the north bank to the U.S. 31 bridge, north on U.S. 31 to M-55, east on M-55 to M-37, south on M-37 to M-82, east on M-82 to U.S. 131, north on U.S. 131, then east on M-46 to Port Sanilac. The South Zone is the remainder of Michigan.

(10) In Michigan, in Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee, and Ontonagon Counties, the Canada goose limits are 2 daily and 4 in possession.

(11) In Michigan, in the Southeastern Canada Goose Management Area (described in State regulations), the Canada goose hunting season will extend from October 12 through January 17. Through November 14, the Canada goose limits are 1 daily and 2 in possession; from November 15 through November 30, the limits are 2 daily and 4 in possession; for the remainder of the season the limits are 3 daily and 6 in possession.

(12) In Michigan, in the Saginaw County Goose Management Area (described in State regulations), the Canada goose hunting season is October 3-November 30. See State regulations for further restrictions.

(13) In Minnesota, the shooting hours for waterfowl vary as follows: October 3 — 12 noon to 4 p.m.; October 4 through October 16 — 1/2 hour before sunrise to 4 p.m.; and October 17 through December 11 — 1/2 hour before sunrise to sunset.

(14) In Minnesota, the Lac Qui Parle Zone and the Southeastern Zone are described in State regulations.

(15) In Mississippi, the Sardis Reservoir Area is that area encompassed by Interstate Highway 55 on the west, State Highway 7 on the east, State Highway 310 on the north, and State Highway 6 on the south.

(16) In Missouri, the North Zone is that portion of the State north of a line running east from the Kansas border along U.S. Highway 54 to U.S. Highway 65, south along U.S. Highway 65 to State Highway 32, east along State Highway 32 to State Highway 72, east along State Highway 72 to State Highway 34, then east along State Highway 34 to the Illinois border. The South Zone is the remainder of the State.

(17) See State regulations for zone/area descriptions.

(18) In the Swan Lake Zone of Missouri, through November 20, the Canada goose limits are 1 daily and 4 in possession. After November 20, the limits are 2 daily and 4 in possession.

(19) Shooting hours are 1/2 hour before sunrise to sunset, except on the first day shooting begins at 8 a.m.

(20) In Ohio, the North Zone consists of the counties of Darke, Miami, Clark, Champaign, Union, Delaware, Licking, Muskingum, Guernsey, Harrison, and Jefferson and all counties north thereof. In addition, the North Zone also includes that portion of the Buckeye Lake area in Fairfield and Perry Counties bounded on the west by State Highway 37, on the south by State Highway 204, and on the east by State Highway 13. The South Zone consists of the remainder of the State.

(21) In Tennessee, the Reelfoot Zone is defined as those portions of Lake and Obion Counties enclosed by the following boundaries: Highway 78 on the west, Highway 21 on the south, and Highways 22 and 157 on the east.

(22) In Tennessee, the Northwest Goose Zone includes Lake, Obion, Weakley, and Carroll Counties, and those portions of Gibson and Dyer Counties north and east of a line formed by State Highways 20 and 104 from the Mississippi River to Trenton and U.S. Highway 45W from Trenton to Humboldt. The Southwest Goose Zone is that portion of Tennessee bounded on the north by State Highways 20 and 104, and on the east by U.S. Highways 45W and 45. The season on Canada geese is also more restrictive or closed in other specific areas. See State regulations.

(23) On the first day the season opens at 12 noon.

(24) In Wisconsin, point values for some species change during the season. See State regulations.

CENTRAL FLYWAY

The Central Flyway consists of Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nebraska, New Mexico (east of the Continental Divide and outside the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Dark Geese include Canada geese and white-fronted geese.
Light Geese include snow (and blue) geese and Ross' geese.

Flywaywide Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily except as otherwise noted.

Mergansers — All mergansers are to be included within the daily bag and possession limits under conventional and point system regulations.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

The season dates for mergansers and coots are the same as those for ducks in the following tables:

		Limits	
	Season Dates	Bag	Possession
Colorado			
Ducks	Oct. 3-Oct. 18 & Oct. 31-Nov. 29 & Dec. 12-Jan. 17.	Point system.	
Coots		15	30
Geese (1):		2	4
North Central Unit	Oct. 31-Jan. 17.		
South Park Unit	Nov. 7-Dec. 31.		
San Luis Valley Unit	Nov. 7-Dec. 31.		
Arkansas Valley Unit (2)	Nov. 7-Jan. 17.		
Remainder of State in Central Flyway	Nov. 7-Jan. 17.		
Kansas (4)			
Ducks:		Point system.	
High Plains Area	Oct. 10-Dec. 6 & Dec. 12-Jan. 5.		
Low Plains Area			
Zone 1 (3)	Oct. 24-Dec. 6 & Dec. 26-Jan. 10.		
Zone 2 (3)	Oct. 31-Dec. 13 & Dec. 26-Jan. 10.		
Coots		15	30
Geese (4):			
Dark geese			
Canada	Oct. 24-Nov. 29.	2	4
Canada and white-fronted	Oct. 24-Nov. 29	2	4
Canada and white-fronted	Nov. 30-Jan. 3.	1	2
Light geese	Oct. 17-Jan. 10.		
Snow (including blue) and Ross'		5	10
Montana			
Ducks	Oct. 3-Dec. 1 & Dec. 12-Jan. 3.	Point system.	
Coots		15	30
Geese:	Oct. 3-Jan. 3.		
Sheridan County		2	4
Remainder of State in Central Flyway		3	6
Nebraska			
Ducks		Point system.	
High Plains Area	Oct. 3-Oct. 4 & Oct. 10-Oct. 11 & Oct. 24-Jan. 10.		
Low Plains Area			
Zones 1 and 2 (3)	Oct. 24-Dec. 22.		
Zones 3 and 4 (3)	Oct. 3-Dec. 1.		
Coots		15	30
Geese:			
Dark			
Unit 1 (5)			
Canada and white-fronted combined	Oct. 10-Nov. 13.	1	2
Canada	Nov. 14-Dec. 27	2	4
Canada and white-fronted combined		1	2
Unit 2 (5)			
Canada	Oct. 10-Nov. 22.	2	4
Canada and white-fronted combined		2	4
Canada	Nov. 23-Dec. 20.	1	2
White-fronted		1	2
Unit 3 (5)			
Canada	Oct. 17-Nov. 22.	2	4
Canada and white-fronted combined		2	4
Canada	Nov. 23-Dec. 27.	1	2
White-fronted		1	2
Light Geese	Oct. 3-Dec. 27.		
Snow (including blue) and Ross'		5	10
New Mexico			
Ducks	Oct. 27-Jan. 17.	Point system.	
Coots		15	30
Geese:		5	10
In Bernalillo, Sandoval, Sierra, Valencia, and Socorro Counties (6):			
including no more than:			
Canada	Dec. 19-Dec. 27.	1	1
White-fronted		1	1
Canada and white-fronted geese combined		1	1
Snow (including blue) and Ross'	Nov. 14-Feb. 14.	5	10
Remainder of State in Central Flyway:			
including no more than:			
Canada	Nov. 14-Jan. 17.	2	4
White-fronted		2	4
Canada and white-fronted geese combined		2	4
Snow (including blue) and Ross'	Nov. 14-Feb. 14.	5	10
North Dakota			
Ducks (7), (8):	Oct. 3-Nov. 29 & Dec. 5-Dec. 6.	5	10
including no more than:			
Female mallards		1	2
Canvasbacks (except in closed area)		1	1
Redheads		1	2
Wood ducks		2	4
Hooded mergansers		1	2
Coots		15	30
Geese:			
Dark geese (9)	Oct. 3-Nov. 1.		
including no more than:			
Canada		1	[illegible]
White-fronted		2	[illegible]
Canada and white-fronted combined		2	4
Dark geese	Nov. 2-Nov. 15.		
including no more than:			
Canada		2	[illegible]
White-fronted		2	4
Canada and white-fronted combined		2	[illegible]
Light geese (including snow, blue, and Ross')	Oct. 3-Dec. 6.	5	10
Oklahoma			
Ducks:		Point system.	
High Plains Area	Oct. 17-Jan. 7.		
Remainder of State	Oct. 31-Nov. 29 & Dec. 12-Jan. 10.		
Coots		15	30
Geese:		5	10
Unit 1 (10)	Nov. 7-Jan. 17.		
Unit 2 (10)	Oct. 10-Nov. 29 & Dec. 12-Jan. 1.		
Dark geese:			
including no more than:			
Canada		2	4
Canada and white-fronted		2	4
Light geese: (including snow, blue, and Ross')		5	10
South Dakota			
Ducks (7):		Point system.	
High Plains Area	Oct. 3-Dec. 1 & Dec. 19-Jan. 10.		
Low Plains Area			
North Zone (3)	Oct. 3-Dec. 1.		
South Zone (3)	Oct. 24-Dec. 22.		
Coots		15	30
Geese:			
Dark			
Missouri River Unit	Oct. 3-Nov. 13.		
including no more than:			
Canada		1	2
White-fronted		1	2
	November 14-Dec. 20.		
Canada		[illegible]	[illegible]
White-fronted		1	[illegible]
Canada and white-fronted		[illegible]	[illegible]
Remainder of State	Oct. 3-Dec. 13.		
including no more than:			
Canada		1	[illegible]
White-fronted		1	2
Light geese (including snow, blue, and Ross')	Oct. 3-Dec. 27.	5	10
Texas		Point system.	
Ducks (except black-bellied and fulvous whistling (tree) ducks, and masked duck):			
High Plains Area	Oct. 27-Jan. 17.		
Remainder of State	Nov. 7-Nov. 29 & Dec. 12-Jan. 17.		
Black-bellied and fulvous whistling (tree) ducks, and masked duck	Closed season.	-	-
Coots		15	[illegible]
Geese:			
East of U.S. Highway 81:			
Dark geese	Nov. 7-Jan. 17.	2	4
including no more than:			
Canada		1	2
White-fronted		1	2
Light geese	Nov. 7-Jan. 17.		
Snow (including blue) and Ross'		5	10

	Season Dates	Limits	
		Bag	Possession
West of U.S. Highway 81:			
Geese:	Oct. 27-Jan. 17.	5	[illegible]
including no more than:			
Dark geese		2	[illegible]
Canada		2	4
White-fronted		2	[illegible]
Light geese (including blue and Ross')		5	10
Wyoming			
Ducks and coots		Point system (11).	
Zone 1 (3)	Oct. 3-Nov. 29 & Dec. 17-Jan. 10.		
Zone 2 (3)	Oct. 3-Oct. 25 & Nov. 7-Jan. 5.		
Zone 3 (3)	Oct. 3-Dec. 1 & Dec. 12-Jan. 3.		
Zone 4 (3)	Oct. 3-Oct. 25 & Nov. 7-Jan. 5.		
Geese:		2	4
Zone 1 (3)	Oct. 31-Jan. 10.		
Zone 2 (3)	Nov. 14-Jan. 17.		
Zone 3 (3)	Oct. 3-Jan. 3.		
Zone 4 (3)	Oct. 10-Jan. 10.		

(1) Colorado Goose Hunting Units: North Central Unit: That portion of Colorado bounded on the north by the State line; on the east by U.S. Highway 85 to Interstate 76, Interstate 76 to Interstate 25, and Interstate 25 to Interstate 70; on the south by Interstate 70; and on the west by the Continental Divide. South Park Unit: Chaffee, Fremont, Lake, Park, and Teller Counties. San Luis Valley Unit: Alamosa, Conejos, Costilla, and Rio Grande Counties and those portions of Hinsdale, Mineral, and Sanguache Counties east of the Continental Divide. Arkansas Valley Unit: Bent, Cheyenne, Crowley, Kiowa, Otero, and Pueblo Counties, that portion of Prowers County north of U.S. Highway 50, and [illegible] portion of Kit Carson County south of U.S. Highway 24.

(2) Special hunting hours: Nov. 7-Nov. 30, 1/2 hour before sunrise to noon; Dec. 1, 1981-Jan. 17, 1982, 1/2 hour before sunrise to sunset.

(3) The Low Plains Duck Season Zones are described as follows:

Kansas — Zone 1: That portion of south-central Kansas bounded by the State line and the following highways: on the west by U.S. 283; on the north by K-4, U.S. 81, U.S. 56, K-150, and U.S. 50; and on the east by K-99. Zone 2: The remaining area within the Low Plains of Kansas.

Nebraska — Zone 1: Keya Paha County east of U.S. Highway 183 and all of Boyd, Knox, Cedar, and Dixon Counties, including the adjacent waters of the Niobrara River. Zone 2: The Low Plains portions of Dawson, Gosper, Frontier, and Furnas Counties and all of Buffalo, Phelps, Harlan, Hall, Kearney, Franklin, Merrick, Hamilton, Platte, Polk, Colfax, Butler, Dodge, Saunders, and Douiglas Counties, including the adjacent waters of the Platte River. Zone 3: The Low Plains portions of Brown, Blaine, and Custer Counties and all of Rock, Holt, Loup, Garfield, Wheeler, Valley, Greeley, Sherman, Howard, Antelope, Boone, Nance, Pierce, Madison, Wayne, Stanton, Cuming, Dakota, Thurston, Burt, and Washington Counties. Zone 4: Adams, Webster, Clay, Nuckolls, York, Fillmore, Thayer, Seward, Saline, Jefferson, Lancaster, Gage, Sarpy, Cass, Otoe, Johnson, Nemaha, Pawnee, and Richardson Counties.

South Dakota — South Zone: Bon Homme, Charles Mix, Clay, Gregory, Union, and Yankton Counties. North Zone: The remainder of the Low Plains portion of South Dakota.

Wyoming — Zone 1: Sheridan, Johnson, Natrona, Campbell, Crook, Weston, Converse, and Niobrara Counties. Zone 2: Platte, Goshen, and Laramie Counties. Zone 3: Carbon and Albany Counties. Zone 4: Park, Big Horn, Hot Springs, Washakie, and Fremont Counties. These zones also apply to goose [illegible].

(4) In Kansas, shooting hours are 1/2 hour before sunrise to sunset except in the northeast Kansas counties of Atchison, Brown, Doniphan, Douglas, Jefferson, and Leavenworth where the goose shooting hours are 1/2 hour before sunrise till 1 p.m.

(5) Nebraska Goose Management Units. Unit 1 is comprised of Boyd, Cedar (west of U.S. Highway 81), Keya Paha (east of U.S. Highway 183), and Knox Counties. Unit 2 is the remainder of U.S. Highway 183.

(6) See State regulations and other Federal regulations for special restrictions on Bosque del Apache National Wildlife Refuge, for geese.

(7) The areas closed to canvasback hunting are:

North Dakota — That portion lying east of State Highway 3, including all or portions of 27 counties.

South Dakota — All of Marshall County; that portion of Day County east of State Highway 25; that portion of Codington County south of State Highway 20 and west of U.S. Highway 81; that portion of Hamlin County west of U.S. Highway 81; and that portion of Kingsbury County east of State Highway 25 and north of U.S. Highway 14.

(8) During October 3 through October 11, 2 and 4 additional teal may be included in the daily bag and possession limits, respectively.

(9) The Dark Goose season opening is delayed until October 5 in the following area: Starting at South Dakota border where U.S. Highway 281 enters North Dakota, north and west on U.S. Highway 281 to Carrington, then west and north on U.S. Highway 52 to junction of U.S. Highway 52 with Drake-McClusky-Farm-to-Market Road (Camp Bentley Road) approximately 2-1/2 miles west of Drake, then south on the Farm-to-Market Road to N.D. 200 at McClusky, then west and south on N.D. 200 and Alternate N.D. 200 to Washburn, then west and north on Alternate N.D. 200 and N.D. 200 to the Montana border, then south on Montana-North Dakota border to the South Dakota border and then east on North Dakota-South Dakota border to point of origin.

(10) Oklahoma Goose Management Units. Unit 1 is that portion of Oklahoma west of U.S. Highways 77 and 177, the Indian Nation Turnpike, and U.S. Highway 271. Unit 2 is the remainder of Oklahoma.

(11) In Wyoming, coots are assigned 10 points.

PACIFIC FLYWAY

The Pacific Flyway consists of Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the Jicarilla Apache Indian Reservation; and in Montana, the Counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

Flywaywide Restrictions

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily.

Aleutian Canada Geese: The season is closed on Aleutian Canada geese throughout the Flyway.

Canvasbacks and Redheads: No more than 2 canvasbacks or 2 redheads or 1 of each may be taken daily nor more than 4 singly or in the aggregate may be possessed.

Mergansers: All mergansers are to be included within the daily bag and possession limits for other ducks.

Coots and Gallinules: The daily bag and possession limits on coots and gallinules are 25 either singly or in the aggregate.

Common Snipe: The daily bag and possession limits on common snipe are 8 and 15, respectively.

Concurrent Seasons: Unless otherwise noted, seasons on coots, gallinules, and snipe are the same as for ducks.

Dark Geese and White Geese: Unless otherwise noted, limits for dark geese are for Canada and white-fronted geese, either singly or in the aggregate; and limits for white geese are for lesser snow, including blue, and Ross' geese, either singly or in the aggregate.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATION OF GEOGRAPHICAL AREAS OR ZONES WITHIN STATES. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS.

	Season Dates	Limits	
		Bag	Possession
Arizona (1)			
Ducks	Oct. 9-Nov. 4 & Nov. 13-Jan. 17.	7	14
Geese:	Nov. 13-Jan. 17.	6	6
Including no more than:			
Dark (no more than 2 Canada geese)		3	3
White		3	3
Coots and gallinules (singly or in the aggregate)	Same as for ducks.	25	25
Common snipe	Same as for ducks.	8	16
Sandhill cranes (only in Game Management Units 30A, 30B, 31, and 32)	Nov. 14, 15, 21 & 22.	Only by permit; 2 cranes per season.	
California			
Ducks:			
Colorado River Zone	Oct. 9-Nov. 4 & Nov. 13-Jan. 17.	7	14
Remainder of State	Oct. 17-Jan. 17.	7	[illegible]
Geese:			
Northeastern Zone:			
1st Period	Oct. 17-Oct. 30.	1	2
2nd Period	Oct. 31-Jan. 17.	[illegible]	[illegible]
Including no more than:			
Dark		2	2
White		3	3
Colorado River Zone:	Nov. 13-Jan. 17.	[illegible]	6
Including no more than:			
Dark (but no more than 2 Canada geese)		3	3
White		3	3
Southern Zone:	Oct. 17-Jan. 17.	6	[illegible]
Including no more than:			
Dark (except the open season on Canada geese shall be from Oct. 24, 1981, through Jan. 17,			

	Season Dates	Limits	
		Bag	Possession
1982, and Canada geese not exceed 2 in the daily bag and possession limits; but in that portion of District 22 within the Southern Zone, Canada geese may not exceed 1 in daily bag and 2 in possession)		3	3
White		3	3
Balance-of-State Zone:	Oct. 31-Jan. 17.	5	5
Including no more than:			
Dark, except that the season on Canada geese:		2	2
Counties of Del Norte and Humboldt	Closed.		
Sacramento Valley Area (2)	Dec. 15-Jan. 17.		
San Joaquin Valley Area (3)	Oct. 31-Nov. 22.		
Remainder of zone	Oct. 31-Jan. 17.		
White		3	3
Brant	Jan. 16-Feb. 21.	[illegible]	[illegible]
Coots and gallinules, singly or in the aggregate.	Same as for ducks.	25	25
Common snipe	Same as for ducks.	8	16
Colorado			
Ducks (4)	Oct. 3-Oct. 23 & Nov. 7-Jan. 17.	7	14
Geese (4):			
Brown's Park, Moffat County	Nov. 7-Dec. 13.	1	2
Delta and Montrose Counties	Nov. 7-Dec. 31.	Only by permit; 2 geese per season.	
Garfield and Mesa Counties	Nov. 21-Dec. 31.	Only by permit; 4 geese per season.	
Delores, Gunnison, and Montezuma Counties	Closed.	-	-
Remainder of State in Pacific Flyway	Oct. 10-Dec. 31.	2	4
Coots (4)	Same as for ducks.	25	25
Common snipe	Sept. 1-Dec. 2.	8	16
Sora and Virginia rails	Sept. 1-Nov. 9.	25	25
Idaho (5)			
Ducks:			
Counties of Adams, Bear Lake, Boise, Bonneville, Butte, Caribou, Clark, Clearwater, Custer, Franklin, Fremont, Idaho, Jefferson, Lemhi, Madison, Oneida, Teton, Valley, and that portion of Blackfoot Reservoir drainage lying within Bingham County	Oct. 3-Jan. 3.	7	14
Remainder of State (6)	Oct. 3-Jan. 10.	7	14
Geese:			
Northern 10 counties (Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone)	Oct. 3-Jan. 3.	3	6
Fremont County within the North Fork of the Snake River drainage above the new Wendell Bridge near Ashton (7)	Oct. 10-Nov. 22.	2	2
Remainder of Fremont County, Clark, Madison, and Teton Counties			
Including no more than:			
Dark	Oct. 10-Dec. 31.	2	2
White	Closed.	-	-
Blaine County lying south and east of U.S. Highway 93, and the counties of Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls	Oct. 24-Dec. 31.	2	[illegible]
Remainder of State (7)	Oct. 10-Dec. 31.	2	[illegible]
Coots	Same as for ducks.	25	25
Common snipe	Same as for ducks.	[illegible]	16
Montana			
Ducks	Oct. 3-Jan. 3.	7	14
Geese (8):			
East of the Continental Divide (8)	Oct. 3-Dec. 31.	[illegible]	[illegible]
Including no more than:			
Dark		[illegible]	[illegible]
White		[illegible]	[illegible]
West of the Continental Divide (8)	Oct. 3-Dec. 31.	5	6
Including no more than:			
Dark		2	2
White		3	6
Coots	Same as for ducks.	25	25
Common snipe	Same as for ducks.	8	16
Whistling swans, only in Teton and Cascade Counties	Oct. 3-Jan. 3.	Only by permit; 1 swan per season.	
Nevada			
Ducks:			
Clark County	Oct. 17-Jan. 17.	7	[illegible]
Remainder of State	Oct. 10-Jan. 10.	7	[illegible]
Dark geese:			
Clark County	Nov. 28-Jan. 17.	2	2
Elko County and Ruby Lake National Wildlife Refuge in White Pine County	Oct. 10-Jan. 10.	[illegible]	2
White River Valley in Nye County	Dec. 23-Jan. 10.	1	1
Pahranagat Valley in Lincoln County	Dec. 23-Jan. 10.	Only by permit; 1 goose per [illegible]	
Remainder of State	Nov. 14-Jan. 17.	2	2
White geese:			
Clark County	Nov. 28-Jan. 17.	[illegible]	[illegible]
Elko County except Ruby Valley	Oct. 10-Jan. 10.	[illegible]	[illegible]
Ruby Valley in Elko and White Pine Counties	Closed.	-	-
White River Valley in Nye County	Dec. 23-Jan. 10.	3	3
Pahranagat Valley in Lincoln County	Dec. 23-Jan. 10.	[illegible]	3
Remainder of State	Oct. 24-Jan. 17.	[illegible]	3
Coots and gallinules, singly or in the aggregate	Same as for ducks.	25	25
Common snipe	Same as for ducks.	[illegible]	[illegible]
Whistling swans, only in Churchill County	Nov. 7-Jan. 10.	Only by permit; 1 swan per season.	
New Mexico			
Ducks	Oct. 3-Jan. 3.	7	14
Geese:			
North of I-40/U.S. 66	Closed.	-	-
South of I-40/U.S. 66	Oct. 3-Dec. 27.	6	6
Including no more than:			
Dark (no more than 2 Canada geese)		[illegible]	3
White		3	[illegible]
Coots and gallinules (singly or in the aggregate)	Same as for ducks.	[illegible]	25
Common snipe	Sept. 12-Dec. 13.	[illegible]	[illegible]
Virginia and sora rails (singly or in the aggregate)	Sept. 12-Nov. 30.	[illegible]	25
Oregon			
Ducks	Oct. 17-Jan. 17.	7	14
Geese:			
Western Oregon (9)	Oct. 17-Jan. 17.	[illegible]	[illegible]
Eastern Oregon, except Baker Malheur, Klamath, and Lake Counties	Oct. 17-Jan. 17	6	6
Including no more than:			
Dark		3	6
White		3	6
Baker and Malheur Counties	Oct. 17-Dec. 31.	2	2
Klamath and Lake Counties			
Geese (no more than 1 dark goose in the daily bag or 2 dark geese in possession)	Oct. 17-Oct. 30.	[illegible]	[illegible]
Geese:	Oct. 31-Jan. 17.	[illegible]	[illegible]
Including no more than:			
Dark		[illegible]	[illegible]
White		[illegible]	[illegible]
Brant	Dec. 16-Feb. 1.	[illegible]	[illegible]
Coots	Same as for ducks.	[illegible]	25
Common snipe	Same as for ducks.	[illegible]	[illegible]
Utah			
Ducks (10)	Oct. 3-Jan. 3.	7	14
Geese:			
General Season (11):	Oct. 10-Dec. 31.	5	6
Including no more than:			
Canada geese		2	4
White geese		3	6

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	Season Dates	Limits	
		Bag	Possession
Special Seasons:			
Daggett County	Oct. 31-Dec. 13.		
Including no more than: Canada geese		1	2
Washington County	Oct. 24-Jan. 17.		
Including no more than: Canada geese		2	2
Coots (10)	Same as for ducks.	25	25
Common snipe (10)	Same as for ducks.	8	16
Whistling swans (10)	Oct. 3-Jan. 3.	Only by permit; 1 swan per season.	
Washington			
Ducks (12):			
Eastern Washington	Oct. 10-Jan. 17.	7	14
Western Washington	Oct. 10-Jan. 10.	7	14
Geese (12), (13):			
Adams, Benton, Douglas, Franklin, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, and Yakima Counties	Oct. 10-Jan. 17	3	6
Island, Skagit, [illegible] Snohomish Counties	Oct. 10-Jan. 3.	3	6
Whatcom County	Closed.	-	-
Remainder of State	Oct. 10-Jan. 10.	3	6
Brant (14):			
Western Washington except Whatcom County	Dec. 16-Jan. 20.	3	6
Whatcom County and Eastern Washington	Closed.	-	-
Coots (12)	Same as for ducks.	25	25
Common snipe ([illegible]	Same as for ducks.	8	16
Wyoming			
Ducks and coots, singly or in the aggregate	Oct. 3-Jan. 3.	7	14
Geese:			
In all of the drainage of the Green River in Carbon, Lincoln, Sublette, Sweetwater, Teton, and Uinta Counties	Oct. 3-Dec. 6.	2	2
Those portions of the above-named counties not in the drainage of the Green River	Oct. 3-Dec. 31.	3	[illegible]
Common snipe	Sept. 26-Dec. 27.	8	[illegible]
Sora and Virginia rails, singly or in the aggregate	Sept. 26-Dec. 4.	25	25

(1) The Imperial, Cibola, and Havasu National Wildlife Refuges, Arizona, are open to waterfowl hunting except for posted portions. Ashurst Lake in Game Management Unit 5B is closed to all waterfowl and snipe hunting. Unit 1, Unit 27, that portion of Unit 25B lying east of Highway 273 and all of Units 3A and 3B lying east of Highways 77 and 260 are closed to the taking of Canada geese and its subspecies.

(2) The Sacramento Valley Area is bounded by a line beginning at Willows in Glenn County proceeding south on Interstate Highway 5 to the junction with Hahn Road north of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to Grimes on the Sacramento River, then southerly on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45-162 to Glenn; then westerly on State Highway 162 to the point of beginning in Willows.

(3) The San Joaquin Valley Area is bounded by a line beginning at Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate 5; then southerly on Interstate 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at Merced; then northerly and westerly to the point of beginning in Modesto.

(4) Hunting of ducks, coots, and geese is prohibited on and adjacent to portions of the Colorado River, Mesa County, during Nov. 9-13, Nov. 23-27, Dec. 7-11, Dec. 21-25, Jan. 4-8; in Highline State Recreation Area, Mack Mesa Reservoir, and Walker State Wildlife Area in Mesa County; a portion on and adjacent to the Yampa River in Moffat County; and Sweitzer Lake in Delta County. Hunting of ducks and coots is prohibited on Steamboat Lake State Recreation Area in Routt County. Hunting of geese is prohibited on and adjacent to portions of the Colorado River in Eagle and Grand Counties; and portions of Eagle River in Eagle County. See State regulations for descriptions of these closed areas.

(5) Waterfowl may not be taken in the Kootenai County Waterfowl Closure-Thompson Lake, Hells Canyon Waterfowl Closure, Mormon Reservoir Waterfowl Closure, Black Canyon Reservoir-Payette River Waterfowl Closure, Indian Creek Waterfowl Closure, Blacks Creek Waterfowl Closure, Hubbard Reservoir Waterfowl Closure, and Hagerman Wildlife Management Area. Geese may not be hunted in the Canyon County Goose Closure, Minidoka-Cassia Goose Closure, or Hagerman Valley Goose Closure. See State regulations for descriptions of these areas.

(6) In Benewah, Bonner, Boundary, Kootenai, and Shoshone Counties, no more than 1 wood duck may be taken daily nor more than 1 may be possessed.

(7) The season on white geese is closed in that portion of Jefferson County lying north of State Highway 33 and east of Interstate Highway 15, and in all of Clark, Fremont, Madison, and Teton Counties.

(8) Exceptions to the general season on geese are the following goose management areas (see State regulations for descriptions of areas): Goose season in portions of Broadwater, Lewis and Clark, and Jefferson Counties is October 17 through December 31; goose season in portions of Flathead, Lake, and Sanders Counties is October 3 through November 29; goose season in Deer Lodge County is October 17 through December 31; the season on dark geese in portions of Cascade, Choteau, and Teton Counties is October 31 through December 31.

(9) Western Oregon consists of all counties west of the summit of the Cascades excluding Klamath and Hood River Counties.

(10) Shooting hours are from 12 noon through sunset on the first day of the season.

(11) Goose hunting is prohibited within the boundaries of the Desert lake Waterfowl Management Area in Emery County, Fish Springs National Wildlife Refuge in Juab County, and Ouray National Wildlife Refuge in Uintah County.

(12) In Western Washington the shooting hours are from 8 a.m. through sunset on the opening day, and in Eastern Washington the shooting hours are from 12 noon through sunset the opening day.

(13) Geese may be hunted only on Saturdays, Sundays, and Wednesdays, and on November 11, 26, and 27, and December 25, and January 1, 1982, in Okanogan and Spokane Counties. Geese may be hunted only on Saturdays, Sundays, and Wednesdays, and on November 11, 26, and 27, and December 25, 1981, and January 1 and 11 through 17, 1982, in Adams, Benton, Douglas, Franklin, Grant, Lincoln, and Walla Walla Counties and east of Satus Pass (U.S. Highway 97) in Klickitat County.

(14) Brant may be hunted only on Saturdays, Sundays, and Wednesdays, and on December 25, 1981, and January 1, 1982. It shall be unlawful to hunt brant from a moving boat or any free-floating device that is not in a fixed position.

(e) Point system — Ducks, mergansers, and coots. The States selecting the point system bag limits on designated species are listed in the table under §20.105(d).

(1) The point values assigned to the species and sexes are as follows:

Atlantic Flyway

100 points	70 points	10 points	25 points
Canvasback (except where closed) Florida only: Fulvous tree duck.	Female mallard Black duck Mottled duck Wood duck (1) Redhead Hooded merganser.	Pintail Blue-winged teal Green-winged teal (2) Shoveler Gadwall Wigeon Scaup Sea ducks (3) Mergansers (except hooded).	Male mallard and all other species of ducks.

(1) In Virginia during October 7 through October 10, the wood duck counts 25 points.

(2) In New Jersey the point value for green-winged teal is 25 by State regulation.

(3) Sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck season falling outside the point-system season, sea duck daily bag and possession limits of 7 and 14, respectively, apply.

Mississippi Flyway (1)

100 points	70 points	10 points	25 points
Canvasback (except where closed)	Female mallard Black duck Wood duck Redhead Hooded merganser.	Pintail Blue-winged teal Green-winged teal Cinnamon teal Wigeon Shoveler Gadwall Scaup (except Michigan) Mergansers (except hooded).	Male mallard and all other species of ducks. Scaup (Michigan only)

(1) In Wisconsin, point values for some species change during the season. See State regulations.

Central Flyway

100 points	70 points	10 points	20 points
Canvasback (except where closed).	Female mallard Mexican-like duck Wood duck Redhead Hooded merganser. Mottled duck and black duck (Texas only)	Pintail Blue-winged teal Green-winged teal Cinnamon teal Shoveler Gadwall Wigeon Scaup Merganser (except hooded.	Male mallard and all other species of ducks.

(1) In Wyoming the coot is assigned 10 points.

Coots have no point value (except in Wyoming) but conventional bag limits of 15 daily and 30 in possession apply.

Pacific Flyway: There is no point system in the Pacific Flyway.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. The shooting (including hawking) hours are one-half hour before sunrise until sunset daily unless otherwise indicated.

(f) Scaup only season. A special hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit	5
Possession limit	10

Shooting (including hawking) hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Atlantic Flyway

Connecticut	Jan. 15-Jan. 30.
Florida	Jan. 19-Jan. 31.
Maryland (in sea duck zone)	Nov. 28-Dec. 8.
Massachusetts	Jan. 8-Jan. 23.
New Jersey	Jan. 8-Jan. 23.
New York:	
Long Island Zone only	Jan. 16-Jan. 31.
Rhode Island	Jan. 16-Jan. 31.
Virginia	Jan. 21-Jan. 31.

Seasons in the Mississippi Flyway

Indiana (Lake Michigan only)	Dec. 13-Dec. 28.
Louisiana	Jan. 21-Jan. 31.
Ohio (North Zone only)	Dec. 1-Dec. 16.
Wisconsin	Nov. 28-Dec. 13.

(g) Extra teal during regular season. Hunting seasons for blue-winged and green-winged teal ducks in the Atlantic Flyway, and blue-winged only in the Central Flyway, are prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit	2
Possession limit	4

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Atlantic Flyway

Connecticut	Oct. 13-Oct. 21.
Delaware	Oct. 1-Oct. 3 & Nov. 2-Nov. 7.
Georgia	Oct. 10-Oct. 14.
Maine	Oct. 1-Oct. 9.
Massachusetts:	
Inland Zone	Oct. 14-Oct. 22.
Coastal Zone	Oct. 22-Oct. 30.
New Hampshire	Oct. 7-Oct. 15.
New York:	
North Zone	Oct. 7-Oct. 15.
South Zone	Oct. 14-Oct. 22.
West Zone	Oct. 14-Oct. 22.
Lake Champlain	Oct. 10 (1)-Oct. 18.
Long Island	Nov. 18-Nov. 26.
North Carolina	Oct. 1-Oct. 3 & Nov.26-Nov. 28 & Dec. 8-Dec. 10.
Pennsylvania:	
North Zone	Oct. 3 (1)-Oct. 10.
South Zone	Oct. 17 (1)-Oct. 24.
Northwest Zone	Oct. 10 (1)-Oct. 17.
Lake Erie Zone	Oct. 24-Oct. 31.
Rhode Island	Oct. 8-Oct. 17.
South Carolina	Jan. 12-Jan. 20.
Vermont	Oct. 10 (1)-Oct. 18.
West Virginia	Oct. 1-Oct. 9.

Seasons in the Mississippi Flyway
None.

Seasons in the Central Flyway

North Dakota	Oct. 3-Oct. 11.

Seasons in the Pacific Flyway
None.

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(1) Shooting hours on first day begin at 8 a.m.

(h) Extra scaup during regular season. The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Atlantic Flyway

Delaware	Oct. 1-Oct. 3 & Nov. 2-Nov. 28 & Dec. 21-Jan. 9.
Georgia	Oct. 10-Oct. 14 & Nov. 25-Nov. 29 & Dec. 12-Jan. 20.
Maine:	
South Zone only	Oct. 1-Oct. 17 & Nov. 17-Dec. 19.
New Hampshire:	
Inland Zone	Oct. 7-Nov. 25.
Coastal Zone	Oct. 7-Oct. 18 & Nov. 7-Dec. 14.
New York:	
North Zone	Oct. 7-Nov. 1 & Nov. 13-Dec. 6.
South Zone	Oct. 14-Oct. 25 & Nov. 6-Dec. 13.
West Zone	Oct. 14-Nov. 19 & Dec. 23-Jan. 4.
North Carolina (1)	Oct. 1-Oct. 3 & Nov. 26-Nov. 28 & Dec. 8-Jan. 20.
Pennsylvania (on waters of Lake Erie & Presque Isle Bay only)	Oct. 24-Dec. 12.
South Carolina (2)	Oct. 8-Oct. 10 & Nov. 25-Nov. 28 & Dec. 9-Jan. 20.
West Virginia:	
Allegheny Mountain Upland Zone (Zone 2)	Oct. 1-Oct. 17 & Nov. 3-Dec. 5.
Remainder of State (Zone 1)	Oct. 1-Oct. 17 & Dec. 15-Jan. 16.

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(1) Only in waters east of U.S. Highway 17, except Currituck Sound north of U.S. Highway 158.

(2) Only in waters east of U.S. Highway 17, north of Charleston, and east of the Seaboard Railroad bed south of Charleston.

(i) Special scaup and goldeneye. A special hunting season for scaup and goldeneye is prescribed according to the following table in the Lake Champlain areas which are described, delineated, and designated in the hunting regulations of the respective States. The daily bag limit is 3 scaup or 3 goldeneyes or 3 in the aggregate. The possession limit is 6 scaup or 6 goldeneyes or 6 in the aggregate.

Shooting hours (including hawking) hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Lake Champlain Area Only	
New York	Nov. 29-Dec. 14.
Vermont	Nov. 29-Dec. 14.

Section 20.106 is amended by revising the introductory paragraph, and (a) through (g) to read as follows:

§20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking sandhill cranes. Central Flyway: A daily bag limit of three and a possession limit of six, and with shooting (including hawking) hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In the Central Flyway portion of Colorado except the San Luis Valley area, season dates are October 10 through November 15, 1981.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 (and including all of Howard and Lynn Counties) to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio, season dates in the New Mexico portion are October 31, 1981, through January 31, 1982, and in the Texas portion, October 31, 1981, through January 31, 1982.

(c) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border, season dates in the Oklahoma portion are November 22, 1981, through January 18, 1982, and in the Texas portion, December 5, 1981, through January 31, 1982.

(d) In North Dakota, in Benson, Burleigh, Emmons, Kidder, McHenry, Pierce, and Stutsman Counties, the inclusive season dates are September 5 through September 13 and in McLean and Sheridan Counties, the inclusive season dates are September 5 through September 20, 1981. In South Dakota, in ampbell, Walworth, Potter, Dewey, and Corson Counties, the inclusive season dates are September 20 through September 28, 1981.

(e) In all of the Central Flyway portion of Montana except Sheridan ounty and that area south and west of Interstate Highway 90 and the Big Horn River, the season dates are October 3 through November 8, 1981.

(f) In Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties, Wyoming, the season dates are October 3 through November 8, 1981.

(g) Each hunter participating in the sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

Pacific Flyway: An open season on sandhill cranes is prescribed for Arizona within Game Management Units 30A, 30B, 31, and 32 for November 14, 5, 21, and 22, 1981. Hunting is by special permit to be issued by the State. Each permittee may take 2 sandhill cranes per season.

Section 20.107 is revised as follows.

§20.107 Seasons, limits, and shooting hours for whistling swans.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in the States of Montana, Nevada, and Utah, subject to the following conditions:

(a) The season must run concurrently with the season for ducks.

(b) In Montana, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in either Teton or Cascade County. The season dates are October 3, 1981, through January 3, 1982.

(c) In Nevada, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in Churchill County. The season dates are November 7, 1981, through January 10, 1982.

(d) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take one whistling swan. The season dates are October 3, 1981, through January 3, 1982.

(e) Permits and correspondingly numbered metal locking seals must be issued by the appropriate State conservation agency on an equitable basis without charge.

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Section 20.109 is revised as follows:

§20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of this part, the areas open to hunting, the respective open seasons (dates inclusive), the hawking hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Daily bag limit	3 singly or in the aggregate.
Possession limit	6 singly or in the aggregate.

These limits apply during both regular hunting seasons and extended falconry [illegible]

Hawking hours: One-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Atlantic Flyway	
Florida:	
Mourning doves	Oct. 3-Jan. 17.
Rails and gallinules	Sept. 2-Dec. 17.
Woodcock	Oct. 31-Feb. 14.
Snipe	Nov. 7-Feb. 21.
Ducks, mergansers, and coots	Oct. 17-Dec. 6 & Dec. 12-Jan. 17.
Maryland:	
Mourning doves	Sept. 1-Oct. 10 & Nov. 11-Jan. 15.
Rails and gallinules	Sept. 1-Dec. 16.
Woodcock	Oct. 12-Nov. 27 & Dec. 3-Jan. 31.
Snipe	Sept. 14-Dec. 29.
Ducks, coots, and mergansers	Oct. 6-Jan. 20.
Canada geese:	
Eastern Shore	Oct. 16-Jan. 30.
Remainder of State	Oct. 6-Jan. 20.
Snow geese	Oct. 16-Jan. 30.
Brant	Oct. 6-Jan. 20.
Massachusetts	
Ducks (except sea ducks), mergansers, and coots	Oct. 12-Jan. 20.
Pennsylvania:	
Mourning doves	Sept. 1-Dec. 12.
Woodcock and snipe	Oct. 5-Jan. 9.
Ducks, mergansers, and coots	Oct. 5-Jan. 9.
Virginia:	
Mourning doves, rails, and woodcock	Sept. 21-Dec. 7 & Dec. 19-Jan. 31.
Snipe	Oct. 17-Jan. 31.
Ducks (except scaup), mergansers, coots, and brant	Oct. 6-Jan. 20.
Canada geese, snow geese, and scaup	Nov. 2-Jan. 30.
Mississippi Flyway	
Illinois:	
Mourning doves, rails, and woodcock	Sept. 1-Dec. 16.
Snipe	Sept. 12-Dec. 27.
Teal	Sept. 12-Sept. 20.
Ducks, mergansers, and coots	Oct. 1-Jan. 6.
Indiana	
Woodcock	Sept. 1-Sept. 18.
Ducks, mergansers, and coots:	
North Zone	Oct. 3-Oct. 23.
South Zone	Oct. 3-Nov. 13.
Kentucky	
Waterfowl	Nov. 1-Jan. 20.
Michigan:	
Rails, woodcock, and snipe	Sept. 1-Dec. 16.
Ducks, mergansers, coots, gallinules, and geese	Oct. 3-Jan. 17.
Minnesota:	
Woodcock, rails, and snipe	Sept. 1-Dec. 16.
Ducks, mergansers, and coots	Oct. 3-Jan. 17.
Mississippi:	
Mourning doves	Oct. 5-Oct. 16 & Nov. 14-Dec. 8.
Ducks, mergansers, and coots	Dec. 5-Dec. 11.
Missouri:	
Mourning doves	Sept. 1-Dec. 16.
Ducks, mergansers, and coots	Oct. 17-Oct. 21 & Oct. 31-Jan. 20.
Central Flyway	
Colorado	
Ducks, mergansers, coots, and geese (3 in the daily bag and in possession)	Oct. 19-Oct. 30.
Montana (1)	
Ducks, geese, mergansers, coots, snipe, and cranes	Oct. 3-Jan. 17.

New Mexico:	
Daily bag and possession limits in New Mexico are 2 and 4, respectively, singly or in the aggregate of migratory species named below and resident game species.	
Mourning doves, white-winged doves, and band-tailed pigeons	Sept. 1-Nov. 16 & Nov. 21-Dec. 20.
Sandhill cranes only in Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties	Oct. 17-Jan. 17.
Ducks, mergansers, coots, and gallinules	Oct. 17-Jan. 17.
Geese	Oct. 31-Jan. 17.
Oklahoma	
Ducks, mergansers, coots, and geese	Oct. 10-Jan. 15.
Texas:	
Mourning doves, white-winged doves, rails, and gallinules	Sept. 1-Dec. 16.
Woodcock and snipe	Nov. 1-Feb. 15.
Ducks, mergansers, and coots	Oct. 3-Jan. 17.
Sandhill cranes:	
Zone A	Oct. 20-Jan. 31.
Zone B	Nov. 22-Jan. 31.
Wyoming (Statewide): (1)	
Mourning doves	Sept. 1-Oct. 15.
Snipe	Sept. 26-Dec. 4.
Ducks, mergansers, geese, and coots	Oct. 3-Jan. 17.
Pacific Flyway	
Colorado	
Ducks, coots, and geese (3 in the daily bag and in possession)	Oct. 24-Nov. 6.
Idaho:	
Mourning doves only	Sept. 1-Oct. 20.
Ducks and geese	Oct. 3-Jan. 17.
Montana (1)	
Ducks, geese, coots, and snipe	Oct. 3-Jan. 17.
New Mexico (1)	
Mourning doves, white-winged doves, and band-tailed pigeons	Sept. 1-Nov. 16 & Nov. 21-Dec. 20.
Ducks, coots, and gallinules	Oct. 17-Jan. 17.
Geese	Oct. 31-Jan. 17.
Oregon	
Mourning doves	Sept. 1-Dec. 16.
Ducks, coots, snipe, and geese	Oct. 3-Jan. 17.
Utah	
Ducks, geese, coot, and snipe	Oct. 3-Jan. 17.
Washington	
Ducks, geese, and coots:	
Western Zone	Oct. 3-Oct. 9 & Jan. 11-Jan. 17.
Eastern Zone	Oct. 3-Oct. 9.
Wyoming (1)	
Morning doves	Sept. 1-Oct. 15.
Rails and snipe	Sept. 26-Dec. 4.
Ducks, geese, and coots	Oct. 3-Jan. 17.

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(1) In Montana and New Mexico, the aggregate bag and possession limits of all species are 2 and 4, respectively. In Wyoming, the aggregate bag and possession limits of all species are 2 birds.

Note: See waterfowl season footnotes for descriptions of zones.
For some States, the extended falconry season dates also include general season dates.

[FR Doc. 81-27134 Filed 9-17-81; 8:45 am]
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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Highlights

46561	**Water Resource Projects** Executive order
46559	**National Cystic Fibrosis Week** Presidential proclamation
46610	**Grant Programs** Commerce/EDA implements single unit audit concept for State, local and Indian Tribal government grant recipients.
46571, 46572	**Housing** VA increases maximum permissible interest rate on guaranteed, insured and direct loans for homes, condominiums, home improvements and mobile homes. (2 documents)
46582	**Nondiscrimination on the Basis of Age** NRC proposes rules for Federally assisted commission programs.
46750	**Aid to Families With Dependent Children** HHS/SSA revises eligibility criteria and procedures for program administration. (Part III of this issue)
46776	Labor/ETA and HHS/HDSO jointly revise regulations on the Work Incentive Program. (Part IV of this issue)
46563	**Immigration** Justice/INS removes "conditional entrants" as a category for admitting aliens into the United States.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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46575 **Motor Vehicles** EPA establishes CO emission standards for several 1982 model year light-duty vehicle engines.

46589 **Waste Treatment and Disposal** DOE/CRE withdraws advance notice of proposed rulemaking on Federal price support program for municipal waste reprocessing demonstration facilities.

46570 **Civilian Health and Medical Program of the Uniformed Services** DOD extends benefits for ambulatory and hospital outpatient surgery.

46744 **Surface Mining** Interior/SMREO proposes to amend grant rules for regulatory programs and Small Operator Assistance Program.

46587 **Nuclear Power Plants** NRC proposes to extend compliance date for operational prompt public notification systems.

46605 **Federal Property** Interior/FWS proposes disposal rules for property forfeited or abandoned to U.S.

46604 **Federal Motor Vehicle Safety Standards** DOT/NHTSA reconsiders revoking Fields of Direct view standard.

46594 **Customs** Treasury/Customs proposes to amend rules on registration of foreign-made tourist articles to be taken abroad.

46597 **Pollution** EPA proposes granting compliance extensions for innovative technologies under the National Pollutant Discharge Elimination System.

46564 **"NOW" Accounts** FHLBB revokes final rule on ownership by governmental and nonprofit organizations.

46673 **High Cost Natural Gas** DOE/EIA publishes alternative fuel price ceilings and incremental price threshold.

46707 **Privacy Act Documents** NRC

46739 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Proclamation 4859 of September 17, 1981

National Cystic Fibrosis Week

By the President of the United States of America

A Proclamation

Cystic fibrosis is an hereditary, metabolic disease primarily affecting the respiratory and digestive systems. Tragically, the disease attacks the young. It imposes enormous economic, physical and emotional burdens on both victim and family. The disease is the leading genetic killer of young Americans; yet, its cause and cure are unknown. In addition, there is no test for determining who is a carrier—and there are up to 10 million symptom-free individuals who might pass cystic fibrosis on to their children.

Nevertheless, there is ample reason for hope. There have been important advances in the treatment of cystic fibrosis. Twenty-five years ago, children affected by the disease seldom reached school age. Today, half of those afflicted with the disease will live into their twenties, and the quality of life during these additional years has been significantly improved.

Supported by the National Institutes of Health and private voluntary agencies, researchers throughout the world are focusing their efforts on cystic fibrosis. Improved methods of diagnosis, detection, treatment and control are being examined and attention, as never before, is being paid to this cruel disease.

Since early diagnosis can prolong life, public awareness is critical. To increase this awareness and commemorate the progress being made in controlling cystic fibrosis, and to emphasize the need for a continued effort to defeat it, the Congress has, by Senate Joint Resolution 62, designated the week of September 20 through September 26, 1981, as National Cystic Fibrosis Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of September 20 through September 26, 1981, as National Cystic Fibrosis Week. I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-27579
Filed 9-18-81; 10:35 am]
Billing code 3195-01-M

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Presidential Documents

Executive Order 12322 of September 17, 1981

Water Resources Projects

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to ensure efficient and coordinated planning and review of water resources programs and projects, it is hereby ordered as follows:

Section 1. Before any agency or officer thereof submits to the Congress, or to any committee or member thereof, for approval, appropriations, or legislative action any report, proposal, or plan relating to a Federal or Federally assisted water and related land resources project or program, such report, proposal, or plan shall be submitted to the Director of the Office of Management and Budget.

Sec. 2. The Director of the Office of Management and Budget shall examine each report, proposal, or plan for consistency with, and shall advise the agency of the relationship of the project to, the following:

(a) the policy and programs of the President;

(b) the Principles and Standards for Water and Related Land Resources Planning (Part 711 of Title 18 of the Code of Federal Regulations (45 F.R. 64366)), or other such planning guidelines for water and related land resources planning, as shall hereafter be issued; and

(c) other applicable laws, regulations, and requirements relevant to the planning process.

Sec. 3. When such report, proposal, or plan is thereafter submitted to the Congress, or to any committee or member thereof, it shall include a statement of the advice received from the Office of Management and Budget.

Sec. 4. Executive Order No. 12113, as amended, is revoked.

Ronald Reagan

THE WHITE HOUSE,
September 17, 1981.

[FR Doc. 81-27580
Filed 9-18-81; 10:36 am]
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Rules and Regulations

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Monday, September 21, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Preference Category Change

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule makes technical changes to the Service's regulations by deleting reference to "conditional entrant" as a category of alien who previously was admitted into the United States, and also by correcting related statutory references. These changes are necessary to conform the regulations to the amendments made to the Immigration and Nationality Act by the Refugee Act of 1980. Aliens may not be admitted into the United States as "conditional entrants" under the amended rule.

EFFECTIVE DATE: September 21, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W. Washington DC 20536 Telephone: (202) 633–3048;

For specific information: Margaret M. Smitherman, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536 Telephone: (202) 633–3946.

SUPPLEMENTARY INFORMATION: The Refugee Act of 1980, Pub. L. 96–212, Mar. 17, 1980, 94 Stat. 107, amended the Immigration and Nationality Act (I&N Act). Amendments included eliminating the conditional entrant status as a category of aliens who previously were admitted into the United States under the former section 203(a)(7) of the I&N Act. An alien who, before April 1, 1980, established a date of registration at an immigration office in a foreign country on the basis of entitlement to a conditional entrant status under the former section 203(a)(7), was thereafter deemed to be entitled to refugee status under section 207 of the I&N Act, as amended by the Refugee Act of 1980. The preference status of conditional entrant is no longer available to aliens who seek to enter the United States.

This amendment to the regulations removes reference to the conditional entrant as a category of alien who previously was admitted into the United States, and also corrects the related statutory references. In § 204.1(a) of 8 CFR, the seventh sentence of the paragraph is revised by removing "or conditional entry" and changing "203(a)(1) through (8)" to read "203(a)(1) through (7)". The eighth sentence of the paragraph is revised by changing "203(a)(9)" to read "203(a)(8)".

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is not required because the rule is editorial in nature to remove an obsolete term and to correct related statutory references.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities because it is editorial in nature.

This rule is exempt from the requirements of E.O. 12291 as provided for by section 8(a)(2) of the E.O. because the editorial changes are mandated by statute.

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is revised as follows:

In § 204.1 the seventh and eighth sentences of paragraph (a) are revised to read as follows:

§ 204.1 Petition.

(a) * * * Without the approval of a separate petition in his/her behalf, an alien spouse or a child defined in section 101(b)(1)(A), (B), (C), (D), or (E) of the Act, may be accorded the same preference classification under section 203(a) of the Act as his/her spouse or parent whom he/she is accompanying or following to join, if the immediate issuance of a visa is not otherwise available under the provisions of section 203(a)(1) through (7) of the Act. However, the alien spouse or child of an alien parent who has been classified as an immediate relative is not within the purview of section 203(a)(8) of the Act and may not be accorded derivative immediate relative status.

* * * * *

(Secs. 103, 203, and 204; 8 U.S.C. 1103, 1153, and 1154)

Dated: September 15, 1981.

Doris M. Meissner,
Acting Commissioner, Immmigration and Naturalization.

[FR Doc. 81–27393 Filed 9–18–81; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

Specifically Approved States To Receive Stallions Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document adds the State of Ohio to the list of specifically approved States authorized to receive certain stallions imported into the United States from countries affected with contagious equine metritis (CEM).

This action is being taken because the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has determined that Ohio has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further insure their freedom from CEM as required by the regulations.

DATES: Effective date: September 15, 1981. Comments must be received on or before November 20, 1981.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room

870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Dulin, USDA, APHIS, VS, Room 818, Federal Building, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this rule will not have a significant annual effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this interim action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this interim rule.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. Only 26 stallions from countries affected with CEM were imported into the United States in 1980. This action will provide a means by which such stallions from countries affected with CEM and bound for Ohio can be imported directly into Ohio. Otherwise, the stallions must be imported to a State which has been approved to receive stallions from countries affected with CEM. The nearest States to Ohio approved to receive stallions from countries affected with CEM are Kentucky, Maryland and Virginia. This action should result in a decrease of transportation costs for such horses. However, in view of the small number of stallions involved, the economic impact of this action will not be significant.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim action. This amendment relieves restrictions presently imposed on certain horses being imported into the United States, and should be made effective immediately in order to permit affected persons to move certain horses into the United States without unnecessary restrictions.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency interim action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency interim action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and this emergency interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Section 92.2(i)(2) of Title 9, Code of Federal Regulations (9 CFR 92.2(i)(2)), among other things, authorizes the importation of male horses (stallions over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into specified States for further inspection, treatment and testing by the State of destination. The amendment established minimum standards which a State must meet in order to be approved to receive stallions imported from CEM-affected countries. These standards contain treatment, testing and handling procedures believed necessary to insure that the stallions being imported into the United States are free of the contagion of CEM.

This document adds the State of Ohio to the list of specifically approved States to receive such horses, on the basis of a determination of their eligibility for such approval under § 92.4(a)(6) of the regulations.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

§ 92.4 [Amended]

Section 92.4(a)(5)(ii) is amended by adding "The State of Ohio," after "The State of North Carolina" and before "The State of South Carolina" as States approved to receive stallions pursuant to § 92.2(i)(2)(iv) of the regulations.

(Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306, 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134f)

All written submissions made pursuant to this interim rule will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register**.

Done at Washington, D.C., this 15th day of September 1981.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81–27380 Filed 9–18–81; 8:45 am]

BILLING CODE 3410–34–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 532

[No. 81–547]

Ownership of NOW Accounts; Repeal of Final Rule

Date: September 15, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Repeal of final rule.

SUMMARY: On August 13, 1981, the Federal Home Loan Bank Board issued a final rule regarding the eligibility of various depositors to maintain negotiable order of withdrawal ("NOW") accounts at member institutions. (Resolution No. 81–460, 46 FR 42250, August 20, 1981). The rule was to take effect on August 19, 1981; however, the effective date was postponed for a ten day period by a judicial order issued August 19, 1981. (*See* 46 FR 42651, Aug. 24, 1981.) The Board subsequently postponed the effective date until September 15, 1981, pending litigation involving the rule. (Resolution No. 81–492, 46 FR 43655, Aug. 31, 1981.)

On September 15, 1981, an order was issued by the United States District Court for the District of Columbia in the case of American Bankers Association v. Federal Home Loan Bank Board (Civil No. 81–1933) enjoining the Board from authorizing or allowing member institutions to offer NOW accounts to governmental units or nonprofit organizations other than those described in a Federal Reserve Board rule published at 46 FR 42060, August 19, 1981. Accordingly, the Board is repealing its new rule effective immediately.

In accordance with the court order, member institutions are authorized to offer NOW accounts to private nonprofit organizations described in sections 501(c)(3) through (13), (19), and 528 of

the Internal Revenue Code, and to government units operated primarily for philanthropic, educational, charitable, or other similar purposes. For example, a government unit, regardless of form of organization, may maintain a NOW account if the funds are in the name of or are used solely for schools, universities or colleges, libraries, hospitals, or other educational or medical facilities.

EFFECTIVE DATE: September 15, 1981.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Office of General Counsel ((202) 377-6444), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

PART 532—BOARD RULINGS

§ 532.2 [Removed]

Accordingly, 532.2 is removed from Title 12 of the Code of Federal Regulations.

(Sec. 303, Pub. L. 96-221, 94 Stat. 132 (1980); 12 U.S.C. 1437, 1464, 1724, 1725, 1726, 1728, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-27372 Filed 9-18-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NE-14 Amdt. 39-4219]

Airworthiness Directives; General Electric Company Model CF6-6 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: Following an 18-month life management study on the CF6-6 series turbofan engines low pressure turbine stage 2 disk, the manufacturer has recommended a life limit below that originally listed. The FAA concurs with this recommendation, and therefore, the airworthiness directive (AD) requires the removal of low pressure turbine rotor stage 2 disks at less than the originally published cyclic life limits.

DATES: Effective date—this amendment becomes effective on September 21, 1981.

Comments must be received on or before November 21, 1981.

Compliance schedule—as prescribed in the text of the AD.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Regional counsel, New England Region, Attn: Rules Docket No. ———, 12 New England Executive Park, Burlington, Massachusetts 01803.

Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Henry A. Jackson, Engine Projects Section (ANE-214E), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7335.

SUPPLEMENTARY INFORMATION:

Need for Rulemaking

Based on a life management study, the General Electric Company has recommended a reduction in the published life of the CF6-6 series turbofan engines low pressure turbine rotor stage 2 disk from 27,000 cycles (current limit) to the lower values listed in this AD. The FAA has determined that the disks affected are to be removed in accordance with this recommendation.

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specificially invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

General Electric Company. Applies to all General Electric Model CF6-6 series turbofan engines installed in McDonnell Douglas DC10-10 aircraft containing low pressure turbine rotor stage 2 disks, P/Ns 9690M77P03, 9690M77P04, 9690M77P09, 9690M77P11, and 9690M77P13.

Compliance required as indicated.

To prevent possible low cycle fatigue failure of these disks, the life limits have been reduced below the figures currently approved. Remove from service low pressure turbine rotor stage 2 disks prior to reaching the revised life limits listed below or within the next 25 cycles in service after the effective date of this AD, whichever comes later.

Disk part No.	Previous life limit/cycles	Revised life limit/cycles
9690M77P03	27,000	11,500
9690M77P04	27,000	11,500
9690M77P09	27,000	11,500
9690M77P11	27,000	11,500
Serial numbers MP0A0727 through MP0A2215		
9690M77P11, all other serial numbered disks	27,000	9,300
9690M77P13	27,000	10,000

Note.—General Electric CF6-6 Service Bulletin 72-786 pertains to this subject.

This amendment becomes effective on September 21, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 24, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final Order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Court of Appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Burlington, Massachusetts, on September 9, 1981.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 81-27384 Filed 9-18-81; 8:45 am]

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14 CFR Part 39

[Docket No. 81-WE-9-AD; Amdt. 39-4221]

Airworthiness Directives; Hughes Helicopters Model 369D Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Hughes Helicopters Model 369D helicopters by prescribing the installation of a fail-safe device which when installed obviates the need for the actions required by the original AD. This amendment is needed to provide additional safety information which will provide relief for operators affected by the original AD.

DATES: Effective September 28, 1981.

Compliance schedule—As prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Hughes Helicopters, Inc., Centinela and Teale Streets, Culver City, California 90230.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800
Independence Avenue, S.W.,
Washington, D.C. 20591, or
Rules Docket in Room 6W14, FAA
Western Region, 15000 Aviation
Boulevard, Hawthorne, California
90261.

FOR FURTHER INFORMATION CONTACT: Harold W. Ferris, Aerospace Engineer, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone: (213) 536-6367.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-4188, AD 81-17-02, which currently requires rotor brake deactivation and inspection of the tail rotor drive shaft forward flexible coupling on Hughes Helicopters Model 369D helicopters. After issuing Amendment 39-4188, the FAA has evaluated and approved a coupling fail-safe system. Therefore, the FAA is amending Amendment 39-4188 by providing for the installation of this fail-safe device on Hughes Helicopters Model 369D helicopters.

Since this amendment provides an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-4188 (46 FR 40666), AD 81-17-02 by adding a new paragraph (c) to read as follows:

* * * * *

(c) The provisions of paragraphs (a) and (b) will not apply when the forward tail rotor coupling fail-safe design, P/Ns 369D25530 and 369D25531, are installed per Part I of Hughes Service Information Notice DN-95, dated August 7, 1981, and are inspected per the requirements of Part II of DN-95 and the preflight checks of the Hughes Helicopter 369D rotorcraft flight manual revised August 26, 1981.

* * * * *

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to: Hughes Helicopters, Inc., Centinela and Teale Streets, Culver City, California 90230.

These documents may also be examined at: FAA Western Region Office, 15000 Aviation Boulevard, Hawthorne, California 90261, and at: FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591.

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its Headquarters in Washington, D.C. and at the FAA Western Region Office.

Amendment 39-4188 became effective August 24, 1981.

This amendment becomes effective September 28, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California, on September 11, 1981.

H. C. McClure,

Acting Director, FAA Western Region.

[FR Doc. 81-27382 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-49-AD; Amendment 39-4216]

Airworthiness Directives; McDonnell Douglas DC-9-80 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires an inspection of all DC-9-80 aircraft thrust reversers for identification of suspect serial numbered parts and removal of those parts within 14 days from the effective date of this AD. This action is necessary to preclude failure of the brazed joint at the thrust reverser/engine attach flange which could allow the thrust reverser to become detached from the aircraft resulting in possible adverse effects on aircraft handling qualities.

DATE: Effective date: September 28, 1981.

Compliance required within 14 days after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training C1-750, (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108; or 4344 Donald Douglas Drive, Long Beach, California 90808 (213) 548-2835.

FOR FURTHER INFORMATION CONTACT: Samuel K. Frick, Supervisory Aerospace Engineer, Propulsion Branch, ANW-140L, Federal Aviation Administration, Northwest Region, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2835.

SUPPLEMENTARY INFORMATION: On July 4, 1981, during landing an operator experienced an engine thrust reverser/exhaust nozzle assembly failure which resulted in the thrust reverser departing the aircraft. Investigation revealed that there were excessive voids in the brazed joint between the thrust reverser barrel assembly and the attachment flange to the engine. Subsequent review of the manufacturing records have identified certain additional units which also may have discrepancies. On July 9, 1981, McDonnell Douglas issued an Alert Service Bulletin, A78–50, notifying all operators and requesting a visual inspection to detect possible imminent failure of this flange joint.

After completion of a review of all available manufacturing records, McDonnell Douglas issued on July 20, 1981, Revision 1 to Alert Service Bulletin A78–50 requesting an inspection to determine the barrel serial numbers installed and requesting the removal of suspect parts within 3 days of receipt of the service bulletin.

It was subsequently determined that the radiographic inspection procedure used to identify these parts as suspect was questionable. As a result McDonnell Douglas issued Alert Service Bulletin A78–51 on August 6, 1981, which requested a daily visual inspection of all in service reversers. This was followed by the issuance of Service Bulletin 78–51 dated August 25, 1981, which notified all operators of a weld modification procedure to be accomplished within 120 days as the final rework action.

Failure and/or separation of a thrust reverser may result in asymmetrical thrust during the landing phase and, consequently, adverse aircraft handling characteristics.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspections and removal of all P/N 5938033–1 thrust reverser barrel assemblies, rework and part number identification (P/N 5938033–501) prior to return to service on all DC–9–80 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–9–80 series airplanes, certificated in all categories with thrust reverser barrel assemblies P/N 5938033–1 installed. Compliance required as indicated unless already accomplished. To prevent the separation of the thrust reverser from the airplane as a result of a failure of the brazed joint at the thrust reverser attach flange, accomplish the following:

A. Within three days from the effective date of this AD, and at intervals of 24 hours calendar time thereafter, conduct a visual inspection, with a 3 to 5 power magnifying glass, of the exhaust nozzle barrel assembly exterior skin P/N 5938033–5 at attach flange P/N 5938033–37 joint for buckling, obvious separation, or circumferential cracks especially in the zone 30 degrees above and below the thrust reverser stang fairings on each side. If buckling separation or cracks are found remove and replace barrel assembly prior to further flight. Chapter 78–30–01 of the maintenance manual contains additional information on this subject.

B. Within three days from the effective date of this AD inspect all thrust reversers to identify each thrust reverser barrel serial number. Remove from service reverser assemblies identified by the following barrel serial numbers.

Accomplishment instructions for this inspection are contained in McDonnell Douglas Alert Service Bulletin A78–50 Revision 1, dated July 20, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region.

Serial Numbers D3–0005, D3–0008, D3–0010 thru D3–0012, D3–0024, D3–0025, D3–0043, D3–0047, D3–0048, D3–0057, D3–0058, D3–0060, D3–0063, D3–0064, D3–0069, D3–0084, D3–0091, D3–0093, D3–0095, D3–0100 thru D3–0105, D3–0108, D3–0112, D3–0113, D3–0115, D3–0119, D3–0129A, D3–0132, D3–0137, D3–0156, D3–0162, D3–0165, and D3–0172.

Note.—Typical example of the number found on the reverser barrel assembly is "5938033–1–01–D3–0105." This number is located approximately six inches aft of the upper hydraulic thrust reverser latch and is etched on the exterior surface of the thrust reverser exhaust duct barrel assembly near top centerline. 5938033–1 is the part number and will be the same on each unit. The last six digits (D3–0105) constitute the listed serial number.

C. Within 120 days from the effective date of the AD modify all P/N 5938033–1 reverser barrel assemblies by welding the engine attach flange—outer barrel skin joint in accordance with the accomplishment instructions of McDonnell Douglas Service Bulletin 78–51 dated August 25, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region. Upon completion of this modification reidentify the reverser barrel assembly as P/N 5938033–501 and the thrust reverser assembly as P/N 5938050–501 in accordance with paragraph 2.B. (6) and (9) of the accomplishment instructions of the bulletin. This modification constitutes terminating action for all requirements of this AD. All reverser barrel assemblies removed from service per paragraph B above may be modified in accordance with this paragraph and returned to service.

D. Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

E. Alternative means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment becomes effective September 28, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator as defined by section 1005 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1485). As such it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on September 8, 1981.

Charles R. Foster,
Director, Northwest Region.

[FR Doc. 81–27383 Filed 9–18–81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 22140; Amdt. No. 1199]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAP's mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAP's is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

* * * *Effective November 26, 1981*

Trenton, NJ—Mercer County, VOR–A, Amdt. [illegible]

* * * *Effective November 12, 1981*

Craig, CO—Craig-Moffat, VOR Rwy 25, Amdt. 1
Craig, CO—Craig-Moffat, VOR/DME Rwy 7, Amdt. 1

* * * *Effective October 29, 1981*

Scottsdale, AZ—Scottsdale Muni, VOR–A, Amdt. 3
Burbank, CA—Burbank-Glendale-Pasadena, VOR Rwy 7, Amdt. 3
Rio Vista, CA—Rio Vista Muni, VOR–A Amdt. 3
Meriden, CT—Meriden Markham Muni, VOR Rwy 36, Original
Peoria, IL—Greater Peoria, VOR Rwy 12 (TAC), Amdt. 18
Starkville, MS—George M. Bryan Field, VOR/DME–A, Amdt. 4
Hawthorne, NV—Hawthorne Muni, VOR/DME–A, Original, cancelled
Cortland, NY—Cortland County—Chase Field, VOR Rwy 6, Amdt. 1, cancelled
Elmira, NY—Chemung County, VOR Rwy 6, Amdt. 12, cancelled
Montgomery, NY—Orange County, VOR Rwy 8, Amdt. 6
Fayetteville, NC—Fayetteville Muni (Grannis Field), VOR Rwy 4, Amdt. 11
Fayetteville, NC—Fayetteville Muni (Grannis Field), VOR Rwy 22, Amdt. 2
Fayetteville, NC—Fayetteville Muni (Grannis Field), VOR Rwy 28, Amdt. 3
Maxton, NC—Laurinburg-Maxton, VOR/DME–A, Amdt. 3
Napoleon, OH—Henry County, VOR Rwy 28, Amdt. 3
Columbia-Mt. Pleasant, TN—Maury County, VOR/DME–A, Amdt. 3
Lebanon, TN—Lebanon Muni, VOR/DME–A, Amdt. 3

Dallas, TX—Dallas Love Field, VOR/DME Rwy 13R, Amdt. 4
Hopewell, VA—Hopewell, VOR Rwy 28, Amdt. 4 cancelled

* * * *Effective October 1, 1981*

Liberal, KS—Liberal Muni, VOR Rwy 3, Original
Liberal, KS—Liberal Muni, VOR Rwy 17, Amdt. 5
Liberal, KS—Liberal Muni, VOR Rwy 35, Amdt. 9
Liberal, KS—Liberal Muni, VOR/DME Rwy 17, Amdt. 1
Liberal, KS—Liberal Muni, VOR/DME Rwy 35, Amdt. 1

* * * *Effective August 27, 1981*

Crescent City, CA—Jack McNamara Field, VOR Rwy 11, Amdt. 8
Crescent City, CA—Jack McNamara Field, VOR/DME Rwy 11, Amdt. 10
Crescent City, CA—Jack McNamara Field, VOR/DME Rwy 35, Amdt. 9

Note.—The FAA published an amendment in Docket No. 22117, amdt No. 1198 to part 97 of the Federal Aviation Regulations (Vol 46 FR No. 173 page 44753; dated September 8, 1981) under section 97.23 effective October 15, 1981, which is hereby amended as follows: Lihue, HI—Lihue, VOR/DME–C Amdt 1; Lihue, HI—Lihue, VOR–D, Amdt 1; Lihue, HI—Lihue, VOR/DME or Tacan Rwy 21, Amdt 2; Lihue, HI—Lihue, VOR/DME or Tacan–A, Amdt 7; Lihue, HI—Lihue, VOR or Tacan–B Amdt 4, Lihue, HI—Lihue, VOR/DME–3 Rwy 21, Amdt 1. Change effective to: 1 October 81.

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

* * * *Effective October 29, 1981*

Muscle Shoals, AL—Muscle Shoals, LOC/DME (BC) Rwy 11, Amdt. 2, cancelled
Farmingdale, NY—Republic LOC BC Rwy 32, Amdt. 3
Montgomery, NY—Orange County, LOC Rwy 3, Amdt. 3
Fayetteville, NC—Fayetteville Muni (Grannis Field), LOC BC Rwy 22, Amdt. 2
Reedsville, PA—Veterans Memorial Airpark, LOC Rwy 6, Amdt. 4
Greer, SC—Greenville-Spartanburg, LOC Rwy 21, Amdt. 3
Columbia-Mt. Pleasant, TN—Maury County, SDF Rwy 23, Amdt. 2
Dallas, TX—Dallas Love Field, LOC BC Rwy 31R, Amdt. 25

* * * *Effective October 15, 1981*

Ft. Lauderdale, FL—Ft. Lauderdale Executive, LOC Rwy 8, Amdt. 1, cancelled

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective November 26, 1981*

Philadelphia, PA—Wings Field, NDB Rwy 6, Amdt. 7

* * * *Effective October 29, 1981*

Rialto, CA—Rialto Muni/Miro Fld, NDB–A, Amdt. 1
Columbus, GA—Columbus Metropolitan NDB Rwy 5, Amdt. 24
Clarinda, IA—Schenck field, NDB–A, Amdt. 2
Starkville, MS—George M. Bryan, NDB–C, Amdt. 1
Montgomery, NY—Orange County, NDB Rwy 3, Amdt. 1
Fayetteville, NC—Fayetteville Muni (Grannis Field), NDB Rwy 4, Amdt. 10
Sioux Falls, SD—Joe Foss Field, NDB Rwy 3, Amdt. 20
Columbia-Mt. Pleasant, TN—Maury County, NDB Rwy 23, Amdt. 2
Houston, TX—Houston Intercontinental, NDB Rwy 8, Amdt. 7
Morrisville, VT—Morrisville-Stowe State, NDB–A, Amdt. 5

* * * *Effective October 1, 1981*

Liberal, KS—Liberal Muni, NDB Rwy 35, Amdt. 1
Dallas, TX—Addison, NDB Rwy 33, Original, cancelled
Dallas, TX—Addison, NDB–C, Original

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

* * * *Effective October 29, 1981*

Burbank, CA—Burbank-Glendale-Pasadena, ILS Rwy 7, Amdt. 29
Ontario, CA—Ontario Intl, ILS Rwy 26R, Amdt. 34
Washington, DC—Washington National, LDA Rwy 18 Amdt. 10
Savannah, GA—Savannah Muni, ILS Rwy 9, Amdt. 20
Peoria, IL—Greater Peoria, ILS Rwy 12, Original
Fayetteville, NC—Fayetteville Muni (Grannis Field), ILS Rwy 4, Amdt. 10
Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Int'l, ILS Rwy 4, Amdt. 29
Dallas, TX—Dallas Love Field, ILS Rwy 13L, Amdt. 25
Dallas, TX—Dallas Love Field, ILS Rwy 31L, Amdt. 11
Houston, TX—Houston Intercontinental, ILS Rwy 8, Amdt. 10
Houston, TX—Houston Intercontinental, ILS Rwy 14L, Amdt. 7
Houston, TX—Houston Intercontinental, ILS Rwy 26, Amdt. 6
Houston, TX—Houston Intercontinental, ILS Rwy 32R, Amdt. 3

* * * *Effective October 15, 1981*

Ft. Lauderdale, FL—Ft. Lauderdale Executive, ILS Rwy 8, Original

* * * *Effective October 1, 1981*

Liberal, KS—Liberal Muni, ILS Rwy 35, Amdt. 1

* * * *Effective September 3, 1981*

Alpena, MI—Phelps-Collins, ILS Rwy 36, Amdt. 6

* * * *Effective August 27, 1981*

Crescent City, CA—Jack McNamara Field, ILS/DME Rwy 11, Amdt. 4

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective October 29, 1981*

Columbus, GA—Columbus Metropolitan, RADAR–1, Amdt. 6
Peoria, IL—Greater Peoria, RADAR–1, Amdt. 7
Fayetteville, NC—Fayetteville Muni (Grannis Field), RADAR–1, Amdt. 2
Dallas, TX—Dallas Love Field, RADAR–1, Amdt. 22

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective November 26, 1981*

Philadelphia, PA—Wings Field, RNAV Rwy 6, Amdt. 3

* * * *Effective October 29, 1981*

Gadsden, AL—Gadsden Muni, RNAV Rwy 24, Amdt. 1, cancelled
Stockton, CA—Stockton Metropolitan, RNAV Rwy 29R, Amdt. 3, cancelled
Burlington, IA—Burlington Muni, RNAV Rwy 18, Amdt. 3, cancelled
Port Huron, MI—St. Clair County Intl, RNAV Rwy 4, Amdt. 4, cancelled
Port Huron, MI—St. Clair County Intl, RNAV Rwy 22, Amdt. 4, cancelled
Elmira, NY—Chemung County, RNAV Rwy 6, Amdt. 1, cancelled

* * * *Effective October 1, 1981*

Liberal, KS—Liberal Muni, RNAV Rwy 12, Amdt. 2

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entites under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on September 11, 1981.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

John M. Howard,

Acting Chief, Aircraft Programs Division.

[FR Doc. 81–27387 Filed 9–18–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 99

[Amdt. 99–11; Docket No. 22142]

Security Control of Air Traffic; Revocation of Panama Canal Air Defense Identification Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action removes from the Federal Aviation Regulations (FAR's) all references to the Panama Canal Zone Domestic Air Defense Identification Zone (ADIZ). The ADIZ's are established to identify airspace wherein, for national defense purposes, flight must be approved and monitored by military authority through an appropriate aeronautical facility.

The Territory known as the Panama Canal Zone ceased to exist on October 1, 1979, when the Panama Canal Treaty between the United States and the Republic of Panama became effective. Accordingly, this action removes from the Federal Aviation Regulations regulatory language dealing with flight within the Republic of Panama's sovereign airspace.

DATES: Effective date—October 21, 1981. Comments on the rule must be received before October 21, 1981.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22142, 800 Independence Avenue, SW., Washington, DC 20591, or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC.

Comments may be examined in the Rules Docket, weekdays except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: William C. Davis, Air Traffic Rules Branch (AAT-223), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Comments Invited

Although this action is in the form of a final rule which involves airspace modifications which are dictated by international treaty, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information, to review the regulations. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed.

Background

The Panama Canal Treaty, effective October 1, 1979, returned sovereign control of the United States Territory known as the Panama Canal Zone to the Republic of Panama. That transfer of control included sovereignty over the airspace above the former Canal Zone. Accordingly, the authority of the FAA to regulate that airspace ended on the date that the treaty became effective.

By letter received on May 28, 1980, the Chief, Aviation Program and Policy Division, United States Department of State, requested that the phrase "Panama Canal Zone" in the FAR's be changed to "Republic of Panama." This action will eliminate entirely those FAR's which reference the Panama Canal Zone.

The ADIZ's were established to ensure that the Department of Defense could monitor and identify all aircraft entering United States airspace. Since the Panama Canal Zone is no longer sovereign airspace of the United States, the need and authority for surrounding it with a domestic ADIZ no longer exist. On April 10, 1980, the Republic of Panama established its own ADIZ around the former Canal Zone.

The United States Department of Defense has approved this cancellation of the Panama Canal Zone ADIZ.

Because the Panama Canal Treaty has already effectively invalidated the Panama Canal Zone ADIZ, this amendment merely alters the FARs to conform to a situation which already exists. I, therefore, find that advance notice and public procedure are unnecessary in this instance.

Adoption of the Amendment

Accordingly, Part 99 of the Federal Aviation Regulations (14 CFR Part 99) is amended, effective 0900 GMT, October 21, 1981, as follows:

PART 99—SECURITY CONTROL OF AIR TRAFFIC

§ 99.33 [Reserved]

1. Section 99.33 of Subpart A is removed. This section is reserved.

§ 99.43 [Amended]

2. In § 99.43 of Subpart B, paragraph (c) is removed.

(Secs. 307, 313(a), 1102, 1110, and 1202, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1502, 1510, and 1522))

Note.—This action merely alters the Federal Aviation Regulations to conform to rules and procedures previously established by international agreement. The FAA has thus determined that this action—(1) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (2) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this regulation is being issued as a result of a Treaty with the Republic of Panama, it is excluded from the provisions of Executive Order 12291.

Issued in Washington, DC, on September 11, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-27381 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD Regulation 6010.8-R]

Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary, DoD.

ACTION: Interim notice of policy.

SUMMARY: This is an interim notice of policy to Part 199 of this title. This notice advises the public of a change to DoD Regulation 6010.8-R in connection with ambulatory surgery. For specified surgical procedures performed in a hospital outpatient department or authorized freestanding ambulatory surgery facility, CHAMPUS benefits may now be extended on the basis of the inpatient cost-sharing formula. This change results from Pub. L. 96-552, signed into effect on December 19, 1980 and applies only to dependents of uniformed service members on active duty.

EFFECTIVE DATE: The provisions contained in this interim notice are effective retroactively for specified covered surgical procedures performed on or after October 1, 1980.

FOR FURTHER INFORMATION CONTACT: James N. Snipe, Chief, Policy Branch, OCHAMPUS, Aurora, Colorado 80045, telephone (303) 341-8608.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the Federal Register on April 4, 1977, (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

Section 199.10(f)(2) of this part sets forth cost-sharing provisions for dependents of active duty members of the uniformed services. For otherwise covered outpatient services or supplies provided in any fiscal year, this class of beneficiaries is responsible for payment of the first $50, plus 20% of the CHAMPUS-determined allowable costs/charges. The cost-sharing rate for covered inpatient care is the first $25, or the amount the beneficiary/patient (or sponsor) would have been charged had the inpatient care been provided in a Uniformed Service hospital (currently $5.50 per day), whichever is greater.

Because of CHAMPUS' inpatient cost-share advantages for dependents of active duty members, certain surgical procedures which could safely and effectively be performed in an outpatient setting are often obtained on an inpatient basis, resulting in increased costs to the Government. In an effort to reduce health care costs, and due to the increasing popularity and widespread use of ambulatory surgery, Pub. L. 96–552 was signed into effect. For dependents of members of the Uniformed Services serving on active duty, this Public Law now permits CHAMPUS to apply inpatient cost-sharing rates for certain surgery performed on an outpatient basis. Thus, the inpatient cost-sharing provisions may be applied when certain specified surgical procedures are performed in the outpatient department of a hospital or in an authorized freestanding ambulatory surgical facility. Since the primary intent of Pub. L. 96–552 is to reduce hospital costs related to those surgical procedures which could be performed on an outpatient basis, those procedures which are routinely performed on an outpatient basis will continue to be cost-shared in accordance with the outpatient cost-sharing formula.

It should be noted here that for these outpatient procedures that qualify for application of the inpatient cost-sharing provisions under this change, the $25.00 cost share amount applies to *each* episode of care, not once per fiscal year as does the outpatient deductible. In the same respect, the $25.00 cost share cannot be used to satisfy the annual fiscal year outpatient deductible.

An amendment to DoD Regulation 6010.8–R reflecting this change in benefits, a list of the specified procedures which qualify for the special ambulatory cost sharing, and the criteria under which freestanding ambulatory surgical facilities may be considered as authorized CHAMPUS providers, will be published shortly. CHAMPUS Fiscal Intermediaries will delay processing claims for ambulatory surgery until the more detailed Regulation change is published.

Dependents of active duty military members whose claims for ambulatory surgery (performed on or after October 1, 1980) have already been reimbursed in accordance with the CHAMPUS outpatient cost-sharing provisions, should *resubmit their claims to the appropriate CHAMPUS Fiscal Intermediary* for reconsideration of reimbursement in accordance with this change. Only those claims for outpatient surgery performed in an outpatient department of a hospital or authorized freestanding ambulatory surgery facility should be re-submitted. As soon as detailed instructions are received, the already processed claims will be reviewed and, where advantageous to the beneficiary, will be recomputed on the basis of the special ambulatory surgery cost-sharing provision.

Dated: September 16, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81–27319 Filed 9–18–81; 8:45 am]

BILLING CODE 3810-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rate on Mobile Home Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum permissible interest rate on guaranteed mobile home loans. The maximum interest rates are increased because the former rates were not sufficiently competitive to induce private sector lenders to make VA guaranteed mobile home loans. The increases will attract funds for GI mobile home loans; thereby, allowing veterans to purchase mobile homes with the assistance of no downpayment VA loans.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202–389–3042.

SUPPLEMENTARY INFORMATION: The Administrator is required by law to establish a maximum interest rate for mobile home loans guaranteed by the Veterans Administration as he finds the capital markets demand. This authority has been delegated by 38 CFR 2.6(b)(3) to the Chief Benefits Director, Deputy Chief Benefits Director, or person authorized to act for them. Recent market indicators, including the general increase in interest rates charged on conventional mobile home loans and the increase in the prime interest rate, have shown that the capital markets have become more restrictive. The maximum rates formerly in effect for VA guaranteed mobile home loans were not sufficiently competitive to induce private sector lenders to make VA guaranteed mobile home loans. To assure a continuing supply of funds for mobile home loans through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rates is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed mobile home loans.

The increase in the interest rate applies to mobile home unit loans, mobile home lot and site preparation loans, and combination loans involving the purchase of a mobile home unit and lot.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register**, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

This regulatory amendment has also been reviewed under the provisions of Executive Order 12291. The VA finds that it does not come within the definition of a "major rule" as defined in that Order. Also, the existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process will still permit timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of credit at rates consistent with the market.

This final regulation comes within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR § 1.12. The publication of notice of a regulatory change in maximum interest rates for

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VA guaranteed mobile home loans would create an acute shortage of funds pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of a proposed regulation prior to publication of a final regulation is impracticable, unnecessary, and contrary to the public interest.

The official program number and title of the VA program affected by this action as set forth in OMB Circular A–89, Catalog of Federal Domestic Assistance, is 64.119, Veterans Housing—Mobile Home Loans.

This regulation is adopted under authority granted to the Administrator by sections 210(c), and 1819(f) and (g) of title 38, United States Code and delegated to the undersigned by 38 CFR § 2.6(b)(3). The regulation is clearly within that statutory authority and is consistent with Congressional intent.

The increases in the maximum interest rates are accomplished by amending § 36.4212(a)(1), (2), (3), Title 38, Code of Federal Regulations.

Approved: September 11, 1981.

By direction of the Administrator.

Dorothy L. Starbuck,
Chief Benefits Director.

PART 36—LOAN GUARANTY

In § 36.4212, paragraph (a) is revised as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date (38 U.S.C. 1819(f)):

(1) Effective September 14, 1981, 19½ percent simple interest per annum for a loan which finances the purchase of a mobile home unit only.

(2) Effective September 14, 1981, 19 percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective September 14, 1981, 19 percent simple interest per annum for a loan which will finance the simultaneous acquisition of a mobile home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the mobile home.

* * * * *

(38 U.S.C. 210(c), 1819(g))

[FR Doc. 81–27374 Filed 9–18–81; 8:45 am]

BILLING CODE 8320–01–M

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38 CFR Part 36

Increase in Maximum Permissible Interest Rate on New Guaranteed, Insured and Direct Loans for Homes and Condominiums, and for Home Improvement Purposes

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rates on guaranteed, insured and direct loans for homes and condominiums and for energy conservation and other home improvement loans. The maximum interest rates are increased because the former interest rates were not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rates will assure a continuing supply of funds for home mortgages and improvement purposes.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW, Washington, D.C. 20420 (202–389–3042).

SUPPLEMENTARY INFORMATION: The Administrator is required to establish a maximum interest rate for home and condominium loans and energy conservation and home improvement loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. This authority has been delegated by 38 CFR 2.6(b)(3) to the Chief Benefits Director, Deputy Chief Benefits Director, or person authorized to act for them. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rates in effect for VA guaranteed home and condominium loans and those for energy conservation and home improvement purposes have not been sufficiently competitive to induce private sector lenders to make these types of VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rates applicable to home and improvement loans is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981, **Federal Register** (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they do not come within the definition of a "major rule" as defined in that Order. Also, the existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process will still permit timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the maximum interest rates for VA guaranteed, insured, and direct home and condominimum loans and loans for energy conservation and other home improvement purposes would create an acute shortage of funds pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

The official program numbers and titles of the VA programs affected by this action as set forth in OMB Circular A–89, Catalog of Federal Domestic Assistance, are 64.113, Veterans Housing—Direct Loans and Advances, and 64.114, Veterans Housing—Guaranteed and Insured Loans.

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1) and 1811(d)(1) of title 38, United States Code and delegated to the undersigned by 38 CFR 2.6(b)(3). The regulations are clearly within that statutory authority and are consistent with Congressional intent.

The increases in the maximum interest rates are accomplished by amending §§ 36.4311 and 36.4503(a), Title 38, Code of Federal Regulations.

Approved: September 11, 1981.

By direction of the Administrator.

Dorothy L. Starbuck,
Chief Benefits Director.

PART 36—LOAN GUARANTY

1. In § 36.4311, paragraphs (a) and (b) are revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 17½ per centum per annum, effective September 14, 1981, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 17½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Effective September 14, 1981, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs which is guaranteed or insured wholly or in part on or after such date may not exceed 18 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

* * * * *

2. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of §36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 17½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 18 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

(38 U.S.C. 210(c), 1803(c))

[FR Doc. 81–27375 Filed 9–18–81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A–6–FRL–1929–7]

Designation of Areas for Air Quality Planning Purposes: State of Texas

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This rule reaffirms the attainment status designation for ozone (O_3) for McLennan County, Texas which was promulgated April 8, 1980. This rule was necessitated by the decision of the U.S. Court of Appeals for the Fifth Circuit remanding to EPA its (EPA) original designation of March 3, 1978 of McLennan County as a nonattainment area for ozone. The notice proposing to reaffirm the ozone attainment designation for McLennan County was published in the **Federal Register** on May 29, 1981 at 46 FR 28872.

EFFECTIVE DATE: Effective on October 21, 1981.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region 6, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On May 29, 1981 at 46 FR 28872, EPA proposed to reaffirm the attainment status designation for ozone (O_3) for McLennan County, Texas. Public comments were solicited but none were received. Therefore, EPA is hereby reaffirming the attainment designation for ozone (O_3) for McLennan County.

A complete discussion of the proposal is found in EPA's notice of proposed rulemaking 46 FR 28872, May 29, 1981. Briefly stated, on June 26, 1980, the United States Court of Appeals for the Fifth Circuit set aside the nonattainment ozone designation for McLennan County promulgated by EPA on March 3, 1978. The Court found that EPA had violated the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 553 [d] and [c], by failing to provide notice and opportunity to comment prior to taking final action on the original McLennan County nonattainment designation. The Court also found that EPA's subsequent redesignation to attainment for McLennan County promulgated on April 8, 1980, did not necessarily moot the controversy because, on the basis of the record before it, it could not find that a further redesignation of McLennan County to nonattainment was not imminent.

EPA believes that the ozone attainment designation promulgated on April 8, 1980, moots the case before the Fifth Circuit. However, to satisfy the Court's remand order, EPA is hereby reaffirming the attainment designation for ozone (O_3) for McLennan County.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only reaffirms an area air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of September 21, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is Major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because this action is taken pursuant to a court order and is only a reaffirmation of an attainment designation already in effect; therefore, it imposes no new regulatory requirements. This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Secs. 107(d), 171(2), and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7407(d), 7501(2), and 7601(a))

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Dated: September 15, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-27376 Filed 9-18-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 81

[A-9-FRL 1930-4]

Designation of Areas for Air Quality Planning Purposes; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: On March 19, 1981, the State of Michigan, pursuant to section 107(d)(5) of the Clean Air Act (Act), requested the U.S. Environmental Protection Agency (EPA) to reduce the size of the area in Saginaw County that is designated nonattainment for carbon monoxide (CO). EPA has reviewed the redesignation request and the data submitted by the State to support the request and approves reduction of the size of the Saginaw County nonattainment area.

The purpose of this notice is to announce receipt of the redesignation request, to discuss the results of EPA's review, and to announce final rulemaking action today on the redesignation request. This action is effective November 20,1981, unless comments are received before that date.

EFFECTIVE DATE: November 20,1981.

ADDRESSES: Copies of the redesignation request and the supporting air quality data are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Michigan Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909

Requests for comments on this final proposed rule should be addressed to:

Gary Gulézian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Anne Ernstein, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6039.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Clean Air Act (Act) as amended in 1977, each state was to submit to the Administrator of EPA a list of those areas within the state with ambient air concentrations of the pollutants sulfur dioxide (SO_2), total suspended particulates (TSP), nitrogen oxides (NO_x), carbon monoxide (CO), and ozone (03) exceeding the EPA-established primary and secondary National Ambient Air Quality Standards (NAAQS) for each of these pollutants. These areas were to be designated as nonattainment areas. The areas within each state which had ambient air concentrations of any of these pollutants at or below the NAAQS were to be designated as attainment areas. Those areas which lacked sufficient monitoring data to accurately determine their status were to be desigated as unclassified areas.

The purpose of making these designations was to determine which areas within the state required additional control measures to reduce the emissions of these five air pollutants or their precursors. For those areas designated as nonattainment, the Clean Air Act Amendments of 1977 required the state to submit a revised State Implementation Plan (SIP) by January 1, 1979. These SIP revisions must demonstrate attainment of the NAAQS as expeditiously as practicable, but, in the case of national primary ambient air quality standards, not later than December 31, 1982. Under certain conditions, the date may be extended to December 31, 1987 for ozone and/or carbon monoxide.

In the March 3, 1978 **Federal Register** (43 FR 8962) and in the October 5, 1978 **Federal Register** (43 FR 45993), the Administrator of EPA promulgated lists of nonattainment areas for each pollutant in each State. These lists also contained classifications for the attainment and unclassified areas within the State.

Pursuant to section 107(d) of the Act, the designation for an area may be changed whenever sufficient data exist to warrant a redesignation. A change in an area's designation from primary nonattainment to either secondary nonattainment or attainment may be approved if there are eight consecutive quarters of the most recent quality assured, representative ambient air quality data which show no violation of the appropriate primary NAAQS. This change in designation may also be approved if (1) four consecutive quarters of data indicate no violations and (2) enforceable emission controls have been instituted which are sufficient to explain the air quality improvement.

On October 5, 1978, EPA designated the following area in Saginaw County as nonattainment for CO: R4E, T12N, Sections 1, 12, 13, & 24 R5E, T12N, Sections 4-9, 16-21, (40 CFR 81.323).

On March 19, 1981, the State of Michigan requested EPA to reduce the size of the nonattainment area in Saginaw County to the following:

> Starting at the SE corner of the NAA at the intersection of Needham and Findley Roads, the southern boundary is west on Needham Road to N. 14th, south on N. 14th to Farwell and west on Farwell to N. 6th. The western boundary runs north from the Farwell-N. 6th intersection to the north boundary of the southern half of the SW quarter of Section 7. The NAA is bounded on the north by the northern boundary of the southern half of the SW and SE quarters of Section 7 and the northern boundary of the southern half of the SW and SE quarters of Section 8 from N. 6th to Findley Road. The eastern boundary of the NAA runs along Findley Road south to the intersection of Findley and Needham Roads.

To support this redesignation request, on March 19, 1981 the State submitted available CO ambient monitoring data collected between 1976 and 1980 for all State and industrial monitors located within the present nonattainment area. There are a total of 5 monitors in the area: Site 901, located at Hack and Crow Island, Site 902, located in the Chevrolet Ball Field, Site 903, located at Norman and Fifth Streets and Site 904, located at 3235 N. Washington and Site 002 located at Second National Bank M-13 at M-81 Saginaw.

Although there were not eight continuous quarters showing attainment for sites 901, 902, 903 and 904, there were four quarters of data showing attainment following the implementation of controls for sources at these locations. The fifth, site 002, was the only one with the area showing violations of the NAAQS. To determine the size of the proposed nonattainment area the State examined the impact of CO emissions from sources located near site 002.

Located near that site are two plants, the General Motors Nodular Iron Foundry Plant and the General Motors Grey Iron Foundry Plant. The State of Michigan determined that the Nodular Iron Plant did not significantly contribute to the CO readings at Site 002. The Grey Iron Plant, however, was judged to be the principal cause of the exceedances at Site 002. Therefore, the State defined the nonattainment area so that it would include the Grey Iron Plant.

As a result of the data collected at the five monitors in the area, the State of

Michigan has determined that the present CO nonattainment area should be reduced and that the boundaries described above which include the Grey Iron Foundry, should define the proposed nonattainment area.

After reviewing the monitoring data submitted for the area and the proposed boundry modification, EPA has determined that the monitoring data is valid and the redesignation is appropriate. Therefore, EPA approves reduction of the size of the CO nonattainment area to the area described above.

This action will be effective November 20, 1981. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose this action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that revisions of attainment status designations under Section 107(d) of the Act will not have a significant economic impact on a substantial number of small entities. Today's rulemaking proposes to revise an attainment designation under Section 107(d) and will, if promulgated, remove some regulatory requirements mandated by the CAA.

Under Executive Order 12291 (Order), EPA must also judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes air quality designations and imposes no regulatory requirements. Any regulatory requirement which may occur as a result of this action will be dealt with in an separate notice. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

This Notice of Final Rulemaking is issued under the authority of Section 107 of the Clean Air Act, as amended (42 U.S.C. 7407).

Dated: September 11, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C—Section 107 Attainment Status Designations

Section 81.323 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended. In the table for "Michigan—CO", the entry for Saginaw County should be revised to read as follows:

§ 81.323 Michigan.

Michigan—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
* * * * *		
AQCR 122—Except subareas defined:		
Saginaw County: Starting at the SE corner of the NAA at the intersection of Needham and Findley Roads, the southern boundary is west on Needham Road to N. 14th, south on N. 14th to Farwell and west on Farwell to N. 6th. The western boundary runs north from the Farwell–N. 6th intersection to the north boundary of the southern half of the SW quarter of Section 7. The NAA is bounded on the north by the northern boundary of the southern half of the SW and SE quarters of Section 7 and the northern boundary of the SW and SE quarters of Section 8 from N. 6th to Findley Road. The eastern boundary of the NAA runs along Findley Road south to the intersection of Findley and Needham Roads.	X	
The remainder of Saginaw County		X
* * * * *		

[FR Doc. 81–27373 Filed 9–18–81; 8:45 am]

BILLING CODE 6560–01–M

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40 CFR Part 86

[FRL–1881–7]

Revised Motor Vehicle Exhaust Emission Standards for Carbon Monoxide (CO) for 1982 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes CO emission standards for several 1982 model year light-duty vehicle engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(5) of the Clean Air Act, 42 U.S.C. 7521(b)(5). This action has the effect of allowing the manufacturer in question to produce the vehicles covered by this action under the higher CO emission standard of 7.0 grams per vehicle mile (g/mi).

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382–2521.

ADDRESSES: Information relevant to this rule, including the document embodying my decision on the waiver application in question is contained in Public Docket EN–81–6 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street SW., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of the decision document may also be obtained by contacting the Manufacturers Operations Division as stated above.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(A) of the Clean Air Act ("the Act"), 42 U.S.C. 7521(b)(1)(A), requires that regulations applicable to CO emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which require a reduction of at least 90 percent from CO emission levels allowable under the 1970 model year standards. Regulations implementing this requirement have established a CO standard, often referred to as the "statutory standard" for CO, of 3.4 g/mi.

Section 202(b)(5) of the Act authorizes the Administrator, on application of any manufacturer, to waive the statutory CO standard for the 1981 and 1982 model years for any light-duty vehicle model regarding which the Administrator can make certain findings. In these cases, the Act requires that I promulgate substitute CO standards for 1981 and 1982 model year light-duty vehicles for which I have granted waivers. General Motors Corporation (GM) submitted an application for waivers for certain light-duty vehicle models for the 1982 model year. The statutory criteria, my determinations regarding the criteria with respect to the vehicle models covered by the waiver application, and my decision to grant the waiver requests appear in a decision available in the

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Public Docket and the Manufacturers Operations Division as stated above. In that decision, I granted waivers covering the following vehicle models (considered as engine families for purposes of that decision) for the 1982 model year:

Manufacturer	Engine family
General Motors Corp.	3.8 Liter (L)/229 CID-2V. 4.4L. 5.0/5.7L.

For the reasons detailed in the decision on GM's application, I have determined that the public interest benefits from granting these waiver requests from this manufacturer, which is facing substantial economic problems, outweigh the potential environmental benefits from denying these waivers. Information submitted in support of these waiver requests established that it is essential to provide this manufacturer with sufficient production flexibility to improve the competitiveness of these models under current market conditions by waiving the 3.4 g/mi statutory CO standard and providing the manufacturer with the ability to improve fuel economy and driveability and possibly to reduce the cost of its vehicles.

Once I have decided to grant the waiver applications for these vehicle models, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from vehicles of these engine families to exceed 7.0 g/mi. The Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver application in question. The public has been afforded an opportunity to comment on this waiver application, and I have considered those comments in making the decision which requires the promulgation of this amended rule.

For these reasons, I find that providing notice and an opportunity to comment before final promulgation of any of the amendments contained in this rulemaking would be impracticable and unnecessary.

I find that good cause exists to make this rule effective immediately since it would avoid the possibility of forcing the affected manufacturer to delay introducing its 1982 model year vehicles into commerce because it must wait to receive certificates of conformity for these models until this rule becomes effective.

Note.—Because the decision accompanying this rulemaking is based on a detailed analysis indicating that this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This action is not major because it is not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

GM has indicated that waivers would result in a reduction in first costs to consumers, although GM was unable to determine the actual amount. Further, since this action has the effect of reducing the regulatory burden on a domestic manufacturer, it is unlikely to have an adverse effect on employment, investment, or productivity. The applicant, GM, is a United States-based enterprise; therefore, this action should not adversely affect the ability of this manufacturer to compete with foreign-based enterprises.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standard established by this notice directly affects only GM, which is not a "small entity" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

These amendments are issued pursuant to sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7601(a).

Dated: September 15, 1981.

Anne M. Gorsuch,

Administrator.

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

For the reasons set forth above, 40 CFR 86.082-8(a)(1)(ii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 light-duty vehicles.

(a)(1) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corp.	151 CID. 258 CID.
BL Cars, Ltd	215 CID. 326 CID. 4.2 liter/fuel injected.
Chrysler Corp.	1.6 liter. 1.7 liter. 2.2 liter. 2.6 liter. 3.7 liter. 5.2 liter/2-V. 5.2 liter/4-V.
Excalibur Motors, Ltd	305 CID.
Ford Motor Co.	1.6 liter. 2.3 liter/turbocharged. 2.3 liter. 3.3 liter. 3.8 liter/V-6. 4.2/5.0 liter. 5.8 liter.
General Motors Corp.	1.6 liter. 1.8/2.0 liter. 1.8 liter/fuel injected. 2.5 liter/throttle body fuel injected. 2.8 liter/173 CID-2V. 3.0/3.8 liter/231 CID-2V. 3.8 liter/turbocharged. 3.8 liter/229 CID-2V. 4.1 liter/fuel injected. 4.4 liter. 5.0/5.7 liter/fuel injected. 5.0/5.7 liter.
Lotos Cars, Ltd	2.0 liter. 2.2 liter. 2.2 liter/turbocharged. 4.0 liter.
Subaru of America	1.6 liter. 1.8 liter.
Toyota Motor Co. Ltd	88.6 CID
Volkswagen of America	1.7 liter/feed back carburetor.

* * * * *

(Secs. 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7601(a))

[FR Doc. 81-27378 Filed 9-18-81; 8:45 am]

BILLING CODE 6560-35-M

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40 CFR Part 123

[SW-7-FRL 1923-4]

Kansas Application for Interim Authorization, Phase I, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region VII.

ACTION: Issuance of Phase I Interim Authorization of State Program.

SUMMARY: The State of Kansas has applied for interim authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act (RCRA) and EPA guidelines for the approval of State hazardous waste programs (40 CFR Part 123). EPA has determined that the State's program meets all applicable statutory and regulatory requirements and is granting Phase I interim authorization to Kansas to operate a

hazardous waste program in lieu of Phase I of the Federal hazardous waste program in its jurisdiction.

EFFECTIVE DATE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby, Chief, Hazardous Materials Branch, U.S. EPA, Region VII, 324 East 11th Street, Kansas City, Missouri 64106 (Telephone 816/374-6534).

SUPPLEMENTARY INFORMATION:

I. Background

In the May 19, 1980, **Federal Register** (45 FR 33063), EPA promulgated regulations pursuant to Subtitle C of RCRA, to protect human health and the environment from the improper management of hazardous wastes. Included in these regulations, which became effective on November 19, 1980, were provisions for a transitional stage during which states could be granted interim program authorization provided that state programs were determined to be substantially equivalent to the Federal program. The interim authorization process will be implemented in two phases corresponding to the two stages in which the underlying Federal program takes effect.

The State of Kansas submitted its draft application for Phase I interim authorization on August 1, 1980. After detailed review, EPA identified several areas of major concern and transmitted comments to the State for its consideration on October 14, 1980. The State subsequently made revisions to its Phase I interim authorization application in order to clarify those aspects of the program which had been questioned during the EPA review. In addition, new hazardous waste legislation and emergency regulations were proposed and eventually approved.

On April 13, 1981, the State of Kansas submitted its final application for Phase I interim authorization. A May 4, 1981, **Federal Register** notice (45 FR 24968) announced the availability of the Kansas interim authorization application for public review and gave notice of a June 3, 1981, public hearing.

After detailed review of the final Kansas application and hazardous waste management program by an EPA review team consisting of both Headquarters and Regional Office personnel, comments were transmitted to the State of Kansas on May 27, 1981, concerning the following primary areas of concern.

1. The State of Kansas had newly-passed hazardous waste legislation which was effective July 1, 1981. Since this legislation provided more authority including enforcement remedies and fines, it was recommended that the new legislation be further discussed and cited in the application.

2. The Attorney General's Statement must certify that the authorization plan, if carried out, would provide the State with legal authority to meet requirements for *final* Phase I authorization.

3. The State's authority to adopt regulations by reference must be addressed by the Attorney General. Also, clarification of which Federal regulations were adopted by reference and were applicable in the April 10, 1981, Kansas emergency regulations was needed.

4. Adequate authority to sue had not been demonstrated.

5. It had not been demonstrated that any of the available options for public participation in the enforcement process have been satisfied.

There were a number of minor comments in EPA's May 27, 1981, letter in addition to the primary ones listed above. To allow for sufficient public review, a June 1, 1981, **Federal Register** notice (46 FR 29292) extended the public comment period to July 3, 1981, since it was anticipated that a response to these comments would be available at the June 3, 1981, public hearing.

The State of Kansas did respond to most of these comments in a June 3, 1981, addendum to the application which was read into the record at the public hearing. However, references to newly-passed hazardous waste legislation and other clarifications requested of the Attorney General were not yet available. It was agreed that a revised Attorney General's Statement would be submitted no later than June 12, 1981. The State also requested at the public hearing that the formal review period be extended 45 days which meant that a decision must be made by EPA on interim authorization no later than September 17, 1981.

As agreed at the public hearing, a revised Attorney General's Statement was received by EPA on June 12, 1981. A June 12, 1981, **Federal Register** notice (45 FR 31026) again extended the public comment period to July 13, 1981, and announced that the formal review process had been extended 45 days to September 17, 1981, as requested by the State of Kansas.

After review of the June 3, 1981, addendum and the June 12, 1981, revised Attorney General's Statement, minor clarifications were still necessary in the areas of the applicability of Federal regulations, Attorney General's certification, authority to sue and public participation. It was determined that another extension of the public comment period was not necessary since these issues had been previously addressed in the review process and needed clarification only. A discussion of these four areas follows.

1. The first area, concerning incorporation of Federal regulations by reference, created considerable confusion but has since been resolved by the State of Kansas. Kansas Administrative Regulation (KAR) 28-29-4 incorporated by reference 40 CFR 260 through 266 effective April 1, 1981, which apply as indicated in the Kansas regulations. Clarification of exactly which regulations are applicable in Kansas was needed.

The Attorney General and the State of Kansas have stated that all of the Federal regulations in 40 CFR 260 through 266 which were effective April 1, 1981, are applicable and enforceable in Kansas. Since Kansas regulations are substantially equivalent to the Federal regulations effective on April 1, 1981, a number of minor concerns regarding the Kansas regulations have been eliminated. Due to the incorporation of Federal regulations in the State regulations by reference, a few minor inconsistencies exist. Where such inconsistencies do exist, the more stringent requirements shall prevail.

2. The second problem area, concerning the Attorney General's Certification, has been resolved by the State. The June 12, 1981, Attorney General's Certification only addressed authority to meet the requirements for final authorization to issue and enforce permits and did not address legal authority to meet Phase I requirements. It was determined from further discussions with the Attorney General that his broad certification was intended to encompass Phase I. The Certification has been revised in the July 28, 1981, letter from the Attorney General to further clarify this issue.

Although the Attorney General's broad certification also addresses permitting, it is understood that Phase I authorization of the State's hazardous waste program does not include Federal permitting activities. EPA shall retain RCRA permitting authority until Phase II authorization has been granted to the State of Kansas.

3. The State of Kansas had not demonstrated adequate authority to sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of any program requirements in accordance with 40 CFR 123.128(f)(1)(ii). Further discussions with the State and the July 28, 1981, letter

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from the Attorney General have resolved this matter in the following way.

Section 13(e) of the newly enacted House Bill 2181 provides, in part, the Kansas Department of Health and Environment with authority to take appropriate enforcement actions for a violation of state hazardous waste program requirements. The Attorney General advises that injunctive relief would be so classified, thus meeting the requirement noted above. In addition, Section 15 of the same Act allows judicial enforcement, including injunction, of the Department's administrative orders which may be issued "to prevent pollution or a hazard." Section 17(a)(2) of the Act specifically provides for injunctive relief where there is a substantial hazard.

4. The State of Kansas had not demonstrated authority to satisfy any of the available options for public participation in the enforcement process. The Attorney General stated in the June 12, 1981 statement that his office was unable to provide the assurance that it will not oppose intervention on the ground that the State is adequately representing the interest of the applicant because there may be occasions when only the Attorney General's office would be adequate to represent the public interest. Further clarification was needed as to the circumstances under which public intervention might be opposed.

The Kansas Rules of Civil Procedure, K.S.A. 60–224, are identical to Rule 24(a)(2) of the Federal Rules of Civil Procedure. Kansas has satisfied the intent of the Federal requirements for public participation in the enforcement process by providing general assurance from the Attorney General in his July 28, 1981 letter that he will not oppose a citizen's intervention in a judicial enforcement action brought by the State under the Kansas Hazardous Waste Management Act, on the grounds that he represents the interests of the proposed intervenor, but he may oppose the intervention if, in his judgment, it would impede or impair the Attorney General's ability to protect the interests of the State of Kansas. The Kansas Attorney General strongly supported his position with citations from the State constitution and Kansas Supreme Court cases.

The Kansas hazardous waste management program has been determined substantially equivalent to the Federal program and even more stringent in certain areas. As stated in 40 CFR 123.121(g), nothing precludes a State from:

1. Adopting or enforcing requirements which are more stringent or more extensive than those required under 40 CFR Part 123 Subpart F;

2. Operating a program with a greater scope of coverage than that required under the subpart. Where an approved program has a greater scope of coverage than required by Federal law, the additional coverage is not part of the Federally approved program.

II. Response to Public Comments

In the June 12, 1981 **Federal Register** notice (45 FR 31028), EPA gave the public until July 13, 1981, to comment on the Kansas application for Phase I interim authorization of the State's hazardous waste management program. The Agency also held a public hearing in Topeka, Kansas on June 3, 1981. One person offered comments at the public hearing as follows. Although the end of the comment period was extended from June 3, 1981, to July 13, 1981, to allow review of the addendum and the revised Attorney General's statement, no further comments were received.

Comment: The commentor had not received the Hearing Officer's report from a January 5, 1981 public hearing held by the State of Kansas concerning current Kansas regulations.

Response: The State of Kansas will send a copy of the Hearing Officer's report to the commentor.

Comment: Kansas requirements for annual reporting were not clear.

Response: The State of Kansas intends to adopt the same format and require the same information as EPA. Federal requirements for annual reports were cancelled this year and Kansas cancelled State requirements also.

Comment: The commentor felt that Kansas should also accept manifest formats which have been accepted by EPA and the Department of Transportation (DOT) rather than requiring a particular State format.

Response: Kansas regulations do state that a manifest form will be approved for use in Kansas. However, a specific form has not been established. Any form which supplies the information required by EPA and DOT is acceptable. A form has not been approved by Kansas due to the possibility of development of a national uniform manifest.

Comment: The commentor felt that requiring disposal authorization from the State before transporting hazardous waste was an unwarranted burden without any real gain.

Response: Disposal authorization is only required for off-site disposal of hazardous waste within the State of Kansas. This authorization remains valid for one year as long as the hazardous waste, disposal site and procedures remain the same. Also, the new hazardous waste legislation in Kansas mandates the encouragement of recycling and the minimization of land disposal. Requiring authorization prior to disposal allows the State an opportunity to review the disposal method and, if feasible, recommend recycling. The State believes this authorization is necessary to assure the protection of the environment and the citizens of Kansas since a commercial hazardous waste disposal facility is located in Kansas.

Comment: The commentor objected to a 100 kilogram per month exclusion quantity in Kansas rather than the 1000 kilograms per month as provided in 40 CFR 261.5(a).

Response: Kansas has had a hazardous waste managment program since 1977 which is several years prior to the establishment of the Federal regulations. The State did not previously have an exclusion quantity, which meant essentially that all hazardous waste, regardless of quantity, was regulated. Kansas believes it is more reasonable to only increase the limit to 100 kilograms per month. Also, the State is aware that EPA has discussed lowering the Federal limit to 100 kilograms per month.

Comment: The Kansas regulations prohibit the use of waste oil as a fuel unless it has been reprocessed. This appears unreasonable since it would probably not be feasible to burn waste oil as fuel if it had to be reprocessed first.

Response: KAR 28–29–58(e) states that the use of waste oil as a fuel oil or fuel additive is prohibited unless the oil has been reprocessed or is capable of compliance with all air quality emission requirements. If waste oil can be burned as fuel without any air quality emission violations, it does not need to be reprocessed.

Comment: Changes and interpretations to the Federal regulations, such as Regulatory Interpretory Memoranda, are not required to be implemented by the State.

Response: The State of Kansas intends to incorporate appropriate changes of intent or interpretations of the Federal regulations into the operation of the State program and regulations as necessary. A bulletin which is sent to members of the Kansas regulated community having EPA identification numbers would be utilized for notification of any changes. In addition, the State would have to incorporate any changes to the Federal regulations to date when subsequent components of Phase II are applied for.

III. Decision

EPA has reviewed the complete application for Phase I interim authorization for the State of Kansas and has determined that the State program is "substantially equivalent" to the Phase I Federal program as defined in 40 CFR Part 123 Subpart F. In accordance with Section 3006(c) of RCRA, the State of Kansas is hereby granted interim authorization to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters, and owners and operators of hazardous waste management facilities in Kansas will be subject to the State of Kansas hazardous waste program in lieu of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and will not again be subject to Phase I of the Federal program unless: (1) The State fails to obtain final authorization by the deadline specified in 3006(c) of RCRA and implementing regulations, or (2) authorization is withdrawn for cause by EPA.

IV. Compliance With Executive Order 12291

Executive Order (EO) 12291 (46 FR 13193, February 19, 1981) requires that EPA prepare a Regulatory Impact Analysis for each major rule. The Order defines a "major rule" as any regulation that is likely to result in:

1. An annual effect on the economy of $100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions;
3. Significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA's decision to approve the Phase I hazardous waste program in Kansas is not a major regulation because its effect is to suspend the applicability of certain Federal regulations in the State of Kansas. In the absence of this decision, persons handling hazardous waste in Kansas would have to comply with Parts 260–263 and 265 of Title 40 of the Code of Federal Regulations in addition to all Kansas hazardous waste management regulations. For this reason it is virtually inconceivable that this regulation would result in the significant impacts that characterize a "major regulation."

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

V. Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: August 12, 1981.

William W. Rice,

Acting Regional Administrator.

Subject: Kansas Application for Interim Authorization, Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Dated: September 15, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-27379 Filed 9-18-81; 8:45 am]

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40 CFR Part 180

[PP 7E1914/R345; PH-FRL 1935-8]

Tolerances and Exemptions for Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Cross-Linked Nylon-Type Encapsulating Polymer

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of cross-linked nylon-type encapsulating polymer when used as an inert encapsulating material for formulations of the insecticide parathion when applied to sorghum. This regulation was requested by Pennwalt Corp. This regulation will permit residues of the subject encapsulating polymer on sorghum without establishment of a maximum permissible level.

EFFECTIVE DATE: Effective on September 21, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of July 1, 1981 (46 FR 34353) that Pennwalt Corp., 900 First Ave., PO Box C, King of Prussia, PA 19406, had requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish an exemption from the requirement of a tolerance for residues of the cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine when used as an encapsulating material for formulations of the insecticide parathion applied to sorghum.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included 90-day rat and dog feeding studies.

Based on the rat and dog 90-day feeding studies, the no-observed-effect level (NOEL) was 10,000 parts per million (ppm) each (the highest level fed). A 21-day radiotracer study in rats at the sensitivity level of 0.1 part per billion (ppb) showed no absorption across the gastrointestinal wall. No alteration in the gastrointestinal mucosa at 10,000 ppm in the diet or the presence of impaction sites was noted in the rat and dog feeding studies. The acceptable daily intake (ADI), theoretical maximum residue contribution (TMRC), and maximum permissible intake (MPI) are not considerations in this proposed

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exemption because of the non-toxic nature of the encapsulating material. Tolerances have previously been established (40 CFR 180.121) for residues of parathion on a variety of raw agricultural commodities including sorghum at 0.1 ppm. The encapsulating polymer data are sufficient to evaluate the hazard from the proposed use. The nature of the encapsulating material is adequately understood. There is no reasonable expectation of residues in eggs, meat, milk, or poultry. There are no regulatory actions pending against registration of the encapsulating material, nor are there essential data lacking from the petition, nor are there any other considerations involved in establishing this exemption.

The subject polymer is considered useful for the purpose for which an exemption from the requirement of a tolerance is sought, and it is concluded that the exemption from the requirement of a tolerance established by amending 40 CFR 180.1028 will protect the public health. Therefore, the exemption from the requirement of a tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this regulation in the **Federal Register**, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: September 21, 1981.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: September 11, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.1028 is amended by designating the existing text as paragraph (a) and adding paragraph (b) to read as follows:

§ 180.1028 Cross-linked nylon-type encapsulating polymer; exemption from the requirement of a tolerance.

(a) * * *

(b) The cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine is exempted from the requirement of a tolerance when used as an inert encapsulating material for formulations of parathion applied to growing sorghum.

[FR Doc. 81-27377 Filed 9-18-81; 8:45 am]

BILLING CODE 6560-32-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1473; Amdt. No.1]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Twenty-second Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE: 11:59 p.m., September 30, 1981, and continuing in effect until 11:59 p.m., October 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: September 15, 1981.

Upon further consideration of Twenty-second Revised Service Order No. 1473 (46 FR 43427), and good cause appearing therefor:

It is ordered, § 1033.1473 Twenty-second Revised Service Order No. 1437, various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) is amended by substituting the following paragraph (n) for paragraph (n) thereof:

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission. The limited duration of this extension is to permit the Commission time to consider the matter of future extensions requested by the Trustee.

Effective date. This order shall become effective at 11:59 p.m., September 30, 1981.

This Action is taken under authority of 49 U.S.C. 10304-10305 and Section 122, Pub. L. 96-254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms to that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27361 Filed 9-18-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order No. 1495; Amdt. No. 1]

Burlington Northern Railroad Co. & Fort Worth and Denver Railway Co. Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Fourth Revised Service Order No. 1495.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes the Burlington Northern and Fort Worth and Denver to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 11:59 p.m., September 30, 1981, and continuing in effect until 11:59 p.m., October 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: September 15, 1981.

Upon further consideration of Fourth Revised Service Order No. 1495 (46 FR 39147), and good cause appearing therefor:

It is ordered, § 1033.1495 Fourth Revised Service Order No. 1495 Various Railroads—Authorized to use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) is amended by substituting the following paragraph (n) for paragraph (n) thereof:

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 30, 1981, unless otherwise modified, amended or vacated by order of this Commission. The limited duration of this extension is to permit the Commission time to consider the matter of future extensions as requested by the Trustee.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1981.

This action is taken under authority of 49 U.S.C. 10304–10305 and Section 122, Pub. L. 96–254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–27360 Filed 9–18–81; 8:45 am]

BILLING CODE 7035–01–M

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Proposed Rules

Federal Register
Vol. 46, No. 182
Monday, September 21, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 4

Nondiscrimination on Basis of Age in Federally Assisted Commission Programs

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering an amendment to its regulations which would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment would make it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages.

DATES: Comments must be received on or before November 20, 1981. Comments received after November 20, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Written comments or suggestions for consideration in connection with the proposed amendments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Docketing and Service Branch. Copies of documents received may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Hudson B. Ragan, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone 301-492-8668).

SUPPLEMENTARY INFORMATION: Section 6102 of the Age Discrimination Act of 1975, as amended, provides in part that "no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance." The Act directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health, Education and Welfare, now the Secretary of Health and Human Services (HHS). The standards and procedures established by the Secretary of HHS have been published as final general regulations in 45 CFR Part 90, 44 FR 33768 (1979). Differences in language between the proposed rule and the HHS general regulations are for the sake of clarity and are not intended to constitute substantive differences. The HHS general regulations are also referred to as the HHS government-wide regulations.

The proposed amendments would be added to 10 CFR Part 4 as Subpart C. The General Provisions, §§ 4.1 through 4.4, and Appendix A which identifies the NRC programs of financial assistance to which Part 4 applies, would be applicable to Subpart C. Subpart C is devoted exclusively to prohibiting discrimination on the basis of age in programs or activities which receive Federal financial assistance.

Sections 4.2 and 4.3(d) of the General Provisions have been amended to more closely conform to language used in the HHS government-wide regulations defining federal financial assistance. The revised language describes the coverage of Part 4 more specifically.

The Act, as implemented by these regulations, generally covers all programs and activities which receive Federal financial assistance. However, the Act and these regulations do not apply to any age distinction "established under authority of any law" which provides benefits or establishes criteria for participation on the basis of age or in age related terms (§ 4.302(b)). Thus, age distinctions which are "established under authority of any law" may continue in use. By the terms of § 4.302(b) "any law" refers to Federal statutes, state statutes, or local statutes adopted by elected, general purpose legislative bodies.

The Act also excludes from its coverage most employment practices, except for programs funded under the public service employment titles of the Comprehensive Employment and Training Act (CETA). These regulations do cover any program or activity which is both a program of Federal financial assistance and provides employment such as the College Work Study Program (42 U.S.C. 2751, *et seq.*) and the Work Incentive Program (42 U.S.C. 630, *et seq.*). The Age Discrimination in Employment Act (ADEA) which is administered by the Equal Employment Opportunity Commission (EEOC), continues to be the Federal statute that prohibits employment discrimination for persons between the ages of 40 and 70. Individuals in this age range who experience employment discrimination, other than in CETA public service employment programs, must look to the ADEA for relief, not to the Age Discrimination Act.

NRC Assistance Programs

The NRC currently provides assistance in the form of training programs for state personnel. The training is performed pursuant to section 274 of the Atomic Energy Act of 1954, as amended, which provides for state assumption of certain areas of NRC regulatory activity. This Agreement States Program is designed to improve the state employees' technical and administrative skills as well as develop an understanding and ability to apply regulatory concepts and procedures.

In addition to the Agreement States Program, the NRC has recently been entering into assistance relationships (grants and certain types of cooperative agreements) with a variety of eligible recipients for projects related to nuclear safety assessment. The use of these assistance instruments is designed to increase the flexibility available to NRC staff in stimulating research and information exchange in technical areas directly related to their regulatory responsibilities. Paragraph (e) of Appendix A is being revised to include this current program. Reference in paragraph (e) of Appendix A to the Uranium Mill Tailings Radiation Control Act of 1978, section 207, Pub. L. 95-604, 92 Stat. 3003, authorizing grants to eligible Agreement States to aid in the development of state regulatory programs, is being deleted since the authority for that program is no longer in effect.

NRC Interim Procedures

The HHS Age Discrimination Task Force has requested agencies who have not published final regulations to include in the publication of proposed regulations pertinent information regarding interim procedures to be followed in the filing and handling of complaints. Recipients and beneficiaries under all programs receiving Federal financial assistance from the NRC are on notice that complaints may be filed alleging acts of age discrimination occurring on or after July 1, 1979. Complaints concerning recipients and beneficiaries of Federal financial assistance from NRC should be addressed to: Director, Office of Equal Employment Opportunity, Nuclear Regulatory Commission, Washington, D.C. 10555.

NRC will screen all complaints and refer those deemed sufficient under the Act and HHS's general regulations (45 CFR Part 90) to the Federal Mediation and Conciliation Service (FMCS) for mediation. The FMCS began mediating complaints on November 1, 1979.

The Act states that a complainant may file a civil action 180 days from the date the complaint was filed if the agency has taken no action, or upon the date the agency makes a determination in favor of the recipient. For purposes of exhaustion of administrative remedies within NRC, the 180 day period will run from the date the complaint is filed with NRC. In cases where NRC has taken no action on a complaint and 180 days have passed, the complainant has the right to file a civil action in a United States District Court for the district in which the recipient is located or transacts business.

Regulatory Flexibility Statement

In accordance with sec. 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Pursuant to the provisions of the Age Discrimination Act of 1975, as amended, the proposed rule conditions the granting of Federal financial assistance by the NRC upon the basis that the recipient shall not discriminate because of age in programs sponsored by the NRC. Moreover, since there are no additional data collection or recordkeeping requirements necessary for compliance, the proposed rule, if implemented, will not result in imposing an economic burden on any recipient, including small entities.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 4 is contemplated.

1. In 10CFR Part 4 the table of contents and citation of authority are revised to read as follows:

PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS

General Provisions

Sec.
4.1 Purpose and scope.
4.1a Subparts.
4.2 Application of this part.
4.3 Definitions.
4.4 Communications and reports.

Subpart A—Regulations Implementing Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974

Discrimination Prohibited

4.11 General prohibition.
4.12 Specific discriminatory actions prohibited.
4.13 Employment practices.
4.14 Medical emergencies.

Assurances Required

4.21 General requirements.
4.22 Continuing State programs.
4.24 Assurances from institutions.

Compliance Information

4.31 Cooperation and assistance.
4.32 Compliance reports.
4.33 Access to sources of information.
4.34 Information to beneficiaries and participants.

Conduct of Investigations

4.41 Periodic compliance reviews.
4.42 Complaints.
4.43 Investigations.
4.44 Resolution of matters.
4.45 Intimidatory of retaliatory acts prohibited.

Means of Effecting Compliance

4.46 Means available.
4.47 Noncompliance with § 4.21.
4.48 Termination of our refusal to grant or to continue Federal financial assistance.
4.49 Other means anthorized by law.

Opportunity for Hearing

4.51 Notice of Opportunity for hearing.

Hearings and Findings

4.61 Presiding officer.
4.62 Right to counsel.
4.63 Procedures, evidence, and record.
4.64 Consolidated or joint hearings.

Decisions and Notices

4.71 Initial decision or certification.
4.72 Exceptions and final decision.
4.73 Rulings required.
4.74 Content of orders.
4.75 Post termination proceedings.

Judicial Review

4.81 Judicial review.

Effect on Other Regulations; Forms and Instructions

4.91 Effect on other regulations.
4.92 Forms and instructions.
4.93 Supervision and coordination.

Subpart B—Regulations Implementing Section 504 of the Rehabilitation Act of 1973, as Amended

4.101 Definitions.

Discriminatory Practices

4.121 General prohibitions against discrimination.
4.122 General prohibitions against employment discrimination.
4.123 Reasonable accommodiation.
4.124 Employment critiera.
4.125 Preemployment inquires.
4.126 General requirement concerning program accessiblity.
4.127 Existing facilities.
4.128 New construction.

Enforcement

4.231 Responsiblity of applicants and recipients.
4.232 Notice.
4.233 Enforcement procedures.

Subpart C—Regulations Implementing the Age Discrimination Act of 1975, as Amended

General

4.301 Purpose and scope.
4.302 Application of this subpart.
4.303 Definitions.

Standards for Determining Age Discrimination

4.311 Rules against age discrimination.
4.312 Definitions of "normal operation" and "statutory objective".
4.313 Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.
4.314 Exceptions to the rules against age discrimination. Reasonable factors other than age.
4.315 Burden of proof.

Duties of NRC Recipients

4.321 Assurance of compliance.
4.322 Written notice, technical assistance, and educational materials.
4.324 Information requirements.

Investigation, Conciliation and Enforcement Procedures

4.331 Compliance reviews.
4.332 Complaints.
4.333 Mediation.
4.334 Investigation.
4.335 Prohibition against intimidation or retaliation.
4.336 Compliance procedure.

4.337 Hearings, decisions, post-termination proceedings.
4.338 Remedial and affirmative action by recipients.
4.339 Alternate funds disbursal procedure.
4.340 Exhaustion of administrative remedies.
4.341 Reports.

Appendix—A Federal Financial Assistance to Which This Part Applies.

Authority: Sec. 161, Pub. L 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 207, Pub. L. 95–604, 92 Stat. 3033; sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841); Subpart A also issued under secs. 602–605, Pub. L. 88–352, 78 Stat. 252, 253 (42 U.S.C. 2000d–1–2000d–4) and sec. 401, Pub. L. 93–438, 88 Stat. 1254 (42 U.S.C. 5891); Subpart B also issued under sec. 504, Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794); sec. 111(a), Pub. L. 93–516, 88 Stat. 1619 (29 U.S.C. 706); sec. 119, Pub. L. 95–602, 92 Stat. 2982 (29 U.S.C. 794); and sec. 122, Pub. L. 95–602, 92 Stat. 2984 (29 U.S.C. 706 (6)); Subpart C also issued under Title III of Pub. L. 94–135, 89 Stat. 728, as amended (42 U.S.C. 6101).

2. Sections 4.1, 4.1a, 4.2 and 4.3(d) are revised to read as follows:

General Provisions

§ 4.1 Purpose and scope.

The regulations in this part implement: (a) the provisions of Title VI of the Civil Rights Act of 1964, Pub. L. 88–352, and Title IV of the Energy Reorganization Act of 1974, Pub. L. 93–438, which relate to nondiscrimination with respect to race, color, national origin or sex in any program or activity receiving Federal financial assistance from NRC; (b) the provisions of section 504 of the Rehabilitation Act of 1973, as amended, Pub. L. 93–112, Pub. L. 95–602, which relates to nondiscrimination with respect to the handicapped in any program or activity receiving Federal financial assistance; and (c) the provisions of the Age Discrimination Act of 1975, as amended Pub. L. 94–135, Pub. L. 95–478, which relate to nondiscrimination on the basis of age in any program or activity receiving Federal financial assistance.

§ 4.1a Subparts.

Subpart A sets forth rules applicable to Title VI of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974. (The Acts are collectively referred to in Subpart A as the "Act".) Subpart B sets forth rules applicable specifically to matters pertaining to section 504 of the Rehabilitation Act of 1973, as amended. Subpart C set forth rules pertaining to the provisions of the Age Discrimination Act of 1975 as amended, Pub. L. 94–135, Pub. L. 95–478, which relate to nondiscrimination on the basis of age in any program or activity receiving Federal financial assistance.

§ 4.2 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by NCR. The programs to which this part applies are listed in Appendix A of this part; Appendix A may be revised from time to time by notice published in the **Federal Register**. This part applies to money paid, property transferred, or other Federal assistance extended under any program or activity, by way of grant, entitlement, cooperative agreement, loan, or contract or other agreement by NRC, or an authorized contractor or subcontractor of NRC, the terms of which require compliance with this part. If any statutes implemented by this part are otherwise applicable, the failure to list a program in Appendix A does not mean the program is not covered by this part. This part does not apply to:

(a) Contracts of insurance or guaranty;

(b) Procurement contracts; or

(c) Employment practices under any program or activity except as provided in §§ 4.13, 4.122 and 4.302.

§ 4.3 Definitions.

* * * * *

(d) "Federal financial assistance" means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which NRC provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel or other personnel at Federal expense; or

(3) Real and personal property or any interest in or use of property, including—

(i) Transfers or leases of property for less than fair market value or for reduced consideration;

(ii) Proceeds from a subsequent transfer or lease of property if the Federal share of its fair market value is not returned to the Federal Government; and the

(iii) Sale and lease of, and the permission to use (other than on casual or transient basis) Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient.

* * * * *

Appendix A [Relocated]

3. Appendix A, which follows § 4.233, is relocated to follow § 4.341.

4. Immediately following § 4.233, a new subpart C is added to read as follows:

Subpart C—Regulations Implementing the Age Discrimination Act of 1975, as amended.

General

§ 4.301 Purpose and scope.

The purpose of this subpart is to set forth NRC policies and procedures under the Age Discrimination Act of 1975 which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

§ 4.302 Application of this subpart.

(a) The Age Discrimination Act of 1975 and these regulations apply to any program or activity receiving Federal financial assistance from NRC.

(b) The Age Discrimination Act of 1975 and these regulations do not apply to:

(1) An age distinction contained in that part of a Federal, state or local statute or ordinance adopted by an elected, general purpose legislative body which:

(i) Provides any benefits or assistance to persons based on age; or

(ii) Establishes criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974 (CETA) (29 U.S.C. 801 *et seq.*).

§ 4.303 Definitions.

As used in this subpart:

(a) "Act" means the Age Discrimination Act of 1975, as amended. (Title III of Pub. L. 94–135).

(b) "Action" means any act, activity, policy, rule, standard, or method of administration; or the use of any policy, rule, standard, or method of administration.

(c) "Age" means how old a person is, or the number of elapsed years from the date of a person's birth.

(d) "Age distinction" means any action using age or an age-related term.

(e) "Age-related term" means a word or words which necessarily imply a particular age or range of ages (for example, "children," "adult," "older persons," but not "student").

(f) "Subrecipient" means any of the entities in the definition of "recipient" to which a recipient extends or passes on Federal financial assistance. A subrecipient is generally regarded as a recipient of Federal financial assistance and has all the duties of a recipient in these regulations.

Standards for Determining Age Discrimination

§ 4.311 Rules against age discrimination.

The rules stated in this section are limited by the exceptions contained in §§ 4.313 and 4.314 of this subpart.

(a) *General rule:* No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

(b) *Specific rules:* A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age, of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance, or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(c) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

§ 4.312 Definitions of "normal operation" and "statutory objective".

For purposes of §§ 4.313 and 4.314, the terms "normal operation" and "statutory objective" have the following meaning:

(a) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(b) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal statute, state statute, or local statute or ordinance adopted by an elected, general purpose legislative body.

§ 4.313 Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.

A recipient is permitted to take an action, otherwise prohibited by § 4.311, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if:

(a) Age is used as a measure or approximation of one or more other characteristics; and

(b) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and

(c) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(d) The other characteristic(s) are impractical to measure directly on an individual basis.

§ 4.314 Exceptions to the rules against age discrimination. Reasonable factors other than age.

A recipient is permitted to take an action otherwise prohibited by § 4.311 which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

§ 4.315 Burden of proof.

The burden of proving that an age distinction or other action falls within the exceptions outlined in §§ 4.313 and 4.314 is on the recipient of Federal financial assistance.

Duties of NRC Recipients

§ 4.321 Assurance of compliance.

Each NRC recipient has primary responsibility to ensure that its programs and activities are in compliance with the Act and these regulations. Each recipient will sign an assurance of compliance that its programs and activities will be conducted in compliance with all the requirements imposed by the Act and these regulations. A recipient also has responsibility to maintain records, provide information, and to afford access to its records to NRC, to the extent required to determine whether it is in compliance with the Act and these regulations.

§ 4.322 Written notice, technical assistance, and educational materials.

(a) NRC will provide written notice to each recipient of its obligations under the Act and these regulations, including its obligation under paragraph (b) of this section.

(b) Where a recipient makes available Federal financial assistance from NRC to a subrecipient, the recipient shall provide the subrecipient written notice of the subrecipient's obligations under the Act and these regulations.

(c) NRC will provide technical assistance, where necessary, to recipients to aid them in complying with the Act and these regulations.

(d) NRC will make available educational materials which set forth the rights and obligations of recipients and beneficiaries under the Act and these regulations.

§ 4.324 Information requirements.

Each recipient shall:

(a) Make available upon request to NRC information necessary to determine whether the recipient is complying with the Act and these regulations.

(b) Permit reasonable access by NRC to the recipient's books, records, accounts, facilities and other sources of information to the extent necessary to determine whether the recipient is in compliance with the Act and these regulations.

Investigation, Conciliation, and Enforcement Procedures

§ 4.331 Compliance reviews.

(a) NRC may conduct compliance reviews and preaward reviews of recipients or use other similar procedures that will permit it to investigate and correct violations of the Act and these regulations. NRC may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

(b) If a compliance review or preaward review indicates a violation of the Act or these regulations, NRC will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, NRC will arrange for enforcement as described in § 4.336.

§ 4.332 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with NRC, alleging discrimination prohibited by the Act or these regulations based on an action occurring on or after July 1, 1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However,

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for good cause shown, NRC may extend this time limit.

(b) NRC will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Accepting a complaint as sufficient for further processing which: (i) is made in writing; (ii) alleges a violation of the Act; (iii) identifies the parties involved and the date the complainant first had knowledge of the alleged violation; (iv) describes generally the action or practice complained of; and (v) is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Notifying the complainant and the recipient of their rights and obligations under the complaint procedure, including the right to have a representative at all stages of the complaint procedures.

(4) Notifying the complainant and the recipient (or their representatives) of their right to contact NRC for information and assistance regarding the complaint resolution process.

(c) Each recipient and complainant shall participate actively in efforts toward speedy resolution of the complaint.

(d) NRC will return to the complainant any complaint outside the jurisdiction of these regulations, and will state the reason(s) why it is outside the jurisdiction of these regulations.

§ 4.333 Mediation.

(a) *Referral of complaints for mediation.* NRC will refer to a mediation agency designated by the Secretary of the Department of Health and Human Services all complaints that:

(1) Fall within the jurisdiction of the Act and these regulations; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible. There must be at least one meeting with the mediator before NRC will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to NRC. NRC will take no further action on the complaint unless the complainant or recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the agency appointing the mediator.

(e) NRC will use the mediation process for a maximum of 60 days after receiving a complaint. Mediation ends if:

(1) 60 days elapse from the time NRC receives the complaint; or

(2) Prior to the end of that 60 day period, the mediator determines an agreement is reached; or

(3) Prior to the end of that 60 day period, the mediator determines that an agreement cannot be reached.

(f) The mediator shall return unresolved complaints to NRC.

§ 4.334 Investigation.

(a) *Informal investigation.*

(1) NRC will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the initial investigation, NRC will use informal fact finding methods, including joint or separate discussions with the complainant and recipient to establish the facts, and, if possible, settle the complaint on terms that are mutually agreeable to the parties. NRC may seek the assistance of any involved State program agency.

(3) NRC will put any agreement in writing and have it signed by the parties and an authorized official at NRC.

(4) The settlement shall not affect the operation of any other enforcement effort of NRC, including compliance reviews and investigation of other complaints which may involve the recipient.

(5) Settlement of a complaint under this section will not constitute a finding of discrimination by the NRC against a recipient or an admission of discrimination by the recipient.

(b) *Formal investigation.* If NRC cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, NRC will attempt to obtain voluntary compliance. If NRC cannot obtain voluntary compliance, it will begin enforcement as described in § 4.336.

§ 4.335 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by the Act or these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of NRC's investigation, conciliation, and enforcement process.

§ 4.336 Compliance procedure.

(a) NRC may enforce the Act and these regulations through:

(1) Termination of a recipient's Federal financial assistance from NRC under the program or activity involved where the recipient has violated the Act or these regulations. The determination of the recipients's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge. Therefore, cases which are settled in mediation, or prior to a hearing, will not involve termination of a recipient's Federal financial assistance from NRC.

(2) Any other means authorized by law including but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or these regulations.

(ii) Use of any requirement of or referral to any Federal, State, or local government agency that will have the effect of correcting a violation of the Act or these regulations.

(b) NRC will limit any termination under § 4.336(a)(1) to the particular recipient and particular program or activity NRC finds in violation of the Act or these regulations. NRC will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive Federal financial assistance from NRC.

(c) NRC will take no action under paragraph (a) until:

(1) The Commission, or designee, has advised the recipient of its failure to comply with the Act or these regulations and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have elapsed after the Commission, or designee, has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the Federal program or activity involved. A report will be filed whenever any action is taken under paragraph (a) of this section.

(d) NRC also may defer granting new Federal financial assistance to a recipient when termination proceedings under § 4.336(a)(1) are initiated.

(1) New Federal financial assistance includes all assistance for which NRC requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities, during the deferral period. New Federal financial assistance does not include increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of termination proceedings under § 4.336(a)(1).

(2) NRC will not begin a deferral until the recipient has received a notice of an opportunity for a hearing under § 4.336(a)(1). NRC will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and NRC. NRC will not continue a deferral for more than 30 days after the close of the hearing, unless the hearing results in a finding against the recipient.

§ 4.337 Hearings, decisions, post-termination proceedings.

Certain NRC procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to NRC enforcement of these regulations. They are §§ 4.61 through 4.64 and §§ 4.71 through 4.75.

§ 4.338 Remedial and affirmative action by recipients.

(a) Where NRC finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that NRC may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, NRC may require both recipients to take remedial action.

(b) Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age.

(c) If a recipient operating a program which serves the elderly or children in addition to persons of other ages provides special benefits to the elderly or to children the provision of those benefits shall be presumed to be voluntary affirmative action provided that it does not have the effect of excluding otherwise eligible persons from participation in the program.

§ 4.339 Alternate funds disbursal procedure.

(a) When NRC withholds funds from a recipient under these regulations, the Commission, or designee, may disburse the withheld funds directly to an alternate recipient: any public or nonprofit private organization or agency, or state or political subdivision of the state.

(b) Any alternative recipient will be required to demonstrate: (1) The ability to comply with these regulations; and (2) The ability to achieve the goals of the Federal statute authorizing the program or activity.

§ 4.340 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 days have elapsed since the complainant filed the complaint and NRC has made no finding with regard to the complaint; or

(2) NRC issues any finding in favor of the recipient.

(b) If NRC fails to make a finding within 180 days or issues a finding in favor of the recipient, NRC will:

(1) Promptly advise the complainant; and

(2) Advise the complainant of his or her right to bring a civil action under Section 305(e) of the Act for injunctive relief that will effect the purposes of the Act; and

(3) Inform the complainant:

(i) that the complainant may bring a civil action only in a United States district court for the district in which the recipient is found or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30 days' notice by registered mail to the Commission, the Secretary of the Department of Health and Human Services, the Attorney General of the United States, and the recipient;

(iv) That the notice must state: the alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

§ 4.341 Reports.

The NRC shall submit to the Secretary of Health and Human Services not later than December 31 of each year, a report which:

(a) Describes in detail the steps taken during the preceding fiscal year to carry out the Act; and

(b) Contains data on the frequency, type, and resolution of complaints and on any compliance reviews, sufficient to permit analysis of the agency's progress in reducing age discrimination in programs receiving Federal financial assistance from NRC; and

(c) Contains data directly relevant to the extent of any pattern or practice of age discrimination which NRC has identified in any programs receiving Federal financial assistance from NRC and to progress toward eliminating it; and

(d) Contains evaluative or interpretative information which NRC determines is useful in analyzing agency progress in reducing age discrimination in programs receiving Federal financial assistance from NRC; and

(e) Contains whatever other data the Secretary of HHS may require.

5. Paragraph (e) of Appendix A is revised to read as follows:

Appendix A—Federal Financial Assistance to which this Part Applies

* * * * *

(e) Research Support. Agreements for the financial support of basic and applied scientific research and for the exchange of scientific information.

Dated at Washington, D.C., this 15th day of September 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-27440 Filed 9-18-81; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Part 50

Emergency Planning and Preparedness for Production and Utilization Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to extend the date by which prompt public notification systems must be operational around all nuclear power plants. The proposed extension is based on industry-wide difficulty in acquiring the necessary equipment, permits, and clearances. If adopted the proposal would extend the compliance date for

these systems from July 1, 1981 to no later than February 1, 1982.

DATES: Comment period expires October 21, 1981. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposal to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Brian K. Grimes, Director, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (telephone: 301-492-4614).

SUPPLEMENTARY INFORMATION:

I. The Proposed Rule

On August 19, 1980, the Nuclear Regulatory Commission published in the **Federal Register** (45 FR 55402) amendments to its regulations (10 CFR Part 50 and Appendix E) concerning the upgrading of emergency preparedness. The effective date of these regulations was November 3, 1980. Among other things, the regulations required licensees to submit upgraded emergency plans by January 2, 1981, submit implementing procedures by March 1, 1981, and implement the emergency plans by April 1, 1981.

One element that must be demonstrated in an acceptable licensee's emergency plan is that:

> By July 1, 1981, the nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The design objective shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes.

The NRC staff has evaluated the level of compliance by the industry and noted that only about 12% of NRC power reactor licensees have been able to meet fully the July 1, 1981 date for installation of a prompt public notification system which meets the criteria in 10 CFR 50.47, 50.54, and Appendix E to Part 50. The licensees inability to meet the July 1, 1981 date has been attributed to the unforeseen difficulties and uncertainties surrounding the designing, procuring, and installing of the prompt notification systems. In establishing the implementation date, the Commission was concerned that these factors would inhibit the ability to comply with a short schedule and set the July 1981 date with this in mind (45 FR 55407).

While licensees' compliance with the prompt notification requirement has been delayed, the NRC considers that emergency plans and preparedness have significantly improved within the last year at and around every nuclear power plant site. This insignificant improvement has been confirmed by NRC teams who have visited a number of plant sites to evaluate the licensees' compliance with the upgraded emergency planning regulations of August 1980. In addition, the Federal Emergency Management Agency (FEMA) and the NRC have monitored numerous nuclear emergency exercises involving State and local governments and the licensees, and again have witnessed a siginficant improvement on onsite and offsite emergency preparedness.

Based on the above information and on a recognition that there exist customary warning systems (police, radio, telephone), which are viewed as sufficiently effective in many postulated accident scenarios, the Commission is proposing to defer the implementation date of the prompt public notification capability requirement from July 1, 1981 to February 1, 1982. In view of the above, the Commission finds that there exists sufficient reason to believe that appropriate protective measures can and will be taken for the protection of the health and safety of the public in the event of a radiological emergency during the extended time period for compliance.

The Commission's decision to defer the date for requiring full implementation of the prompt public notification capability requirement was made, as described above, after additional consideration of industry-wide difficulty in acquiring the necessary equipment, permits, and clearances. This proposed deferral does not represent any fundamental departure from the rationale the Commission used in adopting and sustaining the public notification capability requirement. *See* Final Rule on Emergency Planning, 45 FR 55402, 55407 (Aug. 19, 1980), *reconsideration denied*, CLI-80-40, 12 NRC 636 (1980). It is the Commission's continued judgment that prompt public notification is an important consideration in the offsite protection of the public in the event of a nuclear accident. This offsite protection of the public includes a number of separate steps—recognition of the potential severity of the accident by the utility, communication of the perceived threat to offsite authorities, decision by offsite officials on the need for protective action, capability to spread public warning, and actual response by the public. The emergency planning rule is premised on reducing to the extent possible—and to the extent the NRC can regulate—the time required for and the uncertainty associated with each step. Every aspect of the rule, including the prompt notification system, is still required. In changing the implementation date of the prompt public notification capability requirement, the Commission recognizes the continued need for this requirement and expects all utilities to complete the installation of this system as soon as practicable but not later than February 1, 1982. However, the Commission intends to take appropriate enforcement action against licensees who did not, prior to July 1, 1981, notify the Commission of their inability to meet the July 1, 1981 deadline.

Significant licensee performance strengths and weaknesses are evaluated in the NRC Systematic Assessment of Licensee Performance (SALP). The SALP program specifically includes evaluation of licensee performance in emergency preparedness. Accordingly, a licensee's efforts in attempting to meet the July 1, 1981 date for installing the prompt public notification capability will be a factor in that licensee's SALP.

II. Proposed Application of the Final Rule

The Commission also is proposing in this rule that the four-month period for correcting deficiencies, provided in § 50.54(s)(2), should not apply to any licensee not in compliance with the public notification system requirement by February 1, 1982, the new deadline date. If a licensee is not in compliance with this requirement by February 1, 1982, the Commission will consider taking appropriate enforcement actions promptly at that time. In determining appropriate enforcement action to initiate, the Commission will take into account, among other factors, the demonstrated diligence of the licensee in attempting to fulfill the prompt public notification capability requirement. The Commission will consider whether the licensee has kept the NRC informed of the steps that it has taken, when those steps were taken and any significant problems encountered, and the updated timetable which the licensee expects will be met in achieving full compliance with the prompt public notification capability requirements.

With respect to requests for exemptions that NRC has received from nuclear power reactor licensees concerning the prompt public notification requirement and deadlines for installation and operational capability, the Commission has decided to deny these requests in light of the proposed extension of the July 1, 1981 date. Any licensee not able to meet the new deadline date of February 1, 1982 will be subject to enforcement penalties after the new date. This provision will eliminate unnecessary and costly administrative actions needed to consider present exemption requests that will essentially become moot by the proposed extension of the July 1, 1981 date. This approach will also permit the NRC to focus its consideration upon a reduced number of noncompliance situations which remain at the time of the new deadline. It is expected that the most efficient use of NRC resources will be achieved by this treatment of present exemption requests relating to the July 1, 1981 operational date requirement.

If the proposed rule is subsequently promulgated as a final rule, it is the Commission's present intention to make it effective immediately upon publication, pursuant to 5 U.S.C. 553(d)(1), since the rule is expected to relieve the obligation of certain licensees with respect to the present July 1, 1981 deadline for operational public notification systems. In that regard, the Commission notes that the final rule, when effective, will be applied to ongoing licensing proceedings now pending and to issues or contentions therein. *Union of Concerned Scientists* v. *AEC*, 499 F. 2d 1069 (D.C. Cir. 1974).

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission concludes that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule concerns an extension of the operational date for public notification systems for nuclear power plants licensed pursuant to Sections 103 and 104b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b. The electric utility companies owning and operating these nuclear power plants are dominant in their service areas and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121. In addition, since the amendment extends for one year the date by which the public notification systems are to be operational, the businesses and state and local governments involved in the manufacture and installation of these systems are not economically affected in any significant manner. Accordingly, there is no significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act of 1980.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the NRC has made a determination that this proposed rule does not impose new recordkeeping, information collection, or reporting requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 50, Appendix E is contemplated.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2123, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246, (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 50.78–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 50.41(i) issued under sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)); §§ 50.70, 50.71, and 50.78 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o), and the laws referred to in Appendices.

1. Section IV.D.3 of Appendix E to Part 50 is revised to read as follows:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities

* * * * *

D *Notification Procedures*

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3. A licensee shall have the capability to notify responsible State and local governmental agencies within 15 minutes after declaring an emergency. The licensee shall demonstrate that the State/local officials have the capability to make a public notification decision promptly on being informed by the licensee of an emergency condition. By February 1, 1982, each nuclear power reactor licensee shall demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway EPZ. The four-month period in 10 CFR 50.54(s)(2) for the correction of emergency plan deficiencies shall not apply to deficiencies in the initial installation of this public notification system that is required by February 1, 1982. The design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes. The use of this notification capability will range from immediate notification of the public (within 15 minutes of the time that State and local officials are notified that a situation exists requiring urgent action) to the more likely events where there is substantial time available for the State and local governmental officials to make a judgment whether or not to activate the public notification system. Where there is a decision to activate the notification system, the State and local officials will determine whether to activate the entire notification system simultaneously or in a graduated or staged manner. The responsibility for activating such a public notification system shall remain with the appropriate government authorities.

* * * * *

Dated at Washington, D.C., this 16th day of September 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-27523 Filed 9-18-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 486

Federal Price Support Program for Municipal Waste Reprocessing Demonstration Facilities

AGENCY: Department of Energy.

ACTION: Withdrawal of Advance Notice of Proposed Rulemaking.

SUMMARY: The Department of Energy today gives notice of the removal of the advance notice of proposed rulemaking (44 FR 52642) which was published on September 7, 1979, expressing its intention to develop rules establishing a Federal price support program for revenue producing products of municipal waste reprocessing demonstration facilities. The advance notice was issued under Section 20 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended. DOE is withdrawing the

advance notice because it believes that Federally-funded commercial demonstrations of municipal waste reprocessing technologies are inappropriate.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Donald K. Walter, Supervisory Engineer, Office of Conservation and Renewable Energy, Department of Energy, Room GE-216, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-1697. Neal J. Strauss, Carol A. Cowgill, Office of General Counsel, Department of Energy, Room 6B-158, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9513.

SUPPLEMENTARY INFORMATION: Section 20(b)(1) of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, 42 U.S.C. 5920(b)(1) (the Act) authorizes the Secretary of Energy to provide financial assistance to selected municipalities in the form of price supports for revenue producing products of municipal waste reprocessing demonstration facilities. On September 7, 1979, the Department of Energy (DOE) published an advance notice of proposed rulemaking in order to obtain public comment on DOE's tentative decision to establish a price support program for demonstration facilities and to invite public participation in development of proposed rules (44 FR 52642). After considering the 30 comments submitted in response to the advance notice and available information concerning the market for products reprocessed from municipal waste, DOE, in accordance with the President's Program for Economic Recovery, has decided that a Federal price support program for municipal waste reprocessing demonstration facilities would be inappropriate. DOE is of the view that market conditions brought about by realistic energy pricing policies will provide the necessary incentives for private financing of municipal waste reprocessing facilities when they are economically justifiable.

Accordingly, DOE is withdrawing the advance notice.

Issued in Washington, D.C., September 9, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 81-27223 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-GL-8-AD]

Airworthiness Directives; Wood Electric Corp. Series 107, 108, and 2100 Circuit Breakers Installed in, but Not Limited to, Boeing Model 707/720/727/737 Series Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of time for comments on NPRM.

SUMMARY: A Notice of Proposed Rule Making (NPRM) was published in the **Federal Register** (46 FR 40031) on August 6, 1981, proposing an amendment which would require the testing and replacement, as necessary, of all Wood Electric Corporation, Series 107, 108 and 2100 circuit breakers. Comments on the NPRM were to be received by the FAA on or before August 15, 1981.

A request has been made by an industry association to extend the comment period to October 15, 1981. The FAA concurs with this request, and accordingly, the comment period is being extended.

DATES: The new deadline for comments is extended to October 30, 1981.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Great Lakes Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-GL-8-AD, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Mr. Charles L. Smalley, Systems and Equipment Section, AGL-213, Engineering and Manufacturing Branch, FAA Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7126.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rule Making (NPRM) by submitting a request to the Federal Aviation Administration, Great Lakes Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81-GL-8-AD, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Extension of Comment Period

Accordingly, the deadline for comments on the NPRM in Docket No. 81-GL-8-AD (46 FR 40031) is hereby extended to October 30, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), 14 CFR 11.89)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, Febrary 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This is due primarily to the fact that the suspect circuit breakers are randomly distributed throughout the general aviation and air carrier fleets and the possibility of one aircraft having nothing but these type breakers is considered extremely remote. The unit cost of this piece of equipment is approximately $15. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Des Plaines, Ill., on August 27, 1981.

Kenneth C. Patterson,

Acting Director, Great Lakes Region.

[FR Doc. 81-27300 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-12]

Control Zone—Cape Girardeau, Missouri; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to alter the Cape Girardeau, Missouri, Municipal Airport Control Zone to include a new VOR instrument approach procedure and cancel a portion of the extension on the 036° radial.

DATES: Comments must be received on or before Oct. 24, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Richard L. Haskins, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before October 24, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of the NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for furhter NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR 71.171) by altering the control zone at Cape Girardeau, Missouri. To enhance airport usage, a new VOR instrument approach is being developed for the Cape Girardeau, Missouri, Municipal Airport. Action is also being taken to alter the control zone by canceling the extension on the 036° radial from the 5-mile radius to the 6½-mile radius. Control zones are designed to contain IFR operations in controlled airspace to the surface around airports within a specified radius and along the final approach course of the IAP. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, Section 71.171 of the Federal Aviation Regulations (14 CFR 71.171) as republished on January 2, 1981 (46 FR 455), by altering the following control zone:

Cape Girardeau, Missouri

Within a 5-mile radius of Cape Girardeau, Missouri, Municipal Airport (Latitude 37°13′30″ N, Longtitude 89°34′10″ W) within 2½ miles each side of the Cape Girardeau VOR 194° and 279° radials extending from the 5-mile radius to 6½ miles south and west of the VOR and within 3 miles each side of the Cape Girardeau VOR 044°, extending from the 5-mile radius to a point 8½ miles northeast of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore — (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on September 4, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-27365 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ACE-11]

Transition Area—Cresco, Iowa; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking. (NPRM).

SUMMARY: This notice proposed to designate a 700-foot transition area at Cresco, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Ellen Church Airport, Cresco, Iowa, utilizing the Cresco Non-Directional Radio Beacon (NDB) as a navigational aid. This proposed action will change the airport status from VFR to IFR.

DATES: Comments must be received on or before October 24, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City , Missouri 64106. All communications received on or before October 24, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures, and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

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The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Cresco, Iowa. To enhance airport usage, a new instrument approach procedure is being developed for the Ellen Church Airport, Cresco, Iowa, utilizing the Cresco NDB as a navigational aid. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Cresco, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by adding the following new transition area:

Cresco, Iowa

The airspace extending upward from 700 feet above the surface within a 5-statute-mile radius of the Ellen Church Airport, Cresco, Iowa (latitude 43°22'06" N, longitude 92°08'12" W), and 3 miles either side of the 135° bearing from the Cresco NDB from the 5-mile radius to 8.5 miles.

Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on September 4, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-27386 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 293, 298, and 323

[Economic Regulations EDR-431; Procedural Regulations PDR-76; Docket: 39990]

Air Taxis; Operations in Alaska, Classification and Exemption and Terminations, Suspensions, and Reductions of Service

Dated: September 3, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to eliminate the current filing requirements governing air services performed by an air taxi on an Alaskan bush route under a subcontract agreement with a certificated carrier. They would be replaced with a requirement that the certificated carrier file a notice when it intends to subcontract with a different air taxi or when the incumbent air taxi intends to terminate or reduce its service on the route.

DATES: Comments by: November 20, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: October 1, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39990, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David E. Schaffer, Attorney-Advisor, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: Air service to small communities in Alaska (known as bush points) is often provided by small air taxis under an arrangement (subcontract agreement) with a larger certificated carrier that is authorized to serve that point. These subcontract agreements are governed by 14 CFR Part 293. Part 293 was adopted to make these subcontract agreements subject to prior Board approval and to establish guidelines to be followed by the Board in deciding whether to approve them. It also established reporting requirements.

The authority for Part 293 is section 412 of the Federal Aviation Act. In 1976, when Part 293 was adopted, section 412 required every air carrier to file a copy of every agreement affecting air transportation that it entered into with another carrier. Under section 412, the filing of Alaskan subcontract agreements was mandatory in any event. Section 28 of the Airline Deregulation Act of 1978 (Pub. L. 95-504) amended section 412 to eliminate this requirement making the filing of these agreements discretionary.

Although Alaskan air carriers are no longer required by statute to file their subcontract agreements with the Board, we have considered making their submission a regulatory obligation. This could be done under section 407 of the Act. Section 407 authorizes the Board to require any air carrier to file with it a copy of any agreement between that air carrier and any other carrier that relates to any traffic affected by the provisions of the Federal Aviation Act. After reviewing the information acquired by the submission of the subcontract agreements, however, we have tentatively concluded that most of it is either not useful to us or is available from other sources. We therefore propose to revoke Part 293.

The reports submitted under Part 293 include summary statistical data for the routes involved, including data on departures, passenger enplanements and pounds of mail and cargo carried at each community receiving subcontract service. The data are filed quarterly. They also include a list of aircraft operated, with the passenger and cargo capacity of each.

In place of this requirement, we have tentatively decided to make these subcontract carriers subject to 14 CFR 298.61. Under this section, air taxis providing subcontract service to eligible points in Alaska will have to file the revenue and traffic data now provided by other commuters on CAB Form 298-C.

The other information we still need is that relevant to our Small Community Air Service Program. The Small Community program was established by section 33 of the Airline Deregulation

Act (section 419 of the Federal Aviation Act). Its purpose is to ensure that small communities that are eligible points receive at least essential air transportation even if an air carrier must be paid a subsidy to provide it. Eligible points are communities that were listed on an airline's section 401 certificate on October 24, 1978 (the day the Deregulation Act was signed into law) and communities that were deleted from an airline's certificate between 1968 and 1978 that the Board designates as eligible. Any other point in Alaska may apply for designation as an eligible point after January 1, 1982. Under the Small Community program, the Board must set essential air service levels for each eligible point and ensure that the carrier providing the essential service is "fit, willing, and able." (Section 419(c)).

To aid in implementation of the Small Community program, sections 401(j) and 419 of the Act and Part 323 of the Board's rules require carriers to give notice before terminating, suspending, or reducing service at an eligible point. If a certificated carrier wishes to reduce service to an eligible point below the essential level, it must file a 90-day notice. Air taxis usually must file a 30-day notice. These notices aid the Board in monitoring air service levels at eligible points. The notice also provides an opportunity for the community and the Board to find a new carrier to serve the point. If the new carrier has not yet been found fit, willing, and able to conduct passenger service, the Board investigates that carrier and makes a finding as to its fitness.

In the lower 48 states, some certificated carriers have a network of air taxi operators affiliated with them. An example is USAir and its Allegheny Commuters. These commuters serve eligible points that the larger certificated carrier once served, but for which it filed a termination notice because it could no longer serve them profitably. The certificated carrier may lend its name to the commuter and perform services, such as ticketing and ground handling, for the smaller carrier. The obligation to provide the air service, however, now rests with the commuter. The commuter, not the certificated carrier, must file a notice under Part 323 if it wishes to terminate its service at the eligible point or reduce it below the essential level.

This differs from the situation that is common in Alaska. There the certificated carrier has not filed a termination notice but retains its obligation to serve the bush point. It has contracted with an air taxi, however, to fulfill that obligation. The responsibility for filing a notice when the air taxi wishes to terminate or reduce its service is unclear, and frequently the certificated carrier has changed subcontractors without either it, or the incumbent air taxi, notifying the Board that the incumbent is terminating service. This is contrary to the Act and Board rules. It hinders us in fulfilling our responsibility to monitor essential air service levels at Alaskan eligible points and to ensure that the air taxi providing that service is fit, willing, and able to do so.

Therefore, in conjunction with the revocation of Part 293, we are proposing to add new provisions to Part 323 to govern terminations and reductions of service by subcontract carriers at bush points in Alaska. This notice requirement would apply only if the bush point involved was an eligible point. Since the certificated carrier has the obligation to provide the service, it and not the air taxi would be responsible for filing the notice. This would be required even if the certificated carrier had already arranged with another air taxi to take over service to the point. This requirement would enable us to monitor essential air service levels at Alaskan bush points and ensure that the air taxi that the certificated carrier subcontracts with is fit, willing, and able. The notice would have to be filed 30 days before the air taxi planned to terminate its service. In the alternative, we are considering a 90-day notice requirement.

Currently, § 293.5 grants an exemption from section 408(a)(5) of the Act to Alaskan air carriers to implement their subcontract agreements. Although we are proposing to revoke Part 293, we propose to continue this exemption. It would be added to § 298.11(g) of 14 CFR Part 298.

The Regulatory Flexibility Act, Pub. L. 96–354, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities. It requires regulatory flexibility analyses for rules that, if adopted, will have a "significant economic impact on a substantial number of small entities." This rule will not have a significant economic impact on air taxis because it makes clear that the obligation to provide the service and file the notice rests ultimately with the certificated carrier. The rule, however, may have a significant economic impact on small communities in Alaska that are now or will be designated eligible points (more than 200). They should benefit from the clarification of the carrier's reporting obligation, the Board's improved capability to monitor air service there, and the added assurance that the carrier providing that service is fit, willing, and able.

The need, objectives, and legal basis for this rule are described above. Possible alternatives to this rule would be placing the burden for filing the notice on the small air taxis or exempting all carriers from the requirement of filing notices when terminating or reducing service on Alaskan bush routes.

This rule would impose no greater reporting requirements on the air taxis in Alaska than exist for other air carriers in the lower 48 of similar size. It would not duplicate, overlap, or conflict with other Federal rules.

Accordingly, the Civil Aeronautics Board proposes to amend Chapter II of 14 CFR, as follows:

PART 293—OPERATIONS BY AIR TAXIS IN ALASKAN BUSH ROUTES PURSUANT TO SUBCONTRACT AGREEMENTS WITH CERTIFICATED AIR CARRIERS [REMOVED]

1. Part 293, *Operations by Air Taxis in Alaskan Bush Routes Pursuant to Subcontract Agreements with Certificated Air Carriers,* would be removed and reserved.

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

2. In Part 298, *Classification and Exemption of Air Taxi Operators,* paragraph (g) of § 298.11 would be revised to read:

§ 298.11 Exemption authority.

* * * * *

(g) Subsection 408(a), except that no exemption is granted for any air taxi operator to enter into any of the transactions or relationships prohibited by subsection 408(a) with any person who operates large aircraft for compensation or hire, or who engages in air transportation from which the air taxi operator is excluded by the limitations imposed by this part. This exemption does, however, apply to subcontract agreements involving the operation of air services by an air taxi operator over Alaskan bush routes of a certificated air carrier and extends to the certificated carrier, the air taxi, and persons controlling either of those carriers.

* * * * *

3. Also in Part 298, paragraph (a) of § 298.61 would be revised to read:

§ 298.61 Reporting of scheduled operations by commuter air carriers.

(a) All commuter air carriers, and any other air taxi that provides air service to an eligible point in Alaska under a subcontract agreement with a certificated air carrier, shall file CAB Form 298–C "Report of Scheduled Operations of Commuter Air Carriers" as prescribed in this section. CAB Form 298–C may be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

* * * * *

PART 323—TERMINATIONS, SUSPENSIONS AND REDUCTIONS OF SERVICE

4. In Part 323, *Terminations, Suspensions, and Reductions of Service,* new paragraphs (d) and (e) would be added to § 323.3 and current paragraphs (d), (e), and (f) in that section would be redesignated (f), (g) and (h), so that it would read:

§ 323.3 Who shall file notices.

* * * * *

(d) *Certificated carriers with subcontract carriers in Alaska.* The notice described in § 323.4(c) shall be filed by any certificated air carrier in Alaska when an air taxi serving an eligible point under a subcontract agreement with that certificated carrier intends to—

(1) Terminate, suspend, or reduce air transportation so that that point receives less than the level of essential air transportation determined by the Board; or

(2) Terminate, suspend, or reduce air transportation at a point for which the Board has not determined the level of essential air transportation, so that the service between that point and every other point served by a certificated carrier is either—

(i) Less than two round trip flights per week;

(ii) Less than the average number of weekly round trip flights actually provided during calendar year 1976; or

(iii) Less than the number of flights specified under an agreement between the Board and the State of Alaska.

(e) Certificated carriers subject to paragraph (d) of this section shall comply with the requirements of that paragraph even if they intend to subcontract with another air carrier to provide the essential air transportation at the eligible point concerned.

* * * * *

5. In § 323.4, current paragraph (c) would be redesignated paragraph (d) and a new paragraph (c) would be added to read:

§ 323.4 Contents of notices.

* * * * *

(c) The notice required by § 323.3(d) shall contain the following information:

(1) Identification of the certificated carrier, including address and telephone number;

(2) Identification of the incumbent air taxi, including address and telephone number;

(3) The information required by paragraphs (a)(3) through (a)(7) of this section;

(4) When the certificated carrier intends to subcontract with a new air taxi to provide the essential service and that air taxi has already been found fit, willing, and able, the most recent Board order establishing that finding; and

(5) When the certificated carrier intends to subcontract with a new air taxi to provide the essential service and that air taxi has not been found by the Board to be fit, willing, and able, material required by Part 204 of this chapter to support such a finding. In making this showing, the carrier may incorporate by reference material submitted in a prior Board proceeding;

* * * * *

6. In § 323.5, a new paragraph (c) would be added, to read:

§ 323.5 Time for filing notices.

* * * * *

(c) A notice required by § 323.3(d) shall be filed at least 30 days before the intended termination, suspension, or reduction in service.

7. In § 323.7, paragraph (a) would be revised to read:

§ 323.7 Service of notices.

(a) A copy of each notice required by § 323.3(a), (c), or (d) shall be served upon:

* * * * *

(Secs. 204, 401, 407, 411, 412, and 419, P.L. 85–726, as amended, 72 Stat. 743, 754, 766, 769, 770, 92 Stat. 1732; 49 U.S.C. 1324, 1371, 1377, 1381, 1382, 1389)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–27441 Filed 9–18–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 148

Personal Declarations and Exemptions; Proposed Amendments to the Customs Regulations Relating to Registration of Foreign-Made Tourist Articles To Be Taken Abroad

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to reflect Customs guidelines to standardize procedures for the registration of foreign-made tourist articles to be taken abroad temporarily by United States travelers. Registration would be limited to those articles having serial numbers, or distinctive, permanently affixed markings uniquely distinguishing those articles from similar ones when they are returned to the United States. Standardized registration procedures are necessery because there have been great variations from one Customs region to another and even from one port of entry to another within the same region, as to what articles Customs would register.

DATE: Comments must be received on or before November 20, 1981.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations Control and Disclosure Law Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Joseph O'Gorman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8157).

SUPPLEMENTARY INFORMATION:

Background

All merchandise of foreign origin imported into the United States is subject to a customs duty unless it has been specifically exempted from the duty. Under § 148.1(a), Customs Regulations (19 CFR 148.1(a)), any person, except a nonresident seaman, airman, or person engaged in similar employment, who intends to take valuable effects of foreign origin abroad may register those articles before departure from the United States. The purpose of this provision is to facilitate identification of the articles upon their return to the United States so that the traveler would not have to pay duty on articles that were already subject to duty payment when originally imported.

Under § 148.1(b), before leaving the United States, the person could present valuable effects of foreign origin to a Customs officer together with a properly executed Customs Form 4457, "Certificate of Registration For Personal Effects Taken Abroad." The Customs officer would examine the articles, verify their description on the form, and sign the form. The form would be returned to the person for presentation to Customs at the port of entry upon return of the articles. A Customs Form 4455, "Certificate of Registration," could be required in any case in which a Customs Form 4457 would not adequately serve the purpose of registration.

It was Customs policy to permit the registration of any foreign-made article considered by the traveler to be "valuable." In practice, this led to great variations from one Customs region to another and even from one port of entry to another within the same region, as to what articles Customs would register. For example, at many ports, travelers were limited to registering foreign-made articles which had a serial number or other unique permanent marking. At other locations, there was no such limitation and a traveler could register a coat or a piece of jewelry and merely provide a description of the article. As a result, a Customs officer at a port where strict registration limitations were enforced had to attempt to clear travelers whose registration certificates were secured at a port with more liberal registration standards. Without a serial number or other unique permanent marking, it was often very difficult for the Customs officer at the port of entry to determine whether the article returned to the United States was the same article that previously was registered. Also, liberal registration procedures at some locations encouraged fraud. Travelers could intentionally import articles similar to those they had previously registered in an attempt to avoid the payment of duty.

The liberal registration procedures also led to occasional difficulties for travelers. Some travelers found that they were unable to register certain articles at one Customs port after previously having registered similar articles at a different port. Also, travelers who registered a non-serially-numbered article may believe erroneously that the registration process automatically precluded any doubt on the part of Customs that the article being returned from abroad was the article previously registered. Such situations have led to misunderstandings in some instances.

To resolve these difficulties, Customs prepared new guidelines to standardize procedures for the registration of foreign-made tourist articles to be taken abroad temporarily by travelers. Customs officers were advised by internal directives to register only those foreign-made articles having serial numbers or other unique, permanently affixed markings. Customs believes it appropriate to amend the Customs Regulations to conform the regulations to the new registration standards.

This document proposes to amend § 1481.1(a), Customs Regulations (19 CFR 148.1(a)), to reflect the Customs guidelines to standardize procedures for the registration of foreign-made tourist articles to be taken abroad temporarily by United States travelers. Registration would be restricted to those articles having serial numbers, or distinctive, permanently affixed markings uniquely distinguishing those articles from similar ones when they are returned to the United States. Also, the word "valuable" would be deleted from the section heading and paragraphs (a) and (b) of section 148.1, because Customs believes the term is too vague.

By separate publication, Customs intends to publicize the alternatives to registration that may be helpful to travelers taking foreign-made articles abroad. These alternatives include travelers carrying with them copies of bills of sale, insurance papers, jewelry appraisals, repair receipts, etc., that may be helpful to identify the articles upon their return. Currently, this information is found on page 11 of the Customs booklet "Know Before You Go," available from any Customs Office.

Authority

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66); sections 484, 498, 624, 46 Stat. 722, as amended, 728, as amended, 759 (19 U.S.C. 1484, 1498, 1624).

Comments

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control and Disclosure Law Division, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Applicability of the Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601, *et seq.*), the Secretary of the Treasury has determined that the proposed regulations set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, these regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. The proposed rule is a voluntary procedure, and is directed to tourists traveling abroad rather than a "small entity" as defined in section 601 of Title 5, United States Code (as added by section 3 of the Act). Therefore, the regulation will not significantly affect a substantial number of small entities, and is not expected to generate significant interest or attention from small entities through comments, either formal or informal, on the rule. Furthermore, the rule is not expected to have a significant secondary or incidental impact, or to impose, or to otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on tourists.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control and Disclosure Law Division, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Proposed Amendments

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

It is proposed to revise § 1481.1 of Subpart A, Part 148, Customs Regulations (19 CFR 148.1) to read as follows:

Subpart A—General Provisions

§ 1481.1 Registration of effects to be taken abroad.

(a) *Persons who may use procedure.* Any person, except a nonresident seaman, airman, or person engaged in similar employment, who intends to take effects of foreign origin abroad may register such articles before departure from the United States in order to facilitate their identification on return to

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the United States. Only articles of foreign origin having serial numbers or other distinctive, permanently affixed unique markings can be registered.

(b) *Procedure for registration.* Applicants for registration of articles of foreign origin shall present the articles to a Customs officer together with a properly executed Customs Form 4457. After the Customs officer has examined the articles and verified their description, he shall sign the form and return it to the applicant for presentation on return of the articles. Customs Form 4455 may be required in any case in which Customs Form 4457 will not adequately serve the purpose of registration.

(c) *Presentation on return.* The form shall be presented to the Customs officer when the registered articles are returned to the United States.

William T. Archey,

Acting Commissioner of Customs.

Approved:

John P. Simpson,

Acting Assistant Secretary of the Treasury.

September 1, 1981.

[FR Doc. 81-27442 Filed 9-18-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 730, 731, and 732

Permanent Regulatory Programs for Non-Federal and Non-Indian Lands; Reopening of Public Comment Period

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: OSM is reopening the period for review and comment on proposed rules that would amend 30 CFR 730.5, 731.13 and 732.15 to give the States more flexibility in the development, issuance and enforcement of regulations for surface coal mining and reclamation operations within their borders. OSM is reopening the comment period because the House Committee wishes to discuss the proposed rule during oversight hearings scheduled for September 22, 1981.

DATE: Written comments must be received by September 23, 1981, not later than 5:00 p.m. at the address below.

ADDRESSES: Written comments must be mailed or hand-delivered to: Administrative Record (S & F.01), Office of Surface Mining, Room 153, South Interior Building, 1951 Constitution Avenue N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Acting Assistant Director, Program Operations and Inspection, Office of Surface Mining, Room 130, South Interior Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone (202) 343-4225.

SUPPLEMENTARY INFORMATION: On July 1, 1981, at 46 FR 34348-34351, the Deputy Assistant Secretary for Energy and Minerals, U.S. Department of the Interior, published proposed rules to amend 30 CFR 730, 731 and 732 to give States more flexibility in the development, issuance and enforcement of regulations for surface coal mining and reclamation operations within their borders. The notice established a public comment period which was to close at 5:00 p.m. on July 31, 1981. OSM was then advised by the House Committee on Interior and Insular Affairs that the Subcommittee on Energy and Environment intended to include discussion of the proposed rule on the agenda of the Committee's oversight hearings scheduled for August 5, 1981. In order to accomodate the request of the Subcommittee's Chairman for such discussion without violating standards regarding ex parte communications, OSM extended the comment period until 5:00 p.m. on August 12, 1981. OSM has now been advised by the House Committee that it wishes to continue discussion of the proposed rule during a second session of oversight hearings scheduled for September 22, 1981. To accomodate such discussion, OSM is reopening the comment period from the date of this publication until 5:00 p.m. September 23, 1981. All written comments received, transcripts of the public hearing that was held July 28, 1981, and notes from the House Committee's discussions of the proposed rule will be made available for public review during regular business hours at the above address.

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

Dated: September 16, 1981.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 81-27437 Filed 9-18-81; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 920

Cancellation of Public Hearing on Modified Portions of the Maryland Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Cancellation of public hearing.

SUMMARY: OSM is announcing the cancellation of a public hearing on the adequacy of program modifications submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Maryland permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice cancels the public hearing but does not alter the time and location at which the Maryland program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

DATES: The following hearing is cancelled: The public hearing on the proposed modifications to the Maryland program, September 24, 1981, from 7:00 p.m. to 9:00 p.m.

FOR FURTHER INFORMATION CONTACT: Christine M. Struminski, Assistant Regional Director, Division of State and Federal Programs, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342-8125.

SUPPLEMENTARY INFORMATION: On September 4, 1981, notice of opportunity for public hearing on the proposed modifications to the Maryland program, was published in the **Federal Register** (46 FR 44475-44476). The proposed modifications pertain to regulation changes required by the Secretary of the Interior in his conditional approval of the Maryland program.

The notice stated that any person interested in making an oral or written presentation at the hearing should contact Christine Struminski by September 11, 1981, and that if no person contacted Ms. Struminski to express an interest in participating in the hearing by the above date, the hearing would be cancelled.

Because no one expressed an interest in attending the hearing by September 11, 1981, the hearing has been cancelled.

While there will be no public hearing, interested persons may still submit written comments on the proposed program elements. Written comments must be received on or before 4:00 p.m. on October 5, 1981, to be considered in the Secretary's decision on whether the proposed amendments satisfy the regulatory conditions imposed on the approval of the program.

Written comments should be mailed or hand-delivered to: Christine M. Struminski, Assistant Regional Director, Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301.

Dated: September 15, 1981.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 81–27438 Filed 9–18–81; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8–R]

Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary, DOD.

ACTION: Extension of comment period.

SUMMARY: On July 31, 1981, the Office of the Secretary of Defense published a proposed amendment to Part 199 of this title to eliminate residential treatment centers (RTCs) as authorized providers under CHAMPUS for new admissions on and after October 1, 1981. Comments were requested to be submitted on or before August 31, 1981. Because of the wide interest this proposed amendment elicited, and to ensure that all interested parties are given the opportunity to make their views known, the Office of the Secretary of Defense is extending its public comment period to October 31, 1981.

DATES: Comments must be submitted on or before October 31, 1981. If adopted as a final rule, the amendment will be effective for new admissions to RTCs on or after January 1, 1982 (instead of the earlier announced date of October 1, 1981).

FOR FURTHER INFORMATION CONTACT: Ms. Carol P. Galaty, Director, CHAMPUS Washington Liaison Office, Office of the Assistant Secretary of Defense (Health Affairs), Room 2B270, telephone 202–695–9286.

SUPPLEMENTARY INFORMATION: In FR Doc. 81–22362, appearing in the **Federal Register** on July 31, 1981 (46 FR 39167), the Office of the Secretary of Defense published a proposed amendment to §§ 199.8, 199.10, 199.12, and Appendix A, of this title, deleting RTCs as authorized providers of care under CHAMPUS. As the result of this extension of the comment period, if adopted as a final rule, the amendment will be effective for new admissions to RTCs on and after January 1, 1981, and the transition period for those CHAMPUS residents in an RTC as of January 1, 1981, will be 9 months instead of 12 months as announced in 46 FR 39167, July 31, 1981, with all RTC benefits still terminating as of September 30, 1981.

Dated: September 16, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81–27318 Filed 9–18–81; 8:45 am]

BILLING CODE 3810–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 125

[EN–FRL 1862–2]

National Pollutant Discharge Elimination System; Compliance Extensions for Innovative Technologies

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Section 301(k) of the Clean Water Act of 1977 (CWA) allows the EPA to grant compliance extensions to any industrial facility subject to a permit under the National Pollutant Discharge Elimination System (NPDES) which installs innovative technology. The Agency is proposing requirements for granting compliance extensions for the installation of innovative technologies under that section. Under this regulation an industrial discharger that is subject to the requirement of achieving limitations reflecting the best available technology economically achievable (BAT) under section 301(b)(2) of the CWA may request a compliance extension to no later than July 1, 1987, for the installation of an innovative technology. To qualify for an extension, the innovative technology must either produce a significantly greater effluent reduction than BAT or achieve the same level of effluent reduction as BAT at a significantly lower cost.

Section IV of this preamble discusses the principal issues associated with this proposed regulation. EPA solicits comments on each of these issues as well as on other aspects of this proposed regulation. In addition, the Agency requests comments on other approaches which might be used to implement section 301(k).

DATES: Comments on the proposed regulation must be received by November 20, 1981.

A public hearing to discuss and to receive comments on the proposed regulation will be held on November 9, 1981, at the Environmental Protection Agency, Room 3906, 401 M St., SW., Washington, D.C. 20460. At the public hearing registration will be held from 8:30 to 9:00 a.m. and comments will be received from 9:00 until concluded, or no later than 5:00 p.m. Anyone wishing to make an oral statement at the hearing should notify the address listed below in writing no later than one week before the hearing.

ADDRESS: Two copies of comments should be sent to: Thomas K. H. Laverty, Permits Division (EN–336), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION: Contact Thomas K. H. Laverty, Permits Division (EN–336), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202) 426–2970.

SUPPLEMENTARY INFORMATION:

I. The Statute

The CWA outlines a two-step process by which industrial dischargers are to reduce or eliminate the discharge of pollutants into the navigable waters. The first step was meeting effluent limitations attainable by the application of Best Practicable Control Technology Currently Available (BPT) by July 1, 1977 (section 301(b)(1)(A) of the CWA). The second step involves meeting effluent limitations reflecting BAT by July 1, 1984 (section 301(b)(2) of the CWA).

The permits issued to industrial dischargers under the National Pollutant Discharge Elimination System (NPDES) incorporate the appropriate technology-based limitations and contain compliance schedules for achieving those limitations. Section 301(k) provides an industrial discharger subject to an NPDES permit with two options for qualifying for a compliance extension from the BAT deadline of July 1, 1984 to no later than July 1, 1987. The first option is the installation of an innovative technology which produces an effluent reduction which is significantly greater than that required by BAT. The second option is the installation of an innovative technology which achieves the same level of effluent reduction as required by BAT with the potential for achieving that reduction at a significantly lower cost than estimated for BAT. In either case, the discharger must demonstrate that the proposed innovative technology has the potential for industry-wide application. The decision to grant a compliance extension will be made by EPA or by a State, with an approved NPDES program, in consultation with EPA.

II. Advance Notice of Proposed Rulemaking

The Agency published an Advance Notice of Proposed Rulemaking (ANPR) on September 19, 1980 in the **Federal Register** (45 FR 62509). The ANPR outlined the initial EPA position on the implementation of section 301(k) and solicited comment on a range of issues. Those issues, the comments received, and the Agency response to those comments are described below. Copies of the comments received are available for public inspection in the EPA Headquarters Library, Waterside Mall Room 2404, 401 M Street, SW., Washington, D.C. 20460.

A. "Public Interest"

The Agency was pleased to receive written comments on the ANPR from 16 sources. (See Appendix I for a list of comments.) The comments generally supported compliance extensions as a method for encouraging innovation, although some commenters expressed doubt about whether a three-year extension is an adequate incentive for dischargers to install innovative wastewater treatment technologies. The Agency aim is to develop the section 301(k) program as rapidly as possible to allow industry the maximum period of time to develop requests for extensions.

B. "Innovative Technology"

Section 301(k) uses three terms, in discussing when a discharger may be eligible for compliance extension: innovative production process, innovative control technique, and innovative system. In the ANPR the Agency grouped the three statutory terms under the general term "innovative technology".

In addition, the Agency stated that, in evaluating whether an innovative technology has the potential for achieving BAT at a significantly lower cost, it would consider such factors as by-product recovery, net energy consumption, recycling of wastewater, and reduced abatement expenditures for other other forms of pollution (e.g., air pollution or hazardous wastes). Both of these positions were supported by the comments and the Agency retains them for today's proposed regulation.

C. "Significantly Greater Effluent Reduction" and "Significantly Lower Cost"

The Agency outlined three approaches in the ANPR which might be used to evaluate whether a technology may achieve "significantly greater effluent reduction" or "significantly lower cost". The first approach was case-by-case determinations of whether significantly greater effluent reduction or significantly lower cost would be achieved by a proposed innovative technology. The second approach was the development by the Agency of national norms for significantly greater effluent reduction and for significantly lower cost, which would be expressed as a percentage improvement in effluent reduction or cost reduction. The final alternative was the establishment of norms for improvement in effluent reduction and cost reduction based upon industrial categories. As with the national norms, the categorical norms would be expressed as percentage improvements in effluent reduction or cost reduction.

Nearly all of the comments expressed support for the first approach. The principal reason cited by the commenters was that this approach would afford the Agency greater flexibility in considering site-specific and industry-specific factors. The Agency agrees with this comment and has concluded that the increased flexibility and the lighter initial resource burden of the case-by-case approach make it the best alternative for implementing the section 301(k) program.

D. "Industry-Wide Application"

The Agency solicited comments on two alternative definitions of the term "industry-wide application." As discussed previously, the innovative technology must have the potential for "industry-wide application" before a compliance extension can be granted. The first alternative would require that an innovative technology have the potential for application in the majority of facilities in the pertinent industrial category. The other definition would require the innovative technology to have the potential for application at two or more facilities within the pertinent industrial category. In the ANPR the Agency indicated that it believed that the use of the second definition would increase the number of innovative technologies that could qualify for compliance extensions and thus reflected the intent of Congress regarding the use of the term. Consequently, the Agency favored that definition.

The comments endorsed the Agency position and suggested that the Agency broaden the definition. The principal suggestion was that the Agency broaden the definition to include innovative technologies which might be used at one or more facilities in any two industrial categories. The Agency has concluded that this extension of the concept of industry-wide application is reasonable and consistent with Congressional intent. Consequently, the Agency has adopted it for this proposed regulation.

E. "Technical Appendix"

The Agency noted in the ANPR that it was considering attaching a technical appendix to the section 301(k) regulation. The purpose of the appendix would be to identify technologies that the Agency believed might have potential for section 301(k) compliance extensions. The Agency included a list of technologies when the ANPR was published, and asked for comments on their inclusion in the appendix. This list was not intended to be a list of technologies that automatically or presumptively would qualify for compliance extensions under section 301(k).

The concept of a technical appendix and the published list received a mixed reaction. A number of commenters suggested that it would be extremely difficult to develop an appendix that would do anything except suggest some of the possibilities for innovation. Other commenters suggested technologies additions to the list, while one commenter urged the Agency to delete a technology from the list and then to classify it as BAT.

These comments lend support to the Agency's conclusion that the development of a technical appendix would not be the best approach for implementing section 301(k). The Agency reached this conclusion for several reasons. As the comments noted, it would be very difficult to develop a comprehensive and timely list in view of the variety and complexity of industrial facilities. Moreover, the development and maintenance of such a list, which could aid in implementing the 301(k) program, would place a substantial burden on Agency resources. Finally, the existence of the list may serve to stifle other initiatives because firms might focus on listed technologies rather than pursuing other options which had not yet received EPA consideration. This is the very opposite of what the Agency hopes to accomplish with the section 301(k) program.

F. "Verification"

The Agency described in the ANPR the type of data which it expected to require dischargers to submit in support of their requests for compliance extensions. The Agency said that it expected that it would require certification of the engineering data and cost estimates by a professional engineer. Numerous comments were received on the certification requirement, the majority opposing it as unnecessary and burdensome. Several commenters suggested that the requirements might be acceptable if in-house professional engineers were permitted to certify the data and cost estimate.

The Agency regards some of these comments as well-founded and is clarifying its position on the issue in today's proposal. The Agency thinks that certification of the engineering data and cost estimates not only assures the accuracy of the data and estimates in compliance extension requests, but also should simplify and shorten the review process. Without certification a more painstaking review of section 301(k) requests would be necessary, which would increase the potential for delay. Consequently, the proposed regulation contains the certification requirement. Where available, in-house professional engineers can provide the certification. However, EPA recognizes that certification by a professional engineer could prove burdensome for some dischargers, especially for smaller firms, and solicits comments on this issue in section IV. F. below.

G. "Length of Extension"

The Agency noted in the ANPR that section 301(k) extensions can be granted only until July 1, 1987 and indicate that its determinations about the length of compliance extensions would be made on a case-by-case basis. The Agency based this position on its recognition that the amount of time which will be required to install the various innovative technologies will probably vary significantly. The comments favored this position. Additionally, it should be noted that the maximum length of a permit containing a section 301(k) extension would be five years because that is the maximum length allowed by the CWA for NPDES permits.

H. "Length of Time Technology Is Considered Innovative"

The Agency requested comment on how long a technology should be considered innovative once its first full-scale commercial demonstration has been made. In the view of several commenters an innovative technology should continue to be treated as innovative by EPA for as long as possible. In light of the relatively short period during which compliance extensions can be granted, the Agency agrees and expects that, once an extension has been granted, the qualifying technology would continue to be eligible for extensions until July 1, 1984.

I. "Duplication of an Innovative Technology"

In the ANPR EPA invited comment on how it could encourage the adoption of innovative technologies by other firms without interfering with the proprietary interests of firms. Several comments suggested that retaining a technology in the innovative category for the entire time permitted by statute would be the most direct way to encourage use by others. In addition one commenter remarked that concerns about the distribution of proprietary information on innovative technologies should be left to the firms, which can use patent laws and licensing agreements to protect their interests. The Agency agrees with these positions and, in line with its position in section II.H. above, expects that section 301(k) requests based on previously approved technologies would ordinarily be approved.

J. "Failure of Innovative Technologies"

The Agency invited comment on the appropriate enforcement policy for situations in which an innovative technology fails to achieve its projected level of performance (but performs better than BAT) or is unable to perform as well as BAT. The comments indicated that this issue is one of the biggest concerns of industry. The Agency position on this issue is discussed in detail in section IV.D. below.

III. Proposed Regulation

A. Section 301(k) Process

The process for a section 301(k) request will consist, in most cases, of three phases. These phases will be (1) preparation and submission of the request, (2) review of the request by EPA or State personnel (in States with approved programs) and (3) implementation of the innovative technology at the facility.

(1) *Preparation and Submission of the Request.* The first phase will involve development of the appropriate documentation in support of the request. This documentation must demonstrate that the innovative technology will produce either significantly greater effluent reduction than BAT or the same level of effluent reduction as BAT at a significantly lower cost. The documentation must also include a showing that the innovative technology is applicable in at least one other facility in the applicant's industrial category or in another industrial category. Because each innovative technology involves a risk of failure, the documentation must include an evaluation of how the discharger will modify or replace the innovative technology in the event the technology fails to perform as well as BAT. Each of these demonstrations or evaluations could be included in an engineering report, which might include any pilot plant results for the innovative technology.

During this first phase the applicant would coordinate its preparation of the request with the appropriate Regional or State section 301(k) coordinator. The coordinator would provide information on the procedure for making the request and the documentation which must be submitted with the request. During this phase, the applicant and EPA or State technical personnel would begin discussions about the proposed innovative technology.

These discussions should be initiated as soon as possible prior to the expiration of the existing permit. Early discussions will be particularly important when effluent limitations guidelines are unavailable. Additional time is required in these circumstances because the permit writer must develop BAT limitations for the facility and must evaluate the available technologies which might achieve those limitations. The latter step is necessary to provide a basis for comparison with the innovative technology.

In order for the permit writer to perform these two tasks, the applicant will have to submit information, including effluent data, about the facility. The permit writer ordinarily will consult with State and EPA technical staff that are familiar with the industry in developing limitations and in evaluating the performance of the BAT technology. These consultants in many cases will be members of the evaluation panel discussed in section III.A.2 below.

Once its preparations are complete, the applicant will submit three copies of its request and documentation to the State or Regional section 301(k) coordinator, who will review the request for completeness. If the request is complete and if the State permit writer believes the innovation technology is technically feasible, the State coordinator will forward copies of the

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request to the Regional coordinator and to the EPA Headquarters coordinator. Similarly, when EPA Region is responsible for the request, the Regional coordinator will forward the request to the Headquarters coordinator if the Regional permit writer believes the request is technically feasible. Applicants can appeal EPA decisions on section 301(k) variance requests under either Subpart E or Subpart F of 40 CFR Part 124. Applicants in NPDES States can appeal State decisions on requests under State appeal procedures.

(2) Review of the Request. In the second phase the Headquarters section 301(k) coordinator will distribute the request to a panel of EPA and State personnel who are familiar with the industrial category in question. Members of this panel will include, among others, representatives from EPA's Offices of Research and Development and Water. The panel will evaluate the request in terms of three criteria: whether the technology is innovative; whether the performance improvement offered by the technology (either in cost or effluent reduction) is significant; and whether the technology has the potential for industry-wide application.

Once the review is completed, the Headquarter's coordinator will forward the panel's recommendations to the appropriate section 301(k) coordinator. If the panel recommends approval, the permit writer will begin developing limitations, conditions, and a compliance schedule for the facility's permit. If the panel recommends approval of the request if certain conditions are met, the permit writer could develop a permit reflecting those conditions. If the panel recommends disapproval, the applicant could revise the request in accordance with the panel's recommendations.

(3) Implementation of the Innovative Technology. As discussed previously, once the request has been approved by the panel, the permit writer will develop the permit, which will include a compliance schedule calling for implementation of the innovative technology by no later than July 1, 1987. If the extension is based on an innovative technology that is expected to perform better than BAT, the permit will contain effluent limitations which are more stringent than BAT and reflect the expected level of performance of the innovative technology. The permit will also provide for regular evaluation of the progress in installing the innovative technology and of its performance once installed. The purpose of the regular evaluations would be to insure that the innovative technology produces its expected performance improvements or, if the innovative technology fails, to insure that the facility is in compliance with BAT effluent limitations by July 1, 1987.

B. Specific Provisions

(1) Definitions—Section 125.22. The Agency has retained from the ANPR its use of "innovative technology" as an umbrella term including production process changes, pollution control techniques, and systems which are a combination of process changes and control techniques. The definition of "potential for industry-wide application" has been broadened to include applications in industrial categories other than the category of which the facility is a part.

The definition for the term "significantly greater effluent reduction than BAT" involves a comparison between two increments. The first increment, or baseline, is the effluent reduction improvement over BPT produced by BAT. The second increment is the effluent reduction improvement over BAT produced by the innovative technology. When the two increments are compared, the second increment must be significant in relation to the first. When interpreting this definition, the Agency will emphasize the reduction in mass loading of all toxic and nonconventional pollutants discharged that an innovative technology produces. The Agency will do so even when BAT limitations are concentration-based by converting the concentration-based limitations to mass loadings. When evaluating a proposed innovative technology that is more effective than BAT in removing more than one pollutant, the Agency will consider the total incremental removal for all toxic and nonconventional pollutants in determining whether a proposed innovative technology produces a significantly greater effluent reduction than BAT.

The definition of "significantly lower cost" also involves a comparison between two terms. The first term is the total of the annual cost of capital and the annual cost of operation and maintenance for BAT level of treatment. The second term is the total for the annual cost of capital and the annual cost of operation and maintenance of the innovative technology. To qualify for an extension the second term (the total annual cost of the innovative technology) must be significantly less than the first (total annual cost of the BAT system).

In evaluating the significance of a cost reduction produced by an innovative technology, permit writers will consider such factors as the amount of by-product recovery, net reductions in energy consumption, the extent of recycle and reuse of wastewater, and the extent of any positive impacts in other pollution media (e.g., air pollution or hazardous wastes) due to the innovative technology.

(2) *Request for Compliance Extension—Section 125.23.* This section lists two alternative demonstrations, one of which a facility must make in requesting a compliance extension under section 301(k).

(3) *Permit Conditions—Section 125.24.* This section authorizes the Director (the EPA Regional Administrator or State NPDES Director) to include in permits containing section 301(k) compliance extensions reporting requirements on the costs of the innovative technology and a set of BAT limitations that must be met by July 1, 1987 if the Agency or State permitting authority determines that the more stringent innovative technology limitations are not achievable.

(4) *Signatory Requirement—Section 125.25.* Subsections (a) and (b) of this section incorporate the signatory and certification requirements contained in the consolidated permit regulations (40 CFR 122.6). Subsection (c) provides for certification of the engineering data and cost estimates for the BAT treatment and for the innovative technology by a professional engineer. The certification by a professional engineer can be by in-house personnel.

(5) *Supplementary Information and Record Keeping—Section 125.26.* The applicant is required to provide additional information to assist the Director in evaluating the request. The applicant is required to retain records of all data used in completing the request for the life of the innovative technology permit to allow for evaluation of the technology's performance.

(6) *Procedures—Section 125.27.* This section indicates the location of the sections of the consolidated permit regulations which govern the procedure for requesting a section 301(k) compliance extension. Those sections also refer to roles that the EPA Regional Administrators and State NPDES Directors will pay regarding section 301(k) requests.

IV. Issues

A. Application of Section 301(k) to Conventional Pollutants

In the ANPR the Agency took the position that section 301(k) applies only to the toxic and nonconventional pollutants and that it lacks authority to grant section 301(k) extensions for conventional pollutants. Several commenters suggested that the availability of compliance extensions under section 301(k) should be extended to the conventional pollutants. After review of the statutory language and the legislative history the Agency has concluded that its position in the ANPR is the correct interpretation. As is explained in secton IV.D.1 below, the Agency is considering an enforcement policy regarding compliance with the 1984 BCT deadline that will grant greater flexibility to dischargers eligible for section 301(k) extensions. The purpose of the policy is to allow the Agency to implement as fully as possible the intent of Congress that innovative technologies be used to treat toxic and nonconventional pollutants. The Agency welcomes further comment on this position.

B. Application to Indirect Dischargers

One commenter suggested that the Agency should grant section 301(k) compliance extensions to indirect dischargers with qualifying innovative technologies. An indirect discharger is one that discharges its wastewater to a publicly owned treatment work (POTW). Section 301(k) refers to facilities subject to permits under section 402 of the CWA. Each direct discharger holds a section 402 permit, while indirect dishargers do not hold individual section 402 permits. The only section 402 permits to which indirect dischargers have a connection are the permits for the POTWS into which they discharge their wastewater. The fact that indirect dischargers do not hold individual section 402 permits presents two difficulties for the Agency. One difficulty is interpreting section 301(k) to apply to indirect dischargers when they do not hold section 402 permits. The other difficulty is enforcing permit conditions against an indirect discharger that is granted a section 301(k) extension. The Agency has tentatively concluded that indirect dischargers are not eligible for section 301(k) compliance extensions, but would welcome further comment on this position.

C. Application of Section 301(k) to New Sources

The Agency also received a suggestion that the Agency should make section 301(k) compliance extensions available to new sources. Section 301(k) limits the availability of compliance extensions to facilities subject to the requirements of section 301(b)(2)(A). New sources are subject to requirements under section 306 of the CWA, rather than those of section 301(b)(2)(A). Consequently, the Agency believes that new sources are not eligible for section 301(k) compliance extensions. The Agency invites comment on this position.

D. Enforcement Policy for Innovative Technologies

In the legislative history of Section 301(k) Congress clearly expressed its intent to encourage direct dischargers to experiment with innovative technologies. EPA has concluded that its enforcement policy should foster that intent. There are two areas in which Agency enforcement policy can have an impact on the section 301(k) program. The first areas is enforcement of the July 1, 1984 deadline for compliance with BCT limitations (for dischargers receiving compliance extensions) and the second is enforcement of the July 1, 1987 section 301(k) deadline for BAT limitations.

(1) 1984 BCT Deadline. For certain dischargers the July 1, 1984 deadline for best conventional pollutant control technology ("BCT") may limit the utility of the section 301(k) extension. This problem arises in situtations where both conventional pollutants and the pollutants referenced in section 301(k) (toxic and nonconventional pollutants) are present in the same waste stream and the BAT and BCT limitations are based on the same model treatment system. Commenters have suggested that, in these instances, the Agency apply the section 301(k) extension to the BCT limitations as well as to the BAT limitations. As noted above, however, the Agency does not believe that it has the specific statutory authority to do so. EPA is considering the use of Enforcement Compliance Schedule Letters ("ECSLs") on a case-by-case basis where the Agency concludes that enforcement of the BCT deadline for dischargers receiving compliance extensions would be inappropriate. These ECSLs would state that EPA will, subject to certain conditions, refrain from instituting civil actions to enforce compliance with BCT requirements. The purpose of the ECSL would be to allow permittees proceeding in good faith to install section 301(k) technology which will achieve both BCT and BAT limitations for a single waste stream.

Under no circumstance would ECSLs be issued in connection with section 301(k) applications for those waste streams in which only conventional pollutants are discharged. Compliance extensions under section 301(k) are available only to dischargers of nonconventional pollutants and toxic pollutants

The ECSL policy being considered by EPA would state that EPA would refrain from initiating civil actions to enforce BCT-level treatment requirements on a case-by-case basis. An ECSL would be available in those situations where the permittee plans to install a single treatment system to meet the BCT and BAT limitations. Before issuing an ECSL, EPA would consider (1) whether on balance the benefits expected to be achieved as a result of the development of the proposed innovative treatment system outweigh the environmental harm caused by deferral of BCT compliance, and (2) the likelihood that the applicant would comply with the conditions of the letter, as evidenced, inter alia, by the applicant's history of compliance with other environmental requirements. EPA would require as a condition of the ECSL a commitment by the applicant to achieve BCT compliance according to a specified expeditious schedule. In appropriate cases, EPA would require, as a condition of the ECSL, process modifications, raw materials changes, or interim treatment to achieve reasonable possible conventional pollutant load reduction prior to attainment of final effluent limitations. Such interim limits could require compliance with BCT limits where this is reasonable.

(2) 1987 Section 301(k) Deadline. EPA considers the deadlines contained in section 301(k) permits to be fixed legal requirements. Dischargers who fail to comply with milestones in such permits may be subject to enforcement action for injunctive relief and penalties. However, EPA will not seek penalties from dischargers that can demonstrate that they have made all possible efforts to achieve compliance with permit limitations. Dischargers that receive section 301(k) extensions must maintain records showing that efforts have been made to design, purchase, construct, and install an innovative technology capable of meeting permit limitations.

Dischargers whose innovative technologies fail to meet permit limitations will be required to install other technology as may be necessary to achieve compliance with general applicable BAT limitations. Compliance must be achieved as expeditiously as possible and EPA will initiate enforcement actions to place permit violators on schedules toward compliance. In many cases EPA expects that negotiations between the Agency and dischargers will result in the entry of consent decrees setting forth such compliance schedules. Penalties in such situations will not be a routine part of the Agency's enforcement policy because penalties ordinarily are attendant to instances of non-cooperation, undue delay, or recalcitrance. Furthermore, enforcement policy in these situations will reflect the Agency's commitment to use of section 301(k) by industrial dischargers.

E. Involvement of Water Treatment Technology Vendors

The Agency regards the participation and support of water treatment technology vendors as important to the success of the section 301(k) program. The Agency intends to make a strong effort to notify vendors of the program and to encourage their participation. The Agency solicits comments on ways of encouraging this participation.

F. Certification

The Agency has retained its original position stated in the ANPR on certification of costs and engineering data by a professional engineer. The Agency has retained the certification requirement because it provides an assurance of the quality of requests and thereby should simplify the review process. The certification can be performed by in-house personnel. The Agency invites comment on its position, on the likelihood that firms will have in-house professional engineers available to provide the certification, and on the cost of obtaining certification for those firms which cannot use their own personnel. The Agency also requests comment on the appropriate language for the certification.

V. Regulatory Analysis

Under Executive Order 12291 EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This Regulation is not major because it meets none of the criteria set forth in Executive Order 12291 for defining a Major regulation. The section 301(k) program is a voluntary one and the Agency does not expect that a discharger will request a compliance extension unless it is in its economic interest to do so. Dischargers will balance the extra cost of demonstrating, installing and operating an innovative technology and the risk of failure of that technology against the financial value of the extension and the potential for savings from the innovative technology.

The section 301(k) program should result in net benefits for facilities, except in those few instances in which the innovative technology fails and must be replaced in order to meet BAT limitations by 1987. To the extent that the innovative technologies receive widespread application, the benefits of lower cost and more effective treatment will be spread to other segments of industry and society as a whole.

Because of the voluntary nature of the program and because of its expected positive economic benefits, the Agency has concluded that a regulatory impact analysis is not required for the section 301(k) program. The Agency will re-evaluate its position on the economic impact for the final regulation on the basis of the comments on the proposed regulation.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

VI. Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (RFA) requires an analysis of the impact of proposed and final regulations on small entities if regulation will have a significant economic impact on a substantial number of small entities. Because the section 301(k) program is limited to industrial direct dischargers, it will not affect those small organizations, small governmental jurisdictions, or small business which are indirect dischargers. Because it is a voluntary program, only those small businesses for which there is a perceived economic benefit will participate in the program. In addition, the response to the ANPR suggests that small business participation in the section 301(k) program will be moderate. For these reasons, the Agency has concluded that the section 301(k) program will not have significant impact on a substantial number of small entities and that a regulatory flexibility analysis is not required, pursuant to section 605(b) of the RFA.

In addition, the Agency intends to develop a review procedure for section 301(k) requests which will minimize delay and financial burden for small businesses, as well as for other dischargers. The Agency will re-evaluate the impact of the program on small entities, particularly the impact of the certification requirements, on the basis of the response to the NPR.

VII. Evaluation Plan

Agency policy requires the development of evaluation plans to support the development and implementation of significant regulatory actions. The regulation for EPA's implementation of section 301(k) is a significant regulation and EPA is developing an evaluation plan for section 301(k) to provide for improved management of the innovation process which EPA hopes to influence through this regulation. The plan will provide for annual evaluations at the end of each of the first two years of the program and for a complete review of the program at the end of five years.

Information on the evaluation plan can be obtained by contacting Thomas K. H. Laverty, Permits Division (EN-336), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202)426-2970.

VIII. Reports Impact Analysis

As was noted above the section 301(k) program is a voluntary program. Because of its voluntary nature and judging by the response to the ANPR, the reporting and record-keeping requirements of the program are likely to affect a small number of industrial direct dischargers. A firm participating in the program ordinarily will already have developed information on the performance of its innovative technology or will obtain the information from an equipment vendor selling the innovative technology. The only record-keeping requirement is that the firm retain the information on which its section 301(k) request is based for the life of the permit containing the compliance extension. The retention of this information will aid EPA in its evaluation of the performance of the program.

IX. Paperwork Reduction Act

The proposed regulation for section 301(k) contains information collection activities subject to the requirements of the Paperwork Reduction Act. The proposed regulation was submitted to the Office of Management and Budget as required by the Paperwork Reduction Act. The Agency will address any comments by the Office of Management and Budget on the information collection activities of the proposed regulation in the preamble of the final regulation.

(Clean Water Act (33 U.S.C. 1251 et seq.))

Dated: September 11, 1981.

John W. Hernandez,
Acting Administrator.

PART 125—CRITERIA AND STANDARDS FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Accordingly, it is proposed that Subpart C be added to 40 CFR Part 125 to read as follows:

Subpart C—Criteria for Extending Compliance Dates for Facilities Installing Innovative Technology Under Section 301(k) of the Act—

Sec.

125.20 Purpose and scope.
125.21 Statutory authority.
125.22 Definitions.
125.23 Request for compliance extension.
125.24 Permit conditions.
125.25 Signatories to request for complaince extension.
125.26 Supplementary information and recordkeeping.
125.27 Procedures.

Authority: 33 U.S.C. 1251 et seq.

Supart C—Criteria for Extending Compliance Dates for Facilities Installing Innovative Technology Under Section 301(k) of the Act

§ 125.20 Purpose and scope.

This subpart establishes the criteria and procedures to be used in determining whether an industrial discharger will be granted a compliance extension for the installation of an innovative technology.

§ 125.21 Statutory authority.

Section 301(k) provides that the Administator (or a State with an approved NPDES program, in consultation with the Administrator) may grant a compliance extension for BAT limitations to a discharger which installs an innovative technology. The innovative technology must produce either a significantly greater effluent reduction than that achieved by the best available technology economically achievable (BAT) or the same level of treatment as BAT at a significantly lower cost. The Administrator is authorized to grant compliance extensions to no later than July 1, 1987.

§ 125.22 Definitions.

(a) The term "innovative technology" means a production process, a pollution control technique, or a combination of the two which satisfies one of the criteria in § 125.23 and which has not been commercially demonstrated in the industry of which the requesting discharger is a part.

(b) The term "potential for industry-wide application" means that an innovative technology can be applied in two or more facilities in an industrial category or in one or more facilities in at least two industrial categories.

(c) The term "significantly greater effluent reduction than BAT" means that the effluent reduction produced by an innovative technology represents a significant improvement when compared to the improvement in effluent reduction achieved by BAT in relation to the effluent reduction produced by best practicable control technology currently available (BPT).

(d) The term "significantly lower cost" means that an innovative technology must produce a significant cost advantage when compared to the technology used to achieve BAT limitations in terms of annualized capital costs and annual operation and maintenance expenses over the useful life of the technology.

§ 125.23 Request for compliance extension.

The Director shall grant a compliance extension to no later than July 1, 1987 to a discharger that demonstrates:

(a) That the installation and operation of its proposed innovative technology at its facility will result in a significantly greater effluent reduction than BAT and has the potential for industry-wide application; or

(b) That the installation and operation of its proposed innovative technology at its facility will result in the same effluent reduction as BAT at a significntly lower cost and has the potential for industry-wide application.

§ 125.24 Permit conditions.

The director may include any of the following conditions in the permit of a discharger to which a compliance extension beyond July 1, 1984 is granted:

(a) A requirement that the discharger report regularly on the installation, operation, and maintenance costs of the innovative technology;

(b) Alternative BAT limitations that the discharger must meet by July 1, 1987 if the innovative technology limitations that are more stringent than BAT are not achievable.

§ 125.25 Signatories to request for compliance extension.

(a) All section 301(k) requests must be signed as follows:

(1) For a corporation: By a principal executve officer of at least the level of vice-president:

(2) For a partnership or sole proprietorship: by a general partner of the proprietor, respectively.

(b) Any person signing a request under paragraph (a) of this section shall make the following certification:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(c) A professional engineer shall certify that the estimates by the applicant of the costs for the BAT control equipment and for the innovative technology are accurate within 15 percent and that the estimates are based on the least costly alternative for meeting BAT requirements.

§ 125.26 Supplementary information and recordkeeping.

(a) In addition to the information submitted in support of the request, the applicant shall provide the Director at his or her request, such other information as the Director may reasonably require to assess the performance or cost of the innovative technology.

(b) Applicants shall keep records of all data used to complete the request for a compliance extension for the life of the permit containing the compliance extension.

§ 125.27 Procedures.

(a) The procedure for requesting a section 301(k) compliance extension is contained in §§ 122.53(i)(4), 124.62, and 124.63.

(b) The procedure for appealing a decision on a request for a compliance extension is contained in §§ 124.60 and 124.64.

Appendix I

Note.—This Appendix I will not appear in the Code of Federal Regulations.

1. Allen, Dell, Frank & Trinkle.
2. Andco Environmental Processes Inc.
3. Unique Systems.
4. Union Camp.
5. American Iron and Steel Institute.
6. American Textile Manufacturers Institute.
7. National Coffee Association.
8. Olin Brass.
9. Duquesne Light.
10. Scott Paper.
11. Monsanto.
12. Union Carbide.
13. National Food Processors Association.
14. U.S. Department of the Interior.
15. The 3M Company.
16. Air Products and Chemicals, Inc.

[FR Doc. 81-27405 Filed 9-18-81; 8:45 am]

BILLING CODE [illegible]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 70–7; Notice 12]

Federal Motor Vehicle Safety Standards; Fields of Direct View

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Reconsideration of agency action; notice of petitions for reconsideration and opportunity for public comment thereon.

SUMMARY: On July 22, 1981, the Center for Auto Safety (CFAS) filed a Petition for Reconsideration of a Revocation by NHTSA of Federal Motor Vehicle Safety Standard No. 128, *Fields of Direct View* (46 FR 32254, June 22, 1981) ("standard 128"). Such revocation had been issued in response to Petitions for Reconsideration filed by nine interested parties, each of whom had participated in prior rulemaking proceedings which had commenced with an Advance Notice of Proposed Rulemaking published on February 25, 1970. In response to the CFAS petition, the Agency has decided to reconsider its prior Order revoking Standard No. 128.

DATES: The closing date for filing comments on the petitions for reconsideration is October 21, 1981. The closing date for filing comments on those comments is November 5, 1981.

ADDRESS: Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Michael M. Finkelstein, Associate Administrator for Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–1810).

SUPPLEMENTARY INFORMATION: The basis for this most recent petition for reconsideration is an alleged absence of notice that the agency was considering revocation of standard 128 and an alleged absence of opportunity for the public to comment upon the earlier petitions for reconsideration seeking such revocation. Although the Agency believes that actual notice was given of the planned revocation and that no additional opportunity for public comment was required, in view of the public interest in this matter the Agency has decided to reconsider the revocation and to solicit public comments.

Standard No. 128 was issued on January 2, 1981 (46 FR 40), after extensive agency proceedings that produced sharp disagreement between and among agency experts and commenters on the safety benefits and costs of the proposal. The notice issuing the standard informed the public where petitions for reconsideration of the standard must be filed.

On February 5, 1981, the Agency formally extended the time for the filing of petitions for reconsideration of this and several other standards adopted during the same time frame (46 FR 10969). This action was taken at the request of interested parties intending to file petitions.

On April 6, 1981, the Agency issued a Notice of Intent that publicly identified a number of regulations and standards which it had determined were subject to review for current compliance with NHTSA's statutory directives and goals Standard No. 128 was so listed.

At that time, the Agency indicated that the notice itself was not a notice of proposed rulemaking, and that "appropriate" proceedings would be "separately taken to implement the actions described" therein. (46 FR 21203.) The Agency also noted that it would "initiate rulemaking on or about July 1 to rescind Federal Motor Vehicle Safety Standard No. 128", on the stated grounds that "no significant safety problems have been identified in long-term design plans. Moreover, automobile manufacturers' design lead time may not permit compliance without substantial costly redesign." (46 FR 21204, emphasis supplied.)

At the time of the Notice of Intent, nine petitions for reconsideration of Standard 128 were pending before the agency. Pursuant to longstanding agency rule and practice (49 CFR 553.37), the agency commonly takes final action on reconsideration petitions without further proceedings. With respect to Standard 128, therefore, "appropriate" action by NHTSA to implement the Notice of Intent would not normally require or suggest a new proposed rulemaking.

Actual notice to the public of the probable pendency of petitions for reconsideration of this and other standards had been formally provided by the agency on February 5, 1981. All such petitions are in fact publicly docketed. In summary, those prior petitions raised such issues as the effect of normal production line variations and the use of more fuel-efficient, aerodynamic designs on meeting the obstruction limits, the need for and the costs of the substantial redesigning required by the standard, the anticipated safety benefits and the use of alternative mirror requirements to provide adequate visual information to the driver.

Actual notice of the issues involved in the agency's consideration of the petitions for revocation was provided in the language of the Notice of Intent, itself, quoted above. Despite these facts, and the clear disclaimer stating that the "Notice of Intent" was not intended as a notice of rulemaking, persons unfamiliar with the record of this proceeding and/or unfamiliar with agency practice could have read the phrase "initiate rulemaking" to mean that the agency intended to modify its normal procedure and would open a new proposed rulemaking in the case of Standard No. 128. (Compare, e.g., discussion of proposed actions with respect to regulations regarding seat belt comfort and convenience, 46 FR 21204, with that relating to proposed modifications to hydraulic brake standards, *Id. at 21205).*

An extensive, eleven year long administrative proceeding has been underway with respect to Standard No. 128. It would clearly be unnecessary and inappropriate to initiate another such proceeding now. On the other hand, petitioner has at no previous time participated in the development of Standard No. 128, and its actual notice or knowledge of the substance thereof, including the details of the docketed petitions for reconsideration should not lightly be presumed. Since CFAS has now timely filed for reconsideration of NHTSA's revocation action, its participation is procedurally appropriate.

In the exercise of administrative discretion and in response to the petition by CFAS, the Agency has decided to reconsider its Order of June 22, 1981, revoking FMVSS No. 128. Notice of such petition, and of the petitions for reconsideration upon which such prior order was based, is hereby given. An opportunity for public comment on all such petitions is hereby granted for a period of 30 days from the date of publication of this Notice. An additional period of 15 days from the closing date of such period for comment is hereby also provided, for members of the public to comment upon comments so filed.

CFAS also requested the Agency to stay the effect of the June 22, 1981 revocation notice while the Agency considers the CFAS petition and requested relief. Since the revocation was effective upon publication, it cannot now be stayed. In the absence of any factual allegation in the CFAS petition addressed to the merits of the Agency's June 22, 1981 notice, no further agency action appears appropriate at this time.

Accordingly, that CFAS request is hereby denied.

(Secs. 103, 119, 124, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1410); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on September 11, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–27212 Filed 9–15–81; 4:12 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 12

Disposal of Forfeited or Abandoned Property

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes regulations to dispose of property forfeited or abandoned to the United States under the provisions of 50 CFR Part 12. This property, which includes wildlife, plants, vehicles, vessels, aircraft, cargo, guns, nets, traps, and other equipment, would be separated into two types for disposal. All property, except wildlife and plants, would be disposed of under existing Service procedures, which are based on current Federal Property Management Regulations and Interior Property Management Regulations. Wildlife and plants, however, would be disposed of at the discretion of the Director by one of the following means: return to the wild, use by the Service or transfer to another govenment agency for official use, donation or loan, sale, or destruction.

This action would enable the Service to insure that wildlife and plants are disposed of in accordance with the conservation aims of the statute under which they were obtained while establishing an orderly, cost efficient disposal procedure. This procedure is needed both to eliminate unnecessary expense and overcrowding at government storage facilities and to provide a uniform means of satisfying the variety of possible uses of wildlife and plants which are ready for disposal.

DATE: Comments on this proposed rule must be received by October 21, 1981.

ADDRESSES: Comments may be mailed to Director (LE), Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005, or delivered weekdays to the Division of Law Enforcement, Fish and Wildlife Service, 3rd Floor, 1375 K Street, N.W., Washington, D.C. between 7:45 a.m. and 4:15 p.m. Comments should bear the identifying notation REG 12–02–3. All materials received may also be inspected weekdays during normal business hours at the Service's Division of Law Enforcement, 3rd Floor, 1375 K Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343–9242.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Fish and Wildlife Service is responsible for enforcing a number of wildlife or plant protection laws. Generally, these laws provide for the forfeiture of wildlife, plants, or other property which is involved in a violation. For example, the Endangered Species Act of 1973 authorizes the forfeiture of unlawfully imported endangered wildlife, wildlife products, and plants (16 U.S.C. 1504(e)(4)(A)). In addition, some of the laws privide for the forfeiture of guns and equipment used in committing a violation (e.g., the Eagle Protection Act, 16 U.S.C. 668(b)) or for the forfeiture of the cargo af any vessel involved in taking wildlife illegally (e.g., the Marine Mammal Protection Act of 1972, 16 U.S.C. 1376(a)).

Wildlife parts, wildlife products, and plants forfeited under these laws have for the most part been stored at Service facilities throughout the Unites States. Until 1978, there was a patchwork of statutory authority providing for the dispositon of forfeited property, usually requiring disposal under the excess and surplus property statutes administered by the General Services Administration (GSA). Property management regulations issued by GSA and the Department were the only rules regarding the methods of disposal. Because most of the property held by the Service was wildlife, almost all of the provisions of both the Federal Property Management Regulations (41 CFR Chapter 101) and Interior Property Management Regulations (41 CFR Chapter 114) were inappropriate for use by the Service. These provisions would have compelled the Service to transfer property to GSA for sale or to allocate property in excess of the Service's needs to other agencies where such action may have been in conflict with existing Service policy.

The Service authority for disposal, however, was consolidated and broadened in 1978 with passage of the Fish and Wildlife Improvement Act of 1978 (FWIA), which states, in relevant part:

> (c) *Disposal of Abandoned or Forfeited Property. Notwithstanding any other provision of law, all* fish, wildlife, plants, or any other items abandoned or forfeited to the United States under *any* laws administered by the Secretary of the Interior or the Secretary of Commerce relating to fish, wildlife, or plants, shall be disposed of by either Secretary in such a manner as he deems appropriate (including, but not limited to, loan, gift, sale or destruction).
>
> (16 U.S.C. 742*l*(c) (emphasis added))

The FWIA provides the Service with the authority and flexibility to dispose of forfeited or abandoned property, which now totals several million dollars, without following any existing GSA procedures or being restricted by limitations found in the statute under which the property was seized.

Description of the Proposed Regulations

Definitions

Three additional terms would be defined: "abandonment," "disposal," and "forfeiture." These definitions provide a demarcation between seizure and disposal which should remove any uncertainty as to when the Service should begin disposal.

Disposal

Two types of property are identified in § 12.33 and a disposal procedure is set out for each. One type includes all forfeited or abandoned property, except wildlife and plants, which would be disposed of in accordance with current Federal Property Management Regulations (41 CFR Chapter 101) and Interior Property Management Regulations (41 CFR Chapter 114). Wildlife and plants, the other type, would be disposed of by the Director by one of the following means: return to the wild, use by the Service or transfer to another government agency for official use, donation or loan, sale, or destruction.

Each of the methods of disposing of wildlife and plants is discussed in more detail below. One premise underlies these methods which is stated in § 12.32. The effect of any prior illegality on the subsequent use of wildlife or plants is terminated once they are forfeited or abandoned to the U.S. Prohibitions which rely upon a prior unlawful act, such as the Endangered Species Act's prohibition on the possession of unlawfully taken endangered species, would not apply. Therefore, for example, wildlife that was seized and forfeited or abandoned because it was unlawfully taken would not be subject to prohibitions based on that fact alone (i.e., unlawful taking) upon disposal. Simply, forfeiture or abandonment eliminates the taint of any prior illegality.

Upon disposal, however, prohibitions, restrictions, conditions, or requirements imposed by law which apply to a particular species of wildlife or plant would remain in effect.

The order in which the disposal methods appear is the order the Service would follow generally in determining which method has priority. Return to the wild is the most favored and destruction, unless necessary, is the least favored. The other methods are not as sharply distinguished from each other.

1. *Return to the wild (§ 12.34).* Any live member of a native species of wildlife or plant would be returned to the wild if it is capable of surviving, unless it poses a threat to public health or safety if returned, in which case quarantine or destruction would be the only possible methods of disposal. Quarantine would have to be accomplished in conjunction with one of the other disposal methods identified, such as transfer to another government agency for official use. Any exotic species, a species not naturally occuring in the wild in the United States, would be available for return to the country of export (if known) in accordance with the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Article VIII.4(b) of CITES states in part that "Where a living specimen is confiscated * * * the Management Authority [i.e., Service] shall, after consultation with the State of export, return the specimen to that State at the expense of that State * * *". The mechanism for returning wildlife or plants to the country of export is set out in § 12.35.

Executive Order 11987 (42 FR 26949) entitled "Exotic Organisms" also directs Executive agencies to restrict the introduction of exotic species into natural ecosystems of the United States.

2. *Use by the Service or transfer to another government agency for official use (§ 12.35).* Wildlife and plants would be used by the Service or other government agencies, including State and foreign agencies, for certain official purposes. This section describes those official uses. Items initially used by the Service for official purposes that are no longer of any use would be disposed of by one of the other methods. In addition to returning wildlife to the country of export for eventual return to the wild, the Service would be able to satisfy other obligations under CITES related to the return of confiscated specimens to the country of export, for purposes such as the enhancement of propagation or survival, or other scientific, educational, enforcement, or identification purposes.

3. *Donation or loan (§ 12.36).* The Service would donate or loan wildlife and plants for noncommercial scientific, educational, or public display purposes to any person who demonstrates the ability to provide adequate care and security for the item. A transfer document would be executed between the Director and the donee/borrower, subject to a number of stated conditions. A distinction is drawn between donation and a loan to indicate that a donation involves the transfer of title.

4. *Sale (§ 12.37).* One of the purposes of the FWIA was to allow the Service to make its own determinations consistent with existing law and policy as to the appropriate method of disposal for a particular species of wildlife or plant, instead of following GSA procedures for the allocation or sale of forfeited or abandoned property. One possible method of disposal identified by the FWIA is sale.

Recently, the Acting Associate Solicitor, Conservation and Wildlife, in an opinion dated March 10, 1981, on the subject "Disposal of Forfeited Endangered and Threatened Species Parts" interpreted the FWIA "as providing the Service with the authority to dispose of any forfeited material by sale, including endangered species products."

The Service's proposal attempts to reach a balance which Congress sought when providing the Service with disposal authority. The Service proposes to sell wildlife or plants which otherwise are lawfully traded by private individuals in interstate commerce, unless existing policy recommends another method of disposal. Therefore, any demand for a particular item also may be met by existing, lawful trade apart from sale by the Service. The Service would not be selling any species for which it would be the only source.

The Service proposes to prohibit disposal by sale of the following wildlife or plants: (1) migratory birds, (2) bald or golden eagles, and (3) CITES Appendix I specimens. Sale of migratory birds and bald or golden eagles would be prohibited because the Service believes that sale is inappropriate when possession and sale of these birds is highly regulated or prohibited by the Migratory Bird Treaty or Eagle Protection Acts in order to conserve them. Disposal of CITES Appendix I specimens was the subject of Resolution 3.14 entitled "Disposal of Confiscated or Accumulated Specimens of Appendix I Species" passed at the third meeting of the Conference of the Parties. That resolution recommended that Parties to the Convention dispose of Appendix I specimens without selling them. Other recommendations on the disposal of Appendix I specimens found in the resolution have generally been adopted in this proposal as well.

One category of wildlife would be disposed of by sale in very limited circumstances. Species of wildlife or plants listed as "endangered" or "threatened" in 50 CFR 17.11 under the ESA would only be sold if the species may be lawfully traded in interstate commerce. This provision would allow the sale of those few species whose entire population is not listed as endangered or threatened and certain threatened species when the species may be sold lawfully in interstate commerce.

By limiting the categories of wildlife and plants subject to sale, the Service believes that no pressure will be placed on those species which would be harmed by the Service's entry into the market. For those species not harmed by trade, where forfeiture or abandonment was obtained only as a deterrent, and where demand may be satisfied lawfully in interstate commerce, the Service believes that sale is proper.

5. *Destruction (§ 12.38).* Destruction is available only when no other method of disposal is appropriate. This eliminates costly storage of items not fit for any other means of disposal.

Determination of Effects of Rules

The Department of the Interior has determined that this is not a major rule under Executive Order 12291.

The Department has also certified that the rules will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act and 43 CFR Part 14. These determinations are discussed in more detail in a Determinations of Effects which has been prepared by the Service. A copy of that document may be obtained by contacting the person identified above under the caption "For Further Information Contact."

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Division of Law Enforcement, 1375 K Street, N.W., Suite 300, Washington, D.C., and may be examined during regular business hours. Single copies also are available upon request by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Comments on the draft environmental assessment should be mailed or delivered to the address given at the beginning of this proposal during the comment period on the proposed rule.

Public Comments Invited

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Interested persons are invited to submit written comments regarding the proposed rule or the draft environmental assessment. These comments and any additional information received will be considered by the Department in adopting a final rule. Correspondence should be mailed or delivered to the address given at the beginning of this proposal.

Proposed Regulation Promulgation

PART 12—SEIZURE AND FORFEITURE PROCEDURES

For the reason set out in the preamble, Subchapter B, Chapter I of Title 50, *Code of Federal Regulations* is proposed to be amended as follows:

1. The authority citation for Part 12 is revised to read as follows:

Authority: Act of September 6, 1966, 5 U.S.C. 301; Eagle Protection Act, 16 U.S.C. 668–668b; National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd(f); Migratory Bird Treaty Act, 16 U.S.C. 706–707, 712; Migratory Bird Hunting Stamp Act, 16 U.S.C. 718f; Airborne Hunting Act, 16 U.S.C. 742j–1(d)–(f); Black Bass Act, 16 U.S.C. 852d; Marine Mammal Protection Act, 16 U.S.C. 1375–1377, 1382; Endangered Species Act, 16 U.S.C. 1540; Lacey Act, 18 U.S.C. 43–44; Tariff Act of 1930, 19 U.S.C. 1602–1624; Fish and Wildlife Improvement Act of 1978, 16 U.S.C. 742*l*; Exotic Organisms, E.O. 11987, 42 FR 26949; American Indian Religious Freedom, 42 U.S.C. 1996.

2. The table of contents for Part 12 is amended by adding the following entry in sequence:

Subpart D—Disposal of Forfeited or Abandoned Property

Sec.
12.30 Purpose.
12.31 Accountability.
12.32 Effect of prior illegality.
12.33 Disposal.
12.34 Return to the wild.
12.35 Use by the service or transfer to another government agency for official use.
12.36 Donation or loan.
12.37 Sale.
12.38 Distruction.

3. Amend § 12.3(a) by adding the following definitions in alphabetical order:

* * * * *

§ 12.3 Definitions.

"Abandonment" means a person's surrender of seized property to the Service by, but not limited to, refusing or otherwise avoiding delivery of mail concerning the seizure (as by giving a false name or address), failing for more than 180 days to make or maintain a claim to the property, failing to respond within 120 days of issuance of a notice from the Department concerning the seizure, unless the property is earlier forfeited, or quitclaiming to the United States any interest in the property.

"Disposal" includes, but is not limited to, remission, return to the wild, use by the Service or transfer to another government agency for official use, donation or loan, sale, or destruction.

"Forfeiture" means a person's surrender or relinquishment of any claim to seized property by written agreement, or extinguishment of any person's interest in, and transfer of title to seized property to the United States by court order or by order of the Secretary as authorized by law.

4. A new Subpart D is added to read as follows:

Subpart D—Disposal of Forfeited or Abandoned Property

§ 12.30 Purpose.

Upon forfeiture or abandonment of any property to the United States under this part the Director shall dispose of such property under the provisions of this Subpart D.

§ 12.31 Accountability.

All property disposed of under this subpart must be accounted for in official records. These records must include the following information:

(a) A description of the item.

(b) The date and place of the item's seizure (if any) and forfeiture or abandonment.

(c) The investigative case file number with which the item was associated.

(d) The name of any person known to have or to have had an interest in the item.

(e) The date, place, and manner of the item's disposition.

(f) Name of the official responsible for the disposal.

(g) Domestic value of the property.

§ 12.32 Effect of prior illegality.

The effect of any prior illegality on a subsequent holder of any wildlife or plant disposed of or subject to disposal is terminated upon forfeiture or abandonment, but the prohibitions, restrictions, conditions, or requirements which apply to a particular species of wildlife or plant under the laws or regulations of the United States or any State, including any applicable health, quarantine, agricultural, or Customs law or regulations remain in effect as to the conduct of such holder.

§ 12.33 Disposal.

(a) The Director shall dispose of any wildlife or plant forfeited or abandoned under the authority of this part, subject to the restrictions provided in this subpart, by one of the following means, unless the item is earlier remitted, the subject of a petition for remission of forfeiture under § 12.24 of this part, or disposed of by court order:

(1) Return to the wild;

(2) Use by the Service or transfer to another government agency for official use;

(3) Donation or loan;

(4) Sale; or

(5) Destruction.

In the exercise of the disposal authority, the Director generally must dispose of any wildlife or plant in the order in which the disposal methods appear in this paragraph (a) of this section.

(b) The Director shall dispose of any property, except wildlife or plants, forfeited or abandoned under the authority of this part, including vehicles, vessels, aircraft, cargo, guns, nets, traps, and other equipment in accordance with current Federal Property Management Regulations (41 CFR Chapter 101) and Interior Property Management Regulations (41 CFR Chapter 114), unless the item is earlier remitted, the subject of a petition for remission of forfeiture under § 122.24 of this part, or disposed of by court order.

(c) The Director may not dispose of property until the time period for receiving a petition for remission under § 12.24 of this part has elapsed. In any case, however, from the date of forfeiture, the following time periods are in effect, unless the property is the subject of a petition for remission of forfeiture:

(1) Perishable items may be disposed of immediately;

(2) Live wildlife or plants may be disposed of in 30 days; and

(3) Property, except perishable items or live wildlife or plants, may be disposed of in 60 days.

§ 12.34 Return to the wild.

(a) Any live member of a native species of wildlife may be released to the wild in suitable habitat within the United States with the permission of the landowner if it is capable of surviving, unless release poses an imminent danger to public health or safety.

(b) Any live member of a native species of plant may be transplanted in suitable habitat on Federal or other protected lands within the United States with the permission of the appropriate State agency if it is capable of surviving.

(c) Any live member of an exotic species of wildlife (including injurious wildlife) or plant may not be returned to the wild in the U.S., but may be returned to the country of export (if known) after consultation with and the expense of the country of export in accordance with the provisions of § 12.35 of this part.

§ 12.35 Use by the service or transfer to another government agency for official use.

(a) Wildlife and plants may be used by the Service or transferred to another government agency (including foreign agencies) for one or more of the following official purposes:

(1) Training government officials to perform their official duties;

(2) Identification of protected wildlife or plants, including forensic identification or research;

(3) Public education concerning the conservation of wildlife or plants;

(4) Law enforcement operations conducted by government officers in performance of official duties;

(5) Scientific purposes or for the enhancement of propagation or survival;

(6) Evidence in a legal proceeding involving the wildlife or plant; or

(7) Return to the wild in accordance with § 12.34 of this part.

(b) Each transfer and the terms of the transfer must be documented.

(c) The agency receiving the wildlife or plants may be required to bear all costs of care, storage, and transportation in connection with the transfer.

§ 12.36 Donation or loan.

(a) Except as otherwise provided in this section, wildlife and plants may be donated or loaned for noncommercial scientific, educational, or public display purposes to any person who demonstrates the ability to provide adequate care and security for the item.

(b) Any donation or loan may be made only after execution of a transfer document between the Director and the donee/borrower, which is subject to the following conditions:

(1) The purpose for which the wildlife or plants are to be used must be stated on the transfer document;

(2) Any attempt by the donee/borrower to use the donation or loan for any other purpose except that stated on the transfer document entitles the Director to immediate repossession of the wildlife or plants;

(3) The donee/borrower must pay all costs associated with the transfer, including the costs of care, storage, transportation, and return to the Service (if applicable);

(4) The donee/borrower may be required to account periodically for the donation or loan;

(5) The donee/borrower is not relieved from the prohibitions, restrictions, conditions, or requirements which may apply to a particular species of wildlife or plant imposed by the laws or regulations of the United States or any State, including any applicable health, quarantine, agricultural, or Customs laws or regulations.

(6) Any attempt by a donee to retransfer the donation during the time period specified in the transfer document within which the donee may not retransfer the donation without the prior authorization of the Director entitles the Director to immediate repossession of the wildlife or plants;

(7) Any attempt by a borrower to retransfer the loan without the prior authorization of the Director entitles the Director to immediate repossession of the wildlife or plants;

(8) Subject to applicable limitations of law, duly authorized Service officers at all reasonable times shall, upon notice, be afforded access to the place where the donation or loan is kept and an opportunity to inspect it;

(9) Any donation is subject to conditions specified in the transfer document, the violation of which causes the property to revert to the United States;

(10) Any loan is for an indefinite period of time unless a date on which the loan must be returned to the Service is stated on the transfer document; and

(11) Any loan remains the property of the United States, and the Director may demand its return at any time.

(c) Wildlife and plants may be donated to individual American Indians for the practice of traditional American Indian religions. Any donation of the parts of bald or golden eagles may only be made to individual American Indians authorized by permit issued in accordance with § 22.22 of this title to possess such items.

(d) Edible wildlife, fit for human consumption, may be donated to a non-profit, tax-exempt charitable organization for use as food, but not for barter or sale.

§ 12.37 Sale.

(a) Wildlife and plants may be sold or offered for sale, except any species which at the time it is to be sold or offered for sale falls into one of the following categories:

(1) Listed in § 10.13 of this title as a migratory bird protected by the Migratory Bird Treaty Act (16 U.S.C. 703–712);

(2) Protected under the Eagle Protection Act (16 U.S.C. 668–668d);

(3) Listed in § 23.33 of this title as "Appendix I" under the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and

(4) Listed in § 17.11 of this title as "endangered" or "threatened" under the Endangered Species Act of 1973 (16 U.S.C. 1533), unless the species may be lawfully traded in interstate commerce.

(b) Wildlife and plants must be sold in accordance with current Federal Property Management Regulations (41 CFR Chapter 101) and Interior Property Management Regulations (41 CFR Chapter 114).

(c) Wildlife or plants which may not be possessed lawfully by purchasers under the laws of the State where held may be moved to a State where possession is lawful and may be sold.

(d) Wildlife or plants purchased at sale are subject to the prohibitions, restrictions, conditions, or requirements which apply to a particular species of wildlife or plant imposed by the laws or regulations of the United States or any State, including any applicable health, quarantine, agricultural, or Customs laws or regulations, except as provided by § 12.33 of this part.

§ 12.38 Destruction.

(a) Wildlife or plants not otherwise disposed of must be destroyed.

(b) When wildlife or plants are destroyed, the fact, manner, and date of destruction and the type and quantity of wildlife or plants destroyed must be certified by the official actually destroying the items.

Dated: August 19, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-27392 Filed 9-18-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 182
Monday, September 21, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Order 81-9-89]

Fitness Determination of Princeville Airways, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-9-89, Order to Show Cause.

SUMMARY: The Board is proposing to find that Princeville Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 5, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-9-89.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428 (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-89 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW, Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-9-89 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 15, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-27306 Filed 9-18-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-9-86]

Fitness Determination of Southern Jersey Airways, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination-Order 81-9-86, order to show cause.

SUMMARY: The Board is proposing to find that Southern Jersey Airways, Inc., is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing scheduled air transportation under its existing 401(d)(5) dormant route certificate and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 15, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-9-86.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Reinke, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5405.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-86 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-9-86 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 15, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-27308 Filed 9-18-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-9-88]

Fitness Determination of Walker's Cay Air Terminal, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-9-88, order to show cause.

SUMMARY: The Board is proposing to find that Walker's Cay Air Terminal, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 5, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-9-88.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-88 is available from the District Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-9-88 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 15, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-27397 Filed 9-18-81; 8:45 a.m.]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

District of Columbia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the District of Columbia Advisory Committee to the Commission will convene at 2:00 p.m. and will end at 4:00 p.m., on October 5, 1981, at the National Housing Center, Board Room, 15th and M Sts. N.W., Washington, DC. The purpose of this meeting is to orient and organize the newly rechartered District of Columbia Advisory Committee to the U.S. Commission on Civil Rights.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Walter E. Washington, 408 T. Street, N.W., Washington, DC 20001, 202/659-3300, or the Mid-Atlantic Regional Office, 2120 L St., NW., Room 510, Washington, D.C. 20037, 202/254-6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, September 15, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-27443 Filed 9-18-81; 8:45 am]

BILLING CODE 6335-01-M

Washington Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the Washington Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 8:00 p.m., on October 7, 1981, at the Federal Building, 915 Second Avenue, Seattle, WA 98174. The purpose of this meeting is to allow a subcommittee of the State Advisory Committee to review progress and plan future activities in connection with the Advisory Committee's study of the Seafood Processing industry.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Katharine M. Bullitt, 1125 Harvard Ave. S., Seattle, WA 98102, 206/325-6353, or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, Washington 98174, 216/442-1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, September 16, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-27444 Filed 9-18-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

Single Audit Concept for Grant Recipients

AGENCY: Economic Development Administration, Commerce.

ACTION: Implementation of single audit concept required by OMB Circular A-102.

SUMMARY: Grant recipients that are State and local governments and Indian tribal governments shall comply with the requirements concerning non-Federal audits in Office of Management and Budget (OMB) Circular A-102, Attachment P, including any amendments to those requirements published in the **Federal Register** by OMB.

Grant recipients that are not governments shall comply with the requirements concerning non-Federal audits in OMB Circular A-110, including any amendments to those requirements published in the **Federal Register** by OMB.

FOR FURTHER INFORMATION CONTACT: Acting Director, Office of Management and Administration, Economic Development Administration, U.S. Department of Commerce, Room 7816, Washington, D.C. 20230, (202) 377-5353.

Dated: September 15, 1981.

Edward M. Levin,

Acting Assistant Secretary for Economic Development.

[FR Doc. 81-27445 Filed 9-18-81; 8:45 am]

BILLING CODE 3510-24-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to review status reports on the development of fishery management plans; consider foreign fishing applications, if any, and conduct other fishery management business.

DATES: The public meeting will convene on Wednesday, October 7, 1981, at approximately 8:30 a.m., and will adjourn at approximately 5:30 p.m.

ADDRESS: The public meeting will take place at the Bay Point Resort, Director's Meeting Room, Panama City, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Dated: September 16, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-27404 Filed 9-18-81; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade: Proposed Amendments Fixing Delivery Differentials for Soybean Oil Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule amendment.

SUMMARY: The Chicago Board of Trade has submitted amendments to its rules 1106.01 and 1141.02 fixing the delivery differentials for its soybean oil contract at the levels existing on July 30, 1981. Those amendments would make permanent the temporary emergency action taken by the Exchange on July 30, 1981 and extended until October 30, 1981 as authorized by the Commodity Futures Trading Commission ("Commission") pursuant to Commission regulation 1.41(f). The Commission has determined that the amendments are of major economic significance and that, accordingly, publication of the proposed amendments is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before October 6, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., 20581. Reference should be made to Chicago Board of Trade regulations 1106.01 and 1141.02—Delivery Differentials.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-7303; or Douglass Leslie, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. (202) 254-8955.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission, in accordance with Section 5a(12) of the Commodity Exchange Act, ("Act") 7 U.S.C. 7a(12) (Supp. III 1979), has determined that the proposed amendments to regulations 1106.01 and 1141.02 of the Chicago Board of Trade fixing the delivery differentials at the levels existing on July 30, 1981, for its soybean oil contract are of major economic significance. The reasons given by the Exchange are that frequent changes in the rail freight rates for soybean oil caused corresponding changes in the delivery differentials for delivery points for soybean oil contracts leading to increased uncertainty for those making or taking delivery and that these changes in delivery differentials may not reflect cash market differentials between soybean oil warehouses. A proposed freight rate increase on July 17, 1981 had adversely affected the spread between the August and September 1981 soybean oil futures and led to the Exchange enacting the proposed amendments as temporary emergency rules on July 30, 1981. Since then the Commission has authorized extension of this emergency action until October 30, 1981.

The text of the proposed amendments is printed below, using italics to indicate additions and brackets to indicate deletions:

1106.01 Price Basis—All prices of Crude Soybean Oil shall be basis Decatur, Illinois [freight adjustment of New York, N.Y.] in multiples of 1/100th of one cent per pound. Contracts shall not be made on any other price basis. 2005

1141.02 Billing—When delivery is made at a point other than Decatur, Illinois, the Seller shall make an adjustment to Buyer by decreasing or increasing the amount due on delivery notice by the difference between carload freight *rate that existed on July 30, 1981* from *the* point of delivery to New York, N.Y., as compared with Decatur, Illinois to New York. 2016 *(See Appendix 11B for delivery differentials.)*

* * * * *

Other materials submitted by the Exchange in support of its rule amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 269534 (April 22, 1980)), except to the extent they may be entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments, or with respect to other materials submitted by the exchange in support of its submission, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., 20581, by [fifteen days after publication]. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on September 16, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-27395 Filed 9-18-81; 8:45 am]

BILLING CODE 6351-01-M

The Petroleum Associates of the New York Cotton Exchange: Proposed Bylaw and Rule Amendments Relating to the Liquefied Propane Gas Futures Contract

AGENY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rules.

SUMMARY: The Petroleum Associates of the New York Cotton Exchange ("Exchange") has subitted a proposal to amend the inactive liquefied propane gas futures contract in order to conform this contract more closely to the current spot market in propane. The Commodity Futures Trading Commission ("Commission") has determined that a portion of the proposal is of major economic significance and that, accordingly, publication of those provisions is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before October 21, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference shuld be made to the Petroleum Associates' Liquefied Propane Gas Futures Contract.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. (202) 254-7303; or Lawrence Dolins, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955.

SUPPLEMENTARY INFORMATION: The Petroleum Associates of the New York Cotton Exchange is proposing several specific bylaw and rule revisions to its inactive liquefied propane gas futures contract to conform the contract with the current cash market. In particular, the Exchange proposes (1) to decrease the size of the contract's trading unit from 100,000 gallons to 1,000 barrels (42,000 gallons) (amended Bylaw Sections 77 and 79 and Rule 3(g)); (2) to decrease the useful life of a shipping certificate to a maximum of 30 days (amended Rules 1B, 1B.1., 1B.2., 1B.4., and 1B.5.); and (3) to add Group 145, located at Conway, Kansas, as a second delivery location and provide for a locational differential when deliveries are made at Conway instead of Mt. Belvieu, Texas (amended Rules 3C and 2(c)).[1]

In accordance with Section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (Supp. III 1979), the Commission has determined that these provisions submitted by the Petroleum Associates concerning its liquefied propane gas futures contract are major economic significance. Accordingly, the Petroleum Associates' proposed amendments to Bylaw Sections 77 and 79, and Rules 1B, 1B.1., 1B.2., 1B.4., 1B.5., 2(c), 3(g) and 3C are printed below, using italics to indicate additions and brackets to indicate deletions:

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[1] In addition to those by-law and rule changes, the Exchange has also proposed to increase the number of trading months in the contract (amended Rules 5 and 7(1)), establish a uniform delivery date for the shipping certificates (amended Rules 2(h), 3(b) and 3A), increase the daily maximum price limits (amended Rule 14(1), and establish margin requirements (amended Rule 20(1)). The Commission has determined that these revisions are not of major economic significance pursuant to Section 5a(12) of the Act and consequently is not publishing them.

Sec. 77. No contract for the future delivery of Liquefied Propane Gas shall be recognized, acknowledged or enforced by the Exchange or any Committee or officer thereof, unless both parties thereto shall be members of the Exchange. Members shall offer their contracts for clearance to the Commodity Clearing Corporation, which, upon acceptance thereof, shall become by substitution a party thereto in place of the member and thereupon such Corporation shall become subject to the obligations thereof and entitled to all of the rights thereunder, assuming to the buyer the position of the seller and to the seller the position of the buyer, provided, however, the said Corporator shall have no liability to the buyer or the seller on any such contract after a notice of delivery thereunder has been issued and stopped.

All contracts for the future delivery of Liquefied Propane Gas shall be in the following form: Petroleum Associates of the [LPG Associates of the] New York Cotton Exchange, Inc., Liquefied Propane Gas Contract, New York, N.Y., ——19—.

A.B. have this day [ ] sold [ ] and agree to [·] deliver to [ ] receive from C.D. 1,000 Barrels [100,000 gallons] of Liquefied Propane Gas at the price of —— cents per gallon, in accordance with the provisions of the By-Laws, Rules and Regulations of the Petroleum Associates of the New York Cotton Exchange, Inc., deliverable from licensed storage facility in ——— (point of delivery) on ——— (delivery date) [between the first and last delivery days of ——— (point of delivery) inclusive, and the delivery within such time to be at seller's option upon notice to buyer, as provided by the By-Laws, Rules and Regulations of the LPG Associates of the New York Cotton Exchange, Inc.]

Either party may call for a margin, as the variations of the market or like deliveries may warrant which margin shall be kept good.

This contract is made in view of, and in all respects subject to the By-Laws, Rules and Regulations of the Petroleum Associates of the New York Cotton Exchange, Inc.

For and in consideration of one dollar ($1.00) to the undersigned, in hand paid, receipt whereof is hereby acknowledged, the undersigned accepts this contract with all its obligations and conditions.

Verbal contracts (which shall always be presumed to have been made in the approved form) shall have the same standing, force and effect as written ones, if notice in writing of such contracts shall have been given by one of the parties thereto to the other during the day on which such contract is made.

Delivery of liquefied Propane Gas on contract may be made at delivery points designated in the rules. The designated delivery points may be added to or subtracted from at the discretion of the Board of Directors after proper notice has been given to the membership.

Liquefied Propane Gas Tenderable Against Exchange Contracts

Sec. 79. Every contract for Liquefied Propane Gas bought or sold on the Exchange shall obligate the seller to deliver, and the buyer to receive, a shipping certificate, issued by a facility licensed by the Exchange, providing for the delivery to the holder thereof of 1,000 Barrels of 42 United States gallons [one hundred thousand (100,000) gallons] each of Liquefied Propane Gas meeting the specifications of NGPA–HD–5 (NGPA publication 2140–68, or revisions thereto.)

SHIPPING CERTIFICATE

Rule 1B. The following form of Liquefied Propane Gas Shipping Certificate shall be used: Petroleum Associates of the New York Cotton Exchange, Inc. Liquefied propane gas shipping certificate for delivery in satisfaction of contract for *1,000 barrels* [100,000 gallons] of propane.

Licensed facility ———

Located at ———.

This is to certify that ———, (licensed facility), shall deliver within said facility to bearer *1,000 barrels* [100,000 gallons] of Liquefied Propane Gas meeting the specifications of NGPA–HD–5 (NGPA publication 2140–68, or revisions thereto), subject to all terms and conditions contained herein, upon the payment of all storage and other charges and the surrender of this shipping certificate in accordance with the By-Laws, Rules and Regulations of the Petroleum Associates of the New York Cotton Exchange, Inc.

Terms and Conditions

Charges [in the amount of 12/100th of one cent (12 points) per gallons] have been paid by the seller for the preparation and issuance of this certificate and covering storage for the delivery month.

2. *The buyer shall provide the storage facility within five calendar days after receipt of this shipping certificate with instructions respecting the disposition of the product from the facility.* [The storage rate to be paid by the buyer is 12/100ths of one cent (12 points) per calendar month commencing on the first day of the second month succeeding the date of issuance of this certificate.]

4. This shipping certificate expires on *the last day of the delivery month in which it was delivered in accordance with the delivery rules of the Petroleum Associates of the New York Cotton Exchange, Inc.* [July 31st following the date of its signing. In the event of a failure of the holder of this certificate to exercise its privileges on or before its expiration date, the undersigned reserves the right to sell or dispose of the propane hereunder and claims a lien against the propane or against the person entitled under this document or on the proceeds thereof in his possession for charges for storage, transportation, loading, handling (including the demurrage and terminal charges), labor, or charges present or future in relation to the goods and for expenses necessary for the preservation of the goods or reasonably incurred in their sale pursuant to law.]

5. *In the event of a failure of the holder of this certificate to exercise its privileges on or before its expiration date, the undersigned reserves the right to sell or dispose of the propane hereunder and claims a lien against the propane or against the person entitled under this document or on the proceeds thereof in his possession for charges for storage, transportation, loading, handling (including the demurrage and terminal charges), labor or charges present or future in relation to the goods and for expenses necessary for the preservation of the goods or reasonably incurred in their sale pursuant to law.* Liability. The licensed facility assumes no liability for damages for loss of or injury to the goods which could not have been avoided by the exercise of such care in regard to the goods as a reasonably careful man would exercise under like circumstances.

Rule 2(c). *Deliveries made at the "Group 145" delivery point shall require a deliverer to make an allowance to the receiver equal to the tariff charge per gallon as published by the common carrier for the transportation of Liquefied Propane Gas between Conway, Kansas and Mont Belvieu, Texas.* [When Liquefied Propane Gas is delivered on and after the first day of the second month succeeding the date of issuance of the shipping certificate, storage and other charges, if any, shall be paid up to and including the day of delivery or proper allowance therefore made in the deliverer's invoice.]

Rule 3(g). Every Delivery Notice for Liquefied Propane Gas shall be for the delivery of *1,000 Barrels* [100,000 gallons] of Liquefied Propane Gas meeting the specifications of NGPA-HD-5 (NGPA PUBLICATION 2140-68, or revisions thereto), showing the deliverer's invoice number and the storage facility from which the Liquefied Propane Gas will be delivered. The Notice shall be in the following form:

Petroleum Associates of the [LPG Associates of the], New York Cotton Exchange, Inc.; notice of delivery for liquefied propane gas contract.

Invoice No. ———.
New York ———.
C/H No. ———.
To: ———.

Please take notice that on ——— in accordance with and subject to the By-Laws and Rules of the Petroleum Associates of the New York Cotton Exchange, Inc., we shall deliver to you a shipping certificate issued by the following licensed facility ——— providing for the delivery of *1,000 Barrels* [100,000 gallons] of Liquefied Propane Gas meeting the specifications of NGPA-HD-5 (NGPA PUBLICATION 2140-62, effective January 1, 1968, or revisions thereto) at the Notice price of —¢ per gallon.

Signed ———.
Per ———.
New York ———.

Rule 3C. The areas known as Mont Belvieu in Chambers County, Texas *and "Group 145" in Conway and Hutchinson area of Kansas are designated as points of delivery of Liquefied Propane Gas.* [Area . . . is designated as the point for delivery of Liquefied Propane Gas.]

* * * * *

Other materials submitted by the Petroleum Associates in support of the proposed bylaw and rule amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953-4 (April 22, 1980)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by October 21, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on September 16, 1981.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 81-27394 Filed 9-18-81; 8:45 am]

BILLING CODE 6351-01-M

Minneapolis Grain Exchange: Proposed Amendments to Existing Locational Discount for the Sunflower Seed Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule amendment.

SUMMARY: The Minneapolis Grain Exchange ("MGE") has submitted an amendment to its Sunflower Seed futures contract which would change the discount to be applied on deliveries from elevators located in Minneapolis or St. Paul, Minnesota, switching district. The amendment would increase the locational discount from $.20 per hundredweight to $.70 per hundredweight. The Commodity Futures Trading Commission ("Commission") has determined that the amendment is of major economic significance and that, accordingly, publication of the proposed amendment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act, as amended.

DATE: Comments must be received on or before October 21, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Reference should be made to MGE Rule 1003—Locational Differential.

FOR FURTHER INFORMATION CONTACT: Robert Clark, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C., (202) 254-7307; or De'Ana J. Hamilton, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581, (202) 254-8955.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act, ("Act") 7 U.S.C. section 7a(12) (Supp. III 1979), has determined that the proposed amendment to rule 1003 of the Minneapolis Grain Exchange increasing the locational discount in its Sunflower Seed futures contract is of major economic significance. The reasons given for the proposed increase are twofold. First, members believe that the $.20 per hundredweight differential is too narrow, thus discouraging potential users—including overseas buyers—from hedging in the Minneapolis market. MGE is also concerned about Minneapolis processors left holding Minneapolis warehouse receipts having unrealistically high economic value. Second, adding to the economic disparity, the freight rate on sunflower seeds from Minneapolis to Duluth has increased by approximately $.20 per hundredweight. Therefore, the proposed increase in the locational discount could affect the pricing and hedging characteristics of the contract.

The text of the proposed amendment is printed below, using italics to indicate additions and brackets to indicate deletions:

Rule 1003—Contract and Other Deliverable Grades

* * * * *

Provided further, that sunflower seeds "In Store" in elevators located in Minneapolis or St. Paul, Minnesota, switching district shall be deliverable at a discount of *seventy cents (70¢)* [twenty cents (20¢)] per hundredweight and sunflower seeds "In Store" in elevators located in Duluth, Minnesota or Superior, Wisconsin, shall be delivered at par.

* * * * *

Other materials submitted by the MGE in support of its rule amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953-4 (April 22, 1980)), except to the extent they may be entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments, or with respect to other materials submitted by the MGE in support of its submission, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by October 21, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

V 46 SE 21 81 UMI

Issued in Washington, D.C., on September 15, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-27311 Filed 9-18-81; 8:45 am]

BILLING CODE 6351-01-M

New York Mercantile Exchange's Proposed Gasoline Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of proposed commodity futures contracts.

SUMMARY: The New York Mercantile Exchange ("NYME") has applied for designation as a contract market in both leaded regular gasoline and unleaded regular gasoline (Gulf Coast). The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contracts are of major economic significance and that, accordingly, announcing the availability of these proposed contracts for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before October 21, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the NYME Gulf Coast Gasoline Futures Contracts.

FOR FURTHER INFORMATION CONTACT: Robert Clark, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. (202) 254-7303; or George L. Garrow, Jr., Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581, (202) 254-8955.

SUPPLEMENTARY INFORMATION: A copy of the terms and conditions of NYME's proposed Gulf Coast gasoline futures contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by NYME in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953-4 (April 22, 1980)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by NYME in support of its application should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by October 21, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on September 15, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-27310 Filed 9-18-81; 8:45 am]

BILLING CODE 6351-01-M

COMMUNITY SERVICES ADMINISTRATION

Senior Executive Service Bonuses

AGENCY: Community Services Administration.

ACTION: Agency's schedule for awarding bonuses to its members of the Senior Executive Service as indicated in OPM memorandum of July 21, 1980.

SUMMARY: The Agency plans to award bonuses to not more than three (3) of its career Senior Executives for the SES performance appraisal year terminating August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roger Davis (202)254-6170.

Dwight A. Ink,

Director.

[FR Doc. 81-27399 Filed 9-18-81; 8:45 am]

BILLING CODE 6315-01-M

Waiver of Non-Federal Share Requirements for North Carolina Senior Citizens Federation

AGENCY: Community Services Administration.

ACTION: Notice of non-Federal share waiver.

SUMMARY: The Community Services Administration is filing a Notice of Waiver of Non-Federal Share requirements for the North Carolina Senior Citizens Federation with regard to FY 79, FY 80 and FY 81 funds. The waiver is based on the nature of the services provided by the grantee, the specialization function of the grantee and the fact that such services and functions are not the kind that lend themselves to generation of non-Federal share.

FOR FURTHER INFORMATION CONTACT: Ms. Sharon A. Cole, (404) 221-3802.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942; Sec. 225(c) [U.S.C. 2812].

Dwight A. Ink,

Director.

1. *Purpose.* This notice is issued to inform the public of a waiver of non-Federal share requirement for the North Carolina Senior Citizens Federation and the criteria on which the waiver is based.

2. *Background.* Section 225(c) of the Economic Opportunity Act of 1964, as amended, authorizes the Director to waive the non-Federal share matching requirements where he/she determines the waiver would further the purposes of the EOA. Title II of the EOA provides financial assistance for the purposes of enhancing community capabilities to achieve self-sufficiency for poor community residents. From time to time, the imposition of a matching share requirements for a grant inhibits essential projects that otherwise further this mission. This is true particularly of projects that provide technical assistance and training for community-based organizations. In these situations the grantee may lack the ability to generate the non-Federal match, either in-kind or cash, because the grantee is specialized in functions and lacks the financial and constituent base that would normally provide such a contribution. The Director has determined that when a grantee is unable to meet non-Federal share requirements for the reasons stated above such grantee may be eligible for waiver of such non-Federal share.

3. *Waiver.* North Carolina Senior Citizens Federation (NCSCF) is a CSA grantee funded to provide supportive assistance was well as coordinate and disseminate information on aging to all community action agencies in Region IV and additionally to all Area Agencies on Aging in Region IV. As such, NCSCF is unable to generate sufficient non-Federal match either in-kind or cash because it is specialized in functions and lacks the financial and constituent base that normally would provide such a contribution. The Director has

concluded that NCSCF meets the criteria for waiving the non-Federal share requirement pursuant to his authority under Section 225(c) of the EOA and hereby reduces the requirements to 8% with regard to NCSCF's FY '79, FY '80, and FY '81 CSA grants.

[FR Doc. 81-27307 Filed 9-18-81; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Medical Research and Development; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub.L. 92-463), announcement is made of the following Subcommittee meeting:

NAME OF COMMITTEE: United States Army Medical Research and Development Advisory Panel Subcommittee on Pharmacology.

DATE OF MEETING: October 28, 1981.

TIME & PLACE: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, D.C.

PROPOSED AGENDA: this meeting will be open to the public on October 28, 1981 from 0830-1330 hrs to discuss the scientific research program of the Pharmacology Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1330-1730 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Medical Center, Washington, DC 20012 (202/576-3061) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81-27458 Filed 9-18-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Availability of the Draft Environmental Impact Statement, 300 kV International Transmission Line, Erie, Pennsylvania to Nanticoke, Ontario, Canada

AGENCY: Department of Energy.

ACTION: Notice of Availability of the Draft Environmental Impact Statement, DOE/EIS-0079, 300 kV International Transmission Line, Erie, Pennsylvania to Nanticoke, Ontario, Canada.

SUMMARY: DOE has been asked to grant a Presidential Permit for the construction, connection, operation and maintenance of high-voltage direct-current (HVDC) transmission cables extending from the Nanticoke Generating Station in Ontario, Canada, under Lake Erie to the Pennsylvania shore, a distance of approximately 100 kilometers (62 miles). Transmission would continue via an overhead transmission line that would run parallel to an existing transmission route for a distance of approximately 9.6 kilometers (6 miles). At that point the dc transmission line would feed into a proposed ac/dc conversion station to be located adjacent to the existing Erie West Substation. The proposed transmission line will interconnect the General Public Utilities (GPU) with Ontario Hydro (OH) for the purpose of providing firm purchase of 1,000 MW by GPU from OH during the 1985 through 1994 period. The DEIS points out the potential temporary disruption of the aquatic and terrestrial environs and cultural resources in the proximity of the facility.

DATES: To ensure consideration in preparing the final environmental impact statement written comments should be received at DOE no later than 45 days after September 18, 1981.

ADDRESSES: Copies of the DEIS may be obtained from and written comments on the DEIS should be addressed to: Department of Energy, Attention: Mr. Garet Bornstein, Office of Emergency Operations, 2000 M Street, N.W., Room 4209, Washington, D.C. 20461, (202) 653-3889.

FOR FURTHER INFORMATION CONTACT: You may contact Mr. Garet Bornstein, or:

Ms. Linda Desell, Office of Environment, NEPA Affairs Division, Department of Energy, Room 4G057, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6374

Ms. Lise Courtney M. Howe, Office of General Counsel, Department of Energy, Room 5E064, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2900

SUPPLEMENTARY INFORMATION: General Public Utilities (GPU) filed an application with the Department of Energy on June 25, 1980, for a Presidential Permit pursuant to Executive Order 10485, as amended, to construct, connect, operate and maintain a 300 kV transmission facility across the United States/Canada border to interconnect with the electric power system of Ontario Hydro (OH).

The DOE considers the issuance of the subject Presidential Permit to be a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act (NEPA). Therefore, the preparation of an Environmental Impact Statement (EIS) is required in accordance with 40 CFR 1502.3 *et seq.*

The DOE published a notice of intent (45 FR 57521) on August 28, 1980, regarding the preparation of a draft EIS (DEIS) on the proposed international interconnection. A public meeting was held by the DOE on September 30, 1980, to obtain information from all interested parties regarding the scope of the environmental impacts.

The DEIS addresses the potential environmental impact of the construction and operation of the 300 kV transmission facility.

The range of alternatives addressed in the DEIS includes enhancement of conservation and use of decentralized energy sources, purchase of additional power from U.S. sources, and construction of additional generating capacity. These actions constitute the "no action alternative." In addition, alternative transmission corridors are discussed.

Comment Procedures

Copies of the DEIS have been distributed to Federal, state and local agencies, organizations and to individuals known to be interested in the proposed transmission facility. Additional copies may be obtained from the Office of Emergency Operation, 2000 M Street, N.W., Room 4209, Washington, D.C. 20461. Phone (202) 653-3889.

Copies of the DEIS are available for public inspection at the following locations:

Erie City/County Library, Attention: Mr. Alan Waldinger, 3 South Perry Square, Erie, Pennsylvania 16501

Albion Area Public Library, Attention: Mrs. Walter Fuller, East Pearl Street, Albion, Pennsylvania 16401

Wilcox Library, 8 East Street, Girard, Pennsylvania 16417

Newark Public Library, Attention: Mr. Thomas J. Alrutz, Director, P.O. Box 630, Newark, New Jersey 07101

Free Public Library, Attention: Mr. Harold W. Thompson, Jr., 120 Academy Street, Trenton, New Jersey 08608

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GPU Service Corporation, Attention: Mr. Edmund Newton, Jr., Vice President, P.O. Box 1018, Reading, Pennsylvania 19603
GPU Service Corporation, Attention: Miss Helen M. Graydon, Secretary, 100 Interpace Parkway, Parsippany, New Jersey 07054
Mr. Dennis Baldassari, Secretary, Jersey Central Power & Light Company, Madison Avenue and Punchbowl Road, Morristown, New Jersey 07960
Mr. John W. Bonarrigo, Assistant Secretary, Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907
Mr. G. W. Smith, District Manager, Pennsylvania Electric Company, P.O. Box 127, Girard, Pennsylvania 16417
Mr. R. P. Martin, Jr., Erie Division Manager, Pennsylvania Electric Company, 5404 Evans Road, Erie, Pennsylvania 16558

Written Comments

Interested parties are invited to provide written comments on the DEIS to Mr. Garet Bornstein, Office of Emergency Operations, 2000 M Street, N.W., Room 4209, Washington, D.C. 20461. Comments should be identified on the outside of the envelope with the designation "Draft EIS on the Lake Erie International Interconnection". In order to insure consideration in preparing the final statement, all comments and related information should be received by the DOE by November 9, 1981.

Any information or data considered to be confidential must be so identified and accompanied by a written Statement of Confidentiality. Any material not accompanied by a Statement of Confidentiality will be considered to be non-confidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determinaton.

Issued in Washington, D.C., August 28, 1981.

Barton R. House,

Acting Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81-27296 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Atlantic Richfield Co.; Proposed Remedial Order and Opportunity for Objection

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Proposed remedial order to Atlantic Richfield Company and opportunity for objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel (OSC), of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives notice that a Proposed Remedial Order (PRO) was issued on August 20, 1981 to Atlantic Richfield Company (ARCO), 515 South Flower Street, Los Angeles, California 90017, and that any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR 205.193 within 15 days after the date of publication of this notice.

II. The Proposed Remedial Order

ARCO is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products subject to the DOE regulations. By this PRO, OSC sets forth proposed findings of fact and conclusions of law concerning ARCO's calculation and reporting of cost increases for purchased products under the refiner price rules in 10 CFR Part 212, Subpart E, between August 1973 and November 1976. ARCO is charged with overstating its increased costs of purchased gasoline by approximately $7 million and with overstating its increased costs of purchased lubes and greases by approximtely $564,524 in violation of 10 CFR 212.82, 212.83 and 212.126(b).

Specifically, § 212.82 allowed a refiner to recover only those increases in costs which had been incurred by the refiner. In addition, § 212.83 required a refiner to include the total costs and the total quantities of a covered product for which cost increases were being calculated. ARCO improperly included its May 1973 costs and volumes of ARCONOL, a component of gasoline purchased by ARCO, in its calculations for increased costs of ARCONOL and again in its calculations for increased costs of purchased gasoline. ARCO thereby included more than total costs and quantities of gasoline in its gasoline calculations and reported more increases in costs than had been incurred. ARCO also improperly excluded cost and quantities of lubes and greases purchased by ARCO in May 1973 in Puerto Rico from its calculations of increased cost of lubes and greases. Because cost increases are measured by comparing current reporting month costs and volumes against May 1973 costs and volumes, total cost and quantities of lubes and greases were not reflected in ARCO's calculations and ARCO reported more cost increases than had been incurred.

As a remedy, ARCO is directed to recompute its increased costs of purchased gasoline and lubes and greases for all applicable months of measurement utilizing all allowable May 1973 costs and quantities of these products.

Requests for copies of the Proposed Remedial Order, with confidential information deleted, should be directed to: Freedom of Information, Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, S.W., Washington, D.C. 20850.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals within fifteen (15) days after the date of this publication. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461.

The Notice must be filed in duplicate. In addition, a copy of the Notice must, on the same day as filed, be served on ARCO and on each of the following persons, pursuant to 10 CFR 205.193(c):

Raymond Gong, Chief Counsel, Pacific District Office of Special Counsel, Department of Energy, 333 Market Street, San Francisco, California 94105
Solicitor, Office of Special Counsel, Department of Energy, Federal Building, Room 4111, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461

No data or information which is confidential shall be included in any Notice of Objection.

Issued in Washington, D.C. September 10, 1981.

Avrom Landesman,

Acting Director, Office of Special Counsel.

[FR Doc. 81-27308 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC81-22; OFC Case No. 53012-1864-01-12]

University of Michigan; Acceptance of Petition for Exemption

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On July 29, 1981, University of Michigan (Michigan) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting one new major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by DOE. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

Michigan is seeking a permanent exemption to burn natural gas or petroleum in a new boiler to be installed at its Ann Arbor, Michigan, campus. Eligibility and evidentiary requirements governing the requested exemption based on either a site limitation or lack of alternate fuel at cost which does not substantially exceed the cost of using imported petroleum, authorized under section 212(a) of FUA, are set forth at 10 CFR 503.33 and 503.32 respectively. ERA's decision in this proceeding will determine whether Michigan will be granted the requested permanent exemptions to use petroleum or natural gas.

ERA has determined that Michigan's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). A review of Michigan's petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments on Michigan's petition and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anitcipated content of the presentations.

DATES: Written comments on the acceptance of Michigan's petition for exemption are due on or before November 5, 1981. Any request for public hearing must also be made within the same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW Washington, D.C. 20461.

Docket Number ERA-FC-81-22 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone (202) 653-4477

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone (202) 653-4226

Douglas Mitchell, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW, Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed will be a field-erected boiler to be constructed at Michigan's Central Power Plant, Central Campus, in Ann Arbor, Michigan. The unit, designated Boiler No. 2, is to be designed to product 220,000 pounds of steam per hour. The proposed fuels selected for the boiler are natural gas and petroleum. In conjunction with the new boiler, Michigan proposes to install a new turbine generator to produce electricity for the University's electrical grid.

To qualify for the permanent site limitation exemption, Michigan must demonstrate that a specific physical limitation relevant to the location or operation of the proposed facility exists which, despite good faith efforts, cannot reasonably be expected to be overcome within five years after commencement of operation.

Similarly, a petitioner for a permanent cost exemption under 10 CFR 503.32 must demonstrate:

1. A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit; and

2. The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in 10 CFR 503.6 (Cost Calculation).

In addressing the evidentiary requirements for each requested exemption, Michigan asserts that:

1. In the case of the site limitation exemption, pursuant to 10 CFR 503.33;

a. Despite good faith efforts, on-site physical limitations, which cannot be overcome, exist regarding coal storage and handling, as well as waste disposal and handling.

b. The remote storage of coal would cause a highway traffic nuisance and possible safety problems, and

c. The asthetic preservation of the surrounding area which includes, within 1,000 feet, the University of Michigan Medical Center, and the site of the Medical Center's new 1.25 million square foot hospital expansion, cannot be overcome. It is for this hospital addition that the increased steam demand is required.

2. Evidence in support of a lack of alternate fuel at a cost which does not substantially exceed the cost of imported petroleum exemption, pursuant to 10 CFR 503.32, includes the assertion, with supporting data and calculation that, applying the cost calculations at CFR 503.6, the total life cycle costs calculated over the 40 year life of the facility are:

a. Using Imported Petroleum—$36,922,948

b. Using an Alternate Fuel (Coal)—$40,494,364.

Additional evidence concerning the use of mixtures, fuel search and environmental impact analysis was submitted by Michigan.

ERA hereby gives notice that Michigan's petition for permanent exemption based on site limitation or cost for its Boiler No. 2 has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

The public file containing documents on this proceeding and supporting materials is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW, Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on September 14, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-27309 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ES81-61-000]

Boston Edison Co., et al.; Application

September 14, 1981.

Take notice that on August 31, 1981, Boston Edison Company, The United Illuminating Company, Cambridge Electric Light Company, Central Vermont Public Service Corporation, and Central Maine Power Company (Applicants) filed an application seeking authority pursuant to Sections 203 and 204 of the Federal Power Act with respect to the guarantee or acquisition of portions of proposed issues of notes and debentures of Connecticut Yankee Atomic Power Company ("Connecticut Yankee").

Connecticut Yankee proposes to issue up to $50,000,000 of notes (the "Notes") to Banks under a revolving credit arrangement and the Notes are to be guaranteed by its sponsors, including the Applicants. As an alternative to providing such guarantees, sponsors may elect to acquire their pro rata shares of the Notes. Accordingly, Boston Edison Company, The United Illuminating Company, Cambridge Electric Light Company, and Central Vermont Public Service Corporation each seek authority to acquire a portion of the Notes equal to its respective percentage of ownership of Connecticut Yankee. Such percentages and the maximum amounts of Notes which the Applicants may elect to purchase are as follows:

	Ownership (percent)	Maximum amount
Boston Edison Company	9.5	$4,750,000
The United Illuminating Company	9.5	4,750,000
Cambridge Electric Light Company	4.5	2,250,000
Central Vermont Public Service Corporation	2.0	1,000,000
		12,750,000

Cambridge Electric Light Company proposes to purchase its percentage (4.5%) or $2,250,000 of an issue of $50,000,000 of debentures to be issued by Connecticut Yankee. The $50,000,000 of debentures will bear interest at the rate of 17 percent per annum and will mature approximately 15 years after their initial issue.

Central Maine Power Company seeks authority to guarantee a portion (6%) of the Notes and a portion (6.2827%) of the $47,750,000 of debentures which are to be sold by Connecticut Yankee institutional investors.

The net proceeds from the issue of the Notes and debentures will be used to finance Connecticut Yankee's capital requirements and to repay borrowings.

Copies of this filing have been served on the Connecticut Department of Public Utility Control, the Massachusetts Department of Public Utilities, the Vermont Public Service Board, the New Hampshire Public Utilities Commission, the Maine Department of Public Utility Regulation, and the Rhode Island Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before September 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27321 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4939-000]

Brownville Power Co.; Application for Preliminary Permit

September 14, 1981.

Take notice that Brownville Power Company (Applicant) filed on June 22, 1981, and revised on July 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4939 to be known as the Brownville Hydroelectric Power Project located on the Black River in Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John H. Wasserlein, Division General Manager, C/O Boise Cascade Corporation, Specialty Paperboard Division, P.O. Box 498, Brattleboro, Vermont 05301.

Project Description—The proposed run-of-river project would consist of: (1) a 178-foot long 23-foot high concrete gravity overflow type dam (to replace an existing breached log crib dam owned in part by Boise Cascade Corporation and in part by Premoid Corporation) with spillway crest elevation 283 feet m.s.l.; (2) a reservoir having a surface area of 25.3 acres and a storage capacity of 29.6 acre-feet; (3) a left bank development comprising; (a) an intake structure; (b) a 12-foot diameter 200-foot long steel penstock; (c) a generating unit having a rated capacity of 4,000-kW (to be located in the existing Boise building); and (d) a 120-foot long tailrace; (4) a right bank development comprising; (a) a 12-foot diameter 5-foot long penstock; (b) an integral powerhouse containing a generating unit having a rated capacity of 4,000 kW; and (c) a 60-foot long tailrace; (5) two short underground 4,160-volt transmission lines; and (6) appurtenant facilities. Project energy would be sold to Niagara Mohawk Power Corporation or to Boise Cascade Corporation. Applicant estimates that the average annual energy output would be 35,000 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would finalize the technical and economic feasibilities and the environmental impacts, prepare maps and engineering data, develop a conceptual design and cost estimate and proceed with a detailed design. Applicant estimates the cost of the work under the permit would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981 either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27322 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-486-000]

Consolidated System LNG Co.; Application

Take notice that on August 28, 1981, Consolidated System LNG Company (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-486-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for a term ending October 31, 1981, authorizing the transportation of natural gas in interstate commerce for Consolidated Edison Company of New York, Inc. (Con ED), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In accordance with a transportation agreement, Applicant proposes to receive up to 100,000 dekatherms (dt) equivalent of natural gas per day from Columbia Gas Transmission Corporation at an existing interconnection near Loudoun, Virginia, for transportation and delivery to Texas Eastern Transmission Corporation at existing interconnections near Chambersburg and Perulack, Pennsylvania, all for the account of Con Ed. It is stated that the transportation agreement provides for a rate of 14.0 cents per dt equivalent for each dt equivalent transported from the Loudoun Interconnection to the Perulack Interconnection or an equivalent rate per 100 Mcf-miles for all quantities delivered at the Chambersburg Interconnection calculated by using methods set forth at Exhibit P to the application in Docket No. CP80-510. Applicant submits that the term of the agreement is from the date of execution until October 31, 1981. Applicant also avers that service would be provided on an interruptible basis.

Applicant proposes to credit the revenues received in performing the proposed transportation service to the minimum bills which it renders to its affiliate, Consolidated Gas Supply Corporation (Supply Corporation) in accordance with its FERC Gas Tariff.

Applicant asserts that it has the pipeline capacity to render the proposed transportation service and the performance thereof would serve to reduce the costs incurred by Supply Corporation and, in turn, its customers.

It is indicated that the subject gas would be used by Con Ed for electric power generation.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27232 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5112-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 14, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for Project No. 5112 known as the Falls Creek Water Power Project located on Falls Creek in Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers Inc., P. O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 2,750-foot long, 12-inch diameter penstock; (3) a powerhouse with total installed capacity of 100 kW; and (4) a 2,900-foot long, 5-kV transmission line which would connect the powerhouse to the existing Washington Water Power Company transmission line. The Applicant estimates that the average annual energy production would be 490,600 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,350.

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Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27324 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5104-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 14, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5104 known as the Ruby Creek Water Power Project located on Ruby Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 4,200-foot long, 20-inch diameter penstock; (3) a powerhouse with total installed capacity of 300 kW; and (4) a 1,500-foot long, 5-kV transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 1,296,500 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,750.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATON", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27325 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5113]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 14, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5113 to be known as the Canyon Creek Water Power Project located on Canyon Creek in Bonner County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the

Applicant should be directed to: Mr. Williams H. Delp, II, Independent Power Developers, Inc., P.O. Box 1476, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 3,100-foot long, 12-inch diameter penstock; (3) a powerhouse with total installed capacity of 75 kW; and (4) a 1,700-foot long, 5-kV transmission line which would connect the powerhouse to the existing Washington Water Power Company Transmission line. The Applicant estimates that the average annual energy production would be 289,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,150.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27326 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-80-000]

Idaho Power Co.; Application

September 14, 1981.

Take notice that on August 31, 1981, Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine, and qualified to transact business in the states of Idaho, Montana, Oregon, Nevada and Wyoming, with its principal business office at Boise, Idaho, filed an Application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an Order authorizing the issuance of up to 500,000 shares of its Common Stock, par value of $5 per share, pursuant to the Applicant's Employee Savings Plan.

Any person desiring to be heard or to make any protest with reference to said Application, should, on or before September 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27327 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-267-000 and ER81-341-000]

Kentucky Utilities Co.; Application

September 14, 1981.

Take notice that on August 21, 1981, the Kentucky Utilities Company filed with the Commission proposed revisions to its contract for service to the City of Paris, Kentucky providing for increased rates for that service. According to the Company, the filing is made in response to the Commission's decision in Opinion Nos. 116 and 116-A which rejected the peak responsibility method kW load used for the purpose of allocating transmission costs for its service to the City of Paris, Kentucky.

Any person desiring to be heard or to protest with reference to said application should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27328 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5121-000]

Mac Hydro-Power Company, Inc.; Application for Preliminary Permit

September 14, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on July 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5121 known as the Dinkey Creek—Cow Creek Project located on Dinkey and Cow Creeks in Fresno County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: H. L. Childers, President, Mac Hydro-Power Company, Inc.; 2515 Grass Valley Highway, Auburn, California 95603.

Project Description—The proposed project would consist of: (1) a 5-foot high dam on Dinkey Creek; (2) a 5-foot high dam on Cow Creek; (3) a 4,500-foot long diversion conduit extending from Cow Creek to Dinkey Creek; (4) a 4,500-foot long and 36-inch diameter penstock; (5) a powerhouse with a total installed capacity of 3,850 kW; and (6) a 1,500-foot long 12.5-kV transmission line. The Applicant estimates that the average

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annual energy produced by the project would be 34 million kWh.

Proposed Scope of Studies Under Permit A—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $40,000–$60,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition To intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 16, 1981.

Filing and Service or Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27329 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-338-001]

Northwest Canadian Gas Sales Co.; Petition To Amend

September 10, 1981.

Take notice that on August 31, 1981, Northwest Canadian Gas Sales Company (Petitioner), 131 East South Temple, Salt Lake City, Utah 84111, filed in Docket No. CP81-388-001 a petition pursuant to Section 3 of the Natural Gas Act to amend the order issued January 11, 1980, as amended, in Docket No. CP78-123, *et al.*, so as to authorize Petitioner to pay $4.94 (U.S.) per Mcf for natural gas imported from Canada from its supplier, Pan-Alberta Gas Ltd. (Pan-Alberta), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is submitted that by orders issued January 11, April 28, June 13 and June 20, 1980, in Docket No. CP78-123, *et al.* Petitioner was authorized to import up to 300,000 Mcf of natural gas per day into the United States from Canada through existing facilities of Pacific Gas Transmission Company. Such gas, it is further submitted, would be purchased from Pan-Alberta and imported at the Kingsgate, British Columbia, import point.

Petitioner states that it was also authorized to import such gas at the border price of $4.47 (U.S.) per Mcf. Pursuant to an agreement with Pan-Alberta dated March 9, 1978, Petitioner proposes to import natural gas at the Kingsgate import point at a price of $4.94 (U.S.) effective October 1, 1981, as ordered by the National Energy Board of Canada.

It is asserted that such authorization would allow Petitioner to begin early deliveries of Canadian gas to U.S. consumers through the early constructed Western Leg segment of the Alaskan Natural Gas Transportation System on October 1, 1981.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27330 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5118-000]

Glenn M. Phillips; Application for Preliminary Permit

September 14, 1981.

Take notice that Glenn M. Phillips (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5118 to be known as the Big Sheep Creek Power Project located on Big Sheep Creek in Stevens County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Tom R. Childs, Childs and Associates, P.O. Box 2217, Bellingham, Washington 98227.

Project Description—The proposed project would consist of: (1) a concrete diversion structure; (2) a 20-foot wide, 5-foot deep, and 475-foot long canal; (3) a 640-foot long, 54-inch diameter penstock; (4) a power house with an installed capacity of 3,000 kW; and (5) a 900-foot long transmission line interconnecting with an existing Washington Water Power Company transmission line. The average annual energy generation is estimated to be 10.87 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $225,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27331 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4900-000]

Lawrence R. Taft; Application for Preliminary Permit

September 14, 1981.

Take notice that Lawrence R. Taft (Applicant) filed on June 18, 1981, and revised on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4900 to be known as the Woods Falls Project located on the Black River in the Town of Forestport, Oneida County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip J. Movish, Daverman & Associates, P.C., 500 South Salina Street, Syracuse, New York 13202.

Project Description—The proposed project would utilize existing facilities owned by the State of New York, Department of Transportation, Division of Canals, consisting of: (1) a 300-foot long and 16-foot high concrete-gravity overflow-type dam having crest elevation 1129.0 m.s.l.; (2) a reservoir (Forestport) having a surface area of 75 acres and a storage capacity of 970 acre-feet at normal maximum surface elevation 1,127 m.s.l.; (3) a 500-foot long and 25-foot wide intake canal with a valved control structure; (4) a pond (Alder) having a surface area of 15 acres and a storage capacity of 100 acre-feet at normal surface elevation 1,124 m.s.l.; and (5) a 200-foot long and 25-foot wide canal with a stop-log bypass control structure along its right bank.

Applicant proposes to construct a new powerhouse containing generating unit(s) having a total rated capacity of 1,100 kW at the existing bypass structure. The Applicant estimates that the average annual energy output would be 5,500,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform technical and economic feasibility studies, investigations, and the work involved to prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $15,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself [See 18 CFR § 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR § 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or positions to intervene must be received on or before November 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27332 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-487-000]

Transcontinental Gas Pipe Line Corp.; Application

September 1[illegible], 1981.

Take notice that on august 28, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP81-487-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 20,700 dekatherms (dt) equivalent of natural gas per day for Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Con Ed has arranged to purchase natural gas from Connecticut Natural Gas Corporation (Connecticut Natural) and that Connecticut Natural would make such gas available to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. for subsequent transportation and delivery to Applicant at the existing Rivervale interconnection in Bergen County, New Jersey. It is submitted that Applicant would receive up to 20,700 dt equivalent of gas per day and would redeliver equivalent quantities to Con Ed at Applicant's existing delivery points to Con Ed in the New York metropolitan area.

Applicant further submits that such service would be for a term beginning on the date of initial deliveries and ending on the earlier of November 1, 1981, or the expiration of the "fuel shortage emergency period" as defined in § 284.201(e) of the Commissions Regulations whichever first occurs.

Applicant asserts that the proposed transportation would be interruptible at Applicant's sole discretion and would be subordinate to existing transportation arrangements on Applicant's system and to Applicant's deliveries to Con Ed under Applicant's Rate Schedules CD, PS, GSS, and WSS. Applicant further asserts that such service would be subject to the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers dependent upon Applicant's general system supply.

For such transportation service Applicant states that Con Ed would initially pay Applicant 7.0 cents per dt equivalent delivered and that Applicant would initially retain 0.7 percent of the quantities received for compressor fuel and line loss make-up. applicant further requests that it be allowed to retain all revenues received for the proposed transportation service.

It is indicated the Con Ed would use the subject gas directly to generate electricity and/or steam and that the gas would displace fuel oil which would otherwise be banned for such purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27333 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4967-000]

Utah Power & Light Co. and Orangeville City, Utah; Application for Preliminary Permit

September 14, 1981.

Take notice that Utah Power & Light Company and Orangeville City, Utah (Applicant) filed on June 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4967 to be known as the Joes Valley Dam Project located on Seely Creek in Emery County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sidney G. Baucom, Executive Vice President and General Counsel, Utah Power and Light Company, 1407 West North Temple, Salt Lake City, Utah 84116.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Joes Valley Dam and would consist of: (1) a powerhouse containing two generating units with rated capacities of 1.2 and 1.3 MW, respectively; (2) a tailrace; (3) six miles of 12-kV transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates the cost of studies to be $15,000.

Competing Applications—This application was filed as a competing application to the Joes Valley Dam Project No. 3824 filed on December 4, 1980, by Continental Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27334 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5046-000]

Vidler Tunnel Water Co.; Application for Preliminary Permit

September 14, 1981.

Take notice that Vidler Tunnel Water Company (Applicant) filed on July 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5046 to be known as the Empire Hydro Project located on the West Fork Clear Creek in Clear Creek County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 75 Manhattan Drive, Suite 201, Boulder, Colorado 80303.

Project Description—The proposed unconstructed project would affect lands of the United States within the Araphahoe National Forest and would consist of: (1) a 10-foot long and 4-foot high diversion dam with crest elevation 9,400 feet m.s.l.; (2) a 36-inch diameter, 2,000-foot long buried penstock; (3) a powerhouse containing a generating unit having a rated capacity of 185-kW at a head of 160 feet and a flow of 17 c.f.s.; (4) a short tailrace; (5) a 0.5-mile long 14.4-kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,294,820 kWh. Project energy would be sold to several small municipalities or to the Public Service Company of Colorado.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $80,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981 either the competing application itself [See 18 CFR § 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR § 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27335 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5196-000]

Village of Newport, New York and Essex Development Associates, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 14, 1981.

Take notice that on August 7, 1981, the Village of Newport, New York and Essex Development Associates, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5196) would be located on West Canada Creek in Herkimer County, New York. Correspondence with the Applicant should be directed to: Mr. Richard A. Norman, Essex Development Associates, Inc., Six Essex Street, Lawrence, Massachusetts 01840.

Project Description—The proposed redeveloped project would consist of: (1) An existing concrete dam, 8 feet high and 242 feet long; (2) a 23-acre impoundment with negligible storage; (3) a redeveloped power canal 125 feet long; (4) an existing 54 by 25-foot powerhouse containing three new generators with a total capacity of 1500 kW operating under a head of 11.5 feet; (5) two tailraces, one existing and one to be constructed; (6) an existing 4.16-kV transmission line 100 feet long and (7) appurtenant facilities.

Purpose of Project—The 6.2 million kWh of electrical energy generated at the site would be sold to Niagara Mohawk Power Corporation.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New York

State Department of Environmental Conservation, are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—This application was filed as a competing application to the Newport Hydroelectric Power Corporation Project No. 4247 filed on February 23, 1981, by the Long Lake Energy under 18 CFR § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications will be accepted for filing.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this noitice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary

[FR Doc. 81-27446 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 506]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 11, 1981.

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 JD NO    JA DKT      API NO     D SEC CAT WELL NAME                           FIELD NAME                   PROD   PURCHASER
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**********************************************************************************
   ARKANSAS OIL & GAS COMMISSION
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-ARKLA EXPLORATION COMPANY             RECEIVED:  08/26/81  JA: AR
 8147051               0313110169   103      FRANKLIN HOLLAND #1-C              GRAGG                        700.0 ARKANSAS LOUISIAN
 8147052               0313110169   103      FRANKLIN HOLLAND #1-T              GRAGG                        450.0 ARKANSAS LOUISIAN
 8147074               0304710165   103      OTTO DOVILLE #1-14-T               CECIL                        850.0 ARKANSAS LOUISIAN
-CRYSTAL OIL COMPANY                   RECEIVED:  08/27/81  JA: AR
 8147092               0302710763   102-4    KEITH ET AL #1                     DORCHEAT - MACEDONIA         312.7 ARKANSAS LOUISIAN
-DIAMOND SHAMROCK CORPORATION          RECEIVED:  08/26/81  JA: AR
 8147076               0304710102   103      BURL THOMPSON NO 1-C               VESTA                        156.0
 8147075               0304710102   103      BURL THOMPSON NO 1-T               VESTA                         40.0
 8147077               0304710180   103      HIATT NO 1                         VESTA                          0.0
 8147050               0313110180   103      MURPHY NO 1                        GRAGG                        881.0
-DIAMOND SHAMROCK CORPORATION          RECEIVED:  08/27/81  JA: AR
 8147084               0308310050   103      CULENE JONES WALLIS NO 1           DELAWARE                     100.0
-GOLDEN ENGINEERING INC                RECEIVED:  08/27/81  JA: AR
 8147083               0309110255   102-4    MILLER LAND & LUMBER CO NO 1       DEEP TEST - FT LYNN          180.0 TEXAS EASTERN TRA
-MADSON OHIO OIL COMPANY               RECEIVED:  08/26/81  JA: AR
 8147049               0313100000   102-4    ROYCE DEAN JONES NO 1-LT           MANSFIELD                    447.0 ARKANSAS LOUISIAN
-MADSON PETROLEUM CORP                 RECEIVED:  08/27/81  JA: AR
 8147095               0303310055   102-2    GOINES #1-14-C                     HOLLIS LAKE FIELD            350.0 ARKANSAS LOUISIAN
 8147096               0303310055   102-0    GOINES #1-14-UT (DUNN A FORMATION) HOLLIS LAKE FIELD            196.0 ARKANSAS LOUISIAN
-HAWKINS OIL & GAS INC                 RECEIVED:  08/26/81  JA: AR
 8147059               0301710176   103      HOLLOWAY #1                        ALTUS                          7.0 ARKANSAS WESTERN
-HAWKINS OIL & GAS INC                 RECEIVED:  08/27/81  JA: AR
 8147085               0308310042   103      BURCHAM #1-3                       CHISMVILLE                     7.0 ARKANSAS LOUISIAN
 8147099               0303310064   103      KING #2-33-C                       DYER                          28.0
 8147100               0303310064   103      KING #2-33-T                       DYER                          28.0
-HOOVER & BRACKEN ENERGIES             RECEIVED:  08/27/81  JA: AR
 8147107               0311500000   102-4    VERFISCIO #1-5                     FERGUSON                     365.0 ARKANSAS LOUISIAN
-HOUSTON OIL & MINERALS CORPORATION    RECEIVED:  08/27/81  JA: AR
 8147090               0302710737   102-4    RAY BRADLEY #1                     WAME CREEK                   365.0 ARKANSAS LOUISIAN
 8147089               0302710725   102-4    WILLIAM P DELANEY ET AL #1         WAME CREEK                   185.0
-JIM L HANNA DBA HANNA OIL AND GAS C   RECEIVED:  08/27/81  JA: AR
 8147086               0308310054   103      BACKBONE NO 1-C                    BOONEVILLE                   100.0
 8147087               0308310054   103      BACKBONE NO 1-T                    BOONEVILLE                    50.0
-JOHN C OXLEY                          RECEIVED:  08/26/81  JA: AR
 8147058               0307110171   102-4    DODGE NO 1 (LOWER ALLEN)           KNOXVILLE                    639.0 ARKANSAS LOUISIAN
 8147057               0307110171   103      DODGE NO 1 (MCGUIRE FORMATION)     KNOXVILLE                    183.0 ARKANSAS LOUISIAN
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-MCCORMICK OPERATING CO                RECEIVED:  08/27/81  JA: AR
 8147062               0309110226   102-4    E A FROST ET AL TRUST #1           CUMMINGS                       0.0 TEXAS EASTERN TRA
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  8147080                  0304710135    103      ELLIS #23-1            EAST JETHRO                0.0
 -AUSTEX OIL INC                           RECEIVED:  08/27/81  JA: AR
  8147091                  0302710778    103      GARRETT NO 6           MAGNOLIA                 120.0 ARKANSAS LOUISIAN
 -SAMSON RESOURCES COMPANY                 RECEIVED:  08/26/81  JA: AR
  8147048                  0313110142    102-4    WESTERN NO 1           BONANZA                  250.0 ARKANSAS LOUISIAN
 -SAMSON RESOURCES COMPANY                 RECEIVED:  08/27/81  JA: AR
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 -SEECO INC                                RECEIVED:  08/26/81  JA: AR
  8147060                  0304710140    102-4    HAYNES #1-23           ROCK CREEK                79.0 ARKANSAS WESTERN
  8147064                  0304710171    103      HOLLINGER #1-26        JETHRO                    64.7
  8147063                  0304710142    102-4    LESSLEY #4-12          POSSUMTROT                75.7 ARKANSAS WESTERN
  8147062                  0304710143    102-4    MAYNER #3-35-C         JETHRO                    55.0
  8147061                  C304710143    102-4    MAYNER #3-35-T         JETHRC                    17.0
  8147065                  0304710130    102-4    P WHITEHEAD #1-8       ALTUS                    369.8
 -SEECO INC                                RECEIVED:  08/27/81  JA: AR
  8147093                  0303310066    102-4    ALEXANDER #4-3         DYER                      60.0
 -SOUTHERN UNION EXPLORATION COMPANY       RECEIVED:  08/26/81  JA: AR
  8147055                  0307110150    102-4    GREENWOOD #2-31        COAL HILL                137.0
  8147056                  C307110150    103      GREENWOOD #2-31        COAL HILL                136.0
 -STEPHENS PRODUCTION COMPANY              RECEIVED:  08/26/81  JA: AR
  8147068                  0304710133    102-0    DICKERSON #1-C         AETNA                    400.0 ARKANSAS LOUISIAN
  8147069                  0304710133    102-0    DICKERSON #1-T         AETNA                    400.0 ARKANSAS LOUISIAN
  8147067                  0304710156    103      WOODROW JOHNS #1-C     AETNA                   1000.0 ARKANSAS LOUISIAN
  8147066                  C304710156    102-3    WOODROW JOHNS #1-T     AETNA                     50.0 ARKANSAS LOUISIAN
 -STEPHENS PRODUCTION COMPANY              RECEIVED:  08/27/81  JA: AR
  8147097                  0303310063    102-4    J O MCCLURE #2-C WELL  HOLLIS LAKE              100.0 ARKANSAS OKLAHOMA
  8147098                  0303310063    102-4    J O MCCLURE #2-T WELL  HOLLIS LAKE              100.0 ARKANSAS OKLAHOMA
 -TENNECO OIL COMPANY                      RECEIVED:  08/26/81  JA: AR
  8147073                  0304710141    102-2    ARMINGTON 1-11         ROCK CREEK                69.0
  8147071                  C304710147    103      CARTER 1-4-C (DUAN C)  AETNA                    236.0
  8147072                  C304710147    103      CARTER 1-4-T (2ND HALE) AETNA                    84.6
  8147070                  0304700000    108      SHELDON UNIT B #1      CECIL NE                  11.0 ARKANSAS LOUISIAN
 -TEXAS OIL & GAS CORP                     RECEIVED:  08/26/81  JA: AR
  8147053                  0307110198    102-4    BROCK #1-C             CLARKSVILLE              400.0 ARKANSAS LOUISIAN
  8147054                  0307110158    103      BROCK #1-T             CLARKSVILLE              600.0 ARKANSAS LOUISIAN
  8147108                  0302310004    102-2    LANDRUM #1             QUITMAN                  100.0
 -TEXAS OIL & GAS CORP                     RECEIVED:  08/27/81  JA: AR
  8147102                  C311510067    102-4    BIBLER #1-C            ROSS                    1000.0
  8147103                  0311510067    102-4    BIBLER #1-T            ROSS                    1000.0
  8147105                  0311510070    102-4    OBRIANT #1             DOVER                    300.0
  8147104                  0311510053    102-4    PRICE G #1-T           DOVER                    150.0
  8147101                  0303310051    103      VAN BUREN #1-C         HOLLIS LAKE               25.0 ARKANSAS LOUISIAN
  8147094                  0303310051    102-4    VAN BUREN #1-T         HOLLIS LAKE              150.0 ARKANSAS LOUISIAN
 -W C PARTEE                               RECEIVED:  08/27/81  JA: AR
  8147088                  0302710754    103      B DICKSON NO 3         MT VERNON FIELD           69.6 J-W OPERATING CO
 ************************************************************************
   CALIFORNIA DEPARTMENT OF CONSERVATION
 ************************************************************************
 -SANTA FE ENERGY COMPANY                  RECEIVED:  08/24/81  JA: CA
  8147047   81-2-0002      0411120872    103      ARCO 16                OJAI-SILVERTHREAD         73.0 ARCO OIL & GAS CO
 ************************************************************************
   FLORIDA DEPARTMENT OF NATURAL RESOURCES
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 -EXXON CORPORATION                        RECEIVED:  08/27/81  JA: FL
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                                                                        VOLUME  506          PAGE  003
JD NO    JA DKT      API NO      D SEC CAT WELL NAME               FIELD NAME                PROD    PURCHASER
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8147081              0911320150   107-DP  D R SIMMONS NO 19-6      JAY/LEE                   600.0 FLORIDA GAS TRANS
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  MONTANA BOARD OF OIL & GAS CONSERVATION
**************************************************************************
-TRICENTROL UNITED STATES INC          RECEIVED:  08/25/81  JA: MT
 8147045   12-80-262   2504121279   108    BECKER 30-4-T31N-R15E   TIGER RIDGE - BULLHOOK G   14.0 NORTHERN NATURAL
 8147046   12-80-263   2504122103   108    STATE 16-16-T30N-R15E   TIGER RIDGE - BULLHOOK G    9.0 NORTHERN NATURAL
 8147044   12-80-256   2501521053   108    STATE 24-16-T25N-R17E   SHERARD - HOEBSCHWERLEN    11.0 NORTHERN NATURAL
**************************************************************************
  OKLAHOMA CORPORATION COMMISSION
**************************************************************************
-AMOCO PRODUCTION CO                   RECEIVED:  08/24/81  JA: OK
 8146958   10179       3505120739   103    RO BURKEY UNIT NO 1     N E VERDON                100.0 PUBLIC SERVICE CO
-AN-SON CORPORATION                    RECEIVED:  08/24/81  JA: OK
*8146923   12090       3503920443   102-4  DOWNING #1              E CLINTON                 365.0 EL PASO NATURAL G
-ANDOVER OIL COMPANY                   RECEIVED:  08/24/81  JA: OK
 8146929   10283       3501721523   103    SUMMERS #14-2                                      75.0 PHILLIPS PETROLEU
 8146987   10233       3505120968   103    TOLL #34-1                                         75.0 DELHI GAS PIPELIN
 8146959   10164       3501721701   103    ZUM MALLEN #8-3                                   180.0 DELHI GAS PIPELIN
-BENTLEY & LAING                       RECEIVED:  08/24/81  JA: OK
 8146982   11460       3510321182   103    KEMNITZ B NO 1          S GANSEL                   18.3 AMINOIL USA INC
-BERRY PETROLEUM COMP                  RECEIVED:  08/24/81  JA: OK
 8146941   08846       3507322547   103    PAT CLINE #19           SOONER TREND              150.0 PHILLIPS PETROLEU
-BILLY L MARTIN                        RECEIVED:  08/24/81  JA: OK
 8146932   10203       3511122349   103    CLARK #1                MORRIS                    109.5 PHILLIPS PETROLEU
-BOBBY J DARNELL                       RECEIVED:  08/24/81  JA: OK
 8146947   10084       3508321447   103    DIEL NO 1               WEST PRAIRIE VIEW           9.1 EASON OIL CO
 8146948   10085       3508321541   103    GRAY NO 1               W PRAIRIE VIEW             18.3 EASON OIL CO
 8146942   10086       3508321423   103    KINDSCHI NO 1           S W ORLANDO                 9.1 EASON OIL CO
 8146993   10263       3508320955   103    MORRISETT NO 1          N NAVINA                   36.5 EASON OIL CO
-C F BRAUN & CO                        RECEIVED:  08/24/81  JA: OK
 8146927   12363       3512920522   102-4  SMITH #1                WICKHAM RANCH             730.0 TRANSWESTERN PIPE
-CANEY VALLEY OIL & GAS CO             RECEIVED:  08/24/81  JA: OK
 8146975   12071       3514721729   102-2  SMITH #21                                           0.1 DIAMOND S GAS SYS
-CENTEX OIL & GAS INC                  RECEIVED:  08/24/81  JA: OK
 8146935   08957       3504321024   108    MAX E JACKSON NO 1      SE CAMWOOD                  9.0 ARKANSAS LOUISIAN
-CHAMPLIN PETROLEUM COMPANY            RECEIVED:  08/24/81  JA: OK
 8146937   09789       3500300000   108    LECRONE A-1             E CHANEY DELL              12.0 CHAMPLIN PETROLEU
-CHASE EXPLORATION CORP                RECEIVED:  08/24/81  JA: OK
 8146951   10177       3507122052   103    KUCERA 1-18                                         8.6 CITIES SERVICE GA
 8146933   10176       3507122056   103    MEYER 2-30                                         20.6 CITIES SERVICE GA
-COTTON PETROLEUM CORPORATION          RECEIVED:  08/24/81  JA: OK
 8146934   13506       3500920361   107-DP MORSE B NO 1            NW ELK CITY                35.0 MICHIGAN-WISCONSI
-EARLSBORO OIL AND GAS CO INC          RECEIVED:  08/24/81  JA: OK
 8146939   10230       3510720888   103    SWEAZEA NO 1-34         S W HICKORY RIDGE          18.0 HICKORY RIDGE GAS
-F C D OIL CORP                        RECEIVED:  08/24/81  JA: OK
 8146989   12884       3504722627   102-4  BETTY 1-16              N W KREMLIN                71.2 C R A INC
 8146967   12265       3504722628   102-4  DOROTHEA 1-16           N W KREMLIN               168.1 CRA INC
 8146998   12883       3504722733   102-4  EDDIE 1-9               W KREMLIN                 124.8 CRA INC
 8146966   12263       3504722620   102-4  FLORIAN 1-17            N W KREMLIN               730.0 CRA INC
 8146984   11438       3504722592   102-4  JOHN 1-9                N W KREMLIN               116.8 C R A INC
 8146965   12262       3504722629   102-4  LYNN 1-16               N W KREMLIN               140.2 CRA INC
-MENO OIL & GAS CORP                   RECEIVED:  08/24/81  JA: OK
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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8146938	09984	3508321014		103		JOHNSON #4	WEST MULHALL	0.0	AMINOIL USA INC
-HARPER OIL COMPANY						RECEIVED: 08/24/81 JA: OK			
8147009	10167	3512920455		102-4		MERRICK #1	WILDCAT	500.0	DELHI GAS PIPELIN
-HENRY H GUNGOLL						RECEIVED: 08/24/81 JA: OK			
8146972	11858	3504722453		102-4		ALICE 1-12	SOONER TREND	172.0	CRA INC
8146971	11913	3504722660		102-4		ALICE 2-12	SOONER TREND	338.0	CRA INC
8146971	11913	3504722660		103		ALICE 2-12	SOONER TREND	338.0	CRA INC
-HOOVER & BRACKEN ENERGIES						RECEIVED: 08/24/81 JA: OK			
8146997	12582	3504321144		102-4		WILLIE #1-4	NORTHWEST HUCMAC	438.0	PHILLIPS PETROLEU
8146996	12581	3504321239		102-4		WILLIE #2-4	NORTHWEST HUCMAC	146.0	PHILLIPS PETROLEU
-JET OIL COMPANY						RECEIVED: 08/24/81 JA: OK			
8146992	10260	3508321551		103		EWING #1	ELKHORN	73.0	EASON OIL CO
8146960	10185	3504722342		103		WILSON #1	N ELKHORN	12.0	EASON OIL CO
-JOHN T MIETZ & CO INC						RECEIVED: 08/24/81 JA: OK			
8146924	11855	3508321557		102-2		ELIZABETH #1	NW EVANSVILLE	0.0	WILSON GAS PROCES
8146925	11856	3508321653		102-2		PATRICIA #1	NW EVANSVILLE	0.0	WILSON GAS PROCES
-KRUMME OIL CO						RECEIVED: 08/24/81 JA: OK			
8146957	10238	3511120990		108		GILL NO 1	BEGGS	15.0	PHILLIPS PETROLEU
8146954	10239	3511121786		108		GILL NO 2-A	BEGGS	15.0	PHILLIPS PETROLEU
-L & T OIL & GAS INC						RECEIVED: 08/24/81 JA: OK			
8146986	10243	3510321167		103		CAMPBELL NO 2	S E ASP	59.0	AMINOIL USA INC
8146956	10210	3507322545		103		TALBOT NO 1	SOONER TREND	116.0	CITIES SERVICE CO
-LLOYD & WILBUR WHITE OIL CO						RECEIVED: 08/24/81 JA: OK			
8146944	10045	3508300000		103		GRAFF A #1	S W CRESCENT	37.0	CONOCO INC
-LRF CORP						RECEIVED: 08/24/81 JA: OK			
8146936	09281	3506120346		103		LACKEY #1	KINTA	900.0	ARKANSAS LOUISIAN
-MORGAN & STEINERT INC						RECEIVED: 08/24/81 JA: OK			
*8146940	8374	3504762655		103		MILLIE #1	SOONER TREND	73.0	EXXON CO USA
-NATURAL GAS ANADARKO INC						RECEIVED: 08/24/81 JA: OK			
8146974	12064	3500721860		102-4		BECKWITH #1-26	BALKO SOUTH	36.0	INTERNORTH INC
-OMNI OIL & GAS INC						RECEIVED: 08/24/81 JA: OK			
8147002	7899	3507322551		103		WALKER 13 NO 1	SOONER TREND	0.0	CITIES SERVICE GA
-PETRO-LEWIS CORPORATION						RECEIVED: 08/24/81 JA: OK			
8147003	09423	3507300000		108		EDWARDS 33-1	SOONER TREND	8.4	PARTNERSHIP PRCPE
8147007	10009	3509300000		108		ENSMINGER 13-1	OKEENE	10.0	PARTNERSHIP PROPE
8147010	10001	3504720530		108		HAWK 29-1	SOONER TREND	8.8	PARTNERSHIP PRCPE
8147005	10007	3509300000		108		KEITH 2-1	RINGWOOD	9.2	PARTNERSHIP PRCPE
8147006	10008	3507300000		108		LUBER 21-1	E LOYAL (SOONER TREND)	12.0	PARTNERSHIP PRCPE
8147004	10000	3507322114		108		OLIVE MAYE #1	SOONER TREND	8.3	PARTNERSHIP PROPE
-PETROLEUM INC						RECEIVED: 08/24/81 JA: OK			
8146928	12089	3513921439		102-4		JOLIFFE #1-1	CAMRICK	150.0	PANHANDLE EASTERN
-PHILLIPS OIL OPERATING CO						RECEIVED: 08/24/81 JA: OK			
8146973	11375	3508121301		102-2		ELMO NO 1	PRAIRIE GEM	46.0	CITIES SERVICE CO
8146969	11374	3508121290		102-2		QUINTLE NO 1	PRAIRIE GEM	803.0	CITIES SERVICE CO
8146970	11373	3508121315		102-2		WARE NO 1	PRAIRIE GEM	37.0	
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 08/24/81 JA: OK			
8146922	10250	3501721606		103		CANON B #1	W YUKON	0.0	OKLAHOMA NATURAL
8146990	10251	3501721883		103		KREMEIER A #1	N CONCHO	0.0	OKLA NATURAL GAS
8146994	10254	3501121581		103		MATLI A #1	WATONGA	0.0	OKLA NATURAL GAS
8146991	10253	3501721817		103		WHITTAKER A #1	E RICHLAND	0.0	ONG WESTERN INC
-PORTS OF CALL OIL CO						RECEIVED: 08/24/81 JA: OK			
8146931	10271	3501721784		103		SHEPECK NO 1-1	N MUSTANG	694.0	PHILLIPS PETROLEU
8146930	10270	3501721872		103		WEDMAN NO 6-2	YUKON	110.0	PHILLIPS PETROLEU

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                                                                                VOLUME  506          PAGE  005
 JD NO     JA DKT       API NO       D SEC CAT WELL NAME                         FIELD NAME              PROD    PURCHASER
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-RAMBLER OIL CO                                RECEIVED:  08/24/81  JA: OK
 8146995   12349        3509321792     102-2   DOW #1-22                         SE ORION                 0.0 DELHI GAS PIPELIN
 8146995   12349        3509321792     103     DOW #1-22                         SE ORION                 0.0 DELHI GAS PIPELIN
-REX OIL REFINING INC                          RECEIVED:  08/24/81  JA: OK
 8146985   10212        3508121160     103     WALKER NO 2                       WEST CHANDLER          100.0 TRIOK INC
-ROXANA PETROLEUM INC                          RECEIVED:  08/24/81  JA: OK
 8147008   10135        3508321487     103     MARTIN #1                         S ORLANDO               50.0 EASON OIL CO
-SEARCH DRILLING CO                            RECEIVED:  08/24/81  JA: OK
 8146949   12201        3507322808     103     KRAMER #1-18                      SOONER TREND            15.0 CITIES SERVICE GA
 8146962   10200        3504321149     103     TAYLOR #1-27                      S E CESTOS             669.0 DELHI GAS PIPELIN
-SENECA OIL COMPANY                            RECEIVED:  08/24/81  JA: OK
 8147000   12175        3501721863     103     SIMPSON #1-4                      PIEDMONT               140.0
 8147001   12176        3501721868     103     SIMPSON #2-4                      PIEDMONT               165.0
 8146964   12177        3501721815     102-2   TREECE #1-34                      PIEDMONT                36.0
 8146964   12177        3501721815     103     TREECE #1-34                      PIEDMONT                36.0
-SOUTHPORT EXPLORATION INC                     RECEIVED:  08/24/81  JA: OK
 8146999   12152        3504520911     102-2   SANFORD NO 1-27                   ANTELOPE HILLS         731.0
-SOUTHWESTERN EXPLOR CONSULTANTS INC           RECEIVED:  08/24/81  JA: OK
 8146952   10178        3508320877     103     MYRTLE #1                                                  0.0 EASON OIL CO
-SUN OIL COMPANY (DELAWARE)                    RECEIVED:  08/24/81  JA: OK
 8146979   10294        3505120920     103     NORGE MARCHAND UNIT #50-2         CHICKASHA NW           123.0 PUBLIC SERVICE CO
 8146978   10293        3505120921     103     NORGE MARCHAND UNIT #51-2         CHICKASHA NW           234.0 PUBLIC SERVICE CO
 8146981   10298        3505120557     103     NORGE MARCHAND UNIT #54-2         CHICKASHA NW            63.0 PUBLIC SERVICE CO
 8146977   10292        3505120956     103     NORGE MARCHAND UNIT #58-2         CHICKASHA NW            57.0 PUBLIC SERVICE CO
 8146980   10297        3505120995     103     NORGE MARCHAND UNIT #60-2         CHICKASHA NW           196.0 PUBLIC SERVICE CO
-SUNDANCE ENERGY CORP                          RECEIVED:  08/24/81  JA: OK
 8146950   10170        3504722418     103     TAGGART NO 1                      W DOUGLAS               50.0 ONG WESTERN INC
-TENNECO OIL COMPANY                           RECEIVED:  08/24/81  JA: OK
 8146953   10169        3501922167     103     S GRAHAM DEESE SAND UNIT 38-4     SHO-VEL-TUM              7.0 MOBIL OIL CORP
 8147011   10168        3501922132     103     S GRAHAM DEESE SAND UNIT 4-9A     SHO-VEL-TUM              9.0 MOBIL OIL CORP
 8146963   10061        3515300000     108     WEAVER 1-20                       VICI                     5.0 NORTHERN NATURAL
-TEXACO INC                                    RECEIVED:  08/24/81  JA: OK
 8146928   10284        3507322518     103     S W TITLE & TRUST NC 1            OKARCHE NE              26.0 CONOCO INC
-TOWNER PETROLEUM CO                           RECEIVED:  08/24/81  JA: OK
 8146988   10195        3500121077     103     FIRST NATIONAL BANK #17-1                                175.0 SERVICE DRILLING
 8146961   10196        3501821076     102-2   HALL #5-1                         NW GRAND CENTER        350.0 SERVICE DRILLING
-TRANS-WESTERN EXPLORATION INC                 RECEIVED:  08/24/81  JA: OK
 8146983   11860        3504321211     102-4   WILLIS 4-9                        N OAKWOOD               65.7 PHILLIPS PETROLEU
 8146983   11860        3504321211     103     WILLIS 4-9                        N OAKWOOD               65.7 PHILLIPS PETROLEU
-UNION OIL COMPANY OF CALIF                    RECEIVED:  08/24/81  JA: OK
 8146976   10277        3504320477     108     T P JORDAN #2-16                  PUTNAM                  20.0 NATURAL GAS PIPEL
-UNIVERSAL RESOURCES CORPORATION               RECEIVED:  08/24/81  JA: OK
 8146946   10133        3507322697     103     KADAVY 1-25                                               58.4 PHILLIPS PETROLEU
 8146945   10132        3509321988     103     LEON 1-23                                                492.8 DELHI GAS PIPELIN
-VIERSEN & COCHRAN                             RECEIVED:  08/24/81  JA: OK
 8146943   10111        3505320628     103     TONER #1-7                        WAKITA TREND           100.0 SUN GAS CO
-WHEATLAND OIL CO                              RECEIVED:  08/24/81  JA: OK
 8146955   10202        3509322084     103     VICKI K #1                        S CHEYENNE VALLEY      219.0 PHILLIPS PETROLEU
-WHITMAR EXPLORATION CO                        RECEIVED:  08/24/81  JA: OK
 8146968   12320        3504921522     102-4   WILLIE B SMITH #12-3              EAST ANTIOCH           100.0 BUCKEYE NATURAL G
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   WEST VIRGINIA DEPARTMENT OF MINES
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-APEX DRILLING FUND 1979 LTD                   RECEIVED:  08/27/81  JA: WV
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                                                                  VOLUME  506           PAGE  006
  JD NO    JA DKT         API NO      D SEC CAT WELL NAME                               FIELD NAME              PROD    PURCHASER
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  8147120                 4708524391    103      RUFUS TAYLOR H-849                     UNION DISTRICT           20.0 CONSOLIDATED GAS
 -APPALACHIAN ENERGY INC                       RECEIVED:  08/27/81  JA: WV
  8147133                 4703303528    103      F RICE #1 AE 387                       CLAY                     30.0 CONSOLIDATED GAS
 -ASHLAND EXPLORATION INC                      RECEIVED:  08/27/81  JA: WV
  8147140                 4703901883    108      BEDFORD LAND CO #5A - 034500           PAINT CREEK              13.0 COLUMBIA GAS TRAN
  8147141                 4703901980    108      EASTERN GAS & FUEL #29 - 036400        PAINT CREEK              13.0 COLUMBIA GAS TRAN
  8147136                 4701900141    108      EASTERN GAS & FUEL #36 - 038800        PAINT CREEK              14.0 COLUMBIA GAS TRAN
 -BADGER OIL & GAS CO INC                      RECEIVED:  08/27/81  JA: WV
  8147131                 4704302495    103      BADGER #1 - SPEARS                     MIDKIFF - SPEARS          0.0 COLUMBIA GAS TRAN
 -BRAXTON OIL AND GAS CORP                     RECEIVED:  08/27/81  JA: WV
  8147109                 4700701880    108      NO 1 HUNTER                            CHAPEL-GERMAN            12.0 CONSOLIDATED GAS
  8147115                 4704102887    108      NO 1 MOODY                             VANDALIA                 10.0 CONSOLIDATED GAS
 -CARSON PETROLEUM CORP                        RECEIVED:  08/27/81  JA: WV
  8147150                 4701702751    103      E GUM #1                               ST CLAIR                 10.0 COLUMBIA GAS TRAN
  8147149                 4701702851    103      H SCHMIDT #1                                                     0.0 CONSOLIDATED GAS
  8147148                 4704102948 D  103      LLD PETERS #2                                                    0.0 CONSOLIDATED GAS
 -CENTRAL GAS CO                               RECEIVED:  08/27/81  JA: WV
  8147165                 4708504260    108      DAVIDSON #2                            CAIRO AREA                0.3 CABOT CORP
  8147160                 4708503814    108      DAVIDSON #9                            CAIRO AREA                7.8 CABOT CORP
  8147155                 4708503813    108      DOUGLASS #5                            CAIRO AREA                3.6 CABOT CORP
  8147169                 4708504407    108      DOUGLASS #8                            CAIRO AREA                3.3 CABOT CORP
  8147168                 4708504377    108      MOATS #2                               CAIRO AREA                5.2 CABOT CORP
  8147170                 4708504409    108      MOATS #3                               CAIRO AREA                2.9 CABOT CORP
  8147166                 4708504271    108      MOATS #7                               CAIRO AREA                6.0 CABOT CORP
  8147162                 4708504158    108      F MORRIS #2                            CAIRO AREA                3.1 CABOT CORP
  8147161                 4708504110    108      F MORRIS #3                            CAIRO AREA                2.1 CABOT CORP
  8147167                 4708504376    108      WANLASS #10                            CAIRO AREA                0.0 CABOT CORP
  8147164                 4708504180    108      WANLASS #13                            CAIRO AREA                5.0 CABOT CORP
  8147163                 4708504179    108      WANLASS #8                             CAIRO AREA                5.3 CABOT CORP
 -CONSOLIDATED GAS SUPPLY CORPORATION          RECEIVED:  08/27/81  JA: WV
  8147152                 4703300597    108      HAZEL KIEFFER 11423                    GRANT DISTRICT            3.0 GENERAL SYSTEM PU
  8147151                 4704900279    108      KANAWHA & HOCKING C & C CO 11975       FALLS DISTRICT            8.6 GENERAL SYSTEM PU
  8147154                 4703501369    108      L A BAKER 11940                        UNION DISTRICT           16.1 GENERAL SYSTEM PU
  8147153                 4703300756    108      SERENA ASHCRAFT 11718                  SARDIS DISTRICT          17.4 GENERAL SYSTEM PU
  8147114                 4700100876    108      VIRGINIA C TRIMBLE 12342               UNION DISTRICT            8.5 GENERAL SYSTEM PU
 -EARL STEWART                                 RECEIVED:  08/27/81  JA: WV
  8147126                 4708503528    108      CHAPMAN #1                             TURTLE RUN                1.2 CARNEGIE NATURAL
 -FOX DRILLING CO INC                          RECEIVED:  08/27/81  JA: WV
  8147123                 4700101517    103      GOODWIN #1                             BELINGTON FIELD          40.0 COLUMBIA GAS TRAN
  8147124                 4700101482    103      R K TALBOTT #3                         BELINGTON FIELD          25.0 COLUMBIA GAS TRAN
 -GILBERT DRILLING CO                          RECEIVED:  08/27/81  JA: WV
  8147110                 4705900950    107-DV   GILBERT IMPORTED HARDWOODS #5          PIGEON CREEK              3.0 COLUMBIA GAS TRAN
  8147111                 4705900951    107-DV   GILBERT IMPORTED HARDWOODS #6          PIGEON CREEK              3.0 COLUMBIA GAS TRAN
 -GLENN L HAUGHT & SONS                        RECEIVED:  08/27/81  JA: WV
  8147122                 4708524445    103      MARY ELDER H-882                       UNION DISTRICT           18.0 CONSOLIDATED GAS
  8147119                 4708524446    103      MARY ELDER H-883                       UNION DISTRICT           18.0 CONSOLIDATED GAS
 -HAUGHT INC                                   RECEIVED:  08/27/81  JA: WV
  8147121                 4708524392    103      RUFUS TAYLOR H-850                     UNION DISTRICT           20.0 CONSOLIDATED GAS
 -J F DEEM                                     RECEIVED:  08/27/81  JA: WV
  8147125                 4708504795    108      HARTMAN #6                             BURNT HOUSE              15.0 CONSOLIDATED GAS
 -JAMAR LAND CO INC                            RECEIVED:  08/27/81  JA: WV
  8147155                 4709901700    103      GLEN HAYES CO #4                       LINCOLN DISTRICT          0.0 COLUMBIA GAS TRAN
  8147156                 4709901700    108      GLENHAYES NC 4                         LINCOLN DISTRICT          0.0 COLUMBIA GAS TRAN
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                                                                            VOLUME  506          PAGE  087
 JA NO    JA DKT      API NO      D SEC CAT WELL NAME                        FIELD NAME                PROD   PURCHASER
 -----    ------      ------      - --- --- ---------                        ----------                ----   ---------
-JAMES F SCOTT                          RECEIVED:  08/27/81  JA: WV
 8147116              4703302221    108     C L BOGGS S-286                  EAGLE                      22.0 CONSOLIDATED GAS
 8147139              4704102690    108     C D BUTCHER S-276                HACKERS CREEK              22.0 CONSOLIDATED GAS
 8147135              4701702862    103     EVA CASWELL S-327                GREENBRIER                 57.0 CONSOLIDATED GAS
 8147138              4703301245    108     J N SWIGER #1 S-253              EAGLE                      22.0 CONSOLIDATED GAS
 8147137              4703301946    108     JAMES WILLIAMS #1 (S-262)        EAGLE                      24.0 CONSOLIDATED GAS
 8147133              4701702941    103     ROBERT ONEACRE S-337             GREENBRIER                 63.0 CONSOLIDATED GAS
 8147134              4701702692    103     VELMA ARTERS S-332               GREENBRIER                 61.0 CONSOLIDATED GAS
-LAUDERMAN OIL & GAS DRILLING           RECEIVED:  08/27/81  JA: WV
 8147145              4707300857    103     DELNO TRUEX #4 WELL                                         55.0 COLUMBIA GAS TRAN
 8147147              4707320960    103     ROBERT LEE EVANS #1 WELL                                   600.0 COLUMBIA GAS TRAN
 8147144              4707300883    103     SAM WHITE #1-A WELL                                         12.8 COLUMBIA GAS TRAN
 8147146              4707300858    103     THEODORE PETHTEL #1 WELL                                    55.0 COLUMBIA GAS TRAN
 8147143              4707300866 D  103     THEODORE PETHTEL #2 WELL                                    55.0 COLUMBIA GAS TRAN
-MAGNUM OIL CORP                        RECEIVED:  08/27/81  JA: WV
 8147117              4708505024    103     BROWNIE AMIEK #C01               GRANT DISTRICT             24.0 CONSOLIDATED GAS
-PETRO-LEWIS CORPORATION                RECEIVED:  08/27/81  JA: WV
 8147157              4700100208    108     MCVICKER #1-21                                               0.0 PARTNERSHIP PROPE
-PHILLIPS PETROLEUM COMPANY             RECEIVED:  08/27/81  JA: WV
 8147113              4706100316    108     CASCADE-C NO 1                   SOUTH BURNS CHAPEL         14.6 CONSOLIDATED GAS
 8147112              4706100311    108     HARWORTH-A NO 1                  S BURNS CHAPEL             17.8 CONSOLIDATED GAS
-ROY G HILDRETH ET AL                   RECEIVED:  08/27/81  JA: WV
 8147142              4708712120 D  103     ROY NITZ NO 1                    DANIEL RUN                  0.0 CABOT CORP
-WACO OIL AND GAS CO INC                RECEIVED:  08/27/81  JA: WV
 8147128              4702103574    108     CARSON #38                       ELLIS                      18.8 COLUMBIA GAS TRAN
 8147129              4702103457    108     ERVIN LOWTHER #1A                ELLIS                      20.0 CARNEGIE NATURAL
 8147127              4702103502    108     ERVIN LOWTHER #2A                ELLIS                      20.0 CARNEGIE NATURAL
 8147130              4700701460    108     GRACE KNIGHT #2                  LITTLE KANAWHA RIVER       11.4 CONSOLIDATED GAS
-WARREN R HAUGHT AGENT                  RECEIVED:  08/27/81  JA: WV
 8147118              4708525016    103     EMERY MASON - TOM MASON H-1174   UNION DISTRICT             20.0 CONSOLIDATED GAS
-WHITNAM OIL & GAS CORP                 RECEIVED:  08/27/81  JA: WV
 8147150              4708503812    108     HATFIELD #2                      CAIRO AREA                  3.1 CABOT CORP
***********************************************************************
** U.S. GEOLOGICAL SURVEY - DENVER,CO
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-ARCO OIL AND GAS COMPANY               RECEIVED:  08/24/81  JA: CO  1
 8147034  CD 0252-81  0506706377    103     SOUTHERN UTE #22-1 33-11 (GP)    IGNACIO BLANCO             76.0 WESTERN SLOPE GAS
 8147033  CD 0279-81  0506706378    102-2   SOUTHERN UTE 10-1 33-11 (MV)     IGNACIO BLANCO            103.0 WESTERN SLOPE GAS
-EL PASO EXPLORATION CO                 RECEIVED:  08/24/81  JA: CO  1
 8147013  CD 0227-81  0506705593    108     BONDAD 33-9 36 #21               IGNACIO BLANCO-MESAVERDE   18.0 NORTHWEST PIPELIN
-GORDON ENGINEERING INC                 RECEIVED:  08/24/81  JA: CO  1
 8147031  CD 0229-81  0510308339    107-TF  J & D FEDERAL 10-1               PHILADELPHIA CREEK         76.0 NORTHWEST PIPELIN
 8147032  CD 0230-81  0510308312    107-TF  J & D FEDERAL 10-3               PHILADELPHIA CREEK         78.0 NORTHWEST PIPELIN
-KOCH INDUSTRIES INC                    RECEIVED:  08/24/81  JA: CO  1
 8147038  CD 0269-81  0507708233    107-TF  HORSESHOE CANYON UNIT NO 2       ROBERTS CANYON-SHIRE GUL   58.0 NORTHWEST PIPELIN
 8147037  CD 0270-81  0507708232    107-TF  HORSESHOE CANYON UNIT NO 3       ROBERTS CANYON-SHIRE GUL  146.0 NORTHWEST PIPELIN
 8147035  CD 0272-81  0507708231    107-TF  HORSESHOE CANYON UNIT NC 4       ROBERTS CANYON-SHIRE GUL  128.0 NORTHWEST PIPELIN
 8147036  CD 0271-81  0507708230    107-TF  HORSESHOE CANYON UNIT NO 5       ROBERTS CANYON-SHIRE GUL   36.0 NORTHWEST PIPELIN
 8147039  CD 0264-81  0507708153    102-2   WINTER FLATS NO 1                WILDCAT                    70.0 NORTHWEST PIPELIN
 8147040  CD 0257-81  0507708154    102-2   WINTER FLATS NO 2                WILDCAT                   250.0 NORTHWEST PIPELIN
-MESA PETROLEUM                         RECEIVED:  08/24/81  JA: CO  1
 8147028  CD 0282-81  0512506576    107-TF  ECKLEY FEDERAL 31 #1             ECKLEY                    730.0 CITIES SERVICE GA
 8147029  CD 0280-81  0512506575    107-TF  ECKLEY FEDERAL 31 #2             ECKLEY                    711.0 CITIES SERVICE GA
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                                                                              VOLUME  506           PAGE  C08
  JD NO      JA  KT           API NC        D SEC CAT WELL NAME                          FIELD NAME                PRCD    PURCHASER
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  8147042    CD 0281-81       0512506574     107-TF  FEDERAL KITZMILLER 32 #1            ECKLEY                     18.0 CITIES SERVICE GA
 -MURCHISON BROTHERS                            RECEIVED:  08/24/81  JA: CO  1
  8147024    CD 0028-81       0506705738     108     SOUTHERN UTE BLOCK 3 #3-18          IGNACIO-BLANCO             12.9 WESTERN SLOPE GAS
  8147023    CD 0027-81       0506705751     108     UTE BLOCK 10 WELL 6-32              IGNACIO-BLANCO             16.5 WESTERN SLOPE GAS
 -SOHIO PETROLEUM CO                            RECEIVED:  08/24/81  JA: CO  1
  8147022    CD0266-81-B      0506700000     103     SOUTHERN UTE #9 (DAKOTA)            IGNACIO BLANCO            330.0 EL PASO NATURAL G
  8147021    CD 0266-81-A     0506700000     103     SOUTHERN UTE #9 (MESA VERDE)        IGNACIO BLANCO            330.0 EL PASO NATURAL G
 -TENNECO OIL COMPANY                           RECEIVED:  08/24/81  JA: CO  1
  8147043    CD 0086-81       0510308404     107-TF  GOVERNMENT #8-30                    THUNDER                    47.0 NORTHWEST PIPELIN
  8147012    CD 0085-81       0510308420     107-TF  GOVERNMENT #13-29                   THUNDER                    37.0 NORTHWEST PIPELIN
 -TWIN ARROW INC                                RECEIVED:  08/24/81  JA: CO  1
  8147041    CD 0188-81       0510308000     103     CONTINENTAL 2-16                    CATHEDRAL                   0.0 NORTHWEST PIPELIN
 -BELCO DEVELOPMENT CORP                        RECEIVED:  08/24/81  JA: UT  1
  8147020    UD 0265-81       4304730817     103     NORTH DUCK CREEK 42-25GR            NORTH DUCK CREEK 42-25GR    0.0 NORTHWEST PIPELIN
 -BELCO PETROLEUM CORPORATION                   RECEIVED:  08/24/81  JA: UT  1
  8147019    UD 0275-81       4304730642     103     DUCK CREEK 4-17                     DUCK CREEK                  0.0 NORTHWEST PIPELIN
 -COASTAL OIL & GAS CORP                        RECEIVED:  08/24/81  JA: UT  1
  8147025    UC 218-0         4304730420     102-4   NATURAL BUTTES CIGE 13-7-10-21      BITTER CREEK              183.0 COLORADO INTERSTA
 -COSEKA RESOURCES (USA) LIMITED                RECEIVED:  08/24/81  JA: UT  1
  8147014    UD 0259-81       4304730639     102-2   #11-10-15-23                        WILDCAT                   744.0 NATURAL GAS CORP
  8147017    UD 0262-81       4304730618     102-2   #13-15-15-23                        WILDCAT                   147.0 NATURAL GAS CORP
  8147016    UD 0261-81       4304730735     102-2   #2-8-15-23                          WILDCAT                   322.0 NATURAL GAS CORP
  8147015    UD 0260-81       4304730791     102-2   #6-35-14-23                         WILDCAT                   160.0 NATURAL GAS CORP
 -TEXACO INC                                    RECEIVED:  08/24/81  JA: UT  1
  8147030    UD 0258-81       4303730634     103     ANETH UNIT WELL NO A-114            ANETH                       1.0 EL PASO NATURAL G
 -TEXAS OIL & GAS CORP                          RECEIVED:  08/24/81  JA: UT  1
  8147027    UD 0276-81       4301530708     103     BAILEY FED #1                       WILDCAT                   274.0 NORTHWEST PIPELIN
  8147026    UD 0277-81       4301930761     103     MOXA FEDERAL #1                     SAN ARROYO                255.0 NORTHWEST PIPELIN
 -WEXPRO COMPANY                                RECEIVED:  08/24/81  JA: UT  1
  8147018    UD 0263-81       4303730605     102-2   BUG WELL NO 14                      BUG SEC 17 T 36 S R 26 E  206.3 MOUNTAIN FUEL RES


  OTHER PURCHASERS        VOLUME NO 3506
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 8146923     PRODUCERS GAS CO
 8146540     ONG WESTERN INC
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register on or before October 6, 1981.

Categories within each NGPA section are indicated by the following codes:

Section
102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–27338 Filed 9–18–81: 8:45 am]

BILLING CODE 6450–85–M

[Volume 507]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued:

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 JD NO     JA DKT       API NO      D SEC CAT WELL NAME                         FIELD NAME              PROD  PURCHASER
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**********************************************************************************
   OKLAHOMA CORPORATION COMMISSION
**********************************************************************************
-AMOCO PRODUCTION CO                          RECEIVED:  08/26/81  JA: OK
 8147176   12204        3515722484   103     STECMAN NO 1                       SHOLEM-ALECHEM          142.0 MOBIL OIL CORP
-C F BRAUN & CO                               RECEIVED:  08/26/81  JA: OK
 8147184   12364        3512928555   102-4   STATE 1-16                                                 547.0 TRANSWESTERN PIPE
-CLARK RESOURCES INC                          RECEIVED:  08/26/81  JA: OK
 8147180   12565        3508722217   102-4   MARCUS 6-1 (PRUE)                  SOONER TREND            257.5 CITIES SERVICE GA
-EDWIN L COX                                  RECEIVED:  08/26/81  JA: OK
 8147174   12715        3507920356   102-4   BRANSON NO 1                       WEST CEDARS             157.0 ARKANSAS LOUISIAN
-HOLDEN ENERGY CORP                           RECEIVED:  08/26/81  JA: OK
 8147178   12594        3501922163   102-4   REED 1-4                           JOINER CITY             120.0 AMINOIL USA INC
 8147177   12593        3501922216   102-4   REED 27-1                          JOINER CITY             120.0 AMINOIL USA INC
 8147179   12595        3501900000   102-4   REED 28-5                          JOINER CITY              90.0 AMINOIL USA INC
-JIM L HANNA DBA HANNA OIL AND GAS C          RECEIVED:  08/26/81  JA: CK
 8147171   12602        3506120408   102-4   HAMLIN #1                          NORTH RUSSELLVILLE        0.0 ARKANSAS LOUISIAN
-KAISER-FRANCIS OIL COMPANY                   RECEIVED:  08/26/81  JA: OK
 8147181   12564        3504520906   102-4   BABITSKE #1                        S HIGGINS               300.0 PANHANDLE EASTERN
 8147181   12564        3504520906   103     BABITSKE #1                        S HIGGINS               300.0 PANHANDLE EASTERN
-MAPCO PRODUCTION COMPANY                     RECEIVED:  08/26/81  JA: CK
 8147173   12656        3501922233   102-4   JONES 1-18                         WEST HEWITT              14.6 AMINOIL USA INC
-MURCHISON OIL & GAS INC                      RECEIVED:  08/26/81  JA: OK
 8147172   12636        3504920727   102-4   THOMPSON NO 1                      KLONDIKE                100.0 AMINOIL USA INC
-NFC PETROLEUM CORP                           RECEIVED:  08/26/81  JA: OK
 8147183   12370        3505120981   102-4   WALTERS 2-25                       SOUTH CHICKASHA         772.6 TRANSOK PIPELINE
-THOMAS N BERRY & CO                          RECEIVED:  08/26/81  JA: OK
 8147175   12716        3511900000   102-4   BERRY FEE NO 1                     MEHAN                   200.0 CITIES SERVICE GA
-WHITMAN EXPLORATION CO                       RECEIVED:  08/26/81  JA: OK
 8147182   12558        3504921570   102-4   TUGGLE #1-14                       GOLDEN TREND            300.0 WARREN PETROLEUM
**********************************************************************************
   PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES
**********************************************************************************
-ADOBE OIL & GAS CORPORATION                  RECEIVED:  08/27/81  JA: PA
 8147185   8678         3706325881   103     JOHN ALWINE #1-B                   BRUSH VALLEY             22.0 COLUMBIA GAS TRAN
-APPALACHIAN ENERGY INC                       RECEIVED:  08/27/81  JA: PA
 8147261   8673         3704921271 D 102-2   A BISHOP #2 AE-190                 UPPER DEVONIAN SANDS     30.0 COLUMBIA GAS TRAN
 8147186   8672         3704921273   102-2   D WADE #1 AE-172                   UPPER DEVONIAN SANDS     30.0 COLUMBIA GAS TRAN
 8147187   8674         3704921270   102-2   R WARNER #1 AE-198                 UPPER DEVONIAN SANDS     30.0 COLUMBIA GAS TRAN
-BAKER GAS INC                                RECEIVED:  08/27/81  JA: PA
 8147262   8906         3712900000   108     ARMBRUST #1                        ARMBRUST                  4.3 PEOPLES NATURAL G
-BARON CREST ENERGY PROGRAM NO IV             RECEIVED:  08/27/81  JA: PA
 8147188   8820         3703120924   103     C STEWART #1                       RIMERSBURG                7.0 NATIONAL FUEL GAS
 8147189   8821         3703120920   103     F MCKEE #1                         RIMERSBURG                7.0 NATIONAL FUEL GAS
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JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BENEDUM INTERESTS					RECEIVED: 08/27/81 JA: PA			
8147263	8856	3706326036		103	W A SCHROTH JR #2	PARKWOOD	30.0	PEOPLES NATURAL G
-BEREA OIL AND GAS CORPORATION					RECEIVED: 08/27/81 JA: PA			
8147191	7050	3712328499		102-2	M J WOJTOWICZ #5	WILDCAT	20.0	COLUMBIA GAS TRAN
8147190	7049	3712328497		102-2	M Z LAY #1	WILDCAT	20.0	COLUMBIA GAS TRAN
-C & C TROYER BROTHERS					RECEIVED: 08/27/81 JA: PA			
8147264	8507	3704921100		102-2	SCHLOSSER #1 (#27)	WATERFORD	15.0	NATIONAL FUEL GAS
-E H SNYDER CO					RECEIVED: 08/27/81 JA: PA			
8147323	8817	3700522588		103	GRAFTON #15	GRAFTON	4.0	
8147258	8819	3700500000		108	RICHEY #7	RICHEY	2.7	PEOPLES NATURAL G
8147257	8818	3700500000		108	RICHEY #8	RICHEY	2.7	PEOPLES NATURAL G
-CABOT OIL & GAS CORP					RECEIVED: 08/27/81 JA: PA			
8147271	8890	3703921152		102-2	HELEN DENNIS #2	FAIRFIELD	50.0	TENNESSEE GAS PIP
8147269	8684	3703921205		102-2	JAMES HOLLABAUGH #1	WAYNE	50.0	TENNESSEE GAS PIP
8147265	8769	3708520222		102-2	JOHN HELTZEL #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8147267	8876	3703921167		102-2	JOHN SCHNEICER #2	FAIRFIELD	50.0	TENNESSEE GAS PIP
8147270	8888	3703921106		102-2	MAURICE DICKSON #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8147268	8878	3703921116		102-2	STANLEY ROSPORSKI #1	FAIRFIELD	50.0	TENNESSEE GAS PIP
8147266	8874	3703921180		102-2	STEVE STUREY #1	WAYNE	50.0	TENNESSEE GAS PIP
-CASTLE GAS CO INC					RECEIVED: 08/27/81 JA: PA			
8147273	8854	3706324006		103	A CHUNORK #1 (C-469) INC-24006	YOUNG TOWNSHIP	65.0	INDUSTRIAL ENERGY
8147283	8851	3706323267		108	C L ROSENSTEEL #1 (C-336) IND-23267	YOUNG TOWNSHIP	6.0	PEOPLES NATURAL G
8147282	8850	3706323268		108	C L ROSENSTEEL #2(C-337) IND-23268	YOUNG TOWNSHIP	6.0	PEOPLES NATURAL G
8147281	8849	3706323283		108	C L ROSENSTEEL #3(C-346) IND-23283	YOUNG TOWNSHIP	9.6	PEOPLES NATURAL G
8147278	8866	3706325420		103	FERO RICE #2 C-626 IND-25420	GREEN TOWNSHIP	70.0	COLUMBIA GAS TRAN
8147277	8865	3706325709		103	FERO RICE #3 C-726 IND 25709	GREEN TOWNSHIP	70.0	COLUMBIA GAS TRAN
8147276	8864	3706325708		103	FERO RICE #4 C-727 IND-25708	GREEN TOWNSHIP	70.0	COLUMBIA GAS TRAN
8147198	8781	3706323424		103	G SMYERS #1 (PNG-5063) IND-23424	GRANT TOWNSHIP	70.0	PEOPLES NATURAL G
8147280	8868	3706325388		103	GERMAINE LENZ #1 C-631 IND-25388	GREEN TOWNSHIP	65.0	COLUMBIA GAS TRAN
8147279	8867	3706325419		103	GERMAINE LENZ #2 C-630 IND-25419	GREEN TOWNSHIP	65.0	COLUMBIA GAS TRAN
8147274	8855	3706324007		103	J BATISTIG #2 (C-468) IND-24007	YOUNG TOWNSHIP	70.0	INDUSTRIAL ENERGY
8147199	8782	3706323649		103	J E STITT #1 (PNG-#5129) IND-23649	GRANT TOWNSHIP	60.0	PEOPLES NATURAL G
8147208	8852	3706322992		108	J MANCOCK #1 (C-288) IND-22992	YOUNG TOWNSHIP	13.2	PEOPLES NATURAL G
8147195	8778	3706324013		103	J HUGHEY #2 (PNG-#5244) IND-24013	BLACKLICK TOWNSHIP	55.0	PEOPLES NATURAL G
8147196	8779	3706324131		103	J HUGHEY #4 (PNG-#5261) IND-24131	CENTER TOWNSHIP	60.0	PEOPLES NATURAL G
8147272	8853	3706323989		103	J S STEWART #1 (C-464) IND-23989	YOUNG TOWNSHIP	55.0	INDUSTRIAL ENERGY
8147197	8780	3706323425		103	M E PREVITE #1 (PNG-5069) IND-23425	GRANT TOWNSHIP	55.0	PEOPLES NATURAL G
8147194	8777	3706323929		103	M FISHER #2 (PNG-5339) IND-23929	GRANT TOWNSHIP	65.0	PEOPLES NATURAL G
8147275	8863	3706325391		103	STANLEY WALLS #2 C-628 IND-25391	GREEN TOWNSHIP	65.0	COLUMBIA GAS TRAN
8147192	8775	3706324098		103	T ALOISI #1 (PNG-#5245) IND-24098	YOUNG TOWNSHIP	75.0	PEOPLES NATURAL G
8147193	8776	3706324172		103	T ALOISI #2 (PNG-#5297) IND-24172	YOUNG TOWNSHIP	75.0	PEOPLES NATURAL G
8147205	8872	3706325479		103	T GREEN #1 C-629 IND-25479	GREEN TOWNSHIP	55.0	COLUMBIA GAS TRAN
8147204	8871	3706326123		103	T GREEN #2 C-711 IND-26123	GREEN TOWNSHIP	55.0	COLUMBIA GAS TRAN
8147203	8870	3706325480		103	T GREEN #3 C-632 INC-25480	GREEN TOWNSHIP	60.0	COLUMBIA GAS TRAN
8147202	8869	3706325481		103	T GREEN #4 - C-633 IND-25481	GREEN TOWNSHIP	60.0	COLUMBIA GAS TRAN
8147200	8783	3706324038		103	T H STUCHELL 1 PNG-5243 IND-24038	YOUNG TOWNSHIP	65.0	PEOPLES NATURAL G
8147201	8784	3706324119		103	T H STUCHELL 2 PNG-5257 IND-24119	BLACKLICK TOWNSHIP	70.0	PEOPLES NATURAL G
8147206	8789	3706323535		108	W E JARVIE #1 (PNG-#5107) IND-23535	GRANT TOWNSHIP	4.0	PEOPLES NATURAL G
8147207	8790	3706323536		108	W E JARVIE #2 (PNG-#5108) IND-23536	GRANT TOWNSHIP	4.0	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 08/27/81 JA: PA			
8147211	8382	3706326172		102-2	GERTRUDE WILLIAMS WN-1841	MONTGOMERY	0.0	GENERAL SYSTEM PU
8147215	8797	3705100000		108	J R SMILEY #1 WN-1491	SPRINGHILL TOWNSHIP	4.9	GENERAL SYSTEM PU
8147212	820[illegible]	3706325956		103	JOSEPH BRESKIN WA-1825	MONTGOMERY	186.7	GENERAL SYSTEM PU

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JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8147284	8290	3706325956		102-2	JOSEPH BRESKIN WN-1825	MONTGOMERY	186.7	GENERAL SYSTEM PU
8147213	8291	3706325918		103	JOSEPH BRESKIN WN-1826	MONTGOMERY	132.1	GENERAL SYSTEM PU
8147285	8292	3706325918		102-4	JOSEPH BRESKIN WN-1826	MONTGOMERY	0.0	GENERAL SYSTEM PU
8147214	8293	3706325991		103	JOSEPH BRESKIN WN-1827	MONTGOMERY	250.6	GENERAL SYSTEM PU
8147287	8295	3706325991		102-2	JOSEPH BRESKIR WN-1827	MONTGOMERY	250.6	GENERAL SYSTEM PU
8147209	8296	3703321039		102-2	JOSEPH D TONKIN WN-1831	BURNSIDE	0.0	GENERAL SYSTEM PU
8147210	8298	3703321041		102-2	JOSEPH D TONKIN WN-1832	BURNSIDE	0.0	GENERAL SYSTEM PU
8147288	8857	3706323177		108	LAIRD W MCCULLOUGH WN-1851	CANOE TOWNSHIP	19.6	GENERAL SYSTEM PU
8147266	8300	3706326180		102-4	SAMUEL POWELL WN-1840	MONTGOMERY	0.0	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC					RECEIVED: 08/27/81 JA: PA			
8147218	6014	3703320878		108	B HOLLOPETER UNIT #1 K-C-23	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8147220	6016	3706521885		108	C ZIMMERMAN #1 K-C-38	UPPER DEVONIAN SAND	20.0	CONSOLIDATED GAS
8147217	6012	3706521824		108	E BONACCI #1 K-L-72	UPPER DEVONIAN SANDS	20.0	T W PHILLIPS GAS
8147219	6015	3703320870		108	J WELLS #1 K-C-22	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8147222	6535	3703320869		108	LESLIE CLOUSER #1 K-C-28	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8147216	5958	3706521890		108	LOUIS NOTTO #1 K-C-30	UPPER DEVONIAN SANDS	20.0	NATIONAL FUEL GAS
8147223	6537	3703320866		108	LULU E SEYLER #1 K-C-20	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
8147289	8628	3706325808		102-2	ROBERT F HENRY KA-65	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8147290	8629	3706326065	D	102-2	SPICHER(EDDINGTON) KA-59	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
8147221	6534	3703320863		108	T L BORCHERT #1 K-C-26	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
-DORAN & ASSOCIATES INC/ALDOR					RECEIVED: 08/27/81 JA: PA			
8147224	7548	3706323997		108	M HOOK #1 K-A-2	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS
-EPSILON 1980 S T JOINT VENTURE					RECEIVED: 08/27/81 JA: PA			
8147225	8824	3703321026		103	V SPENCER #1		25.0	CONSOLIDATED GAS
-FAIRMAN DRILLING CO					RECEIVED: 08/27/81 JA: PA			
8147231	8816	3706323444		108	DONALD J SMITH NO 1 5074 F-1570	BLAIRSVILLE	7.0	PEOPLES NATURAL G
8147230	8815	3706323445		108	DONALD J SMITH NO 2 5075 F-1571	BLAIRSVILLE	20.0	PEOPLES NATURAL G
8147229	8814	3706323538		108	DONALD J SMITH NO 4 5077 F-1667	BLAIRSVILLE	11.0	PEOPLES NATURAL G
8147233	8828	3702120034		108	E ASSOC COAL CORP NO 1 4745 F-730	PINDLETON	3.0	PEOPLES NATURAL G
8147226	8803	3712520372		108	J W JELLISON NO 1 4404-F-114	NEW ALEXANDRIA	16.0	PEOPLES NATURAL G
8147228	8813	3700521201		108	NELLIE C MARTIN NO 1 4634 F-517	SNYDERSVILLE	6.0	PEOPELS NATURAL G
8147227	8804	3706500000		108	RALPH BABARSKY NO 1-F-2011	RATHMEL	8.0	NATIONAL FUEL GAS
8147232	8827	3706323764		108	ROBERT W WATKINS NO 1 5164 F-1979	BLAIRSVILLE	18.0	PEOPLES NATURAL G
-FOX OIL & GAS INC					RECEIVED: 08/27/81 JA: PA			
8147234	85[illegible]3	3706326142		103	J GASTON #4	MONTGOMERY	25.0	COLUMBIA GAS TRAN
-GLACIAL SAND & GRAVEL CO					RECEIVED: 08/27/81 JA: PA			
8147238		3700500000		108	CARRYER #5	CARRYER	2.1	PEOPLES NATURAL G
8147291	8833	3700522565		103	COCHRAN #6	COCHRAN	4.0	PEOPLES NATURAL G
8147237	8831	3700500000		108	HAWS #4	HAWS	2.1	PEOPLES NATURAL G
8147235	8829	3700500000		108	PATTON #2	PATTON	2.1	PEOPLES NATURAL G
8147236	8830	3700500000		108	ZELLEFROW #3	ZELLEFROW	2.1	PEOPLES NATURAL G
-H D HOUGH AGENT					RECEIVED: 08/27/81 JA: PA			
8147239	8805	3706328520		108	W MCCAULEY WELL NO 2	MARICA CENTER	6.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC					RECEIVED: 08/27/81 JA: PA			
8147294	8923	3706326031		103	ORVILLE M WATSON #3	WASHINGTON	0.0	T W PHILLIPS GAS
8147295	8924	3706326032		103	ORVILLE M WATSON #4	WASHINGTON	0.0	T W PHILLIPS GAS
-J C ENTERPRISES					RECEIVED: 08/27/81 JA: PA			
8147292	8925	3706326093		102-2	IND-26093 PETER COLGAN ET AL #158-1	CHERRY TREE	11.0	COLUMBIA GAS TRAN
8147293	8926	3706326094		102-2	IND-26094 G WILLIAMS ET AL 159-1	CHERRY TREE	11.0	COLUMBIA GAS TRAN
-JAMES DRILLING CORP					RECEIVED: 08/27/81 JA: PA			
8147296	8383	3712941171		103	JOHN MCCULLOUGH WELL #1		33.0	PEOPLES NATURAL G
-KENNETH P MILLIKEN					RECEIVED: 08/27/81 JA: PA			
8147300	1797	3705900000		108	HARRIETT MCCANN WELL	SUGAR GROVE	7.0	CARNEGIE NATURAL

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JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-LAKE ERIE #1				RECEIVED: 08/27/81 JA: PA				
8147240	6731	37049000[illegible]		103	LOUIS BECK #80-19 PA PER ERI-21140	CONNEAUT	0.0	COLUMBIA GAS TRAN
-MERIDIAN EXPLORATION CORP				RECEIVED: 08/27/81 JA: PA				
8147299	8916	3704921211		102-2	DONALD A FOX #541-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8147241	8796	3704921256		102-2	EDINBORO GRAVEL #2-561	EDINBORO NORTH	30.0	NATIONAL FUEL GAS
8147297	8913	3704921212		102-2	N SMITH #542-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8147298	8915	3704921068		102-2	OCONNOR #535-1	EDINBORO NORTH	30.0	NATIONAL FUEL GAS
-MERIDIAN OIL & GAS ENT INC				RECEIVED: 08/27/81 JA: PA				
8147243	8676	3703920840		103	FRANK W NEAL WELL #1		15.0	NATL FUEL GAS DIS
8147242	8675	3703920839		103	JOSEPH L VERGARA WELL #1		20.0	NATL FUEL GAS DIS
8147244	8677	3703940844		103	SELMA M HACKWORTH WELL #1-A		20.0	NATL FUEL GAS DIS
-MITCHELL ENERGY CORPORATION				RECEIVED: 08/27/81 JA: PA				
8147245	6703	3703920882		103	STAGL #1-66	MEDINA AND WHIRLPOOL SAN	45.0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED: 08/27/81 JA: PA				
8147246	8822	3708338131		108	ALLEGHENY NATIONAL FOREST X-213	ELK COUNTY (ROYSTONE)	1.8	
-NORTHWEST NATURAL GAS CO				RECEIVED: 08/27/81 JA: PA				
8147301	8806	3703920812		103	ANDREW & CLARA COBLENTZ #1	CONNEAUT	0.0	NATIONAL FUEL DIS
8147303	8808	3703920850		103	ARTHUR HELMBRECK	CONNEAUT	0.0	NATIONAL FUEL DIS
8147302	8807	3703920859		103	CALVIN & GEORGEANNE FRAWLEY	CONNEAUT	0.0	NATIONAL FUEL DIS
8147306	8811	3703920707		103	FRED & JEANNE MOCA #1	CONNEAUT	0.0	NATIONAL FUEL DIS
8147307	8812	3703920942		103	JOHN HEPAK SR #1	CONNEAUT	0.0	NATIONAL FUEL DIS
8147304	8809	3703920816		103	JOSEPH & BARBARA NEIDERMEYER	CONNEAUT	0.0	NATIONAL FUEL DIS
8147305	8810	3703920817		103	RUDOLPH M & LENA LENHARDT	CONNEAUT	0.0	NATIONAL FUEL DIS
-PEMCO GAS INC				RECEIVED: 08/27/81 JA: PA				
8147320	8904	3700520729		108	A F DEEMER NO 1 ARM 729	W PA UPPER DEVONIAN SAND	5.0	PEOPLES NATURAL G
8147319	8903	3700520708		108	A F DEEMER NO 2 ARM 708	W PA UPPER DEVONIAN SAND	5.0	PEOPLES NATURAL G
8147318	8902	3700520730		108	A F DEEMER NO 3 ARM 730	W PA UPPER DEVONIAN SAND	5.0	PEOPLES NATURAL G
8147321	8905	3700520599		108	B L CONNER NO 3 ARM 599	W PA UPPER DEVONIAN SAND	4.5	PEOPLES NATURAL G
8147317	8901	3700521651		108	GUY DILICK #1 ARM 21651-D	W PA UPPER DEVONIAN SAND	11.5	PEOPLES NATURAL G
8147316	8900	3700520637		108	GUY DILICK NO 2 PERMIT ARM 637	W PA UPPER DEVONIAN SAND	8.9	PEOPLES NATURAL G
8147311	8894	3700500000		108	JOHN EVANTNER NO 1	W PA UPPER DEVONIAN SAND	3.5	PEOPLES NATURAL G
8147308	8891	3700521472		108	JOHN N RALSTON #2 ARM 1472	W PA UPPER DEVONIAN SAND	6.6	PEOPLES NATURAL G
8147312	8895	3700520416		108	OWEN SMELTZER NO 1 ARM 416-R	W PA UPPER DEVONIAN SAND	7.0	PEOPLES NATURAL G
8147309	8892	3700521485		108	RALSTON #1	W PA UPPER DEVONIAN SAND	6.6	PEOPLES NATURAL G
8147310	8893	3700521181		108	STEFANIK NO 1 ARM 1181-R	W PA UPPER DEVONIAN SAND	4.0	PEOPLES NATURAL G
8147315	8899	3700520683		108	W E GEIGER NO 1 ARM 683-R	W PA UPPER DEVONIAN SAND	12.6	PEOPLES NATURAL G
8147314	8898	3700520128		108	W E GEIGER NO 2 ARM 128	W PA UPPER DEVONIAN SAND	4.2	PEOPLES NATURAL G
8147313	8897	3700520184		108	W E GEIGER NO 3 ARM 184	W PA UPPER DEVONIAN SAND	4.2	PEOPLES NATURAL G
-PHILLIPS PRODUCTION CO				RECEIVED: 08/27/81 JA: PA				
8147322	[illegible]	3706324770		108	ARTHUR E LINDENBERG ET UX #1		10.0	COLUMBIA GAS TRAN
8147248	8374	3706325902		103	ELMER G HANDTE #1		35.0	
8147249	8537	3706326226		103	GREGORY S CORNMAN ET UX #1		25.0	
8147251	8671	3706522310		103	RONALD A BAIR ET UX ET AL #1		25.0	
8147250	8670	3706522312		103	RUSSELL ADAMS ET UX #1		25.0	
-QUAKER STATE OIL REFINING CORP				RECEIVED: 08/27/81 JA: PA				
8147255	8840	3712326810		108	PIERCE 01	WARREN (GRUNDER RUN)	0.4	NATIONAL FUEL GAS
8147252	8837	3712327108		108	PIERCE 016	WARREN (GRUNDER RUN)	0.4	NATIONAL FUEL GAS
8147254	8839	3712327109		108	PIERCE 017	WARREN (GRUNDER RUN)	0.4	NATIONAL FUEL GAS
8147253	8838	3712327110		108	PIERCE 018	WARREN (GRUNDER RUN)	0.4	NATIONAL FUEL GAS
-RENNIE KELLY ENTERPRISES				RECEIVED: 08/27/81 JA: PA				
8147256	8014	3706323938	[illegible]	103	MIKE YANKASKY #1 (1041)	CANOE	0.0	T W PHILLIPS GAS
-ROY A ORR				RECEIVED: 08/27/81 JA: PA				
8147247	8835	3706320420		108	ROY A ORR WELL #2		4.5	PEOPLES GAS CO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-UNION DRILLING INC						RECEIVED: 08/27/81 JA: PA			
8147324	8798	3706326105		103		MABEL WISSINGER #2 - 0738	WAYNE TOWNSHIP	0.0	COLUMBIA GAS TRAN
8147327	8801	3706326104		103		MABEL WISSINGER #3 0739	WAYNE TWP	0.0	COLUMBIA GAS TRAN
8147328	8802	3706326130		103		MCFEATERS TRACT #2 - 0734	CENTER TOWNSHIP	0.0	COLUMBIA GAS TRAN
8147325	8799	3706326131		103		MCFEATERS TRACT #3 - 0735	CENTER TOWNSHIP	0.0	COLUMBIA GAS TRAN
8147326	8800	3706325742		103		P P & V CORP #3 0710	CHERRYHILL TWP	0.0	COLUMBIA GAS TRAN
-VICTORY DEVELOPMENT CO						RECEIVED: 08/27/81 JA: PA			
8147333	8659	3706300000		108		ALBERT MILLER #1	ALBERT MILLER	3.0	PEOPLES NATURAL G
8147337	8663	3700500000		108		ALTMAN	ALTMAN	6.0	PEOPLES NATURAL G
8147332	8657	3706300000		108		BEERS #1	BEERS	3.0	PEOPLES NATURAL G
8147331	8656	3706300000		108		BEERS #2	BEERS	4.2	PEOPLES NATURAL G
8147329	8907	3703321056		102-2		EINSIG #1 CLE-21856	BARRY D EINSIG	18.0	COLUMBIA GAS TRAN
8147338	8664	3706300000		108		GEORGE #1	GEORGE	4.0	PEOPLES NATURAL G
8147334	8660	3700500000		108		MCCLAFFERTY	MCCLAFFERTY	3.0	PEOPLES NATURAL G
8147336	8662	3700500000		108		STUBRICH	STUBRICH	1.8	PEOPLES NATURAL G
8147330	8656	3706320693		108		VICTORY DEVELOPMENT COMPANY IND-693	BEERS	3.5	PEOPLES NATURAL G
8147335	8661	3700500000		108		WILLIAMS #1	WILLIAMS	7.5	PEOPLES NATURAL G
-VINEYARD OIL & GAS CO						RECEIVED: 08/27/81 JA: PA			
8147260	8643	3704921284		103		AKINS #1 E#	AKINS #1 NORTH EAST	12.0	NATIONAL FUEL GAS
8147259	8644	3704921285		102-2		OBERLANDER #1 E#	OBERLANDER #1 DRUMLIN	24.0	NATIONAL FUEL GAS
-WAINOCO OIL & GAS CO						RECEIVED: 08/27/81 JA: PA			
8147339	8680	3703321099		102-2		ANTONI W FELC NO 2 (W-93)	ATHENS	27.0	COLUMBIA GAS TRAN
-WILLIAM C WOOD						RECEIVED: 08/27/81 JA: PA			
8147341	8842	3700500000		108		J F MCHENRY WELL		0.9	PEOPLE NATURAL GA
8147340	8841	3700500000		108		JOHN M SCHRECENGOST WELL		0.9	PEOPLE NATURAL GA
8147342	8843	3700500000		108		W J BARGERSTOCK #1		0.9	PEOPLE NATURAL GA

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before October 6, 1981.

Categories within each NGPA section are indicated by the following codes:

Section
102–1: New OCS lease
101–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–27337 Filed 9–18–81; 8:45 am]

BILLING CODE 6450–85–M

[Volume 508]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued:

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JD NO    JA DKT      API NO     D SEC CAT WELL NAME                          FIELD NAME                  PROD  PURCHASER
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**********************************************************************
  TEXAS RAILROAD COMMISSION
**********************************************************************
-AMERICAN PETROFINA COMPANY OF TEXAS    RECEIVED:  08/27/81  JA: TX
 8147510   F-02-038977 4217531350   103      D M REED #4                   CABEZA CREEK S (COOK MT        5.0 UNITED GAS PIPE L
-AMERICAN QUASAR PETROLEUM CO           RECEIVED:  08/27/81  JA: TX
 8147393   F-08-033782 4238331129   107-TF   WORSHAM 1-17                  SEC 17 BLK 6 H&GN RR CO        0.0 INTRATEX GAS CO
-AMOCO PRODUCTION CO                    RECEIVED:  08/27/81  JA: TX
 8147478   F-08-038805 4213533359   102-4    DAVID FASKEN BH #1            FASKEN SOUTH (STRAWN)         49.3 AMOCO PRODUCTION
 8147477   F-08-038804 4213533478   103      GOLDSMITH LANDRETH (DEEP) UNIT #226 GOLDSMITH (CLEARFORK)  146.7 PHILLIPS PETROLEU
 8147445   F-08-038455 4213533443   103      GOLDSMITH LANDRETH (DEEP) UNIT #237 GOLDSMITH (CLEARFORK)   51.8 PHILLIPS PETROLEU
 8147446   F-8A-038456 4221932955   103      WEST RKM UNIT #248            SLAUGHTER                      9.5 AMOCO PRODUCTION
-ARCO OIL AND GAS COMPANY               RECEIVED:  08/27/81  JA: TX
 8147494   F-10-038871 4217930860   103      MCLAUGHLIN NO 10              PANHANDLE GRAY COUNTY         73.0 PHILLIPS PETROLEU
 8147435   F-10-038139 4223330784   103      S PRITCHARD C NO 2            PANHANDLE WEST               182.5 PANHANDLE EASTERN
 8147506   F-10-038961 4229538733   103      SIM PAINE NO 3                BRADFORD (CLEVELAND)         182.5 NORTHERN NATURAL
 8147378   F-04-031542 4221530986   103      W R MONTGOMERY #2             SAN SALVADOR (6800)           72.0 TENNESSEE GAS PIP
-BOB T MILLER                           RECEIVED:  08/27/81  JA: TX
 8147366   F-7B-030149 4242900000   103      HARRIS A #16360               WAYLAND (DUFFER)             170.0 WARREN PETROLEUM
-BORDER EXPLORATION CO                  RECEIVED:  08/27/81  JA: TX
 8147420   F-01-037774 4232331641   103      A T HILL G U #1               EL INDIO (OLMOS A-4)          78.0 TEJAS GAS CORP
-BRIDWELL OIL CO                        RECEIVED:  08/27/81  JA: TX
 8147492   F-09-038864 4207732013   103      SCALING RANCH P #15           LAZY B (STRAWN)                6.0 FAGADAU ENERGY CO
 8147493   F-09-038865 4207731894   103      SCALING RANCH P #9            LAZY B (STRAWN)                6.0 FAGADAU ENERGY CO
-C F LAWRENCE & ASSOC INC               RECEIVED:  08/27/81  JA: TX
 8147354   F-08-025974 4237100000   103      WRIGHT #1 #88625              FT STOCKTON S (QUEEN)          0.0 EL PASO NATURAL G
-CASSELL OIL CO                         RECEIVED:  08/27/81  JA: TX
 8147442   F-7B-038345 4204900000   103      O B BYRD NO 3                 BROWN COUNTY REGULAR           0.0 ODESSA NATURAL CO
-CHAMPLIN PETROLEUM COMPANY             RECEIVED:  08/27/81  JA: TX
 8147388   F-04-032887 4235531540   103      CARVER ESTATE A NC 2          AGUA DULCE                    62.0 TENNESSEE GAS PIP
 8147417   F-04-036921 4235500000   108      ELIFF J S ETAL #6             AGUA DULCE                    14.5 TENNESSEE GAS PIP
 8147396   F-04-034545 4235531701   103      TEXON ROYALTY CO #4           WILDCAT                        0.0 TENNESSEE GAS PIP
-COLA PETROLEUM INC                     RECEIVED:  08/27/81  JA: TX
 8147498   F-7C-038878 4238331680   103      GORDON 138 #2                 CALVIN (DEAN)                  0.0 UNION TEXAS PETRO
-CONOCO INC                             RECEIVED:  08/27/81  JA: TX
 8147502   F-08-038919 4249531327   103      B F JENKINS A-12-#17 ID #15049 KEYSTONE                      13.3 SID RICHARDSON GA
-DELTA DRILLING CO                      RECEIVED:  08/27/81  JA: TX
 8147370   F-06-030833 4236500000   102-2    DELTA METCALF #1              BECKVILLE NORTH (COTTON        0.0 NATURAL GAS PIPEL
 8147370   F-06-030833 4236500000   107-TF   DELTA METCALF #1              BECKVILLE NORTH (COTTON        0.0 NATURAL GAS PIPEL
-DIAMOND SHAMROCK CORPORATION           RECEIVED:  08/27/81  JA: TX
 8147347   F-10-02046  4221130909   103      ARTHUR WEBB T NO 2            MENDOTA N W                  159.0
 8147469   F-10-038758 4239300000   108      L A MADDOX NO 11              QUINDUNO                       1.0 NATURAL GAS PIPEL
 8147468   F-10-038758 4239300000   108      L A MADDOX NO 13              QUINDUNO                       1.0 NATURAL GAS PIPEL
 8147467   F-10-038756 4239300000   108      L A MADDOX NO 15              QUINDUNO                       1.0 NATURAL GAS PIPEL
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                                                                                VOLUME  508          PAGE  002
JD NO     JA DKT        API NO      D SEC CAT WELL NAME                      FIELD NAME              PROD     PURCHASER
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 8147466   F-10-038755  4239300000   108      L A MADDOX NO 17               QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147465   F-10-038754  4239300000   108      L A MADDOX NO 18               QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147464   F-10-038753  4239300000   108      L A MADDOX NO 20               QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147462   F-10-038751  4239300000   108      L A MADDOX NO 21               QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147463   F-10-038752  4239300000   108      L A MADDOX NO 22               QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147461   F-10-038750  4239300000   108      L A MADDOX NO 24               QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147460   F-10-038749  4239300000   108      L A MADDOX NO 25               QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147459   F-10-038748  4239300000   108      L A MADDOX NO 32               QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147458   F-10-038747  4239300000   108      L A MADDOX NO 35               QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147457   F-10-038746  4239300000   108      L A MADDOX NO 37               QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147472   F-10-038761  4239300000   108      L A MADDOX NO 4                QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147471   F-10-038760  4239300000   108      L A MADDOX NO 6                QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147470   F-10-038759  4239300000   108      L A MADDOX NO 7                QUINDUNO                  1.0 NATURAL GAS PIPEL
 8147456   F-10-038744  4223300000   108      SALLIE PRITCHARD NO 7          PANHANDLE                 1.0 NORTHERN NATURAL
 8147454   F-10-038742  4223300000   108      STEWART NO 1                   PANHANDLE                 0.3 NORTHERN NATURAL
 8147455   F-10-038743  4223300000   108      STEWART NO 17                  PANHANDLE                 0.3 NORTHERN NATURAL
-EL PASO NATURAL GAS COMPANY                RECEIVED:  08/27/81  JA: TX
 8147359   F-10-027986  4217923690   108      BEASLEY #1                     PANHANDLE WEST    [illegible].0 EL PASO NATURAL G
 8147360   F-10-028976  4217923695   108      BURDINE A #1                   PANHANDLE WEST           25.0 EL PASO NATURAL G
 8147356   F-10-026794  4217923698   108      COFFIELD #1                    PANHANDLE WEST            4.0 EL PASO NATURAL G
 8147372   F-10-030869  4217923699   108      COUSINS #1                     PANHANDLE - WEST          7.0 EL PASO NATURAL G
 8147358   F-10-027985  4217923702   108      DARSEY #2                      PANHANDLE WEST BROWN DOL 21.0 EL PASO NATURAL G
 8147353   F-10-025896  4217923703   108      DWYER #1                       PANHADLE WEST BROWN DOLO 44.0 EL PASO NATURAL G
 8147373   F-10-030870  4217923712   108      HERRINGTON #1                  WEST PANHANDLE           31.0 EL PASO NATURAL G
 8147357   F-10-027982  4217923763   108      YOES A #1                      PANHANDLE WEST           15.0 EL PASO NATURAL G
-ENERGY RESERVES GROUP INC                  RECEIVED:  08/27/81  JA: TX
 8147441   F-7C-038305  4223500000   108      ELA C SUGG D #1                SPRABERRY (TREND AREA)    9.0 NORTHERN NATURAL
 8147438   F-7C-038302  4223500000   108      ELA C SUGG D #3                SPRABERRY (TREND AREA)    9.0 NORTHERN NATURAL
 8147443   F-04-038360  4235560000   108      J A THOMPSON #12               RIVERSIDE E (6100)        9.7 TENNESSEE GAS PIP
 8147440   F-7C-038304  4238300000   108      O L GREER #1                   CALVIN (DEAN)            11.6 UNION TEXAS PETRO
 8147439   F-7C-038303  4238300000   108      O L GREER #7                   CALVIN (DEAN)            11.6 UNION TEXAS PETRO
 8147444   F-04-038381  4235500000   108      THOMPSON GAS UNIT #3 #1        RIVERSIDE E ([illegible]200)   9.8 TENNESSEE GAS PIP
-ENSERCH EXPLORATION INC                    RECEIVED:  08/27/81  JA: TX
 8147387   F-09-032611  4249732045   103      E L VAUGHT NO 2                BOOKSVILLE               69.0 LONE STAR GAS CO
-EXXON CORPORATION                          RECEIVED:  08/27/81  JA: TX
*8147453   F-04-038731  4227331424   103      K R BORREGOS 552 (06544)       BORREGOS (COMBINED ZONES 10.0 ARMCO STEEL CORP
*8147449   F-04-038634  4227331196   102-4    K R VISNAGA 14 (77803)         YEARY (I-51)            800.0 ARMCO STEEL CORP
 8147436   F-04-038179  4213100000   108      P E WHITE B #19 (01700)        LUNDELL (PETTUS)          3.0 TENNESSEE GAS PIP
-FISHER-WEBB INC                            RECEIVED:  08/27/81  JA: TX
 8147507   F-7C-038971  [illegible]   103      HARRIS [illegible] NO [illegible]     BLOODWORTH SOUTH (5700 S 100.0 SUN GAS CO DIVISI
-FOY HOYC MANAGEMENT CORP                   RECEIVED:  08/27/81  JA: TX
 8147490   F-08-038[illegible]5  4247533224   103      PITZER #[illegible]          PITZER N (CHERRY CANYON) 15.8 NORTHERN NATURAL
-GETTY OIL COMPANY                          RECEIVED:  08/27/81  JA: TX
 8147413   F-08-036589  4247500000   103      J F HATHAWAY WELL NC 1-P       ESTES BLOCK 34 (PENN) FI  6[illegible]0.0
-GRACE PETROLEUM CORPORATION                RECEIVED:  08/27/81  JA: TX
 8147452   F-06-038730  4236530803   103      CHALWICK 1-T                   CARTHAGE (COTTON VALLEY) 264.0 UNITED GAS PIPELI
-GULF OIL CORPORATION                       RECEIVED:  08/27/81  JA: TX
 8147407   F-10-034849  4223330819   103      C L DIAL #276                  PANHANDLE HUTCHINSON     18.0 PHILLIPS PETROLEU
 8147504   F-08-038935  4213533616   103      GOLDSMITH SAN ANDRES UNIT NO B-170  GOLDSMITH           12.0 PHILLIPS PETROLEU
-HNG OIL COMPANY                            RECEIVED:  08/27/81  JA: TX
 8147505   F-7C-038943  4243532459   103      SHURLEY 123-5A                 SAWYER (CANYON)         540.0 INTRATEX GAS CC
 8147505   F-7C-038943  4243532459   107-TF   SHURLEY 123-5A                 SAWYER (CANYON)         540.0 INTRATEX GAS CC
-HORIZON OIL & GAS CO OF TEXAS              RECEIVED:  08/27/81  JA: TX
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 JD NO      JA DKT        API NO      D SEC CAT WELL NAME                               FIELD NAME                  PROD     PURCHASER
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 8147382    F-10-032021   4219530081    108     #1 JARVIS - - - - - #03034              HORIZON - CLEVELAND           7.0 NORTHERN NATURAL
-HUMBLE EXPLORATION CO INC                   RECEIVED:  08/27/81  JA: TX
 8147369    F-03-030029   4228730798    102-2   VLASTA SIMEK UNIT - 13614               GIDDINGS (AUSTIN CHALK)      43.0 PHILLIPS PETROLEU
 8147369    F-03-030029   4228730798    103     VLASTA SIMEK UNIT - 13614               GIDDINGS (AUSTIN CHALK)      43.0 PHILLIPS PETROLEU
 8147385    F-03-032036   4214930725    102-2   WILLIE MAE ORISDALE #1 - 13957          GIDDINGS (AUSTIN CHALK)      68.6 PHILLIPS PETROLEU
 8147385    F-03-032036   4214930725    103     WILLIE MAE ORISDALE #1 - 13957          GIDDINGS (AUSTIN CHALK)      68.6 PHILLIPS PETROLEU
-HUNT OIL COMPANY                            RECEIVED:  08/27/81  JA: TX
 8147481    F-06-038828   4221330393    103     FAIRWAY (JAMES LIME) UNIT #543-1        FAIRWAY (JAMES LIME) UNI     25.0 LONE STAR GAS CO
-J CLEO THOMPSON                             RECEIVED:  08/27/81  JA: TX
 8147419    F-7C-037721   4243532454    103     MAYER A #5                              SAWYER (CANYON)             240.0 NORTHERN NATURAL
 8147419    F-7C-037721   4243532494    107-TF  MAYER A #5                              SAWYER (CANYON)             240.0 NORTHERN NATURAL
-JAMES B HARDIN                              RECEIVED:  08/27/81  JA: TX
 8147414    F-7B-036656   4208300000    108     BURGER BROWN 31104                      COLEMAN COUNTY REGULAR        8.0 LONE STAR GAS CO
 8147415    F-7B-036659   4208300000    108     HOSCH ESTATE 49342                      SANTA ANNA NORTH FRY          6.0 LONE STAR GAS CO
-JOMAC OIL CO                                RECEIVED:  08/27/81  JA: TX
*8147343    F-10-011821   4223300000    108     RED ROCK #1 01321                       PANHANDLE                     0.0 PHILLIPS PETROLEU
-JONES CO                                    RECEIVED:  08/27/81  JA: TX
 8147482    F-7B-038834   4205532123    102-4   FINLEY 11 (83193)                       FINLEY (CONGL)               45.0 DELHI GAS PIPELIN
 8147497    F-7B-038889   4205932466    103     FINLEY 65 #1 (17156)                    CALLAHAN COUNTY REGULAR      85.0 DELHI GAS PIPELIN
-K L H OIL & GAS INC                         RECEIVED:  08/27/81  JA: TX
 8147498    F-7B-038890   4204932582    102-4   H C WILLIAMS #2 (92774)                 CHAMBERS (CONGL)            320.0 ODESSA NATURAL CO
 8147499    F-7B-038891   4204932578    102-4   O B FOMBY #3 (16890)                    DALE (CADDO)                 18.0 ODESSA NATURAL CO
-KERR-MCGEE CORPORATION                      RECEIVED:  08/27/81  JA: TX
 8147392    F-10-038487   4221131128    107-DP  REGENT 7 WELL NO 1                      ALLISON PARKS (MORROW UP     33.0 EL PASO NATURAL G
 8147488    F-10-038853   4223330030    103     COCKRELL NO 25                          PANHANDLE (HUTCHINSON)        2.9 GETTY OIL CO
 8147487    F-10-038850   4223330042    103     FITTS # 120                             PANHANDLE (HUTCHINSON)        3.0 GETTY OIL CORP
-LADD PETROLEUM CORPORATION                  RECEIVED:  08/27/81  JA: TX
 8147495    F-7C-038876   4210533121    103     C C MONTGOMERY 2-5                      OZONA (CANYON SAND)         106.1 VALERO TRANSMISSI
 8147495    F-7C-038876   4210533121    107-TF  C C MONTGOMERY 2-5                      OZONA (CANYON SAND)         106.1 VALERO TRANSMISSI
-LIVELY ENERGY CO                            RECEIVED:  08/27/81  JA: TX
 8147376    F-7C-030980   4243500000    103     ALDWELL RANCH #11-1 / 90631             WHITEHEAD STRAWN            720.0 NORTHERN NATURAL
-LOUISIANA LAND & EXPLORATION CO             RECEIVED:  08/27/81  JA: TX
 8147381    F-06-031988   4222530356    102-4   M C TAYLOR NO 1                         NAVARRO CROSSING            730.0 LONE STAR GAS CO
-MADDOX OIL & GAS                            RECEIVED:  08/27/81  JA: TX
 8147491    F-7B-038861   4236332980    103     W D LEE NO 1                            PALO PINTO CO REGULAR (G     73.0 SOUTHWESTERN GAS
-MCCORMICK OPERATING CO                      RECEIVED:  08/27/81  JA: TX
 8147361    F-06-029023   4240131012    103     VINSON GAS UNIT NO 3                    OAK HILL (COTTON VALLEY)    450.0 HYDROCARBON TRANS
 8147361    F-06-029023   4240131012    107-TF  VINSON GAS UNIT NO 3                    OAK HILL (COTTON VALLEY)    450.0 HYDROCARBON TRANS
-MCCULLOCH OIL CORP OF TEXAS                 RECEIVED:  08/27/81  JA: TX
 8147345    F-10-019958   4221131166    103     MATHERS RANCH NO 40                     HUMPHREYS-DOUGLAS           280.0 ARKANSAS LOUISIAN
-MGF OIL CORP                                RECEIVED:  08/27/81  JA: TX
 8147395    F-08-034543   4231732294    103     KELLY #1                                SPRAYBERRY (TREND AREA)       0.0 PHILLIPS PETROLEU
 8147386    F-08-032528   4231732177    103     LITTLETON #1                            SPRABERRY (TREND AREA)        0.0 ADOBE OIL & GAS C
 8147397    F-08-034658   4231732225    103     MCCRARY #1                              SPRAYBERRY (TREND AREA)      21.6 ADOBE OIL & GAS C
 8147398    F-7C-034667   4246131665    103     MEINER A #1                             SPRAYBERRY (TREND AREA)       0.0 PHILLIPS PETROLEU
 8147399    F-7C-034668   4246131670    103     NEAL #1                                 SPRAYBERRY (TREND AREA)       0.0 PHILLIPS PETROLEU
 8147400    F-7C-034669   4246131671    103     NEAL #2                                 SPRAYBERRY (TREND AREA)       0.0 PHILLIPS PETROLEU
-MITCHELL ENERGY CORPORATION                 RECEIVED:  08/27/81  JA: TX
 8147346    F-03-020545   4232130924    103     C B HARRIMAN #2                         FRIO 6                      100.0 FLORIDA GAS TRANS
 8147410    F-7B-036060   4213300000    108     C J OCONNOR #3 41228                    LEE RAY (DUFFER LIME)         0.0 LONE STAR GAS CO
 8147352    F-09-025612   4249700000    108     FLOIS CROWNOVER #2 52043                BOONESVILLE (BEND CONGL      11.3 NATURAL GAS PIPEL
 8147365    F-09-030025   4249731910    103     H J DEAVERS #15                         BOONSVILLE (BEND CONGL 6      0.0 NATURAL GAS PIPEL
 8147344    F-09-019604   4249700000    108     J G MONTFORD #1 40684                   BRIDGEPORT (ATOKA CONG 5     18.0 NATURAL GAS PIPEL
                                                                          VOLUME  508          PAGE  004
JD NO     JA DKT        API NO      D SEC CAT WELL NAME                              FIELD NAME                 PROD   PURCHASER
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 8147366  F-7B-029434  4236731529    103      J T BAKER #2                           SANDRA K (STRAWN)            60.0 SOUTHWESTERN GAS
 8147377  F-01-031197  4249731957    103      JUNE GRIFFITH NO 2                     RHOME (ATOKA)               150.0 NATURAL GAS PIPEL
 8147371  F-09-030854  4249731802    103      W A HUTCHESON #2-C                     BOONSVILLE (BEND CONGL G    200.0 NATURAL GAS PIPEL
 8147408  F-09-030884  4249731839    103      WAGGONER (MAYNARD) #22                 BOONSVILLE (BEND CONGL G    100.0 NATURAL GAS PIPEL
-MONSANTO COMPANY                           RECEIVED:  08/27/81  JA: TX
 8147474  F-08-038798  4200332447    103      FISHER #7                              SHAFTER LAKE                 15.0 PHILLIPS PETROLEU
 8147476  F-08-038800  4249531316    103      GREEN #1                               MONAHANS N E (PENN DET U     20.0 EL PASO NATURAL G
 8147475  F-08-038799  4200332567    103      UNIVERSITY 14-18 #5                    SHAFTER LAKE (SAN ANDRES      2.0 PHILLIPS PETROLEU
 8147473  F-08-038797  4200332566    103      UNIVERSITY 14-18 #6                    SHAFTER LAKE (SAN ANDRES      2.0 PHILLIPS PETROLEU
-MONTERREY PETROLEUM CORP                   RECEIVED:  08/27/81  JA: TX
 8147401  F-04-034740  4247932779    103      BLOCKER RANCH (SEC 1846) #1 (NA)       GOLD RIVER NORTH (OLMOS)    100.0 DELHI GAS PIPELIN
 8147402  F-04-034741  4247932595    103      BLOCKER RANCH (SEC 1853) #3 (NA)       GOLD RIVER NORTH (OLMOS)     95.0 DELHI GAS PIPELIN
 8147403  F-04-034743  4247932775    103      BLOCKER RANCH A #7 (NA)                GOLD RIVER NORTH (OLMOS)    340.0 DELHI GAS PIPELIN
 8147406  F-04-034746  4247932771    103      BLOCKER RANCH B #8 (NA)                GOLD RIVER NORTH (OLMOS)    360.0 DELHI GAS PIPELIN
 8147404  F-04-034744  4247932770    103      BLOCKER RANCH C #9 (NA)                GOLD RIVER NORTH (OLMOS)     70.0 DELHI GAS PIPELIN
 8147405  F-04-034745  4247932769    103      BLOCKER RANCH D #10 (NA)               GOLD RIVER NORTH (OLMOS)    300.0 DELHI GAS PIPELIN
-MOSBACHER PRODUCTION CO                    RECEIVED:  08/27/81  JA: TX
 8147489  F-01-036858  4217730760    102-2    MORGAN W MILLS UNIT WELL NO 1          PEACH CREEK (AUSTIN CHAL     11.0 VALERO TRANSMISSI
-MR OIL CO                                  RECEIVED:  08/27/81  JA: TX
 8147503  F-08-038932  4247500000    103      DORR NO 11 #25917                      WARD SOUTH                   78.0 DELHI GAS PIPELIN
-OCEAN MINERALS INC                         RECEIVED:  08/27/81  JA: TX
 8147350  F-7C-025338  4210532605    103      UNIVERSITY 5 28-29                     INGHAM/QUEEN                 73.0 SOUTHWESTERN GAS
-PENNZOIL COMPANY                           RECEIVED:  08/27/81  JA: TX
 8147437  F-7C-038273  4241300000    108      THOMERSON NO 1 19366                   TOE NAIL (HARKEY)            18.0 ARCO OIL & GAS CO
-PHILLIPS PETROLEUM COMPANY                 RECEIVED:  08/27/81  JA: TX
 8147309  F-10-033264  4242100000    108      CAMER # 1                              TEXAS HUGOTON                 0.0 MICHIGAN WISCONSI
 8147368  F-10-030348  4242100000    108      CINDY #1                               TEXAS HUGOTON                15.0 MICHIGAN WISCONSI
 8147391  F-10-033376  4235731075    103      ROOTS D #2                             DUTCHER CLEVELAND             0.0 PANHANDLE EASTERN
 8147390  F-10-033375  4223330885    103      YAKE G #11                             PANHANDLE HUTCHINSON          0.0 EL PASO NATURAL G
-PNS CO                                     RECEIVED:  08/27/81  JA: TX
 8147411  F-02-036088  4225500000    103      WILLIAM H PYLE JR NO 2                 ATKINSON (KLINGEMAN)         17.0 VALERO TRANSMISSI
-RICHEY EXPLORATION CO                      RECEIVED:  08/27/81  JA: TX
 8147409  F-09-035791  4249732025    103      CHARLES PITTS NO 1                     GAS FINDERS (CONGL)         109.0 DELHI GAS PIPELIN
-SHELL OIL CO                               RECEIVED:  08/27/81  JA: TX
 8147478  F-04-038896  4250531371    102-4    G G HINOJOSA NO 4                      RANDADO RANCH (QUEEN CIT      2.0
 8147394  F-10-033906  4221131256    103      HOBART RANCH 770                       HEMPHILL (GRANITE WASH)     416.6 CITIES SERVICE GA
 8147379  F-8A-031610  4216531863    103      STARK TO -B- NO 2                      ROBERTSON N (SAN ANDRES)      2.2 PHILLIPS PETROLEU
-SUN OIL COMPANY (DELAWARE)                 RECEIVED:  08/27/81  JA: TX
 8147418  F-01-036991  4218700000    108      C KNOBLOCH NO 30                       DARST CREEK (BUDA)            0.7 PHILLIPS PETROLEU
 8147412  F-8A-036483  4221933026    103      C V NEWSOM #3                          LEVELLAND                    11.7 AMOCO PRODUCTION
-SWEETWATER DRILLING CO INC                 RECEIVED:  08/27/81  JA: TX
 8147485  F-7B-038868  4236332185    103      ORAN-PATTON A # 1 (85080)              ORAN N E (CONGL) FIELD      730.0 CITIES SERVICE CO
-TAUBERT & STEED                            RECEIVED:  08/27/81  JA: TX
 8147384  F-8A-032321  4226930366    102-4    S B BURNETT ESTATE GG 1                BIG-S-(STRAWN)                2.6 LONE STAR GAS CO
 8147385  F-8A-032322  4226930388    102-4    S B BURNETT ESTATE GG 2                BIG-S-(STRAWN)                2.1 LONE STAR GAS CO
-TEXACO INC                                 RECEIVED:  08/27/81  JA: TX
 8147484  F-8A-038845  4221932923    103      POB SLAUGHTER BLOCK #330               SLAUGHTER                    14.0 SLAUGHTER GASOLIN
 8147509  F-08-038976  4247532261    103      STATE GAS UNIT E #8                    CAPRITO (DELAWARE MIDDLE    274.0 WESTAR TRANSMISSI
 8147508  F-08-038975  4247532166    103      STATE OF TEXAS DC #7                   CAPRITO (DELAWARE MIDDLE     74.0 WESTAR TRANSMISSI
-TEXAS OIL & GAS CORP                       RECEIVED:  08/27/81  JA: TX
 8147355  F-05-026883  4222330498    103      THOMPSON E #1                          OLETHA SW (RODESSA)         300.0 TEXAS UTILITIES F
-TEXLAND-RECTOR & SCHUMACHER                RECEIVED:  08/27/81  JA: TX
 8147451  F-7B-038728  4222130585    103      DAVE KLIMIST #1                        GRANBURY N (STRAWN)          94.0 SOUTHWESTERN GAS
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-THOMAS-HOWELL ROYALTY INC                        RECEIVED:  08/27/81  JA: TX
 8147486   F-7C-038849  4239931650    102-4   MIKESKA # 1-U (08628)                WINGATE N W (GRAY) UPPER      96.0 UNION TEXAS PETRO
-TIERRA PETROLEUM CORP                            RECEIVED:  08/27/81  JA: TX
 8147363   F-04-029374  4204700000    103     C F HOPPER #2                        SCOTT & HOPPER                 5.6 VALERO INTERSTATE
-TIPPERARY OIL AND GAS CORP                       RECEIVED:  08/27/81  JA: TX
 8147421   F-01-037822  4216331576    103     RUEGER A #1                          PEARSALL (AUSTIN CHALK)        5.5 TGP INC
 8147430   F-01-038044  4216331755    103     ENGLISH #4                           PEARSALL (AUSTIN CHALK)       14.0 T G P INC
 8147431   F-01-038045  4216331785    103     ENGLISH #5                           PEARSALL (AUSTIN CHALK)       13.0 T G P INC
 8147426   F-01-038039  4216331724    103     HARRIS D #5                          PEARSALL (AUSTIN CHALK)       12.8 T G P INC
 8147427   F-01-038040  4216331737    103     HARRIS D #6                          PEARSALL (AUSTIN CHALK)        7.3 T G P INC
 8147428   F-01-038041  4216331777    103     HARRIS D #7                          PEARSALL (AUSTIN CHALK)        7.3 T G P INC
 8147429   F-01-038042  4216331784    103     HARRIS D #8                          PEARSALL (AUSTIN CHALK)       15.7 T G P INC
 8147425   F-01-037966  4216331668    103     HARRIS F #3                          PEARSALL (AUSTIN CHALK)        6.0 T G P INC
 8147424   F-01-037965  4216331669    103     HARRIS F #4                          PEARSALL (AUSTIN CHALK)       15.0 T G P INC
 8147422   F-01-037963  4216331754    103     HARRIS F #7                          PEARSALL (AUSTIN CHALK)       11.0 T G P INC
 8147423   F-01-037964  4216331779    103     HARRIS F #8                          PEARSALL (AUSTIN CHALK)       15.7 T G P INC
 8147434   F-01-038048  4216300000    103     PATTIE THOMPSON #7                   PEARSALL (AUSTIN CHALK)        7.7 T G P INC
 8147433   F-01-038047  4216300000    103     PATTIE THOMPSON #8                   PEARSALL (AUSTIN CHALK)       26.0 T G P INC
 8147432   F-01-038046  4216300000    103     PATTIE THOMPSON #5                   PEARSALL (AUSTIN CHALK)        4.0 T G P INC
-UNION EXPLORATION                                RECEIVED:  08/27/81  JA: TX
 8147483   F-7B-038835  4205933029    102-4   ROGERS -C-#1(93450)                  BOWAE N (CADDO)              300.0 LONE STAR GAS CO
-UNION TEXAS PETROLEUM                            RECEIVED:  08/27/81  JA: TX
 8147380   F-08-031870  4238931103    107-DP  CHAPARRAL NO 1                       GULL-WILDCAT               2555.0
-W & W PETROLEUM                                  RECEIVED:  08/27/81  JA: TX
 8147367   F-7B-030204  4213331225    108     WHITESIDE #2 (76143)                 MCCUISTION (MARBLE FALLS      20.0 LONE STAR GAS CO
-WARREN PETR CO A DIV OF GULF OIL CO              RECEIVED:  08/27/81  JA: TX
 8147448   F-08-038526  4210332530    103     C EDWARDS JR ET AL A NO 10           ARMER (6350)                  10.0 EL PASO NATURAL G
 8147447   F-08-038525  4210332527    103     C EDWARDS JR ET AL A NO 11           ARMER (6350)                  13.0 EL PASO NATURAL G
-WAYMAN W BUCHANAN                                RECEIVED:  08/27/81  JA: TX
 8147501   F-03-038896  4214930874    102-2   J A MORGAN B NO 1                    GIDDINGS (AUSTIN CHALK)       87.0 PHILLIPS PETROLEU
 8147500   F-03-038895  4214930870    102-2   J A MORGAN C NO 1                    GIDDINGS (AUSTIN CHALK)       21.6 PHILLIPS PETROLEU
 8147480   F-03-038824  4205131477    103     LIGHTSEY-URBANOWSKY UNIT NO 1        GIDDINGS (AUSTIN CHALK)       50.9 FERGUSON CROSSING
-WES-TEX DRILLING COMPANY                         RECEIVED:  08/27/81  JA: TX
 8147450   F-7B-038727  4235331019    103     COMPTON NO 5                         JMM (CANYON)                   0.0 SUN OIL CO
-WILSON ENERGY INC                                RECEIVED:  08/27/81  JA: TX
 8147374   F-7C-030890  4210500000    103     UNIVERSITY 2 B #3 RRC #08641         FARMER (SAN ANDRES)          270.0 BIG LAKE GASOLINE
-WINDSOR GAS CORP                                 RECEIVED:  08/27/81  JA: TX
 8147349   F-7C-025114  4243532252    103     DUKE WILSON 160-1 88929              SHURLEY RANCH (CANYON)        20.0 VALERO GAS TRANSM
 8147349   F-7C-025114  4243532252    107-TF  DUKE WILSON 160-1 88929              SHURLEY RANCH (CANYON)        20.0 VALERO GAS TRANSM
-WINDSOR PRODUCING CO                             RECEIVED:  08/27/81  JA: TX
 8147416   F-03-036747  4228730722    103     SHIELDS #1                           GIDDINGS (AUSTIN CHALK)      105.5 PGP GAS PRODUCTS
-WJC ENGINEERING & MANAGEMENT                     RECEIVED:  08/27/81  JA: TX
 8147351   F-08-025569  4210332215    103     DAWSON #1                            WYNNE (CLFK)                  22.0 PHILLIPS PETROLEU
 8147362   F-08-029028  4210332311    103     DAWSON #2                            WYNNE (CLEARFORK UP)          22.0 PHILLIPS PETROLEU
-ZERO CORP OF TEXAS                               RECEIVED:  08/27/81  JA: TX
 8147375   F-01-030897  4228300000    102-4   SOUTH TEXAS SYNDICATE #1             MULA PASTURE W (WILCOX 5     109.0 TRANSCONTINENTAL
-ZONERGY INC                                      RECEIVED:  08/27/81  JA: TX
 8147348   F-03-025003  4205130399    102-2   YEGUA CREEK WELL #1                  GIDDINGS                     620.2 CLAJON GAS CO
**************************************************************************************
   WEST VIRGINIA DEPARTMENT OF MINES
**************************************************************************************
-ALLEGHENY LAND & MINERAL COMPANY                 RECEIVED:  08/31/81  JA: WV
 8147533                4700701590    103     A - 908                              SALT LICK DISTRICT             0.0 CONSOLIDATED GAS
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                                                                                VOLUME  508          PAGE  006
JD NO    JA DKT     API NO       D SEC CAT WELL NAME                       FIELD NAME                   PROD    PURCHASER
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8147531             4708300351     103     A - 918                         MIDDLE FORK DISTRICT             0.0 COLUMBIA GAS TRAN
8147523             4708300367     103     A - 920                         MIDDLE FORK DISTRICT             0.0 COLUMBIA GAS TRAN
8147534             4701702953     103     A - 931                         SOUTHWEST DISTRICT               0.0 CONSOLIDATED GAS
8147524             4708300368     103     A - 935                         MIDDLE FORK DISTRICT             0.0 COLUMBIA GAS TRAN
8147569             4708505018     103     A - 937                         MURPHY DISTRICT                  0.0 CONSOLIDATED GAS
8147521             4709702167     103     A - 988                         WASHINGTON DISTRICT              0.0 COLUMBIA GAS TRAN
8147525             4708300397     103     A - 996                         MIDDLE FORK DISTRICT             0.0 COLUMBIA GAS TRAN
8147570             4708505007     103     A - 997                         MURPHY DISTRICT                  0.0 CONSOLIDATED GAS
8147561             4704102953     103     A-900                           FREEMANS CREEK DISTRICT          0.0 CONSOLIDATED GAS
8147544             4708300375     103     A-916                           ROARING CREEK DISTRICT           0.0 COLUMBIA GAS TRAN
8147558             4708300355     103     A-917                           ROARING CREEK DISTRICT           0.0 COLUMBIA GAS TRAN
8147551             4708300376     103     A-927                           MIDDLE FORK DISTRICT             0.0 COLUMBIA GAS TRAN
8147548             4709702160     103     A-929                           WASHINGTON DISTRICT              0.0 COLUMBIA GAS TRAN
8147550             4708300354     103     A-932                           ROARING CREEK DISTRICT           0.0 COLUMBIA GAS TRAN
8147567             4708300377     103     A-934                           MIDDLE FORK DISTRICT             0.0 COLUMBIA GAS TRAN
8147566             4704103012     103     A-947                           COURTHOUSE DISTRICT              0.0 CONSOLIDATED GAS
8147562             4704102990     103     A-950                           COURT HOUSE DISTRICT             0.0 CONSOLIDATED GAS
8147565             4704103017     103     A-965                           FREEMANS CREEK DISTRICT          0.0 CONSOLIDATED GAS
8147563             4704103013     103     A-973                           FREEMANS CREEK DISTRICT          0.0 CONSOLIDATED GAS
8147564             4704103015     103     A-995                           FREEMANS CREEK DISTRICT          0.0 CONSOLICATED GAS
8147545             4704103025     103     A-998                           SKIN CREEK DISTRICT              0.0 CONSOLIDATED GAS
-CABOT OIL & GAS CORP                    RECEIVED:  08/31/81  JA: WV
8147515             4701501114   108       F F MCINTOSH #2                 PLEASANT                         3.0 CABOT CORP
8147553             4700501300   108       SHONK #1                        SHERMAN                         12.5 CONSOLIDATED GAS
8147554             4703901647   108       SHONK LAND COMPANY #19          CABIN CREEK                     12.5 CONSOLIDATED GAS
8147552             4700500555   108       SHONK LAND COMPANY #23          SHERMAN                         12.5 CONSOLICATED GAS
-CARBONIT EXPLORATION INC                RECEIVED:  08/31/81  JA: WV
8147522             4707300909   103       #1 HARRY BRADFIELD                                               0.0 COLUMBIA GAS TRAN
-CLARENCE W MUTSCHELKNAUS                RECEIVED:  08/31/81  JA: WV
8147528             4703300178   108       WILLIAMS #2                     TEN MILE DIST                    1.0 PENNZOIL CO
8147529             4703300179   108       WILLIAMS #3                     TEN MILE DIST                    1.0 PENNZOIL CO
-CLINT HURT & ASSOCIATES INC             RECEIVED:  08/31/81  JA: WV
8147594             4710701071   103       J G ROBINSON #2                 PROGRESS RIDGE - BEREA        1000.0 CONSOLIDATED GAS
8147597             4710701019   103       J G ROBINSON #3                 PROGRESS RIDGE - BEREA        1000.0 CONSOLIDATED GAS
8147595             4710701072   103       WARNER ROBERTS #1               PROGRESS RIDGE - BEREA        1000.0 CONSOLICATED GAS
-COLLINS-MCGREGOR OPERATING COMPANY      RECEIVED:  08/31/81  JA: WV
8147586             4707300817   103       PHYLLIS ADAMS #1                                                 4.0 COLUMBIA GAS TRAN
8147588             4707300809   103       STEELE #1                                                        9.0 COLUMBIA GAS TRAN
-D G HANEY INC                           RECEIVED:  08/31/81  JA: WV
8147583             4704700847   103       UNITED POCAHONTAS #1            CRUMPLER                        30.0 CONSOLIDATED GAS
8147584             4704700846   103       UNITED POCAHONTAS #2            CRUMPLER                        20.0 CONSOLIDATED GAS
8147582             4704700848   103       UNITED POCAHONTAS #3            CRUMPLER                        20.0 CONSOLIDATED GAS
-DORAN & ASSOCIATES INC                  RECEIVED:  08/31/81  JA: WV
8147516             4703321957   108       B ROGERS B1343 K-L-237          EAGLE                           20.0 CONSOLIDATED GAS
8147517             4701722358   108       O CLARK #2 K-L-233              GREENBRIER                      20.0 CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION     RECEIVED:  08/31/81  JA: WV
8147598             4702103735   107-DV    MONTGOMERY #2                   BURNSVILLE NORTH                40.0 CONSOLIDATED GAS
-FOX DRILLING CO INC                     RECEIVED:  08/31/81  JA: WV
8147512             4700101428   103       ANDREWS #1                      BELINGTON FIELD                 25.0 COLUMBIA GAS TRAN
-GILCO GAS INC                           RECEIVED:  08/31/81  JA: WV
8147555             4700701489   108       LUCY F WAUGH #1                 PIPERS FORK OF CROOKED F         3.0 CONSOLIDATED GAS
-GLENN L HAUGHT & SONS                   RECEIVED:  08/31/81  JA: WV
8147513             4708524356   103       HAYWARD SUMMERS H-791           UNION DISTRICT                  20.0 CONSOLIDATED GAS
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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8147519		4708524492		103		PEARLEY PIFER H-894	GRANT DISTRICT	20.0	CONSOLIDATED GAS
8147514		4708524493		103		PEARLEY PIFER H-895	GRANT DISTRICT	20.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC						RECEIVED: 08/31/81 JA: WV			
8147592		4709702118		103		B-398	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8147591		4709702119		103		B-399	BUCKHANNON	0.0	COLUMBIA GAS TRAN
8147571		4701702704		103		J-124	WEST UNION	200.0	COLUMBIA GAS TRAN
8147590		4701702860		103		J-199	WEST UNION	200.0	COLUMBIA GAS TRAN
8147578		4701702879		103		J-204	GREENBRIER	200.0	CONSOLIDATED GAS
8147575		4701702813		103		J-300	WEST UNION	200.0	COLUMBIA GAS TRAN
8147593		4703302528		103		J-311	UNION	200.0	CONSOLIDATED GAS
8147580		4703302517		103		J-388	GRANT	200.0	CONSOLIDATED GAS
8147576		4701702769		103		J-43	NEW MILTON	200.0	CONSOLIDATED GAS
8147577		4701702768		103		J-46	NEW MILTON	200.0	CONSOLIDATED GAS
8147572		4701727713		103		J-49	NEW MILTON	200.0	CONSOLIDATED GAS
-JAMES F SCOTT						RECEIVED: 08/31/81 JA: WV			
8147546		4704102922		103		CHRISTINE WHITE #2 S-312	HACKERS CREEK	30.0	CONSOLIDATED GAS
-KEITH CRIHFIELD						RECEIVED: 08/31/81 JA: WV			
8147530		4701302888		103		W E STUMP NO 2	BIG RUN	0.0	CABOT CORP
-MAGNUM OIL CORP						RECEIVED: 08/31/81 JA: WV			
8147568		4708505006		103		BARTLETT	CLAY DISTRICT	30.0	CARNEGIE NATURAL
-MEGA DRILLING FUND 79-2 LTD						RECEIVED: 08/31/81 JA: WV			
8147520		4708524522		103		STEPHEN DOUGLAS H-946	MURPHY DISTRICT	20.0	CONSOLIDATED GAS
-NRM PETROLEUM CORPORATION						RECEIVED: 08/31/81 JA: WV			
8147596		4710701116		103		INGOLD #2	WAVERLY	0.0	CONSOLIDATED GAS
8147532		4700101440		103		KOONTZ B #2	BELINGTON	0.0	COLUMBIA GAS TRAN
8147589		4709702193		103		LOUDIN #1	ABBOTT - FRENCH CK	0.0	COLUMBIA GAS TRAN
8147543		4709702189		103		MUSCARI #2	ABBOTT-FRENCH CREEK	0.0	COLUMBIA GAS TRAN
8147537		4703302538		103		PATRICK #1	GLADE RUN	0.0	
8147560		4703302501		103		RYMER #2	BIG ISSAC	0.0	CONSOLIDATED GAS
8147536		4703302532		103		RYMER A #2	BIG ISSAC	0.0	CONSOLIDATED GAS
8147535		4703302500		103		RYMER A-1	BIG ISSAC	0.0	CONSOLIDATED GAS
8147549		4709702178		103		UMBLE-DAY #1	TALLMANSVILLE	0.0	COLUMBIA GAS TRAN
8147542		4703302537		103		VINCENT #1	GLADE RUN	0.0	
8147565		4709702205		103		ZIRKLE #1	OVERHILL	0.0	COLUMBIA GAS TRAN
-PETROLEUM DEVELOPMENT CORP						RECEIVED: 08/31/81 JA: WV			
8147538		4701702335		108		GARLAND O FORD #1	SMITHTON-FLINT-SEDALIA	1.0	COLUMBIA GAS TRAN
8147541		4703301219		108		HARLEY REEDER #1	BRIDGEPORT	3.1	CONSOLIDATED GAS
8147557		4703302043		108		LESTER CLEVENGER	BRIDGEPORT	10.0	CONSOLIDATED GAS
8147556		4703301233		108		MINNIE REED #2	BRIDGEPORT	21.0	CONSOLIDATED GAS
8147539		4703300470		108		PATTON LANG #1	BRUSHY FORK	0.0	CONSOLIDATED GAS
8147540		4703301172		108		PATTON-STEELE #2	BRIDGEPORT	1.0	CONSOLIDATED GAS
-PETROLEUM RESOURCES INC						RECEIVED: 08/31/81 JA: WV			
8147559		4702103716		103		HEATH #1	BUTCHERS FORK	25.0	CONSOLIDATED GAS
-RAINBOW 7 8 & 9 80 LTD						RECEIVED: 08/31/81 JA: WV			
8147511		4708524809		107-DV		BERNARD RICHARDS H-977	CLAY DISTRICT	20.0	CONSOLIDATED GAS
-ROY G HILDRETH ET AL						RECEIVED: 08/31/81 JA: WV			
8147518		4701302981		103		OFFUTT #2	LEE DISTRICT	18.0	CONSOLIDATED GAS
-STERLING DRILLING & PROD CO INC						RECEIVED: 08/31/81 JA: WV			
8147573		4701501866		103		BOGGS #376	OTTER DISTRICT	[illegible].7	REQ-COLUMBIA GAS
8147574		4701501869		103		BOGGS #394	OTTER DISTRICT	6.7	REQ-COLUMBIA GAS
-SWIFT ENERGY CO						RECEIVED: 08/31/81 JA: WV			
8147587		4704102912		103		DAVIS J NO 1	GLENVILLE NORTH	50.0	
8147579		4702103641		103		DAVIS J NO 3	GLENVILLE NORTH	50.0	

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 JD NO    JA DKT       API NO     D SEC CAT WELL NAME                         FIELD NAME               PRCL     PURCHASER
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-UNION DRILLING INC                   RECEIVED:  08/31/81  JA: WV
 8147526               4709702183   103     CECIL R MCCARTNEY #1 1611         BANKS DISTRICT             0.0 COLUMBIA GAS TRAN
 8147527               4709702184   103     D L MCCARTNEY #1 1612             BANKS DISTRICT             0.0 COLUMBIA GAS TRAN
-UNITED OPERATING COMPANY             RECEIVED:  08/31/81  JA: WV
 8147581               4703903676   103     COBB #1                           BROAD RUN                  0.0 COLUMBIA GAS TRAN
-WBC EXPLORATION & DEVELOPMENT INC    RECEIVED:  08/31/81  JA: WV
 8147547               4767005590   103     BACKUS N #1                       BACKUS N-1               200.0 ROARING FORK GAS
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before October 6, 1981.

Categories within each NGPA section are indicated by the following codes:

Section
102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–27338 Filed 9–18–81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 509]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 11, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS COMMISSION							
-ANADARKO PRODUCTION COMPANY				RECEIVED: 08/28/81 JA: CO			
8147727	80-577	0508106368	103	BOND A NO 1-15	NORTH CRAIG	64.0	MOUNTAIN FUEL SUP
-BYRON OIL INDUSTRIES INC				RECEIVED: 08/28/81 JA: CO			
8147728	80-581	0500107597	103	BYRON-CHRISTIANSEN EMLER #2	SPINDLE FIELD WATTENBERG	4.7	NORTHERN NATURAL
8147729	80-582	0500107598	103	BYRON-JOHN EMLER #3	SPINDLE FIELD WATTENBERG	4.7	NORTHERN NATURAL
8147730	80-579	0500107621	103	BYRON-LILYARD HEIRS #1	BOOT JACK	3.5	NORTHERN NATURAL
8147731	80-580	0500107595	103	BYRON-MARK MCELWAIN #11	SPINDLE FIELD WATTENBERG	3.3	NORTHERN NATURAL
8147732	80-583	0500107596	103	BYRON-MARK MCELWAIN #12	SPINDLE FIELD WATTENBERG	3.3	NORTHERN NATURAL
8147733	80-578	0500107579	103	BYRON-STATE OF COLORADO #4	SPINDLE FIELD WATTENBERG	9.0	NORTHERN NATURAL
-CHANDLER & ASSOCIATES INC				RECEIVED: 08/28/81 JA: CO			
8147734	80-594	0507708205	103	BARNARD 6-28	PLATEAU	219.0	NORTHWEST PIPELIN
-CONTINENTAL GAS TRANSMISSION				RECEIVED: 08/28/81 JA: CO			
8147735	80-596	0500107635	103	1-24 ATWATER	W/C	100.0	PANHANDLE EASTERN
8147737	80-597	0500107685	103	2-26X MITCHEM	W/C	84.0	PANHANDLE EASTERN
8147738	80-599	0500107713	103	21-14 SMITH	PORTER	420.0	PANHANDLE EASTERN
8147736	80-595	0500107650	103	3-14 MEYER	PORTER	480.0	PANHANDLE EASTERN
-ENERGY MINERALS CORPORATION				RECEIVED: 08/28/81 JA: CO			
8147746	80-430	0512309830	108	#1 JUNE	ROGGEN	16.2	CRYSTAL GAS RESOU
8147747	81-391	0512309793	108	#1 MABLE	ROGGEN	14.8	CRYSTAL GAS RESOU
8147748	81-390	0512309732	108	MARTIN #1	ROGGEN	15.8	CRYSTAL GAS RESOU
-FRANK H WALSH				RECEIVED: 08/28/81 JA: CO			
8147726	81-126	0512309864	102-4	STATE L-1	ROMMEL	25.0	KANSAS-NEBRASKA G
-J-W OPERATING COMPANY				RECEIVED: 08/28/81 JA: CO			
8147749	81-395	0512506150	108	STATE OF COLORADO NO 1	WAVERLY	4.4	KANSAS-NEBRASKA N
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED: 08/28/81 JA: CO			
8147739	80-526	0512506422	103	BRAND 11-3	SHOUT	39.0	
-LADD PETROLEUM CORPORATION				RECEIVED: 08/28/81 JA: CO			
8147750	81-394	0506700000	108	EAST TIFFANY 1-17	IGNACIO BLANCO	18.5	NORTHWEST PIPELIN
-MACHII-ROSS PETROLEUM CO				RECEIVED: 08/28/81 JA: CO			
8147740	80-98	0512309403	103	HORST 44-21	SPINDLE	90.0	TOA AMERICAN GAS
8147741	80-95	0512309690	103	LEONARD 13-21	SPINDLE	36.0	TOA AMERICAN GAS
8147742	80-96	0512309689	103	LEONARD 23-21	SPINDLE	36.0	TOA AMERICAN GAS
8147743	80-97	0512309688	103	LEONARD 33-21	SPINDLE	78.0	TOA AMERICAN GAS
-MIDLANDS GAS CORPORATION				RECEIVED: 08/28/81 JA: CO			
8147744	80-592	0512506436	103	CANNON 1-17	WHISPER	17.0	KANSAS-NEBRASKA N
8147745	80-610	0512506431	103	NEUHAUS 1-10	WHISPER	85.0	KANSAS-NEBRASKA N
8147725	80-591	0512506440	102-2	STATE 1-36-447	WAVERLY	32.0	KANSAS-NEBRASKA N
-NIELSON ENTERPRISES INC				RECEIVED: 08/28/81 JA: CO			
8147751	81-393	0512307932	108	KERRS #1	WATTENBERG	20.0	PANHANDLE EASTERN
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 08/28/81 JA: CO			
8147752	81-313	0506705295	108	IGNACIO 33-7 #12MV	IGNACIO BLANCO MESAVERDE	21.0	EL PASO NATURAL G

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                                                                    VOLUME  509          PAGE  002
 JD NO     JA DKT        API NO      D SEC CAT WELL NAME                         FIELD NAME                     PROD     PURCHASER
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**************************************************************************
   NEW MEXICO DEPARTMENT OF ENERGY & MINERALS
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-AMERADA HESS CORPORATION                   RECEIVED:  08/27/81  JA: NM
 8147711                 3002510395   108     EUGENE WOOD NO 10 (DUAL GAS)         DRINKARD/BLINEBRY               10.5 NORTHERN NATURAL
 8147710                 3002508162   108     WEIR W A NO 2                        EUNICE-MONUMENT                 14.2 WARREN PETROLEUM
-AMOCO PRODUCTION CO                        RECEIVED:  08/27/81  JA: NM
 8147713                 3004524179   103     GALLEGOS CANYON UNIT COM #4E         BASIN DAKOTA                    30.0 AMOCO GAS CO
 8147715                 3001523549   102-4   STATE IF COM #1                      UND HOAG TANK MORROW           876.0 TRANSWESTERN PIPE
 8147716                 3001523471   102-4   STATE IW #1                          WILDCAT MORROW                 356.2 EL PASO NATURAL G
-DOME PETROLEUM CORP                        RECEIVED:  08/27/81  JA: NM
 8147718                 3004524465   102-2   DOME STATE 16-22-8 #1                RUSTY CHACRA                    50.4 SOUTHWEST GAS COR
 8147717                 3004320470   102-2   DOME STATE 32-22-6 #2                RUSTY CHACRA EXTENSION         663.9 SOUTHWEST GAS COR
-GULF OIL CORPORATION                       RECEIVED:  08/27/81  JA: NM
 8147712                 3001523504   103     EDDY JP STATE COM WELL NO 1          UNDESIGNATED SHUGART PEN         0.0 EL PASO NATURAL G
-MONDO OIL & GAS COMPANY                    RECEIVED:  08/27/81  JA: NM
 8147719                 3001523503   102-4   EXXON A STATE WELL #1                UNDESIGNATED - NORTH ILL       175.0 LLANO INC
-MTS LIMITED PARTNERSHIP                    RECEIVED:  08/27/81  JA: NM
 8147714                 3000560849   102-2   NED STATE #1                         UNDESIGNATED ABO               150.0 TRANSWESTERN PIPE
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   OHIO DEPARTMENT OF NATURAL RESOURCES
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-ADOBE OIL & GAS CORPORATION                RECEIVED:  08/31/81  JA: OH
 8147601                 3415723292   103     ROBERT J MORRIS #2                   DOVER                           25.0 EAST OHIO GAS CO
-AMERICAN WELL MANAGEMENT COMPANY           RECEIVED:  08/31/81  JA: OH
 8147602                 3403124432   103     EDNA MASTON #1                       NEW CASTLE                      10.0
 8147603                 3408924148   103     GLEN WILLEY #1                       HOPEWELL                        10.0
-HERMAN J SHAFER                            RECEIVED:  08/31/81  JA: OH
 8147682                 3410322546   103     W & R JARVIS #1                      WESTFIELD                       25.0 COLUMBIA GAS TRAN
-BERRESFORD ENTERPRISES INC                 RECEIVED:  08/31/81  JA: OH
 8147623                 3416726305   103     CHARLES SCHILLING #1                 WATERFORD                        0.0
 8147622                 3416726302   103     CHARLES W NEWBERGER #1               WATERFORD                        0.0
 8147624                 3416726307   103     CHARLES W NEWBERGER #2               WATERFORD                        0.0
 8147620                 3416726258   103     CLARA MYERS #1                       WATERFORD                        0.0
 8147621                 3416726301   103     CLINTON J MISEL #1                   WATERFORD                        0.0
 8147611                 3416725464   103     DAVID STORY #1                       WATERFORD                        0.0
 8147615                 3416726062   103     DONAL OCARROLL #1                    WATERFORD                        0.0
 8147613                 3416726060   103     GEORGE SINGREE #1                    WATERFORD                        0.0
 8147618                 3416726066   103     HOLLIE MICHAEL #1                    WATERFORD                        0.0
 8147619                 3416726067   103     LOUIS SCHILLING #2                   WATERFORD                        0.0
 8147617                 3416726064   103     RALPH & ALTA COFFMAN #1              WATERFORD                        0.0
 8147612                 3416725983   103     ULLMAN #1                            WATERFORD                        0.0
 8147616                 3416726063   103     VIRGIL DIXON #1                      WATERFORD                        0.0
 8147614                 3416726061   103     VIRGIL PORTER #1                     WATERFORD                        0.0
-BILL O VAUGHT DBA VAUGHT OIL CO            RECEIVED:  08/31/81  JA: OH
 8147686                 3403123076   103     ED COLLINS #1                        MILLCREEK                        1.8 COLUMBIA GAS TRAN
-BKK PROSPECTING LTD                        RECEIVED:  08/31/81  JA: OH
 8147604                 3412122507   103     CHESTER FELDNER #2                   JEFFERSON                       30.0 COLUMBIA GAS TRAN
 8147607                 3412122518   103     GLADYS BAKER #1                      ELK                             36.0 COLUMBIA GAS TRAN
 8147605                 3412122510   103     RALPH & RUTH BETTINGER #1            ELK                             30.0 COLUMBIA GAS TRAN
 8147608                 3412122523   103     ROBERT SCHOTT #3                     ELK                             30.0 COLUMBIA GAS TRAN
 8147606                 3412122514   103     W H MASON #2                         ELK                             30.0 COLUMBIA GAS TRAN
-BLACK GOLD PRODUCTIONS                     RECEIVED:  08/31/81  JA: OH
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                                                                          VOLUME  509            PAGE  003
JD NO     JA DKT          API NO        D SEC CAT WELL NAME                      FIELD NAME                PROD   PURCHASER
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 8147625                  3411122375   103      POTTS #1                          FRANKLIN                    0.0 COLUMBIA GAS
-BUCKEYE OIL PRODUCING CO                     RECEIVED:  08/31/81  JA: OH
 8147626                  3411122442   103      WILLIAM STEPHEN ET AL #1          MALAGA                     30.0 COLUMBIA GAS TRAN
-CLINTON OIL CO                               RECEIVED:  08/31/81  JA: OH
 8147627                  3403124248   103      A C AND M L MIKESELL #2-535       PERRY                      10.0
-DEVON PETROLEUM CORP                         RECEIVED:  08/31/81  JA: OH
 8147628                  3416720423   103      CHARLES WAGNER #2                 DECATURVILLE               20.0 COLUMBIA GAS TRAN
-EDCO DRILLING & PRODUCING INC                RECEIVED:  08/31/81  JA: OH
 8147632                  3403124411   103      AM-3A MODERG                      WARSAW                     18.0
 8147631                  3403124220   103      BL-4E JONES                       JEFFERSON                  18.0
 8147633                  3407522921   103      KB-1A CRIDER                      RICHLAND                   18.0
 8147635                  3408322828   103      KB-4A PHILLIPS                    ARTANNA                    18.0
 8147634                  3408322827   103      KB-5A PHILLIPS                    HARRISON                   18.0
-ESTATE OF BARTON A HOLL                      RECEIVED:  08/31/81  JA: OH
 8147609                  3407322411   103      HAROLD H WYSKIVER A-3             STARR                       0.1 COLUMBIA GAS TRAN
 8147610                  3407322473   103      MAX JOY #4                        GREEN                       0.1 COLUMBIA GAS TRAN
-GIANT PETROLEUM CORPORATION                  RECEIVED:  08/31/81  JA: OH
 8147645                  3400721605   103      WATERS #1                         ORWELL                     20.0
-HARRY DUGAN OIL CO                           RECEIVED:  08/31/81  JA: OH
 8147629                  3408924087   103      T & I BILLMAN NO 3                HICKMAN QUAD               32.7 COLUMBIA GAS TRAN
 8147630                  3408924101   103      T & I BILLMAN NO 6                HICKMAN QUAD               36.0 COLUMBIA GAS TRAN
-HBJ ASSOCIATES - 80 DRLG PTNSP               RECEIVED:  08/31/81  JA: OH
 8147647                  3411521950   103      ELMER JOHNSON #1                  SALISBURY                   3.0 COLUMBIA GAS TRAN
-HORTIN & HUFFMAN                             RECEIVED:  08/31/81  JA: OH
 8147649                  3400924163   103      #2 CANFIELD                       HANOVER                     1.0 NATIONAL GAS CORP
 8147650                  3400921289   103      #2 ESHLER                         BERLIN                     10.0 EAST OHIO GAS
 8147648                  3400523403   103      NO 3 HOOVER                       MOHICAN                     1.0 COLUMBIA GAS TRAN
-JAMES ADCOCK                                 RECEIVED:  08/31/81  JA: OH
 8147608                  3407322328   103      #2 ADCOCK-THOMA                   FALLS GORE                 30.0 COLUMBIA GAS TRAN
-JOHN G FORAKER                               RECEIVED:  08/31/81  JA: OH
 8147637                  3400922187   103      #3 TRI-COUNTY INVESTMENTS LTD     BERN                        2.0 COLUMBIA GAS TRAN
 8147640                  3400922181   103      #6 TRI-COUNTY INVESTMENTS LTD     BERN                        3.6 COLUMBIA GAS TRAN
 8147639                  3400922170   103      #7 TRI-COUNTY INVESTMENTS LTD     BERN                        1.0 COLUMBIA GAS TRAN
 8147643                  3412724938   103      BEEM #2                           MADISON                     2.5 FORAKER GAS CO IN
 8147644                  3412725072   103      BEEM 1-A                          MADISON                     2.5 FORAKER GAS CO IN
 8147641                  3400922244   103      ESKY #3                           AMES                        3.5 COLUMBIA GAS TRAN
 8147642                  3411925327   103      MEYER #1                          NEWTON                      1.5 NATIONAL GAS & OI
 8147638                  3400922169   103      TRI-COUNTY INVESTMENT LTC #5      BERN                        1.5 COLUMBIA GAS TRAN
 8147636                  3400922165   103      TRI-COUNTY-INVESTMENT LTD #1      BERN                        1.5 COLUMBIA GAS TRAN
-JOHN TANSKY                                  RECEIVED:  08/31/81  JA: OH
 8147680                  3412725190   103      MARVIN BAKER #1                   CLAYTON                     6.0
-L & M PETROLEUM INC                          RECEIVED:  08/31/81  JA: OH
 8147651                  3412725170   103      FOLK/LONES UNIT #1                READING                     3.5 FORAKER GAS CO IN
-LOMAK PETROLEUM INC                          RECEIVED:  08/31/81  JA: OH
 8147652                  3411925614   103      B KOMAROMY #2                     HARRISON                   15.0 COLUMBIA GAS TRAN
 8147653                  3411925656   103      N MOORE #6                        BLUE ROCK                  12.0 WILLISTON OIL COR
-MARTIN EXCAVATING INC                        RECEIVED:  08/31/81  JA: OH
 8147654                  3403123930   103      MILLER #1                         MONROE                     10.0 COLUMBIA GAS TRAN
 8147655                  3403124140   103      STARNER #1                        MONROE                      9.0 COLUMBIA GAS TRAN
 8147656                  3407522748   103      WYLLS #2                          KILLBUCK                    5.0 COLUMBIA GAS TRAN
-NEIHART EXPLORATION & DEVELOPMENT C          RECEIVED:  08/31/81  JA: OH
 8147657                  3412122618   103      ROBERT ULLMAN #8A                 ELK                        60.0
-OXFORD OIL CO                                RECEIVED:  08/31/81  JA: OH
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                                                                          VOLUME  509          PAGE  004
  JD NO     JA DKT         API NO      D SEC CAT WELL NAME                           FIELD NAME            PROD     PURCHASER
  -----     ------         ------      - --- --- ---------                           ----------            ----     ---------
  8147658                  3404520627   103      JAMES WHEELER #1                    RUSH CREEK            10.0
 -PETROLEUM ENERGY DEVELOPMENT CORP       RECEIVED:  08/31/81  JA: OH
  8147659                  3407322513   103      ENDERLE MARY K #4A                  WASHINGTON            30.0
 -PETROLEUM SECURITIES FUND - 80          RECEIVED:  08/31/81  JA: OH
  8147660                  3407322426   103      ENDERLE MARY K #1                   WASHINGTON            30.0
  8147661                  3407322454   103      HORN CARL #1                        WASHINGTON            30.0
 -QUAKER STATE OIL REFINING CORP          RECEIVED:  08/31/81  JA: OH
  8147662                  3407322467   103      SUNDAY CREEK COAL COMPANY # 19      WARD                  11.0 COLUMBIA GAS TRAN
  8147663                  3407322484   103      SUNDAY CREEK COAL COMPANY #34       WARD                  11.0 COLUMBIA GAS TRAN
 -REPUBLIC OIL CO                         RECEIVED:  08/31/81  JA: OH
  8147666                  3408924068   103      #1 - BOOLE                          FALLSBURY             12.0 COLUMBIA GAS TRAN
  8147665                  3408924063   103      #1 - CLUTTER/PEROZEK                FALLSBURY             12.0 COLUMBIA GAS TRAN
 -RIMCO OPERATING INC                     RECEIVED:  08/31/81  JA: OH
  8147672                  3416922659   103      CORBETT #10                         CHESTER               12.0 COLUMBIA GAS TRAN
  8147673                  3416922662   103      CORBETT #13                         CHESTER               12.0 COLUMBIA GAS TRAN
  8147671                  3416922651   103      CORBETT #2                          CHESTER               12.0 COLUMBIA GAS TRAN
  8147669                  3416922544   103      DILLON #1                           PLAIN                 12.0 COLUMBIA GAS TRAN
  8147670                  3416922603   103      RICHARDS #2                         CHESTER               12.0 COLUMBIA GAS TRAN
  8147667                  3416922521   103      RICHARDS #3                         CHESTER               12.0 COLUMBIA GAS TRAN
  8147668                  3416922522   103      RICHARDS #4                         CHESTER               12.0 COLUMBIA GAS TRAN
  8147677                  3416922700   103      TEGTMEIER #10                       CONGRESS              12.0 COLUMBIA GAS TRAN
  8147674                  3416922676   103      TEGTMEIER #5                        CONGRESS              12.0 COLUMBIA GAS TRAN
  8147675                  3416922678   103      TEGTMEIER #7                        CONGRESS              12.0 COLUMBIA GAS TRAN
  8147676                  3416922699   103      TEGTMEIER #8                        CONGRESS              12.0 COLUMBIA GAS TRAN
 -RMR PETROLEUM CORP                      RECEIVED:  08/31/81  JA: OH
  8147664                  3416725728   103      CHARLES CONGELTON #2                LIBERTY                7.5
 -ROYAL PETROLEUM 80 - VIII               RECEIVED:  08/31/81  JA: OH
  8147679                  3410522012   103      JOHNSON WELL #1                     BEDFORD                5.0 COLUMBIA GAS TRAN
  8147680                  3410522013   103      JOHNSON WELL #2                     BEDFORD                5.0 COLUMBIA GAS TRAN
  8147681                  3410522014   103      JOHNSON WELL #3                     BEDFORD                5.0 COLUMBIA GAS TRAN
  8147678                  3405320628   103      SWISHER WELL #2                     CHESHIRE               5.0 COLUMBIA GAS TRAN
 -STOCKER&SITLER INC                      RECEIVED:  08/31/81  JA: OH
  8147683                  3408923458   103      NO 1 HICKS UNIT                     MC KEAN                3.0
 -THE MUTUAL OIL & GAS COMPANY            RECEIVED:  07/06/81  JA: OH
  8147599                  3412122542   103      ROBERT ULLMAN WELL #7               ELK                   50.0
 -THUNDERBIRD PETROLEUM CORP              RECEIVED:  08/31/81  JA: OH
  8147685                  3411122336   103      LARRY WILLIAMS WELL #1              WASHINGTON            50.0
 -WILLIAM E GRESH                         RECEIVED:  08/31/81  JA: OH
  8147646                  3404520643   103      #1-A CLARENCE W SNYDER              RUSH CREEK            10.0 NATIONAL GAS & OI
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   OKLAHOMA CORPORATION COMMISSION
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 -ADVANCE ENERGY SYSTEMS INC              RECEIVED:  08/28/81  JA: OK
  8147703   10335          3511121999   103      MARILYN #1                          NORTH BEGGS           10.0 PHILLIPS PETROLEU
 -ANDOVER OIL COMPANY                     RECEIVED:  08/28/81  JA: OK
  8147695   10306          3501721539   103      LAGALLY #2N-1                                            110.0 TRANSOK PIPE LINE
 -BEARD OIL COMPANY                       RECEIVED:  08/28/81  JA: OK
  8147707   10356          3507322753   103      EARL #1                             SOONER-TREND          18.0 PHILLIPS PETROLEU
 -BOGERT OIL CO                           RECEIVED:  08/28/81  JA: OK
  8147692   09889          3507322876   103      FOSTER #1-26                        SOONER TREND           0.0 EASON OIL CO
 -BRAXTON OIL AND GAS CORP                RECEIVED:  08/28/81  JA: OK
  8147704   10334          3507122098   103      GASPER HEIRS #1                     EAST VERNON           10.0 CHASE GATHERING S
 -BRISCOE OIL CO                          RECEIVED:  08/28/81  JA: OK
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                                                                                VOLUME  509           PAGE  005
 JD NO     JA DKT          API NO       D SEC CAT WELL NAME                      FIELD NAME                 PROD    PURCHASER
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 8147708    10556          3508321382     103      ENDECOTT 1-4                  C SW SE SEC 24 17N 4W       30.0 EASON OIL CO
-DONALD C SLAWSON                               RECEIVED:  08/28/81  JA: OK
 8147608    11408          3505121002     102-4    #1-15 RANCH                   ALEX                       750.0
 8147688    11408          3505121002     103      #1-15 RANCH                   ALEX                       750.0
-GREEN OPERATING CO                             RECEIVED:  08/28/81  JA: OK
 8147706    10354          3508121146     103      MILEHAM #2                    TRYON                      730.0 SUN GAS CO
-MADSON OHIO OIL COMPANY                        RECEIVED:  08/28/81  JA: OK
 8147697    08710          3502920268     103      WALKUP #1-27                  ASHLAND                    365.0 ARKANSAS LOUISIAN
-JORDAN OIL & GAS COMPANY                       RECEIVED:  08/28/81  JA: OK
 8147701    10119          3504520834     103      BROOKS #1-33                  HIGGINS SOUTH              150.0 NORTHERN NATURAL
-LEAR PETROLEUM EXPLORATION INC                 RECEIVED:  08/28/81  JA: OK
 8147689    13562          3501521101     107-DP   FROST #1-17                   WILDCAT SEC 17-11N-13W     980.0 PRODUCERS GAS CO
-MARLIN OIL CORPORATION                         RECEIVED:  08/28/81  JA: OK
 8147698    10236          3500721834     103      NO 1 UNDERWOOD                MOCANE-LAVERNE             110.0 PANHANDLE EASTERN
-MOBIL OIL CORP                                 RECEIVED:  08/28/81  JA: OK
 8147696    10348          3513921389     103      BRIXEY (UNIT 173) AC 2        GUYMON-HUGOTON COUNCIL G    40.0 CITIES SERVICE GA
-NOBLE OPERATING INC                            RECEIVED:  08/28/81  JA: OK
 8147700    10191          3509322082     103      DVORAK #1                     NE PHROSO                    0.0 DELHI GAS PIPELIN
 8147699    10192          3509322101     103      KECK #1                       NW OKEENE                    0.0 DELHI GAS PIPELIN
-PHILLIPS PETROLEUM COMPANY                     RECEIVED:  08/28/81  JA: OK
 8147709    10252          3507322567     103      SCHAEFER A #1                 W OKARCHE                    0.0 OKLAHOMA NATURAL
-READING & BATES PETROLEUM CO                   RECEIVED:  08/28/81  JA: OK
 8147687    11037          3503920381     102-2    RUTHEN #1                                                365.0
-RED EAGLE OIL CO                               RECEIVED:  08/28/81  JA: OK
 8147694    10248          3509322114     103      BOB NO 1                      NORTHWEST OKEENE           180.0 PHILLIPS PETROLEU
-REX R MOORE JR                                 RECEIVED:  08/28/81  JA: OK
 8147690    09982          3508320974     103      CHRIST #1                     GARDEN SOUTHEAST             0.0 SUN GAS CO
 8147691    09981          3508320757     103      SHONS #1                      GARDEN SOUTHEAST             0.0 SUN GAS CO
 8147693    9978           3508320975     103      SHONS A #1                    GARDEN SOUTHEAST             0.0 SUN GAS CO
-SUNRISE EXPLORATION INC                        RECEIVED:  08/28/81  JA: OK
 8147702    10333          3512920479     103      G SWITZER #1-36               S W LEEDY                  189.5 DELHI GAS PIPELIN
-WOHNLICH OIL CO                                RECEIVED:  08/28/81  JA: OK
 8147705    10352          3507322792     103      GOODEN-FHLY NO 14-1           SOONER                     189.5 PHILLIPS PETROLEU
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  OREGON DEPARTMENT OF GEOLOGY & MINERAL INDUSTRIES
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-AMERICAN QUASAR PETROLEUM CO                   RECEIVED:  08/28/81  JA: OR
 8147720                   3604300013     102-4    HICKEY 9-12                   SEC 9 T12S R2W LEBANON F    36.0 NORTHWEST NATURAL
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  UTAH DIVISION OF OIL,GAS, & MINING
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-BIG EXPLORATION INC                            RECEIVED:  08/28/81  JA: UT
 8147722   K-129-10        4304730855     103      CIGE 85D-29-10-21             NATURAL BUTTES              46.0 COLORADO INTERSTA
-WEXPRO COMPANY                                 RECEIVED:  08/28/81  JA: UT
 8147721   K-138-2         4303730595     102-2    BUG WELL NO 12                BUG SEC 21T 36S R 26 E     125.0 MOUNTAIN FUEL RES
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** U.S. GEOLOGICAL SURVEY - DENVER,CO
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-ROSS JACOBS                                    RECEIVED:  08/31/81  JA: UT
 8147723   UC 208-0        4301930510     103      JACOBS #24-1                  CISCO SPRINGS                0.0 NORTHWEST PIPELIN
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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM
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-NORTHWEST PIPELINE CORPORATION                 RECEIVED:  08/24/81  JA: NM  4
 8147724   NM-0907-00      3003900000     108      SAN JUAN 29-5 #16             BLANCO MESAVERDE            22.0 EL PASO NATURAL G
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before October 6, 1981.

Categories within each NGPA section are indicated by the following codes:

Section
- 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease
- 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation
- 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27339 Filed 9-18-81; 8:45 am]

BILLING CODE [illegible]

[Project No. 5175-000]

Bluepond Associates; Application for Preliminary Permit

September 15, 1981.

Take notice that Bluepond Associates (Applicant) filed on August 4, 1981, an application for preliminary permit [Pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5175 to be known as the Elgol Hydro Project located on Silver Creek in Jackson County, Colorado in the Routt National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael D. White, Yegge, Hall and Evans, 2900 Energy Center One, 717 Seventeenth Street, Denver, Colorado 80202.

Project Description—The proposed project would consist of: (1) A collection system consisting of 8 wells, each with a 30 hp pump; (2) 6,000 feet of pipeline to collect pumped water from an aquifer under Silver Creek to be known as the Elgol Groundwater Reservoir; (3) a 10,700-foot long penstock; (4) a powerhouse containing a single turbine-generator with a total rated capacity of 300 kW; (5) a 3-mile long 14.4/24.9-kV transmission line; and (6) appurtenant facilities. Energy produced at the project would be sold to the Western Area Power Authority or the Tri-State G and T Association. The project would generate up to 1,200,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies. Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The cost of the studies under the preliminary permit has been estimated by the Applicant to be $75,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 21, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before, November 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representatives of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27421 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5163-000]

California Department of Water Resources; Application for Exemption of Small Conduit Hydroelectric Facility

September 15, 1981.

Take notice that on July 31, 1981, The State of California Department of Water Resources (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. Section 823(a)], for exemption of a proposed hydroelectric project from requirements of part I of the Act. The proposed Sutter-Butte Outlet Powerplant Project (FERC Project No. 5163) would be located on the Sutter-Butte Canal, Butte County, California. Correspondence with the Applicant should be directed to: Mr. Ronald B. Robie, Director, Department of Water Resources, P.O. Box 388, Sacramento, California 95802.

Purpose of Project—The power generated by the proposed project would be sold to local utilities.

Project Description—The proposed project would consist of: (1) a new weir in the existing Sutter-Butte Outlet Channel; (2) two 102-inch diameter penstocks; (3) a powerhouse containing two generating units, each rated at 1,200 kW; and (4) a 1-mile long, 33-kV transmission line connecting to the existing Theramlito Afterbay Outlet Powerplant Switchyard. The Applicant estimates that the average annual energy output would be 8,153,000 kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR § .18 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, petitions to intervene must be received on or before November 23, 1981. The Commission's address is: 825 North Capitol Street, NE, Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27406 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5251-000]

City of Fort Smith, Ark.; Application for Preliminary Permit

September 15, 1981.

Take notice that the City of Fort Smith, Arkansas (Applicant) filed on August 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5251 to be known as the Lee Creek Project located on Lee Creek near the Town of Van Buren in Crawford County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Jack Freeze, Fort Smith City Offices, P.O. Box 1908, Fort Smith, Arkansas 72902.

Project Description—The proposed project would consist of: (1) The Applicant's new rockfill dam, 45 feet high and 1,200 feet long; (2) the resulting reservoir which would have an area of 376 acres and a gross storage capacity of 5,715 acre-feet; (3) a new powerhouse containing one 2.0-MW turbine/generator unit; (4) a new 4.16-kV transmission line one quarter mile long and (5) appurtenant facilities.

The 4.6 million kWh of electrical energy produced annually would probably be sold to the Arkansas Valley electric Co-op, Inc. Approximately 150 acres of U.S. land administered by the Corps of Engineers would be within the project boundary.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The studies, investigations, tests and surveys that have been and are being carried out for the purpose of construction of the dam and impoundment, treatment plant and related water transmission facilities are conducted solely for the purpose of developing the Applicant's water supply. No additional roads, utilities, or other facilities will be needed to compliment the generation facilities; accordingly the permit will be necessary only to determine the feasibility of adding hydroelectric facilities to a project already scheduled for construction. Applicant seeks issuance of the permit for a two year period; cost of the permit studies would be $23,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 20, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 20, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27422 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-744-000]

Cleveland Electric Illuminating Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that on September 3, 1981, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and

V 46 SE 21 81 UMI

Exhibits A and B thereto, providing for transmission by CEI of approximately 35 MW of power from the 345 kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on September 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27407 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-19-000]

Consumers Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that on September 8, 1981, Consumers Power Company (Consumers) submitted an application for Authority to Sell Facilities to the Michigan South Central Power Agency (the Agency).

Consumers proposes to sell a total 58.74% undivided interest in Consumers' 345 kV double circuit transmission line (Designated EHV Transmission Line) extending from its Vergennes 345 kV Substation to its Palisades-Fallmadge 345 kV Transmission Line. The total sales price is $11,120,800. The Agency is a body politic and corporate created in 1978 by the Cities of Coldwater, Hillsdale and Marshall and the Villages of Clinton and Union City, each of which owns and operates a municipal electric system. Each of the member municipal systems has entered into a power sales contract with the Agency for the supply of its power and energy requirements, together with related substation and economic dispatch agreements.

The sale of undivided ownership interests in the Designated EHV Transmission Line is proposed in order to facilitate the Agency's realization of the benefits of their Project I Generating Plant and other power supply agreements. Consumers request approval of its Application pursuant to section 203(a) of the Federal Power Act.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure and should be filed on or before October 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27408 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5172-000]

County of Essex and Town of North Hudson, N.Y.; Application for Preliminary Permit

September 15, 1981.

Take notice that the County of Essex and Town of North Hudson, New York (Applicant) filed on August 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5172 known as the Blue Ridge Project located on the Branch, tributary to the Schroon River, in Essex County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Philip L. Chabot, Esq., Duncan, Weinburg, & Miller, P.C., Suite 1200, 1775 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

Project Description—The proposed project would consist of: (1) An existing dam with a length of 240 feet and a height of 20 feet; (2) an existing reservoir having a surface area of 36.0 acres at a mean surface elevation of 873.0 feet (USGS datum); (3) a new control gate; (4) a new penstock; leading to (5) an existing powerhouse containing a new turbine/generator unit with a rated capacity of 100 kW; (6) an existing 4.8-kV transmission line; and (7) appurtenant works. The existing dam and reservoir are owned by the New York State Department of Environmental Conservation. The Applicant estimates that the average annual amount of energy generated by the proposed project would be 430,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 20, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 20, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE

COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27423 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-745-000]

Duke Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on September 3, 1981, a supplement to the Company's Electric Power Contract with York Electric Cooperative, Inc. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 146.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increase in designated demand: Delivery Point No. 10 from 4,500 KW to 5,800 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of November 17, 1981.

According to Duke Power copies of this filing were mailed to York Electric Cooperative, Inc., and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27424 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-746-000]

Duke Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on September 9, 1981 a supplement to the Company's Electric Power Contract wih the City of Kings Mountain. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 260.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following changes in contract demand: Delivery Point No. 1 from 12,500 kW to 9,000 kW and Delivery Point No. 2 from 6,000 kW to 10,000 kW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of November 17, 1981.

According to Duke Power copies of this filing were mailed to the City of Kings Mountain and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-27409 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5277-000]

Eastern Sierra Energy Development; Application for Preliminary Permit

September 15, 1981.

Take notice that Eastern Sierra Energy Development (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5277 to be known as the Big Pine Creek Project located on Big Pine, Little Pine, and Baker Creeks in Inyo County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: K. Thomas Miller, Eastern Sierra Energy Development, P.O. Box 567, Bishop, California 93514.

Project Description—The proposed project would consist of: (A) The Baker Creek Development consisting of: (1) a 20-foot to 50-foot high concrete dam; (2) a 9,500-foot long pipeline; (3) a powerhouse containing two generating units, each rated at 590 kW; and (4) a transmission line. The average annual energy generation is estimated to be 6 million kWh. (B) The Big Pine Creek Development consisting of: (1) a 20-foot to 50-foot high concrete dam; (2) a 12,250-foot long pipeline and penstock; (3) a powerhouse containing two generating units, each rated at 1,830 kW; and (4) a transmission line. The average annual energy generation is estimated to be 15 million kWh. (C) The Little Pine Creek Development consisting of: (1) a 20-foot to 50-foot high concrete dam; (2) a 23,000-foot long pipeline; (3) a powerhouse containing two generating units, each rated at 1,690 kW; and (4) a transmission line. The average annual energy generation is estimated to be 14 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. Land disturbing activities include test borings and trenches at the dam and powerhouse sites, and geophysical surveys. All disturbed areas will be restored to original state.

The cost of the work to be done under the preliminary permit is estimated to be $150,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27410 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-747-000]

Florida Power & Light Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FP&L) on September 2, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement for Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheets Nos. 1-19).

FP&L states that under Exhibit I FP&L will transmit power and energy for the Utilities Commission, City of New Smyrna Beach (New Smyrna) as is required by New Smyrna in the implementation of its interchange agreement with Jacksonville Electric Authority.

FP&L requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FP&L states that copies of the filing were served on the Director of Utilities of New Smyrna Beach.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27425 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5223-000]

International Falls Power Co.; Application for Preliminary Permit

September 15, 1981.

Take notice that International Falls Power Company (Applicant) filed on August 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Sec. 792(a)-825(r)] for Project No. 5223 to be known as the International Falls Hydroelectric Project at International Falls, Minnesota located on Rainy Lake, on the Rainy River in Koochiching County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John P. Borgwardt, Associate General Counsel, Boise Cascade Corporation, P.O. Box 1414, Portland, Oregon 97207.

Project Description—The project is an existing dam, stretching from International Falls, Minnesota across Rainy Lake to Fort Frances, Ontario, Canada. A preliminary permit is being sought for only the portion of the dam that is in U.S. territory. The project would consist of: (1) an existing granite masonry dam approximately 35 feet high and 1,195 feet long, of which 560 feet is in U.S. territory; (2) an existing powerhouse, containing an installed capacity of 14 MW and the ability to generate 45 GWh per year; (3) an existing 345 square mile reservoir with a gross storage capacity of approximately 384,600 acre-feet; and (4) appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be $25,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR §§ 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27411 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-750-000]

Iowa Power & Light Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that Iowa Power and Light Company (Iowa Power) on September 8, 1981, tendered for filing proposed changes in its FERC Electric Service Tariff, submitting proposed changes in its rate schedule No. 611, under which wholesale electric service for resale is provided to the Cities of Carlisle and Neola, Iowa. The proposed changes would increase revenue from jurisdictional sales and service by $88,636.58 based on the 12 month period ending December 31, 1980.

Iowa Power states that the proposed increase is necessary in order for Iowa Power to properly earn a reasonable return on its investment dedicated to serving its customers. Iowa Power states that the proposed rate increase is designed to offset increased capital costs caused by increases in interest rates and required rates of return for common and preferred stockholders, the completion of the Ottumwa Generating Station and other property additions. Additionally, the rate increase will recover increased operating costs caused by inflationary pressures, increased wages and salary expenses, increased purchased power expense from Cooper Nuclear Station including costs related to extraordinary repairs and required modifications, the operations cost of the Ottumwa Generation Station, and increased depreciation expenses and property taxes.

Iowa Power proposes an effective date of November 7, 1981.

Copies of this filing have been filed upon Iowa Power's jurisdictional customers, the Cities of Carlisle and Neola, Iowa and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27412 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4906-000]

Lower South Platte Water Conservancy District; Application for Preliminary Permit

September 15, 1981.

Take notice that Lower South Platte Water Conservancy District (Applicant) filed on June 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4906-000 to be known as the Narrows Dam and Resevoir Project located on the South Platte River in Morgan County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary R. Friehauf, P.E., Secretary-Manager, Lower South Platte Water Conservancy District, Post Office Box 1725, Sterling, Colorado 80751.

Project Description—The proposed hydroelectric project would be constructed in conjunction with and would utilize the Bureau of Reclamation's Narrows Dam and Reservoir authorized by Congress. The Narrows Dam would be an earthfill embankment 147 feet high and 4.2 miles long. Narrows reservoir would have a storage capacity of about 500,000 acre-feet with a surface area of 15,000 acres at surface elevation 4,404 feet m.s.l. Proposed hydroelectric facilities would comprise two developments. The Main River Outlet development would consist of: (1) A penstock about 800 feet long and 10 feet in diameter (designed in conjunction with the main outlet conduit); (2) a bifurcation at the outlet control point; (3) a powerhouse with an installed capacity of 9 MW; (4) a tailrace; and (5) other appurtenances. The Fort Morgan Canal Outlet development would consist of: (1) modifications designed in conjunction with the canal outlet works to permit the outlet conduit to serve as a penstock; (2) a bifurcation at the outlet conduit with valving and controls and penstock extension 100 feet long and 6 feet in diameter; (3) a powerhouse with an installed capacity of 1,000 kW; (4) a tailrace; (5) a transmission line interconnecting the two developments and extending an additional 20 miles; and (6) other appurtenances. Applicant estimates total annual generation from both developments would be 43,000,000 kWh. Project energy would be sold to area utility companies.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility; environmental effects or project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 19, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27426 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5068-000]

MacLeod Hydropower, Inc., Application for Preliminary Permit

September 15, 1981.

Take notice that MacLeod Hydropower, Inc., (Applicant) filed on July 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Secs. 791(a)–825(r)] for Project No. 5068 to be known as the Ithaca Falls Project located on Fall Creek in Tompkins County at Ithaca, New York. The application is on file with the commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Cameron MacLeod, III, President, MacLeod Hydropower, Inc., Box 286, Glenmoore, Pennsylvania 19343.

Project Description—The proposed run-of-the -river project would consist of existing facilities to include: (1) a concrete and masonry dam 30 feet high and 300 feet long; (2) a reservoir of negligible storage capacity at surface elevation 540 feet m.s.l.; (3) an intake structure to be rehabilitated; (4) a 200-foot long water conveyance tunnel 12 feet wide and 20 feet high; connecting to (5) a headrace about 300 feet long and 10 feet deep; leading through trash racks into; (6) two penstocks, 400 feet long, and 36 and 32 inches in diameter terminating at an abandoned powerhouse. New project works would include: (1) new penstock(s) about 300 feet long; leading from pentsocks at the abandoned powerhouse to (2) a new powerhouse with an installed capacity of 1.2 MW; (3) a short tailrace; (4) electrical facilities; and (5) other appurtenances. The dam is owned by the Ithaca Gun Company. Applicant estimates annual energy production would average 5,618,000 kWh. Project energy would be sold to the New York State Electric and Gas Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydraulic, construction planning, economic, environmental, historic and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under the permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file and acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR §§ 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letter the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27413 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5197-000]

The Metropolitan Water District of Southern California; Application for Exemption of Small Conduit Hydroelectric Facility

September 15, 1981.

Take notice that on August 6, 1981, The Metropolitan Water District of Southern California (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Venice Small Conduit Hydroelectric Project (FERC Project No. 5197) would be located the Applicant's Sepulveda Feeder Pipeline (Part of Applicant's water distribution system), in the County of Los Angeles, California. Correspondence with the Applicant should be directed to: Mr. Evan L. Griffith, General Manager, The Metropoliton Water District Southern California, P.O. Box 54153, Terminal Annex, Los Angeles, California 90054.

Purpose of Project—The power generated by the project would be sold to a public or private utility.

Project Description—The proposed project would consist of a powerhouse with an installed capacity of 10.1 MW. The powerhouse would operate under a head of 280 feet and would generate approximately 60 million kWhs annually.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If so comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before October 28, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27427 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-461-000]

Missouri Edison Co.; Compliance Filing

September 15, 1981.

The filing Company submits the following:

Take notice that on August 11, 1981, Missouri Edison Company tendered for filing FERC Electric Tariff 5th Revised Sheet No. 1 and 5th Revised Sheet No. 2 pursuant to the Commission's order of July 10, 1981. The effect of the revised tariff sheets is to reduce the rates proposed by Missouri Edison Company's May 12, 1981 tariff to reflect summary disposition with respect to the reduced purchased power costs from Union Electric Company which was ordered by summary disposition in Docket No. ER81-450-000.

As provided in the Commission's order of July 10, 1981, the revised tariff sheets are effective on and after July 9, 1981, subject to refund.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 5, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27432 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4953-001]

Modesto Irrigation District; Application for Preliminary Permit

September 15, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4953 to be known as the Willow Creek, Tehama Power Project located on Willow Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) An intake structure within the north bank of Willow Creek; (2) a 10,000-foot long diversion conduit or channel; (3) a 44-inch diameter, 1,200-foot long penstock; (4) a powerhouse containing generating units with a total rated capacity of 4, 580 kW; and (5) a 13-mile long, 12.5-kV transmission line connecting the powerhouse with an existing Pacific Gas and Electric Company transmission line northeast of the powerhouse. Applicant estimates the average annual energy output of the project at 16 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $45,000.

Competing Applications—This application was filed as a competing application to the Willow Creek, Tehama Power Project No. 4329 filed on

March 12, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27428 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-739-000]

Montana Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on September 2, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with the Washington Water Power Company (Washington). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Washington.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $1,566,000.00 based upon energy delivered from May 1, 1981 through June 2, 1981. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

Montana proposes an effective date May 1, 1981, and therefore requests waiver of the Commission's notice requirements.

In addition, Montana also tendered for filing a Notice of Cancellation of a Rate Schedule and all of its supplements, dated May 1, 1981. This agreement is for the sale of firm energy between Montana and The Washington Water Power Company. Montana states that these agreements have expired as of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10)). All such petitions or protests should be filed on or before October 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27429 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-742-000]

The Montana Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that The Montana Power Company ("Montana") on September 3, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with Southern California Edison Company ("Edison"). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Edison.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $7,938,597.54, based upon energy delivered from March 23, 1981 until terminated by either party by giving 30 days' advance written notice to the other party. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of March 23, 1981, is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street Northeast, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27430 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-737-000]

Montana Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on September 3, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with the City of Burbank (Burbank). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Burbank.

Montana indicates that the proposed Letter Agreeement increased revenues from jurisdictional sales by $437,062. 40 based upon energy delivered from February 1, 1981 through April 30, 1981. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of February 1, 1981, is proposed and waiver of the Commission's notice requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of a Rate Schedule and all of its supplements, dated February 1, 1981. This agreement is for the sale of firm energy between Montana and Burbank. Montana states that these agreements have expired as of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27431 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-743-000]

Montana Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on September 3, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreements with Southern California Edison Company (Edison). Montana states that these Letter Agreements provide for the sale of firm energy between Montana and Edison.

Montana indicates that the proposed Letter Agreements increased revenues from jurisdictional sales by $8,843,290.80, based upon energy delivered from January 31, 1981 until terminated by either party giving 30 days' written notice to the other party. Montana states that the rate for firm energy under these Letter Agreements was negotiated.

An effective date of January 31, 1981, is proposed and waiver of the Commission's requirements is therefore requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27414 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-738-000]

The Montana Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company ("Montana") on September 3, 1981, tender for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with City of Burbank (Burbank). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Burbank.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $155,150,00, based upon energy delivered from April 28, 1981 through June 1, 1981. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of April 28, 1981, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of a Rate Schedule and all of its supplements, dated April 28, 1981. This agreement is for the sale of firm energy between Montana and Burbank. Montana states that these agreements have expired as of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27415 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-749-000]

Montaup Electric Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that on September 4, 1981, Montaup Electric Company ("Montaup") tendered for filing rate schedule revisions providing a new rate "M-7" for firm power service at 115 kV. Montaup is a generating and transmission company chartered in Massachusetts and responsible for the bulk power supply requirements of two retail subsidiaries of Eastern Utilities Associates ("EUA"), a public utility holding company. These subsidiaries are Eastern Edison Company ("Eastern Edison") in Massachusetts and Blackstone Valley Electric Company ("Blackstone") in Rhode Island. Eastern Edison owns all of Montaup's securities.

The customers affected by this filing are Blackstone and Eastern Edison and three non-affiliated customers: Newport Electric Corporation, Pascoag Fire District and the Town of Middleborough. Middleborough is a Massachusetts municipality and the other non-affiliated customers are located in Rhode Island.

The M-7 rate would increase Montaup's total revenue by $7,859,000 or by 3.9% above the level of the M-6 rate. In addition, Montaup tendered a surcharge to recover its investment in the Pilgrim 2 project should that project be cancelled when the M-7 rate is in effect. The increase including the surcharge amounts to $10,532,000, or 5.3% above the level of the M-6 rate. The increase is based on a cost of service for calendar year 1982 (Period II).

The filing is intended to recover cost increases which have eroded Montaup's return under the M-6 rate. Based on Montaup's Period II cost of service study, the M-6 rate yields an overall rate of return of 10.66% and a return on common equity of 6.97%.

Montaup states that the M–7 rate increase is urgently needed to raise capital for Montaup's construction program. Montaup rquests that the filing be assigned an effective date of November 4, 1981, and suspended for one day.

Included with Montaup's filing are rate schedule revisions to increase the return on equity in agreements under which Blackstone and Eastern Edison rent 115 kV transmission facilities to Montaup and in an agreement under which Montaup rents certain transformers and substation facilities to Eastern Edison.

According to Montaup, copies of its filing have been served on the affected customers and, the Massachusetts Department of Public Utilities and the Rhode Island Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–27416 Filed 9–18–81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81–733–000]

New England Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that on September 1, 1981, New England Power Company (NEP) tendered for filing transmission service agreements between NEP and various municipal light plants. The service agreements provide continuing transmission service under NEP's FERC Electric Tariff, Original Volume Number 3, which was accepted by the Commission in Docket No. ER80–797 by order of July 20, 1981.

NEP requests that the service agreements become effective on November 1, 1981.

Copies of the filing are being mailed to each affected customer and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protest should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–27433 Filed 9–18–81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81–752–000]

Ohio Valley Electric Corp.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that on September 8, 1981, Ohio Valley Electric Corporation (OVEC) tendered for filing Modification No. 6 dated as of August 1, 1981 to the Inter-company Power Agreement (FPC Rate Schedule No. 1–B) between OVEC and certain other companies (Sponsoring Companies) and Modification No. 12 dated as of August 1, 1981 to the Power Agreement (FPC Rate Schedule No. 1–A) between OVEC and the United States of America, acting by and through the Secretary of Energy, the statutory head of the Department of Energy (DOE).

The two modifications would reduce the capacity of the Kyger Creek Generating Station of OVEC in Gallia County, Ohio and the Clifty Creek Generating Station of OVEC's wholly-owned subsidiary, Indiana-Kentucky Electric Corporation, in Jefferson County, Indiana available to DOE and correspondingly increase the capacity of such stations available to the Sponsoring Companies. The proposed changes came about as a result of DOE's desire to reduce its fixed electric power expense in light of reduced operations at DOE's gaseous diffusion uranium enrichment plant in Portsmouth, Ohio. The Sponsoring Companies agreed to purchase the resulting surplus capacity because they had need for such power and OVEC would be able to supply such power at reasonable rates.

OVEC respectfully requests that the two modifications be made effective on or before September 30, 1981 and that the Commission waive all rules and regulations with which OVEC has not already complied. OVEC has been advised by DOE management that they concur in OVEC's request that the two modifications be made effective on or before September 30, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. An person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–27417 Filed 9–18–81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5086–000]

Redlands Water and Power Co.; Application for Preliminary Permit

September 15, 1981.

Take notice that Redlands Water and Power Company (Applicant) filed on July 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5086 to be known as the Redlands Plant No. 2 Project located on the Gunnison River near Grand Junction in Mesa County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Irvin C. Sanders, Merrick & Company, P.O. Box 22026, Denver, Colorado 80222.

Project Description—The Applicant-owned project presently consists of the following existing facilities: (1) A 12.5-foot high 338-foot long concrete overflow-type dam with crest elevation 4,751 m.s.l.; (2) a small reservoir with negligible storage capacity; (3) an intake and sluice structure at the left bank; and (4) a canal having a capacity of 750 c.f.s. These facilities serve the existing

Redlands Plant No. 1 which would remain unchanged.

Applicant has studied three alternatives and would further study redevelopment of the existing facilities as follows: (1) Modify the diversion structure; (2) enlarge a 5,400-foot length of canal; (3) construct a powerhouse (Plant No. 2) containing two generating units having a total rated capacity of 2,600 kW; and (4) construct a 150-foot long tailrace. Plant No. 2 project energy would be sold to Public Service Company of Colorado. Applicant estimates that the Plant No. 2 average annual energy output would be 12,120,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18-months, during which time it would complete a feasibility study currently under-way, including technical, economic and financial aspects, prepare a preliminary design, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $55,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 19, 1981, either the competing application itself [See 16 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before November 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27434 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5227-000]

Robert R. Tift; Application for Preliminary Permit

September 15, 1981.

Take notice that Robert R. Tift (Applicant) filed on August 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Secs. 791(a)–825(r)] for Project No. 5227 known as the Horse Creek Water Power Project located on Horse Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert R. Tift, P.O. Box 388, Horse Creek, California 96045.

Project Description—The proposed project would consist of: (1) a 12-foot high concrete dam on Horse Creek creating a reservoir with a surface area of 1.5 acres and a storage capacity of 12 acre-feet; (2) a 6,800-foot long, 42-inch diameter penstock; (3) a powerhouse with a total rated capacity of 450 kW; and (4) a 600-foot long transmission line from the powerhouse to an existing Pacific Power & Light Company's 12.5-KV transmission line. The Applicant estimates that the average annual energy production would be 1.75 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 15 months during which time it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $37,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interesed person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR §§ 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments, filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments protests, or petitions to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 835 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27418 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5230-000]

Tehama County Flood Control and Water Conservation District; Application for Preliminary Permit

September 15, 1981.

Take notice that Tehama County Flood Control and Water Conservation District (Applicant) filed on August 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5230 to be known as the Deer Creek Hydroelectric Project located on Deer Creek and its tributaries Rush and Calf Creeks in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence A. Coleman, Director of Water Resources, Route 1, Box 4, Greber, California 96035.

Project Description—The proposed project would consist of three developments:

Development No. 1 comprising: (a) A 10-foot high diversion structure across Deer Creek, just downstream of the Deer Creek Falls; (b) a 13,500-foot long trapezoidal channel; (c) a 48-inch diameter, 1,000-foot long penstock; and (d) a powerhouse, containing generating facilities with a total rated capacity of 2.8 MW, discharging into Deer Creek.

Development No. 2 comprising: (a) A 10-foot high diversion structure across Rush Creek; (b) a 11,500-foot long trapezoidal channel; (c) a 48-inch diameter, 800-foot long penstock; and (d) a powerhouse, containing generating facilities with a total rated capacity of 1.2 MW, discharging into Deer Creek.

Development No. 3 comprising: (a) A 12-foot high diversion structure across Calf Creek; (b) a 18.5-mile long combination trapezoid canal and pipeline; (c) a 48-inch diameter 2,300-foot long penstock; and (d) a powerhouse, containing generating facilities with a total rated capacity of 8.4 MW, discharging into Deer Creek. The Applicant estimates the output of the three developments at 89.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining designs is estimated by the Applicant to be between $80,000 and $120,000.

Competing Applications—This application was filed as a competing application to the Deer Creek Hydroelectric Project No. 4637 filed on May 8, 1981, by North Valley Land Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 14, 1981.

Filing and Service of Reponsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27436 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5282-000]

Town of Conway, Massachusetts; Application for Preliminary Permit

September 15, 1981.

Take notice that Town of Conway, Massachusetts (Applicant) filed on August 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Secs. 791(a)-825(r)] for Project No. 5282 to be known as the Conway Project located on the South River, in the Town of Conway, in Franklin County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James Manwell, Department of Mechanical Engineering, Gunness Laboratory University of Massachusetts, Amherst, Massachusetts 01003.

Project Description—The proposed project would consist of: (1) an existing 65-foot high, 110-foot long concrete gravity dam; (2) an existing reservoir with a usable storage capacity of 40-acre feet; (3) an existing 4-foot diameter, 200-foot long steel penstock; (4) a new powerhouse containing turbine-generator units with a total rated capacity of up to 800 kW; (5) a new one-mile long 4.48-kV or one-half mile long 69-kV transmission line; and (6) appurtenant facilities. The project would produce up to 2,800,000 kWh annually. The project is located on land owned by the State of Massachusetts. Applicant proposes to sell energy produced at the project to local utilities.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include preliminary designs, economic analysis, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $22,070.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR §§ 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27419 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5181-000]

Village of Philadelphia, New York; Application for Preliminary Permit

September 15, 1981.

Take notice that the Village of Phildadelphia, New York (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 5181 to be known as the Sandy Hollow Road Hydro Project located on the Indian River near Philadelphia in Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: The Honorable Wayne L. Huntress, Mayor of Philadelphia, 56 Main Street, Philadelphia, New York 13673, and Richard R. Leinbach, P.E., Consulting Engineer, 21 Olena Drive, Whitesboro, New York 13492.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) a main concrete dam, about 125 feet long and 17 feet high, owned by Mr. John Kazak of 33 Tyler Street, Rochester, New York; (2) three small upstream diversion dams about 4 feet high and having lengths of 50 feet, 40 feet, and 20 feet; (3) a reservoir of negligible storage capacity at maximum surface elevation of 414 feet m.s.l.; (4) an intake structure and short penstock; (5) a powerhouse in which would be installed new turbine-generator(s) with a capacity of 600 kW; (6) a tailrace; and (7) other appurtenances. Applicant estimates annual generation would average about 3,000,000 kWh. Project energy would be utilized directly in the Applicant's municipal electric system.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydraulic, construction planning, economic, environmental, historic and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. Applicant estimates cost of studies under the permit would be $68,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR §§ 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27420 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5174-000]

Bluepond Associates; Application for Preliminary Permit

September 14, 1981.

Take notice that Bluepond Associates (Applicant) filed on August 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16

U.S.C. 791(a)—825(r)] for Project No. 5174 to be known as the Wembley Hydro Project located on the Rio Chama in Archuleta County, Colorado, Rio Arriba County, New Mexico and in the Rio Grande National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael D. White; Yegge, Hall and Evans; 2900 Energy Center One; 717 Seventeenth Street; Denver, Colorado 80202.

Project Description—The proposed project would consist of: (1) a collection system consisting of 33 wells, each with a 60 hp pump; (2) 25,000 feet of pipeline to collect pumped water from an aquifer under the Rio Chama to be known as the Wembley Groundwater Reservoir; (3) a 28,000-foot long penstock; (4) a powerhouse containing a single turbine-generator with a total rated capacity of 4.1 MW; (5) a 3-mile long 14.4/24.9–kV transmission line; and (6) appurtenant facilities. Energy produced at the project would be sold to the Western Area Power Authority or the Tri-State G and T Association. The project would generate up to 18,600,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The cost of the studies under the preliminary permit has been estimated by the Applicant to be $150,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 15, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27499 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-612-000]

Cleveland Electric Illuminating Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Intervention, and Establishing Hearing and Price Squeeze Procedures

Issued: September 14, 1981.

On July 16, 1981, the Cleveland Electric Illuminating Company ("CEI") tendered for filing a supplement to its interconnection agreement with the City of Cleveland, Ohio ("City") for firm, partial requirements service.[1] The revised rates would result in increased revenues of approximately $2,238,000 (19.3%) based on the twelve-month period ending December 31, 1981. CEI requests an effective date of September 14, 1981.

Public notice of the filing was issued July 24, 1981, with responses due on or before August 14, 1981. On August 14, 1981, The City filed a petiton to intervene, protest, and request for full suspension and hearing. The City challenges various aspects of CEI's cost of service and alleges that the proposed increase will result in a price squeeze. Among the issues raised is CEI's inclusion in its cost of service of an amortrized portion of its investment (approximately $56,600,000) for preliminary work associated with the construction of four generating plants which have been cancelled.[2] CEI responded to the City's contentions in an answer filed on August 31, 1981.

Discussion

The Commission finds that participation in this proceeding by the City is in the public interest. Accordingly, the City will be permitted to intervene.

In view of the substantive concerns expressed by the City, our analysis indicates that CEI's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, and suspend them as ordered below.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. While the intervenor has raised several substantive issues to be pursued at hearing, including price squeeze, oujr preliminary analysis suggests that the proposed rates may not yield excessive revenues. As a result, we do not belive that a maximum suspension is necessary or appropriate. A nominal suspension and a refund obligation should provide adequate protection to the affected customer pending the outcome of a hearing. Accordingly, we shall exercise our discretion to suspend the rates for one day, permitting the rates to take effect subject to refund thereafter on September 15, 1981.

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[1] Designated as follows: Supplement No. 6 to Rate Schedule FPC No. 12 (Supersedes Supplement No. 5 as supplemented).

[2] By order dated July 10, 1980, recovery of such costs over a ten year period was approved at the retail level by the Public Utilities Commission of Ohio. Case No. 79-537-EL-AIR. However, this order was overturned by the Ohio Supreme Court which permitted no recovery. *Consumers Council v. PUCO*, 67 Ohio St. 2d 153 (1981).

[3] *E.g., Boston Edison Co.*, Docket No. ER80-506 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

In accordance with the Commission's policy established in *Arkansas Power and Light Company,* Docket No. ER79-339, order issued August 6, 1979, we shall phase the price squeeze issue raised by the City. As noted in previous orders, this procedure will allow a decision first to be reached on the cost of service, capitalization, and rate of return issues. If, in the view of staff or the intervenor, a price squeeze persists, a second phase of the proceeding may follow.

The Commission orders: (A) CEI's revised rates are hereby accepted for filing and suspended for one day from sixty days after filing, to become effective on September 15, 1981, subject to refund.

(B) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure, and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of CEI's rates.

(C) The City of Cleveland is hereby permitted to intervene in this proceeding subject to rules and regulations of the Commission; *Provided, however,* that participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *Provided, further,* that the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(D) The Commission staff shall serve top sheets in this proceeding on or before September 15, 1981.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27460 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5095-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 14, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5095 known as the Bond Creek Water Power Project located on Bond Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 3,700-foot long, 20-inch diameter penstock; (3) a powerhouse with total installed capacity of 300 kW; and (4) a 10,500-foot long, 5-kV transmission line which would connect the powerhouse to the existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 1,664,400 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $4,900.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 15, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or positions to intervene must be received on or before November 15, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27461 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5099-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 14, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5099 known as the Kelly Creek Water Power Project located on Kelly Creek in Shoshone County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H., Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) a 2-foot high diversion structure; (2) a 4,200-foot long, 12-inch diameter penstock; (3) a powerhouse with total installed capacity of 100 kW; and (4) a 100-foot long, 120/240–V transmission line which would connect the powerhouse to the existing Washington Water Power Company transmission line. The Applicant estimates that the average annual energy production would be 499,300 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $2,750.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *November 15, 1981*, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 15, 1981.

Filing and Service of Responsible Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27642 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-578-000]

Maine Yankee Atomic Power Co.; Order Granting Rehearing for Purposes of Further Consideration

Issued: September 14, 1981.

By letter order dated July 15, 1981, the Commission advised Maine Yankee Atomic Power Company (Maine Yankee) that initiation of billing for nuclear decommissioning costs under its FPC Rate Schedule No. 1 would constitute a rate schedule change requiring a filing under Part 35 of the Commission's regulations. An application for rehearing of that order was filed by Maine Yankee on August 14, 1981.

In order to afford additional time for consideration of the issues raised in the application for rehearing, we shall grant rehearing of the July 15, 1981 order solely for the purpose of further consideration. This action does not constitute a grant or denial of the application on its merits in whole or in part.

The Commission orders: (A) Rehearing of the July 15, 1981 order is hereby granted for the limited purpose of further consideration.

(B) As provided in § 1.34(d) of the Commission's Rules of Practice and Procedure, no answers to the applications for rehearing will be entertained by the Commission, since this order does not grant rehearing upon any substantive issue.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27463 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5203-000]

Puget Sound Power and Light Co.; Application for Preliminary Permit

September 14, 1981.

Take notice that Puget Sound Power and Light Company (Applicant) filed on August 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5203 to be known as the Goat Mountain Project located on South Fork Nooksack River in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power and Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The proposed project would consist of: (1) a 25-foot high, 60-foot long concrete gravity dam; (2) a concrete intake structure within the dam; (3) a 10-foot diameter, 2,500-foot long tunnel; (4) an 8-foot diameter, 2,000-foot long steel penstock; (5) a powerhouse to contain a single generating unit with a rated capacity of 8,100 kW; (6) a tailrace connecting the powerhouse to an existing channel; (7) an existing road to be upgraded and extended to provide access to the powerhouse; and (8) a 55-kV transmission line extending south of the powerhouse to an existing line. The average annual energy output is 37.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $250,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 14, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27464 Filed 9-18-81; 8:45 am]

BILLING CODE 6450-[illegible]

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Public Law 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective October 1, 1981. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th and Pennsylvania Avenue NW., Rm. 4121, Washington, D.C. 20461, (202) 633-9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million BTU's
Alabama	3.64
Arizona [1]	3.47
Arkansas [1]	[illegible]
California [2]	3.47
Colorado [1]	[illegible]
Connecticut [1]	[illegible]
Delaware [1]	[illegible]
Florida	3.56
Georgia [1]	3.75
Idaho [1]	[illegible]
Illinois	3.70
Indiana [1]	3.74
Iowa [1]	3.72
Kansas	3.55
Kentucky [1]	3.74
Louisiana	[illegible]
Maine	[illegible]
Maryland [1]	[illegible]
Massachusetts	[illegible]
Michigan [1]	3.74
Minnesota [1]	[illegible]
Mississippi [1]	3.75
Missouri	3.57
Montana [1]	[illegible]
Nebraska [1]	3.72
Nevada [1]	3.47
New Hampshire [1]	[illegible]
New Jersey [1]	3.82
New Mexico [1]	[illegible]
New York	3.72
North Carolina [1]	3.75
North Dakota [1]	3.72
Ohio	[illegible]
Oklahoma [1]	[illegible]
Oregon	[illegible]
Pennsylvania [1]	[illegible]
Rhode Island [1]	4.00
South Carolina [1]	3.75
South Dakota [1]	3.72
Tennessee [1]	3.75
Texas [1]	[illegible]
Utah [1]	3.43
Vermont [1]	4.00
Virginia [1]	3.75
Washington [1]	3.47
West Virginia [1]	3.74
Wisconsin	3.53
Wyoming	3.11

[1] Region based price as required by FERC Interim Rule issued on March 2, 1981, in Docket No. RM79-21.

[2] Region based price and State price are identical after rounding.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitian area during July 1981 was $38.83 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective October 1, 1981, is $8.70 per million BTU's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 81, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of May 1981, June 1981, and July 1981. [1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective October 1, 1981, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, May 1981, June 1981, July 1981. Reported prices for sales in May 1981 were adjusted by the percent change in the nationwide volume-weighted average price from May 1981 to July 1981. Prices for June 1981 were similarly adjusted by the percent change in the nationwide volume-weighted average price from June 1981 to July 1981. The volume-weighted 3-month average of the adjusted May 1981 and June 1981, and the reported July 1981 prices was then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighter 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTu's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending September 11, 1981, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of July 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

Region B

Delaware
Maryland
New Jersey
New York
Pennsylvania

Region C

Alabama
Florida
Georgia
Mississippi
North Carolina
South Carolina
Tennessee
Virginia

Region D

Illinois
Indiana
Kentucky
Michigan
Ohio
West Virginia
Wisconsin

Region E

Iowa
Kansas
Missouri
Minnesota
Nebraska
North Dakota

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[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

South Dakota

Region F

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

Region G

Colorado
Idaho
Montana
Utah
Wyoming

Region H

Arizona
California
Nevada
Oregon
Washington

Issued in Washington, D.C., September 17, 1981.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 81-27518 Filed 9-18-81; 9:41 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59059B; TSH-FRL 1936-4]

1-Amino-4-(Phenylamino-9,10-Dihydro-9,10-Dioxo-2((3'-Propanesulfonic Acid)Oxo) Anthracene, Sodium Salt; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-28) under section 5 of the Toxic Substances Control Act (TSCA) on August 11, 1981. Notice of receipt of the application was published in the **Federal Register** of August 20, 1981 (46 FR 42331). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Rachel S. Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washinton, D.C. 20460, (202-426-8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On August 11, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-28. The manufacturer has claimed its identity as confidential business information. The specific chemical identity is 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'-propanesulfonic acid)oxo) anthracene, sodium salt, and the substance will be used as a site-limited intermediate. A maximum of two kilograms will be manufactured for test market purposes, during a test marketing period not to exceed one year. During manufacture and processing, a total of 18 workers may be exposed to the TME substance for 250 days. A notice published in the **Federal Register** of August 20, 1981 (46 FR 42331) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-81-28, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance. The low production volume will result in minimal worker contact with the new substance. No consumer exposure is expected, as the new substance will be a site-limited intermediate.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.
2. The applicant must maintain records of the date(s) and amounts of manufacture of the new chemical and must make these records available to EPA upon request.
3. The production volume of the new substance may not exceed the quantity of two kilograms described in the test marketing exemption application.
4. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.
5. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: September 11, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 81-27389 Filed 9-18-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59059A; TSH-FRL 1936-3]

Sodium Salt of the Sulfonated Reaction Products of 1-Amino-4-(Phenylamino)-9, 10-Dihydro-9, 10-Dioxo-2-((3'-Propanesulfonic Acid) Oxo) Anthracene; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-27) under section 5 of the Toxic

Substances Control Act (TSCA) on August 11, 1981. Notice of receipt of the application was published in the **Federal Register** of August 20, 1981 (46 FR 42331). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Rachel S. Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, D.C. 20460, (202-426-8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commerical purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances complied by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(d) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On August 11, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substances for test marketing purposes. The application was assigned test marketing exemption number TM-81-27. The manufacturer has claimed its identity and the specific use of the chemical as confidential business information. The specific chemical identity is sodium salt of the sulfonated reaction products of 1-amino-4-(phenylamino)-9, 10-dihydro-9, 10-dioxo-2-((3'-propanesulfonic acid) oxo) anthracene), and the substance will be incorporated into an article. A maximum of two kilograms will be manufactured for test marketing purposes, and it will be processed at two sites during a test marketing period not to exceed one year. During manufacture, a total of 18 workers may be exposed to the TME substance for 250 days. During processing, up to 198 workers may be exposed for up to 335 days. A notice published in the **Federal Register** of August 20, 1981 (46 FR 42331) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-81-27, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance. The low production volume will result in minimal worker contact with the new substance. No consumer exposure is expected, as the new substance will be incorporated into an article.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.
2. The applicant must maintain records of the date(s) and amounts of manufacture of the new chemical, and must make these records available to EPA upon request.
3. The production volume of the new substance may not exceed the quantity of two kilograms described in the test marketing exemption application.
4. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.
5. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of its substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: September 11, 1981.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 81-27388 Filed 9-18-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL RESERVE SYSTEM

Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Beltway Bank, Houston, Texas, through the acquisition of Beltway Bancshares, Inc., Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27348 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

Allied Beltway Bancshares, Inc.; Formation of Bank Holding Company

Allied Beltway Bancshares, Inc., Houston, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 100 percent of the voting shares of Beltway Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27347 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

Banco de Venezuela International; Establishment of U.S. Branch

Banco de Venezuela International, Miami, Florida, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in New York, New York. Banco de Venezuela International operates as a subsidiary of Banco de Venezuela, S.A., Caracas, Venezuela.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27348 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

Citicorp; Proposed Acquisition of Citicorp Government Securities, Inc.

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Citicorp Government Securities, Inc.

Applicant states that the proposed subsidiary would engage in the solicitation, underwriting, dealing in, purchase, and sale of obligations of the United States, general obligations of various States and political subdivisions thereof and such other obligations, including money market instruments such as bankers acceptances and certificates of deposit, as state member banks may from time to time be authorized to underwrite and deal in. These activities would be performed from offices of Applicant's subsidiary in New York, New York, and the geographic area to be served is the entire United States.

None of the proposed activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, but the Board has approved the activities by order. Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 15, 1981.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27349 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

Colonial Banc Corp.; Formation of Bank Holding Company

Colonial Banc Corp., Eaton, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Eaton National Bank and Trust Company, Eaton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27350 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

First Citizens Bancorp of Indiana; Formation of Bank Holding Company

First Citizens Bancorp of Indiana, Anderson, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares, less directors' qualifying shares, of the successor by merger to Citizens Banking Company, Anderson, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

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Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27351 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

Flagler Bankshares, Inc.; Formation of Bank Holding Company

Flagler Bankshares, Inc., Flagler, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96.6 per cent or more of the voting shares of First National Bank of Flagler, Flagler, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presenatation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27352 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

Flagship Banks, Inc.; Acquisition of Bank

Flagship Banks, Inc., Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to Flagship National Bank of Highlands County, Sebring, Florida. The bank with which Bank is to be merged is the First National Bank of Sebring, Sebring, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 15, 1981. Any Comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michel Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27353 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

GRP, Inc.; Formation of Bank Holding Company

GRP, Inc., Atlanta, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First Cobb Bankshares, Inc., Marietta, Georgia and thereby indirectly acquiring 100 per cent of the voting shares of First Bank & Trust Co., Marietta, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27354 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

Hongkong Bank International; Corporation to Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Hongkong Bank International, Houston, Texas. Hongkong Bank International would operate as a subsidiary of The Hongkong and Shanghai Banking Corporation, Hong Kong, China. The factors that are considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, idenfity specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27355 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

Independence Bancshares, Inc.; Formation of Bank Holding Company

Independence Bancshares, Inc., Independence, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Security State Bank, Independence, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27356 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

NBC Bancshares, Inc.; Formation of Bank Holding Company

NBC Bancshares, Inc., Jefferson, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 66⅔ per cent or more of the voting shares of the successor by merger to the National Bank of Commerce in Jefferson Parish, Jefferson, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27357 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

Suburban Bankshares, Inc.; Formation of Bank Holding Company

Suburban Bankshares, Inc., Lake Worth, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Suburban Bank, Lake Worth, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27358 Filed 9-18-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Board of Scientific Counselors, NIA; meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute on Aging, November 2-3, 1981, to be held at the Gerontology Research Center, Baltimore, Maryland. The meeting will be open to the public from 9:00 a.m. to adjournment on Monday, November 2, and from 9:00 a.m. until 1:30 p.m. on Tuesday, November 3. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 3, from 1:30 p.m. until adjournment for the review, discussion and evaluation of individual programs, and projects conducted by the National Institutes of Health, NIA, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA Building 31, Room 2C-05, National Institutes of Health, Bethesda, Maryland 20205, (telephone: 301/496-5898) will provide a summary of the meeting and a roster of committee members. Dr. Richard C. Greulich, Scientific Director, NIA, Gerontology Research Center, Baltimore City Hospitals, Baltimore, Maryland 21224, will furnish substantive program information.

Dated: September 14, 1981.

Thomas E. Malone, Ph.D.,

Acting Director, NIH.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 81-27315 Filed 9-18-81; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Neurological and Communicative Disorders and Stroke Council and the Planning Subcommittee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, October 15 and 16, 1981, at 9 a.m. in Building 31-C, Conference Room 6, National Institutes of Health, Bethesda, MD 20205. In addition, a meeting of the Planning subcommittee of the above Council will be held on October 14, 1981, at 1 p.m. to approximately 5:30 p.m. in Building 31, Room 8A28, National Institutes of Health, Bethesda, MD 20205.

The meeting of the full Council will be open to the public from 9 a.m. until approximately 11:30 a.m. on October 15, 1981, to discuss administration, management and special reports. The meeting of the Planning Subcommittee will be open from 1 p.m. to approximately 3 p.m. on October 14 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the Advisory Council meeting will be closed to the public from approximately 11:30 a.m. on October 15, 1981, until the conclusion of the meeting that day, and from 8:30 a.m. until adjournment on October 16, 1981, for review, discussion and evaluation of Research Grant applications and applications for Teacher, Investigator Awards, Research Career Development Awards, and Institutional National Research Service Awards. The meeting of the Planning Subcommittee will be closed from approximately 3 p.m. to adjournment on October 16, 1981, also for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Miss Sylvia Shaffer, Building 31, Room 8A06, HIH, NINCDS, Bethesda, Maryland, 20205, telephone (301) 496–5751, will furnish summaries of the meeting and rosters of committee members.

Dr. John C. Dalton, Executive Secretary, Federal Building, Room 1016, Bethesda, Maryland 20205, telephone (301) 496–9248, will furnish substantive program information.

Dated: August 18, 1981.

Thomas E. Malone, PH.D.

Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program; No. 13.852, Neurological Disorders Program; No. 13.853, Stroke and Nervous System Trauma; No. 13.854, Fundamental Neurosciences Program, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

[FR Doc. 81–27313 Filed 9–18–81; 8:45 am]

BILLING CODE 4110–08–M

National Cancer Advisory and Board Subcommittees; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees on National Organ Site Programs, Special Actions for Grants, and Planning and Budget, October 4–7, 1981, National Cancer Institute, Building 31C, Conference Room 6, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. Portions of the Board meeting will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Portions of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of Committee: *National Cancer Advisory Board.*
Dates of Meeting: October 5–7, 1981.
Place of Meeting: Building 31C, Conference Room 6, National Institutes of Health.
Open: October 5, 8:30 a.m.–3:00 p.m.; October 7, 8:30 a.m. to adjournment.
Agenda: October 5, Reports on activities of the President's Cancer Panel; the Director, National Cancer Institute; Toxicology Studies, Pros and Cons of Animal Models, review of joint studies with Formaldehyde Institute, Human Hybridoma Studies, and reports on the NCAB Subcommittees.
Closed Session: October 6, 8:30 a.m. to adjournment.
Closure Reason: To review research grant applications.
Name of Committee: *Subcommittee on National Organ Site Programs.*
Date of Meeting: October 4, 1981.
Place of Meeting: Building 31C, Conference Room 8, National Institutes of Health.
Open: October 4, 7:30–8:30 p.m.
Agenda: To develop guidelines for the November Organ Site Program review.
Closed: October 4, 8:30 p.m. to adjournment.
Closure Reason: To review organ site program grant applications.
Name of Committee: *Subcommittee on Special Actions for Grants.*
Date and Place of Meeting: October 5, 3:15 p.m. to adjournment, Building 31A, Room 11A–10.
Closed for the Entire Meeting.
Agenda: Review of individual grants.
Name of Committee: *Subcommittee on Planning and Budget.*
Date and Place of Meeting: October 5, 7:30 p.m. to adjournment, Building 31A, Room 11A–10.
Open for the Entire Meeting.
Agenda: To discuss the 1982 and 1983 Budgets and the NCI Evaluation Plan.

Dated: September 14, 1981.

Thomas E. Malone, Ph. D.,

Deputy Director, NIH.

(Catalog of Federal Domestic Assistance Program Numbers: 13.392, project grants in cancer construction; 13.293, project grants in cancer cause and prevention; 13.394, project grants in cancer detection and diagnosis; 13.395, project grants in cancer treatment; 13.396, project grants in cancer biology; 13.397, project grants in cancer centers support; 13.398, project grants in cancer research manpower; 13.399, project grants and contracts in cancer control)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

[FR Doc. 81–27314 Filed 9–18–81; 8:45 am]

BILLING CODE 4110–08–M

Public Health Service

National Toxicology Program Board of Scientific Counselors; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the auditorium, Robert A. Taft Laboratories, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, Ohio, on October 22 and 23, 1981.

The meeting will open to the public from 8:45 a.m. to 4:00 p.m., October 22. The preliminary agenda is as follows:

8:45 a.m.–11:30 a.m.—Review of NTP Program in Inhalation Toxicology
11:30 a.m.–12:00 noon—Other Business
1:00 p.m.–2:30 p.m.—Review of NTP Program in Neurobehavioral Toxicology
2:30 p.m.–4:00 p.m.—NTP Cellular and Genetic Toxicology Program—Concept Review and Status Report on Short-Term Test Development Initiatives

In according with the provisions set forth in Section 552b(c)(6) Title 5 U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on October 22 from 4:00 p.m. to adjournment for further evaluation of NTP programs in inhalation toxicology, and neurobehavioral toxicology, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The meeting on October 23 will be open to the public from 8:45 a.m. to adjournment. The preliminary agenda is as follows:

8:45 a.m.–12:00 noon—Peer Review and Priority Ranking of Chemicals Nominated for NTP Testing. (Twenty-six chemical nominations will be reviewed and are listed in the **Federal Register**, Volume 46, page 35792, July 10, 1981 and Volume 46, page 38143, July 24, 1981.)
1:00 p.m.–2:00 p.m.—Recommendations for Categorizing Bioassay Results as to Strength of Evidence for Carcinogenicity in Animals

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541–3971, FTS 629–3971, will furnish summary minutes of the meeting, rosters of Board members, and other program information.

Dated: September 15, 1981.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 81-27316 Filed 9-18-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Upper Skagit, Wash.; Establishment of Reservation

September 10, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Notice is hereby given that under the authority of Section 7 of the Act of June 18, 1934 (48 Stat. 984), the hereinafter described tracts of land, located in Skagit County, Washington, were proclaimed to be an Indian reservation, effective on September 10, 1981, for the use and benefit of the Upper Skagit Indian Tribe.

Tract No. THC-3900

The South 400 feet as measured along the East line of the SE¼SW¼, Sec. 31, T. 36 N., R. 4 E., Willamette Meridian lying East of the Easterly boundary of the I-5 Highway right-of-way, containing 5.80 acres.

Tract No. THC-3900-B

The North 388.50 feet of the South 788.50 feet as measured along the East line of that portion of the SE¼SW¼ of Sec. 31, T. 36 N., R. 4 E., Willamette Meridian, lying East of the Easterly boundary of the I-5 Highway right-of-way, containing 5.7429 acres, more or less.

Tract No. T1121

The West 60 feet of the following described tract; That portion of Government Lot 3, Section 6, Township 35 North, Range 4 East, Willamette Meridian, lying Northerly of the Old Bow Hill County Road (as located prior to January 18, 1963), and Easterly of the East line of Primary State Highway No. 1, as conveyed to the State of Washington by deed dated October 9, 1958, recorded October 30, 1958, under Auditor's File No. 572316.

Tract No. T1124

That portion of Government Lot 3, Section 6, Township 35 North, Range 4 East, Willamette Meridian, lying Northerly of the Old Bow Hill County Road (as located prior to January 18, 1963), and Easterly of the East line of Primary State Highway No. 1 as conveyed to the State of Washington by deed, dated October 9, 1958, recorded October 30, 1958, under the Auditor's File No. 572316.

Except the West 60 feet thereof as conveyed to the United States of America in trust for the Upper Skagit Indian Tribe by deed, dated April 5, 1977, recorded April 21, 1977, under Auditor's File No. 855055.

Tract No. T1131

Tract 1, Short Plat 45-80, approved July 3, 1980, recorded July 7, 1980, under Auditor's File No. 8007070006 in Volume 4 of Short Plats, pages 131 and 132. Being located in the SE¼NW¼ and the SW¼ of NE¼ of Sec. 31, T. 36 N., R. 4 E., Willamette Meridian.

Tract No. T1132

Parcel A: The North 5 acres of that portion of the NW¼NW¼ Sec. 9, T. 35 N., R. 5 E., Willamette Meridian, lying West of the Bonneville Power Administration right-of-way. The South line of said 5 acres to be parallel to the North line of said NW¼NW¼.

Parcel B: That part of the NW¼NE¼, Sec. 8, T. 35 N., R. 5 E., Willamette Meridian, lying East of the abandoned railroad right-of-way, and the NE¼NE¼.

Parcel C: That portion of the SE¼NE¼, Sec. 8, T. 35., R. 5 E., Willamette Meridian, described as follows: Beginning at a cedar post located on the section line of the NE corner of said SE¼NE¼ which cedar post is designated as the beginning point in that deed to W. A. Stiles, et ux., dated January 24, 1920, filed 2-24-20, as File No. 139489 and recorded in Volume 113 of deeds at page 523, thence south 191.4 feet to a stake as designated in said deed on the North side of the County Road; thence south 76°45′ W. 495 feet; thence S. 46°45′ W. 372.9′ along the North side of public road as designated in said deed to a cedar post as designated in said deed near a small stream from which a hemlock tree six inches in diameter as designated in said deed bears west 25.08 feet; thence north 559.69′ to a cedar post as designated in said deed from which an alder tree as designated in said deed 14″ in diameter east 10.56′ thence East 753.06′ to the point of beginning. EXCEPT that portion of said premises, if any, lying within any existing road or highway: all of the above being situated in Sec. 8, T. 35 N., R. 5 E., Willamette Meridian.

Said lands being subject to all valid rights, reservations, rights-of-way, and easements of record.

The reservation is under the administrative jurisdiction of the Area Director, Portland, P.O. Box 3785, Portland, Oregon 97208. The official custody of the land records for the reservation is with the Portland Title Plant (same address as above), and that office is the office of record for recording and maintenance of these records.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 81-27447 Filed 9-18-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AA-28106]

Alaska Native Claims Selection

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Public Law (Pub. L.) 94-204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfullly reserved prior to conveyance and to issue immediately threafter a revised conveyance reflecting such reservation.

On September 21, 1979, Patent No. 50-79-0151 and Interim Conveyance No. 243 were issued to Cook Inlet Region, Inc., for 2,355.48 acres and 941.37 acres, respectively, of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of Pub. L. 94-204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369), and are described as follows:

Patent No. 50-79-0151 of September 21, 1979—

Seward Meridian, Alaska (Surveyed)

T. 16 N., R. 2 W.,
  Sec. 9, N½SE¼SW¼.
  Containing 20 acres.

T. 17 N., R. 2 W., Sec. 1, lots 3 and 4, SE¼NW¼; Sec. 16, E½, E½NW¼, SW¼NW¼, SW¼; Sec. 36, N½N½, SE¼NE¼, NW¼NE¼SE¼, S½NE¼SE¼, NW¼SE¼.
  Containing 990.30 acres.

T. 18 N., R. 2 W.,
  Sec. 34, lot 6.
  Containing 1.13 acres.

T. 16 N., R. 3 W.,
  Sec. 13, SW¼NE¼.
  Containing 40 acres

T. 17 N., R. 3 W.,
  Sec. 5, lot 8;
  Sec. 36, all.
  Containing 667.73 acres.

T. 18 N., R. 3 W.,
  Sec. 28, SE¼NW¼, E½SW¼.
  Containing 120 acres.

T. 16 N., R. 4 W.,

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Sec. 11, lot 6.

Containing 11.21 acres.

T. 17 N., R. 4 W.,
  Sec. 24, SE¼SE¼;
  Sec. 30, lots 20 to 27 and 29 to 35, inclusive, S½NE¼SW¼, SE¼SW¼SW¼, SE¼SW¼;
  Sec. 31, lots 8, 9, 10, 11, 14 and 15, SW¼NE¼, SW¼SE¼NE¼, E½NW¼;
  Sec. 32, lots 18, 39, 40 and 47, E½NE¼SE¼, S½SW¼NE¼SE¼, SE¼SE¼.

Containing 505.11 acres.
Aggregating 2,355.48 acres.

Interim Conveyance No. 243 of September 21, 1979

Seward Meridian, Alaska (Surveyed)

T. 17 N., R. 1 W.,
  Sec. 16, that portion of the SW¼, southerly of Wasilla-Goose Bay Road right-of-way.

Containing approximately 109 acres.

T. 18 N., R. 1 W.,
  Sec. 16, Tracts A, B and C of ASLS 72–26.

Containing approximately 74.246 acres.

T. 16 N., R. 2 W.,
  Sec. 16 N½ of lot 2.

Containing approximately 19.27 acres.

T. 17 N., R. 2 W.,
  Sec. 36, lots 5, 6, 7, 8, 10, 11, 12, and 14 of Block 1 and lots 4, 5, 8 and 9 of Block 2, Lucy Lake Alaska Subdivision; NE¼SW¼, excluding Block 1 of Lucy Lake Alaska Subdivision, Hayfield Road and Lucy Lake.

Containing approximately 46,29 acres.

T. 18 N., R. 3 W.,
  Sec. 36, lots 1 to 26, inclusive, of Block 1; lots 1, 2, 3, 4, 5 and 16 of Block 3; lots 2, 7, 8, 12 and 13 of Block 5; lots 5, 14, 15, 16, 17 and 18 of Block 6; lots 1 to 5, inclusive, of Block 7; lot 1 of Block 8; lots 11, 12 and 15 of Block 9; lots 1 to 22, inclusive, of Block 10; and lots 1, 2 and 3 of Block 11; Cheri Lake Alaska Subdivision.

Containing approximately 104.892 acres.

T. 17 N., R. 4 W.,
  Sec. 36, lots 11, 12 and 13 of Block 1, South Big Lake Alaska Subdivision; Tract 1–B, South Big Lake Alaska Subdivision, excluding SW¼NE¼NE¼SE¼, SE¼NW¼NE¼SE¼, N½NE¼SW¼NE¼SE¼, E½NW¼SW¼NE¼SE¼.

Containing approximately 95.672 acres.

T. 17 N., R. 5 W.,
  Those portions of Tract "A" more particularly described as (protracted):
  Sec. 9, N½, excluding lots 8 and 9 of U.S. Survey No. 4639 and lakes, SW¼, excluding lot 9 of U.S. Survey No. 4639 and lake, E½SE¼, excluding lake, S½NW¼SE¼, excluding lake, SW¼SE¼;
  Sec. 25, SE¼SE¼, excluding lot 7 of U.S. Survey No. 4637 and West Papoose Twins Lake.

Containing approximately 492 acres.
Aggregating approximately 941.37 acres.

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA–29595, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal Corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 2 C5) An easement twenty-five (25) feet in width for an existing trail along the north shore of Knik Arm in Sec. 9, T. 16 N., R. 2 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 3 C5) An easement sixty (60) feet in width for an existing road beginning at the Hayfield Road north of Lucy Lake in Sec. 36, T. 17 N., R. 2 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

c. (EIN 4 C5) An easement twenty-five (25) feet in width for an existing trail in Sec. 9, T. 17 N., R. 5 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 7 D2) An easement twenty-five (25) feet in width for an existing trail in Sec. 36, T. 17 N., R. 2 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

When this decision becomes final, revised conveyance documents will be issued to Cook Inlet Region, Inc., for the above-described lands reflecting the easements identified above. The revised conveyance documents will remain subject to all other rights, terms, conditions, and convenants contained in Patent No. 50–79–0151 and Interim Conveyance No. 243, respectively.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Daily News.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until October 21, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509.

Ann Johnson,
Chief, Branch of ANCSA Adjudication.

[FR Doc. 81–27350 Filed 9–18–81; 8:45 am]

BILLING CODE 4310–84–M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-154

The following applications were filed in Region I: Send Protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 149216 (Sub-1-2TA), filed September 3, 1981. Applicant: WELLINGTON TRANSPORTATION, INC., 67 Andrew Street, Newton Highlands, MA 02161. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. *Contract carrier;* irregular routes: *Such commodities as are dealt in by a manufacturer or distributor of plastic products, food products, fabric and textile products and shoe products* between points in MA on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Chelsea Industries, Inc., of Boston, MA and its subsidiaries, affiliates and divisions. Supporting shipper: Chelsea Industries, Inc., 1360 Soldiers Field Road, Boston, MA 02135.

MC 158081 (Sub-1-1TA), filed September 4, 1981. Applicant: J. R. SOPKO, INC., Box 177, Cooks Cross Road, Pittstown, NJ 08867. Representative: John R. Sopko (same address as applicant). *Contract carrier;* irregular routes: *Petroleum products and by-products and hazardous waste in bulk, in tank vehicles, and in drums* between points in the U.S. under continuing contract(s) with Brookhaven National Laboratory, Upton, Long Island, NY. Supporting shipper: Brookhaven National Laboratory, Upton, Long Island, NY.

MC 151193 (Sub-1-23TA), filed September 3, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam (same as Applicant). *Contract carrier;* irregular routes: *Dry pasta products, dry noodle macaroni, and spaghetti products, with or without additives,* from Jersey City, NJ, to Atlanta and Thomasville, GA, Miami, Jachsonville, Lakeland, Ocala, Orlando, Pompano Beach, Tampa and Quincy, FL, under continuing contract(s) with C.F. Mueller Company, Jersey City, NJ. Supporting shipper: C. F. Mueller, 180 Baldwin Avenue, Jersey City, NJ.

MC 151941 (Sub-1-5TA), filed September 3, 1981. Applicant: DELMONT E. HARTT, INC., U.S. Rt. 2, Etna, ME 04435. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Frozen and dry foodstuffs* from points in ME to points in CT, DC, FL, GA, IL, IN, MA, MD, MI, MN, NC, NJ, NY, OH, PA, RI, SC, VA, WI, and WV. Supporting shipper(s): A. K. F. Foods, Inc., d.b.a. Potato Service, P.O. Box 809, Presque Isle, ME 04769; Allens Blueberry Freezer, Inc., 248 Main St., Ellsworth, ME; Merrill's Blueberry Farms, Inc., Main St., Ellsworth, ME; McCain Foods, Inc., P.O. Box 281, Washburn, ME 04786.

MC 147915 (Sub-1-4TA), filed September 3, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Blvd. and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street, N.W., Suite 501, Washington, DC 20036-4579. *Household cleaning products, cleaning agents, and materials, equipment and supplies used in the manufacture and distribution of these commodities (except commodities in bulk),* between the facilities of Purex Corporation, on the one hand, and, on the other, points in the U.S. Supporting shipper: Purex Corporation, 1414 Radcliff Street, Bristol, PA 19007.

MC 151078 (Sub-1-6TA), filed September 3, 1981. Applicant: COASTAL FAST FREIGHT, INC., P.O. Box 445, Jersey City, NJ 07303. Representative: Owen B. Katzman, 1828 L Street, N.W., Suite 1111, Washington, DC 20036. *Contract carrier;* irregular routes: *Plastic pellets and resins,* from Houston, TX, to points in the U.S., under continuing contract(s) with Bamberger Polymers, Inc., Houston, TX. Supporting shipper: Bamberger Polymers, Inc., 6401 Cavalcade Street, Houston, TX 77026.

MC 145468 (Sub-1-8TA), filed September 3, 1981. Applicant: KSS TRANSPORTATION CORP., Route 1 & Adams Station, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Road, Omaha, NE 68114. *Food and related products, and such commodities as are dealt in or used by restaurants,* between points in Los Angeles and San Francisco, CA; Dallas, TX; Chicago, IL; Bridgeport, NJ; Orlando, FL; and Bonner Springs, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Proficient Foods Company, 17872 Cartwright Road, Irvine, CA 92714.

MC 150559 (Sub-1-3TA), filed September 3, 1981. Applicant: EMERSON EXPRESS CO., INC., 545 Lyell Avenue, Rochester, NY 14606. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Contract carrier;* irregular routes: *Cellulose insulation, insulation blowing machines, roof vents, backer boards and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities* between points in CT, DE, MA, ME, MD, NJ, NY, NH, PA, RI and VT, under continuing contract(s) with Forest Wool, Inc., Rochester, NY. Supporting shipper: Forest Wool, Inc., 1 Curlew St., Rochester, NY 14606.

MC 154631 (Sub-1-6TA), filed September 8, 1981. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: Richard J. Wood, 357 Arnold Street, Woonsocket, RI 02895. *Contract carrier;* irregular routes: (1) *Plastics,* from Slatersville, RI to points in the U.S. (except AK and HI) and, (2) *Equipment, materials and supplies used in the manufacture, distribution and sale of plastics,* from the above-named destinations to the above-named origins, under a continuing contract(s) with Service Color Corp. of Rhode Island of Slatersville, RI. Supporting shipper: Service Color Corp. of Rhode Island, Woonsocket Industrial Park, Slatersville, RI 02895.

MC 133590 (Sub-1-7TA), filed September 8, 1981. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *General commodities (except Classes A and B explosives and hazardous waste),* between the facilities of Carl Zeiss, Inc. located at points in the U.S. on the one hand, and, on the other, points in the U.S. Supporting shipper: Carl Zeiss, Inc., 1 Skyline Drive, Hawthorne, NJ 07506.

MC 127955 (Sub-1-9TA), filed September 8, 1981. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave. and Aloe St., Pomona, NJ 08240. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Foodstuffs and food related products,* between Lehigh and Westmoreland Counties, PA, Oswego County, NY, Rockingham County, NC, Dougherty and

Lee Counties, GA on the one hand, and, on the other, Camden County, NJ. Supporting shipper: Hub Beer Dist., Inc., 1102 Ferry Ave., Camden, NJ 08104.

MC 149579 (Sub-1–4TA), filed September 8, 1981. Applicant: TRANSPORT SERVICE, INC., 216 Amaral Street, P.O. Box 4167, East Providence, RI 02914. Representative: Jeffrey A. Vogelman, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. *Metal articles and building materials and building supplies,* between points in the Providence, RI commercial zone, on the one hand, and, on the other, points in the U.S. in and east of the western borders of MN, IA, MO, AR, and LA. Supporting shipper(s): Synergy Methods, Inc., 1367 Elmwood Avenue, Cranston, RI 02910; Clifford Metal Sales Co., Inc., 200 Corliss Street, Providence, RI 02940.

MC 158004 (Sub-1–1TA), filed September 2, 1981. Applicant: ADVANCED DELIVERY SYSTEMS, INC., 16 Cross Highway, Westport, CT 06880. Representative: Vito F. Canuso, Jr., Esq., 2700 Two Girard Plaza, Philadelphia, PA 19102. *Contract carrier;* irregular routes: *Retail home furnishings* from Concordville, Delaware County, PA, to Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Montgomery and Philadelphia Counties, PA, and the states of NJ, MD, and DE, under continuing contract(s) with Town and County Fine Furniture, Concordville, PA. Supporting shipper: Town and Country Fine Furniture Inc., P.O. Box 1000, Concordville, PA 19331.

MC 158036 (Sub-1–1TA), filed September 2, 1981. Applicant: MKM TRUCKING, INC., 106 Chestnut Street, Cherry Hill, NJ 08002. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Such commodities as are sold or dealt in by retail stores department stores, or discount houses,* (1) between the facilities utilized by MKM Trucking Inc., at or near Cherry Hill, NJ, on the one hand, and, on the other, points in NJ, NY, PA, DE, MD, VA, and DC; and (2) between the facilities utilized by MKM Trucking, Inc., at or near Dallas, TX, on the one hand, and, on the other, points in OK, TX, KS, and MO. Supporting shipper: Paul Harris Stores, Inc., 6003 Suion Rd., Indianapolis, IN 46254.

MC 40815 (Sub-1–4TA), filed September 4, 1981. Applicant: HARRAN TRANSPORTATION CO., INC., 1417 Jerusalem Avenue, North Merrick, NY 11566. Representative: William H. Shawn, Suite 501, 1730 M Street, N.W., Washington, DC 20036–4579. *Passengers and their baggage and express and newspaper shipments, in the same vehicle with passengers* (1) between Bay Shore, NY and New York City, NY, from Bay Shore over NY Hwy. 27 to Merrick Avenue, then over Merrick Avenue to Jerusalem Avenue, then over Jerusalem Avenue to Washington Avenue, then over Washington Avenue to Clinton Street, then over Clinton Street to the Jerico Turnpike, then over the Jerico Turnpike to Springfield Blvd., then over Springfield Blvd. to Hillside Avenue, then over Hillside Avenue to Interstate Hwy. 495, then over Interstate Hwy. 495 to Midtown Tunnel, then to the Port Authority and George Washington Bridge Terminals in New York City, NY, and return over the same route, and (2) between Hauppauge, NY, and New York City, NY, from Hauppauge over Interstate Hwy. 495 to the Midtown Tunnel, then to the Port Authority and George Washington Bridge Terminals, in New York City, NY, and return over the same route, service in (1) and (2) above all intermediate points in Nassau, Queens, and Suffolk Counties, NY. Supporting shipper(s): There are 72 shippers and public witness supporting this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 155643 (Sub-1–1TA), filed September 4, 1981. Applicant: TRANSPORT LIMOUSINE OF LONG ISLAND, INC., 1600 Locust Avenue, Bohemia, NY 11716. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Passengers and their baggage, in 20 passenger vehicles, in special and charter operations,* begining and ending at points in Nassau and Suffolk Counties, NY, and extending to points in CT, DE, DC, MD, MA, NH, NJ, PA, RI, and VT. Supporting shipper(s): There are ten statements in support of this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 139985 (Sub-1–1TA), filed September 3, 1981. Applicant: BROTHERS TRUCK RENTALS, INC., 264 Illinois Avenue, Paterson, NJ 07507. Representative: Peter Gregory Lordi, Jr., 4 Richard Court, Butler, NJ 07405. *Contract carrier;* irregular routes: *(1) Textiles and related products, and (2) equipment, materials and supplies used in the manufacture, sale and distribution of the commodities named in (1) above except in bulk in tank vehicles)* between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT and WV under continuing contract(s) with United Yarn Products Co., Inc.; Fiberspun Incorporated and Amerspun Corporation all of Wayne, NJ. Supporting shipper: United Yarn Products Co., Fiberspun Incorporated and Amerspun Corporation, all with the address of 400 Newmark Pompton Turnpike, Wayne, NJ 07470.

MC 3717 (Sub-1–1TA), filed September 3, 1981. Applicant: SERVICE WAREHOUSE COMPANY, INC., P.O. Box 2218, Hunter Street Freight Yard, Newark, NJ 07114. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Foods* from Englewood, NJ to points in VT ad ME. Supporting shipper: Universal Foods Corp., 2011 Rolls Ave., Baltimore, MD 21222.

MC 156318 (Sub-1–2TA), filed September 3, 1981. Applicant: SUNRISE FREIGHT SERVICE, INC., 637 Central Avenue, Newark, NJ 07107. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier;* irregular routes: *(1) Steel and alloy products and other commodities described in STCC 33 and 34, and materials and supplies used in the manufacturing and sales thereof, except in bulk,* between Philadelphia, PA, and Newark, Trenton and Wallington, NJ, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Speedline, Inc., Philadelphia, PA; and *(2) Light bulbs, incandescent and fluorescent and materials and supplies used in the manufacturing and sales thereof, except in bulk,* between East Brunswick and Finderne, NJ, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Action Tungsram, Inc., East Brunswick, NJ. Supporting shipper(s): Speedline, Inc., P.O. Box 12788, Philadelphia, PA 19134; Action Tungsram, Inc., 11 Elkins Road, East Brunswick, NJ.

MC 151430 (Sub-1–2TA), filed September 3, 1981. Applicant: SAN-DEE TRUCKING CORP., 19 Chapel Street, Newark, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Food or kindred products, and materials and supplies used in the manufacturing, packaging and sales thereof, except in bulk* between commercial zones of New York, NY, Philadelphia, PA, Hammonton, NJ, Dayville, CT, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): L. A. Picirillo, Inc., and J. D. Beverage Corp., 19 Chapel Street, Newark, NJ 07105.

MC 152320 (Sub-1–2TA), filed September 3, 1981. Applicant: VERSPEETEN CARTAGE LIMITED, 67 Dalton Road, Delhi, Ontario, CD N4B 1B4. Representative: Neill T. Riddell, 900 Guardian Building, Detroit, MI 48226.

Contract carrier; irregular routes: *Tobacco products* between all points in the U.S. under continuing contract(s) with Benson and Hedges Canada, Inc., Quebec, CD. Supporting shipper: Benson and Hedges Canada, Inc., 1010 LaGauchetiere, Suite 800, Montreal, Quebec, CD H3B 2P4.

MC 154631 (Sub-1-5TA), filed September 3, 1981. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02985. Representative: Richard J. Wood, 357 Arnold Street, Woonsocket, RI 02895. *Contract carrier;* irregular routes: *(1) Plastic articles* from Clinton, MA, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV and WI, and *(2) Materials, equipment and supplies used in the manufacture, distribution and sale of plastic articles* from the above named destinations to the above named origins, under continuing contract(s) with Van Brode Milling Company of Clinton, MA. Supporting shipper: Van Brode Milling Company, 56 Sterling Street, Clinton, MA 01510.

MC 145108 (Sub-1-19TA), filed September 3, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren, Bullet Express, Inc., 5600 First Avenue, Brooklyn, NY 11220. *Contract carrier;* irregular routes: *Paper, paper products, plastic, plastic products, and materials, equipment and supplies used in the manufacture, sale and distribution of paper and plastic products,* between points in the U.S. (except AK and HI) under continuing contract(s) with Lily Tulip, Inc., Toledo, OH. Supporting shipper: Lily Tulip, Inc., P.O. Box 1035, First National Bank Bldg., Toledo, OH [illegible].

MC 1756 (Sub-1-2TA), filed September 1, 1981. Applicant: PEOPLES EXPRESS CO., 497 Raymond Blvd., Newark, NJ 07105. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048-0640. *Linseed oil, in bulk, in tank vehicles,* from Jersey City, NJ to points in NY, PA, DE, MD, OH, CT, RI and MA. Supporting shipper(s): Cargill, Inc., 704 U.S. Highway 202, Bridgewater, NJ 08807.

MC 147895 (Sub-1-2TA), filed September 1, 1981. Applicant: EXPRESS TRANSPORT CORP., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) General commodities (except classes A and B explosives, and articles of unusual value) in containers or in trailers, and (2) empty used containers, used trailers and used trailer chassis,* between Charleston, SC and Savannah, GA, on the one hand, and, on the other, points in SC. Supporting shipper(s): The Hipage Co., Inc., P.O. Box 841, Charleston, SC 29402; Battery Brokers & Forwarders, P.O. Drawer J, Charleston, SC 29402; Pan Atlantic Shipping Ltd., 290 Nye Ave., Irvington, NJ; and Maersk Line, P.O. 9707, Savannah, GA 31412.

MC 134806 (Sub-1-17TA), filed August 28, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East-West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier;* irregular routes: *New furniture; household furnishings; garden furniture; mirrors; parts of the above,* from Leominster, MA to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY, under continuing contract(s) with Selig Manufacturing Company, Inc., Leominster, MA. Supporting shipper: Selig Manufacturing Company, Inc., 54 Green Street, Leominster, MA 01453.

MC 155423 (Sub-1-2TA) (Republication), filed July 15, 1981. Applicant: MALAMUTE NATIONAL LINES, INC., 1 East 42nd Street, New York, NY 10017. Representative: Harold Sacks, P.C. 19 West 44th Street, New York, NY 10036. *Contract carrier;* irregular routes: *Passengers and their baggage* between Ocean County, NJ and the New York Port Authority Terminal, New York, NY, under continuing contract(s) with L.H.R. Association, Ortley Beach, NJ. Supporting shipper: L.H.R. Association, 441 Coolidge Avenue, Ortley Beach, NJ. Sole purpose of this is to amend NY to read NJ after Ocean County on previously decided application.

MC 142080 (Sub-1-1TA), filed September 1, 1981. Applicant: LITE TRANSPORT, INC., 480 Neponset Street, Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. *Contract carrier;* irregular routes: *Sporting goods* between New Bedford, MA on the one hand, and, on the other, Escondido, CA; Newark, OH; and Dallas, TX under continuing contract(s) with Acushnet Co. of New Bedford, MA. Supporting shipper: Acushnet Co., P.O. Box B965, New Bedford, MA 02741.

MC 2257 (Sub-1-1TA), filed September 3, 1981. Applicant: LAKELAND EXPRESS, INC., Route 15, Wharton, NJ 07885. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076. *Glass jars and bottles* between the facilities of Owens-Illinois Company at Bridgeton, NJ, and the facilities of The Proctor & Gamble Company at Staten Island, NY. Supporting shipper: The Proctor & Gamble Company, P.O. Box 599, Cincinnati, OH 45201.

MC 136596 (Sub-1-1TA), filed September 4, 1981. Applicant: APACHE TOURS, INC., Routes 206 and 70, Vincentown, NJ 08088. Representative: James H. Sweeney, 468 Kentucky Ave., Williamstown, NJ 08094. *Passengers and their baggage, in charter and special operations,* beginning and ending at Philadelphia County, PA and extending to points in and east of MN, IA, MO, AK and LA. Supporting shipper(s): Town-Country Travel Bureau, 9153 Roosevelt Blvd., Philadelphia, PA; Tours DuJour, Ltd., 1405 Locust St., Philadelphia, PA; Travel Assoc., Ltd., Roosevelt Blvd. and Welsh Rd., Philadelphia, PA; Atlantic City Reservation Service, Bustleton & Welsh Rd., Philadelphia, PA; Center City Women's Club, 1632 67th Ave., Philadelphia, PA.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 125973 (Sub-4-4TA), filed September 8, 1981. Applicant: CROWN WAREHOUSE & TRANSPORTATION COMPANY, INC., 710 East 9th Ave., P.O. Box M799A, Gary, IN 46401. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. *Contract, Irregular General Commodities* (except Classes A and B explosives), between Cleveland, OH; Albion, MI; and Des Plaines, IL, and points within their respective commercial zones, under continuing contract(s) with Lawson Products, Inc. Supporting shipper: Lawson Products, Inc., 1666 E. Touhy Ave., Des Plaines, IL 60018.

MC 134286 (Sub-4-18TA), filed September 8, 1981. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Jack B. Wolfe, 1600 Sherman St., Suite 665, Denver, CO 80203. *(A) General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and hazardous materials)* between points in the U.S. (except AK and HI) restricted to (1) transportation originating at or destined to the facilities utilized by either the Northeastern Pennsylvania Shipper's Co-op Association, Inc. or of its members; (2) to shipments moving on shipper's association bills of lading; and (B) *machinery* from the facilities of I.T.T. Marlow Pump at Midland Park, NJ to points in GA, AL, TX, CA, and VA. Supporting shippers: Northeastern

Pennsylvania Shipper's Co-op Association, Inc., 1212 O'Neill Hwy., Dunmore, PA 18512; and I.T.T. Marlow Pump, P.O. Box 200, Midland Park, NJ 07432.

MC 141889 (Sub-4-9TA), filed September 8, 1981. Applicant: RONALD DEBOER d.b.a. RON DEBOER TRUCKING, Route 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Malt beverages* from Memphis, TN and Longview, TX to points in IL, IA, MN and WI. Supporting shipper: Jos. Schlitz Brewing Co., 235 W Galena St., Milwaukee, WI 53212.

MC 145337 (Sub-4-3TA), filed September 8, 1981. Applicant: P.M.E., LTD., 1557 Brookside Blvd., Winnipeg, Manitoba R2R 1V6. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Carbonated beverages,* from the facilities of Pearl Brewing Co. at San Antonio, TX to the ports of entry along the International Boundary Line between the U.S. and Canada in MN, MT, ND and WA. Underlying ETA seeks 120-day authority. Supporting shipper: Mabo Sales, Ltd., 3815 16th St., S.E., Calgary, Alberta.

MC 145944 (Sub-4-8TA), filed September 3, 1981. Applicant: H & N TRANSPORT, INC., Route 1, Arena, WI 53503. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *Chemicals and related products* between points in IL and WI on the one hand, and, on the other hand, points in IL, IA, MI, MN and WI. Restriction: restricted to transportation to be performed under a continuing contract(s) with Chemical Enterprises, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Chemical Enterprises, Inc., 8582 Katy Freeway, Houston, TX 77024.

MC 145985 (Sub-4-1), filed September 8, 1981. Applicant: GREEN COUNTY EXPRESS, INC., Box 475, Lena, IL 61048. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular, *cheese and gift packs,* from Monroe, WI to Arbutus, MD, Philadelphia, Pittsburg, PA and Cincinnati, OH. Restricted to traffic moving under continuing contracts with Swiss Colony, Inc. Supporting shipper: Swiss Colony, Inc., 1112 7th Ave. Monroe, WI 57566.

MC 152082 (Sub-4-4TA), filed September 3, 1981. Applicant: R.C. SERVICE, INC., P.O. Box 823, Bensenville, IL 60106. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 South LaSalle St., Suite 1600, Chicago, IL 60603. *Contract;* irregular *such commodities as are dealt in or utilized by printers or distributors of printed matter,* between points in the Chicago, IL Commerical Zone, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Lehigh Cadillac Printing, Inc. Supporting shipper Lehigh Cadillac 25th St. & Lexington Ave Boardview, IL 60153.

MC 153721 (Sub-4-2TA), filed September 8, 1981. Applicant: RAF TRANSPORT, INC., R.R. 5, Seymour, IN 47274. Representative: Constance J. Goodwin, Suite 800 Circle Tower, Five East Market St., Indianapolis, IN 46204. *(1) Animal and Poultry Feed Supplements; and (2) Chemicals and related products,* between points in Lake County, IL, and Marion County, IN, on the one hand, and on the other, points in IL and IN. Supporting shipper: TH Agriculture & Nutrition Co, Inc., Two East Madison, Waukegon, IL.

MC 157497 (Sub-4-1), filed September 8, 1981. Applicant: IVAN HABECK, Rte. 1, Box M-8, Ipswich, SD 57451. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Contract* irregular *Metal products,* between Taylorville, IL on the one hand, and, on the other, points in TX, MN, WI, IA, ND, SD, MT, ID, KS, NE, and WA, under continuing contract(s) with National Steel Products Co, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: National Steel Products Co., Inc., Box 368, Route 48W., Taylorville, IL 62568.

MC 157526 (Sub-4-1), filed September 8, 1981. Applicant: A & B TOWING, INC., 7325 W. 59th St., Summit, IL 60501. Representative: Abraham A. Diamond, 29 S. La Salle St., Chicago, IL 60603. *Disabled Vehicles* between points in the U.S. Supporting Shippers: Coleman Movers Co. and D & A Cartage Co., 5101 S. Lawndale Ave., Summit, IL 60501; H & M CARTAGE, P.O. Box 427, Tinley Park, Il 60477; Pops Trucking Co., 1361 Prospect, Willow Springs, IL; and, Zalud Motor Express, 528 N. Stone Ave., La Grange Park, IL 60525. An underlying ETA was filed August 3, 1981.

MC 31533 (Sub-4-3TA), filed September 10, 1981. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 S. Olive St., P.O. Box 545, South Bend, IN 46624. Representative: Richard P. Wright (same address as applicant). Common Carrier—Regular Routes: *General Commodities,* (except classes A and B explosives), (1) Between Chicago, IL and Indianapolis, IN: From Chicago over Interstate Hwy 90 to Jct. Interstate Hwy 69, then south over Interstate Hwy 69 to Indianapolis and return over the same route. From Chicago over Interstate Hwy 94 to Jct. Interstate Hwy 65, then south over Interstate Hwy 65 to Indianapolis and return over the same route; (2) Between Michigan City, IN and Indianapolis, IN: From Michigan City over U.S. Hwy 421 to Jct. IN Hwy 43, then south over IN Hwy 43 to Jct. U.S. Hwy 52, then southeast over U.S. Hwy 52 to Indianapolis and return over the same route; (3) Between South Bend, IN and Indianapolis, IN: From South Bend over U.S. Hwy 31 to Indianapolis and return over the same route; (4) Between Gary, IN and Fort Wayne, IN: From Gary over Interstate Hwy 65 to Jct. U.S. Hwy 30, then east over U.S. Hwy 30 to Fort Wayne and return over the same route. From Gary over U.S. Hwy 6 to Jct. Interstate Hwy 69, then south over Interstate Hwy 69 to Fort Wayne and return over the same route; (5) Between South Bend, IN and Fort Wayne, IN: From South Bend over U.S. Hwy 33 to Fort Wayne and return over the same route.

NOTE: Applicant intends to serve all intermediate points on routes (1) through (5) and the off route points of Knox, Peru and Wabash, IN and to serve the commercial zones of all points requested, and will tack with existing authority in Docket MC 31533 at Chicago, IL; Gary, Michigan City and South Bend, IN. Applicant also intends to interline with other carriers at Rockford and Chicago, IL; South Bend, Fort Wayne, and Indianapolis, IN. There are approximately (28) statements of support attached to the application. An underlying ETA was filed.

MC 40978 (Sub-4-16TA), filed September 9, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. *Plastic products,* from Erie, PA, to Bellwood, IL. An underlying E.T.A. seeks 120 days authority. Supporting shipper: Niagra Plastics Company, 7090 Edinboro Rd., Erie, PA.

MC 119656 (Sub-4-3TA), filed September 10, 1981. Applicant: NORTH EXPRESS, INC., 219 Main St., Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Metal products,* between Winamac, IN on the one hand, and, on the other, New Orleans, LA, Tulsa OK, and points in TX, and from Tulsa, OK to points in TX. Supporting shipper: Plymouth Tube Company, 700 West Eleventh St., Winamac, IN.

MC 135410 (Sub-4-38TA), filed September 8, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462.

Representative: Daniel O. Hands, 205 West Touhy Ave, Suite 200–A, Park Ridge, IL 60068. *Range hoods, fans, heaters, door chimes and trash compacters,* from the facilities of Broan Manufacturing at or near Hartford, WI to Old Forge, PA and points in its commercial zone. Supporting shipper: Broan Manufacturing, 926 West State Street, Hartford, WI 53207.

MC 139276 (Sub-4–7TA), filed September 9, 1981. Applicant: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Ave., Bensenville, Il 60106. Representative: Grace Kasallis (same address as applicant). *Contract* irregular; *metal products* between the Facilities of Pre-Finish Metals, Inc. and Harrington & King Perforating Co. Inc., on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Harrington & King Perforating Co. Inc., 5655 W. Filmore St., Chicago IL 60644; Pre-Finish Metals, Inc., 2300 E. Pratt Blvd, Elk Grove Village, IL.

MC 144323 (Sub-4–5TA), filed September 8, 1981. Applicant: RICHARD P. CHARAPATA, d.b.a. CHARAPATA TRUCKING, N30 W26466 Peterson Drive, Pewaukee, WI 53072. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *food and related products* between points in the U.S., under continuing contracts with Packerland Packing Co., Inc., of Green Bay, WI. Supporting shipper: Packerland Packing Co., Inc., P.O. Box 1184, Green Bay, WI 54305.

MC 144927 (Sub-4–9TA), filed September 9, 1981. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (address same as applicant). (1) *Malt beverages and related advertising materials* (2) *Empty used beverage containers, materials and supplies used in and dealt with by breweries.* (1) From Jefferson County, CO to AR, AZ, LA, MS, MO, TN and TX. (2) From AR, AZ, LA, MS, MO, TN and TX to Jefferson County, CO. An underlying ETA seeks 90 days authority. Supporting shipper: Adolph Coors Company, Golden, Colorado 80401.

MC 146628 (Sub-4–6TA), filed September 9, 1981. Applicant: HUNT SUPER SERVICE, INC., P.O. Box 270, Bradley, IL 60915. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular, *metal containers and bottle caps,* from Kankakee, IL to points in the U.S. Restricted to traffic moving under continuing contracts with Crown Cork & Seal Company, Inc. Supporting shipper: Crown Cork & Seal Company, Inc.; 9300 Ashton Rd., Philadelphia, PA 19136.

MC 148732 (Sub-4–2TA), filed September 10, 1981. Applicant: L & J TRUCKING, INC., P.O. Box 1325, Wisconsin Rapids, WI 54494. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Pulp, paper or allied products,* from Winnebago County, WI to points in the U.S. Applicant seeks an underlying ETA for 120 days. Supporting shipper: Central Paper Co., an Alco Standard Corp., P.O. Box 330, Menasha, WI 54952.

MC 151899 (Sub-4–13TA), filed September 9, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 N. Main St., Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 S LaSalle St., Suite 350, Chicago, IL 60603. *Contract* Irregular: *alcoholic and non-alcoholic beverages and beverage preparations* between Fond du Lac, WI, on the one hand, and, on the other, points in the U.S. under continuing contracts with Badger Liquor Co., Inc., of Fond du Lac, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Badger Liquor Co., Inc., P.O. Box 1357, Fond du Lac, WI 54935.

MC 151981 (Sub-4–1TA), filed September 10, 1981. Applicant: JERRY L. ROBINETTE, d.b.a. JERRY L. ROBINETTE & SON TRUCKING, Route 1, Box 200–A, Whiteland, IN 46184. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridan St., Indianapolis, IN 46204. *Contract:* irregular *plastic containers and materials, equipment and supplies used in the manufacture thereof,* between the plantsites of Hoover Universal, Inc., located at or near Columbus, OH and Franklin, IN, on the one hand, and, on the other, points in CT, DE, MA, NJ, NY, PA and RI, under contract(s) with Hoover Universal, Inc., of Georgetown, KY. Supporting shipper: Hoover Universal, Inc., Route #2 Tri Port Road, Georgetown, KY 40324.

MC 153883 (Sub-4–8TA), filed September 10, 1981. Applicant: HARNIC TRUCKING, INC., P.O. Box 1218, Hammond, IN 46320. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract* irregular: *General Commodities* (except Class A and B explosives), between points in the U.S. under continuing contract(s) with Aaron Equipment Company, Div. Areco, Incorporated. An underlying ETA seeks 120 days authority. Supporting shipper: Aaron Equipment Company, Div. Areco, Incorporated, 9301 W. Bernice St., Schiller Park, IL 60176.

MC 154206 (Sub-4–2TA), filed September 11, 1981. Applicant: DELMAR DONLEY, INC., P.O. Box 13, Williamsville, IL 62693. Representative: Edward D. McNamara, Jr., Leslieann G. Maxey, Attorneys at Law, 907 South Fourth St., Springfield, IL 62703. *Cement* between Greencastle, IN, Clarksville, Hannibal, and St. Louis, MO, on the one hand, and Springfield, IL, on the other hand. Supporting shippers are: Anderson Concrete Pipe Inc., 2917 N. Dirksen Parkway, Springfield, IL 62702 and Atlas Concrete Products Co. 2500 Peerless Mine Road, Springfield, IL 62702.

MC 157516 (Sub-4–2TA), filed September 9, 1981. Applicant: ALL AREA EXPRESS, INC., P.O. Box 5027, Sioux Falls, SD 57117. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities* (except classes A and B explosives), between the facilities of Space Center Kansas City, Inc. located at or near North Kansas City, MO on the one hand, and, on the other, points in the United States. Supporting shipper: Space Center Kansas City, Inc., 8800 Underground Drive N.E., North Kansas City, MO 64161.

MC 157649 (Sub-4–1), filed September 9, 1981. Applicant: MID COASTAL TRUCKING SERVICE, INC., 210 W. 22nd St., Oak Brook, IL 60521. Representative: Abraham A. Diamond, 29 S. La Salle St., Chicago, IL 60603. *General Commodities, except Classes A and B Explosives, in intermodal containers, having a prior or subsequent movement by rail or water;* between points in IL, IN and WI on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, TN and WI. An underlying ETA seeks 120 days authority. Supporting shippers: L.A.S.T., Inc., 210 W. 22nd St., Oak Brook, IL 60521 as Agents for Evergreen Line, Polish Ocean Line and United Tank Corporation.

MC 158090 (Sub-4–1TA), filed September 9, 1981. Applicant: JIM SENSKE, d.b.a. JIM SENSKE TRUCKING, 515 Sheridan, Crookston, MN 56716. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Cement,* from Fargo, ND to Crookston, and East Grand Forks, MN. Supporting shipper: Porta Mix Concrete, Inc., P.O. Box 183, E. Grand Forks, MN 56721 and AAA Ready-Mix, P.O. Box 664, Crookston, MN 56716.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 114274 (Sub-5–17TA), filed September 9, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des

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Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, IL 60601. *Games, Toys and Swimming Pools and Related Products.* From Amsterdam & Gloversville, NY to pts in the U.S. Supporting shipper: Coleco Ind., Inc., 50 Park St., Amsterdam, NY 12010.

MC 140033 (Sub-5-16TA), filed September 8, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Floor coverings and/or materials and supplies used in the installation of floor coverings* between facilities of L. D. Brinkman Company at points in the U.S. on the one hand, and, on the other, points in the U.S. Restricted to shipments originating at or destined to facilities of L. D. Brinkman Co. Supporting shipper: L. D. Brinkman Company, 820 No. Wildwood, Irving, TX 75061.

MC 141805 (Sub-5-22TA), filed September 8, 1981. Applicant: ACTION DELIVERY SERVICE, INC., 2401 West Marshall Drive, Grand Prairie, TX 75051. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Contract; Irregular. *Such commodities as are dealt in or used by manufacturers and distributors of paint, chemicals and related articles,* between points in the U.S. Supporting shipper: The Sherwin-Williams Company, 2802 West Miller Road, Garland, TX 75040.

MC 147196 (Sub-5-25TA), filed September 8, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse (same as above). Contract: Irregular. *General Commodities,* between Orleans Parish, LA on the one hand, and, on the other, the 48 states under a continuing contract or contracts with Arthur J. Fritz & Company, New Orleans, Louisiana 70130.

MC 150093 (Sub-5-5TA), filed September 8, 1981. Applicant: THE TOM DAVIS CORP., d.b.a. DAVIS LINES, 5335 N.W. 111th Drive, Grimes, IA 50111. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Machinery,* between Polk, Linn, Woodbury and Cerro Gordo Counties, IA, on the one hand, and, on the other, pts in the U.S. (including AK but excluding HI). Supporting shippers: (1) Mainline Equipment Co., Inc., 1621 N.E. 51st Avenue, Box 3094, Des Moines, IA 50313; and (2) Midcon Equipment Co., 4101 E. 14th, Des Moines, IA 50313.

MC 151655 (Sub-5-2TA), filed September 9, 1981. Applicant: FRANK BROS. TRUCKING CO., 349 Abbott Avenue, Hillsboro, TX 76645. Representative: Charles E. Munson, Doherty & Munson, P.O. Box 1945, Austin, TX 78767. *(1) Roofing and roofing materials and (2) materials, equipment, and supplies used in or incidental to the manufacture, installation, and distribution of the commodities named in (1)* above between points in Morris County, TX and Carter County, OK, on the one hand, and, on the other, points in LA, AR, OK, NM, and TX. Supporting shipper: Georgia-Pacific Corp., Rosemont, PA.

MC 153414 (Sub-5-2TA), filed September 8, 1981. Applicant: U.S. POLLUTION CONTROL, INC., 2000 Classen Center, Suite 310 South, Oklahoma City, OK 73106. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Hydrofluoric acid,* from Tulsa, OK to Golden, CO. Supporting shipper(s): Ozark Mohoning Company, 5101 West 21st Street, Tulsa, OK 74107.

MC 155090 (Sub-5-5TA), filed August 24, 1981. Applicant: S & T TRUCKING CO., INC., P.O. Box 4054, Kansas City, MO 64101. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. Contract; Irregular. *Printed matter; pulp paper, or allied products* from Kansas City, KS, to points in IL, WI, IN, MN, ND, MI, IA, NE, MO, ME, OH, MD, PA, CO, FL, GA, KY, MA, NJ, NY, TX, VA, and DC. Supporting shipper: National Envelope Corporation, 11 Lincoln Street, Kansas City, MO 60103.

MC 156753 (Sub-5-2TA), filed September 8, 1981. Applicant: TURNER BROS. ENTERPRISES, INC., Tebbetts, MO 65081. Representative: Bruce C. Harrington, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. *SALT (SODIUM CHLORIDE—ALL GRADES—IN BULK)* Between the Commercial zones of Salt Lake City, UT; Ogden, UT; Hutchinson, KS and Kanopolis, KS on the one hand and pts in IL and MO on the other hand. Supporting shipper: Gunther Salt Co., 920 S. 2nd St., St. Louis, MO 63102.

MC 157931 (Sub-5-1TA), filed September 8, 1981. Applicant: MURRAY DISTRIBUTING COMPANY, 2001 E. Commercial, Springfield, MO 65803. Representative: Tom Murray (same address as applicant). Contract irregular *General commodities (except classes A & B explosives and household goods)* between points in the U.S. under continuing contract(s) with Hutchens Industries, Incorporated of Springfield, MO. Supporting shipper: Hutchens Industries, Incorporated, 215 N. Patterson, Springfield, MO 65805.

MC 158093 (Sub-5-1TA), filed September 8, 1981. Applicant: H & H DISTRIBUTING CO., INC., 304 S. Vine, West Union, IA 52175. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Canned goods* from Franklin County, IA, and Columbia County, WI to Jackson, Clay, Cass, and Platte Counties, MO and Wyandotte, Johnson and Leavenworht Counties, KS. Supporting shippers: (1) Lodi Canning Co., Inc., 307 Nestles Avenue, Lodi, WI 53555; (2) Ackley Food Processors, Inc., Highway 20 West, Ackley, IA 50601.

MC 109818 (Sub-5-10TA), filed September 10, 1981. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. Contract, irregular: *General commodities (except Classes A and B explosives, household goods as defined by the I.C.C., and commoditdies in bulk),* between pts in the U.S., under continuing contract(s) with Aluminum Company of America, at Pittsburgh, PA. Supporting shipper: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

MC 114274 (Sub-5-16TA), filed August 28, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Suite 3520, Chicago, IL 60601. *Pulp, Paper or Allied Products, Printed Matter, Chemicals or Allied Products, and Materials, Equipment & Supplies used in the manufacture of the above.* Between Cincinnati, OH., Des Moines, LA & Tate Cove, LA on the one hand and on the other pts in U.S. Except AK & HI. Supporting shipper: Frye Copy Systems Corp. 2515 Dean Ave., Des Moines, IA 50317.

MC 119789 (Sub-5-49TA), filed September 10, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *General commodities* (except Class A and B explosives) between the facilities of Norris Industries and its divisions at points in the U.S. and points in the U.S. (except AK and HI). Supporting shipper: Norris Industries, One Golden Shore, Long Beach, CA 90802.

MC 127047 (Sub-5-5TA), filed September 10, 1981. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, 67219. Representative: Lester C. Arvin, 814

Century Plaza Building, Wichita, KS 67202. *Mobile beverage dispensers,* Between Sumner County, KS on the one hand, and, on the other, pts in the U.S. Supporting shipper(s): Pro-Ten Marketing Corportion, 15 Industrial Avenue, P.O. Drawer 249, Wellington, KS 67152.

MC 128007 (Sub-5-9TA), filed September 11, 1981. Applicant: HOFER, INC., Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, P.O. Box 1979. Topeka, KS 66601. *Iron and steel pipe and sprinkler systems and accessories,* between the facilities of Mid American Pipe Fabricating & Supply Co., Inc., at or near Scammon, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Mid American Fabricating Pipe & Supply Co., Inc., Route 1, Scammon, KS 66773.

MC 143648 (Sub-5-1TA), filed September 10, 1981. Applicant: CORALVILLE TRANSPORT, INC., R. R. #1, Lamont, IA 50650. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Gasoline and fuel oil,* between Dubuque and Bettendorf, IA, on the one hand, and, on the other, pts in WI, IL, and MN. Supporting shipper: Fauser Oil Co., Inc., 111 Center Street, Elgin, IA 52141.

MC 146792 (Sub-5-2TA), filed September 11, 1981. Applicant: OASIS LINES, INC., 805 North Cage St., Pharr, TX 78577. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Hides,* from points in CO, IN, IA, KS, KY, MO, NE, NM, OH, OK, and WI to points in TX, restricted to traffic moving for the account of Kaufmann Trading Corporation. Supporting shipper: Kaufmann Trading Corp., New York, NY.

MC 148832 (Sub-5-6TA), filed September 10, 1981. Applicant: DELTA MOTOR, FREIGHT, INC., 1616 Rowe Boulevard, Poplar Bluff, MO. 63901. Representative: Ronald D. Dodds (same address as applicant). Common Regular *General Commodities (except classes A and B explosives and hazardous wastes)* (1) between Dexter, MO. and Cairo, IL. over MO Hwy 25 to Jct US Hwy 60, then over US Hwy 60 to Cairo (2) between Hayti, MO. and Festus, MO. over MO Hwy 84 to Jct US Hwy 61, then over US Hwy 61 to Festus (3) between Cairo, IL. and Cape Girardeau, MO. over IL. Hwy 3 to Jct IL. Hwy 127, then over IL. Hwy 127 to Jct IL. Hwy 146, then over IL. Hwy 146 to Cape Girardeau, MO. Serving all intermediate points in (1), (2), and (3) and serving Mound City, Mounds, Olive Branch, Anna, Wolf Lake, and Cobden in IL., and Ste. Genevieve, Perryville, Neely's Landing, Morley, E. Prairie, Matthews, Kewannee, Chaffee, and Oran in MO. as off route points. Applicant intends to tack this authority with its existing authority and to interline at gateway points. Supporting shippers: There are 128 supporting shippers.

MC 151400 (Sub-5-2TA), filed September 11, 1981. Applicant: MARTIN L. LEWIS, d.b.a. M. L. LEWIS DISTRIBUTING, 790 Woodland, El Paso, TX. 79922. Representative: Martin L. Lewis, 790 Woodland, El Paso, TX. 79922. Contract; Irregular. *Agricultural Products, Chemicals, Fertilizer, Building Products, Carpet, Floor Tile, Steel and Iron Articles,* between El Paso, TX. on one hand, and, on the other, points in KY., VA., TN., NC., SC., GA., LA., MS., FL., and all points West of the Mississippi River. Supporting shipper: 8.

MC 153138 (Sub-5-5TA), filed September 11, 1981. Applicant: LARRY DON EASLEY, d.b.a. EASLEY TRUCKING, Post Office Box 103, Ben Wheeler, TX 75754. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Air coolers and related accessories* from the facilities of the General Electric Company at or near Tyler, TX to points in the States of CA, AZ, OR, WA, NV, and UT. Supporting shipper: General Electric Corp., Tyler, TX.

MC 154690 (Sub-5-3TA), filed September 10, 1981. Applicant: NEAL FERTILIZER, INC., R.F.D., Dexter, IA 50070. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Dry fertilizer,* from Omaha, Falls City and Nebraska City, NE and Kansas City, Brunswick and Booneville, MO to pts in IA. Supporting shipper: DeBruce Fertilizer, Inc., P.O. Box 10670, Gladstone, MO 64118.

MC 157586 (Sub-5-2TA), filed September 10, 1981. Applicant: CHEROKEE SALES, P.O. Box 521, Muskogee, OK 74401. Representative: George Spencer, 7 North Block, #204, Fayetteville, AR 72701. *Food and Related Products*—Between the facilities of Stillwell Foods, Inc., at or near Adair, Cherokee and Muskogee Counties, OK; and, Cameron, Hildago, and Willacy Counties, TX, on the one hand, and, on the other, points in AR, AZ, CA, CO, IA, IL, IN, KY, MI, MN, MO, NC, NE, NM, OK, OH, OR, PA, SC, TN, TX, VA, WA, and WY. Supporting shipper: Stillwell Foods, Inc., Post Office Box 432, Stillwell, OK 74960.

MC 158162 (Sub-5-1TA), filed September 11, 1981. Applicant: CON PAC, INC., P.O. Box 1146, West Monroe, LA 71291. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. (1) *Malt beverages and related advertising materials;* (2) *empty used beverage containers and materials and supplies used in and dealt with by breweries,* between Jefferson County, CO and points in LA. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 153263 (Sub-6-2TA), filed September 1, 1981. Applicant: ANGELYNES, INC., P.O.B. 472, Berthoud, CO 80513. Representative: Robert D. Brown, 401 E 50th St., Loveland, CO 80537. *Contract* carrier: *irregular* routes: *Fiberglass, mineral wool, building insulation, lumber, sheetrock, and related building materials (i.e., polyethylene vapor barriers, preformed wall and ceiling grids, (steel), sheetrock, styrofoam and polyurethane sheeting, insulated roof decking and shingles, all related attaching parts and materials*); between Pevely, MO; Kansas City, KS; McPherson, KS; Waxahachie, TX; Texarkana, TX; Texarkana, AR; Salt Lake City, UT; and construction sites and storage facilities in KS, CO, and WY under continuing contracts with Metropolitan Insulation Supply; Sutton Insulation Company, Inc.; and Ideal Insulation, Inc., for 270 days. Supporting shippers: Metropolitan Insulation Supply Co. Inc., P.O.B. 1675, Englewood, CO 80150; Ideal Insulation, Inc., 2899 So. Santa Fe Dr. Unit 3, Englewood, CO 80110; Sutton Insulation Co., Inc., 5220 W. 3rd Ave. Lakewood, CO.

MC 158087 (Sub-6-1TA), filed September 8, 1981. Applicant: BEST DELIVERY SERVICE, INC., P.O.B. 6263, San Bernardino, CA 92412-6263. Representative: Cynthia Ludvigson, P. O. Box 6425, San Bernardino, CA 92412-6425. *Contract Carrier;* irregular routes: *Printed greeting cards, gift wrap and such commodities as dealt in by card and gift shops,* between all points in CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hallmark Cards, Inc., 2101 North Lightburne, Liberty, MO, 64068.

MC 134387 (Sub-6-26TA), filed September 8, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Paper, paper products and equipment, materials and supplies used in the manufacture and distribution of paper and paper products,* (1) between

Potlatch Corporation facilities located in Nez Perce County, ID on the one hand and on the other, all points in WA, OR, CA, UT and AZ; and (2) from Franklin County, WA to all points in OR, CA, UT and AZ, for 270 days. Supporting shipper: Potlatch Corporation, P.O. Box 7864, San Francisco, CA 94120.

MC 158007 (Sub-6-1TA), filed September 4, 1981. Applicant: ANTHONY F. SALMERI, d.b.a. CHRISTIAN BROTHERS TRUCKING. 1128 South 9th St., Grand Junction, CO 81501. Representative: Anthony F. Salmeri (same as applicant). *Contract Carrier*, irregular routes: *Lumber, Plywood, Roofing Materials*, and *Exterior Siding;* from Points in UT, ID, CA, WA, MT, OR, and WY to points in CO, for the account of Better Buy Builders for 270 days. Supporting shipper: Better Buy Builders Supply, 716 Arrowest Dr., Grand Junction, CO 81501.

MC 148472 (Sub-6-2TA), filed September 8, 1981. Applicant: CLOVER CLUB FOODS COMPANY, P.O.B. 228, Kaysville, UT 84037. Representative: Bruce W. Shand, Suite 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carrier;* irregular routes: *Plastic containers* from Nampa ID to points in UT and CO and from Spokane WA to Nampa ID under a continuing contract(s) with Quintex Corporation of Nampa, ID for 270 days. Supporting shipper: Quintex Corporation, 205 S. 20th St., Nampa ID 83651.

MC 158074 (Sub-6-1TA), filed September 3, 1981. Applicant: DEBERNARDI BROS., INC., 514 "G" St., Rock Springs, WY, 82901. Representative: Keith P. Tyler, P.O. Box 1171, Casper, WY 82601. *Contract carrier:* Irregular routes: *Fly Ash,* in tank vehicles, between Rock Springs, WY, Ogden and Salt Lake City, UT, for the account of Pozzolanic International, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pozzolanic International, 2448 75th S.E., Mercer Island, WA 98040.

MC 150758 (Sub-6-6TA), filed September 3, 1981. Applicant: GUTHMILLER TRUCKING, INC., P.O. Box 206, Union City, CA 94587. Representative: Eldon M. Johsnon, 650 California St., Suite 2808, San Francisco, CA 94108. *Paper and related products,* from Halsey, OR, to points in CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Can Company, Serramonte Plaza, 333 Gellert Blvd., Daly City, CA 94015.

MC 127580 (Sub-6-1TA), filed September 8, 1981. Applicant: HALE TRUCKING, INC., P.O. Box 177, Roswell, NM 88201. Representative: Michael T. Worley, P.O. Box 177, Roswell, NM 88210. *Contract carrier,* Irregular routes: *Lumber, plywood, particleboard, wood products, building materials, roofing and related products,* from, to, or between points in TX, AZ, NM, and CO, for the account of Louisiana-Pacific Corporation, for 270 days. Supporting shipper: Louisiana-Pacific Corporation, 1300 S.W. Fifth Avenue, Portland, OR 97201.

MC 158085 (Sub-6-1TA), filed September 3, 1981. Applicant: JAN MEISELMAN, d.b.a. JAN MEISELMAN TRUCKING, 2450 Beverley Ave., Apt. #6, Santa Monica, CA 90405. Representative: Jan Meiselman (same as applicant). *Contract carrier:* Irregular routes: (1) *Oil and solvents 50 Gal drums and other case goods,* from Los Angeles, CA to points in NV, for the account of Bortz Oil, for 270 days; and (2) *Plumbing supplies and plastic and steel pipe,* from Los Angeles, CA to points in NV, for the account of Familian Pipe and Supply, for 270 days; and (3) *Plumbing supplies plastic and steel pipe and misc steel,* from Los Angeles, CA to points in NV, for the account of Kelly Pipe Co., for 270 days. Supporting shipper(s): Bortz Oil Co., Inc., 1729 N. Naud St., Los Angeles, CA 90012; Familian Pipe and Supply, 4200 Spring Mtn. Rd., Las Vegas, NV 89102; Kelly Pipe Co., 11700 Bloomfield Ave., Santa Fe Springs, CA 90670.

MC 158073 (Sub-6-1TA), filed September 3, 1981. Applicant: MEMOREX DISTRIBUTION AND SERVICES CORPORATION, Central and San Tomas Expressways, Santa Clara, CA 95052. Representative: John Paul Fischer, Esq., 256 Montgomery St., 5th Floor, San Francisco, CA 94101. *Contract carrier,* irregular routes: *General commodities (except Classes A and B explosives)* between Santa Clara, CA and Summerville, SC, on the one hand, and, on the other, all points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Memorex DIC Corporation, 1040 Di Giulio Ave., Santa Clara, CA 95052.

MC 146464 (Sub-6-8TA), filed September 4, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., 469 Idaho St., Elko, NV 89801. Representative: David E. Wishney, POB 837, Boise, ID 83701. *Mining equipment, materials and supplies and oil drilling mud compounds,* (1) from points in NM, OK and TX to points in WY and UT; (2) from points in AZ and CO to points in WY, and (3) from points in WY to points in CA, for 270 days. Supporting shipper: Mill-Chem, Inc., 3900 S 715 East, Salt Lake City, UT.

MC 146464 (Sub-6-9TA), filed September 4, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., 11560 S State, Draper, UT 84020. Representative: Timothy R. Stivers, P.O.B. 1576, Boise ID 83701. *Cereals and bakery goods* and *pet foods* from the facilities of Ralston Purina Company at or near Minneapolis, MN, Battle Creek, MI, Lancaster and Sharonville, OH, Louisville, KY and Davenport, IA to Denver, CO, Salt Lake City, UT and Flagstaff, AZ and also from the facilities of Ralston Purina Company at or near Flagstaff, AZ to points in CA and from the facilities of Ralston Purina Company at Denver, CO to Salt Lake City, UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 52869 (Sub-6-1TA), filed September 1, 1981. Applicant: NORTHERN TANK LINE, P.O. Box 970, Miles City, MT 59301. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. *Refinery cracking stock* from Williston, ND to Cody, WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Husky Oil Co., 600 South Cherry Street, Denver, CO 80222.

MC 158107 (Sub-6-1TA), filed September 8, 1981. Applicant: P & H TRUCKING, LTD., 5951 Marion Dr., Denver, CO 80216. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740. *Contract Carrier,* Irregular routes: *Meat and packinghouse commodities,* from points in CO to points in NY, NJ, MA, PA, FL and GA, for the account of Pepper Packing Co., for 270 days. Supporting shipper: Pepper Packing Co., 901 East 46th Ave., Denver, CO 80216.

MC 34227 (Sub-6-4TA), filed September 3, 1981. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, 15910 E. Colfax, Aurora, CO 80011. Representative: James P. Beck, 717 17th St., Suite 2600, Denver, CO 80202. *Contract carrier,* irregular routes: *Printed advertising materials,* from Atlanta, GA to Salt Lake City, UT and points in CA and CO under continuing contract(s) with Simon Marketing, Inc., for 270 days. Supporting shipper: Simon Marketing, Inc., 1379 Logan Circle, NW., Atlanta, GA 30318.

MC 158040 (Sub-6-1TA), filed September 1, 1981. Applicant: RON HOLLAND, d.b.a. PARKVIEW A SERVICE COMPANY, 618 East 14th St., Post Falls, ID 83854. Representative: Ron Holland (same as applicant). *Contract Carrier,* Irregular routes: *Mobile Homes, Modular Structures, Mobile Offices,* from Post Falls, ID to points in ID, MT, WA, or OR for 270 days. Supporting shipper(s): Peter's Manufactured Homes, Inc., P.O.B. 965, Post Falls, ID; Country Boys, Inc., P.O.B. 1088, Post Falls, ID; Micq-Div., Design Space International, East 3711 Trent Ave., Spokane, WA; Mobile Corral, West 2430 Seltice, Post Falls, ID.

MC 158114 (Sub-6-1TA), filed September 8, 1981. Applicant: MERLIN SHIELDS, d.b.a. MERLIN SHIELDS TRUCKING, 8390 West Victory Road, Boise, ID 83709. Representative: Merlin Shields, 8390 West Victory Road, Boise, ID 83709. *Contract,* Irregular: *pressure treated timber products, pre-cut log homes and building materials* between points in the U.S. under continuing contract(s) with Pressure Treated Timber Company, Inc., for 270 days. Supporting shipper: Pressure Treated Timber Co., Inc., 3200 Gowen Rd., Boise, ID 83705.

MC 147528 (Sub-6-8TA), filed September 8, 1981. Applicant: T.A.S. TRUCKING, INC., 2652 Springwood Dr., Meridian, ID 83642. Representative: Dan L. Poole, P.O. Box 1559, Boise, ID 83701. *Contract Carrier,* irregular routes: *glass, glass products, materials and supplies used in the manufacture and distribution thereof,* between points in ID, CA, OR, WA, TX and MO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bel-Knap Industries and Inland Glass Co., a wholly owned subsidiary of Bel-Knap Industries, 3500 Commercial Court, Meridian, ID 83642.

MC 110325 (Sub-6-56TA), filed September 4, 1981. Applicant: TRANSCON LINES, P.O.B. 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. *General commodities* (except Class A and B explosives) between Bayport, Houston and Pasadena, TX, and Buffalo and Niagara Falls, NY, under a continuing contract(s) with The Goodyear Tire & Rubber Company, for 270 days. Supporting shipper: The Goodyear Tire & Rubber Company, 1144 E. Market St., Akron, OH 44316.

MC 151225 (Sub-6-8TA), filed August 25, 1981. Applicant: DON WARD, INC., 241 W. 56th Ave., Denver, CO 80216. Representative: Don Ward (same as applicant). *Iron ore* from Woody Creek, CO to Laramie, WY for 270 days. Supporting shipper: Monolith Portland Cement Co., 2480 W. 26th Ave., Suite 162B, Denver CO 80211.

MC 112989 (Sub-6-20TA), filed September 8, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 So., Eugene, OR 97405. Representative: John T. Morgans (same as applicant). *Rubber and plastic products,* between points on the U.S.-Canadian border, on the one hand, and, on the other, points in CA, ID, MT, NV, OR, UT and WA, for 270 days. Supporting shipper: Anthane, Inc., P.O.B. 7274, Boise, ID 83707.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27370 Filed 9-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-3-169

Decided: September 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 1934 (Sub-45), filed September 8, 1981. Applicant: THE ARROW LINE, INC., 105 Cherry St., East Hartford, CT 06108. Representative: Helen D. Smith (same address as applicant), (203) 289-1531. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special operations, beginning and ending at Hartford, CT and Springfield, MA, and extending to Saratoga Race Track, at Saratoga Springs, NY.

MC 105375 (Sub-88), filed September 4, 1981. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Ave., Newport, MN 55055. Representative: Joseph A. Eschenbacher, Jr., P.O. Box 289, Newport, MN 55055, (612) 459-3344. Transporting *general commodities* (except classes A and B explosives), between the facilities of Minnesota Mining and Manufacturing Company (3M), at points in the U.S., on the one hand, and, on the other, points in AR, IL, IA, KS, LA, MN, MO, NE, ND, OK, SD, TX, and WI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In other to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 121195 (Sub-4), filed September 8, 1981. Applicant: WARREN H. CLARK, d.b.a. COLORADO MOTOR EXPRESS, 3770 Holland St., Wheat Ridge, CO 80033. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203, (303) 837–1204. Transporting *general commodities* (except classes A and B explosives), between points in CO.

MC 124678 (Sub-2), filed September 2, 1981. Applicant: JOHN F. MAHR, d.b.a. MAHR BROS. TRANSPORTATION CO, P.O. Box 507, Coventry, CT 06238. Representative: William P. Sullivan, 818 Connecticut Ave., N.W., Washington, DC 20006, (202) 331–3700. Transporting *rubber and plastic products*, between points in the U.S. under continuing contract(s) with Fome-Craft, Inc., of Portsmouth, VA.

MC 125335 (Sub-124), filed September 8, 1981. Applicant: GOODWAY TRANSPORT, INC. P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501, (402) 474–6763. Transporting *general commodities* (except classes A and B explosives), between the facilities of ITOFCA, Inc., or its members, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 125535 (Sub-32), filed August 28, 1981. Applicant: NATIONAL SERVICE LINES INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569–1161. Transporting *air coolers and heating units*, between points in the U.S. under continuing contract(s) with Airtherm Manufacturing Co., of St. Louis, MO.

MC 126034 (Sub-6), filed August 31, 1981. Applicant: McHUGH BROTHERS HEAVY HAULING, INC., P.O. Box 196, 152 Monroe Ave., Penndel, PA 19047. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting *those commodities* which because of their size or weight require the use of special handling or equipment, between points in the U.S.

MC 136275 (Sub-32), filed September 8, 1981. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 777 Executive Blvd., El Paso, TX 79922. Representative: Dann L. Drewry (same address as applicant), (915) 532–2691. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Southwestern Portland Cement Company of El Paso, TX.

MC 138875 (Sub-311), filed September 8, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208) 376–5757. Transporting *metal products and prefabricated metal buildings*, between points in CO, on the one hand, and, on the other, points in ID and OR.

MC 140025 (Sub-9), filed September 4, 1981. Applicant: L & T, INC., 2650 West Beaver St., Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fl 32202, (904) 388–6514. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Bill Rivers Corp., of Jacksonville, FL.

MC 140615 (Sub-67), filed July 7, 1981, previously published in the **Federal Register** issue of July 22, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant), (715) 421–0888. Transporting *rubber and plastic products*, and *metal products* between points in the U.S. *This republication corrects the territorial description.

MC 141774 (Sub-37), filed September 1, 1981. Applicant: R & L TRUCKING CO., INC., 105 Rocket Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, (205) 578–2836. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, SC, TN, TX, and VA.

MC 142524 (Sub-1), filed September 8, 1981. Applicant: SPICER TRUCK SERVICE, INC., 121 Caden Dr., Nashville, TN 37211. Representative: Ruth M. Spicer (same address as applicant), (615) 244–2641. Transporting (1) *wrecked, disabled, stolen, repossessed and abandoned motor vehicles*, in truckaway service, and (2) *replacement vehicles for wrecked or disabled motor vehicles*, between points in TN, on the one hand, and, on the other, points in the U.S.

MC 145765 (sub-14), filed September 3, 1981. Applicant: WIEST TRUCKLINE, INC., Route #2, Jamestown, ND 58401. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting (1) *metal products*, and (2) *building materials*, between points in Buchanan County, MO, and Doniphan County, KS, on the one hand, and, on the other, points in ND, SD, MN, KS, NE, MT, WY, CO, TX, NM, and IL.

MC 147734 (Sub-1), filed September 3, 1981. Applicant: PIGGYBACK DRAYAGE, INC., P.O. Box 86018, 1601 Penn Ave., Pittsburgh, PA 15221. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 148334 (Sub-3), filed September 4, 1981. Applicant: BLUE MOUNTAIN TRUCKING CORPORATION, P.O. Box 86, Blue Mountain, MS 38610. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting *expanded plastic articles*, between points in Worcester County, MA, and Salt Lake County, UT, on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IN, KS, KY, LA, MS, MO, NC, NJ, NM, NY, OH, OK, PA, SC, TN, TX, VA, and WV.

MC 149295 (Sub-1), filed September 4, 1981. Applicant: H&H HOT SHOT DELIVERY SERVICE, INC., 13907 Gainsville, Houston, TX 77015. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024, (713) 827–1407. Transporting (1) *Mercer Commodities*, and (2) *metal products*, between points in TX, on the one hand, and, on the other, points in AL, AR, MS, OK, NM, and WV.

MC 151854 (Sub-1), filed September 1, 1981. Applicant: FOXTRAN, INC., P.O. Box 29, Belle Vernon, PA 15012. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *food and related products*, between points in Allegheny, Berks, Butler, and Westmoreland Counties, PA, and Cabell County, WV, on the one hand, and, on the other, points in CT, IN, KY, MD, MA, NJ, NY, OH, PA, VA, and WV.

MC 152285 (Sub-3), filed August 31, 1981. Applicant: PACKERLAND TRANSPORT, INC., 2580 University Ave., P.O. Box 1184, Green Bay, WI 54305. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705, (608) 238–3119. Transporting *food and related products*, (a) between points in IL, IN, IA, MI, MN, OH, and WI, and (b) between points in IL, IN, IA, MI, MN, OH, and WI, on the one hand, and, on the other, points in the U.S.

MC 153644, filed August 31, 1981. Applicant: ABOUTOWN CABS LIMITED, 24 Horton St., London, Ontario, Canada N6B 3K2. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. Transporting *passengers and their baggage,* and *small packages and freight,* in the same vehicle with passengers, in round-trip charter and special operations, and in sightseeing and pleasure tours, between ports of entry on the International boundary line between the U.S. and Canada, in MI, MN, and NY, on the one hand, and, on the other, points in the U.S.

MC 156724, filed June 17, 1981, previously published in the **Federal Register** issue of July 7, 1981. Applicant: H. TABENKEN & CO., INC., 33 School St., Veazie, ME 04401. Representative: David Earl Tinker, 1000 Connecticut Ave., NW, Suite 1112, Washington, DC 20036, (202) 887–5868. Transporting *alcoholic beverages,* between points in ME, DE, CT, MD, MA, NJ, NH, NY, PA, and VA.

Note.—This republication corrects the territorial description.

MC 157994, filed August 28, 1981. Applicant: FRIENDSHIP TOURS, INCORPORATED, 4812 Morrison Rd., Richmond, VA 23230. Representative: May Gentry Gallier (same address as applicant), (804) 359–5575. As a *broker,* at points in Henrico County, VA, in arranging for the transportation by motor vehicle of *passengers and their baggage,* round-trip, special and charter operations, beginning and ending at points in VA, and extending to points in the U.S.

MC 158084, filed September 4, 1981. Applicant: MAXEY TRUCKING INC., 8305 Berwyn, Houston, TX 77037. Representative: C. W. Ferebee, 14614 Falling Creek, Suite 124–P, Houston, TX 77024, (713) 537–8156. Transporting *machinery,* between points in TX, on the one hand, and, on the other, points in AR, LA, MS, and OK.

MC 158095, filed September 8, 1981. Applicant: DELBERT NOBLITT, d.b.a. DELBERT NOBLITT TRUCKING, P.O. Box 182, Vici, OK 73859. Representative: Michael H. Lennox, 531 N. Portland, Box 75613, Oklahoma City, OK 73147, (405) 943–2722. Transporting *Mercer commodities,* between points in KS, OK, LA, NM, and TX.

Volume No. OPY–4–370

Decided: September 15, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 155486, filed September 8, 1981. Applicant: A.T.C., INC., Rt. #3, Box 31–A, Lake Zurich, IL 60047. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–1240. Transporting *rubber and plastic products,* between points in Lake County, IL, on the one hand, and, on the other, points in the U.S.

MC 147896 (Sub-9), filed September 8, 1981. Applicant: WESTERN SONTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: David B. Rosenman, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting *transportation equipment,* between points in CA, on the one hand, and, on the other, points in GA, IL, IA, OH, and OR.

MC 156086, filed September 4, 1981. Applicant: MARGARET RAGONESE, d.b.a. JOHNNY "R", 624 So. 29th St., Milwaukee, WI 53215. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53215, (414) 273–7410. Transporting *such commodities* as are dealt in by a manufacturer of printed matter, between points in the U.S., under continuing contract(s) with Columbian Art Works, Inc., of Milwaukee, WI.

MC 156356 (Sub-1), filed September 8, 1981. Applicant: MAGNUM MOTOR EXPRESS, INC., 1134 So. 84th Ave., Palos Hills, IL 60463. Representative: Patrick H. Smyth, 105 W. Madison St., Suite 1008, Chicago, IL 60603, (312) 263–2397. Transporting *general commodities* (except classes A and B explosives), between the facilities of Continental Group, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 157926 (Sub-1), filed September 8, 1981. Applicant: SPARHAWK TRUCKING, INC., 130 25th Ave., So., Wisconsin Rapids, WI 54494. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *food and related products,* between points in Green Lake and Winnebago Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 158006, filed August 31, 1981. Applicant: LE GRAND VEHICULE enr., 15 Daniel Johnson, Laval, Quebec, Canada HYV 2C1. Representative: JoAnne Aubin, 4237 Delanaudiere, Montreal, Quebec, Canada H2J 3N8, (514) 525–5840. In foreign commerce only, transporting *such commodities* as are used by entertaining groups between ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S.

MC 158096, filed September 8, 1981. Applicant: BEST WAYS EXXPRESS, INC., 129 176th St., S., Suite 6, Spanaway, WA 98387. Representative: Kenneth R. Mitchell, 2317 Milwaukee Way, Tacoma, WA 98421, (206) 922–5822. Transporting (1) *lumber and wood products,* and (2) *building materials,* between points in AR, CA, CO, ID, IL, IA, KS, MI, MO, MT, NE, NM, OK, OR, TX, UT, WA, WI, WY, on the one hand, and, on the other, points in the U.S.

MC 158106, filed September 4, 1981. Applicant: RED CARPET CHARTER SERVICE, INC., 9 Pleasant Ave., Pensacola, FL 32505. Representative: Ralph B. Matthews, 235 Peachtree St., N.E., Suite 1200, Atlanta, GA 30303, (404) 522–2322. Transporting *passengers and their baggage* in charter operations, beginning and ending in FL and extending to points in AL, GA, KY, LA, MS, NC, SC, TN, TX, VA, and DC.

MC 158126, filed September 9, 1981. Applicant: R FREIGHT CARRIERS, INC., P.O. Box 2342, 738 Wealthy St., Grand Rapids, MI 49503. Representative: Baylee Reid, 18966 Grand River Ave., Detroit, MI 48223, (313) 272–3360. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

Vol. No. OPY–5–149

Decided: September 14, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 142359 (Sub-12), filed August 24, 1981. Applicant: PORT EAST TRANSFER, INC., Pulaski Hwy & 68th St., Baltimore, MD 21237. Representative: Mel P. Booker, Jr., 110 S. Columbus St., Alexandria, VA 22313, (703) 836–6115. Transporting *general commodities* (except classes A and B explosives), between port cities in MA, CT, RI, NY, NJ, NH, ME, DE, MD, PA, VA, NC, SC, GA, FL, AL, LA, MS, and TX, on the one hand, and, on the other, points in and east of IA, MN, MO, OK, and TX.

MC 143059 (Sub-185), filed August 24, 1981. Applicant: MERCER TRANSPORTATION CO., INC., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant), (502) 584–2301. Transporting *general commodities* (except classes A and B explosives), between port cities in ME, MA, CT, NY, NJ, PA, MD, DE, VA, NC, SC, GA, FL, AL, MS, LA, TX, NM, AZ, CA, OR, WA, MT, ND, MN, WI, MI, OH, AR, OK, TN, KY, IN, IL, and MO, on the one hand, and, on the other, points in the U.S.

MC 144929 (sub-8), filed August 28, 1981. Applicant: B & J TRUCKING, INC., Frontage Road, Rt. 3, Piedmont, SC 29673. Representative: Brian S. Stern, 5411–D Backlick Rd., Springfield, VA 22151, (703) 941–8200. Transporting *such*

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commodities as are dealt in or used by manufacturers or distributors of fiber glass, between points in the U.S., under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 148738 (Sub-3), filed September 2, 1981. Applicant: JOE MORRIS TRUCKING, INC., River Drive and Petersburg Road, P.O. Box 341, Jackson, MN 56143. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927–8855. Transporting (1) *lumber and lumber products*, under continuing contract(s) with Schaberg Lumber Co., and (2) *general commodities* (except classes A and B explosives), under continuing contract(s) with Carl Weissman & Sons, Inc., of Great Falls, MT, between points in the U.S.

MC 149308 (Sub-16), filed August 28, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paint, between points in the U.S., under continuing contract(s) with Olympic Stains, a Division of Comerico, of Bellevue, WA.

MC 156049, filed August 28, 1981. Applicant: CASPER CARTAGE, INC., 6265 Fairwood, Dearborn Heights, MI 48127. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of beverages, under continuing contract(s) with Mavis Beverage Corporation, and Vernors, Inc., both of Detroit, MI, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of containers, under continuing contract(s) with National Can Corporation, of Chicago, IL, between points in the U.S.

MC 157129, filed July 1, 1981. Applicant: PERKIOMEN TOURS & TRAVEL, INC., 875 Main St., Pennsburg, PA 18073. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, D.C. 20005, (202) 783–3525. To operate as a *broker*, at Pennsburg, PA, in arranging for the transportation of *passengers and their baggage*, between points in the U.S.

MC 157288, filed August 25, 1981. Applicant: HAGGARD TRUCK LINE, INC., P.O. Box 1736, Gonzales, LA 70737. Representative: Janet Boles Chambers, 8211 Goodwood Blvd., Baton Rouge, LA 70806, (504) 644–2833. Transporting *Mercer commodities*, between points in LA, TX, OK, MS, GA, AL, FL, and AR.

MC 157908, filed August 24, 1981. Applicant: SHERMAN LIMOUSINE SERVICE, INC., 3129 NW 65th Dr., Ft. Lauderdale, FL 33309. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, Fl 33166, (305) 592–0036. Transporting *passengers and their baggage*, limited to the transportation of not more than 15 passengers (excluding the driver) in one vehicle, at one time, in special and charter operations, between points in FL, on the one hand, and, on the other, Atlanta, GA, New Orleans, LA, Birmingham, AL, Dallas, TX, and points in FL.

MC 157988, filed August 31, 1981. Applicant: LIDO LIMOUSINE SERVICE, INC., 11524 La Maida St., North Hollywood, CA 91601. Representative: Ronald M. Hirano, 777 North Broadway, Suite 310, Los Angeles, CA 90012, (213) 680–1821. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special operations, (a) between Los Angeles, CA and Las Vegas, NV, and (b) between San Francisco, CA and Lake Tahoe, NV.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–27368 Filed 9–18–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP5–98]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: September 11, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing document will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full affect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be isssued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 117519 (Sub-8F), filed October 23, 1980. Initially published in the FR on November 17, 1981. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottawa, KS 66067. Representative: Clylde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *coal*, between points in the U.S., under continuing contract(s) with Clemans Coal Co., of Pittsburg, KS. CONDITION: Any permit issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of its certificate in MC-117519 Sub 4.

Note.—This application is republished to show that it is contract-carrier authority rather than common-carrier authority.

[FR Doc. 81-27365 Filed 9-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

[Volume No. OPY-5-151]

Decided: September 14, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract". Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 156298, filed June 1, 1981. Applicant: FREIGHT DISTRIBUTION SERVICES, INC., 1925 E. Vernon Ave., Los Angeles, CA 90058. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067 (213) 879-5955. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 157959, filed August 28, 1981. Applicant: JAMES MICHAEL LASTINE, 815 Jackson Street North, St. James, MN 56081. Representative: James Michael Lastine (same address as applicant) (507) 375-4680. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 157968, filed August 27, 1981. Applicant: TED L. RAUSCH CO. of OREGON, 1628 N. W. Everett St., Portland, OR 97209. Representative: David C. Buffam (same address as applicant) (503) 248-1022. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157989, filed August 31, 1981. Applicant: RENATE KAY GROSS, d.b.a. ARKAY FREIGHT AGENCY, 202 N. 161 E. Ave., East Union 76, Tulsa, OK 74116. Representative: Diana Gross (same address as applicant) (918) 234-7211. As a *broker of general commodities (except household goods), between points in the U.S.*

MC 158019, filed September 1, 1981. Applicant: GARY L. LIVINGSTON d.b.a. LIVINGSTON LINES, P.O. Box 490, Panora, IA 50216. Representative: Gary L. Livingston (same address as applicant) (515) 755-2971. Transporting (1) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S., and (2) *shipments weighing 100 pounds or less,* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

[FR Doc. 81-27362 Filed 9-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Decision Volume No. OPY-4-VOL-435]

Motor Carriers; Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broaden grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 114177 (Sub-4) (Republication), filed May 14, 1981; published in the FR issue of May 29, 1981; and republished this issue. Applicant: CONSOLIDATED DUMP TRANSPORTATION CO., INC., 3220 East 95th Street, Chicago, IL 60476. Representative: Joseph P. Murdock, P.O. Box 40248, Indianapolis, IN 46240. A Decision of the Commission, Review

Board 2, decided August 14, 1981, and finds that performance by the applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *ores and minerals;* (2) *metal products;* (3) *petroleum or coal products;* (4) *chemicals and related products;* and (5) *waste or scrap materials,* between points in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin, will serve a useful public purpose, responsive to a public demand or need, that the applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note.—The purpose of this republication is to give proper notice of the authority granted.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-27363 Filed 9-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OPY5-150]

Motor Carriers; Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened granted of authority over that previously noticed in the **Federal Register.**

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.252 addressing specifically the issue(s) indicated as the purpose for republication.

By the Commission.

Agatha L. Mergenovich,
Secretary.

MC 150578 (Sub-17) (republication), filed April 20, 1981, published in the **Federal Register** issue of May 13, 1981, and republished this issue. Applicant: STEVENS TRANSPORT, a Division of Stevens Foods, Inc., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same address as applicant). An Order of the Commission, Review Board 3, decided August 5, 1981, and served August 21, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common* carrier, by motor vehicle, over irregular routes, in the transportation of *frozen foods,* between Philadelphia and points in Montgomery, Lehigh, and Wyoming Counties, PA, Portland and points in Yamhill County, OR, San Jose, San Francisco, and Los Angeles, CA, points in Shelby County, TN, Atlanta, GA, points in Camden and Hudson Counties, NJ, points in Ottawa County, MI, points in Onondaga County, NY, Tampa, FL, Dallas, TX, points in Cook County, IL, and Denver, CO, on the one hand, and, on the other, points in the United States, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 81-27364 Filed 9-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 165]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 15, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applicants may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,
Secretary.

FF-450 (Sub-1)X, filed September 8, 1981. Applicant: AMERICAN WORLD FORWARDERS, INC., 4411 East 119th Street, Grandview, MO 64030. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead permit to remove the exception of AK permits nationwide authority to transport used household goods, unaccompanied baggage and used automobiles.

MC 31879 (Sub-46)X, filed September 4, 1981. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, INC., 101 West 10th Avenue, North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove a restriction from its Sub-No. 41F certificate by eliminating the restriction against the transportation of parcels, packages, or articles weighing in the aggregate more than 200 pounds from any one consignor, at any one location, to any one consignee, at any one location on any one day.

MC-39443 (Sub-No. 26)X, filed September 4, 1981. Applicant: THOMPSON, INC., Quincy, IL 62301. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions from its lead and Sub-Nos. 8, 9, 10, 11, 14, 15, 17, 18, 19, 21, and 24 certificates to: (1) broaden the commodity description from farm machinery, set up, and parts, farm machinery, and farm implements, and feeders, and animal and poultry treating equipment in the lead and Sub-No. 24 to "machinery" and from insecticides, dry earth paint, fertilizer, dry fertilizer, pesticides, and medicines in the lead and Sub-Nos. 8, 9, 10, 11, 14, 15, 17, 18, and 24 to "chemicals and related products"; (2) replace authority to serve named points with county-wide authority: Racine County, WI for Burlington, WI in the lead; Saint Clair County, IL for East St. Louis, IL in the lead and Sub-Nos. 9, 10, and 18; Hancock County, IL for Elvaston, IL in the lead; Floyd County, IA, St. Joseph County, IN, and Winnebago County, IL for Charles City, IA, South Bend, IN, and Rockford, IL in the lead; Adams County, IL for Quincy, IL in the lead and Sub-Nos. 8, 9, 17, 19, and 21; Whiteside County, IL for Fulton, IL in Sub-No. 9; Shelby County, MO for Hunnewell, MO, in Sub-No. 10; Henry County, IL for Alpha, IL in Sub-No. 11; Johnson County, KS for Olathe, KS in Sub-Nos. 14 and 18; and Vermilion County, IL for Danville, IL in Sub-Nos. 15 and 18; (3) replace existing one-way authority with radial authority in each of the above numbered certificates; (4) remove restrictions against the transportation of commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading and those of unusual value, and household goods in the lead; (5) eliminate the restriction against the transportation of insecticides (other than agricultural) in Sub-No. 8; eliminate restrictions in bulk and against the transportation of liquid fertilizer in Sub-Nos. 9, 10, and 19; and eliminate the restriction against the transportation of liquid feeds in Sub-Nos. 19, 21, and 24.

MC 41432 (Sub-175)X, filed August 10, 1981. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., Suite 708, 2355 Stermmons Freeway, Dallas, TX 75207. Representative: Edwin M. Snyder, Wayland Little, P.O. Box 45538, Dallas TX 75245. Applicant seeks to remove restrictions in its lead and Sub-Nos. 91, 95, 96, 97, 98, 99, 100, 101, 102, 105, 107, 108, 109, 110, 111, 112, 113, 114, 117, 118, 120, 121, 123, 124, 125, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 141, 142, 143, 144, 145, 147, 153, 154, 163F, 155F, 166F, 167F, 171, 172, 160F, 168F, and 150, and Nos. MC–F13171, MC–F14065, MC–F13409 and MC–F12872 to (A) remove all exceptions, except clasess A and B explosives, the general commodity authority in its lead and Sub-Nos. 95, 97, 99, 102, 107, 109, 113, 117, 121, 123, 124, 125, 129, 130, 131, 132, 133, 135, 136, 137, 141, 142, 143, 144, 145, 147, 153, 154, 155, 160, 163, 166, 167, 168, 171, 172, MC–F14065, MC–F13409, MC–F12872; and remove all exceptions to the general commodity authority in its lead and Sub-Nos. 91, 95, 96, 98, 99, 100, 101, 105, 107, 108, 109, 110, 111, 113, 114, 134, 150, 166, and Nos. MC-F13171, and MC–F12872; [this is consistent with applicant's other authorities which authorize transportation of explosives and ammunition]; (B) broaden the commodity descriptions from (1) putty and insecticide in containers to "chemicals and related products" vinegar, in containers, and canned goods to "food and related products", castings and iron and steel articles to "metal products," livestock to "farm products," food, grain, grain products, agricultural machinery, and implements and petroleum products, in containers to "food and related products, machinery, and petroleum, natural gas, and their products," in Sub-No. 107; (2) milk and milk products to "food and related products," in Sub-No. 109; (3) wooden handles to "lumber and wood products," in Sub-No. 120; (4) groceries, and petroleum products, except petroleum products in bulk, in tank vehicles to "food and related products and petroleum, natural gas and their products", alcoholic liquors to "food and related products," and paper to "pulp, paper and related products," in No. MC–F–12872; and (5) empty motor vehicles, in backhaul operations to "transportation equipment", in the lead (C) remove the "commodities in bulk" and "size and weight" restriction, Sub-No. 107 (sheet No. 15); (D) remove the restriction prohibiting or limiting service to the transportation of traffic (a) moving to, from, through, between and/or interchanged at named points in the lead (sheet No. 7), and Sub-Nos. 95, 100, 109 (sheet Nos. 2, 16 and 20), 113 (sheet No. 5), 125, 133, 154 (sheet No. 10), 160F (sheet No. 11), and Nos. MC–F–13409 (appendix-Pages 2, 4 and 5) and MC–F–12872 (appendix-Pages 2, 3, 4, 9 and 10), and (b) originating at, interchanged at or destined to named points, in Sub-Nos. 96, 97, 107 (sheet Nos. 2, 9, 13 and 15), 127, 160F (sheet No. 11), and No. MC–F–12872 (sheet No. 10); (E) authorize intermediate point service along its described regular routes, which transverse the states of AL, AR, AZ, CA, CO, CT, FL, GA, ID, IL, IN, IA, KS, KY, LA, MA, MD, MI, MS, MO, NE, NM, NV, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, WI, WV, WY, and DC in the lead and Sub-Nos. 91, 95, 107, 109, 110, 111, 112, 113, 123, 133, 134, 143, 145, 150, 154, 155, 160, 171, 172 and Nos. MC–F–13171 and MC–F–14065 (E) broaden off-route point, facility, or city-wide authority to county-wide authority: (1) facility at Bynum, AL, to Calhoun County, AL, in Sub-No. 95; (2) facility in DuPage County, IL, to DuPage County, IL, in Sub-No. 96; (3) Stone Mountain, Tucker and Tucker-Stone Mountain Industrial District, GA, to DeKalb County, GA, in Sub-No. 97; (4) plant site at Bridgeton, MO to St. Louis County, MO, in Sub-No. 98; (5) plant site at DuPage Township, IL, to Will County, IL, in Sub-No. 100; (6) plant site at Little River County, AR, to Little River County, AR, in Sub-No. 101; (7) plant site at Lonoke, AR, to Lonoke County, AR, in Sub-No. 105; (8) plant site in Burns Harbor, IN to Porter County, IN, the site at Mossville, IL, to Peoria County, IL, Springfield, IL in Sangamon County, IL, Galesburg, IL, to Knox County, IL, Robertson, MO, to ST. Louis County, MO, Alton, IL to Madison County, IL, East St. Louis, IL to St. Clair County, IL, Waukegan, IL to Lake County, IL, and the plantsite at Robertson, MO to St. Louis County, MO, in Sub-No. 107; (9) plant site at Texarkana, TX to Bowie County, TX in Sub-No. 108; (10) Stege, CA to Contra Costa County, CA, Piedmont, CA to Alameda County, CA, Banta, CA to San Joaquin County, CA to Tulare County, CA, Lemoore Air Field to Kings County, CA, Bowles, CA to Fresno County, CA, Sunrise City, CA to Los Angeles County, CA Pinecrst, CA to Tuolumne County, CA, Knights Ferry, CA to Stanislaus County, CA, Oil City, CA to Kern County, CA, Sanger, CA to Fresno County, CA, Longview, WA to Cowlitz County, WA, Ridgefield, WA, to Clarke County, WA, Berkeley, CA to Alameda County, CA, Florin, CA to Sacramento County, CA, Orange Cove, CA to Fresno County, CA, Roseville, CA, to Placer County, CA, Army Cantonment, CA, to Butte County, CA, U.S. Chico, CA, to Tehama County, CA to Tehama County, CA, Red Bluff, CA to Tehama County, CA, San Francisco County, CA to San Francisco County, CA, Sacramento, CA to Sacramento County, CA, Stockton, CA to San Joaquin County, CA, Oakland, CA to Alameda County, CA, Emeryville, CA to Alameda County, CA, Modesto, CA, to Stanislaus County, CA, Merced, CA to Fresno, CA to Fresno County, CA, off-route points within the 25 mile radius of Interstate Highway 10 between Los Angeles Harbor, CA and Globe, AZ, to Gila County, AZ, Pinal County, AZ, Maricopa County, AZ, Yuma County, AZ, Riverside County, CA, San Bernardino, CA, and Los Angeles County, CA, Curtiss, AZ, to Cochise County, AZ, off-route points within 25 miles of Los Angeles, CA to Los Angeles County, CA, Orange County, CA, and Ventura County, CA, Davis-Monthan Field, AZ to Pima County, AZ, Dallas, TX to Dallas County, TX, San Antonio, TX to Bexar County, TX, Fort Worth, TX to Tarrant County, TX, El Paso, TX to El Paso County, TX, Houston, TX to Harris County, TX, Iraan, TX to Pecos County, TX, Wink, TX to Winkler County, TX, Bellemont, AZ to Coconino County, AZ, Queen Creek, AZ to Maricopa County, AZ, Magma, AZ to Pinal County, AZ, Cleator, AZ to Yavapai County, AZ, Gilbert, AZ to Maricopa County, AZ, Gunsight, AZ to Pima County, AZ, Pantex Ordnance Plant and Amarillo Army Air Field, TX to Carson County, TX, Sundown, TX to Hockley County, TX, Levelland, TX to Hockley County, TX, Buena Vista, TX to Pecos County, TX, Abell City, TX to Carson County, TX, plant site near Rankin, TX to Upton County, TX, and plant sites near Texon, TX to Reagan County, TX, in Sub-No. 109; (11) Fort Huachuca, AZ to Cochise County, AZ, off-route points located within 25 miles of certain Arizona highways to Cochise County, AZ, Santa Cruz County, AZ, Pima County, AZ, and Pinal County, AZ, in Sub-No. 110; (12) Glendale, OR to Douglas County, OR, and facility at or near Eagle Point, OR to Jackson County, OR, in Sub-No. 113; (13) facilities at Baytown, TX to Harris County, TX, in Sub-No. 114; (14) Norcross, GA to Gwinnett County, GA, in Sub-No. 117; (15) Bossier City, LA to Bossier County, LA, in Sub-No. 118; (16) Diboll, TX to Angelina County, TX, in Sub-No. 120; (17) plant site near Millington, TX to Shelby County, TN, in Sub-No. 121; (18) facilities near Mt. Vernon, IL to Jefferson County, IL, in Sub-No. 124; (19) Lone Star, TX to Morris County, TX, in Sub-No. 127; (20) plant site and warehouse facilities at or near Orting, WA to Pierce County, OR, in Sub-No. 129; (21) facilities at Romeo, MI to Macomb County, MI, in Sub-No. 130; (22) plant site and warehouse facilities at or near Salinas, CA, to Monterey County, CA, in Sub-No. 131; (23) plant site at Walcott, IA to Scott County, IA, in Sub-No. 135; (24) plant site at Malvern, AR to Hot Spring County, AR, in Sub-No. 136; (25) Holiday Industrial Park in DeSoto County, MS to DeSoto County, MS, in Sub-No. 137; (26) facilities at Wichita Falls, TX to Wichita County, TX, in Sub-No. 141; (27) facilities at Beasley, TX to Fort Bend County, TX, in Sub-No. 142; (28) facilities at Jacksonville, AL, to Calhoun County, AL, in Sub-No. 144; (29) facilities at Chocolate Bayou, TX to Brazoria County, TX, in Sub-No. 147; (30) off-route points within 5 miles of U.S. Hwys No. 101 and 101 Alternate between Los Angeles, CA and Santa Barbara, CA, to Santa Barbara County, CA, Ventura County, CA, and Los Angeles County, CA, in Sub-No. 150; (31) facilities in Burke County, GA to Burke County, GA, in Sub-No. 153F; (32) Augusta, GA to Richmond County, GA, Savannah, GA to Chatham County, GA and Newnan, GA, to Coweta County, GA, in Sub-No. 154; (33) Sweeny, TX to Brazoria County, TX, Seadrift, TX, to Calhoun County, TX and Ingleside, TX to San Patricio County, TX, in Sub-No. 155; (34) Lawton, OK to Comanche County, OK, Chickasha, OK, to Grady County, OK, Anadarko, OK, to Caddo County, OK, ponca City, OK to Kay County, OK, Bartlesville, OK to Washington County, OK, Shawnee, OK to Pottawatomie County, OK, Seminole, OK to Seminole County, OK, Conway, AR to Faulkner County, AR, Morrilton, AR to Conway County, AR, Fayetteville, AR to Washington County, AR, Neosho, MO to Newton County, MO, Pittsburg, KS to Crawford County, KS, Sedalia, MO to Pettis County, MO, Boonville, MO to Cooper County, MO, Jefferson City, MO to Cole County, MO, Columbia, MO to Boone County, MO, Mexico, MO to Audrain County, MO, Enid, OK to Garfield County, OK, Wichita, KS to Sedgwick County, KS, Newton, KS to Harvey County, KS, McPherson, KS to McPherson County, KS, Arkansas City, KS to Cowley County, KS, El Dorado, KS to Butler County, KS, Ames, IA to Story County, IA, Marshalltown, IA to Marshall County, IA, Des Moines, IA to Polk County, IA, Tama, IA to Tama County, IA, Council Bluffs, IA to Pottawattamie County, IA, Amana, IA to Iowa County, IA, Cedar Rapids, IA to Linn County, IA, Iowa City, IA to Johnson County, IA, Waterloo, IA to Black Hawk County, IA, Independence, IA to Buchanan County, IA, Oelwein, IA to Fayette County, IA, Dyersville, IA to Dubuque County, IA, Cordova, IL to Rock Island County, IL, Sterling, IL to Whiteside County, IL, Dixon, IL to Lee County, IL, Albert Lea, MN to Freeborn, MN, Owatonna, MN to Steele County, MN, Faribault, MN to Rice County, MN, Antigo, WI to Langlade County, WI, Merrill, WI to Lincoln County, WI, Rhinelander, WI to Oneida County, WI, Mt. Pleasant, IA to Henry County, IA, Iowa City, IA to Johnson County, IA, Cedar Rapids, IA to Linn County, IA, Cedar Falls, IA to Black Hawk County, IA and Austin, MN to Mower County, MN, in Sub-No. 160; (35) facilities at Cairo, IL to Alexander County, IL, in Sub-No. 163F; (36) facilities at Payson, UT to Utah County, UT, in Sub-No. 166F; (37) facilities at Cameron, TX to Milam County, TX in Sub-No 167F; (38) Bridgeport, CT to Fairfield County, CT, Greenwich, CT to Fairfield County, CT, Middletown, CT to Middlesex County, CT, Yonkers, NY to Westchester County, NY, Hoboken, NJ to Hudson County, NJ, Canton, CT to Hartford County, CT, Montville, CT to New London County, CT, Rockville, CT to Tolland County, CT, Thompson, CT to Windham County, CT, Torrington, CT to Litchfield County, CT, New Milford, CT to Litchfield County, CT and Baltic, CT to London County, CT, in Sub-No. 172; (39) Feeding Hills, MA to Hamden County, MA in MC–F–14065; (40) Columbia, SC to Richland County, SC, Charlotte, NC to Mecklenburg County, NC, Allwood, NJ to Passaic County, NJ, Bayonne, NJ to Hudson County, NJ, Bergen, NJ to Hudson County, NJ, Essex, NJ to Essex County, NJ, Granton, NJ to Hudson County, NJ, Hillside, NJ to Union County, NJ, Cockeysville, MD to Baltimore County, MD and Savannah, GA, to Chatham County, GA, in MC–F–13409; (41) Jeanette, PA to Westmoreland County, PA, Mount Savage, MD to Allegany County, MD, those points in MD within 8 miles of Baltimore to Baltimore County, MD, Howard County, MD, and Anne Arundel County, MD, those points in PA within 20 miles of Pittsburgh to Allegheny County, PA, Westmoreland County, PA, and Washington County, PA, points in MD within 5 miles of Washington to Prince George County and Montgomery County, MD, points in VA within 10 miles of Washington to Fairfax County, VA, points within 10 miles of Hwy 36 between Frostburg, MD, and Luke, MD to Allegany and Garrett Counties, MD, and Mineral County, WV, points within 10 miles of U.S. Hwy 219 between Keysers Ridge, MD and Parson, WV, to Garrett County, MD and Preston and Tucker Counties, WV, Belmont, OH to Belmont County, OH, Edgewood, IN to Madison County, IN, Broad Ford, PA to Fayette County, PA, Noblesville, IN to Hamilton County, IN, Steubenville, OH to Jefferson County, OH, Zanesville, OH, to Muskingum County, OH, Woodbury, NJ to Gloucester County, NJ, Waukesha, WI to Waukesha County, WI, Washingtonville, OH to Columbiana County, OH, Princeville, IL to Peoria County, IL, plant site at Luckey, OH, to Wood County, OH, and plant site at Dwight, IL, to Livinston County, IL, in MC–F–12872; (42) site of Ferrells Bridge Reservoir to Marion County, TX, plant site near Evadale, TX to Jasper County, TX, plant sites near Texarkana, TX to Bowie County, TX, plant site near Mapleton, IL to Peoria County, IL, plant site near Bryan's Mill, TX to Cass County, TX, plant site near Swan, TX to Smith County, TX, Nederland, TX to Jefferson County, TX, Mesquite, TX to Dallas County, TX, Longbranch, TX, to Panola County, TX, Dodson, TX to Collingsworth County, TX, plant site near Daingerfield, TX to Morris County, TX, Hot Springs, AR to Garland County, AR, McFadden, AR to Jackson County, AR, plant site near Hope, AR to Hempstead County, AR, Flat River, AR to St. Francois County, AR, Crystal City, AR to Jefferson County, AR, Easton, TX to Gregg County, TX, site of Lake Cherokee Dam to Rusk County, TX, and plant site near Ft. Worth, TX to Tarrant County, TX, in the lead; (G) change one-way authority to two-way authority on its described regular routes between (1) Houston and Fort Worth; Houston and Dallas; Houston and San Antonio; and San Antonio and Waco, TX, in the lead; (2) St. Louis, MO and Dubuque, IA and Alton, IL and Charles City, IA; Marshalltown and Vinton, IA and St. Louis, MO; Mount Pleasant and

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Wapello, IA and St. Louis, MO; Waukeegan, IL and Detroit, MI; Woodstock, IL and Detroit, MI; Putnam County, IL and AR, MO, MI and TN; McDonough County, IL, and East St. Louis, IL; and points in the St. Louis, MO–East St. Louis, IL Commercial Zone, and points in McDonough County, IL, in Sub-No. 107; and (H) change one-way authority to radial authority between points in various combinations of States throughout the US, in Sub-Nos. 118, 120 and 127.

MC 73533 (Sub-21)X, filed July 29, 1981, and previously noticed in **Federal Register August 24, 1981, republished as corrected this issue.** Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8F, 9F, 10F, 11, 12F and 13 certificates and MC–146656 Sub-Nos. 5F, 6F, 9F, 59F, 60F, and 61F permits as previously noticed and, in addition, to replace city-wide with county-wide authority, Albany, NY with Albany, Shenectady, and Rensselear Counties, NY, and Somerset, NJ with Somerset and Middlesex Counties, NJ, in Sub-No. 13F. The purpose of this republication is to correct the inadvertent omission of Schenectady, Rensselaer, and Middlesex Counties.

MC 111231 (Sub-368)X, filed September 8, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 253F, 277F, 292F, 315F, 320F 325F certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; in all certificates (2) delete joinder only restrictions in Sub-Nos. 253, and 277; (3) authorize service to all intermediate points along described regular routes in Sub-Nos. 253, 277, 292, and (4) remove the restriction against the transportation of traffic beginning and ending in TX in Sub-No. 277.

MC 119934 (Sub-239)X, filed August 3, 1981. Applicant: ECOFF TRUCKING, INC., R.R. 10, Box 100A, Greenfield, IN 46140. Representative: ROBERT W. LOSER II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its lead and Sub-Nos. 15, 16, 19, 20, 21, 26, 28, 31, 38, 39, 40, 41, 42, 46, 47, 49, 52, 55, 56, 59, 60, 61, 63, 64, 67, 68, 70, 71, 72, 80, 81, 83, 89, 90, 91, 92, 95, 96, 99, 104, 105, 107, 108, 108, 109, 110, 111, 116, 123, 124, 125, 126, 127, 129, 130, 131, 132, 134, 136, 137, 138, 139, 140, 142, 143, 145, 146, 152, 157, 158, 159, 160, 161, 162, 164, 167, 169, 170, 171, 182, 191, 196G, 207, 208, 213, 218, 222, 224F, 226F, 228F, 229F, 234, E1, E2, E3, E4, E5, E6, E7, E8, and E9 Certificates to (1) broaden its commodity descriptions: in the lead to "chemicals and related products, clay, concrete, glass or stone products, and, food and related products" from silicate of soda, acids, chemicals, nitrogen fertilizer solution, sodium phosphate, anhydrous ammonia, glycerine, alcohol, ethyl ether, lime and limestone, liquid animal feed supplement, methylol urea, and soda ash; in Sub-Nos. 15 and 16 to "food and related products" from flour; in the following, to "chemicals and related products": in Sub-No. 19, from liquid alum; in Sub-No. 20 from phosphoric acid and hydrofluosilic acid; in Sub-No. 21 from dry polyethelene resins; in Sub-No. 26 from phosphoric acid and phosphatic fertilizer; in Sub-No. 28 from chemicals; in Sub-No. 31 from chemicals and cleaning compounds; in Sub-No. 38 from fertilizer compounds; in Sub-No. 39 from sodium bicarbonate; in Sub-No. 40 molten sulfur; in Sub-No. 41 from liquid paint and paint materials; in Sub-No. 42 from phenol; in Sub-No. 46 from fertilizer and fertilizer ingredients; in Sub-No. 47 from liquid sodium silicate solution; in Sub-No. 49 from sulphuric acid; and in Sub-No. 52 from denatured alcohol solvents and ethyl ether; in Sub-No. 55 to "clay, concrete, glass or stone products" from lime and limestone; in Sub-No. 56 to "chemicals and related products" from ethyl ether; in Sub-No. 59 to "chemicals and related products" from liquid chemicals; in Sub-No. 60 to "metal products" from fly ash; in Sub-No. 61 to "chemicals and related products" from chemical fertilizers and fertilizer ingredients; in Sub-No. 63 to "chemicals and related products" from silicate of soda; in Sub-No. 64 to "ores and minerals" from fluorspar; to "chemicals and related products", in Sub-No. 67 from hydrofluosilicic acid, in Sub-No. 68 from anhydrous ammonia and nitrogen solutions, and in Sub-No. 70 from dry fertilizer, dry fertilizer materials, dry urea and dry ammonium nitrate; in Sub-No. 71 to "food and related products" from dry starch; in Sub-No. 72 to "ores and minerals" from fluorspar; to "chemicals and related products" in the following: in Sub-No. 80 from ferric sulphate; in Sub-No. 81 from phosphoric acid, phosphatic fertilizer solutions, tetrapotassium-pyrophosphates and dry phosphates; in Sub-No. 83 from fertilizer and fertilizer materials; and in Sub-No. 89 from spent phosphoric acid; in Sub-No. 90 to "clay, concrete, glass or stone products" from lime; to "chemicals and related products" in the following: in Sub-No. 91 from nitrogen fertilizer solution; in Sub-No. 92 from silicate of soda; and in Sub-No. 95 from anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid and fertilizer solutions; to "food and related products", in Sub-No. 96 from flour; and in Sub-No. 99 from corn products; to "chemicals and related products": in Sub-No. 104 from vinylpyridine; in Sub-No. 105 from creosote oil; and in Sub-No. 107 from anhydrous ammonia; in Sub-No. 108 to "clay, concrete, glass or stone products" from lime; in Sub-No. 109 to "chemicals and related products" from synthetic plastics; in Sub-No. 110, to "food and related products" from corn grits; in Sub-No. 111, to "chemicals and related products" from spent phosphoric acid; to "food and related products": in Sub-No. 123 from flour; in Sub-No. 124 from soya flour, flakes and grits; in Sub-No. 125 from corn products; in Sub-No. 126 from spent phosphoric acid; in Sub-No. 127 to "food and related products" from liquid animal feed supplement; to "chemicals and related products": in Sub-No. 129 from ethyl ether; in Sub-No. 130 from spend phosphoric acid; in Sub-No. 131 from day polyethelene resins; in Sub-No. 132 from printers ink; in Sub-No. 134 from anhydrous ammonia and liquid fertilizer materials; in Sub-No. 136 from diammonium phosphate; in Sub-No. 137 from muratic acid; in Sub-No. 138 from ethyl ether; in Sub-No. 139 from ink; in Sub-Nos. 142 and 143 to "food and related products" from corn products; to "chemicals and related products": in Sub-No. 145 from fertilizer and fertilizer ingredients; in Sub-No. 146 from liquid fertilizer solutions; and in Sub-Nos. 152 and 157 from spent phosphoric acid; in Sub-No. 158 to "food and related products" from dry corn products; in Sub-No. 159 to "chemicals and related products" from phosphorous; in Sub-No. 160 to "chemicals and related products" from spent phosphoric acid; in Sub-No. 161 to "food and related products" from dry feed ingredients; in Sub-No. 162 to "chemicals and related products" from sodium silicate; in Sub-No. 164 to "chemicals and related products" from alcohol and alcohol compounds; in Sub-No. 167 to "ores and minerals" from processed perlite; in Sub-Nos. 170 and 171 to "food and related products" from day soybean products; in Sub-No. 182 to "clay, concrete, glass or stone products" from pulverized limestone; to "chemicals and related products": in Sub-No. 191 from cupric chloride; in Sub-No. 196G from acids, liquid chemicals and silicate of soda; in Sub-No. 207 from ink and ink materials; in Sub-No. 208 from hydrochloric acid; in Sub-No. 213 from acids, chemicals and polyethelene resins; and in Sub-No. 218 from sulfuric acid; in Sub-No. 222 to "clay, concrete, glass or stone products" from dolomite limestone; in Sub-No. 224F to "chemicals and related products" from day plastic materials; to "chemicals and related products": in Sub-No. 226F from aluminum sulphate; in Sub-No. 228F from phosphoric acid; in Sub-Nos. 229F and 234 from printing ink and printing ink materials; and in Sub-No. E1 from liquid chemicals; in Sub-No. E2 to "food and related products" from corn products; in Sub-No. E3 to "food and related products" from flour; to "chemicals and related products": in Sub-No. E4 from acids; in Sub-No. E5 from phosphoric acid; in Sub-No. E6 from liquid alum; and in Sub-Nos. E7, E8 and E9 from liquid chemicals; (2) to remove equipment limitations and "in bulk" or "in bag" restrictions in all the authorities; (3) to replace cities and facilities with county-wide authority: in the lead Lake County, IN and Cook County, IL for East Chicago, IN; Hancock, Hamilton and Madison Counties, IN for Fortville, IN; Monroe, Madison and St. Clair Counties, IL and St. Charles, St. Louis and Jefferson Counties, MO and St. Louis, MO for St. Louis, MO; Madison, Henry and Delaware Counties, IN for Anderson, IN; Van Wert County, OH for Van Wert, OH; LaSalle and Grundy Counties, IL for Seneca, IL; Franklin, Pickaway, Madison, Fairfield, Licking, Delaware and Union Counties, OH for Columbus, OH; Butler and Hamilton Counties, OH for Hamilton, OH; Clark County, IN, Jefferson County, KY for Jeffersonville, IN, Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; Lake County, IN for Hartsdale, IN; Whitley County, IN for Briggs, IN; Douglas County, IL for Ficklin, IL; Hamilton, Clermont, and Butler Counties, OH, and Boone, Kenton and Campbell Counties, KY for Cincinnati, OH; Adams, Wells and Allen Counties, IN for Fort Wayne, IN, Vermilion County, IL and Vermillion and Warren Counties, IN for Danville, IL; Jefferson, Oldham and Bullitt Counties, KY and Floyd, Clark and Harrison Counties, IN for Louisville, KY; Lawrence County, OH, Boyd County, KY and Wayne County, WV for South Point, OH; Hamilton and Butler Counties, OH for Fernald, OH; Henderson County, KY and Vanderburgh County, IN for West Henderson, KY; Lucas, Wood and Ottawa Counties, OH and Monroe and Lenawee Counties, MI for Toledo, OH; Kanawha County, WV for Belle, WV; Clark and Floyd Counties, IN and Jefferson County, KY for New Albany, IN; Stark, Portage, Mahoning and Columbiana Counties, OH for Alliance, OH; Hamilton County, OH for Lockland, OH; Meade County, KY and Harrison County, IN for Brandenburg, KY; Martin County, MN for Fairmont, MN; Will County, IL for Joilet, IL; Bay, Midland and Saginaw Counties, MI for Midland, MI; Hamilton County, OH for Evendale, OH; Dougherty and Lee Counties, GA for Albany, GA; Hawkins and Sullivan Counties, TN and Scott County, VA for Kingsport, TN; Ouchita and Union Parishes, LA for Sterlington, LA; Vigo County, IN and Clark and Edgar Counties, IL for Terre Haute, IN; Cook County, IL for Chicago Heights, IL; Will County, IL for Elwood, IL; Butler and Armstrong Counties, PA for Petrolia, PA; Kanawha and Putnam Counties, WV for Nitro, WV; Cocke County, TN for Newport, TN; Hennepin, Ramsey, Dakota, Scott, Carver, Anoka and Washington Counties, MN for Minneapolis, MN; New Castle County, DE for New Castle, DE; Chester and Delaware Counties, PA for West Chester, PA; Camden County, NJ for Merchantville, NJ; De Kalb, Clayton, Cobb, and Fulton Counties, GA for Atlanta, GA; Boyd and Greenup Counties, KY and Lawrence County, OH for Ashland, KY; St. Genevieve County, MO for Mosher, MO; Madison and Hamilton Counties, IN for Lapel, IN; Coos County, NH for Gorham, NH; Lake County, OH for Painesville, OH; Belmont County, OH for Barton, OH; Summit, Wayne and Medina Counties, OH for Barberton, OH; Buchanan and Andrew Counties, MO and Doniphan County, KS for St. Joseph, MO; Macomb, Wayne, Oakland, Washtenaw and Monroe Counties, MI for Detroit, MI; Allen County, OH for Cairo, OH; Madison County, IL and St. Louis County, MO for Wood River, IL; Lake County, IN and Will and Cook Counties, IL for Hammond, IN; Peoria, Tazewell and Woodford Counties, IL for Peoria, IL; in Sub-No. 15 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 16 Sangamon County, IL for Springfield, IL; Madison County, IL for Alton, IL; Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; Cass and Schuyler Counties, IL for Beardstown, IL; Adams, Wells and Allen Counties, IN for Fort Wayne, IN; Decatur County, IN for Greensburg, IN; and, Douglas, Washington and Sarpy Counties, NE and Pottawattamie and Mills Counties, IA for Omaha, NE; in Sub-No. 19 Ross County, OH for Chillacothe, OH; and, Butler, Montgomery, Preble and Warren Counties, OH for Middletown, OH; in Sub-No. 20 LaSalle County, IL for Marseilles, IL; and Humboldt County, IA for Humboldt, IA; in Sub-No. 21 Douglas County, IL for Ficklin, IL; in Sub-No. 26 Hamilton and Butler Counties, OH for Fernald, OH; Monroe, Madison and St. Clair Counties, IL and St. Charles, St. Louis and Jefferson Counties, MO and St. Louis, MO for St. Louis, MO; in Sub-No. 28 Will County, IL for Elwood, IL; in Sub-No. 31 Hamilton and Butler Counties, OH for Fernald, OH; in Sub-No. 38 LaSalle and Grundy Counties, IL for Marseilles, IL; in Sub-No. 39 Wayne County, MI for Wyandotte, MI; and, Elkhart and St. Joseph Counties, IN and Cass County, MI for Elkhart, IN; in Sub-No. 40 LaSalle and Grundy Counties, IL for Marseilles, IL; in Sub-No. 41 Adams, Wells and Allen Counties, IN for Fort Wayne, IN; in Sub-No. 42 Greenup County, KY for Siloam, KY; in Sub-No. 46 Grundy County, IL for Morris, IL; in Sub-No. 47 Madison, Henry and Delaware Counties, In for Anderson, IN; and, Jefferson, Shelby and St. Clair Counties, AL for Birmingham, AL; in Sub-No. 49 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; and, Jefferson, Oldham and Bullitt Counties, KY and Floyd, and Clark and Harrison Counties, IN for Louisville, KY; in Sub-No. 52 Douglas County, IL for Ficklin, IL; and, Middlesex County, CT for Higganum, CT; in Sub-No. 55 Preble and Montgomery Counties, OH for Lewisburg, OH; in Sub-No. 56 Douglas County, IL for Ficklin, IL; and, Montgomery, Philadelphia, Chester and Delaware Counties, PA for Norristown, PA; in Sub-No. 60 Clark, Montgomery, Green and Miami Counties, OH for Dayton, OH; in Sub-No. 61 Vigo County, IN for Terre Haute, IN; in Sub-No. 63 Hancock, Hamilton and Madison Counties, IN for Fortville, IN; Jefferson, Oldham and Bullitt Counties, KY and Floyd, Clark and Harrison Counties, IN for Louisville, KY; and, Meade, Hardin and Bullitt Counties, KY and Harrison County, IN for Fort Knox, KY; in Sub-No. 64 Hardin and Gallatin Counties, IL and Crittenden, Livingston and Union Counties, KY for Cave-In-Rock, IL and points within 10 miles of Cave-In-Rock, IL; in Sub-No. 67 Grundy County, IL for Morris, IL; in Sub-No. 68 LaSalle and Grundy Counties, IL for Marseilles, IL; in Sub-No. 70 Clinton and Scott Counties, IA and Whiteside and Carroll Counties, IL for Clinton, IA; and Whiteside

County, IL and Clinton County, IA for Fulton, IL; in Sub-No. 71 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 72 Crittenden County, KY for Marion, KY; and, Clark and Floyd Counties, IN for Speed, IN; in Sub-No. 80 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 81 Hamilton and Butler Counties, OH for Fernald, OH; in Sub-No. 83 Fountain and Montgomery Counties, IN for Hillsboro, IN; and, Knox County, IN for Fritchton, IN; in Sub-No. 89 Gratiot County, MI for Alma, MI; Eaton County, MI for Charlotte, MI; Allegan, Kent, Ottawa and Barry Counties, MI for Grand Rapids, MI; Ionia County, MI for Ionia, MI; Jackson County, MI for Jackson, MI; Lenawee and Monroe Counties, MI for Riga, MI; Macomb, Oakland, Wayne, Washtenaw and Monroe Counties, MI for Detroit, MI; Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; Lawrence County, IN for Beford, IN; Lorain and Cuyahoga Counties, OH for Elyria, OH; Shelby County, OH for Sidney, OH; and, Fulton County, OH for Wauseon, OH; in Sub-No. 90 Clark, Champaign and Greene Counties, OH for Springfield, OH; in Sub-No. 91 Miami County, OH for Piqua, OH; in Sub-No. 92 Hancock, Hamilton and Madison Counties, IN for Fortville, IN; and, Hardin County, IL and Crittenden County, KY for Cave-In-Rock, IL; in Sub-No. 95 Marion County, MO for South River, MO; in Sub-No. 96 Macon County, IL for Decatur, IL; and, Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 99 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 104 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; and Spartanburg County, SC for Inman, SC; in Sub-No. 105 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; and, Barry County, MI for Hastings, MI; in Sub-No. 107 Will County, IL for Joliet, IL; in Sub-No. 108 Franklin, Pickaway, Madison, Fairfield, Licking, Delaware and Union Counties, OH for Columbus, OH; and, Preble and Montgomery Counties, OH for Lewisburg, OH; in Sub-No. 109 Douglas County, IL for Tuscola, IL; in Sub-No. 110 Vermilion County, IL and Vermilion and Warren Counties, IN for Danville, IL: and, Hamilton, Clermont, and Butler Counties, OH, and Boone, Kenton and Campbell Counties, KY for Cincinnati, OH; in Sub-No. 111 Lorain and Cuyahoga Counties, OH for Elyria, OH; and Kanawha County, WV for Charleston, WV; in Sub-No. 123 Macon County, IL for Decatur, IL; in Sub-No. 124 Macon County, IL for Decatur, IL; and, Jasper, White and Benton Counties, IN for Remington, IN; in Sub-No. 125 Vermilion County, IL and Vermilion and Warren Counties, IN for Danville, IL; in Sub-No. 126 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-Nos. 127 and 129 Douglas County, IL for Tuscola, IL; in Sub-No. 130 Van Wert County, OH for Van Wert, OH; and, Allen, Van Wert and Auglaize Counties, OH for Spencerville, OH; in Sub-No. 131 Greene County, OH for Xenia, OH, Erie and Niagara Counties, NY for Buffalo, NY; and, Oneida County, NY for Rome, NY; in Sub-No. 132 Duval, Nassau, Clay, Baker, Union and Bradford Counties, FL for Jacksonville, FL; Seminole and Orange Counties, FL for Orlando, FL; De Kalb, Clayton, Cobb, and Fulton Counties, GA for Atlanta, GA; Twiggs and Bibb Counties, GA for Huber, GA; Orleans, St. Bernard, Plaquemines, Jefferson, St. Charles, St. John the Baptist and St. Tammany Parishes, LA for New Orleans, LA; and, Coosa and Talladega Counties, AL for Sylacauga, AL; in Sub-No. 134 Morgan County, IL for Meredosia, IL; in Sub-No. 136 Bureau and Putnam Counties, IL for DePue, IL; McLean County, IL for Colfax, IL; Cook County, IL for Riverdale, IL; and, Polk, Dallas and Warren Counties, IA for Des Moines, IA; in Sub-Nos. 137 and 138 Douglas County, IL for Tuscola, IL; in Sub-No. 139 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 140 LaSalle County, IL for Utica, IL; in Sub-No. 142 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 143 Vermilion County, IL and Vermillion and Warren Counties, IN for Danville, IL; in Sub-No. 145 Vermilion County, IL for Tilton, IL; in Sub-No. 146 Cass County, IN for Logansport, IN; in Sub-No. 159 Bolivar and Sunflower Counties, MS for Cleveland, MS; and, Obion County, TN for Union City, TN; in Sub-No. 157 Bolivar and Sunflower Counties, MS for Cleveland, MS; Williams and Defiance Counties, OH for Bryan, OH; and, Auglaize County, OH for Wapakoneta, OH; in Sub-No. 158 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 152 Maury County, TN for Mt. Pleasant, TN; in Sub-No. 160 Fulton County, IN for Rochester, IN; and, Lawrence County, IN for Bedford, IN; in Sub-No. 161 Jefferson County, IN and Trimble and Carroll Counties, KY for Madison, IN; in Sub-No. 162 Hancock, Hamilton and Madison Counties, IN for Fortville, IN; and, Audrain County, MO for Mexico, MO; in Sub-No. 164 Douglas County, IL for Tuscola, IL; in Sub-No. 167 Montgomery County, IN for Crawfordsville, IN; in Sub-No. 169 Dearborn County, IN for Aurora, IN; in Sub-No. 170 Vermilion County, IL and Vermillion and Warren Counties, IN for Danville, IL; in Sub-No. 171 Champaign County, IL for Champaign, IL; in Sub-No. 182 Jay County, IN for Portland, IN; in Sub-No. 191 Knox County, IN and Lawrence County, IL for Vincennes, IN; and, Lorain and Cuyahoga Counties, OH for Elyria, OH; in Sub-No. 196G Lake County, IN and Cook County, IL for East Chicago, IN; De Kalb, Clayton, Cobb, and Fulton Counties, GA for Atlanta, GA; Clark County, IN and Jefferson County, KY for Jeffersonville, IN; and, Hancock, Hamilton and Madison Counties, IN for Fortville, IN; in Sub-No. 213 Douglas County, IL for Tuscola, IL; in Sub-No. 218 Allen and Putnam Counties, OH for Cairo, OH; and Lucas, Wood and Ottawa Counties, OH and Monroe and Lenawee Counties, MI for Toledo, OH; in Sub-No. 222 Jay County, IN for Portland, IN; in Sub-No. 224 Sangamon, Christian and Macon Counties, IL for Illiopolis, IL; in Sub-No. 226 Marion, Boone, Hamilton, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, IN for Indianapolis, IN; in Sub-No. 228 Maury County, TN for Columbia, TN; in Sub-Nos. 229 and 234 Clark and Floyd Counties, IN and Jefferson County, KY for New Albany, IN; in Sub-No. E1 Madison, Henry and Delaware Counties, IN for Anderson, IN; in Sub-No. E2 Vermilion County, IL and Vermillion and Warren Counties, IN for Danville, IL; in Sub-No. E3 Macon County, IL for Decatur, IL; in Sub-No. E4 Lake County, IN and Cook County, IL for East Chicago, IN; in Sub-No. E5 Clark County, IN and Jefferson County, KY for Jeffersonville, IN; in Sub-No. E6 Butler, Montgomery, Preble and Warren Counties, OH for Middletown, OH; in Sub-No. E7 Douglas County, IL for Ficklin; in Sub-No. E8 Madison, Henry and Delaware Counties, IN for Anderson, IN; and, in Sub-No. E9 Douglas County, IL for Ficklin, IL; (4) replace one-way with radial in all authorities; and (5) remove miscellaneous restrictions: in the lead "except Van Wert, OH", "in shipments of not less than 21,000 pounds", (except Fort Wayne, Jeffersonville, Indianapolis, and Hartsdale, IN)", "(except Charleston, South Charleston, Institute, Fairmont, Morgantown and Follansbee, [WV])", "(except petroleum derivative chemicals as defined by the Commission)", "(except Brandenburg and points within two miles thereof [KY])", "(except Kingsport and Elizabethton, [TN])", "(except petrochemicals)", "(except nitrogen fertilizer solutions and fertilizer ammoniating solutions)", "(except derivatives of coal tar)"; the restriction against the transportation of shipments destined to points in Canada; "(except silicate of soda)", "(except Woodville, Gibsonburg, Martin, Marblehead, Genoa and Maple Grove, [OH], and points within two miles of each)", "(except vinyl acetate to Illiopolis, IL)", "(except Grand Rapids, Kalamazoo, and the port of entry at or near Port Huron, MI)", restriction against the transportation of liquid chemicals, in bulk, in tank vehicles, between the sites of the Commerical Solvents Corporation's plants at or near Terre Haute, IN and Peoria, IL, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MO, OH and WI; in Sub-No. 20 the restriction against serving the site of any glass manufacturing plant; in Sub-No. 28 (except soda ash and chemicals derived from petroleum)"; in Sub-No. 31 "(except derivatives of petroleum-based chemicals)"; in Sub-No. 38 "(except in bags to points in the lower peninsula [MI]"; in Sub-No. 41 "(except Kalamazoo and Grand Rapids, [MI]), (except vegetable oil to points in Hamilton County), (except Kingsport, [TN])"; in Sub-No. 42 restriction against the movement of traffic to the U.S.-Canada Boundary line which is destined for through movement to Canada."; in Sub-No. 55 "(except limestone to points in Michigan more than 40 miles from Monroe, MI)"; in Sub-No. 61 "(excepting such of said specified commodities as are dry from said plantsite to points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, Wayne, Geauga, Portage and Lorain Counties, OH)"; in Sub-No. 89 restriction against the transportation of traffic originating at or destined to points in Canada"; in Sub-No. 90 restriction that no shipment of lime, in containers, or in bulk, in dump vehicles, shall be transported to the sites of glass manufacturing plants in Illinois, Indiana, the lower peninsule of Michigan and Glenshaw, South Connellsville, Washington, Greensburg and Ford City, PA and Huntington and Parkersburg, WV"; in Sub-No. 91 "except Grand Rapids and Kalamazoo, MI"; in Sub-No. 116 restriction to the transportation of traffic having a prior movement by rail"; in Sub-No. 129 restriction to the transportation of shipments destined to Brandon-Manitoba, Canada"; in Sub-No. 130 "(except Alma, Charlotte, Detroit, Grand Rapids, Ionia, Jackson, Riga, Trenton, Kalamazoo, Midland, Montague, MI)", and restriction that the authority shall not be joined or combined directly or indirectly with any authority held by carrier for the purpose of providing service from or to points in Canada"; in Sub-No. 131 "(except Grand Rapids, Kalamazoo and Ferndale, [MI])"; in Sub-Nos. 134, 136 and 140, the restriction limiting transportation to traffic originating at named facilities and destined to designated points; in Sub-No. 138 the restriction limiting transportation to traffic destined to points in Canada; in Sub-No. 161 "(except points in Indiana within the Chicago, IL Commercial Zone as defined by the Commission); in Sub-No. 169 "(except corn products and flour)" and restriction against the transportation of shipments having an immediately prior movement by rail or water; to that limiting transportation of traffic originating at the named facilities and destined to desginated points; in Sub-No. 196G "(except Kingsport and Elizabethton, [TN])", "(except petroleum derivative chemicals as defined by the Commission)"; in Sub-No. 213 "(except liquified natural gas)"; in Sub-No. 226 "(except East St. Louis, [IL])"; in Sub-No. E1 "(except silicate of soda)" and "restriction limiting transportation to traffic destined to points in Canada"; in Sub-No. E4 "(except soda ash and chemicals derived from petroleum)", and, "restricted against serving the site of any glass manufacturing plant"; in Sub-No. E5 "restricted against serving the site of any glass manufacturing plant", and, "(except soda ash and petroleum derivative chemicals as defined by the Commission"; and, in Sub-No. E8 "(except silicate of soda)".

MC 120737 (Sub-97)X, filed September 8, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. La Salle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 60F, 61, 63F, and 73F certificates to (1) broaden its commodity descriptions to "metal products," from iron and steel articles, and iron and steel pipe, in Sub-Nos. 60F, 61, and 63F; (2) replace cities with county-wide authority: in Sub-No. 60F, Sterling, IL, with Whiteside County, IL; and in Sub-No. 63F, Galveston, TX, with Galveston County, TX; (3) change one-way to radial authority in Sub-Nos. 60F, 61, and 63F; and (4) eliminate: in Sub-No. 60F, the originating at and destined to restriction; and in Sub-No. 73F, the in bulk, in tank vehicle exception.

MC 120761 (Sub-74)X, filed August 24, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6558 Midway Road, P.O. Box 18728, Forth Worth, TX 76118. Representative: Clint Oldham, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Applicant seeks to remove restrictions from its Sub-Nos. 10, 11, 12, 14, 20, 22, 27, 29, 35, 36F, 37F, 39F, 43F, 44F, 45F, 49F, 50F, 52F, 53F, 54F, 57F and 58F certificates to (1) change the commodity descriptions (a) from roofing materials and supplies, hardwood products, plywood, etc., to "building materials" in Sub-Nos. 10, 29, 35, 45F, 50F, and 58F; (b) from trailers, semi-trailers, etc., to "transportation equipment" in Sub-No. 11; (c) from various iron and steel articles to "metal products" in Sub-Nos. 12, 14, 20, 22, 27, 36F, 43F, 52F, 53F, 54F, and 57F; (d) from plastic pipe, etc., to "rubber and plastic products" in Sub-No. 37F; (e) from bentonite clay and lignite coal to "Mercer Commodities" in Sub-No. 39F; (f) from asbestos cement pipe, couplings and fittings to "clay, concrete, glass, stone, rubber or plastic products" in Sub-No. 44F; and (g) from plastic pipe, fittings, valves and hydrants to "rubber, plastic or metal products" in Sub-No. 49F; (2) remove the following restrictions wherever they appear in each certificate: (a) facilities limitations; (b) "originating at or destined to"; (c) "except in bulk, in tank vehicles"; and (d) "except AK and HI"; (3) authorize two-way authority where only one-way exists; and (4) replace city-wide authority with county-wide authority wherever the following appear in each certificate: Mansfield with Tarrant County, TX; Jewett with Leon County, TX; Grapeland with Houston County, TX; Hope with Hempstead County, AR; Midlothian with Ellis County, TX; Weatherford with Parker County, TX; Hillsboro with Hill County, TX; Columbus with Boone County, MO; Plum with Fayette County, TX; Union with Franklin County, MO; and Franklin Park with Cook County, IL.

MC 129903 (Sub-20)X, filed September 1, 1981. Applicant: EMPORIA MOTOR FREIGHT, INC., Box 1103, RR 5, Emporia, KS 66801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 17 and 19 certificates to (1) broaden general commodities (with exceptions) to "general commodities, except Classes A and B explosives," in Sub-No. 17; (2) authorize service at all intermediate points along its described regular route between Kansas City, MO and Wichita, KS, in Sub-No. 17; and (3) authorize county-wide authority to replace existing off-route point authority: Morris County, KS, for Council Grove, KS, in Sub-No. 17.

MC 135454 (Sub-30)X, filed July 17, 1981. Applicant: DENNY TRUCK LINES, INC., 655 Basket Road, P.O. Box 337, Webster, New York 14580. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. Applicant seeks to remove restrictions in its Sub-Nos. 7, 8, 9, 10, 11, 12, 13 and 14 authorities acquired through MC–FC 75072, and Sub-Nos. 5, 15, 16, 17, 18, 19F, 21F, 22F, 23F, 24F, 25F, and 29F certificates to (A) broaden the commodity description to "food and related products" from foodstuffs, materials and supplies (except frozen foods and except in bulk, in tank vehicles) canned, preserved or prepared foodstuffs, (except frozen), frozen foods, frozen fruits and vegetables, dried beans, cereal preparations, malt beverages, and teething biscuits in its Sub-Nos. 7(b), 7(d), 7(e), 7(g), 7(h), 7(i), 7(j), 9, 10, 11, 12, 13, 15, 16, 18, 19, and 25F; to "metal products" from containers, closures for containers, covers, lids, and tops for containers, in Sub-Nos. 5, 7(f), 8, 14, 19, 22 and 23F, to "pulp, paper and related products" from containers, corrugated paper boxes, paper containers, sanitary napkins in Sub-Nos. 5, 7(f), 14, 17, 21, 23F (part (1)) and 29F; to "clay, concrete, glass or stone products" from containers and glass containers in Sub-Nos. 5, 7(f), 8, 14, 19, 21, 23 (part (1)) and 29F; to "rubber and plastic products" from containers, container components, closures, packaging products, except commodities in bulk, scrap materials (except commodities in bulk and those requiring special equipment), in Sub-Nos. 5, 7(f), 8, 19(b), 21, 23, (parts (1) and (2)) and 29F; (B) remove restriction in Sub-No. 13 to shipments having a prior movement by rail and to that limiting transportation to traffic destined to named points; (C) replace one-way authority with radial authority in all Sub-Nos., except Sub-No. 23F; (f) broaden the territorial description by substituting county-wide authority for named facilities or other named points: Monroe County, NY (Fairport, Rochester, Hamlin, Hilton) in Sub-Nos. 5, 7(h), 7(i), 16, 17, 21, 25; Orleans County, NY, (Holley) in Sub-No. 7(h), 12; Wayne County, NY, (Williamson and Sodus) in Sub-Nos. 7(h) and 13; Adams County, PA (Aspers) in Sub-Nos. 5, and 15; Erie, Genesee, Monroe, Niagara, Livingston, and Wyoming Counties, NY (Oakfield, NY and points within 25 miles of Oakfield) in Sub-No. 7(b) and 11; Union County, NJ (Linden) in Sub-No. 7; Hamilton County (Cincinnati) in Sub-No. 7; Alleghany, Westmoreland, Butler, Beaver and Washington Counties, PA (Pittsburgh) in Sub-No. 7; Cambria, and Blair Counties, PA (Altoona) in Sub-No. 7; Fayette County, PA, (Connellsville) in Sub-No. 8; Montgomery County, NY (Canajoharie) in Sub-No. 8; Genesee County, NY, (Batavia) in Sub-No. 10; Genesee County, NY (LeRoy) in Sub-Nos. 9 and 11; Livingston County, NY, (Mt. Morris and Leicester) in Sub-Nos. 9 and 11; Genesee County, NY (Bergen) Sub-No. 11; Salem County, NJ (Salem) in Sub-No. 14; Westmoreland County, PA (Scottsdale and Youngwood) in Sub-No. 14; Gloucester County, NJ (Glassboro) in Sub-No. 16; Middlesex County, NJ (Milltown) in Sub-No. 17; Ontario County, NY (Manchester and Geneva) in Sub-Nos. 19 and 24, and (D) remove the restriction, except commodities in bulk, in tank vehicles in Sub-No. 24.

MC 136782 (Sub-36)X, filed August 27, 1981. Applicant: R.A.N. TRUCKING COMPANY, Post Office Box 128, Eau Claire, PA 16030. Representative: Thomas M. O'Brien, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 29F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; (2) broaden city-wide to county-wide authority; from Ft. Wayne, IN, to Allen County, IN and from Lorain, OH, to Lorain County, OH; and (3) replace one-way with radial authority.

MC 140086 (Sub-12)X, filed August 31, 1981. Applicant: DELARIA TRANSPORT, INC., 327 8th Ave., NW, New Brighton, MN 55112. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 8F, 9F, 10F, and 11F certificates to (1) broaden the commodity descriptions from liquid sugar, corn syrup, and blends thereof, in bulk, in Sub-No. 8F, animal fats, in bulk, in Sub-No. 9F, vegetable oils, in Sub-No. 10F, and animal by products and feed ingredients in Sub-No. 11F, to "commodities in bulk"; (2) remove the vehicle restriction in Sub-Nos. 8F and 9F; (3) replace (a) Huron, SD, with Beadle County, SD and Worthington, MN, with Nobles County, MN, in Sub-No. 9F and (b) Mankato, MN, with Nicollette and Blue Earth Counties, MN, in Sub-No. 10F; and (3) replace one-way authorities with radial authorities.

MC 140942 (Sub-4)X, filed August 21, 1981. Applicant: CLOVERDALE TRANSPORTATION COMPANY, Box 578, Mandan, ND 58554. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502–2578. Applicant seeks to remove restrictions in its Sub No. 1 permit to (1) broaden the commodity description from lumber, plywood, and particle board, to "lumber, plywood, particle board, and building materials"; (2) broaden the territorial scope to between points in the United States under continuing contract(s) with a named shipper; and (3) remove the restriction against transportation from White Sulpher Springs, MT.

MC 147973 (Sub-2)X, filed August 27, 1981. Applicant: B.J. TRANSPORT, INC., Livestock Exchange Bldg., 100 Stockyard Road, South St. Paul, MN 55075. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions from its Sub-No. 1F certificate to (1) broaden the commodity description from printed paper, paper, and paper products to "printed matter and pulp, paper and related products"; (2) expand existing one-way authority to radial authority; and (3) eliminate the "AK" and "HI" exceptions on its nationwide authority.

[FR Doc. 81–27366 Filed 9–18–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Housing Guaranty Program; Investment Opportunity

The Agency for International Development (A.I.D.) has authorized guaranties of loans to a number of developing countries (Borrowers) as part of A.I.D.'s overall development assistance program. The proceeds of these loans will be used to finance shelter projects for low income families residing in the countries of the Borrowers. The following address of a Borrower and loan amount indicates a new project which soon will be ready to receive financial and for which the Borrower is requesting proposals from U.S. lenders or investment bankers:

India, Project: 386–HG–001—$20,000,000. Deepak Parekh, Deputy General Manager, Housing Development Finance Corporation Limited, Ramon House 169, Backbay Reclamation

Bombay 400 020, Telex: HDFC 6762,
Telephone: 222866, or
c/o Mr. S. Padmanabhan, State Bank of
India, 460 Park Avenue, New York,
New York 10022, Telephone: (212)
371-5600.

Additional projects will be advertised from time to time as they become ready for borrowing.

By this notice of investment opportunity, the above Borrower is soliciting expressions of interest from U.S. lenders or investment bankers to counsel on loan timing, structure and features, and to manage the loans or underwritings. Interested investment bankers or lenders should contact the Borrower indicated above. Selection of investment bankers and/or lenders and the terms of the loans are initially subject to the individual discretion of the Borrower and thereafter subject to approval by A.I.D. The lenders and A.I.D. shall enter into a Contract of Guaranty, covering each of the loans. Disbursements under the loans will be subject to certain conditions required of the Borrower by A.I.D. as set forth in implementation agreements between A.I.D. and the Borrower.

The full repayment of the loans will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the "Act").

Lenders eligible to receive an A.I.D. guaranty are those specified in Section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by A.I.D.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from: Director, Office of Housing, Agency for International Development, Room 625, SA-12, Washington, D.C. 20523, Telephone: (202) 632-9637.

Dated: September 11, 1981.

Peter M. Kimm,

Director, Office of Housing.

[FR Doc. 81-27457 Filed 9-18-81; 8:45 am]

BILLING CODE 4710-02-M

NATIONAL SCIENCE FOUNDATION

Environmental Biology Advisory Committee, Subcommittee on Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Ecology of the Advisory Committee for Enviromental Biology.
Date and time: October 29 and 30, 1981; 8:30 a.m. to 5 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Gary W. Barrett, Program Director, Ecology Program, (202) 357-9734, Room 336, National Science Foundation, Washington, D.C. 20550.
Purpose of meeting: To provide advice and recommendations concerning support for research in ecology.
Agenda: To review and evaluate research proposals and projects as part of the selection process of awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 16, 1981.

[FR Doc. 81-27344 Filed 9-18-81; 8:45 am]

BILLING CODE 7555-01-M

Environmental Biology Advisory Committee, Subcommittee on Population Biology and Physiological Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Population Biology and Physiological Ecology of the Advisory Committee for Environmental Biology.
Date and time: October 22 and 23, 1981; 8:30 a.m. to 5 p.m. each day.
Place: Room 643, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.
Type of meeting: Closed
Contact person: Dr. Jerry F. Downhower, Program Director, Population Biology and Physiological Ecology Program (202) 357-9728, Room 336, National Science Foundation, Washington, D.C. 20550.
Purpose of meeting: To provide advice and recommendations concerning support for research in population biology and physiological ecology.
Agenda: To review and evaluate research proposals and projects as part of the selection process of awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 16, 1981.

[FR Doc. 81-27342 Filed 9-18-81; 8:45 am]

BILLING CODE 7555-01-M

Environmental Biology Advisory Committee, Subcommittee on Systematic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Systematic Biology of the Advisory Committee for Environmental Biology.
Dates and time: October 15 and 16, 1981; 8:30 a.m. to 5 p.m. each day.
Place: Room 338, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. Grady L. Webster, Program Director, Systematic Biology Program, (202) 357-9588, Room 336, National Science Foundation, Washington, D.C. 20550.
Purpose of meeting: To provide advice and recommendations concerning support for research in systematic biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process of awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 16, 1981.

[FR Doc. 81–27341 Filed 9–18–81; 8:45 am]

BILLING CODE 7555–01–M

Environmental Biology Advisory Committee, Subcommittee on Ecosystem Studies; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Ecosystem Studies of the Advisory Committee for Environmental Biology.

Date and time: October 8 & 9, 1981; 8:30 a.m. to 5:00 p.m. each day.

Place: Room 642, National Science Foundation, 1800 G St., NW, Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. James T. Callahan, Associate Program Director, Ecosystem Studies Program, (202) 357–9596, Room 336, National Science Foundation, Washington, D.C. 20550.

Purpose of meeting: To provide advice and recommendations concerning support for research in ecosystem studies.

Agenda: To review and evaluate research proposals and projects as part of the selection process of awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81–27340 Filed 9–18–81; 8:45 am]

BILLING CODE 7555–01–M

Physiology, Cellular, and Molecular Biology Advisory Committee, Subcommittee on Molecular Biology, Group B, of the Advisory Committee for Physiology, Cellular, and Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Molecular Biology, Group B, of the Advisory Committee for Physiology, Cellular, and Molecular Biology.

Date and time: October 26 and 27, 1981, 9 a.m. to 5 p.m. each day.

Place: Room 643, National Science Foundation, 1800 G Street N.W., Washington, D.C. 20550.

Type of meeting: Closed.

Contract person: Dr. Michael Cusanovich, Program Director, Biochemistry Program, Room 329, National Science Foundation, Washington, D.C. 20550.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Molecular Biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Office pursuant to provisions of Section 10(d) of Public Law 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,

Committee Management Coordinator.

September 16, 1981.

[FR Doc. 81–27343 Filed 9–18–81; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–155]

Consumers Power Co. Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Facility Operating License No. DPR–6, issued to the Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment adds operability and surveillance requirements for fire protection equipment added by plant modifications in accordance with the requirements of Amendment No. 25, dated April 4, 1979.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amemdment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 27, 1980 and its supplement dated September 22, 1980, (2) Amendment No. 47 to License No. DPR–6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of September 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81–27451 Filed 9–18–81; 8:45am]

BILLING CODE 7590–01–M

[Docket Nos. 50–413A, 50–414A]

Duke Power Co.; Receipt of Antitrust Information Accompanying Operating License Application

The Duke Power Company has submitted antitrust information in connection with the owner's plans to operate two pressurized water reactors located in York County, South Carolina. The reactors have been designated as Catawba Nuclear Station, Units 1 and 2. The data submitted contain antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the **Federal Register** notice. The results of any reevaluation that is requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local public document room at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina 29730.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before November 20, 1981.

Dated at Bethesda, Md., this 31st day of August 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Branch Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81–27452 Filed 9–18–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 27–47]

Negative Declaration Chem-Nuclear Systems, Inc.; License Issuance

AGENCY: Nuclear Regulatory Commission.

ACTION: License Issuance and Negative Declaration.

SUMMARY: NRC has issued a renewed license for Chem-Nuclear Systems, Inc. (CNSI) of Kirkland, Washington, for disposal of special nuclear material (SNM) at CNSI's low-level waste disposal facility located at Barnwell County, South Carolina. NRC has determined that renewal of the SNM license will not result in any significant impact on the environment, and therefore does not require preparation of an environmental impact statement. However, an environmental impact appraisal of the licensing action has been prepared and will be available for public inspection. The SNM license only authorizes disposal of waste containing solid uranium-235, uranium-233, and plutonium in concentrations of 10 nanocuries per gram of waste or less.

ADDRESSES: The evnironmental impact appraisal will be available for public inspection at the Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. 20555, and at the Barnwell County Library, Hagood Avenue, Barnwell, South Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. R. Dale Smith, Chief, Low-Level Waste Licensing Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 427–4433.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) has prepared for Chem-Nuclear Systems, Inc. (CNSI) a renewed license for disposal of special nuclear material (SNM) at CNSI's low-level waste disposal facility located in Barnwell County, South Carolina. (CNSI's main office is located at 10602 N.E. 38th Place, Kirkland, Washington 98033.) The renewed SNM license supersedes the authorization for disposal activities at the CNSI Barnwell site previously authorized and has been issued based upon CNSI's updated renewal application dated December 20, 1979, and upon supplemental environmental information provided by CNSI to NRC.

NRC has determined that issuance of the renewed SNM license will not result in any significant impact on the environment, and therefore does not require preparation of an environmental impact statement (EIS). The SNM license only authorizes disposal of waste containing small quantities of solid uranium-235, uranium-233, and plutonium in concentrations of 10 nanocuries per gram of waste or less. Further information is contained in NRC's environmental impact appraisal of the license renewal, which will be available for public inspection at the Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. 20555, and at the Barnwell County Library, Hagood Avenue, Barnwell, South Carolina.

CNSI's filing of the updated renewal application was noticed in the **Federal Register** (45 FR 18213) on March 20, 1980. In the March 20th Notice, NRC gave the licensee the opportunity to file a request for a hearing with respect to the issuance of the license renewal, and for any person whose interest may be affected by the application to file a petition for leave to intervene. NRC received no requests for hearings or petitions for leave to intervene during the time period specified in the March 20th Notice. Accordingly, no hearings on the renewal application were held.

Special Nuclear Material has been buried at the CNSI Barnwell site since 1973, when the facility was first licensed by the Atomic Energy Commission (AEC). Authority for burial of SNM was deleted from the license in December 1974 and later reinserted in January 1976. Disposal of source and byproduct material is licensed by the State of South Carolina under the Agreement States program and is not included in the renewed SNM license. Development of the renewed SNM license was, however, closely coordinated with officials of the South Carolina Department of Health and Environmental Control, Bureau of Radiological Health.

The Commission finds that the issuance of the renewed license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the requirements of Title 10, Chapter 1, Code of Federal Regulations.

Dated at Silver Spring, Maryland, this 15th day of September, 1981.

For the Nuclear Regulatory Commission.

R. Dale Smith,

Chief, Low-Level Waste Licensing Branch, Division of Waste Management.

[FR Doc. 81-27450 Filed 9-18-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guides; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.28, "Audible-Alarm Dosimeters," discusses a program for the appropriate use of audible-alarm dosimeters, which licensees sometimes use to supplement required personnel radiation monitoring equipment. The guide identifies conditions under which these dosimeters should not be relied upon to perform their intended function and discusses performance specifications they should meet if they are used.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publication Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Md. this 14th day of September 1981.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-27453 Filed 9-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-259]

Tennessee Valley Authority; Issuance of Amendment of Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 76 to Facility Operating License No. DPR-33 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Brown Ferry Nuclear Plant, Unit No. 1 (the facility) located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

This amendment (1) incorporates the limiting conditions for operation of the facility in the fifth fuel cycle following the current refueling outage, (2) reflects new primary containment atmospheric monitoring instrumentation installed during this outage and (3) reflects modifications which the Commission required to be made to the torus.

The application for this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 29, 1981, as supplemented by letters dated June 12, 1981 and July 13, 1981, (2) Amendment No. 76 to License No. DPR-33, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-27454 Filed 9-18-81; 8:45 am]

BILLING CODE 7590-01-M

Annual Compilation of Systems of Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Annual compilation of systems of records.

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), the Nuclear Regulatory Commission (NRC) hereby published its annual compilation of Systems of Records Notices. This compilation includes 38 Systems of Records as well as the Prefatory Statement of General Routine Uses. Minor changes in style have been made to assure consistency among the identical provisions of each system.

FOR FURTHER INFORMATION CONTACT: Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-8133.

NRC SYSTEMS OF RECORDS

1. Appointment and Promotion Certification Records-NRC
2. Biographical Information Records-NRC
3. Byproduct Material License Records-NRC
4. Conflict of Interest Files-NRC
5. Contracts Records Files-NRC
6. Development and Advancement for Regulatory Employees (DARE) Records-NRC
7. Division of Technical Information and Document Control Workload Assignment and Production Records-NRC
8. Employee Appeals, Grievances and Compliant Records-NRC
9. Equal Employment Opportunity Records Files-NRC
10. Freedom of Information Act (FOIA) and Privacy Act (PA) Requests Records-NRC
11. General Personnel Records (Official Personnel Folder and Related Records)-NRC
12. Government Motor Vehicle Operators License Files-NRC
13. Incentive Awards Files-NRC
14. Employee Alcoholism and Drug Abuse Program Files-NRC
15. National Standards Committee Membership Files-NRC
16. Facility Operator Licensees Record Files (10 CFR Part 55)-NRC
17. Occupational Injuries and Illness Records-NRC

18. Office of Inspector and Auditor Index File and Associated Records-NRC
19. Offical Personnel Training Records Files-NRC
20. Offical Travel Records-NRC
21. Payroll Accounting Records-NRC
22. Personnel Performance Appraisals-NRC
23. Personnel Research and Test Validation Records-NRC
24. Property and Supply System (PASS)-NRC
25. Oral History Program-NRC
26. REVOKED
27. Radiation Exposure Information and Reports System (REIRS) Files-NRC
28. Recruiting, Examining and Placement Records-NRC
29. Document Control System-NRC
30. Manpower System (MPS) Records-NRC
31. Correspondence and Records Branch, Office of the Secretary-NRC
32. Source and Special Nuclear Material License Records-NRC
33. Special Inquiry File-NRC
34. Advisory Committee on Reactor Safeguards (ACRS) Correspondence Index and Associated Records-NRC
35. REVOKED
36. Employee Locator Records Files-NRC
37. Information Security Files and Associated Records-NRC
38. Mailing Lists-NRC
39. Personnel Security Files and Associated Records-NRC
40. Facility Security Support Files and Associated Records-NRC

These systems of records are those systems maintained by the Nuclear Regulatory Commission which contain personal information about individuals, and from which such information can be retrieved by reference to an individual identified.

The notice for each system of records states the name and location of the record system, the authority for a manner of its operation, the categories of individuals which it covers, the types of records which it contains, the sources of information in those records, and the proposed "routine uses" of each system of records. Each notice also includes the business address of the NRC official who will inform interested persons of the procedures whereby they may gain access to and correct records pertaining to themselves.

One of the purposes of the Privacy Act, as stated in Section 2(b)(4), is to provide certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies to ". . . disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information." The NRC intends to follow such principles in transferring information to another agency or individual as a "routine use," including assuring that the information is relevant for the purposes for which it is transferred.

Prefatory Statement of General Routine Uses

The following routine uses apply to each system of records notice set forth below which specifically references this Prefatory Statement:

1. In the event that a system of records maintained by the NRC to carry out its functions indicates a violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rules or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, state, local or foreign agency, if necessary, to obtain information relevant to an NRC decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal, state, local or foreign agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of discovery and in presenting evidence to a court, magistrate, administrative tribunal, or grand jury, including disclosures to opposing counsel in the course of settlement negotiations.

5. Disclosure may be made, as a routine use, to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

6. A record from this system of records may be disclosed, as a routine use, to an NRC contractor on a "need to know" basis for a purpose within the scope of the pertinent NRC contract. Such access will be granted to an NRC contractor by a system manager only after satisfactory justification has been provided to the system manager.

NRC-1

SYSTEM NAME:

Appointment and Promotion Certificate Records—NRC.

SYSTEM LOCATION:

Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Candidates for employment and NRC employees who are being considered for promotion and reassignment.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains personnel qualification statements, vacancy announcements, applications for vacancies, selection certificates, the results of reference checks on employees, performance appraisals, and related records. The records pertain to specific announced vacancies which have been posted in accordance with the NRC Vacancy Announcement System.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 5 U.S.C. 1302(1976);
b. 42 U.S.C. 2201(d)(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To prepare reports for the Office of Personnel Management and/or Merit Systems Protection Board;

b. By the Office of Personnel Management and/or Merit Systems Protection Board to resolve complaints and grievances regarding employment and promotion selection;

c. For audit and review by the Office of Personnel Management and/or Merit Systems Protection Board;

d. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders in the Records Retention Center, St. Louis, Missouri. Microfiche records are kept in the Division of Organization and Personnel.

RETRIEVABILITY:

Information is accessed by vacancy announcement number, and by name within the individual vacancy announcement folders.

SAFEGUARDS:

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained for 2 years from date of selection, then personal records destroyed by shredding; nonpersonal records are destroyed through regular trash disposal system.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Personnel Operations Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedures."

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, individual's current and previous supervisors, references, general personnel records (Official Personnel Folders and related records), and other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

NRC–2

SYSTEM NAME:

Biographical Information Records—NRC.

SYSTEM LOCATION:

Office of Public Affairs, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commissioners, members of the Atomic Safety and Licensing Board and Appeal Board Panels, and senior NRC staff members.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to education and training, employment history, and other general biographical data relating to the Commissioner, members of the Atomic Safety and Licensing Board and Appeal Board Panels, and senior NRC staff members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 42 U.S.C. 2241, 5841, 5843(a), 5844(a), 5845(a), and 5849(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To provide information to the press;

b. To provide information to other persons and agencies requesting this information; and

c. For the routine uses specified in paragraph numbers 5 and 6 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders.

RETRIEVABILITY:

Records are accessed by name.

SAFEGUARDS:

Maintained in unlocked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained until updated or association with NRC is discontinued, then destroyed through regular trash disposal system.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Public Affairs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by each individual and approved for use by the individual involved.

NRC–3

SYSTEM NAME:

Byproduct Material License Records—NRC.

SYSTEM LOCATION:

Primary system—Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 2; and the NIH Computer facility, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and licensees (active and inactive) for byproduct material licenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information contained in this system reflects data supplied by applicants and licensees and developed by the NRC staff in the license review and authorization process with respect to the possession and use of byproduct material. System component records developed and maintained by the NRC staff also include summary and index type data promoting quick access to and breakout of such information as:

a. Alphabetical listings of active and inactive licenses and applicants for licenses arranged by state and by a master listing;

b. Cross indexes of names to assigned license numbers;

c. Dates of license issuance and expiration; and

d. Geographic location of licensees by state and town.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2201(o)(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To provide records to state health departments for their information and use;

b. To provide information to Federal, state and local health officials, and other persons in the event of incident or exposure, for purposes of their information, investigation and protection of public health and safety; and

c. For any of the routine uses specified in the Prefatory Statement.

In addition, certain of the information provided in this category is routinely placed in the NRC's Public Document Room.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper, index cards, computer tapes and printouts, microfilm and mag cards.

RETRIEVABILITY:

System data is indexed by licensee/applicant name within state; alphabetically by licensee name within license expiration time periods; by assigned license number in juxtaposition with licensee name.

SAFEGUARDS:

Maintained in unlocked file cabinet under visual control of file supervisor. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are continuously changed or amended as new information is developed or individual licenses are cancelled or terminated; license files are transferred to Federal Records Center in Suitland, Maryland, when they become inactive or terminated. Obsolete data, except for record copy maintained at Federal Records Center, is destroyed quarterly through regular trash disposal system.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Data supplied by applicants and licensees and developed by NRC technical staff.

NRC-4

SYSTEM NAME:

Conflict of Interest Files—NRC.

SYSTEM LOCATION:

Primary system—Office of the General Counsel, NRC, 1717 H Street, NW, Washington, DC.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are employees, special employees and consultants of NRC.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to:

a. General biographical data (i.e., name, birthdate, home address, position title, home and business telephones, citizenship, educational history, employment history, professional society memberships, honors, fellowships received, publications, licenses, and special qualifications);

b. Financial status (i.e., nature of financial interests and in whose name held, creditors, character of indebtedness, interest in real property, monthly U.S. Civil Service Annuity, and status as Uniformed Services Retired Officer);

c. Certifications by employees that they and members of their families are in compliance with the Commission's stock ownership regulations;

d. Requests for approval of outside employment by NRC employees and NRC responses thereto;

e. Determination (i.e., no conflict or apparent conflict of interest, questions requiring resolution, steps taken toward resolution); and

f. Information pertaining to appointment (i.e., proposed period of NRC service, estimated number of days of NRC employment during period of service, proposed pay, clearance status, description of services to be performed and explanation of need for the services, justification for proposed pay, description of expenses to be reimbursed and dollar limitation, and description of government-owned property to be in possession of appointee).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 18 U.S.C. 201(1976);

b. Executive Order 11222, May 8, 1965;

c. 10 CFR 0.735–29; 10 CFR 0.735–40.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. General biographical data (i.e., name, birthdate, home address, position title, home and business telephones, citizenship, educational history, employment, history, professional society memberships, honors, fellowships received, publications, licenses, and special qualifications);

b. To provide the Department of Justice, Office of Personnel Management, and/or Merit Systems Protection Board with information concerning an employee in instances where this office has reason to believe a Federal law may have been violated or where this office desires the advice of the Department, Office or Board concerning potential violations of Federal law;

c. Determination (i.e., no conflict or apparent conflict of interest, questions requiring resolution, steps taken toward resolution); and

d. Information pertaining to appointment (i.e., proposed period of NRC service, estimated number of days of NRC employment during period of service, proposed pay, clearance status, description of services to be performed and explanation of need for the services, justification for proposed pay, description of expenses to be reimbursed and dollar limitation, and description of government-owned property to be in possession of appointee).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders.

RETRIEVABILITY:

Records are accessed by name.

SAFEGUARDS:

Maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Retained in office file for 2 years after employee leaves position in which statement is required, or for 2 years after separation, whichever is earlier, then forwarded to the Federal Records Center, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, or comes from the office to which the individual is to be assigned.

NRC-5

SYSTEM NAME:

Contracts Records Files—NRC.

SYSTEM LOCATION:

Primary system—Division of Contracts, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at locations listed in Addendum I, Parts 1 and 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are employed as NRC consultants or contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain personal information (such as technical qualifications, education, rates of pay, employment history) of contractors and their employees, and other contracting records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2051, 2201, and 5845 (1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To provide information to Department of Health and Human Services, Defense Contract Audit Agency, General Accounting Office, and other Federal agencies for audits and reviews; and

b. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Accessed by contract number and purchase order number, cross-referenced with the name of the consultant, contractor, or vendor.

SAFEGUARDS:

Maintained in unlocked conserver files. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Contracts greater than $10,000 are destroyed 6 years and 6 months after final payment; $10,000 or less—3 years after final payment. Records are destroyed through regular trash disposal system, except for confidential business (proprietary) information which is destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Contracts, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal confidential business (proprietary) information.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the contractor or potential contractor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

NRC-6

SYSTEM NAME:

Development and Advancement for Regulatory Employees (DARE) Records—NRC.

SYSTEM LOCATION:

Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees who desire to enhance their training and experience qualifications for movement into administrative, paraprofessional and professional ranks.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains personnel qualification statements, job descriptions, self-evaluation forms, examination results, supervisory evaluation forms, performance appraisals, DARE counselors' reports, training guides, course plans, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 42 U.S.C. 2000e and 5871 (1976);

b. Executive Order 11478, August 8, 1969.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To prepare reports for transmittal to the Office of Personnel Management and/or Merit Systems Protection Board;

b. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

Information accessed by name.

SAFEGUARDS:

Records are maintained in locked desk drawer and access is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Active records retained indefinitely. Inactive records are sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service and records of non-selected applicants retained up to 1 year, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

DARE Program Coordinator, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source. Testing material may not be disclosed to the extent such disclosure would compromise the testing process.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, individual's current and previous supervisors within and outside NRC, and the DARE counselors and program coordinator.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5) and (6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

NRC-7

SYSTEM NAME:

Division of Technical Information and Document Control Workload Assignment and Production Records—NRC.

SYSTEM LOCATION:

Primary system—Division of Technical Information and Document Control, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (a), (b), (e), (f), and (g).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees assigned to work processing and printing/reproduction and graphic units.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain, under employee name, listings of work assignments and individual production records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 21, 22, 24, 49, 54, and 66a(1976); 42 U.S.C. 2201(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used by the Division of Technical Information and Document Control for any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper and log sheets.

RETRIEVABILITY:

Indexed by employee name within period reports.

SAFEGUARDS:

Files relating to comparative employee production and analysis thereof are maintained in locked cabinets. Budgetary and staffing projection data maintained in locked and unlocked equipment. All files under immediate control of supervisory staff.

RETENTION AND DISPOSAL:

Records are retained in office files for 2 years, and then destroyed by regular trash disposal system.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Technical Information and Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Individual employees; supervisory assignment and analysis records.

NRC-8

SYSTEM NAME:

Employee Appeals, Grievances and Complaints Records-NRC.

SYSTEM LOCATION:

Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at locations listed in Addendum I, Parts 1 and 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for NRC employment, current and former NRC employees, and annuitants who have filed complaints or initiated grievance or appeal proceedings as a result of a determination made by the NRC, Office of Personnel Management and/or Merit Systems Protection Board, or a Board or other entity established to adjudicate such grievances and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes all documents related to grievances, arbitrations, negative determinations regarding within-grade salary increases and exit interviews. It contains information relating to determinations affecting individuals made by the NRC, Office of Personnel Management and/or Merit Systems Protection Board. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, investigative reports, instructions to an NRC office or division comcerning action to be taken to comply with decisions, and related correspondence, opinions, and recommendations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2201(d)(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To furnish information to the Office of Personnel Management and/or Merit Systems Protection Board pursuant to applicable requirements relative to grievances and appeals;

b. To provide appropriate data to union representatives and third parties in connection with grievances, arbitration actions and appeals. Third parties may include the Federal Service Impasses Panel and Federal Labor Relations Authority; and

c. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM;

STORAGE:

These records are maintained in file folders, binders, and index cards.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained.

SAFEGUARDS:

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained 3 years after case is closed, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Labor Management and Employee Relations Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains; NRC Office of Personnel Management and/or Merit Systems Protection Board officials; affidavits or statements from employees, union representative, or other persons; testimony of witnesses; and official documents relating to the appeal, grievance or complaint; Official Personnel Folder; and other Federal agencies.

NRC-9

SYSTEM NAME:

Equal Employment Opportunity Records Files-NRC.

SYSTEM LOCATION:

Office of Equal Employment Opportunity, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEMS:

Applicants for NRC employment and current and former NRC employees who have filed a complaint of discrimination with the Office of Equal Employment Opportunity or the Equal Employment Opportunity Officer.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains copies of written reports by counselors; the investigative file; documentation of withdrawn, cancelled, rejected and/or adjusted discrimination compliants; complainant's name, title and grade; kind of discrimination alleged; description of action, decision, or condition giving rise to the complaint; description of remedial action; description of disciplinary action, if any; and copy of the letter of proposed disposition of the complaint and right to a hearing; and record of appeals examiner's finding, analysis, and recommended decision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 42 U.S.C. 2000e and 5891(1976);

b. Executive Orders 11246, September 24, 1965; 11375, October 13, 1967, and 11478, August 8, 1969.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To furnish information relative to EEO matters to the Office of Personnel Management and/or Merit Systems Protection Board in accordance with applicable requirements; and

b. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, binders, index cards, and on computer tapes (minority code only).

RETRIEVABILITY:

Accessed by name.

SAFEGUARDS:

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Equal Employment Opportunity, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, counselors, NRC, Office of Personnel Management and/or Merit Systems Protection Board officials, affidavits or statements from employees, testimony of witnesses, and official documents relating to the complaints.

SYSTEMS EXEMPTED FOR CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

NRC-10

SYSTEM NAME:

Freedom of Information Act (FOIA) and Privacy Act (PA) Requests Records-NRC.

SYSTEM LOCATION:

Primary system—Division of Rules and Records, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2, and at the TERA Advanced Services Corporation, 7101 Wisconsin Avenue, Suite 1400, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have made FOIA or PA requests for NRC records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552 and 552a(1976); 42 U.S.C. 2201(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. If an appeal or Court suit is filed with respect to any records denied;

b. For preparation of annual reports required by 5 U.S.C. 552 and 5 U.S.C. 552a; and

c. For any of the routine uses specified in the Prefatory Statement.

Most of the FOIA records are placed in the NRC Public Document Room and made available to the public.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Accessed by chronologically assigned number and individual name.

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SAFEGUARDS:

Privacy Act records are maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access. Copies of most of the FOIA records are publicly available in the NRC Public Document Room.

RETENTION AND DISPOSAL:

Retained 2 years from date of reply if request is granted, 5 years if denied, and 4 years if appealed. Except for classified, proprietary, and other sensitive information which is destroyed by shredding, records are disposed of through regular trash disposal system.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Requests are made by individuals or other requesters. The response to the request is based upon information contained in NRC records.

NRC-11

SYSTEM NAME:

General Personnel Records (Official Personnel Folder and Related Records)—NRC.

SYSTEM LOCATION:

Primary systems—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—Duplicate systems exist, in whole or in part, at the locations listed in Adendum I, Part 1 and 2; at the Department of Energy computer facility, Germantown, Maryland; and at the National Institutes of Health computer facility, Bethesda, Maryland. The duplicate systems maintained in a particular office, division, or branch may contain information of specific applicability to employees in that organization in addition to that information contained in the primary system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current NRC employees, consultants, and those formerly employed by the NRC (death, resignation, retirement, and separation).

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information about an individual's birth date, social security account number, veteran preference status, tenure, physical handicaps, past and present salaries, grades, position titles, training, test performances, minority group designator, life insurance, health benefits, beneficiaries, personnel performance appraisals, the results of reference checks, probationary period appraisals, and awards. Some folders in the primary system may contain medical records in sealed brown envelopes (i.e., participation in occupational health services program, capability to perform position duties, etc.). This system also contains letters of commendation and reprimand, documentation of charges and decisions on charges, notices of reductions-in-force, locator files; information related to personnel actions, including but not limited to appointment, reassignment, demotion, detail, promotion, transfer, and separation; and data documenting the reasons for personnel actions or decisions made about an individual related to the status of the individual. Some duplicate records may also contain office-related employee performance evaluations, office-specific applications, personnel qualification statements (SF-171), résumés and applicant evaluations and conflict of interest correspondence, and other related personnel records in addition to those contained in the primary system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 5 U.S.C. 7901; 21 U.S.C. 1180; and 42 U.S.C. 2201(d) and 4561(1976);

b. Executive Order 10561, September 15, 1954.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. By the Office of Personnel Management and/or Merit Systems Protection Board for making a decision when an NRC employee or former NRC employee questions the validity of a specific document in an individual's record;

b. To provide information to a prospective employer of a Government employee. Upon transfer of the employee to another Federal agency, the information is transferred to such agency;

c. To update the Office of Personnel Management systems concerning the Central Personnel Data File (CPDF), the Executive Inventory File and security investigations index hires, and to update adverse actions and terminations records of the Merit Systems Protection Board;

d. To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force;

e. To provide information to the Office of Personnel Management and/or Merit Systems Protection Board for review and audit purposes;

f. To provide members of the public with the names, position titles, grades, salaries, appointments (temporary or permanent), and duty stations of employees;

g. Medical records may be used for providing information to the Public Health Service in connection with Health Maintenance Examinations and to other Federal agencies responsible for Federal benefit programs administered by the Department of Labor (Office of Workmen's Compensation Programs) and the Office of Personnel Management; and

h. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, magnetic tape, disk, punched cards and microfilm.

RETRIEVABILITY:

Records are indexed by any combination of name, birth date, social security account number, or identification number.

SAFEGUARDS:

Maintained in locked and unlocked file cabinets and electro-mechanical file organizer. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

The Official Personnel Folder is sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for two years or destroyed by shredding when an individual resigns, transfers, or is separated from the Federal service. SF-7, "Service Record Card," retained indefinitely after separation or transfer.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Personnel Operations Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source. Testing material may not be disclosed to the extent that disclosure would compromise the testing process.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies, is derived from information supplied by that individual, or is provided by agency officials, other Federal agencies, or persons, including references, private and Federal physicians, and medical institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5) and (6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

NRC-12

SYSTEM NAME:

Government Motor Vehicle Operators License Files-NRC.

SYSTEM LOCATION:

Primary system—Building and Operations Support Branch, Division of Facilities and Operations Support, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole, or in part, at the locations listed in Addendum I, Part 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC Headquarters and Regional Office employees licensed to drive government vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain identifying data on individuals, including but not limited to name, social security account number, hair color, and sex.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 40 U.S.C. 491 (1976);

b. Executive Order 10579, December 1, 1954.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records may be used for any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on index cards and on paper in file folders.

RETRIEVABILITY:

Indexed alphabetically by employee name.

SAFEGUARDS:

Maintained in locked file cabinets under control of supervisors. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained for 3 years or until cancellaton of individual license, whichever comes first, then destroyed through regular trash disposal system.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Building and Operations Branch, Division of Facilities and Operations Support, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Individuals on whom the record is maintained and medical examiners.

NRC-13

SYSTEM NAME:

Incentive Awards Files-NRC.

SYSTEM LOCATION:

Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees who merit special recognition for achievements either within or outside the employee's job responsibilities and for length of service to the Government. Awards include both NRC awards and awards of other agencies and organizations for which NRC employees are eligible.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains employee's name, title, grade, and salary; justification to support recommendation and authorization for cash award; actions by approving officials; record of individuals receiving awards; suggestions and evaluations of suggestions; citation to be used; and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4501–4506, 5336 (1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. By the Office of Personnel Management and/or Merit Systems Protection Board to process and approve nominations or awards;

b. By the Office of the Attorney General and the President of the United States in reviewing recommended awards;

c. To make reports to the Office of Personnel Management and/or Merit Systems Protection Board;

d. By other government agencies to recommend whether suggestions should be adopted in instances where the suggestion made by an NRC employee affects the functions or responsibilities of the agencies; and

e. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper in file folders.

RETRIEVABILITY:

Information is accessed by name.

SAFEGUARDS:

Maintained in unlocked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained for 2 years, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Labor Management and Employee Relations Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Supervisors of employees, individuals submitting suggestions, Division of Organization and Personnel staff, Office of Personnel Management, Merit Systems Protection Board, other Federal agencies, and Official Personnel Folders.

NRC-14

SYSTEM NAME:

Employee Alcoholism and Drug Abuse Program Files-NRC.

SYSTEM LOCATION:

Office of Administration, U.S. Nuclear Regulatory Commission, 7735 Old Georgetown Road, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees and/or family members who have been counselled by or referred to the Manager of the Employee Alcoholism and Drug Abuse Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records of NRC employees and/or their families who have been referred to the manager of the Employee Alcoholism and Drug Abuse Program for counselling, and the results of any counselling which may have taken place. The records contain information as to the nature of each individual's problem, progress, and subsequent treatment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

21 U.S.C. 1180 (1972); 42 U.S.C. 4561 (1970).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. For statistical reporting purposes; and

b. Any disclosure of information pertaining to an individual will be made in compliance with the Confidentiality of Alcohol and Drug Abuse Patient Records regulation, 42 CFR Part 2, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper in file folders.

RETRIEVABILITY:

Information accessed by name of the individual counselled.

SAFEGUARDS:

Files are maintained in a safe under the immediate control of the Manager of the Employee Alcoholism and Drug Abuse Program.

RETENTION AND DISPOSAL:

Retained for 3 years after successful completion of treatment or other termination of contact, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Employee Alcoholism and Drug Abuse Program, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information compiled by the Manager of the Employee Alcoholism and Drug Abuse Program during the course of counselling with an NRC employee and/or members of the employee's family.

NRC—15

SYSTEM NAME:

National Standards Committee Membership Files—NRC.

SYSTEM LOCATION:

Primary system—Office of Nuclear Regulatory Research, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—Duplicate systems exist, in whole or in part, at the National Institutes of Health Computer Facility, c/o the Office of Management and Program Analysis located in the Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees who are serving on committees, subcommittees, working groups, etc., that are developing nuclear standards.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system is a comprehensive record of NRC personnel on the nuclear standards committees and contains members' names, the names of the committees to which they belong, and the names of the NRC offices in which the members work.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2201(b)(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used:

a. To provide information to persons or agencies requesting this information, including but not limited to: (1) Persons using the NRC Public Document Room, and (2) the Department of Energy RDT Standards Office of Oak Ridge National Laboratory (ORNL), Oak Ridge, Tennessee. ORNL uses this information as part of a document entitled, "Personnel Involved in the Development of Nuclear Standards in the United States" and the National Technical Information Service, Department of Commerce, sells this document to the public.

b. For the routine use specified in paragraph No. 5 of the Prefatory Statement.

POLICIES AD PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on lists and computer tape and disk.

RETRIEVABILITY:

Records are indexed by the individual's name, by individual's office or region and by the committee title.

SAFEGUARDS:

Maintained in unlocked file cabinet.

RETENTION AND DISPOSAL:

Updated when information is out of date. The information is retained until the person is no longer a member of the committee or no longer an NRC employee, whichever occurs first. Destroyed by computer deletion.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies or from his/her supervisor.

NRC—16

SYSTEM NAME:

Facility Operator Licensees Record Files (10 CFR Part 55)—NRC.

SYSTEM LOCATION:

Primary system—Operating Licensing Branch, Division of Project Management, Office of Nuclear Reactor Regulation, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate system—duplicate system exists, in whole or in part, at the Department of Energy, Germantown, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals licensed pursuant to 10 CFR Part 55, new applicants whose applications are being processed, and individuals whose licenses have expired.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to the application for a license, certification of competency, certification of medical history and results of medical examination and related correspondence, operator examination and examination results and license or denial letter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2137 and 2201(i)(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To determine if the individual meets the requirements of 10 CFR Part 55 to take an examination or to be issued an operator's license;

b. To provide researchers with information for statistical evaluations related to selections, training and examination of facility operators;

c. To provide for examination and testing material and obtain results from contractors;

d. To provide facility management with sufficient information to enroll the individuals in the licensed operator requalification program; and

e. For any of the routine uses specified in the Prefatory Statement, except paragraph number 3.

In addition, information related to the application, certification of competency, and license or denial letter will routinely be made available in the NRC's Public Document Room.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on index cards and paper in file folders.

RETRIEVABILITY:

Records are accessed by name and docket number.

SAFEGUARDS:

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Reactor Operator Licensees Records:

a. Medical information: retained for 4 years after the individual's license expires, then destroyed;

b. Examination and examination results: retained for 2 years after the issuance of a license or denial letter. A summary report is retained until 4 years after the individual's license expires;

c. Other information: destroyed when it becomes 2 years old;

d. Docket information: destroyed 4 years after an individual's latest license expires.

Records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Operator Licensing Branch, Division of Project Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual applying for a license, the facility manager, a licensed physician, members of the Operator Licensing Branch, and contractor personnel.

NRC—17

SYSTEM NAME:

Occupational Injuries and Illness Reports—NRC.

SYSTEM LOCATION:

Primary system—Building and Operations Branch, Division of Facilities and Operations Support, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate system—duplicate system exists, in whole or in part, at the location listed in Addendum I, Part 1(c).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees who report an occupational injury or illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain descriptions of injury or illness, treatment, and disposition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 29 U.S.C. 657(c)(1976);

b. Executive Order 11807, September 28, 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. By the NRC Safety Officer and/or Branch supervisor, to prepare periodic statistical reports on employees' health and injury status and health and safety hazards in NRC physical structures, all for transmission to and review by the Department of Labor;

b. For transmittal to the Secretary of Labor or an authorized representative in accordance with duly promulgated regulations:

c. For transmittal to the Office of Personnel Management and/or Merit Systems Protection Board as required to support individual claims; and

d. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper in file folders.

RETRIEVABILITY:

Indexed by assigned employee case number or name under report category.

SAFEGUARDS:

Maintained in locked file cabinet under visual control of section employees. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained for 5 years after date of report, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Same as "System manager."

RECORD ACCESS PROCEDURES:

Same as "System manager."

CONTESTING RECORD PROCEDURES:

Same as "System manager."

RECORD SOURCE CATEGORIES:

NRC Public Health Unit, NRC Headquarters and Regional Office feeder reports and forms with original information largely supplied by employees concerned.

NCR-18

SYSTEM NAME:

Office of Inspector and Auditor Index File and Associated Records—NRC.

SYSTEM LOCATION:

Office of Inspector and Auditor, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals referred to in potential or actual cases and matters of concern to the Office of Inspector and Auditor and correspondents on subjects directed or referred to the Office of Inspector and Auditor.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of an alphabetical index file bearing individual names. The index provides access to associated records which are arranged by subject matter, title, or identifying number(s) and/or letter(s). The system incorporates the records of all Office of Inspector and Auditor correspondence, cases, matters, memoranda, and materials, including but not limited to audit reports, investigative reports, inspection reports; correspondence to and from the Office of Inspector and Auditor, memoranda, legal papers, evidence, exhibits, audit data, investigative data, and work papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2035(c), 2201(c), and 5841(f)(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. A record in the system of records may be disclosed as a routine use to a Federal, state, local or foreign agency or to an individual or organization if the disclosure is reasonably necessary to elicit information or to obtain the cooperation of a witness or an informant;

b. A record in the system of records relating to a case or matter falling within the purview of the Office of Inspector and Auditor that has been referred for audit, inspection or investigation may be disclosed as a routine use to the referring agency, group, organization or individual to notify such agency, group, organization or individual of the status of the case or matter or of any decisions or determinations that have been made;

c. A record in the system of records relating to an individual held in custody pending arraignment, trial, or sentence, or after conviction, may be disclosed as a routine use to a Federal, state, local or foreign prison, probation, parole or pardon authority, to any agency or individual concerned with the maintenance, transportation, or release of such an individual;

d. A record in the system of records relating to a case or matter may be disclosed as a routine use to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

e. A record in the system of records may be disclosed as a routine use to a Federal, state, local or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

f. A record in the system of records in the nature of an audit, inspection or investigation report relating to the integrity and efficiency of the Commission operation and management may be disseminated outside the Commission as part of the Commission's responsibility to inform the Congress and the public about Commission operations; and

g. A record in the system of records may be disclosed for any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information contained in this system is stored manually on index cards and in file jackets.

RETRIEVABILITY:

Information is retrieved from index cards by the name of the individual and from the jackets by number(s) and/or letter(s) assigned and appearing on the index card.

SAFEGUARDS:

The index is maintained in unlocked file cabinets and the associated records are located in lockable metal filing cabinets or safes. All records are under visual control during normal working hours, available only to authorized personnel whose duties require access, and stored in a room that is locked after normal working hours.

RETENTION AND DISPOSAL:

Retained 10 years in NRC storage from the time the case is closed, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Inspector and Auditor, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Information classified pursuant to Executive Order 12065 will not be disclosed. Information received in confidence will not be disclosed to the extent that disclosure would reveal a confidential source.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

The information in this system of records is obtained from sources including, but not limited to, NRC officers and employees, Federal, state, local, and foreign agencies, and persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), (k)(2), (k)(5), and (k)(6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), e(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

NRC—19

SYSTEM NAME:

Official Personnel Training Records Files—NRC.

SYSTEM LOCATION:

Primary system—Management Development and Training Staff, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1(a), (b), (c), (d), (e), (f), and (g), and Part 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for or were selected for either NRC or other government/non-government training courses or programs, including the NRC Senior Executive Service Candidate Development Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to the individual's educational background, work experience, performance appraisals, and training courses, including applications for training, training requests, authorizations for training, course grades, evaluations and other related personnel information and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 5 U.S.C. 4103(1976), 3396 (October 13, 1978), and 4311 et seq. (1978);

b. Executive Order 11348, April 20, 1967, as amended by Executive Order 12107, December 28, 1978.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Information may be extracted from the records and made available to the Office of Personnel Management; other Federal, state and local government agencies; and educational institutions for use in training programs related to NRC employees; and

b. Information in these records may be disclosed for the routine uses specified in paragraph numbers 5 and 6 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper in file folders.

RETRIEVABILITY:

Information is accessed by name.

SAFEGUARDS:

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained for 5 years, or until no longer needed, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Management Development and Training Staff, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information is provided by the individual to whom it applies, the employee's supervisor, and training groups, agencies, or educational institutions.

NRC—20

SYSTEM NAME:

Official Travel Records—NRC.

SYSTEM LOCATION:

Primary system—Office of the Controller, NRC, 4922 Fairmont Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2; and at the NIH computer facility, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees, prospective NRC employees, consultants, and invitational travelers for NRC programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain Request and Authorization for Official Travel forms, Travel Advance Worksheet, Travel Vouchers and Vouchers for Professional Service, Travel and Miscellaneous Expenses from consultants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 5 U.S.C. 5701(1976); 31 U.S.C. 21, 22, 24, 49, 54, 66a, and 952(1976);

b. Federal Travel Regulations, Federal Property Management Regulations, 41 CFR Part 101–7.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. For transmittal to the U.S. Treasury for payment;

b. For transmittal to the Department of State or an embassy for passports or visas;

c. For quarterly report to the General Services Administration of individuals approved for first class travel; and

d. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper in file folders, on disks, and on magnetic tape.

RETRIEVABILITY:

Records are accessed by name, social security account number, authorization number, estimated travel start day, authorization process day, voucher process day, and voucher payment schedule number.

SAFEGUARDS:

Maintained in locked file cabinets in same room as users. For ADP records, a key work, initials, and NRC Office of the Controller's account number must be known in order to retrieve information.

RETENTION AND DISPOSAL:

Retained for 3 years, then destroyed through regular trash disposal system.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information is provided by the individual, the organizational component approving the travel, outside transportation agents and rate books for cost information.

NRC-21

SYSTEM NAME:

Payroll Accounting Records—NRC.

SYSTEM LOCATION:

Primary system—Office of the Controller, NRC, 4922 Fairmont Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pay, leave, and allowance histories.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 21, 22, 24, 49, 54, 66a, and 952(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. For transmittal of data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes;

b. For reporting tax withholding to Internal Revenue Services and appropriate state and local taxing authorities;

c. For FICA deductions to the Social Security Administration;

d. For dues deductions to labor unions;

e. For withholdings for health insurance to the insurance carriers and the Office of Personnel Management;

f. For charity contribution deductions to agents of charitable institutions;

g. For annual W-2 statements to taxing authorities and the individual;

h. For transmittal to the Office of Management and Budget for review of budget requests;

i. For withholding and reporting of retirement, reemployed annuitants and life insurance information to the Office of Personnel Management;

j. For transmittal of information to state agencies for unemployment purposes; and

k. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, microfiche, magnetic tape, and disks.

RETRIEVABILITY:

Accessed by name and social security account number.

SAFEGUARDS:

File folders, microfiche, tape, and disks, including backup data, are maintained in locked cabinets in secured locked rooms after working hours. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

File folders are retained for 4 years after transfer or separation of employee, then destroyed by shredding. ADP information is retained on disks for 1 year, transferred to and retained on magnetic tape for 3 years, then the tape is erased.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information is provided by the individual and the Division of Organization and Personnel.

NRC-22

SYSTEM NAME:

Personnel Performance Appraisals—NRC: Part A, GG-15 employees and below; Part B, Senior Executive Service and equivalent employees.

SYSTEM LOCATION:

Part A: Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Part B: Chairman, Performance Review Board, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains evaluations of employees, evaluation criteria and methods, supervisory appraisals of performance and career development potential, and other related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4311, et seq. and 42 U.S.C. 2201(d)(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records may be used for any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper in the folders.

RETRIEVABILITY:

Records are accessed by name.

SAFEGUARDS:

Maintained in locked file cabinets. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Part A: Retained 1 year, or until subsequent rating is prepared, whichever is later.

Part B: Retained for 5 years, or until the fifth annual appraisal is completed, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Part A: Chief, Personnel Operations Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Part B: Chairman, Performance Review Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure" for each part.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure" for each part.

RECORD SOURCE CATEGORIES:

Part A: Individual to whom record pertains and employee's supervisors.

Part B: Individual to whom record pertains and employee's supervisors; any documents and sources used to develop critical elements and performance standards for that Senior Executive Service position.

NRC-23

SYSTEM NAME:

Personnel Research and Test Validation Records—NRC.

SYSTEM LOCATION:

Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate system—duplicate system exists, in whole or in part, at the Department of Energy computer facility, Germantown, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees and applicants for NRC employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include education and employment history, test scores, responses to test items and questionnaires, interview data and ratings of supervisors regarding the individuals to whom the records pertain. Data are collected on a project basis and are used for the construction, analysis and validation of written tests; for research on personnel measurement and selection methods and techniques, and research on personnel management practices such as performance evaluation or productivity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2201(d)(1976) and 44 U.S.C. 3101(1970).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To exchange between the NRC, Office of Personnel Management, Merit Systems Protection Board, and other Federal agencies for personnel research purposes and used to aid in identifying employees included in research studies that extend over a period of time; and

b. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, on punched cards, computer tape, and computer storage.

RETRIEVABILITY:

Records are maintained by project. Personnel information can be retrieved by name or personal identifier.

SAFEGUARDS:

Records are kept in locked files and access is limited to staff.

RETENTION AND DISPOSAL:

Retained for 3 years, then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management and Policy Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Some records contain information received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source. Testing material may not be disclosed to the extent such disclosure would compromise the testing process.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Individual Federal employees or applicants, supervisors, assessment center assessors, Office of Personnel Management, or NRC personnel files and records, and other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(6), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

NRC-24

SYSTEM NAME:

Property and Supply System (PASS)–NRC.

SYSTEM LOCATION:

Property Management Section, Property and Supply Branch, Division of Facilities and Operations Support, Office of Admininstration, NRC, 4922 Fairmont Avenue, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees, consultants, and contractors who have custody of items of personal property, including major items of equipment (e.g., office furnishings, automobiles, etc.) and items of sensitive property (e.g., cameras, portable calculators, and cassette recorders).

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information about the equipment (type, make, model, serial number, etc.); and information about the custodians of the equipment (social security account number, office, and office location).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66a(a)(3)(1976) and 40 U.S.C. 483(b) and (c), 487(a)(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To provide information to maintain inventory of equipment;

b. To provide information for clearances of employees who separate from the NRC; and

c. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on NRC forms and magnetic tape systems, with history and audit files.

RETRIEVABILITY:

Accessed by social security account number, office, and office location.

SAFEGUARDS:

Doors are alarmed during non-working hours. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained for 3 years after an individual's responsibility for the assigned equipment terminates; destroyed by regular trash disposal system or deleted from the data bank.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Property and Supply Branch, Division of Facilities and Operations Support, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records comes from NRC forms signed by the individuals having custody of the items, or from reports and memoranda received by the Division of Facilities and Operations Support.

NRC-25

SYSTEM NAME:

Oral History Program–NRC.

SYSTEM LOCATION:

Office of the Secretary of the Commission, NRC, 1717 H Street NW., Washington, DC

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees, former employees, and other individuals who volunteer to be interviewed for purpose of providing information for a history of the nuclear regulatory program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of interviews on magnetic tape, and transcribed script of the interviews.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2161b, 5841(a)(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. For incorporation in a future publication on the history of the nuclear regulatory program; and

b. To provide information to historians and other researchers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on magnetic tape and typescripts.

RETRIEVABILITY:

Information is accessed by the name of the interviewee.

SAFEGUARDS:

Maintained in locked file cabinet. Access to and use of these records are limited to those authorized by the Historian or a designee.

RETENTION AND DISPOSAL:

Typescripts are retained indefinitely. Tapes are normally retained until they are transcribed; some may be retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

NRC Historian, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from interviews granted on a voluntary basis to the Historian and his/her staff.

NRC-26 [Revoked]

NRC-27

SYSTEM NAME:

Radiation Exposure Information and Reports System (REIRS) Files–NRC.

SYSTEM LOCATION:

Primary system—Union Carbide Corporation, Industrial and Personnel Management Department, Computer Science Division, P.O. Box P, Oak Ridge, Tennessee 37830.

Duplicate system—duplicate systems exist, in whole or in part, at the location listed in Addendum I Parts 1(e) and 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals monitored for radiation exposure while employed by or visiting or temporarily assigned to certain NRC licensed facilities; individuals who are exposed to radiation or radioactive materials in incidents required to be reported puprsuant to 10 CFR 20.403 and 20.405 by all NRC licensee; individuals who may have been exposed to radiation or radio-active materials off-site from a facility, plant installation, or other place of use of licensed materials, or in unrestricted areas, as a result of an incident involving byproduct, source, or special nuclear material; as then required by NAVMD P-5055, Radiation Health Protection Manual, monitored individuals terminating their service with the Navy prior to 1977; and monitored employees of all the registrants of the State of Illinois.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to individual's name, sex, social security account number, date of birth, job category, period of employment, place and period date of exposure; name, address, and license number of individual's employer; licensee name and number reporting the incident; radiation doses or estimates of exposure received during this period, type of radiation, part(s) or organ(s) exposed, and nuclide(s) involved. Some reports will indicate whether the individual is a contractor or a utility employee. Between January 1972 and May 1974, the following information was also recorded for individuals over-exposed to radiation: sex, training experience, regular occupation of the exposed individuals; device or method used to determine dose(s); brief statement describing the incident and the causes; corrective actions taken; status of exposed individual (i.e., medical treatment); type, age, and manufacturer of malfunctioning equipment; and cumulative dose prior to incident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, and 2201(o)(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To provide data to other Federal and state agencies involved in monitoring and/or evaluating radiation exposure received by individuals as enumerated in the paragraph "Categories of individuals covered by the system;" and

b. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are computerized and maintained on magnetic tape, maintained in log books, and filed as either a computer printout or original paper document.

RETRIEVABILITY:

Records are accessed by individual name, social security account number, and by licensee name or number.

SAFEGUARDS:

Information maintained at the Computing Technology Center is accessible only to the programmers assigned to the REIRS system and released only to the Division of Technical Review. Reports kept by the Division of Technical Review are in file cabinets and bookcases in a secured building. A log is maintained of both telephone and written requests for information.

RETENTION AND DISPOSAL:

a. Original paper document—retained 2 years, destroyed by shredding;

b. Magnetic tape—retained permanently at Computing Technology Center;

c. Log books—retained indefinitely, no names;

d. Computer printouts—periodically updated, destroyed through regular trash disposal system.

SYSTEM MANAGER(S) AND ADDRESS:

Branch Chief, Performance Evaluation Branch, Office of Management and Program Analysis, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the monitored worker, visitors, worker's employer, or the person in charge of the facility to which the worker has been assigned.

NRC-28

SYSTEM NAME:

Recruiting, Examining and Placement Records—NRC.

SYSTEM LOCATION:

Primary system—Division of Organization and Personnel, Office of Administration, NRC, 7910 Woodmont Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2, and at the Department of Energy Computer facility, Germantown, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied for Federal employment with the NRC.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain general application information relating to the education, training, employment history, earnings, past performance, criminal convictions, if any, written achievement tests, honors, awards, or fellowships, military service, veteran preference status, birthplace, birth date, social security account number, and home address of persons who have applied for Federal employment with the NRC (SF-171, résumés, and similar documents).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 161(d), Atomic Energy Act of 1954, 42 U.S.C. 2201(d)(1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To furnish information to agencies relative to transfer or consideration of employment; and

b. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained primarily on forms, lists, and index cards in file folders. Also, certain data is maintained on magnetic tapes, disks, and punch cards.

RETRIEVABILITY:

Records are indexed by name and an identification number assigned to each individual.

SAFEGUARDS:

Maintained in unlocked file cabinet. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

a. Register of Eligible Applications—retained for 1 year from date of application or until no longer needed, then destroyed;

b. Index cards—retained from date application is placed in the review system, then destroyed when no longer needed;

c. Other related recruitment and placement documents—destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Recruitment Branch, Division of Organization and Personnel, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Some information was received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information supplied by that individual, with the exception of reports from medical personnel on physical qualifications, results of examinations, vouchers filled out by references and educational institutions whose names were supplied by applicant, and information from other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

NRC-29

SYSTEM NAME:

Document Control System—NRC.

SYSTEM LOCATION:

Primary system—Record Facilities Branch, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2; the NRC Public Document Room (PDR), 1717 H Street, NW, Washington, DC; the NRC Local Public Document Rooms (LPDRs); and at the TERA Advanced Services Corporation, 7101 Wisconsin Avenue, Suite 1400, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC staff, contractors, subcontractors, licensees, Congressional offices, and other correspondents with the NRC.

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CATEGORIES OF RECORDS IN THE SYSTEM:

Documents both received by and originated by the NRC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 5841 (1976) and 44 U.S.C. 3101 (1970).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To refer, where appropriate, inquiries to Federal agencies or persons for their reply or action;

b. To provide information to persons or agencies requesting this information, including provision of Daily Accession Lists in the NRC PDR & LPDRs;

c. To prepare a monthly "Title List of Documents Made Publicly Available;" and

d. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on microfiche, disks, tapes, and paper in file folders. Classified documents are maintained in locked safes; proprietary and sensitive safeguards documents are maintained in secured facilities.

RETRIEVABILITY:

Accessed by name (author or recipient), corporate source, title of document, subject matter, or other identifying document or control number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Information not exempt from disclosure under the Freedom of Information Act (FOIA) will be publicly available in the NRC PDR and LPDRs.

RETENTION AND DISPOSAL:

Retained and destroyed in accordance with approved records disposal schedules for the various types of records involved.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Technical Information and Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Information which is classified or otherwise exempt from public disclosure under the FOIA will not be disclosed.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the correspondence to and from the NRC, contractors, and NRC employees.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k), the Commission has exempted portions of this system of records from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f). This exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

NRC-30

SYSTEM NAME:

Manpower System (MPS) Records—NRC.

SYSTEM LOCATION:

Primary system—NIH computer facility, c/o Office of Management and Program Analysis, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate system—duplicate system exists, in whole or in part, at the location listed in Addendum I, Part 1(a).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All NRC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to number of regular and nonregular hours worked, the nature of the work, and workload projections.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 42 U.S.C. 2201(p) (1976);

b. Executive Order 9397, November 22, 1943.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. Records in the system of records are used as a project management tool in various management records throughout the NRC; and

b. Information in these records may be disclosed for the routine uses specified in paragraph numbers 5 and 6 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in computer files, computer records, on tapes, disks, cards, and microfiche.

RETRIEVABILITY:

Accessed by social security account, project, program, or activity number; docket number, TACS, or PPSAS numbers.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained indefinitely in computer files.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Management and Program Analysis, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it pertains.

NRC-31

SYSTEM NAME:

Correspondence and records Branch, Office of the Secretary—NRC.

SYSTEM LOCATION:

Office of the Secretary, Correspondence and records Branch, NRC, 1717 H Street, NW, Washington, D.C. 20555.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The majority of records in this system consist of internal NRC memoranda between NRC employees and the Chairman, a Commissioner, or the Secretary in the ordinary course of carrying out the official business of the NRC. Records also include correspondence from Members of Congress and their staffs including constituent referrals, and White House correspondence referred to the NRC for response. Correspondence may identify an individual's social security account number, date of birth, address, and employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information concerning all subjects which directly or indirectly relate to the fulfillment of NRC's statutory mandate. Records include information dealing with the policy, legal, administrative, and adjudicatory functions of the NRC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 5841 (1976) and 44 U.S.C. 3101 (1970).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records may be used for any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Most records are accessed by subject matter headings and are not individually identifiable. Access to some correspondence by individual name is available through correspondence control documents.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Classified materials are maintained in approved safes, and unclassified records are maintained in rolling file equipment. Access to floor where records are held is controlled 24 hours per day by Federal Protective Officers.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Correspondence and Records Branch, Office of Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Some information is classified pursuant to Executive Order 12065 and will not be disclosed.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Information in this system of records comes from communications to the Commission and responses thereto.

SYTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), the Commission has exempted portions of this system of records from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

NRC-32

SYTEM NAME:

Source and Special Nuclear Material License Records—NRC.

SYSTEM LOCATION:

Primary system—Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1(b) and 2, and the NIH computer facility, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and licensees under Source and Special Nuclear Materials licensing programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information contained in this system reflects data supplied by applicants and licensees and developed by the NRC staff in the license review and authorization process with respect to the possession and use of source and special nuclear material. System component records developed and maintained by the NRC staff also include summary and cross-indexing type data promoting quick access to the breakout of such license information as:

a. Alphabetical listing of active and inactive licenses and applicants for licenses arranged by state and by a master listing;

b. Cross indexes of names to assigned license numbers;

c. Dates of license issuance and expiration; and

d. Geographic location of licensees by state and town.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2073, 2093, 2095, 2201 (b), (i) and (o) (1976).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To provide records to state health departments for their information and use;

b. To provide information to other Federal, state, and local health officials in the event of incident or exposure, for purposes of their information, investigation, and protection of public health and safety;

c. To provide the Department of Energy with information concerning special nuclear material licenses for purposes of control-related transfers and safeguards accountability; and

d. For any of the routine uses specified in the Prefactory Statement.

Certain of the information provided in this category is routinely placed in the NRC Public Document Room.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on paper, index cards, logs, microfilm, and mag cards.

RETRIEVABILITY:

Indexed by applicant and licensee name in juxtaposition with assigned license number.

SAFEGUARDS:

Maintained in unlocked shelving units under control of supervisory personnel. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are continuously computer updated as new information is developed or individual licenses are cancelled or terminated; license files are transferred annually to the NRC warehouse when they become inactive or are terminated, and retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

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CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Forms and information submitted by applicants and licensees; information developed by NRC personnel from such forms and information.

NRC-33

SYSTEM NAME:

Special Inquiry File—NRC.

SYSTEM LOCATION:

Primary system—Special Inquiry Group, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate system—duplicate system exists, in whole or in part, at the TERA Advanced Services Corporation, 7101 Wisconsin Avenue, Suite 1400, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals possessing information regarding or having knowledge of matters of potential or actual concern to the Commission in connection with the investigation of an accident or incident at a nuclear power plant or other nuclear facility, or an incident involving nuclear materials.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of an alphabetical index file bearing individual names. The index provides access to associated records which are arranged by subject matter, title, or identifying number(s) and/or letter(s). The system incorporates the records of all Commission correspondence, memoranda, audit reports and data, interviews, questionnaires, legal papers, exhibits, investigative reports and data, and other material relating to or developed as a result of the inquiry, study, or investigation of an accident or incident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2201(c), (i) and (o)(1976); 5841(f)(1974).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. To provide information relating to an item which has been referred to the Commission or Special Inquiry Group for investigation by an agency, group, organization, or individual may be disclosed as a routine use to notify the referring agency, group, organization, or individual of the status of the matter or of any decision or determination that has been made;

b. To disclose a record as a routine use to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

c. To provide records relating to the integrity and efficiency of the Commission's operations and management may be disseminated outside the Commission as part of the Commission's responsibility to inform the Congress and the public about Commission operations; and

d. For any of the routine uses specified in paragraph numbers 1, 2, 4, 5, and 6 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on microfiche, disks, tapes, and paper in file folders. Documents are maintained in secured vault facilities.

RETRIEVABILITY:

Accessed by name (author or recipient), corporate source, title of document, subject matter, or other identifying document or control number.

SAFEGUARDS:

These records are located in lockable metal filing cabinets or safes in a secured facility and are available only to authorized personnel whose duties require access.

RETENTION AND DISPOSAL:

Retained and destroyed in accordance with approved records disposal schedules for the various types of records involved.

SYSTEM MANAGER(S) AND ADDRESS:

Records Manager, Special Inquiry Group, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Information classified pursuant to Executive Order 12065 will not be disclosed. Information received in confidence will not be disclosed to the extent that disclosure would reveal a confidential source.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

The information in this system of records is obtained from sources including, but not limited to, NRC officers and employees; Federal, state, local, and foreign agencies; NRC licensees; nuclear reactor vendors and architectural engineering firms; other organizations or persons knowledgeable about the incident or activity under investigation; and relevant NRC records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

NRC-34

SYSTEM NAME:

Advisory Committee on Reactor Safeguards (ACRS) Correspondence Index and Associated Records—NRC.

SYSTEM LOCATION:

Primary system—Advisory Committee on Reactor Safeguards, NRC, 1717 H Street, NW, Washington, DC.

Duplicate system—duplicate system exists, in whole or in part, at the NIH computer facility, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons providing information to or requesting information from the ACRS.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to incoming requests and correspondence from individuals and replies thereto and a listing of technical information by authors names.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101(1970).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Indexing is maintained on computer tapes and disks and individual materials are located in ACRS files.

RETRIEVABILITY:

Indexed by one or more of the following categories: author and addressee's name, subject title using the Key Word Out of Context (KWOC) index and issuing organization or agency.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Technical Information Branch, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Records contain information prepared by private individuals or organizations, government agencies and their contractors, companies, and other groups such as the American National Standards Institute (ANSI)

NRC-35 [Revoked]

NRC-36

SYSTEM NAME:

Employee Locator Records Files—NRC.

SYSTEM LOCATION:

Primary system—Telecommunications Branch, Division of Facilities and Operations Support, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to name, address (home and business), telephone numbers (home and business), organization, persons to be notified in case of emergency and other related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101(1970).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the routine use specified in paragraph number 6 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on index cards.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in controlled access room under 24-hour visual control of NRC operators. Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained until 6 months after association with NRC is discontinued, then distroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Telecommunications Branch, Division of Facilities and Operations Support, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintianed, general personnel records, and other related records.

NRC-37

SYSTEM NAME:

Information Security Files and Associated Records–NRC.

SYSTEM LOCATION:

Primary system—Division of Security, Office of Administration, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2; and at the NIH computer facility, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons including present or former NRC employees, contractors, consultants and licensees; other government agency personnel; and other cleared persons.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include information regarding:

a. Personnel who are authorized access to specified levels, categories and types of information, the approving authority, and related documents;

b. Individuals who originate classified documents as well as identifying information about the document.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 42 U.S.C. 2165 and 2201(i)(1976);

b. Executive Order 12065, June 28, 1978.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system may be used:

a. To provide information relating to the control of classified information and material to the Information Security Oversight Office, Department of Defense, Department of Energy (computer input) and other government agencies; and

b. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained primarily in file folders, on magnetic tape, disk packs, and index cards.

RETRIEVABILITY:

Indexed and accessible by name and/or assigned number.

SAFEGUARDS:

Maintained in locked buildings, containers, or security areas under guard and/or alarm protection, as appropriate.

RETENTION AND DISPOSAL:

a. Classified documents, administrative correspondence, document receipts, destruction certificates, classified document inventories, and related records—retained 2 years, then destroyed by shredding;

b. Top Secret Accounting and Control files—registers: retained 5 years after documents shown on form are

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downgraded, transferred, or destroyed; accompanying forms: retained until related document is downgraded, transferred, or destroyed. Destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Some information is classified pursuant to Executive Order 12065 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Persons, including NRC employees, contractors, consultants, and licensees as well as information furnished by other government agencies or their contractors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). The exemption rule is contained in 10 CFR 9.95 of NRC regulations.

NRC-38

SYSTEM NAME:

Mailing Lists—NRC.

SYSTEM LOCATION:

Primary system—Division of Technical Information and Document Control, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1(a) and (h), and at the TERA Advanced Services Corporation, 7101 Wisconsin Avenue, Suite 1400, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals with an interest in receiving information from the NRC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mailing lists include primarily the individual's name and address. Some lists also include title, occupation, and institutional affiliation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101(1970).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used:

a. For distribution of documents to persons and organizations listed on the mailing lists.

b. For the routine use specified in paragraph number 6 of the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in card files, index cards, address plates, magnetic cards, punch cards, cassettes and magnetic tape.

RETRIEVABILITY:

Filed alphabetically by company name and then individual name, where possible.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Documents requesting changes retained 3 months, destroyed through regular trash disposal system; lists retained until cancelled or revised, destroyed through regular trash disposal system.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Technical Information and Document Control, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

NRC licensees and individuals expressing an interest in NRC activities and publications.

NRC-39

SYSTEM NAME:

Personnel Security Files and Associated Records–NRC.

SYSTEM LOCATION:

Primary system—Division of Security, Office of Administration, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1(e) and 2; the Department of Energy, Administration and Century XXI Buildings, Germantown, Maryland; and the NIH computer facility, Bethesda, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons including NRC employees, employment applicants, consultants, contractors, and licensees; other government agency personnel (e.g., General Service Administration personnel); other persons who have been considered for a personnel clearance; aliens who visit at NRC's facilities; and actual or suspected violators of laws administered by NRC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Include information relating to personnel, including name, address, date and place of birth, social security account number, citizenship, residence history, employment history, foreign travel, education, personal references, organizational membership and security clearance history. These records also contain copies of investigative reports from other agencies (primarily from the Office of Personnel Management or the Federal Bureau of Investigation), summaries of investigative reports, results of Federal agency indices checks, reports of personnel security interviews, clearance actions information (e.g., grants and terminations), violations of laws, reports of security infractions, "Request for Visit or Access Approval" (Form NRC–277), and other related personnel security processing documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 42 U.S.C 2165 and 2201(i)(1976);

b. Executive Order 12065, June 28, 1978;

c. Executive Order 10865, February 20, 1960;

d. Executive Order 10450, April 27, 1953.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used by the Division of Security, Personnel Security Board Members or Personnel Security Review Board Members, Office of Personnel Management, Federal Bureau of Investigation, and other Federal agencies:

a. To determine clearance eligibility;

b. To certify clearances;

c. To maintain the NRC personnel security program; and

d. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained primarily in file folders, on magnetic tape, disk packs, and index cards.

RETRIEVABILITY:

Indexed and accessible by name, social security account number, or case file number of a combination thereof.

SAFEGUARDS:

File folders and computer printouts are maintained in security or controlled areas under guard and/or alarm protection as appropriate.

RETENTION AND DISPOSAL:

a. Personnel security clearance files—retained 5 years after date of last action, then transferred to Federal Records Center, Suitland, Maryland, destroyed by shredding 20 years after date of last action;

b. Request for Visit or Access Approval—Maximum security areas: retained 5 years after final entry or after date of document, as appropriate; Other areas: retained 2 years after final entry or after date of document; destroyed by shredding; and

c. Other security clearance administration files—retained 2 years after final entry or after date of document; destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Some information is classified pursuant to Executive Order 12065 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Persons including NRC applicants, employees, contractors, consultants, licensees, and visitors as well as information furnished by other government agencies or their contractors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k) (1) and (5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

NRC-40

SYSTEM NAME:

Facility Security Support Files and Associated Reports—NRC.

SYSTEM LOCATION:

Primary system—Division of Security, Office of Administration, NRC, 7915 Eastern Avenue, Silver Spring, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons including present or former NRC employees, consultants, contractors, and licensees; other government agency personnel; and actual and suspected vciolators of laws relating to the NRC's activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include information regarding NRC facilities' and NRC contractor facilities' security programs and associated records; individuals visiting NRC facilities; NRC employees and NRC related identification files maintained for access pupposes; actual or suspected violations of laws of security interest administered by NRC, including copies of investigative reports from other government agencies; records of individuals' firearms qualification scores including the accountability of firearms; and other documents relating to the safeguards of National Security Information (NSI) and Restricted Data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

a. 42 U.S.C. 2165 and 2201(i), (k), and (p)(1976);

b. Executive Order 12065, June 28, 1978.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system may be used:

a. To provide licensees and contractors with the information necessary to maintain an adequate security program; and

b. For any of the routine uses specified in the Prefatory Statement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on related forms.

RETRIEVABILITY:

Indexed and accessible by name, facility, badge number, identification card number, chronologically, or a combination thereof.

SAFEGUARDS:

Maintained in security containers or security areas under guard and/or alarm protection, as appropriate.

RETENTION AND DISPOSAL:

a. Survey and inspection files and records pertaining to NRC and NRC contractor facilities security programs—Government-owned facilities: retained 3 years, or until discontinuance of facility, whichever is sooner; Privately owned facilities: retained 4 years or until security cognizance is terminated, whichever is sooner; destroyed by shredding;

b. Facility visitor records—Maximum security areas: retained 5 years after final entry or after date of documents, as appropriate; Other areas: retained 2 years after date of document; destroyed by shredding;

c. NRC employee and NRC-related identification files—retained 2 years following employee's termination; destroyed by shredding.

d. Security interest violation and investigative report files—retained indefinitely;

e. Firearms qualification scores and accountability—retained 2 years from date of document; destroyed by shredding; and

f. Other documents relating to NSI and Restricted Data safeguards and other security and protective service files—

retained 2 years from date of document; destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

NOTIFICATION PROCEDURE:

Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure." Some information is classified pursuant to Executive Order 12065 and will not be disclosed. Other information has been received incønfidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure."

RECORD SOURCE CATEGORIES:

Persons including NRC employees, contractors, consultants, licensees, and visitors as well as information furnished by other government agencies or their contractors.

Addendum I.—List of U.S. Nuclear Regulatory Commission Locations

Part I.—NRC Headquarters Offices

a. Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland.

b. East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

c. Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland.

d. Lugenbeel Building, 4922 Fairmont Avenue, Bethesda, Maryland.

e. Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland.

f. Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland.

g. Nicholson Lane Building, 5650 Nicholson Lane, Rockville, Maryland.

h. Matomic Building, 1717 H Street, NW, Washington, D.C.

i. Air Rights III Building, 4550 Montgomery Avenue, Bethesda, Maryland.

Part 2.—NRC Regional Offices

a. NRC Region I, 631 Park Avenue, King of Prussia, Pennsylvania 19406.

b. NRC Region II, 101 Marietta Street, Suite 3100, Atlanta, Georgia 30303.

c. NRC Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

d. NRC Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76012.

e. NRC Region V, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596

Dated at Bethesda this 9th day of September 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-27369 Filed 9-18-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

September 16, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether Section 3504(h) of Pub. L. 96-511 applies;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

- Food and Nutrition Service

Food Stamp Program—Photo Identification
On occasion

Individuals or households/State or local Governments/Businesses or other INS
Food stamp hsehlds residing in areas serv. more than 100,000
SIC:943 881
Food and nutrition assistance: 37,020,000 responses; 325,000 hours; $399,110 Federal cost; 1 form; $1,049,000 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

This final regulation establishes the requirements for food stamp photo identification. The rule mandates the areas in which photo ID's are required and establishes the minimum requirements that photo ID systems must meet.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

New

- Departmental and Others

Evaluation of Institutional Conservation Program
CE-745 A & B
Nonrecurring
State or local governments/businesses or other institutions
State energy offices and 600 selected government and public facility
SIC: 919 Mul
Small businesses or organizations
Energy conservation: 654 responses; 2,616 hours; $1, 299,500 Federal cost; 2 forms; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

To evaluate the energy audit phase of the institutional conservation program by examining State audit documents and interviewing responsible State officials. A sample of participating and nonparticipating buildings will be reaudited to measure effectiveness of ICP.

Revisions

- Energy Information Administration

Boiler Manufacturers Report
EIA-97
Quarterly
Businesses or other institutions
Boiler manufacturers
SIC: 351
Energy information, policy, and regulation: 80 responses; 80 hours; $6,250 Federal cost; 1 form; not applicable under 3504

Jefferson B. Hill, 202-395-7340

Data will be used as imput to the national model midterm energy forecasting system and to update the frame for the quarterly coal consumption report—manufacturing plants.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

- Social Security Administration

Quality Review Questionnaire—Disability
SSA-4678 (10-80)
Nonrecurring
Individuals or households
Disabled or blind SSI beneficiaries
Other income security: 1,500 responses; 500 hours; $469,500 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

This information will provide a basis for determining characteristics of the SSI population relative to the beneficiaries disabling condition.

- Social Security Administration

Aid to Families With Dependent Children[1]
Monthly reporting
Monthly
Individuals or households
Families receiving AFDC assistance
Other income security: 45,600,000 responses; 3,800,000 hours; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

The statute requires that this information be reported by AFDC families on a monthly basis.

Extensions (Burden Change)

- Social Security Administration

Statement of Living Arrangements, Support and Maintenance/Additional Statement of Living Arrangements, Support and Maintenance
SSA-8005 and 8006
On occasion
Individuals or households
Aged, blind and disabled applicants and recipients
Public assistance and other income supplements; 2,700,000 responses; 235,000 hours; $15,100,000 Federal cost; 2 forms; not applicable under 3504(h)

Robert Neal, 202-395-6880

Section 1612(A)(2) of the Social Security Act provides for information regarding the determination of initial and continuing eligibility for supplement security income (SSI) payments and the amount of such payments. These forms are used to elicit complete information so that payment errors can be reduced and minimized.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

- Internal Revenue Service

Tax Shelter Questionnaire Contribution of Gem Stones
DIR-DET 4-301
On Occasion
Individuals or households/businesses of other institutions
Taxpayers investing in a contribution of gem stones tax shl.
SIC: All
Small businesses or organizations
Central fiscal operations: 25 responses; 19 hours; $1,051 Federal cost; 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202-395-6880

The questionnaire has been devised with destrict counsel to properly develop each tax shelter case. Without this questionnaire, Internal Revenue Service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

- Internal Revenue Service

Office Examination Interview Checksheet
500-4-584, 500-4-584A
On occasion
Individuals or households/farms/businesses or other institutions
Individuals filing a 1040 or 1040A
SIC: 501, 502, 503, 152, 171, 172, 521, 823, 525, 526
Small businesses or organizations
Central fiscal operations: 35,000 responses; 17,500 hours; $5,668 Federal cost; 2 forms; not applicable under 3504(h)
Dr. Irene Montie, 202-395-6880

26 U.S.C. 7602 authorizes IRS to examine any books, records, or other data that may be relevant to the examination of a return to determine the validity of the return. Forms 500-4-584 and 500-4-584A are used as a check sheet by examiners as an aid for return examination.

- Internal Revenue Service

Erroneously Reported Wages Per OAR 7010 From SSA
97C, 97SC, 97SP
Quarterly
Individuals or households/businesses or other institutions
All employers
SIC: All
Small businesses or organizations
Central fiscal operations: 1,484 responses; 742 hours; $6,610 Federal cost; 3 forms; not applicable under 3504(h)

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[1] This request has already been approved in order that revised AFDC regulations necessitated by the Omnibus Reconciliation Act of 1981 can be implemented on October 1, 1981.

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Dr. Irene Montie, 202–395–6880

The information is needed in order to resolve discrepancies between SSA and IRS data which could result in a refund to the employer.

- Bureau of Alcohol, Tobacco and Firearms

Request for Disposition Offense
ATF F 5050.[illegible]
On occasion
State or local governments
Law enforcement groups and/or court records clerks
SIC: 922
Federal law enforcement activities: 3,000 responses; 1,500 hours; $1,200 Federal cost; 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202–395–6880

When an applicant for a license or permit has been charged with a violation of Federal or State law and there is no records of the disposition of the case, this form is sent to the custodian of the records to ascertain the disposition. The information is needed to determine if the applicant is eligible to receive the license or permit.

- Internal Revenue Service

BMF General Purpose CP Form
4428, 4428–SP
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
The notice is issued to all taxpayers filing businesses rtrns.
SIC: All
Small businesses or organizations
Central fiscal operations: 154,697 responses; 77,348 hours; $1,084,718 Federal cost; 2 forms; not applicable under 3504(h)
Dr. Irene Montie, 202–395–6880

Blank computer form used to advise taxpayer of problems with business return, math errors, return not filed when due, tax not paid when due, estimated tax underpaid, tax deposit requirements not met, check not honored by bank, explanation for late filing not acceptable.

- Internal Revenue Service

Deduction for Depletion on Ground Water Used for Irrigation
SWR E–665
Annually
Individuals or households/farms/businesses or other institutions
Taxpayers using grounds water from the Ogallala
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 500 responses; 1,000 hours; $500 Federal cost: 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202–395–6880

Attachment to tax return which provides standard method of computing and reporting water depletion deductions by taxpayers in the southern high plains of Texas and New Mexico who extract ground water from the Ogallala geological formation, under revenue procedure 66–11. The IRS uses the information to determine if the depletion has been computed correctly.

- Internal Revenue Service

Letter Used to Ask Taxpayer Additional Information so we can Locate the Account
FL 1815 (Rev. 12–79)
Nonrecurring
Individuals or households
Individual Taxpayers
Central fiscal operations: 8,000 responses; 2,000 hours; $16,214 Federal cost; 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202–395–6880

This letter is used when the taxpayer has requested information about his/her tax account, but has failed to provide sufficient information for us to locate his/her account. Without this information, the taxpayer's need will not be met.

- Internal Revenue Service

Letter Requesting Appraiser Information
ROL 1–187
On occasion
Individuals or households/businesses or other institutions
Certified Appraisers
SIC: All
Small businesses or organizations
Central fiscal operations: 25 responses; 50 hours; $307 Federal cost; 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202–395–6880

IRS obtains the services of qualified appraisers to establish the fair market value of real property held by taxpayers. These appraisals are used to determine the proper tax liabilities owed by taxpayers. Without the expertise of qualified appraisers, it will not be able to collect tax revenues required by law.

- Internal Revenue Service

Letter Requesting Additional Information From Exempt Organization
LTR 1451
On occasion
Businesses or other institutions
Exempt organization, churches, union, boy's club
SIC: 839,862
Small businesses or organizations
Central fiscal operations: 1,500 responses; 50 hours; $15,539 Federal cost; 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202–395–6880

Information received in response to the pattern letter will enable us to process form SS–15, certificate waiving exemption from Federal income taxes.

Revisions

- Bureau of Alcohol, Tobacco and Firearms

Notice of Transfer of Fruit-Flavor Concentrate
[illegible]
ATF F 3874 (5520.5)
On occasion
Businesses or other institutions
Bonded wine cellars
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 0 responses; 0 hours; $225 Federal cost; 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202–395–6880

Form is necessary to document and control shipments of fruit flavor concentrate between bonded wine cellars, fruit-flavor concentrate plants and for export. Describes the shipper, person to whom shipped, details about the shipment and fruit-flavor concentrate for tax liability purposes and receipt by the consignee. Form is used to determine proper disposition and shipment of fruit-flavor concentrate.

Extensions (Burden Change)

- Bureau of Alcohol, Tobacco and Firearms

Registration of Volatile Fruit Flavor Concentrate Plant
ATF F 27–G (5520.3)
On occasion
Businesses or other institutions
Manufacturers of volatile fruit flavor concentrate
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 10 responses; 30 hours; $115 Federal cost; 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202–395–6880

Volatile fruit flavor concentrate is produced by a distillation process. Alcohol is produced and remains in the product. Although concentrate is not taxed, the law requires registration of plants because alcohol could be produced under/or diverted for illegal purposes.

- Bureau of Alcohol, Tobacco and Firearms

Proprietors of Volatile Fruit Flavor Concentrate Plants
ATF REC 5520/1
On occasion
Businesses or other institutions

Manufacturers of volatile fruit flavor concentrates
SIC: 209
Small businesses or organizations
Federal law enforcement activities: 10,140 responses; 1,014 hours; $50 Federal cost; 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202-395-6880

Records process throughout, insures materials are not diverted, their use, and to whom transferred, protects the revenue.

- Bureau of Alcohol, Tobacco and Firearms

Proprietors of Volatile Fruit Flavor Concentrate Plants
ATF Rec 5520/2
On occasion
Businesses or other institutions
Manufacturers of volatile fruit flavor concentrates
SIC: 209
Small businesses or organizations
Federal law enforcement activities: 10,140 responses; 1,014 hours; $50 Federal cost; 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202-395-6880

Accounting tool, audit trail, protection of the revenue. Ensures correct amount are used according to formula, ensures spirits are then unfit for beverage purposes, then tax exempt or drawback can be claimed.

- Bureau of Alcohol, Tobacco and Firearms

Proprietors of Volatile Fruit Flavor Concentrate Plants
ATF Rec 5520/3
On occasion
Businesses or other institutions
Manufacturers of volatile fruit flavor concentrates
SIC: 209
Small businesses or organizations
Federal law enforcement activities: 156 responses; 78 hours; $10 Federal cost; 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202-395-6880

Ascertain revenue is not placed in jeopardy, and notifies ATF of proprietors intents to commence business. Protection of the revenue.

- Internal Revenue Service

Tax on wagering
730
Monthly
Businesses or other institutions
Persons in the business of accepting wagers
SIC: 794, 799
Small businesses or organizations
Central fiscal operations: 22,596 responses; 19,207 hours; $63,763 Federal cost; 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202-395-6880

Form 730 is used to identify taxable wagers and collect the tax monthly (IRC section 4401). The information supplied is used to determine if persons accepting wagers are correctly reporting the amount of wagers and paying the required tax.

- Bureau of Alcohol, Tobacco and Firearms

Application to Transport Interstate or to Temporarily Export Certain NFA Firearms
ATF F 7560.8
On occasion
Individuals or households
Importers/exporters of firearms
Small businesses or organizations
Federal law enforcement activities; 410 responses; 205 hours; $4,054 Federal cost; 1 form; not applicable under 3504 (h)
Dr. Irene Montie, 202-395-6880

Form, when approved, satisfies the requirement that a registrant receive authorization from the Secretary prior to any movement of certain NFA firearms in interstate or foreign commerce. Regulations provide that registrant must write a letter and provide 7 items of information. Makes it easier for registrant to supply the required information and eliminates need for additional correspondence on part of both parties. NFA branch will accept letter application or this form.

- Bureau of Alcohol, Tobacco and Firearms

Application to Make and Register Firearms
ATF Form 1 (7560.1)
On Occasion
Individuals or households
Individuals who make firearms and register applicants name.
Small businesses or organizations
Federal law enforcement activities: 240 responses; 960 hours; $8,167 Federal cost; 1 form; not applicable under 3504 (h)
Dr. Irene Montie, 202-395-6880

National Firearms Act (NFA), Chapter 53, Title 26 U.S.C., requires an individual to submit form prior to making a NFA firearm. Approval authorizes individual to make firearm in applicant's name in the national firearms registration and transfer record (NFRTR).

Reinstatements

- Bureau of Alcohol, Tobacco and Firearms

Concentrate Manufacturer's Bond
ATF F 1694
On occasion
Businesses or other institutions
Manufacturers of concentrates
SIC: 209
Small businesses or organizations
Federal law enforcement activities; 0 responses; 0 hours; $18 Federal cost; 1 form; not applicable under 3504(h)
Dr. Irene Montie, 202-395-6880

Manufacturers of fruit flavor concentrates handle a product which has an alcoholic content. Accordingly, federal excise taxes attach to the product. If not used in accordance with law, the taxes are protected by this bond which the manufacturers file with our bureau.

ACTION

Agency Clearance Officer—Mr. Don Romine—202-254-8523

Revisions

- Vista and Action Education Programs Project Progress Report

Action A-1023
Quarterly
State or local governments, businesses or other institutions
Various public/private nonprofit groups
SIC: multiple
Small businesses or organizations
Social services: 2,200 responses; 17,600 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202-395-6880

Standard Federal assistance application form that provides basic project and programmatic data needed to process grant award.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

- Form 4—Statement of Changes in Beneficial Ownership of Securities

1474 On occasion, monthly
Individuals or households/businesses or other institutions officers, dir., and ten percent shareholders of certain
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 74,417 responses; 186,042 hours; $521,665 Federal cost; 1 form; $8,185,870 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form 4 is required by the three statutes in order to provide information to issuers and their stockholders with respect to transactions in the issuer's securities by officers, directors and ten percent shareholders which may be violative of the insider trading regulations set forth in those statutes.

- Form 3—Initial statement of Beneficial Ownerhsip of securities

1473
On occasion, Monthly Individuals or households/businesses or other institutions Officers, dir., and 10 percent shareholders of cert. Co., etc.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce; 9,382 responses; 23,455 hours; $67,175 Federal cost; 1 form; $1,032,020 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 3 is required by the three statutes in order tc provide information to issuers and their stockholders with respect to transactions in the issuer's securities by officers, directors and ten percent shareholders which may be violative of the insider trading regulations set forth in those statutes.

Arnold Strasser,

Acting Assistant Administrator for Reports Management.

[FR Doc. 81–27449 Filed 9–18–81; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 18098; SR–Amex–81–14, SR–CBOE–81–16, SR–Phlx–81–14]

American Stock Exchange, Inc., et al.; Order Approving Proposed Rule Change

September 14, 1981.

In the matter of the American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006; Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Illinois 60604, and Philadelphia Stock Exchange, Inc., 1900 Market Streets, Philadelphia, PA 19103.

On August 6, 1981, the American Stock Exchange, Inc. filed with the Commission, pursuant to Section 19 (b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change to allow it to introduce, when appropriate, additional options series at the next exercise price interval so long as at least 45 days remain before expiration of the series. On August 18, 1981, the Philadelphia Stock Exchange, Inc. ("Phlx") and on August 20, 1981 the Chicago Board Options Exchange, Inc. ("CBOE") submitted identical proposed rule changes.

Notice of the proposed rule changes together with the terms of substance of them was given by issuance of Commission Releases (Securities Exchange Act Release Nos. 18031, August 13, 1981; 18075, August 31, 1981) and by publication in the **Federal Register** (46 FR 42228, August 19, 1981; 46 FR 44950, September 8, 1981). No comments were received with respect to the proposed rule filings.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 of the Act and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule changes of the CBOE and Phlx prior to the thirtieth day after the date of publication of notice of filing thereof in that the terms of those changes are identical to the rule changes proposed by the Amex. Notice of the Amex proposal was outstanding for the full statutory period and no comments were received.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–27456 Filed 9–18–81; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 22192; 70–6642]

Appalachian Power Co.; Proposed Issuance and Sale of Preferred Stock

September 15, 1981.

Appalachian Power Company ("Appalachian"), 40 Franklin road, Roanoke, Virginia 24009, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(b) and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 thereunder.

Appalachian proposes to issue and sell up to 1,600,000 shares of a new series of its no par cumulative preferred stock with an involuntary liquidation price of $25 per share. The terms will be determined by competitive bidding. The price to be paid to Appalachian will be $25 per share which also will be the price at which the cumulative preferred stock is initially offered to the public. If market conditions should not be propitious for the sale of the cumulative preferred stock on a competitive bidding basis, Appalachian proposes, subject to further authorization by the Commission, either to place the cumulative preferred stock privately with institutional investors or to negotiate with underwriters for the sale. Appalachian also proposes to acquire from time to time shares of the new series of cumulative preferred stock, on or in anticipation of any sinking fund redemption date, for sinking fund purposes. The proceeds from the sale of the cumulative preferred stock will be used to repay unsecured short-term indebtedness of Appalachian consisting of short-term notes and commercial paper which aggregated $47,650,000 on June 30, 1981, and for other corporate purposes.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 14, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–27455 Filed 9–18–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Watauga County, N.C.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Watauga County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Gary D. Holly, Environmental Engineer, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone (919) 755-4270.

SUPPLEMENTARY INFORMATION: The FHWA, in corporation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposal to improve US Route 421 from NC Route 194 in Boone, North Carolina, to Secondary Road SR 1361 near Deep Gap, North Carolina, in Watauga County. The proposed project is described as improving the two lane roadway to a multi-lane facility for a distance of approximately 12 miles.

Existing US 421 in this area is a two lane, non-access controlled facility with poor horizontal and vertical alignment. There is a substantial capacity problem due to the high volume of traffic using the facility in conjunction with substandard sight distance. Several possible alternative actions will be studied including upgrading the existing roadway, minimum relocation, major relocation, and the do-nothing alternative.

Letters describing the proposed action and soliciting comments are being set to appropriate Federal, State and local agencies. A public meeting was held on June 13, 1979 in Boone. An additional public meeting and corridor and design public hearings will be held. Public notice will be given of the time and place of the meeting and hearings. The draft EIS will be available for public agency review and comment. Identification of any significant issues by others that relate to the proposed action will result in scoping meeting with appropriate agencies as necessary.

The project is a major Federal action and will require an Environmental Impact Statement (EIS) in accordance with the provisions of the National Environmental Policy Act of 1969. To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued on September 10, 1981.

Roger Lewis,

Assistant Division Administrator, Raleigh, North Carolina.

[FR Doc. 81-27207 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Eaton County, Michigan

AGENCY: Federal Highway Administration (FHWA), DOT and Michigan Department of Transportation (MDOT).

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a supplement to the Final Environmental Impact Statement (FHWA-Mich-EIS-73-03F) will be prepared for a 15-mile section of I-69, between Charlotte and I-96 west of Lansing. This document will provide a comparative analysis of several alignments along US-27 and of the approved alignment.

FOR FURTHER INFORMATION CONTACT: Thomas Fort, District Engineer, Federal Highway Administration, Michigan Division, P.O. Box 10147, 315 W. Allegan, Lansing, Michigan 48901, Telephone (517) 377-1862 (FTS 374-1844), or Jack Morgan, Manager, Public Involvement Section, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, Telephone 1-800-292-9576 (toll free) or (517) 373-2166.

SUPPLEMENTARY INFORMATION: The Final EIS for the proposed improvement of I-69 between Charlotte and Lansing was approved on October, 1976. The FHWA granted location/design approval in March 1977. Later in 1977, a group called the "Concerned Citizens About I-69" started inquiries into the validity of the approved alignment based on the prime farmland issue.

The "Concerned Citizens" group pursued efforts to stop the I-69 project through their Congressmen. During congressional action on the 1981 Transportation Appropriations Bill, efforts exerted by these individuals were successful in getting a provision added to the bill prohibiting funds being made available by the act from being used for planning and construction activities on I-69 for a period of 90 days from enactment of the act. The intent of the 90 day moratorium was to permit the Secretary of Transportation to conduct a further review of the route. Final authority over the project after the 90 day review period was with the MDOT.

A public hearing conducted by the U.S. DOT task force, was held on November 24, 1980 in Charlotte, Michigan. The purpose of the hearing was to obtain current views of the public and of elected and appointed officials regarding the I-69 project. The most significant testimony given during the hearing was critical of the approved alignment and the impacts of the approved line on prime farmlands. Many suggested an alternative which used the existing US-27 corridor.

On December 24, 1980, Secretary Goldschmidt issued a report based on his review of the project. The findings of that review were three fold:

(1) The State of Michigan had received valid approval of the current alignment;

(2) Construction of I-69 in the approved corridor would lead to direct and indirect loss of substantial amounts of prime agricultural land; and

(3) Selection of an alternative of expansion and upgrading of US-27 would minimize impacts to agricultural lands although the US-27 corridor would involve more residential and business displacements.

The U.S. DOT report concluded with a recommendation that the State of Michigan suspend further work on its proposed alignment for I-69 and reconsider its decision. Upgrading US-27 was noted as being preferable to the approved alignment.

As a result of the U.S. DOT report, MDOT studied six alternate alignments along US-27. In the interim, they have suspended all further work on the approved alignment. At a public meeting conducted by MDOT personnel on April 15, 1981, the various alternatives were presented to the audience and their comments were recorded. Numerous statements were made by individuals, with no clear preference being shown for the approved alignment or upgrading US-27. It is clear, however, that with consideration being shown by the MDOT of the upgrading proposals, opposition is surfacing to those concepts.

An analysis of the alignments along US-27 was compiled in a report to the State Transportation Commission and transmitted to them for discussion at their April 29 meeting. MDOT recommended to the Transportation Commission that further study of the alignments along existing US-27 be done. It is estimated that this will take several months with a public hearing tentatively scheduled for Spring, 1982. MDOT is currently working on the preparation of a supplement to the Final Environmental Impact Statement.

All alternatives being evaluated along US-27 would consist of two 24-foot roadways and a frontage road in a right-of-way width varying from approximately 250 to 400 feet. Much of the existing US-27 right-of-way would be incorporated into the design.

The proposed I-69 project is one of the last remaining freeway links scheduled for construction in Michigan. When in full operation, I-69 will promote a more effective utilization of the regional interstate system by providing: a direct freeway facility between the major metropolitan cities within the midwestern region, integrate with interstate highways I-96, I-94, and I-75 the more heavily utilized traffic corridors in Michigan, and provide a bypass around the Lansing metropolitan area.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs)

Dated: September 14, 1981.

David A. Merchant,

Division Administrator.

[FR Doc. 81-27446 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-22-M

Lihue, Hawaii; Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project located in the Lihue District, Island of Kauai, State of Hawaii.

FOR FURTHER INFORMATION CONTACT: Mr. H. Kusumoto, Division Administrator, Federal Highway Administration, 300 Ala Moana Boulevard, Box 50206, Honolulu, Hawaii 96850, Telephone: (808) 546-5150.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Hawaii, Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to replace Huleia Bridge which is located on Kaumualii Highway (FAP 50) on the island of Kauai. The existing bridge is of a deteriorated/substandards condition. The project will also improve the existing T-intersection of the Quarry Road and Kaumualii Highway which is located on the easterly bridge approach.

In addition, the project will explore the general implications of a "no-build" alternative. The project EIS will reveal anticipated effects should it be decided to forego any improvements to Huleia Bridge.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens. In adddition, a public hearing will be held and testimony will be received regarding each of the proposed alternatives. A public notice will be published indicating the time and place of the hearing. A draft EIS will be available at the time of the hearing, for public review and comment.

No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on September 9, 1981.

H. Kusumoto,

Division Administrator, Honolulu, Hawaii.

[FR Doc. 81-27205 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

Off-Corridor Freight Diversion Project Between Washington, D.C., Philadelphia, PA, and Newark, New Jersey; Draft Environmental Impact Statement (DEIS)

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: Section 703(B)(i) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 853), as amended, requires that the Secretary of Transportation develop plans for alternate Off-Corridor routings of freight traffic over lines along the Northeast Corridor between Washington, D.C. and the New York Metropolitan area, including intermediate points. The Act further specifies that the Secretary may enter into agreements with rail freight carriers and regional transportation agencies to provide for the implementation by such carriers of Off-Corridor routings on such terms and conditions as the parties may agree.

The Federal Railroad Administration has participated in preliminary meetings with local, county, regional and state agencies and interested parties concerning freight diversion. Potential environmental and social impacts of diversion appear to be limited to noise and grade crossing safety impacts along the off-corridor diversion routes. A meeting will be held in the near future to identify other significant issues and concerns to be addressed in the DEIS.

Preparation of a DEIS requires the evaluation of alternate routes. The alternate routes to be evaluated in the DEIS include the Consolidated Rail Corporation (Conrail) and the Baltimore and Ohio Railroad Company (B&O) routes that generally parallel the Amtrak owned Northeast Corridor; and routings from Alexandria, Virginia to Harrisburg, Pennsylvania, via Manassas, Virginia or Point of Rocks, Maryland, continuing to Kearny, New Jersey via Reading/Allentown, Pennsylvania and/or Lancaster, Pennsylvania. All interested Federal, State and local agencies, private organizations and parties are invited to attend this scoping meeting. For further details, contact Dr. Thomas F. Ferrara, Chief, Resource Allocation and Analysis Division, Office of Intercity Programs, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, commercial telephone number (202)472-5826.

Dated: September 2, 1981.

Louis S. Thompson,

Associate Administrator, Intercity Programs, Federal Railroad Administration.

[FR Doc. 81-27154 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-81-11]

Sandersville Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Sandersville Railroad (Sand) has petitioned the Federal Railroad Administration (FRA) for an exemption form the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the Sand be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The Sand seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-11, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before October 15, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).)

Issued in Washington, D.C. on September 9, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-27208 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP81-9; Notice 2]

Chrysler Corp; Grant of Petition for Inconsequential Noncompliance

This notice grants the petition by Chrysler Corporation of Detroit, Michigan to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.)* for a noncompliance with 49 CFR 571.101-80, *Controls and Displays.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of petition was published on April 23, 1981 and an opportunity afforded for comment (46 FR 23185).

Paragraph S5.2.3 and Table 2 of Standard No. 101-80 require that certain displays on any passenger car manufactured on or after September 1, 1980, be identified with the appropriate International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide identifying words. Use of an identifying word was mandatory before September 1, 1980, and no symbols were required.

Chrysler has imported over 1,500 of its 1981 Plymouth Arrow and Dodge Ram 50 pickup trucks, manufactured by Mitsubishi Motors Corporation, since September 1, 1980, in which the turn signal telltale symbols, while arrow-shaped, lacked the barbed arrow configuration specified by the standard. In addition, it imported 50 Plymouth Champ and Dodge Colt vehicles without the identifying symbols for fuel level and coolant temperature, although the gauges were labelled respectively "FUEL" and "TEMP". All vehicles are compliant with Standard No. 101, but noncompliant with Standard No. 101-80. Chrysler argues that use of the previously acceptable configurations creates no safety hazard as they are readily understandable by the public.

One comment was received on the petition from Volkswagen of America, Inc., which supported it.

The agency grants Chrysler's petition. The number of vehicles involved is not significant. The noncompliance creates no misunderstanding and the controls as identified are readily understandable by any vehicle operator. Petitioner has met its burden of persuasion that the noncomplicnce herein described is inconsequential as it relates to motor vehicle safety.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 14, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-27147 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP81-20; Notice 1]

Dunlop Tire Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

The Dunlop Tire Company of Buffalo, New York has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgement concerning the merits of the petition.

Paragraph S4.3 requires that the sidewalls of each passenger car tire be labeled with, among other information, the generic name of the cord material used in the plies, and the actual number of plies in the sidewall and tread areas. Because of an erroneous mold, Dunlop produced 1485 G78-15 and L78-15 REMINGTON CUSHION AIRE BELTED tires, one sidewall of which contains the words "4 ply polyester" in addition to the correct marking for bias-belted tires. Petitioner states that the tire is clearly marked "BELTED" and is correctly labeled in all other respects.

For this reason, the company argues that its noncompliance is inconsequential as it relates to motor vehicle safety, noting that the tires otherwise comply with Standard No. 109.

Interested persons are invited to submit written data, views and arguments on the petition of Dunlop Tire Company described above. Comments should refer the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: October 21, 1981.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 11, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-27146 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-60-M

Research and Special Programs Administration

International Standards on the Transport of Dangerous Goods; Public Meeting

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the venue and proposed agenda for a public meeting which will review the recent activities of the MTB relating to the development of international standards for the transport of dangerous goods.

DATE: October 21, 1981, 9:30 a.m. to 4:00 p.m.

ADDRESS: Room 6332, Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. (202-426-0656).

SUPPLEMENTARY INFORMATION: Particular topics to be reviewed at this meeting will include:

1. Results of the August 1981 meeting of the Group of Rapporteurs of the United Nations' Committee of Experts on the Transport of Dangerous Goods concerning performance standards for packagings.
2. Status of the development of the International Civil Aviation Organization's (ICAO) dangerous goods regulations.
3. Results of the October 1981 meeting of the United Nations' Group of Experts on Explosives.
4. Recent decisions of the RID/ADR Joint Meeting with respect to the packaging and classification of dangerous goods.

Interested persons are invited to attend and participate in this meeting.

Issued in Washington, D.C. on September 15, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-27439 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-60-M

Saint Lawrence Seaway Development Corporation

Advisory Board, Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 10:00 a.m., October 2, 1981 in Room 301, 800 Independence Avenue S.W., Washington, D.C. The agenda for this meeting only will be limited to a public hearing on the proposed revision of the Joint United States-Canada Tariff of Tolls for the Saint Lawrence Seaway.

Attendance is open to the interested public. Persons or organizations desiring to present testimony at the hearing shall submit to the Corporation on or before September 25, 1981, a written notice of their intention to appear. Oral presentations at this hearing will be limited to 15 minutes but may be supplemented with written material.

Details of the proposed modifications of the Joint Seaway Tariff of Tolls were published in the Federal Register (46 FR 45318) on September 10, 1981. Additional information may be obtained from Robert D. Kraft, Director of Plans and Policy Development, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, S.W., Washington, D.C. 20591; 202-426-3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, D.C., on September 15, 1981.

D. W. Oberlin,

Administrator.

[FR Doc. 81-27401 Filed 9-18-81; 8:45 am]

BILLING CODE 4910-61-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-250, Customs Delegation Order No. 63]

Customs Establishes Order of Succession of Persons To Act as Commissioner of Customs

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 FR 2875), it is hereby ordered that the following officers of the U.S. Customs Service in the order of succession enumerated, shall act as Commissioner of Customs, in the event of an enemy attack or during the absence or disability of the Commissioner of Customs, or when there is a vacancy in such office:

1. The Deputy Commissioner of Customs
2. The Assistant Commissioner (Border Operations)
3. The Assistant Commissioner (Commercial Operations)
4. Comptroller
5. The Assistant Commissioner (Management Integrity)

By virtue of authority vested in me by said Treasury Department Order No. 129 (Revision No. 2), and Treasury Department Order No. 165, Revised (T.D. 5364; 19 FR 7241), there is hereby delegated to the Regional Commissioners of Customs, District Directors of Customs, and Port Directors of Customs, in the event of an enemy attack on the continental United States, authority to perform any function of the Commissioner of Customs which is necessary to insure continuous performance of essential functions otherwise assigned to such officers. This delegation of authority will remain in effect until notice has been received from proper authority that it has been terminated.

This order supersedes Customs Delegation Order No. 62, dated January 6, 1981 (T.D. 81-8; 46 FR 2765).

Dated: September 15, 1981.

William von Raab,

Commissioner of Customs.

[FR Doc. 81-27400 Filed 9-18-81; 8:45 am]

BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 182
Monday, September 21, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 2:30 p.m. (eastern time), Friday, September 18, 1981.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open:

1. Proposed Annual Report by EEOC's Office of Interagency Coordination.
2. Report on Commission Operations by the Executive Director.

Closed:

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued September 11, 1981.

[S-1425-81 Filed 9-18-81; 8:45 am]

BILLING CODE 6570-06-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:30 p.m. (eastern time), Friday, September 18, 1981.

CHANGES IN THE MEETING: The following items were postponed at the September 15, 1981, meeting and rescheduled for this agenda:

1. Recommended Tribal Employment Rights Office (TERO) FY '81 Contract Extensions.
2. Eight Proposed Contracts for Services Needed in Connection with Litigation Matters.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued September 16, 1981.

[S-1424-81 Filed 9-17-81 12:17 pm]

BILLING CODE 6570-06-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 1 p.m. (eastern time), Tuesday, September 22, 1981.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401, E Street NW, Washington, DC. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open.

1. Freedom of Information Act Appeal No. 81-7-FOIA-17-MM, concerning copies of charges filed against an employer under Title VII and the ADEA.
2. Freedom of Information Act Appeal No. 81-6-FOIA-189, concerning an intra-agency memorandum relating to the Age Discrimination in Employment Act.
3. Two proposed contracts for services needed in connection with court cases.
4. Amendments to Announcement of Systems of Records required by the Privacy Act.
5. Proposed Final certification regulations for 706 State and Local Agencies.
6. FEP Agencies proposed for certification.
7. Proposed Certified FEP Agency Charge Review Manual.
8. EEOC's 15th Annual Report.
9. Proposed section 607 of Volume II of the Compliance Manual, Affirmative Action.
10. Proposed section 615 of Volume II of the Compliance Manual, Harrassment.
11. Proposed section 619 of Volume II of the Compliance Manual, Dress and Grooming Standards.
12. Proposed section 622 of Volume II of the Compliance Manual, Citizenship, Residency Requirements, Aliens and Undocumented Workers.
13. A report on Commission Operations by the Executive Director.

Closed:

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued September 16, 1981.

[S-1423-81 Filed 9-17-81; 12:16 pm]

BILLING CODE 6570-06-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 11:00 a.m. on Tuesday, September 15, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven day's notice to the public, of the following matters:

Application of Gateway Western Bank, a proposed new bank in organization, to be located at 1172 West Ramsey Street, Banning, California, for Federal deposit insurance and for consent to acquire the assets of and assume the liability to pay deposits made in the Banning branch of First Trust Bank, Ontario, California.

Recommendation regarding the liquidation of bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,918-SR—American Bank & Trust Company, New York, New York

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 11:30 a.m. the same day the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,892-L—First Augusta Bank & Trust Company, Augusta, Georgia

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(9)(B) and (c)(10)).

By the same majority vote, the Board also tabled a memorandum and resolution regarding amendments to Part 346 of the Corporation's rules and regulations, entitled "Foreign Banks," and rescheduled that matter for consideration by the Board, without further notice to the public, at its open meeting to be held at 2:00 p.m. on Monday, September 21, 1981, in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: September 16, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1418-81 Filed 9-16-81; 4:32 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the following matter previously scheduled for consideration at the open meeting of the Corporation's Board of Directors to be held at 2:00 p.m. on Monday, September 21, 1981, will be withdrawn from the agenda for consideration at the meeting:

Memorandum and Resolution re: Proposed amendments to Part 346 of the Corporation's rules and regulations, entitled "Foreign Banks."

No earlier notice of the change in the subject matter of the meeting was practicable.

Dated: September 16, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1422-81 Filed 9-17-81; 11:40 am]

BILLING CODE 6714-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION.

September 16, 1981.

TIME AND DATE: 10 a.m., September 23, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—732nd Meeting, September 23, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 3005, W.P.B. Power, Inc.; Project No. 3139, Northern Wasco County People's Utility District.

CAP-2. Project No. 3246-000, Missouri Joint Municipal Electric Utility Commission; Project No. 3800-001, City of Waterloo, Ill.

CAP-3. Project No. 3262, Modesto Irrigation District

CAP-4. Project No. 943, Public Utility District No. 1 of Chelan County, Wash.

CAP-5. Project No. 2338, Consolidated Edison Co. of New York, Inc.

CAP-6. Project No. 3473, Jack M. Fuls; Project No. 3784, Central Oregon Irrigation District, et al.

CAP-7. Project No. 3789, Enagenics; Project No. 4535, Truckee-Carson Irrigation District

CAP-8. Project No. 2882, Village of Saugerties, N.Y.

CAP-9. Project No. 2791, Clark County Joint Operating Agency; Project No. 935, Pacific Power & Light Co.

CAP-10. Docket No. ER81-660-000, Central Vermont Public Service Corp.

CAP-11. Docket No. ER81-659-000, Public Service Co. of N.H.

CAP-12. Docket No. ER81-651-000, Northern States Power Co. of Minnesota

CAP-13. Docket Nos. ER81-504 and ER80-363, Delmarva Power & Light Co.

CAP-14. Docket Nos. ER78-517 and ER78-360, Connecticut Light & Power Co.

CAP-15. Docket No. ER81-199-000, Central Telephone & Utilities Corp.

CAP-16. Docket No. ER79-277, Middle South Services, Inc.

CAP-17. Docket Nos. ER81-70-000 and ER81-71-000, New England Power Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. GP-81-23-000, State of New Mexico, et al., Section 108 NGPA determination, El Paso Natural Gas Co., Farmington Com #1 Well et al., JD-14802, et al.

CAM-2. Docket No. GP-81-21-000, U.S. Geological Survey/Casper, Wyo., Section 102 NGPA determination, Davis Oil Co., Hay Reservior Unit No. 10 Well, USGS Docket No. W1212-9, FERC Control No. JD80-24269.

CAM-3. Docket Nos. GP81-30-000, U.S. Geological Survey, Casper, Wyo., Section 108 NGPA determination, Midlands Gas Corp., FERC Control No. JD81-19731, et al.

CAM-4. Docket No. RM79-76 (Texas-9 addition), high-cost gas produced from tight formations

CAM-5. Docket No. RM79-76 (Pennsylvania-1), high-cost gas produced from tight formations

CAM-6. Docket No. ES81-77-000, Gulf States Utilities Co.

CAM-7. Docket No. SA80-88, Rochester Gas & Electric Corp.

Consent Gas Agenda

CAG-1. Docket No. TA82-1-31-000, (PGA82-1, IPR82-1), Arkansas Louisiana Gas Co.

CAG-2. Docket No. TA82-1-32-000, (PGA82-1, IPR82-1), Colordao Interstate Gas Co.

CAG-3. Docket No. TA82-1-33-000, (PGA82-1, IPR82-1, TT82-1, AP82-1), El Paso Natural Gas Co.

CAG-4. Docket No. TA82-1-34-000, (PGA82-1, IPR82-1), Florida Gas Transmission Co.

CAG-5. Docket No. TA82-1-42-000, (PGA82-1, IPR82-1, TT82-1), Transwestern Pipeline Co.

CAG-6. Docket No. RP81-47-001, Northwest Pipeline Corp.

CAG-7. Docket No. RP81-130-000, Transwestern Pipeline Co.

CAG-8. Docket Nos. RP81-134-000 and RP81-135-000, Natural Gas Pipeline Co. of America

CAG-9. Docket No. RP81-82-000, Columbia Gulf Transmission Co.; Docket No. RP81-83-000, Columbia Gas Transmission Corp.

CAG-10. Docket No. CI81-364-000, Shell Oil Co.; Docket No. CI77-46-001, Exxon Corp.; Docket No. CI81-392-000, Exxon Corp.; Docket Nos. CI81-79-000, and (CI69-907), Anadarko Production Co.; Docket No. CI81-388-000, Conoco Inc.; Docket Nos. G13324 and G-17047, Mobil Oil Corp.; Docket No. CI81-429-000, Arco Oil & Gas Co., Division of Atlantic Richfield Co.; Docket No. CI81-220-001, Koch Industries, Inc.

CAG-11. Docket No. CP75-104, (amendment of certificate), High Island Offshore System; Docket No. CP76-118, (amendment of certificate), U-T offshore system

CAG-12. Docket No. CP81-75-000, Transcontinental Gas Pipe Line Corp. and Northern Natural Gas Co., a Division of Internorth, Inc.; Docket No. CP81-235-000, Southern Natural Gas Co., Transcontinental Gas Pipe Line Corp., Natural Gas Pipeline Co. of America, Northern Natural Gas Co., a Division of Internorth, Inc.; Docket No. CP81-223-000, Transcontinental Gas Pipe Line Corp.

CAG-13. Docket No. CP79-84-003, CP79-84-004, and CP79-84-005, Panhandle Eastern Pipe Line Co.

CAG-14. Docket No. CP77-453-001, Transcontinental Gas Pipe Line Corp.

CAG-15. Docket No. CP81-220-000, Northern Natural Gas Co., Division of Internorth, Inc.

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CAG-16. Docket No. CP81-208-000, Tennessee Gas Pipeline Co., a division of Tenneco Inc.
CAG-17. Docket No. CP61-75, Northern Natural Gas Co., a division of Internorth, Inc.
CAG-18. Docket No. ST80-4-001, the Nueces Co.
CAG-19. Docket No. ST81-260-000, Mustang Fuel Corp.

Regular Power Agenda

I. Licensed Project Matters

P-1. Reserved

II. Electric Rate Matters

ER-1. Docket Nos. ER81-645-000 and ER81-646-000, New England Power Co.
ER-2. Docket No. ER79-126, Arizona Public Service Co.
ER-3. Docket No. ER78-338 (phase I and phase II), Public Service Co. of New Mexico
ER-4. Docket Nos. ER77-578 and ER80-259, Kansas Gas & Electric Co.
ER-5. Docket No. ER78-522, Virginia Electric & Power Co.
ER-6. Docket No. E-9206, McDowell County Consumers Council, Inc. v. American Electric Power Co., et al.
ER-7. Docket No. ID1424, Edwin I. Hatch

Regular Miscellaneous Agenda

M-1. Reserved
M-2. Reserved
M-3. Docket No. RM80-18, treatment under the incremental pricing program of natural gas used in the manufacturing process for fertilizer, agricultural chemicals, animal feed or food
M-4. Docket No. GP80-9, Equitable Gas Co.

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Docket No. RP81-72-000, Gas Research Institute
RP-2. Docket Nos. G-11980, et al., RP67-23, et al., and RP73-113, et al., Tennessee Gas Pipeline Co.

II. Producer Matters

CI-1. Reserved

III. Pipeline Certificate Matters

CP-1. Docket No. CP78-532, Ozark Gas Transmission System
CP-2. Docket No. CP81-388-000, Northwest Canadian Gas Sales Co.; Docket No. CP78-123, et al., Northwest Alaska Pipeline Co.

Kenneth F. Plumb,
Secretary.

[S-1421-81 Filed 9-17-81; 10:33 am]

BILLING CODE 6450-85-M

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 45851, Tuesday, September 15, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, September 17, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The bank board meeting scheduled for Thursday, September 17, 1981 has been cancelled.

[No. 539, September 17, 1981.]

[S-1420-81 Filed 9-17-81; 9:40 am]

BILLING CODE 6720-01-M

8

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., September 25, 1981.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Petition of the Household Goods Forwarders Association of America Rate Agreement for exemption from the requirements of Commission General Order 7 regarding independent policing authority.
2. Petition for total exemption from Commission General Order 7 or in the alternative to allow the Mover's & Warehousemen's Association of America to serve as the policing authority for the International Mover's Rate Agreement and Agreement No. 8530-4: Modification of the International Mover's Rate Agreement to conform to General Order 7, Revised.
3. The International Household Goods Rate Agreement, the U.S. Hawaii/Puerto Rico/Guam Household Goods Rate Agreement and the U.S. Alaska Household Goods Rate Agreement: Petitions for total exemption from self-policing requirements or in the alternative, petitions for exemption from the independent policing authority requirement of Commission General Order 7.
4. Agreement No. 10159-10: Application to modify and restate the American West African Freight Conference Berth Rationalization Agreement.
5. Agreement No. 10360-1: Amendment to the Mediterranean/U.S. Pacific Coast Force Majeure Agreement to extend its term of approval for three years.
6. Agreement No. 9925-3: Extension of the term of approval of the Pacific America Container Express Service.
7. Docket Agreement No. 81-34: California Freight Specialists West Coast/Puerto Rico Tariff FMC-F No. 2—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

[S-1419-81 Filed 9-17-81; 9:40 am]

BILLING CODE 6730-01-M

9

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 2 p.m., Thursday, September 24, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility lending rate.
2. Final Rules—Part 701.35—Share, Share Draft and Share Certificate Accounts.
3. Proposed amendment to Part 747 of NCUA Rules and Regulations implementing Equal Access to Justice Act.
4. Policy statement on enforcement of the Equal Credit Opportunity and Fair Housing Acts.
5. Release of Consumer Examination Reports.
6. Proposed rule to remove the Accounting Manual from incorporation by reference into the NCUA Rules and Regulations.
7. Interpretive Ruling and Policy Statement on full and fair disclosure requirements.
8. Proposed amendment to Federal Credit Union Bylaws and Delegation of Authority to approve similar requests by Community Development Credit Union Program participants.
9. Reports of actions taken under delegations of authority.
10. Applications for charters, amendents to charters, bylaw amendments, mergers that may be pending at that time.

RECESS: 3:15 p.m.

TIME AND DATE: 3:30 p.m., Thursday, September 24, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Adjudication. Closed pursuant to exemptions (8) (9)(A)(ii) and (10).
2. Administrative action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (10).
3. Proposed merger. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Proposed policy on special assistance under Section 208(a)(1) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board; Telephone (202) 357-1100.

[S-1427-81 Filed 9-17-81; 2:44 pm]

BILLING CODE 7535-01-M

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 45060; September 9, 1981.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: September 4, 1981.

CHANGES IN THE MEETING: Additional items. The following items will be considered at a closed meeting scheduled for Thursday, September 17, 1981, following the 10:30 a.m. open meeting:

Institution of administrative proceeding of an enforcement nature and injunctive action.
Regulatory matter regarding financial institutions.

Chairman Shad and Commissioners Loomis, Evans and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alternation in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272-2467.

September 16, 1981.

[S-1426-81 Filed 9-17-81; 12:35 pm]

BILLING CODE 8010-01-M

federal register

Monday
September 21, 1981

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Regulatory and Small Operator Programs; Financial Assistance

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 725 and 735

Procedures for Regulatory and Small Operator Assistance Program; Financial Assistance

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining is proposing to amend 30 CFR Parts 725 and 735 which set forth the procedures for the submission, review, approval or disapproval, monitoring and reporting of financial assistance to the States for grants to implement the initial regulatory program, the permanent regulatory program, and the Small Operator Assistance Program. OSM has drafted these revisions in order to comply fully with directives of the Office of Management and Budget (OMB), to improve financial accountability of the expenditure of tax dollars, and to make modifications to improve the efficiency of the program based on experience over the past four years.

DATES: A public hearing on the proposed amendment will be held in Washington, D.C. on October 13, 1981 at the address listed below. Comments must be received at the address listed below on or before October 21, 1981 no later than 5:00 p.m.

ADDRESSES: Written comments must be mailed or hand-delivered to: Office of Surface Mining, U.S. Department of the Interior, Administrative Record (S&F–07), Room 153, 1951 Constitution Avenue, NW, Washington, D.C. 20240.

The hearing will be held at the Department of the Interior Auditorium, 18th and C Streets, NW, Washington, D.C.

All comments will be available for review at: Office of Surface Mining, U.S. Department of the Interior, Administrative Record, Room 153, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Telephone (202) 343–4225.

SUPPLEMENTARY INFORMATION:

1. The public hearing on the proposed regulations will be held at the address and on the date specified above under "Dates" and "Addresses" and will begin at 9:30 a.m. local time.

Individual testimony at this hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officials who will attend the hearing by giving them an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying. Advance submissions should be sent to Mr. Carl C. Close, Assistant Director, at the above address. The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

2. On December 13, 1977, OSM published in the **Federal Register** (42 FR 62704–62710) its policies and procedures for providing financial assistance to States for enforcing the initial regulatory program, developing State program submissions, administering and enforcing State regulatory programs (including the Small operator Assistance Program), and administering cooperative agreements for State regulation of surface coal mining and reclamation operations on Federal lands. Minor changes were made to these regulations on January 14, 1980 (45 FR 2804 and May 23, 1980 (45 FR 34879).

OSM now is proposing to revise the existing grant application and reporting requirements and make several minor changes clarifying portions of the existing regulations. The current regulations do not fully comply with OMB Circular No. A–102, "Uniform administrative requirements for grants-in-aid to State and local governments." The proposed rules revise the current regulations to be consistent with the procedures specified in OMB's circular and with practices recommended by OMB. Also, in administering the grant programs over the past four years, OSM has determined the need to revise certain regulations to clarify requirements or to improve OSM's ability to insure that grant funds are utilized for the authorized purposes. The proposed changes are discussed below.

3. *Section 725.4 Responsibility.* Sections 725.4(b) and 735.4(b) of the existing regulations delegate responsibility to the Regional Director for the review and approval of grant applications. As revised these Sections provide that the "Director or his authorized designee" will be responsible for the review and approval of grants. Removal of the explicit reference to the "Regional Director" in these two Sections and elsewhere throughout 30 CFR Parts 725 and 735 is necessary as a result of OSM's reorganization which calls for the elimination of Regional Director positions. However, for as long as any of the regional offices remain in existence, the Regional Director shall be the "authorized designee" of the Director to receive, review and approve grants.

4. *Section 725.14 Grant periods.* In the first sentence of this section and in corresponding § 735.17 the word "normally" has been inserted between the words "shall" and "approve." At the end of the second sentence the words "amendments to the existing grant" have been added. These revisions are in recognition of the occasional need to extend the grant period beyond one year. While OSM does not anticipate that deviation from the one year grant period will be necessary in many cases, situations may occur where an extension is warranted. For example, a State that has encountered unavoidable delays in preparing its application package for a continuation grant may need an extension of the existing grant period in order to avoid an interruption in its funding.

5. *Section 725.15 Grant application procedures.* Section 725.15(a) and corresponding § 735.18(a) have been revised by redefining the grant application submission deadline for the second and successive grants as "sixty days prior to the beginning of the intended grant period." The existing language defines the application deadline as September 1 of each year. While OSM is working towards a standardization of the grant cycle, flexibility in application procedures is needed to permit the grant period to be defined by the expiration of the current grant rather than by a fixed point in time.

In § 725.15(b) and in corresponding § 735.18(b), the reference to the "short form application for non-construction programs" has been replaced with a reference to "application form and procedures specified by OSM in accordance with Office of Management and Budget (OMB) Circular No. A–102, 'Uniform administrative requirements for grants-in-aid to State and local governments.' " The short form application does not fully comply with OMB requirements. Revised grant application procedures have been developed and submitted to OMB for approval. Meetings were held by OSM to present the proposed application procedures to all States that would be affected. States were invited to comment on the proposals and revisions suggested by them were given consideration in drafting the material submitted to OMB. The revised form numbers will be incorporated into the regulations as soon as OMB approval has been obtained.

OSM's proposed grant application form and procedures are a modification of those prescribed by OMB Circular No. A–102; the deviation, however, is minor. The new application package would supersede that presently used to submit budget data and justify proposed expenditures. The primary difference is the requirement that applicants tie an agency's estimated costs for personnel, travel, equipment and other object classes to program functions (e.g. permitting, inspection and enforcement, and SOAP). Applicants would also be required to project total costs for each program function on a semi-annual basis. OSM has determined the rule changes are necessary to comply with OMB requirements, to enable OSM to implement properly its management responsibilities, and to allocate grant funds more judiciously.

In the introductory paragraph of § 725.15(c) and of corresponding §§ 735.18(c), and 735.18(d) the words "Part III of the standard application" have been deleted, for they refer to the short form application. As explained in the paragraph above, use of the short form will be discontinued for non-construction programs.

Section 725.15(c)(7) and corresponding § 735.18(d)(2) have been amended by inserting $500 instead of $1000. The existing regulation requires the grant applicant to supply a breakdown of equipment with a unit acquisition cost of over $1000 proposed to be purchased with grant funds. The proposed change from $1000 to $500 is needed to comply fully with the requirements of OSM policy approved by OMB concerning the definition of nonexpendable personal property.

Section 725.15(d) gives the Regional Director discretion to waive the information requirements of Paragraphs (c)(2), (c)(3) and (c)(4) of § 725.15 in applications for second or third reimbursement requirements. The proposed rule amends the existing regulations by inserting "(c)(1)" after the word "paragrphs" and before "(c)(2)." This insertion corrects an inadvertent omission in the drafting of the original rule. Also, in the proposed rule "following grants" replaces "second and third grants." Several States have applied for their fourth reimbursement grant as court suits or other factors have delayed implementation of their permanent programs for periods longer than OSM anticipated when promulgating the original rule.

6. *Section 725.17 Grant Amendments.* The introductory sentence of § 725.17(b) and of corresponding § 735.20(b) has been amended by deletion of the words "by certified mail, return receipt requested." OSM has determined that notification by States of proposed changes which require a grant amendment need not be sent by certified mail. The proposed revision is intended to eliminate an unnecessary expenditure of State funds.

Section 725.17(d) and corresponding § 735.20(d) have been reworded slightly to clarify the exact date an amendment becomes effective and the period of time for which it applies. OSM has determined that the existing regulation is somewhat ambiguous.

7. *Section 725.19 Audit.* Section 725.19 has been modified to require an agency to arrange for an independent audit no less frequently than once every two years. The existing regulation calls for the U.S. Department of the Interior Office of Audit and Investigation to arrange for audits as appropriate. The proposed revision is needed to comply with the requirements of OMB's Circular No. A–102, Attachment P.

8. *Section 725.23 Reports.* Section 725.23 and corresponding § 735.26 have been modified by requiring grant recipients to report semi-annually rather than annually. In addition, language has been added to require grantees to meet OSM reporting requirements as well as those specified in OMB Circular No. A–102. In the proposed regulation "financial report" replaces "Financial Status Report," as that standard form would no longer be used to report construction grant activities; however, it would continue to be used for non-construction activities. OSM's proposed reporting requirements have been submitted to OMB for approval. Meetings were held with all States that would be affected to present the proposed procedures. Comment on the proposals was invited and revisions suggested by the States given consideration in drafting the new instructions. The revised form numbers will be incorporated in the regulations as soon as OMB approval has been obtained. The revised procedures propose the use of a financial status report requiring grant recipients to provide a functional breakdown of expenditures. Accompanying the financial report would be a performance report comparing the planned goals for the various budget functions with actual achievements. The proposed rules revise the current regulations to be consistent with the procedures specified in OMB's circular and with practices recommended by OMB. In administering the grant programs over the past four years, OSM has determined that the proposed revisions are necessary to insure that grant funds are utilized for the authorized purposes. A standardization in the performance report will enable OSM to compare data from the various State agencies for systemic reporting to Congress. Requiring agencies to report expenditures by functional categories and to compare planned goals with actual accomplishments will enable OSM to assess more accurately the relationship between financial assistance and program performance.

9. *Section 735.1 Scope.* The proposed revision at § 735.1 consists of the addition of a new paragraph (d) to establish that the grant application and reporting procedures set forth at Part 735 apply to grants that fund the Small Operator Assistance Program (SOAP) described under Part 795. This revision is needed as a cross-reference to § 795.11(b) which prescribes States that elect to administer the SOAP may submit a grant application for funding of the program under the procedures of 30 CFR Part 735.

10. *Section 735.4 Responsibility.* See discussion above under § 725.4(b).

11. *Section 735.13 Submission of estimated annual budgets and allocation of funds.* Paragraphs (a) and (b) of § 735.13 have been revised in order to require that an agency intending to apply for any type of grant submit a projection of its program budget 18 months prior to the Federal fiscal year for which the grant will be requested. The existing regulation does not prescribe a deadline by which the budget projection be submitted when an agency is intending to apply for a program development grant or a SOAP grant. The proposed revision is needed in order to enable OSM to obtain comprehensive information on its budget needs for presentation to Congress.

Section 735.13(c)(2) addresses the allocation of funds in cases where insufficient monies have been

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appropriated to cover grant needs. The words "requested and approved" have been inserted in two places to clarify that the formula for allocating available funds gives consideration only to those agencies' requested budgets that have been approved by OSM.

Section 735.13(c)(4) has been amended by substituting the word "primarily" for "only" before the identification of the agencies to which OSM shall reallocate any funds not requested by agencies as of June 1. In most cases, funds will be reallocated to those agencies which have received less than the allowable percentage of their eligible costs; however, in some cases reallocation of funds to an agency in some other category may be appropriate such as to an agency that had not previously applied for a grant. The proposed revision would provide OSM with the necessary discretion.

Section 735.13(c)(5) has been modified by deleting the words "on July 1" following the phrase "Agencies which are allocated additional funds." The date has been dropped because reallocation of funds may take place before as well as after July 1. Likewise, (c)(4) has been modified to delete reference to a specific date.

12. *Section 735.16 Special provision for States with cooperative agreements.* Section 735.16(e)(2) (i) and (ii) have been amended by deleting the references to "Part II" and "Part III" which refer to sections of current application forms that will no longer be used if OMB approves the requested changes. The language substituted for the deleted phrases provides a more general reference to the application format OSM intends to utilize if approved by OMB. See discussion above under § 725.15.

13. *Section 735.17 Grant periods.* See discussion above under § 725.14.

14. *Section 735.18 Grant application procedures.*

Section 735.18(a). See discussion above under § 725.15(a).

Section 735.18(b). See discussion above under § 725.15(b).

Section 735.18(c). See discussion above under § 725.15(c).

Section 735.18(d). See discussion above under § 725.15(c).

In Section 735.18(e) the words "within thirty days" have been deleted following the phrase "The agency may resubmit the application." OSM is proposing this revision in order to remove an unnecessary restriction on an agency's application for grant funds.

15. *Section 735.20 Grant amendments.*

Section 735.20(b). See discussion above under § 725.17(b).

Section 735.20(d). See discussion above under § 725.17(d).

16. *Section 735.26 Reports.* See discussion above under § 725.23.

The Department of the Interior has determined that this is not a major rule and does not require a regulatory analysis under Executive Order 12291.

The Department of the Interior has also analyzed the possible economic effects to small entities as specified in the Regulatory Flexibility Act and Executive Order 12044. In accordance with 43 CFR Part 14, the Department of the Interior has determined that the proposed rule will not have a significant effect on a substantial number of small entities.

The information collection requirements currently found in 30 CFR 725 and 735 have been approved by the Office of Management and Budget and assigned clearance numbers 1029–0012 and 1029–0013. Amendments to these requirements as proposed in this rule will be submitted to the Office of Management and Budget as required by 44 U.S.C. 3501 and will not become effective until approved by that Office.

The Department of the Interior has determined that this action will not have a significant effect on the human environment and an environmental impact statement will therefore not be prepared.

Primary authors of this document are Gene Krueger and Mary Tisdale, State Programs Division, Office of Surface Mining.

Dated: August 3, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

For the reasons set out in the preamble, Parts 725 and 735, Subchapters B and C, Chapter VII of Title 30, Code of Federal Regulations are proposed to be amended as follows:

1. Throughout Parts 725 and 735 all references to "Regional Director" are changed to read "Director".

PART 725—REIMBURSEMENTS TO STATES

2. Section 725.4(b) is revised to read as follows:

§ 725.4 Responsibility.

(a) * * *

(b) The Director or his authorized designee shall receive, review and approve grant applications under this Part.

3. Section 725.14 is revised to read as follows:

§ 725.14 Grant periods.

The Director shall normally approve a grant for a period of one year or less. OSM shall fund a program that extends over more than one year by consecutive annual grants or amendments to the existing grant.

4. In Section 725.15 Paragraphs (a), (b), the introductory text of (c), (c)(7) and (d) are revised to read as follows:

§ 725.15 Grant application procedures.

(a) The agency may submit its application (three copies) for a grant to the Director no later than March 1, 1978, for the first year, and at least sixty days prior to the beginning of the intended grant period for each future grant.

(b) The agency shall use the application form and procedures applicable to non-construction and/or construction programs specified by OSM in accordance with Office of Management and Budget Circular No. A–102, "Uniform administrative requirements for grants-in-aid to State and local governments"(42 FR 45828). Each application must include the following: application form, standard project approval information, budget, program narrative, and standard assurances. No preapplication is required.

(c) The agency shall include sufficient information to enable the Director to determine the agency's base program and increases over the base program eligible for reimbursement grants. The agency shall include the following information, plus any other relevant data:

* * * * *

(7) The number and types of major equipment (equipment with a unit acquisition cost of $500 or more and have a life of more than two years) which the State plans to purchase with grant funds.

(d) The Director may waive the resubmission of information required by paragraphs (c)(1), (c)(2), (c)(3) and (c)(4) of this section in applications for following grants.

* * * * *

5. In Section 725.17 the introduction to paragraph (b) and paragraph (d) are revised to read as follows:

§ 725.17 Grant amendments.

(a) * * *

(b) The agency shall promptly notify the Director in writing of events or proposed changes which require a grant amendment, such as—

* * * * *

(c) * * *

(d) The date the Director signs the grant amendment establishes the effective date of the action. If no time period is specified in the grant amendment then the amendment applies to the entire grant period.

6. Section 725.19 is revised to read as follows:

§ 725.19 Audit.

The agency shall arrange for an independent audit no less frequently than once every two years, pursuant to the requirements of Office of Management and Budget Circular No. A-102. The audits will be performed in accord with the "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" published by the Comptroller General of the United States and audit guides provided by the Department of the Interior.

7. Section 725.23 is amended by revising paragraphs (a) and (b) to read as follows:

§ 725.23 Reports.

(a) The agency shall, for each grant made under this Part, submit semiannually to the Director a financial report (Standard Form 269) on non-construction grant activities in accordance with Office of Management and Budget Circular A-102, Attachment H and OSM requirements. This report shall be accompanied by a performance report comparing actual accomplishments to the goals established for the period, prepared according to Attachment I of OMB Circular A-102 and OSM requirements. The agency shall also submit semiannually a separate financial report (Standard Form 271) and accompanying performance report comparing actual accomplishments with planned goals on grant funded construction activities.

(b) The Director shall require through the grant agreement that semiannual reports also provide the relation of financial information to performance and productivity data, including unit cost information.

PART 735—GRANTS FOR PROGRAM DEVELOPMENT AND ADMINISTRATION AND ENFORCEMENT

8. In § 735.1 paragraph (d) is added to read as follows:

§ 735.1 Scope.

* * * * *

(d) Fund the Small Operator Assistance Program established under section 507(c) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201) and described in Part 795 of this Chapter.

9. Section 735.4 paragraph (b) is revised to read as follows:

§ 735.4 Responsibility.

(a) * * *

(b) The Director or his authorized designee shall receive, review and approve grant applications under this Part.

10. In § 735.13 paragraphs (a), (b), (c)(2), (c)(4) and (c)(5) are revised to read as follows:

§ 735.13 Submission of estimated annual budgets and allocation of funds.

(a) Budget summaries for Federal budget. For the fiscal years beginning on and after October 1, 1980, the agency shall submit to the Director 18 months prior to the Federal fiscal year for which the grant will be requested, a projection of its program budget (personnel and fringe benefits, travel, equipment and supplies, contractual, indirect charges, and other), including the costs of administering State-Federal cooperative agreements pursuant to § 211.75 of this title, and any aircraft which the agency proposes to acquire. The Director will use these budget summaries in preparing the Federal budget estimates which he is required to submit.

(b) Updated budget summary. For the fiscal year beginning October 1, 1979, and each year thereafter, the agency shall submit to the Director a current program budget (personnel and fringe benefits, travel, equipment and supplies, contractual, indirect charges, and other) three months prior to the beginning of the Federal fiscal year for which a grant will be requested.

(c)(1) * * *

(2) If the funds available to the Director for grant are insufficient to cover the total grant needs, including cooperative agreement grants, the Director shall allocate the funds available according to the proportion of each requested and approved agency's budget to the total of all agencies' requested and approved budgets.

(3) * * *

(4) The Director shall reallocate any funds which are not requested by agencies as of June 1 of that year. Such funds shall be allocated primarily to those agencies which have received less than the allowable percentage of their eligible costs.

(5) Agencies which are allocated such additional funds may have until August 15 to submit new or revised grant applications for the additional amounts.

11. In § 735.16 paragraphs (d), (e)(2)(i) and (e)(2)(ii) are revised to read as follows:

§ 735.16 Special provisions for States with cooperative agreements.

* * * * *

(d) Grant periods. The Director shall normally approve a grant for a period of one year or less. Consecutive annual grants shall be awarded to fund approved programs.

(e)(1) * * *

(2) * * *

(i) A separate budget summary for the costs of the cooperative agreement in the format specified by OSM; and

(ii) A separate narrative, in the format specified by OSM, describing the specific activities required by the cooperative agreement for the period for which the grant is requested.

12. Section 735.17 is revised to read as follows:

§ 735.17 Grant periods.

The Director shall normally approve a grant for a period of one year or less. Consecutive annual grants shall be awarded to fund approved programs.

13. In Section 735.18 revise paragraphs (a), (b), the introductory text of (c), (d), and (e) to read as follows:

§ 735.18 Grant application procedures.

(a) The agency shall submit its application (three copies) to the Director at least sixty days prior to the beginning of the intended grant period.

(b) The agency shall use the application form and procedures specified by OSM in accordance with Office of Management and Budget Circular No. A-102. No pre-application is required.

(c) For program development grant applications, agencies shall include:

* * * * *

(d) For administration and enforcement grants and cooperative agreement grants, agencies shall include:

(1) A description of the specific operations in the approved program which will be implemented during the period for which the grant is requested.

(2) A description and justification of any major equipment (equipment which has a unit acquisition cost of $500 or more) which the agency proposes to acquire with the grant.

(e) The Director shall notify the agency within thirty days after the receipt of a complete application, or as soon thereafter as possible, whether it is or is not approved. If the application is not approved, the Director shall set forth in writing the reasons for disapproval and may propose modifications if appropriate. The agency may resubmit the application. The Director shall process the revised application as an original application.

14. In § 735.20 the introduction to paragraph (b) and paragraph (d) are revised to read as follows:

§ 735.20 Grant amendments.

(a) * * *

(b) The agency shall promptly notify the Regional Director in writing of events or proposed changes which may require a grant amendment, such as—

(c) * * *

(d) The date the Director signs the grant amendment establishes the effective date of the action. If no time period is specified in the grant amendment, then the amendment applies to the entire grant period.

15. In Section 735.26 revise paragraphs (a) and (b) to read as follows:

§ 735.26 Reports.

(a) The agency shall, for each grant made under this Part, submit semiannually to the Director a financial report in accordance with Office of Management and Budget Circular No. A-102, Attachment H and OSM requirements. This report shall be accompanied by a performance report prepared according to Attachment I of OMB Circular No. A-102 and OSM requirements.

(b) The Director shall require through the grant agreement that semiannual reports provide the relation of financial information to performance and productivity data, including unit cost information.

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Monday
September 21, 1981

Part III

Department of Health and Human Services

Social Security Administration

Aid to Families With Dependent Children

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Parts 205, 206, 233, 234, 235, 238, and 239

Aid to Families With Dependent Children

AGENCY: Social Security Administration, HHS.

ACTION: Interim rule.

SUMMARY: These interim regulations implement changes made in the Aid to Families With Dependent Children (AFDC) program by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). The statutory changes are generally effective October 1, 1981. The key provisions fall within four basic areas, as follows:

(1) Enable families to move from welfare dependency to job-based self-sufficiency by providing States flexibility to develop work alternatives, including community work experience, provision of jobs instead of welfare, and by letting each State agency, if it so requests, demonstrate its own work incentive (WIN) program.

(2) Target assistance to the neediest by:

—Setting a total income limit of 150 percent of the State's need standard; and

—Standardizing and changing the sequence of the earned income disregards by allowing a standard $75 disregard, actual child care costs up to $160 per child, then $30, then ⅓ of the remainder. The $30 and ⅓ disregards will be applied only to the first 4 consecutive months in which they occur.

(3) In calculating need, count existing sources of income which are available to families but which were previously excluded by:

—Counting the income of a stepparent, after appropriate disregards, to determine the need of stepchild(ren) with whom he or she is living;

—Allowing States to count the value of Food Stamps and housing subsidies an AFDC family receives to the extent this value is duplicated by money for food and housing in the AFDC payment;

—Assuming on an ongoing basis receipt of the advance earned income credit (EIC) for those eligible to receive it;

—Counting income in excess of the State's need standard as available to meet future needs; and

—Treating resources (excluding the home, a reasonably valued car, and at State option certain basic items essential to day to day living) in excess of $1,000 equity value (or a lower State-set limit) as available to meet needs, thereby making the family ineligible.

(4) Improve program administration through requiring:

—Retrospective accounting and monthly recipient reporting;

—Recovery of overpayments and payment of underpayments to current recipients; and

—Elimination of payments for amounts less than $10.

Changes made by these interim regulations are limited to the AFDC program.

DATES: This interim rule is effective October 1, 1981, except where the State welfare agency demonstrates to the satisfaction of the Secretary that there are legal barriers under State law to its compliance on that date. In such an event, the Secretary may allow the State, after review, to delay compliance with a given amendment regarding which there is an obstacle until the month after the close of the next session (of any sort) of the State legislature. This is in accordance with Sec. 2321 of Pub. L. 97-35. Your comments will be considered if we receive them no later than (insert 60 days after publication in the **Federal Register**).

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Md. 21203, or delivered to the Office of Family Assistance, Social Security Administration, Room B-428, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20201, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Michael H. de Maar, Room B-428, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20201, (202) 245-2141.

SUPPLEMENTARY INFORMATION:

Regulatory Procedures

Justification for Dispensing With Notice of Proposed Rulemaking

These interim regulations are effective October 1, 1981, the effective date required by Pub. L. 97-35. Since the legislation was not signed into law until August 13, 1981, it was not feasible to issue these rules under a Notice of Proposed Rule Making, as this would have delayed issuance of final rules until well past October 1, 1981. Since the amendments made by Pub. L. 97-35 will require many changes in State AFDC plans and agency procedures, States must have some reasonable assurance that new Federal rules under which these changes are to be implemented will not change in "mid-stream." Furthermore, the State costs of sequential changes in the program because of abrupt changes in Federal rules will be significantly higher than if the changes are made by States in a planned and orderly manner. The only way to assure States that significant changes in Federal policy will not be made after they have begun to implement the provisions of the new statute is to issue interim rules.

In addition, publishing interim rules will permit the State and Federal governments to capture the greatest amount of cost savings from these provisions and this will be to the benefit of the public. We anticipate that the savings to Federal and State governments from prompt implementation of these amendments will be about $2 billion and represent a substantial factor in the President's efforts to curb inflation and revitalize the economy. Accordingly, we believe that under 5 U.S.C. 553(b)(B) good cause exists for waiver of Notice of Proposed Rulemaking since issuance of proposed rules would be impracticable and not in the public interest.

While notice of proposed rulemaking is being waived, we are interested in comments and advice regarding changes which should be made to these interim rules. We will review any comments on these rules which we receive on or before November 20, 1981, and will publish the final rules with any necessary changes.

Consultation

Prior to publication of these interim regulations, we solicited comments on the legislation and suggestions for the regulations from interested parties. These parties included Governors and State legislative associations, State and county welfare administrators, legal service groups, professional and labor organizations, welfare rights groups, public assistance-related organizations, and other Federal agencies. The views of these parties were considered in the development of the regulations and are sought during the comment period as well.

Regulatory Burden

Regulatory Impact Analysis

We believe that this regulation will have an annual effect on the economy of more than $100 million. It is therefore a "major rule," as defined in Executive Order 12291, and requires a regulatory impact analysis. This analysis must contain a description of potential benefits and costs and net benefits of the rule (including those that cannot be put into monetary terms) and a description of alternative approaches and their potential costs and benefits. For the reasons stated below, we have not written a separate analysis but instead have incorporated it into the preambles on a section-by-section basis.

The statutory changes which this regulation implements are projected to save the Federal government more than $6 billion, and State and local governments more than $5 billion, over the next five years. These savings arise primarily from retargeting scarce resources on those most in need and restricting eligibility to the truly needy.

These reforms will have effects both on AFDC recipients and on the economy as a whole. Their aim is fair allocation of scarce resources among the most needy; cost savings through more efficient program administration, and increased opportunities for work that will be of value both to the recipients and their communities. These statutory changes represent, in the best judgment of the legislative and executive branches of the Federal government, the kinds of reductions of cost and retargeting of benefits that will be the most productive for both recipients and taxpayers. The Secretary, with the concurrence of the General Counsel, has determined in accordance with Executive Order 12291, that these regulations are clearly within the authority delegated by law and are consistent with Congressional intent.

The statute contains numerous provisions affecting the AFDC program. The statutory language is clear in its direction. The provisions with the greatest fiscal effects on Federal and State budgets and on recipients leave little regulatory latitude. For example, receipt of the $30 and one-third disregard is statutorily limited to four consecutive months; work expense deductions are standardized at $75 for full-time employment.

Because of the above considerations, this regulatory impact analysis is limited in scope. For purposes of the regulatory impact analysis, there were two areas in the legislation in which there are both regulatory latitude and the effects of adopting different options could significantly impact on costs and benefits—Determination of Resources and the Community Work Experience Program. We have focused the regulatory impact analysis on the major decisions which were made in these two areas of the regulation. Overall economic effects of adopting different alternatives are small in comparison to the projected economic effects of the statutory changes as a whole. Furthermore, the available information on costs that are expressible in monetary terms is limited to costs to Federal, State and local governments. Because of these limitations, it seems preferable not to prepare a separate analysis, but instead to expand discussions of non-selected options, which would be required independently of whether an impact analysis was undertaken, into cost/benefit tradeoffs as far as this is possible.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (Pub. L. 96–354) requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each particular rule we must publish an initial analysis describing the rule's impact on small business. This analysis should indicate the purpose and reason for the rule, the number of small businesses to which it would apply, anticipated reporting and recordkeeping requirements, possible overlap and conflict with other Federal rules, and a description of possible alternative means of accomplishing the stated objectives which would minimize the impact on small businesses.

The primary impact of this regulation is on State governments and individuals. We do not believe that any provision will have a significant impact on a substantial number of small businesses. The only provision that could conceivably have such an effect is the Earned Income Credit (EIC). Because of this possibility, we have incorporated a regulatory flexibility analysis into the individual discussion of this provision in the preamble.

Recordkeeping/Reporting Burden

The Office of Management and Budget has determined that the following four information collection requirements are subject to review and approval under the Paperwork Reduction Act of 1980 (Pub. L. 96–511): State Plan requirements discussed throughout the regulation, Work Incentive Program (WIN) demonstration provision (Section 205.80), Community Work Experience (WEP) provision (Section 238.64) and monthly reporting (Section 233.36). The Office of Management and Budget has approved all of these information collection requirements.

Discussion of Major Provisions

A discussion follows of the major AFDC provisions of Pub. L. 97–35 and the options that we considered in developing the implementing regulations. Where appropriate to a particular provision, regulatory impact analysis or regulatory flexibility analysis is included in the discussion of the provision.

Prohibition Against Payment of Aid in Amounts Below Ten Dollars (Section 233.20 of Interim Regulations)

Under the new legislation, State payments of aid to assistance units for any month in which the amount of such payment would be less than $10 are prohibited.

Several options were reviewed in the development of the implementing regulations. An issue surfaced concerning those States in which payments are made on a "twice-a-month" basis. For example, if an AFDC family is determined eligible to receive a benefit of $16.00 per month, and the State issues two checks in the month for $8.00 each, these payments would still be permitted, under the interim regulations since the payments for the month total more than $10. The important element is whether the amount of the monthly grant which the AFDC family is determined eligible to receive is less than $10, prior to any adjustment. We believe this interpretation supports the intent of Congress.

A similar issue with respect to issuing checks under $10.00 arose concerning the recovery of overpayments. For example, an AFDC family is eligible to receive a monthly assistance payment of $28.00; and the State recovers an overpayment of $20.00. Under the implementing regulations, since the actual payment for the month prior to any adjustment is more than $10, the State would issue the $8.00 check to the AFDC family. The regulations also provide that any AFDC family denied a payment of aid solely because it is under $10 is deemed to be receiving AFDC for all other purposes except for eligibility to participate in a Community Work Experience Program (CWEP). This means that the family would still be considered eligible for Medicaid, social services, and where appropriate be required to register for the Work Incentive Program (WIN).

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Limitation on AFDC to Pregnant Women (Section 233.90(c)(2) of Interim Regulations)

Although the prior statute did not directly reference payments to pregnant women for their unborn children, AFDC regulations permitted such payments as a State option. A total of 34 States now make some kind of payments starting at varying stages of the pregnancy.

Under the new statutory provision, money payments with respect to a pregnant woman otherwise eligible for AFDC can begin with the third month prior to the month that it has been medically verified that the child is expected to be born. However, Federal Financial Participation (FFP) is not available to meet the needs of the unborn child, only those of the pregnant woman.

Under the interim regulation, therefore, the State may cover pregnant women with no other children. Under these circumstances the payment would be based on the amount identified in the standard for one adult exclusive of special needs. The payment may not include an amount for the unborn child. Similarly, the monthly assistance paid to an AFDC mother cannot be increased due to the fact that she is pregnant. She already receives a grant for her needs; an incremental increase would, by definition, be for the unborn child.

Special needs for pregnant women with no other children and those already receiving AFDC. A State can also provide for a pregnant woman through a special need. Special needs are considered an amount in recognition of a special circumstance that is included as an item in the standard in addition to basic needs. For example, the State may wish to provide in its standard for a special need such as a special diet, a crib, or other items needed to prepare for the birth of the cild. As specified in § 233.20(a)(2)(v) of the interim regulations, if the State agency includes such special need items in its standard it must describe those that will be recognized, the circumstances under which they will be included, and provide that they will be considered in the need determination for all applicants and recipients requiring them. This means that such special needs items must be available to all pregnant women, including recipients.

When coverage for pregnant women begins. States may not pay pregnant women under this provision until the sixth month of a medically verified pregnancy. For example, for the pregnant woman with no other children, if it has been medically determined that she is expected to deliver her baby in December, the State may make AFDC payments to that woman as early as September. For the woman who is already on the rolls, and who is expected to deliver her baby in December, the State may increase the existing payment as early as September for any special need identified in the Plan in recognition of her pregnancy. The State must identify in its State Plan when coverage will begin, i.e., in the 6th, 7th, 8th, or 9th month.

Changes in circumstance. A premature or late birth will not create an underpayment or overpayment, provided all eligibility conditions were met. The present rule at 45 CFR 206.10(a)(9) relating to changes in circumstances applies to such changes.

Once the child is born, the State will apply its current policy of payment when a child joins the assistance unit in effecting payment for the child.

Medicaid coverage. Based on the new statute, in order to provide pregnant women with access to prenatal care during the entire period of pregnancy, States may provide Medicaid coverage to pregnant women (prior to the 6th month of pregnancy and eligibility for a cash benefit) who would qualify for AFDC if the child were born and living with her. This coverage may be provided at any time after the pregnancy has been medically verified.

Removal of Limit on Restricted Payments (Section 234.60 of Interim Regulations)

The new statutory provision removes the 20 percent limit on the number of State AFDC cases in which protective, vendor or two-party payments may be made. These determinations will continue to be made according to the existing regulation at 45 CFR 234.60, which describes the special provisions the State must consider before concluding that mismanagement exists, and requires documentation for the case file.

Under the new law and regulations, States, at their option, may also issue protective, vendor, or two-party payments when the recipient voluntarily chooses to have them made. The request must be made in writing and included in the case file. These payments are made without regard to the special provisions applicable to mismanagement situations; and must be discontinued promptly at the written request of the recipient.

Work Supplementation Program (Part 239 of Interim Regulations)

The new statutory provision establishes an optional Work Supplementation Program. The purpose of the program is to allow States to make jobs available to recipients on a voluntary basis, as an alternative to aid otherwise provided under the State plan. States have broad discretion in administering the program. States will set their own eligibility criteria for participation, may adjust need standards, and may operate the program notwithstanding the July 1, 1969 floor for need standards (Section 402(a)(23)), definitions currently used by the State agency (Section 406), statewideness (Section 402(a)(1)), and current earned income disregards (Section 402(a)(8)).

States may use funds accrued from reducing need standards and modifying earned income disregards to help defray the costs of subsidizing employment opportunities. The total amount of program costs that will be matched by the Federal government will be limited based on the formula set forth in the legislation and regulations.

Eligibility. The State shall determine which recipients are eligible to participate in the Work Supplementation Program. For purposes of administering the program, determining eligibility and adjusting need standards, a State may develop two or more categories of recipients.

Adjustment in need standards and payment levels. Need standards may vary among categories of recipients as the State determines to be appropriate on the basis of ability to participate in the Work Supplementation Program. Need standards in effect in areas of the State with a Work Supplementation Program may be different from the need standards in effect in areas that do not have such a program.

States may also reduce payments to recipients in order to offset increases in benefits from government supported needs related programs and reduce or eliminate the amount of earned income disregarded under the State plan.

A State may make these adjustments in need standards and payment levels prior to providing the recipient of aid with a subsidized job. The number of jobs to be provided through a Work Supplementation Program will be determined by the State. Eligible participants may choose to volunteer for jobs to the extent such jobs are available under a State's program. If the reduction in a State's standard results in no cash assistance payment, this does not affect eligibility for the Work Supplementation Program.

Matching funds and jobs. States may subsidize employment opportunities with public agencies administering the State plan, public and non-profit organizations, and under certain conditions proprietary day care centers.

States are to use money saved from lowering grant levels to subsidize employment opportunities. The amount of Federal funding to cover the cost of subsidizing employment opportunities (known as "program costs" or "cost under the State plan") is limited as stated in the legislation and Federal regulations. The Act limits Federal funding to the amount that would be available to a State under May 1981 standards in the State plan as modified by mandatory Federal law provisions enacted since that date. However, if the number of recipients increased and/or demographic changes occur, the amount available would correspondingly change.

Wages and conditions of work. Recipients who take a job under this program will be paid wages which will be treated as earned income for purposes of any other law. A State has discretion in negotiating with an agency hiring recipients under this program as to the wages, hours, benefits, and all other conditions of work including the length of time a subsidized position will be available for recipients.

State welfare agencies and other public agencies hiring recipients under this program are not required at any time to give participants "employee status." Non-profit agencies and proprietary day care centers need not give employee status to a person receiving a subsidized job during the first 13-week period of such person's tenure in such job. States may assign persons receiving a subsidized job for whatever length of time that the State and the job giver deem appropriate. Recipients may be assigned a series of jobs or placed in one job to run for a specified period of time.

A State may provide Medicaid coverage to program participants and their families if such individuals would qualify for such coverage if the State did not have a Work Supplementation Program.

Participation in other work programs. A recipient is not excused from the requirements of the Work Incentive (WIN) Program or the Community Work Experience Program (CWEP) because of participation in the Work Supplementation Program. Coordination between the Work Supplementation Program and other work related programs is the responsibility of the States and the State agency administrating the Work Supplementation Program.

Training Costs (Section 235.64 of Interim Regulations)

The Act changes the Federal matching rate for State and local training costs under Title IV-A. Prior to October 1, 1981, the Federal government matched at the rate of 75 percent for the cost of training for State employees. All other administrative expenses were matched at a rate of 50 percent. The new law provides that all expenses related to administration, including training expenses, will be matched by the Federal government at the regular 50 percent rate. The new regulation reflects this change. There are no changes in the coverage of training costs subject to Federal matching.

Unemployed Parents (Section 233.100 of Interim Regulations)

The Supreme Court ruled in June, 1979, in the case of *Califano* v. *Westcott*, that section 407 of the Act (Dependent Children of Unemployed Fathers) unconstitutionally discriminated against similarly situated unemployed mothers. The effect of this decision has been that needy, intact families can qualify for welfare when either parent, if otherwise eligible, is unemployed—even if the other parent is employed. The statute at section 407 of the Act and these regulations now provide that only the unemployed principal earner can qualify the family for benefits. The principal earner is whichever of the dependent child's parents, in a home in which both parents of the child live, earned the greater amount of income over the 24-month period immediately preceding the month in which an application is filed for aid because of the parent's unemployment. This designation of a principal earner remains effective for each consecutive month for which the family receives AFDC-UP benefits on that basis. In calculating which parent will be the principal earner, it does not matter when their relationship started or whether, during the 24-month period prior to the date of application, the father and mother were not married to each other or living together. This is solely a test of the amount of earned income each had over the prior 24-month period. A State must use the same method of verification of earnings for AFDC-UP applicants and recipients that it uses for other applicants and recipients.

In the few cases that may arise where both parents earned an identical amount of income, the State shall designate which parent will be considered the principal earner.

The principal earner must still meet all other eligibility requirements of the AFDC-UP program. As of October 1, 1981, all new AFDC-UP applicants must meet the "principal earner" test for the 24-month period prior to the month of application. With respect to current recipients, States must redetermine each case and apply the principal earner test for the 24-month period prior to the initial month of application. Any finding of ineligibility would be effective October 1, 1981.

States with AFDC-UP programs which previously provided benefits to families in which the parent's unemployment resulted from participation in a labor dispute may no longer provide these benefits. (Also, see preamble and regulation sections on strikers.) The entire family would be ineligible for AFDC if the principal earner does not register for work or training, or refuses to participate in WIN or CWEP without good cause.

The regulation also provides that individuals may earn a quarter of work (to establish attachment to the work force, i.e., 6 of the last 13 quarters) by participating in CWEP under the amended section 409 of the Act and the implementing regulations. The regulation deletes "any other work and training program subject to the limitations in such section 409" as a way to earn a quarter of work. Thus, participation in other work programs—in and of itself—does not confer a "quarter of work" on those participants.

150 Percent Income Limit for Eligibility (Section 233.20(a)(3) of Interim Regulations)

Under the previous law there was no limit on the amount of gross income a family could have and still be eligible for AFDC. Some families received AFDC even when they had high earnings. In order to limit assistance and ensure benefits for those most in need, the statute provides for an income limit at 150 percent of the State's need standard.

Implementing regulations provide that assistance units with gross income in excess of 150 percent of the need standard are ineligible to receive AFDC.

The first step in determining financial eligibility for AFDC will be to apply the assistance unit's total income, without benefit of the income disregards described in section 402(a)(8) of the Act, against a dollar standard equal to 150 percent of the State need standard for a family of the same size. If the unit has gross income in excess of the 150 percent limit, then they are not eligible. For recipients, if the agency determines that the assistance unit's income expected in a future month will be in excess of the 150 percent limit, the agency will not make a payment for that month. On the other hand, if the agency has not denied assistance prospectively, and the recipient's report of income during the budget month exceeds the 150 percent limit, the family is ineligible to receive a payment for the corresponding payment month. An assistance unit's gross income includes the income of those individuals who apply for or receive AFDC, the income of the natural, adoptive or stepparents (less applicable disregards in States without a law of general applicability), and any other persons whose income is taken into account in determining the AFDC grant.

Counting Food Stamps and Housing Subsidies as Income (Section 233.20(a)(3) (xi) and (xii) of Interim Regulations)

Until enactment of this provision, States were prohibited by the Food Stamp Act from counting the value of food stamps as income in determining eligibility and the amount of the AFDC payment. In recent years, the substantial growth of Federal in-kind assistance programs has led to duplication of benefits at the Federal and State levels. This provision recognizes that overlap and under the implementing regulations States are permitted to reduce the amount of AFDC paid to the extent that the value of the food stamp coupons or housing subsidies duplicates the maximum amount payable under the plan for food or shelter to a family of the same composition with no income.

A State which chooses to implement this provision must specify in its plan how much of its payment standard, by family size, covers food, shelter, or both separately. If a State has adopted a consolidated payment standard and the components are no longer identified, it must define that portion of its consolidated payment standard which is for food and/or shelter by either historical projections or some other reasonable and supportable method. The regulations provide that the agency must determine the AFDC unit's share of food stamps in food stamp households which contain persons not in the assistance unit or similar situations in subsidized housing.

Assumption of Stepparent Income (Section 233.20(a)(11)(c)(iv) of Interim Regulations)

The new statute changes considerably how many States treat stepparent income. Under the prior law, the income of a stepparent could not be assumed available to the child unless the State had a law of general applicability holding the stepparent legally responsible to the same extent as the natural or adoptive parent. Currently, there are six States with laws of general applicability. These States are: Nebraska, New Hampshire, South Dakota, Utah, Vermont, and Washington. In these States, because the stepparent is held legally responsible to support his stepchildren as would be a natural or adoptive parent, no deprivation factor exists whenever the stepparent lives in the same household and is not incapacitated or in some States unemployed. Since no deprivation exists, the family is ineligible. The income of the stepparent living with the child is assumed available under the State plan just as if he or she were a natural or adoptive parent.

While the new statutory provision is silent as to whether it should be applied in States which have laws of general applicability as described above, we believe that Congress did not intend to disturb the way stepparents are treated in these States. The legislative history of this provision suggests that Congress was satisfied with these stepparent procedures and merely intended to require the other States to have minimal procedures for counting stepparent's income when he or she is in the same household as the assistance unit.

Further, support for this view of the statute can be found in the colloquy between Senators Dole and Gorton in the Congressional Record of July 31, 1981. In this discussion, Senator Dole, who was the floor manager of the reconciliation bill, states that the new stepparent statute represented a minimum level of stepparent responsibility and was not intended to weaken procedures in effect in States with laws of general applicability.

Accordingly, the regulation provides that in States which do not have a law of general applicability, the following disregards will be applied to stepparent income before it is counted in reducing the AFDC grant. (1) The first $75 of the stepparent's gross earned income. The State shall establish a lesser amount for a stepparent who is not employed on a full-time basis or not employed throughout the month if he or she lives in the same household; (2) An additional amount for the support of the stepparent and other individuals who are living in the home, but whose needs are not taken into account in making the AFDC eligibility determination and are claimed by the stepparent as dependents for purposes of determining his or her Federal personal income tax liability. This disregard amount shall equal the State's need standard amount for a family group of the same composition as the stepparent and the other individuals not in the assistance unit; (3) Alimony and child support payments to individuals not living in the household; and (4) Amounts actually paid by the stepparent to individuals not living in the home but who are claimed by him or her as dependents for purposes of determining his or her Federal personal income tax liability.

The following alternative approaches to several issues were considered but rejected:

Whether the regulation should specify a maximum amount that could be allocated toward the support of a stepparent's dependents living outside the home.

The decision was made that States shall not be allowed to establish a maximum on the basis that: (1) the Act does not set a maximum; (2) stepparents should be able to establish the level of support they wish to provide dependents outside the household; and (3) stepparents should not be prohibited from paying the high cost of care of dependents in institutions such as nursing homes. However, the State is required to disregard only the obligations actually paid by the stepparent.

Whether the regulations should specify how the work expense allowance should be adjusted for stepparents who work less than full-time or who are not employed throughout the month.

The Act requires that stepparents who are working full-time receive a $75 work expense allowance and gives the Secretary the authority to adjust the allowance for persons working less than full-time. The decision, on which the regulation is based, is to require a disregarded amount less than $75 for stepparents working less than full-time and permit States to establish their own procedures for determining and applying this amount. This approach provides increased State flexibility.

Whether the stepparent disregards for alimony and child support payments refer to amount owed or actually paid.

The decision was to deduct only amounts actually paid rather than owed on the basis that it more clearly reflects the language in the Act. Therefore, a stepparent who fails to make his court-ordered support and/or alimony payment would not receive the disregard.

Whether Supplemental Security Income (SSI) received by a stepparent can be counted as income. Section 402(a)(24) of the Social Security Act prohibits the counting of income and benefits of SSI recipients for purposes of determing AFDC eligibility or benefit amounts. Therefore, the State may not consider the income of a stepparent receiving SSI to be available to the AFDC assistance unit.

Treatment of Income in Excess of the Standard of Need (Section 233.20(a)(3) of Interim Regulations)

Prior to enactment of the new provision, any payments to an assistance unit that met the definition of income (e.g., retroactive Social Security benefits) were counted as income in the month of receipt, and considered a resource, to the extent retained, in the following months.

The new section 402(a)(17) of the Act requires all income to be considered available to meet the present and future needs of AFDC recipients. It is the responsibility of the caretaker relative to budget accordingly. To do this, States must first determine whether the family's total amount of earned and unearned income (excluding the AFDC grant and after applying income disregards) exceeds the State's need standard in the month of receipt of the income. If it does not exceed the unit's needs, States shall compute the grant as for any usual month. If it does exceed the units needs, but was caused by a regular and periodic extra paycheck from a recurring income source, the unit may be suspended (see § 233.24(d)). However, if it does exceed the State's standard of need, the rules provide that the unit will be ineligible for aid for the number of full months (including month of receipt) derived by dividing the total income by the need standard applicable to the family. In addition, any income remaining after this calculation is treated as if it is income received in the first month following the period of ineligibility and is considered available for use at that time.

An example of how this policy is to be implemented is as follows. If an assistance unit has $600 nonrecurring income in October, it has $300 other countable income in that month (after the disregards) and the State's need standard for four is $400, the unit is ineligible in October and November and shall be considered to have $100 of income for December if the unit reapplies in that month. In drafting these rules, a question arose as to how this provision should be applied when the State discovers a nonrecurring income after the month of receipt. Must the assistance unit be considered ineligible in the month of receipt, or can States consider the first month of ineligibility to be in the month of discovery, or in the payment month corresponding to the month of receipt?

The Department believes the statute and legislative history requires that a State consider the unit ineligible in the month of receipt of the nonrecurring income as this would represent the first month of ineligibility for which any overpayments would be recouped.

For purposes of this provision, the new regulations do not alter the definition of income now employed by States.

After a State makes a determination of future ineligibility based on this provision, future changes in family composition or other relevant circumstances do not change or alter the period of ineligibility. There is also no waiver or good cause provision which can be applied to reduce the period of ineligibility. This provision applies to applicants only in the month of filing (effective 10/1/81).

Resources Considered in Determining Need (Section 233.20(a)(3) of Interim Regulations)

Pub. L. 97–35 sets statutory limits for the first time on the amount of resources an assistance unit may have and be eligible for AFDC. Formerly, resource limitations were prescribed in the regulations. Those regulations prohibited States from setting the asset limit at more than $2,000 per recipient, excluding, as allowed by the State, a home, personal effects, an automobile, and income producing property. The courts ruled in *NWRO* v. *Weinberger* that in determining the $2,000 limit, equity value was to be used.

States must now set a resource limit of $1,000 or less on the equity value of the resources an assistance unit may own. A State must:

1. Deduct from the fair market value of the resources (as determined by the State) any obligations or debts still outstanding on those resources;
2. Exclude from consideration the equity value of a car up to $1,500 or at State option such lower limit as set in its State plan;
3. Exclude the value of a home owned by a member of the assistance unit and occupied by it;
4. Count the equity value of all other resources, except at State option basic items essential to day to day living, such as clothing, furniture and other similarly essential items of limited value.

Prior to these changes, States had the option under regulations to exclude personal effects, income producing property, burial plots, cash value of life insurance policies, etc. This will no longer be permitted. Under the new regulations, States must exclude only those items specifically cited in the interim regulations of the home and the automobile up to $1,500 equity value. In addition, we have permitted States, at their option, to also exclude certain items of personal property essential to day to day living if they have limited value. The reason for this very limited exclusion is that we have been advised by States that the administrative cost of verifying the existence and nominal value of such items would far exceed any savings in assistance payments which might accrue if they were counted in determining a family's eligibility. Accordingly, in these regulations, we permit but do not require States to value all such items.

States will continue to establish their own methods for evaluating personal property and verifying resources. We chose $1,500 as the maximum equity value for an automobile on the basis of a Spring 1979 survey of food stamp recipients. Data from that survey suggest that 96 percent of all food stamp recipients who own cars had equity value in them of $1,500 or less. In that the Federal maximum limit should be set within the range of the vast majority of current recipients and given that the food stamp population tends to be, on the average, more affluent than AFDC recipients, this limit appears reasonable and supportable.

Community Work Experience Program (Part 238 of Interim Regulations)

The Act provides that States may, if they choose, establish a Community Work Experience Program (CWEP). The purpose of CWEP is to provide on-the-job training and work experience for recipients in order to assist them in moving into regular employment. Participants in CWEP will continue to receive their regular AFDC checks and will neither be paid by, nor be considered employees of, the agencies with which they are assigned.

Eligibility. Only recipients of aid, and not applicants for aid, may be required to participate in CWEP. A State may require AFDC recipients who are required to participate in the WIN program to participate in CWEP unless such persons are currently working no less than 80 hours per month and are earning not less than the applicable minimum wage, or are recipients of a monthly grant that is less than $10.00. Persons exempt from WIN due to caring for a child between the ages of three and six may also be required by a State to participate in CWEP if adequate child care is available. Additionally, persons exempt from WIN due to their residing too far away from a WIN project may be required to participate in CWEP, provided they do not have to travel an

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unreasonable distance from their home to the CWEP project site. The maximum number of hours a person may be required to work is to be calculated by dividing the total grant of the family by the higher of the State or Federal minimum wage. Should two or more persons in the same family meet the CWEP eligibility requirements, a State may, at State option, require each family member to work the same number of hours as would be required if only one member of the family were eligible for CWEP (total family aid/minimum wage).

Types of jobs and conditions of work. All job creation projects developed under CWEP must serve useful public purposes, as defined by the State. These projects are limited to public agencies and non-profit organizations. Private for-profit entities may not be CWEP sponsors.

States implementing CWEP must assure that in all training and work projects certain conditions are met. Some of the most important conditions are:

- Maintenance of appropriate health standards.
- Reasonable conditions of work are maintained, taking into account the proficiency of participants
- Recipients cannot fill established unfilled position vacancies.
- Participants cannot be required to travel more than a reasonable distance from their homes or remain away from their homes overnight.

A State must provide for transportation and other costs directly borne by the participant which are both reasonably necessary and directly related (as defined by the State) to participation in the program. The maximum reimbursement to a recipient for costs such as transportation, etc., is $25.00 monthly. This is a federally matchable administrative cost. However, any child care costs incurred by CWEP participants are matchable only under this provision and not as a routine administrative cost or as a special need. For this specific need, States should consider establishing CWEP projects to provide day care services using other participants and AFDC recipients.

A State may, if it wishes, provide transportation and other services to participants so that they do not incur any costs directly related to their participation. A State may also wish to provide for these costs with in-kind services. If this is the case, these services shall be matched as a routine administrative cost.

States may choose to provide program participants with worker's compensation or comparable protection. If a State provides such protection, the cost of providing the coverage shall be considered an administrative expense for purposes of Federal matching funds.

Sanctions and hearings. Should a person refuse to participate in CWEP, the penalties applied for failure to participate in WIN will apply. Regular AFDC hearing procedures shall be used.

Coordination. The Chief Executive Officer (CEO) of the State is required to coordinate CWEP and WIN and insure that job placement has priority over participation in CWEP.

The CEO shall insure that a person is not denied aid under the State plan, because of refusal to participate in either WIN or CWEP while satisfactorily participating in the other. However, a State may require that a person participate on a part time basis in both programs.

Expenditures. The Federal government will match State administrative expenditures necessary for the proper and efficient Administration of the program. Such costs may not include the purchase of equipment or materials in connection with the work performed under the program. Federal funds are also not available to help pay the costs of supervision of work performed under CWEP.

Placement of CWEP participants in profitmaking firms. The Act states that CWEP "shall be limited to projects which serve a useful public purpose * * *." Discussion was devoted to whether, and the extent to which private for profit entities should be permitted to participate in CWEP. The alternatives that evolved from this discussion were to: (1) restrict work to the public sector only; (2) restrict work to public sector and non-profit organizations; (3) permit work in public sector, non-profit organizations and private for profit entities. The second option was selected.

Permitting participation of private for profit entities may have permitted creation of the greatest number of CWEP work possibilities, permitted maximum State flexibility, and may have promoted transition to the private sector of more CWEP participants. However, we believe that these benefits are outweighed by the higher risk that CWEP participants might displace regular employees because potentially less control could be exercised over private for profit entities. In addition the use of a pool of free labor by profitmaking entities, even though it might further the independence of participants, has a high potential for damaging the overall CWEP effort (for example, by allowing one employer to obtain an unfair market advantage through the use of free labor). Restricting the CWEP program to public agencies and non-profit organizations will still create substantial employment opportunities, while minimizing the above-described risks.

Worker's compensation for CWEP participants. The new statute requires a State which chooses to operate CWEP programs to provide appropriate standards for health, safety and other conditions applicable to the performance of work. This consideration gives rise to two issues: (1) whether to allow, or require, States to provide worker's compensation or similar coverage; and (2) whether to permit Federal reimbursement of such expenses. The decision is to permit States to provide worker's compensation or similar coverage and to reimburse these expenditures as a valid administrative expense.

The estimated cost of this coverage if all States elected this option is approximately $27 million (combined Federal and State share) over the FY 1982–1986 period. This decision is not necessarily the most expensive option in that the potential for injuries to CWEP participants will have to be dealt with in some fashion, and other alternatives could prove to be more expensive. This group is very vulnerable because they lack existing protections. To allow that worker's compensation is a valid administrative expenditure suggests that its cost should be shared by the Federal and State governments.

Earned Income Credit (Section 233.20(a)(6)(a) of Interim Regulations)

The earned income credit (EIC) supplements the earnings of the working poor. Eligible employees may file an Earned Income Advance Payment Certificate (Form W–5) with their employers and receive the credit in advance payments which will be added to their paychecks. Under current law, any individual applying for or receiving AFDC who receives the earned income tax credit has that amount counted as earned income when it is received, whether received as a lump sum or in advance payments.

Pub. L. 97–35 requires States to count as earned income the amount of the earned income credit advance payments an individual is entitled to receive, whether or not the individual actually receives them. Therefore, the amount of these advance payments will be counted whether or not they elect to receive them. However, if the family makes every effort to file for and receive the advance EIC but cannot receive it for some documented reasons, e.g., the employer refuses to process it, the State may determine that it is not available and not deem it as income.

In order for an employee to receive the earned income credit in advance amounts, the employee must file the proper certificate with his employer and thereby certify that he reasonably expects to be eligible to receive the earned income credit. The regulation requires, therefore, that when a State agency includes as earned income the amount of the advance payments not actually received, the State agency must be reasonably certain that the individual will be eligible to receive the credit. This requires the State agency to determine in advance whether an individual will be eligible to claim the earned income credit on his Federal income tax form for the current taxable year. The State agency must make that determination by applying the rules of the Internal Revenue Code which deal with the earned income credit and advance payments of the credit. These appear at 26 U.S.C. sections 43 and 3507, and under the corresponding regulations at 26 CFR 1.43–1, 1.43–2, and 31.3507–2.

In applying the rules of the Internal Revenue Code which deal with the support and maintenance of household tests, the State agency must not count AFDC benefits as support provided by the parent. These are support or maintenance provided by the State, not by the AFDC applicant or recipient.

The State agency shall determine the amount of the advance payments an employee is eligible to receive by consulting the tables prescribed by the Secretary of the Treasury.

If the State agency counts the amount of the advance payments an individual is eligible to receive but which are not actually received, the State agency may not also count the amount of the earned income credit which the individual does receive later as a lump sum. This is to avoid double counting of the same income.

Where the State agency determines that the individual is eligible to receive the earned income credit in advance payments and counts an amount as earned income each month, the State must make later adjustments if the individual was not, in fact, eligible for the advance payments. The State agency must also make adjustments where it assumed the individual was eligible to receive more or less than the actual amount of the credit. These adjustments shall be made according to the rules the State has established for payments of underpayments and recovery of overpayments. Adjustment will also be required where the amount of the advance payments an employee actually receives are more or less than the actual amount he was entitled to receive.

Flexibility analysis of earned income credit. Based on a sample survey of recipients and after the estimated effects of the recent amendments, we estimate that an average of 230,000 families have earnings each month. We have no descriptive information about the employers of AFDC recipients and therefore cannot estimate how many are small businesses.

In addition to the fact that many of the 230,000 recipients do not work for small employers, many of these recipients will not meet the EIC dependency test and thus will not be eligible to receive the EIC. On the other hand, some recipients may work for several employers and the 230,000 estimate is based on a point in time not an annual total. If these opposite factors cancel each other, a maximum of 230,000 small businesses would be potentially affected.

No new reporting or recordkeeping requirements are being imposed by the new rules concerning EIC. The existing requirements associated with the EIC under IRS regulations are not being augmented; AFDC recipients are already entitled to file for and receive an advanced EIC payment.

Currently, receipt of the EIC as an advanced payment is very infrequent. Since receipt of advanced EIC will be deemed even if not requested, an increased number of AFDC recipients should file for an advanced EIC. Thus, the effect of the regulation could be to increase the workload burden under existing IRS regulations if the advance payment option is exercised more frequently. This could result in additional work for the individual employer, since the EIC amount must be computed, added to the paycheck, and deducted from the withholding amount. We do not believe that this will be a significant impact.

There are no alternatives to the regulation which would lessen the effect on small entities. It would be inconsistent with the law not to deem the advanced EIC to recipients whose employers are small businesses. Beyond this possible impact the regulation affects only AFDC eligibility and payment procedures.

Work Incentive Demonstration Program (Section 205.80 of Interim Regulations)

The amendments provide that, as an alternative to the Work Incentive (WIN) program otherwise provided for in title IV–C of the Act, any State may elect to operate a work incentive demonstration program for the purpose of demonstrating single agency administration of the work-related objectives of the Act. Since these are demonstration programs of limited duration, they will operate only within guidelines established by the Department and without implementing regulations. However, we find it necessary to publish a regulation to carry out the requirement that the Secretary evaluate the effectiveness of these programs.

For this purpose, the Secretary will require States operating a WIN demonstration project to make periodic reports which furnish sufficient data to allow the Secretary to compare placement rates during the demonstration program with placement rates during a number of previous years. The amount of data the Secretary will require will be the minimum amount necessary to make this evaluation.

Income, Resources, and Disregards (Section 233.20(a)(3) of Interim Regulations)

These interim regulations reflect the new statutory changes which prohibit States from excluding the following in determining need:

(1) Income set aside for the future identifiable needs of the child;

(2) $5 of income from any source; and

(3) Income received or deemed to be received as an earned income credit.

States are also now permitted to consider as income the value of housing subsidies and food stamps which is duplicated in an assistance unit's AFDC payment. (See the preamble discussion on the treatment of housing and Food Stamp subsidies.)

Changes in the earned income disregards. Besides changing what States can exclude from income, Pub. L. 97–35 also significantly changes both the order of application of the disregards from earned income and the disregards themselves.

States are required to disregard the following amounts from the earned income of each individual with earnings for eligibility determination in the following order:

(1) The first $75 of monthly earnings for full time employees (or such lower amount as the State may establish for part-time work); plus

(2) The actual cost of care for a child or incapacitated adult, up to $160 per child or incapacitated adult per month (or such lower amount as the State may establish for part-time work).

The statute also requires States to apply income disregards in the following

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manner for benefit calculation of each individual in the assistance unit: student income; the first $75 of the monthly earnings for other full-time employees (or such lower amount as the State may require for part-time work); child care expense; and $30 plus one-third of the earnings not already disregarded.

$30 plus one-third of the remainder. The $30 and one-third can not be used in establishing initial elegibility of an assistance unit (unless the unit received AFDC in one of the prior 4 months), but after it has been applied to an individual for 4 consecutive months, is unavailable to that individual until the expiration of a 12-month period during which the individual has not been an AFDC recipient.

In addition, none of the disregards (the first $75, the $160 dependent care costs, the $30 and one-third) will be applied to any earned income of any individual receiving assistance who, without good cause, as specified in the State plan, terminated employment, reduced earnings, refused an offer of employment, or failed to make a timely report.

The regulations as written embody both changes clearly required by Pub. L. 97–35 and decisions made on issues arising from the legislation. Issues regarding each disregard and a full explanation of the change are outlined in the discussion that follows.

The work expense disregard. The new regulations standardize the work expense disregard at $75 per month for full-time employees. Formerly, States were required to disregard actual reasonable work expenses. The new regulations require that each full-time employee in the assistance unit receive a $75 disregard for his or her work expenses. The new legislation also gives the Secretary of HHS the authority to adjust the $75 disregard for part-time employees or those working less than a full month. In keeping with the President's commitment to assure State's adequate flexibility in developing their own programs, and because States, based on their prevailing individual circumstances, are in the best position to determine at what lower level it should be set and what process should be used, the Secretary has decided to require States to adjust the $75 work expense deduction for those working less than full-time or not working throughout the month. In this way, the Secretary will be carrying out his responsibility under the law in a way which best ensures that all individuals covered in these regulations will be treated fairly and equitably under State AFDC plans.

With respect to self-employed individuals, States must specify in their State plans, and exclude from gross income, work expenses related to producing the goods or services and without which the good or service could not be produced. Specifically not excluded are items such as depreciation, personal business and entertainment expense, personal transportation, purchases of capital equipment, and payments on the principal of loans.

Child care disregards and incapacitated adult care disregards. The legislation requires that after the work expense disregard is applied to the earned income of the assistance unit, a State must disregard the actual cost of care for a child or incapacitated adult up to $160 per month per child or incapacitated adult if the individual is employed full-time. The legislation gave the Secretary the authority to set a cap lower than $160 in the case of an individual employed less than full-time. As for work expenses, States can set limits below $160 for part-time workers.

Issues regarding the $30 and one-third disregard. Pub. L. 97–35 clearly specifies that the $30 and one-third disregard is the final disregard applied, but it did not clearly specify to whose income and under what circumstances it is permitted.

In the interim regulation, the approach taken is to apply the $30 and one-third disregard to the earned income of each individual in the assistance unit rather than to the total earnings of the unit. Each individual receives his own $30 and one-third disregard for four consecutive months. The individual may then not receive the disregard until he has been off AFDC assistance for twelve consecutive months.

A second issue was whether States start counting the four consecutive months as soon as the legislation becomes effective or whether recipients who have received the disregard for four consecutive months prior to October 1 would not be eligible for the disregard on October 1. The decision was made to permit current recipients (i.e., receiving assistance in September) to receive the $30 and the one-third for consecutive months from October 1981 through January 1982.

A third issue was whether recipients who did not receive the $30 and one-third disregard for four consecutive months because they, without good cause, terminated employment, reduced earnings, refused an offer of employment, or failed to make a timely report of earnings could be considered to have received the disregard for purposes of the four-month period of eligibility for the disregard. After careful review, we decided that it was the intent of the provision to not extend the $30 and one-third disregard for four additional months under these circumstances. In addition, if an assistance unit asks to have its case closed, we decided to count the months the $30 and one-third disregard was withheld toward the individual's four month eligibility if the State finds that such action was taken solely to avoid the running of the four consecutive month period.

WIN—Public Service Employment disregards. The new legislation and regulations do not change the requirement that the State must disregard the $30 monthly incentive payment and the reimbursement for training related expenses made by the manpower agency (pursuant to section 432(b)(2) of the Act). Also unchanged is the requirement that the $30 and one-third disregard not be applied to the earned income of public service employees.

Retrospective Budgeting and Monthly Reporting (Sections 233.21–233.27 of Interim Regulations)

Retrospective budgeting. Consistent with Pub. L. 97–35, these rules amend final rules published (at 44 FR 26075–26084) on May 4, 1979, which specified the budgeting methods States may use in determining eligibility for and the amount of the assistance payments.

These new rules specify that a State must determine eligibility using prospective budgeting and the amount of the payment using retrospective budgeting. Prospective budgeting means that the agency shall determine eligibility for any payment month based on its best estimate of income and circumstances which will exist in that month. States must determine the month of application prospectively and at the State's option the following month. Retrospective budgeting means that the agency shall compute the amount of the payment based on income and circumstances which existed in a previous month, called the budget month.

States have the option of making the budget month the first or second month preceeding the payment month. However, if a State chooses the budget month to be the second preceding month, it must also pay the second month after application prospectively. Otherwise, in the second month after application when the State transitions to retrospective budgeting the budget month would be the month prior to application.

Determining eligibility prospectively. The rules require that a State must consider all factors of eligibility prospectively. This means that the State agency shall establish eligibility based on its best estimate of income and circumstances which will exist in the month for which the assistance payment is made. For example, a State would determine eligibility for the month of June by considering income and circumstances which are reasonably expected to exist during the month of June. If the agency becomes aware of a change in income or circumstances through information provided on the monthly report, or through direct contact with the client, and the change will make the recipient ineligible for June, the agency would not make the payment for that month. They will not issue a payment even though the recipient had no income in the prior budget month.

Computing the assistance payment in the initial one or two months. States must determine the amount of the payment for at least the first month prospectively, i.e., using its best estimate of income and circumstances which will exist in that month. The statute provides that the State could only determine the amount of the payment for the second month prospectively where the Secretary determined it to be appropriate.

The rules provide that States must determine the amount of the assistance payment retrospectively for the first and second month in certain situations. This rule requires States to compute the amount of the payment retrospectively if the applicant received assistance or would have, except for the restriction on making monthly payments of less than $10, for the immediately preceding payment month.

A second exception is that the State must compute the payment retrospectively for the first and second months if assistance had been suspended (due to an extra payday) instead of closing the case. Experience with prior regulations on retrospective budgeting shows that when recipients have stable incomes and become ineligible for one month solely because there were five paydays in the budget month, rather than the usual four, the requirement to determine the amount of the payment prospectively serves no useful purpose. In fact, the continuous switching back and forth between prospective and retrospective budgeting is confusing to both agency workers and recipients and is error prone. These rules correct this situation by providing that States shall suspend assistance for one payment month and continue to compute the amount of the assistance payment retrospectively for the following payment months whenever the agency has knowledge of, or reason to believe, that suspension would be only for one payment month, suspension for that payment month was caused by a regular and periodic extra paycheck from a recurring income source, and no significant change in the family's circumstances occurred.

Computing the assistance payment after the initial one or two months. The statute did not change previous regulations which provide that after the initial one or two months of assistance, the amount of each subsequent month's payment shall be computed retrospectively, i.e., on the basis of income received and other relevant circumstances which occurred in the corresponding budget month. There is, however, one situtation regarding treatment of income received for a period greater than the budget month. Current Federal regulations at 45 CFR 233.20(a), which provide that States may average income received by individuals paid on a contractual basis (i.e., school teachers), farmers, self-employed individuals, remain applicable. If a State elects this option, the income must be averaged over the number of months covered under the contract, regardless of whether the employee chooses to receive the income in fewer months than the contract covers or whether it is paid in fewer months at the convenience of the employer. This does not conflict with the requirement that only "net income available for current use and currently available resources shall be considered" (45 CFR 233.20(a)(3)(ii)(D)). That regulation is directed against assuming income not actually received. Income received, for example, in a 10 or a 12-month contract, may be considered as periodic payments of an annual salary and, therefore, may be considered as available for all months regardless of when it is received.

That rationale also supports our decision to permit States to average intermittent income received quarterly, semi-annually, or yearly, such as farm income, over the period covered by the income if it is reasonably expected to continue in the future. In addition, when an eligible individual is added to an existing assistance unit, the rules require a State to reflect that individual's needs in the assistance unit promptly. This means that if a recipient advises the agency that her child was born in June, the agency shall reflect the child's needs in the July 1 payment, even though the child was not born during May, the corresponding budget month.

Computing the payment for the first month in which retrospective budgeting is used. This rule requires States to compute the amount of the payment for the first month in which retrospective budgeting begins by counting all income received during the corresponding budget month (usually the month of application) which is of a continuous nature. Alternatively, it requires that States disregard all income received during the corresponding budget month when there is evidence that the income will not continue.

Monthly reporting. Consistent with Pub. L. 97–35, the rules provide that States require all recipients to submit monthly report forms to the agency. The rules further state that with prior approval of the Secretary the State may exempt certain categories of recipients from reporting monthly. Approval of exceptions will be based on State criteria for assuring that exempted cases are unlikely to incur changes in circumstances from month to month which would impact their eligibility or payment amount and that the administrative costs of processing monthly reports would be unwarranted. Quality control data findings and error prone profiling systems should represent good sources of information upon which to base justifications.

Families required to file reports each month must do so as a condition of eligibility for receipt of AFDC as well as for continuation of benefits associated with receipt of AFDC, e.g., Medicaid, when recipients do not receive a payment due to the prohibition on payments of less than $10 or the application of the recoupment provision.

Content of the monthly report. Previous regulations contained in 45 CFR 233.28, which address monthly reporting, are deleted. The new rules require that the States collect information on the budget month's income, family composition, and other circumstances relevant to the amount of the assistance payment. The rules also specify that recipients must report changes in income or other circumstances which the assistance unit expects to occur in future months which affect continued eligibility. We have deleted the previous detailed requirements relating to the content of the form in order to ensure that State agencies have maximum flexibiltiy in designing the report forms to meet their own program requirements. We no longer require States to provide a stamped, self-addressed envelope for return of the monthly report, but will match such costs if the State opts to do so.

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In addition to requiring that recipients submit a monthly report form to the agency, States must direct recipients to contact the agency, rather than waiting to submit the report form, when they become aware of expected changes which will affect their eligibility. For example, States should tell recipients to call their caseworker as soon as they know they will be employed.

Timely reporting. The new statute specifies that none of the earned income disregards in section 402(a)(8)(A)(ii–iv) of the Social Security Act will be applied if the monthly report, required under these regulations, is not filed "timely."

States must specify in their plans a definition of timeliness related to the filing of a monthly report and the number of days an individual has to report changes in earnings which impact eligibility. States must inform recipients what constitutes timeliness and that no disregard of earnings as described in § 233.20(a)(11)(i)(B) (*1*) and (*2*) as well as (a)(11)(ii) ($30 and one-third, child care, and work expenses) will be applied to any earnings which are not reported in a timely manner.

Because of the substantive changes to the statute on the timely reporting requirement and due to the mandatory retrospective budgeting, we will not be publishing proposed rulemaking on the prior statutory language enacted in June 1980 in Section 302 of Pub. L. 96–272.

What happens if a completed monthly report is received on time. If a completed monthly report is received on time, the rules require States to process the payment and notify the recipient if there are changes from the prior payment and the basis for those changes. The agency must mail the notice at the same time as the resulting payment or in lieu of the payment if assistance has been terminated or suspended. A recipient whose benefit is reducted or terminated is protected because he or she may have his or her previous month's level of assistance reinstated by requesting a fair hearing within 10 days of the date of the notice.

What happens if a completed monthly report is not received by the agency. Section 233.27(b) of the interim regulations addresses situations in which recipients either fail to return monthly reporting forms prior to the State's due date or return incomplete forms. When this occurs, these rules provide that States are required to notify recipients not later than the expected payment date that the report was not received or that it was incomplete and, accordingly, no check is being issued and assistance is being terminated.

If recipients notify the agency and file a completed report within 10 days of the date of the notice that their assistance has been terminated, the rules require States to accept the replacement form. The States must reinstate assistance if the information on the replacement form indicates that the recipient is still eligible. If the recipient is found ineligible or eligible for an amount less than the prior month's payment, the State must promptly notify the recipient of his right to a fair hearing and his right to have assistance reinstated at the prior month's level, if he files for a hearing within 10 days of the date of the notice.

Supplemental payments. Previous regulations at 45 CFR 233.23 are deleted because supplemental payments are prohibited. In its place the rules require States to specify the time period covered by the payment (payment month) and the period used to determine the amount of that payment (budget month). This is necessary for quality control purposes.

Eligible Aliens (Sections 233.51–233.52 of Interim Regulations)

Pub. L. 97–35 requires States to provide under the AFDC program only for the needs of U.S. citizens and aliens who are lawfully admitted for permanent residence or otherwise lawfully residing on a permanent basis under the color of law.

The regulations at § 233.50 on citizenship and alienage are now revised to add new references made in the 1980 amendments to the Immigration and Nationality Act (Pub. L. 96–212). These changes recognize the elimination of certain restrictions on conditional entrant refugees in Section 203(a)(7) in effect prior to April 1, 1980 and expansion of the definition of these refugees within a new Section 207(c) effective after March 31, 1980. Section 203(a)(7) still however, applies to aliens who were granted legal resident status prior to April 1, 1980. The revision also recognizes the eligibility status of aliens who are admitted under the new political asylum procedures of Section 208 of that Act. The eligibility status of aliens temporarily paroled into the U.S. at the discretion of the Attorney General under Section 212(d)(5) of that Act also continues unchanged in this regulation.

Attribution of a sponsor's income and resources to an alien. State Agencies now have to consider the income and resources of a sponsor when determining the financial eligibility of certain aliens applying for AFDC.

This requirement applies to legally admitted aliens, unless specifically exempted, who apply for AFDC for the first time after September 30, 1981 for 3 years after their entry into the United States. We define an alien's "date of admission or date of entry" to be the date established by the Immigration and Naturalization Service as the date the alien was admitted for permanent residence.

Aliens who are exempted from this provision are aliens who were:

- Paroled into the U.S. as refugees
- Granted political asylum by the Attorney General
- Admitted as Cuban or Haitian entrants
- Admitted under Section 203(a)(7) of the Immigration and Naturalization Act prior to April 1, 1980
- Admitted under Section 207(c) of the Act after March 31, 1980

Alien children of sponsors (or such sponsors' spouses) are also exempted.

The alien is responsible for obtaining the cooperation of his or her sponsor and supplying the information and documentation which the agency requests to determine the alien's eligibility. This will include material provided in support of the alien's immigration application.

Aliens who do not obtain this cooperation or supply this information will not be eligible for assistance.

The agency will determine if the alien has a sponsor and if that sponsor signed an agreement to guarantee the alien's support.

A sponsor is a person who signed an affidavit or other statement accepted by INS as an agreement to support an alien as a condition of the alien's admission for permanent residence in the United States.

Under the law, the Department of Justice and the Department of State are to inform sponsors that information they supply will be given to HHS and that they may be asked for additional information if the aliens apply for AFDC benefits.

- When the State evaluates whether to deem income and resources, the income and resources of a sponsor who is receiving AFDC or SSI will not be counted in determining deemable income or resources. We believe that, while the statute attempts to reinforce the obligation of the sponsor to support, when a sponsor has been determined as financially needy under one of these benefit programs, his or her income and resources have been considered in determining the amount of his or her payment. The individual's income and resources should not be deemed available for the support of others.

- A portion of the earned and unearned income and resources of the sponsor and the sponsor's spouse (if they are living together) will be counted as available to the alien. The spouse's income and resources will be counted even if the sponsor and spouse have married *since* the signing of the agreement. Amounts specified in the statute will be set aside for work expenses, living expenses, and payments of alimony or child support.
- We disregard actual payments to dependents outside the home. We define "dependent" as used in the Internal Revenue Code for personal income tax purposes. We were concerned that a sponsor might arrange to pay large amounts to a dependent in an attempt to avoid the deeming procedure. We considered placing a ceiling on the amount that a sponsor could claim as payment to a dependent outside the home. However, we have concluded that we will allow actual payments as a deduction in deeming.

The agency will assess the sponsor's *current* ability to support. The agency may require the alien to provide this information.

INS reports that sponsors frequently revoke their sponsorship agreement. Although there is no INS requirement for the alien to obtain a new sponsor, our deeming requirements are not waived. Agencies will, therefore, consider the income and resources of the individual who executed the support agreement even if the person claims to have given up sponsorship responsibilities. Deeming of income and resources occurs for purposes of determining eligibility whether or not the income and resources are actually available to the alien.

There are individuals who agree to sponsor a number of alien families. The statute is clear that when a person sponsors multiple alien families living together, the income of the sponsor will be divided equally among the aliens. The statute does not address the distribution of deemed income and resources from a sponsor to multiple aliens when the aliens are not living together. The agency will consider the total deemable income and resources from a sponsor in determining the needs of eligible aliens. Therefore, if a person sponsors four alien families and only one applies for assistance, the sponsor's total deemable income and resources would be applied to the needs of the one family. If three of the alien families applied for AFDC, then the sponsor's total deemable income and resources would be divided in thirds. If the sponsor actually gives the alien more than is needed to meet his or her need, the excess will be counted in determining the needs of unsponsored children in the same assistance unit.

Overpayments to Aliens Where Sponsors Provided Income Information. Where the sponsor fails to provide correct information, the sponsor and alien are liable for any overpayment except where such sponsor was without fault or where good cause existed. Recovery will be made by the State through its regular recoupment procedures. Any overpayment under this section not repaid or recovered must be withheld from subsequent payments to which the alien or sponsor is or becomes entitled under any Social Security Act program. The State must define its procedures for determining "good cause" or "without fault" in its approved State plan. The State may then declare that the sponsor was without fault or had good cause for failure to provide correct information in accord with its approved State Plan procedure and neither sponsor nor alien would be liable for the overpayment.

Strikers (Section 233.106 of Interim Regulations)

The statute contains a new provision which requires States to deny AFDC benefits to persons participating in a strike. Previously, the program did not specifically prohibit AFDC benefits to those who were engaged in a strike. Regulations, however, did give States the option of prohibiting payment to AFDC–UP families if the qualifying parent's unemployment resulted from participation in a labor dispute.

The new regulation requires that the State plan must provide for the denial of AFDC benefits to strikers. The statute provides for this denial of benefits to any family for any month in which any caretaker relative is participating in a strike on the last day of that month. We interpret this portion of the regulation to apply to any caretaker relative, regardless of whether that relative is legally or non-legally liable for the support of the dependent child and regardless of whether that relative is needy or non-needy. The regulation also provides that the State must deny AFDC benefits to any individual (other than the caretaker relative) for any month in which that individual is participating in a strike on the last day of the month. If the individual is the only dependent child in the family, the State will deny assistance for the family. If the individual is one of several children or other individuals in the family, the State will deny assistance for that individual and will not take into account that individual's needs in determining the need for assistance.

The regulations require States to define a "strike" according to the National Labor Relations Board (NLRB) definition (29 U.S.C. 142) or any other definition of the term that is currently in State law. We considered several alternatives, including allowing the States to define the term, requiring the States to use a Federal definition or another definition of the term in State law or rules which the State already uses for any other State purpose, or requiring a Federal definition of a strike. We decided to permit States to use the NLRB statute or a definition already in State law. The regulations require States to define "participating in a strike" in their State plan. The State must deny assistance for any month in which the caretaker relative or other individual participates in a strike on the last day of the month.

If the caretaker relative or individual is participating in a strike on the last day of the month and if the payment for that month has been made, the State must recoup that payment and take action to stop future payments where it is anticipated that the strike will continue. States must use regular recoupment procedures in these instances.

Age Limit of Dependent Child (Section 233.90 of Interim Regulations)

The provision limits AFDC eligibility to children under age 18, or at State option, children under age 19 who are full-time students reasonably expected to complete a program of secondary school (or the equivalent level of vocational or technical training) before reaching age 19. For example, an 18 year old who will complete high school before reaching age 19 is eligible. However, an individual who will become 19 before completing high school is ineligible once he or she reaches 18. Also an 18 year old who has completed high school and who is in a vocational training program that will be completed before he or she reaches 19 is ineligible. This is the case because after a child reaches 18, eligibility for AFDC may continue only until the secondary education or equivalent training is completed.

The major issue considered in developing the regulation was whether we should provide Federal definitions for "full-time student" and other terms used in the statute. The decision was that it shall be left to each State to define full-time student in accordance with State law, to determine which vocational or technical training courses are equivalent to the level of secondary school, and to decide which factors the State agency will consider in deciding whether an individual may reasonably be expected to complete the program of study or training before reaching age 19. Leaving these definitions to each State permits State maximum flexibility to develop definitions that are consistent with their own State laws and Board of Education policies.

Adjustment of Incorrect Payments (Section 233.20(a)(12) of Interim Regulations)

Under prior regulations States were allowed, but not required, to collect overpayments. If they collected overpayments they had to also make underpayments. In cases where the overpayment was caused by a recipient's willful withholding of information, recovery could be made from any income and resources and the assistance payment. However, the State had to determine that the monthly amount to be recovered would not cause undue hardship. In cases where the recipient did not willfully withhold information the State could recover only from any available income and resources.

States could waive overpayments and underpayments where administrative cost exceeded the amount to be recovered or paid. Corrective underpayments were not considered as income or resources for purposes of determining the recipient's continuing eligibility and amount of assistance.

Based on the new legislative provision, these regulations require that each State must attempt to recover all overpayments. The State must also pay all underpayments to current recipients. There is no distinction between willful and non-willful withholding of information by the recipient. States must promptly take all reasonable and practical steps to correct and collect any overpayment that is known to the State. A State may recover each month from any income, liquid resources and assistance payments as long as the assistance unit retains from its combined income, liquid resources, and assistance payment an amount equal to 90% of the amount payable under the State's plan to an assistance unit of the same composition with no other income.

In cases where the assistance unit which received the overpayment is no longer eligible, or the person responsible for the overpayment has left the household, a State under its appropriate laws, can recover from the individual who caused the overpayment or from any other individual who was a member of overpaid assistance unit.

Any underpayment must be promptly corrected if the affected assistance unit is currently eligible—or would have been currently eligible if the error had not occurred. However, no underpayments to other former recipients can be matched because they are no longer in current need. Corrective payments cannot be considered as income or as a resource either in the month the payment is made or in the following month.

The statutory language does not address the issue of waivers for cost effectiveness. The Act requires correction of "any" overpayment or underpayment. We believe that it is cost effective to attempt to recover all overpayments. If an attempt is not made, it cannot be determined that the overpayment could not be recovered. Furthermore, we believe there is a deterrent effect. Also, other unrelated overpayments are often discovered. In all situations in which the overpayment is made to a current recipient, recovery must be accomplished either through direct reimbursement and/or from the grant.

If an assistance unit has both an outstanding overpayment and an underpayment, the State may offset one against the other before adjusting the incorrect payment.

Where a former recipient with an outstanding overpayment reapplies and is found to be eligible the State must recover the overpayment considering the current income, resources, and assistance payment of the recipient in determining the monthly recovery amount. Similarly, the State must make corrective payments to a former recipient who has an outstanding underpayment, who reapplies and is found to be eligible.

Other Issues

In the course of consulting with States over these implementing regulations, there is a related issue which merits brief discussion—the extent to which timely notice must be given and recipients can file for hearings and request that aid be paid pending the hearing decision based on individual case changes.

The current regulations at 45 CFR 205.10 are unchanged and still apply. When changes in either State or Federal law require automatic grant adjustment for classes of recipients, timely notice must be given at least 10 days prior to the action which includes a statement of the intended action, the reason, a reference to the specific change in law requiring such action and a statement of the circumstances under which a hearing may be obtained and assistance continued.

A hearing need not be granted in these instances unless the reason for an individual appeal is an incorrect grant computation. For example, if the recipient wishes to appeal his termination because he is age 19 and in high school, a hearing need not be granted. However, if the recipient disagrees with his or her termination of assistance because he or she has only received the $30 and one third for 3 months and not 4, a hearing must be granted. Similarly, aid paid pending the hearing decision is not required if the sole issue is one of State or Federal law or policy.

The asterisks used throughout the regulatory text represent material within a codified paragraph or section that is not being amended by these interim regulations.

These regulations are issued under the authority of Section 1102 of the Social Security Act, as amended, 49 Stat. 647, as amended; 42 U.S.C. 1302.

(Catalog of Federal Domestic Assistance Programs No. 13.808 Public Assistance Maintenance Assistance (State Aid))

Dated: September 2, 1981.

Paul B. Simmons,

Acting Commissioner of Social Security.

Approved: September 3, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Part 205 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

1. Section 205.10 is amended by revising paragraph (a)(5) to read as follows:

§ 205.10 Hearings.

(a) *State plan requirements.* * * *

(5) An opportunity for a hearing shall be granted to any applicant who requests a hearing because his or her claim for financial assistance is denied, or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by any agency action resulting in suspension, reduction, discontinuance, or termination of assistance, or determination that a protective, vendor, or two-party payment should be made or continued. A hearing need not be granted when either State or Federal law requires automatic grant adjustments for classes of recipients unless the reason for an

individual appeal is incorrect grant computation.

* * * * *

2. A new § 205.80 is added to read as follows:

§ 205.80 Evaluation of the Work Incentive Demonstration Program.

(a) If a State plan for AFDC under title IV–A of the Social Security Act provides for single State agency operation of a Work Incentive Demonstration program under the provisions of section 445 of title IV of the Social Security Act, the State is required to report data which the Secretary determines to be necessary to carry out his responsibility to evaluate the demonstration program. The report shall include, but not be limited to, such data as—

(1) Number of registrants;

(2) Number of registrants who enter full-time employment;

(3) Number of registrants who entered employment who are still employed 30 days later;

(4) Number of registrants whose AFDC grants are reduced or terminated because of participation in a work incentive demonstration program; and

(5) Amount of reduction in AFDC grants due to participation in a work incentive demonstration program.

(b) Such data are to be reported at a schedule to be determined by the Secretary, but not more frequently than quarterly.

(c) The State agency shall cooperate with the Department in the required evaluation of the work incentive demonstration program.

PART 206—APPLICATION, DETERMINATION OF ELIGIBILITY AND FURNISHING ASSISTANCE—PUBLIC ASSISTANCE PROGRAMS

Part 206 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

3. Section 206.10 is amended by removing paragraph (a)(1)(vi) and by revising paragraph (a)(4) to read as follows:

§ 206.10 Application, determination of eligibility and furnishing of assistance.

(a) *State plan requirements.* * * *

* * * * *

(4) Adequate notice shall be sent to applicants and recipients to indicate that assistance has been authorized (including the amount of financial assistance) or that it has been denied or terminated. Under this requirement, adequate notice means a written notice that contains a statement of the action taken, and the reasons for and specific regulations supporting such action, and an explanation of the individual's right to request a hearing.

* * * * *

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Part 233 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

4. Section 233.10 is amended by revising paragraph (b)(2)(ii)(*a*)(*1*) to read as follows:

§ 233.10 General provisions regarding coverage and eligibility.

* * * * *

(b) *Federal financial participation.*

* * * * *

(2) * * *

(ii) AFDC—for:

(*a*) * * *

(*1*) Under the age of 18, or age 18 if a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and reasonably expected to complete the program before reaching age 19;

* * * * *

5. Section 233.20 is amended by revising paragraph (a)(2)(v) to read as follows:

§ 233.20 Need and amount of assistance.

(e) *Requirements for State plans.* * * *

(2) *Standards of assistance.* * * *

(v) If the State agency includes special need items in its standard, (A) describe those that will be recognized and the circumstances under which they will be included, and (B) provide that they will be considered for all applicants and recipients requiring them. Expenses related to or necessitated by a recipient's participation in a CWEP project, established under 45 CFR 238.20, may not be included as a special need.

6. Section 233.20 is amended by revising paragraphs (a)(3), (a)(3)(i), (a)(3)(ii) (B), (D), (E), (a)(3) (iii), (viii), (xi)–(xiii), (a)(4), (a)(6)(ix), (a)(7), by removing paragraph (a)(7)(ii), by revising paragraphs (a)(11) and (a)(12), and by adding a new paragraph (a)(13) to read as follows:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State plans.** * *

(3) Income and resources. OAA, AFDC, AB, APTD, AABD. (i) Specify the amount and types of real and personal property, including liquid assets, that may be reserved, i.e., retained to meet the current and future needs while assistance is received on a continuing basis. (A) In OAA, AB, APTD, and AABD, in addition to the home, personal effects, automobile and income producing property allowed by the agency, the amount of real and personal property, including liquid assets, that can be reserved for each individual recipient shall not be in excess of two thousand dollars. Policies may allow reasonable proportions of income from businesses or farms to be used to increase capital assets, so that income may be increased; and (B) in AFDC—The amount of real and personal property that can be reserved for each assistance unit shall not be in excess of one thousand dollars equity value (or such lesser amount as the State specifies in its State plan) excluding only—

(*1*) The home which is the usual residence of the assistance unit;

(*2*) One automobile, up to $1,500 of equity value or such lower limit as the State may specify in the State plan; and

(*3*) At State option, basic maintenance items essential to day-to-day living such as clothes, furniture and other similarly essential items of limited value.

(ii) * * *

(B) In determining financial eligibility and the amount of the assistance payment all remaining income (except unemployment compensation received by an unemployed principal earner) at the State's option, be considered in relation to the State's need standard, or the State's payment standard. Unemployment compensation received by an unemployed principal earner shall be considered only by subtracting it from the amount of the assistance payment after the payment has been determined under the State's payment method;

* * * * *

(D) Net income available for current use and currently available resources shall be considered; income and resources are considered available both when actually available and when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance. For AFDC when the assistance unit's income after application of applicable disregards exceeds the State need standard for the family (unless such excess was caused by a regular and periodic extra paycheck from a recurring income source, in which case see § 233.24(d)), the family will be ineligible for aid for the number of full months derived by dividing this total income by the need standard applicable to the family starting with the month in which the income is received. Any income remaining after this calculation is treated as income received in the first month following the period of ineligibility.

(E) Income and resources will be reasonably evaluated. Resources will be evaluated according to their equity value.

For purposes of this paragraph (a)(3): Automobile means a passenger car or other motor vehicle used to provide transportation of persons or goods; Equity value means fair market value minus encumbrances (legal debts); Fair market value means the price an item of a particular make, model, size, material or condition will sell for on the open market in the geographic area involved (If a motor vehicle is especially equipped with apparatus for the handicapped, the apparatus shall not increase the value of the vehicle); Liquid assets are those properties in the form of cash or other financial instruments which are convertible to cash and include savings accounts, checking accounts, stocks, bonds, mutual fund shares, promissory notes, mortgages, loan value of insurance policies, and similar properties; Need standard means the money value assigned by the State to the basic and special needs it recognizes as essential for applicants and recipients;

(iii) States may prorate income received by individuals employed on a contractual basis over the period of the contract or may prorate intermittent income received quarterly, semi-annually, or yearly over the period covered by the income. They may use the prorated amount to determine need under § 233.20 and the amount of the assistance payment under §§ 233.24 and 233.25.

* * * * *

(viii) Provide that: (A) payment will be based on the determination of the amount of assistance needed; (B) if full individual payments are precluded by maximums or insufficient funds, adjustments will be made by methods applied uniformly statewide; (C) no payment of aid shall be made to an individual in any month in which the amount of aid prior to any adjustments is determined to be less than $10; and (D) an individual who is denied aid solely because of the limitation specified in (C) of this paragraph shall be deemed a recipient of aid for all other purposes except participation in the Community Work Experience Program.

* * * * *

(xi) In the case of AFDC if the State chooses to count the value of the food stamp coupons as income, provide that the State plan shall (A) Identify the amount for food included in its assistance and payment standards for an assistance unit of the same size and composition. (States which have a flat grant system must estimate the amount based on historical data or some other justifiable procedure.); and (B) Specify the amount of such food stamp coupons that it will count as income. Under this requirement, the amount of food stamp coupons which a State may count as income may not exceed the amount for food established in its payment standard for an assistance unit of the same size and composition.

(xii) In the case of AFDC if the State chooses to count the value of the governmental rent or housing subsidies as income, provide that the State plan shall: (A) Identify the amount for shelter included in its assistance and payment standards for an assistance unit of the same size and composition. (States which have a flat grant system must estimate this amount based on historical data or some other justifiable procedure.); and (B) Specify the amount of such housing assistance that it will count as income. Under this requirement, the amount of such rent or housing subsidies which a State may count as income may not exceed the amount for shelter established in its payment standard for assistance unit of the same size and composition.

(xiii) Under the AFDC plan, provide that no assistance unit is eligible for aid in any month in which the unit's income exceeds 150 percent of the State's need standard for a family of the same composition (other than the assistance payment), without application of the disregards in paragraph (a)(11)(i) and (ii) of this section, except in States that do not have a law of general applicability, the stepparents disregards in (a)(11)(vi), and the alien sponsors disregards in 45 CFR 233.51 must be applied in making this determination.

(4) *Disregard of income in OAA, AFDC, AB, APTD, or AABD.* (i) For all programs except AFDC. If the State chooses to disregard income from all sources before applying other provisions for disregarding or setting aside income, specify the amount that is first to be disregarded, but not more than $7.50 per month, of any income of an individual, child or relative claiming assistance. All income must be included such as social security or other benefits, earnings, contributions from relatives, or other income the individual may have.

* * * * *

(6) * * *

(ix) In the case of an applicant or recipient of AFDC, "earned income" shall include the amount of advance payments of the earned income credit for which he or she is eligible.

(A) If an individual applying for or receiving AFDC has on file with his employer an Earned Income Credit (EIC) Advance Payment Certificate (Form W-5) for the current taxable year and is, in fact, receiving the advance payments, the State agency shall include that amount as earned income of the individual in the month received.

(B)(*1*) If an individual applying for or receiving AFDC has earned income but has not filed with his employer an Earned Income Advance Payment Certificate (Form W-5) or has filed a Form W-5 but has not received any advance payment, the State agency shall include as earned income of the individual the advance payment that would be payable if a certificate had been filed or the amount that will be paid pursuant to the certificate that has been filed. The State agency, in order to count the advance payment not actually received, must determine that the individual will be eligible to claim the earned income credit on his Federal income tax return for that taxable year and can, in fact, receive it as an advance payment.

(*2*) In order to determine in advance whether an individual will be eligible to receive the earned income credit, the State agency must determine that the individual will meet the requirements specified in the Internal Revenue Code under 26 U.S.C. 43 and 3507, and under the corresponding regulations at 26 CFR 1.43-1, 1.43-2, 31.3507-1 and 31.3507-2 which establish eligibility criteria for receipt of the earned income credit and advance payments of the credit.

(*3*) In order to determine the amount that would be received if an individual filed an Earned Income Advance Payment Certificate with his employer, the State agency must consult the tables provided by the Secretary of the Treasury.

(*4*) In determining whether an individual meets the support or maintenance of household test as required by the Internal Revenue Code, the State agency may not include the amount of AFDC received by the individual.

(*5*) The State agency must reconcile at the end of the tax year any differences between the amount of the EIC assumed and actually received by the recipient. Any underpayment should be paid to current recipients and any overpayment recovered.

* * * * *

(7) *Disregard of earned income; method.* Provide that for other than

AFDC, the following method will be used for disregarding earned income:

* * * * *

(ii) In applying the disregard of income under paragraph (a)(11)(ii) of this section to an applicant for AFDC, there will be a preliminary step to determine whether the assistance unit in which he or she is a member is eligible without the application of any AFDC provisions for the disregard in (a)(11)(ii) by applying the unit's earnings (less the disregards in (a)(11)(i) and (a)(11)(iv) and in § 233.51) and all other income to the State's standard of need. This preliminary step does not apply if the assistance unit received assistance in one of the four months prior to the month of application.

* * * * *

(11) *Disregard of income applicable only to AFDC.* (i) For purposes of eligibility determination and benefit calculation:

(A) Disregard all of the monthly earned income of each child receiving AFDC if the child is a full-time student or is a part-time student who is not a full-time employee. A student is one who is attending a school, college, or university or a course of vocational or technical training designed to fit him or her for gainful employment and includes a participant in the Job Corps program under the Comprehensive Employment and Training Act of 1973 (CETA).

(B) Disregard from the monthly earned income of each individual other than a student referred to in (A) whose needs are included in the eligibility determination or who is receiving assistance:

(*1*)(*i*) The first $75 (or a lesser amount in the case of an individual not engaged in full-time employment or not employed throughout the month). The State agency shall have in place a procedure under which it determines and applies a disregarded amount less than $75. For purposes of treating self-employment income, the State must specify in its plan that those self-employment work expenses directly related to producing the goods or services and without which the goods or services could not be produced shall be excluded. However, items such as depreciation, personal business and entertainment expenses, personal transportation, purchase of capital equipment and payments on the principal of loans for capital assets or durable goods shall not be excluded. (*ii*) An amount equal to the actual cost, but not to exceed $160 (or a lesser amount in the case of an individual not engaged in full-time employment or not employed throughout the month), for the care of each dependent child or incapacitated adult living in the same home and receiving AFDC. The State agency shall have in place a procedure under which it determines and applies a disregarded amount less than $160.

(ii) For individuals found otherwise eligible to receive assistance or who have received assistance in one of the 4 months prior to the month of application, where appropriate, the State must also disregard from the individual's earned income $30 plus one-third of his earned income not already disregarded. However, the State may not provide the disregard to an individual after the fourth consecutive month (any month for which the unit loses the $30 plus one-third disregard because of a provision in subparagraph (iii) of this section, shall be considered as one of these months) it has been applied to his earned income unless he is not a recipient of aid for 12 consecutive months.

(iii) The applicable earned income disregards in subparagraphs (i)(C) and (ii) of this paragraph do not apply to the earned income of the individual for the month in which one of the following conditions apply to him:

(A) An individual terminated his employment or reduced his earned income without good cause (as specified in the State plan) within the period of 30 days preceding such month;

(B) An individual refused without good cause (as specified in the State plan) within the period of 30 days preceding such month to accept employment in which he is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined by the State or local agency administering the State plan, after notification by him, to be a bona fide offer of employment;

(C) An individual failed without good cause (as specified in the State plan) to make a timely report of that income as defined in § 233.27; or

(D) The individual voluntarily requests assistance to be terminated for the sole purpose of avoiding receiving the $30 and one-third disregard for four consecutive months.

(iv) The treatment of earned income and expenses under WIN is as follows:

(A) For earned income from regular employment or on-the-job training, pursuant to section 432(b)(1) of the Act the disregards in subparagraphs (i)(C) and (ii) of this section shall apply.

(B) For institutional and work experience training, pursuant to section 432(b)(2) of the Act, the $30 monthly incentive payment and the reimbursement for training related expenses made by the manpower agency are totally disregarded; and

(C) For public service employment, pursuant to section 432(b)(3) of the Act, work related expenses (the disregards in subparagraphs (i)(C) (*1*) and (*2*)) are deducted, but the $30 plus one-third disregard of subparagraph (ii) does not apply.

(v) In States that do not have laws of general applicability, whenever a stepparent of an AFDC child is living in the same household as the child provide for the disregard of: (A) The first $75 of the gross earned income of the stepparent if he or she is employed full-time. The State agency shall have in place a procedure under which it determines and applies a disregarded amount less than $75 for stepparents who are not employed on a full-time basis or not employed throughout the month; (B) An additional amount for the support of the stepparent and any other individuals who are living in the home, but whose needs are not taken into account in making the AFDC eligibility determinations and are claimed by the stepparent as dependents for purposes of determining his or her Federal personal income tax liability. This disregarded amount shall equal the State's need standard amount for a family group of the same composition as the stepparent and those other individuals described in the preceding sentence; (C) Amounts actually paid by the stepparent to individuals not living in the home but who are claimed by him or her as dependents for purposes of determining his or her Federal personal income tax liability; and (D) Payments by such stepparent of alimony or child support with respect to individuals not living in the household. All of the stepparent's remaining income shall be assumed available to the assistance unit.

(12) *Recoupment of overpayments and correction of underpayments for programs other than AFDC.* * * *

(13) *Recovery of overpayments and correction of underpayments for AFDC.* Specify uniform Statewide policies for:

(i) Recovery of overpayments of assistance, including overpayments resulting from assistance paid pending hearing decisions.

(A) The State must take all reasonable steps necessary to promptly correct any overpayment.

(*1*) Any recovery of an overpayment to a current assistance unit must be recovered through repayment by the individual (in part or in full) or recovering the overpayment by reducing the amount of any aid payable to the assistance unit of which he or she is a member.

(*2*) If recovery is made form the grant, such recovery shall result in the assistance unit retaining from the combined aid (family income and liquid resources), (without application of section 402(a)(8) of the Act) not less than 90 percent of the amount payable under the State plan to a family of the same composition with no other income.

(B) The State shall recover an overpayment from (*1*) the assistance unit which was overpaid, (*2*) any assistance unit of which a member of the overpaid assistance unit has subsequently become a member, or (*3*) any individual members of the overpaid assistance unit whether or not currently a recipient. If the State recovers from individuals who are no longer recipients, recovery shall be made by appropriate action under State law against the income or resources of those individuals.

(C) If through recoupment, the amount payable to the assistance unit is reduced to zero, members of the assistance unit are still considered recipients of AFDC.

(D) In cases which have both an underpayment and an overpayment, the State will offset one against the other in correcting the payment.

(ii) Prompt correction of any underpayments to current recipients and those who would be a current recipient if the error causing the underpayment had not occurred. Under this requirement, for purposes of determining continued eligibility and amount of assistance, such retroactive corrective payments shall not be considered as income, or as a resource in the month paid nor in the next following month.

7. Section 233.20 is amended by revising paragraph (b)(2) and by removing paragraph (b)(4).

§ 233.20 Need and amount of assistance.

* * * * *

(b) *Federal financial participation; General.* * * *

(2) Federal participation is available within the maximums specified in the Federal law, when the payments do not exceed the amount determined to be needed under the statewide standard, and are made in accordance with the State method for determining the amount of the payment, as specified in 45 CFR 233.24 and 233.25.

* * * * *

8. Section 233.21 is amended by revising the heading and by revising paragraph (a) to read as follows:

§ 233.21 Budgeting methods for OA, AB, APTD, and AABD.

(a) *Requirements for State plans.* A State plan for OA, AB, APTD, and AABD shall specify if assistance payments shall be computed using a prospective budgeting system or a retrospective budgeting system. A State electing retrospective budgeting shall specify which options it selects and the State plan shall state that it shall meet the requirements in §§ 233.21 through 233.29. Budgeting methods for AFDC are described in §§ 233.31–233.37.

* * * * *

10. Section 233.30 is redesignated as § 233.39 and is amended by revising paragraph (b)(1)(ii) to read as follows:

§ 233.39 Age.

* * * * *

(b) *Federal financial participation.*

(1) * * *

(ii) In AFDC, under 18 years of age; or age 18 if a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and reasonably expected to complete the program before reaching age 19.

* * * * *

11. A new § 233.31 is added to read as follows:

§ 233.31 Budgeting methods for AFDC.

(a) *Requirements for State plans.* A State plan for AFDC shall specify that all factors of eligibility shall be determined prospectively and the amount of the assistance payment shall be determined using retrospective budgeting as provided in §§ 233.31–233.37 except as provided in § 233.34. Budgeting methods for OA, AB, APTD, and AABD are described in §§ 233.21–233.29.

(b) *Definitions.* The following definitions apply to §§ 233.31 through 233.37:

(1) "Prospective budgeting" means that the agency shall determine eligibility (and compute the amount of assistance for the first one or two months) based on its best estimate of income and circumstances which will exist in that month. This estimate shall be based on the agency's reasonable expectation and knowledge of current, past or future circumstances.

(2) "Retrospective budgeting" means that the agency shall compute the amount of assistance for a payment month based on actual income or circumstances which existed in a previous month, the "budget month."

(3) "Budget month" means the fiscal or calendar month from which the agency shall use income or circumstances of the family to compute the amount of assistance.

(4) "Payment month" means the fiscal or calendar month for which an agency shall pay assistance. Payment is based upon income or circumstances in the budget month. In prospective budgeting, the budget month and the payment month are the same. In retrospective budgeting, the payment month follows the budget month.

12. A new § 233.32 is added to read as follows:

§ 233.32 Payment and budget months (AFDC).

A State shall specify in its plan for AFDC the time period covered by the payment (payment month) and the time period used to determine that payment (budget month) and whether it adopts (a) a one-month or two-month retrospective system; and (b) a one-month or two-month prospective system for the initial payment months. If a State elects to have a two-month retrospective system it must also elect a two-month prospective system.

13. A new § 233.33 is added to read as follows:

§ 233.33 Determining eligibility prospectively for all payment months (AFDC).

(a) The State plan for AFDC shall provide that the State shall determine all factors of eligibility prospectively for all payment months. Thus, the State agency shall establish eligibility based on its best estimate of income and circumstances which will exist in the month for which the assistance payment is made.

(b) When a IV–A agency receives an official report of a child support collection it shall consider that information as provided in § 232.20(a) of this chapter. (§ 232.20(a) explains the treatment of child support collections.)

14. A new § 233.34 is added to read as follows:

§ 233.34 Computing the assistance payment in the initial one or two months (AFDC).

A State shall compute the amount of the AFDC payment for the initial month of eligibility and at the option of the State for the second month—

(a) Prospectively (except as in paragraphs (b) and (c) of this section); or

(b) Retrospectively if the applicant received assistance (or would have except for the prohibition on payments of less than $10) for the immediately preceding payment month (except where the State pays the second month after application prospectively); or

(c) Retrospectively if:

(1) Assistance had been suspended as defined in paragraph (d) of this section; and

(2) The initial month follows the month of suspension; and

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(3) The family's circumstances for the initial month had not changed significantly from those reported in the corresponding budget month, e.g., loss of job.

(d) A State shall suspend, rather than terminate, assistance when—

(1) The agency has knowledge of, or reason to believe that ineligibility would be only for one payment month; and

(2) Ineligibility for that one payment month was caused by a regular and periodic extra paycheck from a recurring income source. For example, States may wish to suspend, cases that would have become ineligible periodically because of an extra payday in some months.

15. A new § 233.35 is added to read as follows:

§ 233.35 Computing the assistance payment after the initial one or two months (AFDC).

The State plan for AFDC shall provide:

(a) After the initial one or two payment months of assistance under § 233.34, the amount of each subsequent month's payment shall be computed retrospectively, i.e., shall be based on income and other relevant circumstances in the corresponding budget month except as provided in § 233.20(a)(3)(iii). In any month for which an individual will be determined eligible prospectively and will be added to an existing AFDC assistance unit, the State must reflect the individual's needs in the payment for that month.

(b) Except as provided in § 233.34(b), for the first month in which retrospective budgeting is used (whether in the second month of eligibility or the third), the State shall not count income already considered for the first payment month which is not of a continuous nature.

16. A new § 233.36 is added to read as follows:

§ 233.36 Monthly reporting (AFDC).

(a) Except as provided in paragraph (b) of this section, a State plan for AFDC shall require each assistance unit to submit a report form to the agency monthly on—

(1) Budget month income, family composition, and other circumstances relevant to the amount of the assistance payment; and

(2) Any changes in income, resources, or other relevant circumstances affecting continued eligibility which the assistance unit expects to occur in the current month or in future months.

(3) Stepparent's income and alien sponsor's income and resources where appropriate.

(b) A State may exempt categories of recipients from reporting each month with prior approval by the Secretary. The plan shall include criteria for assuring (1) that exempted cases are unlikely to incur changes in circumstances from month to month which would impact their eligibility or amount of assistance and (2) that the administrative cost of requiring those categories to report monthly will be greater than the program savings which would accrue.

(c) States shall also direct recipients to report information as defined in paragraph (a)(2) of this section to the agency as they become aware of expected changes rather than waiting to inform the State on the monthly report.

17. A new § 233.37 is added to read as follows:

§ 233.37 How monthly reports are treated and what notices are required (AFDC).

(a) *What happens if a completed monthly report is received on time.* When the agency receives a completed monthly report as specified in § 233.36, and if all eligibility conditions are met, it shall process the payment. The agency shall notify the recipient of any changes from the prior payment and the basis for its determinations. This notice must meet the requirements of § 205.10(a)(4)(i)(B) of this chapter on adequate notice if the payment is being reduced or assistance is terminated as a result of information provided in the monthly report. The notice must be mailed to arrive no later than the resulting payment or in lieu of the payment. A recipient has 10 days from the date of the notice to request a hearing.

(b) *What happens if a completed monthly report is not received by the agency.* An agency may terminate assistance if it has received no report or has received only an incomplete report as defined by the State. In this case, the agency must send the recipient a notice meeting the requirements of § 205.10(a)(4)(i)(B) to arrive not later than the date it would have made payment if the agency had received a completed monthly report on time. If the recipient notifies the agency and files a completed report within 10 days of the date of this notice, the agency must accept the replacement form and make a payment based on the information on the form if the information indicates that the person is still eligible. If the recipient is found ineligible or eligible for an amount less than the prior month's payment, the State must promptly notify the recipient of his or her right to a fair hearing and his or her right to have assistance reinstated. A recipient has 10 days from the date of the notice to request a hearing.

(c) *What happens if a completed monthly report is received but is not timely.* States must specify in their plans a definition of timeliness related to the filing of a monthly report and the number of days an individual has to report changes in earnings which impact eligibility. States must inform recipients what constitutes timeliness and that no disregard of earnings as described in § 233.20(a)(11)(iii)(C) ($30 and one-third, child care, and work expenses) will be applied to any earnings which are not reported in a timely manner. If the recipient is found ineligible or eligible for an amount less than the prior month's payment, the State must promptly notify the recipient of his or her right to a fair hearing and his or her right to have assistance reinstated. A recipient has 10 days from the date of the notice to request a hearing.

18. Section 233.50 is revised to read as follows:

§ 233.50 Citizenship and alienage.

A State plan under title I (OAA); title IV–A (AFDC); title X (AB); title XIV (APTD); and title XVI (AABD-disabled) of the Social Security Act shall provide that an otherwise eligible individual, dependent child, or a caretaker relative or any other person whose needs considered in determining the need of the child or relative claiming aid, must be either:

(a) A citizen, or

(b) An alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, including certain aliens lawfully present in the United States as a result of the application of the following provisions of the Immigration and Nationality Act:

(1) Section 207(c), after March 31, 1981—Aliens Admitted as Refugees.

(2) Section 203(a)(7), prior to April 1, 1980—Individuals who were Granted Status as Conditional Entrant Refugees.

(3) Section 208—Aliens Granted Political Asylum by the Attorney General.

(4) Section 212(d)(5)—Aliens Granted Temporary Parole Status by the Attorney General.

19. A new § 233.51 is added to read as follows:

§ 233.51 Deeming of sponsor's income and resources to the sponsored alien.

Definition: Sponsor is any person who executed an affidavit(s) of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States. A State plan under title IV-A of the Social Security Act shall (with regard to an alien applying for AFDC for the first time after September 30, 1981, who is not exempted under paragraph (e) of this section and his or her sponsor) provide that:

(a) For a period of three years following entry into the United States, a sponsored alien shall provide the State agency with any information and documentation necessary to determine the income and resources of the sponsor that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

(b) For all sections under this part, the income and resources of a sponsor (and the sponsor's spouse if living with the sponsor) shall be deemed to be the unearned income and resources of an alien for three years following the alien's entry into the United States.

(1) Monthly income deemed available to the alien from the sponsor or the sponsor's spouse not receiving AFDC or SSI shall be:

(i) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by 20 percent (not to exceed $175) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(ii) The amount described in paragraph (b)(1)(i) of this section reduced by:

(A) The cash needs standard under its plan for a family of the same size and composition as the sponsor and those other people living in the same household as the sponsor who are claimed by the sponsor as dependents to determine his or her Federal personal income tax liability but whose needs are not taken into account in making a determination under § 233.20 of this chapter;

(B) Any amounts actually paid by the sponsor to people not living in the household who are claimed by the sponsor as dependents to determine his or her Federal personal income tax liability; and

(C) Actual payments of alimony or child support with respect to individuals not living in the household.

(2) Monthly resources deemed available to the alien from the sponsor shall be the total amount of the resouces of the sponsor determined as if he or she was applying for AFDC in his State of residence, less $1500.

(c) In any case where a person is the sponsor of two or more aliens, the income and resources of the sponsor to the extent they would be deemed the income and resources of any one of the aliens under the provisions of this section shall be divided equally among the sponsored aliens.

(d) Income and resources which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family except to the extent the income or resources are actually available.

(e) The provisions of this section shall not apply to any alien who is:

(1) Admitted as a conditional entrant refugee to the United States as a result of the application, prior to April 1, 1980, of the provisions of section 203(a)(7) of the Immigration and Nationality Act;

(2) Admitted as a refugee to the United States as a result of the application, after March 31, 1980 of the provisions of section 207(c) of the Immigration and Nationality Act;

(3) Paroled into the United States as a refugee under section 212(d)(5) of the Immigration and Nationality Act;

(4) Granted political asylum by the Attorney General under section 208 of the Immigration and Nationality Act; or

(5) A Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96–422); or

(6) The dependent child of the sponsor or sponsor's spouse.

(f) The Secretary shall make information necessary to make a determination under this section and supplied under agreement with the Secretary of State and the Attorney General, available upon request to a concerned State Agency.

20. A new § 233.52 is added to read as follows:

§ 233.52 Overpayment to aliens.

A State Plan under Title IV–A of the Social Security Act, shall provide that:

(a) Any sponsor of an alien and the alien shall be jointly and severally liable for any overpayment of aid under the State plan made to the alien during the three years after the alien's entry into the United States due to the sponsor's failure to provide correct information under the provisions of § 233.51, except where such sponsors were without fault or where good cause existed.

(b) When a sponsor is found to have good cause or be without fault (as defined in the State plan) for not providing information to the agency, the sponsor will not be held liable for the overpayment and recovery will not be made.

(c) An overpayment for which the sponsor and the alien are liable (as described in paragraph (a) of this section) shall be repaid to the State or recovered in accordance with § 233.20(a)(13). If the agency is unable to recover the overpayment through this method, funds to reimburse the agency for the overpayment shall be withheld from future payments to which the alien or sponsor is entitled under:

(1) Any State administered or supervised program established by the Social Security Act, or

(2) Any federally administered cash benefit program established by the Social Security Act.

21. Section 233.90 is amended by revising paragraphs (a)(1) and (b)(3). Paragraph (c) of § 233.90 is revised by removing paragraph (c)(1)(vi), removing paragraph (c)(2)(ii), redesignating paragraphs (c)(2)(iii) and (c)(2)(iv) as paragraphs (c)(2)(ii) and (c)(2)(iii), and by adding a new paragraph (c)(2)(iv), to read as follows:

§ 233.90 Factors specific to AFDC.

(a) *State plan requirements.* * * *

(1) The determination whether a child has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or (if the State plan includes such cases) the unemployment of his or her parent who is the principal earner will be made only in relation to the child's natural or adoptive parent, or in relation to the child's stepparent who is ceremonially married to the child's natural or adoptive parent and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children. Under this requirement, the inclusion in the family, or the presence in the home, of a "substitute parent" or "man-in-the-house" or any individual other than one described in this paragraph is not an acceptable basis for a finding of ineligibility or for assuming the availability of income by the State; and

* * * * *

(b) *Conditions for plan approval.* * * *

(3) A state may elect to include in its AFDC program children age 18 who are full-time students in a secondary school, or in the equivalent level of vacational or technical training, and who may reasonably be expected to complete the program before reaching age 19.

* * * * *

(c) *Federal financial participation.* * * *

(2) * * *

(iv) At State option, (A) payments with respect to a pregnant woman with no other children receiving assistance, and additionally, at State option, (B) payments for the purpose of meeting special needs occasioned by or resulting from pregnancy both for the pregnant woman with no other children as well as for the pregnant woman receiving AFDC. However, for both (A) and (B) of this paragraph, it must be medically verified that the child is expected to be born in the month such payments are made or within the three-month period following such month of payment, and who, if such child had been born and was living with her in the month of payment, would be eligible for aid to families with dependent children. Federal financial participation is not available to meet the needs of the unborn child. (Refer to Medicaid regulations for title XIX eligibility of pregnant women).

22. Section 233.100 is amended by revising the section heading and by revising paragraphs (a), (a)(1), (a)(1)(ii), (a)(2), (a)(3)(i)–(ii), (a)(3)(ii)(*b*)–(*c*), (a)(3)(iv), (a)(3)(vi)(A)–(B), (a)(5)(i). Paragraphs (a)(5)(ii), (a)(3)(iii), (a)(6), (a)(7), (c)(1)(iii), (1)(iv), (c)(2)(i)–(c)(2)(iii) are all amended in the first sentence.

§ 233.100 Dependent children of unemployed parents.

(a) *Requirements for State Plans.* If a State wishes to provide AFDC for children of unemployed parents, the State plan under title IV–A of the Social Security Act must, except as specified in paragraph (b) of this section:

(1) Include a definition of an unemployed parent who is the principal earner which shall apply only to families determined to be needy in accordance with the provisions in § 233.20 of this chapter. Such definition must include any such parent who:

* * * * *

(ii) Exceeds that standard for a particular month, if the work is intermittent and the excess is of a temporary nature as evidenced by the fact that he or she was under the 100-hour standard for the prior 2 months and is expected to be under the standard during the next month; except that at the option of the State, such definition need not include a principal earner who is unemployed because of participation in a labor dispute (other than a strike) or by reason of conduct * * *

(2) Include a definition of a dependent child which shall include any child of an unemployed parent * * *

(3) * * *

(i) His or her parent who is the principal earner has been unemployed for at least 30 days prior to the receipt of such aid.

(ii) Such parent has not without good cause, within such 30-day period prior to the receipt of such aid, refused a bona fide offer of employment or training for employment. Before it is determined that such parent has refused a bona fide offer of employment or training for employment without good cause, the agency must make a determination that such an offer was actually made. (In the cae of offers of employment made through the public employment or manpower agencies, the determination as to whether the offer was bona fide, or whether there was good cause to refuse it, will be made by that office or agency.) The parent must be given an opportunity to explain why such offer was not accepted. Questions with respect to the following factors must be resolved:

* * * * *

(*b*) Any questions as to the parent's * * *

(*c*) Any questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection.

(iii) Such parent * * *

* * * * *

(iv) A "quarter of work" with respect to any individual means a period (of 3 consecutive calendar months ending on March 31, June 30, September 30, or December 31) in which he or she received earned income of not less than $50 (or which is a "quarter of coverage" as defined in section 213(a)(2) of the Act), or in which he or she participated in a community work experience program under section 409 of the Act or the work incentive program established under title IV–C of the Act.

* * * * *

(vi)(A) The "parent who is the principal earner" means, in the case of any child, whichever parent, in a home in which both parents of such child are living, earned the greater amount of income in the 24-month period the last month of which immediately precedes the month in which an application is filed for aid under this part on the basis of the unemployment of a parent. The principal earner so defined remains the principal earner for each consecutive month for which the family receives such aid on the basis of such application. This requirement applies to both new applicants and current AFDC unemployed parent families who were eligible and receiving aid prior to October 1, 1981.

(B) If both parents earned an identical amount of income in such 24-month period, the State shall designate which parent shall be the principal earner.

* * * * *

(5) * * *

(i) If and for so long as such child's parent unless exempt under 45 CFR 224.20, is not currently registered for the work incentive program or if exempt under clause (b)(6) of § 224.20, is not currently registered with a public employment office in the State, and

(ii) With respect to any week for which such child's parent * * *

(6) Provide that within 30 days after the receipt of aid with respect to such children, such unemployed principal earners * * *

(7) Provide, where application for aid with respect to a dependent child (as defined by the State pursuant to paragraph (a)(2) of this section) is made within 6 months after the effective date of the modification of the State plan in accordance with the provisions in paragraphs (a) (1) through (6) of this section, that the parent of such child will be considered to have met the requirements of paragraph (a)(3)(iii) of this section if he or she met * * *

(8) * * *

(b) *Exception.* * * *

(c) *Federal financial participation.*

(1) * * *

(iii) Who has been deprived of parental support or care by reason of the fact that his or her parent who is the principal earner is employed less than 100 hours a month; or exceeds that standard for a particular month if his or her work is intermittent and the excess is of a temporary nature as evidenced by the fact that he or she was * * *

(iv) Whose parent who is the principal earner (*a*) has six or more * * *

(v) Whose parent who is the principal earner is currently * * *

(2) * * *

(i) For any part of the 30-day period prior to the receipt of such payment, if during the period the parent who is the principal earner was not unemployed * * *

(ii) For such 30-day period if during that period the parent * * *

(iii) For any period beginning with the 31st day after the receipt of aid, if and for as long as no action is taken during the period to certify the parent * * *

23. A new § 233.106 is added to read as follows:

§ 233.106 Denial of AFDC benefits to strikers.

(a) *Condition for plan approval.* A State plan under title IV–A of the Social Security Act must:

(1) Provide that participation in a strike shall not constitute good cause to leave, or to refuse to seek or accept, employment.

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(2)(i) Provide for the denial of AFDC benefits to any family for any month in which any caretaker relative with whom the child is living is, on the last day of such month, participating in a strike; and

(ii) Provide that no individual's needs shall be included in determining the amount of aid payable for any month to a family under the plan if, on the last day of such month, such individual is participating in a strike.

(b) *Definitions.* (1) The State must define "strike" by using the National Labor Relations Board definition (29 U.S.C. 142(2)) or another definition of the term that is currently in State law.

(2) The State must define the term "participating in a strike."

§ 233.140 [Removed]

24. Section 233.140 is removed.

PART 234—FINANCIAL ASSISTANCE TO INDIVIDUALS

Part 234 of Chapter II, Title 45, Code of Federal Regulations is amended as set forth below:

25. Section 234.60 is amended by revising paragraph (a)(1), and (a)(12) removing and reserving paragraph (a)(5), removing paragraph (a)(11)(iii), adding a new paragraph (a)(14), and amending paragraph (b)(1) by striking the (1) and removing all of paragraph (b)(2).

§ 234.60 Protective, vendor and two-party payments for dependent children.

(a) *State plan requirements.* (1) If a State plan for AFDC under title IV-A of the Social Security Act provides for protective vendor and two-party payments for other than WIN and Community Work Experience Programs (CWEP) cases, and cases in which the caretaker relative fails to meet the eligibility requirements of §§ 232.11 or 232.12 of this chapter, it must meet the requirements in paragraphs (a)(2) through (11) of this section. In addition, the plan may provide for protective vendor and two-party payments at the request of the recipient as provided in paragraph (a)(14) of this section.

* * * * *

(12) For WIN and CWEP cases, the State plan must provide that, when protective or vendor payments are made pursuant to §§ 224.51(a)(1) and 238.22 of this chapter (because an individual has been found to have refused without good cause to participate in the WIN or CWEP program or to accept a bona fide offer of employment) * * *

(13) * * *

(14) If the plan provides for protective, vendor or two-party payments:

(i) The State may use any combination of protective, vendor or two-party payments (at the request of the recipient),

(ii) The request must be in writing from the recipient to whom payment would otherwise be made in an unrestricted manner and must be recorded or retained in the case file, and

(iii) The restriction will be discontinued promptly upon the written request of the recipient who initiated it.

* * * * *

PART 235—ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

Part 235 of Chapter II, Title 45 Code of Federal Regulations is amended as set forth below:

26. Section 235.64 is amended by revising the introductory text to read as follows and by removing the footnote:

§ 235.64 FEP rates, and activities and costs matchable as training expenditures.

Under title I, X, XIV, or XVI (AABD) of the Act, FFP is available at the rate of 75 percent, and under title IV-A effective October 1, 1981, FFP is available at the rate of 50 percent for the following costs:

* * * * *

27. A new Part 238 is added to read as follows:

PART 238—COMMUNITY WORK EXPERIENCE PROGRAM

Subpart A—Introduction

Sec.
238.01 Scope of this part.

Subpart B—Administration and Program Requirements

238.10 Agency administering the program.
238.12 Statewideness.
238.14 Establishment of a mandatory participant group.
238.16 Participant reimbursement.
238.18 Participant protection.
238.20 Participation requirements.
238.22 Sanctions.
238.24 Hearings and notices.
238.26 Chief Executive Officer.

Subpart C—Sponsor and Project Requirements

238.50 Sponsor requirements.
238.52 Project requirements.
238.54 Project assignment criteria.

Subpart D—Federal Financial Participation

238.60 Allowable administrative costs.
238.62 Expenses not matchable.
238.64 Fiscal reporting requirements.

Authority: Section 2307, Pub. L. 97-35; 95 Stat. 846; (42 U.S.C. 609).

Subpart A—Introduction

§ 238.01 Scope of this part.

General. States may operate community work experience programs (CWEP) which serve a useful public purpose, and require AFDC recipients to participate in them as a condition of AFDC eligibility. The purpose of these CWEP programs is to provide work experience for AFDC recipients. CWEP projects must meet appropriate standards for health and safety and may not displace persons currently employed or fill established unfilled vacancies. Participants must be reimbursed for amounts not to exceed $25 for reasonable necessary expenses (as defined by the State) directly related to participation in the programs. Allowable costs to operate CWEP (see Subpart E) are matched by the Federal government at the AFDC administrative match level (50%).

Subpart B—Administration and Program Requirements

§ 238.10 Agency administering the program.

Each State with a plan approved under Title IV-A of the Social Security Act may establish and operate a CWEP program in accordance with the requirements in this part. If the State chooses to establish and operate CWEP, it must administer the program through the single State agency designated in its title IV-A State plan to administer or supervise the AFDC program.

§ 238.12 Statewideness.

The State plan shall specify the geographic areas for which the State will implement CWEP. These may include all areas of the State or only certain subareas at the Agency's discretion.

§ 238.14 Establishment of a mandatory participant group.

(a) The State plan must identify the groups or categories of AFDC recipients who will be required to participate in CWEP. Under this requirement, States may require that any AFDC recipient, as a condition of eligibility for AFDC, participate in CWEP unless the individual—

(1) Meets the WIN exemption criteria under 45 CFR 224.20, except as provided in paragraph (b) of this section;

(2) Is both currently employed for at least 80 hours per month and earning not less than the legally established or defined minimum wage for such employment (for jobs which do not have an established minimum wage, recipients currently employed 80 hours

must be exempted from CWEP regardless of wage level.);

(3) Was denied AFDC solely because the amount of his or her entitlement would have been less than $10 per month;

(b) A recipient who is exempt from WIN may nevertheless be required to participate in CWEP if—

(1) He or she was exempt due to remoteness from a work incentive project under 45 CFR 224.20(b)(6); or

(2) He or she was exempt as a caretaker of a child at least three years old, under 45 CFR 224.20(b)(8), and appropriate child care can be secured to enable participation in the CWEP project.

(c) Applicants for aid to families with dependent children may not be required to participate in CWEP.

(d) A State plan may provide for voluntary participation in CWEP projects by all, or any subgroups, of AFDC recipients who desire to do so. If the plan provides for voluntary participation, it will identify the categories of voluntary participants to whom CWEP is available and any conditions which attach to their participation.

§ 238.16 Participant reimbursement.

The State plan shall specify the amount and types of participation costs the State will reimburse to recipients. Under this requirement—

(a) Participants may not be required to use their assistance or their income or resources to pay participation costs.

(b) States must provide reimbursement for transportation and other costs that the State determines are necessary and directly related to participation in CWEP incurred by the participant. For FFP purposes, this amount shall not exceed $25 per month, per participant. (See Subpart D for FFP requirements.)

§ 238.18 Participant protection.

States may provide worker's compensation or other comparable protection for their CWEP participants. The cost of this protection shall be considered an administrative expense and matched accordingly.

§ 238.20 Participation requirements.

(a) States determine CWEP participation within broad Federal requirements:

(1) Where more than one member of an assistance unit meets the criteria, under the State's plan for participation in CWEP, the State may require that each eligible individual participate up to the maximum number of hours per month established by the State.

(2) Part-time participation in WIN and CWEP may be required where it is deemed appropriate by the State. The State plan shall specify whether part-time participation will be required and the circumstances under which it will be deemed "appropriate."

(b) The State plan must specify the maximum number of hours and the formula used to determine the mandatory hours of participation where the State specifies a lesser maximum. No individual may be required monthly to participate in CWEP more than the number of hours which would result from dividing the family's grant amount by the greater of the Federal or the applicable State minimum wage.

(c) The State must have procedures under which there is coordination between CWEP and WIN to insure that job placement will have priority over CWEP participation.

(d) Nothing in Section 409 of the Act, nor in this part shall be construed as authorizing the payment of AFDC as compensation for work performed.

§ 238.22 Sanctions.

The State plan shall provide that where a mandatory CWEP participant has been determined to have failed or refused without good cause to participate in CWEP, the sanctions specified in 45 CFR 224.51 (and further described in § 234.60) shall apply. Under this requirement the State plan shall specify the criteria to be used in determining whether or not there was "good cause" in refusing or failing to participate in CWEP.

§ 238.24 Hearings and notices.

The State plan shall specify that the provisions of 45 CFR 205.10, which relate to hearing and notice procedures, apply to CWEP participants.

§ 238.26 Chief Executive Officer.

The Chief Executive Officer of the State—

(a) Shall provide coordination between a CWEP and the WIN program—

(1) To insure that job placement will have priority over participation in CWEP; and

(2) To insure that individuals who are required to participate in both WIN and CWEP may not be denied aid under the State plan on the grounds of "failure to participate" in one program if they are actively and satisfactorily participating in the other;

(b) May require that a participant who satisfactorily meets the requirements of CWEP may also be required to participate in a WIN program for the remainder of that month.

Subpart C—Sponsor and Project Requirements

§ 238.50 Sponsor requirements.

The State agency will designate a sponsor to operate each project or, at the agency's option, more than one project. Only public agencies and non-profit organizations may be sponsors.

§ 238.52 Project requirements.

The State plan must provide that CWEP projects—

(a) Serve a useful public purpose;

(b) Do not result in the displacement of persons currently employed or the filling of established, unfilled position vacancies. This means that CWEP participants may not perform tasks which would have been undertaken by employees or which have the effect of reducing the work of employees. However, CWEP participants may perform the same type of tasks as performed by employees;

(c) Are not in any way related to political, electoral, or partisan activities;

(d) Are not in violation of applicable Federal, State or local health and safety standards; and

(e) Have not been developed in response to, or in any way associated with, the existence of a strike, lockout or other bona fide labor dispute, nor can the project violate any existing labor agreement between employees and employers.

§ 238.54 Project assignment criteria.

The State plan must provide that—

(a) Assignments to CWEP projects will be made taking into consideration to the extent possible, the prior training, proficiency, experience and skills of a participant;

(b) Participants will not be assigned to projects which require that they travel unreasonable distances from their homes or remain away from their homes overnight without their consent.

Subpart D—Federal Financial Participation

§ 238.60 Allowable administrative costs.

Federal financial participation is available for administrative costs of the AFDC program for Community Work Experience program expenditures, when CWEP has been approved as part of the State plan under Title IV-A of the Act. Such costs include amounts paid to participants which (as identified in the State plan) are reasonably necessary and directly related to participation in CWEP not in excess of $25 per month per participant.

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§ 238.62 Expenses not matchable.

FFP is not available for:

(a) Capital expenditures, or depreciation or use allowances in connection with a CWEP;

(b) The cost of making or acquiring materials or equipment in connection with participation in a CWEP project;

(c) The cost of supervision of CWEP participants; and

(d) Costs associated with the use of any facilities of the State public employment offices used to find employment opportunities for participants.

§ 238.64 Fiscal recordkeeping requirements.

To support claims for FFP, States shall identify in their accounting records all CWEP costs which represent direct payments to participants in the program. States must also identify in their monthly assistance rolls those individuals to whom participant expenditures were made during any month. The identification in the accounting records and monthly assistance rolls shall be in such form as to permit verification of the monthly direct payments to each individual participant subject to FFP.

28. A new Part 239 is added to read as follows:

PART 239—WORK SUPPLEMENTATION PROGRAM

Subpart A—Introduction

Sec.
239.01 Scope of this part.

Subpart B—Program Description and Administration of the Work Supplementation Program

239.10 Agency administering the program and State plan requirements.
239.12 Eligibility.
239.14 Types of jobs.
239.16 Providing or subsidizing jobs.
239.18 Conditions of employment.
239.20 Wages.
239.24 Participation in other work programs.
239.26 Hearings and notices.

Subpart C—Standards of Need and Treatment of Earned Income

239.50 Adjustment of standard of need.
239.52 Differential need standards—geographical areas.
239.54 Differential need standards—categories of recipients.
239.56 Further adjustments in amount of aid paid.
239.58 Earned income disregard.

Subpart D—Federal Financial Participation

239.80 Wage subsidies.
239.82 Ceiling.
239.84 Claiming Federal Financial Participation.

Authority: Section 2308, Pub. L. 97–35, 95 Stat. 848; (42 U.S.C. 614).

Subpart A—Introduction

§ 239.01 Scope of this part.

Under the Work Supplementation Program States may use AFDC funds to develop and subsidize work for AFDC recipients as an alternative to aid provided to AFDC recipients. The Work Supplementation Program may be implemented notwithstanding the definitions contained in Section 406 of the Social Security Act or any other provison of law. Under this program AFDC recipients may choose, on a voluntary basis, to accept an offer of work to the extent such jobs are made available. In order to pay for the costs of developing and subsidizing these jobs, a State may reduce need standards in effect for selected categories of recipients on the basis of their ability to participate in the Work Supplementation Program. The reduction of needs standards may be made for either the entire State or for selected geographical areas. The total amount of Federal financial participation for operation of a State's Work Supplementation Program is limited as provided in Subpart D.

Subpart B—Program Description and Administration of the Work Supplementation Program

§ 239.10 Agency administering the program and State plan requirements.

States which elect to have a Work Supplementation Program shall administer the program through either (a) the agency designated to administer or supervise the administration of the State plan under section 402(a)(3) of the Act; or (b) the agency (if any) designated to administer the Community Work Experience Program under section 409 of the Act. A State choosing to implement a Work Supplementation Program shall amend its State plan in accordance with the following provisions.

§ 239.121 Eligibility.

A State shall determine who is eligible to participate in a Work Supplementation Program from among the persons who would, at the time of their placement in such program, be eligible for assistance under the State plan as in effect in May 1981, or as modified thereafter as required by Federal law.

§ 239.14 Types of jobs.

Within certain limits described herein, a State may provide or subsidize any job position under the program as such State determines to be appropriate, but acceptance of any such position shall be voluntary. The job positions which may be provided for recipients of aid must be of the following general types:

(a) A job position provided to an eligible individual by the State or local agency administering the State plan under this part;

(b) A job position provided to an eligible individual by a public or non-profit entity for which all or part of the wages are paid by such State or local agency; or

(c) A job position provided to an eligible individual by a proprietary entity involving the provision of child day care services for which all or part of the wages are paid by such State and local agency, but only if such entity does not claim a credit for any part of the wages paid to such eligible individual under section 40 of the Internal Revenue Code of 1954 (relating to credit for expenses of the Work Incentive Program) or section 44B of the Code (relating to credit for employment of certain new employees).

§ 239.16 Providing or subsidizing jobs.

The State agency administering this program may use whatever means such State determines are appropriate in order to provide or to subsidize jobs for participants in the Work Supplementation Program. A State may make whatever arrangements it deems appropriate with regard to the type of work provided, the length of time the position is to be provided or subsidized, the amount of wages to be paid to the recipient receiving the work supplemented job, the amount of subsidy to be provided by the State or local agency and the conditions of participation.

§ 239.18 Conditions of employment.

(a) A State or local agency adminstering the State plan is not required to provide employee status to any eligible individual to whom it provides a job position under the Work Supplementation Program, or with respect to whom it provides all or part of the wages paid to such individual by another entity under this program.

(b) A State or local agency administering the program is not required to provide that eligible individuals filling job positions provided by other entities under such program be provided employee status by such entity during the first 13 weeks during which they fill such position.

§ 239.20 Wages.

Participants in the Work Supplementation Program will be paid wages which shall be considered to be earned income for purposes of any provision of law.

§ 239.24 Participation in other work programs.

No individual receiving a grant under the State plan shall be excused, by reason of the fact that such State has a Work Supplementation Program, from any requirement of title IV–A or title IV–C relating to work requirements.

§ 239.26 Hearings and notices.

The State plan shall specify that the provisions of 45 CFR 205.10, which relate to hearing and notice procedures, apply for purposes of the Work Supplementation Program.

Subpart C—Standards of Need and Treatment of Earned Income

§ 239.50 Adjustment of standard of need.

A State operating a Work Supplementation Program under this part may adjust the standards of need under the State plan as the State determines to be necessary and appropriate for carrying out such program. Such changes in need standards may be made notwithstanding 45 CFR 233.20.

§ 239.52 Differential need standards—geographical areas.

A State operating a Work Supplementation Program under this part may provide that the needs standards in effect in those areas of the State in which such program is in operation may be different from the needs standards in effect in the areas in which such program is not in operation.

§ 239.54 Differential need standards—categories of recipients.

A State operating a Work Supplementation Program under this part may provide that the needs standards for categories of recipients of aid may vary among such categories as the State determines to be appropriate on the basis of ability to participate in the Work Supplementation Program.

§ 239.56 Further adjustments in amount of aid paid.

A State may make further adjustments in the amounts of aid paid under the plan to different categories of recipients in order to offset increases in benefits from other government-provided, needs-related programs as the State determines necessary and appropriate to further the purposes of the Work Supplementation Program.

§ 239.58 Earned income disregard.

A State operating a Work Supplementation Program under this part may reduce or eliminate the amount of earned income to be disregarded under the State plan as the State determines to be necessary and appropriate to further the purposes of the Work Supplementation Program.

Subpart D—Federal Financial Participation

§ 239.80 Wage subsidies.

Payments by the State to individuals or to entities providing jobs for recipients under the program shall be expenditures incurred by the State for aid to families with dependent children (i.e., money payments, protective and vendor payments), except as limited by the ceiling for Federal financial participation described in this Subpart.

§ 239.82 Ceiling.

Federal funds may be paid to a State under this part with respect to expenditures incurred in operating a Work Supplementation Program. The amount subject to matching for any quarter for expenditures incurred in operating a Work Supplementation Program shall not exceed an amount equal to the difference between—

(a) The amount which would have been paid under section 403(a) of the Social Security Act to such State for such quarter under the State plan if it did not have a Work Supplementation Program in effect and had not altered its State plan accordingly, as such State plan was in effect in May 1981, or as modified thereafter as required by Federal law; and

(b) The amount paid to such State under section 403(a) of the Social Security Act for such quarter exclusive of the amount so paid for such quarter for the Work Supplementation Program.

§ 239.84 Claiming Federal financial participation.

A State must calculate the amount subject to FFP for its Work Supplementation Program and maintain records to support its claim in accordance with procedures established by the Secretary.

[FR Doc. 81-27554 Filed 9-18-81; 8:45 am]

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federal register

Monday
September 21, 1981

Part IV

Department of Labor

Employment and Training Administration

Department of Health and Human Services

Office of Human Development Services

Work Incentive Program for AFDC Recipients Under Title IV of the Social Security Act

DEPARTMENT OF LABOR

Employment and Training Administration

29 CFR Part 56

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 224

Work Incentive Program for AFDC Recipients Under Title IV of the Social Security Act

AGENCIES: Employment and Training Administration, Labor; and Office of Human Development Services, Health and Human Services Department.

ACTION: Interim final rules.

SUMMARY: The Secretary of Labor and the Secretary of Health and Human Services jointly revise the regulations for the Work Incentive Program. These rules are made necessary by the Omnibus Budget Reconciliation Act of 1981.

EFFECTIVE DATE: October 1, 1981. However, consideration will be given to comments received before November 20, 1981. These will be carefully considered, and any changes to these regulations or our reasons for not accepting recommendations for change will be published in the **Federal Register.**

ADDRESSES: Mail or deliver comments to the Executive Director, Work Incentive Program, Patrick Henry Building, Room 5102, 601 D Street, NW., Washington, D.C. 20213. Agencies and organizations are requested to submit comments in duplicate. Beginning October 5, 1981, these comments shall be available for public review at the above address, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert Easley, (202) 376-7030.

SUPPLEMENTARY INFORMATION:

Background

The purpose of the WIN program is to utilize all available employment and social services, including those authorized under provisions of other laws, so that individuals receiving Aid to Families with Dependent Children (AFDC) under Part A of Title IV of the Social Security Act will be furnished incentives, opportunities, and necessary services for (1) the employment of such individuals in the regular economy, (2) the training of such individuals for work in the regular economy, and (3) the participation of such individuals in WIN public service employment, thus assisting the families of such individuals to achieve economic independence and to assume useful roles in their communities.

History of the WIN Program

Enactment of amendments to Title IV of the Social Security Act in 1967, authorizing the Work Incentive Program (Pub. L. 90-248), was a recognition of the need for an employment program directed to the special needs of public assistance recipients and their families. Earlier measures funded under the Manpower Development and Training Act of 1962 (Pub. L. 87-415) and the Economic Opportunity Act of 1964 (Pub. L. 88-452) provided some assistance to this group but did not address the multiple problems of the public assistance population, and had limited impact.

Under the 1967 legislation, registration in WIN was by referral of persons deemed by public welfare agencies to be appropriate for participation. An employment plan tailored to the specific needs and goals of each individual was developed jointly by the registrant and WIN staff. Emphasis tended to be on the provision of classroom training and other aids to employability development, rather than on immediate job placement.

Amendments to Title IV of the Social Security Act (Act) in December 1971 (Pub. L. 92-223) changed the administration and focus of the program. WIN registration was mandated for all persons at least 16 years of age receiving or applying for AFDC, unless legally exempt. Exemptions were provided under Section 402(a)(19)(A) of the Act (42 U.S.C. 602(a)(19)(A)) for full-time students, the ill and disabled, persons too remote from WIN program sites, and certain persons needed to care for a family member in the home.

The emphasis was shifted from employability development to employment at the earliest point feasible in the registrant's WIN experience. Changes in regulations which became effective in 1976 further increased the emphasis on direct placement into unsubsidized employment. See, e.g., 41 FR 47700 (October 29, 1976).

This shift in emphasis toward immediate employment continued with the enactment of the Social Security Disability Amendments of 1980 (Pub. L. 96-265). These amendments provided authority for requiring employment search activities of WIN registrants, including applicants, and for providing supportive services to applicants as well as recipients, when needed to support employment-related activities. They exempt AFDC applicants and recipients who work not less than 30 hours a week from WIN registration.

The 1980 Amendments also authorize the Secretaries of the Department of Labor (DOL) and the Department of Health and Human Services (DHHS) to define sanction periods in cases where registrants fail or refuse to participate in WIN without good cause.

Employment-related social services are arranged for or provided by separate administrative unit (SAU) staff who participate with WIN sponsor staff to develop individual employability plans with registrants. These services can include child care, remedial medical services, home management, counseling, family planning, and transportation to needed services.

Administration

The WIN program is administered by the National Coordination Committee (NCC) at the national level (which is composed of the Assistant Secretary for Employment and Training, DOL and the Assistant Secretary for Human Development Services, DHHS) and the Regional Coordination Committees (RCCs) (which are composed of Regional Administrators from both Departments) in each Region. The RCC reviews and approves State WIN plans and oversees the operational and administrative procedures of State programs.

At the State level, the State WIN sponsor and the State welfare agency develop an annual State WIN plan for operation of the WIN program in the State and submit it to the appropriate Regional Coordination Committee for approval. The State WIN sponsor and State welfare agency also administer and supervise the administration of the WIN program in each State.

At the local level, there are three units involved—the income maintenance unit (IMU), the WIN sponsor, and the separate administrative unit (SAU). The IMU determines AFDC eligibility and exemption status and refers suitable persons to the WIN program. The WIN sponsor (usually part of the State job service) registers referred individuals and provides work and training services. The WIN sponsor and the SAU appraise registrants and develop an employability plan for each registrant found suitable for participation in the program. The SAU furnishes social services to enable registrants to engage in employment, training, and employment-related activities.

Summary of the 1981 Amendments

Sections 2311, 2313, and 2314 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) include changes as follows, affecting the WIN exemption criteria, and incorporate the provisions of previous court decisions relating to unemployed parents:

(1) The 1981 amendments lower the age of an exempt child who is attending school full-time to under 18; or at State option to under 19 if the student is expected to complete a course of study in a secondary, or vocational or technical school which is at the equivalent level of a secondary school before reaching age 19;

(2) The amendments limit the exemption of a parent or other caretaker relative of a child under six to an individual who personally cares for the child on a continuous basis with only brief and infrequent absences from the child;

(3) The amendments exempt a parent or other caretaker of a child who is deprived of parental support or care, if another adult relative in the home is registered;

(4) The amendments introduce the concept of "principal earner" defined as the parent who has earned more income in the 24 months preceding application under this part;

(5) The amendments exempt a parent of a child who is deprived of parental support by the unemployment of the principal earner if the other parent who is the principal earner is registered;

(6) The amendments require WIN certification of unemployed parents who are principal earners within 30 days after receipt of aid; and

(7) The amendments provide that aid will be denied to an entire family if an unemployed parent who is the principal earner fails to register or fails or refuses to participate without good cause.

Discussion of Proposed Amendments to WIN Regulations Implementing Sections 2311, 2313, and 2314 of the 1981 Omnibus Budget Reconciliation Act (Pub. L. 97–35)

1. Exemption of Full-Time Students Under Age 18

a. *The Statute: Sections 402(a)(19)(A)(i) and 406(a)(2) of the Social Security Act.* Prior to the 1981 amendments, a child under 21 merely had to be attending school full-time in order to be exempt from WIN registration. With these changes, the exemption is limited to children under 18 who are full-time students in elementary, secondary, vocational or technical schools, and does not extend to college level schools or programs. The amendments also provide States with option of including within the exemption, a child under age 19 who is a full-time student in a secondary or technical program and is reasonably expected to complete it before reaching age 19.

b. *The Rule: 29 CFR 56.20(b)(2) and 45 CFR 224.20(b)(2) of the regulations.* This regulation incorporates both the changes in the WIN exemption itself and the changes that were made by the amendments to the age limit of a dependent child. In the past, States were allowed to define a child to include individuals under age 21 who were students; the amendment to Section 406(a)(2) limits the definition of a dependent child to an individual who is under age 18 or at State option, to an individual who is under age 19 and is a full-time student in a secondary or technical school and is reasonably expected to complete the school program before reaching age 19.

The resulting exemption from WIN thus applies to full-time students who are under 18, or to those who are under 19 and are expected to complete a course of study in a secondary or technical school before reaching age 19.

2. Exemption of Parent or Caretaker of Child Under Six

a. *The Statute: Section 402(a)(19)(A)(v) of the Social Security Act.* In the past, a mother or other relative of a child under six could be exempt from WIN registration if he or she were caring for the child. The amended law extends the exemption to a parent, rather than principally to a mother. The law further restricts this exemption to a parent who is *personally* providing the care and has only brief and infrequent absences from the child.

b. *The Rule: 29 CFR 56.20(b)(8) and 45 CFR 224.20(b)(8) of the regulations.* The exemption from WIN registration applies to a parent or other caretaker relative of a child under six only if the parent or other caretaker personally provides full-time care of the child on a continuous basis.

3. Exemption of Parent or Caretaker of Child Who is Deprived of Parental Support

a. *The Statute: Section 402(9)(19)(A)(vi) of the Social Security Act.* The Social Security Act, prior to the 1981 amendments, contained language that exempted mothers from WIN registration more readily than it exempted fathers. In 1979 the Supreme Court ruled against such practices in *Califano* v. *Westcott,* 431 U.S. 322 1979. This amended law allows either parent to be exempt from WIN registration if the child in the family is deprived of parental support or care from the other parent, but only if another adult relative in the home is not exempt from WIN.

b. *The Rule: 29 CFR 56.20(b)(9) and 45 CFR 224.20(b)(9) of the regulations.* The regulations provide for the exemption of a parent or other caretaker of a child who is deprived of a parent's care or support because of the parent's death, absence, or mental or physical incapacity, if there is another adult relative in the home who registered for WIN and has not failed or refused to participate without good cause.

4. Exemption of Other Parent of a Child With an Unemployed Principal Earner

a. *The Statute: Sections 402(a)(19)(A)(viii), 407(a), and 407(d)(4) of the Social Security Act.* Since 1967, the Social Security Act allowed States to provide assistance to families in which the father was unemployed. However, in 1979 the Supreme Court held in *Califano* v. *Westcott* that the restriction to fathers was discriminatory. The 1981 amendments bring the Social Security Act into compliance with the Supreme Court finding and permit either parent to qualify as an unemployed parent if he or she is the principal earner. The principal earner is defined in section 407(d)(4) as whichever parent earned the greater amount of income in the 24-month period preceding an application for and based on the unemployment of a parent. Thus, the exemption in section 402(a)(19)(A)(viii) of the Act applies to a parent when the other parent, who is the principal earner, is not exempt from WIN registration.

b. *The Rule: 29 CFR 56.20(b)(11) and 45 CFR 224.20(b)(11) of the regulations.* The new regulation specifically exempts a parent who is not the principal earner if the parent who is the principal earner is unemployed and is not exempt under one of the other exemption criteria of this section.

5. Required Certification of Unemployed Principal Earners

a. *The Statute: Section 407(b)(2)(A) of the Social Security Act.* An amendment was made to the Act to require that unemployed parents who are principal earners be certified to the Secretary of Labor within 30 days after receipt of aid. In the past, this requirement applied only to fathers.

b. *The Rule: 29 CFR 56.22(b) and 45 CFR 224.22(b) of the regulations.* The term "father" is simply changed to "parents who are principal earners." This regulation now requires that unemployed parents who are principal earners be appraised by WIN staff within 2 weeks of the determination of their eligibility so that they will be certified within 30 days of receipt of AFDC benefits.

6. Denial of Aid to Families Whose Unemployed Parent Refuses to Participate

a. *The Statute: Section 402(a)(19)(F)(ii) of the Social Security Act.* This provision clarifies that if an unemployed principal earner fails or refuses to participate in WIN or to accept employment without good cause, the entire family will be ineligible for AFDC benefits.

b. *The Rule: 29 CFR 56.51(a)(2) and 45 CFR 224.51(a)(2) of the regulations.* This regulation provides that certain AFDC sanctions shall apply to individuals who fail or refuse without good cause to participate in WIN.

Justification for Dispensing With Prior Notice of Proposed Rulemaking and 30-Day Implementation Period

These regulations implement sections 2311, 2313, and 2314 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), signed on August 13, 1981. The Congress expressly required in Section 2321 that these amendments take effect on October 1, 1981, except if State law prevents implementation, in which case the Secretary of Health and Human Services may allow postponement of implementation according to certain guidelines found in Section 2321 of this Act.

Thus it is not practical to issue a *Notice of Proposed Rulemaking* (NPRM) for these implementing regulations and still meet the required effective date of the amendments. Therefore, we find that good cause exists for dispensing with an NPRM. However, the comments of the public are requested on these Interim Final Rules.

We will carefully consider all comments. We will then publish in the **Federal Register** a final regulation within 90 days of the close of the public comment period. The final regulation will include a summary of the comments, together with any revision of these regulations resulting from comments or our reasons for not accepting suggested revisions.

We are dispensing with the 30-day delay in effective date after publication for the same reason. The October 1 effective date for the amendments implemented by these regulations has been found by both agencies to be good cause for these regulations to become effective on October 1, 1981.

Regulatory Flexibility Act

The Secretaries certify in accordance with Section 603 of the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 603) that this regulation as proposed will not have a significant economic impact on a substantial number of small entities including small business, small organizational units and small governmental jurisdictions. Consequently, an initial regulatory flexibility analysis has not been prepared for this rule. Most of the provisions of the proposed rule impose conditions for Federal financial participation on State agencies and do not impact on small entities.

Executive Order 12291

The Secretaries have also determined in accordance with Executive Order 12291 that the proposed rule does not constitute a major rule requiring the preparation of a regulatory impact analysis. The regulation is not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in cost prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment and innovation.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, Pub. L. 96–511, all Departments are required to submit to the Office of Management and Budget for review and approval any reporting or recordkeeping requirements inherent in a proposed and final rule. This proposed rule does not increase the Federal paperwork burden for WIN State agencies.

(Catalog of Federal Domestic Assistance Program No. 13.646, "Work Incentive Program (WIN)")

(402(a)(7), 402(a)(19), 406(a)(2), 407(a), 407(d)(4), 430–444, 1102 of the Social Security Act, as amended. 49 Stat. 647 (42 U.S.C. 602(a)(7), 602(a)(19), 606(a)(2), 607(a), 607(d)(4), 630–644, 1302))

Dated: September 2, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Approved: September 3, 1981.

Richard S. Schweiker,

Secretary, Health and Human Services.

Dated: September 8, 1981.

Albert Angrisani,

Assistant Secretary.

Approved: September 10, 1981.

Raymond J. Donovan,

Secretary, Department of Labor.

For reasons set out in the preamble, Part 56 of Title 29 of the Code of Federal Regulations is amended as set forth below:

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart C—Requirements and Procedures for Registration, for Appraisal and Certification

1. In § 56.20, paragraphs (b)(2), (b)(8), and (b)(9) are revised and paragraph (b)(11) is added to read as follows:

§ 56.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

* * * * *

(b) * * *

(2) A full-time student (as defined in State welfare regulations), aged 16 but under age 18 who is attending an elementary or secondary school, or a vocational or technical school that is equivalent to a secondary school; or a full-time student under age 19, if the State AFDC plan extends coverage to children under age 19, who is attending a secondary school or a program in a vocational or technical school that is equivalent to a secondary school and is reasonably expected to complete such school or program before reaching age 19;

* * * * *

(8) A parent or other caretaker relative of a child under age 6 who personally provides full-time care of the child with only very brief and infrequent absences from the child;

(9) A parent or other caretaker of a child who is deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, if another adult relative in the home is registered and has not failed or refused to participate in the program or to accept employment without good cause;

* * * * *

(10) [Reserved]

* * * * *

(11) The parent of a child who is deprived of parental support or care by reason of the unemployment of a parent, if the other parent (who is the principal earner as defined in 45 CFR 233.100(a)) is not exempt under one of the other preceding clauses of this section.

* * * * *

2. In § 56.22, paragraph (b) is revised to read as follows:

§ 56.22 Appraisal and certification.

* * * * *

(b) All unemployed parents who are principal earners as defined in 45 CFR 233.100(a) shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and appraisal shall occur prior to certification. Certification shall be completed no later than 30 days from the receipt of AFDC benefits.

* * * * *

3. In § 56.51, paragraphs (a)(2) and (a)(3) are redesignated as paragraphs (a)(3) and (a)(4) and a new paragraph (a)(2) is added as follows:

§ 56.51 Sanctions.

* * * * *

(a) * * *

(2) If the individual is an unemployed parent who is the principal earner, (as defined in 45 CFR 233.100(a)), the State will deny assistance for all members of the family.

* * * * *

For reasons set out in the preamble, Part 224 of Title 45 of the Code of Federal Regulations is amended as set forth below:

PART 224—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart C—Requirements and Procedures for Registration, for Appraisal and Certification

4. In § 224.20, paragraphs (b)(2), (b)(8), and (b)(9) are revised and paragraph (b)(11) is added to read as follows:

§ 224.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

* * * * *

(b) * * *

(2) A full-time student (as defined in State welfare regulations), aged 16 but under age 18 who is attending an elementary or secondary school, or a vocational or technical school that is equivalent to a secondary school; or a full-time student under age 19, if the State AFDC plan extends coverage to children under age 19, who is attending a secondary school or a program in a vocational or technical school that is equivalent to a secondary school and is reasonably expected to complete such school or program before reaching age 19;

* * * * *

(8) A parent or other caretaker relative of a child under age 6 who personally provides full-time care of the child with only very brief and infrequent absences from the child;

(9) A parent or other caretaker of a child who is deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, if another adult relative in the home is registered and has not failed or refused to participate in the program or to accept employment without good cause;

* * * * *

(10) [Reserved]

* * * * *

(11) The parent of a child who is deprived of parental support or care by reason of the unemployment of a parent, if the other parent (who is the principal earner as defined in 45 CFR 233.100(a)) is not exempt under one of the other preceding clauses of this section.

* * * * *

5. In § 224.22, paragraph (b) is revised to read as follows:

§ 224.22 Appraisal and certification.

* * * * *

(b) All unemployed parents who are principal earners as defined in 45 CFR 233.100(a) shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and appraisal shall occur prior to certification. Certification shall be completed no later than 30 days from the receipt of AFDC benefits.

* * * * *

6. In § 224.51, paragraphs (a)(2) and (a)(3) are redesignated as paragraphs (a)(3) and (a)(4) and a new paragraph (a)(2) is added as follows:

§ 224.51 Sanctions.

* * * * *

(a) * * *

(2) If the individual is an unemployed parent who is the principal earner (as defined in 45 CFR 233.100(a)), the State will deny assistance for all members of the family.

* * * * *

[FR Doc. 81-27558 Filed 9-18-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/FSIS**		DOT/FAA	USDA/FSIS**
DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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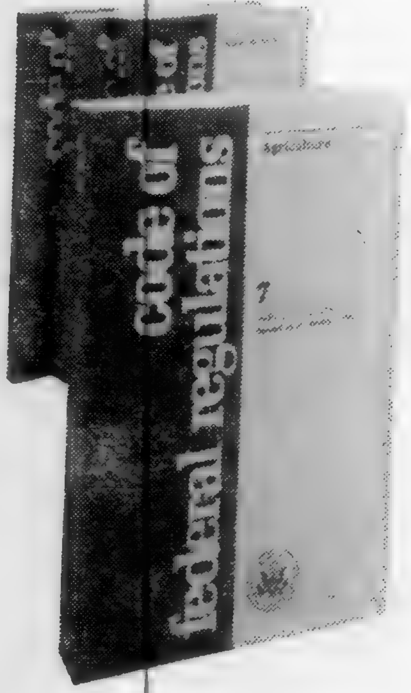

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federal register

Tuesday
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Highlights

46781 **Food Stamps** USDA/FNS establishes quality control procedures for households processed by Social Security Administration and for households participating in certain FNS-authorized demonstration projects.

46803 **Aid to Families with Dependent Children** Labor and HHS jointly revise regulations on the Work Incentive Program.

46787 **Air Rates and Fares** CAB permits airlines to use tariff flexibility system for domestic air fares until 1-1-83.

46842 **Motor Carriers** ICC issues notice of procedures for recovery of fuel costs.

46801 **Indians** Navajo and Hopi Indian Relocation Commission provides eligibility determination, hearing and administrative review procedures for relocation benefits and/or life estate lease claims.

46819 **Antidumping** Commerce/ITA issue's preliminary results of administrative review of countervailing duty on molasses from France.

46808 **Privacy Act Document** CIA

46861 **Sunshine Act Meetings**

Separate Part of This Issue

46864 **Part II, DOE/WAPA**

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 272, and 275

[Amendment No. 188]

Food Stamp Program—Performance Reporting System; Quality Control

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rulemaking amends and finalizes emergency final food stamp rules published in the December 9, 1980 **Federal Register** (45 FR 81060). In this rulemaking the performance reporting system regulations are amended by establishing quality control (QC) procedures for households (cases) processed for certification by the Social Security Administration (SSA) and for cases participating in certain FNS-authorized demonstration projects. Since States do not have complete control over cases processed by the SSA, the Department believes that States should not be held accountable for errors in these cases through QC reviews. Since data from demonstration project cases are not necessarily relevant to the purpose of the QC system (which is to improve long term management of the program), the Department believes that certain of those cases should also be excluded from QC error rate calculations. This rulemaking will exclude the above cases from State error rates and thus ensure that States are not held accountable for errors beyond their control and that States are not discouraged from participating in demonstration projects based on anticipated increases in QC error rates.

EFFECTIVE DATE: These rules are effective on October 21, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice C. Tracy, Chief, Performance Reporting Systems Branch, State Operations Division, Food and Nutrition Service, USDA, Washington, D.C. 20250, (202) 447-4002. The final impact statement on this rulemaking is available on request from the above individual at the above address.

SUPPLEMENTARY INFORMATION: This rulemaking has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 and Executive Order 12291. This rule will result in a different reporting procedure for a relatively small number of quality control cases but will not increase States' overall reporting burden. It has been determined that the rule will not have (1) an annual economic impact of more than $100 million, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the rule has been classified as a non-major rule.

This rule has also been reviewed with regard to the requirements of the Regulatory Flexibility Act (Public Law 96-354). G. William Hoagland, the Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities. The provisions allow for exclusion of certain food stamp cases selected by quality control from States' error rates. Requirements are not placed on small businesses or small organizations. There are requirements placed upon State agencies but these requirements do not have a significant impact on local governments.

Introduction

Final rulemaking published April 22, 1980 (45 FR 27426) established provisions for SSI/food stamp joint application processing as required by section 11(i)(2) of the Food Stamp Act of 1977 (Title XIII, Pub. L. 95-113, 91 Stat. 973). This rulemaking provided for certain SSI/food stamp households to be processed by the SSA. The Department issued emergency final rules on December 9, 1980 (45 FR 81060) regarding the handling of these special SSI cases for quality control (QC) purposes. These rules also covered the QC handling of cases in certain demonstration projects.

Cases processed by SSA or arising under different certification rules in certain demonstration projects are substantially different from other food stamp cases. As discussed in the preamble of the December 9, 1980 emergency final rulemaking, several ways of ensuring that States are not held accountable for errors in these cases were considered. For a complete understanding of the alternatives considered in this rulemaking, it may be necessary to refer to that publication.

The procedure adopted by the Department excluded from State agencies' QC statistics those cases processed by SSA or occurring in selected demonstration projects. Nonetheless, the findings in these cases must be reported separately. As noted earlier, since State agencies do not have complete control of SSA processed cases, neither the correctness nor the incorrectness of those case determinations would necessarily reflect State agency performance. Moreover, it would not be sensible to include demonstration project cases in QC error rate calculations since this would discourage States from participating in these projects based on anticipated increases in their error rates. By segregating these cases while still reviewing them, data on these cases is available for evaluation and policy modification.

The Department invited public comment on the December 9, 1980 emergency final rulemaking. This preamble addresses the comments received during that comment period. Twenty comments from five Regional Offices, fourteen State agencies and one law firm representing four States were submitted to the Department. Following is a discussion of the issues raised by commenters and an explanation of the decisions made in these final rules.

Implementation

The Department established August 1, 1980 as the implementation date of the December 9, 1980 emergency final rulemaking. Implementation was made retroactive to August 1 so that the effective date of that rulemaking would coincide with the implementation of the

April 22, 1980 SSI/food stamp joint application processing rulemaking (45 FR 27426).

Six commenters objected to the August 1, 1980 implementation date. The commenters complained that: 1) States would have difficulty retrospectively sorting out these cases, and that 2) the lack of advance notice would force States to again review cases that had already been reviewed. Three of these commenters suggested that a more reasonable effective date would be October 1, 1980. They claimed that October 1 was the start of a reporting period so that the chance of skewing the error rates would be minimized and that this later date would limit the State's retabulating burden.

However, the Department does not believe that the possibly increased burdens will be significant. Since the cases being excluded from the QC error rates in this regulation are few in number and specific in nature, the Department does not foresee States having great difficulty identifying them in future reporting periods. Also, § 273.2(k)(1)(i)(B) requires that all SSA processed applications be accompanied by a FNS and SSA-approved transmittal form. Thus, reviewers should be able to identify SSA processed cases by the presence of this form in the household's casefile.

Regarding the August 1, 1980 implementation date, the Department is not requiring that reports already submitted for the April–September 1980 period be retabulated. This would involve sorting through two months of sample cases. Thus, based on the delay in publication and the complaints received about the August date, the Department has decided that implementation of this rulemaking will not be mandatory until October 1, 1980 (the start of the October 1980–March 1981 QC reporting period). However, since the number of cases being excluded from reviews by these regulations is small (for the April–September 1980 period in particular), no significant biasing of results is expected by this delayed implementation in some States (until the start of the October 1980–March 1981 QC reporting period).

Exclusion of cases

Support for the Department's procedure of excluding SSA processed cases and demonstration project cases came from six State agencies and two Regional Offices. Three States agencies and a law firm representing four State agencies opposed the Department's decision to exclude either one or both of the special cases. Reservations were expressed by four other State agencies. While different points were raised by these commenters, their primary concern was that the exclusion of SSI processed cases would inflate State agencies' error rates. It was anticipated that there would be a resultant increase in error rates based on the removal of the SSI cases which would make some States liable for sanctions.

The Department has acknowledged that some State agency error rates might rise as a result of these regulations. However, since the category of cases processed by the SSA did not exist before, the Department has no evidence that indicates that SSA processed cases had lower error rates. It is possible that the error rate for these cases could be higher than cases processed in the regular manner. In either event, that portion of the SSI caseload that is processed by SSA should be very small (in the first quarter of fiscal year 1981, only 15,383 cases were processed by SSA), and, thus, any affect on error rates will be slight. The Department will be carefully studying QC (i.e., the reports filed on these excluded cases) for any indications that this rulemaking has an unwarranted adverse affect on States' error rates.

Some commenters suggested different methods of managing the special SSI and demonstration project cases and/or modifications of the present method of handling these cases. These recommendations included: (1) counting all SSI cases in the error rates regardless of the processor; (2) giving States the option of whether to include all SSI cases in their error rates; (3) recomputing error rates to reflect the exclusion of SSA processed cases; and (4) not reviewing the excluded cases at all. Although the Department has elected not to adopt any of the proposed alternatives, a brief discussion of these comments follows.

One commenter suggested that all SSI cases be included in error rates, regardless of their processor, since all SSI cases were included in the prior review period. This commenter claims the proper way to calculate QC statistics is by including all comparable cases and that the exclusion of SSA processed households would skew error rates. First of all, since the portion of the SSI caseload that is processed through SSA is small, no significant effect on error rates is expected. Secondly, the Department does not believe that excluding SSA cases would result in the deletion of comparable cases from a prior review period since no category of SSA processed cases existed in the prior review period. The Department believes that State agencies should be judged exclusively on those cases over which they have control since that is the best estimate of a State's performance.

Some commenters urged that States be given the option of whether to adopt this procedure. However, that approach would not necessarily give a State agency's true error rate. Moreover, a State could be given credit for the handling of cases over which it did not have control. This proposal would also complicate the QC system by making error rates inconsistent from State to State and from period to period.

Two commenters suggested that a procedure be developed which would somehow recompute a State's error rate to reflect the exclusion of SSA processed cases. As previously mentioned, the Department believes that QC error rates should reflect each State's real performance. Therefore, the Department sees no reason to adopt a procedure which would modify a State's error rate to reflect how it would have performed had it reviewed a larger number of SSI cases.

Two commenters suggested that the special SSA processed and/or demonstration project cases not be reviewed at all. This would decrease State workloads. While the Department is eager to decrease the workload on States, it is now important that these special cases be reviewed. The Department needs this information so that the effect of excluding these cases can be gauged. Reviewing these cases may also give the Department valuable information for policy modification and evaluation. If for certain demonstration projects the information obtained through reviewing these cases is determined to have marginal utility, these cases may be excluded from the review entirely. This option has been clarified in §§ 275.12(c) and 275.13(c) of the regulations.

Definitions

Concern was expressed by one commenter because the phrase "significantly different certification rules" was not defined. This commenter felt that in order to prevent any arbitrary identification of demonstration projects as exempt or non-exempt, an elaboration of this phrase was needed. The Department has chosen not to presently define this phrase because all future changes in certification rules for demonstration projects cannot be anticipated. Moreover, the reason(s) for the exclusion of each demonstration project from QC error rates will be specified in the rules establishing those demonstration projects.

Other Comments

One commenter pointed out that the word "excluded" should be inserted in the last sentence of the description of cumulative allotment error rates in § 275.12(b)(1)(vii). The Department has made this correction of an inadvertent deletion. This sentence should read ". . . certain types of cases that have been excluded from State agencies' error rate calculations, shall be *excluded* from the active case error rate. . . ."

Other commenters suggested that the FNS–245 data sheet be updated, that the QC handbooks be revised, that the automated QC system be capable of identifying and excluding these cases, and that any changes in the review procedures for demonstration cases be identified early. The Department has already taken action in these areas. The FNS–245 data sheet has been revised, as have the critical areas of the pertinent QC handbook. The automated QC system will be able to identify and exclude these special cases. Finally, the Department will issue any changes in review procedures as early as possible.

Since SSA processed and demonstration project cases will not be in the QC error rate (and since Federal reviews will not include them), one commenter wanted to know what effect their exclusion will have on the size of the regression analysis. This commenter was concerned about the impact of excluding these cases on the Federal rereview process. While omitting these cases may lower the sample size from which the number of cases to be rereviewed is computed, this is not expected to have a significant effect on review results. Thus, the procedures for the rereview process will not require modification.

Another point concerned the format States should use in reporting on these cases. These final regulations have been clarified to require development of an additional FNS–247–1 report for SSA processed or applicable demonstration cases, when the State's sample includes more than five of either type of case. If a State's sample includes less than five of either case, the State may simply submit the data sheet of the Form FNS–245 with the required FNS–247 report. Finally, the Department intended States to exclude from their error rates those food stamp cases processed by the SSA at recertification. Because this apparently was not clear to two commenters, it has been specified in the regulations.

Conclusion

The implementation date of these regulations has been modified for reasons explained in the preamble. While States may still implement at the August 1, 1980 date, implementation is not mandatory until October 1, 1980. Sections 275.12(c) and 275.13(c) have been clarified to indicate that FNS has the option of excluding from review those demonstration project cases with significantly different issuance or certification rules, if it is determined that information obtained from these cases would not be useful. The final regulations also specify that households whose participation is based upon recertification by SSA (as allowed in § 273.2(k)(2)(ii)) are also excluded from States' QC error rates. In addition, the last sentence of § 275.12(b)(1)(vii) has been corrected by inserting the word "excluded". Finally, the reporting format for these cases has been specified. Except for these alterations, final regulations remain unchanged from the emergency final regulations. Those cases processed for food stamps by the Social Security Administration and cases participating in selected demonstration projects are excluded from States' QC error rates. This ensures that States are not held accountable for errors beyond their control. State agencies will select samples as they currently do and conduct reviews following standard procedures unless FNS provides modified procedures for a demonstration project. However, in reporting on the results of reviews, the State agencies will separate the results of SSA and demonstration project cases from the sample and report on them separately. This includes both active and negative case samples. To ensure that SSA and demonstration project cases receive proper attention, however, these cases will not be excluded from State QC samples when completion rates (as described in § 275.11(f)) are calculated. Thus, State completion rates will be adversely affected if these cases are not reviewed.

Therefore, 7 CFR Parts 272 and 275 are amended to read as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, Paragraph (g)(24) is revised to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(24) Amendment 186. The procedures of Part 275 regarding SSA/food stamp joint processing and demonstration cases shall become effective on August 1, 1980 for all applicable State agencies. These procedures must be implemented by October 1, 1980.

* * * * *

3. Paragraphs § 275.12(b)(1)(vii) and (c), § 275.13(c), § 275.21(c) are revised to read as follows:

PART 275—PERFORMANCE REPORTING SYSTEM

Subpart C—Quality Control (QC) Reviews

§ 275.12 Review of active cases.

* * * * *

(b) * * *

(1) *Content of the review.* * * *

(vii) *Cumulative allotment error rate.* The cumulative allotment error rate shall include the value of the allotments underissued or overissued, including overissuances in ineligible cases, for those cases included in the active case error rate. As described in § 275.11(g), certain types of cases that have been excluded from State agencies' error rate calculations shall be excluded from the active case error rate identified above and the cumulative allotment error rate.

* * * * *

(c) Households correctly classified for participation under the rules of a demonstration project which establishes new FNS-authorized eligibility criteria or modifies the rules for determining households' eligibility or allotment level shall be reviewed following standard procedures provided that FNS does not modify these procedures to reflect modifications in the treatment of elements of eligibility or basis of issuance in the case of a demonstration project. If FNS determines that information obtained from these cases would not be useful, then they may be excluded from review. Households whose most recent application for participation was processed by the Social Security Administration personnel shall be reviewed following standard procedures. This includes applications for recertification, provided such an application is processed by the SSA as allowed in § 273.2(k)(2)(ii).

§ 275.13 Review of negative cases.

* * * * *

(c) Households whose application has been denied or whose participation has been terminated under the rules of an FNS-authorized demonstration project shall be reviewed following standard procedures unless FNS provides modified procedures to reflect the rules of the demonstration project. If FNS determines that information obtained from these cases would not be useful, then these cases may be excluded from

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review. Households whose application has been processed by SSA personnel and are subsequently denied participation shall be reviewed following standard procedures.

* * * * *

§ 275.21 Quality control review reports.

* * * * *

(c) In addition to the Form FNS–247 series described in paragraph (b) of this section, States shall submit information on the results of reviews of demonstration project cases and cases processed by SSA personnel (i.e., those identified as described in § 275.11(g)). If more than five SSA processed or demonstration project cases are selected in a State's sample, the State shall develop and submit additional Form FNS–247 series reports for these cases. If five or less such cases are selected, the State may submit the data sheet for the cases selected with its required Form FNS–247 series reports.

(91 Stat. 958 (7 U.S.C. 2011–2027))

It has been determined that this regulation imposes no new reporting and recordkeeping burdens over those currently approved by OMB.

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: September 11, 1981.

Darrel E. Gray,

Acting Administrator.

[FR Doc. 81–27513 Filed 9–21–81; 8:45 am]

BILLING CODE 3410–30–M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 680, Amdt. 2]

Valencia Oranges Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases the quantity of California-Arizona Valencia oranges that may be shipped to the fresh market during the period September 11–17, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the period specified due to the marketing situation confronting the Valencia orange industry.

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This amendment is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again on September 16, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports inadequate allotment to meet current demand for Valencia oranges.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. This amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Section 908.980 Valencia Orange Regulation 680 (46 FR 46111; Sept. 17, 1981), is hereby amended to read:

§ 908.980 Valencia Orange Regulation 680.

* * * * *

(a) District 1: 700,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 17, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–27562 Filed 9–21–81; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 92

Importation of Certain Animals; Harry S Truman Animal Import Center

AGENCY: Animal and Plant Health Inpection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations concerning the issuance of special authorization to be drawn on a lottery basis for the allotment of quarantine space for animals to be imported through the Harry S Truman Animal Import Center (HSTAIC). This action is being taken to provide an alternative use of the HSTAIC when the total number of animals for which special authorizations are granted for use of the HSTAIC is less than 50. This action provides individuals with the opportunity to apply for exclusive use of the HSTAIC on a first-come, first-served basis. The intended effect of this action is to provide an additional means by which the HSTAIC may be efficiently used.

DATES: Effective date September 22, 1981. Comments must be received on or before November 23, 1981.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, Hyattsville, MD 20782, 301–436–8170.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA APHIS, VS, Room 821, Federal Building, Hyattsville, MD 20782, 301–436–8530.

SUPPLEMENTARY INFORMATION: This interim action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." The Department has determined that this rule will result in no significant effect on the economy; will result in no increase in costs of prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets. The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this emergency interim rule.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action provides a method by which a single entity may have exclusive use of the HSTAIC for the quarantine of 50 or more cattle, when, under the present regulations the facility would otherwise have remained unused. Although any entity which wishes to import animals may apply for exclusive use of the HSTAIC, there will only be an economic impact on one entity for each quarantine period. Further, this action imposes no new additional requrements or costs on small entities.

Dr. Milton J. Tillery, Director, National Program Planning Staffs, has determined that an emergency situation exists which warrants publication without prior opportunity for public comment on this action. Under the present regulations, if the total number of animals for which special authorization is requested is less than 50, there will not be a lottery or importation and the HSTAIC will remain unused. A lottery was scheduled for January 1981; however, no requests for special authorization were received and the HSTAIC remained unused. This emergency action is necessary to provide an additional means by which the HSTAIC could be used in the event that the lottery scheduled on September 22, 1981, is not held due to a failure to obtain the requisite number of requests for special authorization. The Department has not received any requests for special authorization to be issued in the lottery scheduled for September 22, 1981. However, importers have indicated a desire to enter into arrangements with the Department to utilize the HSTAIC by placing immediately only their animals in the facility. It appears that unless the regulations are amended immediately to permit such importations, that the HSTAIC will again remain unused for an indefinite period of time.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency action effective less than 30 days after publication of this document in the **Federal Register**.

Comments have been solicited for 60 days after publication of this document, and this emergency action will be scheduled for review so that a final document discussing the comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Presently, the regulations regarding the importation of animals through the HSTAIC, Title 9, Code of Federal Regulations, section 92.41, provide that if the total number of animals for which special authorizations are requested is not at least 50, there shall not be a lottery or importation and the deposits shall be refunded to the applicants. Under these circumstances the HSTAIC is not used. The Department has had inquiries from importers who wish to import between 50 and 400 animals, but only if they can do so without placing their animals in the HSTAIC with animals owned by other applicants.

The purpose of the HSTAIC is to provide a means to import certain animals in to the United States that would not otherwise be eligible for importation and thereby broaden the genetic base of such animals in the United States. To accomplish this purpose, the Department needs to put the HSTAIC to the maximum use possible. This emergency action would provide that if a lottery is not to be held pursuant to the regulations, the HSTAIC may be used by persons who apply for exclusive use of the HSTAIC for between 50 and 400 animals on a first-come, first-served basis.

Therefore, this document amends the heading of present § 92.41(a) to read: "Procedures for special authorization issued on a lottery basis." This amendment is necessary to distinguish the procedures presently set forth in the regulations for the selection of applicants by lottery from the procedures added by this document and discussed below.

Presently, the proviso in § 92.41(a)(2) states that if the total number of animals for which special authorizations are requested is not at least 50, there shall not be a lottery or importation and the deposits shall be refunded to the applicants. This document amends that proviso to indicate that if the total number of animals for which special authorizations are requested is not at least 50, there shall not be a lottery or importation pursuant to § 92.41(a). However, special authorization for exclusive use of HSTAIC may be issued in accordance with the procedures set forth in a new § 92.41(b).

As stated above, the present lottery procedures remain in § 92.41(a). Present § 92.41 (b), (c), and (d), and the references thereto are redesignated § 92.41 (c), (d), (e). The alternative procedure discussed below is added in a new paragraph (b).

As stated above, this document provides a new § 92.41(b) which sets forth procedures for the issuance of special authorization for exclusive use of the HSTAIC for between 50 and 400 animals. As with the issuance of special authorizations on a lottery basis, the Department does not believe that HSTAIC can be operated economically with fewer than 50 animals in the facility. Special authorization for exclusive use of the HSTAIC for between 50 and 400 animals may be issued when the HSTAIC is not scheduled for use for an importation of animals pursuant to § 92.41(a). The Department has placed this limitation on exclusive use so that issuance of special authorization on a lottery basis will take precedence over exclusive use of the HSTAIC. The Department believes that preference should be given to issuance of special authorization on a lottery basis to prevent a few individuals who want exclusive use of the HSTAIC from monopolizing the facility to the detriment of numerous potential applicants who collectively may want to import between 50 and 400 animals at one time.

New § 92.41(b)(1) requires that each applicant requesting special authorization for exclusive use of the HSTAIC for between 50 and 400 animals must complete an application for importing animals through the HSTAIC. The application is the same one presently in use for applicants requesting special authorization issued on a lottery basis. The only additional requirement is that such applications indicate that the applicant is applying for exclusive use of the HSTAIC. This is necessary so that the Department can determine whether or not the applicant is requesting exclusive use of the HSTAIC. New § 92.41(b)(1) also provides that each application shall be valid only for the fiscal year (October 1–September 30) in which the application

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is received by the Import-Export Animals and Products Staff of APHIS. Therefore, an applicant who applies in a given fiscal year must reapply if he wants his application considered in a subsequent fiscal year. If such a time limit were not imposed, the Department believes that an extensive list of such applicants could develop, and because of changing conditions, many of the applicants would no longer be interested in importing animals through the HSTAIC. Nonetheless, the Department would have to spend time and money contacting these applicants to determine whether they were still interested in obtaining exclusive use of the HSTAIC. Furthermore, it is believed that an annual application system may encourage more importers to utilize the HSTAIC.

New § 92.41(b)(2) provides for the selection of applicants requesting special authorization for exclusive use of the HSTAIC for between 50 and 400 animals. Specifically, the applicant submitting the first completed application received by the Import-Export Animals and Products Staff shall be contacted by the Department and offered the opportunity to receive special authorization. If the applicant submitting the first application should decline acceptance of the special authorization or becomes ineligible, the applicant whose application was received second by the Import-Export Animals and Products Staff would be offered the opportunity to receive the special authorization. This procedure would be continued as long as there are applications to be considered or until an applicant accepts the offer of special authorization. The Department believes this method of selecting applicants for exclusive use of the HSTAIC is fair to the applicant and is not burdensome to the Department. Further, this method of selecting applicants on a first-come, first-served basis is presently being used at other Department import stations.

To prevent individuals from monopolizing the HSTAIC at the expense of other applicants who want exclusive use, new § 92.41(b)(2) provides that during a fiscal year (October 1–September 30) no applicant shall be offered special authorization more than one time unless there are no other applications from other applicants for special authorization for exclusive use of the HSTAIC for the Department to consider.

New § 92.41(b)(3)(i) provides that the applicant who first accepts the offer of special authorization for exclusive use of the HSTAIC shall be sent a cooperative agreement by certified-mail return receipt requested. The applicant shall execute and return to Import-Export Animals and Products Staff a cooperative agreement within 14 calendar days after receipt of the cooperative agreement and pay the required fee or deposit the required payment bond or letter of credit in accordance with the provisions of the cooperative agreement. A similar requirement is imposed upon applicants receiving special authorization pursuant to the lottery. However, under the lottery, the applicants or their designated legal agents or representatives must sign the agreement on the day of the drawing. This is because the applicant or his designated legal agent or representative is required to appear in person at the drawing and would be available to execute the cooperative agreement and pay the required fees. The Department believes that requiring the cooperative agreement to be executed and returned and the required fees to be paid, or the required bond or letter of credit to be deposited, within 14 calendar days after receipt of the cooperative agreement, provides the applicant with adequate time to take such action and gives the Department prompt assurance that the applicant will use the HSTAIC.

Further, new § 92.41(b)(3)(i), prohibits, as do the present lottery procedures, the assignment or transfer of authorization to qualify animals into the United States through the HSTAIC.

New § 92.41(b)(3)(ii) provides, as do the present lottery procedures, that in the event that applications are received for the importation of animals which originate from areas in which conditions are considered unacceptable as specified in § 92.4(a)(3), the applicant will be so notified.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMALS AND POULTRY PRODUCTS: INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations is amended in the following respects:

1. The heading for paragraph (a) of § 92.41 is amended to read:

§ 92.41 Requirements for the importation of animals into the United States through the Harry S. Truman Animal Import Center.

(a) *Procedures for special authorization issued on a lottery basis.* * * *

* * * * *

2. In the last sentence of § 92.41(a)(2) the proviso after the colon is amended to read:

(a) * * *

(2) * * *

Provided, That if the total number of animals for which special authorizations are requested is not at least 50, there shall not be a lottery or importation pursuant to this paragraph, the deposits of applicants requesting special authorization pursuant to this paragraph shall be refunded and special authorization may be issued in accordance with the procedures set forth in paragraph (b) of this section.

* * * * *

3. In § 92.41(a)(4), the reference to "§ 92.41(c)" is amended to read "paragraph (d) of this section."

4. In § 92.41, the reference to "paragraph (c)" in paragraph (b) is amended to read "paragraph (d)" and paragraphs (b), (c), and (d), are redesignated (c), (d), and (e), respectively.

5. In § 92.41, a new paragraph (b) is added to read:

* * * * *

(b) *Procedures for special authorization for exclusive use of the HSTAIC.* Special authorization for exclusive use of the HSTAIC for between 50 and 400 animals shall be issued in accordance with the following procedures when it is not scheduled for use for an importation of animals pursuant to § 92.41(a).

(1) *The application.* Each applicant for special authorization for exclusive use of the HSTAIC shall complete an application [14] for importing animals through the HSTAIC. The applicant shall also indicate on the application that the applicant is requesting special authorization for exclusive use of the HSTAIC. The completed application shall then be sent to the Import-Export Animals and Products.[14] Each application shall be valid only for the fiscal year (October 1–September 30) in which it is received by the Import-Export Animals and Products Staff.

(2) *Selection for special authorization for exclusive use of the HSTAIC.* Special authorization for exclusive use of the HSTAIC for between 50 and 400 animals shall be offered by the Department to the applicant whose valid completed application was first received by the Import-Export Animals and Products Staff.

If the applicant declines this offer, or becomes ineligible, special authorization for exclusive use of the HSTAIC for between 50 and 400 animals shall be offered by the Department to the applicant whose valid completed application was the second one received by the Import-Export Animals and Products Staff. The Department shall continue this procedure as long as there are applications to be considered or until an applicant accepts the offer of special authorization. *Provided that,* during a fiscal year (October 1–September 30) no applicant shall be offered special authorization more than one time, unless there are no other applications from other applicants for special authorization for exclusive use of HSTAIC for the Department to consider.

(3) *Requirements for special authorization.*

(i) The applicant who accepts the offer of special authorization for exclusive use of the HSTAIC shall be sent a cooperative agreement, as provided in § 92.41(d), by certified mail, return receipt requested. The applicant shall execute and return to the Import-Export Animals and Product Staff [14] the cooperative agreement within 14 calendar days of the applicant's receipt of the cooperative agreement and pay the required fee, or deposit the required payment bond or letter of credit, in accordance with the provisions of the cooperative agreement. Failure to return a completed cooperative agreement to the Import-Export Animals and Products Staff and pay the required fee, or deposit the required payment bond or letter of credit, within 14 calendar days of receipt of the cooperative agreement shall constitute a declination of the offer of special authorization. Authorization to qualify animals into the United States through the HSTAIC shall not be assigned or transferred, nor shall any interest therein be assigned or transferred.

(ii) In the event that any application is received for the importation of animals which originate in areas in which conditions are considered to be unacceptable as specified in § 92.4(a)(3), the applicant will be so notified in writing.

(Sec. 2, 32 Stat. 792, as amended, sec. 1, 84 Stat. 202; 21 U.S.C. 111 and 135; 37 FR 28464, 28477; 38 FR 19141)

All written submissions made pursuant to this rule will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 821, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 17th day of September 1981.

Paul Becton,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-27597 Filed 9-17-81; 12:05 pm]

BILLING CODE 3410-34-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[Docket 39836; Regulation ER-1246, Amdt. No. 58]

Tariff Flexibility

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is permitting airlines to use a tariff flexibility system for domestic air fares for the period until January 1, 1983, when airlines will no longer be required to file tariffs for domestic transportation. The system is designed to allow airlines and travel agents to prepare for the transition at their own pace.

DATES: Adopted: September 15, 1981. Effective: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: George S. Baranko or Barry L. Molar, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-6011 or 202-673-5205, respectively.

SUPPLEMENTARY INFORMATION:

The Proposed Rule

EDR-429, 46 FR 38642, July 28, 1981, proposed an exemption from section 403 of the Federal Aviation Act that would permit, but not compel, airlines to deviate from the prices filed in their tariffs for domestic passenger service. Order 81-7-108, July 21, 1981, which was issued along with and incorporated in EDR-429, discussed in detail the background and reasons for the proposed rule. The proposal was intended to allow an orderly transition period until January 1, 1983, at which time the Airline Deregulation Act provides for the expiration of section 403 with respect to domestic air transportation. This rulemaking is an outgrowth of two separate Board proceedings, the *Investigation into the Competitive Marketing of Air Transportation* (Docket 36595) and a rulemaking on "maximum tariffs" (Docket 38746; EDR-408; 45 FR 64864; September 30, 1980).

Under the proposed amendment of the Board's tariff rule, 14 CFR Part 221, an air carrier would be required to file with the Board a tariff stating an unrestricted coach fare for each pair of U.S. points that it served. The filing in tariffs of other fare categories, such as first class, night coach, or supersaver, would be permissive. Carriers could thus continue to file all their fare categories, as they do today, file a few of them, or file only unrestricted coach fares. For each category that it chose to file, the carrier would state a fare and the conditions under which the fare category was available.

If a passenger purchased a fare category that was filed in a tariff, carriers could not charge more than the fare on file, but could charge any amount less than that fare. If the purchased fare category were not on file, then the permissible selling prices would depend on the kind of service. For first class or other premium service that included amenities beyond the carrier's basic unrestricted point-to-point service in that market, there would be no regulatory constraints on the actual selling price. For all other fare categories not filed in a tariff, the actual selling price could not exceed the unrestricted coach fare on file, which would continue to be subject to the Board's fare policies under 14 CFR Part 399, Subpart C. That subpart establishes zones, based on the standard industry fare level (SIFL), within which the Board generally does not suspend fares.

Travel agents would, as a regulatory matter, have the same freedom as carriers to charge fares below filed amounts or, for first class and other premium service, charge fares at any level when no tariff was on file. Carriers that wished to continue today's practice of establishing retail prices to be charged by their agents could file notice of such an arrangement in tariffs, but an agent's failure to observe them would not be considered a violation of the Federal Aviation Act or the Board's rules. A carrier could, however, insure a travel agent's adherence to its pricing policy through contractual means. The amendment of Part 221 would not, however, constitute Board approval of such contracts under section 412 or a grant of antitrust immunity under section 414.

In markets where the unrestricted coach fare on file was also used for the construction of joint fares, no additional tariff filings would be required. In markets where a different fare was to be used for construction, that amount would also have to be filed in a tariff. The current practice in some markets of filing two coach fares, one for local traffic and one for construction of joint fares, could thus continue. In any event the constructed joint fare, unlike single-carrier fares, would be binding as it is today on both carriers and agents, unless the carriers agreed to a lower joint fare. Carriers that agreed to a lower joint domestic fare could file or not file it in a tariff, at their option. Such an agreed-upon joint fare would, as a regulatory matter, be only a ceiling, and carriers and agents would be free to charge a lower amount without violating section 403 or the Board's rules. As discussed above, however, carriers could specify by contract with their agents that such joint fares must be charged exactly.

The Board also invited comments on an alternative approach. Carriers would be required to file tariffs describing all their generally available fare categories instead of merely unrestricted coach fares and, where different, the fare for construction purposes. In all other respects this alternative was the same as the first proposal so that, for example, carriers would still be free to charge amounts below their filed fares.

The Comments

Comments were filed by American Airlines, Inc., American Express Company, the American Society of Travel Agents (ASTA), the Association of Retail Travel Agents, Ltd. (ARTA), the Aviation Consumer Action Project (ACAP), British Airways, the Bureau of Domestic Aviation (BDA), the Carnation Company, the Commuter Airline Association of America (CAAA), Delta Air Lines, Inc., the Department of Justice (DOJ), Farmland Industries, Inc., Foremost-McKesson, Inc., General Mills, Inc., the International Air Transport Association (IATA), Kimberly-Clark Corporation, Libbey-Owens-Ford Company, the National Industrial Traffic League (NITL), the National Passenger Traffic Association, Inc. (NPTA), Pan American World Airways, Inc., Republic Airlines, Inc., Southwest Airlines Company, Trans World Airlines, Inc., and U S Air, Inc. Generally, the nonairline corporate comments and those of ACAP, BDA, DOJ, NITL and NPTA supported the proposed rule. They all indicated their preference for reliance on free market forces, rather than regulatory solutions, to govern pricing practices in the airline industry and suggested that the proposed rule would remove existing regulatory constraints on pricing. The other commenters either objected to the proposed rule or sought clarification of its effect. Objections fall into three general categories. First, there are arguments that the proposed rule is not in the public interest, because it will do more harm than good to the air transportation system, especially now when the air transportation system is disrupted by the air traffic controllers' strike against the government. Second, there are arguments that the issue of relaxing the filing requirement of section 403 of the Federal Aviation Act is a decision that should and must be left to Congress. Finally, there are arguments that the proposed rule is inconsistent with this country's obligations to the international air transportation system.

The Final Rule

For the reasons set out in EDR-429 and Order 81-7-108, as supported by ACAP, BDA, DOJ, NITL, NPTA, and the nonairline corporate commenters, we have decided to adopt the tariff flexibility scheme as proposed. The objections of the other commenters and our responses are set out below. Also discussed below are some clarifying details and our reasons for not selecting the proposed alternative scheme.

Public Interest Arguments

a. The need for and the timing of the transition.

Many of the arguments raised against the tariff flexibility rule are premised on the notion that there is no need for a transitional pricing policy. For example, ASTA, Pan Am and TWA argue that the present system of filed tariffs affords air carriers all the pricing flexibility they desire. ASTA also argues, and Republic and USAir agree, that the present system does not inhibit competition by signaling price changes to competitors and is, in fact, extremely competitive.

In comparison to the pricing system that existed in the airline industry as recently as two years ago, the present system is competitive and appears to be serving the public well. What opponents fail to recognize, however, is that significant opportunities may remain for price innovation in the air transportation industry and we can best serve the public by not stifling that innovation, even though we cannot predict the particular changes that may occur. Taken together, advance notice of price changes and practices, constraints on rapid price changes, and the administrative cost of numerous tariff filings do constitute a significant impediment to innovation. Since no compelling case has been made that eliminating the current restrictions will cause undue harm to the industry and since it may substantially benefit consumers, we believe that it is in the public interest to remove now the features of the tariff filing system that inhibit airline price competition. Carriers will, however, remain free to use the tariff system to the extent they individually perceive benefits in the system.

American Express, American Airlines, ARTA, ASTA, and IATA all contend that a transition pricing policy is undesirable at this time because of the disruption of the airline industry that has been caused by the Professional Air Traffic Controller Organization's strike against the government. ASTA argues that the strike has disrupted service and limited the availability of air transportation. This argument fails to advance any logical reasons why our proposed policy favoring increased pricing flexibility should be delayed. To the extent that competition has diminished as a result of the capacity constraints, there is an extra reason to eliminate other barriers to competition. Rather than injuring the public, immediate action on the tariff flexibility rule will provide the public with the benefits that come with the possibility of increased competition.

We also reject arguments that there is not enough time remaining before the proposed implementation date of October 1st for the airline industry to make the transition to the new regime. CAAA requests that we delay our decision for 120 days to allow carriers to make decisions on price policy and to implement contractual arrangements. Delta requests it be delayed for at least six months, TWA for a year. American asserts that it will be doing all it can to make the change to the tariffless environment on January 1, 1983. The different perceptions of the time needed to devise individual carrier pricing strategies suggest the very reason why the rule should not be delayed. Carriers' abilities and desires to adjust to the new environment will differ dramatically. Yet the proposed rule does not require carriers to take any significant action by October 1st. Our decision does not materially affect travel agents' obligations to their air carrier principals. If a carrier decides to require agents to charge exact prices after October 1st, its decision will merely continue travel agents' current obligations in the air carrier/travel agent relationship. As a result, we believe that a carrier need only communicate its decision to the travel agent and that the travel agent would then be bound by those instructions because agents are obligated to abide by the reasonable instructions of their principals. Over the long term, however, pricing flexibility should be a matter of negotiation. On the other hand, carriers wishing to engage in innovative pricing proposals—such as Texas International's recent specific fare for members of the Airline Passenger Association—will be free to implement their proposals without

Board interference at their own pace and not that of some other carrier.

While we are making this rule effective shortly after its adoption, we note that carriers have had more than the asserted five weeks in which to develop contingency plans on how they might react to the pricing initiatives of other carriers. The possibility of a transitional pricing policy was first placed at issue in the *Marketing* case two years ago and we established an expedited schedule for these pricing issues ten months ago in Order 80-12-92. Moreover, during our consideration of this rule we gave parties the earliest possible notice of its probable effective date.

b. Disruption of the existing transportation system.

Several parties claim that the proposed rule will seriously disrupt the existing air transportation marketing system. They believe that there will be major changes in the way air transportation is marketed because, under the proposed rule, travel agent pricing practices would be governed by contractual arrangements with air carriers and not Board-enforced tariffs. ARTA suggests air carriers will be reluctant to communicate price information to travel agents and other air carriers for fear of antitrust prosecution under the Sherman Act for price signaling. TWA believes the elimination of mandatory tariff filings will necessitate a major transformation in existing computer systems and investment in new systems. In its view, the industry does not have, at this time, an adequate alternate method of disseminating price information. At a minimum opponents believe the proposed rule will cause instability in the industry and make it more difficult to do business.

We believe that these fears are unwarranted. As we pointed out in Order 81-7-108 at 7-8, our policy is a purely permissive one, affording air carriers the discretion to change their pricing practices at their own pace. While enforcement of air carrier pricing decisions will become a matter of contract, an individual air carrier will be free to continue to file exact tariffs and to use the tariff system to disseminate price information to travel agents, other air carriers and the public, if the carrier concludes tariffs serve that function. However, individual carriers will also be free to conclude that price information may best be disseminated by other means, for example, by direct dealings with the Airline Tariff Publishing Company. Carriers' economic self-interest dictates that adequate, accurate price information be distributed to the public.

Antitrust concerns that have been raised appear to be overstated. We have already concluded that the agency exception to the general proscription on the setting of retail sales prices will apply to the airline industry, a position strongly urged by a number of parties to this proceeding, including the Justice Department. However, ARTA appears to suggest that the mere exchange of information on prices for current and future effectiveness would result in a violation of antitrust laws. Under established law, the exchange of price information is not a violation. Rather, a violation occurs when there is an exchange of information among competitors whose purpose or likely effect is to fix or stabilize prices. *United States* v. *Container Corporation of America,* 393 U.S. 333 (1969). Under certain circumstances, courts will infer the existence of an express or tacit agreement to fix prices through the exchange of information. The present binding tariff system provides this type of mutual assurance about pricing intentions by operation of law and it is our intention to remove this potential impediment to independent pricing decisions. However, the absence of binding tariffs need not mean that advance publication of price information must cease. While courts have, on occasion, inferred tacit collusion from advance circulation of price information, they analyze the structure and functioning of the industry before finding that a conspiracy exists. Advance publication of fare information can serve a legitimate business purpose since the present integrated air transportation system is characterized by common agents and substantial interlining which require widespread dissemination of prices. A price fixing agreement will not be inferred from the mere advance publication of fares. Instead, courts would analyze the method of the price exchange to determine whether it evidences an agreement to fix prices.

Carriers currently submit price information to centralized publishing sources such as ATPCO and the Official Airline Guide, which compile and publish this information for use by travel agents and passengers, as well as other air carriers. This communication of independently set prices for widespread distribution can therefore be distinguished from the secret exchange of advance price information among direct competitors with which the courts are most often concerned. In case of direct submissions of price lists to carriers' computer reservations systems, such as Sabre, the potential for antitrust liability may simply be avoided by isolating that segment of a carrier's operations from its marketing department.

Courts have also analyzed industry structure before inferring that the exchange of prices is designed to fix prices. In an industry which is not structurally competitive and which faces inelastic demand, exchange of price information may have a tendency to stabilize prices. However, the airline industry does not possess these characteristics. Therefore, an antitrust plaintiff would have to overcome a presumption that this industry is structurally competitive and that carriers are pursuing independent pricing policies to increase their market share. Finally, to the extent minor modifications may be required to avoid antitrust liability, these questions will have to be faced in 1983. Our proposal allows carriers to begin that process, while tariffs are still available to carriers that feel a need for the antitrust protection they perceive that tariffs afford them.

ASTA and IATA also argue that the tariff flexibility rule will disrupt the air transportation system. However, they suggest that it is the combined effect of the tariff flexibility rule and the proposed elimination of rules tariffs (EDR-404B; 46 FR 35936; July 13, 1981) that will disrupt the air transportation system. In their view the elimination of specific prices, in conjunction with the elimination of standardized rules governing air carriage, will make each contract between an air carrier and a consumer subject to the contract, common carrier and consumer laws of each state. They envision the generation of tremendous amounts of paperwork, substantially burdening travel agents and outmoding automated equipment. They go on to suggest that travel agents and air carriers alike will be reluctant to ticket many carriers because of the possibility of misrepresenting their rules of carriage and that such incidents of the air transportation marketing systems as ticket standardization, refundability and exchangeability will be lost as air carriers recognize the uncertainties involved in accepting other air carriers' tickets. They conclude that interlining will be curtailed because of that uncertainty and the sheer cost of negotiating many individual contracts. The single contract with specific assurances and legal consequences now available throughout the world will not be available to travelers within the United States.

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We have not yet made a final decision on the proposal in EDR-404B to eliminate rules tariffs. We will fully consider the combined effect of the new tariff flexibility scheme and the elimination of rules tariffs before taking any final action in that rulemaking. Meanwhile, the scheme adopted today merely provides interested air carriers increased pricing flexibility. That freedom, especially in view of our decision to require carriers to continue to file coach fares for mandatory joint fare construction purposes, is not likely to result in significant cutbacks in interlining, ticket refund or exchange privileges.

ASTA and IATA also fail to recognize that the decision to eliminate tariffs—all tariffs—in domestic air transportation has already been made by Congress. Consequently, ASTA's and IATA's arguments, which are directed toward continuing tariffs indefinitely, indicate fundamental disagreement with the conclusion that the airline industry is functionally competitive and need not be regulated. They would have us continue regulatory constraints on air carriers because they do not trust the free marketplace to provide the public with interlining opportunities and ticket privileges to the extent the public demands them. We do not agree with these arguments. The philosophy underlying deregulation is that competitive forces, unfettered by government regulation, will insure that air carriers provide the quality and level of service that the public demands. We remain convinced of the desirability of this approach which serves as our guide in formulation of transitional policies absent a convincing showing of market failure.

USAir asserts that there is an inconsistency between the first alternative of EDR-429 and EDR-404B in that the latter appears to require the filing of construction rules and eligibility conditions for fares which themselves are not required to be filed. The reason for this apparent inconsistency is that EDR-404B reflected tariff filing requirements as they existed when it was issued, not rules that had not yet been proposed. We will reconcile the EDR-404B proposal with our action here, when and if we adopt a final rule. We agree that carriers should not be required to file fare conditions when fares themselves are not filed. Pending completion of the rulemaking in EDR-404B, carriers must continue to file rules contemplated in the proposed § 221.8(a), which deals with subjects other than price and eligibility. Rules contemplated by proposed § 221.8(b), which do establish price and availability, need only be filed for those fare categories a carrier must or chooses to file.

c. Tariff flexibility will cause substantial harm

Other public interest arguments predict substantial injury to the traveling public, air carriers or travel agents if the tariff flexibility rule is adopted. ASTA and USAir maintain that air carriers will have no choice but to give businesses volume discounts or some other price concession. Net yields will be lower and carriers will have to recoup the money from other passengers. ASTA argues that prices do not have to fall below cost before passengers must cross-subsidize those discounts; they need only bear a different relationship to cost for each class of traffic.

We reject arguments that there are no real cost savings from volume traffic and that air carriers will pursue uneconomic pricing policies. Our discussion of volume discounts in Order 81-7-108 suggested several types of economies that may serve to justify price concessions to business travel departments or volume purchasers, including the assurance of passenger volume that comes with a purchase commitment, and the cost savings that result when business travel departments handle corporations' ticketing and reservations. Since similar efficiencies are commonly recognized in purchase contracts in unregulated industries, the objection to our conclusions by some opponents is difficult to understand. But, in any event, we are not convinced that their perceptions are universally shared by all carriers or future entrants, and we certainly do not believe that their attitude toward volume discounts should be imposed on their competitors.

If there are efficiencies that can be generated through pricing plans that are now being inhibited by the tariff system, the fare paid by the BTD customer or large purchaser may be higher than the cost of providing service to those passengers. There is no reason to deny some passengers the benefits of a fare more directly related to their costs of service on the assumption that discretionary travellers will suffer. As we pointed out in Order 81-7-108, carriers will price their services in a manner that takes into account both the cost characteristics and demand characteristics of all types of passengers. Competition will prevent them from overcharging discretionary travelers to cross-subsidize volume users. There is no reason for the Board to usurp the function of the competitive marketplace in determining whether and to what extent such discounts are justified.

American Express and ARTA assert the proposed rule fails to take into account the fact that travel agents, because of rules of the Air Traffic Conference and the principal-agent relationship itself, will not be on an equal competitive footing with air carriers. American Express and ARTA point to subsection VII J. of ATC Resolution 90.3 and the terms of the Standard ATC Passenger Sales Agency Agreement—which provide that a travel agent shall comply with the instructions of a carrier and adhere to the tariffs, rules and regulations of the carriers—to suggest that travel agents will be placed at a significant competitive disadvantage if carriers may specify fixed fares to be charged by ticket agents and not be bound to charge those fares themselves.

Air carriers are free, right now, to file tariffs stating one price for a ticket purchased directly from the air carrier and another price for a ticket purchased from another marketer. As such, the rule does not give carriers a new freedom to undercut their agents. Moreover, the fact that they have not done so in the past suggests carriers are cognizant of the effects of their decisions on their primary marketing arm. In any event, the argument overlooks the fact that the current air transportation system hardly places travel agents and air carriers on an equal competitive footing. Existing ATC and IATA agreements are replete with examples of constraints on travel agent sales, such as location limitations, in-plant sales limitations, and a wide variety of constraints on the way travel agents can conduct their businesses. It has only been in the recent past that travel agents have gained the right to commissions on significant segments of the nondiscretionary travel market. Current ATC and IATA resolutions do no more than affirm a principal's right to bind its agents to the contract terms upon which they have agreed. If that contract includes a provision requiring the agent to adhere to prices set by the air carrier, and the air carrier chooses to undercut the agent on some segments of its traffic, the carrier principal will have to bear the likely consequences of an adverse reaction by its agents. The hearing record on the pricing issues in the *Marketing* case establishes that air carriers will act very carefully in this regard because travel agents are their primary marketing arm, often accounting for sixty percent or more of an air carrier's sales. Moreover, American Express'and ARTA's arguments are directed to the portions of the *Marketing* case that are still pending. The agents will be free to argue about the effects of tariff flexibility on outstanding agreements issues.

ARTA, ASTA and IATA argue that tariff flexibility will result in the contraction of the travel agency system. ARTA maintains that the contraction will result from larger agents' ability to demand and obtain price concessions that are unavailable to smaller agents. IATA, and apparently ASTA as well, maintain the contraction from the present system will be caused by a shift to individual carrier/agent contracts.

Both these arguments were addressed at length in Order 81-7-108. If price concessions are granted to volume purchasers, small medium size travel agents may be able to aggregate demand to command similar concessions. In addition, large agents do not often directly compete with small agents. Smaller agents are concentrated in smaller cities and towns and suburban areas and provide a convenient marketing outlet for the general public. Larger travel agents are concentrated in cities and often specialize in serving corporate clients. These agents are in the best position to adjust to the new pricing practices if price concessions are granted to BTD's. As for ASTA's and IATA's argument, we can only reiterate that our policy is a permissive one. Nothing in our policy mandates a significant change in pricing practices.

ASTA's IATA's and TWA's assertions that we have not fully considered the possible costs of our proposed policy are simply incorrect. As discussed in Order 81-7-108 and throughout this notice, we have carefully considered the burdens that the policy will allegedly create. We have concluded that they will not arise or are not significant, and we are confident that increased pricing freedom will be beneficial to the public and the air transportation system.

Deferral Pending Future Legislation

American Airlines, American Express, ARTA, ASTA, IATA, Republic and USAir all argue that because Congress may reconsider the elimination of the tariff filing requirement in domestic air transportation, it is inappropriate for the Board to take action now which might preempt one of the legislative alternatives.

Until such time as the Federal Aviation Act is amended, our responsibility is to act in a manner that is consistent with the current legislative mandate. We should not speculate about what new legislation, if any, Congress will adopt nor should we allow the mere introduction of legislation to forestall action that we find to be in the public interest.

ASTA and TWA also assert that the Deregulation Act contains its own timetable for the elimination of tariffs and that the tariff flexibility rule illegally accelerates that timetable. First, we note that this characterization is inaccurate since our rule will not eliminate tariffs. In any event, Congress, in giving us the exemption power, clearly contemplated that there might be circumstances in which departures from specific statutory provisions would be proper. We have determined that our tariff flexibility proposal will help assure a smoother transition and that it is therefore in the public interest. In *National Small Shipments Traffic Conference* v. *CAB*, 618 F. 2d 819 (D.C. Cir. 1980), the court held that the Board did not exceed its statutory authority to grant exemptions from the provisions of the Federal Aviation Act in exempting domestic cargo carriers from the duty to file tariffs and to provide air transportation service upon reasonable request.

ARTA broadly alleges that our action will preempt portions of the Agreements Phases of the *Competitive Marketing Investigation*. That issue was addressed at length in Orders 80-12-92, December 18, 1980 and 81-1-59, January 13, 1981 and need not be re-examined here.

International Issues

IATA, and to some extent British Airways, object to the Board's proposal because it does not resolve issues raised by the use of service between two domestic points in conjunction with service to a foreign point. IATA argues that such service is really service in foreign air transportation under established Board precedent, and that the Board is obliged to continue to require carriers to file binding tariffs in those markets. IATA also argues that the provision in most bilateral treaties giving foreign governments a right to have advance notice of prices for foreign air transportation requires the filing of binding domestic tariffs. IATA reasons that the ability to combine a domestic fare with a foreign fare renders that domestic fare a fare in foreign transportation. This in turn gives foreign governments a legitimate interest in domestic fares, including a right to advance notice and prior approval. Moreover, according to IATA, the U.S. Government must have an accurate knowledge of domestic fares which are combinable in foreign air transportation to undertake consultations with foreign governments in the event that they have objected to such fares.

IATA's arguments go much too far. If adopted, they would require the filing of an exact fare for every domestic market because service in any domestic market might be combined with service to a foreign point. The term "foreign air transportation" as currently understood for the purposes of filing requirements under the Act and bilateral obligations is much more limited. It clearly covers tariffs for through fares for on-line service, joint fares for interline service and arbitraries used to construct interline fares to interior U.S. points. Such fares would not be affected by our rule and their filing will continue to be mandatory. Between such tariffs and purely domestic fares there may be fares that raise uncertainties; these are best analyzed on a case-by-case basis and in a specific factual context.

IATA suggests that the right to monitor through fares for online services or the arbitraries used to construct interline fares does not fulfill the right to advance notice and approval of fares because some passengers might combine a domestic fare to a gateway with a foreign air transportation segment from that gateway. We reiterate a point made in Order 81-7-108: our bilateral agreements do not give foreign governments the right to dictate the terms of the domestic air transportation system, even though changes in the domestic system may incidentally affect foreign air transportation.

U.S. carriers have never submitted domestic tariffs to foreign governments. Nor have we required foreign carriers to file their intra-border tariffs with us under section 403 on the theory that a U.S. originating passenger might continue his journey beyond the foreign gateway using a fare offered by a foreign carrier for domestic transportation in its country. Passengers are now free to use discount fares in conjunction with a foreign segment by double ticketing. Under IATA's reasoning, foreign governments would have the right to disapprove domestic discount fares, such as supersaver or low-priced point-to-point fares, simply because some passenger could use these fares in combination with a foreign journey. Such an expansive reading of our obligations under the bilateral agreements is untenable. Our consistent practice has been to require the filing of foreign carriers' intra-border fares only to the extent that they are reflected in through or joint fares to U.S. points.

IATA supports its broad definition of foreign air transportation by resort to Board precedent in which we have considered the ultimate origin and destination in defining transportation as foreign or domestic. In fact, we have rejected that test when necessary to preserve a fundamental policy of the Act. In the *Qantas Empire Airlines Limited Foreign Transfer Traffic* Case, 29 CAB 33 (1959) for example, we declined to apply the origin-destination test when it would have permitted a foreign carrier to transport passengers between two U.S. cities even though all passengers were connecting to the service of another carrier providing the international leg of a through trip. In an even earlier case, we refused to treat the addition of a New York-Miami route to the domestic certificate of National Airlines as foreign air transportation requiring Presidential approval under section 801 because passengers over the new route might connect with the international services of Pan American at Miami. We concluded that this interpretation would produce results "... obviously contrary to the intent of the [Act]". *Colonial Airlines, Inc. et al., Atlantic Seaboard Operation*, 4 CAB 633, 634 (1944). While some fares, those including stopovers for example, present special problems and uncertainties about the status of service between domestic points, these uncertainties need not preclude Board action. Rather, we believe that such questions can best be resolved on a case by case basis.

IATA's interpretation of our bilateral responsibilities would, as a practical matter, nullify section 1601(a)(2) of the Act by requiring the continued filing of virtually all domestic fares after 1983. Under IATA's theory, any fare that could conceivably be used with a foreign fare would have to be filed. Indeed, even those fares which a carrier specified were noncombinable would have to be filed because passengers could circumvent this restriction by double ticketing. Since IATA maintains that knowledge of domestic fares is required so that foreign governments may exercise their bilateral rights to reject fares in foreign air transportation, it argues in effect that foreign governments have a right to suspend fares at a time when the Board's own jurisdiction to do so has been greatly circumscribed. *See* Section 1002. This result is clearly at odds with the intent of the statute.

IATA as well as British Airways claim that the fair and equal access provisions of U.S. bilateral agreements assure foreign carriers the opportunity to compete for traffic originating at interior U.S. points by interline service over gateway cities. These commenters argue that EDR-429 will deny fair and equal opportunities to compete in two ways. IATA and British Airways first allege that U.S. carriers will be able to undercut foreign carriers' through fares by offering unpublished fares over the domestic segment and labelling them as domestic air transportation. These commenters envision that foreign carriers could not compete because they would have no way of verifying prices. British Airways further argues that carriers have in fact already tried to develop noninterlinable passenger fares and cargo rates as evidenced by complaint proceedings in Docket 39595 (Northwest Airlines' Export Inland Contract Rate), and 38899 (Visit USA Fares).

Even if we accept *arguendo* IATA's interpretation of the fair and equal access provisions, its argument overlooks current industry practice as well as the practice that is likely to develop in the absence of binding domestic tariffs. Currently, air carriers rely heavily on unofficial rate books as well as computerized fare information in determining through fares. Neither of these methods of distributing pricing information is a binding tariff. Moreover, special tariff permission rules already permit fare changes on as little as 12 hours notice and therefore would provide little advance warning to foreign governments.

In any event, it is unlikely that reliable fare information will disappear if binding tariff-filing requirements are reduced. Based on the practice in most industries, it is reasonable to expect that carriers will not negotiate with each and every customer, as this argument assumes. Rather, they are more likely to establish and advertise a price generally fair, available to most passengers as a matter of corporate policy. In practice, tariffs are not the primary or most convenient method of obtaining pricing information now. Pricing information will continue to be disseminated to the public in some way and foreign carriers and governments will be able to obtain information on domestic segments in this manner. If they determine through these means that U.S. carriers are attempting to avoid their obligation to file tariffs for foreign air transportation, as has been alleged in the dockets referred to by British Airways, we will consider requests to enforce this requirement. Whether a particular service is foreign air transportation is often a factual question which can only be resolved in a specific proceeding such as the pending cases cited above.

IATA and British Airways also argue that foreign carriers will be denied fair and equal access to the U.S. market as a result of the impact of tariff flexibility on travel agents. Specifically, each claims that foreign carriers are particularly dependent on travel agents, especially for sales at interior points; that the travel agency system will contract sharply as a result of the loss of domestic business; and that this, in turn, will reduce foreign carriers' access to interior traffic and place them at a competitive disadvantage vis-a-vis U.S. carriers.

The impact of tariff flexibiliy on the agency system was thoroughly litigated in the Phase 5 proceedings and was considered by us at length in Order 81-7-108. We concluded at that time that it would not bring about any fundamental changes in the scope of the existing travel agency network. IATA has presented no new arguments or evidence that foreign carriers will lose substantial agency representation in cities where domestic carriers maintain ticket offices. In other cities, of course any reduction in agency locations, although unlikely, would affect U.S. carriers in much the same way as foreign carriers.

IATA argues that the absence of binding tariffs governing rules and fares for domestic transportation will, as a practical matter, virtually eliminate the interline system. It states that the absence of interlining opportunities will render travel to interior points by foreign originating traffic much more difficult and will impinge on foreign carriers' rights to fair and equal access to compete for interior point traffic in the U.S.

To a large extent, IATA's arguments on the continued viability of interlining are more appropriately considered in connection with EDR-404B, the proposed rule to eliminate certain domestic rules tariffs. In any event, exact price tariffs and rules tariffs will still be filed under today's rule for domestic portions of international fares. Foreign carriers will accordingly be able to continue to use standardized traffic documents and the industry-wide settlement systems currently in place for their interline traffic to interior U.S. points. For the same reason, we will also deny British Airway's request that we modify proposed § 221.3(e)(2) to state that negotiated joint fares in foreign air transportation be filed as binding tariffs. Since we will treat such joint fares as involving foreign air transportation and § 221.3(e) by its terms applies only to interstate and overseas air transportation, no modification of our proposal is required. Section 221.3(e)(2) simply does not apply to these fares.

The Alternate Proposals

In EDR–429, we solicited comments on an alternate proposal that would require filing each generally available fare category. American Express, BDA, DOJ, Farmland Industries, General Mills, and NPTA prefer the first alternative, which requires only the publication of unrestricted coach fares. They submit that to the extent that filing of fares in tariffs continues to make sense, carriers will do so without a Board requirement and that there are numerous reasons not to require the filing of all fare categories. They argue that mandatory filings would inhibit price innovations by increasing the cost of implementing new pricing programs and the risk that they would be challenged and blocked by government action. By providing more notice of pricing practices to other carriers, the alternative rule would reduce the incentive to experiment. Finally, the definition of "generally available fare category" is susceptible to the interpretation that any fare offered to a generic class of customers would have to be filed, including, for example, a standard corporate discount. Such an interpretation would result in virtually no increase in pricing freedom.

American, Carnation and Pan American prefer the alternative of requiring the filing of fares for each generally available fare category, which they believe is a less drastic transitional step. Except for the nonbinding nature of the filed fares, they argue that the system would be essentially the same as the current one and would require fewer immediate modifications of interlining practices and computer reservation systems. American has proposed a definition of "generally available fare category" that would confine it to sales to individually ticketed passengers by carriers or their agents. According to the carrier, this definition would permit carriers to implement both net fare and volume discount policies without disclosing them in tariffs.

We have decided to require only the filing of an unrestricted coach fare and, where different, a fare for use in construction of joint fares. Proponents of this alternative have suggested a variety of reasons why requiring that all fare categories to be filed would inhibit carriers from engaging in legitimate pricing experiments. Given the permissive nature of the first alternative, carriers can voluntarily file additional fare information. Arguments for the second alternative merely recount reasons why carriers have incentives to file their full array of fares and conditions. Since our action will not foreclose their opportunity to do so, the system that evolves in the near term may well resemble the second alternative. But that decision should be left to individual carriers. Finally, it is by no means clear that fare information will not be available from carriers that refrain from voluntarily filing their fares in tariffs. Carriers use other means to distribute price information now, and parties have not provided any sound reasons why carriers will not continue to disseminate reliable price information on generally available fares even when they do not use tariffs.

Requests for Modification and Clarification

American Express, BDA, DOJ, Republic and Southwest all suggest that we clarify the extent to which we are granting travel agents and air carriers pricing freedom by this rule. American Express and Southwest request that we make it clear that travel agents are free to charge prices above those on file with the Board. Southwest believes that in the absence of such a statement, contractors in its Ticknet program may be found to be ticket agents and foreclosed from charging premium prices for certain flights. American Express suggests that the Board approve the assessment of service charges by travel agents for what it describes as additional amenities. While it believes the issuance of a single factor ticket is clearly not an amenity, it submits that ticket re-issuance or revalidation and issuance of highly complex tickets involve additional services that should be compensable. It recommends that we consolidate Docket 37642, where service charges are at issue, into this proceeding.

Both requests would entail major changes in our transitional policy in order to accommodate the pricing practices of individual carriers or agents. Only relatively minor changes in these carriers' pricing practices would be necessary to fall within the pricing flexibility the rule would afford air carriers and travel agents. As we indicated in Order 81–7–106, our policy reflects an effort to accommodate generally the concerns of various parties to the proceeding. Among those concerns were the need to assure the public of a cap on basic fares in a given market, to provide air carriers and travel agents with a fare to use for interline fare construction, and to meet our monitoring and fare oversight reponsibilities. We concluded and remain convinced that the best way to accomplish these goals is to continue to require carriers to file unrestricted coach fares and to prohibit them or their agents from charging prices above that amount. If carriers afford their travel agents the freedom to set the price of air transportation, and find that agents cannot compete at or below the unrestricted coach price, air carriers should file a higher unrestricted coach fare, or file a tariff indicating that travel agents may charge a higher price up to a specified ceiling. Of course, the filed ceiling cannot exceed the SIFL level plus fare flexibility, unless it has been specifically justified. We will require Southwest to use its special exemption and tariff mechanism to maintain its Ticknet program, unless it is willing to file fares to serve as ceiling fares for Ticknet sellers under the tariff filing policy we are adopting. We do not intend that our tariff flexibility policy foreclose nonconforming marketing strategies, but we are not prepared to incorporate exceptions in the policy itself. Similarly, if carriers afford it the freedom to set prices, American Express can set a specific price, or a series of prices reflecting the different levels of service that it provides customers, as long as its total price is below the unrestricted coach fare or other fare on file. Charges in excess of the filed fare are permissible only if a special tariff is on file. We will not consolidate Docket 37642, as American Express has requested, because we still want to address the question of permissible service charges generally.

Next, DOJ has asked us to relax provisions of the proposed rule that make constructed interline fares binding on carriers and agents except where carriers have agreed to charge lesser amounts. DOJ argues that we should permit carriers to charge less, unilaterally, over their own segments of interline journeys. We believe that such a modification in the proposed rule is unnecessary at this time. The rule as proposed will allow carriers to negotiate interline arrangements that include the option of pricing flexibility and therefore imposes no substantial barrier to experimentation. In addition, mandatory joint fares are due to expire at the end of 1982 and we are now considering a number of issues relating to joint fares in another rulemaking. PSDR–70; 46 FR 29719; June 3, 1981. The proposed changes in the fare and division formulas, in that proceeding, may encourage voluntary interline agreements.

Nor will we eliminate or modify, as DOJ suggests, the provisions in § 221.3(e)(3), which states that carriers may arrange, by contract with their ticket agents, to specify fixed fares to be charged by the ticket agents. DOJ's concern that the section may create new rights in the air carrier/travel agent relationship is unfounded. The provision merely states existing carrier rights in the principal agent relationship and emphasizes that no Board approval or antitrust immunity is conferred on such arrangements. BDA requests we make it clear that air carriers are free to limit travel agents' prices to certain ranges and to set minimum prices. DOJ adds that we should clarify the rule to establish that air carriers may charge less than their prices on file even though they are requiring their agents to adhere to those prices. Our discussion of the issues raised in the various comments makes it clear that these practices are permissible.

Republic has suggested a more fundamental change. It would have us fashion our rule so that agents are exempted from section 403 only where a carrier expressly agrees to let them deviate from filed fares. Under this suggestion, carriers would be required to take no action to maintain unitary pricing. We reject this approach. While principals have the right to set the price at which agents sell in most industries, this right is established and enforced as a matter of contract law, rather than through federal regulation. Republic can maintain unitary prices simply by instructing its agents. Our proposal imposes no burden on air carriers other than that which exists in all unregulated industries.

USAir asks us to provide clear guidance on the extent to which carriers can experiment with fares. For example, it asks for clarification of whether price concessions to volume purchasers can be made at the accounting level (rather than at time of purchase) and whether volume discounts must be cost related. In any event, it asserts that air carriers must be granted an exemption from section 404 of the Act to insure that carriers are not subject to complaints of unjust discrimination and undue prejudice or preference in the sale of air transportation. USAir misunderstands the import of our decision. We did not, by our decision, propose any change in our discrimination policies. Our current statement on acceptable price differentiations under section 404(b) is PS–93, 45 FR 36058, May 29, 1980. PS–93 sets forth at length the circumstances in which we would be willing to interfere with carriers' pricing judgments. In Order 81–7–108 we examined the record in the *Marketing* case in light of those standards and determined in a generic sense that there could be a number of cost justifications for price concessions to corporations or other volume purchasers. We therefore saw no reason to block tariff flexibility. However, it may be that an individual price discount will not be justified and, upon receipt of a complaint against that fare, we would review it under the standards of PS–93. It is incumbent upon individual air carriers to assess their pricing policies and proposed price concessions in light of PS–93, which provides the specific guidance on discrimination questions sought by USAir.

BDA suggests that we should not reconsider our tariff filing policies in a year, as we proposed to do in Order 81–7–108. In its view, it would serve little purpose since the domestic tariff filing requirement is set to expire on December 31, 1982. We disagree. We intend to both continuously monitor air carrier pricing practices under the tariff flexibility rule—to insure that pricing innovation proceeds as we expect—and to afford interested persons an opportunity to comment on the effects of our transitional policies. Both these processes should be completed by September 1, 1982, in time to report our conclusions to Congress.

For the reasons set forth above and in Order 81–7–108, we believe the public will be best served by implementation of the first alternative proposed in EDR–429 and by making this final rule effective on October 1, 1981. We announced in the Order that October 1st would be the likely effective date of any final action, and affected persons may well have begun to plan pricing strategies on the basis of that announcement. Postponing the effective date until 30 days after publication of this rule may result in public confusion, and would deprive passengers of potential benefits from the earliest possible implementation.

Final Regulatory Flexibility Analysis

The discussion above constitutes the Board's final regulatory flexibility analysis of this rule, pursuant to 5 U.S.C. 604. Copies of this document can be obtained from the Distribution section, Civil Aeronautics Board, Washington, D.C. 20428 (202) 673–5432, by referring to the "ER" number at the top of the document.

Schaffer, Member, Concurring and Dissenting

As previously indicated, I favor the more moderate alternative proposal which would require the filing of each generally available fare rather than just the normal economy fare. The alternative is a less drastic, more easily understood proposal which would provide a proper transition as we move to a tariff-less environment.

As several proponents of the alternative point out, the system would be essentially the same as the current one and would require fewer immediate modifications of interlining practices and computer reservation systems while, at the same time, allowing the full measure of price flexibility and innovation that the majority wishes to encourage.

Moreover, the alternative really wouldn't result in any increased costs since the carriers already have tariff filing systems in place and the definition proposed by American Airlines, that "generally available fare category" be confined to fares offered to individually ticketed passengers by carriers or their agents, blunts the argument that a standard corporate discount fare would have to be filed under this proposal. In short, the alternative offers the same full range of pricing freedom allowed by the proposal adopted here, but keeps public and carrier confusion to a minimum.

Gloria Schaffer.

The Amendments

PART 221—TARIFFS

Accordingly, the Board amends 14 CFR Part 221, *Tariffs*, as follows:

1. The authority for Part 221 is:

Authority: Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, Pub. L. 85–726, as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482.

2. In § 221.3, the first sentence of paragraph (a) is amended by inserting "or (e)" and a new paragraph (e) is added, to read:

§ 221.3 Carrier's duty.

(a) *Must file tariffs.* Except as set forth in paragraph (d) or (e) of this section, * * *

* * * * *

(e) *Domestic passenger fare tariffs.* For interstate and overseas air transportation of passengers, the following provisions apply to each pair of points served by an air carrier:

(1) The carrier shall file a tariff stating an unrestricted coach fare for service between those points. The carrier may also file tariffs describing other fare categories (*e.g.,* first class, super-saver). Such tariffs shall include the availability conditions applicable to each fare category filed. The carrier shall not charge any passenger more than the fare on file for the fare category purchased by the passenger, but may charge less than that fare. If there is no fare on file for the fare category purchased by the passenger, the carrier shall not charge more than the unrestricted coach fare on file, except for service that includes additional amenities.

(2) The carrier shall also file a tariff stating the amount to be used for construction of joint fares for interline service, if that amount is different from the unrestricted coach fare on file. Joint fares constructed from such filed

amounts shall be binding on carriers and ticket agents except for interline routings where the carriers have agreed to charge lesser amounts.

(3) Ticket agents shall not charge any passenger more than the fare on file for the fare category purchased by the passenger, but may, except as set forth in paragraph (e)(2) of this section, charge less than that fare. If there is no fare on file for the fare category purchased by the passenger, the ticket agent shall not charge more than the unrestricted coach fare on file except for service that includes additional amenities. A carrier may arrange, by contract with its ticket agents, to specify fixed fares to be charged by the ticket agents, and may provide notice of such arrangements in its tariffs. Failure of ticket agents to observe such arrangements will not, however, be considered a violation of the Act or of Board rules. The Board does not hereby approve such contractual arrangements under section 412 of the Act or exempt them from the antitrust laws under section 414.

(4) Air carriers and ticket agents are exempt from the requirements of section 403(a) and (b)(1) of the Act and the other provisions of this part to the extent necessary to allow the filing of tariffs and the charging of prices for interstate and overseas air transportation as set forth in this paragraph (e).

(5) In this paragraph, "charge" includes "charge," "collect," "demand," and "receive," as those terms are used in section 403 of the Act.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-27561 Filed 9-21-81; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33-6326, IC-11850, AS-294, File No. S7-865]

Standardization of Financial Statement Requirements in Management Investment Company Registration Statements and Reports to Shareholders

Correction

In FR Doc. 81-20597 appearing at page 36120 in the issue for Tuesday, July 14, 1981, make the following correction:

On page 36125, in the first column, in the last line, in § 210.3-18(c), "the current balance sheet" should have read "the most current balance sheet".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 175 and 177

[Docket No. 79F-0415]

Food for Human Consumption; Indirect Food Additives

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to reinstate the terms "Sodium dodecylbenzenesulfonate" and "Sodium decylbenzenesulfonate" to certain regulations allowing the use of these substances as indirect food additives. This action is in response to objections received following publication of a final rule which provided for the safe use of *n*-alkylbenezenesulfonic acid and its ammonium, calcium, magnesium, potassium, and sodium salts as emulsifiers and/or surface-active agents in the manufacture of articles or components of articles intended to contact food.

DATES: Effective September 22, 1981; objections by October 22, 1981.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 10, 1980 (45 FR 67320), FDA issued a final rule amending the food additive regulations in § 178.3400 *Emulsifiers and/or surface-active agents* (21 CFR 178.3400) to provide for the safe use of *n*-alkylbenzenesulfonic acid and its ammomiun, calcium, magnesium, potassium, and sodium salts as emulsifiers and/or surface-active agents in the manufacture of articles or components of articles intended for food-contact applications. The order further amended the food additive regulations by deleting the item "Sodium dodecylbenzenesulfonate", from § 175.300, § 177.1010, and § 177.2600 (21 CFR 175.300, 177.1010, and 177.2600) and the item "Sodium decylbenzenesulfonate" from § 177.2600, because the agency then believed that the amendment to § 178.3400 would provide for use of the deleted additives.

FDA has received written objections from two firms to the final rule amending § 178.3400 and deleting the item "Sodium dodecylbenzenesulfonate" from §§ 175.300, 177.1010, and 177.2600, and the item "Sodium decylbenzenesulfonate" from § 177.2600. Both objectors claimed that the agency's action affects them adversely. A summary of the objections raised in these submissions and the agency's responses follow:

1. *"Hard" (i.e., branched chain) vs "soft" (i.e., linear or n-alkyl) benzenesulfonate surfactants.* The objections indicated that the term *n*-alkyl-benzene sulfonic acid and its salts denotes only a linear chain, and might be interpreted as not including a branched chain dodecylbenzene sulfonate sodium salt. The objection pointed out that the previous designation "dodecylbenzene sulfonate" did not distinguish between a linear or branch chain, and that the names sodium dodecylbenzenesulfonate in §§ 175.300, 177.1010, and 177.2600 and/or sodium decylbenzenesulfonate in § 177.2600 as currently listed encompass both "hard" (i.e., branched chain) surfactants and "soft" (i.e., linear *n*-alkyl) surfactants. Both "hard" and "soft" surfactants are being sold and used under the food additive regulations.

The agency agrees with the objections and finds that in its effort to simplify the listings of the alkylbenzenesulfonate surfactants, the term sodium dodecylbenzenesulfonate was improperly deleted from §§ 175.300, 177.1010, and 177.2600 and the term sodium decylbenzenesulfonate was improperly deleted from § 177.2600. The agency concludes that both terms should be reinstated in the appropriate subsections.

2. *Use limitations.* One objection stated that "Sodium *n*-alkylbenzenesulfonate (alkyl group * * *)" had been cleared under § 178.3400 without a limitation. The objection interpreted this to mean that the substance may be used in many appropriate indirect food additive situations subject to the provisions of § 174.5, and that the amendment to § 178.3400 limiting the use of the sodium salt to certain named regulations would be a substantive, not an editorial change.

The agency concludes that this interpretation is incorrect. The regulation authorizing the use of the additive was published in the May 18, 1966 issue of the **Federal Register** (31 FR 7227) in response to a food additive petition. At that time, the regulation had limited the use of the additive to a component of certain food-contact articles complying with specific food additive regulations. However, in the 1978 issue of Title 21 of the Code of Federal Regulations this limitation on the use of the substance was inadvertently listed in the limitations column for the item "Sodium 1,4-dicyclohexyl sulfosuccinate." In the 1979 edition of the CFR, this limitation was removed from the entry for "Sodium 1,4-dicyclohexyl sulfosuccinate," but was then incorrectly placed under the entry for "Sodium *n*-alkylbenzenesulfonate (alkyl group * * *)" in the column under "List of substances." The October 10, 1980 rule correctly reinserted the limitation in the appropriate column for the item "Sodium *n*-alkylbenzene-sulfonic acid (alkyl group * * *"). The agency thus rejects the firm's objection because no new limitation has been prescribed for the additive. The October 10, 1980 change was nonsubstantive and was made solely to correct a number of previous editorial errors, as explained above.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s) and 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s) and 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Parts 175 and 177 are amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

§ 175.300 [Amended]

1. Part 175 is amended in § 175.300 *Resinous and polymeric coatings* by alphabetically inserting the item "Sodium dodecylbenzenesulfonate" in the list of substances in paragraph (b)(3)(xxix) of section.

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.1010 [Amended]

2. Part 177 is amended:

a. In § 177.1010 *Acrylic and modified acrylic plastics, semirigid and rigid* by redesignating paragraph (a)(7) as (a)(8) and adding new paragraph "(a)(7) Surface active agent: Sodium dodecylbenzenesulfonate."

§ 177.2600 [Amended]

b. In § 177.2600 *Rubber articles intended for repeated use* by alphabetically inserting the items "Sodium decylbenzenesulfonate" and "Sodium dodecylbenzenesulfonate" in the list of emulsifiers in paragraph (c)(4)(viii).

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 22, 1981 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective September 22, 1981.

(Secs. 201(s) and 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s) and 348))

Dated: September 15, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–27482 Filed 9–21–81; 8:45 am]

BILLING CODE 4110–03–M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Amprolium and Carbarsone

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Merck Sharp & Dohme Research Laboratories providing for the safe and effective use of a complete turkey feed manufactured by combining separately approved amprolium and carbarsone premixes. The feed is used as an aid in preventing outbreaks of coccidiosis and blackhead.

EFFECTIVE DATE: September 22, 1981.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV–149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, NJ 07065, filed an NADA (118–507) providing for use of amprolium at 113.5 to 227 grams per ton (0.0125 to 0.025 percent) in combination with carbarsone (not U.S.P.) at 227 to 340.5 grams per ton (0.025 to 0.0375 percent) in finished turkey feeds to aid in prevention of coccidiosis and blackhead. The firm submitted data to comply with the requirements of the Bureau of Veterinary Medicine's combination drug guidelines. The NADA is approved and the regulations are amended to reflect this approval.

Approval of this NADA relies in part upon safety and effectiveness data contained in Merck Sharp & Dohme's NADA 12–350 for amprolium and Whitmoyer Laboratories NADA 10–285 for carbarsone (not U.S.P.). Use of those data to support this NADA has been authorized by both firms. This approval does not change the dosage levels or indications for the drugs. Residues from each drug component in the combination are below their corresponding tolerances at withdrawal times currently established for their individual use. The agency concludes that this approval poses no increased risk to humans exposed to residues of the drugs. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977) this NADA has been treated as a Category II supplement which did not require a reevaluation of the underlying human safety data in NADA's 12–350 and 10–285.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(ii) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

1. In § 558.55 by alphabetically adding a new carbarsone subitem to paragraph (e)(2)(iv), to read as follows:

§ 558.55 Amprolium.

* * * * *

(e) * * *

(2) * * *

Amprolium in grams per ton	Combination in grams per ton	Indications for use	Limitations	[illegible]
*	*	*	*	*
(iv) * * *	* * *	* * *	* * *	* * *
	Bacitracin plus penicillin 100 to 500 (of combination).	* * *	* * *	
	Carbarsone 227 to 340.5	Turkeys; aid in prevention of coccidiosis (*Eimeria adenoeides, E. meleagrimitis,* and *E. gallopavonis*) and blackhead.	Feed continuously 2 weeks before coccidiosis and blackhead are expected and continue as long as prevention is needed; withdraw 5 days before slaughter; use as sole source of amprolium and organic arsenic; do not use as a treatment for outbreaks of coccidiosis; carbarsone by 011794 in § 510.600(c) of this chapter.	[illegible]
*	*	*	*	*

2. In § 558.120 by adding new paragraph (e)(2)(ii) to read as follows:

§ 558.120 Carbarsone (not U.S.P.).

* * * * *

(e) * * *

(2) * * *

(ii) Amprolium as in § 558.55.

Effective date. This amendment is effective September 22, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 15, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-27484 Filed 9-21-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Virginiamycin and Lasalocid Sodium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by SmithKline Animal Health Products, Division of SmithKline Corp., providing for the use of virginiamycin in combination with lasalocid sodium in broiler or fryer chicken feeds for increased rate of weight gain and improved feed efficiency, and for the prevention of coccidiosis.

EFFECTIVE DATE: September 22, 1981.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: SmithKline Animal Health Products, Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, PA 19101, filed an NADA (122-608) providing for manufacture of broiler or fryer chicken feeds containing 20 grams per ton of virginiamycin for increased rate of weight gain and improved feed efficiency in combination with 68 to 113 grams per ton of lasalocid sodium for the prevention of coccidiosis. The firm submitted data to comply with the requirements of the Bureau of Veterinary Medicine's combination drug guidelines. Each drug is presently regulated for use alone in broiler chicken feed for the same individual drug claim. Effectiveness of virginiamycin as a growth enhancer for broiler chickens is established by data from controlled clinical studies which also indicate the optimal dose level and also establish that such effectiveness is not diminished in the presence of lasalocid sodium. This approval does not change the indications for the drugs. Effectiveness of lasalocid sodium for the intended use is established by data from controlled studies and such data establish that virginiamycin does not interfere with the anti-coccidial effect of lasalocid sodium. Safety of the drug combination to broiler or fryer chickens is established. This approval does not change the indications for the drugs. Residues from each drug component in the combination are below their corresponding tolerances at withdrawal times currently established for their individual use.

The agency concludes that this approval poses no increased risk to humans exposed to residues of the drugs. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this NADA has been treated as a Category II supplement which did not require a reevaluation of the underlying human safety data on the drugs. The application is approved and the regulations are amended to reflect this approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(ii) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an enivronmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive

Order 12291 by section 1(a)(1) of the Order.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

1. In § 558.311 by revising paragraph (b) and adding a fifth entry to the table in paragraph (e) to read as follows:

§ 558.311 Lasalocid sodium.

* * * * * *

(b) *Approvals.* (1) Premix levels of 3.0, 3.3, 3.8, 4.0, 4.3, 4.4, 5.0, 5.1, 5.5, 5.7, 6.0, 6.3, 6.7, 7.2, 7.5, 8.0, 8.3, 10.0, 12.5, 15, 20, and 50 percent lasalocid sodium activity granted to 000004 in § 510.600(c) of this chapter for use as provided in paragraph (e)(1), (2), (3), and (4) of this section.

(2) Premix level of 15 percent lasalocid sodium activity granted to 000007 as provided by 000004 in § 510.600(c) of this chapter for use as provided in paragraph (e)(5) of this section.

* * * * * *

(e) * * *

Lasalocid sodium activity in grams per ton	Combination in grams per ton	Indications for use	Limitation	Sponsor
* * * * * * *				
(5) 68 (0.0075 pct) to 113 (0.0125 pct).	Virginiamycin 20	For prevention of coccidiosis caused by *Eimeria tenella E. necatrix, E. acervulina, E. brunetti, E. mivati,* and *E. maxima,* and for increased rate of weight gain and improved feed efficiency.	For broiler and fryer chickens only; feed continuously as sole ration; do not feed to laying chickens; withdraw 5 days before slaughter; lasalocid sodium provided by No. 000004 in § 510.600(c) of this chapter.	000007

2. In § 558.635 by adding new paragraph (f)(3)(ii) to read as follows:

§ 558.635 Virginiamycin.

* * * * *

(f) * * *

(3) * * *

(ii) Lasalocid sodium in accordance with § 558.311.

Effective date. This amendment is effective September 22, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated September 15, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–27483 Filed 9–21–81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Virginiamycin and Monensin Sodium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by SmithKline Animal Health Products, Division of SmithKline Corp., providing for the use of virginiamycin in combination with monensin sodium in broiler or fryer chicken feeds for increased rate of weight gain and improved feed efficiency, and to aid in the prevention of coccidiosis.

EFFECTIVE DATE: September 22, 1981.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV–149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: SmithKline Animal Health Products, Division of SmithKline Corp., 1500 Spring Garden St., Philadelphia, PA 19109, filed an NADA (122–481) providing for manufacture of broiler or fryer chicken feeds containing 5 grams per ton of virginiamycin for increased rate of weight gain and improve feed efficiency in combination with 90 to 110 grams per ton of monensin as monensin sodium as an aid in the prevention of coccidiosis. The firm submitted data to comply with the requirements of the Bureau of Veterinary Medicine's combination drug guidelines. Each drug is presently regulated for use alone at such levels in broiler chicken feed for the same individual drug claim. Effectiveness of virginiamycin as a growth enhancer for broiler chickens is established by data from controlled clinical studies which also indicate the optimal dose level and also establish that such effectiveness is not diminished in the presence of monensin sodium. Effectiveness of monensin sodium for the intended use is established by data from controlled studies and such data establish that virginiamycin does not interfere with the anticoccidial effect of monensin sodium. Safety of the drug combination to broiler or fryer chickens is established. This approval does not change the indications for the drugs. Residues from each drug component in the combination are below their corresponding tolerances at withdrawal times currently established for their individual use.

The agency concludes that this approval poses no increased risk to humans exposed to residues of the drugs. Accordingly, under the Bureau of Veterinary Medicine's supplemental approved policy (42 FR 64367; December 23, 1977) this NADA has been treated as a Category II supplement which did not require a reevaluation of the underlying human safety data on the drugs. The application is approved and the regulations are amended to reflect this approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(ii) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of

Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

1. In § 558.355 by adding new paragraphs (b)(5) and (f)(1)(xiii) to read as follows:

§ 558.355 Monensin.

* * * * *

(b) * * *

(5) To 000007: 45 grams per pound as monensin sodium as provided by No. 000986 in § 510.600(c) of this chapter, paragraph (f)(1)(xiii).

* * * * *

(f) * * *

(1) * * *

(xiii) *Amount per ton.* Monensin, 90 to 110 grams, plus 5 grams virginiamycin.

(*a*) *Indications for use.* As an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. maxima,* and *E. mivati;* for increased rate of weight gain and improved feed efficiency.

(*b*) *Limitations.* For broiler or fryer chickens; do not feed to laying chickens; feed continously as sole ration; withdraw 5 days before slaughter; as monensin sodium provided by No. 000986 in § 510.600 of this chapter; virginiamycin provided by No. 000007 in § 510.600 of this chapter.

2. In § 558.635 by adding new paragraph (f)(3) to read as follows:

§ 558.635 Virginiamycin.

* * * * *

(f) * * *

(3) Virginiamycin may be used in accordance with the provisions of this section in the combinations provided, as follows:

(i) Monensin sodium in accordance with § 558.355.

(ii) [Reserved]

Effective date. This amendment is effective September 22, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 15, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-27485 Filed 9-21-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Alpha-Methylfentanyl in Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Acting Administrator of the Drug Enforcement Administration to place the substance, alpha-methylfentanyl, into Schedule I of the Controlled Substances Act (CSA). As a result of this rule, the possession, distribution, manufacture, importation and exportation of alpha-methylfentanyl is subject to the control mechanisms and criminal sanctions of Schedule I.

EFFECTIVE DATE: September 22, 1981.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** on Wednesday, August 5, 1981 (46 FR 39848–9), proposing that alpha-methylfentanyl be placed into Schedule I of the Controlled Substances Act (21 U.S.C. 801 *et seq.*). This notice further stated that the Acting Administrator found that the abuse of alpha-methylfentanyl has had a substantial and detrimental effect on the public health and safety. Consequently, the Acting Administrator gave notice that the effective data of control of alpha-methylfentanyl would be the date of publication of the final order placing it into Schedule I unless evidence showing why this should not be was presented. All interested parties were given until September 4, 1981 to submit their comments or objections in writing regarding this proposal.

Several comments concerning the proposed placement of alpha-methylfentanyl into Schedule I were submitted by Ohio Medical Products. Their comments refer to the compound 3-methylfentanyl or 1-(2-phenylethyl)-3-methyl-4-(N-propanoyl-anilino) piperidine which was not proposed for control and not alpha-methylfentanyl as proposed in the August 5, 1981 notice (46 FR 39848–9). However, a number of the comments are applicable to either compound and therefore will be addressed in this final order.

Ohio Medical Products suggests the use of another nomenclature system to describe the chemical structure of alpha-methylfentanyl. In addition to that used in the proposal, the name 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine will be included in the listing to describe alphamethylfentanyl. The question of which isomers are to be covered by the proposed regulation was raised by Ohio Medical Products. Alpha-methylfentanyl was proposed for control in Schedule I (21 CFR 1308.11(b)) which includes the listed opiates and their isomers with the term isomers defined in 21 CFR 1308.02 as the optical isomer. Ohio Medical Products further questions why alpha-methylfentanyl was singled out for Schedule I control from the many fentanyl derivatives which they suggest are likely to have high abuse potential. As described in the **Federal Register** proposal to place alpha-methylfentanyl in Schedule I, this substance has been identified in illicit drug traffic, reported by Narcotic Treatment Program Directors as abused by heroin addicts and associated with numerous drug overdose deaths. Specific studies conducted under National Institute on Drug Abuse contracts have shown alpha-methylfentanyl to be morphine-like and capable of producing physical dependence. Although other fentanyl derivatives may have pharmacological properties which are commensurate with a potential for abuse, they have not been specifically studied to determine whether they have an abuse potential nor is there any evidence that the other derivatives are being abused.

Ohio Medical Products recommends that alpha-methylfentanyl be placed into Schedule II of the CSA until research has shown that it has no potential for clinical use. 21 U.S.C. 812(b)(2) lists the criteria for placing a substance into Schedule II and they are as follows:

(A) The drug or other substance has a high potential for abuse;

(B) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions; and

(C) Abuse of the drug or other substance may lead to severe psychological or physical dependence.

Alpha-methylfentanyl satisfies criteria (A) and (C) but it has no accepted medical use in treatment in the United States. The criteria for Schedule I are:

(A) The drug or other substance has a high potential for abuse;

(B) The drug or other substance has no currently accepted medical use in treatment in the United States; and

(C) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

Using the criteria for inclusion of a substance in any of the five schedules of the CSA, as outlined in 21 U.S.C. 812(b), alpha-methylfentanyl best fits the criteria for Schedule I control. Should there be an approved medical use for alpha-methylfentanyl in the future as determined by the Food and Drug Administration, administrative mechanisms exist for the transfer of this substance to the appropriate schedule.

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Ohio Medical Products maintains that placing alpha-methylfentanyl into Schedule I will create an unnecessary regulatory burden on researchers. The main regulatory requirement imposed on a researcher using a Schedule I substance is that he or she is registered with DEA for handling that particular substance. The requirements attendant to a Schedule I research registration are not particularly onerous when one considers the serious health consequences associated with the abuse of alpha-methylfentanyl. Further, it is highly probable that a researcher who would want to work with alpha-methylfentanyl would be registered with DEA for other substances used for comparison. An amended registration to include alpha-methylfentanyl imposes only a minimal regulatory burden on these individuals.

A letter was received from Mr. Ronald D. Veteto who objects to the control of alpha-methylfentanyl and drugs in general. This comment questions the general philosophy of drug control but provides no valid reason, given the requirements of the Controlled Substances Act, for not placing alpha-methylfentanyl under control.

No other comments or objections were received, nor were there any requests for a hearing. Based upon the investigations and review conducted by the Drug Enforcement administration and upon the scientific and medical evaluation and recommendation of the Assistant Secretary for Health, Department of Health and Human Services, received in accordance with 21 U.S.C. 811(b), the Acting Administrator of the Drug Enforcement Administration, pursuant to 21 U.S.C 811(a) and 811(b), finds that:

(1) Based on information now available, alpha-methylfentanyl has a high potential for abuse;

(2) Alpha-methylfentanyl has no currently accepted medical use in treatment in the United States; and

(3) Alpha-methylfentanyl lacks accepted safety for use under medical supervision.

The above findings are consistent with the placement of alpha-methylfentanyl into Schedule I of the Controlled Substances Act. The Acting Administrator further finds that alpha-methylfentanyl is an opiate as defined in 21 U.S.C. 802(17) since it has addiction-forming and addiction-sustaining liabilities similar to those of morphine. Consequently, alpha-methylfentanyl is a narcotic since the definition of narcotic, as stated in 21 U.S.C. 802(16) (A) includes: "* * * opium, coca leaves and opiates."

Neither of the comments received gave any reason for not making the control of alpha-methylfentanyl in Schedule I effective when this final order is published. All regulations applicable to Schedule I narcotic substances are effective on (date of publication) with respect to alpha-methylfentanyl. However, individuals registered with the Drug Enforcement Administration in accordance with Parts 1301 or 1311 of Title 21 of the Code of Federal Regulations and who currently possess alpha-methylfentanyl may continue to do so pending submission of an amended registration application no later then October 22, 1981.

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports alpha-methylfentanyl, or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* Alpha-methylfentanyl must be manufactured, distributed and stored in accordance with §§ 1301.71–1301.76 of Title 21 of the Code of Federal Regulations.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of alpha-methylfentanyl must comply with the requirements of §§ 1302.03–1302.05, 1302.07 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. *Quotas.* All persons required to obtain quotas for alpha-methylfentanyl shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Every registrant required to keep records and who possesses any quantity of alpha-methylfentanyl shall take an inventory pursuant to §§ 1304.11–1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of this substance on hand.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal Regulations shall maintain such records on alpha-methylfentanyl.

7. *Reports.* All registrants required to submit reports pursuant to §§ 1304.37–1304.41 of Title 21 of the Code of Federal Regulations shall do so regarding alpha-methylfentanyl.

8. *Order Forms.* All registrants involved in the distribution of alpha-methylfentanyl shall comply with the order form requirements of §1305.01–1305.16 of Title 21 of the Code of Federal Regulations.

9. *Importation and Exportation.* All importation and exportation of alpha-methylfentanyl shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal Liability.* The Acting Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to alpha-methylfentanyl not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act shall be unlawful.

Pursuant to 5 U.S.C. 605(b), the Acting Administrator certifies that the placement of alpha-methylfentanyl into Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). This action involves the initial control of a substance with no legitimate medical use or manufacture in the United States.

In accordance with the provisions of 21 U.S.C. 811(a), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557, and as such, have been exempted from the consultation requirements of Executive Order 12991 (46 FR 13193).

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Under the authority vested in the Attorney General by section 201(a) of the Act (21 U.S.C. 811(a)) and delegated to the Acting Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Acting Administrator hereby orders that:

1. 21 CFR 1308.11(b)(6)–(45) is redesignated as 21 CFR 1308.11(b)(7)–(46); and

2. A new § 1308.11(b)(6) is added to read as follows: § 1308.11 Schedule I.

§ 1308.11 Schedule I.

* * * * *

(b) * * *

(6) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine) .. 9814

* * * * *

Dated: September 16, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81–27553 Filed 9–21–81; 8:45 am]

BILLING CODE 4410–09–M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commissions Operations and Relocation Procedures; Determination of Eligibility, Hearing and Administrative Review (Appeals)

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Final rule.

SUMMARY: This final rulemaking establishes Subpart L, Determination of Eligibility, Hearing and Administrative Review (Appeals) to 25 CFR Part 700. Subpart L provides procedures for administrative hearings and appeals concerning individual eligibility or benefits for any person who has filed a claim for benefits or for granting of a life estate lease.

EFFECTIVE DATE: September 22, 1981.

FOR FURTHER INFORMATION CONTACT: Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002. Telephone No.: (602) 779-3311, Extension 1376, FTS: 261-1376.

SUPPLEMENTARY INFORMATION: The principal author is William G. Lavell, General Counsel, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002, Telephone No.: (602) 779-3311, Extension 1376, FTS: 261-1376.

A proposed rule on this subject was published in the **Federal Register** on March 9, 1981 (46 FR 15720-15743) as a part of a recodification revision and addition to Part 700—Commission Operations and Relocation Procedures. Comments were invited for a period ending July 7, 1981. Comments were timely received from a number of different sources concerning the overall recodification, revision and addition some of which commented on the appeals procedures. It has been decided to publish this subpart at this time prior to the adoption of the remainder of the overall recodification, revision and addition to Part 700 in order to establish the hearings and appeals procedures and contract for services of one or more hearing officers as provided in the new procedures.

Review of Comments

Comments upon which action was taken were as follows.

(1) Section 700.311(i) was changed to read as follows: Applicants may be represented by a licensed attorney or by an advocate licensed to practice in any Hopi or Navajo Tribal Court.

(2) Section 700.303(c) was amended by changing the hearing request period from 14 to 30 days to make it consistent with § 700.307.

(3) The reference in § 700.311(h) was amended to read § 700.313(a)(5).

(4) Section 700.303(b) was amended to extend the period for requesting an explanatory conference from 14 to 30 days.

(5) Section 700.311 (b) and (c) were amended to extend the notice of the hearing from 14 to 30 days.

Comments Upon Which No Action Was Taken Were as Follows

(1) *Section 700.301.* It was suggested that a definition of presiding officer be included to include either a commissioner, a non-partial judge or a relocatee. No action was taken since presiding officers are covered by § 700.309.

(2) *Section 700.303.* (a) It was suggested that applicants always be informed of a determination in person. The reason for this proposed change was that relocatees receive their mail general delivery and do not pick it up on a regular basis. Even after mail is picked up, many relocatees must wait for someone who can read it to them. Also, the amount to which the individual is entitled should not be included in the notice since benefits are not determined until the individual relocatee is turned over to Realty. No action was taken since it was determined that current notice requirements are adequate under the circumstances.

(c) It was suggested that applicant's counsel should be paid for by the Relocation Commission. No action was taken since the Commission did not deem it appropriate to pay for counsel.

(d) It was suggested that this section should be eliminated completely. No action was taken since it was determined that this provision is essential to the regulations.

(3) *Section 700.311(d).* It was suggested that the old age or handicap of the applicant be included as a reason for extending the hearing date. This change is not necessary since under the existing regulations the presiding officer could use this reason for extension.

(4) *Section 300.315.* It was suggested that the time for submitting post-hearing briefs should be extended from 14 to 30 days. No action was taken since counsel for the appellant handles filing of post-hearing briefs and 14 days was determined to be adequate.

(5) *Section 700.321.* It was suggested that appeals brought pursuant to this subsection should be made to the presiding officer, not the Commissioners. No action was taken since these appeals often involve policy determinations which must be made by the Commission.

(6) *Section 700.323.* It was suggested that relocatees should have up to one year after the date of relocation to request a hearing under the regulations. No action was taken since this section provided a "grandfather right" which expired 180 days after April 15, 1980. The time within which an appeal must be filed has been governed by 25 CFR 700.8(c) since then. (25 CFR 700.307 in this recodification). It was determined that 30 days is adequate.

(7) *Sections 700.311 and .313.* It was suggested that both tribes, or at least the tribe to whom the land has been partitioned, should be given notice of all hearings and be allowed to participate therein, receive copies of notices and other documents, and examine witnesses. No action was taken. An aggrieved person is defined in § 700.301(b). The Commission determined that the tribes would not be appropriate for inclusion in that definition.

As of the day of publication of this final rule the Office of Management and Budget has not approved the information collection requirements, if any, related to these regulations. Notice of such approval will be published at a later date.

Accordingly, Part 700 of Title 25 of the Code of Federal Regulations is amended in its final form by adding regulations designated as Subpart L—Determination of Eligibility, Hearing and Administrative Review (Appeals).

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PART 700—COMMISSION OPERATIONS AND RELOCATION PROCEDURES

Subpart L—Determination of Eligibility, Hearing and Administrative Review (Appeals)

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700.311 Hearing scheduling and documents.
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700.315 Post-hearing briefs.
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700.321 Direct appeal to Commissioners.

Authority: Pub. L. 93-531, (25 U.S.C. 640-d).

§ 700.301 Definitions.

(a) Certifying Officer, as used in this subpart, means that member of the Commission staff who certifies

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eligibility for relocation assistance benefits and/or for life estate leases.

(b) An aggrieved person, as used in this subpart, means a person who has been denied any relocation assistance benefits for which he/she has applied.

§ 700.303 Initial Commission determinations.

(a) Initial Commission Determination concerning individual eligibility or benefits for any person who has filed a claim for benefits or for granting of Life Estate Leases shall be made by the Certifying Officer. The Determination shall include the amount, if any, to which the individual is entitled, and shall state the reasons therefor. Such Determination shall be communicated to the Applicant by certified letter or in person by Commission staff. A record of personal notice shall be maintained by the Commission.

(b) An explanatory conference shall be scheduled by and with the Certifying Officer, if requested by the Applicant or the Certifying Officer, within thirty days of the communication of the Determination; the right to a hearing is not dependent on the holding of such a conference. The Certifying Officer may reverse, amend, or leave standing the Initial Determination as a result of such conference: *Provided, however,* his/her decision shall be communicated in writing to the Applicant by certified letter or in person by Commission staff within five days after such conference.

(c) Communications of Determinations to the Applicant as provided for in 700.303(a) shall include an explanation of the availability of grievance procedures, including hearings and representation of counsel and the fact that a hearing must be requested within 30 (thirty) days of receipt of the determination.

(d) No decision which at the time of its rendition is subject to appeal to the Commission shall be considered final agency action subject to judicial review under 5 U.S.C. 704, *Provided* that in the event of a whole or partial denial, no benefits shall be paid unless and until said Determination is reversed or modified as provided for herein.

§ 700.305 Availability of hearings.

All persons aggrieved by Initial Commission Determinations concerning eligibility, benefits, or for granting of Life Estate Leases may have a Hearing to present evidence and argument concerning the Determination. Parties seeking such relief from the Commission's Initial Determination shall be known as "Applicants." When multiple Applicants claim interest in one benefit, determination, or question of eligibility, their hearings may be consolidated at the Presiding Officer's discretion.

§ 700.307 Request for hearings.

Hearing requests shall be made in person or by letter and must be received by the Commission within thirty days after the notice letter was received, the personal notice was given, or if an explanatory conference is held, after the decision of the Certifying Officer. The request shall also contain a specific statement indicating the basis for the request.

§ 700.309 Presiding officers.

The hearing shall be presided over and conducted by one of the Commissioners appointed pursuant to 25 U.S.C. 640d–11(b) or by such other person as the Commission may designate.

§ 700.311 Hearing scheduling and documents.

(a) Hearings shall be held as scheduled by the Presiding Officer.

(b) Notice of the hearing shall be communicated in writing to the applicant at least thirty days prior to the hearing and shall include the time, date, place, and nature of the hearing.

(c) Written notice of the Applicant's objections, if any, to the time, date, or place fixed for the hearing must be filed with the Presiding Officer at least five days before the date set for the hearing. Such notice of objections shall state the reasons therefor and suggested alternatives. Discretion as to any changes in the date, time, or place of the hearing lies entirely with the Presiding Officer, *Provided,* that the 30 (thirty) day notice period as provided in paragraph (b) above shall be observed unless waived in writing by the applicant or his representative.

(d) All hearings shall be held within thirty days after Commission receipt of the applicant's request therefor unless this limit is extended by the Presiding Officer.

(e) All hearings shall be conducted at the Commission office in Flagstaff, Arizona, unless otherwise designated by the Presiding Officer.

(f) All time periods in this regulation include Saturdays, Sundays and holidays. If any time period would end on a Saturday, Sunday, or holiday, it will be extended to the next consecutive day which is not a Saturday, Sunday, or holiday.

(g) A copy of each document filed in a proceeding under this section must be filed with the Commission and may be served by the filing party by mail on any other party or parties in the case. In all cases where a party is represented by an attorney or representative, such attorney or representative will be recognized as fully controlling the case on behalf of his client, and service of any document relating to the proceeding shall be made upon such attorney or representative, which service shall suffice as if made upon the Applicant. Where a party is represented by more than one attorney or representative, service upon one of the attorneys or representatives shall be sufficient.

(h) Hearings will be recorded verbatim and transcripts thereof shall be made when requested by any parties; costs of transcripts shall be borne by the requesting parties unless waived according to § 700.313(a)(5).

(i) Applicants may be represented by a licensed attorney or by an advocate licensed to practice in any Hopi or Navajo Tribal Court.

§ 700.313 Evidence and procedure.

(a) At the hearing and taking of evidence the Applicant shall have an opportunity to:

(1) Submit and have considered facts, witnesses, arguments, offers of settlement, or proposals of adjustment;

(2) Be represented by a lawyer or other representative as provided herein;

(3) Have produced Commission evidence relative to the determination, *Provided,* that the scope of pre-hearing discovery of evidence shall be limited to relevant matters as determined by the Presiding Officer;

(4) Examine and cross-examine witnesses;

(5) Receive a transcript of the hearing on request and upon payment of appropriate Commission fees as published by the Commission, which may be waived in cases of indigency.

(b) The Presiding Officer is empowered to:

(1) Administer oaths and afffirmations;

(2) Rule on offers of proof;

(3) Receive relevant evidence;

(4) Take depositions or have depositions taken when the ends of justice would be served and to permit other pre-hearing discovery within his/her discretion;

(5) Regulate the course and conduct of the hearings; including pre-hearing procedures;

(6) Hold pre-hearing or post-hearing conferences for the settlement or simplification of the issues;

(7) Dispose of procedural requests or similar matters;

(8) Make a record of the proceedings;

(9) Hold the record open for submission of evidence no longer than

fourteen days after completion of the hearings;

(10) Make or recommend a decision in the case based upon evidence, testimony, and argument presented;

(11) Enforce the provisions of 5 USCA section 557(d) in the event of a violation thereof;

(12) Issue subpoenas authorized by law; and

(13) Extend any time period of this subpart upon his/her own motion or upon motion of the applicant, for good cause shown.

§ 700.315 Post hearing briefs.

Applicants may submit post-hearing briefs or written comments to the Presiding Officer within fourteen days after conclusion of the Hearings. In the event of multiple applicants or parties to a hearing, such briefs shall be served on all such applicants by the applicant submitting the brief.

§ 700.317 Presiding officer decisions.

(a) The Presiding Officer shall submit to the Commission a written decision based upon the evidence and argument presented, within *sixty* days, not including any period the record is held open, if any, after conclusion of the hearing, unless otherwise extended by the Presiding Officer.

(b) Copies of the Presiding Officer's decision shall be mailed to the Applicant. The Applicant may submit briefs or other written argument to the Commission within fourteen days of the date the Presiding Officer's determination was mailed to the Applicant.

§ 700.319 Final agency action.

Within 30 (thirty) days after receipt of the Presiding Officer's decision, the Commission shall affirm or reverse the decision and issue its final agency action upon the application in writing; *Provided*, that in the event one Commissioner sits as the Presiding Officer, the final agency action shall be determined by the remaining Commissioners and such other person as they may designate who did not so preside over the hearing. Such decisions shall be communicated in writing to the Applicant by certified mail.

§ 700.321 Direct Appeal to Commissioners.

Commission determinations concerning issues other than individual eligibility or benefits which do not require a hearing may be appealed directly to the Commission in writing. The Commission decision will constitute final agency action on such issues.

Roger Lewis,

Commissioner, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 81-27221 Filed 9-21-81; 8:45 am]

BILLING CODE 4310-HE-M

DEPARTMENT OF LABOR

Employment and Training Administration

29 CFR Part 56

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 224

Work Incentive Program for AFDC Recipients Under Title IV of the Social Security Act

Note.—This document originally appeared as the Part IV in the **Federal Register** for Sept. 21, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday, Friday schedule assigned to the Department of Labor.

AGENCIES: Employment and Training Administration, Labor; and Office of Human Development Services, Health and Human Services Department.

ACTION: Interim final rules.

SUMMARY: The Secretary of Labor and the Secretary of Health and Human Services jointly revise the regulations for the Work Incentive Program. These rules are made necessary by the Omnibus Budget Reconciliation Act of 1981.

EFFECTIVE DATE: October 1, 1981. However, consideration will be given to comments received before November 20, 1981. These will be carefully considered, and any changes to these regulations or our reasons for not accepting recommendations for change will be published in the **Federal Register**.

ADDRESSES: Mail or deliver comments to the Executive Director, Work Incentive Program, Patrick Henry Building, Room 5102, 601 D Street, NW., Washington, D.C. 20213. Agencies and organizations are requested to submit comments in duplicate. Beginning October 5, 1981, these comments shall be available for public review at the above address, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert Easley, (202) 376-7030.

SUPPLEMENTARY INFORMATION:

Background

The purpose of the WIN program is to utilize all available employment and social services, including those authorized under provisions of other laws, so that individuals receiving Aid to Families with Dependent Children (AFDC) under Part A of Title IV of the Social Security Act will be furnished incentives, opportunities, and necessary services for (1) the employment of such individuals in the regular economy, (2) the training of such individuals for work in the regular economy, and (3) the participation of such individuals in WIN public service employment, thus assisting the families of such individuals to achieve economic independence and to assume useful roles in their communities.

History of the WIN Program

Enactment of amendments to Title IV of the Social Security Act in 1967, authorizing the Work Incentive Program (Pub. L. 90-248), was a recognition of the need for an employment program directed to the special needs of public assistance recipients and their families. Earlier measures funded under the Manpower Development and Training Act of 1962 (Pub. L. 87-415) and the Economic Opportunity Act of 1964 (Pub. L. 88-452) provided some assistance to this group but did not address the multiple problems of the public assistance population, and had limited impact.

Under the 1967 legislation, registration in WIN was by referral of persons deemed by public welfare agencies to be appropriate for participation. An employment plan tailored to the specific needs and goals of each individual was developed jointly by the registrant and WIN staff. Emphasis tended to be on the provision of classroom training and other aids to employability development, rather than on immediate job placement.

Amendments to Title IV of the Social Security Act (Act) in December 1971 (Pub. L. 92-223) changed the administration and focus of the program. WIN registration was mandated for all persons at least 16 years of age receiving or applying for AFDC, unless legally exempt. Exemptions were provided under Section 402(a)(19)(A) of the Act (42 U.S.C. 602(a)(19)(A)) for full-time students, the ill and disabled, persons too remote from WIN program sites, and certain persons needed to care for a family member in the home.

The emphasis was shifted from employability development to employment at the earliest point feasible in the registrant's WIN experience. Changes in regulations which became effective in 1976 further increased the emphasis on direct placement into unsubsidized employment. See, e.g., 41 FR 47700 (October 29, 1976).

This shift in emphasis toward immediate employment continued with the enactment of the Social Security Disability Amendments of 1980 (Pub. L. 96-265). These amendments provided authority for requiring employment search activities of WIN registrants, including applicants, and for providing supportive services to applicants as well as recipients, when needed to support employment-related activities. They exempt AFDC applicants and recipients who work not less than 30 hours a week from WIN registration.

The 1980 Amendments also authorize the Secretaries of the Department of Labor (DOL) and the Department of Health and Human Services (DHHS) to define sanction periods in cases where registrants fail or refuse to participate in WIN without good cause.

Employment-related social services are arranged for or provided by separate administrative unit (SAU) staff who participate with WIN sponsor staff to develop individual employability plans with registrants. These services can include child care, remedial medical services, home management, counseling, family planning, and transportation to needed services.

Administration

The WIN program is administered by the National Coordination Committee (NCC) at the national level (which is composed of the Assistant Secretary for Employment and Training, DOL and the Assistant Secretary for Human Development Services, DHHS) and the Regional Coordination Committees (RCCs) (which are composed of Regional Administrators from both Departments) in each Region. The RCC reviews and approves State WIN plans and oversees the operational and administrative procedures of State programs.

At the State level, the State WIN sponsor and the State welfare agency develop an annual State WIN plan for operation of the WIN program in the State and submit it to the appropriate Regional Coordination Committee for approval. The State WIN sponsor and State welfare agency also administer and supervise the administration of the WIN program in each State.

At the local level, there are three units involved—the income maintenance unit (IMU), the WIN sponsor, and the separate administrative unit (SAU). The IMU determines AFDC eligibility and exemption status and refers suitable persons to the WIN program. The WIN sponsor (usually part of the State job service) registers referred individuals and provides work and training services. The WIN sponsor and the SAU appraise registrants and develop an employability plan for each registrant found suitable for participation in the program. The SAU furnishes social services to enable registrants to engage in employment, training, and employment-related activities.

Summary of the 1981 Amendments

Sections 2311, 2313, and 2314 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) include changes as follows, affecting the WIN exemption criteria, and incorporate the provisions of previous court decisions relating to unemployed parents:

(1) The 1981 amendments lower the age of an exempt child who is attending school full-time to under 18; or at State option to under 19 if the student is expected to complete a course of study in a secondary, or vocational or technical school which is at the equivalent level of a secondary school before reaching age 19;

(2) The amendments limit the exemption of a parent or other caretaker relative of a child under six to an individual who personally cares for the child on a continuous basis with only brief and infrequent absences from the child;

(3) The amendments exempt a parent or other caretaker of a child who is deprived of parental support or care, if another adult relative in the home is registered;

(4) The amendments introduce the concept of "principal earner" defined as the parent who has earned more income in the 24 months preceding application under this part;

(5) The amendments exempt a parent of a child who is deprived of parental support by the unemployment of the principal earner if the other parent who is the principal earner is registered;

(6) The amendments require WIN certification of unemployed parents who are principal earners within 30 days after receipt of aid; and

(7) The amendments provide that aid will be denied to an entire family if an unemployed parent who is the principal earner fails to register or fails or refuses to participate without good cause.

Discussion of Proposed Amendments to WIN Regulations Implementing Sections 2311, 2313, and 2314 of the 1981 Omnibus Budget Reconciliation Act (Pub. L. 97-35)

1. Exemption of Full-Time Students Under Age 18

a. *The Statute: Sections 402(a)(19)(A)(i) and 406(a)(2) of the Social Security Act.* Prior to the 1981 amendments, a child under 21 merely had to be attending school full-time in order to be exempt from WIN registration. With these changes, the exemption is limited to children under 18 who are full-time students in elementary, secondary, vocational or technical schools, and does not extend to college level schools or programs. The amendments also provide States with option of including within the exemption, a child under age 19 who is a full-time student in a secondary or technical program and is reasonably expected to complete it before reaching age 19.

b. *The Rule: 29 CFR 56.20(b)(2) and 45 CFR 224.20(b)(2) of the regulations.* This regulation incorporates both the changes in the WIN exemption itself and the changes that were made by the amendments to the age limit of a dependent child. In the past, States were allowed to define a child to include individuals under age 21 who were students; the amendment to Section 406(a)(2) limits the definition of a dependent child to an individual who is under age 18 or at State option, to an individual who is under age 19 and is a full-time student in a secondary or technical school and is reasonably expected to complete the school program before reaching age 19.

The resulting exemption from WIN thus applies to full-time students who are under 18, or to those who are under 19 and are expected to complete a course of study in a secondary or technical school before reaching age 19.

2. Exemption of Parent or Caretaker of Child Under Six

a. *The Statute: Section 402(a)(19)(A)(v) of the Social Security Act.* In the past, a mother or other relative of a child under six could be exempt from WIN registration if he or she were caring for the child. The amended law extends the exemption to a parent, rather than principally to a mother. The law further restricts this exemption to a parent who is *personally* providing the care and has only brief and infrequent absences from the child.

b. *The Rule: 29 CFR 56.20(b)(8) and 45 CFR 224.20(b)(8) of the regulations.* The exemption from WIN registration applies to a parent or other caretaker relative of a child under six only if the parent or other caretaker personally provides full-time care of the child on a continuous basis.

3. Exemption of Parent or Caretaker of Child Who is Deprived of Parental Support

a. *The Statute: Section 402(9)(19)(A)(vi) of the Social Security Act.* The Social Security Act, prior to the 1981 amendments, contained language that exempted mothers from WIN registration more readily than it exempted fathers. In 1979 the Supreme Court ruled against such practices in *Califano* v. *Westcott*, 431 U.S. 322 1979. This amended law allows either parent to be exempt from WIN registration if the child in the family is deprived of parental support or care from the other parent, but only if another adult relative in the home is not exempt from WIN.

b. *The Rule: 29 CFR 56.20(b)(9) and 45 CFR 224.20(b)(9) of the regulations.* The regulations provide for the exemption of a parent or other caretaker of a child who is deprived of a parent's care or support because of the parent's death, absence, or mental or physical incapacity, if there is another adult relative in the home who registered for WIN and has not failed or refused to participate without good cause.

4. Exemption of Other Parent of a Child With an Unemployed Principal Earner

a. *The Statute: Sections 402(a)(19)(A)(viii), 407(a), and 407(d)(4) of the Social Security Act.* Since 1967, the Social Security Act allowed States to provide assistance to families in which the father was unemployed. However, in 1979 the Supreme Court held in *Califano* v. *Westcott* that the restriction to fathers was discriminatory. The 1981 amendments bring the Social Security Act into compliance with the Supreme Court finding and permit either parent to qualify as an unemployed parent if he or she is the principal earner. The principal earner is defined in section 407(d)(4) as whichever parent earned the greater amount of income in the 24-month period preceding an application for and based on the unemployment of a parent. Thus, the exemption in section 402(a)(19)(A)(viii) of the Act applies to a parent when the other parent, who is the principal earner, is not exempt from WIN registration.

b. *The Rule: 29 CFR 56.20(b)(11) and 45 CFR 224.20(b)(11) of the regulations.* The new regulation specifically exempts a parent who is not the principal earner if the parent who is the principal earner is unemployed and is not exempt under one of the other exemption criteria of this section.

5. Required Certification of Unemployed Principal Earners

a. *The Statute: Section 407(b)(2)(A) of the Social Security Act.* An amendment was made to the Act to require that unemployed parents who are principal earners be certified to the Secretary of Labor within 30 days after receipt of aid. In the past, this requirement applied only to fathers.

b. *The Rule: 29 CFR 56.22(b) and 45 CFR 224.22(b) of the regulations.* The term "father" is simply changed to "parents who are principal earners." This regulation now requires that unemployed parents who are principal earners be appraised by WIN staff within 2 weeks of the determination of their eligibility so that they will be certified within 30 days of receipt of AFDC benefits.

6. Denial of Aid to Families Whose Unemployed Parent Refuses to Participate

a. *The Statute: Section 402(a)(19)(F)(ii) of the Social Security Act.* This provision clarifies that if an unemployed principal earner fails or refuses to participate in WIN or to accept employment without good cause, the entire family will be ineligible for AFDC benefits.

b. *The Rule: 29 CFR 56.51(a)(2) and 45 CFR 224.51(a)(2) of the regulations.* This regulation provides that certain AFDC sanctions shall apply to individuals who fail or refuse without good cause to participate in WIN.

Justification for Dispensing With Prior Notice of Proposed Rulemaking and 30-Day Implementation Period

These regulations implement sections 2311, 2313, and 2314 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), signed on August 13, 1981. The Congress expressly required in Section 2321 that these amendments take effect on October 1, 1981, except if State law prevents implementation, in which case the Secretary of Health and Human Services may allow postponement of implementation according to certain guidelines found in Section 2321 of this Act.

Thus it is not practical to issue a *Notice of Proposed Rulemaking* (NPRM) for these implementing regulations and still meet the required effective date of the amendments. Therefore, we find that good cause exists for dispensing with an NPRM. However, the comments of the public are requested on these Interim Final Rules.

We will carefully consider all comments. We will then publish in the **Federal Register** a final regulation within 90 days of the close of the public comment period. The final regulation will include a summary of the comments, together with any revision of these regulations resulting from comments or our reasons for not accepting suggested revisions.

We are dispensing with the 30-day delay in effective date after publication for the same reason. The October 1 effective date for the amendments implemented by these regulations has been found by both agencies to be good cause for these regulations to become effective on October 1, 1981.

Regulatory Flexibility Act

The Secretaries certify in accordance with Section 603 of the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 603) that this regulation as proposed will not have a significant economic impact on a substantial number of small entities including small business, small organizational units and small governmental jurisdictions. Consequently, an initial regulatory flexibility analysis has not been prepared for this rule. Most of the provisions of the proposed rule impose conditions for Federal financial participation on State agencies and do not impact on small entities.

Executive Order 12291

The Secretaries have also determined in accordance with Executive Order 12291 that the proposed rule does not constitute a major rule requiring the preparation of a regulatory impact analysis. The regulation is not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in cost prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment and innovation.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, Pub. L. 96–511, all Departments are required to submit to the Office of Management and Budget for review and approval any reporting or recordkeeping requirements inherent in a proposed and final rule. This proposed rule does not increase the Federal paperwork burden for WIN State agencies.

(Catalog of Federal Domestic Assistance Program No. 13.646, "Work Incentive Program (WIN)")

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(402(a)(7), 402(a)(19), 406(a)(2), 407(a), 407(d)(4), 430–444, 1102 of the Social Security Act, as amended. 49 Stat. 647 (42 U.S.C. 602(a)(7), 602(a)(19), 606(a)(2), 607(a), 607(d)(4), 630–644, 1302))

Dated: September 2, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Approved: September 3, 1981.

Richard S. Schweiker,

Secretary, Health and Human Services.

Dated: September 8, 1981.

Albert Angrisani,

Assistant Secretary.

Approved: September 10, 1981.

Raymond J. Donovan,

Secretary, Department of Labor.

For reasons set out in the preamble, Part 56 of Title 29 of the Code of Federal Regulations is amended as set forth below:

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart C—Requirements and Procedures for Registration, for Appraisal and Certification

1. In § 56.20, paragraphs (b)(2), (b)(8), and (b)(9) are revised and paragraph (b)(11) is added to read as follows:

§ 56.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

* * * * *

(b) * * *

(2) A full-time student (as defined in State welfare regulations), aged 16 but under age 18 who is attending an elementary or secondary school, or a vocational or technical school that is equivalent to a secondary school; or a full-time student under age 19, if the State AFDC plan extends coverage to children under age 19, who is attending a secondary school or a program in a vocational or technical school that is equivalent to a secondary school and is reasonably expected to complete such school or program before reaching age 19;

* * * * *

(8) A parent or other caretaker relative of a child under age 6 who personally provides full-time care of the child with only very brief and infrequent absences from the child;

(9) A parent or other caretaker of a child who is deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, if another adult relative in the home is registered and has not failed or refused to participate in the program or to accept employment without good cause;

* * * * *

(10) [Reserved]

* * * * *

(11) The parent of a child who is deprived of parental support or care by reason of the unemployment of a parent, if the other parent (who is the principal earner as defined in 45 CFR 233.100(a)) is not exempt under one of the other preceding clauses of this section.

* * * * *

2. In § 56.22, paragraph (b) is revised to read as follows:

§ 56.22 Appraisal and certification.

* * * * *

(b) All unemployed parents who are principal earners as defined in 45 CFR 233.100(a) shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and appraisal shall occur prior to certification. Certification shall be completed no later than 30 days from the receipt of AFDC benefits.

* * * * *

3. In § 56.51, paragraphs (a)(2) and (a)(3) are redesignated as paragraphs (a)(3) and (a)(4) and a new paragraph (a)(2) is added as follows:

§ 56.51 Sanctions.

* * * * *

(a) * * *

(2) If the individual is an unemployed parent who is the principal earner, (as defined in 45 CFR 233.100(a)), the State will deny assistance for all members of the family.

* * * * *

For reasons set out in the preamble, Part 224 of Title 45 of the Code of Federal Regulations is amended as set forth below:

PART 224—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart C—Requirements and Procedures for Registration, for Appraisal and Certification

4. In § 224.20, paragraphs (b)(2), (b)(8), and (b)(9) are revised and paragraph (b)(11) is added to read as follows:

§ 224.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

* * * * *

(b) * * *

(2) A full-time student (as defined in State welfare regulations), aged 16 but under age 18 who is attending an elementary or secondary school, or a vocational or technical school that is equivalent to a secondary school; or a full-time student under age 19, if the State AFDC plan extends coverage to children under age 19, who is attending a secondary school or a program in a vocational or technical school that is equivalent to a secondary school and is reasonably expected to complete such school or program before reaching age 19;

* * * * *

(8) A parent or other caretaker relative of a child under age 6 who personally provides full-time care of the child with only very brief and infrequent absences from the child;

(9) A parent or other caretaker of a child who is deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, if another adult relative in the home is registered and has not failed or refused to participate in the program or to accept employment without good cause;

* * * * *

(10) [Reserved]

* * * * *

(11) The parent of a child who is deprived of parental support or care by reason of the unemployment of a parent, if the other parent (who is the principal earner as defined in 45 CFR 233.100(a)) is not exempt under one of the other preceding clauses of this section.

* * * * *

5. In § 224.22, paragraph (b) is revised to read as follows:

§ 224.22 Appraisal and certification.

* * * * *

(b) All unemployed parents who are principal earners as defined in 45 CFR 233.100(a) shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and appraisal shall occur prior to certification. Certification shall be completed no later than 30 days from the receipt of AFDC benefits.

* * * * *

6. In § 224.51, paragraphs (a)(2) and (a)(3) are redesignated as paragraphs (a)(3) and (a)(4) and a new paragraph (a)(2) is added as follows:

§ 224.51 Sanctions.

* * * * *

(a) * * *

(2) If the individual is an unemployed parent who is the principal earner (as defined in 45 CFR 233.100(a)), the State

will deny assistance for all members of the family.

* * * * *

[FR Doc. 81-27558 Filed 9-18-81; 8:45 am]

BILLING CODE 4510-30-M and 4110-92-M

Occupational Safety and Health Administration

29 CFR Part 1952

Certification of Completion of Developmental Steps for Virgin Islands State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: The Virgin Islands on or before August 31, 1976, submitted documentation attesting to the completion of all structural, developmental aspects of its approved State occupational safety and health plan. After extensive review and opportunity for State correction, all developmental plan supplements have now been approved. This notice certifies this completion and the beginning of the 18(e) evaluation phase of State plan development. This certification attests only to the fact that the Virgin Islands now has in place those structural components necessary for an effective program. It does not render judgment, either positively or negatively, on the adequacy of the State's actual performance. In addition, although State plan commitments on staffing and resources have been met, these initial commitments may not be interpreted as meeting the ultimate requirements of the Occupational Safety and Health Act of 1970 for "sufficient staff" as redefined by the U.S. Court of Appeals decision in *AFL–CIO* vs *Marshall,* 570 F. 2d 1030 (1978).

EFFECTIVE DATE: September 22, 1981.

FOR FURTHER INFORMATION CONTACT: Dorothy J. Johnson, Office of State Programs, Occupational Safety and Health Administration, Room N-3619, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210, (202) 523-8045.

SUPPLEMENTARY INFORMATION:

Background

Section 18 of the Occupational Safety and Health Act of 1970 (the "Act") (29 U.S.C. 667) provides that States which desire to assume responsibility for the development and enforcement of occupational safety and health standards shall submit for Federal approval a State plan for such development and enforcement. Part 1902 of Title 29, Code of Federal Regulations, sets forth procedures under which the Assistant Secretary of Labor for Occupational Safety and Health ("Assistant Secretary") shall approve such plans. Under the act and regulations, plan approval is essentially a two-step procedure. A State must first submit its plan for initial determination under section 18(b) of the Act. If the Assistant Secretary, after reviewing the State's submission, determines that the plan satisfies or will satisfy the criteria set forth in section 18(c) of the Act, a decision of "initial approval" is issued and the State may begin enforcement of its safety and health standards in accordance with the plan and with concurrent enforcement by the Occupational Safety and Health Administration (OSHA).

A State plan may receive initial approval even though at the time of submission not all essential components of the plan are in place. As provided at 29 CFR 1902.2(b), the Assistant Secretary may initially approve the submission as a "developmental plan," and a schedule within which the State must complete specified "developmental steps" is issued as part of the initial approval decision.

When the Assistant Secretary finds that the State has completed all developmental steps specified in the initial approval decision, a notice of such completion is published in the **Federal Register** (see 29 CFR 1902.34 and .35). Certification of completion of developmental steps initiates a thorough evaluation of the State plan by the Assistant Secretary to determine, on the basis of actual operations, whether the plan adequately protects the safety and health of the State's workers. Certification does not render judgment as to the adequacy of State performance.

Final approval of the plan under section 18(e) of the Act and 29 CFR Part 1902, may not be granted until at least three years after initial approval and until at least one year after completion of developmental steps. Thereafter, when the Assistant Secretary determines on the basis of actual performance under the plan that the Act's criteria are being applied, a decision of final approval may be granted.

On September 11, 1973, a notice was published in the **Federal Register** (38 FR 24896) of initial approval of the developmental Virgin Islands' plan and the adoption of Subpart S of Part 1952 containing the decision, a description of the plan, and the developmental schedule. During the three year period ending August 31, 1976, the Commissioner of Labor, Government of Virgin Islands, submitted documentation attesting to the completion of each State developmental commitment for review and approval as provided in 29 CFR Part 1953. Following Departmental review, opportunity for public comment, and subsequent modification of the State's submissions, as deemed appropriate, the Assistant Secretary has approved the completion of all individual Virgin Islands developmental steps.

Completion of Developmental Steps

All developmental steps specified in the September 11, 1973 notice of initial approval have been completed as follows:

(a) In accordance with § 1952.253(b), amendments to the Virgin Islands' legislation were passed March 11 and February 26, 1974. (40 FR 11352, March 11, 1975.)

(b) In accordance with § 1952.253(c), the Virgin Islands' occupational safety and health standards were promulgated on March 21, 1974. (40 FR 11352, March 11, 1975.)

(c) In accordance with § 1952.253(a), the Virgin Islands has completed the staff training as described therein. (41 FR 43406, October 1, 1976.)

(d) The Virgin Islands has developed and implemented a manual Management Information System. (41 FR 43406, October 1, 1976.)

(e) In accordance with the requirements of § 1952.10, the Virgin Islands' safety and health posters for private and public employees were approved by the Assistant Secretary on September 28, 1976. (41 FR 43406, October 1, 1976.)

(f) The Virgin Islands has developed and implemented an effective Public Information Program. (42 FR 40195, August 9, 1977.)

(g) The Virgin Islands amended its legislation to (i) delete reference to "political subdivisions" and substitute the term "department," and (ii) to add new sections (1) "Variations, Tolerances and Exemptions," and (2) "Disclosure of Confidential Trade Secrets." (42 FR 40195, August 9, 1977.)

(h) The Virgin Islands' Field Operations Manual (FOM) modeled after the Federal FOM has been developed by the State, and approved by the Assistant Secretary. (42 FR 40195, August 9, 1977.)

(i) The Virgin Islands has developed

(1) An acceptable organizational chart;

(2) Job descriptions of V.I. occupational safety and health

employees which meet the necessary requirements;

(3) A procedure to correct a problem of understaffing in the V.I. in terms of plan commitment;

(4) A procedure for rating and ranking candidates; and

(5) An Affirmative Action Plan for Equal Employment Opportunity acceptable to the Office of Personnel Management. (44 FR 76783, December 28, 1979.)

(j) In accordance with § 1952.253(e), the Virgin Islands implemented the public employee program in July 1975. (45 FR 56054, August 22, 1980.)

(k) In accordance with § 1952.253(c), the Virgin Islands adopted the Administrative Regulations on March 11, 1974. (45 FR 56054, August 22, 1980.)

(l) In accordance with § 1952.253(d), the safety enforcement program in the Virgin Islands was operational in April 1974. (46 FR 41046, August 14, 1981.)

This certification covers all occupational safety issues covered under the Federal program. Occupational health and environmental control issues (Subpart G of 29 CFR Part 1910 and Subpart D of 29 CFR 1926) and Safety and Health for Maritime Employment found in 29 CFR 1910.13–.16 and 29 CFR Parts 1915–1918 (longshoring, ship repairing, ship building and ship breaking) are excluded from coverage under the plan. This certification also covers the State's program covering State and local government employees.

Location of the Plan and Its Supplements for Inspection and Copying

Copies of the supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations:

Office of the Director of Federal Compliance and State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Room N-3619, Washington, D.C. 20210;
Office of the Regional Administrator, U.S. Department of Labor-OSHA, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036;
Department of Labor, Occupational Safety and Health Division, Building No. 1, 2nd Floor, Government Complex, Room 207, Lagoon Street, Frederiksted, St. Croix, Virgin Islands 00840.

Effect of Certification

The Virgin Islands' plan is certified effective September 22, 1981 as having completed all developmental steps on or before August 31, 1976. This certification attests to structural completion, but does not render judgment on adequacy of performance. The Virgin Islands' occupational safety program will be monitored and evaluated for a period of not less than one year after publication of this certification to determine whether the State program in operation is a fully effective program of enforcement. The Assistant Secretary will then determine whether Federal authority should be withdrawn with respect to issues covered by the plan pursuant to section 18(e) of the Act.

Level of Enforcement

In accordance with 29 CFR 1902.35, Federal enforcement authority under sections 5(a)(2), 8, 9, 10, 13 and 17 of the Act (29 U.S.C. 654(a)(2), 657, 658, 659, 622 and 666) and Federal standards authority under section 6 of the Act (29 U.S.C. 655) will not be relinquished during the evaluation period. However, OSHA's concurrent Federal enforcement authority will be exercised on a limited basis. Federal responsibilities will be retained as to the following issues: Occupational Health and Environmental Control (Subpart G of 29 CFR Part 1910 and Subpart D of 29 CFR Part 1926) and Safety and Health for Maritime Employment (29 CFR 1910.13–.16 and 29 CFR Parts 1915–1918). See 29 CFR 1902.2(c) which authorizes these limitations on the scope of the plan. Other exercise of Federal enforcement authority will continue generally to be limited at this time to response to 11(c) discrimination complaints as appropriate, enforcement of new Federal standards if necessary and response to emergency or unusual situations. The level of Federal enforcement may from time to time be reconsidered.

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

In accordance with this certification, 29 CFR 1952.254 is hereby amended to reflect successful completion of the developmental period by changing the title of the section and by adding paragraph (m) as follows:

§ 1952.254 Completion of developmental steps and certification.

* * * * *

(m) In accordance with § 1902.34 of this chapter, the Virgin Islands' occupational safety and health plan was certified effective September 22, 1981 as having completed all developmental steps specified in the plan as approved on September 11, 1973, on or before August 31, 1976.

This certification attests to structural completion, but does not render judgment on adequacy of performance.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 14th day of September 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-27574 Filed 9-21-81; 8:45 am]

BILLING CODE 4510-26-M

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1900

Public Access to Documents and Records and Declassification Requests

AGENCY: Central Intelligence Agency.

ACTION: Final rule.

SUMMARY: The Central Intelligence Agency (CIA) revises its regulations relating to the composition of the Information Review Committee (IRC) by adding direct representation from the Office of Inspector General. This revision will create an additional member of the IRC. In addition the revision corrects a title anomaly in the Directorate of National Foreign Assessment.

EFFECTIVE DATE: September 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John E. Bacon, Information and Privacy Coordinator; phone: 351-7486.

In consideration of the foregoing, Part 1900, Chapter XIX of Title 32, Code of Federal Regulations, is amended by revising § 1900.51(a) as follows:

§ 1900.51 Appeal to CIA Information Review Committee.

(a) Establishment of Committee. The Central Intelligence Agency Information Review Committee is hereby established, pursuant to the Freedom of Information Act and section 5-404(c) of Executive Order 12065. The Committee shall be composed of the Deputy Director for Administration, the Deputy Director for Operations, the Deputy Director for Science and Technology, the Deputy Director for National Foreign Assessment, and the Inspector General. The Director of Central Intelligence shall appoint a chairman. The Committee, by majority vote, may delegate to one or more of its members the authority to act on any appeal or appeals under this section, and may authorize the chairman to delegate such authority. The chairman may call upon appropriate components to participate when special equities or expertise are involved.

* * * * *

(Section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), Executive Order 12065 (3 CFR, 1978 comp., p. 190), and the Freedom of Information Act, as amended (5 U.S.C. 552))

Harry E. Fitzwater,

Deputy Director for Administration.

[FR Doc. 81-27557 Filed 9-21-81; 8:45 am]

BILLING CODE 6310-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1929-8]

Arizona State Implementation Plan; Maintenance-of-Pay Provision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: EPA announces its approval of a State Implementation Plan (SIP) revision which the Arizona Department of Health Services has submitted pursuant to the requirements of the Clean Air Act. The revision provides that any source using a supplemental or intermittent (or other dispersion dependent) control system to meet requirements of an order under section 113 (d) or 119 of the Clean Air Act may not temporarily reduce the pay of an employee as a result of such a control system. This type of maintenance-of-pay provision is required by section 110(a)(6) of the Clean Air Act. This action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective November 23, 1981.

ADDRESSES: Written comments should be addressed to William Wick of EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105. Copies of the revisions are available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Library, 401 "M" Street SW., Room 2404, Washington, D.C. 20460

Library, Office of the Federal Register, 1100 "L" Street NW., Room 8401, Washington, D.C. 20408

Arizona Department of Health Services, 1740 West Adams Street, Phoenix, AZ 85007.

FOR FURTHER INFORMATION CONTACT: William Wick at EPA Region 9 (address above) or call (415) 556-8008.

SUPPLEMENTARY INFORMATION: On July 13, 1981, the State of Arizona submitted as a SIP revision a state statute enacted to provide that a worker's pay would not be temporarily reduced when a source used a dispersion-dependent control system to meet the requirements of an order under section 113(d) or section 119 of the Clean Air Act. The state statute satisfies the requirement for such a provision contained in section 110(a)(6) of the Clean Air Act. The statute submitted is § 36-1718 of the Arizona Revised Statutes, and is reproduced in its entirety as follows:

"§ 36-1718. Limitations

Nothing in this chapter shall be construed so as to:

1. Grant any jurisdiction or authority with respect to air contamination or pollution existing solely within commercial and industrial plants, works, or shops owned by or under control of the person causing the air contamination or pollution.

2. Alter or in any other way affect the relations between employers and employees with respect to or concerning any condition of air contamination or pollution, except that a person using a supplemental control system or intermittent control system for purposes of meeting the requirements of an order under section 113(d) or section 119 of the federal clean air act, as amended, may not temporarily reduce the pay of any employee by reason of the use of such supplemental or intermittent or other dispersion dependent control system. As amended Laws 1979, Ch. 81, Sec. 2, eff. Apr. 18, 1979."

EPA is today approving this revision to the Arizona SIP. This is being done without prior proposal because the change is a requirement of the Clean Air Act and is not controversial. The public should be advised that this approval action will be effective 60 days from the date of this **Federal Register** notice November 23, 1981. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Pursuant to the provisions of 5 U.S.C. Section 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action approves the State action. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it serves merely to approve a 1979 statute designed to bring the State of Arizona into compliance with section 110(a)(6) of the Act.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan of the State of Arizona was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110, 113, 119, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7413, 7419 and 7601(a))

Dated: September 11, 1981.

John W. Hernandez,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart D—Arizona

Section 52.120, paragraph (c) is amended by adding subparagraph (49) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c)* * *

* * * * *

(49) The following amendments to the plan were submitted on July 13, 1981 by the Governor's designee.

(i) Arizona Revised Statute Sec. 36-1718.

[FR Doc. 81-27522 Filed 9-21-81; 8:45 am]

BILLING CODE 6560-50-M

V 46 SE 22 81 UMI

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3100 and 3110

[Circular No. 2491]

Oil and Gas Leasing; Increase in Filing Fees Accompanying Noncompetitive Oil and Gas Lease Applications

Correction

In FR Doc. 81-26824, appearing on page 45887, in the issue of Tuesday, September 15, 1981, make the following change:

On page 45887, in the first column, the fifth line from the bottom now reading "and, therefore, noncompetitive oil and" should be changed to read "and, therefore, no noncompetitive oil and".

1505-01-M

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43 CFR Part 9260

[Circular No. 2462]

Public Lands and Resources; Law Enforcement—Criminal; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects errors contained in the final regulations published in the **Federal Register** (45 FR 31276) on May 12, 1980, that placed all law enforcement provisions applying to public lands and resources in one subpart of Title 43 of the Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: George B. Hollis at (202) 343-8735.

43 CFR Part 9260 as published in Volume 45 of the **Federal Register** (45 FR 31276) is corrected as follows:

PART 9260—LAW ENFORCEMENT — CRIMINAL

1. Section 9260.3(e), in the first sentence of paragraph (2)(i), the words "Title 18 of the United States Code" shall be corrected to read "this Act."

2. Section 9260.3(e), in the first sentence of paragraph (2)(ii), the words "issued under Title 16 of the United States Code" shall be corrected to read, "issued under section 460 *1*–6e of Title 16 of the United States Code".

3. Section 9260.3(e), in paragraph (2)(iv) shall be corrected by inserting the words "section 1246(i) of" between the words "under" and "Title".

Dated: September 4, 1981.

Frank A. DuBois,

Acting Assistant Secretary of the Interior.

[FR Doc. 81-27465 Filed 9-21-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 6138]

List of Withdrawal of Flood Insurance Maps Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Director, Federal Emergency Management Agency, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATE: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Mrs. Lynn Smith, National Flood Insurance Program, (202) 387-0220 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, 500 C Street Southwest, Donohoe Building, Room 509, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood-prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires, at section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

(1) For acquisition and construction of buildings, and

(2) For buildings located in a special flood hazard area identified by the Director of Federal Emergency Management Agency.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Emergency Management Agency's (FEMA) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number and a FIRM by the letter "R" following the community number. If the FEMA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 44 CFR Part 59 et seq.)

This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities. As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. Accordingly, Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations is amended as follows:

1. Present § 65.6 is revised to read as follows:

§ 65.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).*

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 5149
40 FR 17015
40 FR 20798
40 FR 46102
40 FR 53579
40 FR 56672
41 FR 1478
41 FR 50990
41 FR 13352
41 FR 17726
42 FR 8895
42 FR 29433

42 FR 46226
42 FR 64076
43 FR 24019
44 FR 815
44 FR 6383
44 FR 18485
44 FR 25636
44 FR 34120
44 FR 52835
44 FR 57094
45 FR 12421
45 FR 28051
45 FR 31318
45 FR 34120
45 FR 49570
45 FR 52385
46 FR 13695
46 FR 20176
46 FR 26776
46 FR 46811

(b) *Flood Insurance Rate Maps (FIRM's)*

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 17015
41 FR 1478
42 FR 49811
42 FR 64076
43 FR 24019
44 FR 25636
45 FR 12421
45 FR 49570
46 FR 20176
46 FR 46811

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 65.6:

State	Community name, number	County	Hazard ID date	Rescission date	Reason
California	City of Exeter, 060404 E	Tulare	[illegible]-20-76	Aug. 24, 1981	2
Colorado	Town of Kennesburg, 080251 E	Weld	9-19-75	do	2
Idaho	City of Filer, 160167 E	Twin Falls	5-2-75	do	1
Illinois	Village of Malta, 170187	DeKalb	6-7-74	do	1
Kansas	City of Rose Hill, 200454 E	Butler	8-8-75	do	2
Do	City of Sedgwick, 200134B R	Harvey	5-25-81	May 27, 1981	6
Michigan	Berlin Township, 260192	St. Clair	6-6-76	do	1
Do	Brockway Township, 260505	do	10-24-75	do	1
Do	Village of Chelsea, 260599A	Washtenaw	11-9-79	do	1
Do	Village of Columbiaville, 260433	Lapeer	7-11-75	do	1
Do	Village of Dexter, 260600	Washtenaw	10-17-75	do	1
Do	Gilford Township, 260525	Tuscola	9-19-75	do	1
Do	Village of Lawton, 260583	Van Buren	6-3-77	do	1
Do	Village of North Branch, 260368	Lapeer	9-12-75	Aug. 24, 1981	1
Do	Village of Pinckney, 260704	Livingston	8-19-77	do	1
Do	Sharon Township, 260536	Washtenaw	10-15-76	do	1
Do	City of Yale, 260329	St. Clair	4-11-75	do	1
Minnesota	City of Richfield, 270190 E	Hennepin	10-17-75	do	2
Do	City of Spring Lake Park, 270016 E	Anoka	5-10-74	do	2
North Dakota	City of Edinburg, 380105 E	Walsh	1-17-75	do	1
Do	City of Kenmare, 380294 E	Ward	5-2-75	do	10
Ohio	Village of Seven Mile, 390045 E	Butler	5-21-76	do	2
Do	Village of Union, 390794 E	Montgomery	[illegible]	do	2
Pennsylvania	Borough of Harleton, 422526	Union	12-27-74	do	1
Do	Borough of Mansfield, 420623A E	Tioga	5-14-76	do	2
Texas	City of Paducah, 480771A	Cottle	6-27-75	do	2
Virginia	Town of Floyd, 510271 E	Floyd	3-25-77	do	1
Arizona	City of Lake Havasu, 040116 E	Mohave	[illegible]	Sept. 1, 1981	2
Arkansas	City of Beebe, 050238 E	White	11-07-75	do	2
Do	City of East Camden, 050164 E	Ouachita	10-15-76	do	2
California	Town of Hillsborough, 060320 E	San Mateo	4-02-76	do	2
Do	City of Huron, 060049 E	Fresno	11-01-75	do	2
Do	City of Mendota, 060051 E	do	12-19-75	do	2
Florida	City of Dade, 120231 E	Pasco	1-16-74	do	10
Idaho	City of Hayden Lake, 160082 E	Kootenai	5-14-76	do	2
Louisiana	Town of Maringouin, 220085 E	Iberville Parish	2-20-76	do	2
Michigan	Township of Bangor, 260210	Van Buren	1-09-76	do	1
Do	Township of Big Prairie, 260485	Newaygo	1-04-77	do	1
Do	Village of Breedsville, 260530	Van Buren	9-26-75	do	1
Do	Township of Clyde, 260195	St. Clair	6-04-76	do	1
Do	Township of Columbia, 260531	Van Buren	9-5-75	do	1
Do	Township of Croton, 260468	Newaygo	3-10-78	do	1
Do	Village of Custer, 260454	Mason	9-26-75	do	1
Do	City of Hartford, 260532	Van Buren	7-11-75	do	1
Do	Township of Hinton, 260137	Mecosta	7-23-76	do	1
Do	Township of Howard, 260365	Cass	3-18-77	do	1
Do	Village of Lakeview, 260463	Montcalm	10-01-76	do	1
Do	Township of Marathon, 260609	Lapeer	10-24-75	do	1
Do	Village of Mecosta, 260584	Mecosta	10-10-75	do	1
Do	Township of Rolland, 260422	Isabella	3-04-77	do	1
Do	Township of Tuscola, 260527	Tuscola	3-04-77	do	1
Do	Township of White Oak, 260417	Ingham	10-10-75	do	1
Oklahoma	City of Eufaula, 400376 E	McIntosh	9-17-76-	do	2
Do	Town of Gore, 400195 E	Sequoyah	9-6-74	do	2
Do	Town of Panama, 400092 E	LeFlore	5-28-76	do	2
Do	Town of Seiling, 400058 E	Dewey	6-11-76	do	2
Do	Town of Talihina, 400094 E	LeFlore	4-22-77	do	2
Do	City of Tullahassee, 400218 E	Wagoner	7-16-76	do	2
Texas	Town of Bayview, 480102 E	Cameron	4-25-75	do	2
Do	Town of Combes, 480104 E	Cameron	7-25-78	do	2
Washington	Town of Mabton, 530221 E	Yakima	5-14-76	do	2

Key to Symbols:
E The community is participating in the Emergency Program. It will remain in the Emergency Program without a FHBM.
R The Community is participating in the Regular Program.
1 The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
2 FIA determined the Community would not be inundated by a flood having a one-percent change of occurrence in any given year.
3 The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
4 The Community lacked land-use authority over the special flood hazard area.
5 The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.
6 The Flood Insurance Rate Map ws rescinded because of inaccurate flood elevations contained on the map.
7 The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community

8 The T&E or H&E Map was rescinded.
9 A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.
10 Miscellaneous.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27564 Filed 9-21-81; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 46, No. 183
Tuesday, September 22, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1098

[Docket Nos. AO-251-A23, AO-123-A48, and AO-184-A43]

Milk in Tennessee Valley, Louisville-Lexington-Evansville and Nashville, Tenn., Marketing Areas; Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Correction

In FR Doc. 81-26570, appearing at page 45354 in the issue of Friday, September 11, 1981, make the following changes:

1. On page 45355, third column, in the fifth line of § 1098.13(b), the number "245" should read, "25".
2. On page 45356, second column, in the thirteenth line of § 1098.52(a) insert the word "thereof" between the words "fraction" and "that".
3. On page 45356, third column, in the second line of § 1098.13(b)(6), the last word, now reading "for", should read "from".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-1893-7]

Standards of Performance for New Stationary Sources Sodium Carbonate Plants

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of proposed standards of performance, final action.

SUMMARY: Standards of performance required by Section III of the Clean Air Act for natural process sodium carbonate plants were proposed on October 15, 1980 (45 FR 68616). After a thorough review and analysis of the comments received during the public comment period, the Administrator has concluded that the proposed standards are not needed. The proposed standards are therefore being withdrawn. However, after reviewing the comments, the Administrator has concluded that the technical basis for the proposed standards is still valid and may be used to support either State Implementation Plans under Section III of the Clean Air Act or determinations of best available control technology under Section 165.

EFFECTIVE DATE: September 22, 1981

ADDRESSES: *Background Information Document:* The Background Information Document (BID), Volume I for the proposed standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Sodium Carbonate Industry, Background Information: Proposed Standards of Performance, Volume I," EPA-450/3-80-029a.

Docket: A docket, number A-79-54, containing both a detailed discussion of the comments received during the public comment period and information developed for the proposed rulemaking is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. John Crenshaw, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5624.

SUPPLEMENTARY INFORMATION:

The Proposed Standards

The proposed standards of performance for the sodium carbonate industry would have limited emissions of particulate matter from new, modified, and reconstructed calciners, dryers (including predryers), and bleachers in natural process sodium carbonate plants. Specifically, the proposed standards would have limited particulate emissions from calciners to 0.11 kg per Mg of dry calciner feed (0.22 lb/ton); from bleachers to 0.03 kg per Mg of dry bleacher feed (0.06 lb/ton); and from dryers to 0.045 kg per Mg of dry product (0.09 lb/ton). The proposed standards also would have limited visible emissions from calciners and bleachers to 5 percent opacity and from all dryers to 10 percent opacity.

Rationale for Withdrawing the Proposed Standards

The decision to withdraw the proposed standards is based on the Agency's findings that growth in the industry through 1985 will be limited to the State of Wyoming; that Wyoming's State Implementation Plan imposes emission limits on new and expanding plants more stringent than the NSPS; and that the costs and administrative burden associated with the NSPS would not be justified. These findings indicate both that the industry lacks mobility and that promulgation of NSPS for the industry would achieve little or no emission reduction. In making this decision, the Administrator has concluded that withdrawal of the proposed standards is consistent with the purposes of Section III of the Clean Air Act.

The decision is based on current industry growth patterns and emission rates, which EPA plans to review periodically. If new information shows that the industry intends to construct plants outside of Wyoming or that emission rates from the industry have increased, then EPA will reconsider the merits of promulgating national standards of performance. In this event, EPA would repropose these standards of performance before considering a final rulemaking. The applicability date in this instance would be the reproposal date.

Normally, the Agency would not withdraw a proposal on the basis that some States impose emission limits more stringent than the NSPS. On the contrary, one of the purposes of the Clean Air Act Amendments of 1977 was to establish uniform Federal regulation through NSPS to prevent States from setting lenient standards in order to attract new industry. In this case, however, the industry is highly localized, the emissions are well regulated by State authorities, and there is no opportunity for industry to locate elsewhere to avoid controls. Under these circumstances, the Administrator believes that promulgation of NSPS for the sodium carbonate industry at this time would be redundant, would not be cost effective, and would not serve the purposes of the Clean Air Act.

Summary of Public Comments

Twelve comment letters were received during the public comment period following proposal. None supported the need for the proposed rulemaking. Five of the comment letters challenged the need for the standards, while others addressed technical aspects of the standards. After reviewing all the comments, the Administrator has concluded that the technical basis for the standard is still valid. However, since comments addressing the technical validity of the NSPS were not pertinent to the decision to withdraw the standards, they are not discussed here. A summary and analysis of these comments appears in the docket.

One of the comments challenging the need for the standards suggested that the NSPS is unnecessary in light of the limited growth projections for natural sodium carbonate production in the next decade. Three comments questioned the need for national standards because the regulated emission sources could be located in only two States, Wyoming and California. Five comments asserted that the proposed standards would not reduce emissions from new facilities because both Wyoming and California have strict State regulations and because Wyoming requires new sodium carbonate plants to use the best particulate control technology that is available. Four comments noted that sodium carbonate plants in Wyoming and California are located far from human habitation and questioned why NSPS were proposed for this industry when its emissions will not have significant adverse effects on public health or welfare. Finally, two comments maintained that the standards cannot be justified considering costs in relation to emission reductions. These comments are discussed in the following paragraphs.

Analysis of Comments

EPA's analysis indicates that the industry's growth rate will be limited (see page 8–10 of the BID). The U.S. Bureau of Mines currently estimates that the growth rate will be 3 percent per year through 1985 and 2.6 percent per year through 2000. Based on these projections, EPA estimates an increase in production capacity of 1.4 million Mg/year (1.5 million GPY) by 1985. This increase in capacity could occur through the expansion of existing facilities or the construction of new facilities. The increase in capacity is assumed to occur through the addition of three new production trains.

EPA's analysis projects that growth in the sodium carbonate industry through 1985 will be restricted to Wyoming and California (pages 8–1, and 8–21, BID). This is because major deposits of ore used to produce sodium carbonate are found in Green River, Wyoming, and Searles Lake, California. However, industry growth most likely will be centered in Wyoming because sodium carbonate is more easily recovered and processed from Wyoming's ore deposits and because Wyoming has more than 160 times the ore reserves of California.

EPA's calculations demonstrate that the proposed NSPS would achieve little or no emissions reduction. At proposal, EPA estimated that the NSPS would reduce particulate emissions by at most 385 Mg/year (421 TPY) by 1985. At the same time the Agency pointed out that these estimates, which are based on process weight formula contained in State Implementation Plans for California and Wyoming, may not accurately predict emissions from new plants. Since proposal, Wyoming's Department of Environmental Quality has informed the Agency that emissions from new and expanding sodium carbonate plants are regulated more stringently through the revised Wyoming Air Quality Standards and Regulations than emissions would be by the proposed NSPS. Wyoming's Department of Environmental Quality has further commented that the stringency of its State regulations make the NSPS meaningless, and recommended that the NSPS Not be promulgated.

EPA recognizes that new sodium carbonate plants would be located in areas of Wyoming and California that are remote from human habitation (BID, page 8–21). However, this remoteness does not guarantee that particulate matter from new plants will not endanger the public health and welfare. The Agency believes that the existence of a National Ambient Air Quality Standard for particulate matter establishes that all sources of particulate matter contribute to the endangerment of the public health and welfare. This position has been upheld by the courts in *National Asphalt Pavement Association* v. *Train* (539 F 2d at 783–84 D.C. Cir. 1976). Based on an examination of the emission rates from uncontrolled sodium carbonate plants and the expected rate of growth in the number of these plants, the Administrator has determined that this source category contributes significantly to air pollution which may reasonably be anticipated to endanger public health or welfare (44 FR 49222, Tuesday, August 21, 1979). EPA has no new information that warrants a change to this finding.

EPA's calculations indicate that the benefits of the proposed standards do not justify the additional administrative costs of an NSPS. This is because compliance with the NSPS in this instance would achieve little or no particulate emission reduction.

Miscellaneous

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source performance standard promulgated under section 111(b) of the Act. Although this standard is not being promulgated, an economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to insure that the proposed standards would represent the best system of emission reduction considering costs. The economic impact assessment is included in the background information document.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not a major regulation because it withdraws, rather than promulgates, a proposed regulation.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Section 605 of the Regulatory Flexibility Act (RFA) requires that the Administrator certify regulations that do not have a significant impact on a substantial number of small entities. This action will not have a significant impact on any small entities.

Dated: September 11, 1981.

John W. Hernandez,

Acting Administrator.

[FR Doc. 81–28572 Filed 9–21–81; 8:45 am]

BILLING CODE 6560-26-M

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DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Parts 60–1, 60–2, 60–4, 60–30, 60–250, 60–741

Government Contractors' Affirmative Action Requirements; Correction

AGENCY: Office of Federal Contract Compliance Programs (OFCCP), Labor.

ACTION: Proposed rule, correction notice.

SUMMARY: On August 25, 1981, the Department of Labor published a proposed rule (46 FR 42968) which, if adopted, will revise a number of the sections contained in the regulations published on December 30, 1980 (45 FR 86216), and certain other of the regulations in 41 CFR Chapter 60 which were not amended by the December 30 rule. This notice makes corrections to the August 25, 1981, proposal.

EFFECTIVE DATE: September 22, 1981.

FOR FURTHER INFORMATION CONTACT: James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C-3324, U.S. Department of Labor, Washington, D.C. 20210, (202) 523-9426.

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1980, the Department of Labor published a final rule revising the regulations at 41 CFR Chapter 60 concerning nondiscrimination and affirmative action requirements for Government contractors. The final rule would have amended, consolidated, and integrated certain regulatory provisions pertaining to the three programs administered by OFCCP: Executive Order 11246, as amended, section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, and section 503 of the Rehabilitation Act of 1973, as amended. The rule was to take effect on January 29, 1981, but was delayed to permit the Department to review the regulation fully. With publication of the proposal on August 25, 1981, the effective date of the final rule has been further delayed until action has been taken on the proposed rule.

Need for Correction

Editorial review of the August 25, 1981, publication reveals several errors in the preamble and text. This document corrects those errors.

Signed at Washington, D.C., this 14th day of September 1981.

Raymond J. Donovan,
Secretary of Labor.

Robert B. Collyer,
Deputy Under Secretary for Employment Standards Administration.

Ellen M. Shong,
Director, Office of Federal Contract Compliance Programs.

Preamble

1. 46 FR 42968, column 1, SUMMARY section, line 12, add ", as amended," following "1974".

2. 46 FR 42968, column 2, SUPPLEMENTARY INFORMATION section, line 12, add ", as amended," following "1974".

3. 46 FR 42969, column 2, numbered paragraph 1, line 11, add ", as amended," following "1974".

4. 46 FR 42969, column 3, line 7, "§ 60.1.1" is corrected to "§ 60–1.1".

5. 46 FR 42970, column 2, numbered paragraph 4, line 15, add "in excess of" following "is".

6. 46 FR 42970, column 3, fourth full paragraph, line 7, add "to" between "and" and "file".

7. 46 FR 42971, column 1, second full paragraph, line 7, "for" is corrected to "from".

8. 46 FR 42971, column 2, numbered paragraph 9., line 21, "under represented" is corrected to "underrepresented".

9. 46 FR 42971, column 3, numbered paragraph 13., "§ 60–1.1.23" is corrected to "§ 60–1.23".

10. 46 FR 42971, column 3, numbered paragraph 13., line 11, "Decmeber" is corrected to "December".

11. 46 FR 42972, column 2, tenth full paragraph, line 4, "500" is corrected to "499".

12. 46 FR 42973, column 3, numbered paragraph 32., line 23, remove "," following "review".

13. 46 FR 42973, column 3, numbered paragraph 33., line 19, insert "a" following "of".

14. 46 FR 42974, column 1, numbered paragraph 35., line 4, "(A)" is corrected to "(a)".

15. 46 FR 42974, column 2, numbered paragraph 36., line 18, "and" is corrected to "any".

16. 46 FR 42974, column 2, numbered paragraph 38., line 11, remove "would".

17. 46 FR 42975, column 3, numbered paragraph 4., line 2, "five year" is corrected to "five-year."

18. 46 FR 42976, column 1, numbered paragraph 47., line 6, "then" is corrected to "than".

19. 46 FR 42976, column 1, numbered paragraph 48., line 2, "this section" is corrected to "the current section".

20. 46 FR 42977, column 3, numbered paragraph 64., line 3, "rules" is corrected to "Rules".

21. 46 FR 42978, column 1, line 1, add "an" following "that".

22. 46 FR 42979, column 2, lines 4 and 5, remove "specified plan areas".

23. 46 FR 42979, column 3, line 9, add "," following "(at 45 FR 86216)".

PART 60–1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

24. 46 FR 42980, column 1, § 60–1.31., "accomodations" is corrected to "accommodations".

25. 46 FR 42980, column 2, line 24, add ", as amended." following "1974"; and "When" is corrected to "Where".

26. 46 FR 42980, column 2, line 28, add "," following "503".

27. 46 FR 42980, column 3, § 60–1.3, line 1, is corrected to read "Act, as used in this chapter means".

28. 46 FR 42981, column 2, line 26, add "purchase or" following "the".

29. 46 FR 42981, column 3, line 21, "Subpart B" is corrected to "Subpart E".

30. 46 FR 42982, column 1, line 30, "relating to" is corrected to "for the purchase or use of".

31. 46 FR 42982, column 1, line 33, "Subpart B" is corrected to "Subpart E".

32. 46 FR 42982, column 1, line 35, add ", section 402 and section 503." following "Order".

33. 46 FR 42982, column 3, numbered paragraph (1), line 5, add "to" following "action"; line 8, add "." following "origin"; line 9, "such" is corrected to "Such".

34. 46 FR 42982, column 3, numbered paragraph (2), line 5, "considerations" is corrected to "consideration".

35. 46 FR 42983, column 3, numbered paragraph (4), line 7, add "or under" following "on".

36. 46 FR 42984, column 2, § 1.7(b), line 2, add "." following "contractors".

37. 46 FR 42985, column 2, § 60–1.21(d), line 10, substitute "," for the ";" following "men".

38. 46 FR 42986, column 1, § 60–1.25, line 4, add ":" following "when"; line 8, change "," to ";" following "employment"; line 12, change "," to ";" following "individual".

39. 46 FR 42987, column 2, line 42, add "special" following "qualified".

40. 46 FR 42988, column 1, "Subpart E" add "Compliance" preceding "Review" on line 2.

41. 46 FR 42988, column 3, § 60–1.63(c), line 3, add "section 402 or section 503" following "Order,".

42. 46 FR 42989, column 3, line 17, replace "2.13 or 41 CFR 60–2.14" with

"2.13, 41 CFR 60–2.14, 41 CFR 60–250.5, or 41 CFR 60–741.5".

43. 46 FR 42989, column 3, line 18, "tke" is corrected to "take".

44. 46 FR 42990, column 2, lines 13 and 14, remove "the regulations implementing".

45. 46 FR 42991, column 3, § 60–1.71, line 3, "proide" is corrected to "provide".

PART 60–2—AFFIRMATIVE ACTION PROGRAMS

46. 46 FR 42992, column 2, line 7, remove sentence beginning "Section 60–2.2".

47. 46 FR 42992, column 2, § 60–2.3(b), line 16, "long term" is replaced with "five-year".

48. 46 FR 42992, column 3, line 1, "§§ 60–2.3(c)(3) and (4)" is corrected to "§§ 60–2.3(c)(4) and (5)".

49. 46 FR 42993, column 1, line 2, "concilate" is corrected to "conciliate"; line 10, "2.3(c)(4)" is corrected to 2.3(c)(5)"; line 11, "OFFCCP" is corrected to "OFCCP"; line 18, "five-Year" is corrected to "five-year".

50. 46 FR 42993, column 2, § 60–2.5(b), line 5, "§ 60–2.3(d)" is corrected to "§ 60–2.4(d)".

51. 46 FR 42995, column 3, § 60–2.20, line 4, "meet" is corrected to "meets".

PART 60–4—CONSTRUCTION CONTRACTORS—AFFIRMATIVE ACTION REQUIREMENTS

52. 46 FR 42996, column 2, 5th line from bottom, remove "," following "contract"; insert "," following "subcontract".

53. 46 FR 42997, column 1, § 60–4.3(a), line 3, add "." following "in"; lines 20, 24 and 25, remove "in excess of $10,000".

54. 46 FR 42997, column 1, Specifications section, line 7, insert "or more" following "20,000".

55. 46 FR 42998, column 1, numbered paragraph 8, line 7, "contractor" is corrected to "Contractor".

56. 46 FR 42998, column 2, numbered paragraph 11, line 2, "Subcontract" is corrected to "subcontract".

57. 46 FR 42999, column 2, § 60–4.7, line 10, "Part 60–10" is corrected to "Part 60–40;".

58. 46 FR 42999, column 2, § 60–4.8, line 11, "41 CFR 60–1.25(c)(1)" is corrected to "41 CFR 60–1.64(c)(1)".

59. 46 FR 42999, column 3, line 8, "1.29" is corrected to "1.68".

PART 60–30—RULES OF PRACTICE FOR ADMINISTRATIVE PROCEEDINGS TO ENFORCE EQUAL OPPORTUNITY UNDER EXECUTIVE ORDER 11246, SECTION 402, AND SECTION 503

60. 46 FR 43000, column 1, line 25, remove "60–30.38 Preliminary administrative enforcement proceedings".

PART 60–250—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

61. In Part 60–250 (as corrected above), wherever "disabled veteran" appears, "special disabled veteran" is substituted; wherever "qualified disabled veteran" appears, "qualified special disabled veteran" is substituted except in the following sections: 60–250.5(g)(8); 60–250.5(h)(5); and 60.250.5(i)(7) and (8).

62. 46 FR 43006, column 3, in the "Authority" section add, "as amended by Pub. L. 96–466, 94 Stat. 2171 (October 17, 1980)" following "U.S.C. 2012)".

63. 46 FR 43008, column 2, § 60–250.4(a), line 16, "long term" is replaced by "five-year".

64. 46 FR 43008, column 2, § 60–250.4(c), line 7, add "." following "investigated" and remove "or a preaward compliance review is being conducted".

65. 46 FR 43008, column 3, line 10, remove "," following "Act".

66. 46 FR 43009, column 1, numbered paragraph (3), line 12, add "," following "status"; line 19, remove "and" following "accommodations".

67. 46 FR 43009, column 2, line 15, remove "," following "veterans".

68. 46 FR 43011, column 1, § 60–250.23(c), line 5, add ":" following "information".

69. 46 FR 43012, column 1, in Appendix A, line 2, "Section" is corrected to "section".

PART 60–741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

70. 46 FR 43013, column 2, § 60–741.4(a), line 16, "long term" is replaced by "five-year".

71. 46 FR 43013, column 3, line 7, add "." following "investigated" and remove "or a preaward compliance review is being conducted."

72. 46 FR 43017, column 3, "Chapters 60–60 through 60–100" is replaced with "Chapters 60–60 through 60–249; 60–251 through 60–740; 60–742 through the end of Chapter 60".

[FR Doc. 81–27573 Filed 9–21–81; 8:45 am]

BILLING CODE 4510–27–M

Notices

Federal Register
Vol. 46, No. 183
Tuesday, September 22, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

National Program Development Group; Meeting

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Notice of meeting.

SUMMARY: The Agricultural Conservation Program (ACP) National Program Development Group will meet to consider recommendations from State and County ACP development groups with respect to the operational features of the program. Also, comments and suggestions will be received from the public concerning procedures to govern the various conservation and environmental programs administered by the Agricultural Stablization and Conservation Service (ASCS).

DATES: Meeting date: November 19, 1981.

ADDRESSES: Meeting location: Room 4960, South Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW, Washington, D. C.

FOR FURTHER INFORMATION CONTACT: Chief, Conservation Programs Branch, Conservation and Environmental Protection Division, ASCS, U.S. Department of Agriculture, Room 3608, South Building, Washington D. C., 20013, (202) 447-7333.

SUPPLEMENTARY INFORMATION: The Agricultural Conservation Program (ACP) National Program Development Group will hold a meeting to consider recommendations from States and county ACP development groups with respect to the operational features of the program. The meeting is scheduled to be held from 9:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 3:00 p.m. on November 19, 1981 in Room 4960, South Building, U.S. Department of Agriculture, Washington, D. C. Meeting sessions will be open to the public. The agenda will include consideration of State and county development group recommendations for changes in the administrative procedures and policy guidelines and evaluations of program effectiveness and operational arrangement of the ACP. Also an opportunity for the public to present comments on the various conservation and environmental programs. The Agricultural Conservation Program (ACP) will be discussed from 9:00 a.m. to 12:00 p.m. The Emergency Conservation Program (ECP), Forestry Incentives Program (FIP), the Water Bank Program (WBP), and the Rural Clean Water Program (RCWP) will be discussed from 1:00 p.m. to 3:00 p.m. The meeting may also include discussion of current procedures, criteria, and guidelines relevant to the implementation of these programs.

Because of the limitations of space available, persons desiring to attend the meeting should call Mr. John R. Henry (202) 447-7333 to reserve a seat.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

September 15, 1981.

[FR Doc. 81-27505 Filed 9-21-81: 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

Brazos Electric Power Coop.; Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Draft Environmental Impact Statement (DEIS) in connection with the proposed construction of a 30.6 km (19 mi) 345 kV transmission line and associated facilities by the Brazos Electric Power Cooperative (Brazos) that would connect the Texas Power & Light Company's Elm Mott Substation in McLennan County, Texas, with the proposd Whitney Substation in Bosque County, Texas. It is anticipated that Brazos will request REA to provide financing assistance for construction of the facilities.

Alternatives considered in the DEIS are no action, alternative voltages, upgading of existing facilities, alternative sources, energy conservation, and alternative routes and construction methods.

The preferred alternative, which is construction of the 345 kV transmission line, would cross over 0.72 km (0.45 mi) of floodplain and 0.09 km (0.06 mi) of wetlands. One tower, with a base of 0.01 ha (0.02 acre), may be located in the floodplain. REA has tentatively concluded that there is no practicable alternative to crossing these areas. Further information concerning this matter can be found in the DEIS.

Copies of the DEIS have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality regulations. Limited supplies of the DEIS are available upon request to: Mr. Frank Bennett, Director, Power Supply Division, Rural Electrification Administration, 14th St. and Independence Ave., SW., Washington, D.C. 20250.

The DEIS may also be examined during regular business hours at the following locations:

Rural Electrification Administration, USDA, 14th & Independence Ave., S.W., Room 0230, Washington, D.C. 20250
Brazos Electric Power Cooperative, 2404 La Salle Ave., Waco, Texas 7606
Hillsboro Public Library, 118 S. Waco St., Hillsboro, Texas 76645
Waco-McLennan Public Library, 1717 Austin St., Waco, Texas 76701

Persons, organizations, and agencies wishing to comment on the environmental aspects of the project should do so in writing by addressing their comments to Mr. Bennett of REA at the address given above. All comments received within the 45-day period will be considered in the formulation of final determinations regarding the Final Environmental Impact Statement (FEIS). Response to all substantive comments will be published in the FEIS.

Final REA action concerning the project, including any release of funds for construction, will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and compliance with the National Environmental Policy Act of 1969, and with other environmentally related statutes, regulations, Executive Orders, and the Secretary's Memorandum.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 16th day of September 1981.

Harold V. Hunter,

Administrator, Rural Electrification Adminsitration.

[FR Doc. 81-27504 Filed 9-21-81: 8:45 am]

BILLING CODE 3410-15-M

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Central Electric Power Coop., Inc.; Finding of No Significant Impact

The Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with approval by REA for Central Electric Power Cooperative (Central) of Jefferson City, Missouri, to reroute a 26.4 km (16.5 mile) section of the proposed Big Springs to Wright City 161 kV transmission line. The project is located in Montgomery and Warren Counties, Missouri.

Central has prepared a Borrower's Environmental Report (BER) concerning the proposed project. An Environmental Assessment (EA) was prepared by REA. Threatened and endangered species, important farmlands and forestlands, archeological and historical sites, wetlands and floodplains, and other potential impacts of the proposed project are adequately considered in the EA.

Based on REA's independent evaluation, the EA and a review of Central's BER and other documents, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20–21:320–21.

Alternatives evaluated include no action (original proposed route) and the revised proposed route. The rerouted transmission line is the most viable alternative to deliver power to all existing and projected loads of Central within the project area.

Copies of the Finding of No Significant Impact, the EA and Central's BER may be reviewed at or obtained from the office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 or reviewed at the office of Central Electric Power Cooperative, P.O. Box 269, Highway 54 South, Jefferson City, Missouri 65102.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 16th day of September, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81–27502 Filed 9–21–81; 8:45 am]

BILLING CODE 3410–15–M

KAMO Electric Co-op., Inc.; Finding of no Significant Impact

The Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact with respect to proposed financing assistance by REA for KAMO Electric Cooperative, Inc., (KAMO) of Vinita, Oklahoma, for the construction of 98 km (61 miles) of 161 kV transmission line, 38.6 km (24 miles) of 138 kV transmission line and 54.7 km (34 miles) of 69 kV transmission line. The proposed construction includes:

72.4 km (45-mile) Collinsville—Cleveland 161 kV line.
38.6 km (24-mile) Cleveland—Silver City 138 kV line.
25.7 km (16-mile) Claremore—Collinsville 161 kV line.
29 km (18-mile) Qualls Junction—Cookson 69 kV line.
Two 12.8 km (8-mile) Cleveland 69 kV tielines.

The above projects will be located in Cherokee, Creek, Osage, Pawnee, Rogers, Tulsa and Washington Counties, Oklahoma. Associated substation construction includes the proposed Barber, Cleveland and Keetonville Substations. KAMO has prepared a Borrower's Environmental Report (BER) concerning the proposed projects. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains and other potential impacts of the proposed projects are adequately considered in the BER and the Environmental Assessment. Some pole structures may be located in floodplains. Part of the Cleveland Substation and some pole structures may be located on prime farmland. The impact will be minimal.

Alternatives considered include no action, interconnection with another utility and alternate routes. The proposed transmission lines and associated substation additions and conversions are the most viable alternative to deliver power to existing and projected loads within the project area.

REA's independent evaluation of the proposed construction concludes that this project does not represent a major Federal action that will significantly affect the quality of the human environment. A Finding of No Significant Impact was reached in accordance with REA Bulletin 20–21:320–21, Part 1.

Copies of the Finding of No Significant Impact, the Environmental Assessment, and BER may be obtained from or reviewed at the office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, or may be reviewed at the office of the KAMO Electric Cooperative, Inc., P.O. Box 577, Vinita, Oklahoma 74301.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C. this 16th day of September 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81–27508 Filed 9–21–81; 8:45 am]

BILLING CODE 3410–15–M

CIVIL AERONAUTICS BOARD

[Order 81–9–111]

Fitness Determination of International Transfer Corp. d.b.a. Pro Air Service

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81–9–111, order to show cause.

SUMMARY: The Board is proposing to find that International Transfer Corporation d.b.a. Pro Air Service is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 6, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–9–111.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–9–111 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–9–111 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, September 17, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–27521 Filed 9–21–81; 8:45 am]

BILLING CODE 6320–01–M

COMMISSION ON CIVIL RIGHTS

Alaska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Alaska Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12:00 noon, on October 2, 1981, at the Federal Building, 701 C Street, Anchorage AK 99501. The purpose of this meeting is to plan programs for the upcoming year.

Persons desiring additional or planning a presentation to the Committee, should contact the Chairperson, Mr. Donald Peter, 108 Stewart Street, Anchorage, AK 99504, 907/272-9531, or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, Washington 98174, 216/442-1246.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, September 18, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-27506 Filed 9-21-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Molasses From France; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on molasses from France. The review covers the period January 1, 1980 through December 31, 1980. There were no net subsidies on this review, the Department has preliminarily determined that no deposits of estimated countervailing duties should be collected on entries of this merchandise. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 22, 1981.

FOR FURTHER INFORMATION CONTACT: Josephine A. Russo or Joseph A. Black, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1168 or 377-1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 5, 1971, the Department of the Treasury published in the **Federal Register** a countervailing duty order, T.D. 71-118 (36 FR 8365), on molasses from France. This order became effective on June 19, 1971. The order stated that exports of this merchandise benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). On April 3, 1980, the International Trade Commission ("the ITC") notified the Department that the European Communities ("the EC") had requested an injury determination for this order under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of molasses from France entered, or withdrawn from warehouse, for consumption on or after that date. The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on molasses from France.

Scope of the Review

Imports covered by this review are molasses imported directly or indirectly from France. These imports are currently classifiable under item number 155.40 of the Tariff Schedules of the United States. The review covers the period January 1, 1980 through December 31, 1980, and is limited to the program of restitution payments made through the Guidance and Guarantee Fund operated under the Common Agricultural Policy of the EC. France is a member state of the EC. This was the only program found counter-vailable in the final determination.

Analysis of the Program

The restitution payments are granted only when the world price of molasses as established by international markets is lower than the EC "threshold price." For the period of review, the EC has not made any restitution payments on exports of molasses from France to any country including the United States. The program itself remains in effect.

We verified information, submitted by the Delegation of the Commission of the European Communities, through a review of public documents published by the EC.

Preliminary Results of the Review

As a result of our review, we preliminarily conclude that exports of molasses from France did not receive any restitution payments from the EC for the period January 1, 1980 though December 31, 1980. There are no known unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption prior to January 1, 1981.

The Department intends to instruct the Customs Service not to collect a cash deposit of estimated countervailing duties on any shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This waiver of deposit shall remain in effect until publication the final result of the next administrative review.

Pending publication of the final results of the present review, the existing deposit of estimated duties shall continue to be required, at the rates set forth in T.D. 71-118, on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended until the Department is notified of an injury determination by the ITC.

Interested parties may submit written comments on these preliminary results on or before October 21, 1981, and may request disclosure and/or a hearing on or before October 7, 1981. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 16, 1981.

[FR Doc. 81-27507 Filed 9-21-81; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Albany International Corp; Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Albany International Corporation, having a place of business at Albany, New York, an exclusive right in the United States and certain Foreign countries to manufacture, use and sell products embodied in the invention, "Device for Insect Control", U.S. Patent Application No. 252,992 (dated April 10, 1981). Copies of the Patent Application may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been jointly assigned to the United States of America, as represented by the Secretary of Agriculture, and Albany International. Custody of Agriculture's entire right, title and interest to this invention has been transferred to the Secretary of Commerce.

The proposed license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: September 17, 1981.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 81-27511 Filed 9-21-81; 8:45 am]

BILLING CODE 3510-04-M

Bio-Systems Research, Inc.;, Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Bio-Systems Research, Inc. having a place of business at Salida, Colorado, and exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Anti-Freedant for Boll Weevils", U.S. Patent Application No. 140,911 (dated April 16, 1980). The availability of this invention for licensing was announced in the **Federal Register** on September 11, 1980. Copies of the Patent Application may be obtained from the Office of Government Inventions and patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Agriculture. Custody of the entire right, title and interest to this invention has been transferred to the Secretary of Commerce.

The proposed license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquires, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: September 17, 1981.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 81-27510 Filed 9-21-81; 8:45 am]

BILLING CODE 3510-04-M

Santek, Inc.; Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Santek, Inc., having a place of business at 4110 Romaine St., Greensboro, North Carolina, a partial exclusive right in the United States and an exclusive right in Canada to manufacture, use and sell products embodied in the invention, "Wet-Wall Electroinertial Air Cleaner", U.S. Patent Application No. 898,556 (dated April 21, 1978). The availability of this invention for licensing was announced in the **Federal Register** on March 1, 1979. Copies of the Patent Application may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Agriculture. Custody of the entire right, title and interest to this invention has been transferred to the Secretary of Commerce.

The proposed license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: September 17, 1981.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 81-27509 Filed 9-21-81; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Advisory Committee; Meeting

The Defense Science Board will meet in closed session 22-23 October 1981 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for 22-23 October 1981 to discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communications, and Technology Issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with 5 U.S.C. App. I § 10(d) (1976), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C.

§ 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 17, 1981.

[FR Doc. 81-27563 Filed 9-21-81; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Coso Geothermal Development Program, Tier 3, Exploratory Drilling and Testing

Pursuant to the provisions of the regulations implementing the procedural provisions of the National Environmental Policy Act, (§ 1505.2 of Title 40, *Code of Federal Regulations*), the Department of the Navy announces its decision to proceed with the exploratory drilling and testing phase of the geothermal development program at the Coso Hot Springs site, Naval Weapons Center (NWC), China Lake, California.

The exploratory drilling and testing phase involves drilling and flow testing of three, approximately 6,000-foot deep, wells on three of four potential sites. Related facilities, including site access roads and temporary pipelines, are also planned for construction. The purpose of this phase of the program is to acquire information on the thermal, chemical and hydrologic characteristics of the geothermal resource. The primary physical impacts are the expected removal of approximately 10 acres of natural desert land surface, temporary (local) generation of noise and dust, and the creation of a limited potential for the uncontrolled release of geothermal fluids and noncondensible gases. The primary impacts to the human environment will be minimal conflicts with NWC operations and the potential for temporary conflicts with Native American religious use of the nearby Prayer Site and of Coso Hot Springs. Project impacts are judged to be of a minor nature. The proposed project represents the best means of determining tahe nature of the geothermal resource and at the same time minimizing degradation of the environment in the project area.

Alternatives considered were either the drilling of additional or fewer wells as the nature of the geothermal exploratory program is generally site-independent. The drilling of three wells as selected was found to be the optimum for the purpose of assessing the potential reservoir conditions. Sites selected were those with the lowest environmental sensitivity. In addition, conditions will be imposed on drilling and testing activities to minimize inadvertent off-site damage, to reduce the possibility of an accidental discharge of fluids and/or gases and to provide for surface restoration after completion of the project.

Dated: September 17, 1981

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-27591 Filed 9-21-81; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

United Engineers and Constructors; Proposed Contract Award

SUMMARY: In accordance with Department of Energy (DOE) Procurement Regulations, Title 41, Subpart 9-1.5409, published in the **Federal Register** on January 11, 1979 (44 FR 2556), DOE gives public notice that a contract award, recognizing the existence of potential organizational conflicts of interest, is in the best interest of the United States.

FOR FURTHER INFORMATION CONTACT:

Craig Frame, Office of Procurement Operations, Room 1J054, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202) 252-1013;

Richard Oehl, Office of Nuclear Energy, Room J-415, Germantown, Washington, D.C. 20545, Telephone (301) 353-2948.

Findings

1. The Department of Energy (DOE), Office of the Assistant Secretary for Nuclear Energy has a continuing requirement for technical analyses and data development relating to nuclear powerplant technologies, including comparisons to the competitive alternative technologies. The contract effort will include design studies of a conceptual and preliminary nature, engineering studies, analysis of construction techniques and methods, economic analysis and systems analysis of nuclear systems and competing technologies and their applications to meet both electrical and thermal energy needs.

2. In response to the solicitation for a contractor to perform this type of effort, two offerors were deemed to fall into the competitive range. Of the two, United Engineers and Constructors (UE&C) received the higher technical rating and had the lower cost proposal.

3. In accordance with 41 CFR 9-1.5405, Raytheon Company and its wholly owned subsidiary UE&C provided statements disclosing relevant information concerning its interests related to the work performed for the agency and bearing on whether it has possible organizational conflicts of interest (1) with respect to being able to render impartial, technically sound and objective assistance or advice, or (2) which may give it an unfair competitive advantage.

4. Based on an evaluation of the facts contained in the disclosure statement, that is, the clientele and energy interests of Raytheon Company and its wholly owned subsidiary UE&C, it has been found that UE&C has organizational conflicts of interest with regard to the work required by the Office of Nuclear Energy, in accordance with 41 CFR 9-1.5409(a).

5. Because no other offeror in the competitive range was found to have little or no likelihood of organizational conflicts of interest and based on the needs of the agency and the fact that UE&C and the higher technical rating and lowest cost proposal, it is neither feasible nor desirable to disqualify UE&C from contract award in accordance with 41 CFR 9-1.5409(a)(1). Furthermore, it is not possible to totally avoid the organizational conflicts of interest by inclusion of appropriate conditions in the resulting contract, pursuant to 41 CFR 9-1.5409(a)(2).

6. Mitigation to the extent feasible under 41 CFR 9-1.5409(a)(3) will be obtained by independent staff review by DOE officials. Also, UE&C will not participate in policymaking on management aspects in the areas of work being undertaken. In addition, the Organizational Conflicts of Interest Special Clause entitled "Organizational Conflicts of Interest, DOE PR 9-1.5403-2(b)," shall be included in the contract.

Dated: September 15, 1981.

Shelby T. Brewer,

Assistant Secretary for Nuclear Energy.

[FR Doc. 81-27473 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Assistant Secretary for Conservation and Renewable Energy

CSI Resource Systems, Inc.; Proposed Subcontract Award

ACTION: Notice of Proposed Subcontract Award.

SUMMARY: In accordance with Department of Energy (DOE) Procurement Regulations 41 CFR 9-

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1.5409, DOE gives public notice that a subcontract award, recognizing the existence of potential organizational conflicts of interest, is in the best interests of the United States.

FOR FURTHER INFORMATION CONTACT:
Ms. Aleta Caracciolo or Mr. Greg Crider, Office of Procurement Operations, Room 1J–054, Forrestal Building, 1000 Independence Ave., SW, Washington, D.C. 20585, (202) 252–1009;
Ms. Charlotte Frola, Division of Energy from Municipal Waste, Conservation and Renewable Energy, Room GE–216, Forrestal Building, 1000 Independence Ave., SW, Washington, D.C. 20585, (202) 252–1700.

Findings, Mitigation, and Determination

Upon the basis of the following findings and determination, the proposed contract described below is being awarded recognizing the existence of potential organization conflicts of interest pursuant to the authority of 41 CFR 9–1.5409(a)(3).

Findings

1. On September 30, 1980 the Department of Energy (DOE), awarded a contract for support services in urban waste technology to One America, Inc., a Washington, D.C. management consulting firm. In the course of accomplishing the various solid waste/energy related tasks to fulfill the contract One America, Inc., sought to award a subcontract to CSI Resource Systems, Inc., a consulting firm which works primarily in the area of solid waste/energy recovery. These tasks relate to providing technical and economic assessments of technologies and concepts relating to energy recovery from wastes.

2. In accordance with 41 CFR 9–1.5405, CSI Resource Systems Inc., provided a statement disclosing relevant information concerning its interests related to the work to be performed for the agency and bearing on whether it has possible organizational conflicts of interest (1) with respect to being able to render impartial, technically sound and objective assistance or advice, or (2) which may give it an unfair competitive advantage.

3. After a thorough review of the information submitted, DOE was unable to find that there is little or no likelihood that a possible organizational conflict of interest exists for CSI, which derives a substantial amount of its sales revenue from similar activities with other clients.

4. CSI is a specialized consulting firm providing technical, economic, financial and environmental services to a wide range of project types throughout the country. Their clients include owners or sponsors of operating as well as planned facilities. It is this breadth of actual operational experience in all aspects of solid waste/energy matters which provides unique capability to assist One America in supporting the Department of Energy municipal waste to energy program. Therefore, it is neither feasible nor desirable to disqualify CSI from award pursuant to 41 CFR 9–1.5409(a)(1). Furthermore, it is not possible to avoid the potential organizational conflicts of interest by the inclusion of appropriate conditions in the resulting subcontract, pursuant to 41 CFR 9–1.5409(a)(2).

Mitigation

1. The contract will include the Organizational Conflicts of Interest Special Clause (41 CFR 9–1.5408–2(b)). The primary purpose of this clause is to aid in insuring that the Contractor is not biased because of its past, present, or currently planned interests (financial, contractual, organizational, or otherwise) which relate to the work under the contract, and does not obtain any unfair competitive advantage over other parties by virtue of its performance of this contract.

2. CSI's activity under the subcontract will be closely monitored by the DOE Division of Energy from Municipal Waste. The Statement of Work contains no policy-related activities. The subcontract work is but one factor to be considered in evaluating the support activities provided in the One America, Inc., contract. All work performed by the Contractor will be reviewed by DOE and final conclusions, recommendations, and decisions will be made by DOE officials with the Contractors playing an advisory role only.

3. In addition, the products of the support services contract will become part of the public record relating to the DOE municipal waste/energy activities and thus subject to public scrutiny for the validity of the data and findings presented.

Determination

In light of the above Findings and Mitigation, and in accordance with 41 CFR 9–1.5409(a)(3), the proposed contract award is in the best interests of the United States.

Dated: September 10, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 81–27474 Filed 9–21–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Benson-Montin-Greer Drilling Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Action Taken on Consent Order September 4, 1981.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: September 4, 1981.

FOR FURTHER INFORMATION CONTACT:
Crude Oil Branch, Attn: John Marks, Office of Enforcement, 2000 M Street, NW., Washington, D.C. 20461, 202/653–3551.

SUPPLEMENTARY INFORMATION: On January 22, 1980, the OE published notification in the Federal Register that it executed a Consent Order with Benson-Montin-Greer Drilling Corporation (BMGC) of Farmington, New Mexico, on January 8, 1980, 45 FR 4371 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by BMGC pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the OE, no comments were received. Therefore, the Consent Order was not modified.

The OE received no notices of claim to the refunds.

Pursuant to the Consent Order, BMGC refunded the sum of $68,369.13 by certified checks made payable to the United States Department of Energy on January 3, 1980. This sum has been received by the OE and deposited in a suitable account pending determination of its proper distribution.

Action taken

The OE is unable, readily, to identify the persons entitled to receive the $68,369.13, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on September 4, 1981 to implement special Refund Procedures pursuant to 10 CFR part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 15th day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-27477 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-01-M

BTA Oil Producers; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: Rod McKim, Office of Enforcement, 2000 M St., NW., Room 5204, Washington, D.C. 20461 (202) 653-3317.

SUPPLEMENTARY INFORMATION: On July 26, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with BTA Oil Producers, (BTA) of Midland, Texas on June 20, 1979, 44 FR 43762, (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by BTA pursuant to the Consent Order were requested to submit their notices of claim to the OE.

The following persons submitted notices of claim to the OE:

Gulf Refining and Marketing Company
Mobil Oil Corporation

Although interested persons were invited to submit comments regarding the Consent Order to the OE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, BTA refunded the sum of $415,816.87 by certified checks made payable to the United States Department of Energy. This sum has been deposited into a suitable account pending determination of its proper distribution.

Action Taken

The OE is unable, readily, to identify the persons entitled to receive the $415,816.87, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on September 4, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 15th day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-27480 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-01-M

Clark & Clark; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition Submitted to the Office of Hearings and Appeals: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: Rod McKim, Program Operations Division, Office of Enforcement, Room 5204, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3517.

SUPPLEMENTARY INFORMATION: On July 6, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Clark & Clark, (Clark) of Ardmore, Oklahoma on June 7, 1979, 44 FR 39577 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by Clark pursuant to the Consent Order were requested to submit their notices of claim to the OE.

One comment was received. The comment contained no new evidence which was materially inconsistent with evidence upon which the DOE's acceptance of the Consent Order was based. After review of that comment, the OE has determined that the Consent Order should not be modified.

The following persons submitted notices of claim to the OE:

Continental Oil Company
Defense Logistics Agency

Pursuant to the Consent Order, Clark refunded the sum of $57,911.81 by certified check made payable to the United States Department of Energy on August 4, 1979. This amount has been placed into a suitable account pending determination of its proper distribution.

Action Taken

The OE is unable, readily, to identify the persons entitled to receive $57,911.81, or to ascertain the amounts of refunds that such persons are entitled to recieve. Therefore, the OE petitioned the Office of Hearings and Appeals on September 4, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 15th day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-27481 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-01-M

Connally Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: Rod McKim, Office of Enforcement, 2000 M

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Street, N.W., Room 5002, Washington, D.C. 20461, 202/653–3517.

SUPPLEMENTARY INFORMATION: On June 26, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Connally Oil Company, (Connally) of Abiline, Texas on June 19, 1979, 44 FR 37331 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by Connally pursuant to the Consent Order were requested to submit their notices of claim to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Connally refunded the sum of $100,000.00 by certified checks made payable to the United States Department of Energy in eight equal quarterly installments. This sum has been placed into a suitable account pending determination of its proper distribution.

The following person submitted a notice of claim to the OE:

Mobil Oil Corporation

Action Taken

The OE is unable, readily, to identify the persons entitled to receive the $100,000.00, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on September 4, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 15th day of September, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81–27478 Filed 9–21–81; 8:45 am]

BILLING CODE 6450-01-M

Milam M.C., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn.: Rod McKim, Office of Enforcement, Program Operations Division, 2000 M St., NW., Room 5204, Washington, D.C. 20461. (202) 653–3517.

SUPPLEMENTARY INFORMATION: On August 3, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Milam M.C., Inc. (Milam), of Casey, Illinois, on July 24, 1979, 44 FR 45665 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by Milam pursuant to the Consent Order were requested to submit their notices of claim to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

The OE received no notices of claim to the refunds.

Pursuant to the Consent Order, Milam refunded the sum of $52,440.69 by certified checks made payable to the United States Department of Energy. This sum has been deposited into a suitable account pending determination of its proper distribution.

Action Taken

The OE is unable, readily, to identify the persons entitled to receive the $52,440.69, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on September 11, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 15th day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81–27475 Filed 9–21–81; 8:45 am]

BILLING CODE 6450-01-M

Partlow and Cochonour; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received purusant to a Consent Order.

DATE: Petitions submitted to the Office of Hearings and Appeals: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: Rod McKim; Office of Enforcement, 2000 M Street, NW., Room 5204, Washington, D.C. 20461, (202) 653–3517.

SUPPLEMENTARY INFORMATION: On October 15, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Partlow and Cochonour (P and C) of Casey, Illinois on September 27, 1979, 44 FR 59267 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by P and C pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Two comments were received. The comments contained no new evidence which was materially inconsistent with the evidence upon which the DOE's acceptance of the Consent Order was based. After review of the comments, the OE determined that the Consent Order should not be modified.

The following persons submitted notices of claim to the OE:

Defense Logistics Agency
Union Oil Company of California

Pursuant to the Consent Order, P and C refunded the sum of $152,138.68 by certified check made payable to the U.S. Department of Energy on October 23, 1979. This sum has been received by the OE and deposited in a suitable account pending determination of its proper distribution.

Action Taken

The OE is unable, readily, to identify the persons entitled to receive the $152,138.68 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on September 11, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 15th day of September 1981.

Robert D. Gerring,

Program Operations Division.

[FR Doc. 81-27479 Filed 9-21-81; 8:45 am]

[redacted]

Phoenix Resources Co. as Successor to King Resources Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Oil Branch, Attn: Rod McKim, Office of Enforcement, 2000 M Street, NW., Washington, D.C. 20461, 202/653-3551.

SUPPLEMENTARY INFORMATION: On January 25, 1980, the OE published notification in the **Federal Register** that it executed a Consent Order with Phoenix Resources Company, as successor to King Resources Company (Phoenix) of Oklahoma City, Oklahoma on December 14, 1979, 45 FR 6157 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by Phoenix pursuant to the Consent Order were requested to submit their notices of claim to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the OE, no comments were received. Therefore, the Consent Order was not modified.

The following person submitted notice of claim to the OE:

Sun Petroleum Products Company
Koch Industries

Pursuant to the Consent Order, Phoenix refunded the sum of $105,772.64 by certified checks made payable to the United States Department of Energy in four equal installments. This sum has been deposited in a suitable account pending determination of its proper distribution.

Action Taken

The OE is unable, readily, to identify the persons entitled to receive the $105,772.64, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals (OHA) on September 11, 1981 to implement special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 15th day of September, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-27476 Filed 9-21-81; 8:45 am]

[redacted]

Federal Energy Regulatory Commission

[Docket No. ER81-734-000]

Arkansas Power & Light Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that Arkansas Power & Light Company (AP&L) on September 2, 1981, tendered for filing a Letter Agreement with Arkansas Electric Cooperative Corporation (AECC). This agreement provides for the sale of 15,000 kilowatts of additional capacity to AECC by AP&L to assure AECC of adequate reserve margins from July 1, 1981, until Unit 2 of AP&L's White Bluff Generating Station went into commercial operation.

Copies of the filing were served upon Arkansas Electric Cooperative Corporation and also upon the Arkansas Public Service Commission, Louisiana Public Service Commission, Tennessee Public Service Commission, and the Public Service Commission of Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27531 Filed 9-21-81; 8:45 am]

[redacted]

[Docket No. ER81-736-000]

Central Illinois Public Service Co.; Filing September 15, 1981.

The filing Company submits the following:

Take notice that Central Illinois Public Service Company (Central) tendered for filing on September 2, 1981, a General Transmission Rate applicable to (1) any party requiring electric power for resale or (2) any utility, using CIP's facilities to transmit long-term firm power from a supply source (other than Central) then interconnected with Central's transmission system.

Central states that this rate schedule provides for the transmission by the Company of electric energy furnished on an assured basis for a period of at least one year and under the terms and conditions set forth in the rate schedule.

Central proposes an effective date of September 2, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1981. Protests will be considered by the Commission in determining the appropriate acton to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27532 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5059-000]

Central Utah Water Conservancy District; Application for Preliminary Permit

September 16, 1981.

Take notice that the Central Utah Water Conservancy District (Applicant) filed on July 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5059 to be known as the Currant Creek Dam Project located on Currant Creek near the town of Duchesne in Wasatch County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lynn S. Ludlow, Central Utah Water Conservancy District, P.O. Box 427, Orem, Utah 84057.

Project Description—The proposed project would utilize the existing U.S. Bureau of Reclamation's Currant Creed Dam and would consist of: (1) A short penstock connected to an existing outlet pipe located at the toe of the dam; (2) a powerhouse containing a generating unit having a rated capacity of 200 kW at a head of 118 feet and a flow of 27 c.f.s.; (3) a switchyard; (4) a 1,000-foot long 25-kV transmission line; and (5) appurtenant facilities. Project energy would be delivered to an existing Moon Lake Electric Association, Inc. transmission line for eventual use within Applicant's facilities. Applicant estimates that the average annual energy output would be 1,000,000 kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the geologic, economic, and environmental aspects of the project, and would prepare an application for an FERC license. Applicant estimates the cost of studies under the permit would be $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981 either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27541 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-751-000]

Edison Sault Electric Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that Edison Sault Electric Company (Edison), on September 8, 1981, tendered for filing a Supplemental Agreement No. 9, between Edison and Cloverland Electric Cooperative, Inc. (Cloverland), dated November 1, 1981, which agreement will supplement an existing Contract for Electric Service, dated January 2, 1952, between the same two parties. The Contract between the parties, dated January 2, 1952, has been designated FPC Rate Schedule No. 2 (Docket No. E-7870). The proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated January 2, 1952, supplemented, under "Article V, Rates".

Copies of the filing were served upon Cloverland Electric Cooperative, Inc. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27533 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-748-000]

Edison Sault Electric Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that Edison Sault Electric Company (Edison), on September 3, 1981, tendered for filing a Supplemental Agreement No. 5, between Edison and Upper Peninsula Power Company (Upper Peninsula), dated October 1, 1981, which agreement will supplement an existing Contract for Electric Service, dated September 10, 1976, between the same two parties. The contract between the parties, dated September 10, 1976, has been designated FPC Rate Schedule No. 7 (Docket No. ER77-98). The proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated September 10, 1976, under section "Increases or Decreases in Rates".

Copies of the filing were served upon Upper Peninsula and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27534 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3457-001]

French Broad Electric Membership Corp.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 16, 1981.

Take notice that on April 24, 1981, French Broad Electric Membership Corporation (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. Secs. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 3457-001) would be located on the French Broad River, near Marshall, in Madison County, North Carolina. Correspondence with the Applicant should be directed to: Mr. Charles R. Tolley, General Manager, P.O. Box 9, Marshall, North Carolina 28753.

Project Description—The proposed project would consist of: (1) An existing 500-foot long and 8-foot high concrete dam with ten 5-food wide and 6-foot high gates; (2) an existing reservoir of approximately 37 acres and a storage capacity of approximately 205 acre-feet; (3) an existing canal that is approximately 575 feet long and 80 feet wide at the intake gates; (4) a proposed powerhouse to be positioned at the end of the intake canal with an estimated installed generating capacity of 3.0 MW; and (5) appurtenant facilities. The project would be operated on a "run of river" basis.

Purpose of Project—All energy generated would be used by the Applicant to reduce fuel and utility costs in the rural area of Madison County, North Carolina. The average annual energy generation is estimated to be 18.5 GWh.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the North Carolina Wildlife Resources Commission are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before November 2, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in the project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27542 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5094-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 16, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§791(a)-825(r)] for Project No. 5094 known as the Barnum Creek Water Power Project located on Barnum Creek in Lincoln County, Montana. The application is on file with the

Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 2-foot high diversion structure; (2) a 2,750-foot long, 20-inch diameter penstock; (3) a powerhouse with total installed capacity of 300 kW; and (4) a 25,500-foot long, 5-kV transmission line which would connect the powerhouse to the existing Flathead Electric Corporation transmission line. The Applicant estimates that the average annual energy production would be 1,314,300 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,850.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27543 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5107-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 16, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5107 known as the Spruce Creek Water Power Project located on Spruce Creek in Boundary County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 147, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 2-foot high diversion structure; (2) a 3,600-foot long, 16-inch diameter penstock; (3) a powerhouse with total installed capacity of 200 kW; and (4) a 3,000-foot long, 5-kV transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annaul energy production would be 762,100 kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $4,800.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27544 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5097-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 16, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5097 known as the Lime Creek Water Power Project located on Lime Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 2-foot high diversion structure; (2) a 3,400-foot long, 12-inch diameter penstock; (3) a powerhouse with total installed capacity of 100 kW; and (4) an 18,000-foot long, 5-kV transmission line which would connect the powerhouse to the existing Pacific Power & Light Company Transmission line. The Applicant estimates that the average annual energy production would be 499,300 kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,250.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981 either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27545 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5098-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 16, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5098 known as the Hall Creek Water Power Project located on Hall Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana, 59853.

Project Description—The project would consist of: (1) A 2-foot high diversion structure; (2) a 5,100-foot long, 16-inch diameter penstock; (3) a powerhouse with total installed capacity of 400 kW; and (4) a 7,200-foot long, 5-kV transmission line which would connect the powerhouse to the existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 2,084,900 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $4,900.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the

Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27546 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5105-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

September 16, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5105 known as the Six Mile Creek Water Power Project located on Six Mile Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana, 59853.

Project Description—The project would consist of: (1) A 2-foot high diversion structure; (2) a 3,900-foot long, 16-inch diameter penstock; (3) a powerhouse with total installed capacity of 150 kW; and (4) a 2,800-foot long, 5-kV transmission line which would connect the powerhouse to the existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 665,800 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27547 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4563-001]

John R. LeMoyne; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 16, 1981.

Take notice that on August 14, 1981, Mr. John R. LeMoyne (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 4563) would be located on the Applicant's fish rearing plant in Gooding County, Idaho. Correspondence with the Applicant should be directed to: Mr. John R. LeMoyne, Route 1, Box 148, Hagerman, Idaho 83332.

Project Description—The proposed project would consist of: (1) A 50-foot long, 36-inch diameter penstock; and (2) a powerhouse to contain one Francis-type, turbine-generating unit with a rated capacity of 33.72 kW.

Purpose of Project—The power generated by the project would be used in the Applicant's commercial fish hatchery plant.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries service, and the Idaho Department of Fish and Game requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before November 2, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protests, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 2, 1981.

Filing and Service of Responsive Deocuments—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27548 Filed 9-21-81; 8:45 am]

[redacted]

[Project No. 5240-000]

Modesto Irrigation District; Application for Preliminary Permit

September 16, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5240 known as the Dedrick Lookout Trinity Power Project located on the Canyon Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee Delano, Modesto Irrigation District, 1231—11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) A new 5-foot high by 99-foot long combination natural rock and concrete diversion structure; (2) a 25,000-foot long diversion conduct; (3) a 2,000-foot long by 40-inch diameter steel penstock; (4) a powerhouse with an installed capacity of 4.3 MW; and (5) a 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company (PG&E) transmission line at the proposed site.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued does not authorize construction. The Applicant seeks a 24-month preliminary permit to study the feasibility of the proposed project.

Competing Applications—This application was filed as a competing application to Dedrick Lookout Trinity Power Project No. 4366 filed on March 18, 1981, by Consolidated Hydroelectric, Inc, under 18 CFR 4.33 (1980). Public notice of the filing on the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE. Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petitions to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27549 Filed 9-21-81; 8:45 am]

[redacted]

[Docket No. ER81-740-000]

Montana Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that Montana Power Company (Montana) on September 3, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with San Diego Gas & Electric Co. (San Diego). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and San Diego.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $17,038.35 based upon energy delivered from March 1, 1981 through March 31, 1981. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of March 1, 1981, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of a Rate Schedule and all of its supplements, dated March 31, 1981. This is for the sale of firm energy between Montana and San Diego. Montana states that these agreements have expired as of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27535 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-741-000]

Montana Power Co.; Filing

September 16, 1981.

The filing Company submits the following:

Take notice that the Montana Power Company (Montana) on September 3, 1981, tendered for filing in accordance with Section 35 of the Commission's regulations, the Letter Agreement with Pacific Gas & Electric Company (Pacific). Montana states that this Letter Agreement provides for the sale of firm energy between Montana and Pacific.

Montana indicates that the proposed Letter Agreement increased revenues from jurisdictional sales by $126,242.55, based upon energy delivered from March 1, 1981 until terminated by either party given at least thirty days advance written notice to the other party. Montana states that the rate for firm energy under this Letter Agreement was negotiated.

An effective date of March 1, 1981, is proposed and waiver of the Commission's requirements is therefore requested.

In addition, Montana also tendered for filing a Notice of Cancellation of a Rate schedule and all of its supplements dated March 1, 1981. This is for the sale of firm energy between Montana and Pacific. Montana states that these agreements have expired as of their own terms and have not been renewed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27536 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-732-000]

New England Power Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that on September 1, 1981 New England Power Company ("NEP") filed a full cost of service rate for the purchase by Public Service Company of New Hampshire ("PSNH") of capacity from NEP's entitlement to Wyman Unit #4. Under a contract dated as of November 1, 1979, PSNH agreed, beginning November 1, 1981, to pay NEP's full cost for capacity purchase from NEP's Wyman #4 entitlement.

NEP requests that the Commission allow the full cost of service rate into effect on November 1, 1981.

Any person desiring to be heard or to make any protest with reference to this filing should submit to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 2, 1981, petitions to intervene or protest according to the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests will be considered by the Commission in determining the appropriate action to be taken, but protests will not serve to make protestants parties to the proceeding. A person wishing to become a party must file a petition to intervene. Copies of the application and supporting documents are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27539 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-467-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

September 16, 1981.

Take notice that on August 18, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-467-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new delivery point for its utility customer, Owatonna Public Utilities (Owatonna), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 4.3 miles of 10-inch branchline and a new delivery point to Owatonna which would establish an additional town border station located in Steel County, Minnesota. Applicant states that this station would provide industrial service to the Owatonna electric generation facility as well as commercial and residential service to both existing and potential customers.

Applicant states that increased demand for natural gas service as well as a pressure drop problem across Owatonna's system has placed excessive demands on the current town border station's capacity. Applicant asserts that the proposed facilities would strengthen service to the Owatonna area, increase reliability of Owatonna's system in case of problems with the current point of service or its supply lines, and provide a high pressure source to the combustion gas turbine to be located on the western edge of town.

Applicant avers that the cost to construct the proposed facilities is estimated to be $1,181,150. Applicant states that it would be reimbursed by Owatonna for such cost.

Applicant states additional volumes to be delivered to Owatonna through the proposed facilities are within its present entitlements and would be delivered pursuant to the effective service agreement between Applicant and Owatonna.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27590 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-70-000]

Placid Refining Co.; Filing of Petition for Review Under 42 U.S.C. 7194

September 15, 1981.

Take notice that Placid Refining Company on September 3, 1981 filed a Petition for Review under 42 U.S.C. 7194(b) (1977) (Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 1, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 1, 1981, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27538 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-735-000]

Tampa Electric Co.; Filing

September 15, 1981.

The filing Company submits the following:

Take notice that Tampa Electric Company (Tampa Electric), on September 2, 1981, tendered for filing Service Schedules A and B providing for interchange service between Tampa Electric and Jacksonville Electric Authority (Jacksonville). Correspondence concerning this matter should be addressed to: Mr. G. Pierce Wood, Senior Vice President, Tampa Electric Company, P.O. Box 111, Tampa, Florida 33601; and Peter C. Lesch, Esq., Gallagher, Boland, Meiburger and Brosnan, 821 Fifteenth Street, N.W., Washington, D.C. 20005.

Schedules A and B provide for the emergency and scheduled short-term interchange of capacity and energy between Tampa Electric and Jacksonville. Tampa Electric asks that the Schedules be made effective as of July 1, 1981, and therefore seeks waiver of the Commission's notice requirements pursuant to § 35.11 of the Commission's Regulations, 18 CFR 35.11.

A certificate of concurrence by Jacksonville was filed with the Schedules. Copies of the filing have been served on Jacksonville and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure, 18 CFR 1.8 and 1.10 (1980). All such petitions or protests should be filed on or before October 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27539 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-71-000]

Wilson Oil Co.; Filing of Petition for Review Under 42 U.S.C. 7194

September 15, 1981.

Take notice that Wilson Oil Company on September 4, 1981 filed a Petition for Review under 42 U.S.C. 7194(b) (1977) (Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 1, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 1, 1981, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27380 Filed 9-21-81; 8:45 am]

BILLING CODE 6450-85-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-REP-7-IA-1]

Iowa Radiological Emergency Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operations of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of Iowa has submitted its radiological emergency plans to the FEMA Regional Office. These State and local government plans support the Quad Cities Nuclear Plant Units 1 and 2 located at Cordova, Illinois.

DATE: Plans Received: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick J. Breheny, Regional Director, FEMA Region VII, 911 Walnut, Kansas City, Missouri 64106, (816) 374-5912.

NOTICE: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," the Iowa Emergency Plan was received by the Federal Emergency Management Agency Region VII Office..

Included are plans for Clinton and Scott Counties which are wholly or partially within the plume exposure pathway emergency planning zones of the Quad Cities plant.

Copies of the Plan are available for review at the FEMA Region VII Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 1110 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Patrick J. Breheny, Regional Director, at the above address within thirty days of this **Federal Register** Notice.

Patrick J. Breheny,

Regional Director, FEMA—Region VII.

September 9, 1981.

[FR Doc. 81-27486 Filed 9-21-81; 8:45 am]

BILLING CODE 6718-01-M

[Docket FEMA-REP-NY-3]

New York Radiological Emergency Preparedness Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of New York has submitted its radiological emergency plans to the FEMA Regional office. These plans support nuclear power plants which impact on New York and include those of local governments near the R.E. Ginna Nuclear Power Station, located in the Town of Ontario in Wayne County, New York.

DATE: Plans received: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Plans and Preparedness Division, Region II, 26 Federal Plaza, New York, New York 10278, Telephone: (212) 264-4000.

NOTICE: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness", 45 FR 42341, the State Radiological Emergency Plan for the State of New York was received by the Federal Emergency Management Agency Region II Office.

Included are plans for Wayne County and Monroe County which are partially within the plume exposure pathway emergency planning zone.

Copies of the Plan are available for review at the FEMA Region II Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are approximately 1,100 pages in the document; reproduction fees are $0.10 per page, payable with the request for copy.

Comments on the Plan may be submitted in writing to the Regional Director at the above address on or before October 9, 1981.

FEMA Proposed Rule 44 CFR 350.10 also calls for a public meeting prior to the submission of plans by the Regional Office to Headquarters for approval determination. Details of this meeting will be announced in the *Rochester Times Union, Rochester Democrat and Chronicle*, and the *Finger Lakes Times*, Geneva, New York, at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

Vincent Forde,

Acting Regional Director.

September 10, 1981.

[FR Doc. 81-27487 Filed 9-21-81; 8:45 am]

BILLING CODE 6718-01-M

[Docket FEMA-REP-2-NY-2]

New York Radiological Emergency Preparedness Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of New York has submitted its radiological emergency plans to the FEMA Regional office. These plans support nuclear power plants which impact on New

York, New Jersey and Connecticut, and include those of local governments near the Indian Point Nuclear Power Station located at Indian Point, Village of Buchanan, Town of Cortlandt in Westchester County.

DATE: Plans Received: August 18, 1981.

FOR FURTHER INFORMATION CONTACT: Plans and Preparedness Division, Regional II, 26 Federal Plaza, New York, New York 10278, Telephone: (212) 264-4900.

NOTICE: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness", 45 FR 42341, the State Radiological Emergency Plan for the State of New York was received by the Federal Emergency Management Agency Region II Office.

Included are plans for Putnam County, Orange County, Westchester County and Rockland County, which are partially within the plume exposure pathway emergency planning zone.

Copies of the Plan are available for review at the FEMA Region II Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are approximately 3,500 pages in the document; reproduction fees are $0.10 per page, payable with the request for copy.

Comments on the Plan may be submitted in writing to the Regional Director at the above address on or before October 8, 1981.

FEMA Proposed Rule 44 CFR 350.10 also calls for a public meeting prior to the submission of plans by the Regional Office to Headquarters for approval determination. Details of this meeting will be announced in the following newspapers at least two weeks prior to the scheduled meeting:

Westchester County

Patent Trader, Mount Kisco, N.Y.
Peekskill Evening Star, Peekskill, N.Y.
Reporter Dispatch, White Plains, N.Y.

Putnam County

Evening News, Beacon, N.Y.
Putnam County News and Recorder, Cold Spring, N.Y.
Community Current, Putnam Valley, N.Y.
Evening Star, Peekskill, N.Y.
News Times, Brewster, N.Y.
Patent Trader, Carmel, N.Y.
Putnam County Courier, Carmel, N.Y.
Reporter Dispatch, Carmel, N.Y.

Orange County

Time Herald Record, Middletown, N.Y.
The Evening News, Newburgh, N.Y.
The Union Gazette, Port Jervis, N.Y.
News of the Highlands, Highland Falls, N.Y.
Cornwall Local, Cornwall, N.Y.
The Sentinel, Vails Gate, N.Y.
The Advertiser Photo News, Monroe, N.Y.
The Greenwood Lake News, Greenwood Lake, N.Y.

Rockland County

North Rockland Times, Haverstraw, N.Y.
Journal News, Nyack, N.Y.
Today, Nyack, N.Y.

September 8, 1981

Vincent Forde,
Acting Regional Director.

[FR Doc. 81-27486 Filed 9-21-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for aproval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 2, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3800-B.

Filing party: Mr. Richard L. Landes, Deputy City Attorney, Offices of the City Attorney of Long Beach, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T-3800-B, between the City of Long Beach (City) and California United Terminals (CUT), provides for the lease by City to CUT of two container cranes for use in handling containers at Piers B and C in the Port of Long Beach, California. Rental for the cranes will be based on amortization of the purchase price over a 17½-year period, which will require a basic monthly rental payment of $57,052.56. A portion of the rental may be deferred during the first 7½ years of the amortization period, at CUT's option, and depending on whether CUT's options to renew the basic preferential berth assignment at the premises (Agreement No. T-3800) are exercised. If Agreement No. T-3800 is not renewed, the remaining payment becomes due as a lump sum. CUT has the option to purchase the cranes at any time during the term of the agreement. All rates, charges, regulations and practices of CUT will be subject to the review and control of City. City also reserves the right to make temporary assignments of the cranes to other parties, so long as such assignments do not interfere with CUT's authorized operation.

Agreement No. T-3943-1.

Filing party: Mr. David Ainsworth, Assistant General Counsel, American President Lines, Ltd., 1950 Franklin Street, Oakland, California 94612.

Summary: Agreement No. T-3943-1, between American President Lines, Ltd. (APL) and Foss Alaska Line, Inc. (FOSS), amends the proponents' basic agreement whereby APL furnishes FOSS comprehesive stevedoring and terminal services at Unalaska, Alaska. The purpose of the amendment is to substitute the numbers and words "20 foot, 24 foot or 40 foot" in place of the numbers and words "20 foot or 24 foot" in paragraphs 1 and 2 of Article 2. A new paragraph 3 is added to Article 2 reading as follows: "Stevedoring services consisting only of unloading from and loading FOSS' barge for 20 foot, 24 foot, and 40 foot containers."

Agreement No. T-3990.

Filing party: Mr. Don S. Harvey, Acting Director of Administration, Port Everglades Authority, P.O. Box 13136, Port Everglades, Florida 33316.

Summary: Agreement No. T-3990, between the Port Everglades Authority and Sea-Land Service, Inc. (Sea-Land), restates and extends the term of a previous lease agreement between the parties. Agreement No. T-3990 provides for the one-year lease to Sea-Land of approximately 6 acres of land for use in the handling and processing of containers and related equipment.

As compensation, Sea-Land shall pay a minimum monthly rental of $4,350.50, which may be offset by dockage and wharfage payments. Both parties further agree to Sea-Land's option to lease additional land, provisions for subletting or assignments, indemnification and other terms provided for in the agreement.

Agreement No. 10429.

Filing party: William H. Fort, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street, NW, Washington, D.C. 20006.

Summary: Agreement No. 10429 is a cooperative working agreement, between Naviera Central, C.A. and Naviera Continental, S.A. both Venezuelan Corporations, under common ownership. The agreement provides that the common owner will coordinate ocean common carrier operations and sailings of the 2 affiliate carriers in the trade between Miami, Florida and ports in Venezuela. Both carriers will be served by the same U.S. general agent. Each carrier will file its own tariff, but the rates will be the same.

Dated: September 15, 1981.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-27490 Filed 9-21-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10327; or may inspect the agreements at the Field Offices located at New York, NY; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 13, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discusss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forward to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3071-1.

Filing party: Frank Wagner, Esquire, Deputy City Attorney, Harbor Division, P.O. Box 151, San Pedro, California 90733.

Summary: Agreement No. T-3071-1, between the City of Los Angeles and Japan Line, Ltd., Mitsui O.S.K. Lines, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd, (the Lines), modifies the basic agreement between the parties, which provides for the non-exclusive preferential use by the Lines of certain premises in the Port of Los Angeles, as well as the option to use additional property adjacent to that initially covered by the agreement. The purposes of the modification is to decrease the amount of additional property available for the Lines' optional use, and to add certain standard provisions involving affirmative action programs.

Agreement No. 9891-8.

Filing party: Frederick L. Shreves, II, Esquire, Hill, Betts & Nash, 1220 Nineteenth St., NW., Washington, D.C. 20036.

Summary: Agreement No. 9891-8, the Unigulf Alternate Sailing and Ratemaking Agreement between Armement Deppe, S.A. and Ozean/Stinnes Line Joint Service, modifies the basic agreement by extending the term from January 1, 1982 to January 1, 1985.

Agreement No. 9973-8.

Filing party: Wade S. Hooker, Jr., Esquire, Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreement No. 9973-8, modifies the Johnson ScanStar Combined Service Agreement to include traffic between the United States and the Republic of Mexico within it scope.

Agreements Nos. 9984-17 and 9984-23.

Filing party: John McCluskey, Chairman, South Atlantic-North Europe Rate Agreement, 17 Battery Place, New York, New York 10004.

Summary: Agreements Nos. 9984-17 and 9984-23, originally filed with the Commission on June 2, 1981 and previously published in the **Federal Register** on June 16, 1981 have been refiled by the member lines of the South Atlantic-North Europe Rate Agreement to delete the words "but not limited to" on line 3 in subparagraph (b) of Article II of Agreement No. 9984-17 and to increase the notice period for independent action set forth on line 1 of subpargraph (c) of this Article from 10 days to 30 days. Article VII (new Article IX, Agreement No. 9984-23) is being revised to add the work "and" between the words "amended" and "shall" on line 3 and to change the expiration date from September 30, 1983 to March 31, 1983, which appears on lines 3 and 4 thereof.

Agreement No. 10071-1

Filing party: Bruce Love, Esquire, Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreement No. 10071-1, modifies Agreement No. 10071, which established the Cruise Lines International Association (CLIA). The purpose of the modification is to amend the qualifications for membership in CLIA and to add provisions regarding the financial obligations of members and the requirement of an unanimous vote thereon.

Agreement No. 10428.

Filing party: Kathleen Mahon, Esquire, Galland, Kharasch, Calkins & Short, P.C., Canal Square, 1054 Thirty-First Street, NW., Washington, D.C. 20007.

Summary: Agreement No. 10428 is an exclusive general sales agency agreement between Puerto Rico Maritime Shipping Authority (PRMSA) and Imar Intercontinental Maritima. S.A. (Imar), whereby PRMSA will perform for Imar all services related to marketing, sales solicitation, bookings, freight collections and assistance in equipment control and documentation in connection with Imar's ocean shipping services between the Port of Miami and ports and points on the West Coast of South America, Venezuela, Panama and Colombia.

Imar will compensate PRMSA according to a formula as set forth in the agreement. The term of the agreement is without fixed limit.

Dated: September 17, 1981.

By order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 81-27491 Filed 9-21-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank of Hawaii; Corporation To Do Business

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Bank of Hawaii International Corporation, New York, New York. Bank of Hawaii International Corporation, New York, New York would operate as a subsidiary of Bank of Hawaii, Honolulu, Hawaii. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27472 Filed 9-21-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expressed to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than October 13, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

First Bancorp of N.H., Inc., Manchester, New Hampshire (mortgage banking; New Hampshire): to engage through its subsidiary, FirstBank Mortgage Corp., in the origination, sale and servicing of both residential and commercial mortgages, and the origination and servicing of construction loans. These activities would be conducted from a new office located in Nashua, New Hampshire, serving Hillsborough and Rockingham counties in New Hampshire and communities within a twenty-five mile radius of the proposed office.

B. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Correction

Citicorp, New York, New York, (consumer finance and insurance activities; North Carolina, Kentucky, Tennessee, Virginia, and West Virginia). This notice corrects a previous **Federal Register** notice (FR Doc. 81-25936) published at page 44501 of the issue for Friday, September 4, 1981. The notice is corrected to read: These activities would be conducted from an office of the subsidiary located in Roanoke, Virginia, serving the States of North Carolina, Kentucky, Tennessee, Virginia, and West Virginia.

C. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

Pittsburgh National Corporation, Pittsburgh, Pennsylvania (mortgage banking activities; North Carolina): to engage *de novo*, through its subsidiary, The Kissell Company, in mortgage banking activities, including the making or acquiring and servicing for its own accounts and/or the accounts of others, loans and other extensions of credit. These activities would be conducted from an office of the subsidiary located in Raleigh, North Carolina, serving the counties of Johnston, Durham, Chatham, Wilson, Franklin, and Wake in North Carolina.

D. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California, (financing and credit life, health and accident insurance activities; Pennsylvania): to engage through its subsidiary Security Pacific Consumer Discount Company in making or acquiring for its own account of for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company and acting as broker or agent for the sale of credit life, health and accident insurance. These activities would be conducted from an office of Security Pacific Consumer Discount Company located in Trevose, Pennsylvania, serving the State of Pennsylvania. This application constitutes a relocation of an existing office of Security Pacific Consumer Discount Company which is currently located in Philadelphia, Pennsylvania.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, September 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27520 Filed 9-21-81; 8:45 am]

BILLING CODE 6210-01-M

Port City Holding Company, Inc.; Formation of Bank Holding Company

Port City Holding Company, Inc., Bainbridge, Georgia, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Port City Bank, Bainbridge, Georgia. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 17, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27614 Filed 9-21-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

President's Committee on Mental Retardation; Meeting

The President's Committee on Mental Retardation was established by Executive Order to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between foundations and other private organizations; and development of information designed for dissemination to the general public.

The Committee is scheduled to meet September 21, at the John F. Kennedy Center, 2nd Floor Executive Dining Room, Lo-Rise Building, Cambridge Street, Boston, Massachusetts. The Committee's two task groups on prevention (the Task Group on Environmental Concerns and Minority Affairs, and the Task Group on Mininum Occurrence—Biomedical) will convene from 8:30 a.m. to 5:00 p.m., to deliberate regarding the state of the art relative to prevention of mental retardation, current Committee activities in prevention, and proposed strategies for the next fiscal year.

These meetings are open to the public. The Hotel is barrier free.

Further information on the President's Committee on Mental Retardation may be obtained from Mr. Fred J. Krause, Executive Director, Room 4025, ROB#3, 7th & D Streets, SW, Washington, D.C., telephone (202) 245-7634.

Dated: September 11, 1981.

Fred J. Krause,

Executive Director, President's Committee on Mental Retardation.

[FR Doc. 81-27551 Filed 9-21-81; 8:45 am]

BILLING CODE 4110-12-M

President's Committee on Mental Retardation; Meeting

The President's Committee on Mental Retardation was established by Executive Order to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between foundations and other private organizations; and development of information designed for dissemination to the general public.

The Committee is scheduled to meet September 22, 1981 from 8:30 a.m. to 5:00 p.m., Holiday Inn, Clayton Plaza, LeGrande Salon, 7733 Bonhomme, Clayton, Missouri. The Committee will be conducting a Task Group Meeting on Community Support Services.

These meetings are open to the public. The Hotel is barrier free.

Further information on the President's Committee on Mental Retardation may be obtained from Mr. Fred J. Krause, Executive Director, Room 4025, ROB#3, 7th & D Streets, SW, Washington, D.C., telephone (202) 245-7634.

Dated: September 11, 1981.

Fred J. Krause,

Executive Director, President's Committee on Mental Retardation.

[FR Doc. 81-27552 Filed 9-21-81; 8:45 am]

BILLING CODE 4110-12-M

Food and Drug Administration

[Docket No. 81N-0228]

Travenol Laboratories, Inc.; Seal-Less Centrifugal Automated Blood Cell Separators; Panel Recommendation on Petition for Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is publishing for public comment the recommendation of the Hematology and Pathology Device Section of the Clinical Chemistry and Hematology Devices Panel (the Section) to deny a reclassification petition. The petition was filed by Travenol Laboratories, Inc., Deerfield, IL 60015, to reclassify seal-less centrifugal automated blood cell separators from class III (premarket approval) into class II (performance standards) as a category separate from all other types of automated blood cell separators. After reviewing the Section recommendation and any public comments received, FDA will, by order published in the **Federal Register**, either deny the petition or give notice of its intent to initiate a change in the classification of the device.

DATE: Comments by October 22, 1981.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nabeeh Mourad, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7234.

SUPPLEMENTARY INFORMATION: In 1979 and 1980, Travenol Laboratories, Inc., Deerfield, IL 60015, submitted to FDA premarket notifications under section 510(k) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360(k)), stating that it intended to market two seal-less centrifugal automated blood cell separators. After reviewing the information in the premarket notifications, FDA determined the devices are substantially equivalent to blood cell separators that were in commercial distribution before May 28, 1976, and that are classified into class III in § 864.9245 (21 CFR 864.9245).

On January 19, 1981, Travenol Laboratories, Inc., submitted to FDA under section 513(e) of the act (21 U.S.C. 360c(e)) a reclassification petition for its seal-less centrifugal automated blood cell separators. Travenol based its petition on the argument that these devices should be in a category separate from all other types of automated blood cell separators, because they do not use seals.

Section 860.130(c) of the regulations governing reclassification of preamendments medical devices (21 CFR 860.130(c)) provides that FDA may secure from the advisory panel to which a device was last referred for classification, under section 513(c) of the act (21 U.S.C. 360c(c)), a recommendation respecting the proposed change in classification. On April 20, 1981, the Section reviewed the petition and recommended that seal-less centrifugal automated blood cell separators not be reclassified from class III into class II as a category separate from § 864.9245, which classifies into class III all types of automated blood cell separates.

To determine the proper classification of these devices, the section considered the criteria specified in section 513(a)(1) of the act (21 U.S.C. 360c(a)(1)). For the purpose of classification, the Section assigned to the generic type of device the name "Automated Blood Cell Separator" and described this type of device as one that automatically removes whole blood from a donor, separates the blood into components (red blood cells, white blood cells, plasma, and platelets), retains one or more of the components, and returns the remainder of the blood to the donor. The components obtained are transfused or used to prepare blood products for administration to patients. These devices operate on a centrifugal separation principle. The separation bowls of centrifugal blood cell separators may be reusable or disposable.

Summary of the Reasons for the Recommendation

The Section gave the following reasons in support of its recommendation to deny reclassification:

1. Although hazards among different types of separators tend to be different, each type of separator is no more or less hazardous than any other.

2. The seal-less feature of the centrifugal automated blood cell separators does not significantly minimize the hazards associated with the blood cell separators to justify reclassifying these devices from class III into class II as a separate category.

Summary of the Data on Which the Recommendation is Based

The Section based its recommendation on the following performance characteristics of the device:

According to Douglas Huestis, M.D., of the University of Arizona, who was a speaker at the April 20 Section meeting, hazards tends to be different among different machines (Ref. 1). "The various machines are very operator dependent when considering if any one machine is less or more hazardous than any other." Travenol's CS 3000, for example, utilizes state-of-the-art technology to make the machine simple to operate. Dr. Huestis points out that there is a potential for operator inattention because the device has numerous automatic features, and also that the sensors tend to be supersensitive to the point where machine operators may turn off the sensors.

Dr. Huestis stated that because the collection bowl is concealed, the operator of the Travenol CS 3000 may be unaware of any clots or excess red cells until the end of the separation procedure. The CS 3000 plastic-ware also has numerous quality control problems such as leaks, kinks, and missing pieces.

Linn, et al., experienced a 21-percent defect rate in the experimental blood processing sets used on the Travenol CS 3000 (Ref. 2). (The latest production lot used in the study had a defect rate of 7.5 percent (Ref. 2)). In the 53 procedures done in the study, there were 2 leaks, 1 inoperative pressure monitor diaphragm, and 1 broken pump tubing (Ref. 2).

White and red cell contamination occurs during apheresis procedures regardless of the type of seal used in blood cell separators. In a study done by Katz, et al., the Travenol CS 3000 and the Haemonetics H-30 plateletpheresis procedures were compared (Ref. 3). The platelet yield was similar for the two procedures, but the CS 3000 had a smaller degree of white and red blood cell contamination (Ref. 3). In the study done by Linn, et al., where granulocytes were collected, the contamination of granulocyte concentrates by lymphocytes is rather high (approximately 25 percent) (Ref. 2).

Risks to Health

The Section noted that there is a risk of hepatitis infection caused by exposure to the donor and operator of blood or blood aerosols from an undetected or sudden leak in the system. The Section also noted that if the device fails to perform satisfactorily, the blood or blood components recovered may not be suitable for use because of cell damage during collection or processing.

Additional Findings

1. The Section also recommended that FDA reclassify all automated blood cell separators for donor procedures from class III into class II, but that this reclassification not take effect until a performance standard for these devices is effective.

2. The Section also believes that therapeutic uses of automated blood cell separators should remain in class III because insufficientf information exists to establish a performance standard assuring the safety and effectiveness of therapeutic uses of these devices.

FDA agrees with these additional findings and will reclassify automated blood cell separators for donor procedures into class II upon the effective date of performance standard for these devices.

References

The petition, the transcript of the Section meeting, and the following material are on public file in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, where they may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

(1) Huestis, Douglas, "Cell Collection and Transfusion Comparing All Available Instruments," in the Transcript of the Hematology Section Meeting of April 20, 1981.

(2) Linn, A., J. Smith, R. Porten, H. Cullis, J. Houx, and D. H. Buchholz, "Leukapheresis Using the Fenwal CS 3000 Blood Cell Separators," presented at the 33d Annual Meeting of the American Association of Blood Banks, November 1980. *Transfusion* 20:638, 1980.

(3) Katz, A. J., P. V. Genco, N. Bloomberg, E. L. Snyder, B. Camp, and E. E. Morse, "Platelet Collection and Transfusion Using the Fenwal CS 3000 Cell Separator." Accepted for publication in *Transfusion*.

Interested persons may, on or before October 22, 1981, submit to the Dockets Management Branch (address above) written comments on the recommendation. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be submitted with the name of the device and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has carefully analyzed the economic effects of this notice and has determined that, if promulgated, the regulation reclassifying the device will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act. In accordance with section 3(g)(1) of Executive Order 12291, the impact of this notice has been carefully analyzed, and it has been determined that this notice does not constitute a major rule as defined in section 1(b) of the Executive Order. Because of statutory deadlines (section 513(f)(2) of the act) and requirements in the regulations (§ 860.134(b)(5) (21 CFR 860.134(b)(5))), FDA is required to publish this notice in the **Federal Register** as soon as practicable. As authorized by section 8(a)(2) of Executive Order 12291, FDA is publishing in the **Federal Register** this notice without clearance of the Director, Office of Management and Budget. As soon as practicable, FDA will notify that office of the publication of this notice.

V 46 SE 22 81 UMI

Dated: September 16, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-27471 Filed 9-21-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Medford District Advisory Council; Meeting

Notice is hereby given in accordance with 43 CFR 1780 that a meeting of the Medford District Advisory Council will be held on Friday, October 16. The meeting will begin at 9 AM and will end at 12 noon in the Oregon Room of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon.

The agenda for the meeting will include:

1. General announcements of BLM Medford District activities.
2. Review of Areas of Critical Environmental Concern Nominations (Foots Creek, Little Applegate, and Applegate Watershed).
3. Plans for future meetings

The meeting is open to the public and news media. Interested persons may make oral statements to the Council between 11 AM and 12 noon or file written statements for the Council's consideration.

Anyone wishing to make an oral statement must notify the Public Affairs Officer, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97501, telephone 503/776-4198, by close of business October 13. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary of minutes of the Council meeting will be maintained at the District Office and be available for public inspection and reproduction at the cost of duplication.

Hugh R. Shera,

District Manager.

September 9, 1981.

[FR Doc. 81-27516 Filed 9-21-81; 8:45 am]

BILLING CODE 4310-84-M

[M 52637]

Montana; Order Providing for Opening of Public Lands

September 10, 1981.

1. In an exchange of land made under the provisions of the Act of October 21, 1976, 43 U.S.C. 1701 et seq., the following lands have been reconveyed to the United States:

Principal Meridian

T. 2 S., R. 58 E.,
  Sec. 1, SE¼; and
  Sec. 12, NE¼.
T. 2 S., R. 59 E.
  Sec. 7, Lots 1, 2, 3, and 4; and
  Sec. 18, Lot 1.

The areas described aggregate 603.11 acres in Carter County.

2. The mineral rights in Lots 1 and 2, Sec. 7, T. 2 S., R. 59 E., have been and continue to be vested in the United States. The government did not acquire the mineral rights in the balance of the above-described land.

3. Subject to valid existing rights, the provision of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 shall be open to operation of the public land laws at 8 a.m. on October 23, 1981.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

September 14, 1981.

[FR Doc. 81-27515 Filed 9-21-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada County, Calif.; Conveyance of Public Land [CA 9417]

September 14, 1981.

Notice is hereby given that pursuant to sec. 203 of the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), the Cedar Ridge Building Materials Company has purchased by noncompetitive sale public land in Nevada County, California, described as:

Mount Diablo Meridian, California

T. 16 N., R. 8 E.,
  Sec. 26, Lot 2.
  Containing 0.03 acre.

The purpose of this notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to the Cedar Ridge Building Materials Company.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-27517 Filed 9-21-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

[INT-DES 81-37]

Anderson Ranch Powerplant Third Unit; Boise Project, Idaho; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental statement on the proposed addition of a third generator in Anderson Ranch Dam on the South Fork of the Boise River in southwestern Idaho. Written comments may be submitted to the Regional Director by December 16, 1981.

Copies are available for inspection at the following locations:

Director, Office Environmental Affairs, Bureau of Reclamation, Department of the Interior, 18th & C Streets NW., Room 7622, Washington, DC 20240, Telephone: (202) 343-4991
Division of Management Support, General Services, Library Branch, Code 950, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, Telephone: (303) 234-3019
Regional Director, Bureau of Reclamation, Box 043, 550 West Fort Street, Boise, ID 83724, Telephone: (208) 334-1209
Central Snake Projects Office, Bureau of Reclamation, 214 Broadway Avenue, Boise, ID 83702, Telephone: (208) 334-1460

Single copies of the statement may be obtained upon request to the Commissioner of Reclamation or the Regional Director. Copies will also be available for inspection in libraries in the project vicinity.

Dated: September 17, 1981.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 81-27514 Filed 9-21-81; 8:45 am]

BILLING CODE 4310-09-M

Geological Survey

J. R. Simplot Co.; Smoky Canyon Mine; Availability of Draft Statement; Proposed Phosphate Mine and Slurry Pipeline, Caribou County, Idaho

AGENCY: U.S. Geological Survey.

ACTION: Notice of Availability of draft environmental impact statement on proposed surface phosphate mine and slurry pipeline.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the U.S. Geological Survey (USGS) and the U.S. Forest Service (FS), Caribou National Forest, have prepared a draft environmental impact statement (DEIS) on J. R. Simplot Company's proposed Smoky Canyon phosphate mine in Caribou County, Idaho.

The USGS is the responsible Agency for taking action on the approval of the mine plan and the FS is the responsible Agency for taking action on the issuance of special land-use permits for National Forest lands outside the leasehold. Because both Agencies have approval

actions to take with regard to this proposal, the statement was prepared under the joint leadership of the USGS and the Caribou National Forest.

The environmental impact statement evaluates the proposed actions and alternatives. Technical alternatives include alternative access routes, slurry pipelines routes, means of ore transportation, waste rock disposal sites, mining sequences, reclamation, mill and tailings pond sites, and powerline routing. Administrative alternatives include approval of the mining and reclamation plan, approval with stipulations, deferred action, and no action.

The proposed mine will be located about 10 miles west of Afton, Wyoming. It is anticipated that the major socioeconomic impacts from this mine will occur in Lincoln County, Wyoming. The Simplot proposal consists of surface mining 2 million tons of phosphate ore per year over a mine life of about 30 years, and a 25-mile slurry pipeline to transport the ore to Simplot's existing plant at Conda, Idaho. The mine is expected to disturb about 60 acres per year, with about 700 total acres to be disturbed by mining and associated activities at any one time. In addition, the proposal includes construction of 8 miles of electrical power lines, plant facilities, ore crushing, slurry preparation and pumping facilities, tailing ponds, and the upgrading of area access roads.

The draft environmental impact statement is available for public review at the following places:

U.S. Geological Survey Library, 1526 Cole Boulevard, Golden, Colorado 80401
U.S. Geological Survey Library, Room A100, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092
U.S. Geological Survey Conservation Division, Federal Building, U.S. Courthouse, 250 South 4th Avenue, Suite 172, Pocatello, Idaho 83201
U.S. Forest Service, Caribou National Forest, Federal Building, 250 South 4th Avenue, Pocatello, Idaho 83201
U.S. Forest Service, Caribou National Forest, 420 East 2nd South, Soda Springs, Idaho 83276

Public Libraries

Soda Springs Public Library, 149 South Main, Soda Springs, Idaho 83276
Pocatello Public Library, 812 East Clark, Pocatello, Idaho 83201
Afton Branch Library, Afton, Wyoming 83110

A limited number of copies are available on request from the U.S. Forest Service, Caribou National Forest, P.O. Box 4189, 250 South 4th Avenue, Pocatello, Idaho 83201.

Written comments on the draft statement will be accepted for a period of 60 days subsequent to the filing with the Environmental Protection Agency. All substantive comments received will be considered in preparing the final environmetal statement on this proposal. Written comments should be addressed to either:

Mr. Barney Brunelle, District Mining Supervisor, U.S. Geological Survey, Suite 172, Federal Building, 250 South Fourth Avenue, Pocatello, Idaho 83201, Telephone: (208) 236-6860
Mr. Charles Hendricks, Forest Supervisor, Caribou National Forest, Suite 294, Federal Building, 250 South Fourth Avenue, Pocatello, Idaho 83201, Telephone: (202) 236-6700

Comments on the draft environmental impact statement are sought from industry, officials from all levels of Government, interested groups, and concerned citizens.

Public meetings will be held in Afton, Wyoming, on November 4, 1981, at 7 p.m., and in Soda Springs, Idaho, on November 5, 1981, at 7 p.m., to obtain comments on the draft environmental impact statement.

Oral comments at the meetings plus written comments will be used in developing the final environmental impact statement.

Dated: September 16, 1981.

Eddie R. Wyatt,

Acting Assistant Director for Resource Programs.

[FR Doc. 81-27469 Filed 9-21-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 11, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by October 7, 1981.

Carol Shull,

Acting Keeper of the National Register.

COLORADO

Eagle County

Basalt vicinity, *Archeological Site 5EA484,* NW of Basalt.

Teller County

Florissant vicinity, *Archeological Site 5TL4 (hornbek House)* SR 1

OHIO

Perry County

New Lexington, *Perry County Courthouse and Jail,* Main and Brown Sts.

PENNSYLVANIA

Allegheny County

Carnegie, *Carnegie, Andrew, Free Library,* 300 Beechwood Ave.

Bedford County

New Enterprise, *New Enterprise Public School,* Off PA 869.

Chester County

West Chester, *West Chester State College Quadrangle Historic District,* Bounded by S. High and S. Church Sts., Rosedale and College Aves.

Fayette County

Connellsville, *Carnegie Free Library,* S. Pittsburgh St.

UTAH

Grand County

Moab vicinity, *Pinhook Battleground,* E. of Moab.

[FR Doc. 81-27317 Filed 9-21-81; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 18, 1981. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by October 7, 1981.

Carol Shull,

Acting Keeper of the National Register.

MASSACHUSETTS

Norfolk County

Walpole, *Walpole Town Hall,* Main St.

[FR Doc. 81-27605 Filed 9-21-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Section 5b Application No. 11]

Canadian Railroads—Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of extension of time for filing comments.

SUMMARY: By notice of filing of proposed agreement and request for comment published in the **Federal Register** on August 21, 1981 (46 FR 42536), the Commission sought comments on the application for approval of a ratemaking agreement under 49 U.S.C. 10706(a) filed by the Canadian National Railway Company and Canadian Pacific Limited. Comments were due September 21, 1981, 30 days from **Federal Register** publication. The Western Railroads filed a petition requesting a 60-day extension of time for filing comments to November 20, 1981. The petition shall be granted in part. There will be a 45-day extension to November 5, 1981, for interested persons to file comments. This extension is necessary since many new and complex issues are involved in this proceeding. A longer extension is not justified, however, since we have stated that this proceeding will be handled expeditiously.

DATES: All comments are now due November 5, 1981.

ADDRESS: An original and fifteen copies of comments should be sent to: Interstate Commerce Commission, Room 5356, 12th and Constitution Avenue, NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7656.

Decided: September 16, 1981.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–27494 Filed 9–21–81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: September 15, 1981.

In our recent decisions, an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 17.8-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, or the 2.0-percent surcharge for United Parcel Service. However, the bus carrier surcharge is ordered to be reduced to 6.6-percent.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m., September 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham, and Gilliam.

Agatha L. Mergenovich,

Secretary.

September 14, 1981.

Appendix.—*Fuel Surcharge*

Base date and price per gallon (including tax)

Jan. 1, 1979 .... 63.5¢

Date of current price measurement and price per gallon (including tax)

Sept. 14, 1981 .... 130.4¢

	Transportation performed by—			
	Owner-operator[1]	Other[2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	17.8	3.1	6.6	[3] 2.8
Percent surcharge allowed	18.0	3.1	6.6	[4] 2.0

[1] Apply to all truckload rated traffic.

[2] Including less-than-truckload traffic.

[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81–27497 Filed 9–21–81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB–1 (Sub-No. 120)B]

Chicago and North Western Transportation Company—Abandonment—Between Milepost 217.3 Near the Site of a Switch Connection Serving Omaha Cold Storage, Inc. and Rogerton, IA; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision dated September 14, 1981, the Commission Review Board Number 3, found that the public convenience and necessity require or permit abandonment by Chicago and North Western Transportation Company of its line of railroad between milepost 217.3 near the site of a switch connection serving a shipper, Omaha Cold Storage, Inc., and Rogerton, IA in Webster and Humboldt Counties, IA, a total distance of 9.7 miles subject to the conditions for employee protection provided in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that:

(1) A financially responsible person (or government entity) has offered financial assistance (through subidy or purchase) to enable the rail service to be continued; and

(2) It is likely that:

(a) If a subsidy, the assistance would cover the difference between the revenues attributable to the line and the avoidable cost of providing rail freight service on the line, together with a reasonable return on the value of the line, or

(b) if a purchase, the assistance would cover the acquisition cost of all or any portion of the line.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

If the Commission makes the findings described above, the issuance of the abandonment certificate will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, the abandonment certificate will be issued. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96–448) and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–27498 Filed 9–21–81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29729F]

Denver and Rio Grande Western Railroad Co.—Acquisition and Operation—Near Craig in Moffat County, CO

The Denver and Rio Grande Western Railroad Company (Applicant), Post Office Box 5482, Denver, CO 80217, represented by Samuel R. Freeman, Vice President and General Counsel, and John S. Walker, General Solicitor, The Denver and Rio Grande Western Railroad Company, P.O. Box 5482, Denver, CO 80217, hereby gives notice that on the 1st day of September, 1981, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 10901 for a decision approving and authorizing the acquisition and operation of a line of railroad presently owned by Colorado-Ute Electric Association, Inc. between Craig and Ute Junction a distance of 1.05 miles in Moffat County, CO.

Applicant proposes to acquire an existing line of railroad, 1.05 miles in length, extending from the end of its line at Craig to a point called Ute Junction on the Colorado-Ute Spur (over which Applicant has lease rights and operating rights) near Craig, CO. Applicant is presently operating over said line by contract and, upon approval of its application, proposes to acquire and operate said line as a common carrier by railroad.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969,* 352 I.C.C. 451 (1976), as amended by the Commission's decision in Ex Parte No. 55 (Sub-No. 22), *Revision of National Environmental Policy Act Guidelines,* 363 I.C.C. 653 (1980), 45 FR 79810 (December 2, 1980), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra,* at p. 487.

Pursuant to 49 U.S.C. 10901 the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27495 Filed 9-21-81; 8:45 am

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

September 16, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

FSA No. 43936, Burlington Northern Railroad by H.H. Kirchoff, Agent carload rates on sugar, beet or cane, in bulk, from Bingham, MN., and Wahpeton, ND., or from East Grand Forks, Wilds, MN., and Drayton, Redco, ND., to St. Joseph, MO., in Tariff ICC KHH 3605-R, to become effective October 28, 1981. Grounds for relief; Market Competition and rate relationship.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27496 Filed 9-21-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980 at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

V 46 SE 22 81 UMI

Volume No. OPY-3-171

Decided: September 15, 1981.

MC 158134, filed September 10, 1981. Applicant: NELSON GALLOWAY, 873 Mill, Leitchfield, KY 42754. Representative: (same as above) Transporting *food and other edible products and byproducts intended for human consumption* (except alcholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-4-369

Decided: September 11, 1981.

MC 158057, filed September 3, 1981. Applicant: KOPAC INTERNATIONAL CORPORATION, P.O. Box 6874, Bothan, AL 36302. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006, (202) 833-8884. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

[FR Doc. 81-27409 Filed 9-21-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willling, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later become unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. the unopposed applications involving new entrance will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-175

Decided: September 14, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 29573 (Sub-7), filed August 31, 1981. Applicant: DONALD S. WEBB, d.b.a. WEBB-TRUCK-IT, 855 Wood Ave., Loves Park, IL 61111. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Hartman Beverage Co., Inc., of Freeport, IL, and (b) B. B. Distributors, Inc., of Sycamore, IL.

MC 46632 (Sub-17), filed August 25, 1981. Applicant: WILLIG FREIGHT LINES, 123 Loomis St., San Francisco, CA 94124. Representative: Robert L. La Vine, 415 Hearst Bldg., San Frncisco, CA 94103, 415-981-6677. Transporting *general commodities* (except classes A and B explosives) (I) *Over regular routes* (1) Between Las Vegas, NV, and Junction Insterstate Hwy 15 and CA Hwy 30, over Interstate Hwy 15, serving all intermediate points, and serving the off-route point of Nellis Air Force Base, NV, (2) Between Weimar, CA and Fernley, NV, over Interstate Hwy 80, serving all intermediate points, (3) Between El Dorado Hills, CA, and Fallon, NV, over U.S. Hwy 50, serving all intermediate points, and serving the off-route point of Fallon Naval Air Station, NV, (4) Between Reno and Carson City, NV, over U.S. Hwy 395, serving all intermediate points, (5) Between Junction U.S. Hwy 395 and NV Hwy 17, near Reno Hot Springs, and Junction NV Hwy 17 and U.S. Hwy 50, near Payton, NV, over NV Hwy 17, serving all intermediate points, (6) Between Fernley, NV and Junction Alternate U.S. Hwy 50 and U.S. Hwy 50, over Alternate U.S. Hwy 50, serving all intermediate points, (7) Between Las Vegas and Boulder City, NV, over U.S. Hwy 93, serving all intermediate points, (8) Between Truckee and Junction CA Hwy 89 and U.S. Hwy 50, near Tahoe Valley, CA, over CA Hwy 89, serving all intermediate points, (9) Between Tahoe City, CA and Junction NV Hwy 28 and U.S. Hwy 50, near Glenbrook, NV: From Tahoe City, CA over CA Hwy 28 to the CA-NV State Line, then over NV Hwy 28 to Junction NV Hwy 28 and U.S. Hwy 50, near Glenbrook, NV, and return over the same route, serving all intermediate points, (10) Between Yuba City and Red Bluff, CA, over CA Hwy 99, serving all intermediate points, (11) Between Arbuckle and Redding, CA, over Interstate Hwy 5, serving all intermediate points, (12) Between Tuscon and Nogales, AZ, over Interstate Hwy 19, serving all intermediate points, (13) Between Carson City, NV and Junction U.S. Hwy 395 and Interstate Hwy 15, over U.S. Hwy 395, serving all intermediate points, (14) Between Junction Interstate Hwy 5 and CA Hwy 14, near San Fernando, CA, and Junction CA Hwy 14 and U.S. Hwy 395, near Inyokern, CA, over CA Hwy 14, serving all intermediate points, (15) Between Needles, CA and Fallon, NV, over U.S. Hwy 95, serving all intermediate points, (16) Between Wickenburg, AZ and Boulder City, NV, over U.S. Hwy 93, serving all intermediate points, and (17) Between Phoenix and Wickenburg, AZ, over U.S. Hwy 60, serving all intermediate points, (II) *Over irregular* *routes,* Between points in CA, AZ, and NV.

Note.—Applicant intends to tack this authority with its existing authority.

MC 108053 (Sub-185), filed September 4, 1981. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., 1520 West 23rd St., Fremont, NE 68025. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601 (312) 332–5106. Transporting *materials, equipment, and supplies* used in the manufacture and distribution of aircraft, between points in CA, UT, and MO.

MC 109173 (Sub-6), filed August 27, 1981. Applicant: MICHIGAN TRAILWAYS, INC., d.b.a. DELTA VALLEY TOURS, 12154 N. Saginaw Rd., Clio, MI 48420. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, 517–482–2400. Transporting *passengers and their baggage in the same vehicle with passengers* in one-way or roundtrip special and charter operations, between points in FL, on the one hand, and, on the other, points in the U.S.

MC 129712 (Sub-57), filed September 4, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326, 404–237–6472. Transporting *house trailer undercarriages, wheels, axles, tires, and parts,* between points in the U.S., under continuing contract(s) with All American Wheel & Axle Co., Inc., of Largo, FL.

MC 134453 (Sub-26), filed August 31, 1981. Applicant: STERNLITE TRANSPORTATION COMPANY, Winsted, MN 55395. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. (612) 457–6889. Transporting *metal products,* between points in the U.S., under continuing contract(s) with V.A.W. of American, Inc., of Ellenville, NY.

MC 142723 (Sub-7), filed August 31, 1981. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219–2383. (412) 471–2800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Shasta Beverages, Inc., of Columbus, OH.

MC 144003 (Sub-4), filed August 28, 1981. Applicant: TIEDT TRUCKING CO., Lemont and Bluff Rd., Lemont, IL 60439. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting *metal products,* between Chicago, IL, on the one hand, and, on the other, points in IL, IN, MI, OH, and PA.

MC 144293 (sub-1), filed August 31, 1981. Applicant: DUANE McFARLAND, P.O. Box 1006, Austin, MN 55912. Representative: Thomas J. Beener, 67 Wall St., New York, NY 10005, 212–269–2540. Transporting *food and related products,* between Memphis, TN, and points in Gregg County, TX, on the one hand, and, on the other, points in IA, IL, MN, ND, SD, MI, OH and WI.

MC 146703 (Sub-32), filed August 21, 1981. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: John P. Zumwalt (same address as applicant) 816–356–3212. Transporting *chemicals and related products,* between points in the U.S. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 150623 (Sub-1), filed August 24, 1981. Applicant: C.M.C. TRANSPORT, INC., Rural Route No. 3, Tipton, IN 46072. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (317) 846–6655. Transporting *petroleum, natural gas and their products,* between points in the U.S., under continuing contract(s) with Mobile Oil Corporation, of Fairfax, VA. Condition: To the extent that this Certificate authorizes transportation of classes A and B explosives, it shall be limited in term to a period expiring 5 years from its date of issuance.

MC 151012 (Sub-2), filed September 3, 1981. Applicant: O.W.L. TRANSPORT, INC., 157 Carolyn Lane, Nicholasville, KY 40356. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602, 502–223–8244. Transporting *iron and steel articles* and *furniture component parts,* between the facilities used by Leggett & Platt, Inc., and its affiliates at those points in the U.S., in and east of MN, IA, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, NE, KS, OK, and TX.

MC 151993 (Sub-2), filed August 28, 1981. Applicant: FRANK SMITH d.b.a. FRANK SMITH TRUCKING, Route 1, Box 3, Marble Falls, TX 78654. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, 512–478–9808. Transporting *such commodities* as are dealt in or used by manufacturers, processors, or distributors of paints, highway marking materials, and coatings, industrial coatings, highway safety products and equipment and highway maintenance products and equipment, between points in the U.S., under continuing contract(s) with Prismo Universal Corporation, of Parisppany, NJ.

MC 152543 (Sub-3), filed August 31, 1981. Applicant: J & S TRANSPORTATION, INC., 1015 North St, Conyers, GA 30207. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, 404–477–1525. Transporting *chemicals and related products,* between points in Barrow County, GA, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MI, MO, MS, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA and WV. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 154912, filed September 4, 1981. Applicant: MOTRUX TRANSPORTATION, LTD., 2345 Douglas Rd., Burnaby, B.C., Canada V5C 5A9. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104 (206) 622–3220. Transporting *farm products,* between points in the U.S., under continuing contract(s) with Wolfkill Feed and Fertilizer Corp., of Lynden, WA.

MC 155913 (Sub-1), filed August 24, 1981. Applicant: SELDEN AND SPENCER, INC., Route 661, Chance, VA 22439. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Hoover Universal, Inc., Wood Preserving Division, of Milford, VA, and (b) Bristol Corporation, Bristol Pipe Division, of Leola, PA.

MC 157112, filed September 3, 1981. Applicant: SIMONICH TRUCKING, 3455 15th Ave. South, Great Falls, MT 59405. Representative: F. B. Simonich (same address as applicant), (406) 761–0699. Transporting *flour and grain,* between Great Falls, MT, on the one hand, and, on the other, points in CA.

MC 157523, filed September 3, 1981. Applicant: REUBEN A. BRUE, d.b.a. R. A. BRUE, P.O. Box 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting (1) *meats, meat products, and meat by-products,* between points in Cook and Kane Counties, IL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX; and (2) *fertilizers and chemicals,* between points in IN, MI, IA, IL, OH, TN, MO, WI, and MN.

MC 157903 (Sub-1), filed August 28, 1981. Applicant: WICO EXPRESS, INC., P.O. Box 2277, Sandusky, OH 44870. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614-228-1541. Transporting *machinery, chemicals and related products, transportation equipment, petroleum or coal products, clay, concrete, glass or stone products and metal products,* between points in Maricopa County, AZ, Kern and San Diego Counties, CA, Polk County, FL, Atlanta, GA, Chicago, IL, St. Paul, MN, St. Louis, MO, Jefferson County, MO, Buffalo, NY, Erie, Stark and Lucas Counties, OH, Cleveland and Columbus, OH, Dauphine and York Counties, PA, Gregg and Dallas Counties, TX, Pierce County, WA, and Walworth and Milwaukee Counties, WI, on the one hand, and, on the other, points in the U.S. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 157932, filed August 27, 1981. Applicant: ROBERT VAN CAMPEN TRUCKING, INC., R.D. #2, Hudson, NY 12534. Representative: Mary Elizabeth Toomey, 60 State St., Albany, NY 12207, (518) 449-3100. Transporting (1) *flour* and *feed ingredients,* between points in Columbia County, NY, on the one hand, and, on the other, points in CT, MA, NH, NJ, NY, RI, VT, ME, PA, MD, OH, VA, DE, and IL, and (2) *lime and white crushed stone,* between points in Litchfield County, CT, on the one hand, and, on the other, points in CT, ME, MA, NJ, NY, PA, RI, VT, NH, OH, MD, DE, IL, WV, NC, SC, GA, FL, AL, TN, KY, IN, IA, MO, WI, MN, NE, and KS.

Volume No. OPY-3-170

Decided: September 15, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 2484 (Sub-60), filed September 9, 1981. Applicant: E & L TRANSPORT COMPANY, 23420 Ford Road, Dearborn Heights, MI 48127. Representative: Eugene C. Ewald, 100 West Long Lake Road, Ste. 102, Bloomfield Hills, MI 48013 (313) 645-9600. Transporting *motor vehicles,* between points in the U.S.

MC 13845 (Sub-9), filed September 4, 1981. Applicant: WILLIAM CARL & JAMES FRANKLIN RUSSELL, d.b.a. FRANK RUSSELL & SON, 401 S. Ida St., West Frankfort, IL 62896. Representative: William C. Russell (same address as applicant) (618) 932-3177. Transporting *machinery, self-propelled vehicles, mine products,* and *mining equipment,* between points in IL, IN, KY, MO, OH, PA, VA, and WV, on the one hand, and, on the other, points in the U.S.

MC 42605 (Sub-7), filed September 2, 1981. Applicant: CARL H. BETZ, Rural Delivery #1, Orefield, PA 18069. Representative: Paul B. Kemmerer, 1620 N. 19th St., Allentown, PA 18104 (215) 432-7904. Transporting (1) *chemicals and related products,* (a) between points in Burlington, Middlesex, and Sussex Counties, NJ, on the one hand, and, on the other, points in PA, and (b) between points in Lehigh County, PA, on the one hand, and, on the other, points in ME, (2) *ores and minerals,* (a) between points in Sussex County, NJ, on the one hand, and, on the other, points, in PA, DE, MD, and NY, and (b) between points in Carbon and Lehigh Counties, PA, on the one hand, and, on the other, points in NJ, NY, DE, and MD, (3) *lumber and wool products, metal products, machinery,* and *transportation equipment,* (a) between points in PA, NY, DE, and MD, on the one hand, and, on the other, points in Sussex County, NJ, and (b) between points in NJ, NY, DE, and MD, on the one hand, and, on the other, points in Lehigh County, PA, (4) *hazardous Materials,* between points in Middlesex County, NJ, on the one hand, and, on the other, points in PA, NY, and OH, and (5) *waste or scrap materials,* between points in Bristol County, MA, on the one hand, and, on the other, points in NJ, PA, and DE.

MC 135185 (Sub-64), filed September 8, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South bend, IN 46624. Representative: Jack B. Wolfe, 665 Capitol Life Center, Denver, CO 80203 (303) 839-5856. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 139085 (Sub-1), filed September 8, 1981. Applicant: ROSS BROS. TRANSPORTATION, INC., POB 103, Circle MT 59215. Representative: William E. Seliski, No. 2 Commerce POB 8255, Missoula, MT 59807 (406) 543-8369. Transporting (1) *such commodities* as are dealt in by lumber yards and farm supply stores, between points in WA, OR, ID, and MT on the one hand, and, on the other, points in AZ, CA, CO, IL, IA, KS, MN, NO, NE, ND, OH, OK, SD, TX, UT, WI and WY; (2) *food and related products,* between points in WA, OR, and ID, on the one hand, and, on the other, points in MT, (3) *such commodities* as are dealt in by tire dealers, (1) between points in Summit County, OH and Shawnee County, KS, on the one hand, and, on the other, points in Yellowstone and Dawson County, MT, and (2) between points in Yellowstone County, MT, on the one hand, and, on the other, points in Natrona County, WY and King County, WA.

MC 141865 (Sub-12), filed September 9, 1981. Applicant: ACTION DELIVERY SERVICE, INC., 2401 West Marshall Dr., Grand Prairie, TX 75051. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332-4415. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paint, chemicals and related articles, between points in the U.S., under continuing contract(s) with Sherwin-Williams Co., of Garland, TX.

MC 144765 (Sub-3), filed September 8, 1981. Applicant: WATERVILLE-CASCADE TRUCKING, INC., P.O. Box 1686, Wenatchee, WA 98801. Representative: Robert G. Gleason, 1127 10th E., Seattle, WA 98102, (206) 325-8875. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 145154 (Sub-5), filed September 9, 1981. Applicant: YOUNG'S TRANSPORTATION CO., a corporation, P.O. Box 7200, 1230 West 17th St., Houston, TX 77008. Representative: Eric Meierhoefer, 1029 Vermont Ave., NW., Suite 1000, Washington, DC 20005, (202) 347-9332. Transporting (1) *wooden, metal, and glass windows and doors,* between points in Champaign County, IL, on the one hand, and on the other, points in the U.S., and (2) *such commodities* as are dealt in or used by manufacturers and distributors of brooms, brushes, and bristled products, between points in Douglas County, IL, on the one hand, and, on the other, points in the U.S.

MC 145235 (Sub-12), filed September 8, 1981. Applicant: DUTCH MAID PRODUCE, INC., Route 2, Willard, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between the facilities of General Box Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145614 (Sub-5), filed September 9, 1981. Applicant: TRIPLE A TRANSPORT, INC., 193 Main St., Springvale, ME 04083. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207) 773-5651. Transporting *food and related products,* between points in ME and CO, on the one hand, and, on the other, points in the U.S.

MC 145734 (Sub-16), filed September 1, 1981. Applicant: BD TRUCKING CO., a corporation, P.O. Box 817, Ripon, CA 95366. Representative: James H. Gulseth, 100 Bush St., 21st Floor, San Francisco, CA 94104, (415) 986–5778. Transporting (1) *machinery,* (2) *forest products,* (3) *lumber and wood products,* (4) *commodities which because of their size or weight require the use of special handling or equipment,* (5) *metal products,* (6) *clay, concrete, glass or stone products,* (7) *rubber and plastic products,* and (8) *waste or scrap materials,* between points in the U.S.

MC 146055 (Sub-19), filed September 9, 1981. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting (1) *food and related products,* (2) *chemicals and related products,* (3) *paper and related products,* (4) *furniture and fixtures,* and (5) *janitorial and maintenance supplies,* between points in SD, NE, KS, IA, MO, and IL, on the one hand, and, on the other, points in the U.S.

MC 146465 (Sub-13), filed September 8, 1981. Applicant: LAWRENCE PILGRIM, d.b.a. PILGRIM TRUCKING COMPANY, P.O. Box 877, Cleveland, GA 30528. Representative: Robert E. Born, Suite 508, 1447 Peachtree St., N.E., Atlanta, GA 30309, (404) 892–8020. Transporting *metal products,* between points in Boyd County, KY, on the one hand, and, on the other, points in AL, GA, NC, and SC.

MC 148665 (Sub-4), filed September 8, 1981. Applicant: CFS CONTINENTAL TRANSPORTATION COMPANY, 2550 North Clybourn Ave., Chicago, IL 60614. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contracts with Continental-Topper, Inc., of Eighty-Four, PA, Sugar Food Corporation, of Columbus, OH, Continental Big Red, Inc., of Fargo, ND, Continental-Crystal, Inc., of Duluth, MN, Continental-South Dakota, of Sioux Falls, SD, Continental-Atlanta, Inc., of Doraville, GA, Continental Coffee Company of Florida, of Miami, FL, Continental-Institutional, Inc., of Macon, GA, Continental-Arctic, Inc., of Renton, WA, Continental-Los Angeles, Inc., of Vernon, CA, CFS Continental-Phoenix, Inc., of Phoenix, AZ, Houston Foods, Inc., of Chicago, IL, Shari Candies, Inc., of Mankato, MN, Melster Candies, of Cambridge, WI, Continental-Central Florida, Inc., of Sanford, FL, Continental-Kiel, Inc., of Billings, MT, Continental-San Diego, Inc., of San Diego, CA, Barg & Foster, of Shorewood, WI, Harold Freund Baking Company (San Jose), of San Jose, CA, CFS Continental-Fresno, Inc., of Fresno, CA, CCC Utah, Inc., of Salt Lake City, UT, Harold Freund Baking Company, City of Industrial, CA, Harold Freund Baking Company (Florida), of St. Petersburg, FL, and Continental-Avard, Inc., of Union City, CA.

MC 149124 (Sub-2), filed September 8, 1981. Applicant: HEDRICK SALES AND ENGINEERING, INC., 3415 Ridge Rd., Cheyenne, WY 28001. Representative: Herman J. Hedrick, (same address as applicant), (307) 635–5491. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Tortilla Manufacturing and Supply, Inc., of Cheyenne, WY.

MC 149484 (Sub-3), filed September 9, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. Transporting *clay, concrete, glass or stone products,* between points in the U.S., under continuing contract(s) with Guardian Industries Corp., of Carleton, MI.

MC 149484 (Sub-4), filed September 9, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. Transporting *building materials,* between points in the U.S., under continuing contract(s) with CertainTeed Corporation, of Valley Forge, PA.

MC 150865 (Sub-7), filed September 8, 1981. Applicant: ATLANTIC & WESTERN TRANSPORTATION CO., INC., 3934 Thurman Rd., Forest Park, GA 30051. Representative: Ronald J. Turner (same address as applicant), (404) 363–1200. Transporting *general commodities* (except classes A and B explosives), between points in and east of ND, SD, NE, KS, OK and TX.

MC 150954 (Sub-38), filed September 9, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 4429 Rittiman, P.O. Box 39430, San Antonio, TX 78218. Representative: Rudy Opperman (same address as applicant), (512) 824–9481. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Teletype Corporation of Little Rock, AR.

MC 152265, filed September 8, 1981. Applicant: STEVE BROWN PRODUCE CO., INC., Route 1, Box 112, Taylorsville, NC 28818. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., 301 S. McDowell St., Charlotte, NC 28204, (704) 372–6730. Transporting *plastic products,* between points in Caldwell County, NC, and Madison County, IL, on the one hand, and, on the other, those points in the U.S. in and east of NM, UT, and ID.

MC 153714 (Sub-2), filed September 9, 1981. Applicant: FREDDY'S TRUCKING, 2200 S.E. 45th No. 49, Hillsboro, OR 97123. Representative: William A. Murray (same address as applicant), (503) 640–8303. Transporting *malt beverages and wine,* between points in Los Angeles and Solano Counties, CA, on the one hand, and, on the other, points in Wasco and Columbia Counties, OR.

MC 153894, filed September 9, 1981. Applicant: JOYCE STRATT MITCHELL, d.b.a. JOYCE STRATT MITCHELL TRUCKING COMPANY, 2040 Rancho Dr., Riverside, CA 92507. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting (1) *such commodities* as are dealt in or used by manufacturers of electrical equipment, electrical products, energy systems, and plastic products, and (2) *aircraft equipment,* between points in the U.S.

MC 157305 (Sub-1), filed September 8, 1981. Applicant: FREEDOM EXPRESS, INC., Battleship Parkway, P.O. Box 851, Spanish Fort, AL 36527. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *metal containers and bottle caps,* between points in the U.S., under continuing contract(s) with Crown, Cork & Seal Company, Inc., of Philadelphia, PA.

MC 157325, filed September 9, 1981. Applicant: K.C. HAULERS, 1283 County Rd., Durango, CO 81301. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202, (303) 892–6700. Transporting *coal and coal products,* between points in the U.S., under continuing contract(s) with National King Coal, Inc., of Durango, CO.

MC 157415 (Sub-1), filed September 8, 1981. Applicant: ROY DEANGELO & SONS TRUCKING CORP., 1416 Hylan Blvd., Staten Island, NY 10305. Representative: Roy DeAngelo, Jr., 4188 Amboy Rd., Staten Island, NY 10308, (212) 948–4393. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Inter State Express, Inc., of Brooklyn, NY.

MC 158094, filed September 8, 1981. Applicant: CHARLES P. FISHER, JR., d.b.a. BLUE CHIP HORSE TRANSPORTATION, 218 Bedford Rd., Carlisle, MA 01741. Representative: Charles P. fisher, Jr. (same address as applicant), (617) 369–7755. Transporting *non exempt livestock, personal effects of attendants, supplies and equipment* used in the care, transportation, racing, and exhibition of non exempt livestock, between points in the U.S.

MC 158114, filed September 8, 1981. Applicant: MERLIN SHIELDS, d.b.a. MERLIN SHIELDS TRUCKING, 8390 W. Victory Rd., Boise, ID 83709. Representative: Merlin Shields (same address as applicant), (208) 362–2696. Transporting *pressure treated timber products, pre-cut log homes and building materials,* between points in the U.S., under continuing contract(s) with Pressure Treated Timber Company, Inc. of Boise, ID.

MC 158124, filed September 8, 1981. Applicant: CHARLES D. GOODWIN, INC., P.O. Box 1006, Sanford, NC 27330. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288, (919) 627–0655. Transporting *such commodities* as are dealt in or used by manufacturers of hardware, between points in CA, CT, GA, NC, and TN, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–372

Decided: September 14, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 63417 (sub-311), filed September 8, 1981. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant), (703) 342–1835. Transporting *furniture and fixtures,* between points in Carter and Washington Counties, TN, on the one hand, and, on the other, points in AZ, CA, CO, CT, ID, IA, MA, MN, MT, ME, ND, NE, NH, NM, NV, OR, RI, SD, UT, VT, WA, WI, and WY.

MC 75567 (Sub-7), filed September 1, 1981. Applicant: SHAW WAREHOUSE CO., INC., 2700 Second Avenue, South Birmingham, AL 35233. Representative: James W. Porter II, 1725–8 City Federal Bldg., Birmingham, AL 35203, (205) 322–1744. Transporting *food and related products,* between points in AL.

Note.—Applicant intends to interline with other carriers at Birmingham and Montgomery, AL.

MC 99117 (Sub-6), filed September 8, 1981. Applicant: T.H. RYAN CARTAGE CO., 111 S. Seventh Ave., Maywood, IL 60153. Representative: William D. Brejcha, 10 South LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, MO, OH, PA, and WI.

MC 123057 (Sub-18), filed September 8, 1981. Applicant: HO–RO TRUCKING CO., INC., P.O. Box 487, Woodbridge, NJ 07095. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting (1) *building and roofing materials,* (2) *paper and paper products,* between points in Chippewa County, WI and Chicago, Heights, IL, on the one hand, and, on the other, points in NJ and NY.

MC 134547 (Sub-11), filed September 3, 1981. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Blvd., Dallas, TX 75212. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768, (512) 476–6083. Transporting *building materials,* between points in the U.S., under continuing contract(s) with Overhead Door Corporation, of Dallas, TX.

MC 141237 (Sub-1), filed September 8, 1981. Applicant: LOREN J. SLAGHT, P.O. Box 59, Prairie du Chein, WI 53821. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701, (608) 255–8891. Transporting *ores and minerals,* between points in Crawford County, WI, on the one hand, and, on the other, points in IL, IA, MN, and WI.

MC 143627 (Sub-7), filed September 8, 1981. Applicant: FITZSIMMONS TRUCKING, INC., P.O. Box 128, Weseca, MN 56093. Representative: William L. Libby, 8214 W. 34½ St., St. Louis Park, MN 55426, (612) 938–1752. Transporting (1) *machinery,* and (2) *metal products,* between points in Waseca County, MN, on the one hand, and, on the other, points in the U.S.

MC 146447 (Sub-10), filed September 4, 1981. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *metal products,* between points in the U.S., under continuing contract(s) with the Bilco Company, of New Haven, CT.

MC 146447 (Sub-11), filed September 4, 1981. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *toys and hobby craft,* between points in the U.S., under continuing contract(s) with Kay/Bee Toy & Hobby Shops, Inc., of Lee, MA.

MC 146447 (Sub-12), filed September 8, 1981. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Westvaco Corporation, of New York, NY.

MC 147547 (Sub-20), filed September 3, 1981. Applicant: R & D TRUCKING COMPANY, INC., 4401 Mars Hill Rd., Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8101. Transporting *general commodities* (except classes A and B explosives), between points in AL north of Interstate Hwy 20, on the one hand, and, on the other, points in the U.S.

MC 148647 (Sub-30), filed September 4, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Giant Foods, Inc., of Landover, MD.

MC 149457 (Sub-3), filed September 8, 1981. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *such commodities* as are dealt in or used by department stores, between points in the U.S.

MC 149157 (Sub-7), filed September 8, 1981. Applicant: STYLE CRAFT TRANSPORT, INC., Hwy 71 So., Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502, (712) 323–9124. Transporting *such commodities* as are dealt in or used by home furnishings outlets, between points in the U.S., under continuing contract(s) with The McGregor Co., of Marshalltown, IA.

MC 149237 (Sub-4), filed September 8, 1981. Applicant: WATSON TRUCKING COMPANY, a corporation, 8412 Lou Court, Louisville, KY 40216. Representative: William P. Whitney, Jr., P.O. Box H, Bardstown, KY 40004, (502) 348–5159. Transporting *such commodities* as are dealt in or used by drug, department, and grocery stores, between points in Clark County, IN, on the one hand, and, on the other, points in GA.

MC 149497 (Sub-14), filed September 4, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant), (715) 359-2907. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Marsan Warehousing and Transportation, of Jamesburg, NJ.

MC 154817 (Sub-2), filed September 3, 1981. Applicant: COLE & SONS TRUCKING, INC., 2430 S. Main St., Akron, OH 44319. Representative: William F. Stamm, 441 Wolf Ledges, Suite 400, Akron, OH 44311, (216) 762-0765. Transporting *those commodities which because of their size or weight require the use of special handling or equipment,* between points in Warren County, PA, on the one hand, and, on the other, points in the U.S.

MC 156357, filed September 3, 1981. Applicant: KIM L. OLSON d.b.a. NORTH STAR SUPPLY CO., 2148 Bunker Lake Blvd., Anoka, MN 55303. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102, (612) 227-7731. Transporting *chemicals and related products, clothing and textile mill products, dry cleaning and laundry supplies, home care products, personal care products, pulp, paper and related products, and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between points in IA, IL, IN, MI, MN, MO, ND, OH, SD and WI.

MC 158117, filed September 9, 1981. Applicant: DEAN HOLT d.b.a. NELLIS AUTO WRECKING, 4995 Cooper Sage, Las Vegas, NV 89115. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882-5649. Transporting *transportation equipment,* between points in Clark County, NV, on the one hand, and, on the other, points in CA, AZ, and UT.

Volume No. OPY-4-368

Decided: September 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

FF-567, filed September 2, 1981. Applicant: CF FORWARDING, INC., 175 Linfield Dr., Menlo Park, CA 94025. Representative: E. V. Taylor, P.O. Box 3062, Portland, OR 97208, (503) 226-4692. As a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives), between points in the U.S.

MC 1117 (Sub-37), filed September 3, 1981. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Dr., Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048-0640, (212) 466-0220. Transporting *furniture and fixtures,* between points in NC, VA, SC, GA, and TN, on the one hand, and, on the other, points in the U.S.

MC 146807 (Sub-32), filed August 10, 1981, previously noticed in the Federal Register issue of August 28, 1981, and republished this issue. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes-Barre, PA 18702. Representative: Paul Seleski (same address as applicant), (717) 735-0188. Transporting *plastic and plastic products,* between points in NJ, PA, IN, TN, IL, KY, OH, MO, VA, WV, MD, NC, SC, AL, FL, LA, TX, OK, IA, CO, NY, and CA.

Note.—The purpose of this republication is to add the state of TX to the territorial description.

MC 152117 (Sub-2), filed August 24, 1981. Applicant: LITTLE GINNY TRANSPORT SYSTEMS, INC., 824 27th Ave. SW., Cedar Rapids, IA 52404. Representative: Virginia A. Wilson (same address as applicant), (319) 366-0347. Transport (1) *food and related products* between points in the United States (excluding AK & HI) on the one hand, and, on the other, points in IA, IL, IN, MN, MO, NE, KS, ND, SD, and WI. (2) *Rubber and plastic products,* between points in Contra Costa County, CA, on the one hand, and, on the other, points in the U.S., and (3) *pulp, paper and related products, packing materials and supplies,* between Chicago, IL and Indianapolis IN, on the one hand, and, on the other, points in Clinton County, IA.

MC 158047, filed August 31, 1981. Applicant: IKE ESSICK, P.O. Box 95, Welcome, NC 27374. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602, (919) 828-2421. Transporting *malt beverages,* between points in the U.S., under continuing contract(s) with Gwyn Distributing Company, Inc., of Marion, VA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27500 Filed 9-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 166]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 16, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 682 (Sub-29)X, filed September 3, 1981. Applicant: BURNHAM VAN SERVICE, INC., P.O. Box 7966, Columbus, GA 31908. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 26X certificate to broaden the commodity description in part (1) from "household goods, as defined by the Commission" to "household goods and furniture and fixtures" in its authority to operate between points in the U.S. Sub-No. 26X superseded applicant's Sub-Nos. 11 and 12F.

MC 34027 (Sub-20)X, filed September 2, 1981. Applicant: GEETINGS, INC., P.O. Box 82, Pella, IA 50219. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions in its lead and Sub. Nos. 4, 5, 7, 8, 11F, and 13F and 15F certificates to (1) broaden the commodity description from general commodities with exceptions to "general commodities (except classes A and B explosives)" in Sub Nos. 4, 5 and 8; (2) remove the commodity in bulk restrictions in Sub. Nos. 13F and 15F; replace one-way with radial authority in Sub. Nos. 7 and 11F; remove the restrictions against serving intermediate points to allow service to all intermediate points in connection with its regular route operations in lead and Sub. Nos. 4 and 5; (3) broaden the commodity descriptions from rolling window screens, venetian blinds, wood folding doors and casement or multi-purpose windows to "metal products, furniture and fixtures, and lumber and wood products" in lead; from tires and tubes to "rubber and plastic products" in Sub. Nos. 7 and 11F; from wheels to "transportation equipment" in Sub. No. 11; from part (1) wood windows, sliding glass doors, wood folding doors and partitions to "metal products, lumber and wood products, and furniture and fixtures" in Sub. No. 13F; and, from part (1) millwork and part (2) sliding glass doors to "metal products, and lumber and wood products" in Sub. No. 15; and, (4) replace city-wide with countywide authority; Oklahoma, Canadian, and Cleveland, Counties, OK for Oklahoma City, in Sub. No. 7; Hamilton, Greene, Hancock and Montgomery Counties, OH and Boone, Kenton and Campbell Counties, KY for Cincinnati, Dayton and Findley, OH in Sub. No. 7; Marion and Mahaska Counties, IA for Pella, IA in Subs. 7, 11, 13, and 15; Shelby, Fayette and Tipton Counties, TN and Tunica and De Soto Counties, MS and Crittenden County, AR for Memphis, TN in Sub. No. 11; and Median, Summitt and Portage Counties, OH for Akron, OH in Sub. No. 11F; and (4) remove restriction against the transportation of shipments originating at and destined to named points in Sub. No. 7.

MC 61620 (Sub-19)X, filed September 3, 1981. Applicant: M & G TRANSPORTATION CO., INC., Route 3, Box 234, Gloucester, VA 23061. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its lead and Sub-Nos. 15F and 18F certificates to (1) broaden the commodity descriptions to "general commodities, except class A and B explosives" from general commodities with various exceptions; "food and related products" from seafood, canned goods, apples, fruit, and feed; "farm products" from livestock, farm produce, poultry and eggs, agricultural commodities and cut flowers; "rubber and plastic products, metal products, lumber and wood products" from barrels; "furniture and fixtures" from new and second hand furniture; "such commodities as are dealt in by hardware and home improvement stores" from hardware; "rubber and plastic products, metal products, lumber and wood products and pulp, paper and related products" from empty barrels and cans; "chemicals and related products" from fertilizer; "lumber and wood products" from lumber and cordwood; "coal and coal products" from coal; "rubber and plastic products and pulp, paper and related products" from flowers; "such commodities as are dealt in by wholesale, retail or chain grocery or food business houses" from groceries and notions, all in the lead; "pulp, paper and related products, rubber and plastic products, lumber and wood products, clay, concrete, glass or stone products, and metal products" from containers, container ends and container lids in Sub-No. 15; and "pulp, paper and related products" from paper and paper products and woodpulp in Sub-No. 18F; (2) substitute the following counties for named cities in the lead and Sub-Nos. 15F and 18F Deltaville to Middlesex County, VA, Tappahannock to Essex County, VA, West Point to King William County, VA, Charles Town to Jefferson County, WV and Seaford to York County, VA; and (3) change one-way to radial authorities.

MC 98571 (Sub-7)X, filed March 27, 1981, previously, noticed in the **Federal Register** of April 10, 1981, republished as follows: Applicant: A & B TRANSPORTATION SERVICES, INC., 2645 Nevin Avenue, Los Angles, CA 90011. Representative: Daniel W. Baker, 100 Pine Street #2550, San Francisco, CA 94111. Applicant seeks to remove restrictions from its certificates in Nos. MC–98571 (Sub-Nos. 3 and 5), MC–99339 (Sub-No. 6 and 7), and MC–116877 (Sub-Nos. 5, 7, and 8F) issued pursuant to Nos. MC–F–8013, MC–F–12068, and MC–F–13243. This board previously broadened applicants authority by (1) eliminating the usual exceptions to the general commodity authority; (2) broadening other commodity descriptions; and (3) deleting restrictions limiting service at off-route points and intermediate points. Applicant also sought to broaden off-route points and mileage radii territorities to county-wide authority, but this request was denied. Inasmuch as two Commission decisions have allowed for the expansion of such points or territories notice is hereby given that applicant seeks to broaden (1) 176 named off-route points in "points in Alameda, Contra Costa, Glenn, Kern, Kinas, Marin, Napa, Merced, Sacramento, San Benito, San Joaquin, San Luis Obispo, San Mateo, Santa Barabara, San Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Tulare, Ventura, Yolo Counties, CA" and (2) points within 10 miles of Stockon and Sacramento and five miles of Santa Rosa to "points in San Joaquin, Sacramento, and Sonoma Counties, CA."

MC 105902 (Sub-29)X, filed August 12, 1981, and previously noticed in **Federal Register** of September 2, 1981, republished as corrected this issue. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, NY 14527. Representative: Jeffrey A. Vogelman, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 5, 7, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21F, 22F, 24F, 25F, 26, and 28 certificates as previously noticed, and, in addition, to allow service at all intermediate points on its regular-route authority in Sub-No. 16 between South New Berlin, NY, and Utica, NY. The purpose of this republication is to correct the above inadvertent omission.

MC 114098 (Sub-60)X, filed August 31, 1981. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29731–3117. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004, (202) 628–4600. Applicant seeks to remove restrictions in its MC–115789 Sub-Nos. 3, 4, 5, 6, and 7 permits to (1) broaden the commodity description to "building materials" in Sub-No. 3 from asphalt protective coating; in Sub-No. 4 from fabricated steel, aluminum, pipe and fittings; to "building materials"; in Sub-No. 5 from swimming pools, swimming pool enclosures, and filtration and water equipment; to "building materials, chemicals and related products, lumber and wood products, rubber and plastic products, metal products, and machinery"; in Sub-No. 6 from wire and communication equipment; to "lumber and wood products, rubber and plastic products, metal products, and machinery"; in Sub-No. 7 from pipe, pipe fittings, and such materials, supplies and equipment as are used in the installation and maintenance of sprinkler, heating, and power piping systems, and tools and equipment used in the installation and maintenance therefor, and lumber; to "building materials, rubber and plastic products and metal products"; (2) broaden the territorial description in the Subs 3, 4, 5, 6, and 7 to between points in the U.S. under contract(s) with named shippers; (3) removing an in tank vehicles restriction in the Sub-No. 3; (4) removing an in bulk restriction in the Subs 3, 4, and 5; and (5) removing an except plywood and veneer restriction in the Sub 7.

MC 117972 (Sub-9)X, filed September 4, 1981. Applicant: GROWERS COLD STORAGE CO., INC., Route 279, Waterport, NY 14571. Representative: William J. Hirsch, P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 4, 6F and 8F certificates to (1) broaden commodity descriptions in the following to "food and related products"; in the lead from frozen fruits, frozen berries, and frozen vegetables; in Sub-No. 1, from frozen agricultural commodities, fish and meats, and food products, fresh or frozen; in Sub-No. 4, from frozen foods (except in bulk); in Sub-Nos. 6F and 8F, from frozen foods; (2) broaden territorial scope by replacing city-wide authority with county-wide authority: in the lead, Kearny with Hudson County, NJ; Youngstown with Mahoning County, OH; Boston with Norfolk, Suffolk, Middlesex, Essex Counties, MA; in Sub-No. 1, Waterport with Orleans County, NY; Elmira with Chemung County, NY; Ithaca with Tompkins County, NY; Rochester with Monroe County, NY; Syracuse with Onondaga County, NY; Jersey City with Hudson County, NJ; Albany with Albany County, NY; Jamestown with Chautauqua County, NY; Vineland and Bridgeton with Cumberland County, NJ; Newark with Essex County, NJ; Buffalo with Erie and Niagara Counties, NY; Pittsburgh with Allegheny, Washington, Westmoreland Counties, PA; in Sub-No. 4, Avon with Livingston County, NY; Cumberland with Allegany County, MD; Wheeling with Ohio County, WV; in Sub-No. 6F, Mt. Morris with Livingston County, NY; in Sub-No. 8F, Fulton with Oswego County, NY; Syracuse and Liverpool with Onondaga County, NY; Jamestown with Chautauqua County, NY; Elmira Heights with Chemung County, NY; Waterport with Orleans County, NY; Columbus with Franklin County, OH; Cleveland with Cuyahoga, Lorain, Medina, Summit Counties, OH; Buffalo with Erie and Niagara Counties, NY; Rochester with Monroe County, NY; Erie with Erie County, PA; (3) broaden one-way authority to radial authority in lead and all Sub-Nos.; and (4) in Sub-No. 4, remove restriction limiting transportation to shipments originating at named origin and destined to named destination.

MC 118865 (Sub-16)X, filed September 10, 1981. Applicant: CEMENT EXPRESS, INC., Hokes Mill Road and Lemon Street, York, PA 17404. Representative: Jerome M. Mulroy (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 7, and 11 certificates to (1) broaden the commodity descriptions from dry cement, cement (portland and masonry) to "clay, concrete, glass, or stone products, and building materials" in all authorities; (2) broaden York, PA, to York County, PA, in all authorities; (3) delete plantsite restriction in the lead and Sub-Nos. 5, and 7; and (4) authorize radial authority in place of existing one-way authority between York County, PA, and named eastern States in all authorities.

MC 124170 (Sub-186)X, filed September 8, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 109F and 154F certificates to (1) broaden the commodity descriptions to "food and related products", from canned and preserved foodstuffs, and frozen goods, in both certificates; (2) eliminate the facilities limitation in Sub-No. 109F; (3) replace Erie, PA with Erie County, PA in Sub-No. 154F; (4) eliminate "originating at and destined to" restrictions in Sub-No. 109F; and (5) change one-way to radial authority in both certificates.

MC 135323 (Sub-1)X, filed September 10, 1981. Applicant: TONY CARNA, JR., d.b.a. T.C. TRUCKING, 115 State Street, Struthers, OH 44471. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity description to "clay, concrete, glass or stone products", from dry cement, and cement; (2) expand Bessemer, PA to Lawrence County, PA; (3) change one-way to radial authority; and (4) eliminate the restriction limiting transportation to traffic having an immediately prior movement by rail from Bessemer, PA.

MC 136363 (Sub-29)X, filed August 20, 1981. Applicant: J & P PROPERITIES, INC., P.O. Drawer 1146, Apopka, FL 32703. Representative: James Anton, Suite 603, 236 Massachusetts Avenue, NE., Washington, DC 20002. Applicant seeks to remove restrictions in certificates No. MC–136363 Sub-Nos. 1, 2, 7, 18F, 20F, 21F, 22F and 24, and permit No. MC–136364 Sub-No. 1, to (1) broaden the commodity descriptions: Sub-No. 1 from canned goods (except coffee) to "food and related products"; in Sub-No. 2 from frozen bakery goods, frozen fruit and berry pies, frozen vegetable baby foods, frozen fruits, frozen berries, frozen vegetables, fruit products, fruit by-products, apple productions, apple by-products, canned foods, fruit products, fruit by-products (not frozen), frozen bakery products, pie fillers and coffee ligteners, and frozen foods, to "food and related products"; from new furniture (uncrated), to "furniture or fixtures"; from carpets and carpeting to "textile mill products"; from carpeting, floor coverings, carpet padding to "textile mill products"; in Sub-No. 7, from vinegar and foodstuffs, except frozen foodstuffs, to "food and related products"; from plastic and rubber articles and synthetic fiber carpeting, to "rubber and plastic products and textile mill products"; from new furniture, to "furniture or fixtures"; in part (1) of Sub-No. 18F, from bicycles, tricycles, and unicycles, to "transmission equipment"; in part (1) of Sub-No. 20F, from transformers and transformer parts to "electrical machinery or equipment"; in Sub-No. 21F, from foodstuffs, to "food and related products", in Sub-No. 24, from ice cream cones and materials and supplies used in the manufacture and distribution of ice cream cones, to "food and related products and materials and supplies used in the manufacture and distribution of food and related products"; and in Sub-No. 1 permit, from sheet and plastic material to "rubber and plastic products." (2) remove restrictions: (a) in Sub-No. 1 against the transportation of (canned goods, except coffee), when moving in the same vehicle with such commodities as are used and dealt in by nurseries, or commodities otherwise exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act; remove the restriction against the transportation of commodities in bulk, remove the restrictions against the transportation of canned fruit and canned fruit products from points in FL to points in CT, DE, MD, MA, NJ, NC, RI, and VA (except points on and west of U.S. Highway 81), WV and DC and remove the further restriction against the transportation of traffic destined to points in AZ, AR, CA, CO, IL, IN, IA, KS, KY, LA, ME, MI, MN, MS, MO, NE, NV, NH, NM, ND, OH, OK, SD, TN, TX, UT, VT, WI, and WY from points in AR, IA, KS, LA, MN (except Le Seuer, Cockato, Montgomery, Watertown, Winstead, Winthrop, Blue Earth and Glencoe), to points in FL; against service to and from Roseville, Zanesville, Scio and Logan, OH, and points within 5 miles of each and South Rockwood, MI; (b) in Sub-No. 2 remove restrictions against the transportation of frozen fruit and berry pies, the not frozen and uncrated restrictions and the restriction to container traffic only; to the transportation of traffic originating at Linesville, PA; against the transportation of tools except for use in constructing and erecting buildings and use in installing furnishings; and restricting traffic to that originating at a named plant site in Miami and destined to the destination states; against service to Atlanta, GA and Chattanooga and Nashville, TN; (c) in Sub-No. 7 restricting transportation to traffic originating at or destined to plant sites, facilities, or stores; excepting frozen foodstuffs; against the transportation of earthenware, chinaware, stoneware, pottery, metal stands, and glass gazing flobes, from named points, remove the mixed load restrictions and against the transportation of "size and weight" commodities; (d) in Sub-No. 18F against the transportation of commodities; in bulk; (3) replace facilities and cities with county-wide authority: in Sub-No. 2, in parts 1 and 2 from Lake City, PA, to Erie County, PA, in part 3 from Linesville, PA, to Crawford County, PA; in part 4, Landover, MD, to Prince Georges County, MD; part 7, Pittsburgh, PA, to Alleghany, Washington, and Westmoreland Counties, PA; Richmond, IN, to Wayne County, IN; and Sandusky, OH, to Erie County, OH; in part 8, Cleveland, OH, to Cuyahoga, Lorain, Medina, Summit, and Lake Counties, OH, Landover, MD, to Prince Georges County, MD; part 9, Martinsburg and Inwood, WV, to Berkeley County, WV; in part 10 Martinsburg, WV, to Berkeley County, WV; in parts 11 and 12, Berryville, VA, to Clark County, VA, and Front Royal, VA, to Warren County, VA; in part 13, Mount Jackson, VA, to Shenandoah County, VA; in part 14 Lake City, PA, to Erie County, PA; in part 15 Linesville, PA, to Crawford County, PA; part 16, Miami, FL, to Dade and Broward Counties, FL; in part 17 Wilburton, OK, to Latimer County, OK; in Sub-No. 7, facilities at or near Aspers, Adams County, PA to Adams County, PA; facilities at Winchester, VA, to Winchester, VA; Ft. Worth, TX, to Tarrant and Parker Counties, TX; in Sub-No. 18F, Celina, OH, to Mercer County, OH; in Sub-No. 20F, facilities at Waukesha, WI, to Waukesha County, WI; in Sub-No. 21F, Clifton, NJ, to Passaic County, NJ; in Sub-No. 24, Louisville, KY, to Jefferson and Bullitt Counties, KY, and Floyd and Clark Counties, IN; and (4) broaden one-way to radial authority in Sub-Nos. 2, 7, 20F, and 21F; and in Sub-No. 1 permit, authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 140033 (Sub-103)X, filed August 28, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: L. S. RICHEY (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 46, 82, 87, 88, and 94F certificates to: (A) broaden the commodity descriptions from meats, meat products in Sub-No. 46; meats, meat products in Sub-No. 82; ice cream, fruit jucies, milk, cream and yogurt in Sub-No. 87; unfrozen, prepared bakery goods in Sub-No. 88 and foodstuffs and materials, equipment and supplies used in the manufacture and distribution of foodstuffs in Sub-No. 94 to "food and related products;" (B) remove the following restrictions: "in vehicles equipped with mechanical refrigeration" in Sub-Nos. 82 and 87; "except commodities in bulk" in Sub-Nos. 46, 82 and 94 and "except hides" in Sub-No. 46; (C) replace city wide with county-wide authority: Mansfield, TX with Tarrant County, TX in Sub-No. 46; facilities at Clovis, NM with Curry County, NM in Sub-No. 82; McKinney, TX with Collin County, TX; in Sub-No. 87; Sulphur Springs, TX with Hopkins County, TX in Sub-No. 87; Santa Ana, CA with Orange County, CA in Sub-No. 87; and Marietta, OK with Love County, OK in Sub-No. 88; (D) replace one-way authority with radial authority in Sub-Nos. 46, 82, 87, and 88.

MC 140710 (Sub-3)X, filed September 8, 1981. Applicant: CENTRAL STORAGE & VAN COMPANY, 828 South 17th Street, Omaha, NE 68108. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. Applicant seeks to remove restrictions in its Sub-No. 2 permit, to (1) delete (a) except foodstuffs; and (b) except meat, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61, M.C.C. 209 and 766 from its commodity description of "such commodities as are dealt in by retail department stores"; and (2) broaden the territorial description to between points in the US under contract(s) with named shipper.

MC 141252 (Sub-15)X, filed September 8, 1981. Applicant: PAN WESTERN CORPORATION, 4105 Las Lomas Avenue, Las Vagas, NV 89102. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NY 89701. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from gypsum and gypsum products and supplies used in the installation thereof to "contruction materials" (2) remove the plant site limitation and replace Apex, NV, with Clark County, NV and (3) change one way to radial authority.

MC 141651 (Sub-1)X, filed September 8, 1981. Applicant: GROVE TRANSPORT, INC., 215 Fourteenth Street, Jersey City, NJ 07302. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from metals and chemicals, materials and supplies to "metal products and chemicals and related products and materials and supplies used in the manufacture and sale thereof"; (2) remove the except in bulk restriction; and (3) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 144969 (Sub-40)X, filed August 26, 1981. Applicant: WEATON CARTAGE CO., Industrial Park and Tufts Road, Pennsville, NJ 08070. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Avenue, Millville, NJ 08332. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 2F, 3F, 4F, 6F, 10F and 17F certificates to (A) broaden the commodity descriptions to (1) in the lead (a) "rubber and plastic products" from synthetic plastics, synthetic latex, battery insulating partitions and cleaning compounds, (b) "chemicals and related products" from cleaning compounds, (c) "rubber and plastic products, chemicals and related products, and petroleum, natural gas and their products" from synthetic plastics, adhesives, sealants, cements, chemicals, chemical compounds, gas absorbing compounds, rubber, rubber compounds, soldering flux, coatings, lubricants, and materials, equipment and supplies used in the manufacture and distribution of the above commodities, and (d) "Chemicals and related products and fertilizers" from cleaning compounds, chemicals, chemical compounds, and fertilizer compounds, (2) in Sub-No. 1F, "rubber and plastic products, chemicals and related products, petroleum, natural gas and their products, metal products, pulp, paper and related products and materials, equipment, and supplies used in the application of the above commodities", from synthetic plastics, adhesives, sealants, cements, chemicals, rubber compounds, soldering flux, coatings and lubricants; gas absorbing compounds, rubber compounds, air entraining agents, cement clinker or grinding compounds concrete or masonary plasticizers and water reducing compounds, tall oil, lignin liquors, synthetic latex, battery insulating partitions, pulp board, cleaning compounds, fertilizer compounds, and materials, equipment and supplies used in the application, manufacture and/or distribution of the above commodities, (3) in part (1) of Sub-Nos. 2F, 3F, and 4F, "chemicals and related products," from chemicals used in the curing and processing of cement and concrete, (4) in part (1) of Sub-No. 6F, "rubber and plastic products and pulp, paper and related products," from plastic articles and packaging supplies, (5) in Sub-No. 10F, "chemicals and related products and rubber and plastic products and materials, equipment and supplies used in the application of the above commodities," from chemicals and plastics, in packages, plastic and rubber articles, and materials, equipment and supplies used in the application, manufacture, production and/or distribution of the above commodities (except in bulk), and (6) in Sub-No. 17F, "chemicals and related products" from chemicals, in drums and proprietary antifreeze preparations, in containers; (B) eliminate the (1) "except commodities in bulk and/or in tank vehicles" restriction, in the lead and Sub-Nos. 2F, 3F, 4F, 6F and 10F, (2) "Hawaii and Alaska" restriction, in Sub-Nos. 1F, 6F, 10F and 17F, (3) "size and weight" restriction, in Sub-Nos. 1F, and (4) "orignating at or destined to named points, " in the lead and Sub-Nos. 1F, 2F, 3F, and 4F; (C) authorize county-wide authority to replace existing facilities or city-wide authority: (1) in the lead, Middlesex County, MA, for facilities at Acton, and Cambridge, MA; Gloucester County, NJ for Woodbury, NJ; and Hillsborough County, NH, for a facility at Nashua, NH, (2) in Sub-No. 1F, Middlesex County, MA, for Cambridge, MA; Gloucester County, NJ for Woodbury; Daviess County, KY, for Owensboro, KY; Hillsborough County, NH, for Nashua, NH; Middlesex County, MA, for Acton, MA; and Alameda County, CA, for San Leandro, CA, (3) in Sub-No. 2F, Middlesex County, NJ, for Edison, NJ, East Baton Rouge Parish, LA, for Baton Rouge, LA, (4) in Sub-No. 4F, Middlesex County, NJ, for Edison, NJ; East Baton Rouge Parish, LA, for Baton Rouge, LA; and Alameda County, CA, for Emeryville, CA; (5) in Sub-No. 6F, Berks County, PA, for Reading, PA, (6) in Sub-No. 10F, Seneca County, NY, for Waterloo, NY; Norfolk County, MA, for Canton, MA, and (7) in Sub-No. 17F, Travis, Jefferson, Montgomery Counties, TX; for facility at or near Austin, Youens and Ft. Neches, TX; and (D) authorize radial authority to replace existing one-way authority, in all certificates except Sub-No. 6F.

MC 145300 (Sub-7)X, filed September 11, 1981. Applicant: MINUTE MAN TRANSIT, INC., 24 Williams Street, Dedham, MA 02026. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its lead and Sub-Nos. 4 and 5 certificates to (1) broaden the commodity description from data processing materials to "pulp, paper, and related products, printed matter, and machinery" in the lead; from chemicals, medicines, and toilet preparations to "chemicals and related products" in Sub-No. 4; and from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)" in Sub-No. 5; (2) replace city with county-wide authority from Hopkinton, MA to Middlesex County, MA, and Brookline, MA to Norfolk County, MA in the lead; and from West Haven, CT to New Haven County, CT in Sub-No. 4; (4) change one-way to radial authority in the lead and Sub-No. 4F (5) remove in bulk restrictions in Sub-No. 4F, and (6) remove the restrictions against the transportation of (a) any package or article weighing more than 70 pounds or exceeding 108 inches in length and girth combined with each packages or article considered as separate and distinct shipments and (b) packages or articles weighing in the aggregate more than 150 pounds from one consignor at one location on any 1 day in Sub-No. 5F.

MC 145733 (Sub-4)X, filed September 9, 1981. Applicant: AMERICAN AUTO SHIPPERS, INC., 450 Seventh St., New York, NY 10001. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave. N.W., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 3 certificate to (1) broaden its commodity description to "transportation equipment", from new and used motor vehicles and used motor homes; and (2) eliminate: (a) the in secondary movements in driveway service restriction, and (b) the restriction against service to Sturgis, NM, Tulare, CA, and Sherman, TX.

MC 146379 (Sub-5)X, filed September 11, 1981. Applicant: AUTO EXPRESS, INC., 466 South River Street, Hackensack, NJ 07601. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (1) broaden the commodity description from used passenger automobiles, in secondary movements in truckaway service to "transportation equipment"; and (2) remove the except AK and HI restriction.

MC 147895 (Sub-2)X, filed August 31, 1981. Applicant: EXPRESS TRANSPORT CORP., P.O. Box 1, Crows Mill Road, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Applicant seeks to remove the restrictions in its Sub-No. 1F certificate limiting service to that "having an immediate prior or subsequent movement by water or rail."

MC 148426 (Sub-3)X, filed September 4, 1981. Applicant: CONTRACT COURIER SERVICES, INC., 951 Piper Lane, Suite 2, Lower Level, Prospect Heights, IL 60070. Representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description from radioactive drugs, radioistopes to "hazardous materials (except classes A and B explosives)"; (2) expand city to county-wide authority from (a) Ft. Wayne to Allen County, IN; (b) Indianapolis to Marion, Hancock, Johnson, Hendricks, Hamilton, and Boone Counties, IN; and (c) St. Louis, MO to St. Louis, Jefferson and St. Charles Counties, MO, St. Louis, MO and Madison and St. Clair Counties, IL; and (3) authorize radial for one-way authority.

MC 153372 (Sub-1)X, filed September 3, 1981. Applicant: P. JUDGE & SONS, INC., Building 1320, Dakar Street, Elizabeth, NJ 07201. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, DC 20036. Applicant seeks to remove restrictions in its lead certificate by (1) broadening the commodity description from general commodities (except household goods as defined by the Commission and Classes A and B explosives) to "general commodities (except classes A and B explosives)"; and (2) delete the restriction limiting transportation to traffic having a prior or subsequent movement by rail.

MC 154620 (Sub-2)X, filed September 2, 1981. Applicant: PACIFIC INTERMODAL TRANSPORT, INC., 11819 Northeast 172nd St., Bothell, WA 98011. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its authority in MC-125551 and Sub-No. 16F, acquired in MC-FC 79072, to: broaden the commodity description from general commodities with exceptions, to "general commodities (except classes A and B explosives)"; remove the restriction against traffic having a prior or subsequent movement by water in Sub-No. 16F; and remove the restriction "in carrier's trailers on rail cars in substituted rail-for-motor service" in the lead.

[FR Doc. 81-27501 Filed 9-21-81; 8:45 am]

BILLING CODE 7035-01-M

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DEPARTMENT OF LABOR

Office of the Secretary

Sheltered Workshop Advisory Committee; Establishment

In accordance with the provisions of the Federal Advisory Committee Act and Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA, it was determined that the establishment of the Advisory Committee on Sheltered Workshops is in the public interest in connection with the performance of duties imposed on the Department by the Fair Labor Standards Act, the Public Contracts Act, and the Service Contract Act.

The Committee shall provide advice and recommendations to the Secretary of Labor on such matters as the administration and enforcement of these laws as they apply to the employment of handicapped workers at subminimum wages in sheltered workshops and hospitals and institutions.

The Committee shall consist of 22 members: one each from labor, industry (other than sheltered workshops), and the public; 1 from State Government; 9 consumer members (handicapped workers, representatives of organizations representing handicapped workers or parents or guardians of handicapped workers), and; 9 officials from workshops, hospitals, institutions or organizations of hospitals, institutions or workshops.

The Committee shall function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act 15 days from the date of this publication.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee on Sheltered Workshops to William M. Otter, Administrator, U.S. Department of Labor, Wage and Hour Division, 200 Constitution Avenue, NW, Room S-3502, Washington, D.C. 20210, (202) 523-8305.

Signed at Washington, D.C., this 15th day of September 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-27529 Filed 9-21-81; 8:45 am]

BILLING CODE 4510-27-M

Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: October 6, 1981, 10:00 a.m., C5320 Seminar Room 6, Frances Perkins, Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Meyer Bernstein, Executive Secretary, Labor Adivsory Committee, Phone: (202) 523-6565.

Signed at Washington, D.C. this 16th day of September 1981.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

September 16, 1981.

[FR Doc. 81-27528 Filed 9-21-81; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits Period in the State of Illinois

This notice announces the ending of the Extended Benefit Period in the State of Illinois, effective on September 12, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Illinois on June 29, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Illinois has determined that the rate of insured unemployment in the State for the period consisting of the week ending on August 22, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on September 12, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Illinois should contact the nearest State Employment Office of the Illinois Department of Labor in their locality.

Signed at Washington, D.C., on September 16, 1981.

Albert Angrisani,

Assistant Secretary for Employment and Training.

[FR Doc. 81-27527 Filed 9-21-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits Period in the State of Rhode Island

This notice announces the ending of the Extended Benefit Period in the State of Rhode Island, effective on September 12, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefits Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Rhode Island on March 9, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Rhode Island has determined that the rate of insured unemployment in the State for the period consisting of the week ending on August 22, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on September 12, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Rhode Island should contact the nearest State Employment Office of the Rhode Island Department of Employment Security in their locality.

Signed at Washington, D.C., on September 16, 1981.

Albert Angrisani,

Assistant Secretary for Employment and Training.

[FR Doc. 81-27526 Filed 9-21-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits Period in the State of West Virginia

This notice announces the ending of the Extended Benefit Period in the State of West Virginia, effective on September 12, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State reaches the State trigger rate set in the Act and the State law. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rate set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of West Virginia on June 15, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of West Virginia has determined that the rate of insured unemployment in the State for the period consisting of the week ending on August 22, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on September 12, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of West Virginia should contact the nearest State Employment Office of the West Virginia Department of employment Security in their locality.

Signed at Washington, D.C., on September 16, 1981.

Albert Angrisani,

Assistant Secretary for Employment and Training.

[FR Doc. 81-27525 Filed 9-21-81; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 1, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 1, 1981.

The petitions filed in this case are available for inspection at the office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C.20213.

Signed at Washington, D.C. this 14th day of September 1981.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No	Articles produced
American Optical Corporation (workers)	Brattleboro, Vt	9/9/81	9/2/81	TA-W-12,963	Eyeglass and safety lenses, frames, regular prescription lenses and frames and sunglasses.
Bayview Cedar Products, Inc. (workers)	Hoquiam, Wash	9/10/81	8/27/81	TA-W-12,964	Cedar shakes and shingles.
Betex Corp. (ACTWU)	Paterson, N.J	9/8/81	[illegible]	TA-W-12,965	Printing and dyeing of fabrics
Brewster Finishing Co., Inc. (ACTWU)	Paterson, N.J	9/8/81	[illegible]	TA-W-12,966	Printing and dyeing of fabrics
(The) Bunker Hill Co. (USWA)	Kellogg, Idaho	9/9/81	9/2/81	TA-W-12,967	Lead, zinc, silver and byproducts, mines and smelters.
Calline Industries, Inc. (workers)	Greenfield, Tenn	9/9/81	9/4/81	TA-W-12,968	Aluminum electrolytic and film electric capacitors.
Chrysler Learning, Inc. (workers)	Highland Park, Mich	8/10/81	7/29/81	TA-W-12,969	Training of hourly personnel for placement within Chrysler.
ESS, Incorporated (company)	Sacramento, Calif	9/8/81	9/3/81	TA-W-12,970	Electronic and acoustic equipment.
Glass City Tool & Die Co., Inc. (workers)	Toledo, Ohio	9/10/81	9/1/81	TA-W-12,971	Special machines, tools, dies and fixtures.
Loungewear By Georgie Keyloun (workers)	New York, N.Y	8/27/81	8/24/81	TA-W-12,972	Pleated caftans.
Mesta Machine Co. (USWA)	West Homestead, Pa	[illegible]	9/2/81	TA-W-12,973	Heavy industrial machinery, foundry and forge shop.

[FR Doc. 81-27524 Filed 9-21-81; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Oregon State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the Federal Register (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The Notice of Approval of Revised Developmental Schedule was further published on April 1, 1974 in the Federal Register.

The Oregon plan provides for the adoption of Federal standards as State standards after comments and/or public hearing. Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of Federal standards.

In response to Federal standards changes, the State originally submitted standards at least as effective as 29 CFR 1910.93(a), Asbestos, as published in the Federal Register (36 FR 10503) on May 29, 1971. The Notice of Approval of State standards was published in the Federal Register (40 FR 50583) on October 30, 1975.

Additional Federal standards concerning Asbestos Recordkeeping Requirements, 29 CFR 1910.1001, were published in the Federal Register (41 FR 11504) on March 19, 1976. The State submitted identical standards and received approval in the Federal Register (43 FR 15806) on April 14, 1978.

By letter dated May 8, 1980 from Darrel D. Douglas, Administrator, Accident Prevention Division, Workers' Compensation Department, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted a standard comparable to 29 CFR 1910.19(a), Special Provisions for Air Contaminants, Asbestos, as published in the Federal Register (43 FR 28473) on June 30, 1978, and included this change in their Asbestos Standard, OAR 437-115-004. Also, at that time, minor editorial changes and an amendment clarifying medical examination requirements were made to the State standard comparable to 1910.1001, Asbestos. These standards, which are contained in OAR 437, Division 115, Oregon Occupational Safety and Health Code, were promulgated by the State after a notice was published in the Secretary of State's Administrative Rules Bulletin on March 15, 1980 pursuant to ORS Chapter 183.335. No written comments or requests for a public hearing were received. The rule was adopted on April 17, 1980 and became effective June 1, 1980.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards continue to be at least as effective as the comparable Federal standards. The major differences are that the State standard has included rule 115-055(b), clarifying when medical examinations are required in response to OSHA Program Directive CPL 2-2.21 and has added minor editorial changes. None of the changes make the State standards less effective and, accordingly, they should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the

Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workers' Compensation Department, Labor and Industries Building, Salem, Oregon 97310; and the Technical Data Center, Room N2349R, New Department of Labor Building, 3rd and Constitution Avenues, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective September 22, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 16th day of March, 1981.

James W. Lake,

Regional Administrator.

[FR Doc. 81-27530 Filed 9-21-81; 8:45 am]

BILLING CODE 4510-26-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Format for Future Requests for Public Comment Regarding Determinations

In order to provide interested parties with an opportunity to respond to comments received by this Office regarding policy issues to be considered by the President in reviewing determinations of the U.S. International Trade Commission under section 337 of the Tariff Act of 1930, the Office of the U.S. Trade Representative will use the following format for the solicitation for public comments.

The new format will reduce the time period for submission of comments on foreign or domestic policy issues from four weeks to three. Copies of comments received will then be made available to interested parties requesting them. Additional comments may be submitted during the week following the deadline for submission of initial comments.

The request for comment also will require that, in comments concerning domestic policy issues, reference be made to the portion of the Commission hearing record in which the issue was presented so that those wishing to answer may review that record. If no such presentation was made to the Commission, the party submitting the comment must include a statement explaining the failure to present the issue to the Commission. The U.S. Trade Representative will be reluctant to review domestic policy issues which could have been presented to the Commission but were not. Comments on foreign policy issues need not refer to the Commission record since review of foreign policy is solely within the President's purview.

This change in format is being made to encourage both those representing parties to the Commission investigation, and those representing any other interested party that might be affected by the determination of the Commission in any section 337 action, to present public policy issues to the Commission during its hearings on relief, bonding and the public interest. Such a presentation wil give other parties an opportunity to answer and will provide a more thorough record regarding domestic policy issues than generally has been available in the past.

The limited period provided for review of domestic and foreign policy issues makes it difficult to evaluate thoroughly domestic policy issues which are presented for the first time in response to a request for comments from this Office. Inclusion of a thorough presentation of those issues in the Commission record would permit a more thorough evaluation of foreign policy issues which might be present in a given investigation.

Following is a sample solicitation notice.

Donald E. deKieffer,

General Counsel.

Office of the U.S. Trade Representative

Request for Public Comments: Section 337 Determination of the U.S. International Trade Commission regarding ——————.

On —————— (date), the United States International Trade Commission (the Commission), following an investigation, found a violation of section 337 of the Tariff Act of 1930 in the —————— (reason for determination). An order was issued —————— (nature of the order).

Under section 337(g), the President may disapprove the determination of the Commission within 60 days for policy reasons, thereby terminating the Commission's order on the date the Commission is notified of his disapproval. The President also may approve the determination expressly, making the order final immediately, or he may take no action, allowing the order to become final following the 60 day period provided for review.

Interested parties are invited to submit comments concerning foreign policy or domestic policy issues which should be considered by the President in making his decision. Parties submitting comments regarding domestic policy issues should refer to the portion of the Commission record in which information or comment concerning that issue was presented. If no presentation of the domestic policy issue was made to the Commission, the interested party should include justification for the failure to do so, *i.e.*, the information was not available or changed circumstances have raised an issue not present at the time of the Commission's determination. The U.S. Trade Representative will be reluctant to review comments concerning domestic policy issues not included in the Commission record absent adequate justification for the failure of the interested party to make a presentation before the Commission. Because foreign policy issues are considered only during the Presidential review, interested parties need not refer to the Commission record to submit comments based upon foreign policy.

Comments submitted should not be longer than 15 double spaced letter sized pages, including attachments. The original and 19 copies of the comments should be deliverd no later than the close of business ——————, to the Secretary, Trade Policy Staff Committee, 600 17th Street, NW, Room 413, Washington, D.C. 20506. Interested parties may obtain copies of the comments submitted on —————— answers will be accepted until close of business ——————. For further information call ——————.

Chairman,

Section 337 Committee.

[FR Doc. 81-27493 Filed 9-21-81; 8:45 am]

BILLING CODE 3190-01-M

Trade Policy Staff Committee; Public Hearings On U.S.-Argentina Agreement on Hides and Leather

1. *Summary.* The Government of Argentina has informed the Office of the United States Trade Representative that it does not intend to fully implement its obligations under a U.S.-Argentina Agreement Concerning Hide Exports and Other Trade Matters (the Hide Agreement) dated August 10, 1979. In that Agreement Argentina agreed to reduce its ad valorem export tax on cattlehides to 10% on October 1, 1980, to 5% on April 1, 1981, and to 0% on October 1, 1981. On October, 1980, Argentina reduced its export tax to 10% and has refused to further reduce it according to the Hide Agreement.

In return for Argentine tax reductions, the United States agreed to reduce its ad valorem duty on bovine leather (TSUS 121.61) to 1% on October 1, 1980, and to 0% on October 1, 1981. The duty is currently 2% ad valorem.

The United States is continuing to consult with the Government of

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Argentina, but to date has reached no resolution on compliance with the Hide Agreement. The United States is now considering suspending its obligation under the Hide Agreement and retaining the 1% duty on bovine leather, pending reassessment of the Agreement.

Under Section 125 of the Trade Act of 1974 (19 U.S.C. 2135) the President is authorized whenever any foreign country or instrumentality withdraws, suspends, or modifies the application of trade agreement obligations of benefit to the United States without granting adequate compensation, to withdraw, suspend or modify the application of substantially equivalent trade agreement obligations of benefit to such foreign country or instrumentality and proclaim such increased duties or import restrictions as are appropriate to effect adequate compensation from such foreign country or instrumentality.

Before taking any such action to restore the balance of obligations, the President is required to provide for public hearings at which time interested persons will be given a reasonable opportunity to be present, to produce evidence and to be heard. Because the final duty reduction is scheduled to go into effect on October 1, expedited hearings are being held in order to allow for the possibility of prompt action.

2. *Notice of Public Hearings.* Pursuant to section 125 of the Trade Act of 1974 (19 U.S.C. 2135), the Trade Policy Staff Committee (TPSC), chaired by the Office of the United States Trade Representative, has scheduled public hearings for September 28, 1981, concerning this issue.

3. *Time and Place of Hearings.* The Committee's hearings will be held at 10:00 a.m. on September 28, 1981 in Washington, D.C., Office of the United States Trade Representative, Winder Building, 600 Seventeenth Street, N.W., Room 303.

4. *Communications Regarding Hearings.* Communications with regard to these hearings should be addressed to: Carolyn Frank, Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, Room 413, Winder Building, 600 Seventeenth Street, N.W., Washington, D.C. 20506 (Phone: 202–395–3487). Questions concerning the Hide Agreement and negotiations with Argentina should be directed to Jon Rosenbaum, Director of Latin America and African Affairs, Office of the United States Trade Representative, (202) 395–5192. Questions concerning legal requirements under the Trade Act should be directed to Michael Hathaway, Acting Deputy General Counsel, Office of the United States Trade Representative, (202) 395–3432.

5. *Requests to Present Oral Testimony.* All requests to present oral testimony must be received by the Secretary of the TPSC not later than close of business, September 24, 1981.

6. *Written Briefs.* Written briefs may be submitted in lieu of oral testimony. To be fully considered by the Committee, written briefs, in 20 copies, should be received by noon, September 25, 1981 and addressed to the Secretary of the TPSC.

7. *Procedures for Submission of Briefs.* Procedures for the submission of written briefs and rebuttal briefs, and other relevant information concerning the hearing process is contained in the Federal Register of August 28, 1980 (45 FR 57636) and TPSC regulations codified at 14 CFR Part 2003.

Frederick L. Montgomery,
Chairman, Trade Policy Staff Committee.

[FR Doc. 81–27606 Filed 9–18–81; 12:20 pm]

BILLING CODE 3190–01–M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from the Southland Corporation for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if three conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATE: Comments must be submitted on or before November 6, 1981.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (Mail Stop 140), Pension Benefit Guaranty Corporation, 2020 K Street, NW, Washington, D.C. 20006. The request for an exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Ellen A. Hennessy, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, NW, Washington, D.C. 20006; (202) 254–4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

The Statute

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96–364, 94 Stat. 1208 (the "Multiemployer Act") became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. 1001 *et seq.* As a result of the Multiemployer Act, an employer that withdraws, or partially withdraws, from a multiemployer pension plan covered under Title IV of ERISA may be liable to the plan for a portion of the plan's unfunded vested benefits.

The withdrawal liability rules generally apply to withdrawals occurring after April 28, 1980.

Section 4204 of ERISA, 29 U.S.C. 1384, provides that the sale of assets of a contributing employer in a bona fide arm's-length transaction to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a) (1)(A)–(C), are that—

(A) the purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) the purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) the contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrowed amount described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any requirement contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of section 4204(a)(1)(C) if the variance would "more effectively or equitably carry out the purposes of [Title IV]." The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business trnasactions. The granting of an exemption or variance from the requirements of section 4204(a)(1) (B) or (C) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1).

Section 4204(c) of ERISA requires that PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from the Southland Corporation ("Southland") to waive the bond/escrow requirement of section 4204(a)(1)(B) of ERISA. In the request, Southland represents among other things, that:

1. On August 17, 1981, Southland purchased the operating assets of Merritt Foods Corporation ("Merritt").

2. Southland has assumed Merritt's responsibilities under a collective bargaining agreement with Local #207 of the International Brotherhood of Teamsters, which obligated Merritt to contribute to the Central States, Southeast and Southwest Areas Pension Fund (the "Fund").

3. The Fund has determined that the amount of the bond or escrow is $159,654.00, the contributions required to be made by Merritt during the 1980 plan year. Southland has obtained a bond for that amount which guarantees Southland's contributions to the Fund for five years after the sale. This bond would be cancelled if the exemption request is granted.

4. According to its audited statements for fiscal year ending on January 31, 1980, Southland has net assets of $554 million.

5. Southland has sent a copy of this request to the Fund.

Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, within 45 days after the publication of this notice. All comments will be made a part of the record. Comments received, as well as the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 16th day of September, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-27489 Filed 9-21-81; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18097; File No. SR-BSE-81-9]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.

September 17, 1981.

Relating to an extension of the temporary 15% increase in Exchange billings to members and imposition of an interest charge of 1½% per month on unpaid balances due from members.

Comments requested within 21 days after the date of this publication.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 14, 1981, the Boston Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On May 5, 1981, approval was granted by the Securities and Exchange Commission to allow the Exchange to impose a temporary 15% increase on all Exchange billings to members effective for the period May 1, 1981 through September 30, 1981. It is proposed to extend this temporary 15% increase for the period October 1 through December 31, 1981.

The Board of Governors of the Exchange also concluded to impose an interest charge of 1½% per month on unpaid balances due from members 30 days after billing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change

(a) The 15% increase on all Exchange billings to members was previously approved for the period May 1 through September 30, 1981. This increase was necessitated by increased costs in communications, data processing, leasehold and personnel expenses. It was expected, at that time, that a detailed study of all income and expenses of the Exchange would be completed by September 30, 1981. The Committee appointed to conduct the study has not been able to complete its recommendations so the Board of Governors of the Exchange voted to extend the 15% increase for the period October 1 through December 31, 1981.

The purpose of the imposition of an interest charge of 1½% per month on unpaid balances due from members 30 days after billing is to stimulate prompt payment of dues and/or assessments which in turn will effect a reduction in the receivables due from Exchange members.

(b) The basis under the Act for the proposed rule change is section 6(b)(4) requiring the rules of an exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its service.

(B) Self-Regulatory Organization's Statement on Burden on Competition

No burden on competition is perceived by adoption of the proposed Rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 17, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27555 Filed 9-21-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18056; File No. SR-NSCC-80-35]

Self Regulatory Organization; the National Securities Clearing Corp.

August 24, 1981.

Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934, National Securities Clearing Corporation ("NSCC") submitted Amendment No. 1 to a proposed rule change (SR-NSCC-80-35) on July 13, 1981. The amendment would establish standards of financial responsibility and operational capability for initial and continued membership in NSCC by banks and would amend NSCC Rule 46 to establish standards under which NSCC may suspend a bank member or limit a bank's access to NSCC's services. By adding membership standards for banks, this amendment completes a proposed rule change submitted by NSCC on December 19, 1981, establishing standards of financial responsibility and operational capacity for broker-dealer members in NSCC (46 FR 10889, February 4, 1981).

In its filing, NSCC indicated that, in drafting the bank standards, NSCC adopted standards for banks that are comparable to the standards for broker-dealers except to the extent that banks are subject to materially different regulatory principles and accounting practices.

Publication of the submission is expected to be made in the **Federal Register** during the week of August 24, 1981. Interested persons are invited to submit written data, views and arguments concerning the submission within twenty-one days from the date of publication in the **Federal Register**. Persons desiring to make written submissions within twenty-one days from the date of publication should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NSCC-80-35.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27556 Filed 9-21-81; 8:45 am]

BILLING CODE 8010-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 183
Tuesday, September 22, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

Items
Federal Reserve System (Board of Governors) 1
National Council on Educational Research 2
National Transportation Safety Board .. 3

1

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 9:30 a.m., Monday, September 28, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: September 18, 1981.

James McAffe,

Assistant Secretary of the Board.

[S 1430–81 Filed 9–18–81; 3:05 pm]

BILLING CODE 6210-01-M

2

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

DATE AND TIME: 9:30 a.m.–3 p.m., September 28, 1981.

PLACE: Room 823, National Institute of Education, 1200 19th Street, N.W., Washington, D.C.

STATUS: Certification is being sought from the Department of Education Office of General Counsel, that in the opinion of that office, the NCER "would be authorized to close portions of its meeting on September 28, 1981, under 5 U.S.C. 522b(c)(9)(B) and 34 CFR 705.2(a)(9) for the purposes of reviewing and discussing with the Director of NIE options for the NIE fiscal year 1983 budget and procurement planning and budget for fiscal year 1982." Agenda item #4 will be closed, the rest of the agenda will be open to the public. The public should call to verify the *closing* of this portion of the meeting.

MATTERS TO BE CONSIDERED:

1. Acting Director's Report (9:30–10:30 a.m.).
2. Report on Implementation of Dissemination Policy (10:30–10:45 a.m.).
3. Report on NIE study of Vocational Education By Henry David (1:15 p.m.–2:00 p.m.).
4. CLOSED SESSION concerning 1983 budget and 1982 procurement (11:30 a.m.–12:15 p.m.). Lunch (12:15 p.m.–1:15 p.m.)
5. NCER Policy on Curriculum Development (10:45–11:30 a.m.).
6. Science Education with National Science Foundation representative (2:00 p.m.–3:00 p.m.).

Adjournment

CONTACT PERSON FOR MORE INFORMATION: Martha H. Catto; Telephone: (202) 254–7900.

Peter H. Gerber,

Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S 1428–81 Filed 9–18–81; 11:31 pm]

BILLING CODE 4000-05-M

3

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–81–35]

TIME AND DATE: 9 a.m., Tuesday, September 29, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Safety Report:* Status of Department of Transportation Hazardous Material Regulatory Programs and *Recommendations* to the Secretary, DOT.
2. *Railroad Accident Report:* Derailment of Amtrak Train No. 97 on Seaboard Coastline Railroad Track at Lochloss, Florida, May 28, 1981, and *Recommendations* to the President of the Family Lines and to the Association of American Railroads.
3. *Highways Accident Report:* ARA Transportation Group Tour Bus, Denali Naitonal Park and Preserve (Mt. McKinley National Park), Alaska, June 15, 1981, and *Recommendations* to the National Park Service.
4. Safety Effectiveness Evaluation Program.
5. FY 1982 Safety Effectiveness Evaluations.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

September 18, 1981.

[S 1429–81 Filed 9–18–81; 12:51 pm]

BILLING CODE 4910-58-M

V46 SE22 81
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federal register

Tuesday
September 22, 1981

Part II

Department of Energy

Western Area Power Administration

Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects

V 46 SE 22 81 UMI

DEPARTMENT OF ENERGY

Western Area Power Administration

Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects

AGENCY: Western Area Power Administration, Energy.

ACTION: Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects.

SUMMARY: The Western Area Power Administration (Western) has been developing a new power marketing plan for the Boulder Canyon Project, Parker-Davis Project, and Central Arizona (Navajo Generating Station) Project since its first Notice of Intent published in the **Federal Register** of February 15, 1980 (45 FR 10398). In the Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (Criteria) published herewith Western proposes to contractually consolidate and operationally integrate the three Boulder City Area Projects. The document will serve as new marketing criteria for the Parker-Davis and Navajo resources and will replace the existing regulations for the Boulder Canyon Project. These Criteria provide for the marketing and allocation of each of the resources in Western's Boulder City area as power becomes available during the period 1984 through June 1, 1987. The availability of these resources will also be dictated by the inservice dates of proposed increases in the nameplate rating of the Boulder Canyon Project Powerplant (upratings and modifications), the projected inservice dates of power-consuming features of the Central Arizona Project and the Title I Salinity Control Project (as amended by Pub. L. 96–336 of September 4, 1980), and the termination of electric service contracts for each project. Western has had informal public participation through public information forums, written comments, and consultations in the development of these Criteria. Contractors and interested parties are invited to submit formal written comments concerning the Criteria and the varying positions directly to Western's Boulder City Area Office. Comments are requested on the amounts of power and energy to be allocated. Consideration will be given to proposing periodical adjustment upwards or downwards over the life of the contracts in recognition of the growth and needs of the region. Comments are also solicited with respect to the advisability and practicability of such adjustments.

DATES: An opportunity will be given all interested parties to present written or oral statements, data, or arguments at a public comment forum in January 1982 in Las Vegas, Nevada. The time, date, and location will be announced at a later date. Written comments should be submitted at or before the comment forum.

ADDRESS: Written comments concerning the Criteria can be delivered at the public comment forum or mailed to the following address: Mr. R. A. Olson, Area Manager, Boulder City Area Office, Western Area Power Administration, Department of Energy, P.O. Box 200, Boulder City, NV 89005, (702) 293–8115.

SUPPLEMENTARY INFORMATION: Western received many responses to its solicitation for proposals, comments and recommendations contained in the public information forums of September 19, 20, and 21, 1978; the April 24, 1979, **Federal Register** (44 FR 24153) notice; the public information forums of November 30, 1979, February 22, 1980, May 16, 1980, and August 29, 1980; and the Notice of Intent to Formulate Power Marketing Criteria published in the **Federal Register** on February 15, 1980.

These responses, as well as comments received during informal consultations with interested parties, have been considered in the development of these Criteria. Some of the major areas addressed during the development of the Criteria were: (1) the marketing area; (2) the future allocation of Boulder Canyon, Parker-Davis, and Navajo Project Power; (3) general terms and condtions for contracts such as contract term, classes of power, operations, delivery, and conservation measures; and (4) renewal contracts.

Throughout the informal public process, varying positions concerning Boulder Canyon Project power marketing have been advanced by the States of Arizona and Nevada, the California Hoover allottees, and public entities in other States.

The Attorney General of the State of Nevada filed with Western legal opinion dated January 7, 1981, entitled "The Legal Position of the State of Nevada With Respect to the Next Allotment of Power from Hoover Dam." Nevada's position is that it is statutorily entitled to one-third of the Hoover resource upon contract termination on May 31, 1987. The State contends that the State preference language of the Boulder Canyon Project Act of 1928 takes precedence over the renewal language of the Act, which language is also contained in the power contracts.

The California Hoover allottees by letter dated August 11, 1981, restated their previous position concerning the marketing plan. In general, they contend they have an absolute right to renew their present contract in kind, which includes such things as a 50-year term of contract, use of all capability of the generating units, which they presently enjoy, and to all secondary energy available.

In addition to these States, representatives of public entities in other States have advanced their position that they are entitled to share in the benefits of the Hoover resource after May 31, 1987.

Western does not fully accommodate either major position, but has, under authorized administrative discretion, developed a marketing proposal which would allocate current Boulder Canyon Project and Parker-Davis Project power and energy amounts under new terms and conditions and make power and energy in excess of the current amounts available for allocation.

The following written materials relative to the Criteria are available for inspection and copying at Western's Boulder City Area Office:

1. Letter dated August 11, 1981, to Mr. Robert A. Olson from California Hoover Allottees. Recites California allottees position with regard to Boulder Canyon Project power marketing.
2. Letter dated July 23, 1981, to Contractors and Interested Parties. Transmits July 17, 1981, **Federal Register** (46 FR 37082) notice which deferred publication of the Proposed General Consolidated Power Marketing Criteria for Boulder City Area Projects and Regulations for the Boulder Canyon Project Renewal (Proposed Criteria) until September 11, 1981.
3. Letter dated July 19, 1981, to Boulder Canyon Project Contractors. Transmits letter dated June 30, 1981, from the State of Nevada, Division of Colorado River Resources, to Mr. R. A. Olson.
4. Letter dated June 30, 1981, from the State of Nevada, Division of Colorado River Resources to Mr. R. A. Olson. Requests delay in publication of the Proposed Criteria.
5. Letter dated June 18, 1981, from the Arizona Power Authority to Mr. R. A. Olson. Requests delay in publication of the Proposed Criteria.
6. Letter dated June 12, 1981, from the State of Nevada, Division of Colorado River Resources, to Mr. R. A. Olson. Requests reply to Nevada legal opinion and other information.
7. Letter dated May 1, 1981, to State of Nevada, Division of Colorado River Resources. Replies to State's letter dated April 21, 1981.

8. Letter dated April 21, 1981, From the State of Nevada, Division of Colorado River Resources to Mr. R. A. Olson. Requests information concerning analysis of Nevada's legal opinion.

9. Letter dated April 9, 1981, To Contractors and Interested Parties. Transmits information regarding the schedule for completion of the General Consolidated Power Marketing Criteria for Boulder City Area Projects.

10. Letter dated January 27, 1981, To Contractors and Other Interested Parties. Transmits comments on December 12, 1980, letter regarding tentative schedule for completion of the General Consolidated Power Marketing Plan.

11. Letter dated December 12, 1980, To Contractors and Other Interested Parties. Transmits tentative calendar of events, staff discussion paper concerning Boulder Canyon Project issues (dated December 10, 1980), and the Proposed General Consolidated Power Marketing Criteria for Boulder City Area Projects.

12. Letter dated October 20, 1980, to All Parties Who Submitted Written Comments to the August 29, 1980, Public Information Forum. Transmits comments on August 29, 1980, public information forum.

13. Consolidated Power Marketing Plan public information forum, August 29, 1980, presentation.

14. Consolidated Power Marketing Plan public information forum, August 29, 1980, slides.

15. Letter dated July 31, 1980, to Arizona Municipal Power Users' Association. Transmits comments on May 16, 1980, public information forum.

16. **Federal Register** (Vol. 45, No. 147) Tuesday, July 29, 1980, notices, pages 50412 and 50413. Announcement of August 29, 1980, public information forum.

17. Letter dated July 25, 1980, to Contractors and Other Parties Interested in Future Power Marketing Criteria for the Boulder City Area.

Notification of August 29, 1980, public information forum; also transmitted Preliminary Draft Criteria.

18. Consolidated Power Marketing Plan public information forum, May 16, 1980, presentation.

19. Consolidated Power Marketing Plan public information forum, May 16, 1980, slides.

20. Letter dated May 2, 1980, to All Parties Who Submitted Written Comments to the February 22, 1980, public information forum. Transmits comments on February 22, 1980, public information forum.

21. **Federal Register** (Vol. 45, No. 72) Friday, April 11, 1980, notices, pages 24912 and 24913. Announcement of May 16, 1980, public information forum.

22. Consolidated Power Marketing Plan public information forum, February 22, 1980, presentation.

23. Consolidated Power Marketing Plan public information forum, February 22, 1980, slides.

24. **Federal Register** (Vol. 45, No. 33) Friday, February 15, 1980, notices, pages 10398 and 10399. Announces intent to formulate consolidated marketing criteria for the Boulder City Area projects.

25. Letter dated January 31, 1980, to Contractors and Other Parties Interested in the Consolidated Power Marketing Plan for the Boulder City Area. Notification of February 22, 1980, public information forum.

26. Letter dated January 30, 1980, to All Parties Who Submitted Written Comments on the Consolidated Power Marketing Plan. Transmits comments on March 28, 1979, letter and November 30, 1979, public information forum.

27. Consolidated Power Marketing Plan public information forum, November 30, 1979, proceedings of the meeting.

28. Errata sheet for November 30, 1979, Consolidated Power Marketing Plan public information forum proceedings of the meeting.

29. Consolidated Power Marketing Plan public information forum, November 30, 1979, slides.

30. **Federal Register** (Vol. 44, No. 213) Thursday, November 1, 1979, notices, pages 62938 and 62939. Announcement of November 30, 1979, public information forum.

31. **Federal Register** (Vol. 44, No. 80) Tuesday, April 24, 1979, notices, pages 24153 and 24154. Notice of request for written comments on the marketing of Boulder Canyon Project power.

32. Memorandum dated March 28, 1979, to Contractors and Other Parties Interested in Future Marketing Plans for Boulder Canyon Project Power. Requests written comments on future marketing plans for Boulder Canyon Project.

33. Navajo Marketing Meeting, Denver, Colorado, September 21, 1978. Agenda and presentation.

34. Navajo Marketing Meeting, September 21, 1978, graphics to presentations.

35. **Federal Register** (Vol. 43, No. 178) Wednesday, September 13, 1978, notices, pages 40909 and 40910. Announcement of public meetings concerning marketing power from the Navajo Project, Page, Arizona.

Regulatory Procedural Requirements

1. Determination Under Executive Order 12291: Western has determined that these Criteria are not a major rule under section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). This proposed rule has been submitted to the Director of the Office of Management and Budget for review prior to publication in the **Federal Register**.

2. Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) each agency, when required by 5 U.S.C. 553 to publish certain rules, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of such rules on small entities. Western has determined that (1) this proposed rulemaking of particular applicability relates to allocation and selling of electric services in accordance with reclamation law by Western and, therefore, is not a rule within the purview of the Regulatory Flexibility Act of; and in any event (2) the impacts of such allocation and the selling of electric service by Western would not cause an adverse economic impact on a substantial number or those small entities provided for under the Regulatory Flexibility Act. The requirements of the Act do not apply to the proposed rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. For the above reason, the Administrator of Western has certified that the Criteria are not a rule within the ambit of the Regulatory Flexibility Act. The Administrator's certification is published herewith and has been sent to the Chief Counsel for Advocacy of the Small Business Administration.

3. Environmental Assessment: The publication of these Criteria or its implementation does not constitute a major Federal action which significantly affects the environment. A Federal environmental impact statement is, therefore, not required for these Criteria under the National Environmental Policy Act of 1969.

Statutory Basis

The Federal power in the Boulder City area will be marketed in accordance with the power marketing authorities in Federal reclamation laws (The Act of June 17, 1902, (32 Stat. 388), and all acts amendatory thereof or supplementary thereto); the Department of Energy Organization Act of 1977 (91 Stat. 565); and in particular, those acts and amendments enabling Boulder Canyon Project (45 Stat. 1057); Parker-Davis Project (49 Stat. 1028, 1059; 53 Stat.

1189); and the Colorado River Basin Project (72 Stat. 1726).

Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects—United States Department of Energy, Western Area Power Administration, Boulder City Area Office, September 1981

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Part I. General

Section A. Purpose and Scope

In accordance with Federal power marketing authorities in reclamation law and the Department of Energy Organization Act of 1977, the Western Area Power Administration (Western) has developed these Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (Criteria). These Criteria establish one set of general and uniform marketing principles for all Federal power projects (Projects) under the marketing jurisdiction of Western's Boulder City Area (BCA). The document will serve as new marketing criteria for the Parker-Davis and Navajo resources and will replace the existing regulations for the Boulder Canyon Project. In developing these Criteria, consideration was given to informal and formal studies and analyses, public questions and comments, and recommendations from and consultations with contractors and other interested parties. These Criteria have been developed by an informal public participation process to balance feasible technical possibilities, the desires of interested parties within the collective public interest, and the constraints of applicable laws.

Throughout the informal public process, varying positions concerning Boulder Canyon Project power marketing have been advanced by the States of Arizona and Nevada, the California Hoover allottees, and public entities in other States.

The Attorney General of the State of Nevada filed with Western a legal opinion dated January 7, 1981, entitled "The Legal Position of the State of Nevada With Respect to the Next Allotment of Power from Hoover Dam." Nevada's position is that it is statutorily entitled to one-third of the Hoover resource upon contract termination on May 31, 1987. The State contends that the State preference language of the Boulder Canyon Project Act of 1928 takes precedence over the renewal language of the Act, which language is also contained in the power contracts.

The California Hoover allottees by letter dated August 11, 1981, restated their previous position concerning the marketing plan. In general, they contend they have an absolute right to renew their present contract in kind, which includes such things as a 50-year term of contract, use of all capability of the generating units which they presently enjoy, and all secondary energy available.

In addition to these States, representatives of public entities in other States have advanced their position that they are entitled to share in the benefits of the Hoover resource after May 31, 1987.

Western does not fully accommodate either major position, but has, under authorized administrative discretion, developed a marketing proposal which would allocate current Boulder Canyon Project and Parker-Davis Project power and energy amounts under new terms and conditions and make power and energy in excess of the current amounts available for allocation.

Section B. Authorities

Federal power in the BCA will be marketed in accordance with the power marketing authorities in Federal reclamation laws (The Act of June 17, 1902 (32 Stat. 388), and all acts amendatory thereof or supplementary thereto); the Department of Energy Organization Act of 1977, (91 Stat. 565); and in particular, those acts and amendments enabling Boulder Canyon Project (45 Stat. 10.57); Parker-Davis Project (49 Stat. 1028, 1059; 53 Stat. 1189); and the Colorado River Basin Project (72 Stat. 1726).

The following is a general, informational listing of applicable Federal power marketing authorities: the Reclamation Act of 1902 (32 Stat. 388); the Town Sites and Power Development Act of 1906 (34 Stat. 116); the Federal Water Power Act of 1920 (41 Stat. 1063); the Boulder Canyon Project Act of 1928 (45 Stat. 1057); the Act of August 30, 1935, authorizing the construction of Parker Dam (49 Stat. 1028, 1039); the Reclamation Project Act of 1939 (53 Stat. 1189); the Boulder Canyon Project Adjustment Act of 1940 (54 Stat. 774); the Act to Consolidate Parker Dam Power Project and Davis Dam Project of 1954 (68 Stat. 143); the Boulder City Act of 1958 (72 Stat. 1726); the Colorado River Basin Project Act of 1968 (72 Stat. 1726); the Colorado River Basin Salinity Control Act of 1974 (88 Stat. 266), as amended by (94 Stat. 1063); and the Department of Energy Organization Act of 1977 (91 Stat. 565).

Section C. Implementation and Related Information

These Criteria will be published by the Secretary of Energy acting by and through the Administrator of Western upon completion of the formal public involvement process. Requests for applications for power and energy reserved for allocation to current contractors and for power and energy available for allocation will follow finalization of the Criteria. An allocation will be published following a separate public process. The final allocation will be implemented by contract. Contracts will be implemented as existing contracts and contract extensions terminate, and as increased or additional resources become available.

1. Contracts. The Projects will be contractually consolidated and operationally integrated within: applicable laws; the operational constraints of the Colorado River, Project powerplants, and Navajo Generating Station, as may be imposed by the Secretary of the Interior or his authorized representatives; the general terms, conditions, and principles contained in these Criteria; and the General Power Contract Provisions in effect which are applicable to a particular Project.

No Contractor shall sell for profit any of the power and energy allocated to it to any customer of the contractor for resale by the customer.

The existing Boulder Canyon Project contracts terminate on May 31, 1987. The existing Parker-Davis Project contracts terminate March 31, 1986. The Parker-Davis Project contracts will be extended through May 31, 1987, upon mutual agreement between Western and the individual contractor, in order to achieve contract termination dates coincident with the Boulder Canyon Project contracts. Navajo Generating Station power and energy surplus to the needs of the Central Arizona Project and Title I Salinity Control Project (as amended by Pub. L. 96–336 of September 4, 1980), may be available as early as July 1984 in varying quantities and will be marketed in accordance with these Criteria.

A uniform contract termination date offers Western an opportunity to improve the administrative efficiency of the BCA by consolidating contract offers and new allocations into a single contract. Consideration will be given to contract terms of from 10–20 years to permit adjustment for changing conditions. Western and each contractor will negotiate a consolidated contract which will contain terms and conditions applicable for all the types of power to be marketed under these Criteria.

Western intends to ensure the availability of power with and without energy under its firm and peaking power contracts.

Western will integrate the scheduling and dispatching of all Project power and energy to achieve optimum efficiency. Western will purchase energy specifically for the purpose of fulfilling the firm energy obligations of a particular Project, and to provide energy for additional power resources. The cost of this energy will be an operating expense in the year in which it occurs. The cost of additional power resources at existing Projects will be integrated with the cost of the Project to which it is assigned. The individual Projects will remain financially segregated for the purposes of accounting and repayment. The BCA rate schedule containing rates for each individual Project will be developed to satisfy cost recovery criteria for each Project. Project cost recovery criteria will be developed as part of a separate public process. In general, the cost recovery criteria will include cost of production components such as operation, maintenance, and other financial obligations of the Projects. The rate for Boulder Canyon Project power and energy will be developed in accordance with the cost recovery criteria and will include a component to provide for a contribution to the lower Colorado River Basin Development Fund in accordance with the Colorado River Basin Project Act of 1968 and congressional directives.

The Bureau of Reclamation (Reclamation) is planning an extensive penstock maintenance program for the Boulder Canyon Project powerplant which will remove a penstock and the associated generating units from service for approximately 1 month during each winter season; and, additionally, the Boulder Canyon Project modifications powerplant for approximately 1 month every fourth year. In order to accommodate this program with the least impact and at lowest cost, the Boulder Canyon Project contractors will be requested to cooperate with Western in an exchange of maintenance capacity during the term of the penstock outage.

2. Additional Resources. Reclamation is currently planning an uprating program which would increase the nameplate rating of the Boulder Canyon Project from 1,340 MW to approximately 1,800 MW at rated head. Reclamation is also planning a Boulder Canyon Project modification program which would further increase the nameplate rating of the Boulder Canyon Project by approximately 500 MW at rated head. The amounts of power (part V) which become available as a result of the upratings and modifications will be allocated in accordance with the Boulder Canyon Project preference priorities (part IV) and will be contracted for as power increases are developed. The current schedule for the uprating program indicates staged increases with completion in the early 1990's.

In the event that the uprating program is not completed, the total amount of firm and peaking power initially allocated to contractors (part V) will be reduced on a proportional basis. Power allocated from the existing Boulder Canyon Project will not be affected. If, subsequent to such a power reduction, the uprating program is reinstated in whole or in part as described in part V, the amounts initially allocated will be restored to the contractors in proportionate amounts as the upratings are completed.

In the event that the modification program is not authorized, the amounts of peaking power (without energy) which have been identified for allocation (part V) will not be available. In the event that the modifications program is authorized, but not completed, the amounts of peaking power (without energy) which have been identified for allocation (part V) will be reduced on a proportional basis.

Part II. Marketing Area

The marketing area for the Projects is generally depicted on the map in appendix A of these Criteria, and consists of southern California, southern Nevada, most of Arizona, and a small part of New Mexico. The BCA marketing area includes a limited portion of the Upper Colorado River Basin in which the Navajo Generating Station is located and most of the Lower Colorado River Basin as defined in the Colorado River Compact.

Part III. Service Seasons

Power and energy from all Projects will be marketed for delivery during two service seasons. These seasons are based upon historic water releases on the Lower Colorado River. Approximately 70 percent of the water is released during the summer season and 30 percent of the water is released during the winter season. The reduced water releases during the winter season allow for a period in which to perform generator maintenance.

Section A. Summer Season

The summer season for any calendar year is the 7-month period beginning the first day of BCA's March billing period and continuing through the last day of BCA's September billing period.

Section B. Winter Season

The winter season is the 5-month period beginning the first day of BCA's October billing period, for any calendar year, and continuing through the last day of BCA's February billing period, in the next succeeding calendar year.

Part IV. Contract Offers, Priority Uses, and Preference

Certain amounts of power and energy are reserved for offers to current Parker-Davis and Boulder Canyon Project contractors and for priority uses by the United States. Those entities entitled to preference will be recognized in the allocation and sale of all power and energy in excess of the contract offers and priority uses as described below.

Section A. Navajo Generating Station

Navajo Generating Station power and energy which is surplus to the Federal uses of the Central Arizona Project and Title I Salinity Control Project (as amended by Pub. L. 96–336, September 4, 1980) and not used to firm Federal hydroelectric contract commitments within the Colorado River Basin will be allocated in accordance with the preference provisions of Section 9(c) of the Reclamation Project Act of 1939, in the following order:

1. Preference entities within the BCA Marketing Area;
2. Preference entities in adjacent Federal Marketing Areas;
3. Nonpreference entities in the BCA Marketing Area.

In the event that a potential contractor refuses an allocation offer or refuses to place such power and energy under contract in accordance with the offered terms and conditions of these Criteria, the amounts of power and energy released by such refusal will be reallocated in accordance with the preference order above.

Section B. Parker-Davis Project

Parker-Davis Project power and energy is subject to offers to current Parker-Davis Project contractors and priority uses by the United States.

Western advised the City of Needles, California (Needles) by letter dated January 18, 1979, that the Deputy Secretary, of the Department of Energy, had elected to make power and energy available to Needles under the same terms and conditions as that which was available to Needles under terminated Contract No. 14-06-300-802. The option is to be available to be exercised by Needles until January 18, 1983, if Needles meets the requirements to become a preference customer. If Needles fulfills such requirements and exercises this option, Western will offer Needles an amount of power and energy for the post-1987 contract period equal to:

5,100 kW	17,800,868 kWh	Summer
4,064 kW	6,752,053 kWh	Winter

Amounts of power available for allocation from the Parker-Davis Project (part V) would be reduced accordingly.

Power reserved for United States priority use is power and energy which is reserved for Federal reclamation project use and irrigation pumping on certain Indian lands.

The phrase "Federal reclamation project use power" is defined for these Criteria to mean that power and energy which is needed for Federal reclamation projects in the Lower Colorado River Basin. Such projects are Federal reclamation facilities established for the protection and drainage works along the lower Colorado River. The following is a list of projects for which Federal reclamation project use power is reserved: Wellton-Mohawk Irrigation and Drainage District Plant Nos. 1, 2, and 3; relift and drainage pumps; construction camp sites; Yuma-Mesa Irrigation and Drainage District; Gila Project drainage pumps; and Colorado River Front Work and Levee System.

The phrase "power for irrigation pumping on certain Indian lands" is defined for these Criteria to mean Federal power and energy for use in irrigation pumping on Indian irrigation projects which are adjacent to the lower Colorado River south of Davis Dam and north of the border between the United States and Mexico.

Requests for withdrawals for Federal reclamation project use power and Indian irrigation pumping power have equal priority. Withdrawals of those amounts of withdrawable power and energy remaining with a contractor for United States priority use purposes may be made up to the total amount of power and energy reserved for those purposes.

Power and energy surplus to that reserved for United States priority uses and that reserved for offers to the current contractors will be allocated in accordance with preference provisions of section 9(c) of the Reclamation Project Act of 1939, in the following order:

1. Preference entities within the BCA marketing area
2. Preference entities in adjacent Federal marketing areas
3. Nonpreference entities in the BCA marketing area

In the event that a contractor or potential contractor refuses an allocation offer, or refuses to place such power and energy under contract in accordance with the terms and conditions of these Criteria, the amounts of power and energy released by such refusal will be reallocated in accordance with the preference order above.

Section C. Boulder Canyon Project

Electric service contracts, under new terms and conditions, will be offered to existing Boulder Canyon Project contractors. Allocations of the added power from Boulder Canyon Project uprating and energy generated in excess of that reserved for the above offers will be made after applications have been received and evaluated. Preference in the allocation of the power from the Boulder Canyon Project uprating program and the energy in excess of that reserved for the offers will be made in accordance with section 5(c) of the Boulder Canyon Project Act in the following order:

1. Preference entities within the BCA marketing area
2. Preference entities in adjacent Federal marketing areas
3. Nonpreference entities in the BCA marketing area

Preference in the allocation of power from Boulder Canyon Project modifications will be in accordance with section 5(c) of the Boulder Canyon Project Act as may be amended by the legislation authorizing the modifications.

In the event that a contractor or potential contractor refuses an allocation offer, or refuses to place such power and energy under contract in accordance with the offered terms and conditions of these Criteria, the amounts of power and energy released by such refusal will be allocated in accordance with the preference order above.

Part V. Classes of Power and Sales Conditions

The amounts of power and energy which become available through additions or modifications to each Project, electric service contract terminations, and operational integration will be marketed as firm, peaking, and nonfirm classes of power.

As presently planned, the Boulder Canyon Project uprating program will increase the nameplate rating of Hoover Powerplant to approximately 1,800 MW at rated head. Although the amounts of power available for allocation as shown in part V., Classes of Power and Sales Conditions, are based upon Western carrying reserve and regulating power, Western will consider making an amount of power up to the nameplate rating of the Boulder Canyon Project as contingent power, provided the receiver will carry the necessary reserves.

Seasonal power entitlements and monthly energy entitlements shall be set forth in exhibits to the new BCA consolidated contract. These exhibits will be prepared annually or seasonally. Western will endeavor to make adjustments in monthly firm energy deliveries to approximate the individual contractor's load pattern. The extent to which Western will make adjustments will be contingent upon monthly energy availability and returned energy delivery schedules.

Section A. Firm Power

Firm power is intended to have assured availability to the contractor within energy limitations specified in these Criteria.

In order to allow Reclamation to comply with required water releases, to allow Western to receive purchased firming energy, and to enable Western to receive purchased firming energy, and to enable Western to receive returned energy from peaking power contractors during offpeak load hours, all firm power contractors may be required to schedule a minimum rate of delivery. The minimum scheduled rate of delivery for BCA firm power shall be established on a seasonal basis and may be increased or decreased as conditions dictate. The monthly minimum rate of delivery for each firm power contractor will be computed by dividing the number of kilowatthours to be taken during the month by a contractor at the minimum rate of delivery, by the number of hours in the month. The number of kilowatthours to be taken with the minimum rate of delivery will not exceed 25 percent of the contractor's monthly energy entitlement.

1. Long-Term Firm Power. The maximum seasonal power entitlement for long-term firm power shall be available to a contractor during each month of the service season. The amount of energy associated with long-term firm power shall be the amount of energy specified in these Criteria and in BCA power sales contracts. Long-term firm power and energy in excess of renewal offers and priority uses which are available for allocation are as follows:

a. Navajo Generating Station: Long-term firm power and energy surplus to the needs of the Central Arizona Project and Title I Salinity Control Project (as amended by Pub. L. 96-336, September 4, 1980) and not used to firm Federal hydroelectric contract commitments within the Colorado River Basin are available for allocation. Power contracts will contain a 3-year withdrawal provision. Amounts of power and energy estimated to be available after May 31, 1987, are as follows:

Navajo Available for Allocation

Season	MW	MkWh	kWh/kW
Winter	[illegible]	109	2,180

b. Parker-Davis Project: Western will offer the existing Parker-Davis Project contractors contracts for nonwithdrawable and withdrawable firm power and energy in individual amounts to be determined. Withdrawable power and energy will be subject to a 2-year withdrawal notice. The total amount of power and energy with Western recommends to be reserved for these offers is shown in appendix B. Western will make available for allocation the power and energy in excess of the offers and United States priority uses. Amounts of such excess power and energy which are estimated to be available for allocation after May 31, 1987, are as follows:

Parker-Davis Available for Allocation

Season	MW	MkWh	kWh/kW
Summer	30	100	3,430

c. Boulder Canyon Project: Western will offer the existing Boulder Canyon Project contractors contracts for firm power and energy in individual amounts to be determined. The total amount of power and energy which Western recommends to be reserved for these offers is shown in appendix C. The amount of energy in excess of that reserved for these offers, together with the added power estimated to be available upon completion of the Boulder Canyon Project upratings, will be made available for allocation as follows:

Boulder Canyon Available for Allocation

Season	MW	MkWh	kWh/kW
Summer	140	453	3,235
Winter	100	190	1,900

Reclamation's current schedule anticipates completion of the uprating program in the early 1990's. The amount of power available for allocation will be contracted for as power increases are developed.

2. Short-Term Firm Power. To the extent that power and energy in excess of long-term firm power contract commitments become available, short-term firm power may be offered. Contracts for short-term firm power will be offered on a seasonal or monthly basis as conditions permit.

Section B. Peaking Power

Peaking power without energy is intended to have assured availability to the contractor during peak periods of the day.

The maximum seasonal entitlement for long-term peaking power shall be available to a contractor during each month of the service season.

The energy available to deliver BCA long-term peaking power will average 40 kWh/kW/week in the summer season and 20 kWh/kW/week in the winter season. This amount of energy, plus losses, is to be returned by the contractor receiving the peaking power at mutually agreed upon times and rates of delivery normally during offpeak hours and days within a 7-calendar-day period following use.

1. Long-Term Peaking Power. Peaking power contracting periods will be subject to inservice dates of power additions and will be implemented through negotiated contracts not to exceed the long-term firm power contract term. Long-term peaking power available for allocation are as follows:

a. Navajo Generating Station: There is no long-term peaking power currently estimated to be available.

b. Parker-Davis Project: Long-term peaking power from the Parker-Davis Project will be offered in the following amounts:

Parker-Davis Available for Allocation

Season	MW
Summer	12
Winter	37

C. Boulder Canyon Project: Long-term peaking power from the Boulder Canyon Project will be offered, dependent upon completion of the Boulder Canyon Project uprating and modification programs, and will be contracted for as power increases are developed. The amounts currently estimated to be available are as shown below:

Boulder Canyon Available for Allocation

Season	MW
Upratings	
Summer	[illegible]
Winter	63
Modifications	
Summer	456
Winter	400

2. Short-Term Peaking Power. To the extent that power in excess of long-term peaking power contract commitments become available, short-term peaking power may be offered. Contracts for short-term peaking power will be offered on a seasonal or monthly basis as conditions permit.

Section C. Nonfirm Power and Other Arrangements

Nonfirm power is power and energy which does not have assured availability.

1. Short-Term Interruptible Power. Interruptible power is made available under contracts which permit curtailment of delivery by the BCA.

To the extent that power and energy in excess of firm power contract commitments become available, short-term interruptible power may be offered on a when-, as-, and if-available basis. Contracts for short-term interruptible power will be offered on a seasonal or monthly basis as conditions permit.

2. Fuel Replacement Energy. Western will continue to engage in a fuel replacement program in the BCA. Purchased energy and Project generated energy in excess of firm power contract commitments may be offered as fuel replacement energy.

3. Other Arrangements. Western, in its administrative discretion, may enter into interchange agreements, reserve agreements, load regulation agreements, maintenance and emergency service agreements, power pooling agreements, or other transactions.

Within the constraints of river operation, Western intends to permit the current Boulder Canyon Project contractors to schedule loaded and unloaded synchronized generation; the sum of which cannot exceed the power reserved for the individual contractor's contract offer. To the extent that energy entitlements are not exceeded, such previously scheduled unloaded synchronized generation may be used for regulation, ramping, and spinning reserves through the use of a dynamic signal. These functions will be developed by Western, in cooperation with the current Boulder Canyon Project contractors and implemented by contract and through written operating instructions.

Energy used for the purpose of supplying unloaded synchronized generation to current Boulder Canyon Project contractors will be supplied by the individual contractors as will be specified in the new BCA consolidated power sales contracts.

Part VI. Conditions of Delivery

Western, in cooperation with the contractor, will establish scheduling and accounting procedures based upon standard utility industry practices. These procedures shall be set forth in separate written instructions. Subject to Western's approval as to location and voltage, delivery will be made at BCA transmission system voltages, but not normally less than 69 kilovolts. Deliveries will continue to be made at lower voltages at powerplants and substation locations to customers already receiving such deliveries from Western.

Section A. Scheduling

Deliveries of BCA power and energy will generally be scheduled in advance, emergencies excepted, in accordance with procedures set forth in written instructions. If a contractor having an allocation of firm power also receives an allocation of peaking power, the peaking power may be used in conjunction with that contractor's energy entitlement without the return of energy. If a contractor must return energy, the energy will normally be delivered to Western during offpeak hours and/or days, within a 7-calendar-day period following use, at mutually agreed upon times, points, and rates of delivery.

Section B. Accounting

Deliveries of BCA power and energy normally will be accounted for on the basis of advance schedules, in accordance with the procedures set forth in written instructions. The instructions may also specify the conditions under which deliveries, which are greater or less than scheduled deliveries, will be corrected in later deliveries. The written instructions shall include procedures for determining amounts of BCA power and energy delivered to the contractor at each point of delivery and the procedures for determination and delivery of losses.

Section C. Designated Points of Delivery

Delivery will be made at designated points on the BCA transmission system at rates of delivery not to exceed the available capability of the transmission system. The designated points and transmission system are those specified by appendix D and appendix E, respectively, and may be modified as required.

Boulder Canyon Project power will be delivered at the switchboard in accordance with the Boulder Canyon Project Act. Navajo Generating Station power will be delivered at McCullough and Westwing Sub-stations. If the contractor cannot take delivery of the Boulder Canyon Project and the Navajo Generating Station power and energy at these designated delivery points, transmission service arrangements to other designated points of delivery will be necessary and will be the obligation of the contractor.

The designation of delivery points in appendix D and the transmission systems in appendix E do not imply any obligation for BCA to furnish additional facilities or to increase transmission or transformer capabilities at the designated points. Alternate or additional delivery points requested by the contractors will be permitted at the discretion of Western. Requests for taps on the BCA transmission system will be considered on a case-by-case basis and, if approved by Western, such taps shall be established at the contractor's sole expense.

Part VII. Conservation Measures

In accordance with the Department of Energy Organization Act of 1977 and Reclamation Law, Western is authorized to develop and implement energy conservation measures. Western will require that each of its power contractors have a written energy conservation program incorporated by reference in the contract. Contractors will be required to prepare and implement a program tailored to their own circumstances in accordance with broad guidelines developed by Western. Current operating conservation programs of power contractors which meet the guidelines will be acceptable.

Western will proposed the following general elements to achieve this conservation objective.

1. Contracts committing Federal power for the contracting period will provide that each contractor prepare, implement, and maintain a conservation program.

2. Conservation and renewable energy programs in effect prior to making application for power will be considered in Western's review and approval of each contractor's conservation program.

3. Contractors who prepare, implement, and maintain approved conservation programs will receive and continue to receive their full allocation of Federal power from Western in accordance with their contracts. Contractors who do not prepare, implement, and maintain approved conservation programs will receive a "Notice of Reduction" of their power and energy allocations. Such notices will provide that the allocations of power with and without energy will be reduced by 10 percent, 12 months from the date of notice. During the 12-month notice of reduction period, contractors will be encouraged to cure whatever problems exist with their conservation programs. Western will provide appropriate assistance upon request.

4. The contractor's record in the development, implementation, and maintenance of a conservation program will be considered in the allocation of future Federal resources and the future marketing of existing resources.

Issued at Golden, Colorado, September 16, 1981.

Robert L. McPhail,
Administrator.

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APPENDIX A

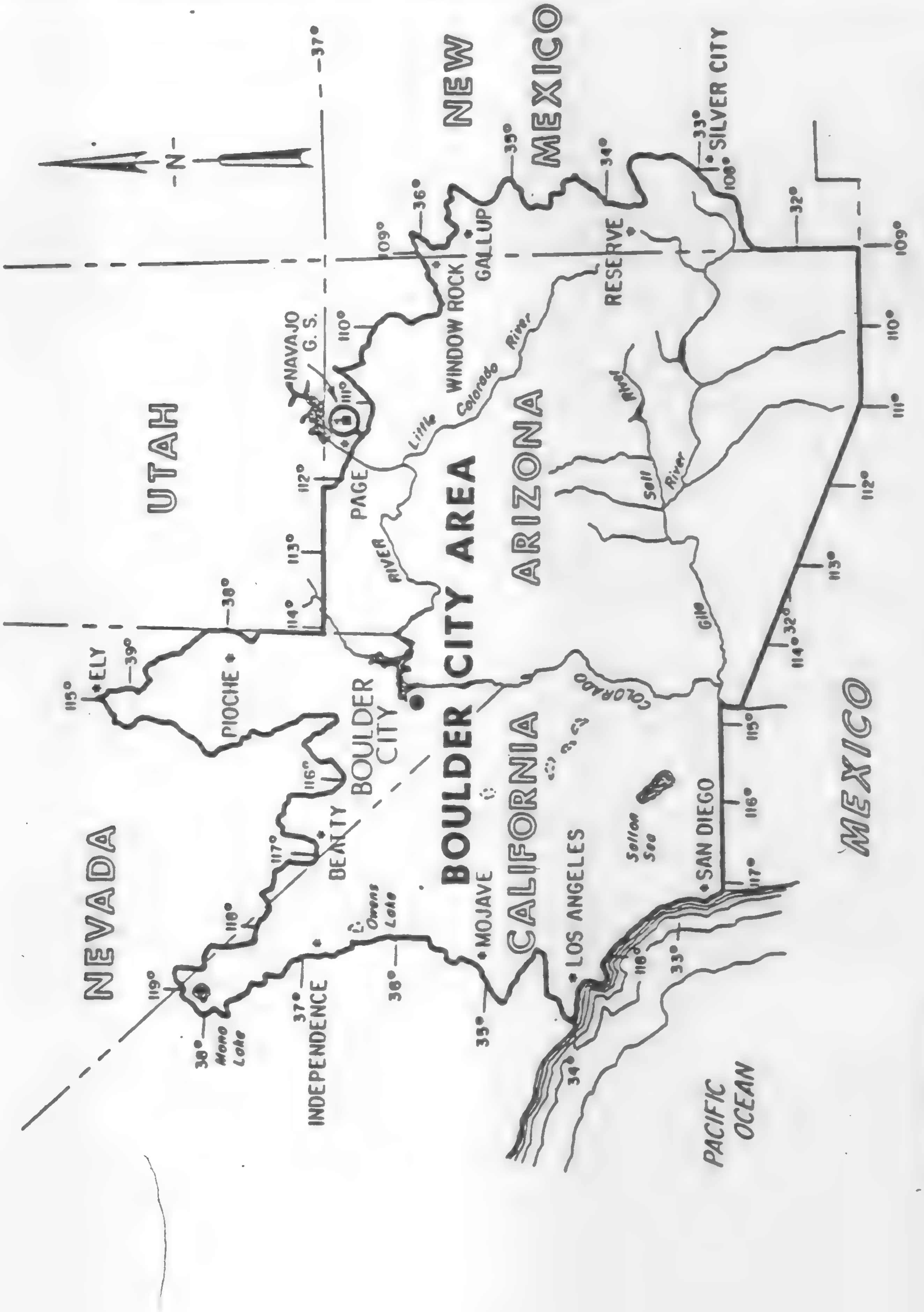
N
BOULDER CITY AREA
NEVADA
UTAH
ARIZONA
NEW MEXICO
CALIFORNIA
MEXICO
PACIFIC OCEAN
ELY
PIOCHE
BOULDER CITY
BEATTY
INDEPENDENCE
Mono Lake
Owens Lake
MOJAVE
LOS ANGELES
SAN DIEGO
Salton Sea
COLORADO
Gila
Salt River
Verde River
PAGE
NAVAJO G.S.
Little Colorado River
WINDOW ROCK
GALLUP
RESERVE
SILVER CITY
37°
36°
35°
34°
33°
32°
38°
39°
109°
110°
111°
112°
113°
114°
115°
116°
117°
118°
119°
108°

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Appendix A

Included in this area are the following:

A. All of the drainage area considered tributary to the Colorado River below a point 1 mile downstream from the mouth of the Paria River (Lee's Ferry).

B. The State of Arizona, excluding that portion lying in the Upper Colorado River Basin, except for that portion of the Upper Colorado River Basin in which the Navajo Generating Station is located. The Navajo Generating Station is included in the power marketing area as a resource only.

C. That portion of the State of New Mexico lying in the Lower Colorado River Basin and the independent Quemada Basin lying north of the San Francisco River drainage area.

D. Those portions of the State of California lying in the Lower Colorado River Basin and in drainage basins of all streams draining into the Pacific Ocean south of Calleguas Creek.

E. Those parts of the States of California and Nevada in the Lehontan Basin including and lying south of the drainages of Mono Lake, Adobe Meadows, Owens Lake, Amargosa River, Dry Lakes, and all closed independent basins or other areas in southern Arizona not tributary to the Colorado River.

Appendix B.—*Recommended Long-Term Firm Power Reserved for Allocation to Existing Parker-Davis Contractors*

[Energy Available to long-term firm power contractors will be equal to 67-percent load factor in the summer season and 47 percent in the winter season]

User	Summer season kilowatts			Winter season kilowatts		
	Withdrawable	Non-withdrawable	Total	Withdrawable	Non-withdrawable	Total
Contractor:						
AEPCO	?	?	?	?	?	?
Mesa	?	?	?	?	?	?
CRIR	?	?	?	?	?	?
DCRR	?	?	?	?	?	?
EAFB	?	?	?	?	?	?
ED-3	?	?	?	?	?	?
IID	?	?	?	?	?	?
SRP	?	?	?	?	?	?
SCIP	?	?	?	?	?	?
Thatcher	?	?	?	?	?	?
WMIDD	?	?	?	?	?	?
YID	?	?	?	?	?	?
YPG	?	?	?	?	?	?
Subtotal	19,500	192,100	211,600	12,160	147,400	159,560
Priority uses:						
Federal			39,000			24,700
CRIR			3,400			1,740
Subtotal			42,400			26,440
Total			254,000			186,000

Appendix C.—*Recommended Long-Term Firm Power Reserved for Allocation to Existing Boulder Canyon Project Contractors*

Contractor	Capacity (kW)		Energy (MWh)	
	Summer	Winter	Summer	Winter
MWD	?	?	?	?
LADWP	?	?	?	?
SCE	?	?	?	?
Glendale	?	?	?	?
Pasadena	?	?	?	?
Burbank	?	?	?	?
APA	?	?	?	?
DCRR	?	?	?	?
Boulder City	?	?	?	?
Bureau of Mines	?	?	?	?
NPS	?	?	?	?
Total	1,438,000	1,268,000	2,566,047	1,099,736

Appendix D.—*Designated Points of Delivery, Tap Points, and Voltages*

	Kilovolts
Arizona:	
Adams Tap	115
Black Mesa	[illegible]
Bouse	161
Buckeye	161
Buckskin Tap	69
Bullhead Tap	69
Casa Grande	115
Do	12.5
Cochise	115
Coolidge	230
Do	115
Do	13.8
Do	12.5
Colorado Tap	69

Appendix D.—*Designated Points of Delivery, Tap Points, and Voltages*—Continued

	Kilovolts
Davis Switchyard	230
Do	[illegible]
Davis Tap	4.16
Duval-Warm Springs Tap	69
Eagle Eye	161
ED-2	115
Do	12.5
ED-4	115
Do	12.5
ED-5	115
Empire	115
Gila	161
Do	69
Do	34.5
Headgate Rock Tap	161
Hilltop Tap	230
Liberty	230
Marana	115
Maricopa	115
Do	69
Do	13.8
MEC Kingman Tap	69
Mesa	230
Do	69
Navajo Switchyard	500
Nogales Tap	115
Oracle	115
Phoenix	161
Do	69
Do	12.5
Pinnacle Peak	230
Planet Tap	69
Prescott	230
Do	115
Round Valley	230
Saguaro Generating Station	115
Signal	115
Do	12.5
Tucson	115
Do	14.4
Wellton-Mohawk	161
Do	34.5
Westwing	500
Do	230
Yuma Tap	34.5
Yuma Mesa	34.5
California:	
Blythe	161
Gene	230
Knob	161
Parker Switchyard	230
Do	161
Do	69
Senator Wash	69
Nevada:	
Amargosa	138
Basic	230
Do	13.8
Boulder City Switchyard	69
Boulder City Tap	230
Clark Tie	230
Hoover Switchyard	230
Do	138
Do	69
Mead	230
McCullough Switchyard	500
Do	230

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APPENDIX E

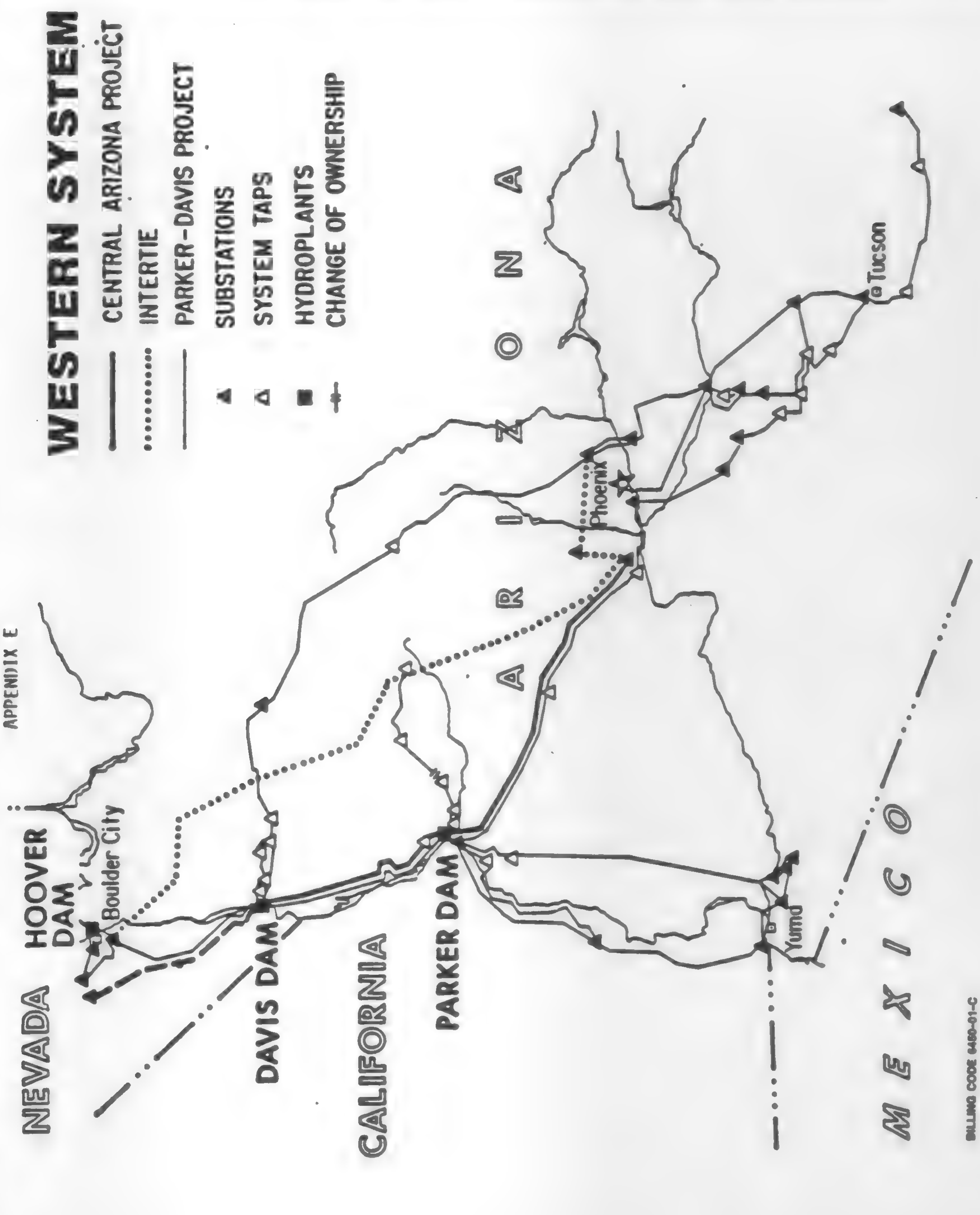
WESTERN SYSTEM
CENTRAL ARIZONA PROJECT
INTERTIE
PARKER-DAVIS PROJECT
SUBSTATIONS
SYSTEM TAPS
HYDROPLANTS
CHANGE OF OWNERSHIP
NEVADA
HOOVER DAM
Boulder City
DAVIS DAM
CALIFORNIA
PARKER DAM
ARIZONA
Phoenix
Tucson
Yuma
MEXICO

BILLING CODE 6450-01-C

Certification of Compliance With the Regulatory Flexibility Act of 1980

I, Robert L. McPhail, Administrator of the Western Area Power Administration, certify that the Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects which will be published on or about September 18, 1981, is not a rule within the meaning of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*), will not have a significant economic impact on a substantial number of small entities and, therefore, does not require the preparation of a regulatory flexibility analysis nor the other requirements of sections 603 and 604 of the Regulatory Flexibility Act.

Issued at Golden, Colorado, September 16, 1981.

Robert L. McPhail,
Administrator.

[FR Doc. 81-27819 Filed 9-21-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS**		DOT/FAA	USDA/FSIS**
DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

REMINDERS

List of Public Laws

Last Listing August 26, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S.J. Res. 62/Pub. L. 97–44 To authorize and request the President to designate the week of September 20 through 26, 1981, as "National Cystic Fibrosis Week". (Sept. 17, 1981; 95 Stat. 943) Price: $1.50.

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46898	**NOW Accounts** FRS announces immediate effectiveness of interpretation clarifying depositor eligibility.
46908, 46966	**Income and Employment Taxes** Treasury/IRS provides and proposes tax withholding regulations on certain gambling winnings. (2 documents)
46905	**Loan Programs—Housing** HUD/FHC increases maximum allowable finance charge for insured home, project home improvement, mobile home, and historic preservation loan programs.
46964	**Mortgages** Treasury/Comptroller proposes to validate inclusion of due-on-sale clauses in real estate loans.
46925	**Education** ED releases final regulations for the continuing education outreach State-administered program.
46973	**Disaster Assistance** FEMA proposes altering regulations for individual and family grant programs.
47048	**Solid Waste Treatment and Disposal** EPA changes guidelines for State plans and classification criteria for disposal facilities. (Part III of this issue)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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46876 **Banking** FRS interprets requirements on consumer asset account electronic fund transfers (Regulation E).

46931 **Government Procurement** GSA establishes procedures for cost comparison between contracting-out and in-house performance of commercial and industrial type activities.

46894 **Equal Access to Justice** FHLBB allows small entities to recover attorneys' fees and expenses when Board action against it is deemed unjust.

46960 **Nuclear Energy** NRC proposes debt collection procedures.

46965 **Nuclear Weapons and Materials** Justice proposes procedures for processing applications under the Atomic Weapons and Special Nuclear Materials Rewards Act.

46875 **Radioactive Materials** NRC adds americium-241 to list of radionuclides for use in ionizing radiation measuring instruments.

47042 **Grains** USDA/FGIS revises inspection and weighing fees. (Part II of this issue)

46910 **Alcohol, Tobacco, and Firearms** Treasury/ATF identifies materials incorporated by reference in the Code of Federal Regulations.

46985 **Imports** CITA adjusts levels of restraint for certain wool and man-made fiber textile products from the People's Republic of China.

46980 **Antidumping** Commerce/ITA publishes preliminary determination on tubeless tire values from West Germany.

Commerce/ITA issues results of administrative review of antidumping findings on:

46984 Sugar from the European Communities
46981 Perchlorethylene from Belgium
46983 Polyvinyl chloride sheet and film from Taiwan
46982 Viscose rayon staple fiber from Belguim

47033 **Privacy Act Document** Economic Opportunity, National Advisory Council

47039 **Sunshine Act Meetings**

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 30

Exemption for Ionizing Radiation Measuring Instruments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its rules of general applicability to domestic lincensing of byproduct material to add a small quantity of americium-241 to the list of radionuclides authorized for exempt use in ionizing radiation measuring instruments. The action relieves persons from the requirement to obtain a specific license or use an existing general license to the extent that they receive, use, or transfer ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, sources of byproduct material each not exceeding the exempt quantity of 0.05 microcurie of americium-241. The amendment should be of interest to manufacturers and users of ioninzing radiation measuring instruments.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. D. A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: 301-443-5825.

SUPPLEMENTARY INFORMATION: On July 9, 1981, the Nuclear Regulatory Commission published in the **Federal Register** (46 FR 35523) a notice of proposed amendment to 10 CFR Part 30 to add a small quantity of americium-241 to the list of radionuclides authorized for exempt use as calibration sources in radiation measuring instruments. The sources are used for purposes of calibration or standardization and their use leads to more reliable radiation measurements.

The proposed amendment provided a period of 45 days for public comment. Three comments were received. Two comments were from users of radiation measuring instruments and the other comment was from an instrument manufacturer. All comments support the proposed rule. The instrument manufacturer also suggested that the proposed quantity limit of 0.005 microcurie of americium-241 in a single source be changed to 0.03 microcurie.

In response to the instrument manufacturer's comment about the quantity limit per source, the attached final rule provides for 0.05 microcurie of americium-241 per source. Selection of the 0.05 microcurie limit was based on the manufacturer's comment and on better information on industry practice than was considered in preparing the proposed amendment with its limit of 0.005 microcurie. For comparative purposes, it may be noted that NRC permits the exempt use of smoke detectors which typically contain 1 microcurie of americium-241 and that several million smoke detectors are distributed annually. It is unlikely that the distribution rate for radiation measuring instruments containing americium-241 sources will exceed a few hundred per year.

Except for the change in quantity limit of americium-241 per source from the proposed 0.005 to 0.05 microcurie, the final rule is the same as the proposed amendment. A suggestion by the instrument manufacturer that the provisions of § 30.15(a)(9) be revised to allow the exempt use of any calibration source used with an instrument and not only those sources contained in instruments, and a suggestion by a user that the proposed rule be revised to cover check sources, have not been adopted. Amendment of § 30.15(a)(9) to remove the long-standing restrictions that the source be contained in the radiation measuring instrument and used for internal calibration or standardization, would be outside the scope of the proposed rulemaking. Without considering the value of the suggestions, they have not been accommodated in the final rule because the public was not provided opportunity to comment on removal of these restrictions.

The Commission has found that the amendment set forth below is of a minor or nonpolicy nature, does not substantially modify existing regulations, and will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public. The benefits of reduced administrative burden and reliable radiation measurements justify the very small, if any, potential environmental impact of this exemption. Because this amendment of 10 CFR 30.15(a)(9) is nonsubstantive and insignificant (from the standpoint of environmental impact), an environmental impact statement, negative declaration, or environmental impact appraisal need not be prepared in connection with this action.

Regulatory Flexibility Certification

Since this amendment relieves persons from present regulatory restrictions, the Commission, in accordance with sec. 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. Persons with a need for instruments with americium-241 calibration sources will be able to obtain those instruments without incurring the costs associated with satisfying the requirements of a specific or general license.

Paperwork Reduction Act Statement

This final rule contains no new or amended requirements for recordkeeping, reporting, plans or procedures, applications, or any other type of information collection.

Since the following amendment relieves rather than imposes restrictions under regulations currently in effect, it will become effective immediately upon publication pursuant to 5 U.S.C. 553(d).

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 30, is published as a document subject to codification.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for 10 CFR Part 30 reads as follows:

Authority: Secs. 81, 82, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842 and 5846), unless otherwise noted.

Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). For the purposes of sec. 223, 68 Stat. 958, as amended, 42 U.S.C. 2273, § 30.34(c) issued under sec. 161b, 68 Stat. 948 (42 U.S.C. 2201(b)) and §§ 30.51 and 30.52 issued under sec. 161, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 30.15, new paragraph (a)(9)(iii) is added to read as follows:

§ 30.15 Certain items containing byproduct material.

(a) * * *

(9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of byproduct material: *Provided*, That; * * *

(iii) For purposes of this paragraph (a)(9), 0.05 microcurie of americium-241 is considered an exempt quantity under § 30.71, Schedule B.

* * * * *

Dated at Bethesda, Maryland this 11th day of September 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

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FEDERAL RESERVE SYSTEM

12 CFR Part 205

[Reg. E; EFT-2]

Electronic Fund Transfers; Official Staff Commentary

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official staff interpretation of final rule.

SUMMARY: In accordance with 12 CFR 205.13(b), the Board staff is publishing, in final form, the official staff commentary on Regulation E, Electronic Fund Transfers (EFT). This interpretation takes the form of questions and answers about the regulatory requirements applicable to electronic fund transfers to or from consumer asset accounts. It is designed to facilitate compliance and, because it is an official staff interpretation, provides protection for financial institutions that offer EFT services and that act in conformity with it.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Senior Attorney, or Jesse B. Filkins, Lynn Goldfaden, Gerald Hurst, or Rugenia Silver, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3867).

SUPPLEMENTARY INFORMATION: (1) *General.* Regulation E (12 CFR Part 205) implements the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*). The regulation was published in stages. Rules governing unsolicited issuance and liability were published in March 1979 (44 FR 18468) and became effective on March 30, 1979. Sections dealing with disclosures about account terms and certain other matters were published in October 1979 (44 FR 59464) and became effective on May 10, 1980. The final portions—on documentation of transfers, error resolution, and other subjects—were published in February 1980 (45 FR 8248); they too became effective in May 1980.

The Board staff's commentary addresses the regulation's various requirements, and is designed to make compliance easier by providing specific answers, in nontechnical language, to commonly asked questions. It finalizes a proposal published in October 1980 (45 FR 66349).

The staff has sought to provide interpretations that minimize compliance burdens, to the extent permitted by the act and regulation, without giving up important consumer protections. Where possible, the commentary also sets objective standards so that both financial institutions and their enforcement agencies can more easily determine whether, and how, the regulation applies to certain transfers. It takes the place of individual responses to inquiries. Because it is an official staff interpretation, it provides protection under section 915(d) of the act from civil liability for institutions that act in conformity with it.

The commentary covers all sections of the regulation except § 205.1, which is self-explanatory. The questions are identified by hyphenated numbers: the first part indicates the regulatory section; the second part, the order of sequence for a particular question in that section. For example, 9-10 indicates the tenth question in § 205.9. Catchlines have been added to make it easier for users to locate relevant questions. References to the specific sections of Regulation E (and, in some cases, the Electronic Fund Transfer Act) are included at the end of each answer.

There has been considerable rearranging of the sequence of the questions (particularly in § 205.9 on documentation of transfers). As a consequence, the numbers in the final version do not necessarily conform to the number used in the proposal. The index at the end should enable users of the commentary to locate specific interpretations.

A number of the questions and answers in the commentary have been modified in light of the comments on the proposed version. Some of the questions that were set forth in the proposal have been deleted as self-evident or moot; and some new questions have been added.

(2) *Items for Board consideration.* To the extent that particular questions could be dealt with at the staff level, the staff has disposed of them in the commentary. At least three areas, however, require Board action and will be presented for its consideration in the next six weeks or so. They relate to (1) the application of the regulation to certain small institutions that participate in the federal government's direct deposit program but do not offer other EFT services covered by the regulation, (2) modification of certain requirements for institutions that offer EFT services internationally, and (3) a partial exemption from the periodic statement requirements for savings accounts that are accessible by intra-institutional telephone transfer. These are summarized below.

Federal recurring transfers completed by paper. Payments under the federal government's recurring payment program are generally sent via the automated clearing house system (ACH). In some cases, these transfers are sent via the ACH to an institution's correspondent bank, which then sends a paper listing of recipients and payment amounts to the account-holding institution. It is argued that institutions which receive these transfers in paper form should not be subject to the regulation. This result cannot be accomplished by interpretation, however, because of the definition of electronic fund transfer, which focuses on how the transfer is initiated.

The Board does have the authority, however, to create exceptions that alleviate burdens for small institutions. It could, for example, create a narrow exemption for institutions that receive recurring transfers in paper form through correspondent banks. The proposal that is being developed for the Board's consideration would be available only to an institution that does not offer other electronic transfer services—automated tellers or telephone bill payment, for example—since institutions that offer such services are subject to the regulation in any case. There also is likely to be an asset size limitation for any exemption proposed, similar to the limitation in Regulation D with respect to reserve requirements.

Specific data that would support an exemption for small institutions can be submitted if and when the Board issues a proposal for public comment.

International transfers. Providers of electronic fund transfer services who function in an international environment encounter certain difficulties in complying with the regulation. In particular, the requirements regarding terminal receipts and the time limits for error resolution present serious problems. Modification of these and other requirements may be possible which would facilitate compliance, while retaining basic protections for consumers.

Telephone transfers between savings and transaction accounts. A large number of mutual savings banks offer telephone bill payment services through a transaction account. They also permit the consumer to initiate transfers by telephone, between that transaction account and a savings account at the same institution. Under the regulation, both accounts are currently subject to the periodic statement requirements. An association for mutual savings banks has petitioned the Board for an exception from the periodic statement requirements, so that the financial institution might satisfy the requirements by providing a statement that complies with the regulation for the transaction, but not the savings account in such an arrangement. Savings accounts would continue to receive the traditional periodic statements or passbook updates. This issue will also be presented to the Board.

(3) *Positions taken in the commentary.* A number of issues in the commentary warrant mention. They are discussed below, in sequence.

Home-banking terminals. (Q. 2–23) A number of financial institutions are offering home-banking services—under experimental pilot programs, in many cases—by means of television sets and home computers that are linked to the institution's own computer system. The systems currently in operation do not provide printers that can generate terminal receipts, and the cost of doing so apparently would be prohibitive.

The commentary takes the position that the home banking equipment, like telephones (which are expressly excluded by the regulation), is not an electronic terminal for purposes of the regulation, and thus is not subject to the receipt requirement. The transfers initiated by means of home banking equipment, however, are subject to all the other regulatory provisions.

Telephone transfer plans. (Q. 3–17) The commentary limits the application of the regulation to telephone transfer plans or agreements that are in writing. This rule is analogous to the rule which limits Regulation Z coverage to written credit agreements.

Telephone transfers under informal arrangements have represented a major source of uncertainty for institutions that do not offer telephone transfer plans but that do, from time to time, allow customers to initiate transfers by telephone. The staff interpretation sets a clear rule that should eliminate confusion about what transfers are covered by excluding such situations from the regulation.

Advance disclosures. (Q. 7–1) The regulation requires that disclosures be given at the time the consumer contracts for an electronic fund transfer service or before the first electronic transfer is made to or from the consumer's account. Some institutions give blanket disclosures to all their customers whether or not they have contracted for an EFT service—when accounts are established, for example. There has been uncertainty about whether these disclosures satisfy the disclosure requirements with respect to non-EFT customers who, months later, sign up for an EFT service either directly with the financial institution that gave the disclosures or with a third party (for example, an employer for the direct deposit of payroll, or an insurance company for the automatic debiting of premiums).

The staff commentary seeks to minimize the paperwork burden by providing that advance disclosures satisfy the disclosure requirements with regard to preauthorized third-party transfers. Thus, the institution need not give disclosures anew when a consumer, who has not previously been receiving EFT service, contracts for these transfers. Without this interpretation, the institution would have to monitor ACH transfers closely to make sure that disclosures are given if and when consumers enter into contracts with third parties.

Under the staff interpretation, the financial institution generally remains subject to giving disclosures close to the time of contract for EFT services that it provides directly—such as telephone bill payment or automated teller services.

Disclosure of telephone numbers. (Q. 7–20) Certain required disclosures involve telephone numbers. The commentary facilitates compliance by providing that instead of listing a specific telephone number, a financial institution may refer the consumer to a telephone number that is readily available to the consumer—such as a number that is given on the institution's periodic statements. This provision will benefit institutions that have multiple branch offices and that prefer to maintain decentralized operations for error resolution, verification of deposit, etc. This interpretation does not apply to the telephone number for reporting lost or stolen access devices; in this case, the institution must continue to give a specific telephone number on or with the disclosures.

Preexisting authorization. (Q. 10–17) Regulation E requires a written authorization for electronic fund transfers from a consumer's account, with a copy given to the consumer. Many existing authorizations for the debiting of consumers' accounts do not specify that debiting is to occur by electronic means. Still others may specify that debiting will occur by means of paper drafts to be initiated by the payee. The commentary takes the position that Regulation E does not require new authorizations to be obtained in these cases.

This interpretation will benefit insurance companies, and more importantly their policy-holders, in avoiding unnecessary paperwork and unintended lapses in insurance coverage. The transfers that occur electronically will, of course, be subject to the regulation.

(4) *Authority:* 15 U.S.C. 1693m(d).

12 CFR Part 205, EFT–2—Official Staff Commentary on Regulation E

The following is an official staff interpretation of Regulation E (12 CFR Part 205) issued pursuant to § 205.13(b). Sectional references are to the regulation or the Electronic Fund Transfer Act (15 U.S.C. 1693 *et seq.*).

Section 205.2—Definitions and Rules of Construction

2–1 Q: *Access devices.* What are some examples of access devices?

A: Access devices include debit cards, personal identification numbers (PINs), telephone transfer and telephone bill payment codes, and other means that may be used by a consumer to initiate an electronic fund transfer. The term does not include magnetic tapes or other devices used internally by a financial

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institution to initiate electronic fund transfers. [§ 205.2(a)(1)]

2–2 Q: *Profit-sharing and pension accounts.* Are profit-sharing and pension accounts covered by the definition of account?

A: When such accounts are established under a trust agreement, as is generally the case, they are exempt from coverage by § 205.3(f). [§ 205.2(b)]

2–3 Q: *Escrow accounts.* Escrow accounts are frequently established to assure payment of items such as real estate taxes, insurance premiums, and completion of repairs or improvements; are they considered asset accounts?

A: No. These funds are not consumer asset accounts for purposes of the regulation. In an arrangement of this type, the funds are not solely in the consumer's control; control is shared with a financial institution, escrow agent, or other party. [§ 205.2(b)]

2–4 Q: *U.S. Savings Bond accounts.* Is an account that is established to accumulate funds for the purchase of U.S. Savings Bonds subject to the regulation?

A: No. Such accounts generally are not established by or in the control of the consumer, who has merely authorized the purchase of bonds in a given denomination and has set the periodic amount to be withheld or transferred for this purpose. [§ 205.2(b)]

2–5 Q: *Christmas or vacation club accounts.* Are Christmas club or vacation club accounts subject to the regulation?

A: Christmas club and vacation club accounts are consumer asset accounts. In a great many cases, however, they are not subject to the regulation because all *electronic* transfers to and from the account have been authorized in advance by the consumer and are to or from another account of the consumer at the same institution. [§§ 205.2 (b) and (g), 205.3(d)]

2–6 Q: *Business day—substantially all business functions.* In the definition of business day, what does "substantially all business functions" include?

A: The phrase includes both the public and the back-office operations of the institution. For example, if the offices of an institution are open on Saturdays for handling some consumer transactions (such as deposits, withdrawals, and other teller transactions), but not for performing internal functions (such as investigating account errors), then Saturday is not a business day for that institution. In this case, Saturday does not count toward the various business-day standards set by the regulation for reporting lost or stolen access devices, resolving errors, etc. [§ 205.2(d)]

2–7 Q: *Business day—telephone line.* If an institution makes a telephone line available on Sundays for reporting the loss or theft of an access device, but performs no other business functions, is Sunday a business day?

A: No. Mere availability of a telephone line does not satisfy the "substantially all business functions" standard. [§ 205.2(d)]

2–8 Q: *Business day—duration.* Does business day refer only to the hours during which the financial institution carries on substantially all business functions?

A: For purposes of the various business-day standards set by the regulation, a business day includes the entire 24-hour period ending at midnight. This means that a notice satisfies the time limits even if given outside business hours. The regulation does not, however, require that telephone lines be available on a 24-hour basis. [§ 205.2(d)]

2–9 Q: *Business day—short hours.* If a financial institution engages in substantially all business functions until 12 noon on Saturdays instead of its normal 3 p.m. closing, are Saturdays business days?

A: The financial institution may determine, at its election, whether an abbreviated day is a business day. The regulation does not specify the number of hours that an institution must be open in order to have a business day. [§ 205.2(d)]

2–10 Q: *Fund transfer—payments in currency.* The term electronic fund transfer excludes payments made by check, draft, or similar paper instrument at an electronic terminal. What about payments made in currency at an electronic terminal?

A: Payments in currency are not electronic fund transfers because they do not debit or credit a consumer's account. [§ 205.2(g)]

2–11 Q: *Fund transfer—deposits of currency, checks.* Does the term electronic fund transfer include deposits of currency and checks at an automated teller machine (ATM)?

A: A deposit made at an ATM or other electronic terminal is an electronic fund transfer for purposes of the regulation if there is a specific agreement between the financial institution and the consumer for the provision of EFT services to or from the particular account to which the deposit is made. [§ 205.2(g); see § 205.9(b)(1)(iv), footnote 4a]

2–12 Q: *Fund transfer—payroll allotments to repay credit.* Does the term electronic fund transfer include preauthorized payroll allotments that are made directly to a creditor to repay a credit extension?

A: No, because these payments to a creditor do not debit or credit a consumer asset account. [§ 205.2(g)]

2–13 Q: *Fund transfer—withdrawal at another institution.* A financial institution issues an identification card to its customer for use at other financial institutions. To obtain funds, the consumer presents the card and signs a withdrawal authorization at the remote financial institution, which obtains approval by telephone from the account-holding institution before disbursing the funds to the consumer. The consumer's account is memo posted for the designated amount, but debiting of the consumer's account does not occur until the account-holding institution receives the signed withdrawal authorization. Is this an electronic fund transfer?

A: No, because the fund transfer is initiated by the consumer by paper means. [§ 205.2(g)]

2–14 Q: *Fund transfer—check truncation.* Are check truncation systems covered?

A: No, because the fund transfer is initiated by check, draft, or similar paper instrument. [§ 205.2(g)]

2–15 Q: *Fund transfer—payee information, non-electronic form.* If the payor provides the payee information (names, account numbers, and amount of individual credits) to the financial institution holding the payees' accounts by means of a paper listing and the institution then prepares MICR-encoded deposit slips, are these transfers subject to the regulation?

A: These transfers are not electronic fund transfers for purposes of the regulation. [§ 205.2(g)]

2–16 Q: *Fund transfer—composite checks.* An employer or other payor delivers a composite check made payable to a financial institution for crediting to consumers' accounts at the institution. The payee information is contained on magnetic tape. Are these transfers subject to the regulation?

A: No, these transfers are not electronic fund transfers. [§ 205.2(g)].

2–17 Q: *Fund transfer—ACH.* If the financial institution in question 2–16 holds only some of the consumers' accounts, and forwards the remaining credits to other institutions via an automated clearing house (ACH), are the subsequent transfers subject to the regulation?

A: Yes. The transfers made via the ACH are electronic fund transfers and are covered. [§ 205.2(g)]

2–18 Q: *Fund transfer—Social Security deposits, correspondent bank.* Under the U.S. Treasury's direct deposit program, Social Security benefits are sent via the ACH to the consumer's financial institution. Some institutions receive fund transfers through a correspondent bank, which sends a computer print-out listing the payees and the payment amounts, together with a composite check payable to the financial institution. Are these transfers subject to the regulation?

A: Yes. Transfers made via the ACH are electronic fund transfers. [§ 205.2(g)]

Note.—The Board is considering a regulatory amendment under its § 904(c) authority that, if adopted, would change this answer in the case of some institutions. See the Supplementary Information portion of this **Federal Register** notice.

2–19 Q: *Fund transfer—preauthorized debits by magnetic tape/composite check.* A company obtains authorization from consumers to debit their accounts periodically. The financial institution debits the consumers' accounts in accordance with billing information contained on magnetic tape provided by the payee, and sends the payee a composite check. Are these transfers subject to the regulation?

A: Yes, they are electronic fund transfers. [§ 205.2(g)]

2–20 Q: *Fund transfer—preauthorized debits by paper drafts, ACH.* A consumer authorizes a company to debit an account automatically for a payment. The company presents a paper draft that ultimately is debited against the consumer's account at the financial institution. Is the transfer subject to the regulation? What if the transfer is instead initiated through an ACH?

A: A transfer initiated by a draft drawn against the consumer's account is not an electronic fund transfer. Transfers via the ACH, on the other hand, are subject to the regulation. [§ 205.2(g)]

2–21 Q: *Fund transfer—preauthorized debits by individual checks.* A consumer signs an agreement authorizing the financial institution to make recurring payments to another party from the consumer's account, or to make recurring interest payments to the consumer. The institution periodically generates an individual check to the payee by computer. Are these transfers subject to the regulation?

A: No. The transfers are initiated by check (even though the check is computer-generated) and are exempt. [§ 205.2(g)]

2–22 Q: *Electronic terminal—telephone bill payment.* If a consumer uses a pay-by-phone plan to initiate a payment, must the financial institution provide a terminal receipt?

A: No. A telephone is not an electronic terminal for purposes of the receipt requirement, although the transfer itself is subject to the regulation. [§ 205.2(h)]

2–23 Q: *Home terminals.* Some financial institutions offer home banking services to their customers. The service will typically involve the use, for example, of a home computer terminal or a television set that is linked to the financial institution's computer by means of telephone or cable-television lines. Does the in-home equipment used by the consumer to initiate fund transfers qualify as an electronic terminal, and are the transfers subject to the terminal receipt requirement?

A: Any transfer, to or from the consumer's asset account, that is initiated by means of the home banking equipment is an electronic fund transfer and is subject to the regulation. However, although not expressly excluded from the definition of electronic terminal, the home banking equipment used by the consumer for initiating fund transfers is analogous to a telephone in function. The home banking terminal is therefore similarly excepted from the electronic terminal definition and is not subject to the terminal receipt requirement. [§ 205.2(h)]

2–24 Q: *Point-of-sale terminals.* Does the regulation cover POS transfers in which the consumer presents an access device, and does the terminal receipt requirement apply?

A: The regulation applies to transfers initiated at point-of-sale terminals if they capture data electronically, for debiting or crediting to the consumer's asset account, using the consumer's access device—for example, when the consumer's personal identification number is required, in part, to activate the terminal. Terminal receipts would be required in such cases. [§ 205.2(h)]

2–25 Q: *Teller-operated terminals.* Does electronic terminal include a computer terminal operated by a teller or other employee of a financial institution, for purposes of the terminal receipt requirement?

A: Electronic terminal does not generally include computer equipment operated by a financial institution's employees or used internally by the financial institution to process transfers. However, transfers initiated at such terminals by means of the consumer's access device (using the consumer's personal identification number, for example) are electronic fund transfers, and are subject to other requirements of the regulation. If the access device is used only for identification purposes or for determining the account balance, on the other hand, the transfers are not electronic fund transfers for purposes of the regulation. [§ 205.2(h)]

2–26 Q: *Unauthorized transfer by institution's employee.* A financial institution's employee fraudulently takes money from a consumer's account by electronic means. Is the consumer liable for these transfers?

A: No. Unauthorized electronic fund transfers exclude any transfer initiated by the financial institution or its employees. The regulation's liability provisions do not apply and the consumer has no liability for such transfers. [§§ 205.2(1), 205.6]

Section 205.3—Exemptions

3–1 Q: *Check guarantee/authorization—memo posting.* A consumer's account is memo posted electronically at the time a payment to a third party is guaranteed or authorized under a check guarantee or authorization service, but the financial institution does not pay out the funds until the check is received. Is the service exempt?

A: Yes. Although a temporary hold is placed on the funds in the consumer's account, the guarantee does not result in a direct debit to the account. Debiting occurs when the check or draft is presented for collection. [§ 205.3(a)]

3–2 Q: *Wire transfer—instructions on magnetic tape.* If a transfer of funds to a financial institution is sent by Fedwire or a similar network, and the instructions for crediting individual consumers' accounts are transmitted on magnetic tape, are the transfers exempt?

A: Yes. A Fedwire or similar transfer of funds is exempt. [§ 205.3(b)]

3–3 Q: *Wire transfer—followed by ACH transfers.* A company sends funds by Fedwire or a similar network from one financial institution to another, and transfers via ACH are then made from the second institution to the accounts of company employees at still other institutions. Are the subsequent transfers exempt?

A: No. Although the Fedwire transfer is exempt, the ACH transfers to employees' accounts are subject to the regulation. [§§ 205.3(b), 205.2(g)]

3–4 Q: *Telephone transfer plans—applicability of intra-institutional exemption.* A consumer calls a financial institution, under a telephone transfer plan, to request a transfer of funds from a savings to a checking account. Does the exemption for automatic intra-institutional transfers apply?

A: No, because even though the transfer is between the consumer's accounts at the same institution, it occurs under a telephone transfer plan. (See question 3–17.) [§ 205.3(d)]

3–5 Q: *Compulsory use—preauthorized loan payments.*

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Preauthorized loan payments to the institution in which the consumer holds an account are exempt from the act and regulation generally, but are subject to the statutory prohibition against requiring repayment by means of preauthorized electronic fund transfers. If an institution required automatic payment by electronic means on credit agreements made before May 10, 1980, must the institution now offer those consumers an alternative means of repayment?

A: No, it is not necessary to do so. However, if a consumer who entered into such an agreement now asks to repay by other than electronic means, the financial institution should honor the request. [§ 205.3(d)(3), § 913]

3–6. Q: *Compulsory use—salary payments.* Preauthorized transfers from a financial institution to a consumer's account at the same institution are exempt from the act and regulation generally, but are subject to the statutory prohibition against requiring an employee (as a condition of employment) to receive payroll deposits by electronic means at a particular institution. Does this prohibition apply to a financial institution as an employer?

A: Yes. The prohibition applies to all employers, including financial institutions. To comply with the law an employer could, for example, give its employees a choice as to the method of receiving payment—such as having their pay deposited at a particular institution, or receiving payment by check or cash.

As in the case of preauthorized loan payments, the compulsory use prohibition does not require an employer to offer alternative means of payment to employees who agreed to electronic deposits at a particular financial institution before May 10, 1980. However, if an employee asks to terminate this arrangement, the employer should honor the request. [§ 205.3(d)(2), § 913]

3–7 Q: *Compulsory use—payments from pledged savings.* Under certain types of graduated payment mortgages, a pledged savings account is used to supplement the monthly payments made by the borrower during an initial term—for example, in the first five years of the loan. The lender debits the pledged account automatically for the prescribed sum each month. That automatic transfer of funds is an integral feature of this type of alternative mortgage. Does the prohibition against compulsory use of electronic fund transfers bar this type of program?

A: No. The legislative history of the prohibition against compulsory use makes clear that it is permissible to offer a reduced annual percentage rate or some other cost-related incentive for an automatic repayment feature. The special terms of the pledged-account mortgage appear to be such an incentive. [§ 205.3(d)(3), § 913]

3.8 Q: *Automatic transfers—to joint account holder; to family member.* A consumer authorizes a financial institution to make periodic transfers from the consumer's account to an account held jointly with another consumer at the same institution. Are these transfers exempt? What about transfers to a family member's account?

A: Automatic transfers between a consumer's accounts within a financial institution are exempt; there need not be complete identity of account holders on the two accounts. Intra-family transfers that occur automatically within a financial institution are also exempt. [§ 205.3(d) (1) and (4)]

3–9 Q: *Automatic transfers—stop-payment charges/other items.* A financial institution electronically debits or credits consumer accounts for stop-payment charges, NSF charges, overdraft charges, provisional recredits, error adjustments, and similar items. Are these transfers exempt?

A: Yes. These are intra-institutional transfers that are initiated by the financial institution automatically, on the occurrence of certain events. [§ 205.3(d)]

3–10 Q: *Automatic transfers—group life insurance.* A financial institution offers group life insurance coverage to its account holders. The insurance can be obtained only through the financial institution, and the premiums can be paid only by means of an aggregate payment from the financial institution. Consumers' accounts are debited for their share of the premiums, and the financial institution makes payment on behalf of participating account holders for the total premium due under the group policy. Are these transfers exempt?

A: Yes. The debit to an individual consumer's account is an automatic transfer to an account of the financial institution. Because the group insurance can be obtained only through the institution, the transfer can be regarded as a bona fide intra-institutional transfer, even though the funds are ultimately transferred to a third party. [§ 205.3(d)(3)]

3–11 Q: *Automatic transfers—check order charges.* Check order charges are electronically debited to an account at the consumer's request. Checks can only be obtained and paid for through the financial institution. Are these transfers exempt?

A: Yes. [§ 205.3(d)(3)]

3–12 Q: *Automatic transfers—paired institutions in Rhode Island.* Rhode Island has a banking system that sanctions the pairing of a thrift institution with a commercial bank. The paired institutions frequently share quarters and have common tellers and teller stations. Customers receive a unified statement that distinguishes the two accounts by number and type, but not by institution. Are transfers that occur within the thrift-commercial pair intra-institutional transfers for purposes of the exemption for automatic transfers?

A: Yes. Under the unique circumstances that exist in Rhode Island, transfers within the paired institutions qualify for intra-institutional status. [§ 205.3(d)]

3.13 Q: *Automatic transfers—affiliated insititutions.* Does a transfer to or from an account of the consumer at a subsidiary insitution (or within the same holding company) qualify as an intra-institutional transfer?

A: No. [§ 205.3(d)]

3.14 Q: *Telephone transfer plan—existence of plan.* A financial institution transfers funds in response to a consumer's telephone request. Is the transfer subject to the regulation?

A: The transfer is an electronic fund transfer for purposes of the regulation if it occurs under a written plan or agreement between the consumer and the financial institution. In the absence of a written plan or agreement, telephone transfers that are made as an accommodation to the consumer are not covered. [§ 205.3(e)]

3–15 Q: *Telephone transfers—existence of plan; signature card.* A signature card signed by the consumer when the account was established contains a clause authorizing the financial institution to honor the consumer's telephone request for fund transfers. It is basically a hold-harmless agreement for the institution's behalf in the event the consumer requests and the institution agrees, at the time of the request, to make the transfer. Does the signature card constitute a written agreement?

A: A hold-harmless authorization on a signature card does not, by itself, constitute a written plan or agreement for purposes of the regulation. [§ 205.3(e)]

3–16 Q: *Telephone transfers—existence of plan; limits for Regulation D purposes.* In order to comply with Regulation D (Reseve Requirements of Depository Institutions), an institution prints a legend on a signature card or periodic statement or in a passbook, limiting the number of telephone transfers that the consumer can make from a savings account. Is this deemed to constitute a written plan?

A: No. The legend serves as a limitation on the account and does not, by itself, constitute a written plan or agreement. [§ 205.3(e)]

3–17 Q: *Telephone transfer plan—manual completion.* A consumer signs a telephone transfer agreement authorizing the financial institution to transfer funds between accounts within the institution. To inititate a transfer, the consumer telephones an employee of the institution, who then completes the transfer manually by means of debit memos, deposit slips, etc. Is the transfer exempt?

A: No. The transfer is inititated by telephone under a telephone transfer plan, and is therefore covered. The fact that the transfer is completed manually does not change this result. (See question 3–4.) [§§ 205.3(e), 205.2(g)]

3–18 Q: *Telephone transfer plan—individual transfers.* A financial institution's telephone transfer plan requires the consumer to make a separate request for each transfer from the consumer's account. That is, the consumer cannot authorize successive periodic payments to the designated payee by means of a single telephone call. Is this plan exempt?

A: No. The plan is covered. Even though the consumer cannot authorize recurring payments by means of one telephone request, there is an agreement that permits the consumer to inititate transfers from time to time. [§ 205.3(e)]

3–19 Q: *Telephone transfer plans—frequency of use.* Many consumers who sign up for a telephone transfer plan use it only occasionally, others not at all. Are transfers under the plan exempt, since the institution does not know when (or whether) a telephone transfer will be made?

A: No. Transfers under the plan are not exempt, because any transfer that does occur will be occurring under the prearranged plan. [§ 205.3(e)]

3–20 Q: *Trust accounts—IRAs under custodial agreements.* A financial institution holds certain Individual Retirement Accounts (IRAs) under custodial agreements. The custodial agreement is identical to a trust agreement, except that the parties are identified as depositor and custodian, rather than as grantor and trustee. Under the Internal Revenue Code, these accounts qualify as trusts so long as they otherwise meet the requirements for an IRA. Do these custodial accounts qualify for the regulation's exemption for trust accounts?

A: Yes. So long as the custodial agreements are the functional equivalent of trust agreements, they are exempt. [§ 205.3(f)]

3–21 Q: *Trust accounts—bona fide trust agreement.* What is a bona fide trust agreement?

A: The term is not defined by the act or regulation. Financial institutions must therefore look to State or other law. The Board and the staff will not make determinations in individual cases. [§ 205.3(f)]

Section 205.4—Special Requirements

4–1 Q: *Shared system—scope of disclosures.* In a shared system, must an institution's initial disclosures include EFT charges and frequency or dollar limitations imposed by other institutions in the system, to the extent that the institution knows what these are?

A: No, because this information is not within the purview of the institution's relationship with its customer. [§§ 205.4(a), 205.7(a)]

4–2 Q: *Shared system—disclosures on behalf of another institution.* If institution B is making disclosures on behalf of institution A, which holds a consumer's account, may B limit the disclosures to those within its own knowledge?

A: No. The responsibility for making disclosures rests with the account-holding institution. The disclosures B makes for A (if A's responsibility is to be met) must include information within A's knowledge and the purview of A's relationship with A's customers. For example, B would disclose any electronic fund transfer charges imposed by A. [§ 205.4(a)]

4–3 Q: *Multiple accounts and account holders.* If X and Y open a joint checking account and a joint savings account at institution A, how many disclosure statements must A provide?

A: One, provided it covers terms and conditions on both accounts. The disclosure can be given to either X or Y. [§ 205.4(b)]

Section 205.5—Issuance of Access Devices

5–1 Q: *Renewal or substitution—one-for-one rule.* When an institution issues a renewal or substitute device, may it send more than one in place of the existing device?

A: No. For example, only one new card and personal identification number (PIN) may be issued to replace a card and PIN previously issued. [§ 205.5(a)(2)]

5–2 Q: *Renewal or substitution—change in services.* Must a renewal or substitute access device permit exactly the same types of electronic fund transfers as the original?

A: No. The renewal or substitute device may permit the same, additional, or fewer types. If a new type is added, new disclosures may be required. (See question 7–9.) If fewer types of transfers are possible, a change-in-terms notice is required. [§§ 205.5(a)(2), 205.7(a), 205.8(a)]

5–3 Q: *Renewal or substitution—successor institution.* Must a successor financial institution be an entity that replaced the original financial institution (for example, through a corporate merger or acquisition)?

A: No. A successor could also include, for example, a party that acquires accounts or takes over the operation of an EFT system. [§ 205.5(a)(2)]

5–4 Q: *Renewal or substitution—pre-2/8/79 device.* If an institution issued an access device on an unsolicited basis before February 8, 1979 (the effective date of the act's restrictions on unsolicited issuance), may the institution now issue a validated renewal or substitute device? Or may it do so only after receiving a request from the consumer?

A: If an institution does not know whether the unsolicited device became "accepted," it may issue a validated renewal or substitute device for a pre-2/8/79 device, provided certain disclosures accompany the renewal or substitute device. The renewal or substitute device does not become accepted"—and the consumer can incur no liability for unauthorized use—until the consumer uses or signs it, or authorizes someone else to use it. [§ 205.5(a)(3)]

5–5 Q: *Unsolicited issuance—functions of PIN.* If an institution issues a personal identification number at the consumer's request, could this issuance constitute both (1) a way of validating the debit card and (2) the means to identify the consumer (required as a condition of imposing liability for unauthorized transfers)?

A: Yes. [§§ 205.5(b), 205.6(a)(2)]

5–6 Q: *Unsolicited issuance—example of non-complying method.* An institution issues an unsolicited debit card and PIN to a consumer, thus enabling the consumer to initiate electronic fund transfers. The institution instructs the consumer *not* to use the card and PIN until the consumer has come to an office of the institution for verification of the consumer's identity. Does this procedure comply with the regulation?

A: No. In this case, the consumer could in fact use the card and PIN to initiate transfers (even though instructed not to do so); thus, the institution has not met the requirement that an unsolicited access device be unvalidated when issued. [§ 205.5(b)(1)]

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5-7 Q: *Unsolicited issuance—example of complying method.* Same facts as in question 5-6, except that the institution's ATM system is initially programmed not to accept the consumer's card and PIN. After the consumer has requested validation of the card, the institution reprograms its computer so that the card and PIN now work in the system. Does this validation procedure comply with the regulation?

A: Yes, provided the institution verifies the consumer's identity by some reasonable means before reprogramming. [§ 205.5(b)(4)]

5-8 Q: *Unsolicited issuance—verification of identity.* Must an institution verify identity by one of the methods listed in the regulation?

A: No, they are merely examples. Any reasonable means of verifying identity will comply. Even if an institution uses reasonable means, however, if it fails to verify identity correctly—so that an imposter succeeds in having a device validated—the consumer is not liable for any unauthorized transfers from the consumer's account. [§§ 205.5(b)(4), 205.2(a)(2), 205.6(a)(1)]

5-9 Q: *Unsolicited issuance—access device with overdraft feature.* The regulation permits the unsolicited issuance of an access device. Under this provision, may an institution issue a combined credit card/access device to a consumer, without a request or application for the card?

A: Yes, provided that (1) the only credit feature is a preexisting overdraft credit line attached to the consumer asset account (or a similar line of credit that maintains a specified minimum balance in the account), and (2) the institution complies with the regulation's procedures for an unsolicited issuance. [§ 205.5(c)(1)(iii)]

5-10 Q: *Unsolicited issuance—other combined credit card/access devices.* Does the answer to question 5-9 mean that an institution is prohibited from issuing, on an unsolicited basis, any other type of combined credit card/access device?

A: No. Section 226.12(a)(1) of Regulation Z (Truth in Lending) permits creditors to issue, on an unsolicited basis, a card that may become a credit card provided that (1) the card at the time of issuance has a substantive purpose other than obtaining credit and cannot be used as a credit card and (2) any credit privilege that subsequently attaches is attached only upon the consumer's request. (The substantive purpose could be to initiate electronic fund transfers.) The rules of Regulation E on unsolicited issuance of access devices will, of course, continue to apply. [§§ 205.5(c)(2)(iii) and (b)]

Section 205.6—Liability of Consumer for Unauthorized Transfers

6-1 Q: *Unauthorized transfers—access device not involved.* If unauthorized transfers do not involve the use of an access device such as a debit card, may any liability be imposed on the consumer?

A: If the consumer fails to report an unauthorized electronic fund transfer within 60 days of transmittal of the periodic statement reflecting the transfer, the consumer could be subject to liability. (See questions 2-26 and 7-7.) [§ 205.6(a) and (b)]

6-2 Q: *Failure to disclose business days.* If a financial institution meets other conditions (including disclosure of liability) but fails to disclose its business days, can it hold the consumer liable for unauthorized transfers involving a lost or stolen access device?

A: No, unless applicable state law or an agreement between the consumer and the financial institution sets a liability limit of $50 or less. [§ 205.6(a)(3)(iii)]

6-3 Q: *Means of identification—multiple users.* If more than one access device is issued to access a particular consumer account, must the financial institution provide a means to identify each separate user in order to impose liability for unauthorized transfers?

A: No. The financial institution may provide means to identify the separate users, but is not required to do so. [§ 205.6(a)(2)]

6-4 Q: *Means of identification—use of PIN.* Does the use of a personal identification number (PIN) or other alphabetical or numerical code satisfy the requirement of electronic or mechanical confirmation for identifying the consumer to whom an access device was issued?

A: Yes. [§ 205.6(a)(2)]

6-5 Q: *Application of liability provisions—examples.* What are some examples of when and how the following would apply: (1) The $500 liability limit provision, (2) both the $500 limit and the unlimited liability provisions, and (3) only the $50/unlimited liability provisions? [§ 205.6(b)(1), (2) and (3)]

A: *Situation 1—$500 Limit Applies*

Date and Event

June 1—C's card is stolen
June 2—$100 unauthorized transfer
June 3—C learns of theft
June 4—$25 unauthorized transfer
June 5—Close of 2 business days
June 7-8—$600 in unauthorized transfers that could have been prevented had notice been given by June 5
June 9—C notifies bank

Computation of C's liability:

Paragraph (b)(1) will apply to determine C's liability for any unauthorized transfers that occur before notice is given.

	C's liability
Amount of transfers before close of 2 business days: $125	[1] $50
Amount of transfers, after close of 2 business days and before notice to institution, that would not have occurred but for C's failure to notify within 2 business days: $600	[2] 450
C's total liability	500

[1] Maximum liability for this period.

[2] Because maximum liability is $500.

Situation 2—Both $500 and unlimited liability provisions apply

Date and Event

June 1—C's card is stolen
June 3—C learns of theft
June 5—Close of 2 business days
June 7—$200 unauthorized transfer that could have been prevented had notice been given by June 5
June 10—Periodic statement is transmitted to C (for period from 5/10 to 6/9)
June 15—$200 unauthorized transfer that could have been prevented had notice been given by June 5
July 10—Periodic statement of C's account is transmitted to C (for period from 6/10 to 7/9)
August 4—$300 unauthorized transfer that could have been prevented had notice been given by June 5
August 9—Close of 60 days after transmittal of statement showing unauthorized transfer
August 10—Periodic statement of C's account is transmitted to C (for period 7/10 to 8/9)
August 15—$100 unauthorized transfer that could have been prevented had notice been given by August 9
August 20—C notifies bank

Computation of C's liability:

Paragraph (b)(1) will apply to determine C's liability for unauthorized transfers that appear on the periodic statement and unauthorized transfers that occur before the close of the 60-day period. (The transfers need not both appear on the periodic statement *and* occur before the close of the 60-day period.) The maximum liability under (b)(1) is $500.

	C's liability
Amount of transfers before close of 2 business days. $0	$0
Amount of transfers, after close of 2 business days and before close of 60-day period, that would not have occurred but for C's failure to notify within 2 business days: $700	[1] 500

[1] Maximum liability.

Paragraph (b)(2)(ii) will apply to determine C's liability for transfers occurring after the close of the 60-day period. There is no dollar ceiling on liability under paragraph (b)(2)(ii).

Amount of transfers, after close of 60 days and before notice, that would not have occurred but for C's failure to notify within 60 days: $100	$100
C's total liability	[illegible]

Situation 3—$50/unlimited liability provisions apply

Facts same as in Situation 2, except that C does not learn of the card theft, but questions the account balance and notifies bank on August 20 of possible unauthorized transfers.

Computation of C's liability

In this situation only paragraph (b)(2) applies.

	C's liability
Amount of transfers appearing on the periodic statement or occurring during the 60-day period: $700	[1] $50
Amount of transfers, after close of 60-day period and before notice, that would not have occurred but for C's failure to notify within 60 days: $100	100
C's total liability	150

[1] Maximum liability for this period.

6–6 Q: *Knowledge of loss or theft of access device.* May a financial institution treat the consumer's receipt of a periodic statement that reflects unauthorized transfers as establishing that the consumer had knowledge of loss or theft of the access device?

A: Receipt of the periodic statement reflecting unauthorized transfers may be considered a factor in determining whether the consumer had knowledge of the loss or theft, but cannot be deemed to represent conclusive evidence that the consumer had such knowledge. [§ 205.6(b)]

6–7 Q: *Notice of loss or theft.* The consumer gives notice at an address or telephone number other than that specified by the financial institution. Is the notice valid for purposes of limiting the consumer's liability?

A: Yes. The institution has received notice for purposes of limiting the consumer's liability if notice is given in a reasonable manner at some other address or telephone number of the institution. [§ 205.6(c)]

6–8 Q: *Notice of loss or theft—content of notice.* The regulation refers to the consumer's taking such steps as are reasonably necessary to provide the financial institution with the pertinent information about the loss or theft of an access device. If a consumer is unable to furnish the institution with an account number or card number when reporting a lost or stolen access device, has the consumer given adequate notice?

A: Yes. In instances where the consumer is unable to provide the number, the notice is still valid for purposes of limiting the consumer's liability if the notification otherwise sufficiently identifies the account in question. Such a situation could arise, for example, if the consumer's wallet is stolen and the consumer is away from home. [§ 205.6(c)]

6–9 Q: *Applicable liability provisions—cash advances from credit line.* A credit card that is also an access device is used to obtain unauthorized cash advances from a line of credit at an automated teller machine. Do the consumer liability provisions of Regulation E, or those of Regulation Z, apply?

A: Regulation Z applies. Since the unauthorized cash advances do not involve a consumer asset account, an electronic fund transfer has not occurred that would make the transaction subject to Regulation E. [§ 205.6(d)(2)]

6–10 Q: *Applicable liability provisions—checking account with overdraft feature.* If the unauthorized transfers in question 6–9 were instead withdrawals from a checking account, and they resulted in cash advances from an overdraft line of credit, which liability provisions apply?

A: Regulation E applies, because the transfer was an electronic fund transfer; there was an extension of credit only as a consequence of the overdraft protection feature on the checking account. [§ 205.6(d)(1)]

6–11 Q: *Applicable liability provisions—withdrawals from checking account/credit line.* If a consumer's access device is also a credit card and the device is used to make unauthorized withdrawals from the checking account and, separately, to obtain cash advances directly from the line of credit, which liability provisions apply?

A: Both Regulation E and Regulation Z apply. Regulation E would apply to the unauthorized transfers involving the checking account, while Regulation Z would apply to the transfers involving the credit line. As a result, a consumer might be liable for up to $50 under Regulation Z and, in addition, for $50, $500 or an unlimited amount under Regulation E. [§ 205.6(d)]

Section 205.7—Initial Disclosure of Terms and Conditions

7–1 Q: *Timing of disclosure—early disclosure.* An institution is required to give initial disclosures either (1) when the consumer contracts for an EFT service or (2) before the first electronic fund transfer to or from the consumer's account. If an institution provides initial disclosures when a consumer opens a checking account, and the consumer does not sign up for an EFT service until 11 months later, has the institution satisfied the disclosure requirements?

A: Yes, if the EFT contract is between the consumer and a third party for preauthorized electronic transfers to be initiated by the third party to or from the consumer's account. In this case, the financial institution need not repeat disclosures previously given unless the terms and conditions required to be disclosed are different from those that were given.

If, on the other hand, the EFT contract is directly between the consumer and the financial institution—for the issuance of an access device, or for a telephone bill-payment plan, for example—the institution should provide the disclosures at the time of contracting. Disclosures given before the time of contracting will satisfy the regulation only if they occurred in close proximity thereto. [§ 205.7(a)]

7–2 Q: *Timing of disclosures—Social Security direct deposits.* In the case of Social Security direct deposits, the financial institution receives no prenotification. How can the institution comply with the disclosure requirements?

A: Before direct deposit of Social Security payments can occur, both the consumer and the institution must complete a Form 1199. The institution can make disclosures at that time. [§ 205.7(a)]

7–3 Q: *Form of disclosures.* Are there special rules for disclosure statements concerning such matters as type size, number of pages, or the relative conspicuousness of various terms?

A: No. The regulation imposes no requirements concerning matters of form, although it does specify that the disclosures must be given in a readily understandable written statement that the consumer may retain. [§ 205.7(a)]

7–4 Q: *Spanish language disclosures.* In Puerto Rico, where communications normally are in Spanish, may a financial institution provide the required disclosures in Spanish?

A: Yes, disclosures in Spanish will satisfy the readily understandable requirement, provided that disclosures in English are given to consumers who request them. [§ 205.7(a)]

7–5 Q: *Disclosures covering all EFT services offered.* Must the disclosure statement given to a consumer relate only to the particular EFT services that the consumer will receive?

A: An institution may provide a disclosure statement covering all the EFT services that the institution offers, even if some consumers receiving the disclosures have not arranged to use all the services. [§ 205.7(a)]

7–6 Q: *Addition of new EFT services.* A consumer signs up for an EFT service and receives disclosures. If the consumer later arranges for other EFT services from the same institution, must additional disclosures be given?

A: Yes, if the new service is subject to terms and conditions different from those given in the initial disclosures. Only the disclosures for the additional service need be given. This is also the case if the institution begins to furnish a new service upon renewal of an access device. (See question 5–2.) [§ 205.7(a)]

7–7 Q: *Disclosures about unauthorized transfers—preauthorized transfers.* If the only electronic fund transfers from an account are preauthorized transfers, must the institution make a liability disclosure regarding unauthorized transfers, and provide a telephone number and address for reporting possible unauthorized transfers?

A: Yes, unless the institution chooses not to impose any liability. The disclosure of liability should reflect that liability could exist if the consumer fails to report unauthorized transfers that are reflected on a periodic statement. (See question 6–1.) [§ 205.7(a) (1) and (2)]

7–8 Q: *Disclosures about unauthorized transfers—no liability imposed.* If an institution chooses not to impose any liability for unauthorized electronic fund transfers, must it make any liability disclosure?

A: No; the disclosure is inapplicable. If the institution later decides to impose liability, however, it must make the liability disclosure before it can do so. [§ 205.7(a) (1) and (2)]

7–9 Q: *Summary disclosure of rights.* Several required disclosures relate to a consumer's rights under the act and regulation. Must the disclosures spell out these rights in full, as they are set forth in the act and regulation?

A: No. These matters can be disclosed by means of summary descriptions. (For examples showing the amount of detail that needs to be provided, see the model disclosure clauses in Appendix A.) [§ 205.7(a) (1), (6), (7) and (8)]

7–10 Q: *Type of transfer—preauthorized transfers.* Must preauthorized transfers be disclosed as a type of electronic fund transfer that the consumer may make?

A: No. An institution need not list preauthorized transfers as one of the types of transfers that a consumer can make, although it is permissible to do so. [§ 205.7(a)(4)]

7–11 Q: *Limitations on transfers.* How much must the consumer be told about limitations on frequency and dollar amount of transfers?

A: The general rule is that information on these limitations must be disclosed in detail to consumers. This is so even if the limitations are related to the security aspects of the electronic fund transfer system. The regulation provides, however, that to the extent confidentiality of certain details is determined by the institution to be *essential* to the security of the account or the system, the details may be withheld—but the fact that there are limitations must be disclosed. [§ 205.7(a)(4)]

7–12 Q: *Disclosure of charges—same per-item charge for EFT/non-EFT.* The regulation requires disclosure of charges for electronic fund transfers or for the right to make transfers. If a per-transfer charge for electronic fund transfers is the same as the per-item charge for non-electronic transfers, must the EFT charge be disclosed?

A: Yes, such charges must be disclosed. If an institution does not wish to itemize the various charges on the disclosure statement, it may disclose them in an accompanying document given along with the principal disclosure statement. If an insert is used, the disclosure statement must refer to the accompanying document. [§ 205.7(a)(5)]

7–13 Q: *Disclosure of charges—charge imposed under certain conditions.* If an institution imposes per-item charges only under certain conditions (when the transactions for the cycle exceed a certain number, for example), must the institution disclose what those conditions are?

A: Yes. Again, this information may be provided in a separate document enclosed with and referenced by the EFT disclosures. [§ 205.7(a)(5)]

7–14 Q: *Disclosure of charges—fixed service charge.* If a fixed service charge is assessed only when the balance in the account falls below a certain minimum, must it be disclosed?

A: No, since there is no charge attributable to an EFT service. [§ 205.7(a)(5)]

7–15 Q: *Disclosure of charges—stop-payment/dishonor/overdraft.* Does the regulation require disclosure of charges for stop-payment orders, dishonor, or overdrafts?

A: No. These are not charges for electronic fund transfers or for the right to make such transfers. Disclosure is permissible, however. (See model disclosure clause A(9) in Appendix A.) [§ 205.7(a)(5)]

7–16 Q: *Disclosure about privacy of account information.* The regulation requires an institution to list the circumstances under which, in the ordinary course of business, it will disclose information to third parties about an account. If a consumer holds two accounts in an institution—account #1 has EFT service, but account #2 does not—does the requirement apply to both accounts?

A: The required disclosure relates only to account #1, which has an EFT service. However, the institution must describe the circumstances under which *any* information relating to that account (not just information concerning electronic fund transfers) will be made available to third parties. [§ 205.7(a)(9)]

7–17 Q: *Disclosure about privacy—meaning of third parties.* For purposes of this disclosure requirement, does the term third parties include other subsidiaries of the same holding company?

A: Yes. [§ 205.7(a)(9)]

7–18 Q: *Error resolution disclosure.* The regulation contains an error resolution notice. Is this notice a model disclosure clause that the institution may use at its option?

A: The error resolution notice is a required disclosure and must be given in a form substantially similar to that appearing in the regulation. An institution may, however, delete inapplicable provisions (e.g., the requirement of written confirmation of an oral notification); substitute trade names; substitute substantive state law requirements that afford greater consumer protection than the regulation; or even use different wording—so long as the substance of the notice remains substantially the same. [§ 205.7(a)(10)]

7–19 Q: *Disclosures involving telephone numbers.* Several disclosures involve telephone numbers: numbers for reporting loss or theft of an access device or possible unauthorized transfers, for inquiring about receipt of a preauthorized credit, for stopping payment of a preauthorized debit, and for giving notice of error. May an institution use a single telephone number for all these purposes?

A: Yes. Conversely, an institution could use different telephone numbers for one or more of these purposes. [§ 205.7(a) (2), (6), (7), and (10)]

7–20 Q: *Disclosures involving telephone numbers.* Must the telephone number (or list of numbers) referred to in question 7–19 be incorporated into the text of the disclosure to which it relates?

A: No. The institution may instead insert a reference to a telephone number that is readily available to the consumer (for example: "call your branch office—the number is shown on your periodic statement"), except for the telephone number to be used for reporting a lost or stolen access device. In the latter case, the institution must disclose a specific telephone number on or with the disclosure statement. [§ 205.7(a) (2), (6), (7) and (10)]

Section 205.8—Change in Terms; Error Resolution Notice

8–1 Q: *Terms requiring change-in-terms notice.* What categories of initial disclosures are subject to the change-in-terms notice requirement?

A: Examples of changes that must be disclosed are: an increase in the consumer's liability for unauthorized electronic fund transfers; a decrease in available types of electronic fund transfers; an increased strictness in limitations on frequency or dollar amount of transfers (with certain exceptions; see question 8–4); an increase in charges for electronic fund transfers or the right to make transfers, or the imposition of such charges for the first time. [§ 205.8(a)]

8–2 Q: *Change in telephone number or address.* Is an institution required to disclose a change in the telephone number or address for reporting possible unauthorized transfers?

A: No, but it must do so if it wishes to impose any liability on the consumer for such transfers. [§§ 205.8(a), 205.6(a)(3)]

8–3 Q: *Closing down of ATMs.* If an institution closes down some of its automated teller machines, must it disclose this change?

A: No; such a change does not relate to an item required to be given in the initial disclosures. [§§ 205.8(a), 205.7(a)]

8–4 Q: *Changes in limitations on transfers.* An institution limits the amount of money that consumers can withdraw daily from its ATMs. Because secrecy of the limits is essential to maintaining the security of the accounts or the system against theft, the details of the limits were not stated in the initial disclosures. The institution disclosed only that certain limits exist. If the limits are now made stricter, what must the institution disclose to its customers?

A: No disclosure is required, provided secrecy is still essential. In contrast, if the institution had no dollar limits when it made the initial disclosures, and is now imposing limits for the first time, it must disclose at least the fact that limits have been adopted. [§§ 205.8(a), 205.7(a)(4)]

8–5 Q: *Termination of EFT service.* If an institution terminates a consumer's ATM or POS service by cancelling the access device, must it provide a disclosure?

A: No. But if the service involves credit (because the device is a combined credit card/access device, for example), notification under § 202.9(a) of Regulation B (Equal Credit Opportunity) may be required. If a credit report was involved in the decision to cancel the combined card, notification under section 615(a) of the Fair Credit Reporting Act also may be required. [§ 205.8(a)]

8–6 Q: *Form of change-in-terms notice.* May an institution give notice of a change in terms by sending copies of its revised disclosure statement?

A: Yes, provided attention is directed to the change (for example, in a cover letter referencing the changed term). No specific form or wording is required. The notice may appear on a periodic statement. [§ 205.8(a)]

8–7 Q: *Error resolution notice—no periodic statements sent.* An institution must either provide its customers with the full error resolution notice annually, or include a short-form notice on or with each periodic statement. If an institution does not send periodic statements to certain EFT customers, how should it comply with this requirement?

A: It must send the full error resolution notice annually. [§ 205.8(b)]

8–8 Q: *Error resolution notice—changeover from one form to other.* An institution sends annual long-form error resolution notices. If it wishes to adopt the short-form alternative, when must the first short-form notice be sent?

A: No later than 12 months after the last long-form notice was sent. Conversely, if an institution wants to switch to the long form, the first long-form notice should be sent no later than 12 months after the last short-form notice. [§ 205.8(b)]

Section 205.9—Documentation of Transfers

Note.—Some questions in this section relate to both the receipt and the periodic statement requirements of § 205.9 (a) and (b). These are identified by a *Receipts/periodic statements* catchline and appear together following the questions that deal solely with § 205.9(a) or § 205.9(b).

9–1 Q: *Receipts—furnished only on request.* An institution's electronic terminals are programmed to provide a receipt only if the consumer elects to receive one by pressing a key at the time of the transfer. Does this comply with the regulation?

A: Yes; the regulation merely requires that a receipt be made available to the consumer at the time of the transfer. (There is a limited exception to the receipt requirement under § 205.9(f) for certain cash-dispensing machines, but only if the machines were purchased or ordered before February 6, 1980.) [§ 205.9(a)]

9–2 Q: *Receipts—available through third parties.* What is the purpose of the footnote in the regulation that permits financial institutions to make terminal receipts available through third parties?

A: It permits institutions to arrange for operators of terminals in an EFT system (merchants or other financial institutions, for example) to make the receipt available. However, the financial institution holding the consumer's account or providing the EFT service to the consumer remains responsible for the availability of the receipt. [§ 205.9(a), footnote 2]

9–3 Q: *Receipts—information displayed on screen.* Does a financial institution comply with the receipt requirement if it simply prints the receipt information on a display screen?

A: No. The receipt must be in a written form that the consumer can retain. [§ 205.9(a)]

9–4 Q: *Receipts—form.* Are there special rules regarding type size, length of receipt, and so forth?

A: No. The regulation does require, however, that the information on the receipt be set forth clearly. A series of unlabelled numbers or codes for various types of information, if not readily understandable on their face, would not be clearly set forth within the meaning of the regulation. The institution may document individual transfers on separate receipts, even though the consumer makes multiple transfers at the same time, or it may document them on a single receipt. [§ 205.9(a)]

9–5 Q: *Receipts—transfer not completed.* Does the terminal receipt requirement apply if a transfer is initiated but not completed (because the ATM is out of currency, for example)?

A: No; however, most terminals generate a receipt even if a transfer is not completed because of a terminal malfunction or because the consumer decided not to complete the transfer. [§ 205.9(a)]

9–6 Q: *Receipts—not furnished; inadvertent error.* Does a violation result if a terminal runs out of paper and a receipt is not made available to the consumer?

A: No, so long as it is a bona fide unintentional error and the financial institution maintains procedures reasonably adapted to avoid such an error. [§ 205.9(a), § 915(c)]

9–7 Q: *Receipts—date.* May a financial institution disclose an accounting or business date on the terminal receipt?

A: The calendar date on which the consumer uses the electronic terminal must be disclosed; an accounting or business date may be disclosed in addition, so long as the dates are clearly distinguished. If a transfer is initiated late one day and completed on the next day, the financial institution may disclose either calendar date on the receipt. [§ 205.9(a)(2)]

9–8 Q: *Receipts—access to multiple accounts of same type.* How should the type of account be disclosed on the terminal receipt when more than one account of the same type can be accessed by the consumer's access device?

A: Some examples: If an access device can be used by the consumer to make transfers to or from two checking accounts, the terminal receipt must specify which of the two has been accessed; a financial institution could disclose a cash withdrawal as "withdrawal from checking I" or "withdrawal from checking II." If only one account besides the primary checking account can be debited by the access device, it could be identified as "withdrawal from other account." The number of the account being accessed could be used both to identify the type of account and to serve as the unique identifier of the account. [§ 205.9(a) (3) and (4)]

9–9 Q: *Receipts—type of account in POS transfer.* A footnote states that the type of account need not be identified if the access device used to initiate the transfer can access only one account of any type in a point-of-sale transfer. Does this exception apply when that device is used at an ATM?

A: The exception is generally not available for ATM transfers, even if the access device is capable of accessing only one account at an ATM. (There is a limited exception for certain cash-dispensing machines under § 205.9(f), but only if the machines were purchased or ordered before February 6, 1980.)

The exception for POS transfers is available even if the access device can access more than one account when used at a different type of facility, such as an ATM. Moreover, account refers only to asset accounts. If a consumer can use an access device at a POS terminal to debit an asset account and also to access a credit line, for example, the exemption is still available. [§ 205.9(a)(3), footnote 3]

9–10 Q: *Receipts—type of account, off-line ATMs.* A financial institution's ATMs permit access to multiple accounts of the same type when the ATM is on-line, and receipts uniquely identify the accounts by use of account numbers. When the ATM is off-line, however, access is permitted only to a primary account designated by the consumer in advance. The consumer is informed at the ATM that only the primary account can be accessed at that time. May the receipt describe the transfer as a "withdrawal from checking," for example, without a unique identification of the account?

A: Yes. Because the consumer can access only the primary account at the time of the off-line transfer, unique identification of the account is not required. [§ 205.9(a)(3), footnote 3]

9–11 Q: *Receipts—unique identifier.* Does the financial institution have flexibility in providing a number or code that uniquely identifies the consumer, the consumer's account, or the access device used to initiate a transfer?

A: Yes. Any unique identification that will link the consumer to the particular transfer is sufficient to comply with this requirement. [§ 205.9(a)(4)]

9–12 Q: *Receipts—terminal location.* A financial institution wants to disclose the location of the terminal on the terminal receipt by giving a description in one of the three forms prescribed in the regulation. How may it satisfy the requirement?

A: The institution may, for example, preprint the terminal locations on its receipts. An institution that owns or operates terminals at only one location may use its name (such as "First Nat'l"). An institution with terminals in several locations must use a street address or a generally accepted name for a specific location. [§ 205.9 (a)(5), and (b)(1)(iv)]

9–13 Q: *Receipts—omission of third-party name.* Under what circumstances may the name of a third party (to or from whom funds are transferred) be omitted from the terminal receipt?

A: The name may be omitted if the consumer provides the name in a form that the electronic terminal cannot duplicate on the receipt. For example, if a consumer initiates a utility payment at an ATM and provides the name of the payee by inserting a payment stub into the ATM, the terminal receipt need not name the utility company. (The name would have to appear on the periodic statement, of course.)

On the other hand, if the consumer keys in the identity of the payee (by means of a code number, for example) the receipt must name the payee, or use a code that is explained elsewhere on the receipt. The institution may, for example, preprint a series of codes and the specific payees to which they relate on the form—and print the correct code at the time of the transfer. [§ 205.9(a)(6)]

(The regulation does not apply to bill payments made at an ATM by check or currency. See question 2–10.)

9–14 Q: *Receipts—deposit receipt as proof of payment.* Section 906(f) of the act provides that required documentation constitutes prima facie proof of payment to another person; does this provision apply to a terminal receipt documenting a deposit?

A: No, because there is no payment to another person. [§ 205.9(a)(6)]

9–15 Q: *Periodic statements—when required.* The regulation requires periodic statements to be sent for any account to or from which electronic fund transfers can be made. What does this mean?

A: The requirement applies only to those accounts for which an agreement has been entered into: (1) Between the consumer and the financial institution for EFT services to or from the account (including accounts for which an access device has been issued to the consumer); or (2) between the consumer and a third party (for preauthorized debits or credits, for example), when the institution has received notice of the agreement and the fund transfers have begun. (Passbook and statement accounts should be judged by these same criteria in determining whether the account is subject to documentation requirements under the regulation.)

If there is no specific agreement for EFT services, the periodic statement and other requirements of the regulations do not apply to the account. The fact that membership in an ACH requires a participating financial institution to accept electronic fund transfers to accounts at the institution does not make every account of that institution subject to the regulation. [§ 205.9 (b), (c), and (d)]

9–16 Q: *Periodic statements—frequency.* How often must periodic statements be sent for accounts that are subject to the regulation?

A: A monthly statement is required for any account to or from which an EFT has occurred during the month, if the account is one that can be *debited* electronically (by use of an access device, telephone bill-payment service, or preauthorized transfers from the consumer's account, for example) or if the account can be *credited* electronically by other than preauthorized deposits. If no transfers occur during some months, the statement must be provided at least quarterly.

There are special exceptions for accounts on which the only EFT service relates to preauthorized credits. The institution may send quarterly statements or, if the account is a passbook account, the institution may simply update the passbook when it is presented for updating (with the amount and date of each EFT since the last update). [§ 205.9 (b), (c) and (d)]

9–17 Q: *Periodic statements—inactive accounts.* Must quarterly statements be sent to all accounts that have had an EFT service associated with them, even though the accounts are considered inactive by the financial institution?

A: An institution need not send statements to accounts it considers inactive. The determination that certain accounts are inactive must be made by the institution. [§ 205.9 (b) and (d)]

9–18 Q: *Periodic statements—customer pick-up.* May a financial institution permit consumers to call for their periodic statements?

A: Yes, but the institution may not require it. [§ 205.9 (b) and (d)]

9–19 Q: *Periodic statements—periodic cycles.* May financial institutions send out a periodic statement each time an electronic fund transfer occurs?

A: No. Although statements may be sent on a cycle that is shorter than monthly, the statements must correspond to an actual periodic cycle. [§ 205.9(b)]

9–20 Q: *Periodic statements—variance in cycle.* Must a cycle for a periodic statement be exactly a month, quarter, or other regular period?

A. No. Cycles will be considered equal if the number of days in the cycle does not vary by more than 4 days from the regular day or date of the periodic statement. It is also permissible to stagger the statement cycle for different accounts for operational or other reasons. [§ 205.9 (b) and (d)]

9–21 Q: *Periodic statements—summary limited to EFT activity.* Certain consumer passbook accounts can be debited electronically and thus do not qualify for the exception from the periodic statement requirement. The financial institution continues to use the passbook as the primary means for displaying all transfers (electronic and nonelectronic) on the account. May the institution comply with the regulation by providing a summary periodic statement covering only the electronic activity?

A: Yes. Other required disclosures (such as charges, account balances, and address and telephone number for inquiries) must, of course, also be included. [§ 205.9(b)]

9–22 Q: *Periodic statements—transfers between consumer's accounts.* A consumer transfers funds between two accounts at the same financial institution. Must the institution repeat information describing the transfer on each statement?

A: If the institution sends the two statements to the consumer within a few days of each other (or if a combined statement is used), descriptive information need not be duplicated. In this case, descriptive information on one of the statements meets the regulation's requirements as to both accounts so long as the information on the second statement is sufficient to allow the consumer to identify the transfer. [§ 205.9(b)]

Note.—The Board is considering a change in the periodic statement requirements with respect to accounts that are subject to telephone transfers to or from another account of the consumer at the same institution. See the Supplementary Information portion of this Federal Register notice.

9–23 Q: *Periodic statements—accompanying documents.* A footnote in the regulation permits details about each transfer to be given on documents accompanying the periodic statement; it also permits codes to be used, so long as they are explained on the statement or accompanying documents. How can a financial institution take advantage of this provision?

A: This provision gives financial institutions that do not use descriptive statements an alternative means for meeting the documentation requirements. Some examples: An institution could include copies of terminal receipts to reflect transfers initiated by the consumer at electronic terminals. It could enclose posting memos, deposit slips, and other documents that, together with the statement, disclose all the required information. It could use codes (for names of third parties, terminal locations, etc.) and explain the information to which they relate on an accompanying document. [§ 205.9(b)(1), footnote 4]

9–24 Q: *Periodic statements—accompanying documents.* May required information other than information about each electronic transfer appear on accompanying documents?

A: Yes. The regulation imposes no page requirements for periodic statements; thus, the required information need not all appear on a single page. (See question 9–34.) [§ 205.9(b)]

9–25 Q: *Periodic statements—information obtained from others.* For purposes of periodic statement disclosures, may a financial institution unconditionally rely on data transmitted to it by another financial institution or other party (such as a merchant)?

A: Independent verification of the data for each transfer is not required. Financial institutions must, however, generally maintain reasonable procedures to avoid violations of the regulation, whether as a result of faulty data transmission or errors of third parties. (See the exception to liability under § 915 of the act for bona fide unintentional errors.) [§ 205.9(b)(1)]

9–26 Q: *Periodic statements—terminal location omitted; error.* When a consumer makes a deposit at an ATM, the institution need not identify the ATM location on the periodic statement. Does the consumer's request for the terminal location (or any other information about the deposit) constitute notification of an error under the regulation?

A: Yes, if the request for the location is made in accordance with the requirements of the error resolution section. On the other hand, if the consumer merely calls to ascertain whether or not a deposit (ATM, preauthorized, or any other type of electronic transfer) was credited to the account, the error resolution procedures do not apply. [§§ 205.9(b)(1)(iv), footnote 4a, and 205.11(a)(7)]

9–27 Q: *Periodic statements—type of POS transfer.* How should the periodic statement identify a transfer that takes place at a merchant's POS terminal—as a purchase or sale of goods or services, or as a payment to a third party?

A: There is no prescribed terminology. [§ 205.9(b)(1)(iii)]

9–28 Q: *Periodic statements—transferor/federal recurring payments.* How should the name of the third party be disclosed on the periodic statement for federal recurring payments?

A: For any federal recurring payment (such as Social Security, military or civil service pensions/payrolls) the third-party name may be disclosed as "U.S. gov't," "fed sal," or any other designation indicating that the payor is the United States government. [§ 205.9(b)(1)(v) and (e)]

9–29 Q: *Periodic statements—multiple transferees.* A financial institution permits consumers to make multiple payments at an ATM by keying in a composite dollar amount and inserting payment stubs into the ATM to indicate who the individual payees are. If a consumer keys in an amount and directs the institution to pay three utility bills from that sum, must the three companies be named on the periodic statement?

A: Yes. The names of all three utilities must be provided on the periodic statement so that the documentation can serve as proof of payment for the consumer. [§ 205.9(b)(1)(v)]

9–30 Q: *Periodic statements—consumer as third-party payee.* If a consumer makes an electronic fund transfer to another consumer, may the financial institution identify the recipient on the periodic statement by giving the person's account number?

A: No. The institution must disclose the recipient by name. [§ 205.9(b)(1)(v)]

9–31 Q: *Periodic statements—charges.* What charges must be disclosed on the periodic statement?

A: Financial institutions should disclose either (1) the total charges assessed against the account during the statement period for electronic fund transfers or the right to make transfers, or (2) the total charges assessed during the period for account maintenance. [§ 205.9(b)(3)]

9–32 Q: *Periodic statements—opening and closing balances.* The financial institution is required to disclose an opening and a closing balance in the consumer's account. May these balances be based solely on the electronic activity?

A: No. The balances must take into account both electronic and non-electronic activity. [§ 205.9(b)(4)]

9–33 Q: *Periodic statements—telephone numbers.* A financial institution is required to disclose a telephone number for error resolution and (if it is using the telephone alternative for preauthorized credits) a number for the consumer to call to ascertain whether a preauthorized credit has occurred. Would disclosure of a single telephone number for both purposes, preceded by the "direct inquiries to" language, satisfy both requirements?

A: Yes. [§ 205.9(b)(5) and (6)]

9–34 Q: *Periodic statements—telephone numbers.* May the institution disclose the telephone number for inquiring about preauthorized transfers to the consumer's account on a credit advice or other document enclosed with the periodic statement?

A: Yes. (See question 9–24.) [§ 205.9(b)(6)]

9–35 Q: *Receipts/periodic statements—incorrect deposit amount.* What does the regulation require if the amount of a deposit, as verified by the institution, turns out to be different from the amount entered by the consumer into the terminal?

A: An institution need not notify the consumer about the discrepancy per se. The next periodic statement should reflect the proper amount of the deposit or, depending on the institution's bookkeeping system, a correction of the erroneous amount. The institution must of course comply with the error resolution procedures if the consumer alleges an error in the deposit. [§ 205.9(a)(1) and (b)(1)(i)]

9–36 Q: *Receipts/periodic statements—type of transfer.* What degree of specificity is required on terminal receipts and periodic statements for the type of transfer?

A: Common descriptions are sufficient. There is no prescribed terminology, although some examples are contained in the regulation. On periodic statements, for example, it is enough simply to show the amount of the transfer in the debit or the credit column if other information on the statement (for example, a terminal location or third-party name) enables the consumer to identify the type of transfer. [§ 205.9 (a)(3) and (b)(1)(iii)]

9–37 Q: *Receipts/periodic statements—type of account; generic descriptions.* The regulation permits a withdrawal from a consumer's share draft account at a credit union to be identified as a "withdrawal from checking." What is this provision intended to accomplish?

A: The regulation permits generic descriptions of the type of account to facilitate operations in a shared EFT network. For example, in a shared system, a credit union member may be able to initiate transfers to or from a share draft account at a terminal owned or operated by a bank, which may describe accounts only as "checking" or "savings" accounts (and be unable to generate a receipt describing the transfers as to or from a "share draft" account). [§ 205.9 (a)(3) and (b)(1)(iii)]

9–38 Q: *Receipts/periodic statements—location code.* May a transaction code be used to comply with the terminal location requirement?

A: Yes, if the transaction code (or the portion that relates to the terminal location) is clearly set forth on the receipt. It must, of course, be reproduced on the periodic statement. [§ 205.9 (a)(5) and (b)(1)(iv)]

9–39 Q: *Receipts/periodic statements—shared system; unique codes.* In a shared or interchange environment, must the various codes used on terminal receipts and periodic statements be unique?

A: In shared or interchange systems, identical numbers may well appear on the consumer's periodic statement for terminals operated by different institutions or merchants; this is permissible. [§ 205.9 (a) and (b)]

9–40 Q: *Receipts/periodic statements—omission of city name.* In disclosing the terminal location on a terminal receipt and on the periodic statement, a financial institution uses a generally accepted name (such as a branch name) for a specific location. May the city be omitted when the branch name and the city are the same?

A: Yes. [§ 205.9 (a)(5) and (b)(1)(iv)]

9–41 Q: *Receipts/periodic statements—terminal location/third party.* May a single listing be used to identify both the terminal location and the name of the third party to or from whom funds are transferred?

A: Yes. For example, if a consumer purchases goods from a merchant, the name of the party to whom funds are transferred (the merchant) and the location of the terminal where the transfer is initiated will be satisfied by a disclosure such as "XYZ Store, Anytown, Ohio." [§ 205.9 (a) (5) and (6), and (b)(1) (iv) and (v)]

9–42 Q: *Receipts/periodic statements—intermediate party.* If a party (a merchant or another financial institution, for example) processes an electronic fund transfer but is not the ultimate transferee or transferor, must it be identified on terminal receipts or periodic statements?

A: No. Such parties need not be named either on the receipt or on the periodic statement. [§ 205.9 (a)(6) and (b)(1)(v)]

9–43 Q: *Receipts/periodic statements—account-holding institution as third party.* The regulation requires identification of the third party to or from whom a transfer is made, on the terminal receipt and periodic statement. Is an account-holding financial institution considered a third party for purposes of this requirement?

A: Yes. A third party is generally someone other than the consumer and the financial institution. However, section 906(f) of the act requires that any documentation provided to the consumer shall constitute prima facie proof of a transfer to another person, and applies to documentation of payments made to the account-holding institution.

The institution need not be named on the receipt and periodic statement as the payee if the fact that payment was made to the institution is sufficiently indicated by other information (for example, "loan payment from checking," if this can be taken to mean that the payment was to the account-holding institution). [§ 205.9 (a)(6) and (b)(1)(v)]

9–44 Q: *Receipts/periodic statements—consistency in third-party identity.* May a financial institution disclose, on the periodic statement, a third-party name other than the one that appeared on the receipt?

A: No. If the d.b.a. (doing business as) name of the third party appeared on a terminal receipt, that name must also appear on the periodic statement. Similarly, if a parent corporation's name appeared on the terminal receipt, it must also be used on the periodic statement. [§ 205.9 (a)(6) and (b)(1)(v)]

9–45 Q: *Passbook updates—when required.* Is a financial institution required to update a passbook every time the consumer presents it (for example, when the consumer uses the passbook to make a deposit or withdrawal)?

A: No. The institution need only update the passbook (by entering the amount and date of preauthorized credits since the preceding update) when the consumer presents it for updating. [§ 205.9(c)]

9–46 Q: *Passbook accounts—telephone notice alternative.* May an institution utilize the telephone notice alternative for passbook accounts that do not receive periodic statements?

A: Yes. (See question 10–12.) [§§ 205.9(c), 205.10(a)(1)(iii)]

9–47 Q: *Passbook updates—discarding of data.* May a financial institution set a cut-off period for retention of information awaiting entry in the consumer's passbook?

A: No. However, the financial institution need not update a passbook immediately upon presentation if the information is not readily available. It may retain the passbook, add the information, and return the updated passbook promptly to the consumer. Or, it can mail separate documentation to the consumer. [§ 205.9(c)]

9–48 Q: *Passbook updates—periodic transmittals.* May a financial institution, in lieu of retaining the information between presentations of the passbook, send a consumer updates of preauthorized credits on a periodic basis?

A: Yes. [§ 205.9(c)]

9–49 Q: *Quarterly statements—compliance with regular requirements.* The regulation requires quarterly periodic statements for non-passbook accounts that cannot be accessed electronically except by preauthorized credits. Must these statements meet the periodic statement requirements of the regulation?

A: Yes. The statements must comply with all requirements for periodic statements. The only difference is that they may be sent quarterly. [§ 205.9(d)]

Section 205.10—Preauthorized Transfers

10–1 Q: *Notice of credit—choice of type.* Must consumers be given a choice of the type of notice to be provided regarding receipt of preauthorized credits?

A: No. It is up to the financial institution to decide which method of notice the institution wants to use. The institution may use different methods for different types or series of preauthorized transfers. [§ 205.10(a)(1)]

10–2 Q: *Notice of credit—when receipt guaranteed.* A financial institution guarantees its customers that scheduled Social Security transfers will be credited to their accounts whether or not the institution actually receives the funds on time. Does the notice requirement apply?

A: Yes—unless the institution has adopted the negative notice option, in which case sending the notice might confuse the consumer. [§ 205.10(a)(1)]

10–3 Q: *Notice provided by payor.* Are there instances in which the financial institution does not have to provide notice?

A: Yes. If the payor provides notice to the consumer that a transfer has been initiated, the financial institution is not required to provide notice of receipt. [§ 205.10(a)(1)]

10–4 Q: *Notice provided by payor—form.* If the payor-employer provides notice to a consumer that a transfer has been initiated, what type of notice must it give?

A: There is no required form or terminology. A pay stub that shows the net deposit is sufficient. [§ 205.10(a)(1)]

10–5 Q: *Content of notice.* Is there suggested language for the notice regarding receipt of a preauthorized transfer?

A: No. Identification of the deposit is sufficient. [§ 205.10(a)(1)]

10–6 Q: *Current account balance.* May an institution give notice by informing the consumer of the current balance in the account?

A: Such a notice will not satisfy the notice requirement. [§ 205.10(a)(1)]

10–7 Q: *Periodic statement as notice.* If a periodic statement sent within two business days reflects the transfer, can it serve as positive notice of receipt?

A: Yes. Similarly, the absence of the deposit entry (on a periodic statement sent within 2 business days of the scheduled transfer date) will serve as negative notice. [§ 205.10(a)(1)]

10–8 Q: *Negative notice—timing.* If an institution uses a negative notice system and a preauthorized credit fails to arrive on the scheduled date, but does arrive within two business days, must a notice be sent?

A: No. If the deposit did not arrive by the close of the second business day, however, a notice would have to be sent at that time. [§ 205.10(a)(1)(ii)]

10–9 Q: *Negative notice—cessation of transfers.* An institution uses a negative notice system. If preauthorized transfers to a consumer's account cease to occur, must the institution send notices of nonreceipt indefinitely?

A: No. In the absence of information from the consumer or the payor that the transfers have been terminated, the institution should send the notices at least 3 times. Or, it may notify the consumer that the institution believes the transfers have stopped, and that therefore no further negative notices will be sent [§ 205.10(a)(1)(ii)]

10–10 Q: *Telephone notice—timing.* How quickly must a financial institution respond to a consumer's telephone inquiry about whether a preauthorized transfer has been received?

A: In most instances, an institution should be able to provide verification during the same telephone call. However, if the information is not immediately available—because of a time lapse between the scheduled transfer date and the consumer's call, for example—the institution should respond within 2 business days. [§ 205.10(a)(1)(iii)]

10–11 Q: *Telephone notice—availability.* The regulation requires that the telephone line for inquiries about preauthorized credits be readily available. What does this mean? Also, must the institution provide a toll-free number, or accept collect calls?

A: To satisfy the readily available standard, the financial institution should provide enough lines so that consumers get a reasonably prompt answer, using any answering system it wants.

As to toll-free calls, an institution should provide—within its primary service area—a telephone number to which calls can be made without charge to the customer. In some cases, a financial institution will have customers who reside away from the city or state where the financial institution normally conducts business; the financial institution need not provide a toll-free number or accept collect long-distance calls from these customers.

The financial institution need not provide 24-hour telephone lines to respond to consumers' inquiries. Telephone service during normal business hours will suffice. [§ 205.10(a)(1)(iii)]

10–12 Q: *Telephone notice—passbook accounts.* An institution that uses the telephone alternative for preauthorized credits is required to give the telephone number in the initial disclosures and on each periodic statement. Customers whose passbook accounts can only be accessed by preauthorized credits do not receive periodic statements. How might the financial institution comply with the second condition?

A: The institution may take any reasonable measure to provide the number to consumers. It may stamp the telephone number in the passbook, for example, or include the telephone number with the annual error resolution notice. [§ 205.10(a)(1)(iii)]

10–13 Q: *Preauthorized credits—availability of funds.* When must funds deposited to an account via preauthorized transfers be available to the consumer?

A: The regulation requires that preauthorized transfers be credited as of the day the funds for the transfer are received. The determination of when these funds are available to the consumer for withdrawal will depend on applicable state law, if any, and on other federal regulations, if any. [§ 205.10(a)(2)]

10–14 Q: *Preauthorized credits—posting schedule.* If a financial institution normally posts credits to customers' accounts in the morning, and it receives an ACH tape in the afternoon, may the institution delay the posting until the next morning?

A: Yes. An institution need not alter its established posting schedule. However, the funds must be credited to the consumers' accounts as of the date the funds are received. [§ 205.10(a)(2)]

10–15 Q: *Preauthorized credits—funds received prior to agreed crediting date.* Is a financial institution ever permitted to credit a consumer's account later than the date the funds are received from the payor?

A: Yes. If the financial institution and the payor have agreed that the payor will transmit funds to the institution in advance of the date on which the institution is to credit consumers' accounts (for example, two days in advance of pay day), the institution may credit the accounts as of the date agreed upon with the payor (that is, pay day) [§ 205.10(a)(2)]

10–16 Q: *Preauthorized debits—pre-existing authorizations.* If an agreement for preauthorized electronic fund transfers from an account was entered into before May 10, 1980, must a new authorization be obtained by the designated payee or by the financial institution?

A: No. [§ 205.10(b)]

10–17 Q: *Preauthorized debits—pre-existing authorizations.* If a consumer's existing authorization, which authorizes the institution or the designated payee to debit the consumer's account, does not specify that the debiting is to occur electronically (or specifies that debiting is to occur by paper means), must a new authorization be obtained in order to debit the account electronically?

A: The regulation does not require that new authorizations be obtained. [§ 205.10(b)]

10–18 Q: *Preauthorized debits—authorization obtained by third party.* If a consumer authorizes a third party (for example, an insurance company) to initiate preauthorized electronic fund transfers from the consumer's account, and the third party fails to obtain the authorization in writing or to give a copy to the consumer, is the account-holding financial institution in violation of the regulation?

A: No. The party that obtains the authorization—in this instance, the third party—is the person that is subject to these requirements. [§ 205.10(b)]

10–19 Q: *Preauthorized debits—stop-payment order.* On October 10, a consumer orally orders the financial institution to stop payment on a $30 utility bill that is scheduled to be paid on October 15. The payment is stopped. The consumer properly confirms the order in writing on October 17. On October 30 the utility company resubmits the $30 debit. Must the financial institution stop payment on the resubmitted item?

A: Yes. The institution may accomplish this, for example, by suspending all subsequent payments to the designated payee until the consumer notifies the institution that payments should resume. [§ 205.10(c)]

10–20 Q: *Ten-day notice of varying debits—pre-existing authorizations.* If the consumer agreed to varying preauthorized transfers from the consumer's account prior to May 10, 1980, must the financial institution (or the designated payee) give the consumer the 10-day advance notice of transfers that vary in amount?

A: Yes, unless the consumer has been informed of the right to receive notice of such varying payments and the consumer has authorized payment within a specified range of amounts. [§ 205.10(d)]

10–21 Q: *Ten-day notice—payee's failure to provide.* Does the financial institution holding the consumer's account have any liability for the designated payee's failure to provide notice of varying amounts?

A: No. [§ 205.10(d)]

Section 205.11—Procedures for Resolving Errors

11–1 Q: *Transfers—initiated by institution.* If a transfer is initiated by a financial institution or its employee without the consumer's authorization, does it constitute an error?

A: Yes. It constitutes an incorrect electronic fund transfer unless the transfer was authorized, for example, by a court order. [§ 205.11(a)]

11–2 Q: *Loss or theft of access device.* If a consumer reports the loss or theft of an access device, is the institution required to comply with the error resolution procedures?

A: No, unless the consumer also alleges possible unauthorized use as a consequence of the loss or theft. [§ 205.11(a)]

11–3 Q: *Error asserted after account closed.* Must an institution comply with the error resolution procedures if a consumer asserts an error after closing the account relationship with the institution?

A: Yes, assuming that the error allegation is properly made. [§ 205.11]

11–4 Q: *Request for documentation or information.* May a financial institution assume, absent a statement to the contrary by the consumer, that a request for duplicate copies of documentation or other information is for tax or other record-keeping purposes and therefore not an alleged error?

A: No. Requests for duplicate copies of documentation or other information should be treated as errors unless it is clear that the request by the consumer is *only* for tax or other record-keeping purposes. [§ 205.11(a)(7)]

11–5 Q: *Statement held for consumer—timing of error rights.* A consumer has arranged for periodic statements to be made available at the financial institution and held until called for. For purposes of the 60-day time limits for alleging an error, when is the statement for a particular cycle deemed to have been transmitted?

A: When it is first made available to the consumer. (See question 9–18.) [§ 205.11(b)(1)(i)(A)]

11–6 Q: *Failure to provide statement—timing of error rights.* How quickly must a consumer give notice that the financial institution failed to provide a periodic statement?

A: The notice of error must be received by the institution within 60 days from the date on which the statement should have been transmitted. [§ 205.11(a)(7) and (b)(1)(i)]

11–7 Q: *Discovery of error by institution.* Does discovery of an error by the financial institution require that the institution comply with the error resolution procedures?

A: No. The procedures need be followed only when a notice of error is received from the consumer or an agent of the consumer. [§ 205.11(b)(1)]

11–8 Q: *Content of error notice.* Must the notice of error given to the financial institution contain the consumer account number?

A: No, so long as the notice enables the institution to identify the account in question. [§ 205.11(b)(1)(ii)]

11–9 Q: *Written confirmation of error notice.* Must a financial institution have referral procedures for forwarding a written confirmation of error that is sent to the wrong address?

A: No. The referral requirement does not apply to a written confirmation that is sent to an address other than the one specified to the consumer at the time oral notice was given. [§ 205.11(b)(1)(i), footnote 10 and (b)(2)]

11–10 Q: *Written confirmation—timing of investigation.* May a financial institution delay its investigation until it has received a written confirmation?

A: No. The investigation must begin promptly upon receipt of the oral notice. This requirement is not affected by the institution's request for written confirmation. [§ 205.11(c) (1), (2), and (3)]

11–11 Q: *Deadlines for investigation of error.* May a financial institution take the full 10 business days or 45 days to investigate?

A: The requirement is to investigate promptly; the stated time periods are maximums. [§ 205.11(c) (1) and (2)]

11–12 Q: *Request for documentation—facsimile or photocopy.* When a consumer requests documentation, may the institution provide a facsimile or a photocopy?

A: Yes, so long as the photocopy or facsimile is legible. [§ 205.11 (d)(1) and (f)(3)]

11–13 Q: *Request for documentation—third parties.* A consumer requests information or documentation that is not in the institution's possession, but in the possession of a third party with whom the financial institution has no agreement. How does an institution comply with the error resolution requirements?

A: By a timely response to the effect that the institution does not have the requested material. [§ 205.11(d)(2)]

11–14 Q: *Scope of investigation—bill payment to third party.* A consumer alleges an error involving a payment to a third party via a financial institution's telephone bill-payment plan. Is a review of the institution's own records a sufficient investigation?

A: Yes, assuming there is no agreement between the financial institution and the third party concerning the telephone bill-payment service. [§ 205.11(d)(2)]

11–15 Q: *Scope of investigation—preauthorized credits.* A consumer alleges an error regarding an EFT direct deposit of payroll. The financial institution and the payor have an agreement with respect to honoring an access device at point-of-sale terminals, but there is no agreement with the payor regarding the direct deposit of payroll. May the financial institution limit its investigation of the direct deposit error to a review of its own records?

A: Yes. The institution would be required to investigate beyond its own records only if the alleged error involved a POS transfer or if the financial institution and the payor did have an agreement regarding the direct deposit of payroll. [§ 205.11(d)(2)]

11–16 Q: *Scope of investigation—POS transfers.* A merchant agrees to honor a financial institution's access devices at the merchant's POS terminals. What is the institution's duty to investigate when a consumer alleges an error involving a transfer to the merchant via the POS terminal?

A: The financial institution must contact the merchant directly or, in systems like the national credit card networks, indirectly by contacting the merchant's bank. It may not rely on information previously transmitted by the merchant without verifying it. For example, the financial institution may have to request a copy of the sales slip signed by the consumer in order to verify that the amount of the transfer corresponds to the amount of the consumer's purchase. A financial institution is not required, however, to take such steps as sending an employee to the merchant's place of business to ascertain the correct cost of the merchandise purchased in the transaction. [§ 205.11(d)(2)]

11–17 Q: *Error found—different from that alleged.* When a financial institution determines that an error occurred in a manner or amount different from that described by the consumer, must the institution comply with both (1) the procedures applicable when the institution determines that no error occurred and (2) the procedures applicable when it determines that an error did occur?

A: Yes, to the extent that the procedures are relevant. In such a case, the institution may give notice of correction and the explanation either separately or in a combined form. [§ 205.11 (e) and (f)]

11–18 Q: *Crediting of interest.* Does the requirement to credit interest apply to all error corrections?

A: No, it applies only to those involving interest-bearing accounts. [§ 205.11(e)(1)]

11–19 Q: *Refunding of fees and charges.* Is the financial institution required, when it corrects an error, to refund all fees or charges imposed on the account?

A: The financial institution is required to refund those fees or charges that were imposed as a consequence of the error. In a combined credit/EFT transaction, for example, the financial institution must refund any finance charges incurred as a result of the error. Fees or charges that would have been imposed even if the error had not occurred need not be refunded. [§ 205.11(e)(1)]

11–20 Q: *Notice of correction—timing.* The regulation requires notice of a correction to be given promptly. Is this requirement satisfied if the institution includes the notice on a periodic statement mailed within the 10 business days or 45 calendar days?

A: Whether such a mailing will be prompt enough to satisfy the requirement must be determined by the financial institution, taking into account the specific facts involved. [§ 205.11(e), footnote 12]

11–21 Q: *Written explanation—timing.* If an institution completes its investigation on day 45 and determines that no error occurred, must it send the written explanation that same day?

A: Under the 45-day limit, the financial institution has an additional 3 business days to send the explanation. If, however, the financial institution is proceeding under the 10-business-day provision and determines on day 10 that no error occurred, the institution does not have an additional 3 business days; it must send the explanation on day 10. [§ 205.11(f)(1)]

11–22 Q: *Debiting of recredited funds—items to be honored.* If a financial institution debits a consumer's account for provisionally recredited funds, must it honor all items presented during the succeeding 5 business days?

A: No. The financial institution need honor only those items that would have been paid, under the bank's normal operating procedures, if the account had not been debited. For example: if an account with a balance of $155 is debited in an amount of $100 for provisionally recredited funds (leaving a balance of $55) and checks for $150 and $200 are presented by third parties, the financial institution need honor only the $150 item. Moreover, the institution need honor only items (including preauthorized transfers) payable to third parties. It need not permit ATM or other cash withdrawals by the consumer. [§ 205.11(f)(2)(ii)]

11–23 Q: *Debiting of recredited funds—an alternative procedure.* If the institution instead establishes a procedure under which it notifies the consumer that the consumer's account will be debited 5 business days from the transmittal of the notification—and specifies the calendar date on which this debiting will occur—does this procedure satisfy the requirement?

A: Yes. [§ 205.11(f)(2)(ii)]

11–24 Q: *Debiting of recredited funds—charges for overdrafts.* May a financial institution charge the consumer for overdrafts which occur as a consequence of the facts described in question 11–22?

A: The financial institution may not charge the consumer for overdraft items that are honored as a consequence of the 5-business-day requirement. It may, however, impose any normal transaction or item charges that are unrelated to an overdraft resulting from the debiting. The institution may, for example, impose a return-item charge relative to the $200 returned item referred to in question 11–22.

After the 5 business days, if the account is still overdrawn the institution may impose finance charges to which it is entitled (if any) under an overdraft credit plan. [§ 205.11(f)(2)(ii)]

11–25 Q: *Documents relied on—request from consumer.* When a consumer requests copies of documents that the financial institution relied on in determining that no error occurred, what is required?

A: The institution should provide copies of the documentation in a readily understandable form. An institution that relies on magnetic tape in making its determination should translate the data into readable form—by printing out the applicable data and explaining the codes, for example. [§ 205.11(f)(3)]

11–26 Q: *Documents relied on—privacy issue.* If a document contains information on several consumers, should a copy of the entire document be given to the consumer?

A: No. To protect the privacy of the other consumers, the institution should provide only the information relating to the consumer alleging the error. [§ 205.11(f)(3)]

11–27 Q: *Documents relied on—no information on relevant tapes.* If a financial institution's investigation shows that there is no information relating to the consumer on the magnetic tape or other documentation in question, what does the institution have to provide?

A: The financial institution may comply with the requirement to provide copies of documentation by informing the consumer that the relevant documents were searched and were found to contain no information about transfers relating to the consumer. [§ 205.11(f) (1) and (3)]

11–28 Q: *Withdrawal of error notice.* A consumer withdraws an allegation of error after the institution has investigated and has determined that no error occurred, but before the institution provided the written explanation. May the institution treat the error as voluntarily withdrawn?

A: Yes. [§ 205.11(g)]

11–29 Q: *Withdrawal of error notice.* A consumer calls the financial institution to question the amount of a Social Security deposit, and the institution suggests the difference may be due to a general decrease in benefits. Is the consumer's acceptance of the explanation a voluntary withdrawal of an error allegation?

A: Yes. [§ 205.11(g)]

11–30 Q: *Reassertion of error.* Does a consumer who has withdrawn an allegation of error have the right to reassert the allegation?

A: Yes, unless the financial institution had complied with all of the error resolution requirements before the allegation was withdrawn. The consumer must, however, reassert the error by giving proper notice within the original 60-day period. [§ 205.11 (b) and (h)]

11–31 Charges for error resolution. May a financial institution charge consumers for the institution's compliance with the error resolution procedures?

A: Although the regulation is silent on this point, the Board has expressed concern about any chilling effect on the good faith assertion of errors that might result from the imposition of charges. Financial institutions should be aware of the prohibition against agreements that constitute a waiver of rights conferred by the act. [§ 205.11, § 914]

11–32 Q: *Applicable error resolution provisions—overdraft credit line.* A consumer withdraws funds from a checking account by use of an ATM and the withdrawal overdraws the account, thereby resulting in a transfer of funds from the credit line to the checking account. If an error is alleged, which error resolution procedures apply to the overdraft portion, Regulation E or Regulation Z?

A: Regulation E applies because there has been an electronic fund transfer. The financial institution must follow the requirements of the error resolution provisions of Regulation E that deal with the definition of error, requirements for notice, and procedures for correction of errors.

Sections 226.13 (d) and (g) of Regulation Z continue to apply to the credit extension portion. These include the temporary prohibition on collection actions; the consumer's right to withhold disputed amounts; the limitation on adverse credit reports; and the right to prevent an automatic debit of disputed amounts. [§ 205.11(i)]

11–33 Q: *Applicable error resolution procedures—credit card/access device.* If a consumer uses a combined credit card/access device to withdraw funds at an ATM directly from a non-overdraft credit line and later alleges an error, which error resolution procedures apply—Regulation E or Regulation Z?

A: Regulation Z applies because the credit line is not a consumer asset account. The transaction thus does not involve an electronic fund transfer. [§ 205.11(i)]

Section 205.12—Relation to State Law

12–1 Q: *Preemption of state EFT laws—specific determinations.* The regulation prescribes standards for determining whether state laws that govern electronic fund transfers are preempted by the act and the regulation. If, under these standards, state law is inconsistent with the federal law, is the state law automatically preempted?

A: No. A specific determination of preemption will be made by the Board. Interested parties seeking a determination should follow the procedures set forth in the regulation. [§ 205.12 (a) and (b)]

Section 205.13—Administrative Enforcement

13–1 Q: *Disclosure forms—compliance.* Will the Board or its staff review or approve disclosure forms or statements for financial institutions?

A: No. However, the Board has issued model clauses that financial institutions may use, if they wish, when designing their forms or statements. If a financial institution uses these clauses accurately to reflect its services, the financial institution is protected from liability for failure to make disclosures in proper form. [Appendix A, § 915(d)]

13–2 Q: *Record retention—evidence of compliance.* Must a financial institution retain records that it has given disclosures and documentation to *each* consumer?

A: No, it need only retain evidence demonstrating that its procedures reasonably insure the consumer's receipt of the required disclosures and documentation. [§ 205.13(c)(1)]

Section 205.14—Services Offered by Financial Institutions Not Holding Consumer's Account

14–1 Q: *Applicability to preauthorized credits.* Does this section apply to an institution which initiates preauthorized electronic payroll deposits on behalf of the consumer's employer to the consumer's account at another financial institution?

A: No. This section applies only when the service-providing institution, issues an access device to a consumer (a debit

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card or a code, for example) with which the consumer can initiate transfers to or from the consumer's account at another institution, *and* the two institutions have no agreement with regard to this service. Because a code used to initiate telephone transfers is an access device, the section applies, for example, when a financial institution which holds a consumer's account periodically transfers funds to or from the consumer's account at another financial institution upon receiving instructions from the consumer on the telephone. [§ 205.14 (a) and (c)]

14–2 Q: *Applicability of account at both institutions.* Does the fact that the consumer holds an account at both financial institutions involved in the transfer negate the application of this section?

A: No, assuming the institutions have no agreements with each other as to the EFT service. [§ 205.14(a)]

14–3 Q: *Agreement.* If an ACH establishes arrangements in which its members agree to honor each other's EFT cards, is there an "agreement" for purposes of this section?

A: Yes [§ 205.14(c)]

14–4 Q: *Periodic statement—service-providing institution.* Does the service-providing institution have to provide to the consumer a periodic statement showing transfers other than electronic fund transfers made with the service provider's access device?

A: No. [§ 205.14(a)(2)]

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Board of Governors of the Federal Reserve System, September 16, 1981.

William W. Wiles,

Secretary of the Board.

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FEDERAL HOME LOAN BANK BOARD

12 CFR Part 509b

[No. 81–560]

Equal Access to Justice Regulations

September 17, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Interim rule with request for comments.

SUMMARY: The Federal Loan Bank Board is publishing interim regulations to implement the Equal Access to Justice Act, which allows small entities to recover their fees and expenses when they successfully resist an unjustified agency action. The Board will publish final rules after it has evaluated comments on these rules.

DATES: Effective date: October 1, 1981. Comments must be received by: December 1, 1981.

ADDRESS: Send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Office of General Counsel ((202) 377–6457), at the above address.

SUPPLEMENTARY INFORMATION: The Board is adopting an interim Part 509b to implement the Equal Access to Justice Act (EAJA), Pub. L. No. 96–481, tit. II, 94 Stat. 2325 (1980) (to be codified at 5 U.S.C. 504). The Board will publish final rules after the public has had the opportunity to comment.

The EAJA was enacted in order to encourage challenges to unreasonable government actions. Congress has determined that the cost of litigation against the government deters many small businesses and individuals from seeking review of unwarranted agency action. EAJA at section 202(a). Since a prevailing party cannot generally recover fees and costs against the United States, it will often be less expensive for parties to acquiesce in government overreaching.

The EAJA authorizes the award of attorney fees and other expenses to certain parties that prevail against federal agencies in adversary adjudications (defined as adjudications conducted under Section 554 of the Administrative Procedure Act). Only small entities with fewer than 500 employees and net worths of less than $5,000,000, individuals with net worths of less than $1,000,000, agricultural cooperatives, and tax-exempt, non-profit institutions may recover fees under the Act. Costs and fees will only be awarded when it is determined that the agency's position was not substantially justified. Costs and fees may be awarded by courts in civil actions brought by agencies. EAJA will become effective on October 1, 1981 and will expire by its own terms on October 1, 1984.

The act directs agencies to establish uniform procedures for the submission and consideration of applications for fees after consultation with the Administrative Conference of the United States. To this end, the Administrative Conference has developed model regulations after notice and comment. 46 FR 32900 (June 25, 1981). Although the Board's interim rules generally follow the example drafted by the Conference, the proposal does not duplicate the model word-for-word. Significant deviations will be noted in the following summary.

I. Summary

A. General Provisions

1. *Award of fees in adversary adjudications.* Section 509b.101 provides that, upon application, the Board may award allowable fees and expenses to a prevailing eligible party unless the Board determines that the Board's position in the proceeding was substantially justified. This section corresponds to Section 105 of the Administrative Conference model rules and, like those rules, allows an eligible party to recover its costs in defending a discrete and substantive portion of the proceeding. Section 509b.101(b) also authorizes the Board to deny an award when it determines that special circumstances make the award unjust (*e.g.*, excessive dilatory action by claimant).

2. *Eligible parties.* As noted previously, Congress intended that only small entities and individuals benefit from the EAJA. For this reason, eligible parties are limited to individuals with net worths of less than $1,000,000 and partnerships, corporations, associations, or other organizations with fewer than

500 employees and net worths of less than $5,000,000.

Sole proprietorships must also have fewer than 500 employees and less than $5,000,000 net worth. A difficulty is presented, however, when the proprietor is the subject of a proceeding in his individual capacity. The model rules provide that the appropriate test for determining the eligibility of such an individual is whether the issues on which he or she prevails are related primarily to business or personal interests. Although Board proceedings will generally not involve sole proprietorships, the interim rules adopt the conference's distinction.

The model rules also provide that for purposes of determining eligibility, the term "employees" will include all persons who regularly perform compensated services under the applicants' control and direction at the time the action commences. This description would encompass some persons who might be considered common law independent contractors, such as appraisers. The Board, however, believes that the definition is consistent with the purposes of the statute and proposes to incorporate it in the regulations. Part-time employees would be counted proportionately.

3. *Allowable fees and expenses.* Under the EAJA, recoverable fees and expenses include attorney fees, expert witness expenses, and the costs of any studies or reports determined by the agency to be necessary for the preparation of the case. The Act further provides, however, that expert witnesses cannot be compensated at a rate higher than the highest rate at which the agency compensates expert witnesses and that attorney fees cannot exceed $75 per hour unless the agency determines by regulation that a higher rate is justified.

Adopting the wording of the statute, the model rules provide that awards will be based on rates customarily charged by attorneys and experts. The model rules also allow the reimbursement of reasonable expenses of attorneys, agents, and expert witnesses, if these expenses are ordinarily stated separately. In addition, the model rules list factors that adjudicative officials shall consider in determining the reasonableness of fees. The model rules also provide that awards shall be based on customary rates even when the prevailing party obtained legal and other services at reduced rates. This reading is based on the apparent intent of Congress. *See* H.R. Rep. No. 1418, 96th Cong., 2d Sess. 15 (1980). The Board intends essentially to adopt the model rules on allowable fees.

The Board also proposes to adopt the provision in the model rules which allows the award of fees and costs against other agencies that have taken unreasonable positions in proceedings before the Board. Although Board proceedings generally involve only the Board, participation by other agencies is possible.

B. Application Procedures

Although a prevailing party meeting the eligibility requirements is automatically entitled to fees unless the agency justifies its position, the statute requires prevailing parties to make application for the award. Under the model rules, applications must indicate that the applicant has prevailed against the agency, substantiate that the applicant is eligible for a recovery, and document the fees and expenses sought. Although the Board has attempted to consolidate the model rules, it proposes basically to adopt the Administrative Conference's version. The Board deleted the model rules' special procedures for guaranteeing confidentiality of applications materials. Since the Board's proceedings are confidential, such a section would be superfluous.

Applications for fees and costs under the EAJA must be filed within 30 days after a final decision by the Board. Final decisions would include settlements between a party and the Board. If a party seeks review of an issue for which the prevailing party seeks an award, award proceedings will be stayed pending final disposition. The model rules provide that an agency decision does not become final until after the last date on which a petition for reconsideration could be filed. Since the Board has no procedures for agency-level reconsideration of its orders, applications must be filed within 30 days after the Board issues its final order.

The Board's Office of General Counsel (OGC) must file an answer to the application for awards against the Board within 30 days unless OGC seeks an extension of time or the parties indicate an intent to settle. Failure to answer may be treated as a consent to the award sought. Applicants will have 15 days to reply to the OGC answer. Other parties to the original administrative action will have 30 days to comment on an application and 15 days to comment on an OGC reply. Time will be computed in accordance with the Board's rules of procedure at 12 CFR 509.20.

After all applications, answers, and replies have been filed, the Board may order further proceedings including, but not limited to, informal conferences, oral argument, additional written submissions, or a hearing. The Board will issue a final decision within 60 days after the close of proceedings.

The Board determines that the public interest would be served by expeditious implementation of the EAJA. In order that the Board may have final regulations on this matter by the October 1, 1981, effective date of the Act, the Board will publish interim rules effective on October 1, 1981, with an invitation for public comment by December 1, 1981. The Board is of the view that this procedure provides sufficient opportunity for meaningful public participation in the rulemaking process.

Regulatory Flexibility

As noted above, the regulation is being proposed to implement the Equal Access to Justice Act. Although the regulation will have an impact on associations with net worths of less than $5,000,000, the proposed rule generally will not impose new recordkeeping, reporting, or other requirements on these entities. Much of the information required for an award under this part is already mandated by 12 CFR 563.17–1. Other information should be readily available as a consequence of the action brought against the institution.

The Board also determines that these rules will not have a significant economic impact on small entities. The rules do not have general effect; they only apply to associations involved in administrative hearings before the Board. Moreover, the primary effect of the rules is to provide a benefit to smaller entities. Accordingly, the rules would not appear to be the type which raise regulatory flexibility considerations.

For the reasons stated above, the Federal Home Loan Bank Board hereby amends Subchapter A, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER A—GENERAL REGULATIONS OF THE FEDERAL HOME LOAN BANK BOARD

1. Add a new Part 509b, to read as follows:

PART 509b—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN BOARD ADJUDICATIONS

Subpart A—General Provisions

Sec.

509b.101 Awards of fees to prevailing eligible parties.
509b.102 Eligible parties.
509b.103 Allowable fees and expenses.

Sec.
509b.104 Awards against other agencies.
509b.105 Applicability of this part.

Subpart B—Procedures

509b.201 Content of application.
509b.202 Filing and service of applications.
509b.203 Answer to application.
509b.204 Reply.
509b.205 Comments from other parties.
509b.206 Settlement.
509b.207 Further proceedings.
509b.208 Decision.
509b.209 Judicial review.
509b.210 Payment of award.
509b.211 Rulemaking on maximum rates on attorney fees.

Authority: Sec. 203 Equal Access to Justice Act. Pub. L. No. 96-481, 94 Stat. 2325 (5 U.S.C. 504)

Subpart A—General Provisions

§ 509b.101 Awards of fees to prevailing eligible parties.

(a) In any proceeding described in § 509b.105, a prevailing eligible party may apply for an award of allowable fees and expenses incurred in connection with the proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the Board or other agency involved was substantially justified. The burden of proving that an award should not be made is on the Board's Office of General Counsel or counsel representing the agency against whom the award is sought. An award may be avoided by a showing that the position of the Board or other agency was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 509b.102 Eligible parties.

(a) Eligible parties are persons or entities named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in a § 509b.105 proceeding and persons or entities admitted by the Board as a party for limited purposes and are either:

(1) An individual with a net worth of not more than $1 million at the time the proceeding was commenced;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees at the time the proceeding was commenced (An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests);

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with fewer than 500 employees at the time the proceeding was commenced;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with fewer than 500 employees at the time the proceeding was commenced; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and fewer than 500 employees at the time the proceeding was commenced.

(b) *Employees.* The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(c) *Affiliates.* The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this Part, unless the Board determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the Board may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(d) *Parties participating on behalf of others.* An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 509b. 103 Allowable fees and expenses.

(a) Eligible prevailing parties may recover:

(1) Reasonable fees of attorneys and other agents representing the party: *Provided,* That such fees do not exceed $75 per hour;

(2) Reasonable fees of expert witnesses, provided that such fees do not exceed the rate normally paid by the Board for expert witnesses;

(3) Reasonable expenses of attorneys, agents, and expert witnesses as a separate item, if the attorney, agent, or expert witness ordinarily charges clients separately for such expenses; and

(4) Reasonable costs of any study, audit, test, project, or similar matter prepared on behalf of the party, to the extent that the charge does not exceed the prevailing rate for similar services, and the study or other matter was necessary for the preparation of the eligible party's case.

(b) Awards will be based on the rates customarily charged by persons engaged in the business of providing the services used by the eligible party, even if the services were made available without charge or at a reduced rate. In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the Board shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

§ 509b.104 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before the Board and takes a position that is not substantially justified, the award or an appropriate portion of the award shall be made against that agency.

§ 509b.105 Applicability of this part.

(a) This part applies to any proceeding described in § 509.1 of this subchapter and pending before the Board at any time between October 1, 1981 and September 30, 1984. Pending proceedings would include those begun prior to October 1, 1981, if no final action has been taken before that date and those pending on September 30, 1984 regardless of when they were initiated or when final action occurs.

(b) The Board may also designate a proceeding not described in § 509.1 as an adversary adjudication for purposes of the Equal Access to Justice Act by so stating in an order initiating the proceeding or designating the matter for hearing. The Board's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

Subpart B—Procedures

§ 509b.201 Content of application.

(a) A prevailing eligible party seeking an award under this part must file an application with the Secretary to the Board that shall:

(1) Identify the applicant and the proceeding for which an award is sought;

(2) Show that the applicant has prevailed and identify issues in the proceeding on which the agency took a position that was not substantially justified;

(3) State the number of employees of the applicant and describe the type and purpose of its organization or business (unless the applicant is an individual);

(4) Include a statement (conforming with paragraph (b) of this section) that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants including affiliates) unless:

(i) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(ii) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141(a));

(5) State the amount of fees and expenses for which an award is sought;

(6) Provide any additional information that the applicant wishes the Board to consider in making its determination; and

(7) Be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

(b) *Net worth exhibit.* Each applicant other than a qualified tax-exempt organization or cooperative association must provide a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 509b.102(c)) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant is an eligible party. The Board may require additional information from the applicant to determine eligibility.

(c) *Documentation of fees and expenses.* The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, audit, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Board may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 509b.202 Filing and service of applications.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Board's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) Any application for an award, or any other pleading or document related to an application, shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding.

§ 509b.203 Answer to application.

(a) Within 30 days after service of an application, counsel representing the agency against which an award is sought may file an answer to the application. Unless agency counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If agency counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the Board upon request by agency counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 509b.207.

§ 509b.204 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 509b.207.

§ 509b.205 Comments by other parties.

Any party to a proceeding other than the applicant and agency counsel may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 509b.206 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with the agency's standard settlement procedure. If a prevailing party and agency counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 509b.207 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or agency counsel, or on its own initiative, the Board may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings, shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the Board order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 509b.208 Decision.

The Board shall issue an initial decision on the application within 60 days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decisions shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 509b.209 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 509b.210 Payment of award.

An applicant seeking payment of an award granted against the Board shall submit to the Controller a certified copy of a final decision under this part or similar part implementing the Equal Access to Justice Act at the agency granting the award. The submission must be accompanied by a statement that the applicant will not seek judicial review of the decision.

§ 509b.311 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Board may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. Rulemaking proceedings for this purpose will be conducted in accordance with Part 508 of this subchapter.

(b) Any person may file with this agency a petition for rulemaking to increase the maximum rate for attorney fees. The petition should identify the rate the petitioner believes this agency should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. The Board will respond to the petition within 60 days after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

(Sec. 203, Equal Access to Justice Act, Pub. L. No. 96–481, 94 Stat. 2325 (5 U.S.C. 504))

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 81–27712 Filed 9–22–81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R–0356; Regulation Q]

Depositors Eligible To Maintain NOW Accounts; Interest on Deposits

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final interpretation.

SUMMARY: The Board of Governors has determined to place into effect immediately its interpretation of Regulation Q—Interest on Deposits (12 CFR Part 217), announced on August 14, 1981, clarifying the rules concerning the class of depositors eligible to maintain NOW accounts at member banks.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452–3625), or Paul S. Pilecki, Senior Attorney (202/452–3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Consumer Checking Account Equity Act of 1980 (Title III of Pub. L. 96–221) ("Act") authorized depository institutions nationwide except credit unions which are authorized to offer share draft accounts) effective December 31, 1980, to permit the owner of a deposit or account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties (12 U.S.C. 1832(a)(1)). Under the statute, NOW accounts are available only to individuals and to certain qualifying organizations (12 U.S.C. 1832(a)(2)).

On August 14, 1981, the Board announced an interpretation to clarify the rules concerning the class of depositors eligible to maintain NOW accounts (46 FR 42060). The Federal Home Loan Bank Board issued an interpretation on August 13, 1981, that provides for a broader class of eligibility for NOW accounts (46 FR 42250). On August 18, 1981, the American Bankers Association brought suit in the United States District Court for the District of Columbia challenging the interpretations of both agencies (*American Bankers Association* v. *Federal Home Loan Bank Board, et al.* (Civil Action No. 81–1933, U.S. District Court for the District of Columbia)). On August 31, 1981, the Board suspended the effective date of the interpretation in view of the pending litigation as a matter of convenience to member banks. The U.S. District Court issued an order on September 15 upholding the Board's interpretation and invalidating the interpretation on NOW account eligibility issued by the Federal Home Loan Bank Board. In view of the court's decision, the Board has determined to implement its interpretation effective immediately.

Under the Board's interpretation, all organizations, partnerships, corporations, and associations that are not operated for profit and are described in section 501(c) (3) through (13) and (19) and section 528 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 501(c) (3) through (13), (19) and § 528) will be eligible to maintain NOW accounts at a member bank. In this regard, the Act extends NOW account eligibility to organizations not operated for profit if they are operated primarily for religious, philanthropic, charitable, educational or for *other similar purposes.* The Board believes that virtually all nonprofit organizations described in the cited Internal Revenue Code provisions can be regarded as being operated primarily for purposes that are similar in nature to religious, philanthropic, charitable, or educational purposes and that such provisions are comprehensive with respect to describing such organizations. The Board believes that this interpretation will facilitate compliance by depository institutions and will reduce greatly the need for individual rulings on NOW account eligibility.

All sole proprietorships and other businesses operated by individuals will continue to be eligible to maintain NOW accounts at member banks. However,the class of depositors eligible to hold NOW accounts will continue to exclude other entities organized or operated to make a profit regardless of whether they are corporations, partnerships, associations, or any other organization.

Because States and political subdivisions are regarded as primarily serving governmental purposes, the Board believes that governmental units generally should not be permitted to maintain NOW accounts. However, under the Board's interpretation, governmental units will be eligible to maintain NOW accounts if the funds are in the name of or are to be used exclusively by schools, libraries, colleges, universities, and hospitals or other educational or medical facilities. The Board believes that funds used for such purposes should be permitted to be placed in NOW accounts in order to accord equal treatment to public entities that perform functions similar to nonprofit entities in the private sector. Thus, if a governmental unit is organized for any one of the listed purposes or maintains an account exclusively for one of those purposes, such funds may be placed in a NOW account. (These purposes are regarded as illustrative and not exhaustive.) This approach will also eliminate the need for a determination of whether a particular governmental entity is independent or separately constituted as is required under current interpretations.

In order not to disadvantage any current NOW account customers that qualify under existing eligibility criteria but that would no longer be eligible under the Board's interpretation, the Board determined to grandfather existing NOW accounts that would not qualify under the revised eligibility criteria. All NOW accounts that meet the current NOW account eligibility criteria may continue in effect if they were established on or before August 31, 1981. NOW accounts opened after that date will be limited solely to the new class of eligible depositors. It should be noted that the Board has not changed the existing policy concerning eligibility for traditional passbook and statement savings accounts.

Effective September 16, 1981, pursuant to its authority under section 19(a) of the Federal Reserve Act (12 U.S.C. 461(a)), the Board amends Regulation Q (12 CFR Part 217) by revising § 217.157 to read as follows:

§ 217.157 Eligibility for NOW accounts.

(a) *Background.* (1) Effective December 31, 1980, the Consumer Checking Account Equity Act of 1980 (Title III of the Depository Institutions Deregulation and Monetary Control Act of 1980; Pub. L. 96–221; 94 Stat. 146) authorizes depository institutions nationwide to offer interest-bearing checking (NOW) accounts to depositors where the "entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit." (12 U.S.C. 1832(a)(2)). The purpose of the Act is to extend the availability of NOW accounts throughout the nation. Previously, as an experiment, NOW accounts were authorized to be offered by depository institutions only in New England, New York, and New Jersey.

(2) The NOW account experiment established by Congress in 1973 did not specify the types of customers that could maintain NOW accounts. As a result, the rules of the Federal Reserve and Federal Deposit Insurance Corporation specified the types of depositors eligible to maintain NOW accounts at member and insured nonmember banks. In enacting the NOW account provision in 1980, Congress adopted virtually the same language concerning NOW account eligibility that previously had been adopted by the Board and the Federal Deposit Insurance Corporation with regard to the types of customers permitted to maintain NOW accounts in institutions located in the NOW account experiment region. (12 CFR 217.1(e)(3) and 12 CFR 329.1(e)(2)). This definition was based upon longstanding regulatory provisions concerning eligibility criteria for savings deposits.

(3) In response to many requests for rulings since the new law was enacted, the Board has determined to clarify the types of entities that may maintain NOW accounts at member banks.

(b) *Individuals.* (1) Any individual may maintain a NOW account regardless of the purposes that the funds will serve. Deposits of an individual used in his or her business may be held in a NOW account, since it is impracticable to distinguish between funds used by an individual in his or her business and funds used for personal purposes. However, other entities organized or operated to make a profit may not maintain NOW accounts regardless of whether they are corporations, partnerships, associations, business trusts, or other organizations.

(2) Under current provisions, funds held in a fiduciary capacity (either by an individual fiduciary or by a corporate fiduciary such as a bank trust department), including those awaiting distribution or investment, may be held in the form of NOW accounts if the beneficiaries are individuals. The Board believes that such a classification should continue since fiduciaries are required to invest even temporarily idle balances to the greatest extent feasible in order to responsibly carry out their fiduciary duties. The availability of NOW accounts provides a convenient vehicle for providing a short-term return on temporarily idle trust funds of individuals.

(3) Pension funds, escrow accounts, security deposits, and other funds held under various agency agreements may also be classified as NOW accounts if the entire beneficial interest is held by individuals. The Board believes that these accounts are similar in nature to trust accounts and should be accorded identical treatment. Therefore, such funds may be regarded as eligible for classification as NOW accounts.

(c) *Nonprofit Organizations.* (1) Under the Act, a nonprofit organization that is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes may maintain a NOW account. The Board regards the following kinds of organizations as eligible for NOW accounts under this standard if they are not operated for profit:

(i) Organizations described in section 501(c) (3) through (13), and (19) of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 501(c) (3) through (13) and (19)); and

(ii) Homeowners and condominium owners associations described in section 528 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) section 528), including housing cooperative associations that perform similar functions.

(2) All organizations that are operated for profit are not eligible to maintain NOW accounts at member banks.

(3) The following types of organizations described in the cited provisions of the Internal Revenue Code are among those not eligible to maintain NOW accounts:

(i) Credit unions and other mutual depository institutions described in section 501(c)(14);

(ii) Mutual insurance companies described in section 501(c)(15);

(iii) Crop financing organizations described in section 501(c)(16);

(iv) An organization created to function as part of a qualified group legal services plan described in section 501(c)(20);

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(v) Farmers' cooperatives described in section 521; or

(vi) Political organizations described in section 527.

(d) *Governmental Units.* Under the Act, governmental units generally may not maintain NOW accounts. The Board believes that some governmental units are operated primarily for philanthropic, educational, or charitable purposes, and that such entities should be regarded as eligible to maintain NOW accounts. For example, a governmental unit, regardless of form of organization, may maintain a NOW account if the funds are in the name of or are used solely for schools, universities or colleges, libraries, hospitals, or other educational or medical facilities.

(e) *Grandfather Provision.* In order to avoid unduly disrupting account relationships, a NOW account established at a member bank on or before August 31, 1981, that represents funds of a nonqualifying entity that previously qualified to maintain a NOW account may continue to be maintained.

By order of the Board of Governors, September 16, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-27842 Filed 9-22-81; 11:14 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3074]

The British Petroleum Co., Ltd., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a London, England petroleum corporation and its American subsidiary to timely divest, in accordance with the terms of the order, all stock issued by Amax, Inc., the leading domestic producer of molybdenum. The order also bars respondent's officers and employees, for a period of ten years, from simultaneously serving in a similar role in any other molybdenum company. Further, for specified time periods, the companies are prohibited from acquiring any part of the stock, or more than 50% of the assets of any molybdenum company without prior Commission approval; and restricted from entering into any joint venture for the production and sale of molybdenum in the United States.

DATES: Complaint and order issued September 3, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS-2, Elizabeth R. Rindskopf, Washington, D.C. 20580. (202) 254-6024.

SUPPLEMENTARY INFORMATION: On Tuesday, June 23, 1981, there was published in the Federal Register, 46 FR 32450, a proposed consent agreement with analysis In the Matter of The British Petroleum Company Limited, a corporation, and The Standard Oil Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stocks or assets, 13.5-20 Federal Trade Commission Act; § 13.7 Joint ventures. Subpart—Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,

Secretary.

[FR Doc. 81-27617 Filed 9-22-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Mississippi—2; Order No. 175)]

High-Cost Gas Produced From Tight Formations; Mississippi; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State Oil and Gas Board of Mississippi that the Rea Sand of the Mississippian Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter Lawson (202) 357-8556.

The Commission hereby amends § 271.703(d) of its regulations to include the Rea Sand of the Mississippian Formation in Mississippi as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued May 18, 1981 (46 FR 27963, May 22, 1981)[1] based on a recommendation by the State Oil and Gas Board of Mississippi (Mississippi) in accordance with § 271.703(c), that the Rea Sand in the Mississippian Formation be designated as a tight formation.

Evidence submitted by Mississippi supports its assertion that the Rea Sand meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Mississippi recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978 (15 U.S.C. 3301-3342); Administrative Procedure Act, (5 U.S.C. 553).)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of

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[1] Copies of the Complaint and the Decision and Order filed with the original document.

[1] Comments were invited and none were received. No party requested a public hearing and no hearing was held.

Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (50) as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(50) *The Rea Sand of the Mississippian Formation in Mississippi. (Mississippi—2)*—(i) *Delineation of formation.* The Rea Sand of the Mississippian Formation is found in portions of Township 16 South, Range 5 East; Township 17 South, Range 5 East; Township 16 South, Range 6 East; and Township 17 South, Range 6 East, in Clay County, Mississippi.

(ii) *Depth.* The Rea Sand of the Mississippian Formation occurs at depths ranging from 8,865 feet to 9,975 feet and varies in thickness from 30 feet to 160 feet.

[FR Doc. 81-27702 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Mississippi—1); Order No. 174]

High-Cost Gas Produced From Tight Formations; Mississippi; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State Oil and Gas Board of Mississippi that the Upper Hosston Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter Lawson, (202) 357-8556.

The Commission hereby amends § 271.703(d) of its regulations to include the Upper Hosston Formation in Mississippi as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued April 1, 1981 (46 FR 20683, April 7, 1981)[1] based on a recommendation by the State Oil and Gas Board of Mississippi (Mississippi) in accordance with § 271.703(c), that the Upper Hosston Formation be designated as a tight formation.

Evidence submitted by Mississippi supports its assertion that the Upper Hosston Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Mississippi recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978, (15 U.S.C. 3301-3342); Administrative Procedure Act, (5 U.S.C. 553))

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (49) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(49) *Upper Hosston Formation in Mississippi. RM79-76 (Mississippi—1)*—(i) *Delineation of formation.* The Upper Hosston Formation is found in the south half of Township 9 North, Range 19 West, Jefferson Davis County, Mississippi.

(ii) *Depth.* The top of the Upper Hosston Formation varies from 14,000 feet to 14,700 feet and the base of the formation is at approximately 15,900 feet.

[FR Doc. 81-27703 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Texas—10); (Order No. 173)]

High-Cost Gas Produced From Tight Formations; Texas; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission in Texas that the Edwards Limestone Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

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[1] Comments were invited and none were received. No party requested a public hearing and no hearing was held.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter Lawson, (202) 357-8556.

The Commission hereby amends § 271.703(d) of its regulations to include the Edwards Limestone in Texas as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued May 18, 1981 (46 FR 27964, May 22, 1981) [1] based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703(c) that the Edwards Limestone Formation be designated as a tight formation.

Evidence submitted by Texas and the commenters supports Texas' assertion that the Edwards Limestone Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices be made available immediately. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978 (15 U.S.C. 3301-3342); Administrative Procedure Act (5 U.S.C. 553))

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission

Kenneth F. Plumb,
Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (48) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(48) *Edwards Limestone Formation in Texas. RM79-76 (Texas-10)*—(i) *Delineation of formation.* The Edwards Limestone Formation is encountered in the following named fields. These fields are found along the Gulf coast in the southeastern part of Texas in DeWitt, Karnes, and Lavaca Counties, Railroad Commission District 2.

DeWitt County: Yoakum (Edwards) Field
Karnes County: Kennedy, East (Edwards) Field
Lavaca County: Sweethome (Edwards) Field
Lavaca County: Word (Edwards) Field
Lavaca County: Word, North (Edwards) Field
Lavaca County: Yoakum (Edwards) Field

(ii) *Depth.* The top of the Edwards Limestone Formation, in the west, is at approximately 13,460 feet and the base is undetermined. In the east, the top of the formation is at an approximate depth of 13,150 feet and the base is at 14,500 feet resulting in a thickness of approximately 1,350 feet.

[FR Doc. 81-27704 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

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[1] Comments were invited and two favorable comments were received. No party requested a public hearing and no hearing was held.

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18 CFR Part 271

[Docket No. RM79-76 (Wyoming—7); Order No. 172]

High-Cost Gas Produced From Tight Formations; Wyoming; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Wyoming Oil and Gas Conservation Commission that the Frontier Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

The Commission hereby amends § 271.703(d) of its regulations to include the Frontier Formation in Wyoming as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued June 18, 1981 (46 FR 32597, June 24, 1981) [1] based on a recommendation by the Wyoming Oil and Gas Conservation Commission (Wyoming) in accordance with § 271.703(c) that the Frontier Formation be designated as a tight formation.

Evidence submitted by Wyoming supports its assertion that the Frontier Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Wyoming recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978, (15 U.S.C. 3301-3342); Administrative Procedure Act, (5 U.S.C. 553))

For the reason stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (53) to read as follows:

§ 271.703 Tight formations.

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

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[1] Comments were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

* * * * *

(53) *Frontier Formation in Wyoming. RM79-76 (Wyoming—7)*—(i) *Delineation of formation.* The Frontier Formation is located in Lincoln, Sweetwater and Sublette Counties, Wyoming, in Townships 25 throught 28 North, Ranges 110 and 111 West; and Township 28 North, Range 112 West, Sections 1 through 4, 9 through 16, 21 through 28, and 33 through 36.

(ii) *Depth.* The Frontier Formation's vertical limits are defined by the Baxter Shale Formation above and the Mowry Shale Formation below. The depth to the top of the Frontier Formation varies from 9,000 to 10,500 feet.

[FR Doc. 81-27705 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Wyoming-5); Order No. 170]

High-Cost Gas Produced From Tight Formations; Wyoming; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Wyoming Oil and Gas Conservation Commission that the Frontier Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

The Commission hereby amends § 271.703(d) of its regulations to include the Frontier Formation in Wyoming as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued June 16, 1981 (46 FR 32270, June 22, 1981)[1] based on a recommendation by the Wyoming Oil and Gas Conservation Commission (Wyoming) in accordance with § 271.703(c) that the Frontier Formation be designated as a tight formation.

Evidence submitted by Wyoming supports its assertion that the Frontier Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Wyoming recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978, (15 U.S.C. 3301-3342); Administrative Procedure Act, (5 U.S.C. 553.))

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (52) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(52) *Frontier Formation in Wyoming. RM79-76 (Wyoming-5)*—(i) *Delineation of formation.* The Frontier Formation is located in Carbon County, Wyoming, in Township 14 North, Range 89 West, Sections 5 through 8, 17 through 20, 29 and 30; Township 14 North, Range 90 West, Sections 1 through 5, 8 through 17, and 21 through 28; Township 15 North, Range 89 West, Sections 18 through 20, and 29 through 32; all of Township 15 North, Range 90 West, excluding Sections 1 and 31; Township 15 North, Range 91 West, Sections 1 and 12; Township 16 North, Range 90 West, Sections 19, 20, and 28 through 34; and Township 16 North, Range 91 West, Sections 24, 25 and 36.

(ii) *Depth.* The top of the Frontier Formation is found at depths ranging from 5500 feet in the east to 7500 feet in the west, and averaging 6000 feet. The Frontier Formation is defined as that formation found immediately beneath the Carlisle Shale and immediately above the Mowry Shale.

[FR Doc. 81-27706 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (Wyoming—6); Order No. 171]

High-Cost Gas Produced From Tight Formations; Wyoming; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Wyoming Oil and Gas Conservation Commission that the Bear River Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

The Commission hereby amends § 271.703(d) of its regulations to include the Bear River Formation in Wyoming as a designated tight formation eligible for incentive pricing under § 271.703. The

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[1] Comments were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

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amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued June 18, 1981 (46 FR 32596, June 24, 1981)[1] based on a recommendation by the Wyoming Oil and Gas Conservation Commission (Wyoming) in accordance with § 271.703(c) that the Bear River Formation be designated as a tight formation.

Evidence submitted by Wyoming supports its assertion that the Bear River Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Wyoming recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978, (15 U.S.C. 3301–3342); Administrative Procedure Act, (5 U.S.C. 553))

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new paragraph (54) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(54) *The Bear River Formation in Wyoming. RM 79–76 (Wyoming—8)*—(i) *Delineation of formation.* The Bear River Formation is found in Lincoln, Sweetwater and Sublette Counties, Wyoming, in Townships 25 through 28 North, Ranges 110 and 111 West; and Township 28 North, Range 112 West, Sections 1 through 4, 9 through 16, 21 through 28, and 33 through 36.

(ii) *Depth.* The Bear River Formation's vertical limits are defined by the Mowry Shale Formation above and the Thermopolis Shale Formation below. The depth to the top of the Bear River Formation varies from 9,400 feet to 11,200 feet.

[FR Doc. 81-27767 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79–76 (Utah-2); Order No. 169]

High-Cost Gas Produced From Tight Formations; Utah; Final Rule

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of Utah Board of Oil, Gas and Mining that the Mancos "B" Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

The Commission hereby amends § 271.703(d) of its regulations to include the Mancos "B" Formation in Utah as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued June 5, 1981 (46 FR 30833, June 11, 1981)[1] based on a recommendation by the State of Utah Board of Oil, Gas and Mining (Utah) in accordance with § 271.703(c) that the Mancos "B" Formation be designated as a tight formation.

Evidence submitted by Utah supports its assertion that the Mancos "B" Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Utah recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, (42 U.S.C. 7101 *et seq.*); Natural Gas Policy Act of 1978, (15 U.S.C. 3301–3342); Administrative Procedure Act, (5 U.S.C. 553))

For the reasons stated herein, Part 271 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 18, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (51) as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(51) *The Mancos "B" Formation in Utah. RM79–76 (Utah-2)*—(i) *Delineation of formation.* The Mancos "B" Formation is found in the southeast Uinta Basin, underlying portions of Uintah and Grand Counties, Utah, in Township 13 South, Ranges 20 through 22 East, Sections 31 through 36; Township 13 South, Ranges 23 through 26 East, all Sections; Township 14 and 15 South, Ranges 20 through 26 East, all Sections; Township 15½ South, Ranges 23 through 25 East, Sections 31 through 36; Township 15½ South, Range 26 East,

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[1] Comments were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

[1] Comments were invited and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

Sections 31 through 33; Township 16 South, Ranges 23 and 24 East, all Sections; Township 16 South, Range 25 East, Sections 1 through 12; and Township 16 South, Range 26 East, Sections 4 through 9.

(ii) *Depth.* The average depth to the top of the Mancos "B" Formation is 5,049 feet.

[FR Doc. 81-27708 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner [Federal Housing Administration]

24 CFR Parts 201, 203, 205, 207, 213, 220, 221, 232, 234, 235, 236, 241, 242, 244

[Docket No. R-81-938]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable finance charge on insured home, project, home improvement, mobile home, and historic preservation loan programs. This action by HUD is designed to bring the maximum financing charges into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410 (202-426-4667).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA mortgage insurance programs has been raised from 16.50 percent to 17.50 percent for level payment insured home mortgage programs (including operative builder home loan programs), and from 17.00 percent to 18.00 percent for graduated payment home loan programs (GPM). For insured multifamily project mortgage loan programs, the maximum interest rate has been raised from 16.50 percent to 17.50 percent for permanent financing loans. The maximum interest rate for multifamily construction and for Title X land development loans has been increased from 20.00 percent to 21.00 percent.

The maximum finance charge on mobile home loans has been raised from 19 percent to 20 percent, and the finance charge on combination loans for the purchase of a mobile home and a developed/undeveloped lot has been raised from 18.50 percent to 19.50 percent. The maximum charge on property improvement and historic preservation loans has been raised to 20 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Subpart A—Eligibility Requirements—Property Improvement Loans

1. Section 201.4(a) is revised to read as follows:

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 20.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of caculation issued by the Commissioner.

* * * * *

Subpart B—Eligibility Requirements—Mobile Home Loans

2. Section 201.540(a) is revised to read as follows:

§ 201.540 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 20.00 percent simple interest per annum. No points or discounts of any kind may be assessed or collected in connection with the loan transaction, except that a one percent origination fee may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart D—Eligibility Requirements—Combination and Mobile Home Lot Loans

3. Section 201.1511(a), subparagraph (1) is revised to read as follows:

§ 201.1511 Financing charges.

(a) *Maximum financing charges.* * * *

(1) 19.50 percent per annum.

* * * * *

Subpart E—Eligibility Requirements—Historic Preservation Loans

4. Section 201.1625(a) is revised to read as follows:

§ 201.1625 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge, exclusive of fees and charges as provided by paragraph (b) of this section, which may be directly or indirectly paid to, or collected by the insured in connection with the loan transaction, shall not exceed a 20.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

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PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

5. Section 203.20 paragraph (a) is revised to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.50 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

6. Section 203.45 paragraph (b) is revised to read as follows:

§ 203.45 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 18.00 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

7. Section 203.46 paragraph (c) is revised to read as follows:

§ 203.46 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 18.00 percent per annum with respect to mortgages insured on or after September 14, 1981.

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PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT (TITLE X)

Subpart A—Eligibility Requirements

8. Section 205.50 is revised to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 21.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

9. Section 207.7 paragraph (a) is revised to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

10. Section 213.10 paragraph (a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

11. Section 213.511 paragraph (a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.50 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

12. Section 220.576 paragraph (a) is revised to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

13. Section 221.518 paragraph (a) is revised to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in mortgages involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

14. Section 232.29 paragraph (a) is revised to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to

and including the cutoff date of cost certification.

* * * * *

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Fire Safety Equipment

15. Section 232.560 paragraph (a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 17.50 percent per annum with respect to loans insured on or after September 14, 1981.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

16. Section 234.29 paragraph (a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.50 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

17. Section 234.75 paragraph (b) is revised to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 18.00 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

18. Section 234.76 paragraph (c) is revised to read as follows:

§ 234.76 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 18.00 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

19. Section 235.540(a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 17.50 percent per annum with respect to mortgages insured on or after September 14, 1981.

* * * * *

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

20. Section 236.15(a) is revised to read as follows:

§ 236.15 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

21. Section 241.75 is revised to read as follows:

§ 241.75 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans insured on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

22. Section 242.33(a) is revised to read as follows:

§ 242.33 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES [TITLE XI]

Subpart A—Eligibility Requirements

23. Section 244.45(a) is revised to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after September 14, 1981, which rate shall not exceed:

(1) 17.50 percent per annum with respect to permanent financing;

(2) 21.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

(Sec. 3(a), 82 Stat. 113 (12 U.S.C. 1709–1); sec. 7 of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., September 11, 1981.

Philip D. Winn,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc 81–27714 Filed 9–22–81; 8:45 am]

BILLING CODE 4210–01–M

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 31 and 34

[T.D. 7787]

Employment Taxes; Applicable on and After January 1, 1955; Withholding of Tax on Gambling Winnings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to withholding of tax on certain payments of gambling winnings. Changes to the applicable tax law were made by the Tax Reform Act of 1976 and the Tax Reduction and Simplification Act of 1977. The regulations affect both payers and recipients of certain gambling winnings.

DATES: The regulations generally apply to payments of gambling winnings made after January 2, 1977, other than payments of winnings from parimutuel pools with respect to horse races, dog races, or jai alai, in which case only payments made after April 30, 1977, are affected.

FOR FURTHER INFORMATION CONTACT: John P. MacMaster of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention CC:LR:T) (202–566–3294).

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1979, the **Federal Register** published a proposed amendment to the Employment Tax Regulations (26 CFR Part 31) under section 3402 (q) of the Internal Revenue Code of 1954 (44 FR 65777). This amendment was proposed to conform the Employment Tax Regulations to section 1207(d) of the Tax Reform Act of 1976 (90 Stat. 1705) and section 405 of the Tax Reduction and Simplification Act of 1977 (91 Stat. 156). A public hearing was held on February 26, 1980. After consideration of all comments regarding the proposed amendment, this Treasury decision adopts that amendment with several revisions. Also, this Treasury decision supersedes § 34.3402–1 of the Temporary Employment Tax Regulations under the Tax Reform Act of 1976 (T.D. 7483).

Explanation of Provision

In general, Code section 3402 (q) requires payers to deduct and withhold 20 percent from certain payments of gambling winnings. The determination whether payments are subject to withholding is dependent on the type of wagering transaction with respect to which the payment is made, whether the amount of payments made with respect to the wagering transaction exceeds a specified threshold amount, and, in certain circumstances, the odds of the wager.

The regulations as adopted are identical to the proposed rules in providing for three categories of gambling winnings subject to withholding: winnings from State-conducted lotteries, winnings from other lotteries, sweepstakes, or wagering pools, and winnings from other kinds of wagering transactions. In general, under this provision payments categorized as State-conducted lottery winnings are subject to withholding if the proceeds from the wager exceed $5,000; payments categorized as winnings from other lotteries, sweepstakes, or wagering pools are subject to withholding if the proceeds from the wager exceed $1,000; and payments categorized as winnings from other wagering transactions (including parimutuel pools with respect to horse races, dog races, and jai alai) are subject to withholding if the proceeds from the wager exceed $1,000, provided that such proceeds are at least 300 times as much as the amount wagered. Winnings from a slot machine play or a bingo or keno game are not subject to withholding under these rules.

This Treasury decision modifies the proposed rules relating to reporting requirements. Under the final rules, as well as the proposed amendment, persons receiving winnings subject to withholding must furnish the payer a statement made under the penalties of perjury indicating their identity and the identity of any others entitled to any portion of the winnings. The payer must file a return on Form W–2G for each person entitled to a portion of the winnings. Because both the recipient's statement and the payer's return usually are to be made on the same form, Form W–2G, there was uncertainty whether the payer's return had to include the recipient's statement. Several commentators noted that such a requirement would be burdensome, particularly in the event winnings are in the form of multiple annuity payments to be made by mail.

Accordingly, the final rules provide that the recipient's statement to the payer need not be made on the same piece of paper as the payer's return. The payer's return need not be made on the recipient's verified statement, provided that the payer retains the recipient's statement. Nonetheless, payers may choose to continue to incorporate their return with the recipient's statement and thereby eliminate the need to retain such additional statements.

Also, the final rules expressly provide that the recipient is not required to furnish the payer more than one statement in the event of multiple payments with respect to a single wager.

That part of the proposed rules which relates to aggregation of winnings from identical wagers is reserved by this Treasury decision, pending consideration of a proposed amendment to the regulations appearing in the **Federal Register** for this same date (FR Doc. 81–27390). The preamble to the proposed amendment contains a discussion of the aggregation requirement.

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and Internal Revenue Service, other governmental agencies, and the public. These regulations impose no burdensome reporting or record keeping requirements.

Drafting Information

The principal author of this regulation is John P. MacMaster of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulation substantively and stylistically.

Adoption of Amendments to the Regulations

PART 34—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976.

1. Accordingly, 26 CFR Part 34 is hereby removed.

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

2. A new § 31.3402(q)–1 is added to read as set forth below.

§ 31.3402(q)–1 Extension of withholding to certain gambling winnings.

(a)(1) *General rule.* Every person, including the Government of the United States, a State, or a political subdivision thereof, or any instrumentality of any of the foregoing making any payment of "winnings subject to withholding" (defined in paragraph (b) of the section) shall deduct and withhold a tax in an amount equal to 20 percent of the payment. The tax shall be deducted and withheld upon payment of the winnings by the person making such payment ("payer"). See paragraph (c)(5)(ii) of this section for a special rule relating to the time for making deposits of withheld amounts and filing the return with respect to those amounts. Any person receiving a payment of winnings subject to withholding must furnish the payer a statement as required in paragraph (e) of this section. Payers of winnings subject to withholding must file a return as required in paragraph (f) of this section. With respect to reporting requirements for certain payments of gambling winnings not subject to withholding, see section 6041 and the regulations thereunder.

(2) *Exceptions.* The tax imposed under section 3402(q)(1) and this section shall not apply (i) with respect to a payment of winnings which is made to a nonresident alien individual or foreign corporation under the circumstances described in paragraph (c)(4) of this section or (ii) with respect to a payment of winnings from a slot machine play, or a keno or bingo game.

(b) *Winnings subject to withholding.* Winnings subject to withholding means any payment from—

(1) A wager placed in a State-conducted lottery (defined in paragraph (c)(2) of this section) but only if the proceeds from the wager exceed $5,000;

(2) A wager placed in a sweepstakes, wagering pool, or lottery other than a State-conducted lottery but only if the proceeds from the wager exceed $1,000; or

(3) Any other wagering transaction (as defined in paragraph (c)(3) of this section) but only if the proceeds from the wager (i) exceed $1,000 and (ii) are at least 300 times as large as the amount of the wager.

If proceeds from the wager qualify as winnings subject to withholding, then the total proceeds from the wager, and not merely amounts in excess of $1,000 (or $5,000 in the case of winnings from a State-conducted lottery), are subject to withholding.

(c) *Definitions; special rules*—(1) *Rules for determining amount of proceeds from a wager.* (i) The amount of "proceeds from a wager" is the amount paid after January 2, 1977, with respect to the wager, less the amount of the wager. However, for any wagering transaction in a parimutuel pool with respect to horse races, dog races, or jai alai, only amounts paid after April 30, 1977, are taken into account.

(ii) [Reserved.]

(iii) In determining the amount paid with respect to a wager, proceeds which are not money shall be taken into account at the fair market value.

(iv) Periodic payments, including installment payments or payments which are to be made periodically for the life of a person, are aggregated for purposes of determining the proceeds from a wager. The aggregate amount of periodic payments to be made for a person's life shall be based on that person's life expectancy. See §§ 1.72–5 and 1.72–9 for rules used in computing the expected return on annuities. For purposes of determining the amount subject to withholding, the first periodic payment shall be reduced by the amount of the wager.

(2) *Wager placed in a State-conducted lottery.* The term "wager placed in a State-conducted lottery" means a wager placed in a lottery conducted by an agency of a State acting under authority of State law provided that the wager is placed with the State agency conducting such lottery or with its authorized employees or agents. This term includes wagers placed in State-conducted lotteries in which the amount of winnings is determined by a parimutuel system.

(3) *Other wagering transaction.* The term "other wagering transaction" means any wagering transaction other than one in a lottery, sweepstakes, or wagering pool. This term includes a wagering transaction in a parimutuel pool with respect to horse races, dog races, or jai alai.

(4) *Certain payments to nonresident aliens or foreign corporations.* A payment of winnings subject to withholding made to a nonresident alien individual or a foreign corporation is not subject to the tax imposed by section 3402(q) and this section if such payment is subject to withholding of tax under section 1441(a) (relating to withholding on nonresident aliens) or 1442(a) (relating to withholding on foreign corporations) and the payer complies with the requirements of those sections. For purposes of this section, a payment is treated as being subject to tax under section 1441(a) or 1442(a) notwithstanding that the rate of such tax is reduced (even to zero) as may be provided by an applicable treaty with another country. However, a reduced or zero rate of withholding of tax shall not be applied by the payer in lieu of the rate imposed by sections 1441 and 1442 unless the person receiving the winnings has completed, signed, and furnished the payer Form 1001 as required by § 1.1441–6. See sections 1441 and 1442 and the regulations thereunder for rules regarding the withholding of tax on nonresident aliens and foreign corporations.

(5) *Gambling winnings treated as payments by employer to employee.* (i) Except as provided in subdivision (ii), for purposes of sections 3403 and 3404 and the regulations thereunder and for purposes of so much of subtitle F (except section 7205) and the regulations thereunder as relate to chapter 24, payments to any person of winnings subject to withholding under this section shall be treated as if they are wages paid by an employer to an employee.

(ii) Solely for purposes of applying the deposit rules under 6302(c) and the return requirement of section 6011, the withholding from winnings shall be deemed to have been made no earlier than at the time the winner's identity is known to the payer. Thus, for example, winnings from a State-conducted lottery are subject to withholding when actually or constructively paid, whichever is earlier; however, the time for depositing the withheld taxes and filing a return with respect thereto shall be determined by reference to the date on which the winner's identity is known to the State, if such date is later than the date on which the winnings are actively or constructively paid. If a payer's obligation to pay winnings terminates other than by payment, all liabilities and requirements resulting from the requirement that the payer deduct and withhold with respect to such winnings shall also terminate.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). A purchases a lottery ticket for $1 in the State W lottery from an authorized agent of State W. On February 1, 1977, the drawing is held and A wins $5,001. Since the proceeds of the wager ($5,001—$1) are not greater than $5,000, State W is not required to withhold or deduct any amount from A's winnings.

Example (2). Assume the same facts as in example (1) except that A purchases two $1 tickets and that A wins $5,002 when one of the tickets is drawn. State W must deduct and withhold tax at a rate of 20% from $5,001 ($5,002 less the $1 wager), or $1,000.20.

Example (3). [Reserved.]

Example (4). C purchases a lottery ticket for $1. On June 1. 1979, the lottery drawing is held and C wins the grand prize of $50,000, payable $500 monthly. The payer must deduct and withhold tax at a rate of 20% from each payment of winnings. Therefore. $99.80 must be withheld from the first monthly payment to B (($500−$1)×20%=$99.80) and $100 ($500×20%) must be withheld from each monthly payment thereafter.

Example (5). Assume the same facts as in example (4), except that C wins an automobile rather than the grand prize. The fair market value of the automobile on the date on which it is made available to C is $10,001. The payer must deduct and withhold a tax of $2,000 (($10,001−$1)×20%). This may be accomplished, for example, if C pays $2,000 to the payer. Alternatively, if the payer, as part of the prize, pays all taxes required to be duducted and withheld, the payer must deduct and withhold tax not only on the fair market value of the automobile less the wager, but also on the taxes it pays that are required to be deducted and withheld. This results in a pyramiding of taxes requiring the use of an algebraic formula. Under this formula, the payer must deduct and withhold a tax of 25 percent of the fair market value of the automobile less the wager ($2,500) and, in addition, the payer must indicate on Form W-2G the amount of such winnings as $12,501 ($10,001+25%($10,001−$1)).

Example (6). D purchases a ticket for $1 in the State Y lottery from an authorized agent of State Y On January 1, 1976, a drawing is held and D wins $100 a month for the rest of D's life. It is actuarially determined that, on January 3, 1977, D's life expectancy is 5 years. Based on that determination, the proceeds from the wager paid to D on or after January 3, 1977, will exceed $5,000. Therefore, State Y must deduct and withhold $20 from each monthly payment made on or after January 3, 1977. (None of such payments is reduced by the amount of the wager because the amount of the wager was offset by the first payment of winnings which was made before January 3, 1977)).

Example (7). Assume the same facts as in example (6) except that State Y purchases in its own name, as owner, an annuity of $100 a month for D's life from E Corporation, in order to fund its own obligation to make the payments. Although State Y remains liable for the withholding of tax, E Corporation as paying agent for State Y, making payments directly to D, should deduct and withhold from each monthly payment in the manner described in example (6).

Example (8). E purchases a sweepstakes ticket for $1 in a sweepstakes conducted by W. E purchases the ticket on behalf of himself and on behalf of F and G, who have contributed equal amounts toward the purchase of the ticket and who have agreed to share equally in any prizes won. The ticket which E purchases wins $1,002. Since the proceeds of the wager ($1,002—$1) are greater than $1,000 W is required to withhold and deduct 20 percent of such proceeds.

Example (9). On February 1, 1977, a drawing is held in the State X lottery in which a winning ticket is selected. The person holding the winning ticket is entitled to proceeds of $100,000 payable either as a lump sum upon demand or $10,000 a year for 10 years. Under State law, the winning ticket must be presented to an authorized agent of State X before February 1, 1978. Until the ticket is presented, State X does not know the identity of the winner. On December 1, 1977, H, the winner, presents the winning ticket to an authorized agent of the State X lottery. The winnings are constructively paid to H on February 1, 1977. Since H, has the option of receiving the entire proceeds upon demand, State X is required to deduct and withhold $20,000 ($100,000×20%) from the proceeds of H's winnings on February 1, 1977; but for purposes of determining the time at which the deposit and inclusion on Form 941 of these taxes is to be made, the withholding shall be deemed to have beem made on December 1, 1977.

Example (10). J purchases a subscription to N magazine, at the regular subscription price. All new subscribers are automatically eligible for a special drawing. The drawing is held and J wins $50,000. Since J has not paid any more than the regular subscription price, J has not placed a wager or entered a wagering transaction. Therefore, N is not required to deduct and withhold J's winnings.

(e) *Statement by recipient.* Each person who is to receive a payment of winnings subject to withholding shall furnish the payer a statement on Form W-2G or 5754 (whichever is applicable) made under the penalties of perjury containing—

(1) The name, address, and taxpayer identification number of the winner accompanied by a declaration that no other person is entitled to any portion of such payment, or

(2) The name, address, and taxpayer identification number of the recipient and of every person entitled to any portion of such payment.

If more than one payment of winnings subject to withholding is to be made with respect to a single wager, for example in the case of an annuity, the recipient is required by paragraph (e) of this section to furnish the payer a statement with respect to the first such payment only, provided that such other payments are taken into account in a return required by paragraph (f) of this section.

(f) *Return of payer*—(1) *In general.* Every person making payment of winnings for which a statement is required under paragraph (e) of this section shall file a return on Form W-2G with the Internal Revenue Service Center serving the district in which is located the principal place of business of the person making the return on or before February 28 of the calendar year following the calendar year in which the payment of winnings is made. The return required by this paragraph (f) need not include the statement by the recipient required by paragraph (e) of this section and, therefore, need not be signed by the recipient, provided such statement is retained as long as the contents thereof may become material in the administration of any internal revenue law. For payments to more than one winner, a separate Form W-2G, which in no event need be signed by the winner, shall be filed with respect to each such winner. Each Form W-2G shall contain the following:

(i) The name, address, and employer identification number of the payer;

(ii) The name, address, and social security account number of the winner;

(iii) The date, amount of the payment, and amount withheld;

(iv) The type of wagering transaction;

(v) Except with respect to winnings from a wager placed in a State-conducted lottery, a specific description of two types of identification, *e.g.*, driver's license number and issuing State, social security account number of voter registration number and jurisdiction, furnished the payer for verification of the recipient's name, address, and social security account number; and

(vi) [Reserved.]

The return of the payer need not contain the information required by subdivision (v) of this paragraph (f)(1) provided such information is obtained with respect to the recipient of such winnings and retained as long as the contents thereof may become material in the administration of any internal revenue law.

(2) *Transmittal form.* Persons making payments of winnings subject to withholding shall use Form W-3G to transmit Forms W-2G to the Internal Revenue Service Centers.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

William E. Williams,

Acting Commissioner of Internal Revenue.

Approved: June 4, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81-27391 Filed 9-22-81; 8:45 am]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 1, 4, 5, 7, 9, 13, 18, 19, 47, 55, 71, 72, 170, 178, 194, 195, 196, 197, 200, 211, 212, 213, 231, 240, 245, 250, 251, 252, 270, 275, 285, 290, and 296

[T.D. ATF-92]

Incorporations by Reference and Referenced Materials; Approval and Editorial Changes

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: This document announces editorial and format changes to 27 CFR Chapter I made necessary by publication procedures required by the Office of the Federal Register, relating to incorporations by reference. Additionally, this document amends 27 CFR Chapter I by providing information

about the availability of ATF forms and other materials which need not be incorporated by reference. This document also makes other minor editorial changes.

The intended effect of this document is to identify clearly materials incorporated by reference and other referenced materials throughout 27 CFR Chapter I.

EFFECTIVE DATE: These changes are effective on September 23, 1981.

FOR FURTHER INFORMATION CONTACT: A. N. Stickney, (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

Incorporation by Reference

On March 28, 1979, the Office of the Federal Register (OFR) established new procedures (44 FR 18630, 1 CFR 51.13) that agencies must follow to maintain approval from the Director of the Federal Register for the incorporation of material which is referenced in the Code of Federal Regulations (CFR) rather than reprinted in full text. Each agency is required to submit annually to the Director of the Federal Register a list identifying all material which the agency determines to have incorporated by reference in the CFR and the date of the last revision of the materials. In effect, these procedures will ensure that material considered published in the **Federal Register** when incorporated by reference is reasonably available to the class of persons affected.

Use of the term "incorporation by reference" was authorized by Congress in 5 U.S.C. 552(a) to reduce the volume of material published in both the **Federal Register** and the Code of Federal Regulations. The legal effect of an incorporation by reference is that the material is treated as if it actually were published in full text in the **Federal Register** and in the Code of Federal Regulations.

Part of the Office of the Federal Register's review of the list of material incorporated by reference is a check of the incorporating language in the regulatory text to confirm that it meets (OFR's) drafting requirements (1 CFR 51.6, 51.7 and 51.8). ATF is making editorial and format changes throughout Chapter I of Title 27 in order to meet those drafting requirements.

As a result of this final rule, materials eligible for incorporation by reference are described in 27 CFR 13.1, 13.24, 170.614, 197.3, 212.1a, and 245.135.

Miscellaneous Editorial Amendments

In addition to the revisions required by the OFR procedures on incorporation by reference, this final rule makes miscellaneous editorial amendments to 27 CFR Chapter I. For example, cross references to other titles of the CFR are clarified by a brief description of the referenced part or section of the CFR.

Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981 (46 FR 13193), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act of 1980

The provisions of the Regulatory Flexibility Act of 1980, relating to a regulatory flexibility analysis are not applicable, because neither 5 U.S.C. 553 nor any other law requires the publication of a general notice of proposed rulemaking for this final rule.

Drafting Information

The principal author of this final rule is A. N. Stickney of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. Other personnel of the Bureau of Alcohol, Tobacco and Firearms and offices of the Department of the Treasury participated in developing this final rule both as to matters of substance and style.

Authority and Issuance

Because this final rule merely makes procedural and editorial changes to improve the clarity of the regulations, it is unnecessary and impractical to issue this final rule with notice and public procedure under 5 U.S.C. 553(b). Similarly, it is unnecessary and impractical to subject this final rule to the effective date limitation of 5 U.S.C. 553(d).

Accordingly, this final rule is issued under the authority contained in 5 U.S.C. 552(a) (80 Stat. 383, as amended). As amended, 27 CFR Chapter I reads as follows:

PART 1—BASIC PERMIT REQUIREMENTS UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

Table of sections [Amended]

1. The table of sections to 27 CFR Part 1 is amended by changing the title of § 1.28 to read:

Sec.
1.28 [Reserved]

2. Section 1.3 is revised by providing information as to the availability of forms prescribed by 27 CFR Part 1. As revised, § 1.3 reads as follows:

§ 1.3 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206. Request for the appropriate forms upon which to apply for basic permits also may be directed to the regional regulatory administrator.

§ 1.28 [Removed and Reserved]

3. Section 1.28 is removed and reserved.

PART 4—LABELING AND ADVERTISING OF WINE

Table of sections [Amended]

1. The table of sections to 27 CFR Part 4, Subpart A, is amended by adding § 4.3 to the table as follows:

Sec.
4.3 Forms prescribed.

2. Section 4.3 is added to 27 CFR Part 4, Subpart A, and provides information about forms prescribed by this part. As added, § 4.3 reads as follows:

§ 4.3 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

3. Section 4.25a(e)(2)(v) is revised by providing information as to the availability of U.S. Geological Survey (U.S.G.S.) maps. As revised, § 4.25a(e)(2)(v) reads as follows:

§ 4.25a Appellations of origin. (Not mandatory before January 1, 1983.)

* * * * *

(e) * * *

(2) * * *

(v) a copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked. (For U.S.G.S. maps west of the Mississippi River, if the map name is known, write the U.S. Geological Survey, Branch of Distribution, Box 25286, Federal Center, Denver, Colorado 80225; for U.S.G.S. maps east of the Mississippi River, if the map name is known, write the U.S. Geological Survey, Branch of Distribution, 1200 South Eads Street, Arlington, Virginia 22202; if the map name is not known, request a map index by State from the U.S. Geological Survey at the Arlington, Virginia, address.)

* * * * *

4. The last sentence of § 4.37a(e) is revised by providing a brief description of the cross-referenced subject matter in 21 CFR Parts 70–82 and 170–189. As revised, the last sentence of § 4.37a(e) reads as follows:

§ 4.37a List of ingredients. (Not mandatory before January 1, 1983.)

* * * * *

(e) * * * In all cases, additives and incidental additives which are not authorized for use in 21 CFR Parts 70–82—color additives, 21 CFR Parts 170–180—food additives, 21 CFR Part 181—prior-sanctioned food ingredients, 21 CFR Parts 182–186—substances generally recognized as safe (GRAS), or 21 CFR Part 189—substances prohibited from use in human food, or which are not generally recognized as safe (GRAS), may not be used in wine.

* * * * *

§ 4.40 [Amended]

5. Section 4.40 is amended by removing the footnote appearing at the end of the section.

§ 4.50 [Amended]

6. Section 4.50 is amended by removing the footnote appearing at the end of the section.

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Table of sections [Amended]

1. The table of sections to 27 CFR Part 5, Subpart A, is amended by adding § 5.3 to the table as follows: "5.3 Forms prescribed".

2. Section 5.3 is added to 27 CFR Part 5, Subpart A, and provides information about forms prescribed in this part. As added, § 5.3 reads as follows:

§ 5.3 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

3. The last sentence of § 5.39a(e) is revised by providing a brief description of the cross-referenced subject matter in 21 CFR Parts 70–82 and 170–189. As revised, the last sentence of § 5.39a(e) reads as follows:

§ 5.39a List of ingredients. (Not mandatory before January 1, 1983.)

* * * * *

(e) * * * In all cases, additives and incidental additives which are not authorized for use in 21 CFR Parts 70–82—color additives, 21 CFR Parts 170–180—food additives, 21 CFR Part 181—prior-sanctioned food ingredients, 21 CFR Parts 182–186—substances generally recognized as safe (GRAS), or 21 CFR Part 189—substances prohibited from use in human food, or which are not generally recognized as safe (GRAS), may not be used in distilled spirits products.

* * * * *

§ 5.51 [Amended]

4. Section 5.51 is amended by removing the footnote appearing at the end of the section.

§ 5.55 [Amended]

5. Section 5.55 is amended by removing the footnote appearing at the end of the section.

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

Table of sections [Amended]

1. The table of sections to 27 CFR Part 7, Subpart A, is amended by adding § 7.3 to the table as follows:

Sec.
7.3 Forms prescribed.

2. Section 7.3 is added to 27 CFR Part 7, Subpart A, and provides information about forms prescribed by this part. As added, § 7.3 reads as follows:

§ 7.3 Forms prescribed

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

3. The last sentence of § 7.27a(e) is revised by providing a brief description of the cross-referenced subject matter in 21 CFR Parts 70–82 and 170–189. As revised, the last sentence of § 7.27a(e) reads as follows:

§ 7.27a List of ingredients. (Not mandatory before January 1, 1983.)

* * * * *

(e) * * * In all cases, additives/adjuncts and incidental additives/incidental adjuncts which are not authorized for use in 21 CFR Parts 70–82—color additives, 21 CFR Parts 170–180—food additives, 21 CFR Part 181—prior-sanctioned food ingredients, 21 CFR Parts 182–186—substances generally recognized as safe (GRAS), or 21 CFR Part 189—substances prohibited from use in human food, or which are not generally recognized as safe (GRAS), may not be used in malt beverages.

* * * * *

§ 7.31 [Amended]

4. Section 7.31 is amended by removing the footnote appearing at the end of the section.

§ 7.41 [Amended]

5. Section 7.41 is amended by removing the referenced footnote appearing at the end of the section.

PART 9—AMERICAN VITICULTURAL AREAS

Section 9.3(b)(5) is revised to provide information about the availability of U.S. Geological Survey (U.S.G.S.) maps. As revised, § 9.3(b)(5) reads as follows:

§ 9.3 Relation to Parts 4 and 71 of this chapter.

* * * * *

(b) * * *

(5) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked. (For U.S.G.S. maps west of the Mississippi River, if the map name is known, write the U.S. Geological Survey, Branch of Distribution, Box 25286, Federal Center, Denver, Colorado 80225; for U.S.G.S. maps east of the Mississippi River, if the map name is known, write the U.S. Geological Survey, Branch of Distribution, 1200 South Eads Street, Arlington, Virginia 22202; if the map name is not known, request a map index by State from the U.S. Geological Survey at the Arlington, Virginia, address.)

PART 13—GAUGING MANUAL

1. Section 13.1 is revised by separating the existing text of the section into paragraphs (a) and (b) and by incorporating by reference the "Gauging Manual" which contains in their entirety the Tables 1 through 7 referred to in Subpart E of 27 CFR Part 13. As revised, § 13.1 reads as follows:

§ 13.1 Gauging of distilled spirits.

(a) *General.* This part relates to the gauging of distilled spirits. The term "gauging" means the determination of the proof and the quantity of distilled spirits. The procedures prescribed in or authorized under the provisions of this part, except as may be otherwise authorized in this chapter, shall be followed in making any determination of quantity or proof of distilled spirits required by or under the authority of regulations in this chapter. The tables referred to in Subpart E of this part appear in the "Gauging Manual Embracing Instructions and Tables for Determining Quantity of Distilled Spirits by Proof and Weight" as incorporated by reference in this part (see paragraph (c) of this section). These tables, together with their instructions, should be used, wherever applicable, in making the necessary computations from gauge data.

(b) *Tables referred to in Subpart E of this part.* Table 1 provides a method of correcting hydrometer indications at temperatures between 0 and 100 degrees Fahrenheit to true proof. If distilled spirits contain dissolved solids, temperature correction of the hydrometer reading by the use of this table would result in apparent proof rather than true proof. Tables 2 and 3 show the gallonage of spirituous liquor according to weight and proof. Table 4 shows the gallons per pound at each one-tenth proof from 1 to 200 proof. Table 5 shows the weight by wine gallon and proof gallon at each proof. Table 6 shows the volumes of alcohol and water and the specific gravity (air and vacuum) of spirituous liquor at each proof. Table 7 provides a means of ascertaining the volume (at 60 degrees Fahrenheit) of spirits at various temperatures ranging from 18 degrees through 100 degrees Fahrenheit.

(c) *Incorporation by reference.* The "Gauging Manual Embracing Instructions and Tables for Determining Quantity of Distilled Spirits by Proof and Weight" (ATF Publication 5110.6; November 1978) is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1358, as amended (26 U.S.C. 5204); Pub. L. 89–554, 80 Stat. 383, as amended (5 U.S.C. 552(a)))

2. Section 13.24 is revised (1) to incorporate by reference the specifications of the American Society for Testing and Materials for specific gravity hydrometers and (2) to remove the reference to the specifications of the National Bureau of Standards (NBS) for such hydrometers since NBS no longer specifies standards for hydrometers. As revised, § 13.24 reads as follows:

§ 13.24 Specific gravity hydrometers.

(a) The specific gravity hydrometers furnished by proprietors to ATF officers shall conform to the Standard Specification for American Society for Testing and Materials (ASTM) Hydrometers. Such specific gravity hydrometers shall be of a precision grade, standardization temperature 60°/60° F., and provided in the following ranges and subdivisions:

Range:	[illegible]
1.0000 to 1.0500	0.0000
1.0500 to 1.1000	.0005
1.1000 to 1.1500	.0005
1.1500 to 1.2000	.0005
1.2000 to 1.2500	.0005

No instrument shall be in error by more than 0.0005° specific gravity.

(b) A certificate of accuracy prepared by the instrument manufacturer for the instrument shall be furnished to the ATF officer.

(c) *Incorporation by reference.* The "Standard Specification for ASTM Hydrometers," (E 100–72 (1978)), published in the "1980 Annual Book of ASTM Standards", is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1358, as amended (26 U.S.C. 5204); Pub. L. 89–554, 80 Stat. 383, as amended (5 U.S.C. 552(a)))

Subpart E—Prescribed Tables [Amended]

3. Immediately following the heading "Subpart E—Prescribed Tables" is inserted a cross-reference to read

CROSS-REFERENCE: The tables referred to in this subpart appear in their entirety in the "Gauging Manual Embracing Instructions and Tables for Determining Quantity of Distilled Spirits by Proof and Weight" which is incorporated by reference in this part (see § 13.1).

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

Section 18.21 is revised to provide information about the forms prescribed in 27 CFR Part 18. As revised, § 18.21 reads as follows:

§ 18.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing

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of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 19—DISTILLED SPIRITS PLANTS

1. Section 19.61 is revised to add paragraphs (b) and (c) concerning information about the availability of forms prescribed in 27 CFR part 19. As revised, § 19.61 reads as follows:

§ 19.61 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia. 22206.

(Sec. 807, Pub. L. 96–39, 93 Stat. 284 (26 U.S.C. 5207))

2. Section 19.233 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 19.233 reads as follows:

§ 19.233 Corporate surety.

(a) Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the **Federal Register** yearly as of the first workday of July. As they occur, interim revisions of the circular are published in the **Federal Register**. copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, Pub. L. 80–280, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

PART 47—IMPORTATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

Section 47.35 is revised to add paragraphs (b) and (c) concerning information about the availability of forms prescribed in 27 CFR Part 47. As revised, § 47.35 reads as follows:

§ 47.35 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 71—STATEMENT OF PROCEDURAL RULES

Sections 71.42 (c) (1) and (2) are revised to read as follows:

§ 71.42 Forms and instructions.

* * * * *

(c) *Procurement of forms and instructions.*

(1) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(2) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 72—DISPOSITION OF SEIZED PERSONAL PROPERTY

1. Section 72.2 is revised to add paragraphs (b) and (c) concerning information about the availability of forms prescribed in 27 CFR Part 72. As revised, § 72.2 reads as follows:

§ 72.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part, or necessary for its administration. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 72.24 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 72.24 reads as follows:

§ 72.24 Corporate surety bonds.

(a) Corporate surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies), and subject to such amendments as may be issued from time to time.

(b) Treasury Department Circular No. 570 is published in the **Federal Register** yearly as of the first workday of July. As they occur, interim revisions of the circular are published in the **Federal Register**. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7); Aug. 16, 1954, ch. 736, 68A Stat. 847, as amended (26 U.S.C. 7101))

3. Section 72.25 is revised to include information about the availability of Treasury Department Circular No. 154. As revised, § 72.25 reads as follows:

§ 72.25 Deposit of collateral.

(a) Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by claimants as collateral security in lieu of corporate sureties in accordance with the provisions of Treasury

Department Circular No. 154 (31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds). Alternatively, cash, postal money orders, and certified or cashiers' or treasurers' checks may be furnished by claimants as collateral security in lieu of corporate sureties.

(b) Treasury Department Circular No. 154 is periodically revised and contains the provisions of 31 CFR Part 225 and the forms prescribed in 31 CFR Part 225. Copies of the circular may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 650 (6 U.S.C. 15); Aug. 16, 1954, ch. 736, 68A Stat. 847, as amended (26 U.S.C. 7101))

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

§ 170.91 [Amended]

1. Section 170.91 is amended by changing the parenthetical phrase "(For provisions relating to hand-carried documents see § 301.6091-1(b) of this chapter.)" to read "(For provisions relating to handcarried documents, see 26 CFR 301.6091-1(b).)" and by changing the parenthetical phrase "(19 CFR Part 24)" to read "(19 CFR Part 24—Customs Financial and Accounting Procedure)".

2. Section 170.95 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 170.95 reads as follows:

§ 170.95 Corporate surety.

(a) Surety bonds required by this subpart may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary of the Treasury as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the Federal Register as of the first workday of July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

§ 170.99 [Amended]

3. Section 170.99 is amended by changing the phrase "of 31 CFR Part 225" to read "of 31 CFR Part 225—Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds".

4. Section 170.302 is revised by adding paragraphs (b) and (c) concerning information about the availability of forms prescribed in 27 CFR Part 170. As revised, § 170.302 reads as follows:

§ 170.302 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

5. Section 170.614 is revised by adding paragraph (b) to incorporate by reference the U.S. Pharmacopeia (USP) and National Formulary (NF) standards for certain substances and ingredients. As revised, § 170.614 reads as follows:

§ 170.614 USP and NF preparations.

(a) *Preparations.* The following United States Pharmacopeia (USP) and National Formulary (NF) preparations which are used by physicians and pharmacists principally as vehicles may be made with distilled spirits without qualification by the manufacturer as a processor under 26 U.S.C. 5171 and without incurring liability for special taxes for their sale:

Elixir aromaticum;
Elixir aromaticum rubrum;
Elixir aurantii amari;
Elixir cardamom compositum;
Elixir glycyrrhizae;
Elixir taraxaci compositum;
Elixir terpini hydratis;
Spiritus aetheris;
Spiritus myrciae compositus;
Tinctura aurantii dulcis;
Tinctura limonis.

(b) *Incorporation by reference.* "The United States Pharmacopeia (Twentieth Revision, Official from July 1, 1980) and The National Formulary (Fifteenth Edition, Official from July 1, 1980)", published together as "The USP and NF Compendia", are incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852.

(Pub. L. 89-554, 80 Stat. 383, as amended (5 U.S.C. 552(a)); sec. 805, Pub. L. 96-39, 93 Stat. 275, 278 (26 U.S.C. 5002, 5171))

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

1. The table of sections to 27 CFR Part 178 is amended by changing the title of § 178.24 to read as follows:

Sec. 178.24 List of State laws and published ordinances.

2. Section 178.21 is revised to inform the user about the forms prescribed by 27 CFR Part 178. As revised, § 178.21 reads as follows:

§ 178.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

3. Section 178.24 is revised to include information on the availability of an ATF firearms publication. As revised, § 178.24 reads as follows:

§ 178.24 List of State laws and published ordinances.

The Director is authorized to compile, publish in the Federal Register, annually revised, and furnish to each licensee a list of State laws and published ordinances which are relevant to the enforcement of this part. The Director publishes the list as ATF Publication 5300.5, "State Laws and Published Ordinances—Firearms," which is furnished free of charge to each licensee. The publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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§ 178.80 [Amended]

4. Section 178.80 is amended (1) by changing the phrase "by an attorney or other person" to read "by an attorney, certified public accountant, or other person"; (2) by changing the phrase "in 31 CFR Part 10 (Treasury Department Circular No. 230)" to read "in 31 CFR Part 8 (Practice Before the Bureau of Alcohol, Tobacco and Firearms)"; (3) by changing the phrase "of §§ 601.521–601.527 of this chapter" to read "of 26 CFR 601.521–601.527 (conference and practice requirements for alcohol, tobacco, and firearms activities)"; and (4) by correcting the title "Regional regulatory administrator", wherever it appears, to read "regional regulatory administrator".

PART 179—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

Section 179.21 is revised by adding paragraphs (b) and (c) concerning information about the availability of forms prescribed in 27 CFR Part 179. As revised, § 179.21 reads as follows:

§ 179.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part. Each form requiring that it be executed under penalties of perjury shall be executed under penalties of perjury.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 55—COMMERCE IN EXPLOSIVES

1. The table of sections to 27 CFR Part 55 is amended to revise the heading for § 55.23 to read as follows:

Sec. 55.23 List of explosive materials.

§ 55.11 Explosive materials. [Amended]

2. Section 55.11 is amended by changing in the definition of *"Explosive materials"* the phrase "in the List of Explosive Materials" to read "in the 'List of Explosive Materials' ".

3. Section 55.21 is revised by adding paragraphs (b) and (c) concerning information about the availability of forms prescribed in 27 CFR Part 55. As revised, § 55.21 reads as follows:

§ 55.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

4. Section 55.23 is revised to include information about the availability of the explosives list. As revised, § 55.23 reads as follows:

§ 55.23 List of explosive materials.

The Director shall compile a list of explosive materials, which shall be published and revised at least annually in the **Federal Register**. The "List of Explosive Materials" (ATF Publication 5400.8) is available at no cost upon request from the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

§ 55.78 [Amended]

5. Section 55.78 is amended (1) by changing the phrase "by an attorney or other person" to read "by an attorney, certified public accountant, or other person" and; (2) by changing the phrase "of §§ 601.521–601.527 of this chapter" to read "of 26 CFR 601.521–601.527 (conference and practice requirements for alcohol, tobacco, and firearms activities)".

6. Section 55.141(a)(2) is revised to inform the user of explosive materials of the availability of "The United States Pharmacopeia and The National Formulary." As revised, § 55.141(a)(2) reads as follows:

§ 55.141 Exemptions.

(a) * * *

(2) The use of explosive materials in medicines and medicinal agents in the forms prescribed by the official United States Pharmacopeia or the National Formulary. "The United States Pharmacopeia and The National Formulary," USP and NF Compendia, are available from the United States Pharmacopeial Convention, Inc.; 12601 Twinbrook Parkway, Rockville, Maryland 20852.

* * * * *

PART 194—LIQUOR DEALERS

Section 194.41 is revised to include information about the availability of forms prescribed in 27 CFR Part 194. As revised, § 194.41 reads as follows:

§ 194.41 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

Section 195.2 is revised to include information about the availability of forms prescribed in 27 CFR Part 195. As revised, § 195.2 reads as follows:

§ 195.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms, including applications, notices, reports, returns, and records, required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center,

3800 South Four Mile Run Drive,
Arlington, Virginia 22206.

PART 196—STILLS

Section 196.2 is revised to include information about the availbility of forms prescribed in 27 CFR Part 196. As revised, § 196.2 reads as follows:

§ 196.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms, including applications, claims, records, and reports, required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 197—DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

1. The table of sections to 27 CFR Part 197 is amended to add an entry for § 197.3 to read as follows:

Sec. 197.3 Incorporations by reference.

2. Section 197.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 197. As revised, § 197.2 reads as follows:

§ 197.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms, including bonds and records, required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

3. Section 197.3 is added to incorporate by reference the United States Pharmacopeia, the National Formulary, and the Homeopathic Pharmacopeia of the United States. As added, § 197.3 reads as follows:

§ 197.3 Incorporations by reference.

(a) "The United States Pharmacopeia (Twentieth Revision, Official from July 1, 1980) and The National Formulary (Fifteenth Edition, Official from July 1, 1980)", published together as "The USP and NF Compendia", are incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C., and is available from the United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852. (See §§ 197.96 and 197.109; see also § 197.5, *Time distilled spirits are used.*)

(b) "The Homeopathic Pharmacopoeia of the United States" (Volume I, 8th Edition, 1979) is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C., and is available from the American Institute of Homeopathy, 7297–8H Lee Highway, Falls Church, Virginia 22042. (See §§ 197.96 and 197.109; see also § 197.5, *Time distilled spirits are used.*)

(Pub. L. 89–554, 80 Stat. 383, as amended (5 U.S.C. 552(a)))

4. Section 197.66 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 197.66 reads as follows:

§ 197.66 Corporate surety.

(a) Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal bonds, subject to the limitations prescribed by the Secretary as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies), and subject to such amendatory circulars as may be issued from time to time.

(b) A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and sureties. Each corporate surety, however, may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Circular No. 570. When the sureties so limit their liability, the aggregate of the limited liabilities must equal the required penal sum of the bond.

(c) Treasury Department Circular No. 570 is published in the Federal Register annually as of the first workday in July. As they occur, interim revisions of the circular are published in the Federal Register. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

§ 197.96 [Amended]

5. Section 197.96 is amended by adding the following sentence at the end of the section:

(For incorporations by reference, see § 197.3.).

§ 197.109 [Amended]

6. Section 197.109(d) is amended by adding the following sentence at the end of paragraph (d):

(For incorporations by reference, see § 197.3.)

§ 197.130a [Amended]

7. The sentence in § 197.130a(b) which reads, "A correction table, Table No. 7, is available in 27 CFR Part 13, Gauging Manual", is amended to read, "A table for correction of volume of spirituous liquors to 60 degrees Fahrenheit, Table 7 of the 'Gauging Manual,' is available. See Subpart E of Part 13 of this chapter and § 13.67".

PART 200—RULES OF PRACTICE IN PERMIT PROCEEDINGS

§ Table of Sections [Amended]

1. The table of sections to 27 CFR Part 200 is amended by changing the title of § 200.31 to read:

Sec. 200.31 Attorneys and other representatives.

2. Section 200.2 is revised to indicate where "The Rules of Civil Procedure for the United States District Courts" may be found in the United States Code. As revised, § 200.2 reads as follows:

§ 200.2 Liberal construction.

The regulations in this part shall be liberally contrued to secure just, expeditious, and efficient determination of the issues presented. The Rules of Civil Procedure for the United States District Courts (28 U.S.C. Appendix), where applicable, shall be a guide in any situation not provided for or controlled by this part but shall be

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liberally construed or relaxed when necessary.

3. Section 200.3 is revised to include information about the availability of forms prescribed in 27 CFR Part 200. As revised, § 200.3 reads as follows:

§ 200.3 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

4. Section 200.31 is amended by revising the first two sentences to read as follows:

§ 200.31 Attorneys and other representatives.

A respondent or applicant may be represented by an attorney, certified public accountant, or other person enrolled to practice before the Bureau of Alcohol, Tobacco and Firearms under 31 CFR Part 8—Practice Before the Bureau of Alcohol, Tobacco and Firearms. The representative shall file in the proceeding a duly executed power of attorney to represent the applicant or respondent. See 26 CFR 601.501–527 (conference and practice requirements). * * *

§ 200.129 [Amended]

5. Section 200.129 is amended by revising the last sentence to read as follows:

§ 200.129 Availability.

* * * Copies of the record desired by the respondent or applicant may be purchased from the contract reporter or may be obtained in accordance with Part 71 of this chapter.

PART 211—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

1. Section 211.21 is revised to include information about the availability of forms prescribed in 27 CFR Part 211. As revised, § 211.21 reads as follows:

§ 211.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

* * * * *

2. Section 211.73 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 211.73 reads as follows:

§ 211.73 Corporate surety.

(a) Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the **Federal Register** annually as of the first workday in July. As they occur, interim revisions of the circular are published in the **Federal Register.** Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

PART 212—FORMULAS FOR DENATURED ALCOHOL AND RUM

Table of sections [Amended]

1. The table of sections to 27 CFR Part 212 is amended by adding immediately after § 212.1 a new section entitled:

Sec. 212.1a Incorporations by reference.

2. Section 212.1a is added to incorporate by reference materials referred to in 27 CFR Part 212. As added, § 212.1a reads as follows:

§ 212.1a Incorporations by reference.

(a) "The United States Pharmacopeia (Twentieth Revision, Official from July, 1980) and The National Formulary (Fifteenth Edition, Official from July 1, 1980)", published together as "The USP and NF Compendia", are incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. The publication may be inspected at the Office of the Federal Register, Room 8401, 1108 L Street, NW., Washington, D.C., and is available from the United States Pharmacopeia Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland, 20852.

(b) The 1980 Special Technical Publications (STP) 23, 25, and 29 of the American Society for Testing and Materials (ASTM) are incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. These publications may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(c) The "Official Methods of Analysis of the Association of Official Analytical Chemists (13th Edition 1980)" (AOAC) is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the Association of Official Analytical Chemists, 11 North 19th Street, Suite 210, Arlington, Virginia 22209.

(Pub. L. 89–554, 80 Stat. 383, as amended (5 U.S.C. 552(a)))

3. Section 212.2 is revised to include information about the availability of forms prescribed in 27 CFR Part 212. As revised, § 212.2 reads as follows:

§ 212.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

§ 212.66 [Amended]

4. Section 212.66 is amended by adding at the end of the section the following sentence: "(For incorporation by reference, see § 212.1a(a).)".

§ 212.69 [Amended]

5. Section 212.69 is amended by revising the heading of the first paragraph to read *"Distillation range.*—(for applicable ASTM method, see ASTM STP 29 573 (1980), Standard No. D 836–77; for incorporation by reference, see 212.1a(b))".

§ 212.73 [Amended]

6. Section 212.73 is amended by removing the parenthetical phrase *"(Applicable ASTM method)"*.

§ 212.78 [Amended]

7. Section 212.78 is amended (1) by revising the sixth heading in paragraph (a) to read *"Distillation range.*—(for applicable ASTM method, see ASTM STP 29 70 (1980), Standard No. D 302–58 (1975); for incorporation by reference, see 212.1a(b))", and (2) by revising the sixth heading in paragraph (b) to read *"Distillation range.*— (for applicable ASTM method, see ASTM STP 29 433 (1980), Standard No. 3127–77; for incorporation by reference, see 212.1a(b))".

§ 212.80 [Amended]

8. Section 212.80 is amended by removing the parenthetical phrase "(Applicable ASTM method)".

9. Section 212.80a is revised to read as follows:

§ 212.80a Gasoline, unleaded (unleaded gasoline).

Conforms to specifications as established by the American Society for Testing and Materials (ASTM) in the ASTM STP 23 229 (1980), Standard No. D 439–79. Any of the "seasonal and geographical" volatility classes for unleaded gasoline are considered suitable as a denaturant. (For incorporation by reference, see § 212.1a(b).)

§ 212.81 [Amended]

10. Section 212.81 is amended by revising the heading of the first paragraph to read *"Distillation range.*—(for applicable ASTM method, see ASTM STP 25 395 (1980), Standard No. D 3699–78 for burner fuel; see ASTM STP 23 849 (1980), Standard Nos. D 1655–80a for aviation turbine fuels and D 86–78 for distillation of petroleum products; for incorporation by reference, see 212.1a(b))".

§ 212.81a [Amended]

11. Section 212.81a is amended by removing the parenthetical phrase *"(Applicable ASTM method)"*.

§ 212.83 [Amended]

12. Section 212.83 is amended by revising the heading of the first paragraph to read *"Distillation range.*—(for applicable ASTM method, see ASTM STP 29 147 (1980), Standard No. D 1153–77; for incorporation by reference, see 212.1a(b))".

§ 212.87 [Amended]

13. Section 212.87 is amended by removing the parenthetical phrase *"(Applicable ASTM method)"*.

14. Section 212.90 is amended by cross referencing the Gutzeit Method to the incorporation by reference in § 212.1a(c). As amended, § 212.90 reads as follows:

§ 212.90 Shellac (refined).

Arsenic content. Not more than 1.4 parts per million as determined by the Gutzeit Method (AOAC Method 25.020: for incorporation by reference, see § 212.1a(c)).

* * * * *

PART 213—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

1. Section 213.21 is revised to include information about the availability of forms prescribed in 27 CFR Part 213. As revised, § 213.21 reads as follows:

§ 213.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) ATF Publication 1322.1, Public Use Forms, is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 213.72 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 213.72 reads as follows:

§ 213.72 Corporate surety.

(a) Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the **Federal Register** annually as of the first workday in July. As they occur, interim revisions of the circular are published in the **Federal Register**. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

§ 213.73 [Amended]

3. Section 213.73 is amended by changing the phrase "of 31 CFR Part 225" to read "of 31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds".

PART 231—TAX-PAID WINE BOTTLING HOUSES

Section 231.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 231. As revised, § 231.2 reads as follows:

§ 231.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms, including applications, notices, reports, returns, and records, required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

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PART 240—WINE

1. Section 240.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 240. As revised, § 240.2 reads as follows:

§ 240.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part, including bonds, applications, notices, reports, returns, and records. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Request for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 240.226 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 240.226 reads as follows:

§ 240.226 Corporate surety.

(a) Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to any limitations prescribed by, the Secretary of the Treasury as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the **Federal Register** annually as of the first workday in July. As they occur, interim revisions of the circular are published in the **Federal Register**. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

* * * * *

§ 240.227 [Amended]

3. Section 240.227 is amended by adding immediately after the phrase "of Treasury Department Circular 570" the parenthetical phrases "(Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies). (See § 240.226(b).)".

§ 240.258 [Amended]

4. Section 240.258 is amended (1) by designating the current text as paragraph (a) and (2) by changing the parenthetical phrase "(31 CFR Part 225)" to read "(31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds)".

In addition, paragraph (b) is added to § 240.258 to read as follows:

§ 240.258 Release of collateral, Form 700 or Form 2053.

* * * * *

(b) Treasury Department Circular No. 154 is periodically revised and contains the provisions of 31 CFR Part 225 and the forms prescribed in 31 CFR Part 225. Copies of the circular may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

* * * * *

PART 245—BEER

1. Section 245.2 is revised to include information on the availability of forms prescribed by 27 CFR Part 245. As revised, § 245.2 reads as follows:

§ 245.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part, including bonds, applications, notices, reports, returns and records. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 245.52 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 245.52 reads as follows:

§ 245.52 Corporate surety.

(a) Surety bonds may be given only with surety companies holding certificates of authority from the Secretary as acceptable sureties on Federal bonds, subject to the limitations as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the **Federal Register** annually as of the first workday in July. As they occur, interim revisions of the circular are published in the **Federal Register**. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

§ 245.53 [Amended]

3. Section 245.53 is amended by changing the phrase "of Treasury Department Circular 570" to read "of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies). (See § 245.52(b).)".

4. Section 245.135 is amended (1) by designating the current text as paragraph (a) and (2) by adding paragraph (b) to incorporate by reference the "Methods of Analysis of the American Society of Brewing Chemists." As amended, § 245.135 reads as follows:

§ 245.135 Containers and records.

* * * * *

(b) The "Methods of Analysis of the American Society of Brewing Chemists (Seventh Edition; 1976)" is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the American Society of Brewing Chemists, 3340 Pilot Knob Road, St. Paul, Minnesota 55121.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1389, as amended (26 U.S.C. 5411); Pub. L. 89–554, 80 Stat. 383, as amended (5 U.S.C. 552(a))

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

1. Section 250.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 250. As revised, § 250.2 reads as follows:

§ 250.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part, including applications, reports, returns, and records. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 250.62 is revised to include information about the Availability of Treasury Department Circular No. 570. As revised, § 250.62 reads as follows:

§ 250.62 Corporate surety.

(a) Surety bonds may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary of the Treasury, as set forth in the current revision of U.S. Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the **Federal Register** annually as of the first workday in July. As they occur, interim revisions of the circular are published in the **Federal Register**. Copies of the circular may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

§ 250.63 [Amended]

3. Section 250.63 is amended by changing the phrase "of 31 CFR Part 225" to read "of 31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds".

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Section 251.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 251. As revised, § 251.2 reads as follows:

§ 251.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part, including reports, returns, and records. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

PART 252—EXPORTATION OF LIQUORS

1. Section 252.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 252. As revised, § 252.2 reads as follows:

§ 252.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

* * * * *

2. Section 252.52 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 252.52 reads as follows:

§ 252.52 Corporate surety.

(a) Surety bonds required by this part may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary as set forth in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) Treasury Department Circular No. 570 is published in the **Federal Register** annually as of the first workday of July. As they occur, interim revisions of the circular are published in the **Federal Register**. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

PART 270—MANUFACTURE OF CIGARS AND CIGARETTES

§ 270.22 [Amended]

1. Section 270.22(i) is amended by changing the phrase "in the official Bulletin of the Bureau of Alcohol, Tobacco and Firearms" to read "in the ATF Bulletin (see § 71.41(d) of this chapter)".

2. Section 270.41 is revised to include information about the availability of forms prescribed by 27 CFR Part 270. As revised, § 270.41 reads as follows:

§ 270.41 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part. When a return, form, claim, or other document called for under this part is required by this part, or by the document itself, to be executed under penalties of perjury, it shall be executed under penalties of perjury.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

3. Section 270.131 is amended (1) by designating the current text as paragraph (a) and (2) by adding paragraph (b) to include information about the availability of Treasury Department Circular No. 570. As amended, § 270.131 reads as follows:

§ 270.131 Corporate surety.

* * * * *

(b) Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable

Reinsuring Companies) is published in the **Federal Register** annually as of the first workday in July. As they occur, interim revisions of the circular are published in the **Federal Register**. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

* * * * *

PART 275—IMPORTATION OF CIGARS, CIGARETTES AND CIGARETTE PAPERS AND TUBES

1. Section 275.21 is revised to include information about the availability of forms prescribed by 27 CFR Part 275. As revised, § 275.21 reads as follows:

§ 275.21 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part. When a return, form, claim, or other document called for under this part is required by this part, or by the document itself, to be executed under penalties of perjury, it shall be executed under penalties of perjury.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the AFT Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

§ 275.39 [Amended]

2. Section 275.39(i) is amended by changing the phrase "in the official Bulletin of the Bureau of Alcohol, Tobacco and Firearms" to read "in the ATF Bulletin (see § 71.41(d) of this chapter)".

3. Section 275.119 is revised to include information about the availability of Treasury Department Circular No. 570. As revised, § 275.119 reads as follows:

§ 275.119 Corporate surety.

(a) Surety bonds, required under the provisions of this subpart, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Limitations concerning corporate sureties are prescribed by the Secretary in the current revision of Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies). The surety shall have no interest whatever in the business covered by the bond.

(b) Treasury Department Circular No. 570 is published in the **Federal Register** annually as of the first workday of July. As they occur, interim revisions of the circular are published in the **Federal Register**. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7))

PART 285–MANUFACTURE OF CIGARETTE PAPERS AND TUBES

1. Section 285.2 is revised to include information about the availability of forms prescribed by 27 CFR Part 285. As revised, § 285.2 reads as follows:

§ 285.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 285.71 is revised to read as follows:

§ 285.71 Corporate surety.

(a) Surety bonds required under the provisions of this part may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Limitations concerning corporate sureties are prescribed by the Secretary in the current revision of Treasury Department Circular No. 570 (refer to paragraph (c) of this section). The surety shall have no interest whatever in the business covered by the bond.

(b) Each bond and each extension of coverage of bond shall at the time of filing be accompanied by a power of attorney authorizing the agent or officer who executed the bond to so act on behalf of the surety. The regional regulatory administrator who is authorized to approve the bond may, whenever he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or extension of coverage of bond. The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed document, it shall be accompanied by a certificate of its validity.

(c) Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies) is published in the **Federal Register** annually as of the first workday in July. As they occur, interim revisions of the circular are published in the **Federal Register**. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7); sec. 202, Pub. L. 85-859, 72 Stat. 1421, as amended (26 U.S.C. 5711))

§ 285.72 [Amended]

3. Section 285.72 is amended by changing the phrase "of 31 CFR Part 225" to read "of 31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds".

PART 290—EXPORTATION OF CIGARS, CIGARETTES AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

1. Section 290.2 is revised to include information about the availability of forms prescribed in 27 CFR Part 290. As revised, § 290.2 reads as follows:

§ 290.2 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

2. Section 290.121 is revised to read as follows:

§ 290.121 Corporate surety.

(a) Surety bonds required under the provisions of this part may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Circular No. 570, as revised (see paragraph (c) of this section). The surety shall have no interest whatever in the business covered by the bond.

(b) Each bond and each extension of coverage of bond shall at the time of filing be accompanied by a power of attorney authorizing the agent or officer who executed the bond to so act on behalf of the surety. The regional regulatory administrator who is authorized to approve the bond may, whenever he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or extension of coverage of bond. The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed document, it shall be accompanied by a certificate of its validity.

(c) Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies) is published in the **Federal Register** annually as of the first workday in July. As they occur, interim revisions of the circular are published in the **Federal Register**. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7); sec. 202, Pub. L. 85-859, 72 Stat. 1421, as amended (26 U.S.C. 5711))

§ 290.129 [Amended]

3. Section 290.129 is revised to include information about the availability of Treasury Department Circular No. 154. As revised § 290.129 reads as follows:

§ 290.129 Release of bonds, notes, and obligations.

(a) Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this part, shall be released only in accordance with the provisions of Treasury Department Circular No. 154 (31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds). When the regional regulatory administrator is satisfied that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released. At any time prior to the release of such security, the regional regulatory administrator may, for proper cause, extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

(b) Treasury Department Circular No. 154 is periodically revised and contains the provisions of 31 CFR Part 225 and the forms prescribed in 31 CFR Part 225. Copies of the circular may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1421 (26 U.S.C. 5711); July 30, 1947, ch. 390, 61 Stat. 650 (6 U.S.C. 15))

PART 296—MISCELLANEOUS REGULATIONS RELATING TO CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

Section 296.11 is revised to read as follows:

§ 296.11 Corporate surety.

(a) Surety bonds required under the provisions of this subpart may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Limitations concerning corporate sureties are prescribed by the Secretary in the current revision of the Treasury Department Circular No. 570 (refer to paragraph (c) of this section). The surety shall have no interest whatever in the business covered by the bond.

(b) Each bond and each extension of coverage of bond shall at the time of filing be accompanied by a power of attorney authorizing the agent or officer who executed the bond to so act on behalf of the surety. The regional regulatory administator who is authorized to approve the bond may, whenever he deems it necessary, require additional evidence of the authority of the agent or officer to execute the bond or extension of coverage of bond. The power of attorney shall be prepared on a form provided by the surety company and executed under the corporate seal of the company. If the power of attorney submitted is other than a manually signed document, it shall be accompanied by a certificate of its validity.

(c) Treasury Department Circular No. 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies) is published in the **Federal Register** annually as of the first workday in July. As they occur, interim revisions of the circular are published in the **Federal Register**. Copies may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

(July 30, 1947, ch. 390, 61 Stat. 648, as amended (6 U.S.C. 6, 7); sec. 202, Pub. L. 85-859, 72 Stat. 1421, as amended (26 U.S.C. 5711))

Signed: August 3, 1981.

G. R. Dickerson,
Director.

Approved: August 31, 1981.

John P. Simpson,
Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-27654 Filed 9-22-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USS PHOENIX (SSN 702) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval submarine; and (2) has found that USS PHOENIX (SSN 702) is a member of the SSN 688 class of ships, exemptions for which have previously been granted

under 72 COLREGS, Rule 38. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 14, 1981.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, Alexandria, Virginia 22332, Telephone number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: This amendment to Part 706 provides notice that the Secretary of the Navy has certified that USS PHOENIX (SSN 702) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 2(a)(i) regarding the height of the masthead light; Annex I, section 2(k) regarding the height and relative positions of the anchor lights; and Annex I section 3(b) regarding the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special function of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS PHOENIX (SSN 702) is a member of the SSN 688 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3; are equally applicable to USS PHOENIX (SSN 702).

Moreover, it has been determined, in accordance with CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

§ 706.2 [Amended]

1. Table One of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by insertion of the following entry:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I
* * *	*	*
USS PHOENIX	SSN 702	3 5
* * *	*	*

2. Table three of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by inserting the following entry:

Vessel	Number	Masthead light, arc of visibility; Rule 21(a)	Sidelights, arc of visibility; Rule 21(b)	Stern light, arc of visibility; Rule 21(c)	Sidelights, distance inboard of ship's sides in meters; § 3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; § 2(k) Annex I	Anchor lights, relationship of aft light to forward light in meters; § 2(k), Annex I
* *	*	*	*	*	*			
USS PHOENIX	SSN 702	—	—	—	4.2	6.1	3.5	1.7 below

(Executive Order 11964; 33 U.S.C. 1605)

Dated: September 14, 1981.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 81–27611 Filed 9–22–81; 8:45 am]

BILLING CODE 3810-AE-M

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32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications under the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS) to reflect that the Secretary of the Navy has determined that USS CALLAGHAN (DDG 994) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a guided missile destroyer. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: August 12, 1981.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia 22332. Telephone Number (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. § 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS CALLAGHAN (DDG 994) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 2(f) pertaining to the placement of masthead lights over all other lights and obstructions; 72 COLREGS, Annex I, section 3(a) pertaining to the placement of the forward masthead lights in the forward quarter of the ship; 72 COLREGS, Annex I, section 3(a) pertaining to the placement of the after masthead light; and 72 COLREGS, Rule 23(a)(ii) regarding the arc of visibility of the after masthead light, without interfering with its special function as a naval ship. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to the public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function.

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following naval ship to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

* * * * * * *

Table 5

		Forward masthead light not required height above hull. Annex I Section 2(a)(ii) (c), (d)	Aft masthead light less than 4.5 meters above forward masthead light, Annex I, Section 2(a)(ii)	Masthead lights not over all other lights and all obstructions. Annex I, Section 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, Section 2(a)(i)	Aft masthead lights not visible over forward light 1000 meters ahead of ship in all normal degrees of trim. Annex I, Section 2(b)	Forward masthead light not in forward quarter of ship. Annex I, Section 3(a)	Aft masthead light not less than ½ ship's length aft of forward masthead light. Annex I, Section 3(a)	Percentage horizontal separation attained
VESSEL	NUMBER								
USS KIDD	DDG 993	...	...	...	...	...	...	...	...
USS CALLAGHAN	DDG 994			X			X	X	44.6

2. Table Four, paragraph 7, of § 706.2 is amended by adding to the list of vessels therein certifications issued by the Secretary of the Navy:

7. The arc of visibility of the after masthead light required by Rule 23(a)(ii) and Annex I, section 2(f) may be obstructed from right ahead on certain naval ships as follows:

* * * * *

USS CALLAGHAN (DDG 994)................0°28.8′

3. Table Four of § 706.2 is amended by adding the following new paragraph 17 to indicate the certifications issued by the Secretary of the Navy:

17. On the following ships the arc of visibility of the after masthead light required by Rule 23(a)(ii) may be obstructed through 0°48.6′ arc of visibility at the point 349° relative to the ship's head:

* * * * *

USS CALLAGHAN (DDG 994)

(Executive Order No. 11964; 33 U.S.C. § 1605)

Dated: 12 August 1981.

John Lehman,

Secretary of the Navy.

[FR Doc. 81-27612 Filed 9-22-81; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

34 CFR Part 605

Continuing Education Outreach—State-Administered Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations for the Continuing Education Outreach—State-Administered Program. These regulations implement statutory changes resulting from the Education Amendments of 1980. Activities were previously carried out by the States under the Community Service and Continuing Education Program, the Educational Information Centers Program, and the State Postsecondary Education Planning Commissions Program. These programs have been consolidated into a single program and revised. These regulations will govern the administration of a comprehensive program of planning, information and counseling services, and continuing education activities. Institutions of higher education, public and private organizations, community based educational institutions, business, industry, and labor are eligible to apply.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations are expected to take effect 45 days after publication in the Federal Register. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the Federal Register stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Mr. John E. Donahue, telephone: (202) 245-9868.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the Federal Register on December 30, 1980 (45 FR 86306-86311). Interested persons were given 60 days in which to submit written comments. Several comments were received. Two commenters endorsed the regulations and recommended that they be published unchanged as final regulations. The other comments suggest changes. Those comments, and the Secretary's responses to them, follow.

V 46 6 SE 23 81 UMI

General

Comment: Two commenters recommended that the regulations be withdrawn and that the statute be printed in the **Federl Register** in lieu of final regulations.

Response: Regulations are necessary to clarify terms, clearly explain the options available to the States regarding the uses of the funds, and establish criteria for the granting of waivers of the requirement that a State allocate at least 50 percent of its planning funds to planning for continuing education.

Section 605.1 Continuing Education Outreach—State-Administered Program

Comment: One commenter recommended that the concept of continuing education not be limited to educational services at the postsecondary level.

Response: No change is made. The statute limits support to activities at the postsecondary level.

Comment: One commenter recommended changing § 601.1(d)(1) to say that a State "may" make subgrants and contracts for continuing education projects rather than "shall" make, in order to be consistent with the statute.

Response: No change is made. Under section 115(d) of the statute, a State may use up to 5 percent or $40,000 of the funds available for continuing education, whichever is greater, for the administration and operation of continuing education programs. Beyond these amounts, a State has no choice. It must expend the funds available for continuing education through the awards of subgrants and contracts. Therefore, the subject regulation provision is consistent with the statute. It should also be noted that Section 115(d) was derived from the Senate bill, and that there was no corresponding provision in the House bill. Nevertheless, even without such a provision the House Committee Report indicated the Committee's intention that the funds would not support existing State programs but would be used to make subgrants and contracts (H. Rept. 96–520, p. 9).

Comment: One commenter recommended inserting the word "service" before "activities" in the phrase "community education activities" in § 605.1(d)(2)(viii) to make it consistent with the statute.

Response: The change has been made.

Section 605.2 Eligible Parties

Comment: Two commenters objected to the expansion of subgrant eligibility to include public and private organizations, community based educational institutions, business, industry, and labor.

Response: No change is made. The expansion of eligibility was accomplished by the statute.

Section 605.4 Definitions

Comment: One commenter observed that the definition of adult population, i.e., 18 years of age or older, differs from the definition in the Adult Education Act which sets the base age at 16.

Response: No change is made. The definition of adult population is taken from the statute.

Comment: One commenter recommended that the age limit in the definition of "youth" be lowered in order to expand employment opportunities.

Response: A change is made. The definition has been revised to include youth from the age of 14 through 17, provided they are eligible for employment.

Section 605.20 How Does the Secretary Initially Allot Program Funds?

Comment: One commenter stated that the formula for allocation of funds among the States is inequitable, particularly if the appropriation level falls below $18 million.

Response: No change is made. The allotment of funds is made according to the formula in § 112(a)(1) of the Act.

Section 605.51 Limitation on Payments to the States

Comment: One commenter objected to the restriction against the use of Federal funds as matching funds.

Response: No change is made. The restriction is established by the statute.

Section 605.60 Annual Report

Comment: One commenter suggested the deletion of requirements that the annual report contain an evaluation of past year activities and a projection of what might be supported in the coming year so as to make that section conform to the statute.

Response: The change has been made.

Section 605.62 Administrative Funds

Comment: One commenter felt that the limits on funds for State administration and operation of continuing education programs were too restrictive.

Response: No change is made. The subject limits are set by the statute.

Executive Order No. 12291

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance number not yet assigned)

Dated: September 17, 1981.

T. H. Bell,
Secretary of Education.

PART 610 [Removed]

The Secretary removes Part 610, and revises Part 605 of Title 34 of the Code of Federal Regulations to read as follows:

PART 605—CONTINUING EDUCATION OUTREACH—STATE-ADMINISTERED PROGRAM

Subpart A—General

Sec.
605.1 Continuing Education Outreach—State-Administered Program.
605.2 Eligible parties.
605.3 Regulations that apply to the Continuing Education Outreach—State-Administered Program.
605.4 Definitions that apply to the Continuing Education Outreach—State-Administered Program.

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make a Grant to a State?

605.20 How does the Secretary initially allot program funds?
605.21 What are the requirements for subsequent allotments?
605.22 How does a State determine the amount of funds to be used for comprehensive statewide planning?
605.23 How does a State determine the amount of funds to be used for information services?
605.24 How does a State determine the amount of funds to be used for continuing education?

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—What Conditions Must be Met by a State?

605.50 Coordination.
605.51 Limitation on payments to the States.

Subpart G—What Are the Administrative Responsibilities of a State and its Subgrantees and Contractors?

605.60 Annual report.
605.61 Child care project restrictions.
605.62 Administrative funds.

Authority: Secs. 111 through 115, and 118 through 119 of the Higher Education Act of

1965, as amended by Pub. L. 96–374 (20 U.S.C. 1011–1015; 1018–1019).

Subpart A—General

§ 605.1 Continuing Education Outreach—State-Administered Program.

(a) *General description.* The Continuing Education Outreach—State-Administered Program provides Federal financial assistance primarily to increase access to programs of continuing education for adults whose educational needs have been inadequately served. Recipients shall use this assistance to help traditional and non-traditional learners through—

(1) Comprehensive statewide planning;

(2) Information services; and

(3) Continuing education.

(20 U.S.C. 1011–1015)

(b) *Comprehensive statewide planning.* (1) Each State shall use the funds available for comprehensive statewide planning to support planning, and related studies, designed to achieve—

(i) Improved access to programs of postsecondary education for traditional and non-traditional learners;

(ii) Improved retention of traditional and non-traditional learners in programs of postsecondary education;

(iii) Coordination of educational and occupational information and counseling services for youth and adults throughout the State; and

(iv) More effective and efficient use of resources available for continuing education within the State.

(20 U.S.C. 1013 (a), (b), and (e))

(2) Comprehensive statewide planning funds may also be used to prepare the annual report described in § 605.60.

(20 U.S.C. 1013(b); 1019(a))

(c) *Information services.* Each State shall use the funds available for information services to develop and coordinate new and existing—

(1) Postsecondary education information and counseling services for traditional and non-traditional learners; and

(2) Occupational information and counseling services for youth and adults.

(20 U.S.C. 1014(a))

(d) *Continuing education.* (1) Each State shall use the funds available for continuing education to make subgrants and award contracts for—

(i) Promoting access to and retention in postsecondary educational programs for adults whose educational needs have been inadequately served;

(ii) Expanding and improving postsecondary educational programs that help adults develop their occupational potential and prepare for transitions between education and work;

(iii) Eliminating barriers—posed by previous education or training, age, sex, race, handicap, national origin, rural isolation, or economic circumstances—that may place adults at a disadvantage in seeking postsecondary educational opportunities;

(iv) Strengthening statewide and other mechanisms of information, counseling, and referral that provide access to postsecondary education and serve the special needs of adults; and

(v) Developing strategies to promote the financial self-sufficiency of postsecondary educational programs initiated under this part.

(2) Eligible continuing education projects include such activities as:

(i) Creation or expansion of labor education, training, and technical assistance programs;

(ii) Development of cooperative relationships between State and local labor organizations and institutions and agencies that provide opportunities for continuing education;

(iii) Removal of barriers to continuing education caused by rural isolation or other rural-related factors;

(iv) Preretirement continuing education programs and information services related to legal, vocational, and health services available to older adults;

(v) Promotion of sharing resources for innovative uses of technology including telecommunications, on an inter-state or intra-state basis, to overcome barriers to postsecondary educational opportunities;

(vi) Educational and occupational information and counseling services designed to meet the special needs of adult women, particularly homemakers, and to assist their entry or re-entry into postsecondary education and the labor force.

(vii) Collection and dissemination of information, including both the creation and expansion of data banks, on sources of student financial assistance and information designed to assist individuals to make choices among postsecondary institutions, programs, and other educational opportunities;

(viii) Community education service activities, consistent with the purposes of this part, for adults in rural areas;

(ix) Postsecondary educational programs suited to individuals whose educational needs have been inadequately served, especially handicapped persons, older individuals, migrant and seasonal farm workers, individuals who can participate in programs only on a part-time basis, and individuals who otherwise would be unlikely to continue their education beyond high school;

(x) Child care services to assist individuals desiring to participate in continuing education programs in order to enter or re-enter the field of postsecondary education and the labor force; and

(xi) Promotion or delivery of postsecondary educational services to women at the places of their employment or in conjunction with their employment.

(20 U.S.C. 1015)

§ 605.2 Eligible parties.

(a) States that have entered into a Federal-State relationship agreement with the Secretary as specified in 34 CFR Part 604 are eligible to receive grants for statewide planning, information services, and continuing education.

(20 U.S.C. 1012–1015, 1143)

(b) Institutions of higher education, public and private institutions and organizations—including community based educational institutions—business, industry, labor, or any combination of these, are eligible to receive subgrants and contracts from the States for information and counseling services and continuing education projects.

(20 U.S.C. 1014(c), 1015(b))

§ 605.3 Regulations that apply to the Continuing Education Outreach—State-Administered Program.

The following regulations apply to the Continuing Education Outreach—State-Administered Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 77 (Definitions);

(b) The regulations in this Part 605; and

(c) The regulations in 34 CFR Part 604.

(20 U.S.C. 3474)

§ 605.4 Definitions that apply to the Continuing Education Outreach—State-Administered Program.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Contract
EDGAR
Fiscal Year
Grant
Private
Project
Public
Secretary
State

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Subgrant
Subgrantee

(20 U.S.C. 3474)

(b) *Definitions that apply to this part.* The following definitions apply to this part:

"Adults whose educational needs have been inadequately served" means individuals 18 years of age or older who—because of circumstances of age, sex, low income, handicap, minority status, rural isolation, status of employment or underemployment, lack of education, or other significant barriers—have been discouraged from obtaining equal educational opportunities.

"Continuing education" means postsecondary instruction and support services designed to meet the educational needs of adults, including the expansion of available learning opportunities for adults whose educational needs are inadequately served by current educational offerings in their communities.

"Act" means the Higher Education Act of 1965, as amended.

"Adult population" means the population eighteen years of age and older.

"Youth" means an individual from age 14 through 17 who is eligible for, and is seeking, employment.

(20 U.S.C. 1011(4); 1013(a)(1); 1014(a; 1018)

"Planning for continuing education" means planning to improve access to programs of postsecondary education for adults in a State, particularly those who have been inadequately served, and to promote more effective and efficient use of available resources, including efforts to ensure equal treatment of applicants in the evaluation of subgrant proposals.

(20 U.S.C. 1018; 1221e–3(a)(1); 3474(a))

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make a Grant to a State?

§ 605.20 How does the Secretary initially allot program funds?

The Secretary makes the initial allotment of program funds after a State has consummated an agreement with the Secretary as required in 34 CFR Part 604. The allotment is made according to the formula in section 112(a)(1) of the Act.

(20 U.S.C. 1012; 1143)

§ 605.21 What are the requirements for subsequent allotments?

The Secretary makes an allotment to a State in subsequent fiscal years after the Secretary receives a satisfactory annual report as provided for in § 605.60.

(20 U.S.C. 1012, 1013)

§ 605.22 How does a State determine the amount of funds to be used for comprehensive statewide planning?

(a) The amount of funds available for planning depends on the amount of the total annual appropriation for the Continuing Education Outreach Program.

(1) In a fiscal year in which the appropriation is less than $18,500,000, the State shall use at least 15 percent but not more than 20 percent of its allotment for comprehensive statewide planning.

(2) In a fiscal year in which the appropriation is at least $18,500,000 but not more than $23,999,999, the State shall use from ten to fifteen percent of its allotment for comprehensive statewide planning.

(3) In a fiscal year in which the appropriation is $24,000,000 or more, the State shall use up to 10 percent of its allotment for comprehensive statewide planning.

(b) If the State does not wish to receive comprehensive planning funds in a particular fiscal year, the State must so notify the Secretary prior to the beginning of that fiscal year, so that funds can be reallocated to the other States.

(20 U.S.C. 1012(b))

(c) A State may use up to 50 percent of the funds available to it for comprehensive statewide planning for the purpose of supporting continuing education projects.

(d) A State shall use at least 50 percent of the funds remaining for comprehensive statewide planning—after implementing the setaside in paragraph (c) of this section, if any—to plan for continuing education, unless a waiver is granted.

(20 U.S.C. 1013(c))

(e) On application from a State, the Secretary grants a waiver of the requirement in paragraph (d) of this section, if the State satisfactorily demonstrates that—

(1) Planning for postsecondary continuing education has been an integral part of its existing planning process;

(2) It regularly collects data related to adult learners, including those who are being inadequately served;

(3) It periodically assesses the statewide postsecondary educational needs of adults; and

(4) It consults with public advisory groups composed of persons knowledgeable about the postsecondary educational needs of adults.

(20 U.S.C. 1012(b); 1013(c); 1019(c); S. Rept. 96–733, page 8)

§ 605.23 How does a State determine the amount of funds to be used for information services?

A State shall use not less than $50,000 nor more than 12 percent of its allotment, whichever is greater, to provide information services.

(20 U.S.C. 1014(a))

§ 605.24 How does a State determine the amount of funds to be used for continuing education?

A State shall use the funds remaining from its allotments—after reserving the amounts required for comprehensive statewide planning and information services—for subgrants and contracts for continuing education projects.

(20 U.S.C. 1015)

Subpart D—[Reserved]

Subpart E—[Reserved]

Subpart F—What Conditions Must be Met by a State?

§ 605.50 Coordination.

A State shall coordinate its comprehensive statewide planning and information services activities to the maximum extent feasible with all planning and information services under the following programs:

(a) Subpart 4 of Part A of Title IV of the Higher Education Act (Special Programs for Students from Disadvantaged Backgrounds).

(b) Part B of Title IV of the Higher Education Act (Guaranteed and Insured Student Loans).

(c) Section 485 of the Higher Education Act (Institutional and Financial Assistance Information for Students).

(d) The Vocational Education Act.

(e) The Comprehensive Employment and Training Act.

(f) The Older Americans Act of 1965.

(g) The Rehabilitation Act of 1973.

(h) The Career Education Incentive Act.

(i) The Adult Education Act.

(j) The Veterans Readjustment Assistance Act.

(k) Other Federal, State, and local programs that provide educational outreach, guidance, counseling, and information.

(20 U.S.C. 1013(d), 1014(b))

§ 605.51 Limitation on payments to the States.

(a) The Secretary does not make payments to a State in excess of two-thirds of the total costs of the State's program under this part.

(b) The State may not use funds from other Federal programs for matching.

(20 U.S.C. 1019)

Subpart G—What Are the Administrative Responsibilities of a State and Its Subgrantees and Contractors?

§ 605.60 Annual report.

(a) A State that receives funds under this program shall submit to the Secretary at the end of each fiscal year a report on each aspect of its Continuing Education Outreach Program. This report, which the State may combine with its annual performance report under EDGAR, 34 CFR 76.720, must include the following:

(1) A description of each activity supported, including the amount of Federal and non-Federal funds allocated to planning, information services, and continuing education programs.

(2) An analysis of the relationship between the activities carried out and the priorities established by the comprehensive statewide planning process.

(b) The State shall designate the State entity that shall be responsible for the report.

(20 U.S.C. 1013(b); H. Rept. 96-520, page 9)

§ 605.61 Child care project restrictions.

A State may not award subgrants or contracts for the provision of child care services for the benefit of persons participating in continuing education projects unless—

(a) The State entity responsible for comprehensive statewide postsecondary education planning has established a cooperative agreement with the agency within the State responsible for coordinating child care services; and

(b) The grantee or contractor is licensed by the State to provide child care services, or is in the process of renewing its license and is likely to have that renewal approved.

(20 U.S.C. 1015(c))

§ 605.62 Administrative funds.

A State may use up to five percent of the funds available for continuing education, or $40,000, whichever is greater, for the administration of continuing education activities or the direct operation of continuing education projects.

(20 U.S.C. 1015(d))

[FR Doc. 81-27716 Filed 9-22-81; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A4-FRL 1928-3]

Designation of Areas for Air Quality Planning Purposes; Alabama, Georgia, and Kentucky: Changes in Attainment Status

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces changes in the Section 107 Clean Air Act attainment status designation of various areas in Alabama, Georgia, and Kentucky. In Alabama: Jackson County is changed from nonattainment to attainment for particulate matter (TSP); Limestone and Marshall Counties are changed from unclassifiable to attainment for ozone; and Madison and Morgan Counties are changed from nonattainment to attainment for ozone. In Georgia: Atlanta is changed from nonattainment to attainment for TSP; a portion of the Savannah TSP nonattainment area is redesignated attainment; and the portion of the Savannah TSP nonattainment area within a quarter of a mile of the West Lathrop and Augusta monitoring site is redesignated unclassifiable. In Kentucky, 32 counties are changed from unclassifiable to attainment for ozone. All of these changes are based on measured air quality data meeting EPA's criteria for validity and representativeness. These changes will be effective November 23, 1981 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATES: These actions are effective November 23, 1981.

ADDRESSES: The materials submitted by the States in support of the redesignations may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Air Programs Branch, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

Notice of intent to make adverse comments should be directed to the EPA Region IV Air Programs Branch at the address given.

FOR FURTHER INFORMATION CONTACT: Staff of the Region IV Air Programs Branch in Atlanta at 404/881-3286 (FTS 257-3286): Archie Lee (Alabama), Barry Gilbert (Georgia), or Melvin Russell (Kentucky).

SUPPLEMENTAL INFORMATION:

Alabama

On April 2, 1981, the Alabama Air Pollution Control Commission submitted eight quarters of TSP data, for the period January 1, 1979 to December 31, 1980, showing no violation of any TSP standard in the Jackson County TSP nonattainment area. On the basis of this data, the State agency requested that Jackson County be redesignated attainment, and EPA is today granting that request.

In the original Section 107 designations of March 3, 1978, the counties of Madison and Morgan were listed as nonattainment for ozone. Limestone and Marshall counties were listed as unclassifiable because there was not sufficient data to make an attainment status determination. On February 27, 1981, the State submitted ozone data gathered in Huntsville (Madison County) in 1978, 1979, and 1980, showing no violation of the national standard, and requested that these four counties be designated attainment. EPA considers this ozone data to be representative of air quality within 50 kilometers of the monitoring site. Since most of the area of each of these counties lies within 50 km of the Huntsville site, the Administrator hereby grants Alabama's request.

Georgia

On March 3, 1978, the Administator, designated a portion of the City of Atlanta and a portion of the City of Savannah nonattainment for total suspended particulate.

On October 9, 1980, and February 9, 1981, the Georgia Environmental Protection Division (EPD) submitted air quality data showing that the national ambient air quality standards (NAAQS) for total suspended particulate had not been violated in Atlanta from 1978 through 1980 and demonstrated commensurate reductions in emissions, and requested that this area be redesignated to attainment. EPA is today changing the designation to attainment.

The October 9, 1980, submittal contains a technical report which analyzes the Savannah nonattainment area using diffusion models, wind data, filter analysis and other techniques. The nonattainment area is officially described as "that portion of Chatham

County within the north central sectic of Savannah." The air quality data fr monitoring sites except the one at We Lathrop and Augusta show attainmen of the NAAQS. Data for the West Lathrop and Augusta site still show nonattainment of the NAAQS. The technical analysis demonstrated that the ambient monitoring site in violation of the NAAQS was biased by construction of Loop 26. There was inadequate data since the opening of Loop 26 to demonstrate attainment. Therefore, EPA is changing the Section 107 attainment status designation of Savannah, Georgia (that portion of Chatham County within the north central section of Savannah) from nonattainment for total suspended particulate to attainment for the entire area except an area approximately one-quarter mile in radius around the West Lathrop and Augusta monitoring site. The area is more specifically defined as: Beginning at Fair Street and Loop 26 and proceeding southwest along Fair Street to Louisville Road, then southeast along Louisville Road to Alexander Street, then Northeast along Alexander Street, Jenkes Street and Cleland Street to Krenson Street, then north along Krenson Street to West Lathrop Avenue, then southwest along West Lathrop Avenue to Loop 26, then northwest along Loop 26 to Fair Street (the beginning).

This area is redesignated unclassifiable.

Kentucky

In Kentucky, 32 counties are changed from unclassifiable to attainment for ozone (Anderson, Ballard, Boyle, Carlisle, Casey, Crittenden, Garrard, Graves, Hancock, Hopkins, Jessamine, Laurel, Lincoln, Livingston, Lyon, Madison, Marion, Marshall, McCreary, McLean, Mercer, Muhlenberg, Ohio, Pulaski, Rockcastle, Russell, Union, Washington, Wayne, Webster, Whitley, and Woodford). On December 30, 1980, the Kentucky Department for Natural Resources and Environmental Protection submitted ozone data gathered in Harrodsburg, Henderson, Hopkins County, Owensboro, Paducah, and Shopville during 1980, and requested that the 32 counties listed above be designated attainment rather than unclassifiable, as they are at present. The data show no violation of the national standard and are representative of areas up to 50 km. from the monitors. EPA considers that the ozone standard is being attained in the 32 counties since most of their area lies within 50 km of one of the monitoring sites showing attainment.

Ozone Attainment

Section 107(d)(1) of the Clean Air Act does not provide for EPA to make a formal distinction between unclassifiable and attainment in the case of an area's attainment status for ozone; therefore, the designation of Limestone and Marshall Counties, Alabama and the 32 Kentucky Counties will remain unchanged. In 40 CFR 81.301 and 81.318 these counties will continue to be included in the "Rest of State" area shown as unclassified or better than the national standard for ozone.

Action

Since EPA views as routine and noncontroversial, any Section 107 redesignation made on the basis of measured air quality data, these actions are being taken without prior proposal. The public should be advised that these actions will be effective November 23, 1981. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any of the actions taken today, that action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals of the appropriate circuit within 60 days of today.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements buy only changes area air quality designations to attainment or unclassifiable.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sec. 107, Clean Air Act (42 U.S.C. 7407))

Dated: September 11, 1981.

John W. Hernandez, Jr.,
Acting Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.301 [Amended]

1. In § 81.301 the attainment status designation table for TSP is amended by removing the entry for Jackson County; the table titled "Alabama—O_x" is amended by changing the title to "Alabama—O_3" and by removing the entries for Madison and Morgan Counties.

2. In § 81.311 the attainment status designation table for TSP is amended by revising the entry for Chatham County to read as set forth below.

§ 81.311 Georgia.

Georgia—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * *	*	*	*	*
That portion of Chatham County within 0.25 mile of the West Lathrop and Augusta monitoring site in Savannah*.			X	
* * *	*	*	*	*

*See **Federal Register** of September 23, 1981.

* * * * * * *

[FR Doc. 81-27872 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 1-1 and 1-4

[FPR Temp. Reg. 63]

Special Types and Methods of Procurement; Commercial or Industrial-Type Activities; Temporary Regulation

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This temporary regulation prescribes policies and procedures necessary to determine whether the performance of commercial or industrial-type work would be accomplished more economically through the use of contracts with private concerns or through the use of Government facilities and personnel. The regulation implements Office of Management and Budget (OMB) Circular No. A–76, March 3, 1966, as revised through March 29, 1979, and Supplement No. 1, Cost Comparison Handbook, March 1979. The intended effect is to achieve uniformity among agencies regarding comparative cost analyses and to ensure that all substantive factors are considered in making cost comparisons.

DATES: Effective date: July 1, 1981. Expiration date: This regulation will continue in effect until July 1, 1983, unless canceled earlier.

Comments by interested parties: Agencies and other interested parties are invited to submit comments on or before November 23, 1981. Address comments to Philip G. Read, Director, Federal Procurement Regulations Directorate (VR) Office of Acquisition Policy, Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate (VR), Office of Acquisition Policy, 703–557–8947.

SUPPLEMENTARY INFORMATION: Supplement No. 1 Cost Comparison Handbook supports the cost comparison requirements in Circular No. A–76. The Handbook provides detailed instructions for making comparisons of the estimated costs to the Government of acquiring a product or service by contract with the estimated cost of acquiring the product or service through the use of Government facilities and personnel.

In 41 CFR Chapter 1, the following temporary regulation is listed in the appendix at the end of the chapter.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

General Services Administration

Washington, D.C.

Federal Procurement Regulations; Temporary Regulation 63

September 3, 1981.

To: Heads of Federal agencies.

Subject: Commercial or industrial-type activities.

1. *Purpose.* This FPR temporary regulation prescribes policies and procedures to implement the Office of Management and Budget (OMB) Circular No. A–76 issued March 3, 1966, as revised through March 29, 1979, including Supplement No. 1, Cost Comparison Handbook, March 1979.

2. *Effective date.* This regulation is effective as of July 1, 1981.

3. *Expiration date.* This regulation will continue in effect until July 1, 1983 unless canceled earlier.

4. *Background.*

a. OMB Circular No. A–76 issued March 3, 1966, as revised through March 29, 1979, and Supplement No. 1, March 1979, prescribes the general policies of the Government, when cost effective, to rely on competitive private enterprise to supply the products and services it needs. The primary source of national economic strength is characterized by individual freedom and initiative in the private enterprise system. The Government should not compete with its citizens.

b. Many Government activities may be performed either by contract or by Federal employees. The choice between these alternatives must be based on a finding regarding the method of performance which would be most economical. OMB Circular No. A–76 provides policies to assist agencies to make a comparative cost analysis and to establish whether the Government's interest would be best served by contract or in-house performance.

c. Circular No. A–76 guidelines were too general and insufficient as a basis for comprehensive cost studies. Agency and public comments in 1977 suggested a detailed cost comparison handbook. The suggested handbook was issued as Supplement No. 1 to the Circular.

5. *Explanation of changes.* This temporary regulation prescribes changes in Subparts 1-1.3 and 1-1.10 and adds new Subpart 1-4.14 as follows:

PART 1-1—GENERAL

Subpart 1-1.3—General Policies

§ 1-1.314 [Amended]

a. Subpart 1-1.3 is amended to prescribe a revision of § 1-1.314. This section is modified to identify the existing text as paragraph (a) and to add a new paragraph (b) as follows:

* * * * *

(b) The provisions of this section do not govern when the policies and procedures of Subpart 1-4.14 apply.

* * * * *

Subpart 1-1.10—Publicizing Procurement Activities

b. Subpart 1-1.10 is amended to add § 1-1.1008 to read as follows:

§ 1-1.1008 Government commercial or industrial-type activities.

Special synopsizing requirements are prescribed in § 1-4.1404-1(a).

PART 1-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

c. Subpart 1-4.14 is added to read as follows:

Subpart 1-4.14—Commercial or Industrial-Type Activities

§ 1-4.1400 Scope.

This subpart prescribes policies and procedures regarding the acquisition of products or services involving commercial or industrial-type activities and their application to requirements identified for cost comparisons.

§ 1-4.1401 Definition.

"Government commercial or industrial-type activity," for the purpose of this subpart, means one which is operated and managed by a Federal executive agency and which provides a product or service that could be obtained from a private source. A representative, but not comprehensive, listing of these activities is provided in Attachment A of OMB Circular A–76. An activity can be identified with an organization or a type of work, but must be (1) separable from other functions so as to be suitable for performance either in-house or by contract, and (2) a regularly needed activity of an operational nature, not a one-time activity of short duration associated with support of a particular project.

§ 1-4.1402 Policy.

It is the general policy of the Government to rely on private commercial sources to supply the products and services it needs when it is more economical to do so, consistent with the interest of the Government and the availability of satisfactory commercial sources. Implementation of this policy employs the conventional contract process with the following added features: (a) The Government prepares an in-house cost estimate

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based on the same statement of work and same level of performance as offerors; (b) a cost comparison is made between the potentially successful offeror and the Government; and (c) depending on the results of the cost comparison, a contract is awarded or the solicitation is canceled. OMB Circular No. A–76 and its Supplement No. 1, Cost Comparison Handbook, provide detailed policy and procedural coverage on deciding whether to contract with commercial sources or use Government personnel and, on implementing the cost-comparison principles contained in the Circular. Agencies shall follow the procedures in this subpart and the procedures contained in the Circular and the Handbook.

§ 1–4.1403 Contract clauses.

(a) Solicitations involving formal advertising shall include the Notice of Cost Comparison (Advertised) clause set forth in § 1–4.1405.

(b) Solicitations involving negotiated contracts shall include the Notice of Cost Comparison (Negotiated) clause set forth in § 1–4.1406.

(c) All solicitations and resulting contracts subject to this subpart shall include the Right of First Refusal for Employment Openings clause set forth in § 1–4.1407.

§ 1–4.1404 Procedures.

§ 1–4.1404–1 Planning.

(a) Government commercial or industrial-type activities shall be inventoried and reviewed periodically by management to determine if the activity is subject to a cost comparison. During these reviews contracting officers shall assist management officials in identifying private commercial sources. If no private commercial source is available, management officials, with the assistance of the contracting officer, shall seek to identify sources through:

(1) Synopsizing of the requirement in the Commerce Business Daily at least 3 times in a 90 day period or, for urgent requirements, at least 2 times in a 30 day period (see § 1–1.1008); and

(2) Seeking assistance from the General Services Administration, Small Business Administration, and the Domestic and International Business Administration in the Department of Commerce.

(b) When commercial sources are available, an acquisition package, to include a clear and concise performance-oriented statement of work, shall be prepared.

(c) A Government commercial or industrial activity can be authorized without a comparative cost analysis when it is demonstrated that:

(1) There is no private commercial source capable of providing the product or service that is needed; or

(2) Use of a private commercial source would cause an unacceptable delay or disruption of an essential agency program.

§ 1–4.1404–2 In-house cost estimate.

(a) An in-house cost estimate is prepared based on the same statement of work that is in the solicitation. The in-house cost estimate and other cost elements required to accomplish a cost comparison are entered on a cost comparison form (the form is illustrated in the A–76 Cost Comparison Handbook, Chapter II, Exhibit 1), audited, sealed, dated, and submitted to the contracting officer not later than the time established for receipt of initial offers or bid opening. All necessary detailed supporting data will be included in the sealed enveloped when it is submitted to the contracting officer.

(b) The confidentiality of both the in-house cost estimate and the bids in formally advertised cost comparison studies shall be maintained until the time of public disclosure to ensure that they are completely independent. For cost comparison studies conducted using negotiation procedures, confidentiality and independence shall be maintained until after completion of negotiations and selection of the most advantageous offer. Personnel who have knowledge of the cost figures set forth in the Government in-house cost estimate shall not participate in the offer evaluation process.

§ 1–4.1404–3 Solicitation.

Solicitations shall be prepared in accordance with §§ 1–4.1403 and 1–2.201 or 1–3.802. For purposes of the cost comparison, solicitations shall provide for a base contract period and any necessary priced options to total the amount of time represented by the in-house cost estimate. Evaluation of options for selection between competing offers shall be in accordance with Subpart 1–1.15.

§ 1–4.1404–4 Evaluation.

After receipt of the sealed and dated in-house cost estimate and the offers, the procedures for commercial or industrial-type activity contracting differ form conventional contracting procedures, as follows:

(a) *Formal advertising.* (1) At the time of public bid opening, after recording of bids, the sealed envelope containing the cost comparison form and the in-house cost estimate shall be opened and the price of the apparent low bidder shall be entered on the cost comparison form. The contracting officer shall announce the results, based upon the completed cost comparison form, subject to evaluation of bids for responsiveness and responsibility, and resolution of request for review. The abstract of bids, the completed cost comparison form, and detailed supporting data relative to the in-house cost estimate shall be made available to interested parties for review. Interested parties shall be advised that no final decisions will be made for at least 5 working days (a maximun of 15 working days if the action is deemed by the contracting officer to be complex) during this public review period (see the review procedures in paragraph (c) of this section).

(2) After the evaluation of bids and determinations of responsibility the price of the low, responsive, responsible bidder shall be provided to the preparer of the in-house cost estimate for final review of the cost comparison form and origination of the Decision Summary Form (this form is illustrated in the A–76 Cost Comparison Handbook, Chapter II, Exhibit 2).

(3) The final decision for performance in-house or by contract shall be made as required by agency procedures.

(4) The completed cost comparison analysis shall be made available to interested parties upon request.

(b) *Negotiation.* (1) The contracting officer shall receive the proposals, and shall then evaluate, negotiate, and select the most advantageous proposal in accordance with Part 1–3. The contracting officer, together with the preparer of the in-house cost estimate, shall then open the Government in-house cost estimate, complete the cost comparison form, and make a cost comparison. This cost comparison is made prior to the public announcement.

(2) If the cost comparison results in a decision to contract out, the contracting officer shall proceed to award a contract. In addition, the contractor shall be put on notice (i) that such award is conditioned upon its offer still being more economical than in-house performance after completion of the public review period plus any additional time required pursuant to the review procedures set forth in paragraph (c) of this section, and (ii) that preparation for commencement of performance shall not begin until notification to commence is received from the contracting officer. Concurrent with the award, the contracting officer shall publicly

announce the results of the cost comparison to all interested parties. This public announcement shall include revealing and making available for public review the in-house cost estimate with detailed supporting data, the completed cost comparison form, and the name of the contractor. Interested parties shall also be informed that contractor preparations for performance are conditioned upon completion of a public review period plus any additional time required pursuant to the review procedures set forth in paragraph (c) of this section. The period for public review shall commence with the announcement of the results of the cost comparison by the contracting officer and shall run for a period of at least 5 working days (a maximum of 15 working days, if the action is deemed by the contracting officer to be complex). Upon completion of the public review period and resolution of questions raised, if any, the Decision Summary Form shall be completed and approved. After receiving clearance from appropriate channels, the contracting officer shall issue an authorization to commence to the contractors, or cancel the contract, as appropriate.

(3)(i) If the result of the cost comparison is in favor of in-house performance, the contracting officer shall announce the results of the cost comparison and make available for public review the in-house cost estimate, the detailed supporting data relative to the in-house cost estimate, the completed cost comparison form, and the price of the offeror whose offer was the most advantageous to the Government. The period for public review shall commence with the announcement by the contracting officer of the results of the cost comparison and shall run for a period of at least 5 working days (a maximum of 15 working days if the action is deemed by the contracting officer to be complex).

(ii) The contracting officer shall specify in the contract the number of days which are applicable in § 1–4.1405(c) and in § 1–4.1406(c) (1) and (2).

(c) *Review procedures.* This procedure shall be used only to resolve questions concerning the calculation of the cost comparison and shall not apply to questions concerning potential award to one firm in preference to another. Requests for review of any discrepancy in the cost comparison shall be filed with the contracting officer, in writing, by directly affected parties. These requests shall be considered only if based on specific objections and filed within the public review period. The contracting officer shall forward these requests for review to the preparer of the in-house cost estimate for consideration in accordance with agency procedures. Decisions with regard to these requests for review are final and shall be communicated to the requesting party within 30 days of receipt.

§ 1–4.1405 Formally advertised contracts clause.

All solicitations for formally advertised contracts for commercial and industrial-type work, and resultant contracts shall include the following clause in accordance with § 1–4.1403(a).

Notice of Cost Comparison (Advertised)

(a) Bidders are notified that this solicitation is a part of a cost comparison to determine whether accomplishing the specified work in-house or by contract is more economical. The determination shall be based on the procedures contained in OMB Circular A–76, as amended, and the related Cost Comparison Handbook.

(b) The Government's in-house cost estimate shall be based on the statement of work set forth in this solicitation and shall be submitted to the Contracting Officer in a sealed envelope not later than the time set for bid opening. At the time of bid opening, the bids and the sealed Government in-house estimate will be opened and the results announced. This announcement is based upon an initial comparison of the cost of in-house performance with the cost of contracting out as indicated on the cost comparison form. The abstract of bids, the completed cost comparison form, and detailed supporting data relative to the in-house cost estimate shall be made available to interested parties for review.

(c) A period of [1] ——— working days will be provided for public review by interested parties of the cost comparison data. No final determination regarding the question of in-house or contractor performance will be made during the review period. Interested parties may file written requests, based on specific objections, for review of the cost comparison results with the Contracting Officer during this period. This review shall only be used to resolve questions concerning the calculation of the cost comparison, and shall not apply to decisions regarding selection of one bidder in preference to another. Decisions with regard to such requests are final.

(d) After evaluation of bids, and resolution of requests for review, if any, the Contracting Officer shall announce the results of the cost comparison and either award a contract or cancel the solicitation. The completed cost comparison analysis shall be made available to interested parties.

(e) In accordance with provisions of the clause "Late Bids, Modifications of Bids, or Withdrawal of Bids," a late modification which displaces the otherwise low in-house cost estimate shall not be considered. An otherwise low in-house cost estimete is considered a successful bid and cannot be displaced by a late modification within subparagraph (d) of that clause.

(End of Clause)

§ 1–4.1406 Negotiated contracts clause.

All solicitations for negotiated contracts for commercial or industrial-type work and resultant contracts shall include the following clause in accordance with § 1–4.1403(b).

Notice of Cost Comparison (Negotiated)

(a) Offerors are notified that this solicitation is a part of a cost comparison to determine whether accomplishing the specified work in-house or by contract is more economical. The determination shall be based on the procedures contained in OMB Circular A–76, as amended, and the related Cost Comparison Handbook.

(b) The Government's in-house cost estimate shall be based on the statement of work set forth in this solicitation and shall be submitted to the Contracting Officer in a sealed envelope not later than the time set for receipt of initial proposals.

(c) After completion of evaluation of proposals, negotiation, and selection of the most advantageous proposal, the sealed envelope shall be opened by the Contracting Officer in the presence of the preparer of the in-house cost estimate. They shall then make a cost comparison prior to public announcement. Based on the results of this cost comparison, the following actions shall [illegible]

(1) If the result is in favor of contracting out and appropriate administrative approval obtained, an award shall be made. The Contracting Officer shall then publicly reveal the completed cost comparison form, the in-house cost estimate and its detailed supporting data, and the awarded contract. However, this award is conditioned upon the offer remaining the more economical alternative after (i) completion of a public review period of [1] ——— working days and (ii) administrative resolution within 30 days of their receipt by the Contracting Officer of all questions raised during the public review period. The Contractor is put on notice that the Government assumes no liability for cost incurred during the period specified in (i) and (ii), above. After administrative resolution of the questions, if any, filed with the Contracting Officer during the review period in (i), above, the Contracting Officer shall then either notify the Contractor that it may proceed with performance of the contract, or cancel the contract at no cost to either party.

(2) If the result is in favor of in-house performance, the Contracting Officer shall publicly reveal the completed cost comparison form, the in-house cost estimate and its detailed supporting data, and the price of the most advantageous offer to the Government. After completion of a public review period of [1] ——— working days and administrative resolution of all questions, if any, filed with the Contracting Officer during

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[1] Number of days as stated here or elsewhere in this contract.

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the review period, the Contracting Officer shall then either, as appropriate, cancel the solicitation or award a contract after obtaining the required administrative approvals.

(d) No final determination regarding the question of in-house or Contractor performance will be made during the period provided for public review. Interested parties may file written requests, based on specific objections and review of the in-house cost estimate, with the Contracting Officer during this period. This review shall only be used to resolve questions concerning the calculation of the cost comparison, and shall not apply to questions concerning award to one offeror in preference to another. Decisions with regard to such requests are final.

(e) In accordance with provisions of the clause "Late Proposals, Modifications of Proposals, or Withdrawal of Proposals," a late modification which displaces the otherwise low in-house cost estimate shall not be considered. An otherwise low in-house cost estimate is considered a successful proposal and cannot be displaced by a late modification within subparagraph (d) of that clause.

(End of Clause)

§ 1-4.1407 Right of first refusal for employment openings clause.

All solicitations and resultant contracts, subject to this subpart, shall include the following clause in accordance with § 1-4.1403(c).

Right of First Refusal for Employment Openings

Consistent with Government employment conflict-of-interest standards, the contractor shall give Government employees, displaced as a result of the conversion to contract performance, the right of first refusal for employment openings on the contract in positions for which they are qualified.

(End of Clause)

6. *Agency action.* (a) Pending the issuance of a permanent amendment to the Federal Procurement Regulations, agencies shall follow the policies and procedures in this temporary regulation.

(b) Two forms are illustrated in the A-76 Cost Comparison Handbook and should be used in the implementation of this subpart. Pending the illustration of these forms in the FPR and the general printing and distribution of these forms, reference should be made to A-76 Cost Comparison Handbook, Chapter II, Exhibits 1 and 2.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-27701 Filed 9-22-81; 8:45 am]

BILLING CODE 6820-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 11

[Docket No. FEMA-Gen-11B]

Collection of Claims by the Government Under the Federal Claims Collection Act of 1966

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: First amendment to regulations.

SUMMARY: This amendment to the Claims Collection regulations describes the authority of the Comptroller, FEMA, as Agency Claims Officer, and describes internal procedures for processing claims.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Ainora, Federal Emergency Management Agency, Office of the General Counsel, Washington, D.C. 20472, (202) 287-0388.

EFFECTIVE DATE: September 23, 1981.

SUPPLEMENTARY INFORMATION: On September 26, 1980, the Federal Emergency Management Agency (FEMA) published its claims collection regulations (45 FR 63854). These regulations are found in Title 44 of the Code of Federal Regulations, Part 11, Subpart C. This regulation substitutes the Comptroller as Agency Collection Officer for the General Counsel. Since these changes are changes in internal organizational processing of claims, which is an agency management decision, notice and public comment are not required and the regulation can be made effective on date of publication.

PART 11—CLAIMS

Accordingly, Chapter I of Title 44, Part 11, Code of Federal Regulations, is amended as follows:

Section 11.30 is revised to read as follows:

§ 11.30 Scope of regulations.

(a) *Scope.* This subpart sets forth the regulations of the Director of the Federal Emergency Management Agency (the Agency) implementing the Federal Claims Collection Act of 1966 (the Act), in conformity with the standards jointly promulgated by the Attorney General and the Comptroller General in 4 CFR Parts 101 through 105. The Act (1) requires the Director or his designee to attempt collection of all claims of the United States for money or property arising out of the activities of the Agency; and (2) authorizes the Director or his designee for claims that do not exceed $20,000 exclusive of interest, to compromise such claims or to suspend or terminate collection action where it appears that no person liable on such claim has the present or prospective financial ability to pay any significant sum thereon or that the cost of collecting such claim is likely to exceed the amount of recovery.

(b) *Definitions.* For the purposes of this subpart, "office" means one of the following: (1) Office of Training and Education, (2) The Federal Insurance Administration, (3) Office of Plans and Preparedness, (4) Office of State and Local Programs and Support, (5) The U.S. Fire Administration, (6) Office of Resource Management and Administration, and (7) the Offices of the Regional Directors.

Section 11.34 is revised to read as follows:

§ 11.34 Referral of claims to the Comptroller, Federal Emergency Management Agency.

(a) Authority of the Comptroller, Federal Emergency Management Agency.

(1) The Comptroller, Federal Emergency Management Agency shall act as the Agency Claims Officer and shall exercise the powers and perform the duties of the Director to compromise, or to suspend or terminate collection action on all Agency claims not exceeding $20,000 exclusive of interest, except as provided in § 11.35 and paragraph (b) of this section.

(2) When initial attempts at collection by the office originating such claim have not been fully successful, the claim file shall be forwarded to the Agency Claims Officer for further administrative collection procedures. Claims shall be referred to the Agency Claims Officer well within the applicable statute of limitations (28 U.S.C. 2415 and 2416).

(b) *Exclusions.* There shall be no compromised or terminated collection action with respect to any claim: (1) as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim; (2) based in whole or in part on conduct in violation of the anti-trust laws; (3) based on tax statutes; or (4) arising from an exception made by the General Accounting Office in the account of an accountable officer. Such claims shall be promptly referred to the Justice Department, or GAO, as appropriate, after the Agency Claims Officer has consulted with the Inspector General and the Office of General Counsel.

Section 11.36 is revised to read as follows:

§ 11.36 Agency claims officer.

The Comptroller, Federal Emergency Management Agency, is designated as the Agency Claims Officer, and shall be responsible for the establishment and maintenance of procedures within the Agency relating to the collection of claims and the coordination of all collection activities in all Agency offices.

Section 11.37 is revised to read as follows:

§ 11.37 Claims files.

Each claims collection officer is responsible for obtaining current credit data about each person against whom a claim is pending in his office. The files shall be kept up-to-date by the Agency Claims Officer for claims referred to the Agency Claims Officer for collection. Such credit data may take the form of (a) a commercial credit report, showing the debtor's assets and liabilities and his income and expenses, (b) the individual debtor's own financial statement executed under penalty of perjury reflecting his assets and liabilities and his income and expenses, or (c) an audited balance sheet of a corporate debtor. The file should also contain a checklist or brief summary of actions taken to collect or compromise a claim.

Section 11.38 is revised to read as follows:

§ 11.38 Quarterly report of collection action.

The Agency Claims Officer shall make a quarterly report to the Director and to all offices that have referred claims for collection. The report should contain the following information as a minimum:

(a) All outstanding claims referred to the Agency Claims Officer for administrative collection, including the name and address of the debtor, the amount of the claim, the date the claim accrued, the basis of the claim, the office referring the claim, and the current program of collection activities.

(b) All claims referred to the Office of General Counsel for legal guidance.

(c) All claims compromised or on which collection has been suspended or terminated or referred to GAO or Justice for further collection action during the month. The collection action taken and the basis for the action should be indicated.

(d) All claims referred to the Department of Justice under § 11.45.

(e) Claims returned to this Agency by the Justice Department for further collection action because Justice's handling was not warranted.

Section 11.39 is revised to read as follows:

§ 11.39 Accounting control.

Each office shall process all claims collections through the Agency Claims Officer and report the collection, compromise, suspension and termination of all claims to that office for recording.

Section 11.41 is revised to read as follows:

§ 11.41 Suspension or revocation of eligibility.

(a) Where a contractor, grantee, or other participant in programs sponsored by the Agency fails to pay his debts to the Agency within a reasonable time after demand, the fact shall be reported by the Agency Claims Officer to the Inspector General, who shall place such defaulting participant's name on the Agency's list of debarred, suspended and ineligible contractors and grantees and the participant will be so advised.

(b) The failure of any surety to honor its obligations in accordance with 6 U.S.C. 11 is to be reported at once to the Agency Claims Officer, who shall so advise the Treasury Department. The Treasury Department will notify this Agency when a surety's certificate of authority to do business with the Government has been revoked or forfeited.

§ 11.42 [Amended]

Section 11.42(6) is amended by changing "Office of Finance and Administration" to "Agency Collection Office."

Section 11.45 is revised to read as follows:

§ 11.45 Referral to GAO or Justice Department.

(a) *Claims referred.* Claims which cannot be collected, compromised, or terminated in accordance with 4 CFR Parts 101 to 105 will be referred to the Agency Claims Officer for referral to the General Accounting Office in accordance with 31 U.S.C. 71, or to the Department of Justice if this Agency has been granted an exception from referrals to the General Accounting Office. Also, if there is doubt as to whether collection action should be suspended or terminated on a claim, the claim may be referred to the General Accounting Office for advice. When recovery of a judgment is prerequisite to imposition of administrative sanctions, the claim may be referred to the Justice Department for litigation even though termination of collection activity might otherwise be considered. Referral to the General Accounting Office or to the Department of Justice should be done after consulting with the Office of General Counsel, FEMA.

(b) *Prompt referral.* Such referrals shall be made as early as possible consistent with aggressive collection action, and, in any event, well within the statute of limitations for bringing suit against the debtor.

Section 11.47 is revised to read as follows:

§ 11.47 Automation.

The Agency Claims Officer shall work to automate the Agency's debt collection operations to the extent it is cost effective and feasible.

A new § 11.49 is added, reading as follows:

§ 11.49 Office of General Counsel.

The Office of General Counsel shall provide legal advice on claims collection matters to all claims collection officers and the Agency Collection Officer, as needed.

Louis O. Giuffrida,

Director, Federal Emergency Management Agency.

September 15, 1981.

[FR Doc. 81-27559 Filed 9-18-81; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 65

[Docket No. FEMA-6142]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials on the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the specified flood hazard areas of the special community and imposes no new requirements or regulations on participating communities.

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County and community name	Date of conversion to regular program
Arizona	Yavapai, town of Chino Valley.	Sept. 1, 1981.
Alabama	Jefferson, city of Fairfield.	Sept. 11, 1981.
Arizona	Pinal, town of Mammoth.	Sept. 15, 1981.
Delaware	Sussex, town of Millville.	Sept. 25, 1981

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 11, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–27629 Filed 9–22–81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5845]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Emergency Management Agency.

ACTION: Removal of final rule.

SUMMARY: The Federal Insurance Administration has erroneously issued and published the final flood elevation determination for the Town of West Bridgewater, Plymouth County, Massachusetts. This notice will serve to delete that publication. The final rule for the Town will be reissued and republished at a late date in order to more closely coincide with the Town's annual meeting.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The issuance of the Final Base Flood Elevation Determination is followed by a period (not to exceed six months) wherein communities are requested to adopt flood plain management measures as required by § 60.3 of the Program's regulations. Since, in Massachusetts, this adoption is done at the Town meeting, the Regional Office of FEMA in Boston, Massachusetts has requested specific Final Determination Date and effective date of the Flood Insurance Rate Map in order to coincide with the Town of West Bridgewater's annual town government meetings. The Agency has agreed to delete the notice of Final Flood Elevation Determination for the Town of West Bridgewater, Plymouth County, Massachusetts, published at 45 FR 30629, on June 10, 1981, and republish it at a later date.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–27630 Filed 9–22–81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster

Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation deteminations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Times Beach, St. Louis County, (Docket No. FEMA-6048).	Meramec River	Just upstream of St. Louis-San Francisco Railway	*442
			About 800 feet upstream of Interstate 44	*447
Maps available for inspection at the City Hall, Times Beach, Missouri.				
New Jersey	Lebanon, Borough, Hunterdon County, (Docket No. FEMA-6048).	South Branch Rockaway Creek	Downstream Corporate Limits	*212
			Upstream of Sloan's Lane	*223
			Downstream of Cherry Street	*243
			Upstream of Central Street	*252
			Upstream Corporate Limits	*270
		Tributary A	Confluence with South Branch Rockaway Creek	*213
			Upstream of Main Street	*220
			Upstream of Cokesbury Road	*242
			Approximately 900' upstream of Cokesbury Road	*247
		Tributary B	Confluence with Tributary A	*221
			Upstream of U.S. Route 22	*231
			Downstream face of Interstate 78 culvert	*242
			Upstream Corporate Limits	*257
Maps available for inspection at the Office of the Borough Clerk, 96 Main Street, Lebanon, New Jersey.				
Pennsylvania	Carlisle, Borough, Cumberland County, (Docket No. FEMA-6048).	Letort Spring Run	Downstream Corporate Limits	*448
			Upstream of Conrail	*450
			Upstream of Pomfret Street	*454
			Upstream Corporate Limits	*455
Maps available for inspection at the Borough Building, 53 West South Street, Carlisle, Pennsylvania.				
Pennsylvania	Latimore, Township, Adams County, (Docket No. FEMA-6048).	North Branch Latimore Creek	Confluence with Latimore Creek	*514
			Bushey's School Road bridge (Upstream side)	*544
			Brough Road bridge (Downstream side)	*561
		Tributary 1	U.S. Route 15 bridge (Upstream side)	*548
			U.S. Route 15 (business) bridge (Upstream side)	*556
			Town Hill Road bridge (Downstream side)	*605
		Latimore Creek	Confluence with Tributary 1	*484
			Farm Lane bridge (Upstream side) approximately 4,650' upstream from Ridge Road bridge.	[illegible]
			U.S. Route 15 (business) bridge (Upstream side)	*507
			Confluence of North Branch Latimore Creek	*514
			Bommers Hill Road bridge (Upstream side)	*537
			Town Hill Road bridge (Downstream side)	*571
Maps available for inspection at the Latimore Township Building, R. D. 1, York Springs, Pennsylvania.				
Vermont	Montpelier (City), Washington County, FEMA-6078	Winooski River	150 feet upstream from centerline of Central Vermont Railroad.	*518
			50 feet upstream from centerline of Main Street	*529
			200 feet upstream from concrete dam upstream of Pioneer Street.	[illegible]
		North Branch Winooski River	100 feet upstream from centerline of State Street	[illegible]
			100 feet upstream from centerline of Gould Hill Road	*537
			100 feet upstream from centerline of Haggett Road	[illegible]
		Dog River	50 feet upstream from centerline of Montpelier and Barre Railroad.	*520
		Stevens Branch	150 feet upstream from confluence with Winooski River.	*547
Maps available for inspection at Zoning Administrator's Office, City Hall, Main Street, Montpelier, Vermont				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27632 Filed 9-22-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Unincorporated Areas of Jefferson County (Docket No. FEMA-5817).	Ward Mill Creek	Just downstream from a Private Road	*385
		Unnamed Creek 2	Just upstream of the Private Road located approximately 1.9 miles upstream of the confluence with Ward Mill Creek.	*386
		Locust Fork (Lower Branch)	At Ward Mill Creek	*326
		Locust Fork (Upper Branch)	At I-65	*352
		Turkey Creek (Lower Branch)	At Glenwood Road	*375
			Just upstream of Louisville & Nashville Railroad	*412
		Turkey Creek (Upper Branch)	At Old Bradford Road	*594
			100 feet downstream of Pinson-Clay Road	*641
			Just upstream of Old Springville Highway	*790
		Self Creek	100 feet downstream of Alabama Highway 75	*675
			Just upstream of Brookwood Road	*711
		Dry Creek (Warrior River Basin)	100 feet downstream of Faucett Road	*688
		Unnamed Creek 8	200 feet upstream of the confluence with Dry Creek (Warrior River Basin).	*692
		Unnamed Creek 9	Just upstream of Red Hollow Road	*608
		Unnamed Creek 10	100 feet downstream of Brumbeloe Drive	*635
		Unnamed Creek 11	100 feet upstream of Sweeney Hollow Road	*658
		Fivemile Creek (Fivemile Creek Basin).	Just downstream of Lindale Road	*333
			Just upstream of Coalburg Road, 3.25 miles downstream of the confluence of Black Creek.	*406
			At Highway 78	*465
			At Point Road	*705
		Unnamed Creek 13	100 feet downstream of the Graysville Corporate limit and Limit of Detailed Study.	*376
		Newfound Creek	At the Louisville and Nashville Railroad	*374
		Black Creek (Fivemile Creek Basin).	At Walker Chapel Road	*431
		Barton Branch	Just downstream of Fleming Road	*598
		Tarrant Springs Branch	At Martin Spring Road	*693
		Dry Creek (Fivemile Creek Basin)	At Pine Mill Road	*759
			100 feet upstream of Brewster Road	*867
		Unnamed Creek 23	Just downstream of Robinwood Road	*636
		Village Creek	At Porter Road	*409
			At Adamsville Ensley Road	*513
			150 feet upstream of Vanderbilt Road	*578

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			150 feet downstream of 75th Street	[illegible]
		Corbet Branch	At Adamsville-Dacena Road	*628
		Camp Branch	150 feet downstream of Denmark Avenue	*509
		Second Creek	Just upstream of Pratt Highway	*529
		Black Creek (Village Creek Basin)	At Cherry Avenue	*645
		Valley Creek	Just upstream of John-Adger Road	*403
			At Powder Plant Road	*433
			Just downstream of 13th Street	*457
			At 18th Avenue	*467
		Fivemile Creek (Valley Creek)	Just downstream of Freeman Avenue	*453
			Just downstream of Easter Valley Road	*525
		Unnamed Creek 38	Just downstream of Lakeridge Drive	*479
		Opossum Creek	100 feet downstream of Woodward Road	*485
			At 12th Street	*512
		Unnamed Creek 40	At Brookland Drive	*474
		Unnamed Creek 41	Just upstream of Louisville & Nashville Railroad	*467
		Unnamed Creek 45	Just upstream of Jefferson Avenue	*526
		Shades Creek	200 feet upstream of Bluff Ridge Road	*490
			At Parkwood Drive	*544
			At Oxmoor road	*621
			At Groover Drive	*688
		Little Shades Creek (Shades Creek Basin).	At Highway 150	*527
			At Pleasant Valley Road	*585
		Cahaba River	At Cahaba Heights Road	*460
			Just upstream of Grants Mill road	*505
			Just downstream of Highway 78	*586
			Just upstream of Goodner Mountain Road	*896
		Patton Creek	At the Green Valley Country Club	*495
		Little Shades Creek (Cahaba River Basin).	Just upstream of Gennedo Road	*448
			100 feet upstream of Rocky Ridge Road	*508
		Little Cahaba River	Just upstream of Grants Mill Road	*658
			At Cahaba Valley Road	*593
		Dry Creek (Cahaba River Basin)	200 feet upstream of Shale Road	*642
		Stinking Creek	Just downstream of Old Lovick Road	*553
		Pinchgut Creek	Just upstream of Mary Taylor Road	*714
Maps available for inspection at 282A Jefferson County Courthouse, Birmingham, Alabama 35263.				
Pennsylvania	East Coventry, Township, Chester County (Docket No. FEMA-5846).	Schuylkill River	Downstream corporate limits	[illegible]
			Upstream Sanatoga Road	[illegible]
			Upstream corporate limits	*139
		Pigeon Creek	Confluence with Schuylkill River	*126
			Upstream of Zieber Road	*194
			Upstream side Saylors Mill Road	*146
			Downstream side Ellis Woods Road	*164
			Confluence of East Tributary	*188
			Downstream side Fulmer Road	*198
			Upstream corporate limits	*217
		East Tributary	Confluence with Pigeon Creek	[illegible]
			Downstream Fulmer Road	*225
			Extension of Maple Drive	*245
			Upstream corporate limits	*268
Maps available for inspection at the East Coventry Township Building.				
Pennsylvania	Hepburn, Township, Lycoming County (Docket No. FEMA-5815).	Lycoming Creek	Confluence of Mill Creek	*574
			Upstream side of U.S. Route 15 (Downstream crossing).	[illegible]
			Confluence of Long Run	*592
			Upstream side of State Route 973	*600
			Upstream side of U.S. Route 15 (Upstream crossing)	[illegible]
			Upstream Corporate Limits	[illegible]
		Mill Creek	Confluence with Lycoming Creek	*574
			Upstream side of State Route [illegible] (Downstream crossing).	*592
			Upstream side of State Route 973 (Upstream crossing).	[illegible]
			Confluence of Tributary A	*628
			Confluence of Tributary C	*653
			Upstream side of Legislative Route 41045	*670
			Confluence of Tributary E	*676
			2,005' upstream from confluence of Tributary E	*701
Maps available for inspection at the Schon Brothers Hardware Store, R.D. 3, Cogan Station, Pennsylvania.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–27630 Filed 9–22–81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Show Low (City), Navajo County, FEMA-6052	Patricks Wash	40 feet upstream from center of North 8th Street	*6975
			70 feet upstream from center of East McNeil *6324	
		Whipple Wash	At intersection of Whipple Wash and center of North 13th Street.	*6331
			At intersection of Whipple Wash and center of East Whipple.	*6899
		Fools Hollow Wash	At intersection of Fools Hollow Wash and center of West Sylvester.	*6270
			50 feet upstream from center of State Highway 260	*6356
		Fools Hollow Wash East Branch	50 feet upstream from center of South 23rd Avenue	*6859
			At intersection of Fools Hollow Wash East Branch and [illegible] of West [illegible].	*6396
		Navajo Pines Wash	At intersection of Navajo Pines Wash and center of West Cooley.	*6372
		Show Low Creek	At intersection of Show Low Creek and center of Deuce of Clubs Avenue.	*6324
Maps available for inspection at Department of Planning and Zoning, 541 East Deuce of Clubs, Show Low, Arizona.				
Arizona	Taylor (Town), Navajo County, FEMA-6066	Silver Creek	Intersection of 5th Street and May Lane	*5616
		Railroad Grade Wash	130 feet upstream from the center of State Highway 77.	*5825
			Intersection of Railroad Grade Wash and Foothills Boulevard.	*5732
		Airport Wash	Intersection of Airport Wash and Willow Lane	*5675
[illegible] for inspection at Town Hall, 425 Paper Mill Road, Taylor, Arizona.				
California	Lincoln (City), Placer County, FEMA-6052	Auburn Ravine	20 feet upstream from the intersection of State Highway 65 and Auburn Ravine.	*150
			100 feet upstream from the intersection of State Highway 193 (Newcastle Highway) and Auburn Ravine.	*167
Maps available for inspection at City Clerk's Office, 511 5th Street, Lincoln, California.				
Connecticut	Andover, Town, Tolland County (Docket No. FEMA-6053)	Hop River	Downstream Corporate Limits	[illegible]
			Intersection of Willimantic Road and Jonathan Trumbull Highway.	[illegible]
			Upstream of Bunker Hill Road	[illegible]
			Upstream of Long Hill Road	[illegible]
			Confluence with Burnap Brook	*314
			Upstream of Hendee Road	[illegible]
			Upstream of Times Farm Road	[illegible]
			Upstream Corporate Limits	[illegible]
		Skungamaug River	Confluence with Hop River	[illegible]

Final Base (100-year) Flood Elevations—Continued

[illegible]	City/town/county	Source of flooding	[illegible]	#Depth in feet above ground. *Elevation in feet (NGVD)
			1,780′ upstream of confluence with Hop River	*331
			Upstream Corporate Limits	[illegible]
Maps available for inspection at the Selectman's Office, Town Hall, School Road, Andover, Connecticut.				
Colorado	Craig (City), Moffat County FEMA-6033	Fortification Creek	Downstream side of 7th Street bridge over the channel.	*6194
			Downstream side of 10th Street bridge over the channel.	*6198
		Brotherton Gulch	Braclay Street over the channel	*6232
Maps available for inspection at City Clerk, City Hall, 300 West 4th Street, Craig, Colorado.				
Connecticut	New Hartford, Town, Litchfield County (Docket No. FEMA-6053).	Farmington River	Downstream Corporate Limits	*316
			Upstream U.S. Route 44	[illegible]
			Confluence of West and East Branch Farmington River	[illegible]
		West Branch Farmington River	Confluence with East Branch Farmington River	*358
			Upstream of Black Bridge Road	*376
			Upstream State Route 219	[illegible]
			Upstream Corporate Limits	[illegible]
		East Branch Farmington River	Confluence with West Branch Farmington River	[illegible]
			Approximately 250′ upstream of State Route 219	*370
		Nepaug River	At Nepaug Reservoir	[illegible]
			Upstream 1st crossing U.S. Route 202	*525
			Upstream 3rd crossing U.S. Route 202	*554
			Upstream State Route 219	[illegible]
			Upstream of Maple Hollow Road	*575
			Confluence of Bakersville Brook	[illegible]
		[illegible]	Confluence with Nepaug River	[illegible]
			Upstream of Winchester Road	*614
			Upstream of Eisendrath Road	*705
			Confluence of Torringford Brook	*716
		Torringford Brook	Confluence with Bakersville Brook	*716
			Approximately 100′ downstream of Gillette Road	*729
Maps available for inspection at the First Selectman's Office, Town Hall, Main Street, New Hartford, Connecticut.				
Connecticut	Salem, Town, New London County (Docket No. FEMA-6053).	East Branch Eightmile River	Downstream Corporate Limits	*154
			Upstream of Darling Road	*165
			Approximately 4,470′ upstream from Darling Road	*200
			Approximately 2,100′ upstream from State Route 82	*210
			At the confluence of Harris Brook	*215
		Harris Brook	At the confluence with East Branch Eightmile River	*215
			Approximately 2,400′ downstream from the most downstream Dam.	*235
			Upstream side of the most downstream Dam	*258
			1,200′ upstream from State Route 85	*270
			Upstream side of Music Vale Road Bridge	*285
			Upstream side of the most upstream Dam	*301
			Approximately 4,400′ upstream from the most upstream Dam.	[illegible]
Maps available for inspection at the Office of the First Selectman, Salem Town Office Building, Route 85, Salem, Connecticut.				
Connecticut	Windham, Town, Windham County (Docket No. FEMA-[illegible]).	Shetucket River	Downstream Corporate Limits	*117
			Downstream of Scotland Hydro Dam	*117
			Upstream of Scotland Hydro Dam	*138
			Approximately 6,000′ upstream of Scotland Hydro Dam.	*139
			Approximately 3,000′ downstream of Windham Center Road.	*142
			Upstream of Windham Center Road	*145
			Upstream of Conrail crossing	*150
			Confluence of Natchaug River	*155
		Natchaug River	Confluence with Shetucket River	*155
			Upstream of North Windham Road	*160
			Upstream of Interstate Route 84	*167
			Downstream of Willimantic Dam	*168
			Upstream of Willimantic Dam	*183
			Approximately 1,000′ downstream of Mansfield Hollow Dam.	*185
			Downstream of Mansfield Hollow Dam	*197
Maps available for inspection at the Town Clerk's Office, Windham Town Hall, 979 Main Street, Willimantic, Connecticut.				
Florida	Unincorporated Areas of Osceola County (FEMA-6053)	Reedy Creek	Approximately 1,500 feet downstream of State Highway 531.	[illegible]
			Just downstream of U.S. Highways 17 and 92 (State Highway 600).	*68
		Mill Slough	Just upstream of U.S. Highways 441 and 192 (State Highway 500).	[illegible]
			Just downstream of Mill Slough Road	[illegible]
		Boggy Creek	Just downstream of State Road 530	[illegible]
		Shingle Creek	Just downstream of State Road 531	[illegible]
			Just downstream of State Road 530	*74

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at Osceola County Courthouse, Planning Department, Kissimmee, Florida 32741.				
Illinois	(V) Port Byron, Rock Island County (Docket No. FEMA-6052).	Mississippi River	At downstream corporate limits	*579
			At upstream corporate limits	*581
Maps available for inspection at the Clerk's Office, Municipal Building, 120 South Main Street, Port Byron, Illinois.				
Iowa	(C) Hiawatha, Linn County (Docket No. FEMA-6052)	Dry Creek	About 3,300 feet downstream of Northwood Drive	*816
			About 300 feet downstream of Northwood Drive	*819
			Just downstream of Illinois Central Gulf Railroad	[illegible]
Maps available for inspection at the City Hall, 301 Emmongs Street, Hiawatha, Iowa.				
Louisiana	Town of Elton, Jefferson Davis Parish (FEMA-6053)	Unnamed Tributary of Bayou Blue	Just upstream of Powell Street	*44
			Just downstream of LaFleur Street	*46
Maps available for inspection at Town Hall, Highway 190 East, Elton, Louisiana 70532.				
Louisiana	Town of Glenmora, Rapides Parish (FEMA-6052)	Johnson's Bottom	Just upstream of 18th Street	*127
			Just upstream of 9th Street	*130
			Just downstream of the Missouri Pacific Railroad	*134
			Approximately 100 feet upstream of U.S. Highway 165	*136
			Just downstream of 9th Avenue	*141
Maps available for inspection at Town Hall, 7th Avenue, Glenmora, Louisiana 71433.				
Louisiana	Town of Westlake, Calcasieu Parish (FEMA-6052)	Calcasieu River	Just upstream of U.S. Highway 90	[illegible]
		Bayou Verdine	The intersection of St. John Bosco and Clarence Streets.	*14
Maps available for inspection at Town Hall, Building Inspector Office, 701 Johnson Street, Westlake, Louisiana 70669.				
Massachusetts	Easton, Town, Bristol County (Docket No. FEMA-6053)	Mulberry Brook	Downstream of Highland Street	*89
			Downstream of South Street	*94
		Poquanticut Brook	Approximately 1,800′ upstream South Street	*100
			Downstream of State Route 106	*125
			Upstream New Pond Dam	*138
			Downstream of Chestnut Street	*146
			Upstream of footbridge	*156
			Approximately 460′ upstream, Massapoag Avenue	*166
			Approximately 540′ downstream Rockland Street (downstream of Private Dam).	*176
			Approximately 1,050′ upstream of Rockland Street	*187
		Black Brook	Downstream of Foundry Street	*75
			Downstream of Prospect Street	*87
			Approximately 1,260′ downstream of Depot Street	*106
			Downstream of Depot Street	*116
			Approximately 460′ downstream of Summer Street	*145
			Upstream of Randall Street	*163
			Approximately 1,300′ upstream of Randall Street	*170
		Queset Brook	Downstream of Turnpike Street	*82
			Upstream of Dean Pond Dam	*96
			Upstream of Central Street	*104
Maps available for inspection at the Easton Planning and Zoning Offices, Town Hall, Easton, Massachusetts.				
Massachusetts	Framingham, Town, Middlesex County (Docket No. FEMA-[illegible]	Sudbury River	Downstream Corporate Limits	*124
			Approximately 550′ downstream of Central Street (Downstream crossing).	*130
			Approximately 100′ upstream of Central Street (Downstream crossing).	*149
			1,200′ upstream of Central Street (Upstream crossing)	*159
			Upstream of Reservoir No. 1 Dam	*167
			Upstream of Reservoir No. 2 Dam	*174
			Upstream Corporate Limits	*175
		Reservoir No. 1—North Branch	Upstream of Reservoir No. 1 Dam	*167
			Approximately 200′ upstream of Boston Worcester Turnpike.	*169
		Reservoir No. 3	Upstream of Reservoir No. 3 Dam	*183
			Upstream Corporate Limits	*188
		Angelica Brook	Confluence with Reservoir No. 3	*183
			Just downstream of Aqueduct (Downstream crossing)	*192
			190′ downstream of Pleasant Street	*201
			Upstream of Waveney Street	*214
			600′ downstream of upstream Corporate Limits	*224
		Beaverdam Brook	Downstream Corporate Limits	*151
			Upstream Corporate Limits	*158
		Cochituate Brook	Confluence with Sudbury River	*128
			Conrail (Upstream crossing)	*128
		Hop Brook	Downstream Corporate Limits	*134
			790′ upstream of downstream Corporate Limits	*144
			1,420′ upstream of downstream Corporate Limits	*154
			20′ upstream of Conrail (furthest downstream crossing)	*165
			110′ downstream of Hemenway Road (Downstream crossing).	*175
			270′ downstream of Hemenway Road (Upstream crossing).	*185
			60′ downstream of Hemenway Road (Upstream crossing).	*193
			90′ downstream of School Drive	*201
			85′ upstream of Edgell Road	*206

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			95' downstream of Edmands Road	*214
			25' upstream of Edmands Road	*221
		Barting Brook	Confluence with Sudbury River	*165
			Upstream of Salem End Road	*179
			Upstream of Pleasant Street	*189
			380' downstream of Belknap Street	*195
			1,200' upstream of Belknap Street	*205
		Brook from Waushakum Pond	Confluence with Beaverdam Brook	*158
			Upstream Corporate Limits	*160

Maps avilable for inspection at the Planning Department, Town Offices, Union Avenue and Concord Street, Framingham, Massachusetts.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Minnesota	(C) Mantorville, Dodge County (Docket No. FEMA-6033)	South Branch Middle Fork Zumbro River.	About 3,000 feet upstream of eastern corporate limits	*1117
			Western corporate limits	*1123
		North Tributary	Just upstream of Jefferson Street	*1129
			Just downstream of 7th Street	*1134
			Just downstream of Stagecoach Road	*1166
		South Tributary	Just upstream of Field Road (about 300 feet downstream of County Highway 12).	*1128
			Just upstream of County Highway 12	*1136
			Southern corporate limits	*1140

Maps available for inspection at the City Hall, Mantorville, Minnesota.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Nebraska	(V) Hickman, Lancaster County (Docket No. FEMA-6053)	Hickman Branch	About 0.27 mile downstream of State Highway 477	*1236
			Just upstream of State Highway 477	*1242
			Just upstream of Chestnut Street	1252
			About 0.48 mile upstream of Chestnut Street	*1253
		Hickman Branch Tributary	Mouth at Hickman Branch	*1244
			Just upstream of Main Street	*1248
			About 120 feet upstream of 7th Street	*1256
			About 0.17 mile upstream of 7th Street	*1256

Maps available for inspection at the City Hall, Hickman, Nebraska.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Nebraska	(Uninc.) Lancaster County (Docket No. FEMA-6053)	North Oak Creek	About 2,100 feet downstream of West Agnew Road	*1225
			About 1,800 feet upstream of West Agnew Road	*1257
			About 700 feet upstream of Northwest 70th Street	*1265
		Oak Creek	About 300 feet upstream of West Bluffs Road	*1192
			About 400 feet upstream of Village of Raymond extraterritorial limits	*1204
		Salt Creek	About 5,000 feet downstream of North 148th Street	*1108
			At City of Lincoln northeastern extraterritorial limits	*1119
			About 1.5 miles downstream of City of Lincoln southern extraterritorial limits.	*1192
			Just upstream of Saltillo Road	*1196
		South Branch Middle Creek	Mouth at Middle Creek	*1205
			Just upstream of U.S. Highway 6	*1224
			Just downstream of Southwest 140th Street	*1258
		Middle Creek	About 550 feet downstream of Northwest 98th Street	*1204
			About 600 feet upstream of Northwest 98th Street	*1205
		Stevens Creek	About 3,800 feet downstream of Van Dorn Street	*1200
			Just upstream of Pioneer Boulevard	*1216
			Just upstream of Old Cheney Road	*1241
			About 8,700 feet upstream of Pine Lake Road	*1289
		Haines Branch	At City of Lincoln extraterritorial limits	*1198
			Just downstream of West Old Cheney Road	*1211

Maps available for inspection at the City-County Building, 555 South 10th Street, Lincoln, Nebraska.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Franklin, Township, Gloucester County (Docket No. FEMA-6033).	Still Run	Upstream of downstream corporate limits	*77
			Upstream of Iona Lake Spillway Bridgton Road	[illegible]
			Upstream of State Route [illegible]	[illegible]
			Downstream of Little Mill Road	*100
			Downstream of upstream corporate limits	*108
		Little Ease Run	Upstream of confluence with Still Run	*83
			Upstream of Conrail	*95
			Downstream of upstream corporate limits	*104
		Scotland Run	Upstream of downstream corporate limits	[illegible]
			Upstream of Route 40	[illegible]
			Upstream of Route 47	*94
			Downstream of Grant Avenue	*105
			Downstream of Washington Avenue	*109

Maps available for inspection at the Township Clerk's Office, Franklin Municipal Building, Delsea Drive, Franklinville, New Jersey.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Ringwood, Borough, Passaic County (Docket No. FEMA-6014).	West Brook	West Brook Road	[illegible]
			Downstream Spillway (USGS Gage 01386000)	*328
			Confluence with Burnt Meadow Brook	*341
			Upstream side of Magee Road	*349
			Approximately 1,844 feet upstream of Magee Road	*370
			Downstream side of Footbridge approximately 3,000 feet upstream of Magee Road.	*391
			Approximately 1,500 feet upstream of Footbridge	*454
			Upstream corporate limits	[illegible]
		Burnt Meadow Brook	Confluence with West Brook	*341
			Approximately 2,000 feet upstream of confluence with West Brook	*368
			Upstream side of Magee Road	*374
			Approximately 1,800 feet upstream of Magee Road	[illegible]

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet (NGVD)
			Upstream side of Footbridge approximately 3,588 feet upstream of Magee Road.	*395
			Approximately 1,945 feet upstream of Footbridge	*437
			Approximately 2,315 feet upstream of Footbridge	*453
			Approximately 2,920 feet upstream of Footbridge	*520
			Approximately 4,065 feet upstream of Footbridge	*571
			Confluence with Burnt Meadow Brook Branch 5	*600
			Approximately 1,200 feet upstream of confluence with Burnt Meadow Brook Branch 5.	*629
			Upstream corporate limits	*644
		Burnt Meadow Brook Branch 5	Confluence with Burnt Meadow Brook	*600
			Downstream side of Art Street	*624
			Upstream side of Harrison Mt. Lake Spillway	*637
			Downstream side of Woodside Avenue	*664
			Approximately 810 feet upstream of Woodside Avenue	*685
		Erskine Brook	Confluence with Wanaque Reservoir	305*
			Upstream side of spillway approximately 740 feet upstream of confluence.	*311
			Skyline Drive	*333
			Approximately 1,068 feet upstream of Skyline Drive	*399
			Downstream side of downstream crossing of Lakeview Avenue.	*471
			Upstream side of Erskine Lake Spillway	*485
			Downstream side of upstream crossing of Lakeview Avenue.	*491
			Approximately 1,425 feet upstream of Upper Erskine Spillway.	*509
		Cupsaw Brook	Confluence with Wanaque Reservoir	*305
			50 feet upstream of Spillway (USGS Gage 01385000)	*319
			Downstream side of of Carltondale Road	*346
			Upstream side of Cupsaw Lake Spillway	*390
			Upstream side of Cupsaw Drive	*395
			Approximately 370 feet upstream of Cupsaw Drive	*405
		Cupsaw Brook Branch 1	Confluence with Cupsaw Brook	*307
			Upstream side of Drop Spillway approximately 780 feet upstream of confluence.	*316
			Upstream side of Birch Place	*321
			Upstream side of Drop Spillway by Zuk Place	*332
			Upstream side of Carletondale Road	*351
			Approximately 1,100 feet upstream of Carletondale Road.	*404
		Cupsaw Brook Branch 2	Confluence with Cupsaw Brook	*390
			Upstream side of Cupsaw Drive	*407
			Downstream side of Woodland Road	*427
			Upstream side of Skylands Road	*442
			Approximately 55 feet upstream of Skylands Road	*445
		Cupsaw Brook Branch 3	Confluence with Cupsaw Brook	*390
			Upstream side of Cupsaw Drive	*397
			Upstream side of of Stetson Road	*470
			Downstream side of Skylands Road	*502
			Approximately 55 feet upstream of Skylands Road	*505
		Cupsaw Brook Branch 4	Confluence with Cupsaw Brook	*393
			Upstream side of Cupsaw Drive	*399
			Downstream side of Kraft Place	*433
			Approximately 877 feet upstream of Kraft Place	*472
		Ringwood Creek	Confluence with Wanaque Reservoir	*305
			Upstream side of Spillway (USGS Gage 01384500)	*307
			Upstream side of Margaret King Avenue	*318
			Downstream side of Green Camp Lake Spillway	*325
			Downstream side of Farm Road	*332
			At Ringwood Manor State Park boundary	*336
		Ringwood Creek Branch 1	Confluence with Ringwood Creek	*320
			Approximately 650 feet upstream of confluence with Ringwood Creek.	*324
			Approximately 35 feet upstream side of Sloatsburg Road.	*329
		Wanaque River	Downstream corporate limits	*305
			Upstream side of Reservoir Culvert	*306
			Upstream side of Spillway (USGS Gage 01384000)	*312
			Upstream side of Stonetown Road	*321
			Approximately 4,200 feet upstream of Stonetown Road	*332
		Meadow Brook	Downstream corporate limits	*261
			Upstream side of Lower Skyline Lakes Spillway	*271
			Approximately 550 feet upstream of confluence with High Mountain Brook.	*282
		Stephens Lake Brook	Downstream corporate limits	*269
			Upstream side of Bridge at confluence with Stephens Lake Brook Branch 1.	*278
			Upstream corporate limits	*316
		Stephens Lake Brook Branch 1	Approximately 700 feet downstream of Poe Avenue	*495
			Downstream side of Poe Avenue	*508
			Upstream side of Poe Avenue	*513
			Approximately 720 feet upstream of Poe Avenue	*519
		Stephens Lake Brook Branch 2	Confluence with Stephens Lake Brook	*311
			Downstream side of Driveway 440 feet upstream of confluence.	*344
			Upstream side of Foot bridge approximately 722 feet upstream of confluence.	*351

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Corporate limits at Conklintown Road	[illegible]
			Corporate limits downstream side of Poplar Drive	*456
			Upstream side of Poplar Drive	[illegible]
			Approximately 1,965 feet upstream of Poplar Drive	*495
		Meadow Brook Branch 2	Confluence with Meadow Brook at Lower Skyline Lake	*272
			Upstream side of Skyline Lakes Drive	[illegible]
			Approximately 955 feet upstream of Hidden Valley Lake Drop Spillway.	*291
		High Mountain Brook	Confluence with Meadow Brook at Upper Skyline Lake	[illegible]
			Downstream side of Skyline Lakes Drive	*287
			Downstream side of Skyline Drive	[illegible]
			James Drive (Unimproved)	*431
			Approximately 1,575 feet upstream of James Drive (Unimproved).	[illegible]
			Approximately 3,261 feet upstream of James Drive (Unimproved).	*581
			Approximately 4,171 feet upstream of James Drive (Unimproved).	*598
			Approximately 6,260 feet upstream of James Drive (Unimproved).	*678
Maps available for inspection at the Ringwood Municipal Building, 60 Margaret King Avenue, Ringwood, New Jersey.				
New York	Newark Valley, Village, Tioga County (Docket No. FEMA-6033).	East Branch Owego Creek	Downstream Corporate Limits	[illegible]
			Approximately 2,000′ upstream of Silk Street	[illegible]
			Approximately 1,015′ upstream of upstream crossing of Corporate Limits.	*969
Maps available for inspection at the Newark Valley Village Hall, Park Street, Newark Valley, New York.				
New York	Newark Valley, Town, Tioga County (Docket No. FEMA-6003).	East Branch Owego Creek	Downstream Corporate Limits	*907
			Upstream of Knapp Road	*992
			Approximately 5,000 feet upstream of Knapp Road	*933
			Upstream of Silk Street	[illegible]
			Upstream Corporate Limits (with Village of Newark Valley.	[illegible]
			Confluence of Wilson Creek	*981
			Footbridge (upstream side)	[illegible]
			Upstream of Brown Road	*1,004
			Upstream Corporate Limits	*1,018
		West Branch Owego Creek	Downstream Corporate Limits	[illegible]
			Approximately 2,400 feet upstream of West Creek Road.	*912
			Upstream of Blewer Road	*925
			Approximately 3,000 feet upstream of Blewer Road	*934
			At second upstream crossing of West Creek Road	[illegible]
			Upstream of West Newark Cross Road	[illegible]
			Approximately 5,000 feet upstream of West Newark Cross Road.	*996
			Upstream Corporate Limits	*1,028
		Wilson Creek	At confluence with East Branch Owego Creek	[illegible]
			At Wilson Creek Road	*986
Maps available for inspection at the Town Clerk's residence, Mr. Joe Hutchinson, 20 Brook Street, Village of Newark Valley, New York.				
New York	Somerset, Town, Niagara County (FEMA-6015)	Golden Hill Creek	Downstream Corporate Limits	*266
			Upstream of Lower Lake Road	*276
			2,350′ upstream second crossing Carmen Road	[illegible]
			800′ downstream Third crossing Carmen Road	*296
			2,000′ upstream Third crossing Carmen Road	[illegible]
			Downstream State Route 18	*316
			Upstream Corporate Limits first crossing	[illegible]
			Downstream Hartland Road	*337
			4,690′ upstream West Somerset Road	*347
			Downstream Homser Road	*353
			Homser Road	*355
		Fish Creek	Confluence with Lake Ontario	*250
			Downstream Lower Lake Road	*258
			120′ upstream Lower Lake Road	*265
Maps available for inspection at the Office of the Town Clerk, Town Hall, 87 Haight Road, Barker, New York.				
North Dakota	Pleasant (Township), Cass County FEMA-6027	Red River of the North	Area of flooding east of Chicago, Milwaukee, St. Paul and Pacific Railroad in Section 6, T13 N, R48W.	*911
Maps available for inspection at Hickson Grain Elevator, Hickson, North Dakota.				
Oregon	Harrisburg (City), Linn County FEMA-6053	Williamette River	150 feet west of the intersection of 1st Street and Macy Street.	*307
Maps available for inspection at City Hall, Harrisburg, Oregon.				
Pennsylvania	Fayette City, Borough, Fayette County (Docket No. FEMA-6027).	Monongahela River	Downstream Corporate Limits	[illegible]
			Upstream Corporate Limits	[illegible]
		Downers Run	Confluence with Monongahela River	*764
			Approximately 320 feet downstream of Brightwell Avenue.	*764
			Corporate Limits	*768

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet (NGVD)
Maps available for inspection at the Post Office, Main Street, Fayette City, Pennsylvania.				
Pennsylvania	Lansdowne, Borough, Delaware County (Docket No. FEMA-6033).	Darby Creek	Downstream Corporate Limits	*38
			Upstream Hilldale Road	*48
			Downstream Conrail	*57
			Upstream Corporate Limits	*71
Maps available for inspection at the Borough Building, 12 East Baltimore Avenue, Lansdowne, Pennsylvania.				
Pennsylvania	Lower Salford, Township, Montgomery County (Docket No. FEMA-6027).	West Branch Skippack Creek	Morris Road	*213
			Approximately 2,050 feet downstream of Stover Road	*225
			Stover Road	*237
			Alderfer Road	*248
			Approximately 2,000 feet upstream of Alderfer Road	*265
			Approximately 1,500 feet downstream of Yoder Road	*278
			Yoder Road	*298
		Indian Creek	Downstream of Indian Creek Road	*196
			Confluence of Tributary 1	*206
			Downstream of State Route 63	*212
			Upstream of State Route 63	*221
			Upstream Corporate Limits	*225
		East Branch Perkiomen Creek	Downstream Corporate Limits	*154
			Approximately 3,000 feet downstream of Camp Wawa Road	*165 *183
			Old Skippack-Salfordville Road	
			Upstream of Freeman School Road	*195
			Upstream Corporate Limits	*199
			2nd upstream Corporate Limits	*200
Maps available for inspection at Lower Salford Township Building, 474 Main Street, Harleysville, Pennsylvania.				
Pennsylvania	Perkiomen, Township, Montgomery County (Docket No. FEMA-6033).	Perkiomen Creek	Downstream Corporate Limits	*123
			Graterford Road	*129
			Confluence of East Branch Perkiomen Creek	*138
			Upstream Corporate Limits	*146
		East Branch Perkiomen Creek	Confluence with Perkiomen Creek	*138
			Approximately 4,100 feet upstream of confluence with Perkiomen Creek.	*145
			Upstream Corporate Limits	*154
Maps available for inspection at the Township Building, Perkiomen, Pennsylvania.				
Pennsylvania	Perryopolis, Borough, Fayette County (Docket No. FEMA-6027).	Washington Run	Downstream Corporate Limits	*862
			Approximately 500′ upstream of Corporate Limits	*873
			Approximately 900′ upstream of Corporate Limits	*883
			Approximately 450′ downstream of Straton Road	*893
			Approximately 250′ downstream of Straton Road	*903
			Downstream side of Straton Road	*913
			Approximately 300′ downstream of Strawn Road	*922
			Upstream of Strawn Road	*931
			Approximately 640′ downstream of Cemetery Road	*941
			Upstream of Private Drive	*947
			Downstream of Liberty Street	*951
			Upstream of Liberty Street	*960
			Downstream of Access Road	*962
			Upstream Corporate Limits	*965
		Tributary A	Confluence with Washington Run	*957
			Downstream of State Route 51	*959
			Upstream of State Route 51	*962
			Downstream of Quaker Church Road	*966
			Upstream Corporate Limits	*968
Maps available for inspection at the Municipal Building, 201 East Independent Street, Perryopolis, Pennsylvania.				
Pennsylvania	Robinson, Township, Allegheny County (Docket No. FEMA-6027).	Ohio River Back Channel	Downstream Corporate Limits	*716
			Approximately 2,200 feet upstream of Interstate 79 Exit Ramp.	*719
		Montour Run	Downstream Corporate Limits	*718
			Statia Street, extended (downstream)	*719
			State Routes 50 and 51 (upstream)	*720
			Approximately 3,600 feet upstream State Routes 50 and 51.	*731
			Approximately 4,600 feet downstream of Sharon Grade Road	*747
			Sharon Grade Road (downstream)	*780
			Hickman Road (downstream)	*815
			Montour Railroad (downstream)	*822
		Moon Run	Confluence with Ohio River	*719
			Interstate 79 culvert (upstream)	*723
			State Routes 51 and 50 culvert (downstream)	*729
			State Routes 51 and 50 culvert (upstream)	*737
			Approximately 250 feet upstream of State Routes 50 and 51 culvert.	*742
		Chartiers Creek	Downstream Corporate Limits	*736
			First Corporate Limits	*739
			Second Corporate Limits	*747
			Ingram Avenue (downstream)	*748
		Tributary A	Downstream Corporate Limits	*766
			Approximately 1,550 feet upstream from corporate limits	*785

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 2,400 feet upstream from Corporate Limits.	*819
		Campbells Run	Downstream Corporate Limits	*816
			Interstate 79 culvert (downstream)	*837
			Approximately 400 feet upstream of Interstate 79 culvert.	*878
			Approximately 1,175 feet downstream of Campbells Run Road first crossing.	*891
			First crossing Campbells Run Road (upstream)	*905
			Upstream Corporate Limits	*990
			Approximately 1,700 feet upstream Corporate Limits	*1,004
			Approximately 400 feet upstream McMichael Road, extended.	*1,027
			Approximately 550 feet upstream of Devassie Road, extended.	*1,087
Maps available for inspection at the Municipal Building, Ewings Mill Road, Robinson, Pennsylvania.				
Pennsylvania	Salford, Township, Montgomery County (Docket No. FEMA-6033).	East Branch Perkiomen Creek	Moyer road bridge (upstream side) and downstream Corporate Limits.	*220
			Dam (upstream side) located approximately 1,700′ above Moyer Road bridge.	*224
			Fretz Road bridge (upstream side)	*234
			Camp Road bridge (upstream side)	*243
			Allentown Road bridge (upstream side)	*257
			Dam (upstream side) located approximately 4,760′ above Allentown Road bridge.	*268
			County Line Road bridge (downstream side) and upstream Corporate Limits.	*276
Maps available for inspection at the Township Building, Salford, Pennsylvania.				
Pennsylvania	South Fayette, Township, Allegheny County (Docket No. FEMA-6027).	Chartiers Creek	Downstream Corporate Limits	*817
			Interstate Route 79 upstream	*824
			Conrail bridge upstream	*833
			Mayview Road upstream	*841
			Conrail bridge upstream	*853
			Upstream of Boyce Road	*857
			Upstream Corporate Limits	*860
		Millers Run	Confluence with Chartiers Creek	*819
			Koppers Entrance upstream	*827
			Conrail upstream	*837
			Millers Run Road upstream (first crossing)	[illegible]
			Morgan Hill Road upstream	[illegible]
			Millers Run Road upstream (second crossing)	*872
			Norfolk and Western Railroad upstream	*891
			Parks Road upstream	*911
			Upstream corporate limits	*926
		Robinson Run	Mevey Avenue	*922
			Access Road upstream	*938
			Cemetery Hill Road	[illegible]
			Upstream Corporate Limits	*960
Maps available for inspection at the South Fayette Township Building, Millers Run Road, Morgan, Pennsylvania.				
Pennsylvania	Swatara, Township, Dauphin County (Docket No. FEMA-5845).	Susquehanna River	Downstream Corporate Limits	*314
			At confluence of Spring Creek	*306
		Laurel Run	Downstream Corporate Limits	*389
			Downstream State Route 441	*427
		Spring Creek	Confluence with Susquehanna River	*314
			Upstream Gibson Street	*338
			Upstream Interstate 83	*362
			Upstream Oakleigh Avenue	*371
			Upstream Corporate Limits	*393
		Parkway Creek	Upstream confluence with Spring Creek	*359
			Upstream Corporate Limits	*373
		Lawnton Branch Spring Creek	Upstream 40th Street	*373
			Upstream 49th Street	*394
		West Branch Spring Creek	Confluence with Spring Creek	*386
			Upstream Corporate Limits	*386
		Swatara Creek	Downstream Corporate Limits	*325
			Upstream U.S. Route 322	*327
			Upstream Corporate Limits	*328
		Beaver Creek	Upstream confluence with Swatara Creek	*328
			Upstream Conrail	[illegible]
			Downstream Corporate Limits	*335
Maps available for inspection at the Swatara Township Building, 599 Eisenhower Boulevard, Harrisburg, Pennsylvania.				
South Dakota	Deadwood (City), Lawrence County FEMA-6033	Whitewood Creek	Intersection of Creek and center of Charles Street	[illegible]
			40 feet upstream from center of Dunlop Street	*4484
		Deadwood Creek	50 feet upstream from center of U.S. Highway 14A	*4630
Maps available for inspection at City Hall, 3 Siever Street, Deadwood, South Dakota.				
Texas	Town of Pattison, Waller County (FEMA-6053)	Bell Bottom Creek	Just upstream of FM 359	*146
			Just downstream of Royal Road	*150

Final Base (100-year) Flood Elevations—Continued

[illegible]	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at Town Hall, 3511 Avenue F, Pattison, Texas 77466				
Utah	Riverdale (City), Weber County FEMA-6093	Weber River	Approximately 1300 feet upstream of confluence with Burch Creek at the corporate limits.	*4334
			Intersection of channel and Riverdale Road (U.S. Highway 91).	*4350
			Confluence with Riverdale Bench Canal	*4385
		Burch Creek	Upstream side of Pacific Boulevard over channel	*4340
			Upstream side of Riverdale Road (U.S. Highway 91) over channel.	*4370
Maps available for inspection at City Hall, 4459 South 700 West, Riverdale, Utah.				
Virginia	Falls Church, City (Docket No. FEMA-6033)	Tripps Run	Downstream Corporate Limits	*281
			Upstream West Westmoreland Avenue extended	*289
			Downstream South Oak Street	*298
		Four Mile Run	Downstream Corporate Limits	*280
			Downstream North Washington Street	*289
Maps available for inspection at the City Hall, in the Planning Department and Public Works Office and at the Public Library, Falls Church, Virginia.				
Virginia	Vienna, Town, Fairfax County (Docket No. FEMA-6027)	Wolftrap Creek	Downstream Corporate Limits	*358
			East Street (Upstream side)	*366
			Echols Street (Upstream side)	*376
			Approximately 1,300′ upstream of Echols Street	*386
			Follin Lane (Upstream side)	*395
			Upstream Corporate Limits	*405
Maps available for inspection at the Town Hall, 127 Center Street South, Vienna, Virginia.				
Virginia	Stanley, Town, Page County (Docket No. FEMA-6027)	Tributary to Hawksbill Creek	Downsteam Corporate Limits	*986
			Downsteam opening of long culvert under State Route 689.	*1,019
			Upstream of State Route 689	*1,030
			Downsteam of Private Drive	*1,047
			Upstream of Judy Lane (State Route 623)	*1,055
			Upstream Corporate Limits	*1,078
[illegible] for inspection at the Town Office, Stanley, Virginia				
Washington	Fircrest (Town), Pierce County FEMA-6083	Leach Creek	Intersection of Drake Street (38th Street West) and El Dorado Avenue.	*196
Maps available for inspection at Town Hall, 115 Ramsdell, Fircrest, Washington.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27634 Filed 9-22-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: FEMA

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP)

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E. Federal Emergency Management Agency, National Flood Insurance Program (202) 287–0270 Washington, D.C. 20472

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new

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local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinance in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations proscribe how high to build in the flood plain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

[illegible]	City/town/county	Source of flooding	[illegible]	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Barkhamsted, Town, Litchfield County (Docket No. FEMA-6061).	West Branch Farmington River	Downstream Corporate Limits	*395
			Confluence of Morgan Brook	*405
			State Route 318 (Upstream side)	*418
			Approximately 8,200′ upstream of State Route 318 (Access Road extended).	*442
			Upstream Corporate Limits	*502
		Morgan Brook	Confluence with West Branch Farmington River	*405
			Morgan Brook Drive (Upstream side)	*450
			Approximately 1,100′ upstream of Morgan Brook Drive	*478
			State Route 318 (Upstream side)	*524
Maps available for inspection at the Barkhamsted Town Hall, Pleasant Valley, Connecticut.				
[illegible]	Harwinton, Town, Litchfield County (Docket No. FEMA-6061).	Naugatuck River	Downstream Corporate Limits	[illegible]
			Downstream State Route 118	[illegible]
			Upstream Bogue Road	*519
			Upstream Corporate Limits	*521
		Leddmine Brook	Upstream State Route 4	[illegible]
			Upstream High View Road extended	[illegible]
			Downstream Twin Ponds	*708
Maps available for inspection at the Town Clerk's Office, Town Office, Litchfield Road, Harwinton, Connecticut.				
Connecticut	Somers, Town, Tolland County (Docket No. FEMA-6061)	Scantic River	Corporate Limits	*163
			Maple Street (Upstream side)	*189
			Four Bridges Road	*194
			King Road (Upstream side)	*199
			Corporate Limits	*217
		Abbey Brook	Confluence with Scantic River	*191
			Billings Road (Downstream side)	[illegible]
			475 feet upstream of Ninth District Road	[illegible]
		Gulf Stream	Confluence with Scantic River	*192
			Ninth District Road (Downstream side)	*208
			[illegible] 83 (Downstream side)	[illegible]
			560 feet upstream of Route 83	[illegible]
		Schenade Brook	Confluence with Thrasher Brook	[illegible]
			Turnpike Road (Downstream side)	[illegible]
			2,630 feet upstream of Turnpike Road	[illegible]
		Thrasher Brook	Confluence with Scantic River	[illegible]
			King Road (Upstream side)	*204
			1,165 feet upstream of King Road	*209
Maps available for inspection at the Town Clerk's Office, Town Hall, 606 Main Street, Somers, Connecticut.				
Idaho	Fernan Lake (City), Kootenai County FEMA-6061	Fernan Lake	Approximately 20 feet southeast of the intersection of Theis Lane and Five Firs Drive.	[illegible]
Maps available for inspection at the City Clerk's Home, 209 Bruce Drive, Coeur d'Alene, Idaho.				
Idaho	Post Falls (City), Kootenai County, FEMA-6061	Spokane River	Intersection of Spokane Avenue and channel	*2,126
Maps available for inspection at Planning & Zoning Department, 408 Spokane, Post Falls, Idaho.				
Idaho	Priest River (City), Bonner County, FEMA-6061	Pend Oreille River	Intersection of center of U.S. Highway 2 (State Highway 200) and Priest River.	*2,070
Maps available for inspection at City Clerk's Office, City Hall, 209 High Street, Priest River, Idaho.				
Idaho	Sandpoint (City), Bonner County, FEMA-6061	Lake Pend Oreille	Intersection of Pacific Street and South Second Avenue.	*2,071
			Intersection of center of Bridge Street and Sand Creek	*2,070
Maps available for inspection at Engineering Department, City Hall, 110 Main Street, Sandpoint, Idaho.				
Iowa	(Uninc.) Des Moines County (Docket No. FEMA-6033)	Mississippi River	At downstream county boundary	[illegible]
			Just upstream of Lock and Dam No. 18	[illegible]
			At upstream county boundary	[illegible]
		Flint Creek	About 2,000 feet downstream of State Highway 99	*565
			Just upstream of State Highway 99	[illegible]
			About 200 feet upstream of County Road X 60	[illegible]
			Just downstream of U.S. Highway 61	[illegible]
			Just upstream of confluence of Little Flint Creek	[illegible]
			Just downstream of County Road (about 2.4 miles upstream of confluence of Little Flint Creek).	*601
			About 0.6 mile upstream of County Road H 50	[illegible]
		Little Flint Creek	Mouth at Flint Creek	[illegible]
			Just upstream of County Road X 40	[illegible]
			Just upstream of County Road (about 1.7 miles upstream of County Road X 40).	[illegible]

Final Base (100-Year) Flood Elevations—Continued

[illegible]	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 1.3 miles upstream of County Road (about 3.0 miles upstream of County Road X 40).	*641
		Long Creek	Just upstream of County Road J 20	*667
			Just downstream of County Road X 31 (about 0.7 mile upstream of County Road J 20).	*691
			Just upstream of County Road X 31 (about 0.7 mile upstream of County Road J 20)	*698
			About 450 feet upstream of County Road X 31 (near City of Danville).	*708
		Knotty Creek	At mouth at Flint Creek	*582
			About 2.0 miles upstream of mouth at Flint Creek	*586
		Hawkeye Creek	About 1,750 feet upstream of confluence of West Tributary Hawkeye Creek.	*672
			Just downstream of County Road (about 0.8 mile downstream of Treatment Plant Road).	*699
			About 100 feet upstream of County Road (about 0.8 mile downstream of Treatment Plant Road).	*704
			Just upstream of Treatment Plant Road	*735
			At City of Mediapolis corporate limits	*744
		Spring Creek	About 0.5 mile downstream of Great River Road	*534
			Just upstream of Great River Road	*543
			About 100 feet upstream of U.S. Highway 61	*547
			About 200 feet upstream of County Road (about 1.5 miles upstream of U.S. Highway 61).	*572
			About 0.25 mile upstream of County Road (about 2.4 miles upstream of U.S. Highway 61).	*578
		North Branch Spring Creek	At mouth at Spring Creek	*543
			About 1.2 miles downstream of Haskell Road	*580
			Just upstream of Haskell Road	*697

Maps available for inspection at the Office of the County Engineer, Des Moines County Courthouse, Burlington, Iowa.

Louisiana	Town of Walker, Livingston Parish (FEMA-5828)	Dumplin Creek	Just upstream of Aydell Street	*42
			Just upstream of Brannon Street	*47
			Approximately 500 feet upstream of Field Road	[illegible]
		Dumplin Creek Tributary	Just upstream of Travis Street	*45
			Just upstream of East Railroad Avenue	*47
			Just downstream of northern corporate limits	*49
		Middle Colyell Creek	Just upstream of U.S. Highway 190	[illegible]
			Approximately 950 feet upstream of Old Robin Road	[illegible]
		Middle Colyell Tributary (backwater from West Colyell Creek).	Just upstream of Interstate Highway 12	*36
			Approximately 500 feet upstream of Pleasant Ridge Dr.	[illegible]
		West Colyell Creek	Approximately 200 feet upstream of Interstate Highway 12.	[illegible]
			Approximately 200 feet upstream of U.S. Highway 190	[illegible]
			Approximately 200 feet downstream of Illinois Central Gulf Railroad.	[illegible]
		West Colyell Tributary	Just upstream of Oak Drive	[illegible]
			Just downstream of U.S. Highway 190	*45

Maps available for inspection at Town Hall, Highway 190, P.O. Box 217, Walker, Louisiana 70785.

Maryland	Hancock, Town, Washington County (Docket No. FEMA-[illegible])	Potomac River	Downstream Corporate Limits	*430
			Upstream Corporate Limits	[illegible]
		Little Tonoloway Creek	Confluence with Potomac River	[illegible]
			Upstream Corporate Limits	*432

Maps available for inspection at the Town Hall, Hancock, Maryland.

[illegible]	Franklin, Town, Norfolk County (Docket No. FEMA-6005)	Charles River	Downstream Corporate Limits	[illegible]
			300 feet downstream of Lincoln Street	*148
			Downstream of Factory Dam	*151
			Upstream of Factory Dam	*164
			Downstream of West Medway Dam	*172
			Upstream of West Medway Dam	*176
			Upstream Corporate Limits	*184
		Mine Brook	Confluence with Charles River	*176
			Downstream of I-495 (1st crossing)	*185
			Downstream of West Central Street	*194
			1,090 feet upstream of West Central Street	[illegible]
			1,850 feet upstream of West Central Street	*215
			Downstream of Old Grove Street	[illegible]
			Upstream of I-495 (2nd crossing)	[illegible]
			Upstream of Conrail Bridge	*242

Final Base (100-Year) Flood Elevations—Continued

[redacted]	City/town/county	Source of flooding	Location	#Depth in feet above ground. [redacted] (NGVD)
			Upstream of Washington Street	*250
		Shepards Brook	Confluence with Charles River	*168
			1,070 feet upstream of Partridge Street	*170
Maps available for inspection at the Office of the Building Inspector, Municipal Building, 150 Emmons Street, Franklin, Massachusetts.				
Michigan	(C) Allen Park, Wayne County (Docket No FEMA-6052)	North Branch Ecorse Creek	Just downstream of eastbound Interstate 94	*597
			Just upstream of westbound Interstate 94	[redacted]
			Just downstream of Southfield Service Drive	[redacted]
		Russell Avenue Diversion	Just downstream of Shenandoah Street	[redacted]
			About 240 feet upstream of Larme Street	[redacted]
		Euclid Avenue Diversion	Just downstream of Shenandoah Street	[redacted]
			About 140 feet upstream of Watson Street	*600
Maps available for inspection at the Clerk's Office, Village Hall, 16850 Southfield Road, Allen Park, Michigan.				
Minnesota	(C) Brooklyn Center, Hennepin County (Docket No. FEMA-6052).	Shingle Creek	Just upstream of 53rd Avenue North	[redacted]
			Just upstream of 69th Avenue North	[redacted]
			Just upstream of Brooklyn Boulevard	[redacted]
		Mississippi River	About 1.3 miles downstream of Interstate 694	*816
			About 1.2 miles upstream of Interstate 694	[redacted]
		Twin Lakes	Shoreline	*856
		Ryan Lake	Shoreline	[redacted]
Maps available for inspection at the City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota.				
New Jersey	Bordentown, City, Burlington County (Docket No. FEMA-6061).	Crosswicks Creek	Downstream Corporate Limits	*14
			Upstream Corporate Limits	*14
		Blacks Creek	Downstream Corporate Limits	*14
			Burlington Street	*14
			Upstream Corporate Limits	*14
Maps available for inspection at the Office of the City Clerk, City Hall, 324 Farnsworth Avenue, Bordentown, New Jersey.				
New Jersey	Burlington, Township, Burlington County (Docket No. FEMA-6053).	Delaware River	Entire shoreline within Corporate Limits	*11
		Mill Creek	Downstream Corporate Limits	*31
			Confluence of Tributary No. 2	*34
			Interstate Route 295 (downstream side)	*37
Maps available for inspection at the Office of the Township Engineer, 851 Old York Road, Burlington, New Jersey.				
New Jersey	Tenafly, Borough, Bergen County (Docket No. FEMA-[redacted].	Tenakill Brook	Downstream Corporate Limits	[redacted]
			Sommerset Road (extended)	*41
			Norman Place	*48
Maps available for inspection at the Office of the Borough Clerk, Municipal Center, 401 Tenafly Road, Tenafly, New Jersey.				
New York	Geddes, Town, Onondaga County (Docket No FEMA-[redacted]	Seneca River	Downstream Corporate Limits	*371
			Upstream Corporate Limits	*371
		Onondaga Lake Outlet	Entire Shoreline	*372
		Onondaga Lake	Entire Shoreline	*372
		Ninemile Creek	Confluence with Onondaga Lake	*372
			Upstream Interstate 690	*374
			Upstream State Fair Boulevard	*378
			Upstream Corporate Limits	[redacted]
		Geddes Brook	Confluence with Ninemile Creek	[redacted]
			Downstream Corporate Limits of the Village of Solvay	[redacted]
			Upstream Corporate Limits of the Town of Camillus	[redacted]
			State Route 5 (upstream)	*448
			Upstream Corporate Limits	*448
		Harbor Brook	Downstream Corporate Limits	*412
			Grand Avenue Upstream	*424
			Approximately 1,210 feet upstream of Grand Avenue	[redacted]
			Approximately 2,210 feet upstream of Grand Avenue	*438
			Approximately 3,010 feet upstream of Grand Avenue	*449
			Sewer Pipe (upstream)	*456
			Upstream Corporate Limits	*464
Maps available for inspection at the Geddes Town Hall, 1000 Woods Road, Solvay, New York.				
New York	New Haven, Town, Oswego County (Docket No. FEMA-5973).	Catfish Creek	Confluence with Lake Ontario	[redacted]
			2,150 feet upstream of confluence with Lake Ontario	*250
			1,330 feet downstream of the Dam	[redacted]
			540 feet downstream of the Dam	[redacted]
			80 feet downstream of the Dam	*280
			10 feet upstream of the Dam	[redacted]
			10 feet upstream of County Road 8	[redacted]

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			1,220 feet upstream of County Road 6	*295
			1,700 feet upstream of County Road 6	*296
		Otter Branch	Confluence with Lake Ontario	*249
			900 feet upstream of confluence with Lake Ontario	*250
			2,500 feet upstream of confluence with Lake Ontario	*260
			2,400 feet downstream of North Road	*270
			1,570 feet downstream of North Road	*280
			700 feet downstream of North Road	*290
			Downstream side of North Road	*297
		Lake Ontario	Entire coastline within community	*249
Maps available for inspection at the New Haven Assessor's Office, Stone Road, New Haven, New York.				
New York	Nichols, Town, Tioga County (Docket No. FEMA-6053)	Susquehanna River	Corporate Limits (downstream)	*774
			State Route 282	*791
			Corporate Limits (upstream)	*814
Maps available for inspection at the Town Clerk's Office, Cady Library Building, 17 River Street, Nichols, New York.				
New York	Phoenix, Village, Oswego County (Docket No. FEMA-6053).	Oswego River	Downstream Corporate Limits	*364
			Upstream Corporate Limits	*367
Maps available for inspection at the Sweet Municipal Building, 821 Main Street, Phoenix, New York.				
New York	Skaneateles, Village, Onondaga County (Docket No. FEMA-5947).	Skaneateles Lake	Entire shoreline within the community	*867
		Skaneateles Creek	Upstream of downstream corporate limits	*857
			Upstream of West Elizabeth Street	*858
			Downstream of State Dam	*860
Maps available for inspection at the Village Office, 46 Genesee Street, Skaneateles, New York.				
New York	Windsor, Village, Broome County (Docket No. FEMA-6062)	Susquehanna River	Downstream Corporate Limits	*920
			Upstream Corporate Limits	*924
Maps available for inspection at the Village Hall, Main Street, Windsor, New York.				
North Carolina	Unincorporated Areas of Cumberland County, FEMA-6061	Cape Fear River	Just upstream of U.S. Interstate I-95	*80
		Rockfish Creek	Just upstream of Highway 301	*80
			Just upsteam of North Carolina 59	*91
			Just upstream of State Road 1255	*103
			Just upstream of Upchurch Dam	*126
		Little Rockfish Creek	Just downstream of State Road 1008	*112
			Just downstream of State Road 1104	*139
			Just downstream of U.S. Highway 401	*174
		Buckhead Creek	Just upstream of State Road 1009	*116
			Just upstream of Cumberland Rd	*145
			Just downstream of U.S. Highway 401	*184
		Beaver Creek	Just upstream of Cumberland Rd. (St. Rd. 1141)	*127
			Just downstream of Morganton Rd. (State Road 1404)	*165
			Just upstream of Santa Fe Drive	*185
		Beaver Creek Tributary A	Just upstream of Bingham Drive	*172
			Just upstream of U.S. Highway 401 (Raeford Road)	*192
		Beaver Creek Tributary B	Just upstream of Breached Dam	*133
		Stewarts Creek	Just upstream of Reilly Road	*188
			Just upstream of South Ingleside Drive	*191
		Country Club Branch Tributary A (Flooding Effects from Country Club Branch).	Just downstream of Dam	*147
		Carvers Creek	Just upstream of Norfolk Southern Railroad	*92
			Just upstream of U.S. Highway 401	*111
		Persimmon Creek	Just upstream of Morganton Road (St. Rd. 1404)	*187
		Bones Creek	Just upstream of U.S. Highway 401 (Raeford Road)	*164
			Just upstream of State Road 1400 (Cliffdale Rd.)	*175
		Bones Creek Tributary A	Just upstream of State Road 1393	*180
		Mill Creek	Just upstream of Private Drive	*86
		Blounts Creek	Just upstream of Dam	*134
		Cross Creek	Just upstream of Shaw Mill Road	*157
		Carvers Creek Tributary A	Just upstream of Wolf Point Rd.	*125
		Cedar Falls Creek	Just upstream of U.S. Highway 401	*110
		Cedar Falls Creek Tributary A	Just upstream of U.S. Highway 401	*111
		Little River	Just downstream of State Highway 210	*142
			Just upstream of Manchester Rd. (St. Rd. 1451)	*162
			Just downstream of State Highway 87	*152
		Tank Creek	Just downstream of Seaboard Coastline Railroad	*174
Maps available for inspection at Cumberland County Planning Department, Old County Courthouse, Gillespie Street, Fayetteville, North Carolina 28305.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
North Carolina	Town of Grifton, Pitt and Lenoir Counties FEMA-6061	Contentnea Creek	Intersection of Water Street and Main Street	[illegible]
		Contentnea Creek South Tributary	Intersection of Gordon Street and McCrae Street	[illegible]
Maps available for inspection at Town Hall, West Queen Street, Grifton, North Carolina.				
North Carolina	Town of Mount Olive, Wayne and Duplin Counties FEMA 6061.	Northeast Cape Fear River	Upstream of State Road 1004	*135
		Thunder Swamp	Upstream of State Road 1147	*139
		Thunder Swamp Tributary	Downstream of State Road 1147	*142
			Upstream of State Road 1141	*144
		Pasture Branch	Downstream of Bell Avenue	*144
			Upstream of Bell Avenue	*148
		Lee Branch	Downstream of State Road 1138	*138
			Upstream of State Road 1138	*143
Maps available for inspection at Town Hall, East James Street, Mount Olive, North Carolina 28365.				
North Carolina	Town of Seven Springs, Wayne County FEMA-6067	Neuce River	Just upstream of Main Street	*55
			At the intersection of State Road 1739 and Simmons Street	*56
Maps available for inspection at Town Hall, East Spring Street, Seven Springs, North Caroline 28578.				
Oklahoma	City of Jenks Tulsa County (FEMA-5966)	Arkansas River	Just upstream of East Main Street	*615
		Polecat Creek	Just upstream of S. Peoria Avenue	[illegible]
			Just upstream of S. 33rd W. Avenue	[illegible]
		Posey Creek	Just upstream of Missouri Pacific Railroad	[illegible]
			Just upstream of 141st Street	[illegible]
		Coal Creek	Approximately 100 feet downstream of 121st Street	*644
Maps available for inspection at City Planner's Office, City Hall, 123 East Main Street, Jenks, Oklahoma 74037.				
Oklahoma	Town of Piedmont, Canadian County (FEMA-6067)	Soldier Creek	Just upstream of Edmond Road	*1,120
			Just upstream of Sixteenth Street	*1,152
		Soldier Creek South Branch	Just upstream of Sixteenth Street	*1,159
		Deer Creek Tributary 5	Just downstream of Piedmont Road	*1,171
			Just upstream of Washington Street	*1,180
		Deer Creek Tributary 2	Just downstream of Washington Street	*1,199
			Just upstream of Dam	*1,216
Maps available for inspection at Town Hall, Piedmont Road North, Piedmont, Oklahoma 73078.				
Oregon	Tualatin (City), Washington County FEMA-6061	Tualatin River	Interstate Highway 5 over the channel	*123
			Southern Pacific Railroad over the channel	*125
		Nyberg Slough	Upstream side of Southwest 65th Avenue over the channel.	*122
			Southwest Tonka Road over the channel	*124
Maps available for inspection at City Hall, 18880 SW Martinazzi, Tualatin, Oregon.				
Pennsylvania	Brownsville, Township, Fayette County (Docket No. FEMA-6053).	Monongahela River	Downstream Corporate Limits	*770
			Upstream Corporate Limits	*771
		Dunlap Creek	Downstream Corporate Limits	*771
			Upstream Corporate Limits	*771
		Redstone Creek	Downstream Corporate Limits/confluence with Monongahela River.	*770
			Upstream Corporate Limits	*778
Maps available for inspection at the residence of the Township Secretary, Ms. Patricia Peters, 123 Lynn Road, Brownsville, Pennsylvania.				
Pennsylvania	Bryn Athyn, Borough, Montgomery County (Docket No. FEMA-6061).	Pennypack Creek	Confluence of Southampton Creek	*177
			Upstream Corporate Limits	*185
		Southampton Creek	Upstream Corporate Limits	*177
Maps available for inspection at the residence of the Borough Secretary, Mrs. Willard Smith, Jr., Bryn Athyn, Pennsylvania.				
Pennsylvania	Lower Burrell, City, Westmoreland County (Docket No. FEMA-6061).	Allegheny River	Confluence of Puckety Creek	*752
			Upstream Corporate Limits	*764
		Allegheny River Back Channel	Confluence with Allegheny River	[illegible]
			Upstream Corporate Limits	*764
		Puckety Creek	Confluence with Allegheny River	*752
			Approximately 1,000 feet downstream Crystal Drive	*762
			Approximately 460 feet downstream confluence of Tributary 1.	*772
			Downstream State Route 366	[illegible]
			Upstream Corporate Limits	*794
		Tributary 1 to Puckety Creek	Confluence with Puckety Creek	*775

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream first Private Drive	*795
			Approximately 176 feet upstream second Private Drive	*795
			Downstream third Private Drive	*814
			Upstream fifth Private Drive	*825
			Upstream Millers Lane (second crossing)	*835
			Approximately 575 feet upstream second crossing Millers Lane.	*847
		Little Puckety Creek	Confluence with Puckety Creek	*752
			Corporate Limits (first crossing)	*753
			Corporate Limits second crossing at Falcons Park Road.	*807
			Approximately 1,450 feet upstream Falcons Park Road	*817
			Approximately 2,780 feet upstream Falcons Park Road	*827
			Approximately 4,625 feet upstream Falcons Park Road	*837
			Approximately 960 feet downstream Wildlife Lodge Road.	*847
			Upstream Wildlife Lodge Road	*857
			Upstream Milligantown Road	*874
			Approximately 1,330 feet downstream from upstream Corporate Limits.	*897
			Upstream Corporate Limits	*908
		Chartiers Run	Confluence with Allegheny River	*758
			Downstream Sokol Camp pedestrain walkway	*774
			Upstream Braeburn Road (Chartiers Creek Road)	*787
			Downstream Private Drive	*812
			Approximately 1,755 feet upstream Private Drive	*831
			Approximately 1,340 feet downstream Hulton Road	*861
			Approximately 500 feet upstream Hulton Road	*891
			Upstream Legislative Route 64245	*900
			Upstream State Route 56	*910
			Upstream Corporate Limits	*912

Maps available for inspection at the City Hall, Bethel and Schreiber Streets, Lower Burrell, Pennsylvania.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Murrysville, Municipality, Westmoreland County (Docket No. FEMA-6053).	Pucketa Creek	Downstream Corporate Limits	*852
			Upstream Merwin Road	*869
			Upstream Greensburg Road (first crossing)	*884
			Upstream Plan Road	*917
			Downstream State Route 380	*928
			Downstream Greensburg Road (third crossing)	*945
			Approximately 620 feet downstream Ludwig Road	*977
			Upstream Saddlepack Trail	*1,010
			Upstream Ashbaugh Road	*1,046
			Upstream Private Drive	*1,071
		Turtle Creek	At first downstream Corporate Limits	*832
			Confluence of Abers Creek	*844
			Confluence of Haymakers Run	[illegible]
			Upstream Conrail	*887
			Confluence of Tributary No. 6	*918
			Upstream Haymaker Farm Road	*937
			Upstream U.S. Route 22	*940
			At first upstream Corporate Limits	*970
			At second downstream Corporate Limits	*995
			Downstream Boreland Farm Road	*1,016
			Downstream Private Road (to bus garage)	*1,032
			Upstream Ringer Avenue	*1,076
			Upstream Morosini Farm Road	*1,102
			Upstream Third Street	*1,123
			Downstream Conrail culvert	*1,146
		Haymakers Run	Confluence of Turtle Creek	[illegible]
			Upstream U.S. Route 22 (William Penn Highway)	*874
			Downstream Franklintowne Drive	*885
			Upstream Sardis Road	*919
			Upstream Cal Ken Drive	*925
			Upstream Pine Tree Lane	*931
			Downstream School Road North	*965
			Upstream School Road North	*972
			Downstream Crow Foot Road	[illegible]
			Confluence of Tributary No. 4	*1,008
			Upstream Private Road (approximately 2,500 feet downstream of Christy Road).	*1,030
			Upstream Christy Road	*1,050
			Confluence of Tributary No. 5	*1,066
			Upstream Private Road (approximately 960 feet upstream Tributary No. 5).	*1,079

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 1,800 feet upstream Tributary No. 5	*1,066
		Steels Run	Confluence with Turtle Creek	[illegible]
			Confluence of Tributary No. 1	[illegible]
			Approximately 2,600 feet upstream Kemerer Hollow Road.	[illegible]
			Approximately 6,610 feet upstream Kemerer Hollow Road.	*1,010
			Approximately 1,080 feet downstream Bollinger Road	*1,025
			Upstream Bollinger Road	*1,041
			Downstream of Farm Road	*1,065
		Tributary No. 1	Confluence with Steels Run	[illegible]
			Approximately 1,500 feet upstream Second private drive.	[illegible]
			Upstream third Private Drive	*998
			Approximately 1,250 feet upstream third Private Drive	*1,007
			Approximately 3,320 feet upstream third Private Drive	*1,031
			Downstream of Kemerer Road	*1,042
		Tributary No. 2	Confluence with Haymakers Run	*901
			Upstream Forbes Trail Road	*906
			Upstream Trout Haven Drive	*915
			Confluence of Tributary No. 3	*937
			Approximately 1,800 feet upstream Tributary No. 3	[illegible]
			Upstream sixth Private Drive	*974
			Approximately 1,400 feet upstream sixth Private Drive	[illegible]
			Downstream seventh Private Drive	*1,012
			Approximately 450 feet upstream Eighth Private Drive	*1,024
		Tributary No. 3	Confluence with Tributary No. 2	*937
			Upstream Private Street	[illegible]
			Upstream Glenshire Court	[illegible]
			Downstream Gun Club Road	[illegible]
		Tributary No. 4	Confluence with Haymakers Run	*1,006
			Upstream Mamont Road	*1,011
			Approximately 1,290 feet upstream Mamont Road	*1,026
			Approximately 2,100 feet upstream Mamont Road	*1,037
		Tributary No. 5	Upstream Mamont Road	*1,066
			Approximately 720 feet upstream Mamont Road	*1,074
			Approximately 2,200 feet upstream Mamont Road	*1,103
		Tributary No. 6	Upstream William Penn Highway	[illegible]
			Upstream Old William Penn Highway	[illegible]
			Upstream Tarr Hollow Road	[illegible]
			Upstream second Private Drive	[illegible]
			Upstream third Private Drive	[illegible]
			Upstream fifth Private Drive	[illegible]
			Upstream sixth Private Drive	*1,005
			Approximately 500 feet upstream sixth Private Drive	*1,018
			Approximately 1,210 feet upstream sixth Private Drive	*1,045
		Tributary No. 7	Approximately 400 feet downstream of downstream Corporate Limits.	[illegible]
			Approximately 1,140 feet upstream abandoned dam	*1,015
		Tributary No. 8	Confluence with Turtle Creek	*1,016
			Upstream Boreland Farm Road	*1,020
			Approximately 950 feet upstream Boreland Farm Road	*1,035
			Approximately 2,330 feet upstream Boreland Farm Road.	*1,051
		Lyons Run	Upstream Pleasant Valley Road	*915
			Approximately 1,600 feet upstream Pleasant Valley Road.	[illegible]
			Approximately 5,900 feet upstream Pleasant Valley Road.	[illegible]
Maps available for inspection at the Municipal Building, Murrysville, Pennsylvania.				
Pennsylvania	Waterford, Township, Erie County (Docket No. FEMA-6015).	LeBoeuf Creek	Approximately .18 mile downstream of U.S. Route 19	*1,175
			Upstream of U.S. Route 16	*1,178
			Upstream of Wattsburg Road	*1,189
			Upstream of Conrail crossing located approximately .29 mile upstream of Depot Road.	*1,194
			Upstream Conrail crossing	*1,205
			Approximately .28 mile upstream of Conrail Bridge	*1,206
Maps available for inspection at the Waterford Township Building, R.D. 1, Waterford, Pennsylvania.				
South Carolina	City of Goose Creek, Berkeley County (FEMA-6067)	Foster Creek	Just upstream of Pomplant Road (Flooding affected by backwater of the stormtide from the Atlantic Ocean at this location).	*7

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Seaboard Coast	*9
		Unnamed Tributary of Foster Creek.	Just upstream of Jefferson Avenue	*13
			Just upstream of Lafayette Street	*16
		Lindley Branch	Just upstream of U.S. Highway 52	*25
Maps available for inspection at City Hall, 103 Farm Road, Goose Creek, South Carolina 29445.				
Texas	Town of Manvel, Brazoria County (FEMA-6033)	Mustang Bayou	Approximately 200 feet downstream of Masters Street (FM 1128).	*54
			Just upstream of County Road 876	*57
			Just downstream of A Private Drive which is located 1200 feet above County Road 88 (Chocolate Bayou Road).	[illegible]
			Just upstream of County Road 736	*61
			Approximately 600 feet downstream of Croix Parkway	*54
		Chocolate Bayou	Just upstream of County Road 67	*47
			Just upstream of County Road 81	*54
Maps available for inspection at Town Secretary's Office, Town Hall, 6615 Masters Street, Manvel, Texas 77578.				
Washington	Milton (Town), King and Pierce Counties (FEMA-6053)	Hylebos Creek	Intersection of 5th Avenue and Hylebos Creek	*15
		Hylebos Creek Tributary	25 feet upstream of intersection of Birch Street and Hylebos Tributary.	*22
Maps available for inspection at Town Hall, 11 Park Way, Milton, Washington.				
Washington	Olympia (City), Thurston County (FEMA-6061)	Outlet of Black Lake	Upstream side of Mottman Road, Southwest over channel.	*122
			Intersection of channel and southernmost corporate limits.	*125
		Ken Lake	Intersection of Lakemore Drive and overflow outlet of Ken Lake.	*137
		Chambers Lake	Approximately 500 feet northwest of Chehalis Western Railroad and Herman Road intersection.	*196
		Capitol Lake	Intersection of Capitol Lake and Deschutes Parkway	*11
		Budd Inlet	Intersection of B Avenue and North Columbia Street	*11
			Western edge of East Bay Drive approximately 700 feet north of its intersection with San Francisco Avenue.	*11
		Setchfield Lake	Approximately 2100 feet east along Springwood Avenue (extended) from intersection with North Bethel Street.	*168
Maps available for inspection at City Hall, 8th and Plum, Olympia, Washington.				
Wisconsin	(V) Howard, Brown County (Docket No. FEMA-6015)	Duck Creek	At mouth	*585
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*588
			At upstream corporate limits	*596
		Beaver Dam Creek	At mouth	*586
			Just upstream of Taylor Street	*595
			About 200 feet upstream of Green Bay and Western Railroad.	*610
			At upstream corporate limits	*613
		Lancaster Creek	At mouth	*585
			Just downstream of Glendale Avenue	*593
			Just upstream of Hillcrest Drive	*611
			Just downstream of Shawano Avenue	*614
			About 0.54 mile upstream of Shawano Avenue	*618
		Green Bay	Within the corporate limits	*585
Maps available for inspection at the Office of the Village Clerk, Howard Village Hall, 2456 Glendale Avenue, Green Bay, Wisconsin.				
Wisconsin	(Uninc.) Kenosha County (Docket No. FEMA-6075)	Pike River	About 2,200 feet downstream of Alford Park Road	*587
			About 1,100 feet downstream of State Highway 32	*591
			Just upstream of State Highway 32	*594
			Just downstream of confluence of Unnamed Tributary	*601
			Just upstream of abandoned railroad	*604
			Just upstream of County Highway Y	[illegible]
			Just upstream of County Highway G	*617
			Just downstream of County Highway A	*619
			Just upstream of County Highway A	*624
			About 100 feet upstream of Petrifying Springs Park Road.	*633
			Just upstream of County Highway A (near confluence of South Branch Pike River).	*645
			About 2,250 feet downstream of Alford Park Road	*587
		North Branch Pike River	About 300 feet upstream of confluence of South Branch Pike River.	*646
			Just upstream of State Highway 31	*654
			Just downstream of County Highway KR	*657
		Unnamed Tributary to Pike River	At confluence with Pike River	*601
			About 3,600 feet upstream of confluence with Pike River.	[illegible]

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 50 feet downstream of corporate limits	*611
			At corporate limits	*614
		South Branch Pike River	At confluence with Pike River	[illegible]
			About 2,500 feet downstream of confluence of Somers Tributary.	*656
			About 300 feet downstream of County Highway E	[illegible]
			About 400 feet upstream of County Highway E	*667
			Just downstream of Chicago and North Western railroad.	*673
			Just upstream of County Highway L	*675
			Just upstream of State Highway 43	[illegible]
			About 2,800 feet upstream of State Highway 158	[illegible]
		School Tributary	At confluence with South Branch Pike River	[illegible]
			About 700 feet upstream of confluence with South Branch Pike River.	*647
			Just downstream of County Highway A	*656
			Just upstream of County Highway A	*661
			Just downstream of Chicago and North Western railroad.	[illegible]
			Just upstream of Chicago and North Western railroad	[illegible]
			Just upstream of County Highway EA	*682
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	[illegible]
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	[illegible]
		Somers Tributary	About 600 feet upstream of confluence with South Branch Pike River.	[illegible]
			Just downstream of Chicago and North Western Railroad.	[illegible]
			Just upstream of Chicago and North Western Railroad	*674
			Just upstream of County Highway EA	[illegible]
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*695
			Just downstream of County Highway H	[illegible]
		Tributary to Somers Tributary	At confluence with Somers Tributary	[illegible]
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad bridge.	*691
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad bridge.	*698
		Unnamed Tributary to South Branch Pike River	At confluence with South Branch Pike River	*675
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*677
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*689
		Barnes Creek South Outlet	At confluence with Lake Michigan	[illegible]
			About 1,000 feet upstream of Third Avenue	[illegible]
			About 400 feet downstream of divergence from Barnes Creek North Outlet.	[illegible]
		Barnes Creek North Outlet—Barnes Creek	At confluence with Lake Michigan	*584
			Just upstream of First Avenue	[illegible]
			Just downstream of Chicago and North Western Railroad.	*590
			Just downstream of State Highway 32	*601
			About 0.5 mile upstream of State Highway 32	*607
		Des Plaines River	Just upstream of Wisconsin-Illinois State boundary	*674
			Just upstream of County Highway C	*686
			Just upstream of County Highway MB	*686
			Just upstream of State Highway 50	*692
			About 200 feet upstream of County Highway K	*695
			About 3,100 feet upstream of State Highway 142	*700
			Just downstream of northern corporate limit	*706
		Kilbourn Road Ditch	At confluence with Des Plaines River	*680
			Just upstream of State Highway 50	*683
			Just upstream of County Highway K	[illegible]
			About 200 feet upstream of State Highway 158	*700
			Just upstream of State Highway 142	*707
			About 0.8 mile downstream of County Highway E	*713
			Just upstream of County Highway E	*720
			Just downstream of County Highway KR	*727
		Brighton Creek	At confluence with Des Plaines River	*696
			Just upstream of Gravel Pit Road	*698
			Just upstream of County Highway K	*706
			Just upstream of State Highway 45	*714
			About 600 feet upstream of Farm Road (near confluence of Salem Branch Brighton Creek).	*721
		Mud Lake Outlet	At confluence with Dutch Gap Canal	*757
			About 200 feet upstream of State Highway 45	*762
			About 1,700 feet upstream of State Highway 45 (near Gravel Road).	[illegible]

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Fox River	Just upstream of Wisconsin-Illinois State boundary	*743
			Just upstream of Wilmet Dam	*745
			Just upstream of State Highways 50 and 83	*750
			Just downstream of northern corporate limit	*752
		Peterson Creek	At confluence with Fox River	*751
			Just downstream of 308th Avenue	*752
		Bassett Creek	At confluence with Fox River	*749
			Just upstream of County Highway J1	*756
			About 1.6 miles upstream of County Highway J1	*768
		Lake Michigan	Shoreline	*584
		Tributary to Kilbourn Road Ditch	At confluence with Kilbourn Road Ditch	*724
			About 2,700 feet upstream of confluence with Kilbourn Road Ditch.	*725
		Von Gunten Creek	About 1,350 feet downstream of corporate limits	*632
			About 1,100 feet upstream of the corporate limits	*647
		Pike Creek	At the downstream corporate limits	*651
			About 200 feet downstream of State Highway 142	*657
			Just upstream of State Highway 142	*661
			About 100 feet downstream of 47th Avenue	*666
			At the upstream corporate limits	*683

Maps available for inspection at the Office of the Director of Planning and Zoning, County Courthouse, 912 56th Street, Kenosha, Wisconsin.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27621 Filed 9-22-81; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 46, No. 184
Wednesday, September 23, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1079

Milk in the Iowa Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend portions of the Iowa Federal milk marketing order for the months of October and November 1981. The proposed suspension would increase the limits on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. A cooperative association which operates a plant regulated by the order requested this action to prevent uneconomic movements of milk.

DATE: Comments are due not later than September 30, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-7311.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

Also, it has been determined that the potential need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the procedure in time to give interested parties timely notice that the limitation on the amount of milk that may be moved directly from producer farms to manufacturing plants for October 1981 would be modified. The initial request for the action was received September 10, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for dairy farmers regularly associated with the market.

PART 1079—MILK IN THE IOWA MARKETING AREA

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Iowa marketing area is being considered for October and November 1981:

In § 1079.13(d) (2) and (3) the words "50 percent in the months of September through November, and" and the words "in other months," as they appear in each subparagraph.

All persons who desire to submit written data, views or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 30, 1981. The period for filling comments is limited because a longer period would not provide the time needed to complete the required procedures and include October 1981 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of consideration

Land O' Lakes, Inc., a cooperative association of producers, operates a plant regulated by the Iowa Order. Land O' Lakes has requested that the 50 percent diversion limitation be suspended for October and November 1981. The remaining effective diversion limitation would permit up to 70 percent of the producer milk receipts to be moved directly from farms to nonpool manufacturing plants and still be priced under the order.

The cooperative stated that the amount of producer milk pooled on the market has increased significantly in 1981 over 1980 while Class I sales have not increased as much. The proponent stated that the suspension of the 50 percent requirement and the retention of the 70 percent diversion limitation would still require the receipt of 30 percent of all milk supplies at pool plants, assuring the availability of milk for fluid use. The cooperative stated that the suspension of the 50 percent diversion limitation would allow for more efficient means of handling the reserve supplies of milk in the Iowa market.

Reserve milk supplies within a marketing order usually decline during the fall months. However, current marketing information indicates that this year the reserve milk supplies in the Iowa Federal order are expected to exceed the quantity of milk that could be diverted to nonpool manufacturing plants under the present diversion limitations and still maintain producer status for all such milk. The present buildup in the market's reserve milk supplies is largely due to a substantial increase in milk production by producers regularly supplying the market. At the same time, fluid milk sales have not increased as much. Under these marketing conditions, a suspension of the 50 percent limitation of the diversion provisions may be appropriate so that producer receipts that are not needed for fluid use may be moved directly from farms to manufacturing plants and still be priced under the order. An increase in the diversion limits from 50 percent to 70 percent for October and November 1981 may tend to prevent the uneconomic handling and movement of reserve milk supplies merely for pooling purposes.

Signed at Washington, D.C. on: September 18, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-27620 Filed 9-22-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 15

Debt Collection Procedures

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations by adding a new Part which will establish the procedures which NRC will follow to collect debts which are owed to it. The procedures are based upon the Federal Claims Collection Standards issued by the General Accounting Office (GAO) and the U.S. Department of Justice (DOJ), as amended on July 31, 1981. The Federal Claims Collection Act provides that these procedures be issued as regulations. The procedures will enable the NRC to improve its collection of debts.

DATE: Comment period expires November 9, 1981. Comments received after November 9, 1981 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Comments may be mailed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or delivered to the Commission's office at 1717 H Street, N.W., Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Graham D. Johnson, Deputy Director, Division of Accounting, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone 301-492-7535).

SUPPLEMENTARY INFORMATION:

Background

Recent studies by the Executive Branch Debt Collection Project and the GAO reveal that more than $25 billion of the $175 billion in debts owed to the United States are either delinquent or in default. The President directed in the 1982 Budget Revisions that the collection of amounts owed to the Government be improved. The Supplemental Appropriations and Rescission Act, 1980 (Pub. L. 96-304), requires agencies covered by the Act, including the NRC, to improve the collection of overdue debts owed to the United States and to bill interest on delinquent debts. This part will improve NRC's collection of debts by—

(a) Informing debtors that NRC's collection procedures will be based upon the Federal Claims Collection Standards;

(b) Specifying the content of progressively stronger demand letters;

(c) Informing debtors that late payment charges will be added if debts are not paid on the due date;

(d) Advising debtors in certain instances to provide affidavits, cancelled checks, or other evidence to support assertions that a debt is not owed, the debt is less than the amount claimed, or the debtor is unable to pay in full or in installments;

(e) Requiring payments in installments to include interest and, if appropriate, to be secured;

(f) Giving debtors the right to an interview and the right to notice of an offset;

(g) Giving debtors the opportunity for a hearing if issues of credibility and veracity are involved; and

(h) Referring debts for collection by a private agency.

This part shall apply to the collection of a debt initially asserted by the NRC after the effective date of the final rule.

Regulatory Impact. The NRC has determined that this proposed rule will not impose unnecessary burdens on the economy or on individuals. The proposed rule sets out the procedures that NRC intends to use in collecting debts which are owed the NRC. The procedures, based on the Federal Claims Collection Standards, will improve NRC's debt collection efforts while providing due process protections for the debtor.

Environmental Impact Statement. This proposed rule does not sigificantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act. This proposed rule contains no new reporting and recordkeeping requirements and therefore is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act, Pub. L. 96-511.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility act, 5 U.S.C. 605 (b), the Commission certifies that this proposed rule, if adopted as a final rule, will not have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analysis has not been prepared. Interest and late payment charges imposed on a small entity will ordinarily not exceed $100 per year. This proposed rule affects small entities billed for byproduct material inspection fees established under 10 CFR 170.32, Category 3, and for Freedom of Information Act computer tapes, and other reproduction costs. About 1600 billings are issued annually to small entities including physicians in private practice, small hospitals, universities, small consulting firms, public interest groups and other entities involved with radiography and research. Total annual billings to any one small entity are less than $1,000. Past experience shows that 98 to 99% of billings are paid within 120 days after the billing date. The late payment charges imposed on a small entity which pays the debt of $1,000 120 days after the billing date will be $40.47 assuming a current Treasury annual interest rate of 16.19%.

This proposed rule allows a small entity to pay a debt on an installment basis if it is unable to pay a debt in full prior to the due date (ordinarily 30 days after billing date). Such an arrangement requires the payment of interest on the unpaid debt. The annual interest charges imposed on a small entity will be less than $100 assuming maximum billing of $1,000 paid in 12 monthly installments of less than $100 per month and an annual interest rate of 16%. To date no small entities have requested payment of a debt on an installment basis.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Federal Claims Collection Act of 1966 (31 U.S.C. 952) and section 553 of Title 5 of the United States Code, notice is hereby given that the NRC is proposing to add a new Part 15 to 10 CFR Chapter 1, as follows:

PART 15—DEBT COLLECTION PROCEDURES

Subpart A—Application and Coverage

Sec.
15.1 Application.
15.3 Communications.
15.5 Claims that are covered.
15.7 Monetary limitation on NRC's authority.
15.9 Omissions not a defense.
15.11 Conversion claims.
15.13 Subdivision of claims.

Subpart B—Administrative Collection of a Claim

15.21 Written demands for payment.

Sec.
15.23 Telephone inquiries and investigations.
15.25 Personal interviews.
15.27 Contact with debtor's employing agency.
15.29 Suspension or revocation of a license.
15.31 Disputed debts.
15.33 Collection by offset.
15.35 Payments.
15.37 Interest and late payment charges.
15.39 Bankruptcy claims.

Subpart C—Compromise of a Claim

15.41 When a claim may be compromised.
15.43 Reasons for compromising a claim.
15.45 Restrictions on the compromise of a claim.
15.47 Finality of a compromise.

Subpart D—Suspension or Termination of Collection Action

15.51 When collection action may be terminated or suspended.
15.53 Reasons for suspending collection action.
15.55 Reasons for terminating collection action.
15.57 Termination of collection action.
15.59 Transfer of a claim.

Subpart E—Referral of a Claim

15.61 Prompt referral.
15.63 Referral of a claim to private agencies for collection.
15.65 Referral of a compromise offer.
15.67 Referral to the Department of Justice.

Authority: Sec. 161i, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201(i)); sec. 201(f), Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841(f)); sec. 3, Pub. L. 89–508, 80 Stat. 309 (31 U.S.C. 952); Federal Claims Collection Standards, 31 FR 13381–13384, Oct. 15, 1966 as amended at 42 FR 38891, August 1, 1977; 44 FR 22701–22702, Apr. 17, 1979; 46 FR 22353–22354, Apr. 17, 1981; 46 FR 39113–39114, July 31, 1981; 4 CFR 101–105.

Subpart A—Application and Coverage

§ 15.1 Application.

(a) These procedures apply to claims for the payment of debts owed to the United States in the form of money or property unless a different procedure is specified in a statute, regulation, or contract. For some debts these procedures apply after special statutory and administrative procedures are exhausted.

(b) The following are examples of kinds of debts to which special statutory and administrative procedures apply:

(1) A claim against an employee for erroneous payment of pay and allowances subject to waiver under 5 U.S.C. 5584 (travel and transportation expenses and allowances and relocation expenses are not subject to waiver under 5 U.S.C. 5584).

(2) A claim involved in a case pending before any Federal Contract Appeals Board or Grant Appeals Board. However, nothing in this part prevents negotiation and settlement of a claim pending before a Board.

§ 15.3 Communications.

Unless otherwise specified, all communications concerning the regulations in this part should be addressed to the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Communications may be delivered in person at the Commission's offices at 1717 H Street, N.W., Washington, D.C. or at 7920 Norfolk Avenue, Bethesda, Md.

§ 15.5 Claims that are covered.

(a) These procedures generally apply to any claim for payment of a debt which—

(1) Results from activities of the NRC; or

(2) Is referred to the NRC for collection.

(b) These procedures do not apply to—

(1) A claim based on a civil monetary penalty for violation of a licensing requirement. Procedures for this type of claim are provided for in § 2.205 of this chapter;

(2) A claim as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim;

(3) A claim in whole or in part on conduct in violation of the antitrust laws; and

(4) A tax claim, as to which differing exemptions, administrative considerations, enforcement considerations, and statutes apply.

§ 15.7 Monetary limitation on NRC's authority.

The NRC's authority to compromise a claim or to terminate or suspend collection action on a claim covered by these procedures is limited by 31 U.S.C. 952(b) to claims that—

(a) Have not been referred to another Federal agency, including the GAO, for further collection action; and

(b) Do not exceed $20,000, exclusive of interest (the monetary limitation).

§ 15.9 Omissions not a defense.

(a) The failure of the NRC to include in this part any provision of the Federal Claims Collection Standards does not prevent the NRC from applying the provision.

(b) A debtor may not use the failure of the NRC to comply with any provision of this part or of the Federal Claims Collection Standards as a defense.

§ 15.11 Conversion claims.

These procedures are directed primarily to the recovery of money on behalf of the Government. The NRC may demand—

(a) The return of specific property; or

(b) Either the return of property or the payment of its value.

§ 15.13 Subdivision of claims.

The NRC shall consider a debtor's liability arising from a particular transaction or contract as a single claim in determining whether the claim is less than the monetary limitation for the purpose of compromising or suspending or terminating collection action. A claim may not be subdivided to avoid the monetary limitation.

Subpart B—Administrative Collection of a Claim

§ 15.21 Written demands for payment.

(a) The NRC shall make appropriate written demands upon the debtor for payment of money or the return of specific property in terms which specify—

(1) The basis of the indebtedness;

(2) The amount claimed;

(3) A description of any property which is to be returned by a date certain;

(4) The date payment is due (The due date is normally 30 days from the date of the initial written demand. The NRC may determine that circumstances warrant an earlier or later due date.);

(5) The rate of interest used to determine the late payment charge if the debt is not paid in full on or before the due date; and

(6) The applicable policy for reporting the delinquent debt to commercial credit bureaus.

(b) Unless a debtor is a current NRC employee, the NRC shall normally send three progressively stronger written demands at approximately 30-day intervals, unless circumstances indicate that alternative remedies better protect the Government's interest, that the debtor has explicitly refused to pay, or that sending additional demands is useless. Depending upon the circumstances of the particular case, the second and third demands may—

(1) Offer or seek to confer with the debtor;

(2) State the amount of the late payment charge that will be added to the debt each 30 days until the debt is paid (the charge for a full 30-day period will also be applicable to periods of less than 30 days); and

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(3) State that the authorized collection procedures include any procedure authorized in this part including—

(i) Contacts with the debtor's employer when the debtor is employed by the Federal Government or is a member of the military establishment or the Coast Guard;

(ii) Possible referral of the debt to a private agency for collection;

(iii) The suspension or revocation of a license or other remedy under § 170.41 of this Chapter;

(iv) Installment payments possibly requiring security; and

(v) The right to refer the claim to the GAO or the DOJ for litigation.

(c) The NRC shall normally send only one written demand to a debtor who is a current NRC employee. The NRC follows the procedures described in § 15.33 if full payment is not received by the due date specified in the written demand. If the NRC cannot obtain full payment by following the procedures described in § 15.33, the NRC may follow other collection procedures described in this subpart.

(d) The failure to state in a letter of demand a matter described in § 15.21 is not a defense for a debtor and does not prevent the NRC from proceeding with respect to that matter.

§ 15.23 Telephone inquiries and investigations.

(a) If a debtor has not responded to one or more written demands, the NRC shall make reasonable efforts by telephone to determine the debtor's intentions. If the debtor cannot be reached by telephone at the debtor's place of employment, the NRC may telephone the debtor at his residence between 7:00 a.m and 10:00 p.m.

(b) The NRC may undertake an investigation to locate a debtor if the whereabouts of a debtor is a problem, or if a debtor cannot be contacted by telephone.

(c) The NRC, under 15 U.S.C. 1681(f), may obtain consumer credit information from private firms, including the name, address, former addresses, place of employment, and former places of employment of a debtor.

§ 15.25 Personal interviews.

(a) The NRC shall seek an interview with the debtor at the office of the NRC when—

(1) A matter involved in the claim needs clarification;

(2) Information is needed concerning the debtor's circumstances; or

(3) An agreement for payment might be negotiated.

(b) The NRC shall grant an interview with a debtor upon the debtor's request. The NRC will not reimburse a debtor's interview expenses.

§ 15.27 Contact with debtor's employing agency.

If a debtor is employed by the Federal government or is a member of the military establishment or the Coast Guard, and collection by offset cannot be accomplished in accordance with 5 U.S.C. 5514, the NRC shall contact the employing agency to arrange with the debtor for payment of the indebtedness by allotment or otherwise.

§ 15.29 Suspension or revocation of licenses.

If an applicant or a licensee fails to pay a prescribed fee, the NRC will not process any application and may suspend or revoke any license or approval involved. In addition, the NRC may issue an order with respect to licensed activities as it determines to be appropriate or necessary to carry out the provisions of Parts 30, 40, 50, 70, 71, and 170 of this chapter and of the Atomic Energy Act of 1954, as amended, Pub. L. 83–703, 68 Stat. 919, 42 U.S.C. 2011, et seq.

§ 15.31 Disputed debts.

(a) A debtor who disputes a debt shall explain why the debt is incorrect in fact or in law before the due date specified in the initial demand letter. The debtor may support the explanation by affidavits, cancelled checks, or other relevant evidence.

(b) If the debtor's arguments appear to have merit, the NRC may extend the due date pending a final determination of the existence or amount of the debt.

(c) The NRC may investigate the facts involved in the dispute and, if it considers it necessary, arrange for a conference at which the debtor may present evidence and any arguments in support of the debtor's position.

§ 15.33 Collection by offset.

(a) The NRC may administratively undertake collection by offset on each claim which is liquidated or certain in amount.

(b) The following procedures apply when the NRC seeks to collect a debt by offset against accrued pay, compensation, accrued benefits or the amount of retirement credit due to a present or former Government employee.

(1) The NRC shall effect collection by offset from a person receiving pay or compensaton from the Federal Government over a period not greater than the period during which such pay or compensation is to be received. If the debt arises out of an erroneous payment made by NRC to or on behalf of an employee, collection by offset is made in accordance with 5 U.S.C. 5514 and the provisions of paragraph (b) of this section.

(2) If employment is expected to continue during the period of the anticipated collection by offset—

(i) The NRC shall provide the debtor a written demand prior to collecting any indebtedness by offset. The NRC shall include in the written demand—

(A) Notice of the NRC's intention to collect by offset;

(B) An opportunity to request reconsideration of the debt, or if provided for by statute, waiver of the debt; and

(C) An explanation of the debtor's rights under this subpart.

(ii) The NRC shall accord the debtor an opportunity for a pre-offset oral hearing when—

(A) The debtor requests a waiver of indebtness and the waiver determination turns on an issue of credibility or veracity; or

(B) The individual requests reconsideraton of the debt and the NRC determines that the question of the indebtedness cannot be resolved by review of the documentary evidence.

(iii) If a determination that a debt exists and is certain in amount can be satisfactorily made by review of the documentary evidence and no issues of credibility and veracity exist, then the NRC provides the debtor a written demand as provided in paragraph (b)(2)(i) of this section but does not provide an opportunity for an oral hearing before offsetting the debt.

(3) If the time prior to termination of a debtor's employment does not permit a pre-offset hearing to which the debtor is otherwise entitled under paragraph (b)(2)(ii) of this section, the following provisions apply:

(i) The NRC may withhold a sum not greater than the amount of the alleged indebtedness from the amounts accruing to the individual on termination if the NRC determines that—

(A) Amounts accruing to the debtor on termination are available for offset to satisfy the alleged indebtness; and

(B) The amounts would not be available for offset after termination.

(ii) The NRC shall promptly provide an opportunity for an oral hearing to resolve the issue of indebtedness or waiver after termination of the debtor's employment.

(iii) The NRC shall promptly refund any amount withheld but later determined not owed the United States.

(4) The form of hearings, when granted, depends on the nature of the transactions giving rise to the debts and

the complexity of the issues in dispute. For the vast majority of claims, informal conferences before an official of the NRC is sufficient. Conferences may be conducted by telephone if the debtor elects not to appear in person at the debtor's expense at the place designated for the conference or hearing. The NRC shall maintain at least a summary record of the hearing accorded to the debtor.

(c) If the debtor has obtained a judgment against the United States, any offset against the judgment is accomplished in accordance with the Act of March 3, 1875, 18 Stat. 481, as amended, 31 U.S.C. 227.

(d) The NRC shall make appropriate use of the cooperative efforts of other agencies, including use of the Army Holdup List, in effecting collections by offset. The Army Holdup List is a list of contractors indebted to the United States.

§ 15.35 Payments.

(a) *Payment in full.* The NRC shall collect a claim in full prior to the due date whenever possible. If a debt is paid in one lump sum after the due date, the NRC shall impose a late payment charge. The NRC may waive a late payment charge if it is determined that the amount is negligible in relation to the administrative cost of processing installment payments or that waiver is advisable to induce payment in full.

(b) *Payment in installments.* If a debtor furnished satisfactory evidence of inability of pay a claim in full prior to the due date, payments in installments may be arranged. Evidence may consist of a financial statement or a signed statement that the debtor's application for a loan to enable the debtor to pay the claim in full was rejected. Except for a debt described at 5 U.S.C. 5514, all installment payment arrangements shall be reduced to writing and require the payment of interest. Installment note forms, including confess judgment notes, may be used. If the debtor's financial statement discloses the ownership of assets which are free and clear of liens or security interests, or assets in which the debtor owns an equity, the debtor may be asked to secure the payment of an installment note by executing a Security Agreement and Financing Statement transferring to the United States a security interest in the assets until the debt is discharged.

(c) *To whom payment is made.* Payment of a debt is made by check, draft, or money order payable to the United States Nuclear Regulatory Commission, and mailed or delivered to the Division of Accounting, Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, unless payment is—

(1) Made pursuant to arrangement with GAO or DOJ;

(2) Ordered by a Court of the United States; or

(3) Otherwise directed in any other part of this chapter.

§ 15.37 Interest and late payment charges.

(a) Interest begins to accrue from the due date specified in the initial written demand unless a different date is specified in a statute, regulation, or contract.

(b) If a debt is not paid in full on or before the due date, the NRC shall assess a late payment charge based upon the prevailing rate of interest (updated quarterly) required by the Treasury Fiscal Requirement Manual (I TFRM 6–8000), unless a different rate is prescribed by statute, regulation, or contract. This rate reflects the short-term value of funds to the Treasury Department and is publicized by the Treasury Department in the **Federal Register**. A late payment charge is assessed for each full or partial 30-day period after the due date. Any partial payment is applied first to the payment of accrued late payment charges and then to principal (in accordance with the so-called "U.S. Rule"), unles a different rule is prescribed by statute, regulation or contract.

(c) When arrangements are made to pay a debt in installments over a period of time, the NRC shall charge interest at the rate prescribed by the Treasury Department in its current monthly "Schedule of Certified Interest Rates with Range of Maturities" for a similar period of time. Installment payments are applied first to the payment of accrued interest and then to principal, unless a different rule is prescribed by statute, regulation, or contract. Interest is calculated on a daily (365 days per year) basis and applied to the unpaid balance.

(d) The NRC may waive either the imposition or collection of interest on an installment payment or a late payment charge if the amount is negligible in relation to the cost of billing and collecting the amount, or if it is in the best interests of the Government to do so.

§ 15.39 Bankruptcy claims.

When the NRC receives information that a debtor has filed a petition in bankruptcy or is the subject of a bankruptcy proceeding, it shall furnish information concerning the debt owed the United States to the appropriate United States Attorney to permit the filing of a claim.

Subpart C—Compromise of a Claim

§ 15.41 When a claim may be compromised.

The NRC may compromise a claim not in excess of the monetary limitation if it has not be referred for litigation to the GAO or the DOJ. Only the Comptroller General or designee may effect the compromise of a claim that arises out of an exception may by the GAO in the account of an accountable officer, including a claim against the payee, prior to its referral by GAO for litigation.

§ 15.43 Reasons for compromising a claim.

A claim may be compromised for one or more of the reasons set forth below:

(a) The full amount cannot be collected because—

(1) The debtor is unable to pay the full amount within a reasonable time; or

(2) The debtor refuses to pay the claim in full and the Government is unable to enforce collection in full within a reasonable time by enforced collection proceedings.

(b) There is a real doubt concerning the Government's ability to prove its case in Court for the full amount claimed either because of the legal issues involved or a bonafide dispute as to the facts.

(c) The cost of collecting the claim is likely to exceed the difference between the proposed compromise amount and the full amount of the claim.

(d) The debtor's inability to pay, the Government's ability to enforce collection, and the amounts which are acceptable in compromise shall be determined in accordance with the Federal Claims Collection Standards, 4 CFR Part 103. Compromises payable in installments are discouraged, but, if necessary, shall provide that in the event of default—

(1) The entire balance of the debt becomes immediately due and payable; and

(2) The Government has the right to enforce any security interest.

§ 15.45 Restrictions on the compromise of a claim.

(a) The NRC may not accept a percentage of a debtor's profits or stock in a debtor corporation in compromise of a claim. In negotiating a compromise with a business concern, consideration is give to requiring a waiver of the tax-loss-carry-forward and tax-loss-carry-back rights of the debtor.

(b) If two or more debtors are jointly and severally liable, collection action is not withheld against one debtor until the other or others pay their proportionate

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share. The amount of a compromise with one debtor is not considered a precedent or as morally binding in determining the amount which will be required from other debtors jointly and severally liable on the claim.

§ 15.47 Finality of a compromise.

An offer of compromise must be in writing and signed by the debtor. An offer of compromise which is accepted by the NRC is final and conclusive on the debtor and on all officials, agencies, and courts of the United States, unless obtained by fraud, misrepresentation, the presentation of a false claim, or mutual mistake of fact.

Subpart D—Suspension or Termination of Collection Action

§ 15.51 When collection action may be suspended or terminated.

The NRC may suspend or terminate collection action on a claim not in excess of the monetary limitation if it has not been referred for litigation to the GAO or the DOJ.

§ 15.53 Reasons for suspending collection action.

Collection action may be suspended temporarily—

(a) When the debtor cannot be located after diligent effort and there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim considering the size of the claim and the amount which may be realized on it; or

(b) When the debtor owns no substantial equity in realty and is unable to make payment on the Government's claim or effect a compromise on it at the time but the debtor's future prospects justify retention of the claim for periodic review and action and—

(1) The applicable statute of limitations has been tolled or started anew; or

(2) Future collection can be effected by offset notwithstanding the statute of limitations.

§ 15.55 Reasons for terminating collection action.

Collection action may be terminated—

(a) When it becomes clear that the Government cannot collect or enforce collection of any significant sum from the debtor having due regard for the judicial remedies available to the Government, the debtor's future financial prospects, and the exemptions available to the debtor under State and Federal law;

(b) When the debtor cannot be located, there is no security remaining to be liquidated, the applicable statute of limitations has run, and the prospects of collecting by offset notwithstanding the bar of the statute of limitations is too remote to justify retention of the claim; or

(c) When it is likely that the cost of collection action will exceed the amount recoverable.

§ 15.57 Termination of collection action.

Collection action shall be terminated—

(a) Whenever it is determined that the claim is legally without merit; or

(b) When it is determined that the evidence necessary to prove the claim cannot be produced or the necessary witnesses are unavailable and effort to induce voluntary payments have been unavailing.

§ 15.59 Transfer of a claim.

The NRC may transfer a claim to the GAO for advice when there is doubt whether collection action should be suspended or terminated.

Subpart E—Referral of a Claim.

§ 15.61 Prompt referral.

(a) A claim which requires enforced collection action is referred to a private collection agency, to the GAO, or to the DOJ for litigation. A referral is made as early as possible consistent with agressive collection action and in any event will within the time required to bring a timely suit against the debtor.

(b) The NRC may refer a claim to the GAO or the DOJ even though the termination of collection activity might otherwise be given consideration under § 15.55(a) or (c) if—

(1) A significant enforcement policy is involved in reducing a statutory penalty or forfeiture to judgment; or

(2) Recovery of a judgment is a prerequisite to the imposition of administrative sanctions, such as suspension or revocation of a license or the privilege of participating in a Government sponsored program.

§ 15.63 Referral of a claim to private agencies for collection.

The NRC may contract with one or more private agencies to supplement, but not replace, the NRC basic collection program. The NRC retains the authority to resolve disputes, compromise claims, terminate collection action, and initiate enforce collection through litigation.

§ 15.65 Referral of a compromise offer.

The NRC may refer a debtor's firm written offer of compromise which is substantial in amount to the GAO or to the DOJ if the NRC is uncertain whether the offer should be accepted.

§ 15.67 Referral to the Department of Justice.

(a) A claim of less than $600, exclusive of interest, is not referred for litigation unless—

(1) Referral is important to a significant enforcement policy; or

(2) The debtor not only has the clear ability to pay the claim but the Government can effectively enforce payment.

(b) A claim on which the NRC holds a judgment if referred to the DOJ for further action if renewal of the judgment lien or enforced collection proceedings are justified under the criteria discussed in this part.

Dated at Bethesda, Md., the 11th day of September, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-27710 Filed 9-22-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 30

[Docket No. 81-18]

Real Estate Loans Made by National Banks; Validation and Enforcement of Due-on-Sale Clauses

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would validate the inclusion of due-on-sale clauses in real estate loans made by national banks and make such clauses fully enforceable. The regulation would also revalidate due-on-sale clauses in loans made prior to the rendering of any state court decision or passage of any state statute impairing the enforceability of such clauses, unless the property subject to the mortgage lien containing such a clause was transferred prior to the final promulgation of this regulation. This regulation is intended to make fixed-rate mortgage loans more viable financing vehicles for national banks by effectively permitting the shortening of the average life of such loans. It would also prevent national banks from being deprived, by court decisions impairing the enforceability of due-on-sale clauses, of the opportunity to invest at market rates of interest funds they reasonably expected would be available, given the average turnover rate for real property.

DATE: Comments must be received on or before November 23, 1981.

ADDRESSES: Comments should be sent to Docket No. 81-18, Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219, Attn: Marie Giblin. Telephone (202) 447-1800. Comments will be available for public inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Jonathan L. Fiechter, Director, Banking Research and Economic Analysis Division, (202) 447-1914, or Andrew J. Levinson, Senior Attorney, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal drafters of this document were Jonathan L. Fiechter, Director, Banking Research and Economic Analysis Division, and Andrew J. Levinson, Senior Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency.

Regulatory Information

The Secretary of the Treasury has expressly exempted this regulation from the requirement of preparing a regulatory flexibility analysis, since it will not have a significant economic impact on a substantial number of small entities. Insofar as the regulation would operate prospectively, it would serve only to expand at no cost the lending alternatives realistically available to all national banks, large and small, operating in states limiting the enforceability of due-on-sale clauses. And to the extent the regulation would revalidate these clauses in existing loans, it would at no cost restore to these banks the value they expected to realize from their contractual agreements with borrowers. Thus, there is no differential effect of this regulation on small entities, and the effect on all entities is beneficial.

The Office of the Comptroller of the Currency has determined that this regulation will not be a major rule within the meaning of E.O. 12291, and, therefore, no regulatory impact analysis is required. For the reasons discussed above and elsewhere throughout this preamble, this Office has determined that the regulation (1) will not have an annual effect on the economy of $100 million or more; (2) will not impose major increases in costs or prices on consumers, individual industries, federal, state, or local government agencies, or geographic regions; and (3) will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Background and Analysis

A growing number of states, currently approaching 20, have laws limiting the enforceability of due-on-sale clauses. These laws, mostly in the form of judicial decisions, although some are in the form of statutes, generally provide that enforcement of the clauses will be allowed only where the lender can demonstrate that its security is impaired by the transfer of the property. The requirement of demonstrating impairment of security is a difficult problem for lenders in most cases.

The rationale used by courts to limit the enforceability of due-on-sale clauses has generally been that these clauses create an unreasonable restraint on alienation. The courts have quite reasonably assumed that enforcement of the due-on-sale clause will, in times of high interest rates relative to the rate on the existing loan, reduce the price the current owner/borrower can realize on sale of the property. They then conclude that many owners, faced with this situation, will choose not to sell rather than take the lower price. This is viewed as unreasonably limiting their ability to dispose of the property.

Such an argument implies that an owner with a low interest rate loan has a right to expect the higher price that can be realized if the loan can be "assumed" by a purchaser of the property. This, in turn, implies that the due-on-sale clause in the loan was included solely to protect the bank against the credit risk of the obligation's being taken over by a less creditworthy borrower and not to protect the bank against the market risk of having to carry a below-market-rate loan beyond the expected ownership term of the original borrower. Some courts have drawn these inferences and concluded that, since the lender, as evidenced by the loan agreement, was willing to accept the stated rate of interest from the original borrower for the full loan term, its expectations are not being defeated by its being required to accept that rate for the same term from the original borrower and subsequent owners.

It may be true that lenders including due-on-sale clauses in their loans in the early 1970's and earlier may have been motivated primarily by the desire to protect themselves against impairment of their security. Nevertheless, the motivation of protecting against market risk became pronounced and perhaps predominant by the mid-1970's, when interest rate volatility and secular increases became the expected norms. Further, while lenders were willing contractually to accept the stated rate of interest from the original borrower for the full loan term, they also had reasonable expectations concerning the average turnover rates on houses. These loans thus had expected lives shorter than their nominal term, even though some borrowers might retain ownership of the same house for the full term. This Office believes that the banks can accordingly argue that court decisions impairing due-on-sale clauses have deprived them of the benefits of contractual terms written in reliance on these reasonable expectations and have given some borrowers (and realtors) a windfall at their expense.

The foregoing analysis was reiterated in a report to Congress entitled "An Economic Analysis of Due-on-Sale Clauses," written by the Office of Policy Development and Research of the Department of Housing and Urban Development in response to a request contained in the 1980 Housing and Community Development Conference Report. The authors also reached the conclusion that limitations on the enforceability of due-on-sale clauses make fixed-rate long-term lending particularly unattractive for lenders. The likely result of such court decisions, then, will be that lenders will shorten the term of their real estate loans by making adjustable-rate loans or short-term loans with balloon payments, or they will make fixed-rate long-term loans with interest rates including a substantial premium reflecting the extra risk of potentially having to carry such loans for their full term. These alternatives may be unattractive or, indeed, unacceptable for many borrowers. A rule ensuring the enforceability of due-on-sale clauses, on the other hand, could encourage banks to offer fixed-rate long-term mortgage loans with relatively lower interest rates, reflecting the reduced level of market risk.

Rules authorizing the use of due-on-sale clauses already cover some portion of the real estate lending activities of federally chartered lenders. The Federal Home Loan Bank Board has issued a rule covering all real estate loans by federal savings and loan associations. 12 CFR 545.6-11(f). The Office of the Comptroller of the Currency likewise has authorized the use of due-on-sale clauses on adjustable-rate mortgage loans made by national banks. 46 FR 18932 (March 27, 1981). This Office believes that the case for authorizing the inclusion and enforcement of due-on-sale clauses in fixed-rate real estate loans may be even more compelling than in the case of adjustable-rate mortgage loans, since the latter are fairly responsive to changes in market conditions. Accordingly, the Office is here proposing a regulation that would authorize such use and would revalidate such clauses included in loans at a time when it could reasonably have been assumed that they would be enforceable according to their terms.

The referenced regulations of the Federal Home Loan Bank Board and the Comptroller of the Currency operate to preempt state law on the same subject. This proposed regulation would likewise preempt state law. The Office believes that authority to do so is inherent in the Comptroller's power to regulate real estate lending activities of national banks to ensure that the Congressional intent of encouraging national bank participation in the real estate finance market is not thwarted by state laws essentially depriving national banks of lending opportunities.

The Office is concerned about the fair and efficient operation of the real estate finance market. Therefore, it is particularly desirable that comments on this proposed regulation address the economic and policy arguments raised by various courts and state legislatures in limiting the enforceability of due-on-sale clauses. Comments should also be addressed to the analysis prepared by the Department of Housing and Urban Development rejecting the economic utility of laws limiting the enforceability of such clauses. Finally, since the preemptive effect of various regulations of this Office and the Federal Home Loan Bank Board is currently beings challenged in several judicial forums, the Office expressly solicits comments on the proposed preemptive effects of this proposed regulation.

Proposed Amendment

For the reasons set out in the preamble, it is proposed to amend 12 CFR Chapter I by adding a new Part 30 to read as follows:

PART 30—REAL ESTATE LOANS

§ 30.1 Due-on-Sale Clauses.

A national bank may make or purchase a loan, secured by a lien on real property, that includes a clause, known as a due-on-sale clause, giving the lender or any assignee or transferee of the lender the power to declare the entire debt payable if the liened property is transfered to another owner, and such clause shall be valid and enforceable notwithstanding any law or judicial decision of any state to the contrary. This validation of due-on-sale clauses shall apply to such clauses in loans whenever made, except that such clauses shall not be valid and enforceable in the case of loans made or assumed prior to the effective date of this regulation and during a time in which under state law or existing judicial decision applicable to such loan such due-on-sale clause was not valid and enforceable. As used in the preceding sentence, the term "assumed" shall include transfers of the liened property subject to the mortgage or similar lien.

(12 U.S.C. 1 *et seq.;* Sec. 708, Pub. L. 96–221, 94 Stat. 188 (12 U.S.C. 93a); and Sec. 711, Pub. L. 93–383, 88 Stat. 716 (12 U.S.C. 371(g)))

Dated: August 26, 1981.

Charles E. Lord,

Acting Comptroller of the Currency.

[FR Doc. 81–27715 Filed 9–22–81; 8:45 am]

BILLING CODE 4810–33–M

Internal Revenue Service

26 CFR Parts 1 and 31

[LR–188–80]

Information From Persons Receiving Payments of Gambling Winnings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to withholding on certain payments of gambling winnings and to statements furnished by recipients of gambling winnings. The proposed regulations are necessary to facilitate administration of a requirement relating to withholding of tax on certain payments of gambling winnings and will affect both payers and recipients of certain gambling winnings.

DATES: Written comments and requests for a public hearing must be delivered or mailed by November 23, 1981. The regulations are proposed to apply to payments of gambling winnings made after 30 days after publication of the proposed amendment in the **Federal Register** as a Treasury Decision.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T (LR–188–80)).

FOR FURTHER INFORMATION CONTACT: John P. MacMaster of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3294).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments both to the Income Tax Regulations (26 CFR Part 1) under section 6011 of the Internal Revenue Code of 1954 (the "Code") and to the employment Tax Regulations (26 CFR Part 31) under section 3402 of the Code. The amendments are proposed to require recipients of gambling winnings to supply, upon the demand of the payer, information sufficient to enable the payer to determine whether withholding is required under section 3402(q) of the Code and thus to conform the Employment Tax Regulations to section 1207(d) of the Tax Reform Act of 1976 (90 Stat. 1705) and section 405 of the Tax Reduction and Simplification Act of 1977 (91 Stat. 156). Amendments under section 3402 were first proposed in the **Federal Register** for November 15, 1979 (44 FR 65777). Part of the proposed amendments is adopted in the Rules section of today's **Federal Register** by Treasury Decision 7787, see FR Doc. 81–27391. However, another part has been reserved pending consideration of the proposed amendments in this notice. The reserved part is republished by this document.

Explanation of Provision

Section 3402(q) generally requires payers of gambling winnings to deduct and withhold 20 percent from certain payments of winnings. A payment is subject to withholding depending on the type of wagering transaction with respect to which the payment is made, the total amount of winnings, and, in some cases, the odds of the wager.

Withholding is required only if the amount of proceeds from a wager exceeds a statutory floor amount applicable for the particular type of wagering transaction. For example, proceeds from wagers in parimutuel pools for horse races, dog races, or jai alai are subject to withholding only if the amount of proceeds exceeds $1,000. However, determining the actual amount of proceeds from a particular wager may present a problem in some situations. Because wagering pools may offer wagerers the opportunity to fragment wagers into several parts, for example by making five $2 bets rather than one $10 bet on the same horse to win a particular race, exceeding the statutory floor amount could be circumvented unless winnings from the fragmented parts are accumulated. Consequently, the rules proposed in November 1979 (44 FR 65777), required aggregation of winnings from identical wagers.

However, comments on the regulations proposed in November 1979 criticized the aggregation rule, particularly because of the burden it posed for payers of gambling winnings. Payers are the parties liable for withholding. They would be expected to devise systems to assure withholding in all cases where applicable. Although this might be accomplished with various methods of information retrieval (*e.g.*, computers) or by requiring that certain tickets be cashed at a particular window, commentators have argued that the expense of instituting such additional procedures would be excessive.

In view of the comments, the proposed amendments would require recipients of winnings to supply information upon demand concerning winnings from identical wagers. Thus, although the aggregation requirement would be retained, the burden of complying with this requirement should be significantly reduced.

Under the proposed rules, payers are expressly permitted to rely upon a payee's assertion that he is not entitled to any winnings from identical wagers, in determining whether a payment is subject to withholding under section 3402(q). However, in the absence of such an assertion, payers would not be entitled to assume that a particular payment is not subject to withholding merely because the amount of such payment, alone, does not exceed the relevant statutory floor amount. Of course, in such cases, payers could utilize other means of ascertaining the necessary information.

The republished proposed regulations under section 3402(q) indicate that winnings from lotteries generally would not be affected by aggregation as there would be no chance to make identical wagers. There may, however, be exceptions. Because the rules of wagering events commonly known as lotteries may vary greatly, some such events, *e.g.*, "numbers" type events, may provide identical wagering opportunities. In such cases aggregation would be necessary.

Republication of proposed amendments to § 31.3402(q)–1 is intended merely to alert interested parties that that portion of proposed § 31.3402(q)–1 as published in the **Federal Register** for November 15, 1979 (44 FR 65777), which was not adopted by Treasury Decision has not been withdrawn. Comments concerning the proposed changes to the regulations under section 6011 affecting its implementation are invited.

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this Notice of Proposed Rulemaking as it will not have a significant umpact on a substantial number of small entities. The proposed rules merely would provide payers of gambling winnings an optional procedure for fulfilling the requirements of withholding pursuant to section 3402(q). Payers are not thereby precluded from developing their own procedures to ascertain the necessary information to implement the withholding requirement. As already explained, this procedure is proposed to provide a less burdensome means of assuring proper withholding on gambling winnings. It will not create a significantly increased reporting burden inasmuch as payees of gambling winnings should have the necessary information readily available for payers, and the optional procedure applies only as a concomitant to existing reporting requirements.

Drafting Information

The principal author of this regulation is John P. MacMaster of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations substantively and stylistically.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Parts 1 and 31 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The following new section is added immediately after § 1.6011–2:

§ 1.6011–3 Requirement of statement from payees of certain gambling winnings.

(a) *General rule.* Except as provided in paragraph (c) of this section, any person receiving a payment with respect to a wager in a sweepstakes, wagering pool, lottery, or other wagering transaction (including a parimutuel pool with respect to horse races, dog races, or jai alai) shall make a statement to the payer of such winnings upon the payer's demand. Such statements shall accompany the payer's return made with respect to the payment as required pursuant to section 3402 (q) or 6041, as the case may be.

(b) *Contents of statement.* The statement referred to in paragraph (a) shall contain information (in addition to that required under section 6041 (c)) as to the amount, if any, of winnings from identical wagers to which the recipient is entitled. If any person other than the recipient is entitled to all or a portion of the payment, the statement shall also include information as to the amount, if any, of winnings from identical wagers to which each such person is entitled. The statement shall be provided on Form W–2G or, if persons other than the recipient are entitled to all or a portion of such payment, on Form 5754.

(c) *Exception.* The requirement of paragraph (a) of this section does not apply with respect to any payment of winnings—

(1) From a slot machine play, or a bingo or keno game,

(2) Which is subject to withholding under section 3402 (q) without regard to the existence of winnings from identical wagers, or

(3) For which no return of information under section 6041 is required of the payer.

(d) *Meaning of terms.* For purposes of this section, the terms "sweepstakes", "wagering pool", "lottery", "other wagering transaction" and "identical wagers" shall have the same meaning as ascribed to them under § 31.3402 (q)–1.

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Par. 2. Section 31.3402 (q)–1 is amended by adding new paragraphs (c) (1) (ii), (d) *Example (3),* and (f) (1) (vi) immediately after paragraphs (c) (1), (i), (d) *Example (2),* and (f) (1) (v) thereof, respectively, to read as follows:

§ 31.3401 (q)–1 Extension of withholding to certain gambling winnings.

* * * * *

(c) *Definitions; special rules*—(1) *Rules for determining amount of proceeds from a wager.* * * *

(ii) Amount, paid after (30 days after publication of this proposed amendment in the **Federal Register** as a Treasury decision), with respect to identical wagers are treated as paid with respect to a single wager, for purposes of

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calculating proceeds from a wager. For example, amounts paid on two bets placed on the same horse to win a particular race are treated as paid with respect to the same wager. However, in the case of two bets on the same horse, one to win and on the "place", the wagers are not identical. Amounts paid on two tickets purchased in a lottery are generally not aggregated, because the designation of each ticket as a winning ticket generally would not be based on the occurrence of the same event, *e.g.*, the drawing of a particular number. For this purpose, if the recipient makes the statement required by § 1.6011–3 which indicates whether or not the recipient (and any other persons entitled to a portion of the winnings) is entitled to winnings from identical wagers and indicates the amount of such winnings, if any, then the payer may rely upon such statement in determining the amount of proceeds from the wager under paragraph (c)(1) of this section.

* * * * *

(d) *Examples.* * * *

Example (3). On June 1, 1982, B makes two $2 bets in a parimutuel pool for a horse race. Each bet is on the same horse to win a particular race. B wins a total of $1,300 on those bets. B cashes each ticket at a different cashier's window. B indicates on the statement demanded by each cashier the amount of winnings from identical wagers. Even though the amount paid by each cashier ($650) is less than the general $1,000 floor for the withholding requirement on a payment of winnings from horse race parimutuel pools, each cashier is required to deduct and withhold tax from B's winnings equal to $129.60 (($650–$2)×20%=$129.60) based on the information submitted by B indicating that the aggregated proceeds from the identical wagers ($1,300–$4=$1,296) exceeds $1,000 and the amount is at least 300 times as great as the amount wagered ($4×300=$1,200). However, had B refused to make the statements, the payer would have no basis provided by the payee upon which to rely in determining whether the aggregation requirement had been fulfilled.

* * * * *

(f) *Return of payer*—(1) *In general.* * * *

(vi) With respect to payments made after (30 days after publication of this proposed amendment in the **Federal Register** as a Treasury Decision), the amount of winnings from identical wagers. * * *

* * * * *

William E. Williams,

Acting Commissioner of Internal Revenue.

[FR Doc. 81–27390 Filed 9–22–81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 13

[Order No. 956–81]

Rewards Under the Atomic Weapons and Special Nuclear Materials Rewards Act

AGENCY: Department of Justice.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice sets forth proposed regulations of the Department of Justice implementing the Atomic Weapons and Special Nuclear Materials Rewards Act. Under that Act, the Attorney General is given the responsibility to determine whether a person furnishing information to the United states concerning the illegal introduction, manufacture, acquisition or export of special nuclear material or atomic weapons or conspiracies relating thereto is entitled to a reward. These regulations constitute the Department's procedure for processing applications for rewards under the Act.

DATE: Comments must be received on or before October 23, 1981.

ADDRESS: Comments should be directed to: Anne H. Shields, Land and Natural Resources Division, Room 2617, 10th and Pennsylvania Avenue, NW, Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: Anne H. Shields, Land and Natural Resources Division, Room 2617, 10th and Pennyslvania Avenue, NW, Washington, D.C. 20530. (202–633–1442).

SUPPLEMENTARY INFORMATION: These regulations constitute the Department's procedure for implementing the Atomic Weapons and Special Nuclear Materials Rewards Act, 50 U.S.C. 47a–47f, passed by Congress to replace the previously instituted program administered by a now defunct Awards Board. The regulations set forth proposed internal Department of Justice procedures but are being published for the information of the public. Final regulations will be published in the **Federal Register.**

The requirements of Executive Order No. 12291 (improving government regulations) do not apply to these procedures. These regulations do not constitute a "major rule" within the meaning of the Executive Order. These regulations will not cause a significant economic impact or other substantial effect on small entities; therefore, the requirements of the Regulatory Flexibility Act, 5 U.S.C. 605(b) do not apply.

Accordingly, in order to adopt procedures for the Department of Justice to implement the Atomic Weapons and Special Nuclear Materials Rewards Act, 50 U.S.C. 47a–47(f), and by virtue of the authority vested in me by 50 U.S.C. 47d, I hereby propose that a new Part 13, be added to read as follows, be added to Chapter I of Title 28, Code of Federal Regulations:

PART 13—ATOMIC WEAPONS AND SPECIAL NUCLEAR MATERIALS REWARDS REGULATIONS

Sec.
13.1 Purpose.
13.2 Policy.
13.3 Definitions.
13.4 Procedures: Responsibility of the Attorney General.
13.5 Procedures: Responsibility of the Intra-departmental Committee.
13.6 Criteria.
13.7 Judicial Review.

Authority: 50 U.S.C. 47d.

§ 13.1 Purpose.

This part implements the responsibility given to the Attorney General under the Atomic Weapons and Special Nuclear Materials Rewards Act, 50 U.S.C. 47a–47f, for determining what persons are entitled to a reward for furnishing certain original information to the United States pertaining to atomic weapons and special nuclear material.

§ 13.2 Policy.

This program is intended to reward the provision of original information regarding situations involving an illegal diversion, an attempted illegal diversion, or a conspiracy to divert special nuclear material or atomic weapons. The broad scope of this program is to help guard against the loss or diversion of such material and to prevent any use or disposition thereof inimical to the common defense and security.

§ 13.3 Definitions.

"Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

"Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

"Original information" means information first supplied to the Federal government by the applicant, which was created or compiled through his own skill, labor and judgment.

"Special nuclear material" means plutonium, or uranium enriched in the isotope 233 or in the isotope 235, or any other material which is found to be special nuclear material pursuant to the provisions of the Atomic Energy Act of 1954, 42 U.S.C. 2011 *et seq.*

"United States", when used in a geographical sense, includes Puerto Rico, all Territories and possessions of the United states and the Canal Zone except in § 13.4(a)(4). In § 13.4(a)(4), "United States", when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

§ 13.4 Procedures: Responsibilities of the Attorney General.

When a submission is made to the Department of Justice for a reward under the Atomic Weapons and Special Nuclear Materials Rewards Act, the Attorney General shall:

(a) Refer such submission to an intra-departmental committee composed of the Assistant Attorneys General for the Land and Natural Resources Division, the Criminal Division, and the Office of Legal Counsel for review;

(b) Review the proposed finding of the review committee and determine whether a reward is justified and the amount of same;

(c) Secure the approval of the President for any reward over $50,000;

(d) Jointly determine (along with the Secretary of State and the Director of Central Intelligence), if the award is to go to an alien, whether the entry of such alien into the United States is in the public interest and whether that alien and members of his immediate family may receive immigrant visas and be admitted to the United States for permanent residence, notwithstanding the requirements of the Immigration and Nationality Act;

(e) Notify any person claiming an award of the determination regarding the claim and the amount of the reward, if any. If no reward is determined to be justified, state the reasons, consistent with national security, for the denial;

(f) Certify and transmit, along with the approval of the President if necessary, any award to be made to the Director of Central Intelligence for payment out of funds appropriated or available for the administration of the National Security Act of 1947, as amended, 50 U.S.C. 401 *et seq.* Certification should be transmitted within 120 days of receipt of application for a reward;

(g) Not certify any amount over $500,000.

§ 13.5 Responsibility of the intra-departmental committee.

When the Attorney General refers a submission for a reward to the intra-departmental committee, this committee:

(a) Shall consult with the Nuclear Regulatory Commission and the Department of Energy regarding the reward;

(b) May consult with the Central Intelligence Agency and any other departments or agencies it deems appropriate to aid in the determination of whether a reward should be given and the proper amount of the reward;

(c) May hold hearings for the purpose of securing and evaluating information; a full hearing on the record with oral presentation and cross-examination is not required;

(d) Shall determine whether the information submitted fits one or more of the rewardable categories outlined in § 13.6;

(e) Shall determine whether the applicant is eligible for the reward. Federal employees and military personnel whose duties include investigating activities covered by this Act are not eligible for a reward for information acquired in the course of their investigation;

(f) Shall submit to the Attorney General a proposed finding as to eligibility and a recommendation for the amount of the reward within 60 days of the date of referral from the Attorney General, unless good cause is shown for extending the time of review.

§ 13.6 Criteria for reward.

(a) Information provided by any person to the United States for a reward under the Atomic Weapons and Special Nuclear Materials Rewards Act must be original, and must concern the unlawful:

(1) introduction, manufacture or acquisition, or

(2) attempted introduction, manufacture or acquisition of, or

(3) export or attempt to export, or

(4) conspiracy to introduce, manufacture, acquire or export special nuclear material or atomic weapons, or

(5) loss, diversion or disposal of special nuclear material or atomic weapons.

(b) The amount of the reward shall depend on:

(1) the amount of material recovered or potentially recoverable, and the role the information played in the recovery, and

(2) the danger the material posed or poses to the common defense and security or public health and welfare, and

(3) the difficulty in ascertaining the information submitted to claim the reward, and the quality of the information, and

(4) any other considerations which the Attorney General or the intra-departmental committee deems necessary or helpful to the individual determination.

§ 13.7 Judicial review.

The decision of the Attorney General is final and conclusive and no court shall have power or jurisdiction to review it.

Dated: September 10, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-27616 Filed 9-22-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 211

Review of Decisions of Forest Officers

AGENCY: Forest Service, USDA.

ACTION: Notice of Review of Existing Regulation; Request for Public Comment.

SUMMARY: The regulation governing administrative review procedures relating to the administration of National Forests and other lands under the administration of the Forest Service is being reviewed pursuant to E.O. 12291. The objective of the review is to streamline and simplify procedures and reduce costs for appellants and the Forest Service. A discussion paper is available which outlines changes which have been suggested. Public comments are requested.

DATE: Comments must be received on or before November 27, 1981.

ADDRESS: R. Max Peterson, Chief (1570), USDA—Forest Service, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Phillip Haug, National Forest System, Systems Coordination, USDA—Forest Service, P.O. Box 2417, Washington, D.C. 20013, Telephone: (703) 235-1797.

SUPPLEMENTARY INFORMATION: 36 CFR 211.19 sets forth procedures by which individuals or groups may request review of administrative decisions by Forest Service officers. Since the 1977 publication of the regulation, numerous suggestions for change or amendment have been submitted. These range from ideas for minor correction to proposals for major revision. Proposals, if adopted, would affect many facets of the review process. There are proposals to:

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—Increase efficiency in processing and handling reviews.

—Improve appellant, third party, and agency understanding of the review process.

—Reduce the number of Administrative Reviews.

—Change or consolidate the material to be submitted with the notice of appeal, and the handling of the responsive statement and comments on the responsive statement.

—Change opportunities and procedures for oral presentations.

—Change opportunities and procedures for intervention, consolidation, and multiple party reviews.

—Change opportunities and procedures for stays of decision pending resolution of appeal.

—Change opportunities and procedures for procedural reviews.

—Add an optional "fast-track" process.

A discussion paper summarizes over 200 suggestions for change into 62 specific proposals. As an initial step in the review of the existing regulation, the Forest Service is inviting comments on the proposals—their completeness, clarity, and relevance. Comments should be keyed to outline section and page number of the discussion paper. Suggestions for changes not identified in the discussion paper are also welcome.

A copy of the discussion paper may be obtained from: Phillip Haug, National Forest System Systems, Coordination, USDA—Forest Service, P.O. Box 2417, Washington, D.C. 20013, Telephone: (703) 235–1797.

Douglas R. Leisz,

Associate Chief.

September 17, 1981.

[FR Doc. 81–27676 Filed 9–22–81; 8:45 am]

BILLING CODE 3410–11–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6141]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270, Federal Insurance Administration, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V), Orland Park, Cook County	Marley Creek	About 100 feet downstream of 108th Avenue	*688
			Just downstream of Norfolk and Western Railway	*690
			Just upstream of Norfolk and Western Railway	*692
			About 2,800 feet upstream of 159th Avenue	*692
		South Fork Marley Creek	Just upstream of Norfolk and Western Railway	*691
			About 1,400 feet upstream of Norfolk and Western Railway.	*692
			About 6,000 feet upstream of Norfolk and Western Railway.	*701
			About 9,100 feet upstream of Norfolk and Western Railway.	*702
		Mill Creek	Just upstream of 131st Street	*669
			About 400 feet upstream of 131st Street	*671
			Just downstream of Norfolk and Western Railway	*672
			At 88th Avenue	*682

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tinley Creek	About 1,600 feet downstream of 82nd Avenue	*657
			About 100 feet upstream of Silver Lake Country Club Road.	[illegible]
			About 500 feet upstream of Silver Lake Country Club Road.	[illegible]
			About 700 feet upstream of Silver Lake Country Club Road.	*673
			Just upstream of Tee Brook Drive	*676
			About 100 feet downstream of Wheeler Drive	[illegible]
			About 150 feet downstream of 159th Street	*686
			About 150 feet upstream of Laurel Drive	*699
			Just upstream of 88th Avenue	[illegible]
		76th Avenue Ditch	At 159th Street	[illegible]
			About 1,600 feet upstream of 159th Street	[illegible]

Maps available for inspection at the Administrator's Office, Village Hall, 14415 Beacon Avenue, Orland Park, Illinois.

Send comments to Honorable Melvin Doogan, Village President, village of Orland Park, Village Hall, 14415 Beacon Avenue, Orland Park, Illinois 60462.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oklahoma	City of Tulsa, Tulsa and Osage Counties	Arkansas River	Upstream of 51st Street (U.S. Highway 66, Interstate 44).	[illegible]
			Upstream of Texas and Pacific Railroad (near 31st Street).	[illegible]
			Just upstream of 23rd Street bridge	[illegible]
			Just upstream of State Highway 97	[illegible]
		Bird Creek	Just downstream of 56th Street north	[illegible]
			Just downstream of U.S. Highway 75	[illegible]
		Bird Creek Tributary	Just downstream of Mohawk Park Road	[illegible]
			Just downstream of 36th Street north	*611
		Coal Creek (North Tulsa)	Just downstream of Atchison Topeka and Santa-Fe Railway.	[illegible]
			Just downstream of Apache Street	[illegible]
			Just upstream of Apache Road	[illegible]
			Just downstream of Darlington Place	[illegible]
		Coal Creek Tributary	Just upstream New Haven Avenue	[illegible]
		Flat Rock Creek	Just upstream of Cherokee Expressway (U.S. Highway 75).	[illegible]
			Just upstream of Texas and Pacific Railroad	[illegible]
		Flat Rock Creek Tributary	Just downstream of Cherokee Expressway (U.S. Highway 75).	[illegible]
		Dirty Butter Creek	Just downstream of 36th Street north	[illegible]
			Just downstream of Texas and Pacific Railroad	*645
			Just downstream of Hartford Avenue	[illegible]
		Dirty Butter Creek Tributary	Just downstream of Mohawk Boulevard	[illegible]
			Just upstream of Mohawk Boulevard	[illegible]
		Valley View Creek	Just downstream of [illegible] Street north	[illegible]
			Just upstream of 54th Street north	[illegible]
		Mingo Creek	Just upstream of 56th Street north	*591
			Just upstream of 46th Street north	*596
			Just upstream of 36th Street north	*611
			Just downstream Apache Road	*613
			Just upstream of Interstate Highway 244	[illegible]
			Just upstream of 11th Street south	[illegible]
			Just upstream of 41st Street south	*652
			Just upstream of Broken Arrow Expressway	*657
			Just downstream 51st Street south	[illegible]
			Just upstream of 61st Street south	[illegible]
		Douglas Creek	Upstream 93rd East Avenue	*615
			Just upstream of St. Louis San Francisco Railroad Spur.	[illegible]
		Mill Creek	Just upstream of Memorial Boulevard	*645
			Just upstream of 73rd Avenue East	[illegible]
			Just downstream of 11th Street at upstream end of underground conduit.	[illegible]
		Jones Creek	Just upstream of Memorial Boulevard	*647
			Just downstream 69th Avenue East	[illegible]
		Audobon Creek	Just upstream of 90th Avenue East	[illegible]
			Just upstream of Skelly Drive (Interstate Highway 44)	[illegible]
		Bell Creek	Just upstream of 37th Street south	[illegible]
			Just downstream of 93rd Avenue East	[illegible]
			Just upstream of 90th Avenue East	[illegible]
			Just upstream of Broken Arrow Expressway	[illegible]
		Bell Creek Tributary	Just upstream of 41st Street south	[illegible]
			Just upstream of Missouri, Kansas and Texas Railroad	*667
		Fulton Creek	Just upstream of 34th Street south	[illegible]
			Just downstream of [illegible] Street south	[illegible]
		Alsuma Creek	Just upstream of 46th Place South	[illegible]
			Just downstream of Missouri, Kansas and Texas Railroad.	*670
		Little Creek	Just downstream of Mingo Valley Expressway service road south bound.	*615
			Just upstream of Garnett Road	*617
		Quarry Creek	Just upstream of Apache Street	[illegible]
			Just upstream of 129th Avenue East	[illegible]
		Eagle Creek	Just downstream of St. Louis and San Francisco Railroad.	[illegible]
			Just upstream of St. Louis & San Franciso Railroad	[illegible]
			Just downstream of Pine Street	[illegible]

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Cooley Creek	Approximate 300 feet upstream of Mingo Valley Expressway.	*630
			Just upstream of Garnett Road	*642
			Just upstream of 129th Avenue East	*670
			Just upstream of Interstate Highway 1-44	*675
			Just upstream of Admall Dam	*683
		Cooley Creek Tributary	Just upstream of state Highway 1-44	*678
			Just upstream of 4th Place south	*685
			Just downstream of 11th Street south	*704
			Just upstream of 15th Street south	*730
		Tupelo Creek	Just downstream of 102nd Avenue East	*627
			Just upstream of Mingo Valley Expressway	*633
			Just upstream of 11th Street south	*645
			Just upstream of Interstate Highway 1-44	*650
			Just upstream of 17th Street south	*661
		Tupelo Creek Tributary	Just upstream of 119th Avenue East	*665
			Just upstream of 121st Avenue East	*670
		Brook Hollow Creek	Just upstream of Mingo Valley Expressway	*652
			Just upstream of 129th Avenue East	*694
			Just upstream of Garnett Road	*661
			Just upstream of 28th Street south	*710
		Brook Hollow Creek Tributary	Just downstream of Garnett Road	*661
			Just upstream of 121st Avenue East	*679
		Sugar Creek	Just upstream of Mingo Valley Expressway	*651
			Just upstream of Garnett Road	*664
			Just downstream of 41st Street south	*670
		South Park Creek	Just upstream of Mingo Valley Expressway	*656
			Just upstream of Garett Road	*666
		Ford Creek	Just downstream of intersection of Garnett Road and 51st Street south.	*668
			Just upstream of 129th Avenue East	*695
			Just upstream of Broken Arrow Expressway	*708
		Catfish Creek	Just downstream of 55th Street south	*670
		Spunky Creek Tributary A	Just upstream of 193rd Avenue East	*634
		Spunky Creek Tributary B	Just upstream of 193rd Avenue East	*628
			Just upstream of 177th Avenue East	*658
		Spunky Creek Tributary B-1	Just upstream of a low water crossing	*652
		Harlow Creek	Just upstream of Keystone Expressway (U.S. Highway 64).	*661
		Vensel Creek	Just downstream of 101st Street	*622
			Just upstream of Harvard Avenue	*647
			Approximately 100 feet upstream of 83rd Street	*677
		Fred Creek	Just downstream of 81st Street	*623
			Just upstream of Evanston Avenue	*655
			Just upstream of Harvard Avenue	*680
		Joe Creek	Just downstream of 71st Street	*622
			Just upstream of 61st Street	*634
			Just upstream of 51st Street	*655
		South Fork Joe Creek	Just upstream of Harvard Avenue	*664
			Just downstream of Marion Street	*682
			Just upstream of New haven Avenue	*690
			Just downstream of Pittsburgh Avenue	*697
		Little Joe Creek	Just upstream of Harvard Avenue	*658
			Just upstream of New Haven Avenue	*670
			Just upstream of Yale Avenue	*689
			Just downstream of Hudson Avenue	*700
		South Fork Little Joe Creek	Just upstream of Yale Avenue	*695
		North Fork Little Joe Creek	Just downstream of Yale Avenue	*690
		East Branch Joe Creek	Just upstream of 41st Street south	*688
			Just upstream of 38th Street south	*694
		West Branch Joe Creek	Just upstream of 49th Street	*664
			Just downstream of 31st Street	*724
		Crow Creek	Just downstream of Peoria Avenue	*644
			Just upstream of 31st Avenue	*659
		Hagar Creek	Just upstream of 91st Street	*628
			Just upstream of the Elwood Avenue crossing north of 81st Street.	*639
		Mooser Creek	Just upstream of Texas and Pacific Railroad	*627
			Just upstream of U.S. Highway 75 (Okmulgee Expressway).	*643
			Just upstream of 33rd Avenue West	*699
		Mooser Creek Tributary	Just upstream of 57th Street extended	*670
			Downstream of 61st Street	*678
		Cherry Creek (West Tulsa)	Approximately 250 feet upstream of 37th Place	*633
		Red Fork Creek	Just upstream of Union Avenue	*642
			Just downstream of Yukon Avenue	*646
		Nickel Creek	Just upstream of 91st Street	*634
		West Branch Halkey Creek	Just upstream of Garnett Road	*674
			Just downstream of Mingo Road	*694
		Little Halkey Creek	Just upstream of Memorial Drive	*693
			Just upstream of Sewage Plant Access Road	*720
		Little Halkey Creek Tributary	Downstream of 72nd Avenue East	*721

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Fry Ditch No. 2	Just upstream of 101st Street	[illegible]
			Just downsteam of Shendan Avenue	[illegible]
			Just upstream of 91st Street	*711
Maps available for inspection at City Engineer's Office, City Hall, 200 Civic Center, Room 514, Tulsa, Oklahoma 74103.				
Send comments to Mayor James Inhofe or Charles Hardt, City Engineer, City Hall, 200 Civic Center, Room 514, Tulsa, Oklahoma 74103.				
Texas	City of Alvin, Brazoria County	Mustang Bayou	Just upstream of South Street	*41
			Just upstream of Second Street	*45
		Shallow Flooding (Sheet Flow)	At the intersection of Friendswood Road and Derrant Road.	[illegible]
			Southwest of the intersection of State Highway 6 and 2nd Street.	[illegible]
			At the intersection of Verhalen Road and Stansel Drive.	[illegible]
			On the right side, along County Road 2403, approximately 1 mile south of the intersection of State Highway 35 and County Road 2403.	[illegible]
Maps available for inspection at City Secretary's Office, City Hall, 216 West Sealy Street, Alvin, Texas 77511.				
Send comments to Mayor Allen Gray or Mr. William E. Wolff, City Manager, City Hall, 216 West Sealy Street, Alvin, Texas 77511.				
Texas	City of Hillcrest, village, Brazoria County	Mustang Bayou	Just upstream of Widwing Drive extended	[illegible]
			Approximately 450 feet upstream of Hillcrest Drive extended	*36
Maps available for inspection at City Secretary's Home, Number 3, Palm Circle, Hillcrest Village, Texas 77511.				
Send comments to Mayor John T. Thiem or Grace Collins, City Secretary, City Hall, P.O. Box 1172, Alvin, Texas 77511.				
Texas	Town of Refugio, Refugio County	Mission River	Confluence of Tributary A	[illegible]
		Tributary B	Approximately 100 feet downstream of U.S. Highway 77.	*43
			Just upstream of U.S. Highway 77	*47
			Approximately 80 feet downstream of Swift Street (Corporate Limits).	*53
Maps available for inspection at City Secretary's Office, City Hall, 619 Commerce Street, Refugio, Texas 78377.				
Send comments to Mayor Judy Williamson or Ms. Lillian Linney, City Secretary, City Hall, P.O. Drawer Z, Refugio, Texas 78377.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27628 Filed 9-22-81; 8:45 a.m.]

BILLING CODE 6718-03-M

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44 CFR 205

[Docket 205-SUB D-1]

Disaster Assistance: Individual and Family Grant Programs

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: FEMA is proposing revisions to the Individual and Family Grant (IFG) program regulations under section 408 of the Disaster Relief Act of 1974, which provides for grants to States to make grants to individuals and families who, as a result of a major disaster are unable to meet disaster related needs. The regulation specifies eligibility criteria for individuals, eligible categories of assistance, the requirements placed upon States for administering the grants procedures for obtaining the grants, and fiscal provisions.

Significant differences from the existing regulations include:

Elimination of the Governor's certifications upon requesting the program. They are replaced by an expression of intent to implement the program. This expression represents the Governor's agreement to certain of the former certifications.

(2) New requirements for compliance with flood insurance legislation and floodplain management guidance have been added.

(3) The categories of assistance have been expanded.

DATE: Comments are due on or before November 23, 1981.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Sarah L. Wise, Office of Individual Assistance, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, DC 20472, (202) 634-7900).

SUPPLEMENTARY INFORMATION: One option which was considered for inclusion in these regulations was limited home repairs (LHR). FEMA has been using a combination of the Temporary Housing Assistance program (section 404 of the Act) and the IFG program funding authority to provide assistance to families who required such repairs to make their damaged home habitable quickly for use as temporary housing while permanent repairs were being made with other funds. FEMA has studied the impact on both programs and is now tentatively planning to incorporate a provision in the regulations implementing section 404 which will permit funds to be provided to temporary housing applicants for minimal repairs. This action will negate the need for inclusion of LHR in this rule.

FEMA has determined that there will be no significant impact on the environment caused by implementation of these proposed regulations. An environmental assessment resulting in a finding of no significant impact has been prepared in accordance with 44 CFR

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10.9(e), and pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508). Copies of this assessment may be inspected or obtained at the Office of Individual Assistance, at the address stated above. An environmental impact statement will not be prepared.

It has been determined that this regulation is procedural in nature, and that the changes from the existing regulation will have little, if any, impact on costs and, thus, this is not a major rule.

Also, as the regulation is applicable only to States, or to individuals or families, it is not applicable to small entities. Thus, it is certified that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities, and an initial regulatory impact analysis will not be prepared.

Interested persons may participate in this proposed rulemaking by submitting wirtten comments to the address listed above. All comments received will be taken into consideration, and will also be available for inspection at the Office of the Rules Docket Clerk, FEMA, at the above address.

This rule implements section 408 of the Disaster Relief Act of 1974 and is issued under authority in section 601 of that Act.

PART 205—FEDERAL DISASTER ASSISTANCE (PUBLIC LAW 93-288)

Accordingly, it is proposed to amend subchapter D of Chapter 1 of Title 44 Code of Federal Regulations by adding to Part 205 a new section 205.54 as follows:

§ 205.54 Individual and family grant programs.

(a) *General.* The Governor may request that a Federal grant be made to a State for the purpose of such State making grants to individuals or families who, as a result of a major disaster, are unable to meet disaster related necessary expenses or serious needs. The total Federal grant under this section will be equal to 75 percent of the actual cost of meeting necessary expenses or serious needs of individuals and families, plus State administrative expenses not to exceed 3 percent of the Federal grant (see computation of State administrative expenses in paragraph (i)(1) of this section). The total Federal grant is made only on condition that the remaining 25 percent of the actual cost of meeting individuals' or families' necessary expenses or serious needs is paid from funds made available by the State. With respect to any one major disaster, an individual or family may not receive a grant or grants under this section totaling more than $5,000, including both the Federal and State shares. The Governor or his/her designee is responsible for the administration of the grant program.

(b) *Purpose.* The grant program is intended to provide funds to individuals or families to permit them to meet those disaster-related necessary expenses or serious needs for which assistance from other means is either unavailable or inadequate. Meeting those expenses and needs as expeditously as possible will require States to make an early commitment of personnel and resources. In addition, States are encouraged to award grants to individuals and families prior to the availability of assistance from other means. The grant program is not intended to indemnify disaster losses or to permit purchase of items or services which may generally be characterized as nonessential, luxury, or decorative.

(c) *Definitions used in this section.*

(1) "Necessary expense" means the cost of an item or service essential to an individual or family to prevent, mitigate or overcome a disaster-related hardship, injury, or adverse condition.

(2) "Serious need" means the requirement for an item or service essential to an individual or family to prevent, mitigate or overcome a disaster-related hardship, injury or adverse condition.

(3) "Family" means a social unit living together and comprised of a husband and wife and dependents, if any, or a household comprised of an unmarried person living with a dependent son, stepson, daughter, stepdaughter, or a dependent descendant of a son or daughter.

(4) "Individual" means a person who is not a member of a family, as defined in paragraph (c)(3) of this section.

(5) "Assistance from other means" means assistance, including monetary or in-kind contributions, from other governmental programs, insurance, voluntary or charitable organizations, or from any sources other than those of the individual or family.

(6) "Owner-occupied" means that the residence is occupied by: the legal owner; a person who does not hold formal title to the residence but is responsible for payment of taxes, maintenance of the residence, and pays no rent; or a person who has lifetime occupany rights in the residence with formal title vested in another.

(d) *National eligibility criteria.* In administering the IFG program, a State shall determine the eligibility of an individual or family in accordance with the following criteria:

(1) *General.* (i) To qualify for a grant under this section, an individual or family representative must:

(A) make application to all applicable available governmental disaster assistance programs for assistance to meet a necessary expense or serious need (see exeption in paragraph (d)(1)(iii)), and be determined not qualified for such assistance, or demonstrate that the assistance received does not satisfy the total necessary expense or serious need;

(B) not have previously received or refused assistance from other means for the specific necessary expense or serious need, or portion thereof, for which application is made; and

(C) certify to refund to the State that part of the grant for which assistance from other means is received, or which is not spent as identified in the grant award document.

(ii) Individuals or families who incur a necessary expense or serious need in the major disaster areas may be eligible for assistance under this section without regard to their alienage, their residency in the major disaster area, or their residency within the State in which the major disaster has been declared.

(iii) Individuals or families are ineligible for disaster loan assistance from the Small Business Administration (SBA), and need not apply for such assistance, if they certify that they:

(A) suffered only personal property damage;

(B) are unemployed; and

(C) derive more than 50 percent of their income from welfare or social security payments.

(iv) Farmers, ranchers, and persons engaged in aquaculture must apply to either the Farmers Home Administration (FmHA) or the SBA for home or personal property loan assistance, and obtain a denial of such assistance from either agency before they may be considered eligible for a grant under this section. If applicants for FmHA loan assistance are denied such assistance because they are able to obtain necessary credit from other sources, they will be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FmHA's Emergency Loan Program.

(v) Where a facility serves more than one individual or family, an owner-occupant whose primary residence is served by the facility may be eligible for a proportionate share of the cost of jointly repairing or providing such a facility. The owner-occupant may combine his/her grant funds with funds made available by the other individuals or families if the owner of the facility agrees to execute a joint-use agreement (with no cost or charges involved), or if joint ownership of the facility is agreed to.

(vi) The Flood Disaster Protection Act of 1973, Pub. L. 93–234, as amended, imposes certain restirctions on approval of Federal financial assistance for acquisition and construction purposes. Subpart K of these regulations' implements Pub. L. 93–234 for FEMA assistance generally. This paragraph refines those requirements for the IFG program. To the extent that this paragraph is inconsistent with Subpart K, this paragraph applies.

(A) For the purposes of this paragraph, "financial assistance for acquisition or construction purposes" means a grant to an individual or family to repair, replace, or rebuild a home, and/or to purchase or repair insurable contents. However, the term does not include grants related to nonflood damage.

(B) A State may not make a grant for acquisition or construction purposes where the structure to which the grant assistance relates is located in a designated special flood hazard area which has been identified by the Director for at least one year as flood-prone, unless the community in which the structure is located is participating in the National Flood Insurance Program (NFIP). However, if a community qualifies for and enters the NFIP during the six-month period described in 44 CFR 205.253(a)(3)(i), the Governor's Authorized Representative (GAR) may request a time extension (see paragraph (k)(1) (ii) and (iii) of this section) from the Regional Director for the purpose of ~~accepting and~~ processing grant applications in those communities. The Regional Director or Associate Director, as appropriate (see paragraph (k)(2) of this section), may approve the State's request if those governmental disaster assistance programs which were available during the original application period are now available to the grant applicants.

(C) (*1*) The State may not make a grant for acquisition or construction purposes where the structure to which the grant assistance relates is located in a designated special flood hazard area in which the sale of flood insurance is available under the NFIP unless the individual or family agrees to purchase and maintain an adqeuate flood insurance policy. An adequate policy, for purposes of the IFG program, means a three-year policy under the NFIP, or a similar policy, which provides coverage for at least the maximum grant authorized by law for any individual or family. The amount required to purchase the above coverage is considered a necessary expense for those individuals or families who are required to obtain flood insurance (see paragraph (d)(2)(vii) of this section). If the same premium will provide more than the required coverage, the higher coverage should be obtained. There are no further requirements on an individual or family to renew the three-year policy, since the Associate Director has determined that such purchase complies with the requirements of the Flood Disaster Protection Act of 1973. Nevertheless, the State should encourage such individuals or families to protect themselves by renewing their insurance periodically.

(*2*) Individuals and families who are required to buy flood insurance must provide proof of purchase to the State.

(D) A State may not make a grant for acquisiton or construction purposes where an applicant who is required to apply to SBA or FmHA in accordance with paragraph (d)(1)(i)(A) of this section is denied loan assistance by those agencies:

(*1*) because of failure to have obtained and/or maintained a flood insurance policy required as a condition of previous loan assistance; or

(*2*) in the instance of non-flood damage, because flood insurance is not available due to the community's non-participation in the NFIP.

The provisions of paragraph (d)(1)(iii) of this section will not be used to determine any applicant ineligible for SBA disaster loan assistance in these instances.

(vii) In order to comply with the President's Executive Orders on Floodplain Management (EO 11988) and Protection of Wetlands (EO 11990), the State must implement the IFG program in accordance with FEMA regulations 44 CFR Part 9. That part specifies which IFG program actions require a floodplain management decision-making process before a grant may be made, and also specifies the steps to follow in the decision-making process. Should the State determine that an individual or family is otherwise eligible for grant assistance, the State shall accomplish the necessary steps in accordance with that section, and request the Regional Director to make a final floodplain management determination.

(2) *Eligible categories.* Assistance under this section shall be made available to meet necessary expenses or serious needs by providing essential items or services in the following categories:

(i) *Housing.* With respect to primary residences (including mobile homes) which are owner-occupied at the time of the disaster, grants may be authorized to:

(A) repair, replace, or rebuild;

(B) provide access;

(C) clean or make sanitary;

(D) remove debris from such residences. Debris removal is limited to the minimum required to remove health or safety hazards, or protect against additional damage to the residence;

(E) provide or take minimum protective measures required to protect such residences against the immediate threat of damage; and

(F) develop a site for, tow, set up, connect, and/or reconnect a mobile home.

(ii) Personal property such as:

(A) clothing;

(B) household items, furnishings, or applicances. If a predisaster renter receives a grant for household items, furnishings, or appliances, and these items are an integral part of a mobile home or other furnished unit, the predisaster renter may apply the funds awarded for these specific items toward the purchase of the furnished unit, and toward mobile home site development, towing, set-up, connecting and/or reconnecting;

(C) tools, specialized or protective clothing, and equipment essential to or a condition of a wage earner's employment;

(D) repairing, cleaning or sanitizing any eligible personal property item; and

(E) moving and storing to prevent or reduce damage.

(iii) *Transportation.* Grants may be authorized to provide public transportation. When public transportation is unavailable or inadequate, grants for private transportation may be provided.

(iv) Medical or dental expenses.

(v) *Funeral expenses.* Grants may include funeral and burial (and/or cremation) expenses.

(vi) *Flood insurance premium.* The cost of the initial flood insurance premium to meet the requirements of paragraph (d)(1)(vi)(C).

(vii) Minimization measures required by owner-occupants to: comply with the provisions of 44 CFR Part 9 (Floodplain Management and Protection of Wetlands); enable them to receive assistance from other means; and enable them to comply with a community's floodplain management regulations.

(viii) *Cost for estimates required for eligibility determinations under the IFG program.* A grant in this category may

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not exceed the customary charges for such services in the disaster area.

(ix) *Food.* Grants for food may be authorized when assistance from other means (such as the food stamp program, the food commodity program, and other government-funded feeding programs) is unavailable, and the applicant's normal food supply sources, such as subsistence farming, hunting or fishing activities or stored food, are unavailable as a result of the disaster.

(x) *Other.* A State may determine that other necessary expenses and serious needs are eligible for grant assistance. If such a determination is made, the State must summarize the facts of the case and throughly document its finding of eligibility. Should the State require technical assistance in making a determination of eligibility, it may provide a factual summary to the Regional Director and request guidance. The Associate Director also may determine that other necessary expenses and serious needs are eligible for grant assistance. Following such a determination, the Associate Director shall advise the State, through the Regional Director, and provide the necessary program guidance.

(3) *Ineligible categories.* Assistance under this section shall not be made available for any item or service in the following categories:

(i) Business losses, including farm businesses and self-employment;

(ii) Improvements or additions to real or personal property, except those required to comply with paragraph (d)(2)(viii) of this section;

(iii) Landscaping;

(iv) Real or personal property used exclusively for recreation; and

(v) Financial obligations incurred prior to the disaster.

(e) *State administrative plan.* (1) The State shall develop a plan for the administration of the IFG program that includes, as a minimum, the items listed below:

(i) Assignment of grant program responsibilities to State officials or agencies.

(ii) Procedures for:

(A) notifying potential grant applicants of the availability of the program, to include the publication of application deadlines, pertinent program descriptions, and further program information on the requirements which must be met by the applicant in order to receive assistance;

(B) accepting applications at Disaster Assistance Centers and subsequently at State-established local application centers;

(C) establishing local application centers after the closing of Disaster Assistance Centers;

(D) verifying necessary expenses and serious needs;

(E) determining applicant eligibility and grant amounts by a State employee or panel of State employees, and notifying applicants of the State's decision;

(F) determining the requirement for flood insurance;

(G) preventing duplication of benefits between grant assistance and assistance from other means;

(H) at the applicant's request, reconsidering the State's determinations;

(I) processing applicant appeals, recognizing that the State has final authority. Such procedures must provide for:

(*1*) the receipt of oral or written evidence from the appellant or representative,

(*2*) a determination on the record, and

(*3*) a decision by an impartial person or board;

(J) disbursing grants in a timely manner;

(K) by a statistical sample (no less than a 3% sample), verifying that grant funds are meeting needs identified by applicants, and that the conditions of the grant award, especially regarding floodplain management and flood insurance, are being observed by grant recipients;

(L) recovering grant funds obtained fraudently, expended for unauthorized items or services, expended for items for which assistance is received from other means, not expended as of the date the State requests reimbursement, or authorized for acquisition or construction purposes where proof of purchase of flood insurance is not provided to the State;

(M) conducting a State audit;

(N) reporting to the Regional Director, and to the Federal Coordinating Officer as required; and

(O) reviewing and updating the plan.

(iii) National eligibility criteria as defined in paragraph (d) of this section.

(iv) Provisions for compliance with Section 311 of the Act, Nondiscrimination in Disaster Assistance, and Section 317 of the Act, Criminal and Civil Penalties.

(v) Pertinent time limitations for accepting applications, grant award activities, and administrative activities.

(vi) Provisions for specifically identifying, in the accounts of the State, all Federal and State funds committed to each grant program, and provisions for ensuring the immediate return, upon discovery, of all excess advances of Federal funds.

(2) The Governor or his/her designee may request the Regional Director to provide technical assistance in the preparation of an administrative plan to implement this program.

(3) The Regional Director shall review the State administrative plan in each disaster for which assistance under this section is requested, and may defer approval until the plan meets the requirements of these regulations and current policy guidance.

(4) The State shall make its approved administrative plan part of the State emergency plan, as described in Section 205.4 of these regulations.

(f) *State initiation of the IFG program.* To make assistance under this section available to disaster victims, the Governor must, either in the request to the President for a major disaster declaration or by separate letter to the Regional Director, express his/her intention to implement the program. This expression of intent must include an estimate of the size and cost of the program. In addition, this expression of intent represents the Governor's agreement to the following:

(1) That the program is needed to satisfy necessary expenses and serious needs of disaster victims which cannot otherwise be met;

(2) That the State will pay its 25 percent share of all grants to individuals and families;

(3) That the State will return immediately upon discovery advanced Federal funds that exceed actual requirements;

(4) To implement an administrative plan as identified in paragraph (e) of this section;

(5) To implement the grant program throughout the area designated as eligible for assistance by the Associate Director; and

(6) To maintain close coordination with and provide reports to the Regional Director.

(g) *Approval of funds.* (1) The Regional Director may approve Federal assistance under this section upon his/her determination that:

(i) the Governor has indicated his/her intention to implement the program in accordance with paragraph (f) of this section; and

(ii) the State administrative plan meets the requirements of these regulations and current policy guidance.

(2) The Regional Director may approve Federal assistance based on his/her estimate of the amount required to meet the necessary expenses and serious needs of disaster-affected

individuals and families which cannot be met through assistance from other means.

(h) *Advance of funds.* (1) The GAR shall submit requests, and the Regional Director may authorize advances of funds, for the Federal share of grants under this section.

(2) The Regional Director may also authorize advances of funds for the State share of grants under this section if the State is unable immediately to pay its 25 percent share.

(i) The Governor shall make the initial request to the Regional Director for an advance of the State share. The request shall include:

(A) a certification that the State is unable immediately to pay its 25 percent share;

(B) a statement of the specific actions taken or to be taken to overcome the inability to provide the State share;

(C) a certification that the State will repay this advance when it is able, and the date for this repayment; and

(D) an estimate of the total amount needed to meet the State's 25 percent share.

(ii) The GAR may submit to the Regional Director subsequent requests for advances of the State share.

(3) The Regional Director may recover any advance of the State share not repaid by the date established in accordance with paragraph (h)(2)(i)(C) of this section, or any excess advance of the Federal share not refunded within 30 days after completion of the Federal audit (or State audit in those programs where no Federal audit is conducted), in accordance with 44 CFR Part 11, Subpart C, including the offset of Federal funds to which the State would otherwise be entitled.

(4) The Regional Director may withhold advances under this section if the State has failed to repay an advance of its share in a previous IFG program in accordance with the date in paragraph (h)(2)(i)(C), or has failed to repay previous excess advances of Federal funds after completion of the Federal audit (or State audit in those programs where no Federal audit is conducted).

(5) Any interest on an excess advance of the Federal and/or State share(s) earned from the date of completion of the Federal audit (or State audit in those programs where no Federal audit is conducted) to the date of the return of the excess advance must be remitted to the U.S. Treasury.

(i) *Reimbursement to the State.* (1) The Regional Director shall approve reimbursement to the State of the Federal share of eligible costs on the basis of a voucher filed by the State and supported by a State audit. Costs that are eligible for reimbursement include 75 percent of the cost of meeting necessary expenses or serious needs of individuals and families, and expenses incurred in administering the grant program. The maximum amount of State administrative expenses that is eligible for reimbursement is computed by dividing the eligible Federal cost of meeting necessary expenses or serious needs of individuals and families by .97, and subtracting the eligible Federal cost of meeting such expenses or needs from the quotient.

(2) If a State requests reimbursement for a grant that is improperly or inadequately documented, or that does not conform to the State administrative plan, the Regional Director shall suspend the claim.

(3) The State may request reimbursement for a grant that has not yet been expended by the grant recipient. The State shall justify the non-expenditure, including the steps being taken to eliminate it. If the Regional Director determines that the justification is inadequate, he/she shall suspend the claim.

(4) The State may request reimbursement for a grant that was made on the basis of fraudulent information, that was misapplied by the grant recipient, that duplicates assistance from other means, or that was authorized for acquisition or construction where proof of purchase of flood insurance was not provided to the State. If the State has taken the action required by its administrative plan to recover the grant funds, but has been unable to do so, the Regional Director may approve the claim.

(j) *Audits.* The State shall audit each grant program in accordance with audit guidelines provided by the Regional Director. All claims are subject to Federal audit.

(k) *Time limitations.* (1) In the administration of the IFG program:

(i) The Governor shall indicate his/her intention to implement the IFG program no later than seven days following the day on which the major disaster was declared and in the manner set forth in paragraph (f) of this section;

(ii) The State shall accept applications from individuals or families for a period of 60 days following the declaration date, and for a minimum of 30 days thereafter when the State determines that extenuating circumstances beyond the applicants' control (such as, but not limited to, hospitalization, illness, or inaccessibility to application centers) prevented them from applying in a timely manner;

(iii) The State shall complete all grant award activity, including eligibility determinations, disbursements, and disposition of appeals, within 180 days following the declaration date. The Regional Director shall suspend all grant awards disbursed after the specified completion date; and

(iv) The State shall complete all administration activities and submit final reports, State audit, and vouchers to the Regional Director within 90 days of the completion of all grant award activity.

(2) The GAR may submit a request with appropriate justification for the extension of any time limitation. The Regional Director may approve the request for a period not to exceed 90 days. The Associate Director may approve any request for a further extension of the time limitations.

(l) *Appeals.* (1) The State may appeal to the Regional Director any Federal action under paragraphs (g) through (k) of this section. An appeal shall be made in writing within 30 days of the date of the Federal action. The Regional Director shall review the material submitted, conduct an investigation if appropriate, and, not later than 15 days following receipt of the appeal, notify the State of his/her decision in writing.

(2) The State may further appeal the Regional Director's decision to the Associate Director. This appeal shall be made in writing within 15 days of the Regional Director's decision. Action by the Associate Director is final.

(m) *Exemptions from garnishment.* All proceeds received or receivable under the IFG program shall be exempt from garnishment, seizure, encumbrance, levy, execution, pledge, attachment, release, or waiver. No rights under this provision are assignable or transferable. The above exemptions will not apply to the requirement imposed by paragraph (e)(1)(ii)(L) of this section.

(n) *Exceptions for the Combined Application and Verification Process (CAVP).* The CAVP is a consolidated system for processing applications for the disaster home/personal property loan program under SBA, the temporary housing program under section 205.52 of these regulations, and the IFG program under this section. The Federal Coordinating Officer will be responsible for accepting and verifying applications for these three programs. When CAVP is being used, the following paragraphs of this section are modified or suspended: paragraphs (e)(1)(ii) (A), (B), (C) and (D) are suspended, and paragraph (k)(1)(ii) is modified to read: "The FCO shall . . ." in lieu of "The State shall . . ."

Dated: May 20, 1981.

Thomas R. Casey,

Acting Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 81-27631 Filed 9-22-81; 8:45 am]

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Notices

Federal Register
Vol. 46, No. 184
Wednesday, September 23, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Canal Place-Phase II; Vieux Carre National Historic Landmark District; Availability of Comments

Pursuant to Section 106 of the National Historic Preservation Act of 1966 and § 800.6(d) of the regulations of the Advisory Council on Historic Preservation (Council), "Protection of Historic and Cultural Properties," a Panel of the Council met on September 1–2, 1981, to consider the proposal of the city of New Orleans to use Urban Development Action Grant funds to assist in the construction of Canal Place-Phase II, a project within the Vieux Carre National Historic Landmark District. It has been determined that this undertaking would have an adverse effect on the Vieux Carre. At that meeting the Panel of the Council adopted comments which have been transmitted to the Mayor of the city of New Orleans.

This notice, pursuant to 36 CFR 800.6(d)(5), is to advise interested parties that copies of these comments are available upon request from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005; 202-254-3974, Attention: John J. Cullinane.

Dated: September 17, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81-27592 Filed 9-22-81; 8:45 am]

BILLING CODE 4310-10-M

CIVIL AERONAUTICS BOARD

[Docket No. 38748]

Capitol International Airways, Inc; Violations of Part 250; Reassignment of Enforcement Proceeding

This proceeding has been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., September 17, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-27663 Filed 9-22-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 38746]

Capitol International Airways, Inc.; Violations of Part 250; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 7, 1981 at 10:00 A.M. (local time) in Room "D", Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C. before the undersigned administrative law judge.

Dated at Washington, D.C., September 18, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-27664 Filed 9-22-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 37554; Order 81-9-120]

Establishment of the Standard Foreign Fare Level

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of September 1981.

Order

The International Air Transport Competition Act (IATCA), P.L. 96-192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base [1] periodically by percentage changes in actual operating costs per available seat-mile (ASM). The SFFL thus computed becomes the benchmark for measuring the statutory no-suspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in section 1002(d) of the Federal Aviation Act of 1958 (the Act). Order 80-2-69 established the first interim SFFL and Order 81-7-61 established the currently effective SFFL applicable through September 30, 1981.

The SFFL for travel commencing October 1, 1981, will be established for a two-month period, and, alternatively, for a four-month period—October through January. The two-month SFFL is required by statute. The four-month SFFL represents a continuation of our policy to provide carriers an additional option recognizing that a longer effectiveness perod may be better suited to the sometimes complex procedures involved in international fare-setting.

In preliminarily calculating the SFFL for the period commencing October 1, we have projected nonfuel costs, based on the year ended June 30, 1981, and we have adjusted fuel prices to reflect the experienced rate of fuel cost escalation. The four-month average of April through July, 1981, fuel costs provide the following rates of escalation: −1.43 cents per gallon for the Atlantic entity; −.29 cents per gallon in the Latin American entity; and −.16 cents per gallon in the Pacific. The resulting fuel projections would be 108.71, 105.42, 116.59, and 107.28, 105.13, 116.43 cents per gallon in the Atlantic, Latin American and Pacific entities for the two and four month intervals, respectively. Examination of the monthly and weekly fuel prices submitted to the Board by the carriers, however, indicate to us that the recent reductions in fuel prices have moderated, though prices may continue to decline. Because any substantial rate of decrease projected forward would be speculative, given the volatility of oil markets, and because of our desire to minimize regulatory lag in increasingly competitive international markets, we have decided to use the latest actual fuel prices in the final calculations as the best current projection of future prices. Of course, internationally, we examine costs every two months permitting us to monitor closely fuel prices over the ensuing months and, if necessary, we will revise the SFFL should the actual fuel prices fluctuate significantly, either up or down, from our projection. In the absence of compelling reasons to do otherwise we are continuing our policy of relying on annual data in the computation of nonfuel cost escalation rates. As we have stated before, twelve-month data are usually more reliable because quarterly results can be completely distorted, and in the absence of unusual circumstances annual data provide a preferable base.

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[1] As defined in section 1002(j)(7) of the Federal Aviation Act of 1958.

Four-Month SFFL

In establishing the SFFL for the four-month period commencing October 1, 1981, we have projected nonfuel costs, based on the year ended June 30, 1981, and we have adjusted fuel prices to reflect the latest fuel cost changes. Our calculations measure inflation from January, 1, 1981, to December 1, 1981, the midpoint of the October–January projection period, for the three rate making entities: Atlantic, Latin America and Pacific. The resulting projections for fuel prices are 113.72 cents in the Atlantic; 108.44 cents in Latin America; and 117.15 cents in the Pacific at December 1, 1981.

Consequently, based on our calculations, we find the projected cost adjustment factor to be 39.80 percent in the Atlantic, 32.36 percent in Latin America, and 29.62 percent in the Pacific over the October 1, 1979, level. (See Appendix B.) This results in an increase over the June 1, 1981, fares of 3.79 percent in the Atlantic, 3.90 percent in the Pacific, and a reduction of 4.09 percent in Latin America.

Two-Month SFFL

As above, our calculations, based on the year ended June 30, 1981, measure inflation from January 1, 1981, to November 1, 1981, the midpoint of the October-November projection period, for the three rate making entities. The rates of escalation for fuel are the same. Based on our calculations, we find the projected cost adjustment factor to be 38.43 percent in the Atlantic; 31.50 percent in Latin America; and 28.86 percent in the Pacific, resulting in an increase over August 1, 1981, of 1.30 percent in the Pacific and reductions of 1.48 percent and 6.49 percent, in the Atlantic and Latin America, respectively.

Carriers should note that we will issue a revised two-month SFFL effective December 1, but those implementing the four-month projection may not take the December 1, revision.

Accordingly, pursuant to sections 102, 204(a), 403, 801, and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. Effective October 1, 1981, fares may be increased by the following adjustment factors over the October 1, 1979, level:

	Four month	Two month
Atlantic	1.3980	1.3843
Latin America	1.3236	1.3150
Pacific	1.2962	1.2886

2. We shall serve a copy of this order upon all U.S. certificated air carriers and all foreign air carriers; and

3. We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[2]

Secretary.

[FR Doc. 81-27661 Filed 9-22-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-9-121]

Fitness Determination of Slocum Air, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-9-121, Order to Show Cause.

SUMMARY: The Board is proposing to find that Slocum Air, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 6, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-9-121.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-121 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-9-121 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 18, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-27662 Filed 9-22-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket Nos. 33363, etc.]

General Air Transport, Inc.; Reassignment of Proceeding

Former Large Irregular Air Service Investigation Docket 33363; Applications of General Air Transport, Inc., Dockets 38637, 38638, 38639.

This proceeding, insofar as it involves the applications of General Air Transport, Inc., Dockets 38637, 38638, and 38639, has been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., September 17, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-27666 Filed 9-22-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 39049]

Transamerica Airlines, Inc.; Part 252 Enforcement Proceeding; Reassignment of Proceeding

This proceeding has been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., September 18, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-27665 Filed 9-22-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Tubeless Tire Valves From West Germany, No. A-428-002; Preliminary Determination of Sales at Not Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary determination of sales at not less than fair value.

SUMMARY: We have preliminarily determined that tubeless tire valves from West Germany are not being sold in the United States at less than fair value. We investigated EHA

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[2] All Members concurred.

Ventilfabrik, the only known West German exporter of this merchandise to the United States during the period of investigation. Our comparisions found only one sale at margin (0.01 percent), which is *de minimis.* The weighted average margin over all sales investigated was 0.000006 percent which is also *de minimis.*

Interested parties are invited to submit oral or written views concerning this determination. Unless we extend this investigation, we will make our final determination on or before December 7, 1981.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Paul Thran, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202 377-1766).

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based on our investigation and in accordance with section 733(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1673(b)) (the "Act"), we preliminarily determine that there is no reasonable basis to believe that tubeless tire valves from West Germany are being sold in the United States at less than fair value within the meaning of section 731 of the Act.

Case History

On April 8, 1981, we received a petition in proper form from Nylo-Flex Manufacturing Company, Inc., of Mobile, Alabama. The petition alleged that tubeless tire valves from West Germany are being sold in the United States at less than fair value, and that such sales are materially injuring a U.S. industry.

After conducting a summary review of the allegations in the petition, we decided a formal investigation was warranted.

Therefore, we notified the U.S. International Trade Commission of our decision, and on April 27, 1981, we initiated an antidumping investigation (46 FR 23510).

The ITC preliminarily found that there was a reasonable indication that the imports are materially injuring or threatening to materially injure a U.S. industry. The ITC's determination was published on June 3, 1981 (46 FR 29794).

Scope of the Investigation

A tubeless tire valve consists of a machined brass stem with rubber molded around it, containing a core that allows air to pass through in one direction only. Most often used when mounting or replacing tires on automobiles and light trucks, it is currently classified under item 692.3288 of the Tariff Schedules of the United States Annotated. The valves in our investigation are two models identified by the industry's parts numbers: TR-413 and TR-418. They make up 88 percent of the valves West Germany exports to the United States.

This investigation covers sales made between November 1, 1980, and April 30, 1981. Our investigation was limited to EHA Ventilfabrik of Muhlheim, a. M. ("EHA"), the sole West German exporter of the subject merchandise.

Methodology

In order to determine whether or not this product is being sold at less than fair value, we compared its purchase price with its foreign market value.

Purchase Price

We used purchase price as defined in section 772(b) of the Act, because the price to the unrelated customer was agreed to prior to importation of the subject merchandise. We calculated purchase price from the duty-paid, delivered price charged to the unrelated U.S. purchasers. We deducted transportation costs insurance, handling, U.S. duty, and Customs clearance costs from all sales. Cash discounts and commissions were also deducted where applicable. Commissions were calculated as a percentage of the sales price less transportation costs, in keeping with the method used by EHA to determine commissions. No other adjustments were claimed or made.

Foreign Market Value

We used home market sales as the basis for foreign market value, as defined in section 773(a)(1)(A) of the Act. Since all of EHA's exports to the U.S. of valves subject to this investigation were sold in the replacement market, and we found adequate sales of such valves in the West German replacement market, we examined only these sales in our comparisons. Our investigation of other sales is continuing in order to ensure that no comparable sales of these valves occurred outside the replacement market.

We deducted transportation costs, insurance, handling, commissions, and cash discounts on all sales from the home market delivered price to find foreign market value. We calculated exchange rates in accordance with § 353.56(a)(1), Commerce Regulations (19 CFR 353.56(a)(1)).

Results

We compared U.S. sales and home market sales and found only one sale at margin. This margin was 0.01 percent, which is *de minimis.* The weighted average margin over all sales investigated was 0.000006 percent, which is also *de minimis* and results in a preliminary determination of no sales at less than fair value.

Verification

In accordance with section 776(a) of the Act, we verified all the information we have relied on in making this preliminary determination. We used traditional verification procedures, including on-site inspections of the manufacturer's operations and examination of accounting records and randomly selected documents containing relevant information.

Public Comment

If requested, we will hold a public hearing in accordance with 19 CFR 353.47, to afford interested parties an opportunity to comment orally on this preliminary determination. All requests for a hearing must be submitted, on or before October 5, 1981, to the Deputy Assistant Secretary for Import Administration, Room 2800, at the address shown above. They should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. All requests must be received by the Deputy Assistant Secretary on or before October 5, 1981.

Any written views must be filed in accordance with the instructions contained in § 353.46(a), Commerce Regulations (19 CFR 353.46(a)), at the above address, on or before October 23, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-27581 Filed 9-22-81; 8:45 am]

BILLING CODE 3510-25-M

Perchlorethylene From Belgium; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on perchlorethylene

from Belgium. The review covers the only known exporter of this merchandise to the United States, Solvay & CIE, and the period May 1, 1980 through April 30, 1981. The review disclosed no shipments to the U.S. of this merchandise from Belgium during this period. There are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require cash deposits equal to the calculated margin on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CANTACT: Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3814/5289).

SUPPLEMENTARY INFORMATION:

Procedural Background

On December 5, 1980 the Department published in the **Federal Register** (45 FR 80570) the final results of the first administrative review of the antidumping finding perchorethylene from Belgium (44 FR 29045–6, May 19, 1979). The Department announced in the **Federal Register** of March 16, 1981 (46 FR 16921) its intent to conduct the next administrative review by the end of May, 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review of the finding on perchlorethylene from Belgium.

Scope of the Review

The imports covered by this review are perchlorethylene, including technical grade and purified grade perchlorethylene. Perchlorethylene is a clear water-white liquid at ordinary temperature with a sweet odor and is completely capable of being mixed with most organic liquids. It is a chlorinated solvent used mainly for dry cleaning of clothes, but is also used in other applications such as vapor degreasing of metals.

Perchorethylene is currently classifiable under item 429.3400 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one Belgian producer or exporter of perchlorethylene to the United States. That firm is Solvay & CIE. The review covers the period May 1, 1980 through April 30, 1981. There were no known shipments to the United States during the review period and there are no known unliquidated entries.

Preliminary Results of the Review

As required by § 353.48(b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 150 percent of the entered value, based on the weighted-average margin on the last known shipments, that is, those included in the original fair value investigation, shall be required on all shipments of perchlorethylene from Belgium entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 16, 1981.

[FR Doc. 81–27647 Filed 9–22–81; 8:45am]

BILLING CODE 3510–25–M

Viscose Rayon Staple Fiber From Belgium; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On June 8, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on viscose rayon staple fiber from Belgium. The review was limited to the only know exporter, Fabelta Zwijnaarde N.V., and to the period January 1, 1978 through November 30, 1980. Interested parties were given an opportunity to submit written comments on these preliminary results. No comments were received.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4273/2657).

SUPPLEMENTARY INFORMATION:

Background

On November 27, 1978 an antidumping finding with respect to viscose rayon staple fiber from Belgium was published in the **Federal Register** as Treasury Decision 78–469 (43 FR 55240). On June 8, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the finding (46 FR 30374). The Department has now completed its administrative review of that finding.

Scope of the Review

The imports covered by this review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 in the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of one Belgian exporter of viscose rayon staple fiber to the United States. That firm is Fabelta Zwijnaarde N.V. The review covered the period January 1, 1978 through November 30, 1980.

Final Results of the Review

The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review. There are no known shipments to the United States during this time period and no known unliquidated entries.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated duties based upon the most recent margin, that is 57.6 percent of the entered value, shall be required on all shipments of viscose rayon staple fiber from Belgium entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of November 1982.

This administrative review and notice are in accordance with section 751 (a)(1) of the Tariff Act of 1930 (19 U.S.C.

1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 18, 1981.

[FR Doc. 81-27650 Filed 9-22-81; 8:45 am]

BILLING CODE 3510-25-M

Polyvinyl Chloride Sheet and Film From Taiwan; Final Results of Administrative Review of Antidumping Finding

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On June 26, 1981, the Department of Commerce published the preliminary results of its administrative review of and tentative determination to revoke in part the antidumping finding on polyvinyl chloride sheet and film from Taiwan. The review covered the 56 known manufacturers and exporters for various periods through May 31, 1980.

Interested parties were given an opportunity to submit written comments or request a hearing on these preliminary results. We received comments from four exporters but, after analysis, made no changes in our weighted-average margins as stated in the preliminary results. However, after verification of previously received information from one of the exporters, we calculated a new weighted-average margin for that exporter. The margins remain unchanged for the other 55 exporters.

The determination to revoke in part the antidumping finding with respect to Nan Ya Plastics Corporation will be covered in a subsequent notice.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Betty L. Hood or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5222/5289).

SUPPLEMENTARY INFORMATION:

Background

On June 30, 1978, a dumping finding with respect to polyvinyl chloride ("PVC") sheet and film from Taiwan was published in the **Federal Register** as Treasury Decision 78-219 (43 FR 28457). On June 26, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke in Part" (46 FR 33065-6). The Department has now completed its administrative review of that finding.

Scope of the Review

Imports covered by this review are shipments of unsupported, flexible, calendered polyvinyl chloride sheet, film, and strips, over 6 inches in width and over 18 inches in length, and at least 0.002 inch but not over 0.020 inch in thickness, currently classifiable under item number 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the 55 known manufacturers and exporters and one transhipper of polyvinyl chloride sheet and film to the United States. They are listed below, together with the period of review for each manufacturer or exporter. The Department was unable to locate Brave Dragon Industry Ltd. and the manufacturer of the merchandise exported by Fuji Industries Co. (Taiwan), Ltd. in time to complete its review of these companies. Therefore, for appraisement purposes they will be covered in a subsequent review. For these two firms the percentages below will be used for cash deposit purposes only.

Analysis of Comments Received

(1) *Comment:* Several exporters argued that the "best evidence available" should not be used for all exporters who did not respond to the questionnaire. They believe more time should now be given for response so the Department can further investigate such firms.

Position: The Department concludes that adequate time was given each exporter to respond to the questionnaire. The majority of the exporters did respond on a timely basis.

(2) *Comment:* One exporter argued that in computing forcign market value weghted-average prices should have been used instead of individual prices.

Position: The Department believes that the prices of the sales examined for determining the foreign market value did not vary to such an extent that a weighted-average of the sales should be used under the authority of § 353.20(a) of the Commerce Regulations.

(3) *Comment:* One exporter believed that an adjustment should be allowed in determining foreign market value for advertising and sales promotion expenses which involved advertising in technical magazines.

Position: The Department disallowed the advertising in technical magazines because it was not directly related to the sales of PVC sheet and film in the home market.

(4) *Comment:* Cathay Plastics Industry Co., Ltd. again requested revocation of the finding with regard to its exports.

Position: Since sales at less than fair value have been found for Cathay during the past two years we are denying this application for revocation.

Final Results of the Review

As a result of comments submitted by these exporters, we made no adjustments to the margins cited in the preliminary results. However, after verification of previously submitted information from one of the exporters we calculated a new weighted-average margin for that exporter. The margins in the preliminary review remain unchanged for the other 55 exporters.

We therefore determine that the following weighted-average margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Asiam International Inc	10/1/78–5/31/80	11.37
BL & GY International Co., Ltd	7/1/78–5/31/80	[illegible]
Brave Dragon Industry Ltd	9/1/78–5/31/80	[illegible]
Bueno Manufacturing Co	5/1/79–5/31/80	[illegible]
Caleco Industries Inc	9/1/78–10/6/79	0
	10/7/79–5/31/80	0
Cathay Plastic Industry, Co., Ltd	10/7/77–8/31/78	[illegible]
	9/1/78–6/30/79	[illegible]
	7/1/79–9/30/79	[illegible]
	10/1/79–5/31/80	[illegible]
Cheng Hsung Corp	10/1/79–5/31/80	0
Chia Shu Enterprise Co., Ltd	7/1/78–5/31/80	[illegible]
Chien YW Enterprises Corp	7/1/78–5/31/80	11.37
Chu Kang Enterprises	9/1/78–5/31/80	5.9
Collins Co	1/1/79–5/31/80	5.9
Digest International Development Corp	9/1/78–10/6/79	0
	10/7/79–5/31/80	0
Dirkson Inc	9/1/78–10/6/79	[illegible]
	10/7/79–5/31/80	0
Essex Sporting Goods	4/1/79–5/31/80	[illegible]
Fair Enterprises Corp	8/1/79–5/31/80	[illegible]
Fashion Plastics Fabricating Co., Ltd	9/1/78–5/31/80	5.9
Formosa Shoes Industry	10/7/77–5/31/80	11.37
Foremost Worldwide (Taiwan) Co., Ltd	9/1/78–10/6/79	0
	10/7/79–5/31/80	[illegible]
Fuji Industries Co., (Taiwan) Ltd	10/7/77–5/31/80	[illegible]
Gela & Co.	9/1/78–10/6/79	[illegible]
	10/7/79–5/31/80	[illegible]
G. Golly International Corp	9/1/78–10/6/79	[illegible]
	10/7/79–5/31/80	0
Goss Plastic Film Corp	10/1/79–5/31/80	0
Haney Enterprising Co., Ltd	9/1/78–5/31/80	11.37
Heyward & Co., Ltd	9/1/78–10/6/79	0
	10/7/79–5/31/80	0
Holdcheer Corp., Ltd	7/1/78–5/31/80	0
Hotsun Industrial Corp	7/1/78–5/31/80	5.9
Interbond, Ltd	[illegible]/1/79–5/31/80	[illegible]
Jamecle Corp	9/1/78–10/6/79	[illegible]
	10/7/79–5/31/80	11.37
Jiffy Trading Co., Ltd	10/1/79–5/31/80	0
Jump International Corp	9/1/78–10/6/79	0
	10/7/79–5/31/80	0
K.E. & Kingstone Co	9/1/78–10/6/79	0
	10/7/79–5/31/80	0
Key Song International Co., Ltd	9/1/78–5/31/80	11.37
Le Yang Inc	10/1/79–5/31/80	0
Long Joy Enterprises Co., Ltd	9/1/78–5/31/80	[illegible]
Lot Heng (PVC Co.) Ltd	10/7/77–5/31/80	11.37
Nan Lung Plastics Co., Ltd	10/7/77–5/31/80	11.37
Nan Ya Plastics Corp	10/1/79–5/31/80	0
Nippon Industries Inc	9/1/78–10/6/79	0
	10/7/79–5/31/80	0

Manufacturer/exporter	Time period	Margin (percent)
Odin Industrial Co., Ltd	10/7/77–5/31/80	11.37
Paulko Enterprises	9/1/78–10/6/79	0
	10/7/79–5/31/80	0
Phoenix Enterprises Inc	9/1/78–10/6/79	0
	10/7/79–5/31/80	11.37
Progress Plastics Co., Ltd	9/1/79–5/31/80	11.37
Richard Soong & Co., Ltd	9/1/79–5/31/80	11.37
San Ching Plastics	9/1/78–5/31/80	11.37
San Jing Enterprises Corp	9/1/79–5/31/80	[illegible]
Sequence Co., Ltd	4/1/79–5/31/80	¹0
St. Solid Co., Ltd	9/1/79–5/31/80	[illegible]
Taiwan Eva Industrial Co., Ltd	1/1/79–5/31/80	[illegible]
Taiwan Upholstery Furniture Export Supplies, Ltd	9/1/78–10/6/79	[illegible]
	10/7/79–5/31/80	11.37
Tamer Enterprises Co	9/1/78–10/6/79	[illegible]
	10/7/79–5/31/80	11.37
Team Worldwide Corporation	9/1/78–10/6/79	[illegible]
	10/7/79–5/31/80	[illegible]
Union Industries Ltd	9/1/79–5/31/80	11.37
Wen Fung Industrial Co. Ltd	4/22/79–5/31/80	[illegible]
Yan Shan Plastic Co., Ltd	5/1/79–5/31/80	11.37
Yung Chieh Enterprise Co., Ltd	10/7/77–5/31/80	11.37
Yunloon Enterprises Co., Ltd	7/1/78–5/31/80	11.37

¹No shipments during period.

The determination to revoke in part the Antidumping finding with respect to Nan Ya Plastics Corporation will be covered in a subsequent notice.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties, if applicable, on all entries by these firms with purchase dated during the periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated duties based on the most recent of the margins calculated above shall be required on all shipments by these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. Because the weighted average margin for Cathay Plastics is *de minimis*, the Department shall not require a cash deposit on its shipments. For any shipment from a new ex porter not covered in this administative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period. These deposit requirements, and the waiver for Cathay Plastics, shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of June 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Leonard M. Shambon,
Director, Office of Compliance.
September 18, 1981.

[FR Doc. 81-27848 Filed 9-22-81; 8:45 am]

BILLING CODE 3510-25-M

Sugar From the European Communities; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On June 25, 1981, the Department of Commerce published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" with respect to sugar from the European Communities. The review is based upon information for the period July 1, 1979, through June 30, 1980. The notice stated that the Department had preliminarily determined the amount of the net subsidy to be 3.5¢ per pound of sugar and proposed that rate be used for cash deposit of estimated countervailing duties. Interested parties were invited to comment on this decision. Upon review and analysis of all comments received, the Department determines that a cash deposit of 3.5¢ per pound of sugar shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 31, 1978, a notice of "Final Countervailing Duty Determination," T.D. 78-53, was published in the **Federal Register** (43 FR 33237). The notice stated that the Department of the Treasury had determined that exports of sugar from the European Communities ("the EC") benefitted from bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On June 25, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review of that countervailing duty order (46 FR 32924). In the notice, we stated that the estimated subsidy in effect during the period of review was 3.5 cents per pound and that this rate would be used as the estimated duty deposit rate on any entries until completion of the next administrative review. Interested parties were invited to comment.

Scope of the Review

Imports covered by this review are sugar from the EC, which consisted of Belgium, Demark, the Federal Republic of Germany, France, Ireland, Italy, Luxemburg, the Netherlands, and the United Kingdom during our review period. Sugar is currently classifiable under item 155.20 and 155.30 of the Tariff Schedules of the United States. The review is based on information for the period from July 1, 1979 through June 30, 1980. The coutervailable program cited in the final determination is restitution payments made under the guidance and guarantee fund which in turn is operated under the Common Agricultural Policy ("CAP") of the EC. On January 1, 1981, Greece became a member of the EC and was simultaneously covered by the CAP as it applies to sugar; therefore, our instructions regarding suspension of liquidation and deposit of estimated countervailing duty apply to sugar from Greece as of that date.

Analysis of Comments Received

Certain domestic parties objected to the use of 3.5 cents per pound for the future estimated duty deposit rate. They argued that recent changes in the level of EC sugar export restitution payments necessitated a higher duty deposit rate.

After reviewing these comments, we have decided that no change should be made to the estimated duty deposit rate as published in the preliminary review notice. Export restitution payments on sugar are adjusted constantly to reflect the movement in world market sugar prices. For example, during the period of the review, export restitution payments varied from 0 to 19.2 cents per pound. Because of the constantly changing nature of export restitution payment levels, the Department believes that the choice of a future duty deposit rate in this case based simply on the rate in effect when the results of our review are published is an inappropriate barometer of anticipated subsidy payments. The rate calculated by the Department is based upon the weighted average subsidy given to all sugar exported from the EC during the review period. We believe that it forms a more credible basis for estimating the average subsidy levels which can be anticipated for the succeeding period.

Final Results of the Review

As a result of our review, we determine that sugar from the EC has benefitted from a net subsidy of 3.5¢ per pound for the period July 1, 1979 through June 30, 1980. There are no known unliqidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or before June 30, 1980. As required by section 751(a)(1) of the Tariff Act, a cash deposit of estimated countervailing duties in the amount of 3.5¢ per pound shall be required on all shipments of sugar from the EC entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This deposit requirement and the suspension of liquidation previously ordered shall remain in effect until further notice. The Department intends to complete the next administrative review by the end of July, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 18, 1981.

[FR Doc. 81-27646 Filed 9-22-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Levels of Restraint for Certain Wool and Man-Made Fiber Textile Products from the People's Republic of China

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Establishing a specific ceiling of 250,000 dozen for wool sweaters in Category 445/446, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981.

(2) Reducing the level of restraint for man-made fiber sweaters in Category 645/646 by 50,000 dozen to 516,500 dozen for the twelve-month period which began on January 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: On September 21, 1981, the Governments of the United States and the People's Republic of China exchanged notes amending the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980 between the two governments to establish, among other things, a specific ceiling of 250,000 dozen for wool textile products in Category 445/446 for the agreement year which began on January 1, 1981, but including the proviso that the percentage increase of 5 percent for swing shall not apply to the category during the 1981 agreement period. It was further agreed that the level of restraint for man-made fiber sweaters in Category 645/646 shall be reduced to 516,500 dozen during the twelve-month period which began on January 1, 1981.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 4, 1980, there was published in the **Federal Register** (45 FR 80234) a letter dated November 28, 1980 to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1981. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, or wool textile products in Category 445/446 and man-made fiber textile products in Category 645/646 in excess of the designated levels of restraint during the twelve-month period which began on January 1, 1981. The letter also cancels and supersedes the directive of January 14, 1981 (46 FR 5033), which established a level of restraint of 183,706 dozen for wool textile products in Category 445/446 during the period which began on October 19, 1980 and extends through January 16, 1982.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 22, 1981.

Committtee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: This directive cancels and supersedes the directive issued to you on January 14, 1981 by the Chairman of the Committee for the Implementation of Textile Agreements which established a level of restraint for wool textile products in Category 445/446 from the People's Republic of China during the period which began on October 19, 1980 and extends through January 16, 1982. It also amends, but does not cancel, the directive issued to you on November 28, 1980 by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in the People's Republic of China.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 24, 1981 and for the twelve-month period which began on January 1, 1981 and extends through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 445/446, exported from the People's Republic of China on and after January 1, 1981, in excess of 250,000 dozen.[1]

You are further directed, effective on September 24, 1981 and for the twelve-month period which began on January 1, 1981 and extends through December 31, 1981, to reduce the level of restraint established in the directive of November 28, 1980 for man-made fiber textile products in Category 645/646 to 516,500 dozen.[1]

Textile products in Category 445/446 which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Textile products in Category 445/446 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of wool and man-made fiber textile products from China have been determined by the Committee for the Implementation of Textile

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[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

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Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81–2782[illegible] Filed 9–22–81; 10:14 am]

BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Department of the Army

Environmental Impact Statement; Binary Chemical Munitions Program

ACTION: Notice of Filing of Draft Programmatic Environmental Statement for Binary Chemical Munitions Program.

FOR FURTHER INFORMATION CONTACT: CPT Steven R. Bennett, Ecology Branch, Environmental Technology Division, Chemical Systems Laboratory, Aberdeen Proving Ground, MD 21010; telephone (301) 671–2586/3564.

Notice—On November 13, 1980, the Department of the Army published a Notice of Intent (NOI) in the **Federal Register** that information was being gathered to prepare an Environmental Impact Statement (EIS) for the construction of a 155mm GB–2 binary munition production facility. The **Federal Register** notice also announced the intent to gather environmental information to produce a Programmatic Environmental Impact Statement for the binary chemical munitions program.

Subsequent to a public scoping meeting held on December 8, 1980, at White Hall, Arkansas, an Environmental Assessment (EA) was prepared which concluded that no significant environmental impacts would occur with regard to the 155mm facility (Phase I). A Finding of No Significant Impact (FONSI) and withdrawal of the Notice of Intent to prepare an EIS for the Phase I facility was announced in the **Federal Register** on July 9, 1981. This announcement also stated that the Programmatic Environmental Impact Statement (PEIS), announced on November 13, 1980, was under preparation.

The Department of the Army on September 18, 1981, provided the Environmental Protection Agency (EPA) a Draft PEIS concerning the planned binary chemical muntions modernization program. The Draft PEIS evaluates the environmental impacts associated with the construction and operation of an Integrated Binary Production Facility. Copies of this Draft PEIS are being forwarded to concerned Federal, state and local agencies.

Interested organizations or individuals may review the PEIS at: Public Affairs Office, Pine Bluff Arsenal, Pine Bluff, Arkansas 71611; Public Affairs Office, Edgewood Area, Aberdeen Proving Ground, Maryland 21010; and at the Army Environmental Office (DAEN–ZCE), Room 1E676, Pentagon, Department of the Army, Washington, DC 20310. In addition, limited copies are available for single-copy requests from the Public Affairs Office, Edgewood Area, Aberdeen Proving Ground, Maryland. Comments on the Draft PEIS should be directed to Captain Bennett at the address shown above.

Dated: September 17, 1981.

Lewis D. Walker,

Deputy for Environmental, Safety and Occupational Health, OASA (IL&MF).

[FR Doc. 81–27582 Filed 9–22–81; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Sandoz, Inc.; Notice of Intent To Grant Limited Exclusive Patent License

Pursuant to the provisions of Part 746 of title 32, *Code of Federal Regulations* (41 FR 55711–55714, December 22, 1976), the Department of the Navy announces its intention to grant to Sandoz, Inc., a corporation of the State of Delaware, a revocable, terminable, nonassignable, limited exclusive license for a period of seven years under Government-owned United States Patent Number 4,166,112 issued August 28, 1979, entitled "Mosquito Larvae Control Using a Bacterial Larvicide", and United States Patent Number 4,187,290 issued February 5, 1980, entitled "Carrier and Dispersal Mechanism for a Microorganic Larvicide", and United States Patent Number 4,206,281 issued June 3, 1980, entitled "Method of Isolating a Spore-Forming Mosquito Larvicide".

This license will be granted unless within 60 days from the publication of this notice an application for a license from a responsible applicant is received by the Office of Naval Research (Code 302), Arlington, VA 22217, and the Chief of Naval Research or his designee determines that such applicant has established that he has already brought or is likely to bring the invention to practical application within a reasonable period under a license, or the Chief of Naval Research or his designee determines that a third party has presented to the Office of Naval Research (Code 302) evidence and argument which have established that it would not be in the interests of the Federal Government or the public to grant the limited exclusive license.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed to the Office of Naval Research (Code 302), Arlington, VA 22217, within 60 days of the publication of this notice. Also, copies of the patents may be obtained for fifty cents ($.50) from the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

For further information concerning this notice, contact: Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 305), Ballston Towers No. 1, 800 North Quincy Street, Arlington, Virginia 22217, Telephone number (202) 696–4005.

Dated: September 18, 1981.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81–27576 Filed 9–22–81; 8:45 am]

BILLING CODE 3810–AE–M

Long Range Planning Sub-Panel of the Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Long Range Planning Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on October 20, 1981, from 8:30 a.m. to 5:00 p.m., at 2000 N. Beauregard St., Alexandria, Virginia. All sessions will be closed to the public.

The agenda for the meeting will consist of discussions involving force structure plans and manpower limitations related to technical advances in weapons systems. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Captain J. C. McLauirn, USN, Program Planner, CNO Long Range Planning Group, 2000 North Beauregard Street, Room 568, Alexandria, VA 22311, Phone (202) 694-8422.

Dated: September 18, 1981.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-27577 Filed 9-22-81; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, 3 November 1981; Tuesday, 10 November 1981; Tuesday, 17 November 1981; and Tuesday, 24 November 1981 at 10:00 a.m. in Room 3D-321, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that he data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D-284, The Pentagon, Washington, D.C.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 17, 1981.

[FR Doc. 81-27604 Filed 9-22-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education, ED.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the full Council of the National Advisory Council on Indian Education and Reauthorization hearing of the Legislative, Rules and Regulations Committee of the Council. This also describes the functions of the Council. Notice of meeting is required under Section 10(a)((2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: Full Council Meeting: October 9, 1981, 9 a.m. to 5 p.m.; October 10, 1981, 9 a.m. to 5 p.m.; and October 11, 1981, 9 a.m. to 5 p.m. Reauthorization Hearing: October 12, 1981, 9 a.m. to 5 p.m.

ADDRESS: Full Council Meeting: Hilton Hotel-Portland, 921 S.W. Sixth Avenue, Portland, Oregon 97204 (503/226-1611). The meeting rooms will be the Galleria Room for October 9th and the Council Suite for October 10th and 11th. The Reauthorization Hearing: Travelodge Tower at the Coliseum, 1441 N.E. Second Avenue, Portland, Oregon 97232 (503/233-2401). The hearing room will be the Cascade Room for October 12th.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, NW., Suite 326, Washington, D.C. 20004 (202/376-8882).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92-318, (20 U.S.C. 1221g). The Council is established to:

(1) Submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(2) Advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of Pub. L. 92-318 and amended by Pub. L. 93-380), and with respect to adequate funding thereof;

(3) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of Pub. L. 92-318), and make recommendations to the Secretary with respect to their approval;

(4) Evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) Assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) as added by Title IV, Part A, of Pub. L. 92-318;

(7) Submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) Be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, Pub. L. 92-318]. For the purpose of this title, the term

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"Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the Interior to be an Indian for any purpose; or, (3) is an Eskimo or aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The full Council meeting will be open to the public. This meeting will be held at the Hilton Hotel-Portland, 921 S.W. Sixth Avenue, Portland, Oregon 97204 (503/336-1611).

The proposed agenda includes:

(1) Executive Director's Report.
(2) Action on previous meeting minutes.
(3) Committee discussions and reports.
(4) Review of NACIE FY 1982 Budget.
(5) Plans for future NACIE activities.
(6) Regular Council Business.
(7) Public Testimony.

The Reauthorization hearing will be open to the public. This hearing will be held at the Travelodge Tower at the Coliseum, 1441 N.E. Second Avenue, Portland, Oregon 97232 (503/233-2401).

The proposed agenda includes:

Preliminary public hearing on the reauthorization of the Indian Education Act, Pub. L. 912-318.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, NW., Suite 326, Washington, D.C. 20004.

Dated: September 18, 1981.

Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81-27678 Filed 9-22-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Perta Oil Marketing Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date July 1, 1981.

COMMENTS: On or before October 23, 1981.

ADDRESS:
Send comments to: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT:
Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105, (415) 764-7038.

SUPPLEMENTARY INFORMATION: On July 1, 1981, the Office of Enforcement of the ERA executed a Consent Order with Perta Oil Marketing Corporation ("Perta"), of Beverly Hills, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Perta, with its home office located in Beverly Hills, California, is a firm engaged in the reselling and retailing of refined petroleum products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Perta, the Office of Enforcement, ERA, and Perta entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order settles allegations brought by the Office of Enforcement regarding Perta's operations as a reseller and retailer of refined petroleum products during the period August, 1973 through January 28, 1981 (the "audit period").

2. The Office of Enforcement alleged that Perta violated the petroleum price regulations, specifically those found at 10 CFR Part 212, Subpart F (and their predecessors) during the audit period.

3. Perta denies the Office of Enforcement's allegations.

4. The terms of the Consent Order require that Perta refund $250,000, which includes principal and interest through June 30, 1981, plus further interest accruing from July 1, 1981 until the date of payment. Payment shall be made on or before February 28, 1982.

Of the total sum, $60,720 plus interest thereon accruing from July 1, 1981 to the date of payment shall be paid directly to Pacific Gas and Electric.

The balance of $189,280, plus applicable interest thereon from July 1, 1981 to the date of payment, shall be paid to the DOE. The refund to the DOE is to be paid to the Assistant Administrator for Enforcement, Economic Regulatory Administration, for distribution in a just and equitable manner in accordance with applicable laws and regulations.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Perta agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of $250,000 plus interest thereon. Of this amount, $189,280 plus interest thereon will be paid by certified check to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount paid to it in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I (a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount paid to DOE should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for making the proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of the Consent Order.

You should send your comments or written notification of a claim to Lon W. Smith, District Manager of Enforcement, U.S. Department of Energy, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764-7038.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Perta Oil Marketing corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on or before October 23, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 4th day of September 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 81-27587 Filed 9-2-81; 8:45 am]

BILLING CODE 6450-01-M

Tiger Oil Co., Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: May 11, 1981. Comments by: October 23, 1981.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA. 94105.

FOR FURTHER INFORMATION CONTACT: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, California 94105, telephone (415) 974-7038.

SUPPLEMENTARY INFORMATION: On May 11, 1981, the Office of Enforcement of the ERA executed a Consent Order with Tiger Oil Company of Yakima, Washington. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Tiger Oil Company (Tiger), with its home office located in Yakima, Washington, is a firm engaged in the sales of motor gasoline, and is subject to the Mandatory Petroleum Allocation Regulations at 10 C.F.R., Part 211. To resolve certain civil actions which could be brought by the offcie of Enforcement of the Economic Regulatory Administration as a result of its audit of Tiger, the Office of Enforcement, ERA, and Tiger entered into a Consent Order, the significant terms of which are as follows:

1. In certain months during the period March 1 through December 31, 1979, when Tiger's allocation fraction was equal to or less than 1.0, Tiger failed to allocate certain customers their full allocation entitlement of motor gasoline. In addition, during this same period Tiger diverted significantly more than 30 per cent of the motor gasoline entitlement from a leased station at 1st and Walnut Street through Tiger's other company owned/operated stations, without requesting or receiving the approval of ERA.

2. The violations set forth in I.1. above are contrary to 10 CFR §§211.9, 211.10, and 211.106 of the Mandatory Petroluem Allocation Regulations.

3. Tiger neither admits nor denies the liabilities set forth in I.1.

4. In settlement of certain alleged violations set forth in paragraph I.1. above, within 15 days of the effective date of this Consent Order Tiger agrees to pay $4,200 in lost rental income, which includes principal plus interest, to the lessor of the 1st and Walnut Street Station for the volume of motor gasoline diverted by Tiger from that station through Tiger's other company owned/operated stations. Tiger also agrees to pay $4,000, which includes principal and interest, to DOE within 15 days of the effective date of this Consent Order.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Tiger agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office Enforcement, ERA, arising out of the transactions with independent wholesale purchaser/reseller accounts as specified in I.1 above, the sum of $4,200 to the lessor of the Walnut Creek Station, and $4,000 to the U.S. Department of Energy, both amounts to be paid on or before May 26, 1981.

Refunded overcharges paid to DOE will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Office of Enforcement, ERA, Room 1944, 915 Second Avenue, Seattle, WA 98174. These funds will then be delivered to the Assistant Administrator for Enforcement, ERA, and will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts paid to it in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing systems, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount paid to DOE should provide written notification of the claim to ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claimants to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written

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notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disburing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 974–7038.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on Tiger Oil Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on or before October 23, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, CA, on the 31st day of August 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 81–27586 Filed 9–22–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Biomass Panel Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Biomass Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770).

Date and Time: October 6–7, 1981, 9:00 a.m. to 5:00 p.m.

Place: Department of Energy, Forrestal Building, Room 4A–110, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER–431, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: 202/ [redacted]

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda: Working session to review *draft* Biomass Energy Report.

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:00 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on September 17, 1981.

J. Ronald Young,

Associate Director for Management, Office of Energy Research.

[FR Doc. 81–27585 Filed 9–22–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RA81–72–000]

Beacon Oil Co.; Filing of Petition for Review Under 42 U.S.C. 7194

September 17, 1981.

Take notice that Beacon Oil Company on September 11, 1981 filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before October 2, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 2, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H–025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–27682 Filed 9–22–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ES81–84–000]

Central Illinois Public Service Co.; Application

September 17, 1981.

Take notice that on September 8, 1981, Central Illinois Public Service Company (Applicant) filed an Application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to issue from time to time unsecured promissory notes and commercial paper in an aggregate maximum principal amount not exceeding $120,000,000 outstanding at any time with final maturities of not later than December 31, 1983.

Any person desiring to be heard or to make any protest with reference to the Application should on or before October 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to participate as a party in a hearing must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–27683 Filed 9–22–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5228–000]

Charles J. Spinetta; Application for Preliminary Permit

September 17, 1981.

Take notice that Charles J. Spinetta (Applicant) filed on August 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5228 to be known as the Deer Creek Reservoir Power Project located on Deer Creek in Nevada County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Charles J. Spinetta, P.O. Box 451, Plymouth, California 95669.

Project Description—The proposed project would consist of: (1) A 400-foot long, 184-foot high existing Nevada Irrigation District's concrete arch dam; (2) a reservoir with a usable storage capacity of 1,400 acre-feet; (3) existing (upper) outlet works, comprising a 36-foot diameter pipe and manually operated slide gates; (4) a 4-foot diameter, 950-foot long penstock connecting the upper outlet works with; (5) a powerhouse to contain a single generating unit with a rated capacity of 900 kW, discharging into Deer Creek; and (6) a 3,400-foot long, 12-kV transmission line to extend from the powerhouse to an existing line. The average annual energy output is estimated to be 4.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, environmental, and economic feasibility studies, and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $25,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–27684 Filed 9–22–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. QF81–57–000]

City of Tampa; Application for Commission Certification of Qualifying Status as a Small Power Production Facility

September 16, 1981.

On August 12, 1981, the City of Tampa of Tampa, Florida, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a 45 megawatt biomass facility located at the above address. The primary fuel is municipal solid waste. There are no other such facilities located at the same site and the applicant plans no usage of natural gas, oil, or coal. No electric utility, electric utility holding company, or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before October 23, 1981, and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–27698 Filed 9–22–81. 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5288–000]

County of Essex and Village of Keeseville; Application for Preliminary Permit

September 17, 1981.

Take notice that the County of Essex and Village of Keeseville (Applicant) filed on August 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5288 to be known as the Ausable Project located on the Ausable River in the Town of Keeseville, Essex and Clinton County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip J. Movish, Daverman and Associates, P.C., 500 South Salina Street, Syracuse, New York 13202.

Project Description—The proposed project would consist of: (1) A 150-foot long, 8-foot high dam (material yet to be determined); (2) a reservoir with little or no storage capacity with a normal water surface elevation of 403.0 feet M.S.L.; (3) a 6-foot diameter, 250-foot long penstock; (4) a powerhouse containing turbine-generators with a total rated capacity of up to 900 kW; (5) a transmission line; and (6) appurtenant facilities. The project would generate up to 4,550,000 kWh annually. The proposed project would be located at approximately the same location as a former hydroelectric project which has almost entirely disintegrated. The site is owned by the Village of Keeseville. Energy produced at the project would be sold to New York State Electric & Gas Company or local municipalities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whehter to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $25,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 27, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 27, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27686 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5080-000]

Donnie McFadden, d.b.a. Buckeye Land Company; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 17, 1981.

Take notice that on July 17, 1981, Donnie McFadden, d.b.a. Buckeye Land Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5080) would be located on Billingsley Creek in Gooding County, Idaho. Correspondence with the Applicant should be directed to: Mr. D. William Block, c/o J-U-B Engineers, Inc., 800 Falls Avenue, Suite 1, Twin Falls, Idaho 83301.

Project Description—The proposed project would consist of: (1) Rehabilitation of an existing 11.6-foot high concrete diversion dam; (2) an 11.6-foot high, 3-foot wide headworks; (3) a 180-foot long, 36-inch diameter penstock; (4) a powerhouse with total installed capacity of 156 kW; (5) a tailrace discharging into an existing 3-acre pond; and (6) a 200-foot long, 12.5-kV transmission line interconnecting with an existing Idaho Power Company transmission line. The Applicant estimates that the average annual energy output would be 0.813 million kWh.

Purpose of Project—The power generated by this project would be sold to Idaho Power Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho State Clearinghouse are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 30, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition To intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", OR "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27686 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-83-000]

Gulf States Utilities Co.; Application

September 17, 1981.

Take notice that on September 8, 1981, Gulf States Utilities Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, requesting authorization to enter into negotiations in connection with the issuance of up $100,000,000 of First Mortgage Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27687 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5225-000]

Harold T. Barrett, Jr.; Application for Preliminary Permit

September 17, 1981.

Take notice that Harold T. Barrett, Jr. (Applicant) filed on August 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5225 known as the Tallassee Shoals Hydropower Project near Athens, Georgia, located on Middle Oconee River, in Clarke and Jackson Counties, Georgia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Harold T. Barrett, Jr., 35525 Piedmont Road, N.E., Five Piedmont Center, Suite 320, Atlanta, Georgia 30305.

Project Description—The existing project would consist of: (1) The rehabilitation of the existing breached dam, the dam is approximately 65 feet long and 25 feet high; (2) rehabilitation of the existing penstocks, powerhouse, turbines, and tailrace; (3) reinstatement of the 100-acre reservoir, with a gross storage capacity of approximately 1,000 acre feet; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 1.5 MW and the annual energy generation to be 7.0 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, is issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be $55,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 27, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protests, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 27, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27688 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-559]

Kansas Power and Light Co; Order Granting Motion To Collect Interim Settlement Rates

Issued: September 15, 1981.

On July 31, 1981, Kansas Power and Light Company (KPL) filed a motion seeking Commission authorization to collect interim rates contained in a settlement agreement between KPL and its rural electric cooperative (REC) customers, pending action by the Commission on the offer of settlement. The settlement offer was filed by KPL on August 3, 1981. KPL seeks permission to collect the settlement rates, subject to refund, in lieu of the rates originally filed in this docket, as of the first billing

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date following Commission approval of KPL's motion. KPL states that the company and the REC cooperatives have further agreed that in the event the Commission ultimately rejects the offer of settlement, KPL will recover any difference between the filed rates and the interim rates.

The originally filed rates became effective, subject to refund, on February 27, 1981. The settlement rates, in turn, represent a reduction in requested revenues. According to KPL, the purpose of the instant motion is to give the REC customers the benefit of the lower settlement rates immediately while reducing KPL's refund liability. Under the circumstances presented, particularly the concurrence of the REC customers in KPL's motion, we find that good cause exists to grant the motion.

Pursuant to § 35.1(e) of the Commission's regulations, we shall permit KPL to collect the rates contained in its offer of settlement from the REC customers, subject to refund, from the first billing date following this order until such time as the Commission acts on the offer of settlement filed by KPL. This order shall be without prejudice to our subsequent determination with respect to the merits of the offer of settlement.

The Commission orders

(A) The motion filed on July 31, 1981, by KPL for permission to collect interim settlement rates in lieu of the rates originally filed in this docket is hereby granted. KPL is authorized to collect, subject to refund, the rates for the REC cooperatives contained in its motion and offer of settlement from the first billing date following this order until the Commission acts on the offer of settlement. In the event the settlement is rejected by the Commission, KPL will be permitted to recover the difference between the filed rates and the interim rates for the period involved.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27699 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5000-000]

Lawrence R. Taft; Application for Preliminary Permit

September 17, 1981.

Take notice that Lawrence R. Taft (Applicant) filed on June 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5000 to be known as the Dustin Hydro Project located on the Black River in Oneida County in Boonville, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence R. Taft, 10315 Caughdenoy Road, Central Square, New York 13036, and Daverman and Associates, P.C., 500 South Salina Street, Syracuse, New York 13202.

Project Description—The proposed project would consist of existing facilities including: (1) Kayuta Lake Dam, a concrete gravity structure 200 feet long and 18 feet high owned by the New York State Department of Transportation; (2) Kayuta Lake, a reservoir with a surface area of about 400 acres and storage capacity of 5,600 acre-feet at spillway crest elevation 1143.0 feet m.s.l.; (3) at the southeast (left) abutment of the dam, an outlet control structure consisting of four 3-foot diameter butterfly valves; discharging through (4) four 15-foot long steel conduits proposed for use as penstock(s); (5) a trailrace; and new project works consisting of (6) a powerhouse constructed immediately below the southeast abutment and containing turbine-generator(s) rated at 500 kW; (7) transmission and electrical facilities; and (8) other appurtenances. Applicant estimates annual generation would average 2,500,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation or another public utility servicing nearby areas.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 27, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 27, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable , and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27689 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5013-001]

Modesto Irrigation District; Application for Preliminary Permit

September 17, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on July 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project

No. 5013 to the known as the Grouse Creek Humboldt Power Project located on Grouse Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of two facilities. The Upper Facility would consist of: (1) A 5-foot high by 31-foot long diversion structure on the East Fork Grouse Creek; (2) a 7,200-foot long diversion conduit; (3) a 5-foot high by 13-foot long diversion structure on the Grouse Creek; (4) a 1,200-foot long diversion conduit; (5) a 1,300-foot long, 36-inch diameter steel penstock; (6) a powerhouse with an installed capacity of 1 MW; and (7) a 1.5-mile long, 12-kV transmission line to connect to the Lower Facility. The Lower Facility would consist of: (1) a 5-foot high by 96-foot long diversion structure on the Grouse Creek; (2) a 10,200-foot long diversion structure; (3) an 800-foot long, 36-inch diameter penstock; (4) a powerhouse with an installed capacity of 2.4 MW; and (5) a 0.5-mile long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project. No new road construction or foundation exploration would be required to conduct the feasibility studies.

Competing Applications—This application was filed as a competing application to the Grouse Creek, Humboldt County Project No. 4419 filed on March 25, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27690 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5009-001]

Modesto Irrigation District; Application for Preliminary Permit

September 17, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on July 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5009 to be known as the Horse Linto Creek Project located on Horse Linto Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231–11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of three facilities. The Upper Facility would consist of: (1) A 5-foot high by 20-foot long diversion structure on East Fork Horse Linto Creek; (2) a 3,000-foot long diversion conduit; (3) a 5-foot high by 80-foot long diversion structure on Horse Linto Creek; (4) a 7,200-foot long diversion conduit; (5) a 1,000-foot long, 36-inch diameter steel penstock; (6) a powerhouse with an installed capacity of 4.5 MW; and (7) a 1.5-mile long 12-kV transmission line to connect the powerhouse to the Middle Facility. The Middle Facility would consist of: (1) A 5-foot high by 80-foot long diversion structure; (2) an 8,300-foot long diversion conduit; (3) a 900-foot long, 36-inch diameter steel penstock; (4) a powerhouse with an installed capacity of 3 MW; and (5) a 1-mile long, 12-kV transmission line to connect the powerhouse to the Lower Facility. The Lower Facility would consist of: (1) A 5-foot high by 45-foot long diversion structure; (2) a 4,500-foot long diversion conduit; (3) a 1,50-foot long, 28-inch diameter steel penstock; (4) a powerhouse with an installed capacity of 2.05 MW; and (5) a 6-mile long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project and to prepare an FERC license application. No new road construction or foundation exploration would be required to conduct the feasibility studies.

Competing Applications—This application was filed as a competing application to the Horse Linto Creek, Humboldt Project No. 4417 filed on March 25, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

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In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27691 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-392-000]

Pennsylvania Power and Light Co.; Order Granting Motion To Collect Interim Rates

Issued: September 17, 1981.

On August 6, 1981, Pennsylvania Power and Light Company (PP&L) filed a motion requesting that the Commission issue an order permitting PP&L to defer the collection of increased rates which have been accepted for filing with respect to its wholesale customers. On March 31, 1981, PP&L tendered for filing proposed changes in the rates for these customers. By order issued on May 29, 1981, the Commission conditionally accepted PP&L's filing and suspended the rates for five months. By a subsequent order issued on July 24, 1981, the Commission modified the May 29 order by suspending the rates for a period of one day from sixty days after April 10, 1981, to become effective as of June 11, 1981, subject to refund.

In its motion, PP&L states that the parties have engaged in settlement negotiations and have reached an agreement in principle. According to PP&L, as part of the settlement, the company and the customers have agreed that PP&L should continue to charge the rates and charges on file with the Commission and in effect prior to and as of March 31, 1981, until the Commission acts on the settlement. The parties further have agreed in principle that the increased settlement rates will be effective on and after August 9, 1981, but that the increase will not be collected until after the Commission's order on the settlement is issued. At that time, any under-collections will be recovered through a surcharge.

PP&L requests that the Commission modify its July 24 order to reflect this agreement. PP&L asserts that such modification is necessary in order to (1) maintain the *status quo* while the parties reduce to writing their agreement, and (2) avoid any violation of the filed rate doctrine.[1] Finally, PP&L states that Citizens Electric Company of Lewisburg, Pennsylvania supports the company's motion and that the Commission staff does not oppose the motion.

On August 11, 1981, the remaining customers of PP&L who are intervenors in the proceeding[2] filed an answer to PP&L's motion in which they state that they concur in the objectives of the motion.

Discussion

We believe that the reasons advanced by PP&L constitute good cause to grant the motion. Moreover, none of the parties or the staff has objected to the motion. Therefore, we shall modify our July 24 order as requested by PP&L.

By modifying the July 24 order, we do not intend to express any opinion as to the merits of any settlement proposal submitted to the Commission for consideration.

The Commission orders:

(A) Ordering Paragraph (B) of the Commission's order issued on July 24, 1981, in this docket is hereby vacated and replaced by the following language:

Ordering Paragraph (B) of the Commission's order of May 29, 1981, in this docket is hereby vacated and replaced by the following language: "PP&L's rates tendered for filing on March 31, 1981, are accepted for filing and are suspended for a period of one day from sixty days after April 10, 1981, to become effective as of June 11, 1981, subject to refund; provided however, that PP&L may continue to collect from its customers those rates and charges on file and in effect as of March 31, 1981, until the Commission issues its order on the the settlement agreement to be filed in this proceeding; and provided further, that PP&L may collect through the imposition of a surcharge any undercollections (*i.e.* the difference between rates and charges on file and in effect as of March 31, 1981, and the rates ultimately approved in this docket) from and after August 9, 1981, until the date of the Commission's order on the settlement agreement."

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27692 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5202-000]

Public Utility District No. 1 of Jefferson County, Washington; Application for Preliminary Permit

September 17, 1981.

Take notice that the Public Utility District No. 1 of Jefferson County, Washington (Applicant) filed on August 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 7981(a)–825(r)] for Project No. 5202 to be known as the Big Quilcene Hydroelectric Project located on Big Quilcene River in Jefferson County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. J. R. Kint, Manager, Public Utility Distrcit No. 1 of Jefferson County, Washington, Jefferson County Courthouse, Jefferson and Cass Streets, Port Townsend, Washington 98368 with a copy to: Mr. Robert H. Campbell, Roberts & Shefelman, 4100 Seafirst Fifth Avenue Plaza, 800–5th Avenue, Seattle, Washington 98104.

Project Description—The proposed project would consist of: (1) The existing city of Port Townsend's 8-foot high by 40-foot long rock-filled, wood crib diversion structure; (2) a 4.5-mile long, 6-foot diameter pipeline; (3) a 2,400-foot long penstock; (4) a powerhouse with an installed capacity of 10 MW; (5) a tailrace channel; and (6) about 1.5 miles to 3.5 miles of transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The

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[1] *See, Arkansas Louisiana Gas Co.* v. *Hall,* —— U.S. —— (July 2, 1981); *Montana-Dakota Utilities Company* v. *North Western Public Service Company,* 341 U.S. 246 (1951).

[2] The Boroughs of Watsontown, Duncannon, Blakely, Weatherly, Schuylkill Haven, Perkasie, St. Clair, Catawissa, Ephrata, Lehighton, Olyphant, Hatfield, and Quakertown, Pennsylvania.

Applicant seeks a 24-month preliminary permit to study the feasibility of constructing and operating the project.

Competing Applications—This application was filed as a competing application to the Big Quilcene Hydroelectric Project No. 4575 filed on April 22, 1981, by Crown Zellerbach under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy or any petition to intervene must also be served upon each representative of the Applicant specified in the first prargraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27693 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5055-000]

Richard E. Akin; Application for Exemption of Small Conduit Hydroelectric Facility

September 17, 1981.

Take notice that on July 2, 1981, Richard E. Akin (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Akin Power Plant Project (FERC Project No. 5055) would be located on Hangtown Creek in El Dorado County, California. Correspondence with the Applicant should be directed to: Mr. Jack F. Hannaford, Sierra Hydrotech, P.O. Box 169, Placerville, California 95667.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Project Description—The proposed project would consist of: (1) A 6-foot high concrete-masonry diversion structure; (2) a 963-foot long, 18-inch diameter steel penstock; (3) a powerhouse with total installed capacity of 165 kW; and (4) a 1,200-foot long transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy output would be 0.38 million kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representatives.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before November 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27694 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5267-000]

Tehama County Flood Control and Water Conservation District; Application for Preliminary Permit

September 17, 1981.

Take notice that Tehama County Flood Control and Water Conservation District (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5267 to be known as the Grindstone and Board Creeks in Tehama County, California. The application is on file with the Commission and is availble for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence A. Coleman, Director of Resources, Route 1, Box 4, Gerber, California 96035.

Project Description—The proposed project would consist of: (1) Eight-foot high diversion structures across Grindstone and Board Creeks; (2) Two 1.7-mile long merging diversion conduits, leading to; (3) a 2,100-foot long, 48-inch diameter penstock; (4) a powerhouse containing generating facilities with a total rated capacity of 6,400 kW; and (5) appurtenant facilities. The estimated average annual energy output is 23.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction.

V 46 SE 23 81 UMI

Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be between $80,000 and $140,000.

Competing Applications—This application was filed as a competing application to the Grindstone and Board Creek, Tehama Project No. 4387 filed on March 20, 1981, by the Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before October 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above, named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hyrdopower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27695 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI66-536-000, et al.]

Texaco Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]

September 16, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the propsoed abandonment is required by the public covenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and Date Filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI66-536-000, D, Nov. 25, 1977	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160.	Columbia Gulf Transmission Company, Parcperdue Field, Vermilion Parish, Louisiana.	(1)	
CI81-434-001 C, Sept. 1, 1981	Mobile Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corp., High Island Block A-442 Field, South Addition, Federal Offshore, Texas.	(2)	14.73
CI81-480-000, B, Aug. 24, 1981	Burk Gas Corp., 600 Oil & Gas Building, Wichita Falls, Texas 76301.	Northern Natural Gas Company, Ellis Ranch (Cleveland), Ochiltree County, Texas..	(3)	
CI81-481-000, A, Aug. 26, 1981	Fin-Oil, Inc., P.O. Box 2159, Dallas, Texas 75221	United Gas Pipe Line Company, Blocks A-563 and A-564, High Island Area, Offshore, Texas.	(4)	14.65
CI81-482-000, A, Aug. 31, 1981	Chevron U.S.A., Inc., P.O. Box 7309, San Francisco, California 94120.	Natural Gas Pipeline Company of America, Mustang Island Block 758, Offshore Texas.	(5)	14.65
CI81-483-000, A, Aug. 31, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Transcontinental Gas Pipeline Corp., Judice Field, Lafayette Parish, Louisiana.	(6)	15.025
CI81-484-000, A, Aug. 31, 1981	Conoco Inc., P.O. Box 2197, Houston, Texas 77001	Texas Eastern Transmission Corporation West, Cameron Block 261, Offshore Louisiana.	(7)	15.025

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and Date Filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI81-485-000, A, Sept. 3, 1981	Odeco Oil & Gas Company and Ocean Oil & Gas Company, P.O Box 61780, New Orleans, Louisiana 70161.	Columbia Gas Transmission Corporation, Ship Shoal Block 248 "D" Platform and 247 "F" Platform, in the Gulf of Mexico Offshore Louisiana (Federal Domain).	(8)	15.025
CI81-486-000, A, Sept. 3, 1981	Odeco Oil & Gas Company, P.O. Box 61780, New Orleans, Louisiana 70161	Michigan Wisconsin Pipe Line Company, Eugene Island Block 26, in the Gulf of Mexico, Offshore Louisiana (Federal Domain).	(9)	15.025
CI81-487-000, E, Sept. 4, 1981[10].	Monsanto Company, (Succ. In Interest to 1973 Great Basins Exploration and Development Program), 1300 Post Oak Tower, 5051 Westheimer, Houston, Texas 77056	Colorado Interstate Gas Company, Sections 17, 20 and 29, Township 23 South, Range 34 East, Lea County, New Mexico.	(11)	14.65
CI81-488-000, (CI75-339), B, Aug 31, 1981.	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221	Transcontinental Gas Pipe Line Corporation, Sorrento Field, Ascension Parish, Louisiana.	(12)	
CI81-489-000, A, Sept. 4, 1981	Sun Oil Company (Delaware), P.O. Box 20, Dallas, Texas 75221	Locust Ridge Gas Company, Lake Marydale and Chamblee Field, Tensas Parish, Louisiana	(13)	15.025
CI81-490-000, A, Sept. 4, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Transco Gas Supply Company, Eugene Island Block 242 and 243, Offshore Louisiana.	(14)	15.025
CI81-491-000, A, Sept. 4, 1981	Columbia Gas Development Corporation,[16] P.O. Box 1350, 1700 West Loop South, Houston, Texas 77001	Columbia Gas Transmission Corporation, South Half of Block 144 and the North Half of Block 159, Vermilion Area, Offshore Louisiana.	(15)	15.025

Filing Code: A—Initial Service; B—Abandonment, C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession

[1] Leases have expired or have been released in that the available supply of gas has depleted to the extent that the wells have been plugged and abandoned

[2] Applicant agrees to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart B, Section 102(d)

[3] Release of a portion of the gas from the gas well on the property to be used exclusively for engine fuel in pumping water well for irrigation purposes

[4] Applicant is filing under Gas Purchase and Sales Agreement dated July 24, 1981.

[5] Applicant agrees to accept a Certificate at the rates prescribed by the NGPA

[6] Applicant is filing under Interim Rollover Agreement dated June 24, 1981, and is filing to cover its own interest which was previously covered under a certificate issued to Perry R. Bass, in Docket No. CI61-714.

[7] Applicant is filing under Gas Purchase and Sales Agreement dated April 20, 1981.

[8] Applicant is filing under Gas Purchase and Sales Agreement dated April 10, 1981.

[9] Applicant is filing under Gas Purchase Contract dated May 18, 1981

[10] By Assignment effective September 2, 1980, J. C. Williamson and Max E. Curry assigned their interest in the acreage to Monsanto and others. The sale by Great Basins to CIG from the acreage was authorized pursuant to Great Basins small producer certificate issued Febraury 24, 1977 in Docket No. CS75-149

[11] Applicant is filing under Gas Purchas Contract dated September 26, 1974 as amended April 1, 1981, Assignment dated February 23, 1981 and Farmout Agreement dated July 23, 1980.

[12] Sun's leases have been sold by Assignment dated May 15, 1979.

[13] Applicant is filing under Contract January 1, 1981

[14] Applicant is filing under Gas Purchase Contract dated August 17, 1981.

[15] Applicant is filing under Gas Purchase and Sales Agreement dated June 23, 1981.

[16] Applicant and Purchaser are affiliated.

[FR Doc. 81-27700 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5248-000]

West Slope Power Co.; Application for Exemption for Small Hydroelectric Power Project Under 5-MW Capacity

September 17, 1981.

Take notice that On August 18, 1981, West Slope Power Company (Applicant) filed an application under Section 408 of the Energy Security Act of 180 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5248) would be located on Whisky Creek, in Madera County, California. Correspondence with the Applicant should be directed to: John S. Hansen, President, West Slope Power Company, 59880 Cascadel Drive North, North Fork, California 93643.

Project Description—The proposed project would consist of: (1) A 3.5-foot high diversion structure; (2) a 5-foot by 3-foot rectangular cross-section inlet structure; (3) a 24-inch diameter, 3,400-foot long penstock; (4) a powerhouse containing one generating unit with a rated capacity of 1,800 kW; and (5) a 2,200-foot long, 12-kV transmission line from the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 5.3 million kWh.

Purpose of Project—The project energy would be sold to Pacific Gas & Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested, however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before November 2, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but

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only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27696 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5250-000]

West Slope Power Co.; Application for Exemption for Small Hydroelectric Power Project Under 5-MW Capacity

September 17, 1981.

Take notice that on August 18, 1981, West Slope Power Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5250) would be located on Whisky Creek, in Madera County, California. Correspondence with the Applicant should be directed to: John S. Hansen, President, West Slope Power Company, 59880 Cascadel Drive North, North Fork, California 93643.

Project Description—The proposed project would consist of: (1) A 2-foot high diversion structure; (2) a 4-foot by 3-foot rectangular cross-section inlet structure; (3) an 18-inch diameter, 9,400-foot long penstock; (4) a powerhouse containing one generating unit with a rated capacity of 2,400 kW; and (5) a 1,500-foot long, 12-kV transmission line from the powerhouse to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy production would be 6.7 million kWh.

Purpose of Project—Project energy would be sold to Pacific Gas and Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act general comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 30, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will ot be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before October 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hyrdopower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27697 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Closing of Regional Offices

Notice is hereby given that the regional operations of the Office of Hearings and Appeals will terminate on September 25, 1981. As of that date, all cases pending in the five Regional Centers (located in New York, Atlanta, Chicago, Dallas and San Francisco) and the five Satellite Offices (located in Boston, Philadelphia, Kansas City, Denver and Seattle) will be transferred for analysis and decision to the National Office of Hearings and Appeals. Effective immediately, all submissions which were previously required to be filed with the regional offices, including submissions in connection with pending cases and Appeals, Applications for Exception, and Objections to Proposed Remedial Orders, shall be filed with the National Office of Hearings and

Appeals, 2000 M St., NW., Washington, D.C. 20461.

For further information, contact Richard W. Dugan, Associate Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461, Phone: (202) 653-3126.

Dated: September 16, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81-27586 Filed 9-22-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59063; TSH-FRL-1937-6]

Alkyl Glucoside; Test Marketing Exemption Application

September 15, 1981.

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by October 24, 1981. Persons should submit written comments on the applications no later than October 8, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW, Washington, D.C. 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: Carrie Berlin, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M Street, SW., Washington, D.C. 20460, (202-426-8815).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and october 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before October 8, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M Street, SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59063]". Comments received may be seen in Rm. E-107 between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

TME 81-33

Close of Review Period. October 24, 1981

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Greater than $500 million
Manufacturing site—Southeast Atlantic region

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl glucoside.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the TME substance will be used as a surfactant.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Supplied as 70% aqueous solution.

Appearance—Light to dark brown liquid, mild fatty odor
Viscosity—1350 cps @ 25° C (Brookfield)
Specific Gravity—1.16 @ 16° C
pH—7.5 (1% aqueous solution)

Toxicity Data. No data were submitted.

Environmental Test Data.

The Biological Oxygen Demand (BOD$_5$), Chemical Oxygen Demand (COD), and Total Organic Carbon (TOC) were determined for a sample of an alkyl glucoside surfactant:

For the sample as received (70% solution), the test values are:

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BOD_5—436,065 mg/l
COD—1,700,000 mg/l
TOC—338,000 mg/l
BOD_5/COD—0.[illegible]

A sample of the concentrated glucoside:

BOD_5—622,950 mg/l
COD—2,428,571 mg/l
TOC—482,857 mg/l
BOD_5/COD—0.26

The BOD_5 was determined using an unacclimated municipal sewage sludge seed. The submitter states that use of acclimated seed would probably greatly improve the BOD_5 and the prospects for extensive biodegradation of aklyl glucosides in a municipal treatment system would appear excellent.

Exposure. The manufacturer states that at a customer's site some workers may have skin exposure for a maximum of 8 hr/day, 100 day/yr.

Environmental Release/Disposal. The submitter states that one customer may release between 1,000 and 10,000 kg/yr of the substance to water.

Dated: September 14, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-27639 Filed 9-22-81; 8:45 am]

BILLING CODE [illegible]0-31-M

[AD-FRL 1920-2]

Ambient Air Monitoring Reference and Equivalent Methods; Reference Method Designation

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7049, 41 FR 11255), has designated another reference method for the measurement of ambient concentrations of carbon monoxide. The new reference method is an automated method (analyzer) which utilizes a measurement principle based in non-dispersive infared spectrometry. The method is:

RFCA-0981-054, "Thermo Electron Model 48 Gas Filter Correlation Ambient CO Analyzer," operated on the 0-50 ppm range, with a time constant setting of 30 seconds, and with or without any of the following options:

48-001	Particulate Filter
48-002	19 Inch Rack Mountable Configuration
48-003	Remote Activation of Zero and Span
48-010	Internal Zero Air Package
48-488	GPIB (General Purpose Interface Bus) IEEE-488

This method is available from Thermo Electron Corporation, 108 South Street, Hopkinton, Massachusetts 01748.

A notice of receipt of application for this method appeared in the **Federal Register**, Volume 46, July 28, 1981, page 38577.

A test analyzer representative of this method has been tested by the applicant, in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as a reference method.

The information submitted by the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a reference method, this method is acceptable for use by States and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the method above). Vendor modifications of a designated method used for purposes of Part 58 are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 of Appendix C to Part 58 (44 FR 27585).

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzer has been cancelled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference of equivalent method (although he may choose to sell it without such representation), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice under 40 CFR 53.8(b) of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this reference method will provide assistance to the States in establishing and operating their air quality surveillance systems under Part 58. Additional information concerning this action may be obtained by writing to the address given above. Technical questions concerning the method should be directed to the manufacturer.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not a major regulation because it imposes no additional regulatory requirements, but instead announces the designation of an additional reference method that is acceptable for use by states and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979) or other applications where use of a reference method is required.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Andrew P. Jovanovich,

Assistant Administrator for Research and Development.

August 18, 1981.

[FR Doc. 81-27644 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-38-M

[OPTS-51317; TSH-FRL-1937-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of nine PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-437, 81-438, 81-439, 81-440, 81-441, 81-442, 81-443, 81-444, and 81-445, November 7, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51317]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-437	George Bagley	(202-426-2601)	E-210.
81-438	Rachel Diamond	(202-426-2601)	E-222.
81-439	Kathleen Ehrensberger.	(202-426-8815)	E-222.
81-440	Rachel Diamond	(202-426-2601)	E-222.
81-441	Mary Cushmac	(202-426-0503)	E-229.
81-442	Kathleen Ehrensberger.	(202-426-8815)	E-222.
81-443	Mary Cushmac	(202-426-0503)	E-229.
81-444	Carrie Berlin	(202-426-8815)	E-222.
81-445	Rose Allison	(202-426-8815)	E-222.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-437

Close of Review Period. December 7, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polynitro polyhalo alkyl aniline.

Use. The manufacturer states that the PMN substance will be used as a captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Melting point—141–142°.
Soluble in acetone and alcohol.
Insoluble in water.

Toxicity Data.

Oral toxicity LD_{50} (rat)—>500 mg/kg.
Oral toxicity LD_{50} (dog)—>2 g/kg.
Dermal toxicity LD_{50} (rabbit)—Slight irritant.
Occular irritation (ratbit)—Slight irritant.
Inhalation toxicity LC_{50} $^{\text{(rat)}}$—>$^{\text{0.43 mg/L}}$.
Ames Salmonella—Non-mutagenic.

Exposure. The manufacturer states that 2 workers may experience dermal and inhalation exposure 3 hrs/day, 6 days/yr.

Environmental Release/Disposal. The manufacturer states that disposal will be by destruction.

PMN 81-438

Close of Review Period. December 7, 1981.

Manufacturer's Identity. Morton Chemical, 2 N. Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted arylamino anthraquinone derivatives.

Use. The manufacturer states that the PMN substance will be used as a colorant for fibrous sheet structures.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	600	2,500
2nd year	3,000	13,000
3rd year	3,900	13,000

Physical/Chemical Properties.

Vapor pressure—$<10^{-2}$ torr
Density—1.0 gram/cubic centimeter
Solubility in water—10^{-4} gram/liter
Pour point— −50° F
Boiling sublimation point—>200° C

Toxicity Data.

Acute oral toxicity LD_{50} (rats)—Non-toxic
Acute dermal toxicity LD_{50} (rabbits)—2.0 g/kg
Primary dermal irritation—Non-irritating
Acute eye irritation (rabbits)—Practically non-irritating
Guinea pig sensitization study—Non-sensitive
Biocompatibility and human patch tests—Non-irritating

Exposure. The manufacturer states that during manufacture and processing a total of 35 workers may experience dermal exposure 13 hrs/day, 1,27 days/yr. Exposure may occur during liquid separation, filtration, drumming, sample analysis, filling and emptying drums, and removal of dyed fibrous sheet structures from the dyeing process.

Environmental Release/Disposal. the manufacturer states that less than 10 kg/yr of the chemical substance may be released to water 2 hrs/day, 9 days/yr. Less than 10 kg/yr may also be released to air. Disposal will be to a publicly owned treatment works (POTW).

PMN 81-439

Close of Review Period. December 7, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—Over $5,000,000
Manufacturing site—Mid-Atlantic and East North Central region
Standard Industrial Classification code—286

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyd resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—Amber liquid
Solvent—Xylene and butyl carbitol
Percent non-volatile by weight—58.6
Percent non-volatile by volume—59.0
Specific gravity—0.98
Specific gravity (NV)—1.002
Viscosity @ 25° C—Z—(G.H.)
Boiling point—362° F
Vapor pressure—1.10 mm/kg @ 68° F
Vapor density—5.5
Solubility in water—Negligible
Flash point (closed sup)—131° F
Flammability limits—0.9—5.9 percent

Toxicity Data. The manufacturer states that acute and mutagenicity toxicologic data on the class of alkyd resins of which this new substance is a part, demonstrate that they possess minimal, if any, health hazards.

Exposure. The manufacturer states that use will involve exposure to chemical industry employess approximately once a month with very low potential for dermal contact.

Environmental Release/Disposal. the manufacturer states that the substance will be used in a contained use that will release more than 50 but less than 5,000 kg/yr to the environment as solid waste.

PMN 81-440

Close of Review Period. December 7, 1981.

Manufactuere's identity. Morton Chemical, 2 N. Riverside Plaza, Chicago, IL 60606.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted 1,4-bis arylamino anthraquinone.

Use. The manufacturer states that the PMN substance will be used as a colorant for fibrous sheet structures.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	600	2,500
2nd year	3,000	13,000
3rd year	3,000	13,000

Physical/Chemical Properties.

Vapor pressure—$<10^{-2}$ toor
Density—1.0 grams/cubic centimeter
Solubility in water—10^{-4} gram/liter
Pour point— −50°F

Boiling sublimation point—>200°C

Toxicity Data.

Acute oral toxicity LD_{50} (rats)—Non-toxic

Acute dermal toxicity LD_{50}—2.0 g/kg

Primary dermal irritation—Non-irritating.

Acute eye irritation—Practically non-irritating

Guinea pig sensitization study—Non-sensitive

biocompatibility and human patch tests—Non-irritating

Exposure. The manufacturer states that during manufacture and processing a total of 35 workers may experience dermal exposure 13 hrs/day, 121 days/yr. Exposure may occur during liquid separation, filtration, drumming, sample analysis, filling and emptying drums, and removal of dyed fibrous sheet structures from the dyeing process.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the chemical substance may be released to water 2 hrs/day, 7 days/yr. Less than 10 kg/yr may also be released to air. Disposal will be to a POTW.

PMN 81-441

Close of Review Period. December 7, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Mixed mono and dialkyldithio-thiadiazales.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Flash point—>200°C

Density #/Gallon—9.26

Appearance—Yellow brown liquid

Toxicity Data.

Acute oral toxicity LD_{50} (rat)—>10,000 mg/kg

Acute dermal toxicity LD_{50} (rabbits)—>2,000 mg/kg

Primary skin irritation (Draize)—1.3/8.0

Primary eye irritation (Draize)—0.0/11.0

Acute inhalation LC_{50} (rat)—>2.75 mg/1

Exposure. The manufacturer states that during manufacture and disposal 4 workers may have skin and inhalation exposure for 1.5 hrs/day, 179 days/yr during drum filling and filter clean out. Exposure levels will average at 1–10 parts per million (ppm) and peak at 10–20 ppm.

Environmental Release/Disposal. The manufacturer states that less than 0–100 kg/yr of vapor will be released to air and slight accidental spilling to water during drumming for 1.5 hrs/day, 179 days/yr. 100–1,000 kg/yr of used filter media will be released to land. Spilled material will be collected and sent to a waste water treatment facility. Disposal of used filter material will be in a licensed commercial landfill. Vented material will be sent to a vapor/liquids recovery and a DEA (Diethanol amine) scrubber.

PMN 81-442

Close of Review Period. December 7, 1981.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Benzyl ester.

Use. Claimed confidential business information.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1 year	10	100
2 years	10	1,000
3 years	[illegible]	2,000

Physical/Chemical Properties.

Appearance—Pale to light yellow liquid

Refractive Index @ 25°C—1.478–1.486

Specific gravity @ 25°C—0.970–0990

Flash point (closed cup method)—Above 100°F

Solubility in water—Slightly soluble

Melting range—N/A

Optical rotation—N/A

Shelf life—Estimated 1 yr.

Toxicity Data.

Acute oral toxicity LD_{50} (rats)—Males—3.8 gm/kg; Females—3.2 gm/kg

Acute dermal toxicity LD_{50} (rabbits)—>2.0 gm/kg

Primary skin irritation (rabbits)—Non-irritant

Primary eye irritation (rabbits)—Non-irritant

Repeated insult patch test/photosensitization study in human subjects—Non-irritant

Exposure. The importer states that during use 2 workers will experience inhalation exposure <1 hr/day, 20 days/yr. Exposure level will peak at 1–10 ppm. No disposal problems are anticipated.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to air <1 hr/day, <20 days/yr.

PMN 81-443

Close of Review Period. December 7, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual Sales—Between $10,000,000 and [illegible]

Manufacturing site—Middle Atlantic region

Standard Industrial Classification Code—286

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Poly[(amino alkyl)alkylene oxide].

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN indicates that the substance will be used in an open use that will release less than 5,000 kg/yr to the environment. Use will involve non-chemical industry employee exposure once or twice a week, with potential eye or skin contact. The majority of release will be to landfill.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 3 workers will experience dermal and oral exposure from drumming operations for 8 hrs/day, 15 days/yr. Exposure levels averaging and peaking at 10–100 ppm.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water 10 hrs/day, 15 days/yr. Less than 10 kg/yr will be released to land. Disposal will be to a Joint Meeting Sewer Treatment Plant.

PMN 81-444

Close of Review Period. December 7, 1981.

Importer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million

Manufacturing site—Mid-Atlantic region

Standard Industrial Classification Code—2865

Specific Chemical Identity. Claimed confidential busines information. Generic name provided: Substituted heterocyclicphenyl-azo dye.

Use. The manufacturer states that the PMN substance will be used as a dye for textile fibers and fabrics.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	[illegible]	250
2d year	600	1,000
3d year	1,000	5,000

Physical/Chemical Properties.

Appearance—Deep, red liquid, characteristic odor

ph—7.5–8.5

Biodegradability (static method) Soluble in water—50–100 percent (photometry)

Toxicity Data.

Oral toxicity LD_{50} (rat)5 g/kg

Skin irritation (rabit)—Slightly irritating

Eye irritation (rabbit—Slightly irritating

Exposure. The importer states that 60 workers may experience dermal exposure during processing, use, and disposal 5 hrs/day, 120 days/yr. Exposure could occur while weighing the dye before mixing a printing paste, while transferring the printing paste to the print machine, and while inspecting the printed fabric.

Environmental Release/Disposal. The importer states that from 100–1,000 kg/yr may be released to water 2 hrs/day, 120 days/yr via POTW. Disposal of dyed fabric waste will be by incineration.

PMN 81-445

Close of Review Period. December 7, 1981.

Importer's Identity. The Sherwin-Williams Company, Chemicals Division, P.O. Box 6520, Cleveland, OH 44101.

Specific Chemical Identity. Polyglycidyl-*m*-xylenediamine.

Use. The importer states that the PMN substance will be used as an intermediate for resins.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	600	2,000
2nd year	1,500	5,000
3rd year	5,000	[illegible]

Physical/Chemical Properties.

Specific gravity—1.147

Solubility (water)—Insoluble

Frequency point—Viscosity increases on cooling; no crystallization

Vapor pressure—<0.1 mm/kg @ 170°C

Percent volatiles—0.3–0.7

Appearance—Light yellow liquid

Flash point (Pensky-Mortens) 190°C

Chemical Reactivity/Compatibility—Amines, acids (produces an exothermic reaction in presence of amines

Toxicity Data.

Acute oral toxicity LD_{50} (rat)—730 mg/kg (male); 630 mg/kg (female)

Primary dermal irritation (rabbit)—Moderate irritant

Ames Salmonella—Mutagenic

Exposure. The importer states that during the processing of the new chemical substance, one worker may experience dermal exposure for one hour or less, 30 days/yr.

Environmental Release/Disposal. The importer states that no release of this material is expected.

Dated: September 14, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-27635 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51318; TSH-FRL-1937-7]

Certain Chemicals; Premanufacture Notices

September 15, 1981.

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of eight PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-446 and 81-450, November 7, 1981. PMN 81-447 and 81-449, November 8, 1981. PMN 81-451, 81-452, 81-453, and 81-454, November 9, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51318]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-446	Rachel Diamond	(202-426-2601)	E-222
81-447	Wendy Clelland-[illegible]	(202-426-0503)	E-229
81-449	June Thompson	(202-426-6660)	E-529E
81-450	Rachel Diamond	(202-426-2601)	E-222
81-451	Rose Allison	(202-426-8815)	E-222
81-452	Rose Allison	(202-426-8815)	E-222
81-453	Rose Allison	(202-426-8815)	E-222
81-454	Rose Allison	(202-426-8815)	E-222.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-446

Close of Review Period. December 7, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polydimethylsiloxane, alkyl and terpenyl substituted.

Use. The manufacturer states that the PMN substance will be used in a silicone coating polymer.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—>600°F.

Density—0.98 gm/ml.

Vapor pressure—Negligible @ 25°C.

Solubility (water)—negligible.

Octanol/water partition coefficient—Miscible in octanol/immiscible in water (estimate).

Viscosity—700–3,000 cps @ 20°C.

Toxicity data

Oral toxicity LD_{50}T1 (RAT)—5.2 GM/KG.

Skin irritation (rabbit)—Non-irritant.

Eye irritation (rabbit)—Non-irritant.

Exposure. The manufacturer states that during manufacture and testing workers could experience dermal exposure.

Environmental Release/Disposal. The manufacturer states that no release to the environment is expected. Material will be disposed of by incineration.

PMN 81-447

Close of Review Period. December 8, 1981.

Importer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$100,000,000–$499,999,999.

Manufacturing site—Mid-Atlantic region.

Standard Industrial Classification Code—2891.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester based urethane.

Use. The importer states that the PMN substance will be used as an adhesive.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	30,000
2d year	10,000	60,000
3d year	20,000	120,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The importer states that the product will initially be sold to 15 customers. No further data is available.

Environmental Release/Disposal. The importer states that waste product and containers should be disposed of in accordance with Resource Conservation Recovery Act (RCRA) standards.

PMN 81-449

Close of Review Period. December 8, 1981.

Manufacturer's Identity. ABCOR, Inc., 850 Main Street, Wilmington, DE 01887.

Specific Chemical Identity. Claimed confidential business information. Generic name provided. Fluoro methacrylate copolymer.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that the new chemical substance is not volatile, nor soluble in water, therefore, no exposure value can be ascribed to it.

Environmental Release/Disposal. The manufacturer states that due to its non-volatile and non-soluble nature, the new substance will not be released. Disposal will be by usual plant ventilation and aqueous discharge into a publicly owned treatment works (POTW).

Close of Review Period. December 7, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Standard Industrial Classification Code—28

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Di(aryl) polyhalosemi-metal.

Use. The manufacturer states that the PMN substance will be used as a catalyst in industrial use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Brown viscous syrupy liquid.

Density—1.19 qm/ml @ 20°C.

Vapor pressure—Negligible.

V 46 6 SE 23 81 UMI

Water solubility—Negligible.

Viscosity—500–1,000 cps @ 20°C (estimate).

Toxicity Data

Acute oral toxicity LD_{50} (rat)—500–5,000 mg/kg.

Acute dermal toxicity LD_{50} (rabbit)—2,000 mg/kg.

Primary skin irritation (rabbit)—Not an irritant.

Primary eye irritation (rabbit)—Primary irritant.

Ames Salmonella—Non-mutagenic.

DNA repair:
POL A+ No effect observed.
POL A− No effect observed.

In vitro point mutation—Mutants without enzyme activation were recorded.

In vivo cytogenetics—No abnormal chromosome forms were detected.

Mammalian cell transformation with and without enzyme activation—Not a mutagen nor a carcinogen.

Exposure. The manufacturer states that during manufacture and testing workers could experience dermal exposure.

Environmental Release/Disposal. The manufacturer states that no release to the environment is expected Material will be disposed of by incineration.

PMN 81–451

Close of Review Period. December 9, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified phenolic novolak resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–452

Close of Review Period. December 9, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified phenolic novolak resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–453

Close of Review Period. December 9, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified phenolic novolak resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–454

Close of Review Period. December 9, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed Confidential business information. Generic name provided: Modified phenolic novoak resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

Dated: September 14, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81–27640 Filed 9–22–81; 8:45 am]

BILLING CODE 6560-31-M

[PF–237; PH–FRL–1937–8]

Certain Pesticide Chemicals; Pesticide and Additive Petitions

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed petitions proposing a food additive regulation and establishing tolerances for certain pesticide chemicals in or on certain food items and raw agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF–237]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food additive and pesticide petitions have been submitted to the agency requesting establishment of a food additive regulation and tolerances for certain pesticide chemicals in or on certain food items and raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition

FAP IH5310. Monsanto Co., 1101 17th St., NW., Washington, DC 20036. Proposes amending 21 CFR 193.235 by establishing a regulation permitting residues of the herbicide glyphosate [*N*–(phosphonomethyl)glycine] and its metabolite aminomethyl phosophonic acid in or on the commodities tea at 1.0 part per million (ppm) and instant tea at 4.0 ppm. (PM–25, Robert J. Taylor, 703–557–7066).

PP 1F2534. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105. Proposes amending 40 CFR 180.274 by establishing tolerances for the combined residues of the herbicide propanil (3′,4′-dichloropionanilide) and its methabolites (calculated as 3′,4′-dichloropropionanilide) in or on the raw agricultural commodities barley (grain) at 0.2 ppm; barley (straw at 0.75 ppm; oats (grain) at 0.2 ppm; and oats (straw) at 0.75 ppm. The proposed analytical method for determining residues is gas chromatography using electron capture detector. (PM 25, Robert J. Taylor, 703–557–7066).

PP 1F2538. Sandoz, Inc., 480 Camino Del Rio South, San Diego, CA 92108. Proposes amending 40 CFR 180.356 by establishing tolerances for residues of the herbicide norflurazon [4—chloro-5-(methylamino)-2-alpha,alpha,alpha-trifluoro-m-tolyl)-3(2*H*)-pyridazinone] and its desmethyl methabolite [4-chloro-5-amino-2-(alpha,alpha,alpha-trifluoro-*m*-tolyl)–3(2*H*)-pyridazinone in or on the raw agricultural commodities soybean seed at 0.1 ppm and soybean forage and hay at 1.0 ppm. The proposed analytical method for determining residues is gas chromatography using an electron capture detector. (PM–23, Richard F. Mountfort 703–557–7070)

PP 1F2536. Shell Oil Co., Suite 200, 1025 Connecticut Avenue NW, Washington, DC 20036. Proposes amending 40 CFR 180.379 by establishing a tolerance for residues of the insecticide cyano (3-phenoxphenyl) methyl-4-chloro-alpha-(methylethyl) benzeneacetate in or on the raw agricultural commodity cabbage at 10 ppm. The proposed analytical method for determining residues is gas chromatography. (PM 17, Franklin D.R. Gee, 703–557–7028).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: September 14, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–27641 Filed 9–22–81; 8:45 am]

BILLING CODE 6560-32-M

[PF-239; PH-FRL-1938-1]

Certain Pesticide Chemicals; Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed petitions proposing a feed additive regulation and establishing tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-239]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food additive and pesticide petitions have been submitted to the agency requesting establishment of a food additive regulation and tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

PP 1F2545. 3M/Agricultural Products Project, 3M Center, Building 223–6 SE, St. Paul, MN 55144. Proposes amending 40 CFR 180.386 by establishing a tolerance for the residues of the herbicide mefluidide (*N*-[2,4-dimethyl-5-[[(trifluoromethyl)-sulfonyl]amino]phenyl]acetamide) derived from application of the diethanolamine or potassium salt and calculated as the free acid, in or on the raw agricultural commodity soybeans at 0.01 part per million (ppm). The proposed analytical method for determining residues is gas chromatography with an electron detector. (PM–25, Robert Taylor, 557–7066).

PP 1F2549. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105. Proposes amending 40 CFR 180.381 by establishing tolerances for the combined residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodities cherries, figs, and pears at 0.05 ppm. The proposed analytical method for determining residues is gas chromatography using an electron capture detector. (PM–23, Richard Mountfort, 557–7070).

PP 1F2560. Uniroyal Chemical, Division of Uniroyal, Inc., 74 Amity Rd, Bethany, CT 06525. Proposes amending 40 CFR 180, by establishing a tolerance for the residues of the harvest growth regulant 2,3-dihydro-5,6-dimethyl-1,4-dithiin 1,1,4,4-tetraoxide in or on the raw agricultural commodities cottonseed at 0.5 ppm and potatoes at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography. (PM–25, Robert Taylor, 557–7066).

FAP 1H5317. Uniroyal Chemical. Proposes amending 21 CFR 561 by establishing a regulation permitting residues of the harvest growth regulant 2,3-dihydro-5,6-dimethyl-1,4-dithiin 1,1,4,4-tetraoxide in or on the commodity cottonseed hulls at 0.7 ppm. (PM–25, Robert Taylor, 557–7066).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: September 14, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–27642 Filed 9–22–81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-59064; TSH-FRL-1937-3]

Di(Aryl)Polyhalosemi-Metal; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of one application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATES: The Agency must either approve or deny this application by October 24, 1981. Persons should submit written comments on the applications no later than October 8, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW., Washington, D.C. 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT: Kathleen Ehrensberger, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–222, 401 M Street, SW., Washington, D.C. 20460, (202–426–8815).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—

Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before October 8, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M Street, SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59064]". Comments received may be seen in Rm. E-107 between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

TME 81-34

Close of Review Period. October 24, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Standard Industrial Classification Code—[redacted]

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Di(Aryl)polyhalosemi-metal.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the TME substance will be used as a catalyst in an industrial use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. The chemical is a viscous, syrupy fluid at room temperature.

Density—1.19 gm/ml.
Vapor pressure—Negligible.
Water solubility—Negligible.
Viscosity—800–1,000 cps @ 20°C.

Toxicity Data

Oral toxicity LD_{50} (rat)—500–5,000 mg/kg.

Dermal toxicity LD_{50} (rabbit)—<2,000 mg/kg.

Primary eye irritation (rabbit)—Mild irritant (grade range 15–25/110).

Primary skin irritation (rabbit)—Not a skin irritant.

Mutagenicity Screening

Salmonella Microsomal Assay

TA 1537 without enzyme activation—Positive.
TA 1535 with enzyme activation—Positive.
TA 1538—Negative.
TA 98—Negative.
TA 100—Negative.

DNA Repair

POL A——No effects observed.
POL A—No effects observed.

In-Vitro point mutation BALB/3T3 cells—Cytotoxic, dose related mutants without enzyme activation were recorded.

In-vivo cytogenetics—No abnormal chromosome forms were detected.

Mammalian cell transformation with enzyme activation—Not a mutagen nor a carcinogen.

Mammalian cell transformation without enzyme activation—Not a mutagen nor a carcinogen.

Exposure. The submitter states that some workers may have skin exposure during manufacture and quality control testing.

Environmental Release/Disposal. The manufacturer states that material for incineration is transferred by drum to an on-site incinerator.

Dated: September 14, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-27636 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-31-M

[PF-73B; PH-FRL-1937-5]

Mobay Chemical Corp.; Filing of Pesticide Petition; Amendment

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice amends pesticide petition 7F1951, submitted by Mobay Chemical Corp., proposing to establish tolerances for the combined residues of the insecticide mesurol, [3,5-dimethyl-4-(methylthio)phenyl methylcarbamate and its cholinesterase-inhibiting metabolites in or on certain raw agricultural commodities.

ADDRESS: Written comments and inquiries should be directed to: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments and inquiries may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-73B]" and the petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: William H. Miller (703-557-7040).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of June 30, 1977 (42 FR 33363) that Mobay Chemical Corp., Chemagro Agricultural Div., PO Box 4913, Kansas City, MO 64120, had submitted a pesticide petition (PP 7F1951) to EPA proposing that 40 CFR 180.320 be amended by establishing tolerances for the combined residues of the insecticide mesurol [3,5-dimethyl-4-(methylthio)phenyl methylcarbamate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities artichokes at 0.1 part per million (ppm); beans (lima) at 0.1 ppm; beans (snap) at 1.0 ppm; cabbage at 20 ppm; cauliflower at 5.0 ppm; strawberries at 7.0 ppm; and tomatoes at 0.5 ppm.

A correction documents to this notice published in the **Federal Register** of July 25, 1977 (42 FR 37847) added the raw agricultural commodities broccoli at 2.0 ppm and brussels sprouts at 1.0 ppm.

Mobay Chemical Corp. has submitted a revised section F of the petition proposing that the tolerances be increased for artichokes from 0.1 ppm to 0.2 ppm; beans (lima) from 0.1 ppm to 0.2 ppm; cauliflower from 5.0 ppm to 7.0 ppm, and tomatoes from 0.5 to 1.0 ppm. Mobay also proposes that a tolerance be established for bean vines and hay at 1.0 ppm.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135))

Dated: September 14, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-27638 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-32-M

[A-3-FRL 1933-5]

Memorandum of Understanding for the Prevention of Significant Deterioration of Air Quality

AGENCY: Environmental Protection Agency.

ACTION: Information notice.

SUMMARY: EPA Region III and the State of West Virginia have developed a Memorandum of Understanding (MOU) which provides for interagency cooperation in implementing the PSD program. Through the MOU, the State of West Virginia will receive and process PSD permits; however, EPA Region III will retain full authority and responsibility to issue or deny PSD permits.

EFFECTIVE DATE: September 23, 1981.

The Regional Administrator finds good cause for making this MOU effective immediately in that it is an administrative change and not one of substantive content.

ADDRESSES: Copies of the MOU and related documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Robert J. Blaszczak (3AH13), 215/597-8186 or FTS 597-8186

West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311, Attn: Carl G. Beard, 204/348-3286 or FTS 885-3286

FOR FURTHER INFORMATION CONTACT: Robert J. Blaszczak at 215/597-8186 or FTS 597-8186.

SUPPLEMENTARY INFORMATION: The Regional Administrator, EPA Region III, and the Chairman of the West Virginia Air Pollution Control Commission have signed a Memorandum of Understanding (MOU), which provides for interagency cooperation in the implementation of the PSD program. As of the effective date, all PSD permit applications for sources locating in West Virginia will be submitted directly to the State of West Virginia for processing. Aside from these processing activities, EPA Region III will retain full authority and responsibility for the PSD program in the State of West Virginia. Processing activities include applicability/completeness evaluations and BACT, air quality and other impact analyses. EPA Region III retains full authority and responsbility to issue and/or deny PSD permits.

The MOU will become effective as of September 23, 1981. The Regional Administrator finds good cause for making the MOU effective immediately in that it is an administratve change and not one of substantive content.

Under Executive Order 12291, EPA must also judge whether a publication is "major" and therefore subject to the requirement of a regulatory impact analysis. This MOU is not "major." This action only provides for the implementation of an administrative change in PSD permit processing, and does not change any existing regulatory requirement.

This MOU was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effective immediately, all applications and other information pursuant to § 52.21 from sources locating in the State of West Virginia should be submitted to the State of West Virginia agency at the following address:

West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311

(42 U.S.C. 7601(a)(1))

Dated: August 28, 1981.

Alvin R. Morris,

Acting Regional Administrator.

[FR Doc. 81-27643 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-38-M

[PF-198A; PH-FRL-1937-4]

Shell Oil Co.; Feed Additive Petition; Amendment

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice amends a feed additive petition (FAP OH 5268) permitting residues of the insecticide cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(l-methylethyl) benzeneacetate in or on soybean hulls.

ADDRESS: Written comments or inquires to: Franklin D. R. Gee, Production Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of August 15, 1980 (45 FR 54426) that Shell Oil Co., Suite 200, 1025 Connecticut Ave., Washington, D.C. 20036, had submitted a feed additive petition (FAP OH 5268) proposing that 21 CFR Part 561 be amended by permitting residues of the Insecticide cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(l-methylethyl) benzeneacetate in or on soybean hulls at 0.1 ppm.

Shell Oil Co. has submitted a revised section F petition proposing that the tolerance be increased from 0.1 ppm to 1.0 ppm.

(Sec. 408(d)(1) 68 Stat. 512, (U.S.C. 135)

Dated: September 14, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-27637 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-32-M

[EN-FRL-1938-3]

Fuels and Fuel Additives; Waiver Application; Ethyl Corp.; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction, and Extension of Comment Period.

SUMMARY: An inadvertent error appeared in EPA's **Federal Register** notice (46 FR 35180, July 7, 1981) of a submission by the Ethyl Corporation (Ethyl) of an application for a waiver of the section 211(f) prohibition on certain fuels and fuel additives set forth in the Clean Air Act. The notice stated that Ethyl's application is for the additive methylcyclopentadienyl manganese tricarbonyl (MMT) at a concentration of

up to 1/64 of a gram per gallon of unleaded gasoline. This was an error because of the omission of the phrase, "of manganese". The correct statement is that Ethyl's application is for the additive methylcyclopentadienyl manganese tricarbonyl (MMT) at a concentration of up to 1/64 of a gram of manganese per gallon of unleaded gasoline. This error appears three times in the notice (46 FR 35180).

The original **Federal Register** notice is changed by the insertion of the phrase, "of manganese" after the word "gram" in three places: (1) Line 9 of the summary, (2) the third line from the bottom of column 2, and (3) the third line of columnm 3.

Also, in order to allow time for interested parties to consider this correction, the comment period is hereby extended to October 23, 1981. This extension of the comment period does not affect the final date for granting or denying a waiver. That date is still November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Robert Gelman, Environmental Scientist, Field Operations and Support Division (EN-397), U.S. Environmental Protection Agency, 401 M Street, Washington, D.C. 20460, (202) 382-2635.

Dated: September 15, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-27711 Filed 9-22-81; 8:45 am]

BILLING CODE [illegible]

[OPTS-59060A; TSH-FRL-1940-4]

Poly(Ester)-Co-Poly(Ether); Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-29) under section 5 of the Toxic Substances Control Act (TSCA) on August 19, 1981. Notice of receipt of the application was published in the **Federal Register** of September 2, 1981 (46 FR 44045). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on September 15, 1981.

FOR FURTHER INFORMATION CONTACT: Rachel S. Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, D.C. 20460, (202-426-8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On August 19, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and (5)(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-29. The manufacturer claimed its identity, the specific chemical identity, and the specific use of the new substance as confidential business information. The generic name of the new substance is poly(ester)-co-poly(ether), and it will be used in textile fibers. A maximum of 8,800 pounds will be manufactured for test market purposes, during a test marketing period not to exceed one year. During manufacture and processing, one worker will be dermally exposed for a total of 356 hours. During industrial use, one worker will be dermally exposed for a total of 440 hours. A notice published in the **Federal Register** of September 2, 1981 (46 FR 44045) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency has not received any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-81-29, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. The substance will be manufactured in a closed system. No significant health concerns were identified for the TME substance. Consumer exposure to the new substance will be through the skin and will be minimal. Dermal testing has shown the substance to be nonirritating and nonsensitizing. No significant environmental concerns were identified, and environmental release of the substance will be low.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.
2. The applicant must maintain records of the date(s) of shipment(s) to the customer specified in the application, and the quantities shipped in each shipment, and must make these records available to EPA upon request.
3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.
4. The production volume of the new substance may not exceed the quantity of 8,800 pounds described in the test marketing exemption application.
5. The test marketing activity approved in this notice is limited to a period of one year commencing on the date of signature of this notice by the Administrator.
6. The number of workers exposed to the new chemical should not exceed that specified in the application and the duration of exposure should not exceed that specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: September 15, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-27679 Filed 9-22-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL HOME LOAN BANK BOARD

Perpetual Savings and Loan Association, Rapid City, South Dakota; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Perpetual Savings and Loan Association, Rapid City, South Dakota, effective September 14, 1981.

Dated: September 18, 1981.

J. J. Finn,

Secretary.

[FR Doc. 81-27680 Filed 9-22-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Capital Bankshares Corp.; Formation of Bank Holding Company

Capital Bankshares Corporation, Atlanta, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Capital City Bank, Hapeville, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27594 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Elk Valley Bancshares, Inc.; Formation of Bank Holding Company

Elk Valley Bancshares, Inc., Fayetteville, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Peoples Bank of Elk Valley, Fayetteville, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27595 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

First Ogallala Investment, Inc.; Formation of Bank Holding Company

First Ogallala Investment, Inc., Ogallala, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The First National Bank in Ogallala, Ogallala, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City, Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27596 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Ridgway Bancorp, Inc.; Formation of Bank Holding Company

Ridgway Bancorp, Inc., Ridgway, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of Gallatin State Bank, Ridgway, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27597 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Security Bancorp: Formation of Bank Holding Company

Security Bancorp, Stanton, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Security State Bank Stanton, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

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Board of Governors of the Federal Reserve System, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27598 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Sun Banks of Florida, Inc.; Acquisition of Bank Holding Company

Sun Banks of Florida, Inc., Orlando, Florida, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Century Banks, Inc., Fort Lauderdale, Florida. The factors that are considerd in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Subsidiaries of Sun Banks of Florida, Inc., Orlando, Florida, are also engaged in the following nonbank activities: insurance, data processing, and mortgage activities. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System Washington, D.C. 20551, to be received not later than October 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27599 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Sun Banks of Florida, Inc.; Proposed Acquisition of Century Computer Services, Inc. and C.B.I. Insurance Agency, Inc.

Sun Banks of Florida, Inc., Orlando, Florida, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to indirectly acquire voting shares of Century Computer Services, Inc., Fort Lauderdale, Florida, and C.B.I. Insurance Agency, Inc., Fort Lauderdale, Florida, through its proposed acquisition of Century Banks, Inc., Fort Lauderdale, Florida, ("Century Banks").

Applicant states that the proposed subsidiaries would engage in bookkeeping and data processing activities, and credit life and accident and health insurance activities, respectively. These activities would be performed from existing offices of Century Banks in Fort Lauderdale, Florida, and the geographic areas to be served are the banking markets for the banking subsidiaries of Century Banks. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 16, 1981.

Board of Governors of the Federal Reserve System, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27600 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

The Tokai Bank, Ltd.; Acquisition of Bank

The Tokai Bank Limited, Nagoya, Japan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of Tokai Financial Corporation, Los Angeles, California, thus indirectly acquiring 100 per cent, less directors' qualifying shares, of the successor by merger to Continental Bank, Los Angeles, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically and questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27601 Filed 9-22-81; 8:45 am]

BILLING CODE 6210-01-M

Tokai Financial Corp.; Formation of Bank Holding Company

Tokai Financial Corporation, Los Angeles, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Continental Bank, Los Angeles, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Tokai Financial Corporation, Los Angeles, California, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Continental Loan and Continental Thrift, both of Alhambra, California.

Applicant states that Continental Loan engages in making consumer loans secured by personal and real property. Continental Thrift is an industrial loan company engaged in making second trust deed real estate loans, lease financing and automobile dealer financing. These activities would be performed from offices of Applicant's subsidiaries in Alhambra, Upland, Laguna Hills and Rancho Mirage, California, and the geographic areas to be served are Los Angeles and Orange Counties and the San Gabriel Valley, California. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than October 16, 1981.

Board of Governors of the Federal Reserve System, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27602 Filed 9-22-81: 8:45 am]

BILLING CODE 6210-01-M

Trust Co. of Georgia; Acquisition of Bank

Trust Company of Georgia, Atlanta, Georgia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of The Merchants and Farmers Bank of Milledgeville, Milledgeville, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 16, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27603 Filed 9-22-81: 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

SES Performance Review Boards for Small Client Agencies Serviced by GSA; Names of Members

Sec. 4314(c)(1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The board shall review and evaluate the initial appraisal by the supervisor of a senior executive's performance, along with any recommendations to the appointing authority relative to the performance of the senior executive.

As provided under section 601 of the Economy Act of 1932, as amended, 31 U.S.C. 686, the General Services Administration, through its Agency Liaison Division personnel office, provides various personnel management services to a number of diverse Presidential commissions, committees, and other small agencies and boards through reimbursable administrative support agreements. This notice is processed on behalf of these client agencies, and it amends our original notices in the **Federal Register** dated March 17, 1980, and May 20, 1980. Because of their small size, a Performance Review Board register has been established composed of members of the various agencies. From this register of names, the head of each client agency will appoint executives to a specific board to serve the particular client agency.

The members whose names appear on the Performance Review Board register to serve client agencies are:

Francis B. Tenny, Executive Director, Japan-United States Friendship Commission.
Stephen L. Babcock, Executive Director, Administrative Conference of the United States.
Richard K. Berg, General Counsel, Administrative Conference of the United States.
Roger K. Lewis, Commissioner (Chairman), Navajo and Hopi Indian Relocation Commission.
Sandra L. Massetto, Commissioner, Navajo and Hopi Indian Relocation Commission.
Hawley Atkinson, Commissioner (Vice Chairman), Navajo and Hopi Indian Relocation Commission.
Leon H. Berger, Executive Director, Navajo and Hopi Indian Relocation Commission.
Walter R. Roberts, Executive Director, Board for International Broadcasting.
James Critchlow, Foreign Information Officer, Board for International Broadcasting.
Arthur D. Levin, Financial Manager, Board for International Broadcasting.
Anatole Shub, Foreign Information Officer, Board for International Broadcasting.
Theodore S. Farfaglia, Executive Director, United States Metric Board.
Stanley R. Parent, Deputy Executive Director/Director, Research, Coordination and Planning United States Metric Board
John P. Donnelly, Public Information Officer, United States Metric Board.
John R. Twiss, Jr., Executive Director, Marine Mammal Commission.
Gerald D. Seinwill, Acting Director, U.S. Water Resources Council.
Frank H. Thomas, Assistant Director, Office of Policy, U.S. Water Resources Council.
Leila L. Botts, Chairman, Great Lakes Basin Commission, U.S. Water Resources Council.

FOR FURTHER INFORMATION CONTACT: Betty R. Bruce, Agency Liaison Division (202-472-9214); mailing address: General Services Administration (WXL), Washington, D.C. 20407.

Dated: September 14, 1981.

Walter V. Kallaur,

Regional Administrator, National Capitol Region.

[FR Doc. 81-27653 Filed 9-22-81: 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Bodies; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of October 1981.

Mental Health Research Education Review Committee

October 9; 9:00 a.m.

Gramercy Inn, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036
Open—October 9; 9:00 to 10:00 a.m.
Closed—Otherwise
Contact: Ms. Lu McNay, Room 9-101, Parklawn Building, 5600 Fishers Lane Rockville, Maryland 20857 (301) 443-3857

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research training activities in the fields of biological sciences, the psychological sciences, and the applied behavioral sciences areas, and makes recommendations to the National Advisory Mental Health Council for final review

Agenda: From 9:00–10:00 a.m., October 9, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Alcohol Biomedical Research Review Committee

October 14–16; 9:00 a.m.

Gramercy Inn, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036

Open—October 14; 9:00–11:00 a.m.

Closed—Otherwise

Contact: Harvey P. Stein, Ph.D., Room 16C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6106

Purpose: The Committee is charged with the initial review of applications for assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, relating to research activities, and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review

Agenda: From 9:00–11:00 a.m., October 14, the meeting will be open for discussion of administrative reports, announcements, and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Basic Psychopharmacology and Neuropsychology Research Review Committee

October 15–17; 8:00 p.m.

Holiday Inn, 8777 Georgia Avenue, Silver Spring, Maryland 10910

Open—October 16; 9:00–10:00 a.m.

Closed—Otherwise

Contact: Ms. Shirley Maltz, Room 9C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–3944

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and/or activities in the fields of basic psychopharmacology and neuropsychology, and makes recommendations to the National Advisory Mental Health Council for final review

Agenda: From 9:00–10:00 a.m., October 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 9–463 (5 U.S.C. Appendix I)

Epidemiologic and Services Research Review Committee

October 19–22; 9:00 a.m.

Georgetown Hotel, Diplomat Room, 2121 P. Street, N.W., Washington, D.C. 20037

Open—October 20; 9:00–10:00 a.m.

Closed—Otherwise

Contact: Shirley R. Margolis, Ph.D., Room 4–68 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6470

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research relating to mental health epidemiology, quantitative mental health services research, mental health services development, evaluation methodology, and knowledge transfer activities, and makes recommendations to the National Advisory Mental Health Council for final review

Agenda: From 9:00–10:00 a.m., October 20, the meeting will be open for discussion of administrative announcements and program developments. Otherwise the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Drug Abuse Psychosocial Research Subcommittee of the Drug Abuse Clinical, Behavioral, and Psychosocial Research Review Committee

October 19–23; 9:00 a.m.

Conference Room I, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Open—October 19; 9:00–9:30 a.m.

Closed—Otherwise

Contact: Mr. Ron Gold, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2620

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute on Drug Abuse for support of research and research training activities, and makes recommendations to the National Advisory Council on Drug Abuse for final review

Agenda: From 9:00–9:30 a.m., October 19, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Criminal and Violent Behavior Review Committee

October 21–23; 9:30 a.m.

Gramercy Inn, Parkview and Westview Rooms
1616 Rhode Island Avenue, N. W., Washington, D. C. 20036

Open—October 21; 9:00–10:30 a.m.

Closed—Otherwise

Contact: Mrs. Phyllis Pinzow, Room 9C–14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4868

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental health for support of research and training activities, and makes recommendations to the National Advisory Mental Health Council for final review

Agenda: From 9:00–10:30 a.m., October 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Drug Abuse Clinical and Behavioral Subcommittee of the Drug Abuse Clinical, Behavioral, and Psychosocial Research Review Committee

October 26–30; 9:00 a.m.

Conference Room H, Parklawn Building, 5600 Fishers Lane, Rockvile, Maryland 20857

Open—October 26; 9:00–9:30 a.m.

Closed—Otherwise

Contact: Mr. Daniel Mintz, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2620

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute on Drug Abuse for support of research and research training activities, and makes recommendations to the National Advisory Council on Drug Abuse for final review

Agenda: From 9:00–9:30 a.m., October 26, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Drug Abuse Biomedical Research Review committee

October 26–30; 9:00 a.m.

Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Open—October 26; 9:00–9:30 a.m.

Closed—Otherwise

Contact: Alan A. Schreier, Ph.D., Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2620

Purpose: The Committee is charged with the in1 Mental Health for support of activities in the fields of treatment development and assessment, and makes recommendations the National Advisory Mental Health Council for final review

Agenda: From 9:00–10:00 a.m., October 28, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Treatment Development and Assessment Research Review Committee

October 28–30; 9:00 a.m.

Holiday Inn
8777 Georgia Avenue, Silver Spring, Maryland 20910

Open—October 28, 9:00–10:00 a.m.
Closed—Otherwise

Contact: Ms. Pamela J. Mitchell, Room 4–68, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6470

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of activities in the fields of treatment development and assessment, and makes recommendations the National Advisory Mental Health Council for final review

Agenda: From 9:00–10:00 a.m., October 28, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Alcohol Psychosocial Research Review Committee

October 28–30; 9:00 a.m.

Holiday Inn
8120 Wisconsin Avenue, Bethesda, Maryland 20014

Open—October 28; 9:00–11:00 a.m.
Closed—Otherwise

Contact: James C. Teegarden, Ph.D., Room 16C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6106

Purpose: The Committee is charged with the initial review of applications for assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, relating to research activities, and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review

Agenda: From 9:00–11:00 a.m., October 28, the meeting will be open for discussion of administrative reports, announcements, and program developements. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the Public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Research Scientist Development Review Committee

October 29–30; 9:00 a.m.

Gramercy Inn, Westview Room 209
1616 Rhode Island Avenue, N. W., Washington D.C. 20036

Open—October 29; 9:00–11:00 a.m.
Closed—Otherwise

Contact: Ms. Diana Souder, Room 9–97, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4844

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for the support of activities to develop and execute a program of Research Scientist and Research Scientist Development Awards to appropriate institutions for the support of individuals engaged full time in reasearch and related activities relevant to mental health, and makes recommendations to the National Advisory Mental Health Council for final review

Agenda: From 9:00–9:30 a.m., October 29, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the Public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I)

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained as follows: NIAAA: Ms. Iris O'Brien, Acting Committee Management Officer, Room 16C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6106. NIDA: Ms. Lucy Stevens, Committee Management Officer, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2620. NIMH: Ms. Helen Garrett, Committee Management Officer, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4333.

Dated: September 18, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81–27655 Filed 9–22–81: 8:45 am]

BILLING CODE 4110–84–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Dr. Riley McClelland, School of Forestry, University of Montana, Missoula, Montana 59812.

The applicant requests a permit to take (capture) bald eagles at Glacier Bay National Park and the Blackfoot River in Montana to conduct the following scientific techniques for enhancement of survival: (1) Banding, (2) marking, (3) blood-sampling, and (4) radio-telemetry.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–2552. Interested persons may comment on this application on or before October 23, 1981, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: September 18, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–27659 Filed 9–22–81; 8:45 am]

BILLING CODE 4310–55–M

Denver Wildlife Research Center; Receipt of Application for Permit

Notice is hereby given that an applicant has applied in due form for a permit to take West Indian manatees as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act (16 U.S.C. 1537), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18) and Endangered Species (50 CFR Part 17).

1. Applicant:

a. Name: Chief, Marine Mammal Section.

b. Address: Denver Wildlife Research Center, USFWS, Washington, D.C.

2. Type of permit: Marine Mammal and Endangered Species.

3. Name and number of animals: West Indian manatee (*Trichechus manatus*) about 75 in the wild and about 15 in captivity.

4. Type of Activity: (a) radiotagging and tetracycline marking studies of manatees, (b) attach peduncle tags to tame and free-ranging animals, (c) tail-

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notch free-ranging, tame manatees, (d) freeze-brand injured and rescued manatees, (e) carry out nonharmful studies on rehabilitating animals, (f) collect dead and injured animals, and (g) export specimens from salvaged animals.

5. Location of Activity: Southeastern U.S. and Puerto Rico.

6. Period of Activity: October, 1981 through October 1984.

The purpose of the proposed research is to secure important information on manatee movements and reproductive biology in order to develop sound management plans necessary to help recover the species.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-8430. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203, on or before October 23, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road Arlington, Virginia.

Dated: September 16, 1981.

Robert J. Batky,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–27660 Filed 9–22–81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Aminoil USA, Inc.; Development and Production Plan; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Aminoil USA, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1196, Block 66, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 14, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–27652 Filed 9–22–81; 8:45 am]

BILLING CODE 4310-31-M

Gulf Oil Exploration and Production Co.; Development and Production Plan; Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3177, Block 163, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 14, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–27651 Filed 9–22–81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[INT FEIS 81–44]

Southern Rio Grande Planning Area; Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM has prepared a Final Environmental Impact Statement (FEIS) on a proposed livestock grazing management program for the Southern Rio Grande Planning Area of the Las Cruces District in Southwestern New Mexico (Dona Ana, Sierra, Luna, Socorro, and Otero Counties). This program would allocate forage to livestock and big game, determine levels of livestock grazing management, identify needed support facilities, outline a general implementation schedule, list standard operating procedures, and discuss the interrelationships with the other programs in the area.

FOR FURTHER INFORMATION CONTACT: Ed Webb, EIS Team Leader, P.O. Box 1420, Las Cruces, New Mexico 88004 Telephone: (505) 524-3603 or FTS 572-0209.

SUPPLEMENTARY INFORMATION: Copies of the FEIS are available at the Las Cruces District Office, 1705 North Valley

Drive, P.O. Box 1420, Las Cruces, New Mexico 88004. Public reading copies are available for review at the BLM State Office, Office of Public Affairs, U.S. Federal Building, Santa Fe, New Mexico and public and university libraries in Las Cruces, Alamogordo, Truth or Consequences, Deming, Silver City, and Albuquerque, New Mexico and El Paso, Texas.

Dated: September 14, 1981.

Robert E. Wilber,

Acting State Director, New Mexico.

[FR Doc. 81-27649 Filed 9-22-81; 8:45 am]

BILLING CODE 4310-84-M

California, South Sierra Foothills Planning Area; Intent To Prepare a Management Framework Plan Update and Revision

The Department of the Interior, Bureau of Land Management, Bakersfield District, California, will prepare an update and amendment of a management framework plan (MFP) to facilitate the identification of issues and preparation of the grazing environmental impact statement for the South Sierra Foothills Planning Area (SSF) which is a Category "D" Transition MFP.

The SSF Planning Area is located in the eastern portion of Tulare and Kern Counties in the Bakersfield District, Caliente Resource Area, California, and is concerned with public lands therein.

Livestock grazing; water quality and watershed protection; access to public lands; special land and resource use needs; unauthorized resource use; recreation and wilderness use; and purchase, lease and/or exchange of public lands are the items to be addressed.

An interdisciplinary team (IDT) will consist of specialists in the disciplines of range, soils, watershed, realty, recreation, wildlife, minerals, cultural resources, economics and ecology for this effort.

Public opportunities for input and comment will be announced through media, direct mail, telephone and personal contact. The option of public meetings will be held open in case sufficient public interest is expressed.

The times, dates and locations of any public meetings will be announced through the media, direct mail, and/or **Federal Register** notice when dates and schedules are identified.

To obtain copies of the South Sierra Foothills Management Framework Plan update and revision and for further information contact: Glenn A. Carpenter, Caliente Resource Area Manager, Bureau of Land Management, 1430 Truxtun Avenue, Room 456, Bakersfield, CA 93301, Telephone (805) 861-4236.

Garold W. Lamb,

Associate District Manager.

[FR Doc. 81-24901 Filed 9-22-81; 8:45 am]

BILLING CODE 4310-84-M

Eugene District Advisory Council; Notice of Meeting

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that meetings of the Eugene District Advisory Council will be held on November 24, and if needed, December 1, 1981.

Both meetings will be held at 9:00 a.m. Pacific Standard Time in Room 227 in the Federal Building at 211 E. 7th, Eugene, Oregon.

Both meetings will cover a single agenda. The primary topic to be covered at the two sessions is further progress on the District's Management Framework Plan (MFP), including a presentation of a draft preferred land use alternative.

The Council will also discuss subjects for its future attention and make arrangements for the next meeting.

The meetings are open to the public and interested persons may make statements to the Council between 11:30 a.m. and 12:00 a.m. on December 1, or file written statements for the Council's consideration. To assure that adequate time is allotted for statements, those wishing to make oral statements should notify the District Manager, Bureau of Land Management, 1255 Pearl Street, Eugene, Oregon, 97401, by November 24, 1981. Depending on the number of persons wishing to speak, a per person time limit may be established by the District Manager.

Summary minutes of the Council meeting will be maintained in the District Office and be available for public inspection and production (during regular business hours) by 30 days following the second session.

Dated: September 11, 1981.

Dwight L. Patton,

District Manager.

[FR Doc. 81-27571 Filed 9-22-81; 8:45 am]

BILLING CODE 4310-84-M

[INT DES 81-39]

New York Outer Continental Shelf; Notice of Availability of Draft Environmental Impact Statement and of Intent To Hold Public Hearings Regarding Proposed Oil and Gas Lease Sale of No. 52

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a Draft Environmental Impact Statement (EIS) relating to a proposed Outer Continental Shelf oil and gas lease sale of 540 tracts of submerged Federal land off the coasts of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.

Single copies of the draft statement can be obtained from the Offices of the Manager, New York Outer Continental Shelf Office, 26 Federal Plaza, Federal Building, Suite 32-120, New York, New York 10278, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the Draft Environmental Impact Statement will also be available for review in the following public libraries:

New York Public Library, 5th Avenue & 42nd Street, New York, New York 10018
Suffolk Cooperative Library System, 627 N. Sunrise Service Road, P.O. Box 1872, Bellport, New York 11713
Atlantic City Free Public Library, Illinois & Pacific Avenues, Atlantic City, New Jersey 08401
Nassau Library System, Reference Division, 900 Jerusalem Avenue, Uniondale, New York 11553
Trenton Free Public Library, 120 Academy Street, Trenton, New Jersey 08608
Providence Public Library, 150 Empire Street, Providence, Rhode Island 02903
Newport Public Library, Aquidneck Park, Newport, Rhode Island 02840
Christian Science Monitor, 1 Norway Street, Boston, Massachusetts 02115
Rehoboth Beach Public Library, Municipal Center, Rehoboth Avenue, Rehoboth Beach, Delaware 19971
Lithgow Library, 1 Winthrop Street, Augusta, Maine 04330
Albany Public Library, Harmans Bleecker Bldg., 19 Dove Street, Albany, New York 12210
Provincetown Public Library, 33 Commercial Street, Provincetown, Massachusetts 02657
Fall River Public Library, 104 North Main Street, Fall River, Massachusetts 02720
Bridgeport Public Library, 925 Broad Street, Bridgeport, Connecticut 06603
Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753
Public Library, 105 45th Street, Sea Isle City, New Jersey 08243

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Enoch Pratt Free Library, 400 Cathedral Street, Baltimore, Maryland 21201
Monmouth County Library, 25 Broad Street, Freehold, New Jersey 07723
Boston Public Library, Copley Square, Boston, Massachusetts 02117
Free Library of Philadelphia, Logan Circle, Philadelphia, Pennsylvania 19141
Concord Public Library, 45 Green Street, Concord, New Hampshire 03301
Portland Public Library, 619 Congress Street, Portland, Maine 04101
Hartford Public Library, 500 Main Street, Hartford, Connecticut 06103
Falmouth Public Library, Main Street, Falmouth, Massachusetts 02540
Free Public Library of Elizabeth, 11 South Broad Street, Elizabeth, New Jersey 07202
New Haven Free Public Library, 133 Elm Street, New Haven, Connecticut 06510
Atlantic County Library, Surrogate Building, Mays Landing, New Jersey 08330
Public Library, 6[illegible]9 Washington Street, Cape May, New Jersey 08204
Norfolk Public Library System, 301 S. City Hall Avenue, Norfolk, Virginia 23510
East Brunswick Public Library, 2 Jean Walling Civic Center, East Brunswick, New Jersey 03816
New Jersey State Library, P.O. 1898, Trenton, New Jersey 08[illegible]25
Eastern Shore Area Library, 122–126 South Division, Salisbury, Maryland 21801
Wilmington Institute Free Library, and Newcastle County Free Library, 10th & Market Streets, Wilmington, Delaware [illegible]

In accordance with 43 CFR 3314.1, public hearings will be held in November for the purpose of receiving comments and suggestions relating to the draft statement. The exact locations and dates of these hearings will be announced at a later date. Comments concerning the statement will be accepted until November 23, 1981, and should be sent to the Manager, New York OCS Office, at the above listed address.

After the public hearings are held and comments are received and considered, a final environmental statement will be prepared.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

Approved: September 17, 1981.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 81–27575 Filed 9–22–81; 8:45 am]

BILLING CODE 4310-[illegible]-M

National Park Service

[DES 81–41]

U.S. 101 Bypass Humbolt and Del Norte Counties, California; Availability of the Draft Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a draft environmental impact statement for the proposed U.S. 101 Bypass. The environmental impact statement analyzes various methods for resolving the conflict between park visitor traffic and commercial traffic on the existing two-lane section of U.S. 101 within Prairie Greek Redwood State Park. The 13 alternatives evaluated in the document include no action, seven alternatives (including the preferred alignment) with alignments east of the state park, two alternatives on the west side of the state park, and three alternatives along the existing alignment.

A limited number of copies of the document are available upon request to Superintendent, Redwood National Park.

Public reading copies are available for review at the following locations: Office of Public Affairs, National Park Service, 18th and C Streets, NW., Washington, D.C. 20240, (Telephone 707–464–6101); Superintendent, Redwood National Park, Drawer N, 1111 Second Street, Crescent City, California 95531, (Telephone 707–464–6101); Regional Director, Western Region, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102, (Telephone 415–556–5750).

Comments on the draft environmental impact statement are invited from all interested parties and should be forwarded to the Superintendent, Redwood National Park within sixty days of the date of this notice.

Dated: June 25, 1981.

Norma Cox,

Acting Regional Director, Western Region, National Park Service.

[FR Doc. 81–27681 Filed 9–22–81; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

[INT-DES 81–40]

Minidoka Powerplant Rehabilitation and Enlargement; Minidoka Project, Idaho-Wyoming; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental statement on the proposed rehabilitation and enlargement of the Minidoka Powerplant that would provide increased power generation, fish and wildlife enhancement, outdoor recreation, and historical resource preservation at the existing Minidoka Powerplant on the Snake River in south-central Idaho. Written comments may be submitted to the Regional Director by December 17, 1981.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Bureau of Reclamation, Department of the Interior, 18th & C Streets, NW., Room 7622, Washington, DC 20240, Telephone: (202) 343–4991
Division of Management Support, General Services, Library Branch, Code 950, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, Telephone: (303) 234–3019
Regional Director, Bureau of Reclamation, Box 043—550 West Fort Street, Boise, ID 83724, Telephone: (208) 384–1207
Minidoka Project Office, Bureau of Reclamation, 1359 Hansen Avenue, Box 549, Burley, ID 83318, Telephone: (208) 678–0461

Single copies of the statement may be obtained upon request to the Commissioner of Reclamation or the Regional Director. Copies will also be available for inspection in libraries in the project vicinity.

September 18, 1981.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 81–27593 Filed 9–22–81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

September 18, 1981.

This application for long-and-short-haul relief has been granted by the I.C.C.

No. 43935, Southwestern Freight Bureau, Agent, (No. B–135), annual volume rates on ethylene dichloride, in tank cars, carload minimum weight 200,000 pounds per car, between Geismar, LA and Carney's Point (Deepwater) and Deepwater (Carney's Point), NJ, in Supplement 21 to its tariff ICC SWFB 4616–A, effective September 22, 1981. Grounds for relief: Market Competition and Improved Equipment Utilization.

This application was received by the Commission's Suspension Board on September 10, 1981. This precluded the Board from publishing the requested relief in the **Federal Register** in order to give interested parties an opportunity to protest.

By action of September 17, 1981, the Commission, Suspension Board, Members Fitzgerald, Halvarson, and O'Malley, concluded to grant the requested relief in 94th Supplemental Long-and-Short-Haul Order No. 20392, subject to the proviso that the authority will expire 30 days from September 17, 1981. This notice is to advise that the Commission's Suspension Board will reopen this proceeding on its own motion (if not protested), to consider the expiration date of this authority. Interested parties wishing to object may file objections with the Suspension Board not later than the 10th day before the expiration date.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27622 Filed 9-22-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-96]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened over grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.252 addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

MC 153459 (republication), filed January 2, 1981, published in the **Federal Register** issue of February 9, 1981, and republished this issue. Applicant: WILLIAM P. MEEHAN, d.b.a. MEEHAN ARMORED COURIER SERVICE, 10 Nate Wipple Highway, Cumberland, RI 20864. Representative: William P. Meehan, 926 Mendon Rd., Cumberland, RI 02864. An Order of the Commission, Division 1, decided July 2, 1981, and served July 17, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, in the transportation of *precious metals,* between points in Providence County, RI, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, and New York, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 81-27626 Filed 9-22-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 167]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 17, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 732 (Sub-21)X, filed September 8, 1981. Applicant: ALBINA TRANSFER CO., INC., 4320 N Suttle Rd., Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its Sub-No. 15 certificate to broaden (1) its commodity descriptions from calcium carbide to "chemicals and related products"; (2) its territorial scope from Portland, OR to points in Multnomah, Washington and Clackamas Counties, OR and Clark County, WA; and (3) change one-way authority to radial authority.

MC 20992 (Sub-65)X, filed September 4, 1981. Applicant: DOTSETH TRUCK LINE, INC., Knapp, WI 54749. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its lead and Sub-Nos. 15, 19, 20, 21, 29, 32, 39, 40, 41, 42, 43, 45F, 46F, 48F, 53F, 54F, 55F, 56F, 58F, 59F, 60F, 61F, 62F, and 63F certificates to (A) broaden the commodity descriptions as follows: from silos, silo parts, silo fillers, precast concrete products, castings, etc., to "clay, concrete, glass or stone products" in the lead, and Sub-Nos. 40 and 46F Part (1) (a) and (b); from agricultural machinery, implements, ensilage cutters, hammer mills, portable feed grinders, coal stokers, feed mill chassis, bean pickers, farm machinery, dairy milking equipment, barn and feedlot machinery, self-propelled vehicles, irrigation systems, etc., to "machinery", in the lead and Sub-Nos. 20, 21, 29, 41, 42, and 48F; from farm wagons, to "transportation equipment", in the lead; from trailers, agricultual implements, and parts, etc., agricultural equipment, recreational equipment, and parts and attachments, to "transportation equipment and machinery", in Sub-Nos. 32 and 62F; from oil storage tanks, truck compartment tanks, bulk milk tanks, pumps, and iron and steel articles, to "metal products", in Sub-Nos. 15, 21, 45F, 56F, 58F, and 61F; from wood forage boxes, self-unloading metal parts kits, and farm wagons, to "lumber and wood products, metal products, and transportation equipment", in Sub-No. 19; from garage doors, and materials, equipment, and supplies, etc., to "building materials", in Sub-No. 39; from irrigation systems and pipe, and materials, equipment, and supplies, etc., to "machinery and metal products", in Sub-No. 43; (B) remove: "commodities of unusual value, commodities in bulk, in tank vehicles, commodities requiring special equipment, and those injurious or contaminating to other lading" restrictions in the lead and Sub-Nos. 15, 21, 32, 42, 43, 45F, 48F, 53F, 54F, 55F, 60F, 62F, and 63F; the plantsite restrictions in the lead and Sub-Nos. 20, 29, 32, 39, 40, 41, 48F, 53F, 54F, 56F, 58F, and 61F; the Alaska, Hawaii, Wisconsin and South Dakota restrictions in Subs 29, 32, 40, 42, 45F, 46F, 48F, 53F, 55F, 59F, 60F, 62F, and 63F; the "originating at and destined to" restrictions in Subs 20, 29, 32, 39, 40, 41, 42, 45F, 46F, 48F, 54F, 56F, 58F, 59F, 60F and 61F; the "joinder" restriction in Sub

21; and the "lumber and lumber products" restriction in Sub 32; (c) replace townships and cities with county-wide authority as follows: Stanton, Lucas, Cody, and Springfield Townships, WI, with Dunn and St. Croix Counties, WI, in the lead; West Bend, WI with Washington County, WI, in the lead and Sub-Nos. 53F; Chippewa Falls, WI with Chippewa County, WI, and Green Isle, MN with Sibley County, MN, in the lead; Clear Lake, WI with Polk County, WI, in the lead and Sub-No. 21; Glenwood City, WI with St. Croix County, WI, in Sub-No. 19; Appleton, WI with Outagamie County, WI, in Sub-Nos. 20, 41 and 48F; Washington, MO with Franklin County, MO, and Boyceville, WI, with Dunn County, WI, in Sub-No. 21; Madison, SD, with Lake County, SD, in Sub-Nos. 29 and 53F; Madison, WI with Dane County, WI, in Sub-No. 32; Woodville, WI with St. Croix County, WI, in Sub-No. 39; Menomonie, WI, with Dunn County, WI, and Maiden Rock, WI with Pierce County, WI, in Sub-No. 40; Jackson, MN with Jackson County, MN in Sub-No. 42; Elk Point, SD, with Union County, SD, in Sub-No. 43; Barron, WI with Barron County, WI, in Sub-No. 45F; and Franklin, PA with Venango County, PA, in Sub-No. 56F; and (D) change one-way to radial authority in all of the above authority except Sub-Nos. 42, 54F, 60F, 62F, and 63F.

MC 75627 (Sub-5)X, filed April 8, 1981, published in the **Federal Register** of April 29, 1981, and republished as follows: Applicant: PERILLO MOTOR LINES, INC., 499 Central Avenue, New Providence, NJ 07974. Representative: Grace A. Perillo (same as applicant). As is pertinent here, applicant seeks to broaden (1) territorial descriptions in its lead and Sub-No. 4 certificates by replacing city-wide with county-wide authority as follows: (a) Union, NJ, to Essex, Morris, and Union Counties, NJ, in Sub-No. 4, (b) Wilmington and Dover, DE, to Kent and Newcastle Counties, DE, and Newark, Perth Amboy, Elizabeth, Trenton, Hammonton, Edgewater, Atlantic City, and Camden, NJ, to Atlantic, Bergen, Burlington, Camden, Gloucester, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, and Union Counties, NJ, and Philadelphia, Delaware, Montgomery, and Bucks Counties, PA, in Sub-No. 4, (c) Newark, NJ, to Bergen, Essex, Hudson, Middlesex, Morris, Passaic, and Union Counties, NJ, and Manhattan, Bronx, Brooklyn, Staten Island, and Queens Boroughs, NY, in its lead, and (d) Bayonne, Beverly, and Camden, NJ, to Essex, Hudson, Middlesex, Union, Camden, Burlington, and Gloucester Counties, NJ, and Philadelphia, Montgomery, Bucks, and Delaware Counties, PA, in Sub-No. 4; and (2) Commodity descriptions from (a) electrical equipment to, in part, instruments and photographic goods and transportation equipment in Sub-No. 1, and (b) electrical equipment to, in part, instruments and photographic goods, transportation equipment, rubber and plastic products, and clay, concrete, glass, or stone products in Sub-No. 4. The purpose of this republication is to reflect applicant's original requests and to request comments from interested parties.

MC 119577 (Sub-30)X, filed September 4, 1981. Applicant: OTTAWA CARTAGE, INC., P.O. Box 458, Ottawa, IL 61350. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its lead and Sub-No. 2, 6, 11, 13, 14, 17, 19, 20, 23, 25F, 26F and 28F certificates to: (1) broaden commodity descriptions (a) from brick and/or tile, drain tile, cement, etc., to "clay, concrete, glass or stone products" in the lead and Sub-Nos. 6, 13, and 23; (b) from canned goods to "food and related products" in the lead; (c) from scrap paper and rags to "waste or scrap materials" in the lead; (d) from fertilizer and dry fertilizer to "chemicals and related products" in the lead and Sub-No. 2; (e) from salt, diammonium phosphate, silica sand, etc., to "ores and minerals" in Sub-Nos. 2, 14, 17, 19, 20, and 26; and (f) from iron and steel articles to "metal products" in Sub-Nos. 11, 25, and 28F; (2) remove bulk restrictions in Sub-Nos. 2, 11, 14, 23 and 26F; (3) remove restriction that salt be other than for human consumpton in Sub-No. 2; (4) delete "Mercer" restriction in Sub-No. 11; (5) remove "in tank or hopper-type vehicles" restriction in Sub-No. 23; (6) remove facilities limitations in Sub-Nos. 11, 14, 25F, 26F; 28F; (7) remove "originating at or destined to restrictions in Sub-Nos. 11, 14 and 26F; (8) replace city-wide authority with county-wide authority wherever they appear in each certificate as follows: Utica, Marseilles, Ottawa and Streator with LaSalle County IL; St. Anne with Kankakee County, IL; Crawfordsville with Montgomery County, IN; Hobart with Lake County, IN; Springfield with Sangamon County, IL; Brazil with Clay County, IN; Princeton and Depue with Bureau Counties, IL; Canton with Lewis County, MO; Hannibal with Marion and Ralls Counties, MO; St. Charles with St. Charles County, MO; Waukesha with Waukesha County, WI; Bedford with Lawrence County, IN; Bloomington with Monroe County, IN; Sparland with Marshall County, IL; Danville with Vermilion County, IL; Kokomo with Howard County, IN; Lafayette with Tippecanoe County, IN; Carol Stream with Du Page County, IL; Colfax with Livingston, and McLean Counties, IL; Riverdale and Niles with Cook County, IL; Des Moines with Polk County, IA; and Sterling and Rock Falls with Whiteside County, IL; and (9) authorize radial authority where only one-way authority exists.

MC 127579 (Sub-42)X, filed September 11, 1981. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon Street, Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). Applicant seeks to remove restrictions in its MC-144713 Sub-Nos. 1F, 4F, 5F, 9, and 10F permits to (1) remove the in bulk restriction in Sub-Nos. 1F, 4F, 5F, 9, and 10F, (2) remove the restriction against the transportation of traffic from points in the St. Louis, MO -East St. Louis, IL, commercial zone to Memphis, TN, and points in its commercial zone, and points in Arkansas in Sub-No. 4F, and (3) broaden the territorial descriptions to between points in the U.S., under continuing contract(s) with named shippers in the above sub-numbers.

MC 134769 (Sub-7)X, filed September 9, 1981. Applicant: BILL BURTON & SONS, INC., P.O. Box 404, Newberry, MI 49868. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 4F, and 5F certificates to (1) change the commodity descriptions (a) from lumber, lumber products to "lumber and wood products" in the lead and Sub-Nos. 1F and 4F, and (b) from woodchips, bark, wood slabs, sawdust, and pulpwood to "forest products and lumber and wood products" in Sub-No. 5F; and (2) replace one-way operations with radial operations in each certificate.

MC 143555 (Sub-6)X, filed September 9, 1981. Applicant: RIVERSIDE TRANSPORTATION CO., INC., 1903 Canal Drive, Wilson, NC 27893. Representative: Robert B. Walker, 915 Pennsylvania Bldg., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-No. 5F certificate to (1) broaden the commodity descriptions from lumber and landscape timbers to "lumber and wood products"; (2) remove facilities limitations at and replace Lewiston, Plymouth, Jacksonville and Askin, NC, with Bertie, Washington, Onslow, and Craven Counties, NC; and (3) replace one-way with radial authority.

MC 145029 (Sub-1)X, filed September 8, 1981. Applicant: DE WITT TRANSPORTATION CORP., P.O. Box 487, 5950 Fisher Road, East Syracuse, NY 13057. Representative: Michael R. Werner, 423 Edgewood, NJ 07666. Applicant seeks to remove restrictions from its lead permit to (1) broaden the commodity description from color cathode ray tubes and television sets, and materials, equipment and supplies used in the manufacture and distribution of television sets to "electrical machinery, equipment and supplies"; and materials, equipment and supplies used in the manufacture and distribution thereof"; (2) eliminate the restriction "except commodities in bulk"; and (3) broaden the territorial description to "between points in the United States", under continuing contracts(s) with a named shipper.

MC 145080 (Sub-1)X, filed September 10, 1981. Applicant: SEALED AIR TRUCKING, INC., Park 80 Plaza East, Saddle Brook, NJ 07662. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Applicant seeks to remove restrictions in its lead permit to (1) change commodity description from polymeric products, and equipment, materials, and supplies used in the manufacture thereof, to "rubber and plastic products, and pulp, paper, and related products and materials, equipment, and supplies used in the manufacture thereof"; (2) remove "bulk" restrictions; (3) authorize service between points in the U.S. under contract(s) with a named shipper; and (4) eliminate "except AK and HI".

MC 148329 (Sub-4)X, filed September 9, 1981. Applicant: AOL EXPRESS, INC., 1011 6th Ave. S., Kent, WA 98031. Representative: Michael Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F certificates to (1) change (a) Seattle and Takoma, WA to King, Pierce, Kitsap, Snohomish and Mason Counties, WA in Sub-No. 3F and (b) Anchorage, AK to Kenai, Peninsula and Matanuska-Susitna Boroughs, AK in Sub-Nos. 2F and 3F; (2) remove the facility limitation in Sub-No. 3F; (3) eliminate the restriction of household goods from the general commodities authority in Sub-No. 3F; and (4) remove the ex-water restruction in Sub-No. 2F.

MC 151611 (Sub-2)X, filed August 20, 1981. Applicant: WAYFARE TRUCKING, INC., 725 Industrial Avenue, Port Hueneme, CA 93041. Representative: Ronald C. Chauvel, 100 Pine St., Ste. 2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to broaden the commodity description from foundry supplies to ores and minerals; ordnance or accessories; chemicals related products; petroleum natural gas and their products; clay, concrete, glass or stone products; metal products; machinery; and waste or scrap materials not identified by industry producing.

[FR Doc. 81-27825 Filed 9-22-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifially noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-155

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 152634 (Sub-II-1TA), filed September 8, 1981. Applicant: ATLANTIC VAN LINES, INC., 1002 Wilso Dr., Baltimore, MD 21223. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract; irregular: Office, business, and electronic data processing machinery, including materials, equipment and supplies,* between Baltimore, MD, on the one hand, and, on the other, pts. in MD, WV, VA, DE, DC, and PA for 270 days, under continuing contract(s) with Wang Laboratories, Inc., Tewksbury, MA. Supporting shipper(s): Wang Laboratories, Inc., 836 North St., Tewksbury, MA 01876.

MC 138438 (Sub-II-36TA), filed September 10, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 431A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Malt beverages,* between Fulton, NY and Eden, NC, and their respective commercial zones, on the one hand, and, on the other, points in MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Buck Distributing Company, Inc., P.O. Box 490, 4606 Largo Rd., Upper Marlboro, MD 20772.

MC 157839 (Sub-II-1TA), filed September 9, 1981. Applicant: CCW TRANSPORT, INC., 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *Metal products,* between points in CT, DE, FL, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, TN, TX, VT, VA, WV, WI and DC. Restricted to movements originating at or destined to facilities used by Cavexsa (USA) Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cavexsa (USA) Inc., 9535 S. Cottage Grove Ave., Chicago, IL 60628.

MC 150776 (Sub-II-4TA), filed September 8, 1981. Applicant: ALFRED DANIELS, INC., Route 1, P.O. Box 272-I, Jackson, OH 45640. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Contract: Irregular: Explosives* between Vinton County, OH; Mason County, WV; Campbell County, TN; Hopkins County, KY; Ouachita County, AR; Williamson County, IL, on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 30 days authority. Supporting shipper: Austin Powder Company, 3735 Green Rd., Cleveland, OH 44122.

MC 135381 (Sub-II-2TA), filed September 3, 1981. Applicant: DRUM TRANSPORTATION COMPANY, R. D. #1, Montgomery, PA 17752. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Contract:*

Irregular: *Lumber or wood products,* between points in SC, MD, WV, and PA, under continuing contract(s) with Koppers Company, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Koppers Company, Inc., 850 Koppers Building, Pittsburgh, PA 15219.

Originally published in **Federal Register** of August 31, 1981.

MC 145282 (Sub-II–5TA), filed August 17, 1981. Applicant: FALCON TRANSPORT, INC., P.O. Box K, Bird-in-Hand, PA 17505. Representative: James E. Brown, 36 Brunswick RD, Depew, NY 14043. *Building materials, metal products and materials, supplies and equipment used in the manufacture of distribution of such commodities* between points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV and WI. Applicant intends to interline at all ports of entry on the U.S.-Canadian Border within the scope of this application. An underlying ETA seeks 120 days authority. Supporting shipper(s): U N Alloy Corp., Elizabeth, NJ, National Rolling Mills, Inc., Malvern, PA; Standard Pipe & Supply Co., Bala Cynwyd, PA. The purpose of this re-publication is to show the applicant will interline which was previously omitted in the first publication.

MC 138000 (Sub-II–37TA), filed September 8, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Materials, equipment and supplies used in the manufacture, sale and distribution of paint and paint products,* from points in and east of MN, IA, MO, AR and LA to Warren County, VA, for 270 days. Supporting shipper: E. I. DuPont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

MC 157419 (Sub-II–1TA), filed September 8, 1981. Applicant: James Hafer, d.b.a. HAFER TRUCKING, P.O. Box 92, Geneva, PA 16316. Representative: Owen B. Katzman, 1828 L Street, N.W., Suite 1111, Washington, DC 20036. Contract-irregular: *Primary and fabricated metal products, and machinery,* from Grove City and Meadville, PA to points in the United States for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Sunbean Equipment Corporation, 180 Mercer Street, Meadville, PA 16335; Cooper Energy Services, Inc., 150 Lincoln Avenue, Grove City, PA 16127.

MC 142253 (Sub-II–1TA), filed September 10, 1981. Applicant: M & D LEASING, INC., d.b.a. YORK COMMERCIAL TRUCKING CO., 2200 Monroe Street, York, PA 17404. Representative: Steven W. Gardner, 3400 Peachtree Road, NE, Suite 1631, Atlanta, GA 30326. *General commodities (except classes A and B explosives and hazardous waste) restricted to traffic and prior or subsequent movement by rail TOFC or COFC* between points in PA, Hagerstown, MD, Baltimore, MD, and Alexandria, VA for 270 days. Supporting shipper: Norfolk and Western Railway, 8 N. Jefferson, Roanoke, VA 24042.

MC 141119 (Sub-II–1TA), filed September 8, 1981. Applicant: MERCHANTS 5 STAR, INC., P.O. Box 541, Marietta, OH 45750. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Plastic and plastic articles, and materials, equipment and supplies, used in their manufacture and distribution* between the facilities of Fabri-Form Co. at or near Byesville, OH, on the one hand, and, on the other, points in GA, IL, IN, KY, MI, MO, NY, PA and Omaha, NE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Fabri-Form Co., Byesville, OH 43723.

MC 146015 (Sub-II–27TA), filed September 8, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Barry Weintràub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract carrier; Irregular steel and steel plates* between Detroit, MI, Chicago, IL, Cleveland, OH, Lake Marion, OH, Philadelphia, PA on the one hand, and, on the other, points in and east of WI, IA, MO, TN and MS under continuing contract with Nance Steel Sales, Inc. of Southfield, MI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Nance Steel Sales, Inc., 15639 W. Ten Mile Rd., Southfield, MI 48037.

MC 107012 (Sub-II–190TA), filed September 8, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Chemicals and related products* from Pasadena, TX to Linden, NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dixie Chemical Company, Inc., 3635 W. Dallas, Houston, TX 77019.

MC 107012 (Sub-II–191TA), filed September 8, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Such commodities as are dealt in, or used by retail department stores,* from Ontario, CA to Newnan, GA; Fort Wayne, IN; Lawrence, KS; Canton, MI; Shakopee, MN; Sparks, NV; Warren, OH; Morrisville, PA; and Corsicana, TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: K-Mart Corporation, 5600 E. Airport Drive, Ontario, CA 91761.

MC 124111 (Sub–II–16TA), filed September 3, 1981. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Black iron oxide* from Philadelphia, PA, including points in its Commercial Zone, to Columbus and Ravenna, OH for 270 days. Supporting shipper: Allen Refractories, 3320 Winchester Southern Rd., Canal Winchester, OH 43110.

MC 158102 (Sub–II–1TA), filed September 8, 1981. Applicant: TALBERT TRUCKING, INC., 554 Earl St., Charleston, WV 25302. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Contract; Irregular: Metal and metal articles as described in STCC Groups 33 and 34,* between pts. in WV on the one hand, and, on the other, points in AL, FL, IL, KY, LA, NC, SC, and TX for 270 days, under continuing contract(s) with McJunkin Corp., Charleston, WV. Supporting shipper(s): McJunkin Corp., P.O. Box 513, Charleston, WV 25322.

MC 136511 (Sub–II–13TA), filed September 8, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *General commodities (except Class A & B explosives and commodities in bulk in tank vehicles)* between Jackson County, OR on the one hand, and, on the other, points in the US for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Harry & David, subsidiary of Bear Creek Corp., P.O. Box 712, Medford, OR 97501; Jackson & Perkins Co., subsidiary of Bear Creek Corp., P.O. Box 1028, Medford, OR 97501.

MC 136511 (Sub–II–14TA), filed September 10, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *Furniture and fixtures* between points in McMinn County, TN and points in Los Angeles County, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Athens Furniture, Inc., subsidiary of Royal Crown Cola Co., P.O. Box 929, Athens, TN 37303.

MC 21866 (Sub–2–42TA), filed September 8, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Robert R. Harris, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Rubber and plastic products and materials, equipment and supplies used in the manufacture, sale and distribution of those products (except commodities in bulk) between Greenville, IL and Columbus, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Carlisle Tire & Rubber Company, P.O. Box 99, Carlisle, PA 17013.

MC 135046 (Sub-II–3TA), filed September 8, 1981. Applicant: ARLINGTON J. WILLIAMS, 1398 S. DuPont Highway, Smyrna, DE 19977. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Rubber or Miscellaneous Plastic products,* from Chicago and Yorkville, IL to Richmond, VA for 270 days. Supporting shipper: Consolidated Cigar Co., 600 Perdue Ave., Richmond, VA 23224.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 155314 (Sub-3–5TA), filed September 14, 1981. Applicant: R. C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33852. Representative: H. Barney Firestone, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Meat, meat products and meat by-products,* between Plant City, FL on the one hand, and, on the other, points in MI. Supporting shipper: Lykes Bros. Meat Company, P.O. Box 518, Plant City, FL 33566.

MC 16502 (Sub-3–1TA), filed September 14, 1981. Applicant: ROBINSON TRUCK LINE, INC., P.O. Box 737, West Point, MS 39773. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Phosphorus pentasulfide* from the facilities of Hooker Chemicals & Plastic Corp. at or near Columbus, MS, to Sauget, IL. Supporting shipper(s): Hooker Chemicals & Plastic Corp., P.O. Box 4289, Houston, TX 77210.

MC 145637 (Sub-3–5TA), filed September 14, 1981. Applicant: B & B EXPRESS, INC., P.O. Box 5552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. *Cooling equipment, material, supplies and equipment used in the manufacture, sale and distribution of cooling equipment,* between Spartanburg, SC, on the one hand, and, on the other, points in CA, WA, and OR. Supporting Shipper(s): Beverage Air Co., A Division of Tannetics, Inc., P.O. Box 5932, Spartanburg, SC 29304.

MC 129537 (Sub-3–14TA), filed September 14, 1981. Applicant: REEVES TRANSPORTATION CO., Route 5 Dews Pond road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tanpa, FL 33602. *(1) Such commodities as are dealt in by grocery and food business houses (except in bulk), and empty containers, and (2) materials, supplies and equipment used in the manufacture and distribution of the commodities in (1) above (except in bulk)* Between points in the U.S. (except AK and HI). Supporting shippers: Southland Frozen Foods, Inc. 305 E. Ohio St., P.O. Box 1000, Plant City, FL 33566; Citrus Central, P.O. Box 17774, Orlando, FL 32860.

MC 108676 (Sub-3–10TA), filed September 11, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Michael S. Teets (same address as Applicant). *Glass and glass products* between points in Caldwell County, NC, on the one hand, and, on the other, points in the U.S. Supporting Shipper: Lenoir Mirror Company, P.O. Box 1650, Lenoir, NC 28645.

MC 147222 (Sub-3–1TA), filed September 11, 1981. Applicant: UNITED TRAILER CARRIERS, INC., P.O. Box 1292, Brandon, FL 33511, Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, N.E., Atlanta, GA 30309. *Contract;* Irregular, *Trailers and semi-trailers,* from facilities of Miller Trailers, Inc., at or near Bradenton, FL to Atlanta, GA. Supporting shipper: Transamerica Transportation Services, Inc., 522 Fifth Avenue, New York, NY 10036.

MC 155170 (Sub-3–2TA), filed September 11, 1981. Applicant: PEACH STATE TRUCK BROKERS, INC., P.O. Box 2937, Gainesville, Georgia 30503. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, Georgia 30338. *Such commodities used, sold, or dealt in by manufactueres and distributors of electrical products* between all points in the U.S. Restricted to traffic originating at, or destined to, the facilities of, or utilized by, Leece Neville, Division of Sheller-Globe Corporation. Supporting shipper: Leece Neville, Division of Sheller-Globe Corporation, 989 Athens Street, Gainesville, Georgia 30501.

MC 153679 (Sub-3–4TA), filed September 11, 1981. Applicant: CUMBERLAND FREIGHT LINE, INC., 13th Street, Smyrna, TN. 37167. Representative: J. Greg Hardeman, 718 United American Bank Building, Nashville, TN. 37219. *Such commodities as are dealt in or used by wholesale grocery or grocery distribution warehouses* between points in Davidson, Bedford, Sumner and Maury Co., TN, on the one hand, and, points in NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, IN, OH, KY, AL, MS, MI, GA, FL, SC, NC, VA, WV, MD, DE, DC, PA, NY, NJ, and CT, on the other. Supporting shippers: Bi-Rite Foods, Inc., 601 Armory Dr., Nashville, TN. 37202; C. B. Ragland Co., 2720 Eugenia Avenue, Nashville, TN; Charles C. Parks Co., 244 Eastland Avenue, Gallatin, TN, 37066; Jack M. Palmer Foods, Lane Parkway, Shelbyville, TN 37160.

MC 157302 (Sub-3–3TA), filed September 11, 1981. Applicant: OLD SOUTH FREIGHT SERVICE, INC., 2805 Foster Avenue, Suite 202, Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., 315 Union Street, Nashville, TN 37201. *Metal products* between Beaver County, PA, and Stark County, OH, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN and MS. Supporting shipper: Babcock & Wilcox Company, Tubular Products Group, P.O. Box 401, Beaver Falls, PA 15010.

MC 157804 (Sub-3–1TA), filed September 10, 1981. Applicant: GOLDCOAST, INC., 6570 SW 47th Ct., Ft. Lauderdale, FL 33314. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53rd St., Miami, FL 33166. *Scrap metal* between points in Dade and Broward Counties, FL, restricted to traffic having an immediately prior or subsequent movement in interstate or foreign commerce. Supporting shipper: Florida Fill, Inc., P.O. Box 560992, Miami, FL 33156.

MC 108633 (Sub-3–2TA), filed September 11, 1981. Applicant: BARNES FREIGHT LINE, INC., P.O. Box 800, Carrollton, GA 30117. Representative: Larry M. Treadaway, P.O. Box 800, Carrollton, GA 30117. *(1) Aluminum and aluminum articles; (2) copper and copper articles; (3) iron and steel and iron and steel articles; (4) metal containers; and (5) materials, equipment and supplies used in the manufacture, sale and distribution of the commodities named in (1) through (4) above,* between Hancock County, KY, and Jefferson County, KY, on the one hand, and, on the other, points in AL and GA. Supporting shippers: Southwire Corporation, P.O. Box 1000, Carrollton, GA 30117; Armstrong Container, 1166

Logan Circle, Atlanta, GA 30318; Southeastern Alloy, Inc., 1703 Spring Street, Smyrna, GA 30080; and Peachtree Trading, Inc., 1717 Spring Street, Smyrna, GA 30080.

MC 156778 (Sub-3-3TA), filed September 11, 1981. Applicant: 7 HILLS TRANSPORT, INC., P.O. Box 6205, Rome, GA 30161. Representative: Lyons J. Heyman, Jr., P.O. Box 6205, Rome, GA 30161. *Contract carrier,* irregular routes; *Tires and the materials and supplies used in the manufacture, distribution, and sales thereof,* between points in TN on the one hand and points in WA, OR, CA, AZ, and CO on the other, under continuing contract(s) with Delta Tire Corp., Chattanooga, TN. Supporting Shipper: Delta Tire Corp., 2222 Polymer Dr., Chattanooga, TN. 37401.

MC 108676 (Sub-3-9TA), filed September 9, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: Michael S. Teets (same address as applicant). *Metal products* between the commercial zones of Atlanta, GA; Chicago, IL; Minneapolis-Saint Paul, MN; Saint Louis, MO-East Saint Louis, IL; and, Winston-Salem, NC, on the one hand, and on the other, points in the U.S. in and east of MN, IA, MO, OK and TX. Supporting Shipper: Taracorp, 900 Ashby Street, NW, Atlanta, GA 30318.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-27827 Filed 9-22-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application; Notice

Correction

In FR Doc. 81-24571, published at page 42777, on Monday, August 24, 1981, on page 42783, in the first column, in the third paragraph, in the twelfth line "MN, NY, OH" should be corrected to "MN, MO, NY".

BILLING CODE 1505-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPI-263

Decided: September 15, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Forteir.

MC 85621 (Sub-13), filed September 8, 1981. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254-3880. Transporting *tobacco and tobacco products,* between Nashville, TN, on the one hand, and, on the other, points in AL.

MC 118270 (Sub-15), filed September 1, 1981. Applicant: PRODUCE TRANSPORT SERVICE, INC., 181 W. Rampo St., Mahwah, NJ 074320. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030, (717) 562-1202. Transporting *such commodities* as are dealt in by retail and wholesale grocery stores, (1) between points in Orleans, Monroe, Wayne, Livingston, Erie, Niagara, Wyoming, Genesee, Steuben and Allegany Counties, NY, on the one hand, and, on the other, points in Ulster County, NY, and (2) between points in Orleans, Monroe, Wayne, and Livingston Counties, NY, on the one hand, and, on the other, New York, NY, points in NJ, and points in Sullivan, Orange, Rockland, Westchester, Suffolk and Nassau Counties, NY.

MC 120761 (Sub-75), filed August 28, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Rd., P.O. Box 18728, Fort Worth, TX 76118. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332-4415. Transporting *metal products,* between points in St. John the Baptist Parish, LA, on the one hand, and, on the other, points in the U.S.

MC 123641 (Sub-6), filed September 4, 1981. Applicant: NORMAN GROSLAND, d.b.a. GROSLAND TRUCKING, P.O. Box 726, Marshfield, WI 54449. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (606) 256-7444. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in WI, on the one hand, and, on the other, points in the U.S.

MC 133841 (Sub-30), filed September 8, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main Street, Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *machinery,* between the facilities used by Goslin-Birmingham, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 140510 (Sub-3), filed September 8, 1981. Applicant: GLOBE MOVING & STORAGE, INC., 1007 Cedar St., Flint, MI 48504. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48993, (517) 482–2400. Transporing *household goods, store fixtures, and office furniture,* between points in MI. Condition: Issuance of a Certificate of Public Convenience and Necessity is subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC–140510 (Sub-No. 1).

Note.—The purpose of this application is to convert applicant's Certificate of Registration in MC–140510 Sub No. 1 to a Certificate of Public Convenience and Necessity.

MC 143230 (Sub-6), filed September 8, 1981. Applicant: LUCK TRUCKING, INC., RR No. 1, Box 190, Wolcott, IN 47995. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 638–1301. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Kal Kan, Inc., of Vernon, CA.

MC 144080 (Sub-3), filed August 21, 1981. Applicant: ROBERT VERN PONTIUS, d.b.a. PONTIUS TRUCKING CO., 11640 Seola Beach Dr., S.W., Seattle, WA 98146. Representative: Jim Pitzer, 15 G. Grady Way, Suite 321, Renton, WA 98055 (206) 235–1111. Transporting (1) *culvert and pipe,* between points in Spokane County, WA, on the one hand, and, on the other, points in ID, MT, OR, and WA, (2) *iron and steel articles,* between points in AZ, CA, CO, ID, MT, NM, OR, UT, WA, and WY, (3) *fiberglass,* between points in CA and WA, on the one hand, and, on the other, points in CA, ID, MT, OR, UT, and WA, and (4) *machinery, building materials, metal products, and pressed wood products,* between points in AZ, CA, CO, ID, MT, NV, TX, UT, WA, and WY.

MC 146420 (Sub-5), filed September 4, 1981. Applicant: FRATE SERVICE, INC., Rural Route 1, East Peoria, IL 61611. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703, (217) 528–8476. Transporting *iron and steel* between points in Putnam County, IL on the one hand, and, on the other, points in MO and MI.

MC 148560 (Sub-4), filed August 27, 1981. Applicant: GOLD STAR, INC., 130 Davidson Ave., Somerset, NJ 08873. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006, (201) 575–7700. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 151681 (Sub-1), filed September 9, 1981. Applicant: WREDCO, INC., County Club Road, Gillette, WY 82716. Representative: William R. Wright, II (same address as applicant), (307) 686–2907. Transporting *petroleum and petroleum products,* between Tulsa, OK, on the one hand, and, on the other, points in Big Horn, Campbell, Johnson, Natrona, Sheridan, and Washakie Counties, WY.

MC 154311, filed September 8, 1981. Applicant: P.C. TRANSPORT, INC., 2031 E. Bryan, Evansville Rd., Casper, WY 82601. Representative: Phillip M. Christopherson, 1739 South Mitchell, Casper, WY 82601, (307) 235–4621. Transporting *petroleum products between points* in the U.S., under continuing contract(s) with Emulsified Asphalt, of Evansille, WY, Valley Fuel, of Savery, WY, and Haiston Oil Company, of Scottsbluff, NE.

MC 157901, filed August 24, 1981. Applicant: EDWARD P. CASSINELLI, d.b.a. QUEENSLAND DISTRIBUTORS, 157 Clover Lane, Medford, OR 97501. Representative: Joe Harrison (same address as applicant), (503) 779–9300. Transporting *pulp, paper and related products,* between points in Alameda County, CA, on the one hand, and, on the other, points in AZ, NV, OR and WA.

MC 158141, filed September 8, 1981. Applicant: CARL F. SUHR AND DOROTHY M. SUHR, 583 N Military Rd., Winlock, WA 98596. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting (1) *lumber and wood products,* (2) *building materials,* and (3) *farm supplies,* between points in OR, WA, ID and CA.

MC 158150, filed September 9, 1981. Applicant: BUS TICKETS, INC., 625 8th Avenue, New York, NY 10018. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, NW., Washington, DC 20004, (202) 737–1030. As a *broker* at New York, NY and Marlboro, NJ, in arranging for the transportation of *passengers and their baggage,* in special and charter operations, between points in the U.S.

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Decided: September 16, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 29751 (Sub-2), filed September 1, 1981. Applicant: TERMINAL DELIVERY, INC., Crowe Point Rd., Lincoln, RI 02865. Representative: A. Joseph Mega, 175 Forbes St., East Providence, RI 02915, (401)–437–1481. Transporting *general commodities* (except classes A and B explosives), between points in RI, on the one hand, and, on the other, points in ME, NH, CT, MA, NY and NJ.

MC 123790 (Sub-8), filed September 4, 1981. Applicant: WHITEHURST TRANSPORT, INC., 2800 Deepwater Terminal Road, Richmond, VA 23234. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW., Suite 502, Solar Building, Washington, DC 20036, (202) 783–8131. Transporting *petroleum products,* between points in DE, MD, NC, PA, SC, TN, VA, WV, and DC.

MC 125000 (Sub-9), filed September 3, 1981. Applicant: CHARLES D. BALDWIN, d.b.a. BALDWIN TRUCKING, 7702 Broadway, Amarillo, TX 79108. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. Transporting (1) *metal products;* (2) *machinery;* (3) *rubber and plastic products;* (4) *concrete products;* (5) *commodities which because of their size or weight require the use of special handling or equipment;* and (6) *Mercer commodities,* between points in the U.S. in and west of LA, AR, MO, IA and MN.

MC 133591 (Sub-3), filed September 2, 1981. Applicant: PIEPHO MOVING & STORAGE, INC., 110 South Columbus, Albert Lea, MN 56007. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products,* between points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 135410 (Sub-128), filed August 27, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *general commodities* (except classes A and B explosives) between points in the U.S.

MC 138100 (Sub-5), filed August 31, 1981. Applicant: MELLOW TRUCK EXPRESS, INC., P.O. Box 23725, Tigard, OR 97223. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258, (503) 227–1681. Transporting *building materials and equipment,* between points in OR, WA, CA, ID, NV, AZ, UT, CO, NM, WY, MT, ND, SD, KS, OK, TX, and NE.

MC 148730 (Sub-4), filed September 9, 1981. Applicant: THE CANDY EXPRESS, INC., 1600 E. Gregory, North Little Rock, AR 72114. Representative: Harry E. McDermott, Jr., 700 Union Life Building, Little Rock, AR 72201, (501) 374–3773. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Communications Supply Service Association, of Little Rock, AR.

MC 149440 (Sub-8), filed September 8, 1981. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First St., Fort Recovery, OH 45846. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *general commodities* (except classes A and B explosives), (1) between points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV and WI; and (2) between points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, WV and WI, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, IA, KS, LA, ME, NM, MS, MO, MT, NE, NV, NH, MN, ND, OK, OR, SD, UT, VT, WA, WY and DC.

MC 150260 (Sub-1), filed September 4, 1981. Applicant: L. F. STARBIRD & SONS, INC., RR 2, Box 462, Hollis Center, ME 04042. Representative: John G. Freehan, 178 Middle Street, Portland, ME 04112, (207) 774–1486. Transporting *beer,* between the facilities of the Fallstaff Brewering Company in Ft. Wayne, IN, on the one hand, and, on the other, points in Cumberland County, ME.

MC 150930 (Sub-1), filed August 7, 1981, previously noticed in the Federal Register issue of August 24, 1981. Applicant: WRIGHT TRUCKING, INC., Route 1, Chatfield, MN 55923. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424, (612) 927–8855. Transporting *food and related products,* between points in Blue Earth, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Mower, Olmsted, Ramsey and Wabasha Counties, MN, and Allamakee and Mitchell Counties, IA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

Note.—This republication clarifies the commodity description.

MC 150951 (Sub-5), filed September 4, 1981. Applicant: CRANSTON TRUCKING COMPANY, 1381 Cranston Street, Cranston, RI 02920. Representative: Paul M. Overton (same address as applicant), (401) 943–4800. Transporting *textile mill products,* between points in the U.S., under continuing contract(s) with Marcus Brothers Textile, of New York, NY.

MC 150951 (Sub-6), filed September 4, 1981. Applicant: CRANSTON TRUCKING COMPANY (Division of Cranston Print Works Company), 1381 Cranston St., Cranston, RI 02920. Representative: Paul M. Overton (same address as applicant), (401) 943–4800. Transporting *textile mill products,* between points in the U.S., under continuing contract(s) with Henry Glass & Company, of New York, NY.

MC 151651, filed September 8, 1981. Applicant: INTERMODAL SERVICES, INC., P.O. Box 668211, 5430 Hovis Road, Charlotte, NC 28266. Representative: Richard Thomas Duckett (same address as applicant), (704) 394–3923. Transporting *general commodities* (except classes A and B explosives), having a prior or subsequent movement by rail or water, (1) between points in NC, (2) between points in SC, and (3) between points in NC and SC.

MC 152291, filed September 2, 1981. Applicant: ASSEMBLY SQUARE TRANSPORTATION, INC., 20 Sturtevant St., Somerville, MA 02145. Representative: Frank M. Cushman, 36 South Main St., Sharon, MA 02067, (617) 784–6041. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S., under continuing contract(s) with Bos-Taun Consolidating Company, of Somerville, MA.

MC 154121 (Sub-14), filed September 3, 1981. Applicant: TRAILINER CORP., 5367 W. 86th St., Indianapolis, IN 46268. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between the facilities of Nu-Way Shippers Association located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154261 (Sub-2), filed August 31, 1981. Applicant: PASCO PRODUCTS, INC., 2017 King Edward Ave., Cleveland, TN 37311. Representative: M. C. Ellis, 1001 Market St., Chattanooga, TN 37402. (615) 756–3620. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Alco Chemical Corporation, of Chattanooga, TN.

MC 155760, filed August 31, 1981. Applicant: RONALD S. YAROS, d.b.a. RMEX, P.O. Box 24808, Oakland, CA 94623. Representative: Ronald S. Yaros (same address as applicant), (415) 839–5085. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Rocky Mountain Express, Inc., of San Francisco, CA.

MC 157481 (Sub-1), filed September 1, 1981. Applicant: FREDERICK J. & EMMY ANNA FAURIE, d.b.a. EASYWAY TRANSPORTATION, 436 County Line Rd., Bensenville, IL 60106. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, (312) 236–0548. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 158051, filed September 1, 1981. Applicant: ADAMS TOURS, 19 Hanover St., Skowhegan, ME 04976. Representative: Herbert Paradis (same address as applicant). As a *broker* at Skowhegan, ME, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, between points in Somerset and Kennebec Counties, ME, on the one hand, and, on the other, points in the U.S. (including AK and HI).

MC 158090, filed September 4, 1981. Applicant: JIM SENSKE, d.b.a. JIM SENSKE TRUCKING, 515 Sheridan, Crookston, MN 56716. Representative: Gene P. Jhonson, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting (1) *lumber and wood products,* between points in OR, WA, ID and MT, on the one hand, and, on the other, points in MN, SD, NE, WY, IA, ND and UT, and (2) *mobile homes and buildings in sections,* between points in MN, MT, ND, SD, IA, WI, NE and WY.

MC 158110, filed September 8, 1981. Applicant: DENNIS MARK ARNOLD, d.b.a. DENNIS TRUCKING CO., Third and D Streets, North Kingstown, RI 02852. Representaive: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852 (401) 884–0969. Transporting *textile mill products and machinery,* between New York, NY, and points in Washington County, RI, Fairfield, New London, and Windham Counties, CT, Bristol County, MA, and Almance, Catawba, Edgecombe, Nash, Davidson, Person, and Polk Counties, NC.

MC 158120, filed September 8, 1981. Applicant: GLENN R. DUSENBERRY, 2311 Sampson Street, Muscatine, IA 52761. Representative: Kenneth F. Dudley, P.O. Box 279, Ottunwa, IA 52501, (515) 682–8154. Transporting *chemicals and related products,* between points in Muscatine County, IA, on the one hand, and, on the other, points in IL, IN, KS, MI, MN, MO, NE, ND, OH, SD and WI.

MC 158131, filed September 9, 1981. Applicant: OLD THIRTY EXPRESS, INC., 10521 Nassau St., N.E., Blaine, MN 55434. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with DCS Color & Supply Company, Inc., of Milwaukee, WI.

Volume No. OPY–4–373

Decided: September 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 108676 (Sub-169), filed September 9, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Bldg., 315 Union Street, Nashville, TN 37201. Transporting *building materials*, between Knox County, TN, Tuscaloosa County, AL, Jasper County, MO, Frederick County, MD, and Phillips County, KS, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 108676 (Sub-170), filed September 9, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Bldg., 315 Union Street, Nashville, TN 37201, (615) 244–2926. Transporting *general commodities* (except classes A & B explosives), between points in TN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 117836 (Sub-15), filed September 8, 1981. Applicant: EDWARD J. STINSON, d.b.a., STINSON MOTOR LINES, Route 1, Box 256, Glen Rose, TX 76043. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL, (205) 428–8629. Transporting *food and related products*, between points in Los Angeles County, CA, Harrison County, MS and Galveston County, TX, on the one hand, and, on the other, points in AZ, AR, CA, CO, IL, IN, IA, KS, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI and WY.

MC 150776 (Sub-7), filed September 8, 1981. Applicant: ALFRED DANIELS, INC., Roufe 1, P.O. Box 272–I, Jackson, OH 45640. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Transporting *hazardous materials* between points in the U.S., under continuing contract(s) with Austin Powder Company of Cleveland, OH.

MC 155396, filed September 8, 1981. Applicant: JOHN SLEGERS, d.b.a. SLEGERS TRANSPORT, 11651 N. 900 West, Demotte, IN 46310. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602, (312) 236–8225. Transporting (1) *cement*, and (2) *flyash*, between Chicago, IL, on the one hand, and, on the other, points in IN.

MC 156596, filed September 8, 1981. Applicant: GUNTHER'S LEASING TRANSPORT, INC., 8350 Capel Dr., Pasadena, MD 21122. Representative: Mark D. Gunther (same address as applicant), (301) 766–8600. Transporting *garments*, between points in the U.S., under continuing contract(s) with Londontown Corporation, of Eldersburg, MD.

MC 158136, filed September 8, 1981. Applicant: KELLIE MITCHELL PULLEY, d.b.a K. M. PULLEY TRUCKING COMPANY, 112 C Photinia Ct., Rocky Mount, NC 27801. Representative: Archie W. Andrews, 617 F Lynrock Terrance, Eden, NC 27288, (919) 627–0555. Transporting *lumber*, between points in NC, on the one hand, and, on the other, points in DE, FL, GA, MD, NJ, NY, PA, SC, VA, and DC.

Volume No. OPY–5–152

Decided: September 16, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 3419 (Sub-15), filed August 13, 1981. Applicant: THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., 1375 Euclid Avenue, 201 Stouffer Building, Cleveland, OH 44115. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209, 703–522–0900. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Detroit, MI, and Port Huron, MI: from Detroit over Interstate Highway 94 to Port Huron, (2) between Detroit, MI, and Muskegon, MI: from Detroit over Interstate Highway 96 to Muskegon, (3) between Detroit, MI, and Bay City, MI: from Detroit over Interstate Highway 75 to Bay City, (4) between Bay City, MI, and Ludington, MI: from Bay City over U.S. Highway 10 to Ludington, (5) Between Ludington, MI, and Chicago, IL: from Ludington over U.S. Highway 31 to junction Interstate Highway 94, then over Interstate Highway 94 to Chicago, (6) between Clare, MI, and Richmond, IN: from Clare over U.S. Highway 27 to Richmond, (7) between Bay City, MI, and Toledo, OH: from Bay City over Interstate Highway 75 to junction U.S. Highway 23, then over U.S. Highway 23 to Toledo, (8) between St. Joseph, MI, and Indianapolis, IN: from St. Joseph over U.S. Highway 31 to Indianapolis, (9) between Ft. Wayne, IN, and Indianapolis, IN: from Ft. Wayne over Interstate Highway 69 to Indianapolis, (10) between Hammond, IN, and Chattanooga, TN: from Hammond over U.S. Highway 41 to Chattanooga, (11) between Gary, IN, and Mobile, AL: from Gary over Interstate Highway 65 to Mobile, (12) between Chicago, IL, and Toledo, OH: from Chicago over Interstate Highway 80 (also Interstate Highway 90) to Toledo, (13) between St. Louis, MO, and Springfield, OH: from St. Louis over Interstate Highway 70 to Springfield, (14) between Evansville, IN, and Staunton, VA: from Evansville over Indiana Highway 62 to junction U.S. Highway 231, then over U.S. Highway 231 to junction Interstate Highway 64, then over Interstate Highway 64 to Staunton, (15) between Cincinnati, OH, and Valdosta, GA: from Cincinnati over Interstate Highway 75 to Valdosta, (16) between Louisville, KY, and Paducah, KY: from Louisville over U.S. Highway 60 to Paducah, (17) between Huntington, WV, and Owensboro, KY: from Huntington over U.S. Highway 23 to junction Kentucky Highway 80, then over Kentucky Highway 80 to junction U.S. Highway 231, then over U.S. Highway 231 to Owensboro, (18) between Memphis, TN, and Raleigh, NC: from Memphis over Interstate Highway 40 to Raleigh, (19) between Chattanooga, TN, and the Alabama-Mississippi state line: from Chattanooga over Interstate Highway 59 to the Alabama-Mississippi state line, (20) between junction Interstate Highway 40 and Interstate Highway 81 and Staunton, VA: from junction Interstate Highway 40 and Interstate Highway 81 over Interstate Highway 81 to Staunton, (21) between Montgomery, AL, and Dothan, AL: from Montgomery over U.S. Highway 231 to Dothan, (22) between Montgomery, AL, and Durham, NC: from Montgomery over Interstate Highway 85 to Durham, (23) between Birmingham, AL, and Florence, SC: from Birmingham over Interstate Highway 20 to Florence, (24) between Augusta, GA, and Savannah, GA: from Augusta over U.S. Highway 25 to junction U.S. Highway 80, then over U.S. Highway 80 to Savannah, (25) between Montgomery, AL, and Macon, GA: from Montgomery over U.S. Highway 80 to Macon, (26) between Macon, GA, and Waycross, GA: from Macon over U.S. Highway 23 to Waycross, (27) between Brunswick, GA, and Roanoke Rapids, NC: from Brunswick over Interstate Highway 95 to Roanoke Rapids, (28) between Valdosta,

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GA, and Brunswick, GA: from Valdosta over U.S. Highway 84 to Brunswick, (29) between Savannah, GA, and Elizabeth City, NC: from Savannah over U.S. Highway 17 to Elizabeth City, (30) between Charleston, SC, and Asheville, NC: from Charleston over Interstate Highway 26 to Asheville, (31) between Columbia, SC, and Marietta, OH: from Columbia over Interstate Highway 77 to Marietta, (32) between Winston-Salem, NC, and Elizabeth City, NC: from Winston-Salem over U.S. Highway 158 to Elizabeth City, (33) between Raleigh, NC, and New Bern, NC: from Raleigh over U.S. Highway 70 to New Bern, (34) between Greensboro, NC, and Charlottesville, VA: from Greensboro over U.S. Highway 29 to Charlottesville, and (35) between Charlottesville, VA, and Wheeling, WV: from Charlottesville over U.S. Highway 250 to Wheeling, return over routes (1) through (35), serving all intermediate points on routes (1) through (35), serving all points in Alabama, Georgia, Indiana, Kentucky, North Carolina, Ohio, South Carolina, and Tennessee; and points in Cook, DuPage, Kane, Kendall, Lake, Madison, McHenry, Monroe, St. Clair, and Will Counties, IL; Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clare, Clinton, Eaton, Genesee, Gladwin, Gratiot, Hillsdale, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lake, Lapier, Lenawee, Livingston, Macomb, Mason, Mecosta, Midland, Monroe, Montcalm, Muskegon, Newaygo, Oakland, Oceana, Osceola, Ottawa, Saginaw, St. Clair, St. Joseph, Shiawasee, Van Vuren, Washtenaw, and Wayne Counties, MI; Jefferson, St. Charles and St. Louis Counties, MO; Albermarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Brayson, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Scott, Smyth, Tazewell, Washington, Wise and Wythe Counties, VA; and Barbour, Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbriar, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood, and Wyoming Counties, WV, as off-route points.

MC 23618 (Sub-71), filed August 31, 1981. Applicant: McALISTER TRUCKING COMPANY, d.b.a. MATCO, 2041 S. Treadaway Blvd., Abilene, TX 79604. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting (1) *Mercer commodities*, (2) *earth drilling equipment*, (3) *those commodities* which because of their size or weight require the use of special handling or equipment, (4) *machinery*, (5) *metal products*, and (6) *transportation equipment*, between points in the U.S.

MC 42798 (Sub-5), filed September 1, 1981. Applicant: LABER RUSSO TRUCKING COMPANY, INC., 1198 Atwood Ave., Johnston, RI 02917.Representative: Charles R. Rielly, 391 Davisville Road, North Kingstown, RI 02852, (401) 884-0969. Transporting *petroleum, natural gas and their products*, between points in CT, MA, and RI.

MC 60709 (Sub-10), filed August 17, 1981. Applicant: G & P TRUCKING COMPANY, INC., 3330 Charleston Hwy., West Columbia, SC 29169. Representative: John H. Caldwell and Denise M. O'Brien, 1776 F. St., NW, Suite 400, Washington, DC 20006, (202) 835-8000. Transporting *tires*, between points in the U.S., under continuing contract(s) with Michelin Tire and Rubber Corporation, of Greenville, SC.

MC 116068 (Sub-6), filed August 27, 1981. Applicant: D & F TRANSIT, INC., 4747 Genesee St., Cheektowaga, NY 14225. Representative: Gary E. Thomspon, 4304 East-West Hwy., Bethesda, MD 20814, (301) 654-2240.Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Niagara, Erie, and Chautauqua Counties, NY, and extending to points in DE, FL, KY, MA, PA, VA, and DC.

MC 118838 (Sub-92), filed September 4, 1981. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chandler Corporation, of Boise, ID.

MC 119699 (Sub-4), filed September 1, 1981. Applicant: HARRELL FREIGHT, INC., 53 East Thomas Ave., Baltimore, MD 21225. Representative: M. Bruce Morgan, 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061, (301) 761-2580. Transporting *metal products* between Baltimore, MD, on the one hand, and, on the other, points in Chester, Berks, and Clearfield Counties, PA.

MC 120378 (Sub-9), filed September 1, 1981. Applicant: FINDLAY TRUCK LINE, INC., 420 Trenton Ave., Findlay, OH 45840. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *general commodities* (except classes A and B explosives), between points in OH.

Note.—Applicant seeks to convert its Certificate of Registration in MC-120378, Sub-2, issued June 28, 1965, to a Certificate of Public Convenience and Necessity. Issuance of a Certificate is conditioned upon applicant's written request for the coincidental cancellation of its Certificate of Registration in MC-120378, Sub-2.

MC 120978 (Sub-35), filed August 31, 1981. Applicant: MAYER TRUCK LINE, INC., 1203 So. Riverside Drive, Jamestown, ND 58401. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237-4223. Transporting *general commodities* (except classes A and B explosives), between points in ND, on the one hand, and, on the other, points in the U.S.

MC 124059 (Sub-3), filed August 10, 1981, previously published (republication) in the **Federal Register** on August 27, 1981. Applicant: REJER TRANSPORT, INC., P.O. Box 566, Marietta, OH 45750. Representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting (1) *chemicals and related products*, between points in Pleasant County, WV, on the one hand, and, on the other, points in and east of MN, IA, NE, MO, AR, and LA, (2) *metal products*, between points in Putnam County, WV, on the one hand, and, on the other, points in the U.S., and (3) *general commodities* (except classes A and B explosives) between points in Wood County, WV, on the one hand, and, on the other, points in the U.S.

Note.—Purpose of republication is to show applicant's address as Marietta, OH, and in (2) Putnam County, WV in lieu of Bancroft County, WV.

MC 129558 (Sub-8), filed August 24, 1981. Applicant: ROY ROSS, d.b.a. ROY ROSS TRUCKING COMPANY, Route 2, P.O. Box 315, Bidwell, OH 45614. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212, (614) 481-8821. Transporting *meats, meat products, and meat by-products*, between points in the U.S., under continuing contract(s) with Bob Evans Farms, Inc., of Columbus, OH.

MC 133959 (Sub-17), filed September 2, 1981. Applicant: ALBAUGH TRUCK LINE, INC., Box 85, Elkhart, IA 50073. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting *general commodities* (except classes A and B explosives), between points in the

U.S., under continuing contract(s) with ITOFCA, Inc., of Claredon Hills, IL.

MC 139018 (Sub-4), filed August 28, 1981. Applicant: GUNTER BROTHERS, INC., 19060 Frager Road, Kent, WA 98031. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624-2832. Transporting *lumber and wood products,* between points in King County, WA, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, and UT.

MC 141889 (Sub-18), filed September 4, 1981. Applicant: RONALD DEBOER, d.b.a. RON DEBOER TRUCKING, Rt. 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *metal products,* between points in Stanislaus County, CA, on the one hand, and, on the other, points in the U.S.

MC 145059 (Sub-9), filed July 16, 1981. Applicant: SPINELLI BROS. TRUCKING, INC., 55 South Wade Blvd., Millville, NJ 08332. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *frozen food* between points in Aroostook and Cumberland Counties, ME, on the one hand, and, on the other, points in the U.S.

MC 152919 (Sub-1), filed August 28, 1981. Applicant: ROBERT J. EDELEMAN, d.b.a. R & L EDELMAN, Rtes. 22 and 23, Hillsdale, NY 12529. Representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103, (203) 728-0700. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of grain milled products, between points in the U.S., under continuing contract(s) with ADM Milling Co., of Hudson, NY.

MC 152999, filed August 31, 1981. Applicant: LYNDONVILLE VINEGAR, INC., 247 West Ave., Lyndonville, NY 14098. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, (716) 853-0200. Transporting *food and related products* between points in the U.S., under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN.

MC 153279 filed August 31, 1981. Applicant: BONWAY SERVICE TRANSPORT, INC., 54 Fulton, St., Buffalo, NY 14204. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. Transporting *sugar,* between points in the U.S., under continuing contract(s) with U.S. Sugar Company, Inc., of Buffalo, NY.

MC 153328 (Sub-18), filed September 4, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree Street, Cape Girardeau, MO 63701. Representative: Guy H. Boles, 400 State St., Madison, IL 62060, (314) 451-2323. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of household laundry equipment, between points in Williamsom County, IL, on the one hand, and, on the other, points in the U.S.

MC 153679 (Sub-4), filed August 31, 1981. Applicant: CUMBERLAND FREIGHT LINE, INC., 201 25th Avenue North, Nashville, TN 37202. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244-8100. Transporting *such commodities* as are dealt in or used by wholesale grocers or grocery distribution warehouses, between points in Davidson, Bedford, Sumner and Maury Counties, TN, on the one hand, and, on the other, points in NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, IL, IN, OH, KY, AL, MS, MI, GA, FL, SC, NC, VA, WV, MD, DE, PA, NY, NJ, CT, and DC.

MC 158049, filed September 1, 1981. Applicant: GULL TRANSPORT CO., P.O. Box 255, 262 Summer St., Lunenburg, MA 01462. Representative: Leo A. Molter III, 985 Fisher Rd., Fitchburg, MA 01420, (617) 345-5021. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of automotive care products, between points in Worcester County, MA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, and VT.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-27623 Filed 9-22-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1–264

Decided: September 15, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 119890 (Sub-3), filed August 25, 1981. Applicant: ROY A. BENWARE AND DARLENE D. BENWARE, d.b.a. BENWARE TRUCK LINE, INC., Star Route, Florence, MO 65329. Representative: Roy A. Benware (same address as applicant), (816) 368–4221. (1) As a *broker* of *general comodities* (except household goods), between points in the U.S., (2) Transporting *general commodities*, between Florence, MO, on the one hand, and, on the other, points in the U.S., and (3) Transporting (a) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (b) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (c) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, and (d) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Volume No. OPI–266

Decided: September 16, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 158030, filed August 31, 1981. Applicant: GARY L. BERG, d.b.a. GARY BERG TRUCKING, RR 2, Hawley, MN 56549. Representative: Zenas Baer, 222 6th St., Hawley, MN 56549, (218) 483–4400. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158070, filed September 3, 1981. Applicant: NOR-FER CORPORATION, d.b.a. JOY-FER SERVICES, 840 Eleventh St., Suite F, Paso Robles, CA 93446. Representative: Joyce H. Smith (same address as applicant), (805) 239–0400. As a *broker* of *general commodities* (except household goods) between points in the U.S.

MC 158080, filed September 4, 1981. Applicant: A. J. HEART TRAFFIC ASSOCIATES, INC., 500 Washington Ave., Apt. 21, Belleville, NJ 07109. Representative: A. David Millner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, (201) 575–7700. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 158100, filed September 8, 1981. Applicant: BROWNFIELD ENTERPRISES, INC., 492 Old St. Rte. 7, Steubenville, OH 43952. Representative: Kenneth W. Brownfield (same address as applicant), (614) 282–6201. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 158111, filed September 8, 1981. Applicant: ROGER A. JUSEZAK, 1179 West Rd., Moose Lake, MN 55767. Representative: Roger A. Jusezak (same address as applicant), (218) 485–4233. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S.

MC 158121, filed September 8, 1981. Applicant: TRANSFER SERVICE, INC., 14 Lewis St., Lincoln, MA 01773. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–4–371

Decided: September 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 157186, filed August 14, 1981, previously noticed in the **Federal Register** issue of August 28, 1981, and republished this issue. Applicant: U.S. TRANSPORT, INC., 14307 Still Meadow, Houston, TX 77079. Representative: Robert J. Birnbaum, 3636 Executive Center Dr., Suite 151, Austin, TX 78731, (512) 346–4800. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between poins in the U.S.

Note.—The purpose of this republication is to add the carrier's name to the publication.

MC 158146, filed September 10, 1981. Applicant: DARREL SANBURG, d.b.a. NEW HORIZON TRANSPORTATION, 4217 Spur Lane, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101, (605) 335–1777. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–5–153

Decided: September 16, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 157848, filed August 27, 1981. Applicant: O.K.T., INC., P.O. Box 253, Rockingham, NC 28379. Representative: Barry Weintraub, 8133 Leesburg Pike, Suite 510, Vienna, VA 22180, (703) 442–8330. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) to operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 157869, filed August 25, 1981. Applicant: FLORIDA LADDER COMPANY, Highway 301 N at Airport, P.O. Box 579, Sarasota, FL 33578. Representative: Tobin B. Wiener (same address as applicant), (814) 355–6747. Transporting *food and other edible products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S., under continuing contract(s) with Southern Grocery Company of Sarasota, FL.

MC 157999, filed August 28, 1981. Applicant: MICKEY DEAN SETTLEMIRE, d.b.a. M. SETTLEMIRE TRUCKING, 2134 Farnworth, Camarillo, CA 93010. Representative: Earl N. Miles, 3704 Candlewood Drive, Bakersfield, CA 93306, (805) 872–1106. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L Mergenovich,

Secretary.

[FR Doc. 81–27624 Filed 9–22–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-82A]

Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components Thereof; Denial of Petition

AGENCY: International Trade Commission.

ACTION: Denial of petition filed by respondents to introduce new evidence and to amplify and update the record.

AUTHORITY: This investigation is being conducted pursuant to subsection (b) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(b)) and § 210.10(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.10(b).

SUPPLEMENTARY INFORMATION: Investigation No. 337-TA-82A is being conducted in order to determine whether there is a violation of section 337 in the importation of certain headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof, into the United States, or in the sale of such articles, which are alleged to infringe and to contribute to or induce the infringement of claims 1, 12, 15, 16, and 22 of U.S. Letters Patent RE 28,269 and claims 4, 5, and 6 of U.S. Letters Patent 3,923,593, with the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The Commission instituted these proceedings on its own initiative (Commissioner Stern dissenting) as a result of the President's disapproval and recommendation concerning the determination and order previously issued on April 8, 1981, at the conclusion of *Certain Headboxes and Papermaking Machine Forming Sections For the Continuous Production of Paper, and Components Thereof,* investigation No. 337-TA-82. *See* 46 FR 22083, USITC Publication 1138, April 1981. *See also* 46 FR 32361 (1981).

The notice instituting this new investigation and defining its scope was published in the **Federal Register** on July 1, 1981 (46 FR 34437). It provided that these proceedings would encompass the same issues, parties, and subject matter as investigation No. 337-TA-82, except that—

(1) In the absence of new allegations of section 337 violations, or new evidence regarding the allegations which were the basis of investigation No. 337-TA-82, this inquiry would be limited to the issues of the appropriate remedy, the public interest, and the value of the bond, if any, which should be imposed during the 60-day period for review by the President, and

(2) Aktiebolaget Karlstads Mekaniska Werkstad (KMW) of Karlstad, Sweden and KMW Johnson (KMW) of Charlotte, N.C. would be the only respondents.

The notice also stated that the evidence and information concerning the elements of a section 337 violation which are on the record of investigation No. 337-TA-82 would be incorporated (by reference) into the record of these new proceedings, and that no violation issue which was previously litigated in investigation No. 337-TA-82 would be relitigated unless—

(1) Within 20 days after the date on which the new investigation was instituted, a party filed a petition which either alleged new violations of section 337, or presented new evidence concerning the previously alleged violation and showed good cause for relitigating the issues in question, and

(2) The Commission granted the petition.

On July 21, 1981, the respondents filed a petition (Motion No. 82A-27) to introduce new evidence and to amplify and update the record. The complainant and the Commission investigative attorney subsequently filed a joint response opposing the petition.

Upon review of the petition, the response, and all other documents on the records of the previous and the current investigations, the Commission found that the petition did not conform to the requirements enunciated in the notice of investigation, that the determination requested was premature, and that reopening discovery would be of limited value and would unnecessarily delay the Commission's final determination. Consequently, on September 11, 1981, the Commission decided to deny the petition in its entirety.

Copies of the Commission's Action and Order, as well as all other nonconfidential documents on the record of this investigation and investigation No. 337-TA-82, [1] are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Room 224, Washington, D.C. 20436, telephone 202-523-0350.

Issued: September 15, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-27669 Filed 9-22-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-96]

Certain Modular Pushbutton Switches and Components Thereof; Commission Request for Comments Regarding Settlement Agreements

AGENCY: International Trade Commission.

ACTION: Request for public comment on proposed termination of investigation based on settlement agreements.

SUMMARY: The settlement agreements would result in the complete termination of this investigation. This notice requests comments from the public on the proposed settlement agreement on or before October 23, 1981.

DATES: Comments will be considered if received on or before October 23, 1981. Comments should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: Complainant, ITT Schadow, Inc., has moved for termination of this investigation on the basis of 3 settlement agreements. Respondents Tanaka Electronics Industries, Ltd., Toneluck Electronics Industrial Co., Ltd., Electronic Components Group, Inc., and Hosiden Electronics Company, and party International Telephone and Telegraph Corporation support the motion. On August 11, 1981, the presiding officer recommended that the joint motion be granted.

Notice of the institution of the investigation was published in the **Federal Register** of December 31, 1980 (45 FR 86564).

SETTLEMENT AGREEMENTS: Under the first agreement, respondent Tanaka promises not to export to the United States modular pushbutton switches with removable stop means until the expiration of the '963 reissue patent. In exchange, Schadow and ITT waive all claims of patent infringement in all forms based upon past importation of such switches. In the second agreement, respondents Toneluck Electronics Industrial Co., Ltd., and Electronic

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[1] All documents and written submissions which are on the record of investigation No. 337-TA- *82A* have been placed inside the 337-TA-*82* files in the Office of the Secretary, Dockets Section.

Components Groupe, Inc., (ECG), promise not to import certain alternate action switches which are made in accord with the '963 patent or to import staples which could be used to convert momentary switches into alternate action switches. Toneluck and ECG will, however, import "Plan A" alternate action and momentary switches, provided that they plug the holes in the tabs of such switches by January 1, 1982. The parties waive all claims for previous patent infringement or any other past act. ITT and Schadow further promise not to file any action with respect to ECG and Toneluck's future importation of Plan A switches. In the third agreement, ITT and Schadow grant to respondent Hoseiden a nonexclusive license to import and sell pushbutton swithces covered by any claim of the '963 reissue patent and the '213 patent to Zenith Radio Corporation. Hosiden will pay ITT the sum of $10,000 upon termination of this investigation. At the conclusion of the first 2 years of the agreement, Hosiden will pay a royalty of 3.75 percent of the total net invoice sales price of those swithces sold within, or for use within, the United States. On August 11, 1981, the ALJ (Judge Duvall) recommended, that the motion to terminate be granted and that the investigation be terminated as to all parties and all issues. The full text of these settlement agreements is available for public inspection at the Secretary's Office.

WRITTEN COMMENTS REQUESTED: In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation on the basis of the settlement agreement on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than October 23, 1981. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

ADDITIONAL INFORMATION: The original and 19 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161. All comments must be filed no later than October 23, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspections at the Secretary's office.

FOR FURTHER INFORMATION CONTACT: Scott Daniels, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washingotn, D.C. 20436; telephone (202) 523-0480.

Issued: September 18, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-27668 Filed 9-22-81; 8:45 am]

BILLING CODE 7020-02-M

Request for Public Comment on Termination of Countervailing Duty Investigation Concerning Die Presses From Italy

AGENCY: International Trade Commission.

ACTION: Request for comments on proposed termination of countervailing duty investigation under section 104(b) of the Trade Agreements Act of 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Leahy, Office of Investigations, telephone 202-523-1369.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for the review of the countervailing duty order on die presses from Italy (T.D. 74-165).

The Commission received a letter on August 24, 1981, from Herman Schwabe, Inc., the original petitioner for the countervailing duty order, stating that "We hereby withdraw the countervailing duty petition regarding die presses from Italy (T.D. 74-165)."

The legislative history of section 704(a) of the Tariff Act of 1930, as amended by the Trade Agreements Act, indicates that the Commission should solicit public comment prior to termination of an investigation and approve the termination only if it is in the public interest. In light of the Commission's duty to consider the public interest, the Commission requests written comments from persons concerning the proposed termination of the investigation on die presses from Italy. These written comments must be filed with the Secretary to the Commission no later than October 23, 1981.

Issued: September 14, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-27667 Filed 9-22-81; 8:45 am]

BILLING CODE 7020-02-M

METRIC BOARD

Convening of the Data Processing/Office Equipment Sector Committee of the American National Metric Council

Note.—This document originally appeared in the issue of Sept. 17, 1981, at 46 FR 46227. It was printed in error in the section for notices of meetings under the Government in the Sunshine Act.

The United States Metric Board (USMB) was established by the Metric Conversion Act of 1975 (Pub. L. 94-168) to coordinate the voluntary increasing use of the metric system. Section 6(3) of the Act directs the USMB to keep interested parties informed and to encourage broad participation in private sector metric activities.

Therefore, notice is hereby given that on October 20, 1981, at 10:00 a.m., the convening meeting of the American National Metric Council's (ANMC) Data Processing/Office Equipment Sector Committee will take place in Washington, D.C. The ANMC is a private sector nonprofit organization.

The preliminary agenda for the meeting is as follows:

10:00 Call to Order
  Introduction Remarks
  Introduction of Participants
Metric Status Update:
  ANMC
  Industry
  Government
Canadian Update
Metric Conversion Experience of Attendees:
  Problems and Opportunities
Sector Objectives
Sector Scope
Selection of Chairman
Selection of Vice Chairman
Selection of Secretariat
2:00 Adjournment

The meeting is open to the public. Persons who wish to attend or who wish additional information concerning this metric planning activity may contact Gracelyn Deebo, Program Manager at ANMC. Telephone (301) 530–8333.

Dated: September 14, 1981.

Theodore S. Farfaglia,

Executive Director.

[FR Doc. 81–27819 Filed 9–15–81; 3:46 pm]

BILLING CODE 6250–01–M

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Privacy Act of 1974; Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Public Law 93–579, 5 U.S.C. 55a, the National Advisory Council on Economic Opportunity published in the **Federal Register** (41 FR 49622) notices of the existence of the following systems of records subject to the Privacy Act: NACEO 76–1, Payroll Records; NACEO 76–2 General Financial Records. The Advisory Council terminates its operations on September 30, 1981 and the above systems of records are revoked as of that date.

Following is a summary of the disposition of the Commission's systems of records:

NACEO 76–1

System name: Payroll Records—National Advisory Council on Economic Opportunity: to be retained by the General Services Administration, National Payroll Center, for use in concluding administrative operations of the Advisory Council as part of GSA system of records, Defunct Agency Records GSA/OEA–1.

NACEO 76–2

System name: General Financial Records—National Advisory Council on Economic Opportunity: to be retained by the External Services Branch, National Capital Region for concluding administrative operations of the Advisory Council as part of the GSA system of records, Defunct Agency Records, GSA/OEA–1.

Walter B. Quetsch,

Executive Director.

[FR Doc. 81–27590 Filed 9–22–81; 8:45 am]

BILLING CODE 6820–41–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–471]

Boston Edison Co., et al.; Pilgrim Nuclear Power Station Unit 2; Order Setting Time and Place of Prehearing Conference

September 17, 1981.

The Prehearing Conference set for October 1, 1981 will commence at 9:30 a.m. at the following location: Blue Room, Plymouth Memorial Hall, 83 Court Street, Plymouth, Massachusetts.

As stated in the Board Order of September 4, 1981, this prehearing conference will consider all outstanding matters including contentions and discovery.

It is so ordered.

Dated at Bethesda, Md., this 17th day of September, 1981.

For the Atomic Safety and Licensing Board.

Richard F. Cole,

Administrative Judge.

[FR Doc. 81–27672 Filed 9–22–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–445 and 50–446]

Texas Utilities Generating Co., et al.; Comanche Peak Steam Electric Station, Units 1 and 2; Application for Operating License; Evidentiary Hearing and Prehearing Conference

September 17, 1981.

Please take notice that an evidentiary hearing will be held in this operating license proceeding before an Atomic Safety and Licensing board (Board), pursuant to the Atomic Energy Act of 1954 as amended (the Act), and the regulations in Title 10, Code of Federal Regulations (CFR), Part 50, "Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice."

An evidentiary hearing will commence on December 2, 1981, at 9:00 a.m., local time at the Interstate Commerce Commission, Neil P. Anderson Building, Room 400A, located at 411 West 7th Street, Forth Worth, Texas 76102, and will continue until completion of taking evidence on the issues and contentions described hereafter. This evidentiary hearing will address the matters in controversy resulting from Contentions 9, 22, 24 and 25, and Board Question No. 2, infra.

A final prehearing conference, pursuant to 10 CFR § 2.752, will be held at the same location at 9:00 a.m., local time, December 1, 1981.

On February 5, 1979, the Nuclear Regulatory Commission (NRC) issued a notice in the **Federal Register** of the "Availability of Applicants' Environmental Report, Consideration of Issuance of Facility Operating Licenses, and Opportunity for Hearing" for Comanche Peak (44 FR 6995). The notice stated that a petition for leave to intervene must be filed by March 5, 1979. Timely petitions were received from the State of Texas for participation as an interested state under 10 CFR 2.715(c), and from Citizens Association for Sound Energy (CASE), Citizens for Fair Utility Regulation (CFUR) and the Texas Association of Community Organizations for Reform Now/West Texas Legal Services (ACORN).

By its Order Relative to Standing of Petitioners to Intervene, entered June 27, 1979, the Board admitted these petitioners as Intervenors in this proceeding. Subsequently, ACORN's motion for its voluntary dismissal as a party was granted by Memorandum and Order entered July 24, 1981.

By our Scheduling Order entered July 23, 1981, the evidentiary hearing to commence on December 2, 1981, was to cover the issues involved in admitted Contentions 9, 22, 24 and 25, and Board Question No. 2. These contentions and issues are as follows:

Contention 9

Applicants have failed to make any effort to determine the effect of radioactive releases on the general public other than at the exclusion boundary. Various transport mechanisms may cause, in certain cases, the bulk of the health effects to occur some distance from the exclusion boundary.

Contention 22

Applicants have failed to comply with 10 CFR Part 50, Appendix E, regarding emergency planning, for the following reasons:

a. The FSAR does not identify state or regional authorities responsible for emergency planning or who have special qualifications for dealing with emergencies.

b. No agreements have been reached with local and state officials and agencies for the early warning and evacuation of the public, including the identification of the principal officials by titles and agencies.

c. There is no description of the arrangements for services of physicians and other medical personnel qualified to handle radiation emergencies and arrangements for the transportation of

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injured or contaminated individuals beyond the site boundary.

d. There are no adequate plans for testing by periodic drills of emergency plans and provisions for participation in the drills by persons whose assistance may be needed, other than employees of the Applicant.

e. There is no provision for medical facilities in the immediate vicinity of the site, which includes Glen Rose.

f. There is no provision for emergency planning for Glen Rose or the Dallas/Ft. Worth metroplex.

Contention 24

A favorable cost/benefit balance cannot be made because the Applicant has failed to adequately consider:

a. The costs of safely decommissioning the facility after its useful life.

b. The costs in terms of health, as well as the economic costs of a possible accident in the on-site storage of spent fuel.

c. The fuel costs and supply.

d. The costs of waste storage.

Contention 25.

The requirements of the Atomic Energy Act, as amended, 10 CFR 50.57(a)(4) and 10 CFR 50 Appendix C have not been met in that the Applicant is not financially qualified to operate the proposed facility.

Board Question No. 2

Applicant and Staff should describe in detail the operating quality assurance program for CPSES. A description of the provisions for conduct of QA audits should be provided, including a description of how reactor operations and reactor operator training will be audited.

This evidentiary hearing will be conducted by a Board which has been duly designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. Richard F. Cole, Dr. Kenneth A. McCollom, Members and Marshall E. Miller, Esq., Chairman.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to interfere, may request in writing permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's Rules of Practice. Limited appearances will be permitted in this proceeding at the discretion of the Board, at times, within such limits and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform in writing the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than October 23, 1981. A person permitted to make a limited appearance does not become a party, but may state his or her position and raise questions which he or she would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless granted the right to intervene as a party or the right of limited appearance.

Written limited appearance statements may be submitted to the Board at any time prior to closing the record in this phase of the proceeding. Oral statements will only be received at times designated by the Board in order not to intervene with the taking of evidence in this adjudicatory proceeding. Oral limited appearance statements may be made on December 1, 1981, immediately following the scheduled final prehearing conference, and at such other times as the Board shall specify. Both oral and written statements will be made a part of the official record of this proceeding.

It is so ordered.

Dated at Bethesda, Maryland, this 17th day of September, 1981.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Chairman, Administrative Judge.

[FR Doc. 81-27674 Filed 9-22-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published August 21, 1981 (46 FR 42551). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the October 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Fluid Dynamics*, September 24-25, 1981, San Francisco, CA. The Subcommittee will review plans for addressing resolution of issues associated with Mark III containment pool dynamic loads and the application of resolution of these issues to the Grand Gulf Nuclear Plant. Notice of this meeting was published September 10.

**Metal Components*, September 25, 1981, Washington, D.C. The Subcommittee will discuss proposed criteria regarding failure modes/mechanisms for primary system piping and the performance of high strength bolts. Notice of this meeting was published September 10.

**Shoreham Nuclear Power Station Unit 1*, September 30, 1981, Washington, D.C. The Subcommittee will discuss the application of the Long Island Lighting Company for an Operating License. Notice of this meeting was published September 14.

**Transportation of Radioactive Materials*, October 1 and 2, 1981, Oak Ridge, TN. The Subcommittee will review the package certification procedures used by the Transportation Certification Branch of NRC. Notice of this meeting was published September 16.

**Anticipated Transients Without Scram*, October 2, 1981, Washington, D.C. The Subcommittee will discuss the proposed Rule for resolution of ATWS. Discussion will focus on the probabilistic risk assessment aspects of the Rule. Notice of this meeting was published September 16.

**Sequoyah Nuclear Plant*, October 13, 1981, Washington, D.C. The Subcommittee will review operating experience, response to ACRS requests, and status of hydrogen control measures. Notice of this meeting was published August 21.

**Floating Nuclear Plant*, October 13, 1981, Washington, D.C. The Subcommittee will review Supplement 4 of the Floating Nuclear Plant

Manufacturing License Safety Evaluation Report, as well as remaining ACRS outstanding issues for this project. Notice of this meeting was published August 21.

***Human Factors*, October 14, 1981, Washington, D.C. The Subcommittee will be briefed by the Division of Human Factors Safety, Office of Nuclear Reactor Regulation on the developments and programs that have been initiated within the Division over the past year. Items for discussion will include the final version of the control room design evaluation guidelines, operator qualifications, and emergency procedures guidelines. Notice of this meeting was published August 21.

***DOE Response Working Group*, October 14, 1981, Washington, D.C. (TENTATIVE). The Subcommittee will prepare ACRS comments on the Department of Energy (DOE) post Three Mile Island Unit 2 accident review of the safety of DOE reactors.

***Regulatory Activities*, October 14, 1981, Washington, D.C. The Subcommittee will review proposed Regulatory Guides and Regulations. Notice of this meeting was published August 21.

***Advanced Reactors*, October 22 and 23, 1981, Argonne National Laboratory. The Subcommittee will continue discussion of matters relating to the development of LMFBR safety design criteria. Notice of this meeting was published August 21.

***Extreme External Phenomena*—Postponed.

***Three Mile Island Unit 2 Action Plans*, October 29, 1981, Washington, D.C. This Subcommittee combined with the Reactor Operations Subcommittee will review the proposed rule on "Licensing Requirements for Pending Operating License Applications". Notice of this meeting was published August 21.

***Reactor Operations*, October 29, 1981, Washington, D.C. This Subcommittee combined with the TMI–2 Action Plans Subcommittee will be briefed on the current status of the NRC's Systematic Evaluation Program (SEP).

***AC/DC Power Systems*, October 30, 1981, Washington, D.C. The Subcommittee will review status of the activities associated with NUREG–0666, and the ongoing work on the availability of AC Power. Notice of this meeting was Published August 21.

***St. Lucie Plant Unit No. 2*, October 30 and 31, 1981, West Palm Beach, FL. The Subcommittee will discuss the application by the Florida Power and Light Company for an Operating License.

***Shippingport*—POSTPONED to December.

***Reliability and Probabilistic Assessment*, Date To Be Determined, Washington, D.C. or Phoenix AZ. The Subcommittee will review NRC progress toward development of a safety goal.

***Callaway Plant Unit 1*, November 4–5, 1981, Callaway County, MO. The Subcommittee will review the application by the Union Electric Company for an Operating License.

***Class 9 Accidents*, November 6, 1981, Denver, CO (TENTATIVE). The Subcommittee will discuss topics that include degraded core rulemaking, hydrogen control rules, degraded core computer code modeling, and Zion/Indian Point Studies.

***Comanche Peak Steam Electric Stations Units 1 and 2*, November 11, 1981, Washington, D.C. The Subcommittee will continue the review of the application by the Texas Utilities Generating Company for an Operating License. Notice of this meeting was published August 21.

***Procedures and Administration*, November 11, 1981, Washington, D.C. The Subcommittee will consider a revised format/scope of ACRS reports, improved SAR formats, interface with Commissioners and role of ACRS.

***Safety Philosophy, Technology and Criteria*, Date To Be Determined, Washington, D.C. The Subcommittee will review the proposed systems interaction study for the Indian Point Nuclear Power Plant.

***Palo Verde Nuclear Generating Station*, November 23 and 24, 1981, Phoenix, AZ. The Subcommittee will review the application by the Arizona Public Service Company for an Operating License.

***Watts Bar Nuclear Plant*, Date to Be Determined, Sweetwater, TN. The Subcommittee will review the application by the Tennessee Valley Authority for an Operating License.

ACRS Full Committee Meetings

October 15–17, 1981: Items are *tentatively* scheduled.

*A. *Grand Gulf Nuclear Station Units 1 and 2*— ACRS report re full power operation.

*B. *Shoreham Nuclear Power Station Unit 1*—ACRS report re full power operation.

*C. *Floating Nuclear Plant*—Application of TMI–2 Lessons Learned and other outstanding safety related issues—Discuss ACRS comments.

*D. *Integrity of Primary System Pressure Boundary*—Discuss proposed NRC action re WCAP–9558, "Mechanistic Fracture Evaluation of Reactor Coolant Pipe Containing a Postulated Circumferential Through Wall Crack", and WCAP–9787, "Tensile Toughness Properties of Piping Weld Material for Use in Mechanistic Fracture Evaluation".

*E. *Application of TMI–2 Lessons Learned to DOE Nuclear Facilities*—Discuss proposed ACRS comments (tentative).

*F. *Meeting with NRC Chairman and Commissioners*—Discuss safety related issues including proposed NRC siting criteria, reactor pressure vessel integrity (thermal shock from overcooling transients), and the regulatory process (use of regulations to resolve technical issues and the impact of NRC Orders and Bulletins on applicants/licensees).

*G. *NRC Reactor Safety Research Program*—Discuss scope of proposed report to the U.S Congress on the FY–1983 Safety Research Budget.

*H. *Briefings by the NRC Staff*—Regarding licensing activities such as the basis for pre-inerting of containments to control combustible gasses generated by a serious accident.

*I. *Reports of designated ACRS Subcommittees and ACRS Members*—Regarding current activities including proposed revisions to NRC Regulatory Guides, proposed requirements for preparation of emergency procedures, proposed requirements for supporting infrastructure at nuclear plants, proposed alternate rules for resolution of ATWS, proposed provisions for control of combustible gasses at the Sequoyah Nuclear Plant and Japanese Regulatory Criteria.

*J. *Report by NRC Staff Representatives*—Regarding program at Brookhaven National Laboratory to evaluate safety/relief valve discharge piping failures in dynamic pressure suppression containment systems.

November 12–14, 1981: Agenda to be announced.

December 10–12, 1981: Agenda to be announced.

Dated: September 18, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–27670 Filed 9–22–81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–237]

Commonwealth Edison Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Provisional Operating License No. DPR–19, issued to Commonwealth Edison Company, which revised the technical specifications for operation of the Dresden Nuclear Power Station, Unit No. 2, located in Grundy County, Illinois. The amendment is effective as of the date of issuance.

The amendment authorizes deletion of the requirement to demonstrate the operability of the automatic pressure relief valves daily during the six day period beginning September 4, 1981 while the High Pressure Coolant Injection System is inoperable.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 4, 1981, (2) Amendment No. 65 to Provisional Operating License No. DPR-19 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of September, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-27673 Filed 9-22-81; 8:45 am]

BILLING CODE 7590-01-M

Edlow International; Application for License To Export Nuclear Material

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following application for an export license. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed on or before October 23, 1981. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, Department of State, Washington, D.C. 20420.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this day of September 18, 1981, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application No.	Material type	Material in Kilograms		End-use	Country of destination
		Total element	Isotope		
Edlow International: 09/01/81, 09/08/81, XSNM01672	2.71 percent enriched uranium	19,858.8	487.3	Reload fuel for Tarapur	India.

[FR Doc. 81-2767[illegible] Filed 9-22-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-11270]

International Harvester Co.; Application and Opportunity for Hearing

September 17, 1981.

Notice is hereby given that International Harvester Company (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the successor trusteeship of Sterling National Bank and Trust Company of New York ("Sterling") under two existing indentures of the Company which are qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Sterling from acting as Trustee under either of such indentures.

The Company alleges that:

(1) The Company has outstanding on the date hereof the following described securities issued under the following indentures, each of which was qualified under the Act:

(a) $66,138,800 4.80% Subordinated Debentures Due 1991, under Indenture dated as of March 1, 1966 (the "1966 Indenture") between the Company and Sterling, successor Trustee to Citibank, N.S.[1] of which $30,368,700 principal amount was outstanding as of August 14, 1981;

(b) $71,463,300 4-⅝ Subordinated Debentures Due 1988, under Indenture dated as of March 1, 1963 (the "1963 Indenture") between the Company and Bankers Trust Company, successor Trustee to Chemical Bank New York Trust Company (File No. 22-3468) of which $19,279,100 principal amount was outstanding as of August 4, 1981.

(2) Bankers Trust Company has notified the Company of its intention to resign as Trustee under the 1963 Indenture. Such resignation is to become effective upon acceptance by the successor Trustee of appointment under such Indenture. The Company therefore intends, pursuant to Sections 6.03 and 9.10 of such Indenture, to appoint Sterling, 540 Madison Avenue, New York, New York 10022, as successor Trustee to Bankers Trust Company under the 1963 Indenture.

(3) Both of the Indentures referred to in paragraph 1 above contain, as part of Section 9.08 of each such indenture, the provisions required by Section 310(b) of the Trust Indenture Act of 1939.

(4) The securities issued under both of the Indentures listed in paragraph 1 above are wholly unsecured. All of such securities constitute subordinated indebtedness of the Company; the

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[1] Not registered under the Securities Act of 1933 pursuant to Rule 133.

securities issued under the 1966 Indenture rank equally with the securities issued under the 1963 Indenture. The 1966 Indenture expressly provides in Section 3.01 thereof that the "Debentures (issued hereunder) rank *pari passu* with, and not superior or inferior to, the Company's 4-⅝% Subordinated Debentures Due 1988 in * * * right of payment."

(5) Sterling believes that if it accepts appointment as successor Trustee under the 1963 Indenture it might be considered to have a conflict of interest within the meaning of Section 9.08 of the 1966 Indenture because that section does not explicitly exclude from the operation of paragraph (c)(1) thereof the 1963 Indenture.

(6) As described above, the debentures issued under the 1963 Indenture and the debentures issued under the 1966 Indenture are wholly unsecured and of equal rank. Accordingly, the Company believes that serving as Trustee under the 1963 Indenture and continuing to serve as Trustee under the 1966 Indenture should in no way inhibit, discourage or otherwise influence Sterling's actions as Trusteee under either one of such Indentures. Consequently, its trusteeship under both of the Indentures is not so likely to involve a material conflict of interests as to make it necessary in the public interest or for the protection of investors to disqualify Sterling from acting as Trustee under either of such Indentures.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under the Commission's Rules of Practice with respect to the application.

For a more detailed account of the matters of the act and law asserted, all persons are referred to the application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than October 7, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27657 Filed 9-22-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Lewis Energy Corp.; Order of Suspension of Trading

September 17, 1981.

It appearing to the Securities and Exchange Commission that there is lack of adequate and accurate information concerning the number of authorized Lewis shares outstanding as a result of the apparent over-issuance of the company's common stock by First Independent Stock Transfer Agent, Inc. ("FISTA"), Lewis, transfer agent, the Commission is of the opinion that the public interest and the protection of its investors require a suspension of trading in the securities of Lewis.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that the suspension of trading of such securities will be effective at 2:00 p.m. (EDT) on September 17, 1981 and terminating at midnight (EDT) on September 26, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27658 Filed 9-22-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18098; File No. SR-PSE-81-15]

Pacific Stock Exchange Inc.; Liability of Exchange for Errors Made by Order Book Officials

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 10, 1981 the Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Comments requested on or before October 14, 1981.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies Rule VI, Section 72, of the Rules of the Board of Governors of the Pacific Stock Exchange Incorporated ("PSE") by adding Commentary .02 as follows:

Commentary .02

Nothing contained in this Section 72, shall in any way, limit the PSE's ability to authorize an Order Book Official to enter into a transaction either for the purpose of satisfying its obligation to the book or for the purpose of correcting a trade made in error by an Order Book Official.

II.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Rule VI, Section 72, of the Rules of the Board of Governors of the PSE outlines the procedures for members and member firms to file claims against the PSE for option errors or omissions made by an Order Book Official. The Rule is silent as to whether the PSE can realize profits when correcting such error or omission. In the past, the PSE has not taken such profits.

The Exchange believes that it is inequitable for it to accept losses on option errors made by an Order Book Official without also being able to accept profits, where applicable, in order to partially offset such losses. The Board of Governors, in approving the Proposed Commentary .02 to be added to Section 72, intends to permit the PSE to establish an account with a clearing member firm through which errors could be offset.

Errors detected during trading hours on the day they occur shall be promptly covered by the Order Book Official. In the event that a profit results at the time the error is covered, a report will be given to the customer at the more advantageous price. Errors resulting in a loss shall be covered by the Order Book Official and a report made to the customer at the original limit price. The PSE shall be responsible for any loss incurred.

Errors detected any time after trading has terminated on the day they occur shall be covered by the Order Book Official as soon after detection as possible. The customer shall be sent a report at the original limit price. The PSE shall accept any resulting profit or loss.

The proposed rule change is consistent with Section 6(b) of the

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Securities Exchange Act of 1934, in general, and furthers the objectives of Section 6(b)(5) of the Act, in particular, in that it enables the PSE to effectively provide for liability on errors made by Order Book Officials thereby protecting investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before October 28, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before October 14, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated auhority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27656 Filed 9-22-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Performance Review Board; Amendment of Composition of Membership

By notice published in the **Federal Register** on August 20, 1981, Volume 46 FR 42401, the Office of the Secretary, Department of the Treasury, announced the appointment of members of the Performance Review Board in accordance with 5 U.S.C. 4314(c)(4). This notice amends the composition of the Board by adding the following members:

E. George Cross, III, Special Assistant to the Secretary.

Doyle L. Arnold, Executive Assistant to the Deputy Secretary.

Cora P. Beebe,

Assistant Secretary (Administration).

[FR Doc. 81-27717 Filed 9-22-81; 8:45 am]

BILLING CODE 4810-25-M

[Supplement to Department Circular Public Debt Series—No. 28-81]

Series V-1983 Treasury Notes; Interest Rates

September 17, 1981.

The Secretary announced on September 16, 1981, that the interest rate on the notes designated Series V-1983, described in Department Circular—Public Debt Series—No. 28-81, dated September 11, 1981, will be 16 percent. Interest on the notes will be payable at the rate of 16 percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-27578 Filed 9-22-81; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 184
Wednesday, September 23, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 am., Friday, October 2, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1434-81 Filed 9-21-81; 3:24 pm]

BILLING CODE 6351-01-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10:a.m., Wednesday, September 23, 1981, following oral argument.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to matters previously announced, the Commission will consider the following:

3. Medicine Bow Coal Company, WEST 81-163, 81-164. (Petition for Interlocutory Review; issues include application of Rule 27, to late-filed penalty proposed settlement).

4. Amax Lead Company of Missouri, CENT 81-63-M. (Petition for Interlocutory Review: issues include whether the administrative law judge erred in denying proposed settlement).

5. Maben Energy Corporation, WEVA 79-123-R. (Issues Include whether operator violated 30 CFR § 77.216-3 by failing to inspect impoundment structure).

6. Missouri Gravel Company, LAKE 80-83-M. (Issues include whether the administrative law judge properly interpreted and applied 30 CFR § 56.14-1).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1432-81 Filed 9-21-81; 3:17 pm]

BILLING CODE 6820-12-M

3

LEGAL SERVICES CORPORATION: Board of Directors Meeting.

TIME AND DATE: 9:00 a.m.-5:00 p.m., Friday, October 2, 1981.

PLACE: Legal Services Corporation, 733 15th Street, N.W., Washington, D.C., 8th Floor Conference Rooms 2 and 3.

STATUS OF MEETING: Open (Portion of the meeting will be closed so the Board can discuss a litigation matter under 45 C.F.R. Section 1622.5(h)).

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of June 5, 1981 Meeting.
3. Election of Chairman.
4. Report on Congressional Appropriation and Reauthorization of Legal Services Corporation Act.
5. Report from Committee on Appropriations and Audit:

Modifications to fiscal year 1981 Consolidated Operating Budget;
Fiscal year 1982 Budget;
Mark for fiscal year 1983 Budget Request.

6. Future Meeting Dates.
7. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Khasakhala, Office of the President, (202) 272-4040.

Issued: September 18, 1981.

[S-1131-81 Filed 9-21-81; 8:47 am]

BILLING CODE 6820-35-M

4

NUCLEAR REGULATORY COMMISSION.

DATE: Week of September 21, 1981 (revised), and week of September 28, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Monday, September 21

2:00 p.m.

1. Vote on Low-Power Operating License for Diablo Canyon (public meeting) (as announced).

Tuesday, September 22

2:00 p.m.

1. Briefing on Systematic Assessment of Licensee Performance Report (public meeting).

Wednesday, September 23

9:00 a.m.

1. Discussion of Petition for Extension of Deadline for Environmental Qualification of Class IE Electrical Equipment (public meeting) (as announced; time changed).

2:00 p.m.

1. Discussion of Revised Licensing Procedures—Proposed Rule Change to Part 2 (closed meeting) (as announced).

4:00 p.m.

1. Briefing by Executive Branch (closed meeting).

Thursday, September 24

9:00 a.m.

1. Discussion of Management-Organization and Internal Personnel Matters (closed meeting) (postponed from 9/22).

2:30 p.m.

1. Affirmation/Discussion Session (approximately 30 minutes) (public meeting) (items revised) (as announced; time changed).

Items to be affirmed and/or discussed:
a. Interim Rule on Hydrogen Control;
b. Financial Protection for TMI Unites 1 and 2;
c. Petition for Extension of Deadline for Environmental Qualification of Class IE Electrical Equipment;
d. Protection of Unclassified Safeguards Materials (postponed from 9/17).
e. EDO Delegations of Authority (postponed from 9/17).

2. Briefing by American Nuclear Society on Current Activities (public meeting) (as announced).

Wednesday, September 30

10:00 a.m.

1. Briefing on Status and Prioritization of NUREG-0737/-0660 Developmental Items (public meeting).

2:00 p.m.

1. Discussion of Congressional Testimony (closed meeting).

Thursday, October 1

10:00 a.m.

1. Discussion and Possible Vote on Revised Licensing Procedures—Proposed Rule Change

to Part 2 (open/closed status to be determined).

3:00 p.m.

1. Affirmation/Discussion Session (public meeting).

Items to be affirmed and/or discussed:

a. Use of Administrative Law Judges as Presiding Officers in Antitrust Proceedings;

b. Selection of Hearing Panel for Part 30 Proceeding;

c. Review of ALAB-646, In the Matter of Alabama Power Co. (Antitrust) and Alabama Power Company's Application for a Stay *Pendente Lite;*

d. Central Electric Power Cooperative's Petition for Reconsideration (Virgil summer OL—Antitrust).

ADDITIONAL INFORMATION:

By a vote of 4–0, Commissioner Bradford not present, on September 17, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that commission business required that affirmation/discussion of Diablo Canyon Physical Security—Governor Brown's Motion to Clarify Appellate Procedures and Request for Extension of Time (closed session) and Interim Order on Diablo Canyon Effectiveness Review (closed session), held that day, be held on less than one week's notice to the public.

By a vote of 5–0, on September 18, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business required that Discussion of Pending Adjudicatory Proceedings (closed meeting) and Discussion of Indian Point Order, held that day, be held on less than one week's notice to the public.

Automatic telephone answering service for schedule update: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTRACT PERSON FOR MORE INFORMATION: Gary Gilbert (202) 634–1410.

Gary M. Gilbert,

Office of the Secretary.

September 18, 1981.

[S-1438-81 Filed 9-21-81; 4:07 pm]

BILLING CODE 7590-01-M

5

NUCLEAR REGULATORY COMMISSION.

DATE: Friday, September 18, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Friday, September 18

10:00 a.m.

1. Discussion of Indian Point Order (public meeting).

3:30 p.m.

1. Discussion of Low-Power Operating License for Diablo Canyon (closed meeting) (as announced).

Automatic telephone answering service for schedule update: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Gary Gilbert (202) 634–1410.

Gary M. Gilbert,

Office of the Secretary.

September 17, 1981.

[S-1439-81 Filed 9-21-81; 4:07 pm]

BILLING CODE 7590-01-M

6

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Md., Headquarters).

TIME AND DATE: Friday, September 25, 1981, 9:30 a.m.

PLACE: Room 420-F; One North Park Building; 5550 Friendship Blvd., Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

CHANGES IN THE MEETING: On September 17, 1981, the Commission determined that the above meeting date be continued to 9:30 a.m. on Monday, September 28, 1981, for consideration of case referrals from Regional Commissioners. The above change is being announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, U.S. Parole Commission, (301) 492-5926.

[S-1433-81 Filed 9-21-81; 3:21 am]

BILLING CODE 4410-01-M

federal register

Wednesday
September 23, 1981

Part II

Department of Agriculture

Federal Grain Inspection Service

Fees for Original Inspection, Official Weighing, Supervision of Weighing, and Supervision of Official Services

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DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Fees for Original Inspection, Official Weighing, Supervision of Weighing, and Supervision of Official Services

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Interim Final Rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is revising fees for original inspection services, supervision of official inspection services, and supervision of official weighing services under the United States Grain Standards Act (Act) (7 U.S.C. 71 et seq.), as published in an interim final rule in the **Federal Register** (46 FR 43032–43034) on August 25, 1981, as corrected in the **Federal Register** (46 FR 43824) on September 1, 1981. After publishing the interim final rule on August 25, 1981, the FGIS: (1) held two public meetings to explain the revision of fees; (2) considered further changes in the restructuring of the organization; and (3) further reviewed the inspection supervision program. As a result, the administrator has determined that additional cost reductions can be anticipated and that certain fees should be revised to more closely reflect modifications to the supervision program, currently being considered. In addition, certain fees are being changed to facilitate the determination of charges in quarter-hour intervals by the grain industry and FGIS. Also, the fee table (Schedule C, Table 2) for FGIS supervision of official weighing services performed by delegated States and designated official agencies is being changed so that the fee is charged per carrier.

DATES: Effective Date: October 1, 1981. Comment Date: Comments are due on or before October 26, 1981.

ADDRESS: Comments must be in writing and submitted in duplicate. Comments must be forwarded to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127 Auditors Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 447–3910. All written comments received will be made available for public inspection at the above office during regular business hours (7 CFR 1.27(b)). If comments were submitted on the interim final rule on fees published in the **Federal Register** (46 FR 43032–43034) on August 25, 1981, as corrected in the **Federal Register** (46 FR 43824) on September 1, 1981, they need not be resubmitted unless additional comments regarding the further changes made by this document are deemed necessary.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 447–3910.

SUPPLEMENTARY INFORMATION: This interim final rule has been reviewed under USDA procedures pursuant to the Secretary's Memorandum 1512–1 and Executive Order 12291 and has been determined to be "nonmajor" because it does not meet the criteria for major regulatory actions.

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this interim final rule does not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164–1170) because: (1) it applies to a limited number of delegated States and designated official agencies under the Act which are not considered to be small entities because they are dominant in their area of operation based on the delegation/designation process; and (2) most other users of the FGIS services are not considered to be small entities. Further, FGIS is required by statute to make the services available and to recover the costs of the service from the users of the service.

The administrator has also determined that a situation exists which warrants the publication of this action without the opportunity for a prior public comment period because it is necessary to provide the grain industry, delegated States, and designated official agencies with the information on the further revisions in the fee schedules in time to make any necessary adjustments prior to October 1, 1981, the effective date of recent amendments to the Act. Although the grain industry was informed by a document published in the **Federal Register** (46 FR 43032–43034) on August 25, 1981, of the FGIS revised schedule of fees to take effect October 1, 1981; and public meetings on the fees published on August 25, 1981, were held on September 3–4, 1981, in Washington, D.C., and St. Louis, Missouri, respectively; certain further modifications and changes to those fees schedules are being made and the grain industry, delegated States, and designated official agencies should be informed as early as possible.

Accordingly, it is found upon good cause that notice and other public procedures with respect to this action are impracticable, unnecessary, and contrary to the public interest, and good cause is found for publishing this interim final rule at this time with opportunity for public comments after publication.

The administrator has also determined that the comment period on this interim final rule will end on October 26, 1981, and such comment period is adequate and should coincide with the comment period for the interim final rule on fees published on August 25, 1981.

A final rule discussing comments received on this interim final rule, as well as comments received on the interim final rule published in the **Federal Register** (46 FR 43032–43034) on August 25, 1981, and any amendments required will be published in the **Federal Register**, as soon as possible, after the close of the comment period.

Background

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 13, 1981) which becomes effective October 1, 1981, amends sections 7(j) and 7A(1) of the U.S. Grain Standards Act to require that fees for inspection and weighing services cover, as nearly as practicable, the estimated costs to the FGIS incident to providing such services, including related administrative and supervisory costs. It further amended these sections to require that delegated States and designated official agencies shall pay fair and reasonable fees to cover the estimated costs to the FGIS of supervision of these agencies. It also amended these sections to provide that failure to pay such fees by delegated States or designated official agencies within 30 days after due shall result in automatic termination of the delegation or designation, which may be reinstated upon payment of the fee, with interest, as prescribed by the Secretary. FGIS intends to work with the delegated States and designated official agencies to overcome problems they may encounter in complying with this requirement of the United States Grain Standards Act, as amended.

The Omnibus Budget Reconciliation Act of 1981 also added a new section (7C) to the U.S. Grain Standards Act which provides that the total administrative and supervisory costs that may be incurred for inspection and weighing activities shall not exceed 35 percent of the total costs for such activities carried out by the Service.

FGIS is presently planning a restructuring of the organization in which there will be a reduction of staff with attendant cost savings. In addition, all FGIS programs and activities are being reviewed to determine which activities are necessary. Those programs and activities that are determined to be necessary will be further analyzed for cost effectiveness.

It is FGIS policy to provide official services to the industry by the most cost effective means possible. While FGIS has in the past and will continue to monitor and adjust its fees to maintain them at the minimum level needed to carry out an effective program, the situation, at this time, including the amendment to the Act, the restructuring of FGIS, and the level of use of official services where the service is optional, is such that it has made the task of establishing fees more difficult.

On August 25, 1981, FGIS published an interim final rule revising fees for original inspection, supervision of official inspection services, official weighing, and supervision of official weighing services to comply with the mandate of the new amendment to the Act. These fees were based upon information available to FGIS at the time of publication. Since that time, public meetings were held on September 3–4, 1981, in Washington, D.C., and St. Louis, Missouri, respectively. These meetings were held to discuss the fee changes mandated by the Omnibus Budget Reconciliation Act of 1981. FGIS benefitted from comments made during these meetings and otherwise by representatives of the grain industry and members of the delegated States and designated official agencies. All those making oral comments were requested to also submit them in writing in order to receive full consideration.

In addition, FGIS has considered further changes in the structure of the organization and further reviewed the supervision program. As a result, FGIS has determined that the published fees which become effective October 1, 1981, should be revised at this time to reflect the information presently before FGIS, and to permit the industry to make any necessary adjustments in light of the revisions prior to the effective date of October 1, 1981.

Accordingly, FGIS is revising the fee schedules for services provided under the U.S. Grain Standards Act and implementing these fee schedules on October 1, 1981.

Official Grain Inspection and Weighing Fees

FGIS is revising the fees for original inspection, supervision of official inspection services, and supervision of official weighing services as published in the **Federal Register** on August 25, 1981 (46 FR 43032–43034).

Based on a continuing review of costs and fees, written comments received to date, and other data within the knowledge of FGIS the administrator has determined that a further refinement of the fees should be made to reflect anticipated cost reductions and a modification of the inspection supervision policy, currently being considered, which revises the amount of supervision per carrier. Accordingly, certain fees contained in Schedule C, Table 1, have been decreased or increased as appropriate.

FGIS is also changing some fees to facilitate the determination of charges in quarter-hour intervals by the grain industry and FGIS. As a result, there is a slight decrease in the hourly fees in Schedule A, Table 1, and a slight increase in the hourly fees in Schedule B, Table 1. The fee table (Schedule C, Table 2) for FGIS supervision of official weighing services performed by the delegated States and designated official agencies is being changed to charge the fee per carrier instead of per certificate.

Fees for supervision of weighing services (class Y) as published in Schedule A, Table 3, have not been changed from those published as an interim final rule in the **Federal Register** (46 FR 30322) on June 5, 1981. These fees were included in the schedule of fees contained in the **Federal Register** (46 FR 43032–43034) on August 25, 1981, in order to provide a complete schedule of fees for comment. These fees are included herein for the same purpose.

In keeping with administration goals, FGIS will monitor and adjust its fees within 6 months to maintain them at the minimum level needed to carry out an effective program.

Therefore, in keeping with its need to provide services and maintain fees at a cost effective level, the FGIS fee schedules for official inspection and weighing services as contained in § 800.71 of the regulations are being revised to reflect the requirements of the U.S. Grain Standards Act, as amended.

Accordingly, 7 CFR 800.71(a) is hereby amended to read as follows:

§ 800.71 Fees assessed by the Service.

(a) Official inspection and weighing services. The fees shown in Schedules A and B apply to official grain inspection and weighing services performed by the Service in the United States and Canada. The fees shown in Schedule C are supervision fees which apply to official grain inspection and weighing services performed by delegated States and designated official agencies in the United States. Failure of a delegated State or designated official agency to pay to FGIS the fees prescribed in Schedule C within 30 days after due shall result in automatic termination of such delegation or designation, but may be reinstated upon payment of such fees, with interest, as prescribed by the Secretary.

Schedule A.—*Fees for Official Inspection and Weighing Services (Including Supervision and Administration Services) Performed by the Service in the United States* [1]

Table I

Inspection services (bulk or sacked grain)	Original inspection service	Reinspection and appeal inspection service [2] [3]
(1) Official sample-lot inspection service (white certificate):		
(i) For official grade and official factor determinations:		
(A) Online inspection services (per man-hour per Service representative):[4]		
(1) Contract service:		
(a) Regular workday	[illegible]	(5)
(b) Nonregular workday	[illegible]	(5)
(2) Noncontract service:		
(a) Regular workday	[illegible]	(6)
(b) Nonregular workday	24.60	(6)
(B) Other than online inspection services:		
(1) Truck or trailer (per truck or trailer or part truck or part trailer)	[illegible]	[illegible]
(2) Boxcar (per car or part car)	15.50	[illegible]
(3) Hopper car (per car or part car)	19 75	[illegible]
(4) Barge (per 1,000 bushels or fraction thereof)	[illegible]	[illegible]
(5) Ship, bin, and all other lots of grain (per 1,000 bushels or fraction thereof) (but see 2 below)	(8)	[illegible]
(C) Based on official file sample (any lot or part lot)	[illegible]	(10) 13.50
(ii) For official factor or official criteria determinations:		
(A) Based on a sample used for official grade and official factor determinations not obtained during loading or unloading:		
(1) Factor determination (per factor)	[illegible]	[illegible]

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Schedule A.—*Fees for Official Inspection and Weighing Services (Including Supervision and Administration Services) Performed by the Service in the United States* [1]—Continued

Table I

Inspection services (bulk or sacked grain)	Original inspection service	Reinspection and appeal inspection service [2] [3]
[illegible] Protein test (per sample)	4.05	4.35
(B) Based on new sample (any lot or part lot)	(7)	(7)
(2) Special inspection services (sampling, stowage examination, testing of inspection equipment, demonstrating official inspection functions furnishing standard illustrations, and related services) (per man-hour per Service representative):[8]		
(i) Regular workday	21.00	21.80
(ii) Nonregular workday	24.60	25.40
(3) Warehouseman's sample-lot inspection service (yellow certificate) or submitted sample inspection service (pink certificate):		
(i) For official grade and official factor determination (per sample)	8.85	13.50
(ii) For official factor or official criteria determinations:		
(A) Factor determination (per factor)	5.00	5.45
(B) Protein test (per sample)	4.05	4.35
(4) Minimum fee per service request (applicable when the request for service is cancelled after the Service representative(s) arrives at the point of service or when the service is performed in 2 hours of less when hourly rates apply—fee does not include standby):		
(i) Grain in trucks, trailers, boxcars, or hopper cars	(6)	(6)
(ii) All other lots of grain and special services (per man-hour per Service representative) (2 hour minimum):		
(A) Regular workday	21.00	21.80
(B) Nonregular workday	24.60	25.40
(5) Standby per man-hour per Service representative):[9]		
(i) Regular workday	21.00	21.80
(ii) Nonregular workday	24.60	25.40
(6) Extra copies of certificates (per copy):[11]	2.50	2.50

Note.—The footnotes for table 1 are shown at the end of table 3

Table 2

Weighing services (bulk or sacked grain)	Official weighing services					
	Specified inspection point				Noninspection point	
	Contract service		Noncontract service		Contract service	
	Regular workday	Nonregular workday	Regular workday	Nonregular workday	Regular workday	Nonregular workday
(1) Official weighing services (Class X) (per man-hour per Service representative)	[illegible]	[illegible]	$23.00	[illegible]	$20.60	$24.00
(2) Special weighing services, (stowage examination, testing of weighing equipment, checkweighing sacked grain, check loading sacked grain, demonstrating official weighing functions, and related services) (per man-hour per Service representative)[8]	[illegible]	24.00	[illegible]	[illegible]	[illegible]	24.00
(3) Minimum fee per service request is 2 hours per Service representative (applicable when the request for service is cancelled after the Service representative(s) arrives at the point of service or when the service is performed in 2 hours or less when hourly rates apply—fee does not include standby) (per man-hour per Service representative)	(5)	(5)	23.00	26.60	(5)	(5)
(4) Standby (per man-hour per Service representative) [9]	(5)	(5)	23.00	26.60	(5)	(5)
(5) Extra copies of certificates and reports (per copy) [11]	2.50	2.50	2.50	2.50	2.50	2.50

Note.—The footnotes for table 2 are shown at the end of table 3

Table 3

Official services (bulk or sacked grain)	Supervision of weighing services (class Y)
Export elevators at export port locations:	
(1) Barge (per barge or part barge)	$5.00
(2) Boxcar (per car or part car)	1.00
(3) Hopper car (per car or part car)	1.00
(4) Truck or trailer (per truck or trailer or part truck or part trailer)	0.50
(5) Unit trains (per each car or part car of unit train)	1.00
(6) Extra copies of certificates and reports (per copy)	2.50
All other locations:	
(1) Barge (per barge or part barge)	10.00
(2) Boxcar (per car or part car)	3.50
(3) Hopper car (per car or part car)	3.50
(4) Truck or trailer (per truck or trailer or part truck or part trailer)	[illegible]
(5) Unit trains (per each car or part car of unit train)	3.50
(6) Extra copies of certificates and reports (per copy)	2.50

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[1] The fees include the cost of performing official inspection and official class X weighing by Service representatives and related supervision and administration costs and the cost of class Y weighing functions. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see § 800.72, paragraphs (a) and (b).

[2] If it is found that there was a material error in the inspection from which a reinspection, an appeal inspection, or a Board appeal inspection is taken, the specified reinspection, appeal inspection, or Board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error, see § 800.0(b)(45) and § 800 73(h).

[3] Board appeal inspections are based on file samples. The fee for Board appeal inspection service shall be $34.00 per sample during a regular workday and $40.00 per sample during a nonregular workday except for protein which shall be $15.00 per sample.

[4] Outline inspection services include all inspection services which are based on official samples obtained from a flowing stream of grain during the loading or unloading of grain

[5] Not applicable.

[6] The unit fee.

[7] Same fees as in (1)(ii)(A), plus applicable sampling charge—see (2).

[8] Only one inspection or weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

[9] For application of fee for standby, see § 800.72(b).

[10] If at the request of the Service a file sample is located and forwarded by an agency for official appeal, the agency may, upon request, be reimbursed at the rate of $2.50 per sample by the Service for the cost of locating and forwarding the sample(s).

[11] For application of fee for extra copies of certificates, see § 800.160(c)(3).

Schedule B.—*Fees for Official Inspection and Weighing Services*[1] *(Including Supervision and Administration Services) Performed by the Service in Canada*[2]

Table I

Services (bulk or sacked grain)	Regular workday	Nonregular workday
(1) Original inspection, or official weighing, or special services:[3]		
(i) Contract service (per man-hour per Service representative)	[illegible]	[illegible]
(ii) Noncontract service (per man-hour per Service representative)	34.40	40.40
(2) Reinspection and appeal inspection (per man-hour per Service representative)[4 5]	36.40	42.40
(3) Board appeal inspection (per sample)[4 5]	30.40	44.40
(4) Minimum fee per Service request:		
(i) Noncontract, original inspection, or original weighing, or special services (per Service representative)[6]	94.40	112.40
(ii) Reinspection, or appeal inspection (per Service representative)[6 7]	100.40	118.40
(5) Standby (per man-hour per Service representative)[8]	34.40	40.40
(6) Extra copies of certificates (per copy)[9]	2.50	2.60

[1] Supervision of weighing (class Y) fees in Canada will be assessed at the rates shown in Schedule A, table 3.

[2] The fees include the cost of performing official inspection and official class X weighing by Service representatives and related supervision and administration costs and the cost of class Y weighing functions. For incidental costs included in the fees, the fees in addition to the unit and hourly fees, see § 800.72, paragraphs (a) and (b).

[3] Special services include, but are not limited to the following: sampling, stowage examination, testing of inspection or weighing equipment, demonstrating official inspection or weighing functions, furnishing standard illustrations, checkweighing of sacked grain, checkloading of sacked grain, and related services.

[4] If it is found that there was a material error in the inspection from which a reinspection, an appeal inspection, or a Board appeal inspection is taken, the specified reinspection, appeal inspection, or Board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error, see § 800.0(b)(45) and § 800.73(h).

[5] Appeal inspections are based on file samples. Board appeal inspections for protein shall be $15.00 per sample.

[6] Applicable when the requested service is performed in 3 hours or less, or the request for service is cancelled after the Service representative(s) arrives at the point of service.

[7] Not applicable if the reinspection or appeal inspection is performed concurrently with an original inspection.

[8] For application of fee for standby, see § 800.72(b).

[9] For application of fee for extra copies of certificates, see § 800.160(c)(3).

Schedule C.—*Fees for FGIS Supervision Services for the Official Inspection and Weighing Services Performed by the Delegated States and/or Designated Official Agencies in the United States*[1]

Table I

Inspection services (bulk or sacked grain)	Official inspection and reinspection services
(1) Official sample-lot inspection service (white certificate):	
(i) For official grade and official factor determinations:	
(A) Truck or trailer (per inspection)[2]	$1.00
(B) Boxcar (per inspection)[2]	2.40
(C) Hopper car (per inspection)[2]	2.60
(D) Barge (per inspection)[2]	15.75
(E) Ship (per ship)[3]	125.00
(F) All other lots (per inspection)[2 4]	0.75
(ii) For official factor or official criteria determinations:	
(A) Factor determination (per inspection)	0.45
(B) Protein test (per inspection)[2 5]	0.25
(2) Stowage examination services:	
(A) Ship (per stowage certificate)	[illegible]
(B) Other carriers (per stowage certificate)	0.45
(3) Warehouseman's sample-lot inspection service (yellow certificate) or submitted sample inspection service (pink certificate):	
(i) For official grade and official factor determinations (per inspection)	0.75
(ii) For official factor or official criteria determinations:	
(A) Factor determination (per inspection)	0.45
(B) Protein test (per inspection)[2 5]	0.25
(4) Reinspections (per inspection)[2]	0.75

Note.—The footnotes for table 1 are shown at the end of table 2.

Table 2

Official services (bulk or sacked grain)	Official weighing services (class X)
(1) Official weighing services:	
(A) Truck or trailer (per carrier)	[illegible]
(B) Boxcar and hopper car (per carrier)	1.25
(C) Barge (per carrier)	11.30
(D) Ship (per carrier)[3]	137.90

[1] The fees include the cost of supervision functions performed by the Service for the official inspection and weighing services performed by the delegated States and/or designated official agencies.

[2] A fee shall be assessed for each carrier or sample inspected if a combined lot certificate is issued or a uniform loading plan is used to determine grade.

[3] A fee shall be assessed per ship regardless of the amount of grain loaded at a specific service point. A fee shall not be assessed for divided original certificates

[4] All other lots include, but are not limited to, sampling service, condition examination (sacked grain), examination for weevily, bins, and containers.

[5] Fees shall be assessed for each sample tested for protein.

(Secs. 8 and 9, Pub. L. 94–582, 90 Stat. 2873, 2877 (7 U.S.C. 79(j), 79A(1)), as amended by Pub. L. 97–35)

Done in Washington, D.C., on September 18, 1981.

Kenneth A. Gilles,
Administrator.

[FR Doc. 81–27645 Filed 9–22–81; 8:45 am]

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Part III

Environmental Protection Agency

Guidelines for Development and Implementation of State Solid Waste Management Plans and Criteria for Classification of Solid Waste Disposal Facilities and Practices; Final Rule

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 256 and 257

[SW–FRL 1876–2]

Guidelines for Development and Implementation of State Solid Waste Management Plans and Criteria for Classification of Solid Waste Disposal Facilities and Practices

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule modifies the Environmental Protection Agency's Guidelines for the Development and Implementation of State Solid Waste Management Plans (40 CFR Part 256) and the Criteria for the Classification of Solid Waste Disposal Facilities and Practices (40 CFR Part 257). The Guidelines are being amended to expand public participation opportunities in the planning process and provide for expedited approval of certain portions of the State plans. The Criteria are being amended to modify the groundwater, surface water and air protection criteria. EPA is taking this action as part of a settlement agreement reached with industrial groups which have challenged these regulations in Federal court.

EFFECTIVE DATE: October 23, 1981.

ADDRESS: The public docket for this rulemaking is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: For Part 256: Susan Absher, Office of Solid Waste [WH–563], U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202/382–2210. For Part 257: Kenneth A. Shuster, Office of Solid Waste [WH–564], U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202/755–9125.

SUPPLEMENTARY INFORMATION:

I. Authority

These amendments are issued under the authority of Sections 1008(a)(3), 4002 and 4004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6907(a)(3), 6942 and 6944. These amendments are also issued under Section 405(d) of the Clean Water Act (CWA), as amended, 33 U.S.C. 1345(d).

II. Subtitle D of RCRA

The amendments being promulgated today modify regulations issued under Subtitle D of RCRA. There are two central sets of provisions under Subtitle D. First, Section 4005(a) of the Act prohibits the act of "open dumping." Under Section 1008(a)(3), EPA is to establish minimum criteria to define open dumping. Once EPA has established these criteria, citizens may bring suit under Section 7002 of RCRA to enforce the prohibition. RCRA, however, does not provide for any direct Federal enforcement of this prohibition.

Second, Subtitle D establishes a State solid waste management planning program under Sections 4002–4008. In this program EPA establishes general guidelines and provides financial assistance to the States for the development and implementation of solid waste management plans. Participation in this program is optional for the States, and EPA does not have authority to establish such plans in States that decline Federal financial assistance.

Under Section 4002(b) EPA is to establish general guidelines for these plans that, at a minimum, encompass the requirements for State plans specified in Section 4003 of RCRA. As part of its plan a State must prohibit the establishment of new open dumps and provide for the closing or upgrading of existing open dumps. In addition, under Section 4005(a) the plan must provide entities that are potentially liable for open dumping an opportunity to upgrade their practices pursuant to compliance schedules. A party that adheres to such a compliance schedule satisfying the requirements of section 4005(a) is not liable for open dumping. (See Section 4005(a).) The statute provides that such compliance schedules can only be issued by States with approved plans.

To assist the States in identifying the solid waste disposal facilities that constitute open dumps, EPA must promulgate regulations under Section 4004(a) that provide criteria for classifying solid waste disposal facilities. Those that fail to satisfy such criteria, as determined by the States, are "open dumps." Under Section 4005(b) EPA is required to publish an inventory of open dumps, based on the State findings. In doing so, EPA does not pass on the adequacy of the State determinations. Likewise the decision to remove a facility from the inventory is a State determination.

EPA issued the Guidelines for Development and Implementation of State Solid Waste Management Plans (the Guidelines), satisfying Section 4002(b), on July 31, 1979 (44 FR 45066). EPA issued the Criteria for Classification of Solid Waste Disposal Facilities and Practices (the Criteria), satisfying Sections 1008(a)(3) and 4004(a), on September 13, 1979 (44 FR 53438). EPA has provided funding to the States for the development of State plans (including the inventory of open dumps) through FY 81. Under the President's budget for FY 82 no further Federal financial assistance will be available to the States for the development of solid waste management plans. EPA will remain ready, however, to perform its statutory duty under Section 4007 to take action to approve or disapprove plans submitted by the States.

III. Final Amendments

Shortly after the Guidelines and the Criteria were issued, several trade associations petitioned for judicial review of both regulations in Federal court. After careful negotiations, EPA and the petitioners entered into a settlement agreement. Pursuant to that agreement, EPA proposed amendments to the regulations. The amendments to the Criteria were proposed on November 3, 1980 (45 FR 72709); the amendments to the Guidelines were proposed on November 4, 1980 (45 FR 73440).

After reviewing the public comments, EPA is today finalizing those amendments in a form that is substantially identical to that of the proposed amendments.

A. The Guidelines

The final amendments make three basic changes to the guidelines:

1. Partial plan approval. First, EPA has modified the regulations to allow for partial approval of that portion of the State plan that would provide an opportunity for compliance schedules leading to compliance with the open dumping prohibition. The compliance schedule would still have to satisfy the statutory requirements of Section 4005(a), as specified in § 256.26 of the regulations, in order to provide a defense to open dumping actions. However, EPA will consider the compliance schedule portion of the plan for approval while the State continues to work on the rest of the plan. This should allow for the earliest possible approval of State authority to issue compliance schedules.

Under this amendment, States can be approved to issue compliance schedules for less than all of the Criteria. In such a situation, however, an entity which receives a State compliance schedule will have a defense to open dumping only with respect to those Criteria for which the compliance schedule is issued.

It should be noted that States may use a wide variety of mechanisms to require entities to comply with the open dumping prohibition. Most States will no doubt use administrative orders or permits. However, other mechanisms—such as agreements between the entity and the State as to a timetable for remedial action—may be used if the State has authority to use them, they are enforceable, and they otherwise comply with the requirements of § 256.26.

Specifically, § 256.03 has been amended to allow a State to submit the portion of the plan designed to satisfy § 256.26 prior to submission of the complete plan. In turn, under § 256.04, the Administrator shall approve the partial plan if he is able to make three findings. First, the State compliance schedule procedures must satisfy the requirements of § 256.26, the portion of the Guidelines that sets forth statutorily-required components of such schedules. Second, the State must have general authority (statutory or common law) to issue and enforce compliance schedules. Third, the State must be developing the other portions of the plan in conformity with the Guidelines, and on a reasonable timetable. The Administrator will specify in writing the timetable for completion of the plan.

While the plan must be completed within a reasonable period of time, EPA anticipates that the timetable negotiated between it and each State will reflect each State's particular circumstances. For example, the availability of State resources will be taken into consideration. The failure to complete the plan within the specified period of time, however, constitutes a ground for withdrawal of partial approval pursuant to the requirements of Section 4007(a) of RCRA. A withdrawal of approval eliminates the State's ability to issue compliance schedules that insulate entities from open dumping suits. If partial approval is withdrawn for this reason, however, EPA believes that entities that have received compliance schedules during the partial approval stage will still be insulated from open dumping liability as long as they remain in compliance with the schedule conditions.

One of the principal advantages of this change is that it tends to reduce the time period between the listing of a facility in the open dump inventory and the time when entities potentially liable for open dumping in conjunction with the facility (*e.g.* owner, operator, user of the facility) could receive a State-issued compliance schedule. (This problem, referred to as the "window problem" by the industry petitioners, is described in more detail at 45 FR 73440.)

While most commenters on EPA's November 4 proposal supported this change, one commenter argued that partial approval would fragment the logical development of a comprehensive State solid waste management plan. EPA does not believe that partial approval will undermine the development of sound solid waste management plans. Giving the State flexibility in the sequence of its planning and implementation efforts can speed up the process of getting a full plan in place, thus serving the national goal. Moreover, § 256.03(f) is discretionary; the State is not required to, but *may* apply for partial approval.

2. Public participation in development of the open dumping inventory. The second change is an expansion of the public participation requirements surrounding the open dump inventory. Section 256.60(a)(1) is being amended today to explicitly provide that owners or operators of facilities placed on the open dump inventory be included on the State's current list of parties affected by or interested in the plan. These are the parties that are to be kept informed about major steps in the planning process, including the identification of open dumps. In addition, EPA has redesignated § 254.64 as § 256.65 and included a new § 256.64 which sets minimum requirements for public participation in development of the open dump inventory. This requirement can be satisfied by providing a notice of the availability of the results of the inventory classifications to those on the State's current list of parties interested in the plan at least 30 days before initial submission of the list to the Federal Government. For owners and operators of facilities classified as open dumps, the notice must indicate that the facility has been so classified. With these changes, the recommendation, formerly designated as § 256.64(c), to notify affected parties when a facility is classified an open dump is unnecessary and therefore is deleted.

EPA's rationale for these changes is clearly set forth in the Preamble to the proposed amendments (see 45 FR 73441). It is important to recognize that in amending its Guidelines to expand the public participation requirements to include the owner or operator of an open dump, EPA is not suggesting that those parties will necessarily be legally liable in an open dumping suit. EPA is also not suggesting that such an owner or operator has a legal right to receive notice and to comment on the inventory. Rather, EPA is recognizing that the owner or operator of a facility will probably be able to provide valuable information about the facility (*e.g.*, the type of waste in the facility) and that cooperation of the owner or operator will be essential to any effort to close or upgrade a facility.

EPA received several comments suggesting that the notice requirement not apply to those facilities already included in the first open dump inventory. As a practical matter this will be the case, for the States have already submitted their lists to EPA for publication. Therefore, the notice requirement applies only to classifications made after the effective date of this amendment.

Some States were concerned that this public participation provision will invoke State administrative procedures that would require formal, quasi-judicial procedures. In particular some State agencies indicated that the notice requirements of § 256.65 would trigger contested case hearings under State administrative law procedures. The consequence would be to burden the State with protracted hearings, requiring increased expenditures of State resources. EPA does not intend this result. See 45 FR 73440. Moreover, EPA does not agree with the proposition that the notice itself triggers a more formal administrative procedure. Rather, the triggering event is the State's action with regard to the inventory and the use of the inventory's results. If under State law these actions are of a nature to warrant the protections of State administrative safeguards (*e.g.*, notice, right to hearing, etc.), such administrative procedures would be required *independent* of EPA's notice requirement under § 256.65.

One State objected to the § 256.65 notice requirement, arguing that the requirement implicitly mandates a hearing as well. As written, § 256.65 does not require a hearing nor should such a requirement be implied. A State is, of course, free to hold a hearing on each classification as a matter of policy. Some commenters asserted the general position that the use of the inventory triggers a right to notice and hearing opportunities. While EPA does not believe that RCRA, the Administrative Procedure Act or the Constitution require such procedures, the States are free to provide such an opportunity as a matter of State law or policy.

3. Recommendation for compliance schedules. A third significant change is an addition to § 256.24 (Recommendations for Closing or

Upgrading Open Dumps.) EPA recommends that at the time the State classifies a facility as an open dump it consider developing appropriate timetables or schedules to bring responsible entities into compliance with the open dumping prohibition.

One commenter asserted that this change would slow down the classification process. This concern need not materialize, however, because the provision is a recommendation rather than a requirement. In any event, EPA believes that a consideration of compliance schedules early in the planning process can enhance the efficiency of the State's overall solid waste management program.

One State expressed the concern that, taken as a whole, these relatively minor amendments to the Section 4002 Guidelines will disrupt the open dump inventory and State solid waste management planning processes. EPA does not expect these amendments to be disruptive because the amendments do not require any immediate or substantial changes to State plans. The changes promulgated today primarily affect plan execution rather than substantive plan content or bear upon the development of the open dump inventory. Many States are already providing notification to owners and operators that would be required by § 256.65. The change to § 256.60(a)(1) to include owners and operators on the Agency's list only requires entry of their names as interested or affected parties. Since this list was intended to accommodate new names, EPA does not view these particular additions as unexpected, unreasonable or disruptive.

B. The Criteria

The regulations being promulgated today modify the ground water, surface water and air criteria. In addition, at the request of one commenter, EPA is modifying § 257.1 to clarify when and how the criteria implement either Section 4004(a) or Section 1008(a)(3) of RCRA.

EPA is making two changes to the ground-water criterion in § 257.3–4, both of which involve the establishment of alternative boundaries for measuring compliance with the ground-water standard. Under the existing regulation, a facility or practice may not cause contamination in the ground water exceeding specified maximum containment limits, measured at the solid waste boundary or an alternative boundary. An alternative boundary is only available if the State has an approved solid waste management plan and the State determines that such a change "would not result in contamination of ground water which may be needed or used for human consumption."

Today's amendment eliminates the provision limiting the alternative boundary opportunity to those States with approved solid waste management plans. Many States that are currently developing the inventory do not yet have approved plans, and EPA does not believe it necessary to constrain their option to establish alternative boundaries.

One commenter argued that this amendment would allow a State with no intention of developing an approvable plan to set alternative boundaries for solid waste facilities. While this is possible, EPA does not consider the consequences to be environmentally detrimental because the regulations still require the State to make the substantive finding that the change "would not result in contamination of ground water which may be needed or used for human consumption" before setting an alternative boundary. One State objected to the change, stating that the change would result in unwarranted and unnecessary ground-water contamination. No supporting data were provided. The commenter proposed that EPA should defer action on the entire proposal until it adopts an overall ground-water protection strategy. EPA intends to continue to develop a consistent approach to ground-water protection in its regulatory programs. However, EPA does not believe it wise to delay finalization of these relatively minor changes in the solid waste management planning program while broader issues of regulatory philosophy are being resolved.

Today's amendments also allow defendants in open dumping suits to argue, as a type of affirmative defense, that an alternative boundary is appropriate in determining its compliance with the Criteria. While the burden of proof is clearly on the defendant in this situation, the court may establish an alternative boundary based on evidence that the change "would not result in contamination of ground water which may be needed or used for human consumption" considering the appropriate factors listed in § 257.3–4(b)(1). (See the Preamble to the proposed amendments, at 45 FR 72710, for further discussion of this issue.)

The commenters that addressed this provision supported the change. One commenter recommended that the provision be modified to make clear that "the court" means either a Federal or State court. EPA believes that the terminology "the court" in § 257.3–4(b)(1) means any court, be it Federal or State, that has jurisdiction over the matter. Therefore, no change to the provision is necessary.

Today's amendments also modify the surface-water criterion of § 257.3–3. As originally promulgated, that standard would have made discharges violating requirements under Section 402 or Section 404 of the Clean Water Act open dumping practices as well. A party causing such a violation could simultaneously be subject to penalties under the CWA and a citizen suit to enjoin "open dumping" under RCRA. Today's amendment eliminates this double liability. However, since the open dump inventory classification for purposes of the State planning program does not impose legal sanctions under RCRA, the Criteria retain the provision that a violation of Section 402 or Section 404 makes a facility an open dump.

All but one commenter who addressed this issue supported the change. The commenter who opposed argued that the Government should not limit enforcement options. EPA believes that the CWA enforcement mechanisms are sufficient to handle violations under Sections 402 and 404.

The issue of dual liability was also raised with respect to § 257.3–7 which provided that a facility or practice shall not violate applicable requirements developed under an approved State Implementation Plan (SIP) under Section 110 of the Clean Air Act (CAA). Today's amendments have deleted such a violation as a practice constituting open dumping, but retained it as a factor for classifying open dumps. The rationale for this change is basically the same as that for the modification of the surface-water criterion.

In the proposed amendment, EPA clarified that the "open burning" prohibition set forth in § 257.3–7(a) does not extend to incinerators. Conventional incinerators are treatment, not disposal facilities. They do not typically involve burning of waste in direct contact with the land. Thus they are not covered by the definition of "disposal" under Section 1004(3). Trench or pit incinerators, which do involve burning of waste in direct contact with the land, are covered by the Criteria (See 45 FR 72712.) One commenter was concerned that the logic of "direct contact" with the land as applied to incineration might be misapplied. The commenter suggested that it could be used to justify the open burning of solid wastes in a pit, pond, lagoon, etc. where an artificial liner separates the waste from the soil. The fact that a liner is used does not change the essential character of pits, ponds or lagoons as disposal facilities. Liners in this context are protective measures for use in these disposal facilities.

IV. Deadline for State Plan Submission

As originally promulgated, § 256.03(a) required States to submit their adopted plans to EPA within 18 months after final promulgation of the Guidelines. This deadline, not required by statute, was included in the Guidelines to encourage the States to act promptly to develop their plans. While most States actively pursued the development of their plans, a few States submitted their adopted plans within 18 months after promulgation of the Guidelines.

EPA has decided to eliminate the absolute 18-month deadline and replace it with a requirement that the plan be submitted within a "reasonable time" after promulgation of the Guidelines. EPA does not intend to invoke the deadline provision against those States that have made good faith efforts to develop their plans.

V. Section 405 Guidelines

The litigation and subsequent rulemaking on the Criteria have focused on that regulation's effect under Sections 4004(a) and 1008(a)(3) of RCRA. The Criteria, however, also implement Section 405(d) of the CWA. The Section 405(d) guidelines have a role under the CWA that is analogous to that of the Section 1008(a)(3) criteria under RCRA. Section 405(e) makes it unlawful to dispose of sewage sludge except in accordance with the Section 405(d) guidelines. This is similar to the prohibition against open dumping under RCRA.

EPA believes that the amendments being made today should apply under Section 405(d) in the same manner as they do under Section 1008(a)(3). Thus under today's amendments a violation of Section 402 or Section 404 of the CWA or Section 110 of the CAA will not also be a violation of Section 405(d) and (e). Likewise the defendant in a suit under Section 405 concerning ground-water contamination will have the same opportunity to demonstrate the appropriateness of an alternative boundary that would be available to defendants in open dumping suits.

VI. Mining Overburden Exclusion

Several mining industry petitioners in the litigation on these regulations urged EPA to clarify the scope of the mining overburden exclusion in § 257.1(c)(2) of the Criteria. As a result, EPA proposed modifications to that exclusion that mirrored a similar exclusion, now under review, contained in EPA's hazardous waste regulations. (See 40 CFR 261.4(b)(3) and 260.10(a)(45).) Since the exclusion raises similar issues under both programs, EPA believes that any changes to both sets of regulations should be made at the same time. EPA is not yet prepared to make such changes. Therefore EPA is not today finalizing any amendments to the overburden exclusion in the Criteria.

VII. Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The amendments to parts 256 and 257 being made today are not a major rule under the terms of the Executive Order. Since the amendments are intended to simplify and increase State flexibility in planning, and to eliminate duplication of liability, these amendments should result in both savings and greater efficiency. States are not required to use the partial plan approval option and face, at most, very minimal costs to provide owners and operators notification that their facilities are being considered for inclusion on the Open Dump Inventory. Many States already provide some form of notification, and thus the requirement does not add any costs in those States. The principal costs associated with the Guidelines and the Criteria were imposed by the substantive provisions in the original regulations promulgated in 1979. The amendments being made today will not have an effect remotely close to $100 million, cause a major increase in costs or prices, or have any effect on competition, employment, investment, productivity, or innovation. In fact, the amendments are more likely to affect savings by simplifying existing regulations.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: September 15, 1981.

Anne M. Gorsuch,

Administrator.

Title 40 CFR, Parts 256 and 257 are amended as follows:

PART 256—GUIDELINES FOR DEVELOPMENT AND IMPLEMENTATION OF STATE SOLID WASTE MANAGEMENT PLANS

1. The authority citation for Part 256 reads as follows:

Authority: Sec. 4002(b), Pub. L. 94-580, 90 Stat. 2813(b) (42 U.S.C. 6942(b)).

2. In § 256.03, paragraph (a) is revised and paragraph (f) is added as follows:

§ 256.03 State plan submission, adoption, and revision.

* * * * *

(a) To be considered for approval, the State plan shall be submitted to EPA within a reasonable time after final promulgation of these guidelines.

* * * * *

(f) States which are developing a complete State plan may submit the portion of the plan designed to satisfy the requirements of § 256.26 prior to submission of the complete plan.

3. In § 256.04, paragraph (f) is added as follows:

§ 256.04 State plan approval, financial assistance.

* * * * *

(f) If a State submits to EPA the portion of the plan by which entities may, pursuant to § 256.26, obtain timetables or schedules of compliance for complying with the open dumping prohibition, the Administrator shall approve such portion of the plan if he determines that:

(1) The portion submitted satisfies the requirements of § 256.26;

(2) The State has the general legal authority to issue and enforce compliance schedules; and

(3) The remainder of the plan is being developed in conformity with these guidelines and will be completed within a reasonable period of time.

In giving partial plan approval, the Administrator shall specify in writing the timetable for completion of the final plan as required in paragraph (f)(3) of this section.

4. In § 256.60, paragraph (a)(1) is revised as follows:

§ 256.60 Requirements for public participation in State and substate plans.

(a) * * *

(1) Maintain a current list of agencies, organizations, and individuals affected by or interested in the plan, which shall include any parties that request to be on the list, the owner or operator of each facility classified as an open dump and any other parties which the State determines to be affected by or interested in the plan.

* * * * *

5. In § 256.24, paragraph (d) is added as follows:

§ 256.24 Recommendations for closing or upgrading open dumps.

* * * * *

(d) At the time of classification of existing solid waste disposal facilities pursuant to § 256.23, the State should consider developing appropriate timetables or schedules by which any responsible party can be brought into compliance with the open dumping prohibition pursuant to §§ 256.26 and 256.27.

§ 256.64 [Amended and redesignated]

6. In § 256.64, paragraph (c) is removed.

7. In Part 256, § 256.64 is redesignated as § 256.65.

8. In Part 256, a new § 256.64 is added as follows:

§ 256.64 Requirements for public participation in the open dump inventory.

(a) The State shall provide an opportunity for public participation prior to submission of any classification of a facility as an open dump to the Federal Government. The State shall accomplish this by providing notice as specified in § 256.64(b) or by using other State administrative procedures which provide equivalent public participation.

(b) The State may satisfy the requirement of § 256.64(a) by providing written notice of the availability of the results of its classifications to all parties on the list required under § 256.60(a)(1) at least 30 days before initial submission of these classifications to the Federal Government. For those parties on the list required under § 256.60(a)(1) who are owners or operators of facilities classified as open dumps, such notice shall indicate that the facility has been so classified.

PART 257—CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES

9. The authority citation for Part 257 reads as follows:

Authority: Sec. 1008(a)(3) and sec. 4004(a), Pub. L. 94–580, 90 Stat. 2803 and 2815 (42 U.S.C. 6907(a)(3) and 6944(a)); sec. 405(d), Pub. L. 95–217, 91 Stat. 1606 (33 U.S.C. 1345(d)).

10. In § 257.1, paragraph (a) is revised as follows:

§ 257.1 Scope and purpose.

(a) These criteria are for use under the Resource Conservation and Recovery Act (the Act) in determining which solid waste disposal facilities and practices pose a reasonable probability of adverse effects on health or the environment. Unless otherwise provided, these criteria are adopted for purposes of both Section 1008(a)(3) and Section 4004(a) of the Act.

(1) Facilities failing to satisfy criteria adopted for purposes of Section 4004(a) will be considered open dumps for purposes of State solid waste management planning under the Act.

(2) Practices failing to satisfy criteria adopted for purposes of Section 1008(a)(3) constitute open dumping, which is prohibited under Section 4005 of the Act.

* * * * *

11. In § 257.3–3, paragraphs (a) and (b) are revised as follows:

§ 257.3–3 Surface water.

(a) For purposes of Section 4004(a) of the Act, a facility shall not cause a discharge of pollutants into waters of the United States that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES) under Section 402 of the Clean Water Act, as amended.

(b) For purposes of Section 4004(a) of the Act, a facility shall not cause a discharge of dredged material or fill material to waters of the United States that is in violation of the requirements under Section 404 of the Clean Water Act, as amended.

* * * * *

12. In § 257.3–4, paragraph (b) is revised as follows:

§ 257.3–4 Ground water.

(b)(1) For purposes of Section 1008(a)(3) of the Act or Section 405(d) of the CWA, a party charged with open dumping or a violation of Section 405(e) may demonstrate that compliance should be determined at an alternative boundary in lieu of the solid waste boundary. The court shall establish such an alternative boundary only if it finds that such a change would not result in contamination of ground water which may be needed or used for human consumption. This finding shall be based on analysis and consideration of all of the following factors that are relevant:

(i) The hydrogeological characteristics of the facility and surrounding land, including any natural attenuation and dilution characteristics of the aquifer;

(ii) The volume and physical and chemical characteristics of the leachate;

(iii) The quantity, quality, and direction of flow of ground water underlying the facility;

(iv) The proximity and withdrawal rates of ground-water users;

(v) The availability of alternative drinking water supplies;

(vi) The existing quality of the ground water, including other sources of contamination and their cumulative impacts on the ground water;

(vii) Public health, safety, and welfare effects.

(2) For purposes of Sections 4004(a) and 1008(a)(3), the State may establish an alternative boundary for a facility to be used in lieu of the solid waste boundary only if it finds that such a change would not result in the contamination of ground water which may be needed or used for human consumption. Such a finding shall be based on an analysis and consideration of all of the factors identified in paragraph (b)(1) of this section that are relevant.

* * * * *

13. In § 257.3–7, paragraph (b) is revised as follows:

§ 257.3–7 Air.

* * * * *

(b) For purposes of Section 4004(a) of the Act, the facility shall not violate applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated by the Administrator pursuant to Section 110 of the Clean Air Act, as amended.

* * * * *

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS**		DOT/FAA	USDA/FSIS**
DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of September 27 through October 3, 1981

ACTION

43707 8–31–81 / Grants and contracts; suspension and termination and denial of application for refunding; comments by 9–30–81

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

43824 9–1–81 / Handling of almonds grown in California; salable; reserve, and export percentages for 1981–82 crop year; comments by 10–1–81

Agricultural Stabilization and Conservation Service—

39162 7–31–81 / Conservation and environmental programs; comments by 9–29–81

Food and Nutrition Service—

44712 9–4–81 / Food Stamp Program; household composition: income standards, initial month benefits, adjustments, deductions, and outreach; comments by 10–1–81

Food Safety and Inspection Service—

38525 7–28–81 / Official establishment numbers on meat and poultry products; comments by 9–28–81

39159 7–31–81 / Sale, transportation, and marketing of meat and meat food products; comments by 9–29–81

72197 10–31–80 / U.S. standards for grades of frozen strawberries; comments by 9–30–81

Forest Service—

44007 9–2–81 / Wild and scenic rivers; water resource projects; comments by 10–2–81

CIVIL AERONAUTICS BOARD

43057 8–26–81 / Elimination of rules tariff; notice to passengers of conditions of carriage; comments by 9–28–81

[*See also* 45 FR 25817, 4–16–80; 45 FR 42629, 7–25–80; 46 FR 35936, 7–13–81; 46 FR 38656, 7–26–81; 46 FR 40703, 8–11–81 and 46 FR 42872, 8–25–81]

38930 7–30–81 / Tariffs; sum of segments fares; permission to use rather than higher through fare; comments by 9–28–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

45656 9–14–81 / Foreign fishing; comments by 9–29–81

CONSUMER PRODUCT SAFETY COMMISSION

43452 8–28–81 / Full-size and non-full-size baby cribs; safety requirements; comments period extended to 9–28–81

[*See also* 45 FR 82660, 12–16–80]

COPYRIGHT ROYALTY TRIBUNAL

45785 9–15–81 / Royalty payable under compulsory license for making and distributing phonorecords (mechanical royalty); possible commencement of proceeding for determination of interim adjustment; comments by 10–1–81

DEFENSE DEPARTMENT

Air Force Department—

43187 8–27–81 / Air Force Privacy Act Program; comments by 9–28–81

Engineers Corps, Army Department—

44006 9–2–81 / Danger zone; California; Pacific Ocean at San Miguel Island; comments by 10–2–81

ENVIRONMENTAL PROTECTION AGENCY

43188 8–27–81 / Approval and promulgation of implementation plan for nonattainment areas in Indiana; comments by 9–28–81

43704 8–31–81 / Approval and promulgation of State Implementation Plan; Michigan; comments by 9–30–81

43701 8–31–81 / Approval and promulgation of State Implementation Plans; State of Kansas; comments by 9–30–81

38725 7–29–81 / California; approval and promulgation of State Implementation Plans; comments by 9–28–81

38732 7–29–81 / Nebraska; attainment status designations; comments by 9–28–81

31677 6–17–81 / Technological feasibility of 1985 light-duty diesel particulate standard; comments by 10–1–81

EXPORT-IMPORT BANK OF THE UNITED STATES

39165 7–31–81 / Standards of conduct for employees; comments by 9–29–81

FEDERAL COMMUNICATIONS COMMISSION

40902 8–13–81 / Bell operating company procurement of telecommunications equipment; comments by 10–1–81

39629 8–4–81 / FM broadcast station in Brookville and Versailles, Ind.; changes in table of assignments; comments by 9–29–81

39627 8–4–81 / FM broadcast station in Carnelian Bay and South Lake Tahoe, Calif.; changes in table of assignments comments by 9–28–81

37921 7–23–81 / FM Broadcast Station in Redmond, Oregon; changes in table of assignments; reply comments by 9–25–81

43709 8–31–81 / Operation of computing equipment prior to certification or verification; comments by 10–2–81

43475 8–28–81 / Overseas communications services; reply comments period extended to 9–28–81

[*See also* 45 FR 76498, 11–19–80]

40899 8–13–81 / Radio frequency interference to electronic equipment; comments by 9–30–81

41820 8–18–81 / Short-term operation without prior approval; creation of new auxiliary broadcast service license class to permit non-broadcast station license holders to be licensed and operate radio relay stations for direct rebroadcast of program material; reply comments by 9–29–81

FEDERAL RESERVE SYSTEM

37905 7–23–81 / Data processing and electronic funds transfer activities; comments by 10–1–81

19834 4–1–81 / Semiannual agenda of regulations and regulatory flexibility agenda; comments by 10–1–81

FEDERAL TRADE COMMISSION

38710 7–29–81 / Premerger notification; reporting and waiting period requirements; comments by 9–28–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

43415 8–28–81 / Food additivies permitted in animal feed and drinking water; selenium; objections by 9–28–81

43413 8–28–81 / Iron fortification of flour and breads; standards of identity; comments by 9–28–81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary—

39434 8–3–81 / Regulations implementing authority of the Secretary of Housing and Urban Development over conduct of secondary market operations of Federal National Mortgage Association; change in definition; comments by 10–2–81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

44960 9–8–81 / Endangered and threatened wildlife and plants; Leopard reclassification; comments by 9–30–81

43857 9–1–81 / Excepting taxidermists from the import/export license requirement; comments by 10–1–81

43858 9–1–81 / Proposed addition of fourteen National Wildlife Refuges to the list of open areas; migratory bird hunting, upland game hunting, and big game hunting, and sport fishing; comments by 10–1–81

National Park Service—

43471 8–28–81 / Fire Island National seashore, New York; seaplane regulations; comments by 9–28–81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

37891 7–23–81 / Occupational exposure to lead; new levels for medical removal protection; variance applications; comments by 9–30–81

Pension and Welfare Benefit Programs Office—

43695 8–31–81 / Minimum standard for employee benefit plans: suspension of benefit rules; comments by 9–30–81

MANAGEMENT AND BUDGET OFFICE

42303 8–20–81 / Types of contracts; draft Federal acquisition regulations; comments by 9–30–81

NUCLEAR REGULATORY COMMISSION

39610 8–4–81 / Modification of Classification Guide for Safeguards Information; comments by 10–2–81

39440 8–3–81 / Need for power and alternative energy issues in operating license proceedings; comments by 10–2–81

PERSONNEL MANAGEMENT OFFICE

38521 7–28–81 / Incentive awards; comments by 9–28–81

POSTAL RATE COMMISSION

45376 9–11–81 / Rules of Practice and Procedures for Introducing Studies and Analyses into Testimony; comments by 9–30–81

POSTAL SERVICE

43187 8–27–81 / Second-class novelty pages; inclusion of all-purpose envelopes; comments by 9–28–81

RAILROAD RETIREMENT BOARD

43998 9–2–81 / Annuity beginning and ending dates; comments by 10–2–81

SECURITIES AND EXCHANGE COMMISSION

38529 7–28–81 / Investment adviser requirements concerning disclosure, application for registration and annual report; comments by 9–30–81

TRANSPORTATION DEPARTMENT

Coast Guard—

33341 6–29–81 / Improved standards for stability of inflatable liferafts; comments by 9–28–81

Federal Aviation Administration—

39558 8–3–81 / Transport airplane takeoff requirements conference; comments by 9–28–81

Maritime Administration—

45164 9–10–81 / National Defense Feature Communication Equipment Program; implementation procedure; comments by 9–30–81

National Highway Traffic Safety Administration—

43219 8–27–81 / Motor vehicle safety standards; air brake systems; comments by 9–28–81

TREASURY DEPARTMENT

Comptroller of the Currency—

38925 7–30–81 / Corporate activities, rules, policies, and procedures; domestic branches, seasonal agencies, customer-bank communication terminals and locations: applications; comments by 9–28–81

VETERANS ADMINISTRATION

43667 8–31–81 / Loan guaranty; implementation; comments by 9–30–81

Deadlines for Comments on Proposed Rules for the Week of October 4 through October 10, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

45776 9–15–81 / Milk in the Lake Mead Marketing area; comments by 10–5–81

Food and Nutrition Service—

44452 9–4–81 / National School Lunch, School Breakfast, and Child Care Food Programs; meal pattern requirements; comments by 10–5–81

[Corrected at 46 FR 45354, 9–11–81; 46 FR 45776; 9–15–81]

Food Safety and Inspection Service—

40208 8–7–81 / Phosphates and sodium hydroxide; comments by 10–6–81

COMMERCE DEPARTMENT

International Trade Administration—

39585 8–4–81 / Commodity Control List (CCL) and Advisory Notes for Selected CCL Entries; export of commodities and technical data that are restricted for national security purposes; (interim rule); comments by 10–5–81

National Oceanic and Atmospheric Administration—

45174 9–10–81 / Amendments to the plans for squid, Atlantic mackerel, and butterfish; comments by 10–7–81

CONSUMER PRODUCT SAFETY COMMISSION

44992 9–9–81 / Walk-behind power lawn mowers; blade control requirements; comments by 10–9–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

45155 9–10–81 / Colorado; high-cost gas produced from tight formations; comments by 10–5–81

45624 9–14–81 / Inclusion of construction work in progress for public utilities; comments by 10–7–81

[*See also* 46 FR 39445, 8–3–81]

ENVIRONMENTAL PROTECTION AGENCY

44196 9–3–81 / Air quality implementation plans; delayed compliance; New Jersey; comments by 10–5–81

44783 9–8–81 / Approval and promulgation of implementation plans; Florida: Proposed Florida plan revision for point source emission testing; comments by 10–8–81

44785 9–8–81 / Approval and promulgation of implementation plans; Florida: Revision of sulfur dioxide rule for Tampa Electric Company's Gannon Station; comments by 10–8–81

39611 8–4–81 / Approval and promulgation of New Jersey State Implementation Plan; comments by 10–5–81

44785 9–8–81 / Commonwealth of Pennsylvania; Proposed revision of the Pennsylvania State Implementation Plan; comments by 10–8–81

39614 8–4–81 / Approval and promulgation of Ohio State Implementation Plan; comments by 10–5–81

44787 9–8–81 / Designation of areas for air quality planning; revisions to section 107 attainment status designations for New York State; comment by 10–8–81

44476 9–4–81 / Fuel and fuel additives; measure of octane of unleaded gasoline; comments by 10–5–81

40897 8–13–81 / Hazardous waste management system; standards applicable to owners and operators of waste treatment, storage and disposal facilities comments by 10–4–81

43472 8–28–81 / Texas Department of Water Resources; underground injection control primary application; comments by 10–5–81

FARM CREDIT ADMINISTRATION

40029 8–6–81 / Farm credit system; development of debt maturity guidelines, priorities and objectives, and authorities for banks for cooperatives; comments by 10–5–81

40028 8–6–81 / Federal intermediate credit bank lending authority regulations; institutions from which loans may be discounted or purchased; comments by 10–5–81

FEDERAL COMMUNICATIONS COMMISSION

44793 9–8–81 / Amendment of the commission's rules to reclassify coin-operated electronic games from Class B to Class A Computing Devices; comments by 10–5–81

37919 7–23–81 / FM broadcasting station, College, Alaska; changes in table of assignments; reply comments by 10–5–81

37925 7–23–81 / FM broadcast station in Tremonton, Utah; changes in table of assignments; reply comments by 10–5–81

40709 8–11–81 / FM broadcast station in Vernal, Utah; changes in table of assignments; comments by 10–6–81

38390 7–27–81 / Regulatory and deregulatory requirements for medical services radio systems operating in the 450–460 MHz band in the Special Emergency Radio Service; reply comments by 10–8–81

44790 9–8–81 / Petitions to exempt from measurement, recordkeeping and computing device rules those medical devices marketed for use in hospitals; comments by 10–5–81

40776 8–12–81 / Tulsa, Okla.; proposed changes in TV table of assignments; comments by 10–6–81

40707 8–11–81 / TV broadcast station in Fort Walton Beach, Fla.; proposed changes in table of assignments; comments by 10–5–81

40710 8–11–81 / TV broadcast station in Houston, Tex.; proposed changes in table of assignments; comments by 10–5–81

FEDERAL ELECTION COMMISSION

44964 9–8–81 / Communications by corporations and labor organizations; comments by 10–8–81

[Corrected at 46 FR 45784, 9–15–81]

FEDERAL TRADE COMMISSION

39833 8–5–81 / American Honda Motor Co., Inc. proposed consent agreement with analysis; comments by 10–5–81

[Corrected at 46 FR 40774, 8–12–81]

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service—

42686 8–24–81 / Revision of U.S. Government Bill of Lading Standard Form 1103; comments by 10–8–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

40212 8–7–81 / General biological products standards; container label requirements; comments by 10–6–81

41102 8–14–81 / Radiological Health; Performance Standards for Microwave and Radiofrequency-Emitting Products; Amendments to Microwave Oven Standard, Measurement and Test Conditions; Extension of Comment Period; comments by 10–23–81

INTERIOR DEPARTMENT

Geological Survey—

44994 9–9–81 / Outer Continental Shelf geological and geophysical exploration; deep stratigraphic test wells; requirement for completion of prelease drilling; comments by 10–9–81

Land Management Bureau—

45164 9–10–81 / Alaska Native Claims settlement; reduction of land overselections; comments by 10–10–81

Surface Mining Reclamation and Enforcement Office—

44475 9–4–81 / Modified Portions of the Maryland Permanent Regulatory Program; comments by 10–5–81

39855 8–5–81 / State-Federal cooperative agreement with Colorado on surface coal mining and reclamation operations on Federal lands under the permanent program; comments by 10–5–81

40050 8–6–81 / Surface Coal Mining and Reclamation operations on Federal lands under permanent program; State-Federal cooperative agreement; New Mexico; comments by 10–5–81

40212 8-7-81 / Surface Coal Mining and Reclamation Operations on Federal Lands Under the Permanent Program; State-Federal Cooperative Agreement; North Dakota; comments by 10-6-81

45092 9-9-81 / Surface Coal Mining and Reclamation Operations Permanent Regulatory Programs; reclamation bond and insurance requirements; comments by 10-9-81

2043 1-8-81 / Surface coal mining and reclamation enforcement operations; permanent regulatory program reporting and recordkeeping requirements; surface and underground mining activities, operations in alluvial valley floors and on steep slopes; comment period extended to 10-10-81

(*See also* 44 FR 35192, 6-18-79)

44995 9-9-81 / Wyoming; permanent regulatory program under Surface Mining Control and Reclamation Act; comments by 10-9-81

INTERSTATE COMMERCE COMMISSION

44999 9-9-81 / Appropriate methodologies for determining costs that should be borne by commuter services for use of Amtrak's properties; comments by 10-9-81

45000 9-9-81 / Costing methodology for determining right-of-way related costs Conrail should pay to Amtrak for use of Northeast Corridor; comments by 10-9-81

40776 8-12-81 / Railroad track structures; alternative method of accounting; comments by 10-5-81

MANAGEMENT AND BUDGET OFFICE

Office of Federal Procurement Policy—

43218 8-27-81 / Equipment lease or purchase, negotiating advance agreements for independent research and development/bid and proposal costs, and use of Government sources by contractors; comments by 10-9-81

POSTAL SERVICE

44990 9-9-81 / Second-class eligibility information retention period; comments by 10-7-81

SECURITIES AND EXCHANGE COMMISSION

41791 8-18-81 / Revision of certain exemptions from registration provisions; transactions involving limited offers and sales; comments by 10-5-81

TRANSPORTATION DEPARTMENT

Coast Guard—

37008 7-16-81 / Annex II to Inland Navigation Rules—Additional signals for fishing vessels fishing in close proximity; comments by 10-14-81

37010 7-16-81 / Annex IV to Inland Navigation Rules—distress signals; comments by 10-14-81

42300 8-2-81 / Passenger vessel subdivision and damage stability; alternative regulations; comments by 10-5-81

National Highway Traffic Safety Administration—

40541 8-10-81 / Consumer information; performance data on new vehicle models; modification of initial preintroduction submissions by manufacturer; comments by 10-9-81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

39853 8-5-81 / Provisions for transfer of wine, without payment of tax, to customs bonded warehouses for embassy removals and other purposes; comments by 10-5-81

Comptroller of the Currency—

40520 8-10-81 / Definition of capital and surplus for analytical and statutory purposes; comments by 10-9-81

Fiscal Service—

36715 7-15-81 / Service charges for allotments of pay to savings accounts of Federal civilian employees; comments by 10-8-81

[46 FR 27969, 5-22-81]

Next Week's Meetings

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

45385 9-11-81 / Confidential Business Information, Washington, D.C. (open), 10-2-81

46150 9-17-81 / Interagency Coordination Committee, Washington, D.C. (open), 10-1-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

42944 8-25-81 / Humanities Panel, Washington, D.C. (closed), 9-28-81

40109 8-6-81 / Humanities Panel, Washington, D.C. (closed), 9-29 and 9-30-81

45054 9-9-81 / Visual Arts Panel (Policy Section), Washington, D.C. (partially open), 9-28 through 9-30-81

CIVIL RIGHTS COMMISSION

43481 8-28-81 / Illinois Advisory Committee, Chicago, Ill. (open), 9-28-81

45406 9-11-81 / New York Advisory Committee, New York, N.Y. (open), 9-28-81

COMMERCE DEPARTMENT

Census Bureau—

44803 9-8-81 / Population Statistics Census Advisory Committee, Suitland, Md. (open), 10-2-81

International Trade Administration—

44487 9-4-81 / Numerically Controlled Machine Tool Technical Advisory Committee, Washington, D.C. (partially open), 9-29-81

44487 9-4-81 / Telecommunications Equipment Technical Advisory Committee, Washington, D.C. (partially open), 9-29-81

National Oceanic and Atmospheric Administration—

45174 9-10-81 / Mid-Atlantic Fishery Management Council, Riverhead, N.Y., 9-28-81; Cape May, N.J., 9-28-81; Narragansett, R.I.; 9-29-81 and Hampton, Va., 9-30-81

45178 9-10-81 / New England Fishery Management Council, Portland, Maine, (partially open), 9-29 and 9-30-81

44028 9-2-81 / Western Pacific Fishery Management Council, Scientific and Statistical Committee, Honolulu, Hawaii (open), 10-1 and 10-2-81

DEFENSE DEPARTMENT

Air Force Department—

44029 9-2-81 / Community College of the Air Force Advisory Committee, Montgomery, Ala. (open), 9-29-81

Office of the Secretary—

43733 8-31-81 / Defense Science Board Task Force on Electronic Warfare, Washington, D.C. (closed), 10-1-81

40917 8-13-81 / DOD Advisory Group on Electron Devices, Working Group D (Mainly Laser Devices), Arlington, Va. (closed), 10-1 and 10-2-81

37541 7-21-81 / Wage Committee, Washington, D.C. (closed), 9-29-81

ENERGY DEPARTMENT

43867 9-1-81 / International Energy Agency, Industry Working Party, Paris, France (open), 9-30, 10-1 and 10-2-81

42094 8-19-81 / National Petroleum Council, Environmental Conservation Committee, Coordinating Subcommittee, Washington, D.C. (open), 9-30-81

Energy Research Office—

45016 9-9-81 / DOE/NSF Nuclear Science Advisory Committee, Electromagnetic Interactions Subcommittee, Washington, D.C. (open), 9-27 and 9-28-81

45015 9-9-81 / High Energy Physics Advisory Panel, Washington, D.C. (open), 9-28 and 9-29-81

ENVIRONMENTAL PROTECTION AGENCY

43734 8-31-81 / Revised Motor Vehicle Compliance Program, Arlington, VA. (open), 9-30 and 10-1-81

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service—

43746 Preservation Advisory Committee, Executive Committee, Washington, D.C. (open), 9–29 and 9–30–81

GOVERNMENT PRINTING OFFICE

43309 8–27–81 / Depository Library Council to the Public Printer, Alex., Va. (open), 9–28 through 9–30–81

HEALTH AND HUMAN SERVICES DEPARTMENT—

Food and Drug Administration—

41212 8–14–81 / Obstetrics-Gynecology Device Section of the Obstetrics-Gynecology and Radiologic Devices Panel, Washington, D.C. (open), 9–28–81

45815 9–15–81 / Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, Dental Device Section, Silver Spring, Md. (open), 10–2–81

42470 8–21–81 / Prescription drugs patient package insert program, Washington, D.C. (open), 9–30 and 10–1–81 [Session added 46 FR 45785, 9–15–81],

National Institutes Health—

41567 8–17–81 / Biomedical Sciences Study Section 1, Bethesda, Md. (partially open), 10–1 and 10–2–81

45817 9–15–81 / Board of Scientific Counselors, Division of Cancer Treatment, Bethesda, Md. (partially open), 10–1 and 10–2–81

45197 9–10–81 / Director Advisory Committee, Bethesda, Md. (open), 10–1 and 10–2–81

43885 9–1–81 / Microbiology and Infectious Diseases Advisory Committee, Bethesda, Md. (open), 10–1 and 10–2–81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary—

45818 9–15–81 / President's Commission on Housing, Washington, D.C. (open), 10–1 and 10–2–81

DEPARTMENT OF THE INTERIOR

Land Management Bureau—

44517 9–4–81 / Powder River Regional Coal Team, Billings, Mont. (open), 10–2–81 [*See also* 46 FR 37984, 7–23–81]

43317 8–27–81 / Rock Springs District, Wyo. wilderness environmental impact statement (open), 9–30–81

37984 7–23–81 / Wyoming and Montana; Powder River Regional Coal Team, Billings, Mont. (open), 10–2–81

National Park Service—

44293 9–3–81 / Cape Cod National Seashore Advisory Commission, South Wellfleet, Mass. (open), 10–2–81

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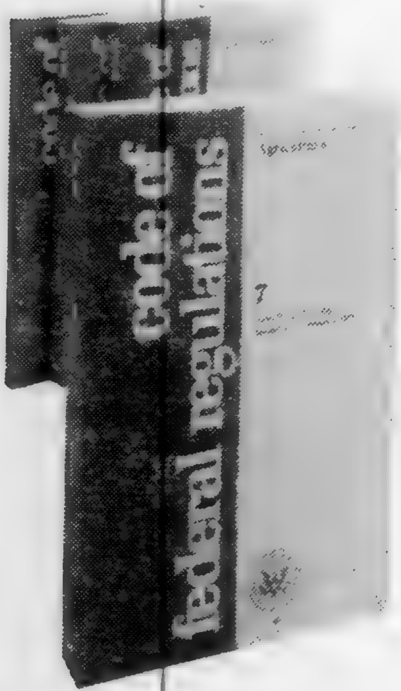

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47110, 47111	**Grant Programs—Education** ED invites applications for transition programs for refugee children. (2 documents)
47066	**Aircraft Exports** Commerce/ITA restricts use of U.S. origin parts for servicing Libyan aircraft.
47100	**Highway Safety** DOT/NHTSA proposes to remove requirement that motor vehicle manufacturers provide information on passenger car tire reserve load.
47180	**Wilderness Areas** Interior/BLM issues management policy for land in the National Wilderness Preservation System. (Part III of this issue)
47109	**Libraries** ED announces Federal shares for support of library services and construction.
47170	**Veterans** VA announces availability of Manpower Grants Program evaluation report.
47176	**Mid-Atlantic Outer Continental Shelf** Interior/BLM invites comments on areas for oil and gas leasing. (Part II of this issue)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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47073	**Motor Carriers** DOT/FHWA corrects forms for minimum levels of financial responsibility.
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47067	**Government Procurement** IDCA/AID amends rules on financing of commodity procurements.
47104	**Rice** USDA/CCC establishes loan and purchase rates for 1981 crop.
47106	**Countervailing Duties** Commerce/ITA initiates investigation on lamb meat from New Zealand.
47059	**Cotton** USDA/CCC amends rules on cotton loan and seed cotton loan programs. (2 documents)
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Rules and Regulations

Federal Register
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Thursday, September 24, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

GENERAL ACCOUNTING OFFICE

4 CFR Part 81

Public Availability of General Accounting Office Records

AGENCY: General Accounting Office.

ACTION: Final rule.

SUMMARY: This rule amends the General Accounting Office's (GAO) regulations concerning the public availability of GAO records, to state that requests for copies of published reports and decisions or listings of reports of the General Accounting Office should not be submitted to the General Accounting Office's Office of Policy for handling under the procedures of Part 81. Rather, routine requests for published materials should be submitted directly to the offices within GAO established to provide these materials to the public. This will permit the limited resources of the Office of Policy to process nonroutine requests for records and avoid unnecessary delays in responding to routine requests which would otherwise have to be acknowledged and rerouted by the Office of Policy to the proper office within GAO for processing. Other technical changes have also been made.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nola Casieri, Office of Policy, United States General Accounting Office, 441 G Street N.W., Washington, D.C. 20548. Telephone: (202) 275-6172.

SUPPLEMENTARY INFORMATION:

PART 81—PUBLIC AVAILABILITY OF GENERAL ACCOUNTING OFFICE RECORDS

Accordingly, Part 81 of Title 4, Code of Federal Regulations, is amended as follows:

1. § 81.3(b) is revised to read as follows:

§ 81.3 Definitions.

* * * * *

(b) "*Records.*" The term "records" includes all books, papers, manuals, maps, photographs, reports, and other documentary materials, regardless of physical form or characteristics under the control of GAO in pursuance of law or in connection with the transaction of public business. In the context of a request for a record or records, the term "records" refers only to record in being and under the control of GAO. It does not include the compiling or procuring of a record. Nor does it include library or museum material made or acquired and preserved solely for reference or exhibition purposes, or extra copies of documents preserved only for convenience of reference. It is intended that GAO publications are not within the purview of this order. GAO published reports and decisions or listing of reports should be obtained from the U.S. General Accounting Office, Document Handling and Information Services Facility, P.O. Box 6015, Gaithersburg, Md. 20760. Also, copies of GAO reports may be obtained by phoning (202) 275-6241 and copies of GAO decisions may be obtained by phoning (202) 275-5308.

* * * * *

2. § 81.6 is revised to read in its entirety as follows:

§ 81.6 Public reading facility.

A public reading facility shall be maintained by the General Accounting Office at 441 G Street, N.W., Washington, D.C. The facility, under the immediate supervision of the Chief, Legal Information and Reference Services, Office of the General Counsel, shall be open to the public from 8 a.m. to 5 p.m. except Saturdays, Sundays, and holidays.

§ 81.7 [Amended]

3. § 81.7 is amended by removing paragraph (g) and redesignating paragraphs (h) and (i) as (g) and (h), respectively.

Milton J. Socolar,

Acting Comptroller General of the United States.

[FR Doc. 81-27874 Filed 9-23-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 160

Regulations and Standards for Naval Stores; Proposed Rulemaking for User Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

SUMMARY: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) approved August 13, 1981, requires the Secretary, as of October 1, 1981, to fix and collect fees and charges for the establishment of standards under Section 3 of the Naval Stores Act of 1923 and for examinations, analyses, classifications, and other services under Section 4 of said act to cover as nearly as practicable the costs of providing such services, including administrative and supervisory costs. Therefore, the Agricultural Marketing Service is publishing fees to recover the costs as mandated by the Naval Stores Act of 1923, as amended.

EFFECTIVE DATES: October 1, 1981. Comment date: Comments are due on or before September 30, 1981.

ADDRESS: Send comments in duplicate to Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Room 502 Annex Building, Washington, D.C. 20250. Comments will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Omnibus Budget Reconciliation Act of 1981 the Department is required to fix and collect fees and charges for the establishment of standards, examinations, analyses, classifications, and other services beginning October 1, 1981. The fees and charges shall cover, as nearly as practicable, the costs of providing such services, including administrative and supervisory costs. Prior to this interim final rule, the fees

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charged to users of the naval stores services were unduly low and did not reflect the actual costs of providing the service since the difference between the revenues received and actual costs of providing the service was made up by appropriations from Congress. Since the Omnibus Budget Reconciliation Act now requires the full cost of the services to be borne by users effective October 1, 1981, such fees and charges must be increased to fully recover costs associated with providing the service.

The term "naval stores" is used collectively to describe two products: rosin and turpentine. Presently, there are only six firms operating eight processing plants that receive rosin inspection service. Additionally, there are four firms operating an unknown number of plants that package graded turpentine. One rosin plant is located in Mobile, Alabama, and the remainder are located in the State of Georgia. One turpentine plant is located in Georgia; the remainder are located in Massachusetts, New Jersey, and Ohio. These firms account for virtually all of the gum rosin produced in the United States each year and an unknown portion of turpentine production. The authority for these regulations is contained in the Naval Stores Act of 1923 (42 Stat. 1435; 7 U.S.C. 91–99), as amended by the Omnibus Budget Reconciliation Act of 1981.

Since 1923, when the Naval Stores Act was promulgated, there have been minimal fees charged to users of the services but supervisory and administrative costs were funded by federal appropriation. Services currently provided by the Department are adequate to meet the needs of the naval stores industry. A revised fee schedule is herein adopted on an interim basis based on a thorough review of historical data regarding production and marketing, and it is anticipated that the assessment fees will provide the necessary funds to continue the level of service in effect as of September 30, 1981.

The interim final rule has been reviewed under United States Department of Agriculture procedures established to implement Executive Order 12291 and has been determined to be a nonmajor rule because it does not meet the criteria contained therein for major regulatory action. Initial review of the regulations contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness will be made within the next five years.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. All naval stores operations within the industry fall within the confines of "small business," as defined in the Regulatory Flexibility Act. The Department has informally advised all segments of the naval stores industry of the anticipated implementation of user fees, and that there would be no change in the level of the services available. It has been determined that the economic impact upon small entities would not be adverse and would in no way affect normal competition in the market place.

There are basically three types of recurrent fees to be collected by the Department as authorized by the Naval Stores Act: (1) fees for inspections performed by the licensed inspectors; (2) annual rental for each of the approximately 60–70 sets of official U.S. Rosin Standards loaned by the Tobacco Division, Agricultural Marketing Service, to rosin processors; and (3) annual permit fees from processing plants certified eligible for inspection service.

Additionally, there are a number of other possible fees, such as original inspections and reinspections performed by a federal inspector, laboratory testing and analysis, and special request inspections. None of these other fees have been charged to the users of the service for years because the services have not been requested. However, the regulations are being amended on an interim basis to reflect an increase in these fees in the event these services are requested. The percentage of increase will parallel the increase in recurrent fees currently paid by the users of the service.

Accordingly, the regulations contained in 7 CFR, Part 160 are hereby revised as follows:

1. Section 160.1(c) is amended to conform the regulations to the present agency designation.

2. Section 160.68 relating to fees deposited to miscellaneous receipts is deleted and a new section is added to specify the Department's collection process.

3. Section 160.69 relating to fees deposited to a trust fund is deleted to eliminate reference to a trust fund account.

4. Section 160.72 is renumbered section 160.71 and is further amended to provide for suspension and denial of inspection and related services for failure to timely pay fees and charges assessed as required by the Omnibus Budget Reconciliation Act of 1981.

5. Section 160.76 is amended to increase the annual charge for providing duplicates and maintenance of the rosin standards and to increase the charge for additional servicing, postage and handling, and replacement parts.

6. Section 160.201(a) and (b) is amended to increase all fees contained therein. This increase is necessary for the Department to continue to provide an efficient, cost-effective service to the naval stores industry and to recover costs commensurate with services rendered. Additionally, footnotes 1 and 2 thereunder are revised to incorporated increased costs. Footnote 2 is further amended to reflect a change in the organizational structure of the Tobacco Division, Agricultural Marketing Service.

7. Section 160.202 is amended to increase all laboratory analysis and testing fees contained therein.

8. Section 160.204 is amended to increase the hourly fee for laboratory and field inspection work. This rate has not been increased since 1958 and is insufficient to defray costs for rendering such services upon request from the naval stores industry.

9. Section 160.205 is amended to increase initial and annual permit fees. The "note" thereunder is also amended to increase fees contained therein.

All persons who desire to submit written data, views, or arguments for consideration in connection with this interim final rule may file the same with Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 502 Annex Building, Washington, D.C., 20250 not later than September 30, 1981.

Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, has determined that an emergency situation exists which requires that the interim final rule be made effective upon publication and which warrants less than a 60-day comment period on this interim final rule because the Omnibus Budget Reconciliation Act requires that user fees be made effective October 1, 1981, and accordingly, all segments of the naval stores industry must be informed of any rule change affecting the marketing process to continue orderly marketing of their products. The Department will, after evaluating the comments received, issue a final rule concerning implementation of fees and charges.

All written submissions made pursuant to this notice will be made available for public inspection at the above location during regular business hours.

PART 160—REGULATIONS AND STANDARDS FOR NAVAL STORES

Accordingly, the regulations under the Naval Stores Act contained in 7 CFR, Part 160 are hereby revised as follows:

§ 160.1 [Amended]

1. Section 160.1(c) is amended by removing the words "Consumer and" appearing in that paragraph and inserting the word "Agricultural" therein.

2. Section 160.68 is revised to read as follows:

§ 160.68 Collection of fees.

Beginning October 1, 1981, all fees and charges assessed to interested parties for services rendered under the Naval Stores Act shall be collected by the Director, Tobacco Division, Agricultural Marketing Service, to cover insofar as practicable, all costs of providing such services. Such fees shall be credited to the Division in accordance with fiscal regulations of the Department.

§ 160.69 [Removed]

§§ 160.70 and 160.71 [Redesignated as §§ 160.69 and 160.70]

3. Section 160.69 is removed and §§ 160.70 and 160.71 are redesignated as §§ 160.69 and 160.70, respectively.

§ 160.72 [Redesignated as § 160.71 and Amended]

4. Section 160.72 is redesignated § 160.71 and is further amended by deleting the second sentence of the paragraph and inserting therefore the following: "After a claim becomes delinquent, the Administrator shall suspend or deny inspection and related services to any interested party who has failed to make timely payment of the fees and charges assessed, as well as any claims which have been rendered, and shall take such action as may be necessary to collect any amounts due.

§ 160.76 [Amended]

5. Section 160.76 is amended by deleting the figure "$20". The figure "$5" appearing in the proviso is deleted and replaced with the figure "$30".

6. Section 160.201 is revised to read as follows:

Specific Fees Payable for Services Rendered

§ 160.201 Fees generally for field inspection and certification of naval stores and drum containers of rosin.

Except as provided in § 160.204, the following fees shall be paid to the United States for the field inspection and certification of naval stores and drum containers of rosin, not conducted under a cooperative agreement and where laboratory analysis or testing is not required:

(a) *Inspections by licensed inspectors at eligible processing plants.* (1) Rosin (grading and incidental certification as to class, condition and weight).

(i) In drums (see Note 1)—per drum	$1.24
(ii) In 100 pound bags (see Note 1)—per bag	.23
(iii) In tank cars—per car	67.50
(iv) In tank trucks—per truck	34.00

(2) Turpentine (Grading and incidental certification as to class, condition and volume).

(i) In 55 gallon drums—per drum	2.25
(ii) In tank cars or trucks—per unit of 100 gallons	1.41
(iii) In bulk for delivery to tank steamer—per unit of 100 gallons	2.25

(b) *Inspections by regularly employed, salaried Federal inspector.* (1) Rosin.

(i) Grading and weighing at concentration and storage yards—per drum	4.05
(ii) Irregular inspection and grading at distillation or processing plants—up to 400 drums—per drum	3.60
all over 400 drums—do	2.25
(iii) Weighing at concentration and storage yards, subsequent to grading—per drum	2.25
(iv) Examination of the external or internal appearance and condition of filled rosin drums, and of the rosin contained therein	See Note 2 and § 160.204
(v) Re-certification under L. S. Certificate of rosin moving in commerce—per drum	.23

(2) Turpentine (inspection and certification as to kind, condition, volume, etc.)

(i) In drums of 55 gallons—per drum	$3.38
(ii) In tank cars or trucks—per unit of 100 gallons	2.81
(iii) For bulk delivery to tank steamer—per unit of 100 gallons	2.25

Note 1.—When the number of drums and bags inspected and certified at any plant during any calendar month is equivalent to a total 2,400 or more drums (counting five bags as equivalent to one drum), the fee shall be computed at the rate of $1.01 per drum and $.18 per bag certified. For quantities less than the equivalent of 2,400 drums, the fee shall be computed at the prescribed rate of $1.24 per drum and $.23 per bag.

Note 2.—The inspection or related examination of containers of rosin and their contents under Section B (1) (iv) shall be performed only after the inspector or the Chief of the Marketing Programs Branch has been advised regarding the location, nature, scope, and purpose of the service desired, and the charge to be made therefore has been submitted to and accepted by the requesting person.

7. Section 160.202 is revised to read as follows:

§ 160.202 Fees generally for laboratory analysis and testing.

Except as provided in § 160.204, the following fees shall be paid to the United States for laboratory analysis and testing of naval stores, when not performed in the conduct of a cooperative agreement with respect to such products:

(a) Rosin and turpentine. (See Note 1). (1) Comprehensive analysis to determine purity, specification compliance, or other chemical and physical properties related thereto:

(i) Single Sample	$40.00
(ii) Two or more samples analyzed at same time—per sample	$35.00

(2) Limited testing to determine kind, grade, or other factors related to quality of utility:

(i) Single Sample:	
(a) Rosin	$14.00
(b) Turpentine	$10.00
(ii) Two or more samples tested at same time:	
(a) Rosin—per sample	$10.00
(b) Turpentine—per sample	8.00

Note 1.—The analysis and testing of rosin involves many different types of laboratory procedures, requiring variable time for performance, and including other cost factors. The charge for such analysis and testing will depend on the type and extent of the work required to supply the information desired by the interested person requesting the service. When it appears that the charges indicated in this section will not defray the costs of making the tests required, the interested person shall be informed before any work is performed and will be supplied with a cost estimate of the actual charges to be made. See also § 160.204

8. Section 160.204 is revised to read as follows:

§ 160.204 Fees for extra cost and hourly rate service.

The fees specified in §§ 160.201 and 160.202 apply to the routine field inspection and usual laboratory work incident to the certification of commodities covered by those sections. Should additional work be required to provide special information desired by the person requesting service, or should it be necessary for an inspector to make a special trip or to deviate from his regular schedule of travel, or should the fees prescribed in §§ 160.201 and 160.202 otherwise be insufficient to defray the cost to the Government for rendering such service, then the person requesting the service shall pay, in lieu of the prescribed fees, an amount computed by the Department as sufficient to defray the total cost thereof, including allowances for time spent in collecting and preparing samples obtaining identification records, traveling,

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performing laboratory tests or other necessary work, and also any expense incurred for authorized transportation and subsistence of the inspector or analyst while in travel status. The charge for time so spent shall be computed at the rate of $17.80 per hour for laboratory and field inspection work. The overtime rate for services performed outside the inspector's regularly scheduled tour of duty shall be $21.30. The rate of $26.70 shall be charged for work performed on Sundays or holidays.

9. Section 160.205 is revised to read as follows:

§ 160.205 Permit fees for eligible processing plants under licensed inspection.

Initial permit fee	$20.00
Annual renewal permit fee	$20.00

Note 1.—The renewal permit fee shall be reduced to $10 per year when the inspection fees paid by the eligible processing plant aggregate $200 or more during the preceding fiscal year ended September thirtieth, and shall be waived when such fees aggregate $400 or more during such fiscal year. Such reduced permit fee shall apply only in case the eligible processing plant has made use of the licensed inspection service.

Dated: September 21, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-27606 Filed 9-23-81; 8:45 am]

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7 CFR Part 905

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Amendment of Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule exempts the handling of Florida citrus for animal feed from regulations under the order subject to specified safeguards to prevent fruit from entering fresh channels of trade. It also specifies procedures for determining the quantities of Robinson tangerines each handler is permitted to ship when a portion of the 210 size of such variety is restricted by regulations. This action is necessary to maintain orderly marketing conditions for such fruits and protect the interest of consumers.

DATE: This rule becomes effective September 24, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

On July 21, 1981, notice was published in the **Federal Register** (46 FR 37513) inviting written comments on proposed amendment of the rules and regulations (Subpart—Rules and Regulations §§ 905.120–905.152), currently effective under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905). The agreement and order regulate the handling of Florida oranges, grapefruit, tangerines, and tangelos. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice provided that comments be submitted by August 20, 1981. None were received.

The exemption applicable to the handling of citrus fruit for animal feed is authorized under § 905.80 of the order. Under the exemption any person may handle citrus fruit for animal feed without regard to the provisions of § 905.52 (Issuance of regulations) and § 905.53 (Inspection and certification) and the regulations issued thereunder subject to necessary safeguards to prevent such fruit from entering fresh market outlets.

The amendment of § 905.152 is authorized under § 905.52(a)(1) of the order. It establishes procedures for determining the quantity of Robinson tangerines each handler is permitted to ship when a portion of the 210 size of such variety is restricted by regulation. Section 905.152 currently applies only to Dancy and similar varieties of tangerines. When a size limitation restricts the shipment of a portion of 210 size Dancy or Robinson tangerines during a particular week, the committee computes the quantity of 210 size of such variety that may be shipped by each handler. The committee notifies each handler of such quantity that may be handled during the particular week. The amendment provides a uniform rule for determining quantities of 210 size Dancy or Robinson tangerines each handler is permitted to ship when a portion of such size is restricted.

After consideration of all relevant matters presented, including the proposal in the notice and other available information, it is hereby found that amendment of said rules and regulations is in accordance with the marketing agreement and order and will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of the amendment until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) the handling of Florida oranges, grapefruit, tangerines, and tangelos will commence on or about the effective date hereof; (2) the recommendations of the committee were made at a public meeting at which all interested parties were afforded an opportunity to express their views; (3) no objections were received about the terms of the amendment in response to the notice published in the **Federal Register**, and (4) the amendment will not require any special preparation by handlers which cannot be completed by the effective time.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Therefore, 7 CFR Part 905; Subpart—Rules and Regulations, is revised by adding a new § 905.142 and revising § 905.152 to read as follows:

§ 905.142 Animal feed.

(a) The handling of citrus for animal feed shall be exempt from the provisions of § 905.52 and § 905.53 and the regulations issued thereunder under the following conditions:

(1) The handler notifies the committee each fiscal period, prior to such handling of his/her intention to handle such fruit, the quantity he/she anticipates handling and the destination point of each lot of fruit and receives from the committee a special shipping permit for the shipment of such fruit:

(2) The fruit is used for animal feed and is not offered for resale, disposed of, or in any way handled so as to enter fresh fruit channels;

(3) The quantity does not exceed 1,000 $\frac{4}{5}$ bushel cartons per fiscal period or such other quantity as may be specified by the committee;

(4) The fruit is placed in containers of uniform capacity and

(5) Each shipment is certified by the Federal-State Inspection Service as to the quantity shipped.

§ 905.152 Procedure for determining handlers' permitted quantities of Robinson, Dancy and similar tangerine varieties when a portion of the 210 size of such varieties is restricted.

(a) For the purposes of this section the prior period specified in § 905.52 is hereby established as a average week within the immediately preceding three seasons, together with the current season. When used in the regulation of Dancy tangerines the term "season" means the twenty weeks beginning with the first full week in October, and the term "current season" means the elapsed weeks beginning with the first full week in October of the current fiscal period through the most recent week that certified shipping records are available for all shippers. When used in the regulation of Robinson variety tangerines, the term "season" means the fifteen weeks beginning with the first full week in September, and the term "current season" means the elapsed weeks beginning with the first full week in September of the current fiscal period through the most recent week that certified shipping records are available for all shippers.

(b) When a size limitation restricts the shipment of a portion of the 210 size Dancy or Robinson tangerines during a particular week as provided in § 905.52, the committee shall compute the quantity of the 210 size of such variety that may be shipped by each handler by multiplying the handler's volume of shipments of such variety in the applicable prior period by the percentage established by regulation for such variety for that week.

(c) The committee shall notify each handler of the quantity of 210 size Dancy or Robinson tangerines such handler may handle during the particular week.

(d) Any handler may transfer any or all of his or her shipping allowance of 210 size Dancy or Robinson tangerines to another handler. Each handler party to such transfer shall promptly notify the committee so the proper adjustment of records may be made. The committee shall confirm all such transfers immediately after completion thereof by memorandum to the handlers involved.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674

Dated: September 21, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-27807 Filed 9-23-81; 8:45 am]

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7 CFR Part 908

[Valencia Orange Reg. 682]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valenica oranges that may be shipped to market during the period September 25–October 1, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on September 22, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 908.982 is added as follows:

§ 908.982 Valencia Orange Regulation 682.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period September 25, 1981, through October 1, 1981, are established as follows:

(1) District 1: 600,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 23, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-28028 Filed 9-23-81; 12:28 pm]

BILLING CODE 3410-02-M

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7 CFR Part 910

Lemons Grown in California and Arizona; Amendment to Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment to the rules and regulations permits the optional use of upward adjustments by handlers in Districts 1 and 3 of not to exceed 100 percent of their average weekly pick. This would allow such handlers the option of receiving a larger proportion of their allotment earlier in the season and enable them to use their proportionate share of the marketing opportunity more advantageously.

DATES: Effective October 16, 1981, through July 31, 1982.

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FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

An interim rule was published in the **Federal Register** on July 28, 1981 (46 FR 38491) which permitted the optional use of upward adjustments by handlers in Districts 1 and 3 of not to exceed 100 percent of their average weekly pick during the period August 1, 1981, through October 15, 1981. That rule provided an opportunity to file comments through August 27, 1981. No comments were received. This final rule would continue these requirements without change during the period October 16, 1981, through July 31, 1982.

This amendment to the rules and regulations was recommended by the Lemon Administrative Committee. The rules and regulations (Subpart—Rules and Regulations; 7 CFR 910.100–910.180) are effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Under the order the prorate base of each handler is based upon the handler's average weekly pick (the average weekly amount of lemons harvested and delivered to such handler's packinghouse during a specified number of weeks preceding the computation date). In recognition of the fewer number of weeks during which lemons are harvested in Districts 1 and 3, the order provides that the handlers in such districts may request and be granted an upward adjustment in their average weekly pick to accelerate their receipt of allotment during the first half of their season, subject to payback during the last half of their season of the extra allotment received. The order provides in § 910.53(h) that the percentage of adjustment specified in §§ 910.53(f)(1) and 910.153(e)(3), may be changed. Provision for 100 percent upward adjustment of average weekly pick of handlers in Districts 1 and 3 is currently in effect through October 15, 1981. Unless extended, the maximum upward adjustment permitted is 50 percent. The committee recommended that the current provision be in effect during the entire 1981–82 season. This would allow such handlers the continued option of receiving a larger proportion of their allotment earlier in the season, and enable them to use their proportionate share of the marketing opportunity more advantageously.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of this amendment until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making the provisions effective as specified in that (1) the handling of lemons is now in progress subject to regulated weekly allotment provisions of the order and to be of maximum benefit the provisions of this amendment should become effective at the time specified; (2) these regulatory provisions are the same as those currently in effect through October 15, 1981, under an interim rule which provided 30 days for filing of comments, none of which were received; (3) the recommendation of the committee was made at a public meeting at which all interested parties were afforded an opportunity to express their views; (4) the amendment continues in effect the current more liberal provisions for upward adjustment of allotments; and (5) handlers have been apprised of these requirements and the effective date.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

This added flexibility would be provided by an amendment of § 910.153(e)(3) Subpart—Rules and Regulations (7 CFR Part 910.100–910.180). Therefore, the first sentence in § 910.153(e)(3) is revised to read as follows:

§ 910.153 Prorate bases and allotments.

* * * * *

(e) * * *

(3) *Granting of upward adjustment for Districts 1 and 3 applicants.* Upon receiving a duly filed application for an upward adjustment by a District 1 or 3 handler pursuant to § 910.53(f)(1) the committee shall adjust the average weekly pick of such handler by increasing such picks in the amount requested, but not in excess of 50 percent of such handler's average weekly pick: *Provided, however,* that during the period October 16, 1981, through July 31, 1982, upon request of any such handler, the committee shall adjust such handler's average weekly pick in the amount requested but not in excess of 100 percent. * * *

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 21, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-27808 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 981 and 991

Expenses and Rates of Assessment for Almond and Hop Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the Board functioning under Marketing Order 981 and the Committee under Marketing Order 991. Funds to administer these programs are derived from assessments on handlers regulated under those orders.

EFFECTIVE DATES: Part 981—July 1, 1981–June 30, 1982 (§ 981.331; Part 991—August 1, 1981–July 31, 1982 (§ 991.316)).

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5697.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified as a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by the Almond Board of California and the Hop Administrative Committee, established under Marketing Orders 981 and 991, respectively, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Both orders require that the rate of assessment for a particular fiscal period shall apply to all assessable almonds and hops handled from the beginning of such period. To enable the Board and the Committee to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting and recordkeeping) under these parts are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, §§ 981.330 (M.O. 981) and 991.315 (M.O. 991) are removed and new §§ 981.331 and 991.316 are added as follows: (The following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations).

PART 981—ALMONDS GROWN IN CALIFORNIA

§ 981.331 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Board during the 1981–82 crop year, will amount to $12,099,430.

(b) The rate of assessment for said year payable by each handler in accordance with § 981.81 is fixed at 2.85 cents per pound of almonds (kernelweight basis), less any amount credited pursuant to § 981.41 not to exceed 2.5 cents per pound of almonds (kernelweight basis).

PART 991—HOPS OF DOMESTIC PRODUCTION

§ 991.316 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Hop Administrative Committee during the 1981–82 marketing year, will amount to $299,843.

(b) The rate of assessment for said year payable by each handler in accordance with § 991.56 is fixed at 0.4 cent per pound of salable hops.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 21, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81–27810 Filed 9–23–81: 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1427

[Amdt. 1]

CCC Cotton Loan Program Regulations Governing 1980 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations governing the Cotton Loan Program for 1980 and Subsequent Crops (1) to update certain cross-references in the Code of Federal Regulations which set forth price support eligibility requirements with respect to the Cotton Loan Program and (2) to delete reference to annual crop supplements.

EFFECTIVE DATE: September 23, 1981.

ADDRESS: Interested persons may send comments to the Director, Price Support and Loan Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, Commodity Loan Section, Price Support and Loan Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–5187. A final Regulatory Impact Analysis is being prepared and will be available from the above-named individual.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or (3) significant adverse efects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice of determination applies to are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, a review as established by Office of Management and Budget Circular A–95, was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Since this final rule makes no substantive changes in the regulations but merely updates certain cross-references to the Code of Federal Regulations which provide for price support eligibility requirements for the Cotton Loan Program and deletes references to the annual crop supplements which were previously codified, it is hereby determined that no public rulemaking is required with respect to this rule. Accordingly, this final rule shall become effective upon date of filing with the Director, Office of the Federal Register.

Final Rule

PART 1427—COTTON

Accordingly, the regulations at 7 CFR 1427.1; 1427.5 (a), (b), and (c); and § 1427.8(b) are revised to read as follows:

§ 1427.1 General statement.

The regulations in this subpart, including any amendments and notices published in the **Federal Register**, set forth the requirements with respect to price support loans on cotton of the 1980 crop and each subsequent crop of cotton. Price support loans will be made available by CCC to eligible cotton producers on eligible upland and extra long staple cotton. As used in the regulations in this subpart, "CCC" means the Commodity Credit Corporation, and "ASCS" means the

Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

§ 1427.5 Eligible cotton.

* * * * *

(a) Upland cotton must have been produced on a farm by a producer who has complied with price support eligibility requirements, if any, specified in Parts 713, 718, 791, and 792 of this title and any amendment thereto. Extra long staple cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Adjustment Act of 1949, as amended, on a farm on which it has been determined it has complied with price support eligibility requirements, if any, specified in Part 722 of this title and any amendment thereto. The cotton in any bale may have been produced by two or more producers on one or more farms if the bale is not a repacked bale.

(b) Such cotton must be tendered for a loan within the availability period of § 1427.6(d).

(c) Such cotton must be of a grade and staple length specified in: (1) the schedule of premiums and discounts for upland cotton or (2) the schedule of loan rates for extra long staple cotton, as published annually in a notice in the **Federal Register** and must be represented by a warehouse receipt meeting the requirements of § 1427.12.

* * * * *

§ 1427.8 Weight, loan rate, and amount of loans.

* * * * *

(b) *Loan rate for upland cotton.* (1) The base loan rate for strict low middling 1 1/16 inch upland cotton of each crop at each approved warehouse location will be stated in the schedule of base loan rates for upland cotton by warehouse locations and published annually in a notice in the **Federal Register**. The schedule will be available at county ASCS offices.

(2) The premium or discount applicable to each other eligible grade and staple length of upland cotton of each crop and the discount, if any, for each micronaire reading will also be published annually in a notice in the **Federal Register**.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 101, 103, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1444, 1421); Sec. 602, 91 Stat. 934 (7 U.S.C. 1444))

Signed at Washington, D.C. on September 16, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-27786 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 1427

[Amdt. 2]

Seed Cotton Loan Program Regulations for 1978 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations governing the Seed Cotton Loan Program for 1978 and Subsequent Crops (1) to update certain cross-references in the Code of Federal Regulations which set forth price support eligibility requirements with respect to the Seed Cotton Loan Program and (2) to delete reference to annual crop supplements.

EFFECTIVE DATES: September 23, 1981.

ADDRESS: Interested persons may send comments to the Director, Price Support and Loan Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Carolyn E. Cozart, Commodity Loan Section, Price Support and Loan Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447-5187. A final Regulatory Impact Analysis is being prepared and will be available from the above-named individual.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." It has been determined that these program provisions will not result in: (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice of determination applies to are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, a review as established by Office of Management and Budget Circular A-95, was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Since this final rule makes no substantive changes in the regulations but merely updates certain cross-references to the Code of Federal Regulations which provide for price support eligibility requirements for the Seed Cotton Loan Program and deletes references to the annual crop supplements which were previously codified, it is hereby determined that no further public rulemaking is required with respect to this rule. Accordingly, this final rule shall become effective upon date of filing with the Director, Office of the Federal Register.

Final Rule

PART 1427—COTTON

Accordingly, the regulations at 7 CFR 1427.165 and 1427.169 are revised to read as follows:

§ 1427.165 Eligible seed cotton.

* * * * *

(b) Upland cotton must have been produced on a farm by a producer who has complied with price support eligibility requirements, if any, specified in Parts 713, 718, 791, and 792 of this title and any amendment thereto. Extra long staple cotton must have been produced by a "cooperator" as defined in section 408(b) of the Agricultural Act of 1949, as amended, on a farm on which it has been determined there has been compliance with price support eligibility requirements, if any, specified in Part 722 of this title and any amendment thereto.

* * * * *

§ 1427.169 Loan rate and quality.

(a) The loan rate applicable to each quality of seed cotton placed under loan shall be the loan rate as specified for the applicable crop for that quality of cotton in the county where stored which is published annually in a notice in the **Federal Register.**

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c))

Signed at Washington, D.C. on September 16, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–27787 Filed 9–23–81; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 16921, Special Condition No. 25-94-EA-12; Amdt. No. 1]

Amendment to Special Conditions for Canadair Limited; Model CL-600-1A11 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued under §§ 21.16 and 21.101(b) of the Federal Aviation Regulations (FAR) to Canadair Limited for the Model CL-600-1A11 series airplane. This action amends Special Conditions No. 25-94-EA-12, issued March 26, 1980. The amendment is necessary in view of changes in the airplane's maximum certificated operating altitude and takeoff weight. These special conditions contain safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations applicable to the Model CL-600-1A11 airplane because of novel or unusual features.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: Ivan D. Connally, Lead Region Staff, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION: Special Conditions No. 25–94–EA–12 were issued on March 26, 1980, to Canadair Limited for the type certification of its Model CL–600–1A11 airplane. The Model CL–600–1A11 is a pressurized, wide-body, twin-turbofan airplane powered by two AVCO Lycoming ALF 502L engines, each having a thrust rating of 6,700 pounds. The certification basis for the Model CL–600–1A11 is FAR Part 25 dated February 1, 1965, as amended through Amendment 25–37, plus §§ 25.675(a), 25.685(a), 25.733(c), 25.775(e), 25.787(c), 25.815, 25.841(b), 25.951(a), 25.979 (d) and (e), 25.1041, 25.1143, 25.1303(a), 25.1322, 25.1385(c), 25.1557(b), and 25.1583(a) of Amendment 25–38; §§ 25.901 (b) and (c), 25.903 (c) and (e), 25.933, 25.943, 25.959, 25.1091 (a) and (d), 25.1145(c), 25.1199 (b) and (c), 25.1207, 25.1549, and 25.1585(a)(9) of Amendment 25–40; § 25.1309 of Amendment 25–41; § 25.1353(c) of Amendment 25–42; Amendment 25–45; §§ 25.351 and 25.603 of Amendment 25–46; FAR Part 36 dated December 1, 1969, as amended through Amendment 36–9; SFAR 27 effective February 1, 1974, as amended through Amendment SFAR 27–2; and the Special Conditions as amended. The type design of the Canadair Model CL–600–1A11 airplane contains unusual design features for an airplane type certificated under the applicable airworthiness regulations, and those airworthiness regulations do not contain adequate or appropriate safety standards for the Canadair Model CL–600–1A11 airplane. Therefore, special conditions are necessary to establish level of safety equivalent to that described in the airworthiness regulations for unusual features of high speed, high-altitude operation, and an auxiliary power unit (APU) installation.

Canadair expected to receive certification that would allow its Model CL–600–1A11 airplane to operate at an altitude of 49,000 feet or less; however, it has been type certificated with a maximum operating altitude of 40,000 feet and a 33,000 pound maximum takeoff weight, and this amendment to the original special condition is necessary to implement these changes. The applicant has agreed to the amendment.

Since it is known that the applicant intends to pursue certification that would allow the Model CL–600–1A11 to operate at 49,000 feet or less, it is proper to consider this contingency now by redesignating the Model CL–600–1A11 as the CL–600–1A11 series airplanes. Therefore, these special conditions cover airplanes with alternate performance.

After issuing Special Conditions No. 25–94–EA–12, Parts 11 and 21 of the Federal Aviation Regulations were amended to require that special conditions and amendments be issued in accordance with general rulemaking procedures. Accordingly, special conditions were proposed (46 FR 27711; May 21, 1981) to provide a level of safety equivalent to that established by the regulations incorporated in the type certificate for the Canadair CL–600–1A11 series airplanes. No comments were received as a result of publication of the proposed special conditions in the **Federal Register.**

Amendments to the Special Conditions

In consideration of the foregoing, the Special Conditions (No. 25–94–EA–12) issued to Canadair Limited on March 26, 1980, for the type certification of the Model CL–600–1A11 are amended as follows:

1. By removing the words "Model CL–600 airplane" from the subject and the first, second, third, and sixth preamble paragraphs and adding the words "Model CL–600–1A11 Series airplane" in each place.

2. By removing the words "32,500 pounds" and "49,000 feet" from the third sentence of the second preamble paragraph and adding the words "33,000 pounds" and "40,000 feet," respectively, in their place.

3. By removing the word "and" at the end of the *Special Flight Conditions* 1(a)(1) and inserting the word "or" in its place.

4. By removing the term "b" in the first line of *Special Flight Conditions* 2(c) and inserting the term "(b)(2)," in its place.

5. By adding a new *Special Airframe Conditions* 1(c) to read as follows:

(c) With regard to the fuselage structural design for cabin pressure capability above 45,000 feet altitude, the following apply:

6. By redesignating *Special Airframe Conditions* 1 (c) and (d) as 1(c)(1) and 1(c)(2), respectively.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.49)

Note.—This action is not a rule of general applicability and, therefore, is not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Washington, D.C., on September 16, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81–27810 Filed 9–23–81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 21836; Amdt. 39-4223]

British Aerospace, Aircraft Group, Scottish Division (Formerly Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires repetitive inspections for cracking, and repair as necessary, of the nose gear actuator support structure and the front pressure bulkhead on British Aerospace, Aircraft Group (Scottish Aviation Ltd.), Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes. The AD is necessary to detect cracks in the nose gear actuator support structure which could result in failure of the nose gear to retract, or the failure of the front pressure bulkhead, which could result in loss of cabin pressurization in flight.

DATES: Effective October 26, 1981.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: British Aerospace—Aircraft Group, Product Support Department, Prestwick Airport, Prestwick, Scotland KA 9 2RW.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require repetitive inspections for cracking, and repair as necessary, of the nose gear actuator support structure and the front pressure bulkhead on British Aerospace, Aircraft Group, (formerly Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes was published in the **Federal Register** at 46 FR 32875. The proposal was prompted by reports of cracks in the nose gear actuator support structure, and the front pressure bulkhead on the British Aerospace (formerly Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes, which could result in failure of the nose gear to retract, or loss of cabin pressurization at flight altitudes.

Since this condition is likely to exist or develop on other airplanes of the same type design, the AD requires an inspection of the nose gear actuator support structure, repair as needed, placarding against pressurized flight, and repetitive inspections until a permanent repair is incorporated on British Aerospace, Aircraft Group, (formerly Scottish Aviation Ltd.) Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly, the proposal is adopted without change.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace, Aircraft Group, (formerly Scottish Aviation Ltd.). Applies to Model H.P. 137 Jetstream Mk. I and Jetstream Series 200 airplanes, certificated in all categories, which do not have British Aerospace Jetstream Modification No. 5127 incorporated.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the nose landing gear actuator attachment and support structure or failure of the front pressure bulkhead, or both, accomplish the following:

(a) Prior to the accumulation of 1,600 landings or before the accumulation of 200 landings, after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 200 landings, inspect the nose landing gear actuator support structure, P/N 137139C-13 and P/N 137139C-25, and the membrane of the front pressure bulkhead for cracks using a dye penetrant method in accordance with paragraph 3(a), "ACTION," of British Aerospace, Aircraft Group, Service Bulletin No. 6/5, dated September 4, 1978, or an FAA-approved equivalent.

(b) If no cracks are found during the inspection, return to service.

(c) If during the inspection of P/N 137139C-13, cracking is found, before further flight, replace with serviceable part of the same part number or repair in accordance with Chapter 5 of the Aircraft Maintenance Manual No. J/Mk I/MM (hereinafter referred to as the Maintenance Manual), or an FAA-approved equivalent, and return to service.

(d) If during the inspection of P/N 137139C-25—

(1) Cracking is found that does not extend more than one-half the full length of the fold line, and no cracking is found in P/N 137139C-13, or in the membrane of the front pressure bulkhead, the aircraft may continue in service;

(2) Cracking is found that does not extend more than one-half the full length of the fold line, and cracks are found in P/N 137139C-13, or in the membrane of the front pressure bulkhead, before further flight, repair in accordance with the Maintenance Manual, or an FAA-approved equivalent, and return to service; or

(3) Cracking is found in P/N 137139C-25 that extends more than one-half of the full length of the fold line, before further flight, repair P/N 137139C-25 in accordance with the Maintenance Manual, or an FAA-approved equivalent, and return to service.

(e) If during the inspection of the front pressure bulkhead—

(1) A crack of 6 inches or more in length is found in the membrane of the front pressure bulkhead, before further flight, repair the membrane in accordance with the Maintenance Manual, or an FAA-approved equivalent, and return to service.

(2) A crack less than 6 inches in length is found in the membrane of the front pressure bulkhead, either—

(i) Repair in accordance with the Maintenance Manual, or an FAA-approved equivalent and return to service; or

(ii) Install, in clear view of the pilot, a placard which reads "Pressurization Inoperative" and deactivate the cabin pressurization system by securing the safety valve assembly, located on the front pressure bulkhead, in the open position. The valve may be secured "OPEN" in a manner recommended by British Aerospace, Aircraft Group, Scottish Division, or in a manner approved by an FAA inspector. Return aircraft to service; or

(iii) Install British Aerospace, Jetstream Modification No. 5127, or an FAA-approved equivalent, and return to service, after which compliance with this AD is no longer required.

(f) For purposes of this AD, aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the inspection or repair can be performed.

(g) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace—Aircraft Group, Product Support Department, Prestwick Airport, Prestwick, Scotland KA 9 2RW. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

This amendment becomes effective October 26, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves inspections and repairs on only a few aircraft owned by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on September 14, 1981.

M. C. Beard,

Director of Airworthiness.

[FR. Doc. 81-27813 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-EA-15; Amdt. 39-4199]

Airworthiness Directives; Lycoming

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to Airworthiness Directives 81-EA-15; Amdt. 39-4199.

SUMMARY: This action corrects airworthiness directive 81-EA-15; Amdt. 39-4199 (FR 43134, August 27, 1981) by changing the effective date from August 28, 1981, to September 14, 1981.

EFFECTIVE DATE: September 14, 1981. Compliance is required as set forth in the AD.

FOR FURTHER INFORMATION CONTACT: I. Mankuta, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Tel. 212-995-2894.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423, 1431(b); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.89))

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

The rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Jamaica, N.Y., on September 11, 1981.

Murray E. Smith,

Director Eastern Region.

[FR Doc. 81-27467 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-GL-19-AD; Amdt. 39-4220]

Stewart-Warner Model 8406J, 8406L, 8432K, 8432L, 10568C, 10578B, 10599A, 10610A, 10614A, 10622A, 10634D, 8446C, 8437C, 10641B, and 8493B Oil Cooler Assemblies; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Stewart-Warner Model 8406J, 8406L, 8432K, 8432L, 10568C, 10578B, 10599A, 10610A, 10614A, 10622A, 10634D, 8446C, 8437C, 10641B, and 8493B oil cooler assemblies by revising the beginning serial numbers for the 10610A, 10622A, 8446C, and 10641B oil coolers, which in some cases will include more serial numbers.

DATE: Effective September 24, 1981.

Compliance required prior to further flight after the effective date of this AD, unless already accomplished.

FOR FURTHER INFORMATION CONTACT: W. F. Horn, Chief, Engineering and Manufacturing Branch, AGL-210, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone number (312) 694-7357.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-4028, 46 FR 9561, AD 80-25-07, which currently requires removal of affected oil coolers, which have accumulated less than 10 hours time in service since new. After issuing Amendment 39-4028, the callout of beginning serial numbers for the 10610A, 10622A, 8446C, and 10641B oil coolers was determined to be incorrect. Therefore, the FAA is amending Amendment 39-4028 by revising the beginning serial numbers applicable to four of the affected model coolers.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-4028, 46 FR 9561, AD 80-25-07, by revising the beginning serial numbers applicable to four of the affected model coolers.

80-25-07 R1 Stewart-Warner Corporation: Applies to the following Stewart-Warner oil cooler models:

Stewart-Warner model Nos.	Beginning serial Nos.	Ending serial Nos.
8406J	[illegible]	16212
8406L	[illegible]	1763
8432K	514	541
8432L	631	[illegible]
10568C	1105	1141
10578B	2212	2316
10599A	[illegible]	[illegible]
10610A	1815	[illegible]
10614A	[illegible]	[illegible]
10622A	333	[illegible]
10634D	105	[illegible]
8446C	372	[illegible]
8437C	[illegible]	472
10641B	101	[illegible]
8493B	[illegible]	[illegible]

Note.—The affected oil coolers were manufactured between July 1, 1979, and November 1, 1980. Oil coolers of the above model and serial numbers that have a date ink stamped next to the nameplate have been inspected by Stewart-Warner and found satisfactory for continued use.

These oil coolers may be installed on, *but not limited to,* the following aircraft:

Bellanca Models: 7ECA, 7GCAA, 7GCBC, 7KCAB, 8GCBC, and 8KCAB.

Cessna Models (including Reims Aviation): 152, A152, F152, FA152, 172I, 172K, 172L, 172M, 172N, 172P, 172RG, F172L, F172M, F172P, 177, 177A, 177B, 177RG, F177RG, R182, FR182, TR182, T182, A188B, T188C, 210N, T210N, and P210N.

Piper Model: PA-38-112.

Mooney Models: M20C, M20E, M20F, M20G, and M20J.

Great Lakes Models: 2T-1A-1 and 2T-1A-2.

Beech Models: 76, 77, and C-23.

Hughes Models: 269 Series.

Compliance is required prior to further flight after the effective date of this AD, unless already accomplished. To prevent the loss of engine oil, accomplish the following:

1. If the oil cooler has accumulated 10 hours or less total time in service since new, prior to further flight, replace with an airworthy oil cooler not of the above serial numbers or with an airworthy oil cooler of the above serial numbers that have a date ink stamped next to the oil cooler name plate.

Note.—Removed oil cooler may be returned to: Stewart-Warner Corp., Attn: Mr. Ben Gillen, 1514 Drover Street, Indianapolis, Indiana 46221.

2. If the oil cooler has accumulated more than 10 hours time in service since new, visually inspect the cooler for oil leakage prior to further flight.

Note.—Removal of the engine cowling is not required if it can be positively determined from inspection of areas adjacent to the oil cooler that the oil cooler is not leaking.

A. If oil leakage is evident, prior to further flight, repace with an airworthy oil cooler not of the above serial numbers or with an airworthy oil cooler of the above serial numbers that have a date ink stamped next to the oil cooler name plate.

B. If oil leakage is not detected:

i. Fabricate and install the following placard on the aircraft instrument panel in plain view of the crew, using letters ⅛-inch high minimum:

"Visually check oil cooler for leakage prior to each flight. If leakage is detected, refer to AD Number 80-25-07."

Note.—The owner or operator may make and install this placard and conduct the preflight check. This check does not require a logbook entry. The inspection procedures identified in the note following paragraph 2 also apply to this preflight check.

ii. If the oil cooler is replaced with an airworthy oil cooler not of the above serial numbers or with an airworthy oil cooler of the above serial numbers that have a date ink stamped next to the oil cooler name plate, the placard can be removed.

3. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7357.

This amendment becomes effective September 24, 1981, as to all persons except those to whom it was made immediately effective by the priority mail letter dated December 5, 1980, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedure of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Ill., on August 25, 1981.

Kenneth C. Patterson,

Acting Director, Great Lakes Region.

[FR Doc. 81-27609 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-26]

Alteration of Control Zone Amendment: Kingsville, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amendment to final rule.

SUMMARY: In a rule published in the **Federal Register** on June 25, 1981, Vol. 46, page 32863, altering the control zone at Kingsville, Texas, the dimensions of the control zone were stated incorrectly due to an error in computing the description. This action corrects that error; thereby making the description of the control zone as intended for the protection of aircraft executing instrument approach procedures to the NAS Kingsville, Texas.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: FR Doc. 81-18590, published on June 25, 1981, (46 FR 32863) altered the control zone at Kingsville, Texas, to designate the necessary controlled airspace for instrument approach procedures to the NAS Kingsville, Texas. In describing the control zone, and error occurred in computing the required airspace, therefore, inadequately describing the required protected area. This amendment corrects the error. Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was published in the **Federal Register** on January 2, 1981 (46 FR 456). Since this amendment is a minor matter upon which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

Adoption of the Amendment

In FR Doc. No. 81-18590 as published in 46 FR 32863 on June 25, 1981, under Kingsville, Texas, substitute the following:

Kingsville, Texas

Within a 5-mile radius of the NAS Kingsville (latitude 27°30'11"N., longitude 97°48'25"W.); within 3 miles each side of the Kingsville UHF RBN 199° bearing, extending from the 5-mile radius area to 8 miles south of the UHF RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11/61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Tex., on September 11, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-27569 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AGL-28]

Alteration of Transition Area; Drummond Island, Mich.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Drummond Island, Michigan, to accommodate a Non-directional Radio Beacon (NDB) instrument approach procedure into the

Drummond Island Airport, Drummond, Michigan, which was established on the basis of a request from the Drummond Island Airport officials to provide that airport with an instrument approach procedure. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace will be lowered from 1200 feet above surface to 700 feet for a distance of approximately 8.5 miles beyond that now depicted. The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 34810 of the **Federal Register** dated July 6, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add transition area airspace near Drummond Island, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 26, 1981, as follows:

In § 71.181 (46 FR 540), the following transition area is added:

Drummond Island, Michigan

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Drummon Island Airport (latitude 46°00'40"N, longitude 83°44'45"W) and 2.75 miles either side of the 065° bearing from the Drummond Island NDB from 5 miles to 8.5 miles and that airspace extending upward from 1200 feet above the surface bounded by longitude 83°57'W on the west, longitude 83°26'W on the east, latitude 46°05'N on the north, and 45°45'N on the south excluding that portion in Canada.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Ill., on September 8, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-27568 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 81-AWA-11]

Special Use Airspace; Prohibited Area P-67, Kennebunkport, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment designates a prohibited area over the residence of the Vice President of the United States for the purpose of enhanced security. No person may operate an aircraft within a prohibited area without the permission of the using agency.

EFFECTIVE DATE: November 26, 1981. Comments must be received on or before October 26, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWA-11, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves flight requirements affecting the security of the Vice President and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the rule as well as environmental and land use aspects. Comments should identify the docket number of this rule and be submitted to the above noted address.

The Rule

The purpose of this amendment to Subpart C of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to designate a prohibited area over the residence of the Vice President of the United States at Kennebunkport, ME. The airspace is described as a circular area of 1 statute-mile radius from the surface to 1,000 feet MSL. This action is required by the U.S. Secret Service to prohibit the unauthorized flight of aircraft in the immediate vicinity of the Vice President's residence. Subpart C of Part 73 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 832).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Subpart C of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 832), is amended, effective 0901 G.M.T., November 2[illegible], 1981, by adding new § 73.94 to read as follows:

P–67 Kennebunkport, ME

Boundaries. A circular area of 1-mile radius centered on lat. 43°20′40″N., long. 70°27′36″W.

Designated altitudes. Surface to 1,000 feet MSL.

Time of designation. Continuous.

Using agency. Administrator, Federal Aviation Administration, Washington, D.C.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on September 16, 1981.

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–27567 Filed 9–23–81; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 373, 376 and 390

Use of U.S.-Origin Parts for Servicing Libyan Aircraft Restricted

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule prohibits the use of bulk licenses for the provision of aircraft parts and accessories to aircraft owned, operated, or controlled by, or under charter or lease to Libya or any of its nationals. Exports of these commodities may now be made only pursuant to an individual validated license issued on a case-by-case basis. This prohibition is necessary to enable closer monitoring of U.S.-origin parts used to maintain aircraft that may be used in support of Libyan military intervention in neighboring countries.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporter's Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION:

Substance of Regulation

This rule prevents the use of various special privilege bulk licensing arrangements for the supply of parts and equipment to Libyan aircraft without a case-by-case review by the Department of Commerce. The commodities covered by this order are presently controlled for national security reasons. The order included in this announcement will permit the Department to monitor on a case-by-case basis the supply of U.S. parts for the servicing of aircraft that may be used in military intervention by Libya in neighboring countries while assessing the necessity for imposing foreign policy controls. An exporter desiring to supply parts or equipment for an aircraft owned, operated, controlled, chartered or leased by Libya or any of its nationals may apply for an individual validated license or reexport authorization.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.
2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*
3. This rule involves a "foreign affairs" function of the United States and, therefore, is exempt from the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."
4. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act.

Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because this regulation does not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

Accordingly, Parts 373, 376 and 390 of the *Export Administration Regulations* (15 CFR Parts 368 *et seq.*) are amended as follows:

PART 373—SPECIAL LICENSING PROCEDURES

1. Section 373.2 is amended by revising paragraphs (b)(5) and (b)(6) and adding a new paragraph (b)(7), reading as follows:

§ 373.2 Project license.

* * * * *

(b) * * *

(5) The commodities are electronic, mechanical, or other devices as described in § 376.13(a), primarily useful for surreptitious interception of wire or oral communications;

(6) The commodities are listed in a Supplement to Part 377 as being under short supply controls; or

(7) The commodities are aircraft parts and accessories covered by § 390.7.

* * * * *

2. Section 373.3 is amended by revising paragraphs (b)(3) and (b)(4) and adding a new paragraph (b)(5), reading as follows:

§ 373.3 Distribution license.

* * * * *

(b) * * *

(3) Electronic, mechanical, or other devices, as described in § 376.13(a), primarily useful for surreptitious interception of wire or oral communications;

(4) Commodities listed in a Supplement to Part 377 as being under short supply controls; and

(5) Aircraft parts and accessories covered by § 390.7.

* * * * *

3. Section 373.7 is amended by revising paragraphs (b)(5) and (b)(6) and adding a new paragraph (b)(7) reading as follows:

§ 373.7 Service supply (SL) procedure.

* * * * *

(b) * * *

(5) Commodities listed in Supplement No. 1 to this Part 373;

(6) Parts to service any equipment owned, controlled or used by or for a military or police entity in the Republic of South Africa or Namibia; and

(7) Aircraft parts and accessories covered by § 390.7.

* * * * *

4. Section 373.8 is amended by revising paragraph (c)(1) to read as follows:

§ 373.8 Aircraft and vessel repair station procedure.

* * * * *

(c) * * *

(1) Restricted to certain aircraft and vessels. A foreign importer is authorized to use U.S.-origin parts in the repair, maintenance, or servicing of any civil aircraft or vessel, provided the aircraft or vessel is not registered in, or not owned or controlled by, or not chartered or leased to, a Group P, Q, S, W, Y, or Z country, Afghanistan or Libya, or any national thereof.

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

5. Section 376.8 is amended by revising paragraphs (b)(1)(ii) and (b)(1)(iii) to read as follows:

§ 376.8 Aircraft and equipment, parts, accessories, and components therefor.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(ii) The commodities will not supplied for use on any aircraft registered in, or owned or controlled by, or chartered or leased to, a Group P, Q, S, W, Y or Z country, Afghanistan or Libya, or any national thereof; and

(iii) The commodities will not be supplied for use on any aircraft located in a Group P, Q, S, W, Y or Z country, Afghanistan or Libya.

* * * * *

PART 390—GENERAL ORDERS

6. Part 390 is amended by adding a new § 390.7 reading as follows:

§ 390.7 General order preventing the use of bulk licenses for aircraft controlled by Libya.

Effective September 24, 1981 bulk licenses described in Part 373 may not be used to provide aircraft parts and accessories (Export Control Commodity Numbers 1460, 4460, 1485, 1501(a), (b)(1) and (c)(1)) to aircraft owned, operated, or controlled by, or under charter or lease to Libya or any of its nationals.

(Secs. 3, 13, 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

September 18, 1981.

[FR Doc. 81–27753 Filed 9–23–81; 8:45 am]

BILLING CODE 3510-25-M

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15 CFR Part 385

Amendment of Advisory Note 2 to CCL Entry 1312, Presses and Specialized Controls

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Export Administration Regulations are amended to clarify which licenses for isostatic presses covered by Commodity Control List (CCL) entry 1312 are likely to be approved for export. There are indications that exporters, both in the U.S. and in other COCOM countries, hold differing interpretations on the meaning of the existing limitations for equipment covered by this entry. Advisory Note 2 to CCL entry 1312 has, therefore, been amended to eliminate possible misunderstanding.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that to the extent practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose new controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Accordingly, Supplement No. 1 to Part 385 of the Export Administration Regulations (15 CFR Parts 368–399) is amended by revising paragraph (i)(b) of Note 2 to Entry 1312 as follows:

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

Supplement No. 1—Advisory Notes for Selected CCL Entries

Export Control Commodity Number and Commodity Description

* * * * *

1312A Presses and specialized controls, accessories, and parts therefor, as follows:

* * * * *

Notes: 1. * * *

2. * * *

(i) * * *

(a) * * *

(b) Chamber cavity with an inside diameter (i.e. the maximum inside diameter of the working chamber) not exceeding 10 inches (25.4 cm);

* * * * *

(Secs. 5, 13, 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980)

Dated: August 19, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81–27752 Filed 9–23–81; 8:45 am]

BILLING CODE 3510-25-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 201

[AID Reg. 1]

Commodity Transactions Financed by AID; Eligibility Requirements for Delivery Services and Shipping Documentation Requirements

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The Agency for International Development (AID) is amending the rules governing its financing of commodity procurements to incorporate new eligibility provisions for delivery services and to modify the shipping documentation requirements. The amendments, which are the result of a periodic review of AID procurement policies, implement the International Air Transportation Fair Competitive Practices Act of 1974, simplify the eligibility requirements for AID financing of delivery services, and allow a supplier requesting payment to submit

documents in lieu of a bill of lading in certain circumstances.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Hara, Office of Commodity Management, Agency for International Development, Washington, D.C. 20523, 703–235–2178.

SUPPLEMENTARY INFORMATION: AID's policy on eligibility of ocean transportation services is changed so that when Code 941, "Selected Free World", is the authorized source for procurement of commodities, ocean transportation costs are eligible if incurred on vessels under flag registry of any country included in Code 941 and the cooperating country. Previously, eligibility was normally restricted to U.S. and cooperating country flag vessels when Code 941 was authorized. The flag eligibility rules for international air transportation are similar to those for ocean transportation with two exceptions. First, all international air transportation under AID grants, as opposed to loans, must be on U.S. flag air carriers to the extent available, regardless of the authorized source for procurement of commodities. Second, for international air transportation, the rule requires that eligible flag carriers be used to the extent available. Thus, when eligible air carriers are not available, the shipper may so certify and use another carrier. Authorization from AID is not required in such cases, while it would be required for use of an ocean vessel which does not meet the flag eligibility requirements. The requirement for AID approval of ocean and air charters remains in effect.

Insurance eligibility requirements are amended by authorizing loss payment proceeds to be paid in any freely convertible currency, rather than just in dollars, and by deleting from the eligibility provisions the statement about reporting loss payments in excess of $6,000. The reporting requirement is still in effect, however, and appears in § 201.32(d) of the regulation.

Payment documentation requirements are modified regarding the requirement to show delivery to a carrier. Since issuance of a bill of lading may be delayed when commodities are consolidated for shipment, thus delaying payment to the commodity suppliers, the Regulation now contains a provision which allows the importer and AID under certain circumstances to authorize payment on the basis of a dock receipt and promisory letter from the person responsible for shipping the commodity.

Regulatory Flexibility Act

The agency has determined that this rule will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Executive Order 12291

This rule is not a major rule for purposes of Executive Order 12291 and has been submitted to OMB in accordance with Executive Order 12291.

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

22 CFR Part 201 is amended as follows:

1. The authority citation for Part 201 reads as follows:

Authority: Sec. 621, Foreign Assistance Act of 1961, as amended, 75 Stat. 424 (22 U.S.C. 2381).

Subpart B—Conditions Governing the Eligibility of Procurement Transactions for AID Financing

2. Section 201.13 is revised to read as follows:

§ 201.13 Eligibility of delivery services.

(a) *General.* Delivery of AID-financed commodities may be financed under the implementing document provided the delivery services meet the requirements in this section.

(b) *Transportation costs—(1) Ocean transportation costs.* (i) Unless otherwise authorized, AID will finance only those ocean transportation costs which meet the requirements of this paragraph (b)(1).

(*a*) When Geographic Code 000 is the authorized source for procurement, AID will finance only those costs incurred on vessels under U.S. flag registry.

(*b*) When Geographic Code 941 is the authorized source for procurement, AID will finance only those costs incurred on vessels under flag registry of countries included in Code 941 and the cooperating country.

(*c*) AID will finance costs incurred on vessels under flag registry of any free world country if the costs are part of the total cost on a through bill of lading paid to a carrier for initial carriage on a vessel which is authorized in accordance with paragraphs (b)(1)(i) (*a*) or (*b*) of this section.

(ii) When an eligible flag vessel is not available for shipment, a supplier may request a waiver of the eligibility requirements from the Office of Commodity Management, Transportation Division, AID, Washington, D.C. 20523.

(2) *International air transportation costs.* (i) AID will finance only those international air transportation costs which meet the requirement of this paragraph (b)(2). For the purposes of this subparagraph the term "U.S. flag air carrier" means one of a class of air carriers holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board, approved by the President, authorizing operations between the U.S. or its territories and one or more foreign countries.

(ii) (*a*) Under all AID grants and under AID loans when the authorized source for procurement in Geographic Code 000, AID will finance only those costs incurred on U.S. flag air carriers unless such service is not available.

(*b*) Under AID loans when the authorized source for procurement is Geographic Code 941, AID will finance only those costs incurred on U.S., cooperating country, or Geographic Code 941 flag air carriers unless such service is not available.

(*c*) AID will finance international air transportation costs incurred on aircraft under flag registry of any free world country if the costs are part of the total cost on a through bill of lading paid to a carrier for initial carriage on an aircraft which is eligible in accordance with paragraphs (b)(2)(ii)(*a*) or (*b*) of this section.

(iii) (*a*) Expenditures for international air transportation furnished by air carriers which are not eligible under the provisions of paragraph (b)(2)(ii) of this section will be financed by AID only when service by eligible air carriers is unavailable. Criteria for determining when service by eligible air carriers is unavailable are the same as those published in 41 CFR 1–1.323–3 for determining when certified U.S. flag air carriers are unavailable. (Guidance on determining when service is unavailable may also be obtained from the Office of Commodity Management, Transportation Division.)

(*b*) When service by eligible flag air carriers is unavailable, any Code 935 flag air carrier may be used.

(*c*) In the event the supplier selects an air carrier other than an eligible flag carrier for international air transportation, it must include a certification on invoices which include such transportation costs as follows:

Certification of Unavailability of U.S. (Code 941 and Cooperating Country) Flag Air Carriers

I hereby certify that transportation service by U.S. (Code 941 and Cooperating Country) flag air carriers was unavailable for the following reason(s): (state reason(s)).

(3) *Other Conditions and Limitations.* Notwithstanding paragraphs (b)(1) and (b)(2) of this section, unless otherwise authorized, AID will not finance transportation costs

(i) For shipment beyond the point of entry in the cooperating country except when intermodal transportation service covering the carriage of cargo from point of origin to destination is used, and the point of destination, as stated in the carrier's through bill of lading, is established in the carrier's tariff; or

(ii) On a transportation medium owned, operated or under the control of any country not included in Code 935; or

(iii) On any vessel designated by AID as ineligible to carry AID-financed cargo; or

(iv) Under any ocean or air charter covering full or part cargo (whether for a single voyage, consecutive voyages, or a time period) which has not received prior approval by AID/W (Office of Commodity Management); or

(v) Which are attributable to brokerage commissions which exceed the limitations specified in § 201.65(1) or to address commissions, dead freight, or demurrage.

(c) *Inspection services.* AID will finance inspection of AID-financed commodities if such inspection is specified in the purchase contract, performed by independent inspectors at the request of the importer and is either customary in export transactions for the commodity involved or is necessary to determine conformity of the commodities to the contract.

(d) *Insurance.* (1) Unless otherwise authorized, AID will finance premiums for marine insurance including war risk on AID-financed commodities only if

(i) The insurance is placed within a country included in the authorized geographic code: *Provided,* That if the authorized geographic code is any other than AID Geographic Code 000, the cooperating country itself shall be recognized as an eligible source; and

(ii) Such insurance is placed either in accordance with the terms of the commodity purchase contract or on the written instructions of the importer; and

(iii) Insurance coverage relates only to the period during which the commodities are in transit to the cooperating country, except that it may include coverage under a "warehouse-to-warehouse" clause; and

(iv) The premiums do not exceed the limitations contained in § 201.66; and

(v) The insurance provides that loss payment proceeds shall be paid in U.S. dollars or other freely convertible currency.

(2) Within the meaning of § 201.11(e), as well as of this subparagraph, insurance is "placed" in a country only if payment of the insurance premium is made to, and the insurance policy is issued by, an insurance company office located in that country.

3. Section 201.52(a)(4) is amended by revising paragraph (a)(4)(ii) and adding paragraph (a)(4)(iii) to read as follows:

§ 201.52 **Required documents.**

(a) * * *

(4) * * *

(ii) When the commodity is transported to the cooperating country under its own power (e.g., a fishing vessel), AID will require a certificate signed by the importer or its authorized agent, certifying that the commodity has been received by the importer, to be submitted instead of a bill of lading.

(iii) When the supplier is not responsible under the terms of its agreement with the importer for assuring that the commodities are loaded on board the vessel, such as when delivery terms are f.a.s. port of shipment, the importer may request and the Office of Commodity Management may authorize the following documentation, instead of a bill of lading, to be submitted with a claim for reimbursement or payment for the commodities:

(*a*) A dock or warehouse receipt containing commodity description, weight and cubic measurement, port of loading, and, if available, name and flag of vessel; the receipt must show consignment of the commodities to a person or organization designated by the importer; *and*

(*b*) A letter from the consignee addressed to AID undertaking to arrange for shipment of the goods to the cooperating country and to deliver to the Chief, Banking and Finance Division, Office of Financial Management, AID, Washington, D.C. 20523, within 15 days from the date of shipment, a copy of bill of lading evidencing shipment to the cooperating country. The bill of lading shall indicate the carrier's complete statement of charges as in paragraph (a)(4)(i) of this section.

* * * * *

Dated: September 1, 1981.

John F. Owens,

Acting Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 81-27816 Filed 9-23-81; 8:45 am]

BILLING CODE 4710-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL 1930-3]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces Environmental Protection Agency approval of a revision to the New York State Implementation Plan concerning a "special limitation" (variance) issued by the State to the Long Island Lighting Company (LILCO). The "special limitation" permits LILCO to continue to use fuel oil with a maximum sulfur content of 2.8 percent, by weight, in units 1, 2 and 3 of its Northport generating facility and in units 3 and 4 of its Port Jefferson generating facility. These units are normally limited by State regulation to the use of fuel oil with a maximum sulfur content of 1.0 percent, by weight. The use of the higher sulfur content fuel oil would be permitted for a maximum period of three years from today.

EFFECTIVE DATE: This action becomes effective September 24, 1981.

ADDRESSES: All correspondence, comments and other written submissions pertaining to this action, including documents referenced in this notice, are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278;

Environmental Protection Agency, Public Information, Reference Unit, 401 M Street, SW Washington, D.C. 20460.

Copies of the State's submission are also available for inspection during normal business hours at the following location: The Office of the Federal Register, 1100 L Street, NW, Room 840, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278 (212) 264-2517.

SUPPLEMENTARY INFORMATION: On April 29, 1980 New York State submitted to the Environmental Protection Agency (EPA) a proposed revision to its State

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Implementation Plan (SIP) concerning a "special limitation" issued by the State under the provisions of Part 225.2 of Title 6 of its Official Compilation of Codes, Rules and Regulations. This "special limitation" allows the continued use by the Long Island Lighting Company (LILCO) of fuel oil with a maximum sulfur content of 2.8 percent, by weight, in units 1, 2 and 3 of its Northport generating facility and in units 3 and 4 of its Port Jefferson generating facility, all located in Suffolk County, New York. New York State regulation normally limits fuel oil sulfur content at these units to a maximum of 1.0 percent; however, under EPA-approved "special limitations" higher sulfur content fuel oil has been burned at these units since July 20, 1976. The most recent "special limitation" issued by the State would allow the use of 2.8 percent sulfur content fuel oil for a maximum additional period of three years from today. The last EPA approved "special limitation" expired on May 31, 1980.

EPA reviewed the technical material submitted by New York State along with the proposed SIP revision request and concurred with the State's determination that no violation of national ambient air quality standards would occur at any location in any state. Also, since the emission levels associated with the burning of 2.8 percent sulfur content fuel oil were included in the "baseline," as defined in EPA's Prevention of Significant Deterioration regulations (45 FR 52675, August 7, 1980), no prevention of significant deterioration increment would be consumed as a result of the continued use of 2.8 percent sulfur content fuel oil. Based upon this review and EPA's own analysis of the technical material submitted, EPA proposed to approve the New York SIP revision submitted on July 31, 1980 (45 FR 50833). In that **Federal Register** notice of proposed rulemaking EPA advised the public that comments received on or before September 2, 1980 would be considered in the Administrator's final decision.

On August 28, 1980 the State of Connecticut filed a petition, pursuant to Section 126 of the Clean Air Act, objecting to the proposed approval of the New York SIP revision and claiming that approval would violate the provisions of Section 110(a)(2)(E) of the Clean Air Act. Section 126 of the Clean Air Act provides a mechanism for any state or political subdivision to petition the EPA to determine, after public hearing, whether emissions from a major pollution source in another state would prevent the petitioning state from attaining or maintaining ambient air quality standards or would interfere with measures required to be included in the petitioning state's SIP to prevent significant deterioration of air quality or protect visibility. EPA held a public hearing on Connecticut's Section 126 petition on December 3 and 4, 1980. EPA's review of the Section 126 petition is continuing and it is expected that a decision will be announced shortly.

On August 29, 1980, the State of Connecticut filed the only comment on EPA's proposed approval of the New York revision. Connecticut requested that EPA deny the New York revision because of the impact on Connecticut's air quality. Connecticut asked EPA to consider the impact of the revision on Connecticut's secondary sulfur dioxide standard, the national ambient air quality standards for sulfur dioxide and total suspended particulate and the PSD growth margin. Connecticut also questioned the modeling techniques used by EPA to evaluate the revision.

On April 16, 1981 the New York State Department of Environmental Conservation submitted a supplemental air quality modeling analysis of LILCO's sulfur oxide impact on Connecticut. On May 20, 1981 (46 FR 27501) EPA reopened the comment period on the New York SIP revision request until June 19, 1981 to allow additional comments on this supplemental analysis. Two letters of comment were received. One, from the United Illuminating Company, supported the conclusions reached by New York State. The other was from the Connecticut Department of Environmental Conservation. In its letter Connecticut reiterated many of the arguments presented in the proceedings on its Section 126 petition and provided additional criticism of technical aspects of the modeling analysis submitted by New York.

EPA reviewed the supplemental submission and the comments and evaluated whether the New York variance met the requirements of Section 110, including Section 110(a)(2)(E) (relating to interstate pollution). EPA's evaluation demonstrated that (1) the revision will not violate the national ambient air quality standards in New York; (2) the revision will not cause violations of national ambient air quality standards [1] or significantly contribute to pollution levels in Connecticut; and (3) the revision will not interfere with Connecticut's PSD measures since the entire increment for sulfur dioxide is available. The revision, therefore, meets the requirements of Section 110, including Section 110(a)(2)(E) and is approvable.

EPA is taking final action today even though a determination on Connecticut's Section 126 petition has not been made. EPA considered all of Connecticut's comments and has found that the revision is approvable. There is therefore no reason to delay taking final action. This action is being made immediately effective because it approves a variance that relieves a restriction.

A more detailed discussion of the basis for approving the New York SIP revision and EPA's response to comments is included in a "Technical Support Document." This document is available for public inspection at the locations in the "Addresses" section of today's notice.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within sixty days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This approval of a New York SIP revision is not major. This action imposes no new requirements. Rather, the action approves a variance that continues the emission limitation allowed under prior variance.

This action was submitted to the office of Management and Budget for review as required by Executive Order 12291.

(Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: September 19, 1981.

Note.—Incorporation by reference of the State Implementation Plan for the State of New York was approved by the Director of the Federal Register on July 1, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

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[1] Connecticut also requested that EPA evaluate the effect of the New York revision on Connecticut's secondary sulfur dioxide standard. Under Section 110(a)(2)(E), EPA is required to consider the impact on the federal national ambient air quality standards, but not stricter state standards. nevertheless, EPA's analysis demonstrated that the revision does not prevent attainment or maintenance of Connecticut's secondary sulfur dioxide standard.

Title 40, Chapter I Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

Subpart HH—New York

1. Section 52.1670, paragraph (c) is amended by adding a new paragraph (c)(63) as follows:

§ 52.1670 Indentification of plans.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(63) Revision submitted on April 29, 1980 by the New York State Department of Environmental Conservation which grants a "special limitation" establishing, until three years from [the date of today's publication], a sulfur-in-fuel-oil limitation of 2.8 percent, by weight, for the Long Island Lighting Company's Northport generating facility, units 1, 2 and 3 and the Port Jefferson generating facility, units 3 and 4.

[FR Doc. 81-27791 Filed 9-23-81; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6149]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP) and eligible for second layer insurance coverage. These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the regular program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fifth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.[1]

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Alabama: Limestone	Limestone County [1]	010307	Sept. 2, 1975, emergency; July 16, 1981, regular	770318
Arkansas:				
Jefferson	Pine Bluff, city of	050109	Aug. 13, 1974, emergency; July 16, 1981, regular	770218
Pulaski	Pulaski County [1]	050179	Mar. 6, 1979, emergency; July 16, 1981, regular	771025
Connecticut:				
New Haven	Cheshire, town of	090074	Mar. 13, 1975, emergency; July 16, 1981, regular	740405
Hartford	New Britain, city of	090032	Aug. 22, 1973, emergency; July 16, 1981, regular	740524
Hartford	Southington, town of	090037	July 3, 1975, emergency; July 16, 1981, regular	740510
Iowa:				
Dubuque	Durango, city of	190119	Apr. 10, 1974, emergency; July 16, 1981, regular	781017
Shelby	Irwin, city of	190249	May 1, 1975, emergency; July 16, 1981, regular	741220
Illinois:				
McHenry	Richmond, village of	170484	May 9, 1975, emergency; July 16, 1981, regular	[illegible]
Cook	South Barrington, village of	170161	Aug. 1, 1975, emergency; July 16, 1981, regular	740322

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[1] Key to reading fifth column (effective date):

The first two digits designate the year;

The middle two digits designate the month, and the last two digits designate the day.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Kane	South Elgin, village of	170692	June 13, 1975, emergency; July 16, 1981, regular	740405
Will	Wilmington, city of	170715	Aug. 7, 1974, emergency; July 16, 1981, regular	740412
Indiana:				
Howard	Howard County [1]	180414	Mar. 6, 1975, emergency; July 16, 1981, regular	770729
Cass	Logansport, city of	180028	May 1, 1975, emergency; July 16, 1981, regular	740621
Kentucky:				
Bourbon	Bourbon County [1]	210271	July 31, 1975, emergency; July 16, 1981, regular	770084
Greenup	Flatwoods, city of	210087	May 6, 1975, emergency; July 16, 1981, regular	740201
Louisiana:				
Acadia Parish	Acadia Parish [1]	220001	Apr. 16, 1975, emergency; July 16, 1981, regular	760110
Pointe Coupee Parish	Pointe Coupee Parish [1]	220140	Apr. 23, 1973, emergency; July 16, 1981, regular	771129
Calcasieu Parish	Vinton, town of	220042	Feb. 6, 1975, emergency; July 16, 1981, regular	740524
Jefferson Davis Parish	Welsh, town of	220100	Dec. 5, 1974, emergency; July 16, 1981, regular	740524
Massachusetts: Middlesex	Ashland, town of	250179	Apr. 24, 1975, emergency; July 16, 1981, regular	740208
Maryland: Harford	Aberdeen, town of	240041	May 22, 1974, emergency; July 16, 1981, regular	741206
Maine: Cumberland	North Yarmouth, town of	230202	Mar. 9, 1976, emergency; July 16, 1981, regular	750131
Michigan:				
Ingham	Delhi, charter township of	260088	Sept. 15, 1975, emergency; July 16, 1981, regular	740726
Lapeer	Imlay City, city of	260337	Aug. 25, 1975, emergency; July 16, 1981, regular	750912
Eaton	Oneida, township of	260070	Dec. 29, 1976, emergency; July 16, 1981, regular	770114
Missouri:				
New Madrid	Canalou, town of	290248	Mar. 26, 1981, emergency; July 16, 1981, regular	760611
New Madrid	Morehouse, city of	290255	Mar. 25, 1975, emergency; July 16, 1981, regular	740315
North Carolina:				
Randolph	Asheboro, city of	370196	June 12, 1975, emergency; July 16, 1981, regular	740315
Randolph	Randolph County [1]	370195	Feb. 3, 1976, emergency; July 16, 1981, regular	750103
Nebraska: Washington	Blair, city of	310228	Sept. 17, 1974, emergency; July 16, 1981, regular	740621
New York: Niagara	Wheatfield, town of	360513	July 5, 1973, emergency; July 16, 1981, regular	740116
Oklahoma: Tulsa	Sperry, town of	400213	June 17, 1975, emergency; July 16, 1981, regular	731207
Pennsylvania:				
Washington	Allenport, borough of	420845	Mar. 10, 1975, emergency; July 16, 1981, regular	740621
Delaware	Aston, township of	421602	Apr. 21, 1975, emergency; July 16, 1981, regular	741026
Luzerne	Avoca, borough of	420597	Mar. 7, 1975, emergency; July 16, 1981, regular	740719
Fayette	Belle Vernon, borough of	420457	July 19, 1974, emergency; July 16, 1981, regular	740116
Allegheny	Ben Avon, borough of	420010	June 2, 1976, emergency; July 16, 1981, regular	731228
Washington	Charleroi, borough of	420850	Oct. 4, 1974, emergency; July 16, 1981, regular	740123
Allegheny	Crescent, township of	421060	Jan. 24, 1975, emergency; July 16, 1981, regular	740531
Washington	Dunlevy, borough of	422133	Dec. 5, 1974, emergency; July 16, 1981, regular	750103
Adams	East Berlin, borough of	420001	Nov. 17, 1972, emergency; July 16, 1981, regular	730309
Washington	East Bethlehem, township of	422140	Mar. 18, 1975, emergency; July 16, 1981, regular	770812
Chester	East Marlborough, township of	421480	Mar. 28, 1975, emergency; July 16, 1981, regular	760124
Beaver	East Rochester, borough of	420108	Aug. 8, 1978, emergency; July 16, 1981, regular	740201
Washington	Elco, borough of	420852	Oct. 30, 1974, emergency; July 16, 1981, regular	741122
Allegheny	Elizabeth, borough of	421263	Apr. 7, 1976, emergency; July 16, 1981, regular	740109
York	Glen Rock, borough of	420924	Mar. 16, 1973, emergency; July 16, 1981, regular	731012
Allegheny	Green Tree, borough of	420040	June 27, 1974, emergency; July 16, 1981, regular	740621
Mercer	Greenville, borough of	420674	Aug. 23, 1974, emergency; July 16, 1981, regular	740621
Chester	Kennett Square, borough of	420280	Apr. 21, 1975, emergency; July 16, 1981, regular	731220
Westmoreland	Monessen, city of	420887	Dec. 5, 1974, emergency; July 16, 1981, regular	740621
Lancaster	Mountville, borough of	420560	Aug. 5, 1975, emergency; July 16, 1981, regular	740719
Northampton	North Catasauqua, borough of	420727	May 9, 1975, emergency; July 16, 1981, regular	[illegible]
Washington	North Charleroi, borough of	422137	Dec. 13, 1974, emergency; July 16, 1981, regular	741101
Greene	Rices Landing, borough of	420479	Dec. 16, 1975, emergency; July 16, 1981, regular	741108
Washington	Roscoe, borough of	420858	Mar. 20 1975, emergency; July 16, 1981, regular	740607
Washington	Speers, borough of	422138	Nov. 29, 1974, emergency; July 16, 1981, regular	741101
Washington	Stockdale, borough of	420859	Sept. 13, 1974, emergency; July 16, 1981, regular	740614
Adams	Straban, township of	421259	Jan. 13, 1975, emergency; July 16, 1981, regular	750103
Erie	Wesleyville, borough of	420456	Mar. 19, 1975, emergency; July 16, 1981, regular	740531
Chester	West Bradford, township of	421495	Feb. 10, 1975, emergency; July 16, 1981, regular	741108
Lancaster	West Donegal, township of	421788	June 5, 1975, emergency; July 16, 1981, regular	740830
South Carolina: Spartanburg	Landrum, town of	450215	Nov. 24, 1975, emergency; July 16, 1981, regular	741108
Texas:				
Chambers	Anahuac, city of	480120	June 27, 1975, emergency; July 16, 1981, regular	740628
Nueces	Driscoll, city of	480507	June 10, 1975, emergency; July 16, 1981, regular	740301
San Patricio	Odem, city of	480558	June 27, 1974, emergency; July 16, 1981, regular	740322
Refugio	Woodsboro, town of	480987	Mar. 13, 1981, emergency; July 16, 1981, regular	760702
Wisconsin:				
Outagamie	Kaukauna, city of	550305	July 22, 1975, emergency; July 16, 1981, regular	740628
Oconto	Oconto Falls, city of	550298	June 23, 1975, emergency; July 16, 1981, regular	740109
Outagamie	Shiocton, village of	550309	June 10, 1975, emergency; July 16, 1981, regular	740531
Illinois: Macoupin	Staunton, city of	170434	July 18, 1975, emergency; July 17, 1981, regular	740517
North Dakota: Pembina	Cavalier, township of	380274	July 20, 1981, emergency; July 20, 1981, regular	0
Illinois:				
Tazewell	Creve Coeur, village of	170646	July 23, 1981, emergency; July 23, 1981, regular	740201
Mason	Havana, city of	170465	July 23, 1981, emergency; July 23, 1981, regular	740405
Ohio: Stark	Brewster, village of	390510	Mar. 5, 1975, emergency; July 31, 1981, regular	740208

Total is: 76

[1] Unincorporated areas.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 10, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-27719 Filed 9-23-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC-94; Amdt. No. 80-5]

Minimum Levels of Financial Responsibility for Motor Carriers; Clarification of Technical Corrections

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Clarification of technical corrections to final rule.

SUMMARY: The final rule pertaining to Minimum Levels of Financial Responsibility for Motor Carriers was published on Thursday, June 11, 1981 at 46 FR 30974. A number of technical corrections were made to the final rule to indicate among other things the OMB approval of the BMCS forms. These corrections were published on Monday, September 14, 1981 at 46 FR 45612. The two forms, MCS-82 and MCS-90, were printed in columnar form and were difficult to understand. The OMB approval numbers were also omitted. To prevent any chance of misunderstanding in the language of the two forms, they are being reproduced in the correct format.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Bureau of Motor Carrier Safety (BMCS), (202) 426-9767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

(Sec. 30, Pub. L. 96-296, 94 Stat. 793; sec. 108(b)(5), Pub. L. 96-410, 94 Stat. 2767; 23 U.S.C. 315; 49 CFR 1.48 and 301.60)

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on September 21, 1981.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

The following corrections are made in FR Doc. 81-17438 appearing on page 45612 in the issue of Monday, September 14, 1981, as set forth below.

1. On page 45613, column one, under Illustration I, Form MCS-90 is reproduced in its entirety.

2. On page 45614, column one, under Illustration II, Form MCS-82 is reproduced in its entirety.

BILLING CODE 4910-22-M

[ILLUSTRATION 1]

Form MCS-90
(7/81)

Expiration Date 06/30/83
Form Approved
OMB No. 2125-0074

ENDORSEMENT FOR MOTOR CARRIER POLICIES OF INSURANCE FOR PUBLIC LIABILITY UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980

DEFINITIONS AS USED IN THIS ENDORSEMENT

ACCIDENT includes continuous or repeated exposure to conditions which results in bodily injury, property damage, or environmental damage which the insured neither expected nor intended.

MOTOR VEHICLE means a land vehicle, machine, truck, tractor, trailer, or semitrailer with a gross vehicle weight rating of 10,000 pounds or more propelled or drawn by mechanical power and used on a highway for transporting property.

BODILY INJURY includes injury to the body, sickness, or disease to any person, including death resulting from any of these.

ENVIRONMENTAL RESTORATION means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This shall include the cost of removal and the cost of necessary measures taken to minimize or mitigate damage or potential for damage to human health, the natural environment, fish, shellfish, and wildlife.

PROPERTY DAMAGE includes damage to or loss of use of tangible property.

PUBLIC LIABILITY means liability for bodily injury, property damage, and environmental restoration.

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a motor carrier of property, with Sections 29 and 30 of the Motor Carrier Act of 1980 and the rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety (Bureau) and the Interstate Commerce Commission (ICC).

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment recovered against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to the financial responsibility requirements of Sections 29 and 30 of the Motor Carrier Act of 1980 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provisions, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured. However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by "X", for the limits shown:

This insurance is primary and the company shall not be liable for amounts in excess of $__________________ for each accident.

This insurance is excess and the company shall not be liable for amounts in excess of $__________________________ for each accident in excess of the underlying limit of $____________________ for each accident.

Whenever required by the Bureau or the ICC the company agrees to furnish the Bureau or the ICC a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the Bureau or the ICC, to verify that the policy is in force as of a particular date. The telephone number to call is:___________________________

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date the notice is received by the ICC at its office in Washington, D.C.).

Issued to______________________________ of ____________________________

Dated at____________________this_____day of___________, 19__

Amending Policy No.______________________________

Effective Date________________Countersigned by_____________________
Authorized Company Representative

Name of Insurance Company____

BILLING CODE 4910-22-C

The Motor Carrier Act of 1980 requires limits of financial responsibility according to type of carriage and commodity transported by the motor carrier. It is the MOTOR CARRIER'S obligation to obtain the required limits of financial responsibility.

THE SCHEDULE OF LIMITS SHOWN BELOW DOES NOT PROVIDE COVERAGE.

The limits shown in the schedule are for information purposes only.

Schedule of Limits

[Public liability—freight vehicles with gross vehicle weight rating of 10,000 pounds or more]

Type of carriage	Commodity transported	Combined Single Limit (CSL)	
		July 1, 1981	July 1, 1983
(1) For-hire (in interstate or foreign commerce)	Property (nonhazardous)	$500,000	$750,000
(2) For-hire and Private (in interstate or intrastate commerce)	Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A and B explosives, poison gas (Poison A), liquefied compressed gas, or compressed gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	$1,000,000	$5,000,000
(3) For-hire and Private (in interstate commerce: in any quantity) or (in intrastate commerce: in bulk only).	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above.	$500,000	$1,000,000

Note.—This table showing the schedule of limits may appear at the bottom of Form MCS-90.

BILLING CODE 4910-22-M

[ILLUSTRATION II]

Form MCS-82
(7/81)

Expiration Date 06/30/83
Form Approved
OMB No. 2125-0075

MOTOR CARRIER PUBLIC LIABILITY SURETY BOND UNDER SECTIONS 29 AND 30 OF THE MOTOR CARRIER ACT OF 1980

PARTIES	Surety Company and Principal Place of Business Address	Motor Carrier Principal, I.C.C. Docket No. and Principal Place of Business
	______________________	______________________
	______________________	______________________
	______________________	______________________
	______________________	______________________

PURPOSE This is an agreement between the Surety and the Principal under which the Surety, its successors and assignees, agree to be responsible for the payment of any final judgment or judgments against the Principal for public liability, property damage, and environmental restoration liability claims in the sums prescribed herein; subject to the governing provisions and following conditions.

GOVERNING PROVISIONS

(1) Sections 29 and 30 of the Motor Carrier Act of 1980 (49 USC 10927 note)
(2) Rules and regulations of the Federal Highway Administration's Bureau of Motor Carrier Safety (Bureau)
(3) Rules and regulations of the Interstate Commerce Commission (ICC)

CONDITIONS The Principal is or intends to become a motor carrier of property which operates a motor vehicle having a gross vehicle weight rating of 10,000 pounds or more subject to the applicable governing provisions relating to financial responsibility for the protection of the public.

This bond assures compliance by the Principal with the applicable governing provisions, and shall insure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for public liability, property damage, or environmental restoration liability claims (excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal, and the cargo transported by the Principal). If every final judgment shall be paid for such claims resulting from the negligent operation, maintenance, or use of motor vehicles in transportation subject to the applicable governing provisions, then this obligation shall be void, otherwise it will remain in full effect.

Within the limits described herein, the Surety extends to such losses regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal or elsewhere.

The liability of the Surety on each motor vehicle subject to the financial responsibility requirements of Section's 29 and 30 of the Motor Carrier Act of 1980 for each accident shall not exceed $______________, and shall be a continuing one notwithstanding any recovery hereunder.

The surety agrees, upon telephone request by an authorized representative of the Bureau or the ICC, to verify that the surety bond is in force as of a particular date. The telephone number to call is: ______________________.

This bond is effective from ____________ (12:01a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described herein. The Principal or the Surety may at any time terminate this bond by giving (1) thirty five (35) days notice in writing to the other party (said 35 day notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the Principal is subject to the ICC's jurisdiction, by providing thirty (30) days notice to the ICC (said 30 days notice to commence from the date notice is received by the ICC at its office in Washington, D.C.). The Surety shall not be liable for the payment of any judgment or judgments against the Principal for public liability, property damage, or environmental restoration claims resulting from accidents which occur after the termination of this bond as described herein, but such termination shall not affect the liability of the Surety for the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

____
Date

(AFFIX CORPORATE SEAL)

____
Surety

______________, ______________
City State

By______________________________

ACNOWLEDGEMENT OF SURETY

STATE OF______________________ COUNTY OF______________________

On this _____ day of ______________, 19____, before me personally came ______________________________, who, being by me duly sworn, did depose and say that he resides in ______________________; that he is the ______________________ of the ______________________, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the board of directors of said corporation, that he signed his name thereto by like order, and he duly acknowledged to me that he executed the same for and on behalf of said corporation.

(OFFICIAL SEAL)

____

____
Title of official administering oath

Surety Company File No. ______________________________

[FR Doc. 81-27797 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-22-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 657

Extension of the Fishery Management Plan for the Butterfish Fishery of the Northwest Atlantic Ocean

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The effective date of the Fishery Management Plan for the Butterfish Fishery of the Northwest Atlantic Ocean (FMP) is extended through March 31, 1982. All regulations governing foreign and domestic fishing for butterfish continue in force. The intended effect is to continue the optimum yield at the same level as the 1980–1981 fishery.

EFFECTIVE DATE: On October 23, 1981, the FMP is extended through March 31, 1982.

FOR FURTHER INFORMATION CONTACT: Frank Grice, Chief, Fisheries Management Division, National Marine Fisheries Service.

SUPPLEMENTARY INFORMATION: The FMP for Butterfish (Peprilus triacanthus) prepared by the Mid-Atlantic Fishery Management Council (Council), was approved on November 9, 1979, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Regulations implementing the FMP became effective on October 28, 1980 (45 FR 71357). The FMP established the optimum yield (OY) at 11,000 metric tons (mt), the domestic allowable harvest (DAH) equal to the domestic annual processing (DAP) at 7,000 mt, and the total allowable level of foreign fishing (TALFF) at 4,000 mt. These management measures were extended from April 1, 1980 through March 31, 1981, by Amendment No. 1 (45 FR 71357).

The Assistant Administrator initially approved Amendment 2 with a notice published in the **Federal Register** on April 29, 1981 (46 FR 23957). This amendment extends the FMP through March 31, 1982, and retains all management measures contained in the original FMP (Appendix 1). This extension of the FMP provides continued management of the butterfish fishery while the Council continues to work on an amendment consolidating the FMPs for the Atlantic mackerel, squid, and butterfish fisheries.

Public comments on this extension of the FMP were invited for a 45-day period ending June 15, 1981. No comments were received. NOAA issues this rule to inform the public that the FMP is effective and continues through March 31, 1982.

The Council certified an annual fishing level of 759 mt of butterfish for the 1981–82 fishing year under Section 201(d)(3) of the Magnuson Act (letter dated March 12, 1981). Action on the certification is pending. The Department of State has made a preliminary allocation of 637 mt to foreign nations to allow an incidental catch of butterfish in the directed foreign fisheries for squid.

National Environmental Policy Act of 1969 (NEPA)

Amendment 2 extends the existing management regime. The environmental impact will be those described in the environmental impact statement and the supplemental environment impact statement prepared for the initial FMP and for Amendment 1. Therefore, the Assistant Administrator has determined that no supplemental statement or assessment is necessary for Amendment 2.

Classification

The Administrator, NOAA, has determined that this action is not a major rulemaking requiring the preparation of a regulatory impact statement under Executive Order 12291.

Because there are no changes in regulations and the amendment only extends the effective date of the FMP, the Acting Administrator has determined that there is no significant economic impact on the public requiring a regulatory flexibility analysis (5 U.S.C. 601 et seq.) and no increase in the Federal paperwork burden (44 U.S.C. 3501 et seq.).

(16 U.S.C. 1801 et seq.)

Dated: September 10, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–27728 Filed 9–23–81; 8:45 am]

BILLING CODE 3510-22-M

V 46 SE 24 81 UMI

Proposed Rules

Federal Register
Vol. 46, No. 185
Thursday, September 24, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

PRESIDENT'S COMMISSION ON PENSION POLICY

1 CFR Part 470

Privacy Act of 1974; Withdrawal of Proposed Rule

AGENCY: President's Commission on Pension Policy.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: On page 39431 in the August 3, 1981, **Federal Register** the Commission published a document to remove Part 470 from Title 1 of the Code of Federal Regulations. That document was submitted to the Office of the **Federal Register** as a "final rule," consequently it was published in the rules and regulations section of the **Federal Register**. The document should have been a withdrawal of a proposed rule and published in the proposed rules section.

FOR FURTHER INFORMATION CONTACT: Dennis Condie (202) 472-9058.

Dated: September 18, 1981.

Dennis G. Condie,
Acting Administrative Officer.

[FR Doc. 81-27818 Filed 9-23-81; 8:45 am]

BILLING CODE [illegible]820-99-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

Filberts Grown in Oregon and Washington; Proposal To Establish Inshell Trade Demand for the 1981-82 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule pertains to the establishment of an inshell trade demand for the 1981-82 marketing year. The established trade demand would be used in implementing volume regulation percentages necessary to promote orderly marketing during that year.

DATE: Written comments to this proposal must be received by October 5, 1981.

ADDRESS: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5697.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated nine handlers.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by OMB has been obtained.

J. S. Miller has determined that this proposal should be published with less than a 60-day comment period. The final regulation would apply during the 1981-82 marketing year which began May 1, 1981, and be used in connection with the implementation of volume regulations for that year. Handlers need to know what trade demand quantity may apply during the 1981-82 marketing year so they can plan their operations accordingly. Moreover, the establishment of any trade demand quantity must be accomplished soon so that the preliminary free percentage, which will release no less than 70 percent of the established trade demand quantity, can be computed prior to September 20, as provided by the order.

The proposal is to establish a trade demand for filberts for the 1981-82 marketing year as prescribed in § 982.40(b) of the marketing agreement and Order No. 982, as amended (7 CFR Part 982; 46 FR 26037) regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are collectively referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was based on a recommendation of the Filbert/Hazelnut Marketing Board, hereinafter referred to as the "Board", at its meeting on July 29, 1981.

Section 982.40(b) of the order, as amended effective May 11, 1981, prescribes that prior to August of a marketing year, the Board shall recommend establishment of an inshell trade demand for that year to the Secretary. The trade demand must be based on the average of the trade acquisitions of inshell filberts during the preceding three marketing years unless the trade acquisitions in any one or all of those years was abnormally low because of crop conditions. If those conditions existed, then an earlier year or years would be used to determine the three-year average. If the Secretary finds, on the basis of the Board's recommendation or other information, that volume regulation for that marketing year would tend to effectuate the declared policy of the act, the Secretary shall establish the trade demand computed in accordance with § 982.40(b).

On July 29, the Board computed an inshell trade demand for the 1981-82 marketing year of 5,111 tons, using the period May 1, 1978 through April 30, 1981. During that period, domestic inshell trade acquisitions totalled 15,140 tons. Dividing these acquisitions by three and rounding to the nearest full ton results in a three-year average of 5,047 tons. The Board added 64 tons to that amount, which was the three-year average of imported inshell filberts during that period. However, § 982.16 of the order defines "inshell trade demand" as the quantity of inshell filberts acquired by the trade from all handlers during a marketing year for distribution in the continental United States. Thus, by definition, the computation of the inshell trade demand must be limited to trade acquisitions of domestic filberts. Consequently, the Board should have recommended an inshell trade demand of 5,047 tons, instead of 5,111 tons, for the 1981–82 marketing year.

The Board estimated that the 1981 filbert crop would approximate or exceed last year's record crop of 15,400 tons. Barring adverse weather conditions through the harvest period, a crop that size normally would result in approximately 14,800 tons of merchantable inshell filberts. The carryover supplies of merchantable inshell filberts from last year's crop approximated 1,405 tons. Thus, 1981–82 season merchantable inshell supplies should be far in excess of inshell needs, and volume regulation appears appropriate for the 1981–82 marketing year.

Prior to September 20, a preliminary free percentage would be computed by Board management to release 70 percent of the established trade demand. After the field price has been negotiated between growers and handlers, a free percentage to release 80 percent of the "trade demand" would be computed. On or before November 15, the Board would meet to recommend to the Secretary the final free and restricted percentages to release 100 percent, or up to 110 percent if market conditions justify, of the inshell trade demand previously established by the Secretary for the marketing year.

The free percentage portion of the production would be for use in all outlets, but primarily in the domestic inshell market. Inshell filberts withheld from handling (i.e., restricted filberts) may be shelled for domestic or foreign shipment, exported or disposed of in outlets which are noncompetitive with normal market outlets for inshell filberts.

PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

Therefore, § 982.230 is removed and a new § 982.231 is proposed to be added to read as follows:

Note.—The following section will not be published in the Code of Federal Regulations.

§ 982.231 Trade demand and free and restricted percentages—1981–82 marketing year.

(a) The trade demand for merchantable inshell filberts for the 1981–82 marketing year shall be 5,047 tons.

(b) Reserved.

Dated: September 21, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81–27809 Filed 9–23–81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1098

[Milk Order No. 98]

Milk in the Nashville, Tennessee, Marketing Area; Termination of Proceeding on Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of proceeding on proposed suspension of rules.

SUMMARY: This action terminates a proceeding on a proposal to continue the suspension of certain provisions of the order relating to the pooling standards for distributing plants under the Nashville, Tennessee, Federal milk order. The suspension would have removed the requirement that a distributing plant have route disposition of at least 50 percent of combined receipts and diversions to qualify as a pool plant. This action was requested by a handler operating a distributing plant in the regulated area to assure that producers regularly supplying a portion of the market's fluid milk requirements continue to share in the proceeds of the market's Class I sales.

A cooperative association representing a majority of the producers on the market submitted comments opposing the continuation of the suspension. Because of the conflicting viewpoints among interested parties, no action is being taken at this time to suspend the provisions in question.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447–5443.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued August 20, 1981; Published August 25, 1981 (46 FR 42871).

This termination of proceeding is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Nashville, Tennessee, marketing area. This proceeding was initiated by a notice of proposed rulemaking published in the Federal Register (46 FR 42871) concerning a proposed continuation of the suspension of certain provisions of the order. Interested person were invited to file written data, views, or arguments thereon not later than September 1, 1981.

The provisions that were proposed to be suspended for the months of September through November are as follows:

In § 1098.7(a) the words "not less than 50 percent of the" and the words "that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13."

Statement of Consideration

The suspension would have continued to make inoperative for September through November 1981 the provision that a distributing plant each month must dispose of at least 50 percent of its milk receipts as route disposition to qualify as a pool plant. The suspension action was requested by Kraft, Inc., which operates a pool distributing plant regulated under the Nashville order. Kraft also had requested the recent suspension of these provisions, which was effective for May through August 1981. In its original request for the suspension, Kraft expressed the belief that the problem for which a suspension was requested would be resolved during the fall months. Kraft now indicates that their April forecast of fall operations may not be realized and that there will continue to be a temporary imbalance in its operations between supply and demand for fluid sales.

In addition to its request for extension of the suspension, Kraft has requested that the Department consider at a public hearing a proposal to change the pooling standards for distributing plants. A Notice of Hearing that includes Kraft's proposal, and others, has been issued.

Dairymen, Inc. (DI), a cooperative association that represents a majority of the producers in the Nashville market, opposed the continuation of the suspension. DI contended that the opening of a new distributing plant by the Kroger Company in August 1981 would substantially increase the amount of milk in the Nashville market needed for Class I sales. DI also stated that Kraft, Inc., has increased the number of producers associated with its Nashville plant in order to provide milk to its cheese plants in the area. DI contended that much of the milk associated with the Kraft plant is not available for Class I use at a time when Class I utilization in the market will be increasing, and, therefore, Kraft's Nashville plant should be excluded from the pool unless it meets the order's requirements for pool plant status.

Kraft stated in its comments that its Class I sales will be adversely affected during September 1981 because a court action has delayed the opening of the Nashville public schools from late August to September 14, 1981.

The delayed opening of public schools in Nashville does create a temporary situation that affects the market's Class I sales. Since Kraft is a major supplier of milk to the schools, its Class I sales will be adversely affected in the month of September. However, in view of the conflicting viewpoints among interested parties concerning the request, it is concluded that the suspension should not be continued. Accordingly, the proceeding begun in this matter on August 20, 1981, is hereby terminated.

The Department has issued a notice of hearing to consider, among other things, Kraft's proposal to amend the pooling standards for distributing plants under the Nashville order. The problems raised by Kraft, Inc. and Dairymen, Inc., in this proceeding may be placed on the record at the hearing.

Signed at Washington, D.C., on September 18, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-27736 filed 9-23-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 22148]

Airbus Industrie Model A300 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections and repair as necessary of the upper machined skins of the lefthand, righthand, and center spar boxes of the horizontal stabilizer on certain Airbus Industrie Model A300 series airplanes. This AD is prompted by reports of fatigue cracks in the upper skins of the spar boxes of the horizontal stabilizer which could result in failure of the horizontal stabilizer.

DATES: Comments must be received on or before November 23, 1981.

ADDRESSES: Comments on this proposal may be mailed in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-24) Docket No. 22148, 800 Independence Avenue SW., Washington, D.C. 20591;

or delivered in duplicate to:

Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 22148.

Comments may be inspected at Room 916 between 8:30 am and 5:00 pm.

The applicable service bulletins may be obtained from: Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France.

A copy of each service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.[1]

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit those comments and a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 22148." The post card will be dated, time stamped and returned to the commenter.

Fatigue testing by the manufacturer on certain Airbus Industrie Model A300 series airplanes has shown that the machined upper skin on the lefthand, righthand, and center spar boxes of the horizontal stabilizer will develop cracks after a number of operational cycles which could result in structural failure of the horizontal stabilizer and loss of the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require repetitive inspections of the upper skins of the spar boxes of the horizontal stabilizer for cracks, and repair as necessary, on certain Airbus Industrie Model A300 series airplanes.

Although information available to the FAA indicates that Airbus Model A300 series airplanes on the U.S. aircraft registry have been modified in accordance with Airbus Service Bulletin No. A300-55-017, it is proposed to make the modifications a regulatory requirement to assure compliance by all currently U.S. registered airplanes as well as those airplanes that may enter the U.S. aircraft registry in the future.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Airbus Industrie. Applies to Model A300 series airplanes, certificated in all categories, that have not been modified in accordance with Airbus Industrie Service Bulletin A300-55-017, Revision 3, dated November 5, 1979.

Compliance is required as indicated, unless already accomplished.

To detect cracks in the upper machined skins of the lefthand, righthand, and center spar boxes of the horizontal stabilizer, and to prevent the possible structural failure of the horizontal stabilizer, accomplish the following:

(a) Prior to the accumulation of 12,000 hours time in service, or within the next 300 hours time in service after the effective date of this AD, whichever occurs later, unless already accomplished, inspect the upper skins of the horizontal stabilizer's lefthand, righthand, and center spar boxes in accordance with the instructions in paragraph 2.B, "INSPECTION," of Airbus Industrie Service Bulletin A300-55-022, Revision 1, dated March 28, 1979 (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent.

(b) Repeat the inspection required in paragraph (a) of this AD at intervals not exceeding 3,000 hours total time in service from the last inspection until the aircraft has accumulated 21,000 hours total time in service. After 21,000 hours total time in service have been accumulated, perform the inspection required in paragraph (a) of this AD at intervals not exceeding 1,500 hours time in service from the last inspection.

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[1] Service bulletin filed as part of the original document.

(c) If cracks are found during the inspections required by paragraphs (a) or (b) of this AD, perform inspections and repairs in accordance with the Modification, Inspection and Repair Alternatives Flow Chart in Figure 1 of the Service Bulletin, or an FAA-approved equivalent, and continue the inspection required by paragraphs (a) or (b) except that where inspections reveal one crack longer than 2 inches, or more than one crack, the repair procedure and inspection schedule must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

(d) If an equivalent means of compliance is used in complying with this AD, that equivalent means must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since there are only a few of these aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C. on September 16, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-27807 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-35]

Proposed Extension of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend VOR Federal Airway V-70 from Brownsville, TX, to Monterrey, Mexico. The Government of Mexico has requested this airway extension to provide a direct route to/from the Brownsville terminal area.

DATE: Comments must be received on or before October 26, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwest Region, Attention: Chief, Air Traffic Division, Docket No. 81-ASW-35, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-35." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend VOR Federal Airway V-70 from Brownsville, TX, direct to Monterrey, Mexico. The Government of Mexico requested this airway extension in order to establish direct routing to Brownsville and for transition routes to other airports located on both sides of the U.S./Mexico boundary. This action would improve air traffic control flexibility for flight operations in these terminal areas and aid flight planning. Section 71.123 was republished in the **Federal Register** on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

V-70 [Amended]

By deleting the words "From Brownsville, TX," and substituting for them the words "From Monterrey, Mexico; Brownsville, TX;" and by adding the words at the end of the description "The airspace within Mexico is excluded."

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 16, 1981.

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–2756[illegible] Filed 9–23–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AAL–7]

Proposed Designation of Transition Area and Designation of Additional Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a new Central Alaska Transition Area and a new Additional Control Area 1200 located in the Anchorage, AK, Flight Information Region (FIR). The new transition area and the new control area would encompass several smaller areas and establish a 1,200-foot floor that is consistent throughout this area.

DATE: Comments must be received on or before October 26, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81–AAL–7, 701 C Street, Box 14, Anchorage, AK. 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591: telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–AAL–7." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contract with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to §§ 71.163 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a new Central Alaska Transition Area and a new Additional Control Area "Control 1200" located in the Alaskan Flight Information Region (FIR). The proposal would revoke several small transition and control areas that would be encompassed by the new Central Alaska Transition Area and the new Additional Control Area 1200. This action would facilitate flight planning and enhance the safe and efficient conduct of flight. Sections 71.163 and 71.181 were republished in the **Federal Register** on January 2, 1981 (46 FR 449 and 540).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.163 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFFR Part 71) as republished (46 FR 449 and 540) as follows:

§ 71.163 [Amended]

1. By revoking title and text of the following:

Control Areas 1217, 1218, 1235, 1400, 1401, and 1487.

2. By adding:

Control 1200

That airspace extending upward from 5,500 feet MSL to FL 450 within the area bounded by a line beginning at lat. 54°38'15"N., long. 132°50'00"W.; to lat. 54°00'00"N., long. 136°00'00"W.; to lat. 59°08'30"N., long. 147°18'30"W.; to lat. 56°00'00"N., long. 153°00'00"W.; to lat. 53°30'00"N., long. 160°00'00"W.; to lat. 55°41'00"N., long. 160°00'00"W.; to lat. 56°30'00"N., long. 154°00'00"W.; to lat. 57°45'00"N., long. 151°30'00"W.; to lat. 59°04'20"N., long. 151°30'00"W.; thence easterly 3 NM from and parallel to the U.S. coastline to the point of beginning.

§ 71.181 [Amended]

1. By revoking title and text of the following:

Kodiak, AK; Talkeetna, AK; and Valdez, AK.

2. By adding:

Central, AK

That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at lat. 59°58'00"N., long. 144°00'00"W.; to lat. 63°10'00"N., long. 144°00'00"W.; to lat. 62°38'00"N., long. 145°41'00"W.; to lat. 63°00'00"N., long. 151°10'00"W.; to lat. 61°00'00"N., long. 155°30'00"W.; to lat. 60°30'00"N., long. 155°30'00"W.; to lat. 58°45'00"N., long. 160°00'00"W.; to lat. 55°41'00"N., long. 160°00'00"W.; to lat. 56'30'00"N., long. 154°00'00"W.; to lat. 57°45'00"N., long. 151°30'00"W.; to lat. 59°04'20"N., long. 151°30'00"W.; thence easterly 3 NM from and parallel to the U.S. coastline to the point of beginning.

3. Anchorage, AK

By deleting the words "(lat. 61°10'16"N., long. 149°58'48"W.); that airspace extending upward from 1,200 feet above the surface within an 85-mile radius of the Anchorage VORTAC; that airspace extending upward from 9,500 feet MSL within a 172-mile radius of the Anchorage VORTAC extending from the 090° radial clockwise to the 165° radial, excluding the portions within federal airways, Control 1310, Control 1218, the Middleton Island, AK, Johnstone Point, AK, Cordova, AK, and the Valdez, AK, Transition Areas, and the Anchorage Oceanic Control Area; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage VORTAC extending from the 165° radial clockwise to the 090° radial excluding the portions within the United States, federal airways, Control 1218 and the King Salmon, AK, Transition Area." and substitution for them the words "(lat. 61°10'39"N., long. 149°59'38"W.)"

4. Dillingham, AK

By deleting the words "and that airspace extending upward from 1,200 feet above the surface within 4.5 miles northwest and 9.5 miles southeast of the Dillingham VORTAC 025° and 205° radials extending from 23 miles northeast to 18.5 miles southwest of the VORTAC and within an 18-mile radius of the Dillingham VORTAC extending clockwise from the 056° radial to the 173° radial of the VORTAC."

5. Fairbanks, AK

By deleting the words "to 62°45'00"N., 148°48'00"W.; to 62°59'00"N., 150°15'00"W.;"

6. Gulkana, AK

By deleting the words "and that airspace extending upward from 1,200 feet above the surface within 8.5 miles E and 5.5 miles W of the Gulkana VORTAC 184° radial extending from 9 miles S to 30 miles S of the VORTAC; and within 8.5 miles W and 5.5 miles E of the Gulkana VORTAC 356° radial extending from 9 miles N to 30 miles N of the VORTAC."

7. Homer, AK

By deleting the words "and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Homer VORTAC extending from the 027° radial clockwise to the 252° radial excluding the portion within Control 1218."

8. Iliamna, AK

By deleting the words "and that airspace extending upward from 1,200 feet above the surface within 4.5 miles west and 9.5 miles east of the Iliamna NDB 189° bearing from the Iliamna NDB, extending from the NDB to 18.5 miles south of the NDB."

9. King Salmon, AK

By deleting the words "that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the King Salmon, AK, airport; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the King Salmon VORTAC, excluding the portions within the United States, federal airways, Control 1217, Control 1234, Control 1400, and Control 1401."

(Secs. 307(a), 313(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854 (24 FR 9565; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 (CFR 11.65)))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 17, 1981.

Harold W. Becker,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-27808 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 812 3000]

McCaffrey and McCall, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a New York City advertising agency to cease misrepresenting in advertisements that the Black Pro Shaver or any other drug or device will cure or minimize "razor bumps." The company would be required to have a reasonable basis for advertising representations relating to the efficacy, performance or benefit of any drug, device or other produce; would be barred from making statements which are inconsistent with reliable scientific or medical evidence; and prohibited from misrepresenting the extent or results of product testing. The order would also require that the company maintain specific records for a period of three years and provide its sales and advertising personnel with a copy of the order.

DATE: Comments must be receive on or before November 23, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PA, Wallace S. Snyder, Washington, D.C. 20580. (202) 724-1499.

V 46 SE 24 81 1 UMI

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the matter of McCaffrey and McCall, Inc., a corporation, File No. 812 3000, agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of McCaffrey and McCall, Inc., a corporation, sometimes hereinafter referred to as respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated;

It is hereby agreed by and between McCaffrey and McCall, Inc., by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent McCaffrey and McCall, Inc., is a corporation, organized, existing and doing business under and by virtue of the laws of the State of New York, with its executive office and principal place of business located at 575 Lexington Avenue, New York, New York 10022.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated or that any of the facts alleged in the draft of complaint here attached are true, except for jurisdictional facts which are hereby admitted.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty as provided by law for each violation of the order after it becomes final.

8. Nothing in this order shall be deemed to deny or limit proposed respondent with respect to any right (except those rights waived in this agreement), defense, or affirmative defense to which proposed respondent may otherwise be entitled by law or in a compliance action or any other action.

9. If the Federal Trade Commission hereafter promulgates any trade regulation rule or guide governing the advertising or offering for sale of any product subject to this order, and such rule or guide concerns practices covered by this order, and said rule or guide is less restrictive than the corresponding provision(s) of this order, and respondent files a motion with the Commission to modify this order to correspond to such less restrictive rule or guide, the Commission shall rule upon said motion within one hundred and twenty (120) days after said motion is filed, or if respondent's motion to modify is filed at least sixty (60) days prior to the effective date of such rule or guide, the Federal Trade Commission shall rule upon respondent's motion within sixty (60) days after the effective date of such rule or guide. Should the Federal Trade Commission fail to rule upon respondent's motion to modify within such time periods, then such rule or guide shall automatically be deemed to modify and replace the corresponding provision(s) of this order.

ORDER

Part I

It is ordered that respondent McCaffrey and McCall, Inc., its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any electric shaver or any drug or device, as "drug" and "device" are defined in Section 15 of the Federal Trade Commission Act, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any statement or representation, directly or by implication, that use of the Black Pro shaver, or any other electric shaver or other drug or device, will cure the condition of pseudofolliculitis barbae (hereinafter sometimes referred to as "razor bumps").

2. Making any statement or representation, directly or by implication, that tests, studies or demonstrations prove or constitute proof that use of the Black Pro shaver, or any other electric shaver or other drug or device, will cure the condition of pseudofolliculitis barbae ("razor bumps").

Part II

It is further ordered that respondent McCaffrey and McCall, Inc., its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any electric shaver or any drug or device, as "drug" and "device" are defined in Section 15 of the Federal Trade Commission Act, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any statement or representation, directly or by implication, that use of the Black Pro shaver, or any other electric shaver or other drug or device, by persons afflicted with "razor bumps" will reduce or minimize that condition or is efficacious for the treatment of "razor bumps", unless at the time of each dissemination of such statement or representation respondent possesses and relies upon competent and reliable scientific or medical evidence as a reasonable basis for such statement or representation. Competent and reliable scientific or medical evidence shall be defined as evidence in the form of at least two well-controlled clinical studies which conform to acceptable designs and protocols and are conducted by different persons independently of each other. Such persons shall be qualified by training and experience to treat "razor bumps" and to conduct the aforementioned studies.

Part III

For purposes of Part IV and Part V of this order, the term "product" shall be defined as follows: electric and cordless shavers, microwave ovens and toaster ovens.

Part IV

It is further ordered that respondent McCaffrey and McCall, Inc., its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any "product" as defined in Part III of this order, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any statement or representation, directly or by implication, concerning the performance, or any other characteristic, feature, attribute or benefit of any product unless respondent possesses and relies upon a reasonable basis for such statement or representation at the time of its initial dissemination and each subsequent dissemination. Such reasonable basis shall consist of competent and reliable evidence which substantiates such statement or representation.

2. Advertising any product by referring to or presenting evidence, including a test, survey, experiment, demonstration, study or report, or the results thereof, which evidence is represented, directly or by implication, as supporting, showing or proving the existence or nature of any fact or feature respecting such product when such evidence does not support, show or prove such fact or feature.

3. Making any statement or representation, directly or by implication, by reference to a test, survey, experiment, demonstration, study or report, unless such work has been designed, executed, and analyzed in a competent and reliable scientific manner and unless its purpose, content, validity, reliability, results, or the conclusions which may be drawn therefrom, are fairly and accurately represented.

Part V

It is further ordered that respondent McCaffrey and McCall, Inc., its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product, as defined in Part III of this order, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall maintain written records:

1. Of all materials relied upon in making any claim or representation covered by this order.

2. Of all test reports, studies, surveys or demonstrations in its possession that contradict, qualify, or call into question the basis upon which respondent relied at the time of the initial dissemination and each continuing or successive dissemination of any claim or representation covered by this order.

Such records shall be retained by respondent for a period of three years from the date respondent's advertisements, sales materials, promotional materials, or post purchase materials making such claim or representation were last disseminated. Such records will be made available to the Commission staff for inspection upon reasonable notice.

Part VI

It is further ordered that respondent shall forthwith distribute a copy of this order to each of its operating divisions and to each of its officers, agents, representatives or employees who are engaged in the preparation and placement of advertisements or other product-related sales materials.

Part VII

It is further ordered that respondent notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

Part VIII

It is further ordered that respondent shall, within sixty (60) days after this order becomes final, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order.

North American Philips Corp., McCaffrey & McCall, Inc., File No. 812 3000

Analysis of Proposed Consent Orders To Aid Public Comment

The Federal Trade Commission has provisionally accepted agreements containing consent orders to cease and desist from North American Philips Corporation and McCaffrey and McCall, Inc.

The proposed consent orders have been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become a part of the public record. After sixty (60) days, the Commission will again review the agreements and the comments received and will decide whether it should withdraw from the agreements and take other appropriate action or make final the proposed orders contained in the agreements.

This matter concerns radio and print advertisements for the Black Pro Rotary Razor, an electric shaver developed primarily for black men. The shaver was advertised as a means of curing "razor bumps", a painful skin condition resulting from shaving. This condition is known medically as pseudofolliculitis barbae (PFB). The complaint challenges the following claims:

a. "With the * * * Black Pro, razor bumps go away. And stay away."

b. "[North American Philips Corporation] * * * and a leading black university have found a dramatic cure for your shaving problems * * * Even in *daily* shaving." (emphasis in original)

c. "The one that really works * * * Other companies have tried to come up with a razor bump cure. But only * * * [North American Philips Corporation] has succeeded * * *."

d. "Razor bumps go away and stay away as proven in tests at a leading black university."

e. "In a study conducted at a leading black university, black men suffering from razor bumps tested the * * * Black Pro Rotary Razor in daily shaving."

f. "These unretouched photos prove that after shaving for six weeks with the * * * Black Pro, your skin can be free of razor bumps."

Staff evaluated substantiation materials submitted by the companies in support of the ads. These materials consisted of tests conducted on behalf of the companies. Staff determined that these tests wee inadequate to support the ad claims.

The complaint charges that the Black Pro shaver will not cure the condition of razor bumps and that moreover, the university tests referred to in the advertising do not provide the proof claimed. Nor does the photographic demonstration included in the advertising prove the curative ability of the shaver, it is charged. The complaint further alleges that contrary to the ad statements, the razor was not tested in a daily shaving regimen. In addition, the companies are charged with not having had a reasonable basis for claiming that the Black Pro shaver is an effective treatment for the razor bumps condition.

Both provisionally accepted consent orders contain provisions designed to remedy the advertising violations charged, as well as to prevent respondents from engaging in similar allegedly illegal acts and practices in the future.

The orders contain reasonable basis provisions consistent with Commission case law requirements which have evolved over the years. In regard to claims made in future advertising for electric and cordless shavers, microwave ovens and toaster ovens, the companies must possess and rely in advance upon a reasonable basis of support consisting of competent and reliable evidence substantiating the claims. The types of claims regulated are representations concerning the performance, or any other characteristic, feature, attribute or benefit of the three product lines covered by the orders.

Further, the orders establish certain requirements as to shaver, microwave oven, or toaster oven advertisements which refer to a test, survey, experiment, demonstration, study or report. First, the evidence referred to must actually support, show or prove the product fact or feature claimed in the advertising. Second, the research must have been designed, executed and analyzed in a competent and reliable scientific manner. Finally, the orders require that only fair and accurate representations be made in the advertising as to the purpose, content, validity, reliability or results of the research referred to, or the conclusions which may be drawn from it.

With regard to Black Pro advertising specifically, the orders expressly prohibit the companies from making PFB cure claims for the shaver (or for any other device or for a drug), either alone or by referring to a test, study or demonstration. Any future claims regarding treatment or reduction of the PFB condition must be supported by a reasonable basis consisting of at least two well-controlled clinical studies.

Finally, the orders contain three-year recordkeeping provisions requiring the retention of both materials which support the ad claims, as well as those which contradict or qualify the claims.

The purpose of this analysis is to facilitate public comment on the proposed orders. It is not intended to constitute an official interpretation of the agreements and proposed orders or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-27811 Filed 9-23-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[File No. 812 3000]

North American Philips Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a New York City corporation to cease misrepresenting that the Black Pro Shaver or any other drug or device will cure or minimize "razor bumps." The company would be required to have a reasonable basis for representations relating to the efficacy, performance or benefit of any drug, device or other product; would be barred from making statements which are inconsistent with reliable scientific or medical evidence; and prohibited from misrepresenting the extent or results of product testing. The order would also require that the company maintain specific records for a period of three years and provide its sales and advertising personnel with a copy of the order.

DATE: Comments must be received on or before November 23, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PA, Wallace S. Snyder, Washington, D.C. 20580. (202) 724-1499.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the Matter of North American Philips Corp., a corporation; File No. 812 3000 Agreement Containing Consent Order To Cease and Desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of North American Philips Corporation, a corporation, sometimes hereinafter referred to as respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated;

It is hereby agreed by and between North American Philips Corporation, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent North American Philips Corporation is a corporation, organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its executive office and principal place of business located at 100 East 42nd Street, New York, New York 10017.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated or that any of the facts alleged in the draft of complaint here attached are true, except for jurisdictional facts which are hereby admitted.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service except that, up to and including December 31, 1981 or the effective date of this order, whichever is later, proposed respondent may ship Black Pro shaver packaging which may not conform to the terms of this order. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty as provided by law for each violation of the order after it becomes final.

8. Nothing in this order shall be deemed to deny or limit proposed respondent with respect to any right (except those rights waived in this agreement), defense, or affirmative defense to which proposed respondent may otherwise be entitled by law or in a compliance action or any other action.

9. If the Federal Trade Commission hereafter promulgates any trade regulation rule or guide governing the advertising or offering for sale of any product subject to this

order, and such rule or guide concerns practices covered by this order, and said rule or guide is less restrictive than the corresponding provision(s) of this order, and respondent files a motion with the Commission to modify this order to correspond to such less restrictive rule or guide, the Commission shall rule upon said motion within one hundred and twenty (120) days after said motion is filed, or if respondent's motion to modify is filed at least sixty (60) days prior to the effective date of such rule or guide, the Federal Trade Commission shall rule upon respondent's motion within sixty (60) days after the effective date of such rule or guide. Should the Federal Trade Commission fail to rule upon respondent's motion to modify within such time periods, then such rule or guide shall automatically be deemed to modify and replace the corresponding provisions(s) of this order.

ORDER

Part I

It is ordered that respondent North American Philips Corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any electric shaver or any drug or device, as "drug" and "device" are defined in Section 15 of the Federal Trade Commission Act, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any statement or representation, directly or by implication, that use of the Black Pro shaver, or any other electric shaver or other drug or device, will cure the condition of pseudofolliculitis barbae (hereinafter sometimes referred to as "razor bumps").

2. Making any statement or representation, directly or by implication, that tests, studies or demonstrations prove or constitute proof that use of the Black Pro shaver, or any other electric shaver or other drug or device, will cure the condition of pseudofolliculitis barbae ("razor bumps").

Part II

It is further ordered that respondent North American Philips Corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any electric shaver or any drug or device, as "drug" and "device" are defined in Section 15 of the Federal Trade Commission Act, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any statement or representation, directly or by implication, that use of the Black Pro shaver, or any other electric shaver or other drug or device, by persons afflicted with "razor bumps" will reduce or minimize that condition or is efficacious for the treatment of "razor bumps", unless at the time of each dissemination of such statement or representation respondent possesses and relies upon competent and reliable scientific or medical evidence as a reasonable basis for such statement or representation. Competent and reliable scientific or medical evidence shall be defined as evidence in the form of at least two well-controlled clinical studies which conform to acceptable designs and protocols and are conducted by different persons independently of each other. Such persons shall be qualified by training and experience to treat "razor bumps" and to conduct the aforementioned studies.

Part III

For purposes of Part IV and Part V of this order, the term "product" shall be defined as follows: electric and cordless shavers, microwave ovens and toaster ovens.

Part IV

It is further ordered that respondent North American Philips Corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any "product" as defined in Part III of this order, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Making any statement or representation, directly or by implication, concerning the performance, or any other characteristic, feature, attribute or benefit of any product unless respondent possesses and relies upon a reasonable basis for such statement or representation at the time of its initial dissemination and each subsequent dissemination. Such reasonable basis shall consist of competent and reliable evidence which substantiates such statement or representation.

2. Advertising any product by referring to or presenting evidence, including a test, survey, experiment, demonstration, study or report, or the results thereof, which evidence is represented, directly or by implication, as supporting, showing or proving the existence or nature of any fact or feature respecting such product when such evidence does not support, show or prove such fact or feature.

3. Making any statement or representation, directly or by implication, by reference to a test, survey, experiment, demonstration, study or report, unless such work has been designed, executed, and analyzed in a competent and reliable scientific manner and unless its purpose, content, validity, reliability, results, or the conclusions which may be drawn therefrom, are fairly and accurately represented.

Part V

It is further ordered that respondent North American Philips Corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product, as defined in Part III of this order, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall maintain written records:

1. Of all materials relied upon in making any claim or representation covered by this order.

2. Of all test reports, studies, surveys or demonstrations in its possession that contradict, qualify, or call into question the basis upon which respondent relied at the time of the initial dissemination and each continuing or successive dissemination of any claim or representation covered by this order.

Such records shall be retained by respondent for a period of three years from the date respondent's advertisements, sales materials, promotional materials, or post purchase materials making such claim or representation were last disseminated. Such records will be made available to the Commission staff for inspection upon reasonable notice.

Part VI

It is further ordered that respondent shall forthwith, relative to the products specified in Part III, distribute a copy of this order to each of its concerned operating divisions and to each of its officers, agents, representatives or employees who are engaged in the preparation and placement of advertisements or other sales materials concerning said products.

Part VII

It is further ordered that respondent notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

Part VIII

It is further ordered that respondent shall, within sixty (60) days after this order becomes final, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order.

North American Philips Corp., McCaffrey and McCall, Inc., File No. 812 [illegible]000

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Staff evaluated substantiation materials submitted by the companies in support of the ads. These materials consisted of tests conducted on behalf of the companies. Staff determined that these tests were inadequate to support the ad claims.

The complaint charges that the Black Pro shaver will not cure the condition of razor bumps and that moreover, the university tests referred to in the advertising do not provide the proof claimed. Nor does the photographic demonstration included in the advertising prove the curative ability of the shaver, it is charged. The complaint further alleges that contrary to the ad statements, the razor was not tested in a daily shaving regimen. In addition, the companies are charged with not having had a reasonable basis for claiming that the Black Pro shaver is an effective treatment for the razor bumps condition.

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Finally, the orders contain three-year recordkeeping provisions requiring the retention of both materials which contradict or qualify the claims.

The purpose of this analysis is to facilitate public comment on the proposed orders. It is not intended to constitute an official interpretation of the agreements and proposed orders or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-27812 Filed 9-23-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 57

Education of Handicapped Children in the DOD Dependents Schools; Hearings

AGENCY: Department of Defense (DOD).

ACTION: Hearings on proposed rule.

SUMMARY: Pursuant to Section 5(a) of the Education for All Handicapped Children Act, Pub. L. No. 94-142, 20 U.S.C. 1412(7)(B)(1976), the Department of Defense announces that it will conduct public hearings to receive comments from the general public and other interested parties concerning the proposed DOD Instruction on "Education of Handicapped Children in the DOD Dependents Schools." The proposed Instruction was published in the **Federal Register** on September 11, 1981 for public notice and comment. (46 FR 45368; FR Doc. 81-26583.)

DATES: Public hearings will be held on October 15 and 16, 1981, beginning at 10 a.m. and continuing for as long as necessary thereafter. Persons desiring to testify must notify the DOD Dependents Schools in writing by October 9, 1981.

ADDRESSES: The public hearings will be held in room 8N54, Hoffman Building No. 2, 200 Stovall Street, Alexandria, VA 22331. Since space is limited persons desiring to testify must notify DOD Dependents Schools in writing at the following address: Dr. Diane L. Goltz, Department of Defense Dependents Schools, Hoffman Building No. 1, Room 148, 2461 Eisenhower Avenue, Alexandria, VA 22331.

SUPPLEMENTARY INFORMATION: Each presentation at the public hearings will be limited to 10 minutes. Persons testifying at the hearings are encouraged to submit written statements, which must be received at the above address by October 13, 1981. Oral presentations should not repeat the written statements, but should offer new material or respond to the comments of others.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 18, 1981.

[FR Doc. 81-27733 Filed 9-23-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 171, and 173

[Docket No. HM-138A; Notice No. 81-6]

Enforcement Procedures and Related Miscellaneous Proposals

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The MTB proposes to make the following changes to Parts 107, 171, and 173 concerning primarily the procedural requirements of its hazardous materials exemption, approval, preemption, and enforcement programs:

1. Several substantive and non-substantive changes would be made to the enforcement procedures dealing with initiation of cases, their administrative handling, determination of appropriate sanctions, and the right of appeal of the parties.

2. Changes are proposed to the exemption procedures in Part 107 to make enforcement action a basis for taking action against an exemption holder or party to an exemption, and to clarify, by a related amendment to § 171.2 the fact that violation of a term or condition of an exemption can be the basis for an enforcement action.

3. In association with the changes cited in 2. above, the enforcement procedures would also be amended to include violation of the terms of an approval issued under Part 173 as a basis for enforcement action.

4. Section 171.2 would be amended further to provide a more specific prohibition against the improper use of DOT authorized and required markings associated with specification identifications, and exemption, approval and registration numbers.

5. For clarification, § 173.1 would be amended to highlight the fact that Part 173 contains, in addition to shipper requirements applicable to reconditioners (§ 173.28) and retesters, repairers, and rebuilders (§ 173.34).

6. The procedures relating to inconsistency rulings and non-preemption determinations would be amended to reflect the fact that responsibility for those functions has been transferred within the MTB from the Associate Director for Operations and Enforcement to the Associate Director for Hazardous Materials Regulation.

7. The definition of the term "person" would be amended to clarify the fact that the term includes governmental entities when those entities engage in commercial transportation of hazardous materials.

DATE: Comments must be received by October 22, 1981.

ADDRESS: Address comments to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and notice number and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, SW., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: George W. Tenley, Jr., Office of the Chief Counsel, Research and Special Programs Administration, 400 7th Street, SW., Washington, D.C. 20590, telephone (202) 755-4973.

SUPPLEMENTARY INFORMATION: On September 9, 1976, the MTB published Amendment No. 107-3 (41 FR 38167) prescribing, as pertinent here, the procedures to be followed by the MTB in carrying out its enforcement responsibilities under sections 109, 110, and 111 of the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1808, 1809, and 1810). Because the provisions adopted therein related to the practices and procedures of the MTB, Amendment 107-3 was issued as a final rule without prior notice and comment. However, the MTB stated in the preamble its intention to review the procedures based on experience gained in their operation and invited public participation in that review through the submission of comments. No written comments were ever received in response to that solicitation.

Notwithstanding the absence of public comments in response to the requirements adopted in 1976, the MTB has had extensive dealings with persons subject to its hazardous materials enforcement jurisdiction through individual enforcement cases. This experience, together with the ongoing evaluation of the effectiveness, efficiency, and fairness of the hazardous materials enforcement program, form the bases for the proposals made in this notice of proposed rulemaking. Many of the changes proposed herein are merely editorial in nature, others seek to remove redundancies, and the remainder actually alter the substance of, or add to, existing requirements. With respect to due process protections existing in current requirements, the proposals made herein would not detract from them, but rather add thereto. There follows an analysis by section of those proposed changes which would alter the substance of current requirements or add new ones.

Part 107

Subpart A—General Provisions

Section 107.13. Two minor changes would be made in paragraphs (a) and (h) to clarify who may issue a subpoena and the related area of how a subpoena is modified or quashed. Paragraph (a) would be amended to substitute a reference to an "official presiding over a hearing" for the current reference to "the MTB official designated to preside over a hearing." This change would reflect the fact that, although not required by statute to do so, it has been an MTB practice to obtain the services of non-MTB personnel (i.e., Administrative Law Judges) to preside over hearings.

The proposed change to paragraph (h) would make it consistent with paragraph (a) by correctly identifying to whom a subpoena recipient should apply in order to have a subpoena modified or quashed. As proposed, an application to modify or quash would be sent to the official who issued the subpoena.

Subpart B—Exemptions

Section 107.109. This proposal would add as a basis for denying an application for exemption false statements, misrepresentations, or omissions of material fact used to support the application. This authority in the Associate Director for HMR to terminate further consideration of application for the stated reasons, would be consistent with current authority under § 107.119 allowing the Associate Director for HMR to terminate existing exemptions for the same reasons. By providing this authority at the application stage, administrative time and money can be saved in these cases where misrepresentation is a problem.

Section 107.119. Two important proposals made in this Notice relate to the enforcement of the terms and conditions of an exemption. This section contains proposals regarding the impact of enforcement actions against exemption holders and parties to exemptions on the right to continue activities under the exemption. Associated with this proposal is a proposal in § 107.307 providing for initiation of an enforcement case for

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failure to comply with the terms of an exemption or an approval.

Under the § 107.119 proposal, the Associate Director, Office of Hazardous Materials Regulation (OHMR), could suspend the authority to operate under an exemption during the pendency of an enforcement action against the holder thereof or party thereto. This would apply when action is brought against the holder or party in cases where the exemption itself is involved as well as in cases where it is not. In a like manner, the Associate Director, OHMR could terminate an exemption when the holder or party has been found to be in violation in accordance with the enforcement procedures in Subpart D, or when the holder or party submitted false information in its application, or if it misrepresented or failed to reveal a material fact.

The § 107.307 proposal is based on the premise that a failure to comply with the terms or conditions of an exemption or approval in effect renders the exemption or approval a nullity, and places the holder or party in the position he would have been in absent the exemption or approval, i.e., he is required to comply with the underlying regulations to which the exemption or approval was addressed. In addition to the proposals herein, language would be added to each exemption and approval to reflect this procedure. In addressing exemption and approval enforcement in this manner, the respondent would be able to avail itself of the procedural protections of the enforcement procedures.

Subpart D—Enforcement

Section 107.229. Because establishing knowledge is fundamental to a finding of violation under the HMTA and these regulations, it is proposed to add a definition of the term "knowledge" or "knowingly".

As developed by the Supreme Court in *United States* v. *International Minerals and Chemical Corporation,* 402 U.S. 558 (1971), knowledge, as proposed herein, means that a person who is engaged in activity subject to the HMTA and the hazardous materials regulations is presumed to be aware of that statute and those regulations, as applicable to the particular activity in question. Actual knowledge that a given act is a violation of a particular requirement is not required, and the concept includes, with respect to the facts which establish a violation, what the person *should have known* in the proper exercise of its responsibilities. This definition is of course subject to the limitation prescribed in section 110(a) of the HMTA that excepts from liability for imposition of a civil penalty an employee who acts without knowledge (thus placing the onus solely on the employer).

In addition, it is proposed to add a definition of the term "investigation" which would encompass the inspection activity of the MTB authorized under section 109(c) of the HMTA, as well as the investigation authority granted under section 109(a). This addition is considered appropriate because the majority of the MTB hazardous materials field effort involves compliance inspections.

Compliance Orders and Civil Penalties

To the extent possible, the requirements and procedures applicable to both civil penalty actions and compliance order actions would be merged to avoid redundancy.

Section 107.307. One of the more significant substantive changes proposed in this Notice, and reflected in the merged civil penalty and compliance order provisions, is the authority of the MTB's Office of Operations and Enforcement (OOE) to seek in one notice of probable violation, both a civil penalty and a compliance order. Although the OOE has historically had this authority under the HMTA, it had never been implemented in the regulations, and thus has never been exercised. The provision for a dual notice of probable violation is proposed as an enforcement tool in those cases where the OOE has reason to believe that either a civil penalty or a compliance order alone would not achieve the desired level of compliance.

Section 107.309. A new section would be added to Subpart D covering use by the OOE of warning letters as an enforcement tool. Although this form of enforcement imposes no sanctions, its use is appropriate where an inspection reveals that a person's compliance status is generally good and that any probable violations noted are minor in nature and clearly present an aberration to an otherwise sound program.

The OOE has used the warning letter for approximately three years, and its use has demonstrated its effectiveness. Although the letter does not require a response most persons who receive one submit information explaining the cause of the problems observed or demonstrating why the observed conduct was not in violation. This form of communication between the OOE and regulated persons serves the dual purposes of informing those persons of deficiencies and also educating them as to the requirements of the Hazardous Materials Regulations applicable to their operations.

Section 107.311(c). The change proposed in this paragraph would allow the OOE to amend a notice of probable violation already issued to a respondent. This provision would enable the OOE to take action on new information that it may discover, as in the case of an inspection of a separate facility of the respondent, without having to issue a new notice. Should the OOE amend a notice of probable violation under this proposal, the respondent would be given 30 days to respond and could treat the amended notice as an initial notice for the purpose of choosing his response option (i.e., informal, hearing, or payment/compliance).

Section 107.317(b). This proposal would require a respondent, as part of his request for an informal conference, to state which of the allegations made by OOE in the notice of probable violation he admits and which ones he denies, as well as the issues the respondent will raise at the conference. This proposal is designed to identify at the outset what the conference will entail and thus enable a fuller discussion of salient points.

Section 107.319(a). The proposal in this section providing for an Administrative Law Judge (ALJ) to preside over hearings convened at the request of a respondent under proposed § 107.313(a)(3), reflects the current practice of the MTB. Although it has been determined in an opinion by the DOT General Counsel that a hearing of the type provided for in 5 U.S.C. 554 (formerly, the Administrative Procedure Act) is not required by the HMTA, the MTB has provided APA-type hearings before an ALJ and believes it is in the interest of administrative due process to continue to do so. Since the DOT does not maintain a staff of ALJs, it is necessary for the Chief Counsel of RSPA to obtain them on a case-by-case request to the Office of Administrative Law Judges, Office of Personnel Management, or through contractual arrangement with retired or otherwise inactive ALJs. Consequently, minor delays can be expected between the time of the respondent's request and the assignment of an ALJ.

It should be noted that a request for a hearing would have to be made by a respondent in both civil penalty and compliance order cases. Under current § 107.315, a hearing is automatically invoked whenever a respondent challenges an allegation in a notice of probable violation proposing a compliance order. There is no reason why the compliance order case should differ from a civil penalty case, and the MTB believes that the affirmative election for a hearing is the better procedure.

Section 107.321(a). Although the proposals in this Notice do not prescribe a full complement of procedural requirements governing the conduct of a hearing, the MTB does believe, and has proposed, that testimony offered during a hearing should be oral. With respect to other procedural requirements governing the proceeding, the ALJ would have discretion to impose whatever format he chose.

Section 107.325. Under the current regulations there are two deficiencies relating to appeals that need to be corrected. One, relating to the respondent, is dealt with in paragraph (b) and provides that in cases not involving a hearing the respondent may appeal an order of the Associate Director for OOE to the Director, MTB. Although not currently provided in the regulations, this right of appeal has been provided to each respondent since the inception of the hazardous materials enforcement program of the MTB.

The other deficiency is the failure of the regulations to permit the OOE to appeal an adverse decision of an ALJ to the Director of MTB, thereby placing OOE in a procedural position inferior to the respondent. Accordingly, paragraph (a) permits either party to an enforcement hearing to appeal an adverse final order of an ALJ.

In addition, paragraph (c) provides basic requirements that an appeal must conform to, and is designed to assist the Director of MTB in making a thorough and expeditious decision.

Finally, a new paragraph (f) would make failure to comply with a term or condition of a compliance order a basis for OOE initiating an enforcement case.

Section 107.327. This section would prescribe the mechanisms governing an offer in compromise by the respondent in both civil penalty cases and compliance order cases. An offer of an amount in compromise of a civil penalty proposed or assessed would stay the running of any response period then outstanding. This proposal would merely formalize current practice. If accepted, an amount in compromise would constitute a full satisfaction of the civil penalty and would have no effect on the finding of a violation. Thus, the compromise would go only to the amount of the penalty, and not to the underlying violations on which the penalty is based.

The proposals concerning compliance orders in this section are designed to be more specific than current language. For example, under current language there is no requirement that the respondent identify the facts or proposed compliance order terms and conditions he challenges. The proposal would require a statement as to both. In addition, language would be added in paragraph (b)(3) establishing an administrative cause of action for failure to comply with the terms of an executed consent order (this provision would thus be consistent with the proposed requirement in § 107.325 that would make failure to comply with the terms of a compliance order a basis for the MTB to initiate an enforcement case).

Section 107.331. An amendment to paragraph (b) is necessary in order to make clear that civil penalties for up to the $10,000 maximum provided in the HMTA, may be assessed for each violation of a requirement relating to the manufacture, fabrication, marking, maintenance, reconditioning, repair, or testing of a container or package. In this context, each violation means each container found to have been in violation of an applicable requirement.

Section 107.333. Although no changes are proposed in the statutorily prescribed assessment criteria, this rulemaking provides an opportunity to state the MTB position regarding use of these criteria (currently prescribed in § 107.359). It has been the practice of the MTB, and this practice would continue under these proposals, to use the assessment criteria merely as general guidelines in establishing the preliminary civil penalties proposed in the Notice of Probable Violation. The MTB believes this to be appropriate since at the Notice stage no assessment of a final civil penalty has been made.

In addition, with respect to the assessment criteria relating to the economic impact of a civil penalty on a respondent, the MTB believes that that is a matter best raised by the respondent if that factor is to have the greatest effect on penalty mitigation. Only the respondent can gauge, and provide pertinent and current information concerning, its ability to pay and its ability to continue in business in the face of the civil penalty proposed in the notice of probable violation or assessed under an order.

Part 171

The definition of "person" in § 171.8 would be amended in this proposal to correct an error that occurred in the final rule consolidating the Hazardous Materials Regulations (HM-112, 41 FR 15995, April 15, 1976). In that rule, where "person" was first defined, the MTB's predecessor excluded governmental agencies from the definition to reflect the fact that the Hazardous Materials Regulations have never been applied directly to regulate customary governmental activity. Such activity as the transportation, for governmental purposes, of hazardous materials by an agency of the Federal, State or local governments is not regulated. However, the act of offering such materials to a commercial carrier for transportation has always been considered subject to the regulations. This fact is witnessed by the existence of exceptions for certain Federal activities (see, for example, 49 CFR 173.7). Similarly, a governmental agent boarding a commercial passenger aircraft with a hazardous material in his possession is employing a commercial activity subject to the regulations.

Where governmental functions may be mixed with commercial activity, such as where an employee of a State university transports a hazardous material, the facts of the specific activity will have to be examined to determine whether the transportation is for a governmental purpose and therefore not subject to the regulations.

As noted previously, § 171.2 would be revised to indicate that not only do the specific requirements prescribed in subchapter C apply to the activities of persons engaged in hazardous materials transportation, but also the requirements imposed through exemptions and approvals issued under the Hazardous Materials Regulations. This proposal is a necessary adjunct to the language proposed in § 107.307 (discussed above in connection with § 107.119) establishing the violation of the term of an exemption, approval, or order as a basis for asserting the enforcement jurisdiction of section 110 of the HMTA.

In addition, it is proposed to add language to § 171.2, to clarify the fact that DOT markings and designations may not be used on any container, or in connection with any shipment, that is not in full compliance with all applicable provisions in the Hazardous Materials Regulations. Thus, for example, this language is intended to make clear the fact that a drum reconditioner may not place his drum reconditioner's registration number bearing the letters DOT, on a drum which is not a fully complying DOT specification container (including all required embossment markings).

In consideration of the foregoing, the MTB proposes to amend 49 CFR Parts 107, 171, and 173 as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

Subpart A—General Provisions

1. In § 107.13, the first sentence of paragraph (a), and paragraph (h) would be revised as follows:

§ 107.13 Subpoenas; witness fees.

(a) The Director, MTB, the Chief Counsel, Research and Special Programs Administration, or the official designated to preside over a hearing * * *

* * * * *

(h) Any person to whom a subpoena is directed may, no later than 10 days after service thereof, apply to the person who issued the subpoena to quash or modify it. The application shall contain a brief statement of the reasons relied upon in support of the action sought therein. The person who issued the subpoena may:

* * * * *

Subpart B—Exemptions

2. In § 107.109, paragraph (c) is revised to read as follows:

§ 107.109 Administrative review.

* * * * *

(c) The Associate Director for HMR denies an application in accordance with the following:

(1) The application is denied if it does not contain adequate justification, or if it contains any false or misleading statements, or fails to state a material fact.

(2) If the Associate Director for HMR denies an application under this paragraph he notifies the applicant in writing of his reasons therefor and publishes notice of the denial in the **Federal Register.**

* * * * *

3. In § 107.119, the title would be revised, paragraph (b) would be revised, and paragraph (c) (1) and (4) would be revised as follows:

§ 107.119 Amendment, suspension and termination.

* * * * *

(b) The Associate Director for HMR may amend or suspend an exemption if—

(1) He determines that an activity under the exemption is not being performed in accordance with the terms of the exemption;

(2) He is notified by the Associate Director for OE that the exemption holder is the subject of an enforcement proceeding being conducted under Subpart D of this part; or

(3) On the basis of information not available at the time it was granted, an amendment to the terms of the exemption is necessary to adequately protect against risks to life or property.

(c) The Associate Director for HMR terminates an exemption if—

(1) He determines that the exemption is no longer consistent with the public interest;

* * * * *

(4) As the result of an enforcement proceeding conducted and concluded under Subpart D of this part, the exemption holder has been found to have violated a regulation to which the exemption related.

* * * * *

Subpart C—Preemption

4. In Subpart C, the designations "OE" and "OOE" would be changed to read "OHMR" wherever they appear.

§§ 107.203 and 107.215 [Amended]

5. In §§ 107.203 and 107.215, paragraph (b)(1) would be amended by changing the words "Office of Operations and Enforcement" to read "Office of Hazardous Materials Regulation."

6. Subpart D would be revised in its entirety as follows:

Subpart D—Enforcement

Sec.
107.299 Definitions.
107.301 Responsibility for enforcement.
107.303 Purpose and scope.
107.305 Investigations.

Compliance Orders and Civil Penalties

107.307 General.
107.309 Warning letters.
107.311 Notice of Probable Violation.
107.313 Reply.
107.315 Admission of violations.
107.317 Informal response.
107.319 Request for a hearing.
107.321 Hearing.
107.323 ALJ's decision.
107.325 Appeals.
107.327 Compromise.
107.329 Compliance order for immediate compliance.
107.331 Maximum penalties.
107.333 Assessment considerations.

Criminal Penalties

107.335 Criminal penalties generally.
107.337 Referral for prosecution.

Injunctive Action

107.339 Injunctions generally.
107.341 Imminent hazards.

Authority: 49 U.S.C. 1804, 1808 and 1809; 49 CFR 1.53, App. A to Part 1.

Subpart D—Enforcement

§ 107.229 Definitions.

In this subpart, and in enforcement actions initiated thereunder,

"Investigation" includes investigations authorized under 49 U.S.C. 1809(a) and inspections authorized under 49 U.S.C. 1809(c).

"Knowledge" or "knowingly" means that a person who performs functions described in Section 105(a) of the Act (49 U.S.C. 1804(a)) is presumed to be aware of the requirements of the Act and the requirements of this subchapter and subchapter C governing those functions. Knowledge includes both actual knowledge of the facts that give rise to a violation, as well as what a person should have known as a result of the proper performance of its responsibilities. In making a finding that an act constitutes a knowing violation, the Associate Director for OE is not required to show that a respondent was aware that the act constituted a violation.

§ 107.301 Responsibility for enforcement.

In accordance with delegations of authority from the Secretary of Transportation set forth in Part 1 of this title, responsibility for enforcement of this subchapter and Subchapter C of this chapter is exercised by:

(a) The Federal Aviation Administration with respect to the transportation or shipment of hazardous materials by aircraft;

(b) The United States Coast Guard with respect to the transportation or shipment of hazardous materials by vessels;

(c) The Federal Highway Administration with respect to the transportation or shipment of hazardous materials by highway vehicles;

(d) The Federal Railroad Administration with respect to the transportation or shipment of hazardous materials by railroad; and

(e) The MTB with respect to shipments of hazardous materials involving more than one mode of transportation, and the manufacture, fabrication, marking, maintenance, reconditioning, repair, or testing of containers which are represented, marked, certified, or sold for use in the transportation of hazardous materials, other than in bulk form.

§ 107.303 Purpose and scope.

This subpart describes the various enforcement authorities exercised by the OOE and the associated sanctions and prescribes the procedures governing the exercise of those authorities and the imposition of those sanctions.

§ 107.305 Investigations.

(a) *General.* The OOE may initiate investigations relating to compliance by any person with any provision of this subchapter or Subchapter C of this chapter, or any exemption, approval, or order issued thereunder, or any court decree relating thereto. The OOE encourages voluntary cooperation with its investigations. When circumstances warrant, however, subpoenas may be issued to compel the attendance of witnesses or the production of documents in accordance with and subject to § 107.13 and hearings may be conducted, and depositions taken pursuant to section 109(a) of the Act. The OOE may conduct investigative conferences and hearings in the course of any investigation.

(b) *Investigators.* Investigations are conducted by OOE Hazardous Materials Enforcement Specialists who are duly designated for that purpose. Each official so designated may administer oaths and receive affirmations in any matter under investigation by the OOE.

(c) *Notification.* Any person who is the subject of an OOE investigation and who is requested to furnish information or documentary evidence is notified as to the general purpose for which the information or evidence is sought.

(d) *Termination.* When the facts disclosed by an investigation indicate that further action is unnecessary or unwarranted at that time, the investigative file is closed without prejudice to further investigation by the OOE.

(e) *Confidentiality.* Information received in an investigation under this section, including the identity of the person investigated and any other person who provides information during the investigation, shall, unless otherwise determined by the OOE, remain confidential under the investigatory file exception to the public disclosure requirements of 5 U.S.C. 552.

§ 107.307 General

(a) When the OOE has a reason to believe that a person is knowingly engaging or has knowingly engaged in conduct which is a violation of the Act or any provision of this subchapter or Subchapter C of this chapter, or any exemption, approval, or order issued thereunder, for which the OOE exercises enforcement responsibility, and if time, the nature of the violation, and the public interest permit, the OOE may conduct proceedings to assess a civil penalty or to issue an order directing compliance, or both, or seek any other remedy available under the Act.

(b) In the case of a proceeding initiated for failure to comply with an exemption or an approval, or for performance of a function not permitted in an approval, the allegation of a violation of a term or condition thereof, is considered by the OOE to constitute an allegation that the exemption or approval holder is failing, or has failed, to comply with the underlying regulations from which relief was granted by the exemption or approval.

§ 107.309 Warning letters.

(a) In addition to the initiation of proceedings under § 107.307 for the imposition of sanctions or other remedies, the OOE may issue a warning letter to any person whom the OOE believes to have committed a probable violation of the Act or any provision of this subchapter, Subchapter C of this chapter, or any exemption, approval, or order issued thereunder.

(b) A warning letter issued under this section includes—

(1) A statement of the facts upon which the OOE bases its determination that the person has committed a probable violation;

(2) A statement that the recurrence of the probable violations cited may subject the person to enforcement action; and

(3) An opportunity to respond to the warning letter by submitting pertinent information or explanations concerning the probable violations cited therein.

§ 107.311 Notice of probable violation.

(a) The OOE begins an enforcement action under § 107.307, by serving a notice of probable violation on a person alleging the violation of one or more provisions of the Act, this subchapter, or Subchapter C of this chapter, or any exemption, approval, or order issued thereunder.

(b) A notice of probable violation issued under this section includes the following information:

(1) A citation of the provisions of the Act, this subchapter, Subchapter C of this chapter, or the terms of any exemption, approval, or order issued thereunder which the OOE believes the respondent is violating or has violated.

(2) A statement of the factual allegations upon which the demand for remedial action or a civil penalty is based.

(3) A statement of the respondent's right to present written or oral explanations, information, and arguments in answer to the allegations and in mitigation of the sanction sought in the notice of probable violation.

(4) A statement of the respondent's right to request a hearing and the procedures for requesting a hearing.

(5) In addition, in the case of a notice of probable violation proposing a compliance order, a statement of the actions to be taken by the respondent to achieve compliance.

(6) In addition, in the case of a notice of probable violation proposing a civil penalty—

(i) A statement of the maximum civil penalty for which the respondent may be liable;

(ii) The amount of the preliminary civil penalty being sought by OOE, which, except as provided in paragraph (c) of this section, constitutes the maximum amount OOE may seek throughout the proceeding; and

(iii) A description of the manner in which the respondent makes payment of any money due the United States as a result of the proceeding.

(c) The OOE may amend a notice of probable violation at any time before issuance of a compliance order or an order assessing a civil penalty. If an amendment includes any new material allegation of fact or seeks new or additional remedial action or an increase in the amount of the proposed civil penalty, the respondent has 30 days from receipt of the amended notice of probable violation to respond under § 107.313(a).

§ 107.313 Reply.

(a) Within 30 days of receipt of a notice of probable violation, the respondent must either—

(1) Admit the violations under § 107.315;

(2) Make an informal response under § 107.317; or

(3) Request a hearing under § 107.319.

(b) Failure of the respondent to file a reply as provided in this section constitutes a waiver of the respondent's right to appear and contest the allegations and authorizes the Associate Director for OOE, without further notice to the respondent, to find the facts to be as alleged in the notice of probable violation and issue an order directing compliance or, where appropriate, assess a civil penalty, or both.

(c) Upon the request of the respondent, the OOE may, for good cause shown and filed within the 30 days precribed in the notice of probable violation, extend the 30-day response period.

§ 107.315 Admission of violations.

(a) In responding to a notice of probable violation issued under § 107.311, the respondent may admit the alleged violations and agree to accept the terms of a proposed compliance order or to pay the amount of the preliminarily assessed civil penalty.

(b) If the respondent agrees to the terms of a proposed compliance order, the Associate Director for OOE issues a

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final order prescribing the remedial action to be taken by the respondent.

(c) Payment of a civil penalty must be made by certified check or money order payable to the Treasury of the United States and sent to the Chief Counsel, Research and Special Programs Administration, 400 Seventh Street, S.W., Room 8420, Washington, D.C. 20590.

§ 107.317 Informal response.

(a) In responding to a notice of probable violation under § 107.311, the respondent may submit to the OOE official who issued the notice, written explanations, information, or arguments in response to the allegations, the terms of a proposed compliance order, or the amount of the preliminarily assessed civil penalty.

(b) The respondent may include in his informal response a request for a conference. A request for a conference must include which allegations are admitted and which are denied, and must set forth the issues the respondent will raise at the conference.

(c) Upon receipt of a request for a conference conforming with paragraph (b) of this section, the OOE, in consultation with the Chief Counsel's Office, arranges for a conference as soon as practicable at a time and place of mutual convenience.

(d) The respondent's written explanations, information, and arguments as well as the respondent's presentation at a conference are considered by the Associate Director for OOE in reviewing the notice of probable violation. Based upon a review of the proceeding, the Associate Director for OOE may dismiss the notice of probable violation in whole or in part. If he does not dismiss it in whole, he issues an order directing compliance or assessing a civil penalty, or both.

§ 107.319 Request for a hearing.

(a) In responding to a notice of probable violation under § 107.311, the respondent may request a formal administrative hearing on the record before an Administrative Law Judge obtained by the Office of the Chief Counsel.

(b) A request for a hearing under paragraph (a) of this section must—

(1) State the name and address of the respondent and of the person submitting the request if different that the respondent;

(2) State with particularity the issues whether it is admitted or denied; and

(3) State with particularity the issues to be raised by the respondent at the hearing.

(c) After a request for a hearing that complies with the requirements of paragraph (b) of this section, the Chief Counsel obtains an Administrative Law Judge (ALF) to preside over the hearing and notifies the respondent of this fact. Upon assignment of an ALJ, all further matters in the proceeding are conducted by and through the ALJ.

§ 107.321 Hearing.

(a) To the extent practicable, the hearing is held in the general vicinity of the place where the alleged violation occurred or at a place convenient to the respondent. Testimony by witnesses shall be given orally under oath and the hearing shall be recorded verbatim.

(b) The ALJ may:

(1) Administer oaths and affirmations;

(2) Issue subpoenas as provided by § 107.13;

(3) Adopt procedures for the submission of motions, evidence, and other documents pertinent to the proceeding;

(4) Take or cause depositions to be taken;

(5) Rule on offers of proof and receive relevant evidence;

(6) Examine witnesses at the hearing;

(7) Convene, recess, reconvene, adjourn and otherwise regulate the course of the hearing;

(8) Hold conferences for settlement, simplification of the issues of any other proper purpose; and

(9) Take any other action authorized by, or consistent with, the provisions of this subpart and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.

(c) The OOE official who issued the notice of probable violation, or his representative, has the burden of proving the facts alleged therein and may offer such relevant information as may be necessary to fully inform the presiding officer as to the matter. concerned.

(d) The respondent may appear and be heard on his own behalf or through counsel of his choice. The respondent or his counsel may offer relevant information including testimony which he believes should be considered in defense of the allegations or which may bear on the sanction being sought and conduct such cross-examination as may be required for a full disclosure of the facts.

§ 107.323 ALJ's decision.

(a) After consideration of all matters of record in the proceeding, the ALJ shall issue an order representing the final decision in the proceeding. The ALJ may dismiss the notice of probable violation in whole or in part or grant the relief sought by the OOE in the notice. If the ALJ does not dismiss the notice of probable violation in whole, he issues an order directing compliance or assessing a civil penalty, or both. The order includes a statement of the findings and conclusions, and the reasons therefor, on all material issues of fact, law, and discretion.

(b) If, within 20 days of receipt of an order issued under paragraph (a) of this section, the respondent does not submit in writing his acceptance of the terms of an order directing compliance, or, where appropriate, pay a civil penalty, or file an appeal under § 107.325, the case may be referred to the Attorney General with a request that an action be brought in the appropriate United States District Court to enforce the terms of a compliance order or collect the civil penalty.

§ 107.325 Appeals.

(a) *Hearing proceedings.* A party aggrieved by an ALJ's decision and order issued under § 107.323 may file an appeal with the Director, MTB, in accordance with paragraph (c) of this section.

(b) *Non-hearing proceedings.* A respondent aggrieved by an order issued under § 107.317, may file an appeal with the Director, MTB, in accordance with paragraph (c) of this section.

(c) An appeal of an order issued under this subpart must—

(1) Be in writing and addressed to the Director, Materials Transportation Bureau, 400 Seventh Street, SW., Washington, D.C. 20590;

(2) Be filed within 20 days of the respondent's receipt of the order;

(3) State with particularity the findings in order that the respondent challenges, and include all information and arguments pertinent thereto.

(d) If the Director, MTB affirms the order in whole or in part, the respondent must comply with the terms of the Director's decision within 20 days of the respondent's receipt thereof, or within the time prescribed in the order. If the respondent does not comply with the terms of the Director's decision within 20 days of receipt, or within the time prescribed in the order, the case may be referred to the Attorney General for action to enforce the terms of the Director's decision.

(e) The filing of an appeal stays the effectiveness of an order issued under § 107.317 or § 107.323. However, if the Director, MTB, determines that it is in the public interest, he may keep an order directing compliance in force pending appeal.

(f) The failure of a respondent to comply with the terms of a compliance order after an appeal, if any, has been finally affirmed by the Director, MTB, constitutes a basis for the OOE to initiate an enforcement action under § 107.311 for violation of the specific terms of the agreement alleged by the OOE to have been violated or not otherwise complied with.

§ 107.327 Compromise.

At any time before an order issued under § 107.317 or § 107.323 is referred to the Attorney General for enforcement, the respondent may propose a compromise as follows:

(a) In civil penalty cases, the respondent may offer to compromise the amount of the penalty by submitting a certified check or money order for a specific amount to the Chief Counsel who may, after consultation with OOE, accept or reject it.

(1) A compromise offer stays the running of any response period then outstanding.

(2) If a compromise offer is accepted, the respondent is notified in writing that the acceptance is in full satifaction of the civil penalty, and OOE closes the case.

(3) If a compromise offer is rejected, the respondent is notified in writing and is given 10 days or the amount of time remaining in the then outstanding response period, whichever is longer, to respond to whatever action of the OOE or the Director is then outstanding.

(b) In compliance order cases, the respondent may propose a consent agreement to the Associate Director for OOE. If the Associate Director for OOE accepts the agreement, he issues an order in accordance with its terms. If the Associate Director for OOE rejects the agreement, he directs that the proceeding continue.

(1) An agreement submitted to the Associate Director for OOE must be accompanied by—

(i) A statement of any allegations of fact which the respondent challenges; and

(ii) The reasons why the terms of a compliance order or proposed compliance order are or would be too burdensome for the respondent, or why such terms are not supported by the record in the case.

(2) An agreement submitted to the Associate Director for OOE under this paragraph must include—

(i) A proposed compliance order suitable for issuance by the Associate Director;

(ii) An admission of all jurisdictional facts;

(iii) An express waiver of further procedural steps and of all right to seek judicial review or otherwise challenges or contest the validity of the order; and

(iv) An acknowledgment that the notice of probable violation may be used to construe the terms of the order.

(3) The failure of a respondent to comply with the terms of an agreement executed under this section, constitutes a basis for the OOE to initiate an enforcement action under § 107.311 for the violation of the specific terms of the agreement alleged by the OOE to have been violated or not otherwise complied with.

§ 107.329 Compliance order for immediate compliance.

(a) Notwithstanding § 107.311, the Associate Director for OOE may issue a compliance order for immediate compliance, which is effective upon issuance and remains in effect until rescinded or suspended, if he finds—

(1) There is a strong probability that a violation is occurring or is about to occur;

(2) The violation poses an unreasonable risk to health or to safety or life or property; and

(3) The public interest requires the avoidance or amelioration of the risk through immediate compliance and waiver of the procedures afforded under §§ 107.311 through 107.325.

(b) A compliance order for immediate compliance is served promptly upon the person against whom the order is issued by the fastest practicable means, with a copy served in the manner provided in § 107.11. The copy contains a written statement of the relevant facts and the legal basis for the order, including the findings required by paragraph (a) of this section.

(c) The Associate Director for OOE may rescind or suspend a compliance order for immediate compliance if it appears that the criteria set forth in paragraph (a) of this section are no longer satisfied. When appropriate, however, a suspension or rescission may be accompanied by a notice of probable violation issued under § 107.311.

(d) If at any time in the course of a proceeding commenced by a notice of probable violation issued under § 107.311 the criteria set forth in paragraph (a) of this section are satisfied, the Associate Director for OOE may issue a compliance order for immediate compliance, even if any applicable response period has not expired.

(e) At any time after a compliance order for immediate compliance has become effective, the Director, MTB, or his delegate may request the Attorney General to bring an action for appropriate relief in accordance with § 107.339.

§ 107.331 Maximum penalties.

(a) A person who knowingly violates a requirement of this subchapter applicable to the transporting of hazardous materials or to the causing of them to be transported or shipped is liable of a civil penalty of not more than $10,000 for each violation. When the violation is a continuing one, each day of the violation constitutes a separate offense.

(b) A person who knowingly violates a requirement of this subchapter applicable to the manufacture, fabrication, marketing, maintenance, reconditioning, repair, or testing of a package or container which is represented, marked, certified or sold by that person for use in the transportation of hazardous materials in commerce is liable for a civil penalty of not more than $10,000 for each violation.

§ 107.333 Assessment considerations.

In assessing a civil penalty under this subpart, the Associate Director for OOE takes into account:

(a) The nature and circumstances of the violations;

(b) The extent and gravity of the violation;

(c) The degree of the respondent's culpability;

(d) The respondent's history of prior offenses;

(e) The respondent's ability to pay;

(f) The effect on the respondent's ability to continue in business; and

(g) Such other matters as justice may require.

Criminal Penalties

§ 107.335 Criminal penalties generally.

Section 110(b) of the Act (49 U.S.C 1809(b)) provides a criminal penalty of a fine of not more than $25,000 and imprisonment for not more than five years, or both, for any person who willfully violates a provision of the Act or a regulation issued under the Act.

§ 107.337 Referral for prosecution.

If the OOE becomes aware of a possible willful violation of the Act, this chapter, Subchapter C of this chapter, or any exemption, approval, or order issued thereunder, for which the OOE exercises enforcement responsibility, it shall report it to the Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. If appropriate the Chief Counsel refers

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the report to the Department of Justice for criminal prosecution of the offender.

Injunctive Action

§ 107.339 Injunctions generally.

Whenever it appears to the OOE that a person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any provision of the Act, this subchapter, subchapter C of this chapter, or any exemption, approval, or order issued thereunder, for which the OOE exercises enforcement responsibility, the Director, MTB, or his delegate, may request the Attorney General to bring an action in the appropriate United States District Court for such relief as is necessary or appropriate, including mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages as provided by section 111(a) of the Act.

§ 107.341 Imminent hazards.

Whenever it appears to the OOE that there is a substantial likelihood that death, serious illness, or severe personal injury will result from the transportation of a particular hazardous material, or particular hazardous materials containers before a compliance order proceeding or other administrative hearing or formal proceeding to abate the risk of that harm can be completed, the Director, MTB, or his delegate, may bring an action in the appropriate United States District Court for an order suspending or restricting the transportation of that hazardous material or those containers or for such other equitable relief as is necessary or appropriate to ameliorate the hazard as provided by section 111(b) of the Act.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

7. Section 171.2 would be revised to read as follows:

§ 171.2 General requirements.

(a) No person may offer or accept a hazardous material for transportation in commerce within the United States unless that material is properly classed, described, packaged, marked, labeled, and in the condition for shipment as required or authorized by this subchapter (including §§ 171.12 and 176.11), an approval issued thereunder, or an exemption issued under Subchapter B of this chapter.

(b) No person may transport a hazardous material in commerce within the United States unless that material is handled and transported in accordance with this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter.

(c) No person may represent, mark, certify, or sell a packaging or container as meeting the requirements of this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter, governing its use in the transportation in commerce of a hazardous material, whether or not it is used or intended to be used for the transportation of a hazardous material, unless the packaging or container is manufactured, fabricated, marked, maintained, reconditioned, or repaired, as the case may be, in accordance with this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter.

(d) The representations, markings, and certifications subject to the prohibitions of paragraph (c) of this section include:

(1) Specification identifications that include the letters "DOT" or "UN";

(2) Exemption, approval, and registration numbers that include the letters "DOT";

(3) Test dates displayed in association with specification, registration, approval, or exemption markings indicating compliance with a test or retest requirement of this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter; and

(4) Any other marking indicating a packaging or container meets a requirement of this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter, when the packaging or container does not meet that requirement.

(e) No person may offer a package for transportation in commerce within the United States bearing a marking that is specified by this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter, for the transportation of a hazardous material unless that marking is as specified or authorized by this subchapter, an approval issued thereunder, or an exemption issued under Subchapter B of this chapter for the hazardous material in the package. Markings subject to the prohibitions of this paragraph include:

(1) Any marking required by Subchapter D of Part 172 of this subchapter; and

(2) Exemption, approval, and registration numbers issued under this subchapter or Subchapter B of this chapter.

8. In § 171.8, the definition of "person" would be revised to read as follows:

§ 171.8 Definitions.

* * * * *

"Person" means—

(1) Any individual, firm, copartnership, corporation, company, association, or joint-stock association; and

(2) Any Federal or State government agency or any political subdivision of a State (as defined in § 107.201(b) of this chapter), when that agency or political subdivision offers for transportation or transports hazardous materials in commerce.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

9. In § 173.1, paragraph (a) would be revised to read as follows:

§ 173.1 Purpose and scope.

(a) This part—

(1) Defines hazardous materials for transportation purposes;

(2) Prescribes requirements to be observed in preparing hazardous materials for shipment by air, highway, rail, or water, or any combination thereof; and

(3) Prescribes the inspection, testing, and retesting responsibilities for persons who retest, recondition, maintain, repair, and rebuild containers used or intended for use in the transportation of hazardous materials.

* * * * *

(49 U.S.C. 1804, 1808, and 1809; 49 CFR 1.53, App. A. to Part 1)

Note.—Because the proposals made in this Notice relate to (a) agency practices and procedures or (b) clarifications of existing regulations and policies, the Materials Transportation Bureau has determined that the Notice—(1) Is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact would be so minimal; (4) would not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act; and (5) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*).

Issued in Washington, D.C., on September 15, 1981.

A. I. Roberts,

Associate Director for Hazardous Materials Regulation.

[FR Doc. 81-27492 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-60-M

49 CFR Part 173

[Docket No. HM-166 K, Notice No. 81-7]

Transportation of Anhydrous Ammonia in Intrastate Commerce

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau proposes to amend Part 173 of Title 49 CFR to authorize the use of nonspecification cargo tanks, and of specification cargo tanks with a design pressure of 250 psig, for the transport of anhydrous ammonia in intrastate commerce under certain conditions. This action is necessary because individual states have adopted the Department's Hazardous Materials Regulations which require the use of DOT Specification MC–330 and MC–331 cargo tanks with a design pressure of 265 psig. The intended effect of this action is to allow continued use of nonspecification cargo tanks and specification cargo tanks with a design pressure of 250 psig for the transportation of anhydrous ammonia in intrastate commerce until they are taken out of service and replaced with new tanks that meet DOT requirements:

DATE: Comments must be received by November 23, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Material Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. Public Dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Thomas J. Charlton, Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 Seventh Street, SW., Washington, D.C. 20590, telephone number (202) 426–2075.

SUPPLEMENTARY INFORMATION: Since passage of the Hazardous Materials Transportation Act (HMTA) of 1974 (49 U.S.C. 1801 et seq.) the MTB has encouraged the adoption of the Hazardous Materials Regulations (HMR) (49 CFR Parts 170 to 179) by the States in order to promote uniformity in safety regulations throughout the nation. Certain areas of transportation demand a strong predominant Federal role. In the HMTA's Declaration of Policy and in the Senate Committee language reporting out what became section 112 of the HMTA, Congress indicated a desire for uniform national standards in the field of hazardous materials transportation, and, with the HMTA, gave the Department of Transportation the authority to promulgate those standards. Although the HMTA has not totally precluded State or local action in this area, it is the MTB's opinion that to the extent possible, Congress intended to make such State or local action unnecessary.

On May 22, 1980, the MTB promulgated a rule designating certain hazardous materials as hazardous substances under the HMTA and assigned them reportable quantities (RQ's). (See FR Volume 45, No. 101, Thursday, May 22, 1980, page 34560–34705.) In that rulemaking, DOT asserted its authority over the intrastate shipment of hazardous substances by motor carrier and made the provisions of the HMR apply to the carriage of these substances. Anhydrous ammonia was one of the materials designated a hazardous substance with a reportable quantity of 100 lbs, and its transport in this or larger amounts per package anywhere in the United States was made subject to the HMR, including specification containers.

It has come to the attention of the MTB that the adoption by individual States of the Hazardous Materials Transportation Regulations and the assertion of DOT's authority over the intrastate transport of hazardous substances has created an anomalous situation in certain states for certain cargo tank owners and operators. DOT regulations require cargo tanks for anhydrous ammonia to be in compliance with either DOT Specification MC–330 or MC–331 at a design pressure of 265 psig. However, a number of cargo tanks not subject to DOT (nor ICC regulations prior to 1967) have been constructed and used in intrastate commerce for many years. While they were manufactured in accordance with certain consensus standards, including the ASME Code, and were otherwise qualified for use, they do not meet, or were not marked and certified to meet, the standards now required by DOT regulations. The result of a state's adoption and enforcement of DOT regulations and the designation of anhydrous ammonia as a hazardous substances is to immediately require that all cargo tanks in that jurisdiction comply with DOT specification without an adequate transition period.

This proposal is limited in its applicability to intrastate transportation by highway in jurisdictions where the use of these cargo tanks has been permitted in the past. It includes intrastate operations by a motor carrier that may operate other motor vehicles in interstate commerce.

The proposed revision would allow the continued use (in states where such use is permitted), of a cargo tank for the transportation of anhydrous ammonia that is not marked according to Specification MC–330 or MC–331 or one that has a design pressure of 250 psig, provided it (1) is marked and conforms to the edition of the ASME code in effect when it was manufactured; (2) has a minimum design pressure of 250 psig; (3) was manufactured prior to January 1, 1981; (4) is painted white or aluminum; (5) has been inspected and tested in accordance with § 173.33 as specified for Specification MC–330 or MC–331; (6) is operated exclusively in intrastate commerce (including its operation by a motor carrier otherwise engaged in interstate commerce); and (7) is operated in conformance with the regulations except the specification requirements.

The MTB has determined that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities.

If this regulation is not adopted, there may be a serious economic hardship on small anhydrous ammonia carriers because their nonspecification cargo tanks will no longer be authorized for transportation of anhydrous ammonia in several states. New DOT specification tanks would have to be purchased and deliveries to users of anhydrous ammonia could be severely disrupted.

In consideration of the foregoing, 49 CFR Part 173 would be amended to read as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGING

1. In § 173.315 a new note, Note 17, would be added to the table in § 173.315(a)(1). The note would be referenced in the last two columns of the table (with headings of "Type" and "Minimum design pressure," respectively) for the first material entry "Anhydrous ammonia."

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

(a) * * *

(1) * * *

Table

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight [1]	Percent by volume [2]	Type [3]	Minimum design pressure (psig)
Anhydrous ammonia (See Notes 14 and 17 and paragraph (1) of this section.	56	82; see Note 5	DOT-51, MC-330, MC-331; see Notes 12 and 17.	[illegible] see Note 17.

* * * * * * *

[1] See note 1.

[2] See paragraph (f) of this section.

[3] See notes 2.

*

NOTE 17.—A nonspecification cargo tank meeting and marked in conformance with, the edition of the ASME code in effect when it was fabricated, may be used for the transportation of anhydrous ammonia if it—

(1) Has a minimum design pressure no lower than 250 psig;

(2) Was manufactured in conformance with the ASME code prior to January 1, 1981, according to its ASME name plate and manufacturer's data report;

(3) Is painted white or aluminum;

(4) Complies with Note 12 of this paragraph;

(5) Has been inspected and tested in accordance with § 173.33 as specified for Specification MC-330 or MC-331;

(6) Was used to transport anhydrous ammonia prior to January 1, 1981;

(7) Is operated exclusively in intrastate commerce (including its operation by a motor carrier otherwise engaged in interstate commerce) in a state where its operation was permitted by the laws of that State (not including the incorporation of this subchapter) prior to January 1, 1981; and

(8) Is operated in conformance with all other requirements of this subchapter.

* * * * * * *

(49 U.S.C. 1803, 1804, 1808: (49 CFR 1.53, Appendix A to Part 1 and paragraph (a)(4) of Appendix A to Part 106)

Note.—The Materials Transportation Bureau has determined that this proposed regulation is not a "major rule" under the terms of Executive Order 12291 and does not require Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321) et seq. A regulatory evaluation and environmental assessment are available for review in the Docket. I certify that this proposed regulation, if published as a final rule, will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C., on September 15, 1981.

Alan I. Roberts,

Associate Director for Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-27466 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 81-09; Notice 1]

Consumer Information Regulations; Revocation of Tire Reserve Load Information Requirement

AGENCY: National Highway Traffic Safety Administration, (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amendment of the Consumer Information Regulations to delete the requirement that motor vehicle manufacturers provide information on passenger car tire reserve load. Upon reevaluation of the tire reserve load information requirement, NHTSA believes that this information is of little value to consumers. The proposal is intended to avoid unnecessary regulatory burdens on industry associated with providing information which is not meaningful.

DATE: Comments must be received on or before November 23, 1981. Proposed effective date for the amendment is the date of publication of the final rule.

ADDRESS: Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Steven Zaidman, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1740.

SUPPLEMENTARY INFORMATION: The Consumer Information Regulations (49 CFR Part 575) are intended to provide prospective purchasers and first purchasers of new motor vehicles and tires with useful information on the performance of these products in specified areas. Manufacturers must provide information in the areas of passenger car and motorcylce stopping distance (49 CFR 575.101), passenger car tire reserve load (49 CFR 575.102), truck camper loading (49 CFR 575.103), and passenger car tire performance (49 CFR 575.104). Tire reserve load is the difference between a tire's stated load rating and the load imposed on the tire at maximum loaded vehicle weight. Under the regulation, this difference is expressed as a percentage of tire load rating.

On March 15, 1979 (44 FR 15748), in response to a petition for rulemaking from General Motors Corporation, NHTSA proposed modification of the tire reserve load requirements of the Consumer Information Regulations, including deletion of the requirement as it applies to most passenger cars. Although that proposal was ultimately withdrawn (45 FR 47152; July 14, 1980), several comments were received from both industry and consumer representatives questioning the value of tire reserve load information. Upon reevaluation of the issues addressed in that rulemaking action, the agency has determined to propose deletion of the tire reserve load requirements from the consumer information program.

NHTSA's previous decision to retain tire reserve load as a consumer information item was based in part on a 1979 study entitled "Final Report—Tire Reserve Load Percentage and Tire Failure—Correlation Study", prepared for NHTSA by Chi Associates, Inc. (Docket 79-02, Notice 1, No. 016). That study reported that statistical analysis of available data indicated a direct relationship between tire reserve load percentage and tire failure. However, the comparison conducted in the study did not account for the increased exposure to tire failure of certain vehicles resulting from the greater numbers of these vehicles on the road. Moreover, further examination revealed that the tire reserve load percentages relied on in the study were greatly understated in many cases.

To provide a more reliable basis for evaluation of the regulation, NHTSA commissioned a second Chi Associates study to anlyze new tire reserve load data obained by NHTSA from eight automobile manufacturers by means of special orders. This second study also made use of an expanded body of failure data derived from manual screening of data files. The results of this study were reported in "Statistical Analysis of Tire Failure vs. Tire Reserve Load Percentage" (Docket 81-09, Notice 1, No. 001).

Based on the results of the second Chi Associates study, NHTSA prepared its own analysis entitled "The Relationship Between Tire Reserve Load Percentage and Tire Failure Rate" (Docket 81-09, Notice 1, No. 002). This report noted that no correlation between tire failure rate and tire reseve load percentage could be observed for Ford, American Motors and foreign-made vehicles. The tire

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failure rate for Chrysler cars appeared to increase as tire reserve load percentage increased, while, for General Motors vehicles with tire reserve load percentages of 5 percent or less, failure rates appeared to decrease as reserve load percentage increased. The reliability of observations drawn from the General Motors data is considered questionable due to the broad data groupings used in GM's submission. The report states that, when all data is considered, no relationship exists between tire reserve load percentage and tire failure rate.

A further limiting factor on the usefulness of tire reserve load information is the general lack of significant differences in reported tire reserve load capacity among passenger cars. Review of manufacturers' past submissions indicates that the great majority of passenger cars have a reported tire reserve load percentage of less than 5 percent.

In addition, information on recommended tire size designation and recommended inflation pressure for maximum loaded vehicle weight, required under paragraphs (c) (2) and (3) of the tire reserve load regulation (49 CFR 575.102(c) (2) and (3)), is redundant of information required to be included on the glove compartment placard under 49 CFR 571.110, S4.3 (c) and (d), Tire Selection and Rims. The latter standard also provides safeguards against the use of tires with inadequate load carrying capacity.

In view of the apparent absence of a nexus between tire reserve load and safety, the lack of major differences among reported tire reserve load percentages, and the adequate safeguards against tire overloading provided by Federal Motor Vehicle Safety Standard No. 110, NHTSA has tentatively concluded that 49 CFR 575.102, Tire Reserve Load, should be revoked and that section of the Consumer Information Regulations reserved. Since this proposal would relieve a restriction, an immediate effective date is proposed.

NHTSA has evaluated this proposal and found that its effect would be to provide minor cost savings for motor vehicle manufacturers. Accordingly, the agency has determined that the proposal is not a major rule within the meaning of Executive Order 12291 and is not significant for purposes of Department of Transportation policies and procedures for internal review of proposals. The agency has further determined that the cost savings are not large enough to warrant preparation of a regulatory evaluation under the procedures. The agency has also concluded that the environmental consequences of the proposed change will be of such limited scope that they clearly will not have a significant effect on the quality of the human environment.

NHTSA has considered the effects of this proposal on small entities, pursuant to the requirements of the Regulatory Flexibility Act. The agency has determined that a regulatory flexibility analysis need not be prepared for this proposal due to the limited impact of this action on small entities. The impact of the action on small entities will be limited because the tire reserve load requirements apply only to manufacturers of passenger motor vehicles and few, if any, of these manufacturers can be considered small businesses.

PART 575—CONSUMER INFORMATION REGULATIONS

§ 575.102 [Reserved]

In consideration of the foregoing, it is proposed that 49 CFR Part 575, Consumer Information Regulations, be amended by revocation of § 575.102.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary argument in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items have previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rulemaking docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(Secs. 103, 112, 119; Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: September 17, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–27615 Filed 9–23–81; 8:45 am]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order Nos. 1473 and 1495]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee); and Burlington Northern Railroad Company and Fort Worth and Denver Railway Company, Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Requests for comment on final rules.

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SUMMARY: The Commission is requesting information on whether temporary service over lines of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island), under Section 122 of the Rock Island Railroad Transition and Employee Assistance Act (RITEA), should be terminated or permitted to continue, and on the compensation formula to be applied, if service continues, where Rock Island and operating carriers have not agreed on a compensation amount.

DATE: Information from all parties shall be filed by October 13, 1981.

ADDRESS: Fifteen copies of such documents shall be filed with the Secretary of the Commission and served on Rock Island. Rock Island shall serve copies of its comments contemporaneously on railroads providing service on the Rock Island.

FOR FURTHER INFORMATION CONTACT:

Melvin F. Clemens, Jr., (202) 275–7840 or 275–1559

Paul E. Graham, (202) 275–7840 or 275–7520

SUPPLEMENTAL INFORMATION: Under Section 122 of RITEA, we have been authorizing a number of carriers to provide service on Rock Island's lines. This is an interim measure designed, at least in part, to insure continued transportation service until an application for purchase or lease is filed with the Commission. H.R. Rep. No. 96–1041, 2nd Sess. (1980). We intend to consider whether, and for how long, this service over Rock Island should be permitted to continue, especially where efforts are not being made to purchase or lease the Rock Island lines.

In order for us to reexamine our use of Section 122 of RITEA, Rock Island, the various carriers authorized to provide service on the Rock Island in Twenty-second Revised Service Interim Order No. 1473 and Fourth Revised Service Order No. 1495 (Interim Service Carriers), and any interested person (particularly shippers and communities on the lines) should file comments or provide information and argument relating to the necessity and appropriateness of such service authority. Part of this showing should include a detailed history, discussion, and status report on negotiations for the purchase or lease of Rock Island lines.

In a letter dated August 28, 1981, Rock Island has requested that no extension be considered for those carriers whose rates of compensation to the Trustee are based on the rates found reasonable in *St. Louis-S.F. Ry. Co.—Compensation-Chicago, R.I.&P.*, 363 I.C.C. 284 (Frisco Formula). Further, the Trustee urges that all service authority under Section 122 of RITEA be terminated and, in the public interest, that authority be granted only to those rail carriers who are negotiating in good faith with the Trustee under interim lease agreements either approved by the Court or in the process of such approval.

In *William M. Gibbons* v. *United States*, No. 80–1786 (7th Cir., Aug. 26, 1981), the court indicated that the Commission's action in developing the Frisco Formula was appropriate "under the circumstances" in which the formula was devised. Because of the court's qualified approval and Rock Island's request, we will reexamine the Frisco Formula.

With regard to the compensation issue, the Rock Island is directed to provide sufficient information on leases entered into with the affected carriers and any other contracts to permit the Commission to consider whether, if operating authority is continued, it should continue to prescribe the Frisco Formula as the appropriate measure of compensation in those cases in which the Trustee and the other carriers are unable to agree on compensation. Interim Service Carriers, particularly those that have not entered interim lease agreements with the Trustee shall set forth information and arguments concerning the appropriate level of compensation for the future.

A copy of this order shall be served upon the Washington agent for each of the named railroad respondents. Notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and publishing a copy in the **Federal Register.**

Oral argument is not presently contemplated by the Commission. However, if the Commission subsequently determines that an oral argument would be helpful, notice of the time and place for such argument will be published in the **Federal Register.**

Dated: September 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam, Commissioner Gresham concurring.

James H. Bayne,

Acting Secretary.

Commissioner Gresham, concurring:

I am troubled by two aspects of the Commission's decision. First, I would have structured this decision in the form of a show cause order. It is vital that the Commission receive reliable information on compensation and on the extent of negotiations concerning purchase or lease. I hope that this request for voluntary submissions will produce a record adequate to obtain a clear understanding of these issues. If not, I believe a show cause order will be necessary at some future date to require production of the needed information.

Second, the majority's request for information appears to presuppose a result—continuation of the service order. While I have little doubt that the interim carriers can provide evidence of the need for their continued service, I do not believe that simply assuming the need for continuation meets our responsibility to minimize our involvement in private enterprise and to ensure a prompt resolution of the RI bankruptcy.

Appendix A

Respondents

Rock Island

William M. Gibbons, Trustee, Chicago, Rock Island and Pacific Railroad Company, 332 S. Michigan Avenue, Chicago, Illinois 60604

Service Order No. 1473

R. K. Knowlton, Vice President—Law, Atchison, Topeka and Sante Fe Railroad Company (The), 80 E. Jackson Boulevard, Chicago, Illinois 60604

R. W. Donnem, Senior Vice President—Law, Baltimore and Ohio Railroad Company (The), P.O. Box 6419, Cleveland, Ohio 44101

H. A. Whitbeck, President, Brandon Corporation, 28th and N Street, Omaha, Nebraska 68107

H. H. Noble, President, Cadillac & Lake City Railway Company, Old Depot Square, 76 South Sierra Madre, Suite 230, Colorado Springs, Colorado 80903

D. Arnold, President, Cedar Rapids and Iowa; City Railway Company, P.O. Box 351, Cedar Rapids, Iowa 52406

J. P. Daley, Vice President and General Counsel, Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Illinois 60606

J. J. Nagle, General Counsel, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Union Station, 516 West Jackson Boulevard, Chicago, Illinois 60606

W. A. Hatton, President, Davenport, Rock Island and North Western Railway Company, 547 West Jackson Boulevard, Chicago, Illinois 60606

Arthur K. Nelson, Iowa Northern Railroad, c/o Carus Corporation, 1500 Eighth Street, La Salle, Illinois 61301

Charles Hicks, General Manager, Keota-Washington Transportation Company, Box 156, Garrison, Iowa 52229

E. T. Barnes, Jr., President, The La Salle and Bureau County Railroad Company, P.O. Box 497, La Salle, Illinois 61301

Bernard H. Schrawm, General Counsel, Little Rock and Western Railway Corporation, P.O. Box 1107, Green Bay, Wisconsin 54305

R. E. Zimmerman, Vice President—Law, Louisiana and Arkansas Railway Company, 114 West Eleventh Street, Kansas City, Missouri 64105

Arthur Albin, General Attorney, Missouri-Kansas-Texas Railroad Company, 701 Commerce Street, Dallas, Texas 75202

M. M. Hennelly, Senior Vice President and General Counsel, Missouri Pacific

Railroad Company, Missouri Pacific Building, St. Louis, Missouri 63103

Richard W. Parker, Norfolk and Western Railway Company, Law Department, 8 North Jefferson Street, Roanoke, Virginia [illegible]

F. J. Duggan, President, Peoria and Pekin Union Railway Company, 101 Wesley Road, Creve Coeur, Illinois 61611

D. K. McNear, President, St. Louis Southwestern Railway Company, Southern Pacific Building, One Market Plaza, San Francisco, California 94105

J. L. Tapley, Vice President—Law, Southern Railway Company, P.O. Box 1808, Washington, D.C. 20013

R. E. McMillan, President, Toledo, Peoria and Western Railroad Company, 2000 East Washington Street, East Peoria, Illinois 61611

V. W. Scott, General Counsel, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, Nebraska 68179

Service Order No. 1495

D. E. Engle, Vice President—Corporate Law, Burlington Northern Railroad Company, BN Building, 176 East Fifth Street, St. Paul, Minnesota 55101

[FR Doc. 81-27785 Filed 9-23-81; 8:45 am]

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Notices

Federal Register
Vol. 46, No. 185
Thursday, September 24, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Agreement Regarding Federal Licenses, Permits, and Undertakings Affecting Historic Properties in the San Juan Basin, New Mexico, Colorado, Arizona, and Utah

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the regulations for the "Protection of Historic and Cultural Properties" (36 CFR Part 800) with the U.S. Department of the Interior, National Park Service, Bureau of Land Management, Office of Surface Mining, Geological Survey, Bureau of Indian Affairs, and Bureau of Reclamation, and the State Historic Preservation Officers of New Mexico, Arizona, Colorado, and Utah. This Agreement will establish consistent interagency standards for the identification, evaluation, and treatment of historic properties subject to effect by the undertakings of the signatory agencies in the San Juan Basin, an area shared among the four above-named States that is rich in both energy resources and historic properties. Use of the standards will eliminate the need for Council comment on most individual undertakings, pursuant to Section 106 of the National Historic Preservation Act.

Comments Due: October 26, 1981.

ADDRESS: Comments should be addressed to Executive Director, Advisory Council on Historic Preservation, 44 Union Blvd., Suite 616, Lakewood, Colorado 80228.

FOR FURTHER INFORMATION CONTACT: Mr. Louis S. Wall, Chief, Western Division of Project Review, Advisory Council on Historic Preservation, 44 Union Blvd., Suite 616, Lakewood, Colorado 70228 (303-234-4946).

SUPPLEMENTARY INFORMATION: This notice of the proposed agreement invites comments from interested parties. Copies of the proposed agreement are available from the Council.

Dated: September 18, 1981.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 81-27718 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981-Crop Rice Loan and Purchase Rates

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination of 1981-crop rice loan and purchase rates.

SUMMARY: This notice of determination sets forth the loan and purchase rates applicable to the 1981 crop of rice. The loan and purchase rates have been determined in order to make price support available with respect to eligible producers of 1981-crop rice in accordance with the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act").

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: THOMAS FINK, (202) 447-7923.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291 and has been classified as "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title: Commodity Loan and Purchases; Number: 10.051. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Price support for rice is made available each year by CCC through county Agricultural Stabilization and Conservation Service (ASCS) offices. Price support for each crop of rice is mandatory at a level which is determined in accordance with the formula prescribed by Section 101(h)(1) of the Act. Section 101(h)(2) provides that the Secretary shall make available to cooperators loans and purchases for the 1981 crop of rice at such level as bears the same ratio to the loan level for the preceding year's crop as the established price for each such crop bears to its established price for the preceding year's crop. If the Secretary determines loans and purchases at the foregoing level for the 1981 crop would substantially discourage the exportation of rice and result in excessive stocks of rice in the United States, the Secretary may, notwithstanding the foregoing provisions of this paragraph, establish loans and purchases for such crop at such level, not less than $6.31 per hundredweight (cwt.) nor more than the parity price thereof, as the Secretary determines necessary to avoid such consequences.

Section 403 of the Act provides, in part, as follows:

> Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act * * *

The Secretary has determined that the 1981-crop rice loan and purchase rate will be $8.01 per cwt. and has announced such rate in the **Federal Register** (46 FR 31451). The county loan and purchase rates determined herein reflect the level of support determined for the 1981 crop of rice.

This notice of determination also sets forth the premiums and discounts applicable to the 1981 crop of rice.

The individual county loan and purchase rates, premiums, discounts, and location differentials for the 1981 crop of rice are as follows:

Determinations

(a) *Basic rates.* The basic rate per 100 pounds of rice shall be computed as follows: Multiply the milling yield (in pounds per cwt.) of whole kernels by the applicable loan value for whole kernels (as shown in the table below according to class), and round the result to the nearest hundredth. Similarly, multiply the difference between the total milling yield and the whole kernels yield (in pounds per cwt.) by the applicable loan value for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of the two computations to obtain the basic loan and purchase rate per 100 pounds of rice and express such rate in dollars and cents.

Loan Value for Whole Kernals and Broken Rice

(in cents per pound)

Rough rice class	Whole kernels	Broken rice
Long grains	14.54	4.70
Medium grains	12.79	4.70
Short grains	12.79	4.70

(b) *Schedule of Premiums and Discounts*—(1) *Premium.* The basic rate determined under paragraph (a) shall be adjusted for Grade U.S. No. 1 by the following premiums:

	Cents per 100 lbs.
Grade U.S. No. 1	6

(2) *Discounts*—(i) *Grade.* The basic rate determined under paragraph (a) shall be adjusted for grades below U.S. No. 2 by the following discounts:

	Cents per 100 lbs.
Grade U.S. No. 3	15
Grade U.S. No. 4	30
Grade U.S. No. 5	50
Grade U.S. No. 6	1.05

(ii) *Smut damage.* The rate for rice with smut damage shall be further adjusted by the following discounts:

	Cents per 100 lbs.
Percent smut damage:	
Trace	0
0.1 to 1.0	5
1.1 to 2.0	10
2.1 to 3.0	15
3.1 and over	25

(3) *Location differentials.* For rice produced in areas specified below, the indicated discounts for location (to adjust for transportation costs of moving rice to an area where competitive milling facilities are available) shall be applied to the basic rate determined under paragraph (a) and shall be in addition to any adjustments made under subparagraphs (1) and (2) of this paragraph (b). However, if such rice is transported and stored in a rice producing area where no location differential is applicable, no discount for location shall be applied.

Differential Table

(Dollars per hundredweight)

Production areas	Discount
State of Florida	3.92
States of North Carolina and South Carolina	3.98
Counties of Lafayette, Little River, and Miller, Ark.; Bowie, Tex.; McCurtain, Okla.; and Bossier Parish, La.	1.93
Imperial County, Calif., and adjacent counties in Arizona and California	3.99
Counties of Marion, Pike, and St. Charles, Mo.	2.70

(4) *Other.* Rice that (i) contains in excess of 14 percent moisture, (ii) is weevily, (iii) is musty, or (iv) is sour, shall not be eligible for loan. However, in the event that such rice is delivered in satisfaction of loan obligations to CCC, such rice will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity office for settlement purposes. CCC will, from time to time, adjust such discounts as CCC determines appropriate to reflect changes in market conditions. Procedures may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 101, 401, 63 Stat. 1051, as amended, sec. 702, 91 Stat. 940 (7 U.S.C. 1441 and 1421))

Signed at Washington, D.C., on September 16, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-27738 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-05-M

Packers and Stockyards Administration

WK-259 Stockyards, Inc., Leitchfield, Kentucky, et al.; Proposed Posting of Stockyards

The Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

KY-168	WK-259 Stockyards, Inc., Leitchfield, Kentucky
MN-175	Rich Prairie Livestock Exchange, Inc., Pierz, Minnesota
NC-151	East Carolina Stockyard, Ayden-Grifton, North Carolina
TN-179	Lewisburg Feeder Pig Market, Lewisburg, Tennessee
TX-325	Bridgeport Livestock Auction, Bridgeport, Texas
VA-154	Mountain Empire Feeder Pig Association, Seven Mile Ford, Virginia

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by October 9, 1981.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Chief of the Financial Protection Branch during normal business hours.

Done at Washington, D.C., 16th day of September 1981.

Robert H. Larsen,

Acting Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 81-27737 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-02-M

Science and Education Administration

Animal Health Science Research Advisory Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972, Pub. L. 92-463, Science and Education announces the following meeting:

Name: Animal Health Science Research Advisory Board.

Date: October 29-30, 1981.

Time: 8:30 a.m.

Place: Room 5221, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C. 20250.

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Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: the Board will consult with and advise the Secretary of Agriculture on implementing animal health and disease research programs. Recommendations will be made also on priorities of research in these programs.

Board Names and Agenda: Available from contact person below

Contact Person: Dr. Anson R. Bertrand, Director of Science and Education, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-5923.

Done at Washington, D.C., this 21st day of September 1981.

Anson R. Bertrand,

Director, Science and Education.

FR Doc. 81-2773[illegible] Filed 9-23-81; 8:45 am]

BILLING CODE 3410-03-M

Statistical Reporting Service [1]

Prospective Plantings Report

Notice is hereby given that the Statistical Reporting Service (SRS) will combine the January and March *Prospective Plantings* reports into a February 1 *Prospective Plantings* report to be released at 3:00 p.m. (EST) on February 1[illegible], 1982.

The report will include expected plantings in all States for corn, durum and other spring wheat, oats, barley, flaxseed, cotton, rice, sorghum, sweet potatoes, dry edible beans, dry edible peas, soybeans, sunflowers, peanuts, sugar beets, and acreage for harvest of hay and tobacco.

A split intentions survey was conducted in 1981, with the southern States surveyed on January 1, and the northern States on March 1. The change to the February 1 *Prospective Plantings* report is a result of analysis of comments and recommendations from data users to provide a single report on prospective plantings for the Nation.

This action will provide data users an early season indication of farmers' planting intentions and at the same time allow time for producers to monitor markets and finalize their plans while SRS accomplishes required reduction in expenditures and reporting burden.

Done at Washington, D.C., this 18th day of September 1981.

William E. Kibler,

Acting Administrator.

[FR Doc. 81-27736 Filed 9-23-81; 8:45 am]

BILLING CODE 3410-18-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Economic Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee of the American Economic Association will convene on October 16, 1981, at 9:15 a.m. in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Economic Association advises the Director, Bureau of the Census, on technical matters, accuracy levels, and conceptual problems concerning the economic censuses; reviews major aspects of the Bureau's programs; and advises on the role of analysis within the Bureau and the need for providing data in more datail.

The Committee is composed of 15 members of the American Economic Association.

The agenda for the meeting, which is scheduled to adjourn at 3:45 p.m., is: (1) Introductory remarks by the director, Bureau of the Census, including staff changes and major budget program developments; (2) election of chairperson-elect; (3) update on 1980 census; (4) measurement of the underground economy; (5) status report on gross-flow data; (6) evaluation studies for the 1982 economic censuses; (7) statistics on alimony and child suppport; (8) linking census data in the food and fiber sector of the economy; (9) general discussion and committee recommendations; and (10) date and plans for the next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Thomas L. Mesenbourg, Bureau of the Census, Room 3061, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-5483.

Dated: September 18, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

FR Doc. 81-27732 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Lamb Meat From New Zealand; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: We are initiating a countervailing duty investigation to determine whether New Zealand is subsidizing its producers and exporters of lamb meat. We are terminating under section 303 of the Tariff Act of 1930 as amended and initiating under Title VII of the Act.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Roland Macdonald, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377-1279.

SUPPLEMENTARY INFORMATION:

Initiation of Investigation

On April 23, 1981, we received a petition in proper form from the National Wool Growers Association of Salt Lake City, Utah, filed on behalf of the U.S. industry producing lamb meat. They were joined in this petition by the National Lamb Feeders Association on May 12, 1981. The petition alleged that the New Zealand government grants subsidies to its producers and exporters of lamb meat.

After reviewing the petition, we decided that it contained sufficient grounds to initiate a countervailing duty investigation under section 303 of the Tariff Act of 1930, as amended. Therefore, on May 18, 1981, we announced the initiation, stating that we would issue a preliminary determination by July 17, 1981, if our investigation proceeded normally (46 FR 27151). We presented a questionnaire concerning the allegations to the government of New Zealand and The Meat Producers Board. On July 19, 1981, we postponed our preliminary determination from July 17, 1981, to September 19, 1981, because the case was found to be "extraordinarily complicated" (46 FR 34357).

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[1] Pursuant to a reorganization of USDA outlined in Secretary's Memorandum 1000-1, dated June 17, 1981, the Economics and Statistics Service has become the Statistical Reporting Service and the Economic Research Service. A notice detailing USDA's reorganization is being drafted for later publication.

On September 17, 1981, the U.S. Trade Representative Office announced that New Zealand was a "country under the Agreement," as set out in section 701(b) of the Act (46 FR 46263). As a result Title VII of the Act became applicable to the then pending countervailing duty investigation. According to section 102 of the Act, once Title VII becomes applicable, any pending investigation under section 303 of the Act must terminate. Where an initiation, but not a preliminary determination, has been made under section 303, the case is to be treated as if it were initiated under section 702 the day Title VII first applied to that country. Therefore, we are terminating the investigation we initiated on May 18, 1981, and are initiating today another countervailing duty investigation, which is to be effective September 17, 1981.

Scope of the Investigation

The merchandise covered by this investigation is lamb meat provided for in item 106.30 of the Tariff Schedules of the United States. Lamb meat comes from a sheep that is usually less than a year old, weighs about 110 pounds, and has not cut its permanent incisors.

In our present investigation we expect to cover the same programs cited in original initiation notice (46 FR 27151).

Notification to ITC

Pursuant to section 702(d) of the Tariff Act we are notifying the U.S. International Trade Commission (ITC) and making available to it information relating to the matter under investigation. We will make available to the ITC all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC has 45 days after it receives notice from us to determine whether or not there is a reasonable indication that imports of lamb meat from New Zealand are likely to materially injure a U.S. industry. If the ITC's determination is negative, we will terminate this investigation.

If its determination is affirmative, we will issue a preliminary determination by September 11, 1981. In view of the present status of this investigation and the analysis already completed in this case, however, we expect to issue a preliminary determination in advance of that date.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 18, 1981.

[FR Doc. 81-27754 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council and Its Scientific and Statistical Committee; Meeting Amendment

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Change in Date and Time of the Pacific Fishery Management Council public meeting with partially closed session.

SUMMARY: The scheduled public meeting with partially closed session of the Pacific Fishery Management Council as published in the **Federal Register**, September 2, 1981 (46 FR 44028), has been changed and is now scheduled as a one-day session as follows:

From

Council—open meeting—October 7–8, 1981 (11 a.m. to 5 p.m., on October 7; 8 a.m. to 5 p.m., on October 8)

Council—closed session—October 7, 1981 (8 a.m. to 10 a.m.)

To

Council—open meeting—October 7, 1981 (9 a.m. to 5 p.m.)

Council—closed session—October 7, 1981 (8 a.m. to 9 a.m.)

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: September 21, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-27813 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting With a Partially Closed Session

AGENCY: National Oceanic and Atmospheric Administrative, Commerce.

ACTION: Notice of Public Meeting with a Partially Closed Session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Western Pacific Fishery Management Council. The Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, 16 U.S.C. 1852, as amended), to manage and conserve America's fisheries as specified by the Act.

Meeting Agenda

(Open Meeting)—review the status of spiny lobster, billfish, and precious corals fishery management plans and review progress of a bottomfish planning document. (Closed Session)—receive a State Department briefing on tuna discussions between Japan and the U.S.; Micronesia issues and fishery enforcement problems and other international fisheries developments. The Council will also discuss personnel matters concerning appointments to the advisory subpanels. Only those Council members and selected staff having security clearances will be allowed to attend this closed session.

Dates

(Open Meeting)—October 8–9, 1981 (10 a.m. to 5 p.m., on October 8, 1981; 9 a.m., to 3 p.m., on October 9).

(Closed Session)—October 8, 1981 (8 a.m. to 10 a.m.).

Address

The meeting will take place at the State Capitol, Honolulu, Hawaii.

FOR FURTHER INFORMATION: Western Pacific Fishery Management Council, 1164 Bishop Street—Room 1608, Honolulu, Hawaii 96813, Telephone: (808) 523-1368.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on 9/18/81, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meeting and public participation therein, because the meeting will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1), as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (b) in fact properly classified pursuant to such an executive order and 5 U.S.C. 552b(c)(6), as information of a personal nature where

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disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meetings will be open to the public.

Dated: September 21, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-27818 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Santek, Inc., having a place of business at 4110 Romaine St., Greensboro, North Carolina, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Electrostatic Precipitator Apparatus Using Fluid Collection Electrodes", U.S. Patent Application No. 837,488 (dated September 28, 1977). The availability of this invention for licensing was announced in the **Federal Register** on September 26, 1978. Copies of the Patent Application may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Agriculture. Custody of the entire right, title and interest to this invention has been transferred to the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-41.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: September 17, 1981.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 81-27771 Filed 9-23-81; 8:45 am]

BILLING CODE 3510-04-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, October 13, 1981, at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquires regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated Washington, D.C. September 16, 1981.

Charles H. Atherton,

Secretary.

[FR Doc. 81-27779 Filed 9-23-81; 8:45 am]

BILLING CODE 6330-01-M

COMMODITY FUTURES TRADING COMMISSION

Review of Contract Market Designation Applications

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of changes in internal Processing Procedures.

SUMMARY: This notice sets forth changes in the internal processing procedures of the Commodity Futures Trading Commission ("Commission") in the review of applications for contract market designations. These changes are made in an effort to accelerate the pace of review of contract market designation applications. The changes are also intended to assure that only contracts actively sought by an exchange are considered by the Commission. The changed procedures will apply to all exchanges presently designated as contract markets as well as to exchanges which seek designation in the future. Each of the eleven presently designated exchanges were sent notice of these changes by letter dated September 17, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert W. Clark, Associate Director, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-7303; or,

Theodore W. Urban, Esquire, Deputy Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-8955.

SUPPLEMENTARY INFORMATION: The text of the Commission's September 17, 1981, letter concerning the changes in internal procedures for the review of contract market designation applications is as follows:

In an effort to accelerate the pace of review of applications for contract market designation, the Commission has decided to alter certain internal procedures. These changes should help to assure that only contracts actively sought by an exchange are considered, and that contracts in which the exchange has lost interest do not consume staff time that can better be expended on other designation projects.

The principal manifestation that an exchange has lost interest in a particular application, or has relegated it to a matter of relatively minor importance, is failure to respond in a timely manner to written inquiries concerning the contract emanating from the Commission's staff. From time to time, several months or more go by without response. To date, the Commission's staff has continued to process the application to the extent possible despite this silence.

In the future, however, we will deem an application to have been voluntarily withdrawn if no written response on the merits of our inquiry is received within 90 days after the inquiry was sent. In that event, a new application will have to be submitted to reinstitute the designation process, and staff will be assigned as they become available. Over time, the period for response may be shortened further if it is fair and feasible to do so, in order to expedite new contract processing.

Another internal procedure to be adopted is the establishment of a system of priorities in the processing of multiple contract market applications received from the same exchange, based in part on the sponsoring exchange's own assessment of which pending applications should be reviewed first by the Commission. It is quite common for the Commission to receive a number of contract market applications from the same exchange in relatively rapid succession. Ordinarily, staff work on each application will begin as soon as possible after its receipt. But some applications are frequently of greater importance or urgency to the sponsoring exchange than are others.

The Commission will take into consideration in assigning staff and processing applications any timely indication from an exchange of the relative importance to it of particular proposals. This indication should be given before the Commission has committed significant resources to processing an application that the exchange wishes to de-emphasize. Otherwise, processing will occur in the routine manner.

The Commission also invites suggestions from the exchanges regarding any other step that should be considered to expedite the processing of new contract applications.

Issued in Washington, D.C. September 21, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-27758 Filed 9-23-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Small Flood Control Authority Project Along Salt Creek at Laurelville, Ohio; Intent To Prepare a Final Draft Impact Statement

To Prepare a Final Draft Environmental Impact Statement (FEIS) for a Proposed Section 205 Small Flood Control Authority Project Along Salt Creek at Laurelville, Ohio.

Agency: Army Corps of Engineers, DOD, Ohio River Division, Huntington District, Huntington, West Virginia.

Action: Notice of Intent to Prepare a Final Draft Environmental Impact Statement (FEIS).

1. The Huntington District, Ohio River Division, U.S. Army Corps of Engineers is preparing a Final Draft Environmental Impact Statement on a small flood control project at Laurelville, Ohio. The proposed project consists of widening the channel to 100 feet in width and placing stone bank protection at areas of slope instability. The project will extend for 1 mile from the Hocking County Road 174 Bridge to just upstream of the confluence of Salt Creek and Laurel Run.

2. Alternatives considered include no action, the construction of levees around the village and a subdivision just downstream, combination levee and channel widening, clearing, and debris removal in conjunction with the selected removal of bars, and flood proofing of structures. These alternatives were evaluated to arrive at the selected plan which could reduce flood damages and reduce impacts on human resources.

3a. Public meetings have been held in the past at the request of local public officials and other interested agencies. Citizens and business owners in the flood-plain area attended the meetings and expressed interest in the outcome of the District planning effort.

Public activities will deal with the overall flood damage reduction plan for Laurelville. The plan components will be presented to the elected officials of the study area as well as the citizens and business population.

A formal meeting will be scheduled to provide for discussion and input to final plan components.

3b. Significant issues to be analyzed in depth in the FDEIS will be the impact of floods on the existing environment and the selected plan features. The selected plan includes channel widening and stone slope protection of unstable areas.

3c. Consultation shall be conducted with the U.S. Fish and Wildlife Service and the Environmental Protection Agency during the final planning process pursuant to the requirements of the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq. (Pub. L. 85-624) and the Endangered Species Act, 16 U.S.C. 1531 et seq. (Pub. L. 93-205) and the National Park Service and State Historic Preservation Office(s) pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915) (Pub. L. 89-655) the Preservation of Historic and Archeological Data (88 Stat. 174) (Pub. L. 93-291), and EO 11593.

4. A public meeting will be held in the Village of Laurelville in the near future to present the selected plan and hold discussions with the local officials and any other interested parties.

5. It is anticipated that the FEIS will be available for public review by October 1, 1981.

6. Questions concerning the proposed action and FDEIS can be answered by:

Mr. Larry W. Davis (Civil Engineer-Study Manager), or Mr. John Wright (Environmentalist), Huntington District, Corps of Engineers, PO Box 2127, Huntington, WV 25721.

Dated: September 9, 1981.

James H. Higman,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81-27780 Filed 9-23-81; 8:45 am]

BILLING CODE 3710-GS-M

DEPARTMENT OF EDUCATION

Library Services and Construction Act; Promulgation of Federal Shares

Sections 7(b)(1) and 7(b)(2) of the Library Services and Construction Act, as amended, provide for the Secretary to promulgate the Federal share for each State and Territory every second fiscal year. Per capita income data from the Department of Commerce for the years 1977, 1978, and 1979 have been used to establish the Federal shares applicable to Title I. The Federal shares published in the table below are effective for fiscal years ending September 30, 1982 and September 30, 1983.

(Catalog of Federal Domestic Assistance Program Number 84.034, Library Services—Grants for Public Libraries)

Dated: September 21, 1981.

T. H. Bell,

Secretary of Education.

State	Federal share (percent)
[redacted]	[redacted]
Alaska	[redacted]
Arizona	62.78
Arkansas	60.67
California	[redacted]
Colorado	[redacted]
Connecticut	42.66
Delaware	[redacted]
District of Columbia	39.16
Florida	[redacted]
Georgia	56.72
Hawaii	[redacted]
Idaho	[redacted]
Illinois	43.52
Indiana	[redacted]
Iowa	[redacted]
[redacted]	48.63
Kentucky	[redacted]
Louisiana	[redacted]
Maine	[redacted]
Maryland	[redacted]
[redacted]	[redacted]
Michigan	[redacted]
Minnesota	[redacted]
Mississippi	[redacted]
Missouri	[redacted]
Montana	56.12
Nebraska	[redacted]
Nevada	[redacted]
New Hampshire	[redacted]
New Jersey	[redacted]
New Mexico	[redacted]
New York	[redacted]
North Carolina	[redacted]
North Dakota	[redacted]
Ohio	[redacted]
Oklahoma	[redacted]
Oregon	[redacted]
Pennsylvania	[redacted]
Rhode Island	[redacted]
South Carolina	59.70
South Dakota	57.96
Tennessee	[redacted]
Texas	[redacted]
Utah	[redacted]
Vermont	[redacted]
Virginia	50.98
Washington	[redacted]
West Virginia	[redacted]
Wisconsin	[redacted]
Wyoming	[redacted]
American Samoa	66.00
Guam	[redacted]
Puerto Rico	66.00
Trust Territory	[redacted]
Virgin Islands	66.00

State	Federal share (percent)
Northern Marianas	66.00

[FR Doc. 81-27875 Filed 9-23-81; 8:45 am]

BILLING CODE 4000-01-M

Transition Program for Refugee Children

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of applications.

SUMMARY: Applications are invited for grants under the Transition Program for Refugee Children.

Authority for this program is contained in Section 412(d)(1) of the Immigration and Nationality Act, as amended by the Refugee Act of 1980 (Pub. L. 96-212).

(8 U.S.C. 1522(d))

Eligible applicants are State educational agencies.

This program supports educational activities designed to meet the special needs of eligible refugee children and to enhance their transition into American society.

Closing date for transmittal of applications: An application for a grant must be mailed or hand-delivered by October 30, 1981.

Applications delivered by mail: An application sent by mail must be addressed to Mr. James H. Lockhart, Chief of the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as a proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the Refugee Children Assistance Staff, Office of Bilingual Education Minority Languages Affairs, U.S. Department of Education, Room 505, Reporters Building, 300 7th Street, S.W., Washington, D.C.

The Refugee Children Assistance Staff will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: The Secretary announces October 7, 1981, as the date on which State educational agencies shall count the number of children eligible for assistance under the Transition Program for Refugee Children. A grant is made to a State educational agency based on the number of eligible children enrolled in public and nonprofit private schools in the State, using the weighting factors announced in this notice. Using the same formula, the State educational agency awards subgrants to local educational agencies in its State that propose to serve eligible children within their jurisdictions. As provided in 34 CFR 538.20, the State educational agency makes subgrants to local educational agencies within 60 days after the State receives the grant award funds. When a local educational agency does not apply to serve its eligible children, the State educational agency provides services directly to those children or arranges for provision of services to those children through subgrants, contracts, and cooperative agreements with other public and private nonprofit organizations, agencies, and institutions.

Awards under this program are to provide educational services to eligible children during the current school year (1981-1982).

Weighting factors: Section 538.31 of the program regulations authorizes the Secretary to announce the weighting factors to be used in distributing funds under this program. For the award of fiscal year 1981 funds, the Secretary uses the following formula for fund distribution:

Recency of arrival in the United States (in years)	Weighting factors by school level	
	Elementary	Secondary
Less than 1	10	10
1 to 2	5	7
2 to 3	2	[illegible]
3 to 4	0	1
More than 4	0	0

Available funds: It is expected that approximately $44.3 million will be available for grants to State educational agencies. These funds are a fiscal year 1981 appropriation with availability until September 30, 1982.

It is estimated that these funds will provide approximately $400 of assistance per eligible child. However, the approximate amount of funds available per eligible child may increase or decrease depending on the total number of eligible children that the States report.

These estimates, however, do not bind the U.S. Department of Education to specific numbers of grants or to the amount of any grant.

Application forms: Application forms and instructions will be mailed to all State educational agencies. Additional forms may be obtained by writing to the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the application package. The Secretary strongly urges that the narrative portion of the application not exceed four pages. The Secretary further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(1) Regulations governing the Transition Program for Refugee Children (34 CFR Part 538) published on January 14, 1981 (46 FR 3378).

(2) Regulations governing the Refugee Resettlement Program (45 CFR Part 400) published on September 9, 1980 (45 FR 59818).

(3) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 76 and 77; formerly 45 CFR Parts 100b and 100c), except as otherwise provided in 34 CFR Part 538.

FURTHER INFORMATION: For further information contact Mr. James H. Lockhart, Chief of the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages

Affairs, Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. Telephone (202) 472–7177.

(8 U.S.C. 1522(d))

(Catalog of Federal Domestic Assistance Number 84.146, Transition Program for Refugee Children)

Dated: September 21, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–27872 Filed 9–23–81; 8:45 am]

BILLING CODE 4000–01–M

Transition Program for Refugee Children (Cuban and Haitian Entrant Domestic Assistance)

AGENCY: Department of Education.

ACTION: Closing date for transmittal of applications.

SUMMARY: Applications are invited for grants under the Transition Program for Refugee Children (Cuban and Haitian Entrant Domestic Assistance). Certain provisions of the regulations do not apply for purposes of this notice only, to reflect the requirements of the funding statute.

Authority for this assistance is contained in the Supplemental Appropriations and Rescission Act of 1981, Pub. L. 97–12, Section 501(a) of the Refugee Education Assistance Act of 1980, Pub. L. 96–422 (8 U.S.C. 1522 *et seq.*); and Title IV of Chapter 2 of the Immigration and Nationality Act, as amended by the Refugee Act of 1980, Pub. L. 96–212 (8 U.S.C. 1101 *et seq.*).

Eligible applicants are State educational agencies who exercise authority over school districts which have 10,000 or more Cuban-Haitian entrant school-children.

This assistance supports educational activities designed to meet the special educational needs of eligible Cuban and Haitian entrant children in these school districts.

Closing date for transmittal of applications: An application for a grant must be mailed or hand-delivered by October 15, 1981.

Applications delivered by mail: An application sent by mail must be addressed to Mr. James H. Lockhart, Chief of the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as a proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affaris, Departement of Education, Room 505, Reporters Building, 300 7th Street, S.W., Washington, D.C.

The Refugee Children Assistance Staff will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program information:

A. *Background.* Under the Supplemental Appropriations and Rescission Act of 1981 (hereinafter referred to as "the Act"), Congress authorized $6 million for the education of Cuban and Haitian entrant students. The funds are available through September 30, 1982, and are intended to serve as impact assistance in support of educational services provided by school districts with a population of eligible entrant children of 10,000 or more.

The Act appropriates funds for educational expenses under Section 501(a) of the Refugee Education Assistance Act of 1980. Under Section 501(a), the President may exercise authorities with respect to Cuban and Haitian entrants which are identical to the authorities exercised under Chapter 2 of Title IV of the Immigration and Nationality Act, as amended. That chapter authorizes, among other things, the provision of supplementary educational assistance to meet the special educational needs of refugee children and to enhance their transition into American society.

Under the Act, Congress has appropriated Federal assistance for the provision to Cuban-Haitian entrant children, of special educational services which are like those provided to refugee children under certain provisions of the Immigration and Nationality Act, as amended.

Final regulations in 34 CFR Part 538, governing the Transition Program for Refugee Children under the authority of Chapter 2 of Title IV of the Immigration and Nationality Act, as amended, were published on January 14, 1981, in the **Federal Register** (46 FR 3378).

In light of evident Congressional intent to extend certain benefits of Federal educational programs, currently authorized to be provided to eligible refugee children under the Immigration and Nationality Act, to eligible Cuban-Haitian entrants, the Transition Program for Refugee Program regulations will apply to this application notice. However, certain exceptions to those regulations, reflecting statutory requirements of the Act, apply to this application notice only. These exceptions, as noted below, define, for purpose of this application notice only, (1) applicants eligible for funding under the Act, and (2) "eligible children" in terms of the definition of "Cuban and Haitian entrant" used in Section 501(a) of the Refugee Education Assistance Act of 1980. The exception defining "eligible children" retains the State law age requirements, for the receipt of free elementary and secondary educational services, of the existing regulations.

Because of their inconsistency with the specific purpose of the Act or its requirements, the following sections of the regulations are inapplicable to this notice: Sections 538.2(a)(1) (i) and (ii), (2); 538.3(b)(2); and 538.4 ("eligible children" and "Indochinese children" definitions). Instead, the answers to Questions 1 and 2, below, govern the award of these funds.

Finally, general references in the regulations to LEAs or SEAs shall mean those LEAs (or SEAs) which meet the statutory requirement for funding under the Act by virtue of having a population of 10,000 or more Cuban-Haitian entrant school children in a school district.

Question 1: *Who is eligible to apply for financial assistance?*

(1) A State educational agency (SEA) is eligible to apply for a grant to assist local educational agencies in its State having 10,000 or more eligible children within its jurisdiction.

(2) A local educatioal agency (LEA) having 10,000 or more eligible children within its jurisdiction may apply to the SEA for a subgrant to provide services to eligible children enrolled in public and nonprofit private schools within its jurisdiction.

Question 2. *What definitions apply to this program?*

"Eligible children" means individuals who—

(1)(i) Have been granted parole status as Cuban-Haitian entrants (status pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of an individual at the time assistance or services are provided; or

(ii) Are any other nationals of Cuba or Haiti who—

(A)(*1*) Were paroled into the United States and have not acquired any other status under the Immigration and Nationality Act; or

(*2*) Are the subjects of exclusion or deportation proceedings under the Immigration and Nationality Act; or

(*3*) Have applications for asylum pending with the Immigration and Naturalization Service; and

(B) With respect to whom final, nonappealable, and legally enforceable orders of deportation or exclusion have not been entered; and

(2) Are within the age limits for which the applicable State is required or permitted under State law to provide free public elementary and secondary school education for students in kindergarden through grade 12.

B. *Prerequisite.* The Secretary announces October 7, 1981, as the date on which State educational agencies shall count the number of children eligible for assistance. Grants are awarded to provide educational services to eligible children during the current school year (1981–1982).

Available funds: It is expected that approximately $6 million will be available for grants to State educational agencies.

It is estimated that these funds will provide approximately $400 of assistance per eligible child. However, the approximate amount of funds available per eligible child may increase or decrease depending on the total number of eligible children that the States report.

This estimate, however, does not bind the Department of Education to specific numbers of grants or to the amount of any grant.

Application forms: Application forms and instructions will be mailed to all State educational agencies. Additional forms may be obtained by writing to the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the application package. The Secretary strongly urges that the narrative portion of the application not exceed four pages. The Secretary further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable include the following:

(1) Regulations governing the Transition Program for Refugee Children (34 CFR Part 538) published on January 14, 1981 (46 FR 3378).

(2) Education Department Administrative Regulations (EDGAR) (34 CFR Parts 76 and 77; formerly 45 CFR Parts 100b and 100c) except as otherwise provided in 34 CFR Part 538.

FURTHER INFORMATION: For further information contact Mr. James H. Lockhart, Chief of the Refugee Children Assistance Staff, Office of Bilingual Education and Minority Languages Affairs, Department of Education (Room 505, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. Telephone (202) 472–7177.

(8 U.S.C. 1522(d) and 8 U.S.C. 1101 *et seq.*)

(Catalog of Federal Domestic Assistance Number 84.146, Transition Program for Refugee Children)

Dated: September 21, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 27873 Filed 9–23–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Issuance of Presidential Permit, PP-74, to the Power Authority of the State of New York to Construct, Connect, Operate and Maintain Electric Transmission Facilities Across the International Border Between the United States and Canada

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Issuance of Presidential Permit (Docket No. PP–74) to the Power Authority of the State of New York (PASNY) granting permission to construct, connect, operate, and maintain two 345-kilovolt electric transmission lines between the United States and Canada.

SUMMARY: The Department of Energy (DOE) gives notice of the issuance of a Presidential Permit (Docket No. PP–74) authorizing PASNY to import electricity from Canada via two 345-kilovolt transmission lines crossing the Niagara River. These transmission lines are to be constructed at a location several miles north of Niagara Falls, New York.

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Utility Systems and Emergency Communications Divisions, Department of Energy, Room 4209, 2000 M Street NW., Washington, D.C. 20461, (202) 653–3889;

Lise Courtney M. Howe, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6A141, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION: On December 16, 1980, PASNY applied to the DOE, (Docket No. PP–74), for authorization, pursuant to Executive Order 10485, as amended by Executive Order 12038, to construct, connect, operate, and maintain two 345-kilovolt transmission lines across the United States-Canadian border. These transmission lines would cross the Niagara River, near Niagara Falls, and would be used to import electric energy from Canada into the United States. PASNY proposes to install these two 345-kilovolt circuits in an existing underground power tunnel which extends from the area of the 345-kilovolt Niagara Power Plant switchyard to the headworks of the Niagara Power Dam, where the tunnel terminates. The Niagara River will be spanned by a double-circuit, 345-kilovolt overhead crossing from the headworks of the dam to a new tower owned by Ontario Hydro on the Canadian side of the river. The new tower will be located in an existing transmission line right of way. The total length of the 345-kilovolt transmission facility on the New York side of the river is less than one mile, of which only 700 feet consist of the overhead crossing from the headworks of the dam to the International Border; the remainder will be placed in the existing PASNY tunnel.

According to PASNY, the proposed interconnection will: (1) Increase capability for transferring power between Canada and New York, thereby permitting purchases of surplus power from Ontario; (2) displace oil-fired generation in New York by less costly imported electricity; (3) increase capability for emergency transfers between Canada and New York; and (4) increase ability to transfer power to

Ontario Hydro generated at the Niagara Project using, when available, Ontario Hydro's unused Niagara River water allocation.

The DOE conducted an environmental review of the proposed project and made a determination (April 8, 1981), that neither an environmental assessment nor an environmental impact statement was required.

The Department of State by letter dated July 21, 1981, and the Department of Defense by letter dated July 20, 1981, formally recommended that the Permit be granted.

Upon consideration of the matter, the DOE found that issuance of the Permit was appropriate and consistent with the public interest. Accordingly, the Permit was issued by DOE on Sept. 4, 1981, to construct, connect, operate, and maintain an electric transmission facility at the U.S.-Canadian border. The Permit and its terms and conditions have been submitted to PASNY for acceptance.

Copies of the Permit are on file with the Division of Utility Systems and Emergency Communications and will, upon request, be made available for public inspection and copying in Room B-210, 2000 M Street NW., Washington, D.C.

Issued in Washington, D.C., September 4, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-27740 Filed 9-23-81; 8:45 am]

BILLING CODE 6450-01-M

Panhandle Eastern Pipe Line Co. Through Its Subsidiary Anadarko Production Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Action Taken on Consent Order

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Natural Gas Liquids Branch, Attn: Claude Corzatt, Office of Enforcement, 2000 M Street NW., Room 5108, Washington, D.C. 20461, 202/653-3541.

SUPPLEMENTARY INFORMATION: On February 8, 1980, the OE published notification in the **Federal Register** that it executed a proposed Consent Order with Panhandle Eastern Pipe Line Company through its subsidiary Anadarko Production Company (Anadarko) of Houston, Texas, on January 2, 1980, 45 FR 8696 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by Anadarko pursuant to the proposed Consent Order were requested to submit notice of their claims to the OE.

A second notice was published in the **Federal Register**, 45 FR 21339 (1980) which stated that no comments were received and, therefore, the proposed Consent Order was finalized and made effective on March 12, 1980.

Pursuant to the Consent Order, Anadarko refunded the sum of $334,605.96 by certified check made payable to the United States Department of Energy. This sum has been received by the OE and deposited in a suitable account pending determination of its proper distribution.

The OE received no notices of claim to the refunds.

Action Taken:

The OE is unable, readily, to identify the persons entitled to receive the $334,605.96, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on September 4, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 17th day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-27741 Filed 9-23-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Closed Meeting of Advisory Committee

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, announcement is made of the following working committee meeting:

Name: Federal Emergency Management Agency Advisory Board.

Date of Meeting: October 8-9, 1981.

Place: Room 829, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472.

Time: 9:30 a.m., October 8 (adjourn 4:30 p.m.); 9:30 a.m., October 9 (adjourn 4:30 p.m.).

Purpose and Proposed Agenda: Internal classified discussions within the group of past and future efforts in such areas as civil defense, emergency mobilization preparedness and other stategic national security matters. The views of the Board will be discussed with the Director of FEMA and the Counsellor to the President.

The Director has determined that the board meeting should be closed because disclosure is likely to reveal matters that are specifically authorized to be kept secret in the interest of the national defense or foreign policy and are properly classified pursuant to Executive Order.

George W. Jett,

General Counsel.

September 18, 1981.

[FR Doc. 81-27713 Filed 9-23-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 10422]

Space Charter Agreement Among Korea Shipping Corp., Neptune Orient Lines Inc., et al; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10422 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Agreement No. 10422 is a space charter arrangement among Korea Shipping Corp., Neptune Orient Lines, Inc. and Orient Overseas Container Line, Inc. in the U.S./Far East trade.

This Finding of No Significant Impact (FONSI) will become final on or before October 2, 1981 unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request form the Office of the Secretary, Room 11101, Federal

Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-27721 Filed 9-23-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Clinton Bancshares, Inc.; Formation of Bank Holding Company

Clinton Bancshares, Inc., Clinton, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 81.2 per cent or more of the voting shares of Clinton State Bank, Clinton, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27744 Filed 9-23-81; 8:45 am]

BILLING CODE 6210-01-M

Dakota Bancshares, Inc.; Formation of Bank Holding Company

Dakota Bancshares, Inc., St. Joseph, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Dakota County State Bank, South Sioux City, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27745 Filed 9-23-81; 8:45 am]

BILLING CODE 6210-01-M

First City Bancorporation of Texas, Inc.; Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of First State Bank, Aransas Pass, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27746 Filed 9-23-81; 8:45 am]

BILLING CODE 6210-01-M

Texana Bancshares, Inc.; Formation of Bank Holding Company

Texana Bancshares, Inc., Hamilton, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First National Bank of Hamilton, Hamilton, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27747 Filed 9-23-81; 8:45 am]

BILLING CODE 6210-01-M

West Point Bancorp, Inc.; Acquisition of Bank

West Point Bancorp., Inc., St. Joseph, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 20.2 percent or more of the voting shares of Dakota Bancshares, Inc., St. Joseph, Missouri and thereby indirectly acquire 20 percent or more of the voting shares of Dakota County State Bank, South Sioux City, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 18, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27748 Filed 9-23-81; 8:45 am]

BILLING CODE 6210-01-M

Ysleta Bancshares, Inc.; Formation of Bank Holding Company

Ysleta Bancshares, Inc., El Paso, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares, less directors' qualifying shares, of Bank of Ysleta, El Paso, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-27749 Filed 9-23-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Medicare Program; Inpatient Hospital Deductible for 1982

AGENCY: Office of the Secretary (OS), HHS.

ACTION: General notice.

SUMMARY: This notice announces Medicare's inpatient hospital deductible and coinsurance amounts for calendar year 1982. The Medicare statute specifies the formula the Secretary uses to determine these amounts. The inpatient hospital deductible will be $260. The daily coinsurance amounts will be: (a) $65 for the 61st through 90th days of hospitalization; (b) $130 for lifetime reserve days; and (c) $32.50 for the 21st through the 100th days of post-hospital extended care services in a skilled nursing facility. Each figure represents an increase of approximately 27 percent over the corresponding 1981 figure.

This notice also applies two new rules from sections 2131 and 2132 of the Omnibus Reconciliation Act of 1981, Public Law 97-35, concerning the inpatient hospital deductible and coinsurance amounts.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Guy King, Acting Director, Office of Financial & Actuarial Analysis, 3-0-3 Operations Building, Baltimore, Maryland 21235, (301) 594-2826.

SUPPLEMENTARY INFORMATION: Under the authority in section 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2)), I have determined that the Medicare inpatient hospital deductible for 1982 will be $260.

Section 1813 provides for an inpatient hospital deductible and certain coinsurance amounts to be deducted from the amout payable by Medicare for inpatient hospital services and post-hospitl extended care services furnished an individual Section 1813(b)(2) requires the Secretary of HHS to determine and publish, between July 1 and October 1 of each year, the amount of the inpatient hospital deductible applicable for the following calendar year.

Because the coinsurance amounts in section 1813 are fixed percentages of the inpatient hospital deductible for services furnished in the same calendar year, the increase in the deductible has the effect of also increasing the amount of coinsurance the Medicare beneficiary must pay. Thus, for inpatient hospital services or post-hospital extended care services furnished in 1982, the daily coinsurance of the 61st through 90th days of hospitalization (¼ of the inpatient hospital deductible) will be $65; the daily coinsurance for lifetime reserve days (½ of the inpatient hospital deductible) will be $130; and the daily coinsurance for the 21st through the 100th days of post-hospital extended care services in a skilled nursing facility (⅛ of the inpatient hospital deductible) will be $32.50.

On August 13, 1981, Public Law. 97-35 amended section 1813 of the Social Security Act in two ways. First, section 2131 of Public Law 97-35 bases the coinsurance amount on the inpatient hospital deductible in effect when the services are furnished, rather than on the deductible in effect at the beginning of the beneficiary's spell of illness (benefit period). Congress explained that this change will not ony reduce Medicare program costs, but will also simplify administration of the program by making the amount of coinsurance the same for all services received during a calendar year. Previously, before calculating the amount of coinsurance for which the beneficiary was responsible, HCFA had to determine first when each spell of illness began.

Secondly, section 2132 of Public Law 97-35 increases the basis in the formula for the deductible calculation from $40 to $45, beginning January 1, 1982. For 1982, this change in the basis accounts for an increase in the deductible and coinsurance amounts of approximately 12.1 percent. The remainder of the overall 27 percent increase is due to the increase in the average per diem hospital cost. Congress explained that the inpatient hospital deductible is supposed to increase each year to reflect the covered cost of one day's hospital care, but in reality the calculation actually lags about 2 years behind actual hospital cost increases. Congress believes that the necessity of achieving a reduction in Medicare program costs warrants making the deductible more reflective of the current cost of one day's hospital care (page 317 of H.R. Rep. No. 97-158, 97th Congress, 1st Session (1981)).

Under the amended formula in the law, the deductible for calendar year 1982 must be equal to $45 multiplied by the ratio of (1) the current average per diem rate for inpatient hospital services for calendar year 1980 to (2) the average per diem rate for such services in 1966. The amount so determined is rounded to the nearest multiple of $4. The average per diem rates are based on the amounts paid to participating hospitals by Medicare for inpatient services to insured individuals, plus the deductible and coinsurance amounts.

The average per diem rate for a calendar year is computed from the inpatient hospital bills for all beneficiaries. Each bill shows the number of inpatient days of care and the interim cost (the sum of interim reimbursement, deductible, and coinsurance). The data are summarized for each year, and an average interim per diem rate computed that accurately reflects interim costs on an accrual basis.

In order to reflect the change in the average per diem hospital cost under the program properly, the average interim cost must be adjusted to show the effect of final cost settlements made with each participating hospital after the end of its accounting year. The final settlements adjust the interim payment to the hospital to the actual full cost of providing covered services to beneficiaries. To the extent that the ratio of final cost to interim cost for 1980 differs from the ratio of final cost to interim cost for 1966, the increase in average interim per diem costs will not coincide with the increase in actual cost that has occurred.

The current average interim per deim rate for inpatient hospital services for calendar year 1980, based on tabulated interim costs, is $221.99; the corresponding amount for 1966 is $37.92.

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The averages are based on approximately 105 million days of hospitalization in 1980 and 30 million days in 1966 (last 6 months of the year). The ratio of final cost to interim cost is approximately 1.047 for 1980 and 1.055 for 1966. Thus, the inpatient hospital deductible is $45 × (221.99 × 1.047)/(37.92 × 1.055)=$261.44, which is rounded to $260.

Impact Analyses

The inpatient hospital deductible and coinsurance amounts for the calendar year 1982 will be 27 percent higher than the 1981 amounts. The inpatient hospital deductible increased from $204 to $260; the daily coinsurance for the 61st through 90th days of hospitalization increased from $51 to $65; the daily coinsurance for lifetime reserve days increased from $102 to $130; and the daily coinsurance for the 21st through 100th days of post-hospital extended care services in a skilled nursing facility increased from $25.50 to $32.50.

The estimated cost to beneficiaries due to these increases is $560 million. About half, or $280 million, is due to the change in the law which increased from $40 to $45 the basis in the formula used to compute the deductible. The remaining $280 million increase is due to inflation. These amounts are based on an estimated 7.3 million beneficiaries who will have 8.3 million benefit periods and use 4.7 million coinsurance days and 1.2 million lifetime reserve days in 1982.

An additional $10 million will be paid by beneficiaries because of the change in the law which bases coinsurance amounts on the deductible in effect when the service is provided instead of the year in which the benefit period began. This provision will only affect beneficiaries who have benefit periods that overlap two or more calendar years.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires that an agency prepare a regulatory flexibility analysis for a proposed rule, or a final rule issued after a proposal, if a rule would have a significant economic impact on a substantial number of small businesses, small non-profit organizations, or small governmental jurisdictions. This notice merely announces (as required by section 1813 of the Social Security Act) amounts beneficiaries are responsible for in the cost of their own hospitalization or treatment in a skilled nursing facility. This announcement is made annually in the form of a notice. Because this notice is not a proposed rule or final rule issued after a proposal, no analysis is required under the Regulatory Flexibility Act.

However, we have determined that this notice will not have a significant economic impact on a substantial number of small entities. The increase of $570 million represents only 1.8 percent of the $32.5 billion which HCFA will pay to hospitals and skilled nursing facilities in 1982 for inpatient services provided to Medicare beneficiaries. That amount will be met by Medicare beneficiaries. Because this notice will not result in a significant economic impact on hospitals or skilled nursing facilities or other small entities, the Secretary certifies that a regulatory flexibility analysis is not required.

(Sec. 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: September 10, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-27790 Filed 9-23-81; 8:45 am]

BILLING CODE 4110-35-M

Public Health Service Commissioned Officers: Board for Correction of Records

AGENCY: Department of Health and Human Services (DHHS)

ACTION: Notice.

SUMMARY: DHHS has issued procedures for correction of the records of individuals who hold or have held appointments in the PHS Commissioned Corps when it is considered necessary to correct an error or remove an injustice.

DATE: The procedures are effective immediately.

FOR FURTHER INFORMATION CONTACT: Mr. Jack N. Markowitz, Rm. 17-25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-5037.

SUPPLEMENTARY INFORMATION: Section 312 of Pub. L. 96-76 (93 Stat. 579) enacted on September 29, 1979, extended to the PHS Commissioned Corps the provisions of 10 U.S.C. 1552. This provision authorizes the Secretary of Health and Human Services, under procedures established by the Secretary and acting through a civilian board, to correct any record of an individual who holds or has held an appointment in the PHS Commissioned Corps where the Secretary considers such action necessary to correct an error or remove an injustice. It also authorizes the Department to pay any amount due as a result of such correction.

The correction authority was originally enacted for the military services under the Legislative Reorganization Act of 1946, to relieve the Congress of handling a large number of private relief bills. Prior to the enactment of the legislation, an aggrieved individual, after exhausting available administrative remedies, was left to court action if the matter was justiciable or to private relief legislation. Under the correction of record authority, decisions of the board are final and conclusive on all officers of the United States, unless its action is found by the courts to be arbitrary, capricious, or improper as a matter of law.

Application for correction may be made by the PHS commissioned officer or former PHS commissioned officer. If this is not possible, the application may be made by spouse, parent, heir, or legal represenative.

Dated: September 8, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-27722 Filed 9-23-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Pueblo of Laguna, New Mexico; Proclaiming Certain Lands as Part of Pueblo of Laguna

September 15, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.1.

On September 15, 1981, pursuant to authority contained in Section 7 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), the following described land, known locally as Sanchez Ranch, located in Sandoval County, New Mexico, was added to and made a part of the Reservation of the Pueblo of Laguna.

New Mexico Principal Meridian

T. 14N, R. 3 W.,
  Sec. 1, Lots 1, 2, 3, 4, 5, and SW¼;
  Sec. 2, Lots 4, 5, SW¼SW¼, NW¼SW¼, SW¼NW¼, N½NW¼, and SE¼NW¼;
  Sec. 3, Lots 1, 2, 3, 4, SE¼, S½NW¼, SW¼, and S½NE¼;
  Sec. 4, S½;
  Sec. 5, Lots 1, 2, 3, 4, SE¼, S½NW¼, SW¼, and S½NE¼;
  Sec. 6, Lots 1, 2, 3, 4, S½ and S½N½;
  Sec. 7, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, NE¼, NE¼SW¼, E½NW¼ and N½SE¼;
  Sec. 8, Lots 1, 2, and N½SE¼;
  Sec. 9, Lots 1, 2, 3, 4, 5, 6, 7, 8, NE¼, N½SW¼, NW¼, and N½SE¼;

Sec. 11, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, E½NE¼, NW¼SW¼, NW¼ and E½SE¼;
Sec. 13, Lots 1, 2, 3, 4, 5, W½NW¼, E½SW¼, E½NW¼ and NW¼SW¼;
Sec. 15, Lots 1, 2, 3, 4, NW¼ and NE¼;
Sec. 17, Lots 1, 2, 3, 4, NW¼ and NE¼;
Sec. 19, Lots 1, 2, 3, 4, 5, 6, 7, W½NE¼, SE¼NE¼, E¼SW¼, E½NW¼ and W½SE¼;

T. 14 N., R. 4 W.,
Sec. 1, Lots 1, 2, 3, 4, S½NW¼, SE¼, SW¼ and S½NE¼;
Sec. 12, Lots 1, 2, 3, 4, 5, 6, 7, 8, N½ and N½S½;
Sec. 13, all inclusive.

Containing 8,848.16 acres more or less, including an undivided 50 percent interest in and to all minerals in, on and under approximately 3,827.80 acres.

Said lands are subject to prior conveyances and reservations of the minerals under the described lands as shown of record, and subject to any patent reservation, easements and rights-of-way of record.

Kenneth L. Payton,

Acting Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 81-27772 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Chaco and San Juan Planning Units; New Mexico; Notice Requesting Filing of All Existing Surface Owner Consent Agreements of Surface Mining of Federal Coal

September 11, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to 43 CFR Part 3427, the Bureau of Land Management (BLM) is advising the public that valid written consent or evidence thereof, which would permit surface mining of the underlying Federal coal, given by qualified surface owners, should be filed with the New Mexico State Office, BLM. In addition, at this time, written statement from qualified surface owners of refusal to consent to surface coal leasing may be filed with the New Mexico State Office.

This notice applies only to areas identified as acceptable for further consideration for coal leasing in the Management Framework Plan update of the Chaco and San Juan Planning Units in the San Juan River Federal Coal Production Region.

DATES: Copies of all consent agreements, or evidence thereof, that have already been given by qualified surface owners should be received by November 20, 1981. Valid written consents given for lands in which the ownership of the surface is held by qualified surface owners and the ownership of the underlying coal is reserved to the Federal Government (split estate lands) will be accepted until at least 30 working days prior to the publication of each lease sale notice for the specific lands involved, in accordance with the announced schedule of regional lease sales set forth by Secretarial decision. However, submission at this time of consent documents that presently exist will provide information regarding whether the public interest would be served by offering for lease the Federal coal lands to which the qualified surface owner consents apply. The lack of a valid written consent at this time will not preclude consideration of Federal coal tracts during the coal activity planning process, but it is the responsibility of parties intending to file consents to be aware of pending lease sale notice dates, as set forth in an announced regional lease sale schedule.

To preclude consideration of lands that cannot be leased, we encourage written statements from qualified surface owners who firmly refuse to consent to surface coal leasing to be filed with the New Mexico State Office.

ADDRESSES: Copies of the surface owner consent agreements, or evidence thereof should be sent to State Director, New Mexico State Office, BLM, P.O. Box 1449, Santa Fe, New Mexico 87501. Information concerning the requirements for surface owner consent agreements or statements of refusal to consent may also be obtained from this address.

Maps showing the areas acceptable for further consideration for coal leasing in the Chaco/San Juan portion of the San Juan River Federal Coal Production Region may be obtained at the BLM New Mexico State Office at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Gene Day, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501, (505) 988-6226 or FTS 476-6226.

SUPPLEMENTARY INFORMATION: The BLM is requesting that valid written consent agreements, or evidence thereof, for lands in which the surface is held by qualified surface owners and the ownership of the underlying coal is reserved to the the Federal Government (split estate lands) should be filed with the New Mexico State Office, at the address given above by November 20, 1981.

The information being sought by the BLM will be used in the Federal coal activity planning process by the San Juan River Regional Coal Team and will provide information regarding whether the public interest would be served by offering for lease the Federal coal lands to which the consents apply. Valid written consents will be accepted until at least 30 working days prior to the publication of each lease sale notice for the specific lands involved, as set forth in the Secretarial decision and announcement of regional lease sales to be scheduled, in accordance with 43 CFR 3427.2(a) 3420.6-2(b). However, early submission of surface owner consent documents that currently exist will aid the Regional Coal Team in considering the split estate coal tracts during the tract delineation, ranking, and scheduling. As indicated in 43 CFR 3420.6-1(b) and 3427.2(d), split estate tracts that would be mined by other than underground mining techniques, covered by written consents that have been filed with the appropriate BLM State Office before a decision on a pending regional coal lease sale schedule, will be given priority over those split estate tracts where there is no written consent from the qualified surface owner, all other factors being nearly equal. Surface owner consents may still be entered into during the activity planning stage, but parties intending to file written consents are responsible for being aware of pending lease sale notice dates. Information concerning lease sale notice dates may be obtained from the New Mexico State Office at the address given above.

Section 714(c) of the Surface Mining Control and reclamation Act (SMCRA) states that, "The Secretary shall not enter into any lease of Federal coal deposits until the surface owner has given written consent to enter and commence surface mining operations and the Secretary has obtained evidence of such consent."

As defined in the regulations (43 CFR 3400.0-5(pp)), qualified surface owner "means the natural person or persons (or corporation, the majority stock of which is held by a person or persons) who:

(1) Hold legal or equitable title to the surface of split estate lands;

(2) Have their principal place of residence on that land, or personally conduct farming or ranching operations upon a farm or ranch unit to affected by surface mining operations; or receive directly a significant portion of their income, if any, from such farming and ranching operations, and;

(3) Have met the conditions of paragraphs (1) and (2) of this subsection for a period of at least 3 years, except for persons who gave written consent less than 3 years after they met the requirements of both paragraphs (1) and

(2) of this section. In computing the 3-year period the authorized officer shall include periods during which title was owned by a relative of such person by blood or marriage if, during such periods, the relative would have met the requirements of this subsection."

Valid written consent is defined in the regulations (43 CFR 3400.0-5(zz)) as "the document or documents that a qualified surface owner has signed that: (1) Permit a coal operator to enter and commence surface mining of coal; (2) describe any financial or other consideration given or promised in return for permission, including in-kind consideration; (3) describe any consideration given in terms of type or methods of operation or reclamation for the area; (4) contain any supplemental or related contracts between the surface owner and other person who is a party to the permission; and (5) contain a full and accurate description of the area covered by the permission."

As required by 43 CFR 3427.2(e), it is the Bureau's responsibility to review all consents received. The Bureau will verify that the named surface owner is a qualified surface owner as defined in the regulations and that the title for all split estate lands described in the filing is held by the named qualified surface owner(s). In addition, to be considered valid, the consent must be transferable to whomever makes the successful bid in a lease sale for the tract that includes the lands to which the consent applies. A written consent shall be considered transferable only if, at a minimum, it allows that after the lease sale for the tracts to which consent applies (i) payment for the consent may be made by the successful bidder or (ii) the successful bidder may reimburse, at the purchase price of the consent, the party that first obtained the consent. If a filing is from anyone other than the named qualified surface owner, the Bureau shall contact the named qualified surface owner and request confirmation, in writing, that the filed, transferable, written consent, or evidence thereof, to enter and commence surface mining has been granted and that the filing fully discloses all of the terms of the written consent.

To facilitate the filing and review of written consents from qualified surface owners, the person submitting the consent is asked to include a statement that the evidence submitted represents a true, accurate, and complete statement of information regarding the consent for the area described. Such a validation statement is required by 43 CFR 3427.3. The statement is to be signed and dated by the person submitting the consent and can be either incorporated directly into the consent document or enclosed as a separate item submitted with the consent document. The statement can be worded as follows: "I(We) hereby declare that the evidence submitted, to the best of my(our)knowledge, represents a true, accurate, and complete statement of information regarding the surface owner consent for the area described." This validation statement does not have to be witnessed or notorized.

A qualified surface owner(s) that has not been contacted by or requested to enter into an agreement with a private party, who may wish to give consent to allow permission to enter and commence surface coal mining, may prepare, sign, and submit a consent document to the New Mexico State Office. The consent document should include the information and requirements specified earlier in this notice in order to constitute a valid written consent as defined in the coal regulations (43 CFR 3400.0-5(zz)), and must indicate any specific terms the surface owner may request to allow permission to enter and commence surface coal mining. This unilateral consent document must be signed by a private party at least 30 working days prior to the publication of the lease sale notice for the area affected, or the area affected will not be offered for lease sale.

In accordance with 43 CFR 3427.2(a)(2), written statements from qualified surface owners who refuse to consent to coal leasing may be filed with the New Mexico State Office at the address given above. Early submittal of a refusal to consent by a qualified surface owner who is firmly against giving consent, thereby disqualifying the specified lands from further leasing consideration, will deter pressure from persons or parties seeking to enter into a consent agreement and will prevent continued inquiries by the BLM of the status of surface owner consent for the specified lands.

The written statement of refusal to consent by a qualified surface owner must confirm that the owner(s) has not previously given consent to mine and that the owner(s) does not intend to give consent for the expected future life of the Chaco/San Juan portion of the San Juan River Federal Coal Production Region. The refusal will be binding during the life of this land use plan, in this case 10 years maximum, or until the ownership of the surface estate changes.

Upon receipt and verification of the refusal to consent, the BLM will remove the Federal coal underlying the qualified surface owner's land from further consideration in the tract delineation, ranking, and scheduling process until such time as the Chaco/San Juan Management Framework land use plan is revised or until the ownership of the surface estate changes. Upon revision of the Chaco/San Juan Management Framework Plan, the qualified surface owner will be notified that the prior written refusal to consent is about to expire, and the owner will be given the opportunity to submit another statement of refusal.

Written statements of refusal to consent shall be signed and dated by the owner(s) as well as witnessed and/or notorized, and shall specify: (1) the location (State and county) and legal description of the lands; (2) the present legal address of the qualified surface owner involved in the refusal to consent; (3) that the owners have held legal or equitable title to the specified land surface for a period of at least 3 years prior to the refusal to consent; (4) whether the lands involved are the principal place or residence of the owner(s); (5) whether the lands involved are used to conduct farming or ranching; and (6) to what degree or percentage income from farming or ranching of the specified land surface contributes to the total income of the qualified surface owner(s). The submission of personal income records or other personal information is not to be made by the owner(s).

The written statements of refusal to consent by qualified surface owners will become part of the public record since the refusal will be the principal reason for not considering a particular tract in the tract delineation, ranking, and scheduling process. The written statements will be made available for public inspection in the New Mexico State Office.

Larry L. Woodard,

Acting State Director.

[FR Doc. 81-27709 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-84-M

[OR-19135, OR-19141, OR-19167]

Oregon; Order Providing for Opening of Land

1. By Powersite Cancellation No. 201 of December 5, 1972, the U.S. Geological Survey cancelled a portion of the land withdrawals for Powersite Classifications No. 87 of April 23, 1924, No. 150 of July 19, 1926, and No. 310 of November 1, 1938, to the following described lands:

Willamette Meridian

T. 18 S., R. 2W.,
Sec. 9, Lot 2.

Willamette National Forest

T. 19 S., R. 3 E.,
Sec. 25, SE¼SE¼;
Sec. 36, NE¼SE¼.
T. 20 S., R. 3 E.,
Sec. 13, SW¼NW¼ and NW¼SW¼;
Sec. 27, Lots 5, 6, 15, and 16;
Sec. 28, SW¼SE¼;
Sec. 33, Lot 2 and W½SE¼;
Sec. 34, NW¼NW¼.
T. 21 S., R. 3 E.,
Sec. 4, lot 3 and SE¼NW¼;
Sec. 12, S½SE¼;
Sec. 13, N½NE¼ and NW¼;
Sec. 14, N½,
Sec. 15, S½NE¼, SE¼NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 22, E½SE¼;
Sec. 23, NE¼NE¼, S½NE¼, SE¼NW¼, and S½;
Sec. 24.
T. 19 S., R. 4 E.,
Sec. 28, N½NW¼ and SW¼NW¼;
Sec. 29, S½N½;
Sec. 30, SE¼NE¼;
Sec. 31, S½NE¼ and SE¼NW¼;
Sec. 32, NW¼NW¼.
T. 20 S., R. 4 E.,
Sec. 25, S½SW¼ and SW¼SE¼:
Sec. 26, S½;
Sec. 27, NE¼SE¼ and S½S½:
Sec. 28, SE¼SE¼;
Sec. 33, NE¼NE¼, S½NE¼, E½SW¼, NE¼SE¼, and W½SE¼;
Sec. 34, N½NE¼ and NW¼;
Sec. 35, N½N½;
Sec. 36, NE¼, E½NW¼, and NW¼NW¼.
T. 21 S., R. 4 E.,
Sec. 4, N½;
Sec. 5, NE¼ and S½;
Sec. 7, S½NE¼, SE¼NW¼, SW¼, and N½SE¼;
Sec. 8, NW¼;
T. 24 S., R. 4E.,
Sec. 12 Lot 1 to 7, inclusive.
Sec. 19, S½N½ and S½;
Sec. 20, S½;
Sec. 21, S½SW¼;
Sec. 25, SW¼SW¼;
Sec. 26, S½S½;
Sec. 27, S½NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 28, N½;
Sec. 29, N½NE¼ and NE¼NW¼:
Sec. 35, NE¼ and N½NW¼;
Sec. 36, NW¼NE¼, S½NE¼, NW¼, E½SW¼, and SE¼.
T. 22 S., R. 4 E.,
Sec. 1, Lots 1 and 2;
Sec. 5, W½SW¼
Sec. 6, Lot 1 and SE¼SE¼:
Sec. 8, NW¼.
T. 19 S., R. 5 E.,
Sec. 36, E½, S½NW¼, N½SW¼, and SE¼SW¼.
T. 20 S., R. 5 E.,
Sec. 31, S½NE¼;
Sec. 32, S½NE¼, S½;
Sec. 33, NE¼NE¼, S½NE¼, and S½;
Sec. 34, N½ and N½S½;
Sec. 35, W½NW¼ and NW¼SW¼.
T. 21 S. R. 5 E.,
Sec. 4, Lot 4, S½NW¼, and SW¼;
Sec. 5, Lots 1, 2, 3, and 4, and S½NE¼;
Sec. 6, Lot 1;
Sec. 9, W½NE¼, W½, and SE¼;
Sec. 15, NW¼SW¼ and S½SW¼;
Sec. 16, NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 21, NE¼NE¼;
Sec. 22, W½ and SE¼;
Sec. 25, SW¼ and SW¼SE¼;
Sec. 26, SW¼NE¼, NW¼, NE¼SW¼, and SE¼;
Sec. 27, NE¼ and NE¼NW¼;
Sec. 31, Lots 3 and 4, and SE¼SW¼;
Sec. 36, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and N½SE¼.
T. 22 S., R. 5 E.,
Sec. 5, S½SW¼;
Sec. 6, Lots 2 to 6, inclusive, E½SW¼, and SE¼;
Sec. 7, N½NE¼;
Sec. 8, NW¼NE¼, S½NE¼, NW¼, E½SW¼, and SE¼;
Sec. 16, NW¼SW¼ and S½S½;
Sec. 17, E½;
Sec. 21, Lot 1, N½, and NE¼SE¼;
Sec. 22, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 23, SW¼NW¼, NW¼SW¼, S½SW¼ and SW¼SE¼;
Sec. 25, SW¼NE¼, S½NW¼, and S½;
Sec. 26, NE¼, N½NW¼, SE¼NW¼, and N½SE¼;
Sec. 27, NE¼NE¼;
Sec. 36, NE¼NE¼.
T. 24 S., R. 5 E.,
Sec. 18, Lots 1 and 2, SW¼NE¼, E½W½, and SE¼;
Sec. 19, NE¼;
Sec. 20, S½NW¼, N½SW¼, and SE¼:
Sec. 21, SE¼SW¼;
Sec. 28, N½ and SE¼.

All unsurveyed lands lying within one-quarter of a mile of Salt Creek between its mouth and Mile 23 within the following townships and sections:

T. 22 S., R. 5½ E., unsurveyed,
Secs. 32 and 33.
T. 23 S., R. 5½ E., unsurveyed,
Secs. 3, 4, 5, 8, 9 and 10.

The areas described aggregate approximately 20,789.59 acres in Lane County, Oregon.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. The land in the E½SW¼SE¼NW and SE¼SE¼NW¼, Sec. 4, T. 21 S., R. 3 E., and the land in Sec. 9, T. 18 S., R. 2 W., has been conveyed from United States ownership and will not be open to operation of the public land laws including the mining and mineral leasing laws.

4. The land in the S½NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼, Sec. 23, T. 21 S., R. 3 E., is withdrawn for Power Project No. 1145 of March 13, 1931, and a portion of the SE¼NE¼, Sec. 35, and a portion of the SW¼NW¼, Sec. 36, T. 21 S., R. 4 E., is withdrawn for Power Project No. 1851 of April 5, 1945, and will not be open to operation of the public land laws, including the mining laws.

5. A portion of the land in Sec. 36, T. 21 S., R. 4 E., is withdrawn for an Administrative Site by the Secretarial Order of September 4, 1908, and will not be open to operation of the public land laws, including the mining laws.

6. By virtue of the authority contained in Section 204 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818, and in accordance with the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, it is ordered that at 10 a.m., on October 21, 1981, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1, except as provided in paragraphs 3, 4, and 5, will be open to such forms of disposition as may by law be made of national forest lands.

7. The lands described in paragraph 1, except as provided in paragraphs 3, 4, and 5, have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Harold A. Berends,
Chief, Branch of Lands and Minerals Operations.

September 15, 1981.

[FR Doc. 81-27767 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-84-M

San Juan River Regional Coal Production Region; Call for Expressions of Leasing Interest

September 9, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Call for Expressions of Leasing Interest in Federal Coal.

SUMMARY: This call for expressions of coal leasing interest, Phase I, is to integrate potential lessees' data and needs into the coal activity planning phase of the Federal coal management program in the San Juan River Regional Coal Production Region. The data received from this call will be used along with existing data to delineate tracts which would be considered for possible competitive leasing.

DATE: Responses to this notice may be received until November 20, 1981.

ADDRESS: Responses should be sent to State Director (910), Bureau of Land

Management, P.O. Box 1449, Santa Fe, New Mexico 87501 and to District Conservation Manager for Resource Evaluation, U.S. Geological Survey, Conservation Division, Western Bank Bldg., Suite 1608, 505 Marquette, NW, Albuquerque, New Mexico 87101.

FOR FURTHER INFORMATION CONTACT: Gene Day, Coal Project Manager, New Mexico State Office, BLM, P.O. Box 1449, Santa Fe, New Mexico 87501, telephone (505) 988–6226. Paul Applegate, District Manager, Albuquerque District, BLM, P.O. Box 6770, Albuquerque, New Mexico 87107, telephone (505) 766–2455.

SUPPLEMENTARY INFORMATION: This is to advise all interested parties that the official call for expressions of interest in Federal coal leasing is now in effect for coal leasing activity in the San Juan River Coal Region for possible lease sales beginning in September 1983.

This call for expressions of interest is the first step in activity planning under the Federal coal management program. It is being made before any tract boundaries are delineated within an area found suitable for further consideration for coal leasing through the application of the unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be put up for lease sale after they have been through the tract ranking, selection, scheduling and analysis processes that are integral parts of the Federal coal management program defined in 43 CFR Subpart 3420.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1–4 which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Entities desiring special leasing opportunities as a public body should state their intentions in their expressions of leasing interest for possible public body set asides. Proof of public body status and evidence of qualifications as required by 43 CFR 3420.1–4(b)(1)(ii) shall be submitted with the expression of interest.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. The BLM hopes to gain sufficient information from this call, as well as from its own site-specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tract is of approximately equal quality and tonnage to that shown in the expression of interest. Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation and State preferences and priorities.

These expressions of leasing interest should include the following data where applicable:

1. *Quantity needs* (total tonnage, average tons per year, and year during which production should commence) for both coal producers and users.

2. *Quality needs* (types and grades of coal) for both producers and users.

3. *Location*

a. Tracts desired by mining companies (narrativH† description with delineation on a surface minerals management quad map, available for purchase from the BLM State Office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases the joint BLM/GS delineation team will locate the tract.

4. *Type of Mine*

a. Surface or underground

b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.)

5. *Proposed Uses of Coal*

a. By mining companies

b. By public and private industries

6. *Where coal is consumed (include extra-regional markets)*

7. *Transportation Needs (i.e., railroads, pipelines, etc.)*

a. Existing facilities

b. Proposed facilities and development timing

8. *Available Sources of Coal*

a. Presently operative

b. Contingency or other sources

9. *Information Relating to Mineral Ownership*

a. Information on surface owner consents previously granted. e.g., a description of the location of the property, whether consents are transferable, etc.

b. Commitments from fee coal owners or for associated non-Federal coal.

10. *Special qualifications* for public bodies requesting special leasing opportunities. These specific requirements are listed in 43 CFR 3472.2–5.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Management framework planning information for the Chaco/San Juan planning units may be obtained by contacting the Albuquerque BLM District Manager, at the address above. A map with information on the area open for expressions of interest and acceptable for further consideration for coal leasing is being sent to the BLM New Mexico "coal mailing list." This map may also be obtained by contacting the Coal Project Manager in the BLM New Mexico State Office at the address given above.

Larry L. Woodard,

Acting State Director.

[FR Doc. 81–27770 Filed 9–23–81; 8:45 am]

BILLING CODE 4310-84-M

[OR–19679 (WASH)]

Washington; Order Providing for Opening of Land

1. By Powersite Cancellation No. 316 of January 3, 1973, the U.S. Geological Survey cancelled a portion of the land withdrawal for Powersite Classification No. 426 of July 25, 1952, as to the following described land:

Willamette Meridian

T. 5 N., R. 24 E.,
Sec. 32, N½NE¼SE¼.

The area described contains 20 acres in Benton County, Washington.

2. The State of Washington has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. By virtue of the authority contained in Section 204 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818, and in accordance with the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, it is ordered that at 10 a.m., on October 21, 1981, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land will be open to operation of the public land laws generally.

4. The land has been open to applications and offers under the mineral leasing laws and to location under the United States mining laws

subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries conerning the land should be addressed to the State Director, Bureau of Land Managment, P.O. Box 2965, Portland, Oregon 97208.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

September 15, 1981.

[FR Doc. 81-27766 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 16103 (Wash)]

Washington; Termination of Proposed Withdrawal and Reservation of Land

On June 17, 1976, the Forest Service, U.S. Department of Agriculture, filed application OR 16103 (Wash) for withdrawal and reservation of certain land adjacent to the Wenatchee National Forest for granting of easements for road rights-of-way. The applicant agency has cancelled its application; therefore, the proposed withdrawal is hereby terminated in its entirety. The lands involved are described as follows:

Willamette Meridian

T. 25 N., R. 20 E.,
Sec. 114, W½SW¼ and SE¼SW¼.

A Strip of land 66 feet in width, being 33 feet in width on both sides of the centerline of Dinklemen Ridge Road No. 2529, in and through the above-described subdivisions.

The area described aggregates 8.40 acres in Chelan County, Washington.

Therefore, pursuant to the regulations contained in 43 CFR 2310.2-1(c), such land will be at 10 a.m., on October 21, 1981, relieved of the segregative effect of the above-mentioned application.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

Dated: September 15, 1981.

[FR Doc. 81-27766 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Union Oil Company of California, Unit Operator of the Vermilion Block 14 Federal Unit Agreement No. 14-08-000-12339, submitted on August 18, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Vermilion Block 14 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geolcgical Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685) those practices and procedures are set out in a revised § 250.34 of title 30 of the Code of Federal Regulations.

Dated: September 16, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

FR Doc. 81-27759 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-31-M

Third Seminar on Research and Development for Outer Continental Shelf Oil and Gas Operations

The Research and Development Program, Conservation Division, is holding its Third Seminar on November 18 and 19, 1981, at the National Center, Reston, Virginia.

The Program consists of contract reserach at universities, Government laboratories, and private companies in the categories of well-control, structures verification, and the effects of operations upon the environment. The agenda for the Seminar follows:

Wednesday, November 18, 1981.—Morning Session

9:00 Preliminary Remarks by Seminar Chairman—John Gregory, Research Program Manager, Conservation Division, U.S. Geological Survey

9:05 Welcome—Dr. Robert Rioux, Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey

9:15 Significance of Dynamic Response in the Estimation of Fatigue Life of Offshore Structures—Dr. J. Kim Vandiver, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Fatigue life investigations of offshore structures have shown that the ability to predict fatigue damage is extremely sensitive to errors in calculated values of structural natural frequencies and moderately sensitive to assumed values of modal damping.

9:45 Flexibility Monitoring of Offshore Structures—Dr. Sheldon Rubin, Aerospace Corporation, Los Angles, California.

A method is being developed for locating structural failures in fixed offshore platforms. The technique avoids measuring harmonic frequencies as in conventional methods; instead, it takes advantage of basic shear beam behavior of platforms.

10:15 Coffee.

10:45 Dynamic Response of Offshore Structures by the Random Decrement Technique—Dr. Jackson Yang, University of Maryland, College Park, Maryland.

The random decrement technique is being investigated as a method to detect structural distress in offshore platforms.

11:15 Geotechnical Aspects in the Design of Tension Leg Platforms—Dr. Robert L. McNeill, Sandia Laboratories, Albuquerque, New Mexico.

Soil-structure interaction mechanisms are being investigated in order to obtain a better understanding of the reliability of tension pile supports when subjected to large amplitude cyclic loads.

11:45 Fracture Toughness of Steel Weldments for Artic Structures—Dr. Harry I. McHenry, National Bureau of Standards, Boulder, Colorado.

Material toughness criteria are being developed by means of an elastic-plastic fractaure mechanics approach for steel structures operating in the Artic.

Wednesday, November 18, 1981.—Afternoon Session

12:15 Luncheon.

1:30 Frontier Hydrocarbon Resource Development: The Canadian Challenge—Dr. Raymond J. Smith, Offshore Structures, Resource Management Branch, Canada Oil and Gas Lands Administration.

The technical aspects of the challenges and risks associated with the exploration, development, and production of hydrocarbon resources in Canada's frontier regions.

2:00 Experimental Autonomous Vehicle (EAVE) Program: Unmanned, Untethered Submersible Technology—Paul Heckman, Naval Ocean Systems Center (NOSC), San Diego, California, Dr. Robert Corell, University of New Hampshire (UNH), Durham, New Hampshire.

A collaborative program is developing technology for inspecting underwater pipelines and structures by means of robot vehicles. At NOSC, magnetometer navigation and fiber optic communications are being developed. At UNH, acoustics for both navigation and communications are being investigated

3:00 Coffee

V 46 SE 24 81 UMI

3:30 Mechanical Properties of Multiyear Sea Ice—Dr. Gordon F. N. Cox, Cold Regions Research and Engineering Laboratory, U.S. Army Corps of Engineers, Hanover, New Hampshire
Closed loop tests are being conducted at various strain rates to determine constitutive relations and rupture criteria for multiyear sea ice as it pertains to the design of offshore platforms
4:00 An Adaptive Technique for the Underwater Acoustic Telemetry of Digital Data—Dr. Eric Softley, Ocean Electronic Applications, Key Biscayne, Florida
A data telemetry scheme, which will automatically adapt to physical variations in the ocean environment, is being developed
5:00 Social Hour

Thursday, November 19, 1981.—Morning Session

9:00 The Dynamics of Well-Control—Dr. Ted Bourgoyne, Louisiana State University, Baton Rouge, Louisiana
A research simulated oil well facility has been developed and studies are being undertaken on the behavior of drilling fluids during steady state and transient conditions
9:30 Application of Fluidics to Mud-Pulse Telemetry—Allen Holmes, Harry Diamond Laboratories, Adelphi, Maryland
Laboratory and field experiments have been conducted on a fluidic mud-pulsing device positioned above the drill bit to provide on-line digital telemetry
10:00 Subsea Recapture of Oil from Blowing Wells—Dr. Jerome Milgram, Massachusetts Institute of Technology, Cambridge, Massachusetts
Hydrodynamic research has been conducted to determine effective methods for capturing oil which emanates from a blowing well
10:30 Coffee
11:00 Development of Fire Suppression Technology for Incipient Blowout Fires—John O'Neill, National Bureau of Standards, Washington, D.C.
Experimental studies using equipment at reduced scale indicate the feasibility of using water to suppress incipient blowout fires
11:30 Toxicity of Drilling Fluids on Corals—Eugene A. Shinn, U.S. Geological Survey, Fisher Island Station, Miami Beach, Florida
A study has been made of drilling mud plumes emanating from seven Gulf of Mexico platforms to determine the concentrations of suspended solids at various distances downstream from the platforms

Thursday, November 19, 1981.—Afternoon Session

12.00 Luncheon
1:30 Open Discussion of the Research Program—Mr. Richard Krahl, Assistant Deputy Division Chief, Offshore Field Activities, Conservation Division, U.S. Geological Survey
Adjourn

The Seminar is being held for the public without charge. Interested parties should write for invitations and technical material to Mr. John B. Gregory, Research Program Manager, Conservation Division, Mail Stop 620, National Center, Reston, Virginia 22092.

Andrew V. Bailey,

Acting Chief, Conservation Division.

[FR Doc. 81-27760 Filed 9-23-81; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: September 21, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP-102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

1. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Missouri Farmers Association, Inc.

Principal Mailing Address (Street No., City, State, and Zip Code): 201 S. Seventh St., Columbia, Missouri 65201.

Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 201 S. Seventh St., Columbia, Missouri 65201.

Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Dale E. Bolander, 201 S. Seventh St., Columbia, Missouri 65201.

2. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Friend/Amigo, Inc.

Principal Mailing Address (Street No., City, State, and Zip Code): Av. Yoli Kil. 2 Empalme, Sonora Mexico.

Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Av. Yoli Kil. 2 Empalme Sonora Mexico.

Person to Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Jesus Loperz Iriarte.

3. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Growers Cooperative of Nayarit.

Principal Mailing Address (Street No., City, State, and Zip Code): Juarez 101, Victoria de Cortazar, Guanajuato Mexico.

Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Juarez #111, Victoria de Cortazar, Guanajuato Mexico.

Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Eligio Esquivel W., Apartado Postal #1-142 Centro Civico, Mexicali Baja Cal.

4. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Sinaloa Growers and Producers, Inc.

Principal Mailing Address (Street No., City, State, and Zip Code): Av. de Los Naranjos 292 Frac. Chapultepec, Mexicali BC Mex.

Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Kino #200 Interior, Magdalena Sonora, Mexico.

Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Eduardo Hernandez Q., Apartado Postal #1.-143 Centro Civico Mexicali Baja Calif. Mexico.

. Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Vera Cruz Citrus Growers and Packers, Inc.

Principal Mailing Address (Street No., City, State, and Zip Code): Avenida de los Naranjos, numero 292 Fraccionamiento Chapultepec, Mexicali Baja Calif.

Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Av. Rio Nilo #139 Frac. Colinas de Rio Aguascalientes Ags.

Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Ma. Teresa Guerrero S., Apartado Postal #1-390 Centro Civico, Mexicali Baja Calif. Mexico.

James H. Bayne,

Acting Secretary.

FR Doc. 81-27757 Filed 9-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 169]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: September 21, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137.

Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

James H. Bayne,

Acting Secretary.

MC 51460 (Sub-1)X, filed September 8, 1981. Applicant: ALFRED ROOT, JR., and SHIRLEY ROOT PISANESCHI, a partnership, 351 Wyoming Avenue, Wyoming, Luzerne County, PA 18644. Representative: Joseph A. Keating, Jr., 121 South Main Street, Taylor, PA 18517. Applicant seeks to remove restriction in its lead certificate to (1) broaden the commodity description from household goods to "household goods and furniture and fixtures" and (2) to broaden its territorial authority by substituting county-wide authority for Wyoming, PA and points within 25 miles thereof as follows: Luzerne, Carbon, Monroe, Wayne, Lackawanna, Susquehanna, Wyoming, Sullivan and Columbia Counties, PA.

MC 52680 (Sub-14)X, filed September 9, 1981. Applicant: D. A. EXPRESS, INC., 11937 S. Page Avenue, Calumet Park, IL 60643. Representative: Stephen H. Loeb, 33 N. LaSalle; Suite 2027, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (A) broaden the commodity descriptions (1) from such merchandise as is dealt in by mail order houses, when such merchandise is transported for mail order or retail merchandise establishments to "such merchandise as is dealt in by mail order houses"; (2) from meat packing house products and groceries to "food and related products and groceries"; and (3) from meats, meat products, etc., to "food and related products"; and (B) change one-way authorities to radial authorities.

MC 127811 (Sub-28)X, filed September 16, 1981. Applicant: BRYWNOOD TRANSFER, INC., 175 8th Ave., SW, New Brighton, MN 55112. Representaitve: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-No. 21F, certificate to (1) broaden the commodity description from television filming and recording trailers to "electrical equipment and machinery and transportation equipment"; (2) remove the restriction against service to Alaska and Hawaii, and (3) remove the facilities limitation at Minneapolis, MN.

MC 134272 (Sub-6)X, filed September 16, 1981. Applicant: DAY & ROSS, LTD, P.O. Box 540, Hartland, New Brunswick, Canada. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101. Applicant seeks to remove restrictions in its Sub-No. 3 certificates to (1) broaden the commodity descriptions from (a) industrial machinery, attachments, and parts to "machinery, including attachments and parts"; (b) frozen foods and potatoes to "food and related products"; and (c) general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) expand city to county wide authority from Mars Hill, Bridgewater, Madawaska, Houlton, Fort Fairfield, Presque Isle, Van Buren and Fort Kent to Aroostook County, ME, and Vanceboro and Calais to Washington County, ME, (page 2); (3) change one-way to radial authority; and (4) remove the "except AK and HI" restriction (page 2).

MC 134556 (Sub-2)X, filed September 15, 1981. Applicant: WATCO, INC., Clayton Road, Canaan, CT 06018. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. Applicant seeks to remove restriction in its lead and Sub-No. 1 permit by (1) broadening the commodity descriptions from cement products, lime and limestone products, silica and silica products, sand and sand products, asphalt and asphalt products, mortar mix, gravel, gravel mix, tar products, marble chips, calcium chloride (except in bulk, in tank vehicles), in the lead and Sub-No. 1, and from dry cement, in bulk, in tank vehicles, tar patch, in bags, and calcium chloride, in containers, to "petroleum, natural gas, and their products, chemicals and related products, coal and coal products, clay, concrete, glass, or stone products, ores and minerals, commodities in bulk, and building materials" in both permits; and (2) broaden the territorial descriptions to between all points in the U.S. under continuing contract(s) with a named shipper, in both permits.

MC 138313 (Sub-74)X, filed September 16, 1981. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street, S.W., Great Falls, MT 59404. Representative: Irene Warr, 311 South State Street, Suite 280, Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub-No. 73 certificate to broaden the commodity description from general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) to "general commodities (except classes A and B explosives)".

MC 138144 (Sub-65)X, filed September 8, 1981. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 45, 53F, 56F, 57F and 58F certificates to (1) broaden the commodity descriptions to "metal products and ores and minerals" from iron and steel articles, in part 3 of Sub-No. 45 and from iron and steel articles and materials, equipment and supplies used in the manufacture of iron and steel articles, in Sub-No. 57F; to "food and related products, farm products and waste and scrap materials" from hides and pelts, in Sub-No. 56F; to "general commodities (except classes A and B explosives)" from general commodities (with exceptions), in part (2) of Sub-No. 45: and to "lumber, wood products, forest products and building materials" from lumber, lumber products, wood products and forest products, in Sub-No. 58F, (2) replace one-way authority with radial authority, in Sub-Nos. 45, 57F and 58F; (3) remove the AK and HI exceptions, in Sub-Nos. 45, 53F and 58F, (4) broaden the territorial description by substituting county-wide and city-wide authority for city-wide authority and facilities as follows: Porter County, IN (for facilities at Burns Harbor, IN), and (for Portage, IN), in Sub-No. 45, Allegheny County, PA (for facilities at Clairton, Duquesne, Dravosburg, Homestead, McKeesport and McKees Rock, PA), Somerset and Cambria Counties, PA (for facilities at Johnstown, PA), Westmoreland County, PA (for facilities at Vandergrift, PA) and Bucks County, PA (for facilities at Fairless, PA), in Sub-No. 57F, Lorain County, OH (for Lorain, OH), Will County, IL (for Joliet, IL) and Lake County, IN (for Gary, IN), in Sub-No. 57F, and Chicago, IL (for South Chicago, IL), in Sub-No. 57F, and (5) remove the "Originating at" restriction in Sub-No. 58F to authorize radial service between named facilities in Minnesota and points in the U.S.

MC 139835 (Sub-3)X, filed September 8, 1981. Applicant: K & K TRANSPORTATION CORP., 4515 North 24 Street, Omaha, NE 68110. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to (A) remove restrictions in its lead and Sub-No. 1F certificate to (1) broaden the commodity description to "pulp, paper and related products" from labels, in the lead and Sub-No. 1F; and from paper, in Sub-No. 1F, to "printed matter" from printed forms, in Sub-No. 1F, (2) replace one-way authority with radial authority, in the lead and Sub-No. 1F, and (3) broaden the territorial description by substituting county-wide authority for city wide authority as follows: Harris County, TX (for Pasadena, TX) and Jackson County, MS (for Moss Point, MS). (B) remove restrictions in MC-136100 (Sub-Nos. 1, 5, 6F and 8F) permits to (a) broaden the commodity descriptions to "pulp, paper and related products, chemicals and related products, plywood, printing powder, machinery, and plastic film" from folding cartons, carton folding machinery, plastic film, adhesives (except in bulk), plywood, printing powder and paper board, in Sub-Nos. 1 and 6F and to "packaging equipment and packaging materials and supplies, electrical tools, office supplies, rubber and plastic products, sawdust, pulp, paper and related products, tapes, and food and related products" from packaging equipment and packaging materials and supplies, heat sealing-electrical tools, marking pens, paper clips, plastic aprons, sawdust, cash register tapes, labels, frozen vegetables, rubber bands, etc., in Sub-No. 1, (b) remove the "in bulk" restrictions in Sub-No. 5 and (c) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 147897 (Sub-4)X, filed September 8, 1981. Applicant: J. C. ROSS, d.b.a. ROSS TRUCKING COMPANY, Route 3, John Hall Road, Knoxville, TN 37920. Representative: Robert L. Baker, Sixth Floor, United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F certificates to (1) broaden the commodity descriptions from lime and limestone products to "chemicals and related products", in Sub-No. 2F and from lumber, wood chips and cross-ties to "lumber and wood products," in Sub-No. 3F, (2) replace one-way authority with radial authority in both subs and (3) remove facilities restrictions in both subs.

Originally published in the **Federal Register** June 30, 1981, republished this issue to correct applicant's errors. MC 149100 (Sub-11)X, filed June 8, 1981. Applicant: JIM PALMER TRUCKING, 9730 Derby Drive, Missoula, MT 59081. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 2F, 3F, 4F, 5F, and 6F certificates to (1) broaden the commodity description in the lead from plastic pipe and fittings to "rubber and plastic products"; in Sub-No. 1F from wrought iron pipe to "metal products"; in Sub-No. 2F from expanded plastic products (with cement facing on one or more sides, except in bulk), to "building materials"; in Sub-No. 3F from wood fiberboard and materials and supplies used in the installation thereof, except commodities in bulk, to "building materials"; in Sub-No. 4F from paper drying and processing equipment and parts thereof, and materials, equipment and supplies used in the manufacture, installation and maintenance thereof, (except commodities in bulk), to "machinery"; in Sub-No. 5F from agricultural implements, farm equipment, industrial equipment, and related parts and attachments to "machinery and metal products"; and in Sub-No. 6F from iron and steel articles to "metal products"; (2) remove facilities limitations (a) in the lead and replace Fairfield, IA, with Jefferson County, IA, (b) in Sub-No. 1 and replace Blue Island, Chicago and Evanston, IL with Chicago, IL (3) change city to county-wide authority from Hamilton, OH, to Butler County, OH in Sub-No. 2F and from Newark, OH, to Licking County, OH, in Sub-No. 3, (4) remove the "originating at and destined to" restriction in Sub-No. 1 and (5) change all one-way authorities to radial authority.

[FR Doc. 81-27756 Filed 9-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OPY-2-176]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: September 17, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members, Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-176

Decided: September 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 19922 (Sub-6), filed September 4, 1981. Applicant: FORREST COLE, d.b.a. COLE TRUCKLINE, 9106 Talton, Houston, TX 77078. Representative: C. W. Ferebee, 14614 Falling Creek, Suite 124, Houston, TX 77068, (713) 537-8256. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.; and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157972, filed August 28, 1981. Applicant: RUDOLPH, DAVID & JAMES BRECH, d.b.a. BRECH TRUCKING, Rural Route 1, Box 48, Dimock, SD 57331. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101-1103, 605-335-1777. Transporting *food and other edible products and by-products, intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158113, filed September 8, 1981. Applicant: JOHN G. HENGEVELD, d.b.a. HENGEVELD TRUCKING, Rural Route, Melvin, IA 51350. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101-1103, (605) 335-1777. Transporting *food and other edible products and byproducts, intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-3-172

Decided: September 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 150444 (Sub-4), filed July 10, 1981. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same address as applicant), (703) 734-2810. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 152365 (Sub-2), filed July 10, 1981. Applicant: PETROLEUM PUMP & TRANSPORT SERVICE, INC., P.O. Box 3803, Odessa, TX 79763. Representative: Harry P. Horak, Suite 115, 5001 Brentwood Stair Road, Fort Worth, TX 76112, (817) 457-0904. Transporting *shipments weighing 100 pounds or less,* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 157104, filed July 6, 1981. Applicant: TERRY L. & LA VADA CLARKE, d.b.a. TERRY CLARKE, P.O. Box 26, Sun River, MT 59483. Representative: Terry L. Clarke (same address as applicant), (406) 264-5114. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-27755 Filed 9-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 18, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

James H. Bayne,

Acting Secretary.

MC 8958 (Sub-48)X, filed March 26, 1981, previously noticed in the **Federal Register** of April 13, 1981, and June 5, 1981, republished as follows: Applicant: THE YOUNGSTOWN CARTAGE, CO., 825 W. Federal Street, Youngstown, OH 44501. Representative: James W. Muldoon, 50 W. Broad Street, Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 12, 13, 18, 21, 24, 25, 26, 27, 32F, 38F, 39F, 40F, 41F, 42F, 43F, 44F, 45F, and 46F certificates and E-letter E-1 through E-20 and E-23 and E-25. The Board previously broadened these authorities by replacing named facilities and cities with counties, broadening commodity descriptions, eliminating in bulk restrictions, originating at and destined to restrictions, and service restrictions. Applicant also sought to expand off-route points and mileage radii territories to county-wide authority. These requests were omitted in the original publication. Inasmuch as the Commission has issued two decisions allowing for the expansion of off-route points and mileage radii to counties, notice is hereby given that applicant seeks to broaden certain territories as follows: (A) replace the off-route points of (1) Beaver, Beaver Falls, Monaca, Rochester, Fallston, Aliquipa, Freedom, and New Brighton, PA, East Palestine, Columbiana, Youngston, New Waterford, Niles, and Petersburg, OH, and points in Allegheny County, PA, and those in OH within 5 miles of

Youngstown with "points in Allegheny, Beaver and Lawrence Counties, PA; Columbiana, Mahoning and Trumbull Counties, OH, and those within 5 miles of Youngstown, OH"; New Kensington and Vandergrift, PA, with "points in Westmoreland County, PA," Fontana and Williams Bay, WI, Buffalo Grove, Longgrove, Prairie View, Mundelein, Round Lake, Long Lake, Alden and Hebron, IL, with "points in Wallworth County, WI, and Lake and McHenry Counties, IL," all in the lead certificate; (B) mileage radii reading points within 25 miles of Chicago, IL, with points in McHenry, DeKalb, DuPage, Kendall, Will, and Kankakee Counties, IL" in the lead and remove restrictions against service to territories less extensive than counties, *i.e.* "except Toledo" in Sub-No. 32 and broaden territorial descriptions less extensive than a county to county-wide, for example, in Sub-No. 32, that part of Lake and Porter Counties, IN, on and north of U.S. Highway 30 to "Lake and Porter Counties, IN."

MC 6973 (Sub-80)X, filed March 9, 1981, previously published in the Federal Register of March 31, 1981, republished as follows: Applicant: METROPOLITAN TRUCKING, INC., 75 Broad Avenue, Fairview, NJ 07022. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead certificate and 42 Sub-Nos. This Board previously broadened these authorities by (1) authorizing readial movements, (2) eliminating in bulk, equipment, originating at, destined to named points, prior air movement, and other miscellaneous service restrictions, (3) expanding the commodity descriptions and (4) broadening named points to counties. Applicant also sought to broaden a mileage radii territory to the respective counties. This request was denied by the Board. Inasmuch as the Commission has stated in No. MC-38400 (Sub-No. 8)X, *Hitchcock Bros. Inc.—Administrative Appeal,* (served May 19, 1981) that mileage radii territories may be broadened to counties, notice is hereby given that applicant seeks to replace in the lead certificate points in NY, NJ, and CT, within 150 miles of Columbus Circle, NY, with "points in NJ, and CT" inasmuch as this radii touches upon all counties in NJ and CT and "points in and south of Washington, Saratoga, Montgomery, Otsego, Chenango, Cortland, and Tioga Counties, NY."

MC 44801 (Sub-20)X, filed April 1, 1981, previously published in the Federal Register of April 15, 1981, republished as follows: Applicant: DICK HARRIS & SON TRUCKING CO., INC., 4000 Harris Lane, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 9F, 12F, 12M1F, 13F, 16F, and 19F certificates. This Board previously broadened these authorities by (1) expanding the commodity descriptions, (2) authorizing radial movements, (3) replacing cities with counties and (4) removing facilities and railhead limitations and other service restrictions. Applicant also sought to broaden mileage radii points to county-wide authority but the Board denied this part of the application. Inasmuch as the Commission has allowed for the broadening of such territorial to counties in No. MC-38400 (Sub-No. 8)X, *Hitchcock Bros.—Administrative Appeal,* served May 19, 1981, notice is hereby given that applicant seeks to expand in the lead, points in that part of Virginia within 100 miles of Lynchburg, VA, with points in VA in and west of Greensville, Sussex, Prince George, Chesterfield, Henrico, Caroline, Spotsylvania, Orange, Culpepper, Rappahannock, Page, and Shenandoah Counties, VA, and points in that part of VA and WV within 140 miles of Lynchburg, VA, with points in and south of Fairfax, Loudon, Clark and Frederick Counties, VA, and Mercer, Summer, Beckley, Monroe, Fayette, Nicholas, Webster, Randolph, Pocahontas, McDowell, Wyoming, Logan, Boone, Kahawha, Clay, Roane, Calhoun, Gilmer, Braxton, Lewis, Upshur, Harrison, Barber, Taylor, Preston, and Tucker Counties, WV.

MC 67646 (Sub-No. 99)X, filed April 24, 1981, previously noticed in the Federal Register of May 26, 1981, republished as follows: Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 82 certificate. This Broad previously reformed this authority by (1) removing the usual exceptions to the general commodities authority, (2) broadening commodity descriptions to the appropriate STCC levels, (3) authorizing service at intermediate points, (4) replacing facilities and cities with county-wide territories, (5) removing "in bulk" restrictions and restrictions limiting service against, or from and to named points and (6) changing one way authority to two-way movements on applicant's regular and irregular routes. Applicant also sought to broaden other cities and their commercial zones to the appropriate counties, substitute as off-route points for former intermediate points on a route that had been redesignated because of a highway relocation, and to remove a restriction prohibiting interlining on its regular routes. These requests were inadvertently omitted in the original publication. Therefore, notice is hereby given that applicant proposes to (1) broaden Chicago, IL to "points in Cook, DuPage, Lake and Will Counties, IL and Lake and Porter Counties, IN;" Anoka, MN to "points in Anoka and Hennepin Counties, MN;" Villa Park, IL to "points in Cook and DuPage Counties, IL;" Minneapolis and St. Paul, MN, to "Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, MN, and Pierce and St. Crox Counties, WI;" Duluth, MN to "Carlton and St. Louis Counties, MN;" Albany, NY to "Albany and Rensselaer Counties, NY;" and Boston, MA to "Essex, Middlesex, Norfolk, Plymouth, Bristol, and Suffolk Counties, MA;" (2) replace former intermediate point communities on U.S. Hwys 22 and 30 as off-route points on the regular-route between Pittsburgh and New York: "Blairsville, Armagh, Huntingdon, Millerstown, Newport, Greensburg, and McConnellsburg, PA" and (3) remove a restriction limiting service to the transportation of traffic moving radially between the NY commercial zone and points in CT, RI, and MA.

MC 89693 (Sub-47)X, filed September 9, 1981. Applicant: HARMS PACIFIC TRANSPORT, INC., 7322 North Division St., Spokane, WA 98208. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Applicant seeks to remove restrictions in its lead and Sub-No. 45F certificates to (1) broaden the commodity descriptions from liquid petroleum products, petroleum and petroleum products, in bulk, and liquid (with or without exceptions) in its lead and tallow, in bulk, in Sub-No. 45F, to "commodities in bulk;" (2) remove vehicle restrictions in both certificates; (3) remove a restriction to traffic having a prior or subsequent movement by water in foreign commerce in Sub-No. 45F; (4) replace the Dalles and Umatilla, OR, with Wasco and Umatilla Counties, OR; Boise, Burley, and Twin Falls, ID, and points within 10 miles of each, with Ada, Twin Falls, Jerome, Cassia, and Minidoka Counties, ID; Baker and Blakely, OR and points within 10 miles of each with Baker and Lane Counties, OR; Pasco, WA and points within 5 miles of Pasco with Franklin, Walla Walla, and Benton Counties, WA; Walla Walla and Finley, WA, and points within 5 miles of Finley, with Walla Walla, Franklin and Benton Counties, WA, and Rockford and Dayton, WA, with Spokane and Columbia Counties, WA in its lead; and Wallula, Seattle, and Tacoma, WA, with Walla Walla, King, Kitsap and Pierce Counties, WA, in Sub-No. 45F.

MC 108121 (Sub-19)X, filed August 28, 1981. Applicant: TRANSPORT STORAGE AND DISTRIBUTING CO., P.O. Box 58028, Tukwila, WA 98188. Representative: Michael D. Duppenthaler, 211 S. Washington, St., Seattle, WA 98104. Applicant seeks to remove restrictions from its lead and Sub-Nos. 15F, 16 and 18 certificates as follows: (1) broaden the commodity description in the lead from new and used automobiles and trucks; and in Sub-No. 15 from automobiles and trucks to "transportation equipment;" (2) in the lead and Sub-No. 15 eliminate all exceptions which require a specific type of movement, such as driveaway service and in secondary movements, in truckaway service; (3) in the lead remove the restriction that limits the transportation to traffic having an immediately prior or an immediately subsequent movement by rail; and (4) replace Seattle, WA, with King, Snohomish and Kitsap Counties, WA, in Sub-No. 16 and Tacoma, WA, with Pierce, King, Kitsap, Thurston, and Mason Counties, WA, in Sub-No. 18; and (5) replace existing one-way authority with radial authority wherever it exists in the lead certificate.

MC 112288 (Sub-18)X, filed, July 23, 1981, previously noticed in the **Federal Register** of August 25, 1981, republished as follows: Applicant: YARBROUGH TRANSFER COMPANY, 1500 Doune Street, Winston-Salem, NC 27107. Representative: James F. Flint, 406 World Center Building, 918 16th Street, N.W., Washington, DC 20006. Applicant seeks to remove restrictions from its Sub-Nos. 10G, 11, 14 and 16F certificates and E letter notice E–4, and authority in MC–139522 and MC–32632 and Sub-Nos. 10, 16 and 19 certificates acquired in MC–F–14335F to (1) broaden the commodity description from household goods to "household goods and furniture and fixtures" in MC–112288 Sub-Nos. 10G and 16 and E4, MC–32632 and its Sub-No. 10; from general commodities with the usual exceptions to "general commodities (except Class A and B explosives)" in MC–112288 Sub-No. 16, MC–32632 and its Sub-No. 10; from carnival equipment and road building machinery and equipment to "machinery, lumber and wood products, pulp, paper and related products, printed matter, rubber and plastic products, transportation equipment, metal products, clay, concrete, glass or stone products, and textile mill products" in MC–139522 and MC–112288 (Sub-No. 16); from air-conditioning, air filtration, refrigeration and humidifying equipment to "machinery" in MC–112288 (Sub-Nos. 11 and 14) and from automobile motors to "machinery" in MC–32632; from lumber to "lumber and wood products" in MC–32632 and its Sub-No. 10; from sand and gravel crushed stone, clay and shale products and brick in MC–32632, from clay and shale products in MC–32632 (Sub-No. 10) and from brick in MC–32632 (Sub-No. 19) to "clay, concrete, glass or stone products"; from feed, agricultural commodities, livestock, poultry and eggs in MC–32632 and from agricultural commodities and feed and groceries in MC–32632 (Sub-No. 10) to "food and related products;" from fertilizer and fertilizer materials, nitrate of soda and fertilizer in MC–32632 (Sub-No. 10) and from fertilizer and fertilizer materials in MC–32632 to "chemicals and related products" from tobacco to "tobacco products" in MC–32632 (Sub-No. 10); from petroleum to "petroleum, natural gas and their products" in MC–32632; from baskets and crates to "lumber and wood products, pulp, paper and related products, rubber and plastic products, leather and leather products, and metal products" to MC–32632; from bagging and ties to "textile mill products, and plastic and rubber products," in MC–32632; from agricultural commodities and lumber to "food and related products and lumber and wood products" in MC–32632; from galvanized metal roofing to "metal products" in MC–32632 (Sub-No. 10); from cotton to "textile mill products" in MC–32632 (Sub-No. 10); and from canned goods, agricultural commodities, tobacco dust, feed and cotton to "food and related products, tobacco products and textile mill products" in MC–32632 (Sub-No. 10), (2) remove the restriction to transportation of commodities which because of size or weight require special equipment in MC–112288 (Sub-Nos. 10G, 11, 14, and 16) and on 3 specific routes in MC–139522, (3) remove the restriction to specific commodities only for loading or unloading where such loading or unloading is performed by the consignor or consignee in part (4) of MC–112288 (Sub-No. 16F) (4) remove the "in container" restriction in MC–32632 (5) change city to county-wide authority (a) in MC–112288 Sub-No. 11 from Winston-Salem and Greensboro, NC to Forsyth, Guilford, Stokes, Yadkin, Davidson, Rockingham and Randolph Counties, NC, (b) in No. MC–112288 Sub-No. 14 from Salisbury, NC to Rowan, Davie, and Davidson Counties, NC, (c) in MC–32632 from Murfreesboro, Woodland, and Ahoskie, NC; Trego, VA; Rich Square, Pomona and Weldon, NC to Hertford, Northampton and Bertie Counties, NC: Greensville County, VA; Northampton, Guilford and Halifax Counties, NC, (d) MC–32632 Sub-No. 10 from Mullens, SC to Marion, Dillon and Horry Counties, SC; from Jarratt, and Alberta, VA to Sussex, Brunswick, and Greensville Counties, VA; from Warrenton and Wise, NC to Warren County, NC from Newark, NJ to Bergen, Essex, Union and Hudson Counties, NJ and (e) in MC–32632 Sub-No. 19 from Ita, NC to Halifax County, NC; (6) change mileage radii to county-wide authority (a) in MC–32632 from points in NC within 75 miles of Trego, VA, to points in that part of North Carolina in and north of Person, Durham, Wake, Johnston, Wayne, Greene, Pitt, Beaufort, Washington, Perquimans, Pasquotank, Camden, and Currituck Counties, NC; from Rich Square, NC, and points and places within 50 miles of Rich Square to points in Warren, Franklin, Nash, Wilson, Greene, Pitt, Beaufort, Edgecombe, Halifax, Northampton, Hertford, Bertie, Martin, Washington, Chowan, Gates, Perquimans, Pasquotank, and Camden Counties, NC; from Severn and Mount Olive, NC and points in NC within 50 miles of Severn and Mount Olive to Warren, Franklin, Beaufort, Wake, Harnet, Cumberland, Bladen, Sampson, Pender, Duplin, Onslow, Jones, Craven, Lenoir, Wayne, Johnston, Wilson, Nash, Halifax, Northampton, Hertford, Bertie, Martin, Edgecombe, Pitt, Greene, Washington, Chowan, Perquimans, Pasquotank, Gates, and Camden Counties, NC; from points and places in NC within 75 miles of Severn, NC, to Granville, Vance, Franklin, Warren, Halifax, Nash, Wilson, Greene, Pitt, Edgecombe, Martin, Bertie, Northampton, Hertford, Gates, Chowan, Washington, Beaufort, Hyde, Tyrrell, Perquimans, Pasquotank, Camden, and Currituck Counties, NC; from between points in NC and VA within 100 miles of Jackson, NC, to points in that part of NC in, and east of Caswell, Orange, Chatham, Harnet, Sampson, Duplin, Onslow, Jones, and Craven Counties, NC and points in that part of VA in and south of Pittsylvania, Campbell, Appomatox, Buckingham, Flavanna, Louisa, Hanover, Caroline, King William, King and Queen, Middlesex, Mathews, Gloucester, and York Counties, VA and Hampton, Norfolk, and Virginia Beach, VA; (b) in MC–32632 (Sub-No. 10) from Ridgeway, Wallace and Faison, NC, and points in NC within 20 miles of these points to

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Johnston, Wayne, Lenoir, Duplin, Sampson, Bladen, Northampton, Nash, Pender, Onslow, Vance, Warren, Halifax, and Franklin Counties, NC; from Henderson and Warrenton, NC, and points in NC within 35 miles thereof to Person, Orange, Durham, Wake, Franklin, Granville, Vance, Warren, Northampton, Halifax, Edgecombe, and Nash Counties, NC; from Warrenton, NC, and points in NC within 35 miles of Warrenton to Franklin, Granville, Person, Orange, Durham, Wake, Vance, Warren, Northampton, Halifax, and Nash Counties, NC; from Warrenton, NC and points in NC within 100 miles of Warrenton to Rockingham, Guilford, Randolph, Moore, Caswell, Alamance, Person, Orange, Chatham, Lee, Harnet, Cumberland, Sampson, Johnston, Wake, Durham, Granville, Wayne, Duplin, Jones, Lenoir, Craven, Beaufort, Pitt, Wilson, Nash, Franklin, Vance, Pasquotank, Perquimans, Chowan, Bertie, Washington, Martin, Hyde, and Edgecombe Counties, NC; and from Greensboro, NC, and points in NC within 85 miles of Greensboro to Ashe, Alleghany, Wilkes, Alexander, Catawba, Lincoln, Gaston, Mecklenburg, Lenoir, Surry, Yadkin, Iredell, Rowan, Davie, Cabarrus, Stanly, Anson, Stokes, Forsyth, Davidson, Montgomery, Richmond, Randolph, Guilford, Rockingham, Caswell, Alamance, Chatham, Lee, Moore, Hoke, Cumberland, Scotland, Harnett, Johnston, Wake, Franklin, Vance, Granville, Person, Durham, and Orange Counties, NC, (7) change one-way to radial authority in MC-112288 (Sub-Nos. 10G, 11, 14, 16F and E-4), MC-32632 and Sub-Nos. 10, 16, and 19, and (8) expand a point in the city limits to the city in MC-32632, from Curtis Bay to Baltimore, MD. The purpose of this republications is to correct omissions in the territorial broadening sections.

MC 118989 (Sub-239)X, filed August 28, 1981. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th Street, Milwaukee, WI 53221. Representative: Anthony C. Vance, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 5, 6, 8, 9, 11, 12, 13, 16, 19, 21, 22, 25, 27, 29, 32, 34, 35, 36, 37, 38, 39, 40, 45, 47, 50, 51, 53, 55, 57, 59, 63, 65, 67, 68, 69, 76, 83, 87, 88, 90, 93, 94, 95, 99, 102, 104, 105, 106, 109, 112, 114, 115, 116, 117, 120, 122, 123, 125, 128, 132, 133, 136, 140, 141, 144, 145, 146, 155, 162, 165, 166, 167, 168, 169, 170, 172, 173, 174, 176, 178F, 179F, 184F, 185F, 186F, 187F, 188F, 190F, 192F, 201F, 204F, 205F, 207F, 217F, 218F, 226F, 228F, 229F, 231F, 235F, 236F and 237F, certificates to (A) broaden the commodity descriptions to (1) "food and related products" from beverages, in Sub-No. 237; (2) "rubber and plastic products" from (a) plastic products in Sub 16, (b) hollow plastic items, in Sub 19, (c) polystyrene plastic parts, in Sub 55, (d) expanded and molded plastic products, and component parts and accessories for said products, in Sub 57, and (e) plastic articles or products in Subs 217 and 229, (3) "chemicals and related products" from (a) water softeners with minerals, and related fittings, and materials and supplies related thereto, in Sub 39 and (b) agricultural chemicals, in Sub 112; (4) "pulp, paper and related products" from (a) paper and paper products and plastic sheets and dispensers when shipped in mixed loads with above commodities, in Sub 155; (b) paper and paper products, in Subs 217 and 236; (5) "waste or scrap materials not identified by industry producing," from (a) waste paper, in Sub 87 and (b) scrap, in Sub 186F; (6) "lumber and wood products, metal products, rubber and plastic products, and pulp, paper and related products," from drums and/or pails and related parts, in Subs 3, 4, 93, 162 and 173; (7) "metal products, pulp, paper, and related products and rubber and plastic products," from cans and/or can ends, in Subs 3, 4, and 123; (8) "rubber and plastic products," from plastic articles, in Sub 162; (9) "clay, concrete, glass or stone products, and pulp, paper and related products," from (a) glass containers and caps, covers, tops, stoppers or closures and fiberboard boxes, moving with glass containers, in Subs 22 and 34 and, (b) glassware and caps, covers and closures for glass containers, and paper carton, in Sub 102; (10) "clay, concrete, glass or stone products," from glass containers, and equipment, materials and supplies used in the manufacture and sale of glass containers, in Sub 192; (11) "metal products, rubber and plastic products, pulp, paper and related products, clay, concrete, glass or stone products and lumber and wood products," from (a) empty containers and empty container parts, in Sub 11, (b) containers, in Subs 12, 35, 37, 95, 172 and 179F, (c) containers, metal, paper, plastic or composite, in Sub 32, (d) containers and container ends, in Subs 69, 144 and 205F (e) containers, container ends, closures and/or scrap metal and materials and supplies used in the manufacture and distribution of containers and container closures, in Subs 115, 122 and 128, (f) containers, container closures and ends, and/or components and materials and supplies used in the manufacture and distribution of containers, container closures and ends and/or components, in Subs 133, 165, 168, and 176, (g) containers, metal, paper or composite, and containers closures, container components, and materials, and supplies used in the manufacture or distribution of containers, in Sub 145, (h) containers, container closures or ends and container accessories and materials and supplies used in the manufacture, distribution and/or sale of the aforementioned commodities, in Subs 184F, 187F and 188F, (i) containers, container closures, glassware, packaging products, container components, and scrap and materials, equipment and supplies used in the manufacture, sale and distribution of the above commodities, in Sub 186F, and (j) containers, container ends and container closures, commodities manufactured or distributed by manufacturers and distributors of containers when moving in mixed loads with containers in Sub 204F; (k) containers, container ends, parts and accessories for containers and fibre cores and tubes, in Sub 88; and (1) boxes, in Sub 13; (12) "rubber and plastic products" from (a) plastic containers and/or incidental parts or closures thereof, in Subs 13, 27, 47, 51, 67, 68, 94, 99, 109, and 178F (b) plastic solution containers, in Sub 59, (c) plastic drum inserts, in Sub 88, (d) plastic containers and materials and supplies used in the manufacture and/or distribution of plastic containers, in Subs 146 and 170, (e) plastic foam products and plastic containers and lids, and materials and supplies used in the manufacture and distribution of the above commodities, in Sub 218F; (13) "pulp, paper and related products and rubber and plastic products," from cartons, in Sub 13; (14) "metal products," from (a) metal containers and closures thereof, in Sub 21, (b) metal containers and container ends, when moving in mixed loads with metal containers, in Subs 25, 65 and 120, (c) metal containers and/or container ends, in Subs 29, 76, 83, 106, 114, 116, 125, 136, 140 and 169, (d) metal containers and container ends when moving in the same vehicle and at the same time with metal containers, in Sub 45, (e) metal pails, in Sub 90, (f) metal containers, metal container ends and accessories, and/or materials and supplies used in the manufacture and distribution of the aforementioned commodities, in Subs 104, 105 and 117, (g) aluminum cans, in Sub 174, and (h) metal containers and materials used in the manufacture and distribution of metal containers, in Sub 201F; (15) "metal products and rubber and plastic products," from metal and plastic containers, in Sub 36; (16) "metal products, and pulp, paper and related products," from fibreboard cans and metal can ends,

in Sub 167; and (17) "pulp, paper and related products," from fibreboard containers and pulpboard containers and equipment, materials and supplies used or useful in the manufacture or sale of fibreboard and pulpboard containers, in Sub 190F; (B) remove the facilities restriction, in Subs 8, 12, 21, 22, 25, 29, 32, 34, 35, 37, 38, 40, 45, 47, 53, 57, 65, 67, 88, 90, 93, 94, 95, 99, 104, 112, 115, 116, 117, 120, 122, 123, 128, 132, 133, 136, 140, 141, 144, 145, 146, 155, 165, 166, 168, 170, 172, 173, 176, 178F, 179F, 184F, 186F, 187F, 190F, 192F, 205F, 207F, 217F, 218F, 226F, 228F, 229F, 231F, and 236F; (C) remove the "originating at and/or destined to" restriction, in Subs 4, 5, 8, 11, 16, 19, 22, 25, 29, 32, 34, 35, 36, 37, 57, 67, 112, 114, 115, 116, 141, 145, 155, 165, 167, 168, 169, 170, 172, 173, 176, 178F, 179F, 184F, 190F, 207F, 231F; (D) remove the restriction prohibiting the transportation of (1) commodities in bulk and/or in tank vehicle in Subs 16, 40, 53, 55, 63, 105, 112, 115, 117, 122, 128, 133, 141, 145, 165, 166, 168, 176, 184F, 185F, 187F, 190F, 192F, 207F, 217F, 218F, 226F, 228F, 229F and 237F; (2) frozen commodities, in Sub-40, (3) refuse containers, in Subs 99, 116 and 136, (4) size and weight commodities, in Subs 105, 106, 117 and 229F, and (5) traffic to AK and HI, in Subs 128, 204F, 207F and 236F; (E) replace city-wide authority with county-wide authority: Kalamazoo County, MI and Warren, Pendleton, Bell, Rowan, McCracken Counties, KY, Chippewa and Eau Claire Counties, WI, for Kalamazoo, MI, Bowling Green, Falmouth, Middleboro, Morehead, and Paducah, KY, and Eau Claire, WI, in Sub 9; Rice County, MN for Faribault, MN, in Sub 19; Jay County, IN for Portland, IN, in Subs 55 and 57; Holmes County, MS for Durant, MS in Sub 57; Providence County, RI and Sussex County, NJ for Central Falls, RI and Stanhope, NJ, in Sub 57; Worcester County, MA for Manchaug and Worcester, MA, in Sub 57; Pottawattamie County, IA and Dane County, WI for Council Bluffs, IA and Madison, WI, in Sub 218F; Dane County, WI for Deerfield, WI, in Sub 39; Muscatine County, IA for Muscatine, IA, in Subs 112 and 229F; Muskogee County, OK for Muskogee, OK, in Sub 155; Albany and Washington Counties, NY and Columbus, OH for Albany and Fort Edward, NY and Franklin County, OH, in Sub 217F; Wayne Couty, MI, and Jefferson and Fayette Counties, KY for Detroit, MI, Louisville and Lexington, KY, in Sub 87; Cook County, IL for E. Chicago, IL, in Sub 166; Winnebage, Outagamie, Columbia, Oneida, Brown, Columbia, Chippewa, Eau Claire, Rusk, Waukesha, Price, Lincoln, Marathon, Wood, and Portage Counties, WI for Menasha, Appleton, Combined Locks, Portage, Neenah, Rhinelander, Green Bay, Columbus, Eau Claire, Ladysmith, Menomonee Falls, Park Falls, Tomahawk, Oshkosh, Kimberly, Kaukana, Merrill, Brokaw, Rothschild, Biron, Stevens Point, Wisconsin Rapids and Green Bay, WI, in Sub 141; and Calhoun County, MI for Emmett Township, MI, in Sub 207F; and (F) change one-way authority to radial authority, in Subs 9, 16, 19, 39, 55, 57, 87, 112, 141, 155, 166, 217F, 218F, 228F and 236F.

MC 128371 (Sub-11)X, filed September 10, 1981. Applicant: BELLEVUE AGGREGATE HAULERS, INC., P.O. Box 296, Holland, OH 43528. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its lead and Sub-Nos.1, 3, 5F, 7F, 9F, and 10F certificates to: in the lead, broaden the commodity description from sand, gravel, earth, building blocks, crushed stone, roadbuilding materials, mortar, cinders, brick, vitrified clay tile and agricultural like, to "building or construction materials and farm products;" delete the exception of cement; replace the origins of Perrysburg, Ross, Plain, and Center Townships, Wood County, OH, with county-wide authority in Wood County, OH; and replace existing one-way authority with radial authority; in Sub-No. 1, broaden the commodity description from bulk commodities in dump drucks, to "commodities in bulk;" delete the exception of salt; and delete the restriction against the transportation of specified commodities from points in Lenaweee County, MI, to points in Fulton County, OH; in Sub-No. 3, broaden the commodity description from fly ash, in dump vehicles, to "commodities in bulk;" replace the plantsite origin with county-wide authority in Wayne County, MI; and substitute radial authority for one-way authority; in Sub-No. 5F, broaden the commodity description from sand, gravel, earth, building blocks, stone, mortar, cinders, brick, clay tile, agricultural lime and roadbuilding materials, to "building materials, construction materials or farm products;" delete the exception for cement; and replace one-way authority with radial authority; in Sub-No. 7F, broaden the commodity description from scrap metal to "metal products;" and replace one-way authority with radial authority; in Sub-No. 9F, broaden the commodity description from scrap metal to "metal products;" remove the dump vehicle limitation; and replace existing one-way authority with radial authority; in Sub-No. 10F, broaden the commodity description from such commodities as are dealt in or used by manufacturers of metal containers, to "metal products and materials, equipment and supplies used in the manufacture and distribution of metal products;" remove the equipment limitation "in dump vehicles;" replace named facilities at or near Whitehouse, OH, with Lucas County, OH; and replace East Chicago, IN, with Lake County, IN, and Cook County, IL.

MC 151063 (Sub-2)X, filed September 10, 1981. Applicant: LODWICK TRANSPORT,LTD., R.R. #1, Brechin, Ontario, Canada LOK 130. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) broaden the commodity description from (a) automobile jacks and handles and (b) materials, supplies and equipment used in the manufacture and distribution of the commodities in (a), to "machinery and metal products and materials, equipment and supplies used in the manufacture and distribution thereof;" (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers; and (3) remove a restriction to foreign commerce only.

FR Doc. 81-27784 Filed 9-23-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Bonus Awards Schedule for Senior Executive Service (SES)

AGENCY: Department of Justice.

ACTION: Notice of SES Bonus Awards Schedule.

SUMMARY: Pursuant to the Civil Service Report Act, 5 U.S.C. Section 5384, permitting the award of bonuses to Senior Executive Service personnel, the Department of Justice hereby announces its intention to make such bonus awards on or about September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Oser, Director, Personnel and Training Staff, Justice Management Division, Department of Justice, Washington, D.C. 20530. Telephone: 633-8221.

Harry H. Flickinger,

Executive Secretary, Executive Resources Board.

[FR Doc. 81-27773 Filed 9-23-81; 8:45 am]

BILLING CODE 4410-01-M

Performance Review Boards; Membership

AGENCY: Department of Justice.

ACTION: Notice of the Department of Justice's 1981 Performance Review Boards.

SUMMARY: Pursuant to the requirement of 5 U.S.C. 4314(c)(4), the Department of Justice announced the membership of its Performance Review Boards on Monday, August 3, 1981. Subsequent to that notice the following individuals were added to the original membership list.

Michael Dolan, Deputy Assistant Attorney General, Office of Legislative Affairs.

Harry H. Flickinger, Deputy Assistant Attorney General, Justice Management Division.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Oser, Director, Personnel and Training Staff, Justice Management Division, Department of Justice, Washington, D.C. 20530. Telephone: 633-3221.

Harry H. Flickinger,

Executive Secretary, Senior Executive Resources Board.

[FR Doc. 81-27761 Filed 9-23-81; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

United States v. Central Contracting Co., Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h) that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed with the United States District Court for the Eastern District of Virginia, Richmond Division, in *United States of America v. Central Contracting Company, Inc.*, Civil Action No. 81-0834-R.

The Complaint in this case alleged that beginning in or about March, 1978, the defendant and certain unnamed co-conspirators engaged in a combination and conspiracy to restrain interstate commerce by submitting collusive, noncompetitive and rigged bids on a project for the construction and reconstruction of runways and taxiways at Richard Evelyn Byrd International Airport (Byrd Airport), operated by the Capital Region Airport Commission, Richmond, Virginia (Project No. 6-51-0043-08), in violation of Section 1 of the Sherman Act (15 U.S.C. 1).

The proposed Final Judgment prohibits Central Contracting Company, Inc. from discussing with competitors bids (or the consideration of whether to make a bid) for the sale of asphalt or concrete or for contracts to perform asphalt or concrete paving services. Specifically excepted from this prohibition are legitimate or *bona fide* communications with competitors concerning actual purchases, sales, subcontracts or joint ventures. The proposed Final Judgment requires Central Contracting Company, Inc. to take affirmative steps to advise its employees engaged in bidding, estimating or establishing the price of asphalt or concrete paving work or contracts for the sale of asphalt of their obligations under the proposed Final Judgment and the Sherman Act, and to obtain from such employees a written acknowledgment that the employee understands that noncompliance with the proposed Final Judgment will result in disciplinary action. Central Contracting Company, Inc. is further required to distribute a copy of the proposed Final Judgment and a written directive to each such employee at least once every two years. The proposed Final Judgment provides that if the assets of Central Contracting Company, Inc. are sold or otherwise disposed of, the acquiring party must agree to abide by the provisions of the proposed Final Judgment. The proposed Final Judgment is to be in effect for ten years from its date of entry.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Anthony V. Nanni, Chief, Trial Section, Room 3266, Antitrust Division, U.S. Department of Justice, 10th & Pennsylvania Avenue, N.W., Washington, D.C. 20530 (telephone 202/633-2541).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

U.S. District Court for the Eastern District of Virginia, Richmond Division

United States of America, Plaintiff, v. *Central Contracting Company, Inc.*, Defendant.

Civil Action No. 81-00834-R.

Filed: September 11, 1981.

Stipulation

It is stipulated and agreed by and between the parties hereto and by their respective attorneys, that:

1. The parties consent that the court may file and enter a Final Judgment, in the form attached to this Stipulation, on the court's own motion or on motion of any party at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)-(h)), and without further notice to any party or other proceedings, if plaintiff has not withdrawn its consent, which it may do at any time before entry of the judgment by serving notice of its withdrawal on defendant and filing that notice with the court.

2. If plaintiff withdraws its consent or if the proposed judgment is not entered pursuant to this Stipulation, the Stipulation shall be of no effect whatever and the making of it shall be without prejudice to any party in this or any other proceeding.

For the plaintiff: William F. Baxter, *Assistant Attorney General;* Hays Gorey, Jr., for Diane R. Kilbourne, Joseph H. Widmar, Anthony V. Nanni, Attorneys, United States Department of Justice.

For the defendant: Rayt V. Hartwell, III, Esquire, Hunton & Williams, *707 East Main Street, Richmond, VA 23212.*

U.S. District Court for the Eastern District of Virginia, Richmond Division

United States of America, Plaintiff, v. *Central Contracting Company, Inc.*, Defendant.

Civil Action No. 81-00834-R.

Filed: September 11, 1981.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law and upon consent of the parties, it is hereby,

Ordered, Adjudged and Decreed as follows:

I

This court has jurisdiction of the subject matter of this action and of the parties hereto. The Complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act (15 U.S.C. § 1).

II

As used in this Final Judgment:

A. "Person" shall mean any individual, partnership, firm, corporation, association or other business or legal entity;

B. "Asphalt" means a paving material consisting of aggregates using asphalt cement as the cementing agent; and

C. "Concrete" means a paving material consisting of aggregates using portland cement as the cementing agent.

III

This Final Judgment applies to the defendant and to each of its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant is enjoined and restrained from entering into, adhering to, maintaining, enforcing or furthering, directly or indirectly, any contract, agreement, understanding, plan, program, combination or conspiracy with any person to:

(A) Raise, fix, establish, maintain, stabilize or ahdere to the prices, discounts or other terms or conditions for the sale of asphalt to any person or government agency;

(B) Submit noncompetitive, collusive or rigged bids or refrain from bidding on any contract for asphalt or concrete paving with any person or government agency; and

(C) Allocate contracts, rotate or divide markets, customers or territories with respect to contracts for asphalt or concrete paving with any person or government agency.

V

Defendant is enjoined and restrained from communicating with, requesting from or discussing with any other manufacturer of asphalt or concrete or any other asphalt or concrete paving company information about: (a) any past, present, future or proposed bid, or the consideration of whether to make any bid, for the sale of asphalt or concrete to any third person or for any contract for asphalt or concrete paving; (b) any past, present, future or proposed price, discount or other term or condition for the sale of asphalt or concrete or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition for the sale of ashpalt or concrete; or (c) asphalt or concrete production or sales volume or costs; provided, however, that this Section V shall not apply to: (1) any communication relating to prices for asphalt that is made to the public or the trade generally and is not made solely to any other contractor or seller of asphalt and (2) any necessary communication in connection with a *bona fide* contemplated or actual purchase, sale, subcontract or joint venture transaction between the parties to the communication.

VI

A. Defendant shall, within 60 days after entry of this Final Judgment, furnish a copy of it to each of its employees who has any responsibility for bidding or estimating contracts for asphalt or concrete paving or any responsibility for or authority over the establishment of prices for asphalt.

B. Defendant shall furnish a copy of this Final Judgment to each person who becomes an employee described in subsection A of this section, within 60 days after he assumes the position that brings him within that description.

C. Defendant shall take additional affirmative steps to advise each of its employees described in subsections A and B of this section of its and of their obligations. These steps shall include distribution to each of them, at least once every two years, of copies of this Final Judgment and of a written directive about the defendant's policy requiring compliance with the Sherman Act and with the judgment. The directive shall include an admonition that noncompliance will result in appropriate disciplinary action, which may include dismissal, and advice that the defendant's legal advisors are available to confer about any compliance questions. The defendant shall require that each of them submit to it a signed statement, which it shall retain in its files, acknowledging each receipt of copies of the judgment and the directive, acknowledging that he has read them, acknowledging that he has been advised and understands that noncompliance will result in appropriate disciplinary action, which may include dismissal, and acknowledging that he has been advised and understands that noncompliance with the judgment may also result in conviction for contempt of court and fine or imprisonment, or both.

D. Defendant shall file with the court and serve on the plaintiff, with 90 days from the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subsection A of this section.

VII

Defendant shall require, as a condition of the sale or other disposition or all, or substantially all, of the total assets of its asphalt and concrete business, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the court, and serve on the plaintiff, its consent to be bound by this Final Judgment.

VIII

For the purpose of determining or securing compliance with this Final Judgment, upon witten request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division or his agent made to the defendant at its principal office, subject to any legally recognized privilege:

A. On reasonable notice to the defendant, which may have counsel present, duly authorized representatives of the Department of Justice shall be permitted:

1. Access, during office hours of the defendant, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of the defendant relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers, directors, employees or agents of the defendant, any of whom may have counsel present, regarding any matters contained in the Final Judgment.

B. The defendant shall submit such reports in writing, under oath if requested, with respect to any matters contained in this Final Judgment as may be reasonably requested.

No information or documents obtained by the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party or for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

If, at the time information or documents are furnished by the defendant to the plaintiff, the defendant represents and identifies in writing the material in the information or documents to be of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure and the defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then plaintiff shall give ten days' notice to the defendant before divulging the material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

IX

Jurisdiction is retained by this court for the purpose of enabling any of the parties to apply to this court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of its provisions, for the enforcement of compliance with it or for the punishment of any violation of it.

X

This Final Judgment shall be in effect for the period of ten years following the date of its entry.

XI

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

U.S. District Court for the Eastern District of Virginia, Richmond Division

United States of America, Plaintiff, v. *Central Contracting Company, Inc.,* Defendant.

Civil Action No. 81-00634-R.

Filed: September 11, 1981.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15, U.S.C. 16(b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On August , 1981, the United States filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. 4) to enjoin the above-named defendant from continuing or renewing violations of Section 1 of the Sherman Act (15 U.S.C. 1).

The complaint alleges that beginning in or about March, 1978, the defendant and certain unnamed co-conspirators engaged in a combination and conspiracy to restrain interstate commerce by submitting collusive, noncompetitive and rigged bids on a project for the construction and reconstruction of runways and taxiways at Richard Evelyn Byrd International Airport (Byrd Airport), operated by the Capital Region Airport Commission, Richmond, Virginia (Project No. 6-51-0043-08).

The complaint seeks a judgment by the court that the defendant engaged in the conspiracy in restraint of trade in violation of Section 1 of the Sherman Act as alleged in the complaint and an order that enjoins the defendant from continuing or resuming such conspiracy and that restrains the defendant from engaging in other combinations and conspiracies having similar purposes or effects.

This proceeding arose as a result of a grand jury investigation into the bid-rigging activities of the defendant and others in the Commonwealth of Virginia. Central Contracting Company, Inc. was charged in a one-count indictment with conspiring with others to submit collusive, noncompetitive and rigged bids on the project which is the subject of the complaint. Pursuant to a plea agreement, defendant pleaded guilty to the indictment and was sentenced to pay a fine of $125,000. Ashland-Warren, Inc. and Rea Construction Company were named as co-defendants in the indictment and, pursuant to separate plea agreements and quilty pleas, were sentenced to fines of $500,000 and $150,000 respectively. Previously, one of Rea Construction Company's employees had been charged in a criminal information with conspiring with others to submit collusive, noncompetitive and rigged bids on the Byrd Airport project. This individual pleaded guilty and was sentenced to 60 days imprisonment.

II

The Terms of the Alleged Conspiracy

During the period of time covered by the complaint, the defendant engaged in the business of airport runway and taxiway construction in the Commonwealth of Virginia.

The Complaint

On or about March 3, 1978, the Capital Region Airport Commission solicited sealed bid proposals from construction contractors for Project No. 6–51–0043–08. The project required contractors to submit sealed bids for the furnishing of labor, equipment and materials for the construction, reconstruction and lighting of specified taxiways and runways at Byrd Airport. The Capital Region Airport Commission was required under Virginia law to award the project to the lowest responsible bidder. Under the Airport and Airway Development Act of 1970 (49 U.S.C. 1701 *et seq.*), the United States funded 90 percent of the costs of Project No. 6–51–0043–08.

The complaint alleges that, beginning in or about March, 1978, the defendant and co-conspirators conspired to restrain interstate commerce in violation of Section 1 of the Sherman Act, by submitting collusive, noncompetitive and rigged bids for Project No. 6–51–0043–08. To effectuate the conspiracy, the defendant and co-conspirators discussed the submission of prospective bids on the project, submitted intentionally high, complementary bids on the project and submitted false, fictitious and fraudulent information to an agent of the Capital Region Airport Commission. According to the complaint, the conspiracy had the effect of stabilizing the price of project No. 6–51–0043–08 at an artificial and noncompetitive level and denying the Capital Region Airport Commission and the United States the benefits of free and open competition on Project No. 6–51–0043–08.

III

Explanation of the Proposed Final Judgment

The parties have stipulated that the proposed Final Judgment may be entered by the court at any time after compliance with the Antitrust Procedures and Penalties Act. The Final Judgment between the parties provides that there is no admission by any party with respect to any issue of fact or law. Pursuant to Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon the determination by the court that the proposed Final Judgment is in the public interest.

The proposed Final Judgment enjoins the defendant from entering into, adhering to, maintaining, enforcing or furthering, directly or indirectly, any contract, agreement, understanding, plan, program, combination or conspiracy wilth any person to: (a) raise, fix, establish, maintain, stabilize or adhere to the prices, discounts or other terms or conditions for the sale of asphalt to any person or government agency; (b) submit noncompetitive, collusive or rigged bids or refrain from bidding on any contract for asphalt or concrete paving with any person or government agency; and (c) allocate contracts, rotate or divide markets, customers or territories with respect to contracts for asphalt or concrete paving with any person or government agency.

The proposed Final Judgment also enjoins the defendant from communicating with, requesting from or discussing with any other manufacturer of asphalt or concrete or any other asphalt or concrete paving company information about: (a) any past, present, future or proposed bid, or the consideration of whether to make any bid, for the sale of asphalt or concrete to any third person or for any contract for asphalt or concrete paving; (b) any past, present, future or proposed price, discount or other term or condition for the sale of asphalt or concrete or the consideration of whether to make any change in any actual or proposed price, discount or other term or condition for the sale of asphalt or concrete; or (c) asphalt or concrete production or sales volume or costs. These restrictions on communication do not apply to (1) any communication relating to prices for asphalt that is made to the public or the trade generally and that is not made solely to any other contractor or seller of asphalt, and (2) to any necessary communication in connection with a *bona fide* contemplated or actual purchase, sale, subcontract or joint venture transaction between the parties to the communication.

The proposed Final Judgment requires the defendant to take affirmative steps to advise each of its employees who has any responsibility for bidding or estimating contracts for asphalt or concrete paving or any responsibility for or authority over the establishment of prices for asphalt (hereinafter "described employee") of the defendant's and the described employee's obligations under the Final Judgment and the Sherman Act. The defendant must furnish a copy of the Final Judgment to each described employee within 60 days after judgment is entered, and to each person who becomes a described employee within 60 days after he assumes the position that brings him within the description. In addition, the defendant is required to distribute, at least once every two years, a copy of the Final Judgment and a written directive about the defendant's compliance policy to each of the described employees. The directive must include a warning that noncompliance will result in disciplinary action, which may include dismissal, and advice that the defendant's legal advisors are available to confer on compliance questions. Upon receipt of the judgment and directive, the described employee must sign a statement to his employer acknowledging that he has read the judgment and directive, that he has been advised and understands that noncompliance with the judgment may result in conviction for contempt of court, fine and/or imprisonment. The defendant must retain copies of the described employee's statement in its files. The defendant must file with this court and serve on the United States within 90 days from entry of the Final Judgment an affidavit as to the fact and manner of its compliance with the requirement that it serve, within 60 days after entry of this Final Judgment, a copy thereof to each described employee.

The proposed Final Judgment also provides that the defendant require, as a condition of the sale or other disposition of all, or substantially all, of the total assets of its asphalt and concrete business, that the acquiring party agree to be bound by the provisions of the Final Judgment. The acquiring party must file with the court, and serve on the United States, its consent to be bound by the judgment.

The Department of Justice is given access under the proposed Final Judgment to the files and records of the defendant subject to reasonable notice requirements, in order to examine such records to determine compliance or noncompliance with the Final Judgment. The Department is also granted access to interview officers, directors, agents or employees of the defendant to determine whether the defendant and its representatives are complying with the Final Judgment. Finally, the defendant, upon the written request of the Department of Justice, shall submit reports in writing, under oath if requested, with respect to any of the matters contained in the Final Judgment.

The Final Judgment is to be in effect for ten years from its date of entry.

IV

Remedies Available to Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney's fees. The entry of the proposed Final Judgment will neither impair nor assist the Commonwealth of Virginia in bringing or prosecuting any treble damage antitrust claim arising out of the combination and conspiracy charges in the complaint. Under Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), this Final Judgment may not be used as *prima facie* evidence in legal proceedings against the defendant.

V

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Anthony V. Nanni, Chief, Trial Section, Department of Justice, Antitrust Division, 10th & Constitution Avenue, N.W., Washington, D.C. 20530, within the 60-day period provided by the Antitrust Procedures and Penalties Act. These comments, and the Department's responses, will be filed with the court and published in the **Federal Register.** The comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is appropriate and necessary to the public interest. The proposed Final Judgment provides that, after entry, the parties may apply to the court for such orders as may be necessary or appropriate for its modification or enforcement.

VI

Alternatives to the Proposed Final Judgment

The proposed Final Judgment will dispose of the United States' claim for injunctive relief against the defendant. The only alternative available to the Department of Justice is a trial of this case on the merits. Such a trial would require a substantial expenditure of public funds and judicial time. Since the relief obtained in the proposed Final Judgment is substantially similar to the relief the Department of Justice would expect to obtain after winning a trial on the merits, the United States believes that entry of the proposed Final Judgment is in the public interest.

VII

Determinative Materials and Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), were considered in formulating the proposed Final Judgment.

Respectfully submitted,

Hays Gorey, Jr.,

Attorney, United States Department of Justice, Antitrust Division, Room 3228, 10th and Constitution Avenue N.W., Washington, D.C. 20530, (202) 633–2434.

[FR Doc. 81–27765 Filed 9–23–81; 8:45 am]

BILLING CODE 4410–01–M

U.S. v. H. J. Heinz, Inc., Star-Kist Foods, Inc. and Star-Kist Samoa, Inc.; Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *H. J. Heinz, Inc., Star-Kist Foods, Inc. and Star-Kist Samoa, Inc.,* Civil Action No. CV 80–04703–TJH has been lodged with the United States District Court for the Central District of California. The proposed consent decree requires the payment of $20,000 in settlement of all civil penalty claims asserted in the case for violation of the Clean Water Act, 33 U.S.C. 1251 *et seq.*

The Department of Justice will receive written comments until October 26, 1981. Comments should be addresses to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *H. J. Heinz, Inc., et al.,* (D.J. Ref. No. 90–5–1–6–233).

The proposed consent decree may be examined at the Office of the United States Attorney, Central District of California, 312 North Spring Street, Los Angeles, California 90012; at Region IX Office of the Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, 10th & Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check or money order in the amount of $3.60 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–27764 Filed 9–23–81; 8:45 am]

BILLING CODE 4410–01–M

U.S. v. Louisville and Jefferson County Metropolitan Sewer District and Commonwealth of Kentucky; Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19020, notice is hereby given that a proposed consent decree in *United States* v. *Louisville and Jefferson County Metropolitan Sewer District and Commonwealth of Kentucky,* Civil Action No. 78–0130–L–(B), has been lodged with the United States District Court for the Western District of Kentucky. The proposed consent decree would establish a compliance program for the Louisville and Jefferson County Metropolitan Sewer District's Morris Forman Wastewater Treatment Plant, to bring that facility into compliance with the Clean Water Act, 33 U.S.C. 1251 *et seq.*

The Department of Justice will receive until October 26, 1981 written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *Louisville and Jefferson County Metropolitan Sewer District and Commonwealth of Kentucky,* D.J. Ref. No. 90–5–1–1–1002.

The proposed consent decree may be examined at the office of the United States Attorney, Western District of Kentucky, Room 211, United States Post Office and Courthouse, 601 West Broadway, Louisville, Kentucky 40202; at the Region IV Office of the Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30308; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–27763 Filed 9–23–81; 8:45 am]

BILLING CODE 4410–01–M

U.S. v. Molycorp, Inc.; Proposed Consent Degree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on September 14, 1981, a proposed consent decree in *United States of America* v. *Molycorp, Inc.,* was lodged with the United States District Court for the District of New Mexico. The proposed consent decree will require Molycorp, Inc., to pay $28,000.00 in penalties for failure to meet the terms and conditions of it NPDES permit and to relocate pipelines associated with its molybdenum mill by October 1, 1984.

The Department of Justice will receive until October 26, 1981, written comments related to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C.

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20530, and refer to *United States* v. *Molycorp, Inc.*, D. J. Ref. 90-5-1-1-1453.

The proposed consent decree may be examined at the office of the United States Attorney, United States Courthouse, Albuquerque, New Mexico 87103, at the Region VI Office of the Environmental Protection Agency, Enforcement Division 1201 Elm Street, Dallas, Texas 75270 and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, Tenth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check or money order in the amount of $1.40 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-27762 Filed 9-23-81: 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Special Projects Panel (Presenting Organizations) to the National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Special Projects Panel (Presenting Organizations) to the National Council on the Arts will be held on October 13, 1981, from 9:30 a.m.–5:00 p.m., October 14, 1981 from 9:30 a.m.–5:00 p.m. and 7:30 p.m.–9:00 p.m., October 15, 1981 from 9:30 a.m.–5:00 p.m. and October 16, 1981, from 9:30 a.m.–5:00 p.m. in room 1340 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on October 14, 1981, from 7:30 p.m.–9:00 p.m. to discuss policy.

The remaining sessions of this meeting on October 13-16, 1981, from 9:30 a.m.–5:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 18, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

September 18, 1981.

[FR Doc. 81-27777 9-23-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-39]

Reports, Recommendations, Response; Availability

- **Special Investigation Report**—*Search and Rescue Procedures and Arming of Emergency Locator Transmitter: Aircraft Accident Near Michigan City, Indiana, December 7, 1980 (NTSB-SIR-81-2).*—As a result of its investigation, the Board on August 26 issued these "Class II, Priority Action" recommendations to the Federal Aviation Administration:

Take steps to make search and rescue operations less vulnerable to human error either by changes in terminal air traffic control accident notification procedures, or by changes in training, supervision, or performance monitoring **(A-81-88)**. Require air traffic control facilities to maintain current area maps that are standardized and coordinated with those used by local police and search and rescue authorities so that accurate search areas can be readily identified **(A-81-89)**. Issue an Airworthiness Directive to require that Beech Kit No. 101-3062-1 be installed on all Beech aircraft which have the remote ELT switch installed **(A-81-90)**. Issue a General Aviation Airworthiness Alert, advising all owners of ELT Model CR-11-2 that they should obtain and retain an updated owner's manual, Document 950012, for use in the installation and operation of this unit. The changes in the manual should also be summarized in the Airworthiness Alert **(A-81-91)**.

- **Recommendation Letter** to the *Federal Aviation Administration*, September 10:

Issue an Airworthiness Directive making the provisions of Piper Aircraft Corporation Service Bulletin No. 720 mandatory for all PA-32R series aircraft. (Class II)**(A-81-96)**

- **Responses to NTSB Recommendations**

From the Federal Aviation Administration: **A-71-59** (Sept. 2).—Present FAA study addresses SAFER (Special Aviation Fire and Explosion Reduction) Advisory Committee recommendations to require fuel tank vent protection, during ground fires, and design practices that maximize the probability of engine fuel supply shoutoff in potential fire situations. SAFER recommendations concern antimisting kerosene, reduced flash point kerosene fuel, NTSBF/FAA expanded accident investigation, crash scenario definition, crash resistant fuselage fuel system, cabin materials, seat fire blocking layer concept, development of Ohio State University burn chamber, toxicity research, test for drip and melt cabin materials, full-scale fire test plan, fire modeling capability, heat resistant evacuation slides, fire resistant windows, open forums on toxicity, and cabin materials. (44 FR 12785, 3-8-79)

From the United States Coast Guard: **M-77-15 through-30** (Sept. 1).—No further corrective action is needed in light of review of marine casualty statistics on machinery and engineering failures aboard charter fishing vessels in the Portland Marine Safety Office Zone. Visual sweep width information, first aspect of USCG's Probability of Detection project, will be available Dec. 1, 1981, electronic sweep width information in 1985. Federal Communications Commission Docket 78-230 was implemented Oct. 11, 1979, as a modification to 47 CFR Parts 2 and 83. Procedures to increase tour lengths of station personnel are in effect. A copy of SAR Mission Check-Off List and Change 1 to same is provided. "Safety Orientation of Passengers,"CGD 78-009, was published Feb. 19, 1980, in the FEDERAL REGISTER. USCG believes that a requirement for high water bilge alarms could have negative effect by creating complacency in the operator to regularly examine the water level in his bilges. Installation of automatic bilge pumps on small passenger vessels could have a detrimental effect by making operators dependent on equipment that may not be operational; present regulations are adequate. Fuel transfer was not a major factor in loss of stability in the PEARL-C casualty; fuel transfer through a cross-connecting fuel line has not played a role in the loss of any small passenger vessel. USCG awaits results of NTSB observation of casualty trends for small passenger operations on the Columbia River Bar (Board letter of Oct. 30, 1979.) Recommendations M-77-16, -17, -19, -21, -28, and -30 have been closed out. (44 FR 45498, 8-2-79)

M-81-1 through -4 (Sept. 1).—USCG is developing a Boat Crew Seamanship Manual for training, qualification, and certification of small boat crews. The wearing of personal flotation devices in all towing evolutions with small boats is supported and encouraged. Early in FY 1980 USCG replaced antimotion sickness medications aboard its vessels with a combination of promethazine (a common antihistamine) and ephedrine (a common decongestant), but USCG will not make it mandatory for SAR personnel to take this medication. USCG has terminated the uninspected vessel boarding program in order to provide personnel and resources for programs required by law. (46 FR 26719, 5-14-81)

M-81-27 through -29 (Sept. 1).—USCG agrees that commencement of construction of structures should be included in Local Notices to Mariners, and is directing District

Commanders to explain to owners of structures the need for prompt publication in these Notices. USCG does not concur in amending 46 CFR 97.05, Notice of Mariners and Aids to Navigation, to require masters of vessels to give Local Notices to Mariners the same priority as Weekly Notices in requiring licensed deck officers to acquaint themselves with the latest marine information available to correct charts and publications promptly. USCG concurs in amending 33 CFR Part 67, Aids to Navigation on Artificial Islands and Fixed Structures, to require radar reflectors for offshore structures which present a low profile and where attending vessels are not present during construction. (46 FR 27803, 5-21-81)

From the Defense Mapping Agency: M-81-30 (Sept. 1).—This cautionary note is included in every Weekly Notice to Mariners: "Because of the sometimes transitory nature of aids to navigation, depths and port information, local area sources should be consulted whenever possible." (46 FR 27803, 5-21-81)

NOTE: Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

September 18, 1981.

[FR Doc. 81-27727 Filed 9-23-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-237, 50-249, 50-254 and 50-265]

Commonwealth Edison Co.; Denial of Application

By letter dated September 15, 1981, to Commonwealth Edison Company (the licensee), the Nuclear Regulatory Commission (the Commission) has denied the licensee's application dated October 28, 1976. This application requested Commission approval to allow the licensee to operate with one relief valve out of service at each of its Dresden Nuclear Power Station, Units 2 and 3, and Quad Cities Station, Units 1 and 2. These facilities are located in Grundy and Rock Island Counties, Illinois, respectively.

For further details, see the (1) request for action dated October 28, 1976, (2) Commission staff's request for additional information dated January 5, 1977 and related letters dated January 8, 1981 (from D. Crutchfield to J. Abel) and February 2, 1981 (from T. Ippolito to J. Abel), (3) the licensee's letter dated April 8, 1981 relating to the letters identified in Item (2) above, and (4) the Commission's letter dated September 15, 1981, denying application for failure to supply information. All of these documents are available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., the Morris Public Library, 604 Liberty Street, Morris, Illinois (Dresden Station), and at the Moline Public Library, 504 17th Street, Moline, Illinois (Quad Cities).

Dated at Bethesda, Md., this 15th day of September 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-27794 Filed 9-23-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Extension of Completion Dates

By letter dated July 28, 1981, Florida Power & Light Company (the licensee) requested that the US Nuclear Regulatory Commission (the Commission) grant an extension until November 1, 1981, for completion of the final modification listed in the Safety Evaluation Report dated March 28, 1981, to the fire protection system at the Turkey Point Plant Unit Nos. 3 and 4 located in Dade County, Florida.

The Commission's Director of Nuclear Reactor Regulation has concluded that good cause has been shown and that such postponement will not adversely affect the health and safety of the public. Accordingly, pursuant to 10 CFR 50.48(d), the request has been granted.

For further details with respect to this action, see (1) the licensee's request dated July 28, 1981, and (2) the Director's letter to the licensee dated this 4th day of September 1981.

Dated at Bethesda, Md., this 4th day of September 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-27796 Filed 9-23-81; 8:45 am]

BILLING CODE 7590-01-M

State of Washington: Staff Assessment of Proposed Amended Agreement Between the NRC and the State of Washington

Note.—This document was originally published in the issue of September 17, 1981. It is reprinted at the request of the NRC.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed amended agreement with State of Washington.

SUMMARY: Notice is hereby given that the Nuclear Regulatory Commission is publishing for public comment a proposed amendment to the existing Section 274b. Agreement between NRC and the State of Washington which was effective December 31, 1966. The request dated August 17, 1981 from the Governor of the State of Washington, if approved, would permit the State of Washington to regulate byproduct material as defined in Section 11e.(2) of the Atomic Energy Act, as amended, (uranium mill tailings) after November 8, 1981 in conformance with the requirements of Section 274o. of the Atomic Energy Act of 1954, as amended.

A staff assessment of the State's proposed radiation control program to implement the amended agreement is set forth below as supplementary information to this notice. A copy of the complete program description submitted by Washington including a narrative prepared by the State of Washington and describing the State's proposed program for control over byproduct materials as defined in Section 11e(2) of the Act and appropriate State legislation, and Washington regulations is available for public inspection in the Commission's public document room at 1717 H Street, NW, Washington, D.C.

DATE: Comments must be received on or before October 19, 1981.

ADDRESS: All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed amended agreement should send them to the Nuclear Regulatory Commission, Office of State Programs, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Craig Z. Gordon, Office of State Programs, Nuclear Regulatory Commission, Washington, D.C. 20555 Phone: (301) 492-9886.

SUPPLEMENTARY INFORMATION: Assessment of Proposed Washington Programs To Regulate Byproduct Material as Defined in Section 11e(2) of the Act. Reference: Criteria 29-36 of "Guidance of States and NRC in

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Discontinuance of NRC Regulatory Authority Thereof by States Through Agreement," 44 FR 42818.

I. Introduction

The Uranium Mill Tailings Radiation Control Act of 1978 amended the requirements for Section 274 of the Atomic Energy Act, "Cooperation With States" and imposed certain requirements that must be met by Agreement States in order to regulate uranium mill tailings after November 8, 1981. Governor John Spellman of the State of Washington has requested NRC to amend its agreement with NRC to permit continued State regulation of uranium mill tailings after this date. His request was supported by a description of the State's program for control or uranium mill tailings. NRC staff has completed an assessment of the State's proposal as follows:

II. Assessment of Proposed State of Washington Radiation Control Program for Uranium Mill Tailings

1. Statutes

State statutes or duly promulgated regulations should be enacted, if not already in place, to make clear State authority to carry out the requirements of Pub. L. 95-604, Uranium Mill Tailings Radiation Control Act (UMTRCA).

In the enactment of any supporting legislation, the State should take into account the reservations of authority to the United States in UMTRCA as stated in 10 CFR 150.15a.

It is preferable that State statutes contain the provisions of Section 6 of the Model Act,[1] but the provisions may be accomplished by adoption of either procedures by regulation or technical criteria. In any case, authority for their implementation should be adequately supported by statute, regulation or case law as determined by the State Attorney General.

In the licensing and regulation of ores processed primarily for their source material content and for the disposal of byproduct material, procedures shall be established which provide a written analysis of the impact on the environment of the licensing activity. This analysis shall be available to the public before commencement of hearings and shall include:

a. An assessment of the radiological and nonradiological public health impacts;

b. An assessment of any impact on any body of water or groundwater;

c. Consideration of alternatives to the licensed activities; and

d. Consideration of long-term impacts of licenses activities.

A detailed evaluation of the pertinent Washington Statutes, Chapter 110, Laws 1979—Senate Bill No. 2197, Chapter 70.121 of the Revised Code of Washington (RCW): Public Health and Safety Statute, and Amendments to Washington Administrative Code (WAC) 402-52 has been performed by NRC staff. The State's statutes provide sufficient authority for Washington agencies to comply with the requirements of UMTRCA. The evaluation was performed against and relates to a checklist (which is included in the Washington proposal) which outlines each statutory requirement and section number contained in UMTRCA. Relevant provisions of the Washington Statute were cited and reflected as to how the UMTRCA requirements are satisfied. Resolution of deficiencies were made by frequent contacts with the State's Department of Social and Health Services (DSHS) and the State's Attorney General's Office. Where deficiencies could not be adequately addressed by regulations, the State has committed to incorporate necessary requirements into the licensing process by appropriate license conditions or order.

2. Regulations

State regulations should be reviewed for regulatory requirements, and where necessary incorporate regulatory language which is equivalent to the extent practicable or more stringent than regulations and standards adopted and enforced by the Commission, as required by Section 274o. (see 10 CFR Part 40 and 10 CFR 150.31(b)).

On January 1, 1980, Title 402 of the Washington Administrative Code was amended by WAC 402-22-150 to incorporate Special Requirements for Issuance of Specific Licenses for Source Material Milling and by WAC 402-52-100, Criteria Related to Disposition for Uranium Mill Tailings or Wastes. These regulations followed the Suggested State Regulations of the Council of State Governments which were deemed by the staff to be equivalent, to the extent practicable to the requirements of 10 CFR 40, Appendix A. Satisfactorily addressed in Title 402 regulations are: bonding requirements, siting requirements, criteria for tailings management, dam stability analyses, surety arrangements, requirements for ownership, and criteria for ongoing active maintenance for uranium mill tailings impoundments.

3. Organizational Relationships Within the States

Organizational relationships should be established which will provide for an effective regulatory program for uranium mills and mill tailings.

When personnel in agencies other than the lead agency are included in the professional staff's effort, their availability on a routine and continuing basis must be demonstrated. Arrangements for availability for such resources have been proposed by Washington through interagency memoranda of understanding with the Departments of Ecology and Natural Resources. Contained in each agreement are duties of the agency, the period required for their performance, and procedures to resolve disputes if they should arise. An organization chart outlining the organizational relationships between the Radiation Control Section and other State agencies is also included. The proposal acknowledges that all MOU's between Radiation Control Section and other State agencies are only for the work required by State statutes. Although not contained in the proposal, commitments for assistance by various State agencies assures that consideration for necessary budgeting has been confirmed.

4. Personnel

Personnel needed in the processing of the license applications can be identified or grouped according to the following skills: Technical, Administrative, and Support.

In order to meet the requirements of UMTRCA, current indications are that 2-2.75 total professional person-years' effort is necessary to process and evaluate a new conventional mill license, in-situ license, or major license renewal. A complete review of in-plant safety, production of the environmental assessment, and consultant use are primary considerations in the total professional effort for each licensing case. With respect to clerical support, one secretary is required to process two conventional milling applications, including the pre-licensing and post-licensing phases. Legal support is also an essential element of the mill program, and the effort is set at a minimum of ½ staff-year. In addition, consideration must be given to such post-licensing activities as issuance of minor amendments, mill inspections, and environmental monitoring. Professional staff effort is estimated at 0.5–1.0 person-years for each year of post-licensing activities.

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[1] The reference is to the Model Uranium Mill Radiation Control Act, a copy of which has been placed in the Commission's Public Document Room. Section 6 of the Model Act requires that, among other things, statutory authority must be enacted to make clear State authority to carry out the requirements of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended. UMTRCA specifies that when States license an activity involving mill tailings, that has a significant impact on the human environment, they must prepare a written independent analysis of the impact of such license on the environment, including any activities conducted pursuant thereto.

Currently, there are two conventional licensed uranium milling operations in the State of Washington. We estimate the total professional staff-years effort within the Radiation Control Section (RCS) directly responsible for regulation of uranium mills and mill tailings to be well within our guidelines. Specialty functions and responsibilities of each staff member have been outlined and broken down by percentage of time devoted to the mill program in the proposal. Eight of the ten professional positions having full-time and part-time responsibilities in uranium mill regulation have been filled. (This does not include the Supervisor of the Radioactive Materials Program and a Radiation Health Physicist II normally assigned to Special Projects.) State funds are committed for the remainder and there is an active effort to fill the existing vacancies. The make-up of the Uranium Mill Subunit of the RCS is as follows:

a. Nancy P. Kirner, RHP III, Supervisor of Radioactive Materials Program. Will be responsible for planning, directing, and supervising the operations and emergency response activities for the regulation of uranium mills and mill tailings.

b. Terry C. Frazee, RHP II, Compliance Supervisor, Responsible for supervision and planning activities of compliance program and inspection staff.

c. Donaly C. Peterson, RHP II, Environmental Radiation Protection Supervisor. Duties and responsibilities include supervision of professional staff for environmental radiation monitoring at the uranium mill facility.

d. Robert R. Verellen, RHP II, Licensing Supervisor. Will direct and supervise the licensing activities of source materials and prepare licenses in final form.

e. Robert H. Bidstrup, RHP I, Manager of Uranium Milling Control Program. Responsible for planning and coordinating licensing and compliance functions of the uranium mill subunit. Will also supervise health physicists responsible for control of uranium milling operations.

f. Arden C. Scroggs, Kent M. Prendergast, and Leonard Knowles, RHP I—Responsible for evaluation of radiological impacts associated with regulation of uranium mills and mill tailings; conducting field inspections at mills to assure licensee compliance with license conditions; evaluation of license applications, license amendments, preparation of safety evaluation reports; and environmental impact statements prior to issuing licenses.

The Radiation Control Section staff have attended the following short-term training courses related to uranium mill regulation: NRC "Orientation Course in Regulatory Practices and Procedures"—Kirner, Frazee, Peterson, Verellen, Haars; NRC "Inspection Procedures"—Kirner, Frazee, Haars; NRC "Uranium Mill Training for State Regulatory Personnel"—Verellen; NRC "Radiological Emergency Response Training"—Kirner, Frazee, Bidstrup Verellen; "EPA Groundwater Migration Course"—Frazee, Peterson, Verellen, Bidstrup; Eberline Instrument Corp. "Use of Instrumentation and Environmental Surveillance at Uranium Processing Facilities"—Peterson. Scroggs, Frazee.

During evaluations of license applications the State must have access to speciality resources such as hydrologists, geologists, and geotechnical engineers. It is also recommended that radioactive materials regulatory personnel have some training in these areas in addition to specialized training in uranium mill health physics and preparation of environmental assessments. Mr. Knowles has obtained many years of education and training in the field of geology; he will serve as staff geologist. Consultants to provide hydrological, geological and geotechnical assistance have been identified by Washington and are adequately qualified. Such consultants will be utilized to perform an independent review of a proposed license application. Memoranda of Understanding (MOU) or contracts between the Radiation Control Section (RCS) and consultants provide for a RCS evaluation of consultants' work. Consultants will be compensated on a fee-for-service basis to be reimbursed through provisions of State regulation specific to preparation of environmental reports.

5. Functions To Be Covered

The State should develop procedures for licensing, inspection, and preparation of environmental assessments.

Each uranium mill license application will be evaluated against State statutes, regulations, and NRC Regulatory Guides. A list of NRC Regulatory Guides utilized by the State in evaluating licensing actions has been furnished. State personnel will perform in-plant safety reviews. The individual in charge for licensing is also responsible for assuring that the in-plant safety review meets State requirements. The safety evaluation report is written under guidance from the State's Uranium Mill Project Manager.

Inspections of all byproduct material licensees are conducted by Washington in accordance with general procedures outlined in the State Radiation Control Section's manual. These procedures which are common to all routine inspections have been supplemented by instructions specific to inspections at mills. The general procedures have been judged acceptable during the periodic NRC review meetings with Washington. The functions of State inspectors are to prepare for inspections, conduct on-site inspections, prepare a written report of the inspection, prepare enforcement letters, and review corrective actions. With respect to uranium mill inspections, inspectors are required to review all aspects of mill operations and tailings control with appropriate consultation and review by the division's environmental RCS's Radiation Subunit. The compliance staff and the environmental radiation safety staff conduct both joint and independent inspections. This is to assure that the facility's effluents meet the requirements of the State Environmental Policy Act (SEPA). Inspections of each of the two mills will be conducted at least on an annual basis.

Preparation of an environmental impact statement by persons outside State government is not specifically prohibited by State law. However, Federal statute, i.e., Section 274o.(3)(c) requires the State to prepare a written analysis of the impact on the environment with respect to uranium mill tailings from proposed operations. Sections WAC-402-22-040(5), WAC 402-22-070(6), and WAC 402-52 of the Washington Regulations, and SEPA guidelines (§ 197-10-230(13)) indicate that DSHS will act as lead agency to independently prepare the environmental impact statement (EIS).[3] On January 5, 1981 the State issued its most recent EIS for the Dawn Mining Company application to expand the existing tailings disposal area. With technical assistance from NRC on the radiological assessment, a determiniation was made that all requirements and criteria had been satisfied by Dawn to minimize the potential for adverse environmental effects.[3]

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[3] WAC-402-070(6)(a)(ii)(B) also requires consideration of long-term impacts for decommissioning, decontamination, and reclamation relevant for the proposed activities.

Procedures for coordinating, organizing, and completing an environmental impact statement have been submitted in a separate section of the proposal. This process, described in detail, basically is as follows: (1) The environmental report is received from the applicant; (2) A review of the report is performed by consultant teams; (3) The consultants' assessments are reviewed by the Radiation Control Section and other State agencies; and (4) These entities submit reports to the State Uranium Mill Project Manager who then prepares the environmental impact statement for issuance.

As a supplement to the reporting requirements required by regulation or license conditions, the State should require the licensee to submit in writing on a semi-annual schedule reports specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents from all pathways during the previous six months of operations. This data shall be reported in a manner that will permit the regulatory agency to confirm annual radiation doses to nearest individuals are within the requirements of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations."

The environmental impact statement on Dawn's facility has identified the dose contribution from the expansion operation (with a below-grade pit) as having little bearing on overall site compliance with 40 CFR Part 190. Dose estimates from the existing operation, especially the front end of the mill circuit, indicate a need for better effluent control. The State has required Dawn by license condition to keep all effluent control equipment in good working order and in use at all times during mill operations. Furthermore, the licenses of both mills (the other being Western Nuclear's Sherwood Facility) were amended to require a determination of compliance with 40 CFR Part 190 using on-site data collected from the licensee's radiological monitoring programs. The monitoring programs must conform to specifications of NRC Regulatory Guide 4.14, Radiological Effluent and Environmental Monitoring at Uranium Mills" (issued as revision 1, April 25, 1980). These amendments require the licensee to perform land-use surveys, to develop and maintain a quality assurance program, emergency response procedures, data review programs, and semi-annual reporting specifications.

The Department's Environmental Radiation Subunit is responsible for review and verification of the licensee's environmental monitoring data. Dose assessments have been made at both mills. The assessment for Dawn was completed by NRC using computer models. At Western Nuclear's Sherwood Facility, the Department's report of the assessment shows the mill to be in compliance with 40 CFR Part 190. This finding was based upon field data taken during the period of July 1979–June 1980. Both mills are required to submit their own dose assessments by May 1, 1982 which will be based on data collected during CY 1981. The Environmental Subunit will then assess and confirm that radiation doses to nearest receptors are within the limits of 40 CFR Part 190.

6. Instrumentation

The State should have available both field and laboratory instrumentation sufficient to ensure the licensee's control of materials and to validate the licensee's measurements.

The Radiation Control Section has utilized a portion of funds authorized under its UMTRCA grant to purchase field equipment for monitoring and surveillance purposes. The submitted list shows the following detection capabilities:

a. Sampling of air particulates—The State has four (4) area air samplers to detect natural uranium, Ra-226, Th-230, and Pb-210 in addition to adequate personal air sampling equipment (lapel samplers).

b. Sampling of radioactive gases—scintillation detectors with compatible scintillation cells (ZnS) are utilized for detection of Radon-222.

c. Site surveillance—The State owns two portable survey meters designed to be used with interchangeable detector probes, i.e., proportional, Geiger-Mueller, and scintillation probes for detection of alpha, beta, and gamma radiations, respectively. A micro-R meter for counting of low-level gamma does rates also has been obtained. There are two general purpose survey meters providing versatility for use in field and laboratory. Alpha scintillation probes are currently being used with these survey meters.

d. Equipment calibration—Procedures have been developed and staff has been trained in calibration of radiation detection equipment. National Bureau of Standards traceable sources for calibration of counting equipment have been identified and are utilized. The State is currently working with the University of Washington to establish a regional calibration facility.

The Environmental Radiation Laboratory is a division within the State's Office of Public Health Laboratories and Epidemiology and provides direct support to the Radiation Control Section in the areas of environmental monitoring and processing of samples. It has all necessary equipment to analyze and evaluate environmental samples taken around milling activities including alpha counters for uranium and thorium, alpha spectrometer, alpha scintillation counter, intrinsic Germanium-Lithium detector, and automatic TLD analyzer.

Procedures have been developed for determining uranium and radium-226 concentration by precipation methods. Development of procedures for Thorium-230 analysis began in July 1981. All laboratory methods are derived from NRC Regulatory Guide 4.14 and EPA procedures and guides used for laboratory support of a uranium will control program. The laboratory also participates regularly in the inter-laboratory quality assurance (QA) program offered by EPA. A full-time chemist contributes to the main staffing effort and is responsible for carrying out effective QA. This is done by supplementing environmental samples with standards, spiked samples and blank samples for evaluation. The State has committed to further developing procedures for evaluating Ra-226 by emanation, Pb-210 analysis, Po-210 analysis, and familiarizing staff with alpha spectroscopy evaluation.

7. Conclusion

Based on the foregoing, the NRC staff concludes that the State of Washington has met the criteria for an amended agreement.

III. Amendment to Agreement Between the United States Nuclear Regulatory Commission and the State of Washington for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, the United States Atomic Energy Commission [4] (hereinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of December 6, 1966 with the State of Washington under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on December 31, 1966 and provided for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

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[3] This radiological assessment continues to be refined by NRC and a final radiological assessment will be included in the EIS. Renewal of the Dawn license is expected to be issued by December, 1981.

[4] Under the provisions of the Energy Reorganization Act of 1974, the regulatory functions formerly carried out by the Atomic Energy Commission are now carried out by the Nuclear Regulatory Commission as of January 19, 1975.

Whereas, it is necessary to enter into this amendment in order to implement new requirements of section 274 of the Act which become fully effective on November 8, 1981; and

Whereas, the Commission found on ——— that the program of the State for the regulation of materials covered by this amendment is in accordance with the requirements of section 274o. of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, this amendment is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting on behalf of the State, as follows:

Section 1. Article I of the Agreement of December 6, 1966 is amended by adding "as defined in section 11e.(1) of the Act;" after the words "byproduct materials" in paragraph A., by redesignating paragraphs B. and C. as paragraphs C. and D., and by inserting the following new paragraph immediately after paragraph A.:

"B. Byproduct materials as defined in section 11e.(2) of the Act;".

Section 2. Article II of the Agreement of December 6, 1966 is amended by inserting "A." before the words "This Agreement," by redesignating paragraphs A. through D. as subparagraphs 1. through 4., and by adding the following at the end thereof:

"B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct materials as defined in section 11e.(2) of the Act:

"1. Prior to the termination of a State license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.

"2. The Commission reserves the authority to establish minimum standards governing reclamation, long term surveillance or maintenance, and ownership of such byproduct material. Such reserved authority includes:

"a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

"b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State at the option of the State (provided such option is exercised prior to termination of the license);

"c. The authority to permit use of surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to subparagraph B.2.b. of this Article;

"d. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety, and other actions as the Commission deems necessary; and

"e. The authority to enter into arrangements as may be appropriate to assure Federal long term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.".

Section 3. Article III of the Agreement of December 6, 1966 is amended by inserting "otherwise licensable by the State under Article I of this Agreement" after the words "special nuclear material."

Section 4. Article VII of the Agreement of December 6, 1966 is amended by inserting "all or part of" after the words "terminate or suspend," by inserting "(1)" after the words "finds that," and by adding at the end before the period the following:

", or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with the provisions of section 274 of the Act.".

Section 5. Article VIII of the Agreement of December 6, 1966 is amended by redesignating it Article IX and by inserting a new Article VIII as follows:

"In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in production of such material, the State shall comply with the provisions of section 274o. of the Act. If, in such licensing and regulation, the State requires financial surety arrangements for the reclamation or long term surveillance or maintenance of such material,

"A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

"B. Such State surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long term management of such byproduct material and its disposal site.".

This amendment shall becomed effective on ———.

Done at Olympia, State of Washington, in triplicate, this day of ———.

For the State of Washington.

John Spellman,

Governor.

Done at Washington, D.C., in triplicate, this day of ———.

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino,

Chairman.

Dated at Bethesda, Maryland, this 11th day of September, 1981.

For the United States Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 81-27130 Filed 9-18-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

September 21, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agenc, issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201.

- Agricultural Marketing Service

Marketing Order No. 906—Texas Oranges and Grapefruit
On occasion, annually
Farms/businesses or other institutions
Texas orange and grapefruit producers, handlers and processors
SIC: 017 515 203
Small businesses or organizations
Agricultural research and services: 828 responses; 71 hours; $500 Federal cost; 4 forms; $285 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Forms are needed by the Texas Valley Citrus Committee to obtain data relating to the Texas Orange and Grapefruit Industry for purposes of administration.

- Agricultural Marketing Service

Marketing Order No. 945—Idaho-Eastern Oregon Potato Committee
On occasion
Farms/businesses or other institutions
Potato handlers in the production area
SIC: 515
Small businesses or organizations
Agricultural research and services: 210 responses; 17 hours; $435 Federal cost; 3 forms; $69 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The Idaho-Eastern Oregon Potato Committee forms are used as a safeguard by the committee for handlers who wish to be exempted from grade, size, quality or maturity requirements of the order.

- Agricultural Marketing Service

Irish Potatoes Grown in Washington—Marketing Order No. 946
On occasion
Farms/businesses or other institutions
Potato handlers in the production area
SIC: 515
Small businesses or organizations
Agricultural research and services: 1,058 responses; 122 hours; $435 Federal cost; 4 forms; $602 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The Washington Irish Potato Committee forms are used as a safeguard for handlers who wish to be exempted from grade, size, quality or maturity of the order and also where inspection is a hardship, handlers request waiver of inspection privileges.

- Agricultural Marketing Service

Almond Board of California Handler Report Forms—Marketing Order No. [illegible]
Monthly; annually; biennially; other—see SF83
Businesses or other institutions
Affects 23 almond handlers in California
SIC: 514 209 072
Agricultural research and services: 4,215 responses; 731 hours; $813 Federal cost; 19 forms; $2,925 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The 19 board forms used by almond handlers enable the almond board of California to determine acquisitions and assessments, shipments, reserve dispositions, disposition of inedibles, production data, handler claims for creditable advertising.

- Agricultural Marketing Service

California Nectarines, Marketing Order No. 916
Monthly
Businesses or other institutions
California nectarine handlers under marketing order 916
SIC: 515
Small businesses or organizations
Agricultural research and services: 720 responses; 148 hours; $500 Federal cost; 1 form; $686 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The Nectarine Administrative Committee form is used to obtain information from handlers relating to the number and type of containers used for the various varieties of nectarines shipped in each fruit size classification.

Revisions

- Federal Grain Inspection Service

Reporting Under the U.S. Grain Standards Act
FGIS-132 and FGIS-132-1
Weekly
State or local governments/businesses or other institutions State and private grain inspections and weighing service agncs.
SIC: 515 964
Agricultural research and services: 13,956 responses; 6,711 hours; $76,678 Federal cost; 2 forms; $36,911 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340.

The Omnibus Budget Reconciliation Act of 1981, effective October 1, 1981, amends the USGSA to require that delegated States and designated official agencies pay fees to recover costs associated with FGIS supervision and administration. Two forms, FGIS-132 (inspection report) and FGIS-132-1 (weighing report), have been developed to gather the data needed to assess the fees to the agencies.

Reinstatements

- Food and Nutrition Service

Application and Agreement, National School Lunch Program, School Breakfast Program and Special Milk Program
FNS-67, 66, and 66-1
Annually
Businesses or other institutions
Nonpublic, nonprofit schools and resid. child care instit.
SIC: 821 836
Small businesses or organizations
Public assistance and other income supplements: 4,690 responses; 3,655 hours; $384,484 Federal cost; 3 forms; $36,550 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

The FNS-66 and 66-1 are used by applicant organizations to apply for participation in the National School Lunch, school breakfast and special milk programs. FNS executes grant agreements with schools approved for participation via the FNS-67.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

- Bureau of the Census

Leisure Activities Survey (LAS)
LAS-1 Versions 1-6
Monthly
Individuals or households
Nat'l sample of hsehlds members 18 years old or older
Other advancement and regulation of commerce: 16,000 responses; 1,333 hours; 6 forms; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

The LAS will provide annual measures of participation in selected leisure activities. These data will enable arts organizations to make certain policy decisions based on such things as current demand, potential audience, and how to best serve the needs of their constitutent population.

Revisions

- International Trade Administration

Application for License to Enter Watches and Watch Movements into Customs Territory of the U.S. (Pub. L. 89-805)
ITA-334P
Annually
Businesses or other institutions
Firms interested in duty-free watch quota
SIC: 387
Small businesses or organizations
Other advancement and regulation of commerce: 12 responses; 14 hours; $35,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

Required for allocation of duty-free watch quota pursuant to Pub. L. 89-805. Form is used to report data and information on applicant's prior-year operations, on the basis of which annual allocations are made. Also used periodically when provisions are made for receipt of applications from new firms.

Extensions (Burden Change)

- International Trade Administration

Monitoring report
ITA 661P
Weekly, Monthly
Businesses or other institutions
Com. exp. and indus. inven.-hldrs of Affected commodities
SIC: multiple
Other advancement and regulation of commerce: 1 response; 1 hour; 1form; not applicable under 3504(h)
William T. Adams, 202-395-4814.

The information collected on the form provides the data base necessary to determine whether export controls are warranted for commodities in actual or potential short supply.

Extensions (no change)

- Economic and Statistical Analysis

Form: BE-21P Ident. questionnaire rulemaking: survey of Foreign dir. invest. in U.S. business enterprises engaged in the proc. pkg. or whlsale. dist. of fish or seafoods
BE-21P
Nonrecurring
Businesses or other institutions
Bus. enterp. engaged in the proce., pack. or whlsle., etc.
SIC: 209, 514
Small businesses or organizations
Other advancement and regulation of commerce: 4,000 responses; 2,000 hours; $100,000 Federal cost; 1 form; $202,000 public cost; not applicable under 3504(h)
Office of Federal Statistical Policy and Standard, 202-673-7974.

The purpose of this questionnaire is to determine which U.S. business enterprises engaged in the processing or wholesale distribution of fish or seafoods was foreign owned at the end of 1980. Those that were foreign owned will be required to complete a statistical questionnaire, to be mailed at a later date, relating to their operations in 1978, 1979, and 1980.

Reinstatements

- Bureau of the Census

Business Forms, Binders, Carbon Paper, and Inked Ribbons Manufacturers' Shipments
MA-27A
Annually
Businesses or other institutions
Manufacturers of selected office products
SIC: 267, 278, 395
Small Businesses or organizations
Other advancement and regulation of commerce: 750 responses; 750 hours; 1 form; not applicable under 3504(h)
Office of Federal statistical policy and standard, 202-673-7974

This new survey will provide the only date available on the shipments of office supplies, government analysts will use these data to review trends in the types of supplies shipped to better predict the procurement needs of the government. Industry analysts will use these data to monitor market share and shifts in product types.

- Bureau of the Census

Survey of Assessed values
GP-33
Annually
State of local governments
State Gov't agen. that tabulate assessed value data
SIC: Multiple
Other advancement and regulation of commerce: 53 responses; 133 hours; $30,000 Federal cost; 1 form; $1,325 public cost; not applicable under 3504 (h)
Office of Federal Statistical Policy and Standard, 202-673-7974

Sample selection for taxable property values survey to be conducted as part of the 1982 census of governments, (2) Advisory commission on inter-governmental relations employs data in calculating its measures of fiscal capacity for state and local gover (3) Census publication, property values subject to local general property taxation in the United States.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195.

Extensions (burden change)

- Departmental and Others

DMS Allotment Usage and Requirement Forecast
On occasion, quarterly
Businesses or other institutions
DOD contractors, subcontractors, and suppliers
SIC: 970
Department of Defense-Military: 308 responses; 2,772 hours; $42,000 Federal cost; 1 form; not applicable under 3504 (h)
Kenneth B. Allen, 202-395-3785

DOD contractors use this form as an accounting record to cover receipt and use of controlled materials allotments when DMS allocations are in effect. Data is utilized for determining requirements for the four controlled materials currently provided for under the defense materials system.

Extensions (no change)

- Departmental and Others

Application for do rating for production equipment
DD691
Annually
Businesses or other institutions.
DOD Contractors, Subcontractors and suppliers
Small Businesses or ogranizations
Department of Defense-Military: 100 responses; $4,500 Federal cost; 300 hours; 1 form; not applicable under 3504 (b)
Kenneth B. Allen, 202-395-3785

Data is provided from industry to make application for a DC rating to receive priority for production equipment necessary in support of a defense contract or order.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

Revisions

- Energy Information Administration

Monthly Survey of Distiliate and Residual Fuel Oil Sales Volume to Ultimate Consumers
FEA-P314-M-O
Monthly, Quarterly
Businesses or other institutions
Refiners importers of Petroleum products
SIC: 291 MUL
Small businesses or organizations
Energy information, policy, and regulation: 7,196 responses; 30,384 hours; $378,960 Federal cost; 1 form, not applicable under 3504(H)
Jefferson B. Hill, 202-395-7340

Data are used to maintain a file of refiner petroleum product sales data to determine changes in market shares of each marketer category.

Aggregated data are used in several EIA publications and form the basis of an ongoing analysis of the availability of refined petroleum products.

- Energy Information Administration

Refiner/Importers monthly Report of Petroleum Products Distribution
FEA-P306-M-O
Monthly, Quarterly
Businesses or other institutions
Petroleum refiners
SIC: 291
Small businesses or organizations
Energy information, policy, and regulation: 1,068 responses; 18,156 hours; $378,960 Federal cost; 1 form; not applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

Data are used to provide continuing information on the relative market shares for each of the various marketer categories within the petroleum industry. Summaries of these data are published in several EIA publications.

- Energy Information Administration

Petroleum Industry Monthly Report for Product Prices
FIA-460
Monthly
Business or other institutions
Petroleum refiners abd gas plant operators
SIC: 291, 492
Small businesses or organizations
Energy information, policy, and regulation: 3,972 responses; 23,832 hours; $412,700 Federal cost; 1 form not applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

Data are used to monitor economic impact due to supply and demand fluctuations, monitor costs of imported petroleum and to prepare monthly published reports concerning these trends.

- Energy Information Administration

Refiners' Monthly Cost Allocation Report
EIA-14
Monthly, Quarterly
Businesses or other institutions
Refiners
SIC: 291
Energy ifnormation, policy, and Regulation: 3,280 responses; 13,452 hours; $292,200 Federal cost; 1 form; not applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

Data provide a national current period weighted average acquisition cost of crude oil, and purchase volumes and equity production of selected refined petroleum products. Data will be used to continue publication of the refiners acquisition cost of crude oil in the monthly energy review and to provide information to Congress.

- Energy Information Administration

Prime Supplier's Monthly Report
EIA-25
Monthly,
Businesses or other institutions
Refiners
SIC: 291
Small businesses or organizations
Energy information, policy, and regulation: 3,600 responses; 13,500 hours; $386,200 Federal cost; 1 form; not applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

Data are collected to provide State-level supplies of petroleum products and to facilitate analysis of supply trends and shifts in marketing practices.

Extensions (burden change)

- Departmental and Others

Quarterly Report on Status of Reactor Construction
EIA-254 500 responses; 5,000 hours; $10,560 Federal cost; 1 form not applicable under 3504 (h)
Richard Sheppard, 202-395-6880

Authority for this report is section 8 of the Housing and Community Development Act of 1939 as amended, submitted by public housing agencies applying for an allocation of section 8 moderate rehabilitation units. Needed by the HUD field office to make a funding decision based on a Determination of consistency with housing need and evidence of PHA capability.

- Housing Programs

Section 8—Housing Assistance Payments Program Application for the Existing Housing Program
HUD-52515
On Occasion
State or local governments
Public housing agencies (PHAS)
SIC: 953
Public assistance and other income supplements: 1,200 responses; 7,200 hours; $10,560 Federal cost; 1 form; not applicable under 3504 (h)
Richard Sheppard, 202-395-7340

Submitted by PHAS applying for an allocation of section 8 existing units. Needed by the HUD Field Office to make a funding decision based on a determination of consistency with housing need and evidence of PHA capability.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331.

Revisions

- Bureau of Labor Statistics

ES-202 State Operations Review Package
BLS-3030
Annually
State or local governments
State employment security agencies
SIC: 944
Other labor services: 53 responses; 424 hours; $10,000 Federal cost; 1 form; not applicable under 3504 (h)
Office of Federal statistical policy and standards, 202-673-7974

The ES-202 State operations revipackage is the principal source of management information regarding quality and State conformance to BLS specified procedures in the collection and tablulation of ES-202 data.

Extensions (burden change)

Quarterly
Businesses or other institutions
U.S. Elec. Util. having nuc. steam supply sys. but no facil.
Sic: 491
Energy information, policy, and regulation: 400 responses; 400 hours; $4,700 Federal costs; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Used to gather data on costs of construction schedules of nuclear reactor power plants needed to monitor the effects of Office of Nuclear Reactor programs activities, and to determine the current and future status of nuclear generating capacity.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488.

New

- Health Care Financing Administration

Preprinted State Plans in Place as of September 1981, and "transmittal and notice of approval of State plan materials" (HCFA-179)
HCFA-179
On occasion
State or local governments
State medicaid agencies
Sic: 919
Health: 540 responses; 270 hours; $6,000 Federal cost; 1 form; $2,700 public cost; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

HCFA is requesting OMB approval of two related items—(1) preprinted State plans currently in use by each State to implement the medicaid program, and (2) the "transmittal and notice of approval of State plan and (2) the "transmittal and notice of approval of State plan material" (HCFA-179) which accompanies each amendment to a State plan.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184.

Extensions (no charge)

- Housing Programs

Section 8 housing assistance payments program—app. for moderate rehabilitation
HUD-52515A
On occasion
State and local governments
Public housing agencies (PHAS)
Sic: 953
Public assistance and other income supplements:

- Occupational Safety and Health Administration

Initial Application for Training and Education Grant
OSHA-177
On occasion
Businesses or other institutions
Labor organ., educ. instit., employ., assoc. and other, etc.
SIC: multiple
Small businesses or organizations
Consumer and occupational health and safety: 100 responses; 4,000 hours; $31,600 Federal cost; 1 form; $32,000 public cost; not applicable under 3504 (h)
Federal Education Data Acquisition Council, 202-426-5030

The application package is submitted by parties interested in participating in the program. The application is used by OSHA staff to select organizations that can effectively carry out the objectives of the program. Information requested includes: detailed description of proposed program, project summary, standard form 424, OMB budget information sheets, detailed breakout of budget, and biographical sketches of key persons.

Extensions (no change)

- Bureau of Labor Statistics

Log and Summary of Occupational Injuries and Illnesses
Supplementary record of occupational injuries and illnesses
OSHA 200, OSHA 101
Other—see SF83
State or local governments/farms/businesses or other institutions
All emp. is covered emp. whose emp. exp. recor., etc.
SIC: all
Small businesses or organizations
Other labor services: 1 response; 540,900 hours; $55,000 Federal cost; 2 forms; not applicable under 3504 (h)
Office of Federal Statistical Policy and Standard, 202-673-7974

The OSH Act requires employers to prepare and maintain records of occupational injuries and illnesses. These records are necessary for carrying out the purposes of the act. They assist OSHA in making inspections and investments, provide the basis for a statistical program, and raise awareness of employees and employers to workplace hazards.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202-426-1887.

New

- Research and Special Programs Administration

Blasting Agent Approvals
Nonrecurring
Businesses or other institutions
Manufacturers of explosives and blasting agents
SIC: 289
Other transportation: 240 responses; 110 hours; $3,000 Federal cost; 0 form; not applicable under 3504 (h)
Wayne Leiss, 202-395-7340

Needed to ascertain that materials classed as blasting agents are properly so classed and are not in reality explosives which present a greater hazard in transportation than blasting agents.

• Research and Special Programs Administration
Portable Tank Inspection and Test Record Requirements
Biennially, other—see SF 83
Businesses or other institutions
Water carriers and shippers of hazardous materials
SIC: 441, 442, 443, 291, 281, 282, 286, 287, 208
Other transportation: 1,000 responses; 1,000 hours; 0 form; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

Needed by MTB. shippers and owners to verify compliance with the regulations and to ascertain the integrity of the portable tank.

• Federal Highway Administration
Highway Traffic Accident Data
On occasion
State or local governments
State highway/transportation agencies
SIC: 962
Ground transportation: 56 responses; 18,000,000 hours; $30,000 Federal cost; 1 form; $180,000,000 public cost; not applicable under 3504 (h)
Donald Arbuckle, 202–395–7340

State accident data systems are required for planning and evaluation of federally-aided highway safety programs administered by the FHWA and the NHTSA.

• Federal Highway Administration
Road Hazard Identification
On occasion
State or local governments
State highway/transportation agencies
SIC: 962
Ground transportation: 56 responses; 56,000 hours; $30,000 Federal cost; 1 form; $56,000 public cost; not applicable under 3504 (h)
Donald Arbuckle, 202–395–7340

In the hazard elimination program (highway safety improvement program), each state is required by 23 U.S.C. 152 to identify hazardous locations, sections, and elements. Highway safety program standard 9 (23 CFR 1204.4) has a similar requirement. The road hazard identification system is dependent upon data systems linked by the highway location reference system.

• Federal Highway Administration
Highway Location Reference System
On occasion
State or local governments
State highway/transportation agencies
SIC: 962
Ground transportation: 56 responses; 400,000 hours; $16,000 Federal cost; 1 form; $4,000,000 public cost; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Each State is required by 23 U.S.C. 402 and 23 U.S.C. 152 to have a highway location reference system which links highway traffic accident data, volume data, and inventory data used in planning and evaluating programs administered by the Federal Highway Administration and the National Highway Traffic Safety Administration.

• Federal Highway Administration
Highway inventory data
On occasion
State or local governments
State highway/transportation agencies
SIC: 962
Ground transportation: 56 responses; 4,000,000 hours; $16,000 Federal cost; 1 form; $40,000,000 public cost; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

State highway inventory data sustems are required for compliance with 23 U.S.C. 402 and 23 U.S.C. 152. These data are used by the States for planning and evaluation of federaly-aided highway safety programs, and other programs administered by the Federal Highway Administration and the National Highway Traffice Safety Administration.

• Federal Highway Administration
Highway Traffic Volume Data
On occasion
State or local governments
State highway/transportation agencies
SIC: 962
Ground transportation: 56 responses; 4,000,000 hours; $16,000 Federal cost; 1 form; $40,000,000 public cost; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

State traffic volume data systems are required for compliance with 23 U.S.C. 402 and 23 U.S.C. 152. These data are used by States for planning and evaluation of federally-aided highway safety programs, and other programs, administered by the Federal Highway Administration and the National Highway Traffic Safety Administration.

• Coast Guard
Letter of Intent
On occasion
Businesses or other institutions
Bulk oil facilities
SIC: 446
Small businesses or organizations
Water transportation: 20 responses; 6 hours; $89 Federal cost; 0 form; $150 public cost; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

33 U.S.C. 1321(J)(1)(c)—each bulk oil facility that intends to transfer oil must notify the Coast Guard of the intention. The Coast Guard may then conduct an examination to insure compliance with the pollution prevention regulations.

• Coast Guard
Operations Manual
On occasion
Businesses or other institutions
Bulk oil facilities
SIC: 446
Small businesses or organizations
Water transportation: 20 responses; 201 hours; $6,800 Federal cost; 0 form; $4,500 public cost; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

33 U.S.C. 1321(J)(1)(c)—The operations manual specifies operating procedures developed by bulk oil facility operator to prevent accidental discharge of oil into the marine environment. Upon a determination of satisfactory compliance the Coast Guard captain of the port issues a letter of adequacy which must be retained by the facility.

• Coast Guard
Rules of the Road Exercise for Renewal of Deck Officer and Pilot Licenses
CG 4814
On occasion
Individuals or households
Applicants for renewed deck officer or pilot licenses water transportation: 3,269 responses; 3,269 hours; $1,334 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 U.S.C. 224, 226, 228, and 233—this exercise is used by the Coast Guard to assure that deck officers and pilots have retained familiarity with rules of the road during the period of their license.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Requesting Information From Individual Taxpayers Relating to Deductions, Expenses, Exclusions, etc. on Their Return
199, 200 487
On occasion
Individual or households
Individual taxpayers being examined
Central fiscal operations: 85,300 responses; 4,265 hours; $142,170 Federal cost; 3 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

When a tax return is examined and clarification of certain deductions, expenses, exclusions, etc. are required, the taxpayer will be notified by letter. Accompanying the letter will be the appropriate notice which will provide the taxpayer with a guide to the documentation needed to substantiate the items on the individual tax return, which are of concern to the IRS.

• Internal Revenue Service
Tax Shelter Questionnaire Leasing
Dir-Det 4–299
On occasion
Individual or households/businesses of other institutions
All taxpayers who invest in a leasing tax shelter.
SIC: All
Small businesses or organizations
Central fiscal operations: 50 responses; 38 hours; $2,076 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

The questionnaire has been devised with district counsel to properly develop each tax shelter case. Without this questionnaire, Internal Revenue Service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

• Internal Revenue Service
Notices—Requesting Information From Individual Taxpayers Relating to Deductions, Expenses, Exclusions, Etc. on Their Tax Return
87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102
On occasion
Individuals or households
Individual taxpayers under examination
Central fiscal operations: 590,000 responses; 295,000 hours; $983,340 Federal cost; 16 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

When a tax return is examined and clarification of certain deductions, expenses, exclusions, etc. are required, the taxpayer will be notified by letter. Accompanying the letter will be the appropriate notice which will provide the taxpayer with a guide to the documentation needed to substantiate the items on the individual tax return, which are of concern to the IRS.

• Internal Revenue Service
Tax Shelter Questionnaire Contribution of Lithographs
Dir-Det 4–300
On occasion
Individual or households/businesses of other institutions
Taxpayers investing in contribution lithographs tax shelters
SIC: All
Small Businesses or organizations
Central fiscal operations: 100 responses; 75 hours; $4,150 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

The questionnaire has been devised with district counsel to properly develop each tax shelter case. Without this questionnaire, internal revenue service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

• Internal Revenue Service
Small Business Seminar
505–6–10
Nonrecurring
Businesses or other institutions
Small business wishing to attend informational workshops
SIC: All
Small businesses or organizations
Central fiscal operations: 750 responses; 75 hours; $659 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Required to publicize and register for small business seminars in Alabama. The data is used to determine the number of persons who want to attend the seminars and to register them for each session.

• Internal Revenue Service
Temporary Vehicle Pass Register
Rowr 2353 (6–72)
On occasion
Individual or households/businesses of other institutions
Employees and food vendors, repair persons, visitors
SIC: All
Small businesses or organizations
Central fiscal operations: 12,000 responses; 204 hours; $204 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form is used to issue temporary vehicle passes, and is needed to document entrance of unauthorized vehicles on service center property. A record will be maintained for a two-year period. If form is not used, vehicles would not be able to gain entrance to service center property.

• Internal Revenue Service
Appeal rights and preparation of protests for unagreed cases
Pub. 5
On occasion
Individuals or households/farms/businesses or other institutions
Taxpayers want to appeal a proposed tax adjustment
SIC: All
Small businesses or organizations
Central fiscal operations: 12,500 responses; 125,000 hours; $1,562,500 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

The information is needed to show the taxpayers' basis for appealing proposed tax adjustments over $2,500 during examination of their returns. The data on the protest is used to enable taxpayers to get prompt and full consideration of their appeal.

• Internal Revenue Service
United States Estate Tax Return—Estate of Nonresident Not a Citizen of the United States
706NA
Nonrecurring
Individuals or households
Estates of nonresident noncitizens with property in U.S.
Central Fiscal Operations: 5,000 responses; 19,380 hours; $16,331 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Under section 6018, executors must file estate tax returns for nonresident noncitizens who had property in the U.S. Executors use form 706NA for this purpose. IRS uses the information to determine correct tax and credits.

• Internal Revenue Service
Statement of Tax Due IRS
TY53 Form 17
On occasion
Individuals or households/farms/businesses or other institutions
Any taxpaying entity
SIC: all
Small businesses or organizations
Central fiscal operations: 83,675 responses; 41,837 hours; $424,604 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

This form is a notice and demand for payment of assessed tax. The taxpayer must remit payment or provide information if the payment was previously made. This information is basic taxpayer identification and remittance information. IRS uses the information to apply payments to a taxpayer's account or to locate a prior payment.

• Internal Revenue Service
Order Acknowledgement Card
SC–C, 1–540
Other—See SF83
Businesses or other institutions
Businesses that submit purchase orders to IRS
SIC: all
Small businesses or organizations

V 46 SE 24 81 1 UMI

Central fiscal operations: 450 responses; 36 hours; $200 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Form needed to provide for changes in purchase orders sent to vendors. The information is used to make adjustments to the orders. Without this information the adjustments would need to be made later at a greater cost of time and effort.

- Internal Revenue Service

Application for determination for collectively bargained plan (under sections 401(A) and 501(A) of the Internal Revenue Code.)
5303
Nonrecurring
State or local governments/businesses or other institutions
Employers, private, public, church w/ pension plans
SIC: all
Small businesses or organizations
Central fiscal operations: 2,500 responses; 17,500 hours; $27,512 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

IRS uses the form to determine from the information given whether the applicant is a qualified plan under section 401(a) of the Internal Revenue Code and meets the ERISA requirements for an employee pension plan. IRS also determines whether the related trust qualifies for tax exemption under section 501(A), if so, the employer may deduct contributions to the plan.

- Internal Revenue Service

Telephone contacts
RC–C–GEN 1–1023 (1–80)
Nonrecurring
Individuals or households
Indiv. applicants for various categories of IRS employment
Central fiscal operations: 5,000 responses; 415 hours; $3,500 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

5 U.S.C. 3218 requires that employment of Federal agency personnel be based on examinations for competitive service. This form is used for telephone contact with qualified applicants from the roster to determine the applicant's current or future availability for a vacancy.

- Internal Revenue Service

Notice of Amended Return Received, No Original
4486
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Taxpayers that file amended returns
SIC: all
Small businesses or organizations
Central fiscal operations: 51,748 responses; 25,874 hours; $76,398 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Computer generated form 4486 is used to thank a taxpayer for an amended return filed and to ask for information to locate the original return. (Part 2 is the taxpayer's copy and parts 3 and 4 are internal use forms.

- Internal Revenue Service

Educational Credentials Evaluation
500–5–809
Nonrecurring
Individuals or households/businesses or other institutions
Individuals applying for internal revenue agent position
SIC: 739, 822
Small businesses or organizations
Central fiscal operations: 10 responses; 240 hours; $182 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The form is needed to evaluate coursework received from foreign institutions and other institutions that are not accredited four-year educational institutions. This evaluation is used in the determination of basic eligibility for the internal revenue agent position.

- Internal Revenue Service

Request for mission returns
PR–1 Spanish version PR–2 English
On occasion
Individuals or households/farms/businesses or other institutions
Individuals, businesses, farmers not filed required returns
SIC: All
Small businesses or organizations
Central fiscal operations: 400 responses; 200 hours; $100 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

26 U.S.C. 6011 requires that every person liable for any PR–1 and PR–2 letter forms are the last letters mailed by the service to a taxpayer when there is not a record of a particular return being filed. The information received is used to close investigations or to determine the next appropriate action by the service.

Revisions

- Bureau of Alcohol, Tobacco and Firearms

Applicant for Production of High Proof Concentrate
ATF F 27–6 Supplemental (5520.4)
On occasion
Businesses or other institutions
Manufacturers of fruit flavor concentrates
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 0 responses; 0 hours; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Regulations under 27 CFR 18.124 require filing of this application if a proprietor wishes to produce volatile fruit flavor concentrate having an alcohol content of more than 24 percent by volume.

- Bureau of Alcohol, Tobacco and Firearms

Application for Fruit-Flavor Concentrate
ATF F 3873 (5520.1)
On occasion
Businesses or other institutions
Bonded wine cellars (wine producers and blenders)
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 0 responses; 0 hours; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form is necessary to determine whether a bonded wine cellar is eligible to receive fruit flavor concentrate from a volatile fruit flavor concentrate plant. Describes the bonded wine cellar, fruit flavor concentrate plant, and the amount of fruit flavor concentrate to be shipped on hand, in transit, and unaccounted for at any one time.

- Internal Revenue Service

Application for Exemption From Self-Employment Tax for Use By Ministers, Members of Religious Orders and Christian Science Practitioners
4361
Nonrecurring
Individuals or households
Ministers and members of religious orders incl. Christ. Sci.
Central fiscal operations: 10,270 responses; 5,007 hours; $10,973 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

This form is used by members of qualified religious groups to claim exemption from tax on self-employment income. The data is used to whether the exemption can be given.

- Internal Revenue Service

Supplemental Schedule of Gains and Losses
4797
Annually

Businesses or other institutions/individuals or households
Businesses that sell property other than inventory
SIC: All
Small businesses or organizations
Central fiscal operations: 1,237,000 responses; 831,264 hours; $273,754 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 4797 is used by Taxpayers to report sales, exchanges or involuntary conversions of assets, other than capital assets, and involuntary conversions or capital assets held more than one year. It is also used to compute ordinary income from recapture. The data is used by IRS to verify that the proper amount of income is reported or the proper amount of losses are deducted.

- Internal Revenue Service

Computation of Credit for Federal Tax on Gasoline, Special Fuels, and Lubricating Oil
4136
Annually
Individuals or households/farms/businesses or other institutions
Bus. ent., farms, estates, trusts, and indiv. that use gaso.
SIC: All
Small businesses or organizations
Central fiscal operations: 1,697,000 responses; 1,127,797 hours; $300,280 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie,. 202–395–6880

IRC section 39 requires certain information in order to claim a credit for federal excise tax on certain gasoline, special fuels, and lubricating oil used. This form is used to figure the amount of credit. Data is used to verify of claim.

- Internal Revenue Service

U.S. Individual Income Tax Return and Related Schedules Reporting Business, Farm, and Other Income and Expenses, Social Security Tax, etc.
1040 A, B, C, D, E, F, G, R/RP, SE
Annually
Businesses or other institutions
Indiv. taxpayers including self-empl. persons
SIC: All
Central fiscal operations: 145,101,000 responses; 261,369,180 hours; $213,730,261 Federal cost; 10 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

IRC sections 6011 and 6012 require individuals to file income tax returns annually. Forms 1040 and related schedules are used to report income subject to tax and compute the tax liability. The data is used to verify that items on the forms are correct and for general statistical use.

Extensions (Burden Change)

- Bureau of Alcohol, Tobacco and Firearms

Application for Registration of Firearms Acquired by Certain Government Entities
ATF F 10 (7560.10)
On occasion
State for local Governments
Federal law enforcement activities: 330 responses; 165 hours; $3,432 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Provides for registration of firearms "for official use" by certain Government entities. These firearms could not otherwise be registered.

- Bureau of Alcohol, Tobacco and Firearms

Certification of Tax Payment
ATF 7590,3
Annually
Businesses or other institutions
Firearms importers, manufacturers, dealers
SIC: 922
Small Businesses or organizations
Federal law enforcement activities: 1,200 responses; 600 hours; $17,468 Federal cost; 1 form; not applicable under 3504(b)
Irene Montie, 202–395–6880

Payment of special tax is made to the Internal Revenue Service. Stamps are issued to the taxpayers, but often these stamps are not received until 3 or 4 months later. Form provides a means whereby ATF is able to identify the license and tax status of taxpayer so that the individual can engage in business without waiting for the tax stamp.

- Internal Revenue Service

Depreciation
4562
Annually
Businesses or other institutions/individuals or households/farms
All taxpayers claiming a deduction for depreciation
SIC: all
Small businesses or organizations
Central fiscal operations: 5,000,000 responses; 2,500,000 hours; $248,592 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 4562 is used to report the depreciation deduction and to elect additional first-year depreciation. The data is used to verify that the proper deduction has been taken.

- Bureau of Alcohol, Tobacco and Firearms

Consent of Surety
ATF F 1533 (5000.18)
On occasion
Businesses or other institutions
Distilled spirits, wine, beer and tobacco manufacturers
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,980 responses; 1,980 hours; $1,595 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Permittees who handle materials such as alcohol are liable for the tax attached to that alcohol. For this reason they carry bonds which cover specific liabilities. When the terms of a bond are to be changed or extended the "consent of surety" is filed, which legally binds the bonding company to the new terms.

- Internal Revenue Service

Exempt Cooperative Association Income Tax Return
990–C
Annually
Businesses or other institutions
Farmers cooperatives exempt under section 521
SIC: 514, 515
Small businesses or organizations
Central fiscal operations: 4,000 responses; 55,580 hours; $35,861 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 990–C is used by farmers cooperatives exempt under Internal Revenue Code section 521 to report the tax imposed by section 1381. IRS uses the information to determine if the tax was properly reported.

- Internal Revenue Service

Consent to Fix Period of Limitation on Assessment of Income Taxes
952
On occasion
Businesses or other institutions
Rec'vng Corp. in a liquidation taking longer than tax year
SIC: multiple
Central fiscal operationg: 372,000 responses; 62,012 hours; $5,565 Federal cost 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 952 is a waiver of the statute of limitations for tax assessment. Section 332(b) of the IRC requires a receiving corporation in a liquidation covering more than one tax year to file such a waiver. The corporation must file form 952 for each tax year in the liquidation period. Data is used to extend the time for assessing tax.

- Internal Revenue Service

V 46 SE 24 81 UMI

Application for Approval of Master or Prototype Defined Contribution plan for self-employed individuals
[illegible]
Nonrecurring
Businesses or other institutions
Trade/progessiona assoc. banks, insurance co. invest. co.
SIC: 602, 631
Small businesses or organizations
Central fiscal operations: 1,500 responses; 12,853 hours; $23,806 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

IRS uses these forms to determine from the information given whether the applicant plan qualifies under section 401(a) of the Internal Revenue Code and under the applicable parts of ERISA as an approved employee benefit plan. A determination is also made on whether the related trust qualifies for tax exempt status under section 501(a) of the code.

- Internal Revenue Service

U.S. Income Tax Return of a Foreign Corporation
1120F
Annually
Businesses or other institutions
Foreign corps. engaged in a U.S. trade or business
SIC: All
Small businesses or organizations
Central fiscal operations: 9,000 responses; 129,362 hours; $75,490 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 1120F is filed by foreign corporations that are engaged in a trade or business in the U.S. or have U.S. investment income. The IRS uses form 1120F to determine whether the foreign corporation has correctly reported its income and computed its tax.

- Internal Revenue Service

Forest Industries Schedules
T (Timber)
Annually
Businesses or other institutions/individuals or household/farms
Taxpayers claiming deductions for depletion of timber resources
SIC: All
Small businesses or organizations
Central fiscal operations: 37,000 responses; 211,000 hours; $6,163 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

IRC sections 611 and 631 and related regulations require taxpayers to give information to IRS if they operate, buy, sell or lease standing timber or forest land. IRS uses the information to determine whether depletion, gain, or loss or these transactions is reported correctly.

Extensions (No Change)

- Bureau of Alcohol, Tobacco and Firearms

Bonded Wine Cellars—Taxpaid Room of Receipt From Bonded Premises
ATF REC 5120/26
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 10,400 responses; 2,600 hours; $65 Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

On removals from bond, the destination must be recorded, receipt on taxpaid premises verifies removal record, protection of the revenue.

- Internal Revenue Service

Affiliations Schedule
851
Annually
Businesses or other institutions
Parent corp. of an affiliated group of corporations
SIC: All
Central fiscal operations: 4,000 responses; 4,000 hours; $446,770 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 851 is filed by a parent corporation and attached to the consolidated return (form 1120). The information is used to identify the members of the affiliated group covered in the consolidated return.

- Internal Revenue Service

Annual Return of Foreign Trust With U.S. Beneficiaries
3520–A
Annually
Businesses or other institutions/individuals or households
Foreign trust having U.S. beneficiaries
SIC: All
Small businesses or organizations
Central fiscal operations: 500 responses; 500 hours; $9,400 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

IRC section 6048(c) requires an annual return for foreign trusts having one or more U.S. beneficiaries. 26 CFR 404.6048–1 requires that form 3520–A be filed.

- Bureau of Alcohol, Tobacco and Firearms

Application To Establish Wine Warehouse Premises
ATF REC 5120/25
On occasion
Businesses or other institutions
Bonded winery
SIC; 208
Small businesses or organizations
Federal law enforcement activities: 50 responses; 25 hours; $62 Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202–395–6880.

Stores products for credit, verifies location of storage facilities, protection of the revenue.

- Bureau of Alcohol, Tobacco and Firearms

Application To Conduct Other Operations on Bonded Wine Cellars
ATF REC 5120/24
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 20 responses; 10 hours; $115 Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Allows other operations, opportunity to verify that revenue is not placed in jeopardy by the conduct of other operations.

- Bureau of Alcohol, Tobacco and Firearms

Importers Records of Receipt and Disposition of Alcoholic Beverages, Strip Stamp Accounting and All Supporting Data
ATF REC 5170/1
Other—see SF83
Businesses or other institutions
Importers of alcoholic beverages
SIC: 518
Small businesses or organizations
Federal law enforcement activities: 741,780 responses; 123,630 hours; $165 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Accounting tool, audit trail. Provides total amount received and to whom sold, strips stamps, accounts for bottle count, supporting records verify these records. Protection of the revenue.

- Bureau of Alcohol, Tobacco and Firearms

Brewer Receipt, Use, Disposition of Brewing Material
ATF REC 5130/1
On occasion
Businesses or other intitutions
Brewery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 16,692 responses; 4,173 hours; $100

Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Protection of the revenue, accounting tool, audit trail beginning of establishment of tax liability, used to compare records of total production.

- Bureau of Alcohol, Tobacco and Firearms

Brewer Records of Production of Beer, Cereal Beverages, Wort, Wort Concentrate, Malt Sirup and Extract for Sale
Removal
ATF REC 5130/2
On occasion
Businesses or other institutions
Brewery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 27,820 responses; 13,910 hours; $90 Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Accounting tool, audit trail protection of the revenue. Records show gallonage produced which establishes maximum tax liability.

- Bureau of Alcohol, Tobacco and Firearms

Brewers Applications Letterheads and Notices to Qualification and Operations
ATF REC 5130/6
On occasion
Businesses or other institutions
Brewery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 50 responses; 50 hours; $300 Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Notifies ATF of intention to produce, destroy beer, transfer, provides a record of activity and ensures the revenue is not placed in jeopardy.

- Bureau of Alcohol, Tobacco and Firearms

Record of Bottled Wine
ATF REC 5120/7
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 75,000 responses; 7,500 hours; $54 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Recorded by tax class, quantity bottled, received, returned and removed, use as tax assessment, protects the revenue.

- Bureau of Alcohol, Tobacco and Firearms

Record of Material Received and Used
ATF REC 5120/21
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 30,000 responses; 7,500 hours; $169 Federal cost; 0 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Record of basis winemaking material, used to calculate maximum production and correlate to actual production to determine diversion and nonpayment of taxes, protects the revenue.

- Bureau of Alcohol, Tobacco and Firearms

Inventory of Wine
ATF REC 5120/23
Semiannually
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,664 responses; 13,312 hours; $132 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Wine—totals product on-hand twice yearly by physical count by kind, generic, bulk and bottle. Protection of revenue.

- Bureau of Alcohol, Tobacco and Firearms

Records of Samples for Wine
ATF REC 5120/17
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 20,000 responses; 1,000 hours; $100 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Records analysis, testing and laboratory disposition, samples are tax-free or withdrawn without payment of tax record substantiates removals and protects the revenue.

- Bureau of Alcohol, Tobacco and Firearms

Record of Reconditioned Foreign Wine
ATF REC 5120/15
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,200 responses; 200 hours; $72 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Distinguishes foreign and domestic wines for purposes of reconditioning, protects the revenue.

- Bureau of Alcohol, Tobacco and Firearms

Record of Destruction of Wine
ATF REC 5120/16
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 2,500 responses; 417 hours; $90 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Records quantity destroyed on bonded wine premises, established total of taxes of each class related to tax liability of entire quantity on hand, protects the revenue.

- Bureau of Alcohol, Tobacco and Firearms

Record of Special Natural and Other Wine Production
ATF REC 5120/14
On occasion
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 5,000 responses; 500 hours; $149 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Shows details of production, quantity, lot and formula number; ensure compliance to formula and establishes tax liability of each class of wine produced.

- Bureau of Alcohol, Tobacco and Firearms

Record of Distilling Material or Vinegar Stock
ATF REC 5120/11
Other—see SF83
Businesses or other institutions
Bonded winery
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 1,200 responses; 200 hours; $63 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Record detailing receipt of wine making or vinegar stock, showing amount and kind produced, receipt and removal, by type of material, protection of revenue.

- Internal Revenue Service

Application for Extension of Time To File U.S. Estate Tax Return and/or Estate Tax

V 46 SE 24 81 UMI

4768
Nonrecurring
Businesses or other institutions/ individuals or households
Personal representative of an estate
SIC: 999
Small businesses or organizations
Central fiscal operations: 17,000 responses; 14,000 hours; $37,602 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 4768 is used by personal representatives of estates to request an extension of time to file an estate tax return and/or to pay the estate tax, and to explain why the extension should be granted. IRS uses the information to decide whether the extension should be granted. Help verify that the estate qualifies for an extension of time to file and/or to pay the estate tax.

ACTION

Agency Clearance Officer—Mr. Don Romine—202-254-8523

New

- Financial Status Report

A-451
Quarterly
Businesses or other institutions
All action projects
Sic: Multiple
Small businesses or organizations
Social services: 6,000 responses; 18,000 hours; $10,000 Federal cost; 1 form; not applicable under 3504(h)
Diane Wimberly, 202-395-6880

Financial status report submitted quarterly to assure compliance with GAO/OMB/Action fiscal regulations and requirements.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202-287-0793

New

- World Health Organization/U.N. Environmental Program-sponsored Biological Monitoring Program

EPA HQ 8510-10
Nonrecurring
Individuals or households/State or local governments
Public schools and teachers
Sic: 821
Pollution control and abatement: 200 responses; 100 hours; $88,000 Federal cost; 3 forms; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

As part of who/UNEP international biological monitoring program, 200 volunteer school teachers will complete consent form and questionnaire and provide 10 ml blood for lead and cadmium analysis. Fifty kidney courtices will be collected at autopsy for cadmium analysis. Data will be used for international comparisons with 9 other countries.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202-452-2983

Extensions (no change)

- Country Exposure Report

FFIEC 009
Semiannually
Businesses or other institutions
Member banks and bank holding companies
Sic: 602, 671
General government: 306 responses; 6,784 hours; $150,000 Federal cost; 1 form; $135,680 public cost; not applicable under 3504(h)
Irene Montie, 202-395-6880

This report collects information on international claims of U.S. banks holding companies used for supervisory and analytical purposes. This information is also used to analyze the country exposure of banks in order to determine the degree of risk in their portfolios and the possible impact on U.S. banks of any adverse developments in particular countries.

- Application for Federal Reserve Bank Stock—National Bank FR30

Nonrecurring
Businesses or other institutions
New national banks
Sic: 602
Small businesses or organizations
General government: 40 responses; 40 hours; $5,000 Federal cost; 1 form; $800 public cost; not applicable under 3504(h)
Irene Montie, 202-395-6880

This application is used when an organizing national bank subscribes to Federal Reserve Bank stock.

INTERNATIONAL DEVELOPMENT ASSISTANCE

Agency Clearance Officer—Ms. Melita Yearwood—202-632-0084

New

- Survey of Attitudes Toward Overseas Agricultural Development Assignments: (a) Faculty, (b) Institutional Aid 16206A&B (7-81, one time)

Nonrecurring
Businesses or other institutions
Title XII Univ. & Faculty, primarily of the schools of
Sic: 822
Foreign economic and financial assistance: 2,623 responses; 1,374 hours; $15,000 Federal cost; 1 form; $13,745 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Aid and BIFAD require more data on factors which make specific agricultural development assignments overseas more or less attractive. The proposed survey is designed to obtain that data and to assess existing and necessary incentives—financial and non-financial—needed to induce the requisite numbers and quality of faculty from eligible universities to respond to AID's agricultural development assistance programs overseas.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301-492-8585

New

- Monitoring of Fatigue Transient Limits for Reactor Coolant System

Nonrecurring, on occasion
Businesses or other institutions
Forty-six operating nuclear power plants
SIC: 493 mul
Energy information, policy, and regulation: 46 responses; 920 hours; $124,000 Federal cost; 0 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Requirement that 46 operating reactor plants that have been identified as lacking technical specifications to monitor the actual transient occurrences that could significantly affect the fatigue life of the reactor coolant system develop tech specs and submit them to NRC. NRC further requires that records of said occurrences be maintained for the duration of the license, normally 40 years.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

- Application for Qualification of Indenture Under Trust

7A1-9
1919
On occasion
Businesses or other institutions
Iss. of debt sec. offered to the public but not req., etc.
SIC: multiple
Other advancement and regulation of commerce: 29 responses; 1,276 hours; $761 Federal cost; 1 form; $46,400 public cost; not applicable under 3504 (h)
Robert Veeder, 202-395-4814

Application under Trust Indenture Act of 1939 to qualify indenture relating to debt securities offered to the public and not required to be registered under the Securities Act of 1933. The information is used to determine whether the offering is required to be registered and whether the indenture contains the required provisions.

- Application for Exemption of Indenture from Provisions of Act of 1939 (Form T–4), 17 CFR 260.4C–1 Through 4C–5

1920
On occasion
Businesses or other institutions
Issuers of debt securities offered to the public
SIC: multiple
Other advancement and regulation of commerce: 4 responses; 20 hours; $105 Federal cost; 1 form; $1,080 public cost not applicable under 3504(h)
Robert Veeder, 202–395–4814

Application for Securities and Exchange Commission order exempting an indenture qualified under the Trust Indenture Act of 1939 from certain provisions of the act. The information is used to decide whether compliance with the act would be an undue burden on the company, is not necessary for the protection of investors or would require the consent of the security holders.

- Rule 14F–1 Under the 1934 Act, Change in Majority of Directors

On occasion
Businesses or other institutions
ISS. that have over a mil. dol. in assets and class, etc.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 3 responses; 54 hours; $63 Federal cost; 1 form; $1,950 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The rule is needed by the Commission to fulfill its statutory responsibility to prescribe those rules and regulations that are necessary for the protection of investors by requiring an issuer to apprise its shareholders and the Commission of a change in the majority of the Board of Directors of the company where such change is effected other than at a meeting of security holders.

- Rule 12DL–3—Requirements as to Certification Under Section 12(d) of the 1934 Act

On occasion
Businesses or other institutions
Registered national securities exchanges
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 688 responses; 344 hours; $1,806 Federal cost; 1 form; $3,440 public cost; not applicable under 3504 (h)
Robert Veeder, 202–395–4814

Certifications pursuant to rule 12D1–3 are used by the Commission in conjunction with registration statements under section 12 of the 1934 act in order that the issuer's securities may be admitted to trading on an exchange at the same time as the registration statement relating to those securities becomes effective.

- Statement of Eligibility and Qualification for Corporate Trustee Under Trust Indenture Act of 1939 (Form T–1) 17 CFR 160.0–3, 0–4, 5A 1–3, 7A–15–37

1836
On occasion
Businesses or other institutions
Corp. trust. under inden. relating to debt sec. off. to pub.
SIC: multiple
Other advancement and regulation of commerce: 531 responses; 23,364 hours; $6,983 Federal costs; 1 form; $849,600 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Statement of eligibility and qualification of corporate trustee to serve under indenture relating to debt securities offered to the public. The information is used to determine whether the trustee is qualified to serve under the indenture.

- Statement of eligibility and qualification for individual trustee under trust indenture act of 1939 (Form T–2)

1849
On occasion
Businesses or other institutions
Indiv. trust. under inden. relating to debt sec., etc.
SIC: multiple
Other advancement and regulation of commerce: 27 responses; 756 hours; $368 Federal costs; 1 form; $29,240 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Statement of eligibility and qualification of individual trustee to serve under indenture relating to debt securties offered to the public. The information is used to determine whether the trustee is qualified to serve under the indenture.

- Form C–3 and S–12 Registration statement for American Depository receipts under the Securities Act of 1933

Sec 1302 (S–12) and Sec 1923 (C–3)
On occasion
Businesses or other institutions
Banks issuing Amer. depository receipts for foreign secur.
SIC: multiple
Small businesses or organizations
Other advancement and regulations of commerce: 65 responses; 65 hours; $1,706 Federal costs; 2 form; $22,750 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form C–3 and S–12 elicit material information concerning American depository receipts relating to foreign securities being offered and sold in the United States. This information assists investor in making informed investment decisions.

- Form 19, Registration Form for American Depository Receipts and the Underlying Foreign Securities Listed on a U.S. Securities Exchange

SEC 1854
On occasion
Businesses or other institutions
Foreign corps. that have listed their sec. on a secur. exch.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 3 responses; 240 hours; $1,201 Federal costs; 1 form; $10,200 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 19 elicits materials information concerning American depository receipts and, in some cases, the financial condition and operations of foreign issues with securities listed on a U.S. securities exchange. This information permits investors to make informed investment decisions.

- Form 6–K, Periodic Report of Foreign Issuers Under Rules 13A–16 and 15D–16

On occasion
Businesses or other institutions
Foreign Comps. w/sec. reg. under S. 12 (b) or (g) of 1934 SEA
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 240 responses; 1,920 hours; $3,409 Federal costs; 1 form; $124,800 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 6–K elicits material information from foreign issues of securities publicly traded in the United States in order that U.S. investors will receive the same information as foreign investors.

- Form 19–K, Annual Report Form for American Depository Receipts and Underlying Foreign Securities Listed on a U.S. Exchange

Sec 1799

V 46 SE 24 81 1 UMI

Annually
Businesses or other institutions
Foreign corps. that have listed sec. on a U.S. sec. exch.
SIC: multiple
Small businesses or organizations
Other advancement and regulations of commerce: 8 responses; 16,880 hours; $675 Federal costs; 1 form; $748,000 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 19–K elicits material information concerning American depository receipts, and, in some cases, the financial condition and operations of foreign issuers with securities listed on a U.S. securities exchange. This information permits investors to make informed investment decisions.

• Rule 12G3–2, Exemption for Certain Foreign Securities
On occasion
Businesses or other institutions
Foreign companies with securities traded over-the-counter
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce: 675 responses; 675 hours; $8,505 Federal costs; 1 form; $67,500 public cost; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 12G3–2 exempts certain foreign companies with securities trading in the over-the-counter market from the requirements to prepare special disclosure documents provided the company submits the material information disclosed to its investors in its home country.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

Extensions (Burden Change)

• Mobile Home Loan Claim Under Loan Guaranty
26–8629
Annually
Businesses or other institutions
Holders of mobile home loans
SIC: 601, 602, 612, 614, 616
Small businesses or organizations
Veterans housing: 800 responses; 133 hours; $40,[illegible] Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Form completed and submitted by holders of foreclosed VA guaranteed mobile home unit loans. The form serves as the "accounting with the Administrator" required by 38 U.S.C. 1819(c)(3) as a prerequisite to payment of any claim. Information collected is used to determine claim payment due the holder.

• Notice of Intention To Foreclose
26–6851
On occasion
Businesses or other institutions
Lenders or holders
SIC: 601, 604, 612, 614, 616
Small businesses or organizations
Veterans housing: 85,000 responses; 21,250 hours; $534,160 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Holder's notice of intent to foreclose on loan guaranteed under 38 U.S.C. 1810 as required by 38 U.S.C. 1816(a). Data submitted is used for determinations on forebearance, foreclosure, protection of property and initiation of claim payment.

Extensions (No Change)

• Compliance Inspection Report
26–1839
On occasion
Individuals or households
Compliance inspectors
Veterans housing: 431,000 responses; 107,750 hours; $319,544 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Abstract: completed by fee compliance inspectors to report acceptability of residential construction and conformity with standards prescribed pursuant to 38 U.S.C. 1804(a) for new housing proposed as security for loans guaranteed under 38 U.S.C. 1810.

• School Attendance Report
21–674B
On occasion
Individuals or households
Claimant or school
Income security for veterans: 39,500 responses; 3,300 hours; $161,450 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This form is used to verify attendance in an authorized school or training program where benefits were authorized prior to entering the program. It is also used to report termination of any program with the specific information required to adjust benefit payments as appropriate for the particular VA benefit program. Authority is 38 CFR 3.667.

Arnold Strasser,

Acting, Assistant Administrator for Reports Management.

[FR Doc. 81–27798 Filed 9–23–81; 8:45 am]

BILLING CODE 3110–01–M

POSTAL RATE COMMISSION

[Docket No. A81–4]

Seapines Station, Virginia Beach, Va.; Schedule

September 18, 1981.

In the matter of Seapines Station, Virginia Beach, Va. 23451 Docket No. A81–4. (Mrs. Forrest P. Anderson, Petitioner).

On August 17, 1981, Mrs. Anderson filed a petition letter challenging the Postal Service's plans to close the Seapines station in Virginia Beach. By Order No. 397, the Commission established Docket No. A81–4 to consider this matter and requested the Postal Service to file a memorandum of law on whether the Postal Service's actions with regard to the Seapines station must comply with the requirements of 39 U.S.C. 404(b).

On September 14, 1981, the Postal Service filed a document, which appears to contain its memorandum of law in response to Order No. 397, stating that section 404(b) did not apply because the Seapines facility is a station rather than a post office.[1] The Postal Service suggests that this case be "terminated forthwith."[2] The petition, however, asserts "the law requires the Postal Service to make a written determination of its findings regarding closing or consolidation available to the people served by the post office affected."[3]

We believe that this case should not be terminated at this time. There is a controversy over the applicability of section 404(b) to the planned closing of the Seapines station. We think the Petitioner should be given an opportunity to respond. Previously, the Commission has never had to rule squarely on the applicability of section 404(b) to the closings of stations.[4] It is appropriate to consider this matter in the course of this proceeding, after both the Postal Service and the Petitioner have had an opportunity to present their views. Therefore, this case will continue according to the schedule attached to this Notice. We have made some minor changes in the schedule set in Order No. 397.

By Order of the Commission.

David F. Harris,

Secretary.

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[1] USPS Notice Regarding Administrative Record & Memorandum of Law, p. 2.

[2] *Id.* at 3.

[3] Petition, p. 1.

[4] *Cf.* PRC Op. A78–1 (Gresham, S.C., Route #1); PRC Op. A80–4 (Mt. Eden, California), p. 21.

[Docket No. A81-4]

Appendix

August 17, 1981—Filing of Petition.

August 31, 1981—Notice and Order of Filing of Appeal.

September 14, 1981—Filing of record by Postal Service (*see* 39 CFR 3001.113(a)).

September 21, 1981—Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).

September 21, 1981—Filing of Postal Service's legal memorandum.

October 13, 1981—Petitioner's initial brief (*see* 39 CFR 3001.115(a)).

October 27, 1981—Postal Service answering brief. (In this filing, the Postal Service may respond to any arguments the Petitioner makes concerning the applicability of Section 404(b)). (*See* 39 CFR 3001.115(a).)

November 12, 1981

(1) Petitioner's reply brief, should petitioner choose to file such brief (*see* 39 CFR 3001.115(c)).

(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

December 5, 1981—Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 81-27817 Filed 9-24-81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18099; File Nos. SR-Amex-81-10 and SR-Phlx-81-8]

American Stock Exchange, Inc. and Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Changes

September 16, 1981.

On July 23, 1981, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place New York, New York 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to revise its procedures with respect to trading rotations that extend beyond the normal close of trading (4:10 p.m. New York time). Among other things the proposal would permit a trading rotation to be conducted after 4:10 p.m. where notice of the rotation is publicly disseminated after 4:00 p.m., so long as the rotation was not commenced until at least ten minutes after news of the rotation was publicly disseminated. On August 3, 1981, the Philadelphia Stock Exchange, Inc., ("Phlx"), 1900 Market Street, Philadelphia, Pa. 19103, submitted an identical proposed rule change.

Notice of the proposed rule changes together with their terms of substance was given by issuance of a Commission Release (Securities Exchange Act Release No. 18018, August 7, 1981) and by publication in the **Federal Register** (46 FR 41235, September 4, 1981). No written statements with respect to the proposed rule changes were filed with the Commission.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27743 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11938; (812-4954)]

ASTA U.S. Government Securities Money Market Fund, Inc.; Filing of Application for an Order of the Commission Granting Exemptions

September 17, 1981.

Notice is hereby given that ASTA U.S. Government Securities Money Market Fund, Inc. ("Applicant"), Box 1515, 580 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on August 19, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to value its portfolio assets pursuant to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a no-load, "money market" fund designed as an investment vehicle for corporations and individuals who wish to invest in U.S. Government obligations. Applicant also states that it has filed with the Commission a registration statement on Form N-1 under the Securities Act of 1933 in order to make a public offering of shares of its common stock, but that such registration statement has not yet become effective. Applicant will offer its shares to members and employees of the American Society of Travel Agents, Inc., and to the public. Lexington Management Corporation will serve as its investment adviser. The investment objective of Applicant is to seek the highest possible level of current income consistent with the preservation of capital and liquidity. It will seek to achieve this objective by investing exclusively in money market instruments maturing in twelve months or less, including the following: (1) Direct obligations issued by the United States Treasury, such as Treasury bills, certificates of indebtedness, notes and bonds; (2) instruments issued or guaranteed by agencies or instrumentalities of the United States Government; and (3) Repurchase agreements involving obligations which are eligible for investment under the foregoing categories. Applicant intends to maintain a dollar-weighted average portfolio maturity of 120 days or less. The minimum initial investment to open an account will be $2,500 for corporations and $1,000 for individuals, and subsequent investments must be in amounts of not less than $100, except for certain continuing purchase programs such as payroll deductions and pension programs.

The order requested herein would exempt Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder. Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities and, (2) with respect to other securities and assets, fair value as determined in good faith by the investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company issuing any redeemable security, and no principal underwriter of or dealer in any such security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a-4 provides, as here relevant that the current net asset value of a redeemable security issued by a

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registered investment company used in computing its price for the purposes of distribution, redemption, and repurchase shall be an amount which reflects calculations, whether or not recorded in the books of account, made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered investment company. Prior to the filing of this application, the Commission expressed its view that, *Inter alia:* (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 1, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the exemptive relief requested, Applicant states that experience indicates that two features are helpful in attracting investment in a money market fund: (1) Stability of principal and (2) steady flow of investment income. Applicant asserts that by maintaining a portfolio of U.S. Government obligations it can provide these features to investors. According to Applicant's investment adviser, experience in the management of other investment companies has shown that, given the nature of Applicant's policies and operations, there will normally be a negligible discrepancy between prices obtained by the amortized cost valuation method and those obtained by a market valuation method. Applicant represents that its board of directors has determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant, and reflects fair value of such money market instruments. Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stablize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: Redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, if any, to those United States dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

On the basis of the foregoing, Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than

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[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

October 13, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed; Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27742 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22198; (31-784)]

Ashland Exploration, Inc.; Application for Order Declaring Company Not To Be a Gas Utility Company Pursuant to Section 2(a)(4)

September 18, 1981.

Notice is hereby given that Ashland Exploration, Inc. ("AEI"), 1212 Bath Avenue, Ashland, Kentucky 41101, a Delaware corporation, has filed with this Commission an application pursuant to Section 2(a)(4) of the Public Utility Holding Company Act of 1935 ("Act") for an order declaring it not to be a "gas utility company" as therein defined. All interested persons are referred to the application, which is summarized below, for a description of the applicant and a statement of the basis upon which the exemption from status as a gas utility company is sought.

AEI is an oil and gas producing company and is an indirect wholly-owned subsidiary of Ashland Oil, Inc. ("Ashland"). Ashland is directly engaged in petroleum refining and marketing and in the manufacture and sale of specialty chemicals. Ashland is also engaged, through subsidiaries in the coal, highway construction, insurance and other non-utility businesses. At September 30, 1980, Ashland's consolidated assets were approximately $3.4 billion and for the fiscal year then ended Ashland reported consolidated revenues of approximately $8.4 billion and consolidated net income of approximately $205 million.

Since 1976 most of Ashland's activities with respect to oil and gas exploration and production have been carried on by AEI. For the fiscal year ended September 30, 1980, AEI reported sales revenues of approximately $176 million and net income of approximately $29 million. AEI's domestic oil and gas operations are conducted primarily in the eastern United States, and most of its gas production is dedicated for sale to interstate pipeline companies for resale. In 1963 Ashland acquired the assets and assumed the liabilities of United Carbon Company ("UCC") and its subsidiaries. At that time, among other things, UCC was engaged in the production and gathering of natural gas in certain counties in eastern Kentucky for sale to an interstate pipeline company. Under the laws of the State of Kentucky (KRS § 278.485) UCC was required to provide gas service upon request to owners of property situated within one-half air mile of its gas wells or gas pipelines at rates prescribed by the Kentucky Public Service Commission. Until July 1981 Ashland made the required direct retail sales to the eligible customers. In that month the retail gas sales system was transferred from Ashland to AEI.

AEI's gas gathering system is comprised of approximately 200 miles of pipeline. It is stated that the only direct retail sales made by AEI are those made to certain customers pursuant to oil and gas leases or rights of way granted by landowners, and sales to the customers required by the Kentucky statute. Direct retail sales are made to approximately 1,038 such customers, and amounted to $119,242 in the year ended September 30, 1980, or approximately 0.068% of AEI's total oil and gas revenues. AEI does not engage in any distribution to identifiable communities within geographic areas designated under franchises. Applicant further states that its retail sales are of a special and limited character within the meaning of *Panhandle Eastern Pipe Line Company,* HCAR No. 22060 (May 21, 1981).

AEI has applied for an order declaring it not to be a "gas utility company" pursuant to Section 2(a)(4) of the Act. Section 2(a)(4) provides that the Commission may declare a company not to be a "gas utility company" if it finds that "(A) such company is primarily engaged in one or more businesses other than the business of a gas utility company, and (B) by reason of the small amount of natural or manufactured gas distributed at retail by such company it is not necessary in the public interest or for the protection of investors and consumers that such company be considered a gas utility company for the purposes of [the Act]." Rule 10(a)(1) under the Act provides that a company shall be exempt from the duties, liabilities and obligations imposed under the Act upon it as a "holding company" with respect to a subsidiary which, insofar as it is a public utility company, is declared not to be a "gas utility company" under Section 2(a)(4).

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 15, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and service a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27799 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22199; (70-6634)]

Atlee M. Kohl; Proposed Acquisition of Securities of Public Utility Company

September 18, 1981.

Notice is hereby given that Atlee M. Kohl ("Kohl"), 1401 North Western Avenue, Lake Forest, Illinois 60045, has filed with this commission an application pursuant to the Public Utility Holding company Act of 1935 ("Act"), designating Sections 9(a)(2) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement concerning the proposed transaction.

Applicant, an individual, presently holds with power to vote, directly or through family trusts, 8.34 percent of the voting securities of Cheasapeake Utilities Corporation ("Chesapeake Utilities"), a Delaware corporation and a gas utility company as defined in Section 2(a)(4) of the Act. Applicant also holds with power to vote, directly or through family trusts, 4.92 percent of the voting securities of Florida Public Utilities Corporation ("FPU"), an electric utility company and a gas utility company as defined in Sections 2(a)(3) and 2(a)(4). Kohl has applied for authorization under Sections 9(a)(2) and 10 to acquire, directly or indirectly, additional common shares of FPU such that he will thereby become an affiliate of FPU under Section 2(a)(11)(A).

Chesapeake Utilities distributes natural gas at retail in an area in southern Delaware and in an area around Salisbury, Maryland. Eastern Shore Natural Gas Company ("Eastern Shore") a wholly-owned subsidiary, is an interstate pipeline which buys gas at two points in Pennsylvania and sells gas to utility and industrial customers in southern Delaware and the eastern shore of Maryland, and is the sole source of supply to Chesapeake Utilities. At December 31, 1980, Cheasapeake Utilities had total gross utility plant of $8,845,361 and carried its investment in its unconsolidated Eastern Shore subsidiary at $5,960,719. For the twelve months then ended, Chesapeake Utilities reported $247,515 of net operating income, $1,619,761 of equity in net income of its unconsolidated subsidiary Eastern Shore, and $1,867,276 of net income. For the same period, Eastern shore reported operating revenues of $30,171,555 (including $6,512,399 of sales to Cheasapeake Utilities). At December 31, 1981, Chesapeake Utilities had 479,691 shares of common stock outstanding, held by 1,146 shareholders.

FPU provides electric, natural gas, water and/or propane bottled gas service through division in five essentially non-contiguous areas in Florida. At December 31, 1980, FPU had gross utility plant of $30,981,683 and for the twelve months then ended reported $838,301 of net income and $42,496,308 of operating revenues. At December 31, 1980, FPU had 345,438 common shares outstanding, held by 1,259 shareholders.

Applicant states that the proposed acquisition of additional FPU shares to result in an aggregate 5 percent holding (approximately 300 shares) would be effectuated through open market purchases at prevailing market prices and/or private purchases at negotiated prices. Subsequent acquisitions would be made similarly to the extent that such acquisitions were deemed appropriate. Applicant further states that no negotiations have been conducted with respect to the proposed acquisition and none are anticipated, and that the reason for the proposed acquisition is that it is deemed to be an attractive investment.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $6,560. It is stated that no state commission and no federal commission other than this commission, has jurisdiction over the proposed transaction.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 15, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any notice or order issued in this matter. After said date the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27803 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

September 18, 1981.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Burlington Northern Inc. (New Holding Company) Common Stock, No Par Value (File No. 7-6042)

Burlington Northern Inc. (New Holding Company) $2.125 Preferred, No Par Value (File No. 7-6043)

Engelhard Corporation Common Stock, $1 Par Value (File No. 7-6044)

Panhandle Eastern Corporation Common Stock, $1 Par Value (File No. 7-6045)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 9, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27802 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11939 (812-4835)]

Capital Southwest Corp. and CSC Capital Corp., Alamo Group, Inc.; Filing of Application

September 17, 1981.

Notice is hereby given that Capital Southwest Corporation ("Capital SW"), a Texas corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end management investment company; CSC Capital Corporation ("CSC Capital"), 12900 Preston Road at LBJ, Dallas, TX 75230, a Texas corporation registered under the Act as a closed-end management investment company; and Alamo Group, Incorporated ("Alamo"), P.O. Drawer 549, Seguin, TX 78155, (Capital SW, CSC Capital and Alamo are collectively referred to hereinafter as "Applicants"), filed an application on March 10, 1981, and amendments thereto on June 3, 1981 and August 10, 1981, for an order of the Commission pursuant to Section 2(a)(9) of the Act determining that Alamo is not controlled by CSC Capital or Capitol SW or, alternatively, for an order of the Commission pursuant to Section 17(d) of the Act and Rule 17d-1(a) thereunder permitting Applicants to engage in certain proposed joint transactions. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that CSC Capital is a wholly-owned subsidiary of Capital SW, and that CSC Capital is engaged in venture capital investments as a Federal licensee under the Small Business Investment Act of 1958. It is asserted that as of December 31, 1980, CSC Capital and Capital SW had aggregate investments in approximately 30 portfolio companies having a value of approximately $40,160,000 and a cost of approximately $15,757,000.

The application states that CSC Capital owns approximately 38.4% of the outstanding common stock of Alamo. It is asserted that, through two of its three subsidiaries, Alamo is engaged in the manufacture of heavy-duty mowing equipment and steel foundry components. Applicants represent that Alamo's third subsidiary, Entrepreneur Ventures, Inc. ("Ventures"), which is wholly-owned by Alamo, proposes to engage in venture capital investments. It is further asserted that Ventures will be exempt from registration under the Act pursuant to Section 3(c)(1) of the Act.

Applicants state that, consistent with industry practice, CSC Capital and Capital SW frequently participate with other venture capital firms in providing debt and/or equity financing to portfolio companies. CSC Capital and Capital SW are permitted to make joint investments pursuant to an order of the Commission, dated September 30, 1969 (Investment Company Act Release No. 5827). Applicants state that it is anticipated that, from time to time, Capital SW, CSC Capital and ventures may be offered opportunities to provide debt and/or equity financing for the same company and that CSC Capital (and/or Capital SW) may elect to make such investments (hereinafter referred to as "Proposed Transactions"). It is asserted that no specific Proposed Transaction is currently being considered by any of the Applicants.

Section 2(a)(3) of the Act provides that an affiliated person includes a person directly or indirectly controlled by another person. Section 2(a)(9) of the Act, in pertinent part, states that any person who owns beneficially, either directly or through one or more controlled companies, more than 25% of the voting securities of a company shall be presumed to control such company but that any such presumption may be rebutted by evidence.

Section 17(d) of the Act and rule 17d-1 thereunder taken together provide, among other things, that it shall be unlawful for any affiliated person of or principal underwriter for any registered investment company or any affiliated person of such person or principal underwriter, acting as principal, to participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such joint enterprise, joint arrangement or profit sharing plan has been granted by an order of the Commission. In passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

It is contended in the application that CSC Capital (and/or Capital SW) and Ventures would be unable to engage in a Proposed Transaction unless the Commission finds, pursuant to Section 2(a)(9) of the Act, that Alamo is not controlled by capital SW or CSC Capital. Alternatively, the Applicants have requested that the Commission, pursuant to Section 17(d) of the Act and Rule 17d-1(a) thereunder, issue an order granting permission for the Applicants to engage in the Proposed Transactions.

Applicants submit that the Proposed Tranactions would not be inconsistent with the public interest, the protection of investors or the purposes fairly intended by the policies and provisions of the Act. It is asserted that venture capital firms participating together in the manner proposed by Applicants typically execute with the portfolio company substantially identical purchase agreements (other than the amount of the investment), collectively negotiated at arm's length. It is further asserted that Applicants and their respective shareholders are in no better or worse position if Ventures, rather than a different venture capital firm, participates in a Proposed Transaction with Capital SW or CSC Capital.

The application states that although Capital SW beneficially owns 38.4% of the outstanding commn stock of Alamo, neither Capital SW nor CSC Capital has the ability or the intent to control Alamo. Originally CSC Capital acquired convertible debt securities of Alamo, which were subsequently converted into common stock of Alamo in April 1973 and July 1978. It is claimed that all such securities were purchased for investment purposes only and not with any intent to control management of Alamo and that Capital SW has not sought to control management of Alamo in the 7½ years it has beneficially owned shares of Alamo common stock. The Applicants note that only one of seven directors of Alamo is an officer or director of Capital SW or CSC Capital. None of the officers of Alamo or of the officers and directors of Ventures is an officer or director of Capital SW or CSC Capital. An aggregate of 32.5% of the outstanding common stock of Alamo is beneficially owned by Donald J. Douglass (Chief Executive Officer of Alamo) and his family. Other officers and employees of Alamo and their affiliates beneficially own an aggregate of 5% of Alamo's outstanding common stock. The balance of Alamo's outstanding common stock (24.1%) is beneficially owned by 21 shareholders, which are unaffiliated with either Capital SW or Alamo management.

The Applicants contend that Rule 17a-6 would provide an exemption from Section 17(a) for transaction between Capital SW (or CSC Capital) and Alamo (or Ventures), provided that no "insider" of Capital SW or CSC Capital had a financial interest in Alamo or Ventures. It is asserted that if such parties may contract with one another as provided in Rule 17a-6, such parties should also be permitted to contract jointly, on similar terms, with an unaffiliated third party, as contemplated by the Proposed Transactions.

Further, Rule 17d-1(d)(3) provides an exemption from Section 17(d) for the joint investment in a small business concern by a bank affiliated small business investment company and such bank. Applicants argue that such an arrangement, although exempt from Section 17(d), has opportunities for conflict of interest which are not present in the case of the Proposed Transactions. For example, the bank may be a senior creditor and the small business investment company a subordinated creditor or equity investor; whereas the Proposed Transactions would involve the purchase of similar securities.

In connection with the Proposed Transactions, Applicants make the following undertakings:

1. CSC Capital will not engage in any Proposed Transaction which would cause the aggregate value of its investments in outstanding Proposed

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Transactions to exceed 20% of the value of its shareholders' equity.

2. Capital SW will not engage in any Proposed Transactions which would cause the aggregate value of its investments in outstanding Proposed Transactions to exceed 5% of the value of its consolidated total assets.

3. Any joint investments by Ventures and CSC Capital (and/or Capital SW) would be on the same basis (*i.e.*, substantially identical terms other than the amount of any such investment) and therefore not on a basis dirfferent from or less advantageous than that of other participants. All other persons participating in any such investment would do so on the same basis.

4. With respect to each of the Applicants, no person who falls within any category of persons mentioned in subparagraphs (1) through (5) of Rule 17a–6 under the Act will be a party to any joint investment or will have had within six months prior to the commencement of such joint transaction or, pursuant to such joint transaction will acquire, a direct or indirect financial interest in the small business concern which is the subject of any such investment.

Notice is further given that any interested person may, not later than October 13, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–27781 Filed 9–23–81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22196; (70–6637)]

Consolidated Natural Gas Co. and CNG Coal Co.; Proposals To Issue and Sell Common Stock, To Purchase Common Stock, To Purchase Options and To Buy Land

September 18, 1981.

Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, New York 10112, a registered holding company and CNG Coal Company ("Coalco") 445 West Main Street, Clarksburg, West Virginia 26301, a wholly-owned coal procurement subsidiary of Consolidated, have filed an application-declaration pursuant to Sections 6(a), 7, 9(a), 10 and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 45 thereunder.

Consolidated and its subsidiaries have been and are continuing to develop and plan for eventual production of synthetic natural gas through coal gasification. Nevertheless, Consolidated is not yet ready to commit itself to a coal gasification project producing major volumes of synthetic natural gas. However, Consolidated believes that a site upon which two full-sized coal gasification plants could be accommodated must be acquired at this time. After evaluating over eighty plant sites in the past six years, a site was selected in Mason County, West Virginia on the Ohio River four miles north of Point Pleasant. Applicants-declarants state that this site is one of few in the Ohio River Valley area that will support a larger, commercial coal gasification operation. It is in an air quality attainment area, has abundant water supply, and can receive coal by either barge or rail. The site is within the four-state territory in which Consolidated markets natural gas and is proximate to its coal reserves in Greene County, Pennsylvania and Marshall County, West Virginia.

Consolidated, through its subsidiary, Consolidated Gas Supply Corporation ("Supply Corporation"), has acquired options to purchase 1005 acres of land at the Point Pleasant site for about $1,795,000. The first of these options will expire on October 21, 1981. The optioned acreage comprises strategic and key parcels within the 1200-plus acre plant site area and includes 4,200 feet of river front property. In addition Supply Corporation is negotiating to acquire about 1200 additional acres south of the plant site to serve as a slag reclamation area. Supply Corporation proposes to transfer to Coalco its options to purchase this acreage. such transfer would be effected in time for Coalco to exercise the initial option and thus avoid potential regulatory problems and taxes that otherwise might accompany a subsequent transfer of the site acreage from Supply Corporation to Coalco.

At July 31, 1981, Supply Corporation's expenditures relative to the options to purchase the Point Pleasant site and related acquisition costs totalled $1,136,000.

From August 1, 1981 and extending through May 1982, the investment needed to acquire land by exercising current options and to extend other options by renewal will be $1,612,000.

Expenditures through May 1982 will total $3,600,000. The proposed financial transactions are as follows:

1. Coalco will issue and deliver shares of its common stock, $100 par value, to Consolidated (27,480) shares aggregating $2,748,000 par value, for which Consolidated will pay Coalco $2,748,000.

2. Upon transfer by Supply Corporation to Coalco of all its right, title and interest in and to the option agreements, Coalco will reimburse Supply Corporation for the expenses incurred by Supply Corporation in site evaluation and the acquisition of the Point Pleasant options. The remainder of the Consolidated investment will be used by Coalco to acquire title to the remaining parcels of land currently under option, to renew the remaining options to be exercised at a later date and to acquire additional parcels currently being negotiated.

3. Consolidated will purchase for cash from Coalco, an additional 8,520 shares of common stock, $100 par value, aggregating $852,000, before May 31, 1982. Coalco would use the proceeds principally for the purchase of additional acreage near Point Pleasant, West Virginia.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 13, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27800 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11941; (812-4880)]

IDS Life Moneyshare Fund, Inc.; Filing of Application

September 21, 1981.

Notice is hereby given that IDS Life Moneyshare Fund, Inc. ("Applicant"), IDS Tower, Minneapolis, Minnesota 55402, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on May 29, 1981, and an amendment thereto on August 31, 1981, for an order of the Commission pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio securities under the amortized cost valuation method. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that IDS Life Insurance Company ("IDS Life"), a wholly-owned subsidiary of Investors Diversified Services, Inc. ("IDS"), intends to offer deferred, non-participating variable annuity contracts. Further, Applicant states that the Contracts will be offered for purchase by individuals who are investing for retirement or other long-term purposes. Purchase payments under the Contracts will be allocated to one or more segregated asset accounts of IDS Life as permitted by applicable state insurance laws and regulations, and as selected by the contract owner. Applicant also states that the assets of each Account will be invested at net asset value in shares of a distinct and separate mutual fund. Applicant states that the only way an investment can be made in Applicant at the present time is by buying a Variable Annuity Contract from IDS Life Insurance Company and requesting that part or all of the purchase payment be allocated to IDS Life Account E which will thereafter be invested in Applicant.

Applicant states that it is a no-load, open-end, diversified management investment company. Applicant states that it is a corporation organized under the laws of Nevada and maintains its principal offices at IDS Tower, Minneapolis, Minnesota. Applicant's investment manager is IDS Life. Applicant states that IDS Life and IDS have entered into an Investment Advisory Agreement pursuant to which IDS will serve as investment adviser for Applicant.

Applicant states that it intends to operate as a "money market" fund whose investment objective will be to provide maximum current income consistent with liquidity and conservation of capital. Applicant states that its portfolio will be invested in short-term marketable debt securities which may include U.S. Treasury bills, notes and bonds; obligations of agencies and instrumentalities of the U.S. Government; money market instruments, such as negotiable bank certificates of deposit, finance company commercial paper, corporate commercial paper, documented discount notes of banks, bankers' acceptances and repurchase agreements; and other U.S. dollar-denominated debt instruments of issuers of high quality credit worthiness as discussed below. Some of these securities may be purchased on a "when issued" basis. Those short-term, high quality obligations which are purchased on a "when-issued" basis will be treated and valued pursuant to all the applicable conditions contained in Investment Company Act Release No. 10666 (April 18, 1979). The Application also states that the Applicant may purchase bank certificates of deposit including Eurodollar certificates only if such bank has assets (as most recently reported) in excess of one billion dollars, or the principal amount of the certificate must be insured in full by the FDIC. Certificates of deposit issued by savings and loan associations may be purchased if the principal amount is fully insured by the FSLIC. The Applicant may purchase bankers' acceptances only when they are eligible for discounting at the Federal Reserve System.

Applicant states that it will not buy commercial paper unless it is rated A-1 or A-2 by Standard and Poor's Corporation, or rated P-1 or P-2 by Moody's Investors Service, Inc., or if non-rated, is issued by issuers whose financial condition is determined by the Board of Directors to limit the risks to Applicant to a degree comparable to securities rated A-2 (or higher) by Standard and Poor's or P-2 (or higher) by Moody's. All other securities which Applicant purchases will be of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

Applicant states that it intends to declare its net income as a dividend to its shareholders on a daily basis and distribute it monthly, that "net income" for this purpose will consist of all interest income accrued on the portfolio assets of Applicant less all expenses of Applicant, and that if Applicant values its securities on an amortized cost basis, there will be no calculation for unrealized capital gains or losses. Applicant represents that the nature of the investments which it proposes to make have characteristics which are similar to those securities which are generally designated as money market instruments.

Applicant states that it will not purchase any securities with maturities in excess of one year from the date of acquisition, and the dollar-weighted average maturity of all securities in its portfolio will always be 120 days or less. The underlying security in a repurchase agreement, however, may have a maturity of more than one year, but must be a security in which Applicant is otherwise permitted to invest.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, repurchase and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if an to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant hereby requests and exemption from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit it to value its security portfolio by means of the amortized cost method of valuation (i.e., valuing securities at cost, adjusted for amortization of premium or accretion of discount).

In support of the relief requested, Applicant submits that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act because it will enable Applicant to maintain, under ordinary circumstances, a constant net asset value per share as well as steady earnings which applicant states investors want in a money market fund investment. The investment adviser of Applicant believes, based on its experience in managing portfolios of securities of the type to be held by Applicant, that with respect to such securities maturing in 120 days or less there is normally a negligible discrepancy between market value and the amortized cost of such securities. Thus, Applicant believes that the valuation of its portfolio securities on an amortized cost basis will enable it to more effectively maintain its $1.00 price per share, while providing investors with the opportunity to receive a flow of earnings less subject to fluctuation than under procedures where its daily dividend would be adjusted by all realized and unrealized gains and losses. In addition, Applicant states that investors would have the advantage of a stable net asset value.

Applicant states that its directors have determined in good faith that in light of the characteristics of Applicant as described above and, subject to compliance with the conditions set forth below, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects fair value of such securities. Applicant has agreed, in order to attempt to assure the stability of its price per share, that the following conditions may be imposed in any Commission order granting its requested exemptive relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Directors undertakes—as a particular responsibility within its overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from its $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors believes the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio securities prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than twelve months, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition (1) above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, if any, to those United States dollar-denominated instruments which the Board of Directors determines

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[1] Applicant states that to fulfill this condition it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Directors in the exercise of its discretion to be appropriate indicators of value. In addtion, Applicant states that the quotations or estimates utilized may include, *inter alia,* (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of securities published by reputable sources.

present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than October 13, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27805 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 18103; File No. SR-PSE-81-14]

Pacific Stock Exchange Inc.; Filing and Effectiveness of Proposed Rule Change

September 18, 1981.

The Pacific Stock Exchange, Inc. ("PSE") submitted, on September 10, 1981, a proposed rule change under Rule 19b-4 to reduce the hours during which the exchange is open for the transaction of equities business by one hour. The new hours are from 7:00 a.m. to 1:30 p.m., Pacific Time.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 ("Act"). At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934

Publication of the submission is expected to be made in the **Federal Register** during the week of September 21, 1981. Interested persons are invited to submit written data, views and arguments concering their submission within 21 days from the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-PSE-81-14.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27804 Filed 9-23-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0350]

Quidnet Capital Corp.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Quidnet Capital Corporation (Quidnet Corp.), 909 State Street, Princton, New Jersey 08540, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to § 107.1004 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.1004 (1981)), for approval of a conflict of interest transaction.

Quidnet Capital Corp. desires to provide additional financing in an amount up to $50,000 to Mercer County Racquetball Associates (MCRA), a portfolio concern, for the purpose of providing additional working capital.

The managing general partner of MCRA is Courtworks Associates, a limited partnership in which Quidnet Company owns a fifty (50) percent interest. Quidnet Company is considered to be an "Associate" of Quidnet Corp., as that term is defined under Section 107.3 of the SBA Regulations since its general partners Messrs. Stephen Fillo and Reid White, are also the officers and shareholders in Quident Corp. Therefore, MCRA is also deemed to be an "Associate" of the Licensee. Consequently, the proposed transaction comes within the purview of Section 107.1004(b)(1) of the Regulations which prohibits a licensee from providing financing to any of its Associates, except where a written exemption is granted by the SBA.

Notice is hereby given that any person may, not later than October 9, 1981, submit written comment on the proposed transaction. Any such comments should be addressed to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Princeton, New Jersey.

(Catalog of Federal Domestic Assistance Program No 59.011, Small Business Investment Companies)

Peter F. McNeish,

Acting Associate Administrator for Investment.

September 18, 1981.

[FR Doc. 81-27782 Filed 9-23-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/444]

Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas; Meeting

Notice is hereby given, pursuant to the provisions of Pub. L. 92-463, that a meeting of the Advisory Committee to the United States National Section of the International Commission for the

Conservation of Atlantic Tunas will be held on October 15, 1981, from 9:30 a.m. to 5:00 p.m., and on October 16, 1981, from 9:30 a.m. to 12:00 p.m., at the Woodward Room of the National Wildlife Federation, 1412 16th Street, N.W., Washington, D.C.

The October 15 meeting will be open to the public, and the public may participate in the discussions subject to instructions of the Committee Chairman. Subjects to be discussed include: Report of the Standing Committee on Research and Statistics (SCRS) Officers' Meeting and Subcommittee on Skipjack Tuna Meeting; Review of Status of Stocks and Research Concerning Yellowfin, Skipjack, Albacore, and Bigeye Tunas; Review of Status of Stocks and Research Concerning Atlantic Bluefin Tuna; Review of Status of Stocks and Research Concerning Billfish and Report of Billfish Workshop; Report of Canadian Purse Seine Operations in the U.S. Fishery Conservation Zone (FCZ); Report of U.S.-Japan Discussions on Longline Fisheries in the U.S. FCZ; and Status of the Development of the U.S. Longline Fishery in the Gulf of Mexico.

The Advisory Committee will meet in closed session on October 16, 1981. At this session documents classified in accordance with Executive Order 12065 of June 28, 1978 will be circulated and discussed and matters will be considered which the public interest requires be withheld from disclosure. Accordingly the determination has been made to close this session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(d) and 5 U.S.C. 552b (c)(1) and (c)(9).

Requests for further information on the October 15 meeting should be directed to Barbara Rothschild, Office of International Fisheries Affairs, National Marine Fisheries Service, Department of Commerce. She may be reached by telephone on (202) 634-7303.

Dated: September 2, 1981.

Theodore G. Kronmiller,

Deputy Assistant, Secretary for Oceans and Fisheries Affairs.

[FR Doc. 81-27776 Filed 9-23-81; 8:45 am]

BILLING CODE 4710-16-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-26]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: October 14, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue, SW, Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on September 15, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
21958	Mr. Scott Edwin Abram	14 CFR 61.151(a)	To allow petitioner to obtain an airline transport pilot certificate before reaching his 23rd birthday.
21293	Clay Lacy Aviation	14 CFR 135.243(a)	Reconsideration of a Denial of Petition to permit Mr. Steven R. Purwin to serve as pilot in command of Lacy Aviation aircraft without holding an airline transport pilot certificate.
22114	Columbia Air, Inc	14 CFR 121.291(a)(b)	To permit petitioner to introduce initial scheduled service in DC-9-32 aircraft in a 119-passenger-seat configuration without conducting a full emergency evacuation demonstration.
22096	United Air Lines, Inc	14 CFR 121.291(a)(2)	To allow petitioner to increase the seating capacity of its Boeing B-747-100 series aircraft from 424 to 429 passenger seats and in the future to 527 passenger seats without first conducting an emergency evacuation demonstration of the full-passenger-seating capacity.
22106	American Airlines	14 CFR 121.318(b)(2)	To permit petitioner to operate 18 DC-10 airplanes after December 1, 1981, without having a public address system microphone, at each floor level exit in a passenger compartment and be readily accessible to a flight attendant seated in a seat adjacent to that exit.
21448	U.S. Jet Aviation	14 CFR 135.89(b)(3)	To amend Exemption 3299 to add a Falcon-10 aircraft to the exemption. The present exemption permits petitioner to operate its Learjet aircraft to FL 410 without requiring at least one pilot to wear and use an oxygen mask at all times when operating above FL 350.
22115	Piedmont Aviation, Inc	14 CFR 121.391	To allow petitioner to block off 12 seats and to operate its Boeing B-737 aircraft with two flight attendants when a third flight attendant cannot be made available without undue delay or flight cancellation.
22079	Arnolds Helicopter, Inc	14 CFR 135.261(b)	To permit petitioner to assign a flight crewmember for duty during flight time when that assignment provides for less than 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the assignment.
18243	Scenic Airlines, Inc.	14 CFR 135.113	To extend Exemption 2631A which presently permits passenger seating in the co-pilot seat of petitioner's Cessna 404 airplanes.

Petitions for Exemption—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
22116	Arista Int'l Airlines, Inc	14 CFR 121.291(a)(b)	To permit petitioner to introduce two DC-8-62F aircraft leased from Scandinavian Airlines System into initial passenger service with a 191 and 201 passenger-seat configuration without first conducting the required full-scale passenger emergency evacuation demonstration.
21972	Kodiak Western Alaska Airlines, Inc	14 CFR 91.39 and 121.157	Reconsideration of a Denial of Exemption to permit petitioner to operate two restricted category C-119L aircraft for compensation or hire in a unique outsized cargo-carrying operation within the State of Alaska.
22121	Southwest Forest Industries	14 CFR 91.32(b)(1)(ii)	To permit petitioner to operate the Gates Learjet Model 35A aircraft above flight level 410 without the use of oxygen masks.
22097	Tenneco, Inc	14 CFR 91.23(a)(3)	To permit petitioner to reduce the fuel reserve requirement for helicopter operations to no less than 30 minutes.
22100	Britt Airways, Inc	14 CFR 91.73(a)	To permit petitioner to operate its aircraft, in the event of failure of the position light system, with the strobe light system until arrival at a maintenance base.
19634	Douglas Aircraft	14 CFR 121.310(d)(4)	To permit the continuation of Part 121 operation of DC-8 aircraft with an emergency light system without a cockpit control device that has an "on," "off," and "armed" position.

Disposition of Petitions for Exemption

[illegible] No.	Petitioner	Regulations affected	Description of relief sought disposition
21378	AeroVironment, Inc	14 CFR 91.32(a) (1) and (2)	To allow operation of a Solar Challenger aircraft without supplemental oxygen for: (1) that part of the flight above 12,500 feet and up to and including 14,000 feet cabin pressure altitude for that part of the flight at those altitudes that is of more than 30 minutes duration; and (2) the entire part of the flight above 14,000 feet cabin pressure altitute. *Granted 9/1/81.*
22108	United Airlines	14 CFR 121.317(b)	To permit petitioner to operate all of its airplanes after August 31, 1981, without there being affixed to each forward bulkhead and each passenger seat back a sign or placard that reads "Fasten Seat Belt While Seated." *Partial grant 9/1/81.*
21957	United Air Lines, Inc	14 CFR 121.291(a)(2)(i)	To permit petitioner to increase the passenger seating capacity on its B-727-222 and B-727-222A series aircraft from 149 to 189 without conducting the required emergency evacuation demonstration with the full-passenger load. *Granted 9/7/81.*
21999	Trans World Airlines, Inc	14 CFR 121.317(b)	To permit the addition of the wording "Fasten Seat Belt While Seated" to the existing single placard on the back side of the center armrest table between seat backs of each first-class double seat installed on TWA's aircraft. *Granted 9/1/81.*
22000	Midway Airlines	14 CFR 121.291	To allow petitioner to introduce the Douglas DC-9-30 aircraft into passenger service using 115 passengers and 3 qualified flight attendants without first conducting a full-seating capacity emergency evacuation demonstration. *Granted 9/1/81.*
21778	Eastern Air Lines, Inc	14 CFR 121.317(b)	To permit petitioner to operate its B-727 and DC-9 airplanes after August 31, 1981, without there being affixed to each forward bulkhead and each passenger seatback a sign or placard that reads "FASTEN SEAT BELT WHILE SEATED." *Granted 9/1/81.*
21975	InterState Airlines, Inc	portions of 14 CFR Parts 61 and 121	To permit "foreign" airmen and ground instructors, employed by Air Canada, to serve as ground instructors, flight instructors, simulator instructors, and check airmen under InterState's FAA-approved training program. *Denied 9/1/81.*
18855	Helicopter Association International	14 CFR 135.99, .159, .173, .181, & .223	To extend Exemption No. 2695 which permits petitioner's member operators to operate without performing certain aircraft modifications, hiring additional required pilots, and without complying with certain performance, operational and maintenance requirements. *Granted 8/31/81.*
17922	Air Midwest, Inc	14 CFR 135.261(b)	Temporary extension of Exemption No. 2582 while the FAA reconsiders the denial previously issued. The exemption permits petitioner to assign a flight crewmember for duty without his having had at least 10 hours of rest during the preceding 24 hours. *Granted 8/31/81.*
18569	Empresa de Transporte Aereo del Peru	Portions of 14 CFR Parts 21, 61, 63, & 91	Extension of Exemption 2656 which permits petitioner to continue to operate two U.S.-registered Lockheed L-1011 aircraft using an FAA-approved master minimum equipment list and continuous airworthiness maintenance program. *Granted 8/31/81.*
20770	Accelerated Ground Training, Inc	14 CFR 63.39(b)(2)	Reconsideration of the conditions and restriction in Exemption 3232 on petitioner's petition to permit flight engineer applicants being trained by petitioner to show, in an approved simulator, that the applicants can satisifactorily perform the normal duties and procedures relating to the airplane, airplane engines, propeller (if appropriate), systems, and appliances. *Partial Grant 8/31/81.*
21998	Air Florida, Inc	14 CFR 121.291(a)(1)	To allow petitioner to introduce Boeing 727-200 aircraft into passenger service using 177 passengers and 4 qualified flight attendants without first conducting a full-seating capacity emergency evacuation demonstration. *Granted 8/31/81.*
20313	Bell Helicopter Textron	14 CFR 29.1323 (c)(1) and (c)(2)	To permit petitioner to use an airspeed indicating system for which the airspeed error does not meet the maximum accuracy limit. *Granted 8/31/81.*
16955	American Airlines Training Corporation	14 CFR 61.58(c)	To amend Exemption 2473C to permit petitioner to conduct the entire 24-month proficiency training/checks utilizing simulators in addition to its Cessna Citation 500 simulator allowed under the present exemption. *Granted 8/31/81.*
21604	ERA Helicopters, Inc	14 CFR 43.3(h)	To permit petitioner's appropriately certificated and trained pilots to remove, check, and reinstall the magnetic chip detector plugs on the Bell Model 412, 212, 206, 205 and Aerospatiale Model 350 helicopters. *Granted 9/* [illegible]
21815	Air Logistics	14 CFR 43.3 and 43.7	To permit persons certificated by a foreign country to perform maintenance and approve for return to service, following maintenance, U.S.-registered aircraft, when operated in that foregin country. *Denied 9/4/81.*

Disposition of Petitions for Exemption—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
20419	Cascade Airways, Inc	14 CFR 21.197	Extension of Exemption No. 3050 which permits petitioner to apply for and permit the use of a special flight permit with a continuing authorization to fly an aircraft, that may not meet applicable airworthiness requirements but is capable of safe flight, to a base where repairs or maintenance are to be performed. *Withdrawn no longer required 7/24/81.*
21820	New Haven Airways, Inc	14 CFR 61.31(a)(1)	To permit petitioner's pilots to operate Embraer Bandeirante EMB 110PI/41 aircraft for a 5-month period pending the next 6-month proficiency check without the pilots possessing the appropriate type ratings. *Granted 9/9/81.*
21629	Cochise Airlines	14 CFR 135.261(a)(1)	To permit petitioner to assign and for flight crewmembers to accept an assignment for duty during flight time when the total flight time of that fight exceeds 8 hours during any 24 consecutive hours for a flight crew consisting of one pilot. *Denied 9/4/81.*
21383	Arnautical, Inc	14 CFR 63.39(b)(2)	To allow flight engineer applicants, being trained by the petitioner, to show in an approved simulator that the applicants can satisfactorily perform the normal duties and procedures relating to the airplane, airplane engines, propellers (if appropriate), systems, and appliances. *Partial Grant 9/4/81.*
21788	Airmark Corporation	14 CFR 135.261(a)(2)	To permit petitioner to assign flight crewmembers and permit a flightcrew consisting of two pilots to accept an assignment for duty during flight time when the total flight time of that flight exceeds 10 hours during any 24 consecutive hours. *Denied 9/4/81.*
21066	Skywest Airlines	14 CFR 135.261(b)	To permit petitioner to assign a flight crewmember and for a flight crewmember to accept flight duty time without having had at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the flight assignment. *Denied 9/4/81.*
21768	Mr. Charles E. Ketchu	14 CFR 65.71(a)(3)	To permit petitioner to become eligible for an airframe and powerplant certificate without complying with the requirement to complete the written and practical tests within a 2-year period. *Denied 9/3/81.*
21867	Mr. Terry L. Spath	14 CFR 65.91(c)(1)	To permit petitioner to become eligible for an Inspection Authorization without meeting the specific experience requirements of the FAR. *Denied 9/3/81.*
12638	Air Transport Association of America	14 CFR 121.351(a)	Amendment to Exemption No. 2061D. The present exemption allows the operation of aircraft on specified over water routes with only one operational High Frequency (HF) radio. The amendment would allow operation on an additional route. *Granted 9/3/81.*
12227	National Business Aircraft Association	14 CFR 91.169, and 91.181(a)	To reconsider Exemption No. 1637H, a partial denial, in view of the additional information presented by NBAA. *Granted 9/11/81.*
[illegible]	Aeronaves de Mexico	Portions of 14 CFR Parts 21 and 91	Amendment to Exemption 3266 to allow petitioner to operate one additional DC–10 and two DC–9 aircraft using a master minimum equipment list and a continuous airworthiness maintenance program. *Granted 9/11/81.*
21981	Pan American World Airways	14 CFR 121.319(b)(1)(ii)	To permit petitioner to operate its B–747Sp airplanes without a means of two-way communications between the pilot compartment and the upper-deck galley. *Withdrawn 9/8/81.* (Exemption not required as galley is not isolated).
12464	Air France	Portions of 14 CFR Parts 61 and 63	To amend the existing exemption to permit petitioner to operate one additional U.S.-registered B–747–228F freighter aircraft. *Granted 9/4/81.*
12464	Air France	Portions of 14 CFR Parts 61 and 63	To amend the existing exemption to extend the termination date on special airman certificates for certain of petitioner's crewmembers. *Granted 8/31/81.*
21787	Capitol International Airways, Inc	14 CFR 121.291(b)	To permit the petitioner to demonstrate its DC–10 aircraft ditching procedures without using passengers. Petitioner desires to commence over-water operations on July 15, 1981. *Withdrawn no longer required.*

[FR Doc. 81–27468 Filed 9–23–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement; Tulsa County, Oklahoma

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Tulsa County, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Fred A. Morice, Environmental Coordinator, Federal Highway Administration, 200 NW. 5th Street, Room #454, Oklahoma City, Oklahoma, 73102, Telephone: (405) 231–4624.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Oklahoma Department of Transportation (ODOT) and the City of Tulsa, Oklahoma, will prepare an environmental impact statement (EIS) on a proposal to extend the Mingo Valley Expressway in the City of Tulsa, Oklahoma, from its present terminus at South 51st Street, then south and west, a distance of 6.0 miles to Memorial Road. If constructed, the improvement would consist of a multi-lane, controlled access freeway with appropriate grade separation structures.

The proposed improvement is intended to releave existing traffic congestion on a number of north-south arterials as well as provide a vital link in the overall Tulsa transportation plan (Engineering Contract 174) that received FHWA location approval on January 30, 1981.

Since all expressways in Tulsa have been developed in accordance with E.C. 174, the consideration of alternatives must be prudently limited to two: Construction of the proposal along the route outlined in E.C. 174, and the nobuild alternative.

Scoping letters describing the proposed action have been sent to appropriate Federal, State, and local agencies for their review and comment. No formal scoping meeting is planned. When completed, the draft EIS will be available for public and agency review and comment.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address previously provided.

Gordon E. Penney,

Division Administrator, Oklahoma City, Oklahoma.

[FR Doc. 81–27589 Filed 9–23–81; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

[Docket Nos. RFA-305-81-1 and RFA-305-81-2; Notice No. 3]

Consolidated Rail Corp.; Expedited Supplemental Transaction Proposals

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Public notice of FRA actions and submission requirements for parties seeking to acquire, pursuant to expedited supplemental transaction proposals (STPs), Consolidated Rail Corporation (Conrail) lines in the States of Connecticut and Rhode Island, and certain Conrail lines in the Commonwealth of Massachusetts.

SUMMARY: This notice announces certain deadlines, guidelines, and considerations related to the transfer of Conrail rail properties in the States of Connecticut and Rhode Island, and certain Conrail lines in the Commonwealth of Massachusetts, to another railroad or railroads. Deadlines are established for the submission of requests for Conrail data and for the submission of purchase proposals. Guidelines are provided for the content of purchase proposals. Public comment is solicited on FRA's discussion of the considerations relevant to evaluation of purchase proposals. Finally, FRA amends its description of properties subject to transfer in the Commonwealth of Massachusetts.

DATES: Unless determined otherwise by the Administrator on the basis of a specific request setting forth the reason or reasons for variance from these deadlines:

1. Requests for Conrail data must be received from prospective purchasers by FRA as soon as possible.
2. Comments on issues addresed by this notice should be submitted as soon as practicable, but not later than October 8, 1981.
3. Purchase proposals, which include the information outlined below, must be received by FRA on or before October 23, 1981.
4. Comments on purchase proposals should be submitted by November 6, 1981.

ADDRESSES: Five copies of written materials must be submitted to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Room 7321A, 400 Seventh Street, S.W., Washington, D.C. 20590. Submissions should identify the docket number and notice number to which they respond (Docket number RFA-305-81-1 for Connecticut/Rhode Island properties and connecting non-mainline properties in adjacent states: and RFA-305-81-2 for Massachusetts properties). Written submissions other than privileged material will be available for public examination at the above address between 8:30 a.m. and 5 p.m., EST, Monday through Friday, with the exception of Federal holidays. Those desiring notification of receipt should include a self-addressed stamped postcard.

To enable timely review and comment by the public and prospective purchasers, Conrail and prospective purchasers must also provide one duplicate of each submission of nonprivileged material to each of the following State agencies, where those materials will be available for public inspection as indicated:

Connecticut Department of Transportation, Rail Planning Division, Room 214, Department of Transportation Administration Building, 24 Wolcott Road, Wethersfield, Connecticut 06109, Monday through Friday, 8:30 a.m. to 4:00 p.m., EST

Executive Office of Transportation, Commonwealth of Massachusetts, Room 1610, One Ashburton Place, Boston, Massachusetts 02108, Attn.: Paul A. McBride, Assistant Secretary, Monday through Friday, 9:00 a.m. to 5:00 p.m., EST

Rhode Island Department of Transportation, Planning Division, Room 369, State Office Building, Providence, Rhode Island 02903, Monday through Friday, 8:30 a.m. to 4:30 p.m., EST

FOR FURTHER INFORMATION CONTACT: Steve Black, Office of Federal Assistance, FRA (202) 472-7180.

SUPPLEMENTARY INFORMATION: This Notice is issued in response to amendments to Section 305 of the Regional Rail Reorganization Act of 1973 (3R Act) (45 U.S.C. 745), which were effected by Section 1155 of the Northeast Rail Service Act of 1981. The President signed that legislation into law on August 13, 1981, as a part of the Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35. Section 305 requires that the Secretary of Transportation (Secretary) initiate STP negotiations for the transfer of all Conrail rail properties and freight service obligations in the States of Connecticut and Rhode Island, and certain rail lines in the Commonwealth of Massachusetts, to another railroad or railroads. On August 31, 1981, the Federal Railroad Administrator (Administrator), as delegate of the Secretary, held public hearings in New Haven, Connecticut, and on September 1 in Springfield, Massachusetts, to discuss the STP process and to request prospective purchasers and other parties of serious interest to become participants in this process. Initial expressions of interest in purchase of the properties were required to be submitted by September 11, 1981. (See 46 FR 42565 (August 21, 1981) (hereafter referred to as Notice No. 1)). An additional hearing is scheduled for 10 a.m., September 28, 1981 in Room 313, the State House, Smith Street, Providence, Rhode Island. The present notice describes the schedule FRA intends to follow in the STP process, contents of purchase proposals to be submitted by prospective purchasers, and the criteria FRA proposes to apply in selecting final transferees.

Appendix A to Notice No. 1 described Conrail rail properties in the States of Connecticut and Rhode Island, which were referred to as "Appendix A" properties. Appendix B to that notice identified the five line segments located primarily in the Commonwealth of Massachusetts (Appendix B properties). "Appendix C" was reserved as the designation for connecting non-mainline properties identified by prospective purchasers as appropriate for transfer with Appendix A properties. "Appendix D" was reserved as the designation for trackage rights identified by prospective purchasers as necessary to operate Appendix B lines.

Deadlines

At the initial public meetings, the Administrator announced a preliminary schedule for the progress of these proceedings. This notice confirms that schedule. Requests by prospective purchasers for particular Conrail data should be submitted to the FRA as soon as possible. Complete purchase proposals should be submitted no later than October 23, 1981. Comments by interested persons on purchase proposals should be submitted as soon as possible, but not later than November 6, 1981.

Prospective purchasers are responsible for assuring that copies of their proposals are provided to each of the State agencies listed above. Proposals will be available for inspection at those locations and at the public inspection room maintained by the FRA docket clerk.

The FRA realizes that the above-established deadlines are extremely tight. However, since section 305 requires final administrative action in both the Connecticut/Rhode Island and Massachusetts proceedings by December 11, 1981, and since detailed negotiations will likely be necessary

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following the submission of the October 23 proposals, it is imperative that these deadlines be met. A deadline may be waived only if the Administrator finds, on the basis of a specific request submitted with supporting rationale, that the purposes of the statute would be best served by the waiver.

The following additional activities will be undertaken as needed and requested by prospective purchasers and Conrail:

1. FRA will meet with prospective purchasers and Conrail to discuss submission requirements of prospective purchasers and data needs from Conrail.

2. At the request of one or more railroads, FRA will convene meetings pursuant to Section 305 and Section 5 of the Department of Transportation Act (Section 401 of the 4R Act), for carriers wishing to explore the feasibility of joint or coordinated acquisition of Conrail lines.

3. Meetings between FRA, Conrail and prospective purchasers to discuss purchase proposals will be held following the submission of such proposals, as necessary.

Information Requirements

Prospective purchasers wishing to acquire some or all of the Appendix A, B, C and/or D Rail Properties pursuant to an STP should comply with the submission guidelines set forth in this Notice, except as specifically waived, on request, by the Administrator. Failure to comply may make consideration of the proposal by the Administrator impossible. Additional information may be requested by FRA to make the statutory STP determinations. If a potential transferee desires that any information so submitted not be released by the Administrator upon request from a member of the public, it must so state and must set forth any reasons why such information should not be released, including particulars as to any competitive harm which would probably result from release of such information. The Administrator will keep such information confidential to the extent permitted by law. Previous submissions to the FRA or any other Government agency may be incorporated by reference.

As used in the following guidelines for purchase proposals, the term "prospective purchaser" means both the party acting to arrange or finance the purchase and the proposed transferee of the property since it is not necessary that the purchaser and the transferee be the same party. Prospective purchasers should also be aware that while these guidelines require submission of information relative to existing railroad systems the guidelines are not intended to exclude a prospective purchaser who intends to operate a railroad in the region as of the effective date of the transfer. It is further contemplated that Conrail submit on October 23 notification of the lines it seeks to retain and information corresponding to that sought from potential purchasers.

A. General Information

1. Full and correct name and principal business address of the prospective purchaser;

2. Date of the prospective purchaser's incorporation, or organization if not a corporation, and name of the Government, state or territory under the laws of which it was incorporated or organized. If the prospective purchaser is a trustee then, in addition, the name and address of the reorganization court under the direction of which the prospective purchaser is acting, and the docket number of the proceeding. If the prospective purchaser is a partnership, association or other form of organization other than a corporation, a full description of the organization must be furnished;

3. Name, title, address and telephone number of the person who can answer questions regarding the proposal;

4. A statement identifying the Appendix A, B, C and/or D Rail Properties and any associated personal property which the prospective purchaser proposes to acquire; and

5. A map of the prospective purchaser's rail system indicating the relationship of the properties listed in 4 to its current system.

B. Historical Information

(While many of the submission requirements apply to operating railroads, it should be understood that prospective purchasers who are not presently an operating railroad should submit sufficient financial information to permit the Administrator to make appropriate financial determinations that the applicant is financially capable of meeting the requirements of the Act.)

1. Financial Statements. a. For each of the last three years, either an Annual Report, Form R–1, and Annual Report Supplement, Corporate Disclosure, Form R–1(A), or

b. The following items presented in a format and level of detail consistent with that prescribed in the ICC Uniform System of Accounts (49 CFR, Part 1201), in the Annual Report, Form R–1, and the Annual Report Supplement, Corporate Disclosure, Form R–1(A), in one consistent accounting format to enable year-to-year, line by line comparison:

(1) Comparative statements of financial position (balance sheets) for each of the last three years;

(2) Results of operations (income statements) for each of the last three years with the operating expenses and other components broken out by line as in the ICC Quarterly Report of Revenues, Expenses and Income-Railroads (Form R, E & I);

(3) Statements of changes in financial position (sources and uses or application of funds statements) for each of the last three years;

(4) For the most recent year end, to the extent not included in itesm (1), (2), or (3) above, the following:

(a) Listing and description of loans and notes receivable, if any;

(b) Listing and description of investments in affiliated companies and other investments;

(c) Listing and description of balances in Account 743, Other Deferred Debits, or equivalent accounts, if any;

(d) Debt holdings in form and detail similar to that indicated in Schedule 120 of the Annual Report Supplement, Corporate disclosure, to include information on equipment debt, bank and other loans or notes, including the name of the bank or holder, date and amount of the original loan, current balance, maturities, rate of interest, and security pledged, if any;

(e) Litigation or unresolved disputes not yet in litigation which may have a material effect on the financial condition of the purchaser;

(f) Listing and description of all liabilities not included in item (d) and a listing and description of all contingent liabilities that individually, or as a class, are of a material amount;

(g) Listing and description of the capital stock in form and detail as required in Schedule 310 of Annual Report R–1; and

(h) Listing and description of any other outside sources of funding such as state or local government subsidies, loans or grants received by potential transferee.

c. A copy of the three most recent annual reports to shareholders, and any statistical supplements prepared for shareholders or the financial community;

d. A copy of the quarterly reports to shareholders since the last annual report; and

e. A copy of the most recent annual and quarterly or special reports filed with other regulatory agencies such as the Annual Report 10K filed with the Securities and Exchange Commission.

2. Operating Statements. a. A copy of the quarterly Freight Commodity

Statistics reports (Form QCS) filed with the ICC for the fourth quarter for each of the last three years and for each quarter since the most recent fourth quarter report, or information in similar form and detail; and

b. A copy of the most recent annual report of employee service, Forms A and B, filed with the ICC or information in similar form and detail.

C. Actual and Estimated (Pro Forma) Financial and Operating Results for 1981

For the 1981, the following combination of actual and estimated (pro forma) financial and operating results:

1. Actual financial and operating results for the year to date, as currently available;

2. Estimated (pro forma) financial and operating results for the remainder of the year; and

3. Combination of actual and estimated (pro forma) financial results for the entire year.

These items should contain sufficient detail so as to be comparable, line to line, to the historical results provided under B.1 and B.2 (Actuals and pro formas should be stated in 1980 dollars if possible.)

D. Plans

Prospective purchasers shall submit financial, operating and marketing plans, and other information which must include sufficient information and detail to permit the Administrator to determine that the prospective purchaser can acquire and operate the acquired property for four years without requiring Federal funding. For purposes of the projections and plans, prospective purchasers should assume that the proposed transfer will occur on January 1, 1982 for Massachusetts lines and on July 1, 1982 for Connecticut/Rhode Island lines. Projections (pro forma) should be made on a constant 1980 dollar (uninflated) basis. The Plans should cover the years 1982 through 1985 and show the prospective purchaser's projected results for the acquired properties and for the entire company after the acquisition.

1. Financial Plan—An overall financial plan to contain an explanation of:

a. Projected Annual Financial Statements—Stated in such a way as to be comparable, line by line, to the historical financial statements provided in Item B.1.

A statement of the assumptions upon which the projections are based. The projections should indicate the incremental impact of the proposed acquisition of Appendix A, B, C and/or D Properties upon the projected results of the prospective purchaser, by each category of revenue and expense;

b. A description of the method of financing anticipated for: (1) The proposed acquisition; (2) the maintenance and proposed improvements to the property, and (3) the equipment needed to provide the anticipated levels of service;

c. If outside financing is assumed, a description of the prospective purchaser's ability to obtain such financing and a projection of the annual or semi-annual payment streams indicating principal and interest separately;

d. A description of the collateral to be offered as security, if any;

e. A description of any commitments prospective purchaser has received for financing; and

f. An indication of how the purchaser intends to guarantee a commitment to provide service for four years, including deed restrictions, covenants or other devices to secure such commitment.

2. Marketing Plan. a. Projections of annual revenues and traffic in terms of tonnage, carloadings, and account 101 revenues, including plans for changes in rates and surcharges from current levels.

b. revenue equipment and locomotive fleet requirement projection (Should indicate how the purchaser intends to assure that the necessary revenue equipment and locomotives will be available for the projected level of service on the acquired properties.):

(1) Revenue equipment—For each of the years, a projection of revenue equipment requirements to traffic projections.

(a) Current fleet—identifying the number of serviceable and bad ordered cars;

(b) Retirements;

(c) Acqusitions—source and method of financing;

(d) Repairs and rehabilitation;

(e) Use of foreign cars; and

(f) Projected fleet—identifying the numbers of serviceable and bad ordered cars; and

(2) For each of the years, a projection of each of road and yard locomotive needs reflecting:

(a) Current fleet—identifying the numbr of serviceable and bad ordered locomotives;

(b) Retirements;

(c) Acquisitions—source and method of financing;

(d) Repairs and rehabilitation; and

(e) Projected Fleet—identifying the number of serviceable and bad ordered locomotives.

3. Operating Plan. a. A general description of potential purchaser's current operating plans compared with the yearly operating plans projected after the acquisition including specifics on frequency of service, equipment availability, track and facility condition and manning levels anticipated over each line to be acquired.

b. Plan indicating the number and general ICC job category of Conrail employees currently employed on the Appendix A properties that would be offered employment by the potential transferees including a description of any anticipated changes in total compensation and the reasons for such changes, and reflecting the costs of transferring employees due to coordination of seniority rosters, and labor protection costs, if any; and

c. Projected track maintenance and property additions and improvement programs for each of the years including a separate annual maintenance and improvement plan with a written description of the plan for the current system and for track properties to be acquired including a comparison of current and projected track class as defined by FRA Track Safety Standards and comparisons of current to projected maximum allowable speed of operation for each line.

E. Other Information

1. Valuation—The prospective purchaser's price offer, including a line-by-line detailed estimate of the value of the Appendix A, B, and/or C Properties (including trackage rights) the prospective purchaser wants to acquire;

2. Trackage Rights Charges—The prospective purchaser's proposed and assumed line-by-line trackage rights charges and basis for calculation of charges;

3. Division of Joint Rates—The prospective purchaser's proposal regarding division of joint rates, the basis for the proposal, and a justification as to why the proposal is fair and equitable to both the prospective purchaser and Conrail.

The FRA will accept and review such other data and proposed undertakings as a prospective purchaser may deem relevant to its proposal.

Basis for Evaluation of Proposals

The FRA has reviewed and is continuing to review the requirements of section 305 to ascertain the basis upon which purchase proposals should be evaluated. In the case of the Connecticut/Rhode Island properties, the statute imposes upon the Administrator the obligation of selecting

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a final proposal or proposals to serve as his plan for transfer of the properties. In the case of the lines situated principally in Massachusetts, the Administrator is required to order and effect transfer to a qualified purchaser or purchasers. The following discussion will summarize the considerations thus far identified as material to this decision-making process.

Considerations Common to Massachusetts and Connecticut/Rhode Island Transactions

In evaluating purchase proposals for minimum compliance with the law, the FRA will determine whether the particular proposal offers a credible guarantee of service continuation for at least 4 years. In making that determination, FRA will first review the financial ability of the prospective purchaser to provide service and maintain the properties at adequate levels, as reflected by projected (and past) income statements and balance sheets submitted under the guidelines set forth above. The FRA will expect financial projections to be consistent with the payment of a purchase price that is fair and equitable to holders of Conrail securities and with divisions of joint rates that are fair and equitable to the purchaser and Conrail.

Financial projections intended to establish an ability to guarantee four years of service should not rely upon the expectation of Federal financial assistance, since one of the clear objectives of the statute is the establishment of self-sustaining rail service through transfer of the designated properties to new operators. Financial projections which rely on the receipt of financial assistance from a state or local government should clearly state the nature of the assistance and of the commitment.

The FRA will also review the operational ability of a prospective purchaser to assume all of Conrail's freight service obligations with respect to properties, which that purchaser intends to acquire. As indicated above, prospective purchasers will be expected to present operating, maintenance, marketing and employment plans that are realistic and consistent with projected expense levels. The FRA may employ current Conrail plans and practices as points of comparison or contrast with the plans submitted by prospective purchasers. Therefore, prospective purchasers may wish to consider the submission of narrative statements on those areas where significant departures from past practice are contemplated.

The FRA will also review proposals to determine whether they are reasonable with respect to purchase price (fair and equitable to holders of Conrail securities) and divisions of joint rates (fair and equitable to the purchaser and Conrail). Decisional authority with respect to these issues is vested in the Special Court in the case of the Connecticut and Rhode Island lines and in the Administrator in the case of the Massachusetts lines. In the case of the Connecticut/Rhode Island transfer, the FRA will make recommendations to the Special Court on these issues.

It should be noted that the statute does not require cash payment of the purchase price. Depending on the total consideration offered, acceptance of installment payments, or payment in the form of securities of the purchaser, may also be considered.

Specific Considerations Pertaining to the Connecticut/Rhode Island Transfer(s)

Subsection 305(f) requires that the final transfer plan submitted to the Special Court provide for the continuation of freight service on all lines presently operated by Conrail. "Some or all" lines in the two States must be transferred; and Conrail may retain some properties if it agrees to maintain service for 4 years. The Appendix A Properties include certain lines leased by the Connecticut Department of Transportation and others owned by the National Railroad Passenger Corporation over which Conrail provides freight service through trackage rights. Potential purchasers should be aware that Conrail obligations to provide freight service in commuter/passenger territories must also be transferred.

The FRA will expect initial proposals submitted on October 23, 1981, to specify how this "100% service" requirement (service over all lines in the two States) is to be met. Among the types of proposals that would satisfy this test are the following:

1. A proposal to purchase all Appendix A properties and guarantee service for four years.
2. A proposal to purchase selected Appendix A properties, if complemented by other proposals such as a submission from a consortium which—considered with the proposal in question—request the transfer of all properties and guarantee service for 4 years.
3. A proposal to purchase selected Appendix A properties, if complemented by the undertaking of Conrail to maintain all service on the remaining properties for 4 years.

Proposals related to the Connecticut/Rhode Island properties must also specify any connecting non-mainline properties in adjoining states that are proposed for transfer. The FRA will evaluate each such proposal to determine whether transfer will "permit efficient and effective rail operations consistent with the public interest." In some cases, it may be noted, the public interest might be better served if Conrail were to retain trackage rights to interchange points within the two States. A similar determination must be made with respect to the grant to purchasers of up to 5 miles of trackage rights on Conrail lines connected to the five Massachusetts lines designated for transfer.

Competitive Considerations

In each of the respective transfer proceedings, more than one purchase proposal may withstand the basic statutory analysis summarized above. If the FRA is required to choose between statutorily sufficient proposals, considerations such as the following will be taken into account: the level and quality of service reasonably projected by the competing applicants; the undertaking of a prospective purchaser to guarantee service for more than 4 years; new capital available and designated for use in rehabilitating, maintaining, and operating the properties; impact of the proposed employment plan on rail employment, in general, and Conrail employees, in particular; and reasonableness of projected rates. Favorable consideration also will be given any qualified purchaser that agrees to forego the imposition of surcharges with respect to traffic on the properties identified for transfer. One procedure which a potential purchaser may wish to consider to guarantee certain commitments about rates, surcharges, and service is the use of contracts between the carrier and the shippers.

Discussion and Comment

The discussion above takes into account comments received at the initial public conferences convened in these proceedings. The FRA would welcome any additional comment that parties may deem appropriate in light of this published discussion. All comments received by FRA prior to October 8, 1981, will be considered as FRA reviews purchase proposals. Comments submitted after that date will be considered to the extent practicable.

Inclusion of Additional Trackage in Appendix B Properties

As recited above, Appendix B to Notice 1 attempted to define the five Massachusetts lines described in section 305(g) and designated for transfer under that provision. Several interested parties have suggested that 1.6 miles of track immediately south of the Conrail main line through Westfield, Massachusetts, is an integral part of either the Westfield-Easthampton line (Florence Secondary) or the Westfield-Holyoke line (Holyoke Secondary). The Member of Congress who acted as principal sponsor of this provision has stated that it was his intention to include this line as a part of the designated lines.

Historically, this segment was part of the New Haven properties extending north from New Haven, Connecticut, as were the Florence Secondary and the Holyoke Secondary. Examination of Conrail's timetable and other documents confirms that the 1.6 mile segment has been treated as a part of the Holyoke Secondary. Further, the southern terminus of this line ("South Westfield") is within the corporate limits of Westfield. Accordingly, Appendix B is amended by revising the final entry therein to read as follows: Massachusetts Holyoke Secondary—Westfield to Holyoke—31.7 to 43.5 41–4248 Conrail.

Further Federal Register Publication

The FRA presently intends to make most further communications in these proceedings by mail. The next planned **Federal Register** publications will announce FRA's findings with respect to purchase proposals and the final administrative decisions with respect to the two transfer processes. Accordingly, any interested party that has not indicated a desire to receive communications of significance should file an appropriate letter with the Docket Clerk at the address set forth above.

(Sec. 1155, Pub. L. No. 97–35, amending sec. 305 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745) and § 1.49(w) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(w)))

Issued in Washington, D.C. on September 22, 1981.

Robert W. Blanchette,

Federal Railroad Administrator.

[FR Doc. 81–27854 Filed 9–23–81; 8:45 am]

BILLING CODE 4910-06-M

Urban Mass Transportation Administration

Intent To Prepare an Environmental Impact Statement on Analysis of Alternative Transportation Improvements in the Southwest Corridor of the Chicago Region

In accordance with the provisions of the National Environmental Policy Act (NEPA) (83 Stat. 852), the Council of Environmental Quality's (CEQ) Implementing regulations (40 CFR Parts 1500–1508), and the Urban Mass Transportation Administration's Policy on Major Urban Mass Transportation Investments (published in the **Federal Register** on October 30, 1980) the Urban Mass Transportation Administration (UMTA) hereby gives notice that an analysis of alternative transportation improvements in the Southwest Corridor of the Chicago Region and preparation of the related Draft Environmental Impact Statement are to begin following a public meeting on October 6, 1981 at 7:30 p.m. The purpose of this meeting is to help establish the basis, purpose, and framework for the alternatives analysis study. Members of the public and interested Federal, State, and local agencies are invited to comment on the proposed scope of work, alternatives to be studied, impacts to be assessed, and evaluation criteria to be used to arrive at a decision. The Scoping Meeting will be held in the Auditorium of Marie Curie High School located at 4959 South Archer Avenue, Chicago, Illinois.

The subject analysis will be conducted by UMTA, the Chicago Department of Public Works, the Chicago Area Transportation Study, the Chicago Transit Authority, the Regional Transportation Authority, and the Illinois Department of Transportation. Consultant support will also be used in this effort.

The Southwest Corridor is a major travel corridor which radiates from the Chicago Central Business District to the suburbs. The Corridor centers on the Stevenson Expressway and Archer Avenue; its boundaries are approximated by the Burlington Northern commuter rail line on the north, the Cook County line on the west, the Norfolk and Western rail line on the south, and State Street on the east. To meet the transportation needs of the Southwest Corridor, numerous alternatives were proposed and examined in Phase I of the Southwest Transit Study, the Preliminary Alternatives Analysis. As a result of that effort, the following alternatives are proposed for further evaluation:

1. Null (no build) alternative, in which existing bus services would continue to operate.
2. Low cost Transportation Systems Management improvements to current operations, including signal progression on Archer Avenue for buses.
3. Rail transit from the Loop elevated, primarily along existing railroad right-of-way paralled to Archer Avenue and the Stevenson Expressway to Highway 171.
4. Rail transit from the Loop elevated, on existing railroad right-of-way parallel to the Stevenson Expressway to Cicero Avenue, then southward along the east side of Cicero Avenue to a terminus at Midway Airport.
5. Similar to number 4 above to Midway Airport, but the rail transit line would extend south from the airport on railroad right-of-way to a terminus at Archer Avenue.
6. Similar to number 4 above to Midway Airport but the rail transit line would extend west from the airport on railroad right-of-way to a terminus at Archer Avenue.
7. Rail transit from the Loop elevated on existing railroad right-of-way near Archer Avenue to Western Avenue, then southward along railroad right-of-way to 49th Street, then west on railroad right-of-way to 4600 west, where the line would curve southwestward to a Midway Airport terminus.
8. Similar to number 7 above to Midway Airport, but the rail transit line would extend south from the airport on railroad right-of-way to a terminus at the Ford City Shopping Center.
9. Similar to number 7 above to Midway Airport, but the rail transit line would extend west from the airport on railroad right-of-way to a terminus at Archer Road.
10. An exclusive busway in the median of the Stevenson Expressway from Harlem Avenue to the Dan Ryan Expressway interchange.
11. An exclusive busway in the median of the expressway from Harlem Road to 3600 west, then onto an exclusive busway on existing railroad right-of-way to 18th Street.
12. Combinations of the busway and heavy rail modes utilizing the alignments presented above.

Comments will focus on the desirability of the alternatives for further study, not on individual preferences for one alternative as most desirable for implementation.

The proposed evaluation criteria include transporation, environmental, social, economic and financial measures as required by current Federal (NEPA) and State (CEQA) environmental laws and current Federal CEQ and UMTA guidelines. Potentially significant impact of the alternatives on air quality and noise will be examined, including impacts during construction. Mitigating measures will be explored for any adverse impacts that might be identified. Other possible impacts on land use, urban development, energy requirements, etc., will be examined in accordance with NEPA, CEQ, and

V 46 SE 24 81 UMI

UMTA procedures. Reactions to this tentative list of evaluation criteria will also be sought at the Scoping Meeting, and criteria judged to be relevant to local decision-making that are not identified in this tentative list can also be included.

At the October 6, 1981 Scoping Meeting, staff will present the above information in more detail using maps and visual aids, as well as a plan for an active citizen involvement program, work schedule, and budget. The public and affected public agencies are invited to comment either orally at the meeting or in writing.

If there are any questions, please contact the UMTA project manager, Mr. James M. Ryan, Analysis Division, Office of Planning Assistance, Urban Mass Transportation Administration (UPM–12), 400 Seventh Street, SW, Washington, D.C. 20590, telephone (202) 426–2360; or the UMTA Regional Office Planning Representative; Mr. Fredric Ridel, UMTA Region V Office, 300 South Wacker Drive, Chicago, Illinois 60606, telphone (312) 353–2820; or the designated contact of the local agency, Mr. Robert Kunze, Chicago Department of Public Works, Bureau of Transportation Planning and Programming, 320 North Clark Street, Room 411, Chicago, Illinois 60610, telephone (312) 744–7740.

Dated: September 16, 1981.

Robert H. McManus,

Associate Administrator for Planning, Management and Demonstrations.

[FR Doc. 81–27518 Filed 9–23–81; 8:45 am]

BILLING CODE 4910-57-M

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Upper Mississippi River System Draft Master Plan and Draft Environmental Impact Statement; Public Hearings and Comment Period

Notice is hereby given that the Upper Mississippi River Basin Commission ("Commission") will hold public hearings on the draft Comprehensive Master Plan for Management of the Upper Mississippi River System ("draft Master Plan") and the draft Environmental Impact Statement for the Master Plan ("draft EIS"). The draft Master Plan and draft EIS will be available for public review on October 2, 1981 and thereafter until the comment period closes on November 16, 1981. A copy of the draft Master Plan and draft EIS is available by writing or calling: Upper Mississippi River Basin Commission, 7920 Cedar Avenue South, Room 210, Minneapolis, Minnesota 55420, Telephone: (612) 725–4690. The period for public review will extend from October 2, 1981 through November 16, 1981. Written comments submitted to the Commission will be considered if received at the Commission office prior to the close of business on November 16, 1981.

Public Hearings on the draft Master Plan and draft EIS will be conducted in early November in the states of Iowa, Illinois, Minnesota, Missouri and Wisconsin. The purpose of the hearings is to provide the public with an opportunity to ask questions, present formal testimony or submit comments regarding the draft Master Plan and draft EIS. The hearings will be held from 3:00 p.m. to 6:00 p.m. and from 7:00 p.m. to 10:00 p.m. at each of the following locations:

St. Louis, Missouri

Monday, November 2—Henry VIII Motor Inn (Rooms to be Posted), 4690 N. Lindberg Hwy., Bridgton, MO 63044

Peoria, Illinois

Tuesday, November 3—Bradley University, Neumiller Chapel, Bradley Hall, Peoria, IL 61625

Davenport, Iowa

Wednesday, November 4—St. Ambrose College, Louis Hall, Room 111, 518 W. Locust Street, Davenport, IA 52803

La Crosse, Wisconsin

Thursday, November 5—University of Wisconsin, Hall of Presidents, Cartwright Center, 1725 State Street, La Crosse, WI 54601

Roseville, Minnesota

Monday, November 9—Pollution Control Agency, Hearing Room, 1935 County Road B–2, Roseville, MN 55117

All comments submitted within the comment period to either the Commission in writing or at the formal public hearing will be considered by the Commission in formulating the final Master Plan and final EIS. The final Master Plan and EIS will be submitted to Congress by January 1, 1982 as required by Pub. L. 95–502.

Rodney N. Searle,

Chairman-Designate, Upper Mississippi River Basin Commission.

[FR Doc. 81–27778 Filed 9–23–81; 8:45 am]

BILLING CODE 8410-02-M

VETERANS ADMINISTRATION

Manpower Grants Program; Report Availability

In the matter of Availability of Report of 38 U.S.C. 219 Program Evaluation.

Notice is hereby given that the program evaluation of the Veterans Administration's Manpower Grants Program has been completed.

Single copies of the Manpower Grants Report are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue NW., Washington, D.C. 20420.

Dated: September 17, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81–27726 Filed 9–23–81; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearings Rules, Station Committee on Educational Allowances that on October 16, 1981, at 12:30 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal building—U.S. Courthouse, Room A–220, 110 Ninth Ave., South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons in U Save 52 (formerly Big Star No. 219), Clarksville Plaza, Clarksville, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: September 15, 1981.

R. S. Bielak,

Director, VA Regional Office, 110 Ninth Avenue, South Nashville, Tennessee.

[FR Doc. 81–27774 Filed 9–23–81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 185
Thursday, September 24, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 10 a.m. (eastern time), Friday, September 25, 1981.

PLACE: Commission Conference Room No. 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, NW, Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Semi-Annual Regulatory Agendas of the EEOC as required by Executive Order 12291 and the Regulatory Flexibility Act.
2. Report on Commission Operations by the Executive Director.

Closed to the public:

Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634–6748.

This notice issued September 18, 1981.

Announcement by: Equal Employment Opportunity Commission

In the recent past, our machine for transmitting announcements for publication in the **Federal Register** has been malfunctioning, resulting in delays in having EEOC's Commission meetings published. This is to advise readers of the **Federal Register**, however, that without fail, all Commission meetings giving time, place and agenda are announced seven days in advance at the following telephone number:

Area Code 202—634–6748

Additionally, notices are also timely placed on all bulletin boards accessible to the public at the Columbia Plaza Office Building, 2401 E Street NW, Washington, D.C. 20506.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634–6748.

This notice issued September 21, 1981.

[S–1440–81 Filed 9–22–81; 10:18 am]

BILLING CODE 6570-06-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, September 28, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offense involving dishonesty or a breach of trust as directors, officers, or employees of insured banks:

Names of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 21, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1441–81 Filed 9–22–81; 11:14 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, September 28, 1981, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Bank of Stamford, a proposed new bank, to be located at 45 Prospect Street, Stamford, Connecticut.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,927–L—The Morrice State Bank, Morrice, Michigan
Memorandum and Resolution re: Centennial Bank, Philadelphia, Pennsylvania

Memorandum and Resolution re: Delegation of authority to the Director of the Division of Liquidation to enter into certain indemnity agreements with purchasers of mortgages.

Memorandum and Resolution re: Statement of policy on retail repurchase agreements.

Appeal from an initial partial denial of a request for records pursuant to the Freedom of Information Act.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.
Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and Resolution re: Policy statement on enforcement of the Equal Credit Opportunity Act and the Fair Housing Act.

Memorandum and Resolution re: Supervisory enforcement policy for the Equal Credit Opportunity Act and the Fair Housing Act.

Memorandum and Resolution re: Interpretation of NOW account eligibility requirements.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 21, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1442-81 Filed 9-22-81; 11:14 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, September 21, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum and resolution proposing amendments to Part 346 of the Corporation's rules and regulations, entitled "Foreign Banks," and that no notice of this change in the subject matter of the meeting prior to September 16, 1981, was practicable.

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 44,902–L—Franklin National Bank, New York, New York

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; that the matter could be considered in a closed meeting by authority of subsections (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B) and (c)(10)); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: September 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1445-81 Filed 9-22-81; 3:08 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, September 21, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 44,892–L—First Augusta Bank & Trust Company, Augusta, Georgia

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(9)(B), and (c)(10)).

Dated: September 22, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1446-81 Filed 9-22-81; 3:08 pm]

BILLING CODE 6714-01-M

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, September 29, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, October 1, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:
Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
  Draft AO 1981–37: Richard A. Gephardt, Member of Congress

Draft AO 1981–39: Herbert P. Wiedemann, Square D Company
Draft AO 1981–40: Richard J. Ressler, Bache Halsey Stuart Shields, Inc.
Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Lena L. Stafford,

Acting Secretary of the Commission.

[S–1441–81 Filed 9–22–81; 3:31 pm]

BILLING CODE 6715–01–M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 45850, September 15, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 18, 1981.

CHANGE IN THE MEETING: The following item has been added:

(2) *City of Charlottesville* v. *FERC*, D.C. No. 80–1175.

Lois C. Cashell,

Acting Secretary.

[S–1439–81 Filed 9–22–81; 8:51 am]

BILLING CODE 6450–85–M

8

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 46740, September 21, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 23, 1981.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CAG–20: G–3636, Allied Chemical Corporation
M–5: GP80–12, Consolidated Gas Supply Corporation
RP–3: OR78–1, Trans Alaska Pipeline System; OR79–1, *et al.*, Williams Pipe Line Company
CP–4: CP80–135, *et al.*, Northern Natural Gas Company

Lois D. Cashell,

Acting Secretary.

[S–1444–81 Filed 9–22–81; 12:23 pm]

BILLING CODE 6450–85–M

9

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., September 30, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly Report of the Managing Director of Actions taken Pursuant to Delegated Authority.
2. Agreement No. 10107–10: Modification of the Trans-Pacific Freight Conference (Hong Kong)/Independent Lines Rate Agreement to provide for intermodal authority in the United States.
3. Docket No. 81–16—Exemption of Certain Agency Agreements Involving Solicitation and Booking of Cargo, and Signing Contracts of Affreightment and Bills of Lading—Consideration of comments submitted in response to notice of proposed rulemaking.
4. Docket No. 81–18: Exemptions of Agreements Covering the Collection, Compilation, and Exchange of Credit Information—Consideration of comments submitted in response to notice of proposed rulemaking.

Portion closed to the public:

1. Petition of National Customs Brokers and Forwarders Association For Declaratory Order and For Other Relief—Prohibition of Brokerage Payments on Bunker and Currency Surcharges.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–1448–81 Filed 9–22–81; 3:45 pm]

BILLING CODE 6730–01–M

10

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, September 30, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: September 22, 1981.

James McAfee,

Assistant Secretary of the Board.

[S–1449–81 Filed 9–22–81; 4:07 pm]

BILLING CODE 6210–01–M

11

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 10 a.m., Thursday, September 24, 1981.

PLACE: Board conference room, sixth floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Personnel-related matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570; Telephone: (202) 254–9430.

Dated: Washington, D.C., September 22, 1981.

By direction of the Board.

National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

[S–1443–81 Filed 9–22–81; 11:56 am]

BILLING CODE 7545–01–M

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federal register

Thursday
September 24, 1981

Part II

Department of the Interior

Bureau of Land Management

Mid-Atlantic Outer Continental Shelf (Tentative Sale No. 76); Call for Nominations and Comments on Areas for Oil and Gas Leasing

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Mid-Atlantic Outer Continental Shelf
(Tentative Sale No. 76)

Call for Nominations and Comments on Areas for Oil and Gas Leasing

Purpose of Call

The purpose of the Call is to assist the Secretary of the Interior in carrying out his responsibilities under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343), as amended (92 Stat. 629). Potential bidders are requested to outline broad areas where they believe hydrocarbons may occur or where they have an interest in leasing offshore the Mid-Atlantic States. The Secretary is also requesting comments from all interested parties--Federal, State and local government, environmental groups, the general public, and potential bidders--on possible environmental effects and use conflicts in the Call area, and on the appropriateness of initial lease terms longer than five years and lease blocks larger than 5,760 acres.

Use of Information from Call

Information submitted in response to this Call will be considered in identifying a broad area of interest which will be analyzed in the Environmental Statement for this sale as an alternative to offering the entire Mid-Atlantic area.

Comments received on possible environmental effects and use conflicts will be used in the analysis of local environmental conditions within the Call area so that the potential effects of oil and gas exploration and development, other than the benefits accruing to the Nation as a result of inventorying and producing oil and gas, can be assessed. These comments may also be useful in developing special lease terms and conditions designed to assure safe offshore operations. Comments submitted regarding length of lease term and size of lease block will be used in the assessment of appropriate initial lease term and appropriate tract size, pursuant to Section 8 of the OCS Lands Act, as amended (43 U.S.C. 1337).

Description of Areas

The area of this Call generally lies between 36° 30' N. latitude and 39° N. latitude, plus that portion of the OCS north of 39° N. latitude and west of 71° W. longitude. The Call area is offshore the States of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina, and extends offshore the seaward boundary of those States to roughly the 4,000-meter isobath. Expressions of interest and comments will be considered for any area within the boundaries of the Call.

The following list identifies the protraction diagrams and blocks included in this Call. The diagrams may be purchased for $2.00 each from the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, Jacob K. Javits Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10278.

1) NK 19-7: Providence: All blocks west of a line beginning at the SE corner of block 593, thence south to the SE corner of block 989.
2) NK 18-12: New York: All Federal blocks.
3) NK 19-10: Block Island Shelf: All blocks west of a line beginning at the NE corner of block 27, thence south to the SE corner of block 995.

4) NJ 18-2: Wilmington: All Federal blocks.

5) NJ 18-3: All Federal blocks.

6) NJ 19-1: Block Canyon: All blocks west of a line beginning at the NE corner of block [illegible]7, thence south to the SE corner of block 995; also blocks 996 to 1012.

7) NJ 19-2: Veatch Canyon: Blocks [illegible] through 1005.

8) NJ 18-5: Salisbury: All Federal blocks.

9) NJ 18-6: All Federal blocks.

10) NJ 19-4: All Federal blocks.

11) NJ 19-5: All Federal blocks.

12) NJ 18-8: Chincoteague: All Federal blocks.

13) NJ 18-9: Baltimore Rise: All Federal blocks.

14) NJ 18-7: All Federal blocks.

15) NJ 18-11: Currituck Sound: Blocks 5 through 525.

16) NJ 18-12: Blocks 1 through 507.

17) NJ 19-10: All blocks west and north of a line beginning at the NE corner of block 20, thence south to the SE corner of block 460, thence west to the SW corner of block 442.

Instructions on Call

Expressions of interest from potential bidders should be limited to the areas included in the Official Protraction Diagrams as described above. Those expressing interest are requested to do so in one of several ways: whole protraction diagrams or large portions of protraction diagrams such as quarters thereof (e.g., NE, NW, SE, SW); areas enclosed within lines connecting points of latitude and longitude; or marked up protraction diagrams. Although individual expressions of interest are considered to be privileged and confidential information, the names of persons or entities expressing interest or submitting comments will be of public record.

In addition to expressions of interest, we are seeking comments from all interested parties about particular geological, environmental, biological, archaeological, socioeconomic conditions or problems, or other information which might bear upon potential leasing and development of particular areas, where available. Comments should preferably address broad areas but may be restricted to designated blocks of particular concern.

Comments are also being sought from all interested parties on the appropriateness of initial lease periods longer than the normal five years, and on the need, if any, for lease blocks larger than the normal size of 5,760 acres. Such comments should describe why such modifications would be appropriate and identify where such modifications should be applied.

Expressions of interest and comments must be submitted no later than 30 days from date of publication of this document in the Federal Register in envelopes labeled "Expressions of Interest for Leasing in the Outer Continental Shelf, Mid-Atlantic," or "Comments on Leasing in the Outer Continental Shelf, Mid-Atlantic," as appropriate. They must be submitted to the Manager, New York Outer Continental Shelf Office, Bureau of Land Management, Jacob K. Javits Federal Building, Suite 32-120, 26 Federal Plaza, New York, New York 10278. Copies should be sent to the Conservation

Manager, U.S. Geological Survey, Eastern Region, 1725 K Street, N.W., Suite 204, Washington, D.C. 20006, and to the Director, U.S. Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Final delineation of the area for competitive bidding will be made only at a later date after compliance with established Departmental procedures, all requirements of the National Environmental Policy Act of 1969, and the Outer Continental Shelf Lands Act, as amended. Notice of areas to be offered for competitive bidding will be published in the Federal Register stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

SEP 1 8 1981 ACTING Associate Arnold E. Petty
Director, Bureau of Land Management

Dated: SEP 18 1981

Approved

Donald Paul Hodel
Acting Secretary of the Interior

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Thursday
September 24, 1981

Part III

Department of the Interior

Bureau of Land Management

Final Wilderness Management Policy

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Wilderness Management Policy

AGENCY: Bureau of Land Management, Interior.

ACTION: Final wilderness management policy.

SUMMARY: The Final Wilderness Management Policy describes how the Bureau of Land Management (BLM) will manage lands administered by the BLM which are designated by Congress as part of the National Wilderness Preservation System. The BLM's Wilderness Management Policy will apply to public lands specifically designated as wilderness by an Act of Congress.

EFFECTIVE DATE: September 23, 1981.

ADDRESS: Any inquiries or suggestions should be sent to: Director (430), Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: David E. Porter, Division of Recreation, Cultural and Wilderness Resources, (202) 343-6064. Requests for copies of this document should be addressed to: Division of Recreation, Cultural, and Wilderness Resources (430), Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240. Copies will also be available from the Bureau of Land Management State Directors in the Western States.

SUPPLEMENTARY INFORMATION: The Draft Wilderness Management Policy was published in the **Federal Register** on January 16, 1981 (46 FR 4456). Comments were invited for 75 days. Comments were received from approximately 400 different sources representing individuals, interest groups, industry, and government. The following summaries the findings of the comment analysis.

General

Overall, the Draft Wilderness Management Policy was widely accepted with few major criticisms. Most comments referred to word changes or the need for minor policy clarification. Comments in general expressed the view that the proposed policy would provide for the proper protection and management of designated wilderness areas in accordance with provisions of the Wilderness Act of 1964.

Some comments indicated several specific issues were in need of further clarification. The bulk of these comments were directed at specific provisions. Therefore, the Final Wilderness Management Policy was developed to be as responsive as possible to the public comments while remaining consistent with Bureau of Land Management policies, and in conformance with the Wilderness Act of 1964.

Minerals Management

Several comments questioned whether the District Manager had the knowledge to determine that there is a "reasonable expectation of the presence of a mineral deposit" before deciding on the use of motorized equipment for access under a plan of operations. As a result of a careful review of this question, it was decided that the final policy would be changed to clarify the rights of the operator. Criteria for deciding on the use of motorized equipment for access were changed to reflect the differences before and after the withdrawal date of December 31, 1983. After this date the authorized officer will have a BLM minerals examiner verify whether or not a discovery of a valuable mineral deposit had been made and confirm that the operator has a reasonable prospect of developing a paying mine. Any disapproval or denial is subject to appeal by the operator.

Many groups and individuals stated that the section on mineral leasing needed to be expanded to provide more guidance. It was felt the draft wording was inadequate for the rights of the lease holders. In addition, some comments recommended that State Directors should have the authority for leasing recommendations or decisions in BLM wilderness areas.

Guidance for mineral leasing has been expanded where possible. Authority for leasing decisions and recommendations on public lands is currently delegated to the State Directors. This authority will remain the same on designated wilderness areas.

Gathering Information About Resources

A few comments suggested that BLM did not have the authority to require a permit and prior notification for use of mechanical transport when gathering information about resources after December 31, 1983, simply because an area was designated as wilderness. The policy proposed in the draft document was reconsidered, and it was decided to retain that policy. In this case, a permit is not being required simply because of the fact of wilderness designation. Section 302 of the Federal Land Policy and Management Act of 1976 authorizes the Secretary of the Interior to regulate through easements, permits, leases, or other instruments, the use, occupancy, and development of the public lands. Use of mechanical transport for gathering information about resources under Section 4(d)(2) of the Wilderness Act will be approved by permit according to applicable regulations under 43 CFR 2920 (effective April 15, 1981, 46 FR 5772).

The standard for conducting activities under section 4(d)(2) is that they be done in a manner compatible with the preservation of the wilderness environment. Prior notification of intent to conduct prospecting and information gathering activities in a wilderness area is reasonably necessary to enforce this standard. Persons conducting activities in a noncompatible manner would exceed their authorization granted by section 4(d)(2) to use wilderness lands for those purposes, and would therefore be subject to actions normally taken against those making unauthorized use of the public lands.

Fish and Wildlife

Some concern was expressed in the comments about States' jurisdiction over wildlife in BLM-administered wilderness areas. Many felt that the State's jurisdiction for wildlife management needed to be further clarified. Some referred to the "Policies and Guidelines for Fish and Wildlife Management in Wilderness and Primitive Areas" developed by the International Association of Fish and Wildlife Agencies (IAFWA) as guidance for BLM's policy.

As a result of careful review, it was decided the final policy would remain essentially the same as in the draft. The final policy recognizes the basic responsibilities of the States and BLM in the management of fish and wildlife in wilderness areas. This jurisdiction is not altered by the Wilderness Act cooperative management agreements was added to the policy to assure that jurisdiction over wildlife management in wilderness areas is clear and all concerned parties are fully involved in the formation of management direction.

The policies and guidelines for fish and wildlife management in wilderness areas developed by the IAFWA were used to formulate the BLM's draft wilderness management policies. After careful reevaluation it was concluded the the final policy is consistent with the IAFWA guidance within the parameters of the Wilderness Act, and BLM and Department of the Interior policies.

A large number of comments objected to the draft policy on allowing no commerical trapping in BLM wilderness areas. Most comments on this subject appeared to be based on the assumption all trapping would be prohibited. This is clearly not the case. As a final policy states, trapping is a compatible wilderness use. Incidental trapping, if it is not the trapper's sole source of livelihood, is permitted. Section 4(c) of the Wilderness Act prohibits commercial enterprises. States retain jurisdiction over the management of wildlife, including trapping, and manage this resource within the provisions of the Wilderness Act.

Dated: September 9, 1981.

Robert F. Burford,

Director.

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Chapter I. Introduction

I.A. The Purpose of This Document

The purpose of this document is to describe how the Bureau of Land Management (BLM) will manage lands administered by the BLM which are designated by Congress as part of the National Wilderness Preservation System. At present, the Bureau of Land Management administers no wilderness areas. The Bureau has developed a Wilderness Management Policy at this time for the following reasons: (1) To inform BLM field officials, Congress, and the public as to how BLM will manage wilderness areas, so this can be taken into account during BLM wilderness studies and during deliberations on wilderness recommendations affecting BLM public lands, and (2) to provide guidance for BLM personnel to use in managing future BLM wilderness areas at such time as Congress designates them.

The BLM's Wilderness Management Policy will apply to public land administered by BLM that have been specifically designated as wilderness by an Act of Congress. The Wilderness Management Policy has a different purpose than BLM's *Interim Management Policy and Guidelines for Lands Under Wilderness Review.* The *Interim* Management Policy is an interim measure governing lands under wilderness review. The Wilderness Management Policy governs lands designated by Congress as wilderness. (Appendix C of this document summarizes BLM's wilderness review process.) If Congress designates a wilderness study area as wilderness, the Interim Management Policy ceases to apply, and instead the Wilderness Management Policy applies thereafter. If Congress decides that a particular wilderness study area will *not* be designated as wilderness, the Interim Management Policy ceases to apply, and the area is managed for the uses and activities indicated in the pertinent BLM planning documents for the area.

This policy document does not apply to BLM-administered public lands in Alaska. If public lands in Alaska are designated as wilderness in the future, they will be managed under applicable provisions in the Wilderness Act of 1964 and in accordance with additional congressional guidance in the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). The ANILCA recognized special conditions in Alaska in connection with such activities as subsistence uses, access and transportation.

I.B. Manadate From Congress

The BLM wilderness review program stems from Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA). In FLPMA, Congress gave BLM its first unified, comprehensive mandate on how the public lands should be managed. The law establishes a policy of generally retaining the public lands in Federal ownership, and it directs the BLM to manage them under principles of multiple use and sustained yield. The BLM is to prepare an inventory of the public lands and their resources, including identification of area having wilderness characteristics. Management decisions for the public lands are to be made through a land-use planning process that considers all potential uses of each land area. All public lands are to be managed so as to prevent unnecessary or undue degradation of the lands.

Under FLPMA, wilderness preservation is part of BLM's multiple-use mandate, and wilderness values are recognized as part of the spectrum of resource values and uses to be considered in the inventory and in the land-use planning process. Section 603 of FLPMA specifically directs the BLM, for the first time, to carry out a wilderness review of the public lands. (The complete text of section 603 appears in Appendix A of this document. The BLM's wilderness review process implementing section 603 is summarized in Appendix C.)

Section 603(c) of FLPMA tells the BLM how to manage public lands designated as wilderness, in these words:

> Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d)(2) of the Wilderness Act, and mineral development, access, exchange of lands, and ingress and egress for mining claimants and occupants.

The Wilderness Act of 1964 contains a number of provisions addressing the administration and use of national forest wilderness areas. Those most pertinent to BLM wilderness management are cited in the following paragraphs. Section 2(a) says:

> * * * it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness * * *.

Section 4 of the Wilderness Act is devoted to the use of wilderness areas. Section 4(b) says:

> Except as otherwise provided in this Act, each agency administering any area

designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

Section 4(c) prohibits certain activities, in these words:

> Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commerical enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

Sections 4(c), 4(d), and 5 provide special exceptions to the prohibitions in section 4(d) by providing for the following activities:

Existing private rights.

Measures required in emergencies involving the health and safety of persons within the area.

Activities and structures that are the minimum necessary for the administration of the area as wilderness.

Use of aircraft and motorboats, where already established, may be permitted to continue.

Measures necessary in the control of fire, insects, and diseases.

Any activity, including prospecting, for the prupose of gathering information about mineral or other resources, if carried on in a manner compatible with the preservation of the widlerness environment. (This includes mineral surveys conducted on a planned, recurring basis by the Geological Survey and Bureau of Mines.)

Continued application of the U.S. mining and mineral leasing laws unitl December 31, 1983.

Water resource developments may be authorized by the President where he determines that such use will better serve the interests of the United States and the people thereof than will its denial.

Livestock grazing, where already established, shall be permitted to continue.

Commercial services necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

Adequate access to surrounded State-owned and privately-owned lands, or such lands shall be exchanged for Federally-owned land.

Ingress and egress to surrounded valid mining claims and other valid occupancies.

Section 5(c) provides land acquisition authority, in these words:

> Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

In addition to the basic management authority in the Wilderness Act, management provisions may appear in the legislation establishing each wilderness area. Standard provisions included in most wilderness legislation make clear that the effective date of the new law will apply whereever the Wilderness Act's management provisions mentioned the effective date of the Wilderness Act, and, for areas administered by the Department of the Interior, make clear that the Secretary of the Interior will continue to administer the areas.

In some cases, special provisions have been incorporated into the legislation (e.g., special mining area in the River of No Return Wilderness in Idaho). These provisions override the general management provisions of the Wilderness Act and must be regarded as specific direction for management of the area in question.

Congress has subsequently commented on wilderness management in House and Senate committee reports and conference reports accompanying wilderness legislation. These reports are part of the legislative history of the laws they accompany and can be helpful in determining the intent of Congress where the language in the law itself is unclear. Although reports on wilderness laws passed after 1964 do not become part of the legislative history of the Wilderness Act, they nonetheless indicate the interpretation given to the Wilderness Act by the congressional committees during their consideration of the subsequent legislation. Such report language addresses a variety of subjects. For example, guidelines for administering grazing use in wilderness areas appear in the Conference report (House report 96–1126) on the Central Idaho Wilderness Act of 1980 (Pub. L. 96–312). House Report 95–540 on the Endangered American Wilderness Act of 1978 discusses the interpretation of the Wilderness Act as it relates to such uses and activities as: hunting and fishing; trails, bridges, and trail signs; control of fire, insects, and diseases; cabins and sanitary facilities; shelters and campsite facilities; and weather modification and special equipment.

The provisions of FLPMA, the Wilderness Act, and future Acts of Congress designating specific BLM areas as wilderness are BLM's mandates on the management of wilderness areas. All activities in wilderness areas must be carried out in conformance with these mandates.

I.C. Meaning of the Congressional Mandate

The congressional mandate contains three basic concepts which form the basis for BLM's Wilderness Management Policy.

—*Wilderness Preservation Concepts.* Congress has directed the BLM to perpetuate the wilderness resource by managing designated wilderness areas so that their wilderness character is preserved unimpaired.

—*Wilderness Use Concepts.* Congress has directed the BLM to provide opportunities for the public to use designated wilderness areas for recreational, scenic, scientific, educational, conservation, and historical purposes in a manner so as to leave the wilderness area unimpaired for future use and enjoyment as wilderness.

—*Nonconforming Use Concept.* Congress has directed the BLM to accommodate in wilderness areas certain activities, existing uses, and private rights which are generally nonconforming to wilderness preservation and wilderness use.

The meaning of each of these concepts is discussed below.

1. *Wilderness Preservation Concept.* The Wilderness Act directs that wilderness areas be managed to provide for their protection, the preservation of their natural conditions, and the preservation of their wilderness character. The factors which make up an area's wilderness character are spelled out in the Wilderness Act's definition of wilderness (section 2(c)). These factors are referred to in FLPMA collectively as "wilderness characteristics," and they fall into three broad categories:

a. Naturalness—A wilderness area "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." Wilderness areas must be managed to ensure that this description remains accurate.

b. Outstanding Opportunities for Solitude or a Primitive and Unconfined Type of Recreation—A wilderness area "has outstanding opportunities for

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solitude or a primitive and unconfined type of recreation." Solitude is defined as (1) the state of being alone or remote from habitations; isolation; (2) a lonely, unfrequented or secluded place. The emphasis is on the opportunities a person has to avoid the sights, sounds and evidence or other people within a particular area. Primitive and unconfined types of recreation are defined as those activities that provide dispersed, undeveloped recreation which do not require facilities or motorized equipment. In most cases, opportunities for solitude and primitive recreation go hand-in-hand, and both are dependent on naturalness. Wilderness areas must be managed to insure that these opportunities are not degraded.

c. Special Features—Congress specified that wilderness areas "may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value." These are optional wilderness characteristics; an area may meet the Wilderness Act's definition of wilderness without having these special features, but they are usually present in wilderness areas, and in some cases they may be a prime reason for wilderness designation. Also, these features contribute to an area's opportunities for primitive recreation. Wilderness areas must be managed to ensure that these features are not degraded.

In order to preserve these wilderness characteristics as Congress directed, the management of BLM-administered wilderness must be based on a *principle of nondegradation*. Under this principle, the central thrust of BLM wilderness management is to prevent degradation of natural conditions, opportunities for solitude or primitive recreation, and special features.

It is recognized that there is often variation in the level of naturalness, solitude, types of primitive recreation, and special features, present within a wilderness—or between different wilderness areas. Also, different lands have different capabilities to sustain types and amounts of use. The principle of nondegradation means that wilderness areas will be managed to provide for the protection and perpetuation of the values of the wilderness resource and prevent deterioration caused by other resource activities or by visitor use, and, when necessary, to restore deteriorated sites to an acceptable condition.

Most uses will result in some changes in the condition of the wilderness resource. Some uses cause little or no change, while others have potential for serious change. Therefore, it is necessary to define limits of acceptable change. This must be established using the conditions *generally* prevailing in each wilderness at the time of congressional designation as a benchmark unless there is unacceptable biological, physical, or social degradation present. This does not mean that existing human-caused impacts in some areas will set a standard, or a sort of "lowest common denominator", which other more natural areas will be allowed to reach. Managers must determine what human-caused changes can be allowed without causing degradation and what measures can be taken to bring situations below the limit of acceptable change back to an acceptable level. This may influence the ways in which recreational, scenic, scientific, educational, conservation, and historical uses, as well as nonconforming uses, are done in the area, so their impact on the wilderness resource can be kept within the limits of acceptable change.

In the case of some of the nonconforming uses, such as mining, provided for by Congress in the Wilderness Act and subsequent legislation the condition of the wilderness resource may be degraded as a result of an allowed use. However, in such cases, the principle of nondegradation and the limits of acceptable change should be used as an analysis tool for the reasonable mitigation of impacts, consistent with the applicant's conduct of the allowed use, and as a standard for determining the condition to which the area will be returned where and when rehabilitation is appropriate.

In this document, the principle of nondegradation is reflected in the policies and guidelines for specific activities.

Two equivalent terms used many times in this document reflect the wilderness preservation concept—"preservation of wilderness character" and "protection of the wilderness resource."

2. *Wilderness Use Concept.* Section 4(b) of the Wilderness Act provides fundamental guidance on how wilderness areas shall be used, in these words:

> Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

Wilderness areas are thus open to use and provide a variety of benefits to society. Use might be "on-site," taking direct advantage of the multiple resources of the area. Or the use and benefits may be derived "off-site," such as through enjoyment of the scenery at a distance from a nearby highway, through indirect benefits from the area's resources (i.e., water quality, wildlife, etc.), or just the knowledge that the area exists.

There is a limit to the extent to which such uses as recreation and education may take place within wilderness, because the Wilderness Act also says that they must occur in a manner so as to leave the wilderness unimpaired for future use and enjoyment as wilderness. Provision may be made for recreational, scenic, scientific, educational, conservation, and historical use of wilderness areas in ways that do not jeopardize the conditions of naturalness, the opportunities for solitude or a primitive and unconfined type of recreation, or the special features that existed at the time an area was designated as wilderness by Congress. All public use will be administered to ensure that the wilderness resource is kept unimpaired.

Public use for recreation purposes is generally a prevalent use of wilderness. However, the Wilderness Act makes it clear that recreation is only one of the purposes of the National Wilderness Preservation System. Sometimes there are places within wilderness where particularly sensitive values—such as colonial bird nesting sites—may dictate that recreation activities be restricted or entirely excluded.

Use capacity (recreational, historic, educational, etc.), based on social and ecological elements, will be established for each wilderness area, and will be considered in determining how much use to allow.

A second factor which may limit the use of wilderness has to do with the nonconforming use provisions of the Wilderness Act and subsequent legislation. In portions of a wilderness area where nonconforming activities such as mining and grazing are permitted, there may be instances when the public purposes listed in section 4(b) may be displaced either temporarily or permanently.

3. *Nonconforming But Accepted Use Concept.* Congress specially provided for certain activities and existing uses which otherwise would have been prohibited in wilderness areas under the general management provisions of sections 2(a), 4(b) and 4(c). For a complete list of these nonconforming but

accepted activities, refer to section I.B.: generally they are: existing private rights; aircraft and motorboats; control of fire, insects, and diseases; gathering of resource information; mining; grazing, water resource development; commercial recreation services; and access to non-Federal inholdings.

The FLPMA directs that all uses of the public lands be conducted so as to prevent unnecessary or undue degradation of the lands. In wilderness areas, this means that the BLM must manage the nonconforming but accepted uses described above as as to prevent unnecessary or undue degradation of the area's wilderness character. As on nonwilderness public lands, some of the nonconforming but accepted uses may be restricted or entirely excluded where particularly sensitive resource values occur or where the public interest would be better served be restricting or excluding them.

Chapter II. Management Policy for BLM-Administered Wilderness

The policy guidance in this chapter is followed in Chapter III by guidelines for specific activities, based on these policies and on their interaction with other applicable policies for the management of public lands. No policy document can address every potential situation. Managers must use their best judgment in applying these policies and guidelines to particular situations. In cases not covered by specific guidance, managers will resolve questions by testing alternative courses of action against the policies in this chapter to arrive at the alternative that is most consistent with the policy as a whole.

Uses and values will vary between wilderness areas and frequently vary among different parts of an individual wilderness. There may be wide differences in terrain and other geographic characteristics, climate, vegetation, and wildlife. Historical patterns of use, local customs, and the traditional attitudes of visitors also differ between and within wilderness areas. Consequently, activities that are accepted and management practices that are necessary and appropriate on one wilderness may be either unnecessary or unacceptable on others. While this may require some flexibility in the management and administration of the individual units of wilderness, all are part of one National Wilderness Preservation System and shall be consistently managed within the intent of the Wilderness Act.

This policy document prescribes the general objectives, policies, and specific activities guidance applicable to all BLM wilderness areas. Specific management objectives, requirements, and decisions implementing administrative practices and visitor activities in individual wilderness areas are developed and described in the wilderness management plan for each unit.

II.A. General Policy

1. The Department of the Interior's policy is to manage wilderness areas under the administration of the Bureau of Land Management so as to preserve their wilderness character, and to manage them for the use and enjoyment of the American people in a manner that will leave them unimpaired for future use and enjoyment as wilderness. The wilderness areas will be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

2. The Department's policy is to allow the nonconforming but accepted uses specifically permitted in wilderness areas by the Wilderness Act and subsequent laws in a manner that will prevent unnecessary or undue degradation of the area's wilderness character.

3. The Department's policy is to manage BLM wilderness areas consistent with the policies above so as to augment multiple use management of adjacent and nearby lands through protection of watersheds and water yield, wildlife habitat, natural plant communities, and similar natural values.

II.B. Specific Policy Guidance

1. *Preservation of Wilderness Character.* BLM wilderness areas will be managed so as to be affected primarily by the forces of nature, with the imprint of human work substantially unnoticeable; so as to maintain the area's outstanding opportunities for solitude or primitive and unconfined recreation; and so as to protect any ecological, geological, or other features of scientific, educational, scenic, or historical value which the area may contain.

a. *Naturalness.* BLM will foster a natural distribution of native species of wildlife, fish, and plants by ensuring that natural ecosystems and ecological processes continue to function naturally. The BLM will minimize human influence on wildlife populations and work to prevent the extinction by human causes of plants and animals found in the areas. Hunting, fishing, and trapping will continue as authorized by State law, when carried out in a manner consistent with preservation of an area's wilderness character.

The BLM will allow fire, insects, and diseases to play a natural role in the wilderness ecosysem, except where these activities threaten human life, property, or high value resources on adjacent nonwilderness lands, or where these would result in unacceptable change to the wilderness resource. (The guidelines in Chapter III will indicate some types of unacceptable change.)

The BLM will keep watersheds, water bodies, water quality, and soils in a natural condition and will allow associated ecological processes previously altered by human influences to return to their natural condition.

The limits of acceptable change will be defined in the wilderness management plan for each wilderness area, and the BLM will endeavor to restore those sites which have dropped below this level.

b. *Solitude.* BLM will maintain and enhance the area's outstanding opportunities for solitude by providing natural settings with few reminders of human activity or civilization and by providing opportunities for relatively few contacts with other visitors.

c. *Special Features.* BLM will maintain unimpaired the ecological, geological, and other features of scientific, educational, scenic, or historical value found in BLM wilderness areas.

2. *Prohibition of Certain Uses.* Except where subject to existing private rights, where necessary to meet minimum requirements for the administration of the wilderness area for the purposes of the Act or as specifically provided for elsewhere in these policies, there shall be no temporary road, no use of motor vehicles, motorized equipment, or motor boats, no landing of aircraft, no other form of mechanical transport and no structure or installation within wilderness areas. There shall be no commercial enterprise or permanent road, except where subject to existing private rights or as specifically provided for in this policy.

3. *Minimum Tool.* Tools, equipment, or structure may be used for management when they are the minimum necessary for protection of the wilderness resource or when necessary in emergency situations for the health and safety of the visitor. Management will use the *minimum* tool, equipment, or structure necessary to successfully, safely, and economically accomplish the objective. The chosen tool, equipment, or structure should be the one that least degrades wilderness values temporarily or premanently.

For the purposes of the above paragraph, accepted tools, equipment, and structures may include but are not limited to: fire towers, patrol cabins, pit toilets, temporary roads, spraying equipment, hand tools, fire-fighting equipment caches, fencing, and controlled burning. In special or emergency cases involving the health and safety of wilderness visitors, or the protection of wilderness values, aircraft, motorboats, and motorized vehicles may be used.

4. *Visitor Use.* BLM wilderness areas will be managed to provide for their use and enjoyment in ways that are consistent with preservation of their wilderness character and that will leave them unimpaired for future use and enjoyment as wilderness.

Visitor use may be related to any of the following public purposes: recreation, scenic, scientific, educational, conservation, and historical use.

Visitor use facilities may be installed if they are the minimum necessary for the health and safety of wilderness visitors, or for the protection of the wilderness resource. (See also "minimum tool," in section B.3. above.) Facilities that are solely for the convenience of the visitor are not compatible with preservation of wilderness character and therefore will not be provided in wilderness areas.

The use capacity of the wilderness area will be determined, and will be used by managers to anticipate and avert degradation of the area's wilderness character and as a basis for mitigating the impacts caused by various uses.

If visitor use threatens to impair the area's wilderness character, managers will take action to prevent impairment. Indirect methods of reducing visitors' impact, such as trail design, information, and education, will be preferred over direct (regulatory) methods, such as limits on party size, length of stay, or number of parties, In case of confict between visitor uses that depend upon a wilderness setting and those that do not, the uses dependent upon a wilderness setting will be favored .

Visitor use in wilderness involves certain risks to the visitor as a consequence of isolation from the conveniences of a technological world. The visitor must accept these risks in entering a wilderness area. In emergencies involving the health and safety of persons within the area, managers will take appropriate measures, such as search and rescue operations.

5. *Nonconforming Uses.* a. *Valid Existing Rights.* Private rights existing as of the date an area was designated as wilderness will be recognized. In some cases, such rights may involve activities addressed elsewhere in this document under standards prescribed by the Wilderness Act. (One example of this is valid mining claims, addressed in section (j).) Valid existing rights in situations not covered by these policies will be considered by the BLM on a case-by-case basis, in consultation with the Regional Solicitor, to determine the nature of the rights and the extent to which the BLM must regulate the exercise of those rights pursuant to the Wilderness Act and other laws.

b. *Aircraft and Motorboats.* Use of aircraft or motorboats may be permitted to continue in wilderness areas where such uses were established prior to the date the area entered the National Wilderness Preservation System. Such use, when permitted to continue, will be monitored on a regular basis to determine if its continuation is appropriate. Use may be regulated or discontinued as necessary to protect resources in the area or to preserve the area's wilderness character.

c. *Control of Fires, Insects, and Diseases.* Where fire, insects and diseases threaten human life, property, or high value resources on adjacent nonwilderness lands, or where they would cause unacceptable change to the wilderness resource, measures may be taken as necessary to control them. Allowable actions will be specified in the wilderness management plan for each wilderness area.

d. *Gathering Information About Resources.* Any activity, including mineral prospecting, for the purpose of gathering information about natural resources in wilderness, will be permitted provided it is carried on in a manner compatible with the preservation of the wilderness resource. (This section does not affect mineral prospecting activities conducted under the mining laws, which are covered in section (h) below. The Wilderness Act provides for these activities in wilderness areas until midnight December 31, 1983.)

(1) No form of overland mechanical transport may be used in connection with prospecting for minerals or any activity for the purpose of gathering information about individual resources, unless approved by the BLM in accordance with the regulations 43 CFR 2920—Leases, Permits, and Easement (effective April 15, 1981) (published in 46 FR 5772).

(2) Any person desiring to use motor vehicles, motorized equipment, mechanized transport, or to land aircraft, for mineral prospecting or for gathering information about resources is required to notify the BLM in writing. Approval documents will assure activities are conducted in a manner compatible with the preservation of the wilderness resource. No degradation of wilderness resources or values will be allowed. Restoration of disturbed areas is required and must take place as soon as possible once activities terminate. Performace bonds may be required.

e. *Proposed Water Resource Facilities.* If the President authorizes new water resource facilities or activities, pursuant to section 4(d)(4)(1) of the Wilderness Act, the BLM will manage those authorized operations to prevent unnecessary or undue degradation of the area's wilderness character. (Existing water resource facilities are discussed in (f) below, and water facilities for livestock grazing are discussed in (g) below.)

f. *Existing Water Resource Facilities.* Some wilderness areas may contain minor water resource facilities that were found to be substantially unnoticeable in the area. If such structures are present and were explicitly recognized by Congress as being acceptable in a specific wilderness, they may be operated and maintained to keep them in an effective, usable condition. Maintenance may not change the location, size, or type of the facility, or increase the storage capacity of a reservoir.

g. *Livestock Grazing.* Grazing of livestock, where established prior to the effective date of the Act designating the area as wilderness, shall be permitted to continue subject to this policy and the BLM grazing regulations 43 CFR 4100. Existing grazing may include not only the utilization of the forage resource, but also the use and maintenance of livestock management improvements and facilities associated with the grazing activity at the time of designation and which are in compliance with an approved Allotment Management Plan.

Congressional guidelines regarding "Grazing in National Forest Wilderness Areas," published in House Report 96–1126, dated June 24, 1980, will be implemented in all BLM-administered wilderness with pre-existing grazing. These guidelines will be applied using the normal planning and environmental assessment process and will be intergrated into all management plans for the wilderness areas.

h. *Minerals Management.* Until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall extend to BLM-administered wilderness areas to the same extent as applicable prior to the date the wilderness was incorporated into the National Wilderness Preservation System.

(1) *Mining Law Administration.* Holders of unpatented mining claims validly established on any BLM-administered wilderness prior to inclusion of such unit in the National Wilderness Preservation System are accorded the rights provided by the United States mining laws as then applicable to public land involved. Persons prospecting or locating mining claims in BLM-administered wilderness on or after the date on which the said unit was included in the National Wilderness Preservation System are accorded similar rights subject to the provisions of the Wilderness Act and subsequent establishing legislation. All claimants must comply with reasonable conditions for the protection of resources in accordance with the general purposes of maintaining the National Wilderness Preservation System unimpaired for future use and enjoyment of its wilderness character.

Timber on mining claims within BLM-administered wilderness may be cut only for the actual development of the claim or uses reasonably incident thereto. Any severance or removal of timber, other than that necessary to provide clearance, on the claim shall be in accordance with sound principles of forest management and shall be done in such a manner as to minimize adverse effects on the wilderness resource. In the development and operation of mining claims, claimants will be required to prevent erosion and the obstruction, pollution, or siltation of streams, lakes, or springs or deterioration of the land.

A bond as prescribed in 43 CFR 3809.1–9 may be required. All reasonable measures will be required of the operator to reclaim disturbed lands as soon as feasible after operations cease. Ordinarily, needed work will be accomplished within one year after operations cease, unless provided otherwise by the BLM. Whenever possible and feasible the objectives of reclamation shall be to restore the surface to a contour which appears to be natural, although this may not be the original contour. Where such measures are impractical or impossible, the objective shall be to provide for the maximum achievable slope stability. Reclamation shall in all cases include revegetation where feasible and practical. If revegetation by natural means will not occur in time to prevent serious soil loss or other damage to wilderness values, revegetation by planting may be required, with preference given to the use of native species, when practical and reasonable.

If an application for patent has been filed but not acted upon when the requirements of the immediately preceding paragraph would normally be invoked, the requirements will be suspended while the patent application is under consideration. However, those requirements for the prevention of erosion and pollution, siltation or obstruction of streams, lakes, or springs or deterioration of the land will continue to be observed.

The title to timber on patented mining claims validly established after the land was included in the National Wilderness Preservation System will remain in the United States, subject to a right of the patentee to cut and use timber. The patentee may cut and use as much of the mature timber as is needed in the extraction, removal and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available. The cutting shall comply with the requirements for sound principles of forest management as set forth in stipulations issued by the BLM.

In the development and operation of mining claims, claimants will be required to prevent unnecessary or undue degradation of the land.

(2) *Mineral Leasing.* Until January 1, 1984, all laws pertaining to mineral leasing will continue to apply in wilderness areas to the same extent they applied before the area was designated.

State Directors will make decisions on whether or not to issue mineral leases, permits, and licenses in wilderness areas. The State Director's decision to issue mineral leases will be made through the environmental assessment process and after consideration of what will best serve the public interest.

Reasonable stipulations for the protection of the wilderness character of the land will be incorporated into mineral leases, permits, and licenses covering lands within BLM-administered wilderness. Stipulations will be consistent with the use of the land for purposes for which they are leased, permitted, or licensed.

(3) *Common Varieties.* Permits shall not be issued for the removal of mineral materials commonly known as common varieties under the Materials Act of July 31, 1947, as amended and supplemented.

(4) *Withdrawal.* Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated as wilderness are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, unless Congress specifically provides otherwise in the law designating the area as part of the National Wilderness Preservation System or in subsequent legislation.

i. *Commercial Services.* Commercial service such as those provided by packers, outfitters, and guides may be provided within wilderness areas to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

j. *Access to Non-Federal Lands.* States or persons, and their successors in interest, who own land completely surrounded by a wilderness area shall be given such rights as may be necessary to assure adequate access to that land. Adequate access is defined as the combination of routes and modes of travel which will, as determined by the BLM, cause the least lasting impact on the wilderness resource, and at the same time serve the reasonable purpose for which the State or private land is held or used.

No road shall be constructed across wilderness until authorized by the BLM. Access by routes or modes of travel not available to the general public may, when fully justified, be permitted by written authorization. The authorization will prescribe routes and modes of travel which will result in the least lasting impact on wilderness values and, at the same time, serve the reasonable purposes for which the land is held or used. A performance bond will usually be required (in accordance with Title V of the Federal Land Policy and Management Act).

Where the exercise of rights of access to surrounded State or private land would be detrimental to wilderness values, the BLM shall, before granting access, attempt to acquire such land by purchase or by exchange.

6. *Existing Structures and Installations.* After Congress has designated a wilderness area, an inventory will be made of existing structures and installations, critically evaluating the purposes and need for each, and its historical significance, if any. If a structure or installation has historical significance, it may be retained as a historic feature of the area. If it does not have historical significance, it may be maintained for continued use if it meets the "minimum tool" policy in paragraph 3 above, or it it is necessary for a use specifically permitted by the Wilderness Act or by the law designating the affected wilderness area. Any structure or installation that does not qualify for retention under the above criteria will be removed.

In maintaining or modifying existing structures and installations, the manager should consider the potential for using native materials and alternative technological approaches to make them as unobstrusive as possible.

7. *Acquisition of Non-Federal Lands.* Acquisition of non-Federal lands within wilderness areas is authorized by purchase or exchange when such lands are to be acquired, the BLM will seek to acquire the mineral rights as well as the surface rights. Acquisition of privately-owned lands will occur only if the private owner concurs with the acquisition, or if the acquisition is specifically authorized by Congress to be accomplished by eminent domain.

8. *Research and Collection of Management Information.* Wilderness areas administered by BLM will provide opportunities for research and scientific activities that use wilderness areas for study of natural environments and ecosystems. Information collection activities by resource managers for wilderness and other purposes may also be conducted in wilderness. All research and collection of management information within the wilderness area will be conducted in an unobtrusive manner, by methods compatible with the preservation of the area's wilderness character. (Refer to section II. B. 5. d. for policy on gathering information about resources and section III. L. for specific policies on research.)

9. *Buffer Zones and Adjacent Lands.* No buffer zones will be created around wilderness areas to protect them from the influence of activities on adjacent land. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

When activities on adjacent lands are proposed, the specific impacts on those activities upon the wilderness resource and upon public use of the wilderness area will be addressed in enviromental assessments or environmental impact statements, as appropriate. Mitigation of impacts from outside wilderness will not be so restrictive as to preclude or seriously impede such activities.

10. *Visitor Information and Education.* Part of the wilderness experience valued by many visitors is the freedom from rules and regulations. Visitor education will be used to achieve management objectives where feasible. Only the minimum amount of regulation necessary to achieve desired objectives will be used.

To protect the natural appearance of wilderness areas, visitor informational and educational programs, signs, and poster boards will normally be located outside the wilderness boundary. An exception to this general rule is that informational or regulatory signs may be placed within wilderness areas as a management tool to correct specific problems and protect the wilderness resource or for the health and safety of visitors when these signs meet the "minimum tool" standard (see section II. B. 3.)

Informational and educational materials pertaining to the management of BLM-administered wilderness in general or to specific wilderness areas will be readily available to the wilderness user at BLM offices. Such materials will inform visitors of the responsibilities and risks involved in visiting a wilderness area.

11. *Administration.* a. *Wilderness Management Plans.* A wilderness management plan will be developed for each BLM-administered wilderness area as a means of applying the Wilderness Management Policy to that specific area. The plan will be tailored to the local conditions of each wilderness by prescribing any specific objectives appropriate to the area, consistent with the Wilderness Management Policy. Plans should consider the different kinds of environmental settings, history of use, and management situations pertaining to the individual wilderness area. The wilderness management plan will describe the strategy to be used to implement both the Wilderness Management Policy and the specific objectives prescribed for the area.

Management plans for individual wilderness areas should be flexible and must be updated periodically to reflect changes in conditions and use. New inventory data, use patterns, demand trends, supply conditions, management concerns, etc., may change over a period of time, and some goals and objectives applicable soon after a wilderness area is designated may not be appropriate further in the future. Managers should use the land management planning process to analyze all available options, so as to respond to changing conditions.

In developing wilderness management plans, the concept of stratification or zoning between wilderness areas or within individual areas should be considered as a means of achieving management objectives or providing different experiences and opportunities. For example, it may be desirable to manage one wilderness or a portion of an area within a wilderness primarily for protection of an endangered wildlife species. In another wilderness, managers may want to establish different zones of experience, providing recreational opportunities ranging from (1) high concentrations of use to (2) a series of more natural areas as one penetrates into the inner core, to (3) a pristine area which may have no trails or signs. Stratification or zoning can help the wilderness manager achieve objectives, protect resources, and satisfy user demands and expectations.

b. *Coordination.* When a wilderness area's bounadaries overlap BLM administrative boundaries, management will be coordinated between district and State Offices to ensure uniformity in management practices.

When a wilderness area involves contiguous lands administered by BLM and by another Federal agency, the BLM will remain an active manager of lands under its administration, unless it has been determined that more effective wilderness management can be achieved by transferring the land to the other agency or by some form of cooperative management. State directors have the option of approving cooperative management agreements with other Federal agencies on a case-by-case basis. Wherever appropriate, a joint management plan by all agencies involved will be encouraged.

Coordinated planning efforts will also involve State fish and wildlife agencies and all other Federal, State, county, and local agencies, Indian tribal governments, and organizations that may be affected by wilderness management activities.

c. *Wilderness Management Personnel.* Wilderness management personnel may be employed to help implement the provisions of a wilderness management plan. They can facilitate protecting the wilderness resource by assisting visitors with suggestions, advice, and information; enforcing regulations; performing minor trail repairs; and removing trash. Wilderness management personnel can reduce site-specific problems, such as the overuse of popular camp areas, by relocating camp sites and performing rehabilitation work. The manager may also use wilderness management personnel to gather information about resource trends and visitor use. The decision to employ wilderness management personnel should be made on a case-by-case basis. Their use may or may not be required, depending on local conditions. In cases where personnel are not employed specifically for wilderness management, the BLM will assign appropriate personnel as needed to monitor the condition of the wilderness resource.

Chapter III. Guidelines for Specific Activities

The guidelines in this chapter are an application of the policies set forth in Chapter II to various activities that may

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or may not take place in BLM-administered wilderness areas. These guidelines are also based on other applicable laws and on other policies and regulations of the Department of the Interior.

These guidelines will be used in developing a Wilderness Management Plan for each BLM-administered wilderness area, containing guidance on how specific activities will be treated in that area. Until such time as a Wilderness Management Plan is approved by the State Director, interim decisions on specific activities in a wilderness area will be made by BLM field officials based on these guidelines.

Decisions on any activities not addressed in these guidelines will be made on the basis of the policies in Chapter II.

III.A. Recreation and Visitor Use.

Wilderness areas administered by the BLM shall provide a variety of uses including, but not limited to, recreational, scenic, scientific, educational, conservation, and historical.

The wilderness resource will be dominant in all management decisions where a choice must be made between preservation of wilderness character and visitor use. There are places and times within wilderness where unique values may require that recreation and visitor use activities be restricted or entirely prohibited in order to preserve an enduring resource of wilderness. The highest priority among various kinds of visitor use will be accorded those activities which (1) are most dependent upon the wilderness environment and cannot be reasonably accommodated outside of wilderness, (2) least affect the wilderness environment.

Consideration must be given to the ability of the wilderness resource to sustain visitor use without loss or degradation of the wilderness resource itself. Carrying capacity—social, biological, and physical—may vary widely within and between wilderness areas due to variations in types and amounts of uses, resource characteristics, and the capabilities of the resources to sustain different types and amounts of uses. The leading management tool and document to consider these factors and set guidelines for managing visitor use will be the Wilderness Management Plan. These plans will describe the level at which an area is able to absorb use and impacts and will describe measures needed to protect wilderness values.

The following specific guidance applies to visitor use within BLM wilderness:

1. *Visitor Management.* Visitor management techniques will be utilized in wilderness when necessary to preserve both the wilderness resource and the visitor's wilderness experience and opportunities. Management of visitor use will be the minimum necessary to provide for use of the area as wilderness, and to preserve the wilderness character of the area.

Visitor management should be planned to maintain a high-quality wilderness resource and to protect the quality of the wilderness experience. The Wilderness Management Plan will consider all appropriate and compatible methods to manage levels of use that are within the capacity of the wilderness. Visitor management may be carried out by both direct and indirect methods.

a. *Indirect Methods.* Visitor use may be managed through such indirect efforts as:

(1) Wilderness rangers informing visitors about less congested areas.

(2) Obliteration of improvements at overcrowded or undesirable sites.

(3) Improved access to tributary, lightly used areas.

(4) Information to (a) encourage use of lightly used or relatively unknown areas, or to (b) stress the experience and value to be found outside the peak use period.

(5) Minimize the promotion of an outdoor experience in wilderness and emphasize such uses of undeveloped areas outside wilderness.

(6) Reroute primary transportation away from major destination areas. Have spur trails to vistas or camp areas.

(7) Design and management of trail-head areas, including access roads and parking areas.

(8) Education of visitors about good wilderness manners and ethics.

(9) Use of Built-in frictions or obstacles, such as low-standard access roads.

(10) Removal of trail-head improvements and/or restriction of travel into areas already overused or where capacity use already occurs.

(b) *Direct Methods.* More direct methods to achieve visitor management may include:

(1) Regulating the use of saddle horses and/or pack stock.

(2) Managing areas strictly for foot or horse use only, to protect sensitive sites and resources, to provide different recreation opportunities or experiences within the wilderness.

(3) Requiring permits for specific areas or time periods. A permit or registration system can be an important tool for both the wilderness manager and wilderness visitor. Both systems provide visitor use data on the number and distribution of visitors. In addition, a permit or registration system can give the visitor site-specific information helpful in preplanning a trip. A permit system can be utilized also to limit or redistribute and disperse visitor use.

(4) Limiting the number of people in parties or the number permitted to stay overnight at specific locations.

(5) Limiting numbers of users. The Wilderness Management Plan will analyze needed methods and identify necessary measures.

(6) Stock grazing or canoe/boat-beaching restrictions, both private and commercial on overused or concentration areas.

2. *Improvements and Facilities.* Facilities and improvements such as trails, bridges, signs, and campsites, will be provided only where they are the minimum necessary for protection of the wilderness resource and for the health and safety of persons within area. No facilities or improvements will be provided for the comfort and convenience of the visitor. The need for proposed facilities, such as latrines, fire circles, and fences will be justified in the Wilderness Management Plan. Improvements and facilities when approved will be constructed of materials which harmonize with the natural environment.

Existing improvements or facilities not specifically provided for in these guidelines—those having no historical value and not necessary for preservation of an area's wilderness character or for the health and safety of persons within the area—will be removed.

Construction, maintenance, and removal of facilities and improvements will be by primitive means. Exceptions to this policy, such as using handpowered portable tools and aircraft, may be approved by the State Director if no other alternatives exist, the mechanized or mechanical equipment is the minimum necessary, and they will not degrade or impair the area's wilderness character.

a. *Trail Systems.* (1) New trails will be constructed only if they are needed to preserve wilderness values and resources and they will not significantly degrade the degree of naturalness or solitude in the area. Trails are an acceptable improvement provided they are constructed and maintained so they have an insignificant impact on wilderness values. Wilderness management plans will address where trails and related facilities are appropriate.

(2) Existing trails and trail systems will be evaluated to determine if they

are the minimum necessry to meet wilderness management objectives. Trails may be expanded, relocated, restored, or closed as a result of the evaluation. Wilderness Management Plans will address the present situation and evaluate future needs. Trailhead access points will be evaluated at this time. Trailhead locations should be carefully chosen as they have a profound influence over management of visitor use. It may be desirable to locate trailhead access points well outside the wilderness boundary to reduce their impact upon the wilderness area.

(3) Trail routes shall be selected to provide scenic vistas and, where possible, a varied scene. Heavily used areas should generally be served by spur trails and should be bypassed by primary trails. Trails will not be constructed with treads of more than 24 inches in width except where a wider trail is justified for protection of the wilderness resource. Trails should follow natural contours where possible and result in minimum disturbance to soil and ground cover.

(4) Bridges will be designed and constructed so as to harmonize with the environment and will be the minimum size and complexity necessary to allow foot or stock use. Besides adhering to the basic standards set out for improvements and facilities above, bridges will be provided only:

(a) When no other route or crossing is reasonably available.

(b) Where the crossing, during the primary season of public use:

—Cannot be safely negotiated on foot.

—Cannot be safely forded by horses.

(c) Where less formal devices are frequently destroyed or damaged by flood water.

b. *Signing.* Only a minimum of signs will be provided for the visitor, in combination with availability of accurate maps, route descriptions, brochures, etc. Signs will be provided primarily for visitor safety and resource protection. Signs will not be placed within the wilderness for the convenience of the user.

(1) Signs may be erected at trail junctions, showing directions with arrows.

(2) Informational or interpretive signs will not be used to mark streams, lakes, mountain peaks, passes, or points of interest.

(3) Regulatory signs will be kept to the minimum necessary, and may be of materials other than wood. When regulatory signs are posted within a wilderness, notice pertaining to these regulations will also be posted at trailheads or major access points and published where feasible on brochures or maps or otherwise made available to the user prior to entry into the wilderness.

c. *Use of Campsites.* (1) Campsites or camping areas may be designated if necessary for the purpose of wilderness resource protection. They will be located sufficiently distant from lakes, streams, trails, or other natural attractions as to allow appropriate use without unacceptable degradation of the focal point of public interest. Space between sites should be sufficient to ensure a reasonable degree of solitude and quiet. A "no-trace" camping concept will be promoted.

(2) Shelters or lean-tos will not be constructed, and existing shelters will be removed from within wilderness. Shelters or lean-tos determined to have historical value may remain, and their protection and use will be addressed in the Wilderness Management Plan.

(3) Garbage pits will nto be permitted, and existing garbage pits will be closed. A "pack-it-in, pack-it-out" philosophy will be encouraged with visitors. Every practicable medium will be used to educate and inform the visitor on this point.

(4) Improvised camp structures constructed by visitors will not be permitted. They will be dismantled and obliterated when and where found.

(5) Hitchracks or corrals and other improvements to facilitate stock use may be used as necessary to prevent damage to the wilderness resource. They will be located away from main-traveled trails, streams, lakes, camping areas, and focal points of interest, and will be constructed of materials which harmonize with the environment.

d. *Outfitter Camps.* The Wilderness Management Plan will carefully analyze the role of the outfitter-guide in a particular wilderness. Some wilderness areas may not be particularly suited to this kind of service due to size, shape, location, etc., or to the objectives for management of a particular wilderness. Also, the visitor-use capacity of the wilderness as well as public needs must be considered in making a decision to permit or not permit outfitter-guide services. If allowed, these services will be planned and administered to meet public needs while maintaining the wilderness resource. Operations will be so administered as to be harmonious with those of wilderness visitors who do not employ such services.

Outfitter-guide camps will be located off the primary trails or scenic spur trails and at sufficient distance from attractions to avoid conflicts with other visitors. The BLM will select the location of outfitter-guide campsites as necessary to protect wilderness resources and the wilderness experience of other visitors. Outfitter-guides will operate under special recreation permits, which will include stipulations for management of the use. The Wilderness Management Plan shall evaluate the need for temporary caches not involving erection of structures and shall designate their locations, if caches are to be approved.

3. *Fuelwood.* If campsites or cooking fires are permitted, fuelwood cutting should be limited to dead and down material. The use of portable cookstoves will be encouraged whenever possible. The Wilderness Management Plan will define any regulations or restrictions needed for wilderness resource protection.

4. *Contests.* Contests, such as physical or mental endurance of a person or animal; foot races; canoe or boat races; competitive trail rides; survival contests or exercises (including military); and other activities of this nature shall not be be permitted in wilderness areas. These activities do not depend on a wilderness setting, and they cause impacts that degrade the wilderness character of the area, thus adversely affecting wilderness-dependent uses.

5. *Recreational or Hobby Mineral Collecting.* Recreational or hobby collecting of mineral specimens (rockhounding) will be allowed in wilderness. Such use will be limited to hand methods or detection equipment that does not cause surface disturbance such as a metal detector or Geiger counter. In addition, methods shall not be permitted that in any way adversely affect or degrade the wilderness resource or the experiences of visitors in the area. (This paragraph does not cover mining claims, which are addressed in section I below.)

III.B. Cultural and Historic Resources

Archeological and historical sites and values are a unique and nonrenewable part of the wilderness resource. They are protected by provisions of the Uniform Rules and Regulations (43 CFR Part 3) to carry out the Antiquities Act of 1906, the Historic Sites Act of 1935, Executive Order 11593, the National Historic Preservation Act of 1966, as amended, and the Archeological Resources Protection Act of 1979. To the extent not inconsistent with the concept of wilderness preservation and the intent of the Wilderness Act, and objectives for cultural resource management, these resources are available for recreational, scenic, scientific, educational, conservation, and historical uses (including ceremonial or religious use by Native Americans).

Cultural resources, in most instances, will be subject to the forces of nature in the same manner as other wilderness resources. Study or management will not normally include any excavation, stabilization, or interpretation activities. Salvage, rehabilitation, stabilization, reconstruction, and restoration work on archeological and historic sites; excavation; and intensive inventories may be permitted on a case-by-case basis where the project will not degrade the overall wilderness character of the area and such activity is needed to preserve the particular resource. State Director approval is required for all such projects.

The National Historic Preservation Act and Executive Order 11593 require an inventory and evaluation of cultural resources. The evaluation study for National Register of Historic Places eligibility is made using criteria in 36 CFR 1202.6 and in consultation with the State Historic Preservation Officer (SHPO). Those cultural resources found to qualify are nominated to the National Register of Historic Places.

Those sites or structures that do not qualify for the National Register may be allowed to deteriorate naturally, or be removed or obliterated. However, some structures may qualify for retention as historic features or under the "minimum tool" policy (refer to section II. B. 3), or as facilities necessary for a use specifically permitted by the Wilderness Act or by the law designating the affected wilderness area.

Management direction for cultural resources that qualify for nomination to the National Register is subject to compliance with Section 106 of the National Historic Preservation Act and 36 CFR 800. A decision to remove, maintain, or allow historic or prehistoric structures to deteriorate naturally is a Federal undertaking which will affect the resources. In working through the compliance processes, a determination will be made as to what feasible and prudent alternatives exist to satisfactorily mitigate adverse effects of the proposes decision on the cultural resources. A Memorandum of Understanding will be developed with all consulting parties whenever an adverse effect determination is made (36 CFR 800). The range of alternatives might include recording to established standards (by drwaings and photographs), salvage (by removing or dismantling), stabilizing, or restoration. Stabilization or restoration and subsequent maintenance may be considered for adminstrative structures that meet the "minimun tool" policy (refer to section II. B. 3).

III.C. Forestry Resources

1. *Cutting of Trees and Shrubs.* Management of the forest cover will be directed toward retaining the primeval character of the environment and allowing natural ecological processes to operate freely. Trees, shrubs, and other vegetative products will not be sold or cut for nonwilderness purposes except under specified conditions set forth in these guidelines for valid mining claims and under emergency conditions such as fire, insect, and disease control.

2. *Cutting of Trees for Administrative Purposes.* Trees may be cut for use in the construction and maintenance of authorized improvements that are located within the wilderness when the necessary material cannot be reasonably obtained or brought in from outside the wilderness. Such cutting within the wilderness shall be done away from trails or campsites, and all evidence of the cutting shall be disposed of insofar as possible.

3. *Cutting of Trees for Fuelwood.* (Refer to section III. A. 3., Fuelwood, for specific guidance.)

4. *Reforestation.* Reforestation, in the absence of natural revegetation, will generally be prohibited, but in rare cases may be authorized by the Director to prevent deterioration or loss of the wilderness resource when the cause of the damage or loss is due to human activities and there is no reasonable expectation of natural reforestation. The natural processes of ecological succession will be the preferred method of site-restoration. When reforestation action is necessary, only native species and only primitive methods, such as hand planting, will be used.

III.D. Fish and Wildlife

Management will seek a natural distribution, number, and interaction of indigenous species of fish and wildlife. Natural processes will be allowed to occur in wilderness ecosystems, which include fish and wildlife populations, as far as possible without human influences. Management will protect the conditions that allow natural processes a maximum degree of freedom.

To the extent possible, wildlife species in BLM wilderness should be allowed to maintain a natural balance with their habitat and with each other. Wildlife may be harvested under State regulations; fisheries management will be consistent with preservation of the area's wilderness character; and direct fish and wildlife control measures will be applied only upon a showing of need under standards described below.

The BLM, in cooperation with State and Federal public health and fish and game officials, may make special exceptions, where necessary to control disease epidemics or other health hazards in which wildlife species are involved as carriers.

The basic responsibilities of the BLM and other cooperating State and Federal agencies in the management of fish and wildlife are not altered by the Wilderness Act. However, the constraints of the Act and the intent of the Congres articulated in the Act and in subsequent legislation will guide the management of wildlife in wilderness. Memoranda of Understanding will be developed with appropriate State game and fish agencies to clarify wildlife management jurisdictions. Wilderness Management Plans will specify wildlife habitat conditions to be maintained. Development of management plans will fully involve all Federal, State, and local agencies and organizations in the formation of management direction.

The preservation of sensitive, rare, threatened, and endangered species dependent on wilderness conditions will be favored.

The killing of native birds and mammals which are a natural component of the biotic community, but are not provided protection by State or Federal law, will be discouraged or controlled if necessary through public education and Memoranda of Understanding with State game and fish agencies.

1. *Hunting and Fishing.* Hunting and fishing are permitted in BLM-administered wilderness, subject to applicable State and Federal laws and regulations. Coordination with State game and fish agencies for the management of resident wildlife and fish species will be sought in order to ensure maintenance of the wilderness resource. Specific management criteria may be cited in Memoranda of Understanding and the Wilderness Management Plan.

2. *Fish and Wildlife Habitat.* The proper balance of fish and game animals with their habitat may be achieved by managing public hunting and fishing. Objectives for the management of fish and wildlife habitat are normally compatible with the objectives for maintaining general wilderness character, or careful planning usually can make them so. Where incompatible, the requirements for maintenance of wilderness values will be overriding.

Vegatative manipulation projects for fish and wildlife purposes may be approved by the State Director on a project-by-project basis if they do not degrade wilderness character, or if they correct conditions which are a result of human influence, or if the project will promote the perpetuation of a threatened or endangered species.

Habitat manipulation by chemical or mechanical means may only be approved on a project-by-project basis where necessary for threatened or endangered species, or to correct unnatural conditions resulting from human influence. Such activities will be allowed only where manipulation would enhance the wilderness resource and where natural processes have been unsuccessful. Hand or aerial seeding of native vegetation species may be permitted after disturbances, such as wildfire, to retore essential food plants to a wilderness where the natural process of healing is not expected to occur. Actions of this type will be allowed only to enhance wilderness values and not to optimize habitat needs of any single wildlife species to the detriment of wildlife diversity in an untrammeled environment.Wildfire or prescribed burning may be used as a wildlife management tool if carefully designed to maintain or enhance the wilderness resource. Wildfire or prescribed burning is to be used only when the project can be accomplished without serious or long-fasting damage to watershed or the area's wilderness character. Prescribed burning will not be permitted to improve wildlife utilization. It may be done only for the following purposes:

a. It is needed to maintain the natural condition of a fire-dependent ecosystem or to re-introduce fire where past strict wildfire control measures have interfered with natural ecological processes.

b. A primary value of a given wilderness will be sustained as a result of the burning.

c. It will promote the perpetuation of a threatened or endangered species.

Additional specific guidelines on prescribed burning appear in section E, Fire Management.

The BLM may authorize State and Federal agencies to use temporary enclosures and facilities to trap or transplant wildlife as long as they are the minimum necessary to protect or maintain the wilderness resource.

Although construction of facilities to enhance an area's value for wildlife or fish is not consistent with the free operation of natural processes, there are situations where such measures may be necessary for the continued existence or welfare of wildlife or fish living in wilderness. This is particularly true in the case of species adversely affected through human activities in such areas. Certain permanent installations to maintain conditions for wildlife and fish, upon consideration of their design, placement, duration, and use, may be permitted if the resulting change is compatible with preservation of wilderness character and is consistent with wilderness management objectives for the area, and if the installations are the minimum necessary to accomplish the task. Permissible actions under these criteria may include: installations to protect sources of water on which native wildlife depend, such as exclosures; and water sources such as springs, wells, and guzzlers. Fisheries activities may be permitted as long as their purpose is to protect natural conditions, restore deteriorated habitat, and maintain wilderness values.

3. *Wildlife Manipulation.* In some instances, wildlife species once native to the wilderness have been forced from their original habitat by the encroachment of human beings and human activities. To the extent that these factors can be altered or managed within the intent of the Wilderness Act, native species no longer established in the wilderness area may be reintroduced and managed as a part of the wilderness resource. Care must be exercised to be certain that the species is native. Such programs will be addressed in the wilderness management plan.

Management of established exotic species (e.g., chukar partridge, pheasant) not natural to an area may continue where they enhance the wilderness character of a particular wilderness. Introduction of new exotics will not be permitted. Coordination with State and Federal agencies should be established for control of undesirable exotic populations.

4. *Fish Stocking.* Fish-stocking programs needed to meet wilderness management objectives shall be developed in cooperation with the State agencies or the Fish and Wildlife Service and shall be coordinated with overall wilderness management objectives. The probability of increased visitor use at stocked waters and the full impact and effect of such use on the wilderness resource will be recognized and considered.

Memoranda of Understanding with State agencies should be developed to establish a stocking policy for each wilderness where stocking is permitted, as a basis for a stocking plan. Basic decisions will be spelled out in the wilderness management plan for each wilderness. Aerial stocking of fish by State agencies or the Fish and Wildlife Service may continue where this was an established practice prior to designation. Authorization will be on a case-by-case basis. Aerial stocking should be done outside of general visitor use seasons when possible. Wilderness management plans should contain all necessary justification, mitigation, and definition of planting programs.

Some general guides for fish stocking in BLM wilderness units are:

a. Native species should be favored in waters with a history of supporting such species. Species native to the vicinity or region may be considered as an alternative. Exotic fish will not be considered, except where such practice existed prior to wilderness designation and it meets wilderness management objectives.

b. Waters with established undesirable fish or where overpopulations of fish have occured shoud be managed for fish best suited to the water under natural conditions, and to meet wilderness management objectives. Barren waters may be stocked only if the wilderness management plan defines the desirability of such an action. The scientific value of barren lakes will be considered prior to approval to stock.

c. Presently nonstocked waters which at one time supported a native fish population, and which would provide suitable habitat for native fish species that would enhance the wilderness experience of visitors, may be considered for stocking on a case-by-case basis.

d. In all fish-stocking activities, threatened or endangered species shall receive primary consideration.

5. *Trapping.* Trapping of furbearers, such as mink, marten, beaver, and muskrat, is a compatible wilderness use and will be allowed under State laws and regulations. Commercial trapping will not be permitted. Incidental trapping, if it is not the trapper's sole source of livelihood, is permitted.

6. *Rodents.* Rodents in BLM-administered wilderness areas shall be exempt from control programs, except where overpopulations pose a serious threat to other wilderness values or resources and property outside the boundaries of the wilderness. Control projects must be approved on a case-by-case basis.

7. *Predators.* Predacious animals are an important part of natural life systems within wilderness. They play an important role in the natural selection and survival processes, helping to maintain critical population balances of wild species. They should be able to survive and compete with other species, free from unregulated human interference and the traditional pursuit

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of sport or bounty. Where control of predators is necessary to protect threatened or endangered wildlife species or on a case-by-case basis to prevent special and serious losses of domestic livestock, it will be accomplished by methods which are directed at eliminating the offending individuals while at the same time presenting the least possible hazard to other animals or to wilderness visitors. Poison baits or cyanide guns are not compatible. Control programs will be carried out by or under the direction of the U.S. Fish and Wildlife Service (FSW), the BLM, or State agencies, and will be consistent with the Secretary of the Interior's policies on animal damage control and with the Memorandum of Understanding between the BLM and FWS. Programs will comply with BLM Animal Damage Control plans where these have been previously adopted. The State Director will approve predator-control programs on a case-by-case basis, and under such conditions as to ensure minimum disturbance to the wilderness resource and visitors.

Approval of predator control actions must be contingent upon a clear showing that the removal of the offending predators will not diminish the wilderness values of the area, because this kind of wildlife is an integral part of the wilderness, as well as an adjunct to the visitor's experience.

E. Fire, Insect, and Disease Management

1. *Fire Management.* a. *Overriding Fire Guidance.* All fires will be controlled to prevent loss of human life or property within wilderness areas or to prevent the spread of fire to areas outside of the wilderness where life, resources, or property may be threatened. Human-caused wildfires will be prevented and/or controlled unless the fire meets wilderness fire management objective.

b. *Natural Fire.* Natural fire (i.e., lightning-caused) is normally a part of the ecology of the wilderness, and human efforts to ban this agent may have resulted in significant ecological changes in the flora and fauna of some areas. In order to return some wilderness ecosystems to a more natural state, it may be appropriate to allow natural fire to burn, but only in conformance with an approved Fire Management Plan and the overriding fire guidance in section (a) above.

c. *Prescribed Burning.* Where natural fire under prescription does not meet wilderness fire management objectives, prescribed burning with ignition by Bureau personnel may be allowed on a case-by-case basis for the following purposes:

(1) To reintroduce or maintain the natural condition of a fire-dependent ecosystem,

(2) To restore fire where past strict fire control measures had interfered with natural, ecological processes,

(3) Where a primary value of a given wilderness will be perpetuated as a result of the burning, or

(4) Where it will perpetuate a threatened or endangered species.

Prescribed fires will be allowed only in conformance with an approved Fire Management Plan. State Director approval is required.

d. *Removal of Evidence of Fire Control Activities.* Temporary fire camps, helispots, and other sites used for fire suppression or control activities shall be removed upon completion of use and the site rehabilitated to as natural a state as possible.

e. *Fire Detection.* Fire detection methods necessary to meet wilderness objectives will be used. Structures such as lookouts may be maintained or constructed if they are the minimum to achieve wilderness management objectives and there is no other alternative detection method. Preference will be given to detection methods which have the least permanent impact on wilderness values, such as aircraft overflights and lookouts located outside the wilderness boundary.

f. *Pre-Suppression.* Pre-suppression activities may be allowed to meet wilderness management objectives and where necessary for the protection of the public health or safety. All pre-suppression programs will be addressed in the Fire Management Plan.

g. *Suppression.* Fire-suppression measures and techniques shall be used which achieve the wilderness management objectives with the minimum adverse impact on the wilderness resource. Preference shall be given to the methods and equipment which least alter the landscape or disturb the land surface. Structures and improvements shall be located outside the wilderness boundary, except those that are the minimum necessary to achieve wilderness management objectives.

h. *Fire Management Plans.* The following considerations will be covered in each Fire Management Plan: wilderness management objectives for the area, historic fire occurrence, natural role of fire, proposed degree of suppression, expected fire behavior, acceptable suppression techniques, smoke management, and effects on adjacent landowners. The plan will conform to criteria established by the BLM defining the limits of acceptable fire weather, fire behavior, and fire effects. Each Fire Management Plan will be written to conform to the Wilderness Management Plan (WMP) for the area it addresses and will become an addendum to the WMP upon approval.

2. *Control of Insects and Diseases.* Insect and disease outbreaks will not be artificially controlled, unless it is necessary to protect timber or other valuable resources outside of the wilderness area, or in special instances when loss to resources within a wilderness is undesirable (e.g., absence of control would threaten rare or endangered plants or animals). Such control measures will consist of the effective combination of actions which have the least adverse impact on the wilderness resource.

Special care must be taken when using chemicals or other artificial methods to control insect and disease outbreaks because of their possible adverse effect on the total biological community.

Insect or disease suppression projects in BLM wilderness must be approved by the Director.

III.F. Water Resource Management

1. *Watershed Restoration.* Watershed restoration may be undertaken where deteriorated soil and hydrologic conditions caused by human being or human influences create a serious threat or loss of wilderness values; or where, even though not human-caused, these conditions present a definite hazard to life or property, or where such conditions cause serious depreciation of important environmental quality outside the wilderness. Where such dangers are not imminent or where natural vegetation may be expected to return in a reasonable time, restoration work will not be done.

Re-establishment of vegetation as a watershed-restoration measure, where there is no reasonable expectation of natural healing, will be accomplished using native or naturalized species. Overland motorized equipment will not be used where most primitive equipment can accomplish the restoration objectives. Exceptions must be fully justified, based upon serious imminent threat to high downstream values. Approval by the Director is required for all watershed restoration proposals.

2. *Water Improvements.* a. *Water-yield Improvements.* Protection of wilderness values and management objectives generally preclude use of water-yield improvement techniques. Water-yield improvement prescriptions, if contemplated, must be clearly

compatible with maintenance of the wilderness rersource. The Director's approval is required for project approval.

b. *New Water-Development Structures.* The establishment of new water-regulating structures, power installations, and related improvements is subject to approval by the President. (Range and wildlife water-development structures are discussed under separate subheadings and are not subject to Presidential approval.)

The BLM's conclusions and recommendations in connection with proposals for new water-resource developments will be based upon comprehensive, factual information developed by an environmental analysis, and draft and final environmental impact statements, as prescribed by the National Environmental Policy Act. The final environmental impact statement requires the Director's approval. Any recommendation in favor of the proposal must be based upon a clear showing that the public values to be gained exceed the values that would be lost, and that the need cannot be met outside the wilderness. When a proposed structure is thus found to be in the public interest, consideration should also be given to a recommendation to exclude the applicable area from wilderness.

c. *Existing Structures.* Reservoirs, ditches, catchments, and related facilities for the control or use of water may have existed within BLM wilderness under valid premits or other authority prior to the area's designation as wilderness. These may be maintained if they are needed in the public interest, or are a part of a valid existing right.

Routine maintenance and repair of an existing structure which does not change the location, size or type, or increase the original intended storage capacity of a reservoir may be approved by the State Director. The operation, maintenance and repair of such facilities may include occasional motorized access where no other reasonable or practical alternatives exist.

Reconstruction of any structure or restoration of a natural body of water to its original or historic level must be approved by the State Director. Primitive means of transport and hand tools will be used wherever and whenever feasible.

Any proposal to increase the storage capacity of a reservoir, or replace a reservoir, which was not under a valid permit at the time the unit was incorporated into the National Wilderness Preservation System, will be considered as a new structure and subject to approval by the President.

The wilderness management plan should carefully evaluate each improvement to determine if the continuation of the use is needed in the public interest, or is part of a valid existing right. Maintenance needs and methods must be specifically stated if the improvement is to remain. If not the improvement should be allowed to deteriorate naturally. When natural processes themselves cannot effectively and safely return the abandoned improvement back to a natural condition, restoration by other means may be used. Only hand labor and tools, and seeding with native or naturalized species may be permitted. All restoration projects are subject to approval by the State Director.

d. *Snow Measurement.* The measurement of snow within BLM wilderness is permitted under the following conditions:

(1) Measurement of snow will be accomplished by primitive means. If use of a helicopter was an established practice in measuring snow within an area prior to wilderness designation, that same use may be permitted. However, ways and means of eliminating the need will be explored.

(2) No new data sites can be established unless they are parts of projects approved by the President under provisions of Section 4(d)(4) of the Wilderness Act. Use of existing data sites may continue until adequate correlation can be established with data sites outside the wilderness. Installation of automated equipment (sensing devices, data collection platforms, etc.) may be permitted on a temporary basis at existing data sites to accelerate the development of correlations with data sites outside the wilderness. Access will be by primitive means except as specifically provided for in (1) above.

(3) Only miniaturized and unobtrusive types of equipment may be installed, and must be camouflaged to blend with the terrain as much as possible. Practices such as burying equipment and using antennae which can be removed during nonuse periods, will be used to minimize the visual impacts of the data site.

e. *Water Quality.* Maintaining or enhancing water quality is of high priority in management of the wilderness resource. Water quality monitoring instruments and hydrometorological devices may be permitted if these are the minimum necessary for protection of the wilderness resource. All instruments and devices must be miniaturized and unobtrusive. No motorized vehicles will be permitted for installation, maintenance, or monitoring and surveillance.

f. *Weather Modification Over Wilderness.* Use of lands within the National Wilderness Preservation System as target areas for weather modification activities will not be approved unless the following conditions are met:

(1) The proponent can provide reasonable, scientifically supportable assurance that the activities will not produce permanent, substantial changes in natural conditions.

(2) The proposal does not include any feature that might reasonably be expected to produce conditions incompatible in appearance with the wilderness environment or reduce its value for recreation, scenic, scientific, education, conservation, or historical use.

The effects of weather modification activities may be permanent or temporary depending upon the type, duration, and degree of change in weather brought about by that activity.

Generally, short-term weather-modification activities, which will produce only occasional, incidental, temporary, or transitory changes in the weather with carryover effects on the ground lasting only a few days beyond the actual seeding period, can be permitted over wilderness because little or no permanent, identifiable ecological or physical impact is likely. Conversely, long-term weather modification programs, which will produce a repeated or prolonged change in the weather during any part of successive years, are likely to have a direct and often substantial impact in terms of ecological and physical effects. Even though the human contribution to these impacts on the ecology and physical conditions on the ground may be obscured by the fact that the activities are carried on outside or above the wilderness, they nevertheless can be recognized to be the result of human activities and therefore cannot be permitted where they will directly affect wilderness areas.

State Directors will gather necessary information relative to items 1 and 2 and make recommendations to the Director on any activity or application. The Director will approve activities or installations relative to weather modification affecting wilderness.

III.G. Air Quality

Under the Clean Air Act (as amended, 1977), BLM-administered lands were given Class II air quality classification, which allows moderate deterioration

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associated with moderate, well-controlled industrial and population growth. The BLM will manage designated wilderness areas as Class II unless they are reclassified by the State as a result of the procedures prescribed in the Clean Air Act (as amended, 1977).

According to the Clean Air Act, air quality reclassification is the prerogative of the States. The States must follow a process mandated by the Clean Air Act Amendments of 1977, involving a study of health, environmental, economic, social, and energy effects, a public hearing, and a report to the Environmental Protection Agency.

Administrative actions within wilderness areas will comply with the air quality classification for that specific area.

III.H. Rangeland Management

1. *Livestock Grazing Operations.* Section 4(d)(4)(2) of the Wilderness Act provides for continued livestock grazing where established prior to designating the area as wilderness. The objective of livestock management in wilderness is:

Utilize the forage resource in conformity with established wilderness objectives for each area and the BLM grazing regulations (43 CFR 4100), and through practical, reasonable and uniform application of the congressional guidelines and policy.

Further insight on the subject is in the Conference Reports on S. 2009 (House Report 96–1126), under the heading "Grazing in National Forest Wilderness Areas." These congressional guidelines and policy are to be considered in the overall context of the purposes and direction of the Wilderness Act and will be applied nationwide. They are reprinted here verbatim as an excerpt from House Report 96–1126:

Grazing in National Forest Wilderness Areas. Section 4(d)(4)(2) of the Wilderness Act states: "the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture."

The legislative history of this language is very clear in its intent that livestock grazing, and activities and the necessary facilities to support a livestock grazing program, will be permitted to continue in National Forest wilderness areas, when such grazing was established prior to classification of an area as wilderness.

Including those areas established in the Wilderness Act of 1964, Congress has designated some 188 areas, covering lands administered by the Forest Service, Fish and Wildlife Service, National Park Service and Bureau of Land Management as components of the National Wilderness Preservation System. A number of these areas contain active grazing programs, which are conducted pursuant to existing authorities. In all such cases, when enacting legislation classifying an area as wilderness, it has been the intent of the Congress, based on solid evidence developed by testimony at public hearings, that the practical language of the Wilderness Act would apply to grazing within wilderness areas administered by all Federal agencies, not just the Forest Service. In fact, special language appears in all wilderness legislation, the intent of which is to assure that the applicable provisions of the Wilderness Act, including Section 4(d)(4)(2), will apply to all wilderness areas, regardless of agency jurisdiction.

Further, during the 95th Congress, Congressional committees became increasingly disturbed that, despite the language of section 4(d)(4)(2) of the Wilderness Act and despite a history of nearly 15 years in addressing and providing guidance to the wilderness management agencies for development of wilderness management policies, National Forest administrative regulations and policies were acting to discourage grazing in wilderness, or unduly restricting on-the-ground activities necessary for proper grazing management. To address this problem, two House Committee on Interior and Insular Affairs Reports (95–620 and 95–1321) specifically provided guidance as to how section 4(d)(4)(2) of the Wilderness Act should be interpreted. This guidance appeared in these reports as follows:

Section 4(d)(4)(2) of the Wilderness Act states that grazing in wilderness areas, if established prior to designation of the area as wilderness, "shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture". To clarify any lingering doubts, the committee wishes to stress that this language means that there shall be no curtailment of grazing permits or privileges in an area simply because it is designated as wilderness. As stated in the Forest Service regulations (36 CFR 293.7), grazing in wilderness areas ordinarily will be controlled under the general regulations governing grazing of livestock on National Forests. . . . This includes the establishment of normal range allotments and allotment management plans. Furthermore, wilderness designation should not prevent the maintenance of existing fences or other livestock management improvements, nor the construction and maintenance of new fences or improvements which are consistent with allotment management plans and/or which are necessary for the protection of the range.

Despite the language of these two reports, RARE II hearings and field inspection trips in the 96th Congress have revealed that National Forest administrative policies on grazing in wilderness are subject to varying interpretations in the field, and are fraught with pronouncements that simply are not in accordance with Section 4(d)(4)(2) of the Wilderness Act. This had led to demands on the part of grazing permitees that section 4(d)(4)(2) of the Wilderness Act be amended to clarify the intentions of Congress. However, because of the great diversity of conditions under which grazing uses (including different classes of livestock) are managed on the public lands, the Conferees feel that the original broad language of the Wilderness Act is best left unchanged. Any attempts to draft specific statutory language covering grazing in the entire wilderness system (presently administered by four separate agencies in two different Departments) might prove to be unduly rigid in a specific area, and deprive the land management agencies of flexible opportunities to manage grazing in a creative and realistic site specific fashion.

Therefore, the conferees declined to amend section 4(d)(4)(2) of the Wilderness Act, agreeing instead to reaffirm the existing language and to include the following nationwide guidelines and specific statements of legislative policy. It is the intention of the conferees that the guidelines and policies be considered in the overall context of the purposes and direction of the Wilderness Act of 1964 and this act, and that they be promptly, fully, and diligently implemented and made available to Forest Service personel at all levels and to all holders of permits for grazing in National Forest Wilderness areas:

1. There shall be no curtailments of grazing in wilderness areas simply because an area, is, or has been designated as wilderness, nor should wilderness designations be used as a excuse by administrators to slowly "phase out" grazing. Any adjustments in the numbers of livestock permitted to graze in wilderness areas should be made as a result of revisions in the normal grazing and land management planning and policy setting process, giving cosideration to legal mandates, range condition, and the protection of the range resource from deterioration.

It is anticipated that the numbers of livestock permitted to graze in wilderness would remain at the approximate levels existing at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) could be made available with no adverse impact on wilderness values such as plant communities, primitive recreation, and wildlife populations or habitat, some increases in AUMs may be permissible. This is not to imply, however, that wilderness lends itself to AUM or livestock increases and construction of substantial new facilities that might be appropriate for intensive grazing management in non-wilderness areas.

2. The maintenance of supporting facilities, existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness.

Where practical alternatives do no exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on a rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such activities can reasonably and practically be accomplished on horseback or foot. On the other hand, it may be appropriate to permit the occasional use of motorized equipment to haul large quantities of salt to distribution points. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted to those portions of a wilderness area where they had occurred prior to the area's designation as wilderness or are established by prior agreement.

3. The replacement or reconstruction of deteriorated facilities or improvements should not be required to be accomplished using "natural materials,", unless the material and labor costs of using natural materials are such that their use would not impose unreasonable additional costs on grazing permittees.

4. The construction of new improvements or replacement of deteriorated facilities in wilderness is permissible if in accordance with those quidelines and management plans governing the area involved. However, the construction of new improvements should be primarily for the purpose of resource protection and the more effective management of these resources rather than to accommodate increased numbers of livestock.

5. The use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is also permissible. this privilege is to be exercised only in true emergencies, and should not be abused by permittees.

In summary, subject to the conditions and policies outlined above, the general rule of thumb on grazing management in wilderness should be that activities or facilities established prior to the date of an area's designation as wilderness should be allowed to remain in place and may be replaced when necessary for the permittee to properly administer the grazing program. Thus, if livestock grazing activities and facilities were established in an area at the time Congress determined tht the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue. With respect to areas designated as wilderness prior to the date of this Act, these guidelines shall not be considered as a direction to re-establish uses where such uses have been discontinued.

It is also the understanding of the conferees that the authorizing Committees intend to closely monitor the implementation of the guidelines through subsequent oversight hearings to insure that the spirit, as well as the letter, of the guidelines are adhered to by the Forest Service. Of course, the inclusion of these guidelines in this Joint Statement of Managers does not preclude the Congress from dealing with the issue of grazing in wilderness areas statutorily in the future.

This concludes the excerpt from House Report 96–1126.

a. *Management Plans.* The above congressional guidelines and policies will be applied in accordance with the environmental analysis process. Management prescriptions will be determined through the BLM resource management planning process and implemented by the allotment management plan.

Planning for livestock grazing operations in designated wilderness will be through the normal BLM resource management planning processes.

(1) Resource management plans establish: (a) Objectives and prescriptions for management of wilderness. These are based on resource inventory data which includes, but is not limited to, ecosystem identification, rangeland conditions, existing uses, and areas of existing or potential conflict.

(b) Use levels of the rangeland resource and its relationship with other uses.

(2) Allotment management plans, within the direction established by the resource management plan, prescribe:

(a) The manner and extent to which livestock grazing will be conducted to meet wilderness objectives, rangeland resource needs, desired conditions of ecosystems, and other resource values.

(b) Direction and scheduling for accomplishing goals and objectives on individual allotments, including the development of rangeland improvement schedules and grazing system to be followed.

b. *Permits.* Grazing operations within wilderness areas will be authorized by grazing permits. Permits for livestock operations will be issued only in areas where grazing was established at the time the wilderness was designated.

c. *Rangeland Analysis.* (1) Rangeland analysis in wilderness areas will follow the normal BLM standards.

(2) The development of the allotment management plan will determine the need for and standards of rangeland improvements and will prescribe the grazing system to be followed.

Where an approved allotment management plan exists at the time an area is designated as wilderness, it will be reviewed in context with the congressional guidelines and policy. Necessary modification will be integrated into the resource management plan and the allotment management plan.

Allotment management plans for allotments partially or entirely within designated wilderness will specifically identify the following:

(a) The use of motor vehicles, motorized equipment or other forms of mechanical equipment including: specific equipment, where it is to be used, when it is to be used, and what it is to be used for.

(b) Rangeland improvement structures and installations to be maintained, constructed, or reconstructed in achieving rangeland management objectives, including maintenance standards.

(c) The means to handle emergencies. In bonafide emergencies or urgent situations, decisions will be based on consideration of all relevant factors and use of good judgement.

d. *Rangeland Improvements.* The following criteria should be considered in determining the use of motor vehicles, motorized equipment or mechanical transport in constructing, maintaining or applying rangeland improvements and practices.

(1) Minimizing threat to or loss of property.

(2) Minimum use of motorized equipment within wilderness.

(3) Develop and manage the rangeland resources in a cost-effective manner.

(4) Achieve least amount of impact by non-conforming uses on wilderness values through:

(a) Scheduling during periods of low use.

(b) Harmonizing improvements to surrounding landscape.

(c) Locate improvements to achieve maximum screening and fully utilize natural feature opportunities.

(5) Type of practice or construction material.

(6) Timeliness, including frequency and time of year.

(7) Need to deal with emergency or urgent situations that develop through acts of nature, such as drought, heavy snow.

(8) Location of nearest ranch facilities in relation to the project.

(9) Availability of primitive transport, e.g., team and wagon, saddle and pack stock, etc.

(10) Length of time to complete a project by alternative methods.

(11) Availability of temporary camp and feed sites.

(12) Age and health factors of permittee.

Documentation of the environmental analysis which considers the authorization of rangeland improvement construction and/or maintenance, and the use of motor vehicles, motorized equipment, and mechanical transport shall be made in an environmental assessment.

e. *Structural Rangeland Improvements.* Rangeland improvement alternatives will be developed and

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evaluated through the environmental analysis process, including consultation with grazing permittees and other interested publics. Alternatives which utilize a practical and reasonable approach to meet rangeland and wilderness management objectives will be selected.

Permit modifications for the construction of new rangeland improvements or replacement of existing rangeland improvements will be made in accordance with BLM grazing regulations. Special consideration will be given to construction standards and techniques to achieve the most practical and reasonable approach considering the wilderness resource. Specific consideration will be given to:

—Costs of using natural materials.

—Alternative means of construction which harmonize to the extent possible with the wilderness resource.

—Use of motor vehicles, motorized equipment or mechanical transport needed for construction of improvements.

All rangeland improvements will be listed in the allotment management plan along with maintenance schedules.

(1) *Maintenance.* The maintenance of existing necessary rangeland improvements may be allowed to continue. Those determined unnecessary through an environmental analysis will be phased out and removed on an agreed upon schedule.

The techniques by which maintenance of rangeland improvements and other related grazing activities are performed will require careful study, consideration of options, and a practical and reasonable solution. Existing use and requests for new use of motor vehicles, motorized equipment or other forms of mechanical transport, including emergencies, will be reviewed and congressional grazing guidelines applied. The occasional use of motor vehicles, motorized equipment or mechanical transport may be permitted where practical alternatives are not available.

The guidelines address occasional use of motor vehicles, motorized equipment, or mechanical transport where practical alternatives do not exist, with application only to those portions of a wilderness where they occurred prior to wilderness designation. It is important to look at all options and their impacts. Good judgement will be necessary in the decisionmaking process.

(2) *New Improvements.* The construction of new rangeland improvements is permissible if determined to be necessary for the purpose of resource protection (rangeland and/or wilderness) and the effective management of these resources, rather than to accommodate increased numbers of livestock. The rangeland analysis may indicate that a reduction of use is necessary for rangeland protection, or new rangeland improvements are necessary for improved management or protection of wilderness values. New improvements will not be justified solely on the basis that they will aid intensive management resulting in increased grazing.

(3) *Types of Materials.* When pemitted, new or existing improvements should be of materials which harmonize with the wilderness character of the area to reduce the impact of artificial objects on the natural environment. Natural (native) materials for improvements will be used unless costs are unreasonable or they do not harmonize with the wilderness.

When replacement of an existing range improvement is contemplated, the following will be considered:

(a) The necessity of the rangeland improvement for livestock grazing operations, resource protection, or enhancement of wilderness values. Some improvements may no longer be needed or should be relocated. Existing rangeland improvements may be necessary for managment of the rangeland and wilderness resources. Other alternatives for meeting needs will be explored.

(b) Design, location, and type of materials feasible to serve the purpose and yet be harmonious with natural features of the wilderness will be considered. A steel post and wire fence may be less obtrusive than native pole fence. A redwood water trough may be less noticeable than a steel one. A windmill may better harmonize with wilderness values than an earthen stock pond.

(c) Material and labor costs for natural materials vs. artifical materials. Good judgement, in consultation with permittees, will provide the basis for determining what is reasonable for the permittee's livestock grazing operation and the particular wilderness values involved.

f. *Non-Structural Rangeland Improvements.* Non-structural rangeland improvement practices can be approved where they were part of the management at the time the wilderness was established and where their continuance is necessary to maintain livestock grazing operations. The need for non-structural rangeland improvements and practices will be carefully analyzed using the following criteria:

(1) *Seeding.* The need for seeding will be carefully analyzed. Seeding will be approved only for:

(a) Areas where human activities have caused the loss or threaten the existence of indigenous species.

(b) Areas where human activities have denuded or caused loss of soil, providing the actions or activities responsible for the deterioration have been corrected and natural vegetation is insufficient and ineffective.

(c) Maintenance of livestock grazing operations where seeding was practiced prior to the designation of wilderness. Species seeded will be those that are native or naturalized to the area. Seed will be broadcast, except in special situations where other seeding methods are necessary.

(2) *Plant Conrol.* Plant control will be approved only for:

(a) Native plants when needed to maintain livestock grazing operations where practiced prior to the designation of wilderness.

(b) Noxious farm weeds by grubbing or with chemicals when they threaten lands outside wilderness or are spreading within the wilderness, provided the control can be effected without serious adverse impacts on wilderness values.

(3) *Irrigation.* Artifical irrigation or water spreading will be done only to maintain livestock grazying operations where practiced prior to the designation of wilderness.

(4) *Fertilizing.* Fertilization may be used only as an aid to revegetation of disturbed areas approved in item (1) or to maintain livestock grazing operations where practiced prior to the designation of wilderness. Liming will be considered a fertilization practice.

(5) *Prescribed Burning.* Prescribed burning will be approved for rangeland management purposes only where it was practiced prior to the designation of wilderness and is necessary to achieve maintenance of livestock grazing operations; such use must be approved in a fire management plan. (Prescribed burning may be permitted for other purposes, under guidelines in section III. D. 2. and III. E. 1 of this document, such as in cases where reestablishment of natural fire regimes is desired. Rangeland management objectives may be achieved through such prescribed burns and through management of natural fire as prescribed in fire management plans.)

2. *Recreational Livestock.* Commercial recreational livestock, such as that used by packers and outfitters, will be grazed under permit. Noncommercial recreational livestock

may also be subject to permit when necessary for the administration or protection of the wilderness. All recreational livestock users, including commercial outfitters, will be required to pack in feed for their domestic animals when it is determined that adequate forage is not available within the area to be visited. The Wilderness Management Plan will analyze the need for regulations or restrictions relating to recreational saddle and pack stock; including, but not limited to, hobbling rather than tethering of horses, restrictive zoning, horse-party size limits, and use of native feed or pellets.

3. *Wild Horses and Burros.* The Wild Free-Roaming Horse and Burro Act of 1971 declares that wild horses and burros "* * * are to be considered in the area where presently found, as an integral part of the natural system of the public lands."

Viable, healthy populations of wild horses and burros will be maintained in wilderness areas at levels determined appropriate by the BLM planning system. Herd numbers and management techniques will not degrade, and will be compatible with preservation of, the area's wilderness character.

Herd Management Area Plans (HMAP's) will be developed in wilderness areas containing wild horses or burros. The plans will detail the present condition and potential of the herd and herd management area. The plans will describe management actions required to meet the wilderness objectives as well as the herd needs. The HMAP's will establish the habitat requirements and any necessary improvements; herd structure (sex and age ratios, etc.); methods of population manipulation and control (including removal, if necessary); migratory habits; and projections of population changes over time. Monitoring studies for the herd and its habitat will be and integral part of the plan. The HMAP's will describe the physical improvements necessary for maintenance of healthy, viable herds and their habitat.

Use of motorized and mechanical equipment, including aircraft; use, maintenance and type of material, and equipment such as temporary corrals; and the location, frequency, and timing of such uses will be specified in HMAP's and wilderness management plans. Such uses will be allowed when no other alternatives exist, they are the minimum necessary to acomplish the task, and they are the least degrading of wilderness values temporarily or permanently. Use of these facilities and equipment require State Director approval.

Environmental assessments will analyze the impacts of the management prescribed by the HMAP's, and alternatives and mitigating measures to minimize those impacts upon the wilderness resource.

I. Minerals Management

1. *Mining Law Administration.* The Wilderness Act of 1964 provides the basis for the minerals management policy to be followed in approving minerals exploration and development in designated wilderness areas. The Act recognizes the rights of the mining claimant under the mining laws and provides for prospecting and mining in wilderness while providing for protection of the wilderness resource. Under the Wilderness Act, the mining laws shall, to the same extent as applicable prior to the designation of an area as wilderness, apply until midnight December 31, 1983. Thereafter, subject to valid rights then existing, the lands are withdrawn from all forms of appropriation under the mining laws. Therefore, BLM's policy on mining operations on unpatented mining claims will comprise two categories: those operations occurring on or before midnight December 31, 1983, and those operations occurring after midnight December 31, 1983, which may proceed because they qualify as valid existing rights as of that date.

a. *Plans of Operations.* (1) Whether or not the operations occur before or after midnight December 31, 1983, an approved plan of operations as called for by 43 CFR 3809 is in all BLM-administered wilderness areas. The plan of operations will include all access, functions, work, facilities, and activities in connection with prospecting, development, extraction, and processing of mineral deposits and all other uses related to these activities whether on or off a mining claim. All BLM officials involved must ensure that provisions approved in operating plans protect the rights of the operator while minimizing the impact on the wilderness resource. Operators must be allowed to carry out operations that are necessary and reasonably incidental to the mining operation, but may not, in any circumstance, cause unnecessary or undue degradation. District Managers may call for the expertise of all necessary specialists to ensure that both the wilderness and rights of the operator are adequately and properly served.

Before approving the plan the BLM may assist the operator in selecting the most appropriate means and type of access and access route. The final approved access must be that which creates the least lasting impact on the wilderness resource, while still reasonably serving the needs of the operator.

Those activities otherwise generally prohibited in wilderness, including the use of mechanical transport, motorized equipment, or aircraft, shall be authorized only when there is no reasonable alternative. An approved operating plan will serve as authorization for such otherwise prohibited activities on mining claims within wilderness.

Casual use permissible in wilderness areas consists of operations resulting in only negligible disturbance to wilderness resources and not involving the use of mechanical or motorized equipment, landing of aircraft, or explosives. Examples of casual use would be: access by foot or horseback, or overflights to conduct magnetic surveys. Flights used to transport equipment or personnel into and out of the wilderness will not be considered as casual use. An approved plan of operations is not required for casual use.

(2) Contents of a plan of operations and plan approval procedures shall comply with the 43 CFR 3809 regulations. The following criteria shall also be satisfied:

(a) *Operations Prior to Midnight December 31, 1983.* Until this deadline, lands within wilderness areas are open to appropriation under the mining laws to the same extent as before wilderness designation. In other words, claim staking, prospecting, exploration, development, and patenting may occur. Before approving operations submitted in a plan of operations during this time, the District Manager shall be satisfied that:

i. There will be no unnecessary or undue degradation of wilderness character.

ii. If mechanical or motorized equipment, including helicopter and fixed wing aircraft (beyond casual use), will be used, there is no reasonable alternative.

iii. The reclamation measures included in the plan of operation are adequate to provide for restoration as near as practicable of the surface of the land disturbed.

Any disapproval or denial of a plan of operations by the authorized officer is subject to appeal by the operator under the provisions of 43 CFR 3809.4.

(b) *Operations After December 31, 1983.* Development work, extraction, and patenting will be allowed to continue after midnight December 31, 1983, only on valid claims located on or before that date. After that date, prospecting and exploration work under the mining laws will not be allowed, as the right to continue those kinds of operations terminated on midnight December 31, 1983.

Prior to approving plans submitted after December 31, 1983, for operations on claims, or allowing operations to continue that had been approved prior to midnight December 31, 1983, the District Manager shall cause an examination of the unpatented claim(s) by a BLM minerals examiner to verify whether or not a valid claim exists. Operations on producing mines will be allowed to continue pending determination of valid existing rights. The minerals examination and subsequent minerals report must confirm that as of midnight December 31, 1983, minerals had been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success in developing a valuable mine. Any disapproval or denial or a plan of operations by the authorized officer is subject to appeal by the operator under the provisions of 43 CFR 3809.4.

Before approving a plan of operations applicable after December 31, 1983, the District Manager shall be satisfied that:

i. There will be no unnecessary or undue degradation of wilderness character.

ii. If mechanical or motorized equipment, including helicopter and fixed wing aircraft (beyond casual use), will be used, there is no reasonable alternative.

iii. The reclamation measures included in the operator's plan of operation are adequate to provide for restoration as near as practicable of the surface of the land disturbed.

(c) *Timber*—Timber determined necessary for removal to facilitate mining activities will be cut following principles of sound forest management and in such a manner as to minimize lasting evidence of its removal. Individual trees will be carefully selected so as not to make obvious artificial openings. Stumps will be cut as close to the ground as practical.

(d) *Fire*—The operator will be required to keep spark arresters and fire extinguishers on all internal combustion engines during periods of fire danger. The operator will generally be required to maintain caches of handtools in sufficient quantities to equip those personnel expected to be on the operation. The operator and his personnel will be expected to take initial action on any fire in the vicinity of the operation.

Slash and other flammable debris will generally require complete disposal to reduce fire hazard, prevent insect buildup, and more rapidly reduce evidence of the timber cutting. If burning is performed it will be in accordance with a prescribed burn plan that establishes fire and resource management objectives. Burning will be performed at a time approved by the BLM District Manager.

(e) *Site Reclamation*—The reclamation of the site and other disturbed areas will vary with the location, type of soil erosion hazard, type of vegetative cover, and type and extent of disturbance. As a minimum, all sites will be treated in such a manner that they will not cause accelerated erosion, siltation of streams, a hazard to wilderness visitors, or unnecesary or undue degradation of the land. Also, as a minimum, all excavations with vertical cuts in soil will be sloped to a stable angle of repose. Generally, hand-dug pits or shafts with the excavated material still at hand will be refilled. Here, as with timber cutting, the main objective will be to minimize remaining evidence of human activities. It may not be practical to return an area to its original contour, but it will generally be entirely reasonable to return it to a contour which might appear to be natural. An effort will be made when practical and reasonable to put topsoil equal in quality to that which was removed over disturbed soil surfaces to promote natural revegetation or to aid in seeding. Where native seed is available, and its use is reasonable, disturbed areas will be seeded to native plant species provided the area originally supported such vegetation.

(f) *Structures and Improvements*—Plans of operations shall identify all structures and improvements planned as an adjunct to the operation. The plan will also show the ultimate disposition of the improvements and when this will occur. The objective will be to ensure the removal of all works or improvements when they are no longer needed for the prospect or future mining.

(g) *Unnecessary or Undue Degradation*—A plan of operations shall include measures to be taken to prevent unnecessary or undue degradation of the area resulting from the proposed operation. This may require measures to prevent water pollution through contamination or siltation of streams while the operation is in progress and to leave the site in such condition that a vegetative cover can be reestablished when the operation is abandoned. Such measures may include trenching of disturbed slopes, placing retaining walls to prevent tailings from entering stream channels, etc. It may also require the scalping and stockpiling of the topsoil or sod from the area to be disturbed so that it might be spread over the surface to aid in reestablishing vegetation. Air and noise pollution are also critical elements. Plans shall identify mitigating measures to minimize noise and air pollution.

(3) *Performance Bond.* No bond shall be required for operations considered as casual use. A bond may be required for any operator who conducts operations under an approved plan of operations. The primary purpose for a bond is to ensure compliance with the plan of operations. Requirement for posting a bond is at the discretion of the authorized officer.

(4) *Environmental Assessment.* Operating plans for prospecting and mining activities will normally involve surface disturbance of the wilderness resource and will require an environmental assessment which considers the impact of the proposed operation on the lands and all feasible alternatives for complying with the rights of the claimant. Upon completion of the analysis, the District Manager will determine if no environmental impact statement is needed. The State Directors approval is required for preparation of an environmental impact statement.

2. *Mineral Leasing.* Section 4(d)(3) of the Wilderness Act of 1964 prescribes that mineral exploration and development will continue in designated wilderness areas by stating "until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those * * * lands designated by this Act as 'wilderness areas' ".

Designation of an area as wilderness may not be the basis for denying a mineral lease, permit, or license. Mineral leasing applications will be evaluated through the environmental assessment process. A State Director's determination to deny an application must be based upon background data and facts of record indicating the public interest would be better served by the rejection so as to protect other resource values. Wilderness character may be taken into account when making mineral leasing decisions, but leases or permits may not be denied solely on the basis of a desire to protect wilderness character. Leases, permits, or licenses issued after an area is designated as wilderness and prior to midnight December 31, 1983, must contain reasonable stipulations for the protection of the wilderness character of the land consistent with the use of the lands for the purposes for which they are leased, permitted, or licensed.

Mineral leases, permits, or licenses confer certain rights upon individuals to conduct certain activities upon the public lands.

Regulations imposed on existing lessees, permittees, or licensees must be reasonable and consistent with the continued use of the lands for the purposes for which the leases, permits or licenses were issued.

Geothermal leasing is within the scope of the "laws pertaining to mineral leasing" in section 4(d)(3) of the Wilderness Act. Designated wilderness areas will remain available for geothermal leasing to the same extent they were at time of designation, and the above guidelines on mineral leasing will apply.

3. *Mineral Patents.* A patent conveying both surface and mineral rights may be issued on a valid claim located *prior* to the date the area was included as a part of the National Wilderness Preservation System and prior to midnight December 31, 1983.

Mining locations shall be held and used solely for mining. For a valid claim located *after* the date an area is established as wilderness and prior to midnight December 31, 1983, the patent conveys title to mineral rights only. The patentee may cut and use so much of the mature timber from the claim as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if the timber is not otherwise reasonably available. All timber shall be cut under sound principles of forest management. All surface rights are reserved to the United States. Except as specifically provided in the Wilderness Act or the act designating the area as wilderness, no use of the surface of the claim or its resources not reasonably required for carrying on mining or prospecting shall be allowed. No patent shall issue after December 31, 1983, except for the valid claims existing on or before midnight December 31, 1983.

Once a claim has been patented it becomes private land or interest in lands. Access will then not be governed by a plan of operations, but under the policy in section III.B.5.j.

4. *Common Varieties of Mineral Materials.* Permits to remove such materials will not be issued.

5. *Paleontological Resources.* To the extent not inconsistent with the concept of wilderness preservation and the intent of the Wilderness Act, paleontological resources are available for recreational, scenic, scientific, educational, conservation, and historical uses. Paleontological resources, in most instances, will be subject to the forces of nature in the same manner as other wilderness resources. Study or management will not normally include any excavation, stabilization, or interpretation activities. Salvage of paleontological sites, excavation, and collection of artifacts may be permitted on a case-by-case basis where the project will not degrade the overall wilderness character of the area and such activity is needed to preserve the particular resource. State Director approval is required for all such projects.

III.J. Administrative Structures and Facilities

1. *Administrative Sites.* Existing administrative sites will be limited to the existing structures or their replacement with similar structures of compatible design provided their continued use is necessary to meet minimum requirements for the administration of the area. Tents will usually be used to supplement housing and kitchen demands brought about by special projects and expanding workloads. As maintenance becomes impractical, first consideration will be given to eliminating the site. Replacement of facilities will require the Director's approval. The Wilderness Management Plan will address the need for existing sites. No new sites will be planned unless they are the minimum necessary for management of the area as wilderness.

2. *Fences.* Corrals and fences for the control of administrative pack and saddle stock may be built only at administrative sites where the animals are regularly used for periods of more than a few days' duration. New permanent fences shall be constructed of materials compatible with the particular wilderness. The Wilderness Management Plan will consider the need for, location of, and material to be used in administrative fence construction.

3. *Trails.* Trails for administrative purposes may be constructed when they are the minimum necessary for the preservation of the wilderness resource and have been authorized in the Wilderness Management Plan. (Trails and associated structures for visitor use and discussed as part of the specific guidance under Recreation and Visitor Use, section III.A. of this document.)

4. *Airfields.* New airfields, including emergency airstrips, shall not be located in BLM-administered wilderness. The Wilderness Management Plan shall review existing airstrips and determine whether or not to permit the continued use of existing airfields. Such use will be monitored on a regular basis to determine if its continuation is appropriate. Use may be restricted when necessary to protect wilderness resources, such as wildlife values during nesting season. If use is approved, maintenance will generally be by primitive, non-motorized equipment only.

5. *Heliports and Helispots.* a. *Heliports.* Heliports may be constructed and maintained at existing administrative sites where they are the minimum necessary for wilderness purposes. Complete justification for continuing heliports or constructing new ones will be required. Unless otherwise approved by the Director, other heliports shall not be located within wilderness areas. The Wilderness Management Plan will fully evaluate the need for heliports. Only those heliports considered the minimum necessary for wilderness resource management will be continued.

b. *Helispots.* State Directors may approve construction of individuals helispots or systems of helispots when they are the minimum necessary for administration or protection of the area as wilderness. The Wilderness Management Plan will fully evaluate helispot needs. Except for emergencies, helispot construction is prohibited if not specifically identified in the wilderness management plan.

6. *Communication Facilities.* Communication facilities will be constructed and maintained only when they are the minimum necessary for administration and protection of the area as wilderness. The Wilderness Management Plan will fully evaluate the need for existing and proposed sites and their maintenance. Facilities should blend with the natural environment.

7. *Structures and Facilities Constructed, Used or Proposed by Other Agencies.* Other agencies conducting activities within BLM wilderness shall be equally constrained by provisions of the Wilderness Act that are applicable to the BLM. These guidelines will apply:

a. Authorized structures, installations, or facilities used by other agencies shall be reviewed periodically to determine whether their continued existence is essential for meeting the minimum requirements for administration of the area as wilderness. If it is not, the authorization shall be terminated and the improvement removed. The Wilderness Management Plan will assess and determine the disposition of all such improvements.

b. When existing improvements deteriorate to the point that normal maintenance will not suffice to keep them usable, the necessity for such improvements shall be critically analyzed. If they are not essential to meet the minimum requirements of administration of the wilderness, or essential to a continuing program that was established on the basis of the structure, they shall not be replaced. Permits for new improvements or replacement of existing improvements must be approved by the Director.

c. The maintenance or replacement of existing signs, instruments, and other improvements of a minor nature, used in connection with such projects as snow surveys, water measurement, game and fish management, and geological studies may be approved by the State Director. New installations may be approved if they are essential to meet the minimum requirements for administration of the wilderness for the purposes of the Wilderness Act.

III.K. Use of Motorized and Mechanical Equipment

Travel within a BLM-administered wilderness will normally be by non-motorized, non-mechanical means consistent with the preservation of wilderness character.

The wilderness management plan will specify the instances and places in which administrative use of mechanized equipment, mechanical transport, or aircraft is the minimum necessary to protect and administer the wilderness resource or is necessary as part of a nonconforming, but accepted, use. Where approved, that equipment which is the minimum necessary to accomplish the task with the least lasting and damaging impact on the wilderness resource will be selected. Such motorized and mechanical equipment use will be scheduled at times and locations which will have the least impact on the visitors' wilderness experience.

Conditions under which use may be allowed (unless otherwise stated, all use is subject to the standards spelled out in the preceding paragraph) are:

1. The public use of aircraft or motorboats, where these uses were established prior to the area's designation as wilderness, may be permitted to continue. Wilderness Management Plans will assure periodic review of such use to determine if its continuation is necessary and impacts on the area's wilderness character are minimized.

2. Motorized and mechanical equipment use may be authorized for mining or prospecting purposes if approved in a Plan of Operation or in association with valid existing rights. Refer to specific guidance for Minerals Management in section III.I.

3. The use of motor vehicles, motorized equipment, and mechanical transport may be approved for certain situations involving established livestock grazing operations. Refer to specific guidance for Rangeland Management in section III.H.

4. Motorized equipment and mechanical transport use may be allowed when an emergency condition exists which involves the health and safety of visitors. The District Manager (or Area Manager, if delegated) may approve such action.

5. Motorized equipment and mechanical transport may be permitted during a fire suppression emergency. Impacts resulting from overland vehicle travel (either cross-country travel or temporary road construction) and impacts from equipment use will be obliterated and rehabilitated in a manner which permits the wilderness resource an opportunity to heal rapidly. Motorized equipment and mechanical transport uses will be specifically addressed in a wilderness area's Fire Management Plan. The District Manager (or Area Manager, if delegated) may approve such action. Refer to specific guidance for Fire Management.

6. The use of aircraft may be allowed in nonemergency situations to deliver supplies or materials to construct or maintain improvements needed for administration of the area as wilderness when use of pack and saddle stock or other non-mechanized means is not feasible. Approval must be authorized by the State Director.

7. Powered hand-portable tools, such as chain saws or rock drills, may be approved by the State Director when they are the minimum necessary for administration purposes where work cannot be accomplished with nonpowered tools. (In some cases, such tools may be necessary in trail construction and maintenance, due to limitations of time, season, etc.)

8. Mechanized or motorized equipment may be used for wilderness research, other wilderness-enhancing purposes where no other alternatives exist and where such use is the minimum necessary for administration of the area as wilderness and will not degrade the area's wilderness character. Instances could include wildlife transplants or fish stocking by State Divisions of Wildlife. State Director approval is required. (Refer also to specific guidance for Research and Studies.)

9. Mechanized or motorized equipment may be used in gathering information about resources, so long as the use is compatible with preservation of the wilderness environment. Instances could include mineral surveys by the U.S. Geological Survey or water resource investigations. State director approval is required.

10. Where feasible, control of insects and disease will be conducted without use of motorized equipment. Otherwise, aircraft use is permissible without landing of aircraft. Approval must be authorized by the State director on a case-by-case basis.

11. Motorized equipment necessary to meet temporary emergencies involving violations of criminal law and/or including the pursuit of fugitives may be approved by the District Manager (or Area Manager, if delegated).

12. There is no specific prohibition of overflight of wilderness by aircraft. Low-flying aircraft cause disturbance of the solitude of an area. Except in bona fide emergencies, such as search and rescue efforts and essential military missions, low flight should be discouraged. Where low overflight is a problem, or expected to become a problem, wilderness management plans will provide for liaison with proper military authorities, the Federal Aviation Administration, and contact with pilots in the general area in an effort to reduce low flight.

III.L. Research and Studies

Research is a valid and important use of the wilderness resource. Research will be permitted and encouraged as long as all projects are conducted in such a manner as to preserve the area's wilderness character and they further the management, scientific, educational, historical, and conservation purposes of the area.

Research will be conducted or supported to evaluate the effectiveness in achieving objectives of ongoing wilderness management. Research will also be encouraged to identify problems and improve management techniques to increase efforts to further the purposes of the Wilderness Act.

Research and studies to investigate scientific values may also be conducted in wilderness provided that wilderness is essential to results of such research, and wilderness values would not be jeopardized.

Research and other studies will be conducted without use of motorized equipment or construction of temporary or permanent structures. Exceptions to this policy may be approved by the State Director in projects that are essential to management of the specific wilderness when no other feasible alternatives exist. Such use, when approved, must be the minimum necessary and must not degrade the area's wilderness character.

Chapter IV. Implementation of the Wilderness Management Policy

This chapter explains how the BLM will implement the Wilderness Management Policy through the process of developing a plan for each wilderness area under its administration.

The purpose of the Wilderness Management Plan (WMP) is to describe the management strategy that will be used to work toward attainment of the objectives of the Wilderness Management Policy. The plan must clearly show the actions that will be taken to preserve the wilderness resource, and the linkage between these actions and the objectives.

Each WMP will address the management situation present in an individual wilderness area or in two or more closely related areas. Plans should reflect the different kinds of environmental settings, history of use, and management situations found in individual areas within the framework of this policy.

Public involvement must be included in the development of each WMP. A minimum of at least one meeting or workshop must be open to the general public, and the public must be given at least 45 days to comment upon the proposed Wilderness Management Plan. Issues, questions, and problems raised by the public will be considered during the development of the final WMP. The WMP's will be updated on a regular basis or as conditions change. The public will be given the opportunity to be involved in plan changes.

The Wilderness Management Plan will included the general policy for all BLM wilderness areas. Additions may be made to tailor the policy to the current management situation for each area. Selected statements from the Wilderness Management Policy may be included to show the connection between actions proposed in the Plan and the objectives found in the management policy. Other policy statements may be included where appropriate, so long as they do not confict with the Wilderness Mangement Policy.

During the time period before a WMP is prepared for a wilderness area, the Wilderness Management Policy will guide the conduct of day-to-day activities. The approval of activities, programs, or projects initiated by the Bureau of Land Management, other governmental bodies, or private individuals will be contingent upon the completion of an environmental assessment. Proposals determined to be inconsistent with the intent of the Wilderness Management Policy or other elements of the BLM's legislative and regulatory manadate will be modified or disapproved, as appropriate.

Upon completion of the WMP for an area, the viability of activities, programs, or projects will be determined through the BLM's environmental assessment process. If the proposed action is part of an approved WMP, the environmental assessment will consider if it is the best way to meet objectives of the plan from an on-the-ground perspective and if the action conforms to other applicable elements of the BLM's legislative and regulatory mandate. If the proposal is not part of the WMP, the environmental assessment will be used also to determine if it is in conformance with the WMP. Proposals found to be inconsistent with the WMP or other applicable BLM guidance will be modified or disapproved, as appropriate.

The BLM will issue any regulations necessary to manage visitor use and other problems peculiar to a particular wilderness area. Regulations might cover such topics as camping, river running,use of firewood, etc. Managers should use the minimum amount of regulation necessary, but should not hesitate when a problem calls for them.

Specific guidance regarding the procedure for developing Wilderness Management Plans will be issued to BLM field offices after issuance of the final Wilderness Management Policy.

Appendix A.—Section 603 of The Federal Land Policy and Management Act of 1976 (Pub. L. 94–579)

Sec. 603. (a) Within fifteen years after the date of approval of this Act, the Secretary shall review those roadless areas of five thousand acres or more and roadless islands of the public lands, identified during the inventory required by section 201(a) of this Act as having wilderness characteristics described in the Wilderness Act of September 3, 1964 (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall from time to time report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness: *Provided*, That prior to any recommendations for the designation of an area as wilderness the Secretary shall cause mineral surveys to be conducted by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present in such areas: *Provided further*, That the Secretary shall report to the President by July 1, 1980, his recommendations on those areas which the Secretary has prior to November 1, 1975, formally identified as natural or primitive areas. The review required by this subection shall be conducted in accordance with the procedures specified in section 3(d) of the Wilderness Act.

(b) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to designation as wilderness of each such area, together with a map thereof and a definition of its boundaries. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

(c) During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness, subject, however, to the continuation of existing mining and grazing uses and minerals leasing in the manner and degree in which the same was being conducted on the date of approval of this Act: *Provided*, That, in managing the public lands the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection. Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedure of section 204 of this Act for reasons other than preservation of their wilderness character. Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d)(2) of the Wilderness Act, and mineral development, access, exchange of lands, and ingress and egress for mining claimants and occupants.

Appendix B.—The Wilderness Act of September 3, 1964 (Pub. L. 88–577; 88th Congress, S. 4)

An act to establish a National Wilderness Preservation System for the the permanent good of the whole people and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

Short Title

Section 1. This Act may be cited as the "Wilderness Act."

Wilderness System Established—Statement of Policy

Section 2. (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be desinated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency have jurisdiction thereover immediately before its inclusion in the National Wildereness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

Definition of Wilderness

(c) A wilderness, in contrast with those areas wheze man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permannent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, education, scenic, or historical value.

National Wilderness Preservation System—Extent of System

Section 3. (a) All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness," "wild," or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall—

(1) Within one year after the effective date of this Act, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdiction also shall be available to the public in the office of regional foresters, national forest supervisors, and forest rangers.

Classification. (b) The Secretary of Agriculture shall, within ten years after the enactment of this Act, review, as to its suitability or nonsuitability for preservation as wilderness, each area in the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President.

Presidential recommendation to Congress. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after the enactment of this Act, not less than two-thirds within seven years after the enactment of this Act, and the remaining areas within ten years after the enactment of this Act.

Congressional approval. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as "primitive" on the effective date of this Act shall continue to be administered under the rules and regulations affecting such areas on the effective date of this Act until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress by not more than five thousand areas with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this Act, the Secretary of Agriculture may complete his review and delete such areas as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

Report to President. (c) Within ten years after the effective date of this Act the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within, the national wildlife refuges and game ranges, under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness.

Presidential recommendation to Congress. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after enactment of this Act, not less than two-thirds within seven years of enactment of this Act, and the remainder within ten years of enactment of this Act.

Congressional approval. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

Suitability. (d)(1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness—

Publication in **Federal Register.** (A) give public notice of the proposed action as they deem appropriate, including publication in the **Federal Register** and in a newspaper having general circulation in the area or areas in the vicinity of the affected lands,

Hearings. (B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the **Federal Register** and in newspapers of general circulation in the area: *Provided,* That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

Proposed modification. (e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only in the same manner as provided for in subsections (b) and (c) of this section.

Use Of Wilderness Areas

Section 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and unit of the national park and wildlife refuge systems are established and administered and—

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Pub. L. 539, Seventy-first Congress, July 10, 1930, 46 Stat. 1020), the Thye-Blatnik Act (Pub. L. 733, Eightieth Congress, June 22, 1948; 63 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act (Pub. L. 607, Eighty-fourth Congress, June 22, 1956, 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 5, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such areas, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. (432 et seq.); and section 3(2) of the Federal Power Act (16 U.S.C. 796 (2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

Prohibition of Certain Uses

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requiremets for the administration of the area for the purpose of the Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircrafts, no other form of mechanical transport, and no structure or installation within any such area.

Special Provisions

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

Mineral leases, claims, etc. (3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use as much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if the timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resoruces therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: *Provided,* That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983. Mining claims located after the effective date of the Act within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from deposition under all laws pertaining to mineral leasing and all amendments thereto.

Water resources. (4) Within wilderness areas in the national forests designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of resevoirs, water conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly

designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided,* That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

State and Private Lands Within Wilderness Areas

Section 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture:

Transfer, restriction. Provided, however, That the United States shall not transfer to a State or private owner any mineral interest unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculure shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

Acquisition. (c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

Gifts, Bequests, and Contributions

Section 6. (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this Act.

Annual reports

Section 7. At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

Appendix C.—the Bureau of Land Management Wilderness Review Process

To carry out the wilderness mandate of FLPMA, the Bureau of Land Management has developed a wilderness review process with three phases: inventory, study, and reporting to Congress.

Inventory: In the wilderness inventory, the BLM examined the public lands, with public participation, and identified those areas that meet the definition of wilderness established by Congress. These areas were identified as wilderness study areas (WSA's). The inventory was completed by November 14, 1980, in the contiguous Western States, resulting in identification of approximately 25 million acres as wilderness study areas and in elimination from further wilderness consideration of approximately 150 million acres.

Study: Each wilderness study area will be studied through the BLM resource management planning system to analyze all values, resources, and uses within the area. The findings of the study, including public participation, determine whether the area will be recommended as suitable or nonsuitable for designation as wilderness. In practice, determining an area's "suitability or nonsuitability * * * for preservation as wilderness," in the words of FLPMA, means determining whether the area is more suitable for wilderness designation or more suitable for other uses.

Reporting: When the study has been completed, a recommendation as to whether the wilderness study area is suitable or nonsuitable for designation as wilderness is submitted through the Secretary of the Interior and the President to Congress. A mineral survey will be conducted by the Geological Survey and Bureau of Mines for any area recommended as suitable. Reports on all wilderness study areas must reach the President no later than October 21, 1991, and reach Congress by October 21, 1993. Only Congress can designate an area as wilderness.

Appendix D.—Definitions

Some of the terms used in this document have specific meanings and are defined as follows:

Domestic Livestock: Animals kept and managed for their products or for breeding purposes, not visitors' animals or administrative livestock.

FLPMA: The Federal Land Policy and Mangement Act of 1976 (Pub. L. 94–579, 90 Stat. 2743, 43 U.S.C. 1701).

Livestock Grazing Operations: Those operations under permit where the primary purpose is the grazing of livestock for the production of food and fiber. Includes pack and saddle stock used in conjunction with such operations.

Mechanical Transport: "Mechanical transport" means any device for transporting personnel or material with wheels, tracks, skids, or by flotation for traveling over land, water, or snow and is propelled by a nonliving power source contained or carried on or within the device.

Motorized Equipment: "Motorized equipment" means any machine activated by a nonliving power source except small battery-powered, handcarried devices such as flashlights, shavers, Geiger Counters, and cameras.

Motor Vehicle: "Motor vehicle" means any vehicle which is self-propelled or any vehicle which is propelled by electric power obtained from batteries.

Multiple Use: "* * * the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitutde for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with coniderassion being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output." (From Section 103, FLPMA)

Naturalized: Refers to a non-native species of plant or animal which is well established in the area as a part of the wilderness ecosystem and which sustains its population without requiring human assistance (such as stocking or reseeding). Non-native species that are not in equilibrium with the widerness ecosystem (such as those which are increasing their population and displacing native species) are not considered naturalized.

Naturalness: Refers to an area which "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." (From Section 2(c), Wilderness Act.)

Outstanding: Standing out among others of its kind; conspicious; prominent. Superior to others of its kind; distinguished; excellent.

Permanent Improvement: A manmade structural or nonstructural improvement which will remain at a particular location for more than one field season—as differentiated from temporary structures; includes such items as toilet buildings, trails, cabins, signs, fences, vegetative cover manipulation, shelters, and fire grills.

Primitive and Unconfined Recreation: Nonmotorized and nondeveloped types of outdoor recreational activities.

Rangeland Improvements: Any structural or nonstructural improvement which directly affects or supports the use of the forage resource by domestic livestock, such as fences, line cabins, water lines, and stock tanks.

Recreational Livestock: Horses, mules, or burros used for recreational purposes to transport people and/or their supplies.

Solitude: The state of being alone or remote from habitations; isolation. A lonely, unfrequented, or secluded place.

Temporary Structure: Any structure which can be readily and completely dismantled and removed from the site between periods of actual use. It may or may not be authorized at the same site from season to season or from year to year.

Unnecessary or Undue Degradation: Surface disturbance greater than what would normally result when an activity is being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and taking into consideration the effects of operations on other resources and land uses, including those resources and uses outside the area of operations. Failure to initiate and complete reasonable mitigation measures, including reclamation of disturbed areas, or creation of a nuisance may constitute unnecessary or undue degradation. Failure to comply with applicable environmental protection statutes and regulations thereunder will constitute unnecessary or undue degradation.

Visitor Use: Visitor use of the wilderness resource for inspiration, stimulation, solitude, relaxation, education, pleasure, or satisfaction.

Wilderness: The definition contained in Section 2(c) of the Wilderness Act of 1964 (78 Stat. 891). (See Appendix B for its full text).

Wilderness Characteristics: The definition contained in Section 2(c) of the Wilderness Act of 1964 (78 Stat. 891). (See Appendix B for its full text).

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/FSIS**		DOT/FAA	USDA/FSIS**
DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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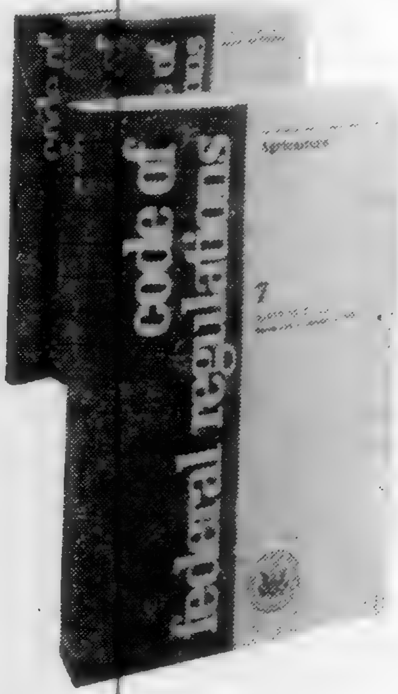

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federal register

Friday
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Highlights

47207 **Presidential Commission on Broadcasting to Cuba** Executive order

47422, 47424 **Food Assistance Programs** USDA/FNS establishes income eligibility criteria and income poverty guidelines for the special supplemental food program for women, infants and children. (Part IV of this issue) (2 documents)

47236 **Home Insulation** FTC announces intent to reopen rulemaking proceeding on affirmative disclosure requirements for television advertisements.

47426 **Hazardous Waste Management** EPA conditionally exempts samples collected for monitoring or testing from regulation. (Part V of this issue)

47222 **Air Pollution Control** EPA establishes NO_x emission standards for certain 1982-1984 model year light-duty diesel vehicles.

47408 **Prescription Drugs** HHS/FDA revokes temporary exemption for continued marketing of certain products for dermatologic use and proposes to withdraw approval of new applications. (Part III of this issue)

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

47240 **Human Drugs** HHS/FDA withdraws proposal to revise disintegration standard for erythromycin enteric-coated tablets.

47213 **Agriculture** USDA/ASCS amends regulations on determinations of acreage and compliance under production adjustment and marketing quota programs.

47231 **Crop Insurance** USDA/FCIC proposes multiple-crop application form.

47215 **Rural Electrification** USDA/REA issues modifications and alternate bid provisions for certain construction contracts.

47216 **Natural Gas—Agriculture** USDA removes definition of "process fuel" from regulations certifying essential agricultural uses and requirements.

47246, 47247 **Imports** CITA issues notices on certain apparel products from Pakistan, the People's Republic of China, and Taiwan. (3 documents)

47245 **Antidumping** Commerce/ITA issues early determination of duty on strontium nitrate from Italy.

47364 **Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

47249 **Imports** CITA announces import restraint level for certain wool sweaters from Mauritius.

47248 CITA increases level of restraint for certain wool and man-made fiber apparel products exported from the Polish People's Republic.

47328 **Privacy Act Document** NLRB

47349 **Sunshine Act Meetings**

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47364 **Part II, Labor/ESA/W&H**
47408 **Part III, HHS/FDA**
47422 **Part IV, USDA/FNS**
47426 **Part V, EPA**
47433 **Part VI, EPA**

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Federal Register
Vol. 46, No. 186
Friday, September 25, 1981

Presidential Documents

Title 3—

The President

Executive Order 12323 of September 22, 1981

Presidential Commission on Broadcasting to Cuba

By the authority vested in me as President by the Constitution of the United States of America, in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. ~~App. I),~~ and in order to create a commission to develop recommendations with respect to broadcasting of information and ideas to Cuba, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established the Presidential Commission on Broadcasting to Cuba.

(b) The Commission shall be composed of 11 members appointed by the President from among citizens of the United States.

(c) The President shall designate one of the members to be the Chairman.

(d) There shall be a three member Executive Committee of the Commission which shall be composed of the Chairman and two other members elected by the Commission.

Sec. 2. *Functions.*

(a) The Commission shall develop a recommended plan for radio broadcasting intended for transmission to Cuba. The purpose of the plan shall be to promote open communication of information and ideas to Cuba and in particular broadcasting to the Cuban people of accurate information about Cuba.

(b) The Commission shall examine issues related to effectively carrying out such a plan for radio broadcasting to Cuba. These shall include, but not be limited to, possible program content, information gathering, writing and editing needs, staffing requirements, legal structure for a broadcasting organization, proposed legislation, sample budgets, and the location, structure and function of possible broadcasting stations.

(c) The Commission may conduct studies, inquiries, hearings, and meetings as it deems necessary. It may assemble and disseminate information, and issue reports and other publications. It may also coordinate, sponsor, or oversee projects, studies, events and other activities that it deems necessary or desirable for development of a recommended program of broadcasting to Cuba.

(d) The Executive Committee may coordinate the work of the Commission and may act on behalf of the whole Commission.

(e) The Commission shall submit its recommendations and final report to the President and the Secretary of State no later than October 1, 1982.

Sec. 3. *Administration.*

(a) Members of the Commission who are not otherwise Government employees shall serve without any compensation for their work on the Commission. However, all members shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5701–5707).

(b) The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information and advice with respect to radio broadcasting to Cuba as the Commission may require for the purpose of carrying out its functions.

(c) Expenses of the Commission shall be paid from funds available to the Secretary of State.

Sec. 4. *General.*

(a) Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), which are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Secretary of State in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Commission shall terminate on October 1, 1982, or 60 days after submitting its final report, whichever is earlier.

Ronald Reagan

THE WHITE HOUSE,
September 22, 1981.

[FR Doc. 81-28095
Filed 9-24-81; 10:00 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 186
Friday, September 25, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 891

Retired Federal Employees Health Benefits; Nomenclature Change

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is making nomenclature changes to its regulations on the Retired Federal Employees Health Benefits Program to replace references to "he" and "his" with the combined forms "he/she" and "his/her". This is a technical change only and does not affect the substance of the regulations.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: Beverly McCain Jones, (202) 254–7086.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is making the following nomenclature changes to Part 891 of Title 5 of the Code of Federal Regulations:

PART 891—RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS [AMENDED]

In Part 891, all references to "he" are replaced with the combined form "he/she" and all references to "his" are replaced with the combined form "his/her".

(5 U.S.C. 8913)

[FR Doc. 81–27912 Filed 9–24–81; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 0

Employee Responsibilities and Conduct

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document amends the conduct regulations of the Department of Agriculture to make them conform to the provisions of the Ethics in Government Act of 1978, as amended.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: Peter C. Sleight, Employee Relations Specialist, Office of Personnel, U.S. Department of Agriculture, Room 10–W, 14th and Independence Avenue, S.W., Washington, D.C. 20250, (202) 447–7654.

SUPPLEMENTARY INFORMATION: The Ethics in Government Act of 1978, as amended, revised the restrictions on the post-employment activities of Federal employees. The purpose of this document is to conform the conduct regulations of the Department of Agriculture to the provisions of the law. The regulations merely restate the applicable provisions of the law relating to post-employment activity of Federal employees. They do not add any additional burden or responsibility on former employees.

This rule relates to agency personnel management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to agency personnel management, it is exempt from the provisions of Executive Order 12291. Lastly, this action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act and thus is exempt from the provisions of that Act.

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Accordingly, Part 0, Title 7, Code of Federal Regulations is amended as follows:

Section 0.735–14 is amended by revising paragraphs (a)(5) and (a)(6), by redesignating paragraph (a)(7) as (a)(9), and by adding new paragraphs (a)(7) and (a)(8) to read as follows:

§ 0.735–14 Conflict of interest.

(a) * * *

(5) He or she may not, after his or her Government employment has ended, represent any other person (other than the United States), in any formal or informal appearance before, or with the intent to influence, make any communication on behalf of any other person; (i) to the United States, (ii) in connection with any particular Government matter involving a specific party, in which the United States is a party or has an interest and in which he or she participated personally and substantially as a Government employee (18 U.S.C. 207(a));

(6) He or she may not, within two years after his or her Government employment has ended, represent any other person (other than the United States), in any formal or informal appearance before, or with the intent to influence, make any communication on behalf of any other person; (i) to the United States, (ii) in connection with any particular Government matter involving a specific party, in which the United States is a party or has an interest and which was actually pending under his or her official responsibility within a period of one year prior to the termination of such responsibility (18 U.S.C. 207(b)(i));

(7) He or she may not, having been employed and as specified in 18 U.S.C. 207(d), as a high Government official, for two years after his or her Government employment has ended, aid, counsel, advise, consult, or assist in representing any other person (other than the United States) by personal presence at any formal or informal appearance; (i) before the United States, (ii) in connection with any particular Government matter involving a specific party, (iii) in which he or she participated personally and substantially for the Government (18 U.S.C. 207(b)(ii));

(8) He or she may not, having been employed and as specified in 18 U.S.C. 207(d), as a high Government official (other than a special Government employee who serves for fewer than sixty days in a calendar year) for one year after his or her Government employment has ended, represent anyone (other than the United States) in

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any formal or informal appearance before, or with the intent to influence, make any communication on behalf of anyone to the department or agency in which he or she was employed, in connection with any particular Government matter, whether or not involving a specific party, which is pending before that department or agency or in which such department or agency has a direct and substantial interest (18 U.S.C 207(c)). The above prohibition shall not apply to communications or representations made by a former employee—

(i) Who is an elected official of a State or local government; or

(ii) Whose principal occupation is with—

(A) An agency or instrumentality of a State or local government,

(B) An accredited institution of higher education, or

(C) A hospital or medical research organization when the representation or communication is made on behalf of such government, institution, hospital, or organization (18 U.S.C. 207(d)(2)).

(Executive Order 11222 of May 8, 1965, 30 FR 6469; 5 CFR 735.104)

Dated: September 22, 1981.

John R. Block,
Secretary of Agriculture.

[FR Doc. 81–27889 Filed 9–24–81; 8:45 am]

BILLING CODE 3410–01–M

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7 CFR Part 0

Employee Responsibilities and Conduct

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document amends the conduct regulations of the Department of Agriculture to authorize the Director of Personnel to allow delegation of review and determination authority for financial interest statements beyond national office personnel.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: Peter C. Sleight, Employee Relations Specialist, Office of Personnel, U.S. Department of Agriculture, Room 10–W, 14th and Independence Avenue, S.W., Washington, D.C. 20250, (202) 447–7654.

SUPPLEMENTARY INFORMATION: This rule relates to agency personnel management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to agency personnel management, it is exempt from the provisions of Executive Order 12291. Lastly, this action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act and thus is exempt from the provisions of that Act.

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Accordingly, Part 0, Title 7, Code of Federal Regulations is amended as follows:

Section 0.735–42 is amended by adding a new paragraph (j) to read as follows:

§ 0.735–42 Review of statements and determination of conflicting interests.

* * * * *

(j) Where special circumstances exist, the Director of Personnel may grant, in writing, an exception to the requirements of paragraph (c)(1) of this section to allow delegation of review and determination authority to others than national office officials.

(Executive Order 11222 of May 8, 1965, 30 FR 6469; 5 CFR 735.104)

Dated: September 22, 1981.

John R. Block,
Secretary of Agriculture.

[FR Doc. 81–27888 Filed 9–24–81; 8:45 am]

BILLING CODE 3410–01–M

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7 CFR Part 0

Employee Responsibilities and Conduct

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: The Department of Agriculture is amending its conduct regulations to provide procedures concerning the administrative enforcement of restrictions on the post-employment activities of former USDA employees. The regulations establish the procedures that will be used in the Department to investigate possible violations of the post-employment restrictions contained in 18 U.S.C. 207 and to take appropriate disciplinary action against individuals found guilty of such violations.

EFFECTIVE DATE: October 26, 1981.

FOR FURTHER INFORMATION CONTACT: Peter C. Sleight (Office of Personnel), United States Department of Agriculture, Room 14–W, 14th and Independence Avenue, S.W., Washington, D.C. 20250, (202) 447–7654.

SUPPLEMENTARY INFORMATION: On April 8, 1981, the Department of Agriculture published a proposed rule to establish administrative proceedings for post-employment violations. Title V of the Ethics in Government Act of 1978, as amended (Pub. L. 95–521, Pub. L. 96–28), imposed new restrictions on the post-employment activities of former federal employees (18 U.S.C. 207). Agencies are responsible for enforcing these restrictions and for bringing administrative proceedings against individuals suspected of violating them. (18 U.S.C. 207(j), 5 CFR 737.27). The proposed regulations set forth the procedures that will be used in the Department to initiate and administer such proceedings in post-employment situations. The regulations spell out the steps involved in investigating possible violations of 18 U.S.C. 207, specify the defense and appeal rights of accused individuals, and establish the sanctions that will be taken against former employees who are found guilty of improper post-employment activities.

No comments were received concerning this proposed rule. However, the words "or respondent," which were inadvertently omitted in the proposed rule, are added to § 0.735–63 concerning ex-parte communications, thus making both parties subject to the restrictions of that section.

In consideration of the foregoing, 7 CFR Part 0 is amended by adding a new Subpart D to read as follows:

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart D—Administrative Enforcement of Restriction on Post-Employment Activities

Sec.	
0.735–51	Purpose.
0.735–52	Notice of violation.
0.735–53	Initiation of administrative action.
0.735–54	Hearing officer.
0.735–55	Department representative.
0.735–56	Time, date and place of hearing.
0.735–57	Representation.
0.735–58	Rights of parties at hearing.
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0.735–60	Transcript.
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0.735–62	Open hearings.
0.735–63	Ex-parte communications.
0.735–64	Administrative record.
0.735–65	Burden of proof.
0.735–66	Initial decision.
0.735–67	Appeal.
0.735–68	Final decision.
0.735–69	Sanctions.
0.735–70	Finality.

Authority: 18 U.S.C. 207(j).

Subpart D—Administrative Enforcement of Restriction on Post-Employment Activities

§ 0.735-51 Purpose.

The purpose of this subpart is to set forth regulations governing administrative enforcement of the prohibitions on post-employment activities contained in 18 U.S.G. 207.

§ 0.735-52 Notice of violation.

Whenever there is reasonable cause to believe that a former employee has violated the provisions of 18 U.S.C. 207, an investigation and referral of the matter to the Department of Justice for possible prosecution shall be made in accordance with applicable regulations and Department procedures. A copy of such referral shall be provided to the Office of Government Ethics. Thereafter any action to be taken by the Department shall be coordinated with the Department of Justice unless the Department of Justice declines to prosecute.

§ 0.735-53 Initiation of administrative action.

Whenever the Director of Personnel has reasonable cause to believe that a former employee of the Department has committed acts which violate 18 U.S.C. 207 (a), (b), or (c) he or she shall initiate administrative action pursuant to this subpart by notifying such employee (hereinafter respondent), in writing that:

(a) Action is being instituted against him or her pursuant to this subpart as a result of allegations of a violation or violations of 18 U.S.C. 207. The respondent shall be informed of the allegations and the basis for them in sufficient detail to prepare an adequate defense;

(b) He or she may request a hearing in writing within 15 working days by addressing the request to the Director of Personnel of the Department;

(c) In the absence of such a request, the Director of Personnel shall decide the matter on its merits based upon the evidence gathered to date; and

(d) The respondent may elect to supply a written rebuttal to the allegations in lieu of requesting a hearing. Such material shall be incorporated in the record and reviewed by the Director of Personnel prior to reaching a determination on the matter.

§ 0.735-54 Hearing officer.

If the respondent, after receiving notice of action under this subpart, requests a hearing, the Secretary shall appoint a hearing officer for the matter. The hearing officer shall be an individual who has not been involved in any of the events specified in the allegations and who did not participate in the investigation of the allegations, or the decision to institute the proceeding, or the referral of the matter, if any, to the Department of Justice. The hearing officer shall be an individual with suitable experience and training to conduct the hearing, reach a determination and render an initial decision in an equitable manner.

§ 0.735-55 Department representative.

The Director of Personnel shall appoint a Department representative (hereinafter petitioner) to present evidence and otherwise participate in the hearing.

§ 0.735-56 Time, date and place of hearing.

The hearing shall be held at a time and place specified by the hearing officer. The hearing officer shall give due regard in setting a hearing date to:

(a) Allowing the respondent adequate time to prepare a defense properly; and

(b) Providing the respondent an expeditious resolution of allegations that may be damaging to his or her reputation.

§ 0.735-57 Representation.

Respondent shall be entitled to appear personally, or to appear through or be accompanied by a representative, at the hearing.

§ 0.735-58 Rights of parties at hearing.

Petitioner and respondent shall be entitled to introduce, examine and cross examine witnesses, submit evidence, and present oral arguments.

§ 0.735-59 Oaths and rules of evidence.

All testimony shall be taken under oath. The hearing officer shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. Rules of evidence shall not be applied strictly, but the hearing officer shall exclude irrelevant or unduly repetitious evidence.

§ 0.735-60 Transcript.

The hearing officer shall cause a transcript to be made of the hearing and a copy of it shall be made available to petitioner and to respondent.

§ 0.735-61 Briefs and discovery.

There shall be no discovery prior to the hearing, nor shall any briefs be submitted, absent specific request of the hearing officer.

§ 0.735-62 Open hearing.

All hearings shall be open to the public unless closed for good cause by the hearing officer. Such a finding shall be made a part of the record by the hearing officer.

§ 0.735-63 Ex-parte communications.

Neither petitioner or respondent, nor any representative thereof, shall make any ex-parte communications to the hearing officer concerning merits of the allegations against respondent prior to the issuance of his or her initial decision.

§ 0.735-64 Administrative record.

The record of any proceeding shall consist of the statement of allegations conveyed to respondent, the transcript of the testimony at the hearing, the documents and other evidence produced and made a part of the record at the hearing, all pleadings and the initial decision of the hearing officer.

§ 0.735-65 Burden of proof.

The petitioner shall have the burden of proof in this proceeding and must establish a violation by substantial evidence.

§ 0.735-66 Initial decision.

Within 30 days of the termination of the hearing, the hearing officer shall issue an initial decision on the matter. In his or her initial decision, he or she shall set forth all findings of fact and conclusions of law relevant to the matters at issue.

§ 0.735-67 Appeal.

Within 15 days of the date of receipt of the initial decision either party may appeal the initial decision or any portion thereof to the Assistant Secretary for Administration, in writing, pointing to errors in the findings of fact or conclusions of law contained in the initial decision. The opposing party shall have ten days after receipt of a copy of the appeal to reply.

§ 0.735-68 Final decision.

The Assistant Secretary for Administration shall accept or reject the findings and conclusions of the hearing officer. This decison shall be based solely upon the record of the proceeding and the letters of the parties commenting on the initial decision. Neither party shall make any ex-parte communication to the Assistant Secretary for Administration concerning the merits of the appeal prior to issuance of his or her final decision.

§ 0.735-69 Sanctions.

In event of a finding, not overturned on appeal, of a violation of 18 U.S.C. 207, the Assistant Secretary for Administration may: (a) Prohibit the respondent from making, on behalf of any other person (except the United States) any formal or informal appearance before, or, with the intent to influence, any oral or written communication to the Department on any matter of business for a period not to exceed five years, which may be accomplished by directing Department employees to refuse to participate in any such appearances or to accept any such communications; and

(b) Take other appropriate disciplinary action.

§ 0.735–70 Finality.

There shall be no appeal within the Department from the decisions of the Assistant Secretary for Administration made pursuant to this subpart.

Dated: September 22, 1981.

John R. Block,
Secretary of Agriculture.

[FR Doc. 81–27887 Filed 9–24–81; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 29

U.S. Type 32 Maryland Broadleaf Tobacco Sales of Maryland Tobacco in Untied Form

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Official Standard Grades for Maryland Tobacco, U.S. Type 32 (grown and marketed primarily in that State with small quantities grown in Virginia and North Carolina but not customarily marketed in Maryland) are hereby amended to permit Maryland tobacco, heretofore eligible for all official grades only when marketed tied-in-hands, to be also eligible for all official grades when marked untied in unlimited quantities on sheets, baskets, or 1x2x3 feet bales.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202) 447–2567.

SUPPLEMENTARY INFORMATION: Notice was given (46 FR 22002, April 15, 1981) that the Department was considering a modification of the Official Standard Grades for Maryland Broadleaf Tobacco, U.S. Type 32, pursuant to the authority contained in the Tobacco Inspection Act of 1935 (49 Stat. 731; U.S.C. 511 *et. seq.*).

Customarily, Maryland tobacco has been marketed in hand-tied bundles and there is a relatively higher percentage of the labor used for market preparation than is used in harvesting the crop. Mechanical harvesting has not progressed as rapidly in air-cured types as it has in flue-cured types because of a stalk-cured rather than leaf-cured product.

Loose leaf sales of Maryland tobacco offer potential cost savings to farmers. Without innovations in the market preparation process, less efficient producers could be forced out of tobacco production based strictly on the nonvailability of low-cost labor supply. An experimental program, allowing producers to market their tobacco in 1x2x3 feet bales, conducted in the burley producting region during the last 3 years has a far-reaching effect on sentiments of producers in Maryland. Burley and Maryland tobaccos are companion types because of the similarities in the curing and marketing processes.

Based on requests from the Maryland tobacco industry, the Department proposed that Federal graders apply official grades to unlimited quantities of untied Maryland tobacco packed straight on sheets or baskets or in 1x2x3 feet bales and offered for sale at auction centers throughout the entire Maryland production area.

Section 29.3280 of the regulations requires graders to apply a grade of No-G to any lot of tobacco which is nested, needs rework, off type, semi-cured; tobacco that is damaged 20 percent or more, abnormally dirty, or extremely wet or watered; or tobacco that contains foreign matter or has an odor foreign to the type. This definition would remain unchanged.

Section 29.3287 of the regulations currently defines "rework" as "Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market."

During the period allowed for public comment, three comments were received, all in favor of the Department's proposal to market Maryland, Type 32, in the traditional hand-tied bundles or untied on sheets, baskets, or approximately 1x2x3 feet bales. Two Farm Bureau organizations, representing producers, stated strong support for the proposed rule change. One buyer organization also stated support for the proposal and, further, recommended the use of bales as the untied package for marketing Maryland tobacco.

Based on experience gained in the grading of Maryland tobacco in various marketing forms during the 1981 marketing season, the enthusiasm and participation of producers for the first season, and the strong support registered by commentors, the Department is hereby amending the regulations to redefine the term "rework" in § 29.3287 to read as follows: "Any lot of tobacco which is (a) so mixed that it cannot be classified properly in any grade of the type because the lot contains a substantial quantity of two or more distinctly different grades; and (b) not packed straight or otherwise not properly prepared for market."

This revised definition no longer requires Maryland tobacco to be marketed "in the manner which is customary for the area type", nor that the tobacco be tied in hands. Tobacco which "contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves" will continue to be graded as No-G under the definition contained in § 29.3280.

Under this new definition, in order for a lot of tobacco to have an official standard grade applied it must be properly sorted so the lot does not contain a substantial quantity of two or more distinctly different grades, must be packed straight in a circle approximately 45 inches in diameter on a basket, or in a burlap sheet, with the stems pointed outward, or in approximately 1x2x3 feet bales.

This final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified a non-major rule. Initial review of the regulations contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness will be made within the next five years.

Additionally, consideration has been given to the potential economic impact upon small businesses. Tobacco warehousemen and producers fall within the confines of "small businesses", as defined in the Regulatory Flexibility Act. It has been determined that there will be no economic impact upon these small entities by the revision of the regulations for Maryland tobacco.

PART 29—TOBACCO INSPECTION

Section 29.3287 of the regulations is revised as follows:

§ 29.3287 Rework

Any lot of tobacco which is (a) so mixed that it cannot be classified properly in any grade of the type because the lot contains a substantial quantity of two or more distinctly different grades; and (b) not packed straight or otherwise not properly prepared for market.

Dated: September 22, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-27950 Filed 9-24-81; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Stabilization and Conservation Service

7 CFR Part 718

[Amdt. 6]

Determination of Acreage and Compliance

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Interim rule.

SUMMARY: The purpose of this interim rule is to amend the regulations set forth at 7 CFR Part 718 which govern the determinations of acreage and compliance under the production adjustment and marketing quota programs administered by the Agricultural Stabilization and Conservation Service (ASCS). These changes in the regulations are necessary since certain program requirements are not applicable to the 1981 crops and thus reference to these requirements must be deleted. In addition, other changes in the regulations governing determination of acreage and compliance are necessary to improve the administration of the programs.

EFFECTIVE DATE: September 24, 1981. Comments must be received by November 24, 1981.

ADDRESS: Mail comments to Mr. Grant Buntrock, Director, Production Adjustment Division, USDA-ASCS, Room 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: H. Woodrow Jones, Production Adjustment Division, Agricultural Stabilization and Conservation Service, U.S.D.A., P.O. Box 2415, Washington, D.C. 20013. (202) 447-3472. The draft Impact Analysis describing the options considered in developing this interim rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed in accordance with Executive Order 12291, and has been classified as not being a "major rule." It has been determined that these program provisions will not result in (1) an annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget (OMB) circular A-95 was not used to assure that units of local government are informed of this action.

Section 374 of the Agricultural Act of 1938, as amended (7 U.S.C. 1374) authorizes the Secretary of Agriculture to ascertain, by measurement or otherwise, the acreage of any agricultural commodity or land use on farms for which the ascertainment of such acreage or land use is necessary to determine compliance under any program administered by the Secretary. Accordingly, regulations have been issued by the Secretary at 7 CFR Part 718 setting forth provisions relating to determinations of acreage and compliance with respect to various commodity programs.

Sections 718.2 (b)(19), 718.2 (b)(21), 718.4 (b)(1)(v), § 718.6 (c), and § 718.11 (e) of the current regulations make reference to certain requirements for crops which comprise the Normal Crop Acreage. Since Normal Crop Acreage requirements are no longer applicable to the 1981 crops, all applicable references to the Normal Crop Acreage in these sections are deleted.

Section 718.2 (b)(15) of the current regulations provides for a farm visit by representatives of ASCS in order to check compliance of any set-aside acreage on the farm in order to determine whether producers are continuing to maintain any designated set-aside acreage in accordance with program regulations. This interim rule deletes this provision since the Secretary has announced there will be no set-aside requirement for 1981 crops and, therefore, a required compliance check with respect to a set-aside of cropland is no longer necessary.

The current regulations do not define "program crops." This interim rule defines "program crops" for 1981 and subsequent years as field corn, grain sorghum, wheat, rice, upland cotton, and if designated, oats and barley. [See § 718.2 (b)(11)]

Section 718.2 (b)(19) of the current regulations provides for a "tolerance" for crops which comprise the Normal Crop Acreage. However, the current regulations do not provide a "tolerance" for program crops and marketing quota crops. "Tolerance" is an amount of acreage by which the reported acreage can differ from the determined acreage and still be considered correctly reported. This interim rule makes "tolerance" applicable to program crops and marketing quota crops.

Section 718.2 (b)(21) of the current regulations contains a definition of "variance." The interim rule changes the definition of "variance" to reference "administrative variance" as it applies to marketing quota crops and "tolerance" as it applies to both program crops and marketing quota crops in general compliance determinations.

Heretofore, § 718.4(b)(1)(v) of the current regulations provided that compliance was to be determined by ground measurement or aerial compliance methods with respect to all farms in a county. This interim rule provides that compliance will be determined by ASCS by checking selected farms using aerial compliance methods unless determining compliance by ground measurement proves to be less expensive in a given county.

Section 718.6(c) of the current regulations allows a "variance" to be applicable in certain situations where an acreage of a marketing quota crop was reported in excess of the farm acreage allotment. This interim rule amends the current regulations to provide that "variance" will not apply when the total acreage of a program crop or marketing quota crop is determined using producer services prior to planting or when a farm operator reports to ASCS that an acreage of a marketing quota crop is in excess of the effective farm acreage allotment. "Variance" will apply, however, in certain instances to an acreage of marketing quota crops if such acreage is less than the effective farm allotment and the operator utilized producer services after planting but before such acreage was reported to ASCS.

Section 718.6(c)(2) of the current regulations prescribes a "tolerance" for crops involving requirements which are no longer a part of the compliance program. The interim rule revises § 718.6(c)(2) to delete references to these requirements and establishes a "tolerance" for program crops and marketing quota crops, except flue-cured and burley tobacco.

Section 718.11(d) of the current regulations allows producers to adjust acreage for extra long staple (ELS) cotton in counties measuring all farms. Since this interim rule provides for measurement of farms on a selected basis, this provision is deleted.

Section 718.11(a) of the current regulations permits producers to adjust acreages of a crop or land use affecting eligibility for program benefits by paying the cost of an ASCS field visit within 15 days after a producer has received a notification of measured acreage from the county committee. The interim rule provides that only producers reporting excess peanut acreage or having excess tobacco acreage (other than flue-cured and burley) will be permitted to adjust an acreage for compliance purposes. This interim rule also provides that a producer must notify the county committee of this election within 15 days after notification of measured acreage and pay the cost of any farm visit by no later than the day of the visit.

Section 718.11(c) of the current regulations provides that an operator may adjust acreage for burley tobacco. The regulation is being revised to clarify that burley tobacco is a kind of tobacco for which acreage adjustments will not be permitted by a farm operator. Such adjustments are not necessary since acreage reports have not been required by ASCS for burley tobacco in recent years. Also under the interim rule, acreage adjustments for compliance purposes in this section are permitted only for those kinds of tobacco other than flue-cured and burley.

Since producers are engaged in farming operations for the 1981 crop and are affected by the changes provided by this interim rule, it has been determined that it is not practical and it is contrary to the public interest to follow the rulemaking procedures of Executive Orders 12291 and 5 U.S.C. 553 with respect to this rule. Therefore, these regulations shall become effective upon date of filing with the Director, Office of the Federal Register. However, comments are solicited for 60 days after publication of this document, and a final rule will be published in the Federal Register as soon as possible discussing any comments received as well as setting forth any applicable amendments to the regulations.

Interim Rule

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Accordingly, the regulations at 7 CFR Part 718 are amended as follows:

1. Section 718.1 is revised to read as follows:

§ 718.1 Applicability.

The provisions of this part apply to compliance determinations for 1981 and subsequent years as authorized by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, with respect to the programs administered by the Agricultural Stabilization and Conservation Service (ASCS) through State and county committees.

2. Section 718.2 is amended by: removing paragraph (b)(15); redesignating paragraphs (b)(11) through (b)(14) as paragraphs (b)(12) through (b)(15); adding a new paragraph (b)(11); and revising paragraphs (b)(19) and (b)(21) to read as follows:

§ 718.2 Definitions.

* * * * *

(b) * * *

(11) *Program Crops.* Field corn, grain sorghum, wheat and, if designated, oats and barley, which are planted for other than cover or green manure or a volunteer acreage of these crops which is harvested for grain. Also included as program crops are rice and upland cotton.

* * * * *

(19) *Tolerance.* For program crops and marketing quota crops, a prescribed amount within which the reported acreage can differ from the determined acreage, and the reported acreage can still be considered as correctly reported.

* * * * *

(21) *Variance.* Administrative variance as it applies to marketing quota crops and tolerance as it applies to both program crops and marketing quota crops.

* * * * *

3. Section 718.4 is amended by revising paragraph (b)(1)(v) to read as follows:

§ 718.4 Committee responsibilities.

* * * * *

(b) * * *

(1) * * *

(v) Require all counties to determine compliance by checking selected farms. In addition, the State committee shall determine the counties in which aerial compliance methods will prove more expensive than ground measurement and require all other counties to use aerial compliance methods.

* * * * *

4. Section 718.6 is amended by revising the preamble to paragraph (c); and subparagraph (c)(2) to read as follows:

§ 718.6 Determining farm operator adherence to program requirements.

* * * * *

(c) *Variance rules applicability.* There are no variances when the total acreage of a program crop or marketing quota crop is determined using producer service prior to planting or when a farm operator reports a marketing quota crop acreage in excess of the effective farm allotment. However, variances will be applicable to an acreage of marketing quota crop on a farm for which producer service is used and such acreage is less than the effective farm allotment if producer services are furnished after planting but before the operator reports the acreage which meets the specifications as provided in paragraphs (c) (1) and (2) of this section.

* * * * *

(c)(2) *Tolerance.* The irrigated and nonirrigated acreage of a crop reported on the same farm shall be considered separately in applying the tolerance when separate yields have been established. Tolerance is applicable to individual crop acreages and program requirements shall be considered to have been met provided the determined acreage for: (i) *A program crop* does not differ from the reported acreage by more than the larger of 2.0 acres or 10 percent of the reported acreage, not to exceed 50 acres; (ii) *ELS cotton and peanuts* does not differ from the reported acreage by more than the larger of 0.5 acre or 5 percent of the reported acreage; (iii) *Tobacco other than flue-cured or burley* does not exceed the allotment by more than the larger of 0.1 acre or 5 percent of the allotment: provided, however, that if the administrative variance is exceeded, such acreage of tobacco must be adjusted to the farm acreage allotment in order to avoid marketing quota penalties.

* * * * *

5. Section 718.11 is amended by removing paragraphs (d) and (e) and by revising paragraphs (a) and (c) to read as follows:

§ 718.11 Adjustment of acreages.

(a) *General.* The farm operator or other interested producer on a farm reporting excess peanut acreage on the initial report of acreage, provided such initial report is filed by no later than the final reporting date set by the State committee as provided herein, or having excess tobacco acreage (other than flue-cured or burley) and who elects to adjust an acreage of the crop in order to become eligible for program benefits must:

(1) Notify the county committee of such election within 15 days of notification of measured acreage by the county committee as provided in § 718.9, and

(2) Pay the cost of a farm visit to determine the adjusted acreage by no later than the date such farm visit is made.

The adjusted acreage shall be used for program purposes except that if the requirements of this section are not met, the acreage initially determined shall be considered as the appropriate crop acreage for the farm.

* * * * *

(c) *Tobacco other than flue-cured and burley.* The farm operator may adjust an acreage of tobacco (except flue-cured and burley) by disposing of such excess tobacco prior to the marketing of any of the same kind of tobacco from the farm. The disposition shall be witnessed by a representative of the Agricultural Stabilization and Conservation Service and may take place before, during, or after the harvesting of the same kind of tobacco grown on the farm. However, no credit will be allowed toward the disposition of excess acreage after the tobacco is harvested, but prior to marketing unless the county committee determines that such tobacco is representative of the entire crop from the farm of the kind of tobacco involved.

(Secs. 314, 373, 374, 375, 52 Stat. 48, as amended, 52 Stat. 65, as amended, 52 Stat. 66 as amended; (7 U.S.C. 1314, 1373, 1374, 1375))

Signed at Washington, D.C. on September 11, 1981.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-27619 Filed 9-24-81; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 325]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period September 27–October 3, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: September 27, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on September 22, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Section 910.625 is added as follows:

§ 910.625 Lemon regulation 325.

The quantity of lemons grown in California and Arizona which may be handled during the period September 27, 1981, through October 3, 1981, is established at 208,019 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 23, 1981

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-28149 Filed 9-24-81; 1:44 pm]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins, "Construction Methods and Purchase of Materials and Equipment"

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends Appendix A—REA Bulletins to provide for the issuance of a supplement to REA Bulletin 40-6, "Construction Methods and Purchase of Materials and Equipment." The supplement provides modifications and alternate bid provisions for inclusion in contracts for construction of facilities by REA electric borrowers.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Edwin N. Limberger, telephone (202) 447-7040. A Final Impact Statement has been prepared and is available from the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270-S, U.S. Department of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby amends Appendix A—REA Bulletins to provide for the issuance of a supplement to REA Bulletin 40-6, "Construction Methods and Purchase of Materials and Equipment." This final action has been issued in conformance with Executive Order 12291, Federal Regulation. Since no significant effect on the economy will occur; since no significant increase in costs for consumers, industries or Government will result; and since no significant impact on economic conditions will be caused, this action has been determined to be "not major."

Since the Regulatory Flexibility Act (Public Law 96–354) does not apply to this action, a Regulatory Flexibility Analysis has not been prepared.

A Notice of Proposed Rulemaking was published in the **Federal Register** at 46 FR 11287, February 6, 1981. As a result of this notice in the **Federal Register** the following significant comments were received:

(a) It was recommended that interest on overdue accounts should be mandatory under the contract. The contract language provided makes it mandatory to pay interest on overdue accounts.

(b) It was also recommended that "payments to contractors for bulk purchases of material" of 90 percent of material invoice price be mandatory rather than optional. This feature is being left as an option rather than a mandatory condition because REA believes that while some borrowers will not solicit alternate bids, if the initial contention is true that early payment for material will result in reduced construction costs, it will be borne out in the bid prices of those contracts which do solicit alternate proposals. Also, a contractor that bids strictly according to the specification is free to present an unsolicited alternate bid which, even if not accepted, will demonstrate the potential savings. Therefore, it is not necessary to make this feature mandatory.

This action renders REA Bulletin 81–4:381–6, "Payment to Contractors for Materials Delivered," unnecessary and that bulletin is herewith rescinded. This action also renders REA Bulletin 81–8:381–13, "Bidders' Qualifications," unnecessary as an electric bulletin and Bulletin 81–8 is herewith rescinded. REA Bulletin 381–13 (telephone), "Bidders' Qualifications", however, will be retained.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850, Rural Electrification Loans and Loan Guarantees.

Dated: September 18, 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81–27951 Filed 9–24–81; 8:45 am]

BILLING CODE 3410–15–M

Office of the Secretary

7 CFR Part 2900

Certification of Essential Agricultural Uses and Requirements; Natural Gas Policy Act of 1978

AGENCY: Office of the Secretary, USDA.

ACTION: Editorial revision of rule.

SUMMARY: The Department of Agriculture hereby deletes a definintion from its regulations certifying essential agricultural uses and requirements under the Natural Gas Policy Act of 1978 (NGPA) 7 CFR 2900.

This action deletes the definition of the term "process fuel," 7 CFR 2900.2(e), as it relates to the uses and amounts of interstate natural gas needed for the production of fertilizer, agricultural chemicals, animal feed, and food necessary for full food and fiber production as certified by the Secretary of Agriculture pursuant to Section 40(f)(1) of the NGPA.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: Earle E. Gavett, Office of Budget and Program Analysis, USDA, Washington, D.C. 20250, (202) 447–2634.

SUPPLEMENTARY INFORMATION: This action is an editorial change to bring the rule as published into conformity with a judicial decision. As such, the action is not a rule itself and is, therefore, exempt from Executive Order 12291 and Secretary's Memorandum No. 1512–1.

On April 24, 1980, the Department of Agriculture amended Chapter XXIX of the Title 7, § 2900.2 of the Code of Federal Regulations by adding:

(e) "Process fuel" means natural gas used to produce steam which in turn is directly applied in processing of products and for compression of products so that processing may take place, in addition to direct flame and precise heating applications of natural gas in processing of products. This does not include natural gas used for space heating, generation of hot water for plant cleaning and generation of electric power. 45 FR 27741, 27745.

This provision was the subject of a suit against the Department in the United States Court of Appeals for the District of Columbia Circuit. *Process Gas Consumers Group,* et al, v. *United States Department of Agriculture,* (Nos. 80–1558 and 80–1603).

On June 30, 1981 the Court of Appeals vacated and set aside the rule, holding that the rule was not in accord with the NGPA because natural gas used as a boiler fuel to produce steam, which steam is directly applied in the manufacturing process of products, is not a process use.

PART 2900—ESSENTIAL AGRICULTURAL USES AND VOLUMETRIC REQUIREMENTS—NATURAL GAS POLICY ACT

§ 2900.2 [Amended]

Accordingly, § 2900.2(e), Chapter XXIX of Title 7, Code of Federal Regulations, is hereby removed

(15 U.S.C. 3391)

Dated: September 22, 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 27885 Filed 9–24–81; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 79C–0450]

Listing of Color Additives Exempt From Certification; D&C Violet No. 2; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of October 24, 1980, of a color additive regulation that provides for the use of D&C Violet No. 2 for coloring in or on polydioxanone synthetic absorbable surgical sutures.

DATE: Effective date confirmed: October 24, 1980.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a regulation published in the **Federal Register** of September 23, 1980 (45 FR 62978), § 74.1602 *D&C Violet No. 2* (21 CFR 74.1602) was amended to provide for the safe use of D&C Violet No. 2 in or on polydioxanone synthetic absorbable surgical sutures.

Under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399–403 as amended (21 U.S.C. 376 (b), (c), and (d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), notice is given that no objections or requests for hearing were filed in response to the regulation of September 23, 1980. Accordingly, the amendments promulgated thereby became effective on October 24, 1980.

Dated: September 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-27729 Filed 9-24-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 178

[Docket No. 81F-0189]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and/or stabilizer at levels not exceeding 0.1 percent by weight of ethylene-vinyl acetate copolymers intended for food-contact use. This action is based on a food additive petition filed by Ciba-Geigy Corp.

DATES: Effective September 25, 1981; objections by October 26, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 7, 1981 (46 FR 35188), FDA announced that a petition (FAP-0B3493) had been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and/or thermal stabilizer for ethylene-vinyl acetate copolymers as defined in § 177.1350 (21 CFR 177.1350).

Having evaluated data in the petition and other relevant material, FDA concludes that the proposed use of the additive is safe and that § 178.2010(b) of the food additive regulations should be amended as set forth below.

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)), Part 178 is amended in § 178.2010(b) by adding a new limitation to "Octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * *	* *
Octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate.	For use only: * * * 9. At levels not exceeding 0.1 percent by weight of ethylene-vinyl acetate copolymers complying with § 177.1350 of this chapter.
* * *	* *

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 26, 1981, submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective September 25, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: September 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-27750 Filed 9-24-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 178

[Docket No. 80F-0265]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Antioxidants and/or Stabilizers for Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and/or stabilizer for nitrile rubber-modified acrylonitrile-methyl acrylate copolymers intended to contact food. This action is in response to a petition filed by Ciba-Geigy Corp.

DATES: Effective September 25, 1981; objections by October 26, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 29, 1980 (45 FR 57776), FDA announced that a petition (FAP 0B3522) had been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that § 178.2010 *Antioxidants and/or stablizers for polymers* (21 CFR 178.2010 be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and/or stablizer in nitrile rubber-modified acrylonitrile-methyl acrylate copolymers intended to contact food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 178 is amended in § 178.2010(b) by adding a new limitation for "octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * *	* *
Octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate (CAS Reg. No. 2082-79-3).	For use only: * * * 10. At levels not to exceed 0.2 percent by weight of nitrile rubber-modified acrylonitrile-methyl acrylate copolymers that comply with § 177.1480 of this chapter when used in articles that contact food only under conditions of use D, E, F, and G described in table 2, § 176.170(c) of this chapter.
* * *	* *

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 26, 1981, submit to the Dockets Management Branch (HFA–305), address above, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective September 25, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: September 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–27751 Filed 9–24–81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Mebendazole Paste

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pitman-Moore, Inc., providing for revised labeling for use of mebendazole oral paste as a broad spectrum anthelmintic in horses.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc., Washington Crossing, NJ 08560, filed a supplemental NADA (97–221) providing for several changes, including revision of the product's labeling.

The labeling changes amend 21 CFR 520.1320 by revising the claim for small strongyles and the claim for immature pinworms. Because this drug is effective against all small strongyle genera, it is not necessary to specify each genus as the section did prior to this approval. The firm has revised their claim to read "small strongyles." The firm has revised the pinworm claim to be more specific regarding the stage of development against which the drug is effective.

The supplement is approved and 21 CFR 520.1320 is amended to reflect the approval.

Approval of this supplement does not change the currently approved use of the drug nor does it affect the drug's safety and effectiveness. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II change, approval of which does not require reevaluation of the safety and effectiveness data in the parent application.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the freedom of information provisions of 21 CFR Part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1320 by revising paragraph (d)(1)(ii) to read as follows:

§ 520.1320 Mebendazole oral.

* * * * *

(d) * * *

(1) * * *

(ii) *Indications for use.* It is used in horses for treatment of infections caused by large roundworms (*Parascaris equorum*); large strongyles (*Strongylus edentatus, S. equinus, S. vulgaris*); small strongyles; and mature and immature (4th larval stage pinworms (*Oxyuris equi*)).

* * * * *

Effective date. September 25, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 17, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–27775 Filed 9–24–81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under International Regulations for Preventing Collisions at Sea, 1972; Certification for USS Scott

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications under the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS) to reflect that the Secretary of the Navy has determined that USS Scott (DDG 995) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a guided missile destroyer. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia 22332, Telephone Number (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS SCOTT (DDG 995) is a vessel of the Navy which, due to its special construction and purpose cannot comply fully with 72 COLREGS, Annex I, Section 2(f) pertaining to the placement of masthead lights over all other lights and obstructions; 72 COLREGS, Annex I, Section 3(a) pertaining to the placement of the forward masthead lights in the forward quarter of the ship; 72 COLREGS, Annex I, Section 3(a) pertaining to the placement of the after masthead light; and 72 COLREGS, Rule 23(a)(ii) regarding the arc of visibility of the after masthead light, without interfering with its special function as a naval ship. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to the public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following naval ship to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

* * * * * * *

Table 5

Vessel	Number	Forward masthead light not required; height above hull. Annex I section 2(a) (ii) (c), (d)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, section 2(a) (ii)	Masthead lights not over all other lights and obstructions. Annex I, section 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, section 2(a) (i)	Aft Masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, section 2(b)	Forward masthead light not in forward quarter of ship. Annex I, section 3(a)	After masthead light not less than ½ ship's length aft of forward masthead light. Annex I, section 3(a)	Percent age horizontal separation attained
*	*	*	*	*	*	*	*	*	
USS *Callaghan*	994	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .
USS *Scott*	995	—	—	X	—	—	X	X	44.6
*	*	*	*	*	*	*	*		

2. Table Four paragraph 7, of § 706.2 is amended by adding to the list of vessels therein certifications issued by the Secretary of the Navy:

7. The arc of visibility of the after masthead light required by Rule 23(a)(ii) and Annex I, section 2(f) may be obstructed from right ahead on certain naval ships as follows:

* * * * *

USS *Scott* (DDG 995)..................................0°28.8′

* * * * *

3. Table Four of § 706.2 is amended by adding the following new entry "USS Scott" to paragraph 17 to indicate the certifications issued by the Secretary of the Navy:

* * * * *

17. On the following ships the arc of visibility of the after masthead light required by Rule 23(a)(ii) may be obstructed through 0°48.6′ arc of visibility at the point 349° relative to the ship's head:

* * * * *

USS *Scott* (DDG 995)

* * * * *

(Executive Order No. 11964; 33 U.S.C. 1605)

Dated: September 3, 1981.

Robert J. Murray,

Acting Secretary of the Navy.

[FR Doc. 81–27815 Filed 9–24–81; 8:45 am]

BILLING CODE 3810–AE–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–4–FRL 1925–7]

Florida: Opacity Limits for Monsanto Textile Co., Pensacola, Florida; Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On December 19, 1979, the State of Florida submitted to EPA, as a plan revision, an amendment to Section 17–2.05(6) Table II, E, Florida

Administration Code. The amendment allows increasing the opacity emission limit for two boilers owned by Monsanto Textile Company, Pensacola, Florida from 20% to 30% during times when the boilers are burning organic waste materials. EPA proposed to approve the amendment on May 20, 1981 (46 FR 27502). No comments were received during the comment period. EPA is today announcing its approval of this revision.

DATE: This action is effective October 26, 1981.

ADDRESSES: Copies of the materials submitted by Florida may be examined at the following locations during normal business hours:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Library, Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20005

Library, EPA Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365

Florida Bureau of Air Quality Management, Department of Environmental Regulations, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301

FOR FURTHER INFORMATION CONTACT: Denise W. Pack of EPA Region IV's Air Programs Branch at the above address, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: For the past several years, Monsanto has been disposing of organic wastes by injection wells. The Company has been conducting an extensive research and development program over the past several years to find an alternative to such disposal. Of the alternatives investigated by the Company, most appear to be either less environmentally sound or less practical than combustion as proposed. Monsanto has conducted test burns of the waste in existing oil-fired boilers at the plant. These tests indicate that existing mass emission rates will not be violated when the waste materials are burned in the boilers; in fact the amounts of total suspended particulates (TSP) and nitrogen dioxide (NO_2) discharged are expected to be at the same levels as those resulting when oil alone is burned. However, the existing opacity standard of 20% cannot be met. Therefore, Monsanto petitioned the Florida Department of Environmental Regulation for an amendment of the limitation for visible emissions to allow disposal as boiler fuel. The amendment does not relax any mass emission limits but allows the higher visible emission limit of 30% opacity during the time that boilers are burning organic waste material previously disposed of in injection wells (a density of 40% opacity is permitted for not more than two minutes in any one hour).

This amendment was adopted by the Florida Environmental Regulation Commission on October 17, 1979.

Since the burning of this material will not cause a violation of the mass emissions limits or adversely impact maintenance of the ambient air quality around the Monsanto Textile Company's Pensacola facility, EPA is today announcing its approval of these revised limits. This action is effective October 26, 1981.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this action is available only by the filing of a petition for review in the United States Court of Appeals of appropriate circuit within 60 days of today. Under 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by reference of the State Implementation Plan for the State of Florida was approved by the Director of the Federal Register on July 1, 1981.

(Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: September 19, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart K—Florida

1. In § 52.520, is amended by adding paragraph (c)(29) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the date specified. * * *

(29) Revised Opacity Limits for Monsanto Textile Co., Pensacola, Florida, submitted on December 19, 1979, by the Florida Department of Environmental Regulation.

[FR Doc. 81-27922 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL 1922-6]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations; Ohio, Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve revisions to the air quality attainment status designations as requested by the Ohio EPA for Henry and Lucas Counties, Ohio and as requested by the State of Indiana Air Pollution Control Board (APCB) for LaPorte County, Indiana. The redesignations change the existing nonattainment status designations as follows: (1) To attainment for total suspended particulates (TSP) for Henry County; (2) to attainment/unclassifiable for carbon monoxide (CO) for Lucas County; and, (3) to attainment for TSP for LaPorte County. This action is taken at the States' requests, after reviewing ambient air monitoring data supporting the revisions, and after publication of notices of proposed rulemaking soliciting public comment on the revisions.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: Sharon Kraft, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region 5, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6034.

SUPPLEMENTARY INFORMATION:

I. Henry County, Ohio

On November 26, 1980 the State of Ohio submitted to EPA a request to redesignate the existing TSP nonattainment designation for Henry County to attainment. Its request was based on ambient air monitoring data collected during the period January 1978 through June 1980 which showed no violation of TSP National Ambient Air

Quality Standards (NAAQS). EPA reviewed the redesignation request and on May 13, 1981 published a notice of proposed rulemaking at 46 FR 26506. A thirty day public comment period was provided until June 12, 1981. No comments were received; therefore, EPA is redesignating Henry County from nonattainment to attainment.

II. Lucas County, Ohio

On March 21, 1980 the State of Ohio requested EPA to change the designation of Lucas County from nonattainment for CO to attainment. To support its request the State submitted ambient air monitoring data from the years 1977–1979 which showed that there were no violations of the CO NAAQS in Lucas County during this period. EPA reviewed the data submitted in support of the request and on October 17, 1980 proposed to revise the status of Lucas County from nonattainment to unclassifiable (45 FR 68978). A thirty day public comment period was provided until November 17, 1980 and subsequently extended to December 23, 1980.

A. *Public Comments.* EPA received comments from the Toledo Trucking Association, the Toledo Area Committee for Improved Transportation, the Toledo area Chamber of Commerce, the Environmental Services Agency, the Ohio EPA, and Northwestern Ohio Lung Association. Each comment letter is available in the rulemaking docket which is on display during normal business hours for public review at the EPA Region V office. EPA has reviewed each comment and given consideration to all of the comments throughout the development of today's action. Furthermore, EPA has prepared a Technical Support Document which contains a discussion of and Agency response to each comment. This Document is available to the public at the EPA Region V office. Therefore, in a continuing effort to expedite the SIP revision process and reduce **Federal Register** publication costs, only the Agency's final determination is published in this notice.

B. *EPA Final Determination.* EPA has determined that the data submitted by the State of Ohio in support of the redesignation request are sufficient to warrant a redesignation of Lucas County relative to carbon monoxide. Based on its review of the comments, EPA has further determined that its proposed action should remain unchanged. This redesignation will be codified as unclassifiable/attainment in 40 CFR Part 81. Furthermore, as stated in the October 17, 1980 **Federal Register** (68978), there is no longer any need for a CO nonattainment State Implementation Plan revision for Lucas County and the restrictions on industrial growth contained in section 110 (a)(2)(I) of the Clean Air Act (CAA) will now be lifted for carbon monoxide from existing major CO stationary sources.

III. La Porte County, Indiana

On May 21, 1980, the Indiana APCB submitted a request to EPA to revise the existing TSP nonattainment designation of Center, Kankakee, New Durham, Pleasant, and Scipio Townships and the area north and west of I–94 in La Porte County to attainment. APCB supported its request with adequate quality assured ambient air monitoring data which showed no violation of the TSP NAAQS over the most recent eight quarters of time. EPA published a notice of proposed rulemaking revising the designation on June 12, 1981 (46 FR 31027) and solicited public comment through July 13, 1981. One comment was received supporting EPA's action. Since no new issues were raised during the comment period, EPA is revising the nonattainment designations of those areas listed above to attainment. This revision results in an attainment designation for the entire County.

EPA finds that good cause exists for making these three actions immediately effective. The redesignation of an area from nonattainment to attainment relieves a state of the necessity to develop, submit and obtain EPA approval of an implementation plan designed to demonstrate attainment of the applicable NAAQS. By making this final rulemaking immediately effective, some of the restrictions on industrial growth contained in section 110(a)(2)(I) of the CAA will be lifted from the States of Ohio and Indiana if all other requirements are met.

Under Executive Order 12291, EPA must judge whether a regulation is a "major rule" and, therefore, subject to the requirement of a regulatory impact analysis. This action does not constitute a major rule because EPA is revising air quality designations at the request of the States and not imposing new requirements. This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that the attainment status redesignations under section 107(d) of the CAA will not have a significant economic impact on a substantial number of small entities. This action constitutes attainment status redesignations under section 107(d) of the Clean Air Act.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This notice of final rulemaking is issued under the authority of section 107 of the Clean Air Act, as amended (42 U.S.C. 7407).

Dated: September 19, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended as follows:

1. Within the "Ohio—TSP" portions of § 81.336, Henry County should be revised as follows:

§ 81.336 Ohio.

* * * * * * *

Ohio—*TSP*

Designated areas	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * * * *				
Henry				X
* * * * * * *				

2. Within the "Ohio—Carbon Monoxide" portion of § 81.336, Lucas County should be revised as follows:

§ 81.336 Ohio.

* * * * * * *

V 46 SE 25 81 UMI

Ohio—*Carbon Monoxide*

Designated areas	Primary standard exceeded section (d)(1)(A)	Unclassifiable and/or attainment section (d)(1)(E)
* * * * * * *		
Lucas		X
* * * * * * *		

3. Within the "Indiana—TSP" portion of § 81.315, La Porte County, should be revised as follows:

§ 81.315 Indiana.

* * * * * * *

Indiana—*TSP*

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * * * *				
La Porte				X
* * * * * * *				

[FR Doc. 81-27917 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 86

[EN-FRL 1915-2]

Revised Motor Vehicle Exhaust Emission Standards for Oxides of Nitrogen (NO$_x$) for 1982 through 1984 Model Year Light-Duty Diesel Vehicles; Summary of Decision and Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes NO$_x$ emission standards for 1982, 1983 and 1984 model year light-duty vehicles belonging to 12 diesel engine families for which I have granted waivers from the standard otherwise applicable under section 202(b)(6)(B) of the Clean Air Act, 42 U.S.C. 7521(b)(6)(B). I have determined that these engine families qualify under the statutory criteria for waiver of the NO$_x$ standard in model years 1982, 1983 and 1984 as listed below. This action has the effect of setting interim NO$_x$ standards at the most stringent level that will permit the manufacturers to market these 12 diesel engine families in the model years for which I have granted waivers.

EFFECTIVE DATE: October 26, 1981.

ADDRESS: Information relevant to this rule, including the document embodying my decision on the waiver applications in question, is contained in Public Docket EN-81-7 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street, S.W., Washington, D.C. 20460, and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2 EPA may charge a reasonable fee for copying services. Interested parties may also obtain the decision document from the Manufacturers Operations Division by contacting Deborah Schloss or Jerry Schwartz, as noted below.

FOR FURTHER INFORMATION CONTACT: Deborah Schloss or Jerry Schwartz, Attorneys/Advisors, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-2495.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(B) of the Clean Air Act (Act), 42 U.S.C. 7521(b)(1)(B), requires that regulations applicable to NO$_x$ emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which provide that such emissions from vehicles or engines shall not exceed 1.0 gram per vehicle mile (g/mi).

Section 202(b)(6)(B) of the Act authorizes the Administrator, upon application by any manufacturer, to waive the statutory NO$_x$ standard for the 1981 through 1984 model years for any class or category of light-duty diesel vehicles or engines for which the Administrator can make the required statutory findings. I must promulgate interim NO$_x$ standards applicable to the subject light-duty diesel engine families for those model years for which I have granted waivers. Applications for these waivers were submitted by BMW of North America, Inc. (BMW); Daimler-Benz, AG (D-B); General Motors Corporation (GM); Isuzu Motors Limited (Isuzu); Jaguar Rover Triumph, Inc. (Jaguar), a subsidiary of BL Cars, Limited; Nissan Motor Co., Ltd. (Nissan); and Regie Nationale des Usines Renault (Renault). At BMW's request, EPA will postpone decision on BMW's waiver application for one diesel engine family to allow BMW to submit further information. The statutory criteria, my determinations with respect to the vehicle models covered by the waiver applications, and my decision to grant the waiver applications appear in a consolidated decision document, which may be obtained as noted above. In that decision, I have granted waivers covering 12 engine families for the 1982, 1983 and 1984 model years.

Waivers Granted

Manufacturer	Model years	Engine family
D-B	1983, 1984	2.4 liter (L)-naturally aspirated (NA).
	1983, 1984	3.0L-turbocharged (TC).
	1984	2.0L-NA.
GM	1983, 1984	1.8L.
	1983, 1984	5.7L.
	1983, 1984	4.3L.
	1983, 1984	EF-C*.
Isuzu	1983, 1984	1.8L.
Nissan	1983, 1984	2.8L.
Renault	1982, 1983, 1984	2.0L.
BL Cars Limited	1983, 1984	2.4L-TC, 3.6L-TC.

*GM requested confidential treatment of the description of engine family "C". Letter accompanying GM Consolidated Application, dated April 27, 1981. This claim of confidentiality is of limited duration and will expire when GM publicly announces its specifications. Letter from T. M. Fisher, GM, to Charles N. Freed, EPA, dated July 22, 1981.

For reasons specified in the decision document, I decided to grant waivers for the 12 engine families listed because I concluded, based on the information contained in the record, that waivers are necessary to permit the use of these diesel engines. Specifically, I have determined that seven diesel engine families, which have already received NO$_x$ waivers for previous model years, need waivers to avoid a significant risk that they will not be able to meet applicable emission standards during the waiver period using technology expected to be available. I have also concluded that there is a substantial risk that five new engine families will not be able to meet emission standards during the waiver period.

Granting waivers for these engine families will not endanger public health, because there will not be a significant increase in ambient NO_x levels; moreover, denying these waivers could result in the production of diesel vehicles emitting more potentially carcinogenic particulate matter. Finally, the manufacturers have demonstrated that these engine families meet the fuel economy and long-term air quality benefit criteria for waivers.

Having decided to grant waiver applications for 12 diesel engine families, I am simultaneously promulgating regulations adopting emission standards not permitting NO_x emissions of the D-B 2.4L engine family to exceed 1.25 g/mi and the other engine families to exceed 1.5 g/mi in the model years as noted above.

The public has received an opportunity to comment on the waiver applications at issue, and I have considered these comments in making the decision which requires the promulgation of this rule. For this reason, I find that providing notice and an opportunity to comment on this rulemaking before final promulgation would be impracticable and unnecessary.

Because this rulemaking is based on a detailed analysis indicating this rulemaking will have a negligible effect on air quality, EPA has not prepared an Environmental Impact Statement.

Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981) requires EPA to determine whether a "rule" it intends to issue is a major rule and to prepare Regulatory Impact Analyses (RIA) for all major rules. Section 1(b) of the Order defines "major rule" as any "regulation" (as defined in the Executive Order) that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has determined that this action is not a "major rule" requiring preparation of an RIA. This decision will not have an annual effect on the economy of $100 million. The manufacturers indicated that cost savings for consumers and manufacturers could result from these waiver grants. Thus, these waiver grants should not have an adverse effect on the economy. Since this action has the effect of relaxing the regulatory requirements for manufacturers, it is unlikely to have an adverse effect on employment, investment or productivity. Because these waiver grants reduce costs for the manufacturers affected, this action will not result in a major increase in costs or prices. This action will not have significant adverse effects on competition or on the ability of United States-based enterprises to compete with foreign-based enterprises, because this action requires all diesel vehicle manufacturers receiving waivers, both foreign and domestic, to produce their vehicles under the same NO_x standard. All domestic and foreign light-duty diesel manufacturers are eligible to apply for a waiver of the NO_x standard for any diesel engine families they produce.

This regulation was submitted to the Office of Management and Budget (OMB) for review under Executive Order 12291.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim NO_x standards established by this rulemaking apply to six automobile manufacturers, which do not include a substantial number of "small entities" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: September 19, 1981.

Anne M. Gorsuch,

Administrator.

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles, 1977 and Later Model Year New Light-Duty Trucks, and 1977 and Later Model Year New Heavy-Duty Engines

For the reasons set forth above, 40 CFR 86.082-8(a)(iii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 and later model year light-duty vehicles.

(a)(1) * * *

(iii) Oxides of nitrogen—1.0 grams per vehicle mile, except that: (A) oxides of nitrogen emissions from 1982 model year light-duty vehicles manufactured by American Motors Corporation shall not exceed 2.0 grams per vehicle mile; (B) oxides of nitrogen emissions from light-duty diesel vehicles of the following 1982 and later model year engine families shall not exceed the prescribed levels:

Manufacturer and engine family	Model years	Standard (g/mi)
General Motors Crop:		
1.8 liter (L)	1982, 1983, 1984	1.5
4.3L	1982, 1983, 1984	1.5
5.7L	1982, 1983, 1984	1.5
EF-C	1983, 1984	1.5
Daimler-Benz AG:		
2.0L	1984	1.5
2.4L-naturally aspirated (NA)	1981,	1.5
	1982, 1983, 1984	1.25
2.4L-turbocharged (TC)	1983, 1984	1.5
3.0L-NA	1982	1.5
3.0L-TC	1982, 1983, 1984	1.5
AB Volvo: 2.4L-NA	1982	1.5
Peugeot:		
2.3L-TC-XD2S	1982	1.5
2.3L-NA-X2DC	1982	1.2
Volkswagen AG:		
1.6L-NA-2250 pound inertia weight class (I.W.)	1982	1.3
1.6L-TC-2250 I.W	1982	1.3
1.6L-NA-2500 I.W	1982	1.4
1.6L-TC-2500 I.W	1982	1.4
1.6L-NA-2750 I.W	1982	1.4
1.6L-TC-2750 I.W	1982	1.4
2.0L-NA-3000 I.W	1982	1.5
2.0L-TC-3000 I.W	1982	1.5
Nissan Motor Company: 2.8L	1982, 1983, 1984	1.5
Isuzu Motors Ltd.: 1.8L	1982, 1983, 1984	1.5
Reanult: 2.0L	1982, 1983, 1984	1.5
BL Cars, Ltd.		
2.4L-TC	1983, 1984	1.5
3.6L-TC	1983, 1984	1.5

* * * * *

(Secs. 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521, 7601 (a)(Supp. I 1977))

[FR Doc. 81-27790 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-33-M

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40 CFR Part 180

[PH-FRL-1940-3; PP 1E2443/PP 1E2444/R345]

Glyphosate; Establishment of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide glyphosate and its metabolite aminomethylphosphonic acid. This regulation was requested by the Interregional Research Project No. 4 (IR-4). This regulation establishes the

V 46 SE 25 81 UMI

maximum permissible level for the combined residues of the herbicide and its metabolite in or on guavas and papayas at 0.2 part per million (ppm).

EFFECTIVE DATE: Effective on September 25, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of July 20, 1981 (46 FR 37290) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition numbers 1E2443 and 1E2444 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii.

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish tolerances for the combind residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodities guavas and papayas at 0.2 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before October 26, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: September 25, 1981.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: September 15, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.364 is amended by alphabetically inserting "guavas" and "papayas" to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Guavas	0.2
* * * * *	
Papayas	0.2
* * * * *	

[FR Doc. 81-27921 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PH-FRL-1939-8; PP 1F2456/R349]

O,O-Diethyl-O-Phenylphosphorothioate; Establishment of Exemption From Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for the inert ingredient O,O-diethyl-O-phenylphosphorothioate when used in formulations with the herbicide S-ethyldipropylthiocarbamate applied to corn fields before the corn plants emerge. This regulation was requested by Stauffer Chemical Co.

EFFECTIVE DATE: Effective on September 25, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 7, 1981 (46 FR 25542) that Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804, had filed a pesticide petition (PP 1F2456) with the EPA. This petition proposed the establishment of an exemption from the requirement of a tolerance for O,O-diethyl-O-phenylphosphorothioate when used in formulations with the herbicide S-ethyldipropylthiocarbamate applied to corn fields before the corn plants emerge from the soil and according to the following restrictions: O,O-diethyl-O-phenylphosphorothioate (R-33865) as an inert ingredient in herbicide formulations with a maximum of 1 pound R-33865 per acre.

No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data evaluated included acute oral LD_{50} studies in rats with LD_{50}'s of 740 milligrams (mg)/kilogram (kg) for males and 580 mg/kg for females; an acute dermal LD_{50} study in rabbits with an LD_{50} greater than 5 grams (g)/kg; a primary dermal irritation study in rabbits with minimal edema and erythema; acute inhalation studies in rats with LC_{50}'s of 3.5 mg/liter (1) for males and 2.7 mg/1 for females; mutagencity—Ames test (negative); mutagenic (mouse lymphoma)—negative; mutagenic (transformation of BALB/3TC)—negative; mutagenic (sister chromatid exchange)—negative; mutagenicity (Ames) (weak positive with TA-1535, negative with other strains); primary eye irritation study in rabbits with Draize equaling zero; 90-day rat studies with no-observed-effect levels (NOEL's) of 100 ppm (systemic and cholinesterase (ChE)); a 6-month dog feeding study with a NOEL of 1.0 mg/kg/day (systemic and ChE); and a neurotoxicity with hens with a NOEL of 2,500 mg/kg.

There are no desirable data lacking, therefore, there are no actions being taken to obtain additional data. No previous exemptions have been established for this inert.

A theoretical allowable daily intake (ADI) can be calculated based on the subchronic dog feeding study with a NOEL of 1.0 mg/kg/day and a 1000 fold safety factor. Based on a worst case residue estimate of 0.05 ppm on corn, approximately 3 percent of the theoretical ADI would be utilized by this action.

There are no regulatory actions pending against the inert and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The metabolism of O,O-diethyl-O-phenylphosphorothioate is adequately delineated. An analytical method (gas chromatography using a nitrogen-phosphorous flame ionization detector) is available for determining residues of R-33865. However, regulatory action is not anticipated in the case of the proposed exemption. Since no detectable residues are expected in corn from the proposed use, residues are not expected in meat, milk, poultry, or eggs.

It is concluded that the exemption from the requirement of a tolerance will protect the public health.

Any person adversely affected by this regulation may, on or before October 26, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: September 25, 1981.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)))

Dated: September 14, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR Part 180 is amended by adding § 180.1066 to read as follows:

§ 180.1066 O,O-diethyl-O-phenylphosphorothioate; exemption from the requirement of tolerance.

O,O-diethyl-O-phenylphosphorothioate, applied at a maximum of 1 pound per acre, is exempted from the requirement of a tolerance when used as a inert ingredient in formulations with the herbicide S-ethyldipropylthiocarbamate applied to corn fields before the corn plants emerge from the soil.

[FR Doc. 81-27919 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6139]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP) and eligible for second layer insurance coverage. These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the regular program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fifth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland; 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community number	Effective date of authorization of sale of flood insurance for area	Hazard area identified
California: Sonoma	Santa Rosa, city of	060381	Jan. 16, 1975 emergency, Aug. 3, 1981 regular	July 26, 1974.
Georgia: Ware	Waycross, city of	130186	Jan. 10, 1974 emergency, Aug. 3, 1981 regular	May 24, 1974.
Iowa:				
Story	Nevada, city of	190258	Nov. 25, 1974 emergency, Aug. 3, 1981 regular	June 28, 1974.
Pottawattamie	Oakland, city of	190237	May 30, 1975 emergency, Aug. 3, 1981 regular	Jan. 9, 1974.
Montgomery	Red Oak, city of	190210	Aug. 22, 1974 emergency, Aug. 3, 1981 regular	June 28, 1974.
Illinois:				
Kane	Geneva, city of	170325	Sept. 26, 1974 emergency, Aug. 3, 1981 regular	Aug. 9, 1974.
Cook	Lynwood, village of	170119	Jan. 30, 1975 emergency, Aug. 3, 1981 regular	Apr. 12, 1974.
Indiana:				
Adams	Adams County [1]	180424	Aug. 25, 1975 emergency, Aug. 3, 1981 regular	Aug. 26, 1977.
Cass	Cass County [1]	180022	June 12, 1975 emergency, Aug. 3, 1981 regular	Jan. 10, 1975.
Clark	Clarksville, town of	180026	Oct. 15, 1971 emergency, Aug. 3, 1981 regular	June 14, 1974.
Howard	Kokomo, city of	180093	Feb. 19, 1975 emergency, Aug. 3, 1981 regular	Dec. 17, 1973.
Kentucky: Greenup	South Shore, city of	210091	Sept. 8, 1975 emergency, Aug. 3, 1981 regular	Feb. 1, 1974.
Louisiana:				
Vermilion parish	Abbeville, city of	220264	July 1, 1974 emergency, Aug. 3, 1981 regular	Mar. 15, 1974.
St. Landry parish	Opelousas, city of	220173	Dec. 12, 1974 emergency, Aug. 3, 1981 regular	June 14, 1974.
Michigan:				
Lapeer	Almont, village of	260311	Aug. 14, 1975 emergency, Aug. 3, 1981 regular	May 10, 1974.
Bay	Pinconning, city of	260607	Mar. 17, 1975 emergency, Aug. 3, 1981 regular	Mar. 18, 1977.
Macomb	Sterling Heights, city of	260128	Jan. 12, 1973 emergency, Aug. 3, 1981 regular	June 29, 1973.
Missouri:				
New Madrid	Matthews, city of	290254	Apr. 14, 1975 emergency, Aug. 3, 1981 regular	May 17, 1974.
Do	North Lilbourn, village of	290257	Apr. 21, 1975 emergency, Aug. 3, 1981 regular	Feb. 6, 1976.
Do	Risco, city of	290260	Sept. 3, 1975 emergency, Aug. 3, 1981 regular	Apr. 18, 1975.
North Carolina:				
Edgecombe	Edgecombe County [1]	370087	Aug. 6, 1975 emergency, Aug. 3, 1981 regular	Nov. 29, 1974.
Catawba	Hickory, city of	370054	Sept. 23, 1975 emergency, Aug. 3, 1981 regular	Sept. 13, 1974.
Nebraska: Madison	Madison, city of	310240	Sept. 6, 1974 emergency, Aug. 3, 1981 regular	Sept. 6, 1974.
New Jersey:				
Monmouth	Atlantic Highlands, borough of	340286	June 19, 1975 emergency, Aug. 3, 1981 regular	Feb. 20, 1976.
Hunterdon	Califon, borough of	340232	Sept. 18, 1974 emergency, Aug. 3, 1981 regular	Sept. 13, 1974.
New York:				
Onondaga	Camillus, village of	360571	July 17, 1974 emergency, Aug. 3, 1981 regular	July 30, 1976.
Monroe	Churchville, village of	360999	Aug. 1, 1975 emergency, Aug. 3, 1981 regular	June 28, 1974.
Steuben	Corning, town of	360773	Mar. 23, 1973 emergency, Aug. 3, 1981 regular	Sept. 14, 1973.
Erie	Depew, village of	360236	Dec. 24, 1974 emergency, Aug. 3, 1981 regular	Feb. 22, 1974.
Onondaga	East Syracuse, village of	360574	July 23, 1975 emergency, Aug. 3, 1981 regular	Apr. 12, 1974.
Broome	Fenton, town of	360046	June 12, 1975 emergency, Aug. 3, 1981 regular	May 3, 1974.
Chenango	Greene, town of	361087	Jan. 12, 1976 emergency, Aug. 3, 1981 regular	Dec. 27, 1974.
Do	Greene, village of	360159	Mar. 4, 1977 emergency, Aug. 3, 1981 regular	Feb. 20, 1976.
Monroe	Hilton, village of	360420	Nov. 15, 1974 emergency, Aug. 3, 1981 regular	Mar. 8, 1974.
Genesee	Le Roy, village of	360281	Oct. 9, 1974 emergency, Aug. 3, 1981 regular	Do.
Rockland	Piermont, village of	360687	Nov. 8, 1974 emergency, Aug. 3, 1981 regular	Mar. 15, 1974.
Seneca	Seneca Falls, town of	360756	June 20, 1975 emergency, Aug. 3, 1981 regular	June 28, 1974.
Rensselaer	Stephentown, town of	361170	May 13, 1977 emergency, Aug. 3, 1981 regular	Dec. 20, 1974.
Cayuga	Sterling, town of	360126	Nov. 26, 1976 emergency, Aug. 3, 1981 regular	July 26, 1974.
Seneca	Waterloo, village of	360760	July 24, 1975 emergency, Aug. 3, 1981 regular	May 31, 1974.
Wyoming	Wyoming, village of	360952	July 21, 1976 emergency, Aug. 3, 1981 regular	May 17, 1974.
South Carolina: Cherokee	Gaffney, city of	450046	Feb. 11, 1974 emergency, Aug. 3, 1981 regular	June 28, 1974.
Tennessee: Sumner	Gallatin, city of	470185	May 27, 1975 emergency, Aug. 3, 1981 regular	Aug. 16, 1974.
Texas:				
De Witt	Cuero, city of	480196	Oct. 16, 1974 emergency, Aug. 3, 1981 regular	May 3, 1974.
Bell	Harker Heights, city of	480029	Nov. 27, 1974 emergency, Aug. 3, 1981 regular	May 24, 1974.
Do	Holland, city of	480030	May 27, 1975 emergency, Aug. 3, 1981 regular	June 14, 1974.
Do	Killeen, city of	480031	Dec. 10, 1974 emergency, Aug. 3, 1981 regular	Nov. 1, 1974.
Dallas	Lancaster, city of	480182	May 28, 1974 emergency, Aug. 3, 1981 regular	June 7, 1974.
Washington: King	Tukwila, city of	530091	Apr. 2, 1975 emergency, Aug. 3, 1981 regular	May 24, 1974.
Wisconsin:				
Oconto	Oconto, city of	550297	Sept. 17, 1973 emergency, Aug. 3, 1981 regular	Dec. 28, 1973.
Brown	Pulaski, village of	550024	Feb. 27, 1976 emergency, Aug. 3, 1981 regular	May 24, 1974.
Monroe	Sparta, city of	550290	Apr. 15, 1975 emergency, Aug. 3, 1981 regular	Jan. 9, 1974.
Arizona:				
Pinal	Florence, town of	040084	Aug. 8, 1975 emergency, Aug. 17, 1981 regular	May 3, 1974.
Do	Kearny, town of	040085	Aug. 15, 1975 emergency, Aug. 17, 1981 regular	Nov. 30, 1973.
Florida:				
Lee	Cape Coral, city of	125095	July 2, 1971 emergency, Aug. 17, 1981 regular	Mar. 27, 1975.
Pasco	Dade City, city of	120231	May 2, 1975 emergency, Aug. 17, 1981 regular	Jan. 16, 1974.
Do	New Port Richey, city of	120232	Dec. 12, 1974 emergency, Aug. 17, 1981 regular	Do.
Do	Port Richey, city of	120234	Aug. 30, 1974 emergency, Aug. 17, 1981 regular	Do.
Bay	Springfield, city of	120014	May 1, 1975 emergency, Aug. 17, 1981 regular	July 19, 1974.
St. Lucie	St. Lucie County [1]	120285	May 31, 1974 emergency, Aug. 17, 1981 regular	Jan. 24, 1975.
Illinois: Kane	Carpentersville, village of	170322	Sept. 25, 1974 emergency, Aug. 17, 1981 regular	Mar. 22, 1974.
Indiana:				
La Porte	Michigan City, city of	180147	Mar. 20, 1975 emergency, Aug. 17, 1981 regular	July 19, 1974.
St. Joseph	Mishawaka, city of	180227	Feb. 24, 1975 emergency, Aug. 17, 1981 regular	Dec. 28, 1974.
Kansas: Sedgwick	Haysville, city of	200324	Jan. 17, 1975 emergency, Aug. 17, 1981 regular	June 28, 1974.
Massachusetts: Hampshire	Ware, town of	250172	Jan. 27, 1975 emergency, Aug. 17, 1981 regular	Do.
Maine:				
Cumberland	South Portland, city of	230053	Oct. 15, 1974 emergency, Aug. 17, 1981 regular	Feb. 22, 1974.

State and county	Location	Community number	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Sagadahoc	West Bath, town of	230211	June 14, 1976 emergency, Aug 17, 1981 regular	Jan. 3, 1975.
Michigan: Wayne	Trenton, city of	260244	Mar. 30, 1973 emergency, Aug. 17, 1981 regular	May 10, 1974
Missouri:				
New Madrid	Lilbourn, city of	290252	June 25, 1975 emergency, Aug. 17, 1981 regular	May 17, 1974.
Do	Marston, city of	290253	Aug 8, 1975 emergency, Aug. 17, 1981 regular	May 24, 1974.
Do	Parma, city of	290258	July 24, 1975 emergency, Aug. 17, 1981 regular	Mar. 29, 1974.
Mississippi: Hinds	Clinton, city of	280071	Jan. 15, 1974 emergency, Aug. 17, 1981 regular	June 14, 1974.
Nebraska				
Dodge	Dodge county [1]	310068	Apr. 18, 1975 emergency, Aug. 17, 1981 regular	Aug. 16, 1977.
Adams	Hastings, city of	310001	July 24, 1974 emergency, Aug. 17, 1981 regular	May 10, 1974.
New Jersey: Passaic	Little Falls, township of	340401	July 6, 1973 emergency, Aug. 17, 1981 regular	Dec. 28, 1973.
New York:				
Broome	Chenango, town of	360040	July 16, 1975 emergency, Aug 17, 1981 regular	Mar. 8, 1974.
Westchester	North Tarrytown, village of	361515	Sept. 12, 1975 emergency, Aug. 17, 1981 regular	Dec. 13, 1974
Erie	Tonawanda, town of	360260	July 28, 1975 emergency, Aug. 17, 1981 regular	June 7, 1974.
Ohio:				
Cuyahoga	Euclid, city of	390107	July 3, 1975 emergency, Aug. 17, 1981 regular	Apr. 5, 1974.
Do	Middleburg Heights, city of	390117	Jan. 20, 1975 emergency, Aug. 17, 1981 regular	Jan. 16, 1974.
Do	Parma Heights, city of	390124	Jan. 24, 1975 emergency, Aug. 17, 1981 regular	Mar. 22, 1974.
Do	Parma, city of	390123	Apr. 10, 1975 emergency, Aug. 17, 1981 regular	May 17, 1974.
Do	South Euclid, city of	390131	Aug. 5, 1974 emergency, Aug. 17, 1981 regular	May 22, 1974.
Do	Warrensville Heights, city of	390135	July 7, 1975 emergency, Aug. 17, 1981 regular	Mar. 15, 1974.
Oklahoma: Tulsa	Broken Arrow, city of	400236	Nov. 27, 1974 emergency, Aug. 17, 1981 regular	Oct. 18, 1977.
Oregon: Linn	Brownsville, city of	410138	Aug. 19, 1974 emergency, Aug. 17, 1981 regular	Dec. 7, 1973.
Pennsylvania:				
Bradford	Towanda, township of	421113	Apr. 4, 1977 emergency, Aug. 17, 1981 regular	July 26, 1974.
Montgomery	Upper Frederick, township of	421916	Nov. 15, 1974 emergency, Aug. 17, 1981 regular	Dec. 20, 1974.
Rhode Island: Newport	Little Compton, town of	440035	May 9, 1975 emergency, Aug. 17, 1981 regular	July 19, 1974.
Texas:				
Washington	Brenham, city of	480648	Dec. 31, 1974 emergency, Aug. 17, 1981 regular	May 24, 1974.
Navarro	Corsicana, city of	480498	Dec. 19, 1974 emergency, Aug. 17, 1981 regular	Dec. 27, 1974
Brooks	Falfurrias, city of	480086	June 2, 1977 emergency, Aug. 17, 1981 regular	Jan. 23, 1974.
Utah:				
Box Elder	Brigham City, city of	490006	Nov. 1, 1974 emergency, Aug. 17, 1981 regular	June 7, 1974.
Davis	Farmington, city of	490044	May 13, 1975 emergency, Aug. 17, 1981 regular	June 28, 1974.
Do	Fruit Heights, city of	490045	May 11, 1977 emergency, Aug. 17, 1981 regular	Mar. 18, 1977.
Virginia: Wise	Wise County [1]	510174	Oct. 30, 1974 emergency, Aug. 17, 1981 regular	July 11, 1975.
Washington: Klickitat	Goldendale, city of	530101	Aug. 5, 1974 emergency, Aug. 17, 1981 regular	May 24, 1974.
Wisconsin:				
Washington	Jackson, village of	550530	Apr. 2, 1975 emergency, Aug. 17, 1981 regular	Dec. 28, 1973.
Monroe	Tomah, city of	550291	May 27, 1975 emergency, Aug. 17, 1981 regular	May 31, 1974.
West Virginia: Cabell	Huntington, city of	540018	Sept. 27, 1973 emergency, Aug. 17, 1981 regular	May 6, 1977.
Vermont: Orleans	Newport, city of	500086	Aug. 19, 1981 emergency, Aug. 17, 1981 regular	Dec. 13, 1977.

[1] Unincorporated areas.

Total is 101.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 18, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–27730 Filed 9–24–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 64

[Docket No. FEMA 6140]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 287–0184 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland. 500 C Street Southwest, Donohoe Building—Room 506, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Connecticut: New Haven	Ansonia, city of	090071B	Sept. 2, 1981, suspension withdrawn	May 3, 1974 and Mar. 11, 1977.
Florida:				
Sarasota	North Port, city of	120279B	......do	June 10, 1977.
Manatee	Palmetto, city of	120159B	......do	July 19, 1974 and Feb. 20, 1976.
Illinois:				
Sangamon	Chatham, village of	170601C	......do	Nov. 16, 1973, June 11, 1976, and June 8, 1979.
Winnebago	Durand, village of	170769B	......do	Apr. 5, 1974 and Jan. 2, 1976.
Lake	Lake Villa, village of	170375B	......do	May 3, 1974 and Sept. 19, 1975.
Sangamon	Pleasant Plains, village of	170796B	......do	Mar. 22, 1974 and May 14, 1976.
Kane and Du Page	St. Charles, city of	170330C	......do	Mar. 15, 1974, June 4, 1976, and Dec. 17, 1976.
Indiana: Lake	Unincorporated areas	180126B	......do	Dec. 6, 1974 and June 24, 1977.
Louisiana: Ascension Parish	Unincorporated areas	220013B	......do	Dec. 12, 1978.
Maine: Cumberland	Windham, town of	230189B	......do	Jan. 10, 1975 and Oct. 22, 1976.
Minnesota:				
Crow Wing	Crosby, city of	270094B	......do	June 28, 1974 and Aug. 6, 1976.
Fillmore	Lanesboro, city of	270126B	......do	May 24, 1974 and June 4, 1976.
Steele	Medford, city of	[illegible]	......do	Apr. 12, 1974 and May 28, 1976.
Rice	Northfield, city of	[illegible]	......do	Mar. 29, 1974 and Feb. 6, 1976.
Norman	Shelly, city of	270327B	......do	Aug. 16, 1974 and Mar. 19, 1976.
Fillmore	Spring Valley, city of	270132B	......do	May 17, 1974 and Aug. 13, 1976.
Montana: Big Horn	Unincorporated areas	300143B	......do	Feb. 2, 1978.
New Jersey:				
Bergen	Ramsey, borough of	340064B	......do	Jan. 9, 1974 and Dec. 31, 1976.
Essex	Roseland, borough of	340193B	......do	June 21, 1973 and Mar. 19, 1976.
New York:				
Rockland	Haverstraw, village of	360682C	......do	Apr. 12, 1974, June 11, 1976, and June 3, 1977.
Wayne	Huron, town of	360892B	......do	Sept. 6, 1974 and Jan. 16, 1976.
Pennsylvania;				
Adams	Abbottstown, borough of	421157A	......do	Nov. 8, 1974.
Beaver	Fallston, borough of	420110B	......do	Feb. 8, 1974 and May 28, 1976.
Blair	Frankstown, township of	421387A	......do	June 15, 1981.
Montgomery	Marlborough, township of	421913B	......do	Nov. 1, 1974, July 2, 1976, and Jan. 3, 1978.
Lebanon	North Lebanon, township of	421131B	......do	July 19, 1974 and July 2, 1976.
York	Paradise, township of	420934B	......do	Sept. 14, 1973 and July 15, 1977.
Lancaster	Penn, township of	421778B	......do	May 31, 1974 and Aug. 13, 1976.
Columbia	Scott, township of	421004B	......do	Apr. 12, 1974 and Jan. 7, 1977.
South Carolina: Richland	Columbia, city of	450172B	......do	June 28, 1974 and Oct. 22, 1976.
South Dakota: Lawrence	Spearfish, city of	460046B	......do	Mar. 27, 1974 and June 4, 1976.
Texas:				
Travis	Austin, city of	[illegible]	......do	Sept. 13, 1974 and May 31, 1977.
Waller	Brookshire, city of	481097B	......do	May 12, 1977.
Virginia:				
	Colonial Heights, city of	510039B	......do	June 14, 1974 and Sept. 17, 1976.
Hanover	Unincorporated areas	510237A	......do	Dec. 13, 1974.
Page	Luray, town of	510110B	......do	Apr. 5, 1974 and Jan. 16, 1976.
	Salem, city of	510141C	......do	Apr. 12, 1974, June 18, 1976, and July 22, 1977.
Washington:				
Thurston	Bucoda, town of	[illegible]	......do	Nov. 15, 1974 and Oct. 24, 1975.
Pierce	Gig Harbor, town of	530142B	......do	June 28, 1974 and Dec. 26, 1975.
Pennsylvania: Juniata	Thompsontown, borough of	420521B	July 7, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended, Sept. 1, 1981, reinstated.	Apr. 12, 1974 and Mar. 5, 1976.
Michigan: Huron	Elkton, village of	260569	Sept. 3, 1981, emergency	Oct. 3, 1975.
Minnesota: Hennepin	Hassan, township of	270676B	Apr. 14, 1975, emergency, Mar. 16, 1981, regular, Mar. 16, 1981, suspended, Sept. 3, 1981, reinstated.	Feb. 10, 1978.
New York: Seneca	Seneca Falls, village of	360757B	May 30, 1975, emergency, Aug. 3, 1981, regular, Aug. 3, 1981, suspended, Sept. 4, 1981, reinstated.	Apr. 12, 1974 and Jan. 9, 1976.
North Carolina: Randolph	Archdale, city of	370273B	May 27, 1975, emergency, July 16, 1981, regular, July 16, 1981, suspended, Sept. 8, 1981, reinstated.	June 10, 1977.
New Jersey: Salem	Pittsgrove, township of	340421A	Sept. 8, 1981, emergency	Dec. 3, 1976.
Pennsylvania: Perry	Toboyne, township of	421959A	......do	June 30, 1976.
California: Siskiyou	Weed, city of	060649B	Sept. 10, 1981, emergency	Jan. 20, 1981.
Michigan: Shiawassee	Shiawassee, township of	260523	......do	Oct. 10, 1975.
Montana: Golden Valley	Lavina, town of	300031	......do	Jan. 24, 1975.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Tennessee: Shelby	Arlington, town of	470262A	Sept. 10, 1981, emergency, Sept 10, 1981, regular.	July 25, 1975 and June 15, 1981.
Texas:				
Ector	Unincorporated areas	480796A	Sept. 11, 1981, emergency	Nov. 29, 1977.
Fort Bend	Richmond, City of	480231A	Sept. 21, 1981, emergency, Sept. 11, 1981, withdrawn.	June 28, 1974.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 15, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–27731 Filed 9–24–81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 527

OMB Clearance Information; Correction

AGENCY: Federal Maritime Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a paragraph designation contained in final rules reflecting OMB clearance requirements which were published August 25, 1981 (46 FR 42869 and 42870).

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Accordingly, the following corrections are made in FR Doc. 81–24669 appearing on 42869 in the issue of August 25, 1981:

On Page 42869, Col. 3, Part 527, the amendatory language for § 527.1 is corrected to read:

"(b) Add a new paragraph (c) to § 527.1 to read as follows:"

Francis C. Hurney,

Secretary.

[FR Doc. 81–27952 Filed 9–24–81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 13, 73, 74

[Docket No. 20817]

Radio Operator Licensing Program; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects several inadvertent omissions and errors in the texts of the amended rules relating to the F.C.C. radio operator licensing program which were published July 8, 1981 (46 FR 35450).

FOR FURTHER INFORMATION CONTACT: John W. Reiser, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Erratum

Released: September 21, 1981.

In the matter of an inquiry relating to the Commission's radio operator Licensing Program, Docket No. 20817.

In the above captioned Fourth Report and Order, FCC 81–266, adopted June 16, 1981, and published in the **Federal Register** July 8, 1981, at 46 FR 35450, several errors and omissions appear in the text of the Appendix setting forth the amended rules. The following corrections are required:

1. The final rules are corrected at 46 FR 35461, center column, by inserting between text paragraphs 8 and 9 the following two paragraphs designated as 8a and 8b:

PART 13—COMMERCIAL RADIO OPERATIONS

8a. Section 13.26 is revised in its entirety to read as follows:

§ 13.26 Cancellation of previous licenses.

When an applicant is issued a commercial radio operator license, other commercial radio operator licenses held by that applicant will be cancelled in accordance with the following:

License issued	License(s) cancelled
Radiotelegraph First Class Operator License.	Radiotelegraph Second Class Operator License; Radiotelegraph Third Class Operator Permit; Radiotelephone Third Class Operator Permit; Marine Radio Operator Permit, Restricted; Radiotelephone Operator Permit.
Radiotelegraph Second Class Operator License.	Radiotelegraph Third Class Operator Permit; Marine Radio Operator Permit, Restricted; Radiotelephone Operator Permit.
Radiotelegraph Third Class Operator Permit.	Radiotelegraph Third Class Operator Permit; Marine Radio Operator Permit, Restricted; Radiotelephone Operator Permit.
General Radiotelephone Operator License.	Radiotelephone First Class Operator License; Radiotelephone Second Class Operator License; Radiotelephone Third Class Operator Permit; Marine Radio Operator Permit, Restricted; Radiotelephone Operator Permit.
Marine Radio Operator Permit.	Radiotelephone Third Class Operator Permit.

8b. Section 13.28 is amended by adding a new paragraph (d), and a Note following that paragraph, as follows:

§ 13.28 License renewals.

* * * * *

(d) The Radiotelephone First and Second Class Operator Licenses will not be renewed as such. Persons holding either of these two licenses may be issued a General Radiotelephone Operator License upon renewal.

Note.—Until further notice implementing the full provisions of the Fourth Report and Order in Docket Number 20817, adopted on June 16, 1981, the Commission will continue to issue renewal Radiotelephone First and Second Class Operator Licenses, notwithstanding the provisions of paragraph (d) above.

PART 73—RADIO BROADCAST SERVICES

§ 73.144 [Corrected]

2. The final rules are corrected at 46 FR 35462, first column, by changing the words "system" to "systems" in the headnote of § 73.144.

§ 73.1580 [Corrected]

3. The final rules are corrected at 46 FR 35463, center column, by changing the section reference "§ 73.1830(a)(i)(ix)" to "§ 73.1830(a)(1)(ix)".

§ 73.1870 [Corrected]

4. The final rules are corrected at 46 FR 35464, first column, by changing the phrase "make any necessary repairs" to "initiate any necessary repairs" in the text of paragraph (c)(1) in § 73.1870.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

§ 74.533 [Corrected]

5. The final rules are corrected at 46 FR 35464, third column, by changing the number "3" to the number "30" in paragraph (b)(4) of § 74.533.

§ 74.634 [Corrected]

6. The final rules are corrected at 46 FR 35464, third column, by changing the phrase "§§ 74.18 or 74.655" to read "§§ 74.18 or 74.665" in paragraph (a)(1) of § 74.634.

7. The final rules are corrected at 46 FR 35465, middle column, by inserting paragraph (b) between paragraphs (a) and (c) of § 74.766 to read as follows:

§ 74.766 TV broadcast translator operator requirements.

* * * * *

(b) Simple maintenance such as the replacement of tubes, fuses, or other plug-in components and adjustments which will not result in the improper operation of the apparatus may be made by any person designated by the station licensee.

* * * * *

§ 74.1250 [Corrected]

8. The final rules are corrected at 46 FR 35465, third column, by inserting the notation that paragraphs (f) and (g) are marked "[Reserved]" in the text of rule § 74.1250.

§ 74.1266 [Corrected]

9. The final rules are corrected at 46 FR 35465, third column, by changing the rule section "§ 74.734" to read "§ 74.1234" in paragraph (d) of § 74.1266.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-27955 Filed 9-24-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 27

Correction of Regulations Regarding Disturbing Violations; With Weapons

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correction; reinstatement of final rule.

SUMMARY: This document corrects an error resulting from the publication of special regulations, concerning public access, use and recreation for the Charles M. Russell National Wildlife Refuge and UL Bend National Wildlife Refuge, Montana, which erroneously amended Title 50, Code of Federal Regulations. Section 27.42, Firearms, and § 27.43, Weapons other than Firearms, are corrected to read as they did prior to the publication of special regulations which resulted in the erroneous amendment.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: William C. Reffalt, Chief, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (phone 202-343-4791).

SUPPLEMENTARY INFORMATION: The author of this document is Ronald L. Fowler, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (phone 202-343-4305). Special regulations under the provisions of § 26.34 concerning public access use, and recreation for individual national wildlife refuges; § 27.42, firearms; and § 27.43, weapons other than firearms, were published in the **Federal Register** [45 FR 55743, Aug. 21, 1980]. These rules were intended to apply only to the Charles M. Russell National Wildlife Refuge and the UL Bend National Wildlife Refuge in Montana. Because of erroneous amendatory language, 50 CFR 27.42 and 27.43, applicable to national wildlife refuges in general, were amended.

Special regulations such as those cited above are issued annually under the provisions of § 26.33(a) where there is a need to amend, modify, relax, or make more stringent regulations concerning public access and use within national wildlife refuges. The purpose of the regulations was to relax the restrictions concerning firearms and other weapons on the Charles M. Russell National Wildlife Refuge and the UL Bend National Wildlife Refuge. However, through an error §§ 27.42 and 27.43 were erroneously modified.

Because of the administrative nature of these corrections, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of this rule. Therefore, the effective date is September 25, 1981.

PART 27—PROHIBITED ACTS

This document reinstates the text of §§ 27.42 and 27.43 to that in effect prior to the error. Accordingly, the Department of the Interior is correcting the two sections as shown below:

§ 27.42 Firearms.

Only the following persons may possess, use, or transport firearms on national wildlife refuges in accordance with this section and applicable Federal and State law:

(a) Persons using firearms for public hunting under the provisions of 50 CFR 32.

(b) Persons carrying unloaded firearms, that are dismantled or cased, in vehicles and boats over routes of travel designated under the provision of Subchapter C.

(c) Persons authorized to use firearms for the taking of specimens of wildlife for scientific purposes.

(d) Persons authorized by special regulations or permits to possess or use firearms for the protection of property, for field trials, and other special purposes.

§ 27.43 Weapons other than firearms.

The use or possession of cross bows, bows and arrows, air guns, spears, gigs, or other weapons on national wildlife refuges is prohibited except as may be authorized under the provision of this Subchapter C.

(16 U.S.C. 460k, 668dd)

Dated: September 18, 1981.

J. Craig Potter,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-27890 Filed 9-24-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 46, No. 186
Friday, September 25, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Ch. IV

Crop Insurance Regulations—Various (General Amendment—Application for Insurance)

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation proposes to amend certain regulations for insuring crops, effective with the 1982 crop year, by replacing the current application form which applies only to the named crop, with a new multiple-crop application form. This will eliminate the need for filing a separate application form for each crop to be insured. The intended effect of this proposed rule is to eliminate unnecessary duplication of effort, paper, and preparation, which will benefit the policyholder and make the crop insurance program more effective administratively. This proposed rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than November 24, 1981, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to Wayne A. Fletcher, President, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202-447-3325.

The Draft Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*),the Federal Crop Insurance Corporation (FCIC) offers crop insurance on a variety of crops. The regulations for each individual crop insurance program are contained in separate CFR Parts and each contains an application for crop insurance which names the crop to be insured.

If a producer grows more than one crop and wishes to insure each one, a separate application is filed for each crop. These separate applications are then processed by FCIC. This has been determined to be unnecessary and duplicative for both the applicant and FCIC. By using the multiple-crop application as outlined below, the applicant will complete only a single application, entering all the crops to be insured. Upon acceptance, the applicant will be furnished the policies and appendices for each crop listed on the application and a worksheet to provide an example of how the insurance will apply to a particular crop.

In order to make this change in the application in the most effective manner possible, FCIC proposes to issue this General Amendment to all the regulations listed below in order to make the change applicable to as many regulations as possible in the shortest time. Whenever any one of the regulations listed below is next amended, or revised and reissued, the matter of the new multiple-crop application form will again be addressed in the document.

This proposed rule will have no effect whatsoever on present policyholders but will be used only by future applicants for crop insurance.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the President during regular business hours, Monday through Friday.

Wayne A. Fletcher, President, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons in accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), and (3) this action conforms with the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this General Amendment to the crop insurance regulations listed below applies is: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically on area and community development; therefore, review as established by the Office of Management and Budget (OMB) Circular A-95 was not used to assure units of local government are informed of this action.

The information requirements, both recordkeeping and reporting, contained in this regulation must be cleared by the Office of Management and Budget under the Paperwork Reduction Act. These requirements will not become effective until that clearance has been granted.

It has been determined that this action does not constitute a review as to need, currency, clarity, and effectiveness of the regulations listed below under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). The sunset review date for each of the regulations is provided herein as an adjunct to the list of regulations affected by this proposed rule.

Proposed Rule

Accordingly, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC proposes to amend

	Sunset review date
7 CFR 439.7(d) Almond Crop Insurance Regulations.	Sept. 2, [redacted]
7 CFR 408.7(d) Eastern United States Apple Crop Insurance Regulations.	May 30, [redacted].
7 CFR 404.7(d) Western United States Apple Crop Insurance Regulations.	July 14, 1985.
7 CFR 419.7(d) Barley Crop Insurance Regulations.	July 19, [redacted]
7 CFR 409.7(d) Arizona-California Citrus Crop Insurance Regulations.	June 1, [redacted]
7 CFR 410.7(d) Florida Citrus Crop Insurance Regulations.	Jan. 30, [redacted]
7 CFR 413.7(d) Texas Citrus Crop Insurance Regulations.	May 30, [redacted]
7 CFR 432.7(d) Corn Crop Insurance Regulations.	Nov. 26, [redacted]
7 CFR 421.7(d) Cotton Crop Insurance Regulations.	Sept. 28, 1984
7 CFR 433.7(d) Dry Bean Crop Insurance Regulations.	[redacted] 1984
7 CFR 423.7(d) Flax Crop Insurance Reg- [redacted]	Nov. 26, [redacted]
7 CFR 415.7(d) Forage Production Crop Insurance Regulations.	June 1, [redacted]
7 CFR 414.7(d) Forage Seeding Crop Insurance Regulations.	June 1, 1985.
7 CFR 420.7(d) Grain Sorghum Crop Insurance Regulations.	Sept. 20, 1984.

	Sunset review date
7 CFR 411.7(d) [illegible] Crop Insurance Regulations.	May 30, 1985.
7 CFR 427.7(d) Oat Crop Insurance Regulations.	Oct. 22, 1984.
7 CFR 425.7(d) [illegible] Crop Insurance Regulations.	Nov. 28, 1984.
7 CFR 416.7(d) Pea Crop Insurance Regulations.	Jan. 28, 1986.
7 CFR 403.7(d) [illegible] Crop Insurance Regulations.	May 30, 1985.
7 CFR 422.7(d) [illegible] Crop Insurance Regulations.	July 25, 1985.
7 CFR 402.7(d) Raisin Crop Insurance Regulations.	June 25, 1984.
7 CFR 424.7(d) Rice Crop Insurance Reg-[illegible]	Nov. 26, 1984
7 CFR 429.7(d) Rye Crop Insurance Reg-[illegible]	Oct. 22, 1984.
7 CFR 431.7(d) [illegible] Crop Insurance Regulations.	Nov. 8, 1984.
7 CFR 430.7(d) [illegible] Beet Crop Insurance Regulations.	June 19, 1984.
7 CFR 417.7(d) Sugarcane Crop Insurance Regulations.	June 21, 1984.
7 CFR 428.7(d) Sunflower Crop Insurance Regulations.	Nov. 26,1984.
7 CFR 437.7(d) Sweet Corn Crop Insurance Regulations.	Aug. 18, 1985.
7 CFR 434.7(d) Tobacco (Dollar Plan) Crop Insurance Regulations.	Dec. 20, 1984.
7 CFR 436.7(d) Tobacco (Guarantee Plan) Crop Insurance Regulations.	Dec. 20, 1984.
7 CFR 435.7(d) Tobacco (Quota Plan) Crop Insurance Regulations.	Dec. 19, 1984.
7 CFR 438.7(d) Tomato Crop Insurance Regulations.	Oct. 14, 1984.
7 CFR 418.7(d) Wheat Crop Insurance Regulations.	June 1, 1984.

as follows:

1. The authority citation for the above 7 CFR Part numbers reads as follows:

Authority: Secs. 501 *et seq.*, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1501 *et seq.*)

§§ 402.7, 403.7, 404.7, 408.7, 409.7, 410.7, 411.7, 413.7, 414.7, 415.7, 416.7, 417.7, 418.7, 419.7, 420.7, 421.7, 422.7, 423.7, 424.7, 425.7, 427.7, 428.7, 429.7, 430.7, 431.7, 432.7, 433.7, 434.7, 435.7, 436.7, 437.7, 438.7, 439.7 [Amended]

2. The Application and Policy sections of the above regulations are amended by removing the application as found in paragraph (d) of the above-cited regulations and substituting the following therefor:

BILLING CODE 3410-08-M

[illegible]-12
Rev (9-81)

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

CROP INSURANCE APPLICATION

CONTINUOUS CONTRACT

1 Name of Applicant ______________________

6 State ☐☐ - County ☐☐☐ - 7 Contract Number ☐☐☐☐☐

2 Agent, Administrator, Executor, Etc. ______________________

8 County ______________________ 9 State ______________________

3 Street or Mailing Address ______________________

10 Identification Number ☐☐☐☐☐☐☐☐☐ 11 SSN ☐ - TAX ☐

4 City and State ______________________ 5 ZIP Code ______________________ 12 Type of Entity ______________________

13 Applicant is Over 18: Yes____ No____ ______________________ If No, Date of Birth

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the crop(s) shown below planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and, where applicable, a price election or plan of insurance. **THE PREMIUM RATE AND APPLICABLE PRODUCTION GUARANTEE OR AMOUNT OF INSURANCE PER ACRE SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.**

14 Effective Crop Year	15 Crop	16 Type, Class Plan of Ins.	17 Price Election	18 Level Election	19	20	21
					For Agency Use Only		
						(A)	(B)
			.		☐		
			.		☐		
			.		☐		
			.		☐		
			.		☐		
			.		☐		
			.		☐		
			.		☐		

22 Crop(s) **NOT** insured the first year: ______________ ______________ ______________

B. This application is accepted by the Corporation unless the applicant is notified of rejection within 30 days of the date hereof. Rejection shall be accomplished by depositing notification thereof in the United States Mail, postage paid, to the above address. Rejection may be for any reason which would also serve as a basis for termination under the policy, the Federal Crop Insurance Act, or the regulations issued thereunder. Outstanding and delinquent indebtedness to any United States Government Agency may be grounds for rejection. The contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, **AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED** as provided in the contract. This accepted application, the insurance policy(ies), the attached appendix(es), and the provisions of the county actuarial table showing the insurable and uninsurable acreage, coverage levels, premium rates, and where applicable, the production guarantees, amounts of insurance, or plan of insurance shall constitute the contract. No term or condition of the contract shall be waived or changed except in writing by the Corporation. A material failure to include complete and accurate information on this application may invalidate the automatic acceptance provision hereof.

23 ☐ Applicant has received the policy(ies) and appendix(es) for the crop(s) shown above.

24 ☐ Previous Carrier ______________________ 25 Policy Number ______________________

26 Applicant's Signature ______________________ 27 Date ________, 19__ 28 Code No ☐☐☐☐☐ 29 Witness to Signature ______________________

30 Location of Farm Headquarters

Phone

31 Address of Your Service Office

Phone

SEE REVERSE SIDE OF FORM FOR STATEMENT REQUIRED BY PRIVACY ACT OF 1974

32 NSIOT-FUR

33 Page____ of____ pages

BILLING CODE 3410-08-C

V 46 SE 25 81 UMI

Done in Washington, D.C., on September 17, 1981.

Dated: September 17, 1981.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Approved by: **Melvin E. Sims,**
Chairman.

[FR Doc. 81-27918 Filed 9-24-81; 8:45 am]

BILLING CODE 3410-08-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins Specification for Electronic Equipment Housings, PE-69

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to amend Appendix A by issuing a File With (a written addendum) to REA Bulletin 345-79, Specification for Electronic Equipment Housings, PE-69, to further identify the sizes of housing covered by this specification. PE-69 was intended to address only the larger "universal" housings, however, there has been some confusion and attempts to apply this document to housing ranging from single channel carrier to modular buildings. This File With will clarify the intended range of housing sizes to be covered by the specification.

DATE: Public comments must be received by REA no later than November 24, 1981.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Copies of the written addendum may be obtained from Joseph M. Flanigan at this same address.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3827. The draft Regulatory Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A by issuing a File With for Bulletin 345-79, Specification for Electronic Equipment Housings, PE-69. This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as not major. A Regulatory Flexibility Analysis is not required and an OMB Circular A-95 review is not applicable to this action.

Some confusion exists as to the applicability of PE-69. In an effort to reduce confusion, and to minimize unnecessary and costly testing, it is proposed to issue a clarifying addendum. A total revision was considered undesirable as only this one section required attention. Retaining the bulletin in its present form would have continued the confusion and resulted in unnecessary testing on the part of the private sector.

(Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees)

All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

Dated: September 15, 1981.

Harold V. Hunter,
Administrator.

[FR Doc. 81-27783 Filed 9-24-81; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 801-0117]

Onkyo U.S.A. Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Long Island City, New York, manufacturer and seller of audio components to cease attempting to fix the resale prices at which its products are advertised or sold, through coercion or otherwise. The firm would also be barred from restricting the lawful use of its trademarks and brand names; seeking the identity of dealers who deviate from suggested resale prices; and disseminating suggested resale prices for a period of two years, unless such prices are accompanied by a specified disclosure statement. The order would further require the firm to send a copy of the order to all sales and advertising personnel and, for a 3-year period, to mail to all present and future accounts a letter describing the order.

DATE: Comments must be received on or before November 24, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Judith D. Ford, Director, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, Calif. 94102, (415) 556-1270, or FTC/CR, Robert B. Greenbaum, Washington, D.C. 20580, (202) 523-3522.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America Before Federal Trade Commission

In the Matter of Onkyo U.S.A. Corporation, a corporation; File No.   , Agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Onkyo U.S.A. Corporation, a corporation, and it now appearing that Onkyo U.S.A. Corporation, a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Onkyo U.S.A. Corporation, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Onkyo U.S.A. Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with its office and principal place of business located at 42—07 20th Avenue, in the City of Long Island City, State of New York.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of the complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purposes of this Order, the following definitions shall apply:

"Product" is defined as any audio component, including but not limited to any tuner, amplifier, tape deck, receiver, speaker, changer, turntable or headphone, or any related product, which is manufactured, offered for sale or sold by respondent Onkyo U.S.A. Corporation.

"Dealer" is defined as any person, partnership, corporation or firm which sells any product in the course of its business.

"Resale Price" is defined as any price, price floor, price ceiling, price range, or any mark-up, formula or margin of profit used by any dealer for pricing any product. Such term includes, but is not limited to, any retail price suggested or established by respondent, any customary resale price or the retail price in effect at any dealer.

It is ordered, That respondent Onkyo U.S.A. Corporation, a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, division or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

I

1. Fixing, establishing, controlling or maintaining, directly or indirectly, the resale price at which any dealer may advertise, promote, offer for sale or sell any product.

2. Requesting, requiring or coercing, directly or indirectly, any dealer to maintain, adopt or adhere to any resale price.

3. Requesting or requiring, directly or indirectly, any dealer to report the identity of any other dealer who deviates from any resale price; or acting on any reports or information so obtained by threatening, intimidating, coercing or terminating said dealer.

4. Requesting or requiring that any dealer refrain from or discontinue selling or advertising any product at any resale price.

5. Conducting any surveillance program to determine whether any dealer is advertising, offering for sale or selling any product at any resale price, where such surveillance program is conducted to fix, maintain, control or enforce the resale price at which any product is sold or advertised.

6. Terminating, coercing or taking any other action to restrict, prevent or limit the sale of any product by any dealer because of the resale price at which said dealer has sold or advertised, is selling or advertising, or is suspected of selling or advertising any product.

7. Taking any action to hinder or preclude the lawful use by any dealer, or other person or firm of any of respondent's trademarks in conjunction with the sale or advertising of any product.

II

1. For a period of two (2) years from the date of service of this Order, orally suggesting or recommending any resale price to any dealer.

2. For a period of two (2) years from the date of service of this Order, communicating in writing any resale price to any dealer; provided, however, that after said two (2) year period, respondent shall not suggest any resale price on any list, or in any advertising, book, catalogue or promotional material, unless it is clearly and conspicuously stated on each page where any suggested resale price appears, the following:

"THE RESALE PRICES QUOTED HEREIN ARE SUGGESTED ONLY. YOU ARE FREE TO DETERMINE YOUR OWN RESALE PRICES."

III

It is further ordered, That respondent shall:

1. Within thirty (30) days after service of this Order, mail under separate cover a copy of the enclosure set forth in the attached Exhibit A to each of its present accounts. An affidavit shall be sworn to by an official of respondent verifying that the attached Exhibit A was so mailed.

2. Mail under separate cover a copy of the enclosure set forth in the attached Exhibit A to any person, partnership, corporation or firm that becomes a new account within three (3) years after service of this Order.

IV

It is further ordered, That respondent shall forthwith distribute a copy of this Order to all operating divisions of said corporation, and to present or future personnel, agents or representatives having sales, advertising or policy responsibilities with respect to the subject matter of this Order, and that respondent secure from each such person a signed statement acknowledging receipt of said Order.

V

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent, such as dissolution, assignment or sale resulting in the emergency of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

VI

It is further ordered, That respondent shall within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Exhibit A

Dear Dealer: Onkyo U.S.A Corporation has agreed with the Federal Trade Commission to the entry of an order concerning certain distribution practices. Our agreement was solely for the purpose of settling a dispute with the Commission, and does not constitute any admission on our part that we have violated any law. The agreed-to order provides, among other things, as follows:

With respect to resale prices:

1. You are free to charge whatever retail prices you deem appropriate for any Onkyo audio component or related product, and you may advertise those prices as you see fit.

2. You can be assured that Onkyo will not take any action against you for any prices which you may charge or advertise.

V 46 SE 25 81 UMI

3. Onkyo will not suggest retail prices for any audio component or related product until [2 years from the date of service of the Order].

If you wish a copy of the full text of the agreed-to order, or if you have any questions concerning it, please call [name of Onkyo official].

For Onkyo U.S.A Corporation

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Onkyo U.S.A. Corporation, the American distributor of audio components manufactured by Onkyo Corp., its Japanese parent.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that Onkyo U.S.A. Corporation has restrained trade by fixing the resale prices at which its dealers advertise, offer for sale and sell Onkyo products.

The consent agreement provides as follows:

1. Onkyo U.S.A Corporation cannot fix or otherwise control the resale prices at which its products are sold or advertised.

2. Onkyo U.S.A. Corporation cannot take any action against any dealer, including termination, because of the resale prices at which the dealer sells or advertises any Onkyo product.

3. As to products which bear any of its trademarks or other identifications, Onkyo U.S.A. Corporation cannot restrict any dealer from using any such trademark or other identification in the sale or advertising of such products.

4. Onkyo U.S.A Corporation cannot suggest retail prices for any product for two years from the date the order is issued.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-27836 Filed 9-24-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 460

Trade Regulation Rule; Labeling and Advertising of Home Insulation

AGENCY: Federal Trade Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Trade Commission announces its intention to reopen its rulemaking proceeding concerning the labeling and advertising of home insulation [16 CFR Part 460]. The reopening will be limited to consideration of affirmative disclosure requirements for television advertisements. The Commission invites written public comments concerning the reopening.

DATES: Written comments will be accepted until October 26, 1981.

ADDRESS: Written comments should be addressed to the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580. All comments should be captioned: "Comment on Advance Notice of Proposed Rulemaking—Home Insulation Rule—Disclosures in TV Ads, FTC File No. 215-59."

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, 202-724-1514, Attorney, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION:

I. Background

On August 31, 1979, the Commission promulgated a trade regulation rule on the labeling and advertising of home insulation.[1] Following a series of postponements, the rule became effective on September 29, 1980.[2] Statutory authority for the rule and the proposed limited reopening is provided under Section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a, as amended.

In summary, the major provisions of the rule: (1) prescribe standardized test methods for determining the R-values, or effectiveness, of home insulation materials; (2) mandate prepurchase point-of-sale disclosures of R-values and related information to consumers; (3) require disclosure of R-values or related information in advertisements which make specific claims about home insulation products; and (4) require substantiation and qualifying disclosures in advertisements which make energy savings claims about home insulation products. The rule is designed to enable consumers to evaluate and compare the thermal performance characteristics of these materials, and to ensure that promotional claims for home insulation products will be fair and nondeceptive.

On August 31, 1979, four manufacturers of mineral wool insulation filed a petition for review of the rule in the United States Court of Appeals for the Tenth Circuit.[3] On September 28, 1979, these manufacturers also filed a petition with the Commission for a stay of one technical testing requirement and of the advertising dislcosure requirements of the rule, insofar as they applied to television advertisements, pending appeal.[4]

The Commission and the mineral wool manufacturers agreed to ask the Tenth Circuit to remand the rule to the Commission. On January 4, 1980, the Court approved the joint stipulation of the mineral wool petitioners and the Commission, and remanded the rule to the Commission for further proceedings.[5]

Under the Court's order remanding the rule, the Commission was required to reconsider issues relating to the one technical testing requirement at issue in the appeal and to the advertising disclosure requirements of the rule insofar as they apply to television advertisements.

To comply with the Court's order, on June 3, 1980, the Commission proposed to stay the technical testing requirement which was at issue in the appeal, until such time as the National Bureau of Standards resolved certain problems concerning such testing. It also proposed to stay the affirmative disclosure requirements of the rule insofar as they apply to television advertising, pending the initiation and completion of further rulemaking proceedings concerning the affirmative disclosure requirements for television advertisements. The Commission announced that if it decided to issue the proposed temporary stays, it would make all other requirements of the rule effective.[6] The Commission accepted written comments on its proposed course of action during a thirty day period.[7] Based on submissions and written comments received and placed on the public record concerning the proposal, the Commission issued both proposed temporary stays and made all other requirements of the rule effective. The Commission announced its decision on August 15, 1980.[8] All provisions of the rule other than those stayed became effective on September 29, 1980.

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[1] 44 FR 50218 [1979].

[2] 45 FR 54702 [1980]. The Commission originally announced that the rule would become effective on November 30, 1979. *Supra* note 1. However, on November 7, 1979, the Commission announced its determination to delay the effective date until December 31, 1979. 44 FR 64402 [1979]. Thereafter, on December 17, 1979, the Commission announced that the rule would not become effective before at least March 16, 1980. 44 F.R. 73017 [1979]. That announcement was occasioned by Congressional action on November 16, 1979, which barred any trade regulation rules promulgated by the Commission after August 30, 1979, from becoming effective until March 16, 1980, unless authorizing legislation for the Commission was enacted before that date. *Id.* Through a series of additional continuing resolutions passed by the Congress after November 16, 1979, the restrictions on implementation of Commission trade regulation rules were extended through May 31, 1980. At that time, the restriction on implementation of the home insulation rule lapsed.

[3] *Johns-Manville Corp.* v. *FTC*, No. 79-1955 [10th Cir., filed Aug. 31, 1979].

[4] Petition To Federal Trade Commission For Stay Of The Effective Date Of "Representative Thickness" Testing Provision Of Home Insulation Rule And The Mandatory Television Advertising Disclosure Portions Of The Rule [September 28, 1979]. F.T.C. File No. 215-59.

[5] *Supra* note 3, Order of January 4, 1980; filed in FTC File 215-59, as Document W-12.

II. Reopening Proposed

Provisions of the rule which became effective on September 29, 1980 require home insulation manufacturers to determine the R-values of their insulation products according to standardized test procedures and to disclose R-values and related information on labels and fact sheets which are available to consumers at the point-of-sale.

As originally promulgated on August 31, 1979, the rule also would have required advertisers to disclose specific information relating to the advertised home insulation product's R-value, *i.e.*, its thermal effectiveness, in all advertisements which make representations concerning the product's R-value, price or thickness, or which compare one type of insulation to another.[9] It would have required advertisers to disclose that savings vary among consumers in all advertisements which represent that the advertised home insulation product can cut fuel bills or fuel use.[10] The disclosure requirements would have applied to all advertisements, regardless of the media in which they appear. As originally promulgated, the rule would have required that all required disclosures be made clearly and conspicuously,[11] with specific requirements as to the manner of making the disclosures in television advertisements.[12]

After promulgation, however, and in compliance with the order of the Tenth Circuit, the Commission stayed the disclosure requirements with respect to television advertisements, pending the completion of this reopened proceeding.[13] At the same time, the Commission announced that the disclosure requirements for all other types of advertisements would become effective on September 29, 1980, along with all other requirements of the rule, except for the one technical testing requirement involved in the Tenth Circuit's order.[14]

The Commission, as required by the Court's order, now proposes to reopen the rulemaking proceeding concerning the rule's requirements for affirmative disclosures in television advertising. In the reopened proceeding, the Commission will reconsider only the disclosure requirements insofar as they would require disclosures in television advertisements. During the reopened proceeding, all requirements of the rule which became effective on September 29, 1980 will remain in effect.

The Commission promulgated the home insulation rule to correct the failure of the home insulation marketplace to eliminate deceptive exaggerations of R-value [15] and to provide accurate and essential pre-purchase information to the consumer.[16] Consumers need accurate and comparable information relating to R-values to have an opportunity to compare relative insulating efficiencies, to select the product with the greatest efficiency and potential for energy savings, to make a cost-effective purchase, and to consider the main variables limiting insulation effectiveness and realization of claimed energy savings.[17] The Commission included requirements in the rule that specific R-value information must be disclosed in advertising which contains certain claims to prevent consumers from being misled by claims, such as product thickness, which may have only a limited bearing on insulating value.[18] It included a requirement in the rule that advertisements which make an R-value claim must explain the meaning of R-value to ensure that consumers will benefit from the prescribed R-value information.[19] The Commission included the requirement in the rule that an explanatory disclosure be made in connection with energy savings representations to ensure that consumers understand that any savings they realize will depend on each consumer's particular circumstances.[20]

Although the Commission believes that information of the kind discussed above is necessary to prevent deception, the Commission will consider, in the reopened proceeding, the significant issue of whether the technical limitation of television advertising require that this essential information reach the consumer in a different manner. For example, it has been asserted that the disclosures required by the rule,[21] coupled with the rule's requirements as to how the disclosures must be made,[22] may be unnecessarily burdensome for television advertising in light of the extremely limited time of television advertisements—many of which are thirty (30) seconds in length.

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[6] 45 FR 37674. [1980].

[7] *Id.*

[8] 45 FR 54702. [1980].

[9] 16 CFR 460.18. Specifically, the disclosure provisions of § 460.18 of the rule, as promulgated on August 31, 1979, would require the following disclosures:

"(a) If your ad gives an R-value, you must give the type of insulation and the thickness needed to get that R-value. Also, add this statement explaining R-values: 'The higher the R-value, the greater the insulating power. Ask your seller for the fact sheet on R-values.'

"(b) If your ad gives a price, you must give the type of insulation, the R-value at a specific thickness, the statement explaining R-values in subsection (a), and the coverage area for that thickness. If you give the price per square foot, you do not have to give the coverage area.

"(c) If your ad gives the thickness of your insulation, you must give its R-value at that thickness and the statement explaining R-values in subsection (a).

"(d) If your ad compares one type of insulation to another, the comparison must be based on the same coverage areas. You must give the R-value at a specific thickness for each insulation, and the statement explaining R-values in subsection (a). If you give the price of each insulation, you must also give the coverage area for the price and thickness shown. However, if you give the price per square foot, you do not have to give the coverage area.

"(e) If your ad gives the R-value of urea-based foam insulation, you must add this statement: 'Foam insulation shrinks after it is installed. This shrinkage may significantly reduce the R-value you get.' However, you can lower your product's R-value to account for shrinkage. To do this, you must have reliable scientific proof of the extent of shrinkage for your product and of its effect on R-value. If you lower your product's R-value, you need not make the above statement."

[10] 16 CFR 460.19. Specifically, § 460.19 of the rule, as promulgated on August 31, 1979, would require the following disclosures:

"(b) If you say or imply in your ads, labels or other promotional materials that insulation can cut fuel bills or fuel use, you must make this statement about savings: 'Savings vary. Find out why in the seller's fact sheet on R-values. Higher R-values mean greater insulating power.'

"(c) If you say or imply that a combination of products can cut fuel bills or use . . . [y]ou must make the statement about savings in subsection (b). Also, you must list the combination of products used. They may be two or more types of insulation; one or more types of insulation and one or more other insulating products, like storm windows or siding; or insulation for two or more parts of the house, like the attic and walls. You must say how much of the savings came from each product or location. If you cannot give exact or approximate figures, you must give a ranking. For instance, if your ad says that insulation and storm doors combined to cut fuel use by 50%, you must say which one saved more.

"(d) If your ad or other promotional material is covered by § 460.18 (a), (b), (c), or (d), and also makes a savings claim, you must follow the rules in §§ 460.18 and 460.19. However, you need not make the statement explaining R-value in § 460.18(a)."

[11] 16 CFR Part 460.10 and Appendices A and B to Part 460.

[12] 16 CFR Part 460.10 and Appendix B to Part 460.

[13] *Supra* note 8.

[14] *Id.* The Commission's stay of the technical testing requirement, § 460.6 of the rule, also remains in effect at this time. The Commission will consider when to make § 460.6 of the rule effective separate from the reopening concerning the television advertising disclosure requirements.

[15] *Supra* note 1, at 50218, 50221–25.

[16] *Id.* at 50218.

[17] *Id.*

[18] *Id.* at 50218, 50233.

[19] *Id.*

[20] *Id.*

In the reopened proceeding, the Commission will invite submission of evidence and the views of interested parties concerning whether or not the Commission should amend the disclosure requirements insofar as they apply to television advertisements. Possible alternatives to the disclosure requirements of the rule as promulgated on August 31, 1979, include: amended disclosures or disclosure language; shortened disclosures; no disclosures; and different requirements as to the manner in which required disclosures must be made.[23]

To assist in developing possible alternative to those disclosure requirements which would meet the objectives of the requirements at a reduced cost or burden, the Commission invites interested parties to address these issues in written comments filed in response to this advance notice of proposed rulemaking.

III. Economic Impact

When it promulgated the rule, the Commission found that the advertising disclosure provisions would benefit consumers by eliminating deception in the marketplace. It found that, generally, the advertising disclosure requirements would ensure that consumers have an opportunity to understand and evaluate claims that would otherwise lead to misguided purchasing decisions.[24] It stated that, in many cases, R-value competition should redound to the benefit of smaller manufacturers whose products often compare well on an R-value basis with those manufactured by the dominant members of the industry.[25] Based on the previous rulemaking record, the Commission concluded that the disclosure requirements, including those for television advertisements, should allow the smaller industry members to compete more effectively with the largest members of the industry.[26]

The Commission's objective in fashioning the home insulation rule was, wherever possible, to select the least restrictive alternative for providing essential information and protection to the consumer purchasing insulation.[27] Based on the evidence in the rulemaking record, the Commission found that the advertising disclosure provisions would not impose substantial costs on industry members.[28] The Commission pared down recommended advertising disclosures, particularly in the area of savings claims, in an attempt to minimize intrusion on advertising space and time. It also designed the R-value explanatory disclosure in advertisements in summary fashion, referring the consumer to fact sheets at the point of sale for more detailed information, in an attempt to minimize the economic burden on advertisers.[29]

Notwithstanding the Commission's findings based on the previous rulemaking record, the Commission now is interested in examining further the impact of the rule's disclosure requirements for television advertising, and the impact of possible alternatives to those requirements. Therefore, the Commission invites written public comment on these issues, with emphasis on the specific issues raised by Section 22 of the Federal Trade Commission Act, 15 U.S.C. 57b-3, and by Section 3(a) of the Regulatory Flexibility Act, 5 U.S.C. 603.

Under Section 22 of the Federal Trade Commission Act, when the Commission publishes a notice of a proposed rulemaking, it must issue a preliminary regulatory analysis relating to the proposed rule or amendment. The Commission need not issue a regulatory analysis in connection with an amendment proceeding unless the Commission: (1) estimates that the amendment will have an annual effect on the national economy of $100,000,000 or more; (2) estimates that the amendment will cause a substantial change in the cost or price of goods or services which are used extensively by particular industries, which are supplied extensively in particular geographic regions, or which are acquired in significant quantities by the Federal Government, or by State or local governments; or (3) otherwise determines that such amendment will have a significant impact upon persons subject to regulation under such amendment and upon consumers.

Under Section 3(a) of the Regulatory Flexibility Act, when the Commission publishes a notice of proposed rulemaking, it also must prepare and make available for public comment an initial regulatory flexibility analysis. This analysis must describe the impact of the proposed rule or amendment on small entities. Among other things, the initial regulatory analysis also must contain a description of the small entities to which the proposed rule or amendment will apply and, where feasible, an estimate of the number of such small entities; an estimate of the classes of small entities which will be subject to any reporting, recordkeeping or other compliance requirements of the rule or amendment; and an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rule or amendment.

IV. Questions for Comment

The Commission invites written public comment from interested parties with respect to the proposed reopening of the rulemaking proceeding, including any suggestions or alternative methods for achieving the objectives discussed in part II, "Reopening Proposed," *supra*.

The Commission also invites written public comment with respect to all issues raised in part III, "Economic Impact," *supra*. Specifically, concerning issues regarding economic impact, the Commission is interested in receiving written public comment concerning the impact of the rule's disclosure requirements for television advertising, and of possible alternatives to those requirements, including, but not limited to, amended disclosures or disclosure language, shortened disclosures, no disclosures, and possible changes in the manner in which required disclosures must be made. It invites written public comment concerning what "small businesses" would be affected for purposes of the regulatory flexibility analysis. The Commission is particularly interested in receiving comments concerning what impact, if any, the television advertising disclosure requirements originally promulgated in the rule, and of any alternatives to those requirements, would have on small businesses and on consumers.

In addition, the Commission solicits written public comment concerning what issues, if any, should be designated in the reopened proceeding as disputed issues of material fact.

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[21] 16 CFR 460.18 and 460.19

[22] 16 CFR 460.18 and Appendix B to Part 460.

[23] Section 460.18 of the rule concerns the manner in which required disclosures must be given. Appendix B to the rule gives specific requirements for the manner of making disclosures in television advertisements. The Commission also stayed the effect of these requirements insofar as they apply to television advertisements. *supra* note 8.

[24] *Supra* note 1, at 50235.

[25] *Id.*

[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] *Id.*

The Commission will accept written public comment on all issues and questions raised in this advance notice of proposed rulemaking until October 26, 1981.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-27835 Filed 9-24-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Colorado-17)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

Issued: September 21, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado that the Mesaverde Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on October 21, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on October 6, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

I. Background

On September 10, 1981, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Mesaverde Formation located in Garfield County, Colorado, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation that the Mesaverde Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Colorado's recommendation. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation underlies 96,612 acres in the Grand Valley Area of Garfield County, Colorado, between the towns of Debeque, and Rifle, Colorado. It is defined as being between the base of the Wasatch Formation (Tertiary) and the top of the Mancos shale, with an average depth to the top of the formation of 4,475 feet. The acreage included in the recommended area is 64% Fee, 31.1% Federal, and 4.8% Naval Oil Shale Leaseholds. Exact location for the recommended area is as follows: Township 6 South, Range 93 West, 6th P.M., Sections 3 through 10, 15 through 22, 27 through 34; Township 6 South, Range 94 West, 6th P.M., Sections 1 through 3, 7 through 36; Township 6 South, Range 95 West, 6th P.M., Sections 25 through 36; Township 7 South, Range 94 West, 6th P.M., Sections 1 through 9, 16 through 18; Township 7 South, Range 95 West, 6th P.M., Sections 1 through 24, 27 through 34; Township 7 South, Range 96 West, 6th P.M., Sections 1 through 36; Township 8 South, Range 96 West, 6th P.M., Sections 1 through 6.

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. NG-21 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the Mesaverde Formation, as described and delineated in Colorado's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 21, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Colorado-17), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the

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Commission no later than October 6, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301–3342.)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new paragraph (66) as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(55) through (65) [Reserved]

(66) *Mesaverde Formation in Colorado.* RM79-76 (Colorado-17).

(i) *Delineation of formation.* The Mesaverde Formation is found in Garfield County, Colorado, in Township 6 South, Range 93 West, 6th P.M., Sections 3 through 10, 15 through 22, 27 through 34; Township 6 South, Range 94 West, 6th P.M., Sections 1 through 3, 7 through 36; Township 6 South, Range 95 West, 6th P.M., Sections 25 through 36; Township 7 South, Range 94 West 6th P.M., Sections 1 through 9, 16 through 18; Township 7 South, Range 95 West, 6th P.M., Sections 1 through 24, 27 through 34; Township 7 South, Range 96 West, 6th P.M., Sections 1 through 36; Township 8 South, Range 96 West, 6th P.M., Sections 1 through 6.

(ii) *Depth.* The Mesaverde Formation is defined as being between the base of the Wasatch Formation (Tertiary) and the top of the Mancos shale. The average depth to the top of the Mesaverde Formation is 4,475 feet.

[FR Doc. 81-27964 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 452

[Docket No. 80N-0406]

Erythromycin Enteric-Coated Tablets; Revision of Disintegration Standard; Withdrawal of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing a proposal to revise the disintegration standard for erythromycin enteric-coated tablets for human use. The proposal is being withdrawn for further consideration.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 28, 1980 (45 FR 79091), FDA published a proposed rule to revise the disintegration standard for erythromycin enteric-coated tablets for human use from 2 hours to 1 hour and 25 minutes. The proposed rule was intended to assure better quality control of this product by establishing a more accurate time period. The proposed rule invited comments until January 27, 1981.

Three comments were received. None of the comments supported the proposal. The comments expressed doubt that the proposed disintegration standard would be appropriate for all affected products because of differing tablet formulations. One comment suggested that the official pH specified for simulated intestinal fluid be changed to the estimated pH of the duodenum, where most of the tablet is assumed to disintegrate and dissolve.

Upon review of the comments received, the agency has decided to withdraw the proposed rule and reconsider the matter. A new proposed rule may be issued after all the facts have been evaluated.

Accordingly, the proposed rule published in the **Federal Register** of November 28, 1980, is hereby withdrawn, and the rulemaking proceeding begun by that proposed rule is terminated.

This notice is issued under authority of the Federal Food, Drug, and Cosmetic Act (secs. 507, 701(f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)).

Dated: September 16, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-27618 Filed 9-24-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Labor-Management Relations

29 CFR Part 225

Hospital Employee Protection Program; Procedures and Guidelines Followed by Secretary for Determining That Fair and Equitable Arrangements Have Been Made for Protection of Employees Affected by Program To Assist and Encourage the Discontinuance of Unneeded Hospital Services

AGENCY: Labor-Management Services Administration, Labor.

ACTION: Proposed rule; notice of intent.

SUMMARY: This notice is to advise interested parties that it is the intent of the Department of Labor (DOL) not to publish a final rule under this Part, regarding guidelines and procedures relating to DOL responsibilities for reviewing applications for grants filed with the Secretary of Health and Human Services pending further action by the Department of Health and Human Services.

EFFECTIVE DATE: September 25, 1981.

ADDRESS: U.S. Department of Labor, Labor-Management Services Administration, Division of Employee Protections, Room N-5639, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Thomas H. Roadley, U.S. Department of Labor, Labor-Management Services Administration, Division of Employee Protections, Room N-5639, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Telephone Number (202) 523-6495. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On January 23, 1981, the Department of Labor (DOL) published Notice of Proposed Rulemaking (46 FR 7756) regarding guidelines and procedures relating to DOL responsibilities, for reviewing applications for grants filed with the Secretary of Health and Human Services. Authority for this program is established under Sections 1641 and 1642(c) of the Health Planning and

Resources Development Amendments of 1979, Pub. L. 96–79, 93 Stat. 592.

This notice is to advise interested parties that it is the intent of DOL not to publish a final rule under this Part pending action by the Department of Health and Human Services to issue a Notice of Proposed Rulemaking for its respective program responsibilities under Section 1641 of Pub. L. 96–79. At such time DOL intends to publish a revised Notice of Proposed Rulemaking under this Part which will take into consideration the comments received as a result of the January 23, 1981, Notice and provide further opportunities for public comment.

(Section 1642(c), Health Planning and Resources Development Amendments of 1979, Pub. L. 96–79, Stat. 592)

Signed at Washington, D.C., this 10th of September, 1981.

Donald L. Dotson,

Assistant Secretary for Labor-Management Relations.

[FR Doc. 81–27734 Filed 9–24–81; 8:45 am]

BILLING CODE 4510-29-M

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–112D]

Access to Employee Exposure and Medical Records; Proposed Interim Modification; Extension of the Comment Period

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Extension of the deadline for submission of comments and information.

SUMMARY: On August 7, 1981, OSHA published in the **Federal Register** (46 FR 40492) a proposal to modify the trade secrets provision of the access to employee and medical records standard, 29 CFR 1910.20(f). The modification would permit employers to include liquidated damages clauses or the like in confidentiality agreements which they may require of employee designated representatives prior to disclosing toxic substance information which is a trade secret. In addition, the notice requested interested parties to submit written comments on the modification by September 21, 1981.

The AFL–CIO requested on August 27, 1981, a sixty day extension of the comment period to allow them sufficient time to contact local unions and individuals who have experience with the standard and the trade secrets issue. After consideration of the request, OSHA has decided to grant the extension.

This notice extends the comment period for written responses to the proposed modification to November 20, 1981.

DATE: Written comments must be received by November 20, 1981.

ADDRESS: Written comments should be submitted in quadruplicate to the Docket Officer, Docket No. H–112D, Room S–6212, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202–523–7894).

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Office of Public Affairs, OSHA, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202–523–8151).

Signed at Washington, D.C., this 23d day of September, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–28027 Filed 9–24–81; 8:45 am]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1929-4; AH007WV]

Deficiency in West Virginia's State Implementation Plan

AGENCY: Environmental Protection Agency [EPA].

ACTION: Notice of time extension to correct deficiencies in State implementation plan.

SUMMARY: On November 10, 1980 EPA notified West Virginia that its State Implementation Plan (SIP) for control of sulfur dioxide [SO_2] emissions from the Mitchell and Harrison power plants was not adequate to ensure attainment and maintenance of the secondary national ambient air quality standard for SO_2. EPA required the State to submit a control strategy and demonstration of attainment of the secondary SO_2 standards within nine months. Both the existing control strategy and EPA's notice of deficiency have been challenged in the Third Circuit Court of Appeals. The State has requested an extension of time to prepare its control strategy, and EPA now grants an extension until nine months from the date that the United States Court of Appeals for the Third Circuit issues its mandate in Nos. 79–1025 and consolidated cases concerning SO_2 control for the Mitchell and Harrison power stations.

FOR FURTHER INFORMATION CONTACT: Sheldon M. Novick, Regional Counsel, Environmental Protection Agency, Region III, The Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 (215/597–9821).

SUPPLEMENTARY INFORMATION: On November 9, 1978 [43 FR 52239] EPA approved amendments to the West Virginia Air Pollution Control Commission's Regulation X as a revision to the State Implementation Plan [SIP] for control of SO_2 emissions from electric power generating plants. Those amendments, as they applied to the Mitchell and Harrison power stations, were challenged in the United States Court of Appeals for the Third Circuit, *Pennsylvania* v. *EPA*, Nos. 79–1025, 1026. As a result of this litigation, EPA again reviewed West Virginia's Regulation X as it applied to the two power plants and determined that the SIP revision was adequate to ensure attainment and maintenance of the primary SO_2 standard [45 FR 74478]. However, EPA determined that West Virginia's SO_2 control strategy was not adequate to ensure attainment and maintenance of the secondary NAAQS for SO_2. On November 10, 1980, EPA published a Notice of Deficiency in West Virginia's SIP [45 FR 74520] and required the State to submit a control strategy and demonstration of attainment of the secondary SO_2 standard within nine months from the date of Notice unless additional time was requested by the State.

On May 28, 1981 West Virginia requested an extension of time for developing a secondary SO_2 control strategy for the Mitchell and Harrison power stations. The State noted that the Third Circuit court of Appeals would be adjudicating issues raised by EPA's Notice of Deficiency, and that an extension pending resolution of the litigation therefore was appropriate.

EPA agrees, and hereby grants an extension to West Virginia to evaluate its control strategy, enact any necessary regulations and submit a control strategy and demonstration of attainment of the secondary SO_2 standard to EPA within nine months from the date of the Third Circuit Court of Appeals' issuance of its mandate in *Pennsylvania* v. *EPA*, Nos. 79–1025 and consolidated cases. Within that time, West Virginia must reassess its control strategy and adopt any additional regulations that may be needed to protect the secondary SO_2 NAAQS. If such new regulations are needed, the

State must also prescribe a schedule for compliance within a reasonable time.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This Notice is not a major regulation because this action only extends the time allowed for West Virginia to prepare and submit its control strategy for attainment of the secondary SO_2 standard to EPA. The Notice of Extension impses no new requirements on anyone.

This Notice was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(42 U.S.C. 7401–642)

Dated: September 19, 1981.

Anne M. Gorsuch,
Administrator.

[FR Doc. 81-27869 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 180

[PH-FRL-1940-1; PP 0F2329/PP 1F2455/P189]

Glyphosate; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes establishing tolerances for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in or on certain raw agricultural commodities. This proposal was submitted by Monsanto Co. This proposal will establish the maximum permissible level for residues of glyphosate in or on certain raw agricultural commodities.

DATE: Written comments must be received on or before October 26, 1981

ADDRESS: Written comments to: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA issued notices that published in the Federal Register of April 7, 1980 (45 FR 23511) and March 17, 1981 (46 FR 17130) that Monsanto Co., 1101 17th St., NW., Washington, DC 20036, had filed pesticide petitions 0F2329 and 1F2455 with the EPA. These petitions proposed the establishment of tolerances for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite amino-methylphosphonic acid in or on peanuts at 0.1 part per million (ppm); peanut hay and forage at 0.3 ppm; and peanut shells (hulls) at 0.4 ppm (PP 0F2329); and cottonseed at 15 ppm (1F2455).

The petitioner subsequently amended these petitions by submitting revised Section F's. The revised section F for petition PP 0F2329 increased the tolerances for peanut hay and forage, and peanut shells (hulls) to 0.5 ppm; proposed tolerances (PP 1E2455) of 15 ppm on cotton forage and hay; and 0.5 ppm for liver and kidney of cattle, goats, hogs, horses, poultry, and sheep. Because there is a potential increase in risk to humans, these tolerances are being proposed at this time to allow for public comment.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data submitted included an oral LD_{50} (rabbit) study with a LD_{50} of 3.8 grams (g)/kilogram (kg); a 90-day feeding (dog) study with a no-observed-effect-level (NOEL) of 2,000 ppm; a 90-day feeding (rat) study with a NOEL of 2,000 ppm; teratology (2 rabbit studies) negative at 30 mg/kg/day (highest dose), teratology (rat) study negative at 3,500 mg/kg/day and fetotoxic NOEL is 1,000 mg/kg/day; teratology (rabbit) study negative at 350 mg/kg/day and the fetotoxic NOEL is 175 mg/kg/day; 2-year feeding (dog) study with a NOEL of 300 ppm; three generation reproduction (rat) study with a NOEL of 100 ppm; 18-month feeding (mouse) study—no carcinogenic potential at 300 ppm (highest dose); 2-year feeding (rat) study with a NOEL of 100 ppm; neurotoxicity (hen) negative at 7.5 mg (highest dose); Ames assay (negative); rec-assay (negative); rec-assay (B. *subtilis*)—not mutagenic up to 2,000 micrograms test material/disk; reverse mutat ion (not mutagenic); Ames test (*Salmonella*) not mutagenic; and dominant lethal assay (mouse)—negative at 2,000 mg/kg.

Desirable data that are currently lacking are oncogenicity studies with two species. Although the oncogenic potential of glyphosate is not fully elucidated, the life-time rat and mouse studies provide assurance that glyphosate has a relatively low oncogenic potential. Further assurance of low risk with glyphosate is found in the fact that on a theoretical basis the exposure via the diet is about one-fifth of the ADI. The company has been notified of the deficiencies and has agreed to perform the above studies and to remove the use from the label should the results of the above studies exceed the risk criteria from chronic toxicity as stated in 40 CFR 162.11 of the regulations.

Tolerances have previously been established on a variety of commodities at levels from 0.1 ppm to 18.0 parts per million. The proposed tolerances on peanuts (0.1 ppm) and cottonseed (15.0 ppm) contribute 0.02097 mg/day/1.5 kg to the current theoretical maximal contribution (TMRC) of 0.3284 mg/day/1.5 kg or 11.63 percent of the allowable daily intake (ADI). Other tolerances for this herbicide have been approved for guava and papayas (0.2 ppm) and will contribute 0.00018 mg/day (1.5 kg) to the newly established TMRC for a total of 0.3494 mg/day (1.5 kg). This value will occupy 11.64 percent of the ADI. The ADI is based on a NOEL of 100 ppm (2-year rat feeding study) with a 100-fold safety factor.

There are no regulatory actions pending against the herbicide and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The nature of the residue in plants and animals is adequately understood. Adequate analytical methods (gas chromatography using a phosphorous-specific flame photometric vector and liquid chromatography) are available for enforcement purposed. Secondary residues of glyphosate and/or its metabolite which may occur in liver and kidney of livestock will be covered under the proposed tolerance of 0.5 part per million. There is no reasonable expectation of finite residues in meat, fat, and meat byproducts (except liver and kidney) of cattle, goats, hogs, horses, poultry, and sheep, eggs, and milk from the proposed tolerances (180.6(a)(3)). It is concluded that these tolerances will protect the public health.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[PP 0F2329/1F2455/P189]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Robert J. Taylor from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order

12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)))

Dated: September 16, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.364 be amended by alphabetically inserting the following raw agricultural commodities:

§ 180.364 Glyphosate; tolerances for residues.

* * * * *

Commodities	Part per million
* * * * *	
Cattle, kidney	0.5
Cattle, liver	0.5
* * * * *	
Cottonseed	15
Cotton, forage	15
Cotton, hay	15
Goats, kidney	0.5
Goats, liver	0.5
* * * * *	
Hogs, Kidney	0.5
Hogs, liver	0.5
* * * * *	
Horses, kidney	0.5
Horses, liver	0.5
* * * * *	
Peanuts	0.1
Peanut, hay	0.5
Peanut, forage	0.5
Peanut, hulls	0.1
* * * * *	
Poultry, kidney	0.5
Poultry, liver	0.5
* * * * *	
Sheep, liver	0.5
Sheep, kidney	0.5
* * * * *	

[FR Doc. 81-27920 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chap. I

[Gen. Docket 81-500]

Policy Regarding Character Qualifications in Broadcast Licensing Order Extension of Time for Filing Comments and Replies

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry; extension of comment/reply comment period.

SUMMARY: The Commission extends dates for filing comments and reply comments in General Docket No. 81-500 on the notice of inquiry in the matter of policy regarding character qualifications in broadcast licensing in response to request by National Broadcasters Association.

DATES: Comments must be filed by October 2, 1981, Reply Comments must be filed by October 23, 1981.

ADDRESS: Comments may be filed with Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Lee Peltzman, Office of the General Counsel, (202) 632-6990 or 254-6530.

In the matter of policy regarding character qualifications in broadcast licensing (Gen. Docket No. 81-500, August 13, 1981 (46 FR 40899)).

Order

Adopted: September 10, 1981.

Released: September 11, 1981.

1. The Commission has before it a Motion for Extension of Time filed on September 4, 1981, by the National Association of Broadcasters (NAB).

2. In a *Notice of Inquiry,* FCC 81-387, released August 6, 1981, the Commission stated that interested persons could file comments in this proceeding on or before September 25, 1981, and file reply comments on or before October 16, 1981. NAB represents that its preparation of comments will require careful evaluation of the *Notice of Inquiry* as well as past Commission precedents. In order to provide it with an adequate opportunity to prepare and present comments, NAB requests that the dates for filing comments and reply comments be extended for 60 days to November 25 and December 16, 1981, respectively.

3. It is the policy of this Commission that extensions of time shall not be routinely granted. (See § 1.46(a) of the Commission rules, 47 CFR 1.46(a).) While NAB has not demonstrated good cause in support of its request for a 60 day extension of time, it has shown an adequate basis for a more limited extension.

4. Accordingly, it is ordered, That, pursuant to Section 0.251(b) of the Commission's rules, 47 CFR 0.251(b), the Request for Extension of Time filed on September 4, 1981, by NAB is granted to the extent that the time for filing comments and reply comments is extended to and including October 2, 1981, and October 23, 1981, and is denied in all other respects.

Stephen A. Sharp,

General Counsel.

[FR Doc. 81-27902 Filed 9-24-81; 8:45 am]

BILLING CODE 6712-01-M

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Notices

Federal Register
Vol. 46, No. 186
Friday, September 25, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Informal Action; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 1:30 p.m., Thursday, October 15, 1981 in the library of the Administrative Conference, Suite 500, 2120 L Street, N.W., Washington, D.C.

The Committee will meet to discuss (1) Professor Colin Diver's pending study of agency articulation of regulatory policy (why some agencies extensively articulate their policies and some do not) and (2) a pending study of techniques used by agencies to narrow or avoid evidentiary hearings in initial licensing proceedings.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Jeffrey S. Lubbers, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. (Telephone: 202–254–7065.) Minutes of the meeting will be available on request.

Richard K. Berg,
General Counsel.
September 21, 1981.
[FR Doc. 81-[illegible] Filed 9–24–81; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Intent To Reestablish; National Arboretum Advisory Council

Notice is hereby given that the Secretary of Agriculture intends to reestablish the National Arboretum Advisory Council. The purpose of the Council is to provide the Secretary of Agriculture with an independent overview of the work of the Arboretum by a body of qualified individuals who represent national organizations. The National Arboretum was created by act of Congress (Pub. L. 799, 69th Congress, 20 U.S.C. 191–194) on March 4, 1927, for purposes of research and education concerning tree and plant life.

The Council meets annually at the National Arboretum in Washington, D.C., to receive reports from the Arboretum staff on research progress with trees and environmental plants, educational activities, site development, and long-range goals. The Council's findings are reported in writing to the Secretary of Agriculture.

It has been determined that the reestablishment of this Council is in the public interest in connection with the work of the U.S. Department of Agriculture.

Interested parties are invited to submit written comments, views, or data concerning this proposal to Anson E. Thompson, Executive Secretary, National Arboretum Advisory Council, Building 005, BARC-West, Beltsville, MD 20705, by October 13, 1981.

Dated: September 21, 1981.

John E. Schrote,
Deputy Assistant Secretary for Administration.
[FR Doc. 81–27858 Filed 9–24–81; 8:45 am]
BILLING CODE 3410-[illegible]

Members of Performance Review Boards; Amendment to List

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: This document amends the list of Performance Review Board members published April 20, 1981, 46 FR 22629 and 22630.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: Earl C. Hadlock, Chief, Executive Resources, Performance Appraisal and Merit Pay Staff, Office of Personnel, Department of Agriculture, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250, (202) 447–2830.

The membership of the Department of Agriculture's Performance Review Boards is amended by adding the names of John Graziano, Ruth Reister, John E. Schrote, Richard Siegel, Charles Shuman and Harold Hunter.

John R. Block,
Secretary of Agriculture.
September 22, 1981.
[FR Doc. 81–27857 Filed 9–24–81; 8:45 am]
BILLING CODE 3410-03-M

Rural Electrification Administration

KAMO Electric Cooperative, Inc.; Finding of No Significant Impact

The Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact with respect to proposed financing assistance by REA for KAMO Electric Cooperative, Inc., (KAMO) of Vinita, Oklahoma, for the construction of 72.4 km (45 mi) of 69 kV transmission line. The proposed construction includes the following projects:

40 km (25 mi) Butler—Austin 69 kV line.

16 km (10 mi) Jasper—Dudenville 69 kV line.

16 km (10 mi) Jasper—Medoc 69 kV line.

The above projects will be located in Bates, Cass, and Jasper Counties, Missouri. Associated substation construction includes the proposed Medoc Substation. KAMO has prepared Borrower's Environmental reports (BER's) concerning the proposed projects. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains and other potential impacts of the proposed projects are adequately considered in the BER's and the Environmental Assessment. Some pole structures may be located in floodplains. Part of the Medoc substation and some pole structures will be located on prime farmland. The impact will be minimal.

Alternatives considered include no action, alternate routes and alternate substation sites. The proposed transmission lines and associated substation additions are the most viable alternatives to deliver power to existing and projected loads within the project area.

REA's independent evaluation of the proposed construction concludes that this project does not represent a major Federal action that will significantly affect the quality of the human environment. A finding of No Significant Impact was reached in accordance with REA Bulletin 20-21:320-21, Part 1.

Copies of the Finding of No Significant Impact, the Environmental Assessment, and BER's may be obtained from or reviewed at the Office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, or may be reviewed at the office of the KAMO Electric Cooperative, Inc., P.O. Box 577, Vinita, Oklahoma 74301.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 22d day of September 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-27932 Filed 9-24-81; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

International Trade Administration

Strontium Nitrate From Italy; Early Determination of Antidumping Duty

AGENCY: International Trade Administration, Commerce.

ACTION: Early determination of antidumping duty.

SUMMARY: The Department of Commerce has conducted an early determination of the antidumping duty to be assessed upon imports of strontium nitrate from Italy entered, or withdrawn from warehouse, for consumption from February 18, 1981 to June 24, 1981. This determination will also be the basis for the deposit of estimated antidumping duties on future entries of such merchandise.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: F. Patrick Pope or David R. Chapman, Office of Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4697/2657).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 25, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 32864) an antidumping duty order covering imports of strontium nitrate from Italy. In accordance with the order, Customs officers were directed to require a deposit of estimated antidumping duties on the merchandise pending liquidation.

On July 1, 1981, the only known Italian exporter of the merchandise, Societa Bario e Derivati S.p.A. ("SABED"), requested that we waive the deposit of estimated duties and make an early determination of duty.

On July 24, 1981, we announced in the **Federal Register** (46 FR 38114) that, in accordance with section 736(c) of the Tariff Act of 1930 ("the Tariff Act"), we were satisfied that we would be able to determine foreign market value and United States price for all entries by SABED from the date of our preliminary affirmative determination to the date of the International Trade Commission's final determination. Deposit of estimated duties was waived pending the early determination of duty.

Scope of the Investigation

We investigated all imports of Italian strontium nitrate entered, or withdrawn from warehouse, for consumption during the period from February 18, 1981 to June 24, 1981.

For the purpose of this notice, the term "strontium nitrate" means a chemical compound $Sr(NO_3)_2$, currently classifiable under item 421.7400 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the only known exporter of strontium nitrate from Italy to the United States, SABED.

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772(b) of the Tariff Act, since all sales of Italian strontium nitrate were to unrelated U.S. customers and were concluded before the merchandise was imported into the United States. We calculated purchase price on the basis of a packed price f.o.b. Massa, Italy. No adjustments were made or claimed.

Foreign Market Value

In calculating foreign market value, the Department used constructed value, as defined in section 773(e) of the Tariff Act, since sufficient quantities of such or similar merchandise were not sold in the home market or to third countries to provide a basis for comparison. Constructed values were calculated as the sum of materials, fabrication costs, general expenses, profit and the cost of packing. The amount added for general expenses constituted at least ten percent of the sum of materials and fabrication costs. Profit was calculated at eight percent of the sum of all general expenses and cost.

Analysis of Comments Received

Interested parties were given an opportunity to submit written or oral comments. The petitioner and SABED submitted comments.

The petitioner contends that home market sales should form the basis for foreign market value because there were sales in the home market and a relatively small number of transactions occurred during the review period.

The petitioner is correct that the total number of transactions was small. However, we used constructed value because we determined that neither the sales in Italy nor those for exportation to countries other than the U.S. constituted a viable market. Production is related specifically to the U.S. market and any residual amounts not purchased by U.S. customers are sold sporadically and are not in the ordinary course of trade.

The respondent contends that sales from SABED to a parent sufficiently reflect arm's length transactions and should not be adjusted when calculating the constructed value. The constructed value submitted by SABED included a deduction from raw material costs for the value of a by-product generated as a result of the production process. Because the by-product was sold to both related and unrelated customers, we adjusted this value by recalculating the sales receipts for the sales to the related party to reflect a value comparable to sales transactions of similar merchandise to unrelated parties. The respondent has not supplied to date satisfactory evidence to support its claim that the price to the related party fairly reflected the value of the by-product.

The constructed value data presented by SABED did not include costs for general corporate interest. During verification we examined the financial statements of SABED for the two most recent fiscal years and received information on interest costs for the six months ending June 30, 1981. this examination revealed that SABED has carried significant debt for the past several years. We allocated the interest charges to strontium nitrate on the basis of net receipts. SABED argues that this

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allocation was improper because the debt was in place prior to the production of strontium nitrate and no additional debt was incurred as a result of its production. Even if all of the debt predates the beginning of production of strontium nitrate, we consider this corporate debt to be a normal business expense that is properly included in the general expenses for constructed value calculations.

In February, 1981, SABED's parent firm, KALI-Chemie of Hannover, West Germany, loaned SABED additional sums for the purpose of retiring outstanding debt. This related party loan was made at a rate of interest below the commercial rate prevailing in Italy at the time. We recalculated the interest payments on this loan to reflect terms available in the commercial market. SABED objects to the recomputation and argues that no amount in excess of actual cost should be allocated. The fact that this loan was made at rates significantly below the prime rate in the Italian market indicated that this was not an arm's length transaction. We therefore reject SABED's argument.

Results of Early Determination

As a result of adjustments made based on comments received and our analysis, we determine that no margins on any of the sales exist. The Department shall issue appraisement instructions separately to the Customs Service.

As provided for in section 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent margin calculated normally would be required on all shipments of Italian strontium nitrate entered, or withdrawn from warehouse, for consumption on or after the date of publication of these results. Since the most recent margin calculated is zero, the Department waives the deposit requirement for Italian exports of strontium nitrate. The waiver of deposit shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of June, 1983.

This early determination and notice are in accordance with section 736(c)(3) of the Tariff Act (19 U.S.C. 1673(e)) and § 353.49 of the Commerce Regulations (19 CFR 353.49).

Leonard M. Shambon,

Director, Office of Compliance.

September 22, 1981.

[FR Doc. 81-27827 Filed 9-24-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Additional Import Controls on Certain Apparel Products From Taiwan

September 22, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling wool coats in Category 435, produced or manufactured in Taiwan, at a level of 19,230 dozen during the twelve-month period which began on January 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: Pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 8, 1978, as amended, concerning textile and apparel products from Taiwan, the United States Government has decided, following consultations with the Coordination Council for North American Affairs, to control imports of wool textile products in Category 435, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1981 in addition to those categories previously designated.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85497) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Taiwan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textil Agreements directs the Commissioner of Customs also to prohibit entry for consumption, or withdrawal from warehouse for consumption, of wool coats in Category 435, in excess of 19,230 dozen. The level of restraint has not been adjusted to account for any imports after December 31, 1980. Imports during the January 1–July 31, 1981 period have amounted to 5,928 dozen and will be charged. As the data become available, further charges will be made for the period which began on August 1, 1981 and extends to the effective date of this action.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 22, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Taiwan.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products from Taiwan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 30, 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 435, produced or manufactured in Taiwan, in excess of 19,230 dozen.[1]

Textile products in Category 435 which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Textile products in Category 435 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the authorities in Taiwan and with respect to wool textile products from Taiwan, have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

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[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980. Imports have amounted to 5,936 dozen during the January-July period of 1981.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-27904 Filed 9-24-81; 8:45 am]

BILLING CODE 3510-25-M

Additional Import Controls on Certain Cotton Apparel Products From Pakistan

September 22, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of cotton nightwear in Category 351 from Pakistan at a level of 38,462 dozen during the 18-month period which began on January 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on April 23, 1980 (45 FR 27463), and August 12, 1980 (45 FR 53506)).

SUMMARY: Under the terms of the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, the United States Government has decided to control imports of cotton textile products in Category 351, produced or manufactured in Pakistan at a level of 38,462 dozen during the 18-month agreement year which began on January 1, 1981, in addition to those categories previously designated.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-2184).

SUPPLEMENTARY INFORMATION: On December 24, 1980, there was published in the **Federal Register** (45 FR 85140) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton textile products, produced or manufactured in Pakistan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the 18-month period which began on January 1, 1981 and extends through June 30, 1982. Under the terms of the bilateral agreement, the United States Government has decided also to control imports of cotton textile products in Category 351 during that same period. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 351 in excess of 38,462 dozen. The level of restraint has not been adjusted to account for any imports after December 31, 1980. Imports during the period which began on January 1, 1981 and extended to July 31, 1981 amounted to 28,940 dozen and will be charged. As the data become available, further charges will be made to account for the period which began on August 1, 1981 and extends to the effective date of this action.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 22, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textile products, produced or manufactured in Pakistan.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 28, 1981 and for the eighteen-month period which began on January 1, 1981 and extends through June 30, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 351 in excess of 38,462 dozen.[1]

Textile products in Category 351 which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Textile products in Category 351 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-27903 Filed 9-24-81; 8:45 am]

BILLING CODE 3510-25-M

Adjusting the Levels of Restraint for Certain Cotton Apparel Products From the People's Republic of China

September 23, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing specific ceilings of 150,000 dozen, 208,333 dozen and 583,333 dozen, respectively, for men's and boys' other cotton coats in Category 334, women's, girls' and infants cotton coats in Category 335, and men's and boys' cotton knit shirts in Category 338 during the ten-month period which began on March 1, 1981 and extends through December 31, 1981. In addition, a sublimit of 416,667 dozen has been established within Category 338 for T.S.U.S.A. numbers 380.0029 and 380.0652.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: On September 21, 1981 the Governments of the United States and the People's Republic of China exchanged notes amending the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980 between the two governments to establish, among other things, specific ceilings for cotton textile products in Categories 334, 335 and 338 for the period which began on March 1, 1981

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[1] The level of restraint has not been adjusted to account for any imports after December 31, 1980. Imports during the January-July 1981 period have amounted to 28,940 dozen.

and extends through December 31, 1981, but including the provision that the percentage increases for swing shall be 6 percent for Category 334, 7 percent for Category 335, and 6 percent for Category 338 during the ten-month agreement period which began on March 1, 1981 and henceforth.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On June 19, 1981, there was published in the **Federal Register** (46 FR 32060) a letter dated June 16, 1981 to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for cotton textile products in Categories 334, 335, and 338, produced or manufactured in the People's Republic of China and exported during the ninety-day period which began on February 24, 1981 and extended through May 24, 1981 and the twelve-month period which began on May 25, 1981 and extends through May 24, 1982. The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancels and supersedes the June 16, 1981 letter and directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption of cotton textile products in Categories 334, 335 and 338 in excess of the designated levels of restraint during the ten-month period which began on March 1, 1981 and extends through December 31, 1981.

Arthur Garel,
Acting Chairman, Committee for the Implementation of Textile Agreements.

September 23, 1981.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive cancels and supersedes the directive issued to you on June 16, 1981 by the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for cotton textile products in Categories 334, 335 and 338 from the People's Republic of China during the ninety-day period which began on February 24, 1981 and extended through May 24, 1981 and the twelve-month period which began on May 25, 1981 and extends through May 24, 1982.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972 as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 28, 1981 and for the ten-month period which began on March 1, 1981 and extends through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 334, 335 and 338, exported from the People's Republic of China on and after March 1, 1981, in excess of the following levels of restraint: [1]

Category	10-month level of restraint
334	150,000
335	[1] 208,333
338	[2] 583,333

[1] Dozen.

[2] Dozen of which not more than 416,667 dozen shall be in T.S.U.S.A. numbers 380.0029 and 380.0652.

Textile products in Categories 334, 335 and 338 which have been exported to the United States prior to March 1, 1981 shall not be subject to this directive.

Textile products in Categories 334, 335 and 338 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-28002 Filed 9-24-81; 8:45 am]

BILLING CODE 3510-25-M

Adjusting the Level of Restraint for Certain Wool and Man-Made Fiber Apparel Products Exported From the Polish People's Republic

September 23, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the level of restraint established for wool and man-made fiber suits in Category 443/643/644, produced or manufactured in Poland, from 14,852 dozen to 16,634 dozen during the agreement year which began on January 1, 1981 by the application of swing and carryforward. The sublimit for Category 443/643 (except leisure suits in T.S.U.S.A. Numbers 380.8145, 380.8451, 380.6651 and 380.6652) is being increased from 13,000 dozen to 14,560 dozen during the same agreement period.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 15, 1980 and March 21, 1981, as amended, between the Governments of the United States and the Polish People's Republic provides, among other things, for the borrowing of yardage in certain categories from the succeeding year's level with the amount used deducted from the level in the following year (carryforward); and that specific ceilings may be increased by designated percentages (swing). Pursuant to the terms of the bilateral agreement, the import restraint level for Category 443/643/644 is being increased during the twelve-month period which began on January 1, 1981.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On April 30, 1981 there was published in the **Federal Register** (46 24224) a letter dated April 27, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain cotton, wool and man-made fiber textile products, including Category 443/643/644, produced or manufactured in Poland which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981 under the terms of a new bilateral agreement.

In the letter published below the Chairman of the Committee for the

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[1] The levels of restraint have not been adjusted to reflect any imports after February 28, 1981.

Implementation of Textile Agreements directs the Commissioner of Customs to permit entry for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Category 443/643/644, produced or manufactured in Poland, at the increased level of 16,634 dozen during the agreement year which began on January 1, 1981.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 23, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: On April 27, 1981, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Poland, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, and extended on December 15, 1977, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 15, 1980 and March 21, 1981, as amended, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on September 28, 1981, to increase the twelve-month level of restraint for Category 443/643/644 to the following:

Category	Amended 12-mo. level of restraint[1]
443/643/644	16,634 dozen of which not more then 14,560 dozen shall be applied to all T.S.U.S.A. numbers in these categories except 380.8145, 380.8451, 380.6651 and [illegible]

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of wool and man-made fiber textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-28097 Filed 9-24-81; 10:24 am]

BILLING CODE 3510-25-M

Announcing an Import Restraint Level for Certain Wool Sweaters From Mauritius

September 24, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing a level of restraint of 47,214 dozen for wool sweaters in Category 445/446, produced or manufactured in Mauritius and exported during the twelve-month period which began on July 30, 1981, pursuant to Section 204 of the Agricultural Act of 1956, as amended.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), and May 5, 1981 (46 FR 25121)).

SUMMARY: On July 30, 1981, the United States Government requested the Government of Mauritius to enter into consultations to establish an appropriate level of restraint for wool sweaters in Category 445/446, produced or manufactured in Mauritius and exported to the United States during the twelve-month period which began on July 30, 1981. Consultations held in Geneva during the week of September 21-25, 1981 did not produce a mutually satisfactory solution. Inasmuch as these imports are continuing to rise, the Government of the United States has decided, pending further consultations, to prohibit entry of wool sweaters in Category 445/446 in excess of 47,214 dozen during the twelve-month period which began on July 30, 1981.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On August 13, 1981, there was published in the **Federal Register** (46 FR 40916) a notice dated August 10, 1981, announcing that consultations had been requested with the Government of Mauritius concerning an appropriate level of restraint for wool sweaters in Category 445/446, produced or manufactured in Mauritius, and soliciting public comment thereon. Consultations were held with the Government of Mauritius during the week of September 21-25, 1981 in Geneva and did not produce a mutually satisfactory solution. Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption or withdrawal from warehouse for consumption of wool sweaters, produced or manufactured in Mauritius and exported during the twelve-month period which began on July 30, 1981 and extends through July 29, 1982 in excess of 47,214 dozen. This directive is subject to termination or revision in the event a different solution is agreed between the two governments during further consultations.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 24, 1981

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit effective on September 28, 1981, and for the twelve-month period which began on July 30, 1981 and extends through July 29, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 445/446, produced or manufactured in Mauritius and exported during the twelve-month period which began on July 30, 1981, in excess of 47,214 dozen.[1]

Wool textile products in Category 445/446 that have been exported before July 30, 1981 shall not be subject to this directive.

Wool textile products in Category 445/446 that have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 15, 1980 and March 21, 1981, as amended, between the Governments of the United States and the Polish People's Republic which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[1] The level of restraint has not been adjusted to account for any imports after July 29, 1981.

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A detailed description of the textilte categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mauritius and with respect to imports or wool textile products from Mauritius have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textitle Agreements.

[FR Doc. 81-28096 Filed 9-24-81; 10:24 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1981 a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: September 25, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On July 24, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 38119) of proposed addition to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1981:

SIC 7399

Currency Packaging Service, Bureau of Engraving and Printing, Washington, D.C.

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81-27863 Filed 9-24-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Meeting

Working Group C (Mainly Imaging and Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session 28 October 1981, at the Honeywell Management Development Center, 7625 Metro Blvd., Minneapolis, Minnesota 55420.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, § 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 22, 1981.

[FR Doc. 81-27953 Filed 9-24-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Record of Decision; Medium Btu Industrial Fuels Gasification Demonstration Plant (IFGDP) Memphis, Shelby County, Tenn.

AGENCY: Department of Energy.

ACTION: Notice of Record of Decision regarding the Department of Energy's action on the proposed demonstration project. The environmental consequences of the proposed project and the reasonable alternatives to the proposed project were evaluated in a Final Environmental Impact Statement (EIS), DOE/EIS-0071, which was filed with EPA on May 1, 1981. This Record of Decision is being issued pursuant to regulations of the Council on Environmental Quality (40 CFR Part 1505) and Implementing Procedures of the Department of Energy (45 FR 20694).

Decision

The Department of Energy (DOE) has decided to terminate future funding support of the proposed Memphis Light, Gas, and Water (MLGW) Division sponsored Medium Btu Industrial Fuel Gas Demonstration Plant (IFGDP) project. MLGW has submitted an application to the Synthetic Fuels Corporation (SFC) for continued financial support to construct the IFGDP. In order to assist the current project schedule and to maintain project design team efforts until SFC can act on the MLGW application, DOE will continue to provide available prior year funds to the project, with the provision that these funds will be utilized only for final design and associated technical support pilot plant tests, and necessary vendor engineering. No site work or construction work is included. The DOE involvement in the project will terminate either when available prior year funds are exhausted, or when SFC acts on the MLGW application; whichever comes first.

Basis for Decision

The United States' dependence on foreign sources for some of its petroleum and natural gas has been a matter of concern for some time.

The goal of DOE's Fossil Energy program is to develop advanced methods of utilizing the Nation's abundant coal supply to increase national security, and minimize economic and social costs. DOE has supported the proposed MLGW project with funds for conceptual design and environmental impact assessment. With the restructuring of the Federal Synthetic Fuels Program during 1981, which involves increased reliance on the private sector to bring about expanded development and production of new energy resources, DOE will phase out its participation in the project as a major cost-sharing partner. MLGW has submitted a proposal to the SFC to continue the project under incentives provided by the Corporation. It is DOE's opinion that use of the available prior year funds will aid MLGW in the possible transition to SFC sponsorship and is not inconsistent with the

Administration's policies of teminating Federal support of the project. DOE will terminate its involvement with the IFGDP project when these available funds are either exhausted or when SFC acts upon the MLGW application; whichever comes first. Prior year funds are not to be used to accomplish site work or other construction activities.

The alternatives considered by DOE in reaching this decision were discussed in Section 2 of the Final EIS. They are: to proceed with the proposed action, to modify the proposed action, or to take no action. The environmentally preferred alternative is the no-action alternative. As discussed above, DOE is taking the no-action alternative in support of the Administration's restructuring of the Federal Synthetic Fuels Programs by terminating future funding for the MLGW project.

The Final EIS (DOE/EIS–0071) identified only two monitoring activities that DOE would have undertaken to supplement the monitoring activities of the industrial partners; namely to prepare and make public quarterly reports and to conduct supporting investigations on the release and effects of novel effluents. It is DOE's opinion that the proposed project is technically sound and based on the analysis in the Final EIS, the impacts of the proposed MLGW project would be environmentally acceptable without DOE's monitoring activity. If successful, the project will provide private industry with needed information and incentive to phase the U-gas process into the commercial sector. Successful commercialization of the U-gas process could result in a national market penetration of 0.6 Quads of medium Btu gas by 1992.

Dated this 18th day of September 1981, in Washington, D.C.

Jan W. Mares,

Assistant Secretary for Fossil Energy.

[FR Doc. 81–27828 Filed 9–24–81; 8:45 am]

BILLING CODE 6450–01–M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meeting:

A meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held on October 5, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:00 a.m. This meeting is being held to permit Subcommittee A to consult with the IEA Secretariat and IEA member governments concerning trade discrepancies in the IEA Emergency Data System.

The agenda for the meeting is under the control of the IEA Secretariat. It is expected that the following subjects will be discussed:

Trade discrepancies in the IEA Emergency Data System:

—transshipment terminals;

—non-reporting by traders in the Rhine area.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., September 21, 1981.

Janine Landow-Esser,

Deputy Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81–27915 Filed 9–24–81; 8:45 am]

BILLING CODE 6450–01–M

Bonneville Power Administration

Alumax Final Environmental Impact Statement; Record of Decision

AGENCY: Bonneville Power Administration, DOE.

Decision: Bonneville Power Administration (BPA) has decided to provide service to the Alumax-Pacific aluminum reduction plant at Umatilla, Oregon, under the terms of the Industrial Firm Power Sales Contract (No. 14–03–59133) of April 17, 1975. Such service shall not extend beyond July 20, 1986, pursuant to such contract. This record of decision (ROD) is based upon the Final Alumax Environmental Impact Statement (EIS), (DOE/EIS–0076), which was filed with the Environmental Protection Agency on June 15, 1981, and upon "The Role of the Bonneville Power Administration in the Pacific Northwest Power Supply System: Including Its Participation In a Hydro Thermal Power Program" (Final Role EIS: DOE/EIS–0066) of December 1980.

This decision applies to service rendered to Alumax pursuant to the terms and conditions of Contract No. 14–03–59133. Following that, service to Alumax would fall under the provisions and the requirements of the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (PNEPPCA).

Project description: In April of 1975, BPA signed a contract with Alumax-Pacific Corporation for the sale of power to their proposed primary aluminum reduction plant to be located in northeastern Oregon near Umatilla. Under the existing contract BPA proposes to serve the facility with 320 MW of Industrial Firm power. The proposed plantsite would occupy approximately 165 acres of a 4,100 acre-tract in the Port of Umatilla's industrial site area and involves two potlines for the reduction of aluminum by the Hall-Heroult process using prebake carbon anodes. Dominant physical features of the proposed facility include four "potroom," large aluminum storage silos, an emission control center with 150-foot stack, and the anode manufacturing building. Rail access would be provided by an extension of an existing Union Pacific spur serving Umatilla.

Transmission facilities would include the construction of two single-circuit 230-kV lines from the existing McNary Substation to the proposed Mill Substation near the plant. Each line would be approximately 4 miles long and would follow a route where the fewest environmental impacts are expected to occur.

Alternatives considered: Alternatives to the proposal considered by Bonneville in reaching its decision were:

(a) No service to Alumax;

(b) Alumax served at the Warrenton site;

(c) Service to Alumax delayed until firm energy surplus to preference customers' requirements is available;

(d) Alternative contract expiration dates;

(e) Alternative plant technology or methods of operation; and

(f) Alumax served but with power inadequate to facilitate operation at planned capacity.

Alternative A, the "no-action" alternative, is also the environmentally preferred alternative. If BPA did not serve Alumax, it is unlikely that the plant would be built. Therefore, the construction and operating impacts of the plant would be avoided.

Alternative B, resiting the plant at Warrenton, an alternate site considered in the EIS, would have many of the same types of impacts as those of the proposal, but the natural ecosystems at this site would be more vulnerable to harm than those at the Umatilla site.

Alternative C, delaying service, would be similar to the "no-action" alternative; no surplus in power supply is expected within the duration of the Alumax contract.

Alternative D, alternative contract dates, would not change the nature and extent of the impacts, although a shorter contract period might decrease the likelihood of the Alumax plant being built. Longer contract lengths would increase the duration of the possible impacts and the likelihood that the plant would be built.

Alternative E, utilization of alternate plant technology or methods of operation, would not result in any change in the operational impacts of Alumax (e.g., air quality and water quality), on the environment, because the Alumax plant as proposed already encompasses the best available pollution control technology. As indicated on page 5, the plant will meet all applicable environmental standards and requirements. Therefore, there is no alternative process or technology that would further reduce regulated environmental impacts. Construction impacts would also remain the same as in Alternative A.

Alternative F, inadequate service, would have variable impacts, depending on the size of the inadequacy and Alumax's response to the cutback. If supplemental energy is found, impacts would be the same as those of the proposal. If the plant were operated at less than capacity, such impacts would be reduced accordingly. If Alumax were not to build in the region, the impacts would be the same as those of Alternative A.

Decision factors: The impact factors of siting the Alumax plant at Umatilla which were evaluated by BPA in reaching this decision include physical and biological impacts to natural ecosystems, air and water quality impacts, and socioeconomic impacts to surrounding communities. Particular attention was given to the examination of air contaminants—fluorides and sulfides—associated with the aluminum reduction process.

Impacts to surrounding communities such as increased tax base, compatibility with existing community services and employment, were also considered. Although it was determined that community services in Umatilla would be detrimentally affected, the increase in tax base associated with the influx of population is, in the opinion of locally elected officials, adequate to accommodate the expected changes.

While the plant as proposed would emit particulate and gaseous pollutants into the atmosphere, use of the best available control technology would meet ambient air quality standards and prevention of significant deterioration requirements. There is, however, some speculation that long-term fluoride accumulation (0.2 $\mu g/m^3$ annual or monthly average total fluoride; 0.1 $\mu g/m^3$ annual or monthly average gaseous fluoride) may affect the immediate area of the plant (the plantsite, the river, and the land between the two); however, Washington State ambient fluoride standards would not be exceeded (Oregon has no ambient fluoride standards; therefore, Washington standards are used to measure fluoride concentrations).

BPA examined the U.S. and international markets for aluminum and the impacts of the proposal on them. The impact of Alumax on both world and national supply of aluminum in percentage terms would decline over time in world and national markets. With price adjustments, world supply of and demand for aluminum would be brought into balance, while national demand would have to be satisfied through imports; without Alumax, the amount of imports required would be greater (130,000 metric tons in all years after 1980), and the average cost of imports higher (70 million 1976 dollars) than with the plant as proposed.

BPA also examined impacts of the proposal on the Federal Power System in the Pacific Northwest, concluding that both negative impacts (in the form of increased system losses) and positive ones (approximate Federal system load factor increase of 0.5 percent, due to Alumax's very high load factor of 98–100 percent) would result from siting the plant at Umatilla.

Considerations which mitigate the impacts of implementing the decision: All regulated environmental impacts associated with the decision are within levels that comply with Federal, State, and local standards and requirements. Therefore, the decision to serve the plant, while not the environmentally preferred alternative, is judged to be environmentally acceptable. In addition, both BPA and Alumax have identified specific measures to mitigate impacts on the natural resources and socioeconomic environment expected to be affected by the proposal. They include specific measures to mitigate the physical effects of the plant on the environment (relocation of wildlife irrigation ponds, special measures to minimize damage to soils and vegetation during construction, paving of roads and maintenance of ground cover to reduce dust and limitation of construction activities to daytime to minimize noise) and measures to mitigate impacts of transmission facilities (described in BPA's Draft Role EIS, Appendix B, VIII). Unlike physical and biological impacts, the nature of social and economic impacts is such that it is often difficult to determine which of these effects are adverse or to suggest or require mitigation measures. Furthermore, it is often outside the jurisdiction of the party proposing the action to undertake any measures which might be required. Therefore, measures discussed in the EIS are not concrete actions to which someone is committed to performing to a specified level of efficiency; generally, they are accepted planning practices and techniques utilized to limit the adverse effects of community growth which have been specifically attributed to Alumax.

Monitoring for long-term air quality will be carried out in accordance with the Oregon Department of Environmental Quality (DEQ) permitting procedures. The DEQ has already issued a permit for the wastewater control treatment and disposal facilities (permit No. 2287, July 21, 1975); monitoring programs are required under this permit.

All practicable means to avoid or minimize environmental harm have been adopted.

For further information contact: Anthony R. Morrell, Acting Environmental Manager, Bonneville Power Administraion, P.O. Box 3621–SJ, Portland, Oregon 97208. Telephone (503) 234–3361, extension 5137.

Dated: August 7, 1981.

Peter T. Johnson,

Administrator.

[FR Doc. 81-27824 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Alpar Resources, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: August 28, 1981.

COMMENTS BY: October 26, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION, CONTACT: Wayne I. Tucker, Southwest District

Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767-7745.

SUPPLEMENTARY INFORMATION: On August 26, 1981 the Office of Enforcement the ERA executed a Consent Order with Alpar Resources, Inc. of Perryton, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of $500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Alpar Resources, Inc. wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Alpar effective as of the date of its execution by the DOE and Alpar.

I. The Consent Order

Alpar Resources, Inc. (Alpar) is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Alpar the Office of Enforcement, ERA, and Alpar entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through January 27, 1981, Alpar allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, subpart D.
2. Alpar and the DOE have agreed to a settlement of $313,000. This amount will be refunded by Alpar within 30 days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Alpar.
3. This consent Order constitutes neither an admission by Alpar that ERA regulations have been violated nor a finding by the ERA that Alpar has violated ERA regulations.
4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Alpar agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $313,000 in the manner specified in I.2 above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* the ERA invites interested persons to comment on the terms, conditions, or procedural aspects of the Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Alpar Resources, Inc. Consent Order." We will consider all comments we received by 4:30 p.m., local time, October 26, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the porcedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 11th day of September, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-27821 Filed 9-24-81; 8:45 am]

[redacted]

[ERA Docket No. 81-CERT-017]

Arizona Public Service Co.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On July 21, 1981, Arizona Public Service Company (Arizona Public), P.O. Box 21666, Phoenix, Arizona 85036, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of 10,832,000 Mcf of natural gas per year for the Ocotillo Plant in Tempe, Arizona; 1,671,000 Mcf per year for the West Phoenix Plant in Phoenix, Arizona; 5,470,000 Mcf per year for the Saguaro Plant in Red Rock, Arizona; and 2,808,000 Mcf per year for the Yuma Plant in Yuma, Arizona. These volumes are estimated to displace the use of the following quantities of fuel oil per year:

	[redacted] (0.9 pct [redacted]	No 2 (0.5 pct [redacted]
Ocotillo Plant	1,635,500	[redacted]
West Phoenix Plant	[redacted]	[redacted]
Saguaro Plant	715,800	[redacted]
Yuma Plant	[redacted]	147,600

The eligible sellers of the natural gas are Delhi Gas Pipeline Corporation and Gas Company of New Mexico. The gas will be transported on interstate pipeline by El Paso Natural Gas Company. Notice of that application was published in the **Federal Register** (46 FR 45013, September 9, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On July 31, 1981, Arizona Public received a certification (ERA Docket No. 80-CERT-021) of an eligible use of natural gas at the Ocotillo, West Phoenix, Saguaro, and Yuma Plants, for a period of one year. That certificate

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expired on August 1, 1981. Due to the late filing on July 21, 1981, continuity of certifications was not possible. Arizona Public stated no natural gas was being used to displace fuel oil at the close of the earlier certification period and that no loss of oil displacement would occur as a result of delay in issuing this recertification.

The ERA has carefully reviewed Arizona Public's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas To Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Arizona Public's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. September 21, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81–27814 Filed 9–24–81; 8:45 am]

BILLING CODE 6450–01–M

Marshall Pipe & Supply Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: August 28, 1981.

COMMENTS BY: October 26, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION, CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On August 28, 1981 the Office of Enforcement of the ERA executed a Consent Order with Marshall Pipe & Supply Company of Dallas, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of $500,000 or less in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Marshall Pipe & Supply Company wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Marshall effective as of the date of its execution by the DOE and Marshall.

I. The Consent Order

Marshall Pipe & Supply Company (Marshall) is a firm engaged in the production of crude oil and was subject to the mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Marshall the Office of Enforcement, ERA, and Marshall entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through October 31, 1980, Marshall allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Marshall and the DOE have agreed to a settlement of $52,000. This amount will be refunded by Marshall within 31 days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Marshall.

3. This Consent Order constitutes neither an admission by Marshall that ERA regulations have been violated nor a finding by the ERA that Marshall has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Marshall agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $52,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory

Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Marshall Pipe & Supply Company Consent Order". We will consider all comments we received by 4:30 p.m., local time, October 16, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 11th day of September, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-27822 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5285-000]

Alton Hydro Associates; Notice of Application for Preliminary Permit

September 21, 1981.

Take notice that Alton Hydro Associates (Applicant) filed on August 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5285 to be known as the Merrymeeting Project located on the Merrymeeting River in the Town of Alton in Belknap County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Alton Hydro Associates, c/o East Coast Engineering, Box 25, Barrington, New Hampshire 03825.

Project Description—The proposed run-of-the-river project would consist of existing facilities including: (1) Alton Power Dam, a composite concrete gravity and earth-embankment dam with an overall length of 190 feet and a height of 16 feet, and containing twelve stoplog-controlled bays along its 82-foot long concrete spillway; (2) a reservoir with a surface area of about 160 acres and storage capacity of 4,670 acre-feet at spillway crest elevation 523.3 feet m.s.l.; (3) an intake structure at the right (east) abutment of the dam; (4) a powerhouse and short discharge channel. The dam is owned by the New Hampshire Fish and Game Department. New project works would include a new penstock 250 feet long, a new 57-kW turbine-generator, electrical facilities, and other appurtenances. Applicant estimates annual generation of 300,000 kWh. Project energy would be sold to the Public Service Company of New Hampshire.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $15,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 27, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 27, 1981.

Filing and Service of Responsive documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27858 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-481-000]

Carbonic Intrastate Pipeline Company, Inc.; Notice of Application

September 18, 1981.

Take notice that on August 24, 1981,[1] Carbonic Intrastate Pipeline Company, Inc. (Applicant), 135 South La Salle Street, Chicago, Illinois 60603, filed in Docket No. CP81-481-000 an application pursuant to Section 1(c) of the Natural Gas Act for an exemption from the provisions of the Natural Gas Act and the Regulations of the Commission pertaining thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant operates in Louisiana a system which is interconnected to United Gas Pipeline Company's (United) interstate natural gas facilities in Ascension Parish, Louisiana. Applicant asserts that this is the only point at which its system interconnects with an interstate pipeline system and that it does not presently connect with any other intrastate pipeline in Louisiana. Applicant also contends that all of the natural gas it receives from United is consumed within the state of Louisiana. Furthermore, Applicant submits that the Louisiana Public Service Commission exercises jurisdiction over the natural gas rates, service and facilities of Applicant. Therefore, Applicant maintains that it fully satisfies the requirements of Section 1(c) of the Natural Gas Act.

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[1] The application was initially tendered for filing on August 24, 1981; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until August 27, 1981; thus, filing was not completed until the latter date.

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Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27933 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-502-000]

Cities Service Gas Co.; Notice of Application

September 18, 1981.

Take notice that on September 4, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-502-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities in the McLouth Storage Field, Jefferson County, Kansas, to recover natural gas released from the reservoir due to deep drilling, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is asserted that Petro-Technology, Inc. (Petro-Tech) has obtained leases to drill to depths below Applicant's existing McLouth Storage Field and has drilled three wells to the Mississippi Formation. It appears that gas from the McLouth Storage Field has permeated this lower horizon and is being withdrawn in connection with oil production from these wells, Applicant states. Petro-Tech, it is explained, acknowledges that this is Applicant's gas and has agreed to deliver such gas back to Applicant at no charge; but in order for Applicant to accept delivery of the gas and reinject it into the storage field it must be compressed.

Therefore, Applicant proposes to construct and operate the McLouth Booster Station consisting of one 360 horsepower rental compressor unit and appurtenant facilities, approximately 0.21 mile of 6-inch pipeline and measuring and appurtenant facilities.

Applicant states that the estimated cost of such facilities is $61,550, which would be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to be proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27935 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2792-001]

City of Delta, Colo.; Notice of Application for Preliminary Permit

September 18, 1981.

Take notice that the City of Delta, Colorado (Applicant) filed on August 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 2792 to be known as the Smith Fork Project located on the Gunnison River, near the City of Delta in Delta and Montrose Counties, Colorado on lands administered by the U.S. Bureau of Land Management (T50, 51N, 15S, R93, 94, 8, 9W). The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James V. Williamson, R.W. Beck and Associates, 200 Tower Building, 7th Avenue at Olive Way, Seattle, Washington 98101.

Project Description—The proposed project would consist of: (1) a 275-foot high, 480-foot long concrete-arch dam; (2) a 605 acre reservoir with a total usable storage capacity of 20,000 acre-feet at a normal water surface elevation of 5,425 feet M.S.L; (3) a powerhouse located at the downstream toe of the dam containing turbine-generators with a total rated capacity of 80 MW; (4) a 6-mile long, 115-kV transmission line; and (5) appurtenant facilities. The project would produce up to 175,000,000 kWh annually. Energy produced at the project would be utilized by the Applicant and/or sold to Colorado-Ute Electric Association.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Geotechnical studies which would include core drilling in the vicinity of the axis of the proposed dam would be conducted. Disturbed areas would be restored upon completion of such studies. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the preliminary permit would be $700,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 30, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27934 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5207-000]

City of Gillette, Wyo.; Notice of Application for Preliminary Permit

September 21, 1981.

Take notice that the City of Gillette, Wyoming (Applicant) filed on August 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5207 known as the Buffalo Bill Dam Power Project near Cody, Wyoming, located on the Shoshone River in Park County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Michael B. Enzi, Mayor of Gillette, P.O. Box 3003, Gillette, Wyoming 82716.

Project Description—The proposed project would utilize an existing Bureau of Reclamation dam and reservoir. Project No. 5207 would consist of: (1) renovation of an existing powerhouse; (2) enlarging the existing access and power tunnel to the powerhouse; (3) use of existing switchyard equipment near the powerhouse; (4) a proposed penstock to be installed through the dam; and (5) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 31 MW and the annual energy output to be 74 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 27, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 27, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27960 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 510]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: Septembur 21, 1981.

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*****************************************************************************
   NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION
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-BORALDON & CO                             RECEIVED:  09/02/81  JA: NY
 8147986   16              3102912465   108     GRINNEL I #22                           BRANT                    4.5 NATIONAL FUEL GAS
-DORAN & ASSOCIATES INC                    RECEIVED:  09/02/81  JA: NY
 8147982   844             3101321449   102-2   BERNICE SWARTOUT #1 K-A-21              LAKE SHORE              30.0 NATIONAL FUEL GAS
-ENVIROGAS INC                             RECEIVED:  09/02/81  JA: NY
 8147976   1091            3101314480   103     #1 H BEAUJEAN                           LAKESHORE               18.0 NATIONAL FUEL GAS
 8147977   1089            3101314318   103     #1 M STRONG                             LAKESHORE               18.0 NATIONAL FUEL GAS
 8147983   1096            3101315270   103     #2 A STRINE                             LAKESHORE               10.0 NATIONAL FUEL GAS
-FLINT OIL & GAS INC                       RECEIVED:  09/02/81  JA: NY
 8147967   1099            3102913099   103     #1401 - LARRY LIPPERT ET UX #1          COWLESVILLE             10.0 NATIONAL FUEL GAS
 8147973   1100            3102914333   103     #1437 - RUGACKI-FOSS UNIT #1            COWLESVILLE             10.0 NATIONAL FUEL GAS
 8147956   1102            3102914334   103     #1439 - A GERHARDT #1                   COWLESVILLE             10.0 NATIONAL FUEL GAS
 8147955   1103            3102914335   103     #1440 - L & G KURKE UNIT #1             COWLESVILLE             10.0 NATIONAL FUEL GAS
 8147958   1101            3102914336   103     #1441 - L & G KURKE UNIT #2             COWLESVILLE             10.0 NATIONAL FUEL GAS
 8147988   1098            3102914371   103     #1442 - CLAUDE KRATT #1                 COWLESVILLE             10.0 NATIONAL FUEL GAS
 8147950   941             3102914437   103     C & C SAGER UNIT #1                     LAKESHORE               20.0 NATIONAL FUEL GAS
 8147951   938             3102914543   103     C C VOLLMAR UNIT #1                     BRANT-EVANS             20.0 NATIONAL FUEL GAS
 8147953   942             3102914435   103     K & C JEWITT #1                         LAKESHORE               20.0 NATIONAL FUEL GAS
 8147980   940             3102914541   103     K & M TAYLOR UNIT #1                    BRANT-EVANS             20.0 NATIONAL FUEL GAS
 8147954   937             3102914540   103     M FORSTER #1                            BRANT - EVANS           20.0 NATIONAL FUEL GAS
-GENOA & CO                                RECEIVED:  09/02/81  JA: NY
 8147945   22              3101311721   108     GLOOR I I #8                            LAKESHORE                8.4 NATIONAL FUEL GAS
-GRIMSBY & CO                              RECEIVED:  09/02/81  JA: NY
 8147981   17              3101311920   108     CIVFLETTO III III #15                   LAKESHORE                4.1 NATIONAL FUEL GAS
 8147943   21              3101311786   108     PAGANO I I - #9                         LAKESHORE                5.3 NATIONAL FUEL GAS
-OILMARK & CO INC                          RECEIVED:  09/02/81  JA: NY
 8147972   1808            3101313710   103     BRISKY #1                               LAKESHORE                8.0 NATIONAL FUEL GAS
 8147985   1116            3101313708   108     CHANT #1                                LAKESHORE               27.0 NATIONAL FUEL GAS
 8147984   1117            3101313709   108     CHANT #2                                LAKESHORE               13.0 NATIONAL FUEL DIS
 8147957   #875            3101314474   103     DECK #1                                 LAKESHORE               20.0 COLUMBIA GAS TR C
 8147942   814             3101314476   103     ELLIS #1                                LAKESHORE               10.0 COLUMBIA GAS TR C
 8147990   1114            3101313792   108     FEINEN #2                               LAKESHORE               30.0 NATIONAL FUEL GAS
 8147969   1865            3101313755   103     FEIKEN BROS INC #1                      LAKESHORE                0.0 NATIONAL FUEL GAS
 8147946   1810            3101313756   103     GEIBEN BROS #1                          LAKESHORE                8.0 NATIONAL FUEL GAS
 8147979   876             3101313959   103     HANKS #1                                LAKESHORE               20.0 COLUMBIA GAS TR C
 8147992   1115            3101313793   108     KRYSTOFIK #1                            LAKESHORE               20.0 NATIONAL FUEL DIS
 8147971   1807            3101314473   103     OWENS #1                                LAKESHORE               20.0 NATIONAL FUEL GAS
 8147974   873             3101314831   103     ROLPH #1                                LAKESHORE               15.0 COLUMBIA GAS TR C
 8147989   1119            3101312331   108     ROMAN #1                                LAKESHORE               19.0 NATIONAL FUEL GAS
 8147970   1509            3101314383   103     RUCH #1                                 LAKESHORE               12.0 NATIONAL FUEL GAS
 8147978   877             3101314475   103     SHERMET #1                              LAKESHORE               20.0 COLUMBIA GAS TR C
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                                                                                  VOLUME  510          PAGE  002
 JD NO     JA DKT        API NO     D SEC CAT WELL NAME                         FIELD NAME             PROD     PURCHASER
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 8147991   1113          3101313711   108     YERICO #1                         LAKESHORE              38.0 NATIONAL FUEL GAS
 8147987   1118          3101313712   108     YERICO #2                         LAKESHORE              38.0 NATIONAL FUEL GAS
-P & S DRILLING INC                          RECEIVED:  09/02/81  JA: NY
 8147968   944           3100913913   103     DUDZIC #1                         ELMA                    6.0 NATIONAL FUEL GAS
 8147962   943           3100914619   103     FITZPATRICK & WELLER #1           SKINNER HOLLOW         25.8 NATIONAL FUEL GAS
-PARAGON RESOURCES INC                       RECEIVED:  09/02/81  JA: NY
 8147961   1111          3101310700   108     UNIT NO 155 - JOSEPH P DEJOE      LAKESHORE               1.2 NATIONAL FUEL GAS
 8147965   208           3101310875   108     UNIT NO 168 - NORMAN F PRATT      LAKESHORE               2.9 NATIONAL FUEL GAS
 8147964   226           3101311159   108     UNIT NO 227 - CARMEN VASTULA      LAKESHORE               3.9 NATIONAL FUEL GAS
 8147960   228           3101311167   108     UNIT NO 232 - MERL EIMERS         LAKESHORE               5.3 NATIONAL FUEL GAS
 8147963   159           3101310028   108     UNIT NO 30 - G W MOONEY           LAKESHORE               3.3 NATIONAL FUEL GAS
 8147949   395           3101311498   108     UNIT NO 344 - FRANCIS HEALY       LAKESHORE               8.2 NATIONAL FUEL GAS
 8147948   419           3101311701   108     UNIT NO 346 - JEROME CRANDALL     LAKESHORE               2.9 NATIONAL FUEL GAS
 8147952   320           3101312339   108     UNIT NO 451 - JOHN CIMINELLO      LAKESHORE               2.8 NATIONAL FUEL GAS
 8147959   1112          3101310344   108     UNIT NO 58 - RICHARD BOUQUIN      LAKESHORE               1.8 NATIONAL FUEL GAS
-RESOURCE EXPLORATION INC                    RECEIVED:  09/02/81  JA: NY
 8147947   1134          3101312127   108     COWELS #3                         PANAMA GUAD             2.0 COLUMBIA GAS TRAN
 8147975   1133          3101311665   108     NELSON #1                         STEBBINS CORNER         3.0 COLUMBIA GAS TRAN
-SCG GAS QUEST INC                           RECEIVED:  09/02/81  JA: NY
 8147944   1104          3102913535   108     FRALICK #1                        EDEN-EVANS             19.7 TENNESSEE GAS PIP
-21 WEST GREEN ST ASSOCIATES                 RECEIVED:  09/02/81  JA: NY
 8147966   1087          3101313064   103     CASTILE HEIGHTS #2                LAKESHORE              15.0 NATIONAL FUEL GAS
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   OKLAHOMA CORPORATION COMMISSION
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-ANADARKO PRODUCTION COMPANY                 RECEIVED:  08/31/81  JA: OK
 8147913   12878         3500722040   102-4   COOK F NO 1                       NABISCO                72.0 WESTERN GAS INTER
-ANDOVER OIL COMPANY                         RECEIVED:  08/31/81  JA: OK
 8147888   12560         3501721858   102-2   POST #18-1                                            100.0 DELHI GAS PIPELIN
 8147888   12560         3501721858   103     POST #18-1                                            100.0 DELHI GAS PIPELIN
-A W H PRODUCTION CO                         RECEIVED:  08/31/81  JA: OK
 8147823   12728         3515321040   102-2   BORDEN #1-18                      S W MUTUAL            145.0 MICHIGAN WISCONSI
-APOLLO PRODUCTION LTD                       RECEIVED:  08/31/81  JA: OK
 8147910   10449         3507322590   103     TUTTY NO 25-10                    OKARCHE                16.4 SID RICHARDSON CA
-ARCO OIL AND GAS COMPANY                    RECEIVED:  08/31/81  JA: OK
 8147852   10314         3500721902   103     APPLE GAS UNIT NO 1               CAMRICK GAS AREA       73.0 NORTHERN NATURAL
-ATLAS OIL INC                               RECEIVED:  08/31/81  JA: OK
 8147887   12149         3500301691   102-4   JAMES 1-3                         WEST GUTHRIE           50.0 EASON OIL CO
-AUSTIN & AUSTIN                             RECEIVED:  08/31/81  JA: OK
 8147880   08126         3510300000   108     DAY #1                            ORLANDO                16.3 AMINOIL USA INC
-B & H EXPLORATION CO                        RECEIVED:  08/31/81  JA: OK
 8147813   10127         3510520932   103     EMBERSON #1                                             2.3 A G SYSTEMS INC
-B M C OIL & GAS INC                         RECEIVED:  08/31/81  JA: OK
 8147859   10303         3509120406   103     ALGIN 29-1 WELL                   NORTH HAIFORD         474.5 WELLHEAD ENTERPRI
-BARUCH-FOSTER CORP                          RECEIVED:  08/31/81  JA: OK
 8147825   12801         3508121023   102-4   STATE OF OKLAHOMA B #1            WEST SHAMROCK          10.0 CITIES SERVICE GA
 8147825   12801         3508121023   103     STATE OF OKLAHOMA B #1            WEST SHAMROCK          10.0 CITIES SERVICE GA
-BARUCH-FOSTER CORP                          RECEIVED:  09/01/81  JA: OK
 8147932   12799         3511921502   102-4   COTHAM #1                         SCHLEGEL               15.0 CITIES SERVICE GA
 8147932   12799         3511921502   103     COTHAM #1                         SCHLEGEL               15.0 CITIES SERVICE GA
 8147931   12800         3503722040   102-4   RUTH GIMENO #1                    WEST SHAMROCK          15.0 CITIES SERVICE GA
 8147931   12800         3503722040   103     RUTH GIMENO #1                    WEST SHAMROCK          15.0 CITIES SERVICE GA
-BERRY PETROLEUM CORP                        RECEIVED:  08/31/81  JA: OK
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                                                                          VOLUME 510          PAGE 003
JD NO     JA DKT       API NO       D SEC CAT WELL NAME                     FIELD NAME              PROD   PURCHASER
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 8147815   10246        3509322081   103      RATZLAFF #1-27                WEST ORIENTA             150.0 PIONEER GAS PRODU
-BETA OIL CO                                  RECEIVED: 08/31/81  JA: OK
 8147865   10282        3507300000   103      KLINNERT #1-18                OMEGA WEST               100.0 WARREN PETROLEUM
-BLAIK OIL COMPANY                            RECEIVED: 08/31/81  JA: OK
 8147855   10207        3509322135   103      GLENNIE #2-A                  SOONER TREND              27.0 PIONEER GAS PRODU
 8147856   10206        3504721501   103      WILSON UNIT NO 1              SOONER TREND              45.0 PANHANDLE EASTERN
-C R WOOD                                     RECEIVED: 08/31/81  JA: OK
 8147876   08565        3503722250   103      WOOD #1                                                164.3 PHILLIPS PETROLEU
 8147877   08566        3503700000   103      WOOD #2                                                135.1 PHILLIPS PETROLEU
-CANADIAN EXPLORATION CORP                    RECEIVED: 08/31/81  JA: OK
 8147839   10391        3501721811   103      JOHNSON NO 15-1               NORTHWEST MUSTANG          0.0 DELHI GAS PIPELIN
 8147840   10392        3501721740   103      NETHERTON NO 15-1             NORTH MUSTANG              0.0 DELHI GAS PIPELIN
-CLARK RESOURCES INC                          RECEIVED: 08/31/81  JA: OK
 8147867   10256        3507322784   103      GILL 9-1                      SOONER TREND             150.0 CITIES SERVICE GA
 8147868   10255        3507322790   103      KUSIK 10-1                    SOONER TREND              27.0 PANHANDLE EASTERN
-CORE OIL & GAS CORP                          RECEIVED: 08/31/81  JA: OK
 8147851   09449        3501721010   102-2    JOANI #1                      W YUKON                    0.0 PHILLIPS PETROLEU
-COTTON PETROLEUM CORPORATION                 RECEIVED: 08/31/81  JA: OK
 8147822   12720        3501521806   102-4    MARSHALL SMITH NO 1           N W HINTON                 0.0 TRANSOK PIPE LINE
 8147824   12731        3501521838   102-2    OAKES NO 1                    HINTON                     0.0 DELHI GAS PIPE LI
-DAVIS OIL COMPANY                            RECEIVED: 08/31/81  JA: OK
 8147846   09796        3501721755   103      ALICE NO 1                    EL RENO                 1000.0 DELHI PIPELINE CO
-DON D MONTGOMERY JR                          RECEIVED: 08/31/81  JA: OK
 8147845   10307        3502520403   103      HOWARD WARREN #1-27           SAMPSEL                    0.0 PANHANDLE EASTERN
-DOUGLAS OIL & GAS CO INC                     RECEIVED: 09/01/81  JA: OK
 8147937   11998        3501900000   103      BENNETT 1A                    SOUTH GRAHAM              36.0 MOBIL OIL CORP
-EARLSBORO OIL AND GAS CO INC                 RECEIVED: 08/31/81  JA: OK
 8147818   10231        3515121087   103      HODGDEN NO 1-1                NORTHWEST OAKDALE        180.0 AMINOIL USA INC
 8147843   10228        3509321984   103      LOLA TOMSON NO 1-11           WEST CLEO                180.0 AMINOIL USA INC
 8147820   10227        3509321886   103      RATZLAFF NO 1-15              RINGWOOD                 140.0 AMINOIL USA INC
 8147819   10229        3510720886   103      W T PRICE NO 2-27             S W HICKORY RIDGE        110.0 HICKORY RIDGE GAS
-ECC OIL CO                                   RECEIVED: 09/01/81  JA: OK
 8147938   12287        3510524989   102-2    GLASS #1 NW/4 SE/4 NE/4 14-28N-15E  LENAPAH        340.0 OKAN GAS CO
 8147939   12288        3510522858   102-2    GLASS ESTATE #4A NE/4 14-28N-15E    LENAPAH        800.0 OKAN GAS CO
 8147940   12289        3514721515   102-2    MITCHELL 1 #2-A SE/4 NE/4 2-27N-13E EAST DEWEY      50.0 OKAN GAS CO
-EDINGER INC                                  RECEIVED: 08/31/81  JA: OK
 8147857   10285        3500320775   103      RYEL B #1                     RINGWOOD                  33.0 PANHANDLE EASTERN
-ENERGY RESERVES GROUP INC                    RECEIVED: 09/01/81  JA: OK
 8147929   12278        3509120412   102-2    MATHENY #1                    WICHITA                  194.4
-EXXON CORPORATION                            RECEIVED: 08/31/81  JA: OK
 8147861   10299        3510320893   103      S S TATE #3                   LUCIEN                     8.0 AMINOIL USA INC
-F C D OIL CORP                               RECEIVED: 08/31/81  JA: OK
 8147884   10613        3504722481   102-4    CHRISTY 1-16                  KREMLIN                   88.7 CRA INC
 8147892   09839        3504722341   102-4    COFFEY 1-17                   KREMLIN                   73.0 CRA INC
 8147891   09098        3504722339   102-4    DOYLE 1-16                    KREMLIN                  109.5 CRA INC
 8147885   10615        3504722462   102-4    HOLLINGSWORTH 1-17            N W KREMLIN               14.6 CRA INC
 8147881   10616        3504722513   102-4    JUNIOR 1-16                   KREMLIN                   87.6 C R A INC
 8147893   13408        3504722644   102-4    MARKWELL 1-9                  N W KREMLIN              109.5 CRA INC
 8147886                3504722471   102-4    THESMAN 1-17                  N W KREMLIN              109.5 CRA INC
 8147894   13053        3504722340   102-4    VOTH 1-16                     KREMLIN                   36.5 CRA INC
-F M BUXTON                                   RECEIVED: 08/31/81  JA: OK
 8147842   10218        3500321578   103      ZACHGO 18 NO 1                SOONER TREND              73.0 CONOCO INC
-FALCON PETROLEUM COMPANY                     RECEIVED: 08/31/81  JA: OK
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                                                                                  VOLUME  518        PAGE  004
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 8147878   8448          3500721949   102-4    CLENNEY NO 2                        WILDCAT (SOUTH BALKO)       800.0 TRANSWESTERN PIPE
-FUNK EXPLORATION INC                   RECEIVED:  09/01/81  JA: OK
 8147936   11629         3508321667   102-2    WILLSON #1                          N NAVINA                      0.0 EASON OIL CO
-GENO OIL & GAS CORP                    RECEIVED:  08/31/81  JA: OK
 8147914   09287         3508500000   103      SCHAFFER-GORRELL                    ELKHORN                       0.0 EASON
-GEORGE RODMAN INC                      RECEIVED:  08/31/81  JA: OK
 8147835   10351         3508700000   103      RACHEL NO 1-23                      PAYNE                        20.4 SUN GAS CO
-GETTY OIL COMPANY                      RECEIVED:  08/31/81  JA: OK
 8147911   12824         3505100000   102-3    RICHARDSON NO B-1                   WEST MINCO                  182.0 TRANSOK PIPE LINE
-GOLDEN TOUCH OIL CO                    RECEIVED:  08/31/81  JA: OK
 8147869   10199         3514721931   103      BLEVINS NO 1                        BARTLESVILLE                 36.0 PHILLIPS PETROLEU
 8147870   10198         3514721932   103      BLEVINS NO 2                        BARTLESVILLE                 36.0 PHILLIPS PETROLEU
-HAMM PRODUCTION CO                     RECEIVED:  09/01/81  JA: OK
 8147934   10388         3508320815   103      HAKEN #1                            NORTHEAST HULL              207.6 EASON OIL CO
-HAZELWOOD PRODUCTION & EXPLORATION     RECEIVED:  08/31/81  JA: OK
 8147915   10359         3507322778   103      CHESNEY NO 7-2                      WEST LOYAL                   91.3 CITIES SERVICE GA
 8147916   10360         3507322778   103      CHESNEY NO 7-2                      WEST LOYAL                   91.3 CITIES SERVICE GA
-HENRY H GUNGOLL ASSOCIATES             RECEIVED:  08/31/81  JA: OK
 8147854   10232         3507322587   103      PEACH 1-1                           SOONER TREND                212.0 OKLAHOMA NATURAL
-HUNT ENERGY CORPORATION ET AL          RECEIVED:  08/31/81  JA: OK
 8147827   12872         3501520980   102-2    BAR-D NO 1                          E EAKLY                      82.0 EL PASO NATURAL G
-JACK ADKISSON                          RECEIVED:  08/31/81  JA: OK
 8147908   12828         3514300000   102-2    ADKISSON #1                                                      47.0 DIAMOND S GAS SYS
-JOHN A TAYLOR                          RECEIVED:  09/02/81  JA: OK
 8147941   05240         3512920227   102-4    ELLIS 1-34                          W GRAND                     475.0 DELHI GAS PIPELIN
-K T MEADE JR                           RECEIVED:  08/31/81  JA: OK
 8147866   10266         3515121083   103      EBERLY AND MEADE WARREN #1-12       RED OAK                       0.0 MAGIC CIRCLE GAS
-KAISER-FRANCIS OIL COMPANY             RECEIVED:  08/31/81  JA: OK
*8147875   10519         3515321101   103      CLARK #1                            N SHARON                    180.0 NORTHERN NATURAL
 8147841   12575         3501721881   102-4    JAMESON #1                          WATONGA TREND               400.0 OKLAHOMA GAS & EL
 8147841   12575         3501721881   103      JAMESON #1                          WATONGA TREND               400.0 OKLAHOMA GAS & EL
-KENNEDY & MITCHELL INC                 RECEIVED:  08/31/81  JA: OK
 8147831   12841         3505920433   102-4    HOWARD #22-336-2                    UNDESIGNATED (C SW SEC 1    550.0 MICHIGAN WISCONSI
 8147828   12741         3505900000   102-4    PAGE #28-442                        UNDESIGNATED (C NE SEC 2    150.0 NORTHERN NATURAL
 8147829   12742         3505920948   102-4    STATE OF OKLAHOMA #31-579           UNDESIGNATED (C E/2 LAWS    150.0 MICHIGAN WISCONSI
 8147830   12840         3505920945   102-4    WHEELER #28-363                     UNDESIGNATED (C NW SEC 3    100.0 NORTHERN NATURAL
-KLEIN OIL CO                           RECEIVED:  09/01/81  JA: OK
 8147935   10389         3503120775   103      PITTMAN NO 1                        PUMPKIN CENTER                0.0 ARKANSAS LOUISIAN
-L G WILLIAMS OIL COMPANY INC           RECEIVED:  08/31/81  JA: OK
 8147860   10300         3501721644   103      ENNIS NO 19-1                       UNION CITY                  379.0 PHILLIPS PETROLEU
-LAGUNA PETROLEUM CO                    RECEIVED:  08/31/81  JA: OK
 8147889   12613         3501721886   102-2    OKARCHE NO 1-3                      OKARCHE                       0.0 PHILLIPS PETROLEU
 8147879   08326         3504722080   103      ROGERS NO 1                                                       0.0 GRACE PETROLEUM C
-LATIGO OIL & GAS INC                   RECEIVED:  08/31/81  JA: OK
 8147837   10378         3500721951   103      R E BARBY ESTATE #1                 MOCANE LAVERNE-COUNCIL G     60.0 COLORADO INTERSTA
-MAGIC CIRCLE ENERGY CORP               RECEIVED:  08/31/81  JA: OK
 8147905   10395         3500320801   103      PRUETT #1                           WEST CARMEN                 180.0 OKLAHOMA NATURAL
 8147898   10394         3515112113   103      STERBA #2                           SOUTHWEST ALINE             180.0 OKLAHOMA NATURAL
-MARLIN OIL CORPORATION                 RECEIVED:  08/31/81  JA: OK
 8147904   10403         3500721824   103      NO 1 GROVE                          MOCANE-LAVERNE              110.0 PANHANDLE EASTERN
-MAY PETROLEUM INC                      RECEIVED:  09/01/81  JA: OK
 8147927   10020         3505120950   103      AARON C LITTLE #1                                               365.0 OKLAHOMA NATURAL
-MEWBOURNE OIL COMPANY                  RECEIVED:  08/31/81  JA: OK
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JD NO     JA DKT        API NO       D SEC CAT WELL NAME                       FIELD NAME                PROD    PURCHASER
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8147895   11298         3504520899   102-4    BRUSH UNIT #1                    BRUSH UNIT #1               20.0
8147906   10404         3504520894   103    . GRACE NO 1 OCC #                 N CHANEY                   120.0
8147814   10109         3504520864   103      HAMILTON UNIT NO 1               STUART (LOWER MORROW)        0.0 MICHIGAN WISCONSI
-MOBIL OIL CORP                                RECEIVED: 08/31/81  JA: OK
8147833   10349         3513921344   103      FISCHER (RNG UNIT 189) NO 2      GUYMON-HUGOTON COUNCIL G    45.0 CITIES SERVICE GA
8147832   10347         3513921346   103      LEWIS (RNG UNIT 63) NO 2         GUYMON-HUGOTON COUNCIL G    60.0 CITIES SERVICE GA
8147863   10288         3513921077   103      PEARL DAVIS (127) - WELL NO 3    GUYMON-HUGOTON             140.0 CITIES SERVICE GA
-MORGAN & STEINERT INC                         RECEIVED: 08/31/81  JA: OK
8147874   10057         3504722424   103      PARKHURST #1                     SOONER TREND               110.0 ENG WESTERN INC
-MURCHISON OIL & GAS INC                       RECEIVED: 08/31/81  JA: OK
8147834   10350         3500320000   103      KLINE #1                         RINGWOOD                   208.0 PANHANDLE EASTERN
-NOBLE OPERATING INC                           RECEIVED: 08/31/81  JA: OK
8147871   10198         3504322015   103      RATZLAFF #1                      NW OKEENE                    0.0 DELHI GAS PIPELIN
-OIL LIFT INC                                  RECEIVED: 08/31/81  JA: OK
8147897   12124         3510524313   102-2    OESTMANN #8 (API NO 10524313)    SOUTH COFFEYVILLE           54.8 PELICAN PIPELINE
8147897   12124         3510524313   103      OESTMANN #8 (API NO 10524313)    SOUTH COFFEYVILLE           54.8 PELICAN PIPELINE
8147882   12126         3510524316   102-2    OSHEL #2 (API NO 10524316)       SOUTH COFFEYVILLE           54.8 PELICAN PIPELINE
8147882   12126         3510524316   103      OSHEL #2 (API NO 10524316)       SOUTH COFFEYVILLE           54.8 PELICAN PIPELINE
8147883   12127         3510521452   102-2    WENDELL HARDEN #1-A              SOUTH COFFEYVILLE           18.3 PELICAN PIPELINE
8147883   12127         3510521452   103      WENDELL HARDEN #1-A              SOUTH COFFEYVILLE           18.3 PELICAN PIPELINE
8147909   12125         3510524312   102-2    WILBUR HARDEN #2-15              SOUTH COFFEYVILLE           27.4 PELICAN PIPELINE
8147909   12125         3510524312   103      WILBUR HARDEN #2-15              SOUTH COFFEYVILLE           27.4 PELICAN PIPELINE
-PCX CORP                                      RECEIVED: 08/31/81  JA: OK
8147864   10287         3507202074   103      HOFFMAN #1                       SOONER TREND               365.0 PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY                    RECEIVED: 09/01/81  JA: OK
8147928   09878         3501721241   108-ER   SCHROEDER L #1                                                0.0 PANHANDLE EASTERN
-POST PETROLEUM COMPANY INC                    RECEIVED: 09/01/81  JA: OK
8147923   10194         3507322976   103      TRINDLE #2                       SW REEDING                   0.0 CONOCO INC
-PUBLIC SERVICE CO OF OKLAHOMA                 RECEIVED: 08/31/81  JA: OK
8147862   10289         3512120764   103      BENNIGHT #2-27                   KINTA                        0.0 SOUTHEAST TRANSMI
-RAMBLER OIL CO                                RECEIVED: 08/31/81  JA: OK
8147816   10242         3501120864   103      ESTHER RHODES NO 1-10            SOUTH GREENFIELD           121.5 OKLAHOMA GAS & EL
-SABINE OIL INDUSTRIES INC                     RECEIVED: 08/31/81  JA: OK
8147890   13551         3503920387   107-DP   MILLER #2                        CUSTER CITY FIELD          720.0 TRANSWESTERN PIPE
-SAKET PETROLEUM CORP                          RECEIVED: 08/31/81  JA: OK
8147849   10081         3511122600   103      PARKS #1                                                    180.0 PHILLIPS PETROLEU
8147847   10083         3511120038   103      VAUGHAN #1                                                   45.0 PHILLIPS PETROLEU
8147848   10082         3511100000   103      VAUGHAN #2                       WEST MORRIS                 30.0 PHILLIPS PETROLEU
-SAMEDAN OIL CORPORATION                       RECEIVED: 08/31/81  JA: OK
8147817   10241         3505120876   103      HUMPHREYS NO 1                                              190.0 CITIES SERVICE GA
-SEARCH DRILLING CO                            RECEIVED: 08/31/81  JA: OK
8147838   10379         3500721896   103      BARTEL #2-18                     WEST ELMWOOD                30.0 PHILLIPS PETROLEU
-SEARCH DRILLING CO                            RECEIVED: 09/01/81  JA: OK
8147921   10336         3509322086   103      COPPOCK #1-35                    N W QUINLAN                 32.9 AMINOIL U S A INC
-SENECA OIL COMPANY                            RECEIVED: 08/31/81  JA: OK
8147873   10091         3513921362   103      JOLLIFFE NO 1-33                 BEAVER RIVER               275.0 PANHANDLE EASTERN
-SENECA OIL COMPANY                            RECEIVED: 09/01/81  JA: OK
8147930   12808         3513921384   102-2    CAMPBELL #1-14                   S W CORBEY                 790.0 PANHANDLE EASTERN
-SHELL OIL CO                                  RECEIVED: 08/31/81  JA: OK
8147907   10412         3507300000   108      PATOCKA B NO 2-13                HENNESSEY EAST              12.8 EXXON CORP
-SUNDANCE ENERGY CORP                          RECEIVED: 08/31/81  JA: OK
8147853   10309         3504721190   103      FREDERICK 12-1                   SOONER TREND                20.0 CHAMPLIN PETROLEU
-TENNECO OIL COMPANY                           RECEIVED: 08/31/81  JA: OK
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JD NO.    JA DKT       API NO      D SEC CAT WELL NAME                         FIELD NAME              PROD    PURCHASER
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8147850   10080       •3501520748   103     LEUS 1-34                          WATONGA-CHICKASHA TREND    7.2
-TEXACO INC                               RECEIVED:  09/01/81  JA: OK
8147922   10361        3507322683   103     LINCOLN NORTH UNIT TR 61 #2        SOONER TREND              13.0 EXXON CO U S A
-THE GHK COMPANY                          RECEIVED:  08/31/81  JA: OK
8147912   12754        3500920354   102-2   GIBBINS 1-4                        SOUTH ELK CITY           438.0 EL PASO NATURAL G
-TRANSIERRA EXPLORATION CORP              RECEIVED:  08/31/81  JA: OK
8147821   12597        3504722056   103     CLAUDINE DUNCAN NO 1               N E HUNTER                15.0 ARCO OIL & GAS CO
-UNION OIL COMPANY OF CALIF               RECEIVED:  08/31/81  JA: OK
8147896   11618        3508524026   102-2   D JOYCE COFFEY #1-25               NEW HOPE                  36.0
8147896   11618        3508524026   103     D JOYCE COFFEY #1-25               NEW HOPE                  36.0
-UNIVERSAL RESOURCES CORPORATION          RECEIVED:  08/31/81  JA: OK
8147812   10128        3501720646   103     HEUPEL 1-16                        N W RICHLAND             137.2 MUSTANG GAS PRODU
8147858   10120        3507322406   103     KATHLEEN 1-14                      SOONER TREND              98.2 PHILLIPS PETROLEU
8147811   10129        3507322641   103     RALPH 1-4                                                    18.3 PHILLIPS PETROLEU
-UNIVERSAL RESOURCES CORPORATION          RECEIVED:  09/01/81  JA: OK
8147925   10045        3507322742   103     EUGENE #1-24                       SOONER TREND (SIMPSON)   725.9 PHILLIPS PETROLEU
8147924   10044        3501721790   103     HOLLIS #1-30                       RICHALAND N W (MISS HTN)  73.0 PHILLIPS PETROLEU
8147926   10042        3501721753   103     MALCOM #1-32                       RICHLAND N W (HTN MISS)   91.3 PHILLIPS PETROLEU
-V & V OIL & GAS CORP                     RECEIVED:  09/01/81  JA: OK
8147920   10362        3511122460   103     VAUGHAN #1D                        VAUGHAN                   36.7 PHILLIPS OIL & GA
-VAL SYNAR                                RECEIVED:  08/31/81  JA: OK
8147844   10234        3513121728   103     SYNAR #2                           SYNAR #2                  36.0 DIAMOND S GAS CO
-WAGNER & BROWN                           RECEIVED:  09/01/81  JA: OK
8147933   12596        3505121012   102-2   ROCKHOLD #1-34                     S E CHICKASHA             87.5 ARKANSAS LOUISIAN
-WARREN DRILLING CO INC                   RECEIVED:  08/31/81  JA: OK
8147872   10160        3509321885   103     EAGLE #1                           RINGWOOD                  75.0 PIONEER GAS PRODU
8147917   10370        3500320810   103     MEISTER #1                         RINGWOOD                 100.0 AMINOIL USA INC
-WHITMAR EXPLORATION CO                   RECEIVED:  08/31/81  JA: OK
8147826   12832        3504921564   102-4   WILLIE B SMITH #12-4               EAST ANTIOCH             100.0 BUCKEYE NATURAL G
-WILLIAM H DAVIS                          RECEIVED:  08/31/81  JA: OK
8147836   10358        3508321615   103     HUMP & EDDIE LOU NO 1              W LANGSTON                16.0 EASON OIL CO
-WILLIAM MOSS PROPERTIES INC              RECEIVED:  08/31/81  JA: OK
8147901   06681        3507300000   103     GOUCHER 17 WELL NO 2               SOONER TREND              36.5 PHILLIPS PETROLEU
8147900   06683        3507322355   103     MILLER 17 WELL NO 2                SOONER TREND              54.8 PHILLIPS PETROLEU
8147903   06679        3507322344   103     NELSON NO 2 WELL                   SOONER TREND              54.8 PHILLIPS PETROLEU
8147899   08254        3507322366   103     STARKEY 9 WELL NO 2                SOONER TREND              36.5 CITIES SERVICE GA
8147902   06680        3507300000   103     STATE 16 WELL NO 2                 SOONER TREND              54.8 PHILLIPS PETROLEU
-WILLIAM MOSS PROPERTIES INC              RECEIVED:  09/01/81  JA: OK
8147919   10367        3507322732   103     GARNET NO 33-2 WELL                SOONER TREND             109.5 CITIES SERVICE GA
8147918   10368        3507322764   103     ROBERSON NO 24-1 WELL              SOONER TREND              36.5 CITIES SERVICE GA
***********************************************************************
  WEST VIRGINIA DEPARTMENT OF MINES
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-CABOT OIL & GAS CORP                     RECEIVED:  02/[illegible]/81  JA: WV
8147776                4706700324   108     [illegible] BACKUS BURGESS #1      JEFFERSON                 10.0 CABOT CORP
8147755                4701501005   108     C & H CORP B-1                     PLEASANT                   6.0 CABOT CORP
8147781                4706700412   108     C & H CORPORATION B-11             JEFFERSON                  3.0 CABOT CORP
8147756                4701501212   108     C & H CORPORATION B-[illegible]    PLEASANT                  10.0 CABOT CORP
8147753                4701900186   108     CANNELTON COAL A-[illegible]       FALLS                     13.0 CABOT CORP
8147757                4703902627   108     CANNELTON COAL A-[illegible]       CABIN CREEK               21.0 CABOT CORP
8147774                4701900309   108     F [illegible] BANKS #2             FAYETTEVILLE              13.0 CABOT CORP
8147779                4706700409   108     FEDERAL COAL A-4                   JEFFERSON                 11.0 CABOT CORP
8147780                4706700410   108     FEDERAL COAL A-5                   JEFFERSON                 19.0 CABOT CORP
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                                                                                   VOLUME  510          PAGE  007
JD NO     JA DKT       API NO       D SEC CAT WELL NAME                        FIELD NAME                  PROD    PURCHASER
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8147777                4706700325   108       HILL & LONG B-8                  JEFFERSON                   13.0 CABOT CORP
8147778                4706700327   108       LLOYD A BURGESS #1               JEFFERSON                    8.0 CABOT CORP
8147769                4708100355   108       PINEY COKING COAL A-22           SLAB FORK                    7.9 CABOT CORP
8147772                4708100367   108       PINEY COKING COAL A-24           SLAB FORK                    7.9 CABOT CORP
8147771                4708100359   108       PINEY COKING COAL A-25           SLAB FORK                    7.9 CABOT CORP
8147768                4708100353   108       PINEY COKING COAL A-29           SLAB FORK                   10.7 CABOT CORP
8147770                4708100356   108       PINEY COKING COAL A-30           SLAB FORK                   10.7 CABOT CORP
8147767                4708100316   108       PINEY COKING COAL A-6            SLAB FORK                    1.0 CABOT CORP
8147775                4704700718   108       POCAHONTAS LAND CORP C-10        NORTH FORK                   3.0 CABOT CORP
8147759                4710900808   108       POCAHONTAS LAND CORP L-2         BAILEYSVILLE                16.0 CABOT CORP
8147758                4704700632   108       RED ASH POCAHONTAS B-1           SANDY RIVER                  5.0 CABOT CORP
8147773                4708100449   108       T H WOOLWINE #2                  TOWN                         6.0 CABOT CORP
-MAE FLUHARTY                                 RECEIVED:  02/09/81  JA: WV
8147763                4701322021   108       DELL COOPER GAS COMPANY #1       LEE DISTRICT                 0.4 CONSOLIDATED GAS
8147760                4701300781   108       FRED STUMP WELL #1               SHERIDAN DISTRICT            2.5 CONSOLIDATED GAS
8147764                4701322111   108       PETER BOOHER GAS COMPANY #1      LEE DISTRICE                 2.0 CONSOLIDATED GAS
8147762                4701329700   108       R J KNOTTS GAS COMPANY #1        SHERMAN                      2.5 CONSOLIDATED GAS
-P P & C C GUNN                               RECEIVED:  02/09/81  JA: WV
8147761                4701329270   108       JARVIS MINNEY WELL #1            SHERMAN                      4.7 CONSOLIDATED GAS
-R H ADKINS TRUSTEE FOR MCCOMAS               RECEIVED:  02/09/81  JA: WV
8147754                4704300269   108       TRENEPERRY #1 GPA 1003           CORROLL                      1.4 PENNZOIL CO
-UNION DRILLING INC                           RECEIVED:  08/11/81  JA: WV
8147782                4709702057   103       ROBERT HOSAFLOOK #1 1576         MEADE DISTRICT               0.0 COLUMBIA GAS TRAN
-W E POPE                                     RECEIVED:  02/09/81  JA: WV
8147766                4709500327   108       J M L SMITH TYL-327              WILDCAT                      7.[illegible] EQUITABLE GAS CO
8147765                4709500319   108       MARY SECKMAN KEYS TYL-319        WILDCAT                      3.[illegible] EQUITABLE GAS CO
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** U.S. GEOLOGICAL SURVEY - PETAIRIE,LA
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-KERR-MCGEE CORPORATION                       RECEIVED:  08/31/81  JA:     3
8147806   G1-1996      1771240235   102-5     OCS G 1025 NO A-9                SHIP SHOAL                 639.0 TRANSCONTINENTAL
-CHEVRON U S A INC                            RECEIVED:  08/31/81  JA: LA  3
8147809   G1-1912      1770340112   102-5     OCS-G-2853 NO 1                  EAST CAMERON              2153.0 COLUMBIA GAS TRAN
8147790   G1-1913      1770340133   102-5     OCS-G-2853 NO 2                  EAST CAMERON              2555.0 COLUMBIA GAS TRAN
-EXXON CORPORATION                            RECEIVED:  08/31/81  JA: LA  3
*8147792  G1-2039      1770240648   102-5     OCS-G 2560 NO A-10               WEST CAMERON               500.0 COLUMBIA GAS TRAN
-HOUSTON OIL & MINERALS CORPORATION           RECEIVED:  08/31/81  JA: LA  3
8147791   G1-2142      1770540242   102-5     OCSG-3392 (#2) B-1A              VERMILION AREA               0.0 TEXAS GAS TRANSMI
*8147789  G-2192       1770540253   102-5     OCSG-3392 #B-2 (FORMERLY #4)     VERMILION AREA               0.0 TEXAS GAS TRANSMI
-KERR-MCGEE CORPORATION                       RECEIVED:  08/31/81  JA: LA  3
8147801   G1-1998      1771240236   102-5     OCS G 1025 NO A-10               SHIP SHOAL                6393.0 TRANSCONTINENTAL
8147800   G1-1997      1771240236   102-5     OCS G 1025 NO A-10D              SHIP SHOAL                6340.0 TRANSCONTINENTAL
8147802   G1-1999      1771240244   102-5     OCS G 1025 NO A-14D              SHIP SHOAL                 440.0 TRANSCONTINENTAL
8147803   G1-2000      1771240244   102-5     OCS G 1025 NO 14                 SHIP SHOAL                 121.0 TRANSCONTINENTAL
8147785   G1-2133      1771540343   102-1     OCS-G 4119 NO 2                  SOUTH TIMBALIER            617.0 TENNESSEE GAS PIP
8147799   G1-2122      1771540346   102-1     OCS-G 4119 NO 3                  SOUTH TIMBALIER            575.0 TENNESSEE GAS PIP
8147786   G1-2123      1771540346   102-1     OCS-G 4119 NO 3-D                SOUTH TIMBALIER            404.0 TENNESSEE GAS PIP
-MCMORAN OFFSHORE EXPLORATION CO              RECEIVED:  08/31/81  JA: LA  3
*8147787  G1-2136      1770540403   102-5     OCS-G 3390 #10                   VERMILION                 7300.0 TRANSCONTINENTAL
*8147788  G1-2138      1770540400   102-5     OCS-G 3390 #16                   VERMILION                 7300.0 TRANSCONTINENTAL
8147793   G1-2030      1770540451   102-5     OCS-G 3390 #20                   VERMILION                 5400.0 TRANSCONTINENTAL
-MOBIL OIL EXPLORATION & PROD S E             RECEIVED:  08/31/81  JA: LA  3
*8147796  G1-2131      1772140169   102-5     SOUTH PASS 49 # A-7 (ST #1)      SOUTH PASS                 53[illegible].0 COLUMBIA GAS TRAN
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                                                                       VOLUME  510          PAGE  008
 JD NO.     JA DKT        API NO.      D SEC CAT WELL NAME                            FIELD NAME                 PROD     PURCHASER
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-OCEAN PRODUCTION CO                        RECEIVED:  08/31/81  JA: LA  3
 8147805     G1-2019      1771140454    102-5   OCS - G - 1023 D-2A                   SHIP SHOAL 222 FIELD       180.0 TRANSCONTINENTAL
 8147797     G1-2020      1771140557    102-5   OCS -G- 1023 D8A                      SHIP SHOAL 222 FIELD      1080.0 TRANSCONTINENTAL
 8147794     G1-2046      1771140553    102-5   OCS-1023 E-10 A                       SHIP SHOAL 222 FIELD       145.0 TRANSCONTINENTAL
-ONECO OIL & GAS CO                         RECEIVED:  08/31/81  JA: LA  3
 8147808     G1-2049      1771140506    102-5   OCS-G-1023 D3A                        SHIP SHOAL 222 FIELD       180.0 TRANSCONTINENTAL
-PENNZOIL OIL & GAS INC                     RECEIVED:  08/31/81  JA: LA  3
 8147795     G1-2025      1770440521    102-5   PENNZOIL CO OCS-G 2062 E 335 WELL     EAST CAMERON AREA SOUTH   3000.0
-SHELL OIL CO                               RECEIVED:  08/31/81  JA: LA  3
 8147804     G1-2066      1770840478    102-5   OCS-G 2280 C-13                       SOUTH MARSH ISLAND          60.0 TRANSCONTINENTAL
-TENNECO OIL COMPANY                        RECEIVED:  08/31/81  JA: LA  3
 8147807     G1-2120      1773140003    102-1   SABINE PASS 13 A-1                    SABINE PASS                365.0 TENNESSEE GAS PIP
 8147783     G1-2125      1772140021    102-1   SABINE PASS 13 A-2                    SABINE PASS               1277.5 TENNESSEE GAS PIP
 8147784     G1-2126      1773140023    102-1   SABINE PASS 13 A-3                    SABINE PASS               1095.0 TENNESSEE GAS PIP
 8147798     G1-2121      1773140025    102-1   SABINE PASS 13 A-4                    SABINE PASS                365.0 TENNESSEE GAS PIP
 8147810     G1-2127      1772140026    102-1   SABINE PASS 13 A-5                    SABINE PASS                365.0 TENNESSEE GAS PIP


 OTHER PURCHASERS       VOLUME NO :510
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8147787    PUBLIC SERVICE ELECTRIC & GAS CO
8147788    PUBLIC SERVICE ELECTRIC & GAS CO
8147785    PUBLIC SERVICE ELECTRIC & GAS CO
8147792    NORTHERN NATURAL GAS CO
8147796    TENNESSEE GAS P L CO
8147875    PANHANDLE EASTERN P L CO
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before October 13, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
  102-2: New well (2.5 mile rule)
  102-3: New well (1000 ft rule)
  102-4: New onshore reservoir
  102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
  107-GB: Geopressured brine
  107-CS: Coal seams
  107-DV: Devonian shale
  107-PE: Production enhancement
  107-TF: New tight formation
  107-RT: Recompletion tight formation
Section 108: Stripper well
  108-SA: Seasonally affected
  108-ER: Enhanced recovery
  108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27987 Filed 9-24-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 511]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 21, 1981.

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JD NO     JA DKT     API NO     D SEC CAT WELL NAME                           FIELD NAME                  PROD   PURCHASER
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  TEXAS RAILROAD COMMISSION
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-W L HERNDON & MORRIS CANNAN              RECEIVED:  09/03/81  JA: TX
 8148022   F-01-031878  4231131525   103      MAGIST #1-C 92483              LOMA ALTA (3500')           300.0 TEXAS EASTERN TRA
-ADOBE OIL & GAS CORPORATION              RECEIVED:  09/03/81  JA: TX
 8148048   F-01-032473  4232331182   103      BURR ESTATE 77342              LOS CUATROS (LOWER CREAT     37.0 CLAJON GAS CO
 8148105   F-8A-037674  4244530873   103      CLARE NO 5                     PRENTICE (6700) FIELD        20.0 AMOCO PRODUCTION
-AMOCO PRODUCTION CO                      RECEIVED:  09/03/81  JA: TX
 8148178   F-10-039085  4239330757   103      J B WATERFIELD B NO 3          N W MENDOTA                 273.0 MICHIGAN-WISCONSI
 8148074   F-02-036550  4239131251   103      MARY ELLEN OCONNOR #55         M E OCONNOR/FO-25/           14.6 LA ROSA CORP
-APACHE CORPORATION                       RECEIVED:  09/03/81  JA: TX
 8148068   F-10-035795  4248330714   107-DP   STILES #7-1                    STILES RANCH (ATOKA)        365.0 ARKANSAS LOUISIAN
-B J GIEBHART INC                         RECEIVED:  09/03/81  JA: TX
 8148063   F-01-034836  4216300000   103      GROSSIE WELL NO 1              PEARSALL (AUSTIN CHALK)       0.0 TIPPERARY CORP
 8148062   F-01-034835  4216300000   103      HUGO WELL NO 1                 PEARSALL (AUSTIN CHALK)       0.0 TIPPERARY CORP
-BENCHMARK OIL INC                        RECEIVED:  09/03/81  JA: TX
 8148177   F-03-039079  4220131000   102-4    LEWIS TYRA #3 RRC ID #85752    BENCHMARK RANKIN (KELLER    360.0 UNITED TEXAS TRAN
-BLOCKER EXPLORATION CO                   RECEIVED:  09/03/81  JA: TX
 8148069   F-06-035873  4200131049   102-4    WILLIAM R CADY ET AL #4        S W PRAIRIE LAKE (RODESS    500.0 SEAGULL PIPELINE
-BTA OIL PRODUCERS                        RECEIVED:  09/03/81  JA: TX
 8148096   F-8A-037295  4211531224   103      WELCH SE (SPRABERRY) UNIT #5-1 WELCH SE (SPRABERRY)         10.0 PHILLIPS PETROLEU
-C F LAWRENCE & ASSOC INC                 RECEIVED:  09/03/81  JA: TX
 8148098   F-7C-037304  4210500000   108      OWENS C #1                     CLARA COUCH (WOLFCAMP)        4.0 EL PASO NATURAL G
 8148097   F-7C-037303  4210500000   108      SHANNON C #1                   NOELKE NE (QUEEN)             0.0 EL PASO NATURAL G
-CAL-TEX OIL CO                           RECEIVED:  09/03/81  JA: TX
 8148186   F-10-039117  4223330957   103      CARVER AREA WATERFLOOD #1 WELL #40 PANHANDLE HUTCHINSON CO  90.0 DIAMOND SHAMROCK
 8148187   F-10-039116  4223330956   103      CARVER AREA WATERFLOOD #2 WELL #30 PANHANDLE HUTCHINSON COU 13.0 DIAMOND SHAMROCK
-CANYON CO                                RECEIVED:  09/03/81  JA: TX
 8148055   F-7C-033508  4210531786   103      LAURA HOOVER ESTATE #101       AMERICAN (CANYON)            50.0 EL PASO NATURAL G
 8148054   F-7C-033507  4210531789   103      LAURA HOOVER ESTATE #1019      AMERICAN (CANYON)            50.0 EL PASO NATURAL G
-CHALMERS OPERATING CO INC                RECEIVED:  09/03/81  JA: TX
 8148139   F-7B-038892  4241733302   102-4    EDNA DILLER BLANTON WELL #2 - 93259 BLANTON (MISS 4740)      0.0 DELHI GAS PIPELIN
-CHAMPLIN PETROLEUM COMPANY               RECEIVED:  09/03/81  JA: TX
 8148066   F-03-035735  4205100000   102-2    IRVIN WORTHINGTON NO 1         GIDDINGS                      0.0 FERGUSON CROSSING
 8148066   F-03-035735  4205100000   103      IRVIN WORTHINGTON NO 1         GIDDINGS                      0.0 FERGUSON CROSSING
-CHARLES L WALKER                         RECEIVED:  09/03/81  JA: TX
 8148182   F-08-039107  4200332368   102-4    FISHER 3 #4                    BLOCK A-34 (SAN ANDRES)       4.3 PHILLIPS PETROLEU
 8148182   F-08-039107  4200332368   103      FISHER 3 #4                    BLOCK A-34 (SAN ANDRES)       4.3 PHILLIPS PETROLEU
 8148181   F-08-039103  4200332580   102-4    FISHER 8 #4                    BLOCK A-34 (SAN ANDRES)       3.2 PHILLIPS PETROLEU
 8148181   F-08-039103  4200332580   103      FISHER 8 #4                    BLOCK A-34 (SAN ANDRES)       3.2 PHILLIPS PETROLEU
 8148180   F-08-039102  4200332505   102-4    UNDERWOOD B #3                 BLOCK A-34 (SAN ANDRES)       4.3 PHILLIPS PETROLEU
 8148180   F-08-039102  4200332505   103      UNDERWOOD B #3                 BLOCK A-34 (SAN ANDRES)       4.3 PHILLIPS PETROLEU
-CIG EXPLORATION INC                      RECEIVED:  09/03/81  JA: TX
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                                                                               VOLUME  511         PAGE  002
 JD NO      JA DKT        API NO      D SEC CAT WELL NAME                     FIELD NAME                PROD   PURCHASER
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  8148120    F-10-038627  4220530114   103       BIVINS A-18C                 WEST PANHANDLE             105.0 COLORADO INTERSTA
  8148119    F-10-038626  4237530709   103       MASTERSON B-104              WEST PANHANDLE             369.0 COLORADO INTERSTA
-CONOCO INC                                   RECEIVED:  09/03/81  JA: TX
  8148199    F-04-039172  4242700000   108       FRIO D-5 UNIT #2             RINCON (FRIO D-5)            0.4 TENNESSEE GAS PIP
  8148195    F-04-039167  4242700000   108       FRIO D-5 UNIT NO 26          RINCON (FRIO D-5)            3.3 TENNESSEE GAS PIP
  8148194    F-04-039166  4242700000   108       FRIO D-5 UNIT NO 31          RINCON (FRIO D-5)            0.5 TENNESSEE GAS PIP
  8148193    F-04-039165  4242700000   108       FRIO D-5 UNIT NO 45          RINCON (FRIO D-5)            0.7 TENNESSEE GAS PIP
  8148201    F-04-039184  4242700000   108       FRIO E UNIT B NO 24          RINCON (FRIO E-1 E-2)        0.5 TENNESSEE GAS PIP
  8148197    F-04-039169  4242700000   108       FRIO E UNIT B NO 29          RINCON (FRIO E-1 E-2)        0.8 TENNESSEE GAS PIP
  8148200    F-04-039173  4242700000   108       FRIO E-3 UNIT NO 75          RINCON (FRIO E-3)            1.5 TENNESSEE GAS PIP
  8148146    F-08-038924  4238900000   108       G E RAMSEY JR -7- #3 ID #21019  GERALDINE FORD            5.4 EL PASO NATURAL G
  8148145    F-08-038922  4238900000   108       G E RAMSEY JR -7- #8 ID 21019   GERALDINE FORD            4.5 EL PASO NATURAL G
  8148149    F-7B-038927  4215130885   108       J M TERRELL -A- #11 ID #13657   ROUND TOP                 6.1 LONE STAR GAS CO
  8148196    F-04-039168  4242700000   108       M M GARCIA F-542 #15         RINCON (VICKSBURG II E)      3.1 TENNESSEE GAS PIP
  8148192    F-02-039164  4217500000   108       PETTUS UNIT NO 18            CABEZA CREEK (YEGUA 1-B)     3.7 TEXAS EASTERN TRA
  8148144    F-08-038920  4210931477   103       RAMSEY -22- #15 ID #24017    FORD WEST (4100)             6.2 EL PASO NATURAL G
  8148198    F-04-039171  4242700000   108       T B SLICK EST B-266 NO 11    RINCON (FRIO E-1)           10.9 TENNESSEE GAS PIP
  8148148    F-7C-038926  4210500000   108       UNIVERSITY -27- #5 ID #00437 ELKHORN                      5.1 PERMIAN CORP
  8148147    F-08-038925  4200332303   108       W H BONER -A- #31 ID #01663  FUHRMAN-MASCHO               1.6 PHILLIPS PETROLEU
-D B BAXTER INC                               RECEIVED:  09/03/81  JA: TX
  8148158    F-7B-039007  420933078C   102-4     C B WILLIAMS #1 (93704)      HOUSER (DUFFER)            115.0 SIOUX GAS PIPELIN
-D L WHITAKER OIL CO                          RECEIVED:  09/03/81  JA: TX
  8148170    F-7B-039042  4244732016   103       WINSTEAD -A- #1 (17197)      THROCKMORTON COUNTY REGU    77.0 GEORGE HARVECK
-DAMERON PETROLEUM CORP                       RECEIVED:  09/03/81  JA: TX
  8148056    F-7C-033511  4210532405   102-2     ARMOND HOOVER 17A #1         AMERICAN (CANYON)           65.0 EL PASO NATURAL G
  8148056    F-7C-033511  4210532405   107-TF    ARMOND HOOVER 17A #1         AMERICAN (CANYON)           65.0 EL PASO NATURAL G
  8148157    F-7C-039001  4210532755   102-2     B E DUNLAP - SEC 12 BLK 1 #212L  AMERICAN (CANYON)       80.0 EL PASO NATURAL G
  8148157    F-7C-039001  4210532755   107-TF    B E DUNLAP - SEC 12 BLK 1 #212L  AMERICAN (CANYON)       80.0 EL PASO NATURAL G
-DIAMOND SHAMROCK CORPORATION                 RECEIVED:  09/03/81  JA: TX
  8148003    F-10-026771  4229530824   103       BERNICE GASTON D NO 1        CAMBRIDGE                  548.0
  8148051    F-8A-032736  4221932908   103       C D FIELDING NO 1-17         HAMILTON                     0.3
  8148050    F-10-032737  4239330774   103       LOIS WEBB NO 3-83            MENDOTA NW                  86.0
-DOUGLAS PETROLEUM INC                        RECEIVED:  09/03/81  JA: TX
  8148011    F-04-028270  4213100000   102-4     LULA PURSCH E WELL NO 2      DOUGLAS (FRIO 1450) FIEL   155.0 TEXAS EASTERN TRA
-EAGLE PETROLEUM INC                          RECEIVED:  09/03/81  JA: TX
  8148017    F-02-030274  4217500000   102-4     EAGLE PET INC #1 B B GAYLE   FRANKLIN FIELD (PROPOSED   180.0 TRUNKLINE GAS CO
-EL PASO NATURAL GAS COMPANY                  RECEIVED:  09/03/81  JA: TX
  8148100    F-10-037475  4217923689   108       BARNES #2                    PANHANDLE WEST              20.0 EL PASO NATURAL G
  8148129    F-7C-038781  4243519207   108       DEBERRY A #2                 SONORA - UPPER CANYON       16.0 EL PASO NATURAL G
  8147993    F-10-002448  4208700000   108-ER    LAYCOCK #5                   PANHANDLE EAST               0.0 EL PASO NATURAL G
-ENERGY RESERVES GROUP INC                    RECEIVED:  09/03/81  JA: TX
  8148191    F-7C-039133  4241330982   103       R S WILLIAMS B #2            VELREX (CISCO 6260)        198.0 NORTHERN NATURAL
-ENSERCH EXPLORATION INC                      RECEIVED:  09/03/81  JA: TX
  8148128    F-05-038766  4221300000   108       BEN HEARNE NO 6              OPELIKA                     16.0 LONE STAR GAS CO
  8148125    F-05-038763  4221300000   108       G W HAMILL NO 2              OPELIKA                     11.0 LONE STAR GAS CO
  8147995    F-06-022913  4220330716   103       H A DUNN UNIT 1 NO 4         WHELAN                     564.0 TEXAS EASTERN TRA
  8148126    F-05-038764  4221300000   108       PHEBE BARTON NO 1            OPELIKA                     16.0 LONE STAR GAS CO
  8148124    F-05-038762  4221300000   108       ROY DODSON NO 2              OPELIKA                      9.0 LONE STAR GAS CO
  8148127    F-05-038765  4221300000   108       W M & R FERGUSON NO 1        OPELIKA                     16.0 LONE STAR GAS CO
-ESENJAY PETROLEUM CORP                       RECEIVED:  09/03/81  JA: TX
  8148077    F-04-038654  4240931497   103       G R TAYLOR GAS UNIT NO 2     ST PAUL N W (5870)         150.0 TRANSCONTINENTAL
-EXXON CORPORATION                            RECEIVED:  09/03/81  JA: TX
 *8148173    F-04-039073  4226130603   102-4     C M ARMSTRONG C-65 (93611)   BARRETA (J-75)             511.0 ARMCO STEEL CORP
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JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
*8148174	F-04-039074	4226130889		102-4	C M ARMSTRONG 51 (92640)	DON TOMAS EAST (K-50)	180.0	ARMCO STEEL CORP
8148153	F-08-038993	4237100000		108	COYANOSA UNIT #3-2	COYANOSA	18.0	NORTHERN NATURAL
8148155	F-08-038998	4200332568		103	FULLERTON CLEARFORK UNIT #527	FULLERTON	15.0	PHILLIPS PETROLEU
8148086	F-08-036726	4210332486		103	J B TUBB A/C 1 #242L	SAND HILLS (TUBB)	10.0	EL PASO NATURAL G
8148087	F-08-036727	4210332487		103	J B TUBB A/C 1 #243L	SANC HILLS (TUBB)	19.0	EL PASO NATURAL G
*8148185	F-04-039112	4227331322		102-4	K R ALAZAN 386-F (09738)	HINOJOSA NORTH (G-06 S)	42.7	ARMCO STEEL CORP
*8148172	F-04-039072	4227331496		102-4	K R BORREGOS 559-F (92641)	BORREGOS (ZONE S-7 NW II	800.0	ARMCO STEEL CORP
8148076	F-04-036637	4204730922		103	MCGILL BROS 465	KELSEY DEEP (ZONE 25)	600.0	TRUNKLINE GAS CO
8148154	F-08-038995	4200332647		103	MEANS/SAN ANDRES/UNIT #660	MEANS	15.0	PHILLIPS PETROLEU
8148072	F-08-036194	4200332651		103	MEANS/SAN ANDRES/UNIT #958	MEANS	20.0	PHILLIPS PETROLEU
*8148093	F-04-036953	4226130597		103	MRS S K EAST 121 (92661)	RITA SE (L-94W)	183.0	ARMCO STEEL CORP
*8148165	F-04-039020	4226130616		102-4	MRS S K EAST 123 (93210)	RITA NE (I-24)	1200.0	ARMCO STEEL CORP
8148183	F-04-037504	4226100000		108	MRS S K EAST 35-D (07216)	RITA (9-I SEG 3)	1.0	NATURAL GAS PIPEL
*8148190	F-04-039126	4235531622		102-4	PITA ISL GAS #2 WELL #8 #93659	PITA ISLAND (K-25)	763.0	ARMCO STEEL CORP
*8148189	F-04-039125	4204730890		103	R J K JR TR VIBORAS EAST 93(93654)	VIBORAS WEST (I-43)	500.0	ARMCO STEEL CORP
8148104	F-8A-037525	4216532006		103	ROBERTSON CLFK UNIT #6901	ROBERTSON N (CLFK 7100)	15.0	PHILLIPS PETROLEU
-FAIR OIL CO					RECEIVED: 09/03/81 JA: TX			
*8148106	F-06-037583	4231530560		103	GREEN FOX (SMITH ZONE) UNIT #2302	GREEN FOX (SMITH ZONE)	540.0	EAST TEXAS INDUST
-FARRINGTON ENERGY INC					RECEIVED: 09/03/81 JA: TX			
8148004	F-06-027006	4249930760		102-4	#1 DAN GRAHAM	QUITMAN (Q-5 SW)	0.0	CRA INC
8148013	F-06-029845	4249930800		102-4	OPAL MCINTOSH #1 LEASE NO 10287	QUITMAN (Q5-SW)	6.0	CRA INC
8148013	F-06-029845	4249930800		103	OPAL MCINTOSH #1 LEASE NO 10287	QUITMAN (Q5-SW)	6.0	CRA INC
-FIRST AMERICAN OIL & GAS INC					RECEIVED: 09/03/81 JA: TX			
8148073	F-7B-036405	4208300000		102-4	BYROM H NO 2	SNYDER (MORRIS)	91.3	ODESSA NATURAL CO
8148116	F-7B-038378	4208332181		102-4	H BYROM #1	SOMMA SUMMIT (JENNINGS)	50.0	ODESSA NATURAL CO
8148114	F-7B-038376	4208300000		102-4	JACKRABBIT JUNCTION #1 (15542)	SOMMA SUMMIT (JENNINGS)	200.0	ODESSA NATURAL CO
8148115	F-7B-038377	4208331967		102-4	JACKRABBIT JNCT B CLAYTON #2 88197	SNYDER (FRY)	120.0	ODESSA NATURAL CO
-GENERAL PRODUCTION CORP					RECEIVED: 09/03/81 JA: TX			
8148095	F-03-037246	4228730786		103	KENNETH LEHMANN NO 1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
8148105	F-03-037547	4228730787		103	RONALD JOHNSON NO 1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-GETTY OIL COMPANY					RECEIVED: 09/03/81 JA: TX			
8148112	F-06-038276	4236500800		108	MAY SEALEY #2 RRC ID #30192	CARTHAGE (L PETTIT)	20.0	UNITED GAS PIPELI
8148113	F-06-038340	4236500000		108	ROSS - HAMILTON #2 RRC ID #79786	CARTHAGE (COTTON VALLEY)	7.0	TEJAS GAS CORP
8148002	F-03-026095	4205100000		102-4	RUFUS B LEWIS GAS UNIT #1	SOMERVILLE PROSPECT	0.0	
-GRACE PETROLEUM CORPORATION					RECEIVED: 09/03/81 JA: TX			
8148122	F-06-038739	4236530800		103	CHADWICK I-E	CARTHAGE (TRAVIS-PEAK)	264.0	UNITED GAS PIPELI
-GULF OIL CORPORATION					RECEIVED: 09/03/81 JA: TX			
8148094	F-10-037181	4221131279		103	ISAACS #3-209	RED DEER CREEK	75.0	PIONEER NATURAL G
8148014	F-10-038030	4219330780		103	WEBB #2-187	E PARSELL	315.0	EL PASO NATURAL G
-H & L OPERATING COMPANY					RECEIVED: 09/03/81 JA: TX			
8148184	F-10-039110	4235731080		102-4	VERGIL DOERRIE NO 1	BOOKER NW (BASAL MORROW)	352.0	PHILLIPS PETROLEU
-H & M OILS INC					RECEIVED: 09/03/81 JA: TX			
8148117	F-7C-038523	4239931814		102-2	KING J H # 1-A	DEIKE (GARDNER)	146.0	UNION TEXAS PETRO
-HARKEN OIL & GAS INCORP					RECEIVED: 09/03/81 JA: TX			
8148175	F-7C-039076	4239931726		102-4	A J COLLOM A #1 92817	COLLOM (ELLENBURGER)	547.5	LONE STAR GAS CO
8148176	F-7C-039078	4239931727		102-4	ALEXANDER #1	HARRIS (FRY)	63.9	LONE STAR GAS CO
-HAWKEYE OIL & GAS CORP					RECEIVED: 09/03/81 JA: TX			
8147998	F-09-025053	4223700000		102-2	LEWIS-SKAGGS #1 RRC #08837	CAMPBELL (ATOKA CONGLOME	380.1	NATURAL GAS PIPEL
-HNG OIL COMPANY					RECEIVED: 09/03/81 JA: TX			
8148080	F-7C-036700	4243531463		103	ASKEW 46 #1	SAWYER (CANYON)	8.6	INTRATEX GAS CO
8148078	F-7C-036698	4241330712		103	CLARK 58 #2	SAWYER (CANYON)	55.0	INTRATEX GAS CO
8148081	F-7C-036701	4243532205		103	ESPY 40 #4	SAWYER (CANYON)	140.0	INTRATEX GAS CO
8148079	F-7C-036699	4243532089		103	ESPY 41 #4	SAWYER (CANYON)	177.0	INTRATEX GAS CO

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JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8148075	F-7C-036627	4243552087		103	SHURLEY 110 #3	SAWYER (CANYON)	1.4	INTRATEX GAS CO
8148085	F-7C-036706	4243531988		103	STEWART 34 #2	SAWYER (CANYON)	40.7	INTRATEX GAS CO
8148067	F-04-035767	4250531084		108	SULLIVAN-HEIN #4 83852	LA PERLA (WILCOX LOWER)	6.5	HOUSTON PIPELINE
8148084	F-7C-036704	4243531987		103	VANDERSTUCKEN 1 #1	SAWYER (CANYON)	47.8	INTRATEX GAS CO
8148082	F-7C-036702	4243531997		103	VANDERSTUCKEN 1 #2	SAWYER (CANYON)	175.4	INTRATEX GAS CO
8148083	F-7C-036703	4243532114		103	VANDERSTUCKEN 1 #3	SAWYER (CANYON)	134.1	INTRATEX GAS CO
-HORIZON OIL & GAS CO OF TEXAS					RECEIVED: 09/03/81 JA: TX			
8148023	F-10-032016	4219530106		108	#1 MCGREEVY - - #03853	HORIZON - CLEVELAND	10.0	NORTHERN NATURAL
-HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 09/03/81 JA: TX			
8148121	F-8A-038643	4216500000		103	WATERS #2	WESCOTT (STRAWN)	68.3	
-HUGHES & HUGHES					RECEIVED: 09/03/81 JA: TX			
8148183	F-04-039109	4235531588		102-4	HERBERT K SCHULZE ET AL NO 7	AGUA DULCE (9850)	730.0	HOUSTON PIPE LINE
-IKE LOVELADY INC					RECEIVED: 09/03/81 JA: TX			
8148088	F-08-036736	4237132572		103	TAFT Q #1	LEHN-APCO SOUTH (QUEEN)	365.0	ADOBE GAS CO
-J M HUBER CORPORATION					RECEIVED: 09/03/81 JA: TX			
8148131	F-10-038817	4206500000		108	BURNETT A NO 5	PANHANDLE WEST	18.0	COLORADO INTERSTA
8148132	F-10-038819	4206530006		108	BURNETT R NO 8A	PANHANDLE WEST	13.5	COLORADO INTERSTA
8148130	F-10-038816	4223300000		108	CARVER A NO 2	PANHANDLE WEST	14.0	COLORADO INTERSTA
8148134	F-10-038822	4223300000		108	SANFORD B NO 1	PANHANDLE WEST	15.0	COLORADO INTERSTA
8148135	F-10-038823	4223300000		108	SANFORD D NO 3	PANHANDLE WEST	14.0	COLORADO INTERSTA
8148133	F-10-038821	4206500000		108	SANFORD E NO 2	PANHANDLE WEST	8.0	COLORADO INTERSTA
-JATAM INC					RECEIVED: 09/03/81 JA: TX			
8148102	F-7C-037501	4243130930		103	JATAM INC KNIGHT - 142 #4	JAMESON (STRAWN)	48.0	SUN OIL CO
8148101	F-7C-037500	4243130931		103	JATAM INC KNIGHT 142 #5	JAMESON (STRAWN)	48.0	SUN OIL CO
-JOE B BARRETT					RECEIVED: 09/03/81 JA: TX			
8148111	F-7B-038197	4204932132		103	R G CHAMBERS #1 (88180)	BROWN COUNTY REGULAR (MA	584.0	SOUTHWESTERN GAS
-LAMBERT HOLLUB DRILLING CO					RECEIVED: 09/03/81 JA: TX			
8148049	F-03-032619	4205130827		103	ARLEDGE A #1 - RRC 13253	WILLIARD FIELD	0.3	
-LONDON & WAGGONER					RECEIVED: 09/03/81 JA: TX			
8148057	F-09-033845	4249731921		102-4	M C LITTLE NO.1-C	MONTEATH (CADDO)	365.0	SOUTHWESTERN GAS
-MARIANAS OPERATING CO INC					RECEIVED: 09/03/81 JA: TX			
8148018	F-7B-030632	4208331995		102-4	HORNE #1 (15808)	LITTLE LONGHORN (MORRIS)	27.0	ODESSA NATURAL CO
-MARSHALL R YOUNG OIL CO					RECEIVED: 09/03/81 JA: TX			
8148012	F-7C-029655	4210532721		103	UNIVERSITY 14-33	PERNER RANCH (DEVONIAN)	105.9	
-MCCANN CORP					RECEIVED: 09/03/81 JA: TX			
8148091	F-7C-036871	4246131656		103	MCELROY #1	WILLRODE (CISCO)	105.1	EL PASO NATURAL G
8148179	F-08-039094	4222731981		102-2	READ A #4	COAHOMA (MISS)	122.4	GETTY OIL CO
8148179	F-08-039094	4222731981		103	READ A #4	COAHOMA (MISS)	122.4	GETTY OIL CO
-MGF OIL CORP					RECEIVED: 09/03/81 JA: TX			
8148060	F-08-034530	4231732324		103	CLINE A #1	GORDON STREET WEST (WOLF	2.0	PHILLIPS PETROLEU
-MITCHELL ENERGY CORPORATION					RECEIVED: 09/03/81 JA: TX			
8148059	F-09-03451	4223700000		108	CARY-MAG #2	JACK COUNTY REGULAR (GAS	1.0	SOUTHWESTERN GAS
8148053	F-7B-033008	4236700000		108	D G TALBOT #1	BUCK RANCH (STRAWN)	0.0	SOUTHWESTERN GAS
8148009	F-02-027836	4228531440		107-DP	DOROTHY WALTERS #1	WILDCAT	180.0	TEXAS EASTERN GAS
8148015	F-09-030034	4248731882		103	FLOYD CLAYTON #3	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
8147994	F-09-017058	4249700000		108	J L GALLETT #1 28653	BOONSVILLE (BEND CONGL)	10.0	NATURAL GAS PIPEL
8148065	F-09-035615	4236700000		108	J M HART #1 59089	BOONSVILLE (BEND CONGL G	5.8	LONE STAR GAS CO
8148058	F-09-034232	4249700000		108	M L WAGGONER #9	BOONSVILLE (BEND CONGL G	0.0	NATURAL GAS PIPEL
8148052	F-09-032790	4249731904		103	RALEY-ROGER #1	ALVORD SOUTH (BRYSON)	900.0	NATURAL GAS PIPEL
8148021	F-09-031478	4249731917		103	RUFUS GARRETT #2	RHOME (CADDO)	12.0	NATURAL GAS PIPEL
8148064	F-09-034883	4249732048		103	WILLIAM ROHRER UNIT 3 #5	BOONSVILLE (BEND CONGL G	550.0	NATURAL GAS PIPEL
8148000	F-09-025291	4249700000		108	Z H BORDEN #2 51044	CRAFTON WEST (CONGL)	8.9	CITIES SERVICE CO
8148001	F-09-025613	4249700000		108	ZINA FOX #2 57067	BOONESVILLE (BEND CONGL	11.6	NATURAL GAS PIPEL

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 JD NO    JA DKT        API NO      D SEC CAT WELL NAME                           FIELD NAME               PROD    PURCHASER
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-MOBIL PROD TEXAS & NEW MEXICO INC     RECEIVED:  09/03/81  JA: TX
 8148166  F-8A-039021  4207931268   103     NORTH CENTRAL LEVELLAND UNIT NO 339 LEVELLAND                  19.0 AMOCO PRODUCTION
-PARAFFINE OIL CORP                    RECEIVED:  09/03/81  JA: TX
 8148118  F-02-038580  4205731065   102-4   P H WELDER B NO 10-U                KATIE WELDER (L-1) FIELD  132.0 FLORIDA GAS TRANS
-PAUL DE CLEVA                         RECEIVED:  09/03/81  JA: TX
 8148020  F-09-031807  4249731266   103     JACKSON NO 1                        BOONSVILLE (BEND CONGL)   173.0 NATURAL GAS P L C
-PETROLEUM INVESTMENTS CORP            RECEIVED:  09/03/81  JA: TX
 8148010  F-09-027853  4249731722   103     WHITAKER #1                         PARK SPRINGS (CONGL)        0.0 CITIES SERVICE CO
-PHILLIPS PETROLEUM COMPANY            RECEIVED:  09/03/81  JA: TX
 8148006  F-10-027218  4242100000   108     CRIAG F #1                          TEXAS HUGOTON               0.0 MICHIGAN WISCONSI
 8148156  F-08-038999  4237131819   103     MITCHELL J #1 (72001)               PUCKETT EAST (STRAWN)     584.0 INTRATEX GAS CO
 8148092  F-08-036892  4213533582   103     MOOERS NO 5 (02134)                 GOLDSMITH (CLEARFORK)      10.2 EL PASO NATURAL G
 8148107  F-08-037594  4213505729   108     TXL A #4 (06963)                    TXL (ELLENBURGER)           2.5 SHELL OIL CO
 8148152  F-7C-038992  4210533279   103     UNIVERSITY NO 44-5 (08873)          BLOCK-44 (SHALLOW)          0.1
 8148151  F-8A-038991  4203330643   103     WEST JO MILL #1010 (61062)          JO MILL (SPRABERRY)        20.0 GETTY OIL CO
-PLANET OIL CORP                       RECEIVED:  09/03/81  JA: TX
 8148110  F-04-037821  4235531558   102-4   RICHARD KING ESTATE NO 1            BAILEY (5350)              47.0 NUE-WELLS PIPE LI
-QUINLAN ENGINEERING                   RECEIVED:  09/03/81  JA: TX
 8148180  F-7B-039120  4213330710   108     ALLEN NO 2                          EASTLAND COUNTY REGULAR     1.4 CHRISTIE GAS TRAN
-H-K OIL & GAS CO                      RECEIVED:  09/03/81  JA: TX
 8147997  F-02-024372  4232931431   102-4   WHITLEY-GLOOR GAS UNIT #1           FRANCIS G KELLER SURVEY    73.0 TENNESSEE GAS PIP
-SAN ANTONIO RESOURCES CO              RECEIVED:  09/03/81  JA: TX
 8148071  F-01-036095  4232531581   103     H L BOENIG #4                       FAIRFIELD                  50.0 VALERO TRANSMISSI
-SAXON OIL COMPANY                     RECEIVED:  09/03/81  JA: TX
 8148169  F-7C-039833  4246131750   103     HANKS A NO 2                        SPRABERRY (TREND AREA)     43.8 MOBIL PRODUCING T
 8147999  F-7C-025262  4238331484   103     PATTERSON A NO 1                    SPRABERRY (TREND AREA)     24.0 PHILLIPS PETROLEU
-SEAGULL INTERNATIONAL EXPLORATION I   RECEIVED:  09/03/81  JA: TX
 8148019  F-06-030645  4236500000   102-4   A W GEORGE UNIT NO 1 WELL NO 2      PINEHILL SE (RODESSA GLO    0.0 UNITED GAS PIPELI
-SHELL OIL CO                          RECEIVED:  09/03/81  JA: TX
 8148090  F-04-036821  4221531051   103     A A MCALLEN NO 65                   MCALLEN RANCH (VICKSBURG  350.0 VALERO INTERSTATE
-SOUTHWESTERN GAS EXPLORATION          RECEIVED:  09/03/81  JA: TX
 8147996  F-7B-023145  4236700000   103     HELEN POWELL #1                     WHITT (BIG SALINE)        454.6 SOUTHWESTERN GAS
-STRATA ENERGY INC                     RECEIVED:  09/03/81  JA: TX
 8148171  F-03-039050  4205131447   102-2   W D HICKS #2                        GIDDINGS (AUSTIN CHALK)     0.0 CLAJON GAS CO
-SUN OIL COMPANY (DELAWARE)            RECEIVED:  09/03/81  JA: TX
 8148024  F-04-032162  4242731470   102-4   CARLOS A AUSTIN NO 1                LOCKHART                  610.0 TENNESSEE GAS PIP
 8148008  F-04-027620  4242700000   108     CHAPATOL LAND CO -A- NO 10          YTURRIA                     6.2 TRANSCONTINENTAL
-SUPERIOR OIL CO                       RECEIVED:  09/03/81  JA: TX
 8148108  F-8A-037646  4211531407   103     ACKERLY DEAN UNIT NO 1802           ACKERLY DEAN UNIT           0.0 GETTY OIL CO
-TAHOE OIL & CATTLE CO                 RECEIVED:  09/03/81  JA: TX
 8148070  F-7C-035888  4208130958   103     FLYING RED HORSE WELL NO 1          JAMESON (STRAWN)          262.0 SUN GAS CO
-TAUBERT & STEED                       RECEIVED:  09/03/81  JA: TX
 8148038  F-8A-032320  4226930331   102-4   S B BURNETT ESTATE NA 10            ANNE TANDY (STRAWN 5400)    8.6 LONE STAR GAS CO
 8148044  F-8A-032352  4226930342   102-4   S B BURNETT ESTATE NA 11            ANNE TANDY (STRAWN LOWER    0.7 LONE STAR GAS CO
 8148045  F-8A-032353  4226930341   102-4   S B BURNETT ESTATE NA 12            ANNE TANDY (STRAWN LOWER    0.9 LONE STAR GAS CO
 8148046  F-8A-032354  4226930340   102-4   S B BURNETT ESTATE NA 13            ANNE TANDY (STRAWN LOWER    2.6 LONE STAR GAS CO
 8148047  F-8A-032355  4226930352   102-4   S B BURNETT ESTATE NA 14            ANNE TANDY (STRAWN LOWER    1.3 LONE STAR GAS CO
 8148032  F-8A-032314  4226930299   102-4   S B BURNETT ESTATE NA 3             ANNE TANDY (STRAWN 5400)    0.6 LONE STAR GAS CO
 8148033  F-8A-032315  4226930303   102-4   S B BURNETT ESTATE NA 4             ANNE TANDY (STRAWN 5400)    6.6 LONE STAR GAS CO
 8148034  F-8A-032316  4226930309   102-4   S B BURNETT ESTATE NA 5             ANNE TANDY (STRAWN 5400)    0.7 LONE STAR GAS CO
 8148035  F-8A-032317  4226930311   102-4   S B BURNETT ESTATE NA 6             ANNE TANDY (STRAWN 5400)    0.9 LONE STAR GAS CO
 8148036  F-8A-032318  4226930314   102-4   S B BURNETT ESTATE NA 7             ANNE TANDY (STRAWN 5400)    7.3 LONE STAR GAS CO
 8148037  F-8A-032319  4226930318   102-4   S B BURNETT ESTATE NA 8             ANNE TANDY (STRAWN 5400)    7.0 LONE STAR GAS CO
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                                                                               VOLUME  511          FAGE  006
 JD NC      JA  KT          API NC       D SEC CAT WELL NAME                        FIELD NAME                     PROD    PURCHASER
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 8148039    F-8A-032346     4226930229    102-4    S B BURNETT ESTATE Y12A           ANNE TANDY (STRAWN LOWER         1.0 LONE STAR GAS CO
 8148040    F-8A-032347     4226930235    102-4    S B BURNETT ESTATE Y14A           ANNE TANDY (STRAWN LOWER         7.5 LONE STAR GAS CO
 8148025    F-8A-032306     4226930269    102-4    S B BURNETT ESTATE Y22A           ANNE TANDY (STRAWN 5400)         4.9 LONE STAR GAS CO
 8148027    F-8A-032308     4226930273    102-4    S B BURNETT ESTATE Y23A           ANNE TANDY (STRAWN 5400)         9.1 LONE STAR GAS CO
 8148026    F-8A-032307     4226930279    102-4    S B BURNETT ESTATE Y24A           ANNE TANDY (5400)                4.9 LONE STAR GAS CO
 8148028    F-8A-032309     4226930282    102-4    S B BURNETT ESTATE Y25A           ANNE TANDY (STRAWN 5400)        16.6 LONE STAR GAS CO
 8148029    F-8A-032310     4226930306    102-4    S B BURNETT ESTATE Y28A           ANNE TANDY (STRAWN 5400)         5.9 LONE STAR GAS CO
 8148030    F-8A-032311     4226930372    102-4    S B BURNETT ESTATE Y31A           ANNE TANDY (STRAWN 5400)        12.9 LONE STAR GAS CO
 8148041    F-8A-032349     4226930375    102-4    S B BURNETT ESTATE Y32A           ANNE TANDY (STRAWN LOWER         6.2 LONE STAR GAS CO
 8148031    F-8A-032312     4226930391    102-4    S B BURNETT ESTATE Y33A           ANNE TANDY (STRAWN 5400)         7.2 LONE STAR GAS CO
 8148042    F-8A-032350     4226930392    102-4    S B BURNETT ESTATE Y34A           ANNE TANDY (STRAWN LOWER         4.0 LONE STAR GAS CO
 8148043    F-8A-032351     4226930394    102-4    S B BURNETT ESTATE Y35A           ANNE TANDY (STRAWN LOWER        10.9 LONE STAR GAS CO
-TEXACO INC                                    RECEIVED:  09/03/81  JA: TX
 8148138    F-10-038870     4235700000    108      C D CONNER #5                     FARNSWORTH (DES MOINES)          1.2 DIAMOND SHAMROCK
 8148136    F-10-038846     4235700000    108      C D CONNER #6                     FARNSWORTH (DES MOINES)          1.0 DIAMOND SHAMROCK
 8148150    F-08-038973     4210931459    103      CULBERSON W FEE #1                FCRC WEST (4100)                 3.0
 8148137    F-10-038847     4217900000    108      J B BOWERS MCT -1 #10             PANHANDLE GRAY FIELD             3.5 PHILLIPS PETROLEU
 8148123    F-04-038732     4235531455    102-4    J O CHAPMAN #124                  MOBIL-DAVID (6570)             325.0 TEXAS EASTERN TRA
-TEXAS AMERICAN OIL CORP                       RECEIVED:  09/03/81  JA: TX
*8148140    F-10-038915     4248330624    108      CARL PHILLIPS NO 1 RRC #83287     EAST PANHANDLE                  20.1 TRANSWESTERN PIPE
*8148143    F-10-038918     4248330563    108      F M BAILEY NO 1 RRC 83082         EAST PANHANDLE                   1.1 TRANSWESTERN PIPE
*8148141    F-10-038916     4248330621    108      L C CUNNINGHAM NO 1 RRC #83084    EAST PANHANDLE                  71.6 TRANSWESTERN PIPE
*8148142    F-10-038917     4248330618    108      M BAILEY NO 1 RRC #83081          EAST PANHANDLE                  23.8 TRANSWESTERN PIPE
-TEXAS OIL & GAS CORP                          RECEIVED:  09/03/81  JA: TX
 8148005    F-05-027027     4216130600    103      HEMPHILL #1                       REED (HAYNESVILLE)               1.0
 8148005    F-05-027027     4216130600    107-TF   HEMPHILL #1                       REED (HAYNESVILLE)               1.0
-VORTT EXPLORATION CO INC                      RECEIVED:  09/03/81  JA: TX
 8148016    F-7B-030238     4236332460    102-4    W HESE UNIT II #1                 MINERAL WELLS (STRAWN A)         0.0 SOUTHWESTERN GAS
-WALTER EXPLORATION INC                        RECEIVED:  09/03/81  JA: TX
 8148159    F-7B-039010     4214330511    108      MCDANIEL NO 5 RRC ID NO 8[illegible]211  ERATH COUNTY (DESDEMONA)   3.0 LONE STAR GAS CO
 8148160    F-7B-039011     4236300000    108      ROYE NO 2 RRC ID NO 76748         RINGO (STRAWN)                  16.0 LONE STAR GAS CO
 8148161    F-7B-039012     4236331958    108      ROYE NO 3 RRC ID NO 81222         RINGO (STRAWN)                   2.0 LONE STAR GAS CO
 8148162    F-7B-039013     4236300000    108      ROYE NO 4 RRC ID NO 78891         RINGO (STRAWN)                  18.0 LONE STAR GAS CO
 8148164    F-7B-039016     4242900000    108      RUBY NO 1 RRC ID NC 69398         STEPHENS COUNTY REGULAR         16.0 LONE STAR GAS CO
 8148163    F-7B-039014     4242900000    108      RUBY NO 2 RRC ID NO 74214         STEPHENS COUNTY REGULAR         11.0 LONE STAR GAS CO
-WAYMAN W BUCHANAN                             RECEIVED:  09/03/81  JA: TX
 8148167    F-03-039025     4205131513    102-2    JOHN STEFKA UNIT NO 1             GIDDINGS (AUSTIN CHALK)         41.7 FERGUSON CROSSING
 8148168    F-03-039026     4205131321    102-2    SYDNEY NO 1                       GIDDINGS (AUSTIN CHALK)         57.7 FERGUSON CROSSING
-WILLIAM PERLMAN                               RECEIVED:  09/03/81  JA: TX
 8148007    F-7C-027531     4243532363    103      LILLIAN M HUDSPETH MEM H NO 1X    SAWYER (CANYON)                  0.0 EL PASO NATURAL G
 8148007    F-7C-027531     4243532363    107-TF   LILLIAN M HUDSPETH MEM H NO 1X    SAWYER (CANYON)                  0.0 EL PASO NATURAL G
-WILSON ENERGY INC                             RECEIVED:  09/03/81  JA: TX
 8148089    F-7C-036767     4210500000    103      UNIVERSITY 2 "A" #3               FARMER (SAN ANDRES)            127.0 BIG LAKE GASOLINE
-WINDSOR PRODUCING CO                          RECEIVED:  09/03/81  JA: TX
 8148099    F-03-037424     4228730900    103      SWEET PEA #1                      GIDDINGS (AUSTIN CHALK)         36.5 PGP GAS PRODUCTS
-WJC ENGINEERING & MANAGEMENT                  RECEIVED:  09/03/81  JA: TX
 8148061    F-08-034749     4210332215    103      DAWSON #3                         WYNNE (CLFK)                    37.0 PHILLIPS PETROLEU

 OTHER PURCHASERS
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 8148093    E I DUPONT DE NEMOURS & CO INC          8148165    E I DUPONT DE NEMOURS & CC INC
 8148106    TEXAS EASTERN TRANS CCRP                8148172    E I DUPONT DE NEMOURS & CO INC
 8148140    WARREN PETROLEUM CO                     8148173    E I DUPONT DE NEMOURS & CO INC
 8148141    WARREN PETROLEUM CO                     8148174    E I DUPONT DE NEMOURS & CO INC
 8148142    WARREN PETROLEUM CO                     8148185    E I DUPONT DE NEMOURS & CO INC
 8148143    WARREN PETROLEUM CO                     8148189    E I DUPONT DE NEMOURS & CO INC
                                                    8148190    E I DUPONT DE NEMOURS & CO INC
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before October 13, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
  102-2: New well (2.5 mile rule)
  102-3: New well (1000 ft rule)
  102-4: New onshore reservoir
  102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
  107-GB: Geopressured brine
  107-CS: Coal seams
  107-DV: Devonian shale
  107-PE: Production enhancement
  107-TF: New tight formation
  107-RT: Recompletion tight formation
Section 108: Stripper well
  108-SA: Seasonally affected
  108-ER: Enhanced recovery
  108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

Corrections to Previous Notices/Revisions to Prior Determinations

JD No.	[illegible]	Applicant	[illegible]	Original FERC Volume No.	Date published in FEDERAL REGISTER	R: Revision or redetermination by Jurisdictional Agency. C: Correction to prior FEDERAL REGISTER Notice
80-12152	NM	Petroleum Corp. of Tx	Hanley #2 JM (Fruitland)	143	[illegible]	C: Well name.
80-37951	WV	Union Drilling Inc.	William F. Osburn #2-1486-UC	222	7-02-80	R: 102-3 approved.
[illegible]	OK	Samson Resources Co	Lash Unit No. 1-Cromwell	[illegible]	7-02-80	C: 102 and 103 approved.
[illegible]	TX	Remuda Oil & Gas Co	Woolworth GU Well #3	[illegible]	7-14-80	C: Well name.
81-02259	OK	Donald C. Slawson	Charlile #1-20	[illegible]	11-06-80	C: 102-4 and 103 approved.
[illegible]	OK	Andover Oil Co	Walter Mills #4-4	412	5-01-81	C: 102 and 103 approved.
[illegible]	OK	Union Oil Co. of Calif	Little-Trust #1-5	412	5-01-81	C: 102 and 103 approved.
81-24367	OK	Union Oil Co	Hoffman #3-2	412	5-01-81	C: 102 and 103 approved.
81-24376	OK	Sabine Production Co	Boggess #1-29	412	5-01-81	C: 102 and 103 approved.
81-24378	OK	Sullivan & Company	Ramey-Wilson No. 1	412	5-01-81	C: 102 and 103 approved.
81-24383	OK	Kaiser-Francis Oil Co	Oakley #2	412	5-01-81	C: 102 and 103 approved.
[illegible]	OK	Andover Oil Co	Von Tungelin 6-2	412	5-01-81	C: 102 and 103 approved.
81-24470	OK	Sabine Production Co	Cook #1-26	412	5-01-81	C: 102 and 103 approved.
[illegible]	OK	Andover Oil Co	Hunt #32-3	437	6-11-81	C: 102-2 and 103 approved.
81-34274	NM	Phillips Petroleum Co	E Vac GB/SA TR2648 #001	455	7-02-81	C: Well name.
[illegible]	TX	Cook Production Co	Andy Shawver #1	461	7-10-81	C: Well name.
81-35802	TX	HNG Oil Co	Vanderstucken "72" #5	[illegible]	7-10-81	C: 103 and 107-TF approved.
81-37128	TX	Texas Oil & Gas	Capps No. 1	[illegible]	7-16-81	C: 102-4, 103 & 107-TF appr.
81-37438	TX	Cassell Oil Co	Tischler A No. 2	[illegible]	7-16-81	C: 103 approved, not 102-4.
81-38518	TX	Mote Resources Inc	Isbell #1-A (78786)	472	7-30-81	C: Well name.
81-38602	TX	R & M Operating Co., Inc	T. J. Studer #1	472	7-30-81	C: Well name.
[illegible]	TX	Pennowa Oil & Gas Co. and L. L. Wiler Jr	Ware (00111) No. 4	472	7-30-81	C: Well name.
81-39287	LA	CNG Producing Co	A-4D3 (form, A-4D2 A1+)	474	7-24-81	C: Well name.
81-39782	TX	Sanchez—O'Brien O & G	Corzine Gas Unit #1	476	8-07-81	C: 102-4 approved, not 103.
81-40440	LA	Lyons Petroleum, Inc	Pioneer No. 1	478	7-31-81	C: 102-4 and 103 approved.
81-40482	LA	Lock Arbor Prod. Co	Smith Et Al #20	479	8-07-81	C: 103 and 108 approved.
81-42300	NM	Apollo Oil Co	Alice Bolack #11	487	8-14-81	C: Well name.
81-42549	LA	Peter W. Herbst	Fee 80 #2	[illegible]	8-19-81	C: 103 and 108 approved.
81-42551	LA	Peter W. Herbst	Fee 80-6	[illegible]	8-19-81	C: 103 and 108 approved.
81-42552	LA	Peter W. Herbst	Fee 80-3	488	8-19-81	C: 103 and 108 approved.
[illegible]	LA	Peter W. Herbst	Fee 80 #8	[illegible]	8-19-81	C: 103 and 108 approved.
81-42615	LA	Calpetco V	Spyker 80-33	[illegible]	8-19-81	C: 103 and 108 approved.
81-42616	LA	Calpetco V	Spyker 80 No. 32	[illegible]	8-19-81	C: 103 and 108 approved.
81-42620	LA	Calpetco V	Young 80 No. 1	[illegible]	8-19-81	C: 103 and 108 approved.
[illegible]	TN	Continental Energy	Griffith/Smith #1	[illegible]	8-19-81	C: Well name.
81-42700	TN	Continental Energy	M Migliore #1	[illegible]	8-19-81	C: Well name.
81-44019	TX	Monsanto Co	Hunter No. 1	[illegible]	8-27-81	C: 102-2, 102-4 and 103 appr.
81-46255	NM	Yates Petroleum Co	Ross IZ Com #1	[illegible]		C: 103 approved not 107-TF.

[FR Doc. 81-27972 Filed 9-24-81; 8:45 am]

BILLING CODE [illegible]

V 46 SE 25 81 UMI

[Project No. 5205-000]

General Energy Development Associates; Notice of Application for Preliminary Permit

September 21, 1981.

Take notice that General Energy Development Associates (Applicant) failed on August 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 5205 to be known as the Upper Deschutes Hydro Development located on Deschutes River in Deschutes County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Carl Rounds, President, General Energy Development Associates, 1881 West Washington Avenue, Stayton, Oregon 97383.

Project Description—The proposed Upper Deschutes Hydro Development project would consist of four seperate diversions and powerhouses.

I. The Lava Diversion site would consist of: (1) a 8-foot high diversion structure; (2) a 13-foot diameter, 1,600-foot long tunnel; (3) a steel surge tank; (4) a 12-foot diameter 620-foot long penstock; (5) a powerhouse to contain two generating units with a total rated capacity of 16,600 kW; and (6) a transmission line extending from the powerhouse to an existing line. The estimated average annual energy output is 86.7 million kWh.

II. Ryan Meadow Diversion would consist of: (1) a 8-foot high diversion structure; (2) a 13-foot diameter, 1,400-foot long tunnel; (3) a steel surge tank; (4) a 12-foot diameter, 300-foot long steel penstock; (5) a powerhouse to contain two generating units with a combined rated capacity of 8,000 kW; and (6) a transmission line extending from the powerhouse to an existing line. The estimated average annual energy output is 41.8 million kWh.

III. Aspen Diversion would consist of: (1) a 8-foot high diversion structure; (2) a 900-foot long trapezoidal canal; (3) a 12-foot diameter, 200-foot long steel penstock; (4) a powerhouse to contain two generating units with a combined rated capacity of 30,000 kW; and (5) a transmission line extending west of the powerhouse to an existing line. The estimated average annual energy output is 17.4 million kWh.

IV. Island Diversion would consist of: (1) a 8-foot high diversion structure; (2) a 2,400-foot long trapezoidal channel; (3) a 12-foot diameter, 1,600-foot long steel penstock; (4) a powerhouse to contain two generating units with a combined rated capacity of 11,000 kW; (5) a transmission line extending from the powerhouse to an existing line. The estimated average annual energy output is 59.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, environmental and economic feasibility studies, and prepare an application for an FERC license. No new roads would be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $1,366,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 27, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR § 1.8 or §1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 27, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27980 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4640-000]

Hydroelectric Constructors, Inc.; Notice of Application for Preliminary Permit

September 18, 1981.

Take notice that Hydroelectric Constructors, Inc. (Applicant) filed on May 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4640 to be known as the Terrace Project located on Terrace Reservoir, Alamosa River in Conejos County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Glen G. Dorman, President, Hydroelectric Constructors, Inc., 5353 West Dartmouth Avenue, Box 6, Denver, Colorado 80227.

Project Description—The proposed project, located at lands administered by the Bureau of Land Management, would consist of: (1) a 165-foot high, 531-foot long, zoned, hydraulic-fill dam owned by the Terrace Irrigation Company; (2) Terrace Reservoir with an active storage capacity of 17,400 acre-feet; (3) an existing 950-foot-long tunnel and penstock; (4) a new powerhouse, connected to the existing tunnel outlet by a short section of penstock, with a single turbine-generator with a rated capacity of 1.66 MW; (5) a 20-mile long 22 or 69 kV transmission line; and (6) appurtenant facilities. The project would produce up to 3,700,000 kWh annually. Potential purchasers of the output of the project would include Public Service Company of Colorado or the San Luis Valley Rural Electric Cooperative, Inc.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $200,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 30, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27936 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5158-000]

Hydroelectric Constructors, Inc., and the North Poudre Irrigation Co.; Notice of Application for Preliminary Permit

September 21, 1981.

Take notice that Hydroelectric Constructors, Inc. and the North Poudre Irrigation Company (Applicant) filed on July 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 5158 to be known as the Halligan Dam Power Project located on the North Fork Cache La Poudre River in Larimer County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Glen G. Dorman, 5353 West Dartmouth Ave., Box 6, Denver, Colorado 80227.

Project Description—The existing project facilities owned by the North Poudre Irrigation Company consist of: (1) a 322-foot long and 95-foot high masonry arch-type dam having a 110-foot long spillway with a crest elevation of 6,355 msl; (2) a reservoir having a surface area of 261.2 acres and a usable storage capacity of 640 acre-feet at a normal pool elevation of 6,355 msl; and (3) two 34-inch diameter steel outlet conduits with slide-gate controls. The reservoir affects lands of the United States under the jurisdiction of the Bureau of Land Management.

The proposed project would utilize the existing facilities and would consist of: (1) a short penstock; (2) a powerhouse containing a generating unit having a rated capacity of 500-kW; (3) a 4,000-foot long access road; (4) a 10-mile long, 69-kV transmission line; and (5) appurtenant facilities. Applicant estimates that the average annual energy output would be 1,300,000 kWh. Project energy would be sold to a public or private utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare feasibility, engineering, and hydrological studies, conduct field surveys, prepare environmental reports and detailed plans, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 27, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before November 27, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E.

Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27981 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[ST81-417-000]

Louisiana Intrastate Gas Corp.; Notice of Application of Approval of Rates

September 18, 1981.

Take notice that on August 17, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST81-417-000 an application pursuant to Part 284 of the Commission's Regulations for approval of its rates for the transportation of natural gas on behalf of United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation agreement with United dated June 10, 1981, Applicant proposes to transport gas for United for a period of two years. It is stated that Applicant would receive the gas at a point of interconnection between the facilities of Applicant and Supenn in Cameron Parish, Louisiana, and redeliver the gas to United at a point on United's 20-inch Deep Lake line in Cameron Parish, Louisiana, at the Garden City Plant, St. Mary Parish, Louisiana, at the existing interconnection between Applicant and United near Clarence, Natchitoches Parish, Louisiana, at the Exxon Lirette Plant, Terrebonne Parish, Louisiana, or at any other point mutually agreed upon in writing by the parties.

Applicant proposes a transportation rate of 20.0 cents per million Btu and further proposes to retain 1.0 percent of the volume received as fuel, losses and unaccounted for gas. Applicant states that it would be reimbursed by United for all taxes which may be levied upon and/or paid by Applicant with respect to the transportation service performed. Applicant asserts that 20.0 cents per million Btu is a fair and equitable rate for the proposed service.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27937 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-415-000]

Louisiana Resources Co.; Notice of Application of Approval of Rates

September 18, 1981.

Take notice that on August 14, 1981, Louisiana Resources Company (Applicant), P.O. Box 3102, Tulsa, Oklahoma 74101, filed in Docket ST81-415-000 an application pursuant to Part 284 of the Commission's Regulations for approval of its rates for the transportation of natural gas on behalf of Faustina Pipe Line Company (Faustina), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas transportation and exchange agreement dated April 15, 1981, it proposes to transport gas by exchange on behalf of Faustina from a point of interconnection between the facilities of Applicant and Stingray Pipeline Company located in Cameron Parish, Louisiana, to a point of interconnection between the facilities of Louisiana Intrastate Gas Corporation and Faustina located in St. James Parish, Louisiana. Applicant states that it would transport up to 125,000 Mcf of natural gas per day for Faustina.

For the subject service, Applicant proposes a commodity charge of 22.25 cents per million Btu transported which Applicant asserts is fair and equitable. It is further asserted that Faustina has agreed to pay a monthly facilities demand charge for any special facilities required for the proposed service. Applicant states that no such facilities have yet been required hence Applicant does not seek approval for any such change.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27938 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-504-000]

Michigan Wisconsin Pipe Line Co.; Notice of Application

September 18, 1981.

Take notice that on September 8, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81-504-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with § 284.221(d) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to be proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27939 Filed 9-24-81; 8:45 am]

BILLING CODE [illegible]

[Project No. 5253-000]

Modesto Irrigation District; Notice of Application for Preliminary Permit

September 18, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5253 known as the Big Creek Power Project located on Big Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: A. Lee Delano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a natural rock and concrete diversion structure; (2) a 9,500-foot long diversion conduit or channel; (3) a 1,370-foot long, 48-inch diameter steel penstock; (4) a powerhouse containing one generating unit with a rated capacity of 1,390 kW; and (5) a 1-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual output would be 4.4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. Applicant estimates that the cost of the studies under the permit would be $45,000.

Competing Applications—This application was filed as a competing application to Big Creek Power Project No. 4101 filed on February 2, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27940 Filed 9-24-81; 8:45 am]

BILLING CODE [illegible]

[Docket No. CP81-476-000]

Northwest Pipeline Corp.; Notice of Application

September 18, 1981.

Take notice that on August 21, 1981, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP81-476-000 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon during the calendar year 1982 and operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant requests a waiver of § 157.7(g)(iii) to permit a total cost of $5,000,000 with no single project to exceed $1,200,000. It is asserted that § 157.7(g) limits total cost expenditures of $3,000,000 with no single project to exceed $500,000. Applicant states that its request for an increase in the single and total cost limitations is due to inflation, additional safeguards and climatic variations occurring in the gas field areas. Such costs, it is asserted would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

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parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27942 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-505-000]

Pacific Gas Transmission Co.; Notice of Application

September 21, 1981.

Take notice that on September 8, 1981, Pacific Gas Transmission Company (Applicant), 77 Beale Street, San Francisco, California 94106, filed in Docket No. CP81-505-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with Section 284.221(d) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27962 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5269-000]

Scott Paper Co.; Notice of Application for Preliminary Permit

September 18, 1981.

Take notice that Scott Paper Company (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5269 known as the Jackman Creek Project located on Jackman Creek in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Apllicant should be directed to: Regina M. david, Esq., Scott Paper Company, Scott Plaza Two, Philadelphia, Pennsylvania 19113.

Project Description—The proposed project would consist of: (1) a 5-foot high concrete diversion weir; (2) a 4-mile long pipeline; (3) a surge tank and penstock; (4) a powerhouse containing one generating unit rated at 7,400 kW; and (5) a 2-mile long transmission line. The Applicant estimates that the average annual generation would be 37 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $200,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 30, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 30, 1981.

Filing and Service or Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27943 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5271-000]

Scott Paper Co.; Notice of Application for Preliminary Permit

September 21, 1981.

Take notice that Scott Paper Company (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5271 to be known as the Canyon Creek Hydroelectric Project located on Canyon Creek, in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Regina M. David, Esquire, Scott Paper Company, Scott Plaza Two, Philadelphia, Pennsylvania 19113, and a copy to: Nancy J. Skancke, esquire, Ross, Marsh & Foster, 730 15th Street, N.W., Washington, D.C. 20005.

Project description—The project would consist of: (1) a 5-foot high by 60-foot long diversion weir; (2) a 13,500-foot long water conduit; (3) a surge tank; (4) a 2,500-foot long penstock; (5) a powerhouse to contain two Pelton-type, turbine-generating units with a total rated capacity of 13.4 MW; and (6) a 5,000-foot long, 55-kV transmission line to connect to an existing Puget Sound Power and Light Company transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month preliminary permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—This application was filed as a competing application to the Canyon Creek Project No. 4312 filed on March 10, 1981, by Water Song Resources under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 27, 1981.

Filing and Service or Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27983 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5193-000]

Scott Paper Co.; Notice of Application for Preliminary Permit

September 21, 1981.

Take notice that Scott Paper Company (Applicant) filed on August 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5193 to be known as the Racehorse Creek Hydroelectric Project located on Racehorse Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Regina M. David, Esq., Scott Paper Company, Scott Plaza Two, Philadelphia, Pennsylvania 19113 with a copy to: Nancy J. Skancke, Esquire, Ross, Marsh & Foster, 750 15th Street, N.W., Washington, D.C. 20005.

Project Description—The proposed project would consist of: (1) a 5-foot high by 40-foot long reinforced concrete diversion weir; (2) a 2.5-mile long pipeline; (3) a 1-mile long penstock; (4) a powerhouse with an installed capacity of 5 MW; and (5) a 1.5-mile long, 55-kV transmission line to connect to an existing Puget Sound Power & Light Company transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month preliminary permit to study the feasibility of constructing and operating the project. Applicant states that the field studies, tests, and other activities to be conducted under the permit would not adversely affect cultural resources or endangered species and would cause only minor alterations and disturbance of lands and waters. Applicant also indicates that any land altered or disturbed would be adequately restored.

Competing Applications—This application was filed as a competing application to the Racehorse Creek Project No. 4238 filed on February 23, 1981, by Racehorse Company under 18 C.F.R. § 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notces of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27984 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-13308-000, et al.]

Shell Oil Company, et al.; Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

September 21, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
G-13308-000, F, Oct. 24, 1975 [2]	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Michigan Wisconsin Pipeline Company, Laverne Field, Hugoton-Anadarko Area, Harper County, Oklahoma.	(³)	14.65
G-7009-002, D, Sept. 9, 1981	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Columbia Gas Transmission Corporation, Blackberry Creek Field, Pike County, Kentucky.	(³)	
G-7642-004, D, Sept. 8, 1981	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Northern Natural Gas Company, Panoma Council Grove Formation in the NE4 of Section 31-34S-38W, Stevens County, Kansas.	(⁴)	
CI61-1430-000, D, Sept. 9, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	El Paso Natural Gas Company, Brown Bassett Field, Terrell County, Texas.	(⁵)	
CI62-1512-000, D, Sept. 9, 1981	do	El Paso Natural Gas Company, Yucca Butte Field, Terrell and Pecos Counties, Texas.	(⁵)	
CI65-399-000, D, Sept. 9, 1981	do	El Paso Natural Gas Company, N.W. Ozona Field, Crockett County, Texas.	(⁵)	
CI66-897-003, D, Sept. 9, 1981	do	El Paso Natural Gas Company, J. M. Field, Crockett and Val Verde Counties, Texas.	(⁵)	
CI72-737-000, D, Aug. 24, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Caprock Pipeline Company, Bobbitt Field, Carson County, Texas.	(⁶)	
CI76-52-001, C, Sept. 8, 1981	do	Transwestern Pipeline Company, South Empire Deep Unit, Eddy County, New Mexico.	(⁷)	14.65
CI76-73-001, C, Sept. 8, 1981	Hondo Oil & Gas Company, P.O. Box 2819, Dallas, Texas 75221.	do	(⁷)	14.65
CI77-518-004, C, Sept. 8, 1981	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Northern Natural Gas Company, East Cameron Block 336, Offshore Louisiana.	(⁸)	15.025
CI77-519-004, C, Sept. 8, 1981	do	Columbia Gas Transmission Corporation, East Cameron Block 335, Offshore Louisiana.	(⁹)	15.025
CI81-366-001, C, Sept. 8, 1981	Aminoil Development, Inc., Golden Center One, 2800 North Loop West, P.O. Box 94193, Houston, Tex 77018.	Michigan Wisconsin Pipe Line Company, Block 273, East Addition, High Island Area, South Extension, Offshore Texas.	(¹⁰)	14.65
CI81-492-000, (CI75-496), B, Sept. 8, 1981.	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221	Panhandle Eastern Pipe Line Company, Northwest Eva Field, Texas County, Oklahoma.	(¹¹)	

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.^{3}	Pressure base
CI81-493-000, A, Sept. 8, 1981	Conoco, Inc., P.O. Box 2197, Houston, Texas 77001	Transcontinental Gas Pipe Line Corp., Galveston Area Block 223, Offshore Texas.	(12)	14.65
CI81-494-000, A, Sept. 9, 1981	McMoRan Offshore Exploration Company, P.O. Box 6800, Metairie, Louisiana 70009.	Texas Eastern Transmission Corporation, West Cameron Block 464, Offshore Louisiana.	(10)	15.025

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[1] Effective August 29, 1972, Amoco Production Company assigned to Applicant acreage previously covered by Amoco's FPC G.R.S. No. 613 and Certificate authorization in Docket No. CI73-789.

[2] Applicant is filing under Gas Purchase Contract dated March 9, 1957, as amended.

[3] Cities Service Company has been purchasing gas from W. E. Burchett, Jr., et al., under Gas Purchase Agreement dated December 14, 1954 for resale to Columbia Gas Transmission Corporation. Mr. Burchett has given notice of intent to terminate the sale and has filed with the FERC an application to abandon on economic grounds of low production and low rates. Cities approves the termination.

[4] By Lease Modification Agreement dated February 9, 1981, effective January 1, 1981, Mobil released its rights to the Panoma Council Grove Formation in the NE4 of Section 31-34S-36W, Stevens County, Kansas to the lessors, Henry R. Brecheisen, et al.

[5] Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.

[6] Acreage was released to lessor and ARCO no longer owns an interest in the property.

[7] Applicant is filing under Gas Purchase Agreement dated June 30, 1975, amended by Letter Agreement dated June 24, 1980.

[8] Applicant is filing under Gas Purchase Agreement dated June 30, 1975, amended by Letter Agreement dated June 23, 1980.

[9] Applicant agrees to accept a permanent Certificate of Public Convenience and Necessity covering the sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.

[10] Applicant is filing under Gas Purchase Contract dated March 26, 1981, amended by "Amendment to Gas Purchase Contract" dated July 16, 1981.

[11] Gas reserves depleted, well plugged, leases expired and gas sales contract cancelled.

[12] Applicant is filing under Gas Purchase and Sales Agreement dated August 10, 1981.

[13] Applicant agrees to accept the Certificate being applied if such Certificate authorizes the initial sale of gas thereunder at the maximum lawful price at the time of initial deliveries, provided, however, applicant reserves the right to reject same if it contains other conditions which are unacceptable, in applicant's judgment.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-27965 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EF81-3041-000]

Southeastern Power Administration; Notice of Filing

September 21, 1981.

Take notice that on September 15, 1981, the Assistant Secretary for Conservation and Renewable energy of the Department of Energy by Rate Order No. SEPA-11, confirmed and approved on an interim basis, effective September 30, 1981, an extension of Rate Schedules KP-1-B and KP-2-B and confirmed and approved Rate Schedule JHK-1-C for power from southeastern Power Administration's (SEPA) Kerr-Philpott Projects. Rate Schedule JHK-1-C replaces JHK-1-B. The approval extends through September 30, 1982.

According to the Assistant Secretary, SEPA is in the process of developing a new written power marketing policy for the Kerr-Philpott Projects to be followed by negotiations to develop contracts consistent with the new policy to replace expiring contracts. The Assistant Secretary states that a complete rate approval presentation with repayment and other supporting documents will be presented to FERC in support of rates applicable to the renegotiated power contracts.

The rate schedules are submitted for confirmation and approval on a final basis pursuant to authority vested in the commission by Delegation Order No. 0204-33. The Assistant Secretary requests approval for a period ending September 30, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27966 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-469-000]

Southern Natural Gas Co.; Notice of Application

September 18, 1981.

Take notice that on August 19, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35303, filed in Docket No. CP81-469-000 an application pursuant to Section 7 (c) of the Natural Gas Act for permission and approval to abandon two natural gas receiving stations known as its Tantine Field receiving stations, a pipeline riser associated with one of the receiving stations, and minor appurtenant pipeline facilities, all as more fully set forth in the application which is on file with the commission and open to public inspection.

Applicant proposes to abandon its Tantine Field receiving stations located at or near the upstream terminus of its 10-inch Tantine Line in Tantine Field, Plaquemines Parish, Louisiana, and that portion of the Tantine Line including a pipeline riser, directly related to those receiving stations. Applicant states that the subject receiving stations and pipeline facilities were installed to attach natural gas reserves committed to it in the Tantine Field by predecessors in interest to Gulf Oil Corporation (Gulf):

Applicant states that pursuant to amendments to its Tantine Field gas purchase contracts with Gulf an additional point of delivery subsequently was added to the gas purchase contracts. Applicant states that the amendments also deleted one of the original receiving stations as a point of delivery and provided that the other point of delivery need not be operated if deliveries ceased at that point. Applicant states that shorty thereafter, Gulf began using the additional point of delivery for all of the deliveries from the Tantine Field. Applicant further states that the terms of a replacement contract for the sale and purchase of gas reserves from the Tantine Field only provides for the point of delivery which was added by amendement to the original gas purchase contracts. Applicant asserts that the proposed abandonment, therefore, would not affect service from Gulf or result in any termination of deliveries by Gulf to Applicant from the Tantine Field. Applicant states that it has abandoned and removed the subject facilities for safety reasons in conjunction with the removal of Gulf's platform.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordane with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or

1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27944 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-500-000]

Southwest Gas Corp.; Notice of Application

September 18, 1981.

Take notice that on September 3, 1981, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP81-500-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of two high pressure tap facilities on its Elko Lateral, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate two high pressure taps on its Elko Lateral. One tap, the Trease Tap in Humbolt County, Nevada, would have annual usage, peak day and average day usage of 99 Mcf, 1.5 Mcf and 0.27 Mcf, respectively. The second tap, the Ladd Tap in Pershing County, Nevada, would have annual usage, peak day and average day usage of 99 Mcf, 1.5 Mcf and 0.27 Mcf, respectively.

It is asserted that the cost of the facilities proposed herein would be approximately $900 for each tap which would be financed by an advance made by the customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27945 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5229-000]

Tehama County Flood Control and Water Conservation District; Notice of Application for Preliminary Permit

September 18, 1981.

Take notice that Tehama County Flood Control and Water Conservation District (Applicant) filed on August 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5229 known as the Sulphur Creek Project located on Sulphur Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Lawrence A. Coleman, Director of Water Resources, Tehama County Flood Control and Water Conservation District, Route 1, Box 4, Gerber, California 96025.

Project Description—The proposed project would consist of: (1) a 10-foot high rock-and-concrete diversion structure; (2) a 7,500-foot long conduit; (3) an 880-foot long and 36-inch diameter penstock; (4) a powerhouse containing one generating unit rated at 2,950 kW; and (5) a 6-mile long transmission line. The Applicant estimates that the average annual energy output would be 9.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $80,000 to $190,000.

Competing Applications—This application was filed as a competing application to the Sulphur Creek Project No. 4156 filed on February 9, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 20, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27946 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-482-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Notice of Application

September 21, 1981.

Take notice that on August 25, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-482-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Amoco Production Company (Amoco) in southern Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement dated October 20, 1980, Applicant proposes to transport up to 45,000 Mcf of natural gas per day for Amoco. It is submitted that Applicant would receive such gas from Amoco at Amoco's Eugene Island Block 322 "A" platform or other points as determined by the parties and subsequently redeliver equivalent quantities at the interconnection of Applicant's facilities with those of Florida Gas Transmission Company (FGT) near Carnes, Mississippi, where Amoco would use such gas to assist in meeting its existing warranty type contract obligations with FGT and/or Florida Power and Light Company.

Applicant states that for such transportation service Amoco would pay Applicant each month a demand charge and a volume charge of 7.87 cents per Mcf of gas delivered at the Yscloskey delivery point and 11.11 cents per Mcf of gas delivered at the Carnes delivery point. It is further submitted that the October 20, 1980, agreement also provides for a minimum monthly bill. It is asserted that Amoco would also provide Applicant with volumes of natural gas equal to 2.16 percent of the volumes received at the points of receipt for transportation each day to compensate for Applicant's fuel and use requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27967 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-506-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Notice of Application

September 21, 1981

Take notice that on September 10, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-506-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of Trunkline Gas Company (Trunkline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated October 7, 1980, Applicant proposes to transport up to 10,000 Mcf of natural gas per day for Trunkline from a point of receipt at the interconnection of Applicant's existing pipeline in East Cameron Area Block 97 and a pipeline extending from East Cameron Area Block 104, offshore Louisiana, to an existing point of delivery to Trunkline on the Kinder-Sabine line, Jefferson Davis Parish, Louisiana. Applicant states that it is currently transporting quantities of gas for Trunkline pursuant tothe provisions of Sections 284.4(b) and (g) of the Commission's Regulations.

It is asserted that Trunkline would pay Applicant a volume charge each month equal to 4.37 cents per Mcf with provision for a minimum monthly bill. It is further asseted that Trunkline would also provide Applicant 1.2 percent of the volumes received for transportation each day to compensate for fuel and use requirements. Applicant submits that it has the right but not the obligation to accept volumes in excess of 10,000 Mcf per day.

It is asserted that the proposed service would provide Trunkline with a means of acquiring and receiving into its system an additional supply of natural gas without having to construct additional facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1981, file with the Federal Energy Regulatory Commission, Washington,

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D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27968 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-507-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc. and Midwestern Gas Transmission Co.; Notice of Application

September 21, 1981.

Take notice that on September 10, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Midwestern Gas Transmission Company (Midwestern), 1100 Milam Building, Houston, Texas 77002, filed in Docket No. CP81-507-000 a joint application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that by order issued January 2, 1979, Tennessee and Midwestern were authorized to transport injection volumes of up to 55,000 Mcf per day and withdrawal volumes of up to 85,000 Mcf per day during injection or withdrawal periods and up to an aggregate 15,000,000 Mcf during any injection or withdrawal period each year for a three-year term ending November 30, 1981. It is asserted that deliveries were to Mid-Continent Gas Storage Company (Mid-Continent) which provided a storage service to Southern.

It is further stated that the order of January 2, 1979, was amended on August 1, 1979, authorizing an additional point of delivery and an increase in the injection and withdrawal volumes transported. Tennessee and Southern, it is stated, further amended their transportation agreement on December 19, 1980, providing for an additional delivery and redelivery point.

Sothern, it is asserted, has informed Tennessee that Southern planned to withdraw all of its storage gas from Mid-Continent's facilities by March 31, 1981, hence Southern no longer requires Tennessee's transportation services. Tennessee states that by letter dated February 3, 1981, it agreed to terminate its limited-term transportation agreement with Southern effective as of April 1, 1981. It is further explained that Tennessee therefore informed Midwestern that it no longer requires Midwestern's transportation services beyond March 31, 1981. By letter agreement dated August 18, 1981, Midwestern states that it agreed to terminate its limited-term transportation agreement with Tennessee effective as of April 1, 1981. Tennessee and Midwestern therefore propose to abandon the subject transportation of natural gas for Southern.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27969 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-506-002]

Transcontinental Gas Pipe Line Corp.; Notice of Amendment

September 18, 1981.

Take notice that on September 2, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP79-506-002 pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) an amendment to its petition to amend the order issued January 10, 1980, in the instant docket so as to authorize an increase in the total cost limitation for the construction of gas supply facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Transco states that by order issued January 10, 1980, in Docket No. CP79-506 it was authorized to construct during an indefinite period commencing January 1, 1980, gas supply facilities with total annual limits of $20,000,000 and with no single onshore and offshore project to exceed $2,500,000 and $3,500,000, respectively. It is further asserted that on January 19, 1981, Transco filed to amend the order issued January 1, 1980, requesting an increase in the total cost limitation to $40,000,000 for calendar year 1981.

Transco herein proposes to amend the petition to amend filed January 19, 1981, requesting instead that the Commission authorize Transco to construct gas supply facilities during calendar year 1982 with an annual cost limitation of $40,000,000.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27947 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5067-000]

Tule River Indian Reservation; Notice of Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 21, 1981.

Take notice that on July 8, 1981, Tule River Indian Reservation (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. §§ 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5067) would be located on South Fork Tule River near Porterville, Tulare County, California. Correspondence with the Applicant should be directed to: Mr. Alex Garfield, Chairman, Tule River Tribal Council, P.O. Box 589, Porterville, California 93258.

Project Description—The project would consist of: (1) the existing 25-foot high Painted Rock Dam owned by Tule River Tribal Council; (2) an existing 15,200-foot long steel conduit which will serve as penstock; (3) a powerhouse with total installed capacity of 124 kW and (4) a 30-foot long transmission line which would connect the powerhouse to an existing California Edison Company line. The Applicant estimates that the average annual energy production would be 1.0 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to the Southern California Edison Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit on or before October 26, 1981, appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before November 5, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 5, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-27970 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5037-000]

Utah Power & Light Co.; Notice of Application for Preliminary Permit

September 21, 1981.

Take notice that Utah Power & Light Company (Applicant) filed on June 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 5037 known as the Long Park Project located on Sheep Creek near the Town of Manila in Daggett County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sidney G. Baucom, Vice President & General Counsel, 1407 West North Temple, Salt Lake City, Utah 84116.

Project Description—The proposed project would consist of: (1) an existing earthfilled dam, owned by the Sheep Creek Irrigation Company and the Utah Board of Water Resources, 110 feet high and 790 feet long; (2) a reservoir having a surface area of 400 acres and a storage capacity of 18,700 acre-feet at a normal water surface elevation of approximately 8,600 msl; (3) a new 42-inch conduit connected to an existing 42-inch pipe; (4) a new powerhouse containing one 7.0-mW turbine/generator unit; (5) a new 12.5-mile long, 69-kV transmission line; and (6) appurtenant facilities. The average annual generation of 21 million kWh would be used by the Applicant to serve its service area.

Approximately 300 acres of the Ashley National Forest would be included in the project boundary.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $30,000.

Competing Applications—This application was filed as a competing application to the application for preliminary permit for Project No. 4856 filed on June 11, 1981, by the Utah Board of Water Resources under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 27, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27971 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5242-000]

Anvil Power, Inc.; Application for Preliminary Permit

September 18, 1981.

Take notice that Anvil Power, Inc. (Applicant) filed on August 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5242 to be known as the Warm Creek Project located on Warm Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: G. A. Jones, Anvil Power, Inc., 1675 W. Bakerview Road, Bellingham, Washington 98226.

Project Description—The proposed project would consist of: (1) a concrete diversion weir; (2) a one-mile long pipeline; (3) a 2,500-foot long penstock; (4) a powerhouse containing one generating unit rated at 3,200 kW; and (5) and 8-mile long transmission line. The average annual energy production is estimated to be 13 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, environmental and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $150,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before Dec. 2, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows and interested person to file an acceptable competing application no later than the time specified in section 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice on intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27988 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-760-000]

Boston Edison Co.; Filing

September 21, 1981.

The filing Company submits the following:

Take notice that Boston Edison Company (Boston), on September 9, 1981, tendered for filing a rate schedule an Agreement between Boston and the Braintree Massachusetts Electric Light Department (Braintree) for the sale of from 16 mw to 60 mw of system capacity.

Boston requests waiver of the Commission's notice requirements to allow for an effective date of April 25, 1981.

Copies of the filing were served on Braintree and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27973 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-69-000]

Chevron, U.S.A. Inc; Filing of Petition for Review Under 42 U.S.C. 7194

September 21, 1981.

Take notice that Chevron U.S.A. Inc. on August 18, 1981 filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before Oct. 5, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 5, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27974 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5272-000]

City of Seattle, Washington; Application for Preliminary Permit

September 18, 1981.

Take notice that City of Seattle, Washington (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(4)] for Project No. 5272 to be known as the Thornton Creek Project located on Thornton Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City of Seattle, City Light Department, City Light Building, 1015 Third Avenue, Seattle, Washington 98104.

Project Description—The proposed project would consist of: (1) a 4-foot high and 100-foot long diversion dam; (2) a 2,000-foot long pipeline; (3) a 2,800-foot long steel penstock; (4) a powerhouse containing one generating unit rated at 2.1 MW; and (5) an access road. The Applicant estimates the average annual energy generation to be 10.4 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, and feasibility studies, and prepare an FERC license application. Ground disturbing activities would include instream studies, test borings, clearing for surveys and geologic mapping, and possibly short access roads. All areas would be restored and surveyed by the State Historic Preservation Officer. The cost of the work to be performed under the preliminary permit is $250,000.

Competing Applications—This application was filed as a competing application to the Thornton Creek Project No. 4412 filed on March 24, 1981, by Thornton Lake Resource Company under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 20, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-27989 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-550-000]

Duke Power Co.; Filing

September 17, 1981.

The filing company submits the following:

Take notice that on September 11, 1981, Duke Power Company (Duke) tendered for filing a revision of its filing of June 16, 1981, in Docket No. ER81-550-000, which proposed a change in the rate level of its electric resale schedules on file with the Commission. Duke has proposed to put into effect for both North Carolina and South Carolina retail customers a portion of the suspended rate applications presently being considered by both state regulatory commissions. For service rendered on and after October 18, 1981, Duke has proposed to increase its presently effective retail rates by about 9%, subject to refund.

By the instant filing, Duke proposes to place into effect for its wholesale customers this same increase (9%) at the time mentioned above.

Duke's revised filing consists of rate schedules 10, 11 and Yadkin Schedule F which will increase bills of customers on those schedules by about 9%. Duke requests the Commission's authority to put these schedules into effect rather than the interim or proposed rates included in the June 16, 1981 filing. The interim schedules are, therefore, withdrawn. Duke also requests that the proposed rates set forth in its June 16, 1981 application be allowed to become effective at such time as the North Carolina Utilities Commission issues an order which includes Unit I of the McGuire Nuclear Station in Duke's rate base. Duke anticipates that Unit I will be commercial and, therefore, included in rate base before the end of 1981, well within the test period being used in the instant docket.

Duke requests waiver of the notice requirements.

A copy of the filing has been served upon all parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27990 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-754-000]

Edison Sault Electric Co.; Filing

September 21, 1981.

The filing Company submits the following:

Take notice that Edison Sault Electric Company (Edison) on September 9, 1981, tendered for filing a Supplemental Agreement No. 6, between Edison and Cloverland Electric Cooperative, Inc. (Cloverland), dated November 1, 1981, which agreement will supplement an existing Contract for Electric Service, dated February 1, 1977, between the same two parties. The contract between the parties, dated February 1, 1977, has been designated Rate Schedule FERC No. 8 (Docket No. ER77-477). The proposed supplemental agreement provides for a change in the wheeling rate schedule as provided in the contract, dated February 1, 1977, under subsection (d) wheeling change, Section 5, Rate.

Edison proposes an effective date of November 1, 1981.

Copies of the filing were served upon Cloverland Electric Cooperative, Inc. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27975 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI70-63, et al.]

Exxon Corporation, et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]

September 18, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI70-63, D, July 3, 1978	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Trunkline Gas Company, Block 173, Lease OCS-G-1257, South Timbalier Block 172 Field, Offshore Louisiana.	[1]	
CI78-45, D, Mar. 20, 1981	Union Oil Company of California, Union Oil Center, Room 904, P.O. Box 7600, Los Angeles, California 90051.	Northern Natural Gas Company, Section 196, Block 42, H&TC Ry. Co. Survey, Roberts County, Texas.	[2]	

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[1] South Timbalier Block 173, Lease OCS-G-1257, has been released and no longer held by Exxon.

[2] Union assigned interests to Baker & Taylor Drilling Company which has a small producer certificate in Docket No. CS76-794.

[FR Doc. 81-27976 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-755-000]

Florida Power & Light Co.; Filing

September 21, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on September 10, 1981, tendered for filing a Supplementary Agreement entitled "Supplementary Agreement Number One To Contract Between Florida Power & Light Company And Jacksonville Electric Authority For The Transmission Of Power And Energy In The Implementation Of The Power Sale Agreement Between Jacksonville Electric Authority And Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, And Southern Company Services, Inc."

FPL states that under the Supplementary Agreement, it will provide for additional transmission service during a special limited test period scheduled to commence September 1, 1981, to Jacksonville Electric Authority in the implementation of its Power Sale Agreement with Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Southern Company Services, Inc.

FPL requests waiver of the Commission's Regulations to the extent necessary to permit the Supplementary Agreement to become effective September 1, 1981. According to FPL, copies of the filing were served on the Managing Director of the Jacksonville Electric Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27977 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-731-000]

Georgia Power Co.; Filing

September 21, 1981.

Take notice that Georgia Power Company ("Georgia Power"), on September 1, 1981, tendered for filing proposed changes in its FERC Electric Tariff, Original Volume No. 1 (full requirements service). Based on the twelve-month period ended November 30, 1982, the proposed changes would increase revenues for jurisdictional full requirements service by $290,000. The filing contains proposed Rate Schedule FR-4 which would replace Rate Schedule FR-3 (full requirements). Georgia Power has stated an effective date of November 1, 1981 for the changes.

Georgia Power asserts that its costs have escalated steadily since the filing of its FR-3 rates, resulting in a large increase in the revenue required from wholesale serrvice. The data submitted with Georgia Power's filing allegedly demonstrate that FR-3 rates do not provide a fair return on Georgia Power's wholesale service.

Georgia Power states that copies of the filings were served upon all of its jurisdictional customers.

Any person desiring to be heard or to protest said application should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27978 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-758-000]

Iowa Public Service Co.; Filing

September 21, 1981.

The filing Company submits the following:

Take notice that on September 9, 1981, Iowa Public Service Company (Iowa) tendered for filing the Operating Agreement between Iowa and the Board

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of Trustees of Municipal Electric Utility of Algona, Iowa, dated July 1, 1981.

Iowa states that the Agreement provides for the coordinated planning and operation of the parties' respective generation and transmission facilities and that the rates charged for services rendered thereunder shall be in accordance with the Mid-Continent Area Power Pool Agreement on file with the Commission, or as otherwise agreed by the parties.

Iowa requests an effective date of July 1, 1981 and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such peititions or protests should be filed on or before October 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27979 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-674-000]

Kentucky Utilities Co.; Filing

September 21, 1981.

The filing company submits the following:

Take notice that on August 10, 1981, Kentucky Utilities Company (KU) tendered for filing a Fourth Supplemental Agreement dated July 1, 1981, which modifies the Interconnection Agreement between KU and Ohio Power Company (OP) dated January 17, 1950. The Fourth Supplement, in effect, changes the demand rate from $0.45 per KW per week to $1.05 per KW per week in Service Schedule C of the Agreement.

KU requests that the Commission waive its notice requirements and permit an effective date of July 1, 1981.

Copies of this filing have been sent to American Electric Power Company (for OP), the Kentucky Public service Commission and the Ohio Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such peititions or protests should be filed on or before October 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for publc inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27980 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-560-000]

Lockhart Power Co.; Filing

September 17, 1981.

The filing company submits the following:

Take notice that on September 15, 1981, Lockhart Power Company (Lockhart) tendered for filing revised "Interim A" tariff sheets. On June 18, 1981, Lockhart filed a proposed two-step increase in its wholesale electric rates to its sole wholesale customer, the City of Union, South Carolina. This rate increase was a "piggy back" filing necessary to reflect the "interim" and "proposed" rate increases filed on June 16, 1981 in Docket No. ER81-550-000 by Duke Power Company (Duke), from which Lockhart purchases more than 70% of its power and energy requirements. Lockhart accordingly proposed that the effectiveness of its rate increases be made precisely coincident with those proposed by Duke.

The Commission notified Duke that its filing was deficient. Subsequently Duke made a series of submissions which presumably have cured the deficiencies. By letter to the Commission dated September 8, 1981, Duke now proposes to withdraw the "interim" rates filed June 16, 1981 and substitute for them an "Interim A" rate which it now seeks to make effective for service rendered on and after October 18, 1981. According to Duke, the Interim A rate is 9% above the rates presently approved and being charged to Lockhart by Duke. Under this new proposal, the ultimate "proposed" rate increase level will be the same as originally proposed by Duke on June 16, 1981. However, the new "Interim A" rates represent a reduction from the first step "interim" rates proposed by Duke on June 16, 1981 and on which the first step of Lockhart's "piggy back" rate filing was based. Accordingly, the interim rate increase required by Lockhart is correspondingly reduced. Lockhart requests that the revised "Interim A" tariff sheets be substituted for the proposed interim tariff sheets submitted by Lockhart on June 18, 1981.

Lockhart requests that the effective dates of its revised rates be made precisely coincident with the effective dates of Duke's rates. To the extent that the Commission permits the Duke rates to become effective less than 60 days after this submission, this filing should be construed as a request for waiver of the notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27981 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

Docket No. ER81-756-000

Montaup Electric Co.; Filing

September 21, 1981

The Filing Company submits the following:

Take notice that Montaup Electric Company ("Montaup") on September 10, 1981, tendered for filing a transmission service agreement between Montaup and the Village of Northfield Electric Department. Under the transmission service agreement Montaup transmits for Northfield capacity and energy from Taunton Municipal Lighting Plant's Cleary Units Nos. 8 and 9 for the period beginning May 1, 1981 and ending upon 30 days written notice of termination.

Montaup requests waiver of the Commission's 60-day notice requirement in order to allow an effective date of May 1, 1981.

Copies of this filing have been served on Northfield and the Massachusetts Department of Public Utilities.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27981 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-757-000]

Montaup Electric Co.; Filing

September 21, 1981.

The Filing Company submits the following:

Take notice that Montaup Electric Company ("Montaup") on September 10, 1981, tendered for filing two supplements to a transmission service agreement between Montaup and the Taunton Municipal Lighting Plant ("Taunton").

The supplements provide for transmission by Montaup of Taunton's share of the Village of Northfield Electric Department's Vermont Yankee entitlement. The effective period for both supplements begins on May 1, 1981 and ends in one supplement on October 31, 1981 and in the other upon 30 days advance written notice of termination.

Montaup requests waiver of the Commission's 60-day notice requirement in order to allow an effective date of May 1, 1981 for the supplements.

Copies of this filing have been served on Taunton and the Massachusetts Department of Public Utilities.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such peititions or protests should be filed on or before October 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27982 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-721-000]

New England Power Co.; Filing

September 21, 1981.

The filing Company submits the following:

Take notice that on August 31, 1981, New England Power Company (NEP) tendered for filing two unit power contracts, the first with the Massachusetts Municipal Wholesale Electric Company (MMWEC) and the second with Town of Templeton's Municipal Lighting Plant (Templeton). For a three-year period beginning November 1, 1981, MMWEC will buy 150 MW, and Templeton will buy about 3 MW, of capacity and related energy from NEP's Salem Harbor units and from NEP's entitlement to Canal Unit No. 1.

NEP requests that the two contracts be made effective on November 1, 1981, the first day of the contract terms.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (1.8 and 1.10). All such petitions or protests should be filed on or before October 5, 1981. Protests will be considered by the Commission in determining the appropriate actiion to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27983 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-128-000]

New Orleans Public Service Inc.; Application for Exemption

September 21, 1981.

Take notice that New Orleans Public Service Inc. (NOPS), filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in § 290.403 (Load Data for Certain Customer Groups) in regard to small and large electric customer groups.

In its application for exemption, NOPS states that it should not be required to file the specified data for the following [illegible]

> The loan data for small electric (SE-3) and large electric (LE-3) customers is not currently being collected with sufficient accuracy. A combination of actual and estimated load data for the customer groups will be provided for the period from January 1, 1981 through October 31, 1981.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 9, 1981. Within that 45-day period such person must also serve a copy of such comments on: New Orleans Public Service Inc., 317 Baronne St., New Orleans, LA 70112.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27984 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA 82-1-40-000 (PGA 82-1)]

Raton Natural Gas Co.; Change in Rates

September 17, 1981.

Take notice that Raton Natural Gas Company (Raton), on September 1, 1981, tendered for filing, proposed changes in its FERC Gas Tariff, Volume No. 1, consisting of Twenty-fifth Revised Sheet No. 3a. The change in rates is for jurisdictional gas service. The proposed effective date is October 1, 1981.

Raton states that the instant notice of change in rates is occasioned solely for increase in the cost of gas purchased from Colorado Interstate Gas Company (CIG). The tracking of CIG Gas Cost Increase results in increase in Demand Rate from $1.79 to $2.39 and increase in Commodity Rate from 302.84¢ to 341.95¢ per MCF. The annual revenue increase, by reason of the tracking, amounts to $359,250.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commision, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.9 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.9, 1.10). All such petitions or protests should be filed on or before September 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27993 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-59-000]

U.S.S. Agri-Chemicals; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

September 21, 1981.

On August 27, 1981, U.S.S. Agri-Chemicals, of Bartow, Florida filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility is a topping-cycle cogeneration facility to be located at Fort Meade, Florida, which uses waste heat from chemical process reactions as its primary energy source. The power production capacity of the facility is 32.0 megawatts. The waste heat is made available as high pressure steam which is passed through a turbogenerator to produce electric power. Extraction steam from the turbine is used to provide thermal energy for use in other plants in the industrial complex. Installation of the facility began in July, 1981. Less than 50 percent of the facility is owned by an electric utility, electric utility holding company or any combination thereof.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such peititions or protests must be filed on or before October 26, 1981 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for publc inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27985 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-753-000]

The Washington Water Power Co.; Filing

September 21, 1981.

The filing Company submits the following:

Take notice that on September 8, 1981, The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a Transmission Agreement dated October 31, 1980, between Washington and Pacific Power & Light Company (Pacific).

In this agreement Pacific is providing a transmission service to Washington through Pacific's Wyoming system and Washington is providing transmission service to Pacific over the Walla Walla-Lolo line.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to November 1, 1980, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-27986 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Notice of Issuance of Proposed Decision and Order; Week of August 17 Through August 21, 1981

During the week of August 17 through August 21, 1981, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 21, 1981.

Gulf States Oil & Refining Co., Washington, D.C., BEE-1616

On January 28, 1981 Gulf States Oil & Refining Co. (Gulf States) filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit Gulf States to sell entitlements for crude oil which the firm purchased to establish an initial, or starting inventory for its new refinery. On August 17, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted in part.

[FR Doc. 81-27823 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Publication of Final Allocation Criteria for Marketing of Additional Power; Application Format for Requesting an Allocation, and Decision Regarding the Renewal of Contracts Expiring Prior to 1986; Corrections

AGENCY: Western Area Power Administration, DOE.

ACTION: Final notice; corrections.

SUMMARY: This document corrects several errors found in the **Federal Register** of August 17, 1981 (46 FR 41547), and further presents pertinent dates relative to the power marketing plan.

DATES: The filing deadline for applications for power from eligible preference agencies was September 15, 1981; applications had to have been received in the Sacramento Area Office no later than 5 p.m., Pacific daylight time, to ensure consideration.

Proposed power allocations will be announced in late September or early October. The comment forum on the proposed power allocations previously scheduled for October 8 has been rescheduled for October 15. The forum will begin at 9:30 a.m. in the Mariposa/Sonora Rooms, Holiday Inn—Holidome, 5321 Date Avenue, Sacramento, California.

Final power allocations will be announced on or about November 2, 1981. The allocations will be published in the **Federal Register** as well as the following newspapers: The San Francisco Chronicle, the Sacramento Bee, the Reno Gazette, the Las Vegas Review Journal, and the Los Angeles Times.

ADDRESS: For further information concerning the corrections contact: Mr. David G. Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825 (916) 484-4251.

SUPPLEMENTARY INFORMATION: The following are the corrections to the August 17, 1981, **Federal Register**.

1. Page 41548, section: Supplementary Information, first paragraph. The second to the last sentence beginning "Final allocation No. 8 * * * " is corrected to read "Final Criterion No. 7 was separated from proposed Criterion No. 5 so that it would stand alone."

2. Page 41549, section: Renewal of Contracts Expiring Prior to 1986, first paragraph. The second sentence is corrected to read "The 40-percent load factor energy limitation proposed previously will not be applied."

3. Page 41551, section: Responses to Comments on Proposed Allocation Criteria, subsection: Decision to Allocate 102 MW, first paragraph, first sentence. Replace "impliedly" with "implicitly."

4. Page 41551, section: Responses to Comments on Proposed Allocation Criteria, subsection: Reclamation Law Issues Regarding Irrigator Customers, first paragraph, fifth sentence. Change "early" to "earlier."

5. Page 41552, section: Responses to Comments on Proposed Allocation Criteria, subsection: Reclamation Law Issues Regarding Irrigator Customers, seventh and eighth paragraphs. References to irrigation "agencies" should be changed to irrigation "entities."

6. Page 41553, section: The 40-Percent Load Factor Energy Limitation on Contract Renewals and Contracts for the 102 MW of Additional Power, first paragraph, third sentence. Correct the word "supplied" to "applied."

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western Area Power Administration for the purpose of developing the power marketing plan are and will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 95825, (916) 484-4251.

Issued at Golden, Colorado, September 17, 1981.

William H. Clagett,

Deputy Administrator.

[FR Doc. 81-27825 Filed 9-24-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-38502; PH-FRL 1940-6]

Aceto Agricultural Chemicals Corp.; Notice of Intent to Suspend Pesticide Registrations of Products Containing Carbophenothion

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This action is being taken because the Aceto Agricultural Chemicals Corp. has failed to provide evidence that it is taking appropriate steps to secure certain chronic toxicology data required by a February 2, 1981 Data Call In Notice issued under authority of section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(2)(B).

DATE: Persons who would be adversely affected by the intended suspension may contest the intent to suspend by requesting a hearing on or before October 26, 1981, the effective date of the suspension.

ADDRESS: Written requests for a hearing should be submitted to the Hearing Clerk (A-110), Environmental Protection Agency, Rm. M-3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: David Alexander or Geraldine Werdig, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Environmental Protection Agency, Rm. 728, CM #2, 1921 Jefferson Davis Highway, Arlington VA 22202 (703-557-7460).

SUPPLEMENTARY INFORMATION: EPA is issuing this notice of intent to suspend the registrations of pesticide products of the Aceto Agricultural Chemicals Corp. (Aceto) which contain the pesticide carbophenothion under FIFRA section 3(c)(2)(B)(iv).

Aceto has failed to respond or to take any appropriate steps to comply with the Data Call In Notice issued to Aceto on February 2, 1981, and received by Aceto on February 6, 1981.

Accordingly, Aceto is in violation of FIFRA section 3(c)(2)(B) and the Agency has determined to issue this notice of intent to suspend the affected registrations. Aceto will be permitted to sell existing stocks of products containing carbophenothion for 120 days after its receipt of the notice of intent to suspend the registrations of its pesticide products containing carbophenothion.

Any person adversely affected by this action may request a hearing within 30 days of receipt of notice of this action to show that Aceto has not failed to take the required steps to secure data or to show that the intended provisions for the disposition of existing stocks is inconsistent with the Act. A request for a hearing should be submitted in quintuplicate and should state the issues for the hearing and set forth the supporting facts.

If such a hearing is requested, Aceto's affected registrations will not be suspended until completion of the hearing. As provided in FIFRA section 3, a hearing shall be held and determination made within 75 days after receipt of a request for a hearing.

This action will not become final and effective or will be rescinded if or when the Aceto Agricultural Chemicals Corp. complies fully with the requirements which serve as a basis for this action.

Dated: September 16, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-27879 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-38503; PH-FRL 1940-5]

Aceto Agricultural Chemicals Corp.; Notice of Intent To Suspend Pesticide Registrations of Products Containing Disulfoton

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This action is being taken because the Aceto Agricultural Chemicals Corp. has either failed to take appropriate steps within the time required to secure certain chronic toxicology data required by a February 27, 1981 Data Call In Notice issued under authority of section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136a(c)(2)(B) or has failed to participate in a procedure for reaching agreement concerning a joint data development arrangement for the production of the same data.

DATE: Persons who would be adversely affected by the intended suspension may contest the intent to suspend by requesting a hearing on or before October 26, 1981, the effective date of the suspension.

ADDRESS: Written requests for a hearing should be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. M-3708, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: David Alexander or Geraldine Werdig, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Environmental Protection Agency, Rm. 728, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7460).

SUPPLEMENTARY INFORMATION: EPA is issuing this notice of intent to suspend the registrations of pesticide products of the Aceto Agricultural Chemicals Corp. (Aceto) which contain the pesticide disulfoton under FIFRA section 3(c)(2)(B)(iv).

Aceto advised the Agency that it would not take steps to comply with the Data Call In Notice issued to Aceto on February 27, 1981. Aceto also rescinded its prior indication that it would comply with data requirements by developing the data jointly with the registrant who will produce the data.

Therefore, Aceto is in violation of FIFRA section 3(c)(2)(B) and the Agency has determined to issue this notice of intent to suspend the affected registrations. Aceto will be permitted to sell existing stocks of products containing disulfoton for 120 days after its receipt of the notice of intent to suspend its registrations of pesticide products containing disulfoton.

Any person adversely affected by this action may request a hearing within 30 days of receipt of notice of this action to show that Aceto has not failed to take the required steps to secure data or to show that the intended provision for the disposition of existing stocks is inconsistent with the Act. A request for a hearing should be submitted in quintuplicate and should state the issues for the hearing and set forth the supporting facts.

If such a hearing is requested, Aceto's affected registrations will not be suspended until completion of the hearing. As provided in FIFRA section 3, a hearing shall be held and determination made within 75 days after receipt of a request for a hearing.

This action will not become final and effective or will be rescinded if or when the Aceto Agricultural Chemicals Corp. complies fully with the requirements which serve as a basis for this action. .

Dated: September 16, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-27880 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-32-M

[PP OG2396/T319; PH-FRL 1940-2]

BASF Wyandotte Corp.; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Temporary tolerances have been established for the combined residues of the herbicide 2-[1-(ethoxyimino)-butyl]-5-[2-(ethylothio)propyl]-3-hydroxy-2-cyclohexen-1-one and its metabolites containing the 5-[2-(ethylthio)propyl]-1,3-cyclohexanedione moiety and its several thioxidation products (calculated as the herbicide) in or on the raw agricultural commodities soybeans at 0.50 parts per million (ppm); meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; milk and eggs at 0.05 ppm.

DATE: This temporary tolerance expires May 27, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7066).

SUPPLEMENTARY INFORMATION: BASF Wyandotte Corp., Agricultural Chemicals Div., 100 Cherry Hill Road, Parsippany, NJ 07054, has submitted a request with the EPA to establish tolerances for the combined residues of the herbicide 2-[1-(ethoxyimino)-butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one and its metabolites containing the 5-[2-(ethylthio)propyl]-1,3-cyclohexanedione moiety and its several thioxidation products (calculated as the herbicide) in or on the raw agricultural commodities soybeans at 0.50 parts per million (ppm); meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; milk and eggs at 0.05 ppm.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit (7969-EUP-14) which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 816; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are established on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experimental use permit.

2. BASF Wyandotte Corp. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The compnay will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of

the EPA or the Food and Drug Administration.

These temporary tolerances expire May 27, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with the pesticide indicates such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: September 15, 1981.

Douglas D. Campt,

Director, Registration Division, Office Pesticide Programs.

[FR Doc. 81-[illegible] Filed 9-24-81; 8:45 am]

BILLING CODE [illegible]

[OPTS-51319; TSH-FRL 1940-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-448—November 8, 1981

PMN 81-455, 81-456, and 81-457—November 12, 1981

ADDRESS: Written comments, identified by the document control number "[OPTS-51319]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-448	Wendy Cleland-Hamnett.	(202-426-0504)	E-229.
81-455	Rose Allison	(202-426-9815)	E-222.
81-456	George Bagley	(202-426-2601)	E-[illegible].
81-457	Robert Jones	(202-426-2601)	E-206.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN-81-448

Close of Review Period. December 8, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $100,000,000—$499,999,999.

Manufacturing site—Mid-Atlantic region.

Standard Industrial Classification Code—2891.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Epoxy modified phenolic resin.

Use. The manufacturer states that the PMN substance will be used as a curing agent.

Import Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	500	3,000
2nd year	1,000	6,000
3d year	2,000	12,000

Physical/Chemical Properties. No data submitted.

Toxicity Data. No data submitted.

Exposure. The importer states that the product will initially be sold to 15 customers. No further data is available.

Environmental Release/Disposal. The importer states that waste product and containers should be disposed of in accordance with the Resource Conservation Recovery Act standards (RCRA).

PMN 81-455

Close of Review Period. December 12, 1981.

Manufacturer's Identity. Mobay Chemical Corporation, Penn Lincoln Parkway West, Pittsburgh, PA 15205.

Chemical Identity. 4-trifluoromethoxyphenylisocyanate.

Use The importer states that the PMN substance will be used as an intermediate for pesticide.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—78°C.

Melting point—−29°C.

Flash point—69°C.

Ignition point—592°C.

Density @ 20°C—1.357 g/cm^3.

Lower explosive limit—1.79% by volume.

Refractive index n_D^{20} 1.4573.

Kinematic viscosity @ 20°C—1.12 centistokes.

Toxicity Data

Acute oral LD_{50} (rat)—Male/Female 1525 mg/kg.

Acute dermal LD_{50} (rat)—Male/Female 200/500 uL/kg.

Acute inhalation (vapor) (rat)—10 min. exposure, no survivors; 3 min. exposure, males survived, 20% females died.

Skin irritation (rabbit)—Severe irritation.

Eye irritation (rabbit)—Corrosive to cornea.

Sensitization effect test (guinea pig)—Sensitizing effect.

Ames salmonella—Non-mutagenic.

Micronucleus test—Non-mutagenic.

Exposure. The importer states that during processing 2 workers may experience dermal and inhalation exposure 0.2 day/yr. Exposure may occur during the unloading of shipping containers to a storage tank.

Environmental Release/Disposal. The importer states that less than 10 kg/yr may be released to the air 0.2 day/yr.

PMN 81-456

Close of Review Period. December 12, 1981.

V 46 SE 25 81 UMI

Manufacturer's Identity. The Sherwin-Williams Company, P.O. Box 6520, Cleveland, OH 44101.

Specific Chemical Indentity. 2-carbomethoxybenzene sulfonyl chloride.

Use. The manufacturer states that the PMN substance will be used as a reagent chemical.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	20,000
2d year	20,000	100,000
3d year	100,000	300,000

Physical/Chemical Properties

Appearance—White, crystalline solid.

Bulk density—0.76 gm/cc.

Solubility in water—Insoluble.

Melting point—61–62°

Hydrolysis—Water forming HCl.

Toxicity Data

Acute oral LD_{50} (rat)—5 gm/kg.

Acute dermal LD_{50} (rabbit)—4 gm/kg.

Skin corrosivity (rabbit)—Noncorrosive.

Skin irritation (rabbit)—Irritating.

Ocular irritation (rabbit)—Irritating.

Exposure. The manufacturer states that during manufacture a maximum of 2 workers may have dermal exposure 8 hrs/day, 100 days/yr.

Environmental Release/Disposal. The manufacturer states that from 10 to 100 kg/yr of the new substance will be released to a publicly owned treatment works (POTW).

PMN 81–457

Close of Review Period. December 12, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $100,000,000 and $499,999,999.

Manufacturing site—East North Central.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of unsaturated fatty acid, dimer fatty acid, unsubstituted anhydride, aromatic dicarboxylic acid, aliphatic diol and hydroxy functional resins.

Use. The manufacturer states that the PMN substance will be used as a thermoset polymer for coating paper surfaces.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	4,000	8,000
2d year	8,000	16,000
3d year	16,000	32,000

Physical/Chemical Properties

Appearence—Semi-solid. Polymeric material at room temperature.

Solubility—Soluble in cellosolve acetate.

Vapor pressure (polymer)—Negligible.

Viscosity (polymer)—Z–1 (Gardner-Holdt).

Color (polymer)—7 (Gardner).

% solid (polymer solution in xylene)—90%.

Toxicity Data. No data were submitted..

Exposure. The manufacturer states that during manufacture, processing, and disposal a total of 5 workers may experience dermal exposure 14 hrs/day, 51 days/yr.

Environmental Release/Disposal. The manufacturer states that 10–100 kg/yr may be released to land. Water from esterification and solid residue is disposed of by landfill.

Dated: September 16, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81–27678 Filed 9–24–81; 8:45 am]

BILLING CODE 6560-31-M

[OPP–50544; PH–FRL–1939–7]

Extension of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

239–EUP–78. Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804. This experimental use permit allows the use of 4,000 pounds of the herbicide thiobencarb on rice to evaluate control of watergrass and sprangletop weeds. A total of 1,000 acres are involved. The program is authorized only in the States of Louisiana and Texas. The experimental use permit is effective from June 30, 1981 to June 30, 1982. A temporary tolerance for residues of the active ingredient and its metabolite 4-chlorobenzyl methylsulfone in or on rice grain has been established. (Richard Mountfort, PM 23, Rm. 412D, CM #2 (703–557–7070))

44544–EUP–1. DMB Packing Corporation, Box 517, Fresno & N St., Newman, CA 95360. This experimental use permit allows the use of 10,000 pounds of the growth regulator isobutyric acid on grapes to evaluate the increased yield per acre. A total of 1,000 acres are involved. The program is authorized only in the State of California. The experimental use permit is effective from June 6, 1981 to June 6, 1982. A temporary exemption from the requirement of a tolerance for residues of the active ingredient in or on grapes has been established. (Robert Taylor, PM 25, Rm. 412, CM #2, (703–557–7066))

20954–EUP–13. Zoecon Corporation, 975 California Avenue, Palo Alto, CA 94303. This experimental use permit allows the use of the remaining supply of 281 pounds (420 pounds had been originally authorized) of the insecticide *N*-[2-chloro-4-(trifluoromethyl)phenyl]-*DL*-valine (^{T1}±)-cyano(3-phenoxyphenyl)methyl ester on alfalfa, celery, cole crops, cotton, lettuce, potatoes, sweet corn, tobacco, and tomatoes to evaluate control of various insects. A total of 531 acres are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Nevada, New Mexico, New York, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, and Washington. The experimental use permit is effective from May 16, 1981 to May 16, 1982. This permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Franklin Gee, PM 17, Rm. 401, CM #2, (703–557–7028))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: September 16, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-27882 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50551; PH-FRL-1940-8]

Extension of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

241-EUP-94. American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540. This experimental use permit allows the use of 4352.4 pounds of the insecticide (±)cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-α-(1-methylethyl) benzeneacetate on cotton to evaluate control of various cotton insects. A total of 13,025 acres are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Texas. The experimental use permit is effective from April 10, 1981 to April 10, 1982. A temporary tolerance for residues of the active ingredient in or on cottonseed and a food additive regulation for residues of the active ingredient in cottonseed oil have been established. (Franklen Gee, PM 17, Rm. 401, CM#2 (703-557-7028))

2139-EUP-23. NOR-AM Agricultural Products, Inc., 350 West Shuman Boulevard, Naperville, IL 60566. This experimental use permit allows the use of 1,530 pounds of the herbicide thidiazuron on cotton to evaluate its use as a defoliant. A total of 7,650 acres are involved. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, and Texas. The experimental use permit is effective from May 13, 1981 to July 1, 1982. Temporary tolerances for the residues of the active ingredient in or on cottonseed, eggs, milk, and the meat, fat and meat byproducts of cattle, goats, hods, horses, poultry, and sheep have been established. A feed additive regulation for residues of the active ingredient and its aniline-containing metabolites in or on cottonseed hulls has been established. (Richard F. Mountfort, PM 23, Rm. 412D (703-557-7070))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: September 14, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-27877 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50552; PH-FRL 19411]

Renewal of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

524-EUP-29. Monsanto Company, 1101 17th St., NW., Washington, D.C. 20036. This experimental use permit allows the use of 1,030 pounds of the remaining supply (2,361.8 pounds originally authorized) of the herbicide glyphosate in drainage systems, irrigation systems, and small water impoundments such as farm ponds to evaluate the control of weeds. A total of 323 acres are involved. The program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. The permit was previously effective from January 1, 1980 to January 1, 1981. It is now effective from June 12, 1981 to January 1, 1983. Temporary tolerances for residues of the active ingredient in or on the crop groupings cucurbits, forage legumes, fruiting vegetables, and the individual raw agricultural commodities hops and fish have been established. A food additive regulation for residues of the active ingredient for potable water has been established. (Robert Taylor, PM 25, Rm. 412, CM#2, (703-557-7066))

20954-EUP-14. Zoecon Corporation, 975 California Ave., Palo Alto, CA 94304. This experimental use permit allows the use of 0.03 pound of the insect growth regulator methoprene in small volumes of water to evaluate the control of adult mosquitoes. A total of 200 sites are involved. The program is authorized only in the States of California and Louisiana. The permit was previously effective from March 4, 1980 to March 4, 1981. It is now effective from May 15, 1981 to May 15, 1982. A permanent exemption from the requirement of a tolerance for residues of the active ingredient in potable and rain water has been established (21 CFR 193.285 and 40 CFR 180.359)). (Franklin Gee, PM 17, Rm. 410, CM#2, (703-557-7028))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purpose from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: September 14, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-27876 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-32-M

[ER-FRL-1943-2]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104) U.S. Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EIS's) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9) during the week of September 14, 1981 to September 18, 1981.

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REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from September 25, 1981 and will end on November 9, 1981. The 30-day review period for final EIS's; as calculated from September 25, 1981 will end on October 26, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice, you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request, you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ, which are no longer available from the originating agency, are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558–8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245–3006.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A–104).

September 22, 1981.

Department of Agriculture

FS: Draft—Smokey Canyon Phosphate Mine, Caribou National Forest, Caribou County, Idaho (EIS Order #810769).

FS: Draft—Rocky Mountain Regional Plan, Colorado, Nebraska, Kansas, Wyoming and South Dakota (EIS Order #810772).

REA: Draft—Elm Mott/Whitney 345 kV Transmission Line, McLennan, Bosque and Hill Counties, Texas (EIS Order #810778).

Army Corps of Engineers

Draft—Lower Colorado River, General Project Permit, California, Nevada and Arizona; the review period for this EIS has been extended until November 14, 1981 (EIS Order #810765).

Draft—Tug Fork Valley Flood Damage Reduction Plan, West Virginia, Kentucky and Virginia (EIS Order #810774).

Final—Merced County Streams Flood Control Plan, Merced and Maricopa Counties, California (EIS Order #810755).

Final—AB Brown Generating Station Units 2, 3 and 4, Permit, Posey County, Indiana (EIS Order #810760).

Final—Sepulveda Basin Master Plan, Los Angeles County, California (EIS Order #810761).

Reestablishment of EIS Availability Date: Draft—Indiana Dunes National Lakeshore Erosion, Porter and LaPorte Counties, Indiana—published in the **Federal Register** September 18, 1981—based on the actual availability of this EIS, EPA has reestablished the date filed as September 18, 1981 and the end of the review period as November 9, 1981 (EIS Order #810746).

Department of the Army

Draft—Binary Chemical Munitions Program, Pine Bluff Arsenal, Arkansas (EIS Order #810782).

Department of Commerce

NOAA: Final—Deep Seabed Mining Program (EIS Order #810762).

Department of Energy

Withdrawal: Draft—Anvil Points Oil Shale Facility, Garfield County, Colorado—published FR August 29, 1981—this EIS has been officially withdrawn by the Department of Energy (EIS Order #800629).

Department of Housing and Urban Development

Draft—Kildaire Farms Development, Mortgage Insurance, Wake County, North Carolina (EIS Order #810764).

Draft—Countryside Development, Mortgage Insurance, Pennington County, South Dakota (EIS Order #810759).

Final—Landmark Development, Mortgage Insurance, Kendall and Kane Counties, Illinois (EIS Order #810785).

Final—West Lake Housing Development, Mortgage Insurance, Salt Lake County, Utah (EIS Order #810766).

Reestablishment of EIS Availability Date: HUD: Final—Montclair Planned Residential Community, Prince William County, Virginia—published in the **Federal Register** September 11, 1981—based on the actual availability of this EIS, EPA has reestablished the date filed as September 15, 1981 and the end of the review period as October 26, 1981 (EIS Order #810732).

Department of Transportation

FHWA: Draft—US 50 Improvement, Cimarron to Windy Point, Montrose and Gunnison Counties, Colorado (EIS Order #810775).

FHWA: Draft—IN-129 Extension, IN-48 to IN-46, Ripley County, Indiana (EIS Order #810752).

FHWA: Draft—Greenfield Pike Bridge Over Stoney Creek, Hamilton County, Indiana (EIS Order #810763).

FHWA: Final—Clairmont Road Extension, DeKalb County, Georgia (EIS Order #810767).

FAA: Final Supplement—Metropolitan Washington Airports Policy (EIS Order #810786).

Extension: FHWA: Draft—Pio Nono Avenue Widening, Bibb County, Georgia—published in the **Federal Register** August 28, 1981—the review period for this EIS has been extended until October 30, 1981 (EIS Order #810665).

Environmental Protection Agency

EPA2: Final Supplement—Manasquan River Region Wastewater Facilities Plan, Grant, Monmouth County, New Jersey; the review period for this EIS has been granted a waiver (EIS Order #810787).

EPA4: Draft—Tallahassee-Leon County Wastewater Treatment Facilities Management Plan, Leon County, Florida; the review period for this EIS has been extended until November 20, 1981 (EIS Order #810771).

EPA4: Draft—Southern Region Area Wastewater Treatment Facilities, Palm Beach, Florida; the review period for this EIS has been extended until November 30, 1981 (EIS Order #810780).

EPA4: Draft—Mill Creek Area Wastewater Facilities, Jefferson County, Kentucky; the review period for this EIS has been extended until December 4, 1981 (EIS Order #810773).

EPA4: Draft—Hancock County Generating Stations Units 1 and 2, Hancock County, Kentucky; the review period for this EIS has been extended until November 13, 1981 (EIS Order #810781).

General Services Administration

Draft—Chula Vista Border Patrol Station Renovation, San Diego County, California (EIS Order #810758).

Nuclear Regulatory Commission

Draft—Edgemont Uranium Mill Decommissioning, Fall River and Custer Counties, South Dakota (EIS Order #810776).

Department of the Interior

BLM: Draft—1982 OCS Oil and Gas Lease Sale No. 52, Atlantic Ocean, Massachusetts, Rhode Island, New York, New Jersey and Pennsylvania; the review period for this EIS has been extended until November 23, 1981 (EIS Order #810783).

BLM: Final—Benton-Owens Valley Livestock Grazing Management Plan, Inyo and Mono Counties, California (EIS Order #810753).

BLM: Final—Southern Rio Grande Grazing Management Plan, New Mexico (EIS Order #810784).

BLM: Final—Paradise-Denio Livestock Grazing Management Program, Humboldt and Pershing Counties, Nevada (EIS Order #810757).

BLM: Final—Sonoma-Gerlach Livestock Grazing Management Plan, Nevada (EIS Order #810757).

BR: Draft—Anderson Ranch Powerplant, Unit 3, Elmore County, Idaho; the review period for this EIS has been extended until December 16, 1981 (EIS Order #810768).

BR: Draft—Minidoka Powerplant, Rehabilitation and Enlargement, Minidoka County, Idaho; the review period for this EIS has been extended until December 17, 1981 (EIS Order #810777).

GS: Draft—Smokey Canyon Phosphate Mine, Caribou County, Idaho (EIS Order #810770).

NPS: Draft—US 101 Bypass, Redwood National Forest, Humboldt and Del Norte Counties, California (EIS Order #810779).

[FR Doc. 81-28000 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1943-1]

Comments on Environmental Impact Statements and Other Actions Impacting the Environment; Availability of Report

AGENCY: Office of Federal Activities (A-104), Environmental Protection Agency.

PURPOSE: Pursuant to the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment.

SUMMARY OF NOTICE: A report which identifies EPA's comments on EIS's and other actions impacting the environment which were released during August 1981 has been prepared and is available upon request. To obtain a copy of this report you should contact: Ms. Kathi L. Wilson, Office of Federal Activities (A-104), U.S. Environmental Protection Agency, Washington, D.C. 20460.

CONTENTS OF REPORT: The report contains the type and title of the document reviewed by EPA, the agency responsible for preparing the document, the EPA review control number, the classification of the nature of EPA's comments for draft EIS's and a summary of the EPA's comments is given for final EIS's and other actions.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

September 22, 1981.

[FR Doc. 81-28001 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-37-M

[EN-FRL-1942-8]

Extension of Time To Consider Application for a Fuel Waiver

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice extends, by 10 days, the time for the Administrator to act on an application for a fuel waiver submitted by Anafuel Unlimited.

FOR FURTHER INFORMATION CONTACT: Thomas E. Moore, Attorney-Advisor, Field Operations and Support Division (EN-397), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Telephone number (202) 382-2664.

SUPPLEMENTARY INFORMATION: On February 20, 1981, EPA received from Anafuel Unlimited (Anafuel) an application for waiver of the prohibitions in section 211(f)(1) of the Clean Air Act (Act), 42 U.S.C. § 7545(f)(1), for "Petrocoal," a fuel consisting of unleaded gasoline, up to 12 percent (by volume) methanol, and other substances. *See* 46 FR 21695 (April 13, 1981). Under section 211(f)(4) of the Act, the 180-day period for the Administrator to grant or deny the waiver would have expired on August 19, 1981. That period was extended by 30 days, with agreement from Anafuel and EPA, to provide the Office of Management and Budget additional time to review EPA's proposed action under Executive Order 12291. *See* 46 FR 43082 (August 26, 1981).

Anafuel and EPA have agreed to extend the time period by an additional 10 days, until September 28, 1981. Anafuel's letter addressing the extension has been placed in the public docket for the application. The docket, EN-81-8, is located at the Central Docket Section (A-130) of the Environmental Protection Agency, Gallery I—West Tower, 401 M Street SW., Washington, D.C. 20460, and is available for inspection between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

Dated: September 18, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-27894 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-33-M

FEDERAL COMMUNICATIONS COMMISSION

Alaska Broadcasters Association; Briefing

September 21, 1981.

The Federal Communications Commission will hear a 90-minute briefing presented by the Alaska Broadcasters Association at 10:00 a.m., Monday, September 28, in Room 856, at 1919 M Street, NW., Washington, D.C.

The briefing will be repeated at 2:00 p.m. in the same location for the benefit of the Commission's Bureau and Office Staffs. Both the 10:00 a.m. and the 2:00 p.m. briefing are open to the public.

Subjects to be included in the briefing are:

1. Introduction to Alaska Broadcasters Association—A. G. Hiebert
2. Video tape presentation of "This Is Alaska"—Patty Harpel
3. Small Market/Rural Radio in Alaska—Tom Busch
4. Large Market/Urban Radio in Alaska—Gene Henderson
5. Alaska's Public Radio & Television—Charles Northrip
6. Military Broadcasting to Remote Arctic Sites—Bill Whipple
7. Alaska's Television Industry—Al Bramstedt, Jr.
8. Tape-Delayed Network vs. Live Cable TV Programming—Ron Moore
9. Arctic Broadcast Engineering—Unique Challenges—Henry Hove
10. Alaska's Population & Economic Profile—Duane Triplett
11. ABA and the EEO, Fairness Doctrine and the Environment—Roy Robinson
12. Questions and Answers—Patty Harpel

Issued: September 21, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-27901 Filed 9-24-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. T-3800-B and T-3990]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy

Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. T-3800-B is a terminal agreement between the City of Long Beach (Long Beach) and California United Terminals (CUT), which involves the rental, use and operation of two container cranes at the Port of Long Beach.

Agreement No. T-3990 is between the Port Everglades Authority (PEA) and Sea-Land Service, Inc. (Sea-Land). Under the terms of the agreement PEA will lease to Sea-Land an area of some 5.85 acres of vacant property in the City of Hollywood, Florida for cargo handling purposes.

The Findings of No Significant Impact (FONSI) will become final within 10 days of publication of this Notice in the **Federal Register** unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81-27923 Filed 9-24-81: 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

American National Corp.; Formation of Bank Holding Company

American National Corporation, Chicago, Illinois (a wholly-owned inactive subsidiary of Walter E. Heller International Corporation, Chicago, Illinois), has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares, less directors' qualifying shares, of American National Bank and Trust Company of Chicago, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27843 Filed 9-24-81: 8:45 am]

BILLING CODE 6210-01-M

Bourbon Bancshares, Inc.; Formation of Bank Holding Company

Bourbon Bancshares, Inc., Paris, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares, of Bourbon Agricultural Bank and Trust Company, Paris, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27844 Filed 9-24-81: 8:45 am]

BILLING CODE 6210-01-M

Executive Banking Corp.; Formation of Bank Holding Company

Executive Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Jefferson National Bank at Kendall, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27845 Filed 9-24-81: 8:45 am]

BILLING CODE 6210-01-M

First City Bancorporation of Texas, Inc.; Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of Forest Hill State Bank, Fort Worth, Texas, a wholly-owned subsidiary of Forest Hill Bancshares. In addition, Applicant has applied pursuant to section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge Forest Hill Bancshares with its existing subsidiary, First Security National Corporation. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27846 Filed 9-24-81: 8:45 am]

BILLING CODE 6210-01-M

First Etowah Bancorp Inc.; Formation of Bank Holding Company

First Etowah Bancorp Inc., Glencoe, Alabama, has applied for the Board's approval under section 3(a)(1) of the

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Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the First Citizens Bank of Etowah, Glencoe, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27847 Filed 9-24-81; 8:45 am]

BILLING CODE 6210-01-M

International Bancshares Corp.; Acquisition of Bank

International Bancshares Corporation, Laredo, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of Commerce Bank, N.A., Laredo, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27848 Filed 9-24-81; 8:45 am]

BILLING CODE 6210-01-M

Merchants Capital Corp.; Formation of Bank Holding Company

Merchants Capital Corporation, Vicksburg, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Merchants National Bank at Vicksburg, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27849 Filed 9-24-81; 8:45 am]

BILLING CODE 6210-01-M

Peoples National Corporation, Inc.; Formation of Bank Holding Company

Peoples National Corporation, Inc., Columbus Junction, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Peoples National Bank of Columbus Junction, Columbus Junction, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27850 Filed 9-24-81; 8:45 am]

BILLING CODE 6210-01-M

Rio Grande Bancorp, Inc., Formation of Bank Holding Company

Rio Grande Bancorp, Inc., Del Norte, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Rio Grande County Bank, Del Norte, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than October 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-27851 Filed 9-24-81; 8:45 am]

BILLING CODE 6210-01-M

Texas Commerce Bancshares, Inc., Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less,directors' qualifying shares, of The Stone Fort National Bank of Nacogdoches, Nacogdoches, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than October 21, 1981. Any comment on an application that requests a hearing must include a

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statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–27852 Filed 9–24–81; 8:45 am]

BILLING CODE 6210-01-M

United National Bancorporation; Formation of Bank Holding Company

United National Bancorporation, Huntingdon, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Union National Bank and Trust Company of Huntingdon, Huntingdon, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–27853 Filed 9–24–81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules; Wendy's International, Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Wendy's International, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Interpoint Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Interpoint. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–27820 Filed 9–24–81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81F–0244]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of calcium bis[monoethyl(3,5-di-*tert*-butyl-4-hydroxybenzyl) phosphonate] as an antioxidant and stabilizer for olefin polymers complying with 21 CFR 177.1520(c).

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3571) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that 21 CFR 178.2010(b) of the food additive regulations be amended to provide for the safe use of calcium bis[monoethyl(3,5-di-*tert*-butyl-4-hydroxybenzyl)phosphonate] as an antioxidant and stabilizer for olefin polymers complying with 21 CFR 177.1520(c).

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the environmental assessment may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 14, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–27584 Filed 9–24–81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F–0261]

Protein Corp. of America; Withdrawal of Petition for Food Additive

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the withdrawal without prejudice of the petition proposing the safe use of modified cottonseed products in food.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.1 *Petitions* (21 CFR 171.1), FDA has withdrawn the petition (FAP 3A2822) filed by Protein Corp. of America, formerly located at 1901 Ave. of the Stars, Century City, CA 90067. The notice of filing, published in the **Federal Register** of September 12, 1972 (37 FR 18483), proposed that the food additive regulations be amended to provide for the safe use of modified cottonseed products in food.

The petitioner was notified in a letter of May 15, 1973, that consideration of the petitioned use of modified cottonseed products would require the submission and evaluation of specific additional data to support such use. Subsequent attempts to contract the petitioner were unsuccessful. Because the required information has not been submitted, the petition is now considered by the agency to be withdrawn without prejudice in accordance with § 171.1(j) (21 CFR 171.1(j)) which requires that such requested information be submitted within 180 days after filing of the petition or it will be considered withdrawn without prejudice. Future consideration of the use of modified cottonseed products in food will require the submission of a new food additive petition.

Dated: September 15, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-27583 Filed 9-24-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by the Commissioner of Food and Drugs.

DATE: The meeting will be held at 10 a.m., Monday, October 5, 1981.

ADDRESS: The meeting will be held at the Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave., SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Alexander Grant, Associate Commissioner for Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rm. 16-85, Rockville, MD 20857, 301-443-5006.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to exchange information between FDA officials and consumer representatives, by providing an opportunity for consumer representatives to present their views directly to the Commissioner and to the top managers of FDA, by seeking solutions to any problems agreed on during this communication, and by giving the agency an opportunity to discuss and communicate vital health and policy issues to the concerned public. Proposed discussion at the meeting will focus on the Food Safety Amendments of 1981.

Dated: September 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-27724 Filed 9-24-81; 8:45 am]

BILLING CODE 4110-03-M

[FDA 225-81-4001]

Telecommunications Equipment; Memorandum of Understanding With the Mississippi State Board of Health

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration has executed a memorandum of understanding with the Mississippi State Board of Health. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARS telecommunications equipment located at 880 Lakeland Dr., Jackson, MS 39216.

DATE: The memorandum of understanding became effective August 3, 1981.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Interagency and Industry Affairs Staff (HFC-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1583.

SUPPLEMENTARY INFORMATION: FDA's policy is to publish in the **Federal Register** all agreements and memoranda of understanding between FDA and others (21 CFR 20.108(c)). Therefore, the agency is publishing the following memorandum of understanding:

Memorandum of Understanding Between the Mississippi State Board of Health and the Food and Drug Administration

I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARS telecommunications equipment located at 880 Lakeland Dr., Jackson, MS 39216.

II. Background

The Food and Drug Administration (FDA) has installed telecommunication transmission and receiving terminals at State agencies that regulate foods and drugs. These terminals are generally placed at the agency that has the primary responsibility for regulating foods and drugs in that State. However, there may be a number of other agencies in each State that also have regulatory responsibilities in this area. The Mississippi State Board of Health (MSBH), as the agency receiving the terminal, agrees to share the use of the terminal with other agencies in Mississippi having responsibilities for the regulation of foods and drugs.

In addition to terminal-sharing, the two agencies must assure proper security, proper operation, and necessary support for the equipment.

III. Substance of the Agreement

A. The Food and Drug Administration agrees:

1. To pay the cost of initial installation of the equipment and the relocation installation costs if the relocation is in conjunction with a move of MSBH to a new address.

2. To pay the monthly rental cost directly to GSA and Western Union.

3. To identify for MSBH those agencies in Mississippi which must be included in the terminal-sharing plan.

4. To make arrangements with Western Union for the training of terminal operators.

5. To provide an Operators' Instruction Manual.

B. The Mississippi State Board of Health agrees:

1. To provide a suitable physical location with adequate security for the equipment.

2. To provide and pay for electric power to operate the terminal (110 volts).

3. To pay for any relocation costs, except those in conjunction with a move of the MSBH to a new address.

4. To provide paper, tape, and other material necessary for the operation of the equipment.

5. To develop with other agencies in Mississippi a terminal-sharing plan that is acceptable to FDA.

6. To share the terminal with other food and drug agencies in the State according to a terminal-sharing plan agreed to by each potential user.

7. To submit a monthly traffic log to the FDA Regional Office (form to be furnished by FDA).

8. To forward promptly all messages received for the otheragencies on the terminal-sharing plan. To transmit promptly messages to FDA received from the agencies on the terminal-sharing plan.

9. To maintain operator coverage for the terminal during the normal working hours of MSBH.

10. To notify vendor (Western Union) of any breakdown of the equipment or other need for maintenance.

11. To notify FDA (Region IV or Headquarters) of periods that the equipment is out-of-service.

12. To use the system only for communication between MSBH and FDA (Regional, District, or Headquarters Offices).

IV. Name and Address of Participating Agencies

Mississippi State Board of Health, 880 Lakeland Dr., Jackson, MS 39216.

Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

V. Liaison Officers

For Mississippi State Board of Health

Director, Division of Food and General Sanitation, (currently Paul M. Menkin), 880 Lakeland Dr., Jackson, MS 39216, 601-982-[illegible]

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For Food and Drug Administration

Director, Nashville District Office, (currently Hayward E. Mayfield), 297 Plus Park Blvd., Nashville, TN 37217, 615–251–5851.

VI. Period of Agreement

This agreement, when accepted by both parties, will be effective until terminated. It may be terminated by either party upon a 30-day advance written notice to the other.

Approved and accepted for the Mississippi State Board of Health.

Paul M. Rankin,

Director, Food, Vector Control and General Sanitation Branch.

Date: July 24, 1981.

Approved and accepted for Food and Drug Administration.

M. D. Kinslow,

Regional Food and Drug Director.

Date: August 3, 1981.

Effective date. this memorandum of understanding became effective August 3, 1981.

Dated: September 18, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-27723 Filed 9-24-81; 8:45 am]

BILLING CODE 4110-03-M

Health Services Administration

Filing of Annual Report of Interagency Committee on Emergency Medical Service

Notice is hereby given that pursuant to section 13 of Public Law 92–463, the Annual Report for the following Health Services Administration Federal Advisory Committee has been filed with the Library of Congress:

Interagency Committee on Emergency Medical Services

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, S.E., Washington, D.C., or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245–6791.

Dated: September 17, 1981.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 81-27829 Filed 9-24-81; 8:45 am]

BILLING CODE 4110-84-M

National Institutes of Health

Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee on November 9–10, 1981, convening each day at 8:30 a.m. in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on November 10, and the meeting of the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications on November 11 from 9:00 a.m. to approximately 12:00 noon also in the Board Room.

The meeting on November 9 will be open to the public from 8:30 to 11:00 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the regular meeting and the subcommittee meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications, as follows: November 9 from 11:00 a.m. to 5:00 p.m., November 10 from 8:30 a.m. to adjournment; and November 11 for the subcommittee meeting from 9:00 a.m. to 12:00 noon. These applications and the discussion could reveal confidential trade secrets or commerical property, such as patentable materials, and personal information concerning individuals associated with applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone number: 301–496–4191, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

Dated: September 17, 1981.

Thomas E. Malone,

Acting Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 81-27838 Filed 9-24-81; 8:45 am]

BILLING CODE 4110-08-M

General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, November 12–13, 1981 at the National Institutes of Health. The meeting will be held in Conference Room 4, Building 31A, 9000 Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. to approximately 1:30 p.m. on November 12, 1981, to discuss policy matters relating to the Minority Biomedical Support Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 12, 1981, from approximately 1:30 p.m. to 5:00 p.m. and on November 13 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Maryland 20205, telephone (301) 496–5545, will provide summaries of meeting and rosters of committee members. Dr. Sidney A. McNairy, Executive Secretary of the General Research Support Review Committee, Building 31, Room 5B29, Bethesda, Maryland 20205, telephone (301) 496–6743 will furnish substantive program information.

Dated: September 17, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

(Catalog of Federal domestic Assistance Programs No. 13.375, Minority Biomedical Support Program, National Institutes of Health)

Note.—HIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 81-27837 Filed 9-24-81; 8:45 am]

BILLING CODE 4110-08-M

Minority Access to Research Careers Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciencies, National Institutes of Health, Building 31-C, Conference Room 9, on November 9-10, 1981, 9:00 a.m.

This meeting will be open to the public on November 9, 9:00 a.m. to 10:30 a.m. The meeting will consist of opening remarks and discussion of procedural matters. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-462, the meeting will be closed to the public for approximately the last six hours of the day on November 9, and until adjournment on November 10. It is estimated that this will occur from 10:30 a.m. to 5:00 p.m., on Nov. 9, and on Nov. 10 from 9:00 a.m. until adjournment, for the review, discussion, and evaluation of institutional and individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of person privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A-10, 5333 Westbard Avenue, Bethesda, Maryland 20205, telephone (301) 496-7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Harriet L. Gordon, M.D., Executive Secretary, Westwood Building, Room 949, Bethesda, Maryland 20205, telephone (301) 496-7585.

(Catalog of Federal Domestic Assistance Program 13.880, Minority Access to Research Careers (MARC), National Institutes of Health, Department of Health and Human Services)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: September 17, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-27840 Filed 9-24-81; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Research Resources Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources (DRR), October 15-16, 1981, Conference Room 4, Bldg. 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

The meeting will convene on October 15, 1981, at 9:00 a.m. in open session for the regular conduct of Council business, a report by the Acting Director, DRR; staff reports by the Directors of the Animal Resources, Biotechnology Resources, Biomedical Research Support, General Clinical Research Centers, and Minority Biomedical Support Programs; reports on the Research Resources Coordinating Committee; Models for Biomedical Research, and a review of the plan for the Shared Instrumentation Program by members of the DRR staff; a talk on the National Science Foundation Instrumentation Activities by Dr. William F. Raub, Associate Director for Extramural Research and Training, Office of the Director, NIH; and a budget report by the Executive Officer, DRR. The meeting will continue from approximately 1:00 p.m. to 3:00 p.m. as follows: Animal Resources Program Work Group, Rm. 2A52; Biotechnology Resources Program Work Group, Rm. 7A24; Biomedical Research Support Program Work Group, Rm. 8A28; General Clinical Research Centers Program Work Group, Rm. 9A51; and Minority Biomedical Support Program Work Group, Conference Rm. 4. The meeting will reconvene in open session on Friday, October 16, in Conference Room 4, at 8:30 a.m. until approximately 10:30 a.m. for Program Work Group reports and recommendations to the Council for discussion and action. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6) Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 15 from approximately 3:00 p.m. to recess, and on October 16 from approximately 10:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Rm. 5B13, Bldg. 31, National Institutes of Health, Bethesda, MD 20205, (301) 496-5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Acting Director, Division of Research Resources, Rm. 5D03, Bldg. 31, National Institutes of Health, Bethesda, MD 20205, (301) 496-6023, will furnish substantive program information and will receive any comments pertaining to this announcement.

Dated: September 17, 1981.

Thomas E. Malone.

Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clinical Research; 13.337, Biomedical Research Support; 13.371, Biotechnology Resources; 13.375, Minority Biomedical Support; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

[FR Doc. 81-27839 Filed 9-24-81; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

National Toxicology Program; NTP Releases Cancer Bioassay Reports on Cytembena, Di(2-ethylhexyl)adipate, and Caprolactam

The National Toxicology Program (NTP) of the Department of Health and Human Services today announced the availability of Technical Reports of cancer bioassays of Cytembena, a drug; Di(2-ethylhexyl)adipate, a plasticizer; and Caprolactam, a chemical used to make synthetic fibers.

Di(2-ethylhexyl)adipate, a chemical widely used in plastic production, caused cancer in mice but was non-carcinogenic for rats in a 103 week feeding study. The chemical caused hepatocellular adenomas in male mice and hepatocellular carcinomas in females.

Cytembena, once considered a promising anti-cancer drug until proven unsuccessful in clinical trials, caused mesotheliomas in male rats and

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mammary tumors in the females. Cytembena did not cause cancer in mice in a 104 week feeding study.

Caprolactam, a chemical used in manufacturing nylon and other synthetic fibers, was non-carcinogenic in a 103 week feeding study.

These carcinogenesis bioassays were conducted by the NTP's National Cancer Institute component. These tests screen chemicals for cancer-causing activity in animals. A positive result demonstrates that a test chemical is carcinogenic for animals under the conditions of the test and indicates that exposure to the chemical may pose a potential risk to humans. However, these tests cannot be used to predict the frequency at which cancers may be produced in human populations under actual exposure conditions.

Copies of these reports—*Bioassays of Cytembena for Possible Carcinogenicity* (T.R. 207), *Bioassays of Di(2-ethylhexyl)Adipate for Possible Carcinogenicity* (T.R. 212) and *Bioassays of Caprolactam for Possible Carcinogenicity* (T.R. 214) are available by writing to the Public Information Office, National Toxicology Program, MD B2–04, Box 12233, Research Triangle Park, N.C. 27709. Telephone: (919) 541-3991, FTS 629-3991.

Dated: September 21, 1981.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 81–27841 Filed 9–24–81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Louisiana; Application of Transcontinental Gas Pipe Line Corp.

Notice is hereby given that under Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185) as amended by the Pub. L. 93–153, Transcontinental Gas Pipe Line Corporation, has applied for a 36" natural gas pipeline right-of-way that will cross the following lands:

T. 13 S., R. 13 W.,
  Secs. 4, 9, 21, 28 and 33.
T. 14 S., R. 13 W.,
  Secs. 4, 9 and 17.

The pipeline will convey natural gas across 7.938 miles of the Sabine National Wildlife Refuge, Cameron Parish, Louisiana.

The purpose of this notice is to inform the public that the United States Fish and Wildlife Service will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so within thirty (30) days and send their name and address to the Regional Director, U.S. Fish and Wildlife Service, 75 Spring Street, S.W., Atlanta, Georgia 30303.

Phillip S. Morgan,

Acting Regional Director.

September 10, 1981.

[FR Doc. 81–27834 Filed 9–24–81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[Serial No. A 17000–F (Partial)]

Arizona; Classification of Public Lands for State Indemnity Selection

In **Federal Register** Document 81–24301 appearing on page 42356 of the issue for August 20, 1981, the following change should be made for application A 17000–F (partial):

Under *T. 14 S., R. 12 E., Section 35:* Lots 1, 2, N½NW¼, SW¼NW¼, NW¼SE¼NW¼, SW¼SE¼NW¼, W½SW¼ should be Lots 1, 2, N½NW¼, SW¼NW¼, NW¼SE¼NW¼, SW¼SE¼NW¼, N½SW¼.

Dated: September 17, 1981.

W. K. Barker,

Acting State Director.

[FR Doc. 81–27833 Filed 9–24–81; 8:45 am]

BILLING CODE 4310-84-M

[1784.71]

Montana; Lewistown District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Lewistown District Advisory Council will meet October 21 and October 22, 1981. The agenda will be:

October 21

8:00 a.m.
  Depart Ramada Inn; Field Tour of Central Billings Resource Area
12:00 p.m.
  Return to Ramada Inn
1:00 p.m.
  Discussion—Define Multiple Use in Context of Billings Resource Management Plan
5:00 p.m.
  Recess

October 22

8:00 a.m.
  BLM Minerals Program Briefing
10:00 a.m.
  Lewistown District Wilderness Study Areas and Review of Public Input
12:00 p.m.
  Adjournment.

Public comment will be sought at the end of each agenda item. Members of the public wishing to join the field tour should contact the District Manager by October 12, 1981.

DATES: October 21, 8:00 a.m. to 5:00 p.m.; October 22, 1981, 8:00 a.m. to 12:00 p.m.

ADDRESS: Ramada Inn, Mullowney Lane and Interstate 90, Billings, Montana.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown, Montana 59457.

SUPPLEMENTAL INFORMATION: The Lewistown District Advisory Council is authorized under Section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739). The Council advises the District Manager concerning the planning for and management of the public lands administered within the Lewistown District.

Dated: September 18, 1981.

Glenn W. Freeman,

District Manager.

[FR Doc. 81–27831 Filed 9–24–81; 8:45 am]

BILLING CODE 4310-84-M

[1784.72]

Montana; Lewistown District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Lewistown District Grazing Advisory Board will meet October 22 and October 23, 1981. The agenda will be:

October 22

1:00 p.m.
  New Charter
1:15 p.m.
  BLM's Proposed Rangeland Management Policy
5:00 p.m.
  Recess

October 23

8:00 a.m.
  BLM's Proposed Rangeland Management Policy
9:30 a.m.
  Prairie Potholes EIS Briefing
10:00 a.m.
  Fiscal Year 1982 Range Improvement Projects
12:00 p.m.
  Adjournment

Opportunity for public comment will be provided throughout the meeting.

DATES: October 22, 1981, 1:00 p.m. to 5:00 p.m.; October 23, 1981 8:00 a.m. to 12:00 noon.

ADDRESS: Ramada Inn, Mullowney Lane and Interstate 90, Billings, Montana.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Airport Road, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The Lewistown District Grazing Advisory Board is authorized under Section 403 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1753). The Board advises the District Manager concerning the Rangeland Management Program.

Dated: September 18, 1981.

Glenn W. Freeman,

District Manager.

[FR Doc. 81–27832 Filed 9–24–81; 8:45 am]

BILLING CODE 4310-84-M

[Nev-036338, N-16095]

Nevada; Proposed Withdrawal and Reservation of Lands for Military Purposes; Correction

September 18, 1981.

In the notice published as **Federal Register** Document 79–3447, page 6529 of the issue for February 1, 1979, the following items should be corrected to read as follows:

Page 6529, under **Mount Diablo Meridian**

Line 29 should read:

Tps. 2, 3, 4, 5, 6, and 7 S., R. 51 E., (unsurveyed)

Line 31 should read:

T. 8 S., R. 51 E., (unsurveyed)

Line 40 should read:

Secs. 7 to 12, inclusive, exclusive of those portions withdrawn by PLOs 805 and [illegible].

The following land is a portion of the proposed withdrawal and is included in the EIS, but in error was not included in the February 1, 1979 publication:

T. 5 S., R. 44 E., (partly unsurveyed),
  Secs. 1 and 2;
  Secs. 10 to 16, inclusive;
  Secs. 20 to 36, inclusive.
T. 6 S., R. 44 E., (unsurveyed).
T. 7 S., R. 44 E., (unsurveyed),
  Secs. 1 to 5, inclusive;
  Secs. 8 to 16, inclusive;
  Secs. 22 to 26, inclusive;
  Secs. 35 and 36.
T. 8 S., R. 44 E., (unsurveyed),
  Sec. 1.
Tps. 5 to 7 S., R. 45 E., (unsurveyed).
T. 8 S., R. 45 E., (unsurveyed),
  Secs. 1 to 18, inclusive;
  Secs. 20 to 27, inclusive;
  Secs. 35 and 36.
Tps. 5 to 8 S., R. 46 E., (unsurveyed).
T. 9 S., R. 46 E., (unsurveyed),
  Secs. 1 to 6, inclusive;
  Secs. 8 to 15, inclusive;
  Secs. 23 and 24.
Tps. 5 to 8 S., R. 47 E., (unsurveyed).
T. 9 S., R. 47 E., (unsurveyed),
  Secs. 1 to 30, inclusive;
  Secs. 33 to 36, inclusive.
T. 10 S., R. 47 E.,
  Secs. 1, 2, and 12.
Tps. 5 to 9 S., R. 48 E., (unsurveyed).
T. 10 S., R. 48 E., (unsurveyed),
  Secs. 1 to 17, inclusive;
  Secs. 21 to 26, inclusive;
  Sec. 36.
T. 16 S., R. 54 E.,
1 to 3, N½. inclusive;
  Sec. 4, NE¼.
T. 16 S., R. 55 E.,
  Secs. 1 to 6, N½, inclusive.
T. 16 S., R. 55½ E.,
  Secs. 1 and 2, N½.
T. 16 S., R. 56 E.,
  Tract 42 C.

The total acreage of the proposed withdrawal remains approximately 2,945,725 acres.

The February 1, 1979 publication allowed 30 days for comments. An additional 60 days from the date of this publication (on or before November 24, 1981) is hereby provided for comments. All correspondence in connection with this withdrawal should be directed to the Bureau of Land Management, Chief, Division of Technical Services, P.O. Box 12000, Reno, Nevada 89520–0006.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81–27889 Filed 9–24–81; 8:45 am]

BILLING CODE [illegible]

Realty Action; Exchange; Public Lands; Crook County, Oregon

September 4, 1981.

The following lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Crook County, Oregon

Selected lands:	
T. 16 S., R. E., Willamette Meridian	
Section:	
4: Lot 4	19.57
6: N½NW¼, SW¼NW¼, SE¼NE¼, SE¼	320
10: All	640
32: N½NE¼, SW¼NE¼, NE¼SW¼, NW¼	320
34: E½E½	160
T. 17 S., R. 23 E., Willamette Meridian	
Section:	
10: N½, W½SW¼	400
12: N½, NE¼SW¼, SE¼, S½SW¼	600
14: All	640
22: SE¼SE¼	40
T. 17 S., R. 24 E., Willamette Meridian	
Section:	
2: All	639.20
6: NE¼, E½NW¼, E½SE¼	324.50
14: W½E½, NE¼NW¼	200
18: E½W½, E½	480
22: NE¼, NE¼SE¼, W½SE¼, W½	600
30: NE¼, E½NW¼, E½SE¼	320
T. 18 S., R. 23 E., Willamette Meridian	
Section:	
2: W½W½, NE¼NW¼	188.51
10: All	640
16: All	640
22: All	640
Total	7,811.78

In exchange for these lands the Federal Government will acquire tracts of non-Federal land in Crook County from Bar 71 Ranch, Inc., of Paulina, Oregon, described as follows:

Crook County, Oregon

Offered lands:	
T. 17 S., R. 22 E., Willamette Meridian	
Section:	
36: SE¼SE¼	40
T. 17 S., R. 26 E., Willamette Meridian	
Section:	
8: SE¼NW¼, W½SW¼, NE¼SW¼	160
15: All	640
16: All	640
17: All	640
[illegible]: All	640
21: All	640
T. 18 S., R. 23 E., Willamette Meridian	
Section:	
1: All	623.30
2: SW¼NE¼	[illegible]
7: SE¼NW¼, S½NE¼NW¼, NE¼NE¼NW¼	[illegible]
11: All	640
13: All	640
[illegible]: All	640
T. 18 S., R. 24 E., Willamette Meridian	
Section:	
16: W½SW¼	[illegible]
20: E½, S½SW¼, NW¼SW¼, E½NW¼	520
Total	[illegible]

The purpose of the exchange is to dispose of scattered tracts of Federal land not benefiting the United States in exchange for non-Federal lands which will solidify Federal ownership and will provide increased public access to these areas. The exchange is consistent with the Bureau's planning for the lands involved.

The value of the lands to be exchanged is approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

Detailed information concerning the exchange is available for review at the Prineville District Office, 185 E. 4th Street, Prineville, Oregon 97754.

For a period of 30 days interested parties may submit comments to the District Manager, at the above address. Any adverse comments will be evaluated by the District Manager who will, if possible, resolve identified problems. A determination that is not acceptable by an interested party(s) may be protested to the State Director within 30-days of notice of such a determination. A State Director determination may be protected to the Secretary of the Interior, whose decision becomes the final determination of the Department and may affirm, vacate or modify this realty action and issue a determination.

James L. Hancock,

Acting District Manager.

[FR Doc. 81-28914 Filed 9-24-81; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Notice of Proposed Withdrawal

On September 3, 1981, a petition was approved allowing the Fish and Wildlife Service to withdraw the following described lands from the general public land laws including the mining laws but not the mineral leasing laws, subject to valid existing rights.

Gila and Salt River Meridian

T. 1 S., R. 23 W.,

Sec. 6, that portion of the W½SE¼SE¼ lying west of Cibola Road and south of a field road, containing approximately 4.92 acres in Yuma County.

The lands will be used for headquarters and public use facilities in conjunction with the Cibola National Wildlife Refuge.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated from location and entry under the mining laws as specified above unless the application is denied or canceled, or the withdrawal is approved prior to that date.

The temporary segregation of the lands in connection with a withdrawal application or proposal shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the Fish and Wildlife Service.

All communications in connection with this proposed withdrawal should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Ronald L. Kuhlman,

Acting Deputy Director.

September 3, 1981.

[FR Doc. 81-27886 Filed 9-24-81; 8:45 am]

BILLING CODE 4310-84-M

Arizona, Safford District; Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Safford District Grazing Advisory Board will be held on Friday, October 30, 1981.

The meeting will begin at 9:30 a.m. in the conference room of the Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546-2092.

The agenda for the meeting will include:

1. Grazing decisions, protests and appeals;
2. Rangeland monitoring program;
3. Policy on distribution and use of range betterment funds;
4. Proposed rangeland management policy;
5. Supplemental and maintenance feeding policy;
6. Policy for maintenance of rangeland improvements;
7. List of allotment management plans (AMPs) proposed for fiscal year 1982;
8. List of range improvement projects for fiscal year 1982;
9. Discussion on the Savory grazing system;
10. New Advisory Board Charter;
11. Business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 10:30 a.m. and 11:30 a.m. A written copy of the oral statement must be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546-2092, by 4:15 p.m., October 29, 1981.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: September 18, 1981.

Lester K. Rosenkrance,

District Manager.

[FR Doc. 81-27896 Filed 9-24-81; 8:45 am]

BILLING CODE 4310-84-M

Craig District, Little Snake Resource Area, Colorado; Amendment to Management Framework Plan

In accordance with 43 CFR 1601 and 40 CFR 1501, the Bureau of Land Management, Craig District, Colorado, is beginning the process of amending the Vermillion and Maybell-Great Divide Management Framework Plans. The purpose of this amendment is to consider the Cross Mountain Wilderness Study Area (WSA) for designation as wilderness or for other uses. Reasonable alternative uses will be assessed in an Environmental Impact Statement (EIS), and a recommendation will be made to Congress on the suitability or non-suitability of designating the area wilderness.

The Cross Mountain WSA is a 14,081 acre tract of public land in Moffat County, Colorado, within the Little Snake Resource Area. It lies approximately 15 miles west of Maybell, Colorado.

Issues and Planning Criteria

The significant issues anticipated for the plan amendment include the following: potential conflict with a hydro-electric dam and portions of an associated reservior that have been proposed for the canyon area as part of the Juniper-Cross Mountain Project; beneficial and adverse effects on other resources of designation or non-designation as wilderness; the manageability of the area for wilderness; supplemental wilderness values for the WSA as habitat for several threatened or endangered species, and as a proposed wild and scenic river designation.

The following planning criteria will be used in determining the wilderness suitability recommendation of the WSA. These critiera were developed based on the issues anticipated for the WSA, and will be used to evaluate the alternative land uses proposed in the plan amendment. These planning criteria are subject to change as a result of comments received from the public.

1. The area must be capable of being effectively managed to preserve its wilderness character in perpetuity.
2. The area's wilderness values and all other benefits deriving from wilderness designation must offset the benefits of all other resource values and uses which could be foregone due to wilderness designation.
3. Consideration will be given to all comments received from interested and affected publics at all levels.
4. Special attention will be given to any significant local or regional socio-economic effects that would result from wilderness designation.
5. Thorough consideraton will be given to any identified or potential energy and critical mineral resources capable of contributing to domestic needs for these resources, and the extent to which wilderness management would be in the public interest.
6. Full consideration will be given to the extent to which the recommendation is consistent with officially approved and adopted resource-related plans of state and local governments.
7. Consideration will be given to the extent to which other resource values or uses would be foregone or adversely affected by wilderness designation.
8. Consideration will be given to alternative uses of the land if the area is not designated wilderness, and the extent to which wilderness values of the

area would be foregone or adversely affected as a result of these uses.

9. Consideration will be given to how the following components contribute to the overall value of the area for wilderness purposes: size, naturalness, opportunities for solitude or primitive recreation, optional wilderness characteristics, and other multiple resource values or uses which wilderness designation could ensure.

10. Consideration will be given to the extent to which the area would contribute to expanding the diversity of the National Wilderness Preservation System.

Planning Team

The plan amendment and EIS will be prepared through the use of an interdisciplinary team with experience and knowledge in the following areas: lands, minerals, hydrology, soils, range, wildlife, recreation, cultural resources, visual resources, sociology, economics, vegetation and air quality.

Possible Alternatives

The following land use alternatives will be considered in the plan amendment and EIS:

1. Wilderness Designation.
2. No Action (No Wilderness).
3. Designation of Part of the WSA as Wilderness.
4. Full Development of Other Resource Uses in the WSA.
5. Expansion of the WSA.

Public Involvement

All concerned publics are invited to participate during the planning and Environmental Impact Statement process by attending public meetings and hearings. News releases and use of the Craig District Advisory Council will supplement direct contact with interested publics.

At this time, the public is invited to submit written comments on issues to be addressed or planning criteria to be used in evaluating for wilderness suitability. In addition, the public is invited to submit any specific resource data or information about resource values in the WSA that should be considered by BLM in evaluating wilderness suitability.

Public meetings will be held to identify additional issues to be addressed in the plan amendment, to obtain comment on the planning criteria to be used, and to determine the scope of the EIS. These meetings have been scheduled as follows:

October 22, 1981—Craig, Colorado; Moffat County Courthouse Auditorium, 221 W. Victory Way, 7:00 p.m.

October 20, 1981—Denver, Colorado; Ramada Inn Foothills, 11595 W. 6th Avenue, Lakewood, 7:00 p.m.

In addition to the comments received at these meetings, written comments may be submitted to the BLM contact identified below by November 1, 1981.

BLM Contact

Comments or requests for further information should be addressed to Duane Johnson, Team Leader, Little Snake Resource Area Office, P.O. Box 1136, Craig, Colorado 81626; or telephone (303) 824-4441.

Francis E. Noll,

Acting District Manager.

[FR Doc. 81-27897 Filed 9-24-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Colorado River Basin Salinity Control Advisory Council; Notice of Public Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of a meeting of the Colorado River Basin Salinity Control Advisory Council at 2:00 p.m. on October 27, 1981, at the Stardust Hotel in Yuma, Arizona.

Purpose of Meeting: Council members will be briefed on the status of salinity control activities and receive input for drafting the council's annual report.

Proposed Agenda: The Bureau of Reclamation, Soil Conservation Service, and Bureau of Land Management will each present a progress report and schedule of activities on salinity control in the Colorado River Basin. The Council will discuss Colorado River Basin salinity control activities and the consent of their annual report.

Public Participation: The meeting of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Council before, during, or after the meeting in person or by mail. To the extent that time permits, the Council chairman may allow public presentation of oral statements at the meeting.

All communications regarding this meeting including requests for time to make statements should be addressed to Mr. Michael J. Clinton, Chief, Colorado River Water Quality Office, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Denver, Colorado 80225.

Dated: September 21, 1981.

Clifford L. Barrett,

Assistant Commissioner of Reclamation.

[FR Doc. 81-27801 Filed 9-24-81; 8:45 am]

BILLING CODE [illegible]

Newlands and Washoe Projects; Notice of Intent To Initiate Formal Negotiations for Settlement of Water Rights Controversy in Truckee and Carson River Basins, California/Nevada

The Department of the Interior, through the Bureau of Reclamation, intends to initiate formal negotiations with the Truckee-Carson Irrigation District, Carson-Truckee Water Conservancy District, Sierra Pacific Power Company, Pyramid Lake Paiute Tribe, and the State of Nevada in an attempt to resolve, through a negotiated settlement, the longstanding water rights controversy in the Truckee and Carson River Basins, California/Nevada. All of the parties to be involved in the negotiations are currently involved in pending litigation over water use and management of the Truckee and Carson Rivers. Additional parties may become involved in the negotiations in the future.

The recent court decision in the case of *United States* v. *Truckee-Carson Irrigation District* has significantly changed the situation regarding the water supply of the Newlands Project and the water rights of the Pyramid Lake Paiute Tribe. The Federal objectives in the negotiated settlement are to: (1) resolve the numerous lawsuits involving use of water in the Truckee River, (2) develop revised operating criteria and procedures for the Newlands Project and the Pyramid Lake fishery, and (3) develop appropriate criteria for the operation of Stampede Reservoir, Washoe Project.

The initial negotiation meeting is scheduled for September 29, 1981. The location and time of that meeting have not been determined. This meeting will be open to the general public as observers. The Department will determine on a case by case basis whether future meetings will be open to the public. Advance notice of meetings will be provided to those who furnish a written request for such notification.

The public will be invited to submit written comments on the form of the proposed settlement not later than 30 days after the completed settlement draft is declared to be available to the public. Unless significant public interest is evidenced in response to this notice, the availability of the proposed settlement draft will not be formally publicized. The Commissioner of Reclamation will review comments submitted and based on the number, source, and nature of the comments will decide whether to hold a public hearing on the proposed settlement.

V 46 SE 25 81 UMI

For further information on scheduled negotiating sessions and the proposed settlement, please contact Ray Nelson, Project Manager, Lahontan Basin Projects Office, Post Office Box 640, Carson city, Nevada 89701, telephone (702) 882-3436.

Dated: September 18, 1981.

Clifford L. Barrett,

Acting Commissioner, Bureau of. Reclamation.

[FR Doc. 81-27882 Filed 9-24-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (Sub-49); ICC-BN-C-0002 Supp. 1]

Burlington Northern Railroad Co., Exemption for Contract Tariff

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). Its contemporaneously filed contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Burlington Northern Railroad Company petitioned on September 9, 1981, for an exemption of Supplement 1, Contract ICC-BN-C-0002, scheduled to become effective October 7, 1981. The petition is granted.

Supplement 1 amends paragraph 6(b) of the contract, changing the conditions for refunds from "where BN provides direct delivery to carloading ramps in the State of Washington" to read "where BN does not absorb switching charges of connecting lines in the State of Washington." Burlington Northern states that the change is necessary in order for such shipments not requiring absorption of connecting lines switching by Burlington Northern to qualify for the refund under the minimum volume requirement.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. CF. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe that the circumstances justify an exemption. The contract amendment in no way affects national transportation policy. Further, the amendment is limited in scope, affecting only the shipper's ability to qualifying for the minimum volume requirement. In these circumstances, authorization of a provisional exemption is warranted. Burlington Northern's Supplement 1 to Contract Tariff ICC BN C-0002 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of justification to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not needed to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10105(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10505.

Decided: September 21, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham and Taylor. Commissioner Taylor did not participate.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-27930 Filed 9-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30,000; Finance Docket No. 30,000 (Sub-43)]

Union Pacific Corp. & Union Pacific Railroad Co.—Control-Missouri Pacific Corp. and Missouri Pacific Railroad Co. and Chicago & North Western Transportation Co. and Missouri Pacific Railroad Co.—Pooling Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of application and settlement agreement.

SUMMARY: Chicago and North Western Transportation Company (CNW) and Missouri Pacific Railroad Company (MPR) have filed an application under 49 U.S.C. 11342 for approval of a pooling agreement. A settlement agreement between CNW and Union Pacific Corporation, Pacific Rail System, Inc., Union Pacific Railroad Company, Missouri Pacific Corporation and MPR (UP-MP parties) has also been filed. The Commission refers the application and settlement agreement to the Office of Hearings for handling on a consolidated basis with Finance Docket No. 30,000, *Union Pacific Corporation and Union Pacific Railroad Company-Control-Missouri Pacific Corporation and Missouri Pacific Railroad Company (Control Case)*. The Commission also refers to the Office of Hearings the petition of Kansas City Southern Railway Company (KCS) relating to this pooling agreement.

DATES: Interested parties may file comments on, or protests to, the pooling application and/or settlement agreement no later than 20 days after publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments or protests should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423

A copy of all comments or protests should be served on applicants' attorneys at the following addresses:

Louis T. Duerinck, Stuart F. Gassner, Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, IL 60606;

Fritz, R. Kahn, William C. Evans, L. John Osborn Verner, Liipfert, Bernhard and McPherson, Suite 1100, 1660 'L' Street, NW., Washington, D.C. 20036;

Mark M. Hennelly, Joseph J. Gozzoli, Missouri Pacific Railroad Company, 210 North 13th Street, St. Louis, MO 63103; M. Lauck Walton, Donovan Leisure Newton & Irvine, 30 Rockefeller Plaza, New York, NY 10020.

SUPPLEMENTARY INFORMATION: On July 31, 1981, CNW and MPR filed an application under 49 U.S.C. 11342 for approval of a pooling agreement. The agreement relates to the pooling of transportation services between Omaha, NE/Council Bluffs, IA and Kansas City, MO. The agreement is part of a settlement ending CNW's opposition to the application in the *Control Case*.

We refer the pooling application and settlement agreement to Administrative Law Judge Paul Cross (Judge) for handling on a consolidated basis with the *Control Case*.

Comments and protests should set forth with particularity the party's position on, and interest in, the proposed pooling of transportation services and settlement agreement. After the close of the protest period, the Judge will set procedures for the submission of evidence regarding the pooling application and settlement agreement.

KCS has filed a petition, designated KCS–32, in the *Control Case* relating to the CNW UP–MP parties settlement. Primary applicants and CNW have replied. KCS contends that the settlement substantively changes the scope of the *Control Case* and that the applicants in the *Control Case* should be required to submit further evidence relating to the control application as modified by the settlement agreement.

The matters raised in KCS–32 relates to the evidence necessary for the Commission to make the statutory findings in the *Control Case* and to the procedures for submission of, and response to, the further evidence, if any, required because of the settlement agreement. We believe these matters can be best decided in the first instance by the Judge presiding over the *Control Case*. We refer KCS–32 to him for disposition. He shall determine the extent to which the receipt of additional evidence may be required and shall set procedures for the submission of additional evidence, if any, and for responses thereto. However, the Judge shall receive evidence on the questions set forth in the Appendix.

It is Ordered:

1. The pooling agreement application, Finance Docket No. 30,000 (Sub-No. 43), is referred to Administrative Law Judge Paul Cross for handling on a consolidated basis with Finance Docket No. 30,000.
2. The petition of KCS designated KCS–32 is referred to Administrative Law Judge Paul Cross for disposition.
3. The parties shall comply with all provisions as stated above.
4. This decision is effective on September 22, 1981.

Decided: September 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

James H. Bayne,

Acting Secretary.

Appendix

(1) Would the UP–MP applicants maintain existing rates even though increasing efficiencies resulting from the merger would permit them to lower rates?

(2) Is five years necessary to permit CNW to adjust to the new competitive situation created by the merger? Would a shorter or longer period be more appropriate?

(3) If the Commission declined to approve the proposed agreement, what adjustments would CNW make vis-a-vis the new merged system to protect its traffic and competitive position?

(4) What type and volume of traffic now handled by CNW would be affected by the proposed agreement. Would traffic moving under contract rates be affected?

(5) To what extent would the proposed agreement, if imposed, have an adverse or beneficial effect on shippers (through elimination or creation of competitive routings or prices) or other railroads?

[FR Doc. 81–27924 Filed 9–24–81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: September 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC–F–14688, filed September 1, 1981. CROUSE CARTAGE COMPANY (Crouse) (P.O. Box 151, Carroll, IA 51401)—Control—YOUNG & HAY TRANSPORTATION COMPANY (Young) (Route 3, Box 58, Worthington, MN 56187). Representative: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. Crouse seeks authority to acquire control of Young through the purchase of all of Young's issued and outstanding capital stock, and, in turn, CC Investment Corporation, a non-carrier (P.O. Box 151, Carroll, IA 51401), which controls Crouse through sole stock ownership, and Paul E. Crouse who controls CC Investment Corporation through majority ownership of voting preferred stock, seek approval and to acquire control of Young through the transaction. The interstate operating rights sought to be controlled by Crouse are contained in Young's certificates in Nos. MC–74195 and MC–74195 (Sub-No.

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5) which authorize the transportation, as a common carrier, (a) of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over regular routes (1) between Schuyler, NE, and Omaha, NE, serving the intermediate points of Rogers and North Bend, NE, and the off-route point of Octavia, NE: from Schuyler over U.S. Highway 30 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Omaha, and return over the same route; and (2) between Schuyler and Lincoln, NE, serving the Intermediate point of Octavia: from Schuyler over Nebraska Highway 15 to junction U.S. Highway 34, thence over U.S. Highway 34 to Lincoln, and return over the same route; and (b) of *general commodities* (except those of unusual value, classes A and B explosives, and those requiring special equipment), (1) over regular routes between Genoa, NE and Omaha, serving the intermediate point of Fremont, Colombus, Monroe, Schuyler, Valley, Rogers, Richland, Ames, and North Bend, NE, and the off-route points of Tarnov, Platte Center and Octavia, NE: from Genoa over Nebraska Highway 22 to Columbus, NE, thence over U.S. Highway 30 to Fremont, NE, thence over U.S. Highway 275 to Omaha, and return over the same route; and (2) over irregular routes (i) between Genoa, Duncan, Fullerton, St. Edward, Platte Center, and Silver Creek, NE; (ii) between Genoa, Duncan, Fullerton, St. Edward, Platte Center, and Silver Creek, on the one hand, and on the other, points in Nebraska, (iii) between points in Colfax and Butler Counties, NE; and (iv) between points in Colfax and Butler Counties, on the one hand, and, on the other, points in Nebraska. Crouse is a motor carrier operating in interstate or foreign commerce, under authority issued in No. MC–123389 and subnumbers thereunder throughout the United States, including authority to transport, in Sub-No. 55, shipments weighing 100 pounds or less, if transported in motor vehicles in which no one package exceeds 100 pounds, between points in the United States; in Sub-No. 56, general commodities between points in the United States for the United States Government; in Sub-No. 62, food and related products between points in Nebraska, on the one hand, and, on the other, points in the United States; in Sub-Nos. 12, 13, 14, and 43, meat and meat products originating at specified plantsites, from or to points in Nebraska; in Sub-No. 52, general commodities between the facilities of Proctor & Gamble Distributing Company at or near Chicago, IL, on the one hand, and, on the other, points in Nebraska; in Sub-Nos. 1, 30, and 37, general commodities, over regular or irregular routes between Omaha, NE, and described points in Iowa, and in Sub-No. 28, equipment and supplies and contractors' outfits used in construction of concrete silos between a certain shipper's facilities at Akron, IA, on the one hand, and, on the other, points in Nebraska. Crouse presently controls Lawson Truck Line, Inc., a motor carrier operating in interstate or foreign commerce, within Missouri and Kansas, under authority issued in No. MC–54291. Said control was approved in No. MC–F–11869. Impediment: Approval and authorization of this transaction is conditioned upon the prior submission by applicants of an affidavit complying with the Commission's regulations at 49 CFR 1134.51. Crouse and Young appear to hold duplicating operating rights. In order to allow this duplication to continue to exist, applicants must submit (1) cogent and acceptable reasons why such duplications should be permitted to exist by commonly controlled carrers or (2) a plan for the elimination of such duplications. (Hearing site: Washington, DC).

Note.—Application has been filed for temporary authority under section 11349.

MC–F–14695, filed September 9, 1981. DAVID M. SHEPHERD (726 West Cowles Street, Long Beach, CA 90813) and CLYDE M. FULLER (2931 South Market Street, Chattanooga, TN 37410) (Individuals)—Control—COUNTRY WIDE TRUCK SERVICE, INC. (Country Wide) and R.F. BOX, INC. (Box) (both of 1110 South Reservoir Street, Pomona, CA 91766). Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. The Individuals seek authority to acquire control of Country Wide and its subsidiary, Box. Country Wide holds interstate motor common carrier authority under MC–150434 and sub-numbers thereunder and motor contract carrier authority under MC–138941 and sub-numbers thereunder, which authorize the transportation of specified commodities for named shippers as well as general commodities between points in the United States. Box is a motor contract carrier holding permits under MC–136989 and sub-numbers thereunder which authorize the transportation of specified commodities for named contract shippers. David M. Shepherd is president and the sole stockholder of Z and S Enterprises, Inc., d.b.a USC Freight forwarder (FF–525). Clyde M. Fuller is an officer and 50 percent stockholder of Southwest Equipment Rental, Inc., d.b.a. Southwest Motor Freight, a motor common carrier under MC–138157 and a motor contract carrier under MC–134150. Impediment: David M. Shepherd is the sole stockholder of a freight forwarder. Therefore, the acquisition of control of Country Wide and Box by David M. Shepherd is in violation of 49 U.S.C. 11323(a). Final approval of this transaction will be withheld until applicants eliminate the unlawful aspects of the control of these entities. Impediment: The operating rights of Country Wide duplicate the operating rights of Southwest Equipment Rental, Inc., d/b/a Southwest Motor Freight. Approval and authorization of this transaction is, therefore, conditioned upon applicants setting forth all duplications and a plan for the elimination of such duplications. See Commission regulations at 49 CFR 1134.51. MONTANA CONSULTANTS, INC., d.b.a. TOMAHAWK TRANSPORTATION, INC. (Tomahawk) (5400 Laurel Road, Billings, MT 59101)—purchase (portion)—MID MONTANA, INC. (Mid Montana) (1010 North Rouse, P.O. Box 1131, Bozeman, MT 59715). Representatives: David A. Sutherlund, 1150 Connecticut Ave., NW, Suite 400, Washington, DC 20036; and Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. Tomahawk seeks authority to purchase a portion of the interstate operating rights of Mid Montana. T. M. O'Neill, Charles E. Cornett, and Myra E. Cornett, are the stockholders and persons in control of Tomahawk. Therefore, as a condition to approval of this application, they will be required to join in this application as persons in control of transferee. Tomahawk is purchasing Permit No. MC–148530 (Sub-No. 4F), which authorizes the transportation, as a motor contract corrier, over irregular routes, of *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the United States, under continuing contract(s) with Parker Montana Co., of Billings, MT, and Parker Dakota Company, of Minot, ND. Condition: Authorization and approval of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by T. M. O'Neill, Charles E. Cornett, and Myra E. Cornett, stating that they are the stockholders and persons in control of transferee and that they join in this application.

Notes.—(1) Application for TA has been filed. (2) T. M. O'Neill, 50 percent stockholder of transferee, has entered into a management agreement to operate Tomahawk Trucking, Inc., a motor common carrier operating under MC-115092 and sub-numbers thereunder. (3) Transferee does not hold any authority from this Commission.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-27928 Filed 9-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 40 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce, and Dowell.

MC-FC-78943. (Supplemental Publication). By decision of 7/13/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to MID-ATLANTIC FREIGHT CARRIERS, INC. of Harrisonburg, VA of Cetificate No. MC-134875 (Sub-No. 10F) issued to JOHN W. SMOOT of Jackson, VA on June 17, 1981 authorizing: To operate as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *apple products and juices*, from points in Timberville, Winchester, Roanoke, and Shenandoah Counties, VA and Martinsburg, WV, to points in TX, OK, AR, AL, MS, TN, and LA. This notice has been published to transfer the above authority which was granted to Transferor by Decision served May 20, 1981. Since the authority had not been granted at the time of filing the transfer application, it was not included in the original publication. Condition: Since there is no indication that a certificate in No. MC-134875 (Sub-No. 10F) has been issued to John W. Smoot, our approval herein is conditioned upon the issuance of said certificate or upon compliance by John W. Smoot with the requirements leading to the issuance of said certificate. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. TA lease is not sought. Transferee is/is not a carrier.

MC-FC-79046. By decision of March 12, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Horton Burr Oak Farm, Inc., of Jamesville, WI of Certificate No. MC-143690 (Sub-No. 1), issued August 14, 1978 to R. J. Schmitt Agri-Business, Inc., of Sun Prairie, WI, authorizing the transportation of (1) *Feed and feed ingredients, animal health supplies, and insecticides, and (2) materials, equipment, and supplies used in the manufacture of the above commodities*, between Columbus, Madison, and Fountain Prairie Township (Columbia County) WI, on the one hand, and, on the other, points in IL, IN, IA, MI, and MN. Representative is: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. TA lease is sought. Transferee holds no authority.

MC-FC-79124. By decision of 7/9/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to SCENIC MINNESOTA LINES CO. of Certificate No. MC-147441F issued May 15, 1981 to SCENIC MINNESOTA LINES, INC. authorizing the transportation of *passengers and their baggage, and express, newspapers and mail* in the same vehicles as passengers, between Mora, MN and Minneapolis, MN over MN Hwy 65, serving all intermediate points. Representative: Andrew R. Clark, Esq., 1600 TCF Tower, Minneapolis, MN 55402.

MC-FC-79154. By decision of 7/10/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 5 approved the transfer to LEWIS R. KNOPFEL, JR. of Permit No. MC-88273 issued January 9, 1940 to LEWIS KNOPFEL authorizing the transportation of *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between points and places in the territory bounded by a line beginning at Lock Haven, PA, and extending in a southeasterly direction through Middleburg, PA, to Selinsgrove, PA, thence in a southwesterly direction through Newport and McConnellsburg, PA, to Hancock, MD thence in a southerly direction to Winchester, VA, thence in a westerly direction through Davis, WV, to Clarksburg, WV, thence in a northerly direction to New Castle, PA, thence in a northeasterly direction through Franklin, PA, to Kane, PA, and thence in a southeasterly direction through Revovo, PA, to Lock Haven, including points and places on the above-specified boundary line. Representative is: Sallay A. Davoren, Attorney, Pillar & Mulroy, 150 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222.

MC-FC-79206. By decision of 7/8/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1121, Review Board Number 3 approved the transfer to TRUCK ONE, INC. of P.O. Box 49, Newcomerstown, OH 43832 of Certificate No. MC-123255 (Sub-No. 223F) issued to B&L MOTOR FREIGHT, INC. of 1984 Coffman Road, Newark, OH 43055 authorizing the transportation of *general commodities* (except Classes A and B explosives), between points in IL, IN, KY, MI, OH, PA, WV and WI. Condition: Truck One, Inc., and B&L Motor Freight, Inc., are both controlled by The Capitol Corp. To the extent that the operating rights being transferred to Truck One, Inc., herein, and those being retained by B&L Motor Freight, Inc., are duplicative, they may not be hereafter reversed by sale or otherwise. Representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, OH

43215. TA lease is sought. Transferee is not a carrier.

MC–FC–79208. By decision of 7/10/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to NEVADA-CENTRAL EXPRESS, INC. of Phoenix, AZ of Certificate No. MC–142941 (Sub-Nos. 72, 73, 86, and 79) issued April 23, 1981, March 12, 1981, March 26, 1981, and May 5, 1981, respectively, to SCARBOROUGH TRUCK LINES, INC., of Phoenix, AZ authorizing the transportation, by irregular routes, of (1) *such commodities as are dealt in by food and department stores* (except commodities in bulk) between Chicago, IL, on the one hand, and, on the other, those points in the United States in and west of LA, AR, MO, IA, and WI and *food and related products* between New Hampton, IA, on the one hand, and, on the other, points in CO, ID, MT, OR, TX, UT, WA, and WY; (2) *alcoholic beverages* (except commodities in bulk) between points in AZ, CA, and NV, on the one hand, and, on the other, points in IL, IN, KY, MD, MI, MO, NJ, NY, OH, OK, PA, and TN; (3) *alcoholic beverages,* between points in AR, AZ, CA, LA, and NV; and (4) *such commodities as are dealt in or used by manufacturers and distributors of toilet preparations* between points in AZ, CA, FL, IL, IN, MA, MO, NJ, OK, OH, TX, and WY and between points in AZ, CA, FL, IL, IN, MA, MO, NJ, OK, OH, TX, and WI, on the one hand, and, on the other, points in AL, CO, ID, KS, KY, LA, MI, MT, NM, NV, OR, UT, VA, and WY. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102.

Republication

MC–FC–79244. By decision of July 8, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to GALEN O. KING, d.b.a. G.O.K. TRUCKING of certificate Nos. MC–135696 and No. MC–135696 (Sub-Nos. (1), (4) and (6)) issued to LAKEPORT TRUCKING AND LEASING, INC. and authorizing the transportation of: No. MC–135696 *Alfalfa products* From Oak Harbor and Toledo, OH, to points in Michigan, Indiana, Kentucky and Pennsylvania. *Beet pulp* from Findlay and Fremont, OH to points in Michigan, Indiana, Kentucky and Pennsylvania. No. MC–135696 (Sub-No. 1) *Feed and feed ingredients* in bags from N. Baltimore, OH to points in Michigan, Indiana, Kentucky, Pennsylvania, West Virginia and New York. No. MC–135696 (Sub-No. 4) *Beet pulp* from Findlay and Fremont, OH to Huron and Toledo, OH, restricted to shipments in foreign commerce). No. MC–135696 (Sub-No. 6) *Alfalfa products* from Blissfield, MI and Holyville, OH to points in Michigan, Ohio, and Pennsylvania and points in Augusta and Rockingham Counties, VA, from Toledo, OH to points in New York and Virginia. Subject to the following conditions: If any. Representative: Richard H. Brandon, Attorney-At-Law, 220 West Bridge Street, P.O. Box 97, Dublin, OH 43017.

MC–FC–79266. By decision of 7/13/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to DICK JONES TRUCKING, INC. of Permit No. MC–150552F issued March 11, 1981 to RICHARD B. JONES doing business as DICK JONES TRUCKING authorizing the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special handling), between points in New York and Vermont, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) under continuing contract(s) with Champlain Valley International Shippers & Receivers Association, Inc., of Ravses Point, NY. Representative is: Charles H. Kenyon, 21 Merchants Row, P.O. Box 136, Swanton, VT 05488.

Note.—Transferor has applied for authority in No. MC–150552 (Sub-No. 11) to remove certain restrictions and to amend the territorial description. Because this application is still pending, applicants are advised to file a petition for substitution of transferee in the pending application.

MC–FC–79274. By decision of July 17, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to ADVANCED PICKUP & DELIVERY SERVICE, INC. of Certificate No. MC–133864 issued March 18, 1980 to DEGROSA TRUCKING, INCORPORATED authorizing the transportation of (1) *rubber articles,* from the plant sites of Delford Industries Inc., at Middleton, NY, and Minisink Rubber Co., Inc., at Unionville, NY, to Philadelphia and Allentown, PA, Flemington, NJ, New York, NY, points in Montgomery and Bucks Counties, PA, Middlesex, Mercer, Morris, Sussex, Somerset, Gloucester, Camden, Burlington, Union, Hudson, Bergen, Passaic, and Essex Counties, NJ, and those in Nassau, Suffolk, and Westchester Counties, NY, and (2) *commodities* used in the manufacture of rubber articles (except in bulk), in the reverse direction. Representatives: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410 and Morton E. Kiel, Suite 1832, World Trade Center, New York, NY 10048.

Notes.—(1) Transferee presently holds no authority from the Commission and (2) no application for TA has been filed.

MC–FC–79291. By decision of 9/1/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to WALTER O. GRIFFIN, d.b.a. SOUTHERN WAREHOUSE AND CARTHAGE CO., of Dothan, AL, of Certificate No. MC–61788 and a portion of MC–61788 (Sub-No. 26), issued August 30, 1967, and April 30, 1971, respectively, to GEORGIA–FLORIDA–ALABAMA TRANSPORTATION COMPANY, of Dothan, AL, authorizing the transportation of *Household goods,* as defined by the Commission. Between Bay Minette, AL, on the one hand, and, on the other, points in Florida and Mississippi. *Household goods,* Between Andalusia, AL, on the one hand, and, on the other, points in that part of Alabama south of U.S. Highway 278. Between Troy, AL and points in Alabama. representative is: Maurice F. Bishop, Attorney, 603 Frank Nelson Building, Birmingham, AL 35203, (205) 251–2881. Transferee presently holds no authority. TA application has not been filed.

MC–FC–79300. By decision of September 2, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to K.P.H. TRANSPORTATION CO., INC., of Sunnyvale, CA, of Certificate No. MC–143701 and subs thereunder issued to HODGES FREIGHT LINES, INC., of Metairie, LA, authorizing the transportation of (A) *Foodstuffs* (except commodities in bulk) in vehicles equipped with mechanical refrigeration, From the facilities of Inland Storage Distribution Center, located at Kansas City, KS, to points in AL, GA, LA, MS, NC, SC, VA and WV. Restricted to traffic originating at the facilities of Inland Storage Distribution Center and destined to the named states; (B)(1) *Paper bags,* From the facilities of Westvaco Corporation, Bag division, at New Orleans, LA, to points in AR, AX, CA, CO, GA, IL, IN, IA, KS, KY, MI, MO, NE, NM, OH, OK, TN, TX and WI, (2) *Materials used in the production of paper bags,* (except commodities in bulk), From points in AR, AZ, CA, CO, GA, IL, IN, IA, KS, KY, MI, MO, NE, NM, OH, OK, TN, TX and WI. Restricted in (2) above to the transportation of traffic originating at the indicated origins and destined to the named destination, (C) *Sugar,* except in bulk, From the facilities of Godchaux-Henderson Sugar Company, Inc., at or near Reserve and Kenner, LA, to points in AL, AR, FL, GA, IL, IA, KY, MS, MO, NC, OK, SC, TN, TX, VA and WV, (D) *Plastic materials and commodities used in the manufacture of plastic materials* (except commodities in bulk), From Houston, TX; and Baton Rouge, Marksville and Lake Charles, LA; to points in AL, FL, GA, IL, KY, MN, NC, OH, PA, SC, TN, VA, WI and WV. Restricted to shipments originating at the facilities of Jenre Plastics and Southern Petrochemical, Inc., and destined to points in the named States. (E) (1) *Prepared animal food and pet supplies,* and (2) *Materials and supplies used in the manufacture and distribution of the commodities in (1) above* (except commodities in bulk), Between the facilities of Hills Division of Riviana Foods, Inc., at or near (a) Topeka, KS; (b) Commerce City and Hayward, CA; and (c) Miami, FL, on the one hand, and, on the other, points in the U.S. (except AK, CT, DE, HI, ME, NH, NY, MA and VT). (F) *Such commodities as are dealt in by grocery and food business houses,* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, Between the facilities of Inland Storage Distribution Center, at or near Kansas City, KS, on the one hand, and, on the other, points in the U.S. (except AK, HI and KS), Restricted to the transportation of traffic originating at or destined to the named facilities. S-12 (G) (1) *Bananas,* and (2) *Agricultural commodities which are otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6)* (formerly Section 203(b)(6) of the Interstate Commerce Act) when moving in mixed loads with bananas, From the facilities of Best Banana, Inc., at or near Norfolk, VA, to points in IL, MI, OH, NY, MA, PA, MD, WV, VA, NC, SC, MO, IN, Toronto in the Province of Ontario and Montreal in the Province of Quebec, and DC. Restricted to the transportation of traffic having an immediately prior movement by wate. (H) (1) *Roofing;* and (2) *Materials and supplies used in the manufacture of roofing,* FRom the facilities of Delta Roofing Mills, Inc., a Division of Republic Gypsum, Inc., at or near Slidell, LA, to points in AL, AR, FL, GA, MS and TX. (I) (1) *Chemicals* used in the curing and processing of cement and concrete (except commodities in bulk); and (2) *Materials, equipment and supplies* used in the manufacture, distribution and application of commodities in (1) above (except commodities in bulk), From Baton Rouge, LA, to points in AL, AR, CA, FL, GA, KY, LA, MS, NC, OK, SC, TN and TX. (J) *Fiber board,* From the facilities of Aurora Paper Board at Aurora, IL, to Jefferson City, Kansas City and Marceline, MO; and Iola, Kansas City and Topeka, KS. (K)(1) *Paper bags,* From New Orleans, LA, to points in ID, MA, NV, NH, NY, OR, PA, WV and WY; and (2) *Materials used in the manufacture of paper bags,* From points in ID, MA, NV, NH, NY, OR, PA, WV and WY, to New Orleans, LA. (L) *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration from the facilities of Midsouth Refrigerated Warehouse Company at Memphis, TN, to points in AL, AR, FL, LA, MS, NC, SC and TX. (M) *Foodstuffs,* Between points in the U.S. Restricted to traffic originating at or destined to the facilities of Winton Sales Company or its customers or suppliers. (N) *Foodstuffs,* Between points in LA, on the one hand, and, on the other, those points in the U.S. in and east of NM, CO, WY and MT. (O) *Cabinets,* From the facilities of Stanley Vidmar, at or near Allentown, PA, to points in the U.S. (P) *Food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code, Between the facilities of Armour Food Company at points in CA, TX, SD, KY, NE, ID, MO, MN, WI, IA, PA, OR and IL, on the one hand, and, on the other, points in the U.S. (Q) *Chemicals, cleaning supplies and sanitation materials,* From Atlanta, GA, to Los Angeles and Santa Clara, CA; Denver, CO; Miami and Orlando, FL; Chicago, IL; Edmonston, MD; Boston, MA; Detroit, MI: St. Paul, MN; Kansas City and St. Louis, MO; Springfield, NJ; Albuquerque, NM; Cleveland, OH; Pittsburg, PA; Dallas and Houston, TX; and Seattle, WA. (R) *Such commodities as are dealt in by wholesale and retail grocery and food business houses,* between points in the U.S., Restricted to traffic originating at or destined to the facilities of Topco and Associates, Inc., its suppliers and customers, (S) *Foodstuffs,* Between points and places in the U.S. Restricted to traffic originating at or destined to points of suppliers and/or shippers that are customers of Consolidated Marketing, Inc., (T) *sugar, condiments and flavoring compounds,* (except in bulk), From Supreme, LA, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, MD, MS, MO, NE, NC, OH, OK, PA, SC, SD, TN, TX, VA and WV, and (U) *Such commodities as are manufactured or convertors of paper and paper products,* between points and places in the U.S. Restricted to traffic moving for and on behalf of Westvaco Corporation. Applicant filing temporary authority application. Transferee is not a carrier and holds no authority. Applicant's representative is: Lester C. Arvin, Attorney, 814 Century Plaza Building, Wichita, KS 67202, (316) 265-2634.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-27928 Filed 9-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Bennett Industries, Inc., 5320 Harry Hines Boulevard, Dallas, Texas 75235.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

(i) Monkey Grip Rubber Company, a Texas corporation;

(ii) Anchor Industries, Inc., an Ohio corporation;

(iii) Laher Spring and Electric Car Corp., an Oregon corporation.

1. Parent corporation and address of principal office: Browning-Ferris Industries, Inc. (Delaware Corp.), Post Office Box 3151, Houston, Texas 77001.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(1) Active Disposal Company, 32600 Five Mile Road, Livonia, Michigan 48154.

(2) BFI Waste Systems of Indiana, Inc., 10 North West Street, Crown Point, Indiana.

(3) BI Acquisition Company, Post Office Box 3151, Houston, Texas 77001.

(4) Browning-Ferris, Inc. (Delaware Corp.), Post Office Box 3151, Houston, Texas 77001.

(5) J&G Waste Systems, Inc., 405 30th Street, Post Office Box 2782, Lubbock, Texas 79408.

(6) Scipio Farms, Inc., Post Office Box S, McAlester, Oklahoma 74501.

(7) Sozzi Waste Co., 7100 Bowling Drive, Suite 220, Sacramento, California 95823.

(8) Browning-Ferris, Inc. (Maryland Corp.), Post Office Box 8733, BWI Airport, Maryland 21240.

(9) Browning-Ferris Industries Chemical Services, Inc., Post Office Box 3151, Houston, Texas 77001.

V 46 SE 25 81 UMI

(10) Browning-Ferris Industries Chemical Services de Caribe, Inc., Urbanization Industrial, El Tuque, Ponce, Puerto Rico 00731.

(11) Petroservice of Louisiana, Inc., Post Office Box 15211, Baton Rouge, Louisiana 70815.

(12) Browning-Ferris Industries, Inc. (Massachusetts Corp.), 100 Hallet Street, Boston, Massachusetts 02124.

(13) Resource Recovery Corporation, 115 Washington Street, Holliston, Massachusetts 01746.

(14) Browning-Ferris Industries of Alabama, Inc., 31 First Avenue North, Birmingham, Alabama 35202; also 4649 Commercial Drive, N.W., Huntsville, Alabama 35805; also 920 Navco Road, Mobile, Alabama 36606.

(15) Browning-Ferris Industries of Arizona, Inc., 2240 W. Shangri-la, Phoenix, Arizona 85029.

(16) Browning-Ferris Industries of Arkansas, Inc., Post Office Box 157, Jacksonville, Arkansas 72076.

(17) Browning-Ferris Industries of California, Inc., 1245 South Winchester Boulevard, Suite 115, San Jose, California 95128.

(18) San Jose Land Reclamation Co., 1999 South Bascom Avenue, The Pruneyard Towers II, Suite 400, Campbell, California 95008.

(19) Customized Service Co., Inc., 810 N. E. Third Street, Amarillo, Texas.

(20) Browning-Ferris Industries of Colorado, Inc., 3001 Walnut, Denver, Colorado 80205.

(21) Highway 36 Land Development Company, 3001 Walnut, Denver, Colorado 80205.

(22) Browning-Ferris Industries of Connecticut, Inc., 100 Hallet Street, Boston, Massachusetts 02124.

(23) Browning-Ferris Industries of Florida, Inc., Post Office Box 16966, 7580 Phillips Highway, Jacksonville, Florida 32216; also Post Office Box 908, 1610 NW 55th Place, Gainesville, Florida 32604.

(24) Browning-Ferris Industries of Georgia, Inc., 920 Marietta Boulevard, N.W., Atlanta, Georgia 30318.

(25) Browning-Ferris Industries of Idaho, Inc., Post Office Box 1037, 117 East 37th, Boise, Idaho 83701; also Post Office Box 965, Nampa, Idaho 83651.

(26) Browning-Ferris Industries of Illinois, Inc., 1827 Walden Office Square, Suite 107, Schaumburg, Illinois 60195.

(27) Browning-Ferris Industries of Indiana, Inc., Post Office Box 2269, 801 East Michigan, Evansville, Indiana 47714.

(28) Browning-Ferris Industries of Iowa, Inc., 112 9th Street, Des Moines, Iowa 50265.

(29) Browning-Ferris Industries of Oregon, Inc., P.O. Box 3151, Houston, Texas 77001.

(30) Browning-Ferris Industries of (Kansas City, Inc., Post Office Box 15200, 3150 North 7th, Kansas City, Kansas 66115.)

(31) Missouri Dispose-All, Inc., Post Office Box 15200, 3150 North 7th, Kansas City, Kansas 66115.

(32) Browning-Ferris Industries of Kentucky, Inc., 2605 Nonconnah Boulevard, Suite 165, Memphis, Tennessee 38132.

(33) Browning-Ferris Industries of Tennessee, Inc., Post Office Box 18149, 3840 Homewood, Memphis, Tennessee 38118.

(34) Browning-Ferris Industries of Michigan, Inc., 12001 Mack Avenue, Detroit, Michigan 48215.

(35) Browning-Ferris Industries of Minnesota, Inc., 9813 Flying Cloud Drive, Eden Prairie, Minnesota 55344.

(36) Browning-Ferris Industries of Mississippi, Inc., 402 McDonnell Avenue, Biloxi, Mississippi 39531; also Post Office Box 1638, 1035 Old Brandon Road, Jackson, Mississippi 39205.

(37) Browning-Ferris Industries of Montana, Inc., Post Office Box 3151, Houston, Texas 77001.

(38) Browning-Ferris Industries of Nebraska, Inc., 1118 South 11th Street, Omaha, Nebraska 68108.

(39) Browning-Ferris Industries of New Hampshire, Inc., Tolles Street, Hudson, New Hampshire 03051.

(40) Browning-Ferris Industries of New Jersey, Inc., 1075 Central Avenue, Clark, New Jersey 07066.

(41) Browning-Ferris Industries of Central Jersey, Inc., Post Office Box 3151, Houston, Texas 77001.

(42) Browning-Ferris Industries of Elizabeth, N.J., Inc., Post Office Box 508, 714 Division Street, Elizabeth, New Jersey 07207.

(43) Browning-Ferris Industries of North Jersey, Inc., 54 Montesano Road, Fairfield, New Jersey 07006.

(44) Browning-Ferris Industries of Paterson, N.J., Inc., 155 Michigan Avenue, Paterson, New Jersey 07503.

(45) Browning-Ferris Industries of South Jersey, Inc., Cranbury Station Road, Post Office Box 437, Cranbury, New Jersey 08512.

(46) Browning-Ferris Industries Waste Control, Inc., Post Office Box 3151, Houston, Texas 77001.

(47) Browning-Ferris Industries of New York, Inc., 136 Sicker Road, Latham, New York 12110.

(48) Robbins Refuse Service, Inc., 36 Sicker Road, Latham, New York 12110.

(49) Browning-Ferris Industries of Ohio and Michigan, Inc., Post Office Box 5069, Pt. Place Station, Toledo, Ohio 43611.

(50) Comet Enterprises, Inc., Post Office Box 3151, Houston, Texas 77001.

(51) Browning-Ferris Industries of Ohio, Inc., 33 N. Wickliffe Circle, Youngstown, Ohio 44515.

(52) Browning-Ferris Industries of Pennsylvania, Inc., West Noblestown Road, Post Office Box 448, Carnegie, Pennsylvania 15106.

(53) Browning-Ferris Industries of Puerto Rico, Inc., Post Office Box 29499, 65th Infantry Station, Rio Piedras, Puerto Rico 00929.

(54) Browning-Ferris Industries of Quincy, Illinois, Inc., Post Office Box 3124, 1704 North 24th, Quincy, Illinois 62301.

(55) Browning-Ferris Industries of Rochester, Inc., 2117 Marion Road, S.E., Rochester, Minnesota 55901.

(56) Browning-Ferris Industries of St. Louis, Inc., 11506 Bowling Green, Creve Coeur, Missouri 63141; also Post Office Box 250, 91 Shady Lane, Valley Park, Missouri 63088.

(57) Jeffco Land Reclamation, Inc., 11506 Bowling Green, Creve Coeur, Missouri 63141.

(58) Rick's Repair and Mfg. Co., 2605 Nonconnah Boulevard, Suite 165, Memphis, Tennessee 38132.

(59) Browning-Ferris Industries of San Mateo County, Inc., 225 Shoreway Road, San Carlos, California 94070.

(60) Browning-Ferris Industries of South Atlantic, Inc., 7820 Silas Creek, Parkway Extension, Suite 201, Winston-Salem, North Carolina 27106.

(61) Browning-Ferris Industries of Utah, Inc., Post Office Box 26333, Salt Lake City, Utah 84125.

(62) Browning-Ferris Industries of Vermont, Inc., Post Office Box 121, Springfield, Vermont 05156.

(63) Browning-Ferris Industries of West Virginia, Inc., Post Office Box 3151, Houston, Texas 77001.

(64) Browning-Ferris Industries of Wisconsin, Inc., 1827 Walden Office Square, Suite 107, Schaumburg, Illinois 60195.

(65) Browning-Ferris Industries of Wyoming, Inc., Post Office Box 3151, Houston, Texas 77001.

(66) Browning-Ferris Services, Inc., Post Office Box 3151, Houston, Texas 77001.

(67) Cardinal Land Corp., 32600 Five Mile Road, Livonia, Michigan 48154.

(68) Disposal Specialists, Inc., Post Office Box 121, Springfield, Vermont 05156.

(69) Dooley Equipment Corporation, 164 Market Street, Brighton, Massachusetts 02135.

(70) ECCO Contractors, Inc., 1417 North Harper Street, Santa Ana, California 92703.

(71) Environmental Equipment Corp., Post Office Box 3151, Houston, Texas 77001.

(72) ESI, Inc., Post Office Box 3151, Houston, Texas 77001.

(73) Indoco, Inc., Post Office Box 3151, Houston, Texas 77001.

(74) International Disposal Corp. (Delaware Corp.), Post Office Box 3151, Houston, Texas 77001.

(75) International Disposal Corp. (Texas Corp.), Post Office Box 3151, Houston, Texas 77001.

(76) International Disposal Corp. of California, Post Office Box 1987, San Jose, California 95109.

(77) International Disposal Corporation of Indiana, Post Office Box 3151, Houston, Texas 77001.

(78) RWCGP, Inc., Post Office Box 3151, Houston, Texas 77001.

(79) International Disposal Corporation of Kansas, Post Office Box 3151, Houston, Texas 77001.

(80) Landfill, Inc. (Missouri Corp.), Post Office Box 15200, Kansas City, Kansas 66115.

(81) Landfill, Inc. (Colorado Corp.), Post Office Box 188, Commerce city, Colorado 80022.

(82) Lanham Waste Control, Inc., Post Office Box 3151, Houston, Texas 77001.

(83) Louis Kmito & Son, Inc., 95 Liberty Street, Randolph, Massachusetts 02368.

(84) Lyon Development Company, 32600 Five Mile Road, Livonia, Michigan 48154.

(85) Modern Waste Removal, Inc., 12001 Mack Avenue, Detroit, Michigan 48215.

(86) National Disposal Service of Nebraska, Inc., 212 South 24th Street, Omaha, Nebraska 68108.

(87) Ox Mountain Ranch, 225 Shoreway Road, San Carlos, California 94070.

(88) Phoenix, Inc., 9813 Flying Cloud Drive, Eden Prairie, Minnesota 55344.

(89) Waste Disposal, Inc., Post Office Box 15200, Kansas City, Kansas 66115.

(90) West Roxbury Crushed Stone Co., 10 Grove Street, West Roxbury, Massachusetts 02132.

(91) Woodlake Sanitary Service, Inc., 9813 Flying Cloud Drive, Eden Prairie, Minnesota 55344.

1. Parent Corporation and Address of Principal Office: Consolidated Papers, Incorporated, 231 1st Avenue North, Wisconsin Rapids, WI 54494.

2. Wholly owned subsidiaries which will participate in the operations, and State of Incorporation: (1) Consoweld Corporation, A Wisconsin Corporation.

3. Divisions: (1) Castle Rock Container Company, Grove Street, Adams, WI 53910.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-27927 Filed 9-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 170]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 22, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

James H. Bayne,

Acting Secretary.

MC 99408 (Sub-12)X, filed September 14, 1981. Applicant: CITY DELIVERY SERVICE, INC., 1 Passan Dr., Laflin Borough, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Applicant seeks in its Sub-No. 8F certificate to broaden the territorial description from Scranton and Wilkes Barre, PA to Lackawanna and Luzerne Counties, PA and to eliminate the facility restriction in its general commodity authority.

MC 105159 (Sub-43)X, filed September 8, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TFC Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 36 certificate to (1) broaden the commodity description to "food and related products, and materials, equipment and supplies used in the manufacturing and processing thereof," from edible nuts, chocolate covered peanuts, soybeans, imitation bacon, cookies, shoestring potatoes, and materials, equipment and supplies utilized in the manufacture of edible nuts; (2) remove the restriction against transportation of certain named commodities, in bulk, in tank vehicles; and (3) remove restrictions (a) limiting transportation of traffic to that originating at or destined to the named facilities, and (b) against service in AK or HI, from authority to serve between various points in 19 States, on the one hand, and, on the other, points in the U.S.

MC 116993 (Sub-3)X, filed September 2, 1981. Applicant: CITY HAUL, INC., 705 East Second Street, Cincinnati, OH. Representative: Richard Rueda, 133 North 4th Street, Philadelphia, PA 19106. Applicant seeks to remove restrictions from its lead and Sub-No. 2 permits as follows: (1) in the lead, broaden the commodity description from engines and motors, and machinery, equipment, materials, and supplies used in production, development and research with respect to engines to "chemicals and related products, petroleum and coal products, rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery and motors, transportation equipment, and miscellaneous products of manufacturing"; (2) in the lead and Sub-No. 2, expand the territorial description to between points in the U.S. under continuing contract(s) with a named shipper; and (3) in its lead eliminate the 10,000 pounds or less weight restriction and the exclusion against those commodities requiring special equipment.

MC 123248 (Sub-1)X, filed September 16, 1981. Applicant: JOHN J. HUDSON, d.b.a. JOHN J. HUDSON CO., 1 Service Road, Providence, RI 02905. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its lead certificate to (1) broaden the commodity description from liquid bituminous materials used in road building to "coal and coal products, ores and minerals, petroleum, natural gas and their products, and clay, concrete, glass or stone products"; (2) expand East Providence, RI to countywide authority to serve Providence, Kent, and Bristol Counties, RI, and Bristol County, MA; (3) authorize radial operations in lieu of one-way authority; and (4) remove the "in bulk" restriction.

MC 124411 (Sub-24)X, filed September 8, 1981. Applicant: SULLY TRANSPORT, INC., P.O. Box 185, Sully, IA 50251. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 4, 7, 8, 9, 10, 11, 12, 14, 16F, 17F, 18F, 19F, and 22F certificates to (1) broaden the commodity description to "chemicals and related products" from fertilizer, liquid fertilizer, liquid fertilizer solutions, fertilizer ingredients, anhydrous ammonia, liquified petroleum gas, asphalt and asphalt cement and nitrogen fertilizer solution, in all subs, except Sub-No. 10, to "farm products" from liquid animal feed and liquid animal feed supplements, in Sub-No. 10, (2) remove the "in bulk, in tank vehicles" restrictions in all subs, (3) remove the facilities restrictions in Sub-Nos. 3, 4, 7, 8, 9, 10, 11, 12, 14, 17F, 18F and 19F and (4) broaden the territorial description by substituting county-wide authority for city wide authority and facilities as follows: Benton County, IA (for Vinton, IA), in Sub-No. 2; Rock Island County, IL (for facilities at Cordova, IL), in Sub-Nos. 3 and 8, Whiteside County, IL (for facilities at Albany, IL), in Sub-Nos. 9 and 14 and (for facilities at Fulton, IL), in Sub-No. 11; Van Buren County, IA (for facilities at Cantril, IA), in Sub-No. 4; Jackson County, IA (for facilities at Bellevue, IA), in Sub-No. 7; Cedar County, IA (for facilities at Clarence, IA), in Sub-No. 10; Winneshiek County, IA (for Jackson Junction, IA) and Keokuk County, IA (for Keota, IA), in Sub-No. 11; Clay and Ida Counties, IA (for facilities at Spencer and Holstein, IA) and Butler County, NE (for facilities at David City, NE), in Sub-No. 12; Polk County, IA (for Des Moines, IA), in Sub-No. 16F; Kansas City, MO—Kansas City, KS, commercial zone (for facilities at Kansas City, KS) and Polk County, IA (for Des Moines, IA), in Sub-No. 17F; Chickasaw County, IA (for facilities at New Hampton, IA), Blue Earth and Swift Counties, MN (for facilities at Benson and Mankato, MN) and Foster County, ND (for facilities at Carrington, ND), in Sub-No. 18F; Cerro Gordo County, IA (for facilities at Mason City, IA), in Sub-No. 19F and Tama County, IA (for Tama, IA, in Sub-No. 22F, and (4) authorize radial authority for one-way authorities in all Sub-Nos.

Previously noticed in **Federal Register** issued of September 3, 1981 and supplemented as published this issue.

MC 136818 (Sub-132)X, filed August 10, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 West Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 4040 East McDowell Rd., Suite 320, Phoenix, AZ 85008. In addition to changes previously noticed, applicant seeks to (1) remove the exceptions of hides and commodities in bulk in Sub-No. 5; (2) broaden alcoholic liquors to food and related products in Sub-No. 107; (3) replace Tucson, AZ, with Pima County, AZ, in Sub-No. 17; (4) remove the exception of AK and HI in Sub-No. 109; and (5) replace one way with radial authority in Sub-Nos. 39, 104, and 110.

MC 134134 (Sub-100)X, filed September 9, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 1, 4, 5, 6, 7, 87, 9, 10, 12, 13, 15, 17, 19, 21, 22, 24, 27, 28, 30, 31, 32, 34F, 35F, 36F, 38F, 39F, 40F, 41F, 43F, 45F, 47F, 52F, 53F, 54F, 55F, 56F, 57F, 58F, 59F, 60F, 61F, 66F, 67F, 68F, 69F, 71F, 72F, 90F and 98 certificates to (1) remove restriction of "hides" in Sub-Nos. 1, 4, 5, 6, 7, 9, 10, 12, 15, 17, 21, 22, 30, 36F, and 47F; (2) remove restriction of "commodities in bulk" in Sub-Nos. 1, 4, 5, 6, 7, 9, 10, 12, 13, 15, 17, 21, 27F, 31F, 34F, 36F, 39F, 47F, 53F, 56F, 57F, 61F, 68F, 71F, 72F, and 90F; (3) remove restriction of "commodities requiring special equipment" in Sub-Nos. 22 and 30; (4) remove restriction of "in containers" in Sub-Nos. 19, 28F and 98; (5) remove "plant site", "facilities", "originating at", or "destined to" restrictions in Sub-Nos. 1, 4, 5, 6, 7, 9, 10, 12, 13, 15, 17, 19, 21, 27F, 28F, 31F, 32F, 35F, 36F, 39F, 40F, 41F, 43F, 47F, 52F, 53F, 54F, 55F, 56F, 57F, 38F, 58F, 59F, 60F, 66F, 68F, 69F, 71F, 72F, and 98; (6) remove the restriction "when moving in the same vehicle and at the same time in mixed loads with alcoholic beverages on a single bill of lading to a single consignee" in Sub-No. 98; (7) broaden the authority from one-way to two-way radial authority in Sub-Nos. 1, 4, 5, 6, 7, 9, 10, 12, 13, 15, 17, 19, 21, 22, 24, 28F, 30, 31F, 32F, 34F, 35F, 36F, 38F, 39F, 40F, 43F, 45F, 47F, 52F, 54F, 55F, 58F, 59F, 60F, 61F, 66F, 67F, 68F, 69F, 71F, 72F, 90F, and 98: (8) broaden the authority to "food and related products",

(a) from meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and similar descriptions in Sub-Nos. 1, 4, 5, 6, 7, 9, 10, 12, 13, 15, 17, 21, 22, 30, 35F, 36F, and 47F, (b) from pet foods, animal feed and animal feed ingredients in Sub-No. 19; (c) from malt beverages in Sub-No. 24; (d) from alcoholic liquors and wines in Sub-Nos. 34F and 71F; (e) from from foodstuffs in Sub-Nos. 38F, 60F and 61F; (f) from frozen beef in Sub-No. 40F; (g) from alcoholic beverages in Sub-Nos. 52F, 58F, and 67F; (h) from confectionary and confectionary products in Sub-No. 55F; (i) from canned goods in Sub-No. 59F; (j) from alcoholic beverages, and non-alcoholic beverage mixes in Sub-No. 66F; (k) from alcoholic beverages and wines in Sub-No. 68F; (l) from alcoholic beverages, and non-alcoholic cocktail mixes in Sub-No. 69F; and (m) from alcoholic beverages (except malt beverages) and non-alcoholic beverages in Sub-No. 98; (9) broaden the authority from animal feed, feed ingredients, additives, and materials and supplies used in the manufacture and distribution of animal feed to "food and related products, and materials and supplies used in the manufacture and distribution of these commodities" in Sub-No. 27F; (10) from broaden the authority from fertilizer, tree killing compounds and pesticides to "chemicals and related products" in Sub-No. 28F; (11) broaden the authority from synthetic fiber and synthetic fiber waste to "chemicals and related products, textile mill products, and waste or scrap materials, not identified by industry producing" and from plastic materials to "chemicals and related products, and rubber and plastic products" in Sub-No. 31F; (12) broaden the authority from aluminum plate and aluminum sheet to "metal products" in Sub-No. 32F; (13) broaden the authority from cleaning compounds, motor fuel water asorption compounds, charcoal starter and petroleum motor oil to "chemicals and related products and petroleum, natural gas, and their products" in Sub-No. 39F; (14) broaden the authority from (a) heating and air conditioning equipment, (b) accessories for commodities in (a) above, and (c) materials and supplies used in the manufacture and installation of commodities in (a) above to "machinery and materials and supplies used in the manufacture and installation of the commodity named" in Sub-No. 41F; (15) broaden the authority from pipe fittings and rough iron castings to "metal products" in Sub-No. 43F; (16) broaden the authority from (a) steel flooring, and floor coverings, and (b) materials and supplies used in the installation of commodities in (a) above to "such commodities as are used, in, dealt in, or distributed by manufacturers of flooring and floor coverings" in Sub-No. 45F; (17) broaden the authority from "aluminum sheet, coil, foil, and scrap" to "metal products, pulp, paper and related products, and waste or scrap materials, not identified by industry producing" in Sub-No. 54; (18) broaden the authority from "acids and chemicals" to "chemicals and related products" in Sub-No. 72F; (19) broaden the authority in the above: (a) from Omaha, NE to Douglas, Washington, Sarpy and Cass Counties, NE and Pottawattamie and Mills Counties, IA in Sub-Nos. 9, 21, 22, 30, 32, 40F, 47F, 36F, 66F, and 98; (b) from Harlan, IA to Shelby County, IA in Sub-Nos. 1 and 30; (c) from York, NE to York County, NE in Sub-No. 1; (d) from Cozad and Lexington, NE to Dawson County, NE in Sub-No. 1; (e) from Sioux Center, IA to Sioux County, IA in Sub-No. 4; (f) from Spencer, IA to Clay County, IA, from Hartley, IA to O'Brien County, IA, from Schuyler, NE to Colfax County, NE and from Sioux Falls, SD to Lincoln and Minnehaha Counties, SD in Sub-No. 4, (g) from Clarinda, IA to Page County, IA, from Storm Lake, IA to Buena Vista County, IA, and from Postville, IA to Allamakee, Winneshiek, Fayette, and Clayton Counties, IA in Sub-No. 6; (h) from Monmouth, IL to Warren County, IL in Sub-No. 7; (i) from Council Bluffs, IA to Pottawattamie and Mills Counties, IA in Sub-No. 9; (j) from Joslyn, IL to Henry and Rock Island Counties, IL in Sub-No. 10; (k) from Carroll, IA to Carroll County, IA, from "Denison, IA to Crawford County, IA, and from Iowa Falls, IA to Hardin County, IA in Sub-No. 12; (l) from Mankato, KS to Jewell County, KS in Sub-No. 13; (m) from Madison, NE to Madison County, NE in Sub-No. 15; (n) from Crete, NE to Saline and Lancaster Counties, NE in Sub-No. 17; (o) from Columbus, OH to Franklin, Delaware, Licking, Madison, Union, Fairfield and Pickaway Counties, OH and from Cortland, NY to Cortland and Tompkins Counties, NY in Sub-No. 19; (p) from Oakland, IA to Pottawattamie County, IA in Sub-No. 21; (q) from Golden, CO to Jefferson County, CO in Sub-No. 24; (r) from Mattoon, IL to Coles County, IL in Sub-No. 27; (s) from Trenton, NJ to Mercer, Hunterdon, Middlesex, Monmouth and Burlington Counties, NJ and Bucks County, PA, from Houston, TX to Harris, Waller, Montgomery, Fort Bend, Brazoria and Chambers Counties, TX and from Grand Island, NE to Hall and Hamilton Counties, NE in Sub-No. 31; (t) from Clayton, NJ to Gloucester County, NJ, and from Wheeling, IL to Cook and Lake Counties, IL in Sub-No. 32; (u) from Owensboro, KY to Davies County, KY and Spencer County, IN, from Des Moines, IA to Polk, Warren, Madison, and Dallas Counties, IA, and from Minneapolis, MN to Hennepin, Carver, Scott, Dakota, Washington, Anoka, and Ramsey Counties, MN in Sub-No. 34F; (v) from Wyalusing, PA to Bradford County, PA, and from Erie, PA to Erie County, PA in Sub-No. 35F; (w) from Johnson City, NY and Binghamton, NY to Broome County, NY in Sub-No. 38F; (x) from Paulsboro, NJ to Gloucester County, NJ in Sub-No. 39F; (y) from Elkton, MD to Cecil County, MD, from Frederick, MD to Frederick County, MD, from Edison, NJ to Somerset and Middlesex Counties, NJ, from Effingham, IL to Effingham County, IL, and from Muskegon, MI to Muskegon and Ottawa Counties, MI in Sub-No. 41F; (z) from Blossburg, PA to Tioga County, PA in Sub-No. 43F; (aa) from Red Lion, PA to York County, PA in Sub-No. 45F; (bb) from Kansas City, MO to Jackson, Cass, Clay, and Platte Counties, MO and Wyandotte, Johnson and Leavenworth Counties, KS in Sub-Nos. 52F and 90F; (cc) from Paducah, KY to McCracken County, KY and Massac County, IL in Sub-No. 53F; (dd) from Lebanon, PA to Lebanon County, PA in Sub-No. 54F; (ee) from Bethleham, PA to Northampton and Lehigh Counties, PA in Sub-No. 55F; (ff) from Hartford and East Hartford, CT to Hartford and Middlesex Counties, CT in Sub-No. 56F; (gg) from Detroit, MI to Wayne, Macomb, Oakland, Livingston, Washtenaw, and Monroe Counties, MI, and from Allen Park, MI to Wayne County, MI in Sub-No. 57F; (hh) from Des Moines, IA to Polk, Warren, Dallas, and Madison Counties, IA, and from Grimes, IA to Polk County, IA in Sub-No. 58F; (ii) from East Peoria, IL to Peoria, Tazewell, and Woodford Counties, IL in Sub-No. 59F; (jj) from Wellsboro, PA to Tioga County, PA and from Syracuse, NY to Onondaga and Madison Counties, NY in Sub-No. 60F; (kk) from Erie, and North East, PA to Erie County, PA in Sub-No. 61F; (ll) from Minneapolis, MN to Hennepin, Carver, Scott, Dakota, Washington, Anoka and Ramsey Counties, MN in Sub-No. 66F; (mm) from Hartford, CT to Hartford and Middlesex Counties, CT in Sub-No. 68F; (nn) from Clermont, KY to Bullitt County, KY in Sub-No. 69F; (oo) from Frankfort, KY to Franklin and Woodford Counties, KY, from Cincinnati, OH to Hamilton, Butler, and Clermont Counties, OH and Boone, Kenton and Campbell Counties, KY, and from Grimes, IA to Polk County, IA in Sub-No. 71F; (pp) from Groton, CT to New London County, CT in Sub-No. 72F; (20) remove the in tank vehicle restriction in Sub-Nos. 1, 31F, 34F, 36F, 39F, 61F, 66F, 71F, and 72F; and (21) eliminate except AK and HI restriction wherever it appears in the above sub-numbers.

MC 139294 (Sub-9)X, filed September 4, 1981. Applicant: H.T.L., INC., P.O. Box 122, Fairfield, AL 35064. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (A) broaden the commodity description to "metal products and building materials and materials, equipment, and supplies used in the manufacture and distribution thereof," from iron and steel articles and pipe and materials, equipment, and supplies used in the manufacture and distribution of iron and steel articles; (B) eliminate the "commodities in bulk, in tank vehicles" restriction and, "AK and HI" restrictions, and (C) replace existing one-way authority with radial authority. Parts 1, 2, and 3 of the authority will be subsumed in part 4.

MC 142292 (Sub-3)X, filed September 14, 1981. Applicant: RICHARD WARREN WHITLEY, 43 Wilson Avenue, Belleville, Ontario, CD K8N 5A2. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to remove restrictions in its lead and Sub-No. 2F permits to (1) broaden commodity description from pre-cast and pre-stressed concrete structural products to "clay, concrete, glass or stone products" in lead and Sub 2F; and (2) broaden the territorial descriptions to "between points in the U.S., under continuing contract(s) with named shippers.

MC 149546 (Sub-25)X, filed September 14, 1981. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its MC–117644 Sub-No. 53F permit to broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

[FR Doc. 81–27929 Filed 9–24–81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OPY–5–156]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: September 18, 1981.

The following applications, filed on or after February 9, 1981, are governed by

Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

James H. Bayne,

Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 146938 (Sub-2), filed August 18, 1981. Applicant: TRI-J TRUCKING, INC., 1608 Whipple Rd., Union City, CA 94587. Representative: Jack Leong (same address as applicant), (415) 487-5150. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S., under continuing contract(s) with Pepperidge Farms, Inc., of Richmond, UT, Haggar Company, of Dallas, TX, and General Foods Corporation of San Leandro, CA.

MC 158098, filed September 8, 1981. Applicant: JEFFREY MILLER, R.R. 2, Withee, WI 54498. Representative: Jeffrey Miller (same address as applicant), (715) 229-2717. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-27925 Filed 9-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-177

Decided: September 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 11592 (Sub-31), filed September 3, 1981. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20036, (202) 223-5900. Transporting *food and related products,* between points in IA, IL, NE, KS, those in SD on and east of U.S. Hwy 83 and on and south of U.S. Hwy 14, those in MO on and west of U.S. Hwy 65 and on and north of Interstate Hwy 70, and those in CO on and east of Interstate Hwy 25, on the one hand, and, on the other, points in the U.S.

MC 39073 (Sub-12), filed July 27, 1981 (correction), previously published in the **Federal Register** issue of August 18, 1981, and republished, as corrected, this issue. Applicant: BUDRECK TRUCK LINES, INC., 9330 South Constance Ave., Chicago, IL 60617. Representative: Richard A. Kerwin, 180 North LaSalle St., Chicago, IL 60601, (312) 332-5106. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, KY, MI, OH, and WI.

Note.—This republication corrects the territory description.

MC 85482 (Sub-4), filed September 8, 1981. Applicant: ACME MOTOR FREIGHT SERVICE, INC., 3333 South Iron St., Chicago, IL 60608. Representative: H. Barney Firestone, 10 South LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International Nu-Way Shippers, Inc., of Chicago, IL.

MC 87103 (Sub-94), filed September 1, 1981. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Walter Keal (same address as applicant), 216-325-2521. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with True Temper Corporation, of Cleveland, OH.

MC 107012 (Sub-737), filed September 2, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of industrial heating and cooling units, between points in Appanoose County, IA, Coles County, IL, and Racine Couty, WI, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-738), filed September 8, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *materials, equipment, and supplies* used in the manufacture and distribution of fireplaces, between points in Appanoose and Henry Counties, IA, on the one hand, and, on the other, points in the U.S.

MC 107912 (Sub-47), filed September 1, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Road, Memphis, TN 38118. Representative: A. Doyle Cloud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767-5600. Transporting *electrical machinery and equipment and related products,* between points in Otero County, NM, on the one hand, and, on the other, points in Madison County, MS.

MC 108452 (Sub-14), filed September 1, 1981. Applicant: GOLD LINE, INC., d.b.a. GOLD LINE, 5500 Tuxedo Road, Tuxedo, MD 20781. Representative: L. C. Major, Jr., Suite 400 Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312, (703) 750-1112. Over regular routes, transporting *passengers and their baggage, and express and newspapers,* in the same vehicle with passengers, between junction of MD Hwys 5 and 235, south of Mechanicsville, MD, and Lexington Park, MD: from junction of MD Hwys 5 and 235 over MD Hwy 5 to junction MD Hwy 246, then over MD Hwy 246 to Lexington Park, MD, and return over the same route, serving all intermediate points.

Note.—This authority is to be tacked with applicant's existing authority between Washington, DC and Lexington Park, MD, via MD Hwys 5 and 235 at junction points of MD Hwys 5 and 235 and at Lexington Park, MD, so as to permit applicant to provide service between Washington, DC, and Lexington Park via MD Hwys 5 and 246.

MC 113822 (Sub-9), filed August 31, 1981. Applicant: DALGARNO TRANSPORTATION, INC., 144 East Commerce St., Aberdeen, MS 39730. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *Mercer commodities,* between points in AZ, CO, ID, MT, NV, NM, ND, SD, UT, WY, OR and WA, on the one hand, and, on the other, points in AL, AR, CA, KS, LA, MS, NE, OK, OR, TN, TX and WA.

MC 129712 (Sub-56), filed August 31, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Esq., Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326, (404) 237-6472. Transporting *machinery,* between points in the U.S., under continuing contract(s) with Sperry New Holland Division, Sperry Corporation, of New Holland, PA.

MC 134073 (Sub-20), filed September 8, 1981. Applicant: GENOVA TRANSPORT, INC., 484 Clayton Rd., Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, (201) 435-7140. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Mrs. Smith's Frozen Foods Co., of Pottstown, PA.

MC 140553 (Sub-18), filed September 4, 1981. Applicant: ROGERS TRUCK LINE, INC., 3325 Highway 24 East, Longansport, IN 46945. Representative: Thomas E. Leahy Jr., 1980 Financial Center, Des Moines, IA 50309, 515-245-4300. Transporting *food and related products,* between points in Webster County, IA, on the one hand, and, on the other, points in the U.S.

MC 142603 (Sub-53), filed August 31, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Tami L. Quinlan (same address as applicant), (413) 732-6283. Transporting *rubber & plastic products and waste or scrap materials not identified by industry producing,* between points in the U.S., under continuing contract(s) with A-Top Polymers, Inc., of Salem, NH.

MC 143032 (Sub-43), filed August 31, 1981. Applicant: WALCO TRANSPORT, INC., 3112 Truck Center Drive, Duluth, MN 55806. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten Sough Fifth Street, Minneapolis, MN 55402, (612) 340-0808. Transporting *general commodities,* between the facilities of Conwed Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143183 (Sub-13), filed September 1, 1981. Applicant: D & L TRUCKING, INC., P.O. Box 1741, Wilmington, NC 28402. Representative: Jack L. Schiller, Esq., 502 Flatbush Avenue, Brooklyn, NY 11225, (212) 941-9291. Transporting *dry fertilizers, nitrogen fertilizer solutions, anhydrous ammonia, urea, nitric acid, sulphuric acid, ammonium nitrate fertilizer, ammonia nitric acid, phospatic fertilizer solutions, potash*

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and lime, between points in the U.S., under continuing contract(s) with W.R. Grace & Co., Agricultural Chemicals Group, of Wilmington, NC.

MC 144592 (Sub-9), filed August 25, 1981. Applicant: WAYDENS HEAVY HAULERS, INC., 1400 North 6th Ave., Hiawatha, IA 52233. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, 515–243–6164. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in IA, IL, IN, MI, MN, MO, OH, and WI, on the one hand, and, on the other, points in the U.S.

MC 145773 (Sub-13), filed September 1, 1981. Applicant: KIRK BROS. TRANSPORTATION INC., 800 Vandermark Rd., Sidney, OH 45365. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *clay, concrete, glass or stone products, and rubber and plastic products*, between points in the U.S., under continuing contract(s) with Richard Klinger, Inc., of Sidney, OH.

MC 145902 (Sub-2), filed September 1, 1981. Applicant: K.R.L. TRANSIT, INC., 223 Vincent Street, Springfield, IL 62707. Representative: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62706, (217) 528–8476. Transporting *rough cut hardwood lumber*, between points in IL, on the one hand, and, on the other, points in IN.

MC 146133 (Sub-4), filed September 8, 1981. Applicant: HALVOR LINES, INC., 4609 W. First, Duluth, MN 55806. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402, (612) 333–1341. Transporting *chemicals and related products*, between points in St. Louis County, MN, on the one hand, and, on the other, points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 146303 (Sub-11F), filed September 1, 1981. Applicant: COLO-TEX INDUSTRIES, INC., 1325 West Quincy Avenue, Englewood, CO 80110. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209, (303) 320–6100. Transporting *food and related products*, between points in Cache County, UT, on the one hand, and, on the other, points in CT, MA, NY, NJ, PA, DE, RI, MD, NE, and KS.

MC 147832 (Sub-9), filed August 31, 1981. Applicant: JIM EDDLEMAN, d.b.a. J & J CATTLE COMPANY, 3395 Wright St., Wheatridge, CO 80033. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203, (303) 861–4273. Transporting *beverages*, between points in AZ, CO, MA, NJ, NY, TX, and WA.

MC 148732 (Sub-5), filed September 8, 1981. Applicant: L & J TRUCKING, INC., P.O. Box 1325, Wisconsin Rapids, WI 54494. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *food and related products, and chemicals and related products*, between points in Cattaraugus County, NY, Mecklenburg County, NC, Hudson County, NJ, Alameda and Los Angeles Counties, CA, Milwaukee County, WI, and Dallas County, TX, on the one hand, and, on the other, points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 149553 (Sub-7F), filed September 2, 1981. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 78572. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *food and related products and agricultural equipment*, between Oklahoma City, OK, and points in TX, on the one hand, and, on the other, ports of entry along the International boundary line between the U.S. and the Republic of Mexico located in Texas.

MC 150183 (Sub-7), filed September 8, 1981. Applicant: CASSCO REFRIGERATED TRANSPORT, DIVISION OF CASSCO CORPORATION, P.O. Box 548, Harrisonburg, VA 22801. Representative: James M. Hodge, 100 United Central Bank Bldg., Des Moines, IA 50309. Transporting *food and related products*, between points in Bedford County, VA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 152663 (Sub-5), filed September 8, 1981. Applicant: ISC TRANSYSTEMS, INC., 100 Jericho Quadrangle, Jericho, NY 11753. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with K-Mart Apparel Corp., of N. Bergen, NJ.

MC 154002, filed August 31, 1981. Applicant: FREEHOLD CARTAGE, INC., Box 14–5 Rd. 5, Freehold, NJ 07728. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting *hazardous materials*, between points in NY, NJ, and PA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX. Condition: Any certificate issued in this proceeding shall be limited in term to a period expiring 5 years from its date of issuance.

MC 154143 (Sub-1), filed September 8, 1981. Applicant: KAPLAN TRANSPORTATION COMPANY, INC., P.O. Box 427, Bartow, FL 33830. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036, 202–457–1124. Transporting (1) *food and related products*, under continuing contract(s) with Freezer Queen Foods, Inc., of Buffalo, NY, (2) *pulp, paper and related products*, under continuing contract(s) with Brenner Paper Products, of Glendale, NY, (3) *rubber and plastic products* and *chemicals and related products*, under continuing contract(s) with (a) Mars Cup Company, of Jacksonville, FL, and (b) Master Containers, Inc., of Mulberry, FL, between points in the U.S. Condition: To the extent any permit issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 154492 (Sub-3), filed August 31, 1981. Applicant: FIRST TRUCK LINES, INC., 10 Kelly Ave., Dayton, OH 45404. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 155223 (Sub-2), filed September 2, 1981. Applicant: HIGHWAY EXPRESS, INC., 5742 W. Maryland, P.O. Box 580, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, (213) 945–3002. Transporting *glass, mirrors, framed mirrors, mirrored products, and laminated glass*, between points in the U.S., under continuing contract(s) with Binswanger Mirror Products, of Chandler, AZ.

MC 157073, filed September 1, 1981. Applicant: RESOURCE CONSERVATON AND RECOVERY AGENCY, INC., 34 North Main St., Farmington, NH 03835. Representative: David Green (same address as applicant), (603) 755–4442. Transporting *chemical waste and hazardous waste* for disposal, treatment, reclamation, and storage, between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of hazardous materials, it shall be limited to a period expiring 5 years from its date of issuance.

MC 157302 (Sub-1), filed September 8, 1981. Applicant: OLD SOUTH FREIGHT SERVICE, INC., 2805 Foster Ave., Suite 202, Nashville, TN 37210. Representative: Stephen L. Edwards, 315 Union St., 806 Nashville Bank & Trust Bldg., Nashville, TN 37210, (615) 244–2926. Transporting *metal products*, between points in Georgetown County, SC, and Dickson County, TN, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 157782 (Sub-1), filed September 1, 1981. Applicant: DAVID C. BRITTON, P.O. Box 1404, Grand Forks, ND 58201. Representative: David C. Britton, (same address as applicant), (701) 772–6681. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dane Chemco, of Williston, ND.

MC 158032, filed September 2, 1981. Applicant: GLORIA RAMSEY, d.b.a. THE RAMBLERS, 1025 Duke Drive, Conyers, GA 30208. Representative: Gloria Ramsey (same address as applicant), (404) 483–5256. As a *broker*, at Conyers, GA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, between points in the U.S.

MC 158053, filed September 3, 1981. Applicant: KAISER CARRIERS, INC., 60 1st St., Jersey City, NJ 07302. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. Transporting *general commodities* (except classes A and B explosives), between points in NJ, NY, PA, DE, CT, MA, and MD.

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Decided: September 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 135924 (Sub-30), filed July 14, 1981. Applicant: SIMONS TRUCKING CO., INC., 3851 River Road, Grand Rapids, MN 55744. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *hazardous materials*, between points in the U.S., under continuing contract(s) with The Whitmore Manufacturing Company, of Cleveland, OH.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 138875 (Sub-305), filed July 13, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208) 376–5757. Transporting (1) *food and related products* and (2) *such commodities* as are dealt in by retail, gift, and curio stores, and catalog distribution centers, between points in CT, ID, IL, KS, NY, OR, UT, WI, and WY, on the one hand, and, on the other, points in the U.S.

MC 146814 (Sub-14), filed July 13, 1981. Applicant: VAN WYK, INC., "C" Street, Sheldon, IA 51201. Representative: Arlyn L. Westergren, Suite 201, 9202 Dodge Rd., Omaha, NE 68114, (402) 397–7053. Transporting *general commodities* (except classes A and B explosives), between points in Sioux County, IA, on the one hand, and, on the other, points in the U.S.

MC 149125, filed July 13, 1981. Applicant: MUSE TRUCKING COMPANY, a corporation, 5301 S. High (P.O. Box 94682), Oklahoma City, OK 73143. Representative: C. L. Phillips, Room 248—Ciassen Terrace Bldg., 1411 E. Classen, Oklahoma City, OK 76108, (405) 528–3884. Transporting *machinery*, between points in OK, on the one hand, and, on the other, points in AR, CO, IL, KS, LA, NM, MS, MT, TX, WY and UT.

MC 151444 (Sub-2), filed July 15, 1981. Applicant: ROBERT A. and VIVIAN D. CARPENTER, d.b.a. RAC TRANSPORT COMPANY, 747 West White, Grand Junction, CO 81501. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203, (303) 861–8046. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Grand Junction, CO and Salt Lake City, UT: from Grand Junction, CO, over Interstate Hwy 70 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 89, then over U.S. Hwy 89 to Salt Lake City, UT, and return over the same route, serving Bonanza and Vermal, UT, points in Carbon, Davis, Emery, Grand, Morgan, Salt Lake, Tooele, Utah and Weber Counties, UT, and points in Clear Creek, Delta, Eagle, Garfield, Grand, Moffat, Pitkin, Rio Blanco, Routt and Summit Counties, CO as off-route points in connection with carrier's otherwise regular route operations.

MC 156984, filed July 7, 1981. Applicant: YELLOWSTONE DISPATCH, INC., 405 N. Seventh St., Miles City, MT 59301. Representative: William E. Seliski, 2 Commerce, P.O. Box 8255, Missoula, MT 59801, (406) 543–8369. Transporting (1) *hides and pelts*, (2) *scrap metals*, (3) *such commodities* as are dealt in or used by hardware stores, and (4) *such commodities* as are manufactured and distributed by steel mills and metal fabricators, between points in the U.S., under continuing contract(s) with Pacific Hide and Fur Depot, of Great Falls, MT.

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Decided: September 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 30204 (Sub-47), filed September 11, 1981. Applicant: HEMINGWAY TRANSPORT, INC., 438 Dartmouth St., New Bedford, MA 02740. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Ronaoke, VA and Bristol, TN, over Interstate Hwy 81.

MC 44154 (Sub-5), filed September 11, 1981. Applicant: FIELDS TRUCK LINE, INC., 202 Main St., Gooding, ID 83330. Representative: Lowell Gourley Fields, 1531 Park Dale Circle, Layton, UT 84041, (801) 376–5421. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR, CA, NV, AZ, UT, ID, MT, WY, CO, NM and TX.

MC 110144 (Sub-25), filed September 10, 1981. Applicant: ROBINSON FREIGHT LINES, P.O. Box 4126, Knoxville, TN 37921. Representative: Melissa Robinson (same address as applicant), (615) 525–6189. Over *regular routes*, transporting *general commodities* (except classes A and B explosives), (1) between Memphis, TN and San Antonio, TX; from Memphis over Interstate Hwy 40 to Little Rock, AR, then over Interstate Hwy 30 to Dallas, TX, then over Interstate Hwy 35 to San Antonio and return over the same route, (2) between Atlanta, GA and Dallas, TX; over interstate Hwy 20; and (3) between Atlanta, GA and San

Antonio, TX; from Atlanta over Interstate Hwy 85 to Montgomery, AL, then over Interstate Hwy 65 to Mobile, AL, then over Interstate Hwy 10 to San Antonio and return over the same route, serving points in TX in and east of Cooke, Denton, Tarrant, Johnson, Hill, McLennan, Bell, Williamson, Travis, Hays, Comal, Bexar, Atascosa, Live Oak, San Patricio and Nueces Counties, TX, as off-route points in connection with routes in (1) through (3).

Note.—Applicant intends to tack this authority with its existing authority.

MC 128085 (Sub-24), filed September 9, 1981. Applicant: NOVAK TRUCKING SERVICE, INC., Route 1, Box 5626, Laona, WI 54541. Representative: Nancy J. Johnson, 108 E. Washington, St., Box 218, Crandon, WI 54520, (715) 478–3341. Transporting *lumber and wood products,* between points in MI and WI, on the one hand, and, on the other, points in the U.S.

MC 139985 (Sub-1), filed September 11, 1981. Applicant: BROTHERS TRUCK RENTALS, INC., 264 Illinois Ave., Paterson, NJ 07507. Representative: Peter Gregory Lordi, Jr., 4 Richard Court, Butler, NJ 07405, (201) 279–3033. Transporting *textile mill products,* between points in the U.S., under continuing contrast(s) with United Yarn Products Co., Inc., Fiberspun Incorporated, and Amerspun Corporation, all of Wayne, NJ.

MC 140294 (Sub-31), filed September 11, 1981. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *general commodities* (except Classes A and B explosives), between points in Frederick and Shenandoah Counties, VA, Morgan and Jefferson Counties, WV, Washington County, MD, and Adams County, PA, on the one hand, and, on the other, points in OH.

MC 150444 (Sub-5), filed September 11, 1981. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same address as applicant), (703) 734–2810. Transporting *electrical machinery* and *metal products,* between points in the U.S., under continuing contract(s) with Slant/Fin Corporation, of Greenvale, NY.

MC 151435, filed September 10, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Rd., Raytown, MO 64133. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842–8600. Transporting *corrugated fibreboard partitions,* and *chemicals and related products,* between points in the U.S., under continuing contract(s) with Four M Corporation, of North Kansas City, MO, and Faultless Starch-Bon Ami Company, of Kansas City, MO.

MC 154304, filed September 11, 1981. Applicant: MELGAARD FREIGHTSYSTEMS LTD., 4316 B 64th Ave., SE, Calgary, Alberta, Canada T2C 2B3. Representative; George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *machinery, construction materials and supplies,* and *metal and metal products,* between ports of entry on the International Boundary line between the U.S. and Canada, in WA, ID, and MT, on the one hand, and, on the other, points in WA, OR, ID, CA, NV, AZ, CO, WY, MT, TX, OK, AK, NM, UT, KS, NE, ND, and SD.

MC 156604, filed September 11, 1981. Applicant: BD INVESTMENTS, INC., Route #2, Box 46, Boonville, NC 27011. Representative: Billy Dean Prim (same address as applicant), (919) 367–5145. Transporting *textile mill products,* between points in Yakin County, NC, on the one hand, and, on the other, points in Queens County, NY.

MC 156864, filed September 14, 1981. Applicant: NEBRASKALAND TRUCKING, INC., Rt. No. 3, Box 63, Blair, NE 68008. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *building materials,* between points in the U.S., under continuing contract(s) with Continental Timber Co. of Valley Center, KS, Powell Lumber Co. of Lake Charles, LA, Endicott Clay Products Co. and Endicott Tile Corp. of Fairbury, NE.

MC 157414 (Sub-1), filed September 9, 1981. Applicant: ILLINOIS ARMOURED CAR CORP., 8114 W. Grand Ave., River Grove, IL 60171. Representative: Richard C. Otter, P.O. Box 273, Anderson, SC 29622, (803) 225–2571. Transporting *coin, currency, negotiable and non-negotiable instruments, checks, commercial paper, jewelry, precious stones and metals, gold, silver, bullion, securities, food coupons and other rare and valuable documents of unusually high value,* between points in IA, IL, IN, WI, and MI.

MC 158135, filed September 10, 1981. Applicant: CLARK MOTOR CO., INC., 807 N. Main St., Lexington, NC 27292. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288, (919) 627–0555. Transporting *wrecked or disabled vehicles and replacement vehicles for wrecked or disabled vehicles,* between points in NC, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and TX.

MC 158184, filled September 11, 1981. Applicant: GENE S. WILLIAMS CONTRACT CARRIERS, 6307 Greenway Forest Lane, Houston, TX 77088. Representative: Gene S. Williams (same address as applicant), (713) 820–6199. Transporting *carpet, carpet samples and carpet sales aids,* between points in the U.S., under continuing contract(s) with L. D. Brinkman Co. of Houston, TX.

MC 158185, filed September 14, 1981. Applicant: J. D. WARD TRUCKING, INC., 1011 E. Pine St., Lodi, CA 95240. Representative: Michael S. Rubin, 235 Montgomery St., Fifth Fl., San Francisco, CA 94104, (415) 421–6743. Transporting (1) *textile mill products,* (2) *furniture and fixtures,* and (3) *rubber and plastic products,* between points in the U.S.

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Decided: September 17, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 112908 (Sub-14), filed September 8, 1981. Applicant: KINGSWAY TRANSPORTS LIMITED, 123 Rexdale Blvd., Rexdale, Ontario, Canada M9W 1P3. Representative: John W. Bryant, 900 Guardian Bldg., Detroit, MI 48226, (313) 963–3750. Over regular routes, transporting *general commodities* (except classes A and B explosives), serving points in NJ as off-route points in connection with applicant's presently held regular-route authority.

MC 41608 (Sub-3), filed September 4, 1981. Applicant: CORRIGAN MOVING & STORAGE CO., 2000 Westwood, Dearborn, MI 48124. Representative: B. W. LaTourette, Jr., 11S. Mermac, Suite 1400, St. Louis, MO 63105, 314–727–0777. Transporting *household goods* (as defined by the Commission), between points in AL, AR, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MI, MD, ME, MO, MN, MS, NC, NE, NH, NJ, NM, NY, OH, OK, PA, RI, SC, TN, TX, VA, VT, WI, WV and DC.

MC 113158 (Sub-55), filed September 9, 1981. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, MD 21664. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365–5141. Transporting *foodstuffs,* between points in Shenandoah County, VA, on the one hand, and, on the other, points in TX.

MC 134519 (Sub-4), filed August 28, 1981. Applicant: KNOXVILLE TOURS, INC., 5833 Clinton Highway, Knoxville, TN 37912. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, 201–322–5030. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at points in Jefferson, St. Clair, Calhoun, Blount, Etowah, Marshall, DeKalb, Madison, Jackson, Cherokee, Cullmon, Morgan, Limestone, Lauderdale, and Lawrence Counties, AL; Murray, Walker, Pickens, Cobb, Gilmer, and Floyd Counties, GA; Madison, Mitchell, Swain, and Haywood Counties, NC; Knox, Bell, Harlan, Whitley, Laurel, Rock Castle, Madison, Fayette, Boyle, Lincoln, Leslie, Perry, and Clark Counties, KY; Washington, Tazewell, Buchanon, Wise, Lee, Dickenson, Russell, Roanoke, Montgomery, Pulaski, Wythe, and Smith Counties, VA and points in TN (except those in Knox and Anderson Counties), and extending to points in the U.S.

MC 136828 (Sub-45), filed August 21, 1981. Applicant: COOK TRANSPORTS, INC., P.O. Box 6362–A, Birmingham, AL 35217. Representative: John R. Frawley, Suite 200, 120 Summit Parkway, Birmingham, AL 35209, (205) 942–9116. Transporting (1) *metal products,* (2) *pipe,* (3) *machinery,* (4) *building materials,* (5) *commodities requiring special equipment,* and (6) *self-propelled articles,* between points in the U.S.

MC 139159 (Sub-1), filed September 4, 1981. Applicant: QUICK DELIVERY CO., 414 Acorn St., Plainwell, MI 49080. Representative: T. M. Schlechter, 1033 Graceland Avenue, Des Plaines, IL 60016, (312) 298–1094. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cosmetics, costume jewelry and printed matter, between ponts in the U.S., under continuing contract(s) with Avon Products, Inc., of Cincinnati, OH.

MC 145108 (Sub-56), filed September 8, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren (same address as applicant), (212) 492–7332. Transporting *paper products and plastic products,* between points in the U.S., under continuing contract(s) with Lily Tulip, Inc., of Toledo, OH.

MC 145108 (Sub-57), filed September 8, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Ave., Brooklyn, NY 11220. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *such commodities* as are dealt in or used by chain sporting good stores, between points in the U.S., under continuing contract(s) with Herman's World of Sporting Goods, Div. W. R. Grace Co., of Carteret, NJ.

MC 146708 (Sub-3), filed August 28, 1981. Applicant: MAPLE LEAF EXPRESS, LTD., 3600 S. Western Ave., Chicago, IL 60609. Representative: H. Barney Firestone, 10 S. La Salle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. In foreign commerce only, transporting *general commodities* (except classes A and B explosives), between points in CA, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada in WA.

MC 150339 (Sub-38), filed September 8, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same address as applicant), (301) 673–7151. Transporting *proprietary anti-freeze preparations,* between points in the U.S., under continuing contract(s) with Cities Service Company, of Tulsa, OK.

MC 151368 (Sub-3), filed August 31, 1981. Applicant: KOCH TRUCK LINE, INC., 619 Iowa, Sabetha, KS 66534. Representative: Eugene W. Hiatt, 207 Casson Bldg., 603 Topeka Blvd., Topeka, KS 66603, (913) 232–7263. Transporting *aggregate and clay,* between points in the U.S., under continuing contract(s) with Resource Group, Inc., of Lincoln, NE.

MC 151558 (Sub-1), filed September 3, 1981. Applicant: TC CARRIERS, 1101 East Orangewood Ave., Suite 205, Anaheim, CA 92805. Representative: Wentworth E. Griffin, 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221–1464. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except CA, NY, and NJ).

MC 152928 (Sub-1), filed September 8, 1981. Applicant: SEA RAIL PIGGYBACK SERVICES, INC., 22 East Huron Street, Chicago, IL 60611. Representative: T. M. Schlechter, 1033 Graceland Avenue, Des Plaines, IL 60016, (312) 298–1094. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MI, MO, OH, TN, and WI.

MC 153669 (Sub-3), filed September 9, 1981. Applicant: GEORGIA-PACIFIC CORPORATION, 900 S.W. Fifth Avenue, Portland, OR 97204. Representative: Roger P. Campbell (same address as applicant), (503) 248–7807. Transporting *rubber and plastic products,* between points in the U.S., under continuing contract(s) with Sewell Plastics, of Atlanta, GA.

MC 154159 (Sub-1), filed September 4, 1981. Applicant: RONALD R. ELLIS, d.b.a. ELLIS WRECKER SERVICE, 8300 First Avenue, North, Birmingham, AL 35206. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. 703–833–4930. Transporting *disabled motor vehicles and replacement vehicles for disabled motor vehicles,* by use of wrecker equipment only, between points in the U.S.

MC 154319 (Sub-1), filed September 3, 1981. Applicant: GLADSTONE TRANSFER LIMITED, P.O. Box 64, Gladstone, Manitoba, Canada, ROJ OTO. Representative: Kenneth R. Kinley (same address as applicant), 204–385–2570. Transporting *fertilizer,* in foreign commerce only, between points in ND and MN, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at Pambina, ND and St. Vincent, MN.

MC 154568, filed August 31, 1981. Applicant: CLARENCE DEAN KVALEVOG, d.b.a. C. D. KVALEVOG, R.R. 7, box 266–17, Bemidji, MN 56601. Representative: James B. Hoveland, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *malt beverages and non-alcoholic beverages,* between Minneapolis, MN, St. Louis, MO, Omaha, NE, and Milwaukee, WI, on the one hand, and, on the other, points in Polk and Hubbard Counties, MN and Grand Forks and Ramsey Counties, ND.

MC 155799 (Sub-1), filed September 2, 1981. Applicant: O'BERRY TRUCKING CO., 4521 Ogeechee Rd., Savannah, GA 31405. Representative: Lester E. O'Berry (same address as applicant), 912–234–8601. Transporting, *building materials,* Between points in GA on the one hand, and, on the other, points in GA, NC and SC.

MC 156299 (Sub-1), filed September 3, 1981. Applicant: BILL HILL, d.b.a. HILL TRUCKING, 104 Castle, Ave., Paragould, AR 72450. Representative: James M. Duckett, 221 W. Second, Suite 411, Little Rock , AR 72201, (501) 375–3022. Transporting *shock absorbers,* between points in Green County, AR, on the one hand, and, on the other, points in CA, GA, NE, AND VA.

MC 156318, filed September 8, 1981. Applicant: SUNRISE FREIGHT SERVICES, INC., 637 Central Avenue, Newark, NJ 07107. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904, (201) 572–5551. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of advertising materials, and store displays and fixtures, between points in the U.S., under continuing contract(s) with Butler Industries, Inc., of Newark, NJ.

MC 157958, filed August 28, 1981. Applicant: NUWAY TRANSPORTATION SYSTEMS, 7900

North Frontage Rd., Hinsdale, IL 60521. Representative: W.T. Williamson (same address as applicant), 312–325–9151. Transporting (1) *general commodities* (except classes A and B explosives), between Chicago, IL, and (2) *metal products*, between points in Clinton, and Scott Counties, IA, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–5–155

Decided: September 18, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 5888 (Sub-68), filed September 8, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th Street, Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603, (312) 236–9375. Transporting *chemicals and related products*, between Kansas City, KS, Louisville, KY, and points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S. Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 54808 (Sub-2), filed September 8, 1981. Applicant: SAM GRIMMETT, INC., P.O. Box 280, Port Barre, LA 70577. Representative: Lennie G. Hardy, Sr. (same address as applicant), (318) 585–2336. Transporting *Mercer commodities*, between points in LA and TX.

MC 106509 (Sub-30), filed August 28, 1981. Applicant: YOUNGER TRANSPORTATION, INC., 4904 Griggs Rd., P.O. Box 14066, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant), (713) 748–0100. Transporting (1) *Mercer commodities*, (2) *machinery*, (3) *iron and steel articles*, and (4) *building materials and supplies*, between points in the U.S. (except HI, NH, RI, and VT).

MC 109028 (Sub-17), filed September 9, 1981. Applicant: S & W TRANSFER, INC., 312 E. Wisconsin Avenue, Milwaukee, WI 53202. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *paper and paper products*, between points in the U.S., under continuing contract(s) with Champion International Corporation, of Stamford, CT.

MC 114569 (Sub-379), filed September 10, 1981. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingston, PA 17072. Representative: Norman L. Cummins (same address as applicant), 717–766–4708. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 115268 (Sub-15), filed September 10, 1981. Applicant: DAYTON TRANSPORT CORP., P.O. Box 338, Dayton, VA 22821. Representative: Edward T. Love, 4401 East West Hwy., Suite 404, Bethesda, MD 20814, 301–986–9030. Transporting *cement*, between points in Botetourt County, VA on the one hand, and, on the other, points in SC.

MC 128759 (Sub-4), filed August 31, 1981. Applicant: RICHARDS MOTOR SERVICE, INC., 5040 West 39th St., Cicero, IL 60650. Representatives: T. M. Schlechter and D. S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting *chemicals and related products*, and *petroleum or coal tar products*, between points in IL and those points in IN in the Chicago, IL, Commerical Zone, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, MI, MN, NE, OH, SD, TN, and WI.

MC 139628 (Sub-4), filed September 3, 1981. Applicants: GLENN DAVID COWAN and JAMES ESTILL COWAN, a partnership, P.O. Box 339, East Bernstadt, KY 40729. Representative: Herbert D. Liebman, 403 West Main St., P.O. Box 478, Frankfort, KY 40602, (502) 875–3493. Transporting *cheese and cheese products*, between points in Clinton County, KY, on the one hand, and, on the other, points in Jasper County, MO.

MC 142629 (Sub-5), filed September 8, 1981. Applicant: ED HOPSON PRODUCE CO., INC., P.O. Box 3287, Oxford, AL 36203. Representative: John W. Cooper, P.O. Box 56, Mentone, AL 35984, (205) 634–4885. Transporting *pipe, pipe fittings, valves and accessories*, between points in the U.S., under continuing contracts(s) with U.S. Pipe & Foundry Co., division of Jim Walters Corp., of Birmingham, AL.

MC 143059 (Sub-188), filed September 8, 1981. Applicant: MERCER TRANSPORTATION CO., INC., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant), (502) 584–2301. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, KY, MI, OH, FL, GA, NC, SC, VA, WV, ND, SD, NE, KS, WA, OR, and ID, on the one hand, and, on the other, points in the U.S.

MC 143059 (Sub-189), filed September 8, 1981. Applicant: MERCER TRANSPORTATION CO., INC., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore, (same address as applicant), (502) 584–2301. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, NV, UT, MT, WY, CO, AL, AR, LA, MS, TN, IA, MN, MO, and WI, on the one hand, and, on the other, points in the U.S.

MC 156209, filed September 2, 1981. Applicant: DART WAREHOUSE CORPORATION, d.b.a. DIVISION TRUCKING, 1430, So. Eastman Ave., Los Angeles, CA 90023. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017, (213) 483–4700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sears, Roebuck and Co., of Chicago, IL, Terminal Freight Cooperative Association, of Downers Grove, IL, and Scott Paper Company, of Philadelphia, PA.

MC 157499, filed August 3, 1981, previously noticed in **Federal Register** issue of August 26, 1981. Applicant: PATSY R. WASHINGTON, d.b.a. PATCO FREIGHT CARRIERS, 1000 South Lelia, P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington (same address as applicant), (214) 792–5961. Transporting (1) *wax*, between points in Amador County, CA, on the one hand, and, on the other, Atlanta, GA, Boston, MA, and points in Washington and Nacogdoches Counties, TX; (2) *foodstuffs*, between Oklahoma City, OK, and points in Miller County, AR, Stone County, MS, Dade County, FL, Dekalb County, GA, Saline County, MO, and points in TX, on the one hand, and, on the other, points in the U.S., (3) *petroleum and petroleum products, chemicals, and plastics*, between Kansas City, MO, Baton Rouge, LA, and points in McLennan, Harris, Jefferson and Tarrant Counties, TX, Caddo and Beinville Parishes, LA, Shelby and Hamilton Counties, TN, Clark County, IL, Maricopa County, AZ, and Miller and Union Counties, AR, on the one hand, and, on the other, points in the U.S., (4) *wood products*, between points in Columbia County, AR and Bowie County, TX, on the one hand, and, on the other, points in the U.S., (5) *industrial protective products*, between points in Cass County, TX, on the one hand, and, on the other, points in the U.S., (6) *carpets*, between points in Hempstead County, AR, on the one hand, and, on the other, points in the U.S., and (7) *animal feed*, between points in Austin County, TX, and Tate County, MS, on the one hand, and, on the other, points in the U.S.

Note.—This republication adds Harris County, TX to the base description in part (3) above.

MC 157539, filed August 24, 1981. Applicant: BRADLEY SODDING, INC., P.O. Box 1000, Sturgis, SD 57785. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343-4036. Transporting (1) *metal products,* and (2) *clay, concrete, glass or stone products,* between points in Pennington County, SD, on the one hand, and, on the other, points in WY and MT.

MC 157919, filed August 26, 1981. Applicant: COASTAL ARMORED CAR SERVICE, INC., Suite 10, Ocean Lakes Plaza, Myrtle Beach, SC 29577. Representative: Francis W. McInerny, 1000 Sixteenth St., NW., Suite 502, Solar Bldg., Washington, DC 20036, (202) 783-8131. Transporting *currency, coins, commercial papers, and negotiable securities,* (1) between Richmond, VA, on the one hand, and, on the other, points in NC, and (2) between Charlotte, NC, on the one hand, and, on the other, points in SC.

MC 158078, filed September 4, 1981. Applicant: BOB LOTT & SONS, North 2nd East, Newdale, ID 83436. Representative: Bob Lott, (same address as applicant), (208) 458-4307. Transporting (1) *lumber and wood products,* between points in OR, WA, and ID, on the one hand, and, on the other, Denver, CO, and (2) *rubber and plastic products,* between points in Alameda and Los Angeles Counties, CA, on the one hand, and, on the other, points in Madison County, ID.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-27931 Filed 9-24-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period September 14-18, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have been totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,290; Remington Arms Co., Inc., Ilion, NY.

TA-W-11,619; Belden Corp., Pontotoc, MS.

TA-W-11,582; Royal Down Products, Inc., Belding, MI.

TA-W-11,634; Fairwood-Wells, Inc., Miami, FL.

TA-W-11,830; Parker Hannifin Corp., Manatrol Div., Elyria, OH.

TA-W-11,998; P&K American, Inc., Humptulips, WA.

TA-W-11,549; Harvey Hubbell, Inc., Ensign Electric Div., Huntington, WV.

TA-W-11,480; Hoover Universal, Inc., Aluminum Extrusions Div., Charlotte, MI.

TA-W-11,409; Cooper Air Tools, Div. of Cooper Industries, Reed City, MI.

TA-W-10,183; Lilly Mfg. Co., Inc., Lilly, PA.

TA-W-12,014; Somerville Mfg. Co., Inc., Vivian, LO.

TA-W-11,539; Armco, Inc., Baltimore, MD.

TA-W-9972; Lear Siegler, Inc., National Twist Drill & Tool Div., Rochester, MI

TA-W-12,058; FMC Corp., Mining Equipment Div., Fairmont, WV.

TA-W-12,124; Buckeye Steel Castings Co., Columbus, OH.

TA-W-11,310; Bostrom Div. of U.O.P., Inc., Cudahy, WI and Milwaukee, WI.

TA-W-11,142; Sunshine Togs, New York, NY.

TA-W-11,282; Union City Body Co., Union City, IN.

TA-W-10,688; Borg-Warner Corp., Ballwin-Washington Div., Ballwin & Washington, MO.

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,070; Allied Technology, Inc., Troy, OH.

TA-W-10,933; Eli's Place, Ltd., New York City, NY.

TA-W-10,363; Kidde, Inc., Kidde Belleville, Belleville, NJ.

TA-W-12,575; Hawaii Footwear Mfg. Corp., Brooklyn, NY.

TA-W-9724; Davenport Pontiac, Inc., St. Louis, MO.

TA-W-11,889; Bart Shoe Co., Inc., Union, MO.

TA-W-9670, 9670A, & 9670B; Compo Industries, Inc., Moonachie, NJ, Roselle, NJ, and Rocky Hill, NJ.

TA-W-11,359; Litton Industrial Products, Inc., Storms Drop Forging Div., Springfield, MA.

In each of the following cases the investigation revealed that the firm does not produce an article within the meaning of Section 223 of the Act.

TA-W-12,121; Selby, Battersby and Co., Quincy, MA.

TA-W-12,717; Russo Chevrolet, Inc., Niagara Falls, NY.

TA-W-9536; Art Belew Chevrolet, Inc., Decatur, AL.

In each of the following cases the investigation revealed that criterion (3) has not been met for the reason(s) specified.

TA-W-12,781; Westmoreland Coal Co., East Gulf Mine, McAlpin, WV.

Aggregate U.S. imports of bituminous coal are negligible. U.S. imports of coke have not increased as required for certification.

TA-W-11,712; Chippewa Shoe Co., Chippewa Falls, WI.

U.S. imports of men's work footwear declined absolutely and relative to domestic production in 1979 compared with 1978, in 1980 compared with 1979, and in the first quarter of 1981 compared with the same period of 1980.

TA-W-12,843; Hanna Mining Co., Groveland Mine, Iron Mountain, MI.

Aggregate U.S. imports of iron ore and pellets declined absolutely and relatively from 1979 to 1980 and in the first quarter of 1981 compared to the first quarter of 1980. Although there is some affiliation between Hanna Mining Co. and National Steel, there is no substantial ownership or control between the two firms.

TA-W-11,948; Engelking Patterns, Inc., Columbus, IN.

With respect to aluminum casting, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to patterns, U.S. imports are negligible.

In the following case the investigation revealed that criterion (2) has not been met.

TA-W-12,359; Clover Knitting Mills, Inc., Philadelphia, PA.

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I hereby certify that the aforementioned determinations were issued during the period of September 14–18, 1981. Copies of the determinations are available for inspection in Room 10,332, Department of Labor, 601 D Street NW., Washington, D.C. 20213, during normal working hours or will be mailed to persons who write to the above address.

Dated: September 21, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–27900 Filed 9–24–81; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

President's Committee on the International Labor Organization; Notice of Meeting

In accordance with Section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is hereby given of a meeting of the President's Committee on the ILO:

Name: President's Committee on the International Labor Organization
Date: October 9, 1981
Time: 2:00 p.m.
Place: Department of Labor, Third & Constitution Ave., N.W., Room S–2508, Washington, D.C. 20210

This meeting will be closed to the public under the authority of Section 10(d) of the Federal Advisory Committee Act. During its closed session, the Committee will discuss national security matters.

All communications regarding this Committee should be addressed to: Mr. Robert W. Searby, Counselor to the Committee, Department of Labor, Third & Constitution Ave., N.W., Room S–2235, Washington, D.C. 20210, telephone (202) 523–6043.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81–27899 Filed 9–24–81; 8:45 am]

BILLING CODE 4510-26-M

MERIT SYSTEMS PROTECTION BOARD

Delegations of Authority

AGENCY: Merit Systems Protection Board.

ACTION: Delegations of authority to the Secretary, Merit Systems Protection Board.

SUMMARY: Pursuant to the provisions of Pub. L. 95–454 (5 U.S.C. 1205(f)), the Merit Systems Protection Board hereby amends the delegations to the Secretary that appeared in 45 FR 36566, Friday, May 30, 1980 and 46 FR 36275, Tuesday, July 14, 1981. The following delegation is added:

(q) The Secretary shall receive any subpoena or other judicial order for an official record of the Board and shall accept service of pleadings, service of process, and any other legal documents served on the Board, or any of its members or staff in conjunction with cases before the Board, litigation arising out of such cases, or the exercise of any of the statutory authorities of the Board.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Secretary, Merit Systems Protection Board, 1717 H Street NW., Room 350, Washington, D.C. 20419, (202) 632–4525.

Ersa H. Poston,

Vice Chair.

September 21, 1981.

[FR Doc. 81–27913 Filed 9–24–81; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL LABOR RELATIONS BOARD

Privacy Act of 1974; Proposed Revision of a System of Records and Annual Publication

AGENCY: National Labor Relations Board.

ACTION: Proposed revisions of the Agency's payroll system of records and annual publication of notices.

SUMMARY: the National Labor Relations Board published (45 FR 61821, September 17, 1980) fourteen Notices of Systems of Records identified as NLRB–1 through NLRB–14. These notices were for record systems containing personal information that pertains almost exclusively to present and former Agency employees and applicants for employment with the Agency. The purpose of this publication is to comply with the requirement for annual publication contained in 5 U.S.C. 552a(e)(4) and to publish notice of intention to amend one of the Agency's systems of records. The Agency proposes to add employees' dates of birth as a new data element in the categories of records in the payroll system of records and to amend the routine use of the system to provide for necessary disclosures of the data to Agency officials and employees responsible for executing the provisions of Chapter 87, Title 5, U.S. Code, Federal Employees' Group Life Insurance (FEGLI), which authorizes solicitation of employees' dates of birth for use in determining life insurance eligibility, costs, and types of coverage. However, adding the information as a new data element in the category of records in the system and its disclosure to Agency officials and employees does not constitute changes substantive enough to require submission of a Report on New Systems to the OMB and the Congress.

The revised language and the name of the system of records for which the change applies is described under the heading "Supplementary Information," below.

All persons are advised that in the absence of submitted comments, views, or arguments considered by the Agency as warranting modification of the notice as herewith published, it is the Agency's intention that this notice as herewith published shall become effective upon expiration of the comment period without further action by the Agency. Pending adoption of the proposed change described in this publication, the Agency's records will be covered by its previous notice (45 FR 61821, September 17, 1980).

SUBMISSION OF COMMENTS: All persons who desire to submit written comments, views, or arguments for consideration by the Agency in connection with the proposed change should submit same not later than October 31, 1981, to the Executive Secretary, National Labor Relations Board, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570. Copies of such communications will be available for examination by interested persons during normal business hours (8:30 to 5:00 p.m., Monday through Friday, excluding holidays), in the Office of the Executive Secretary, Room 701, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, telephone (202) 254–9430.

SUPPLEMENTARY INFORMATION: To provide for the necessary solicitation and disclosures of information to execute the provisions of the Federal Employees' Group Life Insurance Program, the Agency proposes to add employees' dates of birth to its payroll system of records and to amend the existing routine use disclosure statement, "To Agency officials and employees who have a need for the records or information," by adding the phrase, "To determine life insurance eligibility, costs, and types of coverage employees shall receive." The system of records for which the proposed change would apply is NLRB–11 Payroll-Finance Records.

Texts of those systems that have not been changed are as cited in 45 FR 61821, September 17, 1980. A complete listing of all NLRB system notices and Appendix appear below.

Dated: Washington, D.C., September 18, 1981.

By direction of the Board.

John C. Truesdale,

Executive Secretary.

NLRB-1 Accounting Records—Financial
NLRB-2 Applicant Files for Attorney and Field Examiner Positions
NLRB-3 Biographical Data File—Presidential Appointees
NLRB-4 Claim Records
NLRB-5 Employment and Performance Records, Attorneys and Field Examiners
NLRB-6 Employment and Performance Records, Nonprofessionals and Nonlegal Professionals
NLRB-7 Grievances, Appeals, and Complaints Records
NLRB-8 Health Maintenance Program Records
NLRB-9 Occupational Injury and Illness Records
NLRB-10 Pay Records—Retirement
NLRB-11 Payroll—Finance Records
NLRB-12 Prefiling Communications
NLRB-13 Time and Attendance Records. NLXII
NLRB-14 Equal Employment Opportunity Program Management System

Appendix

Following is the complete text of the system of records for which the proposed change would apply:

NLRB-11

SYSTEM NAME:

Payroll—Finance Records

SYSTEM LOCATION:

Current records are maintained in: Financial Management Branch, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include each employee's name, date of birth, home address, payroll identification number, organizational unit number, block number pay plan, grade and step, employee code, social security number, state identification code and name, leave earned and used, composite designator code and account number, and for the current pay period, quarterly and year-to-date hours worked, base pay, overtime pay, premium pay, miscellaneous pay, gross earnings, net earnings, and all withholdings from pay including retirement, taxes (Federal, state, and local), FICA, exemptions (Federal, state, and local), life, group, and optional insurance, bonds (authorization number and date of issuance), and miscellaneous allotments and deductions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. To compile payroll records.

b. To maintain Agency salary and expense accounts.

c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records ar collected and maintained, or for related personnel management functions or manpower studies.

d. To transfer information from the records to the individual to whom the record pertains.

e. To determine life insurance eligibility, costs, and types of coverage employees shall receive.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To individuals who need the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasibile, such information shall be furnished in depersonalized from, i.e., without personal identifiers.

4. To the U.S. Department of the Treasury for payroll purposes.

5. To the Office of Personnel Management concerning pay, benefits, retirement deductions and other information necessary for the Office to carry out its Government-wide personnel management functions.

6. To state and local authorities for the purposes of verifying tax collections, unemployment compensation claims, and administering public assistance programs.

7. To the U.S. Department of Health and Human Services for the administration of the social security program.

8. To the U.S. Department of Labor for processing or adjudicating claims under the Federal Employees Compensation Act.

9. To the U.S. General Accounting Office for audit purposes.

10. To the appropriate agency, whether Federal, State, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, or to any agency in connection with its oversight review responsibility.

11. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

12. To officials of labor organizations recognized under Public Law 95-454, when relevent and necessary to their duties of exclusive representation of NLRB employees under the Act. Whenever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on original source documents, computer printouts, and on a computer disk file with two magnetic tape backups.

RETRIEVABILITY:

Employee payroll file maintained chronologicially by year, and within each year by organizational unit, and within each unit alphabetically by name.

SAFEGUARDS:

All doors to the computer room are installed with combination locks and during duty hours the computer and magnetic tape backup are under surveillance of office personnel charged with custody of the records. After duty hours all doors remain locked. Access is limited to authorized personnel only. Use of the machines for information printouts is restricted to designated personnel and access is password protected. Original source documents are maintained in file cabinets. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

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RETENTION AND DISPOSAL:

Payroll records retained and disposed of in accordance with the applicable General Accounting Office and General Services Administration retention schedules. Microfilm and magnetic strip ledgers are maintained for 56 years after the last entry of data.

SYSTEM MANAGER(S) AND ADDRESS(ES):

Finance Officer, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Chief, Data Systems Branch, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

NOTIFICATION PROCEDURE:

1. An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager first specified above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name; the year about which inquiry is being made; and, for records other than the payroll file, the organizational unit or units in which employed during that year.

RECORD ACCESS PROCEDURES:

An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager first specified above.

In granting access to records in this system the following information is required: the inquirer's name; the year about which inquiry is being made; and, for the records other than the payroll file, the organizational unit or units in which employed during that year.

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system should contact the System Manager first specified above.

RECORD SOURCE CATEGORIES:

The individual, the Personnel Branch, timekeepers, and supervisors; U.S. Civil Service Commission and Office of Personnel Management bulletins; taxing authority notices; and withholding authorizations.

[FR Doc. 81-27893 Filed 9-24-81; 8:45 am]

BILLING CODE 7545-01-M

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. STN 50-528A, STN 50-529A, and STN 50-530A]

Arizona Public Service Co., et al.; Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters.

Note.—This document was originally published in the issue of September 2, 1981. It is reprinted at the request of the Nuclear Regulatory Commission.

Arizona Public Service Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for antitrust review as required by 10 CFR Part 50, Appendix L. This information concerns two proposed additional ownership participants, the Los Angeles Department of Water and Power and the Southern California Public Power Authority, for the Palo Verde Nuclear Generating Station. The current holders of the construction permits are Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company, and Public Service Company of New Mexico.

The information was filed in connection with the application submitted by the construction permit holders for operating licenses for three pressurized water reactors. Construction was authorized on May 25, 1976 at the Palo Verde site located in Maricopa County, Arizona.

The original application was docketed on October 7, 1974, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on October 22, 1974 (39 FR 37527). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Environmental Report; and the Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing was published in the **Federal Register** on July 11, 1980 (45 FR 46941). Subsequently, the Notice of Hearing was published in the **Federal Register** on April 22, 1981 (46 FR 23001).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona 85004.

Any person who wishes to have his views on the antitrust matters with respect to the Los Angeles Department of Water and Power and the Southern California Public Power Authority presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch Office of Nuclear Reactor Regulation, on or before November 9, 1981.

Dated at Bethesda, Md., this 26th day of August 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-25482 Filed 9-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-247 and 50-286]

Consolidated Edison Co. of New York (Indian Point, Unit 2) and Power Authority of the State of New York (Indian Point, Unit 3)

Order [1]

The Commission hereby appoints an Atomic Safety and Licensing Board to preside over the proceeding composed of the following members: Louis J. Carter, Chairman; Oscar H. Paris; and Frederick J. Shon.

Dated at Washington, D.C., this 21st day of September 1981.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-27905 Filed 9-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270, and 50-287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 100, 100, and 97 to Facility Operating Licenses Nos. DPR-38, DPR-47, and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South

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[1] The above is extracted from a more lengthy Memorandum and Order issued by the Commission in this proceeding on September 18, 1981.

Carolina. The amendments are effective as of the date of issuance.

These amendments revise the common Technical Specifications to allow the Extension of Unit 2 Cycle 5 operation to 390 Effective Full Power Days (EFPD).

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 19, 1981, (2) Amendments Nos. 100, 100, and 97 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's Related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 11th day of September 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-27906 Filed 9-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289 (Restart)]

Metropolitan Edison Co., et al. (Three Mile Island Nuclear Station, Unit 1); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this restart proceeding:

Stephen F. Eilperin, Chairman
Dr. John H. Buck
Christine N. Kohl

Dated: September 21, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-27907 Filed 9-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-278]

Philadelphia Electric Co., et al.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Facility Operating Licensing No. DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit No. 3 (the facility) located in York County, Pennsylvania. The amendment is effective as of its date of issuance.

The revised Technical Specifications permit Cycle 5 operation of the facility with the Reload No. 4 core, and extend the maximum average planar linear heat generation rate for the Cycle 5 fuel from 30,000 megawatt days per short ton of uranium (MWd/T) to 40,000 MWd/T.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this admendment.

For further details with respect to this action, see (1) the applications for amendments dated September 30, 1980 and March 30, 1981, as supplemented April 24, June 30, and July 15, 1981, (2) Amendment No. 79 to License No. DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 16th day of September 1981.

For the Nuclear Regulatory Commission.

Morton B. Fairtile,

Acting Branch Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-27908 Filed 9-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-278]

Philadelphia Electric Co., et al.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 80 to Facility Operating License No. DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications (TSs) for operation of the Peach Bottom Atomic Power Station, Unit No. 3 (the facility) located in York County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment temporarily revises the TSs to permit restart of the facility for Cycle 5 operation, from the current cold shutdown condition, with one inoperable low pressure coolant injection pump.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental

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impact and that pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 16, 1981, (2) Amendment No. 80 to License No. DPR-56, and (3) the Commission's letter to Philadelphia Electric Company dated September 18, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention, Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of September 1981.

For the Nuclear Regulatory Commission.

Morton B. Fairtile,

Acting Branch Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-27909 Filed 9-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-514 and 50-515]

Portland General Electric Co., et al. (Pebble Springs Nuclear Plant, Units 1 and 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Portland General Electric Company, et al.* (Pebble Springs Nuclear Plant, Units 1 and 2), Docket Nos. 50-514 and 50-515, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. Oscar H. Paris. Dr. William E. Martin was a member of this Board but, because of illness, is presently unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Elizabeth S. Bowers, Chairman
Dr. Walter H. Jordan
Dr. Oscar H. Paris

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Dr. Oscar H. Paris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 22nd day of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-27910 Filed 9-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-328]

Tennessee Valley Authority; Issuance of Amendment to Facility Operating License

On June 25, 1981, the Nuclear Regulatory Commission (the Commission) issued Facility Operating License No. DPR-79, to Tennessee Valley Authority (licensee) authorizing operation of the Sequoyah Nuclear Plant, Unit 2 (the facility), at reactor core power levels not in excess of 170 megawatts thermal (5 percent power) in accordance with the provisions of the license and the Technical Specifications.

The Commission has now issued Amendment No. 2 to Facility Operating License No. DPR-79, which authorizes operation of the Sequoyah Nuclear Plant, Unit 2, at reactor core power levels not in excess of 3,411 megawatts thermal (100 percent power) in accordance with the provisions of the amended license and the Technical Specifications.

The Sequoyah Nuclear Plant, Unit 2, is a pressurized water nuclear reactor located at the licensee's site in Hamilton County, Tennessee, about 9.5 miles northeast of Chattanooga. The amendment is effective as of the date of issuance.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the amended license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on March 25, 1974 (39 FR 11131).

The Commission has determined that the issuance of this amendment will not result in any environmental impacts other than those evaluated in the Final Environmental Statement prepared by Tennessee Valley Authority and the Environmental Impact Appraisal prepared by the Commission because the activity authorized by the amended license is encompassed by the overall action evaluated in these documents.

For further details with respect to this action, see (1) Amendment No. 2 to Facility Operating License No. DPR-79, complete with Technical Specifications; (2) Facility Operating License No. DPR-79 dated June 25, 1981, authorizing five percent power; (3) the reports of the Advisory Committee on Reactor Safeguards dated December 11, 1979, July 15, 1980, September 8, 1980, and January 31, 1981; (4) the Commission's Safety Evaluation Report (NUREG-0011) dated March 1979, Supplement No. 1 dated February 1980, Supplement No. 2 dated August, 1980, Supplement No. 3 dated September 1980, Supplement No. 4 dated January 1981, and Supplement No. 5 dated June 1981; (5) the Final Safety Analysis Report and amendments thereto; (6) the Final Environmental Statement prepared by Tennessee Valley Authority in July 1974; (7) the Commission's Environmental Impact Appraisal dated July 18, 1980; and (9) Discussion of the Environmental Effects of the Uranium Fuel Cycle dated September 3, 1980.

These items are available for public inspection at the Commission's public Document Room, 1717 H Street, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 2 to Facility Operating License No. DPR-79 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. A copy of item (4) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. and through the NRC GPO sales program by writing to U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders can call (301) 492-9530.

Dated at Bethesda, Maryland, this 15th of September 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-27911 Filed 9-24-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Order No. 398]

[Docket No. MC78-3]

Electronic Mail Classification Proposal, 1978 (Remand); Order Accepting Certification and Granting Postal Service Motion for Oral Argument

Issued: September 17, 1981.

On September 14, 1981, the Presiding Officer certified to this Commission the question of the scope of the Commission's jurisdiction over the remanded proceedings in Docket No. MC78-3. She concluded that this is a fundamental question of law upon which the direction of this remanded proceeding depends and that a definitive statement of this Commission's position with respect to the scope of its jurisdiction will materially advance the ultimate determination of this remanded proceeding.[1] She therefore concluded that this question satisfied the certification criteria of Rule 32 of our Rules of Practice. We concur in these conclusions of the Presiding Officer and accept certification of this question of law.

The Postal Service has moved, pursuant to Rule 37 of our Rules of Practice,[2] that the Commission afford the parties the right to orally respond to the legal memoranda that were filed on September 14, 1981 addressing the scope of the Commission's jurisdiction in these remanded proceedings. The Postal Service correctly observes that our decision on this legal question will determine the course to be pursued in this proceeding. Because of the overriding importance of this question to the conduct of this proceeding, we conclude that the Postal Service should be allowed to respond to the parties' opposing memoranda.

We will set oral argument for Friday, September 25, 1981, commencing at 9:00 a.m. in the Commission hearing room. This will require that the prehearing conference scheduled for September 21, 1981, by the Presiding Officer be postponed until October 1, 1981, in order to allow the Commission sufficient time to issue an order on the certified question prior to the prehearing conference.

In order to minimize the additional delay caused by allowing oral argument on this issue, the Postal Service should be prepared, as well, to formally state during oral argument its position on the following related procedural issue. If the Commission decides that it has jurisdiction over some or all of the issues enumerated in Attachment 2 of the Presiding Officer's supplemental notice of September 3, 1981, does the Postal Service intend, as a matter of general policy, not to provide (or respond to, as the case may be) the following, on the ground that it is beyond the scope of the Commission's jurisdiction on remand:

a. formal discovery requests on any or all of the issues enumerated in Attachment 2,

b. informal discovery requests on any or all the issues enumerated in Attachment 2,

c. direct evidence proposing and supporting a compensatory rate (whether or not different from the rate which the Postal Service currently proposes to implement) for the RCA version of E-COM,

d. the "essential" evidentiary items enumerated by the Presiding Officer at pp. 7411-21 of the transcript of the September 9, 1981, prehearing conference.

During oral argument, the parties should also be prepared to state what course of action this Commission should take in view of the response by the Postal Service to these questions of procedure. The purpose of this inquiry on procedural matters is to provide opposing parties with the information necessary to determine the probable scope of their participation in this remanded proceeding in advance of the next prehearing conference, and thereby to enable the Presiding Officer, at the next prehearing conference, to devise an appropriate procedural approach, and an appropriate procedural schedule, for this remanded proceeding.

Under Rule 21 of our Rules of Practice, parties are allowed 10 days within which to answer motions, unless the Commission or Presiding Officer provides otherwise. Rather than allow the standard 10 day period for answers to the Postal Service's motion for oral argument, we will treat any answer the parties might wish to file as a motion for reconsideration.

It is ordered:

(A) That oral argument on the matters described in the body of this Order will be heard by the Commission on September 25, 1981, commencing at 9:00 a.m., in the Commission hearing room.

(B) That the prehearing conference scheduled for September 21, 1981, in this remanded proceeding is rescheduled for October 1, 1981, at 9:00 a.m., in the Commission hearing room.

By the Commission.

David F. Harris,

Secretary.

[FR Doc. 81-27864 Filed 9-24-81; 8:45 am]

BILLING CODE 7715-01-M

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[1] Presiding Officer's Certification of Legal Question Concerning Scope of Commission Jurisdiction over Docket No. MC78-3 (Remand), September 14, 1981.

[2] Motion for Oral Argument on Scope of Commission Jurisdiction on Remand, September 14, 1981.

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11945; 812-4907]

Centennial Tax Exempt Trust; Filing of Application

September 21, 1981.

Notice is hereby given that Centennial Tax Exempt Trust ("Applicant"), 3600 South Yosemite Street, Denver, Colorado 80237, an open-end, diversified management investment company, filed an application on June 26, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting the Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit the Applicant to compute its price per share using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund whose investment objective is seeking maximum short-term interest income exempt from Federal income taxes to the extent consistent with low capital risk and the maintenance of liquidity. The Applicant further states that it is designed as an investment vehicle for investors with temporary cash balances or cash reserves seeking income exempt from Federal income taxes.

The Applicant states that its portfolio may, as a matter of fundamental investment policy, be invested in municipal bonds or municipal notes issued by states, territories and possessions of the United States and by the District of Columbia, and their political subdivisions, duly constituted authorities and corporations. According to the application, these tax-exempt municipal securities will be backed by the full faith and credit of the United States, or rated Aaa or Aa, MIG-1 or MIG-2 by Moody's Investor Services, Inc. or AAA or AA, or A-1 or A-2 by Standard & Poor's Corporation, Inc. Municipal bonds and municipal notes which are neither rated nor backed by the full faith and credit of the United States may also be purchased by the Applicant if in the opinion of its management such securities possess creditworthiness comparable to those rated securities in which the Applicant may invest. Applicant further states that from time to time for defensive purposes on a temporary basis its portfolio may be invested in taxable short-term investments subject to the same quality limitation applicable for rated municipal securities.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

In support of the relief requested, the Applicant states that experience indicates that two features are necessary in a "money market" fund, namely, certainty of stability of principal and a steady flow of predictable and competitive investment income. Applicant asserts that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost it can provide these features to investors. Applicant represents that its Trustees have properly determined in good faith under the provisions of the Act to value the portfolio of Applicant by use of the amortized cost method and that this method is in the best interest of its shareholders. Applicant believes that experience has shown that, given the unique nature of Applicant's policies and operations, there should be a negligible discrepancy between prices obtained by the amortized cost method and those obtained by a market valuation method. Applicant further represents that its Trustees have determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market valuation method. The Applicant's Trustees have further determined to continuously monitor valuation indicated by methods other than amortized cost so that any necessary changes in the valuation method may be made to assure that the valuation method being used in a fair approximation of fair value in view of all pertinent factors.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant consents to the imposition of the following conditions in an order granting the exemptive relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Trustees undertake—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Trustees shall be the following:

(a) Review by the Trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review;[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Trustees believe the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include; redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that it will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

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[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the Trustees in the exercise of their discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of municipal securities published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted

Continued

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1, above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Trustees' consideration and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the Trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the Trustees determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than October 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27865 Filed 9-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 18109; SR-CBOE-81-15]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

September 21, 1981.

On August 5, 1981, the Chicago Board Options Exchange Incorporated ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60606, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act") and Rule 19b-4 thereunder copies of a proposed rule change to modify its rules applicable to margin for spread positions in GNMA options and to clarify that long GNMA options positions have no loan value in a margin account.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 34-18035, August 14, 1981) and by publication in the **Federal Register** (46 FR 42389, August 20, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27869 Filed 9-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 18109; SR-CBOE-81-15]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

September 21, 1981.

On August 5, 1981, the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60606, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change to modify its rules applicable to margin for spread positions in GNMA options and to clarify that long GNMA options positions have no loan value in a margin account.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 34-18035, August 14, 1981) and by publication in the **Federal Register** (46 FR 42389, August 20, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27867 Filed 9-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18090; File No. SR-CBOE-81-18]

Chicago Board Options Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by Chicago Board Options Exchange,

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average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

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Inc. relating to CBOE's proposed rules for trading "market basket" Treasury bond options and "mini-series" Treasury securities options.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 21, 1981, the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Securities and Exchange Commission proposed rule changes as follows:

I. CBOE's Statement of the Terms of Substance of the Proposed Rule Change

The following proposed rule changes amend certain Exchange rules that are themselves the subject of a pending filing on Form 19b-4 (File No. SR-CBOE-80-8, as amended by Amendment No. 4 thereto). Additions to the text of the rules as proposed in that filing are indicated by italics, and deletions are in brackets.

Chapter XXI

Government Securities Options

Introduction

The rules in this Chapter are applicable only to options where the underlying security is a Government security (as defined below). In addition, the rules in Chapters I through XIX are also applicable to options where the underlying security is a Government security, in some cases supplemented by [one or more] rules in this Chapter, except for rules that have been replaced in respect of Government security options by [one or more] rules in this Chapter and except where the context otherwise requires. Whenever a rule in this Chapter supplements or, for purposes of this Chapter, replaces [one or more] rules in Chapters I–XIX, that fact is indicated in brackets following the rule in this Chapter.

Definitions

Rule 21.1.

Government security

(a) The term "Government security" means a bond, note, debenture or other evidence of indebtedness that is a direct obligation of, or an obligation guaranteed as to principal or interest by, the United States or a corporation in which the United States has a direct or indirect interest (except debt securities guaranteed as to timely payment of principal and interest by the Government National Mortgage Association). Securities issued or guaranteed by individual departments or agencies of the United States are sometimes referred to by the title of the department or agency involved (e.g., a "Treasury [note] *security*" means a [note] *security* issued by the United States Treasury).

[Government] *Treasury note*

(b) The term "[Government] *Treasury* note" means a [Government security] *note issued by the U.S. Treasury* with a term to maturity of at least two years but no more than ten years at the time of original issuance.

[Government] *Treasury bond*

(c) The term "[Government] *Treasury* bond" means a [Government security] *bond issued by the U.S. Treasury* with a term to maturity of more than ten years at the time of original issuance.

Put

(d) The term "put" means an option [contract] under which the holder of the option has the right, in accordance with the terms and provisions of the option, to sell to the Clearing Corporation [$100,000] *the* principal amount of the underlying *Government* security covered by the option [contract].

Call

(e) The term "call" means an option [contract] under which the holder of the option has the right, in accordance with the terms of the option, to purchase from the Clearing Corporation [$100,000] *the* principal amount of the underlying *Government* security covered by the option [contract].

Specific Coupon Option

(f) The term "specific coupon option" means an option having a specifically identified underlying Government security, which is required to be delivered upon exercise.

Market Basket Option

(g) The term "market basket option" means an option having a designated hypothetical underlying Government security bearing a nominal rate of interest and remaining term to maturity in accordance with Rules designating the terms of the option, but where delivery upon exercise may be made in underlying securities of the same issuer bearing various qualified rates of interest and terms to maturity.

Exercise Price (Specific Coupon Option)

[(f)] *(h)* The term "exercise price" *in respect of a specific coupon option* means the specified percentage of the principal amount at which the underlying *Government* security may be purchased or sold upon the exercise of the option contract.

Nominal Exercise Price (Market Basket Option)

(i) The term "nominal exercise price" in respect of a market basket option means the specified percentage of the principal amount at which the hypothetical underlying Government security may be purchased or sold upon the exercise of the option.

Aggregate Exercise Price (Specific Coupon Option)

[(g)] *(j)* The term "aggregate exercise price" *in respect of a specific coupon option* means the exercise price of an option contract multiplied by the principal amount of the underlying *Government* security covered by the option [contract].

Adjusted Aggregate Exercise Price (Market Basket Option)

(k) The term "adjusted aggregate exercise price" in respect of a market basket option means the nominal exercise price of the option, adjusted in accordance with Rule 21.24(b) to reflect the rate of interest and remaining term to maturity of the underlying Government security actually delivered upon exercise, multiplied by the principal amount of the underlying Government security delivered.

Covered

[(h)] *(l)* The term "covered" has the same meaning as set forth in Rule 1.1(y), except that long positions must match short positions on the basis of the principal amount of the underlying Government security[.] *or, in the case of a market basket option, of an underlying Government security that qualifies for delivery upon exercise.* [Rule 21.1 replaces definitions set forth in Rule 1.1 (n), (o), (s) and (t), and supplements the definition set forth in Rule 1.1(y).]

Position Limits (Treasury security options)

Rule 21.3. Except with the prior written permission of the President or his designee, no member shall make, for any account in which it has an interest or for the account of any customer, an opening transaction on any exchange in any class of Treasury security options if the member has reason to believe that as a result of such transaction the member or its customer would, acting alone or in concert with others, directly or indirectly, hold or control or be obligated in respect of *an amount of Treasury security options* [any aggregate position in excess of 2,000 option contracts] (whether long or short) of the put class and the call class on the same side of the market covering *in* *excess of $200,000,000 principal amount of* underlying Treasury securities, combining for purposes of this position limit long positions in put options with short positions in call options, and short positions in put options with long positions in call options. The Board may from time to time fix different position limits for one or more series of options if, in its discretion, such action is necessary or appropriate in the interests of a fair and orderly market and the protection of investors. [Rule 21.3 replaces Rule 4.11.]

Exercise Limits (Treasury security options)

Rule 21.4. Except with the prior written permission of the President or his designee, no member shall exercise, for any account in which it has an interest or for the account of any customer, a long position in [any class of] Treasury [securities] *security* options where such member or customer, acting alone or in concert with others, directly or indirectly, has or will have exercised within any five consecutive business days aggregate long positions in [excess of 2,000 option contracts covering the same underlying Treasury security or such other number of such contracts as may be fixed from time to time by the Board as the exercise limit for Treasury securities options. Reasonable notice shall be given of each new exercise limit fixed by the Board by posting notice thereof on the bulletin board on the Exchange floor.] *an amount of Treasury security puts or calls covering in excess of $200,000,000 principal amount of underlying Treasury securities. Exercises of puts and exercises of calls are not combined for purposes of this exercise limit.* [Rule 21.4 replaces Rule 4.12.]

Reports Related to Position Limits and Liquidation of Positions

Rule 21.5. For purposes of Rules 4.13 and 4.14, references to Rule 4.11 in connection with position limits shall be deemed, in the case of Treasury [securities] *security* options, to be to Rule 21.2. [Rule 21.5 supplements Rules 4.13 and 4.14.]

Designation of Government Securities

Rule 21.6. Government [securities] *security options* dealt in on the Exchange are designated by reference to the issuer of the underlying *Government* security, expiration month [, the year of the expiration month for the longest term option series] *(and year for the longest term option series)*, exercise price [and type] *or nominal exercise price, type* (put or call), [the coupon rate and date of maturity.] *stated or nominal rate of interest and stated date of maturity or nominal team term to maturity. (E.g. a specific coupon call option expiring in March and having an exercise price of 96% of the principal amount of a 13⅜% Treasury bond that matures on August 15, 2001, is designated as a Treasury 13⅜%—8/15/01 March 96 call. A market basket call option expiring in March and having a nominal exercise price of 68% of the principal amount of a hypothetical 8% Treasury bond with a 15-year remaining term to maturity is designated as a Market basket Treasury 8%—15-year March 68 call.)* [Rule 21.6 replaces Rule 5.1.]

Approval of Underlying Treasury Securities for Specific Coupon Options

Rule 21.7. Treasury securities may be approved as underlying securities for Exchange transactions in *specific coupon options* by the Board (or the Committee designated by the Board) subject to such requirements as to size of original issuance, aggregate principal amount outstanding, years to maturity or other characteristics as the Board (or the Committee designated by the Board) deems necessary or appropriate in the interest of maintaining a fair and orderly market for the protection of investors.

. . . Interpretations and Policies

.01 The original public sale of an underlying Treasury security shall be at least $1 billion principal amount.

.02 In order to limit underlying Treasury securities *for specific coupon options* to the most recently issued and actively traded issues, ordinarily the approval of such an underlying security will *only* extend for a period of no more than 15 months [following the month] *from the date* of its initial approval, and series of options opened thereafter will relate to more recently issued Treasury securities; provided, however, that such approval may be extended in the event of the reopening of the underlying security by the Treasury. Further, even prior to the end of such 15 month period, the Securities committee shall withdraw approval of an underlying Treasury security *at any time* if it determines on the basis of information made publicly available by the Treasury that the security has a public issuance of less than $750 million.

.03 The Board (or the Committee designated by the Board) may determine, for any reason, to withdraw approval of any Treasury securities as underlying securities; and, after any announcement by the Exchange of any such withdrawal, each member organization shall, prior to effecting any option transaction for a customer in such Treasury securities, inform such customer of that fact. [Rule 21.7 and Interpretation and Policies 21.7.01, .02 and .03 replace Rules 5.3 and 5.4.]

[Treasury Securities Option Contracts Open for Trading

Rule 21.8. The Securities Committee may open for trading options where the underlying security is a Treasury security at any time following the auction sale of the underlying security. [Rule 21.8 Supplements 5.5.]]

Terms of [Government Securities Option Contracts] Treasury Security Options

Rule *21.8.* [21.9] *(a) General. A single Treasury security option covers $100,000 principal amount of the underlying security, except that there may also be trading in specially designated "mini-series" of specific coupon Treasury options that cover $20,000 principal amount of underlying security.* The expiration month and exercise price of [option contracts for Government securities option contracts] *Treasury security options* of each series shall be determined by the Board (or the Committee designated by the Board) at the time each series of options is first opened for trading.

[(a)] *(b) Expiration Month.* Unless the Board (or the Committee designated by the Board) otherwise provides and so indicates at the post at which the option [contract] is traded, Treasury [securities option contracts] *security options* shall expire in the months of March, June, September and December.

[In the month that an underlying Treasury security is auctioned, series of options on that security for up to five different expiration months will be opened simultaneously. These series will expire from 1 up to 15 months following the month when opened. For example, in the case of an underlying Treasury security auctioned in August of a given year, both near-September options (1-month options) and far-September options (13-month options) will generally be opened during that August (i.e., the August immediately preceding the near-September expiration month); similarly, in the case of an underlying Treasury security auctioned in December of a given year, both near-March options (3-month options) and far-March options (15-month options) will generally be opened during that December (i.e., the December immediately preceding the near-March expiration month).]

[(b)] *(c) Exercise Price.* The exercise price of each series of Treasury [securities] *security* options shall be fixed [by the Board (or the Committee

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designated by the Board)] at a percentage of principal amount which is an integral multiple of [(i)] 1% for Treasury securities having a remaining term to maturity of five years or less, or [(ii)] 2% for Treasury securities having a remaining term to maturity of more than five years [, and which is]. *In the case of a specific coupon Treasury security option, the exercise price so determined shall be* reasonably close to the percentage of principal amount at which the underlying security is traded in the primary market at the time [such] *the series of options* is first opened for trading. [Additional series of options of the same class may be opened to reflect substantial changes in prices [as the market price of the underlying security moves substantially from the initial price or prices]. The exercise price of all Treasury securities options or of any series of Treasury securities options may be fixed by the Board (or the Committee designated by the Board), upon two business days' notice, at a percentage of principal amount which is an integral multiple of 1% so long as the foregoing provisions with respect to the percentage of principal amount at which the underlying security is traded are satisfied. Notice of any such changed exercise price shall be posted on the bulletin board on the Exchange floor. Rule 21.9 replaces paragraph (a) of Rule 5.6 and supplements Rule 5.6(b).]

In the case of market basket Treasury bond options, the exercise price so determined shall be a percentage of principal amount of a hypothetical underlying Treasury bond bearing an 8% nominal rate of interest and a 15-year nominal term to maturity which results in a yield reasonably close to the highest market yield of Treasury bonds qualified for delivery upon exercise in accordance with Rule 21.24(b), as determined by the Exchange at the time the series of options is first opened for trading. [Rule 21.8 supplements Rule 5.5.]

Series of Treasury Security Options Open for trading Rule 21.9. (a) Initial series of specific coupon options. The Securities Committee may open for trading specific coupon Treasury security options at any time following the auction sale of the underlying security. At the time options are initially opened for trading on a newly auctioned underlying Treasury security, series of options on that security for five different expiration months will ordinarily be opened simultaneously, expiring in from 1 up to 15 months.

(b) Additional series of options to reflect price changes. After a class of specific coupon Treasury security options has been opened for trading in accordance with paragraph (a) of this Rule, additional series of options of the same class may be opened to reflect substantial changes in prices of the underlying Treasury securities. The exercise price of such additional series will ordinarily be fixed at an integral multiple of 1% or 2% in accordance with Rule 21.8(c), but the Board (or Committee designated by the Board), upon two business days' notice, may fix exercise prices at different intervals, provided that all such exercise prices are reasonably close to the market prices of the underlying securities. Notice of any such additional series opened for trading shall be posted on the bulletin board on the Exchange floor.

(c) Market Basket Options. Market basket Treasury bond options may be opened for trading in up to five series, expiring in from one to 15 months. Thereafter, additional series will be opened each month expiring in the most distant month, to replace expiring short-term options. Additional series will also be opened to reflect substantial changes in the yield of underlying Treasury bonds. Notice of any such additional series opened for trading shall be posted on the bulletin board on the Exchange floor. [Rule 21.9 replaces paragraph (a) of Rule 5.6 and supplements Rule 5.6(b).]

Trading Rotations

Rule 21.11. (a) The opening rotation in each series of each class of Government securities options shall be overseen by an Exchange employee designated as the Post Coordinator for Government securities options and shall be held as promptly following availability of opening quotations on the quotation display mechanism(s) approved by the Exchange as the Post Coordinator deems appropriate under the circumstances. Generally, the Post Coordinator shall open first those series of a class with respect to which the greatest buying and selling interest has been expressed (deferring opening relatively inactive series); provided, however, that more than one series may be opened simultaneously. These procedures may be altered or supplemented by the Board (or the Committee designated by the Board).

(b) In the event that current quotations are not available for Government securities underlying a [particular] class of *specific coupon* options *or relating to a class of market basket options* within a reasonable time after 8:00 a.m. (Chicago time), the Post Coordinator for that class shall report the delay to a Floor Official and an inquiry shall be made to determine the cause of the delay. The opening rotation for Government securities options of that class shall be delayed until such current quotations are available, unless two Floor Officials determine that the interests of a fair and orderly market are best served by opening trading. [Rule 21.11 supplements Interpretation and Policy 6.2.01.]

Obligations of Market-Makers

Rule 21.19. Without limiting the general obligation to deal for his account as stated in Rule 8.7(b), a Market-Maker holding an Appointment in Government securities options, in the course of maintaining a fair and orderly market, is expected to bid and/or offer so as to create differences of:

(i) no more than ¼ point between the bid and offer for each option contract for which the bid is less than 1 point;

(ii) no more than ½ point where the bid is 1 point or more but less than 5 points;

(iii) no more than ¾ point where the bid is 5 points or more but less than 10 points; and

(iv) no more than 1 point where the bid is 10 points or more,

provided that the Board (or the Committee designated by the Board) may establish differences other than the above for all Government securities options or for one or more series of options.

. . . Interpretations and Policies

.01 The bid/ask differentials specified in Rule 21.19 shall apply *only* to [all but] the two [longest] *nearest* term [Government securities option] series [.] *of each class of Government options.* For [these] *all longer term* series the maximum bid/ask differential shall be (i) ½ point for option contracts where the bid is less than 1 point; (ii) 1 point for option contracts where the bid is 1 point or more but less than 5 points; (iii) 1½ points for option contracts where the bid is 5 points or more but less than 10 points; and (iv) 2 points for all other transactions.

.02 The bid/ask differential specified in Rule 21.19 and in Interpretation and Policy .01 thereto may be waived by the Board (or by the Committee or the Exchange official or officials designated by the Board) in the interests of preserving a fair and orderly market as an alternative to halting or suspending trading in Government securities options under Rules 6.3 and 6.4 when conditions are present which otherwise would cause such a halt or suspension. [Rule 21.19 and Interpretations and Policies 21.19 .01 and .02 supplement paragraph (b) of Rule 8.7.]

Delivery and Payment

Rule 21.24. [In the case of Government securities options, payment] *(a) General. Payment* of the aggregate exercise price *or, in the case of market basket option, the adjusted aggregate exercise price,* shall be accompanied by payment of accrued interest on the underlying Government security from but not including the last interest payment date to and including the exercise settlement date, as specified in the Rules of the Clearing Corporation.

(b) Special rules for market basket Treasury bond options. Delivery of underlying Treasury bonds upon exercise of a market basket Treasury bond option shall be made in accordance with the Rules of the Clearing Corporation, and shall consist of any outstanding issue of Treasury bonds that have a remaining term to maturity or to call date of not less than 15 years on the exercise settlement date, provided that the Exchange, at the time it opens additional series of market basket Treasury bond options in new expiration months, may designate particular issues of Treasury bonds that are not eligible for delivery upon exercise of options of those series. A Member Organization required to make delivery of Treasury bonds on behalf of a customer in connection with the exercise of a market basket Treasury bond option shall deliver the identical Treasury bonds that the customer furnished to the Member Organization for that purpose. A customer shall not be required to pay the adjusted aggregate exercise price until the customer has been informed by the Member Organization acting on his behalf of the precise amount of the adjusted aggregate exercise price, which depends on the identity of the specific Treasury bonds actually delivered. The adjusted aggregate exercise price is determined on the basis of the yield equivalence procedures detailed in "Standard Securities Calculation Methods" published by the Securities Industry Association (New York,, 1973) in order to provide the same yield to maturity as if the same principal amount of Treasury securities bearing a nominal 9% interest rate and a 15-year term to maturity were delivered and paid for at the nominal exercise price. For purposes of the yield equivalence calculation, the term to maturity of the Treasury securities actually delivered shall be rounded down to the nearest number of months evenly divisable by 3. (For example, Treasury securities with 17 years, 5 months and 4 days to maturity shall be assumed to have 17 years and 3 months remaining term to maturity for purposes of the yield equivalence calculation.)

. . . Interpretations and Policies

.01 Calculations of accrued interest on underlying Treasury securities shall be made in accordance with Treasury Circular 300. [Rule 21.24 and Interpretation and Policy 21.24.01 supplement Rule 11.3.]

.02 Yield equivalence calculations shall be rounded in accordance with the Rule of the Clearing Corporation.

II. CBOE's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. *Purpose of Proposed Rule Change*

The proposed rule change amends proposed Chapter XXI of the Rules of the Exchange, which pertains to options on Government securities, for the following purposes: (i) to provide rules for trading in options on "market basket" Treasury bond options, in addition to the "specific coupon" options on Treasury bonds and notes already provided for, and (ii) to create specially designated "mini-series" specific coupon Treasury security options, which cover $20,000 principal amount of underlying securities, as compared with the $100,000 principal amount of underlying securities covered by standard Treasury security options.

Market basket options permit delivery of different issues of Treasury bonds upon exercise, as opposed to specific coupon options, which require the delivery of a single specifically identified underlying security. The exercise price of a market basket option is adjusted in accordance with standard yield equivalence tables depending upon the stated interest rate and term to maturity of the bond actually delivered. Despite the fact that market basket options are more complicated than specific coupon options, they offer potential advantages that may be important to the long-term utility of the Exchange's market in Treasury options. For example, market basket options would maximize opportunities for covered call writing, since investors could engage in covered call writing even when they did not hold the specific securities that may underlie specific coupon options. A market basket option also offers potentially greater liquidity, because trading would be concentrated in one options class instead of being dispersed into several different old and new specific coupon contracts. Further, because a market basket option expands deliverable supply substantially, that contract design would offer the potential for a significant increase in position limits (although no such increase is now being proposed), thereby enabling financial institutions and Government securities dealers better to meet their hedging needs.

The proposal to trade mini-series specific coupon Treasury security options is intended to benefit investors and improve the liquidity of the options market by facilitating the participation of small investors in the market. Certain of these investors, whether their use of the market is for hedging against or speculating in changes in interest rates, may find a smaller contract size to be better suited to their needs than the standard $100,000 contract.

The following describes the purpose of each of the specific rule changes being proposed:

Rule 21.1. Adds definitions of "specific coupon option" and "market basket option" and makes conforming changes and additions to other definitions.

Rule 21.3. Revises position limit rule to take into account mini-series options, by making the limit apply to the dollar amount of the underlying security rather than the number of option contracts.

Rule 21.4. Revises exercise limit rule in the same manner as described above with respect to Rule 21.3.

Rule 21.5. Makes stylistic change.

Rule 21.6. Revised to refer to the designation of specific coupon and market basket options.

Rule 21.7. Adds reference to specific coupon options.

Rule 21.8. Adds description of mini-series options and market basket options.

Rule 21.9. Describes procedure for introducing new series of specific coupon and market basket options.

Rule 21.11. Adds reference to specific coupon and market basket options.

Interpretation 21.19.01. Corrects technical error.

Rule 21.24. Provides procedures to be used in making delivery of underlying Treasury bonds and calculating adjusted aggregate exercise price in connection with exercise of market basket options.

B. *Basis Under the Act for Proposed Rule Change*

The proposed rule change is adopted pursuant to Section 6(b)(5) of the Securities Exchange Act of 1934, as amended, in that the rules proposed hereby are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest in connection with transactions in

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options covering underlying Government securities.

C. Comments Received from Members, Participants or Others on Proposed Rule Change

Written comments on the proposed rule change have not been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before October 30, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before October 16, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 10, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–28015 Filed 9–24–81; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 11944; 812–4842]

Frank Russell Investment Co.; Filing of Application

September 21, 1981.

Notice is hereby given that Frank Russell Investment Company ("Applicant"), 1100 First Interstate Plaza, Tacoma, Washington 98402, filed an application on March 16, 1981, and amendments thereto on June 19, August 7, 26, and 27, and September 10, 1981, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Applicant from certain shareholder voting provisions of Section 15(a) of the Act and Rule 18f–2 thereunder; and from certain disclosure requirements set forth in Rules 20a–2(a)(1), 20a–2(b)(1), 20a–2(a)(8), 20a–2(a)(9), and 20a–2(b)(4) Under the Act, Items 13(a)(5), 13(a)(6) and 13(d)(3) of Form N–1, and Items 20(a), (g) and (h) of Form N–1R under the Act, and from Sections 6–04(b)(2)(ii) (a), (b) and (c) of Regulation S–X. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a newly organized, open-end, diversified, management investment company of the "series" type. According to the application, Applicant has registered under the Act and has filed a registration statement under the Act and under the Securities Act of 1933 ("1933 Act"). Applicant initially proposes to offer shares in seven separate investment portfolios ("Funds"), each with distinct investment objectives, policies, and restrictions. Applicant states that it was organized by and at the expense of Frank Russell Company, Inc. ("Manager"), which is registered with the Commission as an broker-dealer under the Securities Exchange Act of 1934 and as a investment adviser under the Investment Adviser's Act of 1940.

Applicant states that it was organized by the Manager for the principal purpose of enabling the Manager to offer its "multi-manager diversification" technology and investment manager selection services on a commingled basis to clients of the Manager. It is represented that for the past decade the Manager has been primarily engaged in the business of providing comprehensive asset management consulting services for large pools of investment assets, predominately assets of large corporations' employee benefit plans. In addition to assisting its clients in defining investment objectives and allocating assets among investment media to achieve those objectives, the Manager's consulting services have included recommendations to clients concerning the use of multiple investment managers and the selection of an investment manager or managers to make specific purchases and sales for the clients' investment portfolios.

According to the application, the Manager has found that substantial pools of investment assets are required to achieve the cost-effective and efficient allocation of assets among a number of different objectives, media, and strategies; to use multiple investment managers; and to obtain the Manager's consulting services. By pooling assets of eligible investors in the different Funds of the Applicant, the Manager believes that it will be able to provide its consulting and investment manager selection services on an efficient and cost-effective basis for the Manager to institutions and individuals whose assets are not large enough to utilize these services on an individual account basis.

Applicant states that it is structured and proposes to operate in a manner which differs from that of a conventional registered investment company. The Manager will be an investment adviser for Applicant within the meaning of Section 2(a)(20) of the Act, but will serve as the Applicant's "Corporate Manager" pursuant to a written Corporate Management Agreement, and will provide Applicant with the management and administrative services necessary for a registered investment company to operate on an ongoing basis. The application indicates that the Manager's services will include the evaluation, selection (subject to the approval of Applicant's directors) and monitoring of investment managers. Applicant states that specific portfolio investments for the Applicant's Funds will be made by investment advisers (referred to by the Applicant as "money managers") to each of the Funds. Initially, Applicant proposes to use twenty-five money managers, each of whom will have discretionary authority to invest the assets of a portion of a particular Fund. It is expected that the Applicant's relationships with the money managers will be stable and of extended duration.

Applicant will offer shares only to institutions and individuals who have entered into Asset Management Services Agreements with the Manager pursuant to which the Manager will assist the client in defining appropriate investment objectives and desired investment returns and assist the client in allocating its assets among different investment media in a manner most likely to achieve those objectives. Applicant believes that the client will then be able to use one or more of the Funds as investment vehicles to gain access to the Manager's multiple-manager diversification technology and money manager selection services.

Applicant states that the Manager will negotiate with each prospective client the consulting fee to be paid to the Manager which will compensate the Manager for the consulting services to be provided to the client and for providing Applicant's Funds as investment vehicles. Applicant maintains that it will pay no "investment advisory" or "management" fee to the Manager for the Manager's services to the Applicant. Moreover, the Applicant will pay no investment advisory fee to any of the money managers. The Manager will be solely responsible for the payment of the money managers' fees. It is asserted that each Fund shareholder will effectively bear the same relative percentage of the aggregate fees paid by the Manager to each Fund's money managers as the shareholder's assets invested in the Fund bear to the Fund's aggregate assets.

Applicant further states that its Corporate Management Agreement with the Manager will be submitted for approval by the board of directors of the Applicant, including a majority of the directors who are not "interested persons" of the Applicant or Manager, at the times and in the manner required by the Act and the rules thereunder. According to the application, the Corporate Management Agreement will also be subject to all the shareholder approval and termination provisions of the Act and the rules thereunder. Applicant also states that information concerning the Manager, the Applicant, and their relationships will be disclosed in such public documents as prospectuses, proxy statements, and periodic reports to the extent and in the manner required by the Act and by the rules and forms thereunder. However, Applicant is seeking an order from the Commission exempting it and the money managers from certain shareholder voting and disclosure requirements discussed below applicable to the Applicant because each of the money managers is an investment adviser to the Applicant within the meaning of Section 2(a)(20) of the Act.

Section 6(c) of the Act authorizes the Commission, upon application, to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act, conditionally or unconditionally, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Shareholder Voting on Management Contracts

Applicant proposes that when a money manager for a Fund has been recommended by the Manager, the selection and approval will be made by Applicant's board of directors, including a majority of Applicant's directors who are not "interested persons" of the Applicant, the Manager, or the money manager in the manner and at the times required by Sections 15 (a) and (c) of the Act. Applicant and the Manager then propose to enter into a written Portfolio Management Contract with the money manager. Applicant represents that each such contract: (1) will precisely describe the compensation to be paid by the Manager to the money manager; (2) shall continue in effect for two years only so long as such continuance is specifically approved at least annually by the board of directors of the Applicant at the times and in the manner required by the Act and rules thereunder; (3) may be terminated at any time, without the payment of any penalty, by the board of directors of the Applicant on not more than sixty days' written notice to the money manager; and (4) will terminate automatically in the event of its assignment.

Applicant seeks an order of the Commission exempting Applicant from provisions of the Act requiring shareholder approval of the Portfolio Management Contracts with the money managers. Section 15(a) of the Act and Rule 18f-2 thereunder provide, in substance, that it is unlawful for any person to serve as an investment adviser to one of the Applicant's Funds except pursuant to a written contract which has been approved by a vote of a majority of the outstanding voting securities of the Fund for which the money manager will serve. Moreover, when an existing advisory contract is materially amended, or terminates as a result of an assignment as defined in Section 2(a)(4) of the Act, shareholders must approve the amendment or reinstatement of the contract. Shareholders of the Fund involved must also be able to terminate the contract at any time.

In support of its request for an exemption in this regard, Applicant states that it is a distinctly different investment vehicle from the conventional investment company or investment company complex, and that the reasons for the shareholder approval requirements are not necessary for the protection of Applicant's shareholders. Applicant asserts that the investor in a conventional investment company specifically undertakes to evaluate and select the investment adviser which will manage its assets. Applicant submits that the investor in the Applicant has clearly chosen to have the Manager and the Applicant undertake the responsibility to evaluate and select money managers, thereby relieving the investor of this responsibility. Applicant states that the primary reason for an investor's determination to invest in the Applicant is to obtain the Manager's expertise in selecting money managers, and is based upon the investor's determination that it is unable, or at least unwilling, to make the selection of the best possible money managers. Applicant also states that its shareholders are independent of, and not dependent upon, Applicant's money managers under its organizational structure and proposed method of operation. Applicant further asserts that the relationship over which Applicant's shareholders should and will be able to exercise control is the relationship with the Manager, the entity to which the investors, by their choice, are looking for investment results and related services. Applicant further submits that by choosing to invest in this type of vehicle, investors are not seeking any relationship with the money managers and are, in substance, indifferent concerning the identity of the specific money managers. The investors' interest is in the Manager's expertise in selecting and terminating where necessary the money managers, and in the investment results achieved by those managers—whoever they might be.

Applicant also states that in the ordinary course of events Applicant would hold only an annual shareholders meeting, thus incurring but once the expenses of preparing, filing with the Commission, printing, mailing, and tabulating proxy material. If, for any reason, it became necessary to employ an additional manager or enter into a new contract, the Applicant and particular Fund would be forced to incur additional expenses to do so unless the exemptive relief is granted. Applicant asserts that such expenses would provide no meaningful benefit or protection to Applicant's shareholders in view of the nature of Applicant's operating mode and investors' reasons for investing through the Applicant. Applicant further asserts that there are potential adverse consequences to the Applicant which might result from a time delay involved in seeking shareholder approval, and contends that the best interest of shareholders are served if Applicant can immediately, subject to review and approval by its board of directors, employ a new money manager or enter into a revised contract. Applicant has agreed that as a condition of receiving the exemptive relief requested, Applicant will notify shareholders as promptly as is practical under the specific circumstances of any event or change which would, but for the exemptions requested by the application, have required shareholder approval.

Disclosure Concerning Fees Paid by the Company to the Money Managers

The application also seeks relief from various disclosure provisions under the Act and Regulation S–X which would require the Applicant or others to disclose the advisory fees paid by the Manager to the money managers. The provisions from which Applicant seeks exemptive relief in this respect are as follows. Rule 20a–2(a)(1) and, under certain circumstances, Rule 20a–2(b)(1) under the Act would require such disclosures in Applicant's proxy statement. Rule 20a–2(b)(4) under the Act provides that any registered investment company seeking shareholder approval of its advisory contract must include in its proxy statement the rate of its investment adviser's compensation from any other registered investment company. Items 13(a)(5) and (6) and Item 13(d)(3) of the Form N–1 registration statement under the Act and the 1933 Act would require the disclosure of the advisory fee paid by the Applicant. Items 20(a), (g) and (h) of the Form N–1R Annual Report under the Act requires such disclosure. Regulation S–X 6–04(b)(2)(ii)(a), (b) and (c) would require that Applicant's financial statements contain information in a footnote concerning fees paid to the money managers.

Applicant states that each investor in the Applicant will have entered into an Asset Management Services Agreement with the Manager which will set forth the fee to be paid by the investor to the Manager. This fee will be negotiated individually with each client and will be based upon the specific services to be provided to the client, as well as the costs and expenses, including the money managers' compensation, incurred by the Manager in managing Applicant's business. Thus, it is asserted that each client will know its total expenses and the rate of fees it will bear, and will be able to determine whether, in its judgment, the cost of the total package of services offered by the Manager and the Applicant is reasonable in relation to the services and costs which the investor could obtain elsewhere.

Applicant also states that at least some money managers price their services based upon "posted" fee rates, and that at least some of them may be unwilling to serve the Applicant and the Manager at reduced rates if the fee reductions are publicly disclosed. Applicant states that in some instances the Manager will be able to negotiate fees which are lower than the money manager's posted rates. Applicant asserts that disclosure of the fees the Manager will pay to the money managers could result in adverse consequences to Applicant's shareholders, because an increase in cost to the Manager must necessarily result in increased charges to its consulting clients, the shareholders of the Applicant. Applicant also asserts that disclosure provides no meaningful comparative information to investors since the rates these money managers would charge to the Applicant are ordinarily not available to the individual investor in the Applicant.

Other Disclosures Concerning the Money Managers

Applicant also seeks relief from certain other disclosures which are required concerning the money managers. These provisions are: Rule 20a–2(a)(8) under the Act, which would require proxy disclosure of transactions by, among other persons, the principal executive officer, any director or general partner, or any parent of any money manager in securities issued by the money manager or its parent; and, Rule 20a–2(a)(9) under the Act, which provides, in substance, that a balance sheet of the adviser must be included in the investment company's proxy statement, unless the adviser is a bank.

Applicant asserts that it will initially employ twenty-five money managers and that as its assets grow to significant levels it is anticipated that additional money managers may be employed. Applicant represents that no director, officer, or employee of the Applicant or the Manager has or will have any direct or indirect beneficial interest in any security issued by a money manager or a controlling person of a money manager or stands to profit or benefit in any manner from transactions in the money managers' securities. Applicant contends that disclosures required by Rule 20a–2(a)(8) concerning transactions in securities of its managers who are unrelated in any manner to Applicant or the Manager other than as portfolio managers does not provide necessary or meaningful investor information or protection. Applicant further states that making the inquiries of each money manager and gathering and assembling the information required to respond to such a requirement would impose substantial administrative burdens and expenses upon the Applicant and the Manager without providing a meaningful corresponding benefit to Applicant's shareholders.

Applicant also contends that the inclusion of balance sheets of the money managers in Applicant's proxy statements, to the extent required by Rule 20a–2(a)(9), is unnecessary in view of the structure of the Applicant. The application maintains that unlike the conventional investment company which is dependent upon its investment adviser not only for portfolio management services but also for the day-to-day operations of the company, Applicant is not dependent upon its money managers for any of its ongoing corporate or administrative requirements. Under these circumstances, Applicant asserts that the inclusion of the money managers' balance sheets has limited if any relevance to Applicant's shareholders. Applicant further asserts that obtaining balance sheets from numerous money managers will impose significant administrative burdens and expenses upon Applicant, and that the printing and mailing costs of the balance sheet and notes could easily double or triple the costs of printing and mailing the proxy statement. Applicant submits that satisfying this requirement may also impose significant burdens and expenses upon the money managers because in most instances a revised set of updated notes related solely to the balance sheet of the money manager must be prepared by the money manager's accountants and certified by the accountants in order to be included in Applicant's proxy statement.

Notice is further given that any interested person may, not later than October 13, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27868 Filed 9-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18104; File No. SR-NSCC-81-13]

National Securities Clearing Corp.; Proposed Rule Change by Self-Regulatory Organizations

In the matter or proposed rule change relating to requiring additional mark-to-the-market payments from Members with concentrated Long or Short CNS Positions in high risk and/or volatile securities; comments requested on or before October 16, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 14, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by National Securities Clearing Corporation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

B. Additional Mark-to-the-Market Payments Pursuant to Rule 11, Section 6, the Corporation has the authority to require an additional mark-to-the-market payment ("additional mark") from Members in view of price fluctuations in or volatility or lack of liquidity of any security. Without limiting the generality of such authority, the following formulas may be used to determine additional mark requirements for Members maintaining positions in "high risk" and/or "volatile" securities as those terms are herein defined.

1. High Risk Securities. High risk securities are those securities wherein the spread between the bid and ask prices is equal to or greater than twenty percent of the current market price of the security. An additional mark shall be applied against CNS positions in these securities when the value of the individual CNS position in such security is equal to or greater than ten percent of the total value of all CNS positions of the Member (i.e. a concentration of ten percent or more). The additional mark shall be equal to the percent of concentration adjusted by a factor, determined by multiplying the percentage of risk (i.e. twenty percent or more) by five, plus an additional ten percent of the total, multiplied by the value of the CNS position. In effect, the high risk additional mark equals:

$$[(\textit{Percentage of Concentration})\left(\frac{\textit{spread}}{\textit{market price}}\times 5\right)+10\%]\times\textit{Position Value}$$

2. Volatile Securities. Volatile securities are those securities wherein there is a one day price change of at least ten percent and such price change adversely affects the value of the position by at least $15,000. An additional mark shall be applied against CNS positions in those securities when the value of the individual CNS position in such security is equal to or greater than ten percent of the total value of all CNS positions of the Member (i.e. a concentration of ten percent or more). The additional mark shall be equal to the percent of concentration adjusted by a factor (as defined below) and multiplied by the value of the CNS position. For the purposes of this formula, the factor shall be calculated as follows:

A price movement of ten to nineteen percent of the previous day's current market price shall equal a factor of 1. Each additional ten percent price movement shall increase the factor by 0.5. The factor, however, shall not exceed 10. In effect, a change of 47% would result in a factor of 2.5 while a change of 150% would result in a factor of 8.

In effect, the volatile security additional mark equals:

$$[(\textit{Percentage of Concentration})(\textit{Factor})]\times \text{Position Value}$$

The additional mark shall be collected through the settlement system and added to the Member's clearing fund contribution. Adjustments to the additional mark shall be made daily with the excess, if any, returned through the settlement system.

To the extent that the Member's clearing fund contribution exceeds its requirements, the Corporation, in its discretion, may waive part or all of the additional mark provided for in this Procedure.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, National Securities Clearing Corporation ("NSCC") included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to protect NSCC, its Members and their clearing fund contributions by mitigating or limiting the exposure incurred by NSCC as a result of its guaranteeing open CNS positions in securities deemed high risk and/or volatile. Accordingly, the proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934, as amended, in that it provides an additional clearing fund contribution protecting against the greater market risks attached to high risk and volatile securities.

(b) Self-Regulatory organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed rule change have been requested by Important Notice dated September 11, 1981, sent to all NSCC Participants. Any comments received will be forwarded to the Commission.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self/regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before October 16, 1981.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.

Dated: September 21, 1981.

George A Fitzsimmons,

Secretary.

[FR Doc. 81-27870 Filed 9-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11943; 812-4547]

Nuveen Municipal Bond Fund, Inc., et al.; Filing of Application

September 21, 1981.

Notice is hereby given that Nuveen Municipal Bond Fund, Inc., 115 South LaSalle Street, Chicago, Ill. 60603, Nuveen Income Fund, 209 South LaSalle Street, Chicago, Ill. 60604, Series 1 and subsequent series, Nuveen Tax-Exempt Bond Fund, Series 1 and Subsequent series, Nuveen Tax-Exempt Bond Fund—Multi-State, Series 1 and subsequent series, and Nuveen Tax-Exempt Bond Fund—Medium Term, Series 1 and subsequent series ("Old Nuveen Funds"), and Nuveen Tax-Exempt Bond Fund—ShortTerm, Series 1 and subsequent series, and Nuveen Tax-Exempt Bond Fund—Multi Maturity Fund A and subsequent series ("New Nuveen Funds"), and John Nuveen & Co. Incorporated ("Nuveen") (hereinafter referred to collectively as the "Applicants"), filed an application on August 6, 1981, and an amendment thereto on August 24, 1981, for an order of the Commission amending an earlier order of the Commission dated November 26, 1979 (Investment Company Act Release No. 10952). The earlier order pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempted the Old Nuveen Funds and Nuveen from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to permit sales of such Nuveen Funds' securities at their current net asset value without a sales charge to Nuveen Affiliated Employees, as defined below, who are participants in a non-tax qualified employee benefit plan.

The requested amended order would extend the Commission's earlier order to include within the terms thereof the New Nuveen Funds and any other series of registered unit investment trusts sponsored by Nuveen in the future. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Nuveen Municipal Bond Fund, Inc., is registered under the Act as a diversified, open-end, management investment company and is organized as a corporation under Maryland law. Nuveen Municipal Bond Fund, Inc. is currently engaged in continuous public offerings of its shares through Nuveen, as principal underwriter, at public offering prices equal to net asset value without any sales charge.

Nuveen Tax-Exempt Bond Fund, Series 1 and subsequent series, Nuveen Tax-Exempt Bond Fund—Mult-State, Series 1 and subsequent series, Nuveen Tax-Exempt Bond Fund—Medium Term, Series 1 and subsequent series, Nuveen Income Fund, Series 1 and subsequent series, Nuveen Tax-Exempt Bond Fund—Short Term, Series 1 and subsequent series, and Nuveen Tax-Exempt Bond Fund—Multi-Maturity Fund A and subsequent series, are each a series of unit investment trusts issuing redeemable securities created by Nuveen as sponsor, all of which are similar but each of which is separate and is designated by a different series letter or number. Each series of such unit investment trusts is created under the laws of the State of New York pursuant to a Trust Indenture and Agreement between Nuveen and United States Trust Company of New York. Nuveen acts as principal underwriter of each series of the unit investment trusts at public offering prices based on a pro rata share of the offering side prices of the bonds in the portfolio of a series during the initial offering period and a pro rata share of the bid side prices of the bonds in the portfolio of a series for secondary market purposes plus a sales charge.

Nuveen, a Delaware corporation, is the parent and sole stockholder of Nuveen Advisory Corporation, which serves as investment manager for Nuveen Municipal Bond Fund, Inc., and Nuveen Tax-Exempt Money Market Fund, Inc. ("Nuveen Open-End Funds") and Nuveen Government Securities, Inc., a dealer in securities issued by the United States and/or agencies therof ("hereinafter Nuveen and its current or future subsidiaries are referred to as the Nuveen Companies"). As of August 31, 1981, the full time employees of the Nuveen Companies totalled approximately 337 (hereinafter employees of the Nuveen Companies are referred to as "Nuveen Affiliated Employees").

The Commission's order of November 26, 1979, permits sales of shares of the Nuveen Municipal Bond Fund and units of all Nuveen unit investment trust series in existence at the time the order was entered (i.e. the Old Nuveen Funds) to be sold at their current net asset value without a sales charge to Nuveen Affiliated Employees pursuant to a non-tax qualified employee benefit plan. On May 8, 1981, Nuveen amended its Form N-8B-2 filed with the Commission with respect to the Nuveen Tax-Exempt Bond Fund—Medium Term to allow the offering thereunder of a series of unit investment trusts entitled the Nuveen Tax-Exempt Bond Fund—Multi-Maturity, each series of which includes two separate trusts: a short term (2-5 year bond maturities) trust and a medium term (5-15 year bond maturities) trust. The Nuveen Tax-Exempt Bond Fund—Multi-Maturity Fund A was deposited and its registration statement under the Securities Act of 1933 was declared effective by the Commission May 29, 1981, pursuant to this amended Form N-8B-2. The amended Form N-8B-2 continues to permit offering of Medium Term Trusts only, under the name "Nuveen Tax-Exempt Bond Fund—Medium Term", as before. Furthermore, on May 29, 1981, Nuveen filed with the Commission a new Form N-8B-2 in respect of a series of unit investment trusts to be known as the Nuveen Tax-Exempt Bond Fund—Short Term. No such fund has yet been deposited, but, depending on market conditions, such deposit may be made in the near future and its units thereafter offered to the public.

According to the application for an amended order the Nuveen Companies currently permit Nuveen Affiliated Employees pursuant to a non-tax qualified employee benefit plan (the "Plan") to purchase shares of the Nuveen Open-End Funds by payroll deduction in the amount of $25 or more for each investment, and are considering permitting such purchases through automatic, periodic bank checking account withdrawal plans in the amount of $25 or more for each investment. Distributions on shares of either of the Nuveen Open-End Funds acquired under the Plan are reinvested at net asset value in shares of such Nuveen Fund.

Pursuant to the Commission's order of November 26, 1979, Nuveen Affiliated Employees are also permitted to purchase Units of any series of the Old Nuveen Funds being offered in either the primary or secondary market at their current net asset value without a sales charge. Any such purchases, however, must meet the minimum account size requirements of the Old Nuveen Fund sought to be purchased, i.e., $5,000 or 50 Units, whichever is less (except for purchases of Nuveen income Fund, with respect to which the minimum purchase is $1,000 or 10 Units, whichever is less). Participants agree not to resell either Nuveen Open-End Fund shares or Old Nuveen Fund units acquired through their participation in the Plan except by repurchase or redemption by or for the account of the appropriate Nuveen Fund.

Applicants state that no individual nor in-person group sales solicitations or presentations concerning the Plan are made. All Nuveen Affiliated Employees receive peridically (at least annually) notice from their employers concerning the Plan. This notice, furnished at the expense of such employers, describes the Nuveen Funds and their investment objectives, indicates that investments in the Plan will be at net asset value and details the payroll deduction and other ways in which investments can be made. The notice also indicates that additional information concerning the Plan and the Nuveen Funds can be obtained from Nuveen and informs employees of the availability of prospectuses of the Nuveen Funds from their employers.

Applicants submit that the Plan as permitted pursuant to the Commission's order of November 26, 1979, provides for the elimination of sales charges on the sale of units to participating Nuveen Affiliated Employees based upon the rationale that employment by the Nuveen Companies has been selected by the Nuveen Funds as a criterion relating to the realization of economies of scale in sales effort and sales related expense. Applicants further submit that features of the Plan which give rise to economies of scale in sales effort and sales-related expenses are as follows: (i) there is no personal solicitation of participants by Nuveen, Nuveen's representatives or other broker-dealers; (ii) all eligible employees purchasing shares of the Nuveen Open-End Funds through payroll deduction have shares purchased for their accounts at each payroll date with payment for such shares being made by a single check for each Nuveen Fund; and (iii) all eligible employees receive at least annually, at the expense of their employers, notice of the availability of the Plan.

Applicants state that sales to Nuveen Affiliated Employees under the Plan result in substantial economies in sales effort and sales-related expense. According to Applicants, employees of the Nuveen Companies have a basic understanding of the nature of an investment in an investment company as well as general familiarity with, and a significant degree of loyalty to, the Nuveen Funds. Applicants further submit that amendment of the Commission order of November 26, 1979, to permit Nuveen Affiliated Employees to purchase at net asset value without a sales charge units of the New Nuveen Funds and any other series of registered unti investment trusts sponsored by Nuveen in the future, in addition to shares of the Nuveen Open-End Funds and units of the Old Nuveen Funds, on the same basis as purchases under the Plan are currently being effected is consistent with the rationale and the purposes which underlie the earlier order. In light of the above, Applicants request that an order be entered, pursuant to Section 6(c) of the Act, amending the Commission's earlier order exempting Applicants from the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder to include within the terms thereof the New Nuveen Funds and any other series of registered unit investment trusts sponsored by Nuveen in the future.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus, and if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except at a current public offering price described in the prospectus. Rule 22d–1 permits reductions in, or elimination, of the sales load charged upon the sale of shares under certain circumstances. Applicants submit that the sale of Nuveen Fund shares to Nuveen Affiliated Employees at net asset value under the Plan may conflict with the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27866 Filed 9-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18103; File No. SR-PSE-81-14]

Pacific Stock Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change by the Pacific Stock Exchange Incorporated relating to reduced Equity trading hours. Comments requested on or before October 16, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 10, the Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

At its meeting on august 27, 1981, the Board of Governors of the Pacific Stock Exchange Incorporated ("PSE") voted to reduce Equity trading hours on the Exchange. Effective September 14, 1981, trading hours on the PSE shall be from 7:00 a.m. to 1:30 p.m., Pacific Time. The proposed change will reduce the hours during which the Exchange is open for the transaction of business by one hour.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Board of Governors reached its decision to reduce trading hours as the result of a survey of its member firms and an analysis of trading volume between 1:00 p.m. and 2:30 p.m., Pacific Time. These studies indicated that, at the present time, there is not sufficient volume to economically justify the last hour of trading. The studies did show, however, that there was strong interest in the period between 1:00 p.m. and 1:30 p.m., Pacific Time.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 in general, and Section 6(b)(5), in particular, in that it will foster cooperation and coordination with persons engaged in settling and processing information with respect to transactions in securities by providing additional time to process same-day corrections, reducing "as of" trade corrections.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition.

(C) Self-Regulatory Organiaation's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were solicited from various member firms on the proposed rule change. The firms surveyed overwhelminly supported the proposed 1:30 p.m. closing.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before October 16, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 18, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27871 Filed 9-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18110; (SR-CBOE-81-19)]

Chicago Board Options Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

September 21, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), notice is hereby given that on September 14, 1981, the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60606, filed with the Commission copies of a proposed rule change to establish an Interest Rate Options Committee and to specify the procedures for recording interest rate options transaction information.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before October 16, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-CBOE-81-19.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the proposed changes are concerned solely with the administration of the exchange, and accordingly prior notice is unnecessary. In addition, the CBOE has indicated that it intends to start up trading in interest rate options (options on Government National Mortgage Association modified pass-through certificates) on October 30, 1981, and approval of the proposed rule change on an accelerated basis will give CBOE the maximum possible time to prepare for the commencement of trading.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27957 Filed 9-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18107; File No. SR-NESDTC-81-3]

New England Securities Depository Trust Co.; Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 18, 1981, the New England Securities Depository Trust Company filed with the Securities and Exchange Commission the proposed change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On May 5, 1981, approval was granted by the Securities and Exchange Commission to allow the New England Securities Depository Trust Company to impose a temporary 15% increase on all Depository billings to participants effective for the period May 1, 1981 through September 30, 1981. It is proposed to extend this temporary 15% increase for the period October 1 through December 31, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change.*

(a) The 15% increase on all Depository billings to participants was previously approved for the period May 1 through September 30, 1981. This increase was necessitated by increased costs in communications, data processing, leasehold and personnel expenses. It was expected, at that time, that a detailed study of all income and expenses of the Depository would be completed by September 30, 1981. The Committee appointed to conduct the study has not been able to complete its recommendations so the Board of Directors of the Depository voted to extend the 15% increase for the period October 1 through December 31, 1981.

(b) The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applying to the New England Securities Depository Trust Company because it represents an equitable allocation of reasonable fees and other charges among its participants. It would also insure prompt and accurate clearance and settlement of security transactions and fosters cooperation and coordination among others engaged in the clearance and settlement of security transactions by making the Depository more competitive.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

No burden on competition is perceived by adoption of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others.*

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Copies of the submssion, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before October 16, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 21, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-27956 Filed 9-24-81; 8:45 am]

BILLING CODE 8010-01-M

V 46 SE 25 81 UMI

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 6]

Financial Indemnity Co.; Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to Financial Indemnity Company, Burbank, California, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on federal bonds is hereby terminated, effective today.

The company was last listed as an acceptable surety on federal bonds at 46 FR 33966, June 30, 1981.

With respect to any bonds currently in force with Financial Indemnity Company, bond-approving officers of the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226, telephone 202-634-5010.

Dated: September 15, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-27855 Filed 9-24-81; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1981 Rev., Supp. No. 7]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $300,000 has been established for the company.

Name of Company

Acceptance Insurance Company

Business Address

One First National Center, Suite 1323,
Omaha, Nebraska 68102

State of Incorporation

Nebraska

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitation, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1981 Revision, at page 33962 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: September 15, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-27856 Filed 9-24-81; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 186
Friday, September 25, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, September 24, 1981.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, DC.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: 1. *Briefing on Projectile Toys:*

The staff will brief the Commission on several alternatives for possible regulatory activities to address potential injuries associated with projectile toys. Several of the alternatives arise from petitions from the Western Massachusetts Public Interest Group (HP 74-5), Kenneth Jacoby (HP 75-21), and Action for Children's Television (HP 79-1), seeking mandatory safety standards. The Commission previously deferred action on the petitions pending completion and staff review of a study by the National Bureau of Standards. The Commission has scheduled consideration of this matter at its October 1 meeting.

2. *Briefing on Methylene Chloride:*

The staff will brief the Commission on recommendations of CPSC's Toxicological Advisory Board (TAB) concerning Commission action on products containing methylene chloride. In 1978, the Commission granted a petition requesting special labeling warning smokers and heart patients of an increased carbon monoxide hazard associated with paint thinners containing methylene chloride. Subsequently the Commission directed the staff to consult with the TAB on methylene chloride labeling. The Commission has scheduled consideration of this matter at its October 1 meeting.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, DC 20207; Telephone (202) 634-7700.

[S-1451-81 Filed 9-23-81; 2:36 pm]

BILLING CODE 6355-01-M

2

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Wednesday, September 30, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Application to Acquire Control of—County Federal Savings and Loan Association, Westport, Connecticut BY CFS Corporation, Westport, Connecticut
Branch Office Application—Home Federal Savings and Loan Association of San Diego, San Diego, California
Designation of—William O. Churchill, David E. Cockcroft, John B. Landers and Mary Duke Peters as Supervisory Agents of the Federal Home Loan Bank Board
Trust Department Application—Home Owners Federal Savings and Loan Association, Boston, Massachusetts
Refund of Insurance Premiums
Application for Authority to Acquire Control of and for Authority to Incur Indebtedness—Barrett Holding Company, Inc., Harrison, Arkansas BY Guaranty Savings and Loan Association, Harrison, Arkansas
Remote Service Unit Application—Homestead Federal Savings and Loan Association, Dayton, Ohio
Payments of Interest on Federal Home Loan Bank Demand Deposits
Federal Home Loan Bank Advances.

[No. 540, September 23, 1981]

[S-1455-81 Filed 9-23-81; 3:05 pm]

BILLING CODE 6720-01-M

3

NATIONAL TRANSPORTATION SAFETY BOARD.

[N-AR 81-35]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 46861, September 22, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, September 29, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report:* Derailment of Amtrak Train No. 97 on Seaboard Coastline Railroad Track at Lochosa, Florida, May 28, 1981, and *Recommendations* to the President of the Family Lines and to the Association of American Railroads.
2. *Highway Accident Report:* ARA Transportation Group Tour Bus, Denali National Park and Preserve (Mt. McKinley National Park), Alaska, June 15, 1981, and *Recommendations* to the National Park Service.
3. *Safety Report:* Status of Department of Transportation Hazardous Material Regulatory Programs and *Recommendations* to the Secretary, DOT.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

September 23, 1981.

[S-1456-81 Filed 9-23-81; 3:23 pm]

BILLING CODE 4910-58-M

4

POSTAL SERVICE.

Board of Governors

Meeting

TIME AND DATE: 12 noon, Tuesday, September 29, 1981.

PLACE: Postal Service Headquarters, 475 L'Enfant Plaza, West, S.W., Washington, D.C. 20260.

STATUS: Closed.

MATTER TO BE CONSIDERED: Opinion and Recommended Decision of Postal Rate Commission dated September 17, 1981, in Postal Rate and Fee Changes, 1980 (Commission Docket No. R80-1). (This special meeting is a continuation of the meeting of September 22, 1981.)

PERSON TO CONTACT FOR MORE INFORMATION: Assistant Secretary of the Board, W. Allen Sanders (202) 245-4635.

Dated: September 22, 1981.

W. Allen Sanders,
Assistant Secretary.

[S-1454-81 Filed 9-23-81; 2:38 pm]

BILLING CODE 7710-12-M

5

POSTAL SERVICE.

Board of Governors

Notice of Votes to Change Subject Matter and to Close Meeting

On September 22, 1981, the Board of Governors of the United States Postal Service voted to change the subject matter of its meeting held that day by adding to its agenda consideration of the Opinion and Recommended Decision Upon Further Reconsideration of the Postal Rate Commission in the proceeding encaptioned Postal Rate and Fee Changes, 1980 (Commission Docket No. R80–1). The Governors of the Postal Service also voted to close to public observation a portion of the meeting. The portion closed involved a discussion of those aspects of the Opinion and Recommended Decision which would be likely to concern specifically the Postal Service's participation in civil litigation.

By unanimous vote the Board determined, in accordance with 5 U.S.C. 552b(e)(2), that the business of the Postal Service required that the Opinion and Recommended Decision which had been issued on September 17, 1981, be considered at this meeting, even though it had not been on the agenda of the meeting as originally publicly announced, and that no earlier announcement of the change was possible.

In a separate vote the Governors determined, in accordance with 5 U.S.C. 552b (d)(1) and (e)(2), that the portion of the meeting to be closed was exempt from the open meeting requirement of the Government in the Sunshine Act pursuant to 5 U.S.C. 552b(c)(10) in that it was likely to specifically concern agency participation in a civil action or proceeding.

Each of the Governors voted in favor of closing this portion of the meeting which was attended by the following persons: Governors Babcock, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins, and Sullivan, Postmaster General Bolger, Acting Secretary of the Board Sanders, Counsel to the Board Califano. Peter Hamilton, Esq., of the firm of Califano, Ross & Heineman, Senior Assistant Postmaster General Finch, Assistant Postmaster General McCaffrey and Associate General Counsel Beck.

Prior to the September 22 meeting, the Board of Governors had given due public notice of its intention to hold the meeting, the notice and the proposed agenda for the meeting having been published in the **Federal Register** on September 10, 1981, (46 FR 45244). Public notice was given on September 16, 1981, of a change in the location and time of the September 22 meeting (46 FR 46040–46056). This notice also indicated that the Opinion and Recommended Decision, the issuance of which had been announced for September 17, would be considered by the Board at its September 22 meeting and noted the possibility that a portion of that meeting would be closed. The Governors determined at the September 22 meeting that the timely discharge of their responsibilities required that this portion of the meeting in question should be closed, notwithstanding the fact that the published agenda for the meeting had not stated that any portion would be closed.

The Governors determined that the public interest did not require that this portion of the meeting be open to the public, since a failure to discuss litigation strategies without the inhibitions to candor that might result from holding such a discussion in public (quite possibly with opposing counsel in attendance) would be inconsistent with the public's interest in having the Governors arrive at their Decision only after a candid evaluation of how the various alternative open to them might best be analyzed in the light of pending litigation.

In accordance with 5 U.S.C. 552B (c)(10), the Acting General Counsel of the United States Postal Service certified that in his opinion the portion of the meeting to be closed might properly be closed to public observation.

W. Allen Sanders,

Acting Secretary

[S–1453–81 Filed 9–23–81; 2:38 pm]

BILLING CODE 7710–12–M

6

POSTAL SERVICE.

Board of Governors

Notice of Vote to Close Meeting

On September 22, 1981, the Governors of the United States Postal Service voted to close to public observation the special meeting to be held Tuesday, September 29, 1981. The meeting to be closed, which is a continuation of the September 22 meeting, will involve a discussion of those aspects of the Opinion and Recommended Decision Upon Further Reconsideration of the Postal Rate Commission in the proceeding encaptioned Postal Rate and Fee Changes (1980) (Commission Docket No. R80–1) dated September 17, 1981, which would be likely specifically to concern the Postal Service's participation in civil litigation.

The Governors determined, pursuant to 5 U.S.C. 552b(c)(10) that the portion of the meeting to be closed was exempt from the open meeting requirement of the Government in the Sunshine Act in that it was likely specifically to concern agency participation in a civil action or proceeding.

Each of the Governors voted in favor of closing the meeting, which is expected to be attended by Governors Babcock, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins, and Sullivan, Postmaster General Bolger, Deputy Postmaster General Benson, Secretary of the Board Cox, Counsel to the Board Califano, Senior Assistant Postmaster General Finch, Assistant Postmaster General McCaffrey, Associate General Counsel Beck and Peter Hamilton, Esq. of the firm of Califano, Ross & Heineman.

The Governors determined that the public interest did not require that this meeting be open to the public, since a failure to discuss litigation strategies without the inhibitions to candor that might result from holding such a discussion in public (quite possibly with opposing counsel in attendance) would be inconsistent with the public's interest in having the Governors arrive at their Decision only after a candid analysis of how the various alternatives open to them might best be analyzed in the light of pending litigation.

W. Allen Sanders,

Acting Secretary.

[S–1452–81 Filed 9–23–81; 2:39 pm]

BILLING CODE 7710–12–M

7

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 46277, SEPTEMBER 17, 1981.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, September 14, 1981.

CHANGES IN THE MEETING: Additional items. The following items will be considered at a closed meeting scheduled for Thursday, September 24, 1981, following the 10:00 a.m. open meeting.

Freedom of Information Act appeal.
Regulatory matter regarding financial institution.

Litigation matters.
Formal order of investigation.
Institution and settlement of administrative proceedings of an enforcement nature.

Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272–2178.

September 22, 1981.

[S–1450–81 Filed 9–22–81; 4:45 pm]

BILLING CODE 8010–01–M

V46 SE 25 81 UMI

federal register

Friday
September 25, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

V 46 SE 25 81 UMI

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama: AL81-1267	July 10, 1981.
Arkansas:	
AR81-4043	June 19, 1981.
AR81-4039	June 19, 1981.
AR81-4040	June 19, 1981.
AR81-4041	June 19, 1981.
AR81-4042	June 19, 1981.
District of Columbia: DC81-3040	June 5, 1981.
Connecticut: CT81-3032	May 15, 1981.
Indiana: IN80-2058	Jul6 25, 1980.
Louisiana:	
LA81-4024	May 1, 1981.
LA81-4027	May 1, 1981.
LA81-4046	July 6, 1981.
Maryland: DC81-3040	June 5, 1981.
Mississippi: MS81-1287	Sept. 4, 1981.
Nebraska: NE81-4068	Aug. 28, 1981.
New York:	
NY81-3016	Mar. 6, 1981.
NY81-3024	Apr. 3, 1981.
NY81-3033	June 5, 1981.
NY81-3034	June 5, 1981.
NY81-3038	June 5, 1981.
Oklahoma: OK81-4067	Aug. 21, 1981.
Oregon: OR81-5127	July 6, 1981.
Pennsylvania: PA81-3044	Aug. 7, 1981.
Rhode Island: RI81-3042	Aug. 21, 1981.
Tennessee:	
TN81-1202	May 1, 1981.
TN81-1204	May 8, 1981.
TN79-1146	Nov. 16, 1979.
Texas:	
TX80-4087	Nov. 7, 1980.
TX81-4007	Jan. 6, 1981
TX81-4009	Jan. 6, 1981.
TX81-4016	Apr. 3, 1981.
TX81-4032	May 8, 1981.
TX81-4038	June 5, 1981.
TX81-4048	July 10, 1981.
TX81-4052	July 10, 1981.
Utah: UT81-5117	May 8, 1981.
Virginia: DC81-3040	June 5, 1981
Washington: WA81-5126	July 6, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama: AL80-1091(AL81-1294)	Sept. 5, 1980
California. CA81-5128(CA81-5154)	July 6, 1981
Hawaii: HI81-5141(HI81-5153)	Aug 14, 1981.
Kentucky	
KY77-1155(KY81-1293)	Dec 23, 1977.
KY79-1158(KY81-1292)	Dec 7, 1979
Oklahoma: OK79-4019 (OK81-4073)	Jan. 5, 1979
Pennsylvania:	
PA80-3028(PA81-3069)	Apr 11, 1980
PA80-3029(PA81-3068)	Apr. 25, 1980

Cancellation of General Wage Determination Decisions.

None.

Signed at Washington, D.C. this 18th Day of September 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision No. AL81-1[illegible]7 - MOD. # [illegible]					
(46 FR 35060 - July 10, 1981)					
Madison County, Alabama					
Building Construction					
CHANGE:					
Laborers, unskilled	[illegible].57	.40	.50		
DECISION #AR81-40[illegible]3-Mod. #3					
46FR32175 - June 19, 1981					
Jefferson County, Arkansas					
CHANGE:					
Asbestos workers	13.75	1.00	1.00		.05
ELECTRICIANS:					
Electricians	13.65	.65	3%+1.35		1/4%
Cable splicers	13.775	.65	3%+1.35		1/4%

Modification Page 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AR81-4039-Mod. #3					
46FR32177 - June 19, 1981					
Sebastian, Crawford & Washington Counties, Arkansas					
CHANGE:					
SEBASTIAN & CRAWFORD CO.					
Asbestos workers	$13.75	1.00	1.00		.05
ELECTRICIANS:					
Electricians	14.33	.60	3%+.055		1/4%
Cable splicers	14.58	.60	3%+.055		1/4%
DECISION #AR81-4040-Mod. #3					
46FR32179 - June 19, 1981					
Union & Ouachita Counties, Arkansas					
CHANGE:					
Asbestos workers	13.75	1.00	1.00		.05
DECISION #AR81-4041-Mod. #3					
46FR32137 - June 19, 1981					
Garland, Clark & Hot Springs Counties, Arkansas					
CHANGE:					
Asbestos workers	13.75	1.00	1.00		.05
DECISION #AR81-4042-Mod. #3					
46FR32187 - June 19, 1981					
Pulaski County, Arkansas					
CHANGE:					
Asbestos workers	13.75	1.00	1.00		.05
ELECTRICIANS:					
Electricians	13.65	.65	3%+1.35		1/4%
Cable splicers	13.775	.65	3%+1.35		1/4%

Modification Page 3

DECISION NO. DC81-30[illegible] - MOD. #[illegible] ([illegible] FR 30[illegible] - June 5, 1981) DISTRICT OF COLUMBIA; MARYLAND-MONTGOMERY AND PRINCE GEORGES; AND D.C., TRAINING SCHOOL; VIRGINIA-INDEPENDENCE CITY OF ALEXANDRIA; ARLINGTON AND FAIRFAX COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	16.02[illegible]	1.275	1.25		.04
DIVER TENDER	15.00	.80	.70		.05
ELECTRICIANS	15.10	.75	3%+.80		.13
ELEVATOR CONSTRUCTORS	14.40	1.345	1.085	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	[illegible]	1.3[illegible]5	1.[illegible]5	a+b	.035
ELEVATOR CONSTRUCTORS' PROBATIONARY HELPERS	7.20			-	
PLUMBERS	14.25	1.27	1.30		.27
STEAMFITTERS	14.49	1.19	1.25		.16

Modification Page 4

DECISION NO. CT[illegible]1-30[illegible] - MOD. #[illegible] (46 FR 27040 - May 15, 1981) Hartford, Middlesex, New Haven, New London and Tollard Counties, Connecticut	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS; CEMENT MASONS; FINISHERS; MARBLE MASONS; PLASTERERS; STONEMASONS; TERRAZZO WORKERS and TILE SETTERS:					
Building Construction:					
Area 7	13.25	.75	1.[illegible]	a+h	.035
ELEVATOR CONSTRUCTORS					
Elevator Constructors	14.79	1.345	1.0[illegible]5	a+h	.035
Helpers	10.35	1.345	1.0[illegible]5	a+h	.035
Probationary Helpers	7.39[illegible]				
GLAZIERS:					
Area 1	13.[illegible]	1.10	.47	i	.01
LINE CONSTRUCTION:					
Linemen	15.15	.70	3%+1.00	L	
Equipment Operators	13.01	.70	3%+1.00	L	
Driver Groundman	11.69	.70	3%+1.00	L	
PLUMBERS; STEAMFITTERS:					
Area 1	[illegible]	.75	1.40	[illegible]	.07
LABORERS (Building Construction):					
Laborers	10.05	[illegible]	1.20		.15
Asphalt rakers, concrete & power buggy ops, concrete saw ops, chain saw ops, fence & guard rail erectors, form setters, pipelayers, dry stone wall builders, mason tenders, pneumatic drill ops, pneumatic gas & electric drill ops, powdermen & wagon drill operators and Precast erectors	10.30	.80	1.20		.15

Modification Page [illegible]

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CT81-3[illegible]32 - (CONT'D)					
Air track operators, block pavers; and curb setters, sandblasters, wagon drill operators	1[illegible].80	.8[illegible]	1.[illegible]		.15
Open air caisson, cylindrical work and boring crew:					
Top man	1[illegible].05	.[illegible]0	1.20		.15
Bottom man	1[illegible].55	.[illegible]0	1.20		.15
DECISION NO. IN[illegible]0-2[illegible]58 - MOD. [illegible] (4[illegible] FR [illegible]98[illegible]3 - July 2[illegible], 19[illegible]) Adams, Allen, Bartholomew Benton, Blackford, Boone, Cass, Clinton, Dekalb, Delaware, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White, & Whitley Counties, Indiana					
Changes:					
Plumbers:					
Steamfitters:					
Blackford, Grant, [illegible] Wabash Counties	$ 15.82	.85	1.3[illegible]		.15

Modification Page [illegible]

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. LA[illegible]1-402[illegible] - MOD. #8 (46 FR 24820 - May 1,1981) Statewide Louisiana					
CHANGE:					
Asbestos workers - Zone 4	$12.79	.[illegible]	.50		.[illegible]2
Carpenters:					
Zone 3 - Carpenters	12.65	.80	.80		
Millwrights	13.29	.80	.80		
Piledrivermen	13.00	.80	.80		
Electricians:					
Zone 1 - Electricians	15.[illegible]7	5%	8[illegible]		3/10[illegible]
Cable splicers	16.12	5%	8%		3/10%
Zone 4 - Electricians	15.35	.70	3%		2/10%
Cable splicers	15.60	.70	3%		2/10%
Zone 6 - Electricians	13.75	1.05	3%		1/2%
Cable splicers	14.25	1.05	3%		1/2%
Zone 8 - Electricians	14.19	.60	3%		1/2%
Cable splicers	14.44	.60	3%		1/2%
Line construction:					
Zone 2:					
Linemen	15.87	5%	8%		3/10%
Cable splicers	16.12	5%	8%		3/10%
Equipment operators	11.90	5%	8%		3/10%
Truck drivers & groundmen	7.14	5%	8%		3/10%
Zone 3:					
Linemen, equipment ops.	16.75	.55	3%+.40		1/10%
Cable splicers	17.25	.55	3%+.40		1/10%
Groundmen	14.75	.55	3%+.40		1/10%
Zone 5:					
Linemen, equipment ops.	14.81		3%		1/2%
Cable splicers	15.06		3%		1/2%
Groundmen	40%JR		3%		1/2%
Zone 6:					
Linemen, equipment ops.	13.75	1.05	3%		1/2%
Cable splicers	14.25	1.05	3%		1/2%
Groundman	4.19	1.05	3%		1/2%
Truck drivers:					
Zone 3 - Group 1	8.67				
Group 2	8.75				
Group 3	9.00				
Group 4	9.15				
Group 5	9.30				
Group 6	9.50				
Group 7	9.85				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. LA 81-4027 - MOD. #7					
(46 FR 24834 - May 1,1981)					
Bossier, Caddo & Calcasieu Pars., Louisiana					
CHANGE:					
Electricians:					
Calcasieu Parish:					
New & old single or multiple family residence & apt. complex not to exceed 12 units, 2 story walk-ups:					
Electricians	$10.45	.55	3%+.40		3/10%
Other electricians:					
Electricians	16.75	.55	3%+.40		3/10%
Cable splicers	17.25	.55	3%+.40		3/10%
Truck drivers:					
Bossier & Caddo Pars.:					
Group 1	8.67				
Group 2	8.75				
Group 3	9.00				
Group 4	9.15				
Group 5	9.30				
Group 6	9.50				
DECISION NO. LA81-4046 - MOD. #4					
(46 FR 34974 - July 6, 1981)					
Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St. Charles Pars., Louisiana					
CHANGE:					
Line construction:					
Zone 2 - Group 1	$16.75	.55	3%+.40		1/10%
Group 2	17.25	.55	3%+.40		1/10%
Group 3	14.75	.55	3%+.40		1/10%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision No.: MS81-1[illegible]7 - MOD. # 1					
(46 FR 44641 - September 4, 1981)					
Hancock, Harrison, Jackson, and Pearl River Counties, Mississippi					
Building Construction					
CHANGE:					
ASBESTOS WORKERS:					
Harrison & Jackson Cos.	$13.65	.90	1.50		.03
DECISION #NE81-406[illegible] - Mod. #1					
(46 FR 43632 - August 28, 1981)					
Douglas, Sarpy, Cass and Otoe Counties, Nebraska					
Change:					
Laborers:					
Common laborers	$9.76	.90	1.00	.90	
Buggymobile operators, mortar mixers, mason tenders	9.925	.90	1.00	.90	
Plasterers tenders	10.135	.90	1.00	.90	
Painters: (Douglas, Cass, and Sarpy Counties)					
Brush	13.42		1.00		.05
Structural steel	13.77		1.00		.05
Paperhangers	13.82		1.00		.05
Spray, swing stage, hazardous and sandblasting	14.02		1.00		.05
Sheet metal workers	15.15	.75	.44		.09
Sheet metal workers, residential	11.06	.75	.44		.09
Steamfitters	15.39	.95	.85		.15
Add:					
Carpenters:					
Millwrights	14.10	1.10	.7[illegible]		.[illegible]5

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DECISION NO. NY81-3016 - Mod. #4
(46 FR 15657 - March 6, 1981)
Dutchess County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS, CEMENT MASONS, PLASTERERS, POINTERS, CAULKERS, CLEANERS, MARBLE MASONS, TILE SETTERS AND TERRAZZO WORKERS					
Building	10.90	2.80	2.40		.06
Heavy & Highway	11.40	2.80	2.40		.06
ELEVATOR CONSTRUCTORS	14.54	1.345	1.085	a+b	.035
ELEVATOR CONSTRUCTORS' HELPER	10.18	1.345	1.085	a+b	.035
ELEVATOR CONSTRUCTORS' HELPER PROBATIONARY	7.27				
IRONWORKERS, Structural, Ornamental, & Reinforcing	11.75	1.[illegible]6	4.25	1.60	.01
PAINTERS					
Brush	13.1[illegible]	1.13	.60		
Structural Steel, bridges, towers, fire excapes, smoke stacks, flag poles, exposed areas 15 ft. or more in height, swing stage, window jacks, boat swain chair, safety belts and spray	14.1[illegible]	1.13	.80		
ROOFERS					
Asphalt Built-up, Slate, Asbestos Tile or Tiles, Shingles, Ceramic Tile, Tectum, Spray Roofing & insolation	12.75	1.20	[illegible].55	i	.35
Coal Tar pitch Application or Ripping off in all Built up Roofing	13.25	1.20	[illegible].55	i	.35

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DECISION NO. NY81-3016 - Mod. #4 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Remainder of County)					
GROUP 1	12.82	1.15	1.25	a	.15
GROUP 2	12.91	1.15	1.25	a	.15
GROUP 3	13.08	1.15	1.25	a	.15
GROUP 4	13.35	1.15	1.25	a	.15
GROUP 5	13.80	1.15	1.25	a	.15
GROUP 6	14.02	1.15	1.25	a	.15
GROUP 7	14.31	1.15	1.25	a	.15
TRUCK DRIVERS					
Drivers on LeTourneau Tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), Low beds, I-Team, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	1[illegible].30	1.20	1.10	a	
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks	1[illegible].20	1.20	1.10	a	
Equipment up to and including 24 yard bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks and all other tractor trailers	1[illegible].05	1.20	1.10	a	
Ten wheelers, grease trucks and filler men	11.90	1.20	1.10	a	
Straight trucks	11.80	1.20	1.10	a	
Pick-up trucks used for hauling material parts, escort man over the road	11.80	1.20	1.10	a	

DECISION NO. NY81-3016 - Mod. #4 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, Building					
General laborers, mason tender, carpenter tender, labor stripping, cleaning forms, labor sweepers, cleaners, grading, digging ditches	9.[illegible]8	1.20	.91	1.70+a	
Hod carriers, plasterers tenders, scaffold builders (padlock and self supporting scaffold 14 feet or under all runways), mortar mixers (machine and hand), concrete mixers (by machine under 21E), vibrators, form setters, pipelayers, asphalt rakers, handling reinforcement rods, drillers, jackhammer operator, signalman, gunniting, motorbugs, water pump 2" or under, barco machine, wreckers, paving breakers, power saw operators, other machine operators	9.73	1.20	.91	1.70+a	
Blasters, laser beam operator	9.88	1.20	.91	1.70+a	
LABORERS, Heavy & Highway					
Concrete men, signal man, mason tender, pipe layers, riptap and dry stone layers, asphalt workers, screed bar operator, steel rod carrier, jackhammerman, wagon driller, airtrack operator, nippers, powder man high scalers, power buggy operator, vibratory operator compactor, wrecking laborers, gunite and sandblasting, coal passer, water pumps 2" or under	9.[illegible]	1.20	.9[illegible]	1.30+a	
Concrete finisher on Highways, blaster, form setter, laser beam operator	10.30	1.20	.96	1.30+a	
General laborers	9.70	1.20	.96	1.30+a	

DECISION NO. NY81-3016 - Mod. #4 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	12.00	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.[illegible]	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	10.20	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.00	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.80	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	1[illegible].42	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.54	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.7[illegible]	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.35	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technicians	14.55	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.[illegible]5	1.40	3%+1.00	a	

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DECISION NO. NY81-3016 - Mod. #4 (Cont'd)

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.91	1.40	3%+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	14.55	1.40	3%+1.00	a	
Certified Lineman Welder	15.27	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Equipment Operator	14.55	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Groundman Truck Drivers	11.64	1.40	3%+1.00	a	
Groundman	10.91	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

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DECISION NO. NY81-3024 - Mod. #4
(46 FR 20442 - April 3, 1981)
Bronx, Kings, Queens, New York,
& Richmond Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
IRONWORKERS					
Riggers	13.24	4.1[illegible]21	2.51[illegible]	1.[illegible]24	
[illegible]ERS					
[illegible]killed	11.50	1.9[illegible]	[illegible]		
PLASTERERS					
Bronx, New York	13.30	1.[illegible]0	1.54	.9[illegible]	.[illegible]
PAINTERS					
Brush & Roller	13.00	9½%	16½%	4%	.01
Spray & Scaffold	15.79	9½%	16½%	4%	.01
Fire Escape	14.86	9½%	16½%	4%	.01
SHEET METAL WORKERS	16.41	1.796	2.096		.16

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DECISION NO. NY81-3033 - Mod. #1
(46 FR 30277 - June 5, 1981)
Broome & Chenango Counties,
New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CARPENTERS					
Broome County and Chenango County (Twps. of Afton and the southwest portion of Greene)					
Carpenters & Soft Floor Layers	12.06	.55	.70		
Millwrights & Piledrivermen	12.31	.55	.70		
Chenango County (Remainder of County)					
Carpenters, Dockbuilders, Millwrights & Piledrivermen	11.[illegible]0	1.15	1.15	1.[illegible]	.05
ELECTRICIANS					
Chenango County (New Berlin & Sherburne)					
Electricians	14.80	.80	3%+ .85		.07
Cable Splicers	16.30	.80	3%+ .85		.07
ELEVATOR CONSTRUCTORS					
Broome County & Chenango County (except typs. of Columbus New Berlin & Sherburne)					
Elevator Constructors	12.22	1.345	1.0[illegible]5	a+b	.035
Elevator Constructors' Helper	8.55	1.345	1.0[illegible]5	a+b	.035
Elevator Constructors' Helper Probationary	6.11				
IRONWORKERS					
Chenango County (Twps. of Smyrna, Sherburne, New Berlin, Columbus, Plymouth, North & Norwich)					
Structural, Ornamental, Reinforcing, Rodmen, Riggers, Machinery Movers & Stone Derrickmen	13.07	1.11	1.55		.04
Sheeters	13.32	1.11	1.55		.04
Sheeters, Bucker-up	13.19[illegible]	1.11	1.55		.04
Broome County and Chenango County (Remainder of County)					
Structural, Ornamental, Reinforcing, Rodman, Riggers, Machinery Movers, Fence Erector, & Stone Derrickmen	12.80	1.01	1.30		.02
Sheeters	13.05	1.01	1.30		.02
Sheeters, Bucker-up	12.925	1.01	1.30		.02

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DECISION NO. NY81-3033 - Mod. #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	11.35	.99	1.20		
SPRINKLER FITTERS	15.55	.95	40		.0[illegible]
LINE CONSTRUCTION					
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	12.00	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.[illegible]	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	[illegible].60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	10.20	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	[illegible].00	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.[illegible]	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	1[illegible].4[illegible]	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.73	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.35	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technicians	14.55	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	[illegible]3.[illegible]5	1.40	3%+1.00	a	

DECISION NO. NY81-3033 - Mod. #1 (Cont'd)

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.91	1.40	3%+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	14.55	1.40	3%+1.00	a	
Certified Lineman Welder	15.27	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Equipment Operator	14.55	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Groundman Truck Drivers	11.64	1.40	3%+1.00	a	
Groundman	10.91	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

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DECISION NO. NY81-3034 - Mod. #1
(46 FR 30271 June 5, 1981)
Oneida County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS, CEMENT MASONS, POINTERS, CAULKERS, CLEANERS, PLASTERERS AND STONE MASONS (Building)	12.20	.96	1.79		
ELECTRICIANS					
Verona and Vienna Twps. west of State Highway 13					
Electricians	14.70	.97	3%+1.70		.08
Cable Splicers	15.80	.97	3%+1.70		.08
Remainder of County					
Electricians	14.80	.80	3%+ .85		.07
Cable Splicer	16.30	.80	3%+ .85		.07
IRONWORKERS					
Structural, Ornamental, Reinforcing, Machinery Mover, Rigger, Rodmen, Fence Erector and Stone Derrickman	13.07	1.11	1.55		.04
Sheeters	13.32	1.11	1.55		.04
Sheeters, Bucker-up	13.195	1.11	1.55		.04
MARBLE SETTERS, TERRAZZO WORKERS & TILE SETTERS	10.65	.96	1.70		
ROOFERS	14.15	1.00	2.25		
SPRINKLER FITTERS	15.55	.95	1.40		.08

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DECISION NO. NY81-3034 - Mod. #1 (CONT'D)

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	12.00	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.80	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	10.20	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.00	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.80	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.42	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.73	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.35	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technicians	14.55	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.095	1.40	3%+1.00	a	

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DECISION NO. NY81-3034 - Mod. #1 (CONT'D)

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.35	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.91	1.40	3%+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	14.55	1.40	3%+1.00	a	
Certified Lineman Welder	15.27	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Equipment Operator	14.55	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Groundman Truck Drivers	11.64	1.40	3%+1.00	a	
Groundman	10.91	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

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DECISION NO. NY81-3038 - Mod. #1
(46 FR 30265 June 5, 1981)
Steuben County, New York

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.77	1.40	1.25		.01
BOILERMAKERS	14.80	1.275	1.975		.03
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, TILE & TERRAZZO WORKERS	12.75		1.25		
CARPENTERS					
Twps. of Troupsburg, Hartville, Fremont, Wayland, Jasper, Hornellsville, Avoca, Cohocton, Bath, Camisten Canisten, Howard, Dansville, Wheeler Wheeler, Cameron, Greenwood & West Union					
Carpenters & Soft Floor Layers	[illegible]	.90	1.46		[illegible]
Millwrights & Piledrivers	[illegible]	[illegible]	[illegible]		.02
Diver Tender	12.56	.90	1.46		.02
ELECTRICIANS	14.90	1.00	1.46		.02
IRONWORKERS					
Twps. of Atlantic and South Dansville					
Structural, Ornamental, Reinforcing, Riggers, Rodmen, Machinery Movers, Fence Erectors & Stone Derrickmen	14.17	.90	1.55		.10
Sheeters	14.42	.90	1.55		.10
Sheeters, Bucker-up	[illegible]	.90	1.55		.10
Remainder of County					
Structural, Ornamental, Reinforcing, Riggers, Rodman, Machinery Movers, Fence Erectors & Stone Derrickmen	12.90	.85	1.30		.05
Sheeters	13.15	.85	1.30		.05
Sheeters, Bucker-up	12.96	.85	1.30		.05
PAINTERS					
Remainder of County					
Brush	13.00	[illegible]	[illegible]		.11
Steel, tanks, towers, stacks, flagpoles, bosun chair, radio TV towers	13.75	1.63	1.40		.11
35' from road level	[illegible]	1.63	1.40		.11
Taping	13.50	1.63	1.40		.11

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DECISION NO. NY81-3038 - Mod. #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & STEAMFITTERS					
Twps. of Avoca, Canisteo, Cohocton, Dansville, Fremont, West Union, Greenwood, Hartsville, Hornellville, Howard, Wheeler, Jasper, Prattsburg, Pultney, Troupsburg, Wayland, Woodhull, Cameron, Rathburne, & Tuscarora	15.08	1.025	3.38		.20
Remainder of County	14.15	.60	1.05		.15
SPRINKLER FITTERS	15.55		1.40		.08
LINE CONSTRUCTION					
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	12.00	1.40	3%+1.00	a	
Cable Splicer	16.00	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.80	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	[illegible]	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	[illegible]	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	[illegible]	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	[illegible]	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.04	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.73	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	[illegible]	1.40	3%+1.00	a	

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DECISION NO. NY81-3038 - Mod. #1 (Cont'd)

Modification Page 24

Modification Page 23

DECISION NO. NY81-3038 - Mod. #1 (Cont'd)

LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technicians	14.55	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.095	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.64	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Driver Mechanic, Groundman-Experienced	10.91	1.40	3%+1.00	a	
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	14.55	1.40	3%+1.00	a	
Certified Lineman Welder	15.27	1.40	3%+1.00	a	
Cable Splicer	16.005	1.40	3%+1.00	a	
Groundman Equipment Operator	14.55	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	12.36	1.40	3%+1.00	a	
Groundman Truck Drivers	11.64	1.40	3%+1.00	a	
Groundman	10.91	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #OK81-[illegible]067-Mod. #1 46FR42613-August 21, 1981 Oklahoma, Cleveland, Caddo, Canadian, Kingfisher, Lincoln, Logan, McClain, Grady, Seminole & Pottawatomie Counties, Oklahoma					
CHANGE:					
Cement masons	$12.0[illegible]	.75			
Sprinkler fitters	14.6[illegible]	.95	1.[illegible]0		.08
DECISION NO. OR81-5127 - Mod #4 (46 FR 35019 - July 6, 1981) Statewide Oregon					
CHANGE:					
ELECTRICIANS:					
Area 2:					
Lead Cable Splicers	$19.54	.95	3% + 1.3[illegible]		.10
PLASTERERS:					
Area 2	15.07	1.15	2.00		.06
ROOFERS:					
Area 5	14.51	.95	1.65		.10
DECISION NO. PA81-3[illegible]44 MOD. NO. 3 (46 FR 40477 - August 7, 1981) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford and Venango Counties, Pennsylvania					
CHANGE:					
Carpenters					
Zone I	$12.2[illegible]	6½%	8%	10%	

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DECISION NO. RI81-3042 - Mod. #1
(46 FR 42615 August 21, 1981)
Statewide, Rhode Island

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BUILDING CONSTRUCTION					
ELEVATOR CONSTRUCTORS	13.67	1.345	1.085	a+b	.035
ELEVATOR CONSTRUCTORS HELPER	9.57	1.345	1.085	a+b	.035
ELEVATOR CONSTRUCTORS HELPER PROBATIONARY	6.835				
GLAZIERS	12.08	.82	1.50		.01
HEAVY & HIGHWAY CONSTRUCTION					
LABORERS					
Laborers, Carpenter, Cement Finisher Tenders & Wrecking Laborers	10.55	.75	1.10		.10
Adzeman, Asphalt Rakers, Barco-type Jumping Tampers, Chain Saw Ops.. concrete & Power Buggy Ops., Concrete Saw Ops., Demolition Burners, Fence & Guard Rail Erectors, Highway Stone Spreaders, Mason Tenders, Mechanical Grinder Ops., Mortar Mixers, Pipelayers, Pipe Trench Bracers, Pneumatic Tool Ops., Riprap & Dry Stonewall Builders, Scaffold Erectors, Setters of Metal Forms for Roadways, Wagon Drill Ops., Wood Chipper Ops.	10.80	.75	1.10		.10
Air track drill ops., Brick Pavers, Block Pavers, Rammers, Curb Setters	11.30	.75	1.10		.10
Blasters & Powdermen	11.55	.75	1.10		.10
Open Air Caisson, Underpinning and Boring Crew:					
Bottom man	12.05	.75	1.10		.10
Laborer, Top Man	11.30	.75	1.10		.10
Driller	12.17	.75	1.10		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN81-1202 Mod #2 (46 FR 24886 - May 1, 1981) Shelby County, Tennessee					
CHANGE:					
PLUMBERS	$15.67	.75	.75		
PIPEFITTERS & AIR CONDITIONING MECHANICS	16.12	.75	.30		
DECISION #TN81-1204 Mod #3 (46 FR 25979 - May 8, 1981) Hamilton (Building & Heavy), Marion, Polk & Rhea (Building Construction only) Counties, Tennessee					
CHANGE:					
PLUMBERS & PIPEFITTERS	$13.35	.75	.75		.13
DECISION #TN79-1146 Mod #6 (44 FR 66147 - November 16, 1979) Davidson County, Tennessee					
CHANGE:					
PLUMBERS & PIPEFITTERS	$12.70	.85	.80		.09

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4087 - MOD. #5					
(45 FR 74365 - November 7, 1980)					
Gregg County, Texas					
CHANGE:					
Bricklayers	$12.95		.45		.05
Electricians:					
Electricians	13.15	.60	3%		1/4%
Cable splicers	13.50	.60	3%		1/4%
DECISION NO. TX81-4007 - MOD. #6					
(46 FR 1548 - January 8, 1981)					
Ector & Midland Cos., Texas					
CHANGE:					
Carpenters	12.18				.07
Electricians:					
Zone 1	13.20	.60	3%		1/10%
Zone 2	13.90	.60	3%		1/10%
Zone 3	14.20	.60	3%		1/10%
DECISION NO. TX81-4008 - MOD. #5					
(46 FR 1549 - January 8, 1981)					
Taylor County, Texas					
CHANGE:					
Electricians:					
Electricians	12.55	.60	3%+.25		1/4%
Cable splicers	12.80	.60	3%+.25		1/4%
Line construction:					
Lineman	12.55	.60	3%+.25		1/4%
Cable splicer	12.80	.60	3%+.25		1/4%
Groundman	9.41	.60	3%+.25		1/4%
Equipment operator	10.29	.60	3%+.25		1/4%
Flat bed truck driver	7.78	.60	3%+.25		1/4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4018 - MOD. #7					
(46 FR 20850 - April 3, 1981)					
Travis County, Texas					
CHANGE:					
Marble, tile & terrazzo workers	$11.10	.70			.05
Soft floor layers	14.00	.77	.85		.14
DECISION NO. TX81-4032 - MOD. #7					
(46 FR 25881 - May 8, 1981)					
Galveston & Harris Cos., Texas					
CHANGE:					
Soft floor layers	14.00	.77	.85		.14
DECISION NO. TX81-4038 - MOD. #6					
(46 FR 30287 - June 5, 1981)					
Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Electricians:					
Zone 1 - Electricians	13.80	.60	7%		1%
Cable splicers	14.05	.60	7%		1%
Line construction:					
Linemen	14.20	.60	8%		1/2%
Cable splicers	15.62	.60	8%		1/2%
Operators	14.91	.60	8%		1/2%
Groundmen	9.94	.60	8%		1/2%

DECISION NO. TX81-4048 - MOD. #3 (46 FR 35903 - July 10, 1981) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Building Construction:					
Line construction:					
Zone 1:					
Linemen	12.06	.60	1%		1/2%
Cable splicers	13.27	.60	1%		1/2%
Groundmen	8.44	.60	1%		1/2%
Operators	12.66	.60	1%		1/2%
Zone 2:					
Linemen	13.80	.60	1%		1/2%
Cable splicers	15.18	.60	1%		1/2%
Groundmen	9.66	.60	1%		1/2%
Operators	14.49	.60	1%		1/2%
DECISION NO. TX81-4052 - MOD. #1 (46 FR 35903 - July 10, 1981) Cameron, Hidalgo, Starr & Willacy Cos., Texas					
CHANGE:					
Asbestos workers	14.29	.70	1.00		.04

DECISION UT81-5117-Mod. #[illegible] (46 FR 25986 - May 8, 1981) Statewide, Utah	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Ironworkers:					
Fence Erectors, Ornamental, Reinforcing and Structural	$1[illegible]	$1.0[illegible]	$1.[illegible]0		.1[illegible]
Omit:					
Entire Truck Drivers Schedule as previously issued					
Add:					
Truck Drivers: (Areas 1 and 2) (See attached)					

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DECISION NO. UT81-5117 (Cont'd)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
	AREA 1	AREA 2	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dump Trucks - water level capacity (bottom, end, and side)(including Dumpster Truck, Turnawagons, Turnarockers and Dumpcrete):						
Less than 8 cu. yds.	$12.20	$14.20	$1.31	$1.25	$1.00	.10
8 cu. yds. and less than 14 cu. yds.	12.35	14.35	1.31	1.25	1.00	.10
14 cu. yds. and less than 35 cu. yds.	12.50	14.50	1.31	1.25	1.00	.10
35 cu. yds. and less than 55 cu. yds.	12.70	14.70	1.31	1.25	1.00	.10
55 cu. yds. and less than 75 cu. yds.	12.90	14.90	1.31	1.25	1.00	.10
75 cu. yds. and less than 95 cu. yds.	13.10	15.10	1.31	1.25	1.00	.10
95 cu. yds. and less than 105 cu. yds.	13.30	15.30	1.31	1.25	1.00	.10
105 cu. yds. and less than 130 cu. yds.	13.40	15.40	1.31	1.25	1.00	.10
All 130 cu. yds. and over to be paid one-half cent ($0.005) per cu. yd. capacity per hour in addition to rate for 105 yds. and less than 130 yds						
Flat Rack Trucks, Bulk Cement Trucks, Transport Trucks, Semi-trailer (carrying capacity):						
Pickup	12.025	14.025	1.31	1.25	1.00	.10
Less than 10 tons	12.10	14.10	1.31	1.25	1.00	.10
10 tons and less than 15 tons	12.25	14.25	1.31	1.25	1.00	.10
15 tons and less than 20 tons	12.35	14.35	1.31	1.25	1.00	.10
20 tons and over	12.50	14.50	1.31	1.25	1.00	.10
Transit Mix Trucks:						
Less than 8 cu. yds.	12.425	14.425	1.31	1.25	1.00	.10
Over 8 to 14 cu. yds.	12.525	14.525	1.31	1.25	1.00	.10
Concrete Pumping Trucks	12.425	14.425	1.31	1.25	1.00	.10

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DECISION NO. UT81-5117 - (Cont'd)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
	AREA 1	AREA 2	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Water, Fuel and Oil Trucks:						
Less than 1200 gallons	$12.075	$14.075	$1 31	$1.25	$1.00	.10
1200 gallons to less than 2500 gallons	12.20	14.20	1.31	1.25	1.00	.10
2500 gallons to less than 4000 gallons	12.35	14.65	1.31	1.25	1.00	.10
4000 gallons to less than 6000 gallons	12.65	14.65	1.31	1.25	1.00	.10
6000 gallons to less than 10,000 gallons	12.90	14.90	1.31	1.25	1.00	.10
10,000 gallons to less than 15,000 gallons	13.15	15.15	1.31	1.25	1.00	.10
15,000 gallons to less than 20,000 gallons	13.40	15.40	1.31	1.25	1.00	.10
20,000 gallons to less than 25,000 gallons	13.65	15.65	1.31	1.25	1.00	.10
25,000 gallons and over	13.90	15.90	1.31	1.25	1.00	.10
Oiler Spreader Operator (on single man operation where Boot Man is not required)	12.90	14.90	1.31	1.25	1.00	.10
Fork Lift, Straddle Truck	12.40	14.40	1.31	1.25	1.00	.10

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DECISION NO. WA81-5136 - Mod #6
(46 FR 35029 - July 6, 1981)
Statewide Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS; MARBLE SETTERS:					
Area 6	$16.75	.90	.80		
ROOFERS:					
Area 6:					
Roofers	15.60	.80	1.10		.10
Handling of irritating material (coal, tar, or epoxy)	15.85	.80	1.10		.10
Handling of irritating material (coal, tar, or epoxy) in a confined area	16.10	.80	1.10		.10

SUPERSEDEAS DECISION

STATE: ALABAMA
COUNTIES: Jefferson, Shelby, and St. Clair
DECISION NO.: AL81-1294
DATE: Date of Publication
Supersedes Decision No.: AL80-1091 dated September 5, 1980 in 45 FR 59094
DESCRIPTION OF WORK: Building Construction Projects (does not include residential construction consisting of single family homes and apartments up to and including 4 (four) stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$12.63	.55	.60		.12
CARPENTERS	11.67	.80	.40		.09
CEMENT MASONS	8.35				
ELECTRICIANS	13.45	.55	[illegible]% + .40		.5%
GLAZIERS	11.04	1.10	.95	a	.005
IRONWORKERS	13.48	.76	.82		.06
PAINTERS	12.35		.70		
PLASTERERS	11.31	.60			.10
PLUMBERS & PIPEFITTERS	12.70	.73	1.00		.09
ROOFERS	10.25		.40		.10
SHEET METAL WORKERS	12.88	.79	1.07		.09
SPRINKLER FITTERS	13.69	.95	1.40		.08
TILE SETTERS	11.00		.60		
TRUCK DRIVERS	6.06				
WELDERS - Rate for Craft					

FOOTNOTE:

a. Paid Holidays include New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, and Christmas Day.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION NO.: AL81-1294 PAGE 2

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group A	$8.26	.45	.55		.03
Group B	8.19	.45	.55		.03
Group C	8.13	.45	.55		.03
Group D	8.06	.45	.55		.03
Group E	8.56	.45	.55		.03
Group F	9.11	.45	.55		.03
Group G	8.98	.45	.55		.03
Group H	9.04	.45	.55		.03
Group I	8.93	.45	.55		.03
Group J	8.75	.45	.55		.03
Group K	9.90	.45	.55		.03

Classification Definitions:

Group A - Air or electrical tool operators and asphalt rakers

Group B - Vibrator operators, chain saw operators, operators of mechanical equipment which replaces wheelbarrows or buggies, power mowers, mortar mixers, pipe layers, concrete and clay and muckers

Group C - Plasterers' tenders and hod carriers

Group D - Mason tenders and building laborers

Group E - Burners on demolition, wagon drill operators and tunnel laborers

Group F - Powderman

Group G - Caisson-driller (18' diameter)

Group H - Tunnel miner

Group I - Pneumatic concrete gun operator and nozzleman

Group J - Chuck Tender

Group K - [illegible] operator

DECISION NO.: AL81-1294 PAGE 3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$12.05	.60	.50		.10
GROUP B	11.40	.60	.50		.10
GROUP C	10.09	.60	.50		.10
GROUP D	12.92	.60	.50		.10
GROUP E	12.04	.60	.50		.10
GROUP F	10.25	.60	.50		.10

Classification Definitions:

GROUP A - Asphalt plant, boom tractor, bulldozer, cableways, core driller, compressors (2 or more), crane-derrick-dragline, dinky locomotive, dredges, forklift, front end loader, gradall, heavy-duty mechanic, hoist (1 drum or more), mixers, push tractor, scrapers, shovels, trenching machine, (and all similar equipment), winch trucks, motor graders, concrete pump, piledriver, rotary drill

GROUP B - Air compressor (over 125), asphalt spreaders, blade graders (pull type) boat operator, conveyor (2 or more up to 4), crawler tractor, distributors, (bituminous surface), farm tractors, finishing machine, pumps over 4 inches, rollers, welding machine (4 or more)

GROUP C - Air compressor (125 & under), oilers-fireman, conveyor (1 tended by oiler), pumps (under 4 inches), welding machines (3 or under)

STEEL ERECTION -

GROUP D - Crane, dragline, derricks, hoist, piledrivers, winch truck, forklift, tower cranes, climbing cranes, cherry picker, mechanics, locomotives, tug boat

GROUP E - Tractors, welding machine, gas or diesel driven welding machine (4 or more), air compressors over 125 (2 or less), power generating units (gas or diesel)

GROUP F - Gas or diesel driven welding machine (3 or less), air compressor 125 and under (2 or less), oiler, fireman, small boat

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura

DECISION NUMBER: CA81-5154

DATE: Date of Publication

Supersedes Decision No. CA81-5120 dated July 6, 1981, in 46 FR 34951

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$19.25	$1.30	$1.45	$1.00	.07
BOILERMAKERS	17.61	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons:*					
Area 1	17.59	1.20	1.75		.14
Area 2	15.74	1.15	2.21		.10
Area 3	17.55	1.15	1.75		.07
Area 4	17.50	1.15	2.20		.05
Area 5	16.20	1.50	2.60		.10
Area 6	16.72	1.75	2.25		.06
BRICK TENDERS	12.53	1.37	3.28	1.45	.12
CARPENTERS:*					
Area 1:					
Carpenters	15.81	1.63	2.21	1.00	.10
Saw Filers	15.89	1.63	2.21	1.00	.10
Table Power Saw Operators	15.91	1.63	2.21	1.00	.10
Shinglers, Piledrivermen, Bridge or Dock Carpenters	15.94	1.63	2.21	1.00	.10
Hardwood Floorlayers	16.01	1.63	2.21	1.00	.10
Penumatic Nailers	16.06	1.63	2.21	1.00	.10
Millwrights	16.31	1.63	2.21	1.00	.10
Area 2:					
Carpenters	13.81	1.63	2.21	1.00	.10
Saw Filers	13.89	1.63	2.21	1.00	.10
Table Power Saw Operators	13.91	1.63	2.21	1.00	.10
Shinglers; Piledrivermen, Bridge or Dock Carpenters	13.94	1.63	2.21	1.00	.10
Hardwood Floorlayers	14.01	1.63	2.21	1.00	.10
Pneumatic Nailers	14.06	1.63	2.21	1.00	.10
Millwrights	14.31	1.63	2.21	1.00	.10
CEMENT MASONS:*					
Area 1:					
Cement Masons	17.24	1.60	2.00	1.70	.10
Cement Floating and Troweling Machine Operators	17.49	1.60	2.00	1.70	.10

*See AREA DESCRIPTIONS - Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:* (Cont'd)					
Area 2:					
Cement Masons	$15.24	$1.60	$2.00	$1.70	.10
Cement Floating and Troweling Machine Operators	15.49	1.60	2.00	1.70	.10
DRYWALL INSTALLERS:*					
Area 1	16.63	1.63	2.21	1.00	.09
Area 2	14.63	1.63	2.21	1.00	.09
DIVERS:*					
Diver, wet	32.88	1.63	2.21	1.00	.10
Diver, stand-by	16.44	1.63	2.21	1.00	.10
Diver, tender	15.44	1.63	2.21	1.00	.10
ELECTRICIANS:*					
Area 1:					
Electricians	18.43	1.08	3%+2.04		.13
Cable Splicers	18.88	1.08	3%+2.04		.13
Area 2:					
Electricians; Technicians	18.30	1.10	3%+2.15		.15
Cable Splicers	20.13	1.10	3%+2.15		.15
Area 3:					
Electricians; Technicians	15.67	1.15	3%+2.70		.12
Cable Splicers	15.97	1.15	3%+2.70		.12
Area 4:					
Electricians	20.09	.81	3%+1.45		.02
Area 5:					
Electricians	17.54	1.12	3%+2.60		.06
Cable Splicers	18.04	1.12	3%+2.60		.06
Area 6:					
Electricians	16.65	1.51	3%+3.15		.04
Cable Splicers	17.15	1.51	3%+3.15		.04
Area 7:					
Electricians	19.28	1.43	3%+1.50		
Cable Splicers	21.21	1.43	3%+1.50		
Area 8:					
Electricians	19.30	1.30	3%+1.50		.03
Cable Splicers	20.80	1.30	3%+1.50		.03
Area 9:					
Electricians	19.11	1.20	3%+2.25		.02
Cable Splicers	21.02	1.20	3%+2.25		.02

*See AREA Descriptions - Page 3

DECISION NO. CA81-5154 Page 3

AREA DESCRIPTIONS

BRICKLAYERS; Stonemasons:
Area 1: Imperial County
Area 2: Inyo, Kern, and Mono Counties
Area 3: Los Angeles and Orange Counties
Area 4: Riverside and San Bernardino Counties
Area 5: Santa Barbara and San Luis Obispo Counties
Area 6: Ventura County

CARPENTERS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Station, Point Arguello and Vandenberg Air Force Base
Area 2: Remaining Counties

CEMENT MASONS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordance Test Station, Point Arguello and Vandenberg Air Force Base
Area 2: Remaining Counties

DRYWALL INSTALLERS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Station, Point Arguello and Vandenberg Air Force Base
Area 2: Remaining Counties

DIVERS:*
Shall receive a minimum of 8 hours pay for any day or part thereof.

ELECTRICIANS:
Area 1: Imperial County
Area 2: Kern County (Remainder of County)
Area 3: Los Angeles County
Area 4: Orange County
Area 5: Riverside County
Area 6: Inyo, Mono, and San Bernardino Counties
Area 7: San Luis Obispo County
Area 8: Santa Barbara (Remainder of County)
Area 9: Ventura County

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
Area 10:					
Electricians	$22.85	$1.30	3%+1.50		.03
Cable Splicers	23.55	1.30	3%+1.50		.03
Area 11:					
Electricians	22.05	1.10	3%+2.15		.15
Cable Splicers	24.26	1.10	3%+2.15		.15
ELEVATOR CONSTRUCTORS:*					
Area 1:					
Elevator Constructors	15.41	1.045	.82	a	.035
Helpers	70%JR	1.045	.81	a	.035
Probationary Helpers	50%JR				
Area 2:					
Elevator Constructors	16.37	.895	.82	a	.035
Helpers	70%JR	.895	.81	a	.035
Probationary Helpers	50%JR				
GLAZIERS:*					
Area 1	16.12	1.20	3.00		.07
IRONWORKERS:*					
Fence Erectors	13.46	1.39	3.11	2.15	.07
Structural, Ornamental, Reinforcing	14.35	1.39	3.11	2.15	.07
IRRIGATION and LAWN SPRINKLERS	11.12	10%	16%	13%	1%
LATHERS:*					
Area 1	12.58	1.15	1.85	.90	.05
Area 2	14.00	1.26	1.99		.03
Area 3	17.75	1.63	2.63		.10
Area 4	14.80	1.05	2.50	1.00	.03
Area 5	15.87	.90	1.41	1.03	.01
LINE CONSTRUCTION:*					
Area 1:					
Groundman	12.40	.75	3%+1.60		
Lineman	16.13	.75	3%+1.60		
Cable Splicers	16.41	.75	3%+1.60		
Area 2:					
Groundman	13.73	1.10	3%+2.15		.15
Lineman	18.30	1.10	3%+2.15		.15
Cable Splicers	20.13	1.10	3%+2.15		.15

*See AREA DESCRIPTIONS - Page 6

DECISION NO. CA81-5154 Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:* (Cont'd)					
Area 3:					
Groundman	$14.73	.81	3%+1.45		.02
Lineman; Equipment Operators	18.09	.81	3%+1.45		.02
Cable Splicers	18.92	.81	3%+1.45		.02
Area 4:					
Groundman	9.86	1.25	3%+1.95		
Lineman	13.14	1.25	3%+1.95		
Cable Splicers	13.44	1.25	3%+1.95		
Area 5:					
Groundman	9.41	1.51	3%+3.15		.04
Lineman	16.67	1.51	3%+3.15		.04
Cable Splicers	17.15	1.51	3%+3.15		.04
Area 6:					
Groundman	13.17	1.12	3%+2.60		.06
Lineman; Equipment Operator	17.56	1.12	3%+2.60		.06
Cable Splicers	18.06	1.12	3%+2.60		.06
Area 7:					
Groundman	14.46	1.43	3%+1.50		.03
Lineman; Equipment Operators	19.28	1.43	3%+1.50		.03
Cable Splicers	21.21	1.43	3%+1.50		.03
Area 8:					
Groundman	17.69	1.20	3%+2.25		.02
Lineman; Equipment Operators	19.11	1.20	3%+2.25		.02
Cable Splicers	21.02	1.20	3%+2.25		.02
Area 9:					
Groundman	17.23	1.30	3%+1.50		.03
Lineman; Equipment Operators	22.05	1.30	3%+1.50		.03
Cable Splicers	23.55	1.30	3%+1.50		.03
Area 10:					
Groundman	16.54	1.10	3%+2.15		.15
Lineman	22.05	1.10	3%+2.15		.15
Cable Splicer	24.26	1.10	3%+2.15		.15
Area 11:					
Groundman	14.48	1.30	3%+1.50		.03
Lineman; Equipment Operators	19.10	1.30	3%+1.50		.03
Cable Splicers	20.80	1.30	3%+1.50		.03

*See AREA Descriptions - Page 6

DECISION NO. CA81-5154 Page 6

AREA DESCRIPTIONS:

ELECTRICIANS: (Cont'd)
Area 10: Point Arguello and Vandenberg Air Force Base
Area 11: China Lake Naval Ordnance Test Station and Edwards Air Force Base

ELEVATOR CONSTRUCTORS:
Area 1: Imperial and Inyo Counties; Kern County (south of Tehachapi Range); Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Kern County (north of Tehachapi Range)

GLAZIERS:
Area 1: Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo, and Ventura Counties

IRONWORKERS:
Where the project is located 35 miles or more from the City Halls indicated below, the following amount shall be added to the Base Pay:
35 miles to 50 miles - $9.00 per day
50 miles to 60 miles - $14.00 per day
60 miles to 100 miles - $17.00 per day
100 miles and over - $23.00 per day

City Hall of San Francisco, Oakland, San Jose, Sacramento, Stockton, Fresno, Bakersfield, Eureka, Redding, Napa, Los Angeles, San Diego, San Bernardino, Ventura, and El Centro

LATHERS:
Area 1: Inyo, Kern, and Mono Counties
Area 2: Los Angeles County (except City of Lancaster)
Area 3: Ventura County
Area 4: Orange County
Area 5: Riverside County

LINE CONSTRUCTION:
Area 1: Imperial County
Area 2: Kern County (Remainder of County)
Area 3: Orange County
Area 4: Los Angeles County
Area 5: Inyo, Mono, and San Bernardino Counties
Area 6: Riverside County
Area 7: San Luis Obispo County
Area 8: Ventura County
Area 9: Point Arguello and Vandenberg Air Force Base
Area 10: China Lake Naval Ordnance Test Station and Edwards Air Force Base
Area 11: Santa Barbara (Remainder of County)

DECISION NO. CA81-5154 Page 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS:*					
Area 1	$12.42	$1.50	$1.62	$1.18	
Area 2	13.54	.81	1.17		.08
MARBLE FINISHERS:*					
Area 1	9.44	.81	1.17		.08
PAINTERS:*					
Area 1:					
Brush; Painter Burners	16.74	1.23	1.78	.75	.07
Paperhangers	17.24	1.23	1.78	.75	.07
Sandblaster; Iron, steel and Bridge (Swing Stage)	17.74	1.23	1.78	.75	.07
Sheet Rock Tapers	16.05	1.23	1.78	.75	.07
Brush (Swing Stage); Spray	16.99	1.23	1.78	.75	.07
Steeplejack	18.39	1.23	1.78	.75	.07
Area 2:					
Brush	15.29	1.29	1.33	.75	.10
Brush Painter, Structural Steel, Paint Burner	15.41	1.29	1.33	.75	.10
Swing Stage, under 13 stories; Sandblaster; Pressure Roller Operator; Paperhanger	15.54	1.29	1.33	.75	.10
Swing Stage, over 13 stories	15.66	1.29	1.33	.75	.10
Paste Machine Operator	15.77	1.29	1.33	.75	.10
Spray Painter; Steeplejack	16.54	1.29	1.33	.75	.10
Taper	15.89	1.29	1.33	.75	.10
Area 3:					
Brush	12.65	1.10	1.10		.07
Brush or Roller (swing stage); Paperhangers; Tapers (sheet rock)	13.15	1.10	1.10	1.10	.07
Spray; Sandblaster	13.65	1.10	1.10	1.10	.07
Steeplejack	14.65	1.10	1.10	1.10	.07
Area 4:					
Brush, Pot Tender	15.98	1.25	1.83		.03

*See AREA DESCRIPTIONS - Page 9

DECISION NO. CA81-5154 Page 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
AREA 4: (Cont'd)					
Paperhangers, Paste Machine Operators; Iron and Steel	$16.23	$1.25	$1.83		.03
Spray, Taper; Sandblaster	16.48	1.25	1.83		.03
Steeplejack	16.98	1.25	1.83		.03
Parkling Lot Striping Work and/or Highway Markers:					
Striper	10.83	.90	.55	b	
Traffic Delineating Device Applicator	11.22	.90	.55	b	
Wheel Stop Installer, Traffic Surface Sandblaster	10.83	.90	.55	b	
Slurry Seal Operation:					
Mixer Operator	10.83	.90	.55	b	
Squeegee Man	9.64	.90	.55	b	
Applicator Operator	9.64	.90	.55	b	
Shuttleman	9.64	.90	.55	b	
Top Man	8.10	.90	.55	b	
PLASTERERS:*					
Area 1	18.495	1.08	1.85		.12
Area 2	19.70				
Area 3	18.28				
Area 4	16.15	1.25	2.00		
Area 5	18.56	1.45	3.55		.02
Area 6	16.955	1.00	1.30		.02
Area 7	12.77	1.15	1.65	1.00	.06
PLASTERERS' TENDERS:*					
Area 1	15.02	1.37	3.28	1.65	
Area 2	11.25	1.25	2.90	1.20	
Area 3	14.875	1.37	3.28	1.60	
Area 4	12.48	1.25	2.90	1.20	
Area 5	13.83	1.25	2.90	1.20	
Area 6	17.59	1.37	2.90	1.45	
Area 7	14.25	1.25	2.90	1.20	
PLUMBERS; Steamfitters:*					
Area 1	16.85	1.60	2.70	2.19	.13
Area 2	17.59	1.28	2.25	1.45	.23

*See AREA DESCRIPTIONS - Page 9

AREA DESCRIPTIONS:

MARBLE SETTERS:
Area 1: Inyo and Mono Counties
Area 2: Imperial County

MARBLE FINISHERS:
Area 1: Imperial County

PAINTERS:
Area 1: Imperial, Orange, and Riverside Counties; Los Angeles County (Ponoma Area); San Bernardino County (excluding western portion)
Area 2: Inyo County; Los Angeles County (except Pomona Area); Mono County; San Bernardino County (west of a line north of Trono including China Lake Area, Johannesburg, Boron, south including the Wrightwood Area); Kern County east of the Los Angeles Aqueduct)
Area 3: Kern County (except the portion lying east of the Los Angeles Aqueduct)
Area 4: San Luis Obispo, Santa Barbara and Ventura Counties

PLASTERERS:
Area 1: Los Angeles and Orange Counties
Area 2: Imperial, Riverside, and San Bernardino Counties
Area 3: San Luis Obispo County
Area 4: Santa Barbara County
Area 5: Ventura County
Area 6: Point Arguello and Vandenberg Air Force Base
Area 7: Kern, Inyo, and Mono Counties

PLASTERERS' TENDERS:
Area 1: Imperial, Inyo, Mono, Riverside, and San Bernardino Counties
Area 2: Kern County
Area 3: Los Angeles and Orange Counties
Area 4: San Luis Obispo County
Area 5: Santa Barbara County
Area 6: Ventura County
Area 7: China Lake Naval Ordnance Test Station and Edwards Air Force Base

PLUMBERS; Steamfitters:
Area 1: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Inyo, Kern, and Mono Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:* (Cont'd):					
Area 3	$2[illegible].[illegible]9	$1.28	$2.25	$1.45	.23
Area 4	1[illegible].[illegible]5	1.69	2.70	2.13	.13
refrigeration and AIR CONDITIONING:*					
Area 1	10.70	.98	.85	1.00	.05
Area 2	13.[illegible]	2.00	2.00	1.52	.30
ROOFERS:*					
Area 1	12.79	.80	1.05	1.00	
Area 2	12.80	.90	.60		.05
Area 3	14.65	.80	1.25	1.50	
Area 4	13.68	1.17	1.20	1.50	.065
Area 5	13.68	1.17	1.20	1.50	.065
Area 6	16.12	.645	1.49		
SHEET METAL WORKERS:*					
Area 1	16.34	1.20	2.64		.04
Area 2	16.73	1.20	2.13		.04
Area 3	18.12	1.20	3.32		.10
Area 4	14.16	1.14	2.64		.09
Area 5	15.30	1.14	1.91		.16
Area 6	17.82	1.20	2.57		.06
Area 7	16.975	1.00	1.30		.03
SOFT FLOOR LAYERS:*					
Area 1	15.28	.89	1.70		.15
Area 2	15.97	.86	1.30	.93	.08
Area 3	14.09	.95	.95	1.25	.09
SPRINKLER FITTERS:*					
Area 1	20.03	.95	1.40		.08
Area 2	16.62	1.10	1.80		.13
TERRAZZO WORKERS:*					
Area 1	12.69	.81	1.17		.08
Area 2	16.62	1.10	1.80		.10
TILE SETTERS:*					
Area 1	12.69	.81	1.17		.08
Area 2	16.43	1.06	2.00		.10
Area 3	15.89	1.50	2.35		.10
Area 4	15.60	1.15	2.20		
Area 5	14.75	.65	.65		
TILE FINISHERS:*					
Area 1	12.66	1.74	1.75		.16

*See AREA DESCRIPTIONS - Pages 11 and 12

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.23 per hour to Holiday Fund plus $.14 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.34 per hour to Vacation Fund, 5 years but less than 10 years $.44 per hour to Vacation Fund, over 10 years $.54 per hour to Vacation Fund.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA DESCRIPTIONS

PLUMBERS: Steamfitters: (Cont'd)
Area 3: Edwards Air Force Base, Naval Weapons Center and China Lake Naval Ordnance Test Center,
Area 4: Point Arguello and Vandenberg Air Force Base

REFRIGERATION and AIR CONDITIONING:
Area 1: Riverside and San Bernardino Counties
Area 2: Los Angeles and Orange counties

ROOFERS:
Area 1: Imperial County
Area 2: Inyo, Kern, and Mono Counties
Area 3: Riverside and San Bernardino Counties
Area 4: Los angeles, Orange, and Ventura Counties
Area 5: San Luis Obispo and Santa Barbara Counties
Area 6: Point Arguello and Vandenberg Air Force Base

SHEET METAL WORKERS:
Area 1: Imperial County
Area 2: Kern County and all of Inyo and Mono Counties; Los Angeles County (that portion north of a straight line drawn between Gorman and Big Pines)
Area 3: Los Angeles County (remaining portion)
Area 4: Orange County
Area 5: Riverside and San Bernardino Counties
Area 6: San Luis Obispo, Santa Barbara, and Ventura Counties
Area 7: Point Arguello and Vandenberg Air Force Base

SOFT FLOOR LAYERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, Riverside, Santa Barbara, San Luis Obispo, San Bernardino, and Ventura Counties
Area 3: Kern, Inyo, and Mono Counties

AREA DESCRIPTIONS (Cont'd)

SPRINKLER FITTERS:
Area 1: Imperial, Inyo, Kern, and Mono Counties; Orange County (except Santa Ana); Riverside County; San Bernardino County (except Ontario); San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Los Angeles City and Area witin 25 miles and Pomona Area; Orange County (Santa Ana); San Bernardino County (Ontario); and Ventura County (Santa Paula, Point Mugu and Port Hueneme)

TERRAZZO WORKERS:
Area 1: Imperial County
Area 2: Remaining Counties

TILE SETTERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, and Ventura Counties
Area 3: San Luis Obispo and Santa Barbara Counties
Area 4: Riverside and San Bernardino Counties
Area 5: Inyo, Kern, and Mono Counties

TILE FINISHERS:
Area 1: Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:						
	AREA I	AREA 2				
Group 1	$11.88	$13.88	$1.37	$3.20	$1.45	.12
Group 2	12.03	14.03	1.37	3.20	1.45	.12
Group 3	12.23	14.23	1.37	3.20	1.45	.12
Group 4	12.53	14.53	1.37	3.20	1.45	.12
Group 5	12.73	14.73	1.37	3.20	1.45	.12
GUNNITE:						
Group 1	14.12	--	1.37	3.20	1.45	
Group 2	13.32	--	1.37	3.20	1.45	
Group 3	12.16	--	1.37	3.20	1.45	
TUNNEL:						
Group 1	13.79	15.79	1.37	3.20	1.45	
Group 2	13.91	15.91	1.37	3.20	1.45	
Group 3	14.07	16.07	1.37	3.20	1.45	
Group 4	14.35	16.35	1.37	3.20	1.45	

AREA DESCRIPTIONS:

Area 1: Remainder of Counties

Area 2: Point Arguello, Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Center, Vandenberg Air Force Base

LABORERS

Group 1: Cleaning and handling of Panels Forms; Concrete Screeding for rough strike-off; Concrete, water curing; Demolition Laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of Shee-bolt Holes; Fire Watcher, Limber, Brush Loaders, Pilers and Debris Handlers; Flagman; Gas, oil and/or water Pipeline Laborer; Laborer, general or construction; Laborer, general cleanup; Laborer, landscaping; Laborer, jetting, temporary water and air lines; Material Hoseman (walls, slabs, floors and decks); Rigging and Signaling; Scaler; Slip Form Raisers; Slurry Seal Crews (Mixer Operator, Applicator Operator, Squeegee Man, Shuttle Man, Top Man); Striper, concrete or other paved surfaces; Tarman and Mortar Man; Tool Crib or Tool House Laborer; Traffic Delineating Device Applicator; Window Cleaner; Wire Mesh, pulling all concrete pouring operations

Group 2: Asphalt Shoveler; Cement Dumper (on 1 yard or larger Mixer and handling bulk cement); Cesspool Digger and Installer, Chucktender; Chute Man, pouring concrete, the handling of the Chute from Ready Mix Trucks, such as walls, slabs, decks, floors, foundations, footings, curb, gutters, and sidewalks; Concrete Curer, Impervious Membrane and Form Oiler; Cutting Torch Operator (demolition); Fine Grader, highways and street paving, airport, runways, and similar type heavy construction; Gas, oil and/or water Pipeline Wrapper; Pot Tender and Form Man; Guinea Chaser; Headerboard Man, asphalt; Laborer, packing rod steel and pans; Power Broom Sweepers (small); Riprap Stonepaver, placing stone or wet sacked concrete; Roto Scraper and Tiller; Sandblaster (Pot Tender); Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders; Underground Laborer, including Caisson Bellower

Group 3: Asphalt Raker, Luteman, Ironer and Asphalt Spreader Boxes (all types); Buggymobile Man; Concrete Core Cutter, Grinder or Sander; Concrete Cutting Torch; Concrete Saw Man, cutting, scouring old or new concrete; Driller, Jackhammer, 2½ feet drill steel or longer; Dri Pak-it Machine; Gas, oil and/or water Pipeline Wrapper, 6" pipe and over, by any method, inside and out; Hydro Seeder and similar type; Impact Wrench Multi-plate; Kettlemen, Potmen and Men applying asphalt, Lay-kold, creosote, lime caustic and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Operators of pneumatic, gas, electric tools; Vibrating Machines, Pavement Breakers, Air Blasting, Come-alongs, and similar mechanical tools not separately classified herein; Pipelayer's Backup Man, coating, grouting, making of joints, sealing, caulking, diapering and including Rubber Gasket Joints, pointing and any and all other services; Rock Slinger; Rotary Scarifier or Multiple Head Concrete Chipping Scarifier; Steel Headerboard Man and Guideline Setter; Tampers, Barko, Wacker, and similar type; Trenching Machine, hand propelled

LABORERS (Cont'd)

Group 4: Cribber, Shorer, Lagging, Sheeting and Trench Bracing, Hand-guided Lagging Hammer; Head Rock Slinger; Laser Beam; Oversize Concrete Vibrator Operator, 70 lbs. and over; Pipelayer, including water, sewage, solid, gas or air; Prefabricated Manhole Installer; Sandblaster (Nozzleman), water blasting; Welding in connection with Laborers' work

Group 5: Blaster Powderman, all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Driller; All power drills, excluding Jackhammer, whether Core, Diamond, Wagon, Track, Multiple Unit, and any and all types of mechanical drills

GUNNITE

Group 1: Nozzlemen and Rodmen

Group 2: Gunmer

Group 3: Reboundmen

TUNNEL

Group 1: Batch Plant Laborers; Bull Gang Mucker, Trackman; Concrete Crew, including Rodders and Spreaders; Changehouseman; Dumpman; Dumpman (outside); Swamper (Brakeman and Switchman on tunnel work); Tunnel materials handling Man; Tool Man

Group 2: Cable Tender; Chuck Tender; Nipper; Steel Form Raiser and Setter's Helper; Vibratorman, Jackhammer, pneumatic tools (except Driller); Loading and unloading Agitator Cars; Pot Tender, using mastic or other materials

Group 3: Blaster, Driller, Powderman; Chemical Grout Jetman; Cherry Pickerman; Grout Gunman; Grout Mixerman; Grout Pumpman; Jackleg Miner; Jumbo Man; Kemper and other pneumatic concrete Placer Operator; Miner, tunnel (hand or machine); Powderman (Primer House); Primer Man; Shotcrete Man; Steel Form Raiser and Setter; Timberman; Retimber (wood or steel); Tunnel Concrete Finisher; Nozzleman; Operating Troweling and/or Grouting Machine; Sandblaster

Group 4: Shaft, Raise Miner; Diamond Driller

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: DREDGING					
(Hydraulic Suction Dredges)					
Leverman	$15.45	$1.10	$2.80	.92	.04
Watch Engineer; Welder	14.87	1.10	2.80	.92	.04
Deckmate	14.87	1.10	2.80	.92	.04
Winchman (Stern Winch or Dredge)	14.33	1.10	2.80	.92	.04
Bargeman; Deckhand; Fireman; Oiler; Leveehand	13.78	1.10	2.80	.92	.04
(Clamshell Dredges)					
Leverman	15.45	1.10	2.80	.92	.04
Watch Engineer	14.87	1.10	2.80	.92	.04
Deckmate	14.87	1.10	2.80	.92	.04
Barge Mate	14.39	1.10	2.80	.92	.04
Bargeman; Deckhand; Fireman; Oiler	13.87	1.10	2.80	.92	.04
POWER EQUIPMENT OPERATORS:					
Group 1	15.35*	1.15	2.80	1.17	.14
Group 2	15.63*	1.15	2.80	1.17	.14
Group 3	15.92*	1.15	2.80	1.17	.14
Group 4	16.06*	1.15	2.80	1.17	.14
Group 5	16.28*	1.15	2.80	1.17	.14
Group 6	16.39*	1.15	2.80	1.17	.14
Group 7	16.51*	1.15	2.80	1.17	.14
Group 8	16.68*	1.15	2.80	1.17	.14
Group 9	16.81*	1.15	2.80	1.17	.14
When the home of any employee is over thirty(30) road miles from the center of the job or project on Vandenberg Air Force Base, a rate of $22.00 per scheduled work day shall be added to the base pay.					

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POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor (less than 600 C.F.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signalman; Switchman

Group 2: Compressor (600 C.F.M. or larger); Concrete Mixer, skip type, Conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or compressor; Rotary Drill Helper (Oilfield); Skiploader, wheel type up to 3/4 yard without attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driven Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (apshalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (Greaser Truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 feet)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yard); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrick Man (Oilfield type); Drilling Machine Operator (including water wells); Forklift (under 5 ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanic Berm, Curb or Gutter (asphalt or concrete); Mechanical Finisher (concrete-Clary, Johnson, Bidwell, or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Skiploader (Crawler and wheel type, over 3/4 yard and up to and including 1½ yards); Stinger Crane (Austin-Western or similar type); Tractor, Bulldozer, Tamper Scraper (single engine, up to 100 HP, flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist, 1 drum; Tunnel Locomotive (over 10 tons up to and including 30 tons); Welder-general

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (Gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity) (Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yard rubber tired, rail or track or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment (single engine, Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments, over 25 yards struck); Rubber-tired Scraper (self-loading paddle wheel type, John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type, over 1½ yards, up to and including 6½ yards); Surface Heaters and Planer; Trenching Machine (over 6 feet depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel HP and over, or similar); Bulldozer, Tamper, Scraper and Push Tractor (single engine); Tractor (boot attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cu. yds. M.R.C.) (Long-boom pay applicable); Self-propelled Curb and Gutter Machine

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 100 tons M.R.C. (Long boom pay applicable); Derrick Barge (Long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman, Welder combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (Long boom pay applicable); Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yards and up to 5 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. M.R.C.) (Long boom pay applicable); Tower Crane Repairman; Tractor Loader (Crawler and wheel type, over 6½ yards); Welder, certified; Woods Mixer and similar Pugmill Equipment

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (Long-boom pay applicable); Hoist, Stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more) (Long boom pay applicable); Mass Excavator, less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine; Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type, over 50 cu. yds. struck); Rubber-tired Self-loading Scraper (paddle wheel, auger type self-loading, 2 or more units); Rubber-tired Scraper, pushing one another without Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate); Wheel Excavator (over 750 cu. yds.)

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.91*	$1.25	$1.33	$1.35	.15
Group 2	12.99*	1.25	1.33	1.35	.15
Group 3	13.05*	1.25	1.33	1.35	.15
Group 4	13.14*	1.25	1.33	1.35	.15
Group 5	13.17*	1.25	1.33	1.35	.15
Group 6	13.19*	1.25	1.33	1.35	.15
Group 7	13.23*	1.25	1.33	1.35	.15
Group 8	13.24*	1.25	1.33	1.35	.15
Group 9	13.29*	1.25	1.33	1.35	.15
Group 10	13.32*	1.25	1.33	1.35	.15
Group 11	13.37*	1.25	1.33	1.35	.15
Group 12	13.39*	1.25	1.33	1.35	.15
Group 13	13.44*	1.25	1.33	1.35	.15
Group 14	13.69*	1.25	1.33	1.35	.15
Group 15	13.94*	1.25	1.33	1.35	.15
Group 16	14.04*	1.25	1.33	1.35	.15
Group 17	14.14*	1.25	1.33	1.35	.15
Group 18	14.44*	1.25	1.33	1.35	.15
Group 19	14.94*	1.25	1.33	1.35	.15

*When the home of an employee is over thirty(30) road miles from the center of the job or project on Vandenberg Air Force Base, a rate of $20.00 per scheduled work day shall be added to the Base Pay.

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (including all vehicles less than 6 tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Sprender Truck; Water Truck, 2 axle

Group 6: Dump, or less than 16 yards

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TRUCK DRIVERS (Cont'd)

Group 7: Transit-mix, under 3 yards; Dumpcrete, less than 6½ yards

Group 8: Truck Repairman Helper

Group 9: Water Truck, 3 or more axles

Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour addition for Tireman)

Group 11: Transit-Mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 12: Driver or vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment Driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All off-highway equipment within Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yds. or more; Truck Repairman

Group 16: Truck Repairman Welder

Group 17: Low Bed Driver, 9 axle or over

Group 18: Water Pull, single engine with attachments

Group 19: Water Pull, twin engine with attachments

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Hawaii COUNTIES: Statewide
DECISION NUMBER: HI81-5153 DATE: Date of Publication
Supersedes Decision No. HI81-5141 dated August 14, 1981, in 46 FR 41312
DESCRIPTION OF WORK: Building Projects; Residential Projects (consisting of single family homes and apartments up to and including 4 stories); Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.88	.90	$ 2.90		.06
BOILERMAKERS	13.90	.93	1.25		.03
BRICKLAYERS; Stonemasons	12.83	1.45	2.45	.70	.20
CARPENTERS:					
Carpenters; Hardwood Floor-layers; Patent Scaffold Erectors; Pneumatic Nailer; Shinglers	11.00	1.44	1.95	1.00	.06
Power Saw Operator (2 HP and over)	11.15	1.44	1.95	1.00	.06
Millwrights	11.25	1.44	1.95	1.00	.06
CEMENT MASONS:					
Cement Masons	12.78	1.45	2.15	.70	.20
Troweling Machine Operators	12.93	1.45	2.15	.70	.20
DRAPERY INSTALLERS	6.45	.50	.40	b	
DRYWALL APPLICATOR	11.10	1.44	1.95	1.00	.07
Electricians; Linemen	13.64	1.22	15%+1.94	11.6%	.55
Technicians	14.05	1.22	15%+1.94	11.6%	.55
Cable Splicers	15.00	1.22	15%+1.94	11.6%	.55
ELEVATOR CONSTRUCTORS	15.63	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	10.94	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	7.815				
FENCE ERECTORS:					
Chain Link	5.39	.23	.29	.10	.03
GLAZIERS	11.10	1.20	1.37	.97	.15
IRONWORKERS:					
Bridge; Ornamental; Reinforcing; Structural	12.75	1.15	1.30	1.70	.12
LINE CONSTRUCTION:					
Electricians; Linemen	13.64	1.22	15%+1.94	11.6%	.55
Technicians	14.05	1.22	15%+1.94	11.6%	.55
Heavy Equipment Operator	12.28	1.22	15%+1.94	11.6%	.55
Groundmen	10.23	1.22	15%+1.94	11.6%	.55
Cable Splicers	15.00	1.22	15%+1.94	11.6%	.55
MARBLE SETTERS	12.83	1.45	2.15	.70	.20
PAINTERS:					
Brush	13.05	.84	3.00	1.00	.10
Tapers	13.30	.84	3.00	1.00	.10
Spray; Sandblaster	13.55	.84	3.00	1.00	.10

DECISION NO. HI81-5153 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$13.04	$1.45	$2.45	.70	.21
PLUMBERS; Steamfitters	14.00	1.05	2.05	15%	.15
ROOFERS	12.90	1.25	1.70	.65	.15
SHEET METAL WORKERS	13.50	1.96	3.01		.44
SOFT FLOOR LAYERS	12.00	.75	1.75	.55	.29
SPRINKLER FITTERS	15.80	.95	1.40		.08
TERRAZZO WORKERS and TILE SETTERS:					
Terrazzo Base Grinder	10.31	1.30	2.00		.15
Terrazzo Floor Grinder and Finisher	9.22	1.30	2.00		.15
Terrazzo Workers and Tile Setters	12.83	1.45	2.15		.20

RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A thru F.

b. Seven Paid Holidays: A thru F plus Kamehaha Day. In order to be eligible for a Paid Holiday, employees must work the last working day before the Holiday and the first working day following the Holiday. If the employee did not work either of these two days due to illness or layoff, he shall be entitled to Holiday Pay. In case of illness, the Company may require proof of illness.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Crhistmas Day

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DREDGING Hydraulic Suction Dredges; Clamshell Dredges; Boat Operators; Derrick:					
Group 1	$14.45	$1.70	$2.45	.95	.05
Group 2	13.94	1.70	2.45	.95	.05
Group 3	13.39	1.70	2.45	.95	.05
Group 4	11.73	1.70	2.45	.95	.05
Group 5	11.73	1.70	2.45	.95	.05
Group 6	11.73	1.70	2.45	.95	.05
Group 7	14.20	1.70	2.45	.95	.05
Group 8	13.28	1.70	2.45	.95	.05
Group 9	13.90	1.70	2.45	.95	.05
Group 10	11.73	1.70	2.45	.95	.05

Group 1: Clamshell or Dipper Operator; Operators (Derricks, Piledrivers and Cranes)

Group 2: Mechanic or Welder; Assistant Engineer; Assistant Engineer (steam or electric)

Group 3: Deckmate; Barge Mate (Seagoing)

Group 4: Fireman

Group 5: Oiler; Deckhand (can operate Anchor Scow under direction of Deck Mate)

Group 6: Bargeman; Leveeman

Group 7: Leverman; Master Boat Operator

Group 8: Winchman (Stern Winch on Dredge)

Group 9: Boat Operator

Group 10: Boat Deckhand

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$8.61	$1.09	$1.56	.60	.08
Group 1-A	8.66	1.09	1.56	.60	.08
Group 1-B	9.01	1.09	1.56	.60	.08
Group 1-C	9.21	1.09	1.56	.60	.08
Group 1-D	9.06	1.09	1.56	.60	.08
Group 1-E	9.31	1.09	1.56	.60	.08
Group 1-F	9.36	1.09	1.56	.60	.08
Group 1-G	9.56	1.09	1.56	.60	.08
Group 2	8.86	1.09	1.56	.60	.08
Group 3	9.06	1.09	1.56	.60	.08

Group 1: All clean-up work of debris, grounds, buildings; Bridge Laborers; Construction Laborers; Dumpman; General Laborers; Limbers, Brush Loaders and Pilers

Group 1-A: Plaster Laborers

Group 1-B: Plaster Hod Carrier

Group 1-C: Plaster Mortar Mixer

Group 1-D: Mason Tender

Group 1-E: High Scaler

Group 1-F: Gunnite Operator

Group 1-G: Powderman

LABORERS (Con'td)

Group 2: Asphalt Shovelers; Cement Dumpers; Choke-setter and Rigger (clearing work); Concrete Chipping; Driller's Tender, Chuck Tender, Outside Nipper; Guinea Chaser (Stakeman); High Pressure Nozzleman-hydraulic Monitor (over 100# pressure) excluding levee work; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Sloper; All pneumatic, gas and electric tools not listed in Group 1

Group 3: Asphalt Ironers, Rakers and Hand Rollers; Barko and similar type Tampers; Buggymobile; Chainsaw, Faller, Logloader and Bucker; Concrete and Magnesite Mixer under 1/2 yard; Concrete Grinder; Concrete Pan Work; Concrete Saw (walking or hand type); Cribbers; Cut Granite Curb Setters; Form Raisers; Header Board; Mortar Mixers (block--brick-masonry); Jackhammer Operator Jackson and similar type Compactors; Lagging, Sheeting, Whaling, Bracing, Trench-jacking, Hand-guided Lagging Hammer; Magnesite and Mastic Workers (wet or dry); Mechanical Drillers not covered elsewhere; Pavement Breakers; Pipelayers, Caulkers, Bander; Pipewrappers, Kettlemen, Potmen and men applying asphalt, Lay-Kold, Creosote and similar type materials; Post Hole Diggers (hand type materials; Post Hole Diggers (hand held-gas, air and electric); Riprap, Stonepaver and Rockslinger, including placing of sacked concrete (wet or dry); Rotary Scarifier; Roto-tiller; Sandblasters; Tank Cleaners; Tree Climbers; Vibra-screed (Bull Float in connection with Laborers' work); Vibrator; Burning, welding, signaling and rigging in connection with Laborers' work; Concrete Pump Machine; Joy Drill Model TWM-2A, Gardner Denver DH-143 and similar type drills; Tract Drillers, Diamond, Core and Wagon Drillers; Davis Trencher T-66 or similar types; Concrete Laborers (wet or dry), including Bucket Tender for concrete

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LANDSCAPE and IRRIGATION LABORERS:					
Group 1	$7.75	$1.09	.80	.50	
Group 2	7.25	1.09	.80	.60	
Group 3	5.50	1.09	.80	.60	

Group 1: Install all Valves, Vacuum Breakers, Cooper; Galvanized, P.V.C., make tie-in to all main lines; Layout and installation of low voltage electrical lines; Install Heads, Risers, Valve Boxes; Install drinking fountains and all other portable water systems and tie-ins to main lines; Installing hydraulic or electrical Controller, make pressure test; All soldering with Torch or Soldering Iron; Shoot Grader Elevations; Check all plants and shrubs for proper size, caliber and condition; Rock and stone Setter; Concrete Chipping; Choke Setting, Signalling and Rigging for equipment Operators on job site; Concrete Laborers (wet and dry) including Bucket Tender for concrete; Vibrator, Concrete Grinder, Saw Cutter (hand or walking type), Concrete Pump Machine Operator; Concrete Mixer under 1/2 yard; Handheld gas, air and electric tools (i.e., Jackahmmer, Buster, Mud Gun, Jumping Jack, Jackson and similar Compactor, etc.); Chain Saw Tree Trimmers, Tree Climbers; Riding Trencher, Davis Trencher T-66 or similar type Fork Lift; Operation of Flatbed Truck up to and including 2½ tons; Hydro-mulching Machine Operator; Sit-down Mower; Operation of Hop-toe, Backhoe; John Deere or Case Light Dozer and similar types; Bantam or Grove 18 ton and under Cranes and similar types; Light Loaders or Rollers; Trucks requiring type seven and P.U.C. licenses and similar type sit-down driven machines not covered in Group 2

Group 2: Planting of trees, shrubs, ground covers, sprigging, hand-seeding, fertilizing, chemical spraying, raking, grubbing, guywiring, staking, propping, supporting trees, hand excavation (pick and shovel), hand rolling or tamping; Handheld gas, air or electric weed-eater; Cleaning and gluing pipe and fittings; Adjust Heads and Risers, staking and clamping Risers; Hand watering, watering by sprinkler system; Weeding, trimming and pruning

Group 3: Horticultural related work; Gardening and Yardman work; Maintenance of trees, shrubs, ground covers, and lawns; Fertilizing, chemical spraying, raking, guywiring, staking, propping, supporting trees; Cleaning and gluing pipe and fittings; Adjust Heads and Risers, staking and clamping Risers; Hand watering, watering by sprinkler system, weeding, trimming and prunning

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection):					
Group 1	$11.45	$1.70	$2.45	.95	.05
Group 2	11.56	1.70	2.45	.95	.05
Group 3	11.73	1.70	2.45	.95	.05
Group 4	12.00	1.70	2.45	.95	.05
Group 5	12.31	1.70	2.45	.95	.05
Group 6	12.96	1.70	2.45	.95	.05
Group 7	13.28	1.70	2.45	.95	.05
Group 8	13.39	1.70	2.45	.95	.05
Group 9	13.50	1.70	2.45	.95	.05
Group 9-A	13.73	1.70	2.45	.95	.05
Group 10	13.79	1.70	2.45	.95	.05
Group 10-A	13.94	1.70	2.45	.95	.05
Group 11	14.09	1.70	2.45	.95	.05
Group 12	14.45	1.70	2.45	.95	.05
HELICOPTER WORK:					
Pilot of Helicopter	15.62	1.70	2.45	.95	.05
Copilot of Helicopter	15.45	1.70	2.45	.95	.05
Airborne Hoist Operator for helicopter	15.31	1.70	2.45	.95	.05
DIVER (Aqua Lung)	16.76	1.70	2.45	.95	.05
ASPHALT PAVING GROUP:					
Asphalt Raker	12.00	1.70	2.40	a	
Asphalt Spreader Operator	13.2[illegible]	1.70	2.40	a	
Roller Operator:					
Over 5 tons	12.96	1.70	2.40	a	
5 tons and under	11.73	1.70	2.40	a	
Screed Man	12.31	1.70	2.40	a	
Hand Roller	11.50	1.70	2.40	a	

FOOTNOTE:

a. Employee who has completed two to five years' service shall receive a vacation of one week with pay; each additional year an additional one day vacation with pay; ten or more years, a vacation for two weeks each year; for each year of completed service thereafter to and including fifteen years' service, an addition of one day vacation with pay; fifteen or more years of service, a vacation of three weeks each year with pay.

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Partsman (heavy duty repair shop parts room when needed); Repairman Tender

Group 2: Compressor, electrically, diesel or gas powered etc.; Hydraulic Monitor; Material Loader and/or Conveyor Operator (handling building material); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar Pot Fireman; Box Operator (bunker); Locomotive (up to and including 30 tons); Roller (5 tons and under); Screedman (except asphalt concrete paving); Self-propelled, automatically applied concrete Curing Machine (on streets, highways, airports and canals); Tugger Hoist, single drum; Rodman and Chainman

Group 4: Boom Truck or Dual Purpose "A" Frame Truck; Dinky Operator; Fork Lift or Lumber Stacker (construction job site); Material Hoist (1 drum); Straddle Truck; Ross Carrier and similar (job site)

Group 5: Agri-Cat (mini-cat); Concrete Mixer (up to 2 yards); Concrete Pumps or Pumpcrete Guns; Generators, gasoline or diesel driven (100 K.W.); Lubrication and Service Engineer (mobile and grease rack); Towermobile; Welding Machine (gasoline diesel)

Group 6: Combination Loader and Backhoe including Hopto (up to and including 1/2 yard); Concrete Batch Plants (wet or dry); Concrete Saws and/or Grinder (self-propelled unit on streets, highways, airports, and canals); Drilling Machinary not to apply to Waterliners, Wagon Drills or Jackhammers; Highline Cableway Signalman; Loader (up to and including 2½ cu. yds.); Lull High Lift; Maginnis Internal Full Slab Vibrator (on airports, highways, canals, and warehouses); Mechanical Finishers (concrete) (large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile Crane Driver; Pavement Breakers; Portable Crushers; Power Jumbo Operator (setting slip forms, etc. in tunnels); Rollers (over 5 tons); Self-propelled Compactor (single engine); Slip Form Pumps (power driven hydraulic, electric, air, gas, etc. lifting device for concrete forms); Small Rubber-tired Tractors; Trenchers (up to and including 6 feet)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)

Group 7: Crusher Plant; Dual Drum Mixer; Gradesetter (mechanical or otherwise); Hoist (2 drums); Loader (over 2½ cu. yds. up to and including 5 cu. yds.); Mechanical Finishers or Spreader Machine, Asphalt (Barber Greene and similar); Mine or Shaft Hoist; Mixermobile (over 5 tons); Pavement Breaker, truck mounted, with compressor combination; Pavement Breaker with compressor combination (operates 1 or 2); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Pipe Bending Machine (pipe lines only); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom D-6 or similar); Trencher (over 6 ft.); Water Tanker (pulled by Euclid, T-Pulls, DW-10, 20, 21 or similar); Instrument Man

Group 8: Boring Machine; Cast-in-place Pipe Laying Machine; Concrete Batch Plant (multiple units); Combination Loader and Hydraulic Backhoe (over 1/2 yd. up to and including 3/4 yd.); Conveyor (tunnel); Engineer, Locomotive (over 30 tons up to and including 100 tons); Finishing Machine Operator (airports and highways); Hydraulic Backhoe (over 1/2 yd. to and including 3/4 yard); Kolman Loader; Mechanic Trench Shield; Mucking Machine; No-joint Pipe Laying Machine; Portable Crushing and Screening Plants; Saurman type Dragline (under 5 yards); Self-propelled Boom type Lifting Device; Stationary Pipe Wrapping, Cleaning and Bending Machine; Surface Heater and Planer; Tunnel Badger; Tri-batch Paver

Group 9: Boom type Backfilling Machine; Combination Mixer and Compressor (gunite); Do-more Loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber-tired Earthmoving Equipment (up to 12 cu. yds.); Wheel Trencher (over 6")

Group 9-A: Dozers; Heavy Duty Repairman or Welder; Push Cats; Scrapers; Self-propelled Compactor with Dozer; Sheep Foot; Tractors; Tractors (with boom, larger than D-6 and similar)

Group 10: Chicago Boom; Hoist (3 drums); Koehring Skooper; Loader (over 5 yards up to and including 12 yards); Locomotive (over 100 tons)(single or multiple units); Power Blade Operator; Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds., Euclid, T-Pulls, DW-10, 20, 21 and similar); Saurman type Dragline (5 yards or over); Soil Stabilizer (P & H equal); Sub-grader (Gurries or other automatic type); Track-laying type Earthmoving Machine (single engine with Tandem Scraper); Tractor, Compressor, Drill Combination; Tractor (tandem Scraper); Tractors (D-9 or equivalent); Chief of Party

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 10-A: Cranes (not over 25 tons); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (up to and including 1 cu. yd.)

Group 11: Automatic Slip Form Paver (concrete or asphalt); Cranes (over 25 tons); DW-10, 20, etc. (Tandem); Earthmoving Machine (multiple propulsion power units and two or more scrapers)(up to and including 35 cu. yds. struck MRC); High-line Cableway; Lift Slab Machine; Loader (over 12 yds.); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 yd. and up to 7 yds.); Power Blade Operator (16 or over); Pre-stress Wire Wrapping Machine; Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth Moving Machine (with tandem scraper); Tandem Cats; Tower Cranes, mobile; Trencher (pulling attached shield); Universal, Liebher, Linden and similar types of tower cranes; Wheel Excavator (up to and including 750 cu. yds. per hour)

Group 12: Band Wagon (in conjunction with wheel excavator); Derricks; Drill Rigs; Multi-propulsion Earth Moving Machines (2 or more scrapers) (over 35 cu. yds. "struck" MRC); Power Shovels and Draglines (7 cu. yds. M.R.C. and over); Rubber-tired Earthmoving Equipment (over 35 cu. yds., Euclids, T-Pulls, DW-10, 20, 21 and similar); Wheel Excavator (over 750 cu. yds.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Group 1	$11.73	$1.70	$2.45	.95	.05
Group 2	12.00	1.70	2.45	.95	.05
Group 3	12.31	1.70	2.45	.95	.05
Group 4	12.96	1.70	2.45	.95	.05
Group 5	13.28	1.70	2.45	.95	.05
Group 6	13.39	1.70	2.45	.95	.05

Group 1: Flatbed

Group 2: Dump, 8 yards and under; Water Truck (up to and including 2,000 gallons)

Group 3: Water Truck (over 2,000 gallons)

Group 4: Semi-trailer or Semi-dump

Group 5: Slip-in or Pup

Group 6: End Dumps, unlicensed (Euclid, Mack, Caterpillar or similar); Tractor Trailer (hauling equipment): Trucks (hooked up to trailer hauling equipment)

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTIES: DAVIESS, HANCOCK, & OHIO
DECISION NUMBER: KY81-1292
DATE: DATE OF PUBLICATION
Supersedes Decision Number KY79-1158 dated December 7, 1979 in 44 FR 70634
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A/C & Heating Mechanics	$7.50				
Bricklayers	7.11				
Carpenters	6.25				
Cement Masons	7.30				
Drywall Hangers	8.43				
Electricians	13.28	.50	3%		1/8of1%
Insulation Installers	4.79				
Ironworkers	5.78				
Laborers:					
Common	4.64				
Mason Tenders	5.25				
Painters	5.58				
Plumbers	7.87				
Roofers	5.83				
Sheet Metal Workers	6.75				
Tile Setters	7.32				
Truck Drivers	4.64				
Welders - Rate for craft					
POWER EQUIPMENT OPERATORS					
Backhoe	7.05				
Bulldozer	9.08				
Front End Loader	8.29				
Grader	6.00				
Paver	6.39				
Roller	5.98				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: KENTUCKY
COUNTY: DAVIESS
DECISION NO.: KY81-1293
DATE: DATE OF PUBLICATION
Supersedes Decision No. KY77-1155 dated DECEMBER 23, 1977 in 42 FR 64617
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$9.20	.35	.30		
Carpenters	6.67				
Cement Masons	7.30				
Drywall Hangers	8.43				
Drywall Finishers	5.75				
Electricians	13.73	.55	3%		1/8of1%
Glaziers	9.305	.48	.50	.25	
Ironworkers	6.00				
Laborers:					
Unskilled	4.64				
Mason Tenders	6.85	.35	.35		
Painters	5.75				
Plumbers & Pipefitters	11.68	.50	.80		.10
Roofers	9.23	.50	.40		
Sheet Metal Workers	6.75				
Tile Setters	9.20	.35	.30		
Tile Finishers	8.30				
Truck Drivers	5.00				
Welder - Rate for craft					
POWER EQUIPMENT OPERATORS					
Backhoe	9.80	.35	.35		.05
Bulldozer	9.08				
Crane, Derrick & Dragline	8.35				
Tractor	5.25				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Oklahoma, Cleveland and Canadian
DECISION NO. OK81-4073 DATE: Date of Publication
SUPERSEDES DECISION #OK79-4019 dated January 5, 1979 in 44FR1665
DESCRIPTION OF WORK: Residential construction, single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	$5.50				
Bricklayers	5.50				
Carpenters	4.85				
Cement masons	5.03				
Electricians	4.65				
LABORERS:					
Laborers	3.35				
Mason tenders	3.35				
Painters, brush	4.02				
Painters, spray	5.50				
Plumbers-Pipefitters	5.50				
Roofers	4.17				
Sheet metal workers	5.27				
Soft floor layers	4.10				
Tile setters	3.73				
Tile setters finishers	3.35				
Plasterers	4.98				
Sprinkler fitters	5.50				
POWER EQUIPMENT OPERATORS:					
Bulldozer	3.35				
Blade graders	3.50				
Backhoe	4.00				
Scrapers	3.50				
Shovels	4.00				

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Berks
DECISION NO.: PA81-3069 DATE: Date of Publication
Supersedeas Decision No. PA80-3028 dated April 11, 1980, in 45 FR 25019.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories), Excluding Sewage and Water Treatment Plant Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$14.01	1.12	.90		.01
Boilermakers	16.67	1.275	1.00		.02
Bricklayers & Stonemasons	12.15	1.00	1.25		
Carpenters	14.00	1.07	.95		
Cement Masons	10.79		1.65		
Electricians:					
Herford, Longswamp & Washington, Twps., portion of Maxatawney, Twp., east of Sacony Creek	13.25	.70	3%+.80		.04
Marion, Tulpehocken & Bethel Twps.	12.34	.65	3%+.67		1/4%
Remainder of County	14.49	.79	3%+.64		.04
Elevator Constructors	13.63	1.345	1.085	b+c	.035
Elevator Constructors' Helpers	70%JR	1.345	1.085	b+c	.035
Elevator Constructors' Helpers (Prob.)	50%JR				
Glaziers	9.1[illegible]	.40	.38		.01
Ironworkers, structural & ornamental, bridge	14.30	1.49	1.46		.05
Ironworkers, reinforcing	14.30	1.49	1.46		.05
General Laborers	8.45	.45	.50		
Operators of jackhammer, paving breaking and other pneumatic, electrical and mechanical tools coming under the jurisdiction of laborer, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for same, wagon drill operators and concrete power buggies	8.68	.45	.50		
Cofferdam, (below 10'), tunnel free air muckers	8.73	.45	.50		
Handling and using cutting or burning torches in the wrecking of buildings, plasterer tenders, scaffold builders and removal for plasterers	[illegible].8[illegible]	.45	.50		
Mason tenders, scaffold builders, removal for mason and power buggies	8.8[illegible]	.45	.50		
Blasters	8.90	.45	.50		

DECISION NO. PA81-3069

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers	$11.78		.25		.01
Lead Burners	10.75	.40	.25	a	.01
Line Construction:					
Lineman	14.28	.60	3%		3/8%
Groundman	8.57	.60	3%		3/8%
Winch truck operator	10.00	.60	3%		3/8%
Millwrights	14.52	1.07	.95		
Painters:					
Brush	11.05	1.10	1.00		
Bridge, tower, stacks & tanks	12.50	1.10	1.00		
Spray and steel	12.10	1.10	1.00		
Piledrivermen	12.97	3.13	1.40	e	.13
Plasterers	10.81		1.65		.01
Plumbers	15.08	1.10	1.40		.14
Roofers:					
Albany, Maxatany and Windsor Composition and slate	12.28		1.50		
Remainder of County	15.67	1.40	.95	d	
Roofer Assistant	7.75	1.40	.95	d	
Sheet metal workers	11.66	1.44	1.18		.14
Soft floor layers	14.00	1.07	.95		
Sprinkler Fitters	15.56	.95	1.40		.08
Steamfitters	15.01	.95	2.05		.11
Stone masons	12.15	1.25	1.00		

DECISION NO. PA81-3069

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F, plus the Friday after Thanksgiving.

d. Paid holidays: Election Day and Labor Day.

e. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day and Thanksgiving Day.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.27	10%	10.3%	a	1.3%
GROUP 2	13.98	10%	10.3%	a	1.3%
GROUP 3	13.11	10%	10.3%	a	1.3%
GROUP 4	12.34	10%	10.3%	a	1.3%
GROUP 5	11.87	10%	10.3%	a	1.3%
GROUP 6	10.96	10%	10.3%	a	1.3%
GROUP 7	14.52	10%	10.3%	a	1.3%
GROUP 7-A	14.77	10%	10.3%	a	1.3%
GROUP 7-B	15.01	10%	10.3%	a	1.3%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helocopters, machines similar to the above

GROUP 2 : All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist wirh two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type bachoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt paint engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishingmachines concrete breaking machines, rollers, seaman pulverzing mixer, power broom, seeding spreader, tireman (for power equipment) machines similar to above

GROUP 5: - Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc): 100 ft. and over

GROUP 7-A: 150 ft. and over
GROUP 7-B: 200 ft. and over

FOOTNOTES:
a, Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Lebanon
DECISION NO.: PA81-3068 DATE: Date of Publication
Supersedeas Decision No PA80-3029 dated April 25, 1980, in 45 FR 28069.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories)., Excluding Sewage and Water Treatment Plant Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$14.01	1.12	.90		.01
Boilermakers	16.67	1.275	1.00		.02
Bricklayers	11.52	.95	.72		.02
Carpenters	12.72	.70	.90		.05
Cement Masons:					
West of Rte. 501	11.33	.80	.80		
East of Rte. 501	10.79		1.65		
Electricians:					
That portion of Lebanon County that is North and West of Interstate Route 81, including all of the Fort Indianwown Gap Military Reservation	13.56	.65	3%+.67		¼ of 1%
That portion of Lebanon County which extends South and East of Interstate Route 81	12.34	.65	3%+.67		1/4%
Elevator Constructors	12.84	1.345	1.085	a+b	.035
Elevator Constructors' Helpers	8.99	1.345	1.085	a+b	.035
Elevator Constructors' Helpers (Prob.)	6.42				
Glaziers:					
Twps. of Bethel, Jackson, Mill Creek, Lebanon., E. of Rte. 72, Heidlberg & Richland	9.19	.40	.40		.01
Remainder of County	11.71	.70	.65		.01
Ironworkers	14.265	1.49	1.46		.045
General Laborers	8.80	.50	.50		
Operator of jackhammer, paving breaking and other pneumatic, electrical and mechanical tools, 'aying of all clay, terra cotta, ironstone vitrified concrete or non-metallic pipe and the making of joints for same, wagon drill operator, cofferdam (below 10') tunnel free air, handling and using cutting or burn-					

DECISION NO. PA81-3068 PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
-ing torches in the wrecking of buildings blasters, plasterer tenders, mason tenders scaffold builders and removal of power buggies	8.90	.50	.50		
Lathers	12.72	.70	.90		.05
Lead Burners	10.75	.40	.25	c	.01
Line Construction:					
Linemen & cable splicers	14.23	.60	3%		3/8%
Groundmen	8.54	.60	3%		3/8%
Winch truck operator	9.96	.60	3%		3/8%
Marble Setters	11.52	.95	.72		.01
Millwrights	14.42	.70	.90		.05
Painters (East of Route 72)					
Brush	11.05	1.10	1.00		
Structural Steel & Spray	12.10	1.10	1.00		
Highway bridges	12.50	1.10	1.00		
Painters (West of Route 72)					
Brush	10.77	.55	.38		.02
Structural steel	11.22	.55	.38		.02
Spray	11.52	.55	.38		.02
Piledrivermen	12.97	3.13	1.40	d	.13
Plasterers:					
East of Rte. 501	10.81		1.65		.01
West of Rte. 501	10.31	.80	.80		.01
Plumbers & steamfitters:					
East of Rte. 501	15.33	.85	1.40		.14
West of Rte. 501	13.30	1.02	1.00		.11
Roofers:					
Anniville, Cold Springs, East Hanover, North Anniville, North Cornwall, North Londonderry, South Anniville, South Londonderry, Union, West Cornwall Twps.:					
Compositions	10.76	.80	.55		
Remainder of County:					
Composition, damp & Waterproofing	15.67	1.40	.95	e	.05

DECISION NO. PA81-3068 PAGE 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet Metal Workers	$11.66	1.44	1.18		.14
Soft Floor Layers	10.98	.70	.90		.05
Sprinkler Fitters	15.56	.95	1.40		.08
Stonemasons	11.52	.95	.72		.02
Terrazzo Workers	12.15	.95	.72		
Tile Setters	12.15	.95	.72		
Truck Drivers:					
Pick-ups, dump, flat trucks to & including 2 highway license plates	9.47	f	g		
Transit-mix, winch trucks, tractor trailers, all types euclids, ross lumber carriers & trucks over 2 plates	9.72	f	g		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6 % basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F, plus the Friday after Thanksgiving Day.

c. 8 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day and Christmas Day.

e. Paid holidays: Election Day and Labor Day, July 4th.

f. $93.03 per month for employees who have worked sixty hours or more during the month.

g. $57.89 per month for employees who have worked sixty hours or more during the month.

Welders - rate for craft

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

DECISION NO. PA81-3068 PAGE 4

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.27	10%	10.3%	a	1.3%
GROUP 2	13.98	10%	10.3%	a	1.3%
GROUP 3	13.11	10%	10.3%	a	1.3%
GROUP 4	12.34	10%	10.3%	a	1.3%
GROUP 5	11.87	10%	10.3%	a	1.3%
GROUP 6	10.96	10%	10.3%	a	1.3%
GROUP 7	14.52	10%	10.3%	a	1.3%
GROUP 7-A	14.77	10%	10.3%	a	1.3%
GROUP 7-B	15.01	10%	10.3%	a	1.3%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helocopters, machines similar to the above

GROUP 2 : All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist wirh two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type bachoes, bcat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt paint engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishingmachines concrete breaking machines, rollers, seaman pulverzing mixer, power broom, seeding spreader, tireman (for power equipment) machines similar to above

GROUP 5: - Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc): 100 ft. and over

GROUP 7-A: 150 ft. and over
GROUP 7-B: 200 ft. and over

FOOTNOTES:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

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Friday
September 25, 1981

Part III

Department of Health and Human Services

Food and Drug Administration

Certain Topical Anti-Infective Drug Products; Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption; Notice of Opportunity for Hearing

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 80N–0012; DESI Nos. 8884, 8924, 9049, 9405, 10367, 10826, 50168, 50234]

Certain Topical Anti-Infective Drug Products; Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption; Notice of Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice revokes the temporary exemption for continued marketing of certain prescription drug products that are single-entity antibiotics or combination anti-infective products for dermatologic use. Under the exemption, the drugs have been allowed to remain on the market for continued study beyond the time limit scheduled for implementing the Drug Efficacy Study. This notice also reclassifies the drugs to lacking substantial evidence of effectiveness, proposes to withdraw approval of the new drug applications, and offers an opportunity for a hearing on the proposal.

DATES: The revocation of the temporary exemption is effective September 25, 1981; requests for hearing by October 26, 1981; material submitted to support hearing request by November 24, 1981.

ADDRESSES: Communications in response to this notice should be identified with Docket No. 80N–0012 and the appropriate DESI number, and directed to the attention of the appropriate office named below.

Request for hearing, supporting data and information, reports of studies, and other comments: Dockets Management Branch (formerly the Hearing Clerk) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Suzanne O'Shea, Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In notices published in the **Federal Register** of June 17, 1971 (36 FR 11675) (DESI 8884), June 6, 1972 (37 FR 11281, 11283) (DESI 8924, 9049), June 20, 1972 (37 FR 12166, 12171) (DESI 10367, 50168, 50234), June 29, 1972 (37 FR 12856) (DESI 10826), and July 27, 1972 (37 FR 15033) (DESI 9405), the Food and Drug Administration (FDA classified various prescription drug products as possibly effective for all their labeled indications relating to use in dermatologic and anogenital conditions, or as anti-infective agents. The products were topical single-entity antibiotic drugs, antibiotic/antibiotic combinations, and anti-infective/corticosteriod combinations (including antibiotic/corticosteroid combinations). The antibiotic combinations were rated less than effective because evidence was not available to show that each component contributed to the effectiveness of the product. In the case of anti-infective/corticosteroid combinations, FDA questioned the usefulness of the anti-infective component in treating corticosteroid-sensitive dermatoses.

Subsequently, in a notice published in the **Federal Register** of December 14, 1972 (37 FR 26623), certain single-entity and combination topical antibiotic products were temporarily exempted from the time limits established for implementing the Drug Efficacy Study. In a notice published in the **Federal Register** of October 9, 1974 (39 FR 36365), FDA stated the conditions for marketing the durgs under the exemption and extended the exemption to certain other antibiotic combinations and products containing one or more anti-infectives (including antibiotics) combined with a corticosteroid with or without other components, provided the corticosteroid was present in an effective amount. In a notice published in the **Federal Register** of August 6, 1976 (41 FR 32937, Docket No. 76N–0244, DESI 10959) calcium undecylenate/corticosteroid combination products were included in the exemption.

The decision to extend the exemption, both in scope and in time, rested on several factors: Many topical antibiotic and anti-infective/corticosteroid combinations have had wide medical acceptance as useful drugs and appeared to be a unique class of drugs. The components in most of these products had already been proven effective as single-entity drugs. Unanswered, however, was the question whether each component contributed to the claimed effects of a combination product composed of two or more of the components. There was a need to establish, by appropriate studies, whether these prodcuts were effective as combination products. Another factor in the agency's decision to exempt the products was that many of their components are also components of over-the-counter (OTC) drugs and subject to review as part of the ongoing OTC study (21 CFR Part 330). To deal with all such products in a rational and consistent manner, FDA permitted them to remain on the market pending evaluation of all relevant scientific data, including data submitted for the OTC review and the results of studies conducted in compliance with the temporary exemption for prescription drugs.

Because of the complexities in designing and conducting clinical trials on multicomponent drug products, the 1974 notice established two stages for studies on the products containing a corticosteroid. The first stage was to develop evidence that the anti-infective component taken as a whole and the corticosteroid component both contribute to the effectiveness of the product in the treatment of infected steroid-sensitive dermatoses. (Clinical evaluation of combinations containing an antifungal agent were to be directed at the cutaneous or mucocutaneous indication.) The second stage was to develop evidence that each of the specific drugs in the multi-ingredient anti-infective component contributes to the effectiveness of the product, making use of either the deliberations of the OTC Antimicrobial II Panel or any studies conducted by the sponsors. Determination of the effectiveness of products with one or more antibiotics but no corticosteroid would also make use of the final report of the OTC Antimicrobial II Panel.

Revocation of Exemption

Neither the findings of the OTC Antimicrobial II Panel nor the data submitted by the sponsors in response to the temporary exemption demonstrate that each component of these combination products makes a contribution to the claimed effects. Therefore, the temporary exemption granted by the December 14, 1972, October 9, 1974, and August 6, 1976 notices, as it pertains to all products covered by the exemption, is revoked. The specific products are listed below.

Drug Products

The following nonantibiotic anti-infective drug products were subject to the exemption and are covered by this notice of opportunity for a hearing.

1. NDA 10–412; Vioform-Hydrocortisone Cream and Ointment containing iodochlorhydroxyquin and hydrocortisone; Ciba Pharmaceutical Co., 566 Morris Ave., Summit, NJ 07901.

2. NDA 10–822; Cor-Tar-Quin Cream containing coal tar solution,

diiodohydroxyquin, and hydrocortisone; Dome Laboratories, Division of Miles Laboratories, Inc., 400 Morgan Ln., West Haven, CT 06516.

3. NDA 10–959; Caldecort Ointment containing calcium undecylenate 3% and hydrocortisone acetate 1%; Pennwalt Corp., Pharmaceutical Division, P.O. Box 1710, Rochester, NY 14603.

4. NDA 11–207; Cor-Tar-Quin Lotion containing coal tar solution, diiodohydroxyquin, and hydrocortisone; Dome Laboratories.

There are no new drug applications for the following nonantibiotic anti-infective drugs for which the sponsors have submitted information intended to support the drug products' effectiveness:

1. Iodochlorhydroxyquin with Hydrocortisone Cream; Byk-Gulden, Inc., P.O. Box 730, Hicksville, NY 11802.

2. Racet Cream containing iodochlorhydroxyquin and hydrocortisone; Lemmon Pharmacal Co., P.O. Box 30, Sellersville, PA 18960.

3. Ze-Tar-Quin Cream containing diiodohydroxyquin, coal tar, and hydrocortisone; Dermik Laboratories, 500 Virginia Dr., Fort Washington, PA 19034.

4. Zetone Cream containing coal tar and hydrocortisone; Dermik Laboratories, Inc.

5. Vytone Cream containing diiodohydroxyquin with hydrocortisone; Dermik Laboratories, Inc.

In the **Federal Register** of October 28, 1980 (45 FR 71354), FDA amended the antibiotic regulations to exempt dermatologic drug products from certification requirements. The regulation was amended because FDA had determined that batch-by-batch testing by FDA is not necessary to ensure the strength, quality, and purity of the drugs. The antibotics exempted from batch certification are considered new drugs subject to the requirements of section 505 of the act (21 U.S.C. 355). Further, as stated in the October 28, 1980 regulation, antibiotic drug products exempted from certification that are subject to the DESI review must continue to conform to the requirements of the review. Thus, the following Form 5's (indicated by numbers in the "50,000" series) are now considered "deemed approved" NDA's (NDA's approved with no showing of effectiveness; that is, on the basis of safety only). The following Form 6's (indicated by numbers in the "60,000" series) are now considered conditionally approved ANDA's (ANDA's based on "deemed approved" NDA's temporarily exempted from the time limits established for implementing the Drug Efficacy Study). FDA will maintain the certification regulations in the Code of Federal Regulations as public standards until the effectiveness of the products formerly certified under them is finally resolved.

The following products are subject to this notice of opportunity for a hearing and were being certified when the temporary exemption for continued marketing was granted, or were certified later with the understanding that they would be subject to the exemption as well. For convenience, the products have been listed according to the monographs under which they were previously certified.

I. 21 CFR 444.542a Neomycin sulfate-ointment.

a. Neomycin sulfate-flurandrenolone acetonide (flurandrenolide) ointment:

1. NDA 50–345; Cordran-N Ointment; Eli Lilly & Co., P.O. Box 618, Indianapolis, IN 46206.

b. Neomycin sulfate-fluorometholone ointment:

1. NDA 60–480; Neo-Oxylone Ointment; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001.

c. Neomycin sulfate-hydrocortisone acetate ointment:

1. NDA 60–387; American Pharmaceutical Co., P.O. Box 448, Passaic, NJ 07055.

2. NDA 60–751; Neo-Cortef Ointment; The Upjohn Co.

3. NDA 60–922; (0.5%, 1%, and 2.5%); Biocraft Laboratories, Inc., 92 Route 46, East Paterson, NJ 07407.

4. NDA 61–154; Ambix Laboratories, Division of Organic Corporation of America, 1615 East 51st St., North Bergen, NJ 07047.

d. Neomycin sulfate-hydrocortisone ointment:

1. NDA 60–202; (1% and 2.5%); Kasco-Efco Laboratories, Inc., Division of Byk-Gulden, Inc.

2. NDA 60–205; Cortomycin Ointments (1% and 2.5%); Bryant Pharmaceutical Corp., 70 MacQueston Pwky., South Mount Vernon, NY 10550.

3. NDA 60–315; (0.5%, 1%, and 2.5%); Byk-Gulden, Inc.

4. NDA 60–410; Nycin-HC Ointment; Schlicksup Drug Co., Inc., 420–22 Southwest Washington St., Peoria, IL 61602.

5. NDA 60–904; Premo Pharmaceutical Laboratories, Inc., 111 Leuning St., South Hackensack, NJ 07606.

6. NDA 61–106; Doak Pharmacal Co., Inc., 700 Shames Dr., Westbury, L.I., NY 11590.

7. NDA 61–319; Ferndale Laboratories, Inc., 780 West Eight Mile Rd., Ferndale, MI 48220.

8. NDA 62–104; Clay-Park Laboratories, Inc., 3339 Park Ave., Bronx, NY 10456.

e. Neomycin sulfate-hydrocortamate hydrochloride ointment:

1. NDA 10–697; Neo-Magnacort Ointment, Pfizer Laboratories, Division of Charles Pfizer & Co., Inc., 235 East 42d St., New York, NY 10017.

2. NDA 12–454; The Ulmer Pharmacal Co., Division of Physicians and Hospitals Supply Co., 2440 Fernbrook Ln., Minneapolis, MN 55441.

f. Neomycin sulfate-prednisolone acetate ointment:

1. NDA 61–036; Neo-Delta-Cortef Ointment; The Upjohn Co.

g. Neomycin sulfate-triamcinolone acetonide ointment:

6. NDA 61–064; Neo-Aristocort Ointment; Lederle Laboratories, North Middletown Rd., Pearl River, NY 10965.

h. Neomycin sulfate-hydrocortisone-coal tar extract ointment:

1. NDA 10–826; Neo-Tarcortin Ointment; Reed & Carnrick, 30 Boright Ave., Kenilworth, NJ 07033.

i. Neomycin sulfate-hydrocortisone acetate-calcium undecylenate ointment:

1. NDA 60–651; Caldecort Ointment; Pennwalt Pharmaceutical Division, Pennwalt Corp.

II. 21 CFR 444.542b Neomycin sulfate- ——— cream.

a. Neomycin sulfate-betamethasone cream:

1. NDA 50-340; Celestone Cream with Neomycin; Schering Corp., Galloping Hill Road, Kenilworth, NJ 07033.

b. Neomycin sulfate-dexamethasone sodium phosphate cream:

1. NDA 50–323; Neo-Decadron Cream; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19101.

c. Neomycin sulfate-sodium dexamethasone cream:

1. NDA 13–539; Neo-Decadron Cream; Merck Sharp & Dohme.

d. Neomycin sulfate-dichlorisone cream:

1. NDA 12–303; Neo-Diloderm Cream; Schering Corp.

e. Neomycin sulfate-fluocinolone acetonide [illegible]

1. NDA 60–700; Neo-Synalar Cream; Syntex Laboratories, Inc., 3401 Hillview Ave., Palo Alto, CA 94304.

f. Neomycin sulfate-methylprednisolone acetate cream:

1. NDA 60–611; Neo-Medrol Acetate; The Upjohn Co.

g. Neomycin sulfate-triamcinolone acetonide cream:

1. NDA 60–710; Neo-Aristocort Cream; Lederle Laboratories.

III. 21 CFR 444.542c Neomycin sulfate- ——— lotion.

a. Neomycin sulfate-hydrocortisone acetate lotion:

1. NDA 50–374; Neo-Cortef Lotion; The Upjohn Co.

b. Neomycin sulfate-hydrocortisone lotion:

1. NDA 10–116; Hydromet; Merck Sharp & Dohme.

2. NDA 50–307; Neo-Cort-Dome Lotion (0.5% and 1%); Dome Laboratories.

c. Neomycin sulfate-prednisolone acetate lotion:

1. NDA 61–038; Neo-Delta-Cortef Lotion; The Upjohn Co.

d. Neomycin sulfate-prednisolone sodium phosphate lotion:

1. NDA 10–990; Neo-Hydeltrasol; Merck Sharp & Dohme.

e. Neomycin sulfate-flurandrenolone lotion:

1. NDA 50–164; Cordran-N Lotion; Eli Lilly & Co.

IV. 21 CFR 444.542f Neomycin sulfate-gramicidin-triamcinolone acetonide ointment.

1. NDA 60–935; Kenalog-S Ointment; E. R. Squibb & Sons, Inc., P.O. Box 191, New Brunswick, NJ 08903.

V. 21 CFR 444.542g Neomycin sulfate-gramicidin-triamcinolone acetonide cream.

1. NDA 60–928; Kenalog-S Cream; E. R. Squibb & Sons, Inc.

VI. 21 CFR 444.542h Neomycin sulfate-gramicidin- ——— lotion.

a. Neomycin sulfate-gramicidin-triamcinolone acetonide lotion.

1. NDA 60–929; Kenalog-S Lotion; E. R. Squibb & Sons, Inc.

b. Neomycin sulfate-gramicidin-fludrocortisone acetate lotion.

1. NDA 9–654; Florinef; E. R. Squibb & Sons.

VII. 21 CFR 444.542i Neomycin sulfate- ——— topical aerosol.

a. Neomycin sulfate-triamcinolone acetonide topical aerosol.

1. NDA 61–065; Neo-Aristoderm Foam; Lederle Laboratories.

b. Neomycin sulfate-dexamethasone topical aerosol:

1. NDA 50–325; Neo-Decaspray Aerosol; Merck Sharp & Dohme.

VIII. 21 CFR 446.567a Oxytetracycline hydrochloride-hydrocortisone ointment.

1. NDA 61–011; Terra-Cortril Topical Ointment; Pfizer Laboratories.

IX. 21 CFR 446.567e Oxytetracycline hydrochloride-polymyxin B sulfate-hydrocortisone topical aerosol.

1. NDA 60–632; Terra-Cortril Topical Aerosol; Pfizer Laboratories.

X. 21 CFR 448.513c Bacitracin zinc-neomycin sulfate-polymyxin B sulfate-hydrocortisone ointment.

1. NDA 60–338; Neo-Polycin HC Ointment; The Dow Chemical Co., P.O. Box 68511, Indianapolis, IN 46268.

XI. 21 CFR 448.513d Bacitracin zinc-neomycin sulfate-polymyxin B sulfate topical powder.

1. NDA 50–166; Neosporin Topical Powder; Burroughs-Wellcome & Co., Inc., 3030 Cornwallis Rd., Research Triangle Park, NC 27749.

XII. 21 CFR 448.513e Bacitracin zinc-neomycin sulfate-polymyxin B sulfate topical aerosol.

1. NDA 50–167; Neosporin Aerosol; Burroughs-Wellcome & Co., Inc.

XIII. 21 CFR 449.550c Nystatin-neomycin sulfate-gramicidin- ——— ointment.

a. Nystatin-neomycin sulfate-gramicidin-triamcinolone acetonide ointment.

1. NDA 60–572; Mycolog Ointment; E. R. Squibb & Sons, Inc.

2. NDA 62–045; Myco Triacet; Premo Laboratories.

3. NDA 62–135; Byk-Gulden, Inc.

4. NDA 62–186; Tri-Statin Topical Cream; Clay-Park Laboratories.

5. NDA 62–280; Clay-Park Laboratories, Inc.

b. Nystatin-neomycin sulfate-gramicidin-fluorocortisone acetate ointment:

1. NDA 60–650; Myconef Ointment; E. R. Squibb & Sons, Inc.

XIV. 21 CFR 449.550e Nystatin-neomcyin sulfate-gramicidin-triamcinolone acetonide cream.

1. NDA 60–576; Mycolog Cream; E. R. Squibb & Sons, Inc.

2. NDA 61–954; Premo Laboratories.

3. NDA 62–136; Byk-Gulden, Inc.

XV. 21 CFR 452.510a Erythromycin ointment.

1. NDA 8–945; Erythromycin Ointment; The Upjohn Co.

2. NDA 50–184; Erythrocin Ointment; Abbott Laboratories.

3. NDA 50–368; Ilotycin; Dista Products Co., Division of Eli Lilly & Co., P.O. Box 1407, Indianapolis, IN 46206.

4. NDA 60–646; Ilotycin No. 90 Ointment; Eli Lilly & Co.

XVI. 21 CFR 455.503a Calcium amphomycin-neomcyin sulfate-hydrocortisone acetate cream.

1. NDA 50–350; Amphocortrin Cream; Warner-Chilcott Laboratories.

As stated in the October 28, 1980 notice, dermatologic antibiotic products that in the absence of certificate regulations are released are exempt from batch certification in the same manner and to the same extent as those products subject to published regulations. Thus, the following Form 5's and Form 6's are considered "deemed approved" NDA's and conditionally approved ANDA's, respectively. The following products are covered by this notice, and were being released when the temporary exemption for continued marketing was granted, or were subsequently released with the understanding that they would be subject to the exemption as well.

a. Polymyxin B sulfate-neomycin sulfate:

1. NDA 50–175; Neosporin Lotion; Burroughs-Wellcome & Co., Inc.

b. Polymyxin B sulfate-neomycin sulfate-gramicidin:

1. NDA 50–176; Neosporin-G Cream; Burroughs-Wellcome & Co., Inc.

c. Hydrocortisone-neomycin sulfate-polymyxin B sulfate-gramicidin:

1. NDA 50–218; Cortisporin Cream; Burroughs-Wellcome & Co., Inc.

d. Hydrocortisone-neomycin sulfate:

1. NDA 50–237; Neo-Cort-Dome Cream (0.5% and 1%); Dome Laboratories.

2. NDA 50–284; Neo-Hytone Cream; Dermik Laboratories, Inc.

e. Hydrocortisone acetate-neomycin sulfate:

1. NDA 61–049 (listed in intital classification as 61–409); Neo-Cortef Creams (1% and 2.5%); The Upjohn Co.

2. NDA 60–319; Hydrocortisone-Neomycin Cream (0.5% and 1%); Byk-Gulden.

f. Hydrocortisone-neomycin sulfate-nystatin:

1. NDA 50–242; Neo-Nysta-Cort Ointment; Dome Laboratories.

g. Hydrocortisone-neomycin sulfate-iodochlorhydroxyquin:

1. NDA 50–234; Neo-Domeform-HC Cream; Dome Laboratories.

h. Hydrocortisone-neomycin sulfate-bacitracin zinc:

1. NDA 60–295; Hydroderm Ointment; Merck Sharp & Dohme.

i. Hydrocortisone-neomcyin sulfate-resorcinol monoacetate-sulfur:

1. NDA 50–373; Neo-Resulin-F Cream; Schieffelin & Co., 562 Fifth Ave., New York, NY 10036.

j. Hydrocortisone-nystatin:

1. NDA 50–244; Nysta-Cort Lotion; Dome Laboratories.

k. Hydrocortisone-nystatin-iodochlorhydroxyquin:

1. NDA 50–234; Nystaform-HC Ointment; Dome Laboratories.

2. NDA 50–236; Nystaform-HC Lotion; Dome Laboratories.

l. Neomycin sulfate-prednisolone sodium phosphate:

1. NDA 50–378; Neo-Hydeltrasol Ointment; Merck Sharp & Dohme.

m. Neomycin sulfate-prednisolone:

1. NDA 50–187; Meti-Derm with Neomycin Aerosol; Schering Corp.

2. NDA 50–361; Meti-Derm with Neomycin Ointment; Schering Corp.

n. Neomycin sulfate-flurandrenolide:

1. NDA 50–346; Cordran-N Cream; Eli Lilly & Co.

o. Bacitracin zinc-neomycin sulfate-polymyxin B sulfate-hydrocortisone ointment:

1. NDA 50–168; Cortisporin Ointment; Burroughs-Wellcome & Co., Inc.

p. Bacitracin zinc-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ointment:

1. NDA 60–795; ICN Pharmaceuticals, 222 N. Vincent Ave., Covina, CA 91722.

q. Bacitracin-neomycin sulfate-polymyxin B sulfate-hydrocortisone acetate ointment:

1. NDA 60–215; Byk-Gulden, Inc.

2. NDA 60–335; Dow Chemicals, Inc.

3. NDA 60–920; Biocraft Laboratories.

4. NDA 61–299; ICN Pharmaceuticals.

Data Reviewed

Data have been submitted and reviewed for 18 of the products listed above. None of the data submitted, however, justify classifying the products as effective. Several studies investigated too few patients to permit evaluation of the effectiveness of the product. Furthermore, none of the data submitted for any combination product demonstrate that each component makes a significant contribution to the claimed effects of the product, as required by 21 CFR 300.50(a). The data submitted by the products' sponsors are fully discussed below.

In addition to the data submitted by the products' sponsors, FDA has reviewed the findings of its Advisory Review Panel on OTC Antimicrobial (II) Drugs on topical antibiotics (42 FR 17642). The Panel's findings do not support classifying these products as effective. The Panel reported that a "reasonable expectation * * * [of] clinically significant relief" had not been conclusively demonstrated for the OTC use of topical antibiotic products as skin wound antibiotics. Specifically, the Panel concluded that the available data were insufficient to permit final classification of the following antibiotics: bacitracin; gramicidin D; neomycin sulfate; polymyxin B sulfate; and tetracyclines (chlortetracycline hydrochloride, oxytetracycline hydrochloride, and tetracycline hydrochloride). In addition, the Panel concluded that the available data were insufficient to support a final classification of the following combinations of antibiotics: neomycin-polymyxin-bacitracin; bacitracin-neomycin; bacitracin-polymyxin; tetracycline-polymyxin; and gramicidin-neomycin. No data were submitted on combinations of antibiotics with nonantibiotics, and the Panel made no finding on the effectiveness of this type of combination product.

1. *Vioform-Hydrocortisone Cream (iodochlorhydroxyquin and hydrocortisone) manufactured by Ciba Pharmaceutical Co.* Ciba submitted the results of two multicenter studies comparing the effectiveness of Vioform-Hydrocortisone Cream, Vioform (iodochlorhydroxyquin) Cream, Hydrocortisone Cream, and placebo cream. In the first study (Carpenter et al.), seven investigators examined 690 patients. Patients were to enter the study only if they had (a) secondary bacterial or fungal infections, or both, in association with dermatitis, eczematoid dermatitis, neurodermatitis, atopic dermatitis, or intertriginous eruptions, or (b) primary fungal infections where anti-inflammatory and antifungal action was indicated. Of the 690 patients entered, there were 231 analyzable with bacterial infections, and 49 analyzable with only fungal infections. The treatment period was 7 days, with one pretreatment visit, one interim visit, and one end-of-treatment visit.

The sponsor analyzed the patients' global response, and symptomatic relief of pruritis, burning, and erythema at visit two and at the final visit. Pathogen conversion was evaluated at the final visit. In comparing Vioform-Hydrocortisone to its two components for the patients with bacterial infections, the sponsor found statistically significant differences favoring the combination over the Vioform in pruritis, burning, and global evaluation, at the second and the final visit. The sponsor found a statistically significant difference favoring the combination over hydrocortisone in global evaluation at the second visit.

The study fails to demonstrate the contribution of Vioform to the combination product. At the only visit where the combination was considered more effective than hydrocortisone alone (second visit, global evaluation) the base cream was more effective in global evaluation than Vioform alone. This paradoxical result and the failure to demonstrate a contribution by Vioform to response in any other measure or at the other evaluation time detract from the single statistically significant difference between Vioform-Hydrocortisone-treated patients and hydrocortisone-treated patients.

In the second study (Brecker et al.), 23 investigators studied 557 patients. Each patient was initially diagnosed as having acute cutaneous fungal infection indicated by KOH examination, a test to determine presence of fungal elements. The protocol calls for independent laboratory verification of fungal infection. Two laboratory tests were employed, a replication of the KOH test and culturing of material from the infected area. The protocol states that a positive result with either test would represent confirmation of fungal infection. The sponsor counted 354 patients as having verified fungal infections. The patients and the physicians each evaluated the patients' global response. Symptomatic relief of erythema, scaling, itching, exudation, and vesiculation was also evaluated. Evaluations were made at the second and third visits, and the "last visit." "Last visit" was visit 2 for 18 of 354 verified patients, and visit 3 for the other 336 verified patients. Cultural conversion and KOH conversion were also evaluated at the third visit.

For patients with culturally verified infections, at the third visit, the sponsor found Vioform-Hydrocortisone to be superior to Vioform alone only in physician evaluation and erythema. Vioform-Hydrocortisone was superior to hydrocortisone and vehicle for all analyses performed: erythema, scaling, itching, patient evaluation, physician evaluation, cultural conversion, and KOH conversion. Comparisons on the "last visit," virtually all (95 percent) of which were the third visit, produced the same results as the visit 3 comparisons. The sponsor concluded that the superiority of the combination product is demonstrated by this study.

Because all investigators followed the same protocol, Ciba pooled the data from all patients. There is no analysis showing that the data are appropriate for pooling, or that the data are consistent across physicians. Disregarding the possibility of physician effect is particularly unacceptable with variables which require subjective judgment, such as physician evaluation (21 CFR 314.111(a)(5)(ii)(*a*)(*5*)).

According to the protocol, patients whose laboratory verification showed fungal infection were to be statistically analyzed separately from patients whose laboratory verification showed no fungal infections. The possibility of an interaction between infection status and treatment was to be examined. Ciba interpreted laboratory verification as being cultural verification (i.e., confirmation by repeat KOH was not sufficient), and found that the results were different for the verified and unverified patients, the combination performing better in the verified group. Ignoring the results of the laboratory KOH test in determining which patients are verified requires justification, if the verified/unverified distinction is to be the basis for concluding that the combination is effective. In addition, the sponsor does not appear to have reported all factors used to distinguish between infected, uninfected, and unacceptable patients because its frequency distributions of verified and unverified patients are not duplicable.

Even if only the patients Ciba considered verified are analyzed, the results of the study provide little evidence that hydrocortisone makes a significant contribution to the complete formulation (21 CFR 300.50(a)). All patients evaluated their own response to vesiculation, exudation, erythema, scaling, and pruritus. Vesiculation and exudation are not very useful as indices of response because initially visiculation was absent in 72 percent of the patients and exudation was absent in 79 percent. Patients also evaluated scaling and pruritus—conditions that can vary with inconstant factors such as rubbing, scratching, sweating, anxiety, or temperature—and found almost no difference in the effectiveness of Vioform-Hydrocortisone and Vioform in treating these conditions. The patients also evaluated their global response. Both Vioform-Hydrocortisone and Vioform eliminated or greatly decreased discomfort in 59 percent of the patients. Thus, only for erythema was there any evidence of a contribution for hydrocortisone. Clearly, analysis of patient responses indicates that hydrocortisone contributed very little to the combination (21 CFR 300.50(a)).

All patients initially showed fungal infection by at least one positive KOH examination. The percentage of patients in each treatment group who were KOH-negative by the end of the study was:

Vioform-Hydrocortisone—47.1%
Vioform—57%
Hydrocortisone—23.1%
Placebo—32%

Hydrocortisone is somewhat less effective than placebo by this measurement, and perhaps even inhibits the effectiveness of the complete formulation (21 CFR 300.50(a)). Only 61 percent of the patients had positive initial cultures. The percentage of initially positive cultures in each treatment group that by the final visit became negative was:

Vioform-Hydrocortisone—67.1%
Vioform—75.6%
Hydrocortisone—23%
Placebo—30%

As in the KOH conversion measurements, hydrocortisone is less effective than placebo, and even seems to inhibit slightly the effectiveness of the combination product (21 CFR 300.50(a)).

The sponsor's results favoring Vioform-Hydrocortisone over Vioform in the verified group are not supported by results for all patients, including unverified patients. It should be appreciated that the "unverified" patients did have verification in 57 percent by repeat KOH test—an acceptable means of evaluation. Thus, the only results that suggest contribution of hydrocortisone depend on an after-the-fact choice of verification method and, at best, involve a minor symptom (erythema) and a physician global evaluation unverified by patient evaluation. Measurements of fungal cure rate suggest that, if anything, Hydrocortisone inferferes with cure.

2. *Cor-Tar-Quin Cream (coal tar solution, diiodohydroxyquin and hydrocortisone) manufactured by Dome Laboratories.* Dome submitted the results of three studies that compared the effectiveness of Cor-Tar-Quin Cream, a three-component combination, and each of the possible two-component combinations that could be made from its three ingredients. Each patient was to have an infected dermatosis. The medications were applied three times daily. The subjects returned at weekly intervals for 3 weeks. Cultures were taken and a clinical evaluation was performed at each visit.

The pooled results indicate that in the clincial evaluation of the patients in that treatment group, satisfactory results were obtained with:

Cor-Tar-Quin Cream—73.4%
Hydrocortisone plus diiodohydroxyquin—75%
Hydrocortisone plus liquor carbonis detergens—73.4%
Liquor carbonis detergens and diiodohydroxyquin—68.6%
Base—52.9%

There was also a similar response in the percentage of culture conversions:

Cor-Tar-Quin—62%
Hydrocortisone plus diiodohydroxyqiun—65.5%
Hydrocortisone plus liquor carbonis detergens—60.9%
Liquor carbonis detergens and diiodohydroxyqiun—62.8%
Base—73.5%

Clearly, these studies do not show that each ingredient contributes to the effect of the combination (21 CFR 300.50(a)).

3. *Racet Cream (no NDA) (iodochlorhydroxyquin and hydrocortisone) manufactured by Lemmon Pharmacal Co.* Lemmon's submission consists of the tablulated results of two private practitioners who used the drug product in 47 patients, and copies of 10 published papers from the literature. The patients were diagnosed as having 15 different conditions. The results were stated to have been excellent in 7 patients, good in 27, fair in 3, and poor in 10. No adverse reactions occured.

The submission is on its face not an adequate and well-controlled study. There is no comparison of the drug with a control (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)). Moreover, no attempt was made to assess the contributions of each component of the combination (21 CFR 300.50(a)). In addition, there is no report of the diagnostic criteria used to select the patients and no assurance that the patients were suitable for the purposes of the study (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)). In the absence of any control group there was no attempt to minimize bias on the part of the observer, nor was there any explanation of the methods of observation or recording the results (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)). There is no summary of the methods of analysis, nor is there a statistical evaluation of the data derived from the study (21 CFR 314.111(a)(5)(ii)(*a*)(*5*)).

The 10 published papers all concern the use of Vioform-Hydrocortisone Cream manufactured by Ciba. They are critiqued here because Vioform-Hydrocortisone Cream and Racet Cream contain the same active ingredients. Therefore, the papers may have some bearing on the effectiveness of Racet Cream.

The first paper (Carpenter, C. L., et al., "Combined Steroid-Anti-infective Topical Therapy in Common Dermatoses: A Double-Blind, Multi-Center Study of Iodochlorhydroxyquin-Hydrocortisone in 227 Patients," *Current Therapeutic Research,* 15(9):649–659, September 1973) is a report of a multicenter, randomized, double-blind study in which all investigators followed the same protocol and in which the results were pooled. The patients were divided into four treatment groups and received either the combination product (iodochlorhydroxyquin-hydrocortisone cream), iodochlorhydroxyquin cream, hydrocortisone cream, or the cream base (placebo). The patients had primary diagnoses of contact dermatitis, eczematoid dermatitis, atopic dermatitis, neurodermatitis, or intertriginous eruption, together with suspected secondary bacterial or fungal infection. Patients with primary fungal infections were also accepted if they seemed to need anti-inflammatory and antifungal treatment. At the end of the study, patients were judged on their overall response, their symptomatic improvement, and the number of pathogens eliminated.

The authors assert that for the patients given the combination product, the rate of "good to excellent" overall responses was significantly better, the response to pruritus was more satisfactory, and pathogen conversion rate was significantly higher than that obtained in the hydrocortisone and placebo groups.

The study is not adequate and well controlled. It is not adequately blinded. Iodochlorhydroxyquin cream and iodochlorhydroxyquin-hydrocortisone cream may cause yellow staining of skin, hair, nails, and fabrics. The cream base and hydrocortisone cream cause no stains. Thus, the placebo and one of the active control preparations do not resemble the test drug and the sponsor has not minimized bias (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)).

The other nine papers report on studies that are inadequately controlled and largely testimonial. None has a control group or attempts to compare the combination with its components (21 CFR 314.111(a)(5)(ii)(*a*)(*4*) and 21 CFR 300.50(a)).

The Baker paper (Baker, K. C., "Vioform-Hydrocortisone Cream: A Clinical Report," *Arizona Medicine,* 15(3):189–190, March 1958) reports on the results of treating 155 patients with Vioform-Hydrocortisone. The patients were diagnosed as having 14 different conditions. The best results were obtained in patients with seborrheic dermatitis, chronic eczematous dermatitis, and intertrigo with eczematous dermatitis.

The study is totally uncontrolled and does not explore the contribution of each component. Moreover, the method and duration of the treatment are not stated.

The third paper (Brooking, D. G. W. and J. B. Howell, "Vioform-Hydrocortisone Cream in Selected Dermatoses," *Texas State Journal of Medicine,* 54:792–795, November 1958) described the treatment of 84 patients with 10 different diagnoses. The cream was applied three or four times daily for varying lengths of time. Results were described as very good for seborrheic dermatosis, nummular eczema, eczematoid dermatitis of the hands, and lichen simplex chronicus.

The authors said a simultaneous paired comparison was made whenever possible with "another medication," but the reference drug was not named (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)). The study is thus essentially uncontrolled and does not assess the contribution of each component. The authors did not

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describe the scoring method used. Thus, the protocol is inadequate as to method or scoring, followup schedule, and duration of therapy (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)).

The fourth study (James, A. P. R., Iodochlorhydroxyquinoline (Vioform) Hydrocortisone Cream and Lotion in Superficial Fungus Infections," *Antibiotic Medicine and Clinical Therapy,* 5(4):266–269, April 1958) describes results obtained in 207 cases of primary and secondary superficial fungus infections in which the fungi were demonstrated microscopically. Results were described as excellent in 97 patients and as satisfactory in 93 patients.

Again the study was uncontrolled and did not assess the contribution of each component. The study's protocol is also inadequate. There was no fixed duration of the study and some of the patients were still under treatment when the paper was written. In addition, the frequency of application of the drug was not stated. An unspecified number of patients received concomitant therapy, for example superficial roentgen therapy (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)). No confirmatory cultures were taken (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*i*)). The method of scoring was not described (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)).

The fifth paper (James, B. M. and J. A. Hunt, "Vioform-Hydrocortisone Cream in Selected Dermatoses with Emphasis on Industrial Cases," *Industrial Medicine and Surgery,* 27:199–201, April 1958) is a report of results in treating 118 cases of industrial contact dermatitis, 61 cases of nonindustrial contact dermatitis, and 221 cases of 12 other skin diseases (atopic dermatitis, chronic eczema, monilial paronychia, psoriasis, lichen simplex chronicus, nummular eczema, seborrheic dermatitus, stasis dermatitis, pruritus ani et vulvi, tinea, pyoderma, and otitis externa). The drug was applied two to four times daily, and duration of treatment was 1 to 8 weeks. The authors state that results of "cured" or "good" were obtained in 94 percent of industrial contact dermatitis and 90 percent of nonindustrial contact dermatitis. Results of cured or good for the other diagnoses ranged from 18 percent for psoriasis to 90 percent for monilial paronychia.

The study had no control and did not assess the contribution of each component. This study's protocol was also inadequate in that the return visit schedule was not specified, nor were the criteria for scoring specified (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*) and 21 CFR 314.111(a)(5)(ii)(*a*)(*3*)).

Another paper (Montgomery, R. M. and S. Brezak, "Topical Use of Vioform Hydrocortisone in Podiatry," *Journal of the American Podiatry Association,* 48(8):364–366, August 1958) is a report of results using the drug two or three times daily on 26 patients with four different conditions involving the feet: atopic eczema, contact dermatitis, neurodermatitis, and stasis dermatitis. The author asserts that all patients but three obtained good results.

The study was uncontrolled and did not assess the contribution of each component.

The seventh paper (Montgomery, R. M. and W. M. Lavette, "Topical Use of Vioform-Hydrocortisone in Dermatology," *Clinical Medicine,* 6(1):29–32, January 1959) is a report of clinical experience of 21 patients with Vioform-Hydrocortisone Ointment. Of the 69 total patients in the study, 18 had contact dermatitis and 23 had seborrheic dermatitis. The other patients were diagnosed as having moniliasis, rosacea, psoriasis, nummular eczema, stasis dermatitis, neurodermatitis, asteatosis, atopic eczema, dermatophytid, dermatophytosis. The authors claim that good results occurred in 91.3 percent of the patients.

The study was uncontrolled and did not assess the contribution of each component. The protocol is also inadequate in other respects. The frequency of application of the drug, duration of treatment, and criteria for scoring are not mentioned (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*) and(*3*)).

Another paper (Pearlstein, S. M., "Treatment of Nummular Eczema," *Medical Times,* 86(10):1238–1239, October 1958) is a report of the author's results in treating 50 cases of nummular eczema with Vioform-Hydrocortisone Cream twice daily. The author asserts that in 98 percent of the patients the results were "excellent," with a 2 percent failure rate "due to primary irritancy."

The study was uncontrolled and did not assess the contribution of each component. The study's protocol is also inadequate in failing to specify the duration of treatment and the criteria for scoring (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*) and(*3*)).

The ninth paper (Riley, K. A., "Management of Chronic Eczematoid Dermatitis of the Hands," *International Record of Medicine,* 173:300–302, May 1960) is a report of the results obtained by 41 patients with chronic eczematoid dermatitis of the hands treated with Vioform-Hydrocortisone Cream applied morning and night and after washing hands during the day. Treatment duration varied from 2 weeks to 24 weeks. Some of the patients used aqueous benzalkonium solution for hand cleansing, and three patients were given oral antihistamines. The author states that at the end of 2 weeks, 95.5 percent of the patients had improved, and at the final examination after 24 weeks, 65.9 percent of the patients showed completely clear skin.

The study was uncontrolled and did not assess the contribution of each component. In addition, the protocol is inadequate in that not all patients received the same frequency, duration, or kind of treatment (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)). The criteria for scoring results are unspecified (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)).

The tenth paper (Wexler, L., "Seborrheic Dermatitis: Treatment with an Iodochlorhydroxyquin-Hydrocortisone Compound," *Clinical Medicine,* 8:505, March 1961) is a report of the results of 100 patients with seborrheic dermatitis of the scalp treated with the cream once daily. The treatment was continued until the lesions disappeared, and the time required for clearing was noted. If the disorder recurred, the recurrence dates were noted and treatment resumed. The clearing time was again noted.

The author states that 92 patients showed complete clearing or marked improvement in an average of 4.7 days. Eight failed to improve. There were many recurrences in the patients who had showed improvement. The relapses required an average of 2.9 days to clear.

The study was uncontrolled and did not assess the contribution of each component. The study's protocol is also inadequate in that nothing is said about concomitant treatment, such as shampooing (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)). The rating scale for scoring results is not specified (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)).

4. *Iodochlorhydroxyquin with Hydrocortisone Cream (no NDA) manufactured by Byk-Gulden, Inc.* Byk-Gulden submitted a report of a study employing 81 subjects in four parallel groups comparing (1) cream base (placebo), (2) cream base and hydrocortisone, (3) cream base and iodochlorhydroxyquin, and (4) cream base, iodochlorhydroxyquin, and hydrocortisone (the product). The diagnostic selection criterion was "acute eczematous eruptions with secondary bacterial infection." A bacterial culture was taken at the beginning and end of the study. At each of four weekly visits the following conditions were to be evaluated: pruritus, excoriations, inflammation, and epidermal disruptions. The results submitted include the investigator's overall clinical evaluation (excellent, good, fair, or no

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response), a statistical analysis of the investigator's evaluation, and a tabulation of culture results.

The study is not adequate and well-controlled. No raw data were submitted; the results are given in summary tabular form only. The protocol does not state the diagnostic criteria for acute eczematous dermatitis (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*i*)). There is no indication that steps were taken to minimize bias in assigning patients to test groups (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*ii*)). The protocol does not assure comparability in test groups of the following variables: age, sex, and severity or duration of disease (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)). It appears that the study was not blinded (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)). The test creams that contain iodochlorhydroxyquin cause yellow stains on the skin, but plain base or hydrocortisone creams do not. The plain base and hydrocortisone creams could have been formulated so that they too would cause a yellow stain. Thus the unblinding was avoidable. In addition, the evaluations of pruritus, excoriation, inflammation, and epidermal disruption were not submitted, nor were the results of the bacterial cultures analyzed (21 CFR 314.111(a)(5)(ii)(*a*)(*5*)).

Byk-Gulden's statistical analysis of the overall clinical results is incomplete and inadequate. In analyzing the overall clinical evaluations, the sponsor has combined the "excellent," "good," and "fair" responses, and determines that iodochlorhydroxyquin with hydrocortisone is significantly superior to each of its components. the sponsor offered no justification for combining treatment groups, and without case reports it is difficult to tell whether a response of good is nearly excellent or somewhat better than no response. In addition, when the number of patients in each response category (excellent vs. good vs. fair vs. no response) for iodochlorhydroxyquin with hydrocortisone is compared with the number of patients in each response category for the iodochlorhydroxyquin component, there are no significant differences in the response patterns of the treatment groups, indicating that hydrocortisone makes no contribution to the effectiveness of the combination. When the response categories for all treatment groups are collapsed differently from the way suggested by the sponsor (excellent/good vs. fair/no response; excellent vs. good/fair/no response), there is no statistically significant difference among the treatments. Thus, a significant contribution of each ingredient can be shown only if all patients with "good" or "fair" responses are joined with the "excellent" responses. Because the result is so heavily dependent on the way in which the responses are collapsed into categories, it is essential that some explanation be provided of how analyst bias was avoided, but none was (21 CFR 314.111(a)(5)(ii)(*a*)(*5*)). Because the study is not well controlled it cannot demonstrate the contribution of each ingredient to the effect of the combination (21 CFR 300.50(a)).

5. *Products manufactured by Dermik Laboratories (no NDA's).* Dermik submitted data on the effectiveness of Ze-Tar-Quin Cream, Zetone Cream, and Vytone Cream. Studies were conducted for each product comparing the complete formulation with that of its components. However, no study investigated more than 15 patients. Therefore, in each study the data were insufficient to draw any conclusion on the effectiveness of the product.

6. *Mycolog Cream (triamicinolone acetonide, neomycin sulfate, gramicidin, and nystatin), manufactured by E. R. Squibb & Sons.* Squibb submitted a clinical study to support the possibly effective indication for cutaneous candidiasis. Fourteen investigators studied 331 patients. The protocol called for a randomized double-blind comparison of Mycolog Cream, nystatin and triamcinolone acetonide cream, nystatin cream, triamcinolone acetonide cream, and placebo cream. As a criterion for admission to the study, all patients were to have had a clinical diagnosis of cutaneous candidiasis, confirmed by potassium hydroxide (KOH) and culture examinations. Some patients also exhibited pathogenic bacteria. A total of 18 to 36 patients were to be studied by each investigator. The medications were applied twice daily until the lesions cleared. Patients were observed at day 0, 3, 7, 14, 21, and 28, at which time individual symptoms were evaluated and graded on a four-point scale. Followup KOH examinations were to be performed only if at the last visit the symptoms persisted. No followup cultures were performed.

The evaluation of response was based solely on the clinical assessment of symptoms of the disease. Squibb claims that the data pooled from all studies indicate that patients with clinically significant bacteria made the fastest and best response when treated with Mycolog. Specifically, Squibb claims that those patients showed significantly greater improvement than patients treated with nystatin alone and triamicinolone acetonide alone at visit 2 and patients treated with all other treatments at visits 3 and 4.

The October 9, 1974 **Federal Register** notice specified the kind of study needed for any steroid/anti-infective combination: steroid alone, anti-infective (whether one or more drugs) alone, total combination, and placebo. For products like Mycolog, which contain an antifungal as well as other anti-infectives, two other groups are needed: antifungal alone and antifungal/steroid. The notice states it is not necessary to test the anti-infective alone or the anti-infective/steroid combination. This could be confusing at first glance, as the term "anti-infective" is used first to refer to all anti-infectives (including antifungals) and later to refer to anti-infectives other than antifungals. In context, however, it is apparent that the groups to be omitted are the anti-infectives other than antifungals and the combination of these with a steroid. There still must be a group receiving all the anti-infectives, i.e., antifungal and other anti-infectives, for the study to test the contribution of the steroid. Unfortunately, Squibb omitted this group, examining only five combinations of the components of Mycolog: the complete combination product, nystatin alone, triamcinolone acetonide alone, nystatin-triamcinolone acetonide, and placebo. There should have been a nystatin-neomycin-gramicidin group as well. If the overall anti-infective component (nystatin-neomycin sulfate-gramicidin) of the product contributed to the effectiveness of the combination product, it could be demonstrated by Squibb's selection of treatment groups, but the contribution of the triamicinolone cannot be shown without the additional group. This defect alone is sufficient to consider the study incapable of satisfying the requirements of the combination policy, 21 CFR 300.50. In addition, the OTC Antimicrobial II Panel concluded that there are not sufficient data to determine the effectiveness of a neomycin sulfate-gramicidin combination. Therefore, it has not been demonstrated that every component contributes to the combination product as required by 21 CFR 300.50(a).

It should be noted that the protocol for the study was not approved by the agency. The October 9, 1974 notice required the firm to obtain agency approval of the protocol before beginning the study.

In addition to its fundamental defect in design, the study demonstrates little difference between Mycolog and the other treatment groups in time to cure for all patients, regardless of presence of bacteria. The cumulative percentage of patients claimed to be cured at each visit was:

Visit	Mycolog (percent)	Nystatin triamcinolone acetonide (percent)	Nystatin (percent)	Triamcinolone acetonide (percent)	Placebo (percent)
1	0	0	0	0	0
2	1	0	0	0	0
3	21	13	8	10	6
4	42	41	27	20	17
5	55	58	41	24	22

The study is also flawed because, as Squibb states, in some cases there was no visit made between study days 2 and 4 (visit 2 study day range), but a visit was made on day 5 and a second visit was made within the visit 3 range. "In those cases the day 5 visit was considered visit 2; and the second visit was considered visit 3. Likewise, in some cases, there was no visit made between study days 5 and 10. . . ." The subsequent visits were then handled in a manner similar to the visit 2 data. This tends to distort the time scale in a process that is time dependent. Squibb did not specify how many mistimed observations there were, nor did it demonstrate that the method of handling the mistimed observations did not bias the analysis (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)).

Squibb acknowledges that there is little difference between Mycolog cream and nystatin-triamcinolone acetonide cream in overall clinical effectiveness. The percent of patients claimed by the sponsor to be in each response category regardless of presence of bacteria, at the end of the study was:

	Cured (percent)	Markedly improved (percent)	Slightly improved (percent)	No improvement (percent)
Mycolog	[illegible]	11	[illegible]	[illegible]
Nystatin-triamcinolone acetonide	[illegible]	7	19	15
Nystatin	[illegible]	10	[illegible]	22
Triamcinolone acetonide	27	[illegible]	35	33
Placebo	[illegible]	11	11	[illegible]

The factors that might contribute significantly to any observed variation between treatment groups include site of infection, pretreatment severity, duration of therapy, frequency of application, and presence of clinically significant bacteria. Of all these possible significant sources of variation, Squibb examined only the last one and found no significant differences between treatment groups in overall response. The percentage of patients claimed by the sponsor to be in each response category was:

PATIENTS WITH SIGNIFICANT BACTERIA AT FIRST VISIT

	Cured (percent)	Markedly improved (percent)	Slightly improved (percent)	No improvement (percent)
Mycolog	64	[illegible]	14	4
Nystatin-triamcinolone acetonide	55	5	[illegible]	[illegible]
Nystatin	57	5	[illegible]	[illegible]
Triamcinolone acetonide	30	[illegible]	39	22
Placebo	33.3	33.3	[illegible]	[illegible]

PATIENTS WITH LESS SIGNIFICANT BACTERIA AT FIRST VISIT

	Cured (percent)	Markedly improved (percent)	Slightly improved (percent)	No improvement (percent)
Mycolog	54	6	17	23
Nystatin-triamcinolone acetonide	61	9	14	[illegible]
Nystatin	32	14	29	[illegible]
Triamcinolone acetonide	25	0	32	[illegible]
Placebo	23	0	17	[illegible]

It is clear that the study does not demonstrate the contribution of each component studied to the clinical effectiveness of the combination product (21 CFR 300.50(a)).

Squibb has not shown that patients were comparable for any of the other factors listed above, nor has it discussed the possibility that the other factors or an interaction between factors is the source of observed differences among treatment groups (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)).

Bacteriological cultures, KOH, and fungal cultures were not performed to confirm the clinical appearance of cure (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*i*)). Thus, a useful and fully objective method of assessment of the treatments over the entire course of the study was ignored.

No clear statement of the statistical model used to analyze the results was submitted (21 CFR 314.111(a)(5)(ii)(*a*)(*5*)). The parametric analysis of variance fails to include an algebraic expression of the model used, including main effects and interactions or covariates as necessary, along with any underlying distributional assumptions. It has not been demonstrated that parametric methods are the appropriate ones to use in this case. Squibb did not provide a complete analysis of variance table associated with each statistical model where appropriate test statistics and their associated degrees of freedom are displayed. A comparison of the treatments over the entire course of the study was not submitted. Moreover, whenever analyses of subsets of data (in this case patients with clinically significant bacteria at baseline) are used, some correction must be made for the multiple comparisons that arise (i.e., all patients, patients with bacteria, patients without bacteria). Squibb has not analyzed this problem.

The protocol specified 18–36 patients for each investigator. However, six studies included 11 or fewer patients. Pooling the results from these small studies relies on assumptions (such as the lack of a treatment by investigator interaction) which it is not possible to test because of the small number of patients per investigator-treatment category. Even where the number of patients supports such scrutiny, Squibb has pooled the data without examining investigator homogeneity or treatment by investigator interaction.

Squibb has conducted no study on Mycolog Ointment, a product covered by this notice and containing the same active ingredients as Mycolog Cream. In a letter of January 3, 1975 the firm implied that the results of the study on the cream could be extrapolated to the ointment formulation. Squibb has presented no evidence to demonstrate that the results of the study on the cream are in fact extrapolable to the ointment. Even if it had, however, all of the defects outlined above would pertain.

None of the nine references and articles submitted supports the effectiveness of Mycolog. The Arndt and the Swartz and Weinberg references are from textbook chapters which discuss bacterial infections of the skin in general. Neither mentions *Candida albicans* or *Monilia*. The Louria article and the Nilsson and Henning article discuss *Candida albicans* but do not discuss Mycolog Cream. The Polano and Clark articles report on studies in which a product other than Mycolog was tested. The Howell article is a discussion of an uncontrolled open study in which only about two-thirds of the patients treated with Mycolog Ointment had candidiasis. In addition to being uncontrolled and failing to address the combination of Mycolog's components, the study is unacceptable because of inappropriate patient population and the lack of confirmatory diagnosis at appropriate intervals (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*i*)), use of concomitant therapy in many patients (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)), and because Mycolog Ointment, not the cream, was studied (21 CFR 314.111(a)(5)(ii)(*b*)). The Olansky article is a discussion of an uncontrolled study in which 118 patients received Mycolog Ointment, but only 30 of the patients had candidiasis or moniliasis (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*i*)). The study is uncontrolled and does not assess the contribution of the components of Mycolog and is also unacceptable because there were no confirming laboratory tests (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*i*)), there was concomitant therapy and no defined treatment period (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)), and the standards of evaluating the response were not given (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)). The Beverate article is a report of a bilateral paired comparison study on 30 patients with proven candidial lesions. However, Mycology Cream was not one of the drug products used (21 CFR 314.111(a)(5)(ii)(*b*)), and the results of the study seem to indicate that the single ingredient drug, nystatin cream, is just as effective in the treatment of candidiasis. In addition, most investigators consider bilateral paired comparison a poor way to determine effectiveness because of problems with crossover.

7. *Ilotycin Ointment No. 90 (1% erythromycin), manufactured by Eli Lilly & Co.* Lilly submitted the results of a study investigating the effectiveness of Ilotycin Ointment No. 90 in treating impetigo. Five investigators followed the same protocol. The protocol called for a single-blind comparison of Ilotycin Ointment and placebo capsules with placebo ointment and Ilosone Capsules or Solution (250 milligrams erythromycin). Ilosone, another Lilly product, is approved for the treatment of impetigo. According to the protocol, the ointment was applied four times daily after cleaning the area with warm compresses. At the initial visit, a complete bacteriological evaluation was performed on each patient, and each patient's condition was classified as mild (as many as 6 lesions), moderate (6 to 20 lesions), or severe (20 or more lesions). Patients were to return every other day for 6 days, when they would be evaluated as cleared, improved, unchanged, or worse. Two final evaluations were to be made: the patient's clinical response as excellent, satisfactory, or poor; and the clinical treatment as success or failure. The drug was to be discontinued if there was no improvement in 4 days, or if reinfection occurred.

Because Ilosone is already approved for impetigo, Lilly has only to show that Ilotycin Ointment is as effective as Ilosone Capsules or Solution. Lilly performed an analysis comparing the patients with excellent or satisfactory responses with the patients who responded poorly. No significant differences were found among treatments. Lilly also analyzed the clinical treatment evaluation. According to Lilly's analysis, 96 percent of the Ilotycin Ointment patients were successes, and 97 percent of the Ilosone patients were successes. However, there are several deficiencies in the study which call these results into question.

It was not necessary for the study to have been single-blind. The study could have been conducted as a double-blind trial without much additional effort because placebo capsules were administered to the Ilotycin ointment group, and placebo ointment was given to the Ilosone capsules group. Thus, it is not clear that all possible steps were taken to minimize bias on the part of the observer (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)).

A major deficiency in the study is the manner in which patients were assigned to treatment groups. In the Rex, Folan, and Finnerty studies, significantly more patients with severe cases were assigned to the Ilosone group, while more patients with mild cases were assigned to the Ilotycin group. For the three investigators, the percent assigned to each group was:

	Mild (percent	Moderate (percent)	Severe (percent)
Dr Rex:			
Ilotycin ointment	0	80	20
Ilosone capsules	0	50	50
Dr. Folan:			
Ilotycin ointment	33	57	10
Ilosone capsules	5	90	5
Dr. Finnerty:			
Ilotycin ointment	13	46	41
Ilosone capsules	0	39	61

This assignment of patients suggests a confounding of severity of illness and treatment effect. Lilly has not explained the assignment of patients to treatment groups. (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*ii*)).

There are several discrepancies in the data which call its quality into question. The classifications of clinical response between excellent and satisfactory were ambiguous and inconsistent, even within individual investigators. For example, in the majority of cases, patients' responses were classified as excellent if their final clinical status was "cleared," and their responses were classified satisfactory if the final clinical status was "improved." However, in the Rex, Folan, and Finnerty investigations, there were patients who were rated as having an excellent response, but who had only "improved," or in some cases "worse," clinical status. In the Goldberg study, all of the patients but one were required to change treatment at the final visit, indicating treatment inadequacies. However, the clinical responses for those patients were classified as satisfactory and their therapies were considered successes. These inconsistencies show that the method of evaluation and recording results has not been adequately specified, a fatal defect (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)). In addition, when Lilly performed its analyses demonstrating the effectiveness of Ilotycin Ointment, it combined the patients who had excellent and satisfactory responses. No explanation is provided for combining the response groups in this manner, nor is there any assurance that the analysis was unbiased (21 CFR 314.111(a)(5)(ii)(*a*)(*5*)).

There were other deficiencies as well. The protocol called for a 6-day course of thereapy, with patients returning for evaluation every other day. However, a majority of the patients had a 6- to 8-day course of therapy, with two return visits instead of the three visits called for in the protocol. Other patients had a course of therapy ranging from 2 to 14 days. There is no explanation of these protocol deviations. Lilly included patients with an unusual course of therapy in its analysis. Certainly, a realistic analysis of the results would include some assessment of how those patients whose course of therapy greatly differs from the majority of patients fared.

8. *Cordran-N Cream (flurandrenolide and neomycin sulfate) manufactured by Eli Lilly.* Lilly submitted reports of three studies designed to compare the effectiveness of Cordran-N Cream, Cordran Cream (flurandrenolide), nemoycin cream, and placebo cream. All patients had secondary bacterial infections confirmed by bacteriological cultures. The investigators rated the patients' overall response as excellent, good, partial improvement, no improvement, or worse. Each patient's signs and symptoms were documented in addition to the overall evaluation. At the end of the study there was a tabulation of the severity of the symptoms at the first and final visits.

The studies are not adequate and well-controlled because of partial unblinding (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)). The medication was labeled with a drug code. The presence of the drug code allowed the investigator to identify patients who had been treated with the same drug, thus possibly influencing the perception of a patient's response. Runs of consecutive patients who had been treated alike receiving the same evaluation score suggest that an investigator's evaluation of one patient was not independent of knowledge of how previous patients had reacted to the same drug. For example, in the Finnerty study, 9 of the last 10 Cordran-N patients were evaluated as excellent after only 6 of the first 12 Cordran-N patients had been evaluated as obtaining excellent results. In the Folan study, partial improvement was observed in 3 of the first 6 neomycin patients, and in all of the last 16. In addition, Dr. Folan observed a sensitivity reaction in the nineteenth patient to receive Cordran-N, who judged "worse." After that observation, the investigator judged only 4 of the last 9 patients on Cordran-N to be excellent, 3 of the last 9 to be good, and 2 patients to be partially improved. Before the "worse" judgment, however, 10 of 12 patients were rated as "excellent," and 2 were evaluated as "good". The pattern of dependence between observations indicates that the results are too unreliable to make valid statistical inferences.

Moreover, even if the partial unblinding is ignored, the data provide minimal evidence that neomycin sulfate contributes to the effectiveness of the combination product (21 CFR 300.50(a). In the overall evaluation (the most subjective of the evaluation made), Cordran-N Cream was slightly superior to Cordran Cream in two studies, but in the third study there was no statistically significant difference between Cordran-N Cream and Cordran Cream. Moreover, for individual symptoms (possibly less influenced by the unblinded nature of the study) no investigator observed a significant difference between Cordran-N Cream and Cordran Cream in any change-in-symptom scores at the final visit. Lilly's analysis of variance of sum of symptoms scores is not useful unless further partitioning of sums of squares is performed to find out what part of the significant drug effect is due to differences between Cordran-N and Cordran. The measures tested here is more efficiently analyzed using change-in-symptom scores.

9. *Neo-Synalar Cream (neomycin sulfate and fluocinolone acetonide), manufactured by Syntex Laboratories, Inc.* Syntex submitted the results of a double-blind, multiclinic, parallel study comparing Neo-Synalar Cream (neomycin sulfate-fluocinolone acetonide) with Synalar Cream (fluocinolone acetonide), an approved product. There were 240 analyzable patients in the study and 15 investigators. Each investigator studied from 2 to 39 patients. Investigators assigned the patients to treatment groups in a randomized manner.

The study was conducted on patients clinically diagnosed as having secondarily infected corticosteroid-responsive dermatoses: impetigenized atopic dermatitis, impetigenized seborrheic dermatitis, and other impetigenized dermatoses. In addition to the clinical evaluations, patients were evaluated bacteriologically at a central laboratory. The bacteriologic evaluation confirmed infection in 141 of the 240 patients with analyzable data ("infected" patients). In the remaining 99 patients, the initial laboratory findings were negative or could not confirm infection ("uninfected" patients).

The study period was 8 days. Treatment consisted of 7 days of non-occluded applications of the assigned drug to the affected areas three times daily. In order to control accidental exposure to other topical antibacterial products, all patients were given unmedicated soap and shampoo. At the initial visit, each patient's symptoms were evaluated as absent, mild, moderate, or severe. On the eighth day of the study the symptoms were again evaluated clinically, and the clinical response was scored on a five-point scale: excellent, moderate improvement, slight improvement, no improvement, or worse. Infected patients were again evaluated bacteriologically.

The sponsor performed a statistical analysis on the infected patients separately from uninfected patients. It analyzed the clinical responses and laboratory bacteriological findings. The six clinics with the largest patient enrollment were analyzed separately, but the data from the remaining clinics were pooled, ignoring investigator.

In its analysis of infected patients, the sponsor found a statistically significant difference in favor of Neo-Synalar in infections cleared and clinical response. Symptom severity scores favored Neo-Synalar as well, but the difference was not statistically significant. The sponsor found no differences between Synalar and Neo-Synalar in the analysis of uninfected patients and patients with unconfirmed infection.

There are flaws in the sponsor's statistical analysis which lessen the significance of the results. In the study's protocol, the sponsor proposed to analyze all patients for clinical effectiveness and to examine effectiveness within subgroups based on demographic characteristics, disease entity, disease status, bacterial organism, and location of lesions to see in which subgroups the drug is differentially active or inactive. The only analysis Syntex reported, however, is stratified on the basis of laboratory confirmation of infection. This is not the primary analysis called for by the protocol, and this deviation was not explained. Moreover, there was no correction of the analysis for the multiple comparsions carried out.

In addition, in its analysis Syntex pooled the data of all the clinics, ignoring clinic as a possible blocking factor. From the manner of presentation of the data, it is impossible to treat clinic as a blocking factor in analyzing the data from eight of the investigators. Syntex combined the data of all eight investigators and presented them in a joint report. These investigators treated a total of 85 patients. Even when investigators have small patient samples, the results of each investigator should be presented separately. Another instance of improper pooling is the inclusion of the results of Dr. Clement's 4 patients with the results of Dr. Clark's 18 patients. The 22 patients have been presented as results at one clinic. (Both investigators are located in Rochester, New York).

Failure to adjust for investigator effects is particularly disturbing when the treatment groups may be imbalanced. One investigator stands out as particularly imbalanced in the distribution of patients to treatment. Dr. Carpenter had eight infected patients treated with Neo-Synalar, and three infected patients treated with Synalar. Two of the three Synalar patients were under 5 years old, while all of the Neo-Synalar patients were over 5 years old.

FDA performed a statistical analysis on the data submitted using a blocked Wilcoxon test. In the infected patients, the results were statistically significant in favor of Neo-Synalar in both clinical and bacteriological responses. However, FDA disagrees with Syntex's conclusion that there is no difference between Synalar and Neo-Synalar in uninfected patients. A blocked analysis of the clinical response of uninfected patients yielded a result in favor of Synalar. In addition, FDA examined the results of uninfected patients at the individual clinics, and found that Dr. Carpenter obtained a statistically significant difference favoring Synalar. In the eight clinics reported jointly, Synalar was superior to Neo-Synalar in clinical response of uninfected patients. The positive results obtained with Synalar lessen the impact of the favorable results obtained with Neo-Synalar, and indicate the importance of correcting analyses of subgroups to account for the highest probability of finding spurious "significant differences" when many comparisons are made.

It is important to note that the uninfected patients exhibiting clinical symptoms are not necessarily free of bacteria and the bacteriologic classification of "infected," "uninfected," or "questionably infected" are not mentioned or defined in the protocol, and may not be clinically appropriate in particular patients. For these reasons, and because the original protocol calls for an analysis that is not stratified on the basis of bacteriological confirmation of infection, FDA performed an analysis of clinical response ignoring laboratory confirmation of infection. This analysis demonstrated no significant difference between the effectiveness of Synalar and Neo-Synalar:

	[redacted] synalar	Synalar
Excellent	[redacted]	51
Moderate Improvement	29	[redacted]
Slight Improvement	7	12
No Change	2	[redacted]
Worse	[redacted]	[redacted]

The study fails to demonstrate the contribution of neomycin sulfate to the combination product (21 CFR 300.50(a)).

In addition to the defects in the statistical analysis, there is a deficiency in the study's protocol. The protocol does not specify the number of clinics in the study or the number of patients to be entered at each clinic. Sample sizes per investigator range from 2 to 39, with a median of 17 patients. The protocol should state the number of patients enrolled at each clinic. This would discourage discontinuation of the study at the point where it looks most impressive. In addition, the sponsor should provide some explanation of the differences between investigators in the number of patients entered.

10. *Neo-Cort-Dome Creme (hydrocortisone and neomycin sulfate), manufactured by Dome Laboratories.* The submission in support of Neo-Cort-Dome Creme consists of a report of three clinical studies, and a published article (Marples and Kligman).

Each clinical investigator followed the same protocol for a double-blind, paired comparison study which compared the total formulation, each of its components, and a placebo in patients with infected dermatoses. The first investigator enrolled only five patients in his study, and discontinued it before completion. The second investigator studied 112 patients with infected dermatoses. The overall satisfactory response rate was:

Neo-Cort-Dome Creme—90%
Hydrocortisone cream—88.9%
Neomycin cream—90%
Placebo cream—83.3%

The third investigator studied 98 patients. The overall satisfactory response rate was:

Neo-Cort-Dome Creme—59.5 percent
Hydrocortisone cream—64.1 percent
Neomycin cream—29.6 percent
Placebo cream—41.2 percent

The sponsor concluded, and FDA agrees, that there is no significant difference in the effectiveness of Neo-Cort-Dome Creme, its individual components, and the placebo.

The Marples and Kligman article points out an inadequacy in the design of this type of study. The authors discuss the spread of a drug from the site of application, which may give rise to false interpretations when one patient is treated with more than one drug product. A better study would be to assign one product to each patient in a random fashion.

11. *Nystaform-HC Ointment (nystatin, iodochlorhydroxyquin, and hydrocortisone), manufactured by Dome Laboratories.* Dome submitted an outline of three clinical studies as they were planned. Each investigator was to study 90 patients with bilateral lesions of cutaneous candidiasis complicated by infection with bacteria sensitive to iodochlorhydroxyquin. The test formulations studied were (1) Nystaform-HC Ointment, (2) nystatin and iodochlorhydroxyquin in the product vehicle, (3) hydrocortisone in the product vehicle, and (4) the product vehicle. Using a double-blind pared lesion design, the patients were randomly assigned to one of three treatment groups. The three groups involved a comparison of the complete formulation with each of the other test formulations.

Due to a scarcity of cases of candidiasis, only 35 patients with an initial positive culture for bacteria or *Candida* were enrolled in the three studies. Of these patients, only 15 exhibited a positive culture for both *Candida* and bacteria. The percent of these patients in whom satisfactory results were obtained are:

Nystaform-HC—80.6%
Nystatin and iodochlorhydroxyquin—55%
Hydrocortisone—73.3%
Vehicle—75%

FDA agrees with the sponsor that the number of patients in the pooled results is too small for a valid evaluation. Moreover, the results obtained show a superiority of the complete formulation only over the antimicrobial agent, but not over the vehicle or the hydrocortisone alone (21 CFR 300.50(a)). The microbiological response could not be evaluated as the number of patients with both positive bacterial and fungal cultures was too small.

12. *Cortisporin Cream (polymyxin B sulfate, gramicidin, neomycin, sulfate, and hydrocortisone) manufactured by Burroughs-Wellcome Co.* Burroughs-Wellcome submitted results of an incomplete investigation that compared Cortisporin Cream to Neosporin-G Cream (polymyxin B sulfate, neomycin sulfate, and gramicidin) and to hydrocortisone cream in 147 patients. Of the patients studied, 37 had atopic dermatitis, 13 had insect bites, 37 had intertriginous eruptions, 1 had atopic contact dermatitis, 17 had neurodermatitis, 39 had contact dermatitis, 2 had atopic insect bite, and one had no dermatitis.

The study is not adequate and well-controlled, because, as Burroughs-Wellcome acknowledges, the patients may not be comparable in primary diagnoses and inciting organisms. In addition, the firm notes that because of all of the conditions studies are self-limiting, the time of evaluation must be considered (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)). The firm suggests, therefore, that the patients be analyzed in a manner taking these variables into account. No such analyses were submitted, however, and the firm noted that under these analyses the numbers of patients would be too small to draw meaningful conclusions.

In addition, when these variables are ignored, the study indicates no significant difference between the effectiveness of Cortisporin and the product's antibiotic component (Neosporin-G), whether clinical or microbiological response is measured. The sponsor claims that the percentage of patients showing clinical response was:

	[redacted] improvement (percent)	Some improvement [redacted] (slight or [redacted]) (percent)
Placebo	24	[redacted]
Hydrocortisone	50	[redacted]
Neosporin-G	64	[redacted]
Cortisporin	70	[redacted]

According to the sponsor, the percentage of patients obtaining microbiological response was:

Placebo—24%
Hydrocortisone—38%
Neosporin-G—67%
Cortisporin—50%

Thus, the study fails to demonstrate a contribution of hydrocortisone to the effectiveness of Cortisporin. (21 CFR 300.50(a)).

The sponsor claims that Neosporin-G cream is signficantly more effective than placebo, both clinically and microbiologically. However, the firm has not shown that each component of Neosporin-G contributes to its effectiveness. In addition, the OTC Antimicrobial II Panel concluded that there was insufficient information to determine the effectiveness of combination skin wound antibiotics containing neomycin sulfate, polymyxin B sulfate, and gramicidin.

In a second submission the author of an editorial argues that antibiotic/steroid combinations are the drugs of choice for treating eczema with secondary bacterial infections but admits that the drugs are not indicated in primary pyoderma such as impetigo.

13. *NeoDecadron Cream (dexamethasone sodium phosphate and neomycin sulfate) manufactured by Merck Sharp & Dohme.* Merck Sharp & Dohme submitted reports of studies by 38 investigators. Each study was conducted under the same protocol. They were double-blind, randomized, parallel group comparisons of the complete formulation and the individual components in patients with impetiginized eczematous dermatitis. Applications were made three times daily for 10 days, and the lesions were soaked in salt water once daily. The patients were to be seen at days four and ten, at which time the status of the eczema and infection were rated. Eczema was rated according to the amount of lichenification, erythema, scaling, and pruritus. Infection was rated as to the amount of peri-lesion erythema, crusting, tenderness, and prurulence. A total of 180 patients were studied. Because the number of patients in the individual studies was too small for independent evaluation, the results of all studies were pooled.

The results of the studies show no superiority of the complete formulation over the individual ingredients. According to the sponsor's statistical analysis, the only significant difference between the treatment groups was that Neo-Decadron and Neomycin were both superior to the vehicle in treating eczema and infection. Therefore, the studies fail to show that each ingredient lends some effect to the combination (21 CFR 300.50(a)).

14. *Noe-Medrol Acetate (methylprednisolone acetate and neomycin sulfate) manufactured by The Upjohn Co.* Upjohn submitted reports of two double-blind paired group comparisons of the complete formulation, the individual ingredients, and the vehicle. There were to be 15 patients per treatment group in each study. The patients were diagnosed as having secondary bacterial infections superimposed upon any of the following: contact dermatitis, neurodermatitis, atopic dermatitis, intertriginous eruptions, or small burns. The treatment lasted for 7–9 days, after which the symptoms and signs were rated. A bacterial culture was done only initially.

The first study investigated 66 patients. The second study included only 8, an insufficient number of patients for evaluation.

Of the patients in the larger study, those who showed good to excellent improvement were:

Neo-Medrol—19%
Neomycin—28%
Methylprednisolone—20%
Vehicle—24%

This study does not demonstrate any benefit of the complete formulation over that of the individual ingredients, nor is it possible to determine the contribution of the components to the combination (21 CFR 300.50(a)).

15. *Neo-Cortef Ointment (hydrocortisone acetate and neomycin sulfate) manufactured by The Upjohn Co.* Upjohn submitted reports of two double-blind paired group comparisons of the complete formulation, the individual ingredients, and the vehicle in 117 patients. The patients had secondary bacterial infections superimposed upon any of the following: contact dermatitis, neurodermatitis, atopic dermatitis, intertriginous eruptions, and small burns. Clinical evaluations of the change in various symptoms and signs and the degree of overall improvement were made.

Upjohn concluded, and FDA agrees, that neither of the studies show any significant difference between the complete formulation and its components. Therefore, the data submitted do not demonstrate the contribution of each of the components of the combination (21 CFR 300.50(a)).

16. *Neo-Hytone Cream (hydrocortisone and neomycin sulfate) manufactured by Dermik Laboratories.* Two studies were performed comparing the effectiveness of the total formulation, its components, and placebo. Leibsohn investigated 17 patients and Olansky studied 11 patients. As stated by the sponsor, these data are insufficient to form a conclusion on the effectiveness of Neo-Hytone Cream.

Notice of Opportunity for Hearing

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts who are qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 300.50(a) that provides substantial evidence of effectiveness of any of the products listed above.

Therefore, notice is given to the holders of the new drug applications and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug applications and all amendments and supplements thereto on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holders of the new drug applications specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, contained in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962 or for any other reason.

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In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicants and all other persons subject to this notice under 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identifical, related or similar drug products.

Any applicant or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing, shall file (1) on or before October 26, 1981, a written notice of appearance and request for hearing, and (2) on or before November 24, 1981, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice under 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions in response to this notice must be filed in quintuplicate. The submissions, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (formerly the office of the Hearing Clerk) between 9 a.m. and 4 p.m., Monday through Friday.

(Secs. 502, 505, 52 Stat. 1050–1053 as amended (21 U.S.C. 352, 355) and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70, 5.82))

Dated: April 1, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-27725 Filed 9-24-81; 8:45 am]

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federal register

Friday
September 25, 1981

Part IV

Department of Agriculture

Food and Nutrition Service

Special Supplemental Food Program for Women, Infants and Children; Eligibility

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

[Amdt. 3]

Special Supplemental Food Program for Women, Infants and Children; Income Eligibility Criteria

AGENCY: Food and Nutrition Service, USDA.

ACTION: Emergency final rule.

SUMMARY: These final regulations set forth the income eligibility criteria for participation in the Special Supplemental Food Program for Women, Infants and Children (WIC). The regulations implement provisions of Child Nutrition Amendments of 1978 (Public Law 95–627) and the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35) regarding the income criteria standards to be used in conjunction with the nutritional risk criteria in determining eligibility of persons for participation in the WIC Program as specified in the final rules published on January 23, 1981, at 46 FR 7846 and July 27, 1979, at 44 FR 44422.

DATES: Effective date: As required by Public Law 97–35, these provisions are effective upon the date of enactment of legislation which was August 13, 1981.

Implementation date: State and local agencies currently using income eligibility standards that are greater then 185 percent of the Office of Management and Budget's (OMB's) nonfarm income poverty guidelines must begin applying the new income eligibility standards at the time of each regular certification. WIC participants are certified approximately every 6 months and for this reason, the new income standards cannot be immediately implemented for all participants.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Chief, Policy and Program Development Branch, Supplemental Food Programs Division, U.S. Department of Agriculture, FNS, Washington, D.C. 20250, (202) 447–8421.

SUPPLEMENTARY INFORMATION:

Nonmajor Economic Impact

The final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 to implement Executive Order 12291, and has been determined to be nonmajor. The final action will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation or on the ability of the U.S. enterprises to compete. The final action has been reviewed with regard to the requirements of the Regulatory Flexibility Act and will not have a significant economic impact on a substantial number of small entities.

History of Income Eligibility

Public Law 95–627, enacted on November 10, 1978, requires the Secretary to establish income eligibility standards, to be used with nutritional risk criteria, for determining a person's eligibility for participation in the program. The law also provides that persons will be eligible only if they are members of families that satisfy the income standards prescribed for reduced price school meals under section 9 of the National School Lunch Act.

The Omnibus Reconciliation Act of 1980 (Public Law 96–499), enacted December 5, 1980, set the income criteria for reduced price meals at 195 percent of OMB's nonfarm income poverty guidelines plus a standard deduction. The Department published a final rule on January 23, 1981, at 46 FR 7846 implementing the provisions of both these laws. The rule also discussed the means by which income can be determined and what constitutes income. The final rule also provided that State agencies may not set State income requirements for participants that are less than 100 percent of the OMB nonfarm income poverty guidelines.

On June 12, 1981, at 46 FR 31035, the Department published a notice containing the income poverty guidelines by family size to be used in conjunction with the Eligibility Criteria Regulation published on January 23, 1981. The rule provided that by August 1, 1981, State and local agencies were to begin applying the new income eligibility standards to new applicants as well as to all ongoing participants at the time of each participant's next regular certification.

On August 13, 1981, Public Law 97–35 amended Section 9 of the National School Lunch Act. This law reduces the income criteria for reduced price school meals from 195 percent plus a standard deduction, to 185 percent of the OMB nonfarm income poverty guidelines. The law does not allow for the use of a standard deduction nor hardship deductions when calculating a family's income using 185 percent of the income poverty guidelines. Income poverty guidelines implementing the incomes by family size previously included a standard deduction as determined by the Secretary in accordance with Public Law 96–499. Public Law 97–35 states that a family's gross income cannot exceed 185 percent of OMB's nonfarm income poverty guidelines. Therefore, State agencies may only consider hardship deductions if their income standards are set far enough below 185 percent to preclude a family's gross income from exceeding that level. The OMB nonfarm income poverty guidelines will be adjusted annually each July 1 based on changes in the Consumer Price Index.

Income Eligibility Regulation Amendment

In accordance with the provisions of the new law, regulations governing income eligibility are being amended to reduce the income criteria for the WIC Program from 195 percent plus a standard deduction to 185 percent of OMB's nonfarm income poverty guidelines.

Also, there are currently excluded from consideration income or benefits from several programs in the determination of eligibility to participate in the program. Some of these exclusions are currently set forth in notice form, while one is contained in § 246.7(c)(3)(ii). For purposes of simplification of finding these exclusions, a nonsubstantive change is made to include all such exclusions in that section.

Additionally, a technical revision is being made to the paragraph on certification forms. There has been some confusion because the requirement in § 246.7(h)(3) of the July 27, 1979, regulations is not consistent with the new eligibility criteria published in the January 23, 1981, regulations. This revision will require that the certification form contain information used to determine a person's income eligibility for the program, rather than the general criteria used to determine income eligibility. The application form for income determination as specified in the January 23, 1981, regulations at 46 FR 7846 would be part of the certification form. State agencies need not revise their certification form. Also, it is still at the discretion of the State agency to determine whether or not to verify a person's income.

G. William Hoagland, Administrator of the Food and Nutrition Service, has determined pursuant to 5 U.S.C. 553(b) and (d) that good cause exists for making this rule effective earlier than 30 days after publication because Public Law 97–35 mandates that this rule be effective on August 13, 1981. Solicitation of public comments is unnecessary and contrary to the public interest because the provisions of this rule are nondiscretionary. It is impracticable for the agency to follow the procedures of Executive Order 12291 if the eligibility provisions mandated under Public Law 97-35 are to be achieved.

Since the authorizing legislation for the WIC Program is tied to Section 9 of the National School Lunch Act for the purpose of establishing income criteria, the Department will use the wording contained in the authorizing legislation when discussing the maximum income standard for WIC in 7 CFR Part 246. Specific income criteria by family size will be published by notice annually for use by State and local agencies administering the WIC Program. A notice effecting the new criteria in accordance with this regulation and Public Law 97-35 appears in this edition of the **Federal Register.**

(Child Nutrition Amendments of 1978, Public Law 95-627, Section 3, 92 Stat. 3614, and Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, August 13, 1981)

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Therefore, Part 246 is amended as follows:

1. In § 246.7:

a. Paragraph (b)(2) is revised;

b. The second sentence of paragraph (c)(2) is revised;

c. Paragraph (c)(3)(ii) is revised; and

d. Paragraph (h)(3) is revised.

The changes read as follows:

§ 246.7 Certification.

* * * * *

(b) * * *

(2) The State agency shall provide the local agencies with income guidelines and procedures to be used in income determinations which establish eligibility for the program. The State agency may prescribe different income limits for use by different local agencies as long as these limits are used by the local agencies for eligibility for free and reduced price health care. The income guidelines established by the State agency for use in any local agency shall not be less than the applicable State or local income limit for free or reduced price health care. In any event, the State agency's income guidelines shall not be greater than the income criteria established under Section 9 of the National School Lunch Act for reduced price school meals not less than 100 percent of the income poverty guidelines for each family size. Each State agency shall annually announce and transmit to each local agency the State agency's family size income guidelines to be used in making income determinations immediately, and after that, each July 1 unless changes in the income poverty guidelines do not affect the State agency's income guidelines. State and local agencies submit to the new income guidelines shall apply them immediately, and in subsequent years by July 1, to all applicants at certification.

* * * * *

(c) * * *

(2) * * * The State agency's definition of income may include deductions from income for expenses due to hardships if the State agency can demonstrate that a household's gross income does not exceed the income criteria for reduced price school meals as provided for in Section 9 of the National School Lunch Act. * * *

(3) * * *

(ii) When determining eligibility for the WIC Program, income or benefits from the following programs are excluded from consideration:

(A) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, section 216).

(B) Any payment to volunteers under Title II (RSVP, foster grandparents, and others) and Title II (SCORE and ACE) of the Domestic Volunteer Service Act of 1973 (Public Law 93-113, section 404(g)) as amended. Payments under Title I, part A, (VISTA) to volunteers shall be excluded for those individuals receiving food stamps or public assistance at the time they joined VISTA.

(C) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Public Law 94-114, section 6).

(D) Payments or allowances received pursuant to the Home Energy Assistance Act of 1980 (Public Law 96-223, Title III, Section 313(c)(1)).

(E) Payments received from the youth employment demonstration programs (Public Law 95-524, Title IV, part A, section 446).

(F) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Public Law 94-540, section 6).

(G) The value of assistance to children or their families under the National School Lunch Act, the Child Nutrition Act of 1966 and the Food Stamp Act of 1977.

* * * * *

(h) * * *

(3) Information regarding the person's income eligibility for the program as specified in paragraph (c)(1) of this section.

* * * * *

Note.—This regulation does not contain reporting and recordkeeping requirements subject to approval by OMB under the Paperwork Reduction Act.

(Catalog of Federal Domestic Assistance Program No. 10.577, National Archives Reference Service)

Dated: September 9, 1981.

Darrel E. Gray,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 81-27786 Filed 9-24-81; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Determining Eligibility for Special Supplemental Food Program for Women, Infants and Children; Income Proverty Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: The Department announces income poverty guidelines to be used by State agencies in determining income eligibility for participation in the Special Supplemental Food Program for Women, Infants and Children (WIC Program). These income poverty guidelines are to be used in conjunction with the final regulation on eligibility criteria published in this edition of the **Federal Register** at 46 FR which implements provisions of Public Laws 95–627 and 97–35 regarding income criteria standards.

EFFECTIVE DATE: As required by Public Law 97–35, these provisions are effective upon the date of enactment of legislation which was August 13, 1981.

IMPLEMENTATION DATE: State and local agencies currently using income eligibility standards that are greater than the figures outlined in this notice for 185 percent of the Office of Management and Budget's (OMB's) nonfarm income proverty guidelines must begin applying the new income eligibility standards at the time of each regular certification.

FOR INFORMATION CONTACT: Barbara Hallman, Chief, Policy and Program Development Branch, Supplemental Food Programs Division, U.S. Department of Agriculture, FNS, Washington, D.C. 20250, (202) 447–8421.

SUPPLEMENTARY INFORMATION:

Nonmajor Economic Impact

The final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 to implement Executive Order 12291, and has been determined to be nonmajor. The final action will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation, or on the ability of the U.S. enterprises to compete. The final action has been reviewed with regard to the requirements of Public Law 96–354 and will not have a significant economic impact on a substantial number of small entities.

History of Income Eligibility

Public Law 95–627, enacted on November 10, 1978, requires the Secretary to establish income criteria, to be used with nutritional risk criteria, to be used in determining a person's eligibility for participation in the WIC Program. The law provides that persons will be eligible for the WIC Program only if they are members of families that satisfy the income standard prescribed for reduced price school meals under section 9 of the National School Lunch Act. Under Public Law 97–35, enacted August 13, 1981, the income limit for reduced price school meals is 185 percent of the OMB's nonfarm income poverty guidelines. No standard deduction nor hardship deductions are allowed when calculating a family's income using 185 percent of the income poverty guidelines. These guidelines are to be adjusted annually for changes in the Consumer Price Index each July 1.

The Department published an emergency final rule in Part IV of this issue of the **Federal Register** implementing the provisions of Public Laws 95–627 and 97–35 which require State agencies to set an income limit on eligibility to participate in the WIC Program. The rule specifies that State agencies establish income guidelines that are not less than the guidelines that have been established for State or local free or reduced price health care, except that the State agency's income standard may not be greater than the income criteria established under Section 9 of the National School Lunch Act for reduced price school meals nor less than 100 percent of the income poverty guidelines for each family size.

New Income Levels

At this time the Department is publishing the maximum and minimum income limits by household size for the period from the effective date of this notice to June 30, 1982. The first table of this notice contains the income limits by household size for the 48 States, District of Columbia and Territories excluding Guam. Because the income poverty guidelines for Alaska, Hawaii and Guam are higher than for the 48 States, a separate table has been included for the convenience of those State agencies.

Effective From August 13, 1981 to June 30, 1982

[48 States, District of Columbia, Territories Excluding Guam]

Family size	Poverty guidelines (100 percent) (yearly)	185 percent [illegible] lunches (yearly)
1	4,310	7,970
2	5,690	10,530
3	7,070	13,080
4	8,450	15,630
5	9,830	18,190
6	11,210	20,740
7	12,590	23,290
8	13,970	25,840
For each additional family member add	1,380	2,550
Alaska		
1	5,410	10,010
2	7,130	13,190
3	8,850	16,370
4	10,570	19,550
5	12,290	22,740
6	14,010	25,920
7	15,730	29,100
8	17,450	32,280
For each additional family member add	1,720	3,180
Hawaii and Guam		
1	4,980	9,210
2	6,560	12,140
3	8,140	15,060
4	9,720	17,980
5	11,300	20,910
6	12,880	23,830
7	14,460	26,750
8	16,040	29,670
For each additional family member add	1,580	2,920

(Child Nutrition Amendments of 1978, Public Law 95–627, Section 3, 92 Stat. 3614, and Omnibus Budget Reconciliation Act of 1981, Public Law 97–35 (August 13, 1981))

Dated: September 9, 1981.

Darrel E. Gray,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 81–27769 Filed 9–24–81; 8:45 am]

BILLING CODE 3410-30-M

federal register

Friday
September 25, 1981

Part V

Environmental Protection Agency

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL 1921-6]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule with request for comments.

SUMMARY: The Environmental Protection Agency is today revising the regulations for hazardous waste management under the Resource Conservation and Recovery Act to conditionally exempt from regulation waste samples and other samples collected for the purpose of monitoring or testing. EPA is taking this action because the Agency believes that the risk posed to human health and the environment from the management of these samples is not substantial and that the full set of hazardous waste regulations is in many ways inappropriate for these samples. This amendment will substantially reduce the regulatory burden to those individuals who have applied the regulations for hazardous waste management to managing these samples.

DATES: Interim final rule effective September 25, 1981; the Agency will accept comments on this amendment until November 24, 1981.

ADDRESSES: Comments on this amendment should be sent to the Docket Clerk (Docket No. 3001/Samples Exemption), Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The public docket for this interim final rule is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. The public docket is available for viewing from 9:00 a.m. to 4:00 p.m. Monday through Friday, except on legal holidays.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346, or at (202) 554-1404. For technical information contact Claire Welty, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9187.

SUPPLEMENTARY INFORMATION:

I. Introduction

Beginning in February and May of 1980, as part of its regulations to implement Subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended, EPA promulgated a series of regulations which define solid waste and hazardous waste (Part 261), and establish requirements applicable to generators (Part 262), transporters (Part 263), and persons who treat, store and dispose of hazardous wastes (Parts 264 through 267). These regulations also require owners and operators of hazardous waste treatment, storage and disposal facilities to obtain EPA permits under RCRA (Parts 122 and 124). These regulations are designed to ensure the proper handling and management of hazardous wastes from their generation to ultimate disposition.

Persons wishing to determine whether a waste which they generate is hazardous normally collect a sample of the waste and send the waste sample to an analytical laboratory for testing, although testing is not required by the regulations. Testing may include a determination of the sample's characteristics or analysis for specific constituents. Samples of ground water, surface water, or soil which are collected pursuant to monitoring requirements or are suspected of being contaminated by a hazardous waste from a spill, leak, or accident may also be sent to an analytical laboratory for testing. Another case where samples are shipped to laboratories for testing is during the permitting process for hazardous waste incinerators where samples of incinerator scrubber water, stack emissions, and ash are collected for analysis.

In any of these cases (collectively referred to as "samples"), results may show that a sample is hazardous. Because the hazardous waste management regulations do not make special provision for sample management, these samples are regulated in the same manner as any other hazardous waste.[1] Among other things, this means that these samples may only be shipped to a RCRA-permitted facility for testing. Facilities which analyze or characterize samples for RCRA purposes must obtain an EPA identification number in order to legally receive such samples.

In addition, regulation of these samples means that they must be manifested, packaged, labeled, marked, placarded and otherwise managed according to Parts 262 and 263 when they are shipped to an off-site laboratory. The regulations also require that these samples be stored in facilities that have a RCRA permit or interim status or, where applicable, in facilities covered by § 262.34 (stored on-site for 90 days or less).

II. Reason and Rationale for Amendment

Many commenters have expressed the opinion that applying the full set of Subtitle C requirements to samples, as described above, is inappropriate. After re-examining the regulations, in light of these comments, the Agency agrees that the strict application of the regulations to these samples does not further the basic goals of RCRA. The Agency believes that the applicable requirements of the May 19, 1980 regulations, when applied to these samples, are more comprehensive than necessary to adequately protect human health and the environment. Therefore, EPA is now amending Part 261 to exclude samples from the hazardous waste regulations under certain conditions.

In brief, EPA is making the following changes to, and clarifications of, the rules. First, samples are excluded from the generator and transporter requirements when shipped from the generator or any other person who collects the sample (the "sample collector") to a laboratory or from a laboratory back to the sample collector provided that certain minimal packaging and labeling requirements are met. Second, samples are excluded from the storage requirements until the decision is made to discard the sample. Third, testing of the samples does not require a treatment permit. Finally, persons managing such samples will not be required to notify EPA under Section 3010 with respect to the samples. The specific reasons for these changes are discussed below.

A. Conditional Exclusion of Samples from the Generator and Transporter Requirements

The principal purposes of the generator and transporter requirements in Parts 262 and 263 are to assure that shipments of hazardous wastes are safely transported and delivered to an appropriate destination, that is, a permitted or interim status hazardous waste management facility. This is accomplished through the requirements of recordkeeping, reporting, packaging, and manifesting hazardous wastes. For samples, however, EPA believes that certain incentives exist to achieve these purposes without subjecting the samples to the full set of generator and transporter requirements.

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[1] It should be noted that if these samples are generated by small quantity generators, these samples are conditionally excluded, as defined in § 261.5.

In the case where a sample collector is shipping a sample to a laboratory, he has two basic incentives for properly labeling, packaging, and shipping the sample. First, he has spent the money to collect, preserve and store the sample once, and would prefer not to have to spend the money to do it again. More importantly, he needs to know the results before he can further comply with RCRA or other Federal, State or local environmental regulations, which in some cases may affect decisions on production or capital expenditures.

In the case where a laboratory is shipping a sample back to the sample collector, the laboratory has two basic incentives for proper labeling, packaging, and shipping the sample. First, the sample's return may be part of the contractual arrangement with the sample collector (the sample collector sometimes wishes to have a sample returned to him to protect proprietary information or to be able to mix the sample with the bulk of this waste or other sampled material for subsequent treatment or disposal). Secondly, if a laboratory returns a sample to a sample collector, he avoids the cost of disposing of the sample.

Thus, because of these incentives for proper management, the manifest and packaging requirements of Parts 262 and 263 are not essential to control and alleviate poor management practices in the transportation of samples from the sample collector to the laboratory or from the laboratory back to the sample collector. Furthermore, in several cases Department of Transportation (DOT) and other regulations and guidelines control the transportation of such samples even in the absence of EPA regulations.

DOT regulations govern the shipment of hazardous materials, including samples, in interstate commerce and by interstate carriers. In the case of intrastate commerce, most states have adopted the Federal DOT regulations for the shipment of hazardous materials. The DOT regulations cover samples which present acute or immediate hazards (radioactive materials, flammable and combustible materials, oxidizers, corrosive materials, poisons) and require that samples of hazardous materials be packaged and labeled properly. Additionally, the U.S. Postal Service (USPS) (in its Domestic Mail Manual, Part 124 and its Publication 52, Acceptance of Hazardous or Perishable Articles) has stringent guidelines governing the shipment of similar hazardous materials including samples. The DOT and USPS regulations would only be useful, of course, when a collector of a sample has some idea of the hazard posed by the sample. In the case where the sample collector determines, to the best of his knowledge, that the sample does not meet the definition of hazardous material, the DOT and USPS regulations do not apply.

EPA's information indicates that samples collected for analytical or characterization purposes are usually shipped in quantities under a gallon in size. The combination of the small quantities shipped and the existing incentives and regulations suggests that the full complement of generator and transporter requirements is not necessary in this case.

However, while EPA does not believe that the transportation of samples requires the transportation controls of Parts 262 and 263 that currently apply to hazardous wastes, the Agency does believe that some regulations are necessary to augment the market incentives and other regulations and guidelines discussed above. Consequently, EPA is amending current regulations to exempt these samples from the generator and transporter requirements of Parts 262 and 263, provided that certain requirements are met. These general requirements are discussed in Section III.

The Agency considered, but has rejected for now, applying a quantity limit to the samples covered by today's amendment. Based on information which EPA solicited from a number of laboratories, the Agency is aware that common practices and costs of sample collection and testing limit the size of the samples typically shipped. Typically no more than one gallon is needed to completely characterize a sample for purposes of compliance with RCRA or other Federal, State or local environmental regulations. The Agency invites comments and data on shipping practices, and will consider a quantity limitation if comments or experience show that large shipments of samples do occur. It should be noted that this amendment does not cover the large-size samples which are used in treatability or other testing at pilot scale or experimental facilities.

EPA also considered requiring compliance with all Subtitle C regulations if the quantity of the sample exceeds the small quantity generator limit set forth in § 261.5 (c)(1) and (c)(2). Those provisions set a lower quantity exclusion limit for generators of certain acutely hazardous wastes (1 kilogram per month) than do the general provisions for small quantity generators (1,000 kilograms per month) which are set forth in § 261.5 (a) and (b). EPA does not believe that a § 261.5 (c)(1) and (c)(2) exemption is necessary for samples because the acutely hazardous wastes include the commercially pure grade of a chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient, whose identity is already established. Thus, it would be unnecessary to ship such chemical wastes to laboratories for analysis.

B. Exclusion of Samples from the Storage Requirements

Parts 264 and 265 establish standards for owners and operators of facilities that store hazardous wastes. Part 122 requires these owners and operators to obtain permits for these facilities. In addition, § 262.34 establishes requirements for generators who accumulate hazardous wastes for less than 90 days before these wastes are sent to an on-site or off-site treatment, storage or disposal facility. Currently these requirements apply to samples which are accumulated or stored incident to their collection and testing.

Samples may be stored at several points in the testing process. First, samples are accumulated and possibly stored for a short time between collection and transport to an off-site laboratory or delivery to an on-site laboratory. Second, samples are typically held or stored in the laboratory between receipt and analysis and sometimes between various analytical steps. These holding or storage periods can range from hours to weeks. Finally, samples are sometimes saved for several years for additional and future analyses. Such analyses may be necessary to confirm original analytical results or to test for additional constituents or properties. Samples may also be stored by the laboratory for a specific purpose, such as when waiting until conclusion of a court case or enforcement action.

EPA believes that these storage activities do not pose sufficient hazard to human health or the environment to warrant the rigorous controls currently required by the regulations. There are several built-in incentives to provide safe and careful storage. First, the sample collector has an incentive to properly store a sample before shipment because he has invested the resources to collect the sample and needs results to determine whether he must comply with the RCRA requirements for the waste in question. Secondly, once the sample reaches a laboratory, the laboratory has the incentive to store the waste properly. Without the samples, the

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laboratory could not do the work for which it is being paid. The laboratory's reputation and ability to retain customers depends on its ability to deliver results.

Furthermore, the quantity of samples in storage at any one time is usually small compared to the quantities of hazardous wastes in other storage facilities, posing a much lower risk to human health and the environment should an accident occur. Based on these facts, the Agency is exempting the accumulation and storage of samples from the requirements of Parts 264 and 265 and § 262.34.

This exemption lasts only until the laboratory has completed its work and has no reason to continue to store the sample. At that point, there is no reason for the lab to treat the storage of samples any differently from the storage of any other hazardous waste. Thus, if a laboratory were storing samples on an indefinite or permanent basis for no special purpose, the lab could not qualify for this exemption.

C. Clarification of Treatment Requirements

Parts 264 and 265 establish standards for owners and operators of facilities that treat hazardous wastes. As defined in § 260.10(a), treatment means "any method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage, or reduced in volume." Some persons have apparently concluded that laboratory *testing* meets the definition of treatment and, therefore, that laboratories are treatment facilities. This interpretation is incorrect. Testing is performed to identify the composition or characteristics of the sample, not for the purposes set forth in the definition of treatment in § 260.10(a). Since laboratories are not conducting treatment of samples by the act of testing, they do not need a permit to conduct this testing.[2]

D. Exclusion of Samples from the Notification Requirements

Because samples which are generated or stored as described above are no longer subject to Parts 262 through 267 by this exemption, persons managing these samples are not required to notify EPA under RCRA Section 3010. It should be noted, however, that laboratories *generating* hazardous waste are still obligated to notify EPA under Section 3010 and comply with the applicable Subtitle C requirements unless they are conditionally excluded under the small quantity generator provision in § 261.5.

III. Today's Amendment

In order to exclude samples as discussed above, EPA is today adding a new paragraph to § 261.4, a section which provides various exclusions from the regulations. This new paragraph allows samples to be excluded from the hazardous waste regulations (40 CFR Parts 261 through 267 and Parts 122 and 124) and the RCRA Section 3010 notification requirements in six situations: Namely, (1) when the sample is transported to a laboratory for testing; (2) when the sample is transported back to the sample collector after testing; (3) when the sample is stored by the sample collector before transport to a laboratory for testing; (4) when the sample is stored in the laboratory before testing; (5) when the sample is stored in the laboratory after testing but before its return to the sample collector and (6) when the sample is stored temporarily after testing for a specific purpose.

Requirements for labeling and packaging, however, must be followed. If a sample collector is able to determine that a sample meets the DOT definition of hazardous material or is subject to USPS requirements, then the sample collector must follow the applicable DOT or USPS labeling and packaging requirements. For samples which do not fall under DOT or USPS jurisdiction, the sample collector must follow the general requirements for labeling and packaging set forth by EPA in this amendment.

EPA is requiring that an address label or tag be attached to the sample which designates the testing laboratory or, if the sample is being returned to the laboratory's source of the sample, that the address label designate that source. In addition, the label should indicate the sample collector's name and a description of the sample as well as the quantity and date of shipment. This label will assure that basic information is available, if needed. The sample must be packaged so that it does not leak, spill or vaporize from its packaging. These packaging requirements reflect the minimum precautions which EPA believes necessary for safe shipment.

The Agency emphasizes that this rule does not cover the transportation, storage, treatment or disposal of wastes generated by a laboratory including samples which are discarded after analysis is completed, and other laboratory wastes.[3] A laboratory which performs waste treatment (such as incineration) or stores waste samples, chemical reagents, or other wastes prior to disposal must comply with the applicable RCRA Subtitle C requirements.

IV. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions to the regulations take effect six months after promulgation. The purpose of this requirement is to allow persons handling hazardous wastes sufficient lead time to prepare and to comply with major new regulatory requirements. For the amendment promulgated today, however, the Agency believes that an effective date of six months after promulgation would cause unnecessary disruption in the implementation of the regulations and would not be in the public interest. Since this amendment reduces, rather than increases, the existing requirements for persons handling samples, there is no basis for allowing a lengthy period of time for persons managing samples to prepare for compliance. Therefore, this amendment takes effect immediately.

V. Interim Final Rule and Request for Comment

EPA is promulgating today's amendment as an interim final rule and is providing a 60-day comment period. The Agency believes that the public should have an opportunity to comment on the rule and, indeed, has specifically invited comment on certain issues raised by this rule. At the same time, the Agency believes that the rule should be put into effect during the comment period. To do otherwise would cause the regulated community to have to comply with the very requirements this amendment is designed to change.

Although the Agency does not adopt this procedure lightly, the circumstances indicate that the use of interim final promulgation is appropriate. As one court has noted, "[i]t is an appropriate safety valve to be used where delay would do real harm." *U.S. Steel Corp. v. EPA, 595 F.2d 207, 214 (5th Cir. 1979).* EPA believes that the effect of delaying promulgation of this amendment would be counterproductive, causing unnecessary hardship to a large number of persons handling samples. In this situation, where the use of advance notice and comment procedures would be contrary to the public interest, good cause exists for adopting this amendment in interim final form. See 5 U.S.C. 553(b)(B).

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[2] It should be noted that some laboratories engage in treatment activities which *do* meet the definition of treatment in § 260.10(a), such as in neutralizing spent reagents. Any special consideration of this type of treatment which the Agency may find to be necessary will be covered by another amendment.

[3] Hazardous wastes generated in laboratories include spent solvents and discarded chemical products.

VI. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This interim final regulation is not major because it will not result in an effect on the economy of $100 million or more, nor will it result in an increase in costs or prices to industry. In fact, this regulation will reduce the overall costs and economic impact of EPA's hazardous waste management regulations. There will be no adverse impact on the ability of U.S. based enterprises to compete with the foreign based enterprises in domestic or export markets. Because this amendment is not a major regulation, no Regulatory Impact Analysis is being conducted.

This amendment was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

VII. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, whenever an agency is required to publish general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdiction). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will generally have no adverse economic impact on small entities. Accordingly, I hereby certify that this final regulation will not have a significant economic impact on a substantial number of small entities. This regulation therefore does not require a regulatory flexibility analysis.

Dated: September 18, 1981.

Anne M. Gorsuch,
Administrator.

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. Section 261.4 is amended by adding paragraph (d) to read as follows:

§ 261.4 Exclusions.

* * * * *

(d) *Samples.* (1) Except as provided in paragraph (d)(2) of this section, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this part or Parts 262 through 267 or Parts 122 or 124 of this chapter or to the notification requirements of Section 3010 of RCRA, when:

(i) The sample is being transported to a laboratory for the purpose of testing; or

(ii) The sample is being transported back to the sample collector after testing; or

(iii) The sample is being stored by the sample collector before transport to a laboratory for testing; or

(iv) The sample is being stored in a laboratory before testing; or

(v) The sample is being stored in a laboratory after testing but before it is returned to the sample collector; or

(vi) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

(2) In order to qualify for the exemption in paragraph (d)(1) (i) and (ii) of this section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(i) Comply with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or

(ii) Comply with the following requirements if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

(A) Assure that the following information accompanies the sample:

(*1*) The sample collector's name, mailing address, and telephone number;

(*2*) The laboratory's name, mailing address, and telephone number;

(*3*) The quantity of the sample;

(*4*) The date of shipment; and

(*5*) A description of the sample.

(B) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in paragraph (d)(1) of this section.

[FR Doc. 81-27918 Filed 9-24-81; 8:45 am]

BILLING CODE 6560-30-M

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federal register

Friday
September 25, 1981

Part VI

Environmental Protection Agency

Hazardous Waste Permit Program; Interim Standards for Owners and Operators of New Hazardous Waste Land Disposal Facilities

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 267

[SWH-FRL 1919-4]

Hazardous Waste Permit Program; Interim Standards for Owners and Operators of New Hazardous Waste Land Disposal Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of effective date of interim final rules.

SUMMARY: In accordance with a determination under Executive Order 12291, EPA is today confirming that the effective date of its February 13, 1981 interim standards for permitting new hazardous waste land disposal facilities is August 13, 1981 as originally scheduled.

DATE: The effective date for the interim final rules issued on February 13, 1981, in 40 CFR Parts 122, §§ 122.11(c) and 122.29, and in Part 267 is August 13, 1981.

FOR FURTHER INFORMATION CONTACT: Susan Dromm, (202) 755–9120, or the RCRA hazardous waste hotline, Office of Solid Waste (WH–565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 800/424–9346 (554–1404 in Washington, D.C.).

SUPPLEMENTARY INFORMATION: On February 13, 1981, EPA promulgated temporary permitting standards for four classes of new hazardous waste land disposal facilities—landfills, surface impoundments, land treatment facilities, and Class I underground injection wells—under the Resource Conservation and Recovery Act of 1976, as amended (RCRA). See 46 FR 12414 (February 13, 1981). These standards will allow EPA to issue permits to new land disposal facilities pending the development of permanent land disposal standards for new and existing facilities. As required by Section 3010(b) of RCRA, these standards were scheduled to take effect six months after date of promulgation—i.e., August 13, 1981.

Shortly after these standards were published, the President issued Executive Order 12291 which sets forth requirements for agency regulatory activities. Section 7 of the Order directs Federal agencies to postpone the effective date of major regulations that did not become effective prior to February 17, 1981, unless (1) the Agency has prepared a Regulatory Impact Analysis (RIA) on the rule or (2) the Agency finds that there is good cause for the rule to become effective without reconsideration and so notifies the Office of Management and Budget (OMB) at least 15 days before the effective date of the rule.

In accordance with Section 7 of the Executive Order, EPA notified OMB on July 29, 1981 that, for good cause, EPA intended to allow its February 13, 1981 permitting standards to go into effect as originally scheduled. The basis for EPA's decision, as explained in the preamble to the February 13 rule, is that in accordance with Section 3005(c) of RCRA and EPA's May 19, 1980 hazardous waste regulations, no new construction of hazardous waste land disposal facilities can commence until a RCRA permit is issued. RCRA permits, in turn, may be issued only after EPA has promulgated standards for permitting hazardous waste management facilities. Without these temporary permitting standards (40 CFR Part 267) the moratorium on construction of new facilities would continue until permanent Part 264 permitting standards are promulgated and become effective.

Accordingly, August 13, 1981 is the effective date of the Interim Standards for Owners and Operators of New Hazardous Waste Land Disposal Facilities, published as interim final on February 13, 1981.

Dated: September 18, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–28016 Filed 9–24–81; 8:45 am]

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

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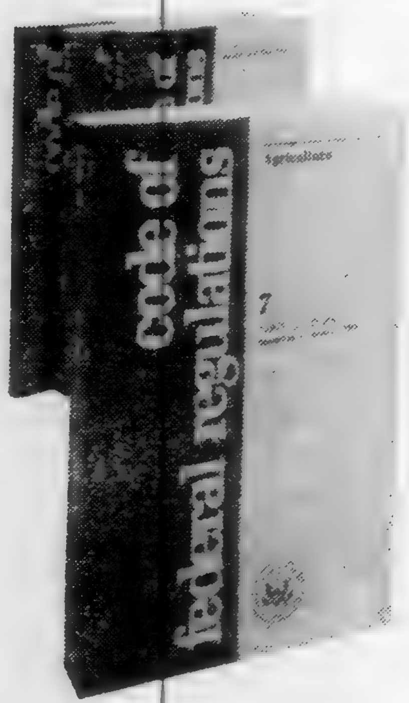

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Highlights

47445 **Supplemental Security Income** HHS/SSA revises regulations on interim assistance provisions for Aged, Blind and Disabled.

47444 **Social Security** HHS/SSA decreases maximum retroactivity of applications for insurance benefits not based on disability.

47435 **Credit Unions** NCUA issues regulations on Federal credit union insurance and group purchasing activities.

47455 **Disaster Assistance** FEMA issues procedures for providing financial assistance to high-risk, high population areas under the Earthquake and Hurricane Plans and Preparedness Program.

47528 **Farmland** Interior/SMREO revises rules on identification of prime farmland. (Part II of this issue)

47522 **Small Businesses** SBA announces interest rates for various loans.

47472 **Travel Expenses** GSA/TPUS revises procedures for increasing dollar limit for bulk ticket purchases and permits Government agencies to make greater use of reduced fares when purchased in bulk quantities.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

47443 **Natural Gas** DOE/FERC issues incremental pricing acquisition cost thresholds for calendar years 1980 and 1981.

47525 **Sunshine Act Meetings**

Separate Part of This Issue

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 721, 723 and 724

Insurance and Group Purchasing Activities

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration Board has adopted final regulations governing Federal credit union insurance and group purchasing activities. The revised regulation represents a substantial deregulation permitting considerably greater latitude in the group purchasing area, although some new requirements have been provided to assure reasonable protection of member interests.

EFFECTIVE DATE: November 17, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street, NW, Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Daniel Gordon, Senior Financial Economist, at the above address; telephone (202) 357-1090.

SUPPLEMENTARY INFORMATION: In 1980, the National Credit Union Administration, after an extensive investigation of Part 721, the regulation governing Federal credit union insurance and group purchasing activities, identified numerous apparent violations of this regulation. As a result, the NCUA Board initiated a thorough reevaluation of this regulation. On April 16, 1981, the National Credit Union Administration Board issued for comment a proposed rule revising Part 721. The proposed regulation was separated into five sections. Section 721.1 addressed endorsement and investigation. It would authorize Federal credit unions to provide informational material relating to insurance and group purchasing activities. It would also authorize Federal credit unions to endorse a product or service but only after appropriate investigation. Section 721.2 would authorize a Federal credit union to endorse an insurance plan and to perform ministerial duties associated with a member's coverage of an endorsed insurance plan. Section 721.3 would authorize a Federal credit union to make membership lists available to vendors provided the credit union received prior approval from each member who was included on the list. Section 721.4 would require the board of directors of the credit union to consider and vote its approval of any activity engaged in by the credit union under Part 721. Section 721.5 would limit credit union reimbursement to the costs associated with performing these functions. In addition, it would prohibit officers and other credit union officials from receiving payments associated with this activity.

Part 721 was originally conceived to foster the educational role of credit unions. The final revisions in the regulation represent a refocusing of the regulatory policy toward a recognition of the basic cooperative nature of the credit union as a not-for-profit organization and toward the traditional responsibility of a credit union to educate its members in addition to providing savings and lending programs. The revised regulation is specifically intended to involve Federal credit unions in investigating products and services and in assisting members to make informed choices in matters affecting their financial wellbeing. The revisions represent a deregulation in that they permit considerably greater latitude in the group purchasing area, although some new requirements have been provided to assure reasonable protection of member interests.

Summary of Comments

A total of 41 comments were received on this proposed rule. Most respondents commenting on § 721.1 agreed that credit unions should have the authority to endorse group purchasing plans. Three commenters, however, indicated that a Federal credit union's role should be limited to providing information to its membership. Several commenters questioned the proposed requirement that the investigation "conclude that the endorsed product or service is deemed preferable from the standpoint of member economic wellbeing." Some believed that the requirement would be difficult to implement and that the term "member economic wellbeing" was ambiguous since the needs of a credit union's membership may be diverse. Other commenters were unsure whether this language required the credit union to conclude that a certain product or service was the "best buy."

Twenty-six respondents addressed the proposed requirement in § 721.1 that an investigation be performed when a product or service is endorsed. Eleven respondents questioned whether credit union leagues would be able to present an unbiased opinion of the relative merits of individual plans since the leagues generate a significant portion of their income through insurance programs and endorsements. These commenters indicated that the close relationship and financial remuneration received by the individual leagues from certain insurance companies and other vendors called into question the objectivity of the leagues when making their analysis. These commenters believed that league investigations and endorsements could eliminate competition from companies which were not related to the national trade organizations, since many of the leagues have marketing agreements and other ties to these organizations. Two commenters indicated the leagues, governed by the recently developed code of ethics, would provide proper standards for the investigation and an unbiased appraisal of alternatives.

Eight commenters expressed negative views and two supported the proposed § 721.2. Those voicing objections to § 721.2 indicated that Federal credit unions should be able to provide ministerial services for group purchasing, in addition to insurance, and that credit unions should be permitted to perform ministerial tasks without endorsing a product or service.

There were thirty-two negative comments and only one positive comment on § 721.3. Commenters objecting to this section expressed concern with the proposed requirement that permission be required from members before releasing a membership list and with the requirement that permission must again be obtained after one year. Most of those objecting cited

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increased paperwork and administrative time as reasons for their objections. The commenters asserted that members would be adequately protected by requiring a Federal credit union to remove from the list those members objecting to their inclusion.

Nineteen commenters approved and one commenter opposed § 721.4 requiring a credit union board of directors to approve the activity. The one commenter who opposed it believed it was unnecessary since the credit union board would routinely vote on this activity.

Three commenters expressed approval of the proposed § 721.5 involving credit union reimbursement. Fourteen cited problems with this proposal and provided recommendations for its revision. The major problem noted by the commenters was calculating the appropriate reimburement. The commenters stated that a majority of Federal credit unions do not have a cost accounting system that could determine, with any degreee of accuracy, the direct and indirect costs related to a particular operation. Some commenters indicated that NCUA should establish limits on reimbursement to avoid the problems associated with reverse competition. (Reverse competition arises when insurers or providers of group purchasing services, competing for a group's endorsement, raise the reimbursement and/or the premium to induce the credit union or other groups to endorse their plan.) Some commenters, on the other hand, suggested that no limit should be established on reimbursement and that a credit union board of directors should be given complete discretion in determining the proper level of reimbursement. The majority of the commenters recommended that NCUA establish a reimbursement standard. Commenters suggested that the establishment of a reimbursement standard would eliminate the need for complex cost analysis or extensive cost accounting to verify reimbursement.

Discussion

The Board has approved a final rule under which credit unions not wishing to endorse a product or service or to engage in the necessary product or service investigations may continue to provide information to their membership. This final rule thus provides flexibility for credit union management to choose among several levels of involvement. If the credit union chooses simply to provide information, a disclaimer, which specifies that the credit union has not investigated the product and expresses no opinion on the value or quality of the service or product, will place the member on notice that the material has been provided for informational purposes only. If management favors a more active role, it can endorse the product or service after appropriate investigation. Endorsement can take the form of an affirmative statement or simply the absence of a disclaimer. This balance between providing significantly broader latitude to Federal credit unions while providing protections for the members' interest is also reflected in other sections of this final rule.

Therefore, the final rule will permit a credit union to (a) provide information, (b) investigate and not endorse, (c) endorse several different plans, or (d) endorse a single insurance or group purchasing plan. The investigative report required for an endorsement will provide an objective comparison of similar products and/or a thorough explanation for any ranking of specific insurance or group purchasing plans. The information in the report is expected to provide sufficient data for members to make independent decisions after assessing their own individual needs. A credit union will be expected to inform its members that the investigative report is available for inspection during business hours.

NCUA will not specify the characteristics of the investigation or the relevant comparisons which must be made. Credit unions should be aware, however, in conducting their own investigations or relying on investigations and endorsements of others that they may expose themselves to possible product liability (assuming a valid claim based upon defect in the product or service) if it can be shown that the credit union was negligent in performing its own investigation or in relying on those performed by others. In those instances, for example, where it would be reasonable for the credit union to know that the investigator was not independent but the credit union nevertheless relied on the investigator's endorsement of the insurance or group purchasing plan, the credit union may be found to have negligently relied on this investigation and expose itself to potential product liability.

The credit union, credit union leagues, other credit union organizations, or independent third parties may perform these investigations. To provide a balance between greater management flexibility and protection to the member, the financial interests of the credit union and the financial interests of the investigator and/or any of its affiliates in the product or service must be disclosed to the member. This will aid the member's assessment of the investigation and provide additional protection to the member. It would also be advisable for a credit union that endorses a product or service to indicate that the decision to purchase or not to purchase the product or service remains with the individual member and that this decision will have no bearing on any other relationships between the credit union and the membership.

Regardless of who performs the investigation the credit union will remain fully responsible to ensure that a thorough, unbiased investigation of the relevant insurance or group purchasing plan is conducted. A credit union may establish its own standards for the investigation or a credit union may adopt standards developed for the credit union community. Credit unions could require, as part of these standards, that potential investigators disclose any possible conflicts of interest. Credit unions should also consider the development of "hold harmless" agreements with investigators and providers of group purchasing plans, and the expansion of surety bond coverage to protect the credit union against possible claims in this area.

Section 721.2 will allow a Federal credit union to perform ministerial tasks but only in connection with insurance or group purchasing plans that have been investigated by the credit union. Federal credit unions will also be permitted to perform ministerial tasks when they purchase insurance or a group plan at no cost to the member. These ministerial tasks are defined as any tasks which do not require an exercise of personal judgment or discretion.

Section 721.3 achieves a balance between a broadened credit union authority and protection of the member's privacy. It requires a credit union to initially inform each member of its intent to provide members with information regarding insurance and group purchasing plans. Members must be notified that the credit union may release their names and addresses to insurers and providers of group purchasing services or mail information to the members on behalf of these providers. If the credit union does not receive a notice from a member within 60 days after the member is informed of his/her right to object, then the Federal credit union is permitted to release the member's name and address. In addition, a credit union is required to inform its members that they can be removed from any lists by so notifying the Federal credit union. Recipients of a membership list must agree, in writing, not to transfer the list to any other party or use it for any unauthorized purpose.

Section 721.4 of the final rule requires that the credit union board vote its approval of the credit union's actions with regard to insurance and other group purchasing activities.

Section 721.5 permits credit unions to choose between several methods of calculating expenses associated with insurance and group purchasing activities. Two alternatives provide simple methods for a credit union to be reimbursed for its costs associated with insurance activities without documenting expenses. Additional methods are available for credit unions which require a higher level of reimbursement for their insurance activities. These latter methods require credit unions to document their expenses. These methods may also be used to document reimbursable expenses associated with group purchasing activities.

Under the first method a Federal credit union can receive up to a maximum of $4 for any single payment insurance policy and up to $6 if two or more policies are combined. For all other insurance policies, a Federal credit union could receive a maximum reimbursement of $4, which could be prorated during the year.

Under the second method a Federal credit union will be permitted to receive a reimbursement which does not exceed 10% of the *prima facie* rate established by the insurance supervisory authority in the state in which the credit union is located. On credit disability insurance, a credit union's reimbursement must be linked to the rate on the 30 day nonretroactive benefit plan.

A Federal credit union may also track direct and indirect costs of the activity through a formal cost accounting system. No limit on the level of reimbursement will exist under this option if the credit union can provide sufficient documentation to verify its expenses.

A credit union may also determine the direct and indirect costs associated with these activities on a sampling basis, and use the results of the sample to determine reasonable direct and/or indirect costs using a method approved by the NCUA Board. One method which has been approved appears in the Appendix to this rule.

Regulatory Flexibility Act

The NCUA Board hereby certifies that the final rule will not have a significant impact upon a substantial number of small credit unions, since any credit union may receive reimbursement from vendors for the full cost of complying with this regulation. Therefore a final flexibility analysis is not required by 5 U.S.C. 605(b).

Paperwork Reduction Act

The final rule includes two recordkeeping requirements and one disclosure which may be considered to be "collection(s) of information" under the Paperwork Reduction Act. The two recordkeeping requirements include the investigative report requirement and the requirement to document direct and indirect costs. The one disclosure involves the financial interest of the investigator in the product or service. These requirements will be submitted to the Office of Management and Budget for clearance as required by 44 U.S.C. 3507(a). Since these requirements are essential to the regulation, if the Office of Management and Budget chooses to refuse clearance for these recordkeeping and disclosure requirements, NCUA will suspend the authority of Federal credit unions to endorse a product or receive reimbursement for their insurance and group purchasing services.

Accordingly, 12 CFR Chapter VII is amended, as set forth below.

Rosemary Brady,
Secretary to the NCUA Board.
September 16, 1981.

1. Section 721.3 has been redesignated as Part 723 and existing paragraphs 721.3(a) through (d) have been redesignated as sections 723.1 through 723.4, with section headings added as set forth below:

PART 723—OPERATIONAL SYSTEMS

Sec.
723.1 Submission of pilot programs.
723.2 Designation of pilot programs.
723.3 Designation of pilot credit unions.
723.4 Termination of pilot programs.

Authority: Section 120, 73 stat. 635 (12 U.S.C. 1766)

2. Section 721.4 has been redesignated as Part 724 and §§ 721.4 (a) and (b) have been redesignated as §§ 724.1 and 724.2, with section headings added as set forth below:

PART 724—TRUSTEES AND CUSTODIANS OF PENSION PLANS

Sec.
724.1 Federal credit unions acting as trustees and custodians of pension plans.
724.2 Appointment of successor trustee or custodian.

Authority: Section 120, 73 Stat. 635 (12 U.S.C. 1766)

3. 12 CFR Part 721 is revised to read as follows:

PART 721—FEDERAL CREDIT UNION INSURANCE AND GROUP PURCHASING ACTIVITIES

Sec.
721.1 Enforcement and investigation.
721.2 Ministerial tasks.
721.3 Membership lists.
721.4 Board of director approval.
721.5 Reimbursement.

Authority: Section 107(15), 94 Stat. 132 (12 U.S.C. 1757(15)), Section 120, 73 Stat. 635 (12 U.S.C. 1766) and Section 209, 84 Stat. 1104 (12 U.S.C. 1789).

§ 721.1 Enforcement and investigation.

A Federal credit union is permitted to provide informational material relating to insurance and group purchasing plans to its membership and endorse such plans or the products or services offered pursuant to such insurance and group purchasing plans. Providing informational material about a particular insurance or group purchasing plan shall constitute an endorsement when the credit union fails to issue a disclaimer indicating the Federal credit union expresses no opinion as to the value or quality of the service or product. An endorsement will require a prior investigation of the product or service. The credit union board may conduct the investigation itself or use the services of a credit union league, other credit union organizations or an independent third party. If a product or service is endorsed, the credit union must disclose its own financial interests and the financial interests of the investigator and/or any of its affiliates in the product or service. The investigation must include the relative merits and different costs of like products or services and must support the credit union's decision to endorse particular products or services. The results of the investigation must be documented by the credit union in writing, retained in the credit union files and must be available upon request to the members of the credit union.

§ 721.2 Ministerial tasks.

Where an investigation of an insurance or group purchasing plan has been conducted, a Federal credit union is permitted to perform all ministerial tasks associated with a member's participation in the plan. This section is not intended to preempt otherwise applicable state insurance laws.

§ 721.3 Membership lists.

A Federal credit union which has itself investigated an insurance plan or a group purchasing product or service or has relied on an investigation performed by others, may make any lists of its membership and/or addresses of its members available to such insurers or providers of group purchasing products or services provided that the credit union has excluded the names of members who have given the credit union written notification of their desire not to be placed on such lists. Members shall have at least 60 days prior notice before the initial release of such lists. Such notice shall inform the member of his/her option to be excluded from these lists and how the member must notify the credit union of his/her desire not to be placed on such lists. Members shall also be informed of their right to be removed from further releases of the membership lists with the proper notification to the credit union. The recipient of a membership list must agree, in writing, not to transfer the membership list to any other party or use it for unauthorized purposes.

§ 721.4 Board of directors approval.

The board of directors of the Federal credit union must vote its approval of any activity engaged in under this Part.

§ 721.5 Reimbursement.

A Federal credit union may receive reimbursement of costs associated with its involvement in a group purchasing or insurance activity or in providing a membership list. A Federal credit union *may not* receive reimbursement in excess of such costs. Direct and indirect costs of the activities must be documented by the Fedreal credit union if reimbursement is received. In the case of Federal credit union involvement in an insurance activity, however, the credit union may, in lieu of documenting such costs, accept as reimbursement an amount not exceeding 10 percent of the *prima facie* rate established by the insurance supervisory authority of the state in which the Federal credit union's principal office is located. In the event the *prima facie* rate method is used for credit disability insurance, the credit union shall base its calculation on the 30-day nonretroactive benefit plan. As another alternative to documenting actual costs, a Federal credit union may accept up to $4 on any single payment insurance policy or $6 for a combination of two or more policies, or up to $4 per annum for any other insurance policy. No direct or indirect payments or benefits shall accrue to any officer, director, employee or any of their immediate families in connection with the group purchasing or insurance activity, or provision of a membership list.

Appendix

Note.—This Appendix will not appear in the Code of Federal Regulations.

The NCUA Board has authorized a procedure which a Federal credit union may use in documenting its direct expenses associated with its insurance and group purchasing activities using Form 2000 below. A credit union can use this form to estimate its indirect expenses associated with these activities.

A Federal credit union using this method is required, through intermittent sampling conducted at least once a year, or continuously, to determine the direct costs associated with these activities. Using the ratio developed on Form 2000 the credit union can determine the amount of indirect costs which can be allocated to this activity. A credit union may be reimbursed for the total of direct and indirect costs. In addition, any one time costs for studies and/or investigations may also be reimbursed under this method.

A sample of Form 2000, the appropriate instructions, and an example of a completed form appear below.

BILLING CODE 7535-01-M

FCU 2000

Charter
Number____________

FEDERAL CREDIT UNION
COMPUTATION OF MAXIMUM REIMBURSABLE COSTS FOR SERVICES

FINANCIAL DATA:

Acct. No.	Acct. Title	As of 12/31/____
	Direct Expenses:	
210	Compensation	$________
	Other Direct Expenses	
___	____________________	________
___	____________________	________
___	____________________	________
(1)	Total Direct Expenses	$________
	Indirect Expenses	
250	Office Occupancy	$________
260	Office Operations	________
270	Educational and Promotional	________
290	Professional and Outside Service	________
320	Operating Fees	________
360	Miscellaneous Operating Expenses	________
	Sub-total	$________
	Other Indirect Expenses (list):	
___	____________________	________
___	____________________	________
___	____________________	________
(2)	Total Indirect Expenses	$________

(3) Ratio of Indirect Versus Direct Expenses $= \frac{(2)}{(1)} =$ ________

COMPUTATION OF THE MAXIMUM REIMBURSABLE EXPENSES:

(4) Total Actual Direct Operating Expenses:
(As of: __/__/__) $______

(5) Ratio of Indirect Versus the Direct Expenses (3)
= ______ x amount of (4) $______

(6) Amount of Reimbursable Expenses for Providing the Services $______
[(4) + (5) = (6)]

Plus:

(7) One Time Cost of Studies and/or Investigations (list):

____________________	$______
____________________	______
____________________	______
____________________	______
____________________	______
Total	$______

(8) Total Amount of Reimbursable expenses $______
[(6) + (7)]

Note: Use the reverse side of this form to explain the method that was used to determine the amount of current direct costs that were incurred in providing this service.

The left side of the above form outlines the historical data for direct and indirect expenses. Direct expenses are costs that apply to a specific service, department, operation, segment or unit of output within a credit union. These are sometimes referred to as traceable, specific, or separable costs. For example, salaries of credit union employees assigned to insurance or group purchasing activities would be considered direct costs. Indirect or allocated costs are incurred as a package for an entire building, section, or division, and allocated within the respective service, subdivision, or subsection. They cannot be traced to individual departments, operations, segments or units of output. For example, costs for building depreciation, rent, insurance electricity and etc. are indirect costs. Indirect costs are often referred to as nontraceable, common, general, or joint costs.

The Statement of Income (FCU 109B) lists certain known direct and indirect expenses. These have been listed on form FCU 2000, Federal Credit Union Computation for Reimbursable Costs for Services. Such costs could be applicable to an insurance or group purchasing activity. Space has been provided on FCU 2000 for listing any additional direct and indirect annual historical costs relating to such activities.

Once the ratio of indirect versus direct expenses is established for the previous calendar year, it can be multiplied by the amount of actual direct operating expenses for the current period to arrive at indirect costs. The direct and indirect costs are summed and added to the amount of the one time cost studies and/or investigations incurred by an activity. That total is the amount of reimbursable expenses for the current period.

Illustration of a Federal Credit Union Computation of Maximum Reimbursable Costs for Services

Assume that DMR Federal Credit Union began to provide a group purchasing service for consumer goods on January 1, 19x1. A credit union employee is assigned to provide the service every Monday, Wednesday, and Friday of each week. Direct labor costs are allocated by labor hour costs devoted to providing the service. The one assigned employee earns $6.45 per hour and is employed 40 hours per week. The direct compensation costs of providing the service as of June 30, 19x2 were as follows:

Direct Compensation Costs = No. Hours devoted to service x $wage cost per hour
or
Direct Compensation Costs = 624 Hours x $6.45

Direct Compensation Costs = $4,024.80

The computation of the maximum reimbursable costs for services is as follows:

FCU 2000

Charter Number 70166

DMR
FEDERAL CREDIT UNION
COMPUTATION OF MAXIMUM REIMBURSABLE
COSTS FOR SERVICES

FINANCIAL DATA:

Acct. No.	Acct. Title	As of 12/31/ x1
	Direct Expenses:	
210	Compensation	$ 1,000,000
	Other Direct Expenses	
(1)	Total Direct Expenses	$ 1,000,000
	Indirect Expenses	
250	Office Occupancy	$ 400,000
260	Office Operations	460,000
270	Educational and Promotional	
290	Professional and Outside Service	150,000
320	Operating Fees	
360	Miscellaneous Operating Expenses	20,000
	Sub-total	$ 1,030,000
	Other Indirect Expenses (list):	
(2)	Total Indirect Expenses	$ 1,030,000

(3) Ratio of Indirect Versus Direct Expenses $= \frac{(2)}{(1)} =$ 1.03

COMPUTATION OF THE MAXIMUM REIMBURSABLE EXPENSES:

(4)	Total Actual Direct Operating Expenses: (As of: 6/30/x2)	$ 4,024.80
(5)	Ratio of Indirect Versus the Direct Expenses (3) = 1.03 x amount of (4)	$ 4,145.54
(6)	Amount of Reimbursable Expenses for Providing the Services [(4) + (5) = (6)]	$ 8,170.34
	Plus:	
(7)	One Time Cost of Studies and/or Investigations (list):	
		$
	Total	$
(8)	Total Amount of Reimbursable expenses [(6) + (7)]	$ 8,170.34

Note: Use the reverse side of this form to explain the method that was used to determine the amount of current direct costs that were incurred in providing this service.

[FR Doc. 81-27565 Filed 9-25-81; 8:45 am]

BILLING CODE 7535-01-C

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 8

[Docket No. 81-19]

Assessment of Fees; National Banks; District of Columbia Banks; Correction

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects a statutory citation contained in final regulations implementing revised fees for trust examinations which were published on March 13, 1981 [46 FR 16663].

FOR FURTHER INFORMATION CONTACT: Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

SUPPLEMENTARY INFORMATION:

The following corrections are made in 12 CFR Part 8:

PART 8—ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS

1. The authority citation for Part 8 is revised to read as follows:

Authority: R.S. 5240, as amended, 12 U.S.C. 481, 482, 12 U.S.C. 3103, and in Section 3, 47 Stat. 1566, 26 D.C. Code 102.

2. Section 8.7(a) is revised to read as follows:

§ 8.7 Hourly rate for trust examinations.

(a) The assessment contained in this subpart is made pursuant to authority contained in R.S. 5240, as amended, 12 U.S.C. 481, 482 and in Section 3, 47 Stat. 1566, 26 D.C. Code 102. These statutes provide that the Comptroller assess fees adequate to cover the cost of each trust examination.

* * * * *

Dated: September 22, 1981.

Charles E. Lord,

Acting Comptroller of the Currency.

[FR Doc. 81-28046 Filed 9-25-81; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-WE-16-AD; Amdt. 39-4224]

Airworthiness Directives; Robinson Helicopter Model R-22

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective to all persons, an amendment adopting a new Airworthiness Directive (AD) which was previously made effective on all Robinson Helicopters Model R-22 helicopters. All known United States operators were notified by priority mail AD 81-19-03 dated September 4, 1981. The AD requires that prior to further flight, any main rotor blade which has 300 more hours of time in service be removed from service on Robinson Helicopter Model R-22. This AD is prompted by a report of a main rotor blade fatigue fracture during flight which resulted in a crash and fatalities. The manufacturer examined other retired main rotor blades with similar numbers of hours of time in service and found one with a crack.

DATES: Effective October 2, 1981, and was effective upon receipt for recipients of priority mail AD 81-19-03 dated September 4, 1981.

Compliance schedule—As prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Robinson Helicopter Company, 24747 Crenshaw Boulevard, Torrence, California 90505.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Marshall Burquest, Aerospace Engineer, Airframe Section, AWE-212, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6359.

SUPPLEMENTARY INFORMATION: An emergency AD was issued as priority mail AD 81-19-03 dated September 4, 1981 and made effective immediately upon receipt to all known United States operators of Robinson Model R-22 helicopters. This AD differs from the priority mail AD in that it requires the main rotor blade data plate to be marked "UNAIRWORTHY." Subsequent to an R-22 crash, the preliminary accident investigation findings prompted the manufacturer, with FAA surveillance, to examine a number of previously retired R-22 main rotor blades for signs of fatigue failure. The blade installed on the crashed helicopter had 691 hours of time in service. Some 14 blades with from 15 to 1,009 hours of time in service were examined. One blade with 756 hours of time in service displayed signs of cracking. Five blades with between 756 and 1,009 hours of time in service did not display signs of cracking. The remaining blades, each with less than 326 hours of time in service, did not display any signs of cracking. Based upon the foregoing inspections, the service life limit of the R-22 main rotor blade is reduced to 300 hours of time in service. The area of possible fatigue failure is completely enclosed by rotor blade skin and cannot be adequately x-ray or dye penetrant inspected. Visual inspecton can only be accomplished by sawing through the blade to expose the suspect area. Robinson Helicopter Company is redesigning the main rotor blade to achieve a longer service life limit.

Since this condition is likely to exist on other helicopters of the same type design, an airworthiness directive is being adopted which requires that prior to further flight, any main rotor blade with 300 or more hours of time in service be removed from service on the Robinson Model R-22 helicopter.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed to make the AD effective immediately. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Robinson Helicopter: Applies to model R-22, certified in all categories.

Compliance required as indicated, unless already accomplished.

To prevent failure of the main rotor blade which would result in the loss of control and crash of the helicopter, accomplish the following:

(a) Prior to further flight after receipt of the priority mail AD 81-19-03 dated September 4, 1981, or the effective date of this AD whichever comes first, remove from service all main rotor blades Part No. A016-1, Revision A through and including Revision V with 300 or more hours of time in service. A service life limit of 300 hours is established for the referenced main rotor blades used on the R-22 helicopter.

(b) Mark all main rotor blades, P/N A016-1, Revision A through and including Revision V, with 300 or more hours of time in service "UNAIRWORTHY" in letters of at least 1/2 inch high and mark "UNAIRWORTHY" on data plate using a metal stamp.

This amendment becomes effective October 2, 1981, to all persons except those to whom it was made immediately effective by priority mail AD 81-19-03 dated September 4, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on September 18, 1981.

R. L. Devereaux,

Acting Director, FAA Western Region.

[FR Doc. 81-28056 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14]

Natural Gas Policy Act of 1978; Incremental Pricing Acquisition Cost Thresholds

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357-8500.

SUPPLEMENTARY INFORMATION:

Issued: September 22, 1981.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of October 1981 are issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Table I.—*Incremental Pricing Acquisition Cost Threshold Prices*

	January	February	March	April	May	June	July	August	September	October	November	December
	Calendar Year 1980											
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	[illegible]	1.377
NGPA Section 102 Threshold	2.358	2.381	2.404	2.428	2.453	2.476	2.504	2.532	2.560	2.588	2.616	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	[illegible]	1.853	1.867	[illegible]	[illegible]	1.915	[illegible]	1.943
130 percent of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	[illegible]	[illegible]	[illegible]	[illegible]	7.400	7.400	7.450	[illegible]
	Calendar Year 1981											
Incremental Pricing Threshold	1.891	[illegible]	1.925	1.942	1.954	1.967	[illegible]	[illegible]	[illegible]	2.010		
NGPA Section 102 Threshold	2.667	[illegible]	2.729	2.761	2.787	2.813	[illegible]	[illegible]	2.886	[illegible]		
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011	2.024	2.037	[illegible]	2.060	2.070	[illegible]		
130 percent of No. 2 Fuel Oil in New York City Threshold	7.610	[illegible]	[illegible]	9.010	9.510	[illegible]	[illegible]	[illegible]	8.860	[illegible]		

[FR Doc. 81-28073 Filed 9-25-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Regulation No. 4]

Federal Old-Age, Survivors, and Disability Insurance Benefits; Payment for Medical Evidence of Record

Correction

In FR Doc. 81–26768 appearing at page 45756 in the issue for Tuesday, September 15, 1981, please make the following correction:

On page 45757, in the third column, the Part 404 heading is incorrect. The heading for Part 404 should have read as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

BILLING CODE 1505-01-M

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20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Decreased Retroactivity of Benefit Applications

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: The Social Security Administration has revised its regulations to implement section 1011 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499), which reduces from 12 months to 6 months the maximum retroactivity of applications for Social Security insurance benefits that are not based on the worker's disability or the disability of a widow or widower.

DATE: These amendments are effective with respect to applications filed after February 1981.

FOR FURTHER INFORMATION CONTACT: Cliff Terry, Legal Assistant, Room 3–B–4 Operations Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–7519.

SUPPLEMENTARY INFORMATION:

Statutory Basis

Our prior regulations provided that 12 months was the maximum retroactivity for all applications for Social Security monthly insurance benefits under title II of the Social Security Act (the Act), except special age 72 payments. This was the rule in the Act before enactment of the Omnibus Reconciliation Act of 1980, Pub. L. 96–499, on December 5, 1980. Under section 1011 of Pub. L. 96–499, the maximum retroactivity is 6 months, instead of 12 months, for applications filed after February 1981 for old-age benefits, widow's and widower's benefits not based on disability, wife's, husband's, and child's benefits based on the earnings record of a person not entitled to disability benefits, and mother's, father's, and parent's benefits.

The Revised Regulations

These revisions change our regulations to reflect the Act as amended. The change means that where people do not apply for the affected types of benefits until after the first month for which they could have been entitled, they will receive them for no more than 6 months before the month they apply, even if they could have been entitled for more than 6 months.

The applications that still have a maximum retroactivity of 12 months are those for worker's disability benefits, widow's and widower's benefits based on disability, and wife's, husband's, and child's benefits based on the earnings record of a worker entitled to disability benefits.

Like the prior regulations and in accordance with the Act, the revised regulations, with certain exceptions, preclude retroactivity for applications for old-age, wife's, husband's, widow's and widower's benefits that would be reduced because of the applicant's age.

Regulatory Procedural Requirements

We are publishing these regulations as a final rule without prior Notice of Proposed Rule Making and opportunity for public comment because we believe that notice and comment are "unnecessary" within the meaning of 5 U.S.C. 553(b)(B). Notice and comment are unnecessary because Section 1011 of Pub. L. 96–499 mandates the substance of the revision of the regulations.

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

These regulations contain no reporting or record-keeping requirements which increase existing paperwork involved in processing applications for Social Security benefits.

(Secs. 202(j)(1), 205, and 1102 of the Social Security Act, as amended; sec. 1011 of Pub. L. 96–499; 49 Stat. 623, 624, and 647, as amended; 94 Stat. 2655; 42 U.S.C. 402(j)(1), 405, and 1302)

(Catalog of Federal Domestic Assistance Program Nos. 13.803, Social Security—Retirement Insurance; and 13.805, Social Security—Survivors Insurance)

Dated: August 4, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: September 8, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart G of 20 CFR Part 404 is amended as follows:

1. Section 404.603(b) is revised to read as follows:

§ 404.603 You must file an application to receive benefits.

In addition to meeting other requirements, you must file an application to become entitled to benefits. If you believe you may be entitled to benefits, you should file an application. Filing an application will—

* * * * *

(b) Protect your entitlement to any benefits that may be payable for as many as 6 months or 12 months (depending on the type of benefit, as explained in § 404.621) before the application was filed; and

* * * * *

2. Section 404.621(a)(1) and the material in § 404.621(a)(2) preceding paragraph (a)(2)(i) are revised to read as follows:

§ 404.621 Filing after the first month you meet the requirements for benefits.

(a) *Filing for disability benefits and for old-age, survivors', or dependents' benefits.* (1)(i) If you file an application for disability benefits, widow's or widower's benefits based on disability, or wife's, husband's, or child's benefits based on the earnings record of a person entitled to disability benefits, after the first month you could have been entitled to them, you may receive benefits for up to 12 months immediately before the month in which your application is filed. Your benefits may begin with the first month in this 12-month period in which you meet all the requirements for entitlement. However, entitlement to wife's or husband's benefits under this rule is limited by paragraph (a)(1)(iii) of this section.

(ii) If you file an application for old-age benefits, widow's or widower's benefits not based on disability, wife's, husband's, or child's benefits based on the earnings record of a person not entitled to disability benefits, or mother's, father's, or parent's benefits, after the first month you could have been entitled to them, you may receive benefits for up to 6 months immediately before the month in which your application is filed. Your benefits may begin with the first month in this 6-month period in which you meet all the requirements for entitlement. However, entitlement to old-age, wife's, husband's, widow's, or widower's benefits under this rule is limited by paragraph (a)(1)(iii) of this section.

(iii) If the effect of the payment of benefits for a month before the month you file would be to reduce your benefits because of your age, you cannot be entitled to old-age, wife's, husband's, widow's, or widower's benefits for any month before the month in which your application is filed, unless you meet one of the conditions in paragraph (a)(2) of this section. (An explanation of the reduction that occurs because of age if you are entitled to these benefits for a month before you reach the retirement age of 65, is in § 404.410.) An example follows that assumes you do not meet any of the conditions in paragraph (a)(2) of this section.

Example: You become 65 years old in April 1981. If you apply for old-age benefits in April, you cannot be entitled to benefits for months in the 6-month period before April because the payment of benefits for any of these months would result in your benefits being reduced for age. If you do not file your application until July 1981, you may be entitled to benefits for the months of April, May, and June 1981 because the payment of benefits for these months would not result in your benefits being reduced for age. You will not, however, receive benefits for the 3 months before April.

(2) The limitation in paragraph (a)(1)(iii) of this section on your entitlement to old-age, wife's, husband's, widow's, or widower's benefits for months before you file an application does not apply if—

* * * * *

3. The material in § 404.622 preceding paragraph (a) is revised to read as follows:

§ 404.622 Limiting an application.

Your application may entitle you to benefits for up to 6 months or 12 months (depending on the type of benefit, as explained in § 404.621) before the month in which it is filed. You may limit the number of months of your entitlement in the 6-month or 12-month period. You may state this choice any time before a decision is made on your claim by indicating, in writing, the month you want your benefits to begin. You may change the first month of entitlement in this 6-month or 12-month period after a decision has been made on your claim under the following conditions:

* * * * *

[FR Doc. 81-28098 Filed 9-25-81; 8:45 am]

BILLING CODE 4110-07-M

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20 CFR Part 416

Supplemental Security Income for the Aged, Blind, and Disabled; Interim Assistance Provisions

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These final regulations reorganize and restate in simpler language our rules on interim assistance provisions under the Supplemental Security Income (SSI) program. Our purpose is to make these rules clearer and easier for the public to use. These rules explain the interim assistance provisions contained in section 1631(g) of the Social Security Act. They permit the Social Security Administration (SSA) to enter into an agreement with a State to repay the State (or a political subdivision of the State) for interim assistance it gives an individual while his or her application for SSI is pending. They permit SSA to withhold an individual's first SSI benefit payment and send it to the State as repayment for interim assistance, upon the individual's written authorization. A policy change being incorporated in these rules will allow the authorization to go into effect not only when SSA receives it, but also (if our agreement with the State allows) when we receive notice from the State that it has received an authorization. These rules also state that we have revised the definition of "SSI benefit payment." The revised definition provides that we will not consider presumptive disability or presumptive blindness payments SSI benefit payments for interim assistance purposes.

EFFECTIVE DATE: These regulations are effective on September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Clara Powell, Legal Assistant, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Md. 21235, phone, (301) 594-7459.

SUPPLEMENTARY INFORMATION: We have rewritten Subpart S of 20 CFR Part 416 to make these rules clearer and easier for the public to use. We published a Notice of Proposed Rulemaking (NPRM) on April 21, 1980 (45 FR 26719), with a 60-day comment period. A number of comments were received and are discussed under the subheading titled Discussion of Comments.

Sections Retitled and Rearranged

We have rearranged the sections in this Subpart S in a more logical sequence. We have retitled and rewritten the sections in clear, plain language. We have added subtitles to highlight important rules and make them easier to find.

Definitions

We have rewritten and expanded the definitions in this subpart. These definitions are in § 416.1902.

Authorizations

The rules in §§ 416.1904-416.1908 explain that a claimant for SSI benefits may authorize SSA to withhold his or her first SSI benefit payment and send it to the State to repay the State for interim assistance it gave the claimant while the SSI application was pending. The rules explain that in order to send the first SSI benefit payment to a State (or a political subdivision of a State), SSA must have an interim assistance agreement with the State. The rules also explain when an individual's authorization goes into effect, how long it remains in effect, and when the State must obtain another authorization.

Interim Assistance Agreements

The rules in § 416.1910 describe the requirements that must be part of an interim assistance agreement between SSA and the State. SSA must agree to repay the State (or a political subdivision of the State) for interim assistance the State gives a claimant who has authorized SSA to withhold SSI benefit payments. The State must agree to pay any excess repayment to the SSI beneficiary (or to SSA if the State cannot pay the beneficiary). The State must agree: (1) to notify the SSI beneficiary about the amount of interim assistance SSA repaid, and about any excess amount due the beneficiary; and (2) to give the beneficiary an opportunity for a hearing if he or she disagrees with the State's actions regarding repayment of interim assistance. SSA and the State must agree to the length of time the agreement will be in effect. The State must agree to comply with any other regulations that SSA finds necessary to administer the interim assistance provisions.

Appeals

The rules in §§ 416.1920-416.1922 describe the SSI beneficiary's appeal rights in the State and in SSA.

Discussion of Comments

As previously indicated, we received a number of comments on the NPRM

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published on April 21, 1980 (45 FR 26719). A summary of the comments and our responses follow:

Definitions (§ 416.1902)

1. *Comment:* One commenter states the definition of interim assistance should only permit a State or locality to compute the interim assistance provided from the date of the applicant's signed authorization. Such a policy would assure that retroactive reimbursement would not occur and would provide an incentive for the State to act promptly to obtain authorizations if indeed it desired reimbursement.

Response: Section 1631(g) of the Social Security Act (Act) provides that, upon written authorization by an individual, we will reimburse the State for interim assistance it has provided for the period from the first month of eligibility on an SSI application. There is no provision in the law that prevents reimbursement to a State for interim assistance furnished during the period beginning with the first month of eligibility for SSI benefits that is before the date of the authorization.

2. *Comment:* Two commenters stated the definition of interim assistance fails to address the computation of the amount of interim assistance. An example of a computation situation involves a person applying for SSI benefits who is in the interim receiving general assistance for himself and his spouse. One of the commenters believes that when the person becomes eligible for SSI, only that part of the general assistance grant that the wife would not have received had SSI benefits been paid the husband all along should be considered interim assistance. Therefore, SSA should clearly mandate that only that part of the general assistance can be considered interim assistance subject to the reimbursement agreement.

Response: Methods for determining the computation of general assistance (or any other interim assistance payment) amounts are established by the State (or a political subdivision of the State). Such payments are totally funded by the State (or a political subdivision of the State). We have no authority to mandate the computation method used to pay locally-funded assistance by the various agencies in the 31 States with interim assistance reimbursement agreements. Whatever the computation method used, § 416.1902 states that interim assistance means assistance the State gives the SSI applicant. That definition prevents using the SSI reimbursement check to recover assistance provided to another individual. However, we have revised this section to state specifically that interim assistance does not include assistance to or for any other person.

3. *Comment:* One commenter stated the definition of interim assistance should be changed to include assistance payments financed partly with Federal funds.

Response: Assistance financed in part by Federal funds, such as Aid to Families with Dependent Children (AFDC), does not appear to meet the definition of interim assistance as assistance financed from State or local funds and furnished for meeting basic needs during the period beginning with the month in which the individual filed an application for benefits for which he or she was eligible for such benefits. Reimbursement for AFDC payments would not be consistent with the intent of Congress, in the passage of section 1631(g) of the Act, to encourage new and expanded State (not State and Federally financed) emergency assistance programs. Further, this would result in increased Federal and State administrative costs due to the complications in the treatment and verification of such payments for SSI purposes.

4. *Comment:* A number of commenters stated that our interpretation that a State is entitled to reimbursement for aid granted only during the SSI application process is narrow and unrealistic. They believe section 1631(g) of the Social Security Act does not require such a narrow interpretation. The commenters think our interpretation overlooks the fact that many States provide General Public Assistance (all State funds) to an SSI beneficiary while his or her SSI benefits are temporarily stopped for reasons beyond his or her control. In many such cases, SSI eligibility is reestablished, a beneficiary receives retroactive Federal benefits, but a State provides assistance from its own funds with no hope of reimbursement.

Response: Section 1631(g) of the Act does not allow for States to be reimbursed for assistance payments provided to SSI recipients whose benefits have been temporarily stopped for any reason. Reimbursement, by the language of the statute, is authorized to be made only from benefits determined to be due at the time of the first payment of SSI benefits and is limited to assistance furnished by the State for meeting basic needs during the period beginning with the first month the person is eligible for SSI benefits.

5. *Comment:* One commenter believes that the definition of "interim assistance" is too broad. He believes that, as currently stated, the definition allows a State to recover from the first SSI benefit payment not only the assistance given by the State to meet "basic needs" as defined in title XVI of the Act, but also to recover the supplementary payment made by the State to which the person is entitled by State law (that is, the payment provided by a State when the State has a higher standard of need than SSI).

The commenter recommends that the definition of "interim assistance" be clarified to include only those payments that are given in place of SSI (the Federal payment), and to exclude those State payments that are made to supplement the SSI standard of need.

Response: Section 1631(g) of the Act provides that a State is entitled to reimbursement from the first SSI check for interim assistance provided to an individual for his or her basic needs during the period beginning with the month in which he or she filed an SSI application and is eligible for SSI benefits. The law does not preclude reimbursement for assistance paid in excess of the SSI benefit amount in a given month. Since the language in these regulations tracks the statute, we do not believe the suggested changes are appropriate. However, we will be evaluating the States' activities to insure that they are in conformance with the statute.

6. *Comment:* One commenter believes that SSA intends to interpret the term "benefits" in section 1631(g)(2) of the Act to mean the first SSI benefits ever made available on behalf of a given individual.

Response: The commenter's assumption is not correct. He limits the SSI benefit from which interim assistance may be reimbursed to a State to the first SSI benefit payment ever made on behalf of a given individual. This is not the correct application. In a situation in which SSI eligibility terminates and is later reestablished based on a new application, the interim assistance payment provisions would apply to interim assistance provided from the date of first eligibility based on the new application.

7. *Comment:* A number of commenters state that the phrase "your first SSI benefit payment" as used in defining "authorization" and SSI benefit payment" needs to be expanded. They believe that, as written, the forwarding of the first presumptive payment would not fulfill SSA's obligation to send the State the first SSI benefit payment. These payments are made to applicants who are presumed to be disabled or presumed to be blind until an initial determination is made.

The commenters believe that payment of the presumptive benefit represents an incomplete initial payment, and that it is clear that Congress intended to repay States and political subdivisions for their aid expenditures during the pending period of application up to the final determination of eligibility.

Response: After reviewing the legislative history of the interim assistance provisions, we would agree that persuasive evidence exists to support a policy which excludes presumptive disability and presumptive blindness payments as the first SSI benefit payment for interim assistance reimbursement purposes. The interim assistance provision by its terms is designed to encourage States to cover SSI applicants with timely assistance during the period while their SSI claim is pending. Since a gap frequently occurs between the completion of presumptive payments and the beginning of regular SSI benefits, it is consistent with the purposes of interim assistance to encourage States to provide assistance during this period. If we narrowly construe presumptive payments as the first payment of SSI benefits, a State might hesitate to provide any interim assistance after completion of presumptive payments on the grounds that it would ultimately be financing these benefits rather than us. Therefore, we have revised the definition of "SSI benefit payment" (§ 416.1902) to state that presumptive disability or presumptive blindness payments are not considered SSI benefit payments for interim assistance purposes.

Authorizations (§§ 416.1904–416.1908)

8. *Comment:* One commenter states that § 416.1906 requires clarification as to what constitutes "notice" under the proposed policy change regarding the authorization. The commenter on behalf of a government agency says that currently, the State or county is reimbursed for interim assistance payments once SSA receives a signed authorization form from the county; however, the proposed rule mentions a change in policy and is adding the statement "when we receive notice."

Response: As indicated in the preamble to the proposed regulations, this policy change is to permit the use of automated systems and would apply only if provided for in the agreement between us and the State. The present written authorization process remains unchanged. We still require a signed authorization before reimbursement. However, where the automated process is adopted, the State will notify us electronically that it has a signed authorization in its possession. Where this procedure is used, physical transfer of the signed authorization form to us is not required.

9. *Comment:* A number of commenters expressed concern that § 416.1906 allows us to give effect to an authorization merely when a State says that it has received such a document. They believe that the States are in a financially adverse position to the recipients regarding interim assistance, and as such, the State's allegations must be considered suspect. They also believe mistakes will be made and the potential for abuse is very great.

Response: We believe the controls incorporated into the process will insure the integriy of the notice of receipt of the authorization. To insure the integrity of this process, we will review on a regular basis a sample of the States interim assistance accounting forms and their corresponding files to confirm the existence of a valid authorization. In addition, we will verify the accuracy of the apportionment of the payment we make to the State and the timeliness of payment of any excess to the beneficiary. If problems arise, we will take appropriate corrective action.

10. *Comment:* One commenter suggests that § 416.1906(a) be expanded to specify that an authorization will remain in effect until we make an SSI benefit payment on the individual's claim based upon a final determination. Also, the commenter suggests that § 416.1906(b) be expanded to specify that the authorization remains in effect until a final determination is made on the appeal, including any court action ordering that SSI/or State supplementary payments (SSP) be awarded.

Response: The law and these regulations stipulate that reimbursement is made out of the first payment of benefits. Only a first payment of benefits, not a final determination, is required for reimbursement. There can be only one first payment and the effective life of the authorization ends with that payment.

With respect to the second point, a final determination on a claim is the decision that is no longer subject to appeal. If a determination is appealed, the final determination is the one resulting from the last level of appeal, administrative or judicial, rendered on a claim. Therefore, inclusion of "including any court action" is not necessary.

11. *Comment:* One commenter asks if § 416.1908 implies that SSA will voluntarily seek an authorization directly from an individual reapplicant for SSI? He believes that would appear to be the responsibility of the State or locality.

Response: We do not seek authorizations from individuals who reapply for SSI benefits. The authorization is an agreement between the individual and the State and is obtained by the State. Therefore, to avoid confusion, the last sentence of § 416.1908 is being clarified to read "If you reapply for SSI benefits or the authorization has expired, the State must obtain a new authorization from you in order for us to repay the State for interim assistance it gives you."

Interim Assistance Provisions (§ 416.1910)

12. *Comment:* One commenter suggests that § 416.1910(a) be expanded to specify that repayment to the State takes priority over any underpayments due or lien/obligations resulting from legal representation in court resulting in approval of SSI/SSP.

The commenter also believes a provision should be inserted in § 416.1910 stating that SSA shall reimburse the State whenever an initial SSI/SSP payment is misdirected to the recipient and there is an authorization on file.

Response: Adding the suggested language is unnecessary since section 1631(d)(1) of the Act prohibits moneys paid or payable under the SSI program from being subject to execution, levy, attachment, garnishment, or other legal process.

With respect to the second point, section 1631(g) of the Act only provides authority for us to reimburse a State agency for interim assistance from those benefits due the individual at the time we make the first payment of benefits. There is no authority for us to withhold any other benefits due the beneficiary to reimburse a State agency for interim assistance after the first payment is made.

13. *Comment:* One commenter suggests that § 416.1910(b)(1) be changed to read "Pay the excess amount to you no later than 10 working days from the date the correct political subdivision receives the repayment, if the repayment was misdirected by SSA."

Response: Modification of § 416.1910 as the commenter suggests is unnecessary. The 10 working days for repayment do not start until receipt of the SSI check by the State or political subdivision designated for the reimbursement for interim assistance. In States with local administration of interim assistance, receipt would not occur until the political subdivision designated in the agreement between us and the State receives payment. A misdirected check does not constitute receipt.

14. *Comment:* One commenter urges SSA to enforce the 10-day requirement reflected in § 416.1910(b). The commenter recommends that where States do not comply the interim assistance agreement with the State be terminated.

Response: We are working with the States on an ongoing basis in an attempt to improve the time required by us and the State agencies in processing interim assistance reimbursement. Termination of the interim assistance agreement would be a disincentive for a State to provide interim assistance and would ultimately work to the disadvantage of an individual seeking interim assistance.

15. *Comment:* One commenter states that, while § 416.1910(c)(2) fairly clearly directs a State to give proper notice to an individual even when no refund is due, proposed § 416.1910(b) implies that notice may be necessary only if a refund is in fact due the individual. He says the language in proposed § 416.1910(c)(2) should therefore be strengthened.

Response: Section 416.1910(c)(1) explicitly provides for notice by the State to the individual in all cases where we make reimbursement to a State. Section 416.1910(c) is not modified by § 416.1910(b). Also, as discussed in Comment 19, we send a notice to the individual about the payment made to the State.

16. *Comment:* One commenter recommended that SSA include in the regulations a statement indicating that where a State says it is unable to locate a recipient and refunds the excess amount to SSA, SSA will forward the funds to the recipient. The commenter believes that by including this statement, recipients will be informed that they do not forfeit their right to their SSI benefits when the State cannot locate them.

Response: We believe that the commenter's recommendation is a good one. In § 416.1910(b)(2) we are adding a phrase to indicate that the State will refund the excess amount to us for handling under the rules in Subpart E of this Part if the State cannot make payment to the individual. Subpart E explains how we handle benefit payments and overpayments and underpayments of benefits.

17. *Comment:* Two commenters state that § 416.1910(b)(2) is vague and asks that the following questions be addressed: Under what circumstances would the State not be able to pay the individual? Within what time must the State pay the excess to SSA? What is SSA going to do with it?

Response: Section 416.1910(b)(2) is being clarified by addition of the following: "For example, you die or you move and the State cannot locate you."

We have not imposed a time frame for the States to return any excess amount to us because we want to give the State every opportunity to locate and pay individuals entitled to an excess amount.

Our disposition of excess payments returned by the State is handled under the rules in Subpart E of this Part.

18. *Comment:* A number of commenters suggest that § 416.1910(c)(2) should require the State to specify the calculations it used to arrive at the excess or zero amount due the beneficiary, and that the best way to do this would be a month by month listing of interim assistance received. The commenters believe this approach would assure that the amounts are correct and that an individual could properly determine the accuracy of the calculations. The commenters believe this approach would assure that excessive numbers of hearings are not requested under § 416.1920.

Response: We believe this comment has merit. Nevertheless, before we could adopt this suggestion, further study is required. If our study indicates that a monthly breakdown of the interim assistance paid by the State to the individual is feasible and should be included in the individual's notice, we will initiate action to implement the suggestion.

In that event we will give the public, and particularly the States, advance notice of our reasons for proposing this change and provide an opportunity for public comment.

19. *Comment:* A number of commenters suggest that the same specified computations discussed in Comment 18 should be done by SSA when sending the retroactive SSI check to the State, and such information should be passed on by the State to the individual. The commenters believe this approach would also assure that excessive numbers of hearings are not requested under § 416.1922.

Response: At the time we send the first SSI benefit payment to the State for the interim assistance provided the individual we do not have a monthly breakdown of the interim assistance paid. Therefore, in the award notice we send the individual, we tell him or her the amount of the first SSI benefit payment we are sending to the State and the period of time covered by the SSI benefit payment. We also explain that if the State paid the individual less than the amount we sent the State, the State will send him or her the difference. In addition, the notice provides the name of the State agency to whom we sent the payment and indicates that the individual should contact the State agency if he or she does not receive the excess amount due. We also include the individual's appeal rights in SSA in the notice.

20. *Comment:* One commenter states that SSA should require that the States make a good faith effort to locate the recipient, including contacting SSA for a current address.

Response: While no precise data are available, we do not believe that in the overwhelming majority of interim assistance cases the States have any difficulty in locating and paying the excess amount due an individual. In those few situations where the State cannot pay the excess amount due, our experience has been that the State makes every reasonable effort to locate and pay the individual the excess amount due. Also, if the individual has not received the excess amount due, he or she usually will contact the State agency since our award notice instructs the individual to do so if he or she does not receive the excess amount.

In addition, all States have access to SSI payment data, including current address, through the State Data Exchange file, making it unnecessary for the State to contact us for a current address.

21. *Comment:* One commenter feels that § 416.1910(e) could be omitted, because it is unlikely that a State would enter into an agreement to follow any regulation issued by SSA. He says that if the regulation is invalid, the State must be given the opportunity to challenge it. On the other hand, if the regulation is valid, a State-Federal agreement is not needed for the State to follow it.

Response: Section 416.1910 describes the provisions which must be part of the interim assistance agreement between us and the State. Section 416.1910(e) reflects section 1631(g)(4)(B) of the Act, and thus is statutorily required to be part of the agreement.

Hearings (§§ 416.1920–416.1922)

22. *Comment:* One commenter points out that a State is sometimes unclear as to what kind of hearing it will afford individuals dissatisfied with the amount of interim assistance that is recovered out of the initial SSI check. The commenter suggests that we make clear that those hearings be governed by the rules in 45 CFR 205.10. In addition, the regulations should make clear that the hearing examiner can order the return of money wrongfully withheld by the State.

Response: As provided in section 1631(g)(4)(B) of the Act our interim assistance agreement with the State requires that States provide a hearing for any individual who disagrees with the State's action regarding repayment of interim assistance. The rules in 45 CFR 205.10 govern State plan requirements. They are not applicable to interim assistance. However, as a part of our ongoing review of the interim assistance program, we will be evaluating States' hearing procedures to determine if they are consistent with the intent of the statute and whether any additional Federal requirements are necessary.

Extension of Interim Assistance Reimbursement

23. *Comment:* One commenter asks that we include a process by which SSA, a State, and an SSI recipient can enter into an agreement to ensure a continuing payment for eligible individuals who, because of an address change or for other reasons, experience a temporary interruption of benefits. This will enable a State to support SSI recipients during a period of need and be assured of reimbursement for the covered period while the change is being processed.

Response: As indicated in our response to Comment 4, there is no provision in the Act for States to be reimbursed for assistance provided to SSI recipients whose benefits have been temporarily stopped for any reason.

Differences Between Current Regulations, the NPRM, and Final Regulations

We have made several policy and clarifying changes in these final regulations from the current regulations and from the proposed rules published in the **Federal Register** on April 21, 1980, at 45 FR 26719. A summary of these changes follow.

1. As a result of public comments, we are adding a sentence to the definition of "interim assistance" in § 416.1902 to specify that interim assistance does not include assistance the State gives to or for any other person.

2. As a result of public comments, we have revised the proposed definition of "SSI benefit payment" (§ 416.1902). The revised definition provides that presumptive disability or presumptive blindness payments are not considered SSI benefit payments for interim assistance purposes.

3. As proposed in the NPRM, and as incorporated into these final regulations, § 416.1906 will make an authorization effective when SSA receives it, or (if our agreement with the State allows) when SSA receives notice from the State that it has received an authorization. This change improves administrative efficiency by permitting full use of automated systems. The same section also makes explicit that the State and an individual may agree to terminate an authorization.

4. We are revising § 416.1906(b) by deleting the word "denying" and inserting the word "on". This change will provide a means of ending the effective period of the authorization when an SSI claim is withdrawn.

5. In § 416.1906 we are also adding a new paragraph (d). The new paragraph (d) provides that an authorization remains in effect until the date, if any, specified in the authorization. We are adding this paragraph because under the automated processing of authorizations policy, authorizations will be effective only for a limited period.

6. As a result of public comments, we are changing the last sentence in § 416.1908 to make it clear that if an individual reapplies for SSI benefits or the authorization has expired, the State must obtain a new authorization in order for us to repay the State for interim assistance it gives the individual.

7. Also as a result of public comments, we are adding a cross reference to § 416.1910(b)(2) to indicate that the State will refund the excess amount to us for handling under the rules in Subpart E of this Part if the State cannot make payment to the individual. In addition, we are adding examples to indicate some instances when the State may not be able to pay the excess amount to an individual.

We have determined that these regulations do not meet the criteria specified in Executive Order 12291 for major regulations. Therefore, a regulatory impact analysis is not required. In addition, we certify that these regulations will not have a significant economic impact on a substantial number of small entities because the interim assistance provisions affect individuals and States only. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act of 1980, is not required.

There are no reporting or recordkeeping requirements requiring OMB clearance.

Accordingly, these regulations with changes are adopted as set forth below.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income program)

Dated: August 6, 1981.

John A. Svahn,
Commissioner of Social Security.

Approved: September 8, 1981.

Richard S. Schweiker,
Secretary of Health and Human Services.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart S of Part 416, Chapter III of Title 20 of the Code of Federal Regulations, is revised to read as follows:

Subpart S—Interim Assistance Provisions

Introduction

Sec.
416.1901 Scope of Subpart S.
416.1902 Definitions.

Authorizations

416.1904 Authorization to withhold SSI benefits.
416.1906 When your authorization is in effect.
416.1908 When we need another authorization.

Interim Assistance Agreements

416.1910 Requirements for interim assistance agreements.

Appeals

416.1920 Your appeal rights in the State.
416.1922 Your appeal rights in SSA.

Authority: Secs. 1102 and 1631 of the Social Security Act as amended; 49 Stat. 647 as amended; 86 Stat. 1475 as amended; (42 U.S.C. 1302 and 1383).

Subpart S—Interim Assistance Provisions

Introduction

§ 416.1901 Scope of Subpart S.

(a) *General.* This subpart explains that we may withhold your SSI benefit payments and send them to the State (or a political subdivision of the State) as repayment for any interim assistance it gives you while your application for SSI is pending. Before we will do this, the State must have entered into an interim assistance agreement with us, and you must have given written authorization for us to repay the State (or a political subdivision of the State).

(b) *Organization of this subpart.* We have organized this subpart as follows:

(1) *Definitions.* Section 416.1902 contains definitions of terms used in this subpart.

(2) *Authorizations.* Sections 416.1904—416.1908 give the rules that apply to your written authorization.

(3) *Interim assistance agreements.* Section 416.1910 gives the requirements for interim assistance agreements between us and the State.

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(4) *Appeals.* Sections 416.1920—416.1922 describe your appeal rights in the State and in SSA.

§ 416.1902 Definitions.

For purposes of this subpart—

"Authorization" means your written permission (in a form acceptable to us and legally acceptable to the State from which you received interim assistance) for us to withhold your first SSI benefit payment and send it to the State.

"Interim assistance" means assistance the State gives you (including payments made on your behalf to providers of goods or services) to meet your basis needs, starting with the month you apply for SSI benefits and are eligible for them, and ending with (and including) the month your SSI benefit payments begin. It does not include assistance the State gives to or for any other person. If the State has prepared and cannot stop delivery of its last assistance payment to you when it receives your SSI benefit payment from us, that assistance payment is included as interim assistance to be reimbursed. Interim assistance does not include assistance payments financed wholly or partly with Federal funds.

"SSI benefit payment" means your Federal benefit, and any State supplementary payment made by us to you on behalf of a State (see Subpart T of this part), which is due you at the time we make the first payment of benefits. Advance payment (as defined in § 416.520) and payment based upon presumptive disability or presumptive blindness (as defined in § 416.931) are not considered SSI benefit payments for interim assistance purposes.

"State" for purposes of an interim assistance agreement, means a State of the United States, the District of Columbia, or the Northern Mariana Islands. For all other purposes (for example, payment, appeals, notices) "State" also means a political subdivision of any of these.

"We," "Us," or *"Our"* means the Social Security Administration.

"You" or *"Your"* means someone who has applied for or is already receiving SSI benefits.

Authorizations

§ 416.1904 Authorization to withhold SSI benefits.

We may withhold your SSI benefit payment and send it to the State to repay the State for the interim assistance it gave to you, if—

(a) We have an interim assistance agreement with the State at the time your authorization goes into effect; and

(b) Your authorization is in effect at the time we make the SSI benefit payment.

§ 416.1906 When your authorization is in effect.

Your authorization for us to withhold your SSI benefit payment, to repay the State for interim assistance the State gives you, is effective when we receive it, or (if our agreement with the State allows) when we receive notice from the State that it has received your authorization. It remains in effect until—

(a) We make an SSI benefit payment on your claim;

(b) We make a final determination on your claim (if your SSI claim is denied, the denial is the final determination, unless you file a timely appeal as described in Subpart N of this part);

(c) You and the State agree to terminate your authorization; or

(d) If earlier than the event in paragraphs (a), (b), or (c) of this section, the date (if any) specified in your authorization.

§ 416.1908 When we need another authorization.

Once an event described in § 416.1906 occurs, your authorization is no longer effective. If you reapply for SSI benefits, or the authorization has expired, the State must obtain a new authorization from you in order for us to repay the State for interim assistance it gives you.

Interim Assistance Agreements

§ 416.1910 Requirements for interim assistance agreement.

An interim assistance agreement must be in effect between us and the State if we are to repay the State for interim assistance. The following requirements must be part of the agreement:

(a) *SSA to repay the State.* We must agree to repay the State for interim assistance it gives you. Repayment to the State takes priority over any underpayments due you (see §§ 416.525 and 416.542).

(b) *State to pay any excess repayment to you.* The State must agree that, if we repay it an amount greater than the amount of interim assistance it gave to you, the State will—

(1) Pay the excess amount to you no later than 10 working days from the date the State receives repayment from us; or

(2) Refund the excess amount to us for disposition under the rules in Subpart E of the this part on payment of benefits if the State cannot pay it to you (for example, you die or you move and the State cannot locate you).

(c) *State to notify you.* The State must agree to give you written notice explaining—

(1) How much we have repaid the State for interim assistance it gave you;

(2) The excess amount, if any, due you; and

(3) That it will give you an opportunity for a hearing if you disagree with State's actions regarding repayment of interim assistance.

(d) *Duration of the agreement.* We and the State must agree to the length of time that the agreement will remain in effect.

(e) *State to comply with other regulations.* The State must agree to comply with any other regulations that we find necessary to administer the interim assistance provisions.

Appeals

§ 416.1920 Your appeal rights in the State.

Under its interim assistance agreement with us, the State must agree to give you an opportunity for a hearing if you disagree with the State's actions regarding repayment of interim assistance. For example, you are entitled to a hearing by the State if you disagree with the State regarding the amount of the repayment the State keeps or the amount of any excess the State pays to you. You are not entitled to a Federal hearing on the State's actions regarding repayment of interim assistance.

§ 416.1922 Your appeal rights in SSA.

If you disagree with the total amount of money we have withheld and sent to the State for the interim assistance it gave to you, you have a right to appeal to us, as described in Subpart N of this part.

[FR Doc. 81-28098 Filed 9-25-81; 8:45 am]

BILLING CODE 4110-07-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1928-8]

Approval and Promulgation of Implementation Plans: Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving Massachusetts' revisions to its State Implementation Plan (SIP) submitted on July 9, 1981, and on July 30, 1981. The effect of these revisions is to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, for making a commitment to

public transportation in the Boston urban region.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Susan Hager, Air Branch, EPA Region I, Room 1903, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223–5630.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC; and the Division of Air Quality Control, Department of Environmental Quality Engineering, 8th floor, One Winter Street, Boston, Massachusetts 02110.

SUPPLEMENTARY INFORMATION: On June 1, 1981 (46 FR 20289) EPA proposed approval of revisions to the Massachusetts SIP as meeting the requirements of Part D and certain other sections of the Clean Air Act, as amended, for making a commitment to public transportation in the Boston urban region. The revisions and EPA's reasons for approving them are explained in the Notice of Proposed Rulemaking (NPR), cited above, and will not be repeated here.

In the interest of shortening the federal review period, EPA proposed approval concurrently with the state's procedures for adopting SIP revisions, and thus before final state action and submittal of the revisions to EPA. EPA refers to this new procedure as "parallel processing". EPA stated in the NPR its intention to approve these revisions if they were not substantially changed by the State. The proposed revisions were not altered during the public review period and the State submitted the final revisions on July 9, 1981 and July 30, 1981 for EPA approval. EPA is issuing this final rulemaking on the submittals. This is the first final approval by EPA using the new parallel processing method. This approach has reduced the time for final federal approval by approximately four months in this case.

Although the DEQE made no changes to the proposed revisions during the comment period, their decision memorandum addressing the issue of whether the State should adopt the amendments did include clarification of a portion of the commitment to public transportation. The SIP revisions state that consideration will be given to environmental impacts before public transportation fares can be increased but does not describe specifically the analysis required. In an Appendix to DEQE's decision memorandum, DEQE has provided more detail on the information and notification it would need to evaluate air quality impacts of such changes. The procedures are not part of the Massachusetts SIP. Rather, they represent current DEQE policy on the information and procedures to be used for assessing impacts of any change to Boston's public transportation service or fare structure.

No public comments have been received on the Notice of Proposed Rulemaking. As stated in the NPR, the material submitted shows that no increase in hydrocarbon emissions occurred because of the increase in public transportation fares. The demonstration of RFP for the Boston region submitted on September 19, 1979 therefore, does not need to be revised and EPA is now taking final action to approve it. The actions taken in this final rulemaking remove the new source growth sanctions under 110(a)(2)(I) of the Act in effect in the Boston urban area.

ACTION: EPA is approving:

1. The Boston region's commitments to public transportation. These commitments are presented in revisions to the Massachusetts SIP submitted to EPA on December 31, 1978, May 16, 1979, September 19, 1979, July 9, 1981, and July 30, 1981.

2. The demonstration of RFP toward attainment of ozone standards in the Boston urban area as presented in the September 19, 1979 revisions to the Massachusetts SIP.

3. The Massachusetts Turnpike Carpool Incentive Program; Insurance Discounts for Transit Passholders and Caravan Vanpoolers; and the Percentage State Gasoline Tax as described in revisions to the Boston portion of the Massachusetts SIP submitted on July 30, 1981.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291 EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revisions meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, these revisions are approved as revisions to the Massachusetts State Implementation Plan.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject to today's Notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Section 110(a) and section 301(a) of the Clean Air Act, as amended (42 U.S.C. 7401(a) and 7601(a)))

Note.—Incorporation by reference of the State Implementation Plan for the State of Massachusetts was approved by the Director of the Federal Register on July 1, 1981.

Dated: September 21, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1120, paragraph (c)(39) is amended by adding as follows:

52.1120 Identification of plan

* * * * *

(c) * * *

(39) Revisions to meet the requirements of Part D and certain other sections of the Clean Air Act, as amended, for making a commitment to public transportation in the Boston urban region which were submitted on July 9, 1981 and on July 30, 1981.

[FR Doc. 81-28066 Filed 9-25-81; 8:45 am]

BILLING CODE [illegible]

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40 CFR Part 52

[A-9-FRL-1927-4]

California Rule Revisions for Two Air Pollution Control Districts

AGENCY: Environmental Protection Agency.

V 46 SE 28 81 UMI

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve revisions to rules of the South Coast Air Quality Management District and the San Diego County Air Pollution Control District and to incorporate them into the California State Implementation Plan (SIP). The intended effect of this action is to update rules and to correct certain deficiencies in the SIP as required by the Clean Air Act.

EFFECTIVE DATE: October 28, 1981.

ADDRESS: A copy of the revisions is located at: The Office of the Federal Register, 1100 "L" Street, NW, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, Attn: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION: From May 7, 1979 through November 3, 1980, the California Air Resources Board submitted to EPA revisions to the rules of the two Districts for inclusion in the California SIP. Revised rules which are being acted upon by this notice include the following subjects:

In-stack Monitoring, Permits, Visible Emissions, Sulfur Content of Fuels, Asphalt, Appearances, Service and Filing, Documents, Continuances, Requests for Continuances or Time Extensions, Hearing, Presiding Officer, Ex Parte Communications, Evidence, Procedures, Cross-examination, Oral Argument, Briefs, Motions, Decisions, Particulate, Usage of Solvent, Assistance to Small Business, Petitions, Variances, Coating, Organic Compounds, Episodes, Nitrogen Oxides, Abrasive Blasting, Fees, General, Definitions, Traffic Abatement, Interdistrict Coordination, Source Inspections, Petroleum Coke Calcining Operations—Oxides of Sulfur, Radio Communication, Petroleum Solvent Dry Cleaners, Orchard or Citrus Grove Heaters, Organic Solvents, Malfunction, Title, Applications, and Sampling and Testing Facilities.

A list of the rules being considered by this action can be found in the notice of proposed rulemaking published on May 12, 1981 (46 FR 26353). As described in that notice, the rules were evaluated and found consistent with Clean Air Act requirements. Public comments were invited on the proposed rulemaking. No comments were received.

It is the purpose of this notice to take final action on the rule revisions as described in the May 12, 1981 notice. Thus, all rules proposed for approval in the notice are approved in this final notice and incorporated into the California SIP under Section 110 of the Clean Air Act.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1981.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not major because they approve state actions. They impose no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action approves state actions. It imposes no new requirements.

(Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)))

Dated: September 21, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

In § 52.220, paragraphs (c)(50)(x), (51)(vii)(B), (58)(ii)(B), (65), (67)(i)(B), (69)(ii), (70)(i)(C) and (ii), (79)(iv) and (v), (87)(ii), (88)(iii), and (96) are added as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(50) * * *

(x) San Diego County APCD.

(A) New or amended Rule 10(h) and deletion of Rule 43.

* * * * *

(51) * * *

(vii) * * *

(B) New or amended rules 19.2(d)(4), 50, 62(a), 66(P) and (W), 95, and 98.

* * * * *

(58) * * *

(ii) * * *

(B) New or amended Rules 404, 442, 501.1, 502, 504.1(b), (c), and (d), and 1124.

* * * * *

(65) The following amendments to the plan were submitted on July 25, 1979, by the Governor's designee.

(i) The *South Coast Air Basin Control Strategy* (Chapter 18 of the Comprehensive Revision to the State of California Implementation Plan for the Attainment and Maintenance of Ambient Air Quality Standards). Those portions of the *South Coast Air Basin Control Strategy* identified by Table 18-1, "Location of Plan Elements Which Meet Clean Air Act Requirements," together with Rules 1115 and 1126, comprise the submitted nonattainment area plan control strategy. The remaining portions are for informational purposes only.

(ii) New or amended Rules 218, 431, 431.1–431.3, 1120, 1206–1208, 1212, 1213, 1215, 1216, 1218, 1219, 1222, and 1225–1230.

* * * * *

(67) * * *

(i) * * *

(B) New or amended Rules 107, 709(c), 1111, 1121 and 1140.

* * * * *

(69) * * *

(ii) New or amended Rules 301, 405, 431.2(c)(5), 701, 702 (a), (d), (e), (f), (h) and (i), 703–706, 708.3(a), (b)(8)–(b)(10), 708.4(g) and (h), 709(a), 710(a) and (b)(4), 711(a)(1), (a)(4), (b)(1) and (b)(4), and 713–715.

* * * * *

(70) * * *

(i) * * *

(C) New or amended rules 702(b), 707, 708, 708.3 (a)(2) and (c), 708.4 (a) and (b), 709(e), 710 (b)(1)(D), (b)(2)(D), (b)(3)(B), and (c)(3)(B), 711 (a)(1)(E), (a)(2)(D), (a)(3)(B), (a)(4)(F), (b)(3)(B), and (b)(4)(f), and 1102.

(ii) San Diego County APCD.

(A) New or amended rules 2 (z) and (aa), 40, and 10 (f) and (i).

* * * * *

(79) * * *

(iv) South Coast AQMD.

(A) Deletion of Rule 471.

(v) San Diego County APCD.

(A) New or amended rules 1, 2 (a), (b), (t), (v), (u), (x), and (y), 14, 17, 67.0, and 67.1.

* * * * *

(87) * * *

(ii) San Diego County APCD.

(A) New or amended rule 19.

* * * * *

(88) * * *

(iii) South Coast AQMD.

(A) New or amended rule 1119.

* * * * *

(96) Revised regulations for the following APCDs submitted on November 3, 1980, by the Governor's designee.

(i) South Coast AQMD.

(A) New or amended rule 1113.

* * * * *

[FR Doc. 81-28054 Filed 9-25-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-2-FRL-1904-3]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations for New York State

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces Environmental Protection Agency approval of a request from New York State to revise the attainment status designation to "better than national standards" for carbon monoxide and particulate matter in certain areas of upstate New York. This action will be effective on November 27, 1981 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: This action is effective on November 27, 1981.

ADDRESSES: All comments should be addressed to: Richard T. Dewling, Ph.D., Acting Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the State's request are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency, Air Programs Branch—Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW, Washington, D.C. 20460

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act, as amended in August 1977, directed each State to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the State. EPA received such designations and promulgated them on March 3, 1978 (43 FR 8962). Subsequently, on January 25, 1979 (44 FR 5119), revisions to the designations for the States administered by the Region II Office of EPA (New York, New Jersey, the Commonwealth of Puerto Rico and the U.S. Virgin Islands) were promulgated. Additional 107(d) redesignations for New York State were promulgated on December 7, 1979 (44 FR 70466), January 27, 1981 (46 FR 8495) and on March 3, 1981 (46 FR 14892).

Section 107(d) designations may be revised from time to time at the request of a State and, on May 14, 1981, the New York State Department of Environmental Conservation identified the following portions of Air Quality Control Regions (AQCRs) in upstate New York for redesignation to "better than national standards":

- Niagara Frontier AQCR. Those portions of the City of Buffalo and towns of Cheektowaga and Amherst presently designated as nonattainment for the primary carbon monoxide standards.
- Genesee-Finger Lakes AQCR. That portion of Monroe County presently designated as nonattainment for the primary carbon monoxide standards.
- Hudson Valley AQCR. The cities of Troy and Watervliet and that portion of the city of Albany presently designated as nonattainment for the primary carbon monoxide standards.
- Southern Tier West AQCR. The City of Jamestown presently designated as nonattainment for the particulate matter secondary standard.

The State bases its carbon monoxide redesignation requests on the results of an "Upstate Carbon Monoxide Hot Spot Study" which indicates attainment of the standard for the areas mentioned. The Jamestown redesignation is based upon two years of data showing attainment of the secondary particulate matter standard, and an air quality modeling demonstration contained in the 1979 State Implementation Plan revision for the Jamestown area, which demonstrated attainment by 1980.

Based on EPA's review of the technical materials submitted by the State in support of its request, EPA is approving the redesignations as requested. With regard to the particulate matter redesignation in the City of Jamestown, eight calendar quarters of air quality data were supplied indicating no contraventions of any air quality standards. With regard to the carbon monoxide redisignations in the Niagara Frontier, Genesee-Finger Lakes and Hudson Valley AQCRs, ambient monitoring was conducted for three months at twelve sites during the winter season when carbon monoxide levels can be expected to be at a seasonal peak. A review of this data, as well as data collected from existing State operated continuous monitors in the vicinity, indicates no contravention of the one-hour or eight-hour standard in the areas for which redesignations are requested.

This notice is issued as required by Section 107 of the Clean Air Act, as amended. The Administrator's decision regarding approval of this proposed plan revision was based on its meeting the requirements of Sections 107 and 301 of the Clean Air Act and Part 81 of the Code of Federal Regulations (CFR). This current redesignation request was submitted to EPA in accordance with Sections 107 and 301 of the Clean Air Act and with the appropriate requirements at Part 81 of the CFR.

EPA is approving this redesignation request without prior proposal because it is viewed as noncontroversial and no adverse comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provision of 5 U.S.C 605(b) the Administrator has certified that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (40 FR 8790; January 27, 1981). The attached rule constitutes attainment status redesignations under Section 107(d) within the terms of the January 27 certification. This proposed action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it imposes no requirements. Its purpose is to change the attainment status designations for certain areas from nonattainment to attainment.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sections 107, 301 of the Clean Air Act, as amended (42 U.S.C. 7407, 7601))

Dated: September 21, 1981.

Anne M. Gorsuch,
Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Title 40, Chapter 1, Subchapter C, Part 81, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designations

1. Section 81.333 is amended by revising the attainment status designation tables for carbon monoxide and particulate matter as follows:

§ 81.333 New York.

New York State—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * * * *				
Southern Tier West AQCR				×
* * * * * * *				

New York State—CO

Designated areas	Does not meet primary standards	Cannot be classified or better than national standards
Niagara Frontier AQCR		×
Genesee-Finger Lakes AQCR		×
* * * * * * *		
Hudson Valley AQCR:		
The Town of Waterford	×[1]	
The Town of Colonie (inside an area bounded by Sand Creek Road, Wolf Road, Railroad Ave., and Fuller Road).	×[1]	
The City of Schenectady	×[1]	
Remainder of AQCR		×
* * * * * * *		

[1] EPA designation replaces state designation.

[FR Doc. 81-28049 Filed 9-25-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6145]

Communities With No Special Hazard Areas for the National Flood Insurance Program; Louisiana and Texas

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by 100-year flood. Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with No Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1–4 family dwelling is $.25 per $100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program.

The effective date of conversion to the Regular Program would not apear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazard areas of the specified community and imposes no new requirements or regulations on participating communities.

The entry reads as follows:

§ 65.8 List of communities with no special flood hazard areas.

State	County	Community name	Date of conversion to regular program
Louisiana	Rapides	Town of Boyce	July 9, 1981.
Louisiana	Caldwell	Village of Grayson	Do.
Louisiana	Red River	Village of Martin	Do.
Louisiana	Rapides	Village of Forest Hill	July 24, 1981.
Louisiana	Rapides	Village of McNary	Do.
Texas	Fort Bend	Town of Fulshear	July 31, 1981.

State	County	Community name	Date of conversion to regular program
Texas	Fort Bend	Town of Needville	Do.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued September 11, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28004 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 300

[Docket No. FEMA—PP-300A]

Disaster Preparedness Assistance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency (FEMA) is amending its disaster preparedness assistance regulations to add procedures by which financial assistance will be provided to eligible applicants for the development of preparedness plans for severe earthquakes or hurricanes in high-risk, high-population areas. The regulation suggests priorities, discusses funding, and choice of documents.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Bud Andress, Preparedness Development Division, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-3854.

SUPPLEMENTARY INFORMATION: On June 1, 1981, the Acting Associate Director for Plans and Preparedness published in the **Federal Register** a proposed rule to 44 CFR Part 300—Disaster Preparedness Assistance. That proposed rule amended the existing regulation by adding new § 300.6 to Subchapter E, Part 300 of Chapter I, Title 44. With full implementation of the Earthquake and Hurricane Plans and Preparedness program the proposed rule codified applicable procedures for FY 1981 and subsequent years. Those procedures are now being used in the program, pending publication of the final rule. The proposed rule was open for public comment through July 31, 1981.

Subsequently, the Federal Emergency Management Agency (FEMA) received eight formal comments, three of which did not pertain to the rule. The remaining five contained 15 specific recommended changes, nine of which were incorporated into the final rule. FEMA was unable to accommodate six recommendations. The majority of the comments concerned the priority of various earthquake and hurricane areas. Comments ranged from: "delete the lists entirely" (which we did not accommodate) to: "add San Diego to the earthquake list and New Jersey, Mississippi Gulf Coast, and Puerto Rico to the hurricane list" (which we did accommodate). One comment recommended we accept grant requests from the highest political authority in the area rather than the Governor. We did not accommodate this comment because it is inconsistent with advice contained elsewhere in this title. The remainder of the comments were suggested rewording, most of which were accommodated.

FEMA itself has revised wording in the final rule. The major changes appear in paragraphs (d) (1), (2), and (3) and the term "loss study" was changed to "vulnerability analysis." The term vulnerability analysis is consistent with the definitions in § 300.2 of this title.

Reference to the "Acting Associate Director for Plans and Preparedness" has been updated to "Associate Director for State and Local Programs and Support in § 300.6.

The rule is not a major rule under provisions of Executive Order 12291 nor will it, if promulgated, have a significant impact on a substantial number of small entities since it deals with States (as defined by the Disaster Relief Act of 1974).

The rule also conforms to the criteria established for categorical exclusion with respect to environmental documents (see Part 10 of this title).

PART 300—DISASTER PREPAREDNESS ASSISTANCE

Accordingly, Subchapter E, Part 300 of Chapter I, Title 44, is amended as follows:

§§ 300.3 and 300.5 [Amended]

1. Change in §§ 300.3(g) and 300.5(h) (3) and (10) the term "Associate Director, Plans and Preparedness" to "Associate Director, State and Local Programs and Support."

2. Add to the table of contents, "300.6 Earthquake and Hurricane Plans and Preparedness."

3. Add new § 300.6 as follows:

§ 300.6 Earthquake and hurricane plans and preparedness.

(a) The objective of the program is to prepare special or additional plans and develop capabilities, at all levels of government for achieving integrated response to the threat or consequences of severe earthquakes or hurricanes in high-risk, high-population areas, to the extent regular emergency preparedness measures are insufficient for these contingencies.

(b) The program is normally funded by project grants. When appropriate, certain projects may be financed through cooperative agreements or contracts, pursuant to the definitions set forth in 41 CFR 49–1.50.

(c) Funding may cover all or any part of the cost of the project. Normally a vulnerability analysis will be completed, after which appropriate contingency planning will be initiated. The basic information developed by the vulnerability analysis provides the direction and parameters needed by decision makers and operations personnel in their planning. The vulnerability analysis may address such earthquake-related or hurricane-related activities as determination and definition of the hazard area, identification of seismic or storm-surge risks, estimation of casualties and structural damage, and postulated impact on essential operations, population, and resources. Contingency planning efforts may include developing or improving unique, special or extraordinary protective, relief, long-range recovery, and mitigation measures. Consideration will be given to studies or plans for earthquake or hurricane caused catastrophes such as landslides, dam ruptures, flooding, subsidence or hazardous-materials releases. Grants for the vulnerability analysis and for contingency planning may be awarded separately or combined.

(d) Grants are awarded on the basis of the best accepted, scientifically credible state-of-the-art threat assessment using population-at-risk, potential loss of life, property damage, and probability for the maximum credible event (earthquakes, hurricanes, or related phenomena). Priority is given to areas, as determined by FEMA, on the basis of the existing data and expert

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consultation cited above. Other considerations for award should be inclusion in the work plan of mechanisms for participation by practicing professions, voluntary agencies, academic groups, commercial interests, and the public at large. Further, the affected jurisdiction(s) should provide tangible proof of their interest in undertaking the preparedness effort as evidenced by assignment of resources to the project.

(1) The following earthquake areas are identified: San Francisco, Los Angeles/San Diego, Puget Sound, Salt Lake City, Anchorage, Honolulu, Boston, Charleston (SC), Central United States, Upper New York State, and Puerto Rico (studies or plans for some of which have already been funded).

(2) The following hurricane areas are identified: Corpus Christi, Galveston/Houston, New Orleans, Tampa Bay, Miami/Miami Beach, Savannah, Charleston (SC), Chesapeake Bay, Long Island/New Jersey Barrier Coast, Matagorda (TX), Sabine Lake (TX–LA), Mobile, the Mississippi Gulf Coast, the Florida Keys, Lake Okeechobee, Pamlico Sound, Delaware Bay/Coast, Buzzards Bay/Cape Cod, Puerto Rico, Virgin Islands, Hawaii, Guam, Samoa, and the Trust Territories.

(3) The lists contained in paragraphs (d) (1) and (2) of this section are not all inclusive nor exclusive. They appear as examples and are dynamic. Consideration for these and other areas will be in accordance with the criteria listed in paragraph (d) of this section.

(e) The grant (or a cooperative agreement or contract, if more appropriate) would usually be to a State—as defined by the Disaster Relief Act of 1974—but could be to a combination of substate jurisdictions or an interstate consortium. FEMA may, if it determines appropriate, arrange for a vulnerability analysis to be performed under a procurement contract or an interagency agreement.

(f) Grants are discretionary and thus must be approved by the Director or the Director's designee (the Office of the Comptroller) or, upon delegation of approval authority, by the Regional Director. Unless otherwise stipulated, funding will be managed and projects monitored and reviewed by the cognizant FEMA Regional Office.

(g) A preapplication conference with involvement of affected State agencies, local governments, and the cognizant Regional Office is needed to review and discuss the grant Work Plan in draft. FEMA technical assistance is available for application preparation.

(h) A grant request must be in writing from the Governor or Governor's authorized representative to the appropriate Regional Director. Unless otherwise indicated herein, application, reimbursement, reporting, and auditing procedures shall follow the same guidelines as set forth in § 300.5 (h) and (i) of these regulations and in other applicable Federal regulations.

(Secs. 201 and 601 of the Disaster Relief Act of 1974)

Dated: September 22, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–28003 Filed 9–25–81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81–251; RM–3700]

FM Broadcast Station in Gurdon, Ark.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 224A to Gurdon, Arkansas, in response to a petition filed by Paul Root. The assignment would provide a first local aural broadcast service to Gurdon.

DATE: Effective November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Gurdon, Arkansas); Report and order (Proceeding Terminated).

Adopted: September 10, 1981.

Released: September 18, 1981.

By the Acting Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 23496, published April 27, 1981, proposing the assignment of Channel 228A to Gurdon, Arkansas, as its first FM assignment. The *Notice* was issued in response to a petition filed by Paul Root ("petitioner"). Comments in support of the proposal were filed by the petitioner. Opposing comments were filed by Multimedia Radio, Inc., licensee of FM Station KMBQ, Shreveport, Louisiana, to which petitioner responded.[1]

2. Gurdon (population 2,707),[2] in Clark County (population 23,326), is located approximately 120 kilometers (75 miles) southwest of Little Rock, Arkansas. It has no local aural broadcast service.

3. In his comments, petitioner restated the information contained in the *Notice* which demonstrated the need for a first FM assignment to Gurdon, and reiterated his intent to apply for the channel, if assigned. Petitioner noted the community's economic and population growth and its commercial and cultural vitality supports the proposal.

4. Multimedia, in opposing comments, restated its earlier opposition to the proposal. It contends that the Commission in BC Docket 80–90, 45 FR 17602, published March 19, 1980, stated that it is in the public interest for Class C stations designed to serve substantial regional areas and populations, to operate with higher power and antenna height. Based on the premise, it filed an application to relocate its transmitter site (File No. 810609 AD), which could provide service to an additional 148,981 persons. Multimedia claims that its proposed transmitter site would, due to shortspacing, preclude Channel 228A at Gurdon even with a site restriction of 1.4 miles north-northeast of the city, as proposed in the *Notice*. Additionally, it states that there is no area in Gurdon, in which a non-short-spaced transmitter could be located and still provide a city-grade signal to all of Gurdon on Channel 228A, however, the alternate proposal to allocate Channel 224A to Gurdon is still available. Multimedia argues that under § 73.208(b)(4) of the Commission's rules, a petition to amend the Table of Assignments, must take into account the proposed coordinates of pending applications, citing the case at *Paterson, New Jersey*, 50 F.C.C. 2d 80, 81 (1974), where an applicant opposing an allocation had filed an application for a site change subsequent to the issuance of a rule-making *Notice*, but prior to action on it, and the application was considered in the Commission's decision. Since this proceeding warrants consideration of its pending application, Multimedia maintains that Channel 224A, rather than 228A, should be allocated to Gurdon.

5. Petitioner in reply comments states that the opposition's proposed

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[1] Multimedia filed supplemental comments although the Commission's rules do not provide for filing of responses to reply comments. Since Multimedia provided us with no compelling reasons to consider the pleading, we have not accepted it.

[2] Population figures are taken from the 1980 U.S. Census.

transmitter relocation was not mentioned in its earlier comments, although it had known of the proposed rule making for months. Root claims that Multimedia's pending application to change its antenna site further from Shreveport, Louisiana, and so close to , Gurdon as to make it short-spaced with petitioner's rule making, is a contrived effort to foreclose competition in the area. Petitioner further states that he is willing to accept Channel 224A to avoid a delay in the proceeding.

6. As stated in the *Notice*, the petitioner requested the assignment of Channel 224A or 228A to Gurdon and we proposed Channel 228A since it necessitated a lesser site restriction. Multimedia has since requested a transmitter site change which would preclude the assignment of Channel 228A to Gurdon, however, another channel (224A) is available to Gurdon, and the petitioner is willing to accept the latter channel with the greater site restriction. In view of the apparent need for a first FM assignment, the Commission believes that the public interest would be served by assigning Channel 224A to Gurdon, Arkansas. In so doing, Station KMBQ's site change can also be accommodated. The transmitter site will be restricted to 4.8 kilometers (3 miles) west of Gurdon to comply with mileage spacing requirements.

7. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective November 16, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with respect to the community listed below:

City	Channel No.
Gurdon, Ark.	224A

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division. Broadcast Bureau.

[FR Doc. 81–28059 Filed 9–25–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–325; RM–3711]

FM Broadcast Station in Delta, Colo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes a Class C FM channel for a Class A channel at Delta, Colorado, and modifies the Class A permit of Station KDTA(FM) to specify the Class C channel, at the request of the permittee, Jimmie D. and Ruth M. Gober, d/b/a Delta Radio Company.

DATE: Effective November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Delta, Colorado): Report and order (Proceeding Terminated).

Adopted: September 10, 1981.

Released: September 17, 1981.

By the Acting Chief, Policy and Rules Division.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 26509, published May 13, 1981, proposing the substitution of Class C Channel 236 for Channel 237A at Delta, Colorado, in response to a petition filed by Jimmie D. and Ruth M. Gober d/b/a Delta Radio Company ("petitioner"), permittee of Station KDTA–FM, Delta, Colorado. The *Notice* also proposed modification of the permit for Channel 237A to specify operation on Channel 236. Supporting comments were filed by the petitioner, restating its interest in the Class C channel. No oppositions to the proposal were received.

2. Delta (pop. 3,931),[1] seat of Delta County (pop. 21,225), is located in western Colorado, approximately 288 kilometers (180 miles) southwest of Denver. It is served locally by full-time AM Station KDTA, licensed to the petitioner, and KDTA–FM (Channel 237A), a construction permit issued to the petitioner.

3. Petitioner incorporated by reference the information contained in the *Notice* which demonstrated the need for a Class C assignment, noting that the principal justification for the substitution of channels is the need for a facility which would serve the entire county. Petitioner also states that, in comparison, a neighboring city, Montrose, seat of Montrose County, has two Class C channels, although the county in which it is located has 4,000 less persons than Delta County.

4. As stated in the *Notice*, the proposed substitution of channels will cause preclusion on all seven adjacent channels. Petitioner's study of alternate available channels focused on three communities within the precluded area (study included the assignment of Channel 237A to Delta) and surmised that alternate channels would be available throughout the precluded area. Due to the remoteness of the region, we have confirmed that a number of channels are available to the precluded communities. The *Notice* also requested the petitioner to submit a *Roanoke Rapids/Anamosa* study, but petitioner failed to do so. A staff study based on a transmitter site 11 miles northwest of the city shows that the assignment of Channel 236 to Delta will provide no first FM service and very little second FM service. We also note that four FM stations place a 60 dBu or better signal over Delta.[2]

5. After careful consideration of the proposal, we have determined that the public interest would be served by the substitution of channels, inasmuch as it would provide expanded service to the surrounding area and population. Since alternate channels are available to the precluded areas, we believe the preclusion impact is minimal. The transmitter site is restricted to 18.2 kilometers (11.3 miles) northwest of the city. We have also authorized in paragraph 7 a modification of petitioner's construction permit for Station KDTA–FM, to specify operation on Channel 236, since there has been no other expression of interest in the Class C channel. See, *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976).

6. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that

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[1] Population figures are taken from the 1980 U.S. Census.

[2] The four stations providing such coverage are KQIX, Grand Junction, KUBC and KWDE, Montrose, and KDTA, Delta, Colorado.

effective November 17, 1981, the FM Table of Assignments, section 73.202(b) of the Rules, is amended with respect to Delta, Colorado, as follows:

City	Channel No.
Delta, Colo	236

7. It is further ordered, that pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding permit held by Jimmie D. and Ruth M. Gober, d.b.a. Delta Radio Company, for Station KDTA-FM, Delta, Colorado, is modified, effective November 17, 1981, to specify operation on Channel 236 instead of Channel 237A. Station KDTA-FM may continue to operate on Channel 237A for one year from the effective date of this action or until it is ready to operate on Channel 236, whichever is earlier, unless the Commission sooner directs subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 236, the permittee of Station KDTA-FM shall submit to the Commission the technical information normally requested of an applicant for Channel 236;

(b) At least 10 days prior to commencing operation on Channel 236, the permittee of Station KDTA-FM shall submit measurement data required of an applicant for an FM broadcast station license; and

(c) The permittee of Station KDTA-FM shall not commence operation on Channel 236 without prior Commission authorization.

(d) Nothing contained herein shall authorize a major change in transmitter site or avoid the necessity of filing an environmental impact statement pursuant to § 1.301 of the Commission's Rules.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal;

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-28067 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

46 CFR Ch. II

Maritime Administration

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-164]

Organization and Delegation of Powers and Duties; Maritime Administration

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Final rule.

SUMMARY: DOT amends the description of its organization and its delegations of authority to reflect the transfer of the Maritime Administration (MarAd) to DOT from the Department of Commerce under the Maritime Act of 1981, and issues and amends the MarAd regulations accordingly.

DATE: Effective date of this amendment is August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

On August 6, 1981, President Reagan signed the Maritime Act of 1981, Pub. L. 97-31, transferring MarAd, its functions, personnel, and resources to DOT from the Department of Commerce. This amendment reflects that transfer in the description of DOT's organization, delegates to the Maritime Administrator the functions vested in the Secretary by the statute, and amends the MarAd regulations to substitute "Transportation" for "Commerce" everywhere that it appears.

In consideration of the foregoing, the Code of Federal Regulations is amended as follows:

TITLE 46, CHAPTER II (PARTS 200 TO 399) [AMENDED]

1. In Title 46, Chapter II (consisting of Parts 200 to 399) is issued as a DOT regulation in the exact form in which it appeared on August 6, 1981 (August 6, 1981 is the effective date of the Martime Act of 1981), except that the word "Transportation" is substituted for the word "Commerce" everywhere that it appears in text and title.

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

2. The heading for Title 46, Chapter II is changed to read "Maritime Administration, Department of Transportation" as set forth above.

(See The Maritime Act of 1981, Pub. L. 97-31; sec. 9(e) of the Department of Transportation Act, (49 U.S.C. 1657(e)))

2. In Title 49—

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

a. The Table of Contents for Subpart C—Delegations is amended by adding at the end thereof § 1.66 and § 1.67—

Subpart C—Delegations

* * * * *

Sec.
1.66 Delegations to Maritime Administrator.
1.67 Delegations to Maritime Subsidy Board.

b. Section 1.2 is amended by adding at the end thereof a new paragraph (i), to read as follows:

§ 1.2 Definitions.

As used in this part, "Administrator" includes—

* * * * *

(i) The Maritime Administrator.

c. Section 1.3(b) is amended by adding at the end thereof a new subparagraph (9), to read as follows:

§ 1.3 Organization of the Department.

* * * * *

(b) The Department is comprised of the Office of the Secretary and the following operating elements, the heads of which report directly to the Secretary:

* * * * *

(9) The Maritime Administration, headed by the Administrator and including within it the Maritime Subsidy Board composed of the Maritime Administrator, the Deputy Maritime Administrator, and the Chief Counsel of the Maritime Administration.

* * * * *

d. Section 1.4 is amended by adding at the end thereof new paragraphs (j) and (k), to read as follows:

§ 1.4 General responsibilities.

* * * * *

(j) *The Maritime Administration.* Is responsible for:

(1) Fostering the development and maintenance of an American merchant marine sufficient to meet the needs of

the national security and of the domestic and foreign commerce of the United States;

(2) Awarding and administering construction-differential subsidy contracts and operating-differential subsidy contracts to aid the American merchant marine, and trade-in allowances for new ship construction;

(3) Entering into and administering agreements for capital contruction funds (excepting fishing vessels) and construction reserve funds;

(4) Providing insurance on construction loans and ship mortgages or guarantees on ship financing obtained from private sources for ship construction and reconstruction (excepting fishing vessels);

(5) Providing assistance to the shipping industry to generate increased trade and cargo shipments on U.S.-flag ships;

(6) Promoting development of ports and intermodal transportation systems;

(7) Promoting development of the domestic waterborne commerce of the United States;

(8) Overseeing the administration of cargo preference statutes;

(9) Entering into and administering charters and general agency agreements for operation of Government-owned merchant ships;

(10) Maintaining custody of, and preserving, ships in the National Defense Reserve Fleet;

(11) Selling surplus Government-owned ships;

(12) Supervising design and construction of ships for Government account;

(13) Furnishing war risk insurance on privately-owned merchant ships;

(14) Administering the foreign transfer program regarding ships and other maritime properties;

(15) Training merchant marine officers;

(16) Conducting research and development to improve and promote the waterborne commerce of the United States; and

(17) Issuing rules and regulations with respect to the foregoing functions.

(k) *The Maritime Subsidy Board (Within the Maritime Administration).* Is responsible for:

(1) Making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, (i) the contract for the construction, reconstruction, or reconditioning of a vessel, and (ii) the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of the national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy.

(2) Conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of Titles V, VI, and VII, and sections 301 (except investigations, hearings, and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales, and minimum working conditions), 708, 805(a), and 805(f) of the Merchant Marine Act, 1936, as amended (the "Act").

(3) Making readjustments in determinations as to operating cost differentials under Section 606 of the Act.

(4) Approving the sale, assignment, or transfer of any operating subsidy contract under Section 608 of the Act.

(5) Investigating and determining (i) the relative cost of construction of comparable vessels in the United States and foreign countries, (ii) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (iii) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of section 211 of the Act.

(6) Performing so much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under sections 204 and 214 of the Act, as they relate to the functions of the Board.

(7) Performing as much of the functions specified in Section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under paragraphs (k) (1) through (6) of this section.

e. Section 1.44 is amended by inserting "and § 1.66 and § 1.67" after "§ 1.45 through § 1.53" in the beginning sentence, and adding a new paragraph (q), to read as follows:

§ 1.44 Reservations of authority.

The delegations of authority in § 1.45 through § 1.53 and § 1.66 and § 1.67 do not extend to the following actions, authority for which is reserved to the Secretary of his delegatee within the Office of the Secretary:

* * * * *

(q) *Review and finality of actions by Maritime Subsidy Board.* (1) Review of any decision, report, and/or order of the Maritime Subsidy Board, as described in 46 CFR Part 202, as amended.

f. New §§ 1.66 and 1.67 are added after § 1.65, to read as follows:

§ 1.66 Delegations to Maritime Administrator.

With the exception of those authorities delegated to the Commandant of the Coast Guard in § 1.46(b) and (d), and the Maritime Subsidy Board in section 1.67 of this part, and to the extent authority has been vested in the Secretary of Transportation under Pub. L. 97-31 or subsequent statutes, the Maritime Administrator is delegated authority to:

(a) Carry out sections 9, 12, 14a, 21a, 37, 40, 41, and 42 of the Shipping Act, 1916, as amended (46 U.S.C. 801 et seq.);

(b) Carry out the Merchant Marine Act, 1920, as amended (46 U.S.C. 861 et seq.), including the Ship Mortgage Act, 1920, as amended (46 U.S.C. 921 et seq.);

(c) Carry out the Merchant Marine Act, 1928, as amended (46 U.S.C. 891 et seq.);

(d) Carry out section 7 of the Intercoastal Shipping Act, 1933, as amended (46 U.S.C. 843 et seq.);

(e) Carry out the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.); except the authority delegated to the Administrator of the National Oceanic and Atmospheric Administration relating to the establishment of capital construction fund agreements under section 607 thereof and the granting of financing guarantees under Title XI thereof, with respect to vessels in the fishing trade or industry;

(f) Carry out the Merchant Ship Sales Act of 1946, as amended (50 U.S.C. App. 1735 et seq.);

(g) Carry out the Suits in Admiralty Act (1920), as amended (46 U.S.C. 741 et seq.);

(h) Carry out the Civilian Nautical School Act, 1940 (46 U.S.C. 1331 et seq.);

(i) Carry out the Act of June 2, 1951 (46 U.S.C. 1241a) regarding the "Vessel Operations Revolving Fund";

(j) Carry out the Act of August 9, 1954 (50 U.S.C. 196 et seq.) commonly called the Emergency Foreign Vessels Acquisition Act;

(k) Carry out the Act of July 24, 1956 (46 U.S.C. 249 et seq.) commonly called the Merchant Marine Medals Act of 1956;

(l) Carry out the Maritime Academy Act of 1958, as amended (46 U.S.C. 1381 et seq.);

(m) Carry out the Act of May 16, 1972, as amended (86 Stat. 140) authorizing sale or purchase of certain passenger vessels.

(n) Carry out the Act of August 22, 1972 (86 Stat. 618) authorizing sale of Liberty ships for use as artificial reefs,

(o) Carry out section 717 of the Act of October 26, 1972 (86 Stat. 1184) commonly known as the Department of Defense Appropriations Act, 1973, and similar subsequent enactments, with respect to transferring or otherwise making available vessels under the jurisdiction of the Maritime Administration to another Federal agency or, similarly, accepting vessels from another Federal agency,

(p) Carry out Executive Order 10480, as amended, and Executive Order 11490, as amended, with respect to defense mobilization and emergency preparedness of coastwise, intercoastal, and overseas shipping, ports and port facilities, ship construction, conversion and repair, and support functions related thereto.

(q) Exercise the authority delegated by the Administrator of the General Services Administration, dated August 15, 1967, to appoint uniformed guards as special police officers, with such powers as are conferred in the Act of June 1, 1948 (62 Stat. 281), as amended, for protection duties on those parcels of property at the United States Merchant Marine Academy, Kings Point, New York, which are not protected by General Services Administration guards, and over which the Federal Government has exclusive or concurrent jurisdiction,

(r) Carry out the responsibilities of the National Shipping Authority (initially established by the Secretary of Commerce effective March 13, 1951) in the capacity of Director, National Shipping Authority,

(s) Carry out the Maritime Education and Training Act of 1980 (46 U.S.C. 1295), as amended,

(t) Carry out all other activities previously vested in the Secretary of Commerce and transferred pursuant to Pub. L. 97-31.

§ 1.67 Delegations to Maritime Subsidy Board.

(a) The Maritime Subsidy Board is delegated authority to:

(1) Carry out all functions previously vested in the Secretary of Commerce pursuant to section 105(1) (except the last proviso thereto), section 105(2), and, insofar as applicable to these functions, section 105(3) of Reorganization Plan No. 21 of 1950, and section 202(b)(1) of Reorganization Plan No. 7 of 1961, except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales, and minimum working conditions referred to in section 301(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.).

(2) Carry out all functions previously vested in the Secretary of Commerce pursuant to section 103(e) of Reorganization Plan No. 7 of 1961 and section 202(b)(2) (except requiring the filing of reports, accounts, records, rates, charges, and memoranda under section 21 of the Shipping Act, 1916, as amended, and making reports and recommendations to Congress) and section 202(b)(3) of Reorganization Plan No. 7 of 1961, insofar as said functions relate to the functions described in paragraph (a)(1) of this section.

(3) Execute and sign, by and through any member of the Board or the Secretary or an Assistant Secretary of the Board, contracts and other documents authorized or approved by the Board pursuant to paragraphs (a)(1) and (a)(2) of this section. The execution of such contracts or documents may be attested, under the seal of the Department of Transportation, by the Secretary or an Assistant Secretary of the Maritime Subsidy Board.

(b) The Maritime Subsidy Board may exercise other authorities of the Secretary of Transportation as applicable to performing the functions assigned to the Board in this part.

(c) The Board is composed of the Maritime Administrator, the Deputy Maritime Administrator, and the Chief Counsel of the Administration, and during a vacancy in any one of those offices, the person acting in such capacity shall be a member of the Board, unless the Secretary of Transportation designates another person. In case there still is a vacancy in the Board or in the absence or disability of one of its members, the Secretary of the Maritime Administration and Maritime Subsidy Board, or any other persons designated by the Secretary of Transportation, shall act as a member or members of the Board. Each member of the Board, while serving in that capacity, shall act pursuant to direct authority from the Secretary of Transportation and exercise judgment independent of authority otherwise delegated to the Maritime Administrator. The Maritime Administrator or the Acting Maritime Administrator serves as Chairperson of the Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

(d) The Chairperson of the Maritime Subsidy Board may make use of officers and employees of the Maritime Administration to perform activities for the Board. Employees of the Maritime Administration may be designated as the Secretary or Assistant Secretaries of the Board.

4. In 46 CFR Parts 200 to 399, the words "Assistant Secretary" should be changed to read "Maritime Administrator" every place they appear. Also, the words "Assistant Secretary of Commerce for Maritime Affairs" should be changed to read "Maritime Administrator, Department of Transportation" every place that they appear in Parts 200 to 399.

5. In 46 CFR Parts 200 to 399, the figures "20230" and "20235" should be changed to read "20590".

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on August 25, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 81-28055 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-62-M

Proposed Rules

Federal Register
Vol. 46, No. 187
Monday, September 28, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[Docket No. F&V AO 201-A8]

Dried Prunes Produced in California; Decision and Referendum Order on Proposed Further Amendment of the Marketing Agreement and Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision pertains to the proposed amendment of the California dried prune marketing order. Prune producers will be given the opportunity to vote in a referendum to determine if they favor the proposed amendment of the order. The proposed amendment would eliminate the use of the smallest prunes in manufactured prune products each year; change the name of the Prune Administrative Committee to the Prune Marketing Committee; add a public member to the Committee with full voting privileges; and specify a basis for sharing cooperative Committee representation among cooperative marketing associations. The purpose of the proposed changes is to improve the effectiveness of the program.

DATE: The representative period for purposes of the referendum herein ordered is August 1, 1980 to July 31, 1981.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5697.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued November 18, 1980, and published November 24, 1980 (45 FR 77448).

Notice of Recommended Decision—Issued May 27, 1981, and published June 1, 1981 (46 FR 29271).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore, is excluded from the requirements of Executive Order 12291 and Secretary's Memorandum 1512-1.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 12 handlers.

Preliminary Statement

This proposed amendment was formulated on the record of a public hearing held at San Francisco, California, December 2, 1980. Notice of the hearing was published in the November 24, 1980, issue of the **Federal Register** (45 FR 77448). The notice contained proposals submitted by the Prune Administrative Committee. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et. seq.*), and the applicable rules of practice (7 CFR Part 900).

On the basis of the evidence introduced at the hearing and the record therof, Deputy Administrator Manley, on May 27, 1981, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision which contained notice of the opportunity to file by July 1, 1981, written exceptions thereto. Three comments were filed. One comment supporting the proposals was submitted by Ken Lindauer for Lindauer River Ranch. Two exceptions in opposition were submitted; one by Ronald and Ruth Waltenspiel for Timber Crest Farms, and the other by the law firm of Mezzetti and Testa on behalf of the Valley View Packing Company; Danna and Danna, Inc.; J. and A. Freitas; Mrs. Ottmer Nieschulz; Jim Thomas; W. L. and Dorothy Parnow; John I. Ramos; Lazar Fruit Company; and Carl Holmes.

Rulings on Exceptions

One of the exceptors contended that regulating the removal of undersized prunes from the marketable supply on the basis of quality was not necessary because it only interferes with the mechanics of the marketplace and the prices processors are willing to pay should determine what sizes are acceptable for use in prune products. Evidence at the hearing supported the removal of the undersized prunes to ensure that such prunes, which are of inferior quality, do not become commingled with larger size prunes and then used as manufacturing prunes. While it is true that handlers will purchase these very small prunes from producers for use as a filler in prune products, this does not override the hearing testimony and the purpose of this amendment; namely, that undersized prunes are of such inferior quality that they should not be marketed for human consumption in any form.

Another exceptor objected to a continuing undersized regulation, contending that it should be used only on a seasonal basis to enhance the orderly flow of dried prunes to market to avoid unreasonable fluctuations in supplies and prices. This exceptor further contended that marketing orders can be enacted solely for this purpose.

Orderly supply flow is one of the policies established by Congress (7 U.S.C. 602(4)) for consideration in the enactment of marketing orders. However, there are others, including establishment of minimum standards of quality and maturity and such grading and inspection requirements for agricultural commodities, including dried prunes, in interstate commerce as will effectuate the orderly marketing of such commodities and be in the public interest (7 U.S.C. 602(3)). As discussed in the recommended decision, there is authority to regulate prunes in terms of minimum standards of quality or more restrictive grades or sizes in addition to regulating quantities. Initially, the undersized regulation (§ 993.49(c)) was established to provide a method for controlling the quantity of manufacturing-size prunes placed in marketing channels during seasons of excessive production. The evidence presented at the December 1980 hearing supported the changes proposed in § 993.49(c) to establish a continuing undersized regulation based on a quality related minimum. Nothing in the act precludes amending the order to meet changing industry needs.

Testimony at the hearing further supported a continuing undersized regulation on the basis that the sizes to be removed by this proposed amendment would be the smallest prunes in the crop (those having an average count of approximately 160

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prunes per pound) and that such small-sized prunes are not acceptable for use as prunes or in prune products. Prunes of this size, which are on the small end of the manufacturing size range, are inferior in quality to larger-sized prunes used for manufacturing purposes. In order to produce an acceptable consumer product, processors must blend these small prunes with larger prunes so that their undesirable taste can be masked by that of the larger-sized prunes. Testimony at the hearing revealed that the small prunes diminish rather than improve the quality of the product in which they are used. Therefore, their use in products like juice or concentrate is not in the long-term interest of the industry. Prune juice and concentrate, the industry's most important manufacturing outlets, account for about 42,000 tons of prunes each year. The quantity of prunes that would be affected by the continuing undersized regulation generally represents about 4 percent of the total crop of natural condition prunes.

The proposed change in § 993.49(c) should not preclude the Committee from recommending a change in the size of the openings from those prescribed in § 993.49(c) for the purposes of quantity control when supply conditions warrant. Such larger openings would only be applicable when supply conditions warranted the regulation of a larger quantity of prunes as undersized prunes, and not for the purpose of establishing a new quality-related minimum. Section 993.52 currently provides and would continue to provide that the openings prescribed in § 993.49(c) may be modified by the Secretary on the basis of a recommendation of the Committee or other information when such modification would tend to effectuate the declared policy of the act.

This exceptor also objected to the use of prior findings and conclusions in connection with the justification of the proposed minimum undersized regulation. As stated in the General Findings contained in the recommended decision, issued May 27, 1981 (46 FR 29271), the findings set forth in that decision are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each amendment thereto. The General Findings also ratified and affirmed all of the said prior findings and determinations, except that pertaining to the base period for parity computation and any findings and determinations that may be in conflict with those contained in that recommended decision. Nothing in the record of evidence developed at the December 1980 hearing conflicts with the prior findings and conclusions regarding the quality of small-sized prunes, and the Administrator was not estopped from referring to those prior findings.

The exceptor also contended that the impact of the marketing order and particularly the proposed amendment of § 993.49(c) was disparate in counties in the marketing area covered by the marketing order, and thus, that the area of production covered by the marketing order makes necessary different terms and provisions applicable to different parts of such area. The recommended decision recognized that any undersized regulation may impact some counties more than others in a given crop year. However, data introduced at the hearing clearly show that all of the prune-producing counties in California produce undersized prunes. The percentage of these undersized prunes, for any given county, fluctuates from year-to-year and, for any given year, varies widely by county. However, there is nothing in the record to substantiate the exceptors' contention.

The exceptor further contended that insufficient time was afforded opponents to prepare for the hearing and that the statistics presented by the Prune Administrative Committee were not available for review prior to the hearing. Considerable effort was made by the Department and the Committee to bring the hearing to the attention of all producers, handlers, and others so that all parties would have sufficient time to prepare for the hearing. Those efforts were described in considerable detail in the recommended decision and further recitation of those efforts in this decision would be redundant.

The statistics supplied by the Prune Administrative Committee consisted of data regularly published by the Committee, and furnished to all handlers, producers, and other interested persons requesting such information. Thus, the exceptor's contention that the statistics presented by the proponents were not available for review prior to the hearing is not warranted. In any event, there is no requirement that data or other evidence to be presented at the hearing be disseminated prior to the hearing. The purpose of the hearing is to determine the need for amending the program and ascertain whether or not the proposed amendment fits that need. Evidence is presented and developed on each and every provision of the proposal. Interested persons in favor of, or opposed to, the proposal are provided an opportunity to introduce testimony and evidence in the hearing record. all witnesses at the hearing are subject to cross-examination on the testimony they present. Any questions regarding the data presented could have been raised in cross-examination of witnesses when they presented their testimony.

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the comments to the recommended decision was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the comments, such comments are hereby overruled for the reasons previously stated in this decision.

Findings and Conclusions

The material issues, findings and conclusions, rulings, general findings, and regulatory provisions of the recommended decision published in the June 1, 1981, issue of the **Federal Register** (46 FR 29271) are hereby incorporated herein and made a part hereof, subject to the following corrections.

Page	Column	Paragraph	Column line	Correction
29271	1	Title	[illegible]	Change "maketing" to "marketing".
29271	[illegible]	6 line 3	[illegible]	Change "resect" to "respect".
29273	[illegible]	4 line 3	50	Change "inpact" to "impact".
29275	[illegible]	4 line 5	21	Change "carrier" to "carried".

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Further Amended, Regulating the Handling of Dried Prunes Produced in California", and "Order Amending the Order, as Amended, Regulating the Handling of Dried Prunes Produced in California", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement, are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with the decision.

Referendum Order

It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether the issuance of the annexed order as amended and as hereby proposed to be further amended, regulating the handling of dried prunes produced in California is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be August 1, 1980 to July 31, 1981.

The agents of the Secretary to conduct such referendum is hereby designated to be Martin J. Kelly and J. S. Miller, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture.

Signed at Washington, D.C. on: September 22, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

Order [1] Amending the Order, as Amended, Regulating the Handling of Dried Prunes Produced in California

Findings and Determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto. Except for the finding as to the base period for parity computation and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said previous findings and determinations are hereby ratified and affirmed.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultual Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of dried prunes produced in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial acitivity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of dried prunes produced in the production area which make necessary terms and provisions applicable to different parts of such area; and

(5) All handling of dried prunes produced in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of dried prunes produced in California shall be in conformity to and in compliance with the following terms and conditions of the order, as hereby amended.

The provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision, issued by the Deputy Administrator on May 27, 1981, and published in the Federal Register on June 1, 1981 (46 FR 29271), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1 Section 993.21 is revised to read as follows:

§ 993.21 Salable prunes

"Salable prunes" means those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if no reserve percentage is in effect for a crop year, all prunes, excluding the quantity of undersized prunes determined pursuant to § 993.49(c), received by handlers from producers and dehydrators during that year.

2. The center heading preceding § 993.24 is changed from "PRUNE ADMINISTRATIVE COMMITTEE" to "PRUNE MARKETING COMMITTEE" and § 993.24 is amended by revising the introductory paragraph, and adding a new paragraph (e), to read as follows:

§ 993.24 Establishment and membership.

A Prune Marketing Committee (herein referred to as the "Committee"), consisting of 22 members with an alternate member for each such member, is hereby established to administer the terms and provisions of this part, of whom with their respective alternates, 14 shall represent producers, 7 shall represent handlers, and 1 shall represent the public. Committee membership shall be allocated in accordance with the following grouping with the alternate positions identically allocated:

* * * * *

(e) The public member and alternate shall have no financial interest in the prune industry.

3. Section 993.27 is revised to read as follows:

§ 993.27 Eligibility.

Producer members of the Committee shall be at the time of their selection, and during their term of office, producers in the group, for which selected and if to represent a district also producers in the district for which selected, and, except for producer members representing cooperative producers, shall not be engaged in the handling of prunes either in a proprietary capacity or as a director, officer, or employee. Handler members of the Committee shall be handlers in the group they represent or directors, officers, or employees of such handlers. These elegibility requirements shall not apply to the public member and alternate member.

4. In § 993.28 a new paragraph (e) is added to read as follows:

§ 993.28 Nominees.

* * * * *

(e) The producer and handler members of the Committee selected for a new term of office shall nominate a public member and alternate member at the first meeting following their selection.

5. Section 993.28(b) is revised to read as follows:

---

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 993.28 Nominees.

* * * * *

(b) Before April 16 of each even-numbered year nominations of producer members to represent cooperative producers and handler members to represent cooperative handlers shall be submitted to the Secretary by cooperative marketing associations engaged in the handling of prunes. The number of cooperative producer members and handler members to be nominated by each cooperative marketing association shall bear, as near as practicable, the same percentage as each cooperative marketing association's tonnage of prunes handled as first handler thereof is to the total tonnage handled by all cooperative marketing associations during the preceding crop year.

* * * * *

6. Section 993.33 is revised to read as follows:

§ 999.333 Voting procedure.

Decisions of the Committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions on marketing policy, grade or size regulations, pack specifications, salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes. A quorum shall consist of at least 13 members of whom at least 8 must be producer members and at least 4 must be handler members. Except in case of emergency, a minimum of 5 days notice must be given with respect to any meeting of the Committee. In case of an emergency, to be determined within the discretion of the chairman of the Committee, as much notice of a meeting as is practicable in the circumstances shall be given. The Committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption.

* * * * *

7. Section 993.49(c) is revised to read as follows:

§ 993.49 Incoming regulation.

* * * * *

(c) In no crop year shall a handler receive from producers or dehydrators prunes, other than as undersized prunes, which pass freely through a round opening with a diameter as follows: For French prunes 23/32 of an inch, and for non-french prunes 28/32 of an inch: *Provided*, That the Secretary upon a recommendation of the Committee, may establish larger openings whenever it is determined that supply conditions for a crop year warrant such regulation. The quantity of undersized prunes in any lot received by a handler from a producer or dehydrator shall be determined by the inspection service and entered on the applicable inspection certificate.

* * * * *

8. Section 993.53 is revised to read as follows:

§ 993.53 Above parity situations.

The minimum standards, the minimum sizes, including the minimum undersized regulation in § 993.49(c), and the provisions of this part relating to administration shall continue in effect irrespective of whether the estimated season average price for prunes is in excess of the parity level specified in section 2(1) of the act.

9. Section 993.55 is revised to read as follows:

§ 993.55 Application of salable and reserve percentages after end of crop year.

The salable and reserve percentages established for any crop year shall remain in effect after that crop year until salable and reserve percentages are established for another crop year. After such percentages are established, all reserve obligations shall be adjusted to the newly established percentages.

[FR Doc. 81-27886 Filed 9-25-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-SO-51]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area, Leesburg, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the Leesburg, Florida, Transition Area and will lower the base of controlled airspace in the vicinity of Leesburg Municipal Airport from 1,200 to 700 feet AGL to accommodate Instrument Flight Rule (IFR) operations. A standard instrument approach procedure has been developed and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

DATES: Comments must be received on or before November 13, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before November 13, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763-7646. Communications must identify the notice number of this NPRM. Prsons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Leesburg, Florida, Transition Area. A new standard instrument approach procedure (NDB Runway 31) has been developed for Leesburg Municipal Airport utilizing the proposed Leesburg NDB (nonfederal, nondirectional radio beacon). This proposed action is necessary to provide the required controlled airspace to protect aircraft conducting Instrument Flight Rule operations.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

Leesburg, Florida

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Leesburg Municipal Airport (lat. 28°49'20" N.; long. 81°48'35" W.), within 3 miles each side of the 126° bearing from the Leesburg RBN (lat. 28° 49'44" N.; long. 81°49'08" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a signficant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Ga., on September 16, 1981.

William J. McGill,

Acting Director, Southern Region.

[FR Doc. 81-27884 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PR-81-14]

14 CFR Ch. I

Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawls of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before November 27, 1981.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on September 18, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Docket No.	Petitioner	Description of the rule requested
		Petitions for Rulemaking
		DESCRIPTION OF PETITION
21822	Beech Aircraft	To amend 14 CFR 135.179(c) to read: "Without regard to the requirements of paragraph (a)(1) of this section, an aircraft with inoperable instruments or equipment may be operated in compliance with procedures contained in the certificate holder's manual if the Administrator finds that in a particular situation literal compliance with those equipment requirements is not necessary in the interest of safety."
22084	Executive Air Fleet Corporation (EAF)	To delete provisions of § 135.25 (b) and (c) that require a Part 135 operator to have the exclusive use for at least 6 months of at least one aircraft that meets the requirements for at least one kind of operation authorized in the certificate holder's operations specifications.
		Petitions for Rulemaking: Withdrawn or Denied
		DESCRIPTION OF PETITION
None this period.		

[FR Doc. 81-27859 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (New Mexico-6)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico that the Dakota Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on October 22, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on October 7, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

Issued: September 22, 1981.

I. Background

On September 2, 1981, the State of New Mexico Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Dakota Formation located in San Juan and Rio Arriba Counties New Mexico, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation that the Dakota Formation be designated a tight formation should be adopted. New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The Dakota Formation is located in San Juan and Rio Arriba Counties, New Mexico. The area recommended by New Mexico is situated generally in Townships 24 and 25 North, Ranges 7 through 10 West NMPM. The Dakota Formation underlies the described land and contains approximately 135,040 acres. The average depth to the top of the Dakota Formation is 6,350 feet and the thickness of such formation varies from 200 to 350 feet. The recommended area is subject to New Mexico Order No. R-1670-V, issued May 22, 1979, which authorizes infill drilling in the Basin Dakota Gas Pool. The Basin Dakota Gas Pool contains the rcommended formation. Accordingly, certain portions within the proposed area may be subject to exclusion pursuant to § 271.703(c)(2)(i)(D) of the regulations.

III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 7252 convened by New Mexico on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by New Mexico that the Dakota Formation, as described and delineated in New Mexico's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments, to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 22, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (New Mexico-6), and should give reasons including supporting data for any recommendatons. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE, Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than October 7, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Title 18, Code of Federal Regulations, as set forth below, in the event New Mexico's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (67) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(55) through (66) [RESERVED]

(67) *Dakota Formation in New Mexico.* RM79-76 (New Mexico—6).

(i) *Delineation of formation.* The Dakota Formation underlies portions of Townships 24 and 25 North, Ranges 7 through 10 West, in San Juan and Rio Arriba Counties, New Mexico. The State of New Mexico has defined the Dakota producing interval in the Basin Dakota Field to begin at the base of the Greenhorn Limestone and extend to a point 400 feet below the base of the Greenhorn Limestone.

(ii) *Depth.* The average depth to the top of the Dakota Formation is 6,350 feet. The Dakota Formation begins at the base of the Greenhorn Limestone and is 200 to 350 feet in gross thickness.

* * * * *

[FR Doc. 81-28072 Filed 9-25-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 18 and 240

[Notice No. 384]

Reduction of Regulatory Requirements on Producers of Volatile Fruit-Flavor Concentrates

Correction

In FR Doc. 81-27214, appearing at page 46340, in the issue of Friday, September 18, 1981, make the following changes:

1. On page 46343, in § 18.14(a)(3) the sixteenth line now reading "Authorized for any variation may be" should be changed to read "Authority for any variation may be".
2. On page 46344, in the third column, change the section head now reading § 18.22" to read "§ 18.25".
3. On page 46346, in the second column, in § 18.63 change "(c)" to "(d)" and add the following paragraph (c);

* * * * *

(c) For concentrate, fold;

* * * * *

BILLING CODE [illegible]

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Public Hearing and Public Comment Period on Resubmitted Indiana Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule: Notice of receipt of Indiana permanent program resubmission: Schedule for public hearing and public comment period.

SUMMARY: OSM is announcing procedures for the public comment period and hearing on the substantive adequacy of those portions of the proposed Indiana regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which have been resubmitted by the State. The resubmission includes those portions of the proposed regulatory program which were disapproved by the Secretary of the Interior in his initial decision on November 25, 1980 (45 FR 78482-78500) and any other changes which might have been made since that decision.

This notice sets forth the times and locations that the Indiana program is available for public inspection; the date when and the location where OSM will hold a public hearing on the resubmission; the comment period during which interested persons may resubmit written comments and data on the proposed program and other information relevant to public participation during the comment period and public hearing.

DATES: A public hearing to review the substance of the portions of the Indiana program not previously approved by the Secretary of the Interior will be held at 5:30 p.m. on October 23, 1981 at the address listed under "Addresses."

Comments from members of the public must be received before the close of business on October 28, 1981 in order to be considered in the Secretary's decision on those elements of the proposed Indiana program which were not approved in the initial decision on the proposed program.

ADDRESSES: The public hearing will be held at the Executive Inn in Vincennes, Indiana. Written comments should be sent to: Office of Surface Mining, Attn: Indiana Program Review, 46 East Ohio Street, Indianapolis, Indiana 46204-1994.

Copies of the Full text of the proposed program, a listing of scheduled public meetings and copies of all written comments are available for review and copying at the OSM Headquarters and Region III offices and the office of the State Regulatory Authority listed below Monday through Friday 8:00 a.m.-4:00 p.m., excluding holidays.

Office of Surface Mining, Region III, 46 East Ohio Street, Indianapolis, Indiana 46204-1994, Phone (317) 269-2629

Indiana Department of Natural Resources, Division of Reclamation, 309 West Washington Street, Suite 201, Indianapolis, Indiana 46204, Phone (317) 232-1555

Office of Surface Mining, Administration Record-Room 153, Interior South Bldg., 1951 Constitution Ave, N.W., Washington, D.C. 20240

Copies of the full text of the proposed program are available for inspection during regular business hours at the following locations:

Office of Surface Mining, U.S. Postal Service Building, 101 N.W. 7th Street, Room 359, Evansville, Indiana 47708

Office of Surface Mining, National Cash Register Building, Indiana Hwy 46, Terre Haute, Indiana 47803

Indiana Department of Natural Resources, Division of Reclamation, Reclamation Field Office, 101 West Main Street, Jasonville, Indiana 47438

A copy of this notice along with a copy of the Indiana statutes and regulations regarding the proposed Indiana regulatory program has been placed on file and is available for inspection in the Library of the Office of the Federal Register, Room 8301, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Office of Surface Mining, Attn: Indiana Program Review, Room 527, 46 East Ohio Street, Indianapolis, Indiana 46204-1994, Phone (317) 269-2629.

SUPPLEMENTARY INFORMATION: On March 3, 1980 the State of Indiana submitted to OSM a proposed state regulatory program. Pursuant to the provisions of 30 CFR Part 732 (44 FR 15326-15328), the Regional Director published notification of receipt of the program in the March 11, 1980 **Federal Register** (45 FR 15580-15581) and in newpapers of general circulation within the state. In accordance with that announcement, public comments were solicited and a public meeting was held in Indianapolis, Indiana on April 10, 1980, concerning the programs completeness.

On May 2, 1980, the Regional Director published notice in the **Federal Register** that he had determined the Indiana program to be incomplete (45 FR 29309–29310) as required by 30 CFR 731.14(c).

Public hearings on the adequacy of the Indiana submission were held on July 23 & July 24, 1980 in Indianapolis and Evansville, Indiana by the Regional Director after due notice on June 26, 1980 in the Federal Register (45 FR 43223–43224) and in newspapers of general circulation within the state.

The full chronology of the events leading to the Secretary's initial decision is contained in the **Federal Register** notice of partial approval by the Secretary (45 FR 78482–78500) published on November 25, 1980. That notice also contained the Secretary's findings, detailed explanations of those findings and the Secretary's decision, which approved and disapproved specific parts of the Indiana program.

In accordance with the procedures set forth in 30 CFR 732.13(f), the State of Indiana would have had 60 days from the date of publication of the Secretary's partial approval decision in which to submit a revised program for consideration. However, on July 28, 1980, prior to the Secretary's decision, the State was enjoined by the Circuit Court of Marion County Indiana from submitting or resubmitting or to OSM the Indiana permanent program for a period of one year. This injunction terminated on July 29, 1981. The state then had 60 days within which to resubmit its program. The state resubmitted its revised program on September 28, 1981.

In keeping with the public participation mandate of SMCRA and 30 CFR 732.13(f), a 30 day public comment and review period is being allowed for the Indiana program submission. The public review and comment period for the Indiana program ends at 4:30 p.m. on October 28, 1981. During this period the Secretary is soliciting comments from the Administrator of the Environmental Protection Agency, the Secretary of Agriculture and the heads of other federal agencies, as well as the general public.

Subsequent to the public hearing and review of all comments, the Regional Director will transmit to the Director a recommended decision along with a record composed of the hearing transcript, written presentations, exhibits, and copies of all public comments.

Upon receipt of the Regional Director's recommendation, the Director will consider all relevant information in the record and will recommend to the Secretary that those portions of the program that were not approved in the Secretary's initial decision now be approved, disapproved or conditionally approved. The recommendation will specify the reasons for the decision. The procedures for the recommended decisions of the Regional Director and the Director to the Secretary are established in 30 CFR 732.12(d) and (e) (44 FR 15326–15327). For further details, refer to 30 CFR 732.12 and 732.13 of the permanent regulatory program (44 FR 15326–15327) and corresponding sections of the preamble (44 FR 14959–14961).

The Secretary's decision on the program as resubmitted will constitute the final Decision by the Department. If the revised program is approved, the State of Indiana will have primary jurisdiction for the regulation of surface coal mining and reclamation and coal exploration on non-federal and non-Indian lands in Indiana. If the revised program is approved, the Secretary and the Governor may also enter into a cooperative Agreement governing regulation of these activities on federal lands in Indiana. Such an agreement would be the subject of a separate rulemaking and **Federal Register** notice. If the revised program is disapproved, a federal program will be implemented and OSM will have primary jurisdiction for the regulation of the above activities in Indiana. To codify decisions on state matters, OSM has established Subchapter T of 30 CFR Chapter VII.

Subchapter T will consist of Parts 900 through 950. Provisions relating to Indiana will be found in 30 CFR Part 914 after Indiana's resubmission has been approved or disapproved.

At the public hearing on October 23, 1981, parties wishing to comment on the proposed program will be asked to register for placement on the speaker's agenda. The hearing will begin at 5:30 p.m. and will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard at the end of the scheduled speakers. Persons not scheduled to testify but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard. Written comments, data, or other relevant information may be submitted to supplement, or in lieu of an oral presentation at the hearing.

In addition, the Regional Director has prescribed the following hearing format and rules of procedure in accordance with 30 CFR 732.12(b)(1) (44 FR 15326).

1. The hearing shall be informal and follow legislative procedures.

2. Based on the number of speakers in attendance, each participant may be limited to 10 minutes.

3. Participants will be called in the order in which they register.

Public participation in the review of state programs is a vital component in fulfilling the purposes of SMCRA. On September 19, 1979, OSM published guidelines in the **Federal Register** (44 FR 54444–54445) governing contacts between the Department of the Interior and both state officials and members of the public. It is hoped that issuance of these guidelines will encourage full cooperation by all affected persons.

Interested members of the public are encouraged to read the Secretary's partial approval of the initial Indiana program submission (45 FR 78482–78500) published on November 25, 1980. That document contains detailed findings and explanations relating to the parts of the initial submission which where specifically approved and disapproved. Unless a change had been made to a part of the program previously approved, the Secretary will only consider comments relating to those portions previously disapproved or to any portions of the program first appearing in the resubmission.

Set forth below is a summary of the contents of the Indiana program including resubmission material.

(a) State Law and Regulations.
(b) Other Related State Laws.
(c) Attorney General's Opinion.
(d) Delegation of Regulatory Authority.
(e) Structural Organization—Staffing Function.
(f) Supporting Agreements Between Agencies.
(g) Narrative Description for:
(1) Issuing Exploration for Mining Permits.
(2) Assessing Permit Fees.
(3) Bonding—Insurance.
(4) Inspecting and Monitoring.
(5) Enforcing the Administrative, Civil and Criminal Sanctions.
(6) Administering and Enforcing Permanent Program Standards.
(7) Assessing and Collecting Civil Penalties.
(8) Issuing Public Notices and Holding Public Hearings.
(9) Coordinating with Other Agencies.
(10) Consulting with Other Agencies.
(11) Designating Lands Unsuitable for Mining.
(12) Restricting Financial Interests.
(13) Training, Examining and Certifying Blasters.
(14) Providing for Public Participation.
(15) Providing Administrative and Judicial Review.
(16) Providing a Small Operator Assistance Program (SOAP).
(h) Statistical Information.

(i) Summary of Staff with Titles, Functions, Job Experience and Training.

(j) Description of Staffing Adequacy.

(k) Projected Use of Other Professional and Technical Personnel.

(l) Budget Information.

(m) Physical Resources Information.

(n) Other Programs Administered by the Regulatory Authority.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Indiana program. Under Section 702(d) of SMCRA (30 U.S.C. 1292(d)) approval does not constitute a major action within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1979 (42 U.S.C. 4332).

Dated: September 28, 1981.

Edgar A. Imhoff,

Regional Director.

[FR Doc. 81-28070 Filed 9-25-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1935-1]

Approval and Promulgation of Implementation Plans; Connecticut: Part D Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The State of Connecticut submitted revisions to its State Implementation Plan (SIP) dated December 15, 1980 and May 29, 1981. These revisions were made in response to conditions imposed by EPA in approving Connecticut's Part D plan on December 23, 1980 (45 FR 84769). The issues addressed include a control regulation for cutback asphalt, the Reasonable Further Progress (RFP) demonstration for ozone, a refined emission inventory for miscellaneous sources of volatile organic compounds (VOC), and revisions to the new source review program. EPA proposes to approve these amendments.

DATES: Comments should be sent to Harley F. Laing, Chief, Air Branch, Room 1903, JFK Federal Building, Boston, MA 02203 on or before October 28, 1981.

ADDRESSES: Copies of the Connecticut submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Air Branch, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460; and Air Compliance Unit, Department of Environmental Protection, State Office Building, Hartford, Connecticut 06115.

FOR FURTHER INFORMATION CONTACT: Alan E. Dion, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: On December 23, 1980 (45 FR 84769) EPA approved, in part, revisions to the Connecticut SIP which were prepared by the state to meet requirements of Part D (Plan Requirements for Non-Attainment Areas) and certain other sections of the Clean Air Act as amended in 1977.

In addition, EPA conditionally approved some elements of the Connecticut SIP revisions. Among the elements receiving conditional approval were: the ozone attainment plan for stationary sources of VOC (Ozone Plan), the RFP demonstration for ozone attainment, the stationary source VOC inventory, and the program to review new and modified major stationary sources in non-attainment areas. These conditions are not restated, but copies of the Final Rulemaking Notice 45 FR 84769 are available at the locations listed in the Addresses section of this Notice.

On December 15, 1980 and May 29, 1981 the Commissioner of the Connecticut Department of Environmental Protection submitted material to fulfill the requirements set forth in 45 FR 84769. Below is a review of this material and EPA's proposed action for each.

General Discussion

A. Ozone Attainment Plan for Stationary Sources of VOC: Control of Cutback Asphalt.

Part D of the Act required states with areas that had not attained the National Ambient Air Quality Standards (NAAQS) to revise their SIPs. For states with ozone non-attainment areas these revisions were to include the submittal of control regulations for any VOC source covered in the first group of Control Technique Guidelines (CTG) which EPA published by January, 1978. Connecticut submitted regulations for all of the appropriate Group I categories with the exception of the control of cutback asphalt, for which the state proposed a control strategy with a compliance date of 1987. EPA conditionally approved this portion of the VOC SIP revision in 45 FR 84769 provided that the state submit to EPA by December 15, 1980 either a control regulation for cutback asphalt that was consistent with EPA guidance and was to be implemented as expeditiously as possible, or an adequate justification for an extended schedule.

On October 10, 1980 Connecticut adopted a regulation controlling cutback asphalt and submitted it to EPA on December 15, 1980. This regulation provides for the replacement of cutback asphalt during the months June through September, with exemptions for medium-curing asphalt when used as a penetrating prime coat or for long-period storage or stockpiling. These provisions are consistent with the CTG. The Connecticut regulation also exempts Class 8 Bituminous Concrete, as defined in the Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction, for surface treatments under one inch, crack filling, relief joints, minor leveling or pothole patching. It is EPA's understanding that Class 8 Bituminous Concrete is MC 3000 Asphalt, which according to the Asphalt Institute will emit less than 5 percent VOC in use. Therefore, this exemption is consistent with the CTG recommendations.

The regulation sets a statewide compliance date of October 1, 1985. The state has addressed a number of reasons for the necessity of an extended lead time in phasing out cutback asphalt use statewide, including the safety hazards associated with the misapplication by town crews, and the cost of converting equipment and washing or purchasing suitable aggregate. Connecticut DOT has committed to eliminating its nonessential use of cutback asphalt by 1982, and the public works departments of all the townships throughout the state will phase out their use of cutback asphalt by 1985. EPA expects that as experience is gained in the use of the emulsified asphalt, and as the cost effectiveness of the emulsified asphalt increases with the availability of the materials, the affected towns will convert to the use of the emulsified asphalt as expeditiously as practical but no later than October 1, 1985. EPA accepts this compliance date.

Proposed Action: EPA proposes to approve Regulation 19-508-20(k) dealing with control of cutback asphalt.

B. Reasonable Further Progress (RFP)

In 45 FR 84769 EPA conditioned approval of Connecticut's RFP plan on the submittal of an approvable regulation for cutback asphalt because the RFP demonstration assumed VOC reductions from the control of cutback asphalt. With the submittal of an acceptable regulation for cutback asphalt, the only condition for approval of Connecticut's RFP demonstration has been satisfied.

Proposed Action: EPA proposes to approve Connecticut's RFP demonstration for ozone attainment.

C. Stationary Source VOC Emission Inventory

In response to the condition set forth in 45 FR 84769, Connecticut submitted a refined inventory summary of stationary VOC sources on May 29, 1981. This summary identifies all miscellaneous industrial sources of VOC emissions down to less than one ton per year, identifies the type of operation and lists controlled and uncontrolled emissions. EPA has evaluated this submission and finds that it satisfies the condition for approval.

Proposed Action: EPA proposes to approve Connecticut's refined stationary source VOC emission inventory.

D. New Source Review Program

On October 10, 1980 Connecticut adopted and then submitted with the December 15, 1980 package revisions to its regulations which:

1. Replace the word "actual" with the word "allowable" in Regulation 19–508–3(l)(3)(ii)(h); and
2. Add to Regulation 19–508–3 (1)(1)(vi) provisions which require any facility applying for exemptions to: (a) demonstrate that it has made its best efforts to obtain sufficient offsets (b) apply all available offsets and (c) continue to seek the necessary offsets and apply them as they become available. These revisions met the requirements of 45 FR 84769.

Proposed Action: EPA proposes to approve the amendments to Regulation 19–508–3, Subsections (1)(1)(vi) and (1)(3)(ii)(h).

All comments received will be available for inspection at EPA's Region I Office, Room 1903, JFK Federal Building, Boston, MA 02203.

Pursuant to the provisions of 5 U.S.C. 605(b) The Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27, 1981 certification. This action only approves state actions, and as such imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it proposes acceptance of regulations already promulgated by the state of Connecticut and imposes no new requirements.

This proposed regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Administrator's decision to approve or disapprove the plan revisions will be based on whether they meet the requirements of section 110(a)(2) (A)–(K) and 110(a)(3) of the Clean Air Act as amended, and EPA regulations in 40 CFR Part 51.

This revision is being proposed pursuant to sections 110(a) and 301 of the Clean Air Act, as amended 42 U.S.C. 7401 and 7601.

Dated: August 10, 1981.

Lester A. Sutton,

Regional Administrator.

[FR Doc. 81–28069 Filed 9–25–81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A–2–FRL 1935–4]

Approval and Promulgation of Implementation Plans; Revision to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposal announces the receipt of a request from the State of New York to revise its State Implementation Plan (SIP). If approved by the Environmental Protection Agency (EPA), this revision would allow the Consolidated Edison Company of New York, Inc. to burn fuel oil with a maximum sulfur content of 1.5 percent, by weight, in units 2 and 3 of its Arthur Kill generating facility and in unit 3 of its Ravenswood generating facility, all located in New York City, for up to two years. For a one-year period, which ended recently, 1.5 percent sulfur content fuel oil had been permitted to be burned at these units under an EPA-approved SIP revision. The normally applicable regulatory limitation is 0.3 percent, by weight.

DATES: Comments must be received on or before October 28, 1981.

ADDRESSES: All comments should be addressed to: Richard T. Dewling, Ph. D., Acting Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the proposal are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch—Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Stret, S.W., Washington, D.C. 20460

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233

New York State Department of Environmental Conservation, Region II Office, Two World Trade Center, 61st Floor, New York, New York 10047

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch—Room 1005, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: On August 7, 1981 New York State submitted to the Environmental Protection Agency (EPA) a proposed revision to its State Implementation Plan (SIP). The request, if approved by EPA, would allow the Consolidated Edison Company of New York, Inc. (Con Edison) to burn for a temporary period, fuel oil with a maximum sulfur content of 1.5 percent, by weight, in units 2 and 3 of its Arthur Kill generating facility and in unit 3 of its Ravenswood generating facility, all located in New York City. The current normally applicable regulatory limitation on fuel oil sulfur content is 0.3 percent, by weight.

A similar SIP revision of one-year duration had been previously approved by EPA on August 11, 1980 (45 FR 53138). With the addition of several new conditions which have been imposed by the State, this current SIP revision request is a continuation of its earlier one.

The State's submittal consists of an order ("special limitation") signed by the Commissioner of the New York State Department of Environmental Conservation (NYSDEC), a public hearing officer's report, proof of publication of the State's hearing notice, and a technical report prepared by Con Edison in support of its use of higher sulfur content fuel oil. The SIP revision was submitted in accordance with all EPA requirements under 40 CFR Part 51, including a public hearing, which was held by the State on July 27, 1981.

The State proposes to incorporate in its SIP this "special limitation," which is authorized by Section 225.2 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York. The "special limitation" requires Con Edison to meet the following nineteen conditions.

(1) The "special limitation" shall continue in effect until November 10, 1981, by which time Con Edison must submit applications and environmental impact statements for the conversion of the affected units to coal. The statements must include an analysis of continued burning of 1.5 percent sulfur oil during the coal conversion review process.

(2) If condition (1) is met, the "special limitation" shall be extended until final action is taken by the NYSDEC regarding the use of coal at these facilities. If conversion to coal is disapproved, the "special limitation" shall terminate immediately. If conversion to coal is approved, the "special limitation" shall continue in effect until the units commence coal-firing, but its limitation shall be reduced to a fuel oil sulfur content which will result in sulfur dioxide emissions in the amount approved for coal conversion.

(3) The "special limitation" shall terminate immediately upon a disapproval by EPA.

(4) The NYSDEC expressly reserves the right to modify or revoke the "special limitation" on reasonable notice, if it determines that such action is necessary to protect the public interest.

(5) Con Edison must provide and operate a NYSDEC approved continuous monitoring network.

(6) Con Edison must re-evaluate and modify by December 31, 1981 its existing monitoring network in a manner acceptable to the NYSDEC.

(7) Con Edison must upgrade the quality assurance procedures for the operation of its monitoring network in accordance with audits and recommendations made by the NYSDEC technical staff.

(8) The NYSDEC reserves the right to audit and require modification of the continuous monitoring network at any time, provided sufficient time is allowed for any modification required.

(9) Con Edison shall submit in a prescribed format monthly and annual sulfur dioxide air quality data and wind reports from its monitoring network.

(10) Con Edison shall submit two copies of all reports to parties named in the "special limitation".

(11) Con Edison shall revise the reporting format and reporting dates upon notification by the NYSDEC.

(12) Con Edison must submit by December 31, 1981 a comprehensive evaluation report of air monitoring data, including all Con Edison and NYSDEC data and selected New Jersey and Connecticut Departments of Environmental Protection data collected during the period August 12, 1980 through August 11, 1981, in a manner acceptable to the NYSDEC.

(13) Con Edison must maintain a reserve supply of 0.30 percent sulfur content fuel oil for use as directed by the NYSDEC during emergency periods.

(14) Con Edison must modify its emergency fuel switching program and procedures to incorporate appropriate New Jersey Department of Environmental Protection monitors.

(15) Con Edison must immediately initiate an investigation to determine the appropriate fuel sulfur content and combustion procedures necessary to meet and maintain opacity standards. That investigation is to be completed within one month unless the need for additional time can be demonstrated to the satisfaction of the NYSDEC. The Arthur Kill units 2 and 3 will be subsequently limited to the sulfur content and procedures determined.

(16) Con Edison must institute the following program of plant operations to enhance the simulation of coal conversion:

(a) Maximize the plant capacity operation of the affected units to achieve the 67% capacity operation anticipated subsequent to coal conversion, and

(b) Minimize the use of natural gas in the Con Ed network, particularly at the affected units.

(17) Con Edison must institute and report to the NYSDEC bi-monthly on the development and progress of an active and positive program of conversion to natural gas use of low level combustion sources.

(18) The "special limitation" will be modified to conform to any policy developed and agreed upon by the Atlantic Alliance (currently comprised of New York and New Jersey) regarding limits on pollutant emissions and prevention of significant deterioration increment consumption.

(19) The "special limitation" shall not relieve Con Edison from the obligation to operate the Ravenswood and Arthur Kill facilities in such manner as to conform to the terms and conditions of the certificate to operate issued for such facilities; nor shall the "special limitation" otherwise relieve Con Edison from any responsibilities for compliance with any applicable laws, regulations or requirements.

In its review of these nineteen conditions it has been brought to EPA's attention that a situation exists whereby the use of higher sulfur content fuel oil could continue indefinitely. Specifically, if Con Edison meets the provisions of Condition (1), but the State is delayed in making its decision regarding coal burning under Condition (2), then the use of higher sulfur content fuel oil would continue automatically until a decision is made.

Because approval of a "special limitation" does not represent a permanent revision of the regulatory portion of the SIP, it cannot be "open-ended." This need for a termination date was acknowledged in an August 14, 1981 letter which EPA received from the State. Con Edison itself is also aware of this problem and on June 18, 1981 wrote to the State to request that "permission to burn higher sulfur oil [be limited] to a two year period, or until these units are converted to coal burning, whichever shall occur first." Con Edison has sent a copy of this June 18, 1981 letter to EPA under cover of an August 25, 1981 letter in which the company states that, "[w]e believe it would be appropriate for EPA to limit its approval of this special limitation extension to a two year period commencing on the effective date of EPA's final approval."

Consequently, at the State's and the utility's request and in order to meet its own requirements regarding SIP revision approvals, EPA is today proposing to limit its approval (if such is granted) to a maximum period not to exceed two years from the date of its **Federal Register** notice of final action.

EPA has reviewed the technical material submitted by NYSDEC and concurs with the State's determination that no violation of national ambient air quality standards or any applicable Prevention of Significant Deterioration increment will occur as a result of the use of higher sulfur content fuel oil by Con Edison. This technical review by EPA revealed that measured sulfur dioxide levels at the most critical monitors in Manhattan have remained at or below the levels measured one year ago. Specifically, the 12-month running average through July 31, 1981 at both the Community College of New York and Mabel Dean Bacon sites is 71 $\mu g/m^3$, while the average at the Central Park monitor is 63 $\mu g/m^3$. The annual average national ambient air quality standard for sulfur dioxide is 80 $\mu g/m^3$.

EPA notes, however, that unusually high 24-hour concentrations of sulfur dioxide have been reported on a few occasions at a monitor operated by the New Jersey Department of Environmental Protection in Perth Amboy, New Jersey. The high concentrations measured at this monitor, which is located approximately 8 km southwest of Con Edison's Arthur

Kill generating facility, may have resulted in part from emissions from this facility. Although no violations of either the New Jersey State or national ambient air quality standard for sulfur dioxide have occurred, the high concentrations which occurred require further investigation. To this end, the NYSDEC has required that Con Edison conduct a comprehensive evaluation of these high concentrations by December 31, 1981 (see Condition (12)).

Based upon the State's analysis and EPA's own review of the technical material submitted, EPA proposes to approve the State's SIP revision request. EPA emphasizes that today's proposed action would only revise the State's SIP to authorize the use of fuel oil with a maximum sulfur content of 1.5 percent, by weight, at the affected Con Edison units for a maximum period not to exceed two years, from the date of EPA's final rulemaking on this proposal.

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted on or before October 28, 1981, on whether the proposed SIP revision should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed SIP revision will be based on whether it meets the requirements of Section 110 of the Clean Air Act and EPA regulations in 40 CFR (Code of Federal Regulations) 51.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Section 110 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because generally, it only proposes to approve a regulation that presently applies under New York State Law.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Secs. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: September 3, 1981.

Richard T. Dewling,

Acting Regional Administrator, Environmental Protection Agency.

[FR Doc. 81-28068 Filed 9-25-81; 8:45 am]

BILLING CODE 6560-26-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

Quantity (Bulk) Ticket Purchases; Transportation and Public Utilities Service

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend the Federal Property Management Regulations to revise the current dollar limitations on quantity (bulk) ticket purchases. These revised procedures increase the dollar limit for bulk ticket purchases and will permit Government agencies to make greater use of reduced fares when purchased in bulk quantities. The cost of preparing U.S. Government Transportation Requests for repetitive regular fare travel will also be reduced.

DATE: Comments must be received on or before October 28, 1981.

ADDRESS: Written comments should be sent to the General Services Administration (TACP), Chester A. Arthur Building, Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Reports and Procedures Branch, Office of Transportation Audits (202-275-0664).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society. GSA proposes to amend Title 41, Part 101-41 of the Code of Federal Regulations (41 CFR 101-41) as follows:

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

Subpart 101-41.2—Passenger Transportation Services Furnished for the Account of the United States

Section 101-41.203-3(b)(2) is revised to read as follows:

§ 101-41.203-3 Quantity (bulk) ticket purchases.

* * * * *

(b) * * *

(2) Each one-way or round trip single fare for transportation does not exceed $250 exclusive of Federal transportation tax; and

* * * * *

(31 U.S.C. 244)

Dated: September 9, 1981.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Serivce.

[FR Doc. 81-28091 Filed 9-25-81; 8:45 am]

BILLING CODE 6820-AM-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6052]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Connecticut

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Marlborough, Hartford County, Connecticut. These corrections affect location descriptions and do not change the proposed base flood elevations previously published at 46 FR 27141 on May 18, 1981.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of corrections to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Marlborough, Hartford County, Connecticut, previously published at 46 FR 27141 on May 18, 1981, in accordance with Section 110 of the Flood Disaster

Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

In order to maintain consistency throughout the Flood Insurance Study, all references to Hebron Road on the Study (profile) and Rate Map should be changed to State Route 66.

The locations listed below have been amended to read as follows. (The remainder of the Notice of Proposed base flood elevations was correct as published.)

Source of flooding	Location	Elevation in feet National Geodetic vertical datum
Dickinson Creek.	Approximately 2,500′ upstream West Road.	*510
	Approximately 660′ downstream Old Stagecoach Road.	*535
	Approximately 250′ downstream Old Stagecoach Road.	*547
	Approximately 300′ upstream Old Stagecoach Road.	*565
	Approximately 850′ upstream Old Stagecoach Road.	*584
Flat Brook...	Approximately 1,250′ upstream Jones Hollow Road.	*390
	Approximately 1,850′ upstream Finley Hill Road.	*462
Foot Saw-mill Brook.	Approximately 2,350′ upstream South Buckboard Lane.	*381
	Approximately 3,300′ upstream South Buckboard Lane.	*400
	Approximately 3,700′ upstream South Buckboard Lane.	[illegible]
	Approximately 700′ downstream Stony Brook Road.	*419
Lyman Brook.	Approximately 350′ downstream Private Drive.	*206
	Approximately 300′ upstream Private Drive.	*230
	Approximately 600′ upstream Private Drive.	*241
	Approximately 1,400′ upstream Johnson Road No. 1.	*345
	Approximately 1,750′ upstream Johnson Road No. 1.	*355

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–28010 Filed 9–25–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA–6079]

National Flood Insurance Program; Proposed Flood Elevation Determination; Connecticut

AGENCY: FEMA.

ACTION: Proposed rule: correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 31681 on June 17, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Plymouth, Litchfield County, Connecticut.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program (202) 287–0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determination of base (100-year) flood elevations for selected locations in the Town of Plymouth, Litchfield County, Connecticut, previously published at 46 FR 31681 on June 17, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has not economic impact.

Under the Source of Flooding Poland River, the base flood elevation at the Dam (Downstream) was published incorrectly. It should be corrected to read 666 feet in elevation (National Geodetic Vertical Datum).

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–28009 Filed 9–25–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA–6074]

National Flood Insurance Program; Proposed Flood Elevation Determinations Iowa; Correction

AGENCY: FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Ft. Madison, Lee County, Iowa, previously published at 45 FR 30121 on June 5, 1981.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program (202) 287–0270. Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100 year) flood elevations for selected locations in the City of Ft. Madison, Lee County, Iowa previously published at 45 FR 30121 on June 5, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

The Mississippi River location of "Approximately 7.3 miles downstream of Atchison, Topeka and Santa Fe Railway" was identified with a base flood elevation of 723 feet. This elevation should be corrected to read 523 in order to more accurately reflect the elevation at that point.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(C) Ft. Madison, Lee County	Mississippi River	Approximately 7.3 miles downstream of Atchison, Topeka and Santa Fe Railway.	*523

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–28026 Filed 9–25–81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5966]

National Flood Insurance Program; Nevada Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposd base (100-year) flood elevations listed below for selected locations in the City of Henderson, Nevada.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 45 FR 85118 on December 24, 1980 and the *Henderson Home News*, published on or about November 25, 1980 and December 2, 1980, and hence supersedes those previously published rules for the areas cited below.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the proposed flood elevations are available for review at the City Hall, 243 Water Street, Henderson, Nevada.

Send comments to: The Honorable Lorin Williams, 243 Water Street, Henderson, Nevada 89015.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., National Flood Insurance Program (202) 287–0270. Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Henderson, Nevada, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance of existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in [illegible] ground. *Elevation in feet (NGVD)
[illegible] Fan in eastern Henderson.	6,500′ east of the intersection of Newport Drive and Magic Way.	#1
	7,500′ east of the intersection of Newport Drive and Magic Way.	[illegible]
[illegible] Fan in [illegible] Henderson.	1,500′ south of the centerline of Sunset Road at a point 6,000 feet west of the intersection of Sunset Road and Gibson Road.	#1
	6,100′ south of the centerline of Sunset Road at a point 8,200 feet west of the intersection of Sunset Road and Gibson Road.	[illegible]

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 17, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28029 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6073]

National Flood Insurance Program; Proposed Flood Elevation Determination; New Hampshire

AGENCY: FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 29957 on June 4, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Marlborough, Cheshire County, New Hampshire.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program (202) 287–0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Marlborough, Cheshire County, New Hampshire, previously published at 46 FR 29957on June 4, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

Under the Source of Flooding of South Branch Ashuelot River, the base flood elevation for the location of approximately 950 feet upstream from Old Iron bridge has been amended to read 691 feet in elevation (National Geodetic Vertical Datum).

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28011 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-[illegible]-M

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44 CFR Part 67

[Docket No. FEMA-6053]

Proposed Flood Elevation Determinations; New Jersey

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; revision.

SUMMARY: Techniocal information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Hamilton, New Jersey.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 46 FR 27134 on May 18, 1981 and in the *Mercer County Messenger*, published on or about April 16, 1981, and April 23, 1981, and hence supersedes those previously published rules for the areas cited below.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspsper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Engineer's Office, 2090 Greenwood Avenue, Hamilton, New Jersey.

Send comments to: The Honorable John K. Rafferty, 2090 Greenwood Avenue, Hamilton, New Jersey 08650.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Hamilton, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pond Run	Centerline of East State Street	*49
	50 feet upstream from centerline of Whitehorse-Hamilton Square Road.	*51
North Branch Pond Run	Centerline of Brooks Lane	*55
	Centerline of Estates Boulevard	*67

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 17, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28008 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6061]

National Flood Insurance Program; Proposed Flood Elevation Determinations Vermont; Correction

AGENCY: FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 28453 on May 27, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Middlesex, Washington County, Vermont.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Middlesex, Washington County, Vermont, previously published at 46 FR 28453 on May 27, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The following location descriptions have been amended to read as follows. The remainder of the Notice of Proposed Base Flood Elevations remains the same.

Source of flooding	Location	Elevation in feet National Geodetic vertical datum
Great Brook	Approximately 2,150′ upstream of Interstate Route 89.	[illegible]
Sunny Brook	Approximately 1,300′ upstream of Sunny Brook Road (upstream crossing).	578

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28025 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6073]

National Flood Insurance Program; Proposed Flood Elevation Determinations Wisconsin; Correction

AGENCY: FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Village of Germantown, Washington County, Wisconsin, previously published at 45 FR 29961 on June 4, 1981.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Village of Gernamtown, Washington County, Wisconsin previously published at 45 FR 29961 on June 4, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added 1363 to the

National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)].

The following changes have been made to the Proposed Base Flood Elevations notice for the Village of Germantown, Washington County, Wisconsin. The lowest elevation listed under the North Branch Menomonee River should be 850 feet occurring at the confluence of the Menomonee River. The said point whose description appeared under the Menomonee River should be omitted and become part of the North Branch Menomonee River description. Elevation 914 at the West Branch Menomonee River was changed to 913 because elevation 914 is contained in a culvert in this vicinity. The distance referenced at Little Cedar Creek, elevation 851, should be 0.14 mile instead of 1.02 miles in order to be more reflective of elevation 851. The description at Willow Creek, elevation 857, should be State Highway 175 instead of 145 to reflect the updated community map. The description at Tributary No. 1A, elevation 864, should be changed from 0.58 mile to 0.57 mile in order to more accurately reflect the BFE at that point. The description at Tributary No. 2, elevation 848, should be 0.48 mile instead of 0.97 mile in order to more adequately represent the elevation at its confluence with the Menomonee River. The description at Tributary No. 5, elevation 852, should be changed to "Lovers Lane" instead of "East Lovers Lane Road" to be consistent with mapping data. Also on Tributary No. 5, the distance referenced at elevation 857 should be "0.37 mile" instead of "0.38 mile" in order to be more representative of elevation 857. The flooding source "North Crossway", should be corrected to read "North Crossway Channel."

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(V) Germantown, Washington County	North Branch Menomonee River	At confluence with Menomonee River	[illegible]
		West Branch Menomonee River	Just downstream of U.S. Highway 41	*913
		Little Cedar Creek	About 0.14 mile downstream of Chicago and North Western railroad.	[illegible]
		Willow Creek	Just upstream of State Highway 175	[illegible]
		Tributary No. 1A	About 0.57 mile upstream of Lilac Lane	[illegible]
		Tributary No. 2	About 0.48 mile downstream of Western Avenue	[illegible]
		Tributary No. 5	Just downstream of Lovers Lane	[illegible]
			About 0.37 mile upstream of Lovers Lane	*857

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Excutive Order 12127. 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28005 Filed 9-25-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-636; RM-3917]

FM Broadcast Station in Ada, Minn.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 292A to Ada, Minnesota, in response to a petition filed by Cecil Malme. The assignment could provide Ada with a first local FM service.

DATES: Comments must be filed on or before November 16, 1981, and reply comments must be filed on or before December 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ada, Minnesota) (BC Docket No. 81-636; RM-3917).

Notice of Proposed Rule Making

Adopted: September 10, 1981.

Released: September 16, 1981.

By the Acting Chief, Policy and Rules Division:

1. Cecil Malme ("petitioner") has filed a petition for rule making [1] seeking assignment of FM Channel 292A to Ada, Minnesota, as that community's first assignment. The channel could be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules, and petitioner

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[1] Public Notice of the petition was given on June 19, 1981, Report No. 1293.

states that he will apply for the channel, if assigned.

2. Ada (population 2,076),[2] the seat of Norman County (population 10,008), is located approximately 360 kilometers (225 miles) northwest of Minneapolis, Minnesota. It presently has no local aural service.

3. Petitioner states that Ada has its own government unit, a hospital, educational facilities, and social and service organizations. Additionally, it is alleged that Ada is both the geographical and commercial center of Norman County. Petitioner adds that the predominant business in the county is farming, with agriculture accounting for over 96% of all land use, and culminating in an annual payroll in excess of $1,800,000. Further, it is stated that while the county is comprised of a small amount of manufacturing industries, it has numerous expanding retail and wholesale establishments. In sum, petitioner has set forth the requisite showings to demonstrate a need for the proposed service to Ada, Minnesota.

4. Since Ada is located within 400 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 292A to that community requires coordination with the Canadian Government.

5. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Ada, Minnesota		292A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before November 16, 1981, and reply comments on or before December 8, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act do not apply to rule making to amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-28060 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-635; RM-3731]

FM Broadcast Station in Havelock, North Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of FM Channel 284 for Channel 285A at Havelock, North Carolina, and the modification of the

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[2] Population figures are extracted from the 1970 U.S. Census.

license of Station WMSQ, Havelock, to specify operation on Channel 284. This action is taken in response to a petition for rule making filed by Musicradio of North Carolina, Inc., the licensee of Station WMSQ.

DATES: Comments must be filed on or before November 16, 1981, and reply comments must be filed on or before December 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Havelock, North Carolina) (BC Docket No. 81–635; RM–3731).

Notice of Proposed Rule Making

Adopted: September 10, 1981.

Released: September 21, 1981.

By the Acting Chief, Policy and Rules Division:

1. A petition for rule making[1] was filed by Musicradio of North Carolina, Inc. ("petitioner"), licensee of radio Stations WCPQ (AM) and WMSQ (FM), Havelock, North Carolina, seeking the substitution of Channel 284 for Channel 285A at Havelock, and modification of the WMSQ (FM) license to specify operation on Channel 284. No comments in response to the petition were filed. Channel 284 can be assigned to Havelock in accordance with the minimum distance separation requirements with a site restriction of at least 15.1 kilometers (9.4 miles) south-southwest.[2]

2. Havelock (population 5,283),[3] seat of Craven County (population 62,554), is located approximately 184 kilometers (115 miles) southeast of Raleigh, North Carolina. Havelock is presently served locally by daytime-only Station WCPQ and FM Station WMSQ, both of which are licensed to petitioner.

3. In support of its proposal, petitioner states that in 1979, the City of Havelock annexed the Cherry Point Marine Corps Air Station, which increased the city's population to 17,035. According to petitioner, the Marine facility at Havelock is by far the greatest contributor to the local economy. However, petitioner asserts that, due to a shortage of housing at the Air Station, many of the station's employees live in communities outside Station WMSQ's present 1 mV/m contour. Petitioner reasons that the substitution of the Class C channel at Havelock would enable those outlying residents to receive important information concerning activities at the Air Station. Petitioner states that the proposal would provide a second FM service to 528 persons in an area of seven (7) square miles. Petitioner concludes by noting that Havelock is the largest city to which Channel 284 can be assigned.

4. *Preclusion Study*—According to the preclusion study submitted by petitioner, the substitution of Channel 284 for Channel 285A would cause no new preclusion to communities with populations over 1,000.

5. As a general matter, the Commission does not assign high-power Class C channels to communities as small as Havelock unless that channel could provide first or second FM service to a significant population. In the instant case, no such significant amounts of new service would be provided. However, petitioner's new population figures for Havelock indicate that the city is approaching the size which we would normally consider suitable for a Class C assignment. As it appears that no other city of comparable size would be precluded by this assignment, we shall propose to amend the Table of Assignments as requested.

6. At present, no other person has expressed an interest in the proposed Class C channel at Havelock. Therefore, as requested by petitioner, we are proposing to modify the license of Station WMSQ to specify operation on Channel 284. However, in accordance with Commission policy as expressed in *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976), should another interest in the assignment be expressed, the proposed modification could not be made and the channel, if assigned, would be open for competing applications.

7. An *Order to Show Cause* to the petitioner is not necessary since consent to the modification of its license is indicated by its request for the Class C channel.

8. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Havelock, North Carolina	285A	284

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before November 16, 1981, and reply comments on or before December 8, 1981.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that sections 603 and 604 of the Regulatory Flexibility Act do not apply to rule making to amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in

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[1] Public Notice of the petition was given on September 2, 1980, Report No. 1246.

[2] On reconsideration in Docket 80–246, a site restriction on Channel 285A at Hertford, North Carolina, was increased to make this more flexible site restriction, for the Havelock channels, possible. The reconsideration in the Hertford case was sought by petitioner, Musicradio of North Carolina, Inc.

[3] Unless otherwise indicated, population figures are taken from the 1970 U.S. Census.

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the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §§ 1.420 (a), (b), and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 81-28061 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-634; RM-3875]

TV Broadcast Station in Victoria, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF television Channel *47 to Victoria, Texas, as its first noncommercial educational station, in response to a petition filed by South Texas Educational Broadcasting Council.

DATES: Comments must be filed on or before November 16, 1981, and reply comments must be filed on or before December 8, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Victoria, Texas).

Adopted: September 10, 1981.

Released: September 21, 1981.

By the Acting Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making[1] filed by South Texas Educational Broadcasting Council ("petitioner"),[2] which seeks the amendment of § 73.606(b) by reserving UHF television Channel 25, at Victoria, Texas, for noncommercial educational use. Opposing comments were filed by Community Broadcasting of Costal Bend, Inc.[3] (Community), to which petitioner responded.

2. Victoria (population 41,349)[4] seat of Victoria County (population 53,766) is located in south Central Texas, approximately 195 kilometers (120 miles) southwest of Houston, Texas. It is served locally by UHF Channel 19 (Station KXIX), UHF Channel 25 (used by petitioner's translator station), and Channel 31 (construction permit issued).

3. Petitioner claims that there is a compelling need for a reserved television allocation at Victoria since there is no reserved non-commercial educational channel assignment within sixty miles of Victoria. Petitioner contends that the proposal would ensure protection from future low power operation and would be in keeping with the Commission's policy of encouraging use of translator stations for noncommercial public broadcasting. Petitioner indicates that it intends to upgrade the facility to low power status in the future.

4. Community, in opposing comments, argues that the petitioner seeks to protect its translator operation on Channel 25 (rebroadcasting Channel 16, Corpus Christi, Texas) and accomplish indirectly what it may not accomplish as a translator. Additionally, it claims that the petitioner did not make a commitment to upgrade the facility to full television operation in the future, and the present proposal would deny other interested parties the opportunity to operate on a channel long allocated for commercial use. Community states that while it does not object to the reservation of an educational channel at Victoria, it does however, object to the reservation of Channel 25, since considerable effort has been expended in developing its proposal for the channel. Community suggests, as an alternative, assigning Channel 37 or one of seventeen other available UHF channels, for educational use by the petitioner, thus allowing Channel 25 to remain undisturbed, in view of the interest expressed in its use.

5. In reply comments, petitioner states that its justification for the proposal was a need to protect the channel reservation prior to implementing the grant, as permittee of the translator station on Channel 25, noting the lack of local noncommercial educational service. Petitioner argues that the opposition did not allege that this proposal would not best serve the public interest, nor that there is not other alternative channel available for it to amend its pending application. Petitioner contends that Community filed its application for use of channel 25, after petitioner had been granted a construction permit. These circumstances dictate acceptance of its

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[1] Public Notice of the petition was given on April 7, 1981, Report No. 1279.

[2] South Texas is the permittee of television translator Station K25AE, Victoria, Texas.

[3] Community has filed an application for Channel 25, at Victoria, Texas, on a commercial basis.

[4] Population figures are taken from the 1970 U.S. Census.

proposal to reserve Channel 25 for educational use.

6. It appears that there is a need for noncommercial educational service at Victoria. However, petitioner's proposal to reserve Channel 25 for noncommercial educational use in order to protect its translator and possible future low power operation, would delay authorization of an additional full service commercial station. Community's application for Channel 25 has been cut-off and there is no competing application for the channel. Further, there is no other vacant commercial channel assignment in Victoria, so amendment of the Community application would have to wait until a rule making proceeding could add a channel. Petitioner has not expressed its intent to upgrade its facility to full service use, if the proposal is adopted, and translators are not considered an impediment to full broadcast use. *See* § 74.702(c)(3) of the Commission's Rules. A staff study shows that Channel *47 is available for assignment to Victoria, thus leaving Channel 25 for commercial use. Since another channel can be assigned to Victoria for noncommercial use, we believe the public interest would be served by proposing the assignment of Channel *47 for such use.

7. Mexican concurrence in the assignment must be obtained.

8. Comments are invited on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with regard to the city of Victoria, Texas, as follows:

City	Channel No	
	Present	Proposed
Victoria, Texas	19+, 25, 31	19+, 31, *47

9. Interested parties may file comments on or before November 16, 1981, and reply comments on or before December 8, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082: 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-28058 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1310

[Ex Parte No. MC-77; Sub. No. 3]

Elimination of Certificates as the Measure of "Holding Out"

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule; notice of oral argument.

SUMMARY: In an earlier notice of proposed rulemaking, the Commission proposed to reexamine the duty imposed on motor common carriers of property to provide transportation coextensive with all points and service contained in their certificates of public convenience and necessity (46 FR 8604, January 27, 1981, as amended at 46 FR 13751, February 24, 1981.)

In a later notice (46 FR 44482, September 4, 1981), the Commission announced that there would be an oral argument in this proceeding, and requested that briefs be filed in this matter. This notice sets the time and place for the oral argument.

The public is invited to attend the oral argument. A schedule of appearances, including time limits, will be served separately on participants and will also be made available on the morning of the oral argument.

DATE: October 1, 1981, 9:00 a.m.

ADDRESS: Interstate Commerce Commission Bldg., 12th St. and Constitution Ave., NW., Washington, DC, Hearing Room A.

FOR FURTHER INFORMATION CONTACT: James H. Bayne; Telephone: (202) 275-7428.

Decided: September 24, 1981.

By the Commission, Reese H. Taylor, Chairman.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28213 Filed 9-25-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 187
Monday, September 28, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Flue-Cured Tobacco Advisory Committee; Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, laboratory, Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605 at 1:00 p.m., on Friday, October 9, 1981.

The purpose of the meeting is to discuss problems which cause the need for a marketing holiday and its impact upon all segments of the tobacco industry. The Committee will review the marketing situation and begin developing recommendations for next season that will provide an uninterrupted selling season.

Also, other matters as specified in 7 CFR Part 29, Subpart G, will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

Dated: September 23, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-28089 Filed 9-25-81; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

National Forest System Advisory Committee; Renewal

The National Forest System Advisory Committee is hereby renewed effective September 11, 1981, in compliance with Section 11 of the National Forest Management Act of 1976 (Pub. L. 94-588).

The purpose of this Committee is to advise the Secretary of Agriculture on questions of policy, programs, and procedures affecting the administration of the National Forest System by the Forest Service.

Renewal of this Committee is necessary and in the public interest in connection with the performance of duties imposed on the Department and the Forest Service by law. The Committee serves an essential function.

Dated: September 22, 1981.

John E. Schrote,

Deputy Assistant Secretary for Administration.

[FR Doc. 81-28040 Filed 9-25-81; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Chicago Regional Construction Services Program; Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) requirement to provide management consulting services under its Chicago Regional Construction Services Program was previously announced in the **Federal Register** on March 12, 1981 under Project I.D. No. 05-10-00107-00. Due to administrative determinations and clarification of Attachment O of OMB Circulars A-110 and A-102 and indirect cost policy this requirement is reannounced as follows:

MBDA is seeking applications for two awards under its Chicago Regional Construction Services Program. One grant for a management and technical assistance project to operate in the states of Indiana, Michigan, and Ohio. The project will operate at a cost not to exceed $225,000 for a period of 12 months beginning February 1, 1982. The Project I.D. Number is 05-10-80015-01.

One grant for a management and technical assistance project to operate in the states of Illinois, Missouri and Wisconsin. The project will operate at a cost not to exceed $230,000 for a period of 12 months beginning February 1, 1982. The Project I.D. Number is 05-10-80016-01.

Program Description

The Construction Service Program of the Minority Business Development Agency (MBDA) provides management consulting services to minority construction businesses for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "not for profit" or "commercial entities"). These firms must be capable of providing such services as:

—Preparation of business plans.
—Capital development (financial).
—Management assistance.
—Personnel management services.
—Marketing planning.

and a broad range of other business services excluding legal services.

Eligibility Requirements

Any for-profit firm or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipients without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily. Applicants who plan to contract out any of the work under the award must comply with Attachment O of OMB Circular A-110 or A-102.

Application Materials

An application kit for this project may be requested by writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 East Monroe Street, Suite 1440, Chicago, Illinois 60603, Attn: Lavenia Webb, Grant Technician, Tel. (312) 353-0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite

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forwarding of your application kit. When requesting an application kit, the applicant must specify its profit status; i.e., State or local government, federally recognized Indian Tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process

All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date

Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of November 6, 1981. Applications received after November 6, 1981 will not be considered.

Pre-Application Conference

A pre-application conference for all interested applicants will be held at 10:00 a.m., October 20, 1981 at the Federal Building, 536 S. Clark St., Room 209, Chicago, Illinois.

Dated: September 21, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81-28018 Filed 9-25-81; 8:45 am]

BILLING CODE 1350-53-M

Portfolio Growth Co. Program; Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is seeking applications under its Portfolio Growth Company program to operate one project for a 12-month period beginning February 1, 1982 within the geographic confines of those standard metropolitan statistical areas (SMSAs) with the highest concentration of large-scale minority-owned firms; namely, the Cleveland SMSA, the Chicago SMSA, the Detroit SMSA, and the St. Louis SMSA. The applicant may choose one or any combination of the SMSA areas listed in structuring its application. The project will operate at a cost not to exceed $150,000 and the Project I.D. Number is 05-10-80014-01.

Program Description

The Portfolio Growth Company Program of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "Not for Profit" or Commercial Entities). These firms must be capable of providing such services as:

—In-depth marketing and acquisitions, mergers and joint venture services

and a broad range of other business services excluding legal services.

Eligibility Requirements

Any for-profit or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily. Applicants who plan to contract out any of the work under the award must comply with Attachment O of OMB Circular A-110 or A-102.

Application Materials

An application kit for these projects may be requested in writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 East Monroe Street, Suite 1440, Chicago, IL 60603, Attn: LaVenia Webb, Grant Technician, Tel. (312) 353-0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite forwarding of your application kit. When requesting an application kit, the applicant must specify its profit status; i.e., State or local government, federally recognized Indian Tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process

All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date

Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of November 6, 1981. Applications received after November 6, 1981 will not be considered.

Pre-Application Conference

A pre-application conference for all interested applicants will be held at 10:00 a.m., October 20, 1981, at the Federal Building, 536 S. Clark Street, Room 209, Chicago, IL.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance. This program is not subject to the requirements of OMB Circular A-95)

Dated: September 21, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81-28017 Filed 9-25-81; 8:45 am]

BILLING CODE 1350-53-M

Office of the Secretary

Interim Delegation of Authority

Effective September 20, 1981, and until further notice or until an Assistant Secretary for Economic Development is nominated by the President and confirmed by the Senate, Mr. Carlos C. Campbell is delegated the authority vested in the Secretary of Commerce under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121), together with the authorities and functions described and limited by Sections 4 and 5 of Department of Commerce Organization Order #10-4 dated September 30, 1975.

Dated: September 19, 1981.

Malcolm Baldrige,

Secretary of Commerce.

[FR Doc. 81-28050 Filed 9-25-81; 8:45 am]

BILLING CODE 3510-24-M

DEPARTMENT OF DEFENSE

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 107. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official

travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 107 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: September 17, 1981.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 107

To the Heads of Executive Departments and Establishments

Subject: Table of maximum per diem rates in lieu of subsistence for United States Government civilian officers and employees for official travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and Possessions of the United States.

1. This bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense August 17, 1966, "Executive Order 11294, August 4, 1966 Delegating Certain Authority of the President To Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status," in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 107 except in the case identified by an asterisk which rates are effective on the date of this Bulletin. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak[1]	112.50
Anaktuvuk Pass	140.00
Anchorage	72.00
Barrow	100.00
Bethel	93.00
College	80.00
Cordova	[illegible]
Deadhorse	84.00
Dillingham	[illegible]
Dutch Harbor	82.00
Eielson AFB	90.00
Elemendorf	72.00
Fairbanks	90.00
Ft. Richardson	72.00
Ft. Wainwright	90.00
Juneau	63.00
Ketchikan	62.00
Kodiak	102.00
Kotzebue	97.00
Murphy Dome	90.00
Noatak	87.00
Nome	102.00
Noorvik	87.00
Petersburg	82.00
Prudhoe Bay	84.00
Shemya AFB[1]	11.00
Shungnak	97.00
Sitka—Mt. Edgecombe	82.00
Skagway	82.00
Spruce Cape	102.00
Tanana	102.00
Valdez	[illegible]
Wainwright	79.00
Wrangell	82.00
All other localities	71.00
American Samoa	65.00
Guam M.I.	67.00
Hawaii:	
Oahu	84.00
All other localities	65.00
Johnston Atoll[2]	16.75
Midway Islands[1]	12.60
Puerto Rico:	
Bayamon:	
12-16—5-15	102.00
5-16—12-15	75.00
Carolina:	
12-16—5-15	102.00
5-16—12-15	75.00
Fajardo (including Luquillo):	
12-16—5-15	102.00
5-16—12-15	75.00
Ft. Buchanan (incl. GSA Service Center, Guaynabo):	
12-16—5-15	102.00
5-16—12-15	75.00
Ponce (incl. Ft. Allen NCS)	[illegible]
Roosevelt Roads:	
12-16—5-15	102.00
5-16—12-15	75.00
Sabana Seca:	
12-16—5-15	102.00
5-16—12-15	75.00
San Juan (incl. San Juan Coast Guard Units):	
12-16—5-15	102.00
5-16—12-15	75.00
All other localities	83.00
*Virgin Islands of U.S.:	
12-1—4-30	102.00
5-1—11-30	82.00
Wake Island[2]	15.00
All other localities	20.00

[1] Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
September 22, 1981.

[FR Doc. 81-27949 Filed 9-25-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

International Energy Program Dispute Settlement Centre

AGENCY: Department of Energy.

ACTION: Notice of availability of draft procedures for arbitration for the Dispute Settlement Centre of the International Energy Agency (IEA).

The Dispute Settlement Centre was established on July 23, 1980, when its Charter was adopted by the Governing Board of the IEA. The Centre is intended as a facility for arbitration of disputes between parties to oil supply transactions resulting from implementation of the emergency oil allocation provisions of the International Energy Program (IEP). The IEP emergency oil sharing system can be activated only to deal with an oil supply emergency involving at least a seven percent supply shortfall. Submission of disputes for artibration before the Centre is purely voluntary, and is subject to the agreement of both parties to the dispute.

Procedures for Arbitration for the Dispute Settlement Centre have been developed by a working group of the IEA Standing Group on Emergency Questions, based on work of the Industry Advisory Board to the IEA and of the IEA Legal Advisor. Employees of the Department of Energy and representatives of other IEA member countries served on the working group. The resulting draft Procedures are based, in large part, upon such widely accepted rules governing international commercial arbitrations as those of the International Centre for Settlement of Investment Disputes, the American Arbitration Association, and the United Nations Commission on International Trade Law.

It is expected that the Governing Board of the IEA will be asked to adopt the Procedures at its meeting to be held in late fall 1981.

FOR FURTHER INFORMATION OR TO REQUEST A COPY OF THE PROCEDURES CONTACT: Janine Landow-Esser, Deputy Assistant General Counsel, International Trade and Emergency Preparedness (GC-11), Department of

Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–2900.

Issued in Washington, D.C., September 22, 1981.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 81–28014 Filed 9–25–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 80–CERT–019]

System Fuels, Inc.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On August 17, 1981, System Fuels, Inc. (SFI), P.O. Box 61532, New Orleans, Louisiana 71061, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of up to 120,000 Mcf of natural gas per day, which is estimated to displace approximately 1,000,000 barrels per year of middle distillates (including No. 2 fuel oil) and up to 500,000 barrels per year of residual fuel oil (Nos. 5 and 6) having a sulfur content of 1 percent, 1½ percent or 3 percent depending on the facilities in which the oil is displaced. The daily volum of natural gas used is expected to vary over the one year period of the certification. The natural gas would be used by Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and the New Orleans Public Service, Inc. at their electric generating facilities in Mississippi, Arkansas, Louisiana, and Missouri. Notice of that application was published in the Federal Register (46 FR 45013, September 9, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The eligible sellers of the natural gas are the Channel Industries Gas Company, the Louisiana Intrastate Gas Corporation, the Louisiana Resources Company, the Michigan Consolidated Gas Company, the Delhi Gas Pipeline Corporation, and the IMC Pipeline Company. The gas will be transported by the United Gas Pipe Line Company, the Tennessee Gas Pipeline Company, the Natural Gas Pipeline Company of America, the Northern Natural Gas Company, the Transcontinental Gas Pipeline Corporation, the Michigan-Wisconsin Pipe Line Company, the Panhandle Eastern Pipeline Company, and the Texas Gas Transmission Corporation.

On September 23, 1980, SFI received a certification (ERA Docket No. 80-CERT-023) of an eligible use of natural gas on behalf of the four electric operating companies for a period of one year. That certificate expires on September 22, 1981.

The ERA has carefully reviewed SFI's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979).

The ERA has determined that SFI's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the ERA Docket Room 7108, RG–13, 2000 M Street, NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., September 21, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81–28014 Filed 9–25–81; 8:45 am]

BILLING CODE 6450–01–M

Pawnee Petroleum Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on pontential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: August 25, 1981. Comments by: October 28, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On August 25, 1981 the Office of Enforcement of the ERA executed a Consent Order with Pawnee Petroleum Company of Seminole, Oklahoma. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective upon its execution only if the DOE expressly finds it to be in the public interest to do so.

Because the issues causing the principal violations have been through litigation to the U.S. Supreme Court and refunds have been paid from first purchaser's suspense accounts, as well as to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Pawnee Petroleum Company.

I. The Consent Order

Pawnee Petroleum Company (Pawnee) is a firm engaged in the production of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Pawnee the Office of Enforcement, ERA, and Pawnee entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through January 27, 1981, Pawnee allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D and 6 CFR Part 150, Subpart L.
2. Pawnee and the DOE have agreed to a $676,561.74 settlement for all overcharges and interest. Pawnee has agreed to make payment within thirty (30) days of the effective date of the Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Pawnee.
3. This Consent Order constitutes neither an admission by Pawnee that ERA regulations have been violated nor a finding by the ERA that Pawnee has violated ERA regulations.
4. The provisions of 10 CFR 205.199J, including the publication of this Notice are applicable to the Consent Order.

In this Consent Order, Pawnee agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $676,561.74 in the manner specified in I.2. above. Refunded overcharges will be in the form of checks made payable to the United

States Department of Energy and will be delivered to the Director, Office of Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are indentified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Pawnee Petroleum Company Consent Order". We will consider all comments we receive by 4:30 p.m. local time, October 28, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 11th day of September 1981.

Wayne I. Tucker,

District Manager, Southwest District, Economic Regulatory Administration.

[FR Doc. 81-28084 Filed 9-25-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-4-FRL 1935-7]

Standards of Performance for New Stationary Sources; Delegation of Authority to the Commonwealth of Kentucky

AGENCY: Environmental Protection Agency.

ACTION: Informational notice.

SUMMARY: Section 301 in conjunction with Section 111 of the Clean Air Act authorizes the Administrator to delegate his authority to implement and enforce the New Source Performance Standards (NSPS). On April 12, 1977, EPA delegated to the Commonwealth of Kentucky the authority for implementation and enforcement of the NSPS. On June 11, 1979 and September 9, 1979, EPA promulgated NSPS for electric utility steam generating units for which construction is commenced after September 18, 1978, and stationary gas turbines, respectively. On January 19, 1981, the Commonwealth of Kentucky requested delegation of authority to implement and enforce the applicable NSPS for electric utility steam generating units and stationary gas turbines codified as 40 CFR Part 60, Subparts Da and GG respectively. After a thorough review of the request and information submitted, the Regional Administrator determined that such delegation was appropriate for these source categories and with the conditions set forth in the original delegation letter of April 12, 1977, and granted the State's request in a letter dated March 26, 1981. Source categories identified above which are subject to these requirements will now be under the jurisdiction of the Commonwealth of Kentucky.

EFFECTIVE DATE: On October 28, 1981.

ADDRESSES: Copies of the request for delegation of authority and EPA's letter of delegation are available for public inspection at the Environmental Protection Agency, Region IV office, 345 Courtland Street, NE., Atlanta, Georgia 30365.

All reports required pursuant to the delegated NSPS should not be submitted to the EPA, Region IV Office, but instead should be submitted to the Kentucky agency at the following address; Mr. Norman E. Schell, Director, Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, 18 Reilly Road, Bldg. #2 Ft. Boone Plaza, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Mr. Melvin Russell, Air Programs Branch, EPA,Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, telephone number 404/881-3286 or FTS 257-3286.

SUPPLEMENTAL INFORMATION: Under Executive Order 12291, EPA must judge whether a regulation is a major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it does not result in additional cost to industry or consumers. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sec. 111 of the Clean Air Act (42 U.S.C. 7411))

Dated: September 3, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-2804 Filed 9-25-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 81-549 and 81-550; File Nos. BPH-791203AD and BPH-800731AE]

Beckham Broadcasting Co. and Ronca Broadcasting Co. Inc.; Designating Applications for Consolidated Hearing on Stated Issues; Erratum to Hearing Designation Order

Adopted: September 11, 1981.

Released: September 17, 1981.

In re applications of Beckham Broadcast Co., Elk City, Oklahoma, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 631 feet; Ronca Broadcasting Co., Inc., Elk City, Oklahoma, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 500 feet; for construction permit for a new FM station.

By the Chief, Broadcast Bureau.

1. By Hearing Designation Order, released August 18, 1981, the Chief, Broadcast Bureau, acting pursuant to delegated authority, designated the above-captioned mutually exclusive applications for consolidated hearing. Due to an inadvertent error, Issue 1 in the HDO erroneously referred to Beckham Broadcasting Company rather than Ronca Broadcasting Company, Inc. In addition, due to an inadvertent typographic error, the call sign of Beckham's commonly-owned AM station KADS is incorrectly listed as KAOS in Paragraph 8 of the HDO.

2. Accordingly, it is ordered, That Issue 1 in the above-referenced Hearing Designation Order is corrected as follows:

1. To determine with respect to Ronca (a) the source and availability of funds over and above the $90,500 indicated; and (b) whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. Further, it is ordered, That Paragraph 8 of the HDO is corrected as follows:

8. It is further ordered, That grant of the application of Beckham is subject to the condition that in the event the Commission ultimatedly adopts a rule prohibiting commonly-owned AM and FM stations in the same market, Beckham will divest itself of either KADS or the FM in accordance with the guidelines established in such rulemaking proceeding.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-28062 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-637; File No. BPH-800118AJ, et al.]

High Sierra Broadcasting, Inc. et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of High Sierra Broadcasting, Inc., Tahoe City, California, Req: 96.5 MHz, Channel 243, 1.9 kW (H&V), 2555 feet, (BC Docket No. 81-637, File No. BPH-800118AJ); John M. Simpson, Mary Carmen Simpson and Laura E. Simpson, d.b.a. Cascade Communications Co., Tahoe City, California, Req: 96.5 MHz, Channel 243, 1.0 kW (H&V), 2870 feet, (BC Docket No. 81-638, File No. BPH-800731AC); Tahoe City Wireless, Limited, Tahoe City, California, Req: 96.5 MHz, Channel 243, 1.376 kW (H&V), 2107 feet, (BC Docket No. 81-639, File No. BPH-800829AD); Minority Broadcasters of Tahoe, Inc., Tahoe, City, California, Req: 96.5 MHz, Channel 243, 1.8 kW (H&V), 2181 feet, (BC Docket No. 81-640, File No. BPH-800829AI); R. D. Russell, L. R. Grady, J. A. Schmitt, N. W. Hughes, and B. S. Hughes d.b.a. North Tahoe Broadcasting Co., Tahoe City, California, Req: 96.5 MHz, Channel 243, 1.8 kW (H&V), 2170 feet, (BC Docket No. 81-641, File No. BPH-800829AM); Donna L. Heinle, John S. Macinnis, Sadako Okino DeCollo, Virginia Hsieh Le Roux, Dorothy Standing Bear Pellerin and Frances Strychaz, d.b.a. The Women's Network, a limited partnership Tahoe City, California, Req: 96.5 MHz, Channel 243, 1.9 kW (H&V), 2155 feet, (BC Docket No. 81-642, File No. BPH-800829AW); Chris W. Kidd, David L. Metts and Geneva H. Heavin, d.b.a. North Shore Broadcasters, Tahoe City, California, Req: 96.5 MHz, Channel 243, 40 kW (H&V), 558.5 feet, (BC Docket No. 81-643, File No. BPH-800829BE); for construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by High Sierra Broadcasting, Inc., John M. Simpson, Mary Carmen Simpson and Laura E. Simpson, d.b.a. Cascade Communications Company (Cascade), Tahoe City Wireless, Ltd. (Wireless), Minority Broadcasters of Tahoe, Inc. (Minority) R. D. Russell, L.R. Grady, J. A. Schmitt, N. W. Hughes and B. S. Hughes, d.b.a. North Tahoe Broadcasting Company (North Tahoe), Donna L. Heinle, John S. MacInnis, Sadako Okino Delcollo, Virginia Hsieh LeRoux, Dorothy Standing Bear Bellerin, Frances Strychaz, d.b.a. The Women's Network, a Limited Partnership (Women's) and Chris W. Kidd, David L. Metts and Geneva H. Heavin, d.b.a. North Shore Broadcasters (North Shore).

2. *Cascade.* Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. Although Cascade filed the required notice, it appears that the notice as published did not contain the proposed power and antenna height as required by § 73.3580(f)(5) of the Rules. To remedy this deficiency, Cascade will be required to republish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

3. In Exhibit 3 of its original application, as signed by John W. Simpson and dated July 30, 1980, Cascade stated that its principals "have entered into an oral agreement which established Cascade Communications Company, a general partnership" and that its "principals will soon reduce this oral agreement to writing, whereupon the agreement will be submitted to the Commission via amendment." On December 19, 1980, Cascade submitted an unsigned amendment, dated December 17, 1980, that contained an undated and unsigned written Partnership Agreement. On January 16, 1981, Cascade filed the same December 19 amendment, now signed by John W. Simpson, transmitting the same written Partnership Agreement bearing the date July 15, 1980 and signed by Cascade's principals. However, by letter of Cascade's counsel, dated January 22, 1981, it was represented that the written Partnership Agreement was not actually executed until some unspecified date in early January 1981, but that Mr. Simpson reviewed the unsigned written Partnership Agreement and executed the amendment at issue, on December 17, 1980.

4. Inasmuch as Cascade represented in its original application that as of July 30, 1980 its partnership consisted of an oral agreement and had not been reduced to writing, but later submitted a signed written partnership agreement dated July 15, 1980, and then, by counsel, claimed the partnership agreement was not executed until January 1981, it appears that a substantial and material question of fact exists as to whether Cascade has complied with the amendment and certification requirements of §§ 1.65 and 73.3514 of the Commission's Rules. See *Badlands Broadcasting Co.,* 60 FCC 2d 353, 37 RR 2d 1719 (1976), *Post-Newsweek Stations, Florida, Inc.,* 54 FCC 2d 254, 34 RR 2d 676 (1975). Accordingly, appropriate issues will be specified.

5. *Wireless.* On December 19, 1980, Wireless filed, as a minor change, an amendment to change its transmitter site. This amendment was subsequently discovered to be a "major" amendment, as Wireless concedes, which would require our assigning Wireless a new file number that would in effect result in the dismissal of Wireless's application. To avoid this hardship, we will return the amendment, as requested by applicant, thus maintaining Wireless's application in the status it was in prior to the filing of the amendment.

6. Analysis of the financial data submitted by Wireless reveals that $71,805 will be required to construct the proposed station and operate for three months, itemized as follows:

Down payment on equipment (Harris)	$7,440
Down payment on equipment (CWI)	$1,000
Equipment payments (Harris)	$1,915
Equipment payments (CWI)	100
Buildings	1,500
Loan Interest	3,750
Miscellaneous	26,500
Operating costs (3 months)	29,600
Total	71,805

Wireless plans to finance construction and operation with the following funds: $3,500 in cash and prepaid capital expenses and a $100,000 bank loan. Wireless has failed to provide a balance sheet to itemize and substantiate the availability of the cash and prepaid expenses claimed. Moreover, although Wireless, relies upon a commitment letter from the First National Bank of Boulder, Colorado, for the bank loan, the bank's letter fails to specify the collateral security terms, which is significant in view of the fact that all broadcast equipment is being purchased on credit and presumably subject to senior security interests. Finally, although Wireless relies on the credit purchase of $5,000 in broadcast equipment from a commonly-owned broadcast licensee, Centennial Wireless, Inc. (CWI), the applicant has failed to provide a balance sheet for CWI substantiating its ability to make the equipment credit purchase available to Wireless. Since Wireless has failed to demonstrate that any funds are available, a financial issue will be specified.

7. *Minority.* Analysis of the financial data submitted by Minority reveals that $101,812 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment lease down payment	$5,544
Equipment lease payments	11,088
Land	1,000
Building	7,000
Miscellaneous	56,000
Operating costs	31,180
Total	101,812

Minority plans to finance construction and operation with $455 cash on hand and a $130,000 bank loan. However, the bank commitment letter submitted by applicant is by its terms not a firm commitment to advance applicant the funds. Moreover, the letter fails to specify what collateral will be required, if any, for the loan. A financial issue will therefore be specified.

8. *North Tahoe.* Analysis of the financial data submitted by North Tahoe reveals that $143,250 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	[illegible]
Equipment payments with interest	28,325
Land	3,000
Miscellaneous	36,000
Operating costs (3 months	56,325
Total	143,250

North Tahoe plans to finance construction and operation with $2,000 in cash on hand and loan commitments from its principal totalling $100,000. In addition, the balance sheet of J.A. Schmitt shows net current assets of only $9,440 to meet a commitment of $25,000, and a bank credit commitment letter to Mr. Schmitt fails to contain necessary terms of interest, collateral and repayment. Hence, North Tahoe has shown only $86,440 available to meet its financial requirement of $143,250. A financial issue will therefore be specified.

9. North Tahoe apparently overlooked question (7) (a) Section II of FCC Form 301, regarding whether applicant or any party to the application for construction permit is a representative of an alien or foreign government. Applicant shall file an amendment to its application with the Administrative Law Judge responding to question 7.

10. *Women's.* Analysis of the financial data submitted by Women's reveals that $72,326 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$17,875
Equipment payments with interest	3,651
Building	5,500
Miscellaneous costs (3 months)	25,300
Total	72,326

Women's plans to finance construction and operation with capital investments to be made by each of the partners totalling $94,000. The financial commitments to applicant are: John MacInnis—$30,000, Frances Strychaz—$3,000, Donna Heinle—$50,000, Virginia LeRoux—$5,000, Sadako Delcollo—$5,000, and Dorothy Standing Bear Pellerin—$1,000. The financial statements submitted by the partners indicates that only John MacInnis and Frances Strychaz have a sufficient excess of current and liquid assets over current liabilities to meet their respective commitments. Hence, applicant has available only $33,000 to meet its financial requirement commitment of $72,326. Accordingly, a financial issue will be specified.

11. *North Shore.* Analysis of the financial data submitted by North Shore reveals that $35,670 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	[illegible]
Equipment payment	4,300
Miscellaneous	9,000
Operating costs	19,100
Total	35,670

According to an amendment filed December 19, 1980, North Shore plans to finance construction and operation with partnership contributions and equipment leasing from Cal-Auto and Equipment Leasing Company. The financial statements submitted by the partners do not segregate current and long term liabilities, and thus fail to show any net current and liquid assets to meet costs. Moreover, no documentation of the availability of the equipment lease financing has been provided. Hence, applicant has shown no funds available, and a financial issue will be specified.

12. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that North Shore published the required notice. To remedy this deficiency, North Shore will be required to publish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

13. *Other Matters.* In its engineering statement, Cascade states that its proposed transmitter site is in the state of Nevada. Nevada is located within Zone II, where the Commission's Rules permit operation by Class A and Class C stations only. Therefore, Cascade requests a waiver of §§ 73.206 and 73.207 of the Rules to permit it to locate its transmitter in Zone II while maintaining maximum Class B facilities. In support of its waiver request, Cascade states that the proposed site would provide unobstructed line-of-site propagation into Tahoe City, and that if it is allowed to maintain Class B facilities, it would satisfy all the mileage separation requirements. Additionally, the site is accessible year round, provides wide area coverage, and would not involve adverse aeronautical or environmental impact.[1] Applicant states it has not been able to locate a suitable site within Zone IA, where Tahoe City is situated.

14. Commission policy permits a Class B station to locate its antenna transmitter site in a Class A and C Zone, conditioned on the station maintaining Class B facilities. This would avoid substandard mileage separations and

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[1] Cascade's engineering exhibit indicates that as a Class C operation, applicant would be shortspaced with 2 stations.

V 46 SE 28 81 UMI

would afford applicant and other FM stations similarly situated the latitude which is often needed when it becomes necessary to relocate the antenna transmitter site. Of equal importance, such a procedure does not compromise our FM allocation scheme. However, the applicant must accept a grant of its application with a condition that it will maintain facilities not in excess of those permitted Class B Stations. Accordingly, Cascade's waiver request will be granted, subject to that condition.

15. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

16. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Cascade:

(a) whether the original application and January 16, 1981 amendment to the application were properly certified and executed by a principal as required by law; and

(b) whether, Cascade attempted to mislead the Commission or was lacking in candor with respect to preparation and execution of its application and the January 16, 1981 amendment thereto, and the certifications contained therein; and

(c) whether, in light of the evidence adduced pursuant to (a) and (b) above, Cascade should be disqualified or a comparative demerit assessed.

2. To determine with respect to Wireless:

(a) the source and availability of funds to meet the costs of construction and operation for three months; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine with respect to Minority:

(a) the source and availability of additional funds over and above the $455 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

4. To determine with respect to North Tahoe:

(a) The source and availability of additional funds over and above the $86,440 indicated;

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

5. To determine with respect to Women's:

(a) The source and availability of additional funds over and above the $33,000 indicated;

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

6. To determine with respect to North Shore:

(a) The source and availability of additional funds to meet the costs of construction and operation for three months; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

7. To determine which of the proposals would, on a comparative basis, better serve the public interest.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

17. It is further ordered, That §§ 73.206 and 73.207 of the Commission's Rules ARE WAIVED to permit John M. Simpson, Mary Carmen Simpson and Laura E. Simpson, d/b/a Cascade Communications Company, to locate its antenna transmitter site in Zone II, conditioned on maintaining facilities not in excess of those equivalent to maximum Class B facilities, in event of a grant of its application.

18. It is further ordered, That the December 19, 1980 amendment filed by Wireless is returned as unacceptable for filing.

19. It is further ordered, That Cascade republish local notice of its application and file a statement of publication with the presiding Administrative Law Judge.

20. It is further ordered, That North Tahoe shall file an amendment to its application with the presiding Administrative Law Judge responding to Question 7(a), Section II of FCC Form 301.

21. It is further ordered, That North Shore republish local notice of its application and file a statement of publication with the presiding Administrative Law Judge.

22. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

23. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-28083 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1310]

Petitions for Reconsideration of Actions in Rule Making Proceedings

September 22, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the Federal Register. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Request to establish local origination requirements for Cable Television Systems. (RM-3430)

Filed by: Earle K. Moore, Michael Botein & David M. Rice, Attorneys for Office of Communication of the United Church of Christ & Consumer Federation of America on 9-14-81.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-28084 Filed 9-25-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

William J. Tricarico,

Secretary, Federal Communications Commission.

Special Committee No. 79-"Universal Marine Radiotelephone Compatibility," Notice of 2nd Meeting Wednesday, October 14, 1981—9:00 a.m., Conference Room A-106, FCC

Annex, 1229 20th Street, NW.,
Washington, D.C.

Agenda

1. Administrative matters.

2. Discussion concerning tasks and organization.

3. Report of Working Groups.

T. B. Miller, Chairman SC–79, WJG Telephone Company, P.O. Box 9363, Memphis, TN 38109, Phone: (901) 789–3000

Executive Committee Meeting—Notice of September Meeting Thursday, October 15, 1981—9:00 a.m., Conference Room A–110, 1229 20th Street, NW., Washington, D.C.

Agenda

1. Administrative Matters.

2. Consideration of Special Committee No. 75 Report. (Minimum Performance Standards (MPS)—Automatic Coordinate Conversion Systems)

3. Consideration of Special Committee No. 78 Report. (Federal Radionavigation Plan Review)

4. Consideration of Terms of Reference for new Special Committees:

a. Revision of SC–65 Radar Specifications to be compatible with IMCO Radar Specifications.

b. Minimum Performance Standards (MPS) for Automated Vessel Reporting Systems.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

[FR Doc. 81–28065 Filed 9–25–81; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-REP-6-LA-1]

Louisiana ; Radiological Emergency Preparedness Plans

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plans.

SUMMARY: This is a notice that the State of Louisiana has submitted Radiological Emergency Preparedness Plans to the Federal Emergency Management Agency, Region VI for review and approval. These plans include the Louisiana Peacetime Radiological Response Plan and Attachment II to this plan which is the Peacetime Radiological Response Plan for the Grand Gulf Nuclear Station.

DATE PLANS RECEIVED: September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John De La Garza, Jr., Regional Director, FEMA Region VI, Federal Center, Denton, Texas 76201—(817) 387–5811.

Notice

This provides notice in accordance with 44 CFR Part 350.8 of the FEMA Proposed Rule, "Review and Approval of State and Local Radiological Emergency Plans and Preparedness", 44 FR 42341, that the Federal Emergency Management Agency, Region VI Office, received on September 3, 1981 from the State of Louisiana, Radiological Emergency Preparedness Plans for the State of Louisiana.

These plans include the State of Louisiana Peacetime Radiological Response Plan which is Annex J, Appendix 7 to The Louisiana Preparedness Plan for Emergency Operations and Attachment 2, Grand Gulf Nuclear Station Peacetime Radiological Response Plan, Revision 3, dated September 1981. Copies of these plans are available for review and copying at the FEMA Region VI Office.

Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests. This schedule which covers exemptions from the fee, is set forth in subpart C of 44 CFR Part 5. Reproduction fees are $0.10 a page for this document. There are 301 pages in the documents, excluding implementing procedures. (As the cost will be over $25.00, the fee is to be paid in advance.)

Comments regarding the plans may be submitted in writing to Mr. John De La Garza, Jr., Regional Director, at the above address within thirty days.

FEMA Proposed Regulation 44 CFR 350.10 calls for a public meeting in advance of FEMA approval. A Public Meeting will be conducted in Tensas Parish prior to FEMA approval of the plan.

John De La Garza, Jr.,
Regional Director.

September 14, 1981.

[FR Doc. 81–28013 Filed 9–25–81; 8:45 am]

BILLING CODE 6718–01–M

GENERAL SERVICES ADMINISTRATION

[E-81-17]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Alabama Public Service Commission involving electric rates, Docket No. 18117.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Alabama Public Service Commission involving the application of the Alabama Power Company for an increase in its electric rates in Docket No. 18117.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: September 18, 1981.

Ray Kline,
Deputy Administrator of General Services.

[FR Doc. 81–28052 Filed 9–25–81; 8:45 am]

BILLING CODE 6820–AM–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Work Group on Reye Syndrome; Open Meeting

On October 14, 1981, the Centers for Disease Control will convene a work group to review and evaluate epidemiologic studies from Arizona

State Health Department, Ohio State Health Department and Michigan State Health Department which suggest an association between salicylates and Reye syndrome. The meeting is open to the public, limited only by space availability. Time will be set aside for public comment.

The meeting is scheduled to begin at 9:00 a.m., in Room 143, Building 3, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia.

For further information, please contact: Diane L. Rowley, M.D., or Eugene S. Hurwitz, M.D., Viral Diseases Division, Center for Infectious Diseases, Centers for Disease Control, (3-SSB-20), 1600 Clifton Road, NE., Atlanta, Georgia 30333, Telephone: FTS: 236-3029 or 236-3491, Commercial: 404/329-3029 or 329-3491.

Dated: September 22, 1981.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

[FR Doc. 81-28051 Filed 9-25-81; 8:45 am]

BILLING CODE 4110-86-M

Health Resources Administration

Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1981:

Name: National Advisory Council on Health Professions Education

Date and Time: November 16-17, 1981, 8:30 a.m.-5:30 p.m.

Place: Conference Room 50-51, HHS North Building, 330 Independence Avenue, SW., Washington, D.C. 20201. Open for entire meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The meeting will cover: welcome and opening remarks; report of the Acting Administrator; budget update; legislative update; criteria for selection of ad hoc reviewers; national board scores; institutional commitment; basic education opportunity grants; and the AHPA Position Paper—Pharmacy.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact MR. CLYDE COUCHMAN, Acting Executive Secretary, National Advisory Council on Health Professions Education, Bureau of Health Professions, Health Resources Administration, Room 4-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6564.

Agenda items are subject to change as priorities dictate.

Dated: September 22, 1981.

Jackie E. Nylen,

Advisory Committee Management Officer, HRA.

[FR Doc. 81-28019 Filed 9-25-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-81-657]

Office of the Regional Administrator for Region VII (Kansas City); Designation of Order of Succession for Acting Regional Administrator

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: Updates the designation of officials who may serve as Acting Regional Administrator for Region VII (Kansas City). This revision is necessary due to the changes in organizational structure resulting from the reorganization of the Department.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Carpenter, Director, Management and Budget Division, Office of Regional Administrator, Kansas City Regional Office, Department of Housing and Urban Development, 1103 Grand Avenue, Kansas City, Missouri 64106, (816) 374-2651. (This is not a toll-free number.)

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Regional Administrator during the absence, disability, or vacancy in the position of the Regional Administrator with all the powers, functions and duties redelegated or assigned to the Regional Administrator: Provided, that no official is authorized to serve as Acting Regional Administrator unless all preceding officials listed before him/her in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Director, Office of Regional Administration.
4. Director, Office of Regional Housing.

This delegation supersedes the designation effective March 30, 1979, (44 FR, 19042, March 30, 1979).

Authority: Delegation of Authority, 27 F.R. 4319 (1962); Section 9(c), Department of Housing and Urban Development Act, 42 U.S.C. 3531 note; and Interim Order II, 31 F.R. 815 (1966).

Harry I. Sharrott,

Acting Regional Administrator, Region VII, Kansas City.

[FR Doc. 81-28012 Filed 9-25-81; 8:45 am]

BILLING CODE 4210-01-M

[Released Rates Application No. MC-1522]

United Van Lines, Inc.; Released Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. MC-1522.

SUMMARY: United Van Lines, Inc., seeks authority to publish released rates on equipment, materials, and supplies used in the manufacture, repair, and installation of electronic equipment and "Third Provisio" household goods as defined by the Comission at 49 CFR 1056.1(a)(3), between points in the United States (except Alaska and Hawaii), when each article is released to a declared value of $5.00 per pound.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, Tel. (314) 727-0777.

FOR FURTHER INFORMATION CONTACT: Mr. Howard J. Rooney, Bureau of Traffic, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, DC 20423, Tel. (202) 275-7390.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730 and 11707 of the Interstate Commerce Act.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28037 Filed 9-25-81; 8:45 am]

BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an applications must follow the rules under

49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Finding

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPI-267

Decided: September 21, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF-31 (Sub-4), filed September 9, 1981. Applicant: RISS INTERMODAL CORPORATION II, a California corporation, 215 W. Pershing Rd., P.O. Box 100, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant), (816) 471-3400. As a *freight forwarder,* in connection with the transportation of *general commodities* (except classes A and B explosives), between points in the U.S.

MC 311 (Sub-3), filed September 8, 1981. Applicant: BURREN TRANSFER COMPANY, Second and Berkley St., Elgin, IL 60120. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *general commodities* (except classes A and B explosives), between points in WI, Lake and Porter Counties, IN, Clinton, Des Moines, Dubuque, Muscatine, and Scott Counties, IA, and those points in IL on and north of U.S. Hwy 36.

MC 381 (Sub-29), filed September 10, 1981. Applicant: GENOVA EXPRESS LINES, INC., P.O. Box 136, Williamstown, NJ 08094. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *metal products, and chemicals and related products,* between the facilities used by St. Joe Minerals Corporation, its subsidiaries, divisions, distributors, and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 17051 (Sub-22), filed August 27, 1981. Applicant: BARNET'S EXPRESS, INC., 758 Lidgerwood Ave., Elizabeth, NJ 07202. Representative: Carl S. Di Piazza (same address as applicant), (201) 355-0429. Transporting *wearing apparel* between points in AL, AR, KY, MS, TN, on the one hand, and, on the other, Memphis and Jackson, TN, and points in NJ and DE.

MC 97841 (Sub-25), filed September 8, 1981. Applicant: GENERAL HIGHWAY EXPRESS, INC., 2280 Industrial Drive, P.O. Box 727, Sidney, OH 45365. Representative: Jack R. Wells (same address as applicant), (513)-492-1256. Transporting *general commodities* (except classes A and B explosives), between points in Shelby County, OH, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the authority sought here with its existing authority in Docket No. MC-97841 Sub 20 which authorizes service in Ohio, Illinois, Indiana, Kentucky, Michigan, Pennsylvania and West Virginia.

MC 113861 (Sub-86), filed September 8, 1981. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, TN 38106. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103, (901) 525-6781. Transporting *petroleum, natural gas and their products,* between points in Greene County, AR, on the one hand, and, on the other, points in MO and TN. Condition: To the extent that this certificate authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from date of issuance.

MC 124411 (Sub-23), filed September 8, 1981. Applicant: SULLY TRANSPORT, INC., P.O. Box 185, Sully, IA 50251. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243-6164. Transporting *chemicals and related products,* between points in IA and NE. Condition: To the extent that this certificate authorizes the transportation of classes A and B explosives, it shall expire 5 years from date of issuance.

MC 133841 (Sub-29), filed September 8, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *machinery,* between the facilities used by W. A. Kraft Corp., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 135231 (Sub-64), filed September 8, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting (1) *metal products;* (2) *paper and paper products;* and (3) *machinery,* between points in St. Croix and Portage Counties, WI, Howard, Fayette and Poweshiek Counties, IA, Adams and Lee Counties, IL, Livingston and Adair Counties, MO, Waseca and Dakota Counties, MN, Clinton County, IN, and Jessamine County, KY, on the one hand, and, on the other, points in the U.S.

MC 145240 (Sub-12), filed September 8, 1981. Applicant: L. D. BRINKMAN TRUCKING CORP., 520 N. Wildwood, Irving, TX 75060. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341 Transporting *paper and paper products,* between points in the U.S., under continuing contract(s) with New Orleans Recycled Fiber, of Jefferson, LA.

MC 146041 (Sub-9), filed September 9, 1981. Applicant: CAL–TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., N.W., Washington, DC 20005, (202) 347–9332. Transporting *printed matter;* between points in Cobb, De Kalb, Fulton, Fayette, Douglas, and Clayton Counties, GA, on the one hand, and, on the other, points in the U.S.

MC 152150 (Sub-1), filed September 9, 1981. Applicant: KIRK TRUCKING, INC., 3584 Bellwood Cove, Memphis, TN 38128. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103 (901) 526–4114. Transporting *metal products, and ores and minerals,* between points in Fayette and Shelby Counties, TN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 154121 (Sub-15), filed September 11, 1981. Applicant: TRAILINER CORP., 5367 West 86th St., Indianapolis, IN 46268. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Lily Tulip, Inc., its subsidiaries, divisions, and vendors, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 156800 (Sub-3), filed September 8, 1981. Applicant: SEABOARD EXPRESS, INC., 565 Plank Rd., Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (717) 344–8030. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with StanChem, Incorporated, of East Berlin, CT, and Napco, Inc., of Terryville, CT.

MC 157621, filed September 9, 1981. Applicant: D & M EXPRESS, INC., 1665 East Market St., Akron, OH 44305. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215 (614) 224–3161. Transporting *clay, concrete, glass or stone products, metal products, ores and minerals, food and related products, chemicals and related products, and commodities in bulk,* between points in IL, IN, KY, MD, MI, NY, OH, PA, and WV.

Volume No. OPY–4–375.

Decided: September 21, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

FF–566, filed September 2, 1981. Applicant: L.A.C.N.Y. FREIGHT AGENTS, INC., 970 E. 3rd St., Los Angeles, CA 90013. Representative: Ronald N. Cobert, 1730 M St., NW, Suite 501, Washington, DC 20036 (202) 296–2900. As a freight forwarder, in connection with the transportation of *general commodities,* between points in the U.S.

MC 37896 (Sub-50), filed September 9, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 918 16th Street, NW., Washington, DC. 20006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dayco Corporation, of Dayton, OH, and the wholly-owned subsidiaries of Allen Industries, Inc., of Troy, MI, L. E. Carpenter & Company, of Wharton, NJ, Colonial Rubber Works, Inc., of Dyersburg, TN, Electric Hose & Rubber Company, of Ocala, FL, and T.F.E. Industries, of Lexington, NC.

MC 30076 (Sub-1), filed September 11, 1981. Applicant: LUZERNE & CARBON COUNTY MOTOR TRANSIT CO., INC., P.O. Box 208, Broad St., Beaver Meadows, PA 18216. Representative: Bart E. Ecker, 6th Floor, Citizens Bank Bldg., Hazleton, PA 18201 (717) 455–4731. Transporting *passengers and their baggage,* in the same vehicle with passengers, in (1) round-trip and charter operations, and (2) special operations in round-trip, sightseeing and pleasure tours, beginning and ending at points within 25 air miles from Beaver Meadows, Carbon County, PA, and extending to points in the U.S., on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 75866 (Sub-5), filed September 8, 1981. Applicant: GOLDEN STRIP TRANSFER, INC., P.O. Box 458, Simpsonville, SC 29681. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606 (803) 288–6000. Transporting *general commodities* (except classes A and B explosives), between the facilities of Laurens Glass Co., at points in GA, NC, SC, VA, and those in TN on and east of U.S. Hwy 27, on the one hand, and, on the other points in GA, NC, SC, VA, and those in TN on and east of U.S. Hwy 27.

MC 105146 (Sub-6), filed September 8, 1981. Applicant: COORDINATED TRANSPORTATION COMPANY, P.O. Box Drawer 38385, Dallas, TX 75238. Representative: Richard H. Streeter, 1729 H Street, NW., Washington, DC 20006 (202) 337–6500. Transporting *general commodities* (except classes A and B explosives), (1) between New Franklin, MO, and Parsons, KS, serving all intermediate points: From New Franklin over Missouri Highway 5 to junction U.S. Highway 40, then over U.S. Highway 40 via Boonville, MO, to junction unnumbered highways, then over unnumbered highway via Pilot Grove, Pleasant Green, Clifton City, and Beamon, MO, to junction U.S. Highway 50, then over U.S. Highway 50 to junction U.S. Highway 65, then over U.S. Highway 65 to junction unnumbered highway, then over unnumbered highways via Camp Branch, MO, to junction Missouri Highway 127, then over Missouri Highway 127 to junction Missouri Highway 52, then over Missouri Highway 52 to Appleton City, MO, (also from junction Missouri Highway 52 and unnumbered highway over unnumbered highway to La Due, MO, and return), then over unnumbered highways via Rockville, Schell City, Harwood, and Walker, MO, to junction U.S. Highway 54, then over U.S. Highway 54 to Eldorado Springs, MO, then return over U.S. Highway 54 to Fort Scott, KS, then over U.S. Highway 69 to junction Kansas Highway 39, then over Kansas Highway 39 to junction Kansas Highway 3, then over Kansas Highway 3 via Hepler, KS, to junction unnumbered highway, then over unnumbered highways via Walnut, KS, to junction Kansas Highway 57, then over Kansas Highway 57 to St. Paul, KS, to junction U.S. Highway 59, and then over U.S. Highway 59 to Parsons, and return over the same route. (2) Between Kansas City, MO, and Parsons, KS, serving all intermediate points: (a) From Kansas City over U.S. Highway 50 to Olathe, KS, then over U.S. Highway 169 to Paola, KS, then over U.S. Highway 169 to junction Kansas Highway 7, then over Kansas Highway 7 to Beagle, KS, then over unnumbered highways via Parker, Goodrich, Findlay, Centerville, and Selma, KS, to junction Kansas Highway 52, then over Kansas Highway 52 to junction U.S. Highway 59, then over U.S. Highway 59 to Moran, KS, then over U.S. Highway 59 to junction unnumbered highway, then over unnumbered highways via Kimball, KS, to junction U.S. Highway 59, then over U.S. Highway 59 to Parsons, and (b) return from Parsons over U.S. Highway 59 to junction unnumbered highway via Shaw, KS, to junction U.S. Highway 169, then over U.S. Highway 169 to junction U.S. Highway 59, then over U.S. Highway 59 to junction U.S. Highway 54, then over U.S. Highway 54 to Moran, KS, and then over the same route in (a) above, to Kansas City. (3) Between Parsons, KS, and Chanute, KS, serving all intermediate points: From Parsons over U.S. Highway 59 to junction Kansas Highway 39, then over Kansas Highway 39 to Chanute, and return over the same route. (4) Between Parsons, KS, and Joplin, MO, serving all intermediate points; From Parsons over U.S. Highway 160 to junction unnumbered highway, then over unnumbered highway via Sherman City, and West Mineral, KS, to junction Kansas Highway 7, then over Kansas Highway 7 to Columbus, KS, then over Kansas Highway 96 to junction Kansas Highway 26, then over Kansas Highway 26 to Galena, KS, and then over U.S. Highway 66 to Joplin, and return over the same route. (5) Between Parsons, KS, and Muskogee, OK, serving all intermediate points: From Parsons over U.S. Highway 59 to junction Oklahoma Highway 2 (also to Labette over unnumbered highway and return to junction Oklahoma Highway 2), then over Oklahoma Highway 2 to Vinita, OK, (also from junction Oklahoma Highway 2 and unnumbered highway over unnumbered highways to Blue Jacket, OK, and return), and then over U.S. Highway 69 to Muskogee, and return over the same route. (6) Between Muskogee, OK, and Denison, TX, serving all intermediate points: From Muskogee over U.S. Highway 69 to Denison, and return over the same route. (7) Between Muskogee, OK, and Oklahoma City, OK, serving all intermediate points: From Muskogee over U.S. Highway 69 to junction Oklahoma Highway 51B, then over Oklahoma Highway 51B via Tullahassee, Porter, and Redbird, OK, to junction Oklahoma Highway 72, then over Oklahoma Highway 72 to Corveta, OK, then over Oklahoma Highway 51 to junction U.S. Highway 64, then over U.S. Highway 64 via Tulsa and Sand Springs, OK, to junction Oklahoma Highway 99, then over Oklahoma Highway 99 to junction Oklahoma Highway 51 then over Oklahoma Highway 51 to junction Oklahoma Highway 18, then over Oklahoma Highway 18 to junction Oklahoma Highway 105, then over Oklahoma Highway 105 via Tryon to junction U.S. Highway 177, then over U.S. Highway 177 via Carney, OK, to junction U.S. Highway 66, (also from junction U.S. Highway 66 and unnumbered highway over unnumbered highways to Fallis, OK, and return), then over U.S. Highway 66 to junction U.S. Highway 77, then over U.S. Highway 77 to junction unnumbered highway, and then over unnumbered highways via Witcher and Owanda, OK, to Oklahoma City, and return over the same route. (8) Between Parsons, KS, and Oklahoma City, OK, serving all intermediate points: From Parsons over U.S. Highway 59 to junction Kansas Highway 96, then over Kansas Highway 96 to Mound Valley, KS, then over Kansas Highway 96 to junction unnumberd highway, then over unnumbered highways via Angola, KS, to junction U.S. Highway 166, then over U.S. Highway 166 to Coffeyville, KS, then over U.S. Highway 169 to junction unnumbered highway near South Coffeyville, OK, then over unnumbered highways via Wann, OK, to junction U.S. Highway 75, then over U.S. Highway 75 to Bartlesville, OK, then over U.S. Highway 60 to junction unnumbered highway north of Okesa, OK, then over unnumbered highways via Okesa and Nelagoney, OK, to junction Oklahoma Highway 11, then over Oklahoma Highway 11 to junction Oklahoma Highway 99, then over Oklahoma Highway 99 to junction unnumbered highway north of Osage, OK, and then over the route described immediately above, to Oklahoma City, and return over the same route.

(9) Between Wichita Falls, TX, and Foran, OK, serving all intermediate points: From Wichita Falls over U.S. Highway 277 to junction Oklahoma Highway 36, then over Oklahoma Highway 35 to junction U.S. Highway 70, then over U.S. Highway 70 to Grandfield, OK, then over Oklahoma Highway 36 to junction unnumbered highway south of Tillman, OK, then over unnumbered highways via Loveland and Hollister, OK, to junction U.S. Highway 183, then over U.S. Highway 183 to Frederick, OK, then over Oklahoma Highway 5 to junction unnumbered highway west of Ripcon, OK, then over unnumbered highways via Humphreys, OK, to junction U.S. Highway 62, then over U.S. Highway 62 to Altus, OK, then over U.S. Highway 283 to junction unnumbered highway east of Martha, OK, then over unnumbered highways via Martha and Hester, OK, to junction U.S. Highway 283, then over U.S. Highway 283 to Mangum, OK, then over Oklahoma Highway 34 to junction U.S. Highway 34 and unnumbered highway over unnumbered highways to Brinkman, OK, and return), then over U.S. Highway 270 to junction U.S. Highway 283, then over U.S. Highway 283 to junction U.S. Highway 64, and then over U.S. Highway 64 to Forgan, and return over the same route. (10) Between Coffeyville, KS, and Chetopa, KS, serving all intermediate points: From Coffeyville over U.S. Highway 166 to Chetopa, and return over the same route. (11) Between Dallas, TX, and Wichita Falls, TX, serving all intermediate points: From Dallas over U.S. Highway 77 via Farmers Branch, Carrollton, Lewisville, Lake Dallas and Denton, TX, to Gainesville, TX, then over U.S. Highway 82 via Lindsay, Myra, Muenster, Saint Jo, Bonita, Nocona, Belcherville, Ringgold, Henrietta, and Jolly, TX, to Wichita Falls, and return over the same route. (12) Between Denison, TX, and Wichita Falls, TX, serving all intermediate points: From Denison over U.S. Highway 75 to Sherman, TX, (also side trip to Pottsboro, TX, over county road and return), then over U.S. Highway 82 via Whitesboro, TX, to Gainesville, TX, then as specified above to Wichita Falls, and return over the same route. (13) Between Fort Worth, TX, and Wichita Falls, TX, serving all intermediate points: From Fort Worth over U.S. Highway 377 via Keller, Roanoke and Argyle, TX, to Denton, TX, then over Texas Highway 10 via Aubrey, Pilot Point, Tioga and Collinsville, TX, to Whitesboro, TX, then over U.S. Highway 82 to Gainesville, TX, then as specified above to Wichita Falls, and return over the same route. (14) Between Dallas, TX, and Denison, TX, serving all intermediate points: From Dallas over U.S. Highway 67 via Garland, Rowlett, Rockwall, Fate, Royse City, and Caddo Mills, TX, to Greenville, TX, then over U.S. Highway 69 via Peniel, Kingston, Celeste, Leonard, Trenton, and Whitewright, TX, to Bells, TX, then over U.S. Highway 82 to Sherman, TX, then over U.S. Highway 75 to Denison, and then return from Denison over U.S. Highway 69 to Bells, and then over the same route to Dallas. (15) Between Greenville, TX, and Mineola, TX, serving all intermediate points: From Greenville over U.S. Highway 69 to via Lone Oak, Point, Emory, Alba, and Golden, TX, to Mineola, and return over the same route. (16) Between Dallas, TX, and Waco, TX, serving all intermediate points: From Dallas over U.S. Highway 77 to Waxahachie, TX, (also side trip to Lancaster and Red Oak, TX, over Texas Highway 342 and return), and then over U.S. Highway 77 via Forreston, Italy and Milford, TX, to Hillsboro, TX, then over combined U.S. Highways 77 and 81 via Abbott, West, and Elm Mott, TX, to Waco, and return over the same route. (17) Between Fort Worth, TX, and Waco, TX, serving all intermediate points: From Fort Worth over U.S. Highway 81 via Burleson, Alvardo, Grandview, and Itasca, TX, to Hillsboro, TX, (also side trip to Whitney, TX, over Texas Highway 22 and return), then over combined U.S. Highways 77 and 81 via Abbott, West, and Elm Mott, TX, to Waco, (also side trip to Acquille, TX,

over county road and return), and return over the same route. (18) Between Waco, TX, and Rotan, TX, serving all intermediate points: From Waco over Texas Highway 6 to junction Texas Highway 22, then over Texas Highway 6 to Hico, TX, (also side trip to Morgan and Walnut Springs, TX, over Farm road 353, and Texas Highways 144 and 174 and return), (also over Texas Highway 22 from junction Texas Highway 6 to Meridian, TX, then over Texas Highway 144 to Glen Rose, TX, with side trip to Morgan, TX, over county road, and return, then over U.S. Highway 67 through Chalk Mountain, TX, to junction Texas Highway 220, with side trip from junction Texas Highway 220 over country road to Iredell, TX, and return, then over Texas Highway 220 to Hico, TX), then over Texas Highway 6 via Clairette, Dublin, De Leon, Rucker, Gorman, and Carbon, TX, to Eastland, TX, then over U.S. Highway 80 to Cisco, TX, then over U.S. Highway 283 via Moran and Sedwick, TX, to Albany, TX, then over U.S. Highway 380 via Leuders and Avoca, TX, to Stamford, TX, then over Texas Highway 92 via Hamlin, TX, to Rotan, and return over the same route. (19) Between Waco, TX, and Smithville, TX, serving all intermediate points: From Waco over U.S. Highway 81 via Hewitt, Lorena, Bruceville, Eddy and Troy, TX, to Temple, TX, then over Texas Highway 95 to Little River, TX, (also side trip to Belton, TX, over U.S. Highway 81 and Farm Road 436 and return), then over Texas Highway 95 via Little River, Holland, Bartlett, Granger, Taylor, Coupland and Elgin, TX, to Bastrop, TX, then over Texas Highway 71 to Smithville, and return over the same route. (20) Between San Antonio, TX, and Smithville, TX, serving all intermediate points: From San Antonio over U.S. Highway 81 via New Braunfels, TX, to San Marcos, TX, then over combined Texas Highways 21 and 80 to a point just east of San Marcos, TX, then over Texas Highway 80 to junction county road and Farm Road 964 near Fentress, TX, then over Texas Highway 80 to junction Texas Highway 142, then over Texas Highway 142 via Reedville and Maxwell, TX, to Lockhart, TX, (also over county road and Farm Road 964 from junction Texas Highway 80 near Fentress, TX, to Lockhart, TX, with side trip over Texas Highway 142 to Maxwell, TX, and return), then over Texas Highway 20 via Red Rock, TX, to junction U.S. Highway 290, then over U.S. Highway 290 to Bastrop, TX, then over Texas Highway 71 to Smithville, (also side trip to Bosanky, TX, over Farm Road 535 and return), and return over the same route. (21) Between Austin, TX, and Bastrop, TX, serving all intermediate points: From Austin over U.S. Highway 81 to Georgetown, TX, with side trip to Pflugerville, TX, over county road and return, then over Texas Highway 104 to junction Texas Highway 104 to junction Texas 95, with side trip to Weir, TX, over county road and return, then over Texas Highway 95 through Taylor, TX, to junction Farm Road 973 at a point about seven miles south of Taylor, TX, then over Texas Highway 95 via Coupland, TX, to junction county road at a point about six-tenths of a mile south of Couplan, TX, (also over Farm Road 973 from junction Texas Highway 95 to Rice Crossing, TX, then over county road to junction Texas Highway 95 at a point about six-tenths of a mile south of Coupland, TX), then over Texas Highway 95 to Bastrop, and return from Bastrop over U.S. Highway 290 to Austin. (22) Between Smithville, TX, and Houston, TX, serving all intermediate points: From Smithville over U.S. Highway 71 via West Point and Plum, TX, to LaGrange, TX, then over combined Texas Highways 159 and 237 to a point northeast of LaGrange, TX, then over Texas Highway 159 via Fayetteville, TX, to junction Texas Highway 109, then over Texas Highway 109 to New Ulm, TX, then over county road via Cat Spring, TX, to Sealy, TX, (also from junction Texas Highways 109 and 159 over Texas Highway 159 to Belleville, TX, and then over Texas Highway 36 to Sealy, TX, with side trip to New Ulm and Cat Spring, TX, over Texas Highway 109 and county road and return), then over U.S. Highway 90 to Brookshire, TX, (also side trip to San Felipe, TX, over county road and return), then over U.S. Highway 90 via Katy, and Barker, TX, to Houston, and return over the same route. (23) Between Houston, TX, and Galveston, TX, serving all intermediate points: From Houston over U.S. Highway 75 via Webster, League City, Dickinson and LaMarque, TX, to Galveston, (also side trip to Texas City, TX, over combined Texas Highways 146 and 348 and return), and return over the same route. Restriction: The service authorized herein is subject to the following conditions: The service to be performed by Coordinated Transportation Company shall be limited to service which is auxiliary to or supplemental of rail service of Missouri-Kansas-Texas Railroad Company and its subsidiary, Missouri-Kansas-Texas Railroad Company of Texas, both hereinafter called the Railroad. Coordinated Transportation Company shall not serve any point not a station on a rail line of the Railroad.

Note.—Applicant now operates over the above routes. The purpose of this application is to remove "key points" at Galveston, Houston, San Antonio, Austin, Waco, Ft. Worth, Dallas, Wichita Falls, and Denison, TX, Oklahoma City, OK, Parsons, KS, and Kansas City and Franklin, MO, which now prevent it from rendering unrestricted service over the above routes.

MC 119086 (Sub-7), filed September 9, 1981. Applicant: MILLER TRUCKING COMPANY, P.O. Box 316, Taneytown, MD 21787. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., NW., Washington, DC 20036, (202) 785-0048. Transporting *bakery products and bakery machinery,* between points in MD and PA, on the one hand, and, on the other, points in the U.S.

MC 140186 (Sub-47), filed September 10, 1981. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, MT 59801. Representative: David A. Sutherlund, 1150 Connecticut Ave., NW., Suite 400, Washington, DC 20036, (202) 452-6800. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA, and WY, on the one hand, and, on the other, points in the US in and west of OH, IN, IL, MO, AR, and LA.

MC 146666 (Sub-4), filed September 10, 1981. Applicant: EDWARD R. CORCORAN, P.O. Box 1472, Billings, MT 59103. Representative: Edward R. Corcoran (same address as applicant), (406) 245-6065. Transporting (1) *coal and coal products,* and (2) *Mercer commodities,* between points in ND and WY, on the one hand, and, on the other, points in AZ.

MC 154416 (Sub-3), filed September 1, 1981. Applicant: J & S LINES, INC., P.O. Box 184, Mukwonago, WI 53149. Representative: Ronald E. Laitsch, 117 S. Third Street, Watertown, WI 53094. Transporting (1) *abrasives* and (2) *machinery, equipment, supplies and materials used by or useful in the manufacture and distribution of abrasives* between points in the U.S.

MC 157746, filed September 11, 1981. Applicant: ROCKY MOUNTAIN TRUCK AND EQUIPMENT, INC., 6450 Highway 2, Commerce City, CO 80022. Representative: Lawrence V. Bialek, 1600 Carr St. No. 2, Lakewood, CO 80215, (303) 232-4377. Transporting *machinery,* between points in the U.S., under continuing contract(s) with Santa Fe Equipment Co., of Denver, CO.

MC 158116, filed September 8, 1981. Applicant: NORTH CENTRAL SUPPLY, INC., 904 E. St. Andrew, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting (1) *rubber and plastic products,* between points in ND and SD, on the one hand, and, on the other, points in IA, KS, and MO, (2) *metal products,* between Denver, CO, on the one hand, and, on the other, points in Pennington County, SD, (3) *Mercer commodities,* between points in WY, SD, CO, NE, MT, ND, OK, and KS, on the one hand, and, on the other, points in OH, CO, TX, and WY, (4) *such commodities* as are dealt in by a home building center or lumber yard, between points in WA, OR, CA, ID, MT, and WY, on the one hand; and on the other, points in SD, MT, ND, WY, and NE, (5) *lumber and lumber products,* between points in WA, OR, CA, MT, ID, and WY, on the one hand, and, on the other, points in SD, MT, ND, WY, and NE, and (6) *building materials,* between those points in the U.S. in and west of OH, MI, IN, IL, AR, and TX.

MC 158156, filed September 9, 1981. Applicant: L. H. MOORE TRUCKING, INC., 1018 Vance, Toledo, OH 43607. Representative: Lee H. Moore (same address as applicant), (419) 241–8861. Transporting (1) *stone, sand, gravel, topsoil, glass, fertilizer,* and (2) *material, equipment and supplies* used in the construction business, between points in OH and MI, on the one hand, and, on the other, points in IN.

Volume No. OPY–4–376

Decided: September 22, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 118696 (Sub-49), filed September 4, 1981. Applicant: FERREE FURNITURE EXPRESS, INC., 252, Wildwood Rd., Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting (1) *furniture, fixtures, and parts,* between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, (2) (a) *packaging materials,* (b) *wood excelsior and related products,* (c) *plastic and rubber products,* (d) *carpets, rugs, mats, and padding,* between points in the U.S., (3) *powdered metals,* between points in Sumner County, TN, Burnet County, TX, Burlington County, NJ, and Washington County, IN, (4) *appliances and parts,* between points in and south of Nueces, Jim Wells, Duval, and Webb Counties, TX, Greene County, MO, and Berrien County, MI, on the one hand, and on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 143356 (Sub-5), filed September 8, 1981. Applicant: MIRACL MOTOR SERVICES LTD., 1825 N. California Ave., Chicago, IL 60647. Representative: Bernice Phillips, 5527 N. Central Ave., Chicago, IL 60630, (312) 775–3344. Transporting (1) *lumber and wood products,* (2) *furniture and fixtures,* (3) *chemicals and related products,* (4) *rubber and plastic products,* (5) *metal products,* (6) *machinery,* (7) *building materials,* (8) *textile mill products,* and (9) *pulp, paper and related products,* between Chicago, IL, on the one hand, and, on the other, points in IL, IN, OH, MI, WI, IA, and MO.

MC 143666 (Sub-4), filed September 11, 1981. Applicant: NOOKSACK VALLEY TRANSPORT, INC., 1867 E. Pole Rd., Everson, WA 98247. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting (1) *farm machinery, equipment and supplies,* (2) *lumber products and premanufactured truss joists,* (3) *building materials and supplies,* and (4) *prefab metal buildings and metal products, and milking parlor units,* between points in Whatcom County, WA, on the one hand, and, on the other, points in CA, CO, ID, NV, OR, UT, MT, WY, AZ, MO, and WA.

MC 146976 (Sub-8), filed September 11, 1981. Applicant: FOREWAY TRANSPORTATION, INC., 1413 Randall St., P.O. Box 301, Coopersville, MI 49404. Representative: D. Richard Black, Jr., 7610 Cottonwood Dr., P.O. Box 294, Jenison, MI 49428, (616) 457–9290. Transporting *general commodities* (except classes A and B explosives), between points in CT, IA, IL, IN, KY, ME, DE, MA, MD, MI, MN, MO, NC, NH, NJ, NY, OH, PA, RI, TN, VA, VT, WV, WI, GA, SC, AL, and DC.

MC 156696, filed September 14, 1981. Applicant: NUFREIGHT SYSTEMS, 15605 Heron Ave., La Mirada, CA 90638. Representative: Kenneth E. Coor (same address as applicant), (213) 617–0449. Transporting *coal, and anthracite silt refuse,* between points in the U.S., under continuing contract(s) with Palmco Corporation, of Cherry Hill, NJ.

MC 158226, filed September 14, 1981. Applicant: CLEANERS HANGERS COMPANY, 6895 Telegraph Rd., Birmingham, MI 48012. Representative: Jerry B. Sellman, 50 W. Broad, Columbus, OH 43215, (614) 464–4103. Transporting *such commodities* as are dealt in or used by manufacturers of foodstuffs and related products, between Denver, CO, on the one hand, and, on the other, points in TX.

Volume No. OPY–5–157

Decided: September 21, 1981.

By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 114848 (Sub-67), filed August 31, 1981. Applicant: WHARTON TRANSPORT CORPORATION, P.O. Box 13068, Memphis, TN 38113. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting (1) *rock salt, soda ash, corn starch,* and *plastic pellets,* between points in Shelby County, TN, on the one hand, and, on the other, points in TN, AR, AL, GA, IL, KY, LA, MS, MO, NC, SC, TX, and VA; (2) *clay,* between points in Wilkinson County, GA, on the one hand, and, on the other, points in Callaway County, MO, Lowndes County, MS, and Mercer County, NJ, and (3) *Alumina,* between points in Saline County, AR, on the one hand, and, on the other, points in AL, CO, DE, FL, GA, IL, IN, IA, KY, LA, MA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI.

MC 120788 (Sub-4), filed September 3, 1981. Applicant: FULSANG'S MOTOR SERVICE, INC., 7061 South Willow Springs Rd., Countryside, IL 60525. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives), between Minneapolis, MN, points in Ashland, Brown, Marathon and Winnebago Counties, WI, and points in IL, on the one hand, and, on the other, points in IN, IL, IA, KS, KY, MI, MN, MO, NE, OH, TN, and WI.

MC 143059 (Sub-187), filed August 24, 1981. Applicant: MERCER TRANSPORTATION CO., INC., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant) (502) 584–2301. Transporting *general commodities* (except classes A and B explosives), between points in MA, NY, MD, and PA, on the one hand, and, on the other, points in the U.S.

MC 147468 (Sub-3), filed September 3, 1981. Applicant: HAROLD SPIVEY d.b.a. SPIVEY TRUCK LINES, P.O. Box 3146, East Dublin, GA 31021. Representative: Virgil H. Smith, 74 Hwy N, Box 245, Tyrone, GA 30290 (404) 969–1980. Transporting *wire* between points in Telfair County, GA, on the one hand, and, on the other, points in AR, OH, NC, SC, IA, AL, OK, KY, IL, TN, MS, TX, VA, and WI.

MC 151428 (Sub-4), filed August 28, 1981. Applicant: J & H TRUCKING, INC., 12425 Telephone, Chino, CA 91710. Representative: David B. Rosenman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212 (213) 277–2323. Transporting

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food and related products, and *chemicals and related products,* between points in the U.S., under continuing contract(s) with E. T. Horn, Inc., of La Mirada, CA.

MC 157749, filed September 8, 1981. Applicant: ALL AMERICAN TOWING SERVICES, INC., 7950 "C" Street, Millington, TN 38053. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103 (901) 527–2482. Transporting *wrecked or disabled motor vehicles;* and *replacement vehicles* for wrecked or disabled motor vehicles, by use of wrecker equipment only, between points in TN, AL, AR, CT, CO, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, MS, NC, NJ, NY, OH, OK, PA, SC, TX, VA, WI, WV, and DC.

MC 158029, filed September 2, 1981. Applicant: JOHN D. LINDE, d.b.a. JOHN D. LINDE TRUCKING, INC., 370 Hartford Pike, Shrewsbury, MA 01545. Representative: Stephen J. Linde (same address as applicant) (617) 791–2155. Transporting (1) *building materials,* between points in the U.S., (2) *machinery,* between points in Worcester and Middlesex Counties, MA, and Hancock and Brooke Counties, WV, on the one hand, and, on the other, points in the U.S., (3) *buildings, trailers,* and *trailer chassis,* between points in Essex County, MA, on the one hand, and, on the other, points in the U.S., and (4) *metal products,* between points in Bristol, Middlesex, and Worcester Counties, MA, Oneida and Chautauqua Counties, NY, Caldwell County, KY, and Washtenaw County, MI, on the one hand, and, on the other, points in the U.S.

MC 158089, filed September 4, 1981. Applicant: K & B TRANSPORT, INC., 7923 Whitecliff Rd., Egg Harbor, WI 54209. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602 (312) 726–9722. Transporting *building materials,* between points in AR, GA, IL, IN, IA, KY, MO, MI, MN, NE, NC, OH, SC, TN, and WI.

MC 158109, filed September 4, 1981. Applicant: CIRCLE TRAVEL, INC., 123 West Franklin Street, Chapel Hill, NC 27514. Representative: Mary Howes (same address as applicant) (919) 942–4198. To operate as a *broker* at Chapel Hill, NC, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Orange County, NC, and extending to points in the U.S.

MC 158119, filed September 8, 1981. Applicant: ROBERT L. TAYLOR, d.b.a. CIRCLE T TRUCKING, 77 Lake Lee Rd., Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701 (601) 335–3576. Transporting (1) (a) *bicycles, exercisers and tricycles,* and (b) *parts and accessories* for the commodities in (a), between points in the U.S., under continuing contract(s) with Schwinn Bicycle Company, of Chicago, IL, and (2) *metal products,* between points in the U.S., under continuing contract(s) with Hager Hinge Company, of Greenville, MS.

Volume No. OPY–5–158

Decided: September 21, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 120578 (Sub-2), filed August 17, 1981. Applicant: OZARK TRANSFER, INC., P.O. Box 154, DeSoto, MO 63020. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101 (314) 636–9131. Over regular routes, transporting *general commodities* (except classes A and B explosives), between St. Louis, MO, and Big Shawnee, MO, from St. Louis over MO Hwy 21 to Ellington, MO, then over MO Hwy 106 to its junction with Shannon County Route H, then over Shannon County Route H to Big Shawnee and return over the same route, serving all intermediate points and serving points in Jefferson, Washington, Iron, Reynolds, and Shannon Counties, MO as off-route points. Condition: Issuance of a Certificate of Public Convenience and Necessity is subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC 120578 (Sub-No.1).

Note.—The purpose of this application is to convert applicant's Certificate of Registration in MC 120578 (Sub-No. 1) to a Certificate of Public Convenience and Necessity and to extend its operating authority.

MC 124159 (Sub-16), filed September 14, 1981. Applicant: DAGGETT TRUCK LINE, INC., P.O. Box 158, Frazee, MN 56544. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108, 701–237–4223. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of charcoal and charcoal products, between points in the U.S. under continuing contract(s) with Husky Industries, Inc., of Atlanta, GA.

MC 124718 (Sub-2), filed September 14, 1981. Applicant: REISING BROTHERS, INC., 54 Hungry Harbor Rd., Valley Stream, NY 11582. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048–0640, 212–466–0220. Transporting *coal and coal products,* between points in Sussex County, NJ, on the one hand, and, on the other, New York, NY and points in Nassau and Suffolk Counties, NY.

MC 141318 (Sub-12), filed September 14, 1981. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., P.O. Box LTD, Medford, WI 54451. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *building materials,* and *such commodities* as are dealt in or used by manufacturers and distributors of feed, feed ingredients and animal health products, between points in Wood, Clark, Taylor, and Marathon Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 144909 (Sub-8), filed September 14, 1981. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine St., Boston, MA 02119. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, 202–783–3525. Transporting *such commodities* as are dealt in or used by department stores, between points in the U.S. under continuing contract(s) with Sears Roebuck and Co. of Chicago, IL.

MC 145229 (Sub-1), filed September 9, 1981. Applicant: JAMES D. BASOLO & HAROLD W. FULLERTON d.b.a. J & H, 209 Commerce St., Missoula, MT 59806. Representative: Walter Anno (same address as applicant), 406–721–2403. Transporting *beverages and beverage containers,* between Denver, CO, on the one hand, and, on the other, points in MT.

MC 145608 (Sub-6), filed September 3, 1981. Applicant: HENRY JOHNSON, INC., 4902 S. 61st St., Omaha, NE 68117. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *printed matter* between Chicago, IL, on the one hand, and, on the other, points in CA.

MC 147319 (Sub-3), filed September 4, 1981. Applicant: LUCKEY TRUCKING, INC., Rural Route #5, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001–4594 (202) 628–9243. Transporting *steel tubing* between points in La Salle and Livingston Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 147319 (Sub-4), filed September 4, 1981. Applicant: LUCKEY TRUCKING, INC., Rural Route #5, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001 (202) 628–9243. Transporting (1) *fertilizer* and (2) *sand,* between points in La Salle County, IL, on the one hand, and, on the other, points in MI, IN, OH, WI, IA, MN, and IL.

MC 148739, filed September 4, 1981. Applicant: DOORN'S INC., P.O. Box 1083, Mitchell, SD 57301. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101 (605) 335–1777. Transporting *general commodities* (except classes A and B explosives), between points in Davison County, SD, on the one hand, and, on the other, points in the U.S.

MC 148558 (Sub-4), filed September 14, 1981. Applicant: VICTOR SHIMONIS, 11 Reynolds St., Pittston, PA 18640. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517; 717–344–8030 or 717–562–1202. Transporting *food and related products*, between points in IA, on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, OH, PA, RI, and TX.

MC 151158 (Sub-6), filed September 10, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064; 615–790–2510. Transporting *such commodities* as are dealt in or used by wholesale, retail, discount, variety, and department stores, between points in Pulaski County, AR on the one hand, and, on the other, points in the U.S.

MC 151368 (Sub-4), filed September 11, 1981. Applicant: KOCH TRUCK LINE, INC., 619 Iowa, Sabetha, KS 66534. Representative: Eugene W. Hiatt, 207 Cason Bldg., 603 Topeka Blvd., Topeka, KS 66603; 913–232–7263. Transporting *agricultural limestone*, between points in the U.S. under continuing contract(s) with Kerford Limestone Co. of Lincoln, NE.

MC 153478, filed September 9, 1981. Applicant: S & W MOTOR SERVICES, INC., 6128 W. 80th Pl., Burbank, IL 60459. Representative: Donald E. Weishaar, Suite 202, 1301 W. 22nd St., Oak Brook, IL 60521; 312–986–5855. Transporting *such commodities as are dealt in or used by drug, health food, catalog and general department stores*, between points in the U.S. under continuing contract(s) with General Nutrition Corporation of Pittsburgh, PA.

MC 154468 (Sub-1), filed September 9, 1981. Applicant: PRIORITY DISPATCH OF KENTUCKY, INC., 731–B Allendale Dr., P.O. Box 336, Lexington, KY 40584. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602; 502–227–2254. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with United Pool Distribution, Inc., of Columbus, OH.

MC 154768 (Sub-2), filed September 9, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 N.W. 108th, Suite B, Des Moines, IA 50322. Representative: Harold W. Sternberg (same address as applicant) 515–278–5864. Transporting *automobile and truck parts, supplies and accessories*, between points in the U.S. under continuing contract(s) with Maremont Marketing, Inc., of Nashville, TN.

MC 157298, filed September 10, 1981. Applicant: LYON INDUSTRIES, INC., 21 Orchard Pl., East Hanover, NJ 07936. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934; 201–435–7140. Transporting *metal products*, between points in the U.S. under continuing contract(s) with Shaffer Steel Corp., of Parsippany, NJ.

MC 158149, filed September 9, 1981. Applicant: MARVIN SACKETT AND WAYNE SACKETT d.b.a. MARVIN SACKETT, R.R. #3 Box 77, Highland, IL 62249. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701; 217–544–5468. Transporting *paper and related products*, between points in the U.S. under continuing contract(s) with Bermingham & Prosser Company, a Division of Mead Corporation of St. Louis, MO.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–28035 Filed 9–25–81; 8:45 am]

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[Volume No. OPY–5–159]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

September 21, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Finding

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

James H. Bayne,

Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquires to the Ombudsman's Office, (202) 275–7326.

MC 157399 (Sub-1), filed September 4, 1981. Applicant: CLAYTON W. & WAVERLY HARRIS, Box 125, Browning, MO 64630. Representative: Clayton W. Harris (same address as applicant) (816) 946-4533. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agriculutral limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158148, filed September 11, 1981. Applicant: REFERRED SERVICES, INC., 1103 Miller Lane, Buffalo Grove, IL 60090. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. West, Bradenton, FL 33507; 813-758-4153. Transporting *shipments weighting 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

[FR Doc. 81-2803 Filed 9-25-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-156

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, room 501, Boston, MA 02114.

MC 124718 (Sub-1-1TA), filed September 11, 1981. Applicant: REISING BROTHER, INC., 54 Hungry Harbor Road, P.O. Box 5, Valley Stream, NY 11582. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048-0640. *Coal in bags* from Sussex County, NJ to New York, NY and points in Nassau and Suffolk Counties, NY. Supporting shipper: Limestone Products Corporation, P.O. Box 490, Newton, NJ 07860.

MC 100318 (Sub-1-2TA), filed September 9, 1981. Applicant: JAMES F. MOLLENHAUER, d.b.a. CITY TRANSPORT COMPANY, P.O. Box 1331, Cherry Hill, NJ 08034. Representative: Ronald Ervais, 1315 Walnut Street, Suite 1329, Philadelphia, PA 19107. *General commodities (except hazardous waste)* between points in the Counties of Philadelphia and Montgomery, PA to CT and vice versa for McNeill Consumer Products Company. Applicant intends to tack to present Docket. Supporting shipper: McNeill Consumer Products Co., Camp Hill Road, Fort Washington, PA 19034.

MC 144305 (Sub-1-4TA), filed September 11, 1981. Applicant: McCAIN TRANSPORT, INC., 5 Wade Road, Washburn, ME 04786. Representative: John C. Lighbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Beer and wine* from Merrimac, NH, Newark, NJ, Baltimore, MD, Brooklyn, NY and Williamsburg, VA to Caribou, ME. Supporting shipper: Solomon Distributors, Inc., 59 York Street, Caribou, ME 04736.

MC 133863 (Sub-1-1TA), filed September 9, 1981. Applicant: FRANK MURPHY CONTRACT CARRIER, INC., 730 Richmond Terrace, Staten Island, NY 10301. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *General commodities, exept Classes A and B explosives, hazardous waste, and household goods, having a prior or subsequent movement by water* between the Commercial Zone of New York, NY, on the one hand, and, on the other, Baltimore, MD, Allentown, Bethlehem, Easton, and Philadelphia, PA, and points in NJ. Supporting shipper(s): Associated Container Transportation, 1 World Trade Center, New York, NY 10048; Dart Containerline Ltd., 5 World Trade Center, New York, NY 10048.

MC 158133 (Sub-1-1TA), filed September 9, 1981. Applicant: CONTRACT TRANSPORTATION SERVICE, INC., 1711 South 2nd Street, Piscataway, NJ 08854. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Building materials and supplies,* except in bulk between Gloucester and Plainfield, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with Vanguard Vinyl Siding, Inc., Manville, NJ. Supporting shipper: Vanguard Vinyl Siding, Inc., Box 69, Manville, NJ 08835.

MC 156800 (Sub-1-3TA), filed September 8, 1981. Applicant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Joseph A. Keating, Jr., 121 S. Main Street, Taylor, PA 18517. *Contract carrier:* irregular routes: *General commodities (except Classes A & B explosives & hazardous waste)* between points in the U.S. (except AK & HI), under continuing contract(s) with StanChem, Incorporated, East Berlin, CT, and NAPCO, Inc., Terryville, CT. Supporting shipper(s): StanChem, Inc., 401 Berlin St., E. Berlin, CT 06023; NAPCO, Inc., Plymouth Ind. Pk, Napco Dr., Terryville, CT 06780.

MC 157915 (Sub-1-1TA), filed September 11, 1981. Applicant: SILVERWING, INC., R.D. #1, Box 416G, Cape May Courthouse, NJ 08210. Representative: William H. Shawn, 1730 M Street, NW., Suite 501, Washington, DC 20036-4579. *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, in charter and special operations, beginning and ending in Chester, Delaware, Montgomery and Philadelphia Counties, PA, and extending to Atlantic County, NJ. Supporting shipper(s): There are 17 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 154631 (Sub-1-7TA), filed September 14, 1981. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: Richard J. Wood, 357 Arnold Street, Woonsocket, RI 02895. *Contract carrier:* irregular routes: *(1)*

Cereal and kindred products, from Clinton, MA to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, UT, WV and WI; *(2) Materials, equipment and supplies used in the manufacture, distribution and sale of cereal and kindred products,* from the above-named destinations to the above-named origin under continuing contract(s) with Weetabix-Van Brode Cereals of Clinton, MA. Supporting shipper: Weetabix-Van Brode Cereals, 20 Cameron Street, Clinton, MA 01510

MC 7840 (Sub-1-8TA), filed September 14, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: E. Stephen Heisley, 666 Eleventh Street NW., 805 McLachlen Bank Bldg., Washington, DC 20001. *Snowmobiles, snowmobiles parts, lubricants and related products* between points in Franklin County, NY, on the one hand, and on the other, points in the U.S. in and north of VA, KY, MO, KS, CO, UT, NV and CA. Supporting shipper: Bombardier Corp., East Main Street Road, Malone, NY 12983.

MC 158211 (Sub-1-1TA), filed September 14, 1981. Applicant: PORT TRANSPORTATION CO., INC., 54 Devonshire Street, Boston, MA 02109. Representative: Joseph Wine (same address as applicant). *Pulp, paper and related products,* between points in Bucksport, ME to the Port of Boston, MA, the Port of New York, NY, the Port of Newark, NJ. Supporting shipper: Erskine Forwarding Co., 19 Rector Street, New York, NY.

MC 154993 (Sub-1-3TA), filed September 15, 1981. Applicant: H. & W. ENTERPRISES, South Witham Road, Auburn, ME 04210. Representative: Ignatius B. Trombetta, 1220 Williamson Building, Cleveland, OH 44114. *Contract carrier:* irregular routes: *Textile mill products* between facilities located in Androscoggin County, ME on the one hand, and, on the other, to points in Suffolk County (Boston) and Hampden County (Springfield), MA, New York City commercial area, NY, Hartford commercial area, CT, and Kenty County (Coventry), RI under continuing contract(s) with W. S. Libby Company of Lewiston, ME. Supporting shipper: W. S. Libby Company, 1 Mill Street, Lewiston, ME 04240.

MC 29890 (Sub-1-1TA), filed September 10, 1981. Applicant: ROCKLAND COACHES, INC., 126 North Washington Avenue, Bergenfield, NJ 07621. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. *Passengers and their baggage, in the same vehicle with passengers* (1) Between points in Congers, NY, serving all intermediate points from junction U.S. Hwy 9-W and New York State Hwy 303, over New York State Hwy 303 to junction Lake Road, and return over the same route; (2) Between Valley Cottage, NY and Orangeburg, NY serving all intermediate points from junction Rockland Lake Road and New York State Hwy 303, over New York State Hwy 303 to junction New York State Hwy 340, and return over the same route; (3) Between Tomkins Cove, NY and Stony Point, NY serving all intermediate points from northern junction of Gay's Hill Road and U.S. Hwy 9-W, over U.S. Hwy 9-W to junction Main Street, and return over the same route. Applicant proposes to tack this authority with existing authority to provide service to and from New York, NY and to and from intermediate points in NJ. Supporting shipper(s): Application is based on abandonment of existing service.

MC 147915 (Sub-1-5TA), filed September 14, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Blvd. and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street NW., Suite 501, Washington, DC 20036-4579. *General commodities (except commodities in bulk, classes A & B explosives, hazardous waste, household goods as defined by the Commission)* between Philadelphia, PA and points in its commercial zone, on the one hand, and, on the other, points in the U.S. (except AK & HI). Supporting shipper(s): There are eight statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 158071 (Sub-1-1TA), filed September 14, 1981. Applicant: L. F. OAKES & SONS TRANSPORTATION DIVISION, LTD., Holmesville Road, Bath, New Brunswick, CD E0J 1E0. Representative: John C. Lightbody, Esq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME 04101. *Artificial fire logs* from points on the International Boundary between the U.S. and Canada at Houlton and Fort Fairfield, ME to points in CT, DC, DE, MA, MD, ME, NC, NH, NJ, NY, PA, RI, VA. Supporting shipper: Consumer Chemical Corp., Main Street, Andover, New Brunswick, CD.

MC 2060 (Sub-1-3TA), filed September 14, 1981. Applicant: PINE HILL-KINGSTON BUS CORP., d.b.a. PINE HILL TRAILWAYS, 411 Washington Ave., P.O. Box 1758, Kingston, NY 12401. Representative: Lawrence E. Lindeman, 425 13th Street NW., Suite 1032, Washington, DC 20004. *Passengers and their baggage, and express and newspapers in the same vehicle with passengers,* (1) between the junction of Interstate Hwys 80 and 95 and New York, NY, from the junction of Interstate Hwys 80 and 95 near Teaneck, NJ, over Interstate Hwy 95 to New York, NY, and Freeport, NY, from New York via New York Hwy 25B to Mineola, then over Mineola Boulevard and Franklin Avenue to Hempstead, then over Henry Street, Greenwich Street, Nassau Road and Main Street to Freeport, and return over the same route, serving all intermediate points. Supporting shipper(s): There are ten statements in support of this application which may be examined at the Regional office of the I.C.C. in Boston, MA.

MC 158209 (Sub-1-1TA), filed September 14, 1981. Applicant: S. L. A. TRANSPORT, INC., 6 Spring Street, Johnstown, NY 12095. Representative: David Earl Tinker, Esq., 1000 Connecticut Avenue NW., Suite 1112, Washington, DC 20036-5391. *Hides, skins, split skins, wet skins, leather, leather products, tannery by-products, and materials, equipment, and supplies (including chemicals) used in the tanning process,* (1) between Gloversville and Johnstown, NY, on the one hand, and, on the other, the New York commercial zone, Pentecooke, NH, and Mercersberg, PA; and (2) between the New York commercial zone, on the one hand, and, on the other, Gloversville and Johnstown, NY, Pentecooke, NH, and Mercersburg, PA. Supporting shipper: Feuer Leather Corporation, 9 East Fulton Street, Johnstown, NY 12095.

MC 150451 (Sub-1-5TA), filed September 15, 1981. Applicant: G & L TRANSPORT, Route 9, Troy, ME 04987. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract carrier:* irregular routes: *Such commodities as are dealt in or used by tanneries* between the points of Hopewell, VA, Portsmouth, VA, Sommerville, NJ, Peabody, MA, Danvers, MA, Woburn, MA, South Paris, ME, Hartland, ME, Saco, ME and the Commercial Zone of New York City, NY under continuing contract(s) with Tannin Corporation of Peabody, ME. Supporting shipper: Tannin Corporation, P.O. Box 606, Peabody, ME 01960.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 158104 (Sub-2-1TA), filed September 8, 1981. Applicant: JOSEPH J. ALLEN, d.b.a. JOE ALLEN CHARTER BUS COMPANY, 1233 South Melville

V 46 SE 28 81 UMI

Street, Philadelphia, PA 19143. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Passengers and their baggage,* in round-trip charter and special operations, beginning and end at points in the Philadelphia, PA commercial zone, and extending to points in the United States, for 180 days. Supporting shipper(s): There are six (6) certifications of support which may be examined at the Commission's Regional Office in Philadelphia, PA.

MC 140889 (Sub-II–21TA), filed September 3, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Contract, irregular: *Chemical and related products and rubber and plastic products* between the facilities of B.F. Goodrich Co. located in Cuyahoga County, OH; Jefferson County, KY; Jefferson County, TX; Los Angeles County, CA; and St. James and Iberville Parishes, LA, on the one hand, and, on the other, points in CA, OR, AZ and TX, under a continuing contract(s) with B.F. Goodrich Co. of Cleveland, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): B.F. Goodrich Co., 6100 Oaktree, Blvd., Cleveland, OH 44131.

MC 133966 (II–2–TA), filed September 14, 1981. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, DC 20004. *Paper and laminated plastic sheets* between the facilities of Formica Corporation, a subsidiary of American Cyanamid Co., at or near Evendale, OH, Sunset-Whitney Ranch, CA, and Piscataway, NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Formica Corporation, a subsidiary of American Cyanamid Co., 10155 Reading Road, Cincinnati, OH 45241.

MC 151806 (Sub-II–2TA), filed September 14, 1981. Applicant: HARRY E. PEEK, SR., INC., 105 Olde Greenwich Dr., Fredericksburg, VA 22401. Representative: Gary M. Nuckols, P.O. Box 240, Fredericksburg, VA 22401. *Contract: Irregular: New furniture, furnishings and appliances, under exclusive contract with one retailer.* Gallahan's Furniture & Appliances, Inc., from its facilities in or near Fredericksburg, VA, and Boca Raton, FL, and points in MD, DE, PA, WV, NC, SC, GA, FL, VA and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gallahan's Furniture & Appliances, Inc., 105 Olde Greenwich Dr., Fredericksburg, VA 22401.

MC 152672 (II–8–TA), filed September 14, 1981. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Road, Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract; Irregular: general commodities* (except class A and B explosives) between Cheswick, PA, on the one hand, and, on the other, points in the U.S. under continuing contract with Action Industries, Inc. of Cheswick, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Action Industries, Inc., 460 Nixon Rd., Cheswick, PA 15024.

MC 158075 (Sub-II–1TA), filed: September 14, 1981. Applicant: T & S BUS SERVICE, INC., 5009 Wheeler Road, Oxon Hill, MD 20754. Representative: Donald E. Cross/Brian L. Troiano, 918 16th Street N.W., Washington, D.C. 20006. *Passengers and their baggage, in round trip charter operations,* beginning and ending at Washington, DC, Dulles International Airport, Chantilly, VA; Alexandria and Falls Church, VA; points in Arlington and Fairfax Counties, VA; points in Montgomery, Prince Georges, Anne Arundel, and Charles Counties, MD, and extending to points in VA, MD, DE, FL, SC, CT, OH, NC, NJ, PA, NY, TN, AR, OK, TX, NM, LA, and MS for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 21 supporting shippers. Their statements may be examined at the Philadelphia Regional Office.

MC 41951 (Sub-II–4TA), filed September 14, 1981. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 East-West Highway, Bethesda, MD 20814. *Foodstuffs, materials and supplies* between (1) Cambridge, MD, on the one hand, and, on the other, Rochelle, IL and Pauline, KS and (2) St. Charles, IL, on the one hand, and, on the other, Worcester, MA, Lockport, NY, Swedesboro, NJ and Pauline, KS for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: RJR Foods, Inc., Box 3575, San Francisco, CA 94119.

MC 158196 (Sub-11–1–TA), filed September 14, 1981. Applicant: BANKS WRIGHT, d.b.a. WRIGHT MOTOR LINES, Box 177, Armagh, PA 152920. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract Carrier:* Irregular Routes: *Tungsten and tungsten products,* between Pittsburgh and Latrobe, PA, including their respective commercial zones, on the one hand, and, on the other, Roanoke Rapids, Raleigh and Henderson, NC; Johnson City, TN and New Market and Lexington, VA, including their respective commercial zones, for 270 days. Supporting shipper: Kennemetal, Inc., Latrobe, PA 15650.

MC 156885 (Sub-II–2–TA), filed September 17, 1981. Applicant: CHARLES E. FOULKE & SONS, INC., 2215 N. Rockhill Road, Sellersville, PA 18960. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Road emulsion oil,* in bulk, in tank vehicles, from Pettys Island, Camden County, NJ on the one hand, and, on the other, points in Berkes, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia and Schuylkill Counties, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Loder & Sharpe, Inc., 39 E. Cherry Road, P.O. Box 19, Quakertown, PA 18951.

MC 150939 (Sub-II–22TA), filed September 16, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad Street, Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Such commodities as are generally dealt in by retail hardware stores, and equipment, materials and supplies used in the conduct of such business (except commodities in bulk) between the facilities of American Hardware Supply Company at or near Butler and Parkesburg, PA, Greenville, SC and Westfield, MA, on the one hand, and, on the other, points in the U.S., under a continuing contract(s) with American Hardware Supply Company of Butler, PA, for 270 days. Supporting shipper: American Hardware Supply Company, P.O. Box 1510, Butler, PA 16001.

MC 150339 (Sub-2–49TA), filed September 17, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same as applicant). *Contract; irregular: Metal products,* from Clinton, IL, Newport, AR, and Monett, MO, to points in CA, WA, and OR, under continuing contract(s) with Revere Copper & Brass, Inc., Rome, NY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Revere Copper & Brass, Inc., P.O. Box 191, Rome, NY 13440.

MC 84450 (Sub-2–1TA), filed September 15, 1981. Applicant: S.R.T. MOTOR FREIGHT, INC., 1601 S. Pennsylvania Avenue, Morrisville, PA 19067. Representative: Alan Kahn, 1430

Land Title Bldg., Philadelphia, PA 19110. *Rubber and plastic products,* between the facilities of Recycling Research, Inc. at Morton (Delaware County), PA, on the one hand, and, on the other, points in the United States in and east of WI, IL, KY, TN and MS, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Recycling Research, Inc., 100 Woodland Avenue, P.O. Box 105, Morton, PA 19070.

The following applications were filed in region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 156409 (Sub-3–1TA), filed September 15, 1981. Applicant: E. E. MCAFEE AND D. W. MCAFEE, d.b.a. MCAFEE TRUCKING COMPANY, Route 1, Michie, TN 38357. Representative: Phil R. Hinton, Attorney at Law, Box 801, 411 Waldron St., Corinth, MS 38834. *Ores and Minerals viz: Crushed limestone, Rip-Rap Limestone, Crushed gravel or rock, Washed gravel or rock, Clay gravel or rock, sand, and basic slag;* restricted to bulk in dump vehicles between TN (West of the TN River), AL (North of I–20 highway), and MS (North of U.S. 82 Highway). Supporting shippers: Southern Stone Company, Inc., Box 269, Cherokee, AL 35616: Tennessee Sand and Stone, Inc., Box 495, Savannah, TN 38372.

MC (Sub-3–TA). Applicant: W.F. MEADOWS, INC., 6028 Maddox Rd., Morrow, GA 30260. Representative: L.F. Meadows, Route 2, Box 432, Commerce, GA 30529. *Dry dog food,* from Royston, GA to points in AL, FL, NC, SC and TN. Supporting shipper: Delite Feeds, Inc., 301 Railroad St., Royston, GA 30662.

MC 96802 (Sub-3–1TA), filed, September 15, 1981. Applicant: OWENS FREIGHT LINES, INC., 1449 V.F.W. Road, P.O. Box 517, Conyers, GA 30207. Representative: Clyde H. Owens, 1257 Robin Road, Conyers, GA 30207. *General commodities, usual exceptions:* Between Atlanta, GA and Covington, GA, on traffic having a prior or subsequent movement in interstate or foreign commerce or by rail.

Note.—Applicant intends to tack with existing authority in MC–96802 and to interline with other carriers at Atlanta, GA. Supporting Shipper: Mobil Chemical Company, P.O. Box 71, Covington, GA 30209.

MC 151985 (Sub-3–7TA), filed, September 17, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Suite 10, Atlanta, GA 30318. Representative: John C. Bach, 53 Perimeter Center East, Suite 350, Atlanta, GA 30346. *Cleaning equipment, cleaning compounds, weed killers, insecticides, chemical dispensing apparatuses, and chemical products,* between the facilities of Oxford Chemicals, Inc., located at or near Chamblee, GA, on the one hand, and points in the U.S., on the other hand. Supporting shipper: Oxford Chemicals, Inc., P.O. Box 80202, Atlanta, GA 30366.

MC 157483 (Sub-3–1TA), filed, September 17, 1981. Applicant: GEORGE E. GRAY, JR. TRUCKING CO., 2210 West Vernon Avenue, Kinston, NC 28501. Representative: George E. Gray, Jr., (same address as applicant). *Contract carrier: Irregular routes: Pepsi Cola Products supplies, equipments, and accessories used in the manufacturing of Pepsi Cola products; such as Plastic bottles, canned soft drinks, bottled soft drinks, empty bottles and syrup* between Cheraw, SC, and Kinston, Jacksonville, Morehead City and New Bern, NC under continuing contract with Pepsi Cola Bottling Co. of Kinston, Inc. Supporting shipper: Pepsi Cola Bottling Co. of Kinston, Inc., P.O. Box 1028, Kinston, NC 28501.

MC 108676 (Sub-3–11TA), filed, September 17, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, TN 37917. Representative: H. E. Miller, Jr., 806 Nashville Bank & Trust Building, 315 Union Street, Nashville, TN 37201. *Building materials* between Knox County, TN, Tuscaloosa County, AL, Jasper County, MO, Frederick County, MD, and Phillips County, KS, on the one hand, and, on the other, points in the U.S. in and east of NC, SD, NE, KS, OK and TX. Supporting shipper: TAMKO Asphalt Products, Inc., 220 West Fourth Street, Joplin, MO 64801.

MC 158299 (Sub-3–1TA), filed, September 17, 1981. Applicant: BURGESS TRANSPORT, INC., 1065 E 21st St., Hialeah, FL 33013. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. Synthetic fiber yarn between points in Alamance, Rockingham and Guilford Counties, ND on the one hand, and, on the other, points in Dade, Broward and Palm Beach Counties, FL. Supporting shipper: Macfield Texturing, Inc., P.O. Box 737, Madison, NC 27025.

Republication—originally published in **Federal Register** of 9–2–81, page 44079, volume 46, No. 170.

MC 157916 (Sub-3–1TA), filed August 25, 1981. Applicant: Ronald C. Johnston d.b.a. R. C. Johnston Trucking, P.O. Box 422, Dolomite, AL 35061. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35021–0217. *Metal Products,* between Warrior, AL, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, TN and TX. Supporting shipper: H & H Fabricators, Inc., P.O. Box 187, Warrior, AL 35180.

MC 158119 (Sub-3–1TA), filed September 18, 1981. Applicant: ROBERT L. TAYLOR, d.b.a. CIRCLE T TRUCKING, 77 Lake Lee Road, Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Contract* Carrier: Irregular: *(1) bicylces, exercisers and tricycles (2) bicycle, exerciser, and tricycle parts and accessories (3) fabricated metal products and (4) materials, equipment and supplies used in the manufacture, distribution and sale of the commodities described in (1), (2), and (3) above* between points in the U.S. under continuing contracts with Schwinn Bicycle Company, Chicago, IL and Hager Hinge Company, Greenville, MS. Supporting shippers: Schwinn Bicycle Company, 1856 North Kostner Avenue, Chicago, IL 60639 and Hager Hinge Company, P.O. Box 577, Greenville, MS 38701.

MC 129712 (Sub-3–16TA), filed September 18, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract,* irregular, *Metal Products,* between all points in the U.S., under continuing contract(s) with Metal Specialists Internationale. Supporting shipper: Metal Specialists Internationale, 1114 Florida Ave., Suite C, Palm Harbor, FL 33563.

MC 129028 (Sub-3–1TA), filed September 18, 1981. Applicant: BAUCOM'S TRANSFER & STORAGE COMPANY, INC., 511 Johnson Road, Charlotte, NC 28225. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *New and used household goods and computer components,* between points in AL, DC, FL, GA, KY, MD, NC, SC, TN and VA. Supporting shippers: J. A. Jones Construction Company, 6060 St. Albans Street, Charlotte, NC 28287 and Metric Constructors, Inc., 2 South Executive Park, 7135 Park Road, Charlotte, NC 28210.

MC 151985 (Sub-3–6TA), filed September 14, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Suite 10, Atlanta, GA 30318. Representative: John C. Bach, 53 Perimeter Center East, Suite 350, Atlanta, GA 30346. *Such commodities as are dealt in or used by paint stores and hardware stores,* between the facilities of the Synkoloid Company, located at or near Atlanta, GA, on the one hand, and points in the U.S. (except AK and HI), on the other hand. Supporting shipper: The Synkoloid Company, 400 Colgate Drive, S.W., Atlanta, GA 30336.

MC 147683 (Sub-3-1 TA), filed September 14, 1981. Applicant: POPE TRUCKING INC., Rt. #1, Box 133, Axson, GA. 31624. Representative: Clifford W. Pope (same as applicant). *Contact* carrier; irregular routes; *Lumber* between points in AL, FL, GA, and SC, under continuing contract(s) with Brunswick Pulp & Paper Company. Supporting shipper; Brunswick Pulp and Paper; Brunswick, GA 31521.

MC 147665 (Sub-3-4 TA), filed September 15, 1981. Applicant: BASSETT TRUCKING COMPANY, Post Office Box 47, Newton, NC 28658. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract:* irregular: *Foodstuffs,* between all points in the US in and east of the states of TX, OK, KS, NE, ND and SD, under continuing cotract with Borden, Inc. Supporting shipper: Borden, Inc., 180 East Broad Street, Columbus, OH 43215.

MC (Sub-3-11 TA), filed September 16, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Road, Memphis, TN 38118. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Electrical machinery or equipment and associated supplies,* between Almogordo, NM, on the one hand, and on the other, Canton, MS. Supporting shipper: Canton Sales & Storage, P.O. Box 529, Canton, MS 39046.

MC 37896 (Sub-3-7 TA), filed September 15, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, Ephraim and Flint, 406 World Center Building, 918—16th Street, N.W., Washington, D.C. 20006. *Contract;* irregular; *General commodities (except classes A and B explosives)* Between points in the U.S. pursuant to continuing contract(s) with Ramco Transportation, Inc., of Seattle, WA. Supporting shipper: Ramco Transportation, Inc., 1762 6th Avenue South, Suite 123, Seattle, WA 98134.

MC 149433 (Sub-3-3 TA), filed September 15, 1981. Applicant: BOONE EXPRESS, P.O. Box 114, Smyrna, Tn. 37167. Representative: Rachel C. Boone (same address as Applicant). *Auto parts, supplies and accessories; candy, popcorn, supplies and accessories; paper products, supplies and accessories; industrial chemicals & paper products & supplies; finished shoes and shoe products;* between Nashville, TN., and its commercial zone, on the one hand, and, on the other, points to the following KY counties: Madison, Fayette, Jessamine, Monroe, Metcalfe, Washington, Taylor, Casey, Marion, Boyle, Mercer, Gerrard, Lincoln, Christian, Trigg, Callaway, Marshall, Graves, McCracken; Cities in AL: Huntsville, Decatur, Florence, Sheffield, Athens, Tuscumbia, Muscle Shoals, also on returns servicing the following counties in TN: Warren, Coffee, Bedford, Rutherford, Williamson, Murray, Lawrence, and Giles. Supporting shipper(s): There are seven supporting shippers; whose statements may be examined in Altanta.

Note.—Applicant intends to tack with existing authority and also intends to interline with other carriers at Nashville, TN.

MC 121081 (Sub-3-9TA), filed September 16, 1981. Applicant: COLUMBUS MOTOR LINES, INC., P.O. Box 26741, Charlotte, NC 28213. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *Iron and steel articles,* (2) *Materials, equipment, and supplies, used in the manufacture, sale, and distribution of iron and steel articles,* between points in Georgetown County, SC, on the one hand, and on the other, points in the United States in and east of WI, IL, KY, TN, and MS. Supporting shipper: Andrews Wire Company, Division Georgetown Steel Corp., P.O. Box 3, Andrews, SC 29510.

MC 158278 (Sub-3-1TA), filed September 16, 1981. Applicant: NCO MOTOR CARGO COMPANY, P.O. Box 2147, Rocky Mount, NC 27801. Representative: Rick A. Rude, Esq., Suite 611, 1730 Rhode Island Ave., N.W., Washington, D.C. 20036. *General commodities, Except Classes A&B Explosives, Household Good, and Commodities in Bulk,* between facilities used by Inter State Express, Inc., at Points in the U.S. in and east of MN, IA, MO, OK, and TX, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK, and TX. Supporting shipper, Inter State Express, Inc., 120 Apollo St., Brooklyn, NY 11222.

MC 158099 (Sub-3-1TA), filed September 16, 1981. Applicant: SAM JANSON TRANSFER, INC., 3152 Crescent Avenue, Erlanger, KY 41018. Representative: David M. O'Boyle, Esquire, 2310 Grant Building, Pittsburgh, PA 15219. *Displays, exhibits, and materials, equipment and supplies used in connection with the production and use of displays and exhibits,* between points in CA, CN, FL, GA, IL, IN, KY, LA, MA, MI, MN, MO, NV, NJ, NY, OH, OR, PA, RI, TN, TX, and WA. There are 8 supporting statements attached to the application which may be examined at the ICC office in Atlanta, GA.

MC 149133 (Sub-3-16TA), filed September 16, 1981. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, Post Office Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same address as above). *Contract carrier,* irregular routes; *Such commodities as are dealt in or used by retail department stores and mail order merchandisers;* between points in GA, NC, SC, VA, and IL, restricted to service performed under a continuing contract or contracts with Wieboldt Stores, Inc. of Des Plaines, IL. Supporting shipper: Wieboldt Stores, Inc., 300 S. Wieboldt Drive, Des Plaines, IL 60616.

MC 151012 (Sub-3-3TA), filed September 16, 1981. Applicant: O.W.L. TRANSPORT, INC., 157 Carolyn Lane, Nicholasville, KY 40356. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602 *(1) iron and steel articles, furniture parts and furniture part components, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above,* between facilities used by Leggett & Platt, Inc. and affiliates in the U.S. in and east of MN, IA, NE, KS, OK and TX, on the one hand, and on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK and TX. Supporting shipper: Leggett & Platt, Inc., P.O. Box 757, Carthage, MO 64836.

MC 138882 (Sub-3-36TA), filed September 15, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema, P.O. Drawer 707, Troy, AL 36081. (1) *Malt Beverages,* and (2) *Materials, equipment and supplies used in the manufacture or distribution of commodities in (1) above,* between Milwaukee, WI, Fulton, NY, Ft. Worth, TX, and Eden, NC, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53201.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 134167 (Sub-4-1TA), filed September 11, 1981. Applicant: CARRIER SERVICE CO. OF WISCONSIN, INC., 2621 South 5th Place, Milwaukee, WI 53207. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract; irregular: Such commodities as are used by or dealt in by retail*

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department stores and mail order houses between Columbus, OH, on the one hand, and, on the other, Wauwatosa, WI, under continuing contract(s) with J.C. Penney Co., Inc., New York, NY for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: J.C. Penney Co., Inc., 1301 Avenue of the Americas, New York, NY 10019.

MC 134286 (Sub-4-19TA), filed September 11, 1981. Applicant: ILLINI EXPRESS, INC., P.O.B. 1564, Sioux City, IA 51102. Representative: Jack B. Wolfe, 1600 Sherman #665, Denver, CO 80203. *Household Appliances*, from facilities utilized by Edison Products at Edison, Jamesburg, South Brunswick and East Brunswick, NJ to points in AL, AR, FL, GA, IL, IN, KS, MI, MS, OH, SC and TX for 270 days. Supporting shipper: Edison Products, Route 27AD Vineyard Road, Edison, NJ 08817.

MC 140257 (Sub-4-2TA), filed September 15, 1981. Applicant: BENNETT & SON TRANSPORT, LTD., 47 Bothwell Crescent, Regina, Saskatchewan, Canada S5R 5Y7. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Steel pipe and oil well casing* from the facilities of Interprovincial Steel & Pipe Corporation, Ltd. in Saskatchewan to points in KS, ND, SD, MT, CO, WY, NE, OK and TX. Supporting shipper: Interprovincial Steel & Pipe Sales Corporation, Ltd., P.O. Box 1670, Regina, Saskatchewan, Canada S4P 3C7.

MC 146728 (Sub-1-9TA), filed September 14, 1981. Applicant: GOLDEN BROS., INC., 234 East McClure St., Kewanee, IL 61443. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. *Contract* irregular: *Iron and Steel Articles*, between points in the US, under continuing contract with All Metals Services and Warehousing, Inc. Supporting shipper: All Metals Services and Warehousing, Inc., 880 Industrial Park Drive, N.E., Marietta, GA 30062.

MC 145787 (Sub-4-2), filed September 15, 1981. Applicant: HERBERT TRUCKING, INC., R.R. #1, Macon, IL 62544. Representative: Michael W. O'Hara, 300 Heisch Bldg., Springfield, IL 62701. *Contract*, irregular: *Soft drinks, glass bottles and pallets*, between Decatur, IL on the one hand, and on the other, Terre Haute, IN. Restricted to traffic moving under continuing contract(s) with Decatur Bottling Company. An underlying E/T/A seeks 120 days authority. Supporting shipper: Decatur Bottling Company, P.O. Box 910, 2112 N. Brush College Rd., Decatur, IL 62521.

MC 145894 (Sub-4-2TA), filed September 15, 1981. Applicant: EQUIPMENT SUPPLIES, INC., 7736 W. 62nd Place, Summit, IL 60501. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. *Cold rolled steel*, from Cleveland and Warren, OH to the facilities of General Electric Appliance Motor Department at DeKalb, IL. Supporting shipper: General Electric Appliance Motor Department, East Pleasant Ave., DeKalb, IL 60115.

MC 147541 (Sub-4-1TA), filed September 15, 1981. Applicant: CLAYTON H. TEN PAS, d.b.a. C. H. TEN PAS TRANSPORT, Route 1, Plymouth, WI 53073. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract* irregular: *(1) Liquid concrete additives, in bulk in tank vehicles, and (2) materials and supplies used in the production of the commodities in (1)*, between Port Washington, WI, on the one hand, and, on the other, points in AL, GA, and TN, under continuing contract(s) with Sika Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Sika Corporation, 248 W. 26th Ave., Denver, CO 80231.

MC 147943 (Sub-4-3TA), filed September 11, 1981. Applicant: E.W.K. CARTAGE, INC., 4855 S. Leamington, Chicago, IL 60638.Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. *General commodities (except Classes A and B explosives)*, between Chicago, IL, on the one hand, and, on the other, points in IA, OH, KY, and MO. An underlying ETA seeks 120 days authority. Supporting shippers: Acme Fast Freight, Inc., 2641 S. Leavitt Ave., Chicago, IL 60608, and Clipper Express Co., 3401 W. Pershing Rd., Chicago, IL 60632.

MC 148797 (Sub-4-3TA), filed September 14, 1981. Applicant: RICHARD L. WHITE, d.b.a. RICHARD L. WHITE TRUCKING, 926½ East 10th St., Fairmont, MN 56031. Representative: Gene P. Johnson, Box 2471, Fargo, ND 58108. *Contract;* irregular; *insecticides and herbicides* (except commodities in bulk), from El Paso, IL and Fremont and Omaha, NE to Kasota, MN, under a continuing contract(s) with United Agri Products of Kasota, MN. Underlying ETA seeks 120-days authority. Supporting shipper: United Agri Products, P.O. Box 55, Kasota, MN 56050.

MC 150746 (Sub-4-31TA), filed September 11, 1981. Applicant: DFC TRANSPORTATION CO., 12007 Smith Dr., P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 S. La Salle St., Chicago, IL 60603. (A) *Food ingredients*, between Amboy, IL, on the one hand, and, on the other, points in U.S.; and (B) *Plastic film, and materials, equipment, and supplies used in the manufacture, sale, and distribution thereof*, between Lake Zurich, IL; Wentzville, MO; and Pottsville, PA, on the one hand, and, on the other, points in U.S. Supporting shippers: Fantasy Flavors, Inc., 24W051 North Ave., Wheaton, IL 60187 and Exxon Chemical Americas, 351 N. Oakwood, Lake Zurich, IL 60047.

MC 155397 (Sub-4-2TA), filed September 14, 1981. Applicant: PENNINGTON BROTHERS, INC., 5320 Grand Haven Rd., Muskegon, MI 49441. Representative: Earl L. Pennington, (same as applicant). *Waste acids, chemicals and petroleum products and recylced or reprocessed products thereof and raw materials and supplies used in the treatment of these wastes*, between the state of MI and points and places in the states of AL, MS, AR, MO, IL, KY, IN, OH, PA, NY, TN, and WI. Supporting shippers: Systech Liquid Treatment Corp., 3030 Wood St. Muskegon Heights, MI 49444; Thermo Chem, Inc., P.O. Box 51, Muskegon, MI 49443; Windatt Pontiac, 2001 Peck St., Muskegon Heights, MI 49444; Matson Oldsmobile, 1144 3rd St., Muskegon, MI 49440; Dresser Industries, Inc., 414 W. Broadway Ave., Muskegon Heights, MI 49444.

MC 156744 (Sub-4-1TA), filed September 11, 1981. Applicant: H.S.D. TRUCKING, INC., Route 5, Box 5, Edgerton, WI 53534. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract:* irregular; *fertilizer and fertilizer ingredients in bulk* between points in IA, IL, and WI. Restricted to transportation to be performed under a continuing contract(s) with Terra Chemical International, Inc. Supporting shipper: Terra Chemical International, Inc., 1709 W. Main St., Sun Prairie, WI 53590.

MC 157516 (Sub-4-3TA), filed September 15, 1981. Applicant: ALL AREA EXPRESS, INC., P.O. Box 5027, Sioux Falls, SD 57117. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities* (except classes A and B explosives), between the facilities of Morewood Warehouse Company, a division of Kansas City Terminal Warehouse Company, Inc. at or near Omaha, NE, on the one hand, and, on the other, points in U.S. Supporting shipper: Morewood Warehouse Company, a division of Kansas City

Terminal Warehouse Company, Inc., 716 S. 9th Street, Omaha, NE 68102.

MC 157516 (Sub-4-4), filed September 15, 1981. Applicant: ALL AREA EXPRESS, INC., P.O. Box 5027, Sioux Falls, SD 57117. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities* (except classes A and B explosives), between the facilities of Wichita Warehouse Co, a Division of Kansas City Terminal Warehouse Co., Inc. located at or near Wichita, KS, on the one hand, and, on the other, points in the U.S. Supporting shipper: Wichita Warehouse Co., a division of Kansas City Terminal Warehouse Co., Inc., 3331 N. Meade St., Wichita, KS 67201.

MC 158179 (Sub-4-1TA), filed September 11, 1981. Applicant: A. CURTIS WOODS, d.b.a., C & J TRUCKING, Route 2, Box 13A1, Albany, IN 47320. Representative: Robert W. Loser II, 1101 Chamber of Commerce, Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract* Irregular: *glass products,* between the facilities of Indiana Glass Co., located at or near Dunkirk and Muncie, IN, on the one hand, and, on the other, points in AZ and CA, under contract(s) with Indiana Glass Co., a Division of Lancaster Colony Corp., of Dunkirk, IN. Underlying ETA seeks 120 days authority. Supporting shipper: Indiana Glass Co., a Division of Lancaster Colony Corp., 717 E. St., Dunkirk, IN.

MC 158226 (Sub-4-1TA), filed September 15, 1981. Applicant: CLEANERS HANGAR COMPANY, 6895 Telegraph Rd., Birmingham, MI 48012. Representative: Jerry B. Sellman, 50 W. Broad, Columbus, OH 43215. (1) *Malt beverages and related advertising materials;* (2) *empty used beverage containers and materials, equipment and supplies used in and dealt with by breweries,* between Jefferson County, CO, on the one hand, and, on the other, points in TX, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 158229 (Sub-4-1), filed September 15, 1981. Applicant: FREEWAY CONTRACT CARRIERS, 6841 Milton Dr., Rockford, IL 61109. Representative: Robert E. Knoppe, Dreyfus & Knoppe, 79 W. Monroe, Suite 500, Chicago, IL 60603. *Contract* irregular: *Equipment; Metal tray trucks, trailers, gondolas, and industrial casters* between Rockford, IL and points in OK, TX, GA, KA, ID, KY, NC, and VA. Restricted to traffic moving under continuing contract with Modern Suspension Systems, Inc. Supporting shipper: Modern Suspension Systems, Inc., 333 18th Ave., Rockford, IL.

MC 158230 (Sub-4-1), filed September 15, 1981. Applicant: STEFANIA SEWRUK and KRYSTYNA SCHOLTZE, d.b.a. TEMPO TRANSPORTATION, 3017 S. Kensington Ave., Westchester, IL 60153. Representatives: T. M. Schlechter and D. S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *General Commodities (except Classes A and B explosives),* Between points in IL on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: There are 6 shippers.

MC 4024 (Sub-4-2), filed September 17, 1981. Applicant: HORN TRUCKING CO., 300 Schmetter Road, Highland, IL 62249. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703. *Scrap metal for remelting purposes only* between the states of TX, OH, TN, IN, IL, MI, AL and GA, on the one hand, and Philadelphia County, PA, on the other hand. Supporting shipper: Franklin Smelting & Refining Company, Castor Avenue East of Richmond Street, Philadelphia, PA 19134.

MC 127187 (Sub-4-8TA), filed September 16, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 S. 5th St., Minneapolis, MN 55402. *Fertilizer and agricultural chemicals,* between points in the U.S. for the account of USS Agri-Chemicals, a Division of United States Steel Corporation, for 270 days. Supporting shipper: USS Agri-Chemicals Division of United States Steel Corporation.

MC 134286 (Sub-4-20TA), filed September 16, 1981. Applicant: ILLINI EXPRESS, INC., P.O.B. 1564, Sioux City, IA 51102. Representative: Jack B. Wolfe, 1600 Sherman #665, Denver, CO 80203. *Rubber and plastic products,* (1) from the facilities of Rehrig Pacific Co. at Gurnee, IL to points in IA, KS, MN, MO, NE, and ND: and (2) from the facilities of Central States Products Co. at Cranston, RI to points in CA, IL, MO, NY, OH and TN. Supporting shipper: Rehrig Pacific Co., 1985 Northwestern Ave., Gurnee, IL 60631 and Central States Products Co., P.O. Box 8486 Olivette Branch, St. Louis, MO 63133.

MC 134612 (Sub-4-14TA), filed September 17, 1981. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, IL 60513. Representative: Albert A. Andrin, 180 N. La Salle St., Chicago, IL 60601. *Contract,* irregular, transporting: *General commodities* (except Classes A and B explosives) between Richmond, IN, Jena, LA, Memphis, TN and Clinton, AR, on the one hand, and, on the other, points in LA, TX, NJ, IL, NC, KY, TN and AR, for the account of Belden Corp. Supporting shipper: Belden Corp., 2000 Batavia Ave., Geneva, IL 60134.

MC 143032 (Sub-4-6TA), filed September 17, 1981. Applicant: WALCO TRANSPORT, INC., 3112 Truck Center Dr., Duluth, MN 55806. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402. *General commodities* (except Classes A and B explosives), between points in the U.S. Restricted to the transportation of traffic for ASDCO, Inc. Supporting shipper: ASDCO, Inc., P.O. Box 6186, Duluth, MN [illegible]

MC 146123 (Sub-4-1TA), filed, September 16, 1981. Applicant: KROFLITE MOTOR EXPRESS, INC., 1932 S. Wentworth Ave., Chicago, IL 60616. Representative: Richard A. Kerwin, 180 N. La Salle St., Chicago, IL 60601. *General commodities* (except Classes A and B explosives) Between points in Chicago, IL and points in the Chicago, IL Commercial Zone on the one hand, and, on the other, points in La Porte County, IN. An underlying ETA was filed. Supporting shippers: The Clorox Company, 17 Lake Mirror Road, Forest Park, GA 30050; Boyle Midway, Div. of American Home Prod. Corp., 5151 W. 73rd St., Chicago, IL.

MC 152779 (Sub-4-3TA), filed, September 17, 1981. Applicant: KFM TRANSPORT, INC., 222 E. 5th Ave., Naperville, IL 60540. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Kitchen cabinets assembled and cartoned,* between Cottonwood, MN and Woodstock, Dekalb, Elgin, Aurora, Ottawa, Kankakee and Urbana, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Plywood Minnesota, 140 E. Chestnut, Kankakee, IL 60901.

MC 153448 (Sub-4-3TA), filed, September 16, 1981. Applicant: CONTRUX, INC., 9001 W. 79th Place, Justice, Illinois 60458. Representative: Jack I. Anderson (same as applicant). *Contract;* Irregular: *General commodities* (except Classes A and B explosives) between points in the U.S. (except AK and HI). Restricted to traffic moving under a continuing contract(s) with ITOFCA, INC. Supporting shipper: ITOFCA, INC., 1001 W. 31st Street, Downers Grove, Illinois 60515.

MC 154121 (Sub-4-10TA), filed, September 15, 1981. Applicant: TRAILINER CORP., 5367 West 86th St., Indianapolis, IN 46268. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Food and related products, alcoholic beverages and*

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beverages, from Lawrenceburg, IN and points in KY, to the facilities of Bohemian Distributing Co., subsidiary of Federated Industries, Inc., at or near La Mirada, North Hollywood, San Bernardino, and San Diego, CA. Supporting shipper(s): Federated Industries, Inc., 4130 S. Morgan, Chicago, IL 60609.

MC 154867 (Sub-4–4TA), filed, September 15, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Drive, Randolph, WI 53956. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Food and related products* from the facilities of American Farms Corporation in WI to points in AR, KS, OK and TX, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: American Farms Corporation, 111 East Main Street, Waupun, WI 53963.

MC 156069 (Sub-4–5TA), filed September 16, 1981. Applicant: TRANSITALL SERVICES, INC., Two N. Riverside Plaza, Suite 1402, Chicago, IL 60606. Representative: Anthony E. Young, 29 South LaSalle St., Chicago, IL 60603. *General commodities (except Classes A & B explosives),* between Chicago, IL, Detroit, MI, and their commerical zones, on the one hand, and, on the other, points in IL, IN, MI, OH, MN, WI, IA, MO, TN, KY, and PA. Restricted to the transportation of traffic having a prior or subsequent movement by rail or water. There are eighteen (18) supporting shippers.

MC 157497 (Sub-4–2TA), filed September 17, 1981. Applicant: IVAN HABECK, Route 1, Box M–8, Ipswich, SD 57451. Representative: Steven K. Kuhlmann, 717 17th St., Ste 2600, Denver, CO 80202. *Contract;* irregular: *Such commodities as are dealt in or used by manufacturers and distributors of trailers, farm machinery, structures, and equipment,* from Detroit, MI; Cleveland, OH; Chicago, IL; Nashville, TN; Springfield, MO; Wichita and Kansas City, KS; Elkhart and Gary, IN: Armstrong, IA; Pittsburgh, PA; Sloan Spring, AR; Marshfield and St. Louis, MO; Milwaukee and La Crosse, WI; Minneapolis, MN; and Tulsa, Broken Arrow and Muskogee, OK; to Mitchell, SD under contract(s) with Dakota Mfg. Co. of Mitchell, SD, for 270 days. Supporting shipper: Dakota Mfg. Co., P.O.B. 1188, Mitchell, SD 57301.

MC 157516 (Sub-4–5TA), filed September 16, 1981. Applicant: ALL AREA EXPRESS, INC., P.O. Box 5027, Sioux Falls, SD 57117. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities* (except classes A and B explosives), between the facilities of Kansas City Terminal Warehouse Company, Inc. at or near Kansas City, KS–MO, on the one hand, and, on the other, points in the U.S. Supporting shipper: Kansas City Terminal Warehouse Company, Inc., 1701 Liberty, Kansas City, MO 64102.

MC 158194 (Sub-4–1TA), filed September 14, 1981. Applicant: MARVIN W. LEE, R.R. 1, Box 76, Adrian, ND 58410. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. *Dry fertilizer,* from Minneapolis, MN to points in Dickey, LaMoure and Stutsman Counties, ND. Supporting shipper: Farmers Union Oil Co., P.O. Box 1557, Jamestown, ND 58401.

MC 158300 (Sub-4–1TA), filed September 18, 1981. Applicant: GERALD COSSETTE, d.b.a. GERALD COSSETTE TRUCKING, 2202 5th Avenue North, Fargo, ND 58102. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502–2056. *Contract; irregular;* transporting *materials and supplies used in the construction of railroads,* between points in ND, SD, MN, WI, MI, IA, NE, MT, and WY, on the one hand, and, on the other, points in the US, under contract with Railroad Service, Inc., Lakeville, MN, and Dakota Railroad Service, Inc., Fargo, ND. An underlying ETA seeks 120-day authority. Supporting shippers: Railroad Service, Inc., and Dakota Railroad Service, Inc., 8485 210 St. W. Lakeville, MN 55044, and 1562 40th St. No., Fargo, ND 58102.

MC 158306 (Sub-4–1TA), filed September 14, 1981. Applicant: RICHARD J. WARREN, d.b.a. WARREN TRANSPORT, 10031 McGee Rd., Box 57, McBain, MI 49657. Representative: Richard J. Warren (same as applicant). *Vacuum cleaners, vacuum parts and power nozzles* between points in Wexford County, MI and Alameda County, CA. Supporting shipper: Rexair, Inc., 230 7th, Cadillac, MI 49601.

MC 158307 (Sub-4–1TA), filed September 15, 1981. Applicant: WAYNE BROWN TRANSPORT, INC., 1109 Barlow Street, West Lafayette, Indiana 47906. Representative: Wayne K. Brown (same address as applicant). *Farm Products: Forest Products; Food and related products; Furniture and fixtures; chemicals and related products; Rubber and plastic products; and materials, supplies, and equipment used in the manufacture of the above commodities.* Between all points in the states of: AL, AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, OH, NC, SC, TN, and WI. Supporting shippers: There are 6 statements of support attached.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 69834 (Sub-5–6), filed September 14, 1981. Applicant: PRICE TRUCK LINE, INC., 2945 N. Market, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 W. Douglas, Wichita, KS 67213. *Chemicals, compressed gases, drilling mud additives, and materials used in the manufacture thereof;* between Sedgwick County, KS; and all points and places in the U.S. except AK and HI. Supporting shipper: Vulcan Materials Company, Chemical Div., P.O. Box 12283, Wichita, KS 67277.

MC 69834 (Sub-5–7), filed September 14, 1981. Applicant: PRICE TRUCK LINE, INC., 2945 N. Market, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 W. Douglas, Wichita, KS 67213. *Carpet, nails, glue, cabinets, hardware, lumber, paint, building supplies; and materials and tools;* between Wichita, KS and all points and places in the U.S., except AK and HI. Supporting shipper: Star Lumber & Supply Company, Inc., 325 S. West Street, Wichita, KS 67209.

MC 114028 (Sub-5–3TA), filed September 14, 1981. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. *Chemicals (except in bulk)* from Trona, Westend & Boron, CA; Wilmington, DE; Chicago & Joliet, IL; Brandenburg, KY; Minneapolis & St. Paul, MN; Clark, NV; Gibbstown, NJ; Syracuse, NY; Manitowoc, WI; Natrium, WV; and Green River, WY, to Sumner, IA; and from Sumner, IA, to Fremont, NE and Sioux Falls, SD. Supporting shipper: Overton Chemical Sales, Inc., 701 Railroad Street, Sumner, IA 50674.

MC 117765 (Sub-5–23), filed September 14, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Flour, Feed Ingredients,* between Baine County, OK and Pottawatomie County, OK, on the one hand, and, on the other, points in Kansas. Supporting shipper: Shawnee Milling Company, P.O. Box 1567, Shawnee, OK 74801.

MC 117765 (Sub-5–24), filed September 14, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Waterbed frames, Mattresses,* from Greeley (Weld County), CO to OK. Supporting shipper: Better Rest Waterbed Distributor, 1131

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Enterprise Ave., Bay 18, Oklahoma City, OK 73128.

MC 121517 (Sub-5-17), filed September 14, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161st E. Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same address as above). *Roofing, roofing products and equipment, materials and supplies used in the manufacture, installation, distribution and sale thereof,* between Ardmore, OK and Daingerfield, TX on the one hand, and, on the other, points in AR, CO, KS, MS, MO, LA, OK, NM, TN, TX and WY. Supporting shipper: Georgia Pacific Corporation, 1062 Lancaster Avenue, Rosemont, PA 19010.

MC 134547 (Sub-5-3TA), filed September 14, 1981. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Blvd., Dallas, Texas 75212. Representative: Mark H. Fetzer, General Manager (address same as above). Contract; irregular *(1) Roofing and roofing materials, and (2) materials, equipment, and supplies (except in bulk) used in or incidental to the manufacture, installation, sale, and distribution of the commodities in (1),* between, at, or near Ardmore, OK and Daingerfield, TX on the one hand, and, on the other, points in AR, LA, NM, OK, and TX under continuing contract with: Georgia Pacific Corporation, 1062 Lancaster Avenue, Rosemont, PA 19010.

MC 144449 (Sub-5-4TA), filed September 15, 1981. Applicant: A & A MOVING & STORAGE CO., d.b.a. A & A CONTRACT CARRIERS, 414 Blue Smoke Court West, Fort Worth, TX 76105. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract, irregular; *Radio broadcast transmitters and equipment,* between points in the U.S., under continuing contract(s) with Continental Electronics Mfg. Co., of Dallas, TX

MC 145384 (Sub-5-13 TA), filed September 14, 1981. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Machinery, machine parts and attachments,* from the facilities of Highway Equipment Co. at Cedar Rapids, IA to pts in the U.S. in and west of ND, SD, NE, CO and NM. Supporting shipper(s): Highway Equipment Co., 616 D. Avenue, N.W., Cedar Rapids, IA 52405.

MC 148152 (Sub-5-10TA), filed September 15, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar St., Dallas, TX 75215. Representative: Edmond E. Payne, 3301 So. Lamar St., Dallas, TX 75215. *Steel, Components, and Accessories used in the manufacture, sale, and distribution of springs* between points in TX, TN, LA, MS, AR and AL on the one hand, and, on the other, points in TX, TN, LA, MS, AR and AL. Restricted to shipments originating at or destined to the facilities of Weaver Spring Manufacturing Co. Supporting shipper: Weaver Spring Manufacturing Co., 723 Cantegral, Dallas, TX 75204.

MC 148152 (Sub-5-11TA), filed September 15, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar Street, Dallas, TX 75215. Representative: Edmond E. Payne, 3301 So. Lamar Street, Dallas, TX 75215. *(1) Furniture, furniture parts (2) metal and metal products, plastic and plastic products (3) materials, equipment and supplies used in the manufacture, sale and distribution of furniture and furniture parts.* Between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NC, OH, OK, RI, SC, TN, TX, VA, WV, WI. Restricted to shipments originating at or destined to the facilities of Leggett & Platt, Inc.

MC 148852 (Sub-5-2TA), filed September 14, 1981. Applicant: LINDSEY M. ROBISON, d.b.a. MIDWEST CARPET CARRIERS, 1219 A East Division, Springfield, MO 65803. Representative: Lindsey M. Robison (same address as applicant). *Floor and wall covering and materials and supplies used in installation, and materials and supplies used in the manufacturing of the above* between points in GA, AL, KS, OK, MO and AR. Supporting shippers: Speas Carpet Mills, Hope, AR. C & C Floorcovering, Inc., Springfield, MO. Midwest Rug Company, Springfield, MO. Carpet Corner, Kansas City, KS.

MC 148987 (Sub-5-1TA), filed September 14, 1981. Applicant: W. C. CARRIERS, INC., 5229 N. W. 5th Street, Bethany, OK 73008. Representative: Ray K. Babb, Jr., 1100 Classen Drive, Suite 221, Oklahoma City, OK 73103. *Plastic pails, lids, bails and handles and such items used in the manufacture of same* between OK and points West of the Mississippi River. Witness support: Letica Corporation (Letica of OK) 7428 S. W. 29th Street, Oklahoma City, OK 73179.

MC 152775 (Sub-5-2TA), filed September 15, 1981. Applicant: RAM ROD TRUCKING, INC., P.O. Box 1127, Marrero, LA 70073. Representative: Michael F. Morrone, 1150 17th Street, NW., Suite 1000, Washington, D.C. 20036. *Contract; Irregular Metal Products* between points in LA, AL, AR, FL, KY, IL, MS, MO, TN, TX, and GA for the accounts of Natchez Steel Corporation, Natchez, MS; Universal Steel Co., Vicksburg, MS; Sabil Steel Service, Inc., Montgomery, AL; Gulf Steel Company, Houston, TX; NOLA Steel, Inc., New Orleans, LA; Jeffreys Steel Company, Inc., Mobile, AL; and Intercontinental Metals Corporation, Houston, TX.

MC 156469 (Sub-5-2TA), filed September 15, 1981. Applicant: J & N TRUCKING, Route 1, Box 12x1, Diboll, Texas 79541. Representative: Robert J. Birnbaum, Hightower, Alexander, Cook & Birnbaum, P.C., 3636 Executive Center Drive, Suite 151, Austin, Texas 78731. Contract, irregular. *(1) Adhesives and (2) chemicals,* between points in the United States (except AK and HI), under a continuing contract or contracts with Borden Chemical Division Borden Chemical, Inc.

MC 157963 (Sub-5-1TA), filed September 14, 1981. Applicant: J & R LEASING, INC., 3935 Duncan Avenue, St. Louis, MO 63110. Representative: James C. Swearengen, Hawkins, Brydon & Swearengen P. C., P.O. Box 456 Jefferson City, MO 65102. *General commodities, except commodities in bulk, Classes A and B explosives, household goods, and those commodities which, because of their size or weight, require the use of special handling or equipment,* between points in the States of CA, IL, KY, TN, IN, AR, and NY, on the one hand, and on the other hand, points in the City of St. Louis, MO, St. Louis County, MO, Jackson County, MO, and Greene County, MO. Supporting shipper: Peter Hauptmann Company, a Division of Foremost-McKesson, 2340 59th Street, St. Louis, MO 63110.

MC 158003 (Sub-5-1TA), filed September 15, 1981. Applicant: CROWN TRANSPORTATION AND DELIVERY SERVICE, INC., 810 Lynwood, Broken Arrow, OK 74012. Representative: Jack R. Anderson, Rahal & Anderson, 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, irregular: *General commodities, except explosives, and commodities in bulk,* between Broken Arrow, OK and points in the State of OK. Supporting shipper: Amway Corporation, 2001 Timberlake, Arlington, TX 76010.

MC 158198 (Sub-5-1TA), filed September 14, 1981. Applicant: HUDSON FOODS, INC., P.O. Box 777, Rogers, AR 72756. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract* irregular: *Food and Related Products,* between points in IA, MN, MO, NE and SD under continuing contract(s) with Geo. A. Hormel & Co. Supporting shipper: Geo.

A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 143286 (Sub-5–1TA), filed September 18, 1981. Applicant: RAYMOND R. WITTROCK, INC., 14610 Woodstock, Waverly, NE 68462. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, Irregular. *Machinery*, from Fresno County, CA to Detroit, MI, under a continuing contract(s) with Manlift, Inc. Supporting shipper: Manlift, Inc., P.O. Box 120, Selma, CA 93662.

MC 146442 (Sub-5–4TA), filed September 18, 1981. Applicant: CLEARFIELD TRANSPORTATION COMPANY, INC., P.O. Box 313, Clinton, MO 64735. Representative: Mark J. Andrews, Lawrence Rudolph, Suite 1100, 1660 L Street, NW, Washington, DC 20036. Contract; irregular. *Pneumatic tires, tubes, and related plastic and rubber products*, from Oklahoma City, OK, and points within its commercial zone, to Clinton, MO, and points within its commercial zone under continuing contract(s) with Diehl Tire Company. Supporting shipper: Diehl Tire Company, P.O. Box 425, Clinton, MO 64735.

MC 147047 (Sub-5–3TA), filed September 17, 1981. Applicant: CAPITAL WIRE AND CABLE CORPORATION, d.b.a. CWC TRUCKING COMPANY, P.O. Box 7, Plano, TX 75074. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Lead and lead products, materials, equipment and supplies used in the manufacture and sales of lead and lead products* between Hammond, IN on the one hand, and, on the other, points in the U.S. Restricted to shipments originating at or destined to the facilities of Hammond Lead Products, Inc. Supporting shipper: Hammond Lead Products, Inc., P.O. Box 308, Hammond, IN 46325.

MC 151383 (Sub-5–11TA), filed September 18, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular: (1) *Iron and steel articles*, and (2) *material and supplies used in the production and distribution of the commodities named in part (1) above*, between points in the United States under continuing contract(s) with Ozark Engineering Co. of Joplin, MO. Supporting shipper: Ozark Engineering Co., 15th and Illinois Ave., Joplin, MO 64801.

MC 151384 (Sub-5–10TA), filed September 18, 1981. Applicant: G AND J TRUCKING, INC., 415 South 11th St., Ft. Smith, AR 72914. Representative: Jay C. Miner, P.O. Box 313, Harrison, AR 72601. *Corn products, (except liquid or bulk, or in tank vehicle) including, but not limited to hominy feed, corn meal, flour, corn flakes, brewer flakes, brewer grits and bakers flakes*, from Paris, to Corsicana, TX. Supporting shipper: Illinois Cereal Mills, Inc., 616 S. Jefferson St., Paris, IL 61944.

MC 152622 (Sub-5–2TA), filed September 18, 1981. Applicant: DARYL THOMASON TRUCKING, INC., P.O. Box 1087, Broken Bow, OK 74728. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract irregular: *Building materials*, between points in the U.S., under continuing contract(s) with Continental Timber Co., Inc., of Valley Center, KS. Supporting shipper: Continental Timber Co., Inc., 202 So. Cedar, Valley Center, KS 67147.

MC 157179 (Sub-5–2TA), filed September 16, 1981. Applicant: WARRIOR TRANSPORT, INC., 2334 Havenhurst, Farmers Branch, TX 75234. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112. Contract irregular: *General commodities* (except classes A and B explosives and commodities in bulk), tendered on an airfreight bill of lading moving overland as an alternative to air transport, between points in Dallas, TX, Houston, TX and Miami, FL, and their respective commercial zones, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Comet International Airfreight. Supporting shipper: Comet International Airfreight, P.O. Box 524313, Miami, FL 33152.

MC 158276 (Sub-5–1TA), filed September 16, 1981. Applicant: STAGECOACH BUSINESS, INC., P.O. Box 586, Council Bluffs, IA 51502. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Passengers and their baggage* in special or charter operations, between pts in Douglas, Sarpy and Washington Counties, NE and Pottawattamie, Shelby, Mills and Harrison Counties, IA on the one hand, and, on the other, pts in the US (except AK and HI). Supporting shippers: Travel & Transport, Inc., Council Bluffs, IA; Charter Sales, Council Bluffs, IA; Einbender's Inc., Omaha, NE 68147; Mid-States Travel, Inc., Omaha, NE 68144.

MC 158277 (Sub-5–1TA), filed September 16, 1981. Applicant: O. K. REAL ESTATE & AUCTION COMPANY, INC., d.b.a. O. K. WRECKER SERVICE., 2922 North "A" Street, Wellington, KS 67152. Representative: Paul V. Dugan, 2707 W. Douglas, Wichita, KS 67213. *Wrecked and disabled vehicles* between Sumner County, KS on the one hand; and all points and places in OK on the other. Supporting shippers: Farmers Co-Op Grain Assoc., Wellington, KS 67152; Koehn Motors, Inc., Wellington, KS 67152; Rusk Bros., Inc, Wellington, KS 67152.

MC 158287 (Sub-5–1TA), filed September 16, 1981. Applicant: W. G. LLOYD, d.b.a. JET DOG ERRAND AND DELIVERY SERVICE, 5207 Mumm Lane, El Paso, TX 79924. Representative: W. G. Lloyd (same as applicant). *General commodities, (except class A and B explosives)*, between El Paso County, TX, on the one hand, and, on the other, points in Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, and Sierra Counties, NM. Supporting shippers: 6.

Note.—Applicant intends to interline.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 158165 (Sub-6–1TA), filed September 10, 1981. Applicant: EDWARD E. CALLAHAN, 3535 SE 76th Ave., Portland, OR 97206. Representative: Edward E. Callahan (same as applicant). *Iron and steel* between Pasco, WA and Portland, OR for 270 days. Supporting shippers: American Steel Co., 4033 NW Yeon St., Portland, OR 97210.

MC 146041 (Sub-6–4TA), filed September 9, 1981. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *Printed matter*, between Atlanta, GA, and points in its commercial zone, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Simon Marketing, Inc., 1379 Logan Circle, N.W., Atlanta, GA 30318, for 270 days. An underlying ETA seeks 120 days authority.

MC 42487 (Sub-6–64TA), filed September 14, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Contract carrier*, irregular routes: *General Commodities, (except classes A and B explosives)*, between the facilities of Ladish Co. at or near Houston, TX and Russellville, AR, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and DC, for 270 days. Supporting shipper(s): Ladish Co., 5481 South Packard Ave., Cudahy, WI 53110.

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MC 150900 (Sub-6-2TA), filed, September 14, 1981. Applicant: CREATIVE TOURS AND CHARTER SERVICE CORPORATION, 6952 Cantaloupe Ave., Van Nuys, CA 91405. Representative: Manuel H. Miller, 16133 Ventura Blvd. Penthouse Suite B, Encino, CA 91436. *Passengers and their baggage* in charter and/or special operations from Los Angeles, Ventura, and Kern Counties, CA, to Clark County, NV, and return for 180 days. There are six (6) shippers. Their statements may be examined at the Regional Office listed above.

MC 118038 (Sub-6-3TA), filed, September 14, 1981. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 10, Yakima, WA 98907. Representative: Flower & Andreotti, 303 East "D" St., Suite 2, Yakima, WA 98901. *Paper and Paper products, materials, supplies and equipment used in the manufacture and distribution of said commodities,* between Nez Perce County, ID and points in WA, OR, ID, UT, and MT; from Franklin County, WA to points in OR, ID, UT, and MT; between points in WA, OR, ID, UT, and MT, for 270 days. Supporting shippers: Container Corporation of America, 2800 De La Cruz Blvd., Santa Clara, CA 95050. Potlatch Corporation, P.O. Box 7864, San Francisco, CA 94120.

MC 158042 (Sub-6-1TA), filed, September 10, 1981. Applicant: FRANCE-CALIFORNIA TOURIST SERVICES, CORP., 860 Eddy St., #2, San Francisco, CA 94109. Representative: James W. Sturgeon, III (same address as applicant). *Passengers and their baggage* in special operations beginning and ending in San Francisco, CA, and extending to Douglas and Washoe Counties, NV. Restricted to transportation in 15-passenger vans, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: FCT Services, Cie, 860 Eddy St., #2, San Francisco, CA 94109; Brigitte Vonsy, B. P. 6471 FAAA. Tahiti, French Polynesia; Madeleine Gervais, 214, rue Saint Mour, Paris 10^{e}, France.

MC 151450 (Sub-6-2TA), filed, September 11, 1981. Applicant: JOE GILBERT GONZALES, P.O.B. 93, Dixon, NM 82527. Representative: Charles M. Williams, 1600 Sherman St., Suite 665, Denver, CO 80203. *Contract carrier, irregular routes,* transporting *gypsum and gypsum products,* from Park County, WY and Marshall County, KS to points in Colorado and Unitah County, UT for the account of Drywall Supply, Inc., for 270 days. An underlying ETA seeks 120 days operating authority. Supporting shipper: Drywall Supply, Inc. 60 Tejon St. Denver, CO 80203.

MC 155936 (Sub-6-2TA), filed, September 14, 1981. Applicant: GREAT WESTERN TRANSPORTATION CO., INC., 8058 E. Carol Way, Scottsdale, AZ 85260. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. *Litho plates and materials used in the manufacture of litho plates* between points in Maricopa County, AZ; Alameda, Butte, Fresno, Glenn, Humboldt, Imperial, Kern, Los Angeles, Mendocino, Orange, Plumas, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo; Santa Clara; Shasta, Siskiyou, Tehama, Tulare, Ventura and Yuba Counties, CA; and Cook, Lake and McHenry Counties, IL, for the account of Phoenix Litho Plate Mfg., Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Phoenix Litho Plate Mfg., Inc., 4814 S. 33rd St., Phoenix, AZ 85040.

MC 52471 (Sub-6-1TA), filed September 10, 1981. Applicant: HEMPHILL TRUCKING INC., 1931 Yellowstone Rd, Rock Springs, WY 82901. Representative: John R. Davidson, 805 First Bank Bldg., Billings, MT 59101. *Machinery, equipment, materials and supplies used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of manufactured and natural gas and petroleum and their products and by-products.* Between all points in CO, ID, MT, NV, UT and WY, for 270 days. Supporting shippers: Exeter Drilling Northern, Inc. POB 367, Patteville, CO 80651; Brinkerhoff-Signal, Inc. 3400 Anaconda Tower, Denver, CO 80202; CRC Colorado Well, Inc. POB 1006, Rangely, CO 81648; and R. L. Manning Co., Box 1840, Mills, WY 82644-1840.

MC 158164 (Sub-6-1TA), filed September 10, 1981. Applicant: HOTEL TOUR AND TRAVEL DESK LTD., 5300 Paradise Rd., Las Vegas, NV 89119. Representative: Harold Lerz (same as above). *Passengers and baggage* by limo from NV to points in AZ, CA and UT for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper: Total Transportation, 5300 Paradise Rd., Las Vegas, NV 89119.

MC 145533 (Sub-6-1TA), filed September 14, 1981. Applicant: KERWIN F. JENSEN, P.O. Box 308, Cleveland, UT 84518. Representative: Kerwin F. Jensen (same as above). *Coal,* in bulk, between points in Utah and Wasatch Counties, UT, south of a line running east and west through Soldier Summit, UT, on the one hand, and, on the other hand, points in Carbon and Emery Counties, UT for 270 days. An underlying ETA seeks 120 days authority. ETA seeks 120 days authority. Supporting shipper: Plateau Mining Company, Wattis, UT.

MC 149104 (Sub-6-1TA), filed September 8, 1981. Applicant: MARC D. LARGENT, d.b.a. M.D. LARGENT CO., 841 Solano Ave. #6, Albany, CA 94706. Applicant's Representative: Marc D. Largent (same as applicant). *General Commodities* (except Classes A and B explosives, hazardous waste materials, commodities in bulk or in tank vehicles,) having a prior or subsequent movement via a rail carrier, to and from CA, for 270 days. Supporting shipper: Co-Operative Shippers, Inc., 2608 S. Damen Ave., Chicago, IL 60608.

MC 158166 (Sub-6-1TA), filed September 10, 1981. Applicant: MASTER REFRIGERATED TRANSPORT, INC., 8705 Crater Lake Hwy., White City, OR 97503. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103. *Meats, meat products, and meat by-products,* (1) From Sioux Falls, SD, and points in IA, MN and NE, to Clinton, OK; Middlesboro, KY; Denver, CO; Seattle, WA; Falls City, NE; Pittsburgh, KS; and Dayton and Washington Court House, OH and points in their respective commercial zones. (2) Between Clinton, OK; Middlesboro, KY; Denver, CO; Seattle, WA; Falls City, NE; Pittsburgh, KS; and Dayton and Washington Court House, OH and points in their respective commercial zones. (3) From Clinton, OK; Middlesboro, KY; Denver, CO; Seattle, WA; Falls City, NE; Pittsburgh, KS; and Dayton and Washington Court House, OH, and points in their respective commercial zones, to Atlanta, GA; New Orleans, LA; Kansas City, KS; Phoenix, AZ; Salt Lake City, UT; Hayward and Los Angeles, CA; and Houston, Dallas and San Antonio, TX; and points in their respective commercial zones, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bar-S Foods Co., 2203 Airport Way South, Seattle, WA 98124.

MC 140688 (Sub-6-4TA), filed September 15, 1981. Applicant: NICOLL TRUCKING [MEDICINE HAT] LTD., P.O. Box 8009, Calgary, Alberta, CD T2J 4B4. Representative: John T. Wirth, 717, 17th Street, Suite 2600, Denver, CO 80202. *Lumber and wood products, and building materials,* between ports of entry on the International boundary line between the U.S. and CD located in

WA, ID and MT on the one hand, and, on the other, points in WA, OR, ID and MT; restricted to traffic moving in foreign commerce, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Potlatch Corporation, P.O.B. 7864, San Francisco, CA 94120; Rowles Westrum Lumber Co., Ltd., 145 Devon Dr., RR#1. Okanagan Falls, B.C., CD VOH 1R0; Taiga Wood Products, Inc., 5th Flr., 4400 Dominican St., South Burnaby, B.C., CD V5H 3X6.

MC 143666 (Sub-6-1TA), filed September 14, 1981. Applicant: NOOKSACK VALLEY TRANSPORT, INC., 1867 E. Pole Rd., Everson, WA 98247. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. (1) *Milk Tanks and Cooling systems and Milking Parlor Units;* (2) *Lumber or Wood Products and Building Materials;* between Whatcom County, WA, on the one hand and, on the other, points in MT, WY, AZ, MO, CA, CO, ID, NV, OR, UT and WA for 270 days. Supporting shippers: John Louws Construction, Inc., 6149 Guiode Meridian, Lynden, WA 98264; Sunset Western, Inc., 8645 Berthusen Rd., Lynden, WA 98264; Great Western Lumber, 7636 Goodwin Rd., Everson, WA 98247.

MC 158225 (Sub-6-1TA), filed September 15, 1981. Applicant: ROGER HILLS & BEVERLEY HILLS d.b.a. R & B HILLS TRANSPORT, 2033 Weiler Ave., Sidney BC,CD V8L1R3. Representatives: Roger Hills (same as applicant). *Plastics—plastic products not shaped. plastic fabricated products, polyethylene resins, pallets, containers. cores and plugs used for transporting, machinery used in the manufacture thereof,* from the International Boundary Line at Blaine WA to points in WA and, return, and to Portland OR and return for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ellenhammer Industries Ltd., 2130 Malaview Ave., Sidney B C, CD V8L 2E4.

MC 152609 (Sub-6-5TA), filed September 4, 1981. Applicant: SHIPPERS FREIGHT SERVICES, INC., P.O. Box 1248, Lake Oswego, OR 97034. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97201. Authority sought: *Contract Carrier,* Irregular routes; *General Commodities* except household goods and class A and B explosives between all points in the U.S., for the account of General Products Manufacturing, Inc. for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: General Products Manufacturing, Inc., 9450 S.W. Commerce Circle, Suite #400, Wilsonville, OR 97070.

MC 158072 (sub-6-1TA), filed September 11, 1981. Applicant: VAN WATERS & ROGERS, DIVISION OF UNIVAR CORPORATION, 2600 Campus Dr., Box 5932, San Mateo, CA 94403 Representative: William H. Borghesani, Jr., 1150 17th St., N.W., Suite 1000, Washington, D.C. 20036. *Contract carrier;* irregular routes: *Milled flour, wheat starch, vital gluten, and specialty bakery and grocery products;* from Portland, OR to Los Angeles and Sacramento, CA; and points in San Francisco, San Mateo, Contra Costa, Alameda and Santa Clara Counties CA; and from Spokane, WA to Portland, OR, for the account of Centennial Mills, Portland, OR, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Centennial Mills, 1464 N.W. Front Ave., Portland, OR 97208.

James H. Bayne

Acting Secretary.

[FR Doc. 81-28038 Filed 9-25-81; 8:45 am]

BILLING CODE 7035-01-M

LEGAL SERVICES CORPORATION

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996*l*, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Native Hawaiian Legal Corporation to serve terminated and unrecognized tribes in the State of Hawaii.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Native American Desk, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, CO 80202.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc. 81-28030 Filed 9-25-81; 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-413A and 50-414A]

Duke Power Co.; Receipt of Antitrust Information Accompaning Operating License Application

Note.—This document was originally published in the issue of September 21, 1981. It is reprinted at the request of the NRC.

The Duke Power Company has submitted antitrust information in connection with the owner's plans to operate two pressurized water reactors located in York County, South Carolina. The reactors have been designated as Catawba Nuclear Station, Units 1 and 2. The data submitted contain antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may submitted for a period of 60 days after the date of **Federal Register** notice. The results of any reevaluation that is requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local public document room at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina 29730.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities. Since the construction permit antitrust review for the above-named plant should submit such request for information or views to the U.S. Nuclear Regulatory

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Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before November 20, 1981.

Dated at Bethesda, Maryland, this 31st day of August 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Branch Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81–27452 Filed 9–18–81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Panel for the Decontamination of Three Mile Island, Unit 2; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 will be meeting on October 21, 1981, from 7:00 p.m. to 10:00 p.m. in the Hotel Yorktown, 48 E. Market Street, York, Pennsylvania, and again on November 18, 1981, from 7:00 p.m. to 10:00 p.m. in the Municipal Building, 400 S. Eighth Street, Lebanon, Pennsylvania. The meetings will be open for public observation.

At these meetings the Panel will discuss the current status of cleanup activities at TMI.

Further information on the meetings may be obtained from Dr. William Travers, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301/492–7466.

Dated: September 22, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–28076 Filed 9–25–81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on DOE Response Working Group; Meeting

The ACRS Subcommittee on DOE Response Working Group will hold a meeting on October 14, 1981, Room 1167, 1717 H Street, NW., Washington, DC. The Subcommittee will prepare ACRS comments on the Department of Energy (DOE) post Three Mile Island Unit 2 accident review of the safety of DOE reactors.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, October 14, 1981

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: September 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–28077 Filed 9–25–81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Floating Nuclear Plant; Meeting

The ACRS Subcommittee on Floating Nuclear Plant will hold a meeting on October 13, 1981, Room 1167, 1717 H Street, NW., Washington, DC. The Subcommittee will review Supplement 4 of the Floating Nuclear Plant Manufacturing License Safety Evaluation Report, as well as remaining ACRS outstanding issues for this project. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, October 13, 1981

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Offshore Power Systems, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: September 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–28078 Filed 9–25–81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Activities; Meeting

The ACRS Subcommittee on Regulatory Activities will hold a meeting on October 14, 1981 in Room 1046, 1717 H Street NW., Washington, DC.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, October 14, 1981—8:45 a.m. Until 3:00 p.m.

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Proposed Amendment to 10 CFR Part 50, § 50.55a, "Codes and Standards" (pre comment).

(2) Regulatory Guide 1.23, Revision 1, "Meteorological Programs in Support of Nuclear Power Plants" (post comment).

(3) Regulatory Guide 1.13, Revision 2, "Spent Fuel Storage Facility Design Basis" (pre comment).

(4) Proposed Regulatory Guide (Task IC 121-5), "Response Time Testing of Protection System Instrument Channels" (pre comment).

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed following this session.

Persons wishing to submit written statements regarding Regulatory Guide 1.23, Revision 1, may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. However, to insure that adequate time is available for full consideration of these comments at the meeting, it is desirable to send a readily reproducible copy of the comments as far in advance of the meeting as practicable to Mr. Sam Duraiswamy, the Designated Federal Employee for the meeting, in care of ACRS, Nuclear Regulatory Commission, Washington, DC 20555 or telecopy them to the Designated Federal Employee (202/634-3319) as far in advance of the meeting as practicable. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, DC 20555.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., Eastern Time.

Dated: September 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-28079 Filed 9-25-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Sequoyah Nuclear Plant; Meeting

The ACRS Subcommittee on Sequoyah Nuclear Plant will hold a meeting on October 13, 1981, Room 1046, 1717H Street, NW, Washington DC to review operating experience, response to ACRS requests, and status of hydrogen control measure. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, October 13, 1981

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Tennessee Valley Authority, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: September 23, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-28080 Filed 9-25-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-466-CP]

Houston Lighting and Power Co. (Allens Creek Nuclear Generating Station, Unit 1); Order Scheduling Resumed Hearings

September 22, 1981.

The evidentiary hearings will be resumed on October 5 and continue through October 9, 1981. (Because of a scheduling conflict, the Board has cancelled the October 12-16, 1981 hearing which had been noticed in our Order of September 1, 1981). Thereafter, the hearings will be resumed:

(a) On October 26 and continue through October 30, 1981;

(b) On November 16 and continue through November 20, 1981; and

(c) On December 7 and continue through December 11, 1981.

Testimony will be presented upon certain contentions carried over from the September 1981 hearing and upon other contentions and Board questions listed in the attachment to the Staff's letter dated September 2, 1981. These testimonies will be heard sequentially pursuant to the order of presentation which will be set forth in the Applicant's and/or Staff's submissions of October 1, 1981.

The October 5–9 hearing session will be held at the following location: Ramada Inn, 7787 Katy Freeway, Houston, Texas 77004.

The October 26–30, November 16–20, and December 7–11 hearing sessions will be held at the following location: South Texas College of Law, Joe M. Green, Jr. Auditorium (4th floor), 1303 San Jacinto Street, Houston, Texas 77002.

The hearing sessions will begin at 9:00 a.m., and recess at 5:00 p.m.

While generally the public is invited to attend these evidentiary hearings, some matters may be raised which, being the subjects of the Board's Protective Orders, will be heard *in camera* proceedings.

It is so ordered.

Dated at Bethesda, Maryland, this 22nd day of September 1981.

For the Atomic Safety and Licensing Board.

Sheldon J. Wolfe,

Administrative Judge.

[FR Doc. 81-28081 Filed 9-25-81: 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-416 and 50-417]

Mississippi Power & Light Co., et al.; Availability of Safety Evaluation Report for Grand Gulf Nuclear Station, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the Grand Gulf Nuclear Station, Units 1 nd 2, to be located in Claiborne County, Mississippi. Notice of receipt of the application of Mississippi Power & Light Company, et al., to operate the Grand Gulf Nuclear Station was published in the **Federal Register** on July 28, 1978 (43 FR 32903).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Hines Jr. College, McLendon Library, Raymond, Mississippi 39154 for inspection and copying. The report (Document No. NUREG–0831) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention Sales Manager, Washington, D.C. 20555. GPO deposit holders can call 301–492–9530.

Dated at Bethesda, Maryland this 22nd day of September, 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-28083 Filed 9-25-81: 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

Pacific Gas & Electric Co.; Issuance of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. DPR–76, to Pacific Gas & Electric Company (licensee) which authorizes operation of the Diablo Canyon Nuclear Power Plant, Unit 1 (the facility), at reactor core power levels not in excess of 166.9 megawatts thermal (5 percent power) in accordance with the provisions of the license, the Technical Specifications and the Environmental Protection Plan.

The Diablo Canyon Nuclear Power Plant, Unit 1, is a pressurized water nuclear reactor located at the licensee's site in San Luis Obispo County, California about 12 miles west-southwest of San Luis Obispo. The license is effective as of the date of issuance and shall expire one year after that date, unless extended for good cause shown, or upon earlier issuance or denial of a subsequent licensing action.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on October 19, 1973 (38 FR 29105).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement and its Addendum since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement and its Addendum.

For further details with respect to this action, see (1) Facility Operating License No. DPR–76, complete with Technical Specifications and Environmental Protection Plan; (2) the reports of the Advisory Committee on Reactor Safeguards dated June 12, 1975, August 19, 1977, July 14, 1978, and November 12, 1980; (3) the Commission's Safety Evalution Report dated October 1974, Supplement No. 1 dated January 1975, Supplement No. 2 dated May 1975, Supplement No 3 dated September 1975, Supplement No. 4 dated May 1976, Supplement No. 5 dated September 1976, Supplement No. 6 dated July 1977, Supplement No. 7 dated May 1978, Supplement No. 8 dated November 1978, Supplement No. 9 dated June 1980, Supplement No. 10 dated August 1980, Supplement No. 11 dated October 1980, Supplement No. 12 dated March 1981, Supplement No. 13 dated April 1981 and Supplement No. 14 dated April 1981; (4) the Final Safety Analysis Report and amendments thereto; (5) the Final Environmental Statement dated May 1973 and the Addendum to the Final Environmental Statement dated May 1976, (6) NRC Flood Plain Review of Diablo Canyon Nuclear Power Plant Site dated September 9, 1981; and (7) Discussion of the Environmental Effects of the Uranium Fuel Cycle dated September 9, 1981.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407. A copy of Facility Operating License No. DPR–76 the Safety Evaluation Report and its Supplements 1 through 8 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of Supplements 9 through 14 of the Safety Evaluation Report may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders can call 301–492–9530.

Dated at Bethesda, Maryland, this 22d day of September 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-28082 Filed 9-25-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and Opportunity for Hearing

September 22, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Carling O'Keefe Ltd.
  Common Stock, No Par Value (File No. 7-6046)
Chicago Pneumatic Tool Co.
  Common Stock, $8 Par Value (File No. 7-6047)
Ducommun Inc.
  Common Stock, $2 Par Value (File No. 7-6048)
Ceo International Corp.
  Common Stock, $.10 Par Value (File No. 7-6049)
Handy & Harman
  Common Stock, $1 Par Value (File No. 7-6050)
National Can Corp.
  Common Stock, $5 Par Value (File No. 7-6051)
Sargent Industries, Inc.
  Common Stock, No Par Value (File No. 7-6052)
Southwest Gas Corp.
  Common Stock, $1 Par Value (File No. 7-6053)
Winn Dixie Stores Inc.
  Common Stock, $1 Par Value (File No. 7-6054)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 14, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28043 Filed 9-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11950 (812-4908)]

Centennial Money Market Trust; Filing of an Application for an Order of Exemption

Notice is hereby given that Centennial Money Market Trust, 3600 South Yosemite Street, Denver, Colorado 80237 ("Applicant"), an open-end, diversified management investment company, file an application on June 26, 1981 and an amendment thereto on July 28, 1981, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting the Applicant from the provisions of rules 2a-4 and 22c-1 thereunder to the extent necessary to permit the Applicant to compute its price per share to the nearest one cent on a share value of one dollar. In all other respects, portfolio securities held by the Applicant will be valued in accordance with the views set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("IC-9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund whose investment objective is seeking maximum current income that is consistent with low capital risk and the maintenance of liquidity. The Applicant further states that it is designed as an investment vehicle for investors with temporary cash balances in securities accounts at certain brokerage firms, and that shares of the Applicant are offered exclusively to participants in automatic purchase and redemption programs established by said firms. The Applicant represents that its portfolio may be invested, as matter of fundamental investment policy, in U.S. Government and agency obligations, certain bank obligations and instruments secured thereby, commercial paper, certain debt obligations and repurchase agreements and certain other obligations meeting specified tests, maturing in one year or less.

Applicant represents that its shareholders will use its shares for investment of temporary cash balances. Applicant states that the maintenance of a constant net asset value per share is a crucial factor in the purchase and holding of its shares. The Applicant asserts that by meeting the conditions set forth below and by valuing its shares to the nearest one cent on a share value of one dollar, it can maintain a constant value for its shareholders along with full liquidity and a satisfactory yield. In addition, the Applicant states that its adherence to the conditions set forth below will substantially reduce the likelihood of significant variation from a constant share price and the likelihood of any dilution of the assets and returns of incoming or outgoing shareholders.

Rule 22c-1 under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemble security issued by a registered investment company used in computing its price for the purposes of distribution and redemption and repurchase shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets fair value as determined in good faith by the board of directors of the registered company. In Release No. IC-9786 the Commission issued an interpretation of rule 2a-4 expressing its view that it was inconsistent with rule 2a-4 for certain money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" its portfolio valuation as required by Rule 2a-4.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act and any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the issuance of the requested order is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant states that shareholders who purchase its shares with the expectation of receiving maximum current income consistent with stability of principal would be unfairly treated should there be a deviation below $1.00 per share, because redeeming shareholders could lose not only all or part of the dividend income which they have earned but even part of their principal, particularly if a redemption takes place relatively soon after a purchase. Applicant represents that, to the extent necessary, the Applicant's Trustees will consider the advisability of temporarily suspending the payment of dividends, or making a capital gains distribution (if and to the extent that capital gains have not been reflected in prior dividends) to maintain a $1.00 price per share, if the net asset value per share declines to value below $0.997 or rises to a value above $1.003, respectively. Applicant states that in order to attempt to assure the stability of its net asset value per share it will also adhere to the following conditions:

1. Applicant's Trustees, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertake—as a particular responsibility within their overall duty of care owned to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that Applicant's price per share as computed for the purpose of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from one dollar.

2. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share. Applicant will not purchase a portfolio security unless it matures in twelve months or less from the date of purchase, or is subject to a repurchase agreement so maturing or has been called for redemption within twelve months; nor will it maintain a dollar-weighted average portfolio maturity in excess of 120 days.

3. Applicant will limit its portfolio investment, including repurchase agreements and securities called for redemption, to those instruments which are denominated in U.S. dollars and which the Trustees of Applicant determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Trustees.

Notice is further given that any interested person may, not later than October 16, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, to the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-28042 Filed 9-25-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18105; File No. SR-MSRB-81-14]

Municipal Securities Rulemaking Board Self-Regulatory Organizations; Proposed Rule Change Relating to Calculations

Comments requested on or before October 19, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 4, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Municipal Securities Rulemaking Board (the "Board") is filing herewith proposed rule G-33 on calculations (hereafter referred to as the "proposed rule change"). The text of the proposed rule change appears below.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Board rules G-12 and G-15 require that intra-industry and customer confirmations set forth certain information as to the yield and dollar price of a transaction. The rules also require that, with respect to transactions effected on the basis of a yield price, the dollar price must be calculated to the lowest of price to premium call, price to par option, or price to maturity; rule G-15 requires, in certain circumstances, the computation of yields to these dates. Further, rule G-12 contains certain provisions relating to maximum permissible money differences and computations of interest. Neither rule, however, contains any provision regarding the specific method of calculation of yields, dollar prices, or accrued interest amounts. The proposed rule change would prescribe standard methods for making these calculations.

The Board believes that adoption of a standard method for such calculations would be an important and beneficial step for the municipal securities industry. Adoption of standard methods of performing these computations will ensure that customers will receive precise and consistent information regarding the yield and dollar price of their transactions, and will foster the further refinement and enhanced accuracy of these computations. Further, the adoption of standard calculation methods will lessen the likelihood of disagreements between parties to a transaction regarding interest and dollar price computations. It should also improve the clearance and processing procedures for municipal securities transactions by, among other matters, facilitating the comparison and delivery of securities. The Board notes that certain industry commentators have urged the Board in the past to adopt such standard calculation methods.

In August 1980 the Board issued in exposure draft form a rule (the "draft rule") proposing to establish certain standards for industry calculation methods.[1] The draft rule contained proposed formulas to be used for computations of accured interest, dollar price, and yield, as well as proposed standards for the accuracy of calculations, the termination of computed values, and the day-count basis. The proposals contained in the draft rule were developed by the Board in consultation with an Ad Hoc Committee on Calculations, composed or industry experts on calculations matters.[2]

In response to certain of the suggestions contained in the comment letters received on the August 1980 exposure draft[3] the Board issued, in December 1980, a second notice (the "solicitation")[4] requesting further industry comment on certain of the issues raised by the original commentators. The solicitation requested further comment on the appropriateness of the following changes: (1) changing the method of day-counting currently used by the industry; (2) adopting special formulas for securities with "odd" first coupons (*i.e.*, first coupons paying interest for periods of more or less than six months), and for securities paying interest other than semi-annually; and (3) using, in the case of a transaction effected at a yield price equalling the coupon rate on the particular security involved, the computed result of the proposed formula, rather than presuming the result to be "100," as has previously been traditional. In addition, the solicitation proposed the adoption of special formulas for securities priced on a discounted basis. A second series of comment letters was received on the solicitation; in addition, a detailed letter was received from a manufacturer of calculator equipment in common use in the industry, summarizing the effect of the Board's proposals on existing calculator models.[5]

The standards set forth in the proposed rule change are in most respects similar to those contained in the draft rule. As a result of its consideration of the comments received on the draft rule and the issues raised in the solicitation, however, the Board has significantly modified several of the proposals included in the draft rules. The principal provisions of the proposed rule change are as follows:

(1) The proposed rule change sets forth a standard method for computing accrued interest on municipal securities transactions. The formula computes the time period for the accrual of interest as a fraction of the full year; the draft rule has proposed adoption of a slightly different formula, which computed the accrued interest in terms of a standard six-month coupon period. The Board adopted the approach reflected in the proposed rule change in accordance with a suggestion made by one of the commentators, who indicated that this formula would be less confusing to use when accruing interest for short or long interest periods.

(2) The proposed rule change sets forth standard formulas for computing dollar price and yield on municipal notes, municipal bonds with less than six months to maturity, municipal bonds with maturities longer than six months, and municipal securities priced on a discounted basis.[6] The proposed rule change permits the use of dollar price interpolation until January 1, 1984, and also permits until January 1, 1984 the use of the dollar price "100," rather than the actual computed result of the formulas, for transactions where the yield price equals the coupon rate of the securities.

The draft rule had proposed that one basic formula (that prescribed in the proposed rule change for municipal bonds with maturities of longer than six months) be used for all types of securities. While the use of different formulas for municipal notes and municipal bonds with less than six months to maturity has been traditional, the exposure draft discussion suggested that the use of a single formula, rather than a variety of formulas, would promote consistency and greater accuracy in computations of dollar price and yield. Further, the discussion noted that the formulas contained in the draft rule was based on the compounding of interest (rather than on the simple interest method used in the traditional formulas for such short-term securities), and that use of a compounding formula would facilitate the comparison of municipal securities investments with other investment alternatives. The discussion pointed out, however, that the conversion to a compound-interest formula would generally cause a slight decrease in the dollar prices of the securities for which the simple interest formula had previously been used.

In response to the draft rule several commentators observed that the decrease in the dollar price due to the conversion to a compound interest formula might well be significant, particularly in view of the large block size common to municipal note transactions, and the effect of even minimal dollar price changes on the yields of such short-term securities. The commentators also suggested that the investments with which such short-term securities were likely to be compared were typically valued in simple-interest formulas, and that it would be appropriate to continue to use a computation method that is consistent with that used for these other securities. For these reasons the Board determined not to proceed with the draft rule's single-formula proposal, and has adopted the currently-used simple interest formulas for municipal notes and municipal bonds with less than six months to maturity. The proposed rule change adopts the draft rule's formula for use for municipal bonds with maturities of longer than six months; the industry currently uses this formula for such securities.

The draft rule did not propose any formula for use on transactions in securities priced on a discounted basis; the solicitation proposed formulas for such securities. The proposed rule change includes such formulas, and also special formulas appropriate for discounted securities traded on a "yield-equivalent" basis.

One commentator suggested that the term in the formulas which represents the accrued interest portion of the security's value should be expressed by the equation prescribed in the rule for the computation of accrued interest generally. The Board has determined to accept this suggestion.

The draft rule proposed that an exception to the use of the prescribed formula should be made in the case of a transaction priced at a yield price equal to the coupon rate of the securities involved; the draft rule proposed that in such cases the dollar price should be presumed to be "100." Several commentators pointed out that this assumed result is not accurate, particularly in the case of securities prerefunded to a premium call date, and suggested that the computed result should be used. The Board has determined to accept the suggestion of these commentators that the more accurate computed result to be used. However, in view of the fact that this represents a change to currently-accepted industry practice, and that existing calculator models are programmed to assume a dollar price of "100" on this particular computation, the Board believes that it would be appropriate to defer the effectiveness of this change to January 1, 1984.

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[1] A copy of the August 1980 exposure draft is on file at the Board's office.

[2] A list of the members of the Committee is attached to the August 1980 exposure draft.

[3] Copies of the comment letters received on the August 1980 exposure draft are on file at the Board's office.

[4] A copy of the December 1980 solicitation is on file at the Board's office.

[5] Copies of these letters are on file at the Board's office.

[6] The formulas distinguish among (1) municipal securities paying interest at maturity (generally municipal notes), (2) municipal securities paying interest on a periodic basis (generally municipal coupon-bearing bonds), and (3) municipal securities trading on a discounted basis. Further, the formulas distinguish between periodic-interest municipal securities for which only the interest payment at maturity remains due (generally municipal bonds of less than six months to maturity) and periodic interest securities for which two or more interest payments remain due (generally bonds of maturities longer than six months).

For ease and clarity of reference, this filing will discuss the formulas in terms of the securities to which they would normally apply.

The draft rule did not address the acceptability under the rule of the interpolative method of deriving a dollar price.[7] Given the wide availability of computer and calculator equipment that is capable of computing a dollar priced directly to the settlement date of a transaction, the Board does not believe that dollar price interpolation should continue to be acceptable indefinitely. The Board recognizes, however, that many of the calculators currently in use, as well as some dealers' confirmation processing programs, derive dollar prices through interpolation, and that reprogramming of such calculators and confirmation processing functions will be necessary; accordingly, the proposed rule change specifies that dealers may continue to use interpolation to determine dollar prices until January 1, 1984.

(3) The proposed rule change establishes standards of accuracy for computations, and prescribes "truncation" as the method of terminating computed numbers. The standards of accuracy conform to current industry practice or previous actions of the Board. The "truncation" method of terminating computed numbers has also been traditionally used in the industry.

The draft rule had proposed use of a "rounding" method, rather than truncation, to terminate computed numbers.[8] The Board suggested that this would provide greater accuracy in computations on large block transactions. Several commentators objected to the change to rounding, noting that it would necessitate reprogramming and suggesting that the greater accuracy did not appear to justify the expense of the change. The Board has accepted their reasoning and adopted the traditional "truncation" method.

(4) The proposed rule change provides that the standard "30/360" day count basis should be used for the computations under the rule, except in the case of municipal notes, in which case the day count basis selected by the issuer should be used; the proposed rule change also prescribes a formula for day counting. The day count standard is as proposed in the draft rule. One of the commentators on the draft rule suggested that inclusion of a standard formula for computing a day count would be helpful; the Board has adopted this suggestion, and has included in the proposed rule change the traditional day counting formula, together with specification of certain traditional assumptions on day counting for month-end dates.

(5) The proposed rule change provides for a delayed effective date of six months following the approval of the proposed rule change by the Commission, with the exception of the provisions concerning the use of interpolation and transactions at a yield price equal to the coupon rate discussed above. The Board is proposing a delay of six months to permit the municipal securities industry time to acquaint itself with the rule, and to provide time for the Board to publish and distribute material on the calculation methods. Since the formulas mandated under the proposed rule change are those viewed as standard in the industry, and produce results essentially consistent with all methods of computing dollar price and yield currently used by the industry, the Board does not believe that a delay in effectiveness of greater length is necessary.

(b) The Board has adopted the proposed rule changes pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which authorizes and directs the Board to adopt rules which are

> * * * designed * * * to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *

The Board believes that the proposed rule change will further the purposes of the Act inasmuch as it will standardize the methods of computing yield and dollar price on customer and inter-dealer transactions, and will foster the improvement of the accuracy of such computations.

B. Self-regulatory Organization's Statement on Burden on Competition

The Board is of the opinion that the proposed rule change will not impose any significant burden on competition among brokers, dealers, or municipal securities dealers, inasmuch as the proposed rule change will standardize the methods of performing the computations currently required under Board rules G-12 and G-15, which apply uniformly to all brokers, dealers and municipal securities dealers, and enhance the accuracy of such computations. The Board notes that the provisions of the proposed rule change pertaining to dollar price interpolation and computations on transactions effected at yield prices equal to the securities' coupon rates, both of which will become effective on January 1, 1984, may have a different impact on different municipal securities brokers and dealers, since certain dealers will need to reprogram to comply with these provisions, and other dealers are already computing dollar prices in a mannner consistent with these requirements. The Board does not believe that this differential will be significant.

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[7] The interpolative method derives the dollar price of a transaction in a particular security by establishing the dollar price values corresponding to the yield price of the transaction for specified dates (usually the month-end dates immediately before and after the settlement date) and interpolating between those values to determine the dollar price to the precise settlement date. For example, if the transaction involved 5% securities due on September 1, 1991, selling at a 9.00 yield price for settlement August 20, 1981, the interpolative method would determine the dollar price value for August 1, 1981 ("73.841") and September 1, 1981 ("73.984") and interpolate between them to arrive at the dollar price for a settlement of August 20 ("73.932").

Dealers using the interpolative method historically derived the monthly values from "basis books," which computed such values through the use of the formulas which the Board is prescribing. As computer technology was made available for confirmation processing it became possible to compute the dollar price directly to the settlement date, rather than approximating through the use of interpolation. A number of dealers, however, have chosen to include an interpolative function in their confirmation processing programs, so that they continue to derive dollar prices by means of interpolation (and, as a result, perform three dollar price computations in the course of generating confirmations, rather than only the one necessary computation directly to the settlement date).

[8] Under the truncation method, a unit dollar price of "99.4837519" becomes "99.483," with the remaining decimal values being discarded. Under the proposal in the draft rule "99.4837519" would have been truncated after the *fourth* decimal place ("99.4837"), the remaining decimal values being discarded, and then *rounded* to the third, becoming "99.484."

One of the commentators on the draft rule suggested that adoption of the rule would force all dealers to purchase sophisticated calculator equipment in order to meet the rule's requirements. The Board does not believe that this assertion is correct, and notes that dealers can easily structure transactions in a manner that avoids any difficulties posed by the computational requirements (for example, such dealers can effect all transactions on a dollar price basis, and thereby be required only to perform the relatively easy conversion from dollar price to yield).

C. Self-Regulatory Organization's Statement of Comments Received on the Proposed Rule Change Received from Members, Participants, or Others

In response to the August 1980 exposure draft and the December 1980 solicitation the Board received 20 letters of comment, as well as one letter from a manufacturer of calculator equipment. The letters generally were supportive of the establishment of standards in the calculation area, with both industry trade groups commenting in favor of the adoption of such a rule. Several commentators suggested that the Board adopt previous standards set forth in a 1973 Securities Industry Association publication, *Standard Securities Calculation Methods;*[9] the standards included in the proposed rule change are fully consistent with these formulas.

In addition to the comments discussed previously, the commentators raised and discussed a number of other issues. These are summarized below:

Comments on the Draft Rule

Several of the persons commenting on the draft rule suggested that different formulas be promulgated as the standard formulas for yield and dollar price computations. The Board has rejected these commentators' suggestions, in one case because the suggested formulas are not accurate, and in the other case because the suggested formula, while appropiate for programming purposes, does not clearly convey the mathematical method used to compute the dollar price or yield. By contrast, the formulas included in the proposed rule change present each of the mathematical functions as a separate term of the overall formula. The Board intends, however, to make this latter formula (as well as other, similar programming algorithms) available to the industry for use for programming purposes.

The proposed rule change retains the draft rule's requirement that the yield on securities with maturities of longer than six months be computed through the use of the formula prescribed for dollar price computations on such securities (the method which is currently used by the municipal securities industry). This computation entails the use of iterative methods to successively approximate the yield, until an accurate yield is derived. One of the commentators suggested that the iterative methods to be used should also be established in the rule. The Board has not adopted this suggestion, since a variety of equally valid iteration methods exist. The Board intends, however, to include a suggested method in future material published on calculations matters.

The Board also intends to include in a future publication a set of benchmark calculations for use for programming purposes.

Comments on Solicitation

In response to certain other suggestions received from commentators on the draft rule the Board issued the solicitation requesting comments on several specific issues, including, among others, (1) adopting an "actual/365" day count method, rather than the currently-used "30/360" method; (2) adopting a formula that accurately computes yield and dollar price for securities with "odd" first coupons *(i.e.,* first coupons of longer or shorter than six months); and (3) adopting a formula that converts on the same basis as the security pays interest *(e.g.,* converting annually on annual-coupon securities).[10]

The Board has determined not to proceed at this time with any of these suggested changes. With respect to the suggestions regarding the convertibility of the formulas and the use of the formulas for "odd" coupon securities, the Board was advised that existing calculator models could not perform these specialized calculations, nor could they be easily modified to do so. Since adoption of these changes would render all existing calculators obsolete, the Board does not believe that these changes should be adopted at this time. However, the Board is communicating to the manufacturers of calculator equipment its intention to revisit these two proposals at some point in the future, and to mandate the use of the more accurate formulas for computing these types of securities. The Board believes that these changes can be adopted when more sophisticated calculator equipment, capable of handling these computations, comes into general use in the industry.

The Board has also decided not to adopt the suggestion for converting to the use of an "actual/365" day counting method. Several of the commentators pointed out the problems that such a conversion would cause, particularly in computing interest on existing securities and in preparing and printing certificates for new issues of securities. Further, the "30/360" day counting method has been traditional in the municipal securities industry (and other debt-securities industries) since its inception; participants in the industry are fully acclimated to its use, and conversion to an "actual/365" day counting method would cause significant confusion during and after the conversion period. The Board does not believe that the correction of the minor inaccuracy in computations arising from the use of the "30/360" day count method is sufficient to outweigh the significant compliance problems the industry would experience in making such a conversion.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

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[9] Bruce M. Spence, Jacob Y. Graudenz, and John J. Lynch, Jr., *Standard Securities Calculation Methods: Current Formulas for Price andYield Computations* New York: Securities Industry Association, 1973.

[10] The significance of these proposals is as follows:

(1) The "30/360" day counting method presumes that the year consists of twelve months of thirty days each; the "actual/365" method counts days in accordance with the actual days in a calendar month. The difference in the day count is reflected in a slight difference in the mathematical value assigned to each day for purposes of accruing interest and computing dollar price. This differential corrects itself over the course of a year, and does not create an ongoing error.

(2) Securities with "odd" first coupons are currently valued with the standard formulas, which presume that each coupon period has six months. This causes some marginal misstatements in the computing of a yield or dollar price; the accrued interest is, of course, computed for the actual "odd" coupon period.

(3) Securities paying coupons quarterly or annually are currently valued with the standard formulas, which presume that each coupon period has six months. This can cause a marginal misstatement in computing dollar price or yield.

The municipal securities industry has traditionally disregraded the "odd" first coupon and quarterly/annual coupon features, and, as noted, used the standard formulas. The use of the "30/360" day counting method is also traditional.

V 46 SE 28 81 UMI

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 21, 1981.

George A. Fitzsimmons,

Secretary.

Text of Proposed Rule

Rule G–33. Calculations

(a) *Accrued Interest.* Accrued interest shall be computed in accordance with the following formula:

Interest = Rate × Par Value of Transaction × Number of Days/Number of Days in Year

For purposes of this formula, the "number of days" shall be deemed to be the number of days from the previous interest payment date (from the dated date, in the case of first coupons) up to, but not including, the settlement date. The "number of days" and the "number of days in year" shall be counted in accordance with the requirements of section (e) below.

(b) *Interest-Bearing Securities:*

(i) *Dollar Price.* For transactions in interest-bearing securities effected on the basis of yield the resulting dollar price shall be computed in accordance with the following provisions:

(A) *Securities Paying Interest at Maturity.* Except as otherwise provided in this section (b), the dollar price for a transaction in a security paying interest at maturity shall be computed in accordance with the following formula:

$$P=\left[\frac{1+\left(\frac{DIM}{B}\cdot R\right)}{1+\left(\frac{DSM}{B}\cdot Y\right)}\right]-\left[\frac{A}{B}\cdot R\right]$$

For purposes of this formula the symbols shall be defined as follows:

"A" is the number of accrued days from the beginning of the interest payment period to the settlement date (computed in accordance with the provisions of section (e) below);

"B" is the number of days in the year (computed in accordance with the provisions of section (e) below);

"DIM" is the number of days from the issue date to the maturity date (computed in accordance with the provisions of section (e) below);

"DSM" is the number of days from the settlement date of the transaction to the maturity date (computed in accordance with the provisions of section (e) below);

"P" is the dollar price of the security for each $100 par value (divided by 100);

"R" is the annual interest rate (expressed as a decimal); and

"Y" is the yield price of the transaction (expressed as a decimal).

(B) *Securities with Periodic Interest Payments.* Except as otherwise provided in this section (b), the dollar price for a transaction in a security with periodic interest payments shall be computed as follows:

(1) For securities with six months or less to maturity, the following formula shall be used:

$$P=\left[\frac{\frac{RV}{100}+\frac{R}{M}}{1+\left(\frac{DSM}{E}\cdot\frac{Y}{M}\right)}\right]-\left[\frac{A}{B}\cdot R\right]$$

For purposes of this formula the symbols shall be defined as follows:

"A" is the number of accrued days from the beginning of the interest payment period to the settlement date (computed in accordance with the provisions of section (e) below);

"B" is the number of days in the year (computed in accordance with the provisions of section (e) below);

"DSM" is the number of days from the settlement date to the redemption date (computed in accordance with the provisions of section (e) below);

"E" is the number of days in the interest payment period in which the settlement date falls (computed in accordance with the provisions of section (e) below);

"M" is the number of interest payment periods per year standard for the security involved in the transaction;

"P" is the dollar price of the security for each $100 par value (divided by 100);

"R" is the annual interest rate (expressed as a decimal);

"RV" is the redemption value of the security per $100 par value; and

"Y" is the yield price of the transaction (expressed as a decimal).

(2) For securities with more than six months to maturity, the following formula shall be used:

$$P=\left[\frac{RV}{\left(1+\frac{Y}{2}\right)_{exp}{}^{N-1+\frac{E-A}{E}}}\right]+\left[\sum_{K=1}^{N}\frac{100\cdot\frac{R}{2}}{\left(1+\frac{Y}{2}\right)_{exp}{}^{K-1+\frac{E-A}{E}}}\right]-\left[100\cdot\frac{A}{B}\cdot R\right]$$

For purposes of this formula the symbols shall be defined as follows:

"A" is the number of accrued days from the beginning of the interest payment period to the settlement date (computed in accordance with the provisions of section (e) below);

"B" is the number of days in the year (computed in accordance with the provisions of section (e) below);

"E" is the number of days in the interest payment period in which the settlement date falls (computed in accordance with the provisions of section (e) below);

"N" is the number of interest payments (expressed as a whole number) occuring between the settlement date and the redemption date, including the payment on the redemption date;

"P" is the dollar price of the security for each $100 par value;

"R" is the annual interest rate (expressed as a decimal);

"RV" is the redemption value of the security per $100 par value; and

"Y" is the yield price of the transaction (expressed as a decimal).

For purposes of this formula the symbol "exp" shall signify that the preceding value shall be raised to the power indicated by the succeeding value; for purposes of this formula the symbol "K" shall signify successively each whole number from "1" to "N" inclusive; for purposes of this formula the symbol "sigma" shall signify that the succeeding term shall be computed for each value "K" and that the results of such computations shall be summed.

(C) *Transactions Where the Yield Equals the Interest Rate.* A transaction in a security with a redemption value of par that is effected on the basis of a yield price equal to the interest rate of the security shall be exempt from the requirements of subparagraph (b)(i)(B) until January 1, 1984.

(D) *Interpolation.* The computation of a dollar price by means of interpolation shall be deemed to be in compliance with this paragraph (b)(i) until January 1, 1984.

(ii) *Yield.* Yields on interest-bearing securities shall be computed in accordance with the following provisions:

(A) *Securities Paying Interest at Maturity.* The yield of a transaction in a security paying interest at maturity shall be computed in accordance with the following formula:

$$Y = \left[\frac{\left(1 + \left(\frac{DIM}{B} \cdot R\right)\right) - \left(P + \left(\frac{A}{B} \cdot R\right)\right)}{P + \left(\frac{A}{B} \cdot R\right)} \right] \cdot \left[\frac{B}{DSM} \right]$$

For purposes of this formula the symbols shall be defined as follows:

"A" is the number of accrued days from the beginning of the interest payment period to the settlement date (computed in accordance with the provisions of section (e) below);
"B" is the number of days in the year (computed in accordance with the provisions of section (e) below);
"DIM" is the number of days from the issue date to the maturity date (computed in accordance with the provisions of section (e) below);
"DSM" is the number of days from the settlement date of the transaction to the maturity date (computed in accordance with the provisions of section (e) below);
"P" is the dollar price of the security for each $100 par value (divided by 100);
"R" is the annual interest rate (expressed as a decimal); and
"Y" is the yield on the investment if the security is held to maturity (expressed as a decimal).

(B) *Securities with Periodic Interest Payments.* The yield of a transaction in a security with periodic interest payments shall be computed as follows:

(1) For securities with six months or less to maturity, the following formula shall be used:

$$Y = \left[\frac{\left(\frac{RV}{100} + \frac{R}{M}\right) - \left(P + \left(\frac{A}{E} \cdot \frac{R}{M}\right)\right)}{P + \left(\frac{A}{E} \cdot \frac{R}{M}\right)} \right] \cdot \left[\frac{M \cdot E}{DSM} \right]$$

For purposes of this formula the symbols shall be defined as follows:

"A" is the number of accrued days from the beginning of the interest payment period to the settlement date (computed in accordance with the provisions of section (e) below);
"DSM" is the number of days from the settlement date to the redemption date (computed in accordance with the provisions of section (e) below);
"E" is the number of days in the interest payment period in which the settlement date falls (computed in accordance with the provisions of section (e) below);
"M" is the number of interest payment periods per year standard for the security involved in the transaction;
"P" is the dollar price of the security for each $100 par value (divided by 100);
"R" is the annual interest rate (expressed as a decimal);
"RV" is the redemption value of the security per $100 par value; and
"Y" is the yield price of the transaction (expressed as a decimal).

(2) For securities with more than six months to maturity, the formula set forth in item (2) of subparagraph (b)(i)(B) shall be used.

(c) *Discounted Securities:*

(i) *Dollar Price.* For transactions in discounted securities, the dollar price shall be computed in accordance with the following provisions:

(A) The dollar price of a discounted security, other than a discounted security traded on a yield-equivalent basis, shall be computed in accordance with the following formula:

$$P = \left[RV \right] - \left[DR \cdot RV \cdot \frac{DSM}{B} \right]$$

For purposes of this formula the symbols shall be defined as follows:

"B" is the number of days in the year (computed in accordance with the provisions of section (e) below);
"DR" is the discount rate (expressed as a decimal);
"DSM" is the number of days from the settlement date of the transaction to the maturity date (computed in accordance with the provisions of section (e) below);
"P" is the dollar price of the security for each $100 par value; and
"RV" is the redemption value of the security per $100 par value.

(B) The dollar price of a discounted security traded on a yield-equivalent basis shall be computed in accordance with the formula set forth in subparagraph (b)(i)(A).

(ii) *Return on Investment.* The return on investment for a discounted security shall be computed in accordance with the following provisions:

(A) The return on investment for a discounted security, other than a discounted security traded on a yield-equivalent basis, shall be computed in accordance with the following formula:

$$IR = \left[\frac{RV - P}{P} \right] \cdot \left[\frac{B}{DSM} \right].$$

For purposes of this formula the symbols shall be defined as follows:

"B" is the number of days in the year (computed in accordance with the provisions of section (e) below);
"DSM" is the number of days from the settlement date of the transaction to the maturity date (computed in accordance with the provisions of section (e) below);
"IR" is the annual return on investment if the security is held to maturity (expressed as a decimal);
"P" is the dollar price of the security for each $100 par value; and
"RV" is the redemption value of the security per $100 par value.

(B) The yield of a discounted security traded on a yield-equivalent basis shall be computed in accordance with the formula set forth in subparagraph (b)(ii)(A).

(d) *Standards of Accuracy; Truncation:*

(i) *Intermediate Values.* All values used in computations of accrued interest, yield, and dollar price shall be computed to not less than ten decimal places.

(ii) *Results of Computations.* Results of computations shall be presented in accordance with the following:

(A) Accrued interest shall be truncated to three decimal places, and rounded to two decimal places immediately prior to presentation of total accrued interest amount on the confirmation;

(B) Dollar prices shall be truncated to three decimal places immediately prior to presentation of dollar price on the confirmation and computation of exended principal; and

(C) Yields shall be truncated to four decimal places, and rounded to three decimal places, provided, however, that for purposes of confirmation display as required under rule G-15(a)(viii)(B) yields accurate to the nearest .05 percentage points shall be deemed satisfactory.

Numbers shall be rounded, where required, in the following manner: if the last digit after truncation is five or above, the preceding digit shall be increased to the next highest number, and the last digit shall be discarded.

(e) *Day Counting:*

(i) *Day Count Basis.* Computations under the requirements of this rule shall be made on the basis of a thirty-day month and a three-hundred-sixty-day year, or, in the case of computations on municipal notes, on the day count basis selected by the issuer of the securities.

(ii) *Day Count Formula.* Computations of day counts for purposes of this rule shall be made in accordance with the following formula:

$\text{Number of Days} = (Y2-Y1)\ 360 + (M2-M1)\ 30 + (D2-D1)$

For purposes of this formula the symbols shall be defined as follows:

"M1" is the month of the date of which the computation periods begins;
"D1" is the day of the date on which the computation period begins;
"Y1" is the year of the date on which the computation period begins;
"M2" is the month of the date on which the computation period ends;
"D2" is the day of the date on which the computation period ends; and
"Y2" is the year of the date on which the computation period ends.

For purposes of this formula, if the symbol "D2" has a value of "31," and the symbol "D1" has a value of "30" or "31," the value of the symbol "D2" shall be changed to "30." If the symbol "D1" has a value of "31," and the symbol "D2" has a value other than "31," the value of the symbol "D1" shall be changed to "30." For purposes of this rule time periods shall be computed to include the day specified in the rule for the beginning of the period but not to include the day specified for the end of the period.

(f) *Effectiveness.* The requirements of this rule shall become effective on ———— [six months following the date of Commission approval], except as provided in subparagraphs (C) and (D) of paragraph (b)(i).

[FR Doc. 81-28044 Filed 9-25-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Small Business Loans; Interest Rates

The interest rate on section 7(a) Small Business Administration direct business loans (as amended by Pub. L. 97-35) and the SBA share of immediate participation loans is fifteen and seven-eighths (15⅞) percent for the fiscal quarter beginning October 1, 1981. Direct loans for the handicapped remain at the statutory rate of 3 percent.

On a quarterly basis, the Small Business Administration also publishes an interest rate called the optional "peg" rate (13 CFR 120.3(b)(2)(iii)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. For the October–December quarter of 1981, this rate will be fourteen and three-eighths (14⅜) percent.

Edwin T. Holloway,

Acting Associate Administrator for Financial Assistance.

September 23, 1981.

[FR Doc. 81-28075 Filed 9-25-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-077]

Ship Structure Committee; Meeting

AGENCY: Coast Guard, DOT, Ship Structure Committee.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Ship Structure Committee. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I, section 10(a)(2)).

DATE: October 15, 1981, 9:00 a.m. to 1:00 p.m.

ADDRESS: American Bureau of Shipping, 65 Broadway, New York, N.Y., Second Floor Committee Room.

FOR FURTHER INFORMATION CONTACT: LCDR D. B. Anderson, USCG, Secretary, Ship Structure Committee, U.S. Coast Guard Headquarters (G-MMT-4), Washington, D.C. 20593, (202) 426-2197.

SUPPLEMENTARY INFORMATION: The agenda for this meeting is as follows: to review the business and research projects of the Committee. Various ideas and concepts for the research program for FY 1983 will be discussed and developed. Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify LCDR D. B. Anderson, Secretary, Ship Structure Committee not later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on September 23, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-28074 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Intent To Develop Draft and Final Environmental Impact Statements; Clackamas County Reliever Airport Project, Mulino, Oreg.

The Federal Aviation Administration intends to develop draft and final environmental impact statements for the acquisition and development of the Mulino Oregon airport by the Port of Portland, Oregon.

Proposed Action and Possible Alternatives

The Proposed action consists of the following Phase I development items to be sponsored by the Port of Portland, Portland, Oregon:

Acquisition of the existing privately owned Mulino Airport, and acquisition of land or acquisition of a navigation easement of adjacent privately owned parcels, for total acquisition of 282.8 acres.

Displacement of 20 households and relocation of affected residents.

Demolition or removal of existing structures.

Construction of new paved runway 3,600 feet long and 100 feet wide, with paved parallel taxiway.

Construction of new airport entrance, automobile parking facilities, terminal area, support facilities area, aircraft parking apron, aircraft tie-down area, aircraft hangar area, and associated facilities.

The airport Master Plan projects that the runway will have to be extended (in the year 1987) to 5400 feet. The impacts associated with both runway lengths and associated development will be discussed although environmental approval is only being sought by the Port of Portland for the above Phase I items.

The result of previous airport site selection studies and the evaluation of alternative airport layout plans at the Mulino airport will be presented.

The "no-build" alternative is considered to be the continued use and growth of the existing privately owned Mulino airport.

Scoping Process

Due to Federal budgetary constraints a formal scoping meeting will not be held. The proposed action was the subject of an environmental assessment report. Persons wishing to review the environmental assessment in order to better understand the proposed action or provide comments regarding environmental concerns may review the assessment report and associated reference documents at the following locations: The Port of Portland Office, Northwest Region Federal Aviation Administration, Airports Division Office (Seattle), Clackamas County Public Library, Molalla Public Library, Oregon City Public Library, and the Multnomah County Library.

Letters containing environmental concerns must be received by Mr. Mark Beisse, Acting Chief, Airports Planning and Programming Branch, FAA Building, King County International Airport, Seattle, Washington 98108 by October 30, 1981.

Draft EIS Issue: January 1982.

Final EIS Issue: April 1982.

FAA Contact Person

Any questions concerning the proposed project and the EIS should be directed to: Dennis Ossenkop, ANW-614, Environmental Planning Officer, Federal Aviation Administration, FAA Building, Boeing Field, King County International Airport, Seattle, Washington 98108.

Dated: September 16, 1981.

Mark Beisse,

Acting Chief, Planning and Programming Branch, ANW-610.

[FR Doc. 81-27860 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 135—Environmental Conditions and Test Procedures for Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 135 on Environmental Conditions and Test Procedures for Airborne Equipment to be held on October 20-22, 1981 in RTCA Conference Room 267, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Meeting Held on April 16-17, 1981; (3) Review Comments on International Standards Organization Draft Proposal N-234 on Environmental Tests for Aircraft Equipment—Explosion Proofness; (4) Consideration of Proposed Explosion Test Requirements for Incorporation into RTCA and European Organization for Civil Aviation Electronics (EUROCAE) Documents Concerning Environmental Conditions and Test Procedures for Airborne Equipment; (5) Consideration of Proposed Procedures for Identification of Environmental Tests for Airborne Equipment; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on September 21, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-27861 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-13-M

The Law of Aviation Symposium

AGENCY: Federal Aviation Administration, Office of the Chief Counsel (FAA), DOT.

DATES: December 1-2, 1981.

PLACE: FAA Auditorium, 800 Independence Avenue, SW., Washington, D.C., 3rd Floor.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Assistant Chief Counsel, Federal Aviation Administration, Regulations and Enforcement Division, AGC-200, 800 Independence Avenue SW., Washington, D.C. 20591, (202) 426-3235.

Purpose of Symposium

The Office of the Chief Counsel, FAA, will hold an Aviation Law Symposium on December 1-2, 1981 (9:00 a.m.-4:30 p.m.), in the FAA Auditorium. The purpose of the symposium is to conduct an open exchange with members of the legal community on a broad spectrum of aviation law topics. In addition, the symposium will include a discussion on FAA's organization. The symposium will include a general session as well as smaller sessions on various subjects. Discussions will be by panels of legal experts from the FAA, other government agencies, industry, law firms, trade associations, labor organizations, consumer groups, and Congressional committees. The topics tentatively scheduled for discussion include:

FAA After Sunset; Airport Access and Anti-Trust Considerations Following *Lafayette vs. Louisiana Power and Light Co.;*
Airport Access and the Preservation of the Airport System;
The Federal Aviation Act of 1958 under Executive Order 12291 Federal and Non-Federal Noise Abatement Responsibilities;
Congress and Aviation;
Loan Guarantees;
FAA Acquisition Process;
The Freedom of Information Act in the FAA:
Wake Turbulence Liability and New Developments in Litigation; Enforcement Practice Before the National Transportation Safety Board and the Courts;
Aircraft Certification—Legal Implications;
Air Carrier vs. Air Taxi—Which Way to Go;
New Trends in Civil Rights Programs Affecting Recipients of Federal Financial Assistance.

Comments are invited on these topics or on other suggested topics for discussion. In addition, any individual wishing to be a member of any subject panel should contact Edward Faberman at (202) 426-3235. Panel members will not be reimbursed for their expenses in attending the symposium. Comments or suggestions as to panel members should be submitted by October 23, 1981. Please send all written comments to: Aviation Law Symposium, Regulations and Enforcement Division, AGC-200, 800 Independence Avenue SW., Washington, D.C. 20591.

There will be no charge for admission to the symposium. Space, however, is limited. Therefore, in order to assure availability of space, you are requested to reserve admission by submission of a written request to the above address. Space will be reserved based upon date of receipt of requests to attend. We would also appreciate notice as to which sessions you would like to attend.

A final agenda for the symposium will be issued before November 1 and will be mailed to all who have notified the agency that they will attend.

Dated: September 21, 1981.

J. E. Murdock III,

Chief Counsel.

[FR Doc. 81-27862 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

[FHWA Docket No. 81-7, Notice 2]

Policy on Use of Galvanized Rebars; Solicitation of Comments

AGENCY: Federal Highway Administration, (FHWA), DOT.

ACTION: Extension of comment period.

SUMMARY: This document extends the period for comments on the notice soliciting comments on the FHWA's policy on the use of galvanized rebars in concrete bridge decks published on July 30, 1981, (46 FR 39073). The comment period is being extended upon request from September 28, 1981, until December 4, 1981, in order to provide interested

parties additional time to respond to the notice.

DATE: Comments will be received until December 4, 1981.

ADDRESS: FHWA Docket No. 81-7, Federal Highway Administration, HCC-10, Room 4205, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley Gordon, Office of Engineering (HNG-30), (202) 426-0426, Mr. Richard E. Hay, Office of Research (HRS-20), (202) 285-2001, or Mr. Stanley Abramson, Office of the Chief Counsel (HCC-10), (202) 426-9761; Federal Highway Administration, 400 Seventh street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: September 22, 1981.

L. P. Lamm,

Executive Director, Federal Highway Administration.

[FR Doc. 81-27999 Filed 9-25-81; 8:45 am]

BILLING CODE 4910-22-M

VETERANS ADMINISTRATION

Medical Research Service Merit Review Boards; Meetings

The Veterans Administration gives notice pursuant to Pub. L. 92-463 of the meetings of the following Merit Review Boards.

Merit Review Board	Date	Time	Location
Immunology	Oct. 2, 1981	8 a.m. to 5 p.m.	Room 139, VACO.[1]
Alcoholism and drug Dependence	Oct. 6, 1981	do	Room 817, VACO.
Oncology	Oct 9, 1981	do	Room 139, VACO.
Cardiovascular studies	Oct. 13, 1981	do	Do.
Surgery	Oct 13, 1981	do	Teakwood Suite, Hilton Hotel[2]
Respiration	Oct 16, 1981	do	Room 139, VACO.
Basic sciences	Oct 19, 1981	do	Room 119, VACO
Do	Oct 20, 1981	8 a.m. to 1 p.m.	Do.
Behavioral sciences.	Oct 22, 1981	8 a.m. to 5 p.m.	Do.
Do	Oct 23, 1981	8 a.m. to 1 p.m.	Do.
Endocrinology	Oct 26, 1981	8 a.m. to 5 p.m.	Room 817, VACO
Neurobiology	Oct 29, 1981	do	Do.
Do	Oct 30, 1981	8 a.m. to 1 p.m.	Do
Hematology	Nov 2, 1981	8 a.m. to 5 p.m.	Do.
Nephrology	Nov. 4, 1981	do	Hyatt Regency Hotel.[3]
Gastroenterology	Nov 5, 1981	do	Do.
Infectious diseases	Nov. 5, 1981	do	Do.

[1] Veterans Administration Central Office, 810 Vermont Ave. NW, Wash., DC 20420.

[2] Hilton Hotel, Mason & O'Farrell Streets, San Francisco, CA 94102

[3] Hyatt Regency Hotel, 151 E. Wacker Drive, Chicago, IL 60601.

These meetings will be for the purpose of evaluating scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the rooms at the start of each meeting to discuss the general status of the program. All of the Merit Review Board meetings will be closed to the public after approximately one-half hour from the start, for the review, discussion and evaluation of initial, and renewal research projects.

The closed portions of the meetings involve: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding such research projects. Closure of these meetings is in accordance with subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, and as cited in U.S.C. 552b(c)(6) and (9)(B).

The appearance of this notice in the Federal Register at least 15 days prior to the first meeting listed, has been hindered due to delays in administrative processing.

Because of the limited seating capacity of the rooms, those who plan to attend should contact Mr. Howard M. Berman, Chief, Merit Review Board Staff Division, Medical Research Service (151D), Veterans Administration, Washington, DC 20420, (202) 389-5065 at least five days prior to each meeting. Minutes of the meeting and rosters of the members of the Boards may be obtained from this source.

Dated: September 22, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-28020 Filed 9-25-81; 8:45 am]

BILLING CODE 8320-01-M

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 187
Monday, September 28, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-331, September 21, 1981]

CIVIL AERONAUTICS BOARD

TIME AND DATE: 9:30 a.m., September 28, 1981.

PLACE: Robm 1012, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT

1. Upcoming Negotiations with Malaysia and Taiwan.
2. Negotiations with Brazil. (BIA)

STATUS Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1463-81 Filed 9-24-81; 3:47 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Wednesday, September 30, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Speculative Limits in Futures and Options.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1462-81 Filed 9-24-81; 3:26 pm]

BILLING CODE 6351-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1440-81

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. (eastern time), Friday, September 25, 1981.

CHANGES IN THE MEETING: The following item is added to the agenda:

Freedom of Information Act Appeal No. 81-7-FOIA-197, concerning a request for copies of the SF 171's of certain Commission employees.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible. The vote was as follows:

In favor of change:
J. Clay Smith, Acting Chairman
Daniel E. Leach, Vice Chairman
Armando M. Rodriguez, Commissioner
Opposed:
None

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat at (202) 634-6748.

This notice issued: September 23, 1981.

[S-1460-81 Filed 9-24-81; 1:08 pm]

BILLING CODE 6570-06-M

4

FEDERAL ELECTION COMMISSION

[FR No. 1447]

PREVIOUSLY ANNOUNCED DATE AND TIME: Tuesday, September 29, 1981 at 10 a.m.

CHANGE IN MEETING: The following item has been added to the Agenda: FY '82 Management Plan.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-1457-81 Filed 9-24-81; 10:07 am]

BILLING CODE 6715-01-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. Wednesday September 30, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679.

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Thursday, September 30, 1981.

Consumer Leasing
No. 541, September 24, 1981.

[S-1459-81 Filed 9-24-81; 1:01 pm]

BILLING CODE 6720-01-M

6

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

MEETING: Cultural Minorities Task Force.

DATES AND TIMES:

Thursday, October 15, 1981, 9 a.m.-5:30 p.m.
Friday, October 16, 1981 8:30 a.m.-5:30 p.m.

PLACE: Holiday Inn, Capitol, 550 C Street, S.W., Washington, D.C. 20024.

STATUS: Open.

MATTERS TO BE DISCUSSED: Writing of Final Report.

September 21, 1981.

Ruby O Woods Robinson,
Research Associate.

[S. 1458-81 Filed 9-24-81; 11:45 am]

7

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 28, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Wednesday, September 30, 1981, at 2:30 p.m. and on Thursday, October 1, 1981, following a 10:30 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5

U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8) (9)(i) and (10).

Commissioners Loomis, Evans, Thomas and Longstreth voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Wednesday, September 30, 1981, at 2:30 p.m., will be:

Formal order of investigation.
Settlement of administrative proceedings of an enforcement nature.
Litigation matter.
Institution of administrative proceeding of an enforcement nature.
Institution and settlement of administrative proceeding of an enforcement nature.
Institution of injunctive actions.
Regulatory matter regarding financial institution.

The subject matter of the closed meeting scheduled for Thursday, October 1, 1981, following the 10:30 a.m. open meeting, will be:

Opinion.
Regulatory matter regarding financial institution.

The subject matter of the open meeting scheduled for Thursday, October 1, 1981, at 10:30 a.m. will be:

1. Consideration of whether to issue three releases concerning the designation of National Market System ("NMS") securities. The first release would publish for comment proposed amendments to Rule 11Aa2-1 under the Securities Exchange Act of 1934 (i) which the National Association of Securities Dealers, Inc. ("NASD") has petitioned the Commission to adopt, which, among other things, would increase the number of securities eligible for NMS designation; and (ii) which would clarify the eligibility of American Depositary Receipts to be designated as NMS securities. The second release would publish for comment the NASD's "National Market System Securities Designation Plan with Respect to NASDAQ Securities" ("Plan"), and the third release would delegate to the Director of the Division of Market Regulation the authority to approve that Plan and to publish and approve amendments to the Plan. For further information, please contact Michael J. Simon at (202) 272-2889.

2. Consideration of whether to approve the selection of Robert P. Beshar and Mary Des Roches as public members of the Municipal Securities Rulemaking Board. For further information, please contact Susan J. Walters at (202) 272-2825.

3. Consideration of: (1) whether to announce the addition of two types of proposals that appear not to require staff review to the previously announced list of proposals that will not trigger review of preliminary proxy soliciting materials filed by registered investment companies, and (b) whether to announce new stand-by procedures for the selective review of both preliminary proxy soliciting materials and certain post-effective amendments filed by registered investment companies. For further information, please contact Kathleen A. Jackson at (202) 272-2115.

4. Consideration of an application requesting that The Westcap Corporation and its subsidiary companies be relieved from disqualifications arising from a 1976 administrative proceeding instituted by the Commission which, among other things, restricted the activities of Hibbard, O'Connor & Weeks, Inc. (now known as the Westcap Corporation) and its subsidiary companies, to municipal and U.S. government issued or guaranteed securities sold to or purchased from dealers and institutional customers. For further information, please contact Robert E. Anderson at (202) 272-2916.

At times changes in Commission priorities require alterations in the scheduling of meeting items, for further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2092.

September 22, 1981.

[S-1461-81 Filed 9-24-81; 3:22 pm]

BILLING CODE 8010-01-M

federal register

Monday
September 28, 1981

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Prime Farmland: Interim Regulatory Program

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 716

Prime Farmland: Interim Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Confirmation of effective date and amendments to final rule.

SUMMARY: The Department is making effective and amending certain rules implementing the initial program of the Surface Mining Control and Reclamation Act, the effective dates of which were postponed in **Federal Register** notices of February 4, 1981 (46 FR 10707), March 23, 1981 (46 FR 18023), April 3, 1981 (46 FR 20211), April 29, 1981 (46 FR 23924), June 15, 1981 (46 FR 31258), and August 14, 1981 (46 FR 41046). These rules relate to the definition and identification of prime farmland.

Two of these changes to the interim program regulations resulted from U.S. District Court decisions while four other changes were made so that the interim and permanent program regulations would coincide to provide for a smooth transition upon adoption of State programs.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Donald F. Smith, Agricultural Engineer, Office of Surface Mining, Department of the Interior, 1951 Constitution Avenue, NW, Washington, D.C. 20240. Telephone (202) 343–5954.

SUPPLEMENTARY INFORMATION:

Background

On December 13, 1977 (42 FR 62639–62716), the Office promulgated final initial regulations (30 CFR Chapter VII) as required by section 501(a) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. Section 1251(a), (SMCRA or the Act). Section 716.7 of the initial regulations pertains to surface coal mining operations conducted on prime farmland, (42 FR 62693–95 (1977)).

Six changes to § 716.7 were proposed at 44 FR 33628 (July 11, 1979) and published in final form at 46 FR 7208 (January 22, 1981). Two of these changes to the interim program regulations resulted from U.S. District Court decisions while four other changes were made so that the interim and permanent program regulations would coincide to provide for a smooth transition upon adoption of State programs. These six changes are discussed in detail at 44 FR 33628 (July 11, 1979) and 46 FR 7208 (January 22, 1981). In brief, these changes include: (1) defining "historically used for cropland" as 5 out of 10 years; (2) measuring the historical use period from the date of acquisition of the land for mining purposes; (3) providing for the regulatory authority to have flexibility to classify as prime farmlands those lands important to the State or local economy; (4) providing for the regulatory authority to have flexibility to classify as prime farmland those lands taken out of cropland use for more than 5 years in 10 due to ownership circumstances which do not relate to the capability of the land to produce crops; (5) substitution of the term "cropland" for "cultivated crops"; and (6) implementing the grandfather clause of the Act (Section 510(d)(2)). This notice discusses the first five rule changes described above. The sixth rule change (the grandfather clause) has been combined with other grandfather issues discussed in **Federal Register** being published Sept. 29, 1981.

The statutory basis, legislative history and rulemaking history of the first five regulation changes described above appeared in the Notice of Proposed Rules (44 FR 33626–29, July 11, 1979) and Notice of Final Rule (46 FR 7208–12, January 22, 1981). That material will not be repeated here but is incorporated and made a part hereof unless otherwise stated in the notice.

Analysis of Comments

Numerous comments were received on the issues of whether to modify, issue or suspend indefinitely the regulations published in January, 1981. Most of these comments related to implementation of the grandfather clause in the Surface Mining Act and are discussed in a separate **Federal Register** notice. OSM received only one comment on the prime farmland definitions. This commenter referenced comments and testimony presented to OSM during earlier rulemakings on 30 CFR 716.7 in which the commenter objected to the definition of prime farmland as not consistent with the definition set forth in the legislative history at 123 Cong. Rec. S8109 (daily ed. May 20, 1977). OSM has reviewed its previous response to this comment (see 42 FR 62661, December 13, 1977, second and third columns) and finds that no changes in the definition are necessary.

Accordingly, the prime farmland identification and definition regulations published on January 22, 1981, will be made effective without further change except for § 716.7(a)(2) which will be addressed in a separate document published on September 29, 1981. For the convenience of the public, the following table shows the current status of all subsections of 30 CFR 716.7:

Subsection of § 716.7	Where to find the final regulation
(a)(1)	The "historical use" rulemaking published today.
(a)(2)	The "grandfather clause" rulemaking published Sept. 29, 1981.
(b)(1), (2) and (3)	The "historical use" rulemaking published today.
(c)	42 FR 62694, December 13, 1977, codified at 30 CFR 716.7(c).
(d)(1)	The "historical use" rulemaking published today.
remainder of (d), (e), (f), and (g).	42 FR 62694, December 13, 1977, codified at 30 CFR 716.7 (d), (e), (f), and (g).

Statements Under E.O. 12291 and NEPA

This final rule is exempt from section 102(2)(c) of the National Environmental Policy Act under section 501(a) of the Surface Mining Act.

OSM has determined that this rule is not a major rule under Executive Order 12291 and a regulatory impact analysis will not be prepared.

Regulatory Flexibility Act

Pub. L. 96–354 requires that the head of an agency must make a certification of effect on small entities and publish the certification and reasons therefore in the appropriate **Federal Register** document. Following is the required certification.

I certify that making this rule effective will not have a significant economic impact on a substantial number of small entities. Based on OSM's experience with the Small Operator's Assistance Program (SOAP), OSM estimates that there are 2,000 to 3,000 small operators in the coal mining industry of the United States.

Precise data on the number of small operators that disturb prime farmland are not available. However, OSM estimates that less than 100 small operators disturb prime farmland in those States having the highest percentage of such land (Illinois, Indiana, Iowa, Missouri and Ohio). Because the number of small operators is low and the number of strippable prime farmland acres is low, OSM has determined that these regulations will have a limited impact on small entities.

Dated: September 22, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

Drafting Information

The principal author of these rules and the accompanying preamble is Donald F. Smith, Office of Surface

Mining, Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, phone (202) 343–5954.

Final Regulations

PART 716—SPECIAL PERFORMANCE STANDARDS

The following regulations in Chapter VII of Title 30 of the Code of Federal Regulations are amended as follows:

§ 716.7 [Amended]

1. 30 CFR 716.7(a)(1) as published on January 22, 1981, is confirmed and (a)(2) is removed and reserved.

2. 30 CFR 716.7 (b)(1) through (b)(3) as published on January 22, 1981, is confirmed.

3. 30 CFR 716.7(d)(1) is removed in its entirety and new § 716.7(d)(1) is added as follows:

(d) * * *.

(1) lands within the proposed permit boundaries have not been historically used for cropland.

(Secs. 201, 501, 527 and 529, P.L. 95–87 Stat. 445 (30 U.S.C. 1201))

[FR Doc. 81–28045 Filed 9–25–81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS**		DOT/FAA	USDA/FSIS**
DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
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DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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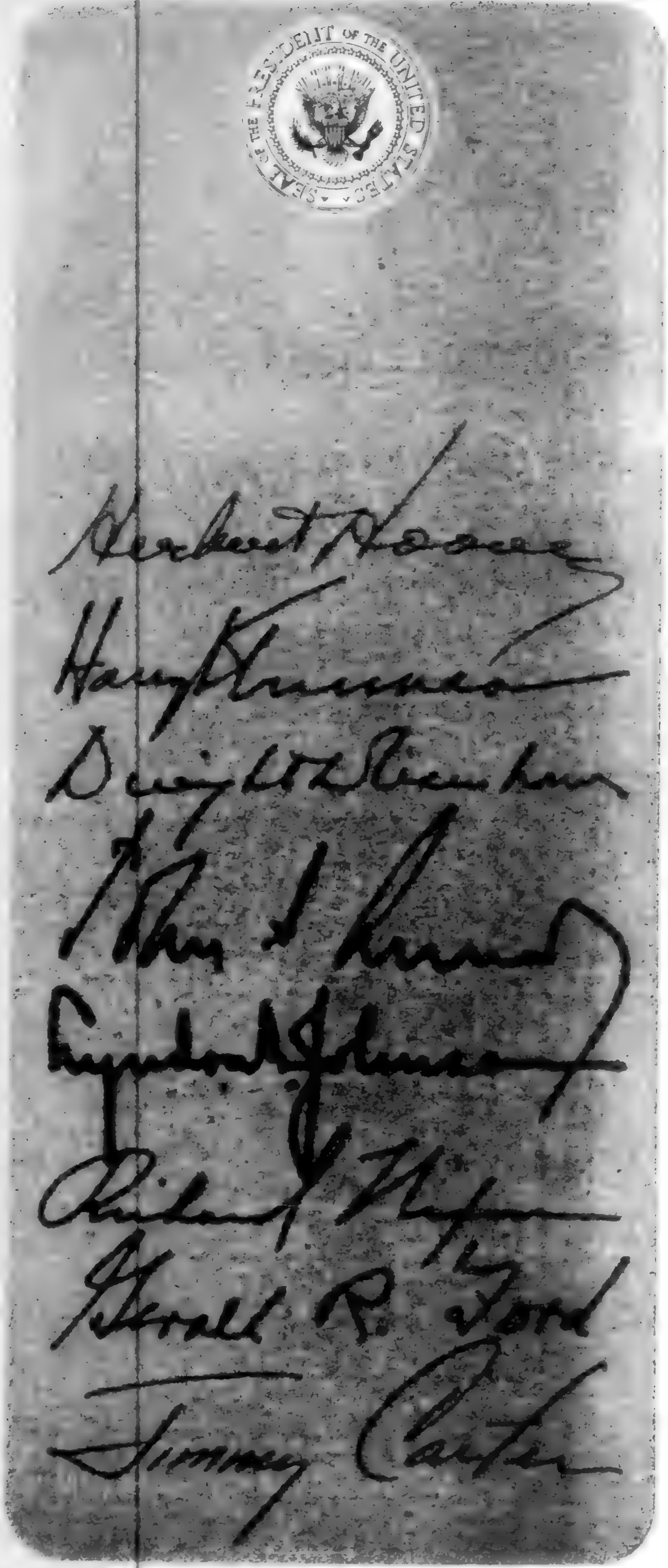

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federal register

Tuesday
September 29, 1981

Highlights

47720	**Surface Coal Mining** Interior/SMREO revises prime farmland grandfather rules. (Part II of this issue)
47536	**Indians—Lands** Interior/BIA revises regulations on land records and title documents.
47724	**Aged** EEOC issues final interpretations of the Age Discrimination in Employment Act. (Part III of this issue)
47744	**Handicapped** ATBCB extends comment period on proposed rescission of minimum guidelines and requirements for Federal and federally-funded buildings. (Part V of this issue)
47539	**Veterans** VA amends disability compensation and survivors' benefits regulations.
47539	**Health Insurance** DOD amends wig/hairpiece regulations under the Civilian Health and Medical Program of the Uniformed Services.
47730, 47740	**Over-the-Counter Drugs** HHS/FDA revises review and classification procedures for Category III products and issues drug review policy statement. (Part IV of this issue) (2 documents)
47623	**Blood** HHS/FDA clarifies proposed labeling requirements for blood and blood components.

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47649 **Imports** CITA adjusts restraint levels for certain man-made fiber apparel products from the Republic of Korea.

47695 **Sunshine Act Meetings**

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Rules and Regulations

Federal Register
Vol. 46, No. 188
Tuesday, September 29, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins; Construction, Operation and Maintenance of Electric Lines

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends Appendix A— REA Bulletins to provide for the rescission of REA Bulletin 80–8, "Construction, Operation and Maintenance of Electric Lines on Land Administered by the United States Forest Service," issued May 9, 1956, and the supplement to Bulletin 80–8 issued on January 27, 1964. This bulletin has become obsolete; the information is not considered useful enough to justify revising the bulletin.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Dedman, telephone (202) 447–7040. A Final Impact Statement has been prepared and is available from the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270–S, U.S. Department of Agriculture, Wahington, D.C. 20250.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby amends Appendix A—REA Bulletins to provide for the rescission of REA Bulletin 80–8, "Construction, Operation and Maintenance of Electric Lines on Land Administered by the United States Forest Service," and the supplement to Bulletin 80–8. This final action has been issued in conformance with Executive Order 12291, Federal Regulation. Since no significant effect on the economy will occur; since no significant increase in costs for consumers, industries or Government will result; and since no significant impact on economic conditions will be caused, this action has been determined to be "not major."

The Regulatory Flexibility Act (Pub. L. 96–354) does not apply to this action; therefore, a Regulatory Flexibility Analysis has not been prepared.

This action eliminates the bulletin which has become obsolete. When an REA borrower proposes to construct facilities on land owned by the U.S. Forest Service, a permit must be obtained. The requirements for obtaining the permit are explained to the borrower by the Forest Service when a permit application is made. Repetition of the requirements in REA Bulletin 80–8 is a needless duplication of paperwork which should be eliminated.

A Notice of Proposed Rulemaking was published in the **Federal Register** on May 19, 1981, Volume 46, Number 96, Page 27344. However, no public comments were received in response to the notice.

(Catalog of Federal Domestic Assistance 10.850, Rural Electrification Loans and Loan Guarantees)

Dated: September 18, 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81–28204 Filed 9–28–81; 8:45 am]

BILLING CODE 3410–15–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 202

[Release Nos. 33–6345; 34–18108; 35–22201; 39–657; IA–776; IC–11948]

Commission Investigative Authority

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission is amending the statement of its informal and other procedures by revising the section on enforcement activities to conform it with the governing statutes by providing that the Commission may, in its discretion, makes such investigations as it deems necessary to determine whether any person has violated, is violating, or is about to violate any provision of the federal securities laws, the rules or regulations thereunder, or the rules of a self-regulatory organization of which the person is a member or participant.

EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: Andrew W. Sidman, Office of the General Counsel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272–2454.

SUPPLEMENTARY INFORMATION: Section 21(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(a), empowers the Commission to, "in its discretion, make such investigations as it deems necessary to determine whether any person has violated, is violating, or is about to violate" that Act, the rules or regulations thereunder, or the rules of a self-regulatory organization of which the person is a member or participant.[1] Section 202.5(a) of the Commission's Informal and Other Procedures, 17 CFR 202.5(a), which was published to provide to the public information about the Commission's usual operations, stated that its staff ordinarily referred matters to the Commission for a formal investigation when it appears that "there is a likelihood that a violation has been or is about to be committed and that the issuance of process may be necessary." That language has been viewed by some as imposing upon the Commission a standard different than the statutes governing the Commission's investigatory powers, even though that Section is simply a "brief description of [a] procedure [ ] generally followed by the Commission which [has] not been formalized in rules," which the Commission published to "aid the public and facilitate the execution of the Commission's functions," 17 CFR 202.1(c), and has not been and is not intended to impose substantive limitations upon the Commission's investigatory powers.

The Commission has determined to eliminate any confusion resulting from any possible differences between the governing statutes and the Commission's informal description of its procedures by amending § 202.5(a) to conform with those statutes. This amendment will not have any effect on the procedures or standards by which the Commission reaches a determination, in its discretion, whether to initiate an investigation. The Commission will continue carefully to examine each matter in which it determines to authorize a formal investigation to assure that its statutory mandate is fulfilled.

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[1] Similar provisions are contained in Section 20(a) of the Securities Act of 1933, 15 U.S.C. 77t(a); Section 18(a) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79r(a); Section 209(a) of the Investment Advisers Act of 1940, 15 U.S.C. 80b-9(a); and Section 42(a) of the Investment Company Act of 1940, 15 U.S.C. 80a-41(a).

Procedural Matters

Since § 202.5(a) is an informal statement of agency procedure, the requirements of Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable.

No regulatory flexibility analysis (or certification that one is not required) is necessary because § 202.5(a) is not a "rule" within the meaning of Section 601(2) of the Administrative Procedure Act, 5 U.S.C. 601(2).

PART 202—INFORMAL AND OTHER PROCEDURES

Text of Amendment

Part 202 of Title 17 of the Code of Federal Regulations is amended by revising paragraph (a) of § 202.5 to read as follows:

§ 202.5 Enforcement activities.

(a) Where, from complaints received from members of the public, communications from Federal or State agencies, examination of filings made with the Commission, or otherwise, it appears that there may be violation of the acts administered by the Commission or the rules or regulations thereunder, a preliminary investigation is generally made. In such preliminary investigation no process is issued or testimony compelled. The Commission may, in its discretion, make such formal investigations and authorize the use of process as it deems necessary to determine whether any person has violated, is violating, or is about to violate any provision of the federal securities laws or the rules of a self-regulatory organization of which the person is a member or participant. Unless otherwise ordered by the Commission, the investigation or examination is non-public and the reports thereon are for staff and Commission use only.

* * * * *

This section is amended pursuant to the authority of the Securities Exchange Act of 1934, 15 U.S.C. 78a et seq., and, in particular, sections 21(a), 15 U.S.C. 78u(a), and 23(a)(1), 15 U.S.C. 78w(a)(1).

By the Commission.

George A. Fitzsimmons,
Secretary.
September 21, 1981.

[FR Doc. 81-28225 Filed 9-28-81; 8:45 am]
BILLING CODE 8010-01-m

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 79C-0400]

Listing of Color Additives Exempt From Certification; Grape Color Extract

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of grape color extract as a color additive for nonbeverage food use. This action responds to a color additive petition filed by Welch Foods, Inc.

DATES: Effective October 30, 1981; objections by October 29, 1981.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 4, 1979 (44 FR 69731), FDA announced that a color additive petition (CAP 6C0124) had been filed by Welch Food, Inc., Westfield, NY 14787, proposing to amend the color additive regulations to provide for the safe use of grape color extract as a color additive for food and drugs. Since that time, the petitioner has amended its petition to request that grape color extract be permitted for use as a color additive in nonbeverage foods only, under Part 73 (21 CFR Part 73) of the color additive regulations.

FDA has evaluated data in the petition and other relevant information and concludes that the proposed use is safe, and that Part 73 should be amended as set forth below to include the safe use of grape color extract as a color additive.

The agency previously considered the potential environmental effects of this rule as announced in the notice of filing published in the **Federal Register**. No new information or comment has been received that would alter the agency's previous determination that there is no significant impact on the human environment, and that an environmental impact statement is not required.

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 73 is amended in Subpart A by adding § 73.169 to read as follows:

§ 73.169 Grape color extract.

(a) *Identity.* (1) The color additive grape color extract is an aqueous solution of anthocyanin grape pigments made from Concord grapes or a dehydrated water soluble powder prepared from the aqueous solution. The aqueous solution is prepared by extracting the pigments from precipitated lees produced during the storage of Concord grape juice. It contains the common components of grape juice, namely anthocyanins, tartrates, malates, sugars, and minerals, etc., but not in the same proportion as found in grape juice. The dehydrated water soluble powder is prepared by spray drying the aqueous solution containing added malto-dextrin.

(2) Color additive mixtures for food use made with grape color extract may contain only those diluents listed in this subpart as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* Grape color extract shall conform to the following specifications: Pesticide residues, not more than permitted in or on grapes by regulations promulgated under section 408 of the Federal Food, Drug, and Cosmetic Act. Lead (as Pb), not more than 10 parts per million. Arsenic (as As), not more than 1 part per million.

(c) *Uses and restrictions.* Grape color extract may be safely used for the coloring of nonbeverage food, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act, unless the use of added color is authorized by such standards.

(d) *Labeling.* The color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to the other information required by the act, labeling in accordance with the provisions of § 70.25 of this chapter.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 29, 1981 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provision of the regulation to which objection is made and shall state the grounds for the objection. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. If a hearing is requested, the objections shall state the issues for the hearing and shall be supported by grounds factually and legally sufficient to justify the relief sought. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation becomes effective October 30, 1981, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the **Federal Register.**

(Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376))

Dated: September 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–28157 Filed 9–28–81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 81

[Docket No. 76N–0366]

Provisional Listing of D&C Green No. 6; Postponement of Closing Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Green No. 6 for use as a color additive in externally applied drugs and cosmetics. The new closing date will be December 1, 1981. This brief postponement will provide time for determining the applicability of the statutory standard for the listing of color additives to the results of scientific investigations of D&C Green No. 6.

EFFECTIVE DATE: Effective September 29, 1981, the new closing date for D&C Green No. 6 will be December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: The current closing date of September 29, 1981 for the provisional listing of D&C Green No. 6 was established by a regulation published in the **Federal Register** of July 28, 1981 (46 FR 38502). This closing date for D&C Green No. 6 was established to provide time for completion of FDA's review and evaluation of the data concerning the external uses of D&C Green No. 6 and for publication of a regulation in the **Federal Register** regarding the final decision on the petition for the permanent listing of this color additive. The regulation set forth below will postpone the September 29, 1981 closing date for the provisional listing of the color additive until December 1, 1981.

The review and evaluation of the data relevant to the use of D&C Green No. 6 in externally applied drugs and cosmetics and the decision about how to apply the statutory standard for the listing of color additives to such data have required more time than initially anticipated. FDA concludes that the brief extension of the closing date to December 1, 1981 is necessary. The agency has also concluded that no harm to the public health will result from this extension.

Because of the shortness of time until the September 29, 1981 closing date, FDA concludes that notice and public procedure on this regulation are impracticable, and that good cause exists for issuing this postponement as a final rule.

This regulation will permit the uninterrupted use of the color additive until further action is taken. In accordance with 5 U.S.C. 553(b) and (d)(1) and (3), this postponement is issued as a final regulation and is being made effective on September 29, 1981.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

§ 81.1 [Amended]

Therefore, under the Transitional Provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 81 is amended in § 81.1 *Provisional lists of color additives,* by revising the closing date for "D&C Green No. 6" in paragraph (b) to read "December 1, 1981."

Effective date. This regulation is effective September 29, 1981.

(Sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: September 21, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–28241 Filed 9–28–81; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 9H5207/R82; PH–FRL–1941–7]

Tolerances for Pesticides in Food Administered by Environmental Protection Agency; Ethephon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a food additive regulation permitting the residues of the plant regulator ethephon [(2-chloroethyl)phosphonic acid] in or on the processed commodity raisins at 12.0 parts per million (ppm). This regulation was requested by Union Carbide Agricultural Products Company. This regulation establishes the maximum permissible level for residues of the plant regulator in or on raisins.

EFFECTIVE DATE: Effective on September 29, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M. St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 13, 1979 (44 FR 22175) that Amchem Products, Inc. (now Union Carbide Agricultural Products Company), Ambler, PA 19002, had submitted a food additive petition (FAP 9H5207) to the EPA. The petition proposed that a regulation be established permitting residues of the plant regulator ethephon [(2-chloroethyl)phosphonic acid] in or on the processed commodities grape juice at 8.0 ppm; dried grape pomace at 10.0 ppm; and raisins at 12.0 ppm.

The petitioner subsequently amended the petition by submitting a revised Section F withdrawing the requests for regulations for grape juice and dried grape pomace.

No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. For detailed toxicology information see PP 9F2178/R350 which appears elsewhere in this issue of the **Federal Register**. A related document (FAP 9H5207/R83) establishing a regulation permitting ethephon in raisin waste also appears elsewhere in this issue.

The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) *et seq.*).

Any person adversely affected by this regulation may, on or before October 29, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on: September 29, 1981.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348a(c)(1)))

Dated: September 17, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR 193.186 is amended by adding paragraph (d) to read as follows:

§ 193.186 Ethephon.

* * * * *

(d) A regulation permitting residues of the plant growth regulator ethephon [(2-chloroethyl)phosphonic acid] at 12.0 parts per million is established for raisins when the plant growth regulator is present as a result of application to the growing raw agricultural commodity grapes.

[FR Doc. 81-28202 Filed 9-28-81; 8:45 am]

BILLING CODE [illegible]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Nitarsone

AGENCY: Food and Drug Administration.

ACTION: Final rule

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Salsbury Laboratories providing revised labeling for safe and effective use of nitarsone premixes to manufacture complete chicken and turkey feeds used as an aid in the prevention of blackhead. The revised labeling concurs with the conclusions of the National Academy of Sciences/National Research Council (NAS/NRC) evaluation of the product.

EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Salsbury Laboratories, Charles City, IA 50616, filed a supplemental NADA (7-616) providing for use of 50 percent nitarsone premixes for making complete feeds containing 0.01875 percent nitarsone used as an aid in the prevention of blackhead in chickens and turkeys. The application initially became effective December 8, 1950. It was the subject of a National Academy of Sciences/National Research Council (NAS/NRC) notice published in the **Federal Register** of April 15, 1969 (34 FR 6494). The notice contained the conclusion that the product when used at a dosage of 0.025 percent is effective as an aid in the prevention of blackhead in chickens and turkeys, but that there is at the same dosage a toxic reaction (leg weakness). Accordingly, NAS/NRC suggested that a reduced dosage be used and recommended that the label bear a statement cautioning that adequate drinking water must be available near the feeder at all times. FDA concurred with the conclusions in the NAS/NRC notice and further concluded that the product is effective at 0.01875 percent for the stated claims. Sponsors were invited to file supplemental NADA's providing revised labeling indicating (1) that the drug is to be used as an aid in the prevention of blackhead in chickens and turkeys in complete rations containing 0.01875 percent of the drug; (2) that early medication is essential to prevent spread of disease; (3) that adequate drinking water must be provided near the feeder at all times; (4) that the drug is not effective in preventing blackhead in birds infected more than 4 or 5 days; (5) that equipment used for mixing the drug with feed must be thoroughly cleaned before using to mix other feeds; (6) that use of the drug is to be discontinued 5 days before slaughtering treated animals for food for human consumption; (7) that the drug is dangerous for ducks, geese, and dogs; (8) that an overdosage or a lack of water may result in leg weakness in or paralysis of the treated animal; (9) that the drug must be kept out of the reach of children; and (10) that the drug may be used as a sole source of arsenic.

Salsbury Laboratories submitted a supplemental NADA providing revised labeling which concurred with the conclusions of the NAS/NRC review and FDA. The supplement is approved and the regulations are amended accordingly.

Nitarsone is currently approved for use at 0.025 percent in chickens and turkeys as an aid in the prevention of blackhead. This supplement provides for use of the drug for the same species at a lower dosage in accordance with the conclusions of the NAS/NRC notice. Approval of this supplement should not result in a significant increase in the number of food-producing animals receiving the medication. The Bureau of Veterinary Medicine concludes that approval of this supplemental NADA poses no increased human risk from exposure to residues of the new animal drug. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a category II supplemental approval which does not require reevaluation of the human safety data supporting the parent application.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended by adding new § 558.369 to read as follows:

§ 558.369 Nitarsone.

(a) *Approvals.* Premix levels of 50 percent to No. 017210 in § 510.600(c) of this chapter.

(b) *Assay limits.* Finished feed 85 to 120 percent of labeled amount.

(c) *Special considerations.* Finished feed containing nitarsone only and conforming to the requirements of this section are not required to comply with the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act.

(d) *Related tolerances.* See § 556.60 of this chapter.

(e) *NAS/NRC status.* These conditions of use are NAS/NRC reviewed and found effective. NADA's for these uses may not require effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(f) *Conditions of use.* It is used in the complete feed for chickens and turkeys as follows:

(1) *Amount.* Nitarsone, 0.01875 percent.

(2) *Indications for use.* As an aid in the prevention of blackhead.

(3) *Limitations.* Early medication is essential to prevent spread of disease. Adequate drinking water must be provided near feeder at all times. The drug is not effective in preventing blackhead in birds infected more than 4 or 5 days. Equipment used for mixing this drug with feed must be thoroughly cleaned before using to mix other feeds. Discontinue use 5 days before slaughtering animals for human consumption to allow elimination of the drug from edible tissues. The drug is dangerous for ducks, geese, and dogs. Overdoseage or lack of water may result in leg weakness or paralysis. Use as sole source of arsenic.

Effective date. This regulation is effective September 29, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 23, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-28158 Filed 9-28-81; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 9H5207/R83; PH-FRL-1941-8]

Tolerances for Pesticides in Animal Feeds Administered by Environmental Protection Agency; Ethephon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation permitting the residues of the plant regulator ethephon [(2-chloroethyl)phosphonic acid] in or on the animal feed raisin waste at 65.0 parts per million (ppm). This regulation was requested by Union Carbide Agricultural Products Company. This regulation establishes the maximum permissible level for residues of the plant regulator in or on raisin waste.

EFFECTIVE DATE: Effective on September 29, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Program, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 13, 1979 (44 FR 22175) that Amchem Products, Inc. (now Union Carbide Agricultural Products Company), Ambler, PA 19002, had submitted a feed additive petition (FAP 9H5207) to the EPA. The petition proposed that a regulation be established permitting residues of the plant regulator ethephon [(2-chloroethyl)phosphonic acid] in or on the animal feed raisin waste at 65.0 parts per million (ppm).

No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. For detailed toxicology information see PP 9F2178/R350 which appears elsewhere in this issue of the **Federal Register**. A related document (FAP 9H5207/R82) establishing a regulation permitting ethephon in raisins also appears elsewhere in this issue.

The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) *et seq.*).

Any person adversely affected by this regulation may, on or before October 29, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food and feed additive levels or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on: September 29, 1981.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348a(c)(1)).

Dated: September 17, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR Part 561 is amended by adding a new § 561.255 to read as follows:

§ 561.255 Ethephon.

A regulation is established permitting residues of the plant growth regulator ethephon [(2-chloroethyl) phosphonic acid] in raisin waste at 65.0 parts per million when it is present as a result of application of the plant growth regulator to the growing agricultural commodity grapes.

[FR Doc. 81–28203 Filed 9–28–81; 8:45 am]

BILLING CODE [illegible]–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 120

Land Records and Title Documents

September 10, 1981.

AGENCY: Bureau of Indian Affairs.

ACTION: Final rule.

SUMMARY: These are new rules revising and replacing regulations relating to land records and title documents affecting Indian lands. They cite the statutory authorities and define the role of the Land Titles and Records Offices (formerly called title plants) in the Bureau of Indian Affairs as the offices of record for all title documents to Indian lands. The regulations set forth the policies and procedures to be followed by owners and administrators of Indian lands, employees of the Bureau of Indian Affairs, and other persons authorized by law or regulation to have access to information about the current status and ownership of Indian lands.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Elva DeCelles, Land Records Officer, Bureau of Indian Affairs, 500 Gold Avenue, P.O. Box 888, Albuquerque, New Mexico 87103. Telephone numbers: (503–766–2800) (FTS 8–474–2800).

SUPPLEMENTARY INFORMATION: Proposed regulations were published in the **Federal Register**, Volume 45, No. 207 at 70284 on October 23, 1980. Several written comments were received during the 30-day comment period. The general areas of comment, some of the major suggestions, and the changes which have been made are discussed below. Several minor editorial changes are not mentioned.

The language of the proposed § 120.2(h), which defines "Indian land", has been changed to include lands which are subject to the rights of use, occupancy and/or benefit of certain tribes. This language has been added so as to include those lands set aside, reserved or purchased for tribes by the United States where such rights exist but where no express trust language appears in the title document.

The language for that portion of the proposed § 120.2(m) which cites the purpose for "recordation" or "recording" has been changed so as to add constructive notice of the ownership and change of ownership and the existence of encumbrances to the land. The legislative history of the Act of July 26, 1892 (27 Stat. 272; 25 U.S.C. 5), which appears in House Executive Document No. 73 (52nd Congress, 1st Session) and in the Congressional Record of March 21, 1892, at 2254, implies with certainty that the recordation of Indian title documents in the Office of the Commissioner of Indian Affairs would give constructive notice of such conveyance documents provided the documents were recorded after enactment of the then proposed legislation.

Because title documents affect vested property rights, actions to cure defects should not generally be initiated by the Land Titles and Records Office. Therefore, proposed § 120.7(a) has been changed to require only that, with the exception of probate records, the Land Titles and Records Office shall notify the originating office of defects appearing in title documents.

The language of proposed § 120.8 has been changed by deleting the requirements that requests for title status reports be on a prescribed form and that such requests identify the lands by legal description. It is felt that these requirements were burdensome and, in the case of legal descriptions, not always necessary to the clear identification of the land in question.

To avoid the possibility of being misleading, the words "equally with" in proposed § 120.10 have been changed to read "the same as."

Several comments were directed to proposed § 120.11(a) where it addresses policy grounds for denying access to land records and title documents where such access is not required by the Freedom of Information Act, 5 U.S.C. 552. This language was employed because the Bureau of Indian Affairs, in meeting its fiduciary responsibility to Indian tribes, is particularly sensitive to the public disclosure of income derived from tribal leases. For this reason, we have added to § 120.11(a) that it shall be the policy of the Bureau of Indian Affairs that, unless specifically authorized, monetary considerations will not be disclosed insofar as leases of tribal land are concerned.

Special problems exist in applying the regulations of this part in their entirety to the Juneau Area Office and the Cherokee Agency (North Carolina). In both cases, title services have been performed at the agency level. Agency realty specialists perform essentially the same services (including title status reports) performed at title plants. In Alaska, documents are kept at the agency and recorded in the State recording system. It was not thought advisable to apply every single portion of the regulations to the Juneau Area Office or Cherokee Agency at this time. Rather, the regulations permit the continuance of the slight differences in practice in those two offices without inhibiting developments which would bring them more in line with the officially designated Land Titles and Records Offices in the future. For example, neither the Juneau Area Office nor the Cherokee Agency has been designated as a certifying office for purposes of § 120.10. However, either may be so designated in the future.

The primary authors of this document have been Elva DeCelles, Land Records Officer, Bureau of Indian Affairs, 500 Gold Avenue, P.O. Box 888, Albuquerque, New Mexico 87103, (503–766–2800) (FTS 8–474–2800), and Howard Piepenbrink, Realty Specialist, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, Code 226, (202–343–5473) (FTS 8–343–5473).

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic impact on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act. Although this rule sets forth procedures for the recordation of Indian land conveyances and title documents in order to provide constructive notice, such documents are drafted and executed pursuant to other existing regulations. The rule, therefore, does not impose new information collection or recordkeeping requirements on individuals, businesses, organizations, or state and local governments.

(5 U.S.C. 301; 25 U.S.C. 1 and 2; 25 U.S.C. 5 and 9; 209 DM 8)

Part 120 of Title 25 of the Code of Federal Regulations is revised to read as follows:

PART 120—LAND RECORDS AND TITLE DOCUMENTS

Sec.

120.1 Purpose and scope.
120.2 Definitions.
120.3 Maintenance of land records and title documents.
120.4 Location and service areas for land titles and records offices.
120.5 Other Bureau offices with title service responsibility.
120.6 Recordation of title documents.
120.7 Curative action to correct title defects.
120.8 Title status reports.
120.9 Land status maps.
120.10 Certification of land records and title documents.
120.11 Disclosure of land records, title documents, and title reports.

Authority: Act of June 30, 1834 (4 Stat. 738; 25 U.S.C. 9). Act of July 26, 1892 (27 Stat. 272; 25 U.S.C. 5). Reorganization Plan No. 3 of 1950 approved June 20, 1949 (64 Stat. 1262). (Act of April 26, 1906 (34 Stat. 137); Act of May 27, 1908 (35 Stat. 312); Act of August 1, 1914 (38 Stat. 582, 598) deal specifically with land records of the Five Civilized Tribes.)

Cross-References: For further regulations pertaining to proceedings in Indian probate, see 43 CFR Part 4, Subpart D.

§ 120.1 Purpose and scope.

These regulations set forth authorities, policy and procedures governing the recording, custody, maintenance, use and certification of title documents, and the issuance of title status reports for Indian land.

§ 120.2 Definitions.

As used in this part.

(a) "Secretary" is the Secretary of the Interior or his authorized representative.

(b) "Commissioner" is the Commissioner of Indian Affairs or his authorized representative.

(c) "Agency" is an Indian Agency or other field unit of the Bureau of Indian Affairs having Indian land under its immediate jurisdiction.

(d) "Superintendent" is the designated officer in charge of an Agency.

(e) "Tribe" is a tribe, band, nation, community, rancheria, colony, pueblo, or other Federally-acknowledged group of Indians.

(f) "Bureau" is the Bureau of Indian Affairs.

(g) "Land" is real property, including any interests, benefits, and rights inherent in the ownership of the real property.

(h) "Indian land" is an inclusive term describing all lands held in trust by the United States for individual Indians or tribes, or all lands, titles to which are held by individual Indians or tribes, subject to Federal restrictions against alienation or encumbrance, or all lands which are subject to the rights of use, occupancy and/or benefit of certain tribes. For purposes of this Part, the term Indian land also includes land for which the title is held in fee status by Indian tribes, and U.S. Government-owned land under Bureau jurisdiction.

(i) "Administrative Law Judge" is an employee of the Office of Hearing and Appeals, Department of the Interior, upon whom authority has been conferred by the Secretary to probate the trust or restricted estates of deceased Indians in accordance with 43 CFR, Part 4, Subpart D.

(j) "Land Titles and Records Offices" are those offices within the Bureau of Indian Affairs charged with the Federal responsibility to record, provide custody, and maintain records that affect titles to Indian lands, to examine titles, and to provide title status reports for such land.

(k) "Manager" is the designated officer in charge of a Land Titles and Records Office.

(l) "Title document" is any document that affects the title to or encumbers Indian land and is required to be recorded by regulation or Bureau policy.

(m) "Recordation" or "recording" is the acceptance of a title document by the appropriate Land Titles and Records Office. The purpose of recording is to provide evidence of a transaction, event, or happening that affects land titles; to preserve a record of the title document; and to give constructive notice of the ownership and change of ownership and the existence of encumbrances to the land.

(n) "Title examination" means an examination and evaluation by a qualified title examiner of the completeness and accuracy of title documents affecting a particular tract of Indian land with certification of the findings by the Manager of the Land Titles and Records Office.

(o) "Title status report" means a report issued after a title examination which shows the proper legal description of a tract of Indian land; current ownership, including any applicable conditions, exceptions, restrictions or encumbrances on record; and whether the land is in unrestricted, restricted, trust, or other status as indicated by the records in a Land Titles and Records Office.

§ 120.3 Maintenance of land records and title documents.

The Land Titles and Records Offices within the Bureau are hereby designated as the offices of record for land records and title documents and are hereby charged with the Federal responsibility to record, provide custody, and maintain records that affect titles to Indian land, to examine titles, and to provide title status reports.

§ 120.4 Locations and service areas for land titles and records offices.

Shown below are present Land Titles and Records Offices and the jurisdictional area served by each office.

(a) Aberdeen, S. Dakota Office provides title service for Indian land located under the jurisdiction of the Aberdeen and Minneapolis Area Offices, except for Indian land on the White Earth, Isabella, and Oneida Indian Reservations.

(b) Albuquerque, New Mexico Office provides title services for Indian land located under the jurisdiction of the Albuquerque, Navajo, and Phoenix Area Offices.

(c) Anadarko, Oklahoma Office provides title services for Indian land located under the jurisdiction of the Anadarko Area Office and under the Miami Agency of the Muskogee Area Office.

(d) Billings, Montana Office provides title services for Indian land located under the jurisdiction of the Billings Area Office.

(e) Portland, Oregon Office provides title services for Indian land located under the jurisdiction of the Portland and Sacramento Area Offices.

§ 120.5 Other Bureau offices with title service responsibility.

(a) Muskogee Area Office is the office of record and performs limited title functions for all Indian land of the Five Civilized Tribes. The regulations in this part apply to the Muskogee Area Office to the extent that they relate to the title services performed by that office.

(b) The Juneau Area Office has title service responsibility for the Juneau Area. This authority has been largely delegated to the agencies. The regulations in this part apply to the Juneau Area Office to the extent practicable.

(c) The Cherokee Agency has title service responsibility for the Eastern Cherokee Reservation. The regulations in this part apply to the Cherokee Agency to the extent practicable.

(d) The Bureau Central Office, Washington, D.C., provides title services for all other Indian land not shown above in § 120.4 or in this section, including the land of the Absentee Wyandottes. The regulations in this part apply to the Central Office.

§ 120.6 Recordation of title documents.

All title documents shall be submitted to the appropriate Land Titles and Records Office for recording immediately after final approval, issuance, or acceptance. Bureau officials delegated authority by the Secretary to approve title documents or accept title are responsible for prompt compliance with the recording requirement. Documents submitted for recording shall be completed in accordance with prescribed Bureau regulations or instructions.

(a) *Title documents other than probate records.* The original, a signed duplicate, or a certified copy of such documents shall be submitted for recording. Following the recording process, the Land Titles and Records Office will return those title documents that are required to be returned to the originating office with appropriate recording information.

(b) *Probate records.* In accordance with 43 CFR Part 4, Subpart D, Administrative Law Judges shall forward the original record of Indian probate decisions and copies of petitions for rehearing, reopening, and other appeals to the Land Titles and Records Office which provides service to the originating Agency. If trust land or Indian heirs involved in the probate are located within the jurisdictional area of another Land Titles and Records Office, the Administrative Law Judge shall also send a duplicate copy to that office. Probate records submitted by an Administrative Law Judge for recording will be retained by the Land Titles and Records Office.

§ 120.7 Curative action to correct title defects.

Land Titles and Records Office shall initiate such action as described below to cure defects in the record discovered during the recording of title documents or examination of titles.

(a) If an error is traced to a defective title document other than probate records, the Land Titles and Records Office shall notify the originating office of the defect.

(b) If errors are discovered in probate records, the Land Titles and Records Office may initiate corrective action as follows:

(1) An administrative modification shall be issued to modify probate records to include any Indian land omitted from the inventory if such property is located in the same state and takes the same line of descent as that shown in the original probate decision. Authority is delegated to the Commissioner by 43 CFR 4.272 to make such modifications except on those Indian reservations covered by special Inheritance Acts (43 CFR 4.300). Copies of administrative modifications shall be distributed to the appropriate Administrative Law Judge, Agencies with jurisdiction over the Indian land, and to all persons who share in the estate.

(2) Land Titles and Records Offices shall notify the Superintendent when modifications are required by Administrative Law Judges for other types of probate errors. Corrective action is then initiated in accordance with 43 CFR Part 4, Subpart D.

(3) Land Titles and Records Offices shall issue administrative corrections to correct probate errors which are clerical in nature and which do not affect vested property rights or involve questions of due process. Copies of administrative corrections are distributed to the appropriate Administrative Law Judge and Agency.

§ 120.8 Title status reports.

Land Titles and Records Offices may conduct a title examination of a tract of Indian land provide a title status report upon request to those persons authorized by law to receive such information. Requests for title status reports shall be submitted by or through the Bureau office that has administrative jurisdiction over the Indian land. All requests must clearly identify the tract of Indian land.

§ 120.9 Land status maps.

The Land Titles and Records Offices shall prepare and maintain maps of all reservations and similar entities within their jurisdictions to assist Bureau personnel in the execution of their title service responsibilities.
Base maps shall be prepared from plats of official survey made by the General Land Office and the Bureau of Land Management. These base maps, showing prominent physical features and section, township and range lines, shall be used to prepare land status maps. The land status maps shall reflect the individual tracts, tract numbers, and current status of the tract. Other special maps, such as plats and townsite maps, may also be prepared and maintained to meet the needs of individual Land Titles and Records Offices, Agencies, and Indian tribes.

§ 120.10 Certification of land records and title documents.

Under the provisions of the Act of July 26, 1892 (27 Stat. 273; 25 U.S.C. 6), an offical seal was created for the use of the Commissioner of Indian Affairs in authenticating and certifying copies of Bureau records. Managers of Land Titles and Records Offices are designated as Certifying Officers for this purpose. When a copy or reproduction of a title document is authenticated by the official seal and certified by a Manager, Land Titles and Records Office, the copy or reproduction shall be admitted into evidence the same as the original from which it was made. The fees for furnishing such certified copies are established by a uniform fee schedule applicable to all constituent units of the Department of the Interior and published in 43 CFR Part 2, Appendix A.

§ 120.11 Disclosure of land records, title documents, and title reports.

(a) The usefulness of a Land Titles and Records Office depends in large measure on the ability of the public to consult the records contained therein. It is therefore, the policy of the Bureau of Indian Affairs to allow access to land records and title documents unless such access would violate the Privacy Act, 5 U.S.C. 552a or other law restricting access to such records, or there are strong policy grounds for denying access where such access is not required by the Freedom of Information Act, 5 U.S.C. 552. It shall be the policy of the Bureau of Indian Affairs that, unless specifically authorized, monetary considerations will not be disclosed insofar as leases of tribal land are concerned.

(b) Before disclosing information concerning any living individual, the Manager, Land Titles and Records Office, shall consult 5 U.S.C. 552a(b) and the notice of routine users then in effect to determine whether the information may be released without the written consent of the person to whom it pertains.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 81–28165 Filed 9–28–81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD Regulation 6010.8–R]

Implementation of Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Amendment No. 8

AGENCY: Office of the Secretary of Defense.

ACTION: Amendment No. 8 to final rule.

SUMMARY: This amends DoD Regulation 6010.8–R (32 CFR 199) which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This amendment is necessary to implement language contained in the DoD Appropriation Act, 1981. This amendment will allow benefit consideration for one wig/hairpiece (lifetime maximum) when hair loss has resulted from treatment of a malignant disease, provided the individual has not previously received a wig/hairpiece from the Government.

EFFECTIVE DATE: This amendment is retroactively effective to wigs/hairpieces provided on or after December 15, 1980.

FOR FURTHER INFORMATION CONTACT: Thomas J. Osoba, Chief, Program Policy Branch, OCHAMPUS, telephone (303) 341–8608.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the Federal Register on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD of the Secretary of Defense published its regulation, DoD 6010.8–R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

The Department of Defense Appropriation Act, 1981 (Pub. L. 96–527, Section 744) authorizes CHAMPUS coverage during Fiscal Year 1981 of one wig/hairpiece (lifetime maximum) if an individual has alopecia that resulted from treatment of a malignant disease. The intent of this legislation is to lessen the emotionally devastating impact a beneficiary experiences when hair loss occurs as a result of treatment of malignant disease by providing financial assistance in the purchase of a wig/hairpiece. Most methods of treatment of malignant diseases may result in hair loss, which is especially disturbing to female patients. Wearing a wig/hairpiece can improve the morale of those who have suffered hair loss in this way and does not interfere with hair regrowth.

Currently, Section 199.10(g)(45) of this Part specifically prohibits the payment of CHAMPUS benefits for wigs and hairpieces. This amendment to the rule is necessary in order to provide an exception to the exclusion as of December 15, 1980; therefore, an explanatory note will be added to section 199.10(g)(45). Extension of the benefit beyond Fiscal Year 1981 will depend upon language of the annual Department of Defense Appropriation Act.

As authorized under title 5, United States Code section 553(b)(B), the final regulation is being published and no previous public comment has been requested. It was determined that the benefit has been expanded through Congressional legislation in December 1980, and it is not in the public interest to delay the implementation through the publication of a proposed rule.

Acordingly, 32 CFR, Chapter I, is amended reading as follows:

PART 198—TECHNICAL MANUAL (TM) MANAGEMENT

1. In § 199.10, paragraph (g)(45) is revised to read as follows:

199.10 Basic program benefits.

* * * * *

(g) *Exclusions and limitations.* * * *

(45) Hair transplants; Wigs or hairpieces.

Note.—In accordance with the Department of Defense Appropriation Act, 1981 (Pub. L. 96–527, Section 744), CHAMPUS coverage for wigs/hairpieces is permitted effective December 15, 1980 under the conditions listed below. Availability of benefits beyond Fiscal Year 1981 will depend on the language of the annual Department of Defense Appropriation Act.

(i) *Benefits provided.* Benefits may be extended, in accordance with the CHAMPUS-determined allowable charge, for one wig/hairpiece per beneficiary (lifetime maximum) when the attending physician certifies that alopecia has resulted from treatment of a malignant disease and the beneficiary certifies that a wig/hairpiece has not previously been obtained through the United States Government (including the Veterans' Administration).

(ii) *Exclusions.* The wig/hairpiece benefit does not include coverage for the following:

(A) Alopecia resulting from conditions other than treatment of malignant disease.

(B) Maintenance, wig/hairpiece supplies, or replacement of the wig/hairpiece.

(C) Hair transplants or any other surgical procedure involving the attachment of hair or a wig/hairpiece to the scalp.

(D) Any diagnostic or therapeutic method or supply intended to encourage hair regrowth.

* * * * *

(10 U.S.C. 1086, 5 U.S.C. 301)

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 23, 1981.

[FR Doc. 81–28090 Filed 9–28–81; 8:45 am]

BILLING CODE 3810-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Changes in Veterans' Disability Compensation and Survivors Benefits

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration has amended its adjudication regulations to implement a new law, the Veteran's Disability Compensation and Housing Benefits Amendments of 1980. This law (1) increases the rates of disability compensation and the rates of dependency and indemnity compensation (DIC) payable to surviving spouses and children, (2) amends the rules on reduction of pension due to hospitalization, (3) eliminates waiver of retired pay in improved pension cases, (4) authorizes a new limited specially adapted housing grant, (5) provides that compensation and DIC shall be substantially reduced if the payee is incarcerated as a result of conviction of a felony, and (6) directs that a total compensation rating based on unemployability may not be assigned to an incarcerated veteran.

EFFECTIVE DATES: Except for reduction of compensation and DIC due to incarceration, these changes are effective October 1, 1980, (or for months beginning after September 30, 1980) the date specified in the new law designated as Pub. L. 96–385. The effective date of the incarceration regulation is October 7, 1980.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle (202–389–3005).

SUPPLEMENTARY INFORMATION: On pages 12987–91 of the **Federal Register** of February 19, 1981 the Veterans Administration published proposed regulations to implement Pub. L. 96–385. Interested persons were given until March 31, 1981 to submit comments, objections, or suggestions to the proposed regulations. One comment, signed by two persons, was received.

The commentators object to the proposed 38 CFR 3.665, which provides rules for reduction of disability compensation payable to the veteran incarcerated in a penal institution for conviction of a felony, on basically three grounds. First, they contend that Pub. L. 96–385 is unconstitutional and, therefore, § 3.665 is invalid. Second, they are "concerned that notice to persons whose benefits are subject to reduction is inadequate." Third, they "object to the creation of what appears to be a 'needs-based' apportionment requirement for dependents that is not authorized by law."

As to the concern that a portion of the new law is unconstitutional, we respond that clearly it is not patently so. While the courts are the proper forum for final resolution of any such challenges, we are sufficiently comfortable with the judgment of Congress in this regard to proceed with execution of the law as enacted.

The commentators object to § 3.665(a) because they say that it fails to provide for notification to the incarcerated person that benefits will be reduced beginning on the 61st day of incarceration. It is not necessary to include this in § 3.665(a) because 38 CFR 3.103(e) provides that a claimant (the term "claimant" includes a beneficiary) will be notified of any decision affecting payment of benefits. The notice will include the reason for the decision affecting payment of benefits, the effective date of the decision, and will inform the claimant of hearing and appellate rights. Furthermore, we are requesting Federal and State prison officials to immediately notify us whenever a person in receipt of compensation is incarcerated for a felony. We are hopeful that this will permit us to send the reduction notice to the incarcerated person well in advance of the date of reduction for incarceration which is the 61st day of imprisonment.

The need for a prereduction notice and hearing has been carefully considered. We have determined that in balancing the respective interests involved, the government's interest in proceeding without such notice and hearing outweighs that of the individual since the individual's needs will be met by the institution wherein the individual is incarcerated and by the authorized reduced amount of compensation payable by the Veterans Administration.

Section 3.655(a) specifies that a person whose benefits have been reduced because of incarceration shall be informed of the right of the person's dependents to an apportionment while the beneficiary remains incarcerated. This section further states that the beneficiary's dependents shall also be informed of this right if the Veterans Administration is aware of their existence and can obtain their addresses.

The commentators wish us to set out in the regulation exactly how we will locate dependents when the file does not reflect their whereabouts and the incarcerated person refuses to cooperate. This we are unable to do since our actions would depend on the facts in the individual case.

The commentators object to the provision of § 3.665(e) which authorizes an apportionment of an incarcerated person's compensation on the basis of individual need. They do not believe that Pub. L. 96–385 imposes a needs requirement and contend that all of the compensation withheld during incarceration should be paid to dependents solely on the basis of the dependents' relationship to the incarcerated person. We do not agree with this contention.

Under section 504(a), Pub. L. 96–385 apportionments to dependents of incarcerated veterans are to be made under the same rules as are applicable to apportionments under 38 U.S.C. 3107. The provision of section 3107 that is relevant to the matter at hand states "All or any part of the compensation, * * * payable on account of any veteran may * * * if the veteran is not living with his wife, or if his children are not in his custody, be apportioned *as may be prescribed by the Administrator.*" (Emphasis supplied.) The statute clearly permits the Veterans Administration to prescribe the rules under which an apportionment may be granted.

Historically apportionments have been granted based on the dependent's need for support and the ability of the veteran to pay. A dependent does not have a statutory right of entitlement to the additional compensation payable by reason of the dependent's existence. The total amount payable belongs to the veteran.

The apportionment rules of 38 CFR 3.665(e) are authorized under 38 U.S.C. 3107 and are consistent with the manner in which apportionment decisions have been made under section 3107 prior to the enactment of Pub. L. 96–385. It should also be pointed out that the intent of Congress would be defeated in many cases if we were to adopt the commentators' contention that all of withheld compensation should be apportioned for the veteran's dependents merely on the basis of relationship.

The commentators also argue that if the needs requirement is adopted the requirements for determining individual need should be more specific. They would, for example, like us to state "the income level that would serve as a basis for rejection or acceptance of an apportionee's claim." We are unable to comply with this request because the determination of need for an apportionment is based on the facts in the individual case. One claimant may have high living expenses and another low living expenses. One spouse may have many children and another none. Consequently, one claimant with considerable income may be in need while another with much less income is not in need. The present guidelines for determining need permit the flexibility we need for equitable adjudication of apportionment claims.

The commentators contend that any dependent of a survivor eligible for dependency and indemnity compensation (DIC) should be eligible for an apportionment if the eligible survivor is incarcerated. We disagree with this contention. Section 504(a) of Pub. L. 96–385 authorizes such an apportionment only for a veteran's surviving spouse or surviving child or children. There is no legal basis to apportion to any other person.

The commentators pointed out that the proposed § 3.665 does not include a definition of "felony" and we concur that it is desirable to incorporate one. We observe that not all States (New Jersey, e.g.) employ the "felony" classification. We have, therefore, adopted the widely employed standard embracing those offenses punishable by death or imprisonment for a term exceeding 1 year (*e.g.*, 18 U.S.C. 1). This we have tempered with a qualifier to assure that it does not include any offenses actually classified as misdemeanors.

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We agree with the commentator's suggestion that the "date of request" language in § 3.665(f) is unclear. We have amended the regulation to indicate that the term "date of request" refers to a date of request by the Veterans' Administration for necessary evidence.

The commentators also felt that the language in § 3.665(i)(1) relating to resumption of benefits when there was an apportionment award was unclear. We agree and have amended § 3.665(i)(1) to provide for resumption of the amount apportioned effective the date of last payment to the apportionee.

We have as a result of our own review, added a new paragraph (designated as paragraph (m)) to § 3.665 to provide for repayment of benefits withheld if conviction is reversed on appeal.

The Administrator hereby certifies that these final rules will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that these regulations apply to benefits received by individual veterans and their dependents. They will have no significant impact on small entities in terms of compliance costs, recordkeeping requirements, or effects on competition.

The agency has determined that these regulations are nonmajor in accordance with Executive Order 12291, Federal Regulation. Any major economic impact would result from Pub. L. No. 96–385 and not from these regulations which simply conform to that law.

(Catalog of Federal Domestic Assistance Program numbers 64.104, 64.106 and 64.109)

Approved: September 9, 1981.

Robert P. Nimmo,

Administrator.

PART 3—ADJUDICATION

§ 3.340 [Amended]

1. Section 3.340 is amended by removing the words, "1945 Schedule for Rating Disabilities" and inserting the words "Schedule for Rating Disabilities" in paragraph (a)(2) and adding the words "or herself" after the word "himself" in the last sentence of paragraph (a)(3)(iii).

2. Section 3.341 is revised to read as follows:

§ 3.341 Total disability ratings for compensation purposes.

(a) *General.* Subject to the limitation in paragraph (b) of this section, total-disability compensation ratings may be assigned under the provisions of § 3.340. However, if the total rating is based on a disability or combination of disabilities for which the Schedule for Rating Disabilities provides an evaluation of less than 100 percent, it must be determined that the service-connected disabilities are sufficient to produce unemployability without regard to advancing age. 38 U.S.C. 355.

(b) *Incarcerated veterans.* A total rating for compensation purposes based on individual unemployability which would first become effective while a veteran is incarcerated in a Federal, State or local penal institution for conviction of a felony, shall not be assigned during such period of incarceration. However, where a rating for individual unemployability exists prior to incarceration for a felony, or prior to October 7, 1980 and routine review is required the case will be reconsidered to determine if continued eligibility for such rating exists. (38 U.S.C. 3113(c))

3. In § 3.342, paragraph (a) is revised to read as follows:

§ 3.342 Permanent and total disability ratings for pension purposes.

(a) *General.* Permanent total disability ratings for pension purposes are authorized for disabling conditions not the result of the veteran's own willful misconduct whether or not they are service connected. However, no rating is required in claims for pension if the veteran is 65 years of age or older. In such instances permanent and total disability will be presumed. (38 U.S.C. 502(a))

* * * * *

4. In § 3.350, the introductory portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314.

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation under 38 U.S.C. 314(k) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed the monthly rate set forth in 38 U.S.C. 314(l) when authorized in conjunction with any of the provisions of 38 U.S.C. 314 (a) through (j) or (s). When there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed the monthly rate set forth in 38 U.S.C. 314(o). The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r).

* * * * *

5. In § 3.551, paragraph (c)(3) is revised to read as follows:

§ 3.551 Reduction because of hospitalization.

* * * * *

(c) *Section 306 pension, improved pension, and service pension based on entitlement after June 30, 1960.* * * *

(3) No pension in excess of $60 monthly shall be paid to or for a veteran having neither spouse nor child, or to a veteran who is married or has a child and is receiving pension as a veteran without dependents, for any period after the month in which the veteran is readmitted within 6 months of a period of care for which pension was reduced under paragraph (c) (1) or (2) of this section. (38 U.S.C. 3203(a))

* * * * *

6. In § 3.552, paragraph (g) is revised to read as follows:

§ 3.552 Adjustment of allowance for aid and attendance.

* * * * *

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314 (l), (m), or (n) by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation at the rate under 38 U.S.C. 314(o) because of entitlement to another rate under section 314(l) on account of need for aid and attendance, the compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314(l) and in addition there is need for

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regular aid and attendance for another disability, the award during hospitalization will be at the rate under 38 U.S.C. 314(m) since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314(p)).

(2) If entitlement is under section 314(m), at the rate under 38 U.S.C. 314(n).

(3) If entitlement is under section 314(n), the rate under 38 U.S.C. 314(o) would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling the veteran to the maximum rate under 38 U.S.C. 314(p).

* * * * *

7. Section 3.665 is added to read as follows:

§ 3.665 Penal institutions—compensation.

(a) *General.* Any person specified in paragraph (c) of this section who is incarcerated in a Federal, State or local penal institution in excess of 60 days for conviction of a felony shall not be paid compensation or dependency and indemnity compensation (DIC) in excess of the amount specified in paragraph (d) of this section beginning on the 61st day of incarceration. A person whose benefits are subject to this reduction shall be informed of the rights of the person's dependents to an apportionment while the person is incarcerated, and the conditions under which payments to the person may be resumed upon release from incarceration. In addition, the person's dependents shall also be notified of their right to an apportionment if the Veterans' Administration is aware of their existence and can obtain their addresses.

(b) *Definitions.* For the purposes of this section the term "compensation" includes disability compensation under 38 U.S.C. 351. The term "dependency and indemnity compensation" (DIC) includes death compensation payable under 38 U.S.C. 321 or 341, death compensation and DIC payable under 38 U.S.C. 351, and any benefit payable under chapter 13 of title 38, United States Code. The term "release from incarceration" includes participation in a work release or halfway house program, parole, and completion of sentence. For purposes of this section, a felony is any offense punishable by death or imprisonment for a term exceeding 1 year, unless specifically categorized as a misdemeanor under the law of the prosecuting jurisdiction.

(c) *Applicability.* The provisions of paragraph (a) of this section are applicable to the following persons:

(1) A person serving a period of incarceration for conviction of a felony committed after October 7, 1980.

(2) A person serving a period of incarceration after September 30, 1980 (regardless of when the felony was committed) when the following conditions are met:

(i) The person was incarcerated on October 1, 1980; and

(ii) An award of compensation or DIC is approved after September 30, 1980.

(d) *Amount payable during incarceration*—(1) *Veteran rated 20 percent or more.* A veteran to whom the provisions of paragraphs (a) and (c) of this section apply with a service-connected disability evaluation of 20 percent or more shall receive the rate of compensation payable under 38 U.S.C. 314(a).

(2) *Veteran rated less than 20 percent.* A veteran to whom the provisions of paragraphs (a) and (c) of this section apply with a service-connected disability evaluation of less than 20 percent (even though the rate for 38 U.S.C. 314 (k) or (q) is paid) shall receive one-half the rate of compensation payable under 38 U.S.C. 314(a).

(3) *Surviving spouse, parent or child.* A surviving spouse, parent, or child, beneficiary to whom the provisions of paragraphs (a) and (c) of this section apply shall receive one-half the rate of compensation payable under 38 U.S.C. 314(a).

(e) *Apportionment*—(1) *Compensation.* All or part of the compensation not paid to an incarcerated veteran may be apportioned to the veteran's spouse, child or children and dependent parents on the basis of individual need. In determining individual need consideration shall be given to such factors as the apportionee claimant's income and living expenses, the amount of compensation available to be apportioned, the needs and living expenses of other apportionee claimants as well as any special needs, if any, of all apportionee claimants.

(2) *DIC.* All or part of the DIC not paid to an incarcerated surviving spouse or other children not in the surviving spouse's custody may be apportioned to another child or children. All or part of the DIC not paid to an incarcerated child may be apportioned to the surviving spouse or other children. These apportionments shall be made on the basis of individual need giving consideration to the factors set forth in paragraph (e)(1) of this section.

(f) *Effective dates.* An apportionment under this section shall be effective the date of reduction of payments made to the incarcerated person, subject to payments to the incarcerated person over the same period, if an informal claim is received within 1 year after notice to the incarcerated person as required by paragraph (a) of this section, and any necessary evidence is received within 1 year from the date of request by the Veterans' Administration; otherwise, payments may not be made for any period prior to the date of receipt of a new informal claim.

(g) *Incarcerated dependent.* No apportionment may be made to or on behalf of any person who is incarcerated in a Federal, State, or local penal institution for conviction of a felony.

(h) *Notice to dependent for whom apportionment granted.* A dependent for whom an apportionment is granted under this section shall be informed that the apportionment is subject to immediate discontinuance upon the incarcerated person's release or participation in a work release or halfway house program. A dependent shall also be informed that if the dependent and the incarcerated person do not live together when the incarcerated person is released (or participates in a work release or halfway house program) the dependent may submit a new claim for apportionment.

(i) *Resumption upon release*—(1) *No apportionment or family reunited.* If there was no apportionment at the time of release from incarceration, or if the released person is reunited with all dependents for whom an apportionment was granted, the released person's award shall be resumed the date of release from incarceration if the Veterans' Administration receives notice of release within 1 year following release; otherwise the award shall be resumed the date of receipt of notice of release. If there was an apportionment award during incarceration, it shall be discontinued date of last payment to the apportionee upon receipt of notice of release of the incarcerated person. Payment to the released person shall then be resumed at the full rate from date of last payment to the apportionee. Payment to the released person from date of release to date of last payment to the apportionee shall be made at the rate which is the difference between the released person's full rate and the sum of (i) the rate that was payable to the apportionee and (ii) the rate payable during incarceration.

(2) *Apportionment granted and family not reunited.* If there was an apportionment granted during incarceration and the released person is not reunited with all dependents for

whom an apportionment was granted, the released person's award shall be resumed as stated in paragraph (i)(1) of this section except that when the released person's award is resumed it shall not include any additional amount payable by reason of a dependent(s) not reunited with the released person. The award to this dependent(s) will then be reduced to the additional amount payable for the dependent(s).

(3) *Apportionment to a dependent parent.* An apportionment made to a dependent parent under this section cannot be continued beyond the veteran's release from incarceration unless the veteran is incompetent and the provisions of § 3.452(c) (1) and (2) are for application. When a competent veteran is released from incarceration an apportionment made to a dependent parent shall be discontinued and the veteran's award resumed as provided in paragraph (i)(1) of this section.

(j) *Increased compensation during incarceration*—(1) *General.* The amount of any increased compensation awarded to an incarcerated veteran that results from other than a statutory rate increase may be subject to reduction due to incarceration. This applies to a veteran whose compensation is subject to reduction under paragraphs (a) and (c) of this section prior to approval of an award of increased compensation as well as to veteran whose compensation is not subject to reduction under paragraphs (a) and (c) of this section prior to approval of an award of increased compensation.

(2) *Veteran subject to reduction under paragraphs (a) and (c) of this section.* If prior to approval of an award of increased compensation the veteran's compensation was reduced under the provisions of paragraphs (a) and (c) of this section, the amount of the increase shall be reduced as follows if the veteran remains incarcerated:

(i) If the veteran's schedular evaluation is increased from 10 percent to 20 percent or greater, the amount payable to the veteran shall be increased from one-half the rate payable under 38 U.S.C. 314(a) to the rate payable under section 314(a).

(ii) If the veteran's schedular evaluation was 20 percent or more, none of the increased compensation shall be paid to the veteran while the veteran remains incarcerated.

(3) *Veteran's compensation not subject to reduction under paragraphs (a) and (c) of this section prior to award of increased compensation.* If prior to the approval of an award of increased compensation the veteran is incarcerated in a Federal, State, or local penal institution for conviction of a felony and the veteran's compensation was not reduced under the provisions of paragraphs (a) and (c) of this section, none of the increased compensation shall be paid to the veteran for periods after October 7, 1980, subject to the following conditions:

(i) The veteran remains incarcerated after October 7, 1980 in a Federal, State, or local penal institution for conviction of a felony; and

(ii) The award of increased compensation is approved after October 7, 1980. If the effective date of the increase is prior to October 8, 1980, the amount payable for periods prior to October 8, 1980, shall not be reduced.

(4) *Apportionments.* The amount of any increased compensation reduced under this paragraph may be apportioned as provided in paragraph (e) of this section.

(k) *Retroactive awards.* Whenever compensation or DIC is awarded to an incarcerated person any amounts due for periods prior to date of reduction under this section shall be paid to the incarcerated person.

(l) *DIC parents.* If two parents are both entitled to DIC and were living together prior to the time of the DIC payable to one parent was reduced due to incarceration, they shall be considered as two parents not living together for the purpose of determining entitlement to DIC.

(m) *Conviction overturned on appeal.* If a conviction is overturned on appeal, any compensation or DIC withheld under this section as a result of incarceration for such conviction (less the amount of any apportionment) shall be restored to the beneficiary. (38 U.S.C. 210(c), 3113)

8. In § 3.666, the headnote and paragraph (d) are revised to read as follows:

§ 3.666 Penal institutions—pension.

* * * * *

(d) *Veteran entitled to compensation.* If an imprisoned veteran is entitled to a lesser rate of disability compensation, it shall be awarded as of the 61st day of imprisonment in lieu of the pension the veteran was receiving if the veteran has neither spouse nor child. If the veteran has a spouse or a child, compensation will be awarded only after the veteran has been furnished an explanation of the effect of electing compensation on the amount available for apportionment. If the veteran then requests compensation, it shall be awarded from the date veteran requests the Veterans Administration to take such action.

9. Section 3.750 is amended as follows:

(a) By removing the words "paragraph (c) of this section" and inserting "paragraphs (c) and (d) of this section" in paragraph (a); by removing the words "as well as pension" in the first sentence of paragraph (b); and by removing the words "pension or" twice in the first sentence and "or pension" in the last sentence of paragraph (c).

(b) Paragraph (d) is added to read as follows:

§ 3.750 Retirement pay.

* * * * *

(d) *Pension*—(1) *Improved pension.* A person specified in paragraph (a) of this section may receive improved pension and retirement pay concurrently without having to waive any portion of the person's retirement pay. In determining entitlement to improved pension, retirement pay shall be treated in the same manner as countable income from other sources.

(2) *Old-law and section 306 pension.* A person specified in paragraph (a) of this section may not receive old-law or section 306 pension and retirement pay concurrently without waiver of retirement pay as provided in paragraph (c) of this section concerning compensation. (38 U.S.C. 3104(a))

10. In § 3.809, the headnote and the introductory portion preceding paragraph (a) are revised as follows:

§ 3.809 Specially adapted housing under 38 U.S.C. 801(a).

A certificate of eligibility for assistance in acquiring specially adapted housing under 38 U.S.C. 801(a) may be extended to a veteran if the following requirements are met:

* * * * *

11. Following § 3.809 and the cross reference, a new § 3.809a is added to read as follows:

§ 3.809a Special home adaptation grants under 38 U.S.C. 801(b).

A certificate of eligibility for assistance in acquiring necessary special home adaptations under 38 U.S.C. 801(b) may be issued to a veteran who served after April 20, 1898, if the following requirements are met:

(a) The veteran is not entitled to a certificate of eligibility for assistance in acquiring specially adapted housing under § 3.809 nor had the veteran previously received assistance in acquiring specially adapted housing under 38 U.S.C. 801(a). A veteran who first establishes entitlement under this section and who later becomes eligible for a certificate of eligibility under § 3.809 may be issued a certificate of eligibility under § 3.809. However, no particular type of adaptation, improvement, or structural alteration

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may be provided to a veteran more than once.

(b) The veteran is entitled to compensation for permanent and total disability which (1) is due to blindness in both eyes with 5/200 visual acuity or less, or (2) includes the anatomical loss or loss of use of both hands. (38 U.S.C. 801(b)).

(c) The assistance referred to in this section will not be available to any veteran more than once. (38 U.S.C. 802).

[FR Doc. 81-2816[illegible] Filed 9-28-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1906-3]

Approval of Revision of the Delaware State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The EPA announces approval of two Executive Orders submitted as a revision of the Delaware State Implementation Plan (SIP). The Orders pertain to financial disclosure and were submitted in accordance with Section 128 of the Clean Air Act. This action will be effective 60 days from the date of publication unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective November 30, 1981.

ADDRESSES: Written comments should be addressed to Henry J. Sokolowski at the EPA Region III address listed below. Copies of the revision are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch, 6th & Walnut Streets, Curtis Building, Philadelphia, PA 19106, Attn: Patricia Sheridan;

State of Delaware, Department of Natural Resources & Environmental Control, Air Resources Section, Edward Tatnall Building, P.O. Box 1401, Dover, Delaware 19901, Attn: Robert R. French;

Public Information Reference Unit, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460;

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Sheridan at (215) 597-8176.

SUPPLEMENTARY INFORMATION: Executive Orders Numbers One and Ten (Requirement of Financial Disclosure for Certain State Officials) were submitted in connection with the requirements of Section 128(a)(2) of the Clean Air Act regarding disclosure of potential conflict of interest by the head of the executive agency which approves permits or enforcement orders. The EPA has reviewed the Orders as a revision to the SIP and believes that they satisfy the intent of Section 128(a)(2) of the Clean Air Act. As a result of EPA's review, the Administrator is approving this revision.

The State provided certification that a public hearing was held to consider the revision and that the hearing was held in accordance with the notice required by § 51.4 of 40 CFR Part 51.

EPA views this action as noncontroversial. The approval imposes no new regulatory burden and has no effect on ambient air quality. The public should be advised that this action will be effective October 29, 1981. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. section 605(b) I certify that the SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes a SIP approval under sections 110 and 172 of the Clean Air Act. This action only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—The Incorporation by Reference provisions approved by the Director, Office of the Federal Register on July 1, 1981.

(42 U.S.C. 7401-642)

Dated: September 21, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart I—Delaware

1. Section 52.420 is amended by adding new paragraph (c)(22) to read as follows:

§ 52.420 Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified * * *

(22) A revision submitted by the State of Delaware on August 7, 1978 consisting of two Executive Orders for financial disclosure of certain State officials.

[FR Doc. 81-28047 Filed 9-28-81; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-6-FRL 1927-8]

Approval and Promulgation of State Implementation Plans: Approval of Conditionally Approved Elements in the Texas Plan for Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to approve certain elements of the State Implementation Plan (SIP) revisions for Texas which were conditionally approved on March 25, 1980 (45 FR 19231). When originally submitted, certain portions of the SIP contained minor deficiencies which the State agreed to correct or justify by a specified deadline. The deadlines committed to were December 31, 1979 and August 1, 1980. EPA received the additional information and revisions according to schedule, and proposed approval of the State's submittal on June 8, 1981 (46 FR 30366).

EFFECTIVE DATE: Effective on October 29, 1981.

ADDRESSES: Incorporation by reference material is available for inspection during normal business hours at the following locations:

The Office of the Federal Register, 1100 L St., N.W., Washington, D.C. Room 8401;
Environmental Protection Agency, Public Information Reference Unit, EPA Library, 401 M St., N.W., Washington, D.C. Room 2922.

FOR FURTHER INFORMATION CONTACT: Donna Ascenzi, Implementation Plan Section, Air Programs Branch, Air and Hazardous Materials Division, U.S. EPA Region 6, 1201 Elm Street, Dallas, Texas 75270 (214) 767-1518.

SUPPLEMENTARY INFORMATION: EPA took final action to conditionally approve certain elements of the Texas plan on March 25, 1980. The conditional approvals being acted on under this notice are as follows.

(1) Under the conditional approval of Regulation V, the State was required to submit a demonstration of consistency with the Agency's 5 percent rule for degreasing operations in Harris County for which the State had included exemptions, and revisions to the regulation for cutback asphalt and additional control measures for degreasing operations. The demonstration was required to be submitted by December 31, 1979, and revisions to Regulation V by August 1, 1980.

(2) Under the conditional approval of the particulate matter (TSP) plans for San Benito, Brownsville, Corpus Christi 1,[1] Corpus Christi 2, Dallas 1, Dallas 3, and El Paso 4, the State was required to submit adopted control strategies and revisions to Regulation 1 (if necessary) by August 1, 1980.

On December 21, 1979 and July 25, 1980, the State submitted the required demonstration, and regulation revisions and TSP control strategies, respectively. EPA reviewed the State's submittals and on June 8, 1981 the Agency proposed approval of the revisions. Under that notice, EPA discussed the content of the State's submittals in detail and solicited public comments on the Agency's proposed action. No comments were received. Therefore, EPA is hereby withdrawing conditional approval and is fully approving these portions of Regulation V and the TSP control strategies for San Benito, Brownsville, Corpus Christi 1, Corpus Christi 2, Dallas 1, and El Paso 4.

It should be noted that on March 28, 1980, the State submitted Board Resolution R80-5, which requested that Dallas 3 be redesignated as an attainment area. Since the Agency has not taken final action on this redesignation request, EPA will take no action on the conditional approval for the Dallas 3 nonattainment area at this time.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of September 29, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State action. It will impose no new regulatory action.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Texas was approved by the Director of the Federal Register on July 1, 1981.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: September 21, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding subparagraph (27), which reads as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(27) Revisions to Regulation V (i.e., Subchapters 115.171–176) and particulate matter (TSP) control strategies for the nonattainment areas of San Benito, Brownsville, Corpus Christi 1, Corpus Christi 2, Dallas 1, and El Paso 4 were adopted by the Texas Air Control Board on July 11, 1980, and submitted by the Governor on July 25, 1980.

§ 52.2275 [Amended]

2. Section 52.2275 is amended by removing paragraphs (a)(3), (a)(4)(i), and (a)(4)(ii), and redesignating paragraphs (a)(5) and (a)(6) as (a)(1) and (a)(2).

3. Section 52.2276 is revised to read as follows:

§ 52.2276 Control strategy and regulations: Particulate matter.

(a) Part D Conditional Approval. The Texas plan for total suspended particulate (TSP) for the nonattainment area of Dallas 3 is conditionally approved until the State satisfactorily completes the following items:

(1) Draft SIP revision supplement submitted to EPA by March 3, 1980.

(2) Public hearing completed by May 5, 1980.

(3) Adopt revision and revised Regulation I as it pertains to control of nontraditional sources, if necessary, and submit to EPA by August 1, 1980.

[FR Doc. 81-28053 Filed 9-28-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-7-FRL-1923-3]

Approval and Promulgation of Implementation Plans; Iowa

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: This document removes several obsolete provisions relating to the ozone nonattainment plan for Linn County, (Cedar Rapids) Iowa, from the Code of Federal Regulations (CFR). This action is necessary because Linn County has been redesignated to attainment for ozone. It is no longer subject to nonattainment plan requirements. A condition of approval on the Iowa State Implementation Plan is removed from the Code of Federal Regulations (CFR) and other related changes are made.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler, Environmental Protection Agency, 324 East 11th Street,

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[1] This notation was used in the Texas SIP to differentiate among the nonattainment areas within one city. For example, the two nonattainment areas in Corpus Christi are Corpus Christi 1 and Corpus Christi 2.

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Kansas City, Missouri 64106, 816–374–3791.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) Linn County, Iowa, was designed nonattainment for photochemical oxidants (ozone) based on monitoring data from a site in Cedar Rapids that showed the National Ambient Air Quality Standards were exceeded for that pollutant. Because of this designation, the State of Iowa was required by Part D (Sections 171–178) of the Clean Air Act to submit revisions to the Iowa State Implementation Plan (SIP) designed to attain the standards in this area. The state submitted these revisions to EPA on June 22, 1979.

EPA took final action on this submission on March 6, 1980 (45 FR 14561). With respect to the Cedar Rapids area, EPA disapproved the SIP with respect to authority to prevent construction of new sources of VOC and conditionally approved it with respect to reasonably available control measures for existing sources of VOC. Section 172(b)(6) and Section 172(b)(3), respectively, require the imposition of such regulations for pollutants for which an area is designated nonattainment under Section 107 of the Clean Air Act.

On March 19, 1981, Linn County was redesignated to attainment for the ozone NAAQS (46 FR 17557). (Note: The photochemical oxidants standard was revised and the criteria pollutant identified as ozone on February 8, 1979, at 44 FR 8220.) Since the area is no longer designated nonattainment, the provisions of Part D of the Act are no longer required and the restrictions for not having an approved Part D plan no longer apply.

Today's action removes the Part D requirements on Linn County from the CFR. In particular the disapproval with respect to the permit requirements of Section 173 and the conditions requiring VOC controls on existing sources are removed and the attainment date table is amended to show the ozone standard is attained.

This action is being made final today without proposal. EPA finds good cause for taking final action without prior notice and public comment because there are no significant issues for public comment. EPA solicited public comment prior to final action on the redesignation described above. Once the area was redesignated it was no longer subject to the requirements of Part D. As a result of the redesignation, EPA lacks the authority to impose the disapproval and conditional approval based on Part D requirements.

Note.—Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the rule described herein will not have a significant enconomic impact on a substantial number of small entities. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it imposes no new regulatory requirements. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 110 and 301, Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: September 21, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart Q—Iowa

§ 52.822 [Amended]

1. In § 52.822, paragraph (b) is removed.

§ 52.823 [Amended]

2. Section 52.823 is amended by removing the words "and for sources of volatile organic compounds in the Linn County ozone nonattainment area."

§ 52.826 [Amended]

3. In § 52.826, paragraph (b) is removed and reserved.

§ 52.827 [Amended]

4. In § 52.827, the entry in the column "Ozone," in the line beginning "a. Cedar Rapids," is changed from "d" to "c."

[FR Doc. 81–28223 Filed 9–28–81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PP 9F2178/R350; PH–FRL–1941–6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities; Ethephon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the residues of the plant regulator ethephon [(2-chloroethyl) phosphonic acid] in or on the raw agricultural commodity grapes at 2.0 parts per million (ppm). This regulation was requested by Union Carbide Agricultural Products Company. This regulation establishes the maximum permissible level for residues of the plant regulator in or on grapes.

EFFECTIVE DATE: Effective on September 29, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of April 13, 1979 (44 FR 22175) that Amchem Products, Inc. (now Union Carbide Agricultural Products Company), Ambler, PA 19002, had submitted pesticide petition 9F2178 to the EPA. The petition proposed that a tolerance be established for the residues of the plant regulator ethephon [(2-chloroethyl) phosphonic acid] in or on the raw agricultural commodity grapes at 2.0 ppm.

No comments or requests for referral to an advisory committee were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance included an acute oral LD_{50} study with an LD_{50} of 4.2 grams (gm)/ kilogram (kg) for rats; an acute dermal LD_{50} study with an LD_{50} of 5.73 gm/kg; an acute inhalation LC_{50} with an LC_{50} greater than 2 mg/liter for rats; an eye irritation study (rabbits) (with product corrosive); a dermal irritation (irritant based on acute dermal LD_{50} study); a 90-day feeding study with dogs (0, 200, 1,000, 7,500 ppm) with no-observed-effect levels (NOEL) less than 200 ppm (cholinesterase (ChE)) and equal to or greater than 1,000 ppm (systemic); a 90-day feeding study with rats (0, 200, 1,000, 7,500 ppm) with a NOEL of 200 ppm (ChE) and no systemic effects; a 3-generation reproduction study (rats) with a NOEL greater than 1,500 ppm (reproductive effects); a teratology study (rats) with a NOEL greater than 600 mg/kg; a neurotoxicity study (hens)-negative at 1,000 mg/kg/day; a 2-year chronic feeding/oncogenicity study with rats (0, 30, 300, 3,000 ppm) with a NOEL of 30 ppm (ChE effects) and 3,000 ppm for systemic effects and no oncogenic effects noted; a 2-year chronic feeding study (dogs) with NOEL's less than or equal to 50 ppm (ChE) and 300 ppm (systemic effects); and a 3-week dermal application study (no systemic toxicity, dermal effects only).

Desirable data that are lacking from the petition are a teratology study with a second species, a mouse oncogenicity study and a screening battery of mutagenicity tests. The company has agreed to perform the studies listed above and to remove the use from the label should the results of the above studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11 of the regulations.

The acceptable daily intake (ADI) is calculated to be 0.075 mg/kg/day based on a NOEL of 300 ppm (2-year chronic dog-feeding study) and using a safety factor of 100. For 60-kg person, the maximum permissible intake (MPI) is 4.5 mg/day. The theoretical maximum residue contribution (TMRC) for the existing tolerances (several commodities from 0.1 ppm to 30.0 ppm) is 0.4051 mg/day for a 1.5 kg diet. The tolerance on grapes (2.0 ppm) and the food additive regulation (FAP 9H5207/R82) for raisins at 12.0 ppm will utilize 0.46 percent of the ADI and add 0.02085 mg/kg to the TMRC to give a total TMRC of 0.426 mg/day which represents 9.5 percent of the ADI. Establishment of the approved tolerance on cottonseed (2.0 ppm) will utilize an additional 0.10 percent of the ADI for a total of 9.6 percent.

No actions are currently pending against the continued registration of ethephon and no rebuttable presumption against registration (RPAR) criteria have been exceeded. The nature of the residues in plants and animals is adequately understood. An adequate analytical method (gas chromatography using a phosphorous-specific alkali thermionic detector) is available for enforcement purposes. Secondary residues are not expected in milk, meat, poultry, or eggs (§ 180.6(a)(3)).

Any person adversely affected by this regulation may, by October 29, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on September 29, 1981.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(e)))

Dated: September 17, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.300 is amended by alphabetically inserting the raw agricultural commodity "grapes" to read as follows:

§ 180.300 Ethephon; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Grapes	[illegible]
* * * * *	

[FR Doc. 81-28201 Filed 9-28-81; 8:45 am]

BILLING CODE [illegible]

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40 CFR Part 180

[PP 9E2244/R352; PH-FRL-1942-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or on Raw Agricultural Commodities; N,N-Diethyl-2-(1-Naphthalenyloxy) Propionamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy) propionamide in or on the raw agricultural commodity coffee beans at 0.1 part per million (ppm). This regulation was requested by Stauffer Chemical Co. This rule establishes the maximum permissible level for residues of the herbicide in or on coffee beans.

EFFECTIVE DATE: September 29, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Office of Pesticide Programs, Registration Division (TS-767), Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule published in the **Federal Register** of August 5, 1981 (46 FR 39865) that Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804, had filed a pesticide petition (PP 9E2244) with the EPA proposing to amend 40 CFR 180.328 by establishing a tolerance for residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy) propionamide in or on the raw agricultural commodity coffee beans at 0.1 ppm.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data submitted included an acute oral LD_{50} study (rats) with a LD_{50} greater than 5,000 milligrams (mg)/kilogram (kg)/day; a 90-day feeding study (rats) with a no-observable-effect-level (NOEL) of 25 mg/kg/day; a 90-day feeding study (dogs) with a NOEL of 30 mg/kg/day; a 2-year feeding/oncogenicity study (rats) with a tentative NOEL of 10 mg/kg/day; mutagenicity studies (rec-assay, host-mediated assay, Ames test) all negative for metagenic effects; and an acceptable general metabolism study on rats.

Desirable studies submitted by the company and currently undergoing final review by the agency are a 2-year feeding/oncogenicity study in rats, a 2-year oncogenicity study in mice, a 3-generation reproduction study in rats, and a teratology study in rats.

The provisional acceptable daily intake (ADI) is calculated to be 0.0125 mg/kg/day based on a NOEL of 25 mg/kg/day in the 90-day rat feeding study and using a safety factor of 2000. For a 60 kg person, the maximum permissible intake (MPI) is 0.75 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerance (citrus fruits, figs, nuts, pome fruits, stone fruits, and fruiting vegetables at 0.1 ppm) and from recently established tolerances (46 FR 39827, August 5, 1981; artichokes, asparagus, avocados, kiwifruit, mint, olives, and persimmons at 0.1 ppm) is 0.017 mg/day for a 1.5 kg diet. The proposed 0.1 ppm tolerance on coffee beans will utilize 0.15 percent of the ADI and add 0.0011 mg/day to the TMRC to give a total TMRC of 0.0176 mg/day (1.5 kg diet), which represents 2.42 percent of the ADI.

There are no regulatory actions pending against the herbicide and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The nature of the residues in plants are adequately understood. An adequate analytical method (gas-liquid chromatography using the Coulson conductivity detector specific for nitrogen) is available for enforcement purposes. Since coffee is not a feed item, there is no reasonable expectation of finite residues in meat, milk, poultry, and eggs from the proposed use. Although review of long-term data has not been completed, the agency has concluded, based on the information summarized above, that the establishment of a tolerance of 0.1 ppm for residues of the herbicide *N,N*,-diethyl-2-(1-naphthalenyloxy)propionamide in or on coffee beans will protect the public health. Therefore the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before October 29, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective date: September 29, 1981.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)))

Dated: September 16, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.328 is amended by alphabetically inserting the raw agricultural commodity "coffee beans" to read as follows:

§ 180.328 N,N-diethyl-2-(1-naphthalenyloxy)propionamide; tolerances for residues.

* * * * *

Commodity	Part per million
Coffee beans	0.1(N).

* * * * *

[FR Doc. 81-28163 Filed 9-28-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5989

[CA-584]

California; Powersite Cancellation No. 349, Partial Cancellation of Powersite Classification No. 85.

Correction

In FR Doc. 81-26206 appearing on page 44982, in the issue of Wednesday, September 9, 1981 make the following correction:

On page 44982, third column, the second line from the bottom of the page should read: "N½SW¼SE¼, N½NW¼SE¼SE¼),".

BILLING CODE 1505-01-M

Fish and Wildlife Service

50 CFR Part 32

Certain National Wildlife Refuges in Oklahoma and Texas

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain National Wildlife Refuges in the States of Oklahoma and Texas is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the approaching upland game hunting season.

EFFECTIVE DATES: September 29, 1981 through March 1, 1982.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address and/or telephone number listed below in the body of these Special Regulations.

SUPPLEMENTARY INFORMATION: The author of this document is W. Ellis Klett, Area Manager, Austin Area Office, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G-121, Austin, Texas 78701, 512-397-5434.

Hunting is permitted on the National Wildlife Refuges indicated below in accordance with applicable State and Federal regulations, subject to additional Special Regulations and conditions as indicated. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G-121, Austin, Texas 78701.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore the effective date is September 29, 1981.

Note.—The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (P.L. 96–354) and 43 CFR 14.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Oklahoma

Sequoyah National Wildlife Refuge, John R. Akin, Refuge Manager, Route 1, Box 18A, Vian, Oklahoma 74962, 918–773–5251. Upland game. Special Conditions: Hunting seasons are as follows: (1) Squirrel, September 29, 1981 through January 1, 1982. (2) Quail, November 20, 1981 through the last day of the regular 1981–82 waterfowl season. (3) Rabbits, October 1, 1981 through the last day of the regular 1981–82 waterfowl season. Hunting shall be in accordance with all applicable state regulations covering the hunting of quail, squirrel, and rabbits, subject to the following special conditions: (a) Only shotguns without slug ammunition or longbow and arrow are permitted. (b) Firearms and/or archery equipment are prohibited in area not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where they must be cased or broken down. (c) Dogs may be used for hunting quail or rabbit, but must be under immediate control or supervision and restrained from pursuit of protected species. (d) Camping or possession of firearms on the refuge from sunset to sunrise is prohibited. (e) All vehicles must be parked in designated parking areas as shown on maps available at refuge headquarters and at leaflet boxes throughout the public hunting area.

Tishomingo National Wildlife Refuge, Larry M. Ivy, Refuge Manager, P.O. Box 248, Tishomingo, Oklahoma 73460, 405–371–2402. Upland Game. Special Conditions: (1) Upland game hunting is permitted only on the Tishomingo Wildlife Management Unit of the Tishomingo NWR in accordance with state seasons and regulations. (2) No upland game hunting is permitted in the goose hunting zone during the goose hunting season. (3) Hunters entering and leaving the hunting area shall check in at designated checking stations. (4) No vehicular access will be allowed after the close of waterfowl season; access will be walk-in only. Under the provisions of 50 CFR § 26.32, additional regulations may apply. Contact the Refuge Manager for further information.

Washita National Wildlife Refuge, Evan V. Klett, Refuge Manager, Route 2, Box 100, Butler, Oklahoma 73625, 405–473–2205. Upland game. Special Conditions: Hunting seasons are as follows: (1) Quail, November 20, 1981 through February 1, 1982. (2) Rabbit, November 20, 1981 through February 1, 1982. (a) Shotguns only will be allowed for quail and rabbit hunting. Hunting is permitted Mondays, Tuesdays, Thursdays, Fridays, and Saturdays and all legal national holidays.

Texas

Aransas National Wildlife Refuge (Matagorda Unit) E. Frank Johnson, Refuge Manager, P.O. Box 100, Austwell, Texas 77950, 512–286–3559. Upland game. Special Conditions: (1) Unless otherwise specified, all laws and regulations published by the Texas Parks and Wildlife Department concerning bobwhite quail hunting will be applicable. (2) Shotguns only will be allowed for quail hunting. (3) Hunting hours will be from 8:00 a.m. until 4:00 p.m. throughout the designated season. (4) All hunters must report to the island docks for briefing on endangered species and hunter conduct. Once hunters have arrived on the island they will be transported to or from the hunting area at 8:00 a.m., 12:00 p.m. and 4:00 p.m. only. (5) In the event whooping cranes begin using habitat within the hunt area, all or portions of that area will be closed to hunting.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81–28110 Filed 9–28–81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Certain National Wildlife Refuges in Oklahoma and Texas

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening of certain National Wildlife Refuges in the States of Oklahoma and Texas is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting season for big game including hunting deer and wapiti (elk).

EFFECTIVE DATES: September 29, 1981 through December 31, 1981.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address and/or telephone number listed below in the body of these Special Regulations.

SUPPLEMENTARY INFORMATION: The author of this document is W. Ellis Klett, Area Manager, Austin Area Office, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G–121, Austin, Texas 78701. Telephone 512–397–5434.

Hunting is permitted on the National Wildlife Refuges indicated below in accordance with applicable State and Federal regulations, subject to additional Special Regulations and conditions as indicated. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G–121, Austin, Texas 78701.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based

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upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Note.—The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (P.L. 96–354) and 43 CFR 14.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Oklahoma

Salt Plains National Wildlife Refuge, Ronald S. Sullivan, Refuge Manager, Route 1, Box 76, Jet, Oklahoma 73749, 405–626–4794. White-tailed Deer. Special conditions: (1) An archery hunt on October 17–18 and October 24–25, 1981. Thirty-two either sex permits for each 2-day hunt for a total of 64 permits. A muzzle-loading rifle hunt, November 14–15, 1981. Twenty-eight either sex permits for the single 2-day hunt. Limited to flintlock rifles only, .40-caliber or larger. A modern-gun hunt, November 21–22, November 24–25, November 28–29. Twenty-five permits for each of these 2-day hunts for a total of 75 permits. Participants will be selected by the Oklahoma Department of Wildlife Conservation through its application-special permit system. (2) Permitted hunters must check in at the refuge office prior to entering the assigned hunting area and must check out at the refuge office upon leaving the area. (3) Shooting hours on the refuge will end each day at sunset. State hunting regulations will apply in all points not specifically described above.

Tishomingo National Wildlife Refuge, Larry M. Ivy, Refuge Manager, P.O. Box 248, Tishomingo, Oklahoma 73460, 405–371–2402. White-tailed Deer. Special conditions: (1) Public hunting of white-tailed deer is permitted on the Tishomingo Wildlife Management Unit (WMU) and Delta Unit of the Tishomingo National Wildlife Refuge. (2) The open season for archery deer hunting will be on the Tishomingo WMU from October 17 through November 15, 1981 and December 1 through December 31, except during the goose hunting season in the goose hunting zone. (3) The Tishomingo WMU gun deer hunt will be held November 10, 12, 14, and 15, 1981. (4) The Tishomingo WMU will be closed to all public use except gun deer hunting on November 10, 12, 14, and 15, 1981. (5) The Tishomingo NWR Delta Unit gun deer hunt will be November 23 through November 27, 1981. (6) Legal game for both the Tishomingo WMU and Delta Unit hunts will be "either sex." (7) Gun deer hunting on the Tishomingo WMU will be by permits. Fifty (50) permits will be issued for each 1-day hunt. Permits will be awarded by public drawing conducted by the Oklahoma Department of Wildlife Conservation. (8) Hunters, upon entering and leaving the hunting areas, will check in and out at designated check stations.

Wichita Mountains Wildlife Refuge, Robert A. Karges, Refuge Manager, RR 1, Box 448, Indiahoma, Oklahoma 73552, 405–429–3222. Wapiti (Elk). Special Conditions: (1) The first elk hunt will be held on December 8, 9, 10, and the second elk hunt will be on December 15, 16, and 17, (Tuesdays, Wednesdays, and Thursdays) 1981. (2) Except as provided in special conditions below, the applicable portions of the Quanah-Elk Mountain Unit will be closed to all public use except elk hunting during hunt period. (3) Authorized hunters may retain approved, unloaded hunting rifles and camp overnight (in Fawn Creek or Burford Recreation Areas only) during this period when the Quanah-Elk Mountain Unit is closed to all other public use. Such camping hunters may be accompanied by, not to exeed, one camping companion who will be confined to Fawn Creek, Burford Recreation Area or refuge headquarters during hunt period unless authorized to assist with the removal of game by the Refuge Manager or his agent. (4) Authorized hunters will comply with all official written refuge rules and regulations issued at mandatory hunter briefings. Violation of any of these rules and regulations or of any Federal or State hunting law, will terminate the hunt of the person or persons so involved.

Texas

Aransas National Wildlife Refuge, E. Frank Johnson, Refuge Manager, P.O. Box 68, Austwell, Texas 77950, 512–286–3559. White-tailed Deer. Special Conditions: (1) All hunters must check in and out of the hunt area at the refuge entrance on Texas Farm Road 2040. (2) A valid 1980–81 Texas hunting license is required of each participant. (3) No camping will be allowed on the refuge. (4) In the event of the arrival of whooping cranes, the refuge or any portion thereof may be immediately closed to hunting. Archery Hunt: Archery hunting of white-tailed deer and feral hogs is permitted on the Aransas Refuge during the following period: October 2 through October 5, 1981. Hunting shall be in accordance with applicable state hunting regulations subject to the following special conditions: (a) A bag limit of three (3) deer, with no more than two (2) buck. There is no limit as to the number of wild hogs that may be taken. (b) A current state archery tag is required. (c) All hunting arrows must bear the name and address of the user in a non-water-soluble medium. (d) No target or field arrows are permitted on the refuge. (e) No deer may be removed from the refuge without a metal transportation seal being attached to the carcass by a refuge officer. Firearms Hunt: (1) Firearm hunting of white-tailed deer and feral hogs is by permit only and will extend from October 11, 1981 through October 15, 1981, inclusive. Each hunter is allowed 1 day to hunt. (2) Hunting hours correspond with Texas State law. All hunters must be out of the refuge by 9:00 p.m. (3) The bag limit per hunter for the total firearm season is one deer, either sex. There is no limit as to the number of feral hogs that may be taken. (4) All hunters will wear international orange cap and vest. (5) There will be a lottery drawing with 200 hunter permits for each 1-day hunt with 1,000 total hunter permits drawn.

Violation of any of these rules or regulations or of any Federal or State hunting law will terminate the hunt of the person(s) so involved.

Laguna Atascosa National Wildlife Refuge, Gary M. Burke, Refuge Manager, P.O. Box 2683, Harlingen Texas 78550, 512–748–2426, White-tailed Deer. Special Conditions: (1) The open season for hunting deer with long-bows on the refuge is from 30 minutes before sunrise until 2:00 p.m., October 16 through October 25, 1981. (2) The bag limit is two white-tailed deer, either sex. (3) A valid state hunting license and archery stamp are required. Texas hunting regulations are applicable to the hunt. (4) All hunters must obtain a permit prior to hunting. Permits may be obtained in advance by writing to: Refuge Manager, Laguna Atascosa National Wildlife Refuge, P.O. Box 450, Rio Hondo, Texas

78583, or pickup up at the hunter check station. One permit will be good for all hunt days. (5) Hunting is permitted from stands, temporary blinds, or by stalking. No driving of deer is permitted. (6) The following are prohibited: Firearms and crossbows; hunting within 50 yards of county roads, tour roads and areas closed to hunting; hunting from vehicles; use of any vehicle off county or refuge roads; use of dogs or horses; permanent blinds; possession or use of target or field arrows; overnight camping; littering. (7) Hunters under 16 years of age must be accompanied by an adult 21 years of age or older. (8) All deer killed must be taken to the hunter check station to have a special tag attached prior to leaving the refuge. (9) The open season for hunting deer with firearms on the refuge is 30 minutes before sunrise until 2:00 p.m., December 11 through December 15, 1981. (10) Legal bag will be two white-tailed deer. (11) Hunting is by permit only. Permits will be selected by a drawing. A total of 125 permits will be issued; 25 per hunt-day. (12) Under the provisions of 50 CFR § 2632 additional regulations may apply. For further information contact the Refuge Manager. (13) Individuals selected will be notified.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-28111 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

National Wildlife Refuges in Florida, Georgia and South Carolina; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain national wildlife refuges in Florida, Georgia and South Carolina is compatible with the objectives for which the areas were established, will utilize a renewable natural resource and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting seasons for certain upland game and big game species.

EFFECTIVE DATES: September 29, 1981 through September 7, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Donald J. Hankla, Area Manager, U.S. Fish and Wildlife Service, 15 N. Laura Street, Jacksonville, Florida 32202, telephone (904) 791-2267.

M. Bruce Blihovde, Refuge Manager, Lake Woodruff National Wildlife Refuge, P.O. Box 488, DeLeon Springs, Florida 32028, telephone (904) 985-4673.

John R. Eadie, Refuge Manager, Okefenokee National Wildlife Refuge, P.O. Box 117, Waycross, Georgia 31501, telephone (912) 283-2587.

Ronnie L. Shell, Refuge Manager, Piedmont National Wildlife Refuge, Round Oak, Georgia 31080, telephone (912) 986-5541.

John P. Davis, Refuge Manager, Savannah National Wildlife Refuge Complex (Savannah, Blackbeard Island, Pinckney Island, Harris Neck, and Wassaw Island Refuges), P.O. Box 8487, Savannah, Georgia 31412, telephone (912) 944-4415.

Joe D. White, Refuge Manager, St. Marks National Wildlife Refuge, P.O. Box 68, St. Marks, Florida 32355, telephone (904) 925-6121.

Martin D. Perry, Refuge Manager, St. Vincent National Wildlife Refuge, P.O. Box 447, Apalachicola, Florida 32320, telephone (904) 653-8808.

SUPPLEMENTARY INFORMATION: The author of this document is Howard Poitevint, Jacksonville Area Office, U.S. Fish and Wildlife Service, 15 North Laura Street, Jacksonville, Florida 32202 (904) 791-2267.

General Conditions

1. Hunting is permitted on national wildlife refuges indicated below in accordance with 50 CFR Part 32, State regulations and the following applicable general conditions and special regulations:

The Refuge Recreational Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (a) that no area of the National Wildlife Refuge System is used for forms of recreation not directly related to the primary purposes for which the area was established, and (b) that funds are available for the development, operation and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Harris Neck, Lake Woodruff, Okefenokee, Piedmont, Savannah, Blackbeard Island, Pinckney Island, Wassaw Island, St. Marks and St. Vincent National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the state and federal hunting regulations, and because of the rapid approach of the hunting seasons, the USDI has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore, the effective date is September 29, 1981.

Note.—The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193) and that the rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act and 43 CFR Part 14.

2. All hunters must possess a refuge permit to hunt on a national wildlife refuge. Permits are available from the refuge headquarters and/or check stations. Permits must be carried while hunting, and are nontransferable.

3. Under the provisions of 50 CFR 26.32 additional regulations may apply. Contact the reefuge manager for further information.

4. Ingress and egress points for motor vehicles and/or boats are limited to designated check stations or other specified areas.

5. Deer, hogs and turkeys harvested during scheduled hunts for these species must be checked by refuge personnel before leaving the refuge.

6. Muzzleloading shotguns used during primitive gun big game hunts must be 20 gauge or larger loaded with single shot.

7. Unless specified, dogs are not permitted on refuge areas during hunts.

8. Only temporary blinds are permitted.

9. Personal property must be retrieved by owner and removed from the refuge daily, unless otherwise specified.

10. Use of buckshot is prohibited on refuge big game hunts (except the Savannah NWR feral hog hunt and Okefenokee NWR shotgun hunts).

11. Portions of refuges open for hunts will be closed to other public use activities during these hunts.

§ 32.22 Special regulations; upland game for individual wildlife refuge areas.

Florida

St. Marks National Wildlife Refuge

The hunt area for upland game is 600 acres of the St. Marks Unit; which is cooperatively administered by the State of Florida as part of the Aucilla Wildlife Management Area according to all applicable State rules and regulations.

Georgia

Piedmont National Wildlife Refuge

(1) Species permitted: Quail, squirrel and rabbit. (2) Season: Daily except Sundays during the State's regular season. (3) Closed areas: Compartment 25, the posted wildlife trail section of Compartment 14, and the auto tour route in compartment 21. (4) Permits: Available at refuge headquarters during the hunt. (5) Dogs are allowed for quail hunting only. (6) Handguns and buckshot are prohibited on the refuge.

§ 32.32 Special regulations; big game for individual wildlife refuges.

Florida

White-tailed deer, turkey, and/or feral hogs may be hunted on one or more of the following refuge areas:

Lake Woodruff National Wildlife Refuge

(1) Archery hunts: (a) species permitted: deer and feral hogs, (b) season: September 18–20 and October 2–4, 1981, (c) bag limit: deer—State regulations, hogs—no limit, (d) sex: either sex, (e) permits—no quota, permits available at refuge headquarters prior to hunt and at the check station during the hunt. (2) Muzzleloading firearms hunts: (a) species permitted: deer and feral hogs, (b) season: October 16–18 and October 30-November 1, 1981, (c) bag limit: deer—State regulations, hogs—no limit, (d) sex: bucks only, must have visible antlers, (e) permits—125 for each hunt. (3) Stand hours: One-half hour before sunrise to 9 a.m. Stalking or movement through the hunt area is not permitted during stand hours. (4) No one may enter the hunt area prior to two hours before sunrise and all hunters must clear the area by two hours after sunset.

St. Marks National Wildlife Refuge

A 600-acre portion of the St. Marks Unit is cooperatively administered by the State for big game hunting as a part of the Aucilla Wildlife Management Area. In addition, 14,000 acres of the Wakulla Unit and 18,000 acres of the Panacea Unit area will be open to big game hunting subject to the aforementioned general conditions and the following special conditions:

(1) Archery hunts: (a) species permitted: deer and feral hogs, (b) season: November 20, 21, 22, 1981, (c) bag limit: deer—one deer; hogs—no limit, (d) sex: either sex (except spotted fawn), (e) permits: limited to 400. (2) Muzzleloading firearms hunt: (a) species permitted: deer and feral hogs, (b) season: December 18, 19, 20, 1981, (c) bag limit: deer—one deer, hog—no limit, (d) sex: deer—bucks only, must have visible antlers, hogs—either sex, (e) permits: limited to 400. (3) Conventional weapon hunt: (a) species permitted: deer and feral hogs, (b) season: December 4, 5, 6, 1981, (c) bag limit: deer—one deer, hogs—no limit, (d) sex: deer—bucks only, hogs—either sex. (e) weapons: State regulations except no buckshot or handguns permitted. Shotgun slugs are permitted, (f) permits: limited to 400.

(4) The following special regulations are applicable to all three refuge-administered hunts. Stand hours will be in effect (½ hour before sunrise until 9 a.m.). All hunters will be required to wear at least 500 square inches of daylight fluorescent orange while not on a stand.

St. Vincent National Wildlife Refuge

(1) Archery hunts: (a) species permitted: white-tailed deer, bearded turkey and feral hogs, (b) season: November 19–21, 1981, (c) bag limit: deer—one deer, one turkey, hogs no limit, (d) sex: either sex except bearded turkey only, (e) permits: Maximum of 450. (2) Primitive weapons hunts: (a) species permitted: white-tailed deer, turkey, and feral hogs, (b) season: December 16–18, 1981, (c) bag limit: deer—one deer, turkey—one bearded turkey, hogs—no limit, (d) sex: deer and hogs—either sex; turkeys—bearded only, (e) permits: maximum of 300, (f) one single-shot side arm permitted. (3) All participants are required to check in and out at check stations. (4) Hunter camping and fires are restricted to two designated camping areas. (5) Hunters are required to wear an outer garment above the waist which contains a minimum of 500 square inches of daylight fluorescent orange material.

Georgia and South Carolina

Savannah National Wildlife Refuge

(1)(a) Species permitted: Feral hogs, (b) season: March 1–6, 1982, (c) bag limit: no limit, (d) sex: either sex, (e) weapons: shotgun—"00" buckshot, (f) permits: no quota.

Georgia

Blackbeard Island National Wildlife Refuge

(1) Archery hunts: (a) species permitted: deer, (b) season: November 2, 3, 4, 1981 and December 28–30, 1981, (c) bag limit: two deer, (d) sex: either sex, (e) permits: a maximum of 600 for each hunt. (2) Camping and fires are permitted at designated camping areas only. (3) During the periods from one-half hour before sunrise until 9 a.m. and from 3:30 p.m. until sunset each day, hunters must remain on their stands.

Harris Neck National Wildlife Refuge

(1) Gun Hunt: (a) species permitted: deer, (b) weapons: shotgun—slugs only, (c) season: January 8, 1982, (d) bag limit: two deer—antlerless only, (e) permits: maximum of 100 issued by public drawing. (2) During the period from one-half hour before sunrise until 9 a.m. and from 3:30 p.m. until sunset hunters must remain on their stands.

Okefenokee National Wildlife Refuge

(1) Archery and shotgun hunts (Cowhouse Island Unit): (a) species permitted: deer, (b) season: Archery—Thursdays, Fridays and Saturdays through October 23, 1981; Shotgun—Saturday, October 31, 1981, (c) bag limit: one deer of either sex, (d) permits: archery—no quota; shotgun—50 only; persons using the hunt area must check in and out at the entrance. (3) No one may enter the hunt area prior to two hours before sunrise and all hunters must clear the area by one hour after sunset.

(2) Shotgun hunts (Suwannee Canal Recreation Area and the Pocket Unit): (a) species permitted: deer, (b) season: Suwannee Canal—October 27 through November 12, 1981, Pocket Unit—November 10 through November 19, 1981; only on Tuesdays, Wednesdays, and Thursdays at both locations, (c) bag limit: one deer—antlerless, (d) permits: Suwannee Canal—225 only, Pocket Unit—180 only, (e) hunters must use assigned stand areas only, (f) only 70 antlerless deer will be taken from Suwannee Canal and 30 antlerless deer

from the Pocket Unit; once the quota is reached, the hunt will be terminated.

(3) Special regulations which apply to all Okefenokee refuge hunt areas: (a) all hunters must stay on stands from one-half hour before sunrise until 9:30 a.m. at all four hunts and from 5:30 p.m. until sunset at the Cowhouse Island hunt, (b) weapons other than shotguns with buckshot or rifled slugs are not allowed at the shotgun hunts.

Piedmont National Wildlife Refuge

(1) Archery hunts: (a) species permitted: deer, (b) season: October 3–11, 1981, (c) bag limit: two deer—either sex, (d) permits: no limit, (2) Muzzleloading firearms hunt: (a) species permitted: deer, (b) season: October 22–24, 1981, (c) bag limit: two deer—3 points or more on one side or antlerless, (d) permits: 1,500 permits issued by public drawing. (3) Bucks only gun hunts: (a) season: October 29–31, 1981, (b) bag limit: two bucks, with visible antlers, (c) permits: 1,500 permits issued by public drawing on August 31, 1981 at 1 p.m. (4) Either sex gun hunt: (a) seasons: November 7, November 21 and December 5, 1981, (b) permits: 1,500 for each hunt, (c) bag limit: two deer. (5) Camping is permitted only in the Pippins Lake Campground, Compartment 19. (6) Refuge big game hunters are required to wear outer garment above the waist which contains a minimum of 500 square inches of daylight fluorescent orange material. (7) Handguns and buckshot are prohibited on the refuge.

Wassaw Island National Wildlife Refuge

Special Conditions: (1) Archery hunts: (a) species permitted: deer, (b) season: November 13–15, 1981, (c) bag limit: two deer, (d) sex: either sex, (e) permits: maximum of 400. (2) Gun hunts: (a) species permitted: deer, (b) weapons: State regulations (except buckshot and handguns prohibited), (c) seasons: December 11 and 12, 1981, (d) bag limit: two deer, (e) sex: two antlerless or one buck and one antlerless on December 11, 1981, either sex on December 12, 1981, (f) permits: 120. (3) All camping and fires will be at designated camping areas only. (4) Stand hours: during the periods from one-half hour before sunrise until 9 a.m. and from 3:30 p.m. until sunset each day, hunters must remain on their stands.

South Carolina

Pinckney Island National Wildlife Refuge

(1) Gun hunts: (a) species permitted: deer, (b) weapons: shotguns with slugs, (c) season: October 10, 1981 and October 23, 1981, (d) bag limit: two deer, (e) sex: two antlerless or one buck and one antlerless, (f) permits: 80 for each hunt. (2) Participants must check in at headquarters between 4 a.m. and 5 a.m. and park in designated area prior to hunting. Entry by boat is prohibited. (3) During the periods from one-half hour before sunrise until 9 a.m. and from 3:30 p.m. until one-half hour after sunset, hunters must be on their stands.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-26143 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

National Wildlife Refuges in Florida, Georgia, and South Carolina; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: It has been determined that the opening to hunting to certain national wildlife refuges in Florida, Georgia and South Carolina is compatible with the objectives for which the areas were established, will utilize a renewable natural resource and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting seasons for certain migratory game birds.

DATES: September 29, 1981 to June 30, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate refuge manager at the address or telephone number listed below:

Donald J. Hankla, Area Manager, U.S. Fish and Wildlife Service, 15 North Laura Street, Jacksonville, Florida 32202, telephone (904) 791–2267.

Edward Collinsworth, Refuge Manager, Chassahowitzka National Wildlife Refuge, Route 2, Box 44, Homosassa, Florida 32646, telephone (904) 382–2201.

Burkett S. Neely, Jr., Refuge Manager, Loxahatchee National Wildlife Refuge, Route 1, Box 278, Boynton Beach, Florida 33437, telephone (305) 732–3684.

Stephen R. Vehrs, Refuge Manager, Merritt Island National Wildlife Refuge, P.O. Box 6504, Titusville, Florida 32780, telephone (305) 867–4820.

John P. Davis, Refuge Manager, Savannah National Wildlife Refuge Complex, P.O. Box 8487, Savannah, Georgia 31412, telephone (912) 944–4321.

SUPPLEMENTARY INFORMATION: The author of this document is Howard Poitevint, Jacksonville Area Office, U.S. Fish and Wildlife Service, 15 N. Laura Street, Jacksonville, Florida 32202, telephone (904) 791–2267.

General Conditions

1. Hunting is permitted on national wildlife refuges indicated below in accordance with 50 CFR Part 32, State regulations and the following applicable general conditions and special regulations:

The Refuge Recreational Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (a) that no area of the National Wildlife Refuge System is used for forms of recreation not directly related to the primary purposes for which the area was established, and (b) that funds are available for the development, operation and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Chassahowitzka, Loxahatchee, Merritt Island and Savannah National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the state and federal hunting regulations, and because of the rapid approach of the hunting seasons, the USDI has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d) (3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore, the effective date is September 29, 1981.

Note.—The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193) and that the

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rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act and 43 CFR Part 14.

2. All hunters must posses a refuge permit to hunt on a national wildlife refuge. Permits are available from the refuge headquarters and/or check stations. Permits must be carried while hunting and are nontransferable.

3. Under the provisions of 50 CFR 26.32 additional regulations may apply. Contact the refuge manager for further information.

4. Ingress and egress points for motor vehicles and/or boats are limited to designated check stations or other specified areas.

5. Only steel shot ammunition may be used during refuge migratory waterfowl hunts. Possession of lead or other toxic shot in any gauge is prohibited during such hunts.

6. Only temporary blinds are permitted.

7. Personal property must be retrieved by owner and removed from the refuge daily, unless otherwise specified.

8. Portions of refuges open for hunts will be closed to other public use activities during these hunts.

§ 32.12 Special regulations; migratory game bird hunting for individual wildlife refuge areas.

Migratory bird hunting is permitted on the following refuges only within those areas posted with signs and/or designated on a hunting area map. Migratory bird hunting shall be in accordance with the aforementioned general conditions and the following special conditions:

Florida

Chassahowitzka National Wildlife Refuge

(1) Only ducks and coots may be hunted. (2) Hunting will be permitted daily during the State waterfowl season. (3) Travel to and from the hunting area will be permitted only by outboard motorboat or manually propelled boats and canoes. Air thrust boats are prohibited. (4) Dogs are permitted for retrieving dead and wounded game.

Loxahatchee National Wildlife Refuge

(1) Only ducks and coots may be hunted. (2) Hunting is permitted on Sundays, Wednesdays, Thursdays, Fridays, and Saturdays during the State waterfowl season. (3) Air thrust boats may be launched at the headquarters landing only. (4) All air thrust boat operators must possess a refuge airboat permit available at refuge headquarters. (5) Hunters must use the designated routes of travel to and from the hunting area.

Merritt Island National Wildlife Refuge

(1) Migratory waterfowl hunting is permitted for ducks and coots only. (2) Hunting is permitted only on Wednesdays, Thursdays, Fridays, and Saturdays from one-half hour before sunrise until 1 p.m. and on Sunday from one-half hour before sunrise until sunset during the State waterfowl season. (3) Proof of completion of a certified hunter safety training course must be carried in the field and is required to hunt Areas 1, 2 and 4 during the entire season. (4) A hunter check station is currently scheduled to be operated the first day of the season for issuance of daily permits. (5) Portions of the refuge may be closed to hunting at certain times during space shuttle operations. (6) Hunting from or within 10 feet of any dike, roadway or railroad fill is prohibited. (7) All boaters must wear life jackets when boats are in motion in the Indian River and Mosquito Lagoon. Air thrust boats are prohibited.

Georgia

Savannah National Wildlife Refuge

(1) (a) Only ducks, coots and snipe may be hunted. (b) Permits required. No limit. (2) Hunting will be permitted only on Thursdays, Fridays and Saturdays from one-half hour before sunrise to 12 noon during the State waterfowl season.

Note.—Snipe season opens at different dates than duck and coot season but will close on the same date.

(3) Hunting will not be permitted in or on Middle River; Back River; the channels of the Savannah River known as Steamboat River and Houstown Cut, between Front and Middle Rivers; nor within 50 yards of the shoreline of these rivers. (4) Hunters will not be permitted to enter the hunting area sooner than one and one-half hours before sunrise.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-28141 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Certain National Wildlife Refuges in Oklahoma and Texas; Hunting

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of certain National Wildlife Refuges in the States of Oklahoma and Texas is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting season for hunting waterfowl, snipe and woodcock.

EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address and/or telephone number listed below in the body of these Special Regulations.

SUPPLEMENTARY INFORMATION: The author of this document is W. Ellis Klett, Area Manager, Austin Area Office, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G-121, Austin, Texas 78701, 512-397-5434.

Hunting is permitted on the National Wildlife Refuges indicated below in accordance with applicable State and Federal regulations, subject to additional Special Regulations and conditions as indicated. The possession of lead shot is prohibited and non-toxic shot (steel) will be required for waterfowl hunting on the following national wildlife refuges: Anahuac, Aransas (Matagorda Island Unit), Brazoria, McFaddin, San Bernard and Sea Rim in Texas and Sequoyah in Oklahoma. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G-121, Austin, Texas 78701.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Note.—The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354) and 43 CFR Part 14.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Oklahoma

Sequoyah National Wildlife Refuge, John R. Akin, Refuge Manager, Route 1, Box 18A, Vian, Oklahoma 74962, (918)–773–5251. Migratory game birds. Special Conditions: (1) Hunting of ducks, geese, coots, snipe, woodcock and crow is in accordance with the Oklahoma State season for migratory birds. (2) Firearms of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel, where firearms must be cased or broken down. (3) Camping or possession of firearms on the refuge at night is prohibited.

Tishomingo National Wildlife Refuge, Larry M. Ivy, Refuge Manager, P.O. Box 248, Tishomingo, Oklahoma 73460, (405)–371–2402. Migratory game birds. Special Conditions: (1) Public hunting of ducks and coots is permitted on Tishomingo Wildlife Management Area of the Tishomingo National Wildlife Refuge, Oklahoma. (2) Geese, ducks and coots may be hunted from one-half hour before sunrise until 11:45 a.m. on Thursdays, Saturdays and Sundays, and from 1:00 p.m. until sunset on Tuesdays, except that hunting is not permitted on Thanksgiving nor Christmas Days. (3) All hunters, upon entering or leaving the area, shall report at designated check stations as may be established for this purpose. (4) Ducks and coots may be hunted only in zone 1. Retrievers or boats must be used in zone 1 to prevent undue loss of downed birds in deep water. Temporary blinds may be constructed and placed where desired after giving due consideration to safety and hunting opportunities to other hunters already in the area. No more than 25 shells may be used by or in the possession of any hunter. (5) Geese may be hunted only in zone 2 and from the goose blinds provided. Each hunter will select the blind he wishes to use, and the order in which hunters make their selections will be determined by a daily drawing. Hunters may leave their assigned blinds to pick up decoys and return to the check station only at designated times, except that the hunters may leave blinds to place or adjust decoys and to retrieve downed birds. No more than 6 shotgun shells may be used by or in the possession of any hunter; shot size may not exceed BB's. (6) As requested, hunters must provide information relating to their hunts and permit collection of tissues from their harvested birds.

Texas

Anahuac National Wildlife Refuge, Russel W. Clapper, Refuge Manager, P.O. Box 278, Anahuac, Texas 77514, (713) 267–3337. Migratory game birds. Special Conditions: (1) Hunting hours will be from one-half hour before sunrise until 12 o'clock noon each day of the hunt. (2) Access to the hunting unit is by boat only. All boats must be equipped with properly working running lights and life preservers in compliance with Texas Water Safety Act. Hunters are not permitted to use refuge roads for access to the hunting area. (3) Marsh buggies, airboats, and all-terrain vehicles are not allowed within the hunting unit. (4) Pits may not be dug and permanent blinds may not be constructed. (5) Each hunter must maintain a safe distance of 300 feet from other hunters.

Matagorda Island Unit, Aransas National Wildlife Refuge, E. Frank Johnson, Refuge Manager, P.O. Box 68, Austwell, Texas 77950, (512) 286–3559. Migratory game birds. Special Conditions: (1) Unless otherwise specified, all laws and regulations published by the Texas Parks and Wildlife Department concerning waterfowl hunting will be applicable. (2) Taking of snow geese will not be permitted on the refuge. (3) Hunting hours: one-half (½) hour before sunrise until 12 o'clock noon. (4) The area will be open 3 days a week (Saturday, Sunday and Wednesday) during the regular State *duck* season. Refuge transportation on the island will be provided to and from the Matagorda Island dock and the hunt area. Hunters will receive a short briefing covering hunter behavior, bird identification with special emphasis on the peregrine falcon and other endangered species, and refuge management on the island prior to the hunt. Hunters must be at the Island docks by 5:00 a.m., at which time a drawing will be held for blind selection. (5) In the event whooping cranes begin using habitat within the hunt area, all or portions of that area will be closed to hunting.

Brazoria National Wildlife Refuge, Ronald G. Bisbee, Refuge Manager, P.O. Box 1088, Angleton, Texas 77515, (713) 849–6062. Migratory game birds. Special Conditions: (1) Access to the hunting areas must be entirely over public water routes. Travel across the refuge mainland to and from the area open to hunting is not permitted. Areas open to hunting are designated on maps which are available from the refuge manager at the above address. (2) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought onto the refuge for blind construction must be removed at the end of each hunt. (3) Alcoholic beverages are prohibited in all public hunt areas on the refuge. (4) The refuge waterfowl season is in accordance with Texas State waterfowl season.

McFaddin National Wildlife Refuge, Russel W. Clapper, Refuge Manager, P.O. Box 278, Anahuac, Texas 77514, (713) 267–3337. Migratory game birds. Special Conditions: (1) The McFaddin Marsh will be open to hunting on Sunday, Tuesday, Thursday and Saturday of the early teal and regular duck season as established by the State of Texas. The refuge will not be open during the goose only seasons or on Christmas Day. (2) Hunting hours are one-half hour before sunrise until 12:00 o'clock noon daily. (3) Any boat is allowed, except airboats may not have an engine of more than 10 horsepower. All boats must be equipped with properly working running lights and life preservers in compliance with Texas Water Safety Act. (4) No marsh buggies, or all-terrain vehicles permitted in the refuge marsh. (5) Pits may not be dug and permanent blinds may not be constructed. (6) No hunting is allowed within 300 feet of other hunters, roads, highways or buildings. (7) Hunters 16 years of age or younger must be accompanied by an adult 21 years of age or older who shall be responsible for the conduct of the minor. (8) McFadden Marsh is open to public foot and boat access at all times. (9) Refuge roads are open to public vehicle access from 7:30 a.m. until 4:00 p.m. Monday through Friday and other times as posted by signs and leaflets. Any portions of the

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refuge may be closed periodically because of public or wildlife hazards. (10) Overnight camping is permitted only adjacent to the Gulf of Mexico beach. Camping is limited to three days and three nights.

San Bernard National Wildlife Refuge, Ronald G. Bisbee, Refuge Manager, P.O. Box 1088, Angleton, Texas 77515, (713) 849-6062. Migratory game birds. Special Conditions: (1) The waterfowl hunting area on this refuge is divided into two parts: Special Permit Waterfowl Hunting area (SPWH area) and Free Waterfowl Hunting area (also locally known as the Cedar Lakes and the Smith Marsh tract). These areas are designated on maps available from the refuge manager at the above address. (2) A refuge permit will be required for participation in the SPWH area. Permit applications are available at the Refuge office, 1208 North Velasco Street, Angleton, Texas, and must be returned to the refuge office by October 15, 1980 to be eligible for drawing for advanced reservations. (3) The refuge waterfowl season is in accordance with the Texas State waterfowl season. (4) Hunters participating in the Special Permit Waterfowl Hunt are required to be present at the check station by 4:30 a.m. for the first portion of the split season and 5:00 a.m. for the second portion. (5) The refuge will furnish duck decoys for the Special Permit Waterfowl Hunt and no other duck decoys may be used in this segment of the hunt. Goose decoys are permitted but will not be furnished. (6) Hunters participating in the Special Permit Waterfowl Hunt may not leave their blinds except to retrieve dead or wounded waterfowl or to rearrange their decoys. (7) Hunting days for the SPWH area will be Saturdays, Mondays and Wednesdays. (8) Hunters will stop hunting and shooting at 10:00 a.m., local time, in the SPWH area and return to a hunt check station to fill out a hunter questionnaire. (9) Any available hunting blinds in the SPWH area will be filled by hunters without reservations on a standby basis immediately prior to each day's hunt. (10) A "special hunter service recreation fee" of $3 will be collected from each hunter for each hunting trip on the SPWH area. Holders of "Golden Age Passports" will be charged $1.50. (11) Hunters will be required to walk through marsh terrain to assigned blinds from designated parking areas. (12) In the SPWH area, guns may not be loaded until hunters reach their assigned blinds. (13) No guest or observers are permitted in the blinds. (14) Access to the Free Waterfowl Hunting areas (Cedar Lakes and Smith Marsh tract) must be primarily over public water routes. (15) On the Free Waterfowl Hunting areas, pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought on to the refuge for blind construction must be removed at the end of each hunt. (16) Birds may not be plucked on the refuge. (17) Alcoholic beverages and controlled drugs are prohibited in all hunt areas on the refuge.

Sea Rim National Wildlife Refuge, Russel W. Clapper, Refuge Manager, P.O. Box 278, Anahuac, Texas 77514, (713) 267-3337. Migratory game birds. Special Conditions: (1) The Sea Rim National Wildlife Refuge will be open to hunting Monday, Wednesday, and Saturday of the duck season as established by the State of Texas. The refuge will not be open during the goose only seasons or on Christmas day. (2) Hunting hours will be from one-half hour before sunrise until 12 o'clock noon each day of the hunt. No firearms are permitted on the refuge prior to 3:00 a.m. or after 1:00 p.m. daily. (3) No hunting will be permitted closer than 300 feet of other hunters, roads, highways or buildings. (4) Pits may not be dug and permanent blinds may not be constructed. (5) Access to the refuge is by foot or by outboard or inboard powered boats, canoes, mudboats or skiffs, and by airboats with engines of 10 horsepower or less. All boats must be equipped with properly working running lights and life preservers in compliance with Texas Water Safety Act. (6) No marsh buggies or all-terrain vehicles permitted in the refuge marsh or grasslands. (7) Hunters 16 years of age or younger must be accompanied by an adult hunter 21 years of age or older who shall be responsible for the conduct of the minor.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-28144 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Certain National Wildlife Refuges in Oklahoma and Texas; Hunting

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of certain National Wildlife Refuges in the States of Oklahoma and Texas is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting season for mourning doves and teal ducks.

EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address and/or telephone number listed below in the body of these Special Regulations.

SUPPLEMENTARY INFORMATION: The author of this document is W. Ellis Klett, Area Manager, Austin Area Office, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G-121, Austin, Texas 78701, 512-397-5434.

Hunting is permitted on the National Wildlife Refuges indicated below in accordance with applicable State and Federal regulations, subject to additional Special Regulations and conditions as indicated. The possession of lead shot is prohibited and non-toxic shot (steel) will be required for waterfowl hunting on the following national wildlife refuges: Anahuac, Aransas (Matagorda Island Unit), Brazoria, McFaddin, San Bernard and Sea Rim in Texas and Sequoyah in Oklahoma. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G-121, Austin, Texas 78701.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife

Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Note.—The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354) and 43 CFR Part 14.

§ 32.32 Special regulations; migratory game birds; for individual wildlife refuge areas.

Oklahoma

Sequoyah National Wildlife Refuge, John R. Akin, Refuge Manager, Rt. 1, Box 18A, Oklahoma 74962, 918–773–5251. Mourning doves and teal ducks. Special Conditions: (1) Firearms of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where firearms must be cased or broken down. (2) Only longbow and arrow or shotguns without slug ammunition are permitted. (3) Camping or possession of firearms on the refuge at night is prohibited. (4) All vehicles must be parked in designated parking areas as shown on maps available at refuge headquarters and at leaflet boxes throughout the public hunting area.

Tishomingo National Wildlife Refuge, Larry M. Ivy, Refuge Manager, P.O. Box 248, Tishomingo, Oklahoma 73460, 405–371–2402. Mourning doves and teal ducks. Special Conditions: (1) The areas to be hunted is the Tishomingo Wildlife Management Area. (2) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving game. (3) Hunters, upon entering and leaving the hunting area, shall report at designated checking stations as may be established for the regulation of the hunt and shall furnish upon request information pertaining to their hunting activities. (4) Duck hunters, during the Special Early Teal Season, who hunt the following areas are required to use a boat or hunt with a retrieving dog as otherwise water depths would prevent adequate retrieval of downed birds: McAdams Pond, Teller Pond, Whiskey Creek Pond, Muel Lake, Reeves Ravine, Lost Lake and Bobcat Gulch.

Texas

Anahuac National Wildlife Refuge, Russel W. Clapper, Refuge Manager, P.O. Box 278, Anahuac, Texas 77514, 713–267–3337. Teal Duck. Special Conditions: (1) Open season will be each day of the special early teal season as established in the State of Texas. (2) Hunting hours will be from one-half hour before sunrise until 12 o'clock noon each day of the hunt. (3) Access to the hunting unit is by boat only. All boats must be equipped with properly working running lights and life preservers in compliance with the Texas Water Safety Act. Hunters are not permitted to use refuge roads for access to the hunting area. (4) Marsh buggies, airboats, and all-terrain vehicles are not allowed within the hunting unit. (5) Each hunter must maintain a safe distance of 300 feet from other hunters.

Brazoria National Wildlife Refuge, Ronald G. Bisbee, Refuge Manager, Box 1088, Angleton, TX 77515, 713–849–6062. Early teal ducks. Special Conditions: (1) Access to the hunting areas must be entirely over public water routes. Travel across the refuge mainland to and from the area open to hunting is not permitted. Areas open to hunting are designated on maps which are available from the refuge manager at the above address. (2) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetatation. Any materials brought onto the refuge for blind construction must be removed at the end of each hunt. (3) Alcoholic beverages are prohibited in all public hunt areas on the refuge. (4) The refuge early teal season is in accordance with the Texas state early teal season.

Hagerman National Wildlife Refuge, James M. Williams, Refuge Manager, Route 3, Box 123, Sherman, Texas 75090, 214–786–2826. Mourning dove. Special Conditions: (1) The open season for hunting mourning doves on the refuge is restricted to the first four weeks of the State season for the North Zone. (2) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving. (3) Entrance into closed areas by hunters or dogs for retrieving of game or for any other reason is prohibited.

Matagorda Island Unit, Aransas National Wildlife Refuge, E. Frank Johnson, Refuge Manager, P.O. Box 68, Austwell, Texas 77950, 512–286–3559. Mourning Dove. Special Conditions: (1) Open season for hunting mourning dove on the Matagorda Island will extend from October 3, 1981 through October 30, 1981, inclusive. (2) All portions of Matagorda Island under federal ownership or control will be open to dove hunting with the exception of the old Air Force base itself which is fenced off. (3) Hunters may be transported to specific hunt areas at the discretion of the refuge manager or his appointed representative, depending on the work load at the time. (4) All hunters arriving at the Island docks must register with the refuge personnel prior to the hunt.

McFaddin National Wildlife Refuge, Russel W. Clapper, Refuge Manager, P.O. Box 278, Anahuac, Texas 77514, 713–267–337. Teal Duck. Special Conditions: (1) The McFaddin Marsh will be open to hunting on Sunday, Tuesday, Thursday and Saturday of the special early teal season. (2) No firearms are permitted on the refuge prior to 3:00 a.m. or after 1:00 p.m. daily. (3) Hours are one-half hour before sunrise until 12:00 o'clock noon daily. (4) Any boat is allowed, except airboats may not have an engine of more than 10 horsepower. All boats must be equipped with properly running lights and life preservers in compliance with Texas Water Safety Act. (5) No marsh buggies or all-terrain vehicles permitted in the refuge marsh or grasslands. (6) No hunting is allowed within 300 feet of other hunters, roads, highways or buildings. (7) Hunters 16 years of age or younger must be accompanied by an adult 21 years of age or older who shall be responsible for the conduct of the minor.

San Bernard National Wildlife Refuge, Ronald G. Bisbee, Refuge Manager, P.O. Box 1088, Angleton, Texas 77515, 713–849–6062. Teal Duck. Special Conditions: (1) Only the free waterfowl hunting areas known locally as the Cedar Lakes and the Smith Marsh are open to the hunting of teal ducks during this early season. These areas are designated on maps available from the refuge manager at the above address. (2) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought onto the refuge for blind construction must be removed at the end of each hunt. (3) Alcoholic beverages are prohibited in all public hunt areas on the refuge. (4) The refuge early teal season is in accordance with the Texas state early teal season.

Sea Rim National Wildlife Refuge, Russel W. Clapper, Refuge Manager, P.O. Box 278, Anahuac, Texas 77514, 713–267–3337. Teal Duck. Special Conditions: (1) Sea Rim National Wildlife Refuge will be open to hunting on Monday, Wednesday, and Saturday of the special early teal season. (2) Hunting hours will be from one-half hour before sunrise until 12:00 o'clock noon each day of the hunt. No firearms are permitted on the refuge prior to 3:00 a.m. or after 1:00 p.m. daily. (3) No hunting will be permitted closer than 300 feet of other hunters, roads, highways or

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buildings. (4) Access to the refuge is by foot or by outboard or inboard powered boats, canoes, mudboats or skiffs, and by airboats with engines of 10 horsepower or less. All boats must be equipped with properly working running lights and lifepreservers in compliance with Texas Water Safety Act. (5) No marsh buggies or all-terrain vehicles permitted in the refuge marsh or grasslands. (6) Hunters 16 years of age or younger must be accompanied by an adult 21 years of age or older who shall be responsible for the conduct of the minor.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-28142 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

National Wildlife Refuges in Delaware; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain National Wildlife Refuges is compatible with the objective for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Delaware.

EFFECTIVE DATES: September 29, 1981 through February 28, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the following addresses or telephone numbers:

John Green, Area Manager, U.S. Fish and Wildlife Service, 1825 Virginia Street, Annapolis, Maryland 21401, 301-269-6324.

Don Perkuchin, Refuge Manager, Bombay Hook National Wildlife Refuge, RD #1, Box 147, Smyrna, Delaware 19977, 302-653-9345.

George O'Shea, Assistant Refuge Manager, Prime Hook National Wildlife Refuge, RD #1, Box 195, Milton, Delaware 19968, 302-684-8419, under administration of Bombay Hook National Wildlife Refuge.

SUPPLEMENTARY INFORMATION: The author of this document is Edward S. Moses, Refuges and Wildlife Resources, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158, 617-965-5100, X-222.

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal seasons and regulations, subject to additional special regulations and conditions indicated. Portions of refuges which are open to hunting are designated by signs and/or shown on maps. Under the provisions of 50 CFR 26.32, additional regulations may apply. Contact the Refuge Manager for further information. Special conditions applying to individual refuges and maps are available at Refuge Headquarters or from the office of the Area Manager.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (1) That any recreational use permitted will not interfere with the primary purpose for which the area was established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which the following National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Effective date is September 1, 1981.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Bombay Hook National Wildlife Refuge

Public hunting of ducks, geese, and coots is permitted on areas designated by signs as open to hunting including the South Waterfowl Hunting Area, the West Waterfowl Hunting Area, the Young Waterfowlers Area, and the South Upland Hunting Area.

Hunting shall be in accordance with all State and Federal regulations covering the hunting of ducks, geese, and coots, subject to the following special conditions:

(1) Hunting is permitted on the West Waterfowl Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays (except November 7) during the goose season.

(2) Hunting in the South and West Waterfowl Areas and Young Waterfowlers Area shall be only from existing numbered blinds. The possession of an uncased gun or shooting while outside of a blind is prohibited on these areas except when in active pursuit of crippled waterfowl. In such cases the hunter may fire at only the crippled bird.

(3) Hunting is permitted in the South Waterfowl Hunting Area only on Monday, Wednesday, Friday, and Saturday, during the State duck season.

(4) The necessary permit to enter the South Waterfowl Hunting Area will be issued each hunting day by a ticket-lottery system at one and one-half hours before legal shooting time at the checking station at Port Mahon. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis. Permits will be surrendered at the checking station within one-half hour after sunset. The permits for advance reservations will be cancelled if the holder is not present one hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lottery on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.

(5) Each hunting permittee using the West Waterfowl Hunting Area will pay a recreation fee of $10.00 prior to entrance into the hunting area. A recreation fee of $2.00 per hunter will be charged on the South Waterfowl Hunting Area prior to entrance into the hunting area. Non-ambulatory individuals using the Young Waterfowl Hunting Area will pay a recreation fee of $5.00 per blind prior to entrance into the hunting area.

(6) Not more than four persons may occupy a blind at any one time on the West Waterfowl Hunting Area nor more than three on the South Waterfowl Hunting Area.

(7) The Young Waterfowlers Area will be open from one-half hour before

sunrise to 12:00 noon local standard time on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths, accompanied by an instructor who may not possess ammunition or possess or discharge a firearm, may use one blind. Two blinds within the Young Waterfowlers Area will also be utilized on Tuesdays by non-ambulatory individuals. These individuals will be selected in cooperation with the Delaware Division of Vocational Rehabilitation. Two hunters accompanied by an assistant who may not possess ammunition or possess or discharge a firearm, may use each blind.

(8) Waterfowl hunters on all four areas are required to use steel shotshells and may not have in their possession lead shotshells. No hunter may have in their possession or use in one day more than 12 shells on the West Waterfowl Hunting Area or 15 shells on the Young Waterfowlers Hunting Area.

(9) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

Public hunting of rails and gallinules, mourning doves, woodcock, crows, and common snipe on the 169 acre South Upland Hunting Area is permitted during the regular State seasons.

Prime Hook National Wildlife Refuge

Public hunting of ducks, geese, and coots, is permitted on the 1,180 acre Waterfowl Hunting Area. Hunting shall be in accordance with all Federal and State regulations covering the hunting of migratory game birds subject to the following special conditions:

(1) Permits will be issued by a lottery basis in accordance with State regulations. Hunters not selected in the lottery will be issued permits on a first-come, first-served basis until 3:00 p.m. Permits will be turned in at the checking station within one hour after sunset. When leaving a blind unoccupied for any reason the permit must be turned in and a new permit must be secured at the check station before hunting again.

(2) Hunting shall be only from blinds at locations designated by refuge personnel. The possession of an uncased gun or shooting while outside of a blind is prohibited except when in active pursuit of crippled waterfowl. In such cases the hunter may fire at only the crippled waterfowl. Three hunters per blind permitted.

(3) The area is open each Monday, Wednesday, Friday, and Saturday, throughout the duck hunting season, as well as Thursday, October 1, 1981.

(4) Access to the waterfowl hunting area will be at designated boat access points.

(5) Steel shotshells are required for all waterfowl hunters. No waterfowl hunters shall have in their possession lead shotshells.

(6) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

Public hunting of mourning doves, common snipe, and woodcock, is permitted only on the 2,185 acre North Hunting Area.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-28134 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

National Wildlife Refuges in Delaware, Maryland, North Carolina and Virginia; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain National Wildlife Refuges is compatible with the objective for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Delaware, Maryland, North Carolina and Virginia.

EFFECTIVE DATES: September 29, 1981 through February 28, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the following addresses or telephone numbers:

John Green, Area Manager, U.S. Fish and Wildlife Service, 1825 Virginia Street, Annapolis, Maryland 21401, 301-269-6324.

Don Perkuchin, Refuge Manager, Bombay Hook National Wildlife Refuge, R.D. #1, Box 147, Smyrna, Delaware 19977, 302-653-9345.

George O'Shea, Assistant Refuge Manager, Prime Hook National Wildlife Refuge, R.D. #1, Box 195, Milton, Delaware 19968, 302-684-8419, under administration of Bombay Hook National Wildlife Refuge.

Philip Feiger, Refuge Manager, Eastern Neck National Wildlife Refuge, Route 2, Box 225, Rock Hall, Maryland 21661, 301-639-7056.

Allen Hundley, Assistant Refuge Manager, Mackay Island National Wildlife Refuge, P.O. Box 31, Knotts Island, North Carolina 27950, 919-429-3100, under administration of Back Bay National Wildlife Refuge.

Dennis Holland, Refuge Manager, Chincoteague National Wildlife Refuge, Box 62, Chincoteague, Virginia 23336, 804-336-6122.

Ralph M. Keel, Jr., Refuge Manager, Great Dismal Swamp National Wildlife Refuge, Box 349, Suffolk, Virginia 23434, 804-539-7479.

Harold Olsen, Refuge Manager, Presquile National Wildlife Refuge, Box 620, Hopewell, Virginia 23860, 804-458-7541.

SUPPLEMENTARY INFORMATION: The author of this document is Edward S. Moses, Refuges and Wildlife Resources, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158, 617-965-5100, X-222.

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal seasons and regulations, subject to additional special regulations and conditions indicated. Portions of refuges which are open to hunting are designated by signs and/or shown on maps. under the provisions of 50 CFR 26.32, additional regulations may apply. Contact the Refuge Manager for further information. Special conditions applying to individual refuges and maps are available at Refuge Headquarters or from the office of the Area Manager.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (1) That any recreational use permitted will not interfere with the primary purpose for which the area was established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which the following National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement of the Operation of the National Wildlife Refuge System published in November

1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Effective date is September 1, 1981.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Delaware

Bombay Hook National Wildlife Refuge

Public hunting of upland game on the 169 acre South Upland Hunting Area is permitted during the regular State season.

Prime Hook National Wildlife Refuge

Public hunting of upland game is permitted only on the 2,185 acre North Hunting Area.

(1) Hunting hours will be from one-half hour before sunrise to one-half hour after sunset.

(2) Field possession of waterfowl or coots is prohibited on the North Hunting Area.

(3) Practice and target shooting is prohibited.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Delaware

Bombay Hook National Wildlife Refuge

Public hunting of deer is permitted only on designated areas.

(1) Season:

(a) Archery-Hunting by bow and arrow on the regular deer hunting area is permitted during five Saturdays of the season through October 3. Hunting by bow and arrow on the South Upland hunting area is permitted during the entire season.

(b) Shotgun-Hunting with shotguns on the regular deer hunting area is permitted only on November 6, 7, 9, and 11, 1981. Hunting with shotguns on the South Upland hunting area is permitted during the entire State season. Hunting with shotguns by non-ambulatory individuals on the special deer hunting area is permitted on the first Tuesday of the State season.

(c) Primitive Firearms-Hunting with primitive firearms on the regular deer hunting area is permitted on October 8, 9, and 10, 1981. Hunting with primitive firearms on the South Upland hunting area is permitted during the entire State season.

(2) Permit Requirements: All deer hunters, regardless of type of weapon, are required to obtain a daily permit prior to hunting on the regular deer hunting area. Daily permits are not required on the South Upland area. Procedures for obtaining daily permits are as follows:

(a) Archery-Permits are issued at the Dutch Neck Gate Refuge Entrance on a first-come, first-served basis one hour before shooting time on the days of the hunt. The maximum number of hunters admitted to the regular deer hunting area at any one time will be 80.

(b) Shotgun-Permits are selected by advance public lottery. Individuals who have been selected for advance reservation must appear at Refuge Headquarters prior to one hour before legal shooting time on the day of the hunt to be issued a permit. Failure to appear will result in forfeiture of the reservation. Forfeited permits and permits not reserved by advance reservations will be awarded to standby hunters by lottery one hour before the start of legal shooting time. The maximum number of hunters admitted to the regular deer hunting area at any one time will be 50.

Non-ambulatory shotgun hunters utilizing the regular deer hunting area on November 10, will be restricted to individuals as selected in cooperation with the Delaware Division of Vocational Rehabilitation. The maximum number of hunters admitted to the special deer hunting area at one time will be ten.

(c) Primitive Weapon-Permits are issued at the Dutch Neck Gate Refuge Entrance on a first-come, first-served basis one hour before shooting time on the days of the hunt. The maximum number of hunters admitted to the deer hunting area at any one time will be 50.

(3) No nailed deer stands, platforms, ladders or blinds permitted. Tree stands must be of portable, temporary design, and be completely removed after use.

(4) Target practice or the test firing of any weapon is not permitted.

Prime Hook National Wildlife Refuge

Public hunting of deer is permitted only on the 2,185 acre north hunting area. Hunting shall be in accordance with all State regulations.

Archery Hunt

(1) Seasonal permits are required for the north hunting area and will be issued at the refuge office Mondays through Fridays between 7:30 a.m. and 4:00 p.m. Permits may also be requested by mail. Those permits must be returned to the refuge office by the end of the deer hunting seasons.

(2) No nailed deer stands, platforms, ladders or blinds are permitted. Tree stands must be of portable, temporary design, and be completely removed after use.

Firearms Hunt

(1) Permits are required for all deer hunting. These permits are available free of charge and will be issued by mail to successful applicants selected by a pre-season drawing.

(2) The number of shotgun hunters admitted to the open area will be restricted to 25 preselected hunters per day.

(3) Permits must be returned to the refuge office within five days of the closure of the deer hunting season.

(4) No nailed deer stands, platforms, ladders or blinds are permitted. Tree stands must be of portable, temporary design, and be completely removed after use.

Maryland

Eastern Neck National Wildlife Refuge

Public hunting of white-tailed deer is permitted except on county roads, parking areas, and areas designated by signs as closed to hunting. Hunting shall be subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open seasons:

Archery only: October 5, 6, 9, and 10, 1981
Non-Ambulatory hunters only, hunter choice of weapons: October 23, and 24, 1981
Muzzle-loading longarm only: October 26, 28, and 31, 1981
Shotgun only: November 16, 18, and 21, 1981

(2) Bag limits: One deer, either sex.

(3) All participants in the deer hunt must check in and out at the refuge check station before entering or leaving the refuge. All deer killed must be presented for examination at the refuge check station on the day killed.

(4) All hunters must be checked in by no later than 6:00 a.m. of the morning they are to hunt. Failure to do so will constitute a no show, and a standby hunter will be assigned.

No hunter may enter the refuge earlier than one-half hour before sunrise and must check out no later than one hour after sunset.

(5) Possession of loaded firearms, including arrows notched in bows, is not permitted on county blacktop roads, in parking areas, in or on vehicles, and before shooting hours.

(6) All hunters must enter and leave by way of State Road 445 only. Entry by boat is not permitted.

(7) During all refuge hunts, hunters must furnish and wear, so as to be readily noticeable, daylight fluorescent orange caps or hats and a minimum of 144 square inches of fluorescent orange material worn on the chest and on the back above the waistline.

(8) Hunters under 18 years of age must be accompanied by a hunting, permit-holding adult.

(9) Contained fire cooking devices will be permitted within fifty (50) feet of legally parked vehicles and in the Bogle's Wharf and Ingleside Recreation Areas.

(10) All hunters must exhibit their hunting equipment, Federal permit, Federal qualification certificate, State hunting license, and deer-turkey stamp to Federal or State officers on request.

(11) All firearms, ammunition, load sizes and arrows must be legal for the taking of deer in the State of Maryland, and the bows and firearms used to hunt must be the same as those used to qualify.

(12) All arrows in possession of archery hunters must have the hunter's full name and address legibly and permanently affixed with indelible ink, paint or etched into the arrow shaft.

(13) Use or possession of alcoholic beverages by hunters is not permitted during the hunt.

(14) A Federal hunt permit will be required of all participants in the deer hunts. Hunters will be limited to one hundred and fifteen (115) per day for gun hunts, and one hundred and fifty (150) per day for archery hunts, and twenty (20) for the non-ambulatory hunt (10 for non-ambulatory hunters and 10 for their helpers). All participants of the non-ambulatory hunt will be subject to State regulations governing such hunting.

(15) The permit must be returned to the refuge at check out or, in the case of persons unable to hunt on the day selected, the permit must be returned prior to December 31, 1981. Noncompliance with this and other regulations will subject hunter to regular penalties and, in addition, will be grounds for nonselection in future hunts.

(16) Hunters who have a valid refuge hunting permit will be allowed to scout the refuge from September 19 to November 20 on all non-hunt days. Hunters exercising this privilege will display their refuge permit on the dashboard of their car.

(17) Portable tree stands which cause no damage to trees are permitted and must be removed at the end of each hunt day.

North Carolina

Great Dismal Swamp National Wildlife Refuge

(See regulations under Virginia)

Mackay Island National Wildlife Refuge

Public hunting of white-tailed deer is permitted only on designated areas. Hunting shall be subject to the following special conditions:

(1) White-tailed deer may be taken during the following open seasons:

Archery hunt: either sex: October 2–3
Shotgun hunt: bucks only: November 20–21
Shotgun hunt: either sex: December 9–12

(2) Bag limits: one per day

(3) Weapons:

(a) Archery: long-bow, recurve, and compound bows. All arrows in possession of hunters must be permanently marked with hunter's name.

(b) Shotguns: shotguns must be 20 gauge or larger. Rifled slugs or buckshot may be used.

(4) A refuge hunt permit will be required of all participants. All hunters will be charged a $10.00 special recreation permit fee. Permits will be issued in advance of the season to hunters selected in a drawing to be held at the refuge office on Knotts Island. Permits are nontransferable and will be limited to 25 per day for the archery hunt and 20 per day for the shotgun hunts.

(5) All hunters will be assigned to designated stands on the morning of each day's hunt, with stand selection made by hunters in the order in which they were selected in the drawing. Two out of the total stands will be developed to accommodate non-ambulatory hunters and will be automatically assigned to such hunters if they are selected in the drawing. Gun hunters will be required to remain within 25 feet of their stands until they have completed hunting. Bow hunters must remain within 25 feet of their stands from sunrise to 10:00 a.m. after which they may hunt anywhere in the area open to hunting.

(6) All permitted hunters must check in at the refuge shop by two hours before sunrise for stand selection, collection of $10.00 fee, and hunt orientation. Available permits not filled by the drawing or resulting from failure of permittees to show up will be issued to standby hunters selected by a special drawing, with order of selection of remaining stands based on order of selection in this drawing.

(7) Transportation to the hunt area will be by refuge vehicle, except in the case of non-ambulatory permittees who will be allowed to take their own vehicles to the hunt area. Pick up trips will be made through the hunt area by refuge vehicle at 10:00 a.m., noon, 4:00 p.m., and 15 minutes after sunset. All hunters will be required to leave the hunt area no later than the last pick up each day.

(8) All hunters will be required to wear a minimum of 400 square inches of daylight fluorescent orange material on the head, chest, and back at all times.

(9) Scouting will be permitted on the hunt area during the period November, 9–15, 1981. During the scouting periods, no motorized vehicles will be permitted on Mackay Island Road beyond the gate located 1.6 miles west of State Route 615.

(10) Loaded firearms are permitted only while on assigned stands.

(11) Portable tree stands that cause no damage to trees will be permitted.

(12) All deer taken during the hunts are to be checked at the refuge shop. Crippled deer are to be reported to the refuge staff as soon as possible. Deer may be field dressed in the hunt area but not at the check station.

(13) Use or possession of alcoholic beverages by participants is prohibited during the hunt.

Virginia

Chincoteague National Wildlife Refuge

Public hunting of deer is by special permit only on designated areas. Hunting shall be subject to the following special conditions:

(1) Special Recreation Permits: All hunters must possess a $10.00 special recreation permit. By accepting the permit, hunters agree to submit their credentials, equipment and vehicles to inspection by authorized personnel. Violation of any regulation may be grounds for revocation of the permit and/or prosecution.

(2) Species to be taken: Sika and whitetail deer.

(3) Bag Limits: One per day of any species, age and sex; three per license year. If a hunter takes three deer, at least one deer must be an antlerless deer. In the firearms hunt, if two hunters use the same unit, the total aggregate limit is four deer.

(4) Season: The archery hunt will coincide with the State archery season. The firearms hunt will occur within the State season, but will be restricted as stated in hunter permits. All arrows in possession of archery hunters must have the hunter's full name and address legibly and permanently affixed with

indelible ink, paint, or etched into the arrow shaft.

(5) Hunting equipment: All forms of equipment authorized by State law are permitted. Except—shotguns must fire a single projectile and all firearms must be modified to hold only one round.

(6) Dogs are prohibited.

(7) Hunting hours: Same as State hunting hours. All hunters must be checked out of the hunting area within two hours after the close of legal hunting hours.

(8) Loaded firearms or nocked arrows are permitted only within designated hunt areas during hunt hours. Firearms in vehicles must be cased or disassembled. Shooting from or across roads that are open to vehicles is prohibited.

(9) All hunters under 18 years of age must be accompanied by an adult.

(10) Check Station: All hunters must sign in and out of the hunting area, enter and exit by designed route and check deer at the refuge check station.

(11) Protective Clothing: All persons in the hunt area are required to wear a minimum of 400 total square inches of a safety fluorescent colored material, distributed even by between the front and back surfaces.

(12) Shooting at wildlife other than deer is prohibited.

Great Dismal Swamp National Wildlife Refuge

Public hunting of deer is permitted only on designated areas shown on maps available at Refuge Headquarters. Hunting shall be in accordance with all State regulations subject to the following special conditions:

(1) Species to be taken: Whitetail deer.

(2) Bag Limits:

Virginia—one per day, either sex.
North Carolina—two per day, one must be antlerless.

(3) Season:

Virginia—October 17, 21, 24, 28, and 31, 1981
North Carolina—November 6, 7, 13, and 14, 1981

(4) Hunting equipment: Shotguns only, no smaller bore than 20 gauge, loaded with buckshot and/or rifled slugs. Bow—in Virginia only.

(5) Possession of other weapons or ammunition is prohibited.

(6) Dogs are prohibited.

(7) Hunting hours—same as State hunting hours. All hunters must be clear of hunting areas by two hours after the close of legal hunting hours.

(8) Possession of loaded firearms in or on a vehicle or shooting from a vehicle is prohibited.

(9) Possession of loaded firearms on a refuge road including rights-of-way or ditch banks is prohibited.

(10) Unauthorized entry outside the hunt area and driving motorized vehicles off designated roads is prohibited.

(11) Camping and fires on refuge are prohibited.

(12) All hunters under 18 years of age must be accompanied by an adult.

(13) All wounded deer will be reported to refuge personnel immediately. All deer taken on the area must be brought to the check station to be checked out. Jawbones may be removed by refuge personnel.

(14) Shooting at wildlife other than deer is prohibited.

(15) All hunters are required to wear a minimum of 400 total square inches of a safety fluorescence color material on the head, chest, and back.

(16) The use of nails, wire, screws or bolts to attach stands to trees is prohibited.

Presquile National Wildlife Refuge

Public hunting of white-tailed deer is permitted on the entire refuge except within 200 yards of all buildings. Hunting shall be subject to the following special conditions:

(1) A Federal permit will be required at no charge to the applicant. Permits are nontransferable. Alternates will also be selected from standby hunters at the ferry landing to fill stands left open by permittees who do not show up.

(2) Only white-tailed deer may be taken fron one-half hour before sunrise to one-half hour after sunset with bow and arrow only on October 16, 17, 24; and with shotgun on October 31, and November 7, 1981.

(3) Bag limits: One deer per day, either sex.

(4) All hunters must be checked in by 5:45 a.m., e.d.t. (4:45 a.m., e.s.t.). Hunters must enter the refuge on the ferry at 6 a.m., e.d.t. (5 a.m., e.s.t.), except that boats with engines no larger than 10 hp will be permitted only for those hunters who have been assigned a swamp stand requiring entry by boat. All boat occupants must wear a life jacket. Before leaving the refuge, hunters must be checked out by a refuge official either at the official State checking station at the Refuge Headquarters or at the boat launch area on the mainland.

(5) Possession of firearms on the refuge during the bow and arrow only hunts is prohibited.

(6) All arrows in the possession of each hunter must be marked with the stand number issued to the hunter.

(7) Only buckshot is permitted during the shotgun hunts.

(8) Each hunter will be assigned a stand corresponding to his permit number. Shotgun hunters will remain on their assigned stand throughout the day's hunt. Bow hunters will remain on their assigned stand from one-half hour before sunrise to 10 a.m. From 10 a.m., to one-half hour after sunset, they may hunt anywhere within the open area. Hunters must wear, so as to be readily visible, a minimum of 400 square inches of fluorescent orange material on the chest and on the back above the waistline. Gun hunters must wear fluorescent orange at all times; bow hunters must wear fluorescent orange when going to and from their stand, and when hunting away from their stand.

(9) All hunters under 18 years of age must be accompanied by and under the immediate supervision of an adult.

(10) Scouting will be permitted on October 9, and 10, 1981. The refuge ferry will take passengers to the island at 8 a.m., e.d.t., and return to the mainland at 10 a.m. and 12 noon, e.d.t.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-28137 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

National Wildlife Refuges in Kentucky, North Carolina, South Caroline, and Tennessee; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening of certain national wildlife refuges in Kentucky, North Carolina, South Carolina and Tennessee to hunting is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming upland game and big game hunting seasons. The name of each affected refuge and the special regulations for each refuge are set forth below.

EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

William C. Hickling, Area Manager, U.S. Fish and Wildlife Service, Plateau Building, Room A-5, 50 South French

Broad Ave., Asheville, N.C. 28801.
Telephone 704–258–2850, Ext. 321.

Marvin T. Hurdle, Refuge Manager, Carolina Sandhills National Wildlife Refuge, Route 2, Box 130, McBee, South Carolina 29101. Telephone 803–335–8401.

George R. Garris, Refuge Manager, Cape Romain National Wildlife Refuge, Rt. 1, Box 191, Awendaw, S.C. 29429. Telephone 803–928–3368.

Paul Ferguson, Refuge Manager, Santee National Wildlife Refuge, Route 2, Box 66, Summerton, S.C. 29148. Telephone 803–478–2217.

J. C. Bryant, Refuge Manager, Hatchie National Wildlife Refuge, Box 187, Brownsville, Tennessee 38012. Telephone 901–772–0501.

Wendell C. Crews, Refuge Manager, Reelfoot (and Lake Isom) National Wildlife Refuge, P.O. Box 98, Samburg, Tennessee 38254. Telephone 901–538–2481.

Vandiver L. Childs, Refuge Manager, Tennessee National Wildlife Refuge, Box 849, Paris, Tennessee 38242. Telephone: 901–642–2091.

John C. Fields, Refuge Manager, Pungo National Wildlife Refuge, P.O. Box 267, Plymouth, North Carolina 27962. Telephone: 919–793–2143.

Jerry L. Holloman, Refuge Manager, Pee Dee National Wildlife Refuge, P.O. Box 780, Wadesboro, N.C 28170. Telephone: 704–694–4424.

SUPPLEMENTARY INFORMATION: The author of this document is Robin H. Fields, Asheville Area Office; U.S. Fish and Wildlife Service, Plateau Building, Room A–5, 50 South French Broad Ave., Asheville, North Carolina 28801, 704–258–2850, Ext. 392.

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional Special Regulations and conditions as indicated. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at the refuge headquarters listed above.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires that: (1) Any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Impact Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meeting of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore, the effective date is September 29, 1981.

Note.—The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193) and that the rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act and 43 CFR Part 14.

§ 32.22 Special regulations; upland game; for individual refuge areas.

Kentucky

Reelfoot National Wildlife Refuge

Squirrel and raccoon hunting will be permitted on approximately 2,034 acres of the Reelfoot National Wildlife Refuge.

Squirrels (gray and fox) may be taken through October 15, 1981. Only shotguns and .22 caliber rimfire rifles will be permitted. Dogs will be prohibited.

Raccoons may be taken on the Long Point refuge unit from September 30 through October 3, 1981. There is no bag limit. Hunting will be permitted from 7:30 p.m. to midnight. The use of dogs will be permitted. Axes, saws, and other cutting implements will be prohibited. Hunters will be required to check in and check out at the designated check station.

All hunters under 16 years of age must be under the close supervision of an adult.

Tennessee

Hatchie National Wildlife Refuge

Squirrel and raccoon hunting will be permitted on approximately 11,555 acres of the Hatchie National Wildlife Refuge.

Squirrels may be taken through September 20, 1981. Hunting will be permitted from one hour before sunrise to one hour after sunset.

Raccoons may be taken from October 9 through November 15, 1981. Hunting will be permitted from sunset to midnight. Axes, saws, and other cutting implements will be prohibited. The use of dogs will be permitted. Dogs must wear a collar showing the owner's name, address and telephone number.

Hunters under 16 years of age must be under the close supervision of an adult.

Lake Isom National Wildlife Refuge

Squirrel and raccoon hunting will be permitted on approximately 1,850 acres of the Lake Isom National Wildlife Refuge.

Squirrels may be taken through October 15, 1981. Only shotguns and .22 caliber rimfire rifles will be permitted. Dogs will be prohibited.

Raccoons may be taken from September 30 through October 3, 1981. There is no bag limit. Hunting will be permitted from 7:30 p.m. to midnight. The use of dogs will be permitted. Axes, saws and other cutting implements will be prohibited. Hunters will be required to check in and check out at the designated check station.

All hunters under 16 years of age must be under close supervision of an adult.

Reelfoot National Wildlife Refuge

Squirrel and raccoon hunting will be permitted on approximately 9,585 acres of the Reelfoot National Wildlife Refuge.

Squirrels may be taken through October 15, 1981. Only shotguns and .22 caliber rimfire rifles will be permitted. Dogs will be prohibited.

Raccoons may be taken on the Long Point refuge unit from September 30 through October 3, 1981. There will be no bag limit. Hunting will be permitted from 7:30 p.m. to midnight. The use dogs will be permitted. Axes, saws and other cutting implements will be prohibited. Hunters will be required to check in and check out at the designated check station.

Hunters under 16 years of age must be under the close supervision of an adult.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

North Carolina

Pee Dee National Wildlife Refuge

White-tailed deer hunting will be permitted on approximately 6,125 acres, in Anson and Richmond Counties, of the Pee Dee National Wildlife Refuge.

The archery hunt in Richmond County will be through October 3, 1981. The archery hunt in Anson County will be September 7 through November 14, 1981. The State bag limit will apply in both counties. No permits required.

The gun hunts in Richmond and Anson Counties will be November 23–24 and 27–28, 1981. The bag limit will be one deer of either sex. Permits for 175 hunters for each gun hunt will be selected by public drawing.

All hunters must wear at least 500 square inches of daylight fluorescent orange material on outer garments above the waist. Dogs and "man-driving" will be prohibited. Only portable stands will be permitted. Driving a nail, screw, spike or other metal object into any tree, or hunting from such a tree, will be prohibited. Hunters will be permitted to enter the area one hour before sunrise. Hunters under 16 years of age must be under the close supervision of an adult.

Pungo National Wildlife Refuge

White-tailed deer hunting will be permitted with bows on approximately 12,000 acres and with shotguns and primitive weapons on approximately 7,000 acres of the Pungo National Wildlife Refuge. The archery hunt will be through September 30, 1981. The gun hunt will be October 8, 9, 14, 15, 20, 21, 26, and 27, 1981. The bag limit will be one deer either sex per day; two deer per season. All deer must be checked at field headquarters prior to removal from the refuge.

Entry into the hunting area will be permitted one hour before shooting time. Shooting hours will be 30 minutes before sunrise to sunset. Permits for gun hunting will be issued on the basis of a public drawing. No permits will be required for bow hunting.

All gun hunters must wear outer garments consisting of at least 500 square inches of a daylight fluorescent orange material above the waist. Hunters under 16 years of age must be under the close supervision of an adult. Hunting from a stand or blind permanently attached to a tree will be prohibited.

South Carolina

Cape Romain National Wildlife Refuge

White-tailed deer hunting will be permitted on approximately 2,500 acres of the Bulls Island Unit of the Cape Romain National Wildlife Refuge. The archery hunts will be November 2–7, 1981, and December 7–12, 1981. The bag limit will be two deer, either sex. Hunting is prohibited within 100 feet of the Walking Trail and the Beach Road.

Camping will be permitted from 9:00 a.m. on the day preceding the hunt until noon on the day following the hunt. Hunters will be restricted to the camping area from 7:00 p.m. to 4:30 a.m. Hunters under 16 years of age must be under the close supervision of an adult. Dogs, nails, paint, and flagging will be prohibited.

Carolina Sandhills National Wildlife Refuge

White-tailed deer hunting will be permitted on approximately 43,767 acres of the Carolina Sandhills National Wildlife Refuge.

The primitive weapons hunt will be October 19–24, 1981; the bag limit will be two deer. Archers may take either sex deer. Muzzle loaders may take one antlerless deer.

The still gun hunts will be November 2–5, 16 and 17, 1981. The bag limit will be three deer. Only bucks with at least three-inch antlers visible above the hairline may be taken on November 2 and 3. Either sex deer may be taken on the remaining dates.

During the still gun hunts, only shotguns using slugs or centerfire rifles using soft-nosed ammunition will be allowed.

Hunting hours will be from one hour before sunrise until one hour after sunset. Hunters must enter the hunting area at designated entrance points and must park their vehicles on the hunting area. Hunting will be prohibited from road rights-of-way and within 500 feet of the paved visitor drive. All deer must be checked prior to removal from the refuge. Hunters under 14 years of age must be under the close supervision of an adult. All hunters must wear an outer garment containing a minimum of 500 square inches of daylight fluorescent orange material above the waist. Hunting from a stand which is permanently attached to a tree will be prohibited.

Santee National Wildlife Refuge

White-tailed deer hunting will be permitted on approximately 4,300 acres of the Santee National Wildlife Refuge. The archery hunt will be October 3 through 9, 1981. The combined archery and primitive weapons hunt will be October 17 through 23, 1981. The bag limit will be two deer either sex. Crossbows or drugged arrows will be prohibited. No handguns or other firearms will be permitted. Primitive weapons include bow and arrow, muzzleloading shotguns (20 gauge or larger), and muzzleloading rifles (.36 caliber or larger).

Hunters must enter the refuge at the designated entry point only. Deer must be checked in at the designated check station. Hunters under 14 years of age must be under the close supervision of an adult. Hunters may scout the area without weapons from September 19 through October 2, 1981.

Tennessee

Natchie National Wildlife Refuge

White-tailed deer hunting will be permitted on approximately 11,555 acres of the Hatchie National Wildlife Refuge. The archery deer hunt will be through October 11, 1981. The bag limit will be two deer, either sex. Hunting hours will be from one hour before sunrise to one hour after sunset. Hunting from a permanent tree stand will be prohibited. The use of dogs will be prohibited. Hunters under 16 years of age must be under the close supervision of an adult. All deer taken must be checked in at the designated check station.

Tennessee National Wildlife Refuge

White-tailed deer hunting will be permitted with muzzleloading rifles on approximately 9,800 acres on November 21 and 22, 1981, and January 9, 1982. Gun, archery, and muzzleloading hunting will be permitted on approximately 5,000 acres on December 19 and 20, 1981. The bag limit will be one deer of either sex per hunter. Driving of deer will be prohibited.

All hunters must wear outer garments of daylight fluorescent orange material of at least 500 square inches on the upper body and head. Hunters under 16 years of age must be under the close supervision of an adult. A refuge permit will be required. All hunt participants will be selected by public drawing. Hunters will be permitted on the public hunting area from one hour before sunrise to one hour after sunset. Hunters must check in and out at the designated check stations.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81–28128 Filed 9–28–81; 8:45 am]

BILLING CODE 4310–55–M

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50 CFR Part 32

National Wildlife Refuges in Maine, Massachusetts and Vermont; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain National Wildlife Refuges is compatible with the objective for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Maine, Massachusetts and Vermont.

EFFECTIVE DATES: September 29, 1981 through January 31, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the following addresses or telephone numbers:

Charles R. Maloy, Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1518, Concord, New Hampshire 03301, 603–224–9558.

George Gavutis, Refuge Manager, Parker River National Wildlife Refuge, Northern Blvd., Plum Island, Newburyport, Massachusetts 01950, 617–465–5753.

David Beall, Refuge Manager, Great Meadows National Wildlife Refuge, Weir Hill Road, Sudbury, Massachusetts 01776, 617–443–4661.

Thomas Mountain, Refuge Manager, Missisquoi National Wildlife Refuge, Swanton, Vermont 05488, 802–868–4781.

SUPPLEMENTARY INFORMATION: The author of this document is Edward S. Moses, Refuges and Wildlife Resources, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158, 617–965–5100, X-222.

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal seasons and regulations, subject to additional special regulations and conditions indicated. Portions of refuges which are open to hunting are designated by signs and/or shown on maps. Under the provisions of 50 CFR 26.32, additional regulations may apply. Contact the Refuge Manager for further information. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the office of the Area Manager.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (1) That any recreational use permitted will not interfere with the primary purpose for which the area was established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which the following National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Effective date is September 1, 1981.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Massachusetts

Parker River National Wildlife Refuge

Public hunting of waterfowl and coots is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,805 acres, and known as the Pine Island Hunting Area (Area A), Parker River Hunting Area (Area B), Nelson's Island Hunting Area (Area C), and the Youth Hunting Area (Area D), are shown on maps available at Refuge Headquarters, or from the Area Manager. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of waterfowl and coots, subject to the following special conditions:

(1) The number of hunters on the Pine Island Area will be limited to 75 each day, Parker River Area to 25 each day, and the Nelson's Island Area to 50 each day. Participation will be on a first-come, first-served basis. Hunters using Area B must each bring and set out at least two (2) waterfowl decoys and waterfowl only may be hunted within 50 yards of these set decoys.

(2) Hunters on all three areas may not fire or possess more than 15 shotshells per day. Steel shot is required for all shotguns. Waterfowl hunters may not have in their possession lead shotshells.

(3) Hunters when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

(4) The Youth Hunting Area will be open during the regular State waterfowl season for young waterfowl trainees on selected days, except, Sundays, under the provisions of this special program. Literature describing this program is available at the Refuge Headquarters.

(5) Boat access is prohibited on area C and required on Area A. Boats may be landed only during the open season on waterfowl and by persons authorized to participate in refuge hunting programs. Access to Area B is permitted by foot from the refuge parking lot off of Marsh Avenue or via boat from the refuge launching ramp on Plum Island, or from off-refuge sites. Access to Area C must be from the refuge parking lot on Stackyard Road.

Oxbow National Wildlife Refuge

Public hunting of woodcock and snipe is permitted on the area designated by signs as open to hunting.

Vermont

Missisquoi National Wildlife Refuge

The public hunting of migratory game birds is permitted only on the areas shown on maps available at Refuge Headquarters or from the Area Manager. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory game birds. On those areas open to the public hunting of migratory game birds for which a permit is not required, stake blinds may be constructed in accordance with State regulations. Blinds must be removed by May 15, 1982.

That portion of the refuge, known as the Webb Marsh, which includes Long Marsh Bay and channel, Brush Creek, and Metcalfe Island, will be reserved for young waterfowl hunters only. Hunting by youths is permitted on Saturdays and Sundays from the beginning of the State waterfowl hunting season through the first five weekends. Shooting is permitted from designated blinds from legal shooting time until 11:00 a.m. Youth waterfowl hunters will be limited to the use and possession of 25 shot shells each.

That portion of the refuge known as Patrick Marsh-Charcoal Creek (southwest of Route 78 only) will be a controlled hunting area by special use permit only. Hunting areas will be zoned in Patrick Marsh and Charcoal Creek to

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Winter's north boundary. The remainder of the creek in public ownership will be closed. Hunting will be on Tuesdays, Thursdays and Saturdays only. Shooting will be from legal shooting time until 11:00 a.m. Two parties will be permitted to hunt Patrick Marsh and four parties to hunt Charcoal Creek. A party consists of not more than two hunters and both must hunt together in one location. A boat is required. Parties will regulate distance between each other with a minimum distance of two hundred (200) yards. A minimum of six decoys per party is required. Hunting must be within fifty (50) feet of the six set decoys. Jump shooting and permanent blinds are not permitted. No person shall use or have in his possession more than 15 shells.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-28133 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

National Wildlife Refuges in Maine, Massachusetts and Vermont; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain National Wildlife Refuges is compatible with the objective for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Maine, Massachusetts and Vermont.

EFFECTIVE DATES: September 29, 1981 through January 31, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the following addresses or telephone numbers:

Charles R. Maloy, Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1518, Concord, New Hampshire 03301, 603-224-9558.

Douglas Mullen, Refuge Manager, Moosehorn National Wildlife Refuge, P.O. Box X, Calais, Maine 04619, 207-454-3521.

David Beall, Refuge Manager, Great Meadows National Wildlife Refuge, Weir Hill Road, Sudbury, Massachusetts 01776, 617-443-4661.

Thomas Mountain, Refuge Manager, Missisquoi National Wildlife Refuge, Swanton, Vermont 05488, 802-868-4781.

SUPPLEMENTARY INFORMATION: The author of this document is Edward S. Moses, Refuges and Wildlife Resources, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158, 617-965-5100, X-222.

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal seasons and regulations, subject to additional special regulations and conditions indicated. Portions of refuges which are open to hunting are designated by signs and/or shown on maps. Under the provisions of 50 CFR 26.32, additional regulations may apply. Contact the Refuge Manager for further information. Special conditions applying to individual refuges and maps are available at Refuge Headquarters or from the office of the Area Manager.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (1) That any recreational use permitted will not interfere with the primary purpose for which the area was established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which the following National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Effective date is September 1, 1981.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Massachusetts

Oxbow National Wildlife Refuge

Public hunting of upland birds and small game is permitted on the area designated by signs as open to hunting. These open areas, comprising 600 acres, are shown on maps available at Refuge Headquarters, Sudbury, Massachusetts, or from the Area Manager. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory game birds and upland game subject to the following special conditions:

(1) Possession of slugs or buckshot is prohibited.

(2) Possession of a weapon other than a shotgun is prohibited.

(3) Vehicles are restricted to the designated parking at the south end of the refuge accessible from the Still River Depot Road. Entry by routes other than by the county road, Still River Depot Road, is prohibited.

Vermont

Missisquoi National Wildlife Refuge

The public hunting of upland game is permitted only on the areas shown on maps available at Refuge Headquarters. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game, subject to the following special condition:

(1) Rifles may no be used on that portion of the refuge lying east of the Missisquoi River.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Maine

Moosehorn National Wildlife Refuge

Public hunting of deer is permitted except on areas designated by signs as closed during the State firearms season. This open area is shown on maps available at Refuge Headquarters, and from the Area manager. Hunting shall be in accordance with State regulations covering the hunting of deer.

Vermont

Missisquoi National Wildlife Refuge

The public hunting of deer is permitted only on the areas shown on maps available at Refuge Headquarters. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special condition:

(1) During the regular season, only shotguns may be used on that part of the refuge lying east of the Missisquoi River.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-28139 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

National Wildlife Refuges in Michigan, Ohio, Illinois, Wisconsin, Minnesota, Iowa, Missouri and Portions of Nebraska; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening of certain National Wildlife Refuges to public hunting for migratory game birds is compatible with the objectives for which the areas were established, will utilize a renewable resource and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Michigan, Ohio, Illinois, Wisconsin, Minnesota, Iowa, Missouri, and portions of Nebraska.

DATE: Effective September 29, 1981.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

John Popowski, Area Manager, U.S. Fish and Wildlife Service, 1405 S. Harrison Rd., Room 202, East Lansing, MI 48823. Telephone (517) 337-6608. For Michigan, Indiana and Ohio.

Donald N. Frickie, Refuge Manager, Seney National Wildlife Refuge, Seney, MI 49983. Telephone (906) 586-9851.

David Frisque, Acting Refuge Manager, Shiawassee National Wildlife Refuge, 6975 Mower Rd., Route 1, Saginaw, MI 48601. Telephone (517) 777-5930.

Leland E. Herzberger, Refuge Manager, Ottawa National Wildlife Refuge, 14000 W. State Rte. 2, Oak Harbor, OH 43449. Telephone (419) 898-0014.

George G. P. Bekeris, Area Manager, U.S. Fish and Wildlife Service, 530 Federal Building and U.S. Court House, 316 North Robert Street, St. Paul, MN 55101. Telephone (612) 725-7641. For Minnesota, Wisconsin and portions of Illinois and Iowa.

Ronald V. Papike, Refuge Manager, Sherburne National Wildlife Refuge, Route #2, Zimmerman, MN 55398. Telephone (612) 389-3323.

Omer N. Swenson, Refuge Manager, Tamarac National Wildlife Refuge, Rochert, MN 56578. Telephone (218) 847-4355.

Robert Howard, Refuge Manager, Upper Mississippi River Wild Life and Fish Refuge, 122 W. 2nd Street, Winona, MN 55987. Telephone (507) 452-4232.

Tom A. Saunders, Area Manager, U.S. Fish and Wildlife Service, 2701 Rockcreek Parkway, Suite 106, North Kansas City, Missouri 64116. Telephone (816) 374-6166. For Missouri, Iowa, and portions of Illinois and Nebraska.

George Gage, Refuge Manager, DeSoto National Wildlife Refuge, RR #1, Box 114, Missouri Valley, Iowa 51555. Telephone (712) 642-4121.

Thomas S. Sanford, Refuge Manager, Chautauqua National Wildlife Refuge, RR #2, Havana, Illinois 62644. Telephone (309) 535-2290.

Wayne D. Adams, Refuge Manager, Crab Orchard National Wildlife Refuge, P.O. Box J, Carterville, Illinois 62918. Telephone (618) 997-3344.

O. T. Fears, Refuge Manager, Mark Twain National Wildlife Refuge, Louisa Division, RR #1, Wapello, Iowa 52653. Telephone (319) 523-6982.

Gerald Clawson, Refuge Manager, Mingo National Wildlife Refuge, RR #1, Box 8, Puxico, Missouri 63960. Telephone (314) 222-3589.

John Toll, Refuge Manager, Swan Lake National Wildlife Refuge, P.O. Box 68, Sumner, Missouri 64681. Telephone (816) 856-3323.

SUPPLEMENTARY INFORMATION: The primary authors of the document are: John R. Frye, Area Office, East Lansing, Michigan; James R. Lennartson, Area Office, St. Paul, Minnesota; and, Donald G. Young, Area Office, Kansas City, Missouri. These individuals can be contacted through the addresses and telephone numbers listed above.

Hunting on portions of the following refuges shall be in accordance with all applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions and maps applying to individual refuges are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established.

This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities, permitted by these regulations.

Access points on certain refuges are limited to designated roads or other specific areas. Vehicle use on all refuge areas is restricted to designated roads and lands.

Only non-toxic (steel) ammunition may be used during refuge migratory water-fowl hunts.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting season, the U.S. Department of the Interior has concluded "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore, the effective date of these special regulations is September 29, 1981.

Note.—The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354) and 43 CFR Part 14.

§ 32.12 Special regulations: Migratory Game Birds; for individual refuge areas.

Michigan

Seney National Wildlife Refuge

Hunting of Woodcock and Wilson's Snipe (Jacksnipe) shall be in accordance with all applicable State regulations and subject to the following special conditions:

Woodcock and Wilson's Snipe (Jacksnipe) hunting is permitted on 33,525 acres of the refuge designated as Area B from September 15 through November 12, 1981.

Shiawassee National Wildlife Refuge

A. Public hunting of *geese* only is permitted on Federal lands administered by Shiawassee National Wildlife Refuge. The refuge participates in a harvest quota established by the State of Michigan for the Saginaw County Goose Management Area of which the refuge is a part. The goose season will be closed early should the quota be reached.

Goose hunting on Federal lands administered by Shiawassee National Wildlife Refuge comprises 1,100 acres and is subject to the following conditions:

1. Hunting shall be by Federal permit and only from assigned blinds or pits. Blind assignments will be determined by drawings each day.

2. Under the provisions of 50 CFR 26.32, additional regulations may apply. Contact the Refuge Manager for further information.

3. From October 25 through the month of November a daily public drawing will be held to determine who may hunt during that day. Hunters must be present for each days drawing.

4. Goose hunting will be on odd days only throughout the entire season.

5. Only non-toxic steel shot will be permitted. The limit is 12 shells per hunter.

6. Hunters may not have shotgun shells containing lead or other toxic shot in their possession.

7. A blind rental fee of $2.00/hunter is required. Decoys can be rented for $1.00/dozen.

8. After completion of the days hunt, all hunters must proceed to refuge headquarters for check-out and the submission of geese for examination.

B. *State administered Federal Lands.* Public hunting of *both ducks* and *geese* is permitted on 215 acres of Federal land currently administered by the State of Michigan This parcel has in the past been a *goose* only zone.

Goose and *duck* hunting on Federal lands administered by the State is subject to the following conditions:

1. Hunting shall be by appropriate State permit or public draw and only from assigned blinds. Blind assignments will be determined by drawings each day.

2. Public hunting on this parcel shall be on odd days only throughout the season. Goose hunting will cease if the harvest quota is reached.

3. Only non-toxic steel shot will be permitted. Shell limit is 25 per hunter when hunting ducks and geese and only 12 shells per hunter when goose hunting only.

4. Hunters *may not* have shotgun shells containing lead or other toxic shot in their possession.

5. After completion of the days hunt, all hunters must proceed to DNR headquarters for check-out and submission of ducks and geese for examination.

Ohio

Ottawa National Wildlife Refuge

Public hunting of Canada, snow (including blue color phase) and white-fronted geese is permitted, on areas comprising 640 acres. Hunting shall be in accordance with all applicable Federal and State Regulations subject to the following conditions:

(1) Hunting shall be by State permit and only from assigned blinds. Blind assignments will be determined by drawings.

(2) A fee of five dollars per hunter will be required for blind rental.

(3) No more than two persons per blind (permit holder and one guest) are permitted.

(4) Hunters must report to the check station at least one hour before legal shooting time.

(5) Each hunter may possess not more than 10 shells. Only non-toxic steel shot, sizes no larger than No. 1, will be permitted. Hunters may not have shotgun shells containing lead to other toxic shot in their possession.

(6) Hunters will be permitted to pursue and shoot downed geese only within 75 yards of their assigned blind.

(7) Hunting hours shall be from the legal opening time in the morning until 12 noon.

(8) All hunters must be out of their assigned blinds by 1:00 p.m.

(9) All hunters must check in at the check station and submit their geese for examination by 2:00 p.m.

(10) The use of trained dogs to retrieve downed geese within the hunting area is permitted.

Minnesota

Sherburne National Wildlife Refuge

Public hunting of ducks, coots, rails, Wilson's snipe and woodcock is permitted, on an area comprising 9,900 acres (designed as Areas A and B on refuge map), subject to the following special conditions:

(1) Use of steel shot is required for hunting ducks and coots. Possession of lead shot shells while hunting ducks and coots is prohibited.

(2) Field possession of migratory birds is prohibited in areas of refuge closed to migratory bird hunting.

(3) Only non-motorized boats are permitted in the area open to the hunting of ducks and coots and must be launched at designated access sites.

(4) Boats and decoys must be removed from the refuge at the end of each day.

(5) Blinds must be removed at the end of each day except for blinds made entirely of marsh vegetation.

(6) The use of dogs to retrieve downed waterfowl and coots is permitted and encouraged provided they are under control at all times.

Tamarac National Wildlife Refuge

Public hunting of ducks, geese and coots is permitted, on an area comprising approximately 12,500 acres delineated on maps available at the refuge office, subject to the following special conditions:

(1) Use of steel shot is required for hunting waterfowl and coots. Possession of lead shot shells while hunting waterfowl and coots is prohibited.

(2) The use of dogs to retrieve downed waterfowl and coots is permitted and encouraged provided they are under control at all times.

(3) Boats are permitted for waterfowl hunting.

Illinois, Iowa, Minnesota, Wisconsin

Upper Mississippi River Wild Life and Fish Refuge

Public hunting of migratory game birds is permitted where designated by "Public Hunting Area" signs subject to the following special conditions:

(1) Use of steel shot is required for hunting waterfowl and coots. Possession of lead shot shells while hunting waterfowl and coots is prohibited.

(2) The use of dogs for retrieving waterfowl and coots is permitted and encouraged provided such dogs are under control at all times.

(3) The Illinois portion of the refuge is open for teal hunting as provided by "Illinois State Teal Regulations." Hunters may hunt during the special teal season from other than established waterfowl hunting blinds or small boats.

(4) The hunting of migratory waterfowl in the Illinois portion of the refuge, pools 12, 13, and 14 including Potter's Marsh is governed by special conditions which are hereby adopted and are available from the Refuge Manager, Upper Mississippi River Wild Life and Fish Refuge, Savanna District, P.O. Building, Savanna, Illinois 61074.

Iowa

DeSoto National Wildlife Refuge

1. Migratory game bird hunting will be permitted only on 174 acres of refuge land adjacent to U.S. Highway 30.

2. Hunting season will be November 1, 1981 through the closing date of the waterfowl seasons to be set by the Iowa Conservation Commission. Both dates are inclusive.

3. Shooting hours will start consistent with State regulations and will close at 12 noon daily.

4. Only waterfowl species (ducks, geese and coots) may be taken.

5. All hunting will be by refuge permit only. Under the provisions of 50 CFR 26.32, additional regulations may apply. Contact the Refuge Manager for further information.

6. No provision will be made for "standby" hunters.

7. All hunters must hunt from refuge-constructed 3-person blinds only.

8. Blinds will be assigned on a drawing basis each day of the hunt.

9. All hunting will be from assigned blinds only, with the exception that wounded birds may be pursued and shot within the shooting zone (within 40 yards of blind, as posted). Wounded birds may be pursued beyond this point up to the retrieval zone line (within 100 yards of blind, as posted), but guns must remain within the shooting zone.

10. Hunters will be required to check in and out at the refuge check station on each hunting day.

11. Permit holders must park in assigned parking lots within the hunting area. Non-refuge hunters may not use the refuge parking areas as access to private lands.

12. Hunters will be allowed the use of decoys (personal or rented at check station) and retrieving dogs (one per hunter). Goose decoys, up to 3 dozen, may be rented at the refuge check station at a charge of $1.00 per dozen. Hunters will be responsible for rented decoys and will be charged for any decoys lost or damaged.

13. Only steel shot loads will be allowed in the hunting area.

14. A maximum of 25 shells per hunter will be allowed per day.

15. Camping will not be allowed on the refuge.

16. All litter, including empty shotgun shells, must be picked up before leaving the blind site.

Mark Twain National Wildlife Refuge (Louisa Division)

Public hunting of migratory game birds is permitted, on areas designated by signs, comprising 1,760 acres on Big Timber Unit and Turkey and Otter Islands, subject to the following special conditions:

1. Blinds—no permanent structures; excluding wood or brush duck blinds, shall be permitted; no blinds shall be locked or otherwise sealed against public entry.

2. Blinds shall be open to the public on a first-come, first-served basis if not occupied 30 minutes after the start of legal shooting hours.

3. The use of dogs for retrieving waterfowl is permitted, provided such dogs are under control at all times.

Nebraska

DeSoto National Wildlife Refuge

1. Migratory game bird hunting will be permitted only on an area comprising 326 acres located west of the Missouri River in Washington County, Nebraska.

2. Goose hunting season will open November 1, 1981 through December 6, 1981. Both dates are inclusive.

3. Duck hunting season will open November 1, 1981 and close consistent with the State season.

4. Hunting will be permitted only on Sunday, Tuesday, Thursday and Saturday during the open season.

5. Shooting hours will start consistent with State regulations and will close at 12 noon daily.

6. Only waterfowl species (ducks, geese and coots) may be taken.

7. All hunting will be by refuge permit only. Under the provisions of 50 CFR 26.32, additional regulations may apply. Contact the Refuge Manager for further information.

8. Permits can not be transferred and fees will not be refunded. No provision will be made for "standby" hunters.

9. All hunters must hunt from refuge-constructed 3-person blinds only.

10. Blinds will be assigned on a drawing basis each day of the hunt.

11. All hunting will be from assigned blinds only with the exception that wounded birds may be pursued and shot within the shooting zone (within 40 yards of blind as posted). Wounded birds may be pursued beyond this point up the to retrieval zone line (within 100 yards of blind as posted), but guns must remain within the shooting zone.

12. Hunters will be required to check in and out at the refuge check station on each hunting day.

13. Permit holders must park in assigned parking lots within the hunting area. Non-refuge hunters may not use the refuge parking areas as access to private lands.

14. Hunters will be allowed the use of decoys (personal or rented at check station) and retrieving dogs (one per hunter). Goose decoys, up to 3 dozen, may be rented at the refuge check station at a charge of $1.00 per dozen. Hunters will be responsible for rented decoys and will be charged for any decoys lost or damaged.

15. Only steel shot loads will be allowed in the hunting area.

16. A maximum of 25 shells per hunter will be allowed per day.

17. Camping is not allowed on the refuge.

18. All litter, including empty shotgun shells, must be picked up before leaving the blind site.

Illinois

Chautauqua National Wildlife Refuge

Public hunting of migratory game birds is permitted only on areas designated by signs, comprising 745 acres, subject to the following special regulations:

1. Blinds—no permanent structure; excluding wood or brush duck blinds shall be permitted; no blinds shall be locked or otherwise sealed against public entry.

2. Use of non-toxic (steel) ammunition is required for hunting waterfowl and coots. Possession of lead shot shells while hunting waterfowl and coots is prohibited.

Crab Orchard National Wildlife Refuge

Public hunting of migratory game birds is permitted on areas comprising 23,000 acres, designated as Areas I and III, subject to the following special conditions:

1. Only portable or temporary blinds located on the immediate vicinity of the site may be used for hunting and these must be removed or dismantled at the end of the day's hunt. Blinds and pits beyond the shoreline of refuge waters may not be constructed, established, occupied or used.

2. Use of steel shot is required for hunting waterfowl and coots. Possession of lead shot shells while hunting waterfowl and coots is prohibited.

3. During the goose season, on Grassy, Orchard, Sawmill and Turkey Islands, hunters may hunt only from blinds provided by the refuge. Only hunters occupying these blinds are allowed on these islands during the goose hunting season.

4. Only authorized waterfowl hunting is permitted on the controlled areas of Grassy Point, Carterville Public, and Greenbriar Road areas from sunrise to 12:00 noon daily during the goose season. Goose hunting on these areas is subject to the following conditions:

(a) Hunting is permitted only from existing refuge established blinds. This includes lake shorelines.

(b) Hunters must comply with all rules as posted.

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Missouri

Mingo National Wildlife Refuge

Waterfowl hunting is permitted only on areas designated by signs as being open to hunting, subject to the following conditions:

1. Dogs may be used to retrieve downed waterfowl within the hunting area.

2. Hunters are not permitted to enter those areas shown as being closed on the refuge hunting map.

3. Waterfowl hunting is restricted to non-toxic (steel) shot only. The possession of lead shot, in the hunting area, is prohibited during the waterfowl hunting season.

4. The use of outboard or electric motors is prohibited.

Swan Lake National Wildlife Refuge

Public hunting for geese only is permitted on designated areas, comprising 2,500 acres within Swan Lake National Wildlife Refuge, subject to the following conditions:

1. Each hunter must obtain a State permit prior to hunting, hunt only from an impartially assigned blind, and fire no more than ten (10) shells.

2. Daily bag limit is determined by applicable State and Federal regulations.

3. Goose hunting is restricted to non-toxic (steel) shot only. The possession of lead shot, in the hunting area, is prohibited.

4. Legally shot geese falling inside the refuge boundary can only be retrieved by authorized officials.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-[illegible] Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

National Wildlife Refuges in Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri and Portions of Nebraska; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening of certain National Wildlife Refuges to public hunting for upland game and big game is compatible with the objectives for which the areas were established, will utilize a renewable resource and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, and portions of Nebraska.

DATE: Effective September 29, 1981.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

John Popowski, Area Manager, U.S. Fish and Wildlife Service, 1405 S. Harrison Rd., Room 202, East Lansing, MI 48823. Telephone (517) 337-6608. For Michigan, Indiana and Ohio.

Donald N. Frickie, Refuge Manager, Seney National Wildlife Refuge, Seney, MI 49883. Telephone (906) 586-9851.

David Frisque, Acting Refuge Manager, Shiawassee National Wildlife Refuge, 6975 Mower Rd., Route 1, Saginaw, MI 48601. Telephone (517) 777-5930.

Charles E. Scheffe, Refuge Manager, Muscatatuck National Wildlife Refuge, P.O. Box 631, Seymour, IN 47274. Telephone (812) 522-4352.

George G. P. Bekeris, Area Manager, U.S. Fish and Wildlife Service, 530 Federal Building and U.S. Court House, 316 North Robert Street, St. Paul, MN 55101. Telephone (612) 725-7841. For Minnesota, Wisconsin and portions of Illinois and Iowa.

Joseph Kotok, Refuge Manager, Agassiz National Wildlife Refuge, Middle River, MN 56737. Telephone: (218) 449-4115.

James Heinecke, Refuge Manager, Big Stone National Wildlife Refuge, 25 N.W. 2nd Street, Ortonville, MN 56278. Telephone: (612) 839-3700.

Dorothy Thompson, Acting Refuge Manager, Horicon National Wildlife Refuge, Route #2, Mayville, WI 53050. Telephone: (414) 387-2658.

James M. Carroll, Jr., Refuge Manager, Necedah National Wildlife Refuge, Star Route, Necedah, WI 54646. Telephone: (608) 565-2551.

David E. Heffernan, Refuge Manager, Rice Lake National Wildlife Refuge, Route #2, McGregor, MN 55760. Telephone: (218) 768-2402.

Ronald V. Papike, Refuge Manager, Sherburne National Wildlife Refuge, Route #2, Zimmerman, MN 55398. Telephone: (612) 389-3323.

Omer N. Swenson, Refuge Manager, Tamarac National Wildlife Refuge, Rochert, MN 56578. Telephone: (218) 847-4355.

Robert Howard, Refuge Manager, Upper Mississippi River Wild Life and Fish Refuge, 122 W. 2nd Street, Winona, MN 55987. Telephone: (507) 452-4232.

Tom A. Saunders, Area Manager, U.S. Fish and Wildlife Service, 2701 Rockcreek Parkway, Suite 106, North Kansas City, Missouri 64116. Telephone (816) 374-6166. For Missouri, Iowa, and portions of Illinois and Nebraska.

George Gage, Refuge Manager, DeSoto National Wildlife Refuge, RR #1, Box 114, Missouri Valley, Iowa 51555. Telephone (712) 642-4121.

Wayne D. Adams, Refuge Manager, Crab Orchard National Wildlife Refuge, P.O. Box J, Carterville, Illinois 62918. Telephone (618) 997-3344.

Gregory A. Wolf, Refuge Manager, Mark Twain National Wildlife Refuge, Clarence Cannon Division, Box 88, Annada, Missouri 63330. Telephone (314) 847-2333.

O. T. Fears, Refuge Manager, Mark Twain National Wildlife Refuge, Louisa Division, RR #1, Wapello, Iowa 52653. Telephone (319) 523-6982.

Gerald Clawson, Refuge Manager, Mingo National Wildlife Refuge, RR #1, Box 8, Puxico, Missouri 63960. Telephone (314) 222-3589.

John Toll, Refuge Manager, Swan Lake National Wildlife Refuge, P.O. Box 68, Sumner, Missouri 64681. Telephone (816) 856-3323.

SUPPLEMENTARY INFORMATION: The primary authors of the document are: John R. Frye, Area Office, East Lansing, Michigan; James R. Lennartson, Area Office, St. Paul, Minnesota; and Donald G. Young, Area Office, Kansas City, Missouri. These individuals can be contacted through the addresses and telephone numbers listed above.

Hunting on portions of the following refuges shall be in accordance with all applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions and maps applying to individual refuges are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Access points on certain refuges are limited to designated roads or other specific areas. Vehicle use on all refuge areas is restricted to designated roads and lanes.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting season, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore, the effective date of these special regulations is September 29, 1981.

Note.—The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354) and 43 CFR, Part 14.

§ 32.22 Special regulations: hunting upland game: for individual refuge areas.

Michigan

Seney National Wildlife Refuge

Hunting shall be in accordance with all applicable State regulations and subject to the following conditions:

1. Ruffed grouse hunting is permitted only on 33,525 acres of the refuge designated as Area B from September 29, 1981 through November 12, 1981.
2. Snowshoe hare hunting is permitted only on 33,525 acres of the refuge designated as Area B from October 1 through November 12, 1981 and on 85,200 acres of the refuge designated as Areas A and B from December 1, 1981 through February 28, 1982.
3. All motorized conveyances are prohibited from traveling on dikes or off established roads and trials. Motorized bikes, all-terrain vehicles, and snowmobiles are not permitted on the refuge.

Indiana

Muscatatuck National Wildlife Refuge

Public hunting of rabbit and quail is permitted on the Muscatatuck National Wildlife Refuge, Indiana only on refuge lands lying east of Jackson-Jennings County line road and south of a line starting ¼ mile north of the SW corner of section 31 running easterly one-half mile, thence north ½ mile and thence east ½ mile to the Pricilla Lake road (excluding the E½, NE¼, SE¼ sec. 31) designated by signs as open to hunting. This area comprising 1,338 acres is delineated on a map available at the refuge headquarters and from the office of the Area Manager.

Minnesota

Big Stone National Wildlife Refuge

Public hunting of Hungarian partridge, cottontail rabbit, jack rabbit, gray squirrel, fox squirrel, and ringnecked pheasant is permitted during the seasons for these species as established by the State of Minnesota. The open area comprises 7,500 acres.

Rice Lake National Wildlife Refuge

Public hunting of ruffed grouse, spruce grouse, gray squirrel, fox squirrel, cottontail rabbit and snowshoe hare is permitted during the seasons for these species as established by the State of Minnesota. The open area comprises about 2,000 acres and is posted as "Public Hunting Area."

Sherburne National Wildlife Refuge

Public hunting of ruffed grouse, ringnecked pheasant, gray squirrel, fox squirrel, cottontail rabbit, jack rabbit and snowshoe hare is permitted during the seasons for these species as established by the State of Minnesota. the open area comprises 21,000 acres and is designated as Areas A and B on the refuge hunting map.

Tamarac National Wildlife Refuge

Public hunting of ruffed grouse, gray squirrel, fox squirrel, cottontail rabbit, jack rabbit and snowshoe hare is permitted during the seasons for these species as established by the State of Minnesota on approximately 30,000 acres. White Earth Indian Reservation regulations apply to Indian people, State and Federal regulations apply to non-Indians on that portion of the refuge which is within the White Earth Indian Reservation boundary. State and/or Federal regulations apply to all persons on that portion of the refuge which is *not* within the White Earth Indian Reservation boundary.

Wisconsin

Horicon National Wildlife Refuge

Public hunting is permitted for ringnecked pheasant concurrent with the opening day of this season as established by the State of Wisconin. The closing date for the pheasant season on the refuge will correspond with the closing date of the State firearms deer season. The open area comprises 16,000 acres.

Illinois, Iowa, Minnesota, Wisconsin

Upper Mississippi Wild Life and Fish Refuge

The public hunting of upland game birds and upland game animals is permitted on the areas designated by signs as "Public Hunting Area." Restricted hunting of these species is also permitted on the areas designated by signs as "Area Closed," except that the Goose Island Closed Area in pool 8 is closed at all times to hunting. The "Public Hunting Areas" comprises 140,000 acres and the "Closed Areas" comprises 46,000 acres.

Hunting shall be subject to the following special conditions:

1. Hunting on designated "Public Hunting Areas" is concurrent with the applicable state seasons during the period from the first day of the earliest fall state game bird or game animal season for that area until the end of the applicable state seasons, or until the next succeeding March 1, whichever occurs first.
2. Hunting on designated "Closed Areas" except for Goose Island Closed Area which is closed to hunting at all times, is permitted concurrent with applicable state seasons during the period from the first day after the close of the last hunting season for ducks for that area, until the end of the applicable state seasons, or until the next succeeding March 1, whichever comes first.
3. The use of dogs for hunting and retrieving game is permitted and encouraged provided the dogs are under control at all times.
4. The use of artificial lights while taking treed raccoons is permitted in accordance with existing state regulations.

Iowa

Mark Twain National Wildlife Refuge (Louisa Division)

Squirrel hunting is permitted on the Keithsburg Unit. The public hunting area, comprising 1,400 acres, is designated by signs, subject to the following conditions:

1. The hunting season will start with the State season and will close on October 15, 1981, inclusive.

2. No dogs may be used to hunt, pursue or retrieve squirrels.

Illinois

Crab Orchard National Wildlife Refuge

Crab Orchard National Wildlife Refuge, Jackson and Williamson Counties, Illinois, will be open for upland game hunting during the dates specified by the State of Illinois for the 1981 Upland Game Season. Hunting of upland game is prohibited from sunrise to 12 noon in the refuge controlled goose hunting areas during the goose hunting season.

Mark Twain National Wildlife Refuge (Clarence Cannon Division)

Hunting of black, grey and fox squirrels is permitted on the Gardner Unit. The hunting area, comprising 4,831 acres, is designated by signs.

1. The hunting season for squirrels will open in accordance with the State season and will close on October 15, 1981, both dates inclusive.

2. Hunters must have in their possession a refuge squirrel hunting permit which will be issued free of charge by the Refuge Office.

Missouri

Mingo National Wildlife Refuge

Squirrel hunting is permitted in areas designated by signs or maps as being open to hunting subject to the following conditions:

1. The open season for hunting squirrels on the refuge extends through September 30, 1981.

2. Under the provisions of 50 CFR 26.32 additional regulations may apply. Contact the Refuge Manager for further information.

3. Dogs are not permitted for squirrel hunting.

4. Hunters are not permitted to enter refuge closed areas.

5. Hunters are permitted on the refuge from one hour before sunrise until one hour after sunset.

§ 32.32 Special regulations; big game; for individual refuge areas.

Michigan

Seney National Wildlife Refuge

Hunting shall be in accordance with all applicable State regulations and subject to the following conditions:

1. Deer may be taken by bow and arrow on 33,525 acres of the refuge designated as Area B, from October 1 through November 12, 1981 and on 85,200 acres of the refuge designated as Areas A and B from December 1 through December 15, 1981.

2. Deer may be taken by gun in Areas A and B, (85,200 acres) from November 15 through November 30, 1981.

3. Deer may be taken by muzzle-loading rifles from December 5 through December 14, 1981 on 85,200 acres of the refuge designated Areas A and B.

4. Bear may be taken by bow and arrow only in area B (33,525 acres) from September 10 through October 31, 1981.

5. Bear may be taken by gun or bow in Areas A and B (85,200 acres) from November 15 through November 30, 1981.

6. Camping is permitted from November 13 through November 30, 1981 west of the Driggs River, but not in the Seney Wilderness Area. A camping permit is required.

7. All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, all-terrain vehicles and snowmobiles are not permitted on the refuge.

Shiawassee National Wildlife Refuge

Archery deer hunting is permitted on the entire refuge area from 6:00 AM to 6:00 PM, EST, each day from December 1, 1981 through January 1, 1982. Muzzleloading firearms deer hunting will be permitted on the 1,500-acre Johnson Tract north of the Shiawassee River from December 4, 1981, from 6:00 AM to 6:00 PM, EST, each day. Hunting shall be in accordance with all state regulations covering the hunting of deer, subject to the following conditions:

1. All bow and arrow hunters, and muzzleloading firearms hunters, must possess a valid Federal permit. These permits must be carried by the hunter whenever on refuge lands.

2. Under the provisions of 50 CFR 26.32, additional regulations may apply. Contact the Refuge Manager for further information.

3. All hunters must exhibit their drivers license, hunting license, Federal permit, deer tag, game and vehicle contents to Federal and State officers upon request.

4. Bow and arrow hunters, and muzzleloading firearm hunters, are prohibited from constructing or using any permanent blind, platform or scaffold.

5. All muzzleloading guns must be a .44 caliber or larger using round ball and patch with black powder only.

6. The refuge muzzleloader season will consist of five permit periods each two days in length.

7. No archery deer hunting will occur within the muzzleloader zone during the muzzleloader hunt, December 4, through 13, 1981.

Minnesota

Agassiz National Wildlife Refuge

Public hunting of white-tail deer and moose is permitted concurrent with the firearms seasons as established by the State of Minnesota. The open area comprises approximately 56,500 acres. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

The hunting of moose shall be subject to the following special conditions:

1. All parties hunting Zone 2, which includes Agassiz National Wildlife Refuge, are required to report to the Agassiz Check Station located 11 miles east of Holt, Minnesota, before they begin to hunt.

2. All moose killed in Zone 2, which includes Agassiz Refuge, must be checked at the Agassiz Refuge Check station within 48 hours of the kill.

Big Stone National Wildlife Refuge

Public hunting of white-tailed deer is permitted concurrent with the firearms and archery seasons as established by the State of Minnesota.

Hunting shall be subject to the following special conditions:

1. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

2. During the archery season all bows must be either unstrung or cased at legal sunset.

Rice Lake National Wildlife Refuge

Public hunting of white-tailed deer is permitted with firearms during a portion of the State firearms deer season for the zone subject to the following special conditions:

1. Only those persons in possession of a valid Rice Lake Special Area Firearm Hunt Permit will be allowed to enter and hunt the refuge.

2. All hunters must check in and out of the refuge check point at the beginning and end of each day's hunt.

3. Successful hunters must have their deer checked at the refuge check station prior to transporting it outside the refuge.

4. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

Sherburne National Wildlife Refuge

Public hunting of white-tailed deer is permitted concurrent with shotgun and archery seasons as established by the State of Minnesota.

Hunting shall be subject to the following special conditions:

1. Archery hunting of deer is permitted in Areas A and B (21,000 acres).
2. The taking of antlered bucks by shotgun is permitted in Areas A and B (21,000 acres).
3. The shotgun, either-sex Special Area permit hunt is permitted in Areas A, B and C (28,500 acres). Special Area Firearm Hunt permits must be obtained from the Refuge. Only persons with this permit will be allowed to hunt deer with a firearm during the either-sex hunt.
4. Deer taken during the either-sex permit hunt must be checked in at the refuge check station.
5. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

Tamarac National Wildlife Refuge

Public hunting of white-tailed deer is permitted concurrent with the firearm and archery seasons as established by the State of Minnesota.

Hunting shall be subject to the following special conditions:

1. Construction or use of permanent blinds, platforms or scaffolds is prohibited.
2. White Earth Indian Reservation regulations apply to Indian people, State and/or Federal regulations apply to non-Indians on that portion of the refuge which is within the White Earth Indian Reservation boundary.
3. State and/or Federal regulations apply to all persons on that portion of the refuge which in *not* within the White Earth Indian Reservation boundary.

Wisconsin

Horicon National Wildlife Refuge

Public hunting of white-tailed deer is permitted concurrent with the seasons as established by the State of Wisconsin for the early archery and shotgun seasons only. The open area comprises 16,000 acres. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

Necedah National Wildlife Refuge

Public hunting of white-tailed deer and unprotected mammal species is permitted concurrent with the firearm and archery seasons for these species is established by the State of Wisconsin.

Hunting shall be subject to the following Special Conditions:

1. Only that portion of the refuge located north of Turkey Track Road (12,000 acres) is open to hunting using a bow and arrow during the State *early* bow season.
2. Nearly all of the refuge (38,000 acres) is open to hunting during the State firearms and *late* bow seasons except those areas marked with "Area Closed" signs.
3. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

Iowa, Illinois, Minnesota, Wisconsin

Upper Mississippi Wild Life and Fish Refuge

The public hunting of white-tailed deer by firearm and archery is permitted on areas designated "Public Hunting Area" concurrent with applicable state seasons. Firearm and archery hunting on areas designated as "Area Closed" is permitted, but only during the period from the first day after the close of the last hunting season for ducks until the end of the applicable state season. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

Iowa

DeSoto National Wildlife Refuge

1. Archery hunting of deer will be permitted only on an area comprising 600 acres located on the Southeast portion of the refuge.
2. Hunting season will be consistent with the State archery season.
3. Portable blinds and ladders will be permitted. No permanent tree blinds or stands may be built, nor may any nails, wire or other foreign material be used in any manner. All portable blinds must be removed by the close of the season. No firearms will be permitted on the area.
4. Vehicles will be confined only to designated parking lots. Overnight camping will not be allowed on the area.
5. Only those persons possessing a valid State Bow Hunting Permit will be allowed to enter the area.

Mark Twain National Wildlife Refuge (Louisa Division)

Big game hunting for white-tail deer is permitted on the Big Timber Unit and Turkey and Otter Islands. These areas, designated as public hunter areas by signs, are comprised of 1,760 acres. Special conditions:

1. Big game hunting will be in accordance with all applicable State regulations.
2. No dogs may be used to hunt deer.

Nebraska

DeSoto National Wildlife Refuge

1. Archery hunting of deer will be permitted only on an area comprising 1,000 acres located on the west side of the Missouri River.
2. Hunting will be permitted through October 31, 1981 and December 7, 1981 through December 31, 1981, all dates inclusive.
3. Portable blinds and ladders will be permitted. No permanent tree blinds or stands may be built, nor may any nails, wire or other foreign material be used in any manner. All portable blinds must be removed by the close of the season. No firearms will be permitted on the area.
4. Vehicles will be confined only to designated parking lots. Overnight camping will not be allowed on the area.
5. Only those persons possessing a valid State Bow Hunting Permit will be allowed to enter the area.

Special Muzzleloader Hunting of Deer

1. Muzzleloader hunting of deer will be permitted on an area comprising approximately 3,350 acres located in the central portion of the refuge.
2. Hunting season will be December 12, 1981 through December 16, 1981. Both dates are inclusive.
3. A total of 100 special permits will be issued for the hunt by the Nebraska Game and Parks Commission. Only those persons possessing a valid State permit will be allowed to enter the area. Muzzleloader rifles will be the only weapons allowed and deer of either sex will be the only legal wildlife species that may be taken during the hunt. Discharging firearms from or across all roads open to vehicle traffic including adjacent rights-of-way is prohibited. Camping and pets are not permitted on the refuge.
4. Entry to the open area will be permitted one hour before shooting hours. Shooting hours will be ½ hour before sunrise to ½ hour after sunset. All permit holders and vehicles must be out of the designated hunting area no later than one hour after sunset.
5. Vehicles will be confined to designated roads, parking areas, road shoulders and field access approaches. Parking will not be permitted on asphalt roads.
6. Parking will be permitted along graveled roads.
7. Portable blinds and ladders will be permitted. No permanent blinds or stands may be built, nor may any nails, wire or other foreign materials be used. All portable blinds must be removed by the close of the season.

Illinois

Crab Orchard National Wildlife Refuge

Crab Orchard National Wildlife Refuge, Jackson and Williamson Counties, Illinois will be open to hunting of white-tailed deer concurrent with shotgun and bow and arrow hunt dates as specified by the State of Illinois for the 1981 Deer Season. In Areas I and III (23,000 acres), hunting is permitted from ground level only. In Area II (21,000 acres), the following conditions apply:

V 46 SE 29 81 UMI

1. Each hunter must possess a special permit issued by the Illinois Department of Conservation showing the three-day season he/she is to hunt.

2. All hunters must check in at the refuge fire station prior to hunting.

3. All hunters must comply with all special conditions listed on a handout furnished to them at the time of check-in.

Mark Twain National Wildlife Refuge (Clarence Cannon Divison)

Hunting of white-tailed deer with shotgun is permitted on the Gardner Unit of Mark Twain National Wildlife Refuge, Illinois. The hunting area, comprising 4,831 acres is designated by signs. Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

1. The hunting dates will be November 20, 21, and 22, 1981, from 6:30 a.m., to 3:00 p.m. (CST).

2. A valid state-issued shotgun deer permit with Clarence Cannon National Refuge designated on it, will serve as authorization to enter the public hunting area.

3. Successful hunters are required to check their deer through the Adams County Check Station.

Missouri

Mingo National Wildlife refuge

Hunting of deer and turkey is permitted in areas designated by signs or on available maps as being open to hunting, subject to the following conditions:

1. Hunting with bows and arrows only is permitted.

2. Hunters must check in and out at the check point.

3. Portable tree stands are permitted, but must be identified with hunter's name and address. Tree stands nailed or permanently attached to trees are prohibited.

4. Hunters are not permitted to enter those areas shown as being closed on the refuge hunting map.

5. Hunters are permitted on the refuge from one hour before sunrise until one hour after sunset.

Swan Lake National Wildlife Refuge

Use of historical weapons for hunting of deer is permitted on designated areas comprising 3,550 acres within Swan Lake National Wildlife Refuge, Missouri.

1. Hunting with longbows, compound bows, crossbows and muzzleloading firearms firing a single projectile no smaller than .40 caliber are the only legal weapons for this hunt. Hunters are not limited to one type of weapon. Revolvers or rifles capable of being fired more than once without reloading are not permitted. Single shot pistols may be used if .40 caliber or larger .

2. A total of 175 special permits will be issued for the October 10–12 hunt by the Missouri Department of Conservation. Only those persons possessing a valid permit will be allowed to enter the open area.

3. Appropriate State hunting permits are required. Permits cannot be purchased at Swan Lake Wildlife Area.

4. All hunters must check in at the area check station and present both the Managed Deer Hunt Permit and the Missouri Deer Hunting Permit (firearms or archery).

5. Each hunter will be issued an arm band which must be worn on an outer garment while hunting in the area. This requirement is for identification and safety while hunting.

6. Deer of any sex and age may be taken during legal shooting hours which are one-half hour before sunrise until sunset. No other wildlife is to be molested. Only one deer per person may be taken in this hunt.

7. Deer harvested in the Swan Lake National Wildlife Refuge must be taken to the check station on the day killed.

8. Primitive-type camping will be pemitted in a designated location near the area headquarters. No special facilities are available. Fires are prohibited except in designated areas.

9. Travel within the Swan Lake National Wildlife Refuge by motor vehicle, including motor bikes, is restricted to established roads and trails. Parking is permitted only in designated parking areas.

10. Portable tree stands are permitted, but must be removed each day. Tree stands nailed or permanently attached to trees are prohibited.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81–28131 Filed 9–28–81; 8:45 am]

BILLING CODE 4310–55–M

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50 CFR Part 32

National Wildlife Refuges in New Jersey, New York, and Pennsylvania; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain National Wildlife Refuges is compatible with the objective for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in New Jersey, New York, and Pennsylvania.

EFFECTIVE DATES: September 29, 1981 through February 28, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the following addresses or telephone numbers: Norman R. Chupp, Area Manager, U.S. Fish and Wildlife Service, 100 Chestnut Street, Room 310, Harrisburg, Pennsylvania 17101, 717–782–3743.

Anthony Leger, Assistant Refuge Manager, Barnegat National Wildlife Refuge, P.O. Box 544, 686 East Bay Avenue, Barnegat, New Jersey 08005, 609–698–1387. Under administration of Brigantine National Wildlife Refuge.

Gaylord Inman, Refuge Manager, Brigantine National Wildlife Refuge, Great Creek Road, P.O. Box 72, Oceanville, New Jersey 08231, 609–652–1665.

Edwin Chandler, Refuge Manager, Iroquois National Wildlife Refuge, RFD #1, Basom, New York 14003, 716–948–5445.

Grady Hocutt, Refuge Manager, Montezuma National Wildlife Refuge, RD #1, Box 1411, Seneca Falls, New York 13148, 315–568–5987.

Bill McCoy, Refuge Manager, Erie National Wildlife Refuge, RD #2, Box 191, Guys Mills, Pennsylvania 16327, 814–789–3585.

SUPPLEMENTARY INFORMATION: The author of this document is Edward S. Moses, Refuges and Wildlife Resources, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158, 617–965–5100, X-222.

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal seasons and regulations, subject to additional special regulations and conditions indicated. Portions of refuges which are open to hunting are designated by signs and/or shown on maps. Under the provisions of 50 CFR 26.32, additional regulations may apply. Contact the Refuge Manager for further information. Special conditions applying to individual refuges and maps are available at Refuge Headquarters or from the office of the Area Manager.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which the following National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Effective date is September 1, 1981.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

New Jersey

Barnegat National Wildlife Refuge

Public hunting of rails, gallinules, waterfowl, and coots, is permitted during established State and Federal seasons on only those areas designated by signs as open to hunting. Hunting shall be subject to the following special conditions:

(1) On opening days, Saturdays, and holidays, a Federal permit will be required.

(2) No permanent blinds or pit blinds may be constructed.

(3) The use of steel shot ammunition on the refuge hunting area is required—shotshell limit 25 rounds per hunter per day. No person may have more than 25 steel shotshells or any lead shotshells in their possession while hunting waterfowl.

(4) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

Brigantine National Wildlife Refuge

Public hunting of rails, gallinules, waterfowl, and coots, is permitted during established State and Federal seasons on those areas designated by signs as open to hunting. Hunting shall be subject to the following special conditions:

(1) Steel shotshells are required for shotguns used to hunt migratory waterfowl during the State waterfowl hunting season. Persons may not possess lead shotshells while waterfowl hunting.

(2) Hunters when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment and ammunition.

(3) Hunting on Unit 3 during the waterfowl season is open to the public during the first half of the split season and following the second Saturday of the second half of the split season. Unit 3 is restricted to Certified Young Waterfowlers Program Trainees from the opening day of the second half of the split season through the second Saturday of the second half of the split season.

New York

Iroquois National Wildlife Refuge

Public hunting of migratory game birds is permitted in designated areas. Hunting shall be subject to the following special conditions:

(1) Waterfowl:

(a) Waterfowl hunting is by permit only.

(b) Hunting is permitted on Monday, Tuesday, Thursday, and Saturday.

(c) Permits must be issued in advance for opening day and the first two Saturdays. On other hunt days permits are issued on the basis of a daily drawing held prior to legal opening time. On prior permit days, hunters will draw for hunting sites on the morning of the hunt. On other hunt days, hunters will have a choice of available hunting sites as their names are drawn.

(d) All hunting ends each day at 12 noon local time, and all hunters must check out and present harvested game at the permit station on Lewiston Road, not later than 1 p.m. local time.

(e) No loaded guns are permitted beyond a 50-foot radius of the hunting stand marker and no more than two hunters are permitted to each stand.

(f) Hunters will be limited to 15 steel shotshells not larger than #1, including participants in the Young Waterfowlers Program. Possession of lead shotshells is not permitted.

(g) Disorderly conduct, intoxication, "sky busting" or otherwise unsportsmenlike conduct will not be tolerated and the permittee will be ejected from the area.

(h) A hunter who leaves his stand must have permission from official personnel to return.

(i) No person shall use or hunt from a boat.

(j) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

(k) A minimum of six (6) decoys will be used at each stand. The decoys will be furnished by the hunter(s).

(2) Woodcock and Crow:

(a) Hunting of woodcock and crow is permitted during the regular State open seasons, except on areas designated by signs as closed. Hunting areas are shown on maps available at Refuge Headquarters.

Montezuma National Wildlife Refuge

Public hunting of migratory waterfowl is permitted during the regular State season on the areas designated by signs as open to waterfowl hunting. The waterfowl hunting area known as the Tschache Pool comprises 1,340 acres. Hunting shall be subject to the following special conditions:

(1) Hunting is permitted on Tuesdays, Thursdays, and Saturdays.

(2) Steel shotshells will be used for all waterfowl hunting. Hunters will be limited to 15 steel shotshells each, with shot size no larger than #1 fine shot. No person shall have lead shot in their possession during the hunt.

(3) Reservations for permits will be selected by random drawing. Hunting will be allowed on the designated days from the opening of the State season to the end of the first part of a split season or until the third Saturday in November—whichever comes first. Successful applicants must appear in person at the refuge waterfowl check station prior to one hour before legal shooting time on the date reserved. Unreserved and forfeited permits will be awarded by a drawing on the morning of the hunt to hunters without reservations.

(4) The first Saturday of the season will be reserved for the Young Waterfowlers Training Program hunt. If numbers warrant, a Sunday will also be set aside.

(5) A person with reservations may bring no more than one companion.

(6) All hunting ends each hunting day at 12 noon local time, and all hunters must check out at the waterfowl check station no later than 1 p.m. local time.

(7) Hunters when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

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Pennsylvania

Erie National Wildlife Refuge

Public hunting of migratory game birds, including crow, is permitted during the regular State migratory game bird season subject to the following special conditions:

(1) Field possession of migratory game birds is prohibited in areas of the refuge closed to migratory game bird hunting. Such hunting is permitted only on the designated area as shown on maps available at Refuge Headquarters.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-28132 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

National Wildlife Refuges in New Jersey, New York and Pennsylvania; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain National Wildlife Refuges is compatible with the objective for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in New Jersey, New York and Pennsylvania.

EFFECTIVE DATES: September 29, 1981 through February 28, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the following addresses or telephone numbers:

Norman R. Chupp, Area Manager, U.S. Fish and Wildlife Service, 100 Chestnut Street, Room 310, Harrisburg, Pennsylvania 17101, 717-782-3743.

John L. Fillio, Refuge Manager, Great Swamp National Wildlife Refuge, R.D. 1, Box 148, Basking Ridge, New Jersey 07920, 201-647-1222.

Edwin Chandler, Refuge Manager, Iroquois National Wildlife Refuge, R.F.D. 1, Basom, New York, 14003, 716-948-5445.

Grady Hocutt, Refuge Manager, Montezuma National Wildlife Refuge, R.D. 1, Box 141, Seneca Falls, New York 13148, 315-568-5987.

Bill McCoy, Refuge Manager, Erie National Wildlife Refuge, R.D. 2, Box 191, Guys Mills, Pennsylvania 16327, 814-789-3585.

SUPPLEMENTARY INFORMATION: The author of this document is Edward S. Moses, Refuges and Wildlife Resources, U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158, 617-965-5100, X-222.

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal seasons and regulations, subject to additional special regulations and conditions indicated. Portions of refuges which are open to hunting are designated by signs and/or shown on maps. Under the provisions of 50 CFR 26.32, additional regulations may apply. Contact the Refuge Manager for further information. Special conditions applying to individual refuges and maps are available at Refuge Headquarters or from the office of the Area Manager.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which the following National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act to expedite the implementation of these special regulations. Effective date is September 1, 1981.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

New York

Iroquois National Wildlife Refuge

Public hunting of upland game birds and small game mammals, including opossums, red squirrels, raccoon, and woodchucks is permitted during the respective State seasons except on areas designated by signs as closed. Hunting shall be subject to the following special conditions:

(1) A seasonal permit is required for the nighttime hunting of raccoon. Permits may be obtained at the refuge office.

Montezuma National Wildlife Refuge

The public hunting of gray squirrels, cottontail rabbits, raccoons and foxes is permitted during the regular State seasons except on areas designated by signs as closed.

A permit is required for night hunting of raccoon. The number of permits issued for night hunting of raccoon shall be limited to five (5).

Hunting shall be in accordance with all State regulations governing the hunting of the above mammals.

Pennsylvania

Erie National Wildlife Refuge

Public hunting of rabbits, woodchucks, raccoons, squirrels, grouse, quail, pheasants, skunks, oppossums, and foxes, is permitted during the regular State small game and furbearer seasons on portions of the Erie National Wildlife Refuge. Maps showing the open hunting areas are available for Refuge Headquarters.

Hunting shall be subject to the following special conditions: That portion of the refuge situated between Pennsylvania Routes 27 and 173 is closed to hunting with firearms until the opening of the State firearms deer season. Hunting of fox and raccoon is permitted only on that portion of the refuge located north of Route 27. All fox and raccoon hunters must have a permit in possession when hunting on the refuge. Permits may be secured at the Refuge Headquarters.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

New Jersey

Great Swamp National Wildlife Refuge

Public hunting of deer of either sex with shotguns is permitted, except on areas designated by signs as closed, during the period of December 7-9, 1981, December 17-19, 1981, and January 8 and 9, 1982. Hunting of deer with firearms shall be subject to the following special conditions:

(1) Deer may be taken throughout the hunt between the hours of 7 a.m. E.S.T. and 5 p.m. E.S.T. Participation will be limited to the 600 hunter permittees randomly selected for the special Great Swamp hunt. Only 300 hunters will be allowed at any given time on each day during the hunt period. Armbands and parking area permits will be issued and must be displayed as designated. Armbands and permits must be surrendered prior to departure from the refuge. Hunters must furnish and wear a minimum of 200 square inches of blaze or hunter orange in accord with State requirements. All deer taken must be checked out at the refuge check station. Vehicles are restricted to public roads and areas designated by parking permits.

(2) A shotgun not smaller than 12 gauge will be permitted for hunting deer, and buckshot not smaller than Number 4 nor larger than Number 000 will be permitted in possession during the hunt. Target practice or test firing is not permitted, and guns must be unloaded when in areas posted as "closed". Baiting or hunting with the aid of bait is prohibited.

Regulations, summaries, maps delineating open hunting areas, and other materials are available at Refuge Headquarters.

The refuge will be closed to the general public during the hunting periods, December 7–9, 1981, December 17–19, 1981, and January 8 and 9, 1982.

New York

Iroquois National Wildlife Refuge

Public hunting of deer is permitted during the regular State open seasons except on areas designated by signs as closed.

Hunting area maps are available at Refuge Headquarters.

Montezuma National Wildlife Refuge

Archery hunting for deer on portions of the Montezuma National Wildlife Refuge, is permitted from the first weekday of November and extends through the last day of the designated State gun season for deer in this zone.

Hunting shall be subject to the following special conditions:

(1) Hunting is permitted Monday through Friday.

(2) Only longbows and compound bows may be used, gun hunting and firearms possession is prohibited.

(3) During the period from the first weekday in November until the start of the State shotgun season for deer, archers may take deer of either sex on the refuge.

(4) Upon commencement of the State shotgun season for deer in this zone, only legally antlered deer may be taken on the refuge unless the archer possesses a valid party permit for deer management unit 86.

(5) Archery season will open in the Tschache Pool Area (all sections north of the New York State Thruway (I–90) and west of New York State Route 89, from the point where Route 89 crosses over the thruway in a northerly direction) on the first weekday following the close of the refuge waterfowl season.

(6) Areas closed to archery hunting include open water and posted closed areas.

(7) Successful hunters must check their deer at refuge headquarters.

Pennsylvania

Erie National Wildlife Refuge

Public hunting of deer is permitted during the regular State deer seasons. The open hunting area is shown on maps available at Refuge Headquarters. Hunting shall be subject to the following special conditions:

(1) All hunters except archery hunters, shall be required to wear a minimum of 400 total square inches of a safety fluorescent orange color material

(2) A permit is required for all deer hunting. Permits may be secured at Refuge Headquarters and must be returned via mail or in person within 10 days of the close of the respective season. Failure to return the permit will result in loss of hunting privileges the following year. Refuge hunters are prohibited from engaging in target practice or random shooting in all refuge hunts. The use of alcoholic beverages is not permitted on the refuge when visiting for the purpose of hunting.

All hunting area maps are available at Refuge Headquarters.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81–28138 Filed 9–28–81; 8:45 am]

BILLING CODE 4310-[illegible]

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50 CFR Part 32

National Wildlife Refuges in North Carolina and South Carolina; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening of certain national wildlife refuges in North Carolina and South Carolina to hunting is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming migratory game bird hunting seasons. The name of each affected refuge and the special regulations for each refuge are set forth below.

EFFECTIVE DATES: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

William C. Hickling, Area Manager, U.S. Fish and Wildlife Service, Plateau Building, Room A–5, 50 South French Broad Ave., Asheville, N.C. 28801. Telephone 704–258–2850, Ext. 321.

Steven W. Frick, Refuge Manager, Mattamuskeet (and Swanquarter) National Wildlife Refuge, Rt. 1, Box N–2, Swanquarter, N.C. 27885. Telephone 919–926–4021.

George R. Garris, Refuge Manager, Cape Romain National Wildlife Refuge, Rt. 1, Box 191, Awendaw, S.C. 29429. Telephone 803–928–3368.

SUPPLEMENTARY INFORMATION: The author of this document is Robin H. Fields, Asheville Area Office; U.S. Fish and Wildlife Service, Plateau Building, Room A–5, 50 South French Broad Ave., Asheville, North Carolina 28801, 704–258–2850, Ext. 392.

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional Special Regulations and conditions as indicated. Portions of the refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions apply to individual refuges and maps are available at the refuge headquarters listed above.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires that: (1) any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Impact Statement on the Operation of the National Wildlife Refuge System published in November, 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. Therefore the effective date is September 29, 1981.

Note.—The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193) and that the rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act and 43 CFR Part 14.

§ 32.12 Special regulations; migratory game birds; for individual refuge areas.

North Carolina

Mattamuskeet National Wildlife Refuge

Duck and coot hunting will be permitted on approximately 4,000 acres of Mattamuskeet National Wildlife Refuge. Hunting parties will be chosen by a lottery. Each party will be charged a fee of $10.

All hunters must check in by 5:00 a.m. and out by 1:00 p.m. at the refuge check station. Shooting hours will be ½ hour before sunrise to 12:00 noon for the regular hunt. Shoot hours for the youth hunt will be 1:00 p.m. until sunset on the first day and ½ hour before sunrise until 12:00 noon on the second day. Hunting is restricted to the assigned blind. Only crippled birds may be shot from outside the blind. Hunters will be restricted to the use of and possession of steel (non-toxic) shot shells only. Each hunter may possess or shoot only 15 shells. Alcoholic beverages will be prohibited within the hunt area. Hunters under 16 years of age must be under the close supervision of an adult.

Swanquarter National Wildlife Refuge

Waterfowl hunting will be permitted on approximately 7,055 acres of Swanquarter National Wildlife Refuge. North Carolina state seasons and bag limits will apply. Hunters may use or possess only steel (non-toxic) shot shells. Only temporary blinds that are removed daily will be permitted. Shotguns may not be fired outside the designated hunt area except to kill crippled waterfowl.

South Carolina

Cape Romain National Wildlife Refuge

Rail hunting will be permitted on approximately 12,000 acres of the Cape Romain National Wildlife Refuge. The hunting season will be from the opening day of the State season until October 31, 1981. Dogs will be permitted only in the hunting area. Hunters under 16 years of age must be under the close supervision of an adult.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-28129 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

National Wildlife Refuges in North Dakota; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting of certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in North Dakota.

EFFECTIVE DATES: September 29, 1981 through March 31, 1982.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the following addresses or telephone numbers:

Gilbert E. Key, Area Manager, U.S. Fish and Wildlife Service, 1500 Capitol Ave., Bismarck, North Dakota 58501, 701-255-4011, X-401.

John R. Foster, Refuge Manager, Arrowwood, Long Lake and Chase Lake National Wildlife Refuges, Rural Route 1, Pingree, North Dakota 58476, 701-285-3341.

Ronald D. Shupe, Refuge Manager, Audubon and Lake Nettie National Wildlife Refuges, Rural Route 1, Coleharbor, North Dakota 58531, 701-442-5474.

John L. Venegoni, Refuge Manager, Des Lacs, Lostwood and Lake Zahl National Wildlife Refuges, P.O. Box 578, Kenmare, North Dakota 58746, 701-385-4046.

David E. Janes, Refuge Manager, Lake Alice National Wildlife Refuge, P.O. Box 908, Devils Lake, North Dakota 58301, 701-662-2924.

Darold T. Walls, Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, North Dakota 58789, 701-768-2548.

David G. Potter, Refuge Manager, Tewaukon National Wildlife Refuge, Rural Route 1, Cayuga, North Dakota 58013, 701-724-3598.

Maurice B. Wright, Refuge Manager, Upper Souris National Wildlife Refuge, Rural Route 1, Foxholm, North Dakota 58738, 701-468-5468.

SUPPLEMENTARY INFORMATION: The author of this document is Merle O. Bennett, Bismarck Area Office, U.S. Fish and Wildlife Service, 1500 Capitol Ave., Bismarck, North Dakota 58501, 701-255-4011, X-417.

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal seasons and regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires that: (1) such recreational use will not interfere with the primary purposes for which the area was established, and (2) funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the operation of the National Wildlife Refuge System published November

1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Note.—The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354) and 43 CFR Part 14.

§ 32.32 Special regulations: big game; for individual wildlife refuge areas.

North Dakota

Arrowwood National Wildlife Refuge

Archery deer hunting and firearms deer hunting are permitted on designated areas of the Refuge, in accordance with the following special conditions:

(1) Archery deer hunting is closed from the day before the waterfowl hunting season until the day following the firearm deer season.

(2) Special refuge hunting permits are required the first 2½ days of the firearm season.

(3) Fox may be taken by deer license holders during the firearm deer season.

Chase Lake National Wildlife Refuge

Archery deer hunting and firearms deer hunting are permitted on the entire refuge, in accordance with the following special conditions:

(1) Archery deer hunting is closed from the day before the waterfowl hunting season until the day following the firearms deer season.

Long Lake National Wildlife Refuge

Archery deer hunting and firearms deer hunting are permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) Archery deer hunting is closed from the day before the waterfowl huntng season until the day following the firearms deer season.

Slade Lake National Wildlife Refuge

Archery deer hunting and firearms deer hunting are permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) Archery deer hunting is closed from the day before waterfowl hunting season until the day following the firearms deer season.

Audubon National Wildlife Refuge

Archery deer hunting and firearms deer hunting are permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) Archery deer hunting is closed until the day following the firearms deer season.

(2) Special refuge hunting permits are required the first 2½ days of the firearms deer season.

(3) All islands in Lake Audubon within the refuge are closed to the taking of deer during the firearms season.

Lake Nettie National Wildlife Refuge

Archery deer hunting and firearms deer hunting are permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) Archery deer hunting is closed until the day following the firearms deer season.

Des Lacs National Wildlife Refuge

Archery deer hunting and firearms deer hunting are permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) Archery deer hunting is closed from the day before the waterfowl hunting season until the day following the State firearms deer season.

Lostwood National Wildlife Refuge

Archery deer hunting and firearms deer hunting are permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) Archery deer hunting is closed from the day before the waterfowl hunting season until the day following the State firearms deer season.

Lake Zahl National Wildlife Refuge

Archery deer hunting is permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) Archery deer hunting is closed from the day before the waterfowl hunting season until the day following the State firearms deer season.

J. Clark Salyer National Wildlife Refuge

Archery deer hunting and firearms deer hunting are permitted on the entire refuge, in accordance with the following special conditions:

(1) Archery deer hunting is closed during the waterfowl hunting season on all portions of the refuge except that area south of the Upham-Willow City road.

(2) Special refuge hunting permits are required the first 2½ days of the firearms deer season.

Lake Alice National Wildlife Refuge

Archery deer hunting and firearms deer hunting are permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) Archery deer hunting is closed from the day before the waterfowl hunting season until the day following the State firearms deer season.

(2) The special archery hunting unit, including access roads and parking areas, is closed to all entry during the waterfowl hunting season.

(3) Firearms deer hunting is permitted only on the general public hunting unit.

Tewaukon National Wildlife Refuge

Archery deer hunting is permitted on designated areas of the refuge, in accordance with the following conditions:

(1) Archery deer hunting is closed until the day following the State firearms deer season.

Upper Souris National Wildlife Refuge

Archery deer hunting and firearms deer hunting are permitted on the entire refuge, in accordance with the following special conditions:

(1) Archery deer hunting is closed from the day before waterfowl hunting season until the day following the firearms deer season.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Lake Alice National Wildlife Refuge

Hunting of geese, ducks, coots and mergansers is permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) Waterfowl hunting is permitted only on the general public hunting unit.

(2) Retrieval zones are designated between the hunting areas and the closed areas for the retrieval of dead or wounded game only. The use or possession of firearms within the retrieval zone is prohibited.

J. Clark Salyer National Wildlife Refuge

Hunting of geese, ducks, coots and mergansers is permitted on nine designated public hunting areas of the refuges.

§ 32.22 Special Regulations; upland game; for individual wildlife refuge areas.

Arrowwood National Wildlife Refuge

Hunting of upland game birds is permitted on designated areas of the refuge, during the State designated late season.

Lake Alice National Wildlife Refuge

Hunting of upland game birds is permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) Pheasant, grouse and partridge hunting is permitted only on the designated public hunting unit of the refuge.

(2) Pheasant hunting will be permitted only during the State early pheasant hunting season.

Tewaukon National Wildlife Refuge

Hunting of upland game birds is permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) The pheasant hunting season opens the Saturday following the close of the firearms deer season.

(2) Pheasant hunting only is permitted on that portion of the refuge west of County Road #12.

J. Clark Salyer National Wildlife Refuge

Hunting of upland game birds is permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) Nine designated public hunting areas are open to the hunting of all upland game birds during the regular State seasons.

(2) In addition, grouse and partridge hunting is permitted on that portion of the refuge south of the Upham-Willow City road during the entire State season.

(3) Pheasant, grouse and partridge hunting is permitted on the entire refuge following the deer firearms season.

Lostwood National Wildlife Refuge

Hunting of upland game birds is permitted on designated areas of the refuge, in accordance with the following special conditions:

(1) Hunting of grouse and partridge is closed on that portion of the refuge south of Highway 50 during the deer firearms season.

(2) Grouse and partridge hunting is permitted north of Highway 50, only following the close of the deer firearms season.

(3) The refuge is closed to the hunting of pheasants.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-[illegible] Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Parts 32 and 33

National Wildlife Refuges in Montana and Wyoming; Hunting and Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: It has been determined that the opening to hunting and sport fishing of certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting and sport fishing will be permitted on portions of certain National Wildlife Refuges in Montana and Wyoming.

EFFECTIVE DATES: September 29, 1981 through July 15, 1981.

FOR FURTHER INFORMATION CONTACT: The Area Manager, or appropriate Refuge Manager, at the address or telephone number listed below:

Wally Steucke, Area Manager, U.S. Fish and Wildlife Service, Room 3035, Federal Building, 316 North 26th Street, Billings, Montana 59101. Telephone (406) 657-6115.

Robert Pearson, Refuge Manager, Benton Lake National Wildlife Refuge, P.O. Box 450, Black Eagle, Montana 59414. Telephone (406) 727-7400.

Eugene Sipe, Refuge Manager, Bowdoin National Wildlife Refuge, P.O. Box J, Malta, Montana 59538. Telephone (406) 654-2863.

Ralph Fries, Refuge Manager, Charles M. Russell, UL Bend, and Lake Mason National Wildlife Refuges, P.O. Box 110, Lewistown, Montana 59457. Telephone (406) 538-8706.

Robert Twist, Refuge Manager, Lee Metcalf National Wildlife Refuge, P.O. Box 257, Stevensville, Montana 59870. Telephone (406) 777-5552.

Larry C. Peterson, Project Leader, Northwest Montana Fishery Center, 780 Creston Hatchery Road, Kalispell, Montana 59901. Telephone (406) 755-7870.

Robert C. Brown, Refuge Manager, National Bison Range, Moiese, Montana 59824. Telephone (406) 644-2354.

Eugene D. Stroops, Refuge Manager, Red Rock Lakes National Wildlife Refuge, Monida Star Route, Box 15, Lima, Montana 59739. Telephone (406) 276-3347.

Jay Bellinger, Refuge Manager, Medicine Lake National Wildlife Refuge, Medicine Lake, Montana 59247. Telephone (406) 789-2305.

John E. Wilbrecht, Refuge Manager, National Elk Refuge, Box C, Jackson, Wyoming 83001. Telephone (307) 733-9212.

SUPPLEMENTARY INFORMATION: The author of this document is Jay Hamernick, Billings Area Office, U.S. Fish and Wildlife Service, Federal Building, Room 3035, 316 North 26th Street, Billings, MT 59101, (406) 657-6115.

General

Hunting and sport fishing on portions of the following refuges shall be in accordance with applicable State and Federal seasons and regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting and sport fishing are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the office of the Area Manager (addresses listed above).

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation and maintenance of the permitted forms of recreation.

The recreational uses authorized by these regulations will not interfere with the primary purposes for which the following National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November, 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Because of the time limitation involved to coordinate the State and Federal hunting regulations and because of the rapid approach of the hunting and fishing seasons, the U.S. Department of the Interior has concluded that "good cause" exists within the meaning of 5 U.S.C. 553(d)(3), of the Administrative Procedure Act to expedite the implementation of these special regulations. The effective date is September 29, 1981.

Note.—The Department of the Interior has determined that this document is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193) and that the rulemaking would not have a "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354) and 43 CFR Part 14.

§ 32.12 Special Regulations: Migratory game birds for individual wildlife refuge areas.

Montana

Benton Lake National Wildlife Refuge

Hunting of geese, ducks, coots and mergansers is permitted on approximately 4,100 acres of the Benton Lake National Wildlife Refuge, Black Eagle, Montana.

The following special regulations apply:

1. The refuge will be open to hunting from one-half hour before sunrise to 12:00 noon on the first two days of the general waterfowl season only. Thereafter, hunting hours will be from one-half hour before sunrise to sunset each day.
2. Refuge roads and dikes are closed to hunting. Hunters with retrievers or boats may hunt from the specifically posted 5/6 dike area.
3. Access to and from refuge hunting areas will be on designated roadways only. (This prohibits access from the refuge onto adjacent private lands.)
4. Vehicle travel will be restricted to designated roadways and parking will be restricted to designated parking areas.
5. Hunters are prohibited from constructing permanent blinds on the refuge.
6. Boats without motors may be used in conjunction with waterfowl hunting activities.
7. Hunting of migratory game birds closes November 30.

Bowdoin National Wildlife Refuge

Hunting of migratory game birds is permitted on approximately 6,200 acres of the Bowdoin National Wildlife Refuge, Malta, Montana.

Charles M. Russell National Wildlife Refuge

Hunting of migratory game birds is permitted on approximately 750,000 acres of the Charles M. Russell and UL Bend National Wildlife Refuges, Lewistown, Montana. Vehicle travel is permitted only on designated roads and trails. All off-road vehicle traffic is prohibited.

Lake Mason National Wildlife Refuge

Hunting of migratory game birds is permitted on approximately 1,600 acres of Lake Mason National Wildlife Refuge, Lewistown, Montana.

Vehicle parking is permitted only in designated areas. No motorized watercraft is allowed. Vehicle travel is permitted only on designated roads and trails.

Lee Metcalf National Wildlife Refuge

Hunting of ducks, geese, coots and mergansers is permitted on portions of Lee Metcalf National Wildlife Refuge, Stevensville, Montana.

The following special regulations apply:

1. All hunters must enter the public hunting area through appropriate check stations.
2. Hunters will be limited to three shells per duck of the daily bag limit.
3. All hunters must set blind selection pointer to "taken" upon selecting a blind, and return blind selection pointer to "open" upon leaving the hunting area.
4. Placing blind selection pointer to "taken" determines the occupant of the blind.
5. During periods of high hunter demand, as determined by the Refuge Manager, hunters will be limited to one period only during a day:

Period No. 1: Start of shooting hours to 12:00 noon.

Period No. 2: 1:00 p.m. until close of shooting hours.

6. Hunters must be within ten feet of designated blind sites while attempting to take and taking of waterfowl game birds.
7. Blind sites will be limited to five hunters each.
8. A designated area will be open to the taking of ducks, geese, coots and mergansers by means of falconry from the opening of the migratory waterfowl season through end of general deer season. No firearms may be carried in this area.
9. The public hunting area will be closed to entry from one hour after sunset until 1½ hours before sunrise.
10. No fishing equipment of any type will be permitted on the public hunting area.
11. Boats are not permitted.

Medicine Lake National Wildlife Refuge

Migratory game bird hunting is permitted on the Medicine Lake National Wildlife Refuge, Montana, only on the area designated by signs as being open to migratory game bird hunting. This area comprises 10,163 acres and is delineated on maps available at the refuge headquarters and from the office of the Area Manager. Vehicle travel is permitted only on designated trails.

Red Rock Lakes National Wildlife Refuge

The hunting of ducks, geese, coots, and mergansers is permitted on approximately 10,000 acres of Red Rock Lakes National Wildlife Refuge, Lima, Montana. The hunting area is delineated on maps. Hunting is subject to the special regulation that hunters are prohibited from constructing permanent blinds on the refuges.

Swan River National Wildlife Refuge (Headquarters Northwest Montana Fishery Center)

Hunting of migratory game birds is permitted on approximately 630 acres. The hunting area is delineated on maps available at Northwest Montana Fishery Center, Kalispell, and National Bison Range, Moise, Montana.

§ 32.22 Special Regulations: Upland game; for individual wildlife refuge areas.

Montana

Benton Lake National Wildlife Refuge

Hunting of Gray (Hungarian) Partridge is permitted on approximately 4,100 acres of the Benton Lake National Wildlife Refuge, Black Eagle, Montana.

The following special regulations apply:

1. The Hungarian partridge hunting season opening and closing dates on the refuge are the same as the waterfowl hunting season.
2. The daily shooting hours for Hungarian partridge are the same as for waterfowl hunting.

Bowdoin National Wildlife Refuge

Hunting of upland game birds is permitted on approximately 6,200 acres of Bowdoin National Wildlife Refuge, Malta, Montana.

Charles M. Russell and UL Bend National Wildlife Refuges

Upland game birds, turkeys, and coyote hunting are permitted on approximately 750,000 acres of the Charles M. Russell and UL Bend National Wildlife Refuges, Lewistown, Montana. Coyote hunting is permitted only from October 11, 1981, to March 15, 1982, from one-half hour before sunrise to one-half hour after sunset with sporting firearms and bow and arrow.

Vehicle travel is permitted only on designated roads and trails, and all off-road vehicle traffic is prohibited.

Medicine Lake National Wildlife Refuge

Upland game bird and jackrabbit hunting is permitted on the Medicine Lake National Wildlife Refuge, Medicine Lake, Montana, only on the areas designated by signs as being open to upland game hunting. These areas comprising 10,163 acres are delineated on maps available at the refuge headquarters and from the office of the Area Manager. Vehicle travel is permitted only on designated trails.

§ 32.32 Special regulations: Hunting of big game for individual wildlife refuge areas.

Montana

Charles M. Russell and UL Bend National Wildlife Refuges

Big game hunting is permitted on approximately 750,000 acres of the Charles M. Russell and UL Bend National Wildlife Refuges, Lewistown, Montana. Vehicle travel is permitted only on designated roads and trails and all off-road vehicle traffic is prohibited, including the retrieval of downed game.

Lee Metcalf National Wildlife Refuge

The taking of white-tailed and/or mule deer by bow and arrow will be permitted on designated areas of Lee Metcalf National Wildlife Refuge by means of archery only. The following special conditions apply:

1. All hunters must check in and out at checking stations.
2. No firearms may be carried in this area.
3. The public hunting area will be closed to entry from one hour after sunset until one and one-half hours before sunrise.

Medicine Lake National Wildlife Refuge

Big game hunting is permitted on the Medicine Lake National Wildlife Refuge, Montana, only on the areas designated by signs as being open to big game hunting. These areas, comprising 10,163 acres, are delineated on maps available at the refuge headquarters and from the office of the Area Manager. Unlimited vehicle travel is permitted only on country roads. In the hunting areas, vehicle travel is permitted only for the retrieval of deer on designated retrieval roads. Horses may be used only for the retrieval of big game.

Red Rock Lakes National Wildlife Refuge

Big game hunting is permitted on approximately 20,000 acres of Red Rock Lakes National Wildlife Refuge, Lima, Montana. The hunting area is delineated on maps. Vehicle travel is permitted only on designated roads. All off-road vehicle travel is prohibited, including the retrieval of downed game.

Wyoming

National Elk Refuge

Hunting of elk on the National Elk Refuge, Jackson, Wyoming, is permitted on approximately 16,327 acres. Hunting shall be in accordance with the following special conditions:

1. A special permit is required in addition to a valid current State elk hunting license. Special permits shall be issued by drawing.
2. Persons without permits may accompany special permit holders, but only permit holders may be armed. Anyone entering hunt area must wear fluorescent orange.
3. Permits will be revoked in the event of a violation of refuge regulations and can result in denial of future privileges on the refuge.
4. Access to the refuge is only through the main gate east of refuge headquarters in Jackson.
5. Vehicles must be parked only in designated parking areas. No camping is allowed on refuge, including parking lots and hunt area.
6. All motorized travel is prohibited in the hunt area, except that vehicles will be permitted on designated roads after 4:00 p.m. to dark each day to facilitate retrieval of elk killed. Horses are permitted.
7. Citizens Band (C.B.) radios are not allowed in hunt areas.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

§ 33.5 Special regulations: Sport fishing for individual wildlife refuge areas.

Montana

Charles M. Russell and UL Bend National Wildlife Refuges

Sport fishing is permitted on all waters of the Charles M. Russell and UL Bend National Wildlife Refuges, Lewistown, Montana. These areas comprise approximately 250,000 acres. All sport fishing shall be subject to the following regulations:

1. Portable icehouses and other structures expressly used for ice fishing are permitted within the Charles M. Russell National Wildlife Refuge only from December 1 through March 31 of the following year. These structures must be removed from the wildlife refuge entirely by March 31 of each year. In addition, each structure must be labeled with the owner's name and permanent, address in a prominent location on an outside sidewall.

Violations of this regulation will be treated under the provisions of §§ 27.92 and 27.93 of Title 50 of the Code of Federal Regulations, dealing with unauthorized private structures and abandoned property. Penalties described in Part 28 will be applicable.

2 Vehicle travel is permitted only on designated roads and trails and all off-road vehicle traffic is prohibited.

Lee Metcalf National Wildlife Refuge

Sport fishing using only a single line and hook or hooks, with or without a pole, is permitted throughout the year on a portion of the Lee Metcalf National Wildlife Refuge. The open area is approximately four miles of the Bitterroot River, which borders the refuge on the west, and the Burnt Fork Creek and its related oxbow (Francois Slough). Fishermen must remain below the upland portion of the river banks. The fishing area is designated by signs and delineated on maps available at refuge headquarters, Stevensville, Montana.

Medicine Lake National Wildlife Refuge

Sport fishing is allowed on waters of Medicine Lake National Wildlife Refuge as follows: Medicine Lake, Deep Lake, and Sayer Bay, November 15–September 15, waters in the public hunting area August 15–March 31 and Number 12 Lake, November 15 through March 31. In Medicine Lake all motorized equipment is prohibited and no trespassing is allowed on islands. Waters other than Medicine Lake are open to motor boats with less than 16 h.p. motors. Open fires, camping and driving off improved roads or established trails are prohibited on the public fishing area. Maps of the fishing area are available at refuge headquarters.

National Bison Range

Sport fishing on the National Bison Range, Moiese, Montana, is only permitted along the portions of the Jocko River as posted. These open areas are delineated on maps available at refuge headquarters, one-half mile east of Moiese, Montana.

Ninepipe National Wildlife Refuge (Headquarters National Bison Range, Moiese, Montana)

Entire refuge is open from July 15, until beginning of waterfowl hunting season, and before July 15 on west and north shorelines from picnic area to Allentown bridge, except central portion of north shore (9/10 of a mile), as posted.

Entire refuge is closed during migratory waterfowl hunting season. Ice fishing is permitted after the closure of waterfowl hunting season until March 1. A Tribal Recreation Permit is required.

Sport fishing is permitted in accordance with the following special regulations:

1. Offshore islands are closed to fishing and trespass.
2. Use of boats if prohibited.
3. Vehicles must be parked at designated areas.
4. Motorized travel on the ice is prohibited.
5. No ice fishing shelters may be left overnight.
6. Camping is prohibited.

Pablo National Wildlife Refuge (Headquarters National Bison Range, Moiese, Montana)

Sport fishing is not permitted on Pablo Reservoir during the migratory waterfowl hunting season. Sport fishing is permitted during the rest of the year, in accordance with the special regulations shown below, on the north and east shorelines from the inlet canal to the south end of the dam as posted. Ice fishing is permitted after the closing of the waterfowl hunting season. A Tribal Recreation Permit is required.

Sport fishing is permitted in accordance with the following special regulations:

1. Offshore islands are closed to fishing and trespass.
2. Use of boats if prohibited.
3. Vehicles must be parked at designated areas.
4. Motorized travel on the ice is prohibited.
5. No ice fishing shelters may be left overnight.
6. Camping is prohibited.

Northwest Montana Waterfowl Production Areas (Headquarters Northwest Montana Fishery Center, Kalispell, Montana)

Flathead Lake Watefowl Production Area, Smith Lake Waterfowl Production Area and Batavia Waterfowl Production Area are open to sport fishing. They are closed to all entry from March 1 to July 1. All islands at the mouth of the Flathead River are closed to trespass except during the waterfowl hunting season. The following special regulations apply to fishing:

1. Vehicle travel is permitted only on designated roads and area.
2. Camping is prohibited.

Swan River National Wildlife Refuge (Headquarters Northwest Montana Fishery Center, Kalispell, Montana)

Sport fishing is permitted on those parts of the Swan River and Swan Lake which lie within the boundaries of Swan River National Wildlife Refuge. Fishing from shore within the refuge is prohibited from March 1 to July 1.

Fishing is subject to the following regulations:

1. Vehicle travel is permitted only on designated roads and parking areas.
2. Camping is prohibited.

Red Rock Lakes National Wildlife Refuge

Sport fishing is permitted on Red Rock Lakes National Wildlife Refuge, Lima, Montana. All areas open to fishing are delineated on maps. Fishing is subject to the special regulation that boats with motors are prohibited.

Wyoming

National Elk Refuge

Sport fishing is permitted from Saturday preceding Memorial Day through October 31, only on the areas designated by signs as being open to fishing. Fish and access on refuge waters are permitted during daylight hours only. Use of boats or other floating devices, overnight camping, and fires are prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish, Wildlife and Parks.

[FR Doc. 81-28135 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Kootenai National Wildlife Refuge, Idaho; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The popularity of public waterfowl hunting on the Kootenai National Wildlife Refuge in Idaho has grown to the extent that crowded hunting conditions have caused management problems. One of the most important of these problems is the high loss of crippled waterfowl. To alleviate this high crippling loss the Service proposes to establish a retrieving zone adjacent to a closed area boundary and impose a daily limit (25) on the number of shotgun shells each hunter may shoot on the refuge hunting area.

EFFECTIVE DATES: October 3, 1981 through January 10, 1982.

FOR FURTHER INFORMATION CONTACT: Refuge Manager, Larry Napier, Kootenai National Wildlife Refuge, Star Route 1, Box 160, Bonners Ferry, Idaho 83805. (208) 267-3888.

SUPPLEMENTARY INFORMATION: The author of this document is W. D. Carter, Boise Area Office, U.S. Fish and Wildlife Service, 4620 Overland Road, Boise, Idaho 83705, 208-334-1965.

Hunting on portions of the Kootenai National Wildlife Refuge shall be in accordance with applicable State and Federal regulations, subject to additional Special Regulation and conditions as indicated. Portions of the refuge open to hunting are designated by signs and/or delineated on maps. Special conditions applying to the refuge are listed on the reverse side of maps available at refuge headquarters.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires that: (1) Any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purposes for which Kootenai Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement of the Operation of the National Wildlife Refuge System published in November, 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Note.—The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193), and that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96-354) and 43 CFR Part 14.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Kootenai National Wildlife Refuge

Special conditions:

(1) Waterfowl hunting is permitted on Saturdays, Sundays, Tuesdays and Thursdays.

(2) Hunters are required to use native vegetation for hunting blind construction.

(3) Hunters are limited to the use and/or possession of no more than 25 shells per day.

(4) Hunters may enter the posted retrieving zone for purposes of retrieving down birds or traveling to or from the hunting area but all firearms must be unloaded in this area.

Dated: September 4, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-2[illegible]109 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2530

Rules and Regulations for Minimum Standards for Employee Benefit Plans; Suspension of Benefit Rules—Deferral of Effective Date

AGENCY: Department of Labor.

ACTION: Deferral of effective date of final rule.

SUMMARY: This document defers the effective date of 29 CFR 2530.203-3, Suspension of Benefit Rules, until action is taken on certain proposed amendments to the regulation. This regulation had been due to take effect on October 1, 1981.

DATE: The effective date of 29 CFR 2530.203-3 is deferred until action is taken on amendments to the regulation which were proposed on August 31, 1981.

FOR FURTHER INFORMATION CONTACT: Jay S. Neuman, Office of the Solicitor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Room C-4508, 202-523-8658.

SUPPLEMENTARY INFORMATION: On January 27, 1981, the Department of Labor published in the **Federal Register** (46 FR [illegible]) a final regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (ERISA) governing the circumstances under which it is permissible for a plan to suspend the payment of pension benefits ([illegible] CFR 2530.203-3). As published, this regulation was due to take effect May 27, 1981. The Department has deferred the effective date in order to permit reconsideration of this regulation in accordance with Executive Order 12291 and in light of public comments received on the final regulation, and to coordinate review by the Office of Management and Budget, as required by the Executive Order.[1]

The Department proposed certain technical amendments to this regulation on August 31, 1981 (46 FR 43695; republished September 1, 1981, 46 FR 43852). In view of that action, the Department sought public comment on whether the regulation should be permitted to take effect before a final decision is made regarding adoption of the proposed amendments. Accordingly, on the same day, the Department deferred the effective date of the suspension of benefits regulation until October 1, 1981, and proposed for public comment deferring the effective date until action is taken on the proposed amendments (46 FR 43663; republished September 1, 1981, 46 FR 43833).

Virtually all of the commentators suggested that it would be desirable to have the regulation and any amendments to it become effective simultaneously. Such a course, it was argued, would avoid the confusion and costs associated with piecemeal implementation of the suspension of benefit rules. Commentators differed, however, with regard to the specific manner in which this should be accomplished.

Some commentators argued that the regulation should be made effective as scheduled on October 1, 1981, and that the proposed amendments should also be made effective, on an interim basis, on that same date. It was noted that the Department has in the past made ERISA related regulations effective on an interim basis, before receiving public comment. These commentators argued that such a course would best serve the public interest and the interest of plan participants and beneficiaries, and that any further deferral would be unreasonable and unjustifiable. It was also noted in this regard that, because the amendments are technical and were proposed specifically in response to numerous comments already received by the Department, it is unlikely that they would be substantially revised in light of any further comments.

Other commentators, however, argued that no part of the regulation should be implemented until the Department has made a final decision on all substantive provisions of the regulation. These commentators suggested that the Department should review carefully any additional comments, and, after final decisions have been made and announced, should provide an additional period of deferral in order to permit plans to be brought into compliance with the "new" rules.

After carefully considering these comments, the Department has determined to defer the effective date of the suspension of benefits regulation until action is taken on the recently proposed amendments. The Department gave serious consideration to the suggestion that the final regulation should be made effective immediately, with the proposed amendments made effective on an interim basis. Such an approach, under the Administrative Procedure Act, is an extraordinary course which must be specifically justified in each individual case. The comment period on the proposed amendments has not yet expired, and the Department expects to receive comments from affected persons concerning the likely effectiveness of the amendments in achieving their intended goals. Accordingly, the Department believes that it would be in the public interest to review these comments before the regulation and amendments take effect. Moreover, because of the limited, technical nature of the proposed amendments, the Department believes that a decision will be reached on the amendments within 30 to 60 days from the close of the comment period. In this regard, and in response to comments which suggested the need for an additional deferral once a final decision on the proposed amendments is made, it should also be noted that the Department anticipates that the regulation as amended after the Department's review of comments timely received on the pending proposals will become effective no later than January 1, 1982. As a result, the additional period of deferral, while serving a very useful purpose, will be for a minimal amount of time. In light of the preceding discussion, the Department has concluded that it would be preferable in this instance to wait an additional brief period before implementing these rules.

Accordingly, pursuant to the authority set forth in sections 203(a)(3)(B) and 505 of ERISA, the effective date of 29 CFR 2530.203-3 is hereby deferred until final rulemaking action is taken on the amendments to the regulation which were proposed on August 31, 1981.

Signed at Washington, D.C., this 24th day of September 1981.

Donald L. Dotson,

Assistant Secretary, Labor-Management Relations.

[FR Doc. 81-28490 Filed 9-28-81; 12:12 pm]

BILLING CODE 4510-29-M

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[1] On May 26, 1981, June 30, 1981, and July 31, 1981, the Department announced (46 FR 28151, 33517, 39138) deferrals of the effective date of the suspension of benefits regulation until July 1, 1981, August 1, 1981, and September 1, 1981, respectively.

Proposed Rules

Federal Register
Vol. 46, No. 188
Tuesday, September 29, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 958

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oreg.; Recommended Decision on Proposed Amendment of Marketing Agreement and Order and Opportunity To File Written Exceptions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This recommended decision proposes an amendment to the marketing agreement and order regulating onions grown in Idaho and Malheur County, Oregon, and provides interested persons an opportunity to file written exceptions to the proposal. The proposed amendment would add a public member to the marketing order administrative committee and authorize the prohibition of overloading rail cars. The primary intent of the proposal is to improve the program's administration and usefulness.

DATE: Written exceptions to this recommended decision may be filed by October 29, 1981.

ADDRESSES: Written exceptions should be filed in duplicate with the Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–2615.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued April 13, 1981, and published April 17, 1981 (46 FR 22382).

This formal rulemaking action is governed by the provisions of the Administrative Procedure Act, and therefore is not subject to the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the regulated handlers.

It has been determined that a comment period of less than 60 days is warranted. If the proposal is adopted, handlers need to know of any change as soon as possible so they can plan their marketing operations accordingly. The proposal was considered at a public hearing on May 13, 1981, and interested persons were allowed to file written comments through June 30. Under these circumstances, it is hereby determined that a comment period of 30 days is sufficient and will effectuate the declared policy of the act.

Preliminary statement. Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed further amendment of the marketing agreement and Order No. 958 regulating the handling of onions grown in Idaho and Malheur County, Oregon.

The above notice of filing of the decision and of opportunity to file exceptions to it is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

This proposed amendment was formulated on the record of a public hearing held in Ontario, Oregon, on May 13, 1981. Notice of the hearing was published in the April 17, 1981, issue of the **Federal Register.** The notice set forth a proposed amendment submitted by the Idaho-Eastern Oregon Onion Committee on behalf of onion producers and handlers in the production area.

Material issues. The material issues of record are as follows:

(1) Adding a public member and alternate on the committee and establishing qualifications for such membership;

(2) Providing authority to prohibit overloading railcars;

(3) Making such changes in the order as may be necessary to bring it into conformity with any amendments that may result from the hearing.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of hearing:

(1) The Idaho-Eastern Oregon Onion Marketing Agreement and Order (hereinafter in the text of findings and conclusions referred to as the "order") should be amended to provide for public representation on the committee. To effectuate such a change, § 958.20 of the current order providing for the establishment and membership of the Idaho-Eastern Oregon Onion Committee should be revised to enlarge the committee from ten members to eleven members, with the additional member to be a public member. Further, § 958.22 providing for eligibility of committee members should be revised to indicate criteria for the public member, a new paragraph (g) should be added to § 958.28 "Nominations" to indicate the procedures which should be used in the nomination of the public member, and § 958.25 "Duties" should be revised to incorporate nominating the pubic member as a committee duty.

Record evidence indicates that public representation on the Idaho-Eastern Oregon Onion Committee could improve the exchange of information and viewpoints between industry members and the public. While the influence of consumers is implicitly present in the deliberations of producer and handler members, and all committee meetings are open to the public, the appointment of a public member would provide more direct communication between industry members and the public. The public member should have the same rights and privileges as other committee members, such as an equal vote, reimbursement for expenses, and membership on subcommittees. As is provided for producer and handler members, the public member should have an alternate.

Individuals selected from the public to serve on the committee should meet eligibility requirements specified by the committee in administrative rules issued with the approval of the Secretary. The record indicates that public representatives should not be permitted to have a financial interest in the commercial production, financing, buying, packing or marketing of onions except as a consumer, or be a director, officer or employee of any firm so engaged. Also, the public representatives should be able to devote sufficient time and indicate a willingness to attend committee meetings regularly and to become familiar with the background and economics of the industry. The evidence further indicates that they should be residents of the production area so that participation in committee meetings and other activities would be more convenient and less expensive. This would also provide public participants a better opportunity to become and remain familiar with the production and marketing of onions in the production area.

The record indicates that the public member and alternate should be nominated by the industry members of the committee at the first meeting following the selection of members for a new term of office, and should serve on the committee until a successor is selected and has qualified.

(2) A new paragraph (a)(6) should be added to § 958.52 "Issuance of regulations" to authorize regulating the handling of onions by establishing, in terms of weight or total number or layers of containers of onions, the maximum load in railcars.

Record evidence indicates that most onions grown in the production area are shipped in 50-lb. sacks to fresh market outlets in principal metropolitan areas throughout the United States and Canada, by either rail or truck. Of these two modes of transportation, truck shipments account for approximately two-thirds of the total. Most shipments to eastern markets move by rail, and to other areas, movement by truck is predominant.

Rail and truck transportation differ in several respects. Rail transit times are generally about twice those of trucks. For example, it takes seven days for a railcar to travel from the production area to New York City compared to 72 hours for a truck. A typical truck is loaded to between 800 and 900 sacks of onions, whereas the maximum capacity of a railcar is between 2,200 and 2,300 sacks. Trucks are usually loaded six to seven tiers high, and railcars in the most recent season—10 to 11 tiers high. Trucks are generally well ventilated, while railcars as currently used are not. State regulations establish weight limitations on truck loads; no such limitations exist for the railcars. Finally, per unit of weight, rail is generally a less expensive means of transport, especially when used to haul onions long distances.

The desire to save on transportation costs has led to the loading of an increased number of 50-lb. sacks per railcar. This practice was prompted by a pricing change by the Union Pacific Railroad Company, the only railroad currently serving the production area. Prior to deregulation of the railroads in May 1979, Union Pacific established freight rates on a per hundredweight basis. During that time, a minimum load acceptable to the railroad was 1,600 sacks, or 80,000 pounds, of onions. It was permissible to load more sacks per car, but there was a freight charge for each bag, and the railroad would take no responsibility for any in-transit damage due to the heavier load. With an increased risk of damage and no cost savings, most shippers loaded no more than 1,600 sacks per railcar during the regulated period.

Subsequent to deregulation, however, Union Pacific set rates on a per car basis. Under this method, a flat rate is charged to transport a car of onions, with no maximum limit on the weight loaded in the car. This change has served as an inducement to shippers to load more sacks per car in order to reduce per sack transportation costs. The record indicates that recently Union Pacific charged $4,550 to transport a railcar of onions from the Ontario-Payette area to New York City. At this rate, the per sack cost would be $2.84 for a car loaded with 1,600 sacks. The cost would be reduced to $2.07 with 2,200 sacks, the approximate maximum capacity of a railcar. At the same time, it would have cost approximately $3.25 per sack to haul a load that distance by truck. Thus there is a strong incentive to load railcars heavily, even though the risk of in-transit damage increases. Some shippers are willing to take on the risk of a damage claim filed against them since the amount of the claim may not offset savings in transit costs per unit.

In the two seasons following the change in Union Pacific's pricing policy, shippers have responded to this incentive. In 1979–80, 32 percent of the railcars shipped from the production area contained more than 1,800 sacks of onions, and 21 percent contained over 1,900 sacks. In 1980–81, 85 percent of railcars shipped contained more than 1,800 sacks and 83 percent contained more than 1,900 sacks. In the latter season, approximately 75 percent of the railcars were loaded with between 1,901 and 2,000 sacks, and seven percent contained even heavier loads.

The record further indicates that heavy loading, expected to continue in the future given the incentive of lower per sack costs, leads to onions being damaged in-transit and reaching destination in poor condition. The majority of railcars are currently loaded 10 to 11 tiers high. The excessive weight placed on onions in the lower tiers causes bruising damage. Mechanical refrigerated cars are used to transport onions. This type of railcar, developed to haul frozen foods, is a sealed container which provides no ventilation. The greater mass of onions cuts off the air flow in the car, leading to a build up in humidity which results in mold, spoilage and decay. Several witnesses testified that the damage incurred due to overloading has resulted in a number of damage claims filed by receivers, with the majority against railcars containing heavier loads. The rate of claims is greatest against cars containing more than 1,900 sacks.

Damage due to overloading is not a problem with truck shipments, or "piggyback" vans on rail flat cars. Since trucks hold fewer onions and are loaded fewer tiers high, crushing is less likely. Greater air circulation reduces problems resulting from high humidity, and shorter transit times provide less time for problems to develop.

Through the marketing order program, the Idaho-Eastern Oregon onion industry has established a reputation for delivering high-quality onions. To this end, mandatory minimum grade and size regulations have been issued for many years to ensure that only onions of acceptable quality are shipped, and production and marketing research has been carried on to continually improve the onion quality. Additionally, the committee spends approximately $250,000 annually to promote the high-quality onions available from the area. The practice of overloading railcars interferes with the achieving of the objectives of the marketing order program, which are to promote orderly marketing and improve returns to onion producers. Continuation of overloading and the resulting poor arrivals would damage the reputation of the entire industry and damage current and past efforts and investments under the program.

The record indicates that the practice of overloading railcars is a disruptive force in a highly competitive marketplace. When some shippers load cars heavier to achieve lower freight costs, it is necessary for other shippers to do so if they wish to offer their customers a competitive price. Likewise, receivers must accept cars which are heavily loaded to remain on an equal cost basis with their competitors. Shippers and receivers are therefore forced to take on the risk of poor arrivals, and the entire industry suffers as a result of lower quality onions reaching the consumer. Both shippers and receivers have expressed support of setting a maximum limit on the weight which may be loaded on a railcar to standardize loads and restore stability in the marketplace. This would help ensure that onions arrive in good condition, to the benefit of the industry and the consuming public.

The record further indicates that onions inspected and labeled as U.S. No. 1 grade prior to loading may not arrive in U.S. No. 1 condition after being transported a long distance in an overloaded railcar. Nonetheless, such onions are often sold alongside U.S. No. 1 onions that have been shipped properly and have incurred no damage in-transit, thereby disrupting the price structure and creating confusion in the marketplace.

Several witnesses indicated a reasonable maximum limit to be 1,600 sacks, or 80,000 pounds, per railcar. This was also the recommendation of the Idaho-Oregon Fruit and Vegetable Association, which is comprised of local shippers. It appears, however, that a 1,600 sack limit was recommended largely because it was used by Union Pacific as a basis for establishing rates prior to deregulation, and it is therefore one the trade is accustomed to. Record evidence indicates that it is difficult to establish a precise limit since the problem of overloading is a recent one. Following deregulation, shippers gradually increased their loads—adding sacks when freight rates increased, thereby maintaining a consistent per sack cost. Such incremental increases have made it difficult to determine the point at which damage is most likely to occur. The authorization to specify maximum weights should therefore be flexible so that the committee can recommend changes in the limit as experience indicates. A portion of the committee's research budget may be used to study the problem and enable it to make more informed recommendations.

The record indicates that damage incurred en route also is related to the condition of the onions prior to loading. For example, growing conditions in a given season can affect a crop's susceptibility to mold, spoilage, bruising, and decay. The loading limitation is therefore anticipated to very from time to time and should be considered at least annually at committee meetings open to the public. In recommending such a regulation, the committee should be required to take into account the types of containers and sizes of railcars used, potential resulting damage due to various levels of loading, and other relevant factors.

(3) Certain conforming changes should also be made so that the order, as amended, would be consistent. One such change, to add nominating the public member as a committee duty to § 958.25 "Duties," has already been mentioned in the discussion about adding the public member. All such changes should be incorporated in the recommended amendment of the order.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed June 30, 1981, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. Four briefs were filed.

Roy Hornlund, a local Idaho shipper, filed a brief supporting the proposal to prohibit overloading railcars.

Briefs in opposition to the proposal were filed by William Huizinga, a local Idaho shipper and Lawrence F. Piazza, Jr., a New England receiver. Both stated that their firms had not experienced problems due to overloading. Although individual firms may not have experienced onion damage attributable to loading practices, record evidence indicates that in general there is a correlation between heavily loaded railcars and in-transit damage.

M. J. Glen, Union Pacific Railroad Co., also opposed adding the authority to prohibit overloading railcars on the gounds that such authority would subject the railroad to regulation. Although regulations which may be issued under this authority may indirectly affect the railroad, they would only apply to, and be legally binding on, onion handlers.

Each point included in the briefs was carefully considered, along with evidence in the record, in making the findings and reaching the conclusions contained herein. To the extent that any suggested findings or conclusions contained in any of the briefs or arguments are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the recommended decision.

General findings. Upon the basis of the record, it is found that: (1) The following findings are supplementary, and in addition to the findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except for those findings and determinations which may be in conflict with the findings and determinations set forth herein, all of those findings and determinations are hereby ratified and affirmed.

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions of it, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial activity specified in the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) The marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of onions grown in the production area; and

(6) All handling of onions grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

Recommended Amendment of the Marketing Agreement and Order

The following amendment of the marketing agreement and order is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Revise paragraph (a) of § 958.20 to read:

§ 958.20 Establishment and membership.

(a) The Idaho-Eastern Oregon Onion Committee, consisting of six producer

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members, four handler members, and one public member is hereby established. Each shall have an alternate who shall have the same qualifications as the member.

* * * * *

2. Revise the introductory text and add paragraph (e) to § 958.22 to read:

§ 958.22 Selection.

The Secretary shall select committee members and alternates from the nominee lists submitted pursuant to this part or from among other eligible persons.

* * * * *

(e) The public member shall be a resident of the production area and have no direct financial interest in the commercial production, financing, buying, packing or marketing of onions except as a consumer nor be a director, officer or employee of any firm so engaged.

§ 958.25 Duties

3. Add a new paragraph (k) to § 958.25 to read:

* * * * *

(k) To recommend nominees for the public member and alternate.

4. Add a new paragraph (g) to § 958.28 to read:

§ 958.28 Nominations.

* * * * *

(g) The producer and handler members of the committee shall nominate the public member and alternate. The committee shall prescribe such additional qualifications, administrative rules and procedures for selection and voting for each candidate as it deems necessary and as the Secretary approves.

5. Add a new paragraph (a)(6) to § 958.52 to read:

§ 958.52 Issuance of regulations.

* * * * *

(a) * * *

(6) Regulate the handling of onions by establishing, in terms of total weight or total number or layers of containers of onions, the maximum load in railcars, taking into account types of containers and sizes of railcars used, potential resulting damage, and other relevant factors.

* * * * *

Signed at Washington, D.C., on September 23, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-[illegible] Filed 9-28-81; 8:45 am]

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7 CFR Parts 1011, 1046, 1098

[Docket Nos. AO-251-A23, AO-123-A48, and AO-184-A43]

Milk in the Tennessee Valley, Louisville-Lexington-Evansville and Nashville, Tennessee, Marketing Areas; Rescheduling of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Rescheduling of public hearing on proposed rules.

SUMMARY: This notice reschedules the date of the hearing that will be held to receive testimony on proposed amendments to the Tennessee Valley, Louisville-Lexington-Evansville and Nashville, Tennessee, milk orders. Dairymen, Inc. (DI), a cooperative representing many dairy farmers supplying these markets, asked for the delay. The hearing is being held to consider proposed amendments offered by a handler and two cooperative associations.

DATE: The rescheduled hearing will convene October 21, 1981.

ADDRESS: The rescheduled hearing will be held at the Louisville Inn, 120 West Broadway, Louisville, Kentucky 40202, beginning at 9:30 a.m., local time.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5443.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued September 4, 1981; published September 11, 1981 (46 FR 45354).

Correction published September 22, 1981 (46 FR 46813).

A notice was issued on September 4, 1981 (46 FR 45354), announcing a public hearing to be held on October 6, 1981, on proposed amendments to the tenative marketing agreements and to the orders, regulating the handling of milk in the Tennessee Valley, Louisville-Lexington-Evansville and Nashville, Tennessee, marketing areas.

Notice is hereby given, pursuant to the rules of practice and procedure applicable to these proceedings (7 CFR Part 900), that the said hearing is rescheduled to be held at the Louisville Inn, 120 West Broadway, Louisville, Kentucky 40202, beginning at 9:30 a.m. on October 21, 1981.

Signed at Washington, D.C., on September 24, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-28216 Filed 9-28-81; 8:45 am]

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7 CFR Parts 1097, 1102, and 1108

[Docket Nos. AO-219-A36, AO-237-A30, and AO-243-A34]

Milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas Marketing Areas; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends certain changes in the provisions of the Memphis, Fort Smith and Central Arkansas orders. For all three orders, the decision recommends that a charge on overdue accounts be provided, that the partial payment rate for producer milk during August–February be increased $1 per hundredweight, and that the maximum charges for order administration and marketing services be established at 6 and 7 cents per hundredweight, respectively. Under the Memphis and Central Arkansas orders, the decision recommends changes pertaining to the payment for bulk milk purchased from a cooperative's pool plant. Under the Fort Smith and Central Arkansas orders, the decision recommends that handlers who are more than 3 days late in payment of an order obligation channel their payments to producers through the market administrator for 3 months. Under the Central Arkansas order, changes would be made in the supply plant pooling qualifications, the diversion limitations on producer milk, and the price adjustments applicable at certain plant locations. This decision is based on industry proposals considered at a public hearing held April 15–17, 1980. The recommended changes are necessary to reflect current marketing conditions and to assure orderly marketing conditions in the respective areas.

DATE: Comments are due on or before October 19, 1981.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S.

Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4824.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding: *Notice of hearing*—issued March 26, 1980; published March 31, 1980 (45 FR 20888). *Supplemental notice of hearing*—issued April 7, 1980; published April 10, 1980 (45 FR 24492). *Partial decision*—issued July 14, 1980; published July 18, 1980 (45 FR 48159). *Final order*—issued July 28, 1980; published July 31, 1980 (45 FR 50704).

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900). Interested parties may file written exceptions to this decision with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, by October 19, 1981. Four copies of the exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing conducted at Memphis, Tennessee, on April 15-17, 1980. Notices of such hearing were issued March 26, 1980 (45 FR 20888) and April 7, 1980 (45 FR 24492).

The material issues on the record relate to:

1. Partial payments to producers and cooperative associations under the Memphis, Fort Smith, and Central Arkansas orders.
2. Charges on overdue accounts under the Memphis, Fort Smith, and Central Arkansas orders.
3. Maximum administrative assessment rate under the Memphis, Fort Smith, and Central Arkansas orders.
4. Maximum marketing service deduction under the Fort Smith and Central Arkansas orders.
5. Payment of producers and cooperative associations through the market administrator under the Fort Smith and Central Arkansas orders.
6. Payments for milk from cooperative association plants under the Memphis and Central Arkansas orders.
7. Pool plant "lock-in" provision under the Central Arkansas order for distributing plants.
8. Pool supply plant qualifications under the Central Arkansas order.
9. Quantity limits and point of pricing on diversions of producer milk under the Central Arkansas order.
10. Location adjustment provisions of the Central Arkansas order.
11. Location adjustment provisions of the Memphis order.
12. Miscellaneous changes.
13. Whether an emergency exists to warrant the omission of a recommended decision on issues Nos. 7 and 11.

A prior decision dealt with issues Nos. 7, 11, and 13. The remaining issues of the hearing are considered in this decision.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Partial Payments to Producers and Cooperative Associations Under the Memphis, Fort Smith and Central Arkansas Orders

A proposal requiring handlers under the Memphis, Fort Smith and Central Arkansas orders to make a second partial payment each month for milk received from producers should not be adopted. A proposal to increase the current partial payment rate during the months of August through February by $1.00 per hundredweight should be adopted. The Memphis order should be further modified to permit deductions authorized by the producer to be made from the partial payment to such producer. The Fort Smith order should be further modified to permit deductions to be made from both the partial and final payments to producers.

The three orders currently require that a handler make 1 partial payment and a final payment for milk received from producers during each month. The rate of the partial payment under the three orders is the Class III price for the preceding month. The amount of the partial payment due each producer is determined by multiplying the rate of such payment by the hundredweight of milk received from such producer during the first 15 days of the month. Of the 3 orders, only the Central Arkansas order specifies that the partial payment may be reduced to reflect deductions authorized by the producer. The final payment to producers under the 3 orders is determined by multiplying the uniform price(s) for milk, or base milk and excess milk, adjusted by the butterfat differential and location adjustments to producers by the respective hundredweights of milk received from each producer during the month. The payments are then reduced by the amount of the partial payment made for milk received during the first 15 days of the month. The Memphis and Central Arkansas orders specify that the final payment due each producer may be reduced by deductions authorized by such producer.

Associated Milk Producers, Inc. (AMPI), a cooperative association representing the majority of the producers supplying handlers regulated under the 3 orders, proposed that each of the orders be revised to require a handler to make 2 partial payments and a final payment for milk received each month from producers. The rates proposed for the two partial payments during the months of March through July would be the previous month's Class III price. During the months of August through February, the partial payment rates would be the previous month's Class III price plus one dollar. The rates during the months of August-February would be further adjusted by the zone or location adjustment applicable at the receiving plant. Under the cooperative's proposal, the two partial payments due the producer could be further reduced by the amount of deductions authorized by the producer to the extent that deductions to assignees have been paid by the handler prior to the date payment is otherwise due the producers.

The cooperative proposed that final payment to producers be at the uniform price(s) for the applicable month adjusted for the butterfat content of the milk and the location of the receiving plant. Deductions from the final payment to producers would be made for the two partial payments, any authorized deductions, and marketing services performed on behalf of such producers.

For milk delivered during the first 15 days of the month, the cooperative proposed that a handler make a partial payment to the market administrator for such milk by the 23rd of the month. If the handler received milk directly from producers and a cooperative is not marketing their milk, the handler could make payment to the individual producers on or before the 23rd of the month in lieu of making such payments to the market administrator.

AMPI proposed that on the 24th of the month, the market administrator transmit handler payments for milk of producers to cooperative associations on behalf of their member producers and to a handler who elects to make payment to individual producers. In making such payments the market administrator would remit to the cooperative and such handler partial payments received from handlers for milk delivered during the first 15 days of the month. Handlers receiving payment from the market administrator to pay individual producers would be required to make such partial payments on or before the 25th of the Month. On the 25th of the month, the market administrator would then make partial payment to producers who are not receiving payments from either a cooperative association or a handler.

For milk received during the second half of the month, the cooperative proposed that a handler make partial payment for such milk on or before the 8th of the month to the market administrator or to the individual producers. On the 9th of the month, the market administrator would transmit to a cooperative association the partial payment due its members. A handler who elects to pay individual producers would also have the option of transmitting to the market administrator by the 8th day the second partial payment due the individual producers. The market administrator would then return such funds to the handler by the 9th day. The market administrator and the handler receiving partial payment funds from the market administrator to pay producers would be required to make payment to the individual producers on the 10th of the month.

The cooperative proposed that a final payment for producer milk received during the month be made to the market administrator by the 20th of the following month. A handler who elects to pay individual producers directly instead of making such payment to the market administrator could do so by making final payment to such producers by the 20th of the month. On the 21st of the month, the market administrator would pay a cooperative the amount due the members of the cooperative and pay to the handler who elects to pay individual producers the amount due the individual producers. The market administrator and the handler receiving payment funds from the market administrator would then make the final payment to individual producers on the 22nd of the month.

Proponent cooperative proposed the revised payment procedure as a means of requiring handlers to pay producers for milk on a more current basis. Its spokesman indicated that under the present payment plan producers are now paid from 15 to 30 days late for milk produced during the first 15 days of the month. At the time of final payment, producers are paid from 15 to 45 days late for milk produced during the preceding month. The cooperative held that producers should not be required to wait such lengthy periods of time for the money due them from handlers. The spokesman stated that under the current payment plan producers have to forgo the use of funds invested in the dairy operation or pay interest upon the money borrowed for such capital investment. For this reason, proponent held that an accelerated rate of payment by the handler for milk received from producers was warranted.

AMPI also proposed that the partial payment rates in each of the 3 orders for the months of August through February be the previous month's Class III price plus 1 dollar. Such price would then be further adjusted by the location adjustment applicable at the receiving plant. The spokesman for the cooperative indicated that the amount proposed to be paid by the handlers to the producers for the months of August through February represents approximately 95 percent of the uniform price paid to producers during such months in 1978 and 1979. No increase was proposed in the current partial payment rate for the months of March through July because of the possibility that the uniform price might not exceed the Class III price for the previous month by 1 dollar. The spokesman noted that in prior years the difference between the uniform price for the current month and the Class III price for the preceding month during the months of March–July was less than during other months of the year because of the general seasonal trend in the Minnesota-Wisconsin price series on which the Class III price is based.

A spokesman for the Milk Industry Foundation (MIF) and the International Association of Ice Cream Manufacturers (IAICM) opposed the proposal to modify the 3 orders to require 2 partial payments and a final payment each month. The principal basis for the handlers' opposition to the proposed payment plan was that it would create a cash flow problem for them. The handlers held that the proposed payment plan would require them to make payment to producers prior to the time in which they could receive, package, distribute, invoice and collect for the milk products sold. Their spokesman noted that if the proposals are adopted processors will either have to use their own cash reserves or borrow the funds needed to meet the accelerated payment procedure. The increased cost to the handler would then be passed on to the consumers. Handlers also claimed that the extra partial payment would increase their office costs due to the increased reporting requirements and require additional audit work by the market administrator.

The handlers' spokesman opposed the proposed $1 per hundredweight increase in the partial payment rate for the months of August–February. He opposed the increase on the basis that it would require plants with a high Class II/Class III operation to pay in excess of their obligations at the class prices under the order and would accelerate handler payments to producers.

The representative of a pool plant operator in the Memphis market also opposed the addition of a second partial payment and an increase in the partial payment rates. He noted that, while both producers and handlers are faced with cash flow problems, handlers are burdened at the time with a disproportionate share of such problems. He indicated that an economic slow-down and rising interest rates have significantly delayed payments to milk handlers while producers have continued to receive timely payments because of payment dates prescribed by the milk order and enforced by the Federal government.

The spokesman for a handler who operates a pool plant regulated under the Central Arkansas order opposed the adoption of a second partial payment to producers for milk received during the month. He presented an exhibit illustrating the extent to which the proposed payment procedure would adversely affect the cash flow of the handler. The representative testifed that if handlers are required to make a second partial payment as proposed, the Central Arkansas handler would have to borrow money to make such payment. He testified further that there is virtually no money available to handlers in the State of Arkansas in the normal line of credit for use in making a second partial payment.

The representative of a handler who operates a fluid milk plant fully regulated under the Memphis order and a fluid milk plant partially regulated under the Central Arkansas order also opposed a second partial payment to producers as well as any increase in the rate of the partial payments. He noted that "even the one advance payment is unusual in the world of business". The representative supported the position taken by the spokesman for the 2 national handler associations and the representative of the handler fully regulated under the Central Arkansas order.

The Council of Wage and Price Stability filed a brief expressing its concern that the proposed payment procedure would result in increased costs to handlers that would be passed on to consumers. The Council recommended that the proposal for an additional partial payment not be adopted because the "increased costs to handlers implies an inflationary price increase". Also, it expressed concern that adoption of the proposal could aggravate the current milk surplus.

The hearing evidence does not support the adoption of the proposal for a second partial payment. There is no indication that marketing conditions in the affected areas are such that it is necessary that the orders require more frequent payments to producers each month.

While the Act authorizes the setting of payment dates under an order, it does not specify how frequently handlers must pay producers. The payment dates are customarily established under an order on the basis of prevailing marketing conditions, including payment practices already existing in an area or new payment practices that handlers and producers may find mutually agreeable. On this basis, each of the 3 orders now provides for one partial payment and one final payment by handlers to producers each month.

Under the proposal being considered, handlers would be required each month to make a second partial payment to producers. While the proposal by AMPI, the principal cooperative association in each of the 3 markets, was not opposed by any producers, none of the handlers under the 3 orders supported the proposal. All handler representatives who testified at the hearing opposed a second partial payment plan for producers. Because there are conflicting opinions between producers and handlers as to whether a different payment arrangement between these parties is desirable under the orders, more burden is placed on proponents to show that a second partial payment for milk is essential to the maintenance of orderly marketing in the 3 areas and that the orders must be changed to require an additional payment to producers by regulated handlers.

In general, the argument advanced by proponent cooperative for more frequent payments was the need to improve the cash flow of producers in the three markets. Proponent contended that producers are required to make payment for production facilities and supplies prior to using such items and should be paid more frequently so that they will be more able to meet their financial commitments on a timely basis. It is evident from the record, however, that the cash flow of members of the cooperative most likely would not be affected by changing the orders to require handlers to make more frequent payments. The spokesman for the cooperative indicated that the cooperative had no plans to change the current dates on which members of the cooperative are paid. Furthermore, it was his opinion that any change by the cooperative from its current payment dates would not be feasible since the cooperative normally uses the same payment schedule for all of its members throughout the southwestern part of the country.

The cooperative's spokesman stated that the cooperative has made it a practice to pay its members on the last day of the month and on the 13th of the following month for milk that the cooperative markets. It is noted that payment on the 13th of the month represents payment in advance of the time that payment is required to be made to a cooperative under any of the 3 orders. As a consequence, the cooperative at times makes payment to producers in advance of the date on which it collects payment from handlers for such milk. This is a business practice that has been in existence for some length of time and does not by itself provide sufficient reason to require that handlers make a second partial payment to producers.

The proposal to increase the partial payment rate by $1.00 per hundredweight during the months of August through February should be adopted. Such increase in the partial payment rate will result in producers receiving a partial payment and a final payment that more closely approximates the value of their milk at the blend price for such month. Under the current payment method, a producer under the Central Arkansas order during 1979 received a partial payment each month on his first 15 days' deliveries that averaged 87 percent of the value of the milk at the uniform price. At the time of the final payment, the producer then received a total dollar amount equal to 113 percent of the value at the uniform price of the milk deliveries during the 2nd half of the month. If the partial payment rate adopted herein had been in effect for the months of January, February, and August–December of 1979, the partial payment received by a producer would have averaged 95 percent of the value of the milk at the uniform price for milk delivered during the first half of the month. The final payment for milk delivered during the month would have averaged 105 percent of the value of the milk at the uniform price that was delivered in the latter half of the month.

The increase in the partial payment rate adopted herein would more closely reflect the relatively high Class I utilization of milk by plants regulated under the 3 orders. The present partial payment at the previous month's Class III price reflects only the value of milk used in manufactured products such as butter, nonfat dry milk and cheese, whereas in these markets the greatest proportion of milk deliveries is ultimately disposed of as fluid milk products. For example, approximately 87 percent of the producer milk under the Central Arkansas and Fort Smith orders combined was used in Class I during 1978 and 1979.[1] Class I utilization of producer milk during the months of August through February ranged from a low of 80 percent to a high of 91 percent during 1978 and from a low of 85 percent to a high of 93 percent during 1979. Class I utilization of producer milk under the Memphis order averaged about 83 percent in 1978 and 85 percent in 1979. During August through February of 1978, producer milk in Class I ranged from a low of 81 percent to a high of 85 percent. Such utilization ranged from a low of 81 percent to a high of 88 percent during the same period of 1979. Payment at the previous month's Class III price plus $1.00 per hundredweight for milk delivered during the first 15 days of the month would result in returning to producers (including cooperative associations) a price that is more commensurate with the value of such milk in its ultimate use.

An objection raised by handlers to an increase in the partial payment rate was that a handler operating a plant with a high Class II or Class III utilization could be assessed a partial payment in excess of the utilization value of the milk at the class prices during the first 15 days of

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[1] Data for the Central Arkansas and Fort Smith orders were combined to prevent the release of confidential information regarding the Fort Smith market.

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the month. The possibility of such overpayment is quite unlikely since proprietary handlers usually operate plants with Class I utilizations in excess of the marketwide average.

The Memphis and Fort Smith orders should provide that handlers need not make a partial payment to any producer who no longer is delivering milk to the market on the 25th of the month. Such provision is currently applicable in the Central Arkansas order. In the absence of such provision, the possibility exists that a handler might pay producers for more butterfat than was delivered. This could result if a producer ceased delivering milk to a handler after the 15th of the month and the butterfat content of the milk delivered was less than 3.5 percent. Under the provisions adopted herein, such producer would receive no partial payment if he quit delivering milk prior to the 25th of the month. If he quits delivering on or after the 25th of the month, the handler would have received in most instances a minimum of 10 days' production in addition to the 15 days' production initially received from such producer. In such circumstance, if the handler overpaid for the butterfat in the milk received during the first 15 days of production, he could recover such overpayment in making payment for that milk received after the 15th of the month.

2. Charges on Overdue Accounts Under the Memphis, Fort Smith and Central Arkansas Orders.

Each of the three orders should provide for the application of a charge on handler obligations that are overdue. The charge would apply to handler obligations for producer milk, for administrative assessment and for marketing services. In addition, a charge would also apply under the Central Arkansas order to obligations due to the producer-settlement and administrative expense funds by the operator of a partially regulated distributing plant.

The charge on overdue accounts should be at the rate of one percent per month (12 percent annually). The charge should apply beginning the day following the date on which payment of an obligation is due and on the same day of each succeeding month until the obligation is paid. Any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due. Also, each of the orders should provide that all late-payment charges shall accrue to the administrative expense fund. Currently, none of the three orders provide for charges on overdue accounts.

The institution of a late-payment charge under the three orders was proposed by AMPI. It proposed that any unpaid obligation of a handler that is due producers, cooperative associations and the market administrator be increased one percent per month beginning on the first day after the due date, and on each date of subsequent months following the day on which such obligation is due.

The cooperative proposed that late-payment charges accrue to the fund to which payment is due except that charges resulting from the late payment of producers should accrue to those producers who are paid late. Proponent held that payment of late payment charges to the producers who are paid late is justifiable on the basis that the producers who have to wait for payment should be reimbursed for having to forego the use of such money. In the event the individual producers involved cannot be identified, the cooperative proposed that the late-payment charges for producers' receipts should accrue to the producer-settlement fund for distribution among all producers on the market.

The spokesman for AMPI contended that the institution of a charge on overdue obligations of handlers is necessary to encourage prompt payments of order obligations by regulated handlers. He pointed out that unless a charge is provided under the order, a handler who fails to pay his order obligation by the due date has a competitive advantage over those handlers who are making payments by the due date.

A representative of MIF, on behalf of the majority of handlers in the 3 markets, proposed the adoption of a two-tiered charge for accounts that are overdue. He proposed that if payment is not received by the date specified in the order but is received on or before the third day following the due date, a "late payment charge" of 0.05 percent of the unpaid balance for each day payment is not received should be assessed. If payment is not received on or before the third day following the due date, he proposed that a "delinquent payment charge" of 1.5 percent of the unpaid balance be assessed. Another 1.5 percent "delinquent payment charge" on the unpaid balance would be assessed on each 30-day anniversary of the payment due date.

The spokesman for MIF also proposed that any late-payment charges accrue to the administrative expense fund. He contended that the charges should be channeled to the administrative expense fund in order to reimburse it for the costs incurred by the market administrator in collecting the late-payments.

Proponent of a minimal daily interest rate for the first three days a payment is overdue contended that it is possible for a late payment to be made unintentionally. In his opinion, payment a few days late on an occasional basis is much different than payment several days late on a regular basis. He proposed, therefore, that a handler who makes payment during the 3 days immediately following the due date on 3 occasions during the preceding 12 months be required to make all prescribed payments to the market administrator for 3 consecutive months. In the case of a handler who fails to make payment within the 3-day period following the due date, the delinquent obligation would also become payable to the market administrator. Such handler also would be required to make payment through the market administrator for order obligations until all payment provisions of the order had been met for 3 consecutive months.

Data presented at the hearing confirm that handlers have been late in making payments for producer milk under each of the 3 orders. Also, handlers have been late in making payments to the producer-settlement fund of the Central Arkansas order and to the administrative and marketing service funds of the Fort Smith and Central Arkansas orders. The data illustrated a wide range of payment practices by handlers. Some handlers were paying their obligations on time while other handlers were paying their obligations more than 15 days late.

Several handlers took the position at the hearing that not all payments listed as being paid from 1 to 5 days late should be considered as late payments. They argued that the data should have listed all payments made by mail that were postmarked on or before the due date as being made on time. Instead, in the tabulation of the data such payments were listed as being late because payment was not considered to have been made until it was received by the addressee. In that regard, payment made by a handler to a bank's postal lock box for the account of a cooperative was tabulated as being received when the bank posted such payment to the cooperative's account.

Even if one were to accept the handlers' premise that all payments postmarked on or before the due date were made on time, one would eliminate at the most only the payments listed as being over due from 1–5 days. However, one would presume that those payments listed as being overdue from 6–10 days, 11–15 days and more than 15 days were most likely to have been postmarked after the due date and, consequently, were overdue by the handlers' own standards for timeliness.

It is essential to the effective operation of each of the orders that all handler payments for obligations under the respective orders be made promptly. Under the payment provisions contained in the Memphis order, it is necessary that all handlers pay the total use value of milk to the market administrator on time. Through this means, money is made available to the market administrator so that he can pay producers the monies due them on the dates prescribed. The success of this arrangement depends on the solvency of the fund from which the payments are made.

Under the Central Arkansas order, it is essential that handler obligations to the producer-settlement fund be paid on time. Handlers with higher than market-average Class I utilization pay any excess of the value of their producer milk over its value at the uniform price into this fund. Payments into this fund must be made on a timely basis since the market administrator must immediately transmit such funds to handlers with a lower than market-average Class I utilization to enable them to include such payment in the uniform price they pay to producers.

Under the Central Arkansas and Ft. Smith orders, it is also necessary that handlers make partial and final payments to producers and cooperative associations on a timely basis. Producers should not be expected to wait beyond the scheduled times for their milk payments. Delayed payments not only foster uncertainty and discontent among producers but also place them in a difficult position with respect to meeting their own financial obligations on a timely basis.

The prompt payment of accounts relating to the administrative expense funds and to the marketing service funds of the 3 orders is essential to the performance by the market administrator of the various administrative functions prescribed by the respective orders. Delinquent payments to these funds could impair the ability of the market administrator to carry out his duties in a timely and efficient manner.

Payment delinquency also results in an inequity among handlers. Handlers who pay late are in effect borrowing money from producers. In the absence of any late-payment charge, handlers who are delinquent in their payments have a financial advantage relative to those handlers making timely payments.

Without a late-payment charge handlers have little incentive to make their payments to the market administrator on time. Enforcement action may be taken, of course, to seek strict handler compliance with the payment dates. However, this is a cumbersome administrative route and the practicality of such action becomes questionable in the case of handlers who are only several days late. While the charge adopted herein may not result in strict compliance by all handlers, it should provide handlers substantial inducement to make their payments to the market administrator, producers and cooperative associations on time.

The late-payment charge should be established at the rate of one percent per month of the unpaid balance. If the charge is to have any impact on handlers in terms of encouraging prompt payments, it should be an amount that approaches what a delinquent handler would be charged by commercial banks for money borrowed for short-term purposes. Otherwise, handlers who may have financial problems would be encouraged to delay their payments, knowing that the charge under the order is cheaper than borrowing money commercially at a higher loan rate.

While present economic conditions might warrant the adoption of a late-payament charge greater than one percent per month for accounts that are overdue from 15 to 30 days, AMPI did not propose any higher rate. However, it should be noted that the late payment charge adopted herein would be the same whether payment is one day, three days or a month late. If a handler decides to delay payments for up to 3 days, the charge of 1 percent per month of the unpaid balance would be more than the handler probably would be charged by commercial banks for money borrowed for such period of time. If a handler delays more than 3 days in paying his obligation, he would then be required under the Fort Smith and Central Arkansas orders, as discussed elsewhere in this decision, to channel his payments to producers through the market administrator. Such payment requirement in conjunction with a late-payment charge should be sufficient inducement for handlers under such orders to pay by the due date.

The proposal to apply the late-payment charge on a daily rate basis for the first three days that a payment is overdue should not be adopted. If late-payment charges were treated on a money market basis, the order would represent a banking service for handlers who desire to use order obligations as a source of borrowed funds. This is not the intended purpose of the late-payment charge. Rather, it is to be a charge on overdue accounts which is sufficiently large to induce handlers to pay their obligations under the order on time.

A further reason for not adopting the proposed two-tiered charge on overdue accounts is that the payment plan under which such charges would apply would not be compatible with the use of fixed dates in the payment of producers. Under the "flexible" payment schedule proposed by a representative of MIF, a handler would have the option of paying an order obligation within 3 days after the "due" date and being assessed a nominal charge for the credit extended for such period of time. However, a lag of up to 3 days in the "due" date would require that a similar lag be incorporated in the scheduled payment dates for producers. Producers have been accustomed to receiving payment on a fixed schedule and to the extent possible, such producers should continue to receive payment on a fixed schedule. For this reason, fixed dates should be continued for handlers to make payment of their obligations under the order so that producers may continue to receive payment on a fixed schedule.

The spokesman for MIF requested that payments be considered as having been made for purposes of meeting the payment requirement if received by an agent mutually agreeable to the handler, the cooperative or producers and the market administrator. The current provisions of the 3 orders do not preclude the use of an agent as an intermediary under the conditions proposed by the handlers' spokesman. Under the circumstances, their is no reason to modify the orders as proposed.

In conjunction with establishing a charge on overdue accounts in the 3 orders, it is essential that each of the orders make it clear when the charges would apply. In general, handlers should be permitted to pay order obligations by mail. Payments by mail that are postmarked by the U.S. Postal Service on or before the due date of the obligation should be considered as having been made on time. With regard to a mailing in which the postage date is applied by a handler's postage meter, such method of payment would not provide acceptable proof of mailing on that date since a handler would be able to predate the envelope. However, payments to the producer-settlement fund of the Central Arkansas order should actually be received by the market administrator on or before the due date specified in the order. This should be the case also for payments to the market administrator of the Memphis order that represent monies due producers for milk received by such handlers. Also, in the event that handlers under the Fort Smith and Central Arkansas order who because of late payment of order obligations are required to make payments through the market administrator for milk from producers, such payments to the market administrator must actually be received by him on or before the due date. These changes are necessary to assure that the market administrator has received payment from handlers in time for him to make the payments on the following day from the producer-settlement fund of the Central Arkansas order, to make payments to producers under the Memphis order, and, in the event of late payments by handlers under the Fort Smith and Central Arkansas orders, to make payments to the producers supplying such handlers.

In conjunction with changing the orders to require that payments by handlers to the producer-settlement fund and to the market administrator for payments of monies due producers must be received by the due date, the due date should be adjusted to minimize the impact of such changes upon handlers. In the Central Arkansas order, the due date for payments to the producer-settlement fund should be changed from the 12th to the 14th of the month. Under the new payment schedule, it is unlikely that handlers making payment by mail will need to mail the payment at any earlier date than handlers who are making timely payment under the current order provisions are required to make such payment.

As an adjunct to delaying the date by which payments must be made to the producer-settlement fund, a similar 2-day delay should be made in the date by which the market adminstrator must make payment from the producer-settlement fund (13th to 15th), in the date by which handlers must make final payment to a cooperative for milk of its members (13th to 15th) and in the date by which handlers must make final payment to producers who are not members of a cooperative (15th to 17th).

It is not necessary that conforming changes be made in the dates by which handlers must make partial payments to cooperatives and producers. Such payments would be made directly by the handler to cooperatives and producers and, thus, they would not be dependent upon the handler's timely receipt of funds from the producer-settlement fund.

In the Memphis order, the due date for handlers to pay the classified use value of milk (the final monthly payment) to the market administrator should be changed from the 12th to the 14th of the month in conjunction with revising the order to require that payments must be received by the market administrator by the due date. In connection with delaying the date by which final monthly payments must be made to the market administrator, a similar 2-day delay should be provided in the date by which the market administrator must transmit such funds to cooperatives (13th to 15th). However, the date by which the market administrator must make final payment to producers who are not members of a cooperative need not be delayed for 2 days beyond the present payment date. A one-day delay (15th to 16th) should permit the market administrator sufficient time in which to make the necessary payments.

The date by which the Memphis order handlers must pay the market administrator the partial payment due producers should be changed from the 25th of the month to the 2nd day prior to the last day of the month. This change is necessary because the order is being revised to require a handler to make payments to the market administrator of the partial payments due producers so that payment is received by the market administrator on or before the due date. The market administrator should be required to make payment on the following day of such partial payments to cooperatives on behalf of their members. Payments to producers for whom a cooperative is not collecting payments should be made by the market administrator on or before the last day of the month.

There is no need to make changes in the dates by which handlers under the Fort Smith order are to make payments to producers. The method of paying producers under that order involves only a single step and, thus, permits producers to be paid at an earlier date than is possible under the Memphis and Central Arkansas orders. Under the Fort Smith order, which provides for an individual handler pool, handlers pay producers directly for milk. Under the Memphis order, payments by handlers are made to the market administrator who then makes payment to producers. Under the Central Arkansas order, a marketwide pool order, a producer-settlement fund is used to return a uniform blend price to producers. Such payment procedure involves two additional steps that are not required under an individual handler pool—payments are made to the producer-settlement fund by handlers whose Class I utilization exceeds the marketwide average and then payment is made from the fund to handlers whose Class I utilization is less than the marketwide average.

If a handler under the Fort Smith or Central Arkansas order is require to make payment for producer milk through the market administrator as the result of late payments, the respective orders should require that such payments be received by the market administrator the day prior to the date payment is otherwise due producers. This is necessary in order that payments to producers not be delayed as the result of a handler being required to channel payment for producer milk through the market administrator.

Under each of the three orders, the date by which payments need to be made to the market administrator by handlers for administrative expenses and deductions from payments to producers for marketing services performed by the market administrator should not be changed. Also, the date by which handlers must transmit marketing service deductions to a cooperative association should not be changed. Thus, handlers would need only to make payments by mail in sufficient time so that the letter containing the payment is postmarked on or before the due date.

Each of the orders should also provide that if the date by which payments must be received by the market administrator falls on a Saturday or Sunday or any day that is a national holiday, payments shall not be due until the next day on which the market administrator's office is open for public business. Also, in the event the application of such provisions should result in a delay in payment to the market administrator, the corresponding payments by the market administrator to handlers, cooperative associations and producers may be delayed by the same number of days. Likewise, if payment from the producer-settlement fund by the market administrator to a handler is delayed, the handler may delay making the final payment to producers by the same number of days.

A proposal by the spokesman for MIF that the late-payment charges accrue to the administrative expense fund maintained by the market administrator should be adopted. Proponent supported this proposal on the basis that handlers who are prompt in meeting payment obligations are, in effect, being assessed for expenses incurred by the market administrator in obtaining compliance for delinquent handlers. In addition, proponent contended that in case of late payments to a producer there would be an incentive on the part of the producer to continue delivery of milk to the delinquent handlers because of a belief that he would be reimbursed for the delay in payment.

In case of delinquent handlers, money is spent by the market administrator in determining the amount of late-payment charges and in collecting such payments. The money for expenditures of this type comes from the administrative assessment fund. Thus, the competitors of the noncomplying handlers who pay assessments to this fund are bearing the administrative costs of dealing with the delinquent handler. Therefore, it is reasonable that the late-payment charges assessed on noncomplying handlers be used to help defray these administrative costs.

As an inducement for handlers to make payments to producers on time, it is appropriate that the charge on overdue accounts payable to producers accrue to the adiministrative assessment fund. If the late-payment charge were added to the amount that handlers owe producers, it would likely result in such producers being less concerned whether they are paid on time. Thus, it could be counterproductive to the purpose sought to be achieved by the late-payment charge. Moreover, if a charge of 1 percent were made with respect to a payment that was only a few days late, it would represent a higher value than the cost of money borrowed from commercial sources for the short time span. Thus, producers might prefer to be paid several days late in order to receive a late-payment charge and thus not be inclined to press handlers for timely payments. Since the late-payment charge is to be an inducement to meet the payment date, the charge should accrue to the administrative assessment fund of the market administrator who is charged with the responsibility of administering the payment transaction.

As proposed at the hearing, the Central Arkansas order should be revised to apply a late-payment charge on overdue obligations of a handler operating a partially regulated distributing plant. Under certain conditions such a handler may be required to make payments to the producer-settlement and administrative expense funds. In the absence of any late-payment charge, a partially regulated handler could have an advantage on his order obligations relative to fully regulated handlers who are subject to the additional charge when they fail to make timely payments. Also, as pointed out earlier, prompt payments to the administrative expense fund are essential to the market administrator's performance of his duties.

A witness representing a handler regulated under the Central Arkansas order expressed the view that the late-payment charge adopted herein would violate Arkansas usury laws which establish a nine percent maximum rate of interest. In addition, another handler contended in its brief that late payment charges, which the proponent characterized as a penalty, cannot be adopted because they are not authorized by the Act, which he claimed provides for an administrative penalty (7 U.S.C. 610(c)) at variance with the proposal.

With respect to these views, the charge on overdue accounts does not represent interest for borrowed funds. As indicated throughout the decision on this issue, the charge is applied if payments are not made on dates specified in the orders and are intended to encourage prompt and timely payments of obligations incurred under the orders. Furthermore, such a provision is authorized by section 608(c)(7)(D) of the Act which specifies that an order may contain various terms that are incidental to, and not inconsistent with, the terms explicitly authorized by the Act. The charge on overdue accounts adopted herein is considered essential to the effectuation of the payment provisions of the orders.

3. Maximum Administrative Assessment Rate Under the Memphis, Fort Smith and Central Arkansas Orders.

The maximum assessment rate for the administration of each of the three orders should be increased from 4 cents to 6 cents per hundredweight.

As required by the Act, funds for the operation of the market administrator's office, except for marketing services, are obtained through an assessment paid by handlers. The amount of each handler's monthly assessment is dependent upon the quantity of milk that he receives and the assessment rate effective for such month. The assessment rate, within the maximum amount specified in the order, is determined by the market administrator, subject to the approval of the Secretary, according to his projections of the level of monthly producer receipts and the costs of operating his office. The actual assessment rate since 1975 in each of the three orders has been 4 cents per hundredweight, the maximum allowable under the orders.

It was proposed by the principal cooperative association representing producers supplying the three markets that the maximum rate of administrative assessment be increased 2 cents per hundredweight in each of the orders. A Central Arkansas handler supported the proposed 2-cent increase.

The assistant market administrator of the three orders testified about the current assessment rate. He stated that in view of increasing office expenses, which he estimated would approximate 12 percent per year for 1980 and 1981 as a consequence of inflationay pressures, and a relatively constant level of producer receipts on which income for administration of the order is dependent, the present 4-cent limit would not provide sufficient funds during the next several years to administer the three orders effectively. The assistant market administrator pointed out that the present maximum rate has been in effect since the orders were promulgated (Memphis 1951; Fort Smith 1952; and Central Arkansas 1955).

Generally, market administrators are expected to maintain a reserve fund that would cover their operating expenses for up to six months. The monies in the reserve fund normally would be needed to carry out the market administrator's responsibilities in the event an order is withdrawn for any reason. If the reserve fund exceeds projected operation expenses for a greater length of time, then the administrative assessment is usually suspended or the rate lowered until the reserve fund has been reduced.

As noted by the assistant market administrator, a reserve operating fund approximating 70–80 percent of the yearly adminstrative expenses is needed to assure that sufficient funds are available to continue the needed administrative work in the event an order is withdrawn for any reason. Such level of reserve funds is not attainable under the current maximum provided under the three orders. Continuation of the current level of funding would result in the operating balance declining to 63 percent and 44 percent of the yearly operation expenses by the end of 1980 and 1981, respectively.

To assure that the market administrator will have sufficient funds to enable him to administer the three orders and maintain the necessary reserves, the maximum assessment rate should be increased to 6 cents. If experience indicates that at a later date a lower rate will be sufficient to provide adequate funds for the administration of these orders, provision is made so that the Secretary may reduce the rate without the necessity of amending the order.

4. Maximum Marketing Service Deductions Under the Fort Smith and Central Arkansas Orders

The Fort Smith and Central Arkansas orders should provide for a maximum deduction from payments to producers of 7 cents per hundredweight for marketing services furnished by the market administrator.

Deductions for marketing services are used by the market administrator to conduct a marketing service program for producers supplying the market who do not have such services provided by a qualified cooperative association. Such services include the verification of weights and butterfat tests of milk and providing market information. The maximum rate for such services in the Fort Smith and Central Arkansas markets is now 5 cents per hundredweight.

AMPI proposed and testified in support of increasing the maximum deductions for marketing services in the Fort Smith and Central Arkansas orders from 5 cents to 7 cents per hundredweight. The spokesman for the cooperative held that the increase was needed due to "inflation".

For the years 1975–1979 the expenses of providing marketing services by the market administrator for the Central Arkansas order, the only one of the three orders where producers receive marketing services provided by the market administrator, averaged $13,100 per year. The yearly marketing service expenses for 1980 and 1981 were estimated to be $13,650 and $15,350, respectively. By the end of December 1981, it was projected that the operating balance on hand would have declined to $6,450, or 42 percent of the operating expenses for the year.

The assistant market administrator testified regarding the proposed increase. He indicated that much of the work in the marketing service program involves travel. It was his opinion that in view of the increased costs to perform travel a 7-cent per hundredweight rate was warranted.

The 7-cent rate which was proposed should permit the market administrator to conduct an adequate marketing service program for those producers not receiving such services from a cooperative association. It is also noted that the Memphis order, which is administered by the same individual who administers the Fort Smith and Central Arkansas orders, currently provides for 7 cents per hundredweight as the maximum charge for marketing services. If experience indicates that the services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

5. Payment of Producers and Cooperative Associations Through the Market Administrator Under the Fort Smith and Central Arkansas Orders

The Fort Smith and Central Arkansas orders should be amended to provide that any handler who is more than 3 days late in the payment of any obligation under the order shall pay all order obligations for producer milk to the market administrator who, in turn, would distribute such money (in terms of the uniform price(s)) to producers and cooperative associations. Such handler would be required to make payments to producers through the market administrator for a period of 3 consecutive months before he would be permitted to again pay producers directly. Handlers who pay order obligations by the due date or within 3 days after the due date could continue to make payment to producers and cooperative associations directly. Those handlers who have not paid their order obligations by the due date would be assessed a late-payment charge as discussed herein under the issue of charges on overdue accounts.

Under the Fort Smith order, which provides for an individual-handler pool, the handler currently pays the uniform prices(s) directly to the producers who supply him with milk.

The Central Arkansas order, which provides for a marketwide pool, also provides for the direct payment of producers by the handlers who receive their milk. Under this arrangement, part of the money due producers from handlers with higher than market-average Class I utilization is used in paying producers supplying handlers with less than market-average Class I utilization. This exchange of money is accomplished through a "producer-settlement fund" maintained by the market administrator. Handlers with higher than market-average Class I utilization pay any excess of the value of their producer milk over its value at the uniform price into this fund. Other handlers receive from the fund payments that are included in the uniform price they pay to their producers.

AMPI proposed that the market administrator collect from handlers regulated under the Central Arkansas and Fort Smith orders all order payments due producers as he now does under the Memphis order. However, handlers under the three orders could elect to pay the producers supplying them with milk. As proposed by the cooperative, any handler who was not delinquent with respect to any of his payment obligations and who wished to pay his own producers would pay his full obligation to the market administrator. Upon receipt of the proper payment, the market administrator then would transfer sufficient money to the handler so that he could pay his producers. Alternatively, the handler could make payment to individual producers prior to the time such amounts are payable to the market administrator. In such instance, the handler would then offset such amounts paid to individual producers against any obligation due the market administrator for such producer milk.

The cooperative proposed that payment not be made to any handler by the market administrator if he determines that the handler is or was delinquent with respect to any payment obligation under the order regulating such handler. Once a handler is delinquent in the payment of his order obligations, payment would not be made by the market administrator to the handler for payment to any producer until the handler had met all prescribed payment obligations for 3 consecutive months. In this regard, the cooperative proposed that the market administrator consider not only payments from the handler to the market administrator but whether payments by the handler to the individual producers had been made by the specified due dates.

The cooperative requested that a producer-settlement fund be provided in each of the three orders as a mechanism to receive the money due producers from handlers. The only purpose of the fund in the Memphis and Fort Smith orders would be to serve as a conduit to move money from handlers to the market administrator who would then transmit such funds to producers and cooperative associations.

The cooperative proposed that the market administrator make payment to a cooperative association that so requests with respect to those producers for whom it markets milk. It also proposed that the market administrator make payment to those producers for whom the cooperative association is not collecting payments unless the handler receiving the producer's milk requests that such payments be made to him for subsequent payment to producers.

Proponent urged the adoption of its proposed payment arrangements on the basis that it would provide handlers with a stronger incentive for making prompt payment of their order obligations. The cooperative claimed that since handlers tend to pay the market administrator on a timely basis all producer payments should be channeled through him rather than having handlers pay producers directly. Also, proponent contended that late payments by certain handlers result in an inequitable situation for those handlers making timely payments. This is because the delinquent payers are using money due producers to overcome cash flow problems while the prompt payers must borrow money or use their own capital.

A representative of a handler who operates a pool plant under the Memphis order and a partially regulated distributing plant under the Central Arkansas order opposed the channeling of payments through the market administrator. The representative objected to "strait-jacketing the entire industry" in an effort to stop the occasional late payment by a handler. In his opinion, an interest penalty proposed for adoption in the 3 orders by the representative of MIF would provide sufficient incentive for handlers to make timely payments.

A representative of a handler that operates a distributing plant regulated under the Memphis order, which provides for the market administrator to make payments to producers and cooperatives, opposed the adoption of such payment requirements under the Central Arkansas order. In his opinion, the evidence presented by proponents did not establish conclusively that handlers were "delinquent" in the payment of obligations to the market administrator, producers and cooperative associations.

The spokesman for MIF proposed on behalf of the majority of the handlers in the 3 markets that handlers be required to make payment of order obligations through the market administrator only under certain conditions. As an adjunct to a two-tiered charge on overdue accounts previously discussed herein, he proposed that if a handler is up to 3 days late on 3 occasions during the preceding 12 months in paying his order obligations, the handler should be required to make all prescribed payments to the market administrator for 3 consecutive months. A handler who makes payment more than 3 days late would also be required to make all prescribed payments to the market administrator for 3 consecutive months.

If the Fort Smith and Central Arkansas orders are to serve the intended purpose of promoting orderly marketing in the respective marketing areas, it is essential that handlers under such orders pay their obligations on a timely basis. Currently, handlers have the use of producer milk for considerable periods of time before any payments for such milk are due. Producers should not be expected to wait beyond the scheduled times for their milk payments. Delayed payments not only foster uncertainty and discontent among producers but also place them in a difficult position with respect to meeting their own financial obligations on a timely basis.

From the standpoint of handlers, also, it is necessary that all order obligations be paid on a timely basis. Otherwise, handlers who are in compliance would be at a competitive disadvantage with delinquent handlers who are using monies due producers as a source of funds for operating purposes.

For these reasons, the Fort Smith and Central Arkansas orders should be structured to encourage prompt payment by handlers of order obligations. While the institution of late-payment charges under the orders should provide a strong incentive for handlers to pay their order obligations when due, some further incentive should be provided. In this regard it is noted that the principal cooperative association currently imposes a late-payment charge upon accounts due the cooperative. However, the incidence of late payments to the cooperative has continued. On the basis of that experience, it is concluded that the orders should provide an additional payment requirement for a handler who might otherwise decide to use money due producers as a source of funds and thus intentionally pay his order obligations late.

The additional payment requirement adopted herein is an alternatve that was proposed by MIF's representative. The representative proposed that any handler who is more than 3 days late in the payment of any order obligation should not be permitted to pay producers and cooperative associations directly for 3 consecutive months. During such 3 months the handler would be required to channel such payments through the market administrator. Except for a 3-day delay before this payment requirement is invoked the proposal on behalf of handlers is essentially the same as the payment arrangement proposed by proponent cooperative.

Producers and handlers in the two markets are in general agreement that both a charge on overdue accounts and the payment of order obligations to the market administrator are effective tools for obtaining compliance with order provisions. The two groups differ basically as to when each of these payment provisions should apply. MIF's proposal that handlers be given a 3-day grace period before being required to make payments to producers through the market administrator should provide an effective enforcement tool when used in conjunction with a charge on overdue accounts that applies the day after an obligation is due. By structuring an order in this fashion, handlers have 2 incentives for making timely payments. Thus, if a handler pays his obligation by the due date, he avoids a charge on overdue accounts. If he pays his obligations within 3 days of the due date, he may continue to pay producers and cooperative associations directly.

Also, the payment plan adopted herein tends to be self-policing. A handler would not be permitted to make payment directly to producers and cooperative associations if he fails to pay any order obligations within 3 days of the due date. Under this procedure, a producer or cooperative association would be aware that a handler has failed to pay an order obligation and thus may represent a financial risk with respect to future deliveries of milk to the handler.

Presently, under the Central Arkansas order a handler may pay his producers the blend price and at the same time fail to pay an amount due the producer-settlement fund. In the absence of any knowledge of the handler's financial difficulties, producers presumably would continue to ship milk to the handler. Only when the handler's financial problems become so great as to result in nonpayment to his producers would the producers realize the possible need for seeking a different outlet for their milk. Under the adopted payment procedure, producers under the Central Arkansas order would be aware of the handler's financial difficulty in the first month following nonpayment. They then would be able to consider on a more timely basis the possible need for making other arrangements for the sale of their milk before their loss as a result of nonpayment mounts to the point that they would be placed in a severe economic bind.

Under the adopted payment procedure, it is imperative that the payments received by the market administrator from handlers represent sound money. This is necessary, of course, under the present payment arrangement. However, with the payment schedule adopted herein, the market administrator will need to make payments from the producer-settlement fund of the Central Arkansas order to certain handlers the day after the payments are due the fund. Such

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payments will have to be made with the belief that the checks received from handlers and deposited in the producer-settlement fund are, in fact, good. Time will not permit the clearance of such checks through the banks prior to the withdrawal of money from the producer-settlement fund.

Also, in the event payments by handlers regulated under the Central Arkansas and Fort Smith orders are more than 3 days late, such handlers would be required to channel their payment for producer milk through the market administrator. Under such procedure substantially greater amounts of money would be transferred in and out of accounts maintained by the market administrator and, as a consequence, the receipt of a bad check of a substantial sum could render such an account insolvent.

The attached order does not prescribe the specific means by which handlers shall make payment to the market administrator. The need for such specificity should be based on actual experience in the market. As long as handlers make full payment by the prescribed payment dates and their checks are good, there is no problem. However, if the market administrator, because of prior experience or for other reasons, does not have reasonable assurance that payments tendered would represent sound money, it is necessary that he have the administrative discretion to prescribe the means of acceptable payment.

Under the terms of the order, the market administrator has the authority to make rules and regulations to effectuate the terms and provisions of the order. Should there be an urgent need for greater specificity with respect to the procedures for making payments, this may be accommodated through the promulgation of appropriate administrative rules with the approval of the director of the Dairy Division and in consultation with the local industry.

6. Payments for Milk From Cooperative Association Plants Under the Memphis and Central Arkansas Orders

The Memphis and Central Arkansas orders should be revised to specify that pool plant operators under the respective orders who receive bulk milk during the month from a pool plant operated by a cooperative association shall make a partial and final payment to the cooperative for such purchases. Handlers should be required to make the partial and final payments by the same dates as specified for handlers receiving milk directly from producers or a cooperative acting as a bulk tank handler. The partial payment by the handler for the months of March–July, which would apply to milk received during the first 15 days of the month, should be at the Class III price for the preceding month.

The partial payment by the handler for the months of August–February should be at the Class III price for the preceding month plus $1.00 per hundredweight, and should be further adjusted by the location adjustment applicable at the receiving plant. The buying handler should be permitted to adjust the partial payment rate in any month to reflect the butterfat content of the milk purchased. The final payment should be based on the classified use value of all bulk fluid milk products received during the month from the cooperative's plant, less the amount of the partial payment.

Payment by the handler under each order should be made in the same manner as for milk that is received directly from the farm. Under the Memphis order, payments by the handler should be made to the market administrator who would then transmit such payments to the cooperative association. Under the Central Arkansas order, payments by the handler should be made directly to the cooperative association unless the market administrator determines the handler was more than 3 days late in making any payment obligation under the order. In that event, as previously discussed in this decision under the issue dealing with the payment of producers and cooperative associations through the market administrator, the handler would be required to make payment of such obligation to the market administrator for 3 consecutive months before the handler would again be permitted to pay the cooperative directly.

The principal cooperative association supplying the Memphis and Central Arkansas markets proposed that pool plant operators under each order who received bulk milk during the month from a pool plant operated by a cooperative association should be required to make 2 partial payments and a final payment to the market administrator for such milk. The 1st and 2nd partial payments, which would apply to receipts during the first 15 days and the remaining days of the month, respectively, would be at the class prices under the respective orders adjusted by the applicable butterfat differential. The classification to be accorded such receipts would be based upon the classification accorded such receipts under the transfer provisions of the respective orders. If any of the milk transferred during the 1st 15 days of the month is classified as Class II or Class III milk, the latest available class prices would be used to value such milk. Such pricing procedure would be necessary because the partial payment for milk received during the 15 days of the month is due at the close of such month while the class prices for milk in surplus uses during such month are not available until the following month. The final payment would be based on the classified use value of all fluid milk products received during the month from the cooperative's plants less the value of the 2 partial payments made for such receipts. The market administrator, upon receipt of the partial and final payments, would transmit such payments to the cooperative.

While there was no direct opposition to structuring the Memphis and Central Arkansas orders to provide for specific payment provisions for such bulk milk purchases, there was opposition to the requirements that payments for such milk be channeled through the market administrator and that settlement for such purchases be made through 2 partial payments and a final payment. In this regard, a representative of a majority of the handlers opposed the adoption of any provision that would require a handler who is making timely payments to channel payments for producer milk through the market administrator on a regular basis. As previously noted, the representative proposed instead that such payment procedure be applied if a handler is more than 3 days late in making payments or if a handler is from 1 to 3 days late in making payment three times during a 12-month period. The representative proposed that the proposed payment procedure be used in conjunction with a two-tiered interest charge for late payments (the details of such interest charge are set forth in this decision under the issue dealing with late-payment charges).

Currently, milk marketed under the Central Arkansas order by the proponent cooperative is moved to distributing plants directly from the farm. Prior to February 1980, some milk under the order was moved to pool distributing plants, either on a regular basis or a supplemental supply basis, from the cooperative's supply plant at Pittsburgh, Kansas. Under the Memphis order, some milk is moved to distributing plants, either on a regular basis or a supplemental supply basis, from the cooperative's supply plant in Martin, Tennessee. The primary milk supply for the Memphis market, however, is moved to distributing plants directly from the farm.

Irrespective of the supply arrangements used, the producers involved are supplying milk for fluid markets and should be assured of receiving payment for their milk. Such assurance is essential to the orderly marketing of milk and the maintenance of an adequate supply of milk for consumers. The incorporation within the respective orders of specific payment requirements by handlers for bulk milk received from a cooperative association will enhance the ability of the cooperative association to collect for such receipts. By providing specific payment requirements under each order, late-payment charges would be applied by the market administrator on any payment that is not made on or before the due date. Furthermore, as discussed elsewhere in this decision, any handler who is more than 3 days late in making any payment obligation under the order would be required to channel his payment for milk received directly from the farm through the market administrator. Such arrangement likewise should apply if a handler is more than 3 days late in paying for bulk milk received from a pool plant operated by a cooperative.

There is no reason why milk that is received at a cooperative's plant and then shipped to a pool plant should be treated differently for payment purposes than milk shipped directly from a member's farm to a pool plant. Accordingly, handlers receiving bulk fluid milk products from the plant of a cooperative association should be required under the Memphis and Central Arkansas orders to make a partial and a final payment to the market administrator and the cooperative association, respectively, by the same dates as specified for handlers receiving milk directly from producers or a cooperative acting as a bulk tank handler.

The partial payment which would apply to receipts during the first 15 days should be at the same rates that apply on receipts of milk directly from the farm of a member producer of a cooperative association. The partial payment for the months of March-July should be at the Class III price for the preceding month. For the months of August-February, the partial payment should be at the Class III price for the preceding month plus $1.00 per hundredweight, and should be further adjusted by the location adjustment applicable at the receiving plant.

The orders should provide that the buying handler may adjust the partial payment rate during any month to reflect the butterfat content of the milk purchased if he desires to do so. This option will benefit handlers who receive skim milk from a cooperative's pool plant. In such situation, unless the partial payment rate is adjusted downward from the price level for milk containing 3.5 percent butterfat, the handler would be paying in excess of the classified use value of such milk. At the time of the final payment, the handler then would be due a credit from the cooperative. This unnecessary additional transaction can be avoided by allowing a handler to adjust his partial payment to reflect the butterfat content of milk purchased from a cooperative's plant.

The final payment should be based on the classified use value of all fluid milk products received during the month from the cooperative's plant less the value of the partial payment made for such receipts. Upon receipt of the partial and final payments, the market administrator of the Memphis order would then transfer such funds to the cooperative. Under the Central Arkansas order, the handler would make such payment directly to the cooperative as long as he is not more than 3 days late in the payment of any order obligations.

With regard to the Class I price to be used in computing a handler's payment for plant milk received from a cooperative; AMPI proposed that such price should be the higher of the Class I prices applicable at the plant of the handler or the cooperative, plus the administrative assessment. Under such proposal, the Class I price applicable at the location of the transferee-plant would apply if milk were transferred from a lower-price zone to a higher-price zone. Conversely, the Class I price applicable at the location of the transferor-plant would apply if milk were transferred from a higher-price zone to a lower-price zone. Proponent contended that payment at the higher price is necessary to be consistent with the Act which states in part that a cooperative that is reblending the proceeds from the sale of its members' milk may not sell milk to any handler in any market at less than the class prices applicable under the order.

The proposal to require payment at the higher of the prices applicable at the transferee-plant or the transferor-plant should not be adopted. Rather, payment by handlers for milk transferred from a cooperative's plant should reflect the Class I price applicable at the location of the transferee-plant regardless of whether the milk is shipped to a higher-price zone or lower-price zone.

Under normal circumstances, transfers of Class I milk from a cooperative's plant to a distributing plant would be from a lower-price zone to a higher-price zone. In such case, the distributing plant operator should be required under the Central Arkansas order to pay the cooperative directly, and under the Memphis order to pay the cooperative through the market administrator, for such milk at the Class I price applicable at the distributing plant. This price would generally reflect the order value of milk at the cooperative's plant plus the cost of transporting it to the distributing plant. This is the same price that would apply to Class I milk received at the distributing plant directly from the farms of producers or from a cooperative acting as a bulk tank handler.

Although it is unlikely in these markets under present conditions, Class I milk could be transferred from a cooperative's pool plant located in a higher-price zone to a pool distributing plant in a lower-price zone. For this type of milk movement, the cooperative in its capacity as a pool plant operator receiving milk at its plant, should be required to account to the pool at the Class I price applicable at its plant. However, it would be inappropriate for the order to enforce such price in the final settlement for such milk between the distributing plant operator and the cooperative association. This would result in the distributing plant operator having to pay a higher Class I price for milk received from producers via a cooperative's plant than for milk received from producers either directly or through a cooperative acting as a bulk tank handler. Also, his order Class I price on such transfers would be higher than the order Class I price applicable to milk from producers by other regulated handlers in the same location. This would not result in uniform class prices to handlers. Requiring payment to the cooperative at the Class I price applicable at the location of the transferee-plant satisfies the requirement that a cooperative association may not sell milk at less than class prices.

It is recognized that requiring the cooperative association to account to the pool at the higher Class I price applicable at its plant in this case probably would make the transfer uneconomic to the cooperative. The cooperative would have to decide, of course, if it should undertake this kind of milk handling arrangement.

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8. Pool Supply Plant Qualifications Under the Central Arkansas Order

No changes should be made on the basis of this record in the percentage of milk receipts that a supply plant must ship to pool distributing plants to attain pool plant status. However, the provisions should be modified to permit the Director of the Dairy Division (Agricultural Marketing Service, U.S. Department of Agriculture) to temporarily increase or decrease the supply plant shipping percentage by up to 10 percent points if it is determined that additional shipments are needed or that excessive shipments are likely to be made. Also, the month of September should be added to the current qualifying months during which supply plants must make shipments to pool distributing plants to attain pool plant status during other months of the year without regard to shipments. As a result of such change, a supply plant that is pooled during each of the months of September through January could be designated as a pool supply plant for the following months of February through August regardless of its shipments to distributing plants during such months.

The order currently provides pool status to a supply plant that ships to pool distributing plants not less than 50 percent of its monthly receipts of producer milk and milk received from cooperative associations in their capacity as bulk tank handlers. A plant that is pooled as a supply plant during each of the months of October through January is designated as a pool plant for the following months of February through September if written application is made to the market administrator. The order also provides pool status to a plant operated by a cooperative if member producers deliver 50 percent or more of their milk to pool plants of other handlers and the cooperative's plant ships 25 percent or more of its receipts during the month to distributing plants. A plant that is pooled as a supply plant during each of the months of October through January is designated as a pool plant for the following months of February through September if written application is made to the market administrator.

AMPI proposed that the performance standards for pool supply plants operated by a cooperative or proprietary handler be increased and applied during each month of the year. Under the proposal a supply plant would have to ship not less than two-thirds of its receipts of Grade A milk from dairy farmers (including producer milk diverted from the plant) and cooperative associations in their capacity as bulk tank handlers to distributing plants pooled under the Central Arkansas and other Federal orders. Of the plant's receipts, at least 50 percent would have to be shipped to distributing plants pooled under the Central Arkansas order.

AMPI proposed a tightening of the performance standards on the basis of the relatively tight supply situation in relation to demand that is characteristic of the market. A spokesman for AMPI testified that virtually all milk pooled on the market is delivered to distributing plants for primarily Class I and Class II uses. Market data contained in the record, and relied upon by AMPI, establish that the yearly Class I utilization of producer milk for the Central Arkansas and Fort Smith markets combined was about 87 percent for 1978 and 1979.[2] The combined Class I and Class II utilization of producer milk for the period exceeded 92 percent. Additional data presented by AMPI show that of the total milk pooled under the Central Arkansas order by AMPI for the years 1978 and 1979, about 94 percent was delivered to distributing plants.

AMPI further testified that there is very little variation in the monthly percentage of pooled milk utilized by distributing plants. Consequently, AMPI concluded that because of the yearly tight supply-demand relationship that exists, the performance standards for supply plants should be increased and such standards should be applied throughout the year to assure that distributing plants are adequately supplied with milk. AMPI contended that it is reasonable to require that at least two-thirds of a supply plant's receipts be shipped to distributing plants to demonstrate an adequate performance in supplying this market's fluid milk needs. Also, AMPI contended that such level of performance by supply plants is also reasonable in view of AMPI's performance in supplying the market.

AMPI also testified that it may be necessary for supply plants pooled under this order to ship milk to distributing plants regulated under other orders. For this reason, the cooperative proposed that recognition be given to meeting the 66⅔ percent shipping standard by shipments to other order distributing plants, provided that at least 50 percent of a supply plant's receipts are shipped to plants regulated under this order.

Kraft opposed the proposed higher shipping standards and supported a 50 percent shipping standard during the months of September through January with automatic pooling during the remaining months of relatively greater milk production. Kraft proposed that if there is reason to believe that in a future month higher pooling standards for a supply plant might be necessary, the order should be amended to allow the Director of the Dairy Division to deal with such a situation on a temporary basis. Kraft also suggested that a portion of the supply plant shipping standards be met by the direct shipment of milk from dairy farmers' farms to distributing plants.

Kraft opposed any increase in shipping standards for supply plants on the basis that there is no indication that distributing plants are having difficulties in obtaining a supply of milk sufficient to meet their fluid milk requirements, despite the high Class I utilization that is characteristic of the market. Kraft contended that the market's relatively high Class I use results from marketing practices of AMPI. In its capacity as the principal supplier of milk to the market, Kraft noted that AMPI pools the reserve milk requirements of Central Arkansas distributing plants under other Federal orders to maintain a high Class I utilization in the Central Arkansas market. This is accomplished by associating additional producers with the Central Arkansas market when additional supplies are needed at fluid outlets and disassociating producers from the market and pooling such milk under other Federal orders when it is not needed by plants regulated under the Central Arkansas order.

Kraft testified that the shifting of producers among markets is a marketing practice that is not available to a proprietary handler, such as Kraft. If Kraft operated a supply plant under the order, the company would have to carry the reserve supplies of its distributing plant customers within the market. Thus, Kraft concluded that the current marketing situation that results from marketing practices that are not available to Kraft or other proprietary handlers does not provide a proper basis for increasing the performance standards for supply plants.

Kraft also opposed the performance standard proposed by AMPI on the grounds that such level of performance could result in requiring supply plants to have a greater association with the market through supplying the fluid milk needs of distributors than is required of distributing plants with high Class II and Class III uses. In addition, Kraft testified that a higher performance level could inhibit the possible entry of new dairy farmer suppliers to the market. In support of that position, Kraft contended that as dairy farmers who furnish the current manufacturing grade milk supply at its manufacturing plant in Bentonville, Arkansas, convert to the production of Grade A milk, such milk will be available as a potential reserve supply for the Central Arkansas and other Federal order markets. However, Kraft contended that an increase in the performance standards, as proposed by AMPI, would preclude this new production as a supply for the Central Arkansas market as long as the dairy farmers continue to supply Kraft.

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[2] Data for the Central Arkansas and Fort Smith orders are combined to prevent the release of confidential information. The combined data, however, should be reasonably representative of the data for the Central Arkansas market since the Fort Smith portion of the combined data on producer receipts represents less than 10 percent of the total receipts of producer milk for the two markets.

Although Kraft held that the current 50 percent shipping standard during fall months for supply plants represents an adequate association with the market, it suggested that the Director of the Dairy Division be given the authority to adjust the supply plant performance standard in the event that at some future time an adjustment was needed. Although Kraft presented no specific recommendations regarding the adjustment, it noted that the use of such provison would provide greater flexibility in dealing in a timely manner with any potential changes in supply-demand relationships that could not be predicted at the time of the hearing.

Kraft also suggested that a portion of the supply plant performance standards be met by direct shipments of milk from dairy farms to distributing plants. It claimed that this modification to current provisions would provide the opportunity for increased efficiency and energy conservation in situations where milk supplies are located between a supply plant and the distributing plants. Kraft noted that under current provisions such milk must be picked up at the producers' farms, hauled from the farm to the supply plant (located in the opposite direction of the distributing plant), received at the supply plant, and reloaded for transportation to the distributing plant. In addition to eliminating some of the hauling, Kraft indicated that direct shipments from the farm to distributing plants would eliminate the need to unload and reload milk at the supply plant for the purpose of associating such milk with the market. Kraft was not specific as to the extent to which such direct farm-to-plant shipments should be recognized in meeting the performance standards.

Kraft also opposed the application of performance standards on a year-round basis. It proposed that automatic pool supply plant status during the spring and summer months of relatively heavier milk production be provided for plants that had supplied the market during the fall and winter months of relatively lower milk production. Kraft held that AMPI's proposed monthly shipping requirements represented a substantial deviation in current order provisions and were contrary to the position taken by AMPI at a prior hearing held to consider the merger of the Central Arkansas order with the Memphis and Fort Smith orders. Kraft quoted testimony from such prior hearing concerning the need to recognize seasonality of milk production in establishing pool supply plant standards to prevent the uneconomic movement of milk to distributing plants solely for pooling purposes. In that regard, Kraft contended that because milk production is relatively greater during the period of February through August, supply plants should not be required to make shipments to distributing plants during such months because of the possibility that the milk could not be utilized by the distributing plant.

The purpose of pooling standards for supply plants is to distinguish between those plants substantially engaged in serving the fluid milk needs of the regulated market and those plants that do not serve the market to a degree that warrants their sharing, through pooling, in the market's Class I returns. The standards also must assure that supply plants associated with the market will ship milk to distributing plants at the times and in the quantities needed to meet fluid use requirements. However, supply plant standards should not be so high as to encourage the shipment of substantial quantities of milk in excess of fluid milk needs and should not apply during those months of the year when shipments are not necessary to meet fluid milk requirements.

As previously noted, the order now permits a supply plant that has met the minimum shipping requirements during the months of October through January to qualify as a pool plant during the following months of February–September without having to meet any specified shipments to distributing plants. The automatic pooling feature recognizes that the demand for supply plant milk is usually less during months of relatively high production than in other months. Requiring no shipments during such months for plants with an established association with the market avoids unnecessary, as well as uneconomical, shipments to distributing plants for the sole purpose of maintaining pool plant status. Also, the automatic pooling feature permits those producers who have estalished their association with the fluid market through deliveries to a pool supply plant to share in the market's Class I sales when supply plant milk may not be needed by distributing plants.

At the time of the hearing, there were no supply plants serving the market. A plant operated by AMPI at Pittsburg, Kansas was pooled as a supply plant under the order from September 1978 through January 1980 but has since ceased operations. A plant operated by Kraft at Bentonville, Arkansas is pooled under the Oklahoma Metropolitan order and was indicated by Kraft to represent a potential source of supply to the Central Arkansas market. At the time of the hearing, however, no milk had been shipped from the plant to Central Arkansas distributing plants. Consequently, with no supply plants serving the market, a revision of the supply plant performance standards would have no immediate impact on any handler and also would not be instrumental in making additional supplies of milk available to distributing plants.

Although there are no supply plants serving the market, AMPI is apparently concerned that in the future supply plants could become associated with the market by shipping to distributing plants a much lesser proportion of their receipts than the proportion of AMPI's producer milk that is shipped to distributing plants. AMPI contends that to the extent that supply plants would begin serving the market at the minimum performance standards currently provided in the order, and all other things remained unchanged, the Class I utilization of producer milk and blend prices to producers would decline. Also, AMPI is apparently concerned that the relatively high Class I utilization of producer milk that is maintained in this market throughout the year will provide supply plant operators with the incentive to establish a pooling base primarily as a means to secure a supply of pooled milk for other than fluid milk use.

AMPI, as the principal market supplier, has been able to efficiently tailor the receipts of producer milk to the needs of distributing plants as evidenced by the high proportion of AMPI producer milk that is shipped to distributing plants and the relatively high Class I use that is maintained in the market. However, it must be recognized that the decision to pool this market's reserve milk supplies on other Federal order markets is a business decision made by AMPI. The fact that AMPI may be concerned that the relatively tight supply and demand situation in this market, which to a large extent is a reflection of AMPI's method of operation, may encourage the pooling of supply plants on the market in the future does not provide a proper basis for providing increased performance standards on a year-round basis. The adoption of higher performance standards and the application of such standards throughout the year should be based on an indication that distributing plants are having difficulty in obtaining adequate milk supplies for fluid use from supply plants. there was no demonstration on this record that any distributing plant is having difficulty in obtaining an adequate supply of milk for fluid needs.

Furthermore, there is no indication on the record of this proceeding to indicate that the current standards for pooling supply plants do not provide a reasonable distinction between those plants that are substantially engaged in serving the fluid needs of the regulated market and those plants that do not serve the market to a degree that warrants their sharing in the market's Class I returns. Therefore, no major changes should be made in the current supply plant pooling standards and the proposal to increase such standards on a year-round basis is denied.

Several minor changes, however, should be made in the current pool supply plant provisions. September should be specified as a month during which supply plants must make shipment to distributing plants to obtain pool plant status. Consequently, a supply plant would have to meet the pooling standards during each of the months of September through January in order to be eligible for automatic pool plant status during each of the months of February through August. Currently, supply plants are not required to make shipments during September and are eleigible for automatic pooling during such month if qualified on the basis of shipments during each of the months of October through January.

Pool supply plants should be required to make qualifying shipments during the month of September because it is a month in which the fluid milk requirements of handlers are greater than average. Market statistics reveal that for the Central Arkansas and Fort Smith markets combined average daily Class I sales by all pool plants during September of 1978 and 1979 were greater than the aveage daily sales for each of these years. Also, the Class I utilization of producer milk in September was greater than yearly Class I use during 1978 and 1979, indicating a somewhat tighter than average supply-demand relationship. Because the month of September is one of the months in which production is short relative to Class I sales, it should be included in that time period when qualifying shipments are required since shipments from supply plants, when such plants are associated with the market, would most likely be necessary to meet fluid demands during such month. Such change would provide greater assurance of the availability of pool supply plant milk to meet the fluid milk needs of distributing plants. Furthermore, the application of performance standards during the months of September–January would provide greater uniformity with other provisions that are also based, in part, on a distinction between the relatively short and heavy production seasons. For example, the diversion provisions (discused under issue number 9) adopted herein provide more stringent limits on the quantity of milk that may be diverted to nonpool plants during the months of September through January than during other months. Also, the September through January period is regarded in the base-excess payment plan as the period when milk production is shortest relative to the Class I needs of handlers as new bases are established for each producer on deliveries made during such months.

An additional modification should be made in the performance standards to provide for a temporary upward or downward adjustment of the shipping percentages for supply plants if the Director of the Dairy Division determines that additional supplies are needed at distributing plants or that fewer shipments to such plants are needed. The adjustment should be limited to not more than 10 percentage points.

Under this provision the Director would investigate the need for revision, either on his own initiative or at the request of interested persons. If the investigation showed that a revision might be appropriate, the Director would issue a notice stating that a temporary revision of the shipping requirements is being considered and inviting views of interested persons concerning the proposed revision. After evaluating such views, the Director would then decide whether a temporary revision is warranted.

As indicated previously, there were no supply plants serving the market at the time of the hearing. Also, there is no compelling reason to increase the performance standards on a permanent basis. However, market statistics establish that this is a relatively high Class I use market with producer receipts tailored almost precisely to the needs of distributing plants. In the event that supply plants become associated with the market in the future, any short term changes in supply or demand could result in the need to adjust the performance standards on short notice. Under current provisions, changes in performance standards for supply plants can be accomplished only through a time-consuming proceeding or by suspension. Furthermore, changes accomplished through suspension are limited because of procedural requirements to relaxing rather than increasing the shipping standards. Inclusion of a provision to adjust temporarily supply plant shipping standards will enhance the ability of the order to deal in a timely manner with short-run changes in supply/demand conditions that cannot now be predicted. However, any such temporary revision of shipping standards is intended only to meet an emergency situation in meeting Class I needs of distributing plants and, therefore, should be of short duration.

Two additional modifications of the supply plant performance standards that were proposed should not be adopted. A proposal by AMPI would include as a basis for pooling a supply plant under this order, limited shipments by supply plants to other order distributing plants. The concept of the proposal was supported by Kraft. The other proposal, which was made by Kraft, would allow a supply plant operator to meet a portion of the pooling standards with direct shipments of milk from farms to distributing plants. AMPI opposed the proposal on the basis that if milk could be direct-shipped to distributing plants the supply plant with which the milk was associated served no useful purpose.

Both of the above proposals are intended to accommodate hypothetical marketing practices that may be adopted by supply plant operators to serve the fluid milk needs of distributing plants. Specifically, the proposals are intended to accommodate milk movements that may be made by minimizing the transportation costs involved. The extent to which transportation savings could be obtained would depend on the location of both the supply plant(s) and the dairy farmers associated with such plant(s) relative to the location of the distributing plants serving this or other Federal order markets.

As indicated previously, there are currently no supply plants serving the market. Consequently, there is no information in the record of this proceeding from which to conclude that either of the proposals are necessary to reflect either supply plant shipments to other order markets or direct shipments of milk of dairy farmers associated with a supply plant to minimize transportation costs. Without the existence of practical marketing experience it is not possible at this time to determine that the proposals are necessary or that they would promote more orderly and efficient marketing of milk.

In addition to the previously indicated changes, several minor changes of a nonsubstantive nature are included in the construction and wording of the supply plant pooling provisions. In particular, the phrase "Grade A milk received from dairy farmers" is substituted for the phrase "receipts of producer milk" that is used in the current order. There is essentially no difference in the two phrases since Grade A receipts from dairy farmers become receipts of producer milk if the plant becomes a pool supply plant. Use of the substituted phrase, however, requires additional language to include as receipts milk diverted as producer milk from the plant and to exclude from receipts milk received as diverted milk. Use of such terminology was proposed by AMPI in the hearing notice.

The order language adopted herein also excludes the pooling of a supply plant which has automatic pooling status under another Federal order and also meets the performance standards for pooling under this order. The plant could be pooled under this order, however, if the plant operator elects to relinquish pool plant status under the other order. In the absence of any such action by the plant operator, a conflict would exist with regard to which of the two orders would regulate such plant. Adoption of the modification, which was proposed by AMPI, would eliminate such conflict by allowing the plant to continue as a pool plant under the order in which it has automatic pooling status.

9. Quantity Limits and Point of Pricing on Diversions of Producer Milk Under the Central Arkansas Order

(a) *Quantity limits on diversions of producer milk.* The producer milk definition should be revised to specify that at least 1 day's production of a dairy farmer be physically received each month at a pool plant in order for any milk of such person to be eligible for diversion as producer milk to nonpool plants.

Also, during each of the months of September through January, a cooperative association should be allowed to divert to nonpool plants that are not producer-handler plants a quantity of milk not in excess of one-half of the quantity of producer milk that the association causes to be delivered to and is physically received at pool plants during the month. The operator of a pool plant (other than a cooperative association) should be allowed to divert to nonpool plants that are not producer-handler plants any milk that is not under the control of a cooperative association that is likewise diverting milk to nonpool plants during the month. The quantity of milk that the operator of a proprietary plant may divert for the plant's account during the months of September through January should not exceed one-half of the milk physically received at such pool plant that is eligible to be diverted by the plant operator.

During each of the months of February through August, diversions by cooperative associations to nonpool plants that are not producer-handler plants should be limited to the quantity of producer milk that the association causes to be delivered to and is physically received at pool plants during the month. Similarly, diversions by a proprietary handler to nonpool plants that are not producer-handler plants should be limited to the quantity of milk physically received at such pool plant that is not under the control of a cooperative association that is likewise diverting milk to nonpool plants during the month.

Any milk diverted in excess of the quantity limitations specified should not be producer milk. The diverting handler may designate the dairy farmers whose milk would not be producer milk. Otherwise, the milk last diverted during such month, in lots of an entire day's production, should be excluded first in determining which milk would not be producer milk. The quantity of milk diverted for the account of a cooperative association from a pool plant of another handler that would cause the pool plant to become a nonpool plant shall not be producer milk.

Presently, the order provides that milk of a producer must be received at a pool plant before it is eligible to be diverted as producer milk. After a producer has established an association with the market, his milk may be diverted to nonpool plants on any number of days during the months of February through August and on not more than 10 days during the months of September through January.

AMPI proposed that milk of a dairy farmer should not be eligible for diversion during any month if less than 15 percent of the monthly milk production of such dairy farmer is received as producer milk at a pool plant. It also proposed that the total quantity of milk so diverted by a cooperative should not exceed on-half of the producer milk that the cooperative association causes to be delivered to and is physically received at pool plants. The cooperative proposed that the operator of a pool plant be permitted to divert any milk that is not under the control of a cooperative association that diverts milk during the month. The total quantity of milk so diverted would be limited to one-half of the producer milk physically received at such pool plant that is not under the control of a cooperative association that diverts milk during the month. Any milk diverted in excess of the prescribed limits would not be producer milk.

If over-diversions do occur and the diverting handler fails to designate the dairy farmer deliveries that are not to be producer milk, the cooperative proposed that no milk diverted by the handler during the month to a nonpool plant be producer milk. It further proposed that the quantity of milk diverted for the account of a cooperative association from a pool plant of another handler that would cause the pool plant to become a nonpool plant should not be producer milk.

Proponent cooperative's representative testified that provisions requiring some minimum association with the market are necessary to assure that milk pooled on the Central Arkansas market is actually available for fluid use. The representative indicated that there have been instances in which dairy farmers have made limited shipments during the fall months to qualify as producers. After such initial shipments, milk of such dairy farmers was taken off the market by diversion to nonpool plants. Under such circumstance, the milk was not available to the Central Arkansas market for fluid use but the dairy farmers continued to draw the blend price under the Central Arkansas order for such milk.

The representative of a proprietary pool plant regulated under the Memphis order proposed that no more than one day's production during the months of September through January be required to be physically received at pool plants regulated under the Central Arkansas order as a condition for diverting milk of a producer. The representative proposed that during the months of September through January an amount of milk equal to the volume of milk physically received at pool distributing plants could be diverted to nonpool plants. During other months of the year, unlimited diversions would be permitted.

The handler's spokesman pointed out that milk of certain distant producers may not be needed every day of the month, especially during the season of flush production. In the event there is a need to divert reserve milk supplies to nonpool plants for manufacturing, he indicated that a handler should have the opportunity to move such milk in the most efficient manner. For this reason, he proposed that during the months of September through January only a minimal association with the market be required in order for the milk of a producer to be diverted and that the limit on the quantity of milk diverted be based upon the aggregate quantity of milk physically received at pool plants. Such diversion requirements would permit the milk of the more distant producers to be diverted every day of the year except for one day's production during each of the months of September through January.

Under the existing supply situation, the requirement that at least one day's production of a dairy farmer be delivered to the market each month as a requirement for any milk of that person to be diverted as producer milk is a reasonable standard. The Central Arkansas market is relatively short of milk production throughout the year. Most of the monthly milk production of the producers who are the regular suppliers of the market is needed each month throughout the year including the season of flush production. When the milk production of the regular suppliers of milk is not sufficient to meet the fluid needs of handlers, the milk of dairy farmers who are producers on other Federal milk orders is directed to the Central Arkansas market by the cooperative association whose members are the principal suppliers of milk for this market.

The requirement that at least one day's production of a dairy farmer be physically received each month at a pool plant will assure that each producer whose milk is being diverted maintains an association with the market.

There is no need, however, to require that at least 15 percent of a dairy farmer's production be delivered to a pool plant each month in order for any milk of such producer to be eligible for diversion. Such requirement would unnecessarily limit a handler's ability to divert efficiently the milk of producers. While limits on the quantity of milk associated with the Central Arkansas market through diversions are necessary, such limits should be established on the basis of the aggregate quantity of milk received at pool plants. Such method will provide adequate safeguards on diversions to nonpool plants and provide handlers greater flexibility in moving excess milk supplies to nonpool plants. For example, the provisions adopted herein will enable a handler to divert more often the milk of those producers whose farms are more distant from his plant than those located closest to his plant. Such diversions will benefit the more distant producers by reducing their cost of hauling milk. On days when their milk is not needed at the central market, it can be diverted to nearby manufacturing plants.

The limit on diversions adopted herein would permit up to one-third of the producer milk of a handler to be diverted off the market during the months of September through January. Such limit comports with the limit proposed by proponent cooperative for all months of the year and should accommodate any needed diversions by handlers during the months when milk production declines seasonally. In that regard, the greatest diversions during the last 3 years for the September through January period occurred in December 1978. In that month, 12.8 percent of the total producer milk on the market was not delivered to pool distributing plants.

During the months of February through August when the demand for fluid milk is less and the supply of producer milk is more plentiful than during other months of the year, handlers will find it necessary to divert greater quantities of milk to nonpool plants than during the months of September through January. Accordingly, during the months of February through August, handlers should be permitted to divert producer milk to nonpool plants in an amount equal to the quantity of producer milk physically received at the plant. As a practical matter, there is no reason to have the order provide that the operator of a pool distributing plant may divert any greater quantity than the amount adopted herein. The same would be true for a pool supply plant that is required to make qualifying shipments to pool distributing plants during such months. If such handlers diverted more milk to nonpool plants for manufacturing than was received at their plants, they would be unable to meet the 50 percent Class I utilization required of a pool distributing plant or the shipping percentage required of a pool supply plant.

As provided herein, milk diverted from a pool plant would be included in the plant's receipts for purposes of determining whether or not the plant meets the applicable pooling standard. It is necessary under this procedure to safeguard against a pool plant not meeting the pooling standards because too much milk was diverted from the plant by a cooperative, perhaps without timely knowledge of this by the plant operator. Accordingly, whatever quantity of milk diverted by a cooperative from a pool plant of another handler that would cause such plant to become a nonpool plant should not be considered as producer milk.

(b) *Point of pricing on diverted milk.* All diverted milk should be deemed for pricing purposes to have been received by the diverting handler at the location of the plant to which the milk was diverted, as proposed by AMPI. Currently, diverted milk is priced at the location of the plant from which diverted.

Pricing diverted milk at the location of the plant where such milk is physically received, rather than at the city plant from which diverted, removes the possibility of pool proceeds being used to subsidize distant producers when their milk is diverted to distant manufacturing plants. Currently some distant producers are receiving a blend price f.o.b. the city plant (as if the milk had actually moved to the city) when in fact no transportation costs to the city had been incurred because the milk was diverted to a manufacturing plant located near the producer's farm.

10. Location Adjustment Provisions of the Central Arkansas Order

The location adjustment provisions of the Central Arkansas order should be amended to provide for a no location adjustment zone consisting of a band of counties running from east to west in the central part of Arkansas. The Arkansas counties to be included in the no location adjustment zone would be Arkansas, Clark, Cleburne, Cleveland, Conway, Crawford, Crittendon, Cross, Dallas, Desha, Faulkner, Franklin, Garland, Grant, Hot Spring, Howard, Jefferson, Johnson, Lee, Lincoln, Logan, Lonoke, Monroe, Montgomery, Perry, Phillips, Pike, Polk, Pope, Prairie, Pulaski, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, White, Woodruff and Yell. Also, no location adjustments should apply for milk received at plants located in Oklahoma or Tennessee.

For a plant located in that portion of the State of Arkansas lying to the south of the no location adjustment zone or located in the States of Louisiana, Mississippi, or Texas, the adjustment should be plus 1.5 cents or located per hundredweight for each 10 miles or fraction thereof between such plant and the nearer of the County Courthouse in Forrest City, Arkansas, or the State Capitol in Little Rock, Arkansas, if such plant is more than 60 miles from the nearer of such basing point.

At all other locations more than 60 miles from the nearer of the County Courthouse in Forrest City, Arkansas, or the State Capitol in Little Rock, Arkansas, the location adjustment for milk received at pool plants should be a minus value computed at the rate of 1.5 cents per hundredweight for each 10 miles or fraction thereof between such plant and such nearer point.

Under the current order provisions, a location adjustment applies to milk received from producers at a pool plant located more than 60 miles from the nearest of the County Courthouse in Arkadelphia, Arkansas; the County Courthouse in Forrest City, Arkansas; or the State Capitol in Little Rock, Arkansas. A minus location adjustment applies at all plants beyond 60 miles of the nearest basing point and is computed at the rate of 1.5 cents per hundredweight for each 10 miles or fraction thereof between such plant and the nearest basing point.

AMPI proposed that the existing location adjustments provided under the Central Arkansas order be continued except that no location adjustments would apply for milk received at plants located in the States of Tennessee, Mississippi or Oklahoma and plus location adjustments would apply at plants located south of Interstate 40 and more than 60 miles from the nearer of Forrest City or Little Rock, Arkansas. The cooperative proposed that Arkadelphia be dropped as a basing point in order that a location adjustment would apply at a plant located at Camden, Arkansas.

The cooperative indicated that under the location adjustments it was proposing, the current level of Class I prices would be changed at only 2 locations for plants currently regulated under the Central Arkansas order. Under its proposal, the location adjustment at Camden, Arkansas, would be changed from zero to plus 15 cents. At Texarkana, Arkansas-Texas, a plus location adjustment of 21 cents per hundredweight would apply.[3] Presently, milk received at the plant of Midwest Farms, which is located at Texarkana, Texas, receives a minus location adjustment of 12 cents.

There was some confusion interjected as a result of cross-examination of AMPI's witness on whether AMPI intended to apply no location adjustments for milk received at plants located in Oklahoma or intended to continue the minus location adjustments that currently apply in such area. In its brief, however, AMPI reiterated that no location adjustment should apply at plants located in the States of Tennessee, Mississippi or Oklahoma.

Kraft's representative indicated that Kraft was concerned with respect to AMPI's proposed location adjustments for plants located in Oklahoma that would be regulated under the Central Arkansas order. The representative acknowledged the need to establish a Class I price for a pool distributing plant located in Oklahoma that offered neither a competitive advantage or a disadvantage relative to the Class I price applicable at competing plants. Kraft was primarily concerned that the location adjustment applicable to the blend prices for pool plants located in Oklahoma be established so that the blend prices at such plants located in the vicinity of the Arkansas-Oklahoma boundary line would be aligned with the blend prices applicable to Kraft's supply plant at Bentonville, Arkansas, which is fully regulated under the Oklahoma Metropolitan order. In effect, Kraft took the position that no location adjustment to the Class I price should apply at pool distributing plants located in Oklahoma and that location adjustments should apply to the blend prices at pool plants located in Oklahoma. In its brief, Kraft noted that the Secretary should be guided by AMPI's expressions of intent on the record with regard to location adjustments, i.e., "location adjustments would continue to be minus as you went further North or Northwest" out of Central Arkansas.

The existing location adjustments applicable at all plants that are currently operating as fully or partially regulated distributing plants under the Central Arkansas order should be continued except at plants located at Camden, Arkansas, and in the Texarkana area. Currently, no location adjustments apply at the Arkansas plants located at Little Rock, Conway, Ward, and Hot Springs. As a consequence, a Class I differential of $1.94 is applicable at all such plant locations. The current Class I differential of $1.94 should be continued at such plant locations by specifying that no location adjustment shall apply at any plant located in a band of counties in Central Arkansas extending from the eastern border to the western border of Arkansas. A single Class I differential at plants located within such area will provide appropriate alignment of Class I prices at plants in such area relative to plants located immediately east and west of such area. Such pricing would be identical to the Class I differential of $1.94 that applies at plants located in the Memphis area that are regulated by the Memphis order. This differential of $1.94 at plants located in the western part of Central Arkansas would be slightly over the Class I differential under the Oklahoma Metropolitan order at plants in Oklahoma west of the Central Arkansas area.[4] The northern boundary of the no location adjustment zone should be the tier of counties including and extending east of Crawford County since a Class I differential of $1.95 applies at plants in Crawford County under the Fort Smith order. The southern boundary of the no location adjustment zone should consist of a tier of counties located immediately north of Ouachita County. Such positioning of the southern boundary of the zone will retain the current Class I differential at the Hot Springs, Arkansas, plant and permit the application of a plus adjustment at the Camden plant located in Ouachita County.

Forty Arkansas counties should be included in the no location adjustment zone. The counties are Arkansas, Clark, Cleburne, Cleveland, Conway, Crawford, Crittendon, Cross, Dallas, Desha, Faulkner, Franklin, Garland, Grant, Hot Spring, Howard, Jefferson, Johnson, Lee, Lincoln, Logan, Lonoke, Monroe, Montgomery, Perry, Phillips, Pike, Polk, Pope, Prairie, Pulaski, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, White, Woodruff and Yell.

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[3] The 21 cents per hundredweight would apply to milk received at a plant located from 130.1 miles to 140.0 miles south of the State Capital in Little Rock, Arkansas. While testimony on the record shows the distance between Little Rock, Arkansas, and Texarkana, Arkansas-Texas, to be 140 miles, the location adjustment that would apply for milk received at a plant in the Texarkana area would depend upon the shortest hard surfaced highway distance between such plant and the State Capital in Little Rock, as determined by the market administrator.

[4] The Oklahoma Metropolitan order provides that the Class I differential of $1.98 for milk received from producers at a plant located 50 miles or more from the city hall in Oklahoma City shall be reduced 10 cents plus 1.5 cents for each 10 miles or fraction thereof that such plant is more than 150 miles from Oklahoma City.

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The use of the no location adjustment zone instead of proponent's proposal that Interstate Highway 40 be used as the dividing line between plants at which plus and minus location adjustments would apply averts several pricing problems that might otherwise occur. Under AMPI's proposal, a Class I price alignment problem could occur at two competing plants that are separated by Interstate 40 and are located more than 60 miles from the nearer of Forrest City or Little Rock, Arkansas. For example, under AMPI's proposal a plant located at Ft. Smith, Arkansas, south of Interstate 40 would have a plus location adjustment of approximately 24 cents while a plant in the same general area but located north of such highway would have a minus location adjustment of the same magnitude. As a consequence, the Class I differential applicable at a plant located south of Interstate 40 would be $2.18 while the Class I differential applicable at the other plant would be $1.70. Furthermore, such location adjustments would not result in Class I differentials at either of such plants that would be compatible with the Class I differential of $1.95 that is applicable under the Ft. Smith order at plants located within 50 miles of Fort Smith. Also, proponent's proposed Class I differentials for plants in the Ft. Smith area would not be compatible with the Class I differential of $1.94 that proponent would apply at Oklahoma plants located immediately west of the Ft. Smith area (proponent proposed that no location adjustment apply at any plant located in Oklahoma).

The Class I price at plants in Arkansas south of the no location adjustment zone previously described and at plants in the State of Texas should be subject to plus location adjustments.

In general, plus location adjustments are needed at plants located south of the central portion of the Central Arkansas marketing area to increase the Class I differential applicable at such plants to the level of the Class I differentials applicable at other plants in the same general area that are regulated under adjacent Federal milk orders. In the absence of such alignment, the local milk supply would be encouraged to move to plants with higher Class I differentials. To provide the necessary Class I price alignment, the Central Arkansas order should provide for plus location adjustments for milk received at plants located in a southerly direction from the central market.

Presently, no location adjustment applies at the plant at Camden, Arkansas, and a minus location adjustment of $0.12 applies at a plant at Texarkana, Texas. As a consequence of the current location adjustment provisions, the Class I prices applicable at such plants are not appropriately aligned with plants located in that general area which are regulated by other Federal orders. For example, a Class I differential of $2.23 applies at the plant located at Texarkana to the extent that it is a partially regulated distributing plant under the Texas order and a Class I differential of $1.82 applies to the extent that the plant is partially regulated distributing plant under the current Central Arkansas order. Under the Greater Louisiana order, a Class I differential of $2.47 applies at a plant located at Shreveport which is approximately 70 miles directly south of Texarkana.

The plus location adjustment proposed for the Texarkana area will provide the necessary price alignment in the area south of the no location zone with the Class I prices applicable in such general area under other orders. The plus location adjustment adopted herein would provide a plus adjustment of $0.21 at Texarkana resulting in a Class I differential of $2.15 at such location. Such Class I differential compares favorably with the Class I differential of $2.23 provided under the Texas order for a plant at Texarkana. Furthermore, the plus location adjustment will provide a better alignment of the Central Arkansas Class I price at a Texarkana plant with the Greater Louisiana order Class I price at Shreveport located seventy miles south of Texarkana.

The location adjustment provisions adopted herein would provide for a plus adjustment of $0.15 at Camden resulting in a Class I differential of $2.09 at such location. A Class I differential of $2.09 is needed to assure the availability of a sufficient milk supply at the Camden plant. In the absence of the 15-cent increase in the Class I differential for milk received at that plant, the local milk supply could be marketed at plants under adjacent Federal milk orders and receive a higher return. Furthermore, a Class I differential higher than the central market location is needed to encourage producers in the Little Rock area to make their milk available to the Camden plant when it is needed to supplement the local milk supply. In this regard, the cooperative supplying the Camden plant indicated that it currently charges the Camden plant a higher Class I price than handlers in Little Rock to obtain a producer milk supply for the Camden plant.

The Class I price at plants in the States of Mississippi and Louisiana should also be subject to plus location adjustments. While Class I prices under current provisions of the Central Arkansas order are reduced at plants located outside the marketing area, Class I prices under the Memphis order increase as one moves south from Memphis into the State of Mississippi. The Memphis order provides that at all locations in Mississippi more than 50 miles from Memphis the Class I price shall be increased by a factor related to the cost of transporting milk. The adoption of similar pricing provisions in the Central Arkansas order will provide approximately the same location value for milk at plants in Mississippi that currently applies under the Memphis order. However, instead of applying plus location adjustments at all plants in Mississippi more than 50 miles for Memphis, as provided under the Memphis order, adjustments under the Central Arkansas order should apply at all plants located more than 60 miles from the nearer of Forrest City or Little Rock, Arkansas. This should provide approximately the same location adjustment pricing at Mississippi plants that currently applies under the Memphis order in view of the proximity of Forrest City to Memphis and the 10 mile increase in distance before the adjustment applies. Also, it is reasonable that a similar pricing structure apply to plants located in the State of Louisiana since plants in such southern area would also be expected to have to pay increasingly higher prices to dairy farmers for milk supplies.

No location adjustment should apply at plants located in Oklahoma. Any plant located in Oklahoma that may become associated with this market most likely would compete for milk supplies with handlers regulated under the Oklahoma Metropolitan order. Since the pricing provisions of that order establish a Class I differential of $1.98 in the Oklahoma City area and $1.88 in the Tulsa area, a Class I differential of $1.94 should assure an adequate milk supply for a plant in Oklahoma that might become regulated under the Central Arkansas order.

Kraft's spokesman expressed concern that the zero location adjustment AMPI proposed to apply to the uniform price for milk that is pooled under the Central Arkansas order and delivered to a plant location in Oklahoma would provide no incentive for producers in eastern Oklahoma and northwestern Arkansas to deliver milk to the central marketplace of the Central Arkansas order. As previously noted, the economic value of milk delivered to distributing plants located in Oklahoma (Class I differentials of $1.88 and $1.98 at Tulsa and Oklahoma City, respectively) approximates the economic value of milk delivered to the central marketplace of the Central Arkansas order (Class I differential of $1.94). For this reason, a producer under the Central Arkansas order who delivers his milk to a pool plant located in Oklahoma should receive a price that approximates the price he would receive for delivering the milk to a pool plant in Little Rock, Arkansas, the central marketplace of the Central Arkansas order.

Likewise, no location adjustments should apply at plants located in Tennessee. Any plant located in western Tennessee that may become associated with this market would most likely compete for milk supplies with handlers regulated under the Memphis, Tennessee, order. Since the Memphis order provides for a Class I differential of $1.94 in the Memphis area, a Class I differential of $1.94 should assure an adequate milk supply for a plant in western Tennessee that might become regulated under the Central Arkansas order.

At plants located outside the areas previously described, a minus location adjustment should apply. Under the location adjustment provisions adopted herein, the pool plant at Paragould, Arkansas, would continue to have a minus adjustment of $0.135. Other plants at which minus location adjustments would also apply would be located to the north of the marketing area. Minus location adjustments in this general area north of the marketing area are needed to reflect the lesser location value of milk for this market at the more distant northern plants relative to plants nearer the marketing area.

The location adjustment on Class I milk received at plants located outside the areas in which no location adjustment applies should be at the rate (either minus or plus) of 1.5 cents per hundredweight for each 10 miles or fraction thereof that such plant is located from the nearer of the County Courthouse in Forrest City, Arkansas, or the State Capitol in Little Rock. This location adjustment rate will result in Class I prices at plants located both north and south of the marketing area that are reasonably aligned with Class I prices in other markets.

The provisions of the Central Arkansas order that limit Class I location adjustment credit on bulk milk transferred between plants should be retained. If location adjustment credits were not limited, the pool obligation of the supply plant operator for producer milk transferred to a distributing pool plant as Class I milk would be the Class I price adjusted for the location of the supply plant. Under the order, however, if the distributing plant receiving supply plant milk has sufficient milk from local direct-ship producers to cover all of its Class I sales, the supply plant operator does not receive location adjustment credit on the milk transferred since it is not needed for Class I use.

The basic concept of this limitation on location adjustment credits should be retained. To adapt this concept to the pricing structure adopted herein (which includes the announced Class I price for central market locations with plus or minus price adjustments at other locations), it is necessary that the location adjustment credit provisions be revised. The intent of the limitation provided is to insure that producers on the market do not have their returns lowered through the granting of price credits on milk unnecessarily moved between pool plants for other than Class I use.

In this connection, location adjustment credits should not apply to Class I milk shipped to pool plants in lower-priced zones. Although such shipment would not be a usual movement of milk, it could occur. For example, a plant in Texarkana with receipts in excess of its fluid milk requirements might ship such excess to handlers in Little Rock, Arkansas. The Class I price levels established under the order in Texarkana and other plus location adjustment zones are intended to attract milk to these areas for Class I use at such plant locations and not for reshipment to lower-priced zones. Such reshipments should not be encourage through the granting of price credits on such milk movements. If the prices provide tend to attract greater quantities of milk than are needed locally, then consideration should be given to whether a lower price should be provided.

An additional modification in the application of Class I location adjustment credits that was proposed should also be adopted to conform with the adoption of plus and minus adjustments to the Class I price under the order. Under the present order provisions, a disallowed location adjustment credit results in the application of the central market f.o.b. Class I price (Class I differental of $1.94) to the transferor-plant. Such price could be either higher or lower than the applicable Class I differential at the transferee-plant. This should be changed so that the transferor plant would have to account for such milk at the Class I price applicable at the transferee-plant. For example, if milk were transferred from a plant with a minus adjustment to a plant with a plus 15-cent adjustment, and there was no location adjustment credit allowed for the transferor-handler, then the tranferor-handler would have to account to the pool for such transferred Class I milk at the Class I price at the transferee-plant, i.e, a Class I differential of $2.09. Since the location value of milk in this example is the Class I differential price of $2.09, the order should not apply the lower central market price of $1.94 on any of the transferred milk. Likewise, milk transferred to a plant with a minus 13.5-cent location adjustment from a plant with a greater minus adjustment should reflect the $1.805 location value rather than the higher $1.94 location value applicable in the central market.

Adoption of the above procedure will result in pricing transferred milk that does not receive a location adjustment credit at its proper value at the location of the transferee-plant. In order to fully accomplish this objective, the computation of any location adjustment credits that may be assigned should be based on the difference between the order Class I prices applicable at the transferor and transferee plants rather than at the difference between the Class I price at the transferor plant and the central market Class I price as under current provisions.

Distributing plants relying on supply plant milk for Class I use should be encouraged to draw such milk from the nearest plant or plants. It is possible that pool plant operators may attempt to circumvent such application of the order provisions by claiming that near-in supply plant milk was used in Class III while an equivalent amount of more distant supply plant milk received at the city was used in Class I. Although the more distant plant would be eligible for a location adjustment credit, under the provisions adopted herein such credit would be limited, in this example, to the lesser credit that would have been applicable to the near-in supply plant milk had it been classified as Class I milk.

At the hearing, Kraft suggested two modifications to the location adjustment provisions concerning the assignment of location adjustment credits to milk transferred to distributing plants from supply plants. One modification would increase Class I use at a distributing plant by 10 percent prior to assigning location adjsutment credits to milk received from supply plants. The other modification would provide for a pro

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rata assignment of location adjustment credits to transfers from two or more supply plants to a distributing plant without regard to the location of the supply plants. Kraft stated that the modifications are necessary to help defray the cost of transporting milk from supply plants to distributing plants.

The fact that testimony on the record indicates that location adjustments do not fully cover the cost of hauling milk does not provide a sufficient basis for adopting Kraft's modifications. Both modifications are concerned with the manner in which available location adjustments are assigned to receipts from various sources rather than the rate of location adjustments that are provided under the order. With respect to the manner in which such adjustments are assigned, both modifications are in conflict with the principle of limiting the assignment of location adjustment credits to discourage the shipment of milk between pool plants for other than Class I use. This record does not provide an adequate basis for relaxing this limitation. Accordingly, the modifications are not adopted.

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12. Miscellaneous Changes in the Three Orders

This section deals with several conforming changes in the orders as well as miscellaneous modifications in the existing provisions of the orders not discussed elsewhere in this decision Paragraphs (a)(i), (ii), and (iii) deal with modifications of the Central Arkansas order that were proposed and supported by AMPI. Paragraphs (a)(v) and (vii), (b)(i), (c), (d), and (e) deal with conforming changes or clarification of existing order provisions by the Department. The remaining paragraphs deal with miscellaneous modifications in provisions of the orders and the proponents of such changes are noted therein.

(a) *Miscellaneous Changes in the Central Arkansas Order.* (i) *Route disposition.* A definition of route disposition under the Central Arkansas order is adopted herein. The definition represents no substantive change from the current order provisions but merely sets forth the definition as a separate section of the order.

(ii) *Distributing plant and supply plant definitions.* Definitions of each of these plants are currently included in the Centeral Arkansas order in conjunction with the pooling standards for each type of plant. The definitions contained herein modify the current definitions by describing each of these plants in a separate section of the order apart from the pooling standards.

(iii) *Approved plant.* The "approved plant" definition should be deleted from the provisions of the Central Arkansas order. This section is not longer needed since the provisions contained therein have been incorporated in a newly added route disposition definition and the revised definitions of a distributing plant and a supply plant which are adopted herein.

(iv) *Pool plant.* A proposal by Kraft that the Central Arkansas order not include a non-Grade A facility which is physically separated from the Grade A portion of a pool supply plant as part of the pool plant should not be adopted.

A spokesman for the company indicated that Kraft now operates a plant with Grade A and non-Grade A facilities at Bentonville, Arkansas, and the Grade A portion of the plant is pooled as a supply plant under the Oklahoma Metropolitan order. Kraft also operates a similar facility at Springfield, Missouri, and the Grade A portion of the plant is pooled under the St. Louis-Ozarks order. The spokesman for Kraft indicated that the change was proposed to assure that Kraft's Bentonville plant, or a similar operation, would be treated by the market administrator as two separate facilities if such plant supplied milk to distributing plants in the Central Arkansas market.

The treatment accorded Kraft's plants under the Oklahoma Metropolitan and St. Louis-Ozarks orders is the result of administrative determinations since neither of the orders have specific provisions requiring such treatment. There is little reason to presume that a different administrative determination would apply in the Central Arkansas market. Under the circumstances, there appears to be no reason for adopting the proposed modification of the Central Arkansas order.

The pool plant provisions of the Central Arkansas order should not include shipments of packaged fluid milk products from a pool distributing plant to another pool plant in meeting the route disposition requirements for a pool plant. In drafting the pool plant definition of the Central Arkansas order to incorporate the revised distributing plant definition, AMPI proposed that such shipments of packaged fluid milk products be counted as qualifying route disposition of the shipping plant. The spokesman for the cooperative indicated, however, that the association in drafting the proposal intended to make no change in the qualification requirements for a distributing plant. Accordingly, the current qualification standards for pool distributing plants with regard to route disposition should be retained.

(v) *Handler.* The reference to "approved" plants that appears in the handler definition in § 1108.9(a) should be changed to refer to distributing plants and supply plants since definitions of such plants replace the current "approved plant" definition. Also, the reference "§ 1108.12" that appears in § 1108.9(b) should be changed to "§ 1108.13". This change is necessary since the order language adopted herein sets forth the diversion provisions in the producer milk section of the order instead of the producer section.

(vi) *Producer milk.* The producer milk definition of the Central Arkansas order should be revised to provide that milk picked up by a handler at the farm in a bulk tank truck but not received at a plant until the next month would be producer milk in the month in which the milk is picked up.

The modification of the producer milk definition adopted herein carries out the basic objectives proposed by the principal cooperative association supplying the Central Arkansas market. There was no opposition to the proposed change.

Under the present accounting procedures, bulk tank milk that is picked up at the farm but not physically received at a plant until the following month is treated as a receipt of producer milk in such following month. This procedure presents accounting problems, particularly when milk passes through a reload facility and a portion of the load on the pick-up tanker is transferred to an over-the-road tanker and received at a plant that month, while the remainder is held at the reload facility for delivery to a plant the next month. While administrative guidelines have been adopted to promote uniform accounting procedures for bulk milk throughout the Federal order system, the procedures have not fully resolved the accounting problems to the satisfaction of affected parties. Further, individual producers have not understood the deferred settlement for milk that results when milk picked up in the current month is not physically received at a plant during that month.

Dairy farmers need not be required to wait one and a half months before receiving the uniform price for milk that is picked up at their farms on the last day of the month but is not received at a plant until the following month. The accounting procedure will be simplified and should be more readily accepted if milk is pooled in all cases in the month in which it is picked up at the farm. The changes provided herein will permit pooling of producer milk in the month it is picked up at the farm irrespective of whether the milk is received at a plant in the current or the following month. Milk picked up by a handler in the current month but not received at a plant will be included in the handler's end-of-the-month inventory and will be priced at the location of the plant where the milk is physically received in the following month. Since this milk presumably will be received at a plant on the 1st or 2nd day of the following month, the handler will know the location of the plant of actual receipt in time to include this information in his monthly report. If, however, none of the milk in the pick-up tanker is received at a plant, such milk will not be included in the handler's report and he will have no pool obligation on it. This conforms with the present provisions which tie the producer milk provisions to its receipt at a plant.

If the operator of a pool plant is the first accountable handler for the milk, the plant operator will account for this producer milk as part of the plant's end-of-the-month inventory and will be charged the Class III price in the month it is picked up at the farm. In the following month, this milk will be treated in the same manner as other fluid milk products the plant operator had in inventory.

If a cooperative association bulk tank handler is the first accountable handler, such cooperative will account for the milk in transit as inventory and at the Class III price and will be credited at the blend price. Additional conforming changes are needed to implement this procedure to insure that in the following month the cooperative is credited for its pool obligation in the preceding month on such milk. In the following month, this milk is included in the obligation of the pool plant operator who physically received it and the plant operator will account to the market administrator for this milk at the classified prices. Such monies would be deposited in the producer-settlement fund, but since the milk was pooled in the preceding month that quantity of milk would not be included in the pool computation of the current month.

It should be noted here that bulk tank milk being diverted by a cooperative from another handler's pool plant to a nonpool plant should not be included in the cooperative's ending inventory if the milk is in transit at the end of the month. Instead, the final accounting for the milk should be in the month in which it is picked up at the farm. The inventory accounting procedure is not necesary in this case since the cooperative is the only accountable handler under the order for such milk. The milk is received by the cooperative, of course, at the time it is picked up at the farm.

(vii) *Paymemts From the Producer-Settlement Fund.* The producer-settlement fund of the Central Arkansas order provides that if the balance in the producer-settlement is not sufficient to make all payments required to be made from such fund, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available. Conforming changes should be made in that section to provide that if a handler who is required to channel payments for producers through the market administrator fails to transmit the total amount due, the market administrator shall reduce uniformly the payments due to producers of such handler and complete such payments when the remaining amount is received.

(b) *Miscellaneous Changes In the Memphis Order.* (i) *Announcement of uniform price.* Announcement of the uniform price under the Memphis order should be changed from the 13th to the 11th day of the month. Such change will make the announcement of the uniform price conform to the date the uniform price is announced under the Central Arkansas order. The principal cooperative supplying milk to the Memphis, Fort Smith and Central Arkansas orders proposed that the announcement of the uniform price in each of the three orders be announced on the 13th of the month. The cooperative's proposal, however, was predicated on the market administrator collecting all payments from handlers and then paying producers and cooperative associations by means of two partial payments and one final payment. Also, the cooperative proposed a revised payment schedule and requested that all payments be made so that they would be received by the due date.

Under the proposed payment procedure adopted herein, the uniform price should be announced as soon as possible. The earlier announcement date in conjunction with requiring handlers to pay the classified use value to the market administrator by the 14th instead of the 12th of the month will provide handlers 3 days in which to make their final payment for producer milk. In that regard, as discussed previously, payment to the market administrator would need to be received by the market administrator on or before the due date. A further reason for advancing the announcement date of the uniform price is related to the adoption of late payment charges under the three orders. In such circumstance, it is necessary that sufficient time be provided between the announcement and payment dates so that handlers can make such payment without incurring a late payment charge.

(c) *Miscellaneous Changes In The Fort Smith and Central Arkansas Orders.* Several conforming changes should be made in the "other reports" sections of the Fort Smith and Central Arkansas orders in recognition that the market administrator would be making payments to producers and cooperative associations in the event of late payment by handlers. In such event, the market administrator would need to know the name and address of each producer from whom milk was received during the first 15 days of the month, the total pounds of milk received during such period from each producer, and the amount and nature of any deduction authorized by the producer.

Conforming changes are also made in the "payroll reports" section of each of the orders because handlers who make payments to the market administrator, rather than to producers and cooperative associations, would not have a producer payroll. Also, the payroll report section is modified to delete the requirment to report the butterfat test since this information is submitted in other reports. Finally, the producer payroll report is modified to require the reporting of the dates on which payments were made to producers.

(d) *Miscellaneous Changes In The Memphis and Central Arkansas Orders.* The reporting sections of the Memphis and Central Arkansas orders should be modified to require an exchange of information between a cooperative and a handler relative to bulk milk received from a plant operated by a cooperative association. this information is necessary since the orders are being revised to specify that handlers must make payment to a cooperative association under the Central Arkansas order and to the market administrator under the Memphis order for bulk milk received from a plant operated by the cooperative association.

The Memphis and Central Arkansas orders should provide that amounts due the market administrator from a cooperative association shall be offset by amounts due the cooperative from the market administrator. Requiring a cooperative to make payment to the market administrator who would then return such payment to the cooperative would be an economic hardship on the

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cooperative and would serve no useful purpose.

(e) *Miscellaneous Changes In The Memphis, Fort Smith and Central Arkansas Orders.* The Memphis, Fort Smith and Central Arkansas orders should be revised to make it clear that assignments may be deducted from both the partial and final payments to producers. A proposal by the cooperative association that deductions from the partial and final payments may not exceed the amount due producers should also be adopted. Such limitation is necessary in order to assure that an overpayment to a producer does not result. Also, the orders should provide that assignments must have been paid assignees by the date payment is due producers. In the absence of such limitation, handlers could withhold payments due producers on the pretext that such funds are being held to pay future assignments.

(f) *Miscellaneous Changes In The Fort Smith Order.* Announcement of the uniform price under the Fort Smith order should be changed from the 12th to the 11th of the month. As previously noted, the order is being revised to require a handler who is more than 3 days late in payment of an order obligation to make final payment of money due producers to the market administrator. Such payments must be made on or before the day prior to the date on which the handler would otherwise be required to make final payment to a cooperative association on behalf of producers or to individual producers. Currently, a handler is required to make final payment to a cooperative association on or before the 13th day of the month. Thus, a handler who is required to transmit payments due producers through the market administrator would need to make such payment on or before the 12th day of the month. For this reason, announcement of the uniform prices on the 12th would not be timely. Accordingly, the date for announcing the uniform price should be advanced 1 day. Such change in conjunction with the change in the uniform price announcement date for Memphis will result in the uniform prices in each of the 3 orders being announced on the 11th.

In addition, the order should be revised to make it clear that if the market administrator does not receive full payment from a handler for producer milk, the market administrator shall reduce uniformly the payments to all producers of such handler and complete such payments when the remaining amount is received. This is necessary since the market administrator would collect payment from handlers and pay producers in the event of late payment by a handler.

Rulings on Proposed Findings and Conclusions

A brief filed on behalf of one interested party contended that certain of the payment provisions provided herein cannot be adopted since the provisions would increase the returns to producers and no economic data upon which the Secretary may make the analysis and findings required by section 608c(18) of the Act in support of such increase were placed in evidence by the proponent cooperative association. It is noted in this regard that the payment provisions of the orders provided herein would not increase compensation to producers. Thus, the issue raised in the handler's brief is moot.

Other briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are made with respect to each of the aforesaid orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(d) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, six cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in §§ 1097.85, 1102.85, and 1108.85 of the aforesaid tentative marketing agreements and the orders as proposed to be amended.

Recommended Marketing Agreements and Order Amending the Orders

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carred out:

PART 1097—MILK IN MEMPHIS, TENNESSEE, MARKETING AREA

1. In § 1097.32, a new paragraph (d) is added to read as follows:

§ 1097.32 Other reports.

* * * * *

(d) On or before the second day prior to the reporting dates specified in § 1097.31, each cooperative association that operates a pool plant from which bulk fluid milk products were transferred to pool plants of other handlers within the time periods described in § 1097.31 shall report to each such pool plant operator and to the market administrator the name and location of the transferor plant and the total pounds and butterfat content of the bulk fluid milk products transferred from the plant.

2. In § 1097.62, paragraph (b) is revised to read as follows:

§ 1097.62 Announcement of uniform prices for each handler and butterfat differential.

* * * * *

(b) The 11th day after the end of each month the applicable uniform prices for each handler pursuant to § 1097.61 for such month.

3. Section 1097.71 is revised to read as follows:

§ 1097.71 Payments to market administrator.

(a) Subject to paragraphs (d) and (e) of this section, each handler shall pay to the market administrator on or before the 2nd day prior to the last day of each month an amount determined by multiplying the handler's receipts during the first 15 days of such month of producer milk (excluding the milk of any producer who had discontinued shipping milk to such handler before the 25th of the month and, in the case of a handler described in § 1097.9(c), producer milk delivered to fluid milk plant) and milk from a handler described in § 1097.9(c) by the applicable partial payment rate less proper deductions authorized in writing by producers from whom the handler received milk, provided that the amount deducted for each producer does not exceed the value of the milk received from the producers during the partial payment period and the handler has paid such deductions to assignees by the date payment is otherwise due the producer.

(b) Subject to paragraphs (d) and (e) of this section, each handler shall pay to the market administrator on or before the 14th day after the end of each month an amount equal to such handler's value of milk for such month determined pursuant to § 1097.60(a), as adjusted by the butterfat differential specified in § 1097.74 and pursuant to § 1097.60 (b), (c) and (d), less:

(1) Payments made by the handler pursuant to paragraph (a) of this section for such month; and

(2) Proper deductions that were authorized in writing by producers from whom the handler received milk, provided that the amount deducted for each producer does not exceed the value of the milk received during the final payment period and provided that the handler has paid such deductions to assignees by the date payment is otherwise due the producer;

(c) Each handler who received bulk fluid milk and bulk fluid cream products from a fluid milk plant operated by a cooperative association shall pay the following amounts for such products to the market administrator, who in turn shall transmit such money to the cooperative association.

(1) On or before the 2nd day prior to the last day of each month, an amount determined by multiplying such receipts during the first 15 days of the month by the applicable partial payment rate. If the handler so elects, such prices may be adjusted by the butterfat differential specified in § 1097.74 for the preceding month.

(2) On or before the 14th day after the end of each month, an amount determined by multiplying the quantity of such receipts during the month that was classified in each class pursuant to § 1097.42(a) by the applicable class price, as adjusted by the butterfat differential specified in § 1097.74, plus the applicable administrative assessment, less any payments made by the handler pursuant to paragraph (c)(1) of this section. For the purposes of such computation, the applicable Class I price shall be the Class I price applicable at the transferee plant plus the applicable administative assessment rate.

(d) The following conditions shall apply with respect to the payments prescribed in paragraphs (a), (b) and (c) of this section:

(1) Payments to the market administrator shall be deemed not to have been made until such payments have been received by the market administrator; and

(2) If the date by which payments must be received by the market administrator falls on a Saturday or Sunday or any day that is a national holiday, payments shall not be due until the next day on which the market administrator's office is open for public business.

(e) Payments due the market administrator from a cooperative association handler may be offset by payments determined by the market administrator to be due the cooperative association pursuant to § 1097.73(c).

4. A new § 1097.72 is added to read as follows:

§ 1097.72 Rate of partial payments.

Partial payment rates shall be computed as follows:

(a) During the months of March through July, the previous month's Class III price.

(b) For the months of August through February, the previous month's Class III price plus $1.00, and further adjusted by the zone or location adjustment applicable at the receiving plant.

5. Section 1097.73 is revised to read as follows:

§ 1097.73 Payments to producers and to cooperate associations.

(a) Subject to paragraphs (c) through (e) of this section, the market administrator shall pay each producer on or before the last day of each month for milk which was received during the first 15 days of each month; provided, payment pursuant to § 1097.71(a) has been received by the market administrator. Such payment shall be uniform to all suppliers of each plant at a rate per hundredweight equal to that received by the market administrator less the deductions authorized by each producer pursuant to § 1097.71(a).

(b) Subject to paragraphs (c) through (e) of this section, the market administrator shall pay each producer on or before the 16th day after the end of each month for milk for which payment pursuant to § 1097.71(b) has been received by the market administrator. Such payment shall be at the uniform price(s) computed pursuant to § 1097.61 for the month, subject to the following adjustments:

(1) Any applicable adjustments pursuant to §§ 1097.74 and 1097.75;

(2) Less the payment described in paragraph (a) of this section;

(3) Less deductions for marketing services pursuant to § 1097.86;

(4) Less the authorized deductions specified in § 1097.71 (a) and (b)(2); and

(5) Any adjustments for errors in calculating payments to an individual producer for past months.

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section, the market administrator, on or before the day prior to the dates specified in such paragraphs, shall pay to each cooperative association that so requests with respect to those producers for whom it markets milk and who are certified to the market administrator by the cooperative association as having authorized the cooperative association to receive such payment an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraphs (a) and (b) of this section.

(d) The following conditions shall apply with respect to the payments prescribed in paragraphs (a) through (c) of this section:

(1) If the date by which such payments are to be made falls on a Saturday, or Sunday or on any day that is a national holiday, such payments need not be made until the next day on which the market administrator's office is open for public business; and

(2) If the application of § 1097.71(c)(2) or paragraph (e)(1) of this section results in a delay in the partial or final

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payments by handlers to the market administrator, the corresponding partial or final payments prescribed in paragraphs (a) through (c) of this section may be delayed by the same number of days.

(e) If the market administrator does not receive the full payment required of a handler pursuant to § 1097.71 he shall reduce uniformly per hundredweight the payments due producers and cooperative associations for their milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete such payments on or before the next date for making payment pursuant to this section following the date on which the remaining payment is received from such handler.

6. A new § 1097.78 is added to read as follows:

§ 1097.78 Charges on overdue accounts.

(a) Any unpaid obligation of a handler pursuant to §§ 1097.71, 1097.73, 1097.77, and 1097.85 shall be increased one percent beginning on the first day after the due date, and on each date of subsequent months following the day on which such type of obligation is normally due, subject to the following conditions:

(1) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid overdue charges previously computed pursuant to this section; and

(2) For the purpose of this section, any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

(b) All charges on overdue accounts shall be paid to the administrative assessment fund maintained by the market administrator.

7. Section 1097.85 is revised to read as follows:

§ 1097.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month six cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of milk at fluid milk plants from producers (including receipts from a handler described in § 1097.9(c) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1097.44(a)(7) and (11) and the corresponding steps of § 1097.44(b);

(c) Receipts of milk by a handler described in § 1097.9(c) in excess of that specified in paragraph (a) of this section; and

(d) Receipts of milk by a handler described in § 1097.9(b).

PART 1102—MILK IN FORT SMITH, ARKANSAS MARKETING AREA

1. Section 1102.31 is revised to read as follows:

§ 1102.31 Payroll reports.

On or before the 20th day after the end of each month, each handler who pays producers pursuant to § 1102.73 shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(a) His name and address and the pounds of milk received;

(b) The prices per hundredweight, the gross amounts due, the amount and nature of any deductions, and the net amounts paid; and

(c) The dates such payments were made.

2. Section 1102.32 is revised to read as follows:

§ 1102.32 Other reports.

(a) On or before the 20th day of each month, each handler described in § 1102.9(a) who is required pursuant to § 1102.73(a) to make payments to the market administrator for milk received from producers and cooperative associations shall report to the market administrator the following information with respect to its receipts of milk during the first 15 days of the month:

(1) The name and address of each producer from whom milk was received who has not discontinued shipping milk to the handler;

(2) The total pounds of producer milk received from such producer;

(3) Except in the case of producer milk for which a cooperative association is collecting payments, the amount and nature of any deductions, as authorized in writing by the producer, to be made from the partial payment for such milk; and

(4) In lieu of reporting in accordance with paragraphs (a)(1), (2) and (3) of this section, a handler may, if he so chooses, report the sum of the pounds of milk received from individual producers whose milk is marketed by a cooperative association that is authorized to receive payment for such milk. The handler shall also report the sum of the authorized deductions of such producer.

(b) On or before the 7th day after the end of each month, each handler described in § 1102.9 (a) and (b) shall report to the market administrator the following information with respect to its receipts of milk during such month:

(1) The name and address of each producer from whom milk was received;

(2) The total pounds of producer milk received from such producer, its average butterfat content and for the months of March through July the pounds of base milk; and

(3) Except in the case of producer milk for which a cooperative association is collecting payments, the amount and nature of any deductions as authorized in writing by the producer, to be made from the final payment for such milk.

(c) In addition to the reports required pursuant to paragraphs (a) and (b) of this section and §§ 1102.30 and 1102.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

3. In § 1102.62, paragraph (b) is revised to read as follows:

§ 1102.62 Announcement of uniform price for each handler and butterfat differential.

* * * * *

(b) The 11th day after the end of each month the applicable uniform prices for each handler pursuant to § 1102.61 for such month.

4. A new § 1102.72 is added to read as follows:

§ 1102.72 Rate of partial payments.

Partial payment rates shall be computed as follows:

(a) During the months of March through July, the previous month's Class III price.

(b) For the months of August through February, the previous month's Class III price plus $1.00, and further adjusted by the zone or location adjustment applicable at the receiving plant.

5. Section 1102.73 is revised to read as follows:

§ 1102.73 Payments to producers and to cooperative associations.

(a) any handler who the market administrator determines was more than 3 days late in making any payment obligation under Part 1102 shall pay to the market administrator the amount the handler would have otherwise been required to pay to producers and cooperative associations pursuant to paragraphs (b) and (c) or paragraph (d) of this section. Payment shall be made to the market administrator on or before the day prior to the dates specified in paragraphs (b) and (c) or paragraph (d) of this section and such payments shall continue until the handler has met all payment obligations for 3 consecutive months. Payment to the market administrator shall be deemed not to have been made until such payments have been received by the market administrator. If the date by which payments must be made to the market adminstrator falls on a Saturday or Sunday or any day that is a national holiday, payments shall not be due until the next day on which the market administrator's office is open for public business.

(b) Except as provided in paragraphs (a) and (d) of this section, each handler shall pay on or before the last day of each month for milk received from producers during the first 15 days of the month to each producer who did not discontinue shipping milk to such handler before the 25th of the month, an amount equal to not less than the partial payment rate pursuant to § 1102.72 multiplied by the hundredweight of milk received from such producer, less proper deductions authorized in writing by the producer. Such deductions shall not exceed the value of the milk received during the partial payment period and the handlers must have paid such deductions to assignees by the date payment is otherwise due the producer.

(c) Except as provided in paragraphs (a) and (d) of this section, each handler shall make payment on or before the 15th day after the end of the month to each producer for all milk received from such producer during the preceding month at the uniform prices(s) computed pursuant to § 1102.61 for the month subject to the following adjustments:

(1) Any applicable adjustments pursuant to §§ 1102.74 and 1102.75;

(2) Less the payment described in paragraph (b) of this section;

(3) Less deductions for marketing services pursuant to § 1102.86;

(4) Less proper deductions authorized in writing by such producer provided that the deductions for the month do not exeed the value of the milk received during the month and the handler has paid such deductions to assignees by the date payment is otherwise due the producer;

(d) In lieu of payments to producers pursuant to paragraphs (b) and (c) of this section, each handler, on or before the 2nd day prior to the dates specified in such paragraphs, shall pay to each cooperative association that so requests with respect to those producers for whom it markets milk and who are certified to the market administrator by the cooperative association as having authorized the cooperative asociation to receive such payment an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraphs (b) and (c) of this section.

(e) If the market administrator does not receive the full payment required of a handler pursuant to paragraph (a) of this section, he shall reduce uniformly per hundredweight the payments due producers and cooperative associations for their milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete such payments on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received from such handler.

6. A new § 1102.78 is added to read as follows:

§ 1102.78 Charges on overdue accounts.

(a) Any unpaid obligation of a handler pursuant to §§ 1102.73, 1102.77, 1102.85 or 1102.86 shall be increased one percent beginning on the first day after the due date, and on each date of subsequent months following the day on which such type of obligation is normally due, subject to the following conditions:

(1) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid overdue charges previously computed pursuant to this section; and

(2) For the purpose of this section, any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

(b) All charges on overdue accounts shall be paid to the administrative assessment fund maintained by the market administrator.

7. Section 1102.85 is revised to read as follows:

§ 1102.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month six cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production); and

(b) Other source milk allocated to Class I pursuant to § 1102.44 (a) (7) and (11), and the corresponding steps of § 1102.44 (b).

8. Section 1102.86 is revised to read as follows:

§ 1102.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers, pursuant to § 1102.73, shall deduct seven cents per hundredweight or such amount not exceeding seven cents per hundredweight as may be prescribed by the Secretary. Each handler making such deductions, shall pay the deductions to the market administrator on or before the 15th day after the end of the month. Such moneys shall be used by the market administrator to sample, test and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association, as determined by the Secretary, is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month, pay such deductions to the cooperative association rendering such services accompanied by a statement showing the amount of milk for which such deduction was computed for each producer.

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. A new § 1108.3 is added to read as follows:

§ 1108.3 Route disposition.

"Route Disposition" means any delivery of a fluid milk product classified as Class I milk to a wholesale or retail outlet (including any delivery through a vendor or a plant store) except a delivery to another pool plant.

2. Section 1108.5 is revised to read as follows:

§ 1108.5 Distributing plant.

"Distributing plant" means a plant which is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month there is route disposition in the marketing area.

3. Section 1108.6 is revised to read as follows:

§ 1108.6 Supply plant.

"Supply plant" means a plant which is approved by a duly constituted regulatory agency for the handling of Grade A milk and from which fluid milk products are shipped during the month to a pool plant.

4. Section 1108.7 is revised to read as follows:

§ 1108.7 Pool plant.

Except as provided in paragraph (c) of this section "pool plant" means:

(a) A distributing plant from which during the month packaged fluid milk products, except filled milk, disposed of as route disposition are equal to not less than 50 percent of its receipts of fluid milk products from producers (including producer milk diverted from the plant), handlers described in § 1108.9(c), and other pool plants and from which not less than 10 percent of such receipts is disposed of in the marketing area in the form of packaged fluid milk products, except filled milk, as route disposition.

(b) A supply plant from which during the month fluid milk products, except filled milk, equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers (including producer milk diverted from such plant but excluding milk received as diverted milk) and handlers described in § 1108.9(c) is shipped to and received at distributing plants qualified pursuant to paragraph (a) of this section, subject to the following conditions:

(1) A supply plant which is a pool plant under this paragraph for each of the months during the period September through January shall upon written application to the market administrator, on or before the end of such period, be designated as a pool plant for the following months of February through August;

(2) The shipping percentage specified in this paragraph may be increased or decreased temporarily by 10 percentage points by the Director of the Dairy Division if the Director finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. For any of the months of February through August, a minimum shipping percentage of up to 10 percent may be established by the Director for all pool supply plants that are qualified as a pool plant pursuant to paragraph (b)(1) of this section. Before making such a finding(s) the Director shall investigate the need for revision, either at the Director's initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the Director shall issue a notice stating that revision is being considered and inviting data, views, and arguments. If a plant which would not otherwise qualify as a pool plant during the month qualifies as a pool plant because of a reduction in shipping requirements pursuant to this subparagraph, such plant shall be a nonpool plant for such month if the operator of the plant files a written request for nonpool plant status with the market administrator at the time the report is filed for such plant pursuant to § 1108.30;

(c) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, unless one of the following conditions applies:

(i) If the plant is located within the marketing area and was a pool plant under this order during the immediately preceding month (except that prior pool plant qualification need not be met during the first month that the amended order is effective), it shall continue to be subject to all of the provisions of this part until the third consecutive month in which 50 percent or more of the plant's route disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order; or

(ii) If the plant is located outside the marketing area and was a pool plant under this order in the immediately preceding month, it shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of the plant's route disposition, except filled milk, is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(3) A plant qualified pursuant to paragraph (b) of this section which has automatic pooling status under another federal order.

§ 1108.7a [Removed]

5. Section 1108.7a is removed.

6. In § 1108.9(a) change the word "approved" to the words "distributing or supply" and in § 1108.9(b) change the reference from "§ 1108.12" to "§ 1108.13".

7. Section 1108.12 is revised to read as follows:

§ 1108.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency and whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1108.9(c); or

(3) Diverted from a pool plant in accordance with § 1108.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him which is diverted to a pool plant from another order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1108.44(a)(8)(iii) and the corresponding step of § 1108.44(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to another order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

8. Section 1108.13 is revised to read as follows:

§ 1108.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1108.9(c);

(c) Picked up from the producer's farm tank in a tank truck owned and operated by, or under the control of, the operator of a pool plant but which is not received at a plant until the following month. Such milk shall be considered as having been received by the handler during the month in which it is picked up at the producer's farm and shall be priced at the location of the plant where it is physically received in the following month. This paragraph shall apply in like manner to milk received by the operator of a pool plant who, in accordance with § 1108.9(c), is the handler for such milk; and

(d) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant for the account of the handler operating such pool plant or a handler described in § 1108.9(b), subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion unless during the month at least one day's production of such dairy farmer is physically received as producer milk at a pool plant;

(2) The total quantity of milk so diverted by a cooperative association shall not exceed, during any month of September through January, one-half of the quantity, and during all other months, the quantity, of producer milk that the cooperative association causes to be delivered to pool plants and that is physically received thereat;

(3) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d)(2) of this section. The total quantity of milk so diverted shall not exceed, during any month of September through January, one-half of the quantity, and during all other months, the quantity, of producer milk physically received at such pool plant that is eligible to be diverted by the plant operator;

(4) Any milk diverted in excess of the limits prescribed in paragraphs (d) (2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers' deliveries that are not to be producer milk, otherwise the milk last diverted—in lots of an entire day's production—shall be excluded first in determining which milk should not be producer milk;

(5) The quantity of milk diverted for the account of a cooperative association from a pool plant of another handler that would cause the pool plant to become a nonpool plant shall not be producer milk; and

(6) Diverted milk shall be priced at the location of the nonpool plant to which diverted.

9. Section 1108.31 is revised to read as follows:

§ 1108.31 Payroll reports.

(a) On or before the 20th day after the end of the each month, each handler who pays producers pursuant to § 1108.73 shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address and the pounds of milk received;

(2) The prices per hundredweight, the gross amounts due, the amount and nature of any deductions, and the net amounts paid; and

(3) The dates such payments were made.

(b) On or before the 20th day after the end of each month, each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1108.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated the following information for such month:

(1) The name and address of each dairy farmer;

(2) The total pounds of milk received from each dairy farmer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

10. Section 1108.32 is revised to read as follows:

§ 1108.32 Other reports.

(a) On or before the 20th day of each month, each handler described in § 1108.9 (a) who is required pursuant to § 1108.71 (c) to make payments to the market administrator for milk received from producers and cooperative associations shall report to the market administrator the following information with respect to its receipts of milk during the first 15 days of the month:

(1) The name and address of each producer from whom milk was received who has not discontinued shipping milk to the handler;

(2) The total pounds of producer milk received from such producer;

(3) The amount and nature of any deductions, as authorized in writing by the producer, to be made from the partial payment for such milk;

(4) The total pounds of milk received from a handler described in § 1108.9 (c); and

(5) The pounds of skim milk and butterfat in bulk fluid milk products received from a pool plant operated by a cooperative association.

(b) Each handler, except a producer-handler and a handler making payments pursuant to § 1108.76 (a), shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the seventh day of each month for each producer for the preceding month:

(i) His name and address or other appropriate identification;

(ii) The total pounds of milk and butterfat received from such producer, including, for the months of March through July the pounds of base milk;

(iii) The location at which such milk was received;

(iv) The amount and nature of any deductions, as authorized in writing by the producer, to be made from the final payment for such milk;

(v) The total pounds of skim milk and butterfat received from a handler described in § 1108.9 (c); and

(vi) The pounds of skim milk and butterfat in bulk fluid milk products received from a pool plant operated by a cooperative association.

(2) On or before the first day other source milk is received in the form of a fluid milk product at his pool plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) On or before the day prior to diverting producer milk pursuant to § 1108.12 his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted.

(c) On or before the second day prior to the reporting dates specified in paragraphs (a) and (b) of this section, each cooperative association that operates a pool plant from which bulk fluid milk products were transferred to pool plants of other handlers within the time periods described in paragraphs (a) and (b) of this section shall report to each such pool plant operator and to the market administrator the name and location of the transferor plant and the total pounds and butterfat content of the bulk fluid milk products transferred from the plant.

(d) In addition to the reports required pursuant to paragraphs (a), (b) and (c) of this section and §§ 1108.30 and 1108.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

11. Section 1108.52 is revised to read as follows:

§ 1108.52 Plant location adjustments for handlers.

(a) For milk received from producers or a handler described in § 1108.9(c) at a plant located more than 60 miles by the shortest hard surfaced highway distance as determined by the market administrator from the nearer of the county courthouse in Forrest City, Arkansas, or the State Capital in Little Rock, Arkansas, and which is classified as Class I without movement in bulk form to another pool plant at which a higher Class I price applies, the price specified in § 1108.50(a) shall be adjusted by amount stated in paragraphs (a)(1) through (3) of this section for the location of such plant:

(1) Except as provided in paragraphs (a)(2) and (3) of this section, the adjustment shall be minus 1.5 cents for each 10 miles or fraction thereof between such plant and such nearer basing point;

(2) For a plant located within the Arkansas counties of Arkansas, Clark, Cleburne, Cleveland, Conway, Crawford, Crittendon, Cross, Dallas, Desha, Faulkner, Franklin, Garland, Grant, Hot Spring, Howard, Jefferson, Johnson, Lee, Lincoln, Logan, Lonoke, Monroe, Montgomery, Perry, Phillips, Pike, Polk, Pope, Prairie, Pulaski, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, White, Woodruff and Yell or in the States of Oklahoma and Tennessee, no location adjustment shall apply; and

(3) For a plant located in that portion of the State of Arkansas lying to the south of the no location adjustment zone specified in paragraph (a)(2) of this section or located in the States of Louisiana Mississippi or Texas, the adjustment shall be plus 1.5 cents for each 10 miles or fraction thereof between such plant and such nearer basing point.

(b) For fluid milk products transferred in bulk from a pool plant to another pool plant at which a higher Class I price applies and which are classified as Class I milk, the Class I price shall be the Class I price applicable at the location of the transferee plant subject to a location adjustment credit for the transferor plant which shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) Subtract from the pounds of skim milk remaining in Class I at the transferee plant after the computations pursuant to § 1108.44 (a)(12) an amount equal to the pounds of skim milk in receipts of milk at the transferee plant from producers and handlers described in § 1108.9(c), and in receipts of packaged fluid milk products from other pool plants;

(2) Assign any remaining pounds of skim milk in Class I at the transferee plant to the skim milk in receipts of bulk fluid milk products from other pool plants, first to the transferor plants at which the highest Class I price applies and then to other plants in sequence beginning with the plant at which the next highest Class I price applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor plants by multiplying the hundredweight of skim milk assigned pursuant to paragraph (b)(2) of this section to each transferor plant at which the Class I price is lower than the Class I price at the transferee plant by the difference in Class I prices applicable at the transferor plant and transferee plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment creidts computed pursuant to paragraph (b)(3) of this section to those transferor plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1108.42(a) and at which the applicable Class I price is less than the Class I price at the transferee plant, in sequence beginning with the plant at which the highest Class I price applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable adjustment rate determined pursuant to paragraph (b)(3) of this section for such plant. If the aggregate of this computation for all plants having the same adjustment rate as determined pursuant to paragraph (b)(3) of this section exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers from such plants; and

(5) Location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraphs (b)(1) through (4) of this section.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

12. In § 1108.60, a new paragraph (g) is added to read as follows:

§ 1108.60 Handler's value of milk for computing uniform price.

* * * * *

(g) Subtract for a handler described in § 1108.9(c) the amount obtained from multiplying the Class III pirce as adjusted by the butterfat differential specified in § 1108.74 for the preceding month by the hundredweight of skim milk and butterfat contained in inventory at the beginning of the month that was delivered to a pool plant during the month.

13. In § 1108.61, paragraph (a)(2) is revised to read as follows:

§ 1108.61 Computation of uniform prices (including weighted average price and base and excess prices).

(a) * * *

(2) Add the aggregate of all minus location adjustments and subtract the aggregate of all plus location adjustments pursuant to § 1108.75.

* * * * *

14. Sections 1108.71, 1108.72 and 1108.73 are revised to read as follows:

§ 1108.71 Payments to the producer-settlement fund.

(a) Subject to paragraph (d) of this section, each handler shall pay to the market administrator on or before the 14th day after the end of the month the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1108.60.

(2) The sum of:

(i) The value at the uniform prices, as adjusted pursuant to § 1108.75, of such handler's receipts of producer milk; and

(ii) The value at the weighted average price applicable at the location of the plant from which received of other source milk for which a value was computed pursuant to § 1108.60(f).

(b) Subject to paragraph (d) of this section, each person who operated an order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator on or before the 25th day after the end of each month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

(c) Any handler who the market administrator determines was more than 3 days late in making any payment obligation under Part 1108 shall pay to the market administrator the amount the handler would have otherwise been required to pay to producers and cooperative associations pursuant to

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§ 1108.73. Payment shall be made to the market administrator on or before the day prior to the dates specified in § 1108.73 and such payments shall continue until the handler has met all payment obligations for 3 consecutive months.

(d) The following conditions shall apply with respect to payments prescribed in paragraphs (a), (b) and (c) of this section:

(1) Payments to the market administrator shall be deemed not to have been made until such payments have been received by the market administrator.

(2) If the date by which payments must be received by the market administrator falls on a Saturday or Sunday or any day that is a national holiday, payments shall not be due until the next day on which the market administrator's office is open for public business.

(3) Payments due the market administrator from a cooperative association handler may be offset by payments determined by the market administrator to be due the cooperative association pursuant to § 1108.73 (b) and (d).

§ 1108.72 Payments from the producer-settlement fund.

(a) On or before the 15th day after the end of each month the market administrator shall pay to each handler except one making payment pursuant to § 1109.71(c) the amount, if any, by which the amount computed pursuant to § 1109.71(a)(2) exceeds the amount computed pursuant to § 1108.71(a)(1).

(b) If the market administrator received payment from a handler(s) pursuant to § 1108.71(c), he shall distribute such amount plus any amount due such handler(s) pursuant to paragraph (a) of this section to producers and to cooperative associations in the same manner as provided in § 1108.73. In the event the handler fails to transmit the total amount due, the market administrator shall reduce uniformly the payments due to producers of such handler and complete such payments when the remaining amount is received.

(c) If at any time the balance in the producer-settlement fund is insufficient to make all payments pursuant to paragraph (a) of this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1108.73 Payments to producers and to cooperative associations.

(a) Except as provided in § 1108.71(c) and paragraphs (b), (d) and (f) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1)(i) On or before the last day of each month of March through July to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the previous month's Class III price muliplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized in writing by the producer, provided that the deductions do not exceed the value of the milk received during the partial payment period and the handler has paid such deductions to assignees by the date payment is otherwise due the producer.

(ii) On or before the last day of each month of August through February to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, and amount equal to not less than the previous month's Class III price plus $1.00, and further adjusted by the zone or location adjustment applicable at the receiving plant multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized in writing by the producer from whom the handler received milk, except that the amount deducted shall not exceed the value of the milk received during the partial payment period and provided that the handler has paid such deductions to assigness by the date payment is otherwise due the producer.

(2) On or before the 17th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat differential and location adjustments to producers multiplied by the hundredweight of milk, or base milk and excess milk, received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to paragraph (a)(1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1108.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producers; and

(iv) Less proper deductions authorized in writing by such producer, provided that the deductions do not exceed the value of the milk received during the final payment period and the handler has paid such deductions to assignees by the date payment is otherwise due the producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 1108.72(a) for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) Except as provided in paragraph (f) of the section, in the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler other than one specified in § 1108.71(c) shall on or before the 2nd day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section.

(c) Each handler making payment pursuant to this section shall furnish the person to whom payment is to be made with the following information:

(1) On or before the 25th day of the month, the pounds of milk received from the producer or from each member of the cooperative association during the first 15 days of such month;

(2) On or before the 7th day of the following month to a cooperative association for its individual members, or on or before the 15th day of the following month to producers:

(i) The pounds of milk received each day and the total for the month, together with the butterfat content of such milk;

(ii) For the months of March through July, the pounds of base milk received;

(iii) The amount or rate and nature of deductions made from payments; and

(iv) The amount and nature of payments due pursuant to § 1108.77.

(d) Except as provided in § 1108.71(c) and paragraph (f) of this section, each handler shall make payment to a cooperative association with respect to receipts of milk for which it is the handler described in § 1108.9(c):

(1) On or before the 2nd day prior to the last day of the month, an amount equal to the applicable partial payment rate specified in paragraph (a)(1) of this section times the volume received

during the first 15 days of the delivery period; and

(2) On or before the 15th day after the end of each month, an amount equal to not less than the value of such milk at applicable class price(s) adjusted by the butterfat differential pursuant to § 1108.74 less payment made pursuant to paragraph (d) (1) of this section.

(e) Subject to § 1108.71(c), each handler who received bulk fluid milk and bulk fluid cream products from a pool plant operated by a cooperative association shall pay the following amounts for such products to the cooperative association:

(1) On or before the 2nd day prior to the last day of each month, an amount determined by multiplying such receipts during the first 15 days of the month by the applicable partial payment rate specified in paragraph (a)(1) of this section. If the handler so elects, such prices may be adjusted by the butterfat differential specified in § 1108.74 for the preceding month.

(2) On or before the 15th day after the end of each month, an amount determined by multiplying the quantity of such receipts during the month that was classified in each class pursuant to § 1108.42(a) by the applicable class price, as adjusted by the butterfat differential specified in § 1108.74, less any payments made by the handler pursuant to paragraph (e)(1) of this section for such month. For the purpose of such computation, the applicable Class I price shall be the Class I price applicable at the transferee plant plus the applicable administrative assessment rate.

(f) If the application of § 1108.71(d)(2) results in a delay in the payment by the market administrator to handlers, the payments prescribed in paragraphs (a), (b) and (d) of this section may be delayed by the same number of days.

(g) If the market administrator does not receive the full payment required of a handler pursuant to § 1108.71(c), he shall reduce uniformly per hundredweight the payments due producers and cooperative associations for their milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete such payments on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received from such handler.

15. Section 1108.75 is revised to read as follows:

§ 1108.75 Plant location adjustments for producers and on nonpool milk.

(a) In making the payments required pursuant to § 1108.73, the uniform price and uniform price for base milk computed pursuant to § 1108.61 for the month shall be adjusted by the amounts set forth in § 1108.52 according to the location of the plant where the milk being priced was received.

(b) For purposes of computing the value of other source milk pursuant to § 1108.71, the weighted average price shall be adjusted by the amount set forth in § 1108.52 that is applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

16. A new § 1108.78 is added to read as follows:

§ 1108.78 Charges on overdue accounts.

(a) Any unpaid obligation of a handler pursuant to §§ 1108.71, 1108.73, 1108.76, 1108.77, 1108.85 or 1108.86 shall be increased one percent beginning on the first day after the due date, and on each date of subsequent months following the day on which such type of obligation is normally due, subject to the following conditions;

(1) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid overdue charges previously computed pursuant to this section; and

(2) For the purpose of this section, any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

(b) All charges on overdue accounts shall be paid to the administrative assessment fund maintained by the market administrator.

17. Section 1108.85 is revised to read as follows:

§ 1108.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own production) other than such receipts by a handler described in § 1108.9(c) that were delivered to pool plants of other handlers or held in inventory at the end of the month;

(b) Receipts from a handler described in § 1108.9(c);

(c) Other source milk allocated to Class I pursuant to § 1108.44 (a)(7) and (11) and the corresponding steps of § 1108.44(b), except such other source milk that is excluded from the computations pursuant to § 1108.60 (d) and (f); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1108.76(a)(2).

18. Section 1108.86 is revised to read as follows:

§ 1108.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of a handler's own farm production) pursuant to § 1108.73 shall deduct seven cents per hundredweight, or such amount not exceeding seven cents per hundredweight as may be prescribed by the Secretary. Each handler making such deductions shall pay the deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the sampling, testing and weighing of their milk for producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom a cooperative association, as determined by the Secretary, is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association rendering such services accompanied by a statement showing the amount of milk for which such deduction was computed for each producer.

Signed at Washington, D.C. on: September 22, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

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BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 802-3099]

Volkswagen of America, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Warren, Mich., producer and seller of motor vehicles and replacement parts to cease including in owners' manuals for diesel engine vehicles any instructions for oil filter installation that differ from those provided to its dealers. The order would require the company to include in future maintenance manuals a conspicuous statement warning of the need to follow oil filter installation instructions carefully to avoid serious engine damage. Further, the firm would be required to reimburse current and past owners of 1977-1981 Volkswagen and Audi diesels for repairs which resulted from oil filter leaks; notify these owners of the reimbursement offer by first class mail; and provide them with currently recommended oil filter installation information. Additionally, the company would be required to locate and pay reimbursement to eligible owners in a timely manner, and maintain specified records for a period of three years.

DATE: Comments must be received on or before November 27, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PE, Robert M. Doyle, Washington, D.C. 20580. (202) 724-1996.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

Before Federal Trade Commission

Agreement Containing Consent Order To Cease and Desist

In the Matter of Volkswagen of America, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Volkswagen of America, Inc. a corporation, and it now appearing that Volkswagen of America, Inc., a corporation, sometimes hereinafter referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Volkswagen of America, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent, Volkswagen of America, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its office and principal place of business located at 27621 Parkview Road, Warren, Michigan.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps:

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the United States Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contem[illegible]d hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

8. By its final acceptance of this Agreement, the Commission waives its right to commence a proceeding or action against respondent seeking redress to consumers or others with respect to the specific acts or practices alleged in paragraphs FOUR through NINE of the proposed complaint which occurred prior to the date of service of the Order. Nothing, however, in this paragraph shall affect the relief which may be ordered to remedy the acts or practices alleged in Docket No. 9154 insofar as such relief is not based on those specific acts or practices alleged in Paragraphs FOUR though NINE of the proposed complaint which occurred prior to the date of service of this order.

Order

For purposes of this order, the following definitions shall apply:

1. "Dealer" shall mean any authorized United States Volkswagen or Audi dealer regardless of whether the dealer purchases vehicles directly from respondent or from a distributor of respondent.

2. "Owner" shall mean any individual or entity in whose name a vehicle is currently or has been previously registered or titled with the appropriate state authority, including, but not limited to, vehicles held for resale.

3. "Current owner" shall mean any owner in whose name a vehicle is registered or titled with the appropriate state authority. Respondent shall use any one or more of the

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following methods to obtain the most up to date and complete list available of the names and addresses of current owners in carrying out its obligations under Parts I and III of this Order: state records, a commercial locator service, or respondent's records. If the name and address of the current owner cannot be ascertained, then "current owner" shall also mean the most recent purchaser known to respondent, respondent's dealers, or both.

4. "Engine repairs due to oil filter leaks" shall consist of expenses necessitated by an oil filter leak for engine repair or engine replacement, plus towing charges, oil and oil filter replacement. It does not include reimbursement for towing charges, oil, and replacement oil filter(s) if no engine repair or engine replacement was undertaken.

5. "Oil filter leak(s) shall mean any leakage of lubricating oil from the oil filter or from the area where the oil filter is attached to the engine.

Part I

It is ordered that respondent Volkswagen of America, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or indirectly or through any corporation, subsidiary, division, or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any vehicle or vehicle part, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended. do forthwith cease and desist from representing in any owner's manual for its diesel engine vehicles an oil filter installation procedure that is different in substance from that provided to its dealers with respect to vehicles covered by such manual, unless respondent notifies affected current owners via first class mail that the installation procedure set out in their owner's manuals is different in substance from that provided to respondent's dealers and in what respects the instructions differ, *provided, however*, that respondent need not make the notification required by this Part if,

1. The newly recommended oil filter installation instructions do not require any wrenches or special tools to tighten the filter; and

2. Respondent possesses competent and reliable engineering evidence which substantiates that installation of the oil filter under normal field conditions without any wrenches or other special tools to tighten the filter will be at least as effective in preventing oil filter leaks as installation of the filter with any wrenches or special tools.

Part II

It is further ordered that respondent Volkswagen of America, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or indirectly or through any corporation, subsidiary, division, or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of any vehicle or vehicle part, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, shall:

A. Include, verbatim, using distinctive and conspicuous type face or ink color or both, which shall be at least as distinctive and conspicuous as the type face or ink color or both used elsewhere in owner's manuals for important maintenance items, the following statement in owner's manuals of Volkswagen and Audi vehicles with diesel engines beginning in the 1982 model year: "Follow these instructions Carefully. An Improperly Insalled Filter May Leak and Damage Your Engine."

B. Beginning 30 days following the date this order is served on respondent, print clearly and conspicuously on all oil filters which are sold by respondent and which are recommended for application on respondent's diesel engine vehicles:

1. The most current installation instructions; and

2. The following statement, verbatim: "*Important:* Follow These Instructions Carefully. An Improperly Installed Filter May Leak and Damage Your Engine."

C. Disseminate, by respondent's usual methods, within 30 days following the date this order is served upon respondent, a Product Circular to Volkswagen and Audi dealers which effectively communicates the following:

1. That oil filter leaks on diesel engines have occurred; and

2. That mechanics should be sure to install the filters according to the most current procedures.

Part III

It is further ordered that respondent, within 30 days following the service of this order on respondent, shall:

A. Send by first class mail to each current owner of a 1977 through 1981 model year Volkswagen and Audi vehicle equipped with a diesel engine a copy of Exhibits A, B and E and a postage-paid self-addressed return envelope.

B. Send by first-class mail a copy of Exhibits B, C and E and a postage-paid self-addressed return envelope to any owner of a 1977 through 1981 model year Volkswagen or Audi vehicle equipped with a diesel engine who requests information concerning reimbursement for oil filter leaks.

C. Search its warranty and complaint records and those of its distributors to ascertain the names and addresses of owners who had previously complained about and not received full reimbursement for engine repairs due to oil filter leaks on diesel engines. Owners whose names appear on any such records shall be sent by first class mail Exhibits B, D1, and E and a postage-paid self-addressed return envelope; *Provided, however*, That where records clearly establish an owner's entitlement to and amount of reimbursement under Part IV of this order, respondent shall send a check for such amount and Exhibits D2, B, and E.

Part IV

It is further ordered that respondent:

A. Provide reimbursement to each owner of a 1977 through 1981 model year Volkswagen or Audi vehicle equipped with a diesel engine who has unreimbursed expenses for engine repairs due to an oil filter leak, which occurred prior to 30 days after the owner's receipt of a letter sent pursuant to Parts III A, B or C of the order or 60 days after the date of mailing of such letter, whichever comes first; *Provided, however*, That respondent need not reimburse an owner for an engine repair due to an oil filter leak if the oil filter on the vehicle at the time of the leak had not been distributed by respondent, unless the leak was approximately caused by a Volkswagen or Audi original equipment or replacement part for which repair or replacement was necessary; *Provided, further, however*, That respondent may deny reimbursement to owners whose initial request in writing for reimbursement is received more than two (2) years after the date this order is served upon respondent or more than six (6) months after the owner has received a letter pursuant to Part III A, B, or C of this order, whichever comes first.

B. Shall pay full reimbursement for engine repairs due to an oil filter leak upon presentation by an owner of reasonable evidence that the owner is eligible for reimbursement pursuant to Part IV A above; *Provided, however*, respondent may perform a documented inquiry concerning a claim if it believes for good cause that the owner may not be eligible to receive the amount claimed by the owner. Such an inquiry must begin and any request that an owner provide further information must be sent within 30 days after the owner has mailed a copy of Exhibit B to respondent or otherwise requested reimbursement in writing.

C. Shall within the 30 days set out in Part IV B mail to the owner a check for the amount claimed by the owner unless:

1. Respondent both begins an inquiry and notifies the owner in writing that an inquiry is being conducted; or

2. Respondent denies reimbursement for some or all of the amount claimed by the owner, and sends the owner a letter pursuant to Part IV F, below.

D. Shall complete each inquiry conducted pursuant to Part IV B:

1. Within sixty (60) days after the owner has mailed a copy of Exhibit B to respondent or otherwise requested reimbursement in writing; or

2. Within thirty (30) days following the mailing to respondent of any response to a request for additional information sent to an owner as part of an inquiry conducted pursuant to Part IV B, whichever is later.

E. Shall, upon completion of each inquiry, send the owner a check, a letter pursuant to Part IV F, or both.

F. Shall send a letter by first class mail to each owner who has been denied reimbursement for some or all of the amount claimed by the owner. This letter shall:

1. Notify the owner of the disposition of the claim;

2. Give specific reasons for the disposition;

3. Inform the owner that he/she may have other legal rights;

4. If available in the area where the owner lives, inform the onwer of the existence of the Better Business Bureau Arbitration program and the following:

a. That the program is operated free of charge to the owner;

b. That by choosing arbitration both parties may give up the right to have the facts of the dispute decided in court;

c. That the arbitrator's decision is binding and may be enforced in court;

d. That the arbitrator's decision can be appealed only for limited reasons; and

e. That owners who want more information should contact their local Better Business Bureau; and

5. Inform the owner that the oil filter reimbursement program is being conducted by agreement between Volkswagen of America and the Federal Trade Commission, and that if he/she believes his claim was improperly denied he/she may contact the FTC's Compliance Division of the Bureau of Consumer Protection at 6th and Pennsylvania Avenue, NW, Washington, D.C. 20580.

Part V

It is further ordered that respondent shall maintain accurately and retain for a period of three (3) years following the service of this order on respondent the following records which may be inspected by Commission staff members upon fifteen (15) days' notice:

1. A list, by state and, for each state, in alphabetical order, (or a data base from which such list may be readily complied) containing the names and addresses of each owner of a Volkswagen and Audi vehicle to whom Exhibits A–E were sent and the dates such letters were sent to each;

2. A list, by state and, for each state, in alphabetical order, containing the name and address of each owner of a Volkswagen or Audi vehicle who received a check pursuant to Part IV C and each owner who requested reimbursement from respondent pursuant to Exhibit B or another writing and, for each, the date such request was received by respondent, the total dollar amount of such request. Respondent shall also maintain all documents initially submitted by owners and each of the following as applicable to such owner: documents indicating whether follow-up information was requested and the date such information was requested; all additional information submitted in response to any request for follow-up information and the date such information was received; documents relating to any inquiry by respondent of the circumstances surrounding such owner's claim; all documents indicating the total dollar amount of reimbursement, if any, such owner was sent, the date it was sent, and a copy of the notice of final disposition of the claim, if sent to such owner.

Part VI

It is further ordered that any and all correspondence sent by respondent pursuant to the provisions of this order shall be on respondent's corporate stationery. All envelopes sent pursuant to Part III shall contain no marking other than respondent's name and return address, the postage marking, the name and address of the addressee, and the words "IMPORTANT MAINTENANCE AND REIMBURSEMENT INFORMATION" disclosed conspicuously on the front.

Part VII

It is further ordered that respondent shall send a copy of this order to each of its dealers.

Part VIII

It is further ordered that no provision of this order shall be construed to limit, in any way, any private right of action which any individual, partnership, corporation or other entity might have against respondent or against any oil filter manufacturer.

Part IX

It is further ordered that the respondent shall forthwith distribute a copy of this order to each of its operating divisions, to its successors and assigns.

Part X

It is further ordered that for so long as any other provisions of this order remain in effect respondent notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

Part XI

It is further ordered that respondent shall within sixty (60) days after service upon it of the order, and also annually for two (2) years thereafter, file with the Commission reports in writing, setting forth in detail the manner and form in which it has complied with this order.

Part XII

It is further ordered that Parts I and II A and B of the order shall termiante at any time if,

1. Respondent's oil filter installation instructions do not provide for any wrenches or special tools to tigthen the filter, and

2. Respondent possesses competent and reliable engineering evidence which substantiates that the installation of the oil filter without the use of wrenches or special tools under normal field conditions would be substantially as effective in preventing oil filter leaks as installation of the filter with wrenches or special tools.

Exhibit A

Important Maintenance and Reimbursement Information

Dear [Volkswagen] [Audi] Diesel Owner: Some [Volkswagen] [Audi] diesel owners have reported oil leaks in the oil filter area of the engine. On occasion, this can lead to severe engine damage. Therefore, we'd like to tell you some important news about:

- new recommendations for oil filter installation procedures which can help prevent oil filter leak problems, and
- our reimbursement offer for past problems and warranty coverage for future problems like this.

Installation Instructions

We've modified the diesel oil filter instructions to emphasize that the filter must be properly mounted and tightened. You or the mechanic must follow these instructions carefully to guard against oil leaks. Use the correct tools to tighten the filter and check the mounting torque. These new instructions are enclosed. *Please staple them to the cover of your owner's manual and make sure they are followed each time an oil filter is installed.*

Reimbursement Offer

If you paid for engine repairs caused by an oil leak in the filter area, and were not reimbursed, and the filter was an Autobahn (VW/Audi) filter, we'll reimburse you for engine repairs, oil, filter, and towing. If the filter was not a VW/Audi/Autobahn filter, we'll pay for repairs only if a VW/Audi engine part that had to be repaired or replaced caused the problem. This offer covers engine repairs which occured prior to or within 30 days after you receive this letter. If our coverage doesn't apply to engine repairs you paid for, check to see if the filter manufacturer will reimburse you for expenses.

Don't forget that your car's warranty may also provide coverage for these and other repair problems in the future. The "new vehicle limited warranty" covers defects in materials and workmanship for [12 months or 20,000 miles, whichever comes first (VW)]. [12 months, regardless of mileage (Audi)]. The "replacement parts limited warranty" covers such defects for six months or 6,000 miles.

Complete the Enclosed Form

If you believe you may be entitled to reimbursement under this program, complete the enclosed form and send it to us. *Even if you were previously denied warranty service or if you aren't sure you're eligible, send in the form.* Within 30 days, we'll send you a check or contact you with information about the status of your claim.

You must send in your form within six months after your receive this letter to qualify for this reimbursement offer. If you have any questions, don't hesitate to contact us or your local dealer.

Sincerely,

Volkswagen of America, Inc.

Reimbursement Request Engine Repair Due To Diesel Oil Filter Leak

Instructions: *Make sure you follow these instructions carefully.* If we don't have enough information your claim might be delayed.

Attach to this form legible copies of all the documents you have which support your claim including receipts, repair orders, cancelled checks or money orders. If you don't have a repair order, get a short statement from the garage or dealership where the repair was done which tells us what work was done, and why.

We will reimburse you for engine repairs, oil, a new oil filter, and towing if you qualify for reimbursement. We will *not* reimburse you if your only damage was loss of oil and towing.

Name ______
VIN ______
[Preprinted] ______
City ______
State ______
Zip Code ______
Phone (   ) ______
Total Amount Actually Paid: $ ______

Brand of Filter ——————

To the best of my knowledge, the above claim is for expenses I had to pay for which I was not reimbursed and which resulted from an oil leak from my car's oil filter.

I hereby certify that the above information is true and correct.

Date ——————

Signature ——————

BE SURE TO ENCLOSE ALL YOUR PROOF WHEN YOU MAIL US THIS FORM!

Exhibit C

Important Maintenance and Reimbursement Information

Dear [Volkswagen] [Audi] Diesel Owner: Thank you for contacting us about oil filter leaks on our diesel engines. Some [Volkswagen] [Audi] diesel owners have reported oil leaks in the oil filter area of the engine. On occasion, this can lead to severe engine damage. Therefore, we'd like to tell you some important news about:

- new recommendations for oil filter installation procedures which can help prevent oil filter leak problems, and
- our reimbursement offer for past problems and warranty coverage for future problems like this.

Installation Instructions

We've modified the diesel oil filter instructions to emphasize that the filter must be properly mounted and tightened. You or the mechanic must follow these instructions carefully to guard against oil leaks. Use the correct tools to tighten the filter and check the mounting torque. These new instructions are enclosed. *Please staple them to the cover of your owner's manual and make sure they are followed each time an oil filter is installed.*

Reimbursement Offer

If you paid for engine repairs caused by an oil leak in the filter area, and were not reimbursed, and if the filter was an Autobahn (VW/Audi) filter, we'll reimburse you for engine repairs, oil, filter, and towing. If the filter was not a VW/Audi/Autobahn filter, we'll pay for repairs only if a VW/Audi engine part that had to be replaced caused the problem. This offer covers engine repairs which occured prior to or within 30 days after you receive this letter. If our coverage doesn't apply to engine repairs you paid for, check to see if the filter manufacturer will reimburse you for expenses.

Don't forget that your car's warranty may also provide coverage for these and other repair problems in the future. The "new vehicle limited warranty" covers defects in materials and workmanship for [12 months or 20,000 miles, whichever comes first (VW)]. [12 months, regardless of mileage (Audi)]. The "replacement parts limited warranty" covers such defects for six months or 6,000 miles.

Complete The Enclosed Form

If you believe you may be entitled to reimbursement under this program, complete the enclosed form and send it to us. *Even if you were previously denied warranty service or if you aren't sure you're eligible, send in the form.* Within 30 days, we'll send you a check or contact you with information about the status of your claim.

You must send in your form within six months after you receive this letter to qualify for this reimbursement offer. If you have any questions, don't hesitate to contact us or your local dealer.

Sincerely,

Volkswagen of America, Inc.

Exhibit D1

Important Maintenance and Reimbursement Information

Dear [Volkswagen] [Audi] Diesel Owner: Our records show that your car has experienced an oil filter leak. As you may know, on occasion, this can lead to severe engine damage. Therefore, we'd like to tell you some important news about:

- new recommendations for oil filter installation procedures which can help prevent oil filter leak problems, and
- our reimbursement offer for past problems and warranty coverage for future problems like this.

Installation Instructions

We've modified the diesel oil filter instructions to emphasize that the filter must be properly mounted and tightened. You or the mechanic must follow these instructions carefully to guard against oil leaks. Use the correct tools to tighten the filter and check the mounting torque. These new instructions are enclosed. *Please staple them to the cover of your owner's manual and make sure they are followed each time an oil filter is installed.*

Reimbursement Offer

If you paid for engine repairs caused by an oil leak in the filter area, and were not reimbursed, and the filter was an Autobahn (VW/Audi) filter, we'll reimburse you for engine repairs, oil, filter, and towing. If the filter was not a VW/Audi/Autobahn filter, we'll pay for repairs only if a VW/Audi engine part that had to be repaired or replaced caused the problem. This offer covers engine repairs which occured prior to or within 30 days after you receive this letter. If our coverage doesn't apply to engine repairs you paid for, check to see if the filter manufacturer will reimburse you for expenses.

Don't forget that your car's warranty may also provide coverage for these and other repair problems in the future. The "new vehicle limited warranty" covers defects in materials and workmanship for [12 months or 20,000 miles, whichever comes first (VW)]. [12 months, regardless of mileage (Audi)]. The "replacement parts limited warranty" covers such defects for six months or 6,000 miles.

Complete the Enclosed Form

If you believe you may be entitled to reimbursement under this program, complete the enclosed form and send it to us. *Even if you wre previously denied warranty service or if you aren't sure you're eligible, send in the form.* Within 30 days, we'll send you a check or contact you with information about the status of your claim.

You must send in your form within six months after you receive this letter to qualify for this reimbursement offer. If you have any questions, don't hesitate to contact us or your local dealer.

Sincerely,

Volkswagen of America, Inc.

Exhibit D2

Important Reimbursement Check Enclosed

Dear [Volkswagen] [Audi] Diesel Owner: Our records show that you experienced engine damage related to an oil filter leak on your [Volkswagen] [Audi] diesel vehicle and that reimbursement for your repair costs was not made available in your case.

We have recently reconsidered your claim. On the basis of our review, we have determined that reimbursement was appropriate and should have been granted.

Accordingly, we are pleased to enclose our check in the amount of $. We regret the delay. However, we are pleased that we were able to be of assistance.

If this amount is less than what you paid for engine repairs due to an oil filter leak, oil, a new oil filter, and towing, fill out the attached form and return it to us in the enclosed postage-paid envelope. Even if you request additional reimbursement, you can still cash this check. Within 30 days, we'll send you an additional check or contact you with information about the status of your claim.

If you do request additional reimbursement under this offer, you must send in your form within 6 months after you receive this letter. If you have any questions, don't hesitate to contact us or your local dealer.

Installation Instructions

We've modified the diesel oil filter instructions to emphasize that the filter must be properly mounted and tightened. You or the mechanic must follow these instructions carefully to guard against oil leaks. Use the correct tools to tighten the filter and check the mounting torque. These new instructions are enclosed. *Please staple them to the cover of your owner's manual and make sure they are followed each time an oil filter is installed.*

Sincerely,

Volkswagen of America, Inc.

Exhibit E

Oil Filter Installation Instructions

1. Use VW Part No. 068 115 561 or equivalent. [For Owner's Manual and Exhibit E only]
2. Apply thin film of Engine oil to filter gasket. (Do not use grease.)
3. Screw on filter by hand until filter gasket contacts flange firmly all round.
4. Tighten filter ¾ turn. Use VW filter cap wrench US–4496 or equivalent, wrench extension, and standard torque wrench.
5. Check dipstick for correct oil level.
6. Run engine at various speeds for 3–5 minutes.
7. Stop engine, use filter cap wrench (center drive socket), extension and torque wrench for final check. Torque must be at least 18 ft. lbs.
8. Re-check dipstick for correct oil level, add oil as needed.

9. Start engine and check for proper seal at the oil filter gasket.

Important: Follow these instructions carefully. An improperly installed filter may leak and damage your engine.

[Figure 17-A14 from 1981 Rabbit Owners Manual, P. 93]

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Volkswagen of America, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments from interested parties. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter concerns costly oil filter leakage problems on Volkswagen's diesel engine vehicles sold since their introduction in the 1977 model year. The complaint, which was placed on the public record by the Commission along with the proposed consent order, alleges that Volkswagen of America knew of the filter problems but failed to disclose important facts to owners of diesel vehicles about them. This information—namely, the details of an unusual and exacting oil filter installation procedure—would have enabled owners to minimize the chance of oil filter leaks occurring on their vehicles.

The complaint alleges, more specifically, that owner's manuals for VW's 1977–1980 diesel engine vehicles instructed owners to install replacement oil filters according to the customary "hand-tightening" method. However, the complaint alleges VW has notified its dealer network to install replacement filters on diesel engine vehicles using particular wrenches to tighten the filter sufficiently to avoid leaks. The complaint also charges that VW never told the owners of these vehicles about the instructions recommended to the dealers, nor about the likelihood of filter leaks. Accordingly, the complaint alleges further that VW's failure to disclose this information misled owners and caused substantial economic harm, and thus constituted a violation of Section 5 of the Federal Trade Commission Act.

In the proposed order, Volkswagen of America has agreed to take steps to provide redress to consumers who have had costly engine repairs resulting from oil filter leaks and to provide information to consumers so oil filter leaks will occur less often in the future. The order provides that VW will:

1. Offer to reimburse current and past owners of 1977–1981 VW and Audi diesel vehicles for engine repairs which resulted from oil filter leaks. If the leaking filter was a VW-brand filter, reimbursement will be available regardless of the cause of the leak; if the filter was a non-VW aftermarket brand, reimbursement will be available only if an engine problem caused the leak;
2. Notify current owners of 1977–1981 VW and Audi diesels by first class mail of the reimbursement offer and of the currently recommended oil filter installation procedures for diesel engines;
3. In the future, not have in its diesel engine owner's manual an installation procedure that differs in substance from that provided to its dealers unless the owner is notified of a difference in procedures.
4. Place in its owner's manuals and on its own brand (VW/Audi/Autobahn) replacement filters a conspicuous statement warning of the need to follow oil filter installation instructions carefully to avoid serious engine damage.

Volkswagen of America's obligations under these latter two provisions will terminate if, at some time in the future, VWoA recommends oil filter installation instructions which no longer provide for the use of a wrench and thus only require "hand-tightening"—the procedure customarily followed by customers and mechanics in installing oil filters—and if VWoA can substantiate that "hand-tightening" will be substantially as effective an installation procedure as tightening the filter with a wrench.

Impact of the Order

The order will have a beneficial effect on owners of VW and Audi diesel engine vehicles. The most important benefit will be notification to owners of the oil filter leakage problem and the improved installation procedures. This notification will minimize the incidence of leakage and resulting engine damage (up to $2,000 in repair bills) and thus reduce overall repair costs. The notification is particularly important because an increasingly large number of owners will perform oil and filter changes themselves as their vehicles get older. Industry data shows that more than one-third of car owners perform their own oil changes. Without the VW recommended installation procedures specifying a wrench, many consumers will continue to install filters in the customary way—by hand tightening—and thus increase the risk of a serious filter leak.

The second significant effect of the order will be the reimbursement program for past oil filter leaks. Although it is not clear how many consumers will be reimbursed, at least several thousand diesel owners have had oil filter leaks, many of which resulted in engine damage. Some of these owners, however, have been previously reimbursed or had free repairs under the terms of VWoA's warranties or by dealers, independent garages, or other filter manufacturers.

The agreement indicates the Commission's view that a company may be in violation of Section 5 of the Federal Trade Commission Act if it fails to correct material use and care information that it has given to purchasers and that it subsequently learns (or should have learned) is erroneous. This agreement may encourage other manufacturers to disclose corrected use and care information under similar circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-28094 Filed 9-28-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 606

[Docket No. 80N-0120]

Labeling Requirements for Blood and Blood Components; Clarification of Proposed Rule

AGENCY: Food and Drug Administration.

ACTION: Clarification of proposed rule.

SUMMARY: The Food and Drug Administration (FDA) clarifies the proposed labeling requirements for blood and blood components published in the **Federal Register** of October 31, 1980. FDA advises that all blood banks should continue using any existing color codes until FDA's final decision on whether to change the color coding system is published as a final regulation in the **Federal Register**. This action is based on comments received on that proposal.

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EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: Rada Proehl, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In a proposal entitled "Current Good Manufacturing Practice for Blood and Blood Components; Uniform Blood Labeling" published in the **Federal Register** of October 31, 1980 (45 FR 72416), FDA proposed to revise the labeling requirements for blood and blood components. The proposal also announced the availability of a guideline describing the specifications for a uniform container label complying with the proposed regulations. The proposed revisions and guidelines were developed in response to the recommendations of the American Blood Commission's Committee for Commonality in Blood Banking Automation.

The proposal stated that FDA is encouraging the immediate voluntary use of labels and instruction circulars complying with the proposed regulation. The proposal further stated, however, that ABO blood group color coding under proposed § 606.121(d)(3) (21 CFR 606.121(d)(3)) may not be optionally introduced for 2 years after the date of publication of the final rule in the **Federal Register**. To ensure that there will be no overlap or conflict with the color coding currently in use, § 606.121(d)(3) specifically proposed an interim transition period of 1 year beginning on the effective date of the final rule during which no color coding would be permitted.

In response to the proposal, FDA has received 20 comments strongly objecting to the proposed new color code for blood product labels. The consensus of opinion in the comments is that there is no good reason to change the ABO color coding of blood labels, and there are numerous reasons to leave it as is. The comments stated that the existing difference between colors of the current ABO container labels and the ABO typing reagents has been in effect for over three decades and has never presented a problem. Because ABO errors cause most of the avoidable deaths due to transfusion, the comments state further that the introduction of new ABO color codes only introduces additional confusion which could increase ABO errors. Furthermore, the comments argued that the proposed label change creates an unwarranted financial burden on blood banks by reducing the advantage of large orders and possibly resulting in the wasting of existing printed colored labels. The proposed label change also was said to permit insufficient time to reeducate the thousands of health care professionals using the current system. The comments stated further that additional expense is incurred because of the needed correction in the records of some institutions and in textbooks and other educational material to be consistent with the proposed color change. Two comments also pointed out that for blood components such as Frozen Red Blood Cells (Human) and Single Donor Plasma (Human) which have a storage time in excess of 2 years, and which are prepared for transfusion after the proposed transition period, it would be possible to have the same product labeled with either the old or the new ABO color code depending on when the product was originally labeled.

As a result of the comments received providing practical reasons against the proposed changes in ABO color coding, the agency is reemphasizing its caution stated in the preamble of the proposal that "* * * the guidelines may be revised at the time of publication of the final rule in response to comments received or any changes in the labeling requirements contained in the final rule" (45 FR 72417). Accordingly, FDA cautions that there is a reasonable chance that color labels prepared in accordance with the proposal may be unacceptable under the final rule. Therefore, all blood banks should continue using any existing color codes until FDA's decision on this matter is published as a final regulation in the **Federal Register**. FDA emphasizes that voluntary compliance with the other proposed label changes is not affected by this clarification.

Effective date. This clarification is effective September 29, 1981.

Dated: September 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-28169 Filed 9-28-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF DEFENSE

32 CFR Part 199

[DoD 6010.8-R]

Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Correction

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Extension of comment period; correction.

SUMMARY: The Department of Defense is making typographical changes to an extension of the comment period on implementation of the Civilian Health and Medical Program of the Uniformed Services which was published on September 21, 1981, (46 FR 46597). This action changes the dates, "January 1, 1981" to "January 1, 1982", that appears twice in the middle column of page 46597, and also, this changes "September 30, 1981" to "September 30, 1982" which also appears in the middle column of page 46597.

FOR FURTHER INFORMATION CONTACT: M. S. Healy, Chief, Directives Division, OSD/WHS, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION: This concerns the extension of comment period on a proposed amendment to Part 199 of this title to eliminate residential treatment centers (RTCs). If adopted as a final rule, the amendment will be effective for new admissions to RTCs on and after January 1, 1982; and also, if adopted, the transition period for those CHAMPUS residents in an RTC as of January 1, 1982, will be 9 months (instead of 12 months as originally announced), with all RTC benefits still terminating as of September 30, 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 23, 1981

[FR Doc. 81-28031 Filed 9-28-81; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1892-2]

Approval and Promulgation of Implementation Plans; Arizona Lead State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA promulgated National Ambient Air Quality Standards (NAAQS) for lead on October 5, 1978 (43 FR 46246). A revision to the Arizona State Implementation Plan (SIP) for lead has been submitted to EPA by the Governor. The intended effect of the revision is to provide for the attainment and maintenance of the lead NAAQS in Arizona by October of 1982. EPA has reviewed the plan and is proposing to approve it, with the exception of the preconstruction permit provisions.

EPA invites interested persons to comment on the plan, the identified deficiencies, and/or the consistency of the plan with respect to the requirements of the Clean Air Act.

DATES: Comments may be submitted up to October 29, 1981.

ADDRESSES: Comments may be sent to: Regional Administrator, Environmental Protection Agency, Region IX, Attn: Air and Hazardous Materials Division, Air Programs Branch, State Implementation Plan Section (A-2-4), 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed plan are available for public inspection during normal business hours at the EPA, Region IX Office at the above address, and at the following locations:

Arizona Department of Health Services, 1740 West Adams Street, Phoenix, Arizona 85007;

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Ron Leach, State Implementation Plan Section (A-2-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, (415) 556-9728.

SUPPLEMENTARY INFORMATION:

Background

Lead is emitted into the atmosphere by vehicles burning leaded fuel and by certain stationery sources. It enters the human body through ingestion and inhalation with consequent absorption into the blood stream and distribution to all body tissues. Clinical, epidemiological, and toxicological studies have demonstrated that exposure to lead adversely affects human health.

EPA's initial approach to controlling lead in the air was to limit the lead emissions from automobiles, the principle source of lead air emissions. Regulations for the phasedown of lead in the total gasoline pool were promulgated in 1973, and following litigation, modified and put into effect in 1976.

In 1975, the Natural Resources Defense Council brought suit against EPA to list lead under Section 108 of the Clean Air Act. Listing a pollutant under Section 108 mandates the development of air quality criteria, and establishment of a national air quality standard under Section 109. EPA listed lead on March 31, 1976, and proceeded to develop air quality criteria and the proposed standard.

On October 5, 1978 EPA promulgated primary and secondary NAAQS for lead. The standards were set at a level of 1.5 micrograms of lead per cubic meter or air (μg Pb/m^3), averaged over a calendar quarter. Section 110 of the Clean Air Act, as amended, requires states to submit implementation plans to EPA detailing how the NAAQS will be attained and maintained in their areas. EPA set forth the requirements of an approvable lead State Implementation Plan in 40 CFR Part 51 (43 FR 46264). These provisions require the submission of air quality data, emissions data, a control strategy, air quality modeling, and a demonstration that the standard will be attained within the time frame specified by the Clean Air Act.

Description of Proposed SIP Revision

On April 1 and September 26, 1980, the Governor of Arizona submitted revisions to the State Implementation Plan for lead. The Arizona Department of Health Services, Maricopa County, and Pima County each prepared a separate lead plan. The three plans together form the Arizona Lead State Implementation Plan revision, hereafter referred to as the plan. Although Maricopa County and Pima County have developed separate lead plans, the State maintains jurisdiction over certain types of sources, including copper smelters and all mobile sources. To achieve and maintain the lead NAAQS, the plan relies upon Federal regulations which mandate the reduction of lead in gasoline and improved fleet fuel economy.

The plan contains summaries of measured and projected air quality data, a rollback modeling analysis for Maricopa County, base-year and projected emission inventories for stationary sources, and base-year and projected emission inventories for mobile sources.

The air quality data is taken from total suspended particulate (TSP) monitoring stations located throughout the State. The data indicates that Maricopa County is the only area where exceedances of the standard have occurred since 1974. Maricopa County employs a modified rollback analysis to demonstrate attainment of the standard. This analysis uses the highest concentration (quarterly mean) recorded in 1977, and overall County emissions data (base-year 1977 and projected emissions for 1982) to show attainment of the standard. The highest concentration during 1977 (3.89 μg/m^3) is used because this year corresponds to the base-year of the emission inventory. However, the highest concentration measured in 1977 is not the overall maximum level recorded since 1974. The maximum level recorded since 1974, or worst case, is 4.43 μg/m^3. EPA analysis of the worst case situation, however, also shows that the standard will be attained by the statutory deadline.

The emission inventories indicate that the major source of lead in the state is from mobile sources. Mobile source emissions are projected to decrease significantly by 1982. Also contributing to the emissions are seven primary copper smelters. These smelters are the only significant stationary sources of lead in Arizona.

In addition, the "Adopted Pima County Air Quality Control Revised Rules and Regulations" Volume I and various State regulations were submitted to EPA as SIP revisions on October 9, 1979 and April 1, 1980 respectively. These rules relate to preconstruction review of new stationary sources. Portions of the submittals were proposed for approval in the **Federal Register** on July 23, 1980 (45 FR 49113).

Discussion

EPA evaluated Arizona's plan by comparing it with the requirements for an approvable lead SIP, as set forth in 40 CFR Part 51, and with the EPA guideline document, "Supplementary Guidelines for Lead Implementation Plans." As a result of the evaluation, EPA has determined that the plan is consistent with EPA requirements and is proposing to approve Arizona's plan with the exceptions discussed below.

Arizona's plan does not fully satisfy the requirements of 40 CFR 51.18, "Review of New Sources and Modifications," because it lacks a permitting program for new stationary sources of lead that emit 5 tons/year or more. In accordance with Section 110(a)(2)(D) of the Clean Air Act (CAA) and 40 CFR 51.18, an approvable lead SIP revision must include a permitting program for regulating the "modification, construction, and operation of any stationary sources," to assure attainment and maintenance of the lead NAAQS. EPA has determined that the permitting program for lead sources cannot adequately demonstrate such attainment and maintenance unless it applies to all stationary sources of lead whose actual emissons will be 5 tons/yr or more. The source size limit is based on the definition of a point source of lead at 40 CFR 51.1(k). This limit is explained in the "Supplementary Guidelines for Lead Implementation Plans," pages 75-77.

The Pima County and State submittals of October 9, 1979 and April 1, 1980 were reviewed with respect to the new source review requirements for lead SIPs. Neither submittal is completely approvable at this time. Arizona's regulations give the State authority to issue permits to all new and modified sources of lead that emit over 75 tons/yr of lead. Permits for many types of smaller sources may be issued by counties that have approved new source review permit programs. Pima County has an approved permit program that applies to all sources of lead emitting less than 75 tons/yr except primary copper smelters and oil refineries. (The State has exclusive jurisdiction over these two categories of lead sources.) New or modified copper smelters or oil refineries emitting less than 75 tons/yr of lead would not be subject to either set of permit requirements.

40 CFR 51.84, "Areas Around Significant Point Sources," provides that dispersion modeling be performed around certain types of stationary sources to calculate maximum lead air quality concentrations and to determine the locations of these concentrations for demonstration of attainment. Primary copper smelters are the only sources in Arizona which fall into one of the source categories specified in 40 CFR 51.84.

The plan does not contain a dispersion modeling analysis around primary copper smelters. However, EPA has used the results of previously performed sulfur dioxide (SO_2) dispersion modeling and applied a ratio method to demonstrate attainment of the lead NAAQS around the smelters. The Valley dispersion model was used to predict the maximum annual average SO_2 concentrations around all seven of the copper smelters. Source tests, conducted by EPA's National Enforcement Investigations Center, provided lead emission rates for the larger smelters. Emission rates for the smaller smelters were assumed, based on the rates for the larger smelters. The maximum annual lead concentrations were determined by taking a ratio of the lead to SO_2 emission rates, and multiplying this ratio by the predicted maximum SO_2 concentrations. Since the SO_2 modeling results are given in annual averages, and the lead standard is a quarterly average, an adjustment was necessary. A conservative estimate of the worst quarterly lead averages was obtained by doubling the annual averages. This doubling factor is based on observed ratios of measured annual averages to measured quarterly averages. The monitoring data was provided by the State of Arizona and shows low quarterly average lead concentrations around the smelters. The requirements of 40 CFR 51.84 are fulfilled because dispersion modeling has demonstrated attainment of the lead NAAQS around all seven of the copper smelters in Arizona.

EPA Proposed Actions

As discussed above, Arizona's plan meets EPA's requirements and is therefore proposed to be approved except as follows. The plan does not contain a permitting program for the review of new stationary sources of lead emissions, as required by 40 CFR 51.18. The plan is proposed for disapproval with respect to this requirement.

Public Comments

EPA has determined that Arizona's plan satisfies the public hearing requirements of 40 CFR 51.4. The State, prior to adopting its plan, held a public hearing after first providing a 30-day public notice. Included in the plan are two documents entitled "Clarification for the Arizona Lead State Implementation Plan Revision" and "A Revised Analysis of Lead Emissions and Ambient Air Concentrations in Pima County, Arizona." The documents provide technical support for the plan and do not alter its conclusions or strategies. Since the documents are non-regulatory in nature and will not affect the program for attainment and maintenance of the NAAQS, no public hearing was required prior to their submittal (44 FR 20373, April 14, 1979). Arizona derives its authority to adopt and enforce ambient air quality standards from Section 36–1807 (A) and (C) of the Arizona Revised Statutes.

Under Section 110 of the Clean Air Act, and 40 CFR Part 51, the Administrator is required to approve or disapprove material submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the ADDRESSES Section of this notice. The Administrator's decision to approve or disapprove the proposed revisions will be based upon the comments received and on a determination of whether the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans have been met.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The SIP approvals announced today are not major because they only approve state actions. The disapprovals are also not major because they preserve the status quo.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7610(a)))

Dated: July 10, 1981.

Frank M. Covington,

Acting Regional Administrator.

Certification of No Significant Impact for a Substantial Number of Small Entities

Action: Proposed approval and disapproval of Arizona State Implementation Plan for Lead

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached proposed rule, if promulgated, will not have a significant impact on a substantial number of small entities. I have certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant impact 46 FR 8709 (January 27, 1981). Major portions of the attached rule are proposed SIP approvals under Sections 110 and 172 within the meaning of the January 27th certification. The approvals will only approve state actions. They will impose no new requirements.

The proposed disapproval will also have no significant impact. The disapproval will preserve the status quo.

Dated: September 18, 1981.

Ann M. Gorsuch,

Administrator.

[FR Doc. 81–28159 Filed 9–28–81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 123

[SW-FRL—1943-4]

Wisconsin Application for Interim Authorization Phase I Hazardous Waste Management Program; Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Hearing and Public Comment Period.

SUMMARY: EPA regulations to protect human health and the environment from the improper management of hazardous waste were published in the **Federal Register** on May 19, 1980, (45 FR 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Wisconsin application for Phase I Interim Authorization, inviting public comment, and giving notice of public hearing to be held on the application.

DATE: Comments on the Wisconsin Interim Authorization application must be received by November 10, 1981.

PUBLIC HEARING: EPA will conduct a public hearing on the Wisconsin Interim Authorization application at 2:00 p.m. on October 30, 1981. EPA reserves the right to cancel the public hearing if significant public interest in a hearing is not expressed. The State of Wisconsin will participate in the public hearing.

ADDRESSES: The Public hearing will be held at 2:00 p.m. on October 30, 1981, at: General Executive Facility (GEF) III, Room 11, 125 South Webster Street, Madison, Wisconsin.

Copies of the Wisconsin Interim Authorization application are available at the following addresses for inspection and copying by the public during normal business hours:

(1) Wisconsin Department of Natural Resources, Bureau of Solid Waste, 125 South Webster Street, Madison, Wisconsin, Telephone (608) 267-7564 for other locations within the State;

(2) U.S. Environmental Protection Agency, Region V, Air and Hazardous Materials Division, Waste Management Branch, 111 West Jackson, Chicago, Illinois 60604;

(3) U.S. Environmental Protection Agency, Library, Room 2404, 401 M Street, S.W., Washington, D.C. 20460.

Written comments and notification of intent to provide oral comments at the hearing and requests for transcripts of the hearing should be sent to: Judy Kertcher, Chief, Regulatory Analysis and Information Section, Waste Management Branch (5AHWM), U.S. Enviromental Protection Agency, Region V, 111 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Judith Stone, Regulatory Analysis & Information Section, Waste Management Branch (5AHWM), U.S. Environmental Protection Agency, 111 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-4179.

SUPPLEMENTARY INFORMATION: On May 19, 1980, (45 FR 33063), pursuant to the requirements of sections 3001 through 3006 of the Resource Conservation and Recovery Act of 1976, (Act), as amended, EPA promulgated Phase I of its regulations to protect human health and the environment from the improper management of hazardous waste. Section 3006 of the Act provides for the Authorization of a State to administer and enforce a hazardous waste management program in lieu of the Federal program. EPA Phase I regulations established, among other things: the initial identification and listing of hazardous wastes; the standards applicable to generators and transporters of hazardous waste, including a manifest system; and the "interim status" standards applicable to existing hazardous waste management facilities before they receive permits. The regulations also provide for two different types of EPA approval of State programs: (1) Interim Authorization which will become effective in phases and which may extend for only 24 months after the final component of Phase II of the Federal program has become effective and (2) Final Authorization. Although for Final Authorization the State must have a program which is "equivalent to" and "consistent with" the full Federal program, during Interim Authorization States need programs that are only "substantially equivalent" to the Federal program.

Any State may submit evidence of a hazardous waste program existing pursuant to State law and may request Interim Authorization to administer and enforce such a program.

EPA shall grant Interim Authorization if the evidence submitted by a State demonstrates that the State program is substantially equivalent to the Federal program.

On August 19, 1981, the State of Wisconsin submitted its complete application for Phase I Interim Authorization of its hazardous waste management program. This notice solicits public comments on the State of Wisconsin's application and its hazardous waste management program. The elements of the Federal program are listed in the May 19, 1980, **Federal Register.** A full description of the requirements and procedures for Interim Authorization of a State hazardous waste program are listed in Part 123 Subpart F (45 FR 33479), and as amended January 26, 1981, (46 FR 8298). To receive Interim Authorization a State's hazardous waste management program must be subtantially equivalent to the Federal program and must meet the requirements in § 123.128. Copies of the State submittal are available for public inspection and comment as noted above. A public hearing is to be held on the submittal, unless significant public interest is not expressed, also as noted above.

Conduct of Hearing

The hearing is intended to provide an opportunity for interested persons to present their views and submit information for consideration by EPA in the decision whether to grant Wisconsin Interim Authorization for Phase I of the RCRA program.

A panel of EPA employees involved in relevant aspects of the decision will be present to receive the testimony. The hearing will be informally structured. Representatives from the State of Wisconsin will testify first and present a short overview of the State program. Other commenters will then be called in the order in which their requests were received by EPA.

As time allows, persons who did not sign up in advance but who wish to comment on the State's application for Phase I Interim Authorization will also be given an opportunity to testify. As a general rule, in order to insure maximum participation and allotment of adequate time for all speakers, participants should limit the length of their statements to 10 minutes. The public hearing will be followed, as time permits, by a question and answer session during which participants may pose questions to members of the panel.

Preparation of Transcripts

A transcript of the comments received at the hearing will be prepared. To insure accurate transcription, participants should provide written copies of their statements to the hearing chairperson. Transcripts will be available at cost upon request from the address listed above approximately three days after the hearing.

Under Executive Order 12291 (Order), EPA must judge whether an action is a "major rule" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action is not a major rule, since it merely announces receipt and availability of the documents submitted by the State of Wisconsin and the public comment period. Rulemaking action on these documents will be detailed in a separate **Federal Register** notice.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-28162 Filed 9-28-81; 8:45 am]

BILLING CODE [illegible]

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6143]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Arizona, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270, Federal Insurance Administration, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605 (b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Prescott Valley (city), Yavapai County	Aqua Fria River	Intersection of Mingus Circle and Mountain View Drive	*4890
			Intersection of Hill Drive and Mountain View Drive	*4912
		Navajo Drive Wash	Eastern corner of intersection of Towago Drive and Navajo Drive.	*4876
Maps available for inspection at Town Planner's Office, Town Hall, Yavapai Road, Prescott Valley, Arizona				
Send comments to the Honorable Raymond Sandberg, P.O. Box 5456, Prescott Valley, Arizona.				
California	Hercules (city), Contra Costa County	Refugio Creek	100 feet upstream from centerline of Southern Pacific Railroad.	*9
			Confluence with West Branch Refugio Creek	*18
			100 feet upstream from centerline of C Street	*61
			100 feet upstream from centerline of Redwood Road	*175
		West Branch Refugio Creek	100 feet downstream from centerline of San Pablo Avenue.	*32
			125 feet upstream from centerline of Interstate Highway 80.	*52
		East Branch Refugio Creek	350 feet downstream from centerline of Interstate Highway 80.	*30
			150 feet upstream from Interstate Highway 80 off ramp to Willow Avenue.	*38
		Pinole Creek	800 feet west from intersection of Hercules Avenue and Baccus Avenue.	*9
Maps available for inspection at City Hall, 556 Railroad Avenue, Hercules, California.				
Send comments to the Honorable Lynn Judnich, P.O. Box 156, Hercules, California 94547.				
California	Roseville (city), Placer County	Antelope Creek	150 feet upstream from center of the Southern Pacific Railroad.	*161
		Cirby Creek	175 feet upstream from center of Oak Ridge Drive	*139
		Dry Creek	50 feet upstream from center of Atkinson Street	*120
			Intersection of Dry Creek and center of Folsom Road	*145
		Linda Creek	100 feet upstream from center of Rocky Ridge Drive	*158
		Miners Ravine	100 feet upstream from center of Interstate Highway 80.	*161
		Secret Ravine	Intersection of Secret Ravine and center of Private Road.	*169
		South Branch Pleasant Grove Creek.	120 feet upstream from center of Diamond Oaks Road	*127
		Strap Ravine	100 feet upstream from center of McLaren Drive	*155
Maps available for inspection at Department of Public Works, 316 Vernon Street, Roseville, California.				
Send comments to the Honorable Harry Crabb, Jr., 316 Vernon Street, Roseville, California 95678.				

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Tehachpi (city), Kern County	Antelope Creek	At the intersection of Antelope Creek and the downstream corporate limits.	*3905
			35 feet upstream from the center of the State Highway 202 (West Tehachapi Boulevard) crossing of Antelope Creek.	*3950
			50 feet west of the intersection of South Mill Street and West C Street..	*3979
		Blackburn Creek	At the intersection of Blackburn Creek and the center of North Mill Street.	*3946
			At the intersection of North Davis Street and East J Street.	*3968
			At the intersection of Anita Drive and South Dennison [illegible]	*4026
Maps available for inspection at City Clerk's Office, 129 East F Street, Tehachapi, California.				
Send comments to the Honorable Larry Redelsberger, P.O. Bin 668, Tehachapi, California 93561				
Florida	City of Brooksville, Hernando County	Ponding Area 1	Approximately 300 feet south of Piccadilly Street and Lakeside Drive Intersection.	*77
		Ponding Area 2	Approximately 450 feet northwest of Howell Avenue and Summit Drive Intersection.	[illegible]
		Ponding Area 3	Approximately 450 feet north and 75 feet east of Kelly Street and Bell Avenue Intersection.	*97
		Ponding Area 4	Just east of Intersection of Seaboard Coast Line Railroad and Oak Dale Avenue extended.	*110
		Ponding Area 5	Intersection of Palm Avenue and Lamar Avenue	*100
		Ponding Area 6	Approximately 300 feet east of Main Street and Russell Street Intersection.	*129
		Ponding Area 7	Approximately 300 feet north of U.S. Route 41 and Summit Road Intersection.	*112
		Ponding Area 8	Just east of U.S. Route 41 and I Street Intersection	*113
		Ponding Area 9	Approximately 225 feet east of Intersection of Candlelight Boulevard and corporate limits.	*78
		Ponding Area 10	Just northwest of U.S Route 41 and State Road 577 Intersection.	[illegible]
		Ponding Area 11	Approximately 450 feet northeast of U.S. Route 41 and State Road 577 Intersection along U.S. Route 41.	[illegible]
		Ponding Area 12	Just northwest of U.S Route 41 and State Road 577 Intersection.	[illegible]
Maps available for inspection at City Hall, 26 South Brooksville Avenue, Brooksville, Florida 33512				
Send comments to Mayor Franklin F. Emerson or Ms. Margaret C. Willard, City Manager, City Hall, 26 South Brooksville Avenue, Brooksville, Florida 33512.				
Georgia	Unincorporated Areas of Lowndes County	Withlacoochee River	Approximately 1,500' upstream of U.S. Highway 84 and 221	*114
			Just downstream of Interstate Highway 75	*130
			Approximately 600 feet downstream of U.S. Highway 41 and State Highway 7.	*133
			Just downstream of State Road	*139
		Little River	Approximately 200 feet downstream of State Highway 94.	*128
		Mud Swamp Creek	Just downstream of Johnson Road	*156
			Just upstream of Southern Railway	*167
			Just downstream of State Highway 31	*171
			Just upstream of Interstate Highway 75	*183
		Airport Tributary	Just downstream of Copeland Road	*174
		Dukes Bay Drainage Canal	Just downstream of Southern Railway Spur	*168
		Knights Creek	Just upstream of County Road 19	*188
			Just upstream of U.S. Highway 221 (State Highway) 31.	*196
Maps available for inspection at Lowndes County Courthouse, Patterson Street, Valdosta, Georgia 31601.				
Send comments to Mr. Fred Deloach, Chairman of Lowndes County Board of Commission of Mr. Bulford McRae, County Manager, Lowndes County Courthouse, or P.O. Box 1349, Valdosta, Georgia 31601.				
Georgia	Unincorporated Areas of Tift County	Little River	Just upstream of U.S. Highway 319	*249
			Just downstream of U.S. Highway 82 (State Highway 50).	*262
			Just upstream Seaboard Coast Line Railroad	*268
		New River	Just upstream of County Road 92	*314
			Just downstream of Ferry Lake Road (County Road 72).	*322
		Channel A	Just downstream of Bill Bowen Road	*316
			Just upstream of Old Ocilla Road (FAS 1981)	*337
		Gum Creek	Just upstream of State Highway 125	*310
			Just upstream of Vernon Road	*325
Maps available for inspection at Tift County Administration Building, 225 Tift Avenue, Tifton, Georgia 31793.				
Send comments to Mr. Charles Kent, Chairman of Tift County's Board of Commission or Mr. Ronald Brownlee, Vice Chairman, Administration Building, 225 Tift Avenue, Tifton, Georgia 31793.				
Nevada	Lincoln County (unincorporated areas)	White River (near Alamo)	Intersection of river and downstream edge of lower road crossing.	*3,450
		White River (near Ash Springs)	Area west of U.S. Highway 93 at the Ash Springs crossing	*3,590

Proposed Base (100-year) Flood Elevations—Continued

[redacted]	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		White River (near Hiko)	Intersection of river and upstream edge of lower road crossing.	*3,844
		Meadow Valley Wash (near Caliente).	Intersection of wash and center of Union Pacific Railroad (crossing just north of Caliente).	*4,433
		Meadow Valley Wash (near Panaca).	50 feet upstream from center of Nevada State Highway Route 25.	*4,725
		Meadow Valley Wash (near Ursine).	Upstream limit of detailed study	*5,583
		Clover Creek	Upstream limit of detailed study	*4,434
		Antelope Canyon Wash	Upstream limit of detailed study	*4,599
		Cathedral Gorge Wash	At confluence with Meadow Valley Wash (just upstream of Union Pacific Railroad).	*4,734
		Dry Canyon Wash	Upstream limit of detailed study	*5,698
		Dry Wash Runoff	50 feet upstream from center of Union Pacific Railroad	*4,370
		Hiko Wash	20 feet upstream from center of State Highway 38	*3,872
Maps available for inspection at County Surveyors Office, Lincoln County Courthouse, Pioche, Nevada.				
Send comments to the Honorable Mile Fogliani, Lincoln County Courthouse, Pioche, Nevada 89043.				
North Carolina	City of Goldsboro Wayne County	Neuse River	Just upstream of State Road 1915	*71
			Just upstream of U.S. Highways 117 and 13 Sound Bound Lane.	*73
		Little River	Approximately 1,500 feet upstream State Highway 581	*74
			Just downstream of U.S. Highway 70	*75
		Big Ditch	Just upstream of Seaboard Coastline Railroad (near George Street).	*76
			Just downstream of Park Avenue	*94
		Stoney Creek	Just upstream of Slocumb Street	*75
			Just upstream of Wayne Memorial Drive (State Road 1556).	*93
		Richland Creek	Just downstream of Buckley Boulevard	*101
		Billy Budd Creek	Just upstream of Beast Road (State Road 1565)	*100
			Just upstream of State Road 1567	*105
		Reedy Branch	Just upstream of State Road 1003	*104
		Howell's Branch	Just upstream of Wayne Memorial Drive (State Road 1556).	*93
			Just downstream of State Road 1523 (Patetown Road)	*102
Maps available for inspection at City Hall, Goldsboro, North Carolina 27530.				
Send comments to Mayor Hal Plonk or Mr. Ken Collings, City Manager, City Hall, P.O. Drawer A, Goldsboro, North Carolina 27530				
North Carolina	City of Kinston, Lenoir County	Neuse River	Just downstream of Southern Railway	*34
			Just downstream of U.S. Highway 70-258 bypass	*38
		Southwest Creek	Approximately 200 feet downstream of U.S. Highway 70.	*36
			Just upstream of N.C. Highway 58 (Trenton Highway)	*47
		Briery Run	Just upstream of N.C. Highway 58	*53
			Just downstream of Airport Road (SR 1578)	*59
			Just upstream of Rouse Road (SR 1572)	*67
		Taylors Branch	Just downstream of Rouse Road (SR 1572)	*70
		Jerico Run	Just downstream of Cunningham Road (SR 1745)	*49
		Jerico Run Tributary	Just upstream of Greenville Highway (NC 55)	*54
		Adkin Branch	Just downstream of N.C. Highway 11 (Greenville Highway).	*44
			Just downstream of Highland Avenue	*49
			Just upstream of U.S. Highway 58 (Queen Street)	*55
			Just downstream of Crawford Road	*75
		Neuse River Tributary	Just downstream of U.S. Highway 70	*40
Maps available for inspection at the Office of Planning and Research, City Hall, Kinston, North Carolina 28501				
Send comments to Mayor Simon Sitterson, Jr., City Hall, P.O. Drawer 989, or Mr. Robert Clark, Director of Planning and Research, City Hall, P.O. Box 339, Kinston, North Carolina 28501				
North Carolina	City of Wilson, Wilson County	Toisnot Swamp	Just upstream of U.S. 301 bypass	*97
			Just downstream of Corbett Avenue	*103
		Hog Island Tributary	At State Road 1327 (flooding effects in this area is backwater from Toisnot Swamp).	*100
		Toisnot Swamp Tributary	Just upstream of Tilghman Road	*108
		Hominy Swamp	Just upstream of Black Creek Road (St. Rd. 1606)	*95
			Just upstream of Raleigh Drive	*112
			Just downstream of Lakeside Drive	*118
			Just upstream of Airport Road (St. Rd. 1320)	*135
		Little Hominy Swamp	Just upstream of Forest Hills Rd.	*124
		Contentnea Creek	Just downstream of Seaboard Coast Line Railroad	*87
			Just downstream of Downing Street	*101
		Wiggins Mill Tributary	Just upstream of Farm Road	*114
		Bloomery Swamp	At Tarboro Street (NC 42) (backwater effects from Contentnea Creek).	*102
Maps available for inspection at the Office of the Director of Planning, City Hall, 112 North Goldsboro Street, Wilson, North Carolina.				
Send comments to Mayor Ralph El Ramsey or Mr. Jim Bradshaw, Planning Department Director, City Hall, P.O. Box 10, Wilson, North Carolina 27893.				
Oregon	Cave Junction (city), Josephine County	East Fork Illinois River	250 feet downstream from center of Redwood Highway (U.S. Highway 199).	*1,292
Maps available for inspection at City Hall, 222 Lister, Cave Junction, Oregon.				
Send comments to the Honorable Irvin R. Whiting, P.O. Box F, Cave Junction, Oregon 97523.				
Oregon	Gaston (city), Washington County	Tualatin River	Approximately 500 feet east along Main Street from its intersection with Tualatin Valley Highway.	*174
Maps available for inspection at City Hall, 116 Front Street, Gaston, Oregon.				
Send comments to the Honorable Robert Terrill, P.O. Box 128, Gaston, Oregon 97119.				

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oregon	Lafayette (city), Yamhill County	Yamhill River	Approximately 800 feet southwest along Washington Street (extended) from its intersection with State Highway 99W.	*109
Maps available for inspection at City Hall, Lafayette, Oregon.				
Send comments to the Honorable Lotis Hanks, P.O. Box 55, Lafayette, Oregon 97126.				
Oregon	Millersburg (city), Benton County	Willamette River	At intersection of Murder Creek and the Burlington Northern Railroad.	*198
		Truax Creek	50 feet upstream from center of Salem Road	*205
Maps available for inspection at City Hall, 4310 N.E. Woods Road, Millersburg, Oregon.				
Send comments to the Honorable Clayton Wood, 4310 N.E. Woods Road, Millersburg, Oregon 97321.				
Oregon	Multnomah County (unincorporated areas)	Columbia River	Interstate Highway 5 over the channel	*28
			Confluence with Sandy River	*32
		Willamette River	Fielding Road	*33
		Multnomah Channel	Approximately 100 feet northeast along Johnson Mill Road from its intersection with Burlington Northern Railroad.	*27
		Multnomah Drainage District No. 1	Intersection of Marx Drive and Holman Street	*17
			Approximately 500 feet north of the intersection of 185th Drive and Union Pacific Railroad.	*17
		Fairview Creek	Intersection of Stark Street and 208th Avenue	*244
		Sandy River	Underpass where Columbia River Highway (I-84) crosses Crown Point Highway.	*32
			Downstream side of Viking Bridge over the channel	*50
		Unnamed Tributary to Rock Creek	Downstream side of Kaiser Road over the channel	*211
		Johnson Creek	Intersection of Harney Street and 82nd Avenue	*196
			Intersection of Mall Street and 141st Avenue	*210
			Intersection of Raymond Street and 122nd Avenue	*211
			Downstream side of 267th Avenue over the channel	*409
Maps available for inspection at Zoning & Planning Office, 2115 SE Morrison, Portland, Oregon.				
Send comments to the Honorable Donald Clark, 1021 SW 4th, Room 136, Portland, Oregon 97204.				
Oregon	Philomath (city), Benton County	Marys River	300 feet south along centerline of 11th (E) Street from its intersection with Applegate (south) Street.	*266
		Newton Creek	100 feet downstream of intersection of Applegate Street and Newton Creek.	*262
Maps available for inspection at City Hall, Philomath, Oregon.				
Send comments to the Honorable Jan Tunison, P.O. Box 549, Philomath, Oregon 97370.				
Texas	City of Lampasas, Lampasas County	Sulphur Creek	Just downstream of 4th Street	*1,013
			Just downstream of Key Avenue	*1,020
			Downstream of Naruna Road	*1,034
		Gooch Branch	Just upstream of U.S. Highway 190	*1,016
		Gibson Branch	Just downstream of 3rd Street	*1,011
			Just upstream of Avenue H	*1,020
		Burleson Creek	Just downstream of Campbell Road	*1,022
			Just downstream of Key Avenue	*1,037
		Cemetery Creek	Just upstream of Hackberry Street	*1,012
		Stream LM-1	Just downstream of Howe Street	*1,036
			Just downstream of Dam	*1,045
			Upstream of Dam	*1,077
Maps available for inspection at City Hall, 302 East Third Street, Lampasas, Texas 76550.				
Send comments to Mayor Henry V. Campbell, Jr. or Mr. Norris Sneed, City Administrator, City Hall, P.O. Drawer 666, Lampasas, Texas 76550.				
Texas	City of Temple, Bellcounty	Leon River	Just downstream of Atchison Topeka and Santa Fe Railway.	*490
			Approximately 500 feet downstream of State Highway 317.	*499
		Fryers Creek	Just upstream of Waters Dairy Road	*590
			Just upstream of Fryers Creek Circle South	*635
			Just upstream of Avenue T	*659
			Just upstream of Avenue P	*670
		Fryers Creek Tributary 1	Just upstream of Corporate Limits (Southern)	*577
		Bird Creek	Just downstream of Shallow Ford Road	*487
			Just upstream of Briar Cliff Road	*534
			Approximately 150 feet downstream of Interstate Highway 35.	*594
			Just downstream of State Highway 36	*661
		Bird Creek Tributary 1	Just downstream of Hemlock Boulevard	*538
			Approximately 120 feet upstream of Cottonwood Lane	*617
		Pepper Creek	Just downstream of Atchison Topeka and Santa Fe Railway.	[illegible]
			Just downstream of FM 2305 (Adams Avenue)	[illegible]
			Just upstream of State Highway 36	[illegible]
		Pepper Creek Tributary 1	Approximately 120 feet upstream of State Highway Loop 363.	[illegible]
			Just upstream of Dam	*655
		Knob Creek	Just downstream of Atchison Topeka and Santa Fe Railway (Downstream Crossing).	*599

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of 30th Street	*633
			Just upstream of Missouri Kansas Texas Railroad	[illegible]
		Little Elm Creek	Approximately 150 feet upstream of Dairy Road	*562
			Approximately 100 feet downstream of Zenith Avenue	*593
			Just upstream of Gun Club Road	*609
			Just upstream of Missouri Kansas Texas Railroad	*642
		Little Elm Creek Tributary 1	Just downstream of Tower Road	*595
			Just downstream of 34th Street	[illegible]
			Just upstream of 16th Street	*677
		Williamson Creek	Just upstream of State Highway 53	*597
			Just downstream of French Street	*622
			Just upstream of Hoover Street	*661
			Just upstream of Walker Avenue	[illegible]
		Williamson Creek Tributary	Just upstream of Missouri Kansas Texas Railroad	*667
			Just upstream of 7th Street	*707
		Little Elm Creek Tributary 2	Just downstream of Center Street	*711

Maps available for inspection at Temple Municipal Building, Main and Adams Streets, Temple, Texas 76501.

Send comments to Mayor J. F. Semmons or Mr. Barney L. Knight, City Manager, Municipal Building, Main and Adams Streets, Temple, Texas 76501.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of Watuaga, Tarrant County	Singing Hills Creek	Just upstream of Mackneal Drive	*584
			Just downstream of Chapman Road	*616
			Just upstream of Starnes Road	[illegible]
		Bunker Hill Creek	Just upstream of Maurie Drive	[illegible]
			Just upstream of Chapman Road	*613
			Just upstream of Prewett Road	*637
		Whites Branch	Just upstream of Watauga Smithfield Road	*580

Maps available for inspection at City Hall, 7107 Whitley Road, Watauga, Texas 76148.

Send comments to Mayor Virgil R. Anthony Sr. or H. R. Macomber, City Hall, 7107 Whitley Road, Watauga, Texas 76148.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Washington	Hamilton (town), Skagit County	Skagit River	Intersection of Baker Street and Ashford Street	*100
			Intersection of Washington Street and Noble Avenue	*102

Maps available for inspection at Town Hall, Noble Street, Hamilton, Washington.

Send comments to the Honorable Tom Hooper, P.O. Box 403, Hamilton, Washington 98255.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28008 Filed 9-28-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6147]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Connecticut, et al.

AGENCY: Federal Emergeancy Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chapell, National Flood Insurance Program, (202) 287-0270, Federal Insurance Administration, Washington, D.C. 20472

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Colchester, Borough, New London County	Judd Brook	Downstream Corporate Limits	*411
			State Route 16 (Upstream side)	*424
			Norwich Avenue (Downstream side)	*455
			Approximately 830′ upstream of Norwich Avenue	*470
			Upstream Corporate Limits	*482
Maps available for inspection at the home of the Borough Clerk, Deborah Golden, Boretz Road, Colchester, Connecticut.				
Send all comments to the Honorable Beverly Park, Borough Warden, Box 197, Colchester, Connecticut 06415.				
Connecticut	Colchester, Town, New London County	Meadow Brook	Confluence with Jersey River	*244
			Downstream of Mill Hill Road	*260
			Approximately 3,800′ upstream of Mill Hill Road	*276
			Approximately 4,630′ upstream of Mill Hill Road	*296
			Approximately 540′ downstream of Levy Road	*315
			Upstream of Levy Road	*328
		Jeremy River	Approximately 2,150′ downstream of State Route 2	*236
			Upstream of State Route 2	*245
			Upstream of Hartford Road	*248
		Judd Brook	Approximately 3,155′ downstream of Miller Road	*344
			Approximately 670′s downstream of Miller Road	*356
			Upstream of Miller Road	*369
			Downstream of State Route 85	*394
			Downstream Corporate Limits of the Borough of Colchester, Connecticut.	*411
			Upstream Corporate Limits of the Borough of Colchester, Connecticut.	*482
			Approximately 2,250′ upstream of Norwich Avenue	*493
Maps available for inspection at the Office of the Town Clerk, Town Office Building, Colchester, Connecticut.				
Send comments to the Honorable John David Cohen, Chairman of the Town of Colchester Board of Selectmen, Town Office Building, Colchester, Connecticut 06415				
Connecticut	Litchfield, Town Litchfield County	Naugatuck River	Downstream Corporate Limits	*496
			Upstream State Route 118	*509
			Upstream Corporate Limits	*515
		East Branch Shepaug River	Upstream Coxes Dam	*918
			Upstream Private Road	*922
			Approximately 830′ upstream of Dam	*950
			Upstream of Blue Swamp Road	*984
		Bantam River	Confluence with Bantam Lake	*904
			Upstream Private Drive	*934
			Approximately 1,000′ upstream of U.S. Route 202	*962
		Bantam Lake	Entire shoreline within community	*904
Maps available for inspection at the First Selectman's Office and the Office of the Zoning Enforcement Office, Litchfield Town Hall, Litchfield, Connecticut.				
Send comments to the Honorable Theodore Litwin, First Selectman of the Town of Litchfield, Town Hall, West Street, Litchfield, Connecticut 06759.				
Connecticut	Stafford, Town, Tolland County	Furnace Brook	Downstream Corporate Limits	*522
			Approximately 2,700′ upstream of Corporate Limits	*540
			Orcutville Road (upstream)	*550
			Leonard Road and Riverside Dam (upstream)	*584
			Pinney School Road (upstream)	*592
			Hydeville Road (upstream)	*621
			State Route 19—(East Street) (first crossing, upstream).	*635
			State Route 19—(East Street) (second crossing, upstream).	*661
			Approximately 1,010′ upstream of Upper Road	*683
		Middle River	Downstream Corporate Limits	*505
			State Route 190—(West Stafford Road) (upstream)	*513
			Approximately 100′ upstream of Central Vermont Railway.	*526
		Edson Brook	Confluence with Middle Brook	*505
			Cooper Lane (Upstream)	*511
			Machine Shop Road	*520
			Confluence with Crystal Lake Brook	*535
		Crystal Lake Brook	Confluence with Edson Brook	*535
			2nd Dam (upstream)—approximately 1,930′ upstream of confluence with Edson Brook.	*577
			State Route 30—(Crystal Lake Road) (upstream)	*587
			Approximately 2,700′ upstream of State Route 30—(Crystal Lake Road).	*612
			Approximately 2,280′ upstream of Handel Road	*622
Maps available for inspection at the Office of the Zoning Officer, 1 Memorial Town Hall, Stafford Springs, Connecticut.				
Send all comments to the Honorable John Julian, First Selectman of the Town of Stafford, P.O. Box 2, Stafford Springs, Connecticut 06076.				

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Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Stafford Springs, Borough, Tolland County	Willimantic River	Corporate Limits	*452
			Filter Corporation Bridge (upstream side)	*463
			Confluence of Furnace Brook and Middle River	*469
		Furnace Brook	Confluence with Willimantic River	*469
			Cyril Johnson Dam (upstream side)	*495
			Corporate Limits	*522
		Middle River	Confluence with Willimantic River	*469
			West Street (downstream side)	*492
			Corporate Limits	*505
Maps available for inspection at the Stafford Springs Zoning Office, 1 Memorial Town Hall, Stafford Springs, Connecticut				
Send comments to Honorable Norman Millard, Borough Warden of Stafford Springs, P.O. Box 91, Stafford Springs, Connecticut 06076				
Connecticut	Willington, Town, Tolland County	Willimantic River	Downstream Corporate Limits	*330
			Directly upstream of Depot Road	*352
			Approximately 150′ upstream of U.S. Route 44	*372
			At confluence of Roaring Brook	*401
			100′ upstream of Central Vermont Railway (2nd most upstream crossing).	*427
			Approximately 640′ upstream Central Vermont Railway (most upstream crossing).	*440
			Upstream Corporate Limits	*452
Maps available for inspection at the Willington Town Clerk's Office, Town Hall, West Willington, Connecticut				
Send comments to the Honorable Andrew Pepko, First Selectman of the Town of Willington, P.O. Box 34, West Willington, Connecticut 06279				
Connecticut	Wilton, Town, Fairfield County	Norwalk River	Downstream Corporate Limits	*123
			Upstream P & E Bridge	*141
			Upstream Wolfpit Road	*158
			Confluence of Comstock Brook	*186
			Upstream State Route 7 (First Crossing)	*208
			Upstream Cannon Road	*226
			Upstream Seely Road	*245
			Downstream Old Mill Road	*271
			Approximately 3,400′ upstream of Old Mill Road	*303
			Approximately 420′ downstream of Old U.S. Route 7	*334
			Upstream Corporate Limits	*344
		Comstock Brook	Confluence with Norwalk River	*186
			Upstream of Lovers Lane	*231
			Upstram of Fitzgerald Road	*263
			Downstream of Middlebrook Farm Road	*310
			Upstream of Nodhill Road	*344
			Approximately 3,600′ upstream of Nodhill Road	*363
			Approximately 7,150′ upstream of Nodhill Road	*425
		West Branch Saugatuck River	Downstream Corporate Limits	*91
			First Footbridge (Downstream)	*109
			Downstream Abandoned Bridge	*130
			Upstream State Route 53	*145
			Upstream Corporate Limits	*159
			Approximately 200′ upstream of upstream Corporate Limits.	*161
		East Branch Silvermine River	Downstream Corporate Limits	*489
			Upstream Bald Hill Road	*516
			Downstream Snowberry Lane	*547
			Upstream Corporate Limits	*561
Maps available for inspection at the Wilton Town Clerk's Office, Wilton, Connecticut.				
Send comments to Rosemary Verrilli, First Selectwoman of Wilton, Wilton, Connecticut 06897.				
Massachusetts	Belmont, Town, Middlesex County	Wellington Brook	Downstream Boston and Maine Railroad bridge	*9
			Upstream Private Drive	*21
			Downstream Common Street	*23
		Little River (Alewife Brook)	Upstream of Corporate Limits	*8
Maps available for inspection at the Office of the Belmont Town Engineer, Town Hall, Belmont, Massachusetts.				
Send comments to the Honorable Walter Flewelling, Chairman of the Town of Belmont Board of Selectmen, P.O. Box 56, Belmont, Massachusetts 02178.				
Massachusetts	Douglas, Town, Worcester County	Mumford River	Downstream Corporate Limits	*321
			Upstream of North Street	*341
			Downstream of Cook Street	*364
			Upstream of Mechanic Street	*376
			Upstream Corporate Limits	*389
		Southwick Brook	Confluence with Mumford River	*377
			Upstream of Hunt Pond Dam	*407
			Upstream of Corporate Limits	*425
Maps available for inspection at the Douglas Town Hall, Main Street, Douglas, Massachusetts.				
Send comments to the Honorable Paul Boutette, Chairman of the Douglas Board of Selectmen, Town Hall, Main Street, Douglas, Massachusetts 01516				
[redacted]	Lee, Town, Berkshire County	Housatonic River	Downstream Corporate Limits	*834
			Willow Mill Dam (Upstream)	*847
			Meadow Street (Upstream)	*851
			Approximately 3,000′ downstream of confluence with Goose Pond Brook.	*861
			Confluence with Goose Pond Brook	*870

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Interstate 90 (Upstream)	*879
			Conrail Bridge (Upstream)	[illegible]
			Columbia Mill Dam (Downstream)	*903
			Columbia Mill Dam (Upstream)	*916
			Confluence of Washington Mountain Brook	*925
			Valley Mill Dam (Upstream)	*955
			Upstream Corporate Limits	*958
		Goose Pond Brook	Confluence with Housatonic River	*870
			Footbridge (Downstream)	[illegible]
			First Private Drive (Downstream)	*915
			Second Private Drive (Downstream)	[illegible]
			Approximately 300' upstream of Second Private Drive	*971
		Barnes Brook	Confluence with Housatonic River	*880
			Private Drive (Upstream)	*885
			Maple Street (Upstream)	*900
			Greylock Street (Upstream)	*916
			Approximtely 2,500' upstream of Greylock Street	*944
			East Street (Upstream)	*970
		Mad River	Approximately 1,200' upstream of confluence with Hop Brook	*855
			Approximately 2,800' upstream of confluence with Hop Brook.	*878
		Hop Brook	Confluence with Housatonic River	*855
			Corporate Limits	*855

Maps available for inspection at the Lee Town Hall, Main Street, Lee, Massachusetts.

Send all comments to the Honorable John DeVareness, Chairman of the Town of Lee Board of Selectmen, Town Hall, Lee, Massachusetts 01238.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	Leominster, City, Worcester County	North Nashua River	Downstream Corporate Limits	*279
			Confluence of Fall Brook	*286
			Mechanic Street (upstream)	*293
			Confluence of Monoosnoc Brook	*299
			State Route 2 (downstream)	*306
			Upstream Corporate Limits	*332
		Monoosnoc Brook	Confluence with North Nashua River	*299
			Whitney Street (upstream)	*324
			Adams Street (upstream)	*402
			Exchange Street (upstream)	*434
			West Street (upstream)	*463
			Upstream Corporate Limits	*494
		Fall Brook	Confluence with North Nashua River	*286
			Confluence of Tributary A to Fall Brook	*286
			Litchfield Street (upstream)	*349
			Great Street (upstream)	*461
			Decicco Drive (upstream)	*510
			Pleasant Street (upstream)	*580
			Fall Brook Reservoir Dam (upstream)	*652
		Tributary to Monoosnoc Brook	Confluence with Monoosnoc Brook	*434
			Kingman Drive (upstream)	*520
		Tributary A to Fall Brook	Confluence with Fall Brook	*286
			Conrail (upstream)	*360
			Dam (downstream)	*452
		Tributary B to Fall Brook	Confluence with Fall Brook	*349
			Central Street (upstream)	*381
			Approximately 800' upstream of Union Street	*384
		Tributary C to Fall Brook	Confluence with Fall Brook	*408
			Anthony Road (upstream)	*540
		Baker Brook	Downstream Corporate Limits	*351
			Upstream Corporate Limits	*353

Maps available for inspection at the Leominster City Hall Planning Department, 25 West Street, Leominster, Massachusetts 01453.

Send comments to the Honorable Raymond Harper, Mayor of the City of Leominster, City Hall, 25 West Street, Leominster, Massachusetts 01453

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	Lunenburg, Town, Worcester County	Baker Brook	Downstream Corporate Limits	*353
			Fitchburg-Lunenburg Corporate Limits (Approximately 1,650' upstream of Youngs Road).	[illegible]
			Most upstream Fitchburg-Lunenburg Corporate Limits	*378
		Pearl Hill Brook	Downstream Corporate Limits	[illegible]
			Upstream side of White Street	*437
			Upstream side of Northfield Road	[illegible]
			Upstream Corporate Limits	[illegible]
		Tributary to Pearl Hill Brook	Confluence with Pearl Hill Brook	[illegible]
			Approximately 1,800' upstream from confluence with Pearl Hill Brook.	*420
			Approximately 2,350' downsteam from West Street	*433
		Mulpus Brook	Downstream Corporate Limits	*296
			Approximately 300' upstream of Access Road	*323
		Catacoonamug Brook	Downstream Corporate Limits	*302
			Downstream Reservoir Road	*313
			Confluence of Tributary to Catacoonamug Brook	*317
		Tributary to Catacoonamug Brook	Confluence with Catacoonaumg Brook	*317
			Upstream side of Page Street	*370

Maps available for inspection at the Lunenburg, Town Planning Board, Town Hall, 17 Main Street, Lunenburg, Massachusetts.

Send comments to the Honorable August N. Misner, Chairman of the Town of Lunenburg Board of Selectmen, Town Hall, 17 Main Street, Lunenburg, Massacuestts 01462.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	Sterling, Town, Worcester County	Stillwater River	350' downstream of Muddy Pond Road Bridge	*405

Proposed Base (100-year) Flood Elevations—Continued

[illegible]	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream side of Crowley Road Bridge	*425
			Upstream side of State Route 62 Bridge	*433
			Upstream side of State Route 140 Bridge	*457
			1,600′ upstream of Houghton Road Bridge	*495
		Connelly Brook	280′ downstream of State Route 12 Bridge	*441
			150′ upstream of Jewett Road Bridge	*457
			Upstream of State Route 62 culvert	*501
		Wekepeke Brook	70′ downstream of Pratt Junction	*375
			Downstream side of Boston and Maine Railroad Culvert	*391
		East Waushacum Pond	Entire shoreline	*440
Maps available for inspection at the Sterling Town Hall Planning Board, Main Street, Sterling, Massachusetts.				
Send comments to the Honorable John Abarb, Chairman of the Town of Sterling Board of Selectmen, Main Street, Sterling, Massachusetts 01564.				
Massachusetts	Sutton, Town, Worcester County	Blackstone River	Downstream Corporate Limits	*318
			Downstream Chase Road	*329
			Upstream Corporate Limits	*341
		Dark Brook	Confluence with Mumford River	*438
			Downstream Tucker's Pond Dam	*444
			Upstream end of Tucker's Pond	*459
		Mumford River	Downstream Corporate Limits	*312
			Sutton/Douglas Corporate Limits	*318
			Uxbridge/Sutton Corporate Limits	*389
			Upstream Mumford Road	*397
			Upstream side of upstream crossing of Manchaug Road	*455
		Spring Brook	Confluence with Blackstone River	*327
			Downstream Bostoh Road	*372
			Approximately 200′ upstream of second dam	*391
Maps available for inspection at the Sutton Elementary School, Sutton, Massachusetts.				
Send comments to the Honorable Ronald Pierpont, Chairman of the Town of Sutton Board of Selectmen, Town Hall, Uxbridge Road, Sutton, Massachusetts 01527.				
New Hampshire	Berlin, City, Coos County	Androscoggin River	Downstream Corporate Limits	*904
			Upstream of Cross Hydro Dam	*925
			3,300′ upstream of Cross Hydro Dam	*939
			3,940′ upstream of Cross Hydro Dam	*975
			5,100′ upstream of Cross Hydro Dam	*1,000
			1,800′ upstream of J. Brody Smith Dam	*1,030
			Downstream of Riverside Hydro Dam	*1,068
			Upstream of Riverside Hydro Dam	*1,079
			Upstream of Sawmill Hydro Dam	*1,096
			Downstream of Twelfth Street	*1,100
			Upstream Corporate Limits	*1,110
		Dead River—Jericho Brook	At mouth of Pleasant Street Culvert	[illegible]
			Upstream of Off York Street	*995
			1,450′ upstream of Pleasant Street Culvert	*1,025
			3,660′ upstream of Pleasant Street Culvert	*1,050
			Upstream of Marsh Road	*1,052
			Downstream of Canadian National Railroad	*1,059
			780′ upstream of Canadian National Railroad	*1,067
Maps available for inspection at the Community Development Office, Berlin City Hall, Berlin, New Hampshire.				
Send comments to the Honorable Michael Donovan, City Manager of the City of Berlin, City Hall, Berlin, New Hampshire 03570.				
New Jersey	Leonia, Borough, Bergen County	Overpeck Creek	Downstream Corporate Limits	*9
			Upstream Corporate Limits	*9
		Flat Rock Brook	Confluence with Overpeck Creek	*9
			Upstream Corporate Limits	*9
Maps available for inspection at the Office of the Borough Administrator, Borough Hall, 312 Broad Avenue, Leonia, New Jersey.				
Send all comments to Honorable Arthur F. Jones, Mayor of the Borough of Leonia, Borough Hall, 312 Broad Avenue, Leonia, New Jersey 07605.				
New Jersey	Mendham, Township, Morris County	North Branch Raritan River	Downstream Corporate Limits	*296
			Mosle Road (upstream side)	*317
			Confluence of McVickers Brook	*319
			Union Schoolhouse Road (upstream side)	*347
			Confluence of Burnett Brook	*361
			State Route 24 (upstream side)	*394
			Upstream Corporate Limits	*423
		Burnett Brook	Confluence with North Branch Raritan River	*361
			Downstream confluence of Indian Brook	*373
			State Route 24 (upstream side)	[illegible]
			Upstream confluence of Indian Brook	*446
			Old Mill Road (upstream side)	*470
			Footbridge (upstream side)	[illegible]
			Old Mill Road (upstream side) (upstream crossing)	[illegible]
			Upstream Corporate Limits	*708
		Indian Brook	Confluence with Burnett Brook	*373
			Approximately 1,140′ upstream of the confluence with Burnett Brook	*383
			Corporate Limits	*401
		Dawsons Brook	Confluence with Burnett Brook	*702
			Ironia Road (upstream side)	*722
			Corporate Limits	*747
		Passaic River	Downstream Corporate Limits	*332
			Jockey Hollow Road (upstream side) (1st crossing)	*423
			Tempe Wick Road (upstream side) (1st crossing)	*446

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Corey Lane (upstream side)	*458
			Tempe Wick Road (upstream side) (2d crossing)	*468
			Approximately 785' upstream of Dam	*472
		Whippany River	Downstream Corporate Limits	*346
			Tingley Road (upstream side)	*363
			Footbridge (upstream side)	*386
			Confluence of Harmony Brook	*396
		Harmony Brook	Confluence with Whippany River	*396
			Main Street (upstream side)	*429
			Private Road (upstream side) (1st crossing)	*447
			Woodland Road (upstream side) (1st crossing)	*538
			Approximately 100' upstream of Woodland Road (2nd crossing)	*599
Maps available for inspection at the Township Building, West Main Street, Brookside, New Jersey.				
Send all comments to Honorable W. Augustus Wrentsch, Mayor of the Township of Mendham, Township Building, West Main Street, Brookside, New Jersey 07926.				
New Jersey	Millville, City, Cumberland County	Maurice River	Downstream Corporate Limits	*9
			Union Lake Dam (Upstream side)	*30
			Upstream Corporate Limits	*31
		White Marsh Run	Confluence with Maurice River	*9
			Cedar Street (Upstream side)	*22
			Esibill Avenue (Upstream side)	[illegible]
			Reick Avenue (Downstream side)	*45
		Petticoat Stream	Confluence with Maurice River	*9
			Kates Boulevard (Upstream side)	*31
			East Pine Street (Upstream side)	*38
			Tenth Street (Downstream side)	*41
Maps available for inspection at the Office of the City Engineer, South High Street, Millville, New Jersey.				
Send all comments to Honorable Chester M. Goodwin, Mayor of the City of Millville, P.O. Box 609, South High Street, Millville, New Jersey 08332.				
New Jersey	Penns Grove, Borough, Salem County	Delaware River	Entire shoreline within Corporate Limits	*9
Maps available for inspection at the Municipal Building, Penns Grove, New Jersey.				
Send comments to Honorable Joseph Bracale, Jr., Mayor of the Borough of Penns Grove, P.O. Box 527, Penns Grove, New Jersey 08069.				
New Jersey	Swedesboro, Borough, Gloucester County	Raccoon Creek	Locke Avenue (upstream side)	*9
			Kings Highway (upstream side)	*10
Maps available for inspection at the Municipal Building, 500 Kings Highway, Swedesboro, New Jersey.				
Send comments to Honorable Joseph Musumeci, Mayor of the Borough of Swedesboro, P.O. Box 56, 5500 Kings Highway, Swedesboro, New Jersey 08085.				
New Jersey	Vineland City, Cumberland County	Scotland Run	Upstream Willow Grove Lake Dam	*75
			Upstream State Route 55 (Northbound)	*78
		Long Branch	Confluence with Blackwater Branch	*89
			Corporate Limits	*93
		Piney Branch	Confluence with Blackwater Branch	*79
			Downstream of North Valley Avenue	*86
		Manantico Creek	Upstream of Manantico Lake Dam	*55
			Upstream of Dante Avenue	*63
		Cedar Branch	Confluence with Manantico Creek	*63
			Downstream of Chestnut Avenue	*71
			Downstream of Maple Avenue	*81
		Blackwater Branch	Approximately 1,875' downstream of Maurice River Parkway.	*57
			Upstream of North Mill Road	*65
			Upstream of Delsea Drive	*79
			Upstream of Northeast Avenue	[illegible]
			Corporate Limits	*93
		Manumuskin River	Downstream Corporate Limits	[illegible]
			Approximately 5,450' downstream of Old Mays Landing road.	*51
			Upstream of Mays Landing Road	*61
			Upstream Corporate Limits	*75
		Maurice River	Downstream Corporate Limits	*31
			Approximately 2 miles upstream of Corporate Limits	[illegible]
			Downstream of Landis Avenue	[illegible]
			Upstream of Garden Road	[illegible]
			Downstream of Weymouth Road	*71
Maps available for inspection at the Office of the City Engineer, City Hall, Vineland, New Jersey.				
Send comments to Honorable Patrick Fiorelli, Mayor of the City of Vineland, City Hall, Vineland, New Jersey 08360.				
New Jersey	Washington Borough, Warren County	Shabbecong Creek	Downstream Corporate Limits	[illegible]
			Approximately 700' upstream of corporate limits (upstream of Access Road bridge).	*394
			Upstream of Apartment Drive	[illegible]
			Upstream of Bridge Abutments	*404
			Upstream of Foot Bridge	[illegible]
			Approximately 550' downstream of South Wandling Avenue.	*417
			Upstream of South Wandling Avenue	*425
			Upstream of South Lincoln Avenue	*431
			Upstream of Broad Street	*438
			Upstream of Route 31	*446
			Upstream of Flower Avenue	*465
			Upstream corporate limits	*470
		Pohatcong Creek	Approximately 1,525' downstream of Kinnaman Road	[illegible]

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Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 120′ downstream of Kinnaman Road	*392

Maps available for inspection at the Office of the Borough Manager, Municipal Building, 100 Belvidere Avenue, Washington, New Jersey.

Send comments to Honorable William E. Haller, Mayor of the Borough of Washington, Municipal Building, 100 Belvidere Avenue, Washington, New Jersey 07882.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Ossining, Villiage, Westchester County	Hudson River	Entire Shoreline	*8
		Kil Brook	Downstream Corporate Limits	*216
			Upstream of Park Avenue	*257
			Upstream of Campwoods Road	*334
			Downstream of State Route 9A	*372

Maps available for inspection at the Village Hall, 16 Croton Avenue, Ossining, New York 10562.

Send comments to Honorable Edward M. Wheeler, Mayor of the Village of Ossining, 16 Croton Avenue, Ossining, New York.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Daugherty, Township, Beaver County	Beaver River	Downstream Corporate Limits	*734
			Upstream Corporate Limits	*737
		Blockhouse Ru	Downstream Corporate Limits	[illegible]
			Confluence of Tributary to Blockhouse Run	*835
			Private Drive (Upstream Side) approximately 1,230′ upstream of confluence of Tributary to Blockhouse Run.	*853
			Approximately 5,880′ upstream of confluence of Tributary to Blockhouse Run.	*918
		Tributary to Blockhouse Run	Confluence with Blockhouse Run	*835
			Blockhouse Run Road (Upstream Side)	[illegible]
			Frishkorn Road (Upstream Side)	*916
			Silver Spring Road (Upstream Side)	*981
			Approximately 700′ upstream of Silver Spring Road	*1,031

Maps available for inspection at the Daugherty Municipal Building, New Brighton, Pennsylvania.

Send comments to Honorable George Rossick, Chairman of the Daugherty Board of Supervisors, 4139 Marion Hill Road, New Brighton, Pennsylvania 15066.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Pulaski, Township, Beaver County	Tributary to Blockhouse Run	Downstream Corporate Limits (Uptream side of Private Drive).	*741
			Approximately 1,310′ upstream of Corporate Limits	[illegible]
			Rochester Road (Upstream side)	[illegible]
			Upstream Corporate Limits	*957

Maps available for inspection at the Pulaski Municipal Building, New Brighton, Pennsylvania.

Send comments to Honorable Donald Moore, Chairman of the Pulaski Board of Supervisors, c/o Ina Weber, Township Secretary, 3401 Sunflower Road, New Brighton, Pennsylvania 15066.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Hollidaysburg, Borough, Blair County	Beaverdam Branch Juniata River	Upstream State Route 36	*942
			Upstream Allegheny Street	*951
			Corporate Limits, approximately 1,500′ upstream Allegheny Street.	*955
			Upstream Corporate Limits	*967
		Brush Run	Upstream Scotch Valley Road	*942
			Upstream Edgar Street	*953
			Approximately 2,300′ upstream Penn Street	*960
			Upstream Corporate Limits	*966

Maps available for inspection at the Borough Municipal Building, Hollidaysburg, Pennsylvania.

Send comments to Honorable Charles Harclerode, Mayor of Hollidaysburg, 401 Blair Street, Hollidayburg, Pennsylvania 16648.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Susquehanna, Township, Juniata County	Susquehanna River	Downstream Corporate Limits	*405
			Confluence of West Mahantango Creek	*409
		West Mahantango Creek	Confluence with Susquehanna River	*409
			Approximately 1,300′ upstream of Township Route 425	*412
			U.S. Route 104 (upstream)	*428
		West Branch Mahantango Creek	Approximately 90′ downstream of confluence of Tributary A.	*463
			Dam (Upstream)	*471
			Township Route 482 (upstream)	*485
			Approximately 750′ upstream of Legislative Route 34012.	*496
		Tributary A	Confluence with West Branch Mahantango Creek	*464
			Township Route 431 (Upstream)	*490
			Approximately 1,840′ upstream of Township Route 431	*520
		Dobson Run	Confluence with West Branch Mahantango Creek	*460
			Legislative Route 34012 (upstream)	*478
			Approximately 5,270′ downstream of Township Route 417.	*503
			Township Route 417 (downstream)	*533
		Tributary B	Confluence with Dobson Run	*478
			Approximaterly 2,640′ upstream of Dobson Run	*499
		Leiningers Run	Confluence with West Branch Mahantango Creek	*469
			Township Route 415 (downstream)	*496

Maps available for inspection at the residence of the Township Secretary, MS. Gay Bitting, R.D. 1, Liverpool, Pennsylvania.

Send comments to the Honorable Robert Reichenbach, Chairman of the Susquehanna Board of Supervisors, R.D. 2, Mt. Pleasant Mills, Pennsylvania 17853.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Virginia	Courtland, Town, Southampton County	Nottoway River	Upstream of Interstate Route 58 and State Route 35 Bypass (under construction).	*23
			Upstream of Norfolk, Danville & Franklin Railway Company	*25
			Upstream Corporate Limits	*26

Maps available for inspection at the Town Hall, Courtland, Virginia.

Send comments to the Honorable Ray George, Mayor of Courtland, P.O. Box 146, Courtland, Virginia 23837.

Proposed Base (100-year) Flood Elevations—Continued

[redacted]	City/town/county	Source of flooding	[redacted]	#Depth in feet above [redacted]
West Virginia	Cedar Grove, Town, Kanawha County	Kanawha River	Downstream Corporate Limits	*610
			Upstream Corporate Limits	*611
		Kellys Creek	Confluence with Kanawha River	*611
			Downstream of Private Drive	[redacted]
			Upstream Corporate Limits	*631

Maps available for inspection at the Town Office, Cedar Grove, West Virginia.

Send comments to the Honorable Harry Hagem, Mayor of Cedar Grove, P.O. Box 536, Cedar Gove, West Virginia 25039.

[redacted]	City/town/county	Source of flooding	[redacted]	#Depth in feet above [redacted]
West Virginia	Chesapeake, Town, Kanawha County	Kanawha River	Downstream Corporate Limits	*602
			Upstream Corporate Limits	[redacted]
		Fields Creek	Confluence with Kanawha River	[redacted]
			Upstream Corporate Limits	[redacted]

Maps available for inspection at the Town Offices, Chesapeake, West Virginia.

Send comments to the Honorable Bill Eastep, Mayor of Chesapeake, 12404 MacCorkle Avenue, Chesapeake, West Virginia 25315.

[redacted]	City/town/county	Source of flooding	[redacted]	#Depth in feet above [redacted]
West Virginia	Dunbar, City, Kanawha County	Kanawha River	Downstream Corporate Limits	*591
			Approximately 1,200' downstream Interstate 64 bridge	[redacted]
			Upstream Corporate Limits	*593

Maps available for inspection at the City Hall, 12th and Myers Avegue, Dunbar, West Virginia.

Send comments to the Honorable Frank Leone, Mayor of Dunbar, City Hall, 12th and Myers Avenue, Dunbar, West Virginia 25064.

[redacted]	City/town/county	Source of flooding	[redacted]	#Depth in feet above [redacted]
West Virginia	East Bank, Town, Kanawha County	Kanawha River	Downstream Corporate Limits	[redacted]
			Upstream Corporate Limits	*610
		East Bank Tributary	Upstream of Chessie System	[redacted]
			Upstream of Ferry Street	*625
			Downstream of State Route 61	*642
			Approximately 1,240' upstream State Route 61	[redacted]
			Upstream Corporate Limits	*756

Maps available for inspection at Town Offices, East Bank, West Virginia.

Send comments to Honorable Charles A. Blair, II, Mayor of East Bank, P.O. Box 307, East Bank, West Virginia 25067.

[redacted]	City/town/county	Source of flooding	[redacted]	#Depth in feet above [redacted]
West Virginia	Glasgow, Town, Kanawha County	Kanawha River	Downstream Corporate Limits	*611
			Upstream Corporate Limits	*611

Maps available for inspection at the Town Hall, 129 Fourth Avenue, Glasgow, West Virginia.

Send comments to Honorable P. F. Tucker, Mayor of Glasgow, Town Hall, 129 Fourth Avenue, Glasgow, West Virginia 25086

[redacted]	City/town/county	Source of flooding	[redacted]	#Depth in feet above [redacted]
West Virginia	Montgomery, City Fayette and Kanawha Counties	Kanawha River	Downstream Corporate Limits	[redacted]
			Confluence with Morris Creek	[redacted]
			Montgomery Bridge (downstream side)	*624
			Upstream Corporate Limits	*628
		Morris Creek	Confluence with Kanawha River	[redacted]
			Old State Route 61 bridge (upstream side)	[redacted]
			Approximately 690' upstream of Old State Route 61	[redacted]

Maps available for inspection at the Office of Public Works, City Hall, 133 Fifth Avenue, Montgomery, West Virginia.

Send comments to Honorable Charles Smith, Mayor of Montgomery, City Hall, 133 Fifth Avenue, Montgomery, West Virginia 25136

[redacted]	City/town/county	Source of flooding	[redacted]	#Depth in feet above [redacted]
West Virginia	Saint Albans, City, Kanawha County	Kanawha River	Downstream Corporate Limits	*588
			Approximately 9,1690 upstream of East Nitro-Saint [redacted]	[redacted]
			Upstream Corporate Limits	[redacted]
		Coal River	Confluence with Kanawha River	[redacted]
			Upstream Corporate Limits	[redacted]
		Indian Creek	Confluence with Coal River	[redacted]
			Upstream Corporate Limits	[redacted]

Maps available for inspection at the Office of the Mayor, 1499 MacCorkle Avenue, Saint Albans, West Virginia.

Send comments to Honorable Averil Ramsey, Mayor of Saint Albans, 1499 MacCorkle Avenue, Box 468, Saint Albans, West Virginia 25177.

[redacted]	City/town/county	Source of flooding	[redacted]	#Depth in feet above [redacted]
West Virginia	South Charleston, City, Kanawha County	Kanawha River	Downstream Corporate Limits	*591
			Interstate 64 bridge (downstream)	[redacted]
			"G" Street extended (downstream)	[redacted]
			Upstream Corporate Limits	[redacted]
		Davis Creek	Confluence with Kanawha River	*592
			Chessie System (downstream)	*593
			Upstream Corporate Limits	[redacted]

Maps available for inspection at the City Engineer's Office, City Hall, 4th Avenue and D Street, South Charleston, West Virginia.

Send comments to Honorable Richard A Robb, Mayor of South Charleston, City Hall, 4th Avenue and D Street, South Charleston, West Virginia 25303.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nobember 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28023 Filed 9-28-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 57

[Docket No. FEMA 6144]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Illinois, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270, Federal Insurance Administration, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968) (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The commuity may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(C) Crystal Lake, McHenry County	Crystal Creek	About 0.9 mile downstream of Dartmoor Drive	*851
			About 150 feet downstream of Dartmoor Drive	*871
			About 500 feet upstream of Dartmoor Drive	*874
			About 100 feet upstream of McHenry Avenue	*880
			About 100 feet upstream of St. Andrews Road	[illegible]
			Just upstream of Country Club Road	*891
			Just downstream of Dole Avenue	[illegible]
		Crystal Lake	Shoreline	*893
Maps available for inspection at the City Clerk's Office, 121 North Main Street, Crystal Lake, Illinois.				
Send comments to Honorable Carl E. Wehde, Mayor, City of Crystal Lake, 121 North Main Street, Crystal Lake, Illinois 60014.				
Illinois	(V) Lisbon, Kendall County	North Arm Saratoga Creek	About 150 feet downstream of earth dam	*655
			Just upstream of earth dam	*661
			Upstream corporate limits	*670
Maps available for inspection at the Lisbon Implement Company, Lisbon, Illinois.				
Send comments to Honorable Leo Dean Morris, Village President, Village of Lisbon, Lisbon Village Hall, Route 1, Newark, Illinois 60541.				
Illinois	(V) Newark, Kendall County	Clear Creek	At upstream corporate limits	*618
			About 750 feet upstream of Chicago Road	*646
			At upstream corporate limits	*684
Maps available for inspection at the Municipal Building, Newark, Illinois.				
Send comments to Honorable Jack McDowell, Village President, Village of Newark, Village Hall, P.O. Box 1, Newark, Illinois 60541.				
Illinois	(V) Rochester, Sangamon County	South Fork Sangamon River	Approximately 1,800 feet upstream of State Route 29	*543
			At upstream corporate limits	*545
		Black Branch	At downstream corporate limits	*550
			Just upstream of Mill Street	*556
			Just upstream of the Chessie System Railroad	*560
			At upstream corporate limits	*560
Maps available for inspection at the Village Hall, 128 North John Street, Rochester, Illinois.				
Send comments to Honorable Ernst Bartels, Village President, Village of Rochester, Village Hall, 128 North John Street, Rochester, Illinois. 62563.				
Illinois	(V) Sleepy Hollow, Kane County	Sleepy Creek	About 700 feet downstream of Locust Drive	*733
			About 350 feet downstream of Bullfrog Lane	*738
			Just upstream of Bullfrog Lane	*742

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 450 feet downstream of Hillcrest Drive	*744
			About 400 feet upstream of Hillcrest Drive	*764
			About 1,450 feet upstream of Hillcrest Drive	*764
			Just downstream of State Route 72	*769
		Jelkes Creek	About 200 feet downstream of south corporate limits	*740
			About 350 feet downstream of Thorobred Lane	*750
			About 300 feet upstream of Thorobred Lane	*756
			Just downstream of Sleepy Hollow Road	*769
Maps available for inspection at the Clerk's Office, Village Hall, One Thorobred Lane, Dundee, Illinois				
Send comments to Honorable Theresa Peterson, Village President, Village of Sleepy Hollow, Village Hall, One Thorobred Lane, Dundee, Illinois 60118.				
Illinois	(C) Springfield, Sangamon County	Sangamon River	About 2.25 miles downstream of Chicago and Illinois Midland Railway.	*527
			About 1.44 miles upstream of Chicago and Illinois Midland Railway.	*529
		Spring Creek	At mouth at Sangamon River	*528
			At confluence of Town Branch	*536
			Just downstream of Meadow Brook Road	*543
		Jacksonville Branch	About 1,500 feet downstream of Churchill Road	*540
			About 400 feet downstream of Fayette Avenue	*556
			Just upstream of Park Drive South	*563
			Just downstream of U.S. Route 54	*584
		Town Branch	Within corporate limits	*536
		Jacksonville Branch Tributary	About 0.21 mile downstream of Bates Avenue	*574
			Just downstream of Bates Avenue	*576
		Sugar Creek	About 1.8 miles downstream of State Route 29	*542
			Just downstream of Spaulding Dam	*547
		Horse Creek	At mouth at South Fork Sangamon River	*545
			About 2.8 miles upstream of mouth	*546
Maps available for inspection at the Engineering Department, Municipal Building, Room 307, 7th and Monroe Street, Springfield, Illinois.				
Send comments to Honorable J. Michael Houston, Mayor, City of Springfield, Municipal Building, 7th and Monroe Street, Springfield, Illinois 62701.				
Kansas	(C) Great Bend, Barton County	Arkansas River	About 1.5 miles downstream of Main Street	*1,841
			About 6.3 miles upstream of Main Street	*1,889
		Wet Walnut Creek	About 2.2 miles downstream of Kiowa Road	*1,827
			About 7.1 miles upstream of Kiowa Road	*1,860
		Dry Walnut Creek	At mouth of Wet Walnut Creek	*1,840
			About 0.8 mile upstream of Kiowa Road	*1,843
			Just downstream of Washington Street	*1,856
			About 1.0 mile upstream of McKinley Street	*1,861
		Lichesky Ditch	Just upstream of Kiowa Road	*1,837
			Just downstream of Frey Road	*1,842
Maps available for inspection at the City Hall, P.O. Box 1168, Great Bend, Kansas.				
Send comments to Honorable Gail L. Lupton, Mayor, City of Great Bend, City Hall, P.O. Box 1168, Great Bend, Kansas 67530.				
Michigan	(C) Albion, Calhoun County	Kalamazoo River	About 1.1 miles downstream of North Albion Street	[illegible]
			At confluence of East Branch Kalamazoo River	[illegible]
		South Branch Kalamazoo River	Just downstream of Victory Park Dam	*940
			Just upstream of Victory Park Dam	*946
			About 0.5 mile upstream of South Superior Street	*946
		East Branch Kalamazoo River	About 1,900 feet upstream of South Hannah Street	*943
		Mill Race	At confluence with Kalamazoo River	[illegible]
			Just upstream of Flood Gates	*943
		Unnamed Creek	At confluence with East Branch Kalamazoo River	[illegible]
			Just upstream of Riverside Drive	[illegible]
Maps available for inspection at the City Hall, 112 West Cass Street, Albion, Michigan.				
Send comments to Honorable Charles W. Jones, Mayor, City of Albion, City Hall, 112 West Cass Street, Albion, Michigan 49224.				
Michigan	(V) Brooklyn, Jackson County	River Raisin	About 100 feet downstream of Mill Street	*945
			Just downstream of Brooklyn Dam	*951
		Goose Creek	At downstream corporate limit	*945
			At upstream corporate limit	*946
Maps available for inspection at the Village Hall, 300 School Street, Brooklyn, Michigan.				
Send comments to Honorable Donna Howard, Village President, Village of Brooklyn, Village Hall, 300 School Street, P.O. Box 96, Brooklyn, Michigan 49230.				
Michigan	(Twp.) Kalamazoo, Kalamazoo County	Kalamazoo River	About 0.8 mile downstream of Conrail	*756
			About 0.4 mile upstream of Mosel Avenue	*760
			About 700 feet downstream of King Highway	*764
			Just downstream of Sprinkle Road	*766
		Davis Creek	At confluence with Kalamazoo River	*765
			Just upstream of Olmsted Road	*777
Maps available for inspection at the Township Hall, 1720 Riverview Drive, Kalamazoo, Michigan				
Send comments to Honorable Beverly Britner, Supervisor, Township of Kalamazoo, Township Hall, 1720 Riverview Drive, Kalamazoo, Michigan 49004.				
Michigan	(C) Luna Pier, Monroe County	Lake Erie	Within corporate limits	*578
Maps available for inspection at the City Hall, 4357 Buckeye Street, Luna Pier, Michigan.				
Send comments to Honorable Clyde R. Evans, Mayor, City of Luna Pier, City Hall, 4357 Buckeye Street, Luna Pier, Michigan 48157.				
Michigan	(V) Manchester, Washtenaw County	River Raisin	About 1,200 feet downstream of Manchester Ford [illegible]	*861
			Just downstream of Manchester-Ford Dam	[illegible]
			Just uptream of Manchester-Ford Dam	*860

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Manchester Mill Dam	*881
			Just upstream of Main Street	*894
			About 1.0 mile upstream of Main Street	*895
Maps available for inspection at the Village Hall, 120 South Clinton, Manchester, Michigan.				
Send comments to the Honorable Jeffrey Schaffer, Village President, Village of Manchester, Village Hall, 120 South Clinton, Manchester, Michigan 48158.				
Michigan	(V) Ravenna, Muskegon County	Crockery Creek	About 900 feet downstream of Conrail	*637
			About 0.7 mile upstream of Main Street	*644
Maps available for inspection at the Village Hall, 12090 Metheny Street, Ravenna, Michigan.				
Send comments to the Honorable Donald Hazen, Village President, Village of Ravenna, Village Hall, 12090 Metheny Street, Ravenna, Michigan 49451.				
Michigan	(V) Sparta, Kent County	Nash Creek	About 170 feet downstream of Division Street	*739
			About 0.6 mile upstream of State Street	*754
Maps available [illegible] inspection at the Village Hall, 160 East Division Street, Sparta, Michigan.				
Send comments to the Honorable Edward Soderstrom, Village President, Village of Sparta, Village Hall, 160 East Division Street, Sparta, Michigan 49345.				
Michigan	(C) Tecumseh, Lenawee County	River Raisin	Just upstream of East Russell Road	*744
			Just downstream of Standish Dam	*758
			Just upstream of Standish Dam	*764
			Just downstream of Tecumseh Dam	*767
			Just upstream of Tecumseh Dam	*781
		Evans Creek	Just downstream of Globe Dam	*752
			Just upstream of Globe Dam	*764
			About 2,000 feet upstream of Gobe Dam	765
			About 300 feet downstream of Conrail	*789
			Just upstream of Union Street	*796
			Just upstream of Occidental Highway	*815
Maps available for inspection at the City Hall, 309 East Chicago Boulevard, Tecumseh, Michigan.				
Send comments to Honorable Harold E. Easton, Mayor, City of Tecumseh, City Hall, 309 East Chicago Boulevard, Tecumseh, Michigan 49286.				
Michigan	(C) Walker, Kent County	Grand River	About 0.9 mile downstream of State Highway 11	*605
			About 3.1 miles upstream of State Highway 11	*606
			About 1.9 miles downstream of North Park Street	*617
			About 0.4 mile upstream of North Park Street	*619
Maps available [illegible] inspection at the Building Department, City Hall, 4243 Rememberance Road, N.W., Grand Rapids, Michigan.				
Send comments to Honorable Adrian J. Stehower, Mayor, City of Walker, City Hall, 4243 Rememberance Road, N.W., Grand Rapids, Michigan 49504.				
Michigan	(Twp.) Washington, Macomb County	Yates Drain	Just upstream of 28 Mile Road	*654
			Just upstream of 27 Mile Road	*676
		Taft Drain	At confluence with Yates Drain	*676
			Just downstream of 28 Mile Road	*701
		Tributary No. 1	At confluence with Yates Drain	*674
			Just downstream of Van Dyke Road	*722
			Just upstream of Campground Road	*733
		Healy Drain	Just upstream of Grand Trunk Western Railroad	*781
			About 900 feet upstream of Sisson Street	*815
		Price Brook	Just upstream of Grand Trunk Western Railroad	*749
			Just upstream of Kilarney Lane	*777
			Just upstream of Kildare Lane	*827
			Just downstream of Campground Road	*862
		Price Brook Tributary No. 1	At confluence with Price Brook	*799
			Just downstream of Earth Dam	*822
			Just upstream of Earth Dam	*828
			Just downstream of Campground Road	*851
		McClure Drain	About 1,400 feet upstream of Snell Road	*817
			About 2,700 feet upstream of Snell Road	*823
Maps available for inspection at the Town Hall, 155 South Rawles, Romeo, Michigan.				
Send comments to Honorable Robert W. Evely, Supervisor, Township of Washington, Town Hall, 155 South Rawles, Romeo, Michigan 48065.				
Minnesota	(C) Dakota, Winona County	Mississippi River	At downstream corporate limit	*647
			At upstream corporate limit	*648
		Middle Creek	Just upstream of Interstate 90 Exit Ramp	*669
			At upstream corporate limit	*669
		South Creek	Just upstream of Chicago, St. Paul and Pacific Rail-[illegible]	*654
			Just upstream of Interstate 90 Frontage Road	*681
			At upstream corporate limit	*688
Maps available [illegible] inspection at Route 1, Box 4, Dakota, Minnesota.				
Send comments to Honorable Lloyd Kaston, Mayor, City of Dakota, Route 1, Box 4, Dakota, Minnesota 55925.				
Minnesota	(C) Goodview, Winona County	Crooked Slough	Within the community, north of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*654
Maps available for inspection at the City Hall, 4140 5th Street, Godview, Minnesota.				
Send comments to Honorable Boyd Nichols, Mayor, City of Goodview, City Hall, 4140 5th Street, Goodview, Minnesota 55987.				
Missouri	(C) Berger, Franklin County	Missouri River	Within corporate limits	*511
Maps available for inspectiin at Mayor's Home, Berger, Missouri.				
Send comments to the Honorable Clement Meyer, Mayor, City of Berger, City Hall, Berger, Missouri 63014.				
Missouri	(C) Dexter, Stoddard County	Dexter Creek	About 900 feet downstream of State Highway 114	*320
			Just downstream of Stoddard Street	*326

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 0.4 mile upstream of McCollum Street	*350
		Shallow Flooding from Dudley Main Ditch	About 0.25 mile downstream of Two Mile Road	*357
			At intersection of U.S. Route 60 and West Elk Street	*369

Maps available for inspection at the City Administration Building, Dexter, Missouri.

Send comments to Honorable Willis Conner, Mayor, City of Dexter, City Administration Building, Dexter, Missouri 63841

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Valley Park, St. Louis County	Meremec River	At downstream corporate limits	*428
			At upstream corporate limits	*433
		Fish Pot Creek	Within the corporate limits	*432
		Grand Glaize Creek	At mouth	*429
			Just upstream of Missouri Pacific Railroad	*431
			At upstream corporate limits	*435

Maps available for inspection at the City Hall, 320 Bengon, Valley Park, Missouri

Send comments to Honorable Calvin Hedrick, Mayor, City of Valley Park, City Hall, 320 Bengon, Valley Park, Missouri 63088

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(C) Massillon, Stark County	East Sippo Creek	About 3,700 feet downstream of Lincoln Way East (at culvert inlet)	*947
			About 1,400 feet downstream of Lincoln Way East	*972

Maps available for inspection at the Mayor's Office, City Hall, 100-102 City Hall Street, Massillon, Ohio

Send all comments to Honorable Delbert A. Demmer, Mayor, City of Massillon, City Hall, 100-102 City Hall Street, Massillon, Ohio 44646

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(V) Minerva, Stark and Carroll Counties	Sandy Creek	At downstream corporate limits	*1031
			Just upstream of Grant Street	*1040
			About 2,100 feet upstream of East Lincoln Way	*1052
			About 700 feet upstream of State Route 183	*1063

Maps available for inspection at the Village Administrator's Office, Town Hall, 209 North Market Street, Minerva, Ohio

Send all comments to Honorable Dick W. Mount, Mayor, Village of Minerva, Town Hall, 209 North Market Street, Minerva, Ohio

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(V) Waynesburg, Stark County	Sandy Creek	About 1,120 feet downstream of confluence of Indian River	*962
			Just upstream of Waynesburg Drive	*[illegible]
			At upstream corporate limits	*967

Maps available for inspection at the Mayor's Office, Town Hall, 141 East Lisbon Street, Waynesburg, Ohio.

Send all comments to Honorable Charles J. Geraci, Mayor, Village of Waynesburg, Town Hall, 141 East Lisbon Street, Waynesburg, Ohio 44688

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(V) Mukwonago, Waukesha County	Fox River	About 1,600 feet downstream of Soo Line Railroad	*784
			Just downstream of Soo Line Railroad	*784
		Lower Phantom Lake	Within community	*792
		Mukwonago River	About 1.0 mile downstream of State Highway 83	*783
			Just downstream of Lower Phantom Lake Dam	*785
			Just upstream of Lower Phantom Lake Dam	*792

Maps available for inspection at the Village Hall, 625 South Rochester, Mukwonago, Wisconsin.

Send all comments to Honorable Richard J. Hill, Village President, Village of Mukwonago, Village Hall, 625 South Rochester, Mukwonago, Wisconsin 53149.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	Pewaukee, Waukesha County	Pewaukee River	About 2,000 feet downstream of East Wisconsin Avenue	*846
			Just upstream of Clark Street	*852
			About 0.9 mile upstream of Sussex Street	*854
		Pewaukee Lake	Within community	*855

Maps available for inspection at the Office of the Village Administrator, Village Hall, 235 Hickory Street, Pewaukee, Wisconsin.

Send comments to Honorable Alfred K. Hansen, Village President, Village of Pewaukee, Village hall, 235 Hickory Street, Pewaukee, Wisconsin 53072.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(C) Whitewater, Walworth County	Whitewater Creek	About 1,400 feet downstream of Starin Road	[illegible]
			Just downstream of East Main Street	*807
			At upstream corporate limits	*824
		Cravath Lake	Shoreline	*815
		Tripp Lake	Shoreline	*823
		Spring Brook	Just upstream of Franklin Street	*816
			At upstream corporate limits	*819

Maps available for inspection at the Office of the Building Inspector, City Hall, 312 West Whitewater Street, Whitewater, Wisconsin

Send comments to Honorable Quinn Smet, City Manager, City of Whitewater, City Hall, 312 West Whitewater Street, Whitewater, Wisconsin 53190

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28007 Filed 9-28-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6146]

National Flood Insurance Program; Proposed Flood Elevation Determinations; New Hampshire, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968) (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Hampshire	Portsmouth, City, Rockingham County	Atlantic Ocean	Entire Portsmouth shoreline	*9
Maps available for inspection at the Planning Department, Portsmouth City Hall, 126 Daniel Street, Portsmouth, New Hampshire.				
Send comments to the Honorable Calvin Canney, City Manager of Portsmouth, 126 Daniel Street, Portsmouth, New Hampshire 03801.				
New Jersey	Carneys Point Township, Salem County	Delaware River	Entire shoreline within the corporate limits	*9
Maps available for inspection at the Office of the Construction Official, Municipal Building, D & Walker Streets, Carneys Point, New Jersey.				
Send comments to Honorable Thomas Belitza, Mayor of Carneys Point, Municipal Building, D & Walker Streets, Carneys Point, New Jersey 08069.				
New Jersey	Clifton (city), Clifton County	Passaic River	At the intersection of State Highway 3 and Passaic River.	*14
			At the intersection of Garden State Parkway and Passaic River.	*33
		Third River	20 feet upstream from the center of the River Road crossing.	*17
			140 feet upstream from the center of the ramp to westbound U.S. Highway 46.	*270
		Weasel Brook	At the intersection of Davidson Street and Weasel Brook.	*31
			20 feet upstream from the center of the Grove Street crossing.	*173
		Branch, Weasel Brook	200 feet downstream from center of Conrail crossing of Branch, Weasel Brook.	*134
		Branch 3-5-2, Weasel Brook	At the intersection of Colfax Avenue and Branch 3-5-2, Weasel Brook.	*128
		Wabash Brook	At the intersection of Interstate Highway 46 and Wabash Brook.	*33
Maps available for inspection at City Clerk's Office, 900 Clifton, Clifton, New Jersey.				
Send comments to the Honorable Gerald Zecker, 900 Clifton, Clifton, New Jersey 07011.				
New Jersey	Knowlton Township, Warren County	Delaware River	Downstream corporate limits	*273
			Upstream confluence of Valley Road branch	*281
			Upstream Conrail (downstream crossing)	*288
			Upstream U.S. 611	*294
			Upstream Conrail (upstream crossing)	*303
			Upstream corporate limits	*315

Maps available for inspection at the Office of the Township Clerk, Municipal Building, Columbia, New Jersey.

Send comments to Honorable C. Robert Linaberry, Mayor of Knowlton, Municipal Building, Columbia, New Jersey 07825.

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in [redacted] ground. *Elevation in feet (NGVD)
New Jersey	Palisades Park Borough, Bergen County	Overpeck Creek	Downstream corporate limits	*9
			Upstream corporate limits	*9
Maps available for inspection at the Borough Hall, 275 Broad Avenue, Palisades Park, New Jersey				
Send comments to Honorable Robert Palotta, Mayor of Palisades Park, Borough Hall, 275 Broad Avenue, Palisades Park, New Jersey 07650.				
New York	Barton Town, Tioga County	Susquehanna River	Downstream corporate limits	*774
			Upstream corporate limits	*784
Maps available for inspection at the Barton Town Hall, 444 Park Avenue, Waverly, New York.				
Send comments to Honorable Edgar M. Dixon, Supervisor of Barton, Town Hall, 444 Park Avenue, Waverly, New York 14892.				
New York	Cleveland Village, Oswego County	Oneida Lake	Entire shoreline	*373
Maps available for inspection at the Village Hall, Cleveland, New York.				
Send comments to Honorable Malchoff Davis, Acting Mayor of Cleveland, Village Hall, Cleveland, New York 13042				
New York	Skaneateles Town, Onondaga County	Skaneateles Creek	Downstream corporate limits	*589
			Irish Road (upstream side)	*603
			Stump Road (upstream side)	*670
			Upstream side of dam located approximately 1,800′ upstream of downstream crossing of Jordan Road.	*721
			Sheldon Road (upstream side)	*765
			Upstream side of Skaneateles Short Line Railroad crossing approximately 2,700′ downstream of Old Seneca Turnpike.	*816
			Upstream corporate limits	*857
		Shaneateles Lake	Entire shoreline within community	*867
Maps available for inspection at the Town Hall, 24 Jordan Road, Skaneateles, New York.				
Send comments to Honorable Charles Majors, Supervisor of Skaneateles, Town Hall, 24 Jordan Road, Skaneateles, New York 13152.				
Pennsylvania	Beaver Falls City, Beaver County	Beaver River	Downstream Corporate Limits	*720
			Upstream of Patterson Dam	*734
			Upstream of Eastvale Dam	*753
			Upstream Corporate Limits	*755
		Walnut Bottom Run	Approximately 1,300′ downstream of 22nd Street	*779
			22nd Street Upstream	*785
			25th Street Upstream	*792
			6th Avenue Upstream	[redacted]
			Clayton Road Upstream	*823
			Upstream Corporate Limits	*850
		Wallace Run	Upstream Corporate Limits	*755
Maps available for inspection at the Municipal Building, 715 Fifteenth Street, Beaver Falls, Pennsylvania.				
Send comments to Honorable Bruno Campese, Mayor of Beaver Falls, 715 Fifteenth Street, Beaver Falls, Pennsylvania 1510				
Pennsylvania	Big Beaver Borough, Beaver County	Beaver River	Downstream corporate limits	*755
			Pennsylvania Turnpike (upstream side)	*757
			Upstream corporate limits	*760
		Stockman Run (lower)	Confluence with Beaver River	*758
			Approximately 1,920′ upstream of confluence with Beaver River.	*843
			Approximately 385′ downstream of Careywood Road	*941
		Stockman Run (upper)	Careywood Road (downstream side)	[redacted]
			Private drive (upstream side) approximately 1,930′ [redacted]	*1,019
			Fairlane Boulevard (upstream side)	*1,063
			Approximately 965′ upstream of Fairlane Boulevard	*1,094
		Wallace Run	Confluence with Beaver River	*755
			Culvert inlet upstream of Norwood Drive	[redacted]
			Wallace Run Road (upstream side)	[redacted]
			Private drive (upstream side) approximately 660′ downstream of Sunview Drive.	[redacted]
			Sunview Drive (upstream side)	[redacted]
			Shenango Road (upstream side)	*1,073
			Approximately 3,000′ upstream of Shenango Road	*1,110
		West Clarks Run	Downstream corporate limits	*912
			Downstream crossing of Conrail (upstream side)	*943
			McKinley Road (upstream side)	[redacted]
			Upstream crossing of Conrail (upstream side)	*1,044
			Approximately 2,100′ upstream of Conrail	*1,109
		North Fork Little Beaver Creek (lower).	Downstream corporate limits	[redacted]
			Approximately 7,430′ upstream of corporate limits.	*917
		North Fork Little Beaver Creek (upper).	Downstream corporate limits	*941
			Upstream corporate limits	*941
		Tributary to Wallace Run	Confluence with Wallace Run	*1,003
			Wallace Run Road (upstream) side)	*1,065
			Approximately 2,280′ upstream Wallace Run Road	*1,105

Maps available for inspection at the Big Beaver Borough Building, Beaver Falls, Pennsylvania.

Send comments to Honorable Daniel Cunning, Sr., Council President of Big Beaver, R.D. 3, Box 183, Beaver Falls, Pennsylvania 15010.

Proposed Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Elwood City Borough, Lawrence and Beaver Counties	Johnson Run	Confluence with Connoquenessing Creek	*771
			Line Avenue (upstream side)	*873
			Approximately 1,580′ upstream of Line Avenue	*910
			Approximately 2,725′ upstream of Line Avenue	*938
		Duck Run	Confluence with Connoquenessing Creek	*813
			Approximately 940′ upstream of private drive	*846
			Approximately 920′ downstream of upstream corporate limits.	*884
			Upstream corporate limits	*914
Maps available for inspection at the Municipal Building, 525 Lawerence Avenue, Ellwood City, Pennsylvania.				
Send comments to Honorable Roy P. Meehan, Jr., Council President of Ellwood City, 525 Lawrence Avenue, Ellwood City, Pennsylvania 16117.				
Pennsylvania	Hickory Township, Lawrence County	Neshannock Creek	Approximately 350′ downstream of Maitland Road	*899
			Approximately 6,050′ upstream of the confluence of Hottenbaugh Run.	*902
			Approximately 4,400′ downstream of the confluence of Neshannock Creek tributary.	*910
			Upstream corporate limits	*924
		Hottenbaugh Run	Confluence with Neshannock Creek	*901
			Upstream of State Route 168 (second crossing)	*937
			Upstream of Rodgers Road	*979
			Upstream of McConnell Mill Road	*1,053
		Lick Run tributary	Conrail (upstream side)	*860
			Private drive (upstream side)	*915
			State Route 168 (upstream side)	*1,035
			Approximately 2,400′ upstream of State Route 168	*1,130
		Neshannock Creek tributary	Confluence with Neshannock Creek	*920
			Lakewood Road (upstream side)	*990
			Approximately 1,500′ upstream of Lakewood Road	*1,021
		Big Run tributary	Approximately 2,790′ downstream of Harlansburg Road	*1,145
			Harlansburg Road (upstream side)	*1,158
			Approximately 4,760′ upstream of Harlansburg Road	*1,203
Maps available for inspection at the residence of the Township Secretary, Mr. John P. McCreary, R.D. 5, New Castle, Pennsylvania.				
Send comments to Honorable Raymond Jones, Chairman of the Hickory Board of Supervisors, 1817 Harlansburg Road, New Castle, Pennsylvania 16101.				
Pennsylvania	North Sewickley Township, Beaver County	Beaver River	Downstream Corporate Limits	*753
			Pennsylvania Turnpike upstream	*757
			Upstream Corporate Limits	*760
		Connoquenessing Creek	Approximately 3,520′ downstream of State Route 65 bridge.	*857
			Approximately 100′ upstream of State Route 65 bridge	*862
			Upstream Corporate Limits	*870
		Brush Creek	Confluence with Connoquenessing Creek	*868
			Approximately 2,260′ upstream of Bilboberry Road	*875
			Approximately 5,175′ upstream of Bilboberry Road bridge.	*882
Maps available for inspection at the North Sewickley Municipal Building, R.D. 2, Beaver Falls, Pennsylvania.				
Send comments to Honorable C. Harold Douglass, Chairman of the North Sewickley Board of Supervisors, c/o Sandra Greer, Township Secretary, Municipal Building, R.D. 2, Beaver Falls, Pennsylvania 15010.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November [illegible]. 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-[illegible] Filed 9-28-81; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register

Vol. 46, No. 188

Tuesday, September 29, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Joint Interchange Order Between Department of the Army and Department of Agriculture; Interchange of Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

This is a notice of an interchange order which describes the interchange of administrative jurisdiction on lands within the boundaries of the Francis Marion National Forest, South Carolina from the Department of Agriculture to the Department of the Army and the interchange of administrative jurisdiction on lands within the George Washington National Forest, Virginia from the Department of the Army to the Department of Agriculture. The interchange order describes the tracts briefly. Legal descriptions are on file in the Office of the District Engineer, Norfolk District, Corps of Engineers, Norfolk, Virginia, and the Office of the Forest Supervisor, George Washington National Forest, Harrisonburg, Virginia. The publication of this order will complete the interchange. Therefore, the order is published as follows:

John H. Ohman,

Acting Chief, Forest Service.

September 23, 1981.

Department of the Army, Department of Agriculture

Gathright Dam and Lake Moomaw, Virginia; Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of the Army and the Secretary of Agriculture by the Act of July 26, 1956 (16 USC 505a, 505b) it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A, attached hereto and made a part hereof, which lands are within and adjacent to the exterior boundaries of the George Washington National Forest, Virginia, are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to outstanding rights or interests of record and to such continued use by the Corps of Engineers as is necessary for the construction, protection, and unrestricted operation, maintenance, and administration of the water storage and flood control facilities and functions of the Gathright Dam and Lake Moomaw.

(2) The National Forest lands described in Exhibit B, attached hereto and made a part hereof, which are a part of the Francis Marion National Forest, South Carolina, are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army.

(3) Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to laws applicable to Department of the Army lands comprising the Cooper River Rediversion Project, South Carolina. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961) as amended.

This order will be effective as of date of publication in the **Federal Register.**

Dated: August 10, 1981.

John O. Marsh, Jr.,

Secretary of the Army.

Dated: July 28, 1981.

John R. Block,

Secretary of Agriculture.

Exhibit A.—Lands Transferred From the Secretary of the Army to the Secretary of Agriculture

Lands under the jurisdiction of the Department of the Army for or in connection with the Gathright Dam and Lake Moomaw in Bath and Alleghany Counties, Virginia, as follows:

Segment 1—All of Tracts 102, 103, 104, 105. 106, 107, 110, 114, 115, 123, 124, 125–1, 126–1, 114C, 131, 132, 133, 125–2, 134, 136C, 138E, 139E, 137, 144E—Portions of Tracts 100, 101, 135, 100–1, 143E.

Segment 2—All of Tracts 100E–2, 200–1, 200E–2, 200E–3, 200E–4, 200–2, 202, 202E–3, 202E–5.

Segment 3—All of Tracts 300, 301C, 302C. 303C, 304C, 305C.

Segment 4—All of Tracts 400–1, 402–1, 400–2.

Segment 5—All of Tracts 500, 500–E, 501, 502, 502E, 503, 503E.

Segment 6—All of Tracts 600E, 601E, 602E, 603E–1, 604E, 122E–2, 603E–2.

All lands transferred herein consist of 7081.38 acres in fee and 17.97 acres easement. Legal descriptions of the transferred tracts and Real Estate Segments Maps depicting their location are on file in the Office of the District Engineer, Norfolk District, Corps of Engineers, Norfolk, Virginia, and the Office of the Forest Supervisor, George Washington National Forest, Harrisonburg, Virginia.

Exhibit B.—Lands Transferred From the Secretary of Agriculture to the Secretary of the Army

Lands under the jurisdiction of the Department of Agriculture for or in connection with the Francis Marion National Forest in Berkeley County, South Carolina, as shown on map of Segment 5, of the Cooper River Rediversion Project, as follows:

Tracts A–1, A–2, A–3 consisting of 29.13 acres.

Legal descriptions of the transferred tracts and Real Estate Segment Map depicting their location are on file in the office of the District Engineer, Savannah District, Corps of Engineers, Savannah, Georgia, and the office of the Forest Supervisor, Francis Marion National Forest, Columbia, South Carolina.

[FR Doc. 81–28126 Filed 9–28–81; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

N.W. Electric Power Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a finding of No Significant Impact (FONSI) in connection with proposed financing assistance to the N.W. Electric Power Cooperative, Inc., (NWEPC) of Cameron, Missouri.

The proposed project is to construct 27 km (23 mi) of 161 kV transmission line from the Westbridge Substation in Clinton County to a proposed substation at Ridgely in Platte County, Missouri, continuing to, and terminating at the Hoover Substation. This line will operate at 69 kV until future growth requires 161 kV service. In addition, a 69 kV transmission line will be constructed from the Hoover Substation to a proposed distribution substation, south of Platte City, Platte County, Missouri. The alternatives that were considered for this project were no action, the building of additional distribution systems, the use of underground cables and the selected alternative described above.

NWEPC prepared a Borrower's Environmental Report (BER), and REA prepared an Environmental Assessment (EA) for the proposed project. After an independent evaluation of the BER, EA and information from other sources, REA has concluded the proposed project will not have a significant impact on the quality of the human environment. The FONSI, EA and BER may be reviewed in the office of the Director, Power Supply Division, Rural Electrification Administration, Room 0230, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382-1400 or at the office of the N.W. Electric Power Cooperative, Inc., Highway 36 West (P.O. Box 312), Cameron, Missouri 64426, telephone (816) 632-2121.

This program is listed in the catalog of the Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 24th day of Sept., 1981.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-282[illegible]7 Filed 9-28-81; 8:45 am]

BILLING CODE 3410-15-M

Finding of No Significant Impact; Pointe Coupee Electric Membership Corporation, New Roads, La.

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact with respect to proposed financing assistance to Pointe Coupee Electric Membership Corporation (Pointe Coupee) of New Roads, Louisiana, for construction of 34 km (21 mi) of 69 kV transmission line from the proposed Waterloo bulk point in Pointe Coupee Parish to the proposed Erwinville Substation in West Baton Rouge Parish.

REA reviewed a Borrower's Environmental Report (BER) prepared for Pointe Coupee and determined that it represents an accurate assessment of the environmental aspects of the project. Based upon the BER, 1981-82 Annual Work Plan and maps, REA prepared an Environmental Assessment addressing the impacts of the proposed project and concluded that the proposed project would not represent a major Federal action significantly affecting the quality of the human environment.

Threatened and endangered species, important farmlands, cultural resources, wetlands, floodplains and other potential impacts of the proposed project are adequately considered in the BER and the Environmental Assessment. Some pole structures will be located in floodplains and cross prime farmland. The Erwinville Substation will be located on prime farmland. The impact will be minimal.

REA's Finding of No Significant Impact, the Environmental Assessment and Pointe Coupee's BER may be reviewed in or requested from the Office of the Director, Distribution Systems Division, Room 3304 South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382-8848, or at the office of Pointe Coupee Electric Membership Corporation (Mr. Alfred A. Robinson, Manager) P.O. Box 160, New Roads, Louisiana 70736, telephone (504) 638-9333.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 25th day of September, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-28344 Filed 9-28-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Application of Air One, Inc. for a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause, 81-9-141, Docket 39891 and fitness investigation of Air One, Inc., Docket 40051.

SUMMARY: The Board is issuing an order in which it tentatively finds and concludes that it is consistent with the public convenience and necessity to grant the application of Air One, Inc., for a certificate authorizing the air transportation of persons, property and mail between and among 16 points. Certification is subject to a favorable determination of the applicant's fitness in the Air One Fitness Investigation (Docket 40051), instituted concurrently.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by October 13, 1981, a statement of objections together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

Persons wishing to file petitions to intervene in the Air One Fitness Investigation shall file their petitions in Docket 40051 by October 13, 1981 and serve such filings on all persons listed below.

ADDRESSES: Objections to the issuance of a final order shall be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 39891, application of Air One, Inc. for a certificate of public convenience and necessity.

In addition, copies of such filings should be served on: Air One, Inc.; the Mayors of Los Angeles, California; Atlanta, Georgia; Memphis, Tennessee; St. Louis, Missouri; Kansas City, Missouri; New Orleans, Louisiana; Dallas, Texas; Las Vegas, Nevada; Ft. Worth, Texas; Houston, Texas; Denver, Colorado; Chicago, Illinois; Detroit, Michigan; Indianapolis, Indiana; Miami, Florida; Washington, D.C.; New York, New York; and Newark, New Jersey; the managers of Wayne County Airport; Port Authority of New York and New Jersey; O'Hare International Airport; Miami International Airport; Memphis Airport; Moisant International Airport; National Airport; Dulles Airport; Baltimore/Washington International Airport; Lamber-St. Louis International Airport; Hartsfield International Airport; Indianapolis Airport; Stapleton International Airport; Las Vegas Airport; Houston International Airport; and Los Angeles International Airport; the State Department of Transportation or Aeronautics Commissions of California, Nevada, Missouri, Texas, Georgia, New Jersey, Illinois, Michigan, Tennessee, Indiana, Florida, and New York, the Governor of Colorado, and the Federal Aviation Administration.

Service will also be required on any other person filing objections.

FOR FURTHER INFORMATION CONTACT: Phyllis C. Solomon, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-141 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., NW, Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-9-141 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 23, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-28214 Filed 9-28-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Scripps Institute of Oceanography; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name: Dr. Daniel P. Costa.

b. Address: Scripps Institute of Oceanography (P227C), La Jolla, California 92093.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Northern elephant seals *(Mirounga angustirostris)*, 60.

4. Type of Take: Thirty lactating females and their pups (60 animals) will be injected with radioisotopic tracers to measure rates of water, electrolyte, and energy transfer. Blood samples and body weights will be taken. Pups will be restrained while blood sampled and weighed. Cows will be chemically immobilized prior to blood sampling and weighing. All animals will be visually tagged with paint or peroxide bleach. In addition, each cow will be milk sampled during each weighing and have a maximum depth recorder attached to the hind flipper and a radio transmitter attached to the flipper or head. Ten (10) cow/pup pairs will be taken each year and sampled up to four (4) times each.

5. Location of Activity: Ano Nuevo State Park, San Mateo, California.

6. Period of Activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 24, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81–28224 Filed 9–28–81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Levels for Certain Man-Made Fiber Apparel Products from the Republic of Korea

September 25, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Increasing from 1,678,668 dozen to 1,838,541 dozen the import restraint level established for Category 640 pt. (man-made fiber shirts, other than dress shirts), produced or manufactured in the Republic of Korea and exported during the agreement year which began on January 1, 1981; and

(2) Decreasing from 4,320,773 dozen to 4,160,900 dozen the import restraint level established for Category 640 pt. (man-made fiber dress shirts), produced or manufactured in the Republic of Korea and exported during the 1981 agreement year.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).)

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea provides that the specific limits for man-made fiber textile products in Category 640 (dress shirts) or Category 640 (other than dress shirts) may be exceeded by an amount up to 10 percent of the specific limit for one part of the category, provided the specific limit for the other part of the category is decreased by an equal amount.

EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: Bill Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 30, 1980, there was published in the **Federal Register** (45 FR 85811) a letter dated December 23, 1980 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including man-made fiber textile products in Category 640, produced or manufactured in the Republic of Korea, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the levels of restraint established for man-made fiber textile products in Category 640 during the agreement year which began on January 1, 1981.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 25, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 23, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in certain specific categories, produced or manufactured in the Republic of Korea and exported to the United States during the agreement year which began on January 1, 1981, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

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[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Government of the United States and the Republic of Korea, which provide, in part, that: (1) Within the aggregate and applicable group limits, specific levels of restraint may be adjusted by designated percentages; (2) these same levels may be adjusted for carryover and

Continued

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1978, as amended, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of January 6, 1977, you are directed to prohibit, effective on September [illegible], 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 640 in excess of the following adjusted levels of restraint:

Category	Adjusted 12-month level of restraint[1]
640 pt.[2]	1,838,541 dozen.
640 pt.[3]	4,160,900 dozen.

[1] The levels of restraint have not been adjusted to account for any imports after December 31, 1980.

[2] In Category 640, all T.S.U.S.A. number except 380.0455, 380.8431, and [illegible]8433.

[3] In Category 640, only T.S.U.S.A. numbers 380.0455, 380.8431 and 380.[illegible]

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textiles Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-28228 Filed 9-28-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of meeting:

15 October 1981

16 October 1981

Times:

0830-1700 hours, 15 October 1981 (Closed)

0830-1500 hours, 16 October 1981 (Closed)

Place: The Pentagon, Washington, DC

Proposed Agenda: The Army Science Board Ad Hoc Sub-Group on Manning Army Systems will meet to present and receive briefings. This meeting will be closed to the public in accordance with Section 552(b)(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Staff may be contacted for further information.

Roger W. Mickelson,

Colonel, GS, Executive Director.

[FR Doc. 81-28229 Filed 9-28-81; 8:45 am]

BILLING CODE 3710-05-M

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carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

Department of the Army; Corps of Engineers

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Permit to Dredge Drainage Canals and Lakes, and Install Fill for Residential and Commercial Development in Orleans Parish, La.

AGENCY: US Army Corps of Engineers.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. Proposed Action. This statement will analyze work proposed in a permit application submitted by New Orleans East, Inc. This work will consist of the construction of approximately 72,500 linear feet of new canals and the enlargement of 16,000 linear feet of existing canals and two lakes. The resulting 14,030,000 cubic yards of dreged material will be deposited in wetland areas. The proposed project area consists of approximately 9,773 acres of leveed land, the majority of which is considered wetlands even though the area is within the existing hurricane protection levee system. Completion of the project will allow for the area to be drained for residential, commercial, and light industrial development. The applicant estimates that the proposed residential development will consist of 33,000 to 51,000 housing units providing housing for 100,000 to 150,000 people. The commercial and light industrial development is expected to provide between 20,000 and 30,000 permanent jobs.

2. Alternatives. In addition to the no action alternative, the DEIS will address other areas within metropolitan New Orleans where the applicant's proposed project could take place. These areas will include: (a) West Bank, Jefferson Parish, (b) St. Bernard Parish, (c) St. Charles Parish, (d) Slidell, St. Tammany Parish, (e) Mandeville-Covington, St. Tammany Parish, and (f) Algiers Point, Orleans Parish.

3. Scoping Process. a. The project, as proposed by the applicant, has been discussed in informal meetings attended by representatives of Department of the Interior—US Fish and Wildlife Service, Department of Commerce—National Marine Fisheries Service, Department of Defense—US Army Corps of Engineers, Louisiana Department of Wildlife and Fisheries, and Louisiana Department of Natural Resources—Coastal Management Section. Additional meetings are expected to be held with representatives of the New Orleans Mayor's Office and with representatives of local and national environmental groups.

b. Significant issues to be addressed in the DEIS include: the current and utlimate environmental values of the 9,773 acre project site, the potential impacts to the existing drainage system, the impacts of expected economic growth in New Orleans, and the extent of and possible mitigation of vehicular traffic expected to be generated by the proposed project. Additional issues are expected to be brought out during the public scoping meeting scheduled to be held 14 October 1981.

c. No formal assignments have as yet been planned for input into the DEIS by other Federal and state agencies. Nonetheless, informal meetings will continue to be held and communications will be maintained throughout the EIS process.

d. Periodic reviews will be held with various Federal, state, and local agencies; they will be kept apprised of the progress.

4. Scoping Meeting. A public scoping meeting will be held at 1900 (7 p.m.) on Wednesday, 14 October 1981, at the Marion Abramson High School, 5552 Read Road, New Orleans, Louisiana. The meeting will consist of an introduction and a description of the proposed project, EIS process, and scoping process; after which the attendees will be divided into workshop groups, allowing individuals more freedom to input their ideas and concerns. The groups will reassemble and the moderators of each group will make an oral summary of the comment obtained from the workshops. Comments made by individuals in the workshops groups will be recorded, compiled, and analyzed. A summary of the results will be available upon request.

5. Availability. the DEIS is scheduled to be available to the public in September 1982.

ADDRESS: Questions concerning the proposed action and DEIS can be directed to Mr. Glenn C. Lukos at (504) 838–2277 (FTS 687–2277) at the US Army Corps of Engineers, Regulatory Assessment Section (LMNOD–SA), P.O. Box 60267, New Orleans, Louisiana 70160.

Victor A. Landry,

Executive Assistant.

[FR Doc. 81–28195 Filed 9–28–81; 8:45 am]

BILLING CODE 3710–84–M

Intent To Prepare Draft Environmental Statement (DES) for Proposed Flood Control Project on Prairie and Silver Creeks in Grand Island, Nebr.

AGENCY: U.S. Army Corps of Engineers, Omaha District.

ACTION: Notice of intent to prepare a DES.

SUMMARY: (1) The proposed Federal action is to provide flood control along Prairie and Silver Creeks in Grand Island, Nebraska.

(2) Alternatives considered include: cleaning out bridge openings, together with training levees; diversion of Dry and Prairie Creeks along, and north of the Burlington Northern Railroad by construction of channels and levees; construct a north-south levee west of U.S. Highway 281 to divert flows to the north and east around Grand Island; raise U.S. Highway 281 to design flow elevations, with no free-board, to serve as a stop-gap measure; and channel and bridge modifications, including a training levee on Silver Creek where it passes under Highway 2 and the Burlington, Northern Railroad.

(3) To date, public involvement has included meetings and discussions with public entities, local planning agencies, and concerned citizen groups. No significant issues have been identified. The project will also comply with the requirements of the Historic Preservation Act, the Endangered Species Act, the Fish and Wildlife Coordination Act, Section 404 of the 1977 Clean Water Act, Executive Order 11988 on Flood Plain Management, and Executive Order 11990 on Wetlands.

(4) A Scoping Meeting will be held on Friday, 23 October 1981 at 10:00 a.m. (CDT) in the Natural Resources District office building, 116 W. 4th Street, Grand Island, Nebraska. The participation of the public and all interested Government agencies is invited.

(5) The Omaha District estimates that the DES will be released for public review by September 1982.

ADDRESS: Questions about the proposed action, DES, or scoping meeting should be directed to Richard Gorton, Chief, Environmental Analysis Branch, Omaha District, CE, 6014 U.S. Post Office and Courthouse, Omaha, Nebraska 68102. Phone: (402) 221–4605.

Dated: September 23, 1981.

John O. Roach,

Department of the Army, Liaison Officer with the Federal Register.

[FR Doc. 81–28238 Filed 9–28–81; 8:45 am]

BILLING CODE 3710–62–M

DEPARTMENT OF EDUCATION

National Commission on Excellence in Education; Meeting

AGENCY: National Commission on Excellence in Education.

ACTION: Notice of meetings.

SUMMARY: This notice sets forth the schedule of a first meeting of the National Commission on Excellence in Education. This notice also describes the functions of the Commission. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: October 9, 1981 (9:30 a.m. until 5:00 p.m.); October 10, 1981 (9:00 a.m. until 12:00 noon) *tentative.*

LOCATION: Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Milton Goldberg, Executive Director, 1200 19th Street, N.W. (202) 254–5750.

The National Commission on Excellence in Education is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90–247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees. The Commission is established to advise and make recommendations to the nation and to the Secretary of Education. To carry out this mission the Commission is charged with the following responsiblities:

(1) To review and synthesize the data and scholarly literature on the quality of learning and teaching in the nation's schools, colleges, and universities, both public and private, with special concern for the educational experience of teen-age youth;

(2) To examine and to compare and contrast the curricula, standards, and expectations of the educational systems of several advanced countries with those of the United States.

(3) To study a representative sampling of university and college admission standards and lower division course requirements with particular reference to the impact upon the enhancement of quality and the promotion of excellence such standards may have on high school curricula and on expected levels of high school academic achievement.

(4) To review and to describe educational programs that are recognized as preparing students who consistently attain higher than average scores in college entrance examinations and who meet with uncommon success the demands placed on them by the nation's colleges and universities.

(5) To review the major changes that have occurred in American education as well as events in society during the past quarter century that have significantly affected educational achievement;

(6) to hold hearings and to receive testimony and expert advice on efforts that could and should be taken to foster higher levels of quality and academic excellence in the nation's schools, colleges, and universities;

(7) To do all other things needed to define the problems of and the barriers to attaining greater levels of excellence in American education; and

(8) To report and to make practical recommendations for action to be taken by educators, public officials, governing boards, parents, and others having a vital interest in American education and a capacity to influence it for the better.

The meeting of the Commission is open to the public. The proposed agenda incudes:

Swearing-in/Members
Remarks by Secretary of Education
Discussion of Charter
Task for the Commission
Discussion/Organization of Commission

The public is being given less than fifteen days notice of this meeting because the Chairman is out of the country and a meeting location in Washington has not been selected. Following this initial meeting of the Commission, there will be ample ntoice of future meetings.

Records are kept of all Commission proceedings, and are available for public inspection at the office of the National Commission on Excellence in Education, 1200 19th Street, N.W. from the hours of 8:00 to 5:00.

Dated: September 24, 1981.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 81–28113 Filed 9–28–81; 8:45 am]

BILLING CODE 4000–01–M

V 46 SE 29 81 1 UMI

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval of the following sales: Contract Number S–EU–694, to EURATOM, Karlshuhe, Federal Republic of Germany, 250 milligrams of thorium–230, to be used for preparation of sources for Moessbauer spectroscopy of protactinium–231. The sources will be irradiated to produce thorium–231. Contract Number S–EU–698, to Kernforschungszentrum Karlshuhe Gmbh, Federal Republic of Germany, 0.5 millicuries of plutonium–236 for use as a standard for radiochemical medical research.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: September 22, 1981

Fred McGoldrick,

Deputy Director, Office of Nuclear Affairs International Programs.

[FR Doc. 81–28103 Filed 9–28–81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4658–000]

Eugene J. M. McFadden; Application From Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

September 18, 1981.

Take notice that the Eugene J. M. McFadden filed with the Federal Energy Regulatory Commission on May 13, 1981, an application for exemption for it's McFadden Farm Project No. 4658 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 Subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the East Fork of Russian River in Mendocino County, California. Correspondence with the Applicant should be directed to: Mr. Eugene J. M. McFadden, McFadden Farm, Potter Valley, California 95469.

Project Description. The proposed project would consist of: (1) Reconstruction of an existing breached dam by constructing a 12-foot high and 6-foot long masonry and concrete dam creating negligible impoundment of water; (2) a 75-foot long, 10-foot square penstock; (3) a powerhouse with total installed capacity of 380 kW; (4) a 300-foot long 12.47-kV transmission line inter-connecting with an existing Pacific Gas & Electric substation. The Applicant estimates that the average annual energy output would be 1.87 million kWh.

Purpose of Exemption. An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments. Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for exemption. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of an exemption and consistent with the purpose of an exemption as described in this notice. No other formal requests for comments will be made. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Competing Applications. Any qualified license Applicant desiring to file a competing application must submit to the Commission, on or before November 9, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than January 8, 1982. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene. Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before November 9, 1981.

Filing and Service of Responsive Documents. Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 4658. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–27992 Filed 9–28–81; 8:45 am]

BILLING CODE 6450-85-M

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[1] Pub. L. 96–294, 94 Stat. 611. Section 408 of the ESA amends *inter alia.* Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of August 10 through August 14, 1981

During the week of August 10 through August 14, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW, Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published looseleaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 22, 1981.

Appeals

Robert Dumont, 8/14/81, BFA-0707

Robert Dumont filed an Appeal from a partial denial by the Acting Director for FOI Matters of the ERA's Enforcement Information Division of a Request for Information which he had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that release of the documents which were initially withheld by the FOI Director under exemption 7A would interfere with enforcement proceedings currently being conducted by the Special Investigations Division of the DOE. Accordingly, the DOE affirmed the FOI Director's determination.

Marathon Oil Company, 8/11/81, DEA-0595

Marathon Oil Company filed an Appeal of an Order for the Redirection of Product which the ERA Region IV Office issued to the firm on July 31, 1979, pursuant to 10 C.F.R. § 211.107(c). The Order directed Marathon to supply the Southland Corporation's North Florida Division with 102,500 gallons of motor gasoline for the month of July 1979. In considering Marathon's Appeal, the DOE determined that the July 31 Order contained insufficient factual findings to support the conclusions which it contained. Accordingly, the Marathon Appeal was granted, and the July 31 Order was rescinded. However, after balancing the equities involved, the DOE determined that it would be inappropriate to order Southland to make restitution for the gasoline which it received pursuant to the July 31 Order.

Mars Oil Company, 8/11/81, BEA-0425

Mars Oil Company filed an Appeal seeking rescission of an Assignment Order. The Order found that a retail motor gasoline outlet operated by a competitor of Mars was entitled to an assignment of a base period volume of motor gasoline as a "new" retail outlet under DOE regulations. In considering the Appeal, the DOE found that the outlet in question was not a "new" retail outlet and was therefore not eligible to receive an assignment. In reaching this conclusion the DOE pointed out that: (i) the alteration of a retail outlet from full service to high volume gas-only service does not constitute establishment of a "new" outlet; and (ii) the fact that renovations to effect a change in marketing operations extended beyond a six month period, during which time the outlet was closed, could not shield the intention of the parties to continue a gasoline retail sales operation.

Remedial Orders

Burek Oil Company, 8/11/81, DRO-0091

Burek Oil Company objected to a Proposed Remedial Order which the ERA's Region I Office of Enforcement issued to the firm on July 26, 1978. In evaluating the Proposed Remedial Order, OHA found that during the period November 1, 1973 through April 30, 1974, Burek had sold motor gasoline to certain customers at prices which exceeded the maximum lawful prices permitted by the regulations. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. The important issues discussed in the Decision and Order include (1) the use of the "equal application rule," (ii) allowable sequence of cost recovery and (iii) the payment of interest.

F.M. Buxton, 8/12/81, BRO-1004

On March 5, 1980, F.M. Buxton objected to a Proposed Remedial Order which the Southwest Enforcement District of the DOE Economic Regulatory Administration (ERA) issued to the firm on January 18, 1980. In the Proposed Remedial Order, the ERA found that during the period January 1, 1975 through October 31, 1977, Buxton had improperly treated the crude oil which he produced from his Sutter property as "stripper well" crude oil and had therefore sold that oil at prices in excess of the applicable ceiling price levels. After considering Buxton's Statement of Objections, the DOE concluded that the Proposed Remedial Order should be issued as a final Order. The important issues discussed in the Decision and Order include (i) whether the well on the Sutter property produced crude oil and (ii) whether a subsequent inconsistent Ruling rescinds an interpretation regardless of whether the party on whom the Interpretation was served had notice of the Ruling.

HNG Oil Company, 8/14/81, DRO-0066

HNG Oil Company objected to a Proposed Remedial Order that was issued to the firm by ERA's Region VI Office of Enforcement on June 7, 1978. In the PRO the Office of Enforcement determined that HNG had sold crude oil produced from four properties operated by the firm at prices that exceeded the applicable ceiling price levels. In the present proceeding, the DOE concluded that HNG's Statement of Objections be denied. Important issues discussed in the Decision include (1) the relevance of mode of delivery to the applicability of a posting to a field; (2) operator accountability for overcharges occurring in the first sale of crude oil when the owners were paid directly by the purchaser; and (3) the requisite circumstances for involving the "separate accounting" exception of Ruling 1977-1.

Koch Industries, Inc., 8/11/81, BRO-1415

Koch Industries, Inc., objected to a Proposed Remedial Order issued to the firm on November 21, 1980, by the Office of Special Counsel. In the Proposed Remedial Order, the Office of Special Counsel found that Koch had violated 10 C.F.R. Part 211 by refusing to supply two retail motor gasoline outlets of which it was the base period supplier during August 1979 through August 1980, and in October of 1980. Contrary to the firm's objections, the DOE found that Koch was the base period supplier of the outlets and that the outlets were entitled to receive allocations of motor gasoline from Koch. The DOE therefore rejected Koch's objections and determined that it was appropriate that Koch supply the two outlets with the dispute volumes of motor gasoline at the prices which prevailed during the time of the violation. The important issues considered in the Decision and Order include (1) whether the right to an allocation can be terminated by a private contractural agreement; (ii) whether the two retail outlets constituted new outlets; and (iii) whether the DOE could order the volumes of motor gasoline to be returned at prices below current market prices.

Lowe Oil Company, 8/10/81, DRO-0215

Lowe Oil Company filed a Statement of Objections to a Proposed Remedial Order which the ERA Region VII Office of Enforcement issued to the firm on April 17, 1979. In considering Lowe's objections to the PRO, the DOE determined that Lowe had failed to demonstrate that it had lowered its prices solely to make restitution for previous overcharges. However, the DOE also concluded that Lowe should not be required (1) to pay restitution to firms which had not paid prices in excess of Lowe's maximum lawful selling prices, (2) to conduct a self-audit for the period May 1, 1974 through August 31, 1976, and (3) to maintain records for future transactions. Accordingly, Lowe's Statement of Objections was granted in part. In addition, the ERA's Motion for Modification of the Interest Provisions of the PRO was granted in part.

Requests for Exception

Beacon Oil Company, 8/12/81, BEE-1647

Beacon Oil Company filed an Application for Exception from the provisions of 10 CFR § 211.67 in which the firm sought entitlements exception relief for the period January 1, 1981 through January 27, 1981. In considering Beacon's request, the DOE determined that the firm failed to file its exception request in a timely manner and was therefore ineligible for prospective relief under the *Delta* standards. The DOE also found that the firm did not satisfy the agency's standards for approving retroactive exception relief. Accordingly, Beacon's request was denied.

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Gene L. Bolin, d.b.a. Gene Bolin's Chevron Station, 8/10/81, BEE–1672

Gene L. Bolin d.b.a. Gene Bolin's Chevron Station filed an Application for Exception from the provisions of the DOE price regulations which required him to set prices at his motor gasoline retail outlet by applying the "acquired entity rule." In considering Bolin's request, the DOE determined that the unofficial agency advice when Bolin received at the time he acquired his outlet was sufficiently confusing that he could not reasonably have been expected to apply the "acquired entity rule" properly. In addition, the DOE found that Bolin would suffer a serious financial hardship if he were required to calculate his prices under the "acquired entity rule." Accordingly, the DOE concluded that Bolin should be granted exception relief permitting him retroactively to increase his maximum lawful selling prices during the period November 28, 1973 through February 28, 1977 in order to generate $47,343,85 in additional revenues.

Hunt Oil Company, 8/12/81 BEE–0544

Hunt Oil Company filed an Application for Exception from the provisions of 10 CFR §§ 212.182 and 212.183, in which the firm sought permission to use the second calendar quarter of 1973, instead of May 1973, as the base period for purposes of determining the firm's average permissible markup in resales of crude oil. In considering the request, the DOE found that due to unusual inventory losses during May 1973, Hunt had an unusually low per barrel net margin during that month. The DOE therefore determined that Hunt was experiencing a gross inequity which warranted the approval of prospective exception relief. However, the DOE determined that retroactive relief was inappropriate because Hunt had waited almost two years after the promulgation of the rule which established May 1973 as the base peirod for crude oil resales before applying for exception relief. In addition, the DOE determined that Hunt would not experience an irreparable injury in the absence of retroactive exception relief.

Texaco, Inc., 8/10/81, BEE–1556

On December 9, 1980, Texaco, Inc. (Texaco) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D in which the firm sought to recertify, effective June 1, 1979, the crude oil produced from certain marginal properties. In considering the request, the DOE found that the firm had failed to meet the requirements for exception relief set forth at 10 CFR § 205.55(b). Accordingly, exception relief was denied.

Motion for Modification and/or Rescission

Kern County Refinery, Inc., 8/14/81, BYR–0134, BES–0159

Kern County Refinery, Inc., filed a Motion for Reconsideration of *Kern County Refinery, Inc.*, 8 DOE ¶ 82,566 (1981), in which the DOE reviewed the level of entitlements exception relief that Kern received in its 1979 fiscal year. In the Motion for Reconsideration, Kern contended that there were several errors in the Kern decision and that correction of those errors would reduce the amount of the additional entitlements purchase requirement that the Kern decision had imposed on the firm. In considering the firm's Motion, the DOE determined that two of the corrections suggested by the firm were appropriate and that an additional correction to the manner of computing the appropriate level of entitlements exception relief for the firm's 1979 fiscal year was necessary. Among the important issues considered in the decision are: (i) the appropriateness of adjusting a firm's reported profit to exclude the effect of a change in accounting procedure and (ii) the manner in which the DOE computes the level of exception relief to which a firm is entitled under the *Delta* standards when the *Delta* standards have been modified during the course of a firm's fiscal year.

Motion for Discovery

Exxon Company, U.S.A., 8/13/81, BRD–0177

Exxon Company, U.S.A. filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Remedial Order issued to it by the Office of Special Counsel (OSC) on May 14, 1979. The PRO alleged that during the period February through May 1974 Exxon improperly included in its cost banks $3,952,000 of premium incentives for benzene and toluene calculated pursuant to 10 CFR § 212.82(f)(3). In its Motion for Discovery, Exxon requested that it be provided with all records prepared or used by the DOE and its predecessor agencies in connection with the rulemaking proceedings which amended the special benzene and toluene price rules in 10 CFR §§ 212.83(c)(2) and 212.82(f)(3) in February 1974, that it be provided with all records available to the DOE and its predecessors that interpret, construe, or explain the provisions of these regulations and that OSC admit or deny 37 statements concerning the factual and legal issues in the enforcement proceeding. The DOE determined that the Motion for Discovery should be denied in its entirety, except for one request for admission to which OSC did not object. Exxon's request for material which provided the record for the rulemakings was deneid on the grounds that administrative record discovery was not appropriate solely to ascertain the meaning of a regulation. Exxon's request for contemporaneous constructions of the benzene and toluene pricing regulations was denied because the regulations were determined not to be ambiguous. All contested portions of Exxon's requests for admission were also denied, because the requests sought admissions either on solely legal matters on which OSC's position was known or on factual matters not in dispute.

Motion for Evidentiary Hearing

Caulkins Oil Company, 8/12/81, BRH–1405

Caulkins Oil Company filed a Motion for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order which was issued to it by the ERA's Rocky Mountain District Office of Enforcement on January 18, 1981. In its Motion, Caulkins requested that it be permitted to present the testimony of its treasurer regarding certain factual assertions in its Statement of Objections. The DOE found that a material factual dispute existed only as to the firm's contention that its 1974 sales records substantially reflected its crude oil production from a certain lease. The DOE also determined that the testimony of the firm's treasurer would substantially assist it in making findings of fact because the agency's conclusions may depend in large part upon the credibility of the witness's testimony concerning the factual conclusions that may be drawn from Caulkin's sales records. Accordingly, Caulkin's Motion for Evidentiary Hearing was granted with respect to this single issue and denied in all other respects.

Supplemental Order

Edgington Oil Co., Inc., 8/12/81, BEX–0219

The Department of Energy issued a Supplemental Order rescinding a prior Interim Order in which it had implemented relief that had been tentatively granted to Edgington Oil Company, Inc. in a March 10, 1981 Proposed Decision and Order. This action was taken because the DOE had issued a Supplemental Order tentatively denying the relief it had proposed to grant in the March 10, 1981 Proposed Decision and Order.

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

DOE, Central Enforcement District, BER–0153
Gene L. Bolin, d.b.a. Gene Bolin's Chevron, DRO–0082
Mallard Resources, Inc., BRO–1277
Standard Oil Co. (IN), DEE–8244

[FR Doc. 81–28100 Filed 9–28–81; 8:45 am]
BILLING CODE 6450–01–M

Issuance of Proposed Decision and Order; Week of September 7 Through September 11, 1981

During the week of September 7 through September 11, 1981, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person received actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW, Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 23, 1981.

Bettis, Boyle, and Stovall, Graham, Texas, BEE-1679

Bettis, Boyle and Stovall filed an Application for Exception from the requirement that it prepare and submit Form EIA-23. On September 11, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-28101 Filed 9-28-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of August 31 Through September 4, 1981

During the week of August 31 through September 4, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 C.F.R. Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 23, 1981.

Helcher Oil Company, 9/1/81, BEE-1673

On July 20, 1981, Helcher Oil Company filed an Application for Exception from the reporting requirements of Form EIA-9A ("No. 2 Distillate Price Monitoring Report"). The exception request, if granted, would relieve the firm of the obligation to file the form with the Energy Information Administration. On September 1, 1981 the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be denied.

[FR Doc. 81-28102 Filed 9-28-81; 8:45 am]

BILLING CODE 6450-01-M

Objection To Proposed Remedial Order Filed; Week of September 7 Through September 11, 1981

During the week of September 7 through September 11, 1981, the notice of objection to a proposed remedial order listed in the Appendix of this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR § 205.194 on or before October 19, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 23, 1981.

Everett Street Exxon, Alameda, California, BRO-1645

On September 9, 1981, W.V. Ullner (dba Everett Street Exxon), 2501 Santa Clara Avenue, Alameda, California 94501, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on March 31, 1981. In the PRO the Western District found that during the audit period the firm had been charging prices in the retail sale of motor gasoline which were in excess of the maximum lawful selling price allowed by 10 C.F.R. Part 212.

According to the PRO the Everett Street Exxon violation resulted in $5,154.73 of overcharges.

[FR Doc. 81-28099 Filed 9-28-81; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Central Valley Project Order Confirming and Approving an Extension of Power Rates on an Interim Basis

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of an extension of power rates on an interim basis—Central Valley Project, California.

SUMMARY: Notice is given of Rate Order No. WAPA-10 of the Assistant Secretary for Conservation and Renewable Energy extending power rates on an interim basis for power marketed by the Western Area Power Administration (Western) from the Central Valley Project (CVP), California.

FOR FURTHER INFORMATION CONTACT:

James A. Braxdale, Office of Power Marketing Coordination, CE-91, Department of Energy, 12th and Pennsylvania Avenue, NW., Room 3349, Washington, DC 20461, (202) 633-8338

Conrad K. Miller, Chief, Rates & Statistics Branch, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, Colorado 80401, (303) 231-1535

David G. Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, California 95825, (916) 484-4251

SUPPLEMENTARY INFORMATION: By Delegation Order No. 0204-33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secetary for

V 46 SE 29 981 UMI

Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis. Due to a Department of Energy organizational realignment on February 24, 1981, this authority of the Assistant Secretary for Resource Applications has been transferred, effective March 19, 1981, to the Assistant Secretary for Conservation and Renewable Energy. The same delegation order delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation.

Pursuant to the delegation order, the Assistant Secretary for Resource Applications issued Rate Order No WAPA–2 (44 FR 57962, October 9, 1979) confirming and approving on an interim basis, effective November 1, 1979, Rate Schedules CV–F4 and CV–P3 for power marketed by Western from the CVP. The rates were to remain in effect for a period of 12 months unless the period was extended or until the FERC confirmed and approved them, or substitute rates, on a final basis. The rates were submitted to the FERC for confirmation and approval on a final basis on October 2, 1979. By Rate Order No. WAPA–5 (45 FR 67442, October 10, 1980), the rates were extended for 12 months, through October 31, 1981.

The FERC has not yet acted on the rates, and the purpose of Rate Order No. WAPA–10 is to extend the power rates for another 12 months (through October 31, 1982) unless further extended or until the FERC confirms and approves them, or substitute rates, on a final basis.

Issued in Washington, DC, September 16, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

United States of America, Department of Energy, Assistant Secretary for Conservation and Renewable Energy

Order Confirming and Approving an Extension of Power Rates on an Interim Basis (September 16, 1981)

In the matter of: Western Area Power Administration—Central Valley Project Power Rates; Rate Order No. WAPA–10.

Pursuant to section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7152(a), the power marketing functions of the Secretary of the Interior, under the Reclamation Act of 1902, 43 U.S.C. 372, *et seq.*, as amended and supplemented by the subsequent enactments, particularly by section 9(c) of the Reclamation Act of 1939, 43 U.S.C. 485h(c), for the Bureau of Reclamation were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment on February 24, 1981, this authority of the Assistant Secretary for Resource Applications has been transferred to the Assistant Secretary for Conservation and Renewable Energy. this rate order is issued pursuant to the amendment of Delegation Order No. 0204–33 to transfer the delegation to the Assistant Secretary for Conservation and Renewable Energy, effective March 19, 1981.

Background

Pursuant to Delegation Order No. 0204–33, on October 2, 1979, the Assistant Secretary for Resource Applications issued Rate Order No. WAPA–2 (44 FR 57962, October 9, 1979) confirming and approving on an interim basis, effective November 1, 1979, Rate Schedules CV–F4 and CV–P3 for power marketed by the Western Area Power Administration's (Western) Central Valley Project (CVP). The rate order stated that the rates ". . .shall remain in effect on an interim basis for a period of 12 months unless such period is extended or until the FERC confirms and approves them, or substitute rates, on a final basis." The rate schedules were submitted to the FERC for confirmation and approval on a final basis by the Assistant Secretary's letter of October 2, 1979. By Rate Order No. WAPA–5 (45 FR 67442, October 10, 1980), the rates were extended for 12 months, through October 31, 1981.

Discussion

The FERC has not yet acted on the CVP power rates submitted to the FERC on October 2, 1979. It appears that unless the rates are extended they will terminate on October 31, 1981.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective November 1, 1981, an extension of existing Rate Schedules CV–F4 and CV–P3. These rates shall remain in effect through October 31, 1982, unless extended, or until the FERC confirms and approves them, or substitute rates, on a final basis.

Issued in Washington, DC, September 16, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[Rate Schedule CV–F4 (Supersedes Rate Schedule CV-F3R)]

Central Valley Project, California

Schedule of Rates for Wholesale Firm Power Service

Effective: November 1, 1979.

Available: In the area served by the Central Valley Project.

Applicable: To wholesale firm power customers for general power service supplied through one meter at one point of delivery.

Character and conditions of service: Alternating current, sixty hertz, three phase, delivered and metered at the voltages and points established by contract.

Monthly rate:

Demand charge: $2.00 per kilowatt of billing demand.

Energy charge: 5.11 mills per kilowatt-hour for all energy use up to, but not in excess of, the energy obligation under the power sales contract.

Billing demand: The billing demand will be the highest 30-minute integrated demand established during the month up to, but not in excess of, the delivery obligation under the power sales contract.

Energy obligation: The maximum kilowatt-hour obligation of the United States during the month as established under the power sales contract.

Minimum bill: $2.00 per kilowatt of the effective contract rate of delivery.

Billing for unauthorized overruns: For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual power and/or energy obligations, such overrun shall be billed at ten times the above rate.

Adjustments

For character and conditions of service: If delivery is made at transmission voltage so that the United States is relieved of substation costs, five percent discount will be allowed on the demand and energy charges.

For tranformer losses: If delivery is made at transmission voltage but metered on the low-voltage side of the substation, the meter readings will be increased two percent to compensate for transformer losses.

For power factor: None. The customer will normally be required to maintain a power factor at the point of delivery of between 95 percent lagging and 95 percent leading.

[Rate Schedule CV–P3 (Supersedes Rate Schedule CV-P2R)]

Central Valley Project, California

Schedule of Rates for Commercial Irrigation and/or Drainage Pumping Service and for Wholesale Firm Power Service When Supplied in Conjunction Therewith

Effective: November 1, 1979.

Available: In the area served by the Central Valley Project.

Applicable: To commercial irrigation customers for their own use for, or for resale for, irrigation and/or drainage pumping and purposes incidental thereto supplied through one meter at one point of delivery, and for the purposes other than irrigation and/or drainage pumping service when supplied in conjunction with the pumping service through the same meter at the same point of delivery.

Character and conditions of service: Alternating current, sixty hertz, three phase, delivered and metered at the voltages and points established by contract.

Monthly rate:

Demand charge: $2.00 per kilowatt of billing demand.

Energy charge: 5.11 mills per kilowatt-hour for all energy use up to, but not in excess of, the energy obligation under the power sales contract.

Billing demand: The billing demand will be the highest 30-minute integrated demand established during the month up to, but not in excess of, the delivery obligation under the power sales contract.

Energy obligation: The maximum kilowatt-hour obligation of the United States during the month as established under the power sales contract.

Minimum bill: None.

Billing for unauthorized overruns: For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual power and/or energy obligations, such overrun shall be billed at ten times the above rate.

Adjustments

For character and conditions of service: If delivery is made at transmission voltage so that the United States is relieved of substation costs, five percent discount will be allowed on the demand and energy charges.

For tranformer losses: If delivery is made at transmission voltage but metered on the low-voltage side of the substation, the meter readings will be increased two percent to compensate for transformer losses.

For power factor: None. The customer will normally be required to maintain a power factor at the point of delivery of between 95 percent lagging and 95 percent leading.

[FR Doc. 81-28104 Filed 9-28-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59065; TSH-FRL-1942-3]

Cerium (IV) Tetramethylheptanedionate; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by October 31, 1981. Persons should submit written comments on the application no later than October 14, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793) Managment Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: Carrie Berlin, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-222, 401 M Street SW., Washington, DC 20460. (202-426-8815).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon applicaton, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979.

TME 81-35

Close of Review Period. October 31, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided: Manufacturing site—Pacific Region

Specific Chemical Identity. Cerium (IV) tetramethylheptanedionate.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the final use of the PMN substance will be in the transportation industry.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Black crystals, maroon when finely divided.

Weight—873.18.

Melting Point—276–278°C.

Solubility—Insoluble in water, Slightly soluble in alcohol, Soluble in chloroform, toluene, benzene, gasoline and acetone.

Sublimation.

Temperature—144–200°C at 0.1 Torr.

Toxicity Data. Summaries of literature searches for similar and related compounds were submitted in lieu of new toxicity studies.

Exposure. The submitter states that at submitter-controlled sites 4 to 6 workers may have dermal exposure for a maximum of 5 hr/day, 60–90 days/yr, at an average concentration of 1–10 ppm and a peak of 100 ppm during processing; at use sites, an average of 3–5 workers may have dermal exposure for 2 hr/day, 50 days/yr at an average concentration of 4 ppm with an average peak of 40 ppm; and during disposal, 1–2 workers may have dermal exposure 1 hr./da., 5–10 days/yr at an average concentration of 1–10 ppm and a peak of 100 ppm. At a site not controlled by the submitter, 1–2 people may have dermal and inhalation exposure for 2 hr/day, 30 days/yr.

Environmental Release/Disposal. The manufacturer states that less than 10 kg per year will be released to the air, land, or water at any site.

Dated: September 18, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-28152 Filed 9-28-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51320; TSH-FRL-1942-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMN's and provides a summary of each.

DATE: Written comments by: PMN 81-458, 81-459, 81-460, and 81-461, November 14, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51320]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-458	Rachel Diamond	202-426-2601	E-222.
81-459	Rachel Diamond	202-426-2601	E-222.
81-460	George Bagley.	202-426-2601	E-210.
81-461	Carrie Berlin	202-426-8815	E-222.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN-81-458

Close of Review Period. December 14, 1981.

Manufacturer's Identity. Nalco Chemical Company, 2901 Butterfield Road, Oak Brook, IL 60521.

Specific Chemical Identity. Monoethanolamine.

Use. The manufacturer states that the PMN substance will be used as a sequestrant.

Production Estimates. The manufacturer states that 40,000 lbs. will be produced annually.

Physical/Chemical Properties

Appearance—Clear, amber liquid.

pH (neat)—9.2.

Specific gravity—1.33@60°F.

Boiling point—>100°F.

Flash point—None.

Viscosity—619 cps@60°F.

7-day storage stability—Stable.

Completely soluble in water.

Toxicity Data. The manufacturer states that the toxicity of the substance is judged to be negligible.

Exposure. The manufacturer states that typically 10 workers will be involved in the manufacture of the substance. At a given application site, 10 individuals will have potential contact.

Environmental Release/Disposal. The manufacturer states that the substance will be disposed of at plant facilities in accordance with existing regulations.

PMN 81-459

Close of Review Period. December 14, 1981.

Importer's Identity. Naarden International USA, Inc., 919 Third Avenue, New York, NY 10022.

Specific Chemcial Identity. 2,2-dimethylbicyclo[2.2.1] heptane-3-carboxylic acid, methylester.

Use. The importer states that the PMN substance will be used as an aroma chemical to be used in fragrance compounds.

IMPORT ESTIMATES

	Kilograms per year maximum
1st year	100
2d year	800
3d year	1,500

Physical/Chemical Properties

Appearance—Liquid.

Boiling point—About 80°C@3 mm/Hg.

Flash point (closed cup)—93.5°.

Solubility water—<1 g/1.

Alcohol 80% @ 20°C—1:1.

Density—
$d^{20}_{20} = 1.008\text{-}1.010.$

Refractive index—
$n^{20}_{D} = 1.468\text{-}1.469.$

Color—Colorless.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5mg/kg.

Skin irritation—Moderately irritating.

Eye irritation—Slightly irritating.

Ames salmonella—Non-mutagenic.

Skin sensitization (guinea pig)—Non-sensitive.

Exposure. The importer states that exposure may occur only when the product is used for compounding. Maximum concentration of fumes is 1-10 parts per million (ppm).

Environmental Release/Disposal. The importer states that release would only result from an accidental spill. Disposal is possible by incineration.

PMN 81-460

Close of Review Period. December 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemcial Identity. Claimed confidential business information. Generic name provided: Substituted heteropolycycle.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a minor component of a formulation used by a limited number of specialized customers.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	50	100
2d year	0	300
3d year	0	400

Physical/Chemical Properties

Solubility water—< 0.1%.

Octanol—0.1-1.0%.

Melting point—> 200°C.

Toxicity Data

Acute oral toxicity LD $_{50}$ (rat)—900 to 1,100 mg/kg.

Acute dermal toxicity LD $_{50}$ (rat)—> 1,000 mg/kg.

Skin irritation (rabbit)—Slight.

Eye irritation (rabbit)—Moderate.

Exposure. The manufacturer states that during manufacture and processing, up to 15 people may have dermal and inhalation exposure for a maximum of 1.5 hrs/day, 15 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that 0-3 kg/yr may be released to water. Disposal will be by incineration and biological treatment system.

PMN 81-461

Close of Review Period. November 22, 1981.

Importer's Identity. Duolite International, Inc., 800 Chestnut Street, Redwood City, CA 94063.

Specific Chemical Identity. Benzenemethanamine, ar-ethenyl-N-methanophosphoric, disodium salt, polymer with diethernylbenzene.

Use. The importer states that the PMN substance will be used in selective removal of multivalent cations from monovalant cation-containing solutions.

Import Estimates

	Kilograms per pound, year	
	Minimum	Maximum
1st year	7,000	27,000
2d year	20,000	54,000
3d year	34,000	100,000

Physical/Chemical Properties

Appearane—Spherical, beige-colored beads.

Specific gravity ($H_2O=1$)—About 1.12 (Na + form).

Solubility water—Insoluble.

Bulk Density (kg/L)—About 0.75

Particle size (mm)—0.3—1.2.

Ionic form—^{Na} + of PO_3H_2.

Moisture content (%)—60-65.

Chemical resistance—Dilute acids and bases, and common solvents.

Total exchange capacity (eg/L)—1.5.

Toxicity Data. No data were submitted.

Exposure. The importer states that the only route of exposure, although unlikely, would be dermal contact during loading of the holding tank on initial startup, or later during unloading for disposal when the resin becomes exhausted.

Environmental Release/Disposal: No data were submitted.

Dated: September 18, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-28154 Filed 9-28-81; 8:45 am]

BILLING CODE 6560-31-M

[PP 1G2440/T323 PH-FRL-1942-6]

Glyphosate; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the herbicide glyphosate in or on the raw agricultural commodities cottonseed at 15 parts per million (ppm), and on the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.5 (ppm).

DATE: These temporary tolerances expire April 24, 1983.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (202-557-7066).

SUPPLEMENTARY INFORMATION: Monsanto Co., 1101 17th St. NW., Washington, D.C. 20036 has requested establishment of temporary tolerances for residues of the herbicide glyphosate in or on the raw agricultural commodities cottonseed at 15 ppm; and the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.5 ppm. These tolerances will permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit (524-EUP-54) which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Monsanto Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire on April 24, 1983. Residues not in excess of the amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j))).

V 46 6 SE 29 81 1 UMI

Dated: September 15, 1981.

Douglas D. Camp,

Director, Registration Division, Office of Pesticides Programs.

[FR Doc. 81-28155 Filed 9-28-81; 8:45 am]

BILLING CODE 6560-32-M

[PP 0G2407/T321]; PH-FRL-1942-5]

5-Ethoxy-3-(Trichloromethyl)-1, 2,4-Thiadiazole and its Metabolite; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on corn (field) grain, wheat grain, meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep, and milk at 0.05 part per million (ppm); and corn forage and fodder, and wheat forage and straw at 0.1 ppm.

DATE: The temporary tolerances expire on December 31, 1983.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7060).

SUPPLEMENTARY INFORMATION: Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06904, has requested establishment of temporary tolerances for residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permits 1258-EUP-13 and 1258-EUP-14 which are being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permits with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permits.

2. Olin Chemicals must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

The temporary tolerances expire December 31, 1983. Residues not in excess of these tolerances remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permits and temporary tolerances. These tolerances may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determied that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted these temporary toleraces from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of the Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: September 16, 1981.

Douglas D. Camp,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28153 Filed 9-28-81; 8:45 am]

BILLING CODE 6560-32-M

[AMS-FRL 1943-8; Docket No. A-81-171]

Revised Motor Vehicle Compliance Program; Public Workshop

AGENCY: Environmental Protection Agency.

ACTION: Delay of public workshop.

SUMMARY: On August 31, 1981, EPA announced in the **Federal Register** (46 FR 43734) a public workshop to discuss possible revisions to the motor vehicle compliance program. The hearing date was set for September 30 and October 1, 1981. The Motor Vehicle Manufacturers Association (MVMA) recommended the hearings be postponed to allow additional time to study the issues. This notice announces that the workshop is indefinitely postponed. We will announce another date shortly.

Dated: September 24, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-28156 Filed 9-28-81; 8:45 am]

BILLING CODE 6561-26-M

[EN-10-FRL-1943-6]

Northern Tier Pipeline Co.; Issuance of PSD Permit

Notice is hereby given that on September 14, 1981, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to The Northern Tier Pipeline Company for approval to construct a marine oil terminal and tank farm at Port Angeles, Washington.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations, subject to certain conditions specified in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, M/S 521, Seattle, Washington 98101.

Dated: September 15, 1981.

John R. Spencer,

Regional Administrator.

[FR Doc. 81-28150 Filed 9-28-81; 8:45 am]

BILLING CODE 6560-36-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-56]

Belco Petroleum Corp. v. Compania Peruana de Vapores; Filing of Complaint and Assignment

Notice is given that a complaint filed by Belco Petroleum Corporation against Compania Peruana de Vapores was served September 18, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Wiliam Beasley Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the direction of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-28033 Filed 9-28-81; 8:45 am]

BILLING CODE 6730-01-M

Knutsen Line Joint Service Agreement; Cancellation

Filing party: Eliot J. Halperin, Esquire, Graham & James, 1050 17th Street NW., Washington, D.C. 20036.

Agreement No. 7632.

Summary: On September 15, 1981, the Commission received notice of the termination of the parties to Knutsen Line in Agreement No. 7623. The agreement will be cancelled effective September 15, 1981, the date the notice of termination was received by the Commission.

Dated: September 23, 1981.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-28106 Filed 9-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-57]

Tractors and Farm Equipment Limited v. Waterman Steamship Corp. and Cosmos Shipping Co., Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Tractors and Farm Equipment Limited against Waterman Steamship Corporation and Cosmos Shipping Co., Inc. was served September 18, 1981. Complainant alleges that respondents have violated 46 U.S.C. 812 and 46 U.S.C. 841b in connection with a shipment of cargo.

This proceeding has been assigned to Administrative Law Judge Paul J. Fitzpatrick. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-28032 Filed 9-28-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 19, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3305-1.

Filing party: Mr. Richard L. Landes, Deputy City Attorney, Offices of the City Attorney of Long Beach, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T-3305-1, between the City of Long Beach (City) and Koppel, Inc. (Koppel), modifies the parties' basic agreement which provides for the 15-year lease to Koppel of approximately 117,596 sq. ft. of space at Pier A, Long Beach, California, to be used as a bulk commodity terminal facility and elevator, including the assembling, storing, handling, loading and unloading of grain and other bulk commodities into and from vessels at the Port.

The purpose of the modification is to delete the office building from the premises and extend the lease term to 22 years and 2 months. The parties agree that Koppel shall not operate a public terminal or furnish wharf, dock, warehouse or other terminal facilities in connection with common carriers by water. Koppel shall have the option to purchase all grain terminal improvements from City during the term of this agreement. koppel shall pay an annual compensation of $1,900,000 through October 31, 1985, with five-year renegotiation provisions included in the agreement. The parties further agree to shift the lease term to a November 1–October 31 fiscal basis and amend the compensation formula.

Agreement No. T-3691-1.

Filing party: John M. Ridlon, General Attorney, Sea-Land Industries, Inc., P.O. Box 900, 10 Parsonage Road, Edison, New Jersey 08818.

Summary: Agreement No. T-3691-1, between Sea-Land Service, Inc. (Sea-Land) and Hanjin Container Lines, Ltd. (Hanjin), modifies the parties' basic agreement whereby Sea-Land agrees to perform container terminal services for Hanjin's container vessels at the Ports of Long Beach and Oakland, California and Seattle, Washington.

The purpose of the modification is to amend Article I of the agreement by deleting the word "solely" and adding the words "that it may", in order that

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Hanjin will be able to seek terminal services from any supplier of such services rather than "solely" from Sea-Land, as previously provided in the agreement.

Agreement No. T-3989.

Filing Party: Mr. H. H. Wittren, Assistant Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-3989, between the Port of Seattle and Pacific Northern Oil Corporation (Pacific), provides for the 15-year lease of 100 lineal feet of a berthing area located between Piers 90 and 91 of the Port of Seattle's Terminal 91 Complex. The premises will be used for the refueling of tugboats, barge loading and discharging and other related activities. As compensation, Pacific shall pay a monthly rental of $1,200, plus applicable port tariff charges. The parties further agree to three-year rental renegotiations.

Agreement No. 93-24.

Filing Party: Mr. Ralph M. Pais, Graham & James, One Maritime Plaza, Suite 300, San Francisco, California 94111.

Summary: Agreement No. 93-24 modifies the basic agreement of the North Europe-United States Pacific Freight Conference by authorizing the Agreement Secretary, Chairman or counsel if authorized by the conference to execute agreement modifications on behalf of the parties. By Order of the Federal Maritime Commission.

Dated: September 23, 1981.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-28105 Filed 9-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket 81-47]

Maryland Port Administration Interpretation of the Term "Cargo" in FMC Lease No. T-3753; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 81-47 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The Maryland Port Administration (MPA) has petitioned the Commission for a declaratory order finding the MPA is correct in its interpretation of the term "cargo" in FMC Lease No. T-3753. The action involves no change in cargo handling operations or volume of cargoes.

This Finding of No Significant Impact (FONSI) will become final on or before October 19, 1981 unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-28146 Filed 9-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-50]

Per-Container Rates—Tariff Filing Requirements Applicable to Carriers and Conferences in the Foreign Commerce of the United States—Consideration of Petition Filed by Sea-Land Service, Inc.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 81-50 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The Commission proposes to amend its tariff filing regulations to provide for the filing of per-container rates. This modification is intended to ensure the proper application of rates to cargo moving in containers.

This Finding of No Significant Impact (FONSI) will become final on or before October 19, 1981, unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-28147 Filed 9-28-81; 8:45 am]

BILLING CODE 6730-01-M

[General Orders 13 and 38; Docket No. 81-51]

Time Limit for Filing of Overcharge Claims; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commissions's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 81-51 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Docket No. 81-51 on Parts 531 and 536—*Time Limit For Filing of Overcharge Claims,* involves a proposed rule that would amend the Commission's tariff filing requirements to prohibit carriers from barring shippers' filing of overcharge claims less than two years after date of shipment.

This Finding of No Significant Impact (FONSI) will become final before October 19, 1981 unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Assistant Secretary.

[FR Doc.81-28146 Filed 9-28-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than October 22, 1981.

A. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Farmers Enterprises, Inc., Albert, Kansas (sale of money orders, travelers checks, and U.S. Bonds; Kansas): to engage *de novo* in the activity of selling money orders, travelers checks, and U.S. Bonds. These activities would be performed at an office in Great Bend, Kansas, serving western Barton County, including all of Great Bend, Albert, Olmitz, and Pawnee Rock, Kansas.

B. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

First Mineola Corporation, Mineola, Texas (trust activities; Texas): to engage in trust activities, including acting in a fiduciary capacity to administer estates, to administer and execute trusts, and to execute nominee agreements, and to perform activities of an agency or custodial nature. These activities would be conducted from an office in Mineola, Texas, serving the city of Mineola, Texas and surrounding cities and towns.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

United Bancorp of Arizona, Phoenix, Arizona (mortgage banking, loan servicing, and insurance activities): to engage, through its subsidiary, H. S. Pickrell Company, in making or acquiring, for its own account or for the account of others, loans of all types and other extensions of credit such as would be made by a mortage company; in servicing loans and other extensions of credit for any persons; and acting as broker or agent for the sale, by mail solicitation of credit related life, accident, and health insurance solely in connection with extensions of credit by H. S. Pickrell Company. These activities will be conducted from an office in El Paso, Texas, serving El Paso, Texas, Las Cruces, New Mexico and nearby areas.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, September 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28124 Filed 9-28-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens Financial Corp.; Formation of Bank Holding Company

Citizens Financial Corporation, Beaumont, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares, less directors' qualifying shares, of Citizens National Bank of Beaumont, Beaumont, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28114 Filed 9-28-81; 8:45 am]

BILLING CODE 6210-01-M

Findlay Bankshares, Inc.; Formation of Bank Holding Company

Findlay Bankshares, Inc., Findlay, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bank of Findlay, Findlay, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28115 Filed 9-28-81; 8:45 am]

BILLING CODE 6210-01-M

Huntsville Bancshares, Inc.; Formation of Bank Holding Company

Huntsville Bancshares, Inc., Huntsville, Missouri, has applied for the Board's approval under section 3 (a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers and Merchants Bank of Huntsville, Huntsville, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28116 Filed 9-28-81; 8:45 am]

BILLING CODE 6210-01-M

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Iuka Bancshares Corporation; Formation of Bank Holding Company

Iuka Bancshares Corporation, Iuka, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Iuka State Bank in Iuka, Iuka, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28117 Filed 9-28-81; 8:45 am]

BILLING CODE 6210-01-M

Jefferson Bancorp, Inc.; Formation of Bank Holding Company

Jefferson Bancorp., Inc., Louisville, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by converting its subsidiary, Republic Bank and Trust Company, Louisville, Kentucky ("Republic"), into a bank, as defined by section 2(c) of the act, through Republic's acceptance of demand deposits. Republic currently engages in the business of making commercial loans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28118 Filed 9-28-81; 8:45 am]

BILLING CODE 6210-01-M

Kellonto Bankshares Corp.; Formation of Bank Holding Company

Kellonto Bankshares Corporation, Elgin, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Elgin State Bank, Elgin, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28119 Filed 9-28-81; 8:45 am]

BILLING CODE 6210-01-M

Mansfield Bancshares, Inc.; Formation of Bank Holding Company

Mansfield Bancshares, Inc., Mansfield, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Mansfield Bank and Trust Company, Mansfield, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28120 Filed 9-28-81; 8:45 am]

BILLING CODE 6210-01-M

Northwest Bancorporation of Arkansas, Inc.; Formation of Bank Holding Company

Northwest Bancorporation of Arkansas, Inc., Fayetteville, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 74 percent or more of the voting shares of Northwest National Bank, Fayetteville, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28121 Filed 9-28-81; 8:45 am]

BILLING CODE 6210-01-M

Ozark Bankshares, Inc.; Formation of Bank Holding Company

Ozark Bankshares, Inc., Ozark, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bankstock One, Inc., Ozark, Arkansas, and, indirectly, 80 percent or more of Bank of

Ozark, Ozark, Arkansas, ("Bank") and to directly acquire 3.148 percent of Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying the specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28122 Filed 9-28-81; 8:45 am]

BILLING CODE 6210-01-M

The Peoples Corp.; Formation of Bank Holding Company

The Peoples Corporation, Ripley, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Peoples Bank, Ripley, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Govenors of the Federal Reserve System, September 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28123 Filed 9-28-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Dental Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel; Change in Type of Meeting and Location

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a change in location of a meeting of the Dental Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel scheduled for October 2, 1981. The meeting was announced in the **Federal Register** of September 15, 1981 (46 FR 45815). In addition, the meeting has been authorized to be held as a telephone conference call. The meeting concerns a matter that is considered clear-cut, and the discussion will be brief. Under the circumstances, holding the meeting as a telephone conference call will save money and avoid unnecessary inconvenience to committee members, without impairing the public's participation in the meeting. The meeting will be held on October 2, 1981, Conference Rm. C, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD, from 2 p.m. until approximately 3 p.m. There will also be a speaker phone provided in the previously announced meeting place, i.e., Rm. 1200E, 8757 Georgia Ave., Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Gregory Singleton, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7536.

Dated: September 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-28022 Filed 9-28-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N-0199]

Color in Anti-Human Serum Products

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is permitting the use of a green coloring agent in monspecific Anti-IgG Anti-Human Serum as well as in polyspecific Anti-Human Serum products. This action is in response to manufacturer's requests.

EFFECTIVE DATE: September 29, 1981.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: FDA is permitting the use of a green coloring agent in monospecific Anti-IgG (immunoglobulin G) Anti-Human Serum, in addition to its present approved use in polyspecific Anti-Human Serum products. Anti-Human Serum products are in vitro diagnostic products which are licensed as biologicals under the Public Health Service Act (42 U.S.C. 262), and are regulated by the Bureau of Biologics. The products are antibodies produced in rabbits or other animals immunized with human plasma proteins, and are used as diagnostic reagents for the detection of proteins, such as human IgG antibodies. Because of their in vitro use, Anti-Human Serum products are also "devices" within the meaning of section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)).

A color added for use in or on a medical device is subject to the color additive provisions under section 706 of the act (21 U.S.C. 376) only if the color comes in direct contact with the body of man or other animals for a significant period of time. Because Anti-Human Serum products, when used according to good laboratory practices, are not expected to come into direct contact with the body of humans, the agency concludes that Anti-Human Serum products are not subject to section 706 of the act.

By notice issued in the **Federal Register** of December 20, 1977 (42 FR 63820), the agency permitted the use of coloring in "all purpose" polyspecific reagents. Coloring was restricted to polyspecific reagents to help prevent the inadvertent use of monospecific or "limited purpose" reagents. Another reason for coloring the reagent was to assure that automated equipment, used by blood banks in processing large numbers of donors, was properly adding the reagent. The agency has recently received requests from manufacturers asking permission to use coloring agents in monospecific Anti-IgG Anti-Human Serum. The agency is aware that some blood banks which process large numbers of donors are using monospecific Anti-IgG reagents rather than Polyspecific Anti-Human Serum

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products. It would be beneficial to permit coloring of monospecific Anti-IgG products because the presence of color verifies that the reagent is added to the test and serves as a critical quality control check for test procedures.

The agency does not believe that the use of the same coloring agent for monospecific and polyspecific reagents will result in problems in distinguishing between the two reagents. The presence of color is not intended as a color code for product identification. Product identification is assured through labeling requirements which specify that a black vial label with white lettering shall be used for monospecific reagents; and that a white vial label with black lettering shall be used for polyspecific reagents. The agency finds that the contrasting labeling required for the reagents provides adequate product identification and helps prevent unintentional use of either monospecific or polyspecific reagents. Because the industry now uses far more monospecific reagents than in the past, it is apparent that the quality control benefit resulting from the addition of coloring should be extended to those reagents also. The benefits to be obtained from this action clearly outweigh what the agency believes is a negligible risk of product misidentification. Therefore, the agency concludes that it is no longer essential to restrict coloring to only polyspecific reagents.

Manufacturers who wish to amend their Anti-Human Serum licenses to include the use of green color in their reagents must submit stability data in support of such an amendment, demonstrating that the Anti-IgG and/or anti-complement components are not adversely affected. Labeling for a colored Anti-Human Serum product should include a warning that falsely negative reactions may occur if the reagent is neutralized by contamination with human serum, i.e., observation of the color does not assure the presence of reactive antibody, and therefore cannot substitute for recommended quality control procedures. Proposed labeling revisions should be submitted with amendments to use a green coloring reagent.

Dated: September 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-28107 Filed 9-28-81; 8:45 am]

BILLING CODE 4110-03-M

Public Health Service

Health Maintenance Organizations; Cumulative List

Correction

In FR Doc. 81-19321, appearing at page 34512, in the issue of Wednesday, July 1, 1981, please make the following changes:

(1) On page 34513, middle column, fourth line from bottom of page, the footnote which appears above the last word, "Illinois" and reads "1" should be changed to read "2".

(2) On page 34515, third column, in the item numbered "13", last line, the date which reads "October 4, 1798" should be changed to read "October 4, 1978".

BILLING CODE 1505-01-M

Health Maintenance Organizations; List

Correction

In FR DOC. 26880 appearing at page 46002 in the issue of Wednesday, September 16, 1981, please make the following changes:

(1) On page 46003, first column, in the Supplementary Information, in the paragraph which begins, "Community Health Care Association," in the sixth line, "Sedgwich" should be changed to read, "Sedgwick".

(2) On page 46003, second column, center of the page, in the NOTE, item No. 1, first sentence, "PurCare" should be changed to read, "PruCare".

BILLING CODE 1505-01-M

DEPARTMENT OF INTERIOR

Bureau of Land Management

Boise District, Idaho; District Grazing Advisory Board; Meeting

In accordance with the Federal Advisory Committee Act, and the Federal Land Policy and Management Act, notice is given that the Boise, Idaho, District Grazing Advisory Board will meet on November 5 and 6, 1981.

The meeting will begin on November 5 at 9:00 a.m. in the Boise District Conference Room at 3948 Development Avenue, in Boise.

The agenda for the meeting will include:

The use of Range-Betterment Funds
Recommendations on FY 82 Range Betterment Projects

The meeting is open to the public. Interested persons may make oral statements to the Board between 1:00 and 3:00 p.m. on November 5, 1981, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, BLM, 3948 Development Avenue, Boise, Idaho 83705 by November 4, 1981.

Minutes of the Board meeting will maintained in the District Office and will be available for the public inspection within 30 days following the meeting.

Martin J. Zimmer,

District Manager.

September 22, 1981.

[FR Doc. 81-28196 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 81-43]

Final Lakeview Grazing Management Environmental Impact Statement; Availability of FEIS

AGENCY: Bureau of Land Mangement, Interior.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental impact statement for the Lakeview area. The proposal involves implementing a grazing management program on public lands within the Lakeview District in south central Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management
Office of Public Affairs
18th and C Streets, NW
Washington, D.C. 20240

Bureau of Land Management
Office of Public Affairs
729 N.E. Oregon Street
Portland, Oregon 97208

Bureau of Land Management
Lakeview District Office
1000 Ninth St. S.
Lakeview, Oregon 97630

Oregon State University Library
Government Document Section
Corvallis, Oregon 97331

Portland State University Library
724 S.W. Morrison
Portland, Oregon 97201

University of Oregon Library
Government Document Section
Eugene, Oregon 97403

Oregon Institute of Technology Library
Klamath Falls, Oregon 97601

Central Oregon Community College Library
Collegeway
Bend, Oregon 97701

Harney County Library
80 West D
Burns, Oregon 97720

Klamath County Library
126 S. Third
Klamath Falls, Oregon 97601

Lake County Library
County Courthouse
Lakeview, Oregon 97630

A limited number of copies are available upon request from the Bureau of Land Management, Oregon State Office, or the Lakeview District office at the above addresses.

Comments on the FEIS will be accepted by the Lakeview District Manager until October 30, 1981.

Dated: September 15, 1981.

Philip C. Hamilton,

Chief, Divison of Planning and Environmental Coordination.

[FR Doc. 81-28192 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-84-M

Montana; Prairie Potholes Vegetation Allocation Final Environmental Impact Statement Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Prairie Potholes Vegetation Allocation Final Environmental Impact Statement Availability.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a Final Environmental Impact Statement (EIS) for vegetation allocation upon the public lands in north-central Montana. The EIS details six alternative vegetation allocations on nearly 1.75 million acres of public land within BLM's Lewistown District.

DATES: Hearings were held: April 22, 1981, in Glasgow, Montana; April 23, 1981, in Chinook, Montana; April 24, 1981, in Malta, Montana; April 27, 1981, in Helena, Montana.

ADDRESS: Requests for further information should be addressed to: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown District, Airport Road, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The Final EIS describes and analyzes environmental consequences for six alternative courses of action. The six alternatives are: (A) Enhanced Combined Vegetation Uses; (B) Continuation of Present Management (BLM's Preferred Alternative); (C) Enhanced Livetock Forage; (D) Enhanced Watershed Value and Wildlife Habitat; (E) No Grazing; and (F) No Action. Comments upon the Draft EIS analysis were considered and used to prepare the Final EIS. The Final EIS will be used to develop a Rangeland Program Summary for the area included in the EIS.

A limited number of copies of the Final EIS are available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, Interior Building, 18th and C Streets NW., Washington, D.C. 20240.

Bureau of Land Management, Lewistown District, Airport Road, Lewistown, Montana 59457

Bureau of Land Management, Havre Resource Area, Old Highway West, Havre, Montana 59501

Bureau of Land Management, Montana State Office, P.O. Box 30157, 222 North 32nd Street, Billings, Montana 59107

Bureau of Land Management, Phillips Resource Area, 501 S. 2nd E., Malta, Montana 59538

Bureau of Land Management, Valley Resource Area, Route 1-775, Glasgow, Montana 59230.

Dated: August 31, 1981.

Michael J. Penfold,

State Director.

[FR Doc. 81-28193 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-84-M

Scientific Committee of the Outer Continental Shelf (OCS) Advisory Board; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law 92-463, 5 U.S.C. App. I and the Office of Management and Budget's Circular A-63 Revised.

The Scientific Committee of the Outer Continental Shelf Advisory Board will meet on October 28-30, 1981 from 8:00 a.m. to 5:00 p.m., each day. The meeting will be held in Room 244 of the Pacific OCS Building, 1340 W. 6th Street, Los Angeles, California.

The agenda for the meeting will include the following subjects:

- Review of Specific Components of BLM's OCS Environmental Studies in California
- California OCS Rig Monitoring Experiment
- Implementation of Peer-Review Options
- Status of Georges Bank Monitoring Program
- Impact of Streamlining on the OCS Environmental Studies Program

The meeting of this committee is open to the public. Approximately 50 visitors can be accommodated on a first-come/first-served basis. All inquiries concerning this meeting should be addressed to: Piet deWitt, Chief, Branch of Offshore Studies (623), Bureau of Land Management, Washington, D.C. 20240, Telephone: (202) 343-7744.

Robert F. Burford,

Director, Bureau of Land Management.

Approved: September 24, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-28194 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Emergency Work Funds Contract Negotiations, Fort Clark Irrigation District, Pick-Sloan Missouri Basin Program, North Dakota; Intent To Negotiate an Emergency Loan Contract

In accordance with procedures established by the Department of the Interior concerning public participation in water service and repayment contract negotiations, the Bureau of Reclamation (Bureau) intends to negotiate for repayment of a $10,000 emergency loan made to the Fort Clark Irrigation District. The proposed contract form will be prepared pursuant to the Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, particularly the Act of June 26, 1948 (62 Stat. 1052).

One of the district's 200 horsepower motors at its main pumping plant on the Missouri River burned out during the 1980 irrigation season. It was repaired by the district but the problem reoccurred three or four times during the irrigation season because of the outmoded electrical control system.

The proposed program includes rewinding the burned-out motor, reconditioning a second motor, and replacing the faulty contacts. All relays, wiring, etc. will be tested. Repairs and/or replacements as needed, will be made. Total repair costs are estimated to exceed $21,000. The district will utilize its reserve funds of about $11,000, and has obtained an emergency loan of about $10,000 to cover the total costs.

All meetings scheduled by the Bureau with the district for the purpose of discussing terms and conditions of the proposed contract will be open for public observation. Advance notice of meetings will be furnished to those parties having submitted a written request for a meeting schedule at least 1 week prior to any meeting. Requests should be addressed to Acting Regional Director, Bureau of Reclamation, Attention Code UM-440, P.O. Box 2553, Billings, Montana 59103. All written correspondence concerning the proposed contract will be made

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available to the general public pursuant to terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared to be available to the public. In the event little or no public interest is evidenced in the negotiations as gauged by the response to this notice and local news releases or announcements, the availability of the proposed form of contract for public review and comment will not be formally publicized through the **Federal Register** or other media.

For further information on scheduled contract negotiation sessions and copies of the proposed contract form, please contact Mr. William Crosby, Chief, Economics and Repayment Branch, Division of Water and Land, at the address stated above or by telephone (406) 657–6413.

Dated: September 23, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner of Reclamation.

[FR Doc. 81–28199 Filed 9–28–81; 8:45 am]

BILLING CODE 4310–09–M

Municipal Water Service Contract Negotiations Shoshone Project, Wyo.; Intent To Negotiate a Water Service Contract

The Department of the Interior, through the Bureau of Reclamation, intends to begin negotiating a contract with the town of Byron, Wyoming, to provide up to 600 acre-feet of water annually from Buffalo Bill Reservoir to meet the town's future demands. The proposed contract form will be prepared pursuant to section 9(c)(2) of the Reclamation Project Act of August 4, 1939 (53 Stat. 1187).

The town of Byron is in serious need of a supplemental water supply to meet expected future demands. City officials have requested that the Bureau of Reclamation allocate water from Buffalo Bill Reservoir for a future municipal water supply.

All meetings and/or negotiation sessions scheduled by the Bureau of Reclamation with the town of Byron for the purpose of discussing terms and conditions of the proposed contract will be open for public observation. Advance notice of such meetings or sessions will be furnished to those parties having submitted a written request for a meeting schedule at least 1 week prior to any meeting. Requests should be addressed to Acting Regional Director, Bureau of Reclamation, Attention UM–440, P.O. Box 2553, Billings, Montana 59103. All written correspondence concerning the proposed contract will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

A proposed draft contract will be made available for public review following completion of contract negotiations. Thereafter, a public hearing may be held, if necessary, and a 30-day period will be allowed for receipt of written comments from the public. Unless significant interest is evidenced in the negotiations, the availability of the contract for public review and comment will not be publicized.

For further information on scheduled contract negotiating sessions and copies of the proposed contract form, please contact Mr. William E. Crosby, Chief, Economics and Repayment Branch, Division of Water and Land, at the address stated above or by telephone (406) 657–6413.

Dated: September 23, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner of Reclamation.

[FR Doc. 81–28200 Filed 9–28–81; 8:45 am]

BILLING CODE 4310–09–M

INTERSTATE COMMERCE COMMISSION

[AB 111 SDM]

Detroit, Toledo & Ironton Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Detroit, Toledo & Ironton Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 111 SDM. The Commission on September 14, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 111 SDM.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–28208 Filed 9–28–81; 8:45 am]

BILLING CODE 7035–01–M

[AB 31 SDM]

Grand Trunk Western Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Grand Trunk Western Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 31 SDM. The Commission on September 14, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 31 SDM.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–28210 Filed 9–28–81; 8:45 am]

BILLING CODE 7035–01–M

[AB 43 SDM]

Illinois Central Gulf Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Illinois Central Gulf Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 43 SDM. The Commission on September 18, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 43SDM.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28209 Filed 9-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 171]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 23, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publications to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments file within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 52574 (Sub-65)X, filed September 8, 1981. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, NJ 07111. Representative: Edward J. Bowes, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 28 permits to (1) broaden the commodity description from (a) bakery goods and containers to "food and related products and containers" in Sub-No. 1; and (b) household appliances and housewares, and returned shipments to "rubber and plastic products, metal products and machinery" in Sub-No. 28; and (2) broaden the territorial descriptions to: between points in the United States under continuing contract(s) in Sub-No. 1; and between points in the U.S. under continuing contract(s) with a named shipper in Sub-No. 28.

MC 55898 (Sub-63)X, filed September 9, 1981. Applicant: DECATO BROS., INC., Heater Road, Lebanon, NH 03766. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Applicant seeks to remove restrictions in its lead and Sub-Nos. 50, 52G, 53, 54F, 55F, 58F, 59F and 61F certificates to: (1) broaden the commodity descriptions from lumber, to "lumber and wood products" in the lead, Sheet Nos. 2, 4, 5; logs, wooden poles, wooden piling, wooden fences, wooden posts, rails, and pickets to "building materials, forest products, and lumber and wood products" in the lead, Sheet No. 5; bridge planking to "building materials" in the lead, Sheet No. 5; plywood to "building materials and lumber and wood products" in the lead, Sheet No. 6; prefabricated buildings, complete, or sections, flue liners to "building materials" in the lead, Sheet No. 6; building brick, and masonry supplies to "building materials, clay, concrete, glass, or stone products" in the lead, Sheet No. 6; prefabricated buildings, materials, supplies and equipment used in the manufacture thereof, to "building materials" in Sub-No. 50; lumber to "lumber and wood products" in Sub-No. 52; lumber, lumber products, wood products, forest products, and composition board to "lumber and wood products forest products, and building materials" in Sub-No. 53; gypsum materials to "clay, concrete, glass, or stone products" in Sub-No. 55; building board, wallboard and insulation board, moldings, fasteners, and accessories to "building materials, and lumber and wood products" in Sub-No. 58; lumber, lumber products, and finished forest products to "lumber and wood products and forest products" in Sub-No. 59; (2) authorize radial service instead of one-way service in the lead and Sub-Nos. 50 and 52F; (3) delete the exception against service to AK and HI in Sub-No. 50; (4) remove plantsite restrictions in Sub-Nos. 54 part 1, 55, 58, 59, and 61 part a; (5) eliminate commodity exceptions in the lead and Sub-Nos. 50, 53, 54, 55, and 61; (6) delete originating at or destined to restrictions in Sub-Nos. 54 part (1) and 61 part (a); (7) broaden cities to counties: Cleveland, OH, to Cuyahoga County, OH; Wilmington, DE, to New Castle County, DE, Sparrows Point, MD, to Baltimore County, MD, Scranton, Erie, Honesdale, and Haverford Township, PA, to Lackawanna, Erie, Wayne, and Delaware Counties, PA, in Sub-No. 52; Ashtabula, OH, to Ashtabula County, OH, in Sub-No. 54; Akron and Buchanan, NY, to Erie and Westchester Counties, NY, Delair, NJ, to Camden County, NJ, Milford, VA, to Caroline County, VA, Quakertown, PA, to Bucks County, PA, Wilmington, DE, to New Castle County, DE, and Marietta, GA, to Cobb County, GA, in Sub-No. 55; Askin, Lewiston, Plymouth, and Jacksonville, NC, to Craven, Bertie, Washington and Onslow Counties, NC, in Sub-No. 59; Port Arthur and Houston, TX, to Jefferson and Harris Counties, TX, in Sub-No. 61; Walton, NY, to Delaware County, NY, Woodsville, Lakeport, and Salmon Falls, NH, to Grafton, Belknap, and Strafford Counties, NH, White River Junction, VT, to Windsor County, VT, Cleveland, OH, to Cuyahoga County, OH, Wilmington, DE, to New Castle County, DE, Sparrows Point, MD, to Baltimore County, MD, Scranton, Erie, Honesdale and Haverford Township to Lackawanna, Erie, Wayne, and Delaware Counties, PA, Claremont, Laconia, Lebanon, Newport, and Rollinsford, NH, to Sullivan, Belknap, Grafton, and Strafford Counties, NH, Newbury, VT, to Orange County, VT, Barre, Rutland, and Bellow Falls VT, to Washington, Rutland and Windham Counties, VT, Manchester, NH, to Hillsboro County, NH, Keene, NH to Cheshire County, NH, Bridgeport, Hartford, and New Haven CT, to Fairfield, Hartford, and New Haven Counties, CT, Providence, RI, to Providence County, RI, Bethel and South Paris, ME, to Oxford County, ME, Berlin, NH, to Coos County, NH, Keene, NH, to Cheshire County, NH, Burlington, VT, to Chittenden County, VT, Portland and South Portland, ME, to Cumberland County, ME, Lyndonville, VT, to Caledonia County, VT, North Stratford, NH, to Coos County, NH, Meredith, NH, to Belknap County, NH, Sayerville, Somerville, and South River, NJ, to Middlesex, and Somerset Counties, NJ, Lebanon, NH, to Grafton County, NH, Roselle Park, Passaic, and Jersey City, NJ, to Union, Passaic, and Hudson Counties, NJ and Lawrence, Worcester, Boston, and Framingham, MA, to Essex, Worcester, Suffolk and Middlesex Counties, MA, in the lead; (8) delete the exception against service to Keene, NH, and 20 miles thereof, Providence, RI, and 15 miles thereof, and Nassau and Merrimack, NH, in the lead.

MC 79658 (Sub-13)X, filed September 16, 1981. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47703.

Representative: Michael L. Harvey (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 3 and 12 certificates and its authority acquired in MC–F–13997 to (1) broaden the commodity descriptions to "household goods, furniture and fixtures" from household goods, in both subs and MC–F–13997, (2) remove the AK and HI restriction, in Sub-No. 12 and (3) remove the exception "except those points in AK east of an imaginary line constituting a southward extension of the U.S. (Alaska)-Canada (Yukon Territory) Boundary Line in the MC–F–13997 authority.

MC 113140 (Sub-5)X, filed September 9, 1981. Applicant: STEEL TRANSPORTERS OF CALIFORNIA, 607 West B Street, Wilmington, CA 90744. Representative: Daniel W. Baker, 100 Pine Street, #2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its lead and Sub-No. 4F certificates to (1) broaden commodity descriptions as follows: lead certificate, to "metal products" from iron, steel, and iron and steel articles: to "chemicals and related products" from chemicals; and Sub-No. 4, to "metal products and chemicals and related products" from iron and steel articles, aluminum ingots, and sheets, zincs and alloys; (2) remove limitations which specify the origin and destination of service to be at "docks, Wharves, and piers" in the lead certificate; (3) change one-way service to radial service in the lead certificate; and (4) broaden named points to county-wide authority, in the lead certificate: San Francisco, Alameda and Contra Costa Counties, CA (San Francisco, Oakland, Richmond, and Alameda, CA), Contra Costa County, CA (Pittsburg, CA), and Merced County, CA (Merced, CA).

MC 123744 (Sub-96)X, filed September 18, 1981. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 North Second Street, Clearfield, PA 16830. Applicant seeks to remove restrictions in its Sub-No. 94 certificate to (1) broaden the commodity description from iron and steel articles, and materials and supplies used in the manufacture and distribution of iron and steel articles to "metals and metal products and materials and supplies used in the manufacture or distribution of metals and metal products"; and (2) remove the "except AK and HI" restriction.

MC 124170 (Sub-187)X, filed September 14, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 17 and 42 certificates to: (1) broaden the commodity description from bananas and agricultural commodities, exempt from economic regulations under Section 203(b)(6) of the Act, when transported in mixed loads with bananas in Sub-No. 17, and (b) malt beverages in Sub-No. 42 to "food and related products"; (2) change its one-way to radial authorities in Sub-Nos. 17 and 42; (3) replace Wilmington, DE with county-wide authority to serve New Castle County, DE in Sub-No. 17; and (4) remove prior movement by water restriction in Sub-No. 17.

MC 134405 (Sub-106)X, filed September 14, 1981. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Applicant seeks to remove restrictions in its Sub-No. 101F certificate, which authorizes the transportation of barite, drilling mud and drilling mud additives, in bulk, between points in OK, and, points in AR, KS, LA, MS, OK, and TX, to broaden the commodity description to "commodities in bulk."

MC 144592 (Sub-10)X, filed September 14, 1981. Applicant: WAYDENS HEAVY HAULERS, INC., 1400 North 6th Avenue, Hiawatha, IA 52233. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, and 5F permits to (1) broaden the commodity descriptions from (a) material handling systems and storage silos in Sub-No. 1F; (b) stone, gravel, ore and clay processing equipment in part 1 in Sub-No. 3F; and (c) printing machinery and parts for printing machinery in part 1 in Sub-No. 5F to "machinery and those commodities which because of their size and weight require the use of special handling or equipment"; (2) broaden the territorial descriptions to between points in the U.S. under continuing contract(s) with a named shipper in each permit; and (3) remove the "except commodities in bulk" restriction in its materials, equipment and supplies authority in Sub-Nos. 3F and 5F.

MC 145507 (Sub-5)X, filed September 11, 1981. Applicant: TRUCKING SERVICES, INC., 26400 Van Born Road, Dearborn Heights, MI 48125. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226. Applicant seeks to remove restrictions in its No. MC–142439 and Sub-No. 3 permits to (1) broaden the commodity description in each permit to "lumber and wood products, and building materials" from lumber and building materials in the lead permit, and from lumber and pre-cut building panels and sections in Sub-No. 3; (2) remove the exception, "vermiculite in bags," in the lead permit; and (3) broaden the territorial descriptions to authorize service between points in the U.S., under continuing contract(s) with the named shippers.

MC 146457 (Sub-6)X, filed September 14, 1981. Applicant: PAISLEY TRUCKING, INC., P.O. Box 208, Durango, IA 52309. Representative: James M. Hodge, 10000 United Central Bank Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3F and 4F certificates to (1) broaden the commodity descriptions from (a) sand and sand with additives to 'clay, concrete, glass or stone products," in Sub-No. 2F, (b) malt beverages and empty cans and lids to "food and related products," in Sub-No. 3F, and (c) salt to "chemicals and related products," in Sub-No. 4F; (2) broaden facilities or city-wide authority to county-wide authority: (a) Oregon, IL to Ogle County, IL, in Sub-No. 2F, (b) facilities at Dubuque, IA to Dubuque County, IA; facilities at Chicago and Lamont, IL to Cook County, IL; and facilities at Lockport, IL to Will County, IL, in Sub-No., 3F, and (c) facilities at Dubque, IA to Dubuque County, IA, in Sub-No. 4F; and (3) authorize radial authority to replace existing one-way authority, in all certificates.

MC 147150 (Sub-1)X, filed September 15, 1981. Applicant: TRYPORT TRANSPORTATION, INC., 1425 South Main Street, Pittston, PA 18640. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description in part (1) of the certificate from general commodities (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) to "general commodities (except classes A and B explosives); (2) remove the "originating at or destined to the facilities of named shippers association" restriction from the scope of authority in part (1) and remove the restrictions limiting applicant to transporting shipments on bills of lading of shippers' associations from the scope of authority in part (1); (3) broaden the commodity description in part (2) of the certificate from printed matter to "pulp, paper and related products", and (4) replace specified points with counties in part (2) of the certificate: Scranton, PA, with Lackawanna and Luzerne Counties, PA; Binghampton, NY, with Broome County, NY, St. Louis, MO, with Jefferson, St. Charles and St. Louis Counties, MO, and Madison, Monroe and St. Clair Counties, IL; and Troy, MO, with Lincoln County, MO.

MC 147712 (Sub-37)X, filed September 16, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Avenue, Santa Fe Springs, CA 70670. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its MC–147712 Sub-Nos. 5, 9F, and 10F certificates to (1) broaden the commodity descriptions (a) in Sub-No. 5, from alcoholic beverages, and in Sub-No. 9F, from confectionary products and cough drops to "food or related products"; and (b) in Sub-No. 10F, from containers to "metal products, rubber and plastic products, and clay, concrete, glass or stone products"; (2) remove in Sub-No. 9F facilities restriction at Reading, PA, and replace with "Berks County, PA"; (3) broaden one-way service to radial service in Sub-Nos. 5 and 9F; (4) remove restrictions (a) in Sub-No. 10F limiting service to transportation of traffic having a prior or subsequent movement by water, and (b) in Sub-No. 5, prohibiting service to AK and HI; and (6) authorize materials, equipment and supplies authority in its radial grant in Sub-No. 10F.

MC 150583 (Sub-3)X, filed September 14, 1981. Applicant: ROSENBERGER ENTERPRISES, INC., 200 East Clinton, Indianola, IA 50125. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F to (1) broaden commodity descriptions from (a) machinery, parts for machines, bicycle chains, pumps, and chemicals, to "Machinery and machine parts, and chemicals and related products" in Sub-No. 1F, and (b) from iron and steel articles to "Metal products" in Sub-No. 2F; (2) broaden New Haven, CT to New Haven County, CT in Sub-No. 2F; (3) authorize radial service in lieu of existing one-way authority between Los Angeles, CA and points in the U.S. in Sub-NO. 1F; and between Detroit, MI, and New Haven County, CT, and points in the U.S. in Sub-No. 2F; and (4) delete the commodity restriction "in containers" from its Sub-No. 1F.

MC 150700 (Sub-6)X, filed August 27, 1981. Applicant: OLIN WOOTEN TRANSPORT CO., INC., P.O. Box 731, Hazlehurst, GA 31539. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, 3F, 4F and 5F certificates to (1) broaden the commodity description in Sub-No. 1 from newsprint, newspapers, cores, and materials, equipment and supplies used in the manufacture and distribution of newsprint (except commodities in bulk) to "pulp, paper and related products"; from sheet steel containers to "metal products"; from wire to "metal products"; from containers and pulpboard (except commodities in bulk) to "pulp, paper and related products, metal products, rubber, plastic products and clay, concrete, glass or stone products"; from containers and container parts and materials and supplies used in the manufacture of containers and container parts to "pulp, paper and related products, metal products, rubber, plastic products and clay, concrete, glass or stone products"; from materials and supplies used in the manufacture of paint (except commodities in bulk) to "chemicals and related products"; from malt beverages to "food and related products"; from containers, container ends and packing material used in the shipment of container ends to "pulp, paper and related products, metal products, rubber, plastic products and clay, concrete, glass or stone products"; from crushed marble and ground limestone, in bags and materials and supplies used in quarrying, fabricating, crushing and grinding of marble stone to "ores and minerals"; from tin cans, tin can parts, steel pails and drums and materials and supplies used in the manufacture of the commodities described above to "metal products"; from glass containers and materials and supplies used in the manufacture, sale and distribution of glass containers to "clay, concrete, glass or stone products"; in Sub-No. 2, from waste or scrap paper to "pulp, paper and related products; in Sub-No. 3, from paper and paper products to "pulp, paper and related products"; in Sub-No. 4, from part (1) containers and container ends to "pulp, paper and related products, metal products, rubber, plastic products and clay, concrete, glass or stone products"; in Sub-No. 5, from part (1) containers, container closures, and packing products to "pulp, paper and related products, metal products, rubber, plastic products and clay, concrete, glass or stone products"; and (2) replace one-way authority with radial authority in all Sub-Nos.; and (3) broaden the territorial scope from city-wide to county-wide authority in Sub-No. 1, from Lumber City, GA to Telfair County, GA; from Atlanta and Lithonia, GA, Chattanooga, Knoxville and Nashville, TN, Fernandina Beach and Wildwood, FL, Greensboro, Shelby and Winston-Salem, NC, Solon and Cincinnati, OH to Fulton and DeKalb Counties, GA; Hamilton, Knox and Davidson Counties, TN; Nassau and Sumter Counties, FL; Guilford, Cleveland and Forsyth Counties, NC; and Cuyahoga and Hamilton Counties, OH; from Homerville, GA to Clinch County, GA; from Pabst, GA to Houston County, GA; from Tate and Whitestone, GA and Gantts Quarry, AL to Pickens County, GA and Talladega County, AL; from Somerville, NJ to Somerset County, NJ from cliffwood, NJ, Warner Robins, GA, Henryetta, OK, Terre Haute, IN, and Shakopee, MN, Middlesex and Monmouth Counties, NJ; Houston County, GA; Okmulgee County, OK, Vigo County, IN, and Scott County, MN; in Sub-No. 2, from the named facilities at Macon, GA to Bibb County, GA; in Sub-No. 3, from St. Marys, GA to Camden County, GA; in Sub-No. 5, from Hubbard, OH, Chicago and Elgin, IL to Trumbull County, OH and Cook and Kane Counties, IL.

[FR Doc. 81–28211 Filed 9–28–81; 8:45 am]

BILLING CODE 7035–01–M

[AB 6 SDM]

Burlington Northern Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Burlington Northern Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 6 SDM. The Commission on September 10, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 6 SDM.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–2[illegible]207 Filed 9–28–81; 8:45 am]

BILLING CODE 7035–01–M

[AB 18 SDM, et al.]

Chessie System Railroads; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Chessie System Railroads has filed with the Commission its amended color-coded system diagram map in docket No. AB 18 SDM, et al. The Commission on September 1, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 18 SDM et al.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–28[illegible]06 Filed 9–28–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be statisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–182

Decided: September 23, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. Member Chandler not participating.

MC 107012 (Sub-743), filed September 18, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant), (219) 429–2224. Transporting *general commodities* (except class A and B explosives) between points in the U.S., under continuing contract(s) with Dometic, Inc., of Bloomington, IL, and its subsidiaries.

MC 111412 (Sub-9), filed September 8, 1981. Applicant: J. I. HAILEY, INC., Navigation Blvd., P.O. Box 1919, Corpus Christi, TX 78403. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, 512–476–8066. Transporting (1) *Mercer Commodities,* (2) *earth drilling machinery,* and (3) *those commodities which because of their size or weight require the use of special handling or equipment,* between points in CO, KS, LA, MS, NM, OK, TX, and WY.

MC 128662 (Sub-6), filed September 18, 1981. Applicant: STICKLEY'S GARAGE, INC., P.O. Box 2842, Winchester, VA 22601. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *diagnostic reagents* between points in the U.S., under continuing contract(s) with Baker Instruments Corporation, of Winchester, VA.

MC 129712 (Sub-60), filed September 17, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326, (404) 237–6472. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lumber and wood products, and building materials, between points in the U.S., under continuing contract(s) with The Peter Kuntz Company, of Dayton, OH.

MC 143702 (Sub-19), filed September 11, 1981. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th St., Kansas City, KS 66105. Representative: Donald J. Quinn, Commerce Bank Bldg., 8901 State Line, Suite 232, Kansas City, MO 64114, 816–444–7474. Transporting *greenhouses* and *parts* for greenhouses, between points in the U.S., under continuing contract(s) with Stuppy Greenhouse Supply, of North Kansas City, MO.

MC 144572 (Sub-60), filed September 8, 1981. Applicant: MONFORT TRANSPORT COMPANY, P.O. Box G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, 303–892–6700. Transporting *bags and textile mill products,* between points in the U.S., under continuing contract(s) with Indian Valley Industries, Inc., of Binghamton, NY.

MC 147712 (Sub-35), filed September 14, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant) 213–921–7474. Transporting *building woodwork*, between points in the U.S., under continuing contract(s) with Morelock Wood Products, Inc., of Bend, OR.

MC 148472 (Sub-4), filed September 8, 1981. Applicant: CLOVER CLUB FOODS COMPANY, P.O. Box 228, Kaysville, UT 84037. Representative: Bruce W. Shand, Suite 280, 311 S. State St., Salt Lake City, UT 84111, 801–531–1300. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in the U.S., under continuing contract(s) with Quintex Corporation, of Nampa, ID.

MC 154222, filed September 8, 1981. Applicant: PIPECO, INC., 1113 E. Memphis, P.O. Box 1334 Broken Arrow, OK 74012. Representative: David R. Worthington, 1916 Valley Rd., Sapulpa, OK 74066, 918–224–2748. Transporting *oil field equipment* and *petroleum equipment*, between points in NM, CO, TX, UT, WY, KS, and OK.

MC 158282, filed September 16, 1981. Applicant: GR TRANSPORT SERVICE, P.O. Box 303, Pelham, NY 10803. Representative: Ronald M. Gentile, 34 Badeau Place, New Rochelle, NY 10801 (914) 636–7072. Transporting *frozen bakery products* between New Haven, CT and Buffalo, NY, on the one hand, and, on the other, points in CA, GA, IL, IN, MI, FL, CO, MD, OH, WI, MN, NE, MO, TX, VA, PA, MA, NJ, NC, TN, IA, AZ, and NV, under continuing contract(s) with Lender's Bagel Bakery, Inc., of West Haven, CT.

MC 158293, filed September 16, 1981. Applicant: RLC TRANSPORTATION CO., INC., 515 7th St., P.O. Box 120, Carrollton, KY 41008. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Consolidated Packaging Corporation, of Chicago, IL, Helene Curtis Industries, Inc., of Chicago, IL, Rich Ladder Co., of Carrollton, KY, Williams Furnace Co., of La Mirada, CA, R. D. Werner & Co., Inc., of Greenville, PA, Protective Treatments, Inc., of Dayton, OH, and Harvstone Manufacturing Corporation of Elk Grove Village, IL.

MC 158313, filed September 17, 1981. Applicant: SIGMA TRANSPORT CORP., 750 Albany Avenue, North Lindenhurst, NY 11757. Representative: Lewis Barton (same as applicant) (516) 957–8100. Transporting *food and related products*, and *pulp, paper and related products*, between points in NY, NJ and CT, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, ME, MD, MI, MN, MO, MS, NC, ND, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, WV, and DC.

Volume No. OPY–3–176

Decided: September 22, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

MC 2095 (Sub-37), filed September 14, 1981. Applicant: KEIM TRANSPORTATION, INC., P.O. Box 226, Sabetha, KS 66534. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612 (913) 233–9629. Transporting *food and related products*, between points in Kansas City, MO, and Wichita, KS, on the one hand, and, on the other, points in ND, NE, CO, OK, IA, MO and AR.

MC 15975 (Sub-53), filed September 14, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant) (217) 324–2141. Transporting *automobile parts and accessories*, between Melvindale, MI, on the one hand, and, on the other, Louisville, KY and Metuchen, NJ.

MC 43685 (Sub-30), filed September 14, 1981. Applicant: MERCER TRUCKING COMPANY, INC., P.O. Box 11585, Spokane, WA 99211. Representative: Dwight Dively (same address as applicant) (509) 535–3597. Transporting *salt and salt products*, between points in UT, on the one hand, and, on the other, points in ID, MT, OR, and WA.

MC 81835 (Sub-10), filed September 17, 1981. Applicant: MONIOWCZAK TRANSIT COMPANY, P.O. Box 235, Escanaba, MI 49829. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684 (616) 941–5313. Transporting *malt beverages and related products*, between points in LaCrosse County, WI, Anoka, Dakota, Hennepin, Ramsey and Washington Counties, MN, Peoria County, IL, and Shelby County, TN, on the one hand, and, on the other, points in the Upper Peninsula of MI.

MC 97275 (Sub-46), filed September 15, 1981. Applicant: ESTES EXPRESS LINES, 1405 Gordon Ave., Richmond, VA 23224. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St., NW, Washington, DC 20036 (202) 783–8131. Transporting *general commodities* (except classes A and B explosives), between points in MD and WV, on the one hand, and, on the other, points in MD, VA, NC, SC, TN, GA and DC.

MC 105774 (Sub-14), filed September 14, 1981. Applicant: JOHNSON TRUCK LINE, INC., Jct. US Hwy 281 & US Hwy 24, Osborne, KS 67473. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979 Topeka, KS 66601 (913) 234–0560. Transporting *such commodities* as are dealt in by producers of copper and copper products, between the facilities of Kennecott Minerals Company in AZ, NV, NM, and UT, on the one hand, and, on the other, points in the U.S.

MC 106074 (Sub-185), filed September 17, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221, S., Forest City, NC 28043. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328 (404) 256–4320. Transporting *clay products*, between points in Thomas County, GA, on the one hand, and, on the other, points in NC, SC, TN, and VA.

MC 115944 (Sub-13), filed September 15, 1981. Applicant: COLORADO PACIFIC TRUCKING, INC., d.b.a. COLPAC, INC., 5080 McIntyre St. Golden, CO 80401. Representative: Ivan L. Nielson (same address as applicant) (303) 279–3732. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Prem Mark, Inc., of Denver, CO.

MC 124004 (Sub-70), filed September 15, 1981. Applicant: RICHARD DAHN, INC., 620 West Mountain Rd., Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 125335 (Sub-125), filed September 10, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501 (402) 474–6763. Transporting: *general commodities* (except classes A and B explosives), between points in CT, DE, MA, MD, NJ, NY, OH, and PA, on the one hand, and, on the other, points in the U.S., restricted to traffic originating at or destined to the facilities of the Charter Oak Shipper's Cooperative Association, Inc., Co-Operative Shippers, Inc., Northeastern Pennsylvania Shippers Cooperative Association, Inc., Seacoast Shippers Association, Inc., and their respective members.

MC 127955 (Sub-9), filed September 17, 1981. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave. and Aloe St., Pomona, NJ 08240.

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Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (609) 965–2538. Transporting: *food and related products,* between Lehigh and Westmoreland Counties, PA, Oswego County, NY, Rockingham County, NC, Dougherty and Lee Counties, GA, on the one hand, and, on the other, points in Camdem County, NJ.

MC 133105 (Sub-6), filed September 14, 1981. Applicant: J AND J TRANSFER, INC., 2420 Blanchard Blvd., Columbus, GA 31903. Representative: W. H. Tomlinson, 1601 13th St., Columbus, GA 31901 (404) 322–8404. Transporting: *chemicals and related products,* between Columbus, GA, on the one hand, and, on the other, points in LA, MS, AR, NC and VA.

Note.—Applicant intends to tack this authority to its existing authority.

MC 138875 (Sub-313), filed September 15, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant) (208) 376–5757. Transporting: *pulp, paper and related products,* and *printed matter,* between points in NY, on the one hand, and, on the other, points in OR.

MC 141695 (Sub-8), filed September 11, 1981. Applicant: JORDAN VALLEY TRUCKING CO., INC., P.O. Box 594, Jordan Valley, OR 97910. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343–3961. Transporting: *general commodities* (except classes A and B explosives), between points in Malheur County, OR and Owyhee County, ID, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145054 (Sub-48), filed September 11, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264 (303) 861–4028. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Weyerhaeuser Company, of Tacoma, WA.

MC 145985 (Sub-2), filed September 18, 1981. Applicant: GREEN COUNTY EXPRESS, INC., Box 475, Lena, IL 61048. Representative: Robert T. Lawey, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting (1) *food and related products,* and (2) *such commodities* as are dealt in or used by retail stores, curio shops, and catalog distribution centers, between points in the U.S., under continuing contract(s) with Swiss Colony, Inc., of Monroe, WI.

MC 146234 (Sub-1), filed September 14, 1981. Applicant: BURNHAM TRUCKING COMPANY, INC., Box 393, 4101 W. Burnham St., Milwaukee, WI 53201. Representative: B. A. Klimek, 30 W. Monroe St., Chicago, IL 60603 (312) 346–0300. Transporting *lumber and wood products,* and *metal products,* between points in the US., under continuing contract(s) with (1) Kinzua Corporation, of Heppner, or, (2) Midwest Lumber Associates, of Sun Prairie, WI, and (3) Proler International Corporation, of Houston, TX.

MC 146464 (Sub-10), filed September 16, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 391, Elko, NV 89801. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343–3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Anaheim Builders Supply, Inc., of Anaheim, CA, (2) Christensen Diamin Tools, Inc., of Salt Lake City, UT, (3) DEP Corp., of Los Angeles, CA, (4) Desert Company, A division of Park-Davis, of Sandy, UT, (5) Dresser Industries, Inc.—Magcobar Group, of Houston, TX, (6) Freeport Gold Company, Of Elko, NV, (7) Millchem, Inc., of Houston, TX, (8) Ralston Purina Company, of St. Louis, MO, (9) Riverside Industries, Inc., of Tulsa, OK, (10) Starkist Foods, Inc., of Terminal Island, CA, and (11) Superior Fireplace Company, a division of Mobex Corporation, of Fullerton, CA.

MC 146674 (Sub-8), filed September 15, 1981. Applicant: K.I.T. MOTOR EXPRESS, INC., P.O. Box 4004, Louisville, KY 40204. Representative: Edward J. Kiley, 1730 M St., NW., Washington, DC 20036 (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Celanese Corporation, of Chatham, NJ.

MC 146865 (Sub-6), filed September 15, 1981. Applicant: M. T. SERVICES, INC. d.b.a. BRENNAN EXPRESS, P.O. Box 18402, Baltimore, MD 21237. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850 (301) 424–2420. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of electric and electronic products, between points in the U.S., under continuing contract(s) with General Electric Company of Fairfield, CT.

MC 147665 (Sub-5), filed September 15, 1981. Applicant: BASSETT FURNITURE INDUSTRIES OF NORTH CAROLINA, INC., d.b.a BASSETT TRUCKING COMPANY, P.O. Box 47, Newton, NC 28658. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., 301 S. McDowell St., Charlotte, NC 28204 (703) 372–6730. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Jiffy Packaging Corporation, of Hickory, NC.

MC 148305 (Sub-2), filed September 14, 1981. Applicant: A. J. NINNEMAN TRUCKING, Rural Route 1, Denton, NE 68339. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506 (402) 488–4841. Transporting *food and related products,* between points in Lancaster County, NE, on the one hand, and, on the other, points in CA, CO, LA, MS, and TX.

MC 148495 (Sub-2), filed September 14, 1981. Applicant: KENNETH S. RAMSEY, d.b.a K. S. RAMSEY TRUCKING, 210 West Bridge St., Danville, IL 61832. Representative: Thomas A. Graham, 4 West Seminary St., Danville, IL 61832 (217) 443–0304. Transporting *washed sand and gravel,* between points in Warren County, IN and Vermilion County, IL.

MC 150645 (Sub-4), filed September 15, 1981. Applicant: TILEWAYS, INC., 7834 C. F. Hawn Freeway, Dallas, TX 75217. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245 (214) 358–3341. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Ben E. Keith Company, and its facilities, of Ft. Worth, TX.

MC 152045 (Sub-5), filed September 16, 1981. Applicant: CASON COMPANIES, INC. d.b.a. CASON BUILDERS SUPPLY, 1880 Spartanburg Hwy, Hendersonville, NC 28739. Representative: O.W. Cason, P.O. Box 2030, Hendersonville, NC 28793 (704) 693–0246. Transporting *electrical equipment and parts,* between points in the U.S., under a continuing contract(s) with General Electric Company, of East Flat Rock, NC.

MC 152555 (Sub-3), filed September 15, 1981. Applicant: HALL'S FREIGHTWAY, INC., 4505 S. Harding St., Indianapolis, IN 46217.. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (317) 846–6655. Transporting *transportation equipment and metal products,* between points in the U.S., under continuing contract with Arvin Industries, Inc. of Columbus, IN.

MC 153514 (Sub-3), filed September 14, 1981. Applicant: BURCE MATTILA TRUCKING, 5601 E. Glenmoor Rd., Minnetonka, MN 55343. Representative: Robert P. Sack, P.O. Box 6010, West St.

Paul, MN 55118 (612) 457-6889. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Edco Products, Inc. of Hopkins, MN.

MC 156835, filed September 14, 1981. Applicant: JOHN FARLEY d.b.a. BOWLING GREEN EXPRESS, 619 Champ Clark Dr., Bowling Green, MO 63334. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102 (314) 421-0842. Over *regular routes,* transporting *general commodities* (except classes A and B explosives), between (1) St. Louis and Hannibal, MO; from St. Louis over Interstate Hwy 70 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Hannibal and return over the same route; (2) between St. Louis and Hannibal, MO; from St. Louis over Interstate Hwy 70 to junction to MO Hwy 79, then over MO Hwy 79 to Hannibal and return over the same route; and (3) between Louisiana and Vandalia, MO, over U.S. Hwy 54, serving all intermediate and off-route points in connection with routes (1) through (3).

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 157684 (Sub-1), filed September 16, 1981. Applicant: SMITH'S WHSE., P.O. Box 195, Halsey, OR 97348. Representative: Paul Zehr (Same address as applicant) (503) 369-2831. Transporting *paper products, lumber products, animal feed products, and grass seed bags,* between points in OR and WA.

MC 158234, filed September 15, 1981. Applicant: PACIFIC MOTOR TRANSPORT, INC., P.O. Box 759, Tenino, WA 98589. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101, (206) 624-7373. Transporting *such commodities* as are dealt in by sporting goods distributors and dealers, between points in the U.S., under continuing contract(s) with Farwest Sports, Inc., of Olympia, WA.

Note.—the authority granted to the extent it authorizes the transportation of Classes A and B explosives, shall expire 5 years after the date of issuance.

MC 158244, filed September 9, 1981. Applicant: ALPHA TRANSPORT, INC., 8600 Elligsen Road, P.O.B. 683, Wilsonville, OR 97070. Representative: William E. Seliski, 2 Commerce St., P.O.B. 8255, Missoula, MT 59807, (406) 543-8369. Transporting *lumber and wood products,* between points in OR, WA, MT, ID, and CA, on the one hand, and, on the other, points in CA, CO, IL, IN, IA, KS, MN, MO, NE, ND, OH, SD, TX, UT, WI, and WY.

MC 158295, filed September 17, 1981. Applicant: CHEYENNE TRANSPORTATION, INC., 4094 Summerhill Rd., Texarkana, TX 75503. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340-0808. Transporting *machinery,* between points in the U.S., under continuing contract(s) with V & V Sales, Inc., of Grand Forks, ND.

MC 138875 (Sub-396), filed August 17, 1981 previously published in the **Federal Register** issue of September 2, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (202) 376-5757. Transporting *metal products,* between points in IL and UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY. This republication corrects the territorial description.

Volume No. OPY-4-374

Decided: September 17, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

MC 727 (Sub-2), filed September 9, 1981. Applicant: HEGINS VALLEY LINES, INC., P.O. Box 407, Millersburg, PA 17061. Representative: Lloyd R. Persun, P.O. Box 729, Harrisburg, PA 17108, (717) 232-6701. Transporting *passengers and their baggage,* in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in Dauphin County, PA, in and north of the Township of Jackson and Halifax, and those in Schuylkill County, PA, and extending to points in the U.S.

MC 70557 (Sub-57), filed September 9, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 606390. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives), between the facilities of Armstrong World Industries, Inc. in the U.S., on the one hand, and, on the other, points in the U.S.

MC 106187 (Sub-4), filed September 1, 1981. Applicant: THE FREE ENTERPRISE SYSTEM, INC., 2101 Hamburg Pike, Jeffersonville, IN 47130. Representative: Allison J. Maggilo, 2556 First National Tower, Louisville, KY 40202, (502) 589-4100. Transporting *passengers and their baggage,* in special or charter operations, between points in Jefferson County, KY and Floyd and Clark Counties, IN, on the one hand, and, on the other, points in the U.S.

MC 114227 (Sub-13), filed September 9, 1981. Applicant: A & C CARRIERS, INC., 2909 E. Laketon Ave., Muskegon, MI 49442. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941-5313. Transporting *petroleum, natural gas and their products* (1) between points in IL, IN, MI, and OH, and (2) between points in IL, IN, MI, and OH, on the one hand, and, on the other, points on the International Boundary line between the U.S. and Canada.

MC 145557 (Sub-17), filed August 14, 1981, previously noticed in the **Federal Register** of September 4, 1981, and republished this issue. Applicant: LIBERTY TRANSPORT, INC., P.O. Box 9182, Kansas City, MO 64148. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141, (816) 842-8600. Transporting *food and related products,* between the facilities of Armour Food Company, at points in CA, TX, SD, KY, NE, ID, MO, MN, WI, IA, PA, OR, and IL, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to show the State of MO instead of MD.

MC 158137, filed September 9, 1981. Applicant: ROSEWOOD CORPORATION, STORAGE SPECIALTIES DIVISION, 2432 N. Prior, St. Paul, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *general commodities* (except classes A and B explosives), between Minneapolis, MN, on the one hand, and, on the other, points in MN, ND, SD, and WI.

MC 158147, filed September 9, 1981. Applicant: MY WORLD TRAVEL, INC., 306-C, U.S. Route 202 (Concord Pike), Chadd's Ford, PA 19317. Representative: Paula R. Maiorano (same address as applicant), (215) 358-3744. To operate as a *broker,* at Chadd's Ford, PA, in arranging for the transportation of *passengers and their baggage,* between points in the U.S. (except AK and HI).

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28212 Filed 9-28-81; 8:45 am]

BILLING CODE 7035-01-,

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

James H. Bayne,

Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-3-174

Decided: September 18, 1981.

MC 151905, filed September 11, 1981. Applicant: FREHNER WHOLESALE, d.b.a. FREHNER TRANSPORTATION, 1208 Taylor, North Las Vegas, NV 89030. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882-5649. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 158194, filed September 11, 1981. Applicant: MARVIN W. LEE, R.R. 1, Box 76, Adrian, ND 58410. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108 (701) 237-4223. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-3-177

Decided: September 22, 1981.

MC 158224, filed September 15, 1981. Applicant: MOUNTAIN TOP TRUCKING CORPORATION, P.O. Box 127, Monson, MA 01057. Representative: Gary Senecal, 9 Bond St., Bondsville, MA 01009 (413) 283-8335. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158264, filed September 14, 1981. Applicant: COMMERCIAL TRANSPORTATION SERVICES, 7585 Madison St., Hinsdale, IL 60521. Representative: Oscar B. Garza, 151 Muehl Dr., Lockport, IL 60441 (815) 838-4558. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 158265, filed September 14, 1981. Applicant: DONAHUE TRUCKING CO., INC., 5633 W. Highland, Phoenix, AZ 85031. Representative: Rusty Burks, 1600 W. Camelback Rd., Ste 2-S, Phoenix, AZ 85015 (802) 264-7403. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158274, filed September 15, 1981. Applicant: HOKE'S LOCAL CARTAGE, INC., 4391 Swisher's Mill Rd. Lewisburg, OH 45338. Representative: Clarence Hoke, Jr. (same address as applicant) (513) 962-4587. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 158284, filed September 14, 1981. Applicant: WESTERN AG TRUCK BROKERS, INC., 2750 North Parkway Dr., Fresno, CA 93771. Representative: David B. Rosenman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212 (213) 277-2323. As a *broker,* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-28205 Filed 9-28-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Abbott Laboratories; Manufacturer of Controlled Substances; Registration

By Notice dated April 30, 1981, and published in the **Federal Register** on May 6, 1981, (46 FR 25377) Abbott Laboratories, 14th & Sheridan Rd., Attn: Customer Service D-345, N. Chicago, Ill. 60064, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of pentobarbital, a basic class of controlled substance listed in schedule II.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the Acting Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: September 21, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-28112 Filed 9-28-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Business Research Advisory Council; Meeting

The regular fall meeting of the Business Research Advisory Council will be held at 9:30 a.m., October 21, 1981, in room N-5437 of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry. The agenda for the meeting is as follows:

1. Chairman's Opening Remarks—Noel A. McBride
2. Commissioner's Remarks—Janet L. Norwood
3. Committee Reports:
   (a) Occupational Safety and Health (Reduction in recordkeeping, new measure of occupational risk)
   (b) Price Indexes (Rental equivalent research, Family Budgets, committee's program evaluations)
   (c) Employment and Unemployment (Data for private sector initiatives, committee's program evaluations)
   (d) Wages and Industrial Relations (Trends in Employment Cost Index, committee's program evaluations)
4. Other Business
5. Chairman's Closing Remarks

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 272-5241.

Signed at Washington, D.C. this 21st day of September 1981.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 81-28174 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-24-M

Business Research Advisory Council Committees; Meetings and Agenda

The fall meetings of committees of the Business Research Advisory Council will be held on October 15, 19, and 20, 1981.

The Committee on Occupational Safety and Health will hold its meeting in room N-3437 of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. The meetings of the Committees on Price Indexes, Employment and Unemployment, and Wages and Industrial Relations will be held in room 2734, General Accounting Office Building, 441 G Street, N.W., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The schedule and agenda of the meetings are as follows:

Thursday, October 15

10:00 a.m.—Committee on Occupational Safety and Health

1. Results of the study on recordkeeping burden.
2. Discussion of reduction in recordkeeping requirements.
3. The new measure of occupational risk.
4. Work Injury Reports scheduled for FY 1982.
5. State participation in BLS statistical programs and grant funds for FY 1982.
6. Other Business.

Monday, October 19

1:30 p.m.—Committee on Price Indexes

1. Status report on proposed rental equivalent research (pending FY 1982 budget proposals).
2. Use of Consumer Expenditure Survey in the CPI.
3. Status report on the Family Budget Program.
4. Report on BRAC Price Committee program priorities.
5. Status report on the Producer Price Index Revision.
6. Other Business.

Tuesday, October 20

9:30 a.m.—Committee on Employment and Unemployment

1. Secretary of Labor's response to NCEUS recommendations.
2. Discussion of priorities for labor force programs.
3. The 790 revision plans for FY 1982.
4. Data to support private sector initiatives.
5. Other Business.

Tuesday, October 20

1:30 p.m.—Committee on Wages and Industrial Relations

1. Review of WIR Work in Progress.
2. Employment Cost Index—recent trends.
3. Collective Bargaining Outlook for 1982.
4. Committee Project on Setting WIR Program Priorities.
5. Other Business.

The meetings are open to the public. It is suggested that persons planning to attend these meetings as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 272-5241.

Signed at Washington, D.C. this 21st day of September 1981.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 81-28173 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-24-M

Employment and Training Administration

[TA-W-11,607, 11,607A & 11,608]

Garon's Knitting Mills, Inc., Duluth, Minn.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on November 10, 1980 in response to petitions which were filed on behalf of workers at the East Michigan Street and North 30th Avenue plants of Garon's Knitting Mills, Incorporated, Duluth, Minnesota. The investigation was expanded to include workers at the West 1st Street plant of Garon's Knitting Mills, Incorporated, Duluth, Minnesota. Workers at these plants produce women's and men's knit caps, mittens, gloves, scarves and sweaters.

U.S. aggregate imports of men's, boys', women's and juniors' knit headwear increased absolutely and relative to domestic production from 1978 to 1979, absolutely from 1979 to 1980, and absolutely during the January through June period of 1981 compared with the same period of 1980.

The ratio of U.S. imports of dress mittens and gloves as a percentage of domestic production remained above 385 from 1976 through 1980.

U.S. aggregate imports of women's, misses' and children's sweaters increased absolutely from 1979 to 1980. The ratio of imports as a percentage of domestic production of women's, misses' and children's sweaters remained above 125 from 1976 through 1979.

The ratio of U.S. imports of men's and boys' sweaters as a percentage of domestic production remained above 60 from 1976 through 1979.

The Department surveyed customers of Garon's Knitting Mills, Incorporated for their purchases of men's and

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women's knit caps, mittens, gloves, scarves, and sweaters during 1979 and 1980. Customers representing a substantial proportion of sales and the decline in sales at Garon's Knitting Mills, Incorporated reported decreasing purchases from Garon's Knitting Mills, Incorporated and increasing purchases of imported knit caps, mittens, gloves, scarves and sweaters either absolutely or in relation to their total purchases.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the men's and women's knit caps, mittens, gloves, scarves, and sweaters produced at Garon's Knitting Mills, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the East Michigan Street, West First Street, and North 30th Avenue plants of Garon's Knitting Mills, Incorporated, Duluth, Minnesota who became totally or partially separated from employment on or after October 27, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1981.

Robert A. Schaerfl,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-28183 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10, 427]

Leo Paley, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 25, 1980 in response to a petition which was filed by the International Ladies' Garment Workers Union on behalf of workers at Leo Paley, Incorporated, New York, New York. Workers at Leo Paley, Incorporated produce ladies' blouses.

U.S. imports of women's, misses' and children's blouses and shirts increased absolutely in 1980 compared to 1979 and for the January through June period of 1981 compared to the same period of 1980. The ratio of imports to domestic production exceeded 60 percent in 1978 and 1979.

The Department conducted a survey of major customers of Leo Paley, Incorporated. The survey revealed that customers increased purchases of imported ladies' blouses while decreasing purchases from the subject firm during the period under investigation.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' blouses produced at Leo Paley, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Leo Paley, Incorporated, New York, New York who became totally or partially separated from employment on or after August 11, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1981.

Robert A. Schaerfl,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-28179 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,109]

Pacific Northwest Cedar Products, Inc., Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on January 19, 1981 in response to a petition which was filed on behalf of workers at Pacific Northwest Cedar Products, Incorporated, Forks, Washington. The workers produced red cedar shakes.

U.S. imports of red cedar shakes, shingles, hips, and ridges increased relative to domestic production in 1980 compared to 1979.

Sales of cedar shakes and average employment at Pacific Northwest Cedar Products, Incorporated declined in 1980 compared to 1979.

A Department of Labor survey of Pacific Northwest Cedar Products, Incorporated's customers revealed that surveyed customers with reduced purchases of shakes from Pacific Northwest Cedar Products, Incorporated and increased purchases of imported shakes represented a substantial proportion of Pacific's sales decline in 1980 compared to 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with red cedar shakes produced at Pacific Northwest Cedar Products, Incorporated, Forks, Washington contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Pacific Northwest Cedar Products, Incorporated, Forks, Washington who became totally or partially separated from employment on or after December 31, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1981.

Robert A. Schaerfl,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-28182 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,025]

Post Shake Company, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on December 31, 1980 in response to a petition which was filed on behalf of workers at Post Shake Company, Incorporated, Montesano, Washington. The workers produce red cedar shakes.

U.S. imports of red cedar shingles, shakes, hips, and ridges increased absolutely and relative to domestic production in 1979 compared to 1978 and increased relative to domestic production in 1980 compared to 1979. Imports increased absolutely in the first quarter of 1981 compared to the first quarter of 1980.

A Department of Labor survey revealed that surveyed customers reduced purchases of red cedar shakes from Post Shake Company, Incorporated in 1979 compared to 1978 and in 1980 compared to 1979 while at the same time increasing purchases of imported red cedar shakes.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with red cedar shakes produced at Post Shake Company, Incorporated, Montesano, Washington contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

> All workers of Post Shake Company, Incorporated, Montesano, Washington who became totally or partially separated from employment on or after December 26, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1981.

Robert A. Schaerfl,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-28181 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-29-M

[TA-W-12,207]

Saginaw Shingle Co.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on January 30, 1981 in response to a petition which was filed on behalf of workers at Saginaw Shingle Company, Aberdeen, Washington. The workers produce red cedar shakes and shingles.

U.S. imports of red cedar shakes, shingles, hips, and ridges increased relative to domestic production in 1980 compared to 1979.

A Department of Labor survey of Saginaw Shingle Company's customers revealed that surveyed customers with reduced purchases of shakes and shingles from Saginaw and increased purchases of imported shakes and shingles represented a substantial proportion of Saginaw's sales decline in 1980 compared to 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with red cedar shakes and shingles produced at Saginaw Shingle Company, Aberdeen, Washington contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

> All workers of Saginaw Shingle Company, Aberdeen, Washington who became totally or partially separated from employment on or after January 23, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1981.

Robert Schaerfl,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-28180 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,531]

S. W. Evans and Sons; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on October 31, 1980 in response to a petition which was filed on behalf of workers at S. W. Evans and Sons, Philadelphia, Pennsylvania. The workers at S. W. Evans and Sons produced umbrella frames.

U.S. imports of umbrella frames increased both absolutely and relative to domestic production in 1979 compared to 1978 and in 1980 compared to 1979.

Company imports of umbrella frames increased both absolutely and relative to domestic production in 1979 compared to 1978 and in 1980 compared to 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conlcude that increases of imports of articles like or directly competitive with umbrella frames produced at S. W. Evans and Sons, Philadelphia, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

> All workers of S. W. Evans and Sons, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 22, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of September 1981.

Robert A. Schaerfl,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-28184 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-28-M

Mine Safety and Health Administration

[Docket No. M-81-150-C]

Eastern Associated Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Eastern Associated Coal Corp., Koppers Building, Pittsburg, Pennsylvania 15219 has filed a petition to modify the application of 30 CFR 49.6 (equipment and maintenance requirements; mine rescue teams) to its twenty-one mines located in the state of West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

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1. The petition concerns the requirement that each mine rescue station be equipped with twelve self-contained oxygen breathing apparatus, each with a minimum of two hours capacity (approved under Subpart H of Part II of this title) and any necessary equipment for testing such breathing apparatus.

2. Petitioner presently maintains at least six equipped mine rescue teams and a minimum of six mine rescue stations.

3. As an alternative method which will provide the same degree of safety to the miners affected as that afforded by the standard, petitioner proposes to maintain a minimum of six mine rescue stations, each equipped with:

(a) Six self-contained oxygen breathing apparatus, each with a minimum of 2 hours capacity (approved under Subpart H of Part II of this title), and any necessary equipment for testing such breathing apparatus;

(b) A portable supply of liquid air, liquid oxygen, pressurized oxygen, oxygen generating or carbon dioxide absorbent chemicals, as applicable to the supplied breathing apparatus and sufficient to sustain two teams for six hours while using the breathing apparatus during rescue operations; and

(c) An oxygen pump or cascading system at specified locations.

4. Petitioner states that travel time between the mine rescue stations is less than two hours.

5. Petitioner further states that to strictly comply with the regulation, it would be required to consolidate its minimum of six rescue stations with one team each and reduce its total number of stations to two, each with two rescue teams, which would result in a diminution of safety for the miners affected because:

(a) The establishment and maintenance of only two stations would effectively reduce a team's response time. Members of rescue teams are currently stationed at each mine;

(b) A two-station system would require additional travel time once team members were called out for service elsewhere. Such members would have to travel a greater distance than the proposed minimum of six-station method, and then travel to the mine where needed;

(c) individual team members are familiar with their respective mines; to consolidate the stations and teams would result in the loss of this familiarity which may be crucial in an emergency.

6. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 29, 1981. Copies of the petition are available for inspection at that address.

Dated: September 18, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28176 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-52-M]

Multi Mineral Corp. Petition for Modification of Application of Mandatory Safety Standard

Multi Mineral Corporation, 715 Horizon Drive, Suite 380, Grand Junction, Colorado 81501 has filed a petition to modify the application of 30 CFR 57.11-50 (escapeways; requirements) to its No. 1 Shaft located in Rio Blanco County, Colorado. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a mine must have at least two separate escapeways.

2. The petitioner states it is engaged solely in exploration and development activities at its mine. Because the standard recommends but does not require a second escapeway during exploration or development of an ore body, the petitioner believes in good faith that a second escapeway is not currently required at its mine.

3. Construction of a second escapeway would take longer than the petitioner's proposed activities and expose its miners to the dangers inherent to shaft construction.

4. As an alternative, the petitioner states in detail how its ventilation system, mining practices, methane detection and monitoring programs, refuge chambers, evacuation procedures and the general competency of the rock, when considered in conjunction with the safety problems inherent in building a second escapeway, offer miners no less the same protection as the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 29, 1981. Copies of the petition are available for inspection at that address.

Dated: September 23, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28177 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-195-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, 301 North Memorial Drive, P.O. Box 235, St. Louis, Missouri 63166 has filed a petition to modify the application of 30 CFR 75.326 (air courses and belt haulage entries) to its Sunnyhill No. 9 South Mine, located in Perry County, Ohio. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return air course entries be separated from belt haulage entries.

2. As an alternative method, petitioner proposes to establish specific inspection stations along the No. 1 South Belt entry. Examinations will be made not less than once each production shift at these inspection stations and the date, time and initials of the examiner will be placed at such inspection stations.

3. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 29, 1981. Copies of the petition are available for inspection at that address.

Dated: September 23, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28178 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-43-M

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-87]

American Medical International, Inc. Pension Plan, Beverly Hills, Calif. (Exemption Application No. D-2604); Exemption From Prohibitions for Certain Transactions

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the sale to American Medical International, Inc. (AMI) by the American medical International, Inc. Pension Plan (the Plan), of its interest in the DIC Trust, a trust created by AMI to hold the stock of Denver Insurance Company, Inc., a wholly-owned subsidiary of AMI, which is the Plan sponsor.

FOR FURTHER INFORAMTION CONTACT: Mr. Robert N. Sandler of the Office of Fiduciary Standards, pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 6, 1981, notice was published in the **Federal Register** (46 FR 34861) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption form the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C.

The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No requests for a hearing were received by the Department, but two letters were received. The first commentator stated that he approved of the proposed exemptions. The second commentator was the applicant' representative who stated that the applicant was unable to distribute the notice to interested persons prior to July 17, 1981, which was the deadline for such distribution. The applicant completed the distribution of the notice on July 24, 1981 and requested that the Department extend the comment period from August 17, 1981 to August 24, 1981, so as to provide interested parties with the required 30 day comment period. The applicant stated that the notice informed interested parties that the comment period had been extended to August 24, 1981. The Department agreed to the applicant's modified compliance with the notice provisions of the proposed exemption.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale to AMI by the Plan of its interest in the DIC Trust for a cash amount equal to the greater of: (1) the value of the Plan's interest in the DIC Trust on the date of sale, as determined by an independent appraiser, less the sum of $1 million plus 8% interest on that amount compounded annually from December 1, 1976; or (2) $100,000, provided that the purchase price is no less than the fair market value of the Plan's interest in the DIC Trust on the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st day of September 1981

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27994 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-29-M

V 46 SE 29 81 UMI

[Prohibited Transaction Exemption 81-83]

Construction Industry Retirement Plan of Rockford, Ill. (Exemption Application No. D-2261); Exemption for Prohibitions for Certain Transactions

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption would exempt the entering into an arrangement to fund, and the funding of, long-term mortgage loans by the Construction Industry Retirement Plan of Rockford, Illinois (the Plan) in situations where the loans are arranged by and the borrower is receiving construction financing from a bank which is a service provider to the Plan.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8884. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 24, 1981, notice was published in the **Federal Register** (46 FR 38171) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (D) of the Code, for the transactions described in an application filed by the Plan trustees. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the entering into an arrangement to fund, and the funding of, long-term mortgage loans by the Plan in situations where the loans are arranged by and the borrower is receiving construction financing from a bank which is a service provider to the Plan. Moreover, the foregoing exemption shall apply only if the following conditions are met:

(a) At the time the transaction is entered into, the terms of the transaction are not less favorable to the Plan than the terms generally available in arm's length transactions between unrelated parties.

(b) The Plan maintains for a period of six years from the date of the transaction the records necessary to enable the persons described in paragraph (c) of this section to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the fiduciaries of the Plan, records are lost or destroyed prior to the end of the six-year period, (2) no party in interest shall be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the sanctions imposed by section 4975 of the Code, if the records are not maintained, or are not available for examination as required by paragraph (c) below.

(c) Notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (b) of this section are unconditionally available at their customary location for examination during normal business hours by:

(i) Any duly authorized employee or representative of the Department of Labor or the Internal Revenue Service;

(ii) Any employer, or duly authorized representative of such employer, of employees who are covered by the Plan;

(iii) Any employee organization, or duly authorized representative of such organization, members of whom are covered by the Plan;

(iv) Any participant or beneficiary of the Plan or any duly authorized representative of such participant or beneficiary.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27998 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-84]

Dial Import Corp. Employees Pension Trust, New York, N.Y. (Exemption Application No. D-2285); Exemption From Prohibitions for Certain Transactions

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the proposed cash sale by the Dial Import Corp. Employees Pension Trust (the Plan) to Mr. David Yeston, a fiduciary with respect to the Plan, of an undivided 10 percent interest in the Dakota Towers Joint Venture (the Joint Venture).

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 24, 1981, notice was published in the **Federal Register** (46 FR 38173) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice has been furnished to interested persons in compliance with the requirements set forth in the notice of proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale to Mr. David Yeston of the Plan's undivided 10 percent interest in the Joint Venture for the U.S. dollar equivalent of $70,000 (Canadian), provided that this amount is not less than the fair market value of such interest at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27997 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-86]

Merrill Lynch Realty Commercial Services, Inc., formerly Merrill Lynch Realty Management, New York City, N.Y. (Exemption Application No. D-2552); Exemption From Prohibitions for Certain Transactions

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits certain aspects of the proposed provision of real estate services by Merrill Lynch Commercial Services, Inc. (Merrill Lynch Services) and its affiliates to insurance companies (Insurance Companies) maintaining pooled separate accounts in which employee benefit plans invest.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 24, 1981, Notice was published in the **Federal Register** (46 FR 38180) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(b) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (E) and (F) of the Code, for the provision of real estate services by Merrill Lynch Services and its affiliates to Insurance Companies maintaining pooled separate accounts in which employee benefit plans invest. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. One comment was received by the Department. In such comment, the applicant notified the Department that its name had been changed from Merrill Lynch Realty Management to Merrill Lynch Commerical Services, Inc. No requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(a) of the Act and section 4975(c)(1) (A) through (D) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plan.

Accordingly the restrictions of section 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (E) and (F) of the Code, shall not apply to the provision of real estate brokerage services as described in the notice of pendency and the receipt of commission with respect to such services by Merrill Lynch Services and its affiliates.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st day of September 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-27995 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-85]

Sherwood Industries, Inc. Profit Sharing Plan and Trust and Sherwood Industries, Inc. Pension Plan and Trust, Trenton, N.J. (Exemption Application Nos. D-2331 and D-2332); Exemption From Prohibitions for Certain Transactions

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption will permit: (1) for a period of five years the proposed loans (the Loans) of money by the Sherwood Industries, Inc. Profit Sharing Plan and Trust (Profit Sharing Plan) and the Sherwood Industries, Inc. Pension Plan and Trust (the Pension Plan) collectively, (the Plans) to the Sherwood Leasing Company (Sherwood Leasing), a party in interest with respect to the Plans; and (2) the guarantee of the obligation of Sherwood Leasing in such Loans by Sherwood Industries Inc. (Sherwood Industries), Henry Dubin (Dubin) and Sidney Sussman (Sussman), parties in interest with respect to the Plans.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 6, 1981, notice was published in the **Federal Register** (46 FR 34874) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transactions. The notice set forth a summary of facts and representations contained in the applications for exemption and referred interested persons to the applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have satisfied the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The Notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary of other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) for a period of five years to the Loans provided that the terms and conditions of the Loans are at least as favorable to the Plans as those which they could receive in similar transactions with unrelated parties; and (2) the guarantee of the obligation of Sherwood Leasing in such Loans by Sherwood Industries, Dubin and Sussman.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the applications are true and complete, and that the applications accurately describe all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C. this 21st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–27996 Filed 9–28–81; 8:45 am]

BILLING CODE 4510-29-M

Office of Pension and Welfare Benefit Programs

[ORPS Application No. P–1101V]

Employee Benefit Plans; Alternative Method of Compliance for the Employees' Retirement Plan of W.T. Grant Co.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of alternative method of compliance.

SUMMARY: The Department of Labor (the Department) hereby grants an alternative method of compliance with the reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 (the Act) for the Employees' Retirement Plan of W.T. Grant Company (the Plan).

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John A. Malagrin of the Department, (202) 523–8684. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: On March 27, 1981, notice was published in the **Federal Register** (46 FR 19112) of the pendency before the Department of an alternative method of compliance with certain reporting and disclosure requirements of the Act for the Plan. The alternative method of compliance was requested in a petition filed by the Plan's legal counsel on behalf of the Plan's Retirement Board, which has general administrative responsibility for the Plan, pursuant to section 110(a) of the Act.[1]

The notice set forth a summary of the facts and representations contained in the petition for an alternative method of compliance and referred interested persons to the petition on file with the Department for a complete statement of the facts and representations.

The petition has been available for public inspection in the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested alternative method of compliance.

The Department received one letter of comment, from the petitioner, regarding the proposal. The petitioner requests that the Department revise footnote 1 of the proposal regarding the engagement of an actuary to review the operation of the Plan and render an opinion thereon, and the requirement to prepare Schedule B (Form 5500) for certain plan years. The Department had set forth in that footnote the petitioner's request for relief from these requirements based on the petitioner's assertion that the Plan was not and will not be subject to the

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[1] Under section 110(a) of the Act, the Department must determine that the use of an alternative method is consistent with the purposes of Title I of the Act and that it provides adequate disclosure to the participants in the plan and adequate reporting to the Department, that the application of the reporting and disclosure requirements of the Act would increase the costs to the plan or impose unreasonable administrative burdens with respect to the operation of the plan, having regard to the particular characteristics of the plan or the type of plan involved, and that the application of the reporting and disclosure requirements of the Act would be adverse to the interests of plan participants in the aggregate.

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minimum funding standards of the Act. The Department noted in the proposal that employee benefit plans not subject to ERISA's minimum funding standards are not subject to the actuarial requirements discussed above. The petitioner's comment letter, however, requested that the Department state unequivocally that the Plan is not subject to the minimum funding standards because the Plan terminated on February 29, 1976, a date which preceded the effective date of such requirements. In this regard, the Internal Revenue Service (IRS) has primary responsibility for administering ERISA's minimum funding standards and the authority, as here relevant, to make interpretations of these provisions.[2] Therefore, a determination as to whether the Plan has not in fact been subject to the funding requirements of Title I would need to be made by the IRS rather than the Department.

The petitioner further requested that its proposed request for relief from the requirement to prepare and file certified financial statements for the plan year in which all of its assets are distributed be withdrawn. The Department hereby grants the petitioner's request for such withdrawal.

The petitioner represents that it has complied with the procedure for notification to interested persons set forth in the Notice of Pendency by furnishing a copy of the required notices to the Plan's participants' court-appointed counsel in the class action proceeding described in the Notice of Pendency, who, petitioner also represents, are both authorized and obligated to take such action as may be necessary to protect the participants' interests in this proceeding.

The petitioner has also provided additional supplemental information updating the class action, which the Department has included in its files relating to this alternative method of compliance.

Alternative Method of Compliance

In accordance with section 110(a) of the Act and based upon the entire record, the Department makes the following determinations:

(1) The use of the alternative method is consistent with the purposes of Title I of the Act and provides adequate disclosure to the Plan's participants and beneficiaries and adequate reporting to the Department;

(2) The application of the summary plan description, annual reporting, and summary annual report requirements would increase the costs to the Plan or impose unreasonable administrative burdens with respect to the operation of the Plan, having regard to the particular characteristics of the Plan; and

(3) The application of the summary plan description, annual report, and summary annual report requirements of the Act would be adverse to the interests of the Plan's participants in the aggregate.

Accordingly, the Department hereby grants the following alternative method of compliance:

The administrator of the Plan is relieved of the reporting and disclosure requirements set forth in section 1 below, provided that the conditions set forth in section 2 are or have been met.

Section 1

(a) Completion of Item 24(a), Item 24(b) and Item 22(b) and attachment of certified financial statements and schedules to Form 5500 for the Plan years ended June 30, 1976, June 30, 1977 and June 30, 1978, respectively at the time such forms were filed.

(b) Preparation and distribution of summary annual reports to Plan participants, and

(c) Preparation and distribution of summary plan descriptions to Plan participants and the Secretary of Labor.

Section 2—Conditions to the Granting of Alternative Method of Compliance

The Retirement Board shall:

(a) prepare and file revised Forms 5500 with certified financial statements and schedules attached and a completed Item 24(a), Item 24(b) and Item 22(b) for the Plan years ended June 30, 1976, June 30, 1977 and June 30, 1978, respectively;

(b) distribute copies of Forms 5500, with certified financial statements and schedules attached, for the Plan years ended June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978 and all Plan years beginning after June 30, 1978 to class counsel;

(c) give written notice to each participant (including each retiree) under the Plan as of its termination date, or his beneficiary, informing him of whether he would receive a benefit and, if so, the amount of his benefit which would be paid, if the requested declaratory judgement were granted by the Court, and given him the opportunity to object to such notice and to correct any error in calculation or otherwise which may have been reflected therein; and

(d) inform class counsel and the Court of all developments in the termination of the Plan and the distribution of its assets as directed by the Court in accordance with the procedural requirements of the class action litigation.

The availability of this alternative method of compliance is subject to the express conditions that the material facts and representations contained in the petition are true and complete and that the petition accurately describes all factors material to the granting of the alternative method of compliance.

Signed at Washington, D.C. this 21st day of September, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-28021 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-29-M

Wage and Hour Division

Certificates Authorizing Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and Administrative Order No. 1–76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Big River Mfg. Co., Kittanning, PA; 8–31–81 to 8–30–82. (Boys' shirts)

Bland Sportswear, Inc., Bland, VA; 7–24–81 to 7–23–82; 10 learners. (Men's and boys' shirts)

Crane Mfg. Co., Crane, MO; 8–14–81 to 8–13–82; (Men's, boys' and women's jeans)

Crane Mfg. Co., Marionville, MO; 8–14–81 to 8–13–82; (Men's boys' and women's jeans)

The following certificates were issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended.)

Junior Form Lingerie, Inc., Boswell, PA 8–19–81 to 8–18–82; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Ladies' underwear and sleepwear)

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[2] *See*, Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978), effective December 31, 1978 (44 FR 1065, January 3, 1979).

Louis Gallet, Inc., Uniontown, PA; 6-22-81 to 6-21-82; 5 learners for normal labor turnover purposes. (Men's and ladies' sweaters)

Somerset Manufacturing Co., Inc., Somerset, PA; 6-29-81 to 12-28-81; 30 learners for plant expansion purposes. (Women's slips)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before October 29, 1981.

Signed at Washington, D.C. this 23rd day of September 1981.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 81-28175 Filed 9-28-81; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL SCIENCE FOUNDATION

Advisory Council; Task Group No. 19; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group #19 of the NSF Advisory Council

Place: Room 543, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550

Date: Wednesday, September 30, 1981

Time: 9:00 a.m. to 5:00 p.m.

Type of meeting: Open

Contact person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street NW., Washington, D.C. 20550. Telephone: 202/357-9433

Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation

Summary minutes: May be obtained from the contact person at above stated address

Agenda: The Task Group is asked to consider the needs of organizations requiring policy research and analysis and to survey those NSF programs providing it. This will involve questions of coordination, possible overlap, and policy-making procedures as well as those of substance. In addition, the Council is asked to provide suggestions for the future development of NSF's science and technology policy resources

Reason for late notice: The decision to hold this meeting was not made by the Chairperson until 9/9.

M. Rebecca Winkler,

Committee Management Coordinator.

September 10, 1981.

[FR Doc. 81-28197 Filed 9-28-81; 8:45 am]

BILLING CODE 7555-01-M

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permits Issued Under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7934.

SUPPLEMENTARY INFORMATION: On July 17 and August 13, 1981, the National Science Foundation published notices in the **Federal Register** of permit applications received. On September 16, 1981 permits were issued to:

David G. Ainley
Arthur L. DeVries
C. R. Grau
Gerald L. Kooyman
David E. Murrish
Donald B. Siniff
C. W. Sullivan
Wayne Trivelpiece

Charles E. Myers,

Division of Polar Programs.

[FR Doc. 81-28125 Filed 9-28-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Availability of Guidelines for Control Room Design Reviews

Notice is given that the Commission's Office of Nuclear Reactor Regulation has published NUREG-0700, Guidelines for Control Room Design Reviews. NUREG-0700 is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C., and in all other Commission Local Public Document Rooms.

These guidelines for control room design reviews provide the NRC staff guidance that should be followed in accomplishing the detailed control room design review described in Task I.D.1 of NUREG-0660, the NRC Action Plan. Guidance includes recommendations for planning the review process, review procedures, the assesment of identified human engineering discrepancies to select those that should be corrected, implementation of design improvements, and reporting. Detailed human engineering guidelines are included which provide benchmarks for the human factors quality of specific control room design features. The detailed control room design review is to be performed by all operating reactor licensees and applicants for operating licenses.

Draft guidelines for this detailed control room design review were published for public review and comment in July, 1980. (FR *45*, No. 163 at page 55551). The guidelines were identified as NUREG/CR-1580, Human Engineering Guide to Control Room Evaluation. A supplement to the guidelines, NUREG-0659, was subsequently published for review and comment in March, 1981. (FR *46*, No. 58 at page 18825.) Two public meetings were held in April, 1981, to discuss comments on NUREG-0659, and to review the staff's plans for publishing the complete set of guidelines for control room design reviews. NUREG-0700 is based on the draft guidelines and their supplement, and on the comments received on these two documents.

Copies of NUREG-0700 are available for purchase from the GPO Sales Program, Division of Technical Information and Document Control, Nuclear Regulatory Commission, Washington, D.C. 20555, and from the National Technical Information Service, Springfield, Virginia 22161.

For further information, contact Voss A. Moore, Division of Human Factors Safety, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492-8448.

Dated at Bethesda, Maryland, this 24th day of September 1981.

Voss A. Moore,

Chief, Human Factors Engineering Branch, Division of Human Factors Safety.

[FR Doc. 81-28220 Filed 9-28-81; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance of Availability; Correction

The Nuclear Regulatory Commission is correcting an error which appeared in the document published in FR Doc. 81-27120.

In FR Doc. 81-27120, appearing at page 46240, in the issue for Thursday, September 17, 1981, paragraph four (4) should read "... Attention: Docketing and Services Branch, by *November 16, 1981.*"

Dated at Washington, D.C. this 24th day of September 1981.

For the Nuclear Regulatory Commission.

Thomas R. Combs,

Office of the Secretary.

[FR Doc. 81-28219 Filed 9-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating Licensing No. DPR-6, issued to the Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment authorizes operation of the reactor with one recirculation loop out of service.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 25, 1980 and its supplements dated June 19, 1981, July 22, 1981, and September 3, 1981, (2) Amendment No. 48 to License No. DPR-6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washingon, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of September 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-28218 Filed 9-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket-40-1341]

Availability of Draft Environmental Statement; Plan To Decommission Edgemont Uranium Mill, Fall River County, South Dakota; Tennessee Valley Authority, et al.

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulation 10 CFR Part 51, the Division of Waste Management staff has prepared a Draft Environmental Statement (DES) for the proposed decommissioning of the Edgemont Uranium Mill located in Edgemont, South Dakota. The proposed plan will involve removal of the uranium mill tailings from the existing location and transfer to a more remote site for disposal. Source Material License SUA-816 is currently held by the Tennessee Valley Authority for the Edgemont Uranium Mill. Amending Source Material License SUA-816 to authorize the decommissioning of the Edgemont Uranium Mill will result in actions which significantly affect the quality of the human environment. The principal alternatives considered in the DES include tailings impoundment siting alternatives, alternative waste management methods, and the alternative of no licensing action.

The Draft Environmental Statement (NUREG 0846) is available for inspection at the Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. Copies of the DES are also being provided to the South Dakota State Clearinghouse, State Planning Bureau, State Capitol, Pierre, South Dakota, 57501. Requests for copies of the DES should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Division of Technical Information and Document Control.

The applicant's decommissioning plan, with subsequent revisions, submitted by the Tennessee Valley Authority is also available for public inspection and copying at the Commission's Public Document Room. Notice of the availability of the decommissioning plan and the place and date of a scoping meeting was published in the **Federal Register** on September 28, 1979 (44 FR 56055).

Interested persons may submit written comments on the DES for the Commission's consideration to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn.: Uranium Recovery Licensing Branch. Federal, State and local agencies are being provided with copies of the document. All comments received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. Comments are due by November 9, 1981. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register.**

Dated at Silver Spring, Maryland this 16th day of September 1981.

For the Nuclear Regulatory Commission.

Harry J. Pettengill,

Section Leader, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 81-28221 Filed 9-28-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11951; 812-4902]

Capitol Life Insurance Co., et al.; Application

September 22, 1981.

Notice is hereby given that the Capitol Life Insurance Company, ("Capitol Life"), a stock life insurance company organized under the laws of the State of Colorado, and Capitol Life Separate Account M, ("Separate Account"), 1600 Sherman Street, Denver, Colorado, 80203, established by Capitol Life and registered as a unit investment trust under the Investment Company Act of 1940 ("Act"), Merrill Lynch Basic Value Fund, Inc. ("BV"), Merrill Lynch Capital Fund, Inc. ("CF"), Merrill Lynch Special Value Fund, Inc. ("SV"), Merrill Lynch Ready Assets Trust ("RA") and Merrill Lynch Corporate Bond Fund, Inc. (originally, Merrill Lynch High Income Fund, Inc., reorganized and now consisting of three separate investment portfolios, High Income Portfolio "HI," High Quality Portfolio "HQ," and Intermediate Term Portfolio "IT") (hereinafter collectively referred to as"Applicants"), 165 Broadway, New York, NY 10080, filed an application on June 23, 1981 for an amended order pursuant to Section 11 of the Act, approving certain offers of exchange, and, pursuant to Section 6(c) of the Act, exempting the Applicants from the provisions of Sections 22(d), 26(a) and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Separate Account was established by Capitol Life to fund certain variable annuity contracts ("Contracts") which are currently being offered and sold to the public pursuant to an effective registration statement under the Securities Act of 1933 (File No. 2-62668). The Separate Account presently consists of five Series, each of which invests solely in the shares of a designated open-end management investment company. Applicants BV, CF, SV, RA and HI serve as the underlying investment media for the existing Contracts issued by Capitol Life. It is presently proposed that two new Series, investing in the shares of HQ and IT, will be created in the Separate Account in addition to the aforementioned five Series.

The group and individual Contracts funded in the Separate Account are Direct Purchase Contracts, and are designed to provide annuity benefits to individuals and participants in various types of annuity plans or arrangements. These Contracts are offered to existing shareholders of BV, CF, SV and HI, but are not available to shareholders of RA. The exchange of Fund shares for such Contracts is at net asset value, except that a uniform fixed exchange fee applicable to each exchange of Fund shares is deducted at the time an initial purchase payment is received. It is proposed that Direct Purchase Contracts will be offered to existing shareholders of HQ and IT as well. Under the existing Contracts, individuals and participants may convert accumulation units from one Series of the Separate Account to any other Series. It is presently proposed that this right of conversion be extended to the Series investing in the shares of HQ and IT.

Applicants seek to amend and supplement the orders of November 8, 1978 (Release No. IC-10474) and September 4, 1979 (Release No. IC-10854) to supplement the exemptive relief previously granted (i) to add two portfolios of Merrill Lynch Corporate Bond, Inc., HQ and IT, as participants in the offers of exchange to the extent necessary to allow the exchange of portfolio shares for Contracts issued by Capitol Life funded in Separate Account Series investing in the shares of such portfolios, and to permit the conversion of accumulation units of each Series in the Separate Account to any other Series, and (ii) to amend the exemption previously granted from Section 22(d) of the Act to the extent necessary to permit variations in what may be deemed to be a sales load under Contracts issued in exchange for shares of HQ and IT, and (iii) to amend the exemptions previously granted from Sections 26(a) and 27(c)(2) of the Act to the extent necessary to include the two new Series.

Section 11

Section 11(a) makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to, and approved by, the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

The orders contained in Release Nos. IC-10474 and IC-10854 approved the exchange of shares of BV, CF, SV and HI for Contracts funded in Separate Account Series investing in shares of those Funds at the relative net asset value of the securites to be exchanged less an exchange fee of $100. The prior orders also allowed the conversion or transfer of Contract accumulation units from any one of the five Series of the Separate Account to any other Series of the Separate Account then in existence at net asset value less a $10 conversion fee. Applicants propose that these exchange and conversion rights be extended so as to encompass the two new Series by including HQ and IT as participants in the offers of exchange approved by the previous orders.

Section 22(d)

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter therefor shall sell any redeemable security issued by such company except at a current offering price described in the prospectus. Rule 22d-3 under Section 22(d), in substance, permits the sale of variable annuity contracts with variations in the sales load, provided that the prospectus discloses such variations and the basis therefor, and provided further that such variations are not unfairly discriminatory.

Pursuant to an exemption from Section 22(d) of the Act granted in Release No. IC-10854, Contracts presently issued by Capitol Life in the Separate Account are permitted to be offered to current shareholders of BV, CF, SV and HI with a fixed exchange fee. Applicants note that it can be argued such fee would vary in percentage according to the amount invested.

Applicants propose that the order be amended to permit the aforementioned variations in percentage which might be deemed to be a variation in sales load with respect to the Contracts to be offered to shareholders of HQ and IT for purposes of that section. Applicants warrant that, if such an exemption is granted, the prospectuses used in the offer and sale of the Contracts will fully disclose all such variations, as well as the circumstances under which they may occur.

Sections 27(c)(2) and 26(a)

Section 27(c)(2), in relevant part, prohibits the issuer of a periodic payment plan certificate and any depositor or underwriter for such issuer from selling such periodic payment plan certificate unless the proceeds of all payments (other than any sales load) are deposited with a qualified bank acting as trustee or custodian, and held under an indenture or agreement containing specified provisions. Section 26(a) requires that such indenture or custodianship agreement must provide, *inter alia*, that the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust subject only to the charges and collections specifically allowed under clauses (A), (B) and (C) of such section until distribution to the security holders of the trust; (ii) shall not resign until the trust has been liquidated or a successor has been appointed; (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services provided for in the agreement; (iv) shall not allow as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as

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the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself.

Pursuant to an exemption from the aforementioned provisions of the Act granted in Release Nos. IC-10474 and IC-10854, Capitol Life acts as custodian of the Separate Account; however, all such assets are held for safekeeping pursuant to an agreement between Capitol Life and the State Street Bank and Trust Company of Boston, Massachusetts ("Bank"). Insofar as the Contracts proposed to be funded in the Series investing in shares of HQ and IT in the Separate Account are not included within the terms of the orders issued in Release Nos. IC-10474 and IC-10854, the Applicants request that the orders of exemption from Sections 26(a) and 27(c)(2) be amended to the extent necessary (1) to make the requirement of a trust inapplicable to such Contract Series, (ii) to allow the Separate Account to accept "book shares" issued by the Funds in lieu of actual stock certificates and (iii) to allow the deduction of a $5.00 fixed surrender charge on partial surrenders from the Separate Account.

Applicants have consented that the request for the foregoing exemptions may be made subject to the following conditions: (1) that the deductions for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and the Commission may reserve jurisdiction for such purpose, and (2) that the payment of sums and charges out of the assets of the Separate Account shall not be determined to be exempted from regulation by the Commission by reason of the requested amended order, provided that Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c)

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested party may, not later than October 16, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request and the issues of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 16, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28171 Filed 9-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18115; File No. SR-PSE-81-16]

Pacific Stock Exchange Inc.; Proposed Rule Change By Self-Regulatory Organization

In the matter of proposed rule change by the Pacific Stock Exchange Incorporated relating to conduct on the Equity Trading Floor.

Comments requested on or before October 20, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 10, 1981, the Pacific Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change and Procedure Advice relate to conduct on the Equity Trading Floor. Violations of standards of conduct applicable to members and persons associated with member organizations are subject to penalties which are based upon the nature and frequency of the violation. Due process procedures have been provided for those circumstances where a member, member organization or associated person is alleged to have violated rules, policies or procedures relating to such conduct.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed amendment to Rule I of the Rules of the Board of Governors of the PSE as well as the new Equity Floor Procedure Advice 1-B relate to conduct on the Equity Trading Floor. The proposed rule amendment authorizes the Joint Equity Floor Trading Committee to fine members in cases where conduct on the Equity Trading Floor will impair the maintenance of a fair and orderly market or impair confidence in the operations of the Exchange. The proposed rule amendment also contains due process procedures to be followed in circumstances where a member or associated person of a member organization is alleged to have violated rules, policies or procedures relating to conduct on the Equity Trading Floor and a Floor Citation is issued with respect to such violation.

Equity Floor Procedure Advice 1-B sets forth certain standards of conduct applicable to members and associated persons of member organizations while on the Trading Floor. Violations of these standards are subject to penalties which are based upon the nature and frequency of the violation.

The proposed rule changes are consistent with Section 6(b) of the Securities Exchange Act of 1934, in general, and further the objectives of Section 6(b)(6) and 6(b)(7) of the Act, in particular, in that they provide for appropriate disciplinary action for violations of Exchange Rules and standards of conduct and provide a fair procedure for the disciplining of members and persons associated with member organizations.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before November 3, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and published its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before October 20, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28172 Filed 9-28-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11250]

Tenneco Inc.; Application and Opportunity for Hearing

September 23, 1981.

Notice is hereby given that Tenneco, Inc. (the "Company") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that trusteeship of The Chase Manhattan Bank ("Chase") under Indentures of the Company dated as of December 1, 1961, April 1, 1962, September 1, 1962, June 1, 1963, April 1, 1964, December 1, 1964, September 1, 1965, May 1, 1967, February 1, 1974, May 1, 1975, April 1, 1977, as amended, April 15, 1978, June 15, 1979, February 1, 1980, May 1, 1980, January 15, 1981, April 1, 1981, June 1, 1981 and June 1, 1981, (the "Qualified Indentures"), which were heretofore qualified under the Act, and trusteeship by Chase under Indentures of the County of Sweetwater, Wyoming, to be dated as of August 1, 1981 (the "New Indentures"), which will not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting under the Qualified Indentures and under the New Indentures. The Bonds issued pursuant to the New Indentures have been guaranteed by the Company pursuant to Guaranty Agreements between the Company and the County, dated as of August 1, 1981 (the "Guaranty Agreements").

The present application, filed pursuant to clause (ii) of Section 310(b)(1) of the Act (as set forth in each of the Qualified Indentures), seeks to exclude the New Indentures from the operation of Section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of Section 310(b)(1) of the Act on the matter of the present application is such that the New Indentures may be excluded from the operation of Section 310(b)(1) of the Act (as set forth in each of the Qualified Indentures) if the Company shall have sustained the burden of proving, by this application to the Commission and after opportunity for hearing thereon, that the trusteeship of Chase under the Qualified Indentures and under the New Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as trustee under the Qualified Indentures and the New Indentures.

The Company alleges that:

(1) The County of Sweetwater, Wyoming proposes to issue and sell $18,560,000 aggregate principal amount of its 9½% Pollution Control Revenue Bonds (Tenneco Oil Company Project) Series 1981A and $1,000,000 aggregate principal amount of its 9½% Pollution Control Revenue Bonds (Tenneco Oil Company Project) Series 1981B (the "New Bonds") to be issued under the New Indentures. The New Bonds will be guaranteed by the Company pursuant to the Guaranty Agreements;

(2) The New Bonds are being issued by a political subdivision of a State of the United States of America. The New Bonds are therefore exempt from the registration requirements of the Securities Act of 1933 and the New Indentures are exempt from the qualification provisions of the Trust Indenture Act of 1939;

(3) At July 1, 1981, the Company has outstanding: $3,500,000 of its 5¼% Debentures due December 1, 1981, $7,926,000 of its 5% Debentures due 1982, $7,264,000 of its 5% Debentures due September 1, 1982, $8,517,000 of its 5% Debentures due 1983, $12,060,000 of its 5⅛% Debentures due 1984, $9,118,000 of its 5% Debentures due December 1, 1984, $19,629,000 of its 5¼% Debentures due 1985, $23,178,000 of its 6½% Debentures due 1987, $79,300,000 of its 9% Debentures due 1994, $118,000,000 of its 9⅞% Debentures due 2000, $175,000,000 of its 8⅜% Debentures due 2002, $200,000,000 of its 8⅞% Debentures due 2003, $250,000,000 of its 9½% Debentures due 2004, $150,000,000 of its 11⅞% Notes due 1983, $250,000,000 of its 12⅛% Debentures due 2005, $200,000,000 of its 13⅜% Notes due 1991, $200,000,000 of its 14½% Debentures due 2006, $200,000,000 of its 14½% Notes due 1991, and $100,000,000 of its 15% Debentures due 2006

(collectively, the "Qualified Debentures and Notes") issued under the Qualified Indentures (dated December 1, 1961, April 1, 1962, September 1, 1962, June 1, 1963, April 1, 1964, December 1, 1964, September 1, 1965, May 1, 1967,

V 46 SE 29 81 UMI

February 1, 1974, May 1, 1975, April 1, 1977, (with Supplemental Indenture dated November 15, 1977), April 15, 1978, June 15, 1979, February 1, 1980, May 1, 1980, January 15, 1981, April 1, 1981, June 1, 1981 and June 1, 1981, respectively) executed by the Company and Chase, as trustee. The Qualified Debentures and Notes were registered under the Securities Act of 1933 (File Nos. 2-19273, 2-19940, 2-20654, 2-21450, 2-22137, 2-22929, 2-23953, 2-26360, 2-49852, 2-53402, 2-58345, 2-61001, 2-64660, 2-66498, 1-67547, 2-70482, 2-71345, 2-72606 and 2-72606, respectively) and the Qualified Indentures were qualified under the Trust Indenture Act of 1939;

(4) The Qualified Indentures and the Guaranty Agreements are wholly unsecured, and rank pari passu inter se;

(5) The Company's guaranty of the New Bonds is neither superior nor inferior in right of payment to the qualified Debentures and Notes;

(6) The Company is not in default under the Qualified Indentures or the Qualified Debentures and Notes;

(7) Such differences as exist between the Qualified Indentures and the New Indentures are not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as trustee under any of the Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after October 21, 1981, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, no later than October 20, 1981 at 5:30 P.M., Eastern Daylight Time, in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission, by the Division of Corporate Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28170 Filed 9-28-81; 8:45 am]

BILLING CODE 8010-01-M

SYNTHETIC FUELS CORPORATION

Request for Proposals for Computer Services

AGENCY: United States Synthetic Fuels Corporation.

ACTION: Notice of request for proposals for computer services.

SUMMARY: This notice announces that the U.S. Synthetic Fuels Corporation requires computer services including the following: hardware, software, communications, analyst services and teleprocessing. Requests for copies of the RFP should be in writing. The closing date for receipt of proposal responses is October 7, 1981, at 4:30 p.m. Return to the U.S. Synthetic Fuels Corporation, 2000 L Street, N.W., Washington, D.C. 20586, Attention: Saul Kravecas.

The United States Synthetic Fuels Corporation.

John M. Nicholas,

Acting Vice President, Administration.

[FR Doc. 81-28148 Filed 9-28-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series No. 30-81]

Treasury Bonds of 2001; Invitation for Tenders

Washington, September 23, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,750,000,000 of United States securities, designated Treasury Bonds of 2001 (CUSIP No. 912810 CX 4). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated October 7, 1981, and will bear interest from that date, payable on a semiannual basis on May 15, 1982, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 2001, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2 The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving Time, Wednesday, September 30, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, September 29, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a 1/8 of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 95.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Wednesday, October 7, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations govering United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, October 5, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the puchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securiteis presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities alloted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered sucurities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securiteis presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for difinitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations govering the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Treasury Securities—Treasury announces auction of Bonds of 2001

Supplemental Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-2824[illegible] Filed 9-25-81; 11:16 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Maine Veterans Memorial Cemetery Expansion, Augusta, Maine; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts which may occur as a result of the State of Maine Expansion of the Maine Veterans Memorial Cemetery, Augusta, Maine. The Maine Veterans Memorial Cemetery is the only State veterans cemetery in the area with land available for expansion.

The proposed expansion plans include 3,300 gravesites, a new entrance road from Route 27, a new internal circulation road with a scenic turnout, a water well and storage capacity for water requirements for approximately 50 acres, and various other minor road improvement projects.

The only alternatives considered were the proposed action described above and the "no action" alternative. The "no action" alternative would continue the existing land use patterns and the provision of gravesites until sometime in 1985 when the cemetery would no longer have gravesites available to new interments.

There are no anticipated long-term adverse impacts associated with this project. Short-term impacts will occur during the construction phase for environmental elements such as air quality, noise, erosion/sedimentation, and aesthetic values of the surrounding landscape. Construction specifications will be applied to mitigate, to the greatest extent possible, all construction impacts such as fugitive dust, fumes, noise, erosion/sedimentation and the visual impacts. The specifications require the most practicable applications of proper engineering and maintenance procedures to control those potential environmental problems. The project will comply with the required local, State, and Federal Government codes and regulations.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, NW., Washington, D.C., (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: September 22, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-[illegible] Filed 9-28-81; 8:45 am]

BILLING CODE 8320-01-M

Rehabilitation Engineering and Outpatient Clinic, New York, N.Y.; Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Impact Statement, for the Rehabilitation Engineering and Outpatient Clinic, Veterans Administration Medical Center, New York, New York", dated August 1981, has been prepared as required by Section 102(2)(C) of the National Environmental Policy Act of 1969.

The preferred alternative proposes to construct a multilevel addition to the existing Veterans Administration Medical Center (VAMC) in New York (Manhattan). The new structure would contain space for the VA Rehabilitation Engineering Center and consolidate outpatient facilities at the VAMC from their satellite location at 252 7th Avenue, New York. Some functions would stay at the 7th Avenue location, including the VA Department of Veterans Benefits, the prosthetics manufacturing center and the methadone drug program. The VA investigated alternative project actions, but through examination concluded that the only other viable alternate was a No Action Alternative. This alternative leaves existing facilities in place with no significant changes.

The Final Environmental Impact Statement responds to comments received on the Draft Environmental Impact Statement (May 1981). The comment period on the Draft EIS extended to July 13, 1981. The document is being placed for public examination in the Veterans Administration office in Washington, DC. Persons wishing to examine the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, NW., Washington, DC. Single copies of the Draft EIS may be obtained on request to: Director, Office of Environmental Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2525.

Dated: September 22, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-28196 Filed 9-28-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 188
Tuesday, September 29, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD.

[M-332; 9/24/81]

Short Notice and Closure of Board Meeting

TIME AND DATE: 9:30 a.m., September 23, 1981.

PLACE: Room 1011, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 1. U.S.-Scandinavia Negotiations. (BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1474-81 Filed 9-25-81; 3:28 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, September 30, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

—Proposed Contract Market Designation CBOT Short-Term T-Notes
—Proposed Contract Market Designation CMF Italian Lira

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1466-81 Filed 9-25-81; 10:56 am]

BILLING CODE 6351-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

FCC to Hold a Closed Commission Meeting, Wednesday, September 30, 1981

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Wednesday, September 30, 1981, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Application for Review of a Memorandum Opinion and Order by the Chief, Mobile Services Division, Common Carrier Bureau, which designated for hearing the application of Radio and Electronics Service Company, Inc. d.b.a. Mobilfone, and Radio Telephone Communications for new paging frequencies at Fort Walton Beach and Panama City, Florida (CC Docket No. 81-328).

Hearing—2—Application for Review of a Memorandum Opinion and Order by the Chief, Mobile Services Division, Common Carrier Bureau, which designated for hearing the application of AAA Anserphone Inc.-Jackson for a new paging frequency at Brookhaven, Mississippi (CC Docket No. 81-342).

Hearing—3—Application for Review in the Columbia, South Caroline comparative FM proceeding (BC Docket Nos. 78-297, 78-298).

Hearing—4—Petition for Reconsideration in the Phoenix, Arizona comparative FM proceeding (BC Docket Nos. 78-40, 78-41, 78-43).

General—1—FY 1982 Budget Allocations.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 23, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-1471-81 Filed 9-25-81; 2:55 pm]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

FCC to hold open Commission Meeting, Wednesday, September 30, 1981

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, September 30, 1981, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* In re: General Docket 80-740. Amendment of Part 2 of the Rules regarding use of the High Frequency radio spectrum. *Summary:* The Commission adopted a NPRM on 25 November 1980 proposing changes to Part 2 affecting fixed and land mobile services use of the spectrum below 25 MHz. the item before the Commission discusses the public's response to the NPRM and the merits of the proposed actions.

General—2—*Title:* Amendment of Parts 2, 83 and 87 to make frequencies in the band 415-435 kHz available for Aeronautical Navigation, to add a footnote permitting assignments to the aeronautical radionavigation servcie in the band 435-490 kHz, to designate 518 kHz for transmission of navigational and meteorological warnings, and to add Maritime Mobile as a primary service in the band 510-525 kHz. *Summary:* The FCC will consider whether to adopt a Notice of Proposed Rule Making which will amend the national Table of Allocations to provide more spectrum space for aeronautical radionavigation and maritime mobile services. The Notice also proposes footnotes which will permit assignments to Government aeronautical radiobeacons in the band 435-490 kHz and permit broadcasts of navigational and meteorological warnings to ships by U.S. Coast Guard stations.

General—3—*Title:* Application for review of a ruling by the Chief, Broadcast Bureau, which granted an FOIA request by Knoxville Broadcasting Corporation to inspect annual financial reports filed by television station WTVK, Knoxville, Tennessee. (FOIA Control No. 81-6) *Summary:* The Commission will consider whether to grant or deny an application for review filed by station WTVK, Knoxville, Tennessee, of Bureau action authorizing Knoxville Broadcasting Corp. to inspect WTVK's annual financial reports (Forms 324).

General—4—*Title:* Waiver of the Commission's Rules regarding the submission of FCC Form 740 for importation of certain electronic equipment. *Summary:* By Order adopted May 21, 1981, the Commission waived the importation rules which require that the FCC Form 740 be attached to the entry papers of RF devices imported into the U.S. That waiver expires October 1, 1981. The Commission is considering an extension of

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that waiver until budgetary and personnel matters can be resolved.

General—5—*Title:* Policy Research Funding. *Summary:* The Office of Plans and Policy requests funding approval of policy research studies for FY 1982.

Private Radio—1—*Title:* Petition for reconsideration of Quiet Zone procedures for amateur radio stations in repeater operation. *Summary:* The Commission will consider whether to grant or deny the petition for reconsideration.

Private Radio—2—*Title:* Amendment of the Amateur Radio Service Rules (part 97) regarding effective radiated power (ERP) limitations on stations in repeater operations. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rulemaking proposing to amend Part 97 of the Rules to relax limitations on effective radiated power (ERP) for amateur radio stations in repeater operation on frequencies between 52 and 54 MHz. The proposal would also extend these limitations to repeater operations between 29.5 and 29.7 MHz.

Private Radio—3—*Title:* Memorandum Opinion and Order concerning application for review, filed by John Fabick Tractor Company, of Private Radio Bureau action denying its request for rule waivers and dismissing its applications for authority to use a VHF band Forestry Conservation Radio Service frequency in the Business Radio Service. *Summary:* the FCC will consider whether to grant or deny the application for review, filed by John Fabick Tractor Company, or Private Radio Bureau action which denied Fabick's request for waivers of Sections 90.25(b) and 90.75(b) of the rules to permit its use of a VHF band frequency allocated to the Forestry Conservation Radio Service for a wide area land mobile radio system in portions of Illinois and Missouri in the Business Radio Service.

Private Radio—4—*Title:* Petition for reconsideration of Order amending Parts 2 and 97 to specify power limits for amateur radio stations, and to provide for amateur satellite operation within certain military areas. *Summary:* The Commission will consider whether to grant or deny the petition for reconsideration.

Private Radio—5—*Title:* Amendment of Parts 1 and 90 of the Commission's Rules and Regulations concerning resubmitted applications. *Summary:* The FCC will consider whether to amend its rules to extend to 90 days the time applicants for frequencies below 470 MHz have in which to resubmit returned applications without losing their place in the processing line.

Cable Television—1—*Title:* "Petition for Reconsideration" (CSR-1364, CSR-1811) filed January 22, 1981, by Henson Aviation, Inc. *Summary:* Henson Aviation, Inc., licensee of Station WHAG-TV (NBC, Channel 25), Hagerstown, Maryland, seeks reconsideration of the Commission's decision in *Henson Aviation, Inc. (WHAG-TV)*, FCC 80-720, 83 FCC 2d 406 (1980). Henson's petition is opposed by Potomac Valley Cable Television Co., Inc., and by Warner Amex Cable Communications, Inc., operators of area cable television systems, and Henson has replied.

Renewal—1—*Title:* Amendment of Section 73.1020 of the Commission's rules dealing with broadcast station license periods. *Summary:* The Commission considers amending Section 73.1020 of its rules to implement the new seven year and five year radio and television broadcast license term provisions of Pub. L. 97-35, the Omnibus Budget Reconciliation Act.

Aural—1—*Title:* Application by Nora Blatch Educational Communications Foundation, Inc., permittee of FM Station WWOZ, New Orleans, Louisiana, to extend its construction permit. *Summary:* Xavier University and Notre Dame Seminary of the Archdiocese of New Orleans has filed an application for review of the Bureau action granting the application of WWOZ to extend its construction permit.

Aural—2—*Title:* Memorandum opinion and order which imposes liability for forfeiture on Equivox, Incorporated, permittee of KRMQ(FM), Provo, Utah. *Summary:* The FCC considers imposition of a forfeiture previously adopted in a notice of apparent liability.

Television—1—*Title:* Application for Review and request for stay filed by Video 44 (WSNS-TV, Chicago) directed against Broadcast Bureau grant of minor change application of WFBN(TV), Joliet, Illinois. *Summary:* The Commission considers the application for review and request for stay filed by licensee of STV Station WSNS(TV), Chicago, against Broadcast Bureau's grant of application to change transmitting facilities of STV Station WFBN(TV) from Sears Building in Chicago to Hancock Center, also in Chicago. Question is whether grant of original application for CP for new station can be vacated and application designated for hearing on *de facto* reallocation issue.

Television—2—*Title:* Application BPTTV-6096) of Washoe County School District for authority to construct a new television translator station to serve Reno, Nevada and petition to deny filed by Teleprompter Corporation. *Summary:* The Commission will consider the merits of the petition to deny and will determine whether a grant of applicant's proposal to provide Reno with its first noncommercial educational television service by rebroadcasting the signal of Station KVIE-TV Sacramento, California, is in the public interest.

Television—3—*Title:* Application of Capital Communications, Inc. for authority to construct new television translator at Orangeburg (BPTTV-800311IC) and at Newberry (BPTTV-800312IB), South Carolina and petition to deny. *Summary:* The Commission will consider the merits of the petitions to deny and determine whether grant of applicant's proposals will serve the public interest.

Broadcast—1—*Title:* Application for review of the Bureau's denial of a request by Chartwell Communications Group for a declaratory judgment interpreting various subscription television ("STV") rules. *Summary:* The Commission will review the matter and either affirm the Bureau's action or have the Bureau interpret the STV rules at issue.

Broadcast—2—*Title:* Review of Action denying the assignment of an FM channel to Las Piedras, Puerto Rico. *Summary:* The Commission will consider a request to review the Broadcast Bureau's refusal to assign Channel 269A to Las Piedras, Puerto Rico, as its first FM channel. The request also involves a substitution of channels for Station WZAR, Ponce, Puerto Rico.

Broadcast—3—*Title:* Memorandum Opinion and Order, Amendment of § 73.22, Table of Assignments, AM Broadcast Stations, to "Assign" the frequency 770 kilohertz to Albuquerque, New Mexico, for Class I-A operation, and Application of Hubbard Broadcasting, Inc. for modification of AM Broadcast Station KOB, Albuquerque, New Mexico. *Summary:* The Commission considers: Hubbard Broadcasting's Applications for Review of the Broadcast Bureau's dismissal of the above-referenced petition and application.

Broadcast—4—*Title:* Adoption of rule requiring public service announcements regarding the Commission's Consumer Assistance Office. *Summary:* The Commission will consider the request of Citizens Communications Center to reconsider a decision to deny its rule making petition concerning the Commission's Consumer Assistance Office.

Broadcast—5—*Title:* Revision of Applications for Renewal of License of Commercial and Noncommercial AM, FM, and Television Licensees. *Summary:* The Commission will consider a petition for reconsideration of the Memorandum Opinion and Order in BC Docket No. 80-253, which implemented a simplified renewal application procedure.

Broadcast—6—*Title:* Amendment of Part 73 of the Commission's Rules and Regulations to Eliminate the Requirement for Type Approval of Aural Modulation Monitors. *Summary:* The Commission will consider whether to adopt a *Notice of Proposed Rulemaking* looking to delete the requirements for type approval of aural modulation monitors.

Broadcast—7—*Title:* Further Notice of Proposed Rule Making in the matter of amending the Commission's rules regarding subscription television. *Summary:* The Commission will consider commencing another phase of an on-going proceeding evaluating the rules governing the subscription television service.

Broadcast—8—*Title:* Amendment of Form 324 Annual Financial Report of Broadcast Stations. *Summary:* The Commission will consider the adoption of a Further Notice of Proposed Rule Making proposing a set of options regarding the collection of financial data from commercial broadcasters.

Complaints and Compliance—1—*Title:* Application of Smith Broadcasting Company, Inc., licensee of WIXK(AM) and (FM), New Richmond, Wisconsin for review of Broadcast Bureau's action assessing a forfeiture for the broadcast of lottery information. *Summary:* Licensee of WIXK(AM) and (FM), New Richmond, Wisconsin has requested the Commission to review order of the Broadcast Bureau assessing a $500 forfeiture for the broadcast of lottery information. Licensee argues that the Bureau failed to make a distinction between lottery information broadcast by stations on behalf of profit-making businesses and those of civic nonprofit and charitable organizations. The Commission must decide whether to grant the application for review and if so whether the forfeiture should be remitted or reduced.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 23, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1472-81 Filed 9-25-81; 2:51 pm]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

FCC to hold open Commission meeting, Thursday, October 1, 1981

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, October 1, 1981, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M. Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Petition for reconsideration (Docket No. 18948/Gen Docket No. 80-108) to make compliance with requirements for tools, spare parts, etc., on board compulsory radar equipped ships voluntary. *Summary:* The FCC will consider whether to grant or deny a petition for reconsideration in Docket No. 18948/Gen Docket No. 80-108. The petition requests that a rule which mandates the carriage of specified tools, spares, etc., on board ships compulsorily equipped with radar be revised to make carriage of the specified equipment voluntary. The subject rule was adopted in a proceeding implementing a new regulation of the International Convention for the Safety of Life at Sea, 1974. The FCC will discuss the need for this specific rule.

General—2—*Title:* Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979. *Summary:* The Commission is soliciting public comments, through a series of documents in this proceeding (Docket 80-739), on national implementation of the Final Acts of the 1979 World Administrative Radio Conference. This Notice of Inquiry considers frequency allocations for the portion of radio spectrum from 40.5 GHz through 400 GHz and new emission designators.

Private Radio—1—*Title:* Deregulation of emission types and authorization of additional digital codes in the Amateur Radio Service. *Summary:* The Commission will consider whether to adopt a Fourth Report and Order terminating the proceeding in Docket 20777 concerned with deregulation of the rules regarding authorized emissions in the Amateur Radio Service. The Commission will also consider whether to adopt a Notice of Proposed Rule Making proposing to permit the use digital codes, other than those currently authorized by the rules, on amateur radio frequencies above 50 MHz.

Private Radio—2—*Title:* In the matter of Amendment of Sections 90.385 and 90.233 of the Commission's Rules to allow transmission of non-voice signals at 800 MHz. *Summary:* The Federal Communications Commission has before it a proposal initiated internally to amend Sections 90.385 and 90.233 of the Commission's Rules to allow systems operating in the 806-821 MHz and 851-866 MHz bands (800 MHz band) to transmit non-voice signals on a secondary, non-interference basis.

Private Radio—3—*Title:* Amateur radio station identification rules modification. *Summary:* The Commission will consider whether or not to adopt: (1) A Report and Order which would require identification at the end of each communication and every 10 minutes or less during a communication; and, would delete the requirement to give the other station's call sign, except in international third party communications; and (2) An Order which would dismiss petition in RM-3714, which concerns identification requirements.

Common Carrier—1—*Title:* Allocation of aggregate depreciation reserve for each Bell company to subaccounts. *Summary:* The Commission has under consideration the allocation of the overall book reserve to each of the plant accounts for each of the Bell System operating companies. Reserves must be maintained in this detail in order to calculate depreciation rates on a remaining-life basis. The proposed allocation is based upon studies which were prepared by the companies and the staffs of the respective state commissions and the FCC. In addition, by a Public Notice released 1-23-81, comments of other parties have been considered. This item is a part of the Commission's continuing program to prescribe depreciation rates for subject companies, as provided for in the communications Act of 1934, as amended.

Common Carrier—2—*Title:* Application of Satellite Business Systems for authority to construct a fourth communications satellite to be used as an on-ground spare (File No. 1688-DSS-P-80). *Summary:* The Commission considers this application for a new domestic satellite as an on-ground spare.

Common Carrier—3—*Title:* Application of Western Union Telegraph Company for authority to construct and launch a sixth space station in the domestic Fixed-Satellite Service (File No. 732-DSS-P/LA-81). *Summary:* The Commission considers this application for a new domestic satellite and the related pleadings.

Common Carrier—4—*Title:* Licensing of Space Stations in the Domestic Fixed-Satellite Service and Related Revisions of Part 25 of the Rules and Regulations. *Summary:* The Commission will consider a Notice of Inquiry and Proposed Rulemaking concerning orbital separations in the 4/6 and 12/14 GHz bands, orbital assignment policies and related revisions of Part 25 of the rules.

Renewal—1—*Title:* License renewal applications of Stations KMPH(TV), Visalia, California, and KXKS/KKJY(FM), Albuquerque, New Mexico. *Summary:* The Commission will consider whether the EEO programs of the above stations are sufficient and whether grant of their license renewal applications is in the public interest.

Television—1—*Title:* Amendment of the Rules as to the application and authorization requirements for remote control operation of TV broadcast stations. *Summary:* The Commission will consider revising the procedures for granting remote control authorizations for TV broadcast stations.

Broadcast—1—*Title:* Memorandum Opinion and Order, BC Docket No. 78-253. *Summary:* The Commission considers several petitions for reconsideration and clarification of its April 9, 1981 Order discontinuing acceptance of TV translator and low-power applications.

Broadcast—2—*Title:* Amendment of the Commission's Rules, Section 73.1202, concerning the requirement that licensees retain letters received from the public. *Summary:* The Commission will consider the issuance of a Notice of Proposed Rule Making concerning the elimination of Section 73.1202 of the Rules. That section requires that all commercial licensees maintain an inspection file of letters received from the public.

Broadcast—3—*Title:* Christian Broadcasting Network, Inc.'s request for waiver of Section 73.658(j)(4) of the Commission's Rules. *Summary:* Petitions for rule making and for waiver of Section 73.658(j)(4) of the Commission's Rules are considered.

Broadcast—4—*Title:* Petition of Peninsula Communications, Inc. for termination of FM Translator K265AG, Homer, Alaska. *Summary:* The Commission will consider Petitioner Peninsula Communications, Inc.'s contentions that KSRM, Inc., licensee of FM translator K265AG violated Section 74.1232(d) of the Commission's rules and that KSRM, Inc has acted in a competitive manner, jeopardizing the existence of KGTL-FM, a local full-service station.

Broadcast—5—*Title:* Elimination of harmful interference to radio communications involving safety of life or protection of property. *Summary:* The Commission will consider proposed amendments to Part 74 of the Commission's Rules to eliminate radio interference which jeopardizes safety of life and protection of property.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from

Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 23, 1981.

William J. Tricarico,

Secretary, Federal Communications.

[S-1473-81 Filed 9-25-81; 2:55 pm]

BILLING CODE 6712-01-M

6

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., September 30, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—733rd Meeting, September 30, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 3473-002, Jack M. Fuls; Project No. 3784-000, Deschutes Reclamation and Irrigation Co., Central Oregon Irrigation District and North Unit Irrigation District
CAP-2. Project No. 5013, Modesto Irrigation District
CAP-3. Project No. 4376-000, High Country Resources and Rocky Creek Project
CAP-4. Project No. 3892-000, Georgia-Pacific Corp., Project No. 4244-000, Long Lake Energy Corp.
CAP-5. Project No. 3418, Pennsylvania Renewable Resources, Inc.; Project No. 3475, The Town of Clintwood, Virginia; Project No. 4152, City of Bedford, et al.
CAP-6. Project No. 4297, Metropolitan District of Hartford, Connecticut
CAP-7. Project No. 3493-000, City of Summersville, West Virginia; Project No. 3683-000, Mitchell Energy Co.; Project No. 3809-000, Old Dominion Electric Cooperative; Project No. 4361-000, City of Bedford, et al.
CAP-8. Project No. 3610, Banister Development, Ltd.
CAP-9. Project No. 2004, Holyoke Water Power Co.
CAP-10. Project No. 3169, Plains Electric Generation and Transmission Cooperative, Inc.; Project No. 3439, Western States Energy and Resources, Inc.; Project No. 4219, City of Albuquerque, New Mexico
CAP-11. Project No. 4355, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District and South Columbia Basin Irrigation District
CAP-12. Project No. 3789-000, Enagenics, Inc.; Project No. 4535-000, Truckee-Carson Irrigation District
CAP-13. Project No. 3322-000, Public Utility District No. 1 of Mason County, Shelton, Washington
CAP-14. Docket No. ER81-387-001, Central Power & Light Co.
CAP-15. Docket No. ER81-649-000, Central Vermont Public Service Corp.
CAP-16. Docket No. ER81-654-000, Illinois Power Co.
CAP-17. Docket No. ER81-132-000, The Cincinnati Gas & Electric Co.; Docket No. ER81-305-000, The Union Light, Heat & Power Co.
CAP-18. Docket No. ER80-5, Minnesota Power & Light Co.
CAP-19. Docket No. ER81-538, Carolina Power & Light Co.
CAP-20. Docket No. ES81-69-000, Pacific Power & Light Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. QF81-42, John Root
CAM-2. Docket No. RM80-69, Annual report of gas supply for certain natural gas pipelines: Form 15
CAM-3. Docket No. RM79-76 (Texas—9 addition), high-cost gas produced from tight formations
CAM-4. Docket No. GP81- -000, State of Louisiana, section 107(c) NGPA determination, Ace Drilling Services, Inc., Hootkins-Smith Louisiana, Ltd., and Reliance Trusts, JD81-35124, et al.
CAM-5. Docket No. GP81- -000, Commonwealth of Virginia, section 108 NGPA determination, Ashland Exploration, Inc., W.H. Matney No. 3, FERC Nos. JD79-10060 and JD81-25503
CAM-6. Docket Nos. RM78-23 and RM81-37, El Paso Natural Gas Co.
CAM-7. Docket Nos. RA81-49-000, RA81-55-900, RA81-56-000, and RA81-57-000, Young Refining Corp.

Consent Gas Agenda

CAG-1. Docket No. TA82-1-42-000, (PGA2-1, IPR82-1 and TT82-1, Transwestern Pipeline Co.
CAG-2. Docket No. TA81-2-17-004 (PGA81-2a, TT81-2a and LFUT81-3a), Texas Eastern Transmission Corp.
CAG-3. Docket No. RP81-109-001, Texas Eastern Transmission Corp.
CAG-4. Docket No. RP80-97, Tennessee Gas Pipeline Co.; Docket No. RP80-100, Michigan Wisconsin Pipe Line Co.; Docket No. RP80-102, Southern Natural Gas Co.; Docket No. RP80-107, Natural Gas Pipe Line Co. of America; Docket No. RP80-117, Transcontinental Gas Pipe Line Corp.; Docket No. RP80-121, United Gas Pipe Line Co.; Docket No. RP80-106, Trunkline Gas Co.; Docket No. RP80-145, Columbia Gulf Transmission Co.; Docket No. RP80-145, Columbia Gas Transmission Corp.; Docket Nos. RP80-55 and RP80-118, Sea Robin Pipeline Co.; Docket No. RP81-7, Florida Gas Transmission Co.; Docket No. RP81-18, High Island Offshore System; Docket No. RP81-20, U-T Offshore System
CAG-5. Docket No. CI81-428-000, Pan Eastern Exploration Co.; Docket No. CI81-409-000, Zapata Exploration Co.; Docket No. CI81-220-001, Koch Industries Inc.; Docket No. CI81-407-000 Aminoil USA, Inc.; Docket No. CI81-427-000, Amerada Hess Corp.
CAG-6. Docket No. CP81-194-000, Sea Robin Pipeline Co.
CAG-7. Docket No. CP81-217-000, Transcontinental Gas Pipe Line Corp. and United Gas Pipe Line Co.
CAG-8. Docket Nos. CP81-170-000, CP81-193-000 and CP81-203-000, Cities Service Gas Co.
CAG-9. Docket Nos. CP81-219-000 and CP81-219-001, East Tennessee Natural Gas Co.; Docket No. CP81-337-000, Texas Eastern Transmission Corp.
CAG-10. Docket No. G-1440-001, Louisiana Nevada Transit Co.; Docket No. CP81-352-000, Arkansas Louisiana Gas Co.
CAG-11. Docket No. CP81-254-000, Northern Natural Gas Co., Division of Internorth, Inc.
CAG-12. Docket No. CP81-272-000, Transcontinental Gas Pipe Line Corp.
CAG-13. Docket No. CP81-210-000, Texas Gas Transmission Corp.; Docket No. CP81-332, Louisiana Resources Co.; Docket No. CP81-333, Louisiana Intrastate Gas Corp.
CAG-14. Docket No. CP81-290-000, Southern Natural Gas Co.
CAG-15. Docket No. CP81-35-000, Montana-Dakota Utilities Co.
CAG-16. Docket No. CP75-221, El Paso Alaska Co.; Docket No. RM79-63, Fees applicable to natural gas pipelines
CAG-17. Docket No. ST80-115-001, Arkansas Oklahoma Gas Corp.; Docket No. ST80-64-001, Phillips Petroleum Co.; Docket No. ST80-83-001, Transwestern Pipeline Co.
CAG-18. Docket No. ST81-396-000, East Texas Industrial Gas Co.
CAG-19. Docket Nos. CP80-144-000, CP80-144-001 and CP80-144-002, Mountain Fuel Resources, Inc. and Mountain Fuel Supply Co.

Regular Power Agenda

I. Licensed Project Matters

P-1. Reserved

II. Electric Rate Matters

ER-1. Docket No. ER81-653-000, Northern States Power Co. (Wisconsin)
ER-2. Docket No. ER81-679-000, Pacific Gas & Electric Co.
ER-3. Docket No. ER79-126, Arizona Public Service Co.
ER-4. Docket No. ER78-522, Virginia Electric & Power Co.
ER-5. Docket Nos. ER77-485 and ER77-551, Carolina Power & Light Co.; Docket No. E-9606, North Carolina Electric Membership Corp., Four County Electric Membership Corp., Electricities of North Carolina, and Cities of Bennettsville and Camden, South Carolina
ER-6. Docket Nos. E-9520 and ER77-531, Illinois Power Co.

Regular Miscellaneous Agenda

M-1. Docket No. RM81-18, revision of Part 34—Application for authorization of the issuance of securities or the assumption of liabilities
M-2. Reserved
M-3. Reserved

M-4. Docket No. RM81-?, Regulations implementing equal access to Justice Act
M-5. Docket No. RM81-28, incremental pricing: Elimination of 31 metropolitan regions

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Docket No. RP80-102, Southern Natural Gas Co.
RP-2. Docket No. TA81-2-9-000 (PGA81-2, et al.), Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

II. Producer Matters

CI-1. Docket No. CI64-26 (force majeure), Gulf Oil Corp.
CI-2. Docket No. G-3636, Allied Chemical Corp.

III. Pipeline Certificate Matters

CP-1. Docket No. RP76-91, Montana-Dakota Utilities Co.

Kenneth F. Plumb,
Secretary.

[S-1464-81 Filed 9-25-81; 10:32 am]

BILLING CODE 6450-85-M

7

FEDERAL HOME LOAN BANK BOARD:

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 47349, Friday, September 25, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, September 30, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the bank board meeting scheduled Wednesday, September 30, 1981:

Treatment of Gains and Losses for the Sale of Mortgage Assets

No. 543, September 25, 1981.

[S-1470-81 Filed 9-25-81; 2:45 pm]

BILLING CODE 6720-01-M

8

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 47349, Friday, September 25, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, September 30, 1981.

PLACE: 1700 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Wednesday, September 30, 1981:

Proposed Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance and Transfer of Stock—First Savings Association of Dowagiac, Dowagiac, Michigan *into* Standard Federal Savings and Loan Association, Troy, Michigan.

No. 542, September 25, 1981.

[S-1467-81 Filed 9-25-81; 11:30 am]

BILLING CODE 6720-01-M

9

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Friday, October 2, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Becasue of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Request by Citicorp, New York, New York, relating to the repatriation of foreign borrowings.
2. Proposal to simplify procedures for State member banks to establish domestic branches.

Discussion Agenda:

3. Proposed determination whether real estate brokers assisting in seller financing are exempt from Regulation Z (Truth in Lending).
4. Proposal to amend Regulation Y (Bank Holding Companies and Change in Bank Control) to permit bank holding companies to sell renewal insurance.
5. Proposal to amend Regulation T (Credit by Brokers and Dealers) to establish margin requirements for options on exempt debt securities. (Proposed earlier for public comment; Docket No. R-0082)
6. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassettee by calling (202) 452-3684 or by writting to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: September 25, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-1469-81 Filed 9-25-81; 12:29 pm]

BILLING CODE 6210-01-M

10

FEDERAL RESERVE SYSTEM: Board of Governors.

TIME AND DATE: 10 a.m., Monday, October 5, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

James McAfee,
Assistant Secretary of the Board.

Dated: September 25, 1981.

[S-1475-81 Filed 9-25-81; 3:50 pm]

BILLING CODE 6210-01-M

11

INTERNATIONAL TRADE COMMISSION:

[USITC SE-81-29]

TIME AND DATE: 10 a.m., Wednesday, October 7, 1981.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:
   a. Press lines (Docket No. 751).
5. Consideration of the FY '83 budget.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1465-81 Filed 9-25-81; 10:33 am]

BILLING CODE 7020-02-M

12

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-36]

TIME AND DATE: 9 a.m., Thursday, October 8, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: The first item will be open to the public; the second will be closed under exemption 9B of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. OMB-Directed Study of Field Investigation Practices.

2. *Recommendation* to Bureau Enquetes Accident Inspection Generale de l'Aviation Civile regarding Air France Concorde Blown-Tire Incidents, Dulles International Airport and JFK International Airport, June 1979 through February 1981.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

September 25, 1981.

[S-1468-81 Filed 9-25-81; 11:31 am]

BILLING CODE 4910-58-M

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NUCLEAR REGULATORY COMMISSION.

DATE: Week of September 28, 1981 (revised), and week of October 5, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Wednesday, September 30

10:00 a.m.

1. Briefing on Status and Prioritization of NUREG–0737/–0660 Developmental Items (public meeting) (as announced)

Thursday, October 1

10 a.m.

1. Discussion and Possible Vote on Revised Licensing Procedures—Proposed Rule Change to Part 2 (open/closed meeting) (as announced)

3 p.m.

1. Affirmation/Discussion Session (public meeting)

Items to be affirmed and/or discussed:

a. Financial Protection for TMI Units 1 and 2 (postponed from September 24, 1981)
b. Use of Administrative Law Judges as Presiding Officers in Antitrust Proceedings
c. Selection of Hearing Panel for Part 30 Proceeding
d. Review of ALAB–646, In the Matter of Alabama Power Co. (Antitrust) and Alabama Power Company's Application for a Stay *Pendente Lite*
e. Central Electric Power Cooperative's Petition for Reconsideration (Virgil Summer OL—Antitrust)
f. TMI–1 Restart—Management Competence Decision
g. Diablo Canyon Physical Security—Governor Brown's Motion for Additional Counsel and Secretary

Wednesday, October 7

10 a.m.

1. Briefing on Status of NUREG–0771 and –0772 (on Fission Product Behavior) (public meeting)

Thursday, October 8

10 a.m.

1. Discussion of TMI–1 Restart (closed meeting)

3 p.m.

1. Affirmation/Discussion Session (public meeting)

Items to be affirmed and/or discussed:

a. Interim Rule on Hydrogen Control (postponed from September 24)
b. Petition for Extension of Deadline for Environmental Qualification of Class IE Electrical Equipment (postponed from September 24)

ADDITIONAL INFORMATION:

On September 21, 1981, Discussions of Low-Power Operating License for Diablo Canyon (closed sessions), were held, continued from 9/18/81.

Discussion of Congressional Testimony, previously scheduled for September 30, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Walter Magee,
Office of the Secretary.
September 24, 1981.

[S-1476-81 Filed 9-25-81; 4:09 pm]

BILLING CODE 7590-01-M

federal register

Tuesday
September 29, 1981

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Prime Farmland Grandfather Rules; Amendments

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 716 and 785

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Prime Farmland Grandfather Rules

AGENCY: Office of Surface Mining Reclamation and Enforcement. Interior.

ACTION: Amendments to final rule.

SUMMARY: OSM is revising the Prime Farmland Grandfather Rules as published on January 23, 1981, 46 FR 7894, the effective dates of which were postponed in **Federal Register** notices of February 4, 1981 (46 FR 10707), March 23, 1981 (46 FR 18023), April 3, 1981 (46 FR 20211), April 29, 1981 (46 FR 23924) June 15, 1981 (46 FR 31258), and August 14, 1981 (46 FR 41046), and the revisions include removing the cut-off date of the exemption. This action is being taken after OSM solicited and received voluminous comments from the public on whether the rules should become effective, modified, or suspended indefinitely. Accordingly, the rules which take effect today exempt certain permits and revisions or renewals of those permits from both the special prime farmland permits application and performance standards of the Surface Mining Control and Reclamation Act.

EFFECTIVE DATES: The amendments to §§ 716.7 and 785.17 are effective on September 29, 1981.

FOR FURTHER INFORMATION CONTACT: LeRoy deMoulin, Soil Scientist, Office of Surface Mining, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Phone (202) 343–5954.

SUPPLEMENTARY INFORMATION:

Background

The statutory basis, legislative history and rulemaking history of the prime farmland grandfather rules appeared in the Notice of Proposed Rules (45 FR 25992–95, April 16, 1980) and Notice of Final Rules (46 FR 7894–7900, January 23, 1981). That material will not be repeated here, but is incorporated and made a part hereof unless otherwise stated in this notice.

Related Litigation

Several parties filed lawsuits after publication of the rules on January 23, 1981. These cases are in the early stages of litigation and are entitled: *National Coal Association and American Mining Congress* v. *Watt, et al.*, Civ. No. 81–0693 (D.D.C.); *Peabody Coal Company* v. *Watt, et al.*, Civ. No. 81–0645 (D.D.C.); *Illinois Department of Mines and Minerals* v. *U.S. Department of the Interior, et al.*, Civ. No. 81–0708 (D.D.C.).

Analysis of Comments

The final regulations published on January 23, 1981, exempted all lands included in pre-August 3, 1977, permits and all revisions or renewals of those permits. Continuations of pre-existing surface coal mining operations would be exempt where the lands are: (1) an extension of a continuous mining pit or pits; (2) part of a single permitted operation; and (3) part of a continuous recoverable coal seam. The regulations also required that the permittee demonstrate that he or she had a pre-August 3, 1977, legal right to mine the exempted lands, and established a cut-off date of August 3, 1982. Numerous public comments were received on the issues of whether to modify, issue or suspend the rules indefinitely pending the outcome of further rulemaking. These comments are summarized and responded to in the following paragraphs.

General Comments

Several commenters expressed strong objection to the January 23, 1981, grandfather rule, stating that the rule will interfere with primacy and that the objectives of the Surface Mining Act will be better served by an indefinite postponement or extension of the January 23, 1981 rule followed by full notice and comment in a new rulemaking. Most of these commenters attached copies of their comments submitted at earlier stages of OSM's permanent program rulemaking on prime farmland and requested that those comments be reconsidered by OSM. Some commenters stated their belief that OSM had not seriously considered the prior comments in developing the grandfather rules. Other commenters merely expressed strong objection without specifying any details.

Several commenters also expressed strong objection to further postponement of the rule stating that there are no compelling reasons for delaying the protection afforded prime farmland under the January 23, 1981 regulations. These commenters stated that the productivity of thousands of acres of prime farmland will be in jeopardy because no prior rules remain in effect; that allowing the January 23, 1981 regulation to take effect would not interfere with primacy; and that regulations on this subject are needed because Section 510 of the Surface Mining Act is sufficiently vague to require clarification. Some commenters stated that they believed that OSM's justification for requesting notice and comment amounted to a prejudgment because the agency had already decided to suspend the January 23, 1981 rule and have a new rulemaking on prime farmland grandfather issues. Among those commenters who opposed further delay in implementing the January 23, 1981 regulations were several Members of Congress and the Secretary of the Department of Agriculture.

OSM rejects the assertion that it has prejudged this issue by assuming that the January 23, 1981 regulations would be suspended after a perfunctory notice and comment period. This may have been the impression left by the March 23, 1981 **Federal Register**, "Notice of Suspension of Certain Rules in 30 CFR Chapter VII." (46 FR 17191–92.) As noted in the later **Federal Register** notice, the March 23, 1981 notice was published in error and was cancelled and superseded by the April 3, 1981 notice. 46 FR 20211, April 3, 1981. OSM has carefully considered all public comments received, including those comments filed in previous rulemakings which were incorporated in the public's comments filed in this rulemaking. The comments received on the issues of "pre-existing permits," "renewals and revisions of pre-existing permits," "existing surface coal mining operations" and definitions of "continuous mining pit" and "continuous surface coal mining operation" are discussed in the January 23, 1981 **Federal Register** notice (46 FR 7898–99) and that discussion is adopted here and incorporated by and made a part hereof. As stated in the January 23, 1981 notice announcing the final rule, the Secretary interprets the June 30, 1980 decision of the Court of Appeals to authorize him to place a reasonable limit on the extent of grandfathering in order to carry out the "purposes and provisions" of the Surface Mining Act. See 46 FR 7895 (January 23, 1981) and *In Re: Surface Mining Regulation Litigation*, No. 78–2191, 78–2192, Slip Op. (D.C. Cir., June 30, 1980).

OSM is cognizant of the claims of the State of Illinois that the portions of the rules made effective today "fail(ed) to exempt or otherwise give account to the distinct differences between surface and underground coal mining, to the application of this rule to surface structures and facilities, and to the physical characteristics of certain continuous and ongoing surface coal mining operations in Illinois," *Illinois Department of Mines and Minerals* v. *United States Department of the Interior*, No. 81–0708, D.D.C. Petition for

Judicial Review, p. 3, filed March 24, 1981. OSM has worked closely with the State of Illinois in developing these regulations (see discussion at 45 FR 25994–95, April 16, 1980). OSM will continue to work closely with Illinois and all states in the context of state programs submissions and amendments in accommodating the physical characteristics of mining in each state. However, OSM makes this rule effective today in the belief that it is necessary to establish a general regulatory structure which responds to Congressional concern that the grandfather clause give some flexibility to existing operations and which clarifies a section of the Surface Mining Act which is accompanied by conflicting legislative history.

Exemption Termination Date

OSM has also carefully considered all comments received on the August 3, 1982 exemption cut-off date. See 30 CFR 716.7(a)(2)(vi) and 785.17(a)(6) of the final regulations published on January 23, 1981. OSM promulgated regulations containing the 1982 exemption termination date based in part on the experience of the State of Illinois. See discussion in proposed rule (45 FR 25994–95, April 16, 1980) and final rule (46 FR 7895–96, January 23, 1981). Two comments were received from the State of Illinois (the Department of Mines and Minerals and the Department of Agriculture) supporting the use of the 1982 termination date. Other general comments in support of and in opposition to the 1982 date were also received. At this time, OSM believes that an orderly transition period between pre-Act and post-Act prime farmland standards may be necessary to reduce wide variations in application of the law and to provide certainty to the public, states and operators on the scope of Section 510(d) of the Act. The public comments received by OSM in past rulemakings and in this rulemaking demonstrate that considerable controversy surrounds the concept of uniform termination date. In order to provide maximum public participation and to enable OSM and commenters to gather additional information on potential solutions to this issue, OSM announces here its intention to engage in further rulemaking on this issue. Meanwhile, the 1982 termination date which appeared in the January 23, 1981 rules will not be made effective and will be deleted. Persons desiring to submit written comments for consideration in proposing a new rule on termination of grandfathering should send those comments to the individual listed under the heading "For Further Information Contact:" OSM is, of course, willing to work with individual States desiring to include a more stringent provision (i.e., a termination date) in their programs.

The Office does not agree that the action taken today will interfere with state primacy or destroy thousands of acres of prime farmland. As noted in the January 23, 1981, **Federal Register** notice (46 FR 7897), there is an orderly procedure and opportunity for states to amend their programs to take this rule into account. In addition, the interim program rule at 30 CFR 716.7(a)(2) will become effective today in States without primacy and in States with primacy for those operations not yet permitted under permanent programs. In addition, and as noted in some public comments, eligibility for grandfathering does not automatically result in inadequate reclamation of the land. Such operations remain subject to the regular non-prime farmland performance standards of the Surface Mining Act, including topsoil protection, revegetation, postmining land use and bonding.

Editorial Correction

The following line appearing in 30 CFR 716.7(a)(2)(ii) on January 23, 1981, was inadvertently omitted from 30 CFR 785.17(a)(2)—(decision by the regulatory authority to allow) *changes in method of mining operations within the original permit area, or the decision of the regulatory authority to allow* (incidental boundary changes * * *). This correction makes the interim and permanent program regulations identical and is not considered a substantive change.

Statements Under E.O. 12291 and NEPA

OSM has determined that making this rule effective is not a major rule under Executive Order 12291 and a regulatory impact analysis will not be prepared.

OSM has determined that making this rule effective is not a major federal action significantly affecting the quality of the human environment based upon a finding of no significant impact (FONSI). The FONSI and environmental assessment are available to the public at OSM's Administrative Record, 1951 Constitution Avenue, N.W., Room 151, South Interior Building, Washington, D.C. 20240. Accordingly, an environmental impact statement will not be prepared.

Regulatory Flexibility Act

Pub. L. 96–354 requires that the head of an agency must make a certification of effect on small entities and publish the certification and reasons therefor in the appropriate **Federal Register** document. Following is the required certification.

I certify that making this rule effective will not have a significant economic impact on a substantial number of small entities. Potentially there are two groups who may be affected by the revised rules. They are small scale coal operators and small scale farmers who mine coal and grow their crops on prime farmlands. The numbers of small operators in the states most affected by mining are as follows: Kentucky 700, Indiana 30, and Illinois 20. However, the percentage of these operators mining on prime farmlands with a pre-August 3, 1977 permit is not available. This number is assumed to be small since the total acreage of prime farmland affected annually is relatively small. These same assumptions also are true for the number of farmers. In 1977 the annual affected prime farmland acreage was 21,800.

In forming these conclusions, it should be remembered that not all prime farmland is in crops and that even with a grandfather exemption the land must be returned to a "* * * condition capable of supporting the uses it was capable of supporting prior to any mining * * *". Overall, no national effect on small entities is expected and any localized regional impact would be minimal. The possible adverse effects would include the cost to the coal companies of meeting more stringent reclamation standards on prime farmlands and of these costs being passed directly on the coal consumer.

Dated: September 22, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

Final Regulations

The following regulations in Chapter VII of Title 30 of the Code of Federal Regulations are amended as follows:

PART 716—SPECIAL PERFORMANCE STANDARDS

A. 30 CFR 716.7 (a)(2) and (a)(3) are added to read:

§ 716.7 Prime farmland.

(a) * * *

(2) Except as otherwise provided in this paragraph, the requirements of the section are applicable to any lands covered by a permit application filed on or after August 3, 1977. This section does not apply to:

(i) Lands on which surface coal mining and reclamation operations are conducted pursuant to any permit issued prior to August 3, 1977; or

V 46 SE 29 81 UMI

(ii) Lands on which surface coal mining and reclamation operations are conducted pursuant to any renewal or revision of a permit issued prior to August 3, 1977; or

(iii) Lands included in any existing surface coal mining operations for which a permit was issued for all or any part thereof prior to August 3, 1977, provided that:

(A) Such lands are part of a single continuous surface coal mining operation begun under a permit issued before August 3, 1977; and

(B) The permittee had a legal right to mine the lands prior to August 3, 1977, through ownership, contract, or lease but not including an option to buy, lease, or contract; and

(C) The lands contain part of a continuous recoverable coal seam that was being mined in a single continuous mining pit (or multiple pits if the lands are proven to be part of a single continuous surface coal mining operation) begun under a permit issued prior to August 3, 1977.

(3) For purposes of this section:

(i) "renewal" of a permit shall mean a decision by the regulatory authority to extend the time by which the permittee may complete mining within the boundaries of the original permit, and "revision" of the permit shall mean a decision by the regulatory authority to allow changes in the method of mining operations within the original permit area, or the decision of the regulatory authority to allow incidental boundary changes to the original permit;

(ii) a pit shall be deemed to be a single continuous mining pit even if portions of the pit are crossed by a road, pipeline, railroad, or powerline or similar crossing;

(iii) a single continuous surface coal mining operation is presumed to consist only of a single continuous mining pit under a permit issued prior to August 3, 1977, but may include non-contiguous parcels if the operator can prove by clear and convincing evidence that, prior to August 3, 1977, the contiguous parcels were part of a single permitted operation. For the purposes of this paragraph, clear and convincing evidence includes, but is not limited to, contracts, leases, deeds or other properly executed legal documents (not including options) that specifically treat physically separate parcels as one surface coal mining operation.

* * * * *

PART 785—REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

B. 30 CFR 785.17(a) is revised to read:

§ 785.17 Prime farmland.

(a) This section applies to any person who conducts or intends to conduct surface coal mining and reclamation operations on prime farmlands historically used for cropland. This section does not apply to:

(1) Lands on which surface coal mining and reclamation operations are conducted pursuant to any permit issued prior to August 3, 1977; or

(2) Lands on which surface coal mining and reclamation operations are conducted pursuant to any renewal or revision of a permit issued prior to August 3, 1977; or

(3) Lands included in any existing surface coal mining operations for which a permit was issued for all or any part thereof prior to August 3, 1977, provided that:

(i) Such lands are part of a single continuous surface coal mining operation begun under a permit issued before August 3, 1977; and

(ii) The permittee had a legal right to mine the lands prior to August 3, 1977, through ownership, contract, or lease but not including an option to buy, lease, or contract; and

(iii) The lands contain part of a continuous recoverable coal seam that was being mined in a single continuous mining pit (or multiple pits if the lands are proven to be part of a single continuous surface coal mining operation) begun under a permit issued prior to August 3, 1977.

(4) For purposes of this section:

(i) "Renewal" of a permit shall mean a decision by the regulatory authority to extend the time by which the permittee may complete mining within the boundaries of the original permit, and "revision" of the permit shall mean a decision by the regulatory authority to allow changes in the method of mining operations within the original permit area, or the decision of the regulatory authority to allow incidental boundary changes to the original permit;

(ii) A pit shall be deemed to be a single continuous mining pit even if portions of the pit are crossed by a road, pipeline, railroad, or powerline or similar crossing;

(iii) A single continuous surface coal mining operation is presumed to consist only of a single continuous mining pit under a permit issued prior to August 3, 1977, but may include non-contiguous parcels if the operator can prove by clear and convincing evidence that, prior to August 3, 1977, the non-contiguous parcels were part of a single permitted operation. For the purposes of this paragraph, clear and convincing evidence includes, but is not limited to, contracts, leases, deeds or other properly executed legal documents (not including options) that specifically treat physically separate parcels as one surface coal mining operation.

(Secs. 201, 501, 527 and 529, Pub. L. 95–87 Stat. 445 (30 U.S.C. 1201))

[FR Doc. 81-28071 Filed 9-28-81; 8:45 am]

BILLING CODE 4310-05-M

federal register

Tuesday
September 29, 1981

Part III

Equal Employment Opportunity Commission

Age Discrimination in Employment; Interpretations

V 46 SE 29 81 UMI

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1625

Final Interpretations: Age Discrimination in Employment Act

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final Interpretations; Rescission of Interpretations.

SUMMARY: On July 1, 1979, pursuant to Reorganization Plan No. 1 of 1978, 43 FR 19807 (May 9, 1978) responsibility and authority for enforcement of the Age Discrimination in Employment Act of 1967, (ADEA) as amended, 29 U.S.C. 621, 623, 625, and 626–634 was transferred from the Department of Labor to the Equal Employment Opportunity Commission. The Commission assumed enforcement of the ADEA on that date.

On June 29, 1979, just prior to assuming jurisdiction over the ADEA, the Commission published a notice in the **Federal Register** which indicated that the Commission had undertaken a complete review of all interpretations issued by the Department of Labor under the ADEA (29 CFR Part 860). *See* 44 FR 37974 (June 29, 1979). That notice also indicated that until changed, the existing interpretations of the Department of Labor would remain in effect and could be relied upon as provided by section 7(e)(1) of the ADEA, 29 U.S.C. 626(e)(1).

After assuming jurisdiction over the ADEA, the Commission published its own proposed interpretations of the ADEA in the **Federal Register** with an invitation for public comment. *See* 44 FR 68858 (November 30, 1979). After receipt and careful review of those comments, the Commission herein publishes in final form its interpretations of the ADEA. This document sets forth various interpretations which indicate the construction of the ADEA that the Commission believes to be correct and which will guide it in the performance of its administrative and enforcement duties under the Act. Publication of these final interpretations is intended to effectively rescind the existing interpretations of the Department of Labor (29 CFR Part 860) which, until now, retained their vitality by virtue of the June 29, 1979, **Federal Register** notice by the Commission. *See* 44 FR 37974. Those interpretations may no longer be relied upon as provided by section 7(e)(1) of the ADEA.

EFFECTIVE DATE: Since the following final agency interpretations are interpretative rules or statements of policy, the 30-day delay in effective date as prescribed in section 553(d) of Title 5 U.S. Code does not apply. Accordingly, these interpretations are effective upon September 29, 1981.

FOR FURTHER INFORMATION CONTACT: John Pagano, Office of the General Counsel, Legal Counsel Division, Equal Employment Opportunity Commission, 2401 E Street, NW, Room 2254, Washington, D.C. 20506, telephone (202) 634–6595.

SUPPLEMENTARY INFORMATION: On November 30, 1979, the Equal Employment Opportunity Commission published its proposal to add Part 1625 to Title 29 of the Code of Federal Regulations. See 44 FR 68858. That proposal contained interpretations of various portions of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621–634.

After reviewing the public comments received on those proposed interpretations, the EEOC has reconsidered the positions taken therein and has determined that certain modifications are necessary.

§ *1625.1 Definitions.*

This section refers to various terms whose meanings are set forth in Section 11 of the ADEA, 29 U.S.C. 630. Insofar as no comments were received on this section, its final version is published without modification.

§ *1625.2 Discrimination between individuals protected by the act.*

Comments received on this section focused on the ambiguity of paragraph (b) of this section regarding the extension of additional benefits to older employees within the protected age group. Several comments also raised questions regarding the legal basis for discrimination between members of the protected group.

The proposed interpretation was never intended to sanction discrimination between individuals entitled to the protections of the act. Rather, the section was intended to permit an employer to extend additional benefits to older members of the protected group in recognition of problems peculiar to those older individuals. The Commission intends that the final interpretation contained in paragraph (b) of this section provide for a continuation of the flexible approach first announced in administrative Opinion Letters of the Department of Labor. Opinion Letter 404 of the Wage-Hour Administrator of the Department of Labor (August 26, 1976) advises that it is permissible to insert contract language which would require that a certain number of positions be made available to an older segment of the protected age group. Similarly, Opinion Letter 451 of the Wage-Hour Administrator (January 31, 1978) permits varying amounts of severance pay based, in part, on an employee's age.[1] The basis for both opinion letters was that an employer can take measures to counteract discrimination which is more prevalent against older members of the protected group. The former letter, 404, recognized that an older employee (55 and over) may be a more frequent target of age discrimination, and the latter opinion, 451, recognized that same principle in the context of job relocation. In both instances, the opinions were based on tacit recognition of the fact that age discrimination is frequently more prevalent and more severe against older workers in the protected age group. The final subsection (b) has been reworded to make this principle clear.

§ *1625.3 Employment Agency.*

No comments were received on this section. It remains unchanged in its final version.

§ *1625.4 Help wanted notices or advertisements.*

The comments received on this section suggested that paragraph (a) of this section be reworded to indicate that the use of terms such as "young" or "college student" does not, *per se,* constitute a violation of the act. In accordance with those suggestions, the Commission has inserted qualifying language in the final interpretation.

§ *1625.5 Employment applications.*

The comments received on this section focused on two major areas of concern. First, several commentors suggested that the wording regarding employment "inquiries" was so ambiguous that it provided little or no guidance on what actually constituted an "inquiry." Moreover, several comments suggested that in drafting the employment application section, the Commission had broadened the definition of employment applications by including a reference to "all inquiries about employment," a definition arguably inconsistent with the wording contained in the Commission's recordkeeping regulations. 29 CFR 1627.3(b)(1)(i). In addition, commentors suggested that an ambiguity was created as to whether that definition was intended to cover verbal inquiries as well. In response to these suggestions, the section has been clarified to indicate that "employment applications" refers to all written inquiries about employment, including resumes, but does not encompass verbal inquiries made either by applicants or current employees.

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[1] Reference to these Opinion letters is in no way intended to validate them in their entirety as interpretations of the Commission. In particular, we wish to note that the final substantive paragraph of Opinion Letter 451 is no longer an accurate statement of the law.

Second, the section has been reworded to clarify the fact that when an employer uses questions relating to the age of an applicant, that the purpose is not one proscribed by the statute should be made known to the applicant. However, that fact does not necessarily have to be communicated on the application itself. While the Commission believes that the proposed section already made this fact clear, the section has been reworded to avoid any residual ambiguity.

§ *1625.6 Bona fide occupational qualifications.*

In general, the comments received on this section questioned the deletion of certain examples from the previous Department of Labor interpretation and the general brevity of the section itself. The examples contained in the previous interpretation were deleted to avoid the appearance that those examples had received the imprimatur of the Commission. Most notable in this regard is the controversial age-60 rule of the FAA.

In response to suggestions that the proposed interpretation provided insufficient guidance, the Commission has expanded the section to incorporate language expressing the Commission's view on the criteria which must be met for the establishment of a valid BFOQ under the Act. The section now makes it clear that anyone asserting a BFOQ defense has the burden of proving that (1) the age limit is reasonably necessary to the essence of the business, and *either* (2) that all or substantially all individuals excluded are in fact disqualified, or (3) that some of the individuals so excluded possess a disqualifying trait that cannot be ascertained except by reference to age. The final interpretation makes clear that when age is asserted as a BFOQ for reasons of public safety, those asserting the defense will be held to the same standard as that which is applied when sex is asserted as a BFOQ for public safety. That standard is one of business necessity. *See Diaz* v. *Pan American Airlines*, 442 F.2d 385, 388 (5th Cir.) (BFOQ means business necessity), *cert. denied*, 404 U.S. 950 (1971).

Finally, in spite of the prohibition on involuntary retirement that was added by the 1978 amendments to Section 4(f)(2), many state, local and municipal governments continue to involuntarily retire employees at arbitrary ages. The section now indicates that if the laws or regulations under which those individuals are involuntarily retired do not meet the BFOQ standards of the interpretation, they will be considered in conflict with and effectively superseded by the ADEA.

§ *1625.7 Differentiations based on reasonable factors other than age.*

The Commission received numerous comments on this section and has decided to modify paragraphs (c), (d), and (e) of this section to clarify its position regarding the section 4(f)(1) exception of a reasonable factor other than age.

Paragraph (c) has been rewritten to illustrate that where an employment practice uses age as a limiting criterion, the defense that the practice is justified by the section 4(f)(1) exception of a reasonable factor other than age is unavailable. *See Marshall* v. *Goodyear Tire & Rubber Co.*, 19 EPD ¶8973 (W.D. Tenn. 1979). Considerable confusion was generated on the proposed section from the apparent misunderstanding that, as originally written, it applied to the employer's burden of rebutting the *prima facie* case. That was incorrect. The section refers to the use of the Section 4(f)(1) defense of "a reasonable factor other than age," and has been clarified to indicate when that defense is unavailable. c.f. *City of Los Angeles, Department of Water and Power, et al.* v. *Manhart*, 435 U.S. 702, 712–13 (1978).

Paragraph (d) of § 1625.7 has been rewritten to make it clear that employment criteria that are age-neutral on their face but which nevertheless have a disparate impact on members of the protected age group must be justified as a business necessity. *See Laugesen* v. *Anaconda Corp.*, 510 F.2d 307 (6th Cir. 1975); *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971). The final interpretation also contains a reference to the Commission's Guidelines on Employee Selection Procedures, 29 CFR Part 1607.

Paragraph (e) of § 1625.7 has been modified to clarify its initial intent that when the defense of "a reasonable factor other than age" is raised against an individual claim of discriminatory treatment, the employer bears the burden of showing that the "reasonable factor other than age" exists factually. *Loeb* v. *Textron, Inc.*, 600 F.2d 1003 (1st Cir. 1979).

§ *1625.8 Bona fide seniority systems.*

Comments received on bona fide seniority systems, in general, focused on one issue. That issue, embodied in section (a) of the proposal, is whether length of service must be the primary criteria for the equitable allocation of available employment opportunities. One commentor suggested that the agency await the decision of the Supreme Court in *California Brewers Ass'n* v. *Bryant*, 100 S. Ct. 814 (1980), insofar as that case was to consider the issue of length of service in a seniority system. *Bryant* has been decided and supports the agency's proposed interpretation that the principle feature of any and every seniority system is that preferential treatment is dispensed on the basis of some measure of time served in employment. For these reasons, the proposed interpretation remains unchanged.

Subsection (d) has been reworded to indicate that the "bona fides" of a purported seniority system which violates Title VII of the Civil Rights Act of 1964 will be closely scrutinized to ensure that such a system is, in fact, bona fide under the ADEA.

§ *1625.9 Involuntary retirement.*

Most of the comments received on this section concerned the application of the amendment to cases pending on the date of enactment of the amendment or cases filed thereafter which challenge involuntary retirements which occurred before the amendment. Invariably the comments suggested that the Commission was misinterpreting *Bradley* v. *Richmond School Board*, 416 U.S. 696 (1974). After reexamination of that Supreme Court decision, the Commission disagrees with those comments and leaves the existing § 1625.9(b)(2) unchanged. In *Bradley*, the Supreme Court stated that:

> * * * a court is to apply the law in effect at the time it renders its decision, *unless doing so would result in manifest injustice or there is statutory direction or legislative history to the contrary.* 416 U.S. at 711. (Emphasis added)

In accordance with the decision in *Bradley*, the Commission believes that courts should apply the amendment prohibiting involuntary retirement unless, as determined on a case-by-case basis, the respondent can show that the application of the amendment would result in "manifest injustice." The Commission disagrees with the suggestion of several comments that *any* application of the amendment to pending cases would be unjust *as a matter of law*. Moreover, the Commission disagrees with several comments which suggested that the legislative history indicates an intent not to have the amendments applied retroactively. The Commission believes that those comments reflect a misinterpretation of the following quoted dialogue between Senators Randolph and Williams:

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* * * Mr. Randolph. I should like to ask the Senator from New Jersey (Mr. Williams) whether this retroactivity covers a forced retirement at, say, age 60 or 62 prior to the effective date of this bill where the individual so retired is eligible for, and actually receives, a pension under a pension plan which has been qualified with the Internal Revenue Service?

Mr. Williams. *The bill is not retroactive. The question of mandatory retirements prior to the effective date of this bill will be determined by the courts' interpretation of existing law.* 123 Cong. Rec. S17304 (daily ed. Oct. 19, 1977) (emphasis added). * * *

Contrary to what several commentors have suggested, the Commission does not interpret Senator Williams' comments as a declaration of the *intent* of the bill. Rather, he indicated that the bill did not declare itself to be retroactive, *by its terms*. He clearly indicated that its application was to be resolved by the Courts. For this reason, paragraph (b)(2) of this section remains unchanged.

§ 1625.13 Apprenticeship programs.

This interpretation was not originally included with the proposed interpretations published for notice and comment on November 30, 1979. Rather, by way of **Federal Register** notice of September 29, 1980, 45 FR 64212, the Commission published for notice and comment a proposed rule which would have rescinded this interpretation and replaced it with a substantive rule. In response to that notice of proposed rulemaking, the Commission has received and carefully reviewed almost three hundred public comments on the apprenticeship issue. As a result of that review, the Commission has been persuaded to republish the existing interpretation without modification.

Publication of these final interpretations is intended to rescind the existing interpretations of the Department of Labor set forth at 29 CFR Part 860. The Commission wishes to note that these interpretations are to be accompanied by the final interpretations published by the Commission on November 21, 1979, entitled "Exemption for employees serving under a contract of unlimited tenure," § 1625.11, and "Exemption for bona fide executive or high policymaking employees," § 1625.12. *See* 44 FR 66799 (November 21, 1979). The Commission also wishes to note that § 1625.10 remains reserved for "Costs and benefits under employee benefit plans." These final interpretations are not intended to rescind the Department of Labor's Interpretative Bulletin on Employee Benefit Plans, 29 CFR 860.120, which was published on May 25, 1979. 44 FR 30648. That interpretative bulletin will remain in effect in accordance with the Commission's **Federal Register** notice of June 29, 1979. *See* 44 FR 37974. Upon completion of its substantive review of that interpretation, the Commission will publish any proposed modifications to that document for notice and comment in the **Federal Register**. The existing interpretation, along with any modifications made by the Commission, will eventually be set forth at 29 CFR 1625.10.

The Commission has submitted this document to the Office of Management and Budget in accordance with the requirements of Executive Order 12291.

Signed at Washington, D.C., this 18th day of September 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chair, Equal Employment Opportunity Commission.

PART 1625—INTERPRETATIONS; AGE DISCRIMINATION IN EMPLOYMENT ACT

29 CFR Part 1625 is amended as follows:

1. In Part 1625, the table of contents is amended by adding the following sections:

Sec.
1625.1 Definitions.
1625.2 Discrimination between individuals protected by the Act.
1625.3 Employment agency.
1625.4 Help wanted notices or advertisements.
1625.5 Employment applications.
1625.6 Bona fide occupational qualifications.
1625.7 Differentiations based on reasonable factors other than age.
1625.8 Bona fide seniority systems.
1625.9 Prohibition of involuntary retirement.
1625.10 Costs and benefits under employee benefit plans.

* * * * *

1625.13 Apprenticeship programs.

2. The authority citation for Part 1625 is revised to read as follows:

Authority: 81 Stat. 602; 29 U.S.C. 621, 5 U.S.C. 301, Secretary's Order No. 10–68; Secretary's Order No. 11–68, and sec. 2; Reorg. Plan No. 1 of 1978, 43 FR 19807.

3. Sections 1625.1 through 1625.10 and 1625.13 are added to read as follows:

§ 1625.1 Definitions.

The Equal Employment Opportunity Commission is hereinafter referred to as the "Commission". The terms "person", "employer", "employment agency", "labor organization", and "employee" shall have the meanings set forth in Section 11 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.*, hereinafter referred to as the "Act". References to "employers" in this part state principles that are applicable not only to employers but also to labor organizations and to employment agencies.

§ 1625.2 Discrimination between individuals protected by the Act.

(a) It is unlawful in situations where this Act applies, for an employer to discriminate in hiring or in any other way by giving preference because of age between individuals within the 40–70 age bracket. Thus, if two people apply for the same position, and one is 42 and the other 52, the employer may not lawfully turn down either one on the basis of age, but must make such decision on the basis of some other factor.

(b) The extension of additional benefits, such as increased severance pay, to older employees within the protected age bracket may be lawful if an employer has a reasonable basis to conclude that those benefits will counteract problems related to age discrimination. The extension of those additional benefits may not be used as a means to accomplish practices otherwise prohibited by the Act.

§ 1625.3 Employment agency.

(a) As long as an employment agency regularly procures employees for at least one covered employer, it qualifies under section 11(c) of the Act as an employment agency with respect to all of its activities whether or not such activities are for employers covered by the act.

(b) The prohibitions of section 4(b) of the Act apply not only to the referral activities of a covered employment agency but also to the agency's own employment practices, regardless of the number of employees the agency may have.

§ 1625.4 Help wanted notices or advertisements.

(a) When help wanted notices or advertisements contain terms and phrases such as "age 25 to 35," "young," "college student," "recent college graduate," "boy," "girl," or others of a similar nature, such a term or phrase deters the employment of older persons and is a violation of the Act, unless one of the exceptions applies. Such phrases as "age 40 to 50," "age over 65," "retired person," or "supplement your pension" discriminate against others within the protected group and, therefore, are prohibited unless one of the exceptions applies.

(b) The use of the phrase "state age" in help wanted notices or advertisements is not, in itself, a violation of the Act. But because the request that an applicant state his age may tend to deter older applicants or otherwise indicate discrimination based on age, employment notices or advertisements which include the phrase "state age," or any similar term, will be closely scrutinized to assure that the request is for a lawful purpose.

§ 1625.5 Employment applications.

A request on the part of an employer for information such as "Date of Birth" or "State Age" on an employment application form is not, in itself, a violation of the Act. But because the request that an applicant state his age may tend to deter older applicants or otherwise indicate discrimination based on age, employment application forms which request such information will be closely scrutinized to assure that the request is for a permissible purpose and not for purposes proscribed by the Act. That the purpose is not one proscribed by the statute should be made known to the applicant, either by a reference on the application form to the statutory prohibition in language to the following effect: "The Age Discrimination in Employment Act of 1967 prohibits discrimination on the basis of age with respect to individuals who are at least 40 but less than 70 years of age," or by other means. The term "employment applications," refers to all written inquiries about employment or applications for employment or promotion including, but not limited to, résumés or other summaries of the applicant's background. It relates not only to written preemployment inquiries, but to inquiries by employees concerning terms, conditions, or privileges of employment as specified in section 4 of the Act.

§ 1625.6 Bona fide occupational qualifications.

(a) Whether occupational qualifications will be deemed to be "bona fide" to a specific job and "reasonably necessary to the normal operation of the particular business," will be determined on the basis of all the pertinent facts surrounding each particular situation. It is anticipated that this concept of a bona fide occupational qualification will have limited scope and application. Further, as this is an exception to the Act it must be narrowly construed.

(b) An employer asserting a BFOQ defense has the burden of proving that (1) the age limit is reasonably necessary to the essence of the business, and either (2) that all or substantially all individuals excluded from the job involved are in fact disqualified, or (3) that some of the individuals so excluded possess a disqualifying trait that cannot be ascertained except by reference to age. If the employer's objective in asserting a BFOQ is the goal of public safety, the employer must prove that the challenged practice does indeed effectuate that goal and that there is no acceptable alternative which would better advance it or equally advance it with less discriminatory impact.

(c) Many State and local governments have enacted laws or administrative regulations which limit employment opportunities based on age. Unless these laws meet the standards for the establishment of a valid bona fide occupational qualification under section 4(f)(1) of the Act, they will be considered in conflict with and effectively superseded by the ADEA.

§ 1625.7 Differentiations based on reasonable factors other than age.

(a) Section 4(f)(1) of the Act provides that

> * * * it shall not be unlawful for an employer, employment agency, or labor organization * * * to take any action otherwise prohibited under paragraphs (a), (b), (c), or (e) of this section * * * where the differentiation is based on reasonable factors other than age * * *.

(b) No precise and unequivocal determination can be made as to the scope of the phrase "differentiation based on reasonable factors other than age." Whether such differentiations exist must be decided on the basis of all the particular facts and circumstances surrounding each individual situation.

(c) When an employment practice uses age as a limiting criterion, the defense that the practice is justified by a reasonable factor other than age is unavailable.

(d) When an employment practice, including a test, is claimed as a basis for different treatment of employees or applicants for employment on the grounds that it is a "factor other than" age, and such a practice has an adverse impact on individuals within the protected age group, it can only be justified as a business necessity. Tests which are asserted as "reasonable factors other than age" will be scrutinized in accordance with the standards set forth at Part 1607 of this Title.

(e) When the exception of "a reasonable factor other than age" is raised against an individual claim of discriminatory treatment, the employer bears the burden of showing that the "reasonable factor other than age" exists factually.

(f) A differentiation based on the average cost of employing older employees as a group is unlawful except with respect to employee benefit plans which qualify for the section 4(f)(2) exception to the Act.

§ 1625.8 Bona fide seniority systems.

Section 4(f)(2) of the Act provides that

> * * * It shall not be unlawful for an employer, employment agency, or labor organization * * * to observe the terms of a bona fide seniority system * * * which is not a subterfuge to evade the purposes of this Act except that no such seniority system * * * shall require or permit the involuntary retirement of any individual specified by section 12(a) of this Act because of the age of such individual. * * *

(In the case of employees covered by a collective bargaining agreement which was in effect on September 1, 1977, which was entered into by a labor organization (as defined by section 6(d)(4) of the Fair Labor Standards Act), the provisions of this section with respect to involuntary retirement of individuals between the ages of 65 and 70 were effective upon the termination of the collective bargaining agreement or January 1, 1980, whichever occurred first.) (See also § 1625.9 (d) (e), and (f).)

(a) Though a seniority system may be qualified by such factors as merit, capacity, or ability, any bona fide seniority system must be based on length of service as the primary criterion for the equitable allocation of available employment opportunities and prerogatives among younger and older workers.

(b) Adoption of a purported seniority system which gives those with longer service lesser rights, and results in discharge or less favored treatment to those within the protection of the Act, may, depending upon the circumstances, be a "subterfuge to evade the purposes" of the Act.

(c) Unless the essential terms and conditions of an alleged seniority system have been communicated to the affected employees and can be shown to be applied uniformly to all of those affected, regardless of age, it will not be considered a bona fide seniority system within the meaning of the Act.

(d) It should be noted that seniority systems which segregate, classify, or otherwise discriminate against individuals on the basis of race, color, religion, sex, or national origin, are prohibited under Title VII of the Civil Rights Act of 1964, where that Act otherwise applies. The "bona fides" of such a system will be closely scrutinized to ensure that such a system is, in fact, bona fide under the ADEA.

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§ 1625.9 Prohibition of involuntary retirement.

(a)(1) As originally enacted in 1967, section 4(f)(2) of the Act provided: "It shall not be unlawful * * * to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual * * *." The Department of Labor interpreted the provision as "Authoriz[ing] involuntary retirement irrespective of age: *Provided*, That such retirement is pursuant to the terms of a retirement or pension plan meeting the requirements of section 4(f)(2)." *See* 29 CFR 860.110(a), 34 FR 9709 (June 21, 1969). The Department took the position that in order to meet the requirements of section 4(f)(2), the involuntary retirement provision had to be (i) contained in a bona fide pension or retirement plan, (ii) required by the terms of the plan and not optional, and (iii) essential to the plan's economic survival or to some other legitimate business purpose—i.e., the provision was not in the plan as the result of arbitrary discrimination on the basis of age.

(2) As revised by the 1978 amendments, section 4(f)(2) was amended by adding the following clause at the end: "and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual specified by section 12(a) of this Act because of the age of such individual * * *." The Conference Committee Report expressly states that this amendment is intended "to make absolutely clear one of the original purposes of this provision, namely, that the exception does not authorize an employer to require or permit involuntary retirement of an employee within the protected age group on account of age" (H.R. Rept. No. 95–950, p. 8).

(b)(1) The amendment applies to all new and existing seniority systems and employee benefit plans. Accordingly, any system or plan provision requiring or permitting involuntary retirement is unlawful, regardless of whether the provision antedates the 1967 Act or the 1978 amendments.

(2) Where lawsuits pending on the date of enactment (April 6, 1978) or filed thereafter challenge involuntary retirements which occurred either before or after that date, the amendment applies.

(c) The amendment protects all individuals covered by section 12(a) of the Act. Accordingly, before January 1, 1979 (the effective date of the amendment to section 12(a) which raised the upper age limit to 70), the amendment applied to individuals who were at least 40 years of age but less than 65 years of age. On and after that date it applies also to individuals who are at least 65 years of age but less than 70 years of age, unless otherwise exempt.

(d)(1) To allow time for the adjustment of collective bargaining agreements, the 1978 amendments provide that

> * * * in the case of employees covered by a collective bargaining agreement which is in effect on September 1, 1977, which was entered into by a labor organization (as defined by section 6(d)(4) of the Fair Labor Standards Act of 1938), and which would otherwise be prohibited by the amendment (to section 12 of the Act), the amendment (to section 4(f)(2) of the Act) shall take effect upon the termination of such agreement or on January 1, 1980, whichever occurs first * * *

(Pub. L. 95–256, section 2(b), 92 Stat. 189)

(2) This delay of up to one year in the effective date of the amendment to section 4(f)(2) applies only to the protection afforded against involuntary retirement and affects only individuals who have attained 65 years of age but not 70 years of age on and after January 1, 1979. Such individuals may not be involuntarily retired unless (i) the retirement age specified in the plan is 65 or above; (ii) the retirement is authorized by the express terms of a bona fide seniority system or a bona fide employee benefit plan which is not a subterfuge to evade the purposes of the Act; and (iii) those terms have been adopted no later than September 1, 1977 and are pursuant to a collective bargaining agreement in effect on September 1, 1977. "Bona fide" shall have the same meaning as in § 860.120(b), as amended, 44 FR 30658 (May 25, 1979).

(3) Where a collective bargaining agreement expired prior to September 1, 1977, and a new agreement was signed subsequent to that date effective retroactively to the expiration date of the previous agreement, the exemption does not apply. The expressed congressional intent was to exempt only those agreements which had been "negotiated" before September 1, 1977 (see S. Rept. No. 95–493, 95th Cong., 1st Sess. (1977), p. 11; H.R. Rept. No. 95–527, Part 1, 95th Cong., 1st Sess. (1977), pp. 8–9).

(e) The exemption of up to one year is inapplicable after the expiration of the collective bargaining agreement in effect on September 1, 1977, whether or not the agreement is extended or renewed. The exemption is in no event applicable after January 1, 1980.

(f) Neither section 4(f)(2) nor any other provision of the Act makes it unlawful for a plan to permit individuals to elect early retirement at a specified age at their own option. Nor is it unlawful for a plan to require early retirement for reasons other than age.

§ 1625.10 Reserved for costs and benefits under employee benefit plans.

For currently applicable interpretations, see 29 CFR 860.120.

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§ 1625.13 Apprenticeship programs.

Age limitations for entry into bona fide apprenticeship programs were not intended to be affected by the Act. Entry into most apprenticeship programs has traditionally been limited to youths under specified ages. This is in recognition of the fact that apprenticeship is an extension of the educational process to prepare young men and women for skilled employment. Accordingly, the prohibitions contained in the Act will not be applied to bona fide apprenticeship programs which meet the standards specified in §§ 521.2 and 521.3 of this chapter.

[FR Doc. 81–28222 Filed 9–28–81; 8:45 am]

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Tuesday
September 29, 1981

Part IV

Department of Health and Human Services

Food and Drug Administration

Over-the-Counter (OTC) Human Drugs Which Are Generally Recognized as Safe and Effective and Not Misbranded; Category III Procedures Revised; OTC Drug Review Policy Statement

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 330

[Docket No. 80N-0094]

Over-the-Counter (OTC) Human Drugs Which Are Generally Recognized as Safe and Effective and Not Misbranded; Revision of Procedures Relating to Category III

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising the procedural regulations for reviewing and classifying over-the-counter (OTC) drugs to delete the provision that authorizes the marketing of a Category III ingredient or other condition in an OTC drug product after a final monograph. (Category III drugs are those for which there are insufficient data to establish general recognition of safety and effectiveness.) This revision affects the time period during which new data may be submitted to FDA to support the inclusion in a final monograph of a condition not classified in Category I in a proposed monograph or tentative final monograph. The agency is taking this action to conform to the court order issued by the United States District Court for the District of Columbia.

EFFECTIVE DATE: November 30, 1981.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 13, 1980 (45 FR 31422), FDA proposed to revise the OTC procedural regulations (21 CFR 330.10) to delete the provision that authorizes the marketing of a Category III ingredient or other condition in an OTC drug product after a final monograph is established. This action was taken to conform to the holding and order of the United States District Court for the District of Columbia in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). This revision affects the time period during which new data may be submitted to FDA to support the inclusion in a final monograph of those ingredients or indications for use not classified in Category I in a proposed or tentative final monograph.

The agency also announced in the May 13, 1980, proposed rule, a general enforcement policy for initiating regulatory action against those marketed OTC drug products failing to meet monograph conditions.

FDA allowed interested persons 60 days to comment on the proposal. The agency received letters from 14 different sources, including manufacturers, trade associations, consumer organizations, an individual, and a university. The substantive comments received and the agency's conclusions about them are discussed below.

General

1. One comment objected to the proposed revised regulation because it would not significantly expedite the OTC drug review. The comment argued that under the current OTC drug regulations there is no justification for allowing so many opportunities for comment and requiring so many levels of review. The comment suggested amending the regulations to allow one 60-day comment period following publication of the proposed order, which would be followed by a final monograph. The comment argued that this approach would incorporate the opportunity for public comment which FDA typically allows during rulemaking proceedings and that it would expedite the OTC drug review by eliminating the need to prepare a third **Federal Register** document for each group of drugs, and by eliminating a round of comments which now FDA must review. The comment also suggested that, under this approach, FDA allow interested persons 60 days from the effective date of the revised Category III final order to comment on any panel reports or tentative final monographs which were published before adopting the revised rule. An additional opportunity for comment would be justified only when the agency disagrees with the panel and finds an ingredient or labeling claim not generally recognized as safe and effective.

The approach suggested by the comment has been proposed a number of times and has been discussed extensively by the agency. Although FDA agrees that the OTC review could have been structured to omit the tentative final monograph, as the comment recommends, that approach was rejected when the agency established the Review for two reasons. First, the agency recognized that the OTC drug review process vitally affects the interests of OTC drug manufacturers and the public and that procedural fairness is essential to guaranteeing substantive fairness. FDA's procedures for reviewing OTC drugs were cited by the Supreme Court in *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973) when the Court held that the agency had the authority to decide with administrative finality the new drug status of drug products. The procedures provided in the OTC drug review regulations, including this revision, are designed to assure that all interested persons have an opportunity to express their views at each stage of the process and to have their comments and objections reviewed by the agency before the publication of a final monograph. Second, the Panel reports, when published, have not been evaluated by FDA, but rather are the recommendations of an independent advisory committee composed of outside experts. Under the rules for the OTC review (21 CFR 330.10(a)(6)), the Commissioner of Food and Drugs may publish a proposed order containing the panel's recommendation for comment "before undertaking his own evaluation and decision on the matters involved." FDA has followed this procedure in almost all cases up to now in publishing panel reports. Thus, the proposed order containing the Panel report does not constitute FDA's proposed rule, but is an advance notice of proposed rulemaking; FDA's evaluation and position as an agency is stated for the first time in the tentative final monograph (TFM).

For FDA to implement the approach advocated by the comment, FDA would have to review and evaluate the Panel report in detail before publication and to decide whether to accept or reject every recommendation in turn. This process would consume considerable time.

Moreover, all but one of the Panels have completed their work and most of their reports have been published in the **Federal Register**. Since these reports were in most cases published without the agency's having evaluated the Panel's recommendations, it would be inappropriate for the agency simply to issue a final rule based on comments on the Panel's recommendations. The agency's proposal may differ from the Panel's recommendations as a result of the comments received and the agency's review. Even if no changes are made, the public should have notice of the agency's position on the matter and have an opportunity to respond to it before a final rule is adopted. The public receives that opportunity through the publication of the TFM. If this opportunity were not provided through publication of the TFM, an alternative opportunity would be needed to give the public notice of the agency's position before a final rule is adopted. It is FDA's view that any alternative opportunity, such as an agency review and proposed affirmation or rejection of published

Panel recommendations, would consume as much time as publishing the TFM. In sum, such an approach would be just as time consuming as that adopted in this regulation.

FDA disagrees with the comment that this new procedure will not result in significantly speeding up the Review. Under the original procedural regulations, the formal administrative process for an OTC drug product with a Category III condition extended beyond the final monograph because manufacturers were permitted to continue marketing of such a product pending development of data to support approval of the ingredient or indication for use as generally recognized as safe and effective and not misbranded. Under the revised procedure, the formal administrative process ends with the establishment of a final monograph. Thus, the agency believes that these revised procedures will expedite the OTC drug review process and still provide all interested persons with a fair opportunity for comment.

2. One comment urged that panels take a more reasonable approach to evaluating efficacy data so that ingredients long established as effective will not be relegated to Category III because they lack the kinds of studies that would be required by FDA for a new drug, without marketing experience, that was the subject of a new drug application (NDA) submitted for approval under the new drug approval process. The comment said that it is unreasonable for the panels to ignore the substantial evidence of effectiveness of ingredients derived from long-term use in the marketplace.

The agency advises that the effectiveness standards described in 21 CFR 330.10(a)(4)(ii) were adopted because they represent what medical scientists today consider to be adequate proof of effectiveness. Each panel will initially determine what level of proof is necessary, based on its expertise and experience, to demonstrate effectiveness for a particular drug. FDA will require adequate and well-controlled studies except where the agency waives this requirement as unnecessary or inappropriate. The agency advises that § 330.10(a)(4)(ii) does permit reports of significant human experience during marketing to be used as corroborative support for general recognition of effectiveness.

3. One comment suggested that the regulation be amended to permit submission of data that would allow finished OTC drug products and/or ingredients to be upgraded to Category I. According to the comment, action of this type at this point in the OTC drug review procedure would minimize the number of comments as each monograph is published. The comment argued that safety and efficacy questions should be resolved in terms of the finished OTC product, not in terms of individual ingredients which may be present in the OTC product in very low concentrations where they would not necessarily present a hazard to the user at the use concentrations. Further, the comment said that it is difficult for a manufacturer of a basic chemical that is put into Category II or III to determine the safety and efficacy of that individual chemical in a finished OTC drug product without knowledge of the product in question. The comment also objected to the OTC drug review practice of coding submissions without reference to product name or manufacturer, which in the comment's view makes it virtually impossible for a chemical manufacturer to either furnish data or to determine what data are necessary to change an ingredient from Category III to Category I.

At the beginning of the OTC drug review, the agency determined that the therapeutic category ingredient review approach was fairer and more efficient than a product-by-product approach. The agency's justification for this approach was discussed thoroughly in the proposal establishing the OTC drug review process (37 FR 85; January 5, 1972) and in response to comments in the final rule (37 FR 9464; May 11, 1972). The safety and effectiveness of an ingredient are each determined on the basis of that ingredient's intended use. Information submitted to panels for their consideration may include data on the safety and effectiveness of individual active ingredients as well as data on the safety and effectiveness of finished drug products. Published panel reports list all firms that submitted data to the panels and any marketed products to which the data relate. In addition, a panel's administrative file, which has an index of all submissions, including firms and marketed products, is placed on public display in the FDA Dockets Management Branch (formerly the Hearing Clerk's office) 30 days after a panel report is published. Thus, any interested person would have access to that information.

Testing of Category III Conditions

4. Two comments, in noting that the agency will no longer include recommended testing guidelines in tentative final and final monographs, expressed concern that testing guidelines developed by panels will be discarded. The comments urged that panels still in existence be encouraged, as in the past, to develop testing guidelines, and if guidelines presently exist (that is, are either developed by panels or by FDA), they should be published with a panel's report for others to use if they choose in devising test protocols.

One comment argued that there is no explanation in FDA's preamble as to why these guidelines will no longer be part of tentative final and final monographs. The comment stated that the agency's failure to "articulate reasons for departure" from its earlier practice constitutes improper administrative action. The comment cited the decision in *Rhodia, Inc.* v. *FDA*, 608 F.2d 1376 (D.C. Cir. 1979) in support of this argument. According to the comment, both equitable and legal considerations mandate including testing guidelines in OTC drug monographs. The comment further contended that if a panel's proposed testing guidelines are not retained, FDA should issue a notice, either in the preamble to the proposed monograph or in a separate **Federal Register** document, setting forth the reasons for such action, and providing industry with an opportunity to comment. The comment pointed out that the industry's single greatest expenditure of time with the panels has been in the development of appropriate testing guidelines, and that it is unfair for FDA to exclude from the monographs this important work. Further, the comment said, it was unfair and improper for FDA to begin to publish tentative final monographs without including testing guidelines for Category III conditions until FDA first publishes proposed regulations detailing its informal procedures for consulting with industry on testing guidelines and provides opportunity for public comment.

FDA advises that neither the Federal Food, Drug, and Cosmetic Act (the act) nor the OTC regulations promulgated thereunder require testing guidelines to be published as part of OTC panel reports or tentative final monographs. In the past, panels have recommended and may continue to recommend in their reports the type of further testing required to upgrade Category III ingredients or other conditions and the time period within which such testing might reasonably be concluded. If panels do recommend testing guidelines, these guidelines will continue to be published as part of the panel report.

Panels have and may continue to recommend guidelines for the testing of those drugs that do not already have adequate tests in order to be generally recognized as effective. Previously, under the agency's rules, that additional testing could be done after a final rule was issued finding the product to be Category III. As the court determined in *Cutler*, it is not legally permissible for the agency to authorize those products to remain on the market while additional testing is conducted when the products have been determined under a final rule not to be in compliance with the act.

The principal purpose of the OTC review is to determine which OTC drug products comply with the law and which do not. It is the responsibility of the manufacturer of a drug to have adequate tests that meet the statutory requirements before marketing the drug. Providing testing guidelines in the preamble to the TFM requires additional resources and time, and could lead to delay in the issuance of the TFM. The agency intends to focus its efforts in drafting the TFM on making an appropriate determination of whether products presently comply with the law, rather than on providing advice as an agency on the type of additional testing that needs to be done on noncomplying products to bring them into compliance.

Furthermore, FDA believes that there may be Category III conditions that industry is not interested in upgrading to Category I status. Therefore, it would be a waste of the agency's resources to review guidelines that will not be used. Testing guidelines have been included in panel reports and in the agency's preamble to the TFM only as suggestions for industry. The guidelines have never been a part of an OTC rule, nor were the guidelines binding on industry. FDA does recognize, however, the value of some kind of communication between industry and FDA Bureau of Drugs' scientists, to the extent agency resources permit, on the tests industry plans to do.

Accordingly, FDA is publishing elsewhere in this issue of the **Federal Register** a notice describing the manner in which the agency intends to communicate with industry in response to industry requests on testing guidelines, protocols, and test data. The preamble to the May 13, 1980, proposed rule stated the purpose and major feature of the agency policy in making these communications, and the notice provides further details. The notice also offers interested persons the opportunity to comment on the notice for 60 days. Comments received will be considered in any agency decision to amend or modify the policy. Any comments on the notice will be reviewed promptly, and any changes that are warranted will be made.

The agency emphasizes that FDA intends to meet with manufacturers at their request and as early in the OTC drug review process as possible to discuss protocols and other testing issues involving those conditions that industry is interested in upgrading. As before, FDA encourages manufacturers to work with one another to arrange for the necessary studies, and thus avoid unnecessary human testing.

5. One comment expressed concern that publication of tentative final monographs without testing guidelines would have the effect of delaying the start of any needed testing. Under FDA's new policy statement (published elsewhere in this issue of the **Federal Register**), prior to beginning testing the manufacturer may initiate informal communications with FDA to develop testing guidelines. The comment argues that this procedure may consume considerable time. Furthermore, the comment said FDA has drastically foreshortened the endpoint allowed for completion of testing by allowing only 1 year after publication of a tentative final monograph for the submission of new data. A manufacturer may not be told by FDA until the tentative final monograph issues that it must do further testing, and at that stage a manufacturer would be allowed only 1 year to submit results, even though the testing may reasonably require far more than 1 year to complete. The comment suggested the following alternatives to FDA's proposal:

a. In appropriate cases, instead of closing the record for submission of new data 1 year after publishing a tentative final monograph, FDA should leave the record open as needed for completion of certain specific studies that have been promised for completion, and delay issuing a final monograph during this period. The comment stated that there is no requirement in *Cutler* v. *Kennedy* that the agency publish a final monograph until all pertinent ongoing studies have been completed and considered by the agency.

b. A final monograph need not address all conditions encompassed by the affected class of drugs, but rather only those conditions for which FDA has reached final conclusions. Other conditions of use, for which further administrative consideration properly is pending, need not be addressed in a final monograph until their administrative consideration is completed. Such action would not violate *Cutler* v. *Kennedy* because rulemaking would be pending on those conditions for which further data were needed, and no final monograph would be issued ruling on such conditions (or establishing any inference with respect to their legality) until the agency reviewed the relevant data. The comment pointed out that FDA's proposal already sets a precedent for separately addressing distinct conditions of use in successive monographs by proceeding with separate orders for certain Category II conditions within a class of drug product, without waiting to rule on the other conditions of use.

As explained in the response to comment 4 above, testing guidelines will continue to be published as part of panel reports if panels have recommended such guidelines. Further, as stated above, the agency intends to meet with manufacturers at their request and as early in the OTC review process as possible to discuss protocols and other testing issues involving those conditions that industry is interested in upgrading. Thus, FDA does not agree that publishing tentative final monographs without testing guidelines, where such guidelines have been recommended by a panel, will delay any necessary testing.

The agency is committed to completing the OTC drug review expeditiously. The regulations under § 330.10 establish an orderly administrative process for accomplishing this review. Once FDA has established its final position on a category of OTC drug products by publishing a final monograph, any OTC drug product not in compliance with an applicable monograph or not covered by an approved new drug application is subject to regulatory action. FDA does not intend to delay the OTC drug review administrative process while manufacturers complete studies and submit the test data to the agency for review and evaluation. Thus, the alternative approaches proposed by the comment are not acceptable. The agency recognizes that industry believes strongly that there may be extraordinary circumstances which may warrant FDA's consideration of reopening of an administrative record. Under revised § 330.10(a)(7)(v), the agency may consider data submitted after the administrative record has closed and before the final monograph is published if the Commissioner finds good cause has been shown. The agency will consider requests for the reopening of an administrative record on a case-by-case basis.

Contents and Time of Closing of the Administrative Record

6. One comment argued that the proposed 12-month testing period is just as inconsistent with the act as the

Category III regulation which Judge Sirica held to be illegal. The comment stated that in both situations, the act requires that OTC drugs first sold after 1962 be generally recognized as safe and effective before they are placed on the market. The comment stated that the Supreme Court held in *Weinberger* v. *Hynson, Westcott and Dunning,* 412 U.S. 609 (1973) that the manufacturer of any drug marketed pursuant to the generally recognized as safe and effective exception (and this includes virtually all OTC drugs) must be able to show by "substantial evidence" that the drug is "safe and effective," and, in addition, that there is an "expert consensus" that the drug is safe and effective. 412 U.S. at 629–632. The comment further stated that the Court reaffirmed this standard recently in *United States* v. *Rutherford,* 441 U.S. 544, 549–550 n. 7 (1979). The comment argued that Judge Sirica found that the Category III regulation was illegal because it authorized the marketing of OTC drugs even though FDA had found that those drugs lacked evidence adequate to find them generally recognized as safe and effective. Because they were not generally recognized as safe and effective, as required by the act, FDA could not authorize their sale. This revised rule would specifically delay any administrative action, including the final monograph, pending a 1-year testing period which follows the agency's tentative conclusion (expressed in the tentative final monograph) that the drug is not generally recognized as safe and effective. In the face of that tentative conclusion, it cannot be said that there is an "expert consensus" that the drug is "safe and effective." Therefore, sale of the drug is illegal under *Hynson,* and FDA has no authority to adopt regulations that would delay final action on such drugs pending testing.

The comment is correct that the act requires that OTC drugs sold after 1962 be generally recognized as safe and effective. Indeed, the OTC Drug Review was set up to determine in as fair and efficient a manner as possible which OTC drugs can be so recognized.

The comment's reliance on *Cutler* in support of its position, however, is inapposite. Judge Sirica did not address the legal status of OTC products containing a Category III condition during the rulemaking process; the court addressed only the status after publication of a final order. Moreover, FDA does not "authorize" the marketing of OTC drugs during the pendency of the rulemaking. The final monograph for each therapeutic class will constitute the agency's position on the generally recognized as safe/generally recognized as effective (GRAS/GRAE) status of products containing ingredients within its scope. Until a final monograph has issued, however, the legal status of products containing ingredients within its scope is the same as it was before the Review began. They are either GRAS/GRAE or they are not.

The comment incorrectly assumes that the 12-month period following the tentative final monograph is for the sole purpose of giving manufacturers additional time for testing to upgrade a condition to Category I status. Rather, that period is the fixed time during which persons may submit data to the agency without petitioning to reopen the administrative record. These data may consist of additional data and information that FDA, either from informal meetings with manufacturers to discuss testing requirements or after a review of previously submitted data, has determined are necessary to upgrade a condition to Category I. In addition, manufacturers may submit new data from testing previously conducted. Finally, FDA rejects the argument that these revisions to the OTC procedural regulations will delay the final administrative decision on a particular class of ingredients. As stated in the preamble to the May 13, 1980, proposed rule, based on the agency's experience with comments filed to panel reports and with objections and requests for a hearing filed in response to the tentative final and final monographs published to date, the time necessary for the agency to conduct essential scientific and administrative review and evaluations that must be completed before a final rule is issued is at least 12 months. The agency expends a substantial amount of time on the administrative review and evaluation of the grounds for objections and responding to these objections, on reviewing and responding to requests for hearings, and on the preparation and conduct of any hearings that are warranted. The agency also reviews and evaluates new data as they are received. These scientific and administrative reviews and evaluations by the agency proceed on parallel, not sequential, tracks with the time permitted for the submission of new data. Therefore, permitting the administrative record to remain open for a fixed time period following a tentative final monograph will not, in the agency's judgment, delay the overall OTC drug review process.

7. One comment argued that the presumptions in the justifications for this new regulatory scheme, that "manufacturers must, in the future, submit, before the final monograph, the data necessary to resolve the issues that previously resulted in a Category III classification" and that "were the administrative record to remain closed, each particle of new information would have to be submitted with a petition to reopen the administrative record," are not required by law. They are based on FDA's own procedures, including the procedures proposed to be established by the proposed rule. The comment suggested that the agency could and should have proposed that the monograph become final shortly after the comment period on the tentative final monograph, providing only enough time for FDA evaluation of the comments. Any new data relating to safety and effectiveness could be treated separately. The comment further suggested that FDA could and should have proposed a procedure that permits "each new particle of information" submitted to establish safety and efficacy to be submitted for evaluation without a petition to reopen the formal record. This procedure should leave the decision with the manufacturer to determine when it believes enough such particles of information have been submitted that are not questioned by FDA to justify a petition to reopen and amend the administrative record. Use of this procedure would eliminate the unnecessarily burdensome administrative workload that the proposed rule assumes would otherwise result.

The agency's justification for the procedures provided in the OTC drug review regulations, including this revision, is addressed in the responses to comments 1 and 6 above. For the reasons set forth in those responses, FDA rejects the suggestion that FDA is providing more time than is necessary after a tentative final monograph for its evaluation of comments before publishing a final monograph.

Concerning the comment on reopening of the administrative record, FDA advises that it is standard procedural practice before all administrative bodies and courts that the record in any proceeding be closed at some specified time in order to prevent continuous submission of new data and information. Thereafter in the proceeding, arguments and decisions may be made solely on the basis of the data and information already contained in the record. Court appeal will be based solely on that record and the information it contains. The time specified for closing of the administrative record after a proposed monograph and after a tentative final

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monograph is consistent with standard procedural practice. Permission to submit additional data or information may be granted, at the discretion of the Commissioner, on the basis of a petition to reopen the administrative record to include such material.

8. Comments on proposed § 330.10(a)(7)(iii) urged the agency to provide for the granting of extensions beyond the 12-month period after a tentative final monograph for the submission of new data and information. The comment argued that in some instances 12 months may be insufficient for Category III testing, for example: (1) when it is necessary to develop methodology for testing which does not now exist, panels have generally recommended not less than 2 years and up to 4 or 5 years for Category III testing in these cases; (2) the time period necessary for the development of protocols for the testing of seasonal products such as cough and cold products and sunscreen agents may be lengthened considerably by their seasonality, because test protocols are frequently designed by running preliminary tests using different protocols and designing the final protocol from the knowledge obtained from running the earlier tests; (3) animal testing to resolve Category III safety issues may have to await the development of methodology and may involve long-term studies which take more than a year; and (4) testing time may be lengthened by difficulties in recruiting investigators or testing facilities. Another comment said it would be virtually impossible to complete, let alone prepare a written presentation of, studies during that 12-month interval.

One comment argued that a small company cannot afford the immense costs involved in developing experimental methodology and validating such methodology clinically. A time period of, for example, 5 years which was permitted for Category III testing in cough/cold products, would enable a small company to draw on the experience and expertise of larger companies in developing suitable protocols and methodology and permit the small company to focus its entire attention and limited resources in undertaking the necessary clinical studies while having the benefit of much needed time over which to spread those new investigative costs and make them more affordable.

A comment argued that a period of 24 months following a tentative final monograph is the minimum time that is reasonable for interested persons to evaluate the comments stating the basis for Category III classification, devise a test program and protocols, consult with FDA as to whether the proposed test program and protocols meet FDA criteria for well-controlled studies that will meet the standards to satisfy a Category I classification, implement and carry out studies, process and evaluate resulting data, and submit data in proper form to FDA. Further, the comment argued that no significant risk to the public health will result from the additional 12-month period because a Category III ingredient usually has been marketed and used for many years, with substantial documentation of safety and requires only substantiating probable efficacy, with well-controlled studies or data.

The agency advises that under the provisions of 21 CFR 10.30 and 330.10(a)(10) any interested person may petition to reopen the administrative record to include new data at any time during the OTC drug review administrative process. The provisions of § 330.10(a)(7)(v) have been revised to clarify that the Commissioner may consider new data after the ordinary time for submissions if good cause to do so has been shown, for example, when a TFM proposes to reclassify an ingredient as Category III even though the Panel considered it Category I. The Commissioner will allow reopening of the record only in extraordinary cases. Thus most records will remain closed. The petition must demonstrate good cause why the new data could not be obtained and submitted within the time specified by § 330.10(a)(7)(iii) of this final rule. The Commissioner may grant or deny the petition at the Commissioner's discretion.

The agency is not persuaded by the reasons given by the comments for revising the regulation to provide for general extensions of the 12-month period. Manufacturers have, in most cases, been aware of Category III classification since the publication of panel reports. Substantial numbers of tests aimed at upgrading Category III conditions to Category I have already been completed and the results submitted to FDA for review and evaluation prior to publication of the relevant tentative final or final monograph. Under the agency's policy described in the notice published elsewhere in this issue of the **Federal Register**, the FDA Bureau of Drugs will inform manufacturers of its tentative determination that additional data are needed or that the data submitted are adequate to establish Category I status so that further testing appears unnecessary. Further, the agency has consistently emphasized that each manufacturer of a product with a Category III condition need not undertake the necessary testing. The agency has always encouraged firms to cooperate, in an open and nonrestrictive manner, and to work with each other or with trade associations in arranging for the necessary studies.

Regarding the concern that methodology may not always exist, FDA advises that some classes of drug products in the OTC drug review are also classes of drug products that have been approved under the new drug approval process, for example, cough/cold products or other seasonal products. Methodology used for testing safety and effectiveness for the approval of new drugs can also be used for testing OTC drug products containing ingredients in the OTC drug review.

9. One comment asserted that the 12-month period for reopening the administrative record after the tentative final monograph may not afford sufficient time to gather and to submit new data and suggested that this could be resolved by making drafts of monographs available for inspection but not comment.

The agency advises that the "information copy" of each panel's draft report, containing all the Panel's recommendations on a particular therapeutic class is routinely made available in the Dockets Management Branch, prior to the panel's acceptance of its report at the final panel meeting. The agency concludes, however, that tenative final and final monographs should not be made publicly available until the agency has reviewed and evaluated all relevant material and published its decision in the **Federal Register**. Drafts of any document still being reviewed within the agency do not represent an agency decision, and therefore it would not be appropriate to make such a document publicly available.

10. One comment suggested that because the tenative final order provides the initial notice of FDA's views, as distinguished from the views of the advisory review panel, it would be appropriate to invite comments, not just objections, concerning all aspects of a tentative final monograph, including general discussions with respect to policy, etc. Furthermore, the comment suggested that FDA provide 90 days instead of 60 days for comment in response to a tentative final monograph, the same time period provided for comment in response to a "proposed monograph." An extension of the

comment period from 60 to 90 days would not delay FDA action because the agency already proposes to keep the record open for the submission of additional scientific data, and comments upon such data, for 14 months after publication of the tentative final monograph.

The agency has amended the regulation (§ 330.10(a)(7)(i)) to allow comments as well as objections and requests for hearings to be filed within the 60-day period following publication of a tentative final monograph. The agency notes that comments on the published panel report and proposed monograph are invited in order to provide an opportunity for full public comment before the agency reaches its tentative decision on the matters involved. The agency continues to encourage all interested persons to comment fully on the proposed monograph and not to delay offering suggestions until the agency's tentative final monograph has been published. The agency rejects the suggestion to provide for a 90-day comment period. FDA believes that, especially in view of the prior opportunities for discussion and comment on the issues before and after publication of the panel report and proposed monograph, the 60-day period now provided is adequate for both the filing of objections and comments to a tentative final monograph.

11. Two comments urged that because FDA acknowledges the importance of maintaining an open administrative record, the administrative records of the five published tentative final monographs be reopened upon publication of this final rule to allow 12 months for the submission of new data and information and 2 months for comments on that data. The comments contended that, without such a reopening of the record, manufacturers of products now subject to those tentative final monographs may have little or no time to meet with FDA to develop testing guidelines or review protocols between the effective date of this final rule and the closing of the 12-month or 2-month period applicable to a given tentative final order. Another comment urged that FDA allow no more than 2 additional months for comment on any tentative final monograph which has been published between FDA's notice of intent (44 FR 61608; October 26, 1979) and publication of this final rule.

The agency rejects the comment to reopen the administrative record for previously published tentative final monographs at this time. FDA believes that manufacturers have already had ample opportunity to conduct the necessary studies for those ingredients or other conditions which they are interested in upgrading and to submit the data to the agency for review. As discussed in the response to comment 8 above, manufacturers have, in most cases, been aware of Category II and III classifications since publication of the respective panel reports. Further, the administrative records for Topical Antimicrobial, Antiemetic, Nighttime Sleep-Aid, and Stimulant OTC drug products were reopened for a 5-month period for the submission of new data and 2 additional months for the submission of comments (see 44 FR 61609; October 26, 1979). The agency also subsequently accepted into the administrative records all data on ingredients covered by the published TFM's that had been previously submitted outside of the periods when the administrative records were open (see 45 FR 18398–99; March 21, 1980). Substantial amounts of data have been submitted for these categories of drugs. Only extraordinary circumstances would warrant reopening of the administrative record for any category of drugs, and FDA will make that determination on a case-by-case basis. The tentative order on OTC emetic drug products published in the **Federal Register** of September 5, 1978 (43 FR 39544) contained no Category II or III ingredients or other conditions. Therefore, FDA sees no need to reopen the administrative record for this category of drugs.

12. One comment said that, based on the language used by the agency to justify holding the administrative record open for 14 months following a tentative final monograph, it was clear that the time period was intended to permit companies to submit new evidence of safety and effectiveness to justify continued marketing of a drug, not to simplify the administrative processes of finalizing the monograph. The comment said that the time period merely reduces the 2 to 5 years manufacturers previously had to conduct testing and submit safety and effectiveness data to FDA to 14 months. The comment argued that FDA's action clearly is not in accord with the court's order in *Cutler* because the court's decision was not based on the reasonableness of the time period allowed for establishment of safety and efficacy by new evidence, but was based on the lack of statutory authority allowing the Commissioner to permit continued marketing of a drug that has not been established as safe and effective. Thus, according to the comments, merely reducing the time period during which marketing is allowed fails to bring the regulatory scheme into compliance with the court's order and the statutory requirement, despite any assertions of administrative convenience made by FDA.

As discussed in the response to comment 6 above, and in the preamble to the proposed rule, the agency must complete certain scientific and administrative reviews and evaluations before issuing a final rule. The agency believes that permitting manufacturers to take advantage of this same time period for the submission of new data without petitioning to reopen the administrative record will simplify the agency's administrative tasks, will not delay the overall OTC drug review process, and is consistent with the court's order in *Cutler*.

13. One comment stated that to permit FDA to reclassify a claim or ingredient from Category I to Category III without affording a grace period of at least 3 years for the collection of data to upgrade the status would impose a distinctly unfair burden on industry. Therefore, the comment suggested that at least 3 years should be provided for the collection of efficacy data to upgrade an ingredient or claim to Category I in those instances where: (1) the Panel recommended classification as Category I, but the agency disagrees and so states in publishing a panel's recommendations; (2) the Panel recommended Category I status, but the agency disagrees and assigns a Category III designation in the tentative final monograph; and (3) the tentative final monograph designates Category I, but FDA intends to assign Category III status in the final monograph.

FDA believes that the situations posited by the comment will rarely occur. Further, if the agency does disagree with the Panel's classification of an ingredient in Category I, and announces that disagreement at the time the Panel Report is published, the manufacturer will have as much notice as it would had the Panel classified the ingredient in Category III. Thus, there should be adequate time for any necessary studies to be completed before the time that the administrative record closes.

FDA recognizes that an agency reclassification of a Category I ingredient to Category III in the tentative final monograph would present a specialized problem in that industry would have only 12 months to complete testing and submit the data to the agency. In such cases, the FDA Bureau of Drugs would ordinarily notify industry through the system of informal communications explained in the notice that is discussed under comment 4 above and that is published elsewhere in this issue of the **Federal Register** as soon as it has reached a tentative decision to request the Commissioner to reclassify the ingredient in question into Category III in the tentative final monograph, so that testing could be initiated as soon as possible.

The proposed OTC procedural regulation stipulated that data submitted after the closing of the administrative record following publication of the tentative final monograph would be considered only after publication of a final order as a petition to amend the monograph (45 FR 31422, 31425). Section 330.10(a)(7)(v) (21 CFR 330.10(a)(7)(v)) has been amended to permit exceptions if good cause is shown, such as when there has been an agency reclassification of an ingredient from Category I to Category III in the TFM. Ordinarily, data submitted after the closing of the administrative record will not be reviewed until after publication of the final monograph. The revised regulation permits interested persons to petition the agency to reopen the administrative record before publication of a final monograph if they believe that there are exceptional grounds for the Commissioner to exercise the Commissioner's discretion to reopen the record.

Should FDA decide, based on comments to the TFM or new data and information, that a Category I ingredient should be reclassified to nonmonograph status in the final monograph, such an ingredient will be subject to regulatory action as specified in that document. It is the agency's view that such reclassification will occur only on the basis of unusually clear evidence that an ingredient cannot be generally recognized as safe and effective. Therefore, it would not be appropriate in that situation to defer regulatory action pending submission of new data.

14. One comment urged that the agency approve promptly all studies previously submitted while the administrative record was considered open, which justify the upgrading of ingredients and claims from Category III to Category I. The comment argued that any further delay in approving these studies will cause sponsors who are uncertain of the future status of the products involved to make unnecessary expenditures of time, effort, and money.

The agency advises that the policy statement, published elsewhere in this issue of the **Federal Register**, provides a mechanism through which manufacturers may contact the agency to determine the status of data previously submitted before initiating further studies. FDA believes that the opportunity for communications described in the notice will aid in reducing unnecessary expenditures of time, money, and effort by manufacturers.

15. Two comments referred to the **Federal Register** notices of March 21, 1980 (45 FR 18398). In those notices, FDA accepted into the administrative record data submitted as comments on proposed and tentative final monographs after the closing of the administrative record. FDA announced that it was treating the comments as petitions to reopen the various administrative records and was granting those petitions. The comment interpreted this revised Category III regulation to state that such data, having been accepted into the administrative record by virtue of the March 21 notices, will be reflected in tentative final and final monographs in the same way as data submitted during the original comment period. The comment asked whether this interpretation is correct.

The comment has interpreted the regulation correctly.

Category II Conditions

16. Two comments on proposed § 330.10(a)(7)(ii) noted that any given ingredient in the OTC drug review may have more than one indication for use, may be reviewed by more than one panel, and may be categorized differently by the panels. The comments said that if FDA chooses to expedite regulatory action against an ingredient by publishing a separate tentative order for that ingredient, FDA should confine such action to the ingredient when it is used for the particular disfavored indication.

The agency advises that any tentative order that FDA publishes for an ingredient classified by a panel in Category II and for which no substantive comments in opposition to the panel report or no new data are submitted will be confined to the use of that ingredient for specific indications within a specific category of drugs.

17. One comment focused on FDA's proposal to issue separate "early" tentative final and final orders on ingredients recommended by a panel as Category II, for which the agency does not receive substantive comments in opposition to the panel report or new data and information. The comment contended that FDA should act similarly for ingredients recommended by a panel as Category I for which no comments are received disputing that status.

The agency advises that the reason for expediting completion of the OTC drug panel review for ingredients recommended by a panel as Category II and for which the agency does not receive substantive comments in opposition to the panel report or new data and information is to remove from the market as quickly as possible drug products containing ingredients not generally recognized as safe and effective. Substantive comments are those that warrant response by the agency through a TFM, with an opportunity for objections, and the term does not include comments that are merely conclusory or rely on legally irrelevant or inconsequential grounds for support. This action clearly serves the public interest. OTC drug products containing ingredients recommended as Category I by a panel for which no comments are received disputing that status will retain that status at the final monograph stage unless new information is developed indicating that the ingredient ought not to be included in the monograph. Therefore, the ingredient will remain on the market. Agency resources can be more efficiently used in expediting those parts of the OTC drug review that are necessary for the protection of the public health.

The Commissioner may, of course, continue to act, without observing all of the procedures governing the full OTC review, when the Commissioner finds it necessary to do so. Thus, the Commissioner may issue a rule through notice-and-comment procedures, without following the usual OTC review procedure, or take other regulatory action, when the Commissioner finds it necessary to protect the public from a significant safety risk posed by an OTC product. On a number of occasions the agency has used only notice-and-comment procedures in issuing rules to deal with problems needing prompt action posed by an OTC product, e.g., 21 CFR 310.508 (halogenated salicylanilides), 21 CFR 310.525 (sweet spirits of nitre).

OTC Drug Review Classification Terminology

18. One comment agreed with the proposed revisions and stated that the terms "monograph conditions" or "nonmonograph conditions" will be fair and equitable once the rule has been enforced for some period of time. The comment expressed concern, however, that during the early stages following implementation of this new policy, inequities may develop because it is likely that all previous Category II and Category III products will be treated as "nonmonograph conditions." Thus the old distinctions between Category II and

III will no longer be operative, and Category III products will be tainted in the eyes of the consumer by their association with Category II products. The comment suggested that during the next several years, until the revised policy has had time to become operative, FDA should establish a special category for products currently in Category III, on which testing is being done, so that these products will not be treated as "nonmonograph conditions."

The agency has carefully considered the comment and concluded that no revision of the regulation as proposed is necessary. The agency believes that it is appropriate to describe as "nonmonograph conditions" all those conditions that have not been found to be generally recognized as safe and effective and thus not included in the monograph. All "nonmonograph conditions" are subject to regulatory action; however, FDA's enforcement policy recognizes that different nonmonograph conditions pose varying public health problems. Accordingly, FDA's enforcement policy gives higher priority to those conditions, ingredients, or claims that pose the greatest risk to the consumer.

19. One comment suggested retaining the terms "Category I" and "Category II" after publication of the final monograph. Because of its usage over the past 8 years, the OTC drug industry understands that Category II products are illegal. Further, because Judge Sirica held the sale of Category III products to be illegal, all products that are not generally recognized as safe and effective should be treated equally and should be classified in Category II. The comment argued that substituting the terms "monograph" and "nonmonograph" conditions could have the effect of suggesting that "nonmonograph" conditions are not necessarily illegal. Another comment objected, without stating a reason, to the agency's proposed terms "monograph conditions," and "nonmonograph conditions."

The agency does not agree that the term "nonmonograph condition" in any way suggests that such conditions may not be illegal. Only OTC drug products meeting the conditions of a monograph or having an approved new drug application may be legally marketed. Therefore, any OTC drug product containing a condition not included in a monograph will be subject to regulatory action unless the drug product has an approved new drug application. The agency considers the term "nonmonograph condition" to be appropriate and not to be misleading.

Regulatory Policy

20. One comment said that the enforcement priorities proposed for drugs that fail to meet the monograph conditions are not rationally justified. Another comment objected both to the order of the enforcement priorities and to their disclosure, but would not object to FDA's stating that it will place special emphasis on products which present health hazards or on the most frequently prescribed products. The comment also argued that FDA should proceed vigorously against any manufacturer who markets an ineffective drug product, regardless of whether the drug product was formerly in Category II or Category III, and regardless of whether a petition to amend the monograph or new drug application is pending. Both comments argued that the effect of publishing an enforcement priority list will be to encourage manufacturers of a product with a lower enforcement priority to continue to market that product on the assumption that the agency will not have the resources to proceed against them. One comment said that assigning first priority to "products that present a potential health hazard" and then also listing those categories of conditions having lower priorities imply that products in these latter categories do not present "a potential health hazard." The comment argued that this is inaccurate because any product not established as safe and effective presents a potential health hazard. When the degree of that hazard is determined to be substantial, according to the comment, FDA ought to assign it first priority. The comment recommended that this provision of the proposed rule be deleted or replaced with a priority listing that is fully justified and that leaves enough flexibility to avoid signaling areas of nonenforcement.

The enforcement priorities are not of the OTC procedural regulations. They were included in the preamble to the May 16, 1980, proposed rule only to advise the public that FDA has developed a broad policy of taking regulatory action first against those products that most affect the public health, commensurate with agency resources and basic principles of equity. FDA agrees with the comment that any product that presents a potential health hazard, whether caused by safety or effectiveness problems, should have the highest priority. That is the system proposed by FDA, and explained in the preamble to the proposed rule.

21. One comment believed it unwise to set enforcement priorities when so few final monographs have been published, because it is likely that important considerations may have been overlooked. For example, the comment said that, after safety, the next most determinative factor should be the extent of exposure of the public to the drug product in question, and that FDA should place special emphasis on the most frequently used drugs. Yet this factor does not appear in the enforcement priorities, and there may be other factors which will come to light only when a substantial number of final monographs have been published.

FDA emphasizes that this policy is not necessarily a final and comprehensive statement of FDA's enforcement posture with respect to all aspects of OTC drug compliance. The policy is subject to change, depending on various factors existing in the marketplace. FDA agrees with the comment that the extent of public exposure to a drug ought to be a factor in assigning enforcement priorities to OTC drug products. The enforcement priorities will be modified accordingly. As discussed in the proposal, FDA may further modify or amplify the enforcement policy at any time, or take regulatory action outside the priorities listed should such action be deemed necessary.

22. One comment on FDA's enforcement policy questioned the accuracy and legality of FDA's statement that after a final monograph is issued, only OTC drug products meeting the conditions of the monograph or having an approved new drug application may be legally marketed. The comment argued that if data submitted to the agency after closing of the administrative record following publication of a tentative final monograph show that a particular drug is in fact generally recognized as safe and effective and not misbranded, it would be preposterous for FDA to argue that the drug was technically illegal simply because it had not been approved in FDA's final monograph. The comment further argued that if new data became available after FDA closes the record in an OTC drug review rulemaking proceeding, FDA's monograph, issued without consideration of the new data, would not be controlling with respect to the significance of the new data. Instead, in any attempted FDA enforcement action, there would be *de novo* judicial review of the significance of the new data. The comment cited *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402, 415 (1971) saying "* * * there may be independent judicial fact finding when issues that were not before the agency

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are raised in a proceeding to enforce nonadjudicatory agency action."

While the comment is correct that issues not before the agency in an administrative proceeding may be litigated in court, such *de novo* judicial review is time consuming and wasteful. Avoiding such litigation was one of the reasons for establishing the OTC Drug Review as a rulemaking proceeding. The OTC drug review process establishes an orderly administrative procedure for determining those conditions that are generally recognized as safe and effective. Once a final monograph is effective, any OTC drug product not in compliance with the monograph or not covered by an approved new drug application is subject to regulatory action. Industry is urged to conduct the necessary testing and to submit data promptly to FDA within the time periods provided by the OTC drug review procedural regulations in order to upgrade an ingredient to monograph status at the final monograph stage, thus obviating the possibility of such litigation.

23. One comment argued that enforcement priority 6 (products that contain an ingredient or claim excluded from the monograph because of insufficient information and for which a full and complete petition to amend the monograph is pending before the agency) and priority 7 (products that contain a nonmonograph ingredient or claim for which there is a pending new drug application (NDA) before the agency) will, if retained, encourage manufacturers to file frivolous petitions and NDA's in order to avoid enforcement by FDA.

The agency disagrees with the comment. Petitions and NDA's pending before the agency will be given a preliminary review by FDA upon receipt to ensure that they are full and complete. The agency expects to use its available resources to the extent possible to ensure that products containing nonmonograph ingredients or indications are removed from the market.

In accordance with Executive Order 12291, FDA has determined that neither this final rule nor the related notice of policy statement published elsewhere in this issue of the **Federal Register** constitutes a major rule. This determination is set forth in the Threshold Assessment under Executive Order 12291 for the final rule revising OTC procedural regulations relating to Category III and for the accompanying policy statement. A copy of this document is on file with the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

PART 330—OVER-THE-COUNTER (OTC) HUMAN DRUGS WHICH ARE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701(a), 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055 (21 U.S.C. 321, 352, 355, 371(a))) and 21 CFR 5.11 and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), (formerly 5.1; see 46 FR 26052; May 11, 1981). Part 330 is amended in § 330.10 by revising paragraph (a) (7), (9), (10), and (12) and by deleting paragraph (a)(13) as follows:

§ 330.10 Procedures for classifying OTC drugs as generally recognized as safe and effective and not misbranded, and for establishing monographs.

* * * * *

(a) * * *

(7) *Tentative final monograph.* (i) After reviewing all comments, reply comments, and any new data and information, the Commissioner shall publish in the **Federal Register** a tentative order containing a monograph establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded. Within 60 days, any interested person may file with the Dockets Management Branch, Food and Drug Administration, written comments or written objections specifying with particularity the omissions or additions requested. These objections are to be supported by a brief statement of the grounds therefor. A request for an oral hearing may accompany such objections.

(ii) The Commissioner may publish in the **Federal Register** a separate tentative order containing a statement of those active ingredients reviewed and proposed to be excluded from the monograph on the basis of the Commissioner's determination that they would result in a drug product not being generally recognized as safe and effective or would result in misbranding, and for which no substantive comments in opposition to the panel report or new data and information were received by the Food and Drug Administration pursuant to paragraph (a)(6)(iv) of this section. Within 60 days, any interested person may file with the Dockets Management Branch, Food and Drug Administration, written objections specifying with particularity the provision of the tentative order to which objection is made. These objections are to be supported by a brief statement of the grounds therefor. A request for an oral hearing may accompany such objections.

(iii) Within 12 months after publishing a tentative order pursuant to paragraph (a)(7)(i) of this section, any interested person may file with the Dockets Management Branch, Food and Drug Administration, new data and information to support a condition excluded from the monograph in the tentative order.

(iv) Within 60 days after the final day for submission of new data and information, comments on the new data and information may be filed with the Dockets Management Branch, Food and Drug Administration.

(v) New data and information submitted after the time specified in this paragraph but prior to the establishment of a final monograph will be considered as a petition to amend the monograph and will be considered by the Commissioner only after a final monograph has been published in the **Federal Register** unless the Commisisoner finds that good cause has been shown that warrants earlier consideration.

* * * * *

(9) *Final monograph.* After reviewing the objections, the entire administrative record including all new data and information and comments, and considering the arguments made at any oral hearing, the Commissioner shall publish in the **Federal Register** a final order containing a monograph establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded. The monograph shall become effective as specified in the order.

(10) *Administrative record.* (i) All data and information to be considered in any proceeding pursuant to this section shall be submitted in response to the request for data and views pursuant to paragraph (a)(2) of this section or accepted by the panel during its deliberations pursuant to paragraph (a)(3) of this section or submitted to the Dockets Management Branch as part of the comments during the 90-day period and 30-day rebuttal comment period permitted pursuant to paragraph (a)(6) of this section or submitted to the Dockets Management Branch during the 12-month period or as part of the comments during the 60-day period permitted pursuant to paragraph (a)(7) of this section.

(ii) The Commissioner shall make all decisions and issue all orders pursuant to this section solely on the basis of the administrative record, and shall not consider data or information not included as part of the administrative record.

(iii) The administrative record shall consist solely of the following material: All notices and orders published in the **Federal Register**, all data and views submitted in response to the request published pursuant to paragrah (a)(2) of this section or accepted by the panel during its deliberations pursuant to paragraph (a)(3) of this section, all minutes of panel meetings, the panel report(s), all comments and rebuttal comments submitted on the proposed monograph and all new data and information submitted pursuant to paragraph (a)(6) of this section, all objections submitted on the tentative final monograph and all new data and information and comments submitted pursuant to paragraph (a)(7) of this section, the complete record of any oral public hearing conducted pursuant to paragraph (a)(8) of this section, all other comments requested at any time by the Commissioner, all data and information for which the Commissioner has reopened the administrative record, and all other material that the Commissioner includes in the administrative record as part of the basis for the Commissioner's decision.

* * * * *

(12) *Amendment of monographs.* (i) The Commissioner may propose on the Commissioner's own initiative to amend or repeal any monograph established pursuant to this section. Any interested person may petition the Commissioner for such proposal pursuant to § 10.30 of this chapter. The Commissioner may deny the petition if the Commissioner finds a lack of safety or effectiveness employing the standards in paragraph (a)(4) of this section (in which case the appeal provisions of paragraph (a)(11) of this section shall apply), or the Commissioner may publish a proposed amendment or repeal in the **Federal Register** if the Commissioner finds general recognition of safety and effectiveness employing the standards in paragraph (a)(4) of this section. Any interested person may, within 60 days after publication of the proposed order in the **Federal Register**, file with the Dockets Management Branch, Food and Drug Administration, written comments in quadruplicate. Comments may be accompanied by a memorandum or brief in support thereof. All comments may be reviewed in the Dockets Management Branch between the hours of 9 a.m. and 4 p.m., Monday through Friday. After reviewing the comments, the Commissioner shall publish a final order amending the monograph established under the provisions of paragraph (a)(9) of this section or withdraw the proposal if comments opposing the amendment are persuasive. A new drug application may be submitted in lieu of, or in addition to, a petition under this paragraph.

(ii) A new drug application may be submitted in lieu of a petition to amend the OTC drug monograh only if the drug product with the condition that is the subject of the new drug application has not been marketed on an interim basis (such as under the provisions of paragraph (a)(6)(iii) of this section), all clinical testing has been conducted pursuant to a new drug application plan, and no marketing of the product with the condition for which approval is sought is undertaken prior to approval of the new drug application. The Food and Drug Administration shall handle a new drug application as a petition for amendment of a monograph, and shall review it on that basis, if the provisions of this paragraph preclude approval of a new drug application but permit the granting of such a petition.

* * * * *

Effective date. This regulation shall be effective November 30, 1981.

(Secs. 201, 502, 505, 701(a), 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055 (21 U.S.C. 321, 352, 355, 371(a)))

Dated: July 7, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: September 8, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 81–28188 Filed 9–28–81; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 80N-0295]

Over-the-Counter (OTC) Drug Review Policy Statement

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces the policy the agency intends to use concerning: (1) the submission and review of proposed protocols to evaluate an ingredient or condition in the over-the-counter (OTC) drug review, (2) meetings with industry or other interested persons, (3) communications by the agency on submissions of test data and other information, and (4) maintenance of a public record involving these activities.

DATE: Comments by November 30, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule revising the procedural regulations in 21 CFR 330.10 for revising and classifying OTC drugs to delete the provision that authorizes the marketing of a Category III ingredient or other condition in an OTC drug product after a final monograph is established. This action is being taken to conform to the holding and order of the United States District Court for the District of Columbia in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979). this revision in the regulations will affect the time period during which new data may be submitted to FDA to support the inclusion in a final monograph of a condition not classified in Category I in a proposed or tentative final monograph.

When FDA issued the OTC drug review regulations in 1972, it concluded that Category III testing should not be required until after publication of the applicable final monograph. Because of the court decision in *Cutler* v. *Kennedy*, *supra*, any testing necessary to resolve the issues that resulted in a condition not being classified in Category I, and submission of the test data or other available data to FDA to support inclusion of the condition in a final monograph, must be done during the OTC drug rulemaking process, before the establishment of a final monograph.

Under the current OTC drug review procedures, new data may be submitted as part of the comments to a panel report and proposed monograph. After the administrative record has closed, new data or information not previously submitted for inclusion in the administrative record may be submitted for inclusion only with a petition to the Commissioner requesting that the administrative record be reopened to include such material. In the past, such data and information received prior to the publication of a tentative final or final order have been addressed in he appropriate order.

Under the new procedures described in the final rule published elsewhere in this issue of the **Federal Register**, the agency's decision contained in a tentative final monograph will be based solely on the administrative record developed through the 90-day comment and 30-day rebuttal comment period following the proposed monograph. New data and information may be submitted after the 90-day comment period, but will be considered only after the administrative record is reopened following publication of a tentative final monograph. After publishing the tentative final monograph, FDA will reopen the administrative record for 12 months to permit interested persons to submit new data and information in support of the safety and effectiveness of any condition reviewed by a panel and not classified by the agency in Category I. Following a 2-month rebuttal comment period, the administrative record will be closed, and the agency's decision on the conditions to be included in a final monograph will be based solely on the administrative record developed throughout the entire OTC rulemaking period. Any data received by FDA after closing of the administrative record following the tentative final monograph will ordinarily be handled after publication of the final monograph as a petition to amend the monograph, unless the Commissioner finds that good cause has been shown that warrants earlier consideration.

While manufacturers have not been required under current regulations to conduct Category III testing until after completion of the OTC drug administrative procedures, i.e., publication of the final monograph, some firms have conducted such testing during the course of the review and have submitted the data as comments to a published panel report and proposed monograph or as a petition after the comment/reply comment period for the proposed monograph had closed. In the past, such testing did not have to be conducted until a final monograph had been published, and FDA did not comment on the results of this testing until a tentative final monograph was published. Likewise, data were sometimes submitted after a tentative final monograph was published, and FDA did not comment on these data until a final monograph was published. Although, in some instances, FDA may have completed its review of data at an early date, the agency's evaluation of that data would not be made public until the agency had completed its review of all data in the administrative record and had published its conclusions in either a tentative final or final monograph.

Under the revised OTC procedural regulations, all Category III testing must be completed prior to publication of a final monograph, if a manufacturer is interested in upgrading a condition to Category I status before the establishment of a final monograph. Because of the importance of early testing under the new procedures, manufacturers wish to be informed of the status of data previsouly submitted before initiating further studies. Providing this information to interested persons as the agency's reviews of these data are completed should result in earlier testing, where necessary, and the submission of the results earlier to FDA. To the extent possible, the agency plans to inform manufacturers of any tentative determination it has reached that additional data are needed or that the data sumitted are adequate to establish Category I status so that further testing appears unnecessary. Announcing these decisions early in the process will also benefit consumers because additional testing will be encouraged when it is needed, and consumers will know at an earlier date what ingredients have been tentatively recommended for upgrading to Category I status.

FDA staff will also meet with manufacturers, as necessary and as agency resources permit, to discuss testing protocols. FDA hopes to provide this information at an early enough date so that manufacturers can complete any additional necessary studies and can submit the data in the most expeditious fashion possible. Manufacturers should be aware though that their obligation to submit the data necessary to support the movement of a Category III condition to Cateogry I is independent of any information provided by the agency.

Similarly, the agency will not delay the OTC drug review in order to provide this "feedback," but will proceed to the next appropriate publication as soon as it is possible to do so under the procedures detailed in the revised OTC drug procedural regulations published elsewhere in this issue of the **Federal Register.**

FDA will meet with industry representatives at their request to provide information on data already submitted to FDA, to consult on testing guidelines for those conditions which industry is interested in upgrading, and to advise industry on the adequacy of their proposed testing protocols. Any communications between the agency and industry on these matters may continue outside the formal comment periods and will be part of the public record.

Further details are described below.

Protocols and Test Data

All proposed testing protocols and test data will be part of the public record and should be submitted in four copies to the Dockets Management Branch, FDA (address above), in accordance with the OTC drug review administrative procedures in § 330.10. All submissions should make reference to the appropriate docket number. Copies of any acceptable protocols or testing guidelines will also be placed in the Dockets Management Branch under the appropriate docket numbers. Any information that the agency provides sponsors on these test data and protocols will also be publicly available and will be placed in the Dockets Management Branch.

Meetings

Any person wishing to meet with agency representatives to discuss a proposed protocol or data previously submitted to the agency may request such a meeting by contacting the Division of OTC Drug Evaluation (HFD-510) (address and phone number provided above), which is responsible for coordinating all meetings. All such meetings will be open to the public.

Whenever an agency employee meets with a firm, an individual, or group of persons and discusses testing protocols, or data previously submitted to the agency, the FDA employee will make a memorandum of that meeting and the memorandum will be placed in the Dockets Management Branch under the appropriate docket number.

Communications on Submitted Data

Communications to manufacturers concerning submitted data will be of two types. First, as the Bureau of Drugs (Bureau) reviews the data, staff members may find it necessary to request clarification of certain points or to request additional data from the sponsor. The agency employee may request the information by letter or by telephone. A copy of the letter to the manufacturer that submitted the data or a copy of a memorandum of telephone conversation will be placed in the Dockets Management Branch under the appropriate docket number. All data submitted in response to FDA's request for additional information must be submitted to the Dockets Management Branch.

Second, when the Bureau completes its review, it will make a tentative determination that the data submitted are or are not adequate to support a Category I status for the condition. Whenever possible, the Bureau plans to notify the sponsor that the data are inadequate or that it has made a tentative interim decision to recommend to the Commissioner that the condition be upgraded in the next publication of the monograph (tentative final or final monograph) so that further expenses of testing can be eliminated. A copy of the letter informing the manufacturer of the tentative interim decision will also be placed in the Dockets Management Branch so that all other interested manufacturers and consumers will be informed. The agency points out that the Bureau's decision to recommend upgrading of the condition to Category I is only tentative and could change at the time the tentative final or final monograph is published if new information becomes available or if the Commissioner does not accept the Bureau's recommendation. Manufacturers acting in reliance upon this tentative interim decision must act at their own risk.

Public Record

The Bureau of Drug's Division of OTC Drug Evaluation intends to make available in the Dockets Management Branch under Docket Number 80N-0295 a record of information provided to manufacturers so that the interested persons can be aware of all communications that the Bureau has made concerning any Category II or III conditions. Each month the Division of OTC Drug Evaluation will update the list which will itemize each letter, meeting, and protocol, providing the date of the item, the persons involved, and the docket number under which the detailed information may be found. Interested persons are advised to check the Dockets Management Branch routinely to keep informed.

It is important to note the impact of this policy regarding FDA review of data and information and consultation on protocols or testing guidelines. Under this policy a substantial number of communications between FDA and interested persons on the subject of Category III testing will occur and will become a part of the public record. These communications will not be included in the administrative record for the related OTC monograph unless the communication directly influences an agency decision on a particular matter in the monograph or provides the substantiation for the agency's decision on that matter. For example, a protocol or test guideline would not normally become part of the administrative record, but the results of the study, which may also be the subject of one of these communications, would be included in the administrative record because it would be one of the bases for the Commissioner's final decision on the ingredient.

Notice and comment is not necessary before issuing this policy statement. (See 5 U.S.C. 553(b)(B).) Furthermore, the purpose and major aspects of this policy statement were described in the preamble to the May 13, 1980, proposed rule (45 FR 31422) on the agency's Category III regulations for which a final rule is published elsewhere in this issue of the **Federal Register.** It would also be contrary to the public interest to delay implementing the policy described in this policy statement.

Interested persons may, on or before November 30, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this policy statement. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Such comments will be considered in determining whether amendments or revisions to the policy statement are warranted. Received comments will be incorporated into the public file on the statement and may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 7, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: September 8, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 81-28106 Filed 9-28-81; 8:45 am]

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Tuesday
September 29, 1981

Part V

Architectural and Transportation Barriers Compliance Board

Minimum Guidelines and Requirements for Accessible Design; Proposed Regulations; Extension of Comment Period

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ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

[ATBCB Docket No. 81-G-1]

Minimum Guidelines and Requirements for Accessible Design; Extension of Comment Period

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Extension of comment period on proposed rule.

SUMMARY: On August 4, 1981, the Architectural and Transportation Barriers Compliance Board (ATBCB or the Board) published in the Federal Register a notice of proposed rescission of the Board's minimum guidelines and requirements for standards for accessibility and usability of federal and federally-funded buildings adopted on January 6, 1981. Several individuals and organizations have requested additional time for the submission of comments. In order to provide additional time for comment, the period for comment is extended to November 6, 1981.

DATE: Comments must be postmarked on or before November 6, 1981.

ADDRESSES: Send comments to: Charles D. Goldman, General Counsel, Rulemaking Docket 81-G-1, Architectural and Transportation Barriers Compliance Board, Room 1010, 330 C Street, SW., Washington, D.C. 20202-2101. Comments received will be available for public inspection in Room 1014 from 9 a.m. to 5:30 p.m., Monday through Friday. Copies of this notice are available on tape for those with visual impairments. These may be obtained at the above address.

FOR FURTHER INFORMATION CONTACT: For additional copies of this notice of extension, of the notice of proposed rulemaking published on August 4, 1981 (46 FR 39764), and of the ATBCB Minimum Guidelines and Requirements for Accessible Design (36 CFR Part 1190), contact Mr. Larry Allison, Director, Office of Public Information, (202) 245-1591 (voice or TDD), 330 C Street, SW., Room 1010, Washington, D.C. 20202-2101.

For information on the applicability, scoping and technical provisions of the Board's Minimum Guidelines and Requirements for Accessible Design (36 CFR Part 1190) and for information on questions contained in this notice of extension, contact Ms. Sally Free, Office of Technical Services, (202) 472-2700 (voice), 330 C Street, SW., Room, G-115D, Washington, D.C. 20202-2101, or Mr. Charles D. Goldman, General Counsel (202) 245-1801 (voice or TDD), 330 C Street, SW., Room 1010, Washington, D.C. 20202-2101.

SUPPLEMENTARY INFORMATION: The Architectural and Transportation Barriers Compliance Board has identified portions of its January, 1981, regulation, Minimum Guidelines and Requirements for Accessible Design (36 CFR Part 1190) on which specific comments are requested. Such items include parking and passenger loading zones, entrances, elevators, toilet and bathing facilities, alarms, listening systems, additions, alterations, leases, special use facilities, and residential structures.

The Board emphasizes that it seeks public comments on all parts of the Guidelines and Requirements and specifically seeks comments on which sections of this regulation should be retained, which sections should be modified and which sections should be reserved. The Board also seeks comments on the clarity and format of the regulation.

The Architectural Barriers Act requires that buildings and facilities be "readily accessible" 42 U.S.C. 4155. Ready access is a high standard, more than "reasonable access." Some Board members are concerned that some requirements contained in the ATBCB Minimum Guidelines and Requirements for Accessible Design are too onerous, while others feel that some requirements do not go far enough.

The Board would welcome comments on the subject of the degree of specificity in the Minimum Guidelines and Requirements and any legal implications in the approaches taken by the Board. The Board is also interested in comments on whether it has provided sufficient access, to much access, or not enough access, and what, if any, appropriate modification(s) might be made.

The ATBCB is concerned that its Minimum Guidelines and Requirements provide ready access and use to federal and federally funded buildings in a cost effective manner. The Board seeks information on which sections of the regulation produce a cost savings, which create additional costs, and which have no cost impact. Comments are sought as to the extent to which cost should be considered in providing access to federal and federally funded buildings and facilities. The public is invited to submit alternatives to current requirements which might provide ready access and use in a more cost effective manner.

The Board requests that comments submitted in response to this notice include citations to any background materials, source documents, personal or field experience, cost data, and other information providing a basis for the response. The section numbers and paragraph letters cited in the questions contained in this notice correspond to the particular section/paragraph addressing that subject in the guidelines and requirements.

1. § *1190.31(b) Parking and passenger loading zones.* The following table included in the Minimum Guidelines and Requirements applies to both visitor and employee parking. Are any changes necessary—for example, should the number of required accessible spaces be increased, decreased, or remain the same?

Total parking in lot	Required minimum number of accessible spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	(1)
Over 1,000	(2)

[1] 2 percent of total.

[2] 20 plus 1 for each 100 over 1,000.

2. § *1190.31(h) Entrances.* The Board's Minimum Guidelines and Requirements provide that when a new building or facility is designed and constructed having entrances which normally serve transportation facilities, passenger loading zones, parking facilities, taxi stands, public streets, interior vertical access, and different sides of the facility, that at least one entrance serving each such function shall be accessible. Should the number of accessible entrances be increased, decreased, or remain the same?

3. § *1190.31(f) Elevators.* In new construction, the ATBCB Minimum Guidelines and Requirements provide that all levels or floors of a building or facility be accessible and that each elevator serving those floors or levels be accessible. The Board seeks additional comments on the number of elevators in a new building that should be accessible; the distance between elevator banks containing the accessible elevators(s) if all elevators in the building are not accessible; and any problems/benefits which may result if all elevators are not accessible. The Board also would welcome cost information attributable directly to the

installation and maintenance of a mass produced accessible elevator which would otherwise not be incurred by an inaccessible model.

4. § 1190.31(k) Toilets and bathing facilities. For new construction, the ATBCB Guidelines and Requirements provide that at least one accessible fixture and accessory (*e.g.*, water closet, lavatory) in each toilet room be accessible. Should more than one accessible fixture be provided in each toilet room? Concern has been expressed that additional square footage may be required in some toilet rooms to make them accessible and this could result in additional costs. Comments addressing this concern would be helpful. In addition, should the Board provide that a certain number or percentage of the toilet rooms be accessible, and, if so should a maximum distance between such accessible toilet rooms be established? Should certain types of facilities be exempt from these requirements?

5. § 1190.31(n) and 1190.180 Alarms. The guidelines and requirements provide that if an audible alarm is provided in new construction, then a visual alarm device shall also be used. The Board seeks advice on other methods to alert physically handicapped persons in an emergency. For example, where is the best location to install a visual alarm system? Should an occupant emergency organization plan be permissible as an alternative? Once special devices are approved for use, should they be required to go through case-by-case approvals?

6. § 1190.32 Additions. Section 1190.32 requires that if an addition is made to a facility, either the addition or the existing structure must provide an accessible entrance and accessible route so that the addition is accessible and usable by handicapped persons. Such a requirement may sometimes necessitate alteration of parts of an existing structure. Should the regulation continue to require an accessible route to the new addition even if such access would necessitate alteration of the original structure; or should an accessible route be provided only if and when the existing structure is altered at a later date; or should the existing structure be altered in its entirety at the time the addition is made so that the entire facility is totally accessible?

7. § 1190.33(a)(2) Vertical Access. The ATBCB Minimum Guidelines and Requirements provides that an alteration of stairs and escalators is to be treated as an alteration of the building's system for vertical access so that accessibility is provided to all levels of a building or facility. The Board seeks recommendations on whether this provision should apply to all facilities or if some facilities should have special requirements developed to meet their particular needs. If so, please indicate the type of facility and the basis of the response.

8. § 1190.33(a)(3) Alteration of a single element. Section 1190.33(a)(3) provides that if alterations of single elements, when considered together, amount to an alteration of a space of a building or facility, the space shall be made accessible. For example, if a water closet and lavatory are altered in a toilet room, under current requirements, the toilet room itself would probably be required to be altered to make the toilet room accessible. The Board requests public comment on the appropriateness of this provision as it now exists or whether it should be clarified or modified.

9. § 1190.33(b) Fifty percent rule. Section 1190.33(b) requires that if the total cost of all alterations for a building or facility within any twelve month period is 50 percent or more of the building's value, then the altered building is required to meet certain basic accessibility requirements—that is, at least one accessible route, and at least one accessible toilet facility on each substantially altered floor with a minimum of one accessible toilet facility in each altered building must be provided. Should such a percentage of the building's value be used to trigger basic accessibility requirements and, if so, should this percentage be larger, smaller, or the same percentage of the building's value contained in the present requirements? Is an alteration that costs 50 percent or more of the building's whole value sufficient to consider the altered building as "new construction" and thus necessitate additional alterations to the existing structure? Should criteria other than a percentage of the cost of alterations to the building's value be used to trigger additional accessibility requirements?

10. § 1190.34 Leases. Are the present requirements contained in § 1190.34 Leases sufficient or should modification in this section be considered? For example, should additional factors, such as usage classification, square footage of the facility, size of the population to be served, or other similar criteria be used in determining the applicability of the leasing provisions?

11. Subpart E—Special Building or Facility Types or Elements. The Guidelines and Requirements as issued in January, 1981, may in the future provide the basis for special use requirements which will then be applicable to the development of standards for special use buildings and facilities issued under the Architectural Barriers Act. Particularly with alterations, in certain types of structures, such as historic buildings, transit stations, schools, and hospitals, achieving ready access may necessitate greater creativity from both an engineering and financial perspective. The Minimum Guidelines and Requirements apply to the generic or common features of a structure. Subpart E when developed should contain provisions applicable for unique features of special use buildings. Are there particular building types that need special treatment? Commenters are encouraged to share their views on the current ATBCB approach and suggest alternatives.

12. Residential Structures. Agency provided information indicates barrier free residential structures for federally constructed and funded public housing can be expensive, particularly in multi-unit facilities or special types, such as townhouses or garden apartments. Should the current ABCB Minimum Guidelines and Requirements apply to the common or public areas of the facility, such as lobbies, recreational facilities and laundries? Should they apply to all units, a percentage of the units, or not at all to publically funded residential structures? Are there special types of such residential structures where only one level of units should be accessible?

Dated: September 22, 1981.

By vote of the Board.

Mason H. Rose,

Chairperson, Architectural and Transportation Barriers Compliance Board.

Wm. Bradford Reynolds,

Vice Chairperson, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 81-28322 Filed 9-28-81; 8:45 am]

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
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CSA			CSA	

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Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

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List of CFR Sections Affected

(1964 through 1972)

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federal register

Wednesday
September 30, 1981

Highlights

47938	**Incorporation by Reference** OFR approves certain materials in Titles 17, 40 and 42 through 50. (Part II of this issue)
48010–48032	**Medicare** HHS/HCFA announces cost limits for payments to hospitals, home health agencies and nursing homes. (3 documents) (Parts VII, VIII and IX of this issue)
47964, 47976, 47996, 48006	**Medicaid** HHS/HCFA amends rules on reimbursement and eligibility and publishes interim rule and proposed changes on reduced Federal payments to States. (4 documents) (Parts III, IV, V and VI of this issue)
47788	**Child Welfare** HHS/Office of Child Support Enforcement implements new computerized child support enforcement system provisions.
47784	**Computer Technology** HHS/SSA increases Federal Financial Participation for certain costs of approved application processing and information retrieval systems in the Aid to Families With Dependent Children Program.
47810	**Equal Educational Opportunity** ED requests comments on proposed annual operating plan for fiscal year 1982 for the Office for Civil Rights.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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48092	**Grant Programs—Education** ED proposes to revise assistance awards regulations under the Fund for the Improvement of Postsecondary Education. (Part XIV of this issue)
47871	HHS/PHS announces availability of National Health Service Corps Scholarship Program awards for 1981–82 school year.
47764	**Nuclear Power Plants and Reactors** NRC amends review procedures for power reactor operating licenses.
48034	**Revenue Sharing** Treasury/RSO publishes regulation amendments. (Part X of this issue)
47907	**Treasury Notes** Treasury invites tenders for Series F–1988.
47766–47770	**Air Carriers** CAB liberalizes rules on "wet leases" between airlines. (4 documents)
48074	**Campaign Funds** FEC requests comments on joint fundraising activity and collecting agents. (Part XI of this issue)
48078, 48086	**Equal Access to Justice** Occupational Safety and Health Review Commission and NLRB adopt procedural rules. (2 documents) (Parts XII and XIII of this issue)
47907	**Boycotts** Treasury publishes current list of countries which may require participation in, or cooperation with an international boycott.
47762	**Loan Programs—Agriculture** USDA/FmHA changes interest rate for certain types of loans.
47757	**Peanuts** USDA/CCC changes sales policy for peanuts sold for domestic edible use.
47773	**Indians—Business and Finance** Interior/BIA establishes internal accounting procedures.
47804	**Antidumping** Commerce/ITA issues final results of administrative review of findings on carbon steel plate from Japan.
47909	**Sunshine Act Meetings**
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Federal Register
Vol. 46, No. 189
Wednesday, September 30, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and General Officers of the Department of Agriculture to reflect the establishment of new agencies and positions, the realignment of functions within the Department of Agriculture, and the assignment of new functions. It has been determined that this action will enable the Department to better carry out its responsibilities and serve the public.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Robert Siegler, Deputy Assistant General Counsel, Office of the General Counsel, Department of Agriculture, Washington, D.C. 20250 (202) 447-6035.

SUPPLEMENTARY INFORMATION: In order to give added emphasis to responsibility placed on the Secretary to administer the Packers and Stockyards Act, 1921, and enforce the provisions of the Consumer Credit Protection Act with respect to activities subject to the Packers and Stockyards Act, 1921, currently administered by the Agricultural Marketing Service, it has been determined that those activities should be administered by a Packers and Stockyards Administration, to be headed by an Administrator.

It has been further determined that the inspection activities of the Food Safety and Quality Service, are principally regulatory in nature and are more logically related to the Department's packers and stockyards, grain inspection, and other regulatory programs. Accordingly, the Food Safety and Quality Service now reporting to the Assistant Secretary for Food and Consumer Services will henceforth report to the Assistant Secretary for Marketing and Transportation Services. In connection with such realignment, the title of the Assistant Secretary for Marketing and Transportation Services has been changed to Assistant Secretary for Marketing and Inspection Services.

It has further been determined that those functions relating to grading and standardization activities and egg inspection currently administered by the Food Safety and Quality Service are more logically associated with other marketing functions and, therefore, should be administered by the Agricultural Marketing Service. In connection with such alignment, the name of the Food Safety and Quality Service has been changed to the Food Safety and Inspection Service.

In addition, at present the Assistant Secretary for Economics is delegated authority to identify cases of undue price enhancement by associations of producers and to issue complaints under section 2 of the Capper-Volstead Act. The Economics and Statistics Service is delegated authority to conduct research and carry out other activities related to marketing practices of associations of producers to support the Assistant Secretary in his responsibility. It has been determined that the responsibility currently assigned to the Assistant Secretary for Economics would be better carried out by a committee composed of the Assistant Secretary for Economics serving as Chairman, with the General Counsel and the Assistant Secretary for Marketing and Inspection Services serving as members. The Chairman will be authorized to utilize the services of USDA employees to support the functions of the newly established Capper-Volstead Act Committee.

Also, when public notice was given of the establishment of the position of Assistant Secretary for Economics, it was stated that the purpose of the action was to give added emphasis to the economic concerns facing farmers. In order to give further support to that action, it has been decided to separate the functions currently performed by the Economics and Statistics Service into two new program agencies, the Economic Research Service and the Statistical Reporting Service. Management support services for the two agencies as well as the World Food and Agricultural Outlook and Situation Board, which has been renamed the World Agricultural Outlook Board to better reflect its responsibilities, will be carried out by a new staff unit, the Economics Management Staff.

It has been further determined that the consumer affairs function of the Department should be assigned to the Assistant Secretary who has responsibility for the Department's feeding and nutrition programs. Accordingly, the Office of Consumer Affairs will report to the Assistant Secretary for Food and Consumer Services and has been renamed the Office of the Consumer Advisor.

It has also been determined that the functions currently performed by the Consumer Nutrition Center, the Dietary Guidance and Nutrition Education Staff, and the Food and Nutrition Information Center of the Science and Education Administration should likewise be transferred to the Assistant Secretary for Food and Consumer Services, and be administered by a Human Nutrition Information Service, to be headed by an Administrator. Management support services for the Human Nutrition Information Service will be provided by the Food and Nutrition Service.

It has also been determined that the Office of Environmental Quality should be abolished. The functions performed by that Office will be transferred to appropriate USDA agencies so that they may be better integrated with other aspects of the Department's ongoing programs.

In the Science and Education area, it has been decided to delegate greater authority to administrators of major SEA programs to strengthen program effectiveness and promote overall operational efficiency. Accordingly, the Science and Education Administration has been separated into the Agricultural Research Service, the Cooperative State Research Service and the Extension Service, headed by Administrators, and the National Agricultural Library, headed by a Director. In addition, reporting to the Director of Science and Education will be two agencies to support Science and Education programs: (1) The Science and Education Program Staff composed of Science Advisors, the Joint Council and

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Users Advisory Board Staff, the Science and Education Coordination Office, the Information Staff, and the Office of Higher Education, and (2) the Science and Education Management Staff which will provide management support activities for the Office of the Director of Science and Education and the agencies reporting to the Director of Science and Education.

It has also been determined that management support activities currently performed by the Agricultural Marketing Service on behalf of the Office of Transportation, the Federal Grain Inspection Service, and the Agricultural Cooperative Service should be performed by a Marketing and Inspection Management Staff, to be headed by a Director. The Marketing and Inspection Management Staff will also provide management support services for the Packers and Stockyards Administration.

Also, to better reflect its responsibilities, the Office of Budget, Planning and Evaluation has been renamed the Office of Budget and Program Analysis.

It has further been determined that the functions performed by the Deputy Under Secretary for International Affairs and the Deputy Under Secretary for Commodity Programs should be performed by a Deputy Under Secretary for International Affairs and Commodity Programs.

In addition, delegations of authority are made to the Director of Science and Education and the Administrators of the Agricultural Research Service, the Cooperative State Research Service and the Extension Service to carry out selected activities under the Honeybee Act, as amended, the Animal Cancer Research Act, and the National Aquaculture Act of 1980.

Also, the Assistant Secretary for Natural Resources and Environment is delegated authority to exercise the functions of the Secretary of Agriculture contained in the Alaska National Interest Lands Conservation Act.

Lastly, minor editorial changes have been made.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Lastly, this action is not a rule as defined by Pub. L. 96-354, the Regulatory Flexibility Act and thus is exempt from the provisions of that Act.

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Subpart A—General

1. Section 2.4 is revised to read as follows:

§ 2.4 General officers.

The work of the Department is under the supervision and control of the Secretary who is assisted by the following general officers: The Deputy Secretary; the Under Secretary for International Affairs and Commodity Programs; the Under Secretary for Small Community and Rural Development; the Assistant Secretary for Natural Resources and Environment; the Assistant Secretary for Food and Consumer Services; the Assistant Secretary for Marketing and Inspection Services; the Assistant Secretary for Governmental and Public Affairs; the Assistant Secretary for Economics; the General Counsel; the Assistant Secretary for Administration; the Inspector General; the Judicial Officer; the Director of Science and Education; and the Director, Office of Budget and Program Analysis.

2. Section 2.5 is amended by revising paragraph (b) to read as follows:

§ 2.5 Order in which Officers of the Department shall act as Secretary.

* * * * *

(b) In the case of the absence, sickness, resignation, or death of the Secretary, the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs and the Under Secretary for Small Community and Rural Development, the Assistant Secretary for Natural Resources and Environment, the Assistant Secretary for Food and Consumer Services, the Assistant Secretary for Marketing and Inspection Services, the Assistant Secretary for Governmental and Public Affairs, and the Assistant Secretary for Economics shall act as Secretary in the order in which they have taken office as an Assistant Secretary. In the event that any two or more Assistant Secretaries shall have taken office on the same date, they shall act as Secretary in the order in which they are listed herein.

* * * * *

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

3. Section 2.15 is amended by removing paragraph (a), by redesignating paragraph (b) as paragraph (a), by redesignating paragraphs (c) and (d) as (d) and (e) respectively, by adding new paragraphs (b) and (c), and by revising paragraph (e) as redesignated to read as follows:

§ 2.15 Delegations of authority to the Assistant Secretary for Food and Consumer Services.

* * * * *

(b) *Related to human nutrition information.* (1) Assemble and collect food and nutrition education materials, including the results of nutrition research, training methods, procedures, and other materials related to the purpose of the National Agricultural Research, Extension, and Teaching Policy Act of 1977; maintain such information; and provide for the dissemination of such information and materials on a regular basis to State educational agencies and other interested parties (7 U.S.C. 3126).

(2) Appraise the nutritive content of the U.S. food supply.

(3) Develop and make available data on the nutrient composition of foods needed by Federal, State, and local agencies administering food and nutrition programs, and the general public to improve the nutritional quality of American diets.

(4) Develop family and food plans at different costs for use as standards by families of different sizes, sex-age composition and economic levels.

(5) Develop suitable and safe preparation and management procedures to retain nutritional and eating qualities of food served in homes and institutions.

(6) Develop materials to aid the public in meeting dietary needs, with emphasis on food selection for good nutrition and appropriate costs, and food preparation to avoid waste, maximize nutrient retention, minimize food safety hazards, and conserve energy.

(7) Develop food plans for use in establishing food stamp benefit levels, and assess the nutritional impact of Federal programs.

(8) Design and carry out periodic nationwide food consumption surveys to provide a measure of household food consumption of individual household

members and by region; analyze data from such surveys to provide a basis for dietary standards; and consult with Federal and State agencies, the Congress, universities, and other public and private organizations and the general public regarding food consumption, dietary intake and adequacy, and implications of the surveys on public policy regarding food and nutrition-related programs.

(9) Coordinate nutrition education and information projects within the Department.

(c) *Related to consumer advise.* (1) Develop and implement USDA policy and procedural guidelines for carrying out the Department's Consumer Affairs Plan.

(2) Advise the Secretary and other policy level officials of the Department on consumer affairs policies and programs.

(3) Coordinate USDA consumer affairs activities and monitor and analyze agency procedures and performance.

(4) Represent the Department at conferences, meetings and other contacts where consumer affairs issues are discussed, including liaison with the White House and other governmental agencies and departments.

(5) Work with the office of Budget and Program Analysis and the Office of Governmental and Public Affairs to ensure coordination of USDA consumer affairs and public participation programs, policies and information, and to prevent duplication of responsibilities.

(6) Serve as a consumer ombudsman and communication link between consumers and the Department.

(7) Approve the designation of agency Consumer Affairs Contacts.

* * * * *

(e) *Related to defense.* Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. 2251 App. 2251 *et seq.*), concerning food stamp assistance.

§ 2.16 [Amended]

4. Section 2.16 is amended by redesignating paragraph (b) as paragraph (a).

5. Section 2.17 is amended by adding new paragraphs (a)(3)(xxxiii) and (f)(4), by redesignating paragraphs (g) and (h) as (h) and (i) respectively, by revising paragraph (i) as redesignated, and by adding a new paragraph (g) to read as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Inspection Services.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Marketing and Inspection Services:

(a) *Related to agricultural marketing.* * * *

(3) * * *

(xxxiii) Egg Products Inspection Act (21 U.S.C. 1031–1056).

* * * * *

(f) *Related to cooperatives.* * * *

(4) Serve as a member of the Capper-Volstead Act Committee to identify cases of undue price enhancement by associations of producers and issue complaints requiring such associations to show cause why an order should not be made directing them to cease and desist from monopolization or restrain of trade (7 U.S.C. 292).

(g) *Related to food safety and inspection.* (1) Exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), relating to voluntary inspection of poultry and edible products thereof; voluntary inspection and certification of technical animal fat; certified products for dogs, cats, and other carnivora; voluntary inspection of dairy products; voluntary inspection of fresh and processed fruits and vetegables and related products; voluntary inspection of rabbits and edible products thereof, and voluntary inspection and certification of edible meat and other products.

(2) Exercise the functions of the Secretary of Agriculture contained in the following legislation:

(i) Act of May 23, 1908, regarding inspection of dairy products for export (21 U.S.C. 693).

(ii) Poultry Products Inspection Act, as amended (21 U.S.C. 451–470).

(iii) Federal Meat Inspection Act, as amended, and related legislation excluding section 12–14, and also excluding so much of section 18 as pertains to issuance of certificates of condition of live animals intended and offered for export (21 U.S.C. 601–611, 615–624, 641–645, 661, 671–680, 691–692, 694–695).

(iv) Talmadge-Aiken Act (7 U.S.C. 450) with respect to cooperation with States in administration of the Federal Meat Inspection Act and the Poultry Products Inspection Act.

(v) Humane Slaughter Act (7 U.S.C. 1901–1906).

(vi) Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937 (15 U.S.C. 713c), and related legislation except functions which are otherwise assigned relating to the domestic distribution and donation of agricultural commodities and products thereof following the procurement thereof.

(vii) Procurement of agricultural commodities and other foods under section 6 of the National School Lunch Act of 1946, as amended (42 U.S.C. 1755).

(viii) In carrying out the procurement functions in paragraphs (g)(2) (vi) and (vii) of this section, the Assistant Secretary for Marketing and Inspection Services shall, to the extent practicable, use the commodity procurement, handling, payment and related services of the Agricultural Stabilization and Conservation Service.

(ix) Process or Renovated Butter Act (26 U.S.C. 4817–4818).

* * * * *

(i) *Related to defense.* Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*), concerning protection of livestock, poultry and crops and products thereof from biological and chemical warfare; the wholesomeness of meat and poultry and products thereof; inspection of eggs and egg products, and utilization or disposal of livestock and poultry exposed to radiation.

6. Section 2.19 is amended by revising paragraph (b) and by adding a new paragraph (d)(20) to read as follows:

§ 2.19 Delegations of authority to the Assistant Secretary for Natural Resources and Environment.

* * * * *

(b) *Related to environmental quality.* (1) Administer the implementation of the National Environmental Policy Act for the Department of Agriculture.

(2) Provide representation for the Department on the National Response Team on hazardous spills pursuant to Pub. L. 92–500 and section 4 of Executive Order 11735.

(3) Represent the Department in contacts with the U.S. Environmental Protection Agency, the Council on Environmental Quality and other organizations or agencies on matters related to assigned responsibilities.

(4) Formulate and promulgate Departmental policy relating to environmental activities and natural resources.

(5) Provide staff support for the Secretary in the review of environmental impact statements.

(6) Provide leadership in Department for general land use activities including implementation of Executive Orders

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11988, Flood Plain Management, and 11990, Protection of Wetlands.

* * * * *

(d) * * *

(20) Exercise the functions of the Secretary of Agriculture contained in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101–3215).

* * * * *

§ 2.21 [Amended]

7. Section 2.21 is amended by removing the term "Assistant Secretary for Food and Consumer Services" in paragraphs (b)(28) and (d)(2) and adding in lieu thereof the term "Assistant Secretary for Marketing and Inspection Services"; by removing the citation "§ 2.15(b)" in paragraphs (b)(27) and (b)(28) and adding in lieu thereof the citation "§ 2.15(a)"; by removing the citation "§ 2.27(b)(15)" in paragraph (b)(34) and adding in lieu thereof the citation "§ 2.27(a)(15)"; by removing the term "Assistant Secretary for Marketing and Transportation Services" in paragraphs (b)(30) and (d)(7) and adding in lieu thereof the term "Assistant Secretary for Marketing and Inspection Services"; and by removing the term "Director, Science and Education" in paragraph (d)(2) and adding in lieu thereof the term "Under Secretary for International Affairs and Commodity Programs".

§ 2.27 [Amended]

8. Section 2.27 is amended by removing the term "Agricultural Research Service" in paragraph (a)(5) and adding in lieu thereof the term "Office of International Cooperation and Development", and by removing the words "Federal Reports Act" and the citation "44 U.S.C. 3501–3511" in paragraph (a)(8) and adding in lieu thereof the words "Paperwork Reduction Act of 1980" and the citation "44 U.S.C. 3501–3520" respectively.

9. Section 2.27 is further amended by revising paragraph (a)(7) and adding paragraph (a)(13) to read as follows:

§ 2.27 Delegations of authority to the Assistant Secretary for Economics.

(a) *Related to economic research and statistical reporting.* * * *

(7) Take such security precautions as are necessary to prevent disclosure of crop or livestock report information prior to the scheduled issuance time approved in advance by the Secretary of Agriculture and take such actions as are necessary to avoid disclosure of confidential data or information supplied by any person, firm, partnership, corporation, or association (18 U.S.C. 1902, 1903, and 2072).

* * * * *

(13) Serve as Chairman of the Capper-Volstead Act Committee to identify cases of undue price enhancement by associations of producers and issue complaints requiring such associations to show cause why an order should not be made directing them to cease and desist from monopolization or restraint of trade. The Chairman is authorized to call upon any agency of the Department for support in carrying the functions of the Committee (7 U.S.C. 292).

* * * * *

10. Section 2.29 is amended by adding a new paragraph (d)(9) to read as follows:

§ 2.29 Delegations of authority to the Assistant Secretary for Governmental and Public Affairs.

* * * * *

(d) *Related to intergovernmental affairs.* * * *

(9) Administer the implementation of the National Historic Preservation Act of 1966, Executive Order 11593, and regulations of the Advisory Council on Historic Preservation, 26 CFR Part 800, for the Department of Agriculture with authority to name the Secretary's designee to the Advisory Council on Historic Preservation.

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

11. Section 2.31 is amended by adding a new paragraph (p) to read as follows:

§ 2.31 Delegations of authority to the General Counsel.

* * * * *

(p) Serve as a member of the Capper-Volstead Act Committee to identify cases of undue price enhancement by associations of producers and issue complaints requiring such associations to show cause why an order should not be made directing them to cease and desist from monopolization or restraint of trade (7 U.S.C. 292).

12. Section 2.36 is amended by revising the section heading and introductory paragraph to read as follows:

§ 2.36 Director, Office of Budget and Program Analysis.

The following delegations of authority are made by the Secretary of Agriculture to the Director, Office of Budget and Program Analysis:

* * * * *

13. Section 2.39 is amended by removing "(other than statistical and economic research but including consumer and food economic research)" in paragraph (a)(9) and adding in lieu thereof "(other than statistical and economic research but including research related to family use of resources)" and by adding new paragraphs (a)(63) through (a)(67) to read as follows:

§ 2.39 Delegations of authority to the Director of Science and Education.

* * * * *

(a) *Related to science and education.* * * *

(63) Coordinate Departmental policies under the Toxic Substances Control Act (15 U.S.C. 2601–2629).

(64) Coordinate USDA policy relative to Federal Insecticide, Fungicide, and Rodenticide Act and coordinate the Department's integrated pest management program and the pesticide assessment program (7 U.S.C. 136–136y).

(65) Conduct research on the control of undesirable species of honeybees in cooperation with specific foreign governments (7 U.S.C. 284).

(66) Conduct a program of basic research on cancer in animals and birds (7 U.S.C. 3902).

(67) Perform research, development and extension education in aquaculture (16 U.S.C. 2804, 2806).

14. The heading for Subpart F is revised to read as follows:

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Inspection Services

15. Section 2.49 is revised to read as follows:

§ 2.49 Deputy Assistant Secretary for Marketing and Inspection Services.

(a) *Delegations.* Pursuant to § 2.17, subject to reservations in § 2.18, and subject to policy guidance and direction by the Assistant Secretary, the following delegation of authority is made by the Assistant Secretary for Marketing and Inspection Services to the Deputy Assistant Secretary for Marketing and Inspection Services, to be exercised only during the absence or unavailability of the Assistant Secretary: Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Assistant Secretary for Marketing and Inspection Services.

16. Section 2.50 is amended by removing the words "and (e)" in paragraph (a) and adding in lieu thereof the words "and (i)", by removing paragraphs (a)(7) through (a)(10), and by adding new paragraphs (a)(3)(xxxiv) and (a)(7) to read as follows:

§ 2.50 Administrator, Agricultural Marketing Service.

(a) * * *

(3) * * *

(xxxiv) Egg Products Inspection Act (21 U.S.C. 1031–1056).

* * * * *

(7) Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2551 *et seq.*), relating to inspection of eggs and egg products.

* * * * *

17. Section 2.50 is further amended by removing the term "Assistant Secretary for Marketing and Transportation Services" in paragraphs (a) and (b) and adding in lieu thereof the term "Assistant Secretary for Marketing and Inspection Services".

18. Section 2.50 is further amended by removing the citation "§ 2.68(a)(10)" in paragraphs (a)(3) (ix), (xxiv), (xxvii), (xxix), (xxxi), (xxxii), and (xxxiii) and adding in lieu thereof the citation "§ 2.68(a)(29)".

§ 2.51 [Amended]

19. Section 2.51 is amended by adding after the citation "§ 2.17(b)" in paragraph (a) the words "and (i)", and by removing the term "Assistant Secretary for Marketing and Transportation Services" in paragraph (a) and adding in lieu the term "Assistant Secretary for Marketing and Inspection Services".

§ 2.52 [Amended]

20. Section 2.52 is amended by removing the term "Assistant Secretary for Marketing and Transportation Services" in paragraph (a) and adding in lieu thereof the term "Assistant Secretary for Marketing and Inspection Services".

§ 2.53 [Amended]

21. Section 2.53 is amended by removing the term "Assistant Secretary for Marketing and Transportation Services" in paragraphs (a) and (c) and adding in lieu thereof the term "Assistant Secretary for Marketing and Inspection Services".

§ 2.54 [Amended]

22. Section 2.54 is amended by removing the term "Assistant Secretary for Marketing and Transportation Services" in paragraph (a) and adding in lieu thereof the term "Assistant Secretary for Marketing and Inspection Services".

23. A new § 2.55 is added to read as follows:

§ 2.55 Administrator, Food Safety and Inspection Service.

(a) *Delegations.* Pursuant to § 2.17 (g) and (i), the following delegations of authority are made by the Assistant Secretary for Marketing and Inspection Services to the Administrator, Food Safety and Inspection Service:

(1) Exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), relating to voluntary inspection of poultry and edible products thereof; voluntary inspection and certification of technical animal fat; certified products for dogs, cats, and other carnivora; voluntary inspection of dairy products; voluntary inspection of fresh and processed fruits and vegetables and related products; voluntary inspection of rabbits and edible products thereof; and voluntary inspection and certification of edible meat and other products.

(2) Exercise the functions of the Secretary of Agriculture contained in the following legislation:

(i) Act of May 23, 1908, regarding inspection of dairy products for export (21 U.S.C. 693).

(ii) Poultry Products Inspection Act, as amended (21 U.S.C. 451–470).

(iii) Federal Meat Inspection Act, as amended, and related legislation excluding section 12–14, and also excluding so much of section 18 as pertains to issuance of certificates of condition of live animals intended and offered for export (21 U.S.C. 601–611, 615–624, 641–645, 661, 671–680, 691–692, 694–695).

(iv) Talmadge-Aiken Act (7 U.S.C. 450) with respect to cooperation with States in administration of the Federal Meat Inspection Act and the Poultry Product Inspection Act.

(v) Humane Slaughter Act (7 U.S.C. 1901–1906).

(vi) Section 32 of the Act of August 23, 1935 (7 U.S.C. 612c), as supplemented by the Act of June 28, 1937 (15 U.S.C. 713c), and related legislation except functions which are otherwise assigned relating to the domestic distribution and donation of agricultural commodities and products thereof following the procurement thereof.

(vii) Procurement of agricultural commodities and other foods under section 6 of the National School Lunch Act of 1946, as amended (42 U.S.C. 1755).

(viii) In carrying out the procurement functions in paragraphs (a)(2) (vi) and (vii) of this section, the Administrator, Food Safety and Inspection Service shall, to the extent practicable, use the commodity procurement, handling, payment and related services of the Agricultural Stabilization and Conservation Service.

(ix) Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2551 *et seq.*), relating to wholesomeness of meat and poultry and products thereof.

24. Section 2.56 is redesignated as § 2.59 under Subpart G and a new § 2.56 is added under Subpart F to read as follows:

§ 2.56 Administrator, Packers and Stockyards Administration.

(a) *Delegations.* Pursuant to §2.17(e), the following delegations of authority are made by the Assistant Secretary for Marketing and Inspection Services to the Administrator, Packers and Stockyards Administration:

(1) Administer the Packers and Stockyards Act, 1921, as amended and supplemented.

(2) Enforce provisions of the Consumer Credit Protection Act (15 U.S.C. 1601–1665, 1681–1681t), with respect to any activities subject to the Packers and Stockyards Act, 1921, as amended and supplemented.

25. A new § 2.57 is added under Subpart F to read as follows:

§ 2.57 Director, Marketing and Inspection Management Staff.

(a) *Delegations.* Pursuant to §§ 2.7 and 2.17, the following delegation of authority is made by the Assistant Secretary for Marketing and Inspection Services to the Director, Marketing and Inspection Management Staff:

(1) Provide to the agencies reporting to the Assistant Secretary for Marketing and Inspection Services mutually agreed upon management support services. As used herein, management support services shall include:

(i) Administrative Services with authority to take actions required by law or regulation concerning procurement and contracting, real and personal property management, paperwork management, management analysis, matters arising under the Freedom of Information Act and the Privacy Act, and related functions.

(ii) Budget and Financial Management Services with authority to take actions required by law or regulation to discharge the budget and related financial management functions.

(iii) Personnel Services with authority to take actions required by law or regulation concerning staffing, organization, position management and classification, employee relations, employee development, and related functions.

(iv) Equal Opportunity and Civil Rights Services with authority to take actions required by law or regulation concerning Affirmative Action Program development and implementation, EEO

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discrimination complaint processing, civil rights compliance, and related functions.

Subpart G—Delegations of Authority by the Assistant Secretary for Natural Resources and Environment

§ 2.58 [Removed]

26. Section 2.58 is removed.

27. Section 2.60 is amended by revising the introductory text of paragraph (a), and by adding a new paragraph (a)(20) to read as follows:

§ 2.60 Chief, Forest Service.

(a) Pursuant to § 2.19 (b), (d), and (i), the following delegations of authority are made by the Assistant Secretary for Natural Resources and Environment to the Chief of the Forest Service:

* * * * *

(20) Represent the Department on the National Response Team on hazardous spills pursuant to Pub. L. 92–500 and section 4 of Executive Order 11735.

* * * * *

28. Section 2.62 is amended by revising the introductory text of paragraph (a), and by adding a new paragraph (a)(12) to read as follows:

§ 2.62 Administrator, Soil Conservation Service.

(a) Pursuant to § 2.19 (b), (f), and (i), subject to reservations in § 2.20(f), the following delegations of authority are made by the Assistant Secretary for Natural Resources and Environment to the Administrator, Soil Conservation Service:

* * * * *

(12) Monitor actions and progress of the Department in complying with Executive Orders 11988 and 11990 regarding management of floodplains and protection of wetlands; monitor Agency efforts on protection of important agricultural, forest and rangelands; and provide staff assistance to the USDA Land Use Committee.

* * * * *

Subpart H—Delegations of Authority by the Under Secretary for International Affairs and Commodity Programs

29. Section 2.63 is revised to read as follows:

§ 2.63 Deputy Under Secretary for International Affairs and Commodity Programs.

(a) *Delegations.* Pursuant to § 2.21, subject to reservation in § 2.22, and subject to policy guidance and direction by the Under Secretary, the following delegation of authority is made by the Under Secretary for International Affairs and Commodity Programs to the Deputy Under Secretary for International Affairs and Commodity Programs, to be exercised only during the absence or unavailability of the Under Secretary: Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Under Secretary for International Affairs and Commodity Programs.

§ 2.65 [Amended]

30. Section 2.65 is amended by adding after the citation "§ 2.21(b)" in paragraph (a) the words "and (f)", by removing the citation "§ 2.15(b)" in paragraphs (a)(27) and (a)(28) and adding in lieu thereof the citation "§ 2.15(a)", by removing the term "Assistant Secretary for Marketing and Transportation Services" in paragraph (a)(30) and adding in lieu thereof the term "Assistant Secretary for Marketing and Inspection Services", and by removing the term "Food Safety and Quality Service" in paragraph (a)(28) and adding in lieu thereof the term "Food Safety and Inspection Service".

§ 2.68 [Amended]

31. Section 2.68 is amended by adding after the citation "§ 2.21(d)" in paragraph (a) the words "and (f)", by removing the terms "Assistant Secretary for Marketing and Transportation Services" and "Director of Science and Education" in paragraph (a)(5) and adding in lieu thereof the terms "Assistant Secretary for Marketing and Inspection Services" and "Administrator, Office of International Cooperation and Development" respectively, and by removing the term "Assistant Secretary for Marketing and Transportation Services" in paragraph (a)(7) and adding in lieu thereof the term "Assistant Secretary for Marketing and Inspection Services."

Subpart I—Delegations of Authority by the Under Secretary for Small Community and Rural Development

§ 2.70 [Amended]

32. Section 2.70 is amended by revising the citation "§ 2.23 (a) and (g)" in paragraph (a) to read "§ 2.23 (a), (e), and (g)".

§ 2.72 [Amended]

33. Section 2.72 is amended by adding after the citation "§ 2.23(c)" in paragraph (a) the words "and (e)".

Subpart K—Delegations of Authority by the Assistant Secretary for Economics

34. A new § 2.84 is added to read as follows:

§ 2.84 Administrator, Economic Research Service.

(a) *Delegations.* Pursuant to § 2.27 (a) and (c), subject to reservations in § 2.28(a), the following delegations of authority are made by the Assistant Secretary for Economics to the Administrator, Economic Research Service:

(1) Conduct economic research on matters of importance to cooperatives as authorized by the Agricultural Marketing Act of 1945 (7 U.S.C. 1621–1627).

(2) Conduct economic and social science research and analyses relating to (i) food and agricultural situation and outlook; (ii) the production, marketing and distribution of food and fiber products (excluding forest and forest products), including studies of the performance of the food and agricultural sector of the economy in meeting needs and wants of consumers; (iii) worldwide economic analyses and research on supply, demand, and trade in food and fiber products and the effects on the U.S. food and agriculture system; (iv) natural resources, including studies of the use and management of land and water resources, the quality of these resources, resource institutions, and watershed and river basin development problems; and (v) rural people and communities, as authorized by Title I and Title II of the act of August 14, 1946, as amended (7 U.S.C. 427, 1621–1627).

(3) Perform economic and other social science research under section 104(b) (1) and (3) of the Agricultural Trade Development and Assistance Act of 1954, as amended, with funds administered by the Foreign Agricultural Service and the Office of International Cooperation and Development (7 U.S.C. 1704).

(4) Investigate and make findings as to the effect upon the production of food and upon the agricultural economy of a proposed action pending before the Administrator of the Environmental Protection Agency for presentation in the public interest, before said Administrator, other agencies, or before the courts.

(5) Review economic data and analyses used in speeches by Department personnel and in materials prepared for release through the press, radio and television.

(6) Conduct a study of the feasibility of establishing a system to monitor foreign direct investment in agricultural, rural, and urban real property, including the feasibility of establishing a nationwide multipurpose land data system (22 U.S.C. 3101 *et seq.*).

(7) Work with institutions and international organizations throughout the world in the fields of agricultural economics research. Such work may be carried out by:

(i) Exchanging materials and results with such institutions or organizations,

(ii) Engaging in joint or coordinated research, or

(iii) Stationing representatives at such institutions or organizations in foreign countries (7 U.S.C. 3201).

(8) Prepare for transmittal by the Secretary to the President and both Houses of Congress, an analytical report under section 5 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504) concerning the effect of holdings, acquisitions, and transfers of U.S. agricultural land by foreign persons.

(9) Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*), concerning estimates of supplies of agricultural commodities and evaluation of requirements therefor, and food and agricultural aspects of economic stabilization and economic research.

(b) *Reservations.* The following authority is reserved to the Assistant Secretary for Economics:

(1) Review all proposed decisions having substantial economic policy implications.

35. Section 2.85 is revised to read as follows:

§ 2.85 Administrator, Statistical Reporting Service.

(a) *Delegations.* Pursuant to § 2.27 (a) and (c), subject to reservations in § 2.28(a), the following delegations of authority are made by the Assistant Secretary for Economics to the Administrator, Statistical Reporting Service:

(1) Prepare crop and livestock estimates and administer reporting programs including estimates of production, supply, price and other aspects of the U.S. agricultural economy, collection of statistics, conduct of enumerative and objective measurement surveys, construction and maintenance of sampling frames, and related activities. Prepare reports of the Crop Reporting Board of the Department of Agriculture covering official state and national estimates (7 U.S.C. 411(a), 475, 476, and 951).

(2) Take such security precautions as are necessary to prevent disclosure of crop or livestock report information prior to the scheduled issuance time approved in advance by the Secretary of Agriculture and take such actions as are necessary to avoid disclosure of confidential data or information supplied by any person, firm, partnership, corporation, or association (18 U.S.C. 1902, 1905, and 2072).

(3) Review, clear, coordinate, and improve statistics in the Department including review of all statistical forms, survey plans, and reporting and record keeping requirements originating in the Department and requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980; liaison with OMB and other Federal agencies for coordination of statistics, general improvement of statistical methods and techniques in the Department (44 U.S.C. 3501–3520).

(4) Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*), concerning coordination of damage assessment, and food and agricultural aspects of agricultural statistics.

(b) *Reservations.* The following authority is reserved to the Assistant Secretary for Economics:

(1) Review all proposed decisions having substantial economic policy implications.

36. Section 2.86 is amended by revising the section heading, the introductory text of paragraph (a) and paragraph (a)(1)(ii) to read as follows:

§ 2.86 Chairman, World Agricultural Outlook Board.

(a) *Delegations.* Pursuant to § 2.27(a), (d), (e), and (f), subject to reservations in § 2.28(a), the following delegations of authority are made by the Assistant Secretary for Economics to the Chairman, World Agricultural Outlook Board:

(1) * * *

(ii) Oversee and clear for consistency of analytical assumptions and results all estimates and analyses which significantly relate to international and domestic commodity supply and demand, including such estimates and analyses prepared for public distribution by the Foreign Agricultural Service, the Economic Research Service, or by any other agency or office of the Department.

* * * * *

37. A new § 2.87 is added to read as follows:

§ 2.87 Director, Economics Management Staff.

(a) *Delegations.* Pursuant to §§ 2.7 and 2.27, the following delegations of authority are made by the Assistant Secretary for Economics to the Director, Economics Management Staff:

(1) Provide to the agencies reporting to the Assistant Secretary for Economics mutually agreed upon management support services. As used herein, management support services shall include:

(i) Administrative Services with authority to take actions required by law or regulation concerning procurement and contracting, real and personal property management, paperwork management, management analysis, matters arising under the Freedom of Information Act and the Privacy Act, and related functions.

(ii) Budget and Financial Management Services with authority to take actions required by law or regulation to discharge the budget and related financial management functions.

(iii) Personnel Services with authority to take actions required by law or regulation concerning staffing, organization, position management and classification, employee relations, employee development, and related functions.

(iv) Information Services with authority to take actions required by law or regulation concerning public information functions.

(v) Equal Opportunity and Civil Rights Services with authority to take actions required by law or regulation concerning Affirmative Action Program development and implementation, EEO discrimination complaint processing, civil rights compliance, and related functions.

Subpart L—Delegations of Authority by the Assistant Secretary for Food and Consumer Services

38. Section 2.92 is revised to read as follows:

§ 2.92 Administrator, Human Nutrition Information Service.

(a) *Delegations.* Pursuant to § 2.15(b), the following delegations of authority are made by the Assistant Secretary for Food and Consumer Services to the Administrator, Human Nutrition Information Service:

(1) Assemble and collect food and nutrition education materials, including the results of nutrition research, training methods, procedures, and other

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materials related to the purpose of the National Agricultural Research, Extension, and Teaching Policy Act of 1977; maintain such information; and provide for the dissemination of such information and materials on a regular basis to State educational agencies and other interested parties (7 U.S.C. 3126).

(2) Appraise the nutritive content of the U.S. food supply.

(3) Develop and make available data on the nutrient composition of foods needed by Federal, State, and local agencies administering food and nutrition programs, and the general public to improve the nutritional quality of American diets.

(4) Develop family food plans at different costs for use as standards by families of different sizes, sex-age composition and economic levels.

(5) Develop suitable and safe preparation and management procedures to retain nutritional and eating qualities of food served in homes and institutions.

(6) Develop materials to aid the public in meeting dietary needs, with emphasis on food selection for good nutrition and appropriate cost, and food preparation to avoid waste, maximize nutrient retention, minimize food safety hazards, and conserve energy.

(7) Develop food plans for use in establishing food stamp benefit levels, and assess the nutritional impact of Federal food programs.

(8) Design and carry out periodic nationwide food consumption surveys to provide a measure of household food consumption of individual household members and by region; analyze data from such surveys to provide a basis for dietary standards; and consult with Federal and State agencies, the Congress, universities, and other public and private organizations and the general public regarding food consumption, dietary intake and adequacy, and implications of the surveys on public policy regarding food and nutrition-related programs.

(9) Coordinate nutrition education and information projects within the Department.

39. Section 2.93 is amended by revising the introductory text of paragraph (a), and adding paragraph (a)(7) to read as follows:

§ 2.93 Administrator, Food and Nutrition Service.

(a) *Delegations.* Pursuant to §§ 2.7 and 2.15(b) and (e), subject to reservations in § 2.16(b), the following delegations of authority are made by the Assistant Secretary for Food and Consumer Services to the Administrator, Food and Nutrition Services:

* * * * *

(7) Provide to the Human Nutrition Information Service mutually agreed upon management support services. As used herein, management support services shall include:

(i) Administrative Services with authority to take actions required by law or regulation concerning procurement and contracting, real and personal property management, paperwork management, management analysis, matters arising under the Freedom of Information Act and the Privacy Act, and related functions.

(ii) Budget and Financial Management Services with authority to take actions required by law or regulation to discharge the budget and related financial management functions.

(iii) Personnel Services with authority to take actions required by law or regulation concerning staffing, organization, position management and classification, employee relations, employee development, and related functions.

(iv) Information Services with authority to take actions required by law or regulation concerning public information functions.

(v) Equal Opportunity and Civil Rights Services with authority to take actions required by law or regulation concerning Affirmative Action Program development and implementation, EEO discrimination complaint processing, civil rights compliance, and related functions.

40. A new § 2.94 is added to read as follows:

§ 2.94 Director, Office of the Consumer Advisor.

(a) *Delegations.* Pursuant to § 2.15(c), the following delegations of authority are made by the Assistant Secretary for Food and Consumer Services to the Director, Office of the Consumer Advisor:

(1) Develop and implement USDA policy and procedural guidelines for carrying out the Department's Consumer Affairs Plan.

(2) Advise the Secretary and other policy level officials of the Department on consumer affairs policies and programs.

(3) Coordinate USDA consumer affairs activities and monitor and analyze agency procedures and performance.

(4) Represent the Department at conferences, meetings and other contacts where consumer affairs issues are discussed, including liaison with the White House and other governmental agencies and departments.

(5) Work with the Office of Budget and Program Analysis and the Office of Governmental and Public Affairs to ensure coordination of USDA consumer affairs and public participation programs, policies and information, and to prevent duplication of responsibilities.

(6) Serve as a consumer ombusdman and communication link between consumers and the Department.

(7) Approve the designation of agency Consumer Affairs Contacts.

41. A new Subpart N is added to read as follows:

Subpart N—Delegations of Authority From the Director of Science and Education

42. New §§ 2.105 through 2.110 are added to read as follows:

§2.105 Associate Director of Science and Education.

(a) *Delegations.* Pursuant to § 2.39, subject to reservations in § 2.40(a), and subject to policy guidance and direction by the Director, the following delegation of authority is made by the Director of Science and Education to the Associate Director of Science and Education: Acts and performs all the duties and exercise all the powers which are now or which may hereafter be delegated to the Director of Science and Education. In addition, the Associate Director serves as Director of the Science and Education Program Staff.

§ 2.106 Administrator, Agricultural Research Service.

(a) *Delegations.* Pursuant to § 2.39(a), subject to reservations in § 2.40(a), the following delegations of authority are made by the Director of Science and Education to the Administrator, Agricultural Research Service:

(1) Conduct research concerning domestic animals and poultry, their protection and use, causes of contagious, infectious, and communicable diseases and means for the prevention and cure of the same (7 U.S.C. 391).

(2) Conduct research related to the dairy industry and dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).

(3) Conduct research and demonstrations at Mandan, ND, and Lewisburg, TN, concerning dairy livestock breeding, growing, and feeding, and other problems pertaining to the establishment of dairy and livestock industries (7 U.S.C. 421–422).

(4) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423–424).

(5) Conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production, marketing (other than statistical and economic research but including research related to family use of resources), distribution, processing, utilization of plant and animal commodities, problems of human nutrition, development of markets for agricultural commodities, discovery, introduction, and breeding of new crops, plants, animals both foreign and native, conservation development, and development of efficient use of farm buildings, homes, and farm machinery, including the application of electricity and other forms of power and research and development related to uses of solar energy with respect to farm buildings, farm homes, and farm machinery (7 U.S.C. 427, 1621–1627, 2201, 2204).

(6) Conduct research on varietal improvement of wheat and feed grain to enhance their conservation and environmental qualities (7 U.S.C. 428b).

(7) Advance the livestock and agricultural interests of the United States including the breeding of horses suited to the needs of the United States (7 U.S.C. 437).

(8) Enter into agreements with and receive funds from any State or political subdivision, organization, or person for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

(9) Make research grants to eligible institutions having a demonstrable capacity in food and agricultural research (7 U.S.C. 450i).

(10) Conduct research related to soil and water conservation, engineering operations and methods of cultivation to provide the control and prevention of soil erosion (7 U.S.C. 1010, 16 U.S.C. 590a).

(11) Maintain four regional research laboratories and conduct research at such laboratories to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and by-products (7 U.S.C. 1292).

(12) Conduct a special cotton research program designed to reduce the cost of producing upland cotton in the United States (7 U.S.C. 1441 note).

(13) Conduct research in tropical and subtropical agriculture for the improvement and development of tropical and subtropical food products for dissemination and cultivation in friendly countries as provided by the Food for Peace Act of 1966 (7 U.S.C. 1736(a)(4)).

(14) Conduct research to develop and determine methods of humane slaughter of livestock (7 U.S.C. 1904).

(15) Administer a national food and human nutrition research program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3171–3177).

(16) Cooperate and work with national and international institutions and other persons throughout the world in the performance of agricultural research activities (7 U.S.C. 3291).

(17) Maintain a National Arboretum for the purpose of research concerning tree and plant life; accept and administer gifts or devices of real and personal property for the benefit of the National Arboretum; and order disbursements from the Treasury (20 U.S.C. 191–195).

(18) Conduct research on foot-and-mouth disease and other animal diseases (21 U.S.C. 113a).

(19) Conduct research on control and eradication of cattle grubs (screwworms) (21 U.S.C. 114e).

(20) Conduct research activities related to farm dwellings and other buildings for the purpose of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1476(b)).

(21) Conduct research on losses of livestock in interstate commerce due to injury or disease (45 U.S.C. 71 note).

(22) Administer the Virgin Islands agricultural research program (48 U.S.C. 1409m–o).

(23) Conduct research related to the use of domestic agricultural commodities for the manufacture of any material determined to be strategic and critical or substitute therefor, under section 7(b) of the Strategic and Critical Material Stock Piling Act (50 U.S.C. 98f).

(24) Control within the Department of Agriculture the acquisition, use and disposal of material and equipment which may be a source of ionizing radiation hazard.

(25) Administer a program of research at regional solar energy research and development centers (7 U.S.C. 3271, 3281–3282).

(26) Pursuant to authority delegated by the Administrator of the General Services Administration to the Secretary of Agriculture in 34 FR 6406, 36 FR 1293, 36 FR 188440, and 38 FR 23838, appoint uniformed armed guards and special policemen, make all needful rules and regulations, and annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318(c)), as will insure their enforcement, for the protection of persons, property, buildings, and grounds of the Arboretum, Washington, D.C.; the U.S. Meat Animal Research Center, Clay Center, NE; the Agricultural Research Center, Beltsville, MD, and the Animal Disease Center, Plum Island, NY, over which the United States has exclusive or concurrent criminal jurisdiction, in accordance with the limitations and requirements of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) as amended, the Act of June 1, 1948 (62 Stat. 181) as amended, and policies, procedures and controls prescribed by the General Services Administration. Any rules or regulations promulgated under this authority shall be approved by the Director of the Office of Operations and Finance and the General Counsel prior to issuance.

(27) Conduct research on the control of undesirable species of honeybees in cooperation with specific foreign governments (7 U.S.C. 284).

(28) Conduct a program of basic research on cancer in animals and birds (7 U.S.C. 3902).

(29) Perform research and development in aquaculture (16 U.S.C. 2804).

(30) Perform food and agricultural research in support of functions assigned to the Department under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*).

§ 2.107 Administrator, Cooperative State Research Service.

(a) *Delegations.* Pursuant to § 2.39(a), subject to reservations in § 2.40(a), the following delegations of authority are made by the Director of Science and Education to the Administrator, Cooperative State Research Service:

(1) Cooperate with the States for the purpose of encouraging and assisting them in carrying out research related to the problems of agriculture in its broadest aspects under the Hatch Act, as amended (7 U.S.C. 361a–361i).

(2) Support agricultural research at eligible institutions in any State through Federal-grant funds to help finance physical facilities (7 U.S.C. 390–390k).

(3) Administer a program of competitive, special, and facilities grants to State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations and individuals to promote research in food, agricultural and related areas (7 U.S.C. 450i).

(4) Administer in cooperation with the States a cooperative rural development and small farm research program under the Rural Development Act of 1972, as amended (7 U.S.C. 2661–2668, 2670).

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(5) Make grants to colleges and universities for research on the production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products and agriculture chemicals and other products from coal derivatives (7 U.S.C. 3154).

(6) Conduct a program of grants to States to support continuing animal health and disease research programs under the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191–3193, 3195–3201).

(7) Support continuing agricultural and forestry research at 1890 land-grant colleges including Tuskegee Institute (7 U.S.C. 3222).

(8) Administer in relation to uses of solar energy (i) a competitive research grants program, (ii) a solar energy research information system, (iii) a cooperative program with the States on model farms projects, and (iv) a program of research at regional solar energy research and development centers (7 U.S.C. 3241, 3251, 3261–3263, 3281–3282).

(9) Cooperate and work with the national and international institutions and other persons throughout the world in the performance of agricultural research activities (7 U.S.C. 3291).

(10) Administer grants for basic research on cancer in animals and birds (7 U.S.C. 3902).

(11) Cooperate with the States for the purposes of encouraging and assisting them in carrying out programs of forestry research (16 U.S.C. 582a–582a–7).

(12) Administer grants related to research and development in aquaculture (16 U.S.C. 2806).

(13) Coordinate research by cooperating State research institutions in support of functions assigned to the Department under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*).

§ 2.108 Administrator, Extension Service.

(a) *Delegations.* Pursuant to § 2.39(a), subject to reservations in § 2.40(a), the following delegations of authority are made by the Director of Science and Education to the Administrator, Extension Service:

(1) Administer a cooperative agricultural extension program related to agriculture, uses of solar energy with respect to agriculture, and home economics under the Smith-Lever Act, as amended (7 U.S.C. 341–349).

(2) Administer a cooperative agricultural extension program related to agriculture, uses of solar energy with respect to agriculture, and home economics in the District of Columbia (D.C. Code Section 31–1719).

(3) Conduct educational and demonstration work related to the distribution and marketing of agricultural products under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

(4) Administer in cooperation with the States a cooperative rural development and small farm extension program under the Rural Development Act of 1972, as amended (7 U.S.C. 2661–2668, 2670).

(5) Administer a cooperative extension program under the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3004).

(6) Administer a national food and human nutrition extension program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3171–3177).

(7) Support continuing agricultural and forestry extension at 1890 land-grant colleges including Tuskegee Institute (7 U.S.C. 3221).

(8) Administer in relation to uses of solar energy a cooperative program with the States on model farms and demonstration projects, and a program of extension and demonstration at regional solar energy research and development centers (7 U.S.C. 3261–3263, 3271, 3281–3282).

(9) Cooperate and work with national and international institutions and other persons throughout the world in the performance of agricultural extension activities (7 U.S.C. 3291).

(10) Conduct educational and demonstration work in cooperative farm forestry programs (16 U.S.C. 568).

(11) Provide for an expanded and comprehensive extension program for forest and rangeland renewable resources (16 U.S.C. 1671).

(12) Administer extension education programs in aquaculture (16 U.S.C. 2804, 2806).

(13) Authorize the use of 4H Club name and emblem (18 U.S.C. 707).

(14) Conduct demonstration and promotion activities related to farm dwellings and other buildings for the purpose of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1476(b)).

(15) Provide leadership and direct assistance to the Cooperative Extension Service in planning, conducting, and evaluating extension programs under a memorandum of agreement with the Bureau of Indian Affairs dated May 1956.

(16) Exercise responsibilities of the Secretary under regulations dealing with Equal Employment Opportunity in the Cooperative Extension Service (pt. 18 of this subtitle).

(17) Administer through the Cooperative Extension Service, education and information services assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et seq.*).

§ 2.109 Director, National Agricultural Library.

(a) *Delegations.* Pursuant to § 2.39(a), subject to reservations in § 2.40(a), the following delegations of authority are made by the Director of Science and Education to the Director, National Agricultural Library:

(1) Accept gifts and order disbursements from the Treasury for the benefit of the National Agricultural Library or for carrying out any of its functions (7 U.S.C. 2264–2265).

(2) Develop and maintain library and information systems and networks and facilitate cooperation and coordination for the agricultural libraries of colleges, universities, Department of Agriculture, and their closely allied information gathering and dissemination units in close conjunction with private industry and other research libraries (7 U.S.C. 2201, 2204, 3126).

(3) Assure the acquisition, preservation and accessibility of all information concerning food and agriculture by providing leadership to and coordination of the acquisition programs and related activities of the library and information systems, and the agencies of USDA, other Federal departments and agencies, State agricultural experiment stations, colleges and universities, and other research institutions and organizations.

(4) Formulate, write and/or prescribe bibliographic and technically related standards for the library and information systems of USDA.

(5) Determine by survey and other appropriate means the information needs of the Department's scientific, professional, technical and administrative staffs, its constituencies and the general public in the areas of food, agriculture, the environment, and solar energy.

(6) Represent the Department on all library and information science matters before Congressional Committees and appropriate commissions, and provide representation to the coordinating committees of the Federal and State governments concerned with library and information science activities.

(7) Represent the Department in international organizational activities

and on international technical committees concerned with library and information science activities.

(8) Prepare and disseminate computer bibliographic files, indexes and abstracts, bibliographies, reviews and other analytical information tools.

(9) Arrange for the consolidated purchasing and dissemination of indexes, abstracts, journals and other widely used information publications and services.

(10) Provide assistance and support to professional organizations concerned with library and information science matters and issues.

(11) Copy and deliver on demand selected articles and other materials from its collections by photographic reproduction or other means within the permissions, constraints and limitations of sections 106, 107, and 108 of the Copyright Act of October 19, 1976 (Title 17 U.S.C.).

§ 2.110 Director, Science and Education Management Staff.

(a) *Delegations.* Pursuant to §§ 2.7 and 2.39, subject to reservation in § 2.40(a), the following delegations of authority are made by the Director of Science and Education to the Director, Science and Education Management Staff:

(1) Provide to the Office of the Director of Science and Education and agencies reporting to the Director of Science and Education, management support services. As used herein, management support services shall include the following, with authority to take actions required by law or regulation:

(i) Budget, financial management and related functions.

(ii) Procurement, contracting, real and personal property management, directives and paperwork management and related functions.

(iii) Grants administration.

(iv) Position management and classification, recruitment and employment, employee relations, employee development and related functions.

(v) Organizational structures, organizational development, management analysis and related functions.

(2) Administer the Department's Patent Program except as delegated to the General Counsel in § 2.31(g).

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

For Subparts A, C, and D.

Dated: September 22, 1981.

John R. Block,

Secretary of Agriculture.

For Subpart F.

Dated: September 22, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Inspection Services.

For Subpart G.

Dated: September 21, 1981.

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources and Environment.

For Subpart H.

Dated: September 22, 1981.

Seeley G. Lodwick,

Under Secretary for International Affairs and Commodity Programs.

For Subpart I.

Dated: September 22, 1981.

Frank W. Naylor, Jr.,

Under Secretary for Small Community and Rural Development.

For Subpart K.

Dated: September 22, 1981.

William G. Lesher,

Assistant Secretary for Economics.

For Subpart L.

Dated: September 16, 1981.

Mary C. Jarratt,

Assistant Secretary for Food and Consumer Services.

For Subpart N.

Dated: September 21, 1981.

Anson B. Bertrand,

Director of Science and Education.

[FR Doc. 81-28167 Filed 9-29-81; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 947

Irish Potatoes Grown in Modoc and Siskiyou Counties in California and in All Counties in Oregon Except Malheur County; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This continuing regulation requires fresh market shipments of potatoes grown in Modoc and Siskiyou Counties in California and in All Counties in Oregon Except Malheur County to be inspected and meet minimum grade, size, cleanness, pack and maturity requirements. The regulation will promote orderly marketing of such potatoes and keep less desirable sizes and qualities from being shipped to consumers.

EFFECTIVE DATE: October 16, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615. The Final Impact Statement relating to this final rule is available from him.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated 47 handlers.

Marketing Agreement No. 114 and Order No. 947, both as amended, regulate the handling of potatoes grown in designated counties of Oregon and California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Oregon-California Potato Committee, established under the order, is responsible for its local administration.

This regulation is based upon recommendations made by the committee at its public meeting in Lincoln City, Oregon, on June 23, 1981.

The grade, size, maturity, pack, cleanness and inspection requirements specified herein are generally similar to those issued during the last season. They are necessary to prevent potatoes of low quality or undesirable sizes from being distributed to fresh market outlets. These specific requirements would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing and will tend to effectuate the declared policy of the act.

The committee recommends that all varieties be at least U.S. No. 2 grade. Minimum sizes would be: For export—1½ inches in diameter; Districts No. 1-4, 1⅞ inches for all varieties; and District No. 5—2 inches or 4 ounces for all varieties.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements are inappropriate or unreasonable.

Inspection requirements are modified for certain handlers whose facilities are located far enough from major production areas to cause a substantial financial burden in maintaining a full-time Federal-State inspector.

A specified quantity of potatoes is exempt from maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments are permitted to certain special purpose outlets without regard to minimum grade, size, cleanness, maturity, pack and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Certified seed is exempt, subject to the safeguard provisions only when shipped outside the district where grown.

Shipments for use as livestock feed within the production area or to specified adjacent areas are exempt; a limit to the destinations of such shipments is provided so that their use for the purpose specified can be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing are exempt from requirements because these two areas are homogenous and have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the aforesaid requirements to the counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, and Malheur County, Oregon, for grading and storing. since no purpose would be served by regulating potatoes used for charity purposes, such potatoes are exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. Therefore, different requirements are set forth for export shipments.

These requirements contained in this handling regulation, effective October 16, 1981, will continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. The change to issuing regulations which will continue in effect from marketing season to marketing season reflects the fact that regulations change infrequently from season to season and it is believed unnecessary to issue them for only a single season. In addition, this action will result in a reduction in operational costs to the committee and the government. Although this final regulation is effective for an indefinite period, the committee will continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season in accordance with § 947.50 of the order, including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250, before June 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, comments filed, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of Oregon-California potatoes would tend to effectuate the declared policy of the act.

Findings

After considering all relevant matters, including the proposal in the notice, it is found that the following handling regulation will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this regulation until 30 days after its publication in the **Federal Register** (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area have already begun, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, (3) notice was given in the July 28, 1981, **Federal Register** (46 FR 38521) allowing interested persons until August 27, 1981, in which to file comments and none was filed, and (4) compliance with this regulation, which is similar to regulations issued during previous seasons, requires no special preparation by handlers subject to it which cannot be completed by the effective date.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Managemeent and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Section 947.339 (45 FR 60404, September 12, 1980) is hereby removed and a new § 947.340 is added as follows:

§ 947.340 Handling regulation.

On and after October 16, 1981, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) through (f) of this section or unless such potatoes are handled in accordance with paragraphs (g) and (h), or (i) of this section.

(a) *Grade requirements.* All varieties—U.S. No. 2, or better grade.

(b) *Minimum size requirements.* (1) For Export: All varieties—1½ inches in diameter.

(2) For Districts No. 1 through 4: All varieties—1⅞ inches in diameter.

(3) For District No. 5: All varieties—2 inches in diameter or 4 ounces in weight.

(c) *Cleanness requirements.* All varieties and grades—As required in the United States Standards for Grades of Potatoes, except that U.S. Commercial may be no more than "slightly dirty."

(d) *Maturity (skinning) requirements.* (1) Round and White Rose varieties: not more than "moderately skinned."

(2) Other Long Varieties (including but not limited to Russet Burbank and Norgold): not more than "slightly skinned."

(3) Not to exceed a total of 100 hundredweight of potatoes may be handled during any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) *Pack.* Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes that fail to meet the U.S. No. 1 grade only because of hollow heart and/or internal discoloration may be shipped provided the lot contains not more than 10 percent damage by hollow heart and/or internal discoloration, as identified by USDA Color Photographs 121 and 123 (U.S. No. 1—Maximum Allowed), USDA Visual Aid POT–L–1, January 1981, or not more than 5 percent serious damage by internal defects.

(f) *Inspection.* (1) Except when relieved by paragraphs (g) and (h), or (i) of this section and subparagraph (2) of this paragraph, no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) Handlers making shipments from facilities located in an area where inspection costs would otherwise exceed one and one-half times the current per-hundredweight inspection fee, are exempt from on-site inspection provided such handler has made application to the committee for inspection exemption on forms supplied by the committee, and provided further that such handler signs an agreement with the committee to report each shipment on a daily basis and pay the committee a sum equal to the current inspection fee.

(3) For the purpose of operation under this part each required inspection certificate is hereby determined, pursuant to § 947.60(c) to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in mechanically refrigerated storage within 14 days of the inspection shall be 14 days plus the number of days that the potatoes were held in refrigerated storage.

(4) Any lot of potatoes previously inspected pursuant to § 947.60 and certified as meeting the requirements of this part is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of regrading, resorting, or repacking of the potatoes.

(g) *Special purpose shipments.* The minimum grade, size, cleanness, maturity, pack and inspection requirements set forth in paragraphs (a) through (f) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed, subject to applicable safeguard requirements of paragraph (h) of this section.

(2) Livestock feed: However, potatoes may not be handled for such purposes if destined to points outside of the production area, except that shipments to the counties of Benton, Franklin and Walla Walla in the State of Washington and to Malheur County, Oregon, may be made, subject to the safeguard provisions of paragraph (h) of this section.

(3) Planting in the district where grown: Further, potatoes for this purpose grown in District No. 2 or District No. 4 may be shipped between those two districts.

(4) Grading or storing under the following provisions:

(i) Between districts within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (h) of this section.

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing between those two districts without regard to the safeguard requirements of paragraph (h) of this section.

(iii) Potatoes grown in District No. 5 may be shipped for grading and storing to points in the counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, or to Malheur County, Oregon, without regard to the safeguard provisions of paragraph (h) of this section.

(5) Charity: Except that shipments for charity may not be resold if they do not meet the requirements of the marketing order, and that shipments in excess of 5 hundredweight per charitable organization shall be subject to the safeguard provisions of paragraph (h) of this section.

(6) Starch manufacture.

(7) Canning, freezing, prepeeling, and "other processing" (except starch manufacturing), as hereinafter defined (including storage for such purposes).

(h) *Safeguards.* (1) Each handler making shipments of certified seed outside the district where grown pursuant to paragraph (g) of this section shall obtain from the committee a Certificate of Privilege, and shall furnish a report of shipments to the committee on forms provided by it.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (2), (4)(i), and (5) of paragraph (g) of this section shall obtain a Certificate of Privilege from the committee, and shall report shipments at such intervals as the committee may prescribe in its administrative rules.

(3) Each handler making shipments pursuant to subparagraph (7) of paragraph (g) of this section may ship such potatoes only to persons or firms designated as manufacturers of potato products by the committee, in accordance with its administrative rules.

(i) *Minimum quantity exemption.* Any person may handle not more than 19 hundredweight of potatoes on any day without regard to the inspection requirements of § 947.60 and to the assessment requirements of § 947.41 of this part except no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a), (b), (c), (d) and (e) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(j) *Definitions.* (1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," "moderately skinned" and "slightly skinned" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (7 CFR 2851.1540–2851.1566) including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422, United States Standards for Grades of Peeled Potatoes (7 CFR 2852.2421–2852.2433).

(4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 24, 1981; to become effective October 16, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–28398 Filed 9–29–81; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1446

[Amdt. 3]

General Regulations Governing 1979 and Subsequent Crops; Peanut Warehouse Storage Loans and Handler Operations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the sales policy for additional peanuts sold for domestic edible use. It also allows the Southwestern Peanut Growers

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Association (SWPGA), with the prior agreement of the producer, to deduct up to $1 per ton from price support advances to conduct peanut activities outside the price support program. The rule further provides that under certain circumstances, the Executive Vice President, Commodity Credit Corporation (CCC) or his designee, may waive or reduce the liquidated damages assessed against a person who causes ineligible peanuts to be placed in the loan program. This rule also provides that producers who file erroneous reports of crop acreage will be ineligible for quota price support, except under certain conditions.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: David Kincannon, (202) 447–6734. The Final Regulatory Impact Analysis describing the options considered in developing the final rule and the impact of implementing each option is available upon request.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures and Executive Order 12291 and Secretary's Memorandum No. 1521–1 and has been classified as "not major." It has been determined that this rule will not (1) result in an annual effect on the economy of $100 million or more, or a major increase in costs or prices for consumers, industries, Federal, State or local governments, or geographical region; or (2) have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this proposed rule applies is: 10.051, as found in the Catalog of Federal Domestic Assistance. This proposed action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

A notice that the Department was preparing to make determinations with respect to the subject matter of this final rule was published in the **Federal Register** on August 17, 1981 [46 FR 4152]. The comment period ended September 3, 1981.

Minimum Sales Price

Section 359(j) of the Agricultural Adjustment Act of 1938, as amended, provides that additional peanuts placed under loan shall be offered by the producer association for sale for domestic edible use at prices not less than those required to cover all costs incurred with respect to such peanuts for such items as inspections, warehousing, shrinkage, and other expenses, plus: (1) 100 percent of the loan value of quota peanuts if the additional peanuts are sold and paid for during the harvest season upon delivery by the producer (the "immediate buyback" provision); or (2) 105 percent of the loan value of quota peanuts if the additional peanuts are sold after delivery by the producer but not later than December 31 of the marketing year; or (3) 107 percent of the loan value of quota peanuts if the additional peanuts are sold later than December 31 of the marketing year.

The current regulations, as originally codified at 7 CFR 1446.7, provide that a handler has the right to purchase additional peanuts from the additional loan pool for domestic edible use at the time of delivery of such peanuts at buying points owned or controlled by such handler. The regulations establish the sales price at 100 percent of the quota loan value of such peanuts plus handling charges. These regulations were intended to create a priority between handlers as to the right to purchase additional peanuts at a particular buying point.

Through the 1979 crop year, the quota loan rate established, in effect, the domestic market price. Under these conditions, the regulations provided an equitable method of selling peanuts under the "immediate buyback" provision, with a minimum of confusion. In 1980, however, the domestic market price of peanuts increased substantially above the quota support level, thus permitting certain handlers to purchase additional peanuts from the loan program at prices below the market price. It was, therefore, proposed that these regulations be amended to specify that the price (100 percent of the loan value of quota peanuts plus costs) of additional peanuts purchased by handlers from the loan program at time of delivery of such peanuts for loan is only a minimum price. Under the proposed rule, producer associations would be permitted to charge handlers in excess of 100 percent of the quota loan rate plus costs for additional peanuts purchased under the "immediate buyback" provision.

Sixteen respondents favored the change in minimum sales price as stated in the proposed rule. Thirty-eight respondents opposed the procedure which required that the premiums paid in excess of the quota support rate plus handling charge be paid to the producer associations. These respondents, were generally in agreement that the price of peanuts purchased under the "immediate buyback" provision should be allowed to reflect current market prices, but suggested that any premiums paid in excess of the quota support rate plus costs should be paid directly to producers. Many pointed out that the producers should realize all benefits of their marketing efforts and that involvement of the associations in handling such premiums would place an unnecessary hardship on producers by causing delays in the producers receiving the benefits of such premiums, since pool proceeds are not distributed by the associations until the end of the marketing year. Also, objections were raised to the associations setting the sales price.

After careful consideration of the comments submitted, it has been determined that the objective of establishing a *minimum* sales price for "immediate buyback" at the quota loan value of the peanuts plus costs is appropriate. However, the final rule permits, as explained below, premiums for the delivery of additional peanuts to the handler to be paid directly to producers. Under this rule, handlers will be permitted to exercise the "immediate buyback" option only with respect to those peanuts which the producer has approved as being eligible for "immediate buyback". Such approval will be indicated by the producer's signature in the remarks section of the applicable grading and settlement document (the MQ–94). This procedure will permit the producer to negotiate, and immediately receive, a premium for the delivery to the handler of additional peanuts which will be eligible for "immediate buyback".

Thus, the producer delivering additional peanuts to a handler for "immediate buyback" will receive, upon delivery, the amount of the additional peanut price support loan advance plus any premium negotiated with the handler. The handler will transmit the MQ–94 signed by the producer and an amount equal to the quota loan value of the peanuts plus costs to the association. The peanuts then become the property of the handler and may be used for domestic edible use. The proceeds received by the association are included in the additional loan pool, the profits of which are distributed to producers at the end of the marketing year based on their participation in the pool.

Deduction for SWPGA

Since 1964, the Southwestern Peanut Growers Association (SWPGA) has been authorized by its members to deduct an amount not to exceed 50 cents from the price support loan advance to finance activities outside the price support program. The activities so funded include formulating and recommending legislative proposals, operating peanut quality control programs, developing improved disease and drought control programs, developing improved disease and drought resistant varieties, improving cultural practices, and for funding water utilization and herbicide use studies. In the Southeast and Virginia-Carolina areas, these activities are carried on by the State-established peanut grower groups.

However, in the Southwest area, charters for the State-established grower groups prohibit the groups from undertaking any political activities. Legislative activity is therefore carried out by the area association, SWPGA.

The 50-cent assessment has not been increased since 1964, although inflation has considerably decreased the value of the assessment. It was, therefore, proposed to increase the amount of the deduction to not more than $1.

There were 12 responses to this proposed rule. All respondents were in favor of the proposal. However, it was pointed out that it is political activity in which the State-established grower groups from the Southwest area are prevented from participating, and that the supplementary information in the proposed rule did not reflect this fact.

After careful consideration of all comments, the proposed rule is adopted.

Assessment of Liquidated Damages

Current regulations provide that liquidated damages shall be assessed against any person who causes ineligible peanuts to be placed in the loan program. The regulations provide for liquidated damages to prevent peanuts containing excess moisture, foreign material, and other contaminants from being placed in the loan program, since these peanuts lower market prices for other peanuts in the same storage place. Also, the provisions for liquidated damages were included in the regulations in order to prevent ineligible producers from improperly obtaining price support.

These liquidated damages have been successful in preventing ineligible peanuts from being placed into the loan program. However, in some cases the assessment of liquidated damages through the use of an inflexible formula has resulted in certain inequities. In a number of instances, it was determined after harvest and after a producer had been issued nonrestrictive marketing cards that the producer was out of compliance with acreage limitations by small margins. Technically, therefore, the producer was ineligible to receive price support. By that time, however, the producer's peanuts were already pledged as collateral for a price support loan and disposed of by the producer association. In addition to the marketing penalty, such producers would be subjected to excessive liquidated damages in instances where the actual program harm was minimal.

It was proposed to amend the regulations to permit the Executive Vice President, CCC, or his designee, to waive or reduce the assessment of liquidated damages based upon the following factors: (1) whether the person causing ineligible peanuts to be placed in the loan program made a good faith effort to ensure that ineligible peanuts were not pledged as collateral for a loan; (2) whether the program damage or potential program damage warrants the full or partial assessment of such liquidated damages; (3) the nature and circumstances relating to the violation; (4) the extent of the violation, and (5) any other pertinent information. Amending the regulations in the manner prescribed will permit CCC to reduce or waive the assessment of liquidated damages in certain cases and still maintain adequate controls to prevent misuse of the loan program.

There was only 1 response to this proposal. The respondent favored the proposal as presented. After consideration of the response it has been determined that the proposed rule be adopted.

Acreage Certifications

For the 1980 and prior crop years, acreages for all marketing quota crops, including peanuts, were determined by the county Agricultural Stabilization and Conservation Service office based upon actual measurements of the field or from aerial photographs. In addition, producers were required to file a report of crop or land use acreage.

In determining whether there has been compliance with acreage allotments, under the peanut program, it is presently contemplated that beginning with the 1981 crop, reliance will generally be placed on reports filed by producers as to crop or land use acreage. To assure compliance with acreage allotments, only a random sample of such certifications will be checked for accuracy by using actual ground measurements or aerial photographs.

Accurate certifications are thus necessary to ensure that all producers comply with acreage allotments. Therefore, it was proposed to amend the regulations to provide that producers will be ineligible for price support if the producer has filed an erroneous report of crop or land use acreage unless: (1) the determined acreage does not differ from the reported acreage by more than the tolerances established by Part 718 of this title; or (2) the county Agricultural Stabilization and Conservation (ASC) committee determines that the producer acted in good faith in reporting crop or land use acreage.

There was only 1 response to this proposal. The respondent favored the proposal as presented. After consideration of the response it has been determined that the proposed rule be adopted.

Final Rule

PART 1446—PEANUTS

Accordingly, the regulations at 7 CFR Part 1446 are amended as follows:

1. Section 1446.7 is revised to read as follows:

§ 1446.7 Use of additional peanuts as domestic edible peanuts.

(a) *"Immediate Buyback" Purchase.* During harvest season, a handler shall have the right to purchase additional peanuts from the association for domestic edible use at buying points owned or controlled by such handler at prices equal to 100 percent of the quota loan value of such peanuts plus handling charges. The purchase (i.e., the "immediate buyback purchase") may be made only from the association and only on the date such peanuts were offered by producers to the association as collateral for a price support loan. The "immediate buyback" purchase shall be valid and accepted by the association only if the producer has signed the applicable MQ-94 in the remarks section indicating such peanuts are eligible for "immediate buyback." The handler shall: (1) as an agent for the association, advance to the producer price support for the peanuts at the additional loan rate; (2) pay to the producer any agreed premiums for the delivery of such peanuts by the producer to the handler; and (3) forward to the association a check payable to CCC for the peanuts in an amount equal to the quota loan value of the peanuts, as well as any handling charges. The check and applicable MQ–94 will identify the peanuts as additional peanuts that may be used as domestic edible peanuts and must be transmitted to the association (as evidenced by a postmark) not later than the third work day (excluding Saturdays, Sundays, and Federal holidays) following the day the peanuts were inspected. The association shall credit such receipts to the additional loan pool for such peanuts. If the accompanying MQ–94 has not been signed by the producer, the association shall return the check to the handler and the peanuts so identified will be considered to have remained under price support loan.

(b) *Purchases Subsequent to Delivery.* Handlers may also purchase additional peanuts from the loan pool for domestic edible use after delivery by producers to the associations, under terms and conditions approved by CCC. The minimum price for such purchases shall be the applicable carrying charges plus (a) not less than 105 percent of the quota loan value of the peanuts if purchased not later than December 31 of the marketing year; or (b) not less than 107 percent of the quota loan value if purchased after December 31 of the marketing year.

2. Section 1446.10 is amended by revising paragraphs (g) and (i) to read as follows:

§ 1446.10 Availability of warehouse storage loans.

* * * * *

(g) *Advance to producer.* For each lot of peanuts delivered for loan, the association will make a price support advance to the producer in an amount equal to the support value of such peanuts, except that in addition to marketing quota penalties and the deductions specified in § 1446.12, the Association will deduct from such advances and pay over to the proper State authorities, any assessments or excise taxes imposed by State law. In addition SWPGA may, upon the prior agreement of the producer, deduct from such advance an amount approved by CCC, not to exceed $1 per net weight ton of peanuts upon which such advance was made, to be used in financing its peanut related activities outside the price support program.

* * * * *

(i) *Ineligible Peanuts.* Any person who causes ineligible peanuts, as defined in § 1446.14, to be placed in the loan program shall pay to CCC, as liquidated damages, the amount by which the average quota or additional loan rate (whichever is applicable) for that type of peanuts exceeds the market price for such type for crushing, as determined by CCC. Such person shall pay such amount to CCC promptly upon demand. The Executive Vice President, CCC, or his designee may reduce or waive the liquidated damages as otherwise provided for in this subsection based upon a consideration of the following factors: (1) whether the person causing ineligible peanuts to be placed in the loan program made a good faith effort to ensure that ineligible peanuts were not pledged for loan, (2) the degree of damage or potential damage to the price support program; (3) the nature and circumstances of the violation; (4) the extent of the violation; and (5) any other pertinent information.

* * * * *

3. Section 1446.14 of the regulations is amended by revising paragraph (a) to read as follows:

§ 1446.14 Eligible producer.

* * * * *

(a) *Requirements.* An eligible producer is an individual, partnership, association, corporation, estate, trust, or other legal entity, and whenever applicable, a State, political subdivision of a State or any agency thereof, producing peanuts as a landowner, landlord, tenant, or sharecropper on a farm. No producer on a farm for which the farm operator fails timely to file a report of crop or land use acreage as required by Part 718 of this title shall be eligible for price support at the quota loan rate unless the late-filed report was accepted by the county ASC committee. In addition, no producer shall be eligible for price support at the quota loan rate if the producer has filed an erroneous report of crop or land use acreage unless: (1) the determined acreage does not differ from the reported acreage by more than the tolerance established by Part 718 of this title, or (2) the county ASC committee determines that the producer acted in good faith in reporting crop or land use acreage.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 106, 401, 63 Stat. 1051, as amended (7 U.S.C. 1359); and sec. 359, 93 Stat. 81 (7 U.S.C. 1359 note))

Signed in Washington, D.C. on September 25, 1981.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–28237 Filed 9–25–81; 11:01 am]

BILLING CODE 3410–05–M

Farmers Home Administration

7 CFR Parts 1810 and 1942

Implementation of Omnibus Budget Reconciliation Act of 1981; Interest Rates

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: This action amends Farmers Home Administration (FmHA) regulations regarding the rate of interest to be charged for certain types of loans. The Omnibus Budget Reconciliation Act of 1981 requires the interest rate for community facility and water and waste disposal loans to be set based on current yields of municipal obligations with a special rate for loans for facilities required to meet health or sanitary standards in certain areas. It also requires an additional interest charge for certain loans involving the use of prime or unique farmland. The intended effect of this action is to amend FmHA regulations to implement the provisions of the legislation.

EFFECTIVE DATE: October 1, 1981. Comments must be received on or before November 30, 1981.

ADDRESSES: Submit written comments in duplicate to the Chief, Directives Management Branch, Farmers Home Administration, Room 6348, South Agriculture Building, 14th and Independence Avenue, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: M. Wayne Stansbery, Loan Officer, Community Facilities Loan Division, Farmers Home Administration, Room 6306, South Agriculture Building, Washington, DC 20250, telephone: (202) 382–1490, or Wallis B. McArthur, Loan Officer, Water and Waste Disposal Loan Division, Farmers Home Administration, Room 6318, South Agriculture Building, Washington, DC 20250, telephone: (202) 447–5717.

SUPPLEMENTARY INFORMATION:

Classification

This final action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 which implements Executive Order 12291 and has been determined to be nonmajor.

The Regulatory Flexibility Act is not applicable and therefore no analysis has been prepared. The changes in loan interest rates are mandated by legislative action for the affected programs.

This action requires no change in recordkeeping or reporting requirements imposed upon the public.

Emergency Basis

Current regulations do not comply with the Omnibus Budget Reconciliation Act of 1981, which amended the Consolidated Farm and Rural Development Act, and was signed into law on August 13, 1981. The Omnibus Budget Reconciliation Act of 1981 provides that the amendments will apply to loans approved after September 30, 1981. FmHA has determined that an emergency situation exists which warrants publication without opportunity for a prior public comment period on this final action. No loans can be approved under the affected programs after September 30, 1981, until these amendments to the regulations are put into effect.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register.**

Clearinghouse Review

Community facility, water and waste disposal and insured business and industry projects are subject to State and local clearinghouse review, in the manner delineated in FmHA Instruction 1901–H.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

Programs Affected

CFDA No. 10.423, Community Facilities Loans; No. 10.418, Water and Waste Disposal Systems for Rural Communities; No. 10.406, Farm Operating Loans; No. 10.407, Farm Ownership Loans; No. 10.413, Recreation Facility Loans; No. 10.416, Soil and Water Loans; and No. 10.422, Business and Industrial Loans.

The only CFR Parts that require change are 7 CFR Part 1942 and 7 CFR Part 1810 because the regulations for all the other affected programs are currently cross-referenced to 7 CFR Part 1810.

Background

The current FmHA regulations for Community Facility and Water and Waste Disposal Loans, in 7 CFR Part 1942, Subpart A, provide the interest rate for such loans will be five percent per annum. The interest rates for these and other FmHA loan programs are also listed in FmHA Instruction 440.1, Exhibit B. This exhibit is not published in the **Federal Register** but is available to the public on request from any FmHA office. (See 7 CFR Part 1810, Subpart A.) The Omnibus Budget Reconciliation Act of 1981 requires the interest rate for community facility and water and waste disposal loans to be set by the Secretary, not to exceed the current market yield for outstanding municipal obligations. This will require frequent changes in the rate. Preparing a **Federal Register** document each time there is a change would be a costly administrative burden. This action, therefore, removes the specific interest rate for water and waste disposal and community facility loans from the published regulations. The prevailing rate will be maintained in FmHA Instruction 440.1, Exhibit B. Interested parties may obtain the rate from any FmHA office. This rate will be established quarterly using the Bond Buyer Index as it is a readily available impartial indicator of the current yields of municipal obligations, published weekly.

The Omnibus Budget Reconciliation Act of 1981 also provides that the interest rate will not exceed five percent for community facility and water and waste disposal loans for facilities required to meet health or sanitary standards in areas where the median family income is below the poverty line established by the Office of Management and Budget (OMB) as adjusted under Section 624 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971d) and other low income areas the Secretary may designate. The poverty line used will be the guideline for nonfarm families with a family unit size of 4, as prescribed by OMB, because the majority of the users of facilities financed by the programs are non-farm and the National average family size exceeds 3.5. This provision is inserted in the FmHA published regulations without specifying the amount of the poverty line. FmHA will inform its field offices of the amount of the poverty line by Memorandum or Administrative Notice. The amount of the poverty line will be available to the public from any FmHA office. FmHA has determined the poverty line established by OMB is an adequate indicator of need for interest subsidy and has elected not to develop additional criteria at this time.

The Omnibus Budget Reconciliation Act of 1981 also requires that the interest rate on community facility loans, insured farm ownership loans for recreation or non-farm enterprises, insured farm operating loans for recreation enterprises, soil and water loans from recreation purposes, individual recreation loans, and insured business and industry loans will be increased two per centum per annum if the loan will involve the use of, or construction on, prime or unique farmland. FmHA is including this provision in FmHA Instruction 440.1, Exhibit B, which may be obtained upon request at any FmHA office, and in the Code of Federal Regulations at 7 CFR Part 1810, Subpart A.

Accordingly, Subpart A of Part 1810 and Subpart A of Part 1942, Chapter XVIII, Title 7, Code of Federal Regulations are amended as follows:

PART 1810—INTEREST RATES, TERMS, CONDITIONS, AND APPROVAL AUTHORITY

Subpart A—Interest Rates, Amortization, Annual Charge, and Fixed Period

1. Subpart A of Part 1810 is amended by adding a new § 1810.2 to read as follows:

§ 1810.2 Adjustment of interest rates for certain loans involving use of or construction on prime or unique farmland.

(a) For essential community facility loans, insured farm ownership loans for recreation or non-farm enterprises, insured farm operating loans for recreation enterprises, soil and water loans for recreation purposes, individual recreation loans, and insured business and industry loans, the interest rate will be increased by two per centum per annum if the project being financed will involve the use of, or construction on, prime or unique farmland. Prime or unique farmland is as defined in § 657.5 (a) and (b) of Title 7, Code of Federal Regulations (1980).

(b) The two per centum interest rate increase will not apply if the applicant/borrower is a public body or Indian tribe and has demonstrated to FmHA that there are no suitable options for locating the proposed essential community

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facility project on land that is not prime or unique farmland.

(c) For each essential community facility loan and insured business and industry loan the District Director, after consultation with the Soil Conservation Service (SCS), will determine whether the proposed project will involve the use of, or construction on, prime or unique farmland. For each insured farm ownership loan for a recreation or nonfarm enterprise, insured farm operating loan for a recreation enterprise, soil and water loan for a recreational purpose, or individual recreation loan, the County Supervisor, after consultation with SCS, will determine whether the proposed project will involve the use of, or construction on, prime or unique farmland. The determination will be documented by FmHA and made a part of the official case file.

PART 1942—ASSOCIATIONS

Subpart A—Community Facility Loans

2. In § 1942.17, paragraph (f) is amended by renumbering the existing subparagraph (2) to (4).

3. In § 1942.17, paragraph (f) is amended by revising subparagraph (1) and adding new subparagraphs (2) and (3) to read as follows:

§ 1942.17 Appendix A—Community facilities.

* * * * *

(f) *Rates and terms.* (1) The interest rate to be charged on each loan will be entered in item 26, Form FmHA 1940–1, "Request for Obligation of Funds," on the date the applicant is notified of loan approval. The interest rate for each loan will be established on the date the loan is approved and the applicant notified. Each loan will bear interest at the rate prescribed in FmHA Instruction 440.1, Exhibit B, except as provided in paragraph (f)(2) and (3) of this section. The interest rate will be set by FmHA at least for each quarter of the fiscal year, using as guidance the average of the Bond Buyer Index for the four weeks prior to the first Friday of the last month before the beginning of the quarter. The rate will be adjusted to the nearest one-eighth of one per centum.

(2) The interest rate will be five per centum per annum for loans for which the loan approval official determines the following conditions exist:

(i) The primary purpose of the loan is to upgrade existing facilities or construct new facilities required to meet applicable health or sanitary standards. Documentation will be obtained from the appropriate regulatory agency with jurisdiction to enforce the standard, to verify that a bona fide standard exists, what that standard is, and that the proposed improvements are needed and required to meet the standard; and,

(ii) The median family income of the service area is below the poverty line for a nonfarm family of four, as prescribed by the Office of Management and Budget (OMB) as adjusted under Section 624 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971 d).

(A) The median income of the service area will be determined by the District Director from the U.S. Department of Commerce, Bureau of the Census, Publication PC (1)—C Series, or from unpublished Bureau of Census data for individual enumeration districts; or,

(B) If there is reason to believe that the census data is not an accurate representation of the median income within the area to be served, the applicant may furnish, or FmHA may obtain, additional information regarding such median income in the form of:

(*1*) Reasons why census data is not accurate; and,

(*2*) Reliable data from local, regional, State, or Federal sources or the results of a survey conducted by a reliable impartial source.

(3) For essential community facilities loans, the rate indicated by paragraph (f)(1) or (2) of this section will be increased by two per centum per annum if the project being financed will involve the use of, or construction on, prime or unique farmland in accordance with FmHA Instruction 440.1, Exhibits B and J. Exhibits B and J are available to the public from any FmHA Office.

* * * * *

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: September 23, 1981.

Charles W. Shuman,

Administrator.

[FR Doc. 81–28308 Filed 9–29–81; 8:45 am]

BILLING CODE 3410–07–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Commission Review Procedures for Power Reactor Operating Licenses; Immediate Effectiveness Rule

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its recently adopted final rule on review procedures for Licensing Board decisions granting power reactor operating license applications, 46 FR 28627 (May 28, 1981). The Commission will retain to itself the decision as to whether or not a plant will be allowed to go into commercial operation, i.e. receive a full power license. However, the rule is being modified so as to delete the requirement that the Commission conduct an effectiveness review prior to fuel loading and low-power testing, and to make other clarifying changes. The reconsideration is prompted by Commission experience in reviewing several recent cases.

EFFECTIVE DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Martin G. Malsch, Deputy General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (telephone: 202–634–1465).

SUPPLEMENTARY INFORMATION: In the aftermath of the accident at Three Mile Island, the Nuclear Regulatory Commission had suspended in part its so-called immediate effectiveness rule which permitted favorable Licensing Board decisions to go into effect notwithstanding the filing of administrative appeals, and imposed in its stead a special *sua sponte* Commission review process designed to assure that no decision authorizing issuance of a nuclear power reactor construction permit or operating license could become effective without prior Commission review. *See* 44 FR 58559 (October 10, 1979), 44 FR 65049 (November 9, 1979), 10 CFR Part 2, Appendix B (1980 ed.). On May 28, 1981, after consideration of numerous public comments in response to a notice of proposed rulemaking, 46 FR 20215 (April 3, 1981), the Commission replaced the special review procedure for operating licenses with new procedures designed to reduce unnecessary delays. 46 FR 28627 (May 28, 1981). A more complete explanation of the background, purpose, and effect of this rulemaking proceeding can be found in the notices of proposed and final rulemaking cited above. The new procedures still called for Commission review prior to issuance of any power reactor operating license, including a license for fuel loading and low power testing.

The Commission has reconsidered whether it must, as a policy matter, complete a review of favorable Licensing Board decisions prior to fuel loading and low power testing (up to 5 percent of rated power), and commercial operation (full power). The Commission has concluded that it must retain the authorization of the full power license in order to fulfill the responsibilities of the Commission. These are the fundamental licenses granted by the NRC. However, the Commission has concluded that such review is not necessary for fuel loading and low power testing. First such activities involve minimal risk to the public health and safety, in view of the limited power level and correspondingly limited amounts of fission products and decay heat, and greater time available to take any necessary corrective action in the event of an accident.

Second, in operating license cases since the Three Mile Island accident the Commission has generally conducted its effectiveness review on a two-stage basis, first reviewing a fuel loading and low power testing license and then reviewing a full power license. Commission experience has been that in no case has fuel loading and low power testing prejudiced the later full power decision.

Accordingly, the Commission is reconsidering the review procedures adopted on May 28, 1981 so as to, in effect, reinstate the immediate effectiveness rule to the limited extent of allowing nuclear power reactor fuel loading and low power (up to 5 percent of rated power) testing based on favorable Licensing Board decisions notwithstanding the filing of exceptions. The Commission will retain the power to authorized full power operation. Also, language has been added to 10 CFR 2.764 to preserve Commission *sua sponte* authority to, in effect, suspend the immediate effectiveness rule in any case where special circumstances indicate this to be sound policy. This *sua sponte* authority is not intended to serve as a parallel avenue for parties to seek and obtain stays. 10 CFR 2.788 should be used for this purpose.

Thus, in a typical case the Director of Nuclear Reactor Regulation may issue a license within ten days from the date of issuance of a full power decision,[1] unless a stay motion was granted under 10 CFR 2.788, or there were some uncontested matters still requiring resolution. The same would hold true for low power decisions.

Finally, the new review procedures, as well as the old procedures adopted in 1979, are intended to apply only to nuclear power reactors, and the new rule has been clarified to this effect.

These rule changes will be applied prospectively, i.e., to initial decisions issued after the rule changes' effective date. Thus, they will not apply to cases like Diablo Canyon where the decisions were issued before the effective date, and the rules, as amended on May 28, 1981, will still apply to such cases. Also, these rule changes will not apply to the Three Mile Island Unit 1 restart cases where special effectiveness procedures are in effect or to any other case which involves extraordinary circumstances.

The review procedures addressed in this rulemaking apply only to contested operating license cases. Uncontested operating license cases are governed by a policy statement, issued in October 1979, 44 FR 58559 (October 10, 1979), which prohibited NRC staff from issuing any power reactor operating license without prior Commission review. The Commission, in this same issue of the **Federal Register**, is conforming its practice in uncontested cases to the rule changes herein by revising the earlier policy statement so as to delegate to the staff the authority to permit fuel loading and low power testing in uncontested cases without prior Commission review. *See* Table of Contents for this issue of the **Federal Register**.

The new rule is a variation on one of the proposals submitted for comment in the Commission's recent rulemaking proceeding. Indeed, many commenters urged the full reinstatement of the immediate effectiveness rule. Thus the new rule raises no policy considerations that were not raised in the earlier rulemaking. The change is also procedural in nature. It does not in any way modify any of the Commission's substantive standards for issuance of nuclear power reactor operating licenses and it has no significant effect on the participatory rights of parties to contested operating license hearings. The procedure and standards for parties to seek and obtain stays of adjudicatory decisions are set forth in 10 CFR 2.788 and remain unchanged and fully in effect. For these reasons the Commission believes that further notice of proposed rulemaking and public comment is unnecessary.

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that these rule changes will not have a significant economic impact on a substantial number of small entities. These rule changes would affect the Commission's procedures by permitting expedition of the licensing process. Because these rule changes relate solely to procedural matters and serve to remove procedural restrictions on licensees, the Commission has determined to make them effective upon publication in the **Federal Register**. Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that the following amendments to 10 CFR Part 2 are published as a document subject to codification.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 reads as follows:

Authority: Secs. 161p and 181, Pub. L. 83–703, 68 Stat. 950 and 953 (42 U.S.C. 2201(p) and 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552; unless otherwise noted. Sections 2.200–2.206 also issued under sec. 186, Pub. L. 83–703, 68 Stat. 955 (42 U.S.C. 2236) and sec. 206, Pub. L. 93–438, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.800–2.808 also issued under 5 U.S.C. 553.

§ 2.764 Immediate effectiveness of initial decision directing issuance or amendment of construction permit or operating license.[1]

2. In both paragraphs (a) and (b) of 10 CFR 2.764, the opening phrase "Except as provided in paragraphs (c) through (f) of this section," is revised to read "Except as provided in paragraphs (c) through (f) of this section, or as otherwise ordered by the Commission in special circumstances,".

3. The title of paragraph (e) of 10 CFR 2.764 is revised to read *"Nuclear power reactor construction permits"*.

4. Paragraph (f) of 10 CFR 2.764 is amended by revising the heading, (f)(1)(i), and (f)(2) to read as follows:

* * * * *

(f) *Nuclear power reactor operating licenses*—(1) *Atomic Safety and Licensing Boards.* (i) Atomic Safety and Licensing Boards shall hear and decide all issues that come before them, indicating in their decisions the type of licensing action, if any, which their decision would authorize. A Board's decision authorizing issuance of an operating license (including a fuel loading and low power testing license) shall not become effective insofar as it authorizes operating at greater than 5 percent of rated power until the Commission actions outlined below in paragraph (f)(2) of this section have taken place. Insofar as it authorizes operation up to 5 percent, the decision shall become effective and the Director shall issue the appropriate license in accordance with paragraph (b) of this section.

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[1] The Commission expects that in the usual case of a favorable full power Licensing Board decision the Director of Nuclear Reactor Regulation would be able to issue the license using the format of a full power license but with the special added condition that operation beyond 5 percent of rated power is not allowed. This eliminates the need to prepare two separate license documents, one for low power and one for full power, but has no substantive effect on the activities authorized.

(2) *Commission.* (i) Reserving the power to step in at an earlier time, the Commission will, upon receipt of the Licensing Board decision authorizing issuance of an operating license, other than a decision authorizing only fuel loading and low power (up to 5 percent of rated power) testing, review the matter on its own motion to determine whether to stay the effectiveness of the decision. An operating license decision will be stayed by the Commission, insofar as it authorizes other than fuel loading and low power testing, if it determines that it is in the public interest to do so, based on a consideration of the gravity of the substantive issue, the likelihood that it has been resolved incorrectly below, the degree to which correct resolution of the issue would be prejudiced by operation pending review, and other relevant public interest factors.

(ii) For operating license decisions other than those authorizing only fuel loading and low power testing consistent with the target schedule set forth below, the parties may file brief comments with the Commission pointing out matters which, in their view, pertain to the immediate effectiveness issue. To be considered, such comments must be received within 10 days of the Board decision. However, the Commission may dispense with comments by so advising the parties. No extensive stay shall be issued without giving the affected parties an opportunity to be heard.

(iii) The Commission intends to issue a stay decision within 30 days of receipt of the Licensing Board's decision. The Licensing Board's initial decision will be considered stayed pending the Commission's decision insofar as it may authorize operations other than fuel loading and low power (up to 5 percent of rated power) testing.

(iv) In announcing a stay decision, the Commission may allow the proceeding to run its ordinary course or give instructions as to the future handling of the proceeding (for example, it may direct the Appeal Board to review the merits of particular issues in expedited fashion; furnish policy guidance with respect to particular issues; or decide to review the merits of particular issues itself, bypassing the Appeal Board). Furthermore, the Commission may in a particular case determine that compliance with existing regulations and policies may not longer be sufficient to warrant approval of a license application and may alter those regulations and policies.

(v) In operating license cases, the Commission's review under this section is without prejudice to Appeal Board or other Commission decisions, including decisions on stay requests filed under 10 CFR 2.788.

Dated at Washington, D.C. this 24th day of September 1981.

For the Nuclear Regulatory Commission.

Samuel L. Chilk,

Secretary of the Commission.

[FR Doc. 81-28446 Filed 9-29-81; 8:45 am]

BILLING CODE 7590-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 207

[Economic Reg. ER-1248 Amdt. No. 32 to Part 207; Docket No. 39616]

Liberalized Regulation of Wet Lease Agreements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB liberalizes its rules on wet leases (leases of aircraft with crew) between airlines, to eliminate unnecessary barriers to competitive opportunities. Supplementary information about this change appears in ER-1247, issued along with this rule.

DATES: Adopted: September 15, 1981. Effective: November 23, 1981; however, the effectiveness of the changes in reporting requirements is subject to OMB review. The Board will publish a notice of OMB's decision.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 207, *Charter Trips and Special Services*, as follows:

1. The authority for Part 207 is:

Authority: Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 418, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 766, 769, 771, 788, 91 Stat. 1284; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1388, 1482.

2. In the Table of Contents, § 207.10, *Reports of emergency commercial charters for other direct carriers*, is retitled as *Prior authorization of long-term wet leases to foreign air carriers*.

3. A new definition is added to § 207.1, *Definitions*, as follows:

§ 207.1 [Amended]

* * * * *

"Long-term wet lease" means a lease by which the lessor provides both an aircraft and its crew, which either (a) lasts more than 60 days, or (b) is part of a series of such leases that amounts to a continuing arrangement lasting more than 60 days.

4. Section 207.10, *Reports of emergency commercial charters for other direct carriers*, is retitled and revised to read:

§ 207.10 Prior authorization of long-term wet leases to foreign air carriers.

(a) A direct air carrier shall not perform any flights for a direct foreign air carrier under a long-term wet lease unless it has obtained a statement of authorization under this section.

(b) Applications for a statement of authorization shall be submitted in letter form in three copies to the Civil Aeronautics Board, addressed to the Director, Bureau of International Aviation. A copy of the application shall also be served on the Federal Aviation Administration, addressed to the Director of Flight Operations, and on each certificated air carrier that is authorized to serve the same general area in which the proposed transportation is to be performed.

(c) The application shall describe the purpose and terms of the wet lease agreement. It shall also include documentation to establish the extent to which the country of the lessee's nationality deals with United States air carriers on the basis of reciprocity for similar wet leases, if such wet leases are not subject to a bilateral agreement and—

(1) The Board has not established that the country accords reciprocity,

(2) The Board has found reciprocity defective in the most recent prior approval application involving the country; or

(3) Changes in reciprocity have occurred since the most recent Board finding for the country in question.

(d) Applications for a statement of authorization under this section shall be filed at least 45 calendar days before the date of the first proposed flight.

(e) Any party in interest may file a memorandum supporting or opposing an application. Three copies of each memorandum shall be filed within 7 business days after service of the application, and a copy shall be served on the applicant air carrier. Each memorandum shall set forth the reasons why the application should be granted or denied, accompanied by whatever data, including affidavits, the Board is requested to consider.

(f)(1) Unless otherwise ordered by the Board, each application and memorandum filed in response will be available for public inspection at the Regulatory Affairs Division of the

Bureau of International Aviation immediately upon filing. Notice of the filing of all applications will be published in the Board's Weekly List of Applications Filed.

(2) Any person objecting to public disclosure of any information in an application or memorandum must state the grounds for the objection in writing. If the Board finds that disclosure of all or part of the information would adversely affect the objecting person, and that the public interest does not require disclosure, it will order that the injurious information be withheld.

(g) The Board will issue a statement of authorization if it finds that the proposed wet lease is in the public interest. Statements of authorization may be conditioned or limited. In determining the public interest the Board will consider (but not be limited to) the following factors:

(1) The extent to which the authority sought is covered by and consistent with bilateral agreements to which the United States is a party, or should be so covered;

(2) The extent to which the foreign country involved deals with United States carriers on the basis of substantial reciprocity; and

(3) Whether the applicant (lessor) or its agent has previously violated the provisions of this part, or the lessee or its agent has previously violated the provisions of Part 212 or 218 of this chapter.

(h) The Board will publish notice of its actions on applications for statements of authorization in the Status of Charter Applications attachment to the Weekly List of Applications Filed. Interested persons may upon request obtain copies of letters advising applicants of action taken on their applications.

5. In § 207.11, paragraphs (a)(2)(i) and (c) are revised to read:

§ 207.11 Charter flight limitations.

(a) Passenger charter flights (trips) in air transportation shall be limited to the following:

* * * * *

(2) Air transportation * * * where * * * an aircraft has been engaged * * *

(i) By a person for his or her own use, including a direct air carrier or a direct foreign air carrier, except that long-term wet leases to foreign air carriers are subject to prior authorization under § 207.10.

* * * * *

(c) Cargo charter flights in air transportation are permitted without limitation, except that long-term wet leases to foreign air carriers are subject to prior authorization under § 207.10. charter cargo may be transported both on scheduled flights carrying individually-ticketed and/or individually-waybilled traffic and on flights carrying charter traffic only.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-28362 Filed 9-29-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 208

[Economic Regulations ER-1249; Amendment No. 32 to Part 208; Docket 39616]

Liberalized Regulation of Wet Lease Agreements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB liberalizes its rules on wet leases (leases of aircraft with crew) between airlines, to eliminate unnecessary barriers to competitive opportunities. Supplementary information about this change appears in ER-1247, issued along with this rule.

DATES: Adopted: September 15, 1981. Effective: November 23, 1981; however, the effectiveness of the changes in reporting requirements is subject to OMB review. The Board will publish a notice of OMB's decision.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN CHARTER AIR TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 208, *Terms, Conditions and Limitations of Certificates to Engage in Charter Air Transportation, as follows:*

1. The authority for Part 208 is:

Authority: Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 417, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 766, 769, 771, 788, 76 Stat. 145; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1387, 1482.

2. In the Table of Contents, § 208.5, *Reports of emergency commercial charters for other direct carriers,* is retitled as *Prior authorization of long-term wet leases to foreign air carriers.*

3. In § 208.3, a new paragraph (w) is added, to read:

§ 208.3 Definitions.

* * * * *

(w) "Long-term wet lease" means a lease by which the lessor provides both an aircraft and its crew, which either (1) lasts more than 60 days, or (2) is part of a series of such leases that amounts to a continuing arrangement lasting more than 60 days.

4. Section 208.5, *Reports of emergency commercial charters for other direct carriers,* is retitled and amended to read:

§ 208.5 Prior authorization of long-term wet leases to foreign air carriers.

(a) A direct air carrier shall not perform any flights for a direct foreign air carrier under a long-term wet lease unless it has obtained a statement of authorization under this section.

(b) Applications for a statement of authorization shall be submitted in letter form in three copies to the Civil Aeronautics Board, addressed to the Director, Bureau of International Aviation. A copy of the application shall also be served on the Federal Aviation Administration, addressed to the Director of Flight Operations, and on each certificated air carrier that is authorized to serve the same general area in which the proposed transportation is to be performed.

(c) The application shall describe the purpose and terms of the wet lease agreement. It shall also include documentation to establish the extent to which the country of the lessee's nationality deals with United States air carriers on the basis of reciprocity for similar wet leases, if such wet leases are not subject to a bilateral agreement and—

(1) The Board has not established that the country accords reciprocity,

(2) The Board has found reciprocity defective in the most recent prior approval application involving the country; or

(3) Changes in reciprocity have occurred since the most recent Board finding for the country in question.

(d) Applications for a statement of authorization under this section shall be filed at least 45 calendar days before the date of the first proposed flight.

(e) Any party in interest may file a memorandum supporting or opposing an application. Three copies of each memorandum shall be filed within 7 business days after service of the application, and a copy shall be served on the applicant air carrier. Each memorandum shall set forth the reasons why the application should be granted or denied, accompanied by whatever data, including affidavits, the Board is requested to consider.

(f)(1) Unless otherwise ordered by the Board, each application and memorandum filed in response will be available for public inspection at the Regulatory Affairs Division of the Bureau of International Aviation immediately upon filing. Notice of the filing of all applications will be published in the Board's Weekly List of Applications Filed.

(2) Any person objecting to public disclosure of any information in an application or memorandum must state the grounds for the objection in writing. If the Board finds that disclosure of all or part of the information would adversely affect the objecting person, and that the public interest does not require disclosure, it will order that the injurious information be withheld.

(g) The Board will issue a statement of authorization if it finds that the proposed wet lease is in the public interest. Statements of authorization may be conditioned or limited. In determining the public interest the Board will consider (but not be limited to) the following factors:

(1) The extent to which the authority sought is covered by and consistent with bilateral agreements to which the United States is a party, or should be so covered;

(2) The extent to which the foreign country involved deals with United States carriers on the basis of substantial reciprocity; and

(3) Whether the applicant (lessor) or its agent has previously violated the provisions of this part, or the lessee or its agent has previously violated the provisions of Part 212 or 218 of this chapter.

(h) The Board will publish notice of its actions on applications for statements of authorization in the Status of Charter Applications attachment to the Weekly List of Applications Filed. Interested persons may upon request obtain copies of letters advising applicants of action taken on their applications.

5. In § 208.6, paragraphs (a)(2) (i) and (c) are revised to read:

§ 208.6 [Amended]

(a) Passenger charter flights (trips) in air transportation shall be limited to the following:

* * * * *

(2) Air transportation * * * where * * * an aircraft has been engaged * * *

(i) By a person for his or her own use, including a direct air carrier or a direct foreign air carrier, except that long-term wet leases to foreign air carriers are subject to prior authorization under § 208.5.

* * * * *

(c) Cargo charter flights in air transportation are permitted without limitation, except that long-term wet leases to foreign air carriers are subject to prior authorization under § 208.5. Charter cargo may be transported both on scheduled flights carrying individually-ticketed and/or individually-waybilled traffic and on flights carrying charter traffic only.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-23382 Filed 9-29-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 212

[Economic Regulations ER-1247; Amendment No. 42 to Part 212; Docket 39616]

Liberalized Regulation of Wet Lease Agreements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB liberalizes its rules on wet leases (leases of aircraft with crew) between airlines, to eliminate unnecessary barriers to competitive opportunities.

DATES: Adopted: September 15, 1981. Effective: November 23, 1981; however, the effectiveness of the changes in reporting requirements is subject to OMB review. The Board will publish a notice of OMB's decision.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In EDR-426, 46 FR 28383, May 26, 1981, the Board proposed to substantially liberalize its rules on wet leases between airlines. We are now adopting the changes as proposed.

A "wet lease" of aircraft is an agreement under which the lessor provides both the aircraft and the crew. When the lessor is an airline, the wet lease is technically a charter performed by the lessor. The lessor must have authority to perform charters between the points in question, and the wet lease is also subject to the specific limitations on charter flights that appear in the Board's rules (14 CFR Parts 207, 208, and 212). The lessee might itself be an airline, using the aircraft for either scheduled or charter service, in which case it must also have authority from the Board for whatever service it is providing.

Parts 207, 208, and 212 up to now have contained an elaborate scheme of prior approval requirements for wet leases performed by U.S. route air carriers, U.S. charter air carriers, and foreign air carriers, respectively. There are exceptions only for emergencies, which must be reported to the Board after the fact. The scheme is described in detail in EDR-426. It was part of a scheme of pervasive regulation of air service, when routes were awarded only sparingly.

Under current pro-competitive policies, however, the Board is avoiding interference in management decisions unless it finds a specific need for the interference. The existing scheme unnecessarily limits the ability of carriers to meet the immediate needs of the public. In EDR-426, we proposed to eliminate the prior approval requirements and emergency reporting requirements for all wet leases between U.S. air carriers, and for all short-term wet leases involving a foreign air carrier (as lessor, lessee, or both). Only long-term wet leases—those lasting more than 60 days or part of a continuing arrangement lasting more than 60 days—that involved a foreign air carrier would continue to require Board approval. The proposal cited two reasons for retaining oversight of such arrangements. One was to make sure that a wet lease is not used to circumvent bilateral agreements. For example, where an agreement limits market participation by the carriers of each country, a long-term wet lease could thwart the limitations to the detriment of U.S. carriers. The second reason cited was to enable the Board to step in when a foreign carrier's homeland does not afford adequate reciprocity.

World Airways filed the only comment on EDR-426. It supported the proposed liberalization, and recommended that the board go a step further by limiting the prior approval requirement to long-term wet leases where both carriers are foreign. World stated that, in contrast with bilateral and foreign government restrictions imposed on charters in general, it has encountered no such problems with wet leases between it and foreign carriers. This might be explained, it suggested, by the fact that if a foreign government imposed restrictions on such wet leases, that government would be injuring its own carrier as well as the U.S. carrier. World argued that routine prior approval of such wet leases is unnecessary because bilateral and reciprocity concerns can be addressed more easily and effectively through bilateral discussions, *ad hoc* prior approval requirements, or, in extreme cases, some type of action under the International Air Transportation Competition Act.

We have decided to adopt final rules liberalizing oversight of wet leases as proposed, for the reasons set forth in EDR-426. We are not persuaded by World's argument that we should go further than the proposal. Even if foreign government actions presented no problems for World, they could still be injurious to other U.S. carriers operating in the same markets or to U.S. foreign policy or negotiating policy in general. And the alternative methods of addressing such problems that World suggested are impractical and potentially cumbersome. Moreover, continuation of the prior approval requirements for long-term wet leases between a U.S. and foreign carrier will not significantly burden the carriers. As in the past, we expect to issue statements of authorization freely when the foreign carrier is from a country with which we have no or few bilateral aviation problems.

World also suggested that, if we retain prior approval requirements for wet leases between U.S. and foreign carriers, we limit the term "wet lease" in the rules to those leases that involve operation of aircraft in interstate, overseas, or foreign air transportation. World apparently seeks assurance that the rules will not apply to wet leases for service between foreign countries that is outside of "foreign air transportation" as defined in the Federal Aviation Act because the traffic has no connection with the United States. Such service is not "air transportation" and so is outside our jurisdiction and not covered by the rules. No change in the term "wet lease" is needed, however, because §§ 207.11 and 208.6 are limited by their own terms to air transportation, and § 212.3 is similarly limited to foreign air transportation.

This amendment of Part 212 also allows wet lease applications to be submitted in letter form instead of on CAB Form 433, which is still required for other statement of authorization requests but not well suited to wet leases. The requirements for contents of applications (§ 212.5(c)) and criteria for issuing statements of authorization (§ 212.6(b)) are revised to refer to *lessee* carriers and the reciprocity afforded by their homelands as well as lessor carriers. ER-1248 and 1249, issued along with this rule, amend Parts 207 and 208 to add a statement of authorization procedure for long-term wet leases from a U.S. carrier to a foreign one. The procedure is modeled on the one in Part 212, and replaces the previous prohibitions on all but emergency wet leases, under which permission was, as a technical matter, obtained by waiver of the emergency requirement. ER-1250, also issued along with this rule, makes conforming changes in Part 218, *Lease by Foreign Air Carrier or Other Foreign Person of Aircraft With Crew*, as described in EDR-426.

We are also clarifying the provision in § 212.3(c) that authorizes cargo charters by foreign air carriers in foreign air transportation "without limitation." That language was originally adopted in ER-1192, 45 FR 53364, August 11, 1980. It was designed to eliminate the previous restrictions on charterworthiness for cargo service, but was never intended to change the prior approval requirements for wet leases or other charters, whether for passengers or cargo. This rule therefore adds to § 212.3(c) an explicit reference to the prior approval requirements of § 212.4.

We remind carriers that, although prior approval will no longer be required for most wet leases, anticompetitive wet lease agreements will continue to be subject to full scrutiny under the antitrust laws. Also, carriers must still have underlying authority to provide the air transportation in question. For example, a carrier that is restricted by its certificate to North American operations would need an exemption to wet lease an aircraft to another carrier for transatlantic service. And a short-term wet lease for service between the United States and a country other than a foreign carrier lessor's home country, although it would need no prior approval as a wet lease, would still need a statement of authorization under § 212.4(b)(1) as a series of fifth freedom charter flights.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-354, the Board certifies that these rules will not have a significant economic impact on a substantial number of small entities. Although some of the carriers that are subject to Parts 207, 208, 212, and 218 are small businesses, they are not the ones that will be the most significantly affected by this lessening of restrictions on wet leasing.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 212, *Charter Trips by Foreign Air Carriers*, as follows:

1. The authority for Part 212 is:

Authority: Secs. 101(3), 102, 204, 401, 402, 403, 404, 407, 411, 416, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 769, 771, 788; 49 U.S.C. 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482.

2. The Table of Contents is amended by removing § 212.13, *Reports of emergency commercial charters for other direct carriers.*

3. A new definition is added to § 212.2, *Definitions*, to read:

§ 212.2 [Amended]

* * * * *

"Long-term wet lease" means a lease by which the lessor provides both an aircraft and its crew, which either (a) lasts more than 60 days, or (b) is part of a series of such leases that amounts to a continuing arrangement lasting more than 60 days.

4. In § 212.3, paragraphs (a)(1)(i) and (c) are revised to read:

§ 212.3 Charter flight limitations.

(a) Passenger charter flights by foreign air carriers in foreign air transportation shall be limited to the movement of persons or their baggage * * *

(1) Where * * * an aircraft has been engaged * * *

(i) By a person for his or her own use, including a direct air carrier or a direct foreign air carrier whether or not the charter is a wet lease for the carriage of commercial traffic;

* * * * *

(c) Cargo charter flights in foreign air transportation by a foreign air carrier are permitted without limitation, except as set forth in § 212.4. Charter cargo may be transported both on scheduled flights carrying individually-ticketed and/or individually-waybilled traffic and on flights carrying charter traffic only.

5. In § 212.4, paragraph (b)(2) is revised and paragraph (c) is removed, so that the section reads:

§ 212.4 Prior authorization requirements.

* * * * *

(b) Foreign air carriers shall obtain a statement of authorization for each—

* * * * *

(1) * * *

(2) Long-term wet lease to a direct air carrier or direct foreign air carrier, or

(3) * * *

(c) [Reserved]

* * * * *

6. In § 212.5, paragraphs (a), (b), (c), and (d)(2) are revised to read:

§ 212.5 Application for authorization.

(a) Application for a statement of authorization shall be submitted on CAB Form 433 (Appendix C), except that for long-term wet leases the application may be submitted in letter form and shall describe the purpose and terms of the wet lease agreement. Applications shall be submitted in three copies to the Civil Aeronautics Board, addressed to the Director, Bureau of International Aviation. Upon a showing of good cause, the application may be transmitted by cablegram or telegram or may be made by telephone.

(b) A copy of the application for a long-term wet lease to a direct air carrier or direct foreign air carrier shall also be served on the Federal Aviation Administration, addressed to the Director of Flight Operations, and on each certificated air carrier that is authorized to serve the same general area in which the proposed transportation is to be performed.

(c) The application shall include documentation to establish the extent to which the country of the applicant's nationality (and, in the case of a long-term wet lease, the country of the lessee's nationality) deals with United States air carriers on the basis of reciprocity for similar flights, if such flights are not subject to a bilateral agreement and—

(1) The Board has not established that the country accords reciprocity,

(2) The Board has found reciprocity defective in the most recent prior approval application involving the country, or

(3) Changes in reciprocity have occurred since the most recent Board finding for the country in question.

(d)(1) * * *

(2) Applications for a long-term wet lease to a direct air carrier or direct foreign air carrier shall be filed at least 45 days before the date of the first proposed flight.

* * * * *

7. In § 212.6, paragraphs (b)(2) and (b)(4) are revised so that the paragraph reads:

§ 212.6 Issuance of authorization.

* * * * *

(b) In determining the public interest the Board will consider (but not be limited to) the following factors.

(1) The extent to which the authority sought is covered by and consistent with bilateral agreements to which the United States is a party.

(2) The extent to which the country of the carrier's nationality (and, in the case of a long-term wet lease, the country of the lessee's nationality) deals with United States air carriers on the basis of substantial reciprocity.

(3) Whether the foreign air carrier or its agent or the charterer or its agent has previously violated the provisions of this part.

(4) Where the application concerns a long-term wet lease—

(i) Whether the foreign air carrier or its agent or the lessee (charterer) or its agent has previously violated the provisions of Part 207, 208, or 218 of this chapter.

(ii) Whether, because of the nature of the arrangement and the benefits involved, the authority sought should be the subject of a bilateral agreement.

(iii) To what extent the applicant owns or controls the lessee, or is owned or controlled by the lessee.

§ 212.13 [Removed]

8. Section 212.13, *Reports of emergency commercial charters for other direct carriers,* is removed.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-28361 Filed 9-29-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 218

[Economic Regulations ER-1250; Amendment No. 1 to Part 218 Docket 39616]

Liberalized Regulation of Wet Lease Agreements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB liberalizes its rules on wet leases (leases of aircraft with crew) between airlines, to eliminate unnecessary barriers to competitive opportunities. Supplementary information about this change appears in ER-1247, issued along with this rule.

DATES: Adopted: September 15, 1981. Effective: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

PART 218—LEASE BY FOREIGN AIR CARRIER OR OTHER FOREIGN PERSON OF AIRCRAFT WITH CREW

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 218, *Lease by Foreign Air Carrier or Other Foreign Person of Aircraft with Crew,* as follows:

1. The authority for Part 218 is:

Authority: Secs. 204(a), 402, Pub. L. 85-726, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.

§ 218.2 [Amended]

2. The last two sentences of § 218.2, *Applicability,* are removed.

3. In § 218.3, paragraph (a) is revised to read:

§ 218.3 Prohibition against unauthorized operations employing aircraft leased with crew.

(a) No foreign air carrier, or other person not a citizen of the United States, shall lease an aircraft with crew to a foreign air carrier for use by the latter in performing foreign air transportation unless either—

(1) The lessor holds a foreign air carrier permit issued under section 402 of the Act and any statement of authorization required by Part 212 of this chapter; or

(2) The Board has issued an exemption under section 416 of the Act specifically authorizing the lessor to engage in the foreign air transportation to be performed under the lease; or

(3) The Board has issued an order under § 218.6 disclaiming jurisdiction over the matter.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-28356 Filed 9-29-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 935 and 936

Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries; Partial Suspension of Regulations

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The Office of Coastal Zone Management within NOAA is continuing the suspension until March 30, 1982, of those provisions of the regulations issued pursuant to the designations of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary insofar as they apply to such development. NOAA is reconsidering the regulations in accordance with Executive Order 12291.

This reconsideration involves preparation of a formal regulatory impact analysis which is not yet complete. The continued suspension will not result in any substantive impact on either sanctuary.

DATE: The provisions in §§ 935.6, 935.7 and 936.6 which would directly prohibit or have the effect of prohibiting hydrocarbon development insofar as they apply to such development are suspended until March 30, 1982.

ADDRESS: Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: John Epting, (202) 634-4236.

SUPPLEMENTARY INFORMATION: The majority of the regulations issued pursuant to the designation of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries became effective on March 30, 1981, and April 5, 1981, respectively.

On March 30, 1981 (46 FR 19227), NOAA suspended those portions of the regulations which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary for a period of 30 days during which it considered whether to suspend them for an additional period of up to 6 months, and on April 29, 1981 (46 FR 23924), suspended such portions of the regulations until September 30, 1981, while it reconsidered their substantive impact in accordance with Executive Order 12291.

Executive Order 12291 directs Federal agencies to reconsider pending "major" regulations in accordance with the objectives of the Executive Order and prepare a Regulatory Impact Analysis. A major regulation is defined as one likely to result in:

1. An annual effect on the economy of $100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
3. Significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

NOAA has awarded a contract for the preparation of a formal regulatory impact analysis, a major element of the reconsideration. This analysis will not be completed prior to September 30, 1981. NOAA will need an adequate period of time to review its options with respect to the regulations.

Therefore, on September 8, 1981 (46 FR 44765), NOAA proposed to further continue suspension of those portions of the regulations under reconsideration to complete the Regulatory Impact Analysis and fully consider its recommendations. As to other activities the regulations remain effective.

Only a very limited number of comments have been received most from commentators who have continuously objected to any suspension of the hydrocarbon regulations. NOAA appreciates the underlying concern of these commentators for the resources of the sanctuaries. However, no lease sales involving either Sanctuary have been held since designation and none will be held during the period of the continued suspension. The next lease sale which could impact either Sanctuary, Sale #68, which contains 37 tracts in the Channel Islands Sanctuary, is not scheduled until April, 1982. No activities which could impact either sanctuary substantively will result from this continued suspension. Since this suspension action will not result in any practical effect on either Sanctuary, NOAA finds no advantage to having the regulations become effective on an interim final basis during the review and therefore elects to continue the suspension.

Conversely, the continued suspension will not restrict or prohibit any activity and the Administrator has determined therefore that the suspension is not a "major" rule under Executive Order 12291, nor will it have a significant economic impact on small entities under the Regulatory Flexibility Act.

Since the current suspension will expire on September 30, 1981, at which time the provisions of the regulations under review would become effective prior to completion of the Regulatory Impact Analysis, it has been impracticable to follow the review procedures set forth in Executive Order 12291, and the 60 day notice provisions set forth in Department of Commerce Administrative Order 218.7 and NOAA Directive 21-24 for this rule continuing the suspension. Consequently, this notice is being published in accordance with the emergency procedure of Section 8 of Executive Order 12291.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: September 24, 1981.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

§§ 935.6, 935.7, 936.6 [Suspended]

Accordingly, the provisions in §§ 935.6, 935.7 and 936.6 which would directly prohibit or have the effect of prohibiting hydrocarbon development insofar as they apply to such development are suspended until March 30, 1982.

[FR Doc. 81-28521 Filed 9-29-81; 8:45 am]

BILLING CODE 3510-08-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[PH-FRL-1945-1; FAP OH5268/R85]

Cyano (3-Phenoxyphenyl)Methyl-4-Chloro-Alpha-(1-Methylethyl) Benzeneacetate; Establishment as a Feed Additive

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule

SUMMARY: This rule establishes a feed additive regulation permitting residues of the insecticide cyano(3-phenoxyphenyl)-methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate in or on soybean hulls at 1.0 part per million (ppm). This regulation was requested by Shell Oil Company.

EFFECTIVE DATE: Effective on: September 30, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M. St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 15, 1980 (45 FR 54426) that Shell Oil Co., 1025 Connecticut Ave., NW, Washington, DC 20036, had submitted a feed additive petition (FAP OH5268) to the EPA. The petition proposed that 21 CFR Part 561 be amended by establishing a regulation permitting residues of the insecticide cyano(3-phenoxyphenyl)methyl-4-chloro-alpha(1-methylethyl)-benzeneacetate in or on soybean hulls at 0.1 ppm.

The petitioner subsequently amended the petition by submitting a revised Section F petition, proposing that the tolerance be increased from 0.1 ppm to 1.0 ppm. The amended notice of filing published in the **Federal Register** of September 23, 1981 (46 FR 47009).

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No comments or request for referral to an advisory committee were received in response to this notice of filing.

A related document which appears elsewhere in this issue of the **Federal Register** (PP OF2375/R346) establishes tolerances for residues of the insecticide in or on soybeans at 0.05 ppm; fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm; and milk fat at 0.1 ppm. For detailed toxicological information in support of this feed additive regulation on soybean hulls at 1.0 ppm, see the related notice establishing tolerances for the subject chemical in or on the above raw agricultural commodities. The tolerances for the fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep and milk fat are adequate to cover any secondary residues which may result from the use of the subject insecticide on soybean hulls.

It is concluded that the pesticide may be safely used in the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA, as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*). The pesticide is considered useful for the purpose for which the feed additive regulation is sought. Therefore, 21 CFR Part 561 is amended as set forth below.

Any person adversely affected by this regulation may, on or before October 30, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945). Effective on: September 30, 1981.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 346 (c)(1)))

Dated: September 30, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR Part 561 is amended by adding § 561.97 to read as follows:

§ 561.97 Cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate.

A regulation is established permitting residues of the insecticide cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate at 1.0 part per million in or on soybean hulls.

[FR Doc. 81–28394 Filed 9–29–81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-81-932]

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation for the Fayetteville, Fort Smith, Jonesboro, Little Rock, and Texarkana, Arkansas Market Areas; Section 8 Projects; Request for Comments

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule; request for comments.

SUMMARY: HUD is amending the schedules of Section 8 Fair Market Rents applicable to new construction and substantial rehabilitation for the Fayetteville, Fort Smith, Jonesboro, Little Rock, and Texarkana, Arkansas market areas. These proposed rents will take effect without another publication unless HUD determines that further revision is appropriate.

DATES: This interim rule is effective on November 16, 1981. Comments are due on or before October 15, 1981.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755–7603. This is not a toll-free number. Each person submitting a comment should include his/her name and address and refer to the document by the docket number indicated by the headings, and give reasons for any recommendation. Copies of all written comments will be available for examination by interested persons in the Office of the Rules Docket Clerk at the address listed above. In order to expedite consideration of comments, an information copy of your comment should be forwarded to the Little Rock Area Office having jurisdiction for the market areas involved.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Multifamily Housing Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755–5743. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Recent submissions have been received from the Little Rock Area Office indicating an immediate need to amend the Fair Market Rents for Section 8 newly constructed and substantially rehabilitated rental projects for the Fayetteville, Fort Smith, Jonesboro, Little Rock, and Texarkana, Arkansas market areas.

The last Annual Revision of all Fair Market Rents for all market areas was published at 45 FR 58040 on August 29, 1980.

It has been determined that prior notice and public procedure would be contrary to the public interest in this instance because there is an urgent need to correct the existing Fair Market Rent schedules for these market areas. The schedules are out of date due to rapidly changing economic conditions, and corrections are badly needed to maintain the viability of essential housing projects. However, a 15-day public comment period is being provided prior to the effective date of this rule. If evaluation of comments submitted during this period indicates a need to change the corrected Fair Market Rent schedules, this rule will be withdrawn and corrected. Otherwise these Fair Market Rent schedules will, without further publication, become effective on the date indicated above.

HUD has made a Finding of No Significant Impact with respect to the environment in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(c) of the National Environmental Policy Act of 1969. A copy of this Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the address set forth above.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The Catalog of Federal Domestic Assistance Program number is 14.156.

Accordingly, Schedule A of Part 888 is amended as set forth below:

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., August 3, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These schedules of Fair Market Rents have been trended ahead to October 1, 1982, to update the current Fair Market Rent schedules which these revised rent schedules will replace.

Note.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2 bedrooms for the elderly, multiplied by 1.05 rounded to the nearest whole dollar, (2) congregate housing dwelling units are the same as for noncongregate units, and (3) single room occupancy dwelling units are those for zero bedroom units of the same type.

Area Office—Little Rock, Arkansas; Region VI—Dallas

Market area	Structure type	Number of bedrooms 0	1	2	3	4 or more
Little Rock	Detached			450	[illegible]	[illegible]
	Semi-detached/row	312	366	433	[illegible]	[illegible]
	Walkup	[illegible]	345	391	[illegible]	[illegible]
	Elevator-2-4 sty	319	379	432		
	5 + sty	374	[illegible]	504		
Fayetteville	Detached			418	510	577
	Semi-detached/row	290	345	402	[illegible]	[illegible]
	Walkup	282	336	392	[illegible]	521
	Elevator-2-4 sty	[illegible]	367	430		
	5 + sty	371	426	500		
Fort Smith	Detached			[illegible]	472	549
	Semi-detached/row	267	314	[illegible]	[illegible]	514
	Walkup	247	[illegible]	[illegible]	[illegible]	472
	Elevator-2-4 sty	274	325	395		
	5 + sty	376	429	509		
Jonesboro	Detached			[illegible]	479	541
	Semi-detached/row	271	319	[illegible]	[illegible]	[illegible]
	Walkup	251	[illegible]	[illegible]	[illegible]	477
	Elevator-2-4 sty	278	[illegible]	396		
	5 + sty	[illegible]	413	497		
Texarkana	Detached			414	507	571
	Semi-detached/row	285	[illegible]	[illegible]	[illegible]	545
	Walkup	265	314	382	[illegible]	[illegible]
	Elevator-2-4 sty	292	[illegible]	421		
	5 + sty	374	[illegible]	492		
	Detached					
	Semi-detached/row					
	Walkup					
	Elevator-2-4 sty					
	5 + sty					

[FR Doc. 81-28228 Filed 9-29-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Parts 103a and 103b

Indian Moneys, Proceeds of Labor; Special Deposits

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior hereby adds a new part to its regulations to establish two new internal accounting procedures. Part 103a establishes regulations dealing with the source, deposit, investment, and use of federal moneys classified as "Indian Moneys, Proceeds of Labor." Part 103b prescribes policies governing the handling of "Special Deposits" by the Bureau.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas A. Stangl, Chief, Division of Program Development & Implementation, Bureau of Indian Affairs, Room 303, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, telephone number (202) 343-6342.

SUPPLEMENTARY INFORMATION: On November 3, 1980 there were published in the **Federal Register** (45 FR 72699) proposed regulations for *Indian Moneys, Proceeds of Labor and Special Deposits.* Comments were received from six Bureau of Indian Affairs field offices, one Indian Tribe and one law firm on behalf of the Indian Tribes it represents. All comments received with respect to the proposed rules were carefully considered. The comments on Part 103a "Indian Moneys, Proceeds of Labor" were primarily of an editorial rather than a substantive nature, with the exception that some of the wording in § 103a.6(b) has been revised and a portion of the section has been deleted. These changes have been made to restrict IMPL funding to only those programs and projects authorized, and for which funding has been appropriated by the Congress in the current fiscal year. Most of the comments received related to Part 103b and were critical of the sections dealing with the method described for computing distributions of interest. For example, one commented that "The $500/60 day limitation would be such an awkward and cumbersome task to accomplish manually by any means other than a computer. Even then, the computer processing time to calculate the interest would be excessive". Another commented that the $500/60 day limitation could be inequitable. For example, a large deposit could be made on February 15 and disbursed on May 15, and not draw any interest because it was not on deposit for 60 calendar days during any interest period. Another criticism concerned the proposed policy not to invest special deposit funds which are (1) deposited solely for the purpose of guaranteeing performance, or (2) subject to immediate return on demand of the depositor. One commenter provided an example as follows: "A timber purchaser or an oil company deposits funds with the intent that these will be refunded after the land is restored to the approved condition. Under the proposed regulations, these would be in non-interest-bearing account. However, often, for various reasons, these funds are forfeited and distributed to the Indian owners of the land. In those cases, under the proposed regulations, the owners would not receive any interest. Since the failure of utility firms to pay interest on deposits has recently been the subject of court decisions resulting in changes in the companies' methods, we assume that failure to pay interest on performance deposits to account holders when it is paid on other SD accounts could also be subject to legal challange".

To satisfy the criticisms which were received, and after consulting further with the commenters and the members of the Task Force who drafted the proposed regulations, Part 103b has been revised as follows:

Part 103b, *Special Deposits*, has been revised to delete the references to "eligible principal account" and to change the method of crediting interest to special deposit accounts.

Section 103b.2(b) has been deleted and § 103.2 (c), (d), (e) and (f) have been renumbered as § 103.2 (b), (c), (d) and (e).

Section 103b.3 has been revised to provide for the investment of funds deposited for the purpose of guaranteeing performance. This change was made because of comments we received to the effect that there is often no way to know for certain at the time of deposit, which deposits will be returned to the depositor and which will go to an Indian individual or tribe. Comments also were received to the effect that we expect contractors to be more willing to make deposits guaranteeing performance and to make a greater effort to assure that the performance bonds are not forfeited if these funds earn interest. Thus, the ultimate beneficiaries are the Indian individuals and tribes. Section 103b.3(b)(2) has been deleted as unnecessary because no demand funds are placed in this account.

Section 103b.4 has been rewritten to provide for a different method of crediting interest on special deposits, correcting a procedure about which many negative comments were received. Many complained about the unnecessarily burdensome procedure which would create a tremendous increase in workload without benefits commensurate with the unavoidable deterioration of other services to individual account holders. These sections as rewritten, will also correct certain inequities under the draft regulations, wherein a deposit, made on February 15 and disbursed on May 15, would not be entitled to any interest because it was not on deposit for 60 calendar days during any interest period.

Parts 103a and 103b basically apply only to the internal operations of the Bureau. Part 103a deals with the source, deposit, investment, and use of federal moneys classified as "Indian Moneys, Proceeds of Labor". Part 103b deals with deposit, investment, and distribution of interest on special deposit funds. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the Federal Register, except that Part 103b will also apply to interest accruing from April 1, 1981.

The primary author of this rule is Thomas A. Stangl (address as above).

This final rule is published in excercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Department of the Interior has determined that this document is not a major rule under the criteria established by Exective Order 12291 and does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act.

Subchapter J of Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of two parts to read as follows:

PART 103a—INDIAN MONEYS, PROCEEDS OF LABOR (IMPL)

Sec.

103a.1 Purpose and scope.
103a.2 Definitions.
103a.3 Sources of IMPL funds.
103a.4 Collection and deposit of IMPL funds.
103a.5 Investment of IMPL funds.
103a.6 Expenditure and use of IMPL funds.
103a.7 Development and approval of IMPL use plans.
103a.8 Limitations on use of IMPL funds.

Authority: 25 U.S.C. 2; 25 U.S.C. 9; 25 U.S.C. 155.

§ 103a.1 Purpose and scope.

The purpose of these regulations is to set forth the conditions governing the receipt, deposit, investment, and use of miscellaneous revenues derived from BIA agencies and schools under the Act of March 3, 1883, as amended (25 U.S.C. 155). These regulations apply only to income belonging to the federal government and not to tribal funds or moneys belonging to individual Indians.

§ 103a.2 Definitions.

(a) "Agency" means any field office of the Bureau officially designated as an Indian agency and which provides direct services at the local level to Indians and Indian tribes, who are recognized by the Bureau as eligible for federal services to Indians because of their status as Indians.

(b) "Agency Superintendent" means the Bureau official in charge of a Bureau agency.

(c) "Bureau" of "BIA" means the Bureau of Indian Affairs, Department of the Interior.

(d) "Enterprise operation" means an economic activity operated at a Bureau agency or school which is designated to provide goods or services where such goods or services are not available or are not provided in an effective or satisfactory manner, or which has as its primary purpose enhancement of the educational experience of Indian students and is only incidentally commercial in nature.

(e) "IMPL funds" means all miscellaneous revenues included within the definition of IMPL receipts under section 103a.3 of this Part which are covered into the U.S. Treasury as federal trust funds under Account 14X8500, Indian Moneys, Proceeds of Labor.

(f) "Pub. L. 638" means the Indian Self-Determination Act, Act of January 4, 1975, Title I, Public Law 93–638 (25 U.S.C. 450 et seq.).

(g) "Project basis" means a short-term Bureau program at an agency or school aimed at a specific objective which can usually be accomplished within one year's time, and which supplements on-going Bureau programs of a more permanent nature.

(h) "School" includes any school operated directly by the Bureau of by an Indian tribe or organization pursuant to a Pub. L. 638 contract except that tribally controlled previously private contract schools are not included within the term "school" for the purpose of § 103a.3(a)(1) of this Part.

(i) "School Supervisor" means the Bureau official in charge of a Bureau school.

§ 103a.3 Sources of IMPL funds.

(a) IMPL receipts include—

(1) All miscellaneous revenues collected on behalf of the Bureau through Bureau agencies and schools as income from the sale of goods or services by the Bureau, gross receipts from leases, rentals, permits, licenses, and fees for the use of federal lands, facilities, and property and revenues from other Bureau activities, including gross receipts from activities financed by appropriated funds, except as otherwise provided by federal statute superseding 25 U.S.C. 155; and

(2) Interest from the investment of IMPL funds.

(b) IMPL receipts do not include—

(1) Special deposits and interest on special deposits except to the extent provided under Part 103b;

(2) Funds belonging to individual Indians or Indian tribes;

(3) Fees collected under 25 U.S.C. 413 to cover the cost of work performed by the Bureau of Indian Affairs for Indian tribes or individual Indians;

(4) Fees collected under 40 U.S.C. 490 (k) as charges for space and services in Bureau facilities not in excess of actual operating and maintenance costs of providing such space or services; or

(5) Fees collected from the lease of federal buildings or the sale of supplies, equipment, or services to other government bureaus and departments under 31 U.S.C. 686 (b) or 40 U.S.C. 303b.

§ 103a.4 Collection and deposit of IMPL funds.

IMPL receipts will be handled in accordance with the procedures set forth in Chapter 3—Collections, Title 7 Fiscal Procedures, General Accounting Office Policy and Precedures Manual for Guidance of Federal Agencies. IMPL receipts will be deposited to appropriate income codes for Activity 2660, "IMPL", as contained in the Bureau Financial Management Acounts Handbook, as revised.

§ 103a.5 Investment of IMPL funds.

IMPL funds not immediately required for expenditure will be invested by the Bureau as part of its regular investment program and will remain invested until notice is given that the funds are being allotted from the trust account for expenditure under an approved program plan.

§ 103a.6 Expenditure and use of IMPL funds.

(a) IMPL funds may be used only for the benefit of the agency or school for which such receipts were collected, and in accordance with an approved program plan under § 103a.7.

(b) IMPL funds may only be expended for a program or project at an agency or school for which the Bureau has statutory authority to operate and for which funding has been appropriated in the current fiscal year. They can not be used to fund programs or projects specifically reduced or disallowed by the Congress. IMPL funds may be expended directly by the Bureau or pursuant to a Pub. L. 93–638 contract covering tribal operation of an authorized agency or school program or project.

§ 103a.7 Development and approval of IMPL use plans.

(a) Each agency superintendent, school supervisor, or other Bureau official responsible for a Bureau school or agency shall submit an annual IMPL program plan for the expenditure of IMPL funds held for, and IMPL receipts accruing to, such agency or school. Program plans will be developed within the budget cycle and will utilize guidelines, formats, exhibits, justifications, costs principles, and other procedures developed within the Bureau's financial management system.

(b) Each program plan shall be reviewed and approved or disapproved by the Bureau official having direct line authority over such agency superintendent, school supervisor, or other appropriate Bureau official.

(c) All expenditures of IMPL funds shall be in accordance with such program plan and any amendments or revisions thereto. Expenditures under "IMPL" use plans are subject to the same audit, review, and investigation as expenditures of appropriated funds under other Bureau programs.

§ 103a.8 Limitations on use of IMPL funds.

(a) IMPL funds may not be expended as part of a Pub. L. 638 grant, but may be expended under a separate Pub. L. 638 contract which supplements a program pursuant to a Pub. L. 638 grant.

(b) IMPL funds will not be expended for the construction or major alteration and improvement of federal facilities, except as specifically authorized in the Bureau's annual budget or in case of emergency approved by the Commissioner of Indian Affairs.

(c) IMPL funds may not be expended to acquire lands for tribes or for the construction of tribal facilities, or for the operation and maintenance of tribal facilities except where such expenditure represents a portion of Bureau program costs in situations where such costs are paid by the Bureau in lieu of rent.

(d) IMPL funds may not be expended for any other use which, from time to time, may be excluded by executive order or by administrative limitations issued by the Secretary of the Interior, or his authorized representative.

PART 103b—SPECIAL DEPOSITS

Sec.
103b.1 Purpose and scope.
103b.2 Definitions.
103b.3 Investment of special deposit funds.
103b.4 Payment and distribution of interest on special deposit funds.

Authority: 25 U.S.C. 2; 25 U.S.C. 9.

§ 103b.1 Purpose and scope.

The purpose of these regulations is to set forth the conditions governing the deposit, investment, and distribution of interest on funds held by the Bureau in special deposits.

§ 103b.2 Definitions.

(a) "Bureau" or "BIA" means the Bureau of Indian Affairs, Department of the Interior.

(b) "IMPL account" means Account 14X8500, Indian Moneys, Proceeds of Labor, U.S. Treasury.

(c) "Principal account" means each separate payment or deposit of money to the Bureau which is held as a special deposit.

(d) "Proportionately" means in the same proportion that the amount of each principal account bears to the total amount of all principal accounts.

(e) "Special deposit" means any suspense account used for the temporary deposit of funds which cannot be credited to specific accounts or readily distributed, including, but not limited to, (1) advance deposits required when bidding on and awaiting approval of mining leases on trust or restricted Indian lands, including oil, gas, coal, and other minerals, (2) advance deposits on other leases and permits for such Indian lands, (3) advance payments and advance deposits required on sales of timber and other natural resources from such Indian lands, (4) deposits for rights of way over such Indian lands and anticipated right-of-way damages held until such damages are determined, and (5) deposits for grazing fees on such Indian lands.

(f) "Special deposit funds" means those funds held in special deposits.

§ 103b.3 Investment of special deposit funds.

It is the policy of the Bureau to invest all special deposit funds which have been paid to the Bureau on behalf of Indians or Indian tribes pending the eventual payment for the sale, lease, or other transfer of tribal or individual Indian property and funds which are deposited solely for the purpose of guaranteeing performance.

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§ 103b.4 Payment and distribution of interest on special deposit funds.

(a) It is the general policy of the Bureau that interest and earnings from the investment of special deposit funds be credited to the principal accounts upon which the interest was earned. Therefore, interest and earnings from special deposit funds will not be deposited into the Bureau's IMPL account, except as expressly provided in this section.

(b) At the time that a withdrawal is made from a special deposit account, the interest earned by the principal account being withdrawn will be computed and withdrawn from the account as a part of the same transaction. The interest earned by the subject principal amount will be computed into two parts:

(1) The portion of interest credited during the prior interest period which was attributable to this principal; and

(2) The portion of interest which has been earned by this principal amount but has not yet been credited to the account because the interest period is not complete. This will be computed by using the month-end balances since the last interest period times the last period's factor.

(c) Interest earned from the investment of funds on special deposit accounts which have less than the minimum average month-end balances as determined by the Division of Accounting Management will be credited to the Agency's IMPL account.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 81-28450 Filed 9-29-81; 8:45 am]

BILLING CODE 4310-02-M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Procedural Rules; Restatement and Clarification

AGENCY: National Labor Relations Board.

ACTION: Final rule; correction.

SUMMARY: The National Labor Relations Board is making a technical correction to its restatement and clarification of procedural rules which was published in the Federal Register of September 15, 1981, at 46 FR 45922-45924.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, National Labor Relations Board, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570, Telephone (202) 254-9430.

Correction of Publication

In FR document 81-26823, appearing in the Tuesday, September 15, 1981, issue of the Federal Register, make the following changes:

1. In the first column of page 45923, the amendatory language in item 2 should read:

"2. Section 102.69 is amended by revising paragraphs (a), (c), (d) and (g) to read as follows:"

2. The line of 3 stars which appear after paragraphs (c), (g) and (g)(1) on page 45923, should be removed.

Dated: Washington, D.C., September 25, 1981.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 81-28420 Filed 9-29-81; 8:45 am]

BILLING CODE 7545-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Parts 209, 290, 291, 292, 293, 294, 295, and 393

Internal Water Resources Planning; Cancellation of Regulations

AGENCY: Army Corps of Engineers, DOD.

ACTION: Final rule; revocation.

SUMMARY: On March 27, 1981, the Civil Works Planning Division, Office of the Chief of Engineers completed an audit of all of its internal water resources planning regulations as a first phase of a Regulation Reform Action Program (RRAP). The objectives of RRAP are to streamline and consolidate planning guidance. As a result of the work accomplished in Phase II, the U.S. Army Corps of Engineers, DOD hereby gives notice that its regulations covering the multiobjective planning process, plan development stages, public meetings, and the system of accounts are revoked and removed.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. James F. Johnson, Planning Division, Directorate of Civil Works, US Army Corps of Engineers, HQ, USACE (DAEN-CWP), WASH, DC 20314, telephone (202) 272-0146.

SUPPLEMENTARY INFORMATION: 33 CFR Part 290, Planning Process: Multiobjective Planning Framework provides guidance for conducting feasibility studies. This subject is adequately covered by Water Resources Council procedures, 18 CFR Part 711. A Corps regulation is not required.

33 CFR Part 291, Plan Development Stages, provides guidance for carrying out a staged planning process. Plan development stages are no longer required as part of the planning process.

33 CFR Part 292, Problem Identification, provides guidance for carrying out the problem identification element of multiobjective planning. This subject is adequately covered by Water Resources Council procedures, 18 CFR Part 711. A Corps regulation is no longer required.

33 CFR Part 293, Formulation of Alternatives provides guidance for formulating alternative plans. This subject is adequately covered by Water Resources Council procedures, 18 CFR Part 711. A Corps regulation is no longer required.

33 CFR Part 294, Impact Assessment, provides guidance on the assessment of impacts of alternative plans. The subject is covered by Water Resources Council procedures, 18 CFR Part 711. A Corps regulation is no longer required.

33 CFR Part 295, Evaluation, provides guidance on the evaluation of alternative plans. The subject is covered by Water Resources Council procedures, 18 CFR Part 711. A Corps regulation is no longer required.

33 CFR Part 209.405, Public Meetings, provides guidance for holding public meetings as part of the planning process. Public meetings are no longer specifically required. They will be used, as appropriate, in accordance with overall public involvement policy. A regulation is no longer required.

33 CFR Part 393, Feasibility Reports: System of Accounts, provides guidance for displaying the results of plan evaluation. The subject is covered by Water Resources Council procedures, 18 CFR Part 711. A Corps regulation is no longer required.

PARTS 290, 291, 292, 293, 294, 295, AND 393 [RESERVED]

§ 209.405 [Removed]

Therefore, 33 CFR Parts, 290, 291, 292, 293, 294, 295, 209.405 and 393 are hereby removed, revoked, and reserved.

Dated: September 16, 1981.

For the Chief of Engineers.

Richard T. Robinson,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 81-28310 Filed 9-29-81; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1829-8]

Approval of Revisions of the Delaware State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA approves amendments submitted by the State of Delaware to Regulations I (Definitions), XXIV (Control of Volatile Organic Compounds Emissions), and XXV (Requirements for Preconstruction Review). The purpose of these amendments is to correct conditionally approved portions of Delaware's Part D nonattainment plan. EPA also approves an extension of the date by which Delaware must submit elements of its inspection and maintenance (I/M) program.

EFFECTIVE DATE: September 30, 1981.

ADDRESSES: Copies of the materials submitted by the State of Delaware are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency, Region III, Curtis Building, Tenth Floor 6th and Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Sheridan;

Public Information Reference Unit, EPA Library, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford (3AH12), Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, Telephone Number: (215) 597-8392.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, 43 FR 8962, and September 12, 1978, 43 FR 40512, pursuant to Section 107 of the Clean Air Act (the Act), the Administrator designated the New Castle County, Delaware portion of the Metropolitan Philadelphia Interstate Air Quality Control Region (AQCR), as a nonattainment area for ozone (0_3). As a consequence, the State of Delaware was required to develop, adopt, and submit to EPA revisions to its SIP for this nonattainment area.

On May 3, 1979, the State of Delaware submitted revisions of its State Implementation Plan in response to the requirements of Part D of the Act. The Plan consisted of amendments to Regulations I (Definitions), new Regulations XXIV (Control of Volatile Organic Compounds Emissions), and XXV (Requirements for Preconstruction Review), transportation control measures, a motor vehicle inspection/maintenance (I/M) program, and commitments to implement the necessary transportation control and I/M measures. This Part D nonattainment plan was proposed as a revision of the Delaware SIP on July 25, 1979, 44 FR 43490, and approved in part as a plan revision on March 6, 1980, 45 FR 14551. Portions of Delaware's submission were approved on the condition that certain elements of the plan that did not fully meet the criteria for approval be revised by the State, proposed for public comment by the State at a public hearing, and submitted to EPA within a timely fashion. EPA requested public comment on the acceptability of a February 29, 1980 submittal date (June 30, 1980 for certain elements, including emission standards to be used in Delaware's inspection/maintenance (I/M) program), for revisions to the deficient portions of Regulations I, XXIV, and XXV, 45 FR 14606 (1980).

On March 19, 1980, the State of Delaware formally submitted amendments to Regulations I, XXIV and XXV. The State also provided proof that public hearings were held on December 11, 1979 and December 12, 1979 in accordance with the requirements of 40 CFR § 51.4. The amendments consist of the following changes:

Regulation I—Definitions

In response to EPA's conditional approval action, 45 FR 14551, Delaware has revised Regulation I by adding a definition for "emulsified asphalt" and revising the definitions for "lowest achievable emission rate" and "vapor tight".

Regulation XXIV—Control of Volatile Organic Compounds Emissions

I. In response to EPA's conditional approval action, Delaware has submitted the following amendments:

a. Sections 4.1A, 4.2D, 6.1, 6.2D, 7.1B, 8.4 and 10.4 are amended to specify a categorical compliance schedule including increments of progress toward achieving compliance with the applicable emission standards. At the same time, Sections 1.6, 1.7 and 1.8 are added to provide for alternative compliance schedules which include increments of progress.

b. Sections 5.4, 7.1A, and 11.5 are added to provide test procedures for determining compliance with regulations covering delivery vessels (Section 5.1), bulk gasoline terminals (Section 7.1), cold cleaning facilities (Section 11.1A(3)(iv)), open top vapor degreasers (section 11.1B(3)(iv)), and conveyorized degreasers (Section 11.3B(1)(ii)).

c. Section 12.2 is added to require that the solvent constitution of emulsified asphalt shall not exceed 7.0% by volume as determined by ASTM Distillation Test D-244.

d. Section 9.2 is amended to state that the 40 pounds per day exemption (VOC emissions) for surface coating operations apply to the total emission rate from all coating lines within a stationary source.

2. Delaware has submitted the following additional amendments:

a. Section 1.5 is amended to clarify the requirements for submitting a permit application by any person subject to the final compliance dates provided in Regulation XXIV.

b. Section 4.2B5 is amended to control displaced gasoline vapors during the loading of any stationary storage vessels (rather than any stationary vessel located above ground).

c. Sections 4.3B, 6.2B6, 7.2F, and 9.4 are amended to make clarifying wording changes.

d. The provision of Sections 4.2B1, 4.2B3, and 4.2B5 are moved to Section 5.3.

e. Additional amendments to Section 5 (Delivery Vessels) revise the final compliance date, outline the permit application procedures, and prohibit the release of any volatile organic vapors from any vapor tight delivery vessel.

f. Section 9.3 (which refers to the Chart in Table 1) is revised. The 2.8 pounds per gallon emission limitation for surface coatings becomes effective in 1985. An interim emission limitation of 3.0 pounds per gallon becomes effective in 1980. The 4.8 pounds per gallon emission limitation for final repair becomes effective in 1985. An interim emission limitation of 6.5 pounds per gallon becomes effective in 1982.

g. Section 11 is amended by requiring a carbon adsorption system rather than a carbon absorption system. Section 11.1A(3)(iv) is amended to specify a ventilation rate for the carbon adsorption system. In addition, the requirements of Sections 11.2C(5) and 11.3B(5), referring to certain equipment specifications, are deleted. The effective dates of the provisions of Section 11.2, previously specified in Section 11.2B and 11.2C, are now specified in Section 11.4.

Regulation XXV—Requirements for Preconstruction Review

Section 2E—The definition of "reconstruction" is expanded to include facilities as well as sources. In addition, a reconstructed source must apply the lowest achievable emission rate (LAER) in nonattainment areas.

Transportation Measures—An additional condition for approval required the State to submit a specific commitment to use available grants and funds to establish, expand, and improve public transportation to meet basic transportation needs. In response to this condition, the Delaware Transportation Authority submitted this "basic transportation needs" commitment on August 15, 1979.

Submittal of Public Comments

On September 4, 1980, 45 FR 58599, EPA acknowledged receipt of these amendments, proposed them as revisions of the Delaware State Implementation Plan, and provided for a 30-day public comment period, ending October 6, 1980. During this period, no comments were received.

EPA Evaluation

The amendments to Regulations I, XXIV and XXV conform with the requirements set out in the Administrator's notice of conditional approval, 45 FR 14551 (1980):

(1) The definitions "vapor tight", "lowest achievable emission rate", and "reconstruction" are acceptable as revised, thus meeting the requirements of 40 CFR 52.433(a).

(2) The amendments to Section 9.2 meet the requirements of 40 CFR 52.433(b).

(3) The test procedures provided by Sections 5.4, 7.1 and 11.5 of Regulation XXIV to determine compliance with Sections 5.1, 7.1, 11.1A(3)(iv) and 11.3B(1)(ii) as adopted March 12, 1980, meet the requirements of 40 CFR 52.433(c).

(4) The categorical compliance schedules contained in Sections 4.1A, 4.2D, 6.1, 6.2D, 7.1B, 8.4 and 10.4 of Regulation XXIV meet the requirements of 40 CFR 52.433(d).

(5) The submittal by WILMAPCO of the "basic transportation needs" and conformity commitments meet the requirements of 40 CFR 52.433(f).

(6) The 7.0% by volume VOC content emulsified asphalt specified in Section 12.2 of Regulation XXIV meet the requirements of 40 CFR 52.433(g).

An additional requirement in 40 CFR 52.433 (§ 52.433(e)) requires the adoption of emission standards for Delaware's inspection/maintenance (I/M) program, in order to insure that the program would be adequate to provide a 25% overall reduction of hydrocarbon emission from light duty vehicles by December 31, 1987. On March 6, 1980, 45 FR 14606, EPA requested comments on whether June 30, 1980 would be an acceptable date by which Delaware must submit such emission standards. During the public comment period, the Delaware Department of Natural Resources and Environmental Control submitted comments indicating that additional time would be needed before the State could submit the final I/M emission standards because of scheduling changes necessitated by the lack of funding for the voluntary program. On September 10, 1980, after formal notice and public hearing, the State of Delaware submitted to EPA a revised I/M schedule, according to which the State will submit the I/M emission standards by September 30, 1981. This date is adequate to ensure final implementation of the I/M program by January 1, 1982. Delaware's I/M program, as revised by the September 10, 1980 submittal, is approved on the condition that the September 30, 1981 date for submission of the emission standards is met. Today's action is not intended, nor should it be interpreted, as final approval of Delaware's total I/M program. Final action on Delaware's I/M program will be determined in the 1982 SIP process.

In addition, 40 CFR 52.433(h) provides that WILMAPCO was to submit a commitment not to give its approval to any project, program, or plan which does not conform to the SIP. The notice of proposed rulemaking, 45 FR 14606 (1980), solicited comments as to the acceptability of a June 30, 1980 date for submitting such commitment. Although no comments were received, the Administrator believed that an extension was justified such guidance was issued by EPA on July 24, 1980. Accordingly, WILMAPCO submitted the required commitment on June 4, 1981 thus satisfying the requirement of 40 CFR 52.433(h).

The remainder of the amendments in Sections 1, 4, 5, 6, 7, 9, and 11 of Regulation XXIV serve to clarify ambiguous language and correct typographical errors found at the time that Delaware first submitted this regulation as a portion of the Part D nonattainment SIP (May 3, 1979). Although in EPA's notice of final rulemaking, 45 FR 14551 (1980), EPA did not consider these changes to be substantive, the State still intended to submit corrections for consideration as a revision of the Delaware SIP. The changes are considered by EPA to be approvable.

EPA Actions

In view of the above evaluation, EPA approves the amendments to Regulations I, XXIV and XXV, as well as the revised schedule for submitting I/M emission standards and the transportation commitments, as revisions to Delaware's Part D nonattainment plan. In conjunction with the Administrator's approval action, 40 CFR 52.420 (Identification of Plan) of Subpart I (Delaware) is amended to incorporate these approved regulatory amendments into the approved Delaware SIP. Concurrently, paragraphs (a)–(d) and (f)–(h) of 40 CFR 52.433 (Approval Status) are revoked, since the revisions of the Delaware SIP approved by this rulemaking action satisfy the conditions outlined in 40 CFR 52.433. Section 52.433 of 40 CFR remains in effect, however, because full approval of Delaware's Part D nonattainment plan is conditioned on the fact that Delaware submit I/M emission standards to EPA by September 30, 1981, and that WILMAPCO submit the transportation plan conformity commitments by June 30, 1981.

EPA finds that good cause exists for making this action immediately effective. EPA has a responsibility to take final action on these revisions as soon as possible in order to lift growth sanctions in those areas for which the State of Delaware has submitted adequate plans in accordance with Part D requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of (this action) is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This rule is not "major". This action only approves State actions, and imposes no new requirements of its own.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Note.—Incorporation by reference provisions approved by the Director of the Federal Register on July 1, 1981.

(42 U.S.C. 7401-7642)

Dated: September 19, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52 of the Code of Federal Regulations is revised as follows:

1. In § 52.420, paragraphs (c) (18), (19) and (20) are added as follows:

§ 52.420 Identification of plan.

* * * * *

(c) * * *

(18) Amendments to Regulations I (Definitions), XXIV (Control of Volatile Organic Compounds Emissions) and XXV (Requirements for Preconstruction Review) submitted on March 19, 1980 by the Secretary, Delaware Department of Natural Resources and Environmental Control.

(19) A commitment to use available grants and funds to establish, expand, and improve public transportation to meet basic transportation needs, submitted on August 15, 1979 by the Delaware Transportation Authority.

(20) A revised schedule for implementation of Delaware's inspection and maintenance program submitted by September 10, 1980 by the Secretary, Delaware Department of Natural Resources and Environmental Control.

2. In § 52.433, paragraphs (a), (b), (c), (d), (f), (g), and (h) are removed. Paragraph (e) is revised and redesignated as paragraph (a) to read as follows:

§ 52.433 Control Strategy: Ozone (hydrocarbons).

The Delaware Plan is approved provided that the following conditions are satisfied.

(a) Inspection/maintenance emission standards are adopted by September 30, 1981 to support Delaware's commitment to a program adequate to provide a 25% overall reduction of hydrocarbon emissions from light duty vehicle emissions by December 31, 1987.

[FR Doc. 81-28067 Filed 9-29-81; 8:45 am]

BILLING CODE 6560-38-M

AGENCY

40 CFR Part 52

[A-2-FRL 1904-4]

Approval and Promulgation of Implementation Plans; Revision to the New Jersey State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces Environmental Protection Agency approval of a revision to the New Jersey State Implementation Plan (SIP). The State has made certain changes to its regulation entitled "Control and Prohibition of Open Burning" and is requesting that they be incorporated into the New Jersey SIP. The revision permits open burning, under certain conditions, to clear new land which is to be devoted to agriculture.

This action will be effective on November 30, 1981, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: This action is effective November 30, 1981.

ADDRESSES: All comments should be addressed to: Richard T. Dewling, Acting Regional Administrator, Region II Office, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278.

Copies of the SIP revision are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

New Jersey Department of Environmental Protection, Bureau of Air Pollution Control, Room 1108, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, 26 Federal Plaza, Room 1005, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On May 11, 1981, the Environmental Protection Agency (EPA) received a proposed revision to the New Jersey State Implementation Plan (SIP). The State's submittal consisted of a revised State regulation entitled "Control and Prohibition of Open Burning" (Subchapter 2 of Chapter 27, Title 7, New Jersey Administrative Code (N.J.A.C. 7:27-2.1 *et seq.*,)), an Order of Adoption signed by the Commissioner of the New Jersey Department of Environmental Protection, a Report of Public Hearing and the Basis for the Proposed Amendments.

The proposed SIP revision changes Subchapter 2 in the following ways:

- A new Section 2.4, "General Provisions," formerly "Exceptions," contains provisions which generally apply to the entire regulation. Subsections 2.4 (a) and (b) clarify and emphasize that permit holders may not burn indiscriminately and must honor the provisions of their permits. A permit system has been developed to allow warranted open burning, under controlled conditions, in certain specified circumstances.
- The duration of short-term, "single event" hazardous materials open burning permits is being extended from one to seven days in order to provide the permit holder with greater flexibility in selecting a day having suitable meteorological and air quality conditions. The State also will grant long-term permits for a period not to
- Hedgerows and cullings have been added to the materials allowed to be burned and a longer term for permits for burning herbaceous plant life, hedgerows, orchard prunings and cullings has been allowed.
- A new section 2.11, "Land Clearing," dealing with open burning for the purpose of clearing land intended for agricultural purposes has been added to encourage the addition of new land for agriculture.
- A new section for special permits has been added to provide a regulatory mechanism for dealing with imminent threats to the public health, welfare, or safety.
- The section on fees has been revised in order to update and expand the fee schedule for open burning permits.

The majority of the amendments to Subchapter 2 are related to changes in procedures or clarification of definitions and will not affect air quality. The potential exception to this lies in Section 2.11, "Land Clearing." To avoid violating air quality standards during the burning of wastes from land cleared for agricultural use, burning will be allowed only under conditions which minimize pollutant emissions and maximize atmospheric dispersion of the air contaminants. In addition, burning will not be permitted in or near sensitive areas in which an additional pollution burden cannot be tolerated.

A regulatory revision in Section 2.11 prohibits burning within six kilometers of particulate matter nonattainment areas or the Brigantine Wildlife Refuge, which has been designated as a Class I area for Prevention of Significant Deterioration (PSD) purposes. However, the State's air quality modelling analysis does indicate that open burning under the new "Land Clearing" provisions may cause a violation of the 24-hour particulate matter national ambient air quality standard in an area immediately downwind of the fire, if proper precautions are not taken. In this regard, to insure that no violations will occur beyond the property line, the State has defined a minimum distance within the property line beyond which open burning may not occur. These conditions are not incorporated into the regulation, however.

The State does require that permits to burn for land clearing be issued "in accordance with a plan approved by and under the control and supervision of the Bureau of Forest Fire Management." According to the State, since the Bureau will issue permits under Section 2.11 only when the field has been prepared properly and when the weather conditions will provide for adequate dilution of the plume, no air quality problems as a result of the issuance of these permits are expected to occur.

Based on EPA's analysis of the State's revisions to Subchapter 2, EPA finds that the proposed changes to the New Jersey SIP will not cause a violation of the national ambient air quality standards or PSD increments, and is therefore approving the State's SIP revision request.

This notice is issued as required by Section 110 of the Clean Air Act, as amended. The Administrator's decision regarding approval of this proposed plan revision was based on its meeting the requirements of Sections 110 and 172 of the Clean Air Act and Part 51 of the Code of Federal Regulations (CFR). This current SIP revision request was submitted to EPA in accordance with Sections 110 and 172 of the Clean Air Act and with the appropriate requirements at Part 51 of the CFR.

EPA is approving this SIP revision request without prior proposal because it is viewed as noncontroversial and no adverse comments are anticipated. The public should be advised that this action will be effective on November 30, 1981. However, if notice is received within 30 days that someone wishes to submit adverse or critical comment, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981). The attached rule constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27, 1981 certification. This action approves only State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely proposes to revise a State regulation which has been approved by EPA as part of the New Jersey SIP.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 110, 172 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, 7601))

Dated: September 21, 1981.

Anne M. Gorsuch,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of New Jersey was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations, is amended as follows:

Subpart FF—New Jersey

1. Section 52.1570 is amended by adding new paragraph (c)(30) as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(30) A supplementary submittal dated April 27, 1981, from the New Jersey Department of Environmental Protection consisting of newly adopted revisions to a regulation concerning the Control and Prohibition of Open Burning, N.J.A.C. 7:27–21 *et seq.*, an Order of Adoption, the Report of Public Hearing, and the Basis for the Proposed Amendments.

* * * * *

[FR Doc. 81–28340 Filed 9–29–81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL 1880-1]

Designation of Areas for Air Quality Planning Purposes: Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This rulemaking changes the attainment status relative to the total suspended particulate (TSP) National Ambient Air Quality Standard (NAAQS) for Lorain County, Ohio. On September 26, 1980, (45 FR 63887) the U.S. Environmental Protection Agency (EPA) proposed to enlarge both the primary and secondary TSP nonattainment areas. The Ohio Environmental Protection Agency requested EPA to take this action because of TSP ambient air monitoring data collected during 1978 and 1979 which indicated violations of the primary and secondary NAAQS. This notice responds to the public comments and announces EPA's decision to approve the redesignation.

EFFECTIVE DATE: This final rulemaking becomes effective on October 30, 1981.

ADDRESSES: Copies of the redesignation request, public comments on the Notice of Proposed Rulemaking (45 FR 63887), and EPA's evaluation and response to comments are available for inspection during normal business hours at the following address: Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the submittal are also available at:

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendment of 1977 added Section 107(d) to the Clean Air Act (the Act) which directed each state to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the state. The Administrator was required to promulgate the state lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

As defined in both the March 3, 1978 and October 5, 1978 promulgations, Lorain County contained a primary TSP nonattainment area consisting of the portion of the City of Lorain north of State Route 611 and a secondary TSP nonattainment area consisting of the City of Lorain east of State Route 58, and Sheffield Township, excluding the primary nonattainment areas. The remainder of Lorain County was designated as attaining the TSP NAAQS.

On February 1, 1980, the Ohio Environmental Protection Agency (OEPA) requested that the current TSP primary and secondary nonattainment areas within Lorain County be enlarged. The basis for OEPA's redesignation request is TSP ambient air monitoring data collected during 1978 and 1979 from five TSP ambient air monitors located in and surrounding the current nonattainment area which showed violations of the TSP primary and secondary NAAQS. Four of these monitors were EPA special purpose monitors (SPM's) located adjacent to U.S. Steel Corporation's Lorain works and one monitor was a State of Ohio monitor located in Avon Lake.

EPA reviewed the available TSP air monitoring data and the proposed redesignation boundaries and on March 31, 1980 requested a clarification from the OEPA regarding the proposed TSP primary nonattainment northeastern boundary. After reviewing EPA's comments, OEPA on June 18, 1980 submitted a modified redesignation request. The modified nonattainment areas are as follows: Primary TSP nonattainment area—the City of Lorain bordered on the west by State Route 58; on the south by State Route 611, Elyria Avenue, and East 28th Street through to East River Road (Sheffield Elyria Road) and, on the east by East River Road (Sheffield Elyria Road), State Route 611, and Harris Road; Secondary TSP nonattainment area—the City of Lorain, east of Route 58, the incorporated communities of Sheffield, Sheffield Lake, and Avon Lake plus the remainder of Sheffield Township excluding the primary TSP nonattainment area. The remainder of Lorain County would be designated as attaining the TSP NAAQS.

Based upon the review of the modified redesignation boundaries and the OEPA's request, on September 26, 1980 (45 FR 63887) EPA proposed approval of the enlarged primary and secondary TSP nonattainment areas and invited public comment. One firm, U.S. Steel Corporation, submitted.comments on the proposed redesignation. This section of the notice discusses the comments received and EPA's response.

Public Comment: The commentor objects to the use of data from four EPA SPMs adjacent to U.S. Steel for the proposed redesignation. The commentor argues that the SPMs, particularly the monitor located at Steele Tire Service, do not satisfy the State and Local Air Monitoring Station (SLAMS) and National Air Monitoring Stations (NAMS) requirements contained in 40 CFR Part 58 and its appendices. The commentor contends that unless these requirements are satisfied, the monitoring data cannot be used to support a redesignation. Further, the commentor believes that the monitors do not represent actual air quality in the area because of their siting. The commentor also expressed concern about the effect of particulate deposition during passive non-sampling periods, and of a large background TSP level. The commentor contends that if the data from the SPMs are dismissed, then data from the remaining Ohio monitor do not justify the proposed enlargement of the TSP nonattainment area.

EPA Response: EPA believes that the use of data from the four SPMs adjacent to U.S. Steel to support the proposed redesignation is appropriate. The SPMs met all necessary requirements, although they did not meet all of the requirements in 40 CFR Part 58 for NAMS and SLAMS. The provisions of 40 CFR 58.14 state that data from SPMs can be used as part of a control strategy demonstration or as support for a plan revision if the stations meet the SLAMS requirements in 40 CFR 58.22. Section 58.22 requires each station to meet the monitoring methodology requirements of Appendix C. EPA believes that the data from the four SPMs adjacent to U.S. Steel satisfy Appendix C since they were collected using reference methodology. Further, EPA believes that these SPMs also satisfy the quality assurance requirements of Appendix A and the probe siting criteria of Appendix E.

EPA disagrees with the commentor's assertion that the monitors do not represent actual air quality in the area. Although the monitored values reflect air quality at only a few selected points in the County, these points are expected to be in the area of the actual high TSP concentration levels. Since it is not possible to define the exact air quality at every point in the County with monitored data, it is reasonable to examine the high concentration areas.

In response to the commentor's concern about particulate deposition during passive non-sampling periods, EPA reviewed the procedure for obtaining samples. Filters were placed in the hi-volume samplers on the day prior to sampling and were collected on the day following sampling. Therefore, EPA believes that the probability of significant particulate deposition during off-sampling periods was low.

Finally, the commentor indicated, but did not document, that a large TSP background level exists which is not attributable to U.S. Steel. Consequently, the commentor believes that the monitors are incorrectly positioned. As discussed above, the monitors are correctly positioned in accordance with the applicable requirements of 40 CFR Part 58. Further, nonattainment designations are based on the quality of air in an area rather than on which source or combination of sources cause the problem. Thus, the issue of a high background concentration is immaterial to this rulemaking action.

EPA Final Determination: After reviewing the State's recommendation, the monitoring data, and the public comments received, EPA has determined that the enlargement of the primary and secondary TSP nonattainment area is justified. Therefore, pursuant to Section 107 of the Clean Air Act, EPA approves the redesignation submitted by OEPA as proposed in the Notice of Proposed Rulemaking on September 26, 1980 at 45 FR 63887. The redesignation is effective October 30, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of final rulemaking. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes an area's air quality designation and imposes no regulatory requirements. Any regulatory requirement which may occur as a result of this action will be dealt with in a separate notice. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

(Sec. 107, Clean Air Act as amended (42 U.S.C. 7407))

Dated: September 19, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C—Section 107 Attainment Status Designations

Section 81.336 of Part 81 of Chapter I, Title 40, Code of Federal Regulations is amended. In the table for "Ohio—TSP" the entry for Lorain County is revised to read as follows:

§ 81.336 Ohio.

Ohio—TSP

	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Ohio Counties:				
* * *	*	*	*	*
Lorain.				
The City of Lorain bordered on the west by State Route 58; on the south by State Route 611, Elyria Avenue, and East 28th Street through to East River Road (Sheffield Elyria Road) and, on the east by East River Road (Sheffield Elyria Road), State Route 611, and Harris Road.	X			
The City of Lorain, east of Route 58, the incorporated communities of Sheffield, Sheffield Lake, and Avon Lake plus the remainder of Sheffield Township excluding the primary TSP nonattainment area.		X		
The remainder of Lorain County				X
* * *	*	*	*	*

[FR Doc. 81-28347 Filed 9-29-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PH-FRL-1944-8; PP OF2375/R346]

Cyano(3-Phenoxyphenyl)Methyl-4-Chloro-Alpha-(1-Methylethyl) Benzeneacetate; Establishment of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate in or on certain raw agricultural commodities. The regulation was requested by Shell Oil Company. This rule establishes the maximum permissible level for residues of the subject insecticide in or on these commodities.

EFFECTIVE DATE: Effective on September 30, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7028).

SUPPLEMENTARY INFORMATION: In a letter of June 10, 1980, Shell submitted a request for establishment of the tolerance for soybeans at 0.05 ppm and a feed additive regulation permitting residues of the insecticide on soybean hulls at 0.10 ppm. A review of the petitions by the agency indicated that a revised section F petition was needed to cover the higher residues of the insecticide in soybean hulls (1.0 ppm). As a result of the increase in the level of residues in soybean hulls, an increased tolerance to 0.05 ppm would also be needed in or on the fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep and to 0.1 ppm for milk fat.

New section F petitions were submitted proposing tolerances for cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)-benzeneacetate in or on soybeans at 0.05 ppm: fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm; and milk fat at 0.1 ppm, and a feed additive regulation for soybean hulls at 1.0 ppm.

EPA issued a notice that published in the **Federal Register** of August 15, 1980 (46 FR 54426) that Shell Oil Co., 1025 Connecticut Ave., NW., Washington, DC 20036, had filed a pesticide petition (PP OF2375) with EPA. The petition proposed that 40 CFR 180.379 be amended by establishing a tolerance for residues of the insecticide cyano(3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodity soybeans at 0.05 ppm.

A related document which appears elsewhere in this issue of the **Federal Register** [FAP OH 5268/R85] established a feed additive regulation for residues of the insecticide in or on soybean hulls at 1.0 part million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included an acute oral rat toxicity study with a median lethal dose (LD_{50}) of 1-3 grams (g)/kilogram (kg) of body weight (bw) (water vehicle) and 450 milligrams (mg)/kg of bw (dimethylsulfoxide (DMSO) vehicle); a 90-day dog feeding study with a no-observable-effect-level (NOEL) of 500 ppm (highest dose tested); a 90-day rat feeding study with a NOEL of 125 ppm; and an 18-month mouse feeding study with a NOEL of less than 100 ppm with no oncogenic effects at the highest level fed (3,000 ppm); a 24-month mouse feeding study with a NOEL of 10-50 ppm for males and 50-250 ppm for females (no oncogenic effects were noted at 1,250 ppm, the highest dose tested); a 24-month rat feeding study that demonstrated no oncogenic effects at 1,000 ppm (only level tested) (significantly decreased body weight was observed at this dose level); a 2-year rat feeding study with a NOEL of 250 ppm (highest level fed)—no oncongenic effects were observed; three generation rat reproduction study with a

NOEL of 250 ppm (highest level fed); teratology studies (in mice and rabbits, both negative at the highest dose of 50 mg/kg of bw/day); and the following mutagenicity studies: mouse dominant lethal (negative at 100 mg/kg of bw, which was the highest level fed), mouse host-mediated bioassay (negative at 50 mg/kg of bw, which was the highest level fed); AMES test in vitro (negative), and bone marrow cytogenic study in the Chinese hamster (negative at 25 mg/kg of bw). The following studies assessing neurological effects were performed: a hen study negative at 1.0 g/kg of bw for 5 days, repeated at 21 days; a rat (8-day) acute study with a NOEL of 200 mg/kg of bw; a 15-month rat feeding study which resulted in a systemic NOEL of 500 ppm and a NOEL of 1,500 ppm with respect to nerve damage.

The acceptable daily intake (ADI) is calculated to be 0.1250 mg/kg/day based on the 2-year rat feeding study and using a 100-fold safety factor. The maximum permissible intake (MPI) has been calculated to be 7.5000 mg/day. Approval of the tolerance for soybeans would result in a theoretical maximum residue contribution (TMRC) of 0.1934 and utilize 2.58 percent of the ADI.

The metabolism, of the insecticide is adequately understood for this use, and adequate analytical methods (gas chromatography) are available for enforcement purposes. There are currently no regulatory actions pending against the registration of this pesticide. The tolerance for residues in or on the meat, fat, (including milk fat), and meat byproducts of cattle, goats, hogs, horses, and sheep are adequate to cover secondary residues resulting from the proposed uses as delineated in 40 CFR 180.6(a)(2), and there is no reasonable expectation of residues in poultry and eggs as delineated in 40 CFR 180.6(a)(3).

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerances established by amending 40 CFR Part 180 will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before October 30, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950). Effective on: September 30, 1981.

(Sec. 408(d)(2), 68 Stat. 512, 21 U.S.C. 346a(d)(2))

Dated: September 16, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.379 is amended by alphabetically inserting the following raw agricultural commodities to read as follows:

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

§ 180.379 Cyano(3-phenoxyphenyl)methyl-4-choloro-alpha-(1-methylethyl)benzeneacetate; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Cattle, fat	0.05
Cattle, meat	0.05
Cattle, mbyp	0.05
Goats, fat	0.05
Goats, meat	0.05
Goats, mbyp	0.05
Hogs, fat	0.05
Hogs, meat	0.05
Hogs, mbyp	0.05
Horses, fat	0.05
Horses, meat	0.05
Horses, mbyp	0.05
* * * * *	
Milk, fat	0.1
* * * * *	
Sheep, fat	0.05
Sheep, meat	0.05
Sheep, mbyp	0.05
* * * * *	
Soybeans	0.05

[FR Doc. 81–28393 Filed 9–29–81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 14

Internal Rulemaking Procedures; Repeal

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior is repealing those portions of 43 CFR Part 14 that contain the internal rulemaking procedures of the Department and will incorporate those provisions in the Department's administrative manual. The section of 43 CFR Part 14 that governs petitions for rulemaking is being published as a final rule.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Jim Douglas, Office of Policy Analysis, 202–343–8501; Deborah Ryan, Office of the Solicitor, 202–343–5216; Lois Paull, Office of Information Resources Management, 202–343–6191.

SUPPLEMENTARY INFORMATION: On December 13, 1978 (43 FR 58295), the Department of the Interior issued a final rule to implement Executive Order 12044, "Improving Government Regulations." The final rule established internal rulemaking procedures for the Department. On December 24, 1980 (45 FR 85376), the Department issued an interim rule revising the internal rulemaking procedures to incorporate the requirements of the Regulatory Flexibility Act (Pub. L. 96–354). On February 17, 1981, the President issued Executive Order 12291, "Federal Regulation," which repealed Executive Order 12044 and imposed new rulemaking requirements on Federal agencies.

The Department is repealing those portions of 43 CFR Part 14 that contain the internal rulemaking procedures of the Department and publishing as a final rule only the section entitled *Petitions for Rulemaking,* which is required to be published in the **Federal Register** by the Freedom of Information Act (5 U.S.C. 552(a)(1)(C)). The internal rulemaking procedures will be revised to reflect the requirements of Executive Order 12291 and will be incorporated into the sections of the Department's administrative manual that currently contain supplemental rulemaking requirements (318 Departmental Manual). Comments received on the interim rule published December 24, 1980 will be considered in revising the rulemaking procedures. The

Departmental Manual is indexed and is available for inspection and copying in accordance with the Freedom of Information Act (5 U.S.C. 552(a)(2)(C)).

The Department is taking this action as a means of both eliminating unnecessary rules from the Code of Federal Regulations and of consolidating all rulemaking requirements for the Department in one logical place, the Departmental Manual. Because the rulemaking procedures govern only internal actions of the Department and the public will continue to have the opportunity to comment on the substance of rules proposed by the Department, this action is not expected to affect the public. The public will continue to have the opportunity to submit petitions for rulemaking to the Department under the revised rule as required by the Administrative Procedure Act.

The Department has determined that notice and public comment on the rule are unnecessary because the Department, by repealing a rule that reflects Executive Order 12044, is simply recognizing the issuance of Executive Order 12291. Further, as discussed above, the action is not expected to affect the public. In addition, the Department has determined that good cause exists for waiving the usual 30-day waiting period before the rule becomes effective because the Office of the Federal Register will revise Title 43 of the Code of Federal Regulations as of October 1, 1981. If the final rule did not become effective by September 30, 1981, the Office of the Federal Register would reprint the obsolete interim rule published on December 24, 1980, rather than the final rule published today in the Federal Register.

The primary authors of this document are Jim Douglas, Office of Policy Analysis (343-8501); John D. Trezise and Deborah Ryan, Office of the Solicitor (343-5216); Lois W. Paull, Office of Information Resources Management (343-6191).

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291 because the rule is procedural and has no economic effect on the public. The Department has also determined that the rule will not have a significant economic effect on a substantial number of small entities and does not require a flexibility analysis under the Regulatory Flexibility Act.

Dated: September 22, 1981.

Richard R. Hite,

Deputy Assistant Secretary, Policy, Budget and Administration.

Accordingly, 43 CFR Part 14 is retitled and revised to read as follows:

PART 14—PETITIONS FOR RULEMAKING

Sec.

14.1 Scope.
14.2 Filing of petitions.
14.3 Consideration of petitions.
14.4 Publication of petitions.

Authority: 5 U.S.C. 553(e).

§ 14.1 Scope.

This part prescribes procedures for the filing and consideration of petitions for rulemaking.

§ 14.2 Filing of petitions.

Under the Administrative Procedure Act, any person may petition for the issuance, amendment, or repeal of a rule (5 U.S.C. 553(e)). The petition will be addressed to the Secretary of the Interior, U.S. Department of the Interior, Washington, D.C. 20240. It will identify the rule requested to be repealed or provide the text of a proposed rule or amendment and include reasons in support of the petition.

§ 14.3 Consideration of petitions.

The petition will be given prompt consideration and the petitioner will be notified promptly of action taken.

§ 14.4 Publication of petitions.

A petition for rulemaking may be published in the Federal Register if the official responsible for acting on the petition determines that public comment may aid in consideration of the petition.

[FR Doc. 81-28522 Filed 9-29-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Part 205

General Administration—Public Assistance Programs; Federal Financial Participation in the Cost of a Statewide Mechanized Claims Processing and Information Retrieval System in the Aid to Families With Dependent Children Program

AGENCY: Social Security Administration (SSA), HHS.

ACTION: Interim final rules.

SUMMARY: These interim final rules at 45 CFR Part 205 implement the new Statewide mechanized claims processing and information retrieval system, hereafter referred to as an automated Application Processing and Information Retrieval System (APIRS), provisions in section 406 of Pub. L. 96-265. These interim rules increase Federal Financial Participation (FFP) to 90 percent for the costs of the planning, design, development, or installation of an approved APIRS. They also specify that FFP is available at the 90 percent rate for the purchase or rental of related equipment and software used in the operation of an APIRS. The interim rules also add a new State plan requirement to Part 205 which specifies the requirements which an APIRS must meet in order to be eligible for Federal matching at the 90 percent rate. In addition, the interim rules: (1) Specify criteria for approving an Advance Planning Document (APD) for a system funded at 90 percent FFP; (2) state that an approved APIRS funded at 90 percent FFP must be reviewed and evaluated by SSA on a continuing basis; and (3) describe the conditions under which SSA will suspend approval of APD's for systems funded at 90 percent FFP. An APIRS developed under these interim rules is expected to result in improved program operations.

We have determined that none of the criteria specified in Executive Order 12291 for a major regulation are met.

EFFECTIVE DATE: July 1, 1981. Comments received on or before November 30, 1981, will be considered and appropriate changes will be made in the regulations.

ADDRESSES: Send your written comments to: Social Security Administration, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203.

FOR FURTHER INFORMATION CONTACT: Mr. James Trainor, Social Security Administration, Office of Family Assistance, Office of State Systems Management, 330 C Street, SW., Room 2110, Washington, D.C. 20201, Telephone Number (202) 426-7640.

SUPPLEMENTARY INFORMATION:

Statutory Requirements

Section 406 of Pub. L. 96-265 amends title IV-A of the Social Security Act regarding an AFDC APIRS. First, the amendment provides a new paragraph 403(a)(3)(B) in the Act which requires the Secretary to provide Federal funding at the 90 percent rate for costs attributable to the planning, design, development, or installation of an APIRS that meets the requirements in section 402(a)(30) also added to the Act by this amendment. One of the conditions in the new section 402(a)(30) provides States with the option to amend their State plans to establish a APIRS in accordance with an APD approved under section 402(e)(1) of the Act.

The submission process to amend the State plan will be the same as that explained in 45 CFR 201.3. The amendment also adds section 402 (e)(2)(A) to the Act which requires SSA to review the development and operation of an APIRS funded at 90 percent FFP to determine whether it meets the requirements specified in an approved APD and the other conditions for an approvable system specified in paragraph 402(a)(30) of the Act. The amendment also adds section 402(e)(2)(B) to the Act which requires SSA to suspend approval of any APD for a system funded at 90 percent FFP if SSA determines that the APIRS fails to comply substantially with the requirements in the APD. Finally, the amendment adds section 413 to the Act, which requires SSA to provide technical assistance considered necessary to assist the States in developing, implementing and providing security for any approved APIRS. All of these amendments have an effective date of July 1, 1981.

Regulatory Provisions

These regulations: (1) Make FFP available at the 90 percent rate for the costs of planning, design, development or installation of an APIRS that meet the requirements in the regulations, including the purchase or rental of computer equipment and software; (2) specify criteria SSA will use in determining whether to approve an initial and annually updated APD so that the system will receive 90 percent FFP; (3) specify that SSA must review any approved APIRS funded at 90 percent FFP on a continuing basis; and (4) specify the conditions under which SSA will suspend approval of an APD for systems funded at 90 percent FFP. To implement this new statute we are amending SSA regulations by adding the following new sections.

45 CFR 205.35 contains definitions of technical terms used in the automated data processing field. These definitions are compatible with definitions used by other programs within the Department of Health and Human Services.

45 CFR 205.36 permits the State to amend its State plan to establish an APIRS that meets certain specified requirements. In order to receive 90 percent operational Federal funding for an APIRS, a State must elect to amend its State plan as specified in 45 CFR 205.36.

The regulation at 45 CFR 205.36(a) requires each APIRS funded at 90 percent FFP to control and account for all the eligibility and payment factors under the State plan.

We would like to point out a very important provision that is found in 45 CFR 205.36(a)(1)(i)(A) and (B) which states that the APIRS must assure sufficient compatibility among the systems of different jurisdictions to permit periodic screening to determine whether an individual is or has been receiving benefits from more than one jurisdiction.

Another important provision requires interface with certain other programs. 45 CFR 205.36(b) requires that the system be designed so that appropriate State officials of child support, food stamp, social services and medical assistance programs approved under title XIX can be notified whenever a case/recipient becomes ineligible for aid or services or the amount of aid or services is changed.

45 CFR 205.37 makes FFP available at the 90 percent rate in expenditures for the planning, design, development, or installation of an APIRS that meets the requirements in an approved APD and certain other conditions found in this section. We wish to emphasize that despite the fact that a system complies substantially with an approved APD, FFP is not available for any expenditures which are inconsistent with an approved APD. Consistent with the congressional intent in enacting section 406 of Pub. L. 96–265, 90 percent FFP includes the purchase or rental of computer equipment and software directly required for and used in the operation of this system.

45 CFR 205.38 contains the requirements which the initial and updated APD for a 90 percent federally funded APIRS must meet in order to be approvable.

45 CFR 205.38(a)(1) requires the APD to show how the results of the requirements analysis study will be incorporated into the proposed system design, development, or installation. A requirements analysis is an essential first step in the development of a computerized data system. A requirements analysis defines the scope of a proposed system and sets forth the functions it would perform. It is, in essence, a needs assessment. This requirement is included because, in the environment of a specific State's AFDC program, an effective systems development effort must be based on and be consistent with a requirements analysis in order to meet the needs of the State program that it will serve. This will encourage States to use the results of the requirements study in determining the kind of system they propose, which is the purpose of such a study.

45 CFR 205.38(a)(4) requires the APD to contain a projected resource requirements study that includes estimates of expenditures anticipated for systems at 90 percent FFP. We consider a projected requirements study necessary in assessing the reasonableness of the State's overall system plan. As discussed below, the APD budget figures will also be used by SSA to determine the relative merits of developing or installing the proposed APIRS. If cost projections outlined in the approved APD should change, a modified APD must be submitted for approval.

45 CFR 205.38(a)(5) requires the APD to contain a cost benefit analysis describing any alternative systems considered, as well as the advantages of the proposed system over the alternatives. The purpose of the proposed requirement is to provide States with the opportunity to present arguments in favor of the system desired and, conversely, to show why other systems or approaches would be less desirable. The alternatives discussed must include any State system identified by SSA for consideration, and any system already in place in the State that might be enhanced to meet the requirements for 90 percent FFP. We believe this process will help States to make sounder judgments concerning their proposed APIRS activity. In addition, the APD should indicate the period of time the system will be operated to justify the funds invested.

45 CFR 205.38(a)(6) states that the APD must specify the basis for determining direct and indirect costs of the APIRS both during development and operations. We believe this is necessary to ensure that costs associated with the APIRS can be derived and apportioned appropriately.

45 CFR 205.37(b)(5)(iii) specifies that the State IV–A agency must agree to use the system for a period of time consistent with the APD. This requirement will protect both Federal and State government from paying for systems that are not cost-effective and will ensure an adequate return on Federal and State dollars invested.

45 CFR 205.38(b) specifies that SSA will, on a continuing basis, review, assess, and inspect the planning, design, and operation of an APIRS to determine whether the system continues to meet the requirements of the approved APD.

45 CFR 205.38(c) prescribes that SSA will suspend approval of an APD if a system funded at 90 percent FFP fails to comply substantially with criteria.

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requirements, and other undertakings, prescribed by this approved advance automated data processing planning document. In this case, the suspension of approval of an APD will result in the termination of FFP at the 90 percent rate with respect to the APIRS involved. The State will be given written notice of the suspension. This notice will state the reason for the suspension, the actions required for future Federal funding, and the effective date of the suspension. During the suspension period a State may qualify for 50 percent FFP if it meets the conditions under Part 95 of this title.

To implement Section 413 of the Act, SSA will make staff available to assist State agencies in: (1) Planning, designing, developing, or installing an APIRS; and (2) providing security for an APIRS.

Requests for technical assistance must be submitted by the State IV-A agency to: Mr. James Trainor, Social Security Administration, Office of Family Assistance, Office of State Systems Management, 330 C Street SW., Room 2110, Washington, D.C. 20201.

SSA has prepared a title IV-A (AFDC) Automated Application Processing and Information Retrieval System Guide that will be distributed to assist States in applying for higher level matching under this regulation. The guide does not impose any new major requirements beyond those mandated by the statute. The guide translates the statutory requirements into data processing systems functions.

In addition, SSA has prepared and distributed a general systems design called the Family Assistance Management Information System (FAMIS) as a model to assist the State agencies in meeting the basic functional requirements of the law.

Interim Final Regulations

These amendments to the regulations are being published in interim final form. The Administrative Procedure Act, 5 U.S.C. 533(b)(B) provides that, if the Department for good cause finds that an NPRM is unnecessary, impracticable or contrary to the public interest, it may dispense with the NPRM if it incorporates a brief statement in the interim final regulations of the reasons for doing so.

The Department find that there is good cause to dispense with an NPRM with respect to these changes. We find that publication of these regulations in proposed form would be impracticable and contrary to the public interest for the following reasons. First, there was not sufficient time after enactment of Pub. L. 96-265 to permit development of required policy, implementation of normal proposed rulemaking procedures, and the subsequent development and publication of final regulations by the July 1, 1981 statutory effective date. We believe that the States interested in receiving the new 90 percent Federal match would prefer to have clear Federal policy established as close to the July 1 effective date as possible so that they can complete the complex and difficult advance planning which is a requirement if an APIRS is to qualify for 90 percent matching. We believe this is especially true with respect to these provisions that specify the consequences of a State's failure to develop an APRIS consistent with an approved APD, which is loss of increased FFP. Second, States have already had an opportunity to informally review and comment on the general provisions of these regulations at regional State conferences with SSA. Representatives of State and local IV-A agencies from 45 States attended these regional conferences. The comments received on the regulatory provisions at that time were favorable and we do not therefore anticipate a need for major substantive revisions of these regulations.

Third, the new 90 percent FFP rate for systems development is an optional provision for those States which choose to use it and imposes no new requirements on States which do not choose to receive 90 percent FFP for systems development. Fourth, we recognize that States need as much lead time as possible to develop their APD's so as to begin to receive the higher rate of FFP within the July quarter. We thus believe that it is in the public interest for these interim final rules to be published immediately so as to enable interested States to complete their systems planning.

Office of Management and Budget Review

The information the States must submit in their advance planning documents to obtain approval for the 90 percent Federal matching funds falls within the general scope of the Department of Health and Human Services regulation governing FFP in the costs of automatic data processing equipment and services (45 CFR Part 95, Subpart F). The content and process for submission of advance planning documents specified in that regulation have been approved by the Office of Management and Budget under 0990-0058.

We certify that these regulations do not have an adverse impact on small entities because these provisions are optional rather than mandatory for States. Consequently, we have determined that a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not necessary.

(Secs. 402, 403, and 1102, Social Security Act, as amended; 49 Stat. 647, as amended; 49 Stat. 628, as amended; 53 Stat. 1398, as amended; (42 U.S.C. 602, 603, 1302), and sec. 406 of Pub. L. 96-265, 94 Stat. 465))

(Catalog of Federal Domestic Assistance Program No. 13.808, Public Assistance-Maintenance Assistance (State Aid))

Dated: July 2, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: July 27, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Chapter II, Title 45, Part 205 of the Code of Federal Regulations is amended by adding §§ 205.35 through 205.38 to read as follows:

Sec.
205.35 Mechanized claims processing, and information retrieval systems; definitions.
205.36 State plan requirements.
205.37 Federal financial participation (FFP) for establishing a statewide mechanized system.
205.38 Responsibilities of the Social Security Administration (SSA).

§ 205.35 Mechanized claims processing and information retrieval systems; definitions.

Section 205.35 through 205.38 contain State plan requirements for an automated statewide management information system, conditions for FFP and responsibilities of the Social Security Administration (SSA). For purposes of §§ 205.35 through 205.38—

"A *mechanized claims processing and information retrieval system*", hereafter referred to as an automated "application processing and information retrieval system" (APIRS), or the "system", means a system of software and hardware used:

(a) To introduce, control and account for data items in providing public assistance under the Aid to Families with Dependent Children (AFDC) State plan; and

(b) To retrieve and produce utilization and management information about such aid and services as required by the single State agency and Federal government for program administration and audit purposes.

"Hardware" means automatic data processing equipment used for an application processing and information retrieval system. This equipment accepts data input, stores data, performs calculations and other processing steps and prepares information output. This equipment includes—

(a) Electronic digital computers;

(b) Peripheral or auxiliary equipment used in support of electronic computers whether selected and acquired with the computer or separately;

(c) Data transmission or communications equipment that is selected and acquired solely or primarily for use with a configuration of automatic data processing equipment which includes an electronic digital computer; and

(d) Key to disk, key to tape, or other automated equipment used to enter data into a computer based system.

"Software" means computer programs, procedures and associated documentation used to operate the hardware.

"Planning" means—

(a) The preliminary project activity to determine the requirements necessitating the project, the activities to be undertaken, and the resources required to complete the project;

(b) The preparation of an APD;

(c) The preparation of a detailed project plan describing when and how the computer system will be designed and developed; and

(d) The preparation of a detailed implementation plan describing specific training, testing, and conversion plans to install the computer system.

"Design" or "system design" means a combination of narrative and diagrams describing the structure of the automated APIRS.

"Development" means the detailing of system and program specifications, programming, and testing.

"Installation" means the conversion, and turnover to operational status.

"Operations" means the automated processing of AFDC applications, payments, and reports on a continuing basis for use by AFDC agency personnel in carrying out functions covered under approved State plans. This includes, but is not limited to, such elements as intake processing, eligibility determinations, verification procedures, WIN program referral, title IV-D program interface, the issuance of warrants, reconciliation of warrants, fiscal budgeting and reporting, quality control processing, and management reporting. Operations include the use of purchased or rented computer equipment and software directly required for and used in the operation of the automated system. Pilot testing and parallel processing for test purposes shall not be considered as operations.

§ 205.36 State plan requirements.

A State plan under title IV-A of the Social Security Act shall, at the option of the State, provide for the establishment and operation, in accordance with an (initial and annually updated) advance automatic data processing planning document approved by SSA, of an automated statewide management information system designed effectively and efficiently, to assist management in the administration of an approved AFDC State plan. The submission process to amend the State plan is explained in § 201.3. This system must be designed:

(a) To automatically control and account for—

(1) All the factors in the total eligibility determination process under the plan for aid, including but not limited to:

(i) Identifiable correlation factors (such as social security numbers, names, dates of birth, home addresses, and mailing addresses (including postal ZIP codes), of all applicants and recipients of AFDC and the relative with whom any child who is an applicant or recipient is living)).

(A) To assure sufficient compatibility among the systems of different jurisdictions, and

(B) To permit periodic screening to determine whether an individual is or has been receiving benefits from more than one jurisdiction,

(ii) Checking records of applicants and recipients of such aid on a periodic basis with other agencies, both intra and inter-state, for eligibility determination, verification and payment as required by other provisions of the Social Security Act.

(2) The costs, quality, and delivery of funds and services furnished to applicants for and recipients of such aid.

(b) To notify the appropriate State officials of child support, food stamp, social service, and medical assistance programs approved under title XIX whenever a case/recipient for aid and services becomes ineligible or the amount of aid or services is changed.

(c) To provide for security against unauthorized access to, or use of, the data in the system.

§ 205.37 Federal financial participation (FFP) for establishing a statewide mechanized system.

(a) Effective July 1, 1981, FFP is available at 90 percent of expenditures incurred for planning, design, development or installation of a statewide automated application processing and information retrieval system which are consistent with an approved APD. The 90 percent FFP includes the purchase or rental of computer equipment and software directly required for and used in the operation of this system.

(b) SSA will approve the system provided the following conditions are met—

(1) SSA determines that the system is likely to provide more efficient, economical, and effective administration of the AFDC program.

(2) The system is compatible with the claims processing and information retrieval systems used in the administration of State plans approved under title XIX, and State programs where there is FFP under title XX.

(3) The system meets the requirements referred to in § 205.36.

(4) The system meets criteria established in the title IV-A (AFDC) Automated Application Processing and Information Retrieval System Guide issued by SSA and which provides specific standard requirements for major functions, such as automated eligibility determination, grant computation, verification, referral, management control, compatibility, and data security.

(5) The State agency agrees in writing that—

(i) The State will have all ownership rights in software or modifications thereof and associated documentation designed or developed with 90 percent FFP under this section, except that the Department of Health and Human Services reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use for Federal government purposes, such software, modifications, and documentation;

(ii) Methods and procedures for properly charging the cost of all systems whether acquired from public or private sources shall be in accordance with Federal regulations in Part 74 of this title and the applicable SSA title IV-A (AFDC) Automated Application Processing and Information Retrieval System Guide;

(iii) The complete system planned, designed, developed, installed, and hardware acquired, with FFP under these regulations will be used for a period of time which is consistent with the advance planning document as approved, or which SSA determines is sufficient to justify the Federal funds invested;

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(iv) Information in the system will be safeguarded in accordance with applicable Federal law; and

(v) Access to the system in all of its aspects, including design, development, and operation, including work performed by any source, and including cost records of contractors and subcontractors; shall be made available to the Federal Government by the State at intervals deemed necessary by SSA to determine whether the conditions for approval are being met and to determine its efficiency, economy and effectiveness.

(c) If SSA suspends approval, as described in § 205.38, of the advance automated data processing planning document and/or system, FFP at the higher matching rate shall not be allowed for any costs incurred, until such time as the conditions for approval are met.

§ 205.38 Responsibilities of the Social Security Administration (SSA).

(a) SSA shall not approve the initial and annually updated advance automatic data processing planning document unless the document, when implemented, will carry out the requirements of the law and the objectives of the title IV–A (AFDC) Automated Application Processing and Information Retrieval System Guide. This document must include—

(1) A requirements analysis, including consideration of the program mission, functions, organization, services, constraints and current support relating to such system;

(2) A description of the proposed statewide management system, including the description of information flows, input data formats, output reports and uses;

(3) The security and interface requirements to be employed in such statewide management system;

(4) A description of the projected resource requirements including staff and other needs; and the resources available or expected to be available to meet these requirements;

(5) A cost benefit analysis of alternative systems designs, data processing services and equipment in terms of qualitative and quantitative measures. The alternative systems considered should include the advantages of the proposed system over the alternatives and should indicate the period of time the system will be operated to justify the funds invested;

(6) A plan for distribution of costs, containing the basis for rates, both direct and indirect, to be in effect under such a statewide management system;

(7) An implementation plan with charts of development events, testing description, proposed acceptance criteria, and backup and fallback procedures to handle possible failure of a system; and

(8) Evidence that the State's system will be compatible with those of the SSA to facilitate the exchange of data between the State and Federal system.

(b) SSA shall on a continuing basis, review, assess, and inspect the planning, design, and operation of, statewide management information systems, with a view to determining whether, and to what extent, these systems meet and continue to meet the requirements under these regulations.

(c) If SSA finds that any statewide management information system referred to in § 205.37 fails to comply substantially with criteria, requirements, and other undertakings, prescribed by the approved advance automatic data processing planning document, approval of such document shall be suspended. The State will be given written notice of the suspension. The notice of suspension will state the reason for the suspension, the actions required for future Federal funding, and the effective date of the suspension. The suspension shall be effective as of the date that the system failed to comply substantially with the approved APD. The suspension shall remain in effect until SSA makes a determination that such system complies with prescribed criteria, requirements, and other undertakings for future Federal funding.

(d) SSA shall provide technical assistance to States as is deemed necessary to assist States to plan, design, develop, or install and provide for the security of the management information systems.

(e) Approvals of the systems by SSA under the provisions of this section will be undertaken only as a result of State applications for increased matching. The submission process will be the same as that defined in 45 CFR 95.600.

[FR Doc. 81–28339 Filed 9–29–81; 8:45 am]

BILLING CODE 4110–07–M

Office of Child Support Enforcement

45 CFR Parts 302, 303 and 304

Child Support Enforcement Program; Computerized Child Support Enforcement System

AGENCY: Office of Child Support Enforcement (OCSE), HHS.

ACTION: Interim final rules.

SUMMARY: These interim final rules amend OCSE regulations at 45 CFR Parts 302, 303, and 304 to implement the new computerized child support enforcement system (CSES) provisions in Section 405 of Pub. L. 96–265. The amendments to Part 304 increase Federal financial participation (FFP) to 90 percent for the costs of developing and enhancing certain approved CSESs. They also specify when FFP is available at the 75 percent rate for CSESs. These regulations also add a new State plan requirement to Part 302 that specifies requirements which a CSES must meet in order to be eligible for Federal matching at the 90 percent rate. In addition, these regulations amend Part 303 as follows: they specify criteria OCSE must determine exist prior to approving an advance planning document (APD) for a system funded at 90 percent FFP; they specify that approved CSESs funded at 90 percent FFP must be reviewed and evaluated by OCSE on a continuous basis; and they specify the conditions under which OCSE will suspend approval of APDs for systems funded at 90 percent FFP. The CSESs developed under these amendments are expected to result in improved program operations.

DATES: Effective date: July 1, 1981. Comments received on or before November 30, 1981, will be considered and appropriate changes will be made in the regulations.

ADDRESS: Address comments to: Deputy Director, Office of Child Support Enforcement, Department of Health and Human Services, 10th Floor, 6110 Executive Blvd., Rockville, Maryland 20852, ATTN: Policy Branch. Agencies and organizations are requested to submit comments in duplicate. The comments will be available for public inspection Monday through Friday, 8:30 a.m. to 5:00 p.m., in Room 1010 of the Department's offices at the above address.

FOR FURTHER INFORMATION CONTACT: Michael Fitzgerald, Policy Branch, OCSE, telephone (301) 443–5350.

SUPPLEMENTARY INFORMATION:

Statutory Requirements

Section 405 of Pub. L. 96–265 amends Title IV–D of the Social Security Act (the Act) regarding computerized child support enforcement systems (CSESs). First, the amendment adds paragraph 455(a)(3) to the Act which requires the Secretary to provide Federal funding at the 90 percent rate for costs attributable to the planning, design, development, installation or enhancement of an automatic data processing and information retrieval system that meets the requirements in paragraph 454(16), also added to the Act by this amendment. The new paragraph 454(16) provides States with the option to amend their State plans to establish, in accordance with an advance planning document (APD) approved under Section 452(d) of the Act, a system that meets certain specified requirements. The amendment adds paragraph 452(d)(1) to the Act which specifies criteria and requirements that an APD must satisfy in order for the Secretary to approve a CSES for 90 percent FFP. The amendment also adds paragraph 452(d)(2)(A) to the Act which requires the Office of Child Support Enforcement (OCSE) to review the development and operation of CSESs funded at 90 percent FFP to determine whether they meet the requirements specified in the approved APDs and the conditions for an approvable system specified in paragraph 454(16) of the Act. The amendment also adds paragraph 452(d)(2)(B) to the Act which requires the Secretary to suspend approval of any APD for a system funded at 90 percent FFP if the Secretary determines that the CSES fails to comply substantially with the requirements in the APD. Finally, the amendment adds paragraph 452(e) to the Act, which requires the Secretary to provide any technical assistance considered necessary to assist the States in developing, implementing and providing security for CSESs funded at 90 percent FFP. Section 405 has an effective date of July 1, 1981.

Regulatory Provisions

These regulations: (1) make FFP available at the 90 percent rate for the costs of developing and enhancing CSESs that meet the requirements in the regulations; (2) specify criteria OCSE will use in determining whether to approve an initial and annually updated APD so that the system will receive 90 percent FFP; (3) specify that OCSE must review approved CSESs funded at 90 percent FFP on a continuous basis; and (4) specify the conditions under which OCSE will suspend approval of an APD for systems funded at 90 percent FFP. These regulations also make explicit the conditions under which FFP is available at the 75 percent rate for CSESs.

1. Computerized Child Support Enforcement Systems Eligible for 90 Percent FFP

To implement paragraph 454(16) of the Act, we have amended OCSE regulations to add a new 45 CFR 302.85, Computerized child support enforcement systems eligible for 90 percent FFP. The new regulation at § 302.85(a) contains definitions of several technical terms used in the automated data processing field. We believe that these definitions are compatible with definitions used by other programs within the Department of Health and Human Services. The definitions apply to each regulation contained in these interim final rules.

The new regulations at § 302.85(b) permit the State to elect in its State plan to provide for the establishment of a CSES that will meet certain specified requirements and assist State and local IV-D agencies in the administration of the approved State plan. In order to receive 90 percent Federal funding for a CSES, a State must elect to amend its State plan as specified in § 302.85.

The regulation at § 302.85(c)(1) requires a system developed under this optional State plan amendment to be planned, designed, developed, installed or enhanced in accordance with an APD approved under § 303.65. (See discussion under the heading "Approval of Advance Planning Documents for CSESs Funded at 90 Percent FFP" below.)

The regulation at § 302.85(c)(2) requires each CSES funded at 90 percent FFP to control, account for, and monitor all the factors in the child support collection and paternity determination processes under the State plan. That provision lists the minimum items that a CSES must control, account for, and monitor. The regulation at § 302.85(c)(2)(i) requires a State to assure compatibility with the systems of different jurisdictions to permit periodic screening to determine whether an individual is paying or is obligated to pay child support in more than one jurisdiction. The requirement is established by the new section 454(16) of the Act.

The regulations further require interface with the Aid to Families with Dependent Children (AFDC) program. Section 302.85(c)(2)(ix) requires the system to accept case referrals and update information from the State's AFDC program and to use the information to identify and manage the State's child support enforcement cases. It is essential that a comprehensive CSES funded to control and monitor all the factors in the collection and paternity determination processes be able to perform this basic function.

The regulation at § 302.85(c)(2)(x) requires each CSES funded at 90 percent FFP to interface with records of the State's AFDC program so that, at a minimum, the State AFDC agency will be able to use child support collection records in redetermining a family's eligibility for assistance under the AFDC program.

These items are based on those in paragraph 454(16) of the Act and are not intended to be an exhaustive list of system functions. OCSE will issue guidelines consistent with these regulations which will specify in detail the criteria a CSES developed under § 302.85 must meet to ensure that the system assists in the administration of the State plan.

2. State and Local Computerized Child Support Enforcement Systems Eligible for 90 Percent FFP

The new regulations at § 302.85(a) make provision for 90 percent FFP for State and local components of a CSES by defining a computerized child support enforcement system as a system of hardware and software that may have State and local components. Each initial and annually updated APD for a system funded at 90 percent FFP must address both State and any local level components of the system to the extent that local components play a role in the State's APD. The administration of the State's child support enforcement program may require the distribution of critical operations between the State and local levels. Therefore, we envision six types of design alternatives to be approvable for 90 percent FFP. They could be used in various combinations within a State. These are: (1) State management system with local components performing major functions; (2) comprehensive State system with little or no local automated functioning other than data transmission; (3) comprehensive local system meeting all functional requirements and developed under the State APD as a component of a State system; (4) local feeder system performing limited functions for State system; (5) improvement of an existing State system; and (6) improvement of an existing local system. For any system funded at 90 percent FFP, the IV-D agency's APD, as annually updated, must reflect a system that is projected to meet all functional requirements of the regulations and that is planned to encompass all political subdivisions in the State, within a reasonable period of time.

3. Approval of Advance Planning Documents for CSESs Funded at 90 Percent FFP

To implement paragraph 452(d)(1) of the Act, we have amended OCSE regulations to add a new 45 CFR 303.65, Approval of advance planning documents for computerized child support enforcement systems eligible for

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90 percent FFP. This regulation establishes requirements which an initial and updated APD must contain in order to be approvable for 90 percent Federal funding. These requirements include specifying how the objectives of the system discussed above will be met. Further, this regulation requires that the APD must represent the sole systems effort being undertaken by the State in accordance with 45 CFR 302.85.

Some of the APD content requirements in our regulations are not contained in Section 405 of Pub. L. 96–265, but have been added to the regulations under the authority of Section 452(a)(1) of the Act, which requires the Secretary to establish standards to assure that the IV–D program will be effective, and Section 452(d)(1)(G) of the Act, which permits the Secretary to require any other information in the APD which is deemed necessary. In addition, these requirements will improve the efficiency of the administration of the IV–D program and, therefore, they are within the Secretary's rulemaking authority as defined in Section 1102 of the Act. We believe these added requirements are necessary for effective OCSE review of the proposed system. These requirements are similar to provisions of the approval criteria used by the Department in reviewing APDs submitted under Part 95, Subpart F of this title.

Section 303.65(b)(4) requires the APD to show how the results of the requirements analysis study will be incorporated into the proposed system design, development, installation or enhancement. A requirement analysis is an essential first step in the development of a computerized data system. A requirements analysis defines the scope of a proposed system and sets forth the functions it would perform. It is, in essence, a needs assessment. This requirement is being included because, in the environment of a specific State's child support program, an effective systems development effort must be based on and be consistent with a requirements analysis in order to meet the needs of the State program that it will serve. This will encourage States to use the results of the requirements study in determining the kind of system they propose, which is the purpose of such a study. The new § 303.65(b)(9) requires the APD to contain a budget that includes estimates of expenditures anticipated for systems at 90 percent FFP, as well as for systems at 75 percent FFP. We consider a budget necessary in assessing the reasonableness of the State's overall system plan. As discussed below, the APD budget figures will also be used by OCSE to determine the relative merits of developing, installing or enhancing the proposed CSES compared to the Model CSES. (See discussion at end of this preamble section.) The new § 303.65(b)(11) requires the APD to describe any alternative systems considered, as well as the advantages of the proposed system over the alternatives. The purpose of this requirement is to provide States with the opportunity to present arguments in favor of the system desired and, conversely, to show why other systems or approaches would be less desirable. The alternatives discussed must include the Model CSES, any State system identified by OCSE for consideration, and any system already in place in the State that might be enhanced to meet the requirements for 90 percent FFP. This process will help States to make sounder judgments concerning the proposed CSES activity. The new § 303.65(b)(13) states that the APD must specify the basis for determining direct and indirect costs of the CSES, both during development and operations. This requirement is necessary to ensure that costs associated with the CSES can be derived and apportioned appropriately. Finally, the new § 303.65(b)(14) requires the APD to specify the period of time the State expects to use the proposed CSES. The requirement parallels one in 45 CFR 95.605, which applies to APDs other than those for systems funded at 90 percent FFP. The purpose of this requirement is to provide a framework for assessing the cost effectiveness of the proposed system.

OCSE recognizes that, in many cases, it will take several years to implement CSESs which meet the objectives in the new § 302.85. Although the initial APD would have to meet all the requirements in § 303.65(b), to minimize the effort involved in preparing the annual APD update that is required for these systems, we require at § 303.65(c) that an updated APD meet only those requirements of § 303.65(b) that are prescribed by instructions issued by OCSE. Information will have to be submitted on items that are affected by the amount of progress made in designing, developing and implementing the system over the year, such as changes in estimates of the costs of the system, changes in the time it will take to implement the system, and new developmental activites that are planned. The Office of Child Support Enforcement will issue guidelines on the approval of APDs. These guidelines will discuss in detail each item found in § 303.65.

We are establishing an additional requirement in § 303.65(d), specifying when the APD budget must be updated in advance of a cost overrun. The new regulation at § 303.65(d)(1) requires the State to update the APD budget any time it determines that a cost overrun is expected to exceed the total APD budget resulting in the need for additional Federal funding. In addition, the new § 303.65(d)(2) requires the State to update the APD budget if the Federal share of the total APD budget exceeds $100,000 and the overrun would result in a direct cost category overrun that is expected to exceed 5 percent of the total budget. OCSE believes that these provisions are consistent with OMB Circular A–102, Subpart K. Although we require only that the State must update the budget according to the requirements of § 303.65(d) that are described above, as a guideline, we would also suggest that States inform OCSE when the State has incurred costs equal to 80 percent of an APD budget item for which an overrun is expected to occur. This will enable the State and OCSE to work together to avert APD suspension and to provide OCSE with an opportunity to approve or disapprove FFP for overrun expenses before the expenses are incurred by updating the APD.

Section 303.65(d) has been added because the budget is an essential element of the APD, and when a State has a cost overrun, this is a deviation from the approved APD which could result in suspension of the APD if it is viewed as substantial. In addition, to the extent that claims exceed the amount budgeted in an approved APD they would be costs incurred that are not consistent with an approved APD and therefore, subject to disallowance. In reviewing a revised budget for an anticipated overrun, we will consider the relationship of the new budget to the APD, the factors that brought about the projected overrun, and the reasonableness of the new budget figures in terms of the benefits to be gained from the additional expenditures. (See the preamble discussion below in item 6 regarding the regulations at § 304.90(f) on treatment of cost overruns and at § 304.90(b)(3) on expenditures not incurred in accordance with an approved APD.)

The recently developed Model CSES will play a significant role in the evaluation of APDs. The Model CSES is an efficient, technically sophisticated, comprehensive computer system that is cost-effective and readily and economically transferable to a particular State's or local jurisdiction's environment. In reviewing APDs for CSESs funded at 90 percent FFP, OCSE will check to see whether the proposed CSES will provide a level of capability similar to that provided by the Model CSES at a competitive cost. Costs that will be compared are costs of the proposed CSES development and installation versus costs of Model CSES development and installation in the State. APDs submitted for proposed CSESs that fail to provide a like capability and fail to be competitive in cost with the Model CSES will not be approved. In these situations, OCSE will normally recommend that the State install a Model CSES. States are urged to contact the Office for additional information about the Model CSES.

4. Review of Computerized Child Support Enforcement Systems Funded at 90 Percent FFP

To implement paragraph 452(d)(2)(A) of the Act, we have amended OCSE regulations to add a new 45 CFR 303.66, Review of computerized child support enforcement systems eligible for 90 percent FFP. This regulation specifies that OCSE will review, assess and inspect on a continuous basis the planning, design, development, installation, enhancement and operation of CSESs funded at 90 percent FFP. OCSE plans to set up a schedule that provides for the periodic review, assessment and inspection of each approved CSES funded at 90 percent FFP and to assign staff to perform this function on a continuous basis.

5. Suspension of Approval of Advance Planning Documents for CSESs Funded at 90 Percent FFP

To implement paragraph 452(d)(2)(B) of the Act, we have amended OCSE regulations to add a new 45 CFR 303.67, Suspension of approval of advance planning documents for computerized child support enforcement systems eligible for 90 percent FFP. This new regulation at § 303.67(b) prescribes that the Office will suspend approval of an APD as of the date the system ceases to comply substantially with the approved APD specifications. With regard to the concept of substantial compliance, OCSE envisions the following example as representative of the inadequacies of a systems effort which could result in a determination that the effort failed to comply substantially with the APD. An APD calls for several essential modules to be developed which when operating in conjunction with each other will produce a comprehensive CSES. In reviewing the State's performance against the APD, OCSE determines that only one of the modules is being fully developed and the others have been dealt with in a cursory manner. At the same time State expenditures being claimed for the effort are at or close to the level budgeted for the development of all the modules. In this situation, OCSE would determine that the State had failed substantially to comply with the approved APD. As a result, the approved APD would be suspended. Upon suspension, FFP will be disallowed as of the date of substantial noncompliance and all future FFP with respect to this APD will be terminated. The written notice of APD suspension will give the reasons for and effective date of the suspension and specify the actions required for the State to receive Federal funding in the future.

The new regulation at § 303.67(c) provides that if OCSE determines that a State has taken actions, as provided in the notice of suspension, that will qualify its systems effort for FFP at the 90 percent or 75 percent rate, as appropriate, Federal funding will resume as appropriate. (See discussion below under the heading "FFP Rates for Computerized Child Support Enforcement Systems" for more details regarding this matter and information on the availability of FFP under a new or revised APD.)

6. FFP Rates for Computerized Child Support Enforcement Systems

To implement paragraph 455(a)(3) of the Act, we have amended OCSE regulations to add a new 45 CFR 304.90, Federal financial participation at the 90 percent rate for computerized child support enforcement systems. The new § 304.90(b) makes FFP available at the 90 percent rate in expenditures for the planning, design, development, installation or enhancement of approved CSESs that meet the requirements found in § 302.85. As with all other costs eligible for Federal funding under the IV–D program, costs of developing a CSES can be matched only to the extent that a CSES is carrying out activities specified in a State's title IV–D State plan. (See the definition of a CSES in § 302.85.) As noted in § 304.90(c), FFP at the 90 percent rate is not available in expenditures for the rental or purchase of hardware or proprietary software (e.g., software used to manage the data in the system) except to the limited extent that the hardware or proprietary software is used for the planning, design, development, installation or enhancement of a CSES as described in § 302.85. It is not our intent to support all costs of hardware and proprietary software "dedicated" to the child support enforcement program during these early stages of CSES activity. Rather, we will reimburse only the program-related hardware or proprietary software depreciation expenses attributable to the period of system planning, design, development, installation or enhancement as computed in relation to the estimated useful life of the hardware or the proprietary software.

It should be noted that OCSE regulations at 45 CFR 304.24 cover conditions for FFP in costs of non-expendable personal property. These regulations as currently written cover capitalization and depreciation of property reimbursed at the 75 percent FFP rate because that was the only rate at which expenditures were matched at the time this regulation was adopted. OCSE will apply capitalization and depreciation requirements to property reimbursed at the 90 percent FFP rate as well.

The Department published a notice of proposed rule making (46 FR 38280 on July 24, 1981) to revise 45 CFR 304.24 to cross-reference new proposed regulations on nonexpendable personal property that will be published at 45 CFR Part 95. These Departmental regulations will cover property reimbursed at both the 75 percent and 90 percent FFP rates under the child support enforcement program. For this reason, OCSE has not revised § 304.24 in this document.

The new § 304.90(b)(3) specifies that only expenditures that OCSE determines are consistent with an APD approved under § 303.65 are eligible for FFP at the 90 percent rate. The purpose of this section is to clarify that Federal funding at the 90 percent rate will be disallowed not only when an approved APD is suspended, in which case all expenditures will be disallowed (see below), but also when expenditures are claimed that are not consistent with the approved APD, in which case only those expenditures not consistent with the APD will be disallowed. We believe that this requirement is mandated by sections 455(a)(3) and 454(16) of the Act. Section 455(a)(3) provides 90 percent Federal funding for systems efforts that meet the requirements of section 454(16) of the Act. One of the requirements of section 454(16) is that a State systems effort be undertaken in accordance with an approved APD. Costs incurred in the development of a system that are not for activities specified in an approved APD or are not incurred in the manner provided in the approved APD do not meet the requirements of section 454(16) and, therefore, are not eligible for

Federal funding under section 455(a)(3) of the Act. States are required by § 304.90(g)(3) to obtain approval from OCSE prior to incurring costs for activities not covered in an approved APD by amending their APD. This will enable a State to continue its systems effort without running the risk of losing any Federal funding.

The new § 304.90(b)(5) specifies that the State IV–D agency must agree to use the system for a period of time consistent with the APD, unless OCSE approves a shorter time period. This requirement will protect both Federal and State governments from paying for systems that are not cost-effective and will ensure an adequate return on Federal and State dollars invested.

The new regulation at § 304.90(e) establishes the consequences of suspension of an APD for a system funded at 90 percent FFP. It specifies that, in conjunction with suspending approval of an APD, OCSE shall disallow all FFP as of the date the State failed to comply substantially with the approved APD. Because an APD under these regulations must cover a comprehensive system that is statewide in scope and must represent the sole systems effort being undertaken by the State at the 90 percent matching rate, the consequences of APD suspension are serious. If suspension takes place, the result is termination of all 90 percent matching within the State for systems activities. This effect is required by statutory design, since 90 percent funding is available only for a comprehensive, statewide system that is being planned, developed or enhanced within the State under a single approved APD. This view of the statewide system as a unit, rather than on a component by component basis, forces OCSE to withdraw all 90 percent funding within a State upon suspension of an APD, even though some components of the system might be under development in an efficient and effective manner in accordance with the approved APD.

OCSE believes that this result most accurately reflects the intent of Congress in enacting these provisions. The statute makes it clear that only systems developed consistent with an approved APD can be funded at the 90 percent rate of FFP. The statute also requires that an approved APD must be suspended when a systems effort fails to comply substantially with an approved APD. Suspension of approval of an APD removes the condition essential to receiving Federal funding. Therefore, OCSE would have no choice, once it has formally determined that the systems effort deviated substantially from the approved APD, but to disallow all funding related to that APD from the point at which the deviation occurred.

Not only is this policy based on an analysis of the specific statutory provisions involved but also the intent of these provisions when viewed in their entirety. The scheme established in the various provisions of Section 405 of Pub. L. 96–265 indicates that Congress was attempting to provide an incentive, in terms of increased funding, for the development and implementation of a comprehensive computerized system meeting certain specified requirements. The increased funding depends not only on meeting requirements regarding the functions that the system must perform but also requirements for the way in which the system was developed; i.e. in accordance with an approved APD. A substantial failure to comply with an approved APD indicates that a comprehensive CSES is not being developed by a State as envisioned by the statute. This departure from the standards that must be met to receive the increased funding requires that the incentive provided by the statute be terminated since the intent of Congress is not being carried out. OCSE believes that this result must apply to any expenditures incurred once a State has failed substantially to comply with an approved APD whether or not those expenditures were incurred prior to the date of the notice of suspension. At the point there is a substantial failure to comply with the approved APD, a comprehensive CSES meeting the requirements of the law is no longer being developed.

Furthermore, this section makes it clear that FFP at the 90 percent rate is no longer available for future expenditures incurred under the suspended APD. Should OCSE determine that the State has taken the necessary actions as specified in the notice of termination, it will notify the State that 90 percent FFP is again available for its systems efforts. This clarification is necessary in order to make States aware that 90 percent funding can once again be secured and to encourage them to focus their resources on the development of a comprehensive child support enforcement system which would be eligible for this higher rate of FFP.

The new regulation at § 304.90(f) specifies that FFP is available in cost overrun expenditures described in § 303.65(d) only if the expenditures are approved by OCSE. To initiate the approval process, States must update their APD budgets in advance of the cost overrun. (See discussion above at the end of preamble section 3.) If a State incurs overrun expenses as described in § 303.65(d) without prior OCSE approval, the overrun expenditures will be disallowed.

The new regulation at § 304.90(g)(1) requires APDs for CSESs established under § 302.85 to be signed and approved by the State IV–D Director and the appropriate State official.

The new § 304.90(g)(2) requires the State IV–D agency to submit annual updates to the APD for a system funded at 90 percent FFP at least 60 days before the beginning of the month that coincides with the month in which the initial APD was approved. This requirement is necessary in order to allow sufficient time to approve the updated APD before the expiration of the existing approval. We encourage States to submit updates to ADPs at the earliest possible date, so that if OCSE has any problem with the document, corrective action may be taken before the existing approval expires and States will know that expenditures are covered by the APD and therefore eligible for FFP.

Currently, costs of developing, enhancing and operating computerized systems that meet the requirements of Part 95, Subpart F of this title are reimbursed at the 75 percent rate to extent that the systems provide services to State and local child support enforcement programs. Reimbursement is made under 45 CFR 304.20, which provides for FFP in costs incurred for the administration of the State IV–D plan. Congress in Senate Report No. 96–408, page 68 indicates that FFP in the costs of operating all CSESs is to remain at the 75 percent rate. Since current OCSE regulations do not make specific reference to funding of CSESs at the 75 percent rate, we are adding a new regulation at § 304.91 which specifies that: (1) FFP is available at the 75 percent rate for the operation of CSESs described in § 302.85, if the conditions of § 303.65 are met; and (2) FFP is available at the 75 percent rate in expenditures for CSESs approved under 45 CFR Part 95, Subpart F. Furthermore, this regulation makes clear that 75 percent funding may be secured both retroactively and prospectively for a systems effort which was determined to fail to comply substantially with an APD which had been approved for 90 percent funding. Therefore, should it be determined that a systems effort failed to meet the requirements for 90 percent funding, the expenditures disallowed in regard to that effort may become eligible for 75 percent funding if the States applies for funding under the requirements of Part

95, Subpart F of this title and is granted approval from OCSE to secure this reduced funding. Future funding for this same effort could also be granted by OCSE in the same fashion.

7. Technical Assistance

To implement subsection 452(e) of the Act, OCSE will make staff available to assist State and local IV-D agencies in: (1) planning, designing, developing, installing or enhancing CSESs, including the preparation of APDS; (2) providing security for new or enhanced CSESs; and (3) taking the corrective action necessary to reinstate suspended APDs.

Requests for technical assistance must be submitted by the State IV-D agency to: Office of Child Support Enforcement, ATTN: Information and Management Systems Division, Room 900, 6110 Executive Blvd., Rockville, Maryland 20852. Local IV-D agencies must submit their requests for technical assistance to their State IV-D agency. The State IV-D agency may provide the technical assistance itself, or forward the request to OCSE at the above address. OCSE will issue guidelines that will include instructions regarding requests for technical assistance.

Rulemaking

These regulations are being published in final form with a comment period. The Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, if the Department for good cause finds that a notice of proposed rulemaking is unnecessary, impracticable or contary to the public interest, it may dispense with the notice if it incorporates a brief statement in the final regulations of the reasons for doing so.

The Department finds that there is good cause to dispense with proposed rulemaking procedures with respect to these changes. We find that publication of these regulations in proposed form would be inpracticable and contrary to the public interest for the following reasons. First, there was not sufficient time after the enactment of Pub. L. 96-265 to permit development of required policy, implementation of normal proposed rulemaking procedures and the subsequent development and publication of final regulations, by the July 1, 1981 statutory effective date. We believe that the States interested in receiving the new 90 percent Federal match would prefer to have clear Federal policy established as close to the July 1 effective date as possible rather than proceeding under proposed instructions. We believe this is especially true with respect to those provisions that specify the consequences of a State's failure to develop a CSES consistent with an approved APD. These consequences are not clearly specified in the statute. Second, the major provisions of these regulations, including the six combinations of State and local initiatives eligible for 90 percent funding, the requirements for the APD, the role of the Model Systems in evaluating APDs, and the procedures for review and suspension of APDs, were presented at the opening session of the Fourth Annual Information Systems Workshop sponsored by OCSE in Dallas, Texas on December 2–6, 1980. Representatives of State and local IV-D agencies from 32 States attended this session on December 3. The comments received on the regulatory provisions at that time were generally favorable and we do not therefore anticipate a need for major substantive revisions of these regulations. Third, the new 90 percent FFP rate for systems development is an optional provision for those States which choose to use it, and imposes no new requirements on States which do not choose to receive 90 percent FFP for systems development. Fourth, we recognize that States need as much lead time as possible to develop their APDs in order to begin to receive the higher rate of FFP within the July quarter. We thus believe that it is in the public interest for these regulations to be published immediately as final rules with a comment period so as to enable interested States to complete their systems planning.

OMB Review

The information the States must submit in their advance planning documents to obtain approval for the 90 percent Federal matching funds falls within the general scope of the Department of Health and Human Services regulation governing FFP in the costs of automatic data processing equipment and services (45 CFR Part 95, Subpart F). The content and process for submission of advance planning documents specified in that regulation have been approved by the Office of Management and Budget under 0990-0058.

The new 45 CFR 302.85(c)(2)(iii) requires the State's CSES to maintain data elements necessary to meet Federal reporting requirements on a timely basis as prescribed by OCSE to quality for the 90 percent matching funds. OCSE will only require the States to maintain data elements necessary to complete the OCSE-3, OCSE-34, and the OCSE-41. These reports have been approved by OMB under OMB approval numbers 72-R1058, 0960-0238, and 0960-0235.

PART 302—STATE PLAN REQUIREMENTS

1. 45 CFR Part 302 is amended by adding a new § 302.85 to read as follows:

§ 302.85 Computerized child support enforcement systems eligible for 90 percent FFP.

(a) *Definitions.* (1) "Advance planning document" or "APD"—The definition of this term found in § 95.605 of this title also applies to this secton. (See § 303.65 of this chapter for specific requirements that APDs must meet for appropriate system costs to be funded at 90 percent Federal financial participation.)

(2) "Computerized child support enforcement system" means a system of software and hardware (that may have State and local components) which:

(i) Introduces, processes, accounts for and monitors data used by the child support enforcement program in carrying out activities under the State plan; and

(ii) Produces utilization and management information about child support enforcement services as required by the State IV-D agency and Federal government for program administration and audit purposes.

(3) "Design" or "system design" means a combination of narrative and diagrams describing the structure of the computerized child support enforcement system.

(4) "Development" means the detailing of system and program specifications, programming, and testing.

(5) "Enhancement" means modifying or adding to an existing computerized child support enforcement system.

(6) "Installation" means the integrated testing of programs and subsystems, system conversion, and turnover to operational status, including pilot testing and data validation.

(7) "Operation" means the automated processing of (i) data associated with the provision of child support enforcement services and collections (including the distribution and payment of incentives) and (ii) reports on a continuous basis. Operation includes the use of supplies, software, hardware and personnel directly involved in the daily functioning of computerized child support enforcement systems.

(8) "Planning" means:

(i) The preliminary project activity to determine the requirements necessitating the project, the activities to be undertaken, and the resources required to complete the project;

(ii) The preparation of an APD;

(iii) The preparation of a detailed project plan describing when and how the computer system will be designed and developed; and

(iv) The preparation of a detailed implementation plan describing specific training, testing, and conversion plans to install the computer system.

(9) "Requirements analysis" means determining and documenting the information needs and the functional and technical requirements the proposed computerized system must meet.

(10) "Software"—The definition of this term found in § 95.605 of this title also applies to this section.

(b) *Optional State plan amendment.* The State plan may provide for the establishment of a computerized child support enforcement system funded at 90 percent Federal financial participation that meets the requirements in paragraph (c) of this section.

(c) *System requirements.* At a minimum, each State's computerized child support enforcement system established under this section must be:

(1) Planned, designed, developed, installed or enhanced in accordance with an initial and annually updated APD approved under § 303.65;

(2) Planned, designed, developed, installed or enhanced to control, account for, and monitor all the factors in the child support collection and paternity determination processes under the State plan. At a minimum this must include:

(i) Maintaining identifying information such as social security numbers, names, dates of birth, home addresses and mailing addresses (including postal zip codes) on individuals against whom child support obligations are sought to be established or enforced and on individuals to whom child support obligations are owed, and other data as required by the Office, and assuring compatibility with the systems of different jurisdictions to permit periodic screening to determine whether an individual is paying or is obligated to pay child support in more than one jurisdiction;

(ii) Periodically verifying the information on individuals referred to in paragraph (c)(2)(i) with Federal, State and local agencies, both intrastate and interstate;

(iii) Maintaining data necessary to meet Federal reporting requirements on a timely basis as prescribed by the Office;

(iv) Maintaining information pertaining to:

(A) Delinquency and enforcement activities;

(B) Intrastate, interstate and Federal location of absent parents;

(C) The establishment of paternity; and

(D) The establishment of child support obligations;

(v) Collecting and distributing both intrastate and interstate child support payments;

(vi) Determining, collecting and distributing both intrastate and interstate incentive payments;

(vii) Maintaining accounts receivable on all amounts owed, collected, and distributed;

(viii) Maintaining costs of all services rendered, either directly or by interfacing with State financial management and expenditure information;

(ix) Accepting case referrals and update information from the State's Aid to Families with Dependent Children (AFDC) program and using that information to identify and manage child support enforcement cases;

(x) Interfacing with records of the State's AFDC program in order to determine whether a collection of child support causes a change in eligibility for, or the amount of aid under, the AFDC program;

(xi) Providing security to prevent unauthorized access to, or use of, the data in the system; and

(xii) Providing management information on all IV-D cases, both AFDC and non-AFDC, under the State plan from initial referral or application through collection and enforcement.

(Sec. 1102 of the Social Security Act (42 U.S.C. 1302) and sec. 454(16) of the Social Security Act (42 U.S.C. 654(16))

PART 303—STANDARDS FOR PROGRAM OPERATION

2. 45 CFR Part 303 is amended by adding new §§ 303.65, 303.66, and 303.67 to read as follow:

§ 303.65 Approval of advance planning documents for computerized child support enforcement systems eligible for 90 percent FFP.

(a) *Definitions.* The definitions found in § 302.85 of this chapter also apply to this section.

(b) *Conditions for initial approval.* In order to be approvable, an initial APD for a computerized child support enforcement system described under § 302–85 of this chapter must meet the following requirements:

(1) The APD must represent the sole systems effort being undertaken by the State in accordance with § 302.85 of this chapter;

(2) The APD must specify how the objectives of the computerized child support enforcement system in § 302.85 of this chapter will be carried out throughout the State; this includes a projection of how the proposed system will meet the functional requirements of § 302.85 of this chapter and how the system will encompass all political subdivisions in the State within a reasonable period of time;

(3) The APD must assure the feasibility of the proposed effort and provide for the conduct of a requirements analysis study which addresses all system components within the State and includes consideration of the program mission, functions, organization, services, constraints, and current support related to the computerized child support enforcement system;

(4) The APD must indicate how the results of the requirements analysis study will be incorporated into the proposed system design, development, installation or enhancement;

(5) The APD must contain a description of each component within the proposed computerized child support enforcement system as required by § 302.85 of this chapter and must describe information flows, input data, and output reports and uses;

(6) The APD must describe the security requirements to be employed in the proposed computerized child support enforcement system;

(7) The APD must describe the intrastate and interstate interfaces set forth in § 302.85 to be employed in the proposed computerized child support enforcement system;

(8) The APD must describe the projected resource requirements for staff, hardware, and other needs and the resources available or expected to be available to meet the requirements;

(9) The APD must contain a proposed budget including a description of estimated expenditures by category and amount for:

(i) Items that are eligible for Federal funding at the 90 percent rate; and

(ii) Items related to operating the system that are eligible for Federal funding at the 75 percent rate;

(10) The APD must contain an implementation plan and backup procedures to handle possible failures in system planning, design, development, installation or enhancement;

(11) The APD must describe each alternative system considered including the advantages of the proposed system over the alternatives; if a Model CSES or a State system that the Office has identified for consideration by State IV-D agencies is not proposed, these systems must be among the alternatives

considered; if a system that is already in place in the State could be enhanced to meet the requirements for 90 percent FFP, that system must be among the alternatives considered;

(12) The APD must contain a cost benefit analysis of the proposed computerized child support enforcement system that describes the proposed improvements to the IV–D program in both qualitative and quantitative terms;

(13) The APD must specify the basis for determining direct and indirect costs of the computerized child support enforcement system during development and operation, including the methodology for determining costs of planning, design, development, installation or enhancement that are eligible for 90 percent Federal funding versus costs of operations that are eligible for 75 percent Federal funding;

(14) The APD must contain a statement indicating the period of time the State expects to use the proposed computerized child support enforcement system.

(c) *Conditions for approval of annual update.* The APD for a computerized child support enforcement system described under § 302.85 of this chapter must be updated annually. In order to be approvable, the annual update of an APD for a computerized child support enforcement system described under § 302.85 of this chapter must meet only those requirements of paragraph (b) of this section that are prescribed by instructions issued by the Office.

(d) *Periodic update of APD budget.* The budget required under paragraph (b)(9) of this section must be updated any time a cost overrun is anticipated if as a result of the cost overrun:

(1) The total APD budget will be exceeded resulting in the need for additional Federal funding; or

(2) Where the Federal share of the total APD budget exceeds $100,000, the increase of a direct cost category is expected to exceed 5 percent of the total budget. (See § 304.90(f) of this chapter on treatment of cost overruns.)

§ 303.66 Review of computerized child support enforcement systems eligible for 90 percent FFP.

(a) *Definitions.* The definitions found in § 302.85 of this chapter also apply to this section.

(b) *Office review.* The Office will on a continuous basis review, assess and inspect the planning, design, development, installation, enhancement and operation of computerized child support enforcement systems developed under § 302.85 to determine the extent to which such systems:

(1) Meet the requirements found in § 303.65 of this part; and

(2) Meet the conditions in § 302.85 of this chapter.

§ 303.67 Suspension of approval of advance planning documents for computerized child support enforcement systems eligible for 90 percent FFP.

(a) *Definitions.* The definitions found in § 302.85 of this chapter also apply to this section.

(b) *Suspension of approval.* (1) The Office will suspend approval of the APD for a computerized child support enforcement system approved and developed under § 302.85 as of the date that the system ceases to comply subtantially with the criteria, requirements, and other provisions in the APD. Federal funding will be disallowed as described in § 304.90(e) of this chapter.

(2) The Office will immediately notify the State in writing of the decision to suspend approval of the APD. The notice will give the reasons for and effective date of the suspension and specify the actions required for the State to receive Federal funding in the future for its systems activities.

(c) *Duration of suspension.* The suspension of approval of an APD under paragraph (b) shall remain in effect until the Office determines that actions required for Federal funding in the future, as specified in the notice of suspension, have been taken and the Office so notifies the State.

(Sec. 1102 of the Social Security Act (42 U.S.C. 1302) and sec. 452(d) and (e), (42 U.S.C. 652(d) and (e)))

PART 304—FEDERAL FINANCIAL PARTICIPATION

3. 45 CFR Part 304 is amended by adding new §§ 304.90 and 304.91 to read as follows:

§ 304.90 Federal financial participation at the 90 percent rate for computerized child support enforcement systems.

(a) *Definitions.* The definitions found in § 302.85 of this chapter also apply to this section.

(b) *Conditions that must be met for FFP.* Federal financial participation (FFP) is available at the 90 percent rate in expenditures for the planning, design, development, installation or enhancement of a computerized child support enforcement system as described in § 302.85 of this chapter if:

(1) The Office has approved an APD in accordance with § 303.65 of this chapter;

(2) The Office determines that the system meets the requirements specified in § 302.85 of this chapter;

(3) The Office determines that the expenditures incurred are consistent with the approved APD;

(4) The Office determines that the computerized child support enforcement system is designed effectively and efficiently and will improve the management and administration of the State IV–D Plan;

(5) The State IV–D agency agrees in writing to use the system for a period of time which is consistent with the APD approved by the Office, or for any shorter period of time which the Office determines is sufficient to justify the Federal funds invested; and

(6) The State or local government has ownership rights in software, software modifications and associated documentation that is designed, developed, installed, or enhanced with 90 percent FFP under this section subject to the Department of Health and Human Services license specified in paragraph (d) of this section.

(c) *Limitation on reimbursement of hardware and proprietary software.* FFP at the 90 percent rate is not available in expenditures for the rental or purchase of hardware or proprietary software except to the limited extent that the hardware or proprietary software is used for the planning, design, development, installation or enhancement of a computerized child support enforcement system as described in § 302.85 of this chapter. (See § 304.91 regarding reimbursement at the 75 percent rate.)

(d) *HHS rights to software.* The Department of Health and Human Services reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for Federal government purposes, software, software modifications, and documentation developed under § 302.85. This license would permit the Department to authorize the use of software, software modifications and documentation developed under § 302.85 in another project or activity funded by the Federal government. (Also see 45 CFR 95.617.)

(e) *Consequences of suspension of the APD.* If the Office suspends approval of an APD in accordance with § 303.67 of this chapter during the planning, design, development, installation, enhancement or operation of the system:

(1) The Office shall disallow FFP as of the date the State failed to comply substantially with the approved APD; and

(2) FFP at the 90 percent rate will not be available in any expenditures incurred under the APD after the date of

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the suspension unless the Office determines that the State has taken the actions specified in the notice of suspension described in § 303.67(b)(2) of this chapter. The Office will notify the State in writing upon making such a determination.

(f) *Treatment of cost overruns.* FFP is available in cost overrun expenditures described in § 303.65(d) only if the expenditures are approved by the Office. (See § 303.65 of this chapter for procedure for initiating approval process.)

(g) *Submittal of advance planning document.* The State IV-D agency must:

(1) Submit an advance planning document for a computerized child support enforcement system, approved and signed by the State IV-D Director and the appropriate State official;

(2) Submit annual updates of the APD at least 60 days before the beginning of the month that coincides with the month in which the initial APD was approved; and

(3) Obtain approval from the Office before incurring costs for activities not covered under an approved APD by amending the APD.

§ 304.91 Federal financial participation at the 75 percent rate for computerized child support enforcement systems.

(a) *Definitions.* The definitions found in § 302.85 of this part also apply to this section.

(b) *Conditions that must be met for FFP.* Federal financial participation (FFP) at the 75 percent rate is available only in computerized child support enforcement system expenditures for:

(1) The operation of systems described in § 302.85 of this chapter if the conditions in § 303.65 are met; and

(2) Systems approved in accordance with Part 95, Subpart F of this title. This may include expenditures for a system which were disallowed by the Office because the system failed to comply substantially with an APD approved under § 303.65 of this chapter.

(Sec. 1102 of the Social Security Act (42 U.S.C. 1302) and sec. 455(a) of the Social Security Act (42 U.S.C. 655(a))

(Section 1102 of the Social Security Act (42 U.S.C. 1302) and Section 452 (d) and (e), 454(16), 455(a), of the Social Security Act (42 U.S.C. 652 (d) and (e), 654(16) and 655(a).

(Catalog of Federal Domestic Assistance Program No. 13.679, Child Support Enforcement Program)

Note 1.—The Secretary has determined that this document is not a major rule as described by Executive Order 12291, because it does not meet any of the criteria set forth in Section 1 of the Executive Order.

Note 2.—The Secretary certifies that because these regulations apply to States and will not have a significant economic impact on a substantial number of small entities, they do not require a regulatory flexibility analysis as provided in P.L. 96-354, the Regulatory Flexibility Act of 1980.

Dated: July 14, 1981.

John A. Svahn,

Director, Office of Child Support Enforcement.

Approved: July 27, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-28417 Filed 9-29-81; 8:45 am]

BILLING CODE 4110-07-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 78-308; RM-2869]

Radio Broadcast Services; Amendment To Permit the Transmission of Program Related Signals in the Vertical Blanking Interval of the Standard Television Signal; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects several inadvertent deletions in the text of the amended rules relating to the television broadcast station transmission standards which were published 8-6-81 (46 FR 40024).

FOR FURTHER INFORMATION CONTACT: Stanley Schmulewitz, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.682 of the Commission's Rules To Permit the Transmission of Program Related Signals in the Vertical Blanking Interval of the Standard Television Signal (BC Docket No. 78-308; RM-2869) Erratum.

Released: September 17, 1981.

The *Report and Order* in the above entitled matter adopted July 16, 1981, and released July 29, 1981, 46 FR 40024, published 8-6-81 made changes to § 73.682(a)(21) and inadvertantly deleted § 73.682(a)(21)(i)-§ 73.682(a)(21)(iv). These deletions are restored and made to conform to revised paragraph § 73.682(a)(21) as indicated in the attached Appendix.

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 73—RADIO BROADCAST SERVICES

In Part 73 of the Commission's Rules, § 73.682 is amended by revising paragraph (a)(21) to read as follows:

§ 73.682 Transmission standards.

(a) *Transmission standards.*

* * * * *

(21) The interval beginning with line 17 and continuing through line 20 of the vertical blanking interval of each field may be used for the transmission of test signals, cue and control signals, and identification signals, subject to the conditions and restrictions set forth below. Test signals may include signals designed to check the performance of the overall transmission system or its individual components. Cue and control signals shall be related to the operation of the TV broadcast station. Identification signals may be transmitted to identify the broadcast material or its source, and the date and time of its origination. Figures 6 and 7 of § 73.699 identify the numbered lines referred to in this subparagraph.

(i) Modulation of the television transmitter by such signals shall be confined to the area between the reference white level and the blanking level, except where test signals include chrominance subcarrier frequencies, in which case positive excursions of chrominance components may exceed reference white, and negative excursions may extend into the synchronizing area. In no case may the modulation excursions produced by test signals extend beyond peak-of-sync, or to zero carrier level.

(ii) The use of such signals shall not result in significant degradation of the program transmission of the television broadcast station, nor produce emission outside of the frequency band occupied for normal program transmissions.

(iii) Such signals may not be transmitted during that portion of each line devoted to horizontal blanking.

(iv) Regardless of other provisions of this subparagraph, line 19, in each field, may be used only for the transmission of the reference signal described in Figure 16 of § 73.699.

* * * * *

[FR Doc. 81-28358 Filed 9-29-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte 230 (Sub-5)]

Improvement of TOFC/COFC Regulation; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction to final rule.

SUMMARY: In a document published at 46 FR 14348, February 27, 1981, the Commission exempted rail and truck service provided by rail carriers in connection with trailer on flatcar (TOFC) and container on flatcar (COFC) service from Title 49, Subchapter IV of the U.S. Code. In that document, on page 14351, a new § 1039.11 entitled "Rail intermodal transportation exemption" was added to Title 49 of the CFR. That section was incorrectly numbered as § 1039.11 and that section number is being corrected to read § 1039.13. A proposed rule amending the section and also carrying the incorrect section number was published at 46 FR 14365, February 27, 1981 and is being corrected elsewhere in this issue. A subsequent clarification to the final rule, published at 46 FR 32257, June 22, 1981 did not make specific mention of the section number involved, and so, does not require correction.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, 202-275-7656.

SUPPLEMENTARY INFORMATION: On page 14351 in the issue of February 27, 1981, the section heading at the top of column 3 should be corrected to read as follows:

§ 1039.13 Rail intermodal transportation exemption.

* * * * *

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28291 Filed 9-29-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Correction of the U.S. Lists of Endangered and Threatened Wildlife and Plants; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule, correction.

SUMMARY: The Service hereby corrects certain technical errors in the U.S. Lists of Endangered and Threatened Wildlife and Plants.

DATE: This rule becomes effective September 30, 1981.

ADDRESSES: Comments concerning this final rule should be sent to the Director (OES), Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Washington, D.C. 20240, 703/235-2771.

SUPPLEMENTARY INFORMATION: The lists incorporate species officially listed as Endangered or Threatened under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*), and 50 CFR Part 424. Since the corrections are purely to accurately inform the reader, this document is not a rule as defined in 43 CFR 14.2(e). For the same reasons there are no impacts on small entities under the Regulatory Flexibility Act or effects on the public under Executive Order 12291. In addition, the Service finds for good cause that this document shall be effective immediately and that notice and public comment are unnecessary.

The scientific names have been updated to reflect current usage. In making this determination, the Service relies to the extent practicable on the *International Code of Zoological Nomenclature* and the *International Code of Botanical Nomenclature*, and the scientific community.

To avoid ambiguity in cases in which more than one name are commonly used for a taxon, synonyms have been provided. Such synonyms are expressed in parentheses with the name itself preceded by an (=) sign.

Historic ranges for some listed taxa have been updated. These ranges indicate the general known distribution of the species or subspecies as reported in the scientific literature.

Regulations Promulgation

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Accordingly, the Service amends Part 17 of Title 50 of the Code of Federal Regulations as follows:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 95-632, 92 Stat. 3751; and Pub. L. 96-159, 93 Stat. 1241 (16 U.S.C. 1531, et seq.).

§ 17.11 [Amended]

Amend § 17.11(h) by revising the following entries:

2. Revise the scientific name of "Armadillo, giant" to read: *Priodontes maximus* (=*giganteus*).

3. Revise the scientific name of "Ass, African wild" to read: *Equus africanus* (=*asinus*).

4. Revise the scientific name of "Banteng" to read: *Bos javanicus* (=*banteng*).

5. Revise the historic range of "Bat, Virginia big-eared" to read: U.S.A. (KY, WV, VA).

6. Revise the scientific name of "Camel, Bactrian" to read: *Camelus ferus* (=*bactrianus*).

7. Revise the scientific name of "Cat, Iriomote" to read: *Felis* (=*Mayailurus*) *iriomotensis*.

8. Revise the scientific name of "Fox, Simien" to read: *Canis* (=*Simia*) *simensis*.

9. Revise the scientific name of "Langur, Pagi Island" to read: *Nasalis* (=*Simias*) *concolor*.

10. Revise the historic range of "leopard" to read: Africa, Southern and Eastern Asia.

11. Revise the historic range of "Marmoset, cotton-top" to read: Colombia.

12. Revise the scientific name of "Monkey, Tonkin snub-nosed" to read: *Pygathrix* (=*Rhinopithecus*) *avunculus*.

13. Revise the scientific name of "Otter, Cameroon clawless" to read: *Aonyx* (=*Paraonyx*) *congica* (=*microdon*).

14. Revise the scientific name of "Rhinoceros, Sumatran" to read: *Dicerorhinus* (=*Didermoceros*) *sumatrensis*.

15. Revise the scientific name of "Zebra, mountain" to read: *Equus zebra zebra*.

16. Revise the common name of "Parakeet, paradise" to read: Parakeet, paradise (=beautiful).

17. Revise the common name of "Parakeet, scarlet-chested" to read: Parakeet, scarlet-chested (=splendid).

18. Revise the common name of "Parakeet, turquois night" to read: Parakeet, turquoise.

19. Revise the scientific name of "Gecko, day" to read: *Phelsuma edwardnewtoni*.

20. Revise the scientific name of "Iguana, Fiji crested" to read: *Brachylophus vitiensis*.

21. Revise the scientific name of "Lizard, blunt-nosed leopard" to read: *Gambelia* (=*Crotaphytus*) *silus*.

22. Revise the scientific name of "Lizard, Island night" to read: *Xantusia* (=*Klauberina*) *riversiana*.

23. Revise the scientific name of "Turtle, Plymouth red-bellied" to read:

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Pseudemys (=*Chrysemys*) *rubriventris bangsi.*

24. Revise the common name of "Turtle, South American river [no common name]" with the scientific name *Podocnemis expansa* to read: Tartaruga. Insert entire entry alphabetically after "Snake, San Francisco, garter."

25. Revise the common name of "Turtle, South American river [no common name]" with the scientific name *Podocnemis unifilis* to read: Tracaja. Insert entire entry alphabetically after "Tortoise, radiated."

26. Revise the historic range of "Pearly mussel, pale lilliput" to read: U.S.A. (AL, TN).

27. Revise the historic range of "Pearly mussel, turgid-blossom" to read: U.S.A. (AL, TN).

28. Revise the common name of "Pearly mussel, white cat's eye" to read: Pearly mussel, white cat's paw.

§ 17.12h [Amended]

Amend § 17.12(h) by revising the following entries:

29. Revise the scientific name of "San Clemente Island broom" under "*Fabaceae*—Pea family" to read: *Lotus dendroideus* (=*scoparius*) ssp. *traskiae.*

30. Revise the common name of "Hawaiian wild broad bean" under "*Fabaceae*—Pea family" to read: Hawaiian vetch.

Dated: September 24, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-28485 Filed 9-29-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

Handling of Almonds Grown in California; Administrative Rules and Regulations Governing Quality Control

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given of a proposal to change the quality control provisions of the administrative rules and regulations established under the Federal marketing order for California almonds. The change would improve the quality of almond shipments by lowering the tolerance for inedible almonds from one and one-half percent to one percent.

DATE: Comments must be received by October 16, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5697.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 24 handlers.

J. S. Miller has determined that this proposal should be published with less than a 60-day comment period. It is intended that the final regulation apply to 1981 crop almonds which handlers will be receiving and processing in volume soon. Therefore, handlers need to know as soon as possible what the basis will be for determining their weight obligations so that they can plan their processing and marketing operations accordingly.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

This proposal would revise § 981.442(a)(4) of Subpart—Administrative Rules and Regulations (7 CFR 981.401—981.474). Section 981.442(a)(4) is issued under § 981.42 of the marketing agreement and Order No. 981 (7 CFR 981), both as amended, regulating the handling of almonds grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended unanimously by the Almond Board of California, hereinafter referred to as the Board, which works with USDA in administering the order.

Section 981.442(a)(4) currently requires the weight of inedible kernels in each variety in excess of one and one-half percent of the kernel weight received by handlers to be reported to the Board. This weight constitutes a handler's disposition obligation which must be accumulated during processing and delivered to the Board or Board-accepted crushers, feed manufacturers, or feeders.

The proposal is to revise § 981.442(a)(4) so that the quantity of inedible kernels in each variety in excess of one percent, instead of the current one and one-half percent, would constitute a handler's disposition obligation.

The almond industry believes that a tolerance of one percent would best accomplish its long-term objective of providing an increasingly higher quality product to almond users and consumers. This action would allow for stricter quality control while still maintaining ample supplies of almonds to meet trade demand. The industry has the capability of implementing such stricter control due to improvements in crop quality and in almond processing equipment.

PART 981—ALMONDS GROWN IN CALIFORNIA

§ 981.442 [Amended]

Therefore, it is proposed to revise § 981.442(a)(4) of Subpart—Administrative Rules and Regulations (7 CFR 981.401–981.474) by changing "one and one-half percent" to "one percent".

Dated: September 25, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-28419 Filed 9-29-81: 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Amendment To Provide Exception From Procedural Rules for Adjudications Involving Conduct of Military or Foreign Affairs Functions

AGENCY: Nuclear Regulatory Commission.

ACTION: Reconsideration of Rule.

SUMMARY: The Commission is reconsidering that part of its "Rules of General Applicability" for the conduct of adjudicatory proceedings in 10 CFR Part 2 which provides an exception from those rules for adjudications involving the conduct of military or foreign affairs functions. The rule under reconsideration permits the Commission to exercise greater flexibility under the exception stated in the Administrative Procedure Act (APA) at 5 U.S.C. 554(a)(4). This exception would assist in fashioning procedures for proceedings involving military or foreign affairs functions.

DATE: November 16, 1981.

ADDRESSES: Written comments concerning the reconsidered rule should be submitted to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: Marjorie S. Nordlinger, Office of the General Counsel, Nuclear Regulatory Commission, Washington, D.C. 20555; phone 202-634-3214.

SUPPLEMENTARY INFORMATION: The Commission is reconsidering that part of its rules governing procedures for adjudications in subpart G of 10 CFR Part 2 which provides an exception from those procedures for proceedings to the extent that there is involved the conduct of military or foreign affairs functions.

On June 26, 1980 the Commission by a 3–2 vote adopted such an exception as an immediately effective rule without public notice and opportunity for comment. See 45 FR 45253 (July 3, 1980). It then by the same majority applied the rule to a proceeding on a proposed amendment to the special nuclear material license of the Nuclear Fuel Service's facility at Erwin, Tennessee (NRC Docket No. 70–143). Anticipating that the proceeding would involve highly sensitive materials and policy decisions involving the military function of the United States, the Commission wished to have more flexibility in establishing hearing procedures. See Memorandum and Order CLI–8–27, 11 NRC 799 (1980).

Natural Resources Defense Council, a participant in the NFS Erwin matter, sought review in the United States Court of Appeals for the District of Columbia of the Commission's decisions to issue the rule without notice and comment and to apply it to the NFS Erwin proceeding. (D.C. Circuit Docket Nos. 80–1863 and 1864) On September 29, 1980 the court enjoined the effectiveness of the amendment and the Commission decisions applying it to the NFS Erwin proceeding until further order.

Subsequent to the Commission's June 26 decisions the terms of two members of the 3–2 majority on the Erwin decision expired and new members were appointed in their place. The Commission now wishes to reconsider its decision to (1) adopt a military functions exception to the Commission's procedural rules, and (2) apply that rule change in the NFS proceeding.

Most particularly comment is sought on the issue of whether the rule if adhered to should only be applied prospectively or whether it should also be applied to a matter where a hearing has already been requested, i.e., to the NFS Erwin proceeding.

If adopted after reconsideration the rule would conform the NRC's procedural rules to the exception stated in the Administrative Procedure Act (APA) at 5 U.S.C. 554(a)(4) in order to provide some measure of flexibility in fashioning procedures where military or foreign affairs functions are involved. The military and foreign affairs exception would serve the same purposes in our rules as it does in the APA. It would ensure that delays often associated with the adjudicatory process will not encumber the military or foreign affairs functions of the United States. It would also serve better to protect the highly sensitive information associated with both military and foreign affairs functions. Finally, it would enable the Commission to reserve to itself consideration of military and foreign policy issues which only it can resolve and to approach such matters in an informal procedural framework suited to consideration of these issues.

Separate Views of Commissioner Bradford

It is difficult to imagine a greater waste of time than this rulemaking. Neither this agency nor its predecessor (which really did have military functions) has ever needed to use the military affairs exception to the Administrative Procedure Act.

The sole reason for seeking comment at this time is to shore up the court prospects of the Commission's dubious actions in the NFS Erwin matter (discussed in detail at 11 NRC 799, 809) in June, 1980. Instead of taking up space in the **Federal Register** and the time of prospective commenters, the Commission would be better advised to hold the adjudicatory hearings that it offered to the Natural Resources Defense counsel in this matter in February, 1980. Had that proceeding been conducted as it should have been, this rulemaking and the attendant litigation would be unnecessary.

Regulatory Flexibility Statement

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule change would not have a significant economic impact on a substantial number of small entities. The rule change would affect the Commission's procedures by permitting informal procedures where military functions of the United States are involved. Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552, 553, and 554 of Title 5 of the United States Code, notice is hereby given that the Commission is reconsidering its now stayed adoption of the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 2.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 is revised to read as follows:

Authority: Secs. 161p and 181, Pub. L. 83–703, 68 Stat. 950 and 953. (42 U.S.C. 2201(p) and 2231); sec. 191, as amended, (Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, as amended) Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552; unless otherwise noted. Sections 2.200–2.206 also issued under sec. 186, Pub. L. 83–703, 68 Stat. 955 (42 U.S.C. 2236) and sec. 206, Pub. L. 93–438, 88 Stat. 1246 (42 U.S.C. 5846). Section 2.700a is also issued under Pub. L. 89–554, 80 Stat. 384 (5 U.S.C. 554). Sections 2.800–2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and Sec. 29, as amended, Pub. L. 85–256, 71 Stat. 579, and Pub. L. 95–209, 91 Stat. 1483 (42 U.S.C. 2039).

2. Section 2.700a is revised to read as follows:

§ 2.700a Exceptions.

(a) consistent with 5 U.S.C. 554(a)(4) of the Administrative Procedure Act, the Commission may provide alternative procedures in adjudications to the extent that there is involved the conduct of military or foreign affairs functions.

(b) This rule shall apply to proceedings in progress where hearings have already been requested or ordered.

Or in the Alternative:

§ 2.700a Exceptions.

(a) Consistent with 5 U.S.C. 554(a)(4) of the Administrative Procedure Act, the Commission may provide alternative procedures in adjudications to the extent that there is involved the conduct of military or foreign affairs functions.

(b) Thus rule shall not apply to proceedings in progress where hearings have already been requested or ordered.

Dated at Washington, D.C., this 24 day of September 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81–28445 Filed 9–29–81; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL ELECTION COMMISSION

11 CFR Part 114

[Notice 1981–10]

Communications by Corporations and Labor Organizations

AGENCY: Federal Election Commission.

ACTION: Announcement of Public Hearing Date.

SUMMARY: On September 8, 1981, the Federal Election Commission published a Notice of Proposed Rulemaking on Communications by Corporations and Labor Organizations (46 FR 44964). The Commission will hold a public hearing on these proposed rules on October 26, 1981, at 10:00 a.m. The hearing will be held at the Federal Election Commission, 1325 K Street N.W., Washington, D.C.

If necessary, the hearing will be continued on October 28 and October 30, 1981. Persons or organizations

wishing to testify at the hearing should so indicate in their written comments on the proposed rules. Comments are due on or before October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel, (202) 523–4143.

Dated: September 25, 1981.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 81–28314 Filed 9–29–81; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 90

[Gen. Docket No. 80–135; RM–3378]

Revision to Permit Inland Assignment of Frequencies in a Certain MHz Band for Non-Government Radiolocation; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: The Commission is granting a 30 day extension of time for filing comments and replies in Gen. Docket 80–135, *Revision of the Commission's Rules to permit inland assignment of frequencies in a certain MHz band for non-Government radiolocation.* This is a modified extension supported by the original petitioner who opposed a 90 day extension request filed by another petitioner.

DATES: Comments must be received by October 21, 1981 and reply comments by November 21, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Sam Tropea/Office of Science and Technology, (202) 653–8167.

SUPPLEMENTARY INFORMATION:

[General Docket No. 80-135; RM–3378 (46 FR 39185; 7–31–81)]

Order Extending Time to File Comments

Adopted: September 21, 1981.

Released: September 22, 1981.

In the matter of revision of Parts 2 and 90 of the Commission's rules and regulations to permit inland assignment of frequencies in the 420–450 MHz band for non-Government radiolocation.

1. The Southern California Repeater and Remote Base Association (SCRRBA), an association of amateur radio operators, has requested an additional ninety day extension of time to file comments on the above-captioned Further Notice of Proposed Rulemaking which resulted from a petition filed by Del Norte Technology, Inc. SCRRBA states that the additional time is needed to inform and receive member responses and to retain professional engineering counsel in the preparation of their comments. Del Norte Technology, Inc., by its attorney, has filed its opposition to the requested ninety day extension but has no objection to a thirty day extension of time.

2. The instant proceeding is a Further Notice and the issues under consideration have been available for public evaluation and comment since May 10, 1979, when the petition was originally filed. Accordingly, the Commission is not persuaded that a ninety day extension is warranted. However, because of the importance of this proceeding and in the interest of having the most definitive responses possible, we are granting an additional thirty day extension of time, as supported by Del Norte, to allow final evaluation and submission of data and comments. Therefore, an extension of time from September 21, 1981 to October 21, 1981 for filing comments and from October 21, 1981 to November 21, 1981 for filing reply comments is hereby ordered pursuant to § 0.241(d) of the Commission's rules.

S. J. Lukasik,

Chief Scientist.

[FR Doc. 81–28385 File 9–29–81; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte 230 (Sub-No. 5)]

Improvement of TOFC/COFC Regulation; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction to proposed rule.

SUMMARY: In a document published at 46 FR 14348, February 27, 1981, the Commission exempted rail and truck service provided by rail carriers in connection with trailer on flatcar (TOFC) and container on flatcar (COFC) service from title 49, Subchapter IV of the U.S. Code. That document incorrectly gave the section being added the number 1039.11. In a subsequent proposed amendment to that final rule, the section in question was also given the incorrect number of § 1039.11. That section number is being corrected to read § 1039.13.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, 202–275–7656.

SUPPLEMENTARY INFORMATION: On page 14365 in the issue of February 27, 1981, the section heading at the top of column 3 should be corrected to read as follows:

§ 1039.13 [Amended]

James H. Bayne,

Acting Secretary.

[FR Doc. 81–28291 Filed 9–29–81; 8:45 am]

BILLING CODE 7035–01–M

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49 CFR Part 1104A

[Ex Parte No. MC–129 [1]]

1977–78 Platform Study of Class I and Class II Motor Common Carriers of General Freight Subject to Accounting Instruction 27

AGENCY: Interstate Commerce Commission.

ACTION: Notice to participants in proposed rulemaking.

SUMMARY: By Notice of Proposed Rulemaking served September 10, 1979 (44 FR 53190, September 13, 1979), we initiated a rulemaking to determine whether, and to what extent, the results and proposals in the 1977–1978 study of motor common carriers platform handling costs should be adopted by the Commission. In that notice, we invited public comment and opinion on the study. A number of comments were received and are under consideration. We are issuing this notice in response to a petition filed by ten rate bureaus requesting expedited handling of the proceeding. This notice is intended to inform participants that the proceeding is under active consideration and that a decision will be issued in the near future.

FOR FURTHER INFORMATION CONTACT: Jane Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking served September 10, 1979 (44 FR 53190, September 13, 1979), we initiated a rulemaking to determine whether, and to what extent, the results and proposals in the 1977–1978 study of motor common carriers platform handling costs [2] should be adopted by the Commission. In that notice, we invited public comment and opinion on the study. Comments were received from a number of sources including motor carrier rate bureaus, traffic leagues, and shipper associations.

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[1] Formerly docketed as No. 36388.

[2] *1977–1978 Motor Carrier Platform Study.* Statement No. 2S1–79, July, 1979.

V 46 6 SE 30 81 UMI

The primary purpose of the platform study was to determine differences in direct platform handling time, for individual shipments, related to the characteristics of each shipment, e.g., weight, volume, number of pieces, etc. The results of the study were intended to be incorporated into formulas to determine how the expenses assigned to platforming should be allocated among the various shipments.

Under current costing procedures, platform handling time is presumed to be directly proportional to the weight of the shipment. However, results of the platform study indicate that platform handling time is a function of weight and the number of pieces in a shipment, rather than weight alone. Nevertheless, because information regarding number of pieces per shipment is not now reported to the Commission, it would be impossible to immediately implement a costing procedure which reflects both weight and piece factors. Accordingly, the study proposes implementation of a "short" procedure relying on a "weight alone" formula until such time as the data necessary for the use of the "long" procedure, relying on weight and number of pieces, can be gathered.

On July 20, 1981, the motor carrier rate bureaus listed below,[3] on behalf of their motor common carrier members, filed a pleading in this proceeding styled an administrative appeal. The pleading can more accurately be called and will be treated as a request for expedited handling of this proceeding. The National Small Shipment Traffic Conference, Inc., and the Drug and Toilet Preparation Traffic Conference, Inc. have filed a joint reply.

Since the receipt of the comments in this proceeding, the Commission has been re-evaluating the study in light of the issues raised by the comments. While a few of the comments supported the study, the majority criticized both the study and its proposals. Many of the comments questioned the completeness of the data collected, the validity of the statistical analysis used, and the truth of some of the underlying assumptions on which the study recommendations were based.

Thoughtful consideration of the comments received in this proceeding has taken a significant amount of time. We understand the importance of the issues involved to both shippers and motor common carriers and we recognize the need for prompt implementation of a reasonable method of cost allocation. By the same token, the Commission obviously cannot simply ignore the serious questions raised as to the validity of the 1977–1978 platform study. The Commission is handling this proceeding as expeditiously as possible and we expect to issue a final decision in this proceeding in the near future.

Decided: September 23, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28257 Filed 9-29-81; 8:45 am]

BILLING CODE 7035-01-M

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[3] Rocky Mountain Motor Tariff Bureau, Inc.; Central & Southern Motor Freight Tariff Association, Inc.; Central States Motor Freight Bureau, Inc.; Eastern Central Motor Carriers Association, Inc.; Middle Atlantic Conference; Middlewest Motor Freight Bureau; The New England Motor Rate Bureau, Inc.; Niagara Frontier Tariff Bureau, Inc.; Pacific Inland Tariff Bureau; and Southern Motor Carriers Rate Conference, Inc.

Notices

Federal Register
Vol. 46, No. 189
Wednesday, September 30, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review; Meeting

Pursuant to the Federal Advisory Committee Act (pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 1:30 p.m. Thursday, October 15, 1981 at the office of Covington & Burling, Main Conference Room (11th Floor), 1201 Pennsylvania Avenue, N.W., Washington, D.C.

The Committee will meet to discuss currently pending Federal legislative proposals concerning the amount of deference to be afforded agency determinations on judicial review.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. (Telephone: 202–254–7065.) Minutes of the meeting will be available on request.

Richard K. Berg,
General Counsel.

September 25, 1981.

[FR Doc. 81–28418 filed 9–29–81: 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Tonto National Forest Grazing Advisory Board; Meeting

The Tonto National Forest Grazing Advisory Board will meet November 10, 1981, at 10:00 a.m. at the Payson Ranger Station Office in Payson, Arizona. The purpose of this meeting is to cover the following agenda items:

1. Review expenditures of Range Betterment Funds in Fiscal Year 1981 as authorized by Pub. L. 94–579. Also discuss planned expenditure for Fiscal Years 1982 and 1983.
2. General review including Board recommendations concerning development of Allotment Management Plans.
3. Presentation by Forest officers of progress in developing the Forest Land Management Plan and other items of general interest.
4. Field trip to the Payson Goat Study currently being conducted by Rocky Mountain Forest and Range Experiment Station.

The meeting will be open to the public. Persons who wish to attend should notify James L. Kimball, Supervisor, Tonto National Forest, 102 South 28th Street, Phoenix, Arizona 85038, telephone (602) 261–3205. Written statements may be filed with the Board before or after the meeting.

Oral statements may be made by public attendance when recognized by the Chair.

James L. Kimball,
Forest Supervisor.

September 23, 1981.

[FR Doc. 81–28348 Filed 9–29–81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Bone Creek Watershed, Nebr.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Albert E. Sullivan, State Conservationist, Soil Conservation Service, Federal Building, Room 345, 100 Centennial Mall North, P.O. Box 82502, Lincoln, Nebraska 68508, telephone 402–471–5300.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bone Creek Watershed, Butler County, Nebraska.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Albert E. Sullivan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This watershed plan describes a plan of accelerated land treatment and small grade stabilization structures, debris basins, and erosion control dams. Measures of the plan will reduce soil depletion by sheet and rill erosion, increase production, reduce voiding and depreciation of land by gully erosion, reduce flood plain deposition, improve water quality, and reduce sediment yields to the mouth of the watershed and the Platte River.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Albert E. Sullivan. The FNSI has been sent to various Federal, State, and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until October 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 18, 1981.

David G. Unger,

Associate Chief, Soil Conservation Service.

[FR Doc. 81-28230 Filed 9-29-81; 8:45 am]

BILLING CODE 3410-16-M

Lower Otter and Dead Creeks Watershed, Vt.; Authorization of Federal Assistance in Installation of Works of Improvement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of authorization of Federal assistance in the installation of works of improvement.

FOR FURTHER INFORMATION CONTACT: Mr. John C. Titchner, Acting State Conservationist, Soil Conservation Service, 1 Burlington Square, Suite 205, Burlington, Vermont 05401, telephone 802-951-6795.

SUPPLEMENTARY INFORMATION: Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1008) has been authorized for the Lower Otter and Dead Creeks Watershed, Vermont.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83-566, 16 U.S.C. 1001-1008. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 16, 1981.

David G. Unger,

Associated Chief, Soil Conservation Service.

[FR Doc. 81-[illegible] Filed 9-29-81; 8:45 am]

BILLING CODE 3410-16-M

Moss Neck Watershed, N.C.; Authorization of Federal Assistance in Installation of Works of Improvement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of authorization of Federal assistance in the installation of works of improvement.

FOR FURTHER INFORMATION CONTACT: Mr. Coy A. Garrett, State Conservationist, Soil Conservation Service, 310 New Bern Avenue, Federal Building, Room 544, Raleigh, North Carolina 27611, telephone (919) 755-4210.

SUPPLEMENTARY INFORMATION: Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1008) has been authorized for the Moss Neck Watershed, North Carolina.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 17, 1981.

David G. Unger,

Associate Chief.

[FR Doc. 81-28231 Filed 9-29-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), notice is hereby given that the Census Advisory Committee on Agriculture Statistics will convene on October 29, 1981, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents associated with agricultural production; to prepare recommendations regarding the contents of agricultural reports; and to present the views and needs for data of major agricultural organizations and their members, and other suppliers of agricultural statistics.

The Committee is composed of 20 members appointed by the presidents of the nonprofit organizations having representatives on the Committee, and a representative from the U.S. Department of Agriculture.

The agenda for the meeting, which is scheduled to adjourn at 4:00 p.m. is: (1) introductory remarks by the Director, Bureau of the Census; (2) current Census Bureau activities and legislative budget situation; (3) 1978 Census of Agriculture update; (4) the 1982 Census of Agriculture, including (a) proposed final content and test results, (b) publication program, (c) economic/agriculture data linkage study, and (d) public relations program; and (5) Committee recommendations.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Arnold L. Bollenbacher, Chief, Agriculture Division, Bureau of the Census, Room 3015, Federal Building 4, Suitland, Maryland, (Mail address: Washington, D.C. 20233). Telephone (301) 763-5230.

Dated: September 25, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-28313 Filed 9-29-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

[A-588-067]

Carbon Steel Plate From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On May 7, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on carbon steel plate from Japan. The review covered the six known manufacturers of carbon steel plate and generally consecutive periods from July 1, 1977 through March 31, 1980.

Interested parties were given an opportunity to submit written comments or request a hearing on these preliminary results. At the request of two interested domestic parties the Department held a hearing on June 19, 1981. Based on comments presented at the hearing and written comments received from Japanese plate producers and domestic interested parties, the Department has clarified the scope of the finding and made adjustments which result in reduced weighted-average margins for three of the plate producers.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: John Nolan, Alfredo Montemayor, or William L. Matthews, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. (202-377-4347).

SUPPLEMENTARY INFORMATION:

Background

On May 30, 1978, a dumping finding with respect to carbon steel plate from Japan was published in the **Federal Register** as Treasury Decision 78-150 (43

FR 22937). On May 7, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review of the antidumping finding (46 FR 25498). The Department has now completed its administrative review of that finding.

Scope of the Review

Imports covered by this review are shipments of hot rolled carbon steel plate, 0.1875 inches or more in thickness, over 8 inches in width, not in coils, not pickled, not coated or plated with metal, not clad, and not cut, pressed or stamped to non-rectangular shape. Such merchandise is currently classifiable under item 607.6615 of the Tariff Schedules of the United States Annotated (TSUSA).

This review does not include certain heat treated plate manufactured to Caterpillar Tractor Company's proprietary specifications "1E682, 1E893, and 1E1032." On the basis of comments submitted by interested parties, we conclude that plate manufactured to these specifications does not fall within the industry's commonly accepted definition of carbon steel plate and such plate is not within the scope of the finding.

The Department knows of a total of six Japanese firms, identified below, which are engaged in the manufacture and export of carbon steel plate to the United States. This review covers five of them for consecutive time periods from July 1, 1977 through March 31, 1980, and the one other firm for the period April 1, 1978 through March 31, 1980, except certain firms' entries with purchase dates during the period April 1, 1977 through June 30, 1977. These entries will be covered in the next administrative review of the finding.

The preliminary notice incorrectly stated the review included sales of Kansai Steel Ltd. for the period July 1977 through March 1978. In fact, the Customs Service, in accordance with the Antidumping Act of 1921 and part 153 of the Customs Service Regulations, had analyzed Kansai's sales during that period, calculated a weighted-average margin of 7.9%, and issued appraisement instructions in January 1979. The current administrative review for Kansai therefore includes only those sales during the period April 1978 through March 1980.

Analysis of Comments Received

As a result of comments submitted by foreign producers as well as the Department's own analysis, we have adjusted the margins cited in the preliminary notice for 3 of the 6 producers. For Kansai we corrected a clerical error in the preliminary deduction of lighterage and export declaration charges from the purchase price, and revised the freight costs deducted from the foreign market value to reflect more accurately such costs on home market sales of the most similar merchandise. This resulted in a reduction of the final weighted-average margin. For Nippon Kokan the correction of a clerical error in the listing of purchase prices and in the calculation of the credit cost adjustment reduced the final weighted-average margin. Also for Nippon Kokan we reduced the final margin by deleting an adjustment for similar merchandise inappropriately included in the preliminary calculations. Corrections of clerical errors in the preliminary calculations of Sumitomo's weighted-average home market prices altered slightly those prices with an insignificant effect on the final weighted-average margin calculation.

One foreign producer objected that the Department's calculation of weighted-average margins on the basis of quantity was inconsistent with prior administrative practice of calculating on the basis of value. We agree. This formula reduces by approximately 0.5 percent the weighted-average margins stated in the preliminary results.

Certain foreign producers objected to the Department's method of calculating the circumstance of sale adjustment due to differences in credit costs. They claimed the interest earned by the producer on that portion of the export sales price prepaid by the trading company at the time of order placement should be offset only by the amount of interest the producer paid to the trading company in exchange for the prepayment. We disagree with that argument, because it does not fully account for the producer's credit costs. Interest earned by the producer on the prepaid portion of the sales price must be offset not only by the interest the producer pays the trading company for the use of the trading company's money prior to shipment of the order, but also by the interest the producer must pay to finance the balance of the sale which is not prepaid. The Department's method results in a slightly smaller net subtraction from foreign market value than that claimed.

One foreign producer objected to the Department's exclusion in its calculation of foreign market value of Muki grade steel when comparing sales of most similar merchandise in the home market to sales of grade A-36 in the United States. We conclude that grade SS41 is most similar to grade A-36. In cases where sales of grade SS41 exist in sufficient quantities to calculate foreign market value, the Department rejects the suggestion that Muki grade also be included as most similar to grade A-36 sold to the U.S. Muki grade is not as similar as SS41 because Muki is generally not as fully processed as either SS41 or A-36 and, therefore, not "approximately equal in commercial value".

One foreign producer objected to the use of the full time period from July 1977 to June 1978 by the Commerce Department in calculating the weighted-average margin. The producer argued the weighted-average margin and cash deposit rate should be computed based on only the most recent sales during the period. The producer also claimed the lack of margins on those most recent sales, together with the Department's monitoring of all steel product imports under the Trigger Price Mechanism ("TPM"), should provide the Department sufficient assurance that the dumping of carbon steel plate has ceased and is not likely to be resumed in the future. The Department rejects this argument because selected sales, as proposed, do not provide an adequate basis for computing weighted-average margins. The TPM, though useful as a signal to the Department of the likelihood of sales at less than fair value, does not replace the Department's obligation to conduct administrative reviews of all antidumping duty findings, pursuant to section 751 of the Tariff Act of 1930 ("the Tariff Act").

The domestic parties commented that the Department should not allow various adjustments claimed for differences in circumstances of sale. The domestic parties argued that the Department's allowance of claims for adjustments to foreign market value due to differences in credit costs and warranties is impermissible because the Department did not establish a direct causal relationship between the alleged differences in circumstances of sale and any difference between the United States price and foreign market value. In their view, the Department must require proof not only that there are quantifiable differences in circumstances of sale but also that these differences affect the price differential to the extent of the claimed adjustment. With regard to differences in warranties, the domestic parties also stated that the one foreign producer claiming this adjustment established neither the existence of such differences nor their amount. We disagree. All adjustments were made in accordance with

§ 353.15(d) of the Commerce Regulations which states reasonable allowances will be made for the *costs* to the seller of any differences in circumstances of sale. This regulation is consistent with section 773(a)(4) of the Tariff Act, which states that an allowance will be made for any price difference "wholly or partly" due to differences in circumstances of sale. We conclude that the differences in cost constitute a reasonable indication of the differences in price. The Department verified the amounts of warranty and credit costs and considers the claims valid.

The domestic parties disagreed with deductions from foreign market prices for foreign inland freight. The Department maintains that it must deduct freight charges included in delivered home market prices when comparing them with United States prices from which it has deducted all included freight charges.

The domestic parties argued that the Department should use constructed value for four of the respondents, in accordance with section 773(b) of the Tariff Act, because so many sales in the home market were made at less than the cost of production. The argument is predicated entirely upon a private marketing research report commissioned by the domestic parties. The Department's comparison of home market selling prices to the best available cost information indicated sufficient quantities of plate were sold above cost in the home market in all cases.

The Department used as best available cost information an average cost for all producers, developed in the TPM program, adjusted by a factor, derived from the interested domestic parties' market research report, for indexing individual producer's costs in relation to the average cost figure. The Department used data derived from the TPM rather than data from the market research report because the latter lacked sufficient source documentation and explanation of how its estimates of production costs for plate were derived from its cost estimates for producing all steel products. The Department chose to use data from the market research report to determine the indexing factors because the market research report is the only available information on individual company costs. In the absence of any other information, the market research report's estimates of the relative cost experience of each producer appear reasonable.

The Department disagrees with claims by a foreign producer that the Department may not use any portion of the market research report because the report is not properly part of the official record. Those portions of the report used to index individual producer's cost of production in relation to all producers' average cost of production were submitted in a timely fashion and in proper form, with an adequate non-confidential summary, and they are part of the official record.

Final Results of the Review

As a result of adjustments made based on comments received and our subsequent analysis, we determine that the following margins exist:

Manufacturer	Time period	Margin (percent)
Nippon Steel	7/1/77–6/30/78	[illegible]
	7/1/78–3/31/80	[1] 0
Nippon Kokan	7/1/77–6/30/78	2.81
	7/1/78–3/31/80	[1] 2.81
Kawasaki	7/1/77–6/30/78	0
	7/1/78–3/31/80	[1] 0
Kobe Steel Ltd	7/1/77–6/30/78	[1] 0
	7/1/78–3/31/80	[illegible]
Sumitomo Metal	7/1/77–6/30/78	[illegible]
	7/1/78–3/31/80	[1] 2.30
Kansai, Ltd	4/1/78–3/31/80	[illegible]

[1] No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made by these firms, if appropriate, with purchase dates during the periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based on the most recent of the margins calculated above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. For any shipment from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of May 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Leonard M. Shambon,

Director, Office of Compliance.

September 23, 1981.

[FR Doc. 81-28244 Filed 9-29-81; 8:45 am]

BILLING CODE 3510-25-M

Parts for Self-Propelled Bituminous Paving Equipment From Canada; Clarification of Scope and Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Clarification of Scope and Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce is clarifying the scope of the antidumping finding on parts for self-propelled bituminous paving equipment from Canada, and has conducted an administrative review of that finding. Clarification is necessary due to confusion as to whether the finding includes attachments to such paving equipment and whether it applies only to parts sold for replacement purposes. The review covers six of the seven known exporters of this merchandise to the United States for various periods through August 31, 1980. The review indicates the existence of dumping margins in particular periods for certain exporters.

As a result of this review, the Department has preliminary determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value on each of their shipments during the periods of review. The Department also determined a deposit rate for the seventh firm, a new shipper, whose shipments have occurred after August 31, 1980.

Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Brian Kelly or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-2923/2657).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 7, 1977, the Treasury Department published in the **Federal Register** (42 FR 44811) an antidumping finding with respect to "parts for self-propelled bituminous paving equipment from Canada" (T.D. 77-222). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on parts for self-propelled bituminous paving equipment ("paver parts") from Canada. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Clarifications

The Department's decision as to whether a particular imported product is of the class or kind covered by an antidumping duty order may be based on several factors, including general physical characteristics, the expectations of the ultimate purchaser, the channels of trade in which the merchandise moves, the manner in which the merchandise is advertised and displayed, and the ultimate use of the merchandise in question.

The first clarification concerns attachments to bituminous paving equipment. Components which could be attached to a completed machine, and which were not vital to the machine's functioning, were not considered at the time of the original fair value investigation for there were no imports of such merchandise from Canada; attachments were not included in the parts lists submitted to the Treasury Department and the International Trade Commission ("the ITC") by the petitioner. The Treasury Department and the ITC based their subsequent determinations only on parts integral to completed machines.

Attachments serve a different function from such integral parts, enhancing the performance of a completed machine rather than forming part of the original machine. The motivation for purchasing an attachment therefore differs from that for purchasing integral parts, the latter being necessary to keep a machine operating. This difference in function, together with the limitation of the fair value investigation to parts included in the original equipment, leads us to exclude attachments from the class or kind of merchandise covered by the finding. Attachments shall be defined as merchandise not generally included in original equipment at the time of entry of the attachment, not necessary to the operation of the completed machine, and attachable to the completed machine without extensive machine disassembly. The Department shall determine on a case-by-case basis whether a particular component is an attachment, and inform the Customs Service in each instance of an exclusion from the finding.

The second clarification involves integral parts other than replacement parts for existing machines, that is, parts used in original equipment manufacture or sample parts. The antidumping petition, brought by an original equipment manufacturer and a parts distributor, was titled "Replacement Parts for Bituminous Paving Equipment Exported from Canada". The product description was entirely for replacement parts, and the petition noted the "request is directed to original equipment replacement parts". The scope of the investigations by the Treasury Department and the ITC was determined by the manufacturer's list of replacement parts.

Throughout the investigation the terms "parts" and "replacement parts" were used interchangeably, and the record suggests that neither the Treasury Department nor the ITC considered the possibility of parts being imported for incorporation into original equipment.

The ultimate uses of the merchandise are clearly differentiable between replacement of parts on existing machines and other uses, such as original equipment manufacture. The original petition sought relief only for the replacement parts industry, and the original investigations considered only the possibility of less-than-fair-value sales of replacement parts and injury of replacement parts manufacturers. The Department concludes that the class or kind of the merchandise is restricted to replacement parts. Therefore, the word "replacement" shall be included in the definition of paving equipment parts subject to this antidumping finding in order to describe more accurately the scope of the investigation and the administrative determination. The title of the finding shall be "Replacement parts for bituminous paving equipment from Canada."

Scope of the Review

Imports covered by this review are shipments of replacement parts for self-propelled bituminous paving equipment.

The Department knows of a total of 7 Canadian firms engaged in the manufacture and exportation of paver parts to the United States. For 6 firms this review covers various periods through August 31, 1980.

For one firm, a new shipper, we have determined a cash deposit rate based on its shipments in the period February 1, 1981, through May 31, 1981. The firms and review periods are listed below.

Two exporters failed to provide sufficient information to allow evaluation of their entries. For these firms we have proceeded to use the best information available to determine the assessment and estimated deposit rates. The best information available is the highest current rate among all responding firms with shipments, which is 13.73%.

Two firms indicated that they exported no replacement parts during the review period, but did export parts for original equipment manufacture. In requiring a cash deposit on future shipments of paver parts, the U.S. Customs Service will not be able to distinguish among parts by final use. For these two firms, the Customs Service shall withhold appraisement pending publication of the final results of our next section 751 review. However, we are waiving the requirement for cash deposit for these two firms. This waiver of deposit shall remain in effect until the next administrative review.

United States Price

In calculating United States price the Department used purchase price or exporter's sales price, as defined in section 772 of the Tariff Act or section 203 or 204 of the 1921 Act, as appropriate.

Purchase price was based on the packed price to an unrelated purchaser in the United States. Exporter's sales price was based on the packed price to the first unrelated purchaser in the United States. Where applicable, deductions were made for U.S. and foreign inland freight, brokerage charges, U.S. duty, discounts, commissions to unrelated parties, and selling expenses, in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, or constructed value when sufficient sales did not exist in the home market or to purchasers in third countries, all as defined in section 773 of the Tariff Act or section 205 or 206 of the 1921 Act. The foreign market values were adjusted, where applicable, for inland freight, discounts, commissions paid to unrelated parties, and other selling expenses to offset U.S. selling expenses, in accordance with § 353.15 of the Commerce Regulations and § 153.10 of the Customs Regulations.

Constructed values were calculated as the sum of materials, fabrication costs, general expenses, and profit. The amount added for general expenses constituted at least ten percent of the sum of material and fabrication costs. Profit was calculated at eight percent of the sum of all general expenses and cost.

In calculating the constructed value for this preliminary notice the Department used the general expenses reported by S. F. Tubing Ltd. Prior to issuing the final determination the Department will clarify certain issues relating to these expenses.

Preliminary Results of the Review

As a result of our comparison of United States price with foreign market value, we preliminarily determine that the following margins exist:

Manufacturer or exporter	Time period	Margin (percent)
Anvil Manufacturing Co	7/1/78–8/31/80	13.73
Babcock Allatt, Ltd	12/1/78–8/31/80	0
Barber-Greene Canada Ltd	4/1/77–8/31/80	[1] 0
General Construction Equipment Manufacturing Ltd	4/1/77–8/31/80	[1] 0
Parker Hannifin	7/1/78–8/31/79	[1] 0
	9/1/79–8/31/80	13.73
S. F. Tubing, Ltd	7/1/78–8/31/80	13.73

[1] No exports of replacement parts during the review period

Interested parties may submit written comments on these preliminary results on or before October 30, 1981, and may request disclosure and/or a hearing on or before October 15, 1981. Any request for an administrative protective order must be made on or before October 5, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase dates or export dates as appropriate, during the time periods involved.

Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments by these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. Because the paving parts exported by Barber-Greene and General Construction are outside the scope of the finding, the Department shall not require cash deposits on their shipments. The deposit rate for the new exporter, National Paver Parts, shall be 1.05%, based on our analysis of shipments made between February 1, 1981, and May 31, 1981. Any duties due on these shipments shall be determined in the next administrative review. For any shipment from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the most recent period. This requirement, and the waiver for Barber-Greene and General Construction, shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with § 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 18, 1981.

[FR Doc. 81–28246 Filed 9–29–81; 8:45 am]

BILLING CODE 3510-25-M

Fourth Quarter Steel Trigger Price Mechanism Price Manual Corrections

AGENCY: International Trade Administration, Commerce.

ACTION: Corrections in the stainless steel wire coverage as published in the Fourth Quarter, 1981 TPM Price Manual.

SUMMARY: The Department of Commerce publishes a quarterly price manual for steel products covered by the trigger price mechanism (TPM) as well as **Federal Register** notices announcing coverage changes. This notice is to correct errors in the coverage for stainless steel wire in the *Fourth Quarter, 1981 TPM Price Manual.*

FOR FURTHER INFORMATION CONTACT: Stanley P. Gustafson, Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230. (202) 377–3529.

SUPPLEMENTARY INFORMATION: On August 20, 1981 (46 FR 42316) the Department announced trigger prices for the fourth quarter of 1981. This notice incuded copies of pages 16–20 through 16–30 from the price manual covering stainless steel wire. The prices listed in that notice were correct. The prices announced in the notice were then incorporated into the *Fourth Quarter, 1981 TPM Price Manual* available to the public from the Publications Sales Branch, Room 1617, U.S. Department of Commerce, Washington, D.C., 20230 for $10.00. The stainless steel wire prices on pages 16–20 through 16–30 in the published manual are in error. Please refer to the August 20, 1981 **Federal Register** notice for the proper pricing.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81–28357 Filed 9–29–81; 8:45 am]

BILLING CODE 3510-25-M

Steel Trigger Price Mechanism Product Coverage

AGENCY: International Trade Administration, Commerce.

ACTION: Announcement of the Department of Commerce's action on requests for expansion and deletion of trigger price coverage.

SUMMARY: The Department of Commerce announces that two requests to delete trigger price coverage have been denied. The requests applied to galvanized sheets and coils in thicknesses less than .015 inches and over 42 inches wide, and hot rolled sheet and band less than 76 inches wide.

FOR FURTHER INFORMATION CONTACT: Joda C. Taylor, Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377–5287.

SUPPLEMENTARY INFORMATION: The Department of Commerce has announced requests for changes in trigger price product coverage on October 21, 1980 (45 FR 69527), November 20, 1980 (45 FR 76722), January 27, 1981 (46 FR 8637), June 16, 1981 (46 FR 31461), and September 14, 1981 (46 FR 45665). The Department is hereby announcing decisions on two of the requests in the June 16, 1981, notice.

V 46 SE 30 81 1 UMI

I. Deletion of Coverage on Galvanized Sheets and Coil in Widths Over 42 Inches and in Thicknesses Less Than 0.015 Inches.

A consumer and importer of galvanized sheets and coils stated that trigger prices had the effect of raising costs of such products which were not available from U.S. manufacturers. Comments opposing the proposal received by the Department indicated that such a product was available from U.S. manufacturers and the trigger price coverage was effective in allowing the development of similar competitive products. No comments favoring the proposal were received.

The Department feels that the information presented in the comments has merit. Our inquiries verify that such products are available in the domestic market. We are also aware that at least one U.S. producer has developed and is now beginning to market a product competitive with the lighter gauges of galvanized sheet and coils.

The request the TPM price coverage for galvanized sheets and coil in widths over 42 inches and in thicknesses less than 0.015 inches be deleted is therefore denied.

II. Deletion of Coverage on Hot Rolled Sheet and Band Less Than 76 Inches Wide.

A foreign manufacturer and shipper of these products to the United States states that they are not aware of U.S. production in widths over 76" so the possibility of injury does not exist. Opposing commenters indicate that such a product is produced in the U.S., and the ease of slitting flat rolled products into narrow widths make acceptance of the proposal tantamount to deletion of all coverage in these product lines. No comments favoring the proposal were received.

Because the Department feels the arguments opposing deletion have merit, it is denying the request that TPM price coverage for hot rolled sheet and band less than 76 inches wide.

Dated: September 24, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-28356 Filed 9-29-81; 8:45 am]

BILLING CODE 3510-25-M

President's Export Council; Inaugural Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended 5 U.S.C. App. (1976), notice is hereby given that a business meeting of the President's Export Council will be held on Thursday, October 15, after a swearing-in ceremony for the newly appointed members at the White House. The meeting will be at 1:00 p.m., in Room 4830, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. the President's Export Council was established by Executive Order 11753 of December 20, 1973. The Council was reconstituted by Executive Order 12131 of May 4, 1979 and continued by Executive Order 12258 of December 31, 1980. The Council's purpose is to advise the President on matters relating to United States export trade.

The agenda of the meeting is as follows:

Opening Comments, Welcoming Remarks—Chairman, J. Paul Lyet; Vice Chairman, Anna C. Chennault
Remarks on current trade situation and Administration's Program—Secretary of Commerce, Malcolm Baldridge.
Presentation on status of previous Council recommendations—Executive Director and Under Secretary, Lionel H. Olmer
Organizational Business, Establishment of Executive Committee
Establishment of subcommittees
General discussion of topics to be addressed during the council's tenure
Closing comments, announcements and plans for next meeting.

The meeting is open to the public with a limited number of seats available on a first come, first served basis. The public may file written statements with the Council before and after the meeting. To the extent time permits, oral statements and comments by the public will be welcomed at the end of the meeting.

Copies of the minutes of the meeting and further information concerning the President's Export Council may be obtained from Ms. Elizabeth Ruskin or Mr. Jeffrey Jackson, Room 1215, U.S. Department of Commerce, Washington, D.C. 20230. Telephone (202) 377-1125.

Dated: September 24, 1981.

Donald V. Earnshaw,

Deputy Assistant Secretary for Export Development, U.S. Department of Commerce.

[FR Doc. 81-28280 Filed 9-29-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Receipt of Permit Modification Request

Notice is hereby given that Mr. Brent Stewart, Field Biologist, Hubbs Sea World Research Institute, 1700 South Shores Road, Mission Bay, San Diego, California 92109, has requested a modification to Scientific Research Permit No. 341 issued to him on June 4, 1981 (46 FR 30679), under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the taking and Importing of Marine Mammals (50 FR Part 216).

Mr. Stewart is requesting a modification to his permit to authorize the following additional activities and animals:

1. To tag as well as bleach or paint mark the 1,000 Northern elephant seals presently authorized to be marked.
2. To tag an additional 3,800 Northern elephant seals on San Nicolas Island.
3. To tag an additional 3,800 Northern elephant seals on San Miguel Island.
4. To tag a total of 800 Northern elephant seals on San Clemente, Santa Rosa, Santa Cruz, and Santa Barbara Islands.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before October 30, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application and modification request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above request are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 24, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-28402 Filed 9-29-81; 8:45 am]

BILLING CODE 3510-22-M

V 46 SE 30 81 UMI

National Technical Information Service

Withdrawal of Automated Data Processing and Keyboarding From Schedule of Reviews

Notice is hereby given pursuant to Office of Management and Budget (OMB) Circular A-76, paragraph 9cl, Calculating Cost of Government Operations, and paragraph D of Chapter 1 of Supplement No. 1, that the National Technical Information Service (NTIS) intends to remove Automated Data Processing and Keyboarding from its schedule of reviews published in the **Federal Register** July 25, 1980.

Factors influencing this removal are the joint effort to consolidate the NTIS computer operation facility with the facilities of the Office of the Secretary and the Census Bureau, and a management improvement plan to change from keyboarding data in a batch-oriented operation in a single location to an on-line keying operation spread throughout NTIS. These actions will significantly change the structure and operating methods of the functions involved. For further information contact Martin Snyderman, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, Phone (703) 487-4610.

Melvin S. Day,

Director.

[FR Doc. 81-28246 Filed 9-29-81; 8:45 am]

BILLING CODE 3510-04-M

DELAWARE RIVER BASIN COMMISSION

Applications for Approval of Projects; Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, October 6, 1981, commencing at 1:30 p.m. The hearing will be a part of the Commission's regular October business meeting, which is open to the public. Both the hearing and the meeting will be held in the Reidy Room at the Shawnee Inn, Shawnee-on-Delaware, Pennsylvania. The subject of the hearing will be applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Washington Township Municipal Utilities Authority (D-80-60 CP).* A well water supply project to serve a portion of Washington Township, Gloucester County, New Jersey. Well No. 9, with a capacity of 1.4 million gallons a day, would be used to supplement supplies from existing wells to serve the increasing population in the Township.

2. *Borough of Orwigsburg (D-81-12 CP).* A well water supply project to augment public water supplies in the Borough of Orwigsburg, Schuylkill County, Pennsylvania. Designated as Well No. 2, the new facility is expected to yield approximately 216,000 gallons per day. The new well will replace an existing reservoir supply which must be abandoned.

3. *Elizabethtown Water Company (D-81-17 CP).* An increased water allocation for the Company's service area in West Windsor, Plainsboro and Lawrence Townships, Mercer County, New Jersey. Withdrawals from two existing wells, designated as Wells Nos. 1 and 2, will be increased from the present 300,000 gallons per day to about 1.7 million gallons per day.

4. *Charles J. Huether—Pine Brook Development and Greater Pottsville Industrial Development Corporation (D-80-69 Revised).* A sewage treatment project to serve the Pine Brook Development and the Greater Pottsville Industrial Development park in the Township of West Brunswick, Schuylkill County, Pennsylvania. The facility will provide approximately 88% removal of BOD from a wastewater flow of about 120,000 gallons per day. Treated effluent will discharge to Pine Creek, a tributary of the Schuylkill River.

5. *American Argo Corporation (D-81-13).* A well water supply project to provide a new water supply at the company's Willow Lake plant in Schuylkill Haven, Schuylkill County, Pennsylvania. Designated as Wells Nos. 3 and 5, the new facilities will be utilized to provide about 230,000 gallons per day for use in plant operations. The project will serve as a standby water supply source to be used if supplies from Schuylkill Haven Borough are curtailed due to drought conditions.

6. *Stone Bridge Sewer Company, Inc. (D-81-47).* A sewage treatment project to serve the Stone Bridge residential development in Bedminster Township, Bucks County, Pennsylvania. Sewers, two pumping stations and a treatment plant will be constructed to handle a sewage flow of about 100,000 gallons per day. About 90% of BOD will be removed. Treated effluent will discharge to Deep Run, which enters Tohickon Creek downstream of Nockamixon State Park.

7. *Rolling Green Golf Club (D-81-59).* A golf course irrigation project involving increased surface water withdrawals from Lake Iliff, Andover Township, Sussex County, New Jersey. Withdrawals from the lake would be limited to 10.9 million gallons per month and to periods when the flow from the lake is in excess of 135 gallons per minute.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

September 22, 1981.

[FR Doc. 81-28233 Filed 9-29-81; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

Office for Civil Rights

Annual Operating Plan for Fiscal Year 1982

AGENCY: Department of Education.

ACTION: Request for comments on annual operating plan for fiscal year 1982.

SUMMARY: The Secretary of Education invites comments on the proposed FY 1982 Annual Operating Plan for the Office for Civil Rights.

DATE: Interested persons are invited to submit comments, suggestions, and objections regarding the proposed plan on or before November 16, 1981.

ADDRESS: Written comments should be addressed to Clarence Thomas, Assistant Secretary for Civil Rights, Department of Education (Room 5000, Switzer Building), 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Judith Moss Daidy, (202) 426-6917.

SUPPLEMENTARY INFORMATION: The basic purpose of the Office for Civil Rights (OCR) is to ensure that no person is unlawfully discriminated against by recipients of Federal education funds in the delivery of services or the provision of benefits on the basis of race, national origin, handicap, sex or age. The jurisdictional authorities under which OCR operates include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

Covered under these authorities are 50 State education agencies, 16,000 local education agencies, 3,200 institutions of higher education, 50 State rehabilitation agencies and their sub-recipients, as well as other institutions such as libraries and museums which receive financial assistance from the Department of Education (ED). The job of protecting the civil rights of 12 million minority group members, 4 million handicapped persons and 26 million women who attend public schools or postsecondary institutions rests almost exclusively with OCR, as does the responsibility of guaranteeing these rights for future students.

OCR's strategy to ensure compliance with Federal civil rights statutes involves two basic types of activities: compliance activities and technical assistance activities. Nearly all of OCR's compliance activities (complaint investigations, compliance reviews, *Lau* plan monitoring, and monitoring State higher education system desegregation) are required by various statutes, regulations and court orders. OCR has some discretion, however, as to where it will conduct its compliance review activities and what issues those reviews will cover. OCR concentrates these investigative activities on those recipients which are believed to be in serious noncompliance with major civil rights requirements, primarily identified by OCR civil rights compliance survey data.

Through the transfer of information, material and skills, OCR encourages recipients to voluntarily comply with, and beneficiaries to understand their rights under, Federal civil rights statutes. OCR staff, including headquarters staff and the Regional Technical Assistance Staff, ED program office staff and contracted personnel are the major vehicles used by OCR to deliver technical assistance.

It should be noted that the activities planned by OCR in FY 1982 and outlined below are activities consistent with the FY 1982 ED budget as it exists at the time this plan is being prepared. Action on the FY 1982 ED budget has not been completed by Congress and should events change, resulting in the need to revise this plan, such revisions will be shown in OCR's final FY 1982 Annual Operating Plan to be published before December 31, 1981.

The following narrative and tables describe the activities that OCR plans for FY 1982.

I. Regional Investigatory Activities

A total of 371 investigative staff years will be assigned to compliance and enforcement work in FY 1982 as follows:

	Investigator time	
	Staff years	Percentage
Complaint investigations	285	77
Compliance reviews	53	14
Lau monitoring	10	3
Adams monitoring	18	5
Other monitoring	5	1
Total	371	100

A. Complaint Investigations

Table 1, below, shows projected complaint receipts, closures, and opening and ending inventories by jurisdiction. In order to determine the level of investigative staff resources required to process these complaints, the following projections were made.

—OCR will have a pending caseload of 1,800 complaints as of October 1, 1981.

—During FY 1982, OCR will receive 3,592 complaints.

—During FY 1982, OCR will close 3,592 complaints.

—OCR will have a pending caseload of 1,800 complaints as of October 1, 1982.

Based on these projections, 285 investigator years will be allocated to complaints.

B. Compliance Reviews

A total of 53 investigator years will be available to conduct compliance reviews in FY 1982. This activity will include completing reviews started in previous years and initiating new reviews.

The issues to be covered in the reviews conducted during fiscal year 1982 are presented in Table 2, below. These issues were identified on the basis of survey results, findings from previous complaint investigations and compliance reviews, and related research findings. Table 2 also indicates the number of investigator years to be assigned to each issue. Shortly after the beginning of each quarter of fiscal year 1982, OCR will make available to the public, upon request, information on the specific types of compliance reviews it will initiate during that quarter.

C. Monitoring Activities

During fiscal year 1982, OCR will review recipients to determine whether they are complying with the terms of compliance agreements. These activities will include *Adams* higher education desegregation and *Lau* plan monitoring.

1. *Adams* Higher Education Desegregation Plan Monitoring—OCR is currently monitoring higher education desegregation plans of six States. In fiscal year 1982, 18 investigator years will be allocated to monitoring the desegregation activities of 15 States.

2. *Lau* Plan Monitoring—OCR is required to monitor the implementation of *Lau* plans by recipients. In fiscal year 1982, 10 investigator years will be allocated to monitoring approximately 50 such plans.

3. Other Monitoring—OCR will pursue other monitoring activities in fiscal year 1982 which include reviewing the oversight activities of 56 States and Territories concerning the civil rights compliance of their vocational education sub-recipients. OCR will also monitor remedial action plans resulting from its own investigations and reviews conducted in previous years. It is projected that these activities will consume five investigator years.

D. Summary

Table 3 summarizes the allocation of investigator years by recipient group. Table 4 summarizes the allocation by jurisdiction.

II. Technical Assistance Activities

Over 20,000 education institutions which receive Federal funds must comply with a number of complex civil rights requirements. Because of the numbers involved, OCR is unable to investigate the policies or practices of each recipient. In order to encourage these institutions to voluntarily comply with the law, OCR, either through headquarters or regional staff, provides technical assistance to recipients and works with ED program staff to help recipients understand their civil rights obligations. These assistance activities serve as an integral part of OCR's compliance activities by extending the range of OCR's impact beyond those recipients who are directly covered by an OCR investigation and by enabling OCR to accomplish its mission more efficiently and effectively. By combining a forceful compliance review program with an effective assistance program, OCR will be able to make substantial progress toward achieving broad compliance with civil rights statutes.

During fiscal year 1982, OCR will plan and coordinate efforts to implement expanded technical assistance activities with State and local education agencies. Our intent is to increase the States' capacity to address civil rights compliance concerns; to provide accurate compliance related information; to utilize innovative techniques, planning the training; and to foster voluntary compliance on civil rights matters among its local education agencies. OCR believes that this strategy will greatly increase the impact of its technical assistance program. OCR also expects to work very closely with State officials or their delegated agencies to increase the States' ability to participate in compliance negotiations. OCR will also solicit the support of ED program offices, professional organizations, educational associations, civil rights groups and consumer agencies in this effort.

III. Program Management Activities

In order to effectively carry out its compliance, enforcement and technical assistance activities, OCR conducts a comprehensive legal, management and evaluation program that includes:

—Formulating regulations, policies and investigation manuals;

—Providing technical guidance on cases and reviews referred from regional offices;

—Conducting hearings before Administrative Law Judges on the compliance of Federal fund recipients with civil rights requirements;

—Monitoring State higher education desegregation and *Lau* plans;

—Meeting with school district representatives, college and university officials, complainants and civil rights groups to discuss OCR activities;

—Conducting OCR national surveys and data collection projects to obtain information on recipients and beneficiary populations;

—Operating a data base management system to assure that complaint processing time frames are met;

—Providing basic training to new investigators as well as training on policy initiatives for experienced investigators and legal staff; and

—Conducting systematic on-site reviews of technical assistance contractors' activities.

Table 1.—*Fiscal Year 1982 Annual Operating Plan*

[Projected Fiscal Year 1982 Complaint Workload]

	Title VI—Race/National Organization	Title IX	Section 504	Age	Total
Pending October 1, 1981	342/72	504	864	18	1,800
Fiscal Year 1982 Projected Receipts	682/144	575	2119	72	3,592
Fiscal Year 1982 Closures (total)	754/144	647	2011	36	3,592
Pending October 1, 1982	270/72	432	972	54	1,800

Note.—The 10/1/81 projected pending complaint caseload was distributed in proportion to the complaint distribution existing as of 3/31/81. Projected FY 1982 receipts were distributed according to the proportions each jurisdiction represented in the complaints received from 10/1/80 to 3/31/81. Similarly, the projected FY 1982 closures were distributed according to the proportions each jurisdiction represented in the closures occurring between 10/1/80 and 3/31/81.

Table 2.—*Fiscal Year 1982 Annual Operating Plan*

Compliance Reviews Scheduled

Issue	Description of violation	Investigator years planned
ELEMENTARY AND SECONDARY EDUCATION		
Within School Discrimination: Classroom Assignments, Tracking and Ability Grouping, Special and Physical Education and Secondary School Athletics	Discriminatory assignment of students on the basis of race, national origin, sex, and/or handicap to courses (including industrial arts and home economics), classrooms, special programs, ability groups, and physical education programs. (Special programs would include those for the educable mentally retarded as well as those for the gifted or talented, e.g., advanced mathematics or science.) This issue would also cover biased counseling and appraisals of students as well as unequal opportunities involving athletics.	13
Vocational Education: Access, Admissions and Job Placement	Discrimination on the basis of race, national origin, sex and/or handicap in vocational education programs and courses.	4
Special Purpose Schools: Program Availability and Least Restrictive Environment.	Discrimination in admissions, accessibility, treatment or employment in State administered special purpose schools on the basis of race, national origin, sex and/or handicap.	4
Unserved Special Education	Discrimination in the provision of a free and appropriate education on the basis of handicap	3
School Segregation	Discriminatory assignment of students to schools on the basis of race or national origin	2
Identification of [illegible] Services to Limited English Proficient (LEP) Children.	Discrimination against non-English speaking (NES) or limited English proficient (LEP) Children	4
School Discipline: Expulsions and Suspensions	Discriminatory disciplinary treatment of students on the basis of race, national origin, sex and/or handicap	2
POSTSECONDARY EDUCATION		
Program Accessibility for the Handicapped	Lack of Program accessibility and accommodations for handicapped students in postsecondary school programs.	3
Graduate and Professional Schools: Admissions	Discrimination on the basis of sex, race and/or national origin in admissions to graduate and professional schools.	5
Intercollegiate Athletics: Overall Program Equality	Lack of comparable intercollegiate athletic facilities and programs for women based on their interests and abilities.	1
Vocational Education: Access, Admissions and Job Placement	Discrimination on the basis of race, national origin, sex and/or handicap in vocational education programs and courses.	4
Student Services	Discriminaton on the basis of race, national origin, sex and/or handicap in the provision of services such as financial aid, housing, counseling and tutorial services, health services and insurance benefits, and/or student employment and placement services.	4
Vocational Rehabilitation Services	Discrimination in the provision of services and benefits to severely mentally and physically handicapped individuals, and/or discrimination on the basis of race, national origin and/or sex in the provision of educational services and benefits.	4

Table 3.—*Fiscal Year 1982 Annual Operating Plan*

[Investigator years allocated to each type of recipient]

Type of recipient	Complaints	Compliance reviews	Monitoring			Total	Percent
			Adams	Lau	Other		
Elementary and secondary schools	200	32	0	10	3	245	66
Postsecondary education institutions	85	21	18	0	2	126	34
Total	285	53	18	10	5	371	100

Table 4.—*Fiscal Year 1982 Annual Operating Plan*

[Investigator years allocated to each jurisdiction]

Jurisdiction	Complaints	Compliance reviews	Monitoring			Total	Percent
			Adams	Lau	Other		
Title VI:							
Race	60	8	18	0	1	87	23
National origin	11	11	0	10	1	33	9
Title IX	51	15	0	0	2	68	18
Section 504	160	19	0	0	1	180	[illegible]
Age	3	0	0	0	0	3	1
Total	285	53	18	10	5	371	100

IV. Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed plan. Written comments and recommendations may e sent to the address given at the beginning of this document. All comments received on or before the end of the comment period will be considered in the development of the final plan.

All comments submitted in response to the proposed plan will be available for public inspection, during and after the comment period, at the Department of Education, Room 4094 Switzer Building, 330 C Street, S.W., Washington, D.C., between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday of each week except Federal holidays.

Dated: September 24, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-28259 Filed 9-29-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Industry Advisory Board to the International Energy Agency; Meeting

Notice is hereby provided of a meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA), which will be held on October 7 and 8, 1981, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 10:00 a.m. on October 7. The purpose of this meeting is to permit representatives of members of the IAB to consult with representatives of IEA Participating Country Governments and representatives of the IEA Secretariat concerning IEA preparedness for supply disruptions. Participation of IAB members at this meeting has been requested by the Chairman of the IEA Governing Board and the Executive Director of the IEA, and is regarded as valuable by the Departments of State and Energy.

The agenda for the meeting is under the control of the IEA and the IEA Participating Governments. It is expected that the following subjects will be discussed:

1. Monitoring for periods of market tension.
2. Information systems.
3. Stand-by measures for a sub-crisis.
4. Emergency reserve requirements.
5. Crude oil pricing under disrupted supply.
6. Government-industry relations.

This meeting will not be open to the public.

Issued in Washington, D.C., September 24, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-28373 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Fletcher Oil and Refining Co., Inc.; Action Taken on Consent Order; Correction

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order—correction.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a correction to the **Federal Register** Notice published on August 28, 1981, which gave notice of a Consent Order issued as signed.

DATE: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Office of Enforcement, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3548.

SUPPLEMENTARY INFORMATION: On July 10, 1981, 46 FR 35727 (1981), the Office of Enforcement of the ERA published notification in the **Federal Register** that is had executed a Consent Order with Fletcher Oil and Refining Company, Inc. (Fletcher) on June 1, 1981. Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

On August 28, 1981, the Office of Enforcement of the ERA erroneously published notification in the **Federal Register**, "Although interested persons were invited to submit comments regarding the Consent Order, no comments were received." One comment, however, was received. The commentor recommended that the refunds be distributed pursuant to the special refund procedures, 10 CFR Part 205, Subpart V. The commentor further suggested that the Fletcher refunds be aggregated with other crude oil refunds and be distributed on a volumetric basis to all consuming groups. The Office of Enforcement has carefully reviewed the commentor's recommendations, but has not yet made a determination concerning the disposition of the Fletcher refunds. Since the comments do not address the terms or conditions of the Fletcher Consent Order, but recommend subsequent action to be taken, the Office of Enforcement has determined that the settlement with Fletcher should not be disturbed.

Issued in Washington, D.C., on the 23rd day of September, 1981.

Robert D. Gerring,

Director, Program Operations Division, Economic Regulatory Administration.

[FR Doc. 81-28248 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP81-137-000]

Algonquin Gas Transmission Co.; Change Pursuant to Rate Schedule STB Provision

September 22, 1981.

Take notice that on September 2, 1981, Algonquin Gas Transmission Company

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tendered for filing the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Third Revised Sheet No. 10–C
First Alternate Third Revised Sheet No. 10–C
Second Alternate Third Revised Sheet No. 10–C
Third Alternate Third Revised Sheet No. 10–C
Second Revised Sheet No. 32
First Alternate Second Revised Sheet No. 32
Second Alternate Second Revised Sheet No. 32
Third Alternate Second Revised Sheet No. 32

Algonquin Gas states that Sheet No. 10–C is being filed to reflect in its Rate Schedule STB Rates increased Alternative Rate Schedule SS–II Rates filed by its supplier, Texas Eastern Transmission Corporation, ("Texas Eastern") in Docket No. RP81–109.

Algonquin Gas states that Sheet No. 32 is being filed to reflect in Section 5.4 of Algonquin Gas' Rate Schedule STB the Basic Withdrawal Quantity Adjustment required under Texas Eastern's Alternative SS–II rates.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Oct. 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–28281 Filed 9–29–81; 8:45 am]

BILLING CODE [illegible]

[Docket Nos. CI60–108–000, et al.]

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

September 22, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or the participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000ft.³	Pressure base
CI60–108–000, D, July 24, 1981	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001	West Texas Gathering Company, S. M. Halley No. 35, SW/4 Section 6, Block B–11, PSL, Winkler County, Texas; S. M. Halley No. 260, SW/4 Section 8, Block B–11, PSL, Winkler County, Texas.	(¹)	
CI61–316–000, D, July 24, 1981	General American Oil Company of America, Meadows Building, Dallas, Texas 75206.	United Gas Pipe Line Company, Hollywood Field, Terrebonne Parish, Louisiana.	(²)	
CI62–568–000, D, July 21, 1981	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77001	El Paso Natural Gas Company, North Puckett Ellenburger Field, Pecos County, Texas.	(³)	
CI65–604–000, D, July 24, 1981	Getty Oil Company, P.O. Box 1404, Houston, Texas 77001	West Texas Gathering Company, S. M. Halley No. 3, NE/4 Section 25, Block B–11, PSL, Winkler County, Texas; S. M. Halley No. 303, SE/4 Section 16, Block B–11, PSL, Winkler County, Texas.	(⁴)	
CI74–519–000, C, July 20, 1981	Mitchell Energy Offshore Corporation, 2001 Timberloch Place, The Woodlands, Texas 77380.	Natural Gas Pipeline Company of America, Block 176–S Field, Offshore Texas.	(⁴)	[illegible]
CI81–435–000 D	Coastal Oil & Gas Company, The Coastal Tower, Nine Greenway Plaza, Houston, Texas 77046.	Cities Service Company, Flying "M" Field, Lea County, New Mexico.	(⁵)	
CI81–436–000 (G–[illegible]947), B July 17, 1981.	Conoco Inc., P.O. Box 2197, Houston, Texas 77001	Texas Gas Transmission Corporation, East Carthage Field, Panola County, Texas.	(⁶)	

[1] Well is insufficient to permit delivery of gas into the purchaser's gathering system against the operation pressure maintained, therein

[2] Although there was never any gas produced which was attributable to General American's interest from the leases which expired and reverted to the lessor, the deletion of acreage requested does not qualify for the Southland exclusion because General American retained its right to explore for, develop, produce, and sell natural gas after May 31, 1978. Other acreage which does qualify for the Southland exclusion expired prior to May 31, 1978. Deletion of this expired acreage is requested by amendment to certificate.

[3] The only well on the lease has ceased to produce and the lease expired by its own terms on approximately March 31, 1981.

[4] Applicant is filing under Gas Purchase Contract dated March 1, 1974, amended by Supplemental Gas Purchase Contract dated June 9, 1980.

[5] The acreage has been deleted from the Cities Service contract and production from that acreage will instead be sold to Warren Petroleum Company.

[6] All of Conoco's leasehold interests in properties committed to the subject contract and Rate Schedule were sold and assigned to Alfred C. Glassell, Jr., effective January 1, 1970.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81–28295 Filed 9–29–81; 8:45 am]

BILLING CODE 64[illegible]0–01–M

[Docket Nos. CP68-139, CP77-525 and CP77-529]

B-V Gas Gathering System, Inc.; Inapplicability of Exemption

September 24, 1981.

Take notice that on August 31, 1981, B-V Gas Gathering System, Inc. (Applicant), Fidelity Union Tower, Dallas, Texas 75201, filed in Docket Nos. CP68-139, CP77-525 and CP77-529 a notice pursuant to § 152.5 of the Commission's Regulations under the Natural Gas Act (18 CFR 152.5) so as to advise of the change in operations which makes its exemption pursuant to Section 1(c) of the Natural Gas Act no longer applicable effective August 7, 1981, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is a wholly-owned subsidiary of Texas Oil and Gas Corporation (TXO) and that it owns and operates the Blessing-Victoria System, an intrastate pipeline system in the State of Texas.

It is submitted that by order issued March 12, 1968,[1] in Docket No. CP68-139 Delhi Gas Pipeline Corporation (Delhi), a wholly-owned subsidiary of TXO, was granted an exemption pursuant to Section 1(c) of the Natural Gas Act for the Blessing-Victoria System for transportation of certain volumes of natural gas for the account of Lo-Vaca Gathering Company which service terminated in July 1975.

Applicant further submits that on July 22, 1977, Delhi and United Gas Pipe Line Company (United) entered into an agreement permitting the seasonal exchange of natural gas by means of the Blessing-Victoria System. It is stated that such exchange was authorized by order dated December 15, 1979, and that initial deliveries were made by Delhi on June 6, 1978, and ended on December 8, 1978. Applicant states that on December 26, 1978, it acquired from Delhi the facilities comprising the Blessing-Victoria System and the right to receive redelivery from United of the imbalance volume of gas.

Applicant submits that by order issued November 19, 1979,[1] the Commission substituted Applicant as the exempted person in Docket No. CP68-139 and recognized Applicant as the certificate holder in Docket Nos. CP77-525 and CP77-529 stating that its jurisdiction would persist over the uncompleted exchange until redelivery by United of the outstanding imbalance under the exchange occurred and, further, that its jurisdiction would not extend to the Blessing-Victoria facilities after completion of redelivery of the outstanding imbalance.

Applicant states that redelivery by United of the outstanding imbalance volumes began on July 8, 1980, and was completed on August 7, 1981. Applicant asserts that the Blessing-Victoria facilities would not be used in the future to receive or deliver volumes of interstate gas except to the extent permitted by the Natural Gas Policy Act of 1978 relative to operations by an intrastate pipeline, and, therefore, its exemption pursuant to Section 1(c) of the Natural Gas Act is no longer applicable.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1981, file with the Federal Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28277 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-763-000]

Central Illinois Public Service Co.; Filing

September 23, 1981.

The filing Company submits the following:

Take notice that on September 14, 1981, Central Illinois Public Service Company tendered for filing Modification No. 14 to the Interconnection Agreement dated June 1, 1968, between Central Illinois Public Service Company (CIPS) and American Electric Power Service Corporation on behalf of Indiana and Michigan Electric Company (I&M).

The Commission has previously designated this Interconnection Agreement as I&M Rate Schedule FERC No. 67 and CIPS Rate Schedule FERC No. 62.

Section 1, Article 7 of Modification No. 14 provides for changes in billing and payment procedure to reflect current interest rates for late payment of bills.

Section 2 cancels Service Schedule E—short Term Power and substitutes a new Service Schedule E—short Term Power, attached to Modification No. 14 as Appendix I. The new service schedule adds provisions for daily as well as weekly transactions between the parties.

Copies of this filing were served upon the American Electric Power Service Corporation, Indiana & Michigan Electric Company, the Illinois Commerce Commission, the Public Service Commission of Indiana, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1981.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28278 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5296-000]

Champlain Narrows Improvement Co.; Application for Preliminary Permit

September 22, 1981.

Take notice that Champlain Narrows Improvement Company (Applicant) filed on August 31, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5296 to be known as the Champlain Spinners Project located on Champlain Lock C-12 in the town of Whitehall, Washington County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen F. Burke, J. Kenneth Fraser and Associates, P.C., Consulting Engineers, 620 Washington Avenue, Rensselaer, New York 12144.

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[1] These proceedings were commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), they were transferred to the Commission.

Project Description—The proposed project would utilize surplus flows from the existing Champlain Canal at Lock C–12 and would consist of: (1) the existing 90-foot long, 7 to 13 foot high concrete dam; (2) the 240 acre Champlain Canal flow impoundment above the dam at elevation 109.82 (USGS Datum); (3) the existing headrace siphon-spillway, headgates and forebay at the east dam abutment; (4) two or three turbine generators operating under 15.5 feet of head with a total rated capacity of up to 600 kW located in the existing mill building; (5) a tailrace channel; and (6) appurtenant facilities. The project powerhouse and water rights are owned by the Applicant and the dam, canal and navigation lock is owned by the New York State Department of Transportation. The project would generate up to 3,100,000 kWh annually.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license. Applicant has requested a preliminary permit term of 24 months. Applicant has estimated that the cost of studies under the preliminary permit would be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 30, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–28293 Filed 9–29–81; 8:45 am]
BILLING CODE 6450–85–M

[Docket No. RP76–94–014]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 22, 1981.

Take notice that Columbia Gas Transmission Corporation (Columbia) on September 4, 1981, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to become effective August 4, 1981:

Seventy-Fourth Revised Sheet No. 16
and
Twenty-Second Revised Sheet No. 16A

Columbia states that the foregoing tariff sheets are being filed pursuant to Article VI–B of Columbia's Stipulation and Agreement in Docket No. RP76–94, *et al.*, which was approved by Commission Order issued March 16, 1978. Said Article VI–B provides that Columbia shall place reduced rates into effect, effective on the first day following receipt of a federal income tax refund which recognizes Columbia's and Columbia Gulf Transmission Company's (Columbia Gulf) claim of higher depreciation rates for the years 1971 and 1972. The instant tariff filing reflects refunds applicable to tax years 1975 and 1976. Refunds applicable to the tax years 1971 through 1974 were reflected in Columbia's filing of March 2, 1981 at Docket No. RP76–94, *et al.* Columbia further states that as required by said Article VI–B, Columiba's reduced rates reflect the cost of service impact of the net adjustment to Account 282, Accumulated Deferred Income Taxes, including the impact on Columbia's affiliate, Columbia Gulf. The rate adjustment being filed herewith provides for a reduction in Columbia's annual cost of service of $146,610.

It is stated that Article VI–B of the subject Stipulation and Agreement also provides that all interest received relating to the issue, less interest due the U.S. Treasury as of the date the subject refund is received, shall be refunded without additional interest within 30 days from the date such refund is received, by crediting Account 191, Unrecovered Purchased Gas Costs. Columbia advises that net interest of $315,611 applicable to Columbia and Columbia Gulf was credited to Columbia's Account 191 in August 1981.

Columbia requests a waiver of the Notice requirements of Section 154.22 of the Commission's regulations so that the subject tariff sheets may become effective August 4, 1981, as specified by the terms of the settlement agreement at Docket No. RP76–94, *et al.*

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR, 1.8 and 1.10). All such petitions or protests should be filed on or before October 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–28263 Filed 9–29–81; 8:45 am]
BILLING CODE 6450–85–M

[Project No. 3924-001]

Consulting Associates, Inc.; Application for Preliminary Permit

September 23, 1981.

Take notice that Consulting Associates, Inc. (Applicant) filed on May 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 3924 to be known as the Malad High Drop Project located on the Malad River in Gooding County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Vernon Ravenscroft, President, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

Project Description—The proposed project would consist of: (1) two existing 8-foot high, 100-foot long concrete diversion dams owned by the Justice and Thorpe Ditch Companies on the two branches of the Malad River; (2) an enlargement of an existing canal approximately 0.5 mile long; (3) 2.7 miles of additional canal; (4) a 48-inch diameter, 1,850-foot long penstock; (5) a powerhouse containing two 2,000-kW generating units; and (6) associated electrical and transmission equipment. Applicant estimates that the project would have an average annual generation of 35,742 MWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant would conduct a comprehensive study to determine the economic, technical, financial and environmental feasibility of the proposed project. Applicant estimates that its studies would cost approximately $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 30, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28280 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-759-000]

Edison Sault Electric Co.; Notice of Filing

September 23, 1981.

The filing Company submits the following:

Take notice that Edison Sault Electric Company (Edison) on September 9, 1981, tendered for filing a Supplemental Agreement, No. 3, dated June 1, 1981, to a Transmission Coordination Agreement, dated May 1, 1977, as supplemented, between Edison and Cloverland Electric Cooperative Inc. (Cloverland), which Supplemental Agreement No. 3 will provide current operating and desirable billing changes to the transmission Coordination Agreement.

Copies of the filing were served upon Cloverland Electric Cooperative, Inc. and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28264 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-765-000]

Florida Power & Light Co.; Notice of Filing

September 23, 1981.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) on September 11, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement for Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." this filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1-19).

FPL states that under the Exhibit I, FPL will transmit power and energy for the Jacksonville Electric Authority (Jacksonville) as is required by Jacksonville in the implementation of its interchange agreement with Tampa Electric Company.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FPL states that copies of the filing were served on the Managing Director of Jacksonville Electric Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of

Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28281 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4347-000]

Georgia-Pacific Corp.; Application for Preliminary Permit

September 22, 1981.

Take notice that Georgia-Pacific Corporation (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4347 to be known as the Day Creek Hydroelectric Project located on Day Creek, Carry Creek, and Rock Creek in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Georgia-Pacific Corporation, P.O. Box 1236, Bellingham, Washington 98227.

Project Description—The proposed project would consist of: (1) a 10-foot high by 1,000-foot long earth-filled dam which would increase the surface area of the existing natural Day Lake from 120 acres to 170 acres, increasing its depth by 3 feet; (2) two reinforced concrete diversion weirs; (3) a 4.5-mile long water conduit; (4) a surge tank; (5) a 3,000-foot long penstock; (6) a powerhouse to contain four Pelton-type, turbine-generating units with a total rated capacity of 26 MW; (7) a switchyard; and (8) a 4-mile long, 115-kV transmission line to connect to an existing Puget Sound Power and Light Company line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to study the feasibility of constructing and operating the project. Applicant states that no new road construction would be required to conduct the feasibility studies. Applicant anticipates no major adverse environmental impact to the area during the studies.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 30, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28294 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-18]

High Island Offshore System; Settlement Conference

September 22, 1981.

Take notice that on September 28, 1981, at 2:00 p.m., a settlement conference of all interested parties will be convened concerning the issues involved in the above-referenced proceeding. All parties should come prepared to discuss all the remaining issues in this case and be prepared to make commitments relating thereto. The conference will be held in a room to be designated for such purposes at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28285 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-86-000]

Idaho Power Co.; Application

September 23, 1981.

Take notice that on September 17, 1981, Idaho Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authority to negotiate the placement of not more, than 1,500,000 shares of Common Stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28286 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-762-000]

Iowa-Illinois Gas and Electric Co.; Filing

September 23, 1981.

The filing Company submits the following:

Take notice that Iowa-Illinois Gas and Electric Company (Iowa-Illinois) on September 14, 1981, tendered for filing a Facilities Agreement dated September 4, 1981, with Interstate Power Company (Interstate).

Iowa-Illinois states the Agreement preserves and reflects the current facilities arrangements between the parties and provides a vehicle for perpetuation of existing arrangements and additional future facilities arrangements as may be mutually agreed from time to time. Iowa-Illinois states the facilities arrangements with Interstate originated in antecedent interchange agreements between them, but that the interchange functions are duplicative of the service schedules of the multiparty Mid-Continent Area Power Pool (MAPP) Agreement to which both Iowa-Illinois and Interstate are a party. Iowa-Illinois states that no new or modified jurisdictional facilities are proposed or necessary to effectuate the Agreement. An effective date of January 1, 1982, is proposed.

Iowa-Illinois states copies of the filing have been mailed to Interstate, the Iowa State Commerce Commission, the Illinois Commerce Commission, and the Minnesota Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28267 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-14-001 (PGA 81-3(a))]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

September 22, 1981.

Take notice that on September 8, 1981 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two (2) substitute gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, all of which are dated as issued on September 4, 1981, proposed to be effective August 1, 1981, and identified as follows:

Substitute Twenty-Fifth Revised Sheet No. 4

Substitute Twenty-Third Revised Sheet No. 18

Lawrenceburg states that its substitute tariff sheets were filed to reflect a reduction in its cost of gas purchased from Texas Gas Transmission Corporation which occurred subsequent to its PGA filing made on July 1, 1981. The Commission by letter order issued July 27, 1981 had accepted Lawrenceburg's PGA filing subject to revisions to reflect decreases in its cost of gas purchased from Texas Gas.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28268 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-74-000]

Marlex Oil & Refining, Inc.; Filing of Petition for Review

September 23, 1981.

Take notice that Marlex Oil & Refining, Inc. on September 18, 1981 filed a Petition for Review under 42 U.S.C. 7194(b) ((1977) supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before Oct. 8, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before October 8, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28269 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5306-000]

Mega Hydro Inc.; Application for Preliminary Permit

September 23, 1981.

Take notice that Mega Hydro Incorporated (Applicant) filed on August 31, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5306 to be known as the Mega Hydro #1 Power Project located on Clover Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Fred Castagna, Mega Hydro Incorporated, 1646 East Street, Redding, California 96001.

Project Description—The proposed project would consist of: (1) a 60-foot long, 4-foot high diversion structure on Clover Creek; (2) a 6700-foot long, 30-inch diameter diversion conduit; (3) a 3630-foot long, 30-inch diameter penstock; (4) a powerhouse with a total installed capacity of 1151 kW; and (5) a 0.5-mile long 12.5kV transmission line from the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 2.98 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $47,000.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before November 30, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28282 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-495-000]

Mississippi River Transmission Corp.; Application

September 24, 1981.

Take notice that on August 31, 1981, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP81-495-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, operation and relocation of gathering lines and related minor facilities necessary to convert three existing storage field observation wells to storage injection/withdrawal wells and to connect such wells to the existing field gathering systems in Applicant's East and West Unionville Storage Fields, Lincoln Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install gathering lines and appurtenant facilities and to perform minor related well work as may be necessary to convert three storage field observation wells in Applicant's existing East and West Unionville Storage Fields to storage injection/withdrawal wells and to connect such wells to the existing field gathering systems. Applicant specifically proposes to construct and operate approximately 4,000 feet of new 4½-inch O.D. gathering line, to relocate, install and operate approximately 4,500 feet of existing 4½-inch O.D. gathering line which is not needed in its present location in the East Unionville Field, to install and operate meters and related metering facilities, and to perform minor well work such as acidizing and reperforating as might be required to convert the three wells to storage injection/withdrawal wells.

It is stated that the storage observation wells which Applicant proposes herein to convert for use for injection/withdrawal purposes are the 0-10 and 0-11 wells in the West Unionville Storage Field and the EO-1 well in the East Unionville Storage Field. Applicant submits that the conversion of the EO-1 well in the East Unionville Field and its connection to the field gathering system would permit withdrawal of gas from an area of the field from which withdrawals cannot now be made. Applicant also maintains that the conversion and connection of the 0-10 and 0-11 wells in the West Unionville Field to the field gathering system would permit the withdrawal of gas and thereby provide deliverability with respect to gas which migrates into the area.

Applicant states that the connection of the EO-1 well to the existing gathering system of East Unionville Field would involve the installation of approximately 3,200 feet of 4½-inch O.D. gathering line. Furthermore, Applicant asserts that connecting the 0-10 and 0-11 wells in West Unionville Field would require the installation of approximately 5,300 feet of identically-sized gathering line. To effect these connections, Applicant proposes to install 4,000 feet of new gathering line and to remove and reuse approximately 4,500 feet of existing line which presently runs from a point southwest of the ES-5 well to the ES-15 well in the East Unionville Field.

It is asserted that inadequate sand development has precluded effective use of the ES-15 well in the East Unionville Field as an injection/withdrawal well. However, because of its location near the eastern boundary of the field, the ES-15 well has been and would continue to be used as an observation well, it is stated.

The total cost of the facilities and operations is estimated to be approximately $488,000 which would be financed from available funds and/or short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal

Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28283 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5258-000]

Modesto Irrigation District; Application for Preliminary Permit

September 22, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5258 to be known as the Beaver Creek Mendocino Power Project located on Beaver Creek, in Mendocino County, near Covelo, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 5-foot high by 338-foot long diversion structure on Beaver Creek; (2) a 3,300-foot long, 80-inch diameter water conduit; (3) a 5-foot high by 60-foot long diversion stucture on Buck Rock Creek; (4) a 1,700-foot long, 42-inch diameter water conduit; (5) a 1,300-foot long, 50-inch diameter steel penstock; (6) a powerhouse with an installed capacity of 5 MW; and (7) an 11-mile long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company transmission line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—This application was filed as a competing application to the Beaver Creek, Mendocino Power Project No. 4330 filed on March 12, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 29, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28296 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5302-000]

Modesto Irrigation District; Application for Preliminary Permit

September 22, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 31, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5302 to be known as the Rush Creek Feather River Power Project located on Rush Creek, in Plumas County, near the Town of Quincy, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 5-foot high by 70-foot long diversion structure; (2) a 10,250-foot long, 28-inch diameter water conduit; (3) a 2,550-foot long, 20-inch diameter steel penstock; (4) a powerhouse with an installed capacity of 935 kW; and (5) a 0.1-mile long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company transmission line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—This application was filed as a competing application to the Rush Creek Feather River Power Project No. 5127 filed on July 24, 1981, by Mega-Hydro, Inc., under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent for Project No. 5127 is December 7, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or petitions to intervene must be received on or before October 29, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-28297 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5257-000]

Modesto Irrigation District; Application for Preliminary Permit

September 22, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5257 to be known as the Deep Hole Creek Project located on Deep Hole Creek, in Mendocino County, near Covelo, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 5-foot high by 150-foot long diversion structure; (2) a 4,800-foot long, 66-inch diameter water conduit; (3) an 1,800-foot long, 42-inch diameter steel penstock; (4) a powerhouse with an installed capacity of 4.5 MW; and (5) a 13-mile long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company transmission line.

Proposed scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project.

Competing Applications—This application was filed as a competing application to the Deep Hole Creek, Project No. 4338 filed on March 13, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 29, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28298 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5008-001]

Modesto Irrigation District; Application for Preliminary Permit

September 22, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on July 28, 1981, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791 (a)–825(r)] for Project No. 5008 known as the Corral and Gates Creeks Power Project located on Corral and Gates Creeks in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed would consist of:

(1) A 5-foot high, 25-foot long diversion structure on Corral Creek diverting water into a 7,300-foot long 72-inch diameter conduit;

(2) A 5-foot high, 30-foot long diversion structure on Gates Creek diverting water into a 700-foot long, 24-inch diameter conduit;

(3) A 1,060-foot long, 66-inch diameter penstock;

(4) A powerhouse with a total installed capacity of 4,700 kW; and

(5) A 1.2-mile long, 12-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line.

The Applicant estimates that the average annual energy output would be 41 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it will conduct engineering, hydrological, economic and environmental studies; survey the project boundary; apply for State water rights permit and an FERC license; and negotiate with Pacific Gas and Electric Company for sale of the power generated. No new roads would be needed to conduct these studies which are estimated to cost $45,000.

Competing Applications—This

application was filed as a competing application to the Corral and Gates Creek Project No. 4095 filed on January 10, 1981, by Consolidated Hydroelectric, Inc. Under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the appliction may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to interven in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 29, 1981.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28299 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5252-000]

Modesto Irrigation District; Application for Preliminary Permit

September 22, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5252 to be known as the Big East Fork Canyon Creek Trinity Power Project located on the Big East Fork Canyon Creek, in Trinity County, near Dedrick, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 5-foot high, by 48-foot long diversion structure; (2) a 5,400-foot long, 39-inch water conduit; (3) a 1,000-foot long, 28-inch diameter steel penstock; (4) a powerhouse to contain one impluse-type, turbine generating unit with a rated capacity of 1,220 kW; and (5) a 0.5-mile long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company transmission line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month preliminary permit to study the feasibility of construction and operating the proposed project.

Competing Applications—This application was filed as a competing application to the Big East Fork Canyon Creek, Project No. 4326 filed on March 12, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petitions to intervene must be received on or before October 29, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28300 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3166-001]

National Fiber Insulation Co., Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity.

September 23, 1981.

Take notice that on June 22, 1981, National Fiber Insulation Company, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 3166-001) would be located on the Swift River at the Towns of Belchertown and Palmer, in Hampshire and Hampden Counties, Massachusetts. Correspondence with the Applicant should be directed to: Mr. Benjamin Surner, Jr., National Fiber Insulation Company, Inc., 60 Shumway Street, Amherst, Massachusetts 01002.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) the National Lower Dam (Mass. I.D. Number

2903), a free overfall granite masonry structure about 180 feet long and 15 feet high; (2) a reservoir of negligible storage capacity at surface elevation 342.6 feet m.s.l.; (3) a headgate structure and headrace canal; and new project works consisting of (4) a millrace, 29 feet long and 10 feet wide; leading to (5) a generating facility with an installed capacity of 75.7 kW; (6) a short tailrace; (7) a step-up transformer substation; (8) a 13-kV transmission line about 1,000 feet long; and (9) other appurtenances. Applicant estimates average annual generation would be 508,000 kWh.

Purpose of Project—Project energy would be partially utilized by the National Fiber Insulation Company with the remainder being sold to the Massachusetts Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Massachusetts Division of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments protests, or petitions to intervene must be received on or before November 16, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–28262 Filed 9–29–81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-16-002]

National Fuel Gas Supply Corp.; Proposed Tariff Change

September 22, 1981.

Take notice that on September 4, 1981, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Thirty-Sixth Revised Sheet No. 4, proposed to be effective August 1, 1981.

National states that the purpose of this revised tariff sheet is to comply with Commission Order dated August 3, 1981, requiring that National Fuel reflect the proper rate of Texas Eastern Transmission Corporation. National further states that Substitute Thirty-Sixth Revised Sheet No. 4 reflects a decrease in National's rates of 2.61¢.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before Oct. 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–28270 Filed 9–29–81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP74-260-004, CP75-269-003]

Natural Gas Pipeline Co. of America; Petition to Amend

September 24, 1981.

Take notice that on August 31, 1981, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket Nos. CP74-260-004 and CP75-269-003 a joint petition to amend the orders issued July 18, 1975[1] as amended, and August 29, 1975,[1] as amended, respectively, in the instant dockets pursuant to Section 7(c) of the Natural Gas Act so as to increase the quantity of natural gas per day which Petitioner is authorized to sell to certain of its existing winter service customers under its Rate Schedules WS-1 and WS-2, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Petitioner states that pursuant to an advance payment agreement dated April 19, 1971, between Petitioner and Shell Oil Company (Shell) it received the right to purchase most of the natural gas produced from reserves underlying nine blocks in offshore Louisiana which were owned by Shell. Petitioner explains that each of its 17 participating customers which reimbursed Petitioner for a portion of the advanced payment received the right to purchase from Petitioner during the winter season the customer's proportionate share of deliverable gas from the Shell reserves. It is stated that Petitioner subsequently offered winter service to those of its customers not originally participating in the Shell funding arrangement. It is further stated that customers participating in funding the Shell advances received service under Petitioner's Rate Schedule WS-1 and the seven non-funding customers received service under Petitioner's Rate Schedule WS-2 which bore a rate consisting of the WS-1 rate plus a surcharge reflecting the financing cost associated with the reimbursed portion of the Shell advances.

Petitioner states that by order issued July 18, 1975, it was authorized to sell and deliver 47,846 Mcf of gas per day to its WS-1 customers and 4,786 Mcf of gas per day to its WS-2 customers from the Shell reserves during 100 of the 120 winter days between December 1 and March 31 yearly. Petitioner indicates that by order issued on August 29, 1975, it was authorized to sell and deliver an additional 147,368 Mcf of gas per day to certain of its WS-1 and WS-2 customers and to construct facilities necessary therefor. The order issued November 22, 1978, authorized an increase in the number of days from 100 to 120 for which Petitioner's existing Rate Schedule WS-1 and WS-2 daily winter service quantities could be delivered to eight of its winter service customers for the 1978-79 winter period only, it is said. Petitioner further explains that by a subsequent order issued November 23, 1979, it was authorized to sell and deliver an additional 10,000 Mcf of gas per day to thirteen of its existing winter service customers for the 120 days of the 1979-80 and 1980-81 winter periods.

Petitioner states that under the terms of the existing agreements Petitioner's participating customers are entitled to receive winter service based on the highest sustainable 100,000 Mcf per day increment in deliverability from the Shell reserves as such increments become available. It is asserted that deliverability from such reserves would permit Petitioner to deliver 25,000,000 Mcf of gas in each of the 1981-82 and 1982-83 winter periods to its participating customers.

Petitioner submits that it has offered to all of its winter service customers daily quantities for the 1981-82 and 1982-83 winter periods at the same level as those quantities previously authorized for the 1979-80 and 1980-81 winter periods. After an assessment of its customers' desires Petitioner proposes an increase in its Rate Schedule WS-1 and Rate Schedule WS-2 daily winter service quantities which can be sold and delivered to nine of its existing winter service customers for the 1981-82 and 1982-83 winter periods and to extend the number of days from 100 to 120 for which this increased winter service quantity can be delivered to eight of these customers.

Petitioner projects that the additional service would commence December 1, 1981, and that it would provide an additional 3,015,400 Mcf of gas supply to the electing customers for each of the next two winter periods.

Petitioner proposes to render service to the nine electing customers as follows:

Company	Proposed winter service quantities	
	Daily	Season total
	120 day service	
RATE SCHEDULE WS-1		
Associated Natural Gas Co	271	32,520
Northern Illinois Gas Co	74,508	8,940,960
Northern Indiana Public Service Co	28,438	3,412,560
Wellman, Iowa, town of	50	6,000
RATE SCHEDULE WS-2		
Interstate Power Co	1,855	222,600
Iowa-Illinois Gas & Electric Co	11,377	1,365,240
Mississippi River Transmission Corp	2,825	339,000
Perryville, Mo., city of	151	18,120
	100 day service	
RATE SCHEDULE WS-1		
Illinois Power Co	7,888	[illegible]
Total	127,363	15,125,800

Petitioner states that the additional service would have no impact on currently certificated winter service quantity customers or on the ability of Petitioner to deliver current entitlement volumes to all of its customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28289 Filed 9-29-81; 8:45 am]

[illegible]LLING CODE 64[illegible]-85-M

[Project No. 5196-000]

Village of Newport, New York and Essex Development Associates, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 23, 1981.

Take notice that on August 7, 1981, the Village of Newsport, New York and Essex Development Associates, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5196) would be located on West Canada Creek in Herkimer County, New York. Correspondence with the Applicant should be directed to: Mr. Richard A. Norman, Essex Development Associates, Inc., Six Essex Street, Lawrence, Massachusetts 01840.

Project Description—The proposed redeveloped project would consist of: (1) an existing concrete dam, 8 feet high and 242 feet long; (2) a 23-acre impoundment with negligible storage; (3) a redeveloped power canal 125 feet long; (4) an existing 54 by 25-foot powerhouse containing three new generators with a total capacity of 1500 kW operating under a head of 11.5 feet; (5) two tailraces, one existing and one to be constructed; (6) an existing 4.16-kV transmission line 100 feet long and (7) appurantent facilities.

Purpose of Project—The 6.2 million kWh of electrical energy generated at the site would be sold to Niagara Mohawk Power Corporation.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New York State Department of Environmental Conservation, are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the

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date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—This application was filed as a competing application to the Newport Hydroelectric Power Corporation Project No. 4247 filed on February 23, 1981, by the Long Lake Energy under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no futher competing applications will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protests, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 9, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", PROTEST", or PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28289 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-137-000]

Pacific Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

September 22, 1981.

Take notice that Pacific Gas Transmission Company ("PGT"), on September 17, 1981 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. The proposed changes would increase PGT's return by $11,064,478 annually, based on the twelve month period ending May 31, 1981, as adjusted. PGT has requested a rate of return on equity of 22 percent. PGT proposes to use a single, overall cost of capital for all pipeline services. The initial overall rate of return will be 18.72 percent. PGT also has requested a tariff modification to track changes in its cost of debt and capital structure.

PGT has requested that the increased rates and tariff modifications be made effective on October 17, 1981.

PGT states that the requested rate increases are due to the increase in all costs of capital and increased risks to the PGT investor and are necessary (1) to provide investor confidence in PGT's credit and financial integrity; (2) provide it with the requisite flexibility to attract debt and equity capital at reasonable and competitive rates; and (3) provide a fair and reasonable return to PGT's common shareholders in relation to that available from other investments with comparable risks.

PGT states that copies of this filing were served on the Company's jurisdictional customers and affected state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28271 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-28-003]

Panhandle Eastern Pipe Line Co.; Change in Tariff

September 22, 1981.

Take notice that on September 8, 1981, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 1:

First Substitute Fortieth Revised Sheet No. 3–A
First Substitute Seventeenth Revised Sheet No. 3–B
First Substitute Fifth Revised Sheet No. 3–C.1
First Substitute Fifth Revised Sheet No. 3–C.2
First Substitute Fifth Revised Sheet No. 3–C.3

An effective date of September 1, 1981 is proposed.

Panhandle states that by order dated August 31, 1981 the Commission accepted for filing with certain conditions, tariff sheets filed by Panhandle which reflect:

(1) A DCA Commodity Surcharge Adjustment; and

(2) A Rate Adjustment reflecting a proposed Pipeline Supplier rate adjustment; and

(3) A PGA Rate Adjustment reflecting the current cost of gas and recovery of amounts in the deferred purchased gas cost account; and

(4) An Advance Payment Tracking Adjustment; and

(5) A Purchased Gas Transmission and Compression and Transportation Revenue Tracking Adjustment.

The subject tariff sheets were approved to become effective September 1, 1981, subject to refund. The Commission's Order required Panhandle to file revised tariff sheets reflecting any downward adjustment in the rates of its pipeline supplier, Trunkline Gas Company, as a result of the Commission's Order issued August 31, 1981 in Trunkline's Docket No.

TA81-2-30-001. Trunkline filed concurrently revised rates effective September 1, 1981 in its Docket No. TA81-2-30-001 to reflect the elimination of costs attributable to its purchases from Trunkline LNG Company, which deliveries had not commenced as of September 1, 1981.

Therefore, in accordance with paragraph (B) of the Commission's Order dated August 31, 1981 Panhandle submits for filing six (6) copies each of First Substitute Fortieth Revised Sheet No. 3-A, First Substitute Seventeenth Revised Sheet No. 3-B, and First Substitute Fifth Revised Sheet Nos. 3-C.1, 3-C.2, and 3-C.3, to its FERC Gas Tariff Original Volume No. 1, such tariff sheets to be effective September 1, 1981. These substitute revised tariff sheets reflect the downward adjustment in the rates of Trunkline in Docket No. TA81-2-30-001 to reflect the elimination of Trunkline's cost of gas purchased from Trunkline LNG Company.

These tariff sheets are filed without prejudice to subsequent filing of superceding rates to recover the increased cost of gas from Trunkline attributable to its obligation to Trunkline LNG Company.

Panhandle states that copies of its filing are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28272 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-392-000]

Pennsylvania Power & Light Co.; Order Granting Rehearing for Purposes of Further Consideration

September 21, 1981.

On August 21, 1981, Pennsylvania Power and Light Company (PP&L) filed an application for rehearing of a Commission order issued on July 24, 1981, in this docket. That order accepted for filing a rate increased tendered by PP&L on March 31, 1981, and made those rates effective on June 11, 1981, subject to refund. Also on August 21, 1981, a group of PP&L's affected customers [1] filed an application for rehearing of the July 24 order.

In addition, on August 21, 1981 PP&L filed a motion requesting that the Commission defer consideration of the applications for rehearing. The motion states that the parties to this proceeding have reached an agreement in principle resolving all issues. PP&L states that an order deferring consideration of the applications for rehearing will maintain the *status quo* while the Commission considers the settlement agreement expected to be filed by the parties. The customers do not oppose PP&L's motion and, for similar reasons, they request that the Commission defer consideration of their application for rehearing.

Upon consideration of these pleadings, we shall grant rehearing of the May 29, 1981 order for the limited purpose of further consideration.

The Commission orders:

(A) Rehearing of the May 29, 1981 order is hereby granted for the limited purpose of further consideration.

(B) As provided in section 1.34(d) of the Commission's Rules of Practice and Procedure, no answer to the application for rehearing will be entertained by the Commission since the order does not grant rehearing upon any substantive issue.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-28301 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-18-000]

Public Service Company of New Hampshire; Central Maine Power Co.; Re-Notice of Filing

September 22, 1981.

The filing companies submit the following:

Take notice that on July 31, 1981, Public Service Company of New Hampshire (PSNH) and Central Maine Power Company (Central Maine) submitted a joint application for permission for PSNH to sell and Central Maine to purchase certain transmission line facilities and associated land rights in Maine and certain related facilities in New Hampshire.

PSNH and Central Main's joint filing states the facilities include two 15 kV submarine cables from PSNH's Daniel Street substation to Badger's Island substation and one 15 kV submarine cable from Badger's Island substation to Kittery substation, a 12.4 kV (34 kV construction), three phase line from Bolt Hill substation to Kittery substation, and a 12.4 kV (partial 34 kV construction), three phase tap to Kittery Point substation. The transaction also encompasses other facilities and land rights associated with the aforementioned circuits. The selling price of the facilities is original cost less accrued depreciation at the time the sale is consummated. If the sale had taken place on December 31, 1980, the selling price would have been $143,876.

The sale to Central Maine of the facilities is proposed to enable PSNH to concentrate on complying with the retail regulatory requirements of one state commission (New Hampshire). Central Maine can assume operation of the facilities with relatively little burden. After the sale, PSNH will furnish wheeling service for the portion of Central Maine's service area affected by this transaction.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 30, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28302 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

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[1] These customers include the Boroughs of Watsonton, Duncannon, Blakely, Weatherly, Schuylkill Haven, Perkasie St. Clair, Catawasisa, Ephrata, Lehighton, Olyphant, Hatfield, and Quakertown, Pennsylvania.

[Project No. 5328-000]

L. MacRae Rood; Application for Preliminary Permit

September 22, 1981.

Take notice that L. MacRae Rood (Applicant) filed on September 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5328 to be known as the Moretown Project located on the Mad River in the Town of Moretown, Washington County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. MacRae Rood, Box 142, Warren, Vermont 05674–0142.

Project Description—The proposed project would consist of: (1) an existing partially breached 15-foot high, 50-foot long timber-crib dam to be rebuilt; (2) a reservoir with no storage capacity; (3) an existing forebay; (4) a new 5-foot diameter, 150-foot long steel penstock; (5) a new powerhouse containing two turbine-generators with a total rated capacity of 350 kW; and (6) appurtenant facilities. Energy from the project would be sold to Green Mountain Power Corporation. The project would produce up to 1,460,000 kWh annually. The project site is owned by Holly Ward of Moretown, Vermont.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $59,000. Applicant has proposed a preliminary permit term of 36 months.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 30, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rule of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretry, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28303 filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5316-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

September 23, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on September 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5316 known as the El Dorado Project located on the Walnut River in the town of El Dorado, Butler County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers El Dorado flood control dam and reservoir and would consist of a new powerhouse containing turbine generator units with a total rated capacity of 1.5 MW, a tailrace channel and a transmission line. Energy produced at the project would be sold to Kansas Power and Light Company. The project would generate up to 3,000,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, coordination with the Corps to determine appropriate operating schedules, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. The Applicant has estimated that the cost of studies under the permit would be $11,200. Applicant has requested a preliminary permit term of 12 months.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 30, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petitions to intervene must be received on or before November 30, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-28285 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5218-000]

City of San Luis Obispo; Application for Exemption of Small Conduit Hydroelectric Facility

September 23, 1981.

Take notice that on August 11, 1981, City of San Luis Obispo (Applicant) filed an application under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed San Luis Obispo Small Conduit Hydroelectric Project (FERC Project No. 5218) would be located on the existing San Luis Obispo City Water Supply Pipeline, San Luis Obispo County, California. Correspondence with the Applicant should be directed to: Mr. David Romero, Public Services Department, City Hall, 990 Palm Street, San Luis Obispo, California 93406.

Purpose of Project—The power generated by the proposed project would be sold to the Pacific Gas and Electric Company.

Project Description—The proposed project would consist of: (1) the existing 5133-foot long, 18-inch diameter Salinas Pipeline; (2) the existing 4068-foot long, 12-inch diameter San Luis Obispo City Pipeline which will serve as penstock; (3) a powerhouse with total installed capacity of 620 kW and (4) a 70-foot long transmission line which would connect the powerhouse to the existing Pacific Gas and Electric Company line. The Applicant estimates that the average annual energy production would be 2.3 million kWh.

Agency Comments—The Fish and Wildlife Service and the California Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. If no comments are filed within this time period, an agency will be presumed to have determined that no terms or conditions to the exemption are necessary. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. Comments are due within 45 days from the date of issuance of this notice. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. One copy of an agency's comments must also be sent to the Applicant's representative.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceedings. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before November 9, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-28279 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5270-000]

Scott Paper Co.; Application for Preliminary Permit

September 22, 1981.

Take notice that Scott Paper Company (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5270 to be known as the Jordan Creek Hydroelectric Project located on Jordan Creek in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: James Short, Scott Paper Company, P.O. Box 925, Everette, Washington 98206.

Project Description—The proposed project would consist of: (1) a 5-foot high, 50-foot long diversion structure; (2) a 2-mile long diversion conduit; (3) a 4700-foot long penstock; (4) a powerhouse with a total rated capacity of 5000 kW; and (5) a 15-mile long, 34-kV transmission line from the powerhouse to an existing Puget Power & Light Company. The Applicant estimates that the average annual energy output would be 28 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $150,000.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before November 29, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file

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comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 29, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-28304 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP81-105-001 et al.]

Southern Natural Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

September 22, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 7, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
Sept. 2, 1981	Southern Natural Gas Company	RP81-105-001	Report.
Sept. 4, 1981	Southern Natural Gas Company	RP81-105-002	Report.
Sept. 4, 1981	National Fuel Gas Supply Corporation	RP81-135-011	Report.
Sept. 14, 1981	Tennessee Gas Pipeline Company	RP81-38-003	Report.
Sept. 15, 1981	Transcontinental Gas Pipe Line Corporation	G-5258-000	Report.

[FR Doc. 81-28273 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2100-018]

State of California Department of Water Resources; Application for Amendment of License

September 23, 1981.

Take notice that on August 21, 1981, the State of California Department of Water Resources (Licensee) filed an application for amendment of its license for the existing Feather River Project No. 2100, located on the Feather River in Butte County, California. Correspondence with the Applicant should be directed to: Mr. Ronald B. Roble, Director, Department of Water Resources, P.O. Box 388, Sacramento, California 95802.

Licensee seeks authorization to construct, operate and maintain: (a) 10-foot long, 18-inch diameter penstock connecting the existing Palermo Canal outlet works of the Project's Lake Oroville to; (b) a powerhouse on the north bank of the canal to be called Palermo Outlet Powerplant, containing a single generating unit with a rated capacity of 500 kW, discharging into the canal; and (c) three 800-foot long, 15-kV transmission cables connecting the proposed powerplant with the existing Hyatt Powerplant Switchyard.

The Licensee estimates the average annual output of the proposed powerhouse at 1.51 million kWh. The energy would be used in meeting the pumping requirements of the Licensee's State Water Project. The Licensee estimates the capital cost of the proposed action to be $1,145,000.

Agency Comments—Federal, State and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 9, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-28286 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2100-017]

State of California Department of Water Resources; Application for Amendment of License

September 23, 1981.

Take notice that on June 4, 1981, the State of California Department of Water Resources (Licensee) filed an application for amendment of its license for the existing Feather River Project No. 2100, located on the Feather River in Butte County, California. Correspondence with the Applicant should be directed to: Mr. Ronald B. Robie, Director, Department of Water Resources, P.O. Box 388, Sacramento, California 95802.

Licensee seeks authorization to construct, operate and maintain: (1) a 50-foot long penstock connecting the existing 60-inch diameter outlet in the east abutment of the project's existing Thermalito Diversion Dam with; (2) a powerhouse containing a single generating unit with a rated capacity of 3,000 kW; (3) a 300-foot long tailrace channel to the Feather River; and (4) a 12-kV, 800-foot long transmission line connecting the powerhouse to an existing Pacific Gas and Electric Company's line, east of the powerhouse.

The estimated annual generated energy of 19.7 million kWh by the proposed powerplant would be used to meet the pumping requirements of the Licensee's State Water Project. The Licensee estimates the cost of the proposed action to be $5.8 million.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 9, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-28274 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5268-000]

Tehama County Flood Control & Water Conservation District; Application for Preliminary Permit

September 23, 1981.

Taken notice that Tehama County Flood Control & Water Conservation District (Applicant) filed on August 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5268 to be known as the Beegum Creek Hydroelectric Power Project located on Beeum Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Lawrence A. Coleman, Director of Water Resources, Route 1 Box 4, Gerber, California 96035.

Project Description—The proposed project would consist of: (1) a diversion structure; (2) a 2.0-mile long diversion conduit; (3) a 600-foot long, 48-inch diameter penstock; (4) a powerhouse containing one generating unit with a rated capacity of 3400 kW; and (5) a 3.5-mile, 12 kV transmission line. The Applicant estimates that the average annual energy output would be 17.1 million kWh.

Proposed Scope of Studies under Permit— A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $80,000 to $140,000.

Competing Applications—This application was filed as a competing application to the Beegum Creek Hydroelectric Power Project No. 4185 filed on February 11, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1981). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-28287 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-17-004]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 22, 1981.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on September 4, 1981 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Substitute Sixtieth Revised Sheet No. 14
Substitute Sixtieth Revised Sheet No. 14A
Substitute Sixtieth Revised Sheet No. 14B
Substitute Sixtieth Revised Sheet No. 14C
Substitute Sixtieth Revised Sheet No. 14D

These sheets are being issued pursuant to Ordering Paragraph (D) of the Commission's Order Accepting For Filing and Suspending Proposed Tariff Sheets Subject to Refund and Conditions, issued July 31, 1981 in Docket No. TA81-2-17-002 (PGA81-2, IPR81-2, DCA81-2, LFUT81-3, TT81-2) and also subject to the Commission's orders in Docket No. RM78-23 and pursuant to § 154.38(d)(4)(iv) of the Commission's Rules and Regulations.

The changes proposed consist of:

(1) A net reduction in rates based on revisions in underlying pipeline supplier rates, consisting of a $.121/dth increase in monthly demand rates offset by 1.43¢/dth decrease in commodity rates;

(2) A temporary reduction of 17.89¢/dth to reflect elimination of amounts attributable to a proposed purchase from Northwest Pipeline Corporation which gas had not been connected to Texas Eastern's system as of August 1, 1981, the effective date of Texas Eastern's PGA filing. As stated, the reduction is temporary only, and is proposed to terminate as described below; and

(3) Elimination of a negative surcharge of 0.23¢/dth to reflect Texas Eastern's reduction to zero of the balance in the Louisiana First Use Tax Deferred Account. Pursuant to the Commission's Order No. 10-D in Docket No. RM78-23 issued on July 17, 1981, Texas Eastern effective as of August 1, 1981 cleared the balance from its LFUT Deferred Account by refunding such balance to the

customers on August 31, 1981, making further collections unnecessary.

The proposed effective date of the above tariff sheets is August 1, 1981.

On April 28, 1981 Northwest Pipeline Corporation filed in Docket No. CP81-307 for authorization to commence a sale to Texas Eastern and Transwestern Pipeline Company of certain volumes of natural gas. Although it was anticipated that this source of supply would be connected to Texas Eastern's system by August 1, 1981, the issuance of the certificate has been delayed to the extent that these volumes remain unconnected to this date. For this reason Texas Eastern hereby proposes to eliminate from its PGA filing amounts attributable to the Northwest sale until such time as deliveries commence thereunder. At such time as deliveries from Northwest commence, Texas Eastern proposes to reinstate amounts attributable thereto in its PGA, so that Revised Substitute Sixtieth Revised Sheet Nos. 14, 14A through 14D, submitted herewith for filing, will become effective on the first day of the month following the date of first delivery to Texas Eastern under the Northwest contract. Amounts of undercollection could be substantial if current recovery of costs were not permitted, to the detriment of both Texas Eastern and its customers. Texas Eastern's proposal will enable Texas Eastern to track the Northwest costs on a current basis and will protect Texas Eastern's customers from the effects of a later inflated unit rate and the additional costs of associated carrying charges if recovery of such amounts were delayed until a subsequent PGA filing. Therefore, Texas Eastern requests the Commission to grant waiver of Section 154.38(d)(4)(iv) of its Rules and Regulations to permit Revised Substitute Sixtieth Revised Sheet Nos. 14, 14A through 14D to become effective on the first day of the month following the commencement of deliveries to Texas Eastern of the Northwest volumes.

Billing for deliveries during the month of August will be based upon the rates established in Texas Eastern's July 2 filing, as accepted by Commission order of July 31, 1981; provided, however, that adjustments will be made in the September bills as necessary to reflect changes in the revised tariff sheets filed herewith, effective back to August 1, 1981.

By its filing, Texas Eastern requests the Commission to grant waiver of its Rules and Regulations as may be necessary to allow these tariff sheets to become effective as proposed.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28275 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-18-004]

Texas Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

September 22, 1981.

Take notice that on September 4, 1981, Texas Gas Transmission Corporation (Texas Gas) tendered for filing one substitute gas tariff sheet to its FERC Gas Tariff, Third Revised Volume No. 1, which is dated as issued on September 4, 1981, and identified as follows: Substitute Thirty-Fourth Revised Sheet No. 7.

Texas Gas states that the substitute tariff sheet was filed to reflect downward modifications in the rates of two of Texas Gas' pipeline suppliers, Texas Eastern Transmission Corporation (Texas Eastern) and United Gas Pipe Line Company (United). The Commission's Order issued July 30, 1981, in Docket No. TA81-2-18-004 has accepted Texas Gas' August 1, 1981 PGA rates subject to the condition that they reflect any downward modifications of the Texas Eastern and United PGA rates.

Copies of this filing were served upon Texas Gas' jurisdictional customers, interested state commissions and parties of record in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28276 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-30-003]

Trunkline Gas Co.; Change in Tariff

September 23, 1981.

Take notice that on September 8, 1981, Trunkline Gas Company (Trunkline) tendered for filing First Substitute Thirty-Seventh Revised Sheet No. 3-A and First Substitute Fifth Revised Sheet No. 3-B to its FERC Gas Tariff, Original Volume No. 1, such sheets proposed to be effective September 1, 1981.

Trunkline states that by order dated August 31, 1981 the Commission accepted for filing, with certain conditions, tariff sheets filed by Trunkline which reflect a PGA Rate Adjustment for increases in the current cost of gas and recovery of amounts in the deferred purchased gas cost account. The subject tariff sheets were approved to become effective September 1, 1981, subject to refund. The Commission's order required Trunkline to file revised tariff sheets reflecting the elimination of all costs associated with gas purchases from Trunkline LNG Company which were not flowing by September 1, 1981.

On September 1, 1981 Trunkline LNG Company had not yet commenced deliveries to Trunkline. Therefore, in accordance with paragraph (B) of the Commission's Order dated August 31, 1981, Trunkline submits for filing, six (6) copies each of First Substitute Thirty-Seventh Revised Sheet No. 3-A and First Substitute Fifth Revised Sheet No. 3-B to its FERC Gas Tariff, Original Volume No. 1, such tariff sheets to be effective September 1, 1981.

Trunkline states that these substitute revised tariff sheets reflect increases in the current cost of gas, exclusive of any cost associated with purchases from Trunkline LNG Company, and recovery of amounts in the deferred purchase gas cost account.

Trunkline filed these revised tariff sheets in compliance with Ordering paragraph (B) of the Commission's Order of August 31, 1981, without prejudice to Trunkline's position with respect to its right to recover costs attributable to its obligation to Trunkline LNG Company, as well as its right to seek rehearing of the condition contained in Ordering paragraph (C) of the Commission's Order, or to make subsequent PGA filings applicable to this item.

Trunkline states that copies of its filing are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before October 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-28288 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4754-000]

Hershel L. Webster; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 22, 1981.

Take notice that on May 28, 1981, Hershel L. Webster (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project Project No. 4754-000 would be located on White Creek near Cleveland, in White County, Georgia. Correspondence with the Applicant should be directed to: James O. Banks, Route 3, Box 460, Elberton, Georgia 30635.

Project Description—The proposed project would consist of: (1) an existing earthfill dam approximately 339 feet long and 17 feet high with an ungated spillway about 150 feet long; (2) an existing reservoir of approximately 21 acres and a maximum storage capacity of approximately 171 acre-feet; (3) a proposed approach channel approximately 1000 feet long and 8 feet wide at the bottom; (4) a proposed 3-foot diameter steel penstock 355 feet long; (5) a proposed powerhouse containing a single generating unit with a capacity of 375 kW; (6) a proposed 14.4 kV transmission line, 2 miles long; and (7) appurtenant facilities. The proposed project would be operated on a peaking or run-of-creek basis, depending on power requirements.

Purpose of Project—All energy generated would be used by the Applicant for sale to Oglethorpe Power Corporation. The average annual energy generation is estimated to be 1.5 GWh.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Georgia Dept. of Natural Resources Game & Fish Division 270 Washington Street SW., Atlanta, Georgia 30334 are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before November 9, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c)(1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d)(1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 9, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-28305 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-761-000]

West Texas Utilities Co.; Filing

September 23, 1981.

The filing Company submits the following:

Take notice that on September 11, 1981, West Texas Utilities Company (WTU) submitted for filing two (2) executed Delivery Point and Service Specifications sheets providing for changes in conditions of service under a Service Agreement between WTU and Southwest Texas Electric Cooperative, Inc. The changes provide for an increase

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in stated maximum contract demand at each of two existing delivery points, Arrott and Big Lake.

WTU proposes an effective date of September 1, 1981, and requests waiver of the notice requirements to allow such effective date.

WTU states that copies of the filing have been sent to the Public Utility Commission of Texas and Southwest Texas Electric Cooperative, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 14, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-[illegible] Filed 9-29-81; 8:45 am]

BILLING CODE [illegible]0-85-M

[Project No. 4903-000]

Western Montana Electric Generating and Transmission Cooperative, Inc.; Application for Preliminary Permit

September 22, 1981.

Take notice that Western Montana Electric Generating & Transmission Cooperative, Inc. (Applicant) filed on June 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4903 to be known as the Swift Dam Hydroelectric Project located on Birch Creek in Pondera County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James A. Sewell, James A Sewell & Associates, P.O. Box 160, Newport, Washington 99156.

Project Description—The proposed project would consist of: (1) an existing concrete arch dam approximately 565 feet long and 200 feet high; (2) an existing reservoir with a surface elevation of 4,883.50 feet above m.s.l. The surface area is approximately 446 acres and the reservoir has a usable storage capacity of 29,980 acre-feet; (3) a proposed powerhouse to be located just downstream of the dam and containing 2 generators with a total rated capacity of 4.6 MW; (4) a proposed transmission line 11.25 miles in length to be interconnected to an existing network; and (5) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 11.7 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time studies would be made to determine the engineering, environmental and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $47,000.

Competing Applications—This application was filed as a competing application to the Swift Dam Hydroelectric Project No. 3725 filed on November 12, 1980, by Mitchell Energy Company, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If any agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28306 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-179-000]

Arizona-Public Service Co.; Order Denying Rehearing

Issued: September 24, 1981.

On July 30, 1981, Citizens Utilities Company (Citizens) filed an application for rehearing of an order the Commission issued in these proceedings on July 2, 1981.[1] The limited procedural history relevant to Citizens' application is an follows.[2] These proceedings commenced when Arizona Public Service Company (APS) tendered for filing, pursuant to Section 205 of the Federal Power Act, revised rates for Citizens and for other customers. In its petition to intervene, Citizens argued that APS' contract with Citizens did not permit APS to make unilateral rate changes effective as to Citizens under Section 205 of the Federal Power Act. According to Citizens, under the relevant contractual provisions, the rates for services to Citizens may be changed only by an order of the Commission after hearing pursuant to Section 206 of the Act.

The sole question addressed by the July 2, 1981 order was whether the contracts permitted APS to make a unilateral rate change pursuant to Section 205. To resolve this issue the Commission first analyzed a series of contractual provisions which clearly demonstrated that APS and Citizens intended that the following wording, and only this wording, governed the rights of APS or Citizens to seek a change in rates:

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[1] On August 28, 1981, the Commission issued an order granting rehearing for the limited purpose of further consideration.

[2] A more complete procedural history is detailed in the Commission's July 2, 1981 order.

> After the end of the first year of the agreement, either party may file for a change in rates, terms and conditions contained in the Agreement.[3]

The Commission then determined that this wording (hereafter "governing language") permits APS to unilaterally file changes in rates under Section 205.

In its application for rehearing, Citizens requests that the Commission reverse this determination. In doing so, it presents several arguments which we have previously rejected. We believe that only one argument merits further response.

Specifically, Citizens contends that the governing language does not permit APS to make a unilateral change pursuant to Section 205 because the language "either party may file" refers exclusively to an action available to both parties under Section 206 rather than a rate change under Section 205 which would be available only to APS.[4] As support for this argument, Citizens cites the decision of the United States Court of Appeals for the District of Columbia Circuit in *Papago Tribal Utility Authority and Arizona Electric Power Cooperative, Inc.* v. *Federal Energy Regulatory Commission* (hereafter "*Papago*").[5] According to Citizens, the *Papago* decision construed a clause analogous to the governing language in determining that the involved utility was precluded from making a unilateral rate change.[6]

Citizens' interpretation of the governing language is unduly restrictive. There is no reasonable basis to believe that the parties did not simply intend to reserve their respective options under Sections 205 as well as 206 of the Act to seek a change in rates. The governing language appears deliberately open-ended and invokes Section 205 as readily as any other procedure.[7]

Similarly, Citizens' reliance on the *Papago* decision is ill-founded. In the passage cited by Citizens, the *Papago* court was construing an ambiguous second clause of a contractual provision to harmonize it with a first clause which the court found to be clear in its intention to impose limits on the utility's right to put rates into effect.[8] In contrast, in these proceedings, the governing language has no such limiting first clause. Rather, by explicit agreement of APS and Citizens, it stands alone.[9] We reaffirm out interpretation that, by itself, this language "permits APS to unilaterally file changes in rates under Section 205." [10]

The Commission orders:

(A) The Application for Rehearing filed by Citizens on July 30, 1981, is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-28452 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

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[3] July 2, 1981 Commission Order, mimeo at 2–4.

[4] Citizens' Application for Rehearing, p. 7.

[5] *Papago*, 610 F.2d 914 (D.C. Cir. 1979).

[6] Citizens' Application for Rehearing, p. 7.

[7] *Cf., City of Oglesby* v. *F.E.R.C.*, 610 F.2d 897, 912 (D.C. Cir. 1979).

[8] *Papago, supra*, 610 F.2d at 928.

[9] July 2, 1981, Commission Order, mimeo, at 2–4.

[10] *Id.* at 5.

[Docket No. CP81–513–000]

Cities Service Gas Co.; Application

September 25, 1981.

Take notice that on September 14, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81–513–000 an application pursuant to Section 7(b) of the Natural Gas Act and § 157.7(e) of the Commission's Regulations thereunder (18 CFR 157.7 (e)) for permission and approval to abandon, during the calendar year 1982, direct sale service and facilities no longer required for deliveries of natural gas to Applicant's customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating and related facilities. Applicant states that it would, abandon service and facilities only when deliveries to any one direct sales customers would not have exceeded 100,000 Mcf of natural gas during the last year of service.

The application further states that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedures, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28453 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81–488–000]

Colorado Interstate Gas Co.; Application

September 24, 1981.

Take notice that on August 28, 1981, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP81–488–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities to increase its transmission system capacity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a new 1,500 horsepower compressor station on its Wind River Lateral in Fremont County, Wyoming, a new 3,300 horsepower compressor station adjacent to its existing Rawlins Compressor Station in Carbon County, Wyoming, and to recylinder two compressor units at the existing Elk Basin Compressor Station in Park County, Wyoming. Applicant also proposes to install and operate approximately 1.7 miles of 12-inch pipeline in the Elk Basin area to connect Applicant's system with the system of Montana-Dakota Utilities Company (MDU), approximately 70 miles of 16-inch pipeline loop on the Wind River Lateral and approximately 110 miles of 30-inch pipeline from the Cheyenne Compressor Station in Weld County, Colorado, to the Latigo Junction in Elbert County, Colorado.

It is stated that Applicant entered into a gas sales agreement with MDU to purchase gas produced from certain of MDU's supply sources for a period of 15 years. Applicant avers that in the past two years MDU has negotiated contracts to purchase gas at the tailgates of the McKenzie Plant in McKenzie County, North Dakota, the Little Knife Plant in Billings County, North Dakota, and the TR Plant in Billings County, North Dakota. Applicant asserts that MDU has determined that residue gas received from these plants is excess to its system requirements. It is submitted that MDU has therefore contracted to sell certain volumes of gas attributable to these processing plants to Applicant. Applicant maintains that MDU would assign the purchase cost of the gas directly to Applicant and that the total negotiated purchase cost includes MDU's recovery of transportation costs and a rate of return.

It is asserted that under the agreement MDU would transport, store and deliver certain volumes of natural gas from certain specified sources for each of three consecutive five-year periods. Applicant alleges that the parties may agree to assign other specific sources of supply to the Agreement. During the first period, up to 17,000 Mcf per year would be delivered on a firm basis, it is asserted. Applicant states that during each year of the second five-year period MDU would deliver up to 8,175,000 Mcf to Applicant on a best-effort basis. Applicant avers that if during the first ten years of the agreement excess gas supplies become available to MDU, Applicant would be notified of such additional supplies and would have the right of first refusal. Applicant contends that it be allowed the option to use additional MDU system surpluses as they occur provided that Applicant requires such supplies and Applicant's transmission system could accommodate them. Applicant asserts that during the third five-year period MDU would deliver to Applicant those volumes from the previously dedicated sources of supply which are determined to be in excess of MDU's system requirements. These volumes as agreed upon annually by MDU and Applicant would be delivered to Applicant on a firm basis for two-year periods, it is stated.

Applicant maintains that the agreement initially provides for delivery of up to 98,120 Mcf to Applicant's system on a winter day. It is averred that of this total 16,900 Mcf per day would be delivered by MDU to MIGC, Inc. (MIGC) at Recluse and be transported to Applicant's Powder River Lateral. Applicant submits that the remaining 81,220 Mcf per day would be delivered directly to the Wind River Lateral. Applicant states that MDU would deliver the subject gas to four locations in Fremont, Park, and Campbell Counties, Wyoming. At the Recluse delivery point in Campbell County, Wyoming, MDU would deliver gas for Applicant to MIGC and MIGC would transport the gas to the point of interconnection with Applicant's system in Converse County, Wyoming.

Applicant submits that its daily system requirements are considerably greater during the heating season than during the remainder of the year and that the structure of the agreement's delivery schedule approximately conforms to the pattern of the demand on Applicant's system. The annual delivery schedule is divided into three distinct periods, October, November through March, and April through September, it is asserted. Applicant maintains that deliveries would be made to MIGC at the Recluse delivery point throughout the year and that deliveries would be made at the Elk Basin and/or the Madden delivery points in Fremont County and Park County, Wyoming, respectively, only during the October and the November through March periods for the initial five years and from November through March thereafter. Deliveries to the Elk Basin Storage delivery point in Park County, Wyoming, would occur in the October and the April through September periods for injection into MDU's Elk Basin Storage Field, it is averred. Applicant submits that deliveries from the Storage field to Applicant at the Elk Basin Storage delivery point would occur during the November through March period.

It is stated that from the inception of sales under the agreement and continuing to March 31, 1982, MDU would use its own compressor facilities to inject gas for Applicant's account into MDU's Elk Basin Storage Field. Applicant asserts that beginning on April 1, 1982, and continuing for the remainder of the term of the agreement MDU would deliver the gas to be stored to Applicant at the Elk Basin Storage delivery point and Applicant avers that it would compress these volumes and redeliver them to MDU for injection into the storage field. The Elk Basin Storage delivery point would be used to transfer gas purchased by Applicant to and from MDU's Elk Basin Storage Field, it is submitted.

Applicant asserts that under the agreement it would pay MDU the rate contained on Sheet No. 10 of MDU's FERC Gas Tariff which is initially approximately $3.68 per Mcf for gas delivered directly from MDU's transmission system and $3.79 per Mcf for gas delivered from the Elk Basin Storage Field. Applicant submits that the purchase agreement is advantageous for Applicant and its system customers in view of the favorable cost of the gas and the storage service to be provided by MDU. Furthermore, Applicant asserts that this agreement is beneficial to MDU and its customers because it would relieve MDU of substantial volumes of excess gas. Applicant also contends that the schedule of deliveries from MDU under the agreement provides Applicant and its customers with peak day supply benefits unavailable from most traditional sources of supply.

Applicant states that the facilities proposed in the instant application would expand Applicant's system to accommodate up to 98,120 Mcf of gas per day to be delivered by MDU during the heating season. Applicant asserts that the facilities would also provide access to MDU's Elk Basin Storage Field and afford Applicant increased flexibility in the use of the Wyoming Interstate Company (WIC) segment of Trailblazer system.

Applicant submits that the facilities are proposed as follows:

Elk Basin Pipeline—Approximately 1.7 miles of 12-inch pipeline required to interconnect MDU's and Applicant's systems. This pipeline would be used to both inject into and withdraw from MDU's Elk Basin Storage Field.

Elk Basin Compressor Station Modification—Two units at the existing

Elk Basin Compressor Station would be recylindered to permit compression of the purchase gas into Applicant's transmission system and during the injection season to permit compression of the gas to be stored in MDU's Elk Basin Storage Field.

Lost Cabin Compressor Station—A new 1,500-horsepower compressor station in Fremont County, Wyoming, would be required to compress the gas flowing in the Wind River Lateral to reach Rawlins at the design pressure of 652 p.s.i.a.

Wind River Lateral Loop—In conjunction with the proposed Lost Cabin Compressor Station 70 miles of 16-inch pipeline loop south of the new station would be necessary to attain design pressures and volume flows. The 16-inch loop would be installed adjacent to Applicant's existing Wind River Lateral.

Sinclair Compressor Station—To allow the delivery of up to 80,269 Mcf of gas per day to the WIC segment of Trailblazer at the design pressure of 1,012 p.s.i.a., a new 3,300-horsepower compression facility would be installed. The new station would be located adjacent to Applicant's existing Rawlins Compressor Station. This station would provide Applicant access to available transmission capacity on the WIC segment and would permit optimum utilization of the installed facilities on both systems.

Cheyenne-to-Latigo Junction Pipeline—The 110 mile 30-inch pipeline proposed herein would enable Applicant to maximize the use of its existing facilities to flow gas to its major markets in the Denver area during the heating season and would facilitate the delivery of gas to storage during periods of lower demand. This proposal also obviates the requirement to install new facilities in the populous metropolitan Denver area and would avoid the disruption caused by crossing several miles of irrigated crop land south of Cheyenne.

It is stated that the cost of the proposed construction is $85,700,000 to be financed from Applicant's funds on hand, internally generated cash from operations, and additional funds from external sources as may be required.

Applicant proposes to place the facilities in service on or before September 30, 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28454 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-433-001]

Columbia Gas Transmission Corp.; Amendment to Application

September 24, 1981.

Take notice that on September 9, 1981,[1] Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81-433-001 an amendment to its application filed pursuant to Section 7 of the Natural Gas Act so as to reflect the sale of natural gas under certain revised service agreements and to reflect construction, operation and abandonment of certain pipeline and compressor facilities in the event that Applicant's Cove Point facility is not in operation for the 1982-1983 winter period, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that in the application filed July 28, 1981, Applicant proposed to sell natural gas to certain of its existing wholesale customers beginning with the 1982-1983 winter period under revised service agreements which result in a net increase in the total daily entitlement of these customers. Furthermore, Applicant asserts that Columbia Gas of Pennsylvania, Inc. (CPA), one of its wholesale customers, has requested increased deliveries within its existing total daily entitlement at existing points of delivery supplied via Applicant's 1804 system. Applicant submits that it proposed to construct and operate certain pipeline and compressor facilities required to increase the capability of its 1804 system between Waynesburg and Eagle Compressor Stations, the Port Jervis between Eagle Compressor Station and New York, and the A-5 system between the Port Jervis system and Nyack, New York. Applicant also proposed to construct and operate compressor facilities required to increase Applicant's capabilities to deliver exchange volumes to Transcontinental Gas Pipe Line Corporation (Transco) at the Easton and Renovo Compressor Stations.

Applicant states that the 1982-1983 service levels proposed in the application are conditioned on the availability of Applicant's Cove Point supply for the 1982-1983 winter period. Applicant asserts that in April 1980 the delivery of liquefied natural gas from Algeria, the source of Applicant's Cove Point supply, was interrupted until such time as the pricing provisions related to the liquefied natural gas sale were renegotiated. It is averred that renegotiations are in progress but it is possible that Applicant's Cove Point supply would not be available for the 1982-1983 winter period. Applicant submits that in the event that the Cove Point facility is not operating additional pipeline and compressor facilities would be necessary to serve the requested 1982-1983 service levels.

Applicant maintains that as an alternative to constructing additional facilities which could duplicate facilities when the Cove Point facility is returned to service Applicant would serve its Eastern Market Area customers previously requested 1981-1982 service; levels (Alternate 1982-1983 service levels) beginning with the 1982-1983 winter period. Applicant also states that it would construct only such facilities as are required to supply this level of service. Applicant now proposes to construct and operate only the following in the event that the Cove Point facility is not in operation for the 1982–1983 winter period:

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[1] The amendment was initially tendered for filing on September 9, 1981; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until September 15, 1981; thus, filing was not completed until the latter date.

(1) 103.7 miles of 24-inch pipeline loop in six sections located in Bedford, Greene, Fayette, Somerset, Fulton, Franklin, Adams and York Counties, Pennsylvania, and Washington County, Maryland;

(2) A 1,160 horsepower compressor unit at Artemas Compressor Station in Bedford County, Pennsylvania;

(3) Two 1,350 horsepower compressor units at the Eagle Compressor Station in Chester County, Pennsylvania;

(4) A 1,160 horsepower unit at Easton Compressor Station in Northampton County, Pennsylvania;

(5) A 375 horsepower unit at Renovo Compressor Station in Clinton County, Pennsylvania.

Applicant states that the estimated investment cost of the construction projects proposed in the instant amendment is $67,624,500.

Furthermore, Applicant proposes to abandon an 880 horsepower compressor unit and a 500 horsepower compressor unit at the Eagle Compressor Station in the event the Cove Point facility is not in operation for the 1982–1983 winter period.

In the event the Cove Point facility is not in operation for the 1982–1983 winter period Applicant also proposes to serve Columbia Gas of Ohio, Inc., Columbia Gas of West Virginia, Inc., and Waterville Gas and Oil Company under revised service agreements. Moreover, Applicant proposes to render service to its customers under the following revised service agreements reflecting alternate 1982–1983 service levels:

(1) A revised service agreement with Baltimore Gas and Electric Company effectuating an increase in its contract demand under Rate Schedule CDS of 10,000 dekatherms (dt) equivalent per day from 360,000 dt equivalent per day to 370,000 dt equivalent per day and a reduction in its winter contract quantity under Rate Schedule WS of 460,000 dt equivalent from 8,280,000 dt equivalent to 7,820,000 dt equivalent in Zone 2.

(2) A revised service agreement with Bluefield Gas Company effectuating an increase in its contract demand under Rate Schedule CDS of 300 Mcf per day from 5,600 Mcf per day to 5,900 Mcf per day in Zone 1.

(3) A revised service agreement with Commonwealth Gas Pipeline Corporation effectuating an increase in its contract demand under Rate Schedule CDS of 11,504 dt equivalent per day from 213,496 dt equivalent to 225,000 dt equivalent per day in Zone 2.

(4) A revised service agreement with Orange and Rockland Utilities, Inc. effectuating an increase in its contract demand under Rate Schedule CDS of 3,000 dt equivalent per day from 42,100 dt equivalent per day to 45,100 dt equivalent per day in Zone 7.

(5) A revised service agreement with Pennsylvania Gas and Water Company effectuating an increase in its contract demand under Rate Schedule CDS of 12,000 dt equivalent per day from 39,700 dt equivalent per day to 51,700 dt equivalent per day in Zone 6.

(6) A revised service agreement with UGI Corporation effectuating an increase in its maximum daily quantity under Rate Schedule WS of 15,000 dt equivalent per day from 50,000 dt equivalent per day to 65,000 dt equivalent per day. In addition, UGI has requested an increase in its winter contract quantity under Rate Schedule WS of 750,000 dt equivalent from 2,500,000 dt equivalent to 3,250,000 dt equivalent in Zone 6.

(7) A revised service agreement with Washington Gas Light Company effectuating an increase in its contract demand under Rate Schedule CDS of 27,000 dt equivalent per day from 408,900 dt equivalent per day to 435,900 dt equivalent per day in Zone 2.

Applicant submits that all of the aforementioned service agreements would have an effective date of November 1, 1982, with the exception of the service agreements with Commonwealth Gas Pipeline Corporation and Washington Gas Light Company which would be effective on December 1, 1982.

Applicant avers that the instant amendment does not propose any change in the 1982–1983 service levels requested in the application for Applicant's non-Eastern Market Area customers or in the increased level of deliveries to CPA from the 1804 system beginning with the 1982–1983 winter period.

It is stated that Applicant was authorized to construct certain facilities to increase the capabilities of its 1804 system and B system during 1981 which would enable Applicant to supply the 1980–1981 service levels of its Eastern Market Area customers beginning with the 1981–1982 winter period without the Cove Point facility in operation. Applicant states that in addition to using the increased B system capabilities to offset the loss of Cove Point in Zone 2 the increased 1804 system capabilities permitted a reduction from 70,000 Mcf to 55,000 Mcf of natural gas in the design day and average winter day volumes scheduled for delivery from Zone 2 and Zone 6 on the suction side of the Downingtown Compressor Station. Furthermore, Applicant estimates that approximately 9,000 Mcf of natural gas would be delivered on the design day from the 1804 system to Consolidated System LNG for transportation to the Loudoun Compressor Station which is the receipt point for Applicant's Cove Point supply. Applicant avers that on the design day during the 1981–1982 winter period it was projected that a total of 24,000 Mcf per day would be made available in the Loudoun area from the 1804 system by a combination of displacement and direct transportation. Applicant maintains that the level transportation from Zone 6 to Zone 2 by Consolidated System LNG was reflected to be approximately 60,000 Mcf on an average winter day.

To supply the alternate 1982–1983 service levels of Eastern Market Area customers without the Cove Point facility in operation, Applicant proposes to continue the same mode of operation approved by the Commission for the 1981–1982 winter period.

It is asserted that the facilities proposed in the instant amendment would increase the capabilities of the 1804 and Port Jervis systems and enable these systems to supply the alternate 1982–1983 service levels of Applicant's Eastern Market Area customers. Applicant submits that continuation of the 1981–1982 mode of operation would result in the scheduled peak day deliveries from Zone 2 to Zone 6 on the suction side of the Downingtown Compressor Station being reduced from 70,000 Mcf per day to 52,000 Mcf per day. Moreover, Applicant estimates that on a design day approximately 55,000 Mcf of natural gas would be delivered from the 1804 system to Consolidated System LNG for transportation to the Loudoun Compressor Station. Therefore, Applicant states that on a design day during the 1982–1983 winter period a total of 73,000 Mcf per day would be made available in Zone 2 from the 1804 system. Applicant maintains that the increase of an additional 49,000 Mcf per day being made available to Zone 2 via the 1804 system during the 1982–1983 winter period compared to the 1981–1982 winter period is approximately equal to the Zone 2 total daily entitlement increases at the Alternate 1982–1983 service levels.

Applicant submits that the facility construction proposed to be required on the 1804 system is the same with or without the Cove Point facility in operation. Applicant states that the reduction in required facilities on the Port Jervis and A–5 systems and at Renovo Compressor Station reflect the reduced level of requirements being served from these systems at the alternate 1982–1983 service levels. Specifically, Applicant avers that without the Cove Point facility in operation the proposed construction and operation in the application of 7.3 miles of 16-inch pipeline loop in Orange County, New York, a 375 horsepower compressor unit at the Easton

Compressor Station in Northampton County, Pennsylvania, and one of the two 375 horsepower compressor units at the Renovo Compressor Station in Clinton County, Pennsylvania, would not be necessary.

Applicant avers that the supplies presently attached or committed to applicant are fully adequate to serve its full annual and peak day requirements during the contract years 1981 through 1984. Applicant states that because of its far-ranging supply acquisition program it is confident that additional supplies for the contract year 1985 and thereafter could be obtained. Applicant asserts that its problem is the timing of supply acquisitions to avoid short-term take-or-pay problems.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28455 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER78-517; ER78-360]

Connecticut Light & Power Co. and Connecticut Yankee Atomic Power Co.; Order Denying Rehearing and Denying Flow-Through of Refunds

Issued: September 23, 1981.

On August 24, 1981, the Second Taxing District of the City of Norwalk, the Third Taxing District of the City of Norwalk and the Town of Wallingford, Connecticut (Cities) filed a petition for rehearing of our order of July 23, 1981, in Docket No. ER78-517. The Cities urge reconsideration of our acceptance of Connecticut Light & Power Company's (CL&P) compliance filing in that docket.

The Cities raise two specifications of error in their application for rehearing. They urge the Commission to require CL&P to refund revenues collected under the compliance rates prior to acceptance, and they urge the Commission to require CL&P to file compliance rates consistent with the theory of the approved rate.

Cities' application for rehearing does not raise anything new. Their petition is essentially a restatement of arguments previously considered and rejected by the Commission. In our judgment no new facts or principles of law have been shown which would warrant modification of our order of July 23, 1981.

On July 9, 1981, the Cities also filed, in Docket No. ER78-360, a petition for refunds. The Cities urge the Commission to require CL&P to refund to the Cities a portion of the refund received by CL&P from Connecticut Yankee Atomic Power Company (Connecticut Yankee) as a result of the Commission's Opinion No. 102. The Cities argue that, since they are wholesale customers of CL&P, they should receive an allocable share of the refund paid by Connecticut Yankee to CL&P.

The effective date of Connecticut Yankee's rate increase filing in Docket No. ER78-360 was November 5, 1978. Our review indicates that since that date the rates under which CL&P has served the Cities were determined by a cost of service study that did not include the effect of any proposed increase requested by Connecticut Yankee. Accordingly, the Cities are not entitled to any flow-through of refunds made to CL&P by Connecticut Yankee as a result of Opinion No. 102. In reaching this decision, the Commission concludes that Cities' petition in Docket No. ER78-360 should not result in any further refunds in Docket No. ER78-517.

The Commission orders:

(A) The Cities' request for rehearing of the Commission's order of July 23, 1981, in Docket No. ER78-517 is denied.

(B) The Cities' petition for an order requiring CL&P to flow-through to the Cities a portion of the refunds received by CL&P in Docket No. ER78-360 is denied.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28456 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-11-000]

Kansas Municipal and Cooperative Electric Systems; Order Granting Intervention, Granting in Part and Denying in Part Requested Relief, and Consolidating Dockets

Issued: September 24, 1981.

On March 19, 1981, Kansas Municipal and Cooperative Electric Systems (Petitioners),[1] submitted a petition for a declaratory order stating that Kansas City Power & Light Company (KCPL) has been improperly including in its monthly fuel cost adjustments certain reclamation expenses associated with surface coal mines.

In support of their request, Petitioners have provided transcript excerpts of testimony presented in Docket Nos. ER80-315 and ER80-450[2] wherein KCPL's witnesses stated that reclamation costs associated with coal purchases from a non-affiliated supplier, Arch Mineral Company (Arch), are recovered through KCPL's fuel adjustment clause. It appears that, by agreement between KCPL and Arch, reclamation costs are billed to KCPL based on estimates made by Arch, although KCPL is not obligated to tender payment to Arch until reclamation costs actually are incurred. In the interim, KCPL bills its customer for estimated reclamation costs associated with the monthly kWh sold and retains the related revenues, accounting for them on its books as a miscellaneous current accrued liability.

Petitioners contend that inclusion of reclamation expenses in fuel adjustment clause computations violates section 35.14 of the Commission's regulations. According to Petitioners, Account 151 of the Uniform System of Accounts does not expressly apply to reclamation costs and should be construed narrowly so as to preclude recovery of such amounts through the fuel clause. In addition, Petitioners suggest that federal policies regarding reclamation activity may be changing, that KCPL's coal supplier may not be required to reclaim lands already mined or mined in the future, and that the reclamation accruals are speculative in nature. Thus, Petitioners request that the Commission order KCPL to refund, with interest, all reclamation expenses recovered through fuel adjustment clause billings since January, 1978, and enjoin KCPL from further including such costs in future fuel adjustment clause calculations.

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[1] The Petitioners constitute an *ad hoc* group of 12 wholesale customers of KCPL. The municipal customers include Baldwin City, Gardner, Garnett, Osawatomie, Ottawa, and Pomona, Kansas; Higginsville, Salisbury, Salter, and Marshall, Missouri. The cooperative customers, located in Kansas, are Coffey County Rural Electric Cooperative and United Electric Cooperative.

[2] These dockets concern proposed increased rates for firm power service to KCPL's wholesale municipal and cooperative customers. Hearings in the proceedings have been completed and the parties have filed briefs before the presiding administrative law judge.

On April 27, 1981, KCPL filed a protest and petition to intervene[3] requesting that the Commission deny the relief sought by Petitioners or, in the alternative, defer consideration of the petition pending the resolution of related issues in Docket Nos. ER80-315 and ER80-450.[4] KCPL acknowledges that the reclamation costs in question are being billed through its fuel adjustment clause, but the company claims that such expenditures are legitimate components of Account 151. These costs, according to the company, are properly included in the total cost of coal despite the agreement between KCPL and Arch to "unbundle" the costs for billing purposes. Furthermore, KCPL agues that the current method of accounting is less speculative than the long-range estimates which would be necessary to include reclamation costs in the invoice price of coal purchases. Finally, KCPL expresses its opinion that the policies of the federal government may shift certain regulatory responsibilities to the states without necessarily affecting Arch's obligation to reclaim the surface mines.

Discussion

Section 35.14 of the Commission's regulations identifies the fuel costs which may be included in a utility's fuel adjustment clause. That section provides, in part, that:

> (2) Fuel costs (F) shall be the cost of:
>
> (i) Fossil and nuclear fuel consumed in the utility's own plants, and the utility's share of fossil and nuclear fuel consumed in jointly owned or leased plants.

The regulations further state that the costs of fossil fuel shall include no items other than those listed in Account No. 151 of the Commission's Uniform System of Accounts.[5] Account No. 151 includes the invoice price of fuel, expenses incurred in transporting the fuel from the point of acquisition to the unloading point, excise taxes, purchasing agents' commissions, insurance, and "other expenses directly assignable to the cost of fuel."

In view of the fact that coal mine land reclamation is presently required by law, the Commission finds that the legitimate cost of reclaiming surface mines should be considered an appropriate expense incurred by a coal producer. Insofar as the coal supplier actually collects such a charge as a component of the unit cost of fuel, the reclamation costs, in turn, would qualify as "other expenses directly assignable to the cost of fuel" for purposes of fuel clause treatment by a jurisdictional utility.[6]

Under the unique arrangement at issue in the instant docket, however, Arch provides to KCPL only an estimate of reclamation costs attributable to the coal supplied to the utility. As indicated by KCPL, such charges are not immediately paid to Arch but, instead, are delayed until actual reclamation costs are incurred by Arch. Nonetheless, KCPL uses the estimate of future reclamation costs to develop its own current per unit charge for reclamation costs to be recovered through the fuel clause. Thus, KCPL has direct control over the determination of the amount of charges passed through the fuel clause to recover prospective reclamation costs. However, despite the estimated nature of KCPL's billings, the company has not provided for any adjustment to fuel clause charges in the event that actual costs differ from the estimated costs. Neither has the company submitted the estimated unit charge for reclamation costs used in the monthly fuel adjustment calculation to the Commission for approval. The fuel adjustment clause has never been intended as a carte blanche to recover unreviewed estimated costs where no mechanism exists to correct for erroneous estimates.[7] Therefore, KCPL will be ordered to discontinue fuel clause pass through of charges for coal land reclamation costs. Such directive, however, will be without prejudice to the filing of an estimated charge, supported by appropriate cost data, together with a provision to adjust for differences between estimates and actual costs.

Notwithstanding this conclusion, we shall deny, without prejudice, Petitioners' request for refunds of reclamation costs already collected through the fuel adjustment clause. The amount of reclamation cost revenues collected from KCPL's wholesale customers that have not been or may not be paid to Arch cannot be determined from presently available information. Furthermore, any refund requirement will directly affect the cost of service at issue in Docket Nos. ER80-315 and ER80-450. We find, therefore, that the most appropriate manner in which to proceed is to refer this matter to the presiding judge in Docket Nos. ER80-315 and ER80-450 and to expand the scope of those proceedings to hear the limited issue of the appropriate refunds, if any, of reclamation revenues which should be made to KCPL's wholesale customers.[8]

The Commission orders

(A) KCPL's petition to intervene is granted, subject to the rules and regulations of the Commission; *Provided, however,* That participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *Provided, further,* that the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders by the Commission entered in this proceeding.

(B) Petitioners' request for declaratory order is granted in part and denied in part. KCPL is hereby ordered to immediately cease billing estimated reclamation costs to its wholesale customers through the fuel adjustment clause, without prejudice to a filing by KCPL, supported by appropriate cost data, to include reclamation costs in the wholesale fuel adjustment calculation if an appropriate mechanism is included in KCPL's rates to correct for differences between billed and actual costs.

(C) Docket No. EL81-11-000 is hereby consolidated with Docket Nos. ER80-315 and ER80-450 for purposes of hearing and decision. The pending proceeding shall be expanded to address the limited refund issue as described in this order.

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[3] Notice of the filing was issued on March 30, 1981, with comments, protests, or petitions to intervene due on or before April 27, 1981.

[4] In that proceeding, the intervenors have advocated elimination of reclamation expenses from KCPL's cost of service or reduction of rate base by the amounts recovered from customers but not yet disbursed to Arch.

[5] "The cost of fossil fuel shall include no items other than those listed in Account 151 of the Commission's Uniform System of Accounts for Public Utilities and Licensees." 18 CFR 35.14(a)(6).

[6] Petitioners rely on the Commission's recent declaratory order in *Electric Cooperatives of Kansas,* Docket No. EL81-2-000 (February 26, 1981), in support of their petition. In Docket No. EL81-2-000, we found that the costs of pollution control materials such as limestone were not "other expenses directly assignable to the cost of fuel" which could be included in fuel adjustment clause computations, noting that "policy considerations support a narrow construction of the expenses listed in Account No. 151." The instant case is distinguishable, however, because the reclamation costs are charges which are added directly to the cost of purchased fuel and which could have been added to the original invoice price of the coal.

[7] *cf. Public Service Company of New Hampshire,* Docket No. ER76-285, Opinion No. 790, issued March 21, 1977, (mimeo at 15); *aff'd Public Service Company of New Hampshire v. FERC,* 600 F.2d 944 (D.C. Cir. 1979).

[8] Petitioners have not requested that the Commission now decide the question of the appropriate cost of service treatment of those revenues received for reclamation costs but not yet paid to the coal producer. That issue has been litigated in the proceedings in Docket Nos. ER80-315 and ER80-450.

(D) The administrative law a judge previously designated to preside in Docket Nos. ER80-315 and ER80-450 shall determine the appropriate procedures necessary to accommodate consolidated of Docket No. EL81-11-000 with the existing proceeding.

(E) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-28459 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-491-000]

Midwestern Gas Transmission Co.; Application

September 25, 1981.

Take notice that on August 31, 1981, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-491-000 an application pursuant to Section 3 of the Natural Gas Act for authorization to extend the period for which it is authorized to import natural gas from Canada pursuant to the terms and provisions of Applicant's contract No. 1 dated April 4, 1960, with TransCanada PipeLines Limited (TransCanada), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant purchases natural gas from TransCanada under four gas purchase contracts which gas is purchased and imported at a point on the United States-Canadian international boundary near Emerson, Manitoba, where the Northern System of Applicant interconnects with the facilities of TransCanada. Applicant submits that TransCanada and Applicant have agreed to amend their contract No. 1 to extend its terms to and including October 31, 1994, with all other terms remaining the same.

Applicant asserts that contract No. 1 and the related Canadian Export License Nos. GL-1 and GL-60 provide Applicant with the largest maximum day purchase entitlement of 222,360 Mcf per day and the largest annual purchase entitlement of 74,000,000 Mcf of any of the four gas purchase contracts. It is stated that this contract terminates on December 15, 1985. Applicant avers that TransCanada was originally authorized to export the volumes of gas subject to contract No. 1 pursuant to the provisions of License No. GL-1 which expired on May 14, 1981. It is asserted that the license was issued subject to the condition that the folume of gas which could be exported during the term of the license be limited to 1,410,000,000 Mcf. Applicant submits that the total volume authorized for export was reached in early 1981.

Applicant states that Canadian Export License GL-60 issued on December 7, 1979, authorized TransCanada to export natural gas during the balance of the term of contract No. 1. Applicant maintains that under this license TransCanada was authorized to continue to export the maximum daily and annual volumes provided for in contract No. 1 until November 1, 1984; however, TransCanada's export authorization was reduced to a maximum daily quantity of 167,249 Mcf per day and an annual total of 55,000,000 Mcf for the period extending from November 1, 1984, through October 31, 1985, and further reduced to a maximum daily quantity of 111,502 Mcf per day and a total of 4,907,000 Mcf during the period extending from November 1, 1985, through December 14, 1985. Applicant asserts that the agreement to amend contract No. 1 to extend the term thereof to and including October 31, 1994, serves to offset the declining availability of gas under the terms of contract No. 1 commencing in November 1984 as limited by the provisions of License No. GL-60 and the ultimate termination thereof in December 1985. It is stated that under the amendment the daily and annual volumes of gas originally and currently available to Applicant under contract No. 1 would continue to be available during the period November 1, 1984, through October 31, 1994.

Applicant alleges that the gas proposed to be imported for the extended period herein is part of TransCanada's system supply and is not to be purchased and produced from specific fields for resale to Applicant. Applicant therefore requests waiver of Section 153.3(d) of the Commission's Regulations requiring field names, locations and reserve estimates on a field by field basis.

Applicant submits that unless it is authorized to continue to import the same daily and annual volumes of gas as are currently available to it under contract No. 1 for the additional ten-year period as proposed herein it is certain that after October 31, 1984, it would be unable to continue to serve the requirements of its Northern System customers at the same level as those requirements are being served today. Applicant maintains that due to geographical location of its Northern System and its lack of extensions to domestic producing areas it has no practical alternative sources of domestic supply or synthetic fuels available to serve the needs of its Northern System customers.

Any person desiring to be heard or to made any protest with reference to said application should on or before October 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28458 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-477-000]

MIGC, Inc.; Application

September 25, 1981.

Take notice that on August 24, 1981, MIGC, Inc. (Applicant), 10880 Wilshire Boulevard, Suite 1600, Los Angeles, California 90024, filed in Docket No. CP81-477-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation for and exchange of natural gas with Colorado Interstate Gas Company (CIG) and for permission and approval to abandon a transportation service for CIG, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authority for the transportation and exchange of natural gas pursuant to a gas transportation and exchange agreement dated May 28, 1981, between Applicant and CIG. Applicant states that said agreement provides for a term of 15 years from the date of commencement of deliveries by either party to the other and from year to year thereafter.

It is stated that the transportation and exchange of gas would be from all sources of supply which are acquired by Applicant or CIG which are committed for a delivery period of at least five years and can be economically and feasible connected to a party's transmission system. Applicant states that the gas transported and exchanged would not be limited to current existing delivery points. Applicant submits that a maximum quantity of 60,000 Mcf per day would be transported by it for CIG and that CIG would not transport more than 30,000 Mcf per day for Applicant.

Applicant proposes to construct facilities necessary to connect sources of supply to the parties' existing or future pipeline systems under budget-type authority or separate certificate authority if the facility costs exceed budget limits. It is stated that Applicant would file an annual tariff revision on January 31 to detail the delivery points for all sources of gas transported and exchanged.

Applicant avers that the parties would compensate each other for fuel usage and unaccounted-for gas to the extent reasonable. It is stated that imbalances would be corrected during the following month at the Powder River Basin Station pipeline interconnection in Wyoming between Applicant and CIG. It is stated that during the period December 1 through April 30 of each year Applicant may request from CIG up to 10,000 Mcf per day in excess of the exchange volumes otherwise transported to Applicant; however, such excess deliveries made by CIG during the winter season may not exceed an exchange gas imbalance created during the previous March 1 through November 30 period by Applicant foregoing receipt of exchange volumes otherwise due Applicant. It is asserted that the summer season imbalance would not exceed 1,000,000 Mcf at any time.

Applicant submits that if the thermal equivalent of gas delivered from supply sources should be exactly equal no balancing deliveries would be required and no transportation charges would apply. However, it is stated that if Applicant's deliveries from its various supply sources to CIG thermally exceed CIG's deliveries to Applicant, CIG would make balancing deliveries to Applicant at the Powder River Station. In that event Applicant would pay transportation charges to CIG equal to the appropriate transportation rate multiplied by the volume of balancing deliveries, it is explained. Similarly if CIG's supply deliveries exceed Applicant's, Applicant would make balancing deliveries to CIG at the Powder River Station and CIG would pay Applicant the appropriate transportation charges, it is stated. Applicant submits that transportation charges were 22.24 cents per Mcf for CIG's system and 25.61 cents per million Btu for Applicant's system as of May 28, 1981. It is also asserted that said transportation charges are to reflect each party's transmission system transportation rate exclusive of the cost of service attributable to its gathering and storage systems and exclusive of the cost of service attributable to gas used in the operation and maintenance of the transmission system.

Applicant further proposes to abandon service under a gas transportation agreement dated September 5, 1973, between Applicant and CIG. It is stated that by authorization granted November 26, 1976, in Docket No. CP74-92, Applicant was authorized to receive natural gas from Mountain Fuel Supply Corporation (Mountain Fuel) through CIG for CIG's account at various points along Applicant's pipeline in the Powder River Basin of Wyoming and then redeliver thermally equivalent volumes to CIG at a point of interconnection between Applicant's pipeline and the facilities of CIG. The agreement provided that the gas Mountain Fuel delivered to Applicant would come from specific acreage in the Spearhead Ranch production area in the Powder River Basin and that 40 percent of the volume of gas purchased by CIG from Mountain Fuel from a defined area in Spearhead Ranch and delivered by CIG through Applicant's pipeline would be available for purchase by Applicant during the period between July 15, 1976, and the closing date of a pipeline sale agreement. Applicant maintains that the transportation agreement was terminated effective September 5, 1978; however, Applicant has continued to render gas transportation services to CIG under its currently effective Rate Schedule X-1. Applicant proposes to abandon this service as it is incorporated and superseded by the gas transportation proposed in the instant application.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-28459 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-23-010]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Petition To Amend

September 25, 1981.

Take notice that on September 4, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-23-010 a petition to amend the order issued March 7, 1977,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas from new points of receipt for the account of Tenneco Oil Company (TOC) and the deletion of certain previously authorized receipt points, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized by order issued March 7, 1977, in the instant docket to transport natural gas for TOC from specified receipt points to a point of interconnection with Creole Gas Pipeline Corporation near Yscloskey,

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Louisiana, for delivery to Air Products and Chemicals, Inc. Petitioner now proposes to establish additional new receipt points from TOC and delete certain authorized receipt points.

Specifically, Petitioner proposes to establish a new receipt point for deliveries of gas from TOC's interests in certain uncommitted reserves in the Four Isle Dome Field, Terrebonne Parish, Louisiana, which include but are not limited to reserves from previously authorized sources of supply for transportation from Terrebonne Land Development, *et al.*, Well Nos. 1, 2, and A–2 in Terrebonne Parish, Louisiana.

Petitioner states that a receipt point for the Terrebonne Land Development, *et al.*, Well No. 1 supply source was authorized by order issued March 7, 1977. It is stated that a receipt point for Terrebonne Land Development, *et al.*, Well No. 2 supply source was authorized by order issued July 27, 1978. It is also asserted that a receipt point at side valve 522A–102 on Petitioner's line No. 522A–10 in Terrebonne Parish, Louisiana, for Terrebonne Land Development, *et al.*, Well No. A–2 supply source was authorized by order issued June 29, 1979. Petitioner submits that in an amendment dated October 31, 1980, to their transportation agreement, Petitioner and TOC agreed to delete the existing authorized receipt points for the Terrebonne Land Development, *et al.*, Well Nos. 1, 2, and A–2 and provide for a new central receipt point for the Four Isle Dome source. Petitioner avers that deliveries of gas from the Four Isle Dome source would be made by TOC to Petitioner at Superior Oil Company's Four Isle Dome Plant in Terrebonne Parish, Louisiana. Petitioner maintains that as the previously authorized receipt points listed above would no longer be used it proposes to delete them as authorized receipt points from TOC.

Petitioner also proposes to establish an additional receipt point for deliveries of gas from TOC's interests in certain uncommitted reserves in the Matias Garcia Survey A–116, Nueces County, Texas (Agua Dulce source). It is stated that a receipt point at side valve ID–102 on Petitioner's Plomo Line No. ID–100, Nueces County, Texas, for the Agua Dulce source of supply was authorized by order dated June 29, 1979. Petitioner asserts that by the October 31, 1980, amendment to their transportation agreement Petitioner and TOC agreed to establish an additional point of receipt for the Agua Dulce source. Petitioner alleges that deliveries of gas from the Agua Dulce source would be made by TOC to Petitioner at TGP–400E–102 on the Elmer McCoy, *et al.*, 160 Acre Tract in the north end of Share 3 of Share 2 of the Palo Alto Partition of W. B. Chapman Lands in the Matias Garcia Grant, Abstract 116, Nueces County, Texas, and/or the previously authorized receipt point.

It is averred that the October 31, 1981, amendment to the transportation agreement between Petitioner and TOC also provides for the balancing of receipts and deliveries of gas under the agreement every sixty days in accordance with FERC Opinion 10–A, issued July 21, 1978, and for clarification of rate provisions.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–28460 Filed 9–29–81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81–485–000]

Texas Eastern Transmission Corp., Application

September 24, 1981.

Take notice that on August 26, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81–485–000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for The Brooklyn Union Gas Company (Brooklyn Union), all as more fully set forth in the application which is on file with the Commission and open to public inspection

Applicant states that Brooklyn Union has arranged for natural gas, purchased from a joint venture group consisting of Fuel Resources, Inc., a subsidiary of Brooklyn Union, Kepco, Inc., a subsidiary of Equitable Gas Company (Equitable), and Sterling Drilling and Production Company, to be received by Equitable for the account of Brooklyn Union and for said gas to be delivered by displacement to Applicant at the existing interconnection between Applicant and Equitable located at Applicant's meter Station 355 in Westomoreland County, Pennsylvania, or at other mutually agreeable existing points in Applicant's Zone C. Applicant proposes to transport up to 5,000 dekatherms equivalent of gas per day, less quantities retained for applicable shrinkage, and to deliver such quantities to Brooklyn Union at meter Station 058 in Richmond County, New York, or at other mutually agreeable existing points of delivery for a term of one year from the date of initial delivery and thereafter until terminated by either party upon 30 days prior written notice. It is said that Brooklyn Union would pay Applicant under Applicant's presently applicable effective TS–1 basis rate schedule a rate of 13.98 cents per dekatherm equivalent delivered by Applicant to Brooklyn Union. Applicant states that Brooklyn Union would pay Applicant, under Applicant's presently applicable effective TS–1 excess rate, 16.02 cents per dekatherm equivalent of gas delivered which, when added to quantities delivered by Applicant to Brooklyn Union under its Rate Schedules TS and SS–II and other transportation agreements exceed the combined total curtailment of natural gas sales to Brooklyn Union under Applicant's firm sales rate schedules. Applicant further states that it would retain, for its applicable shrinkage, an amount of gas equal to 3 percent of the quantities transported for the period April 16 through November 15 of each year and 6 percent for the period November 16 through April 15 of each year. Applicant explains that applicable shrinkage is retained for use by Applicant in providing the transportation service herein proposed and Applicant should have the right to increase the amount of applicable shrinkage from time to time in order to insure that Applicant retains a quantity of gas sufficient to meet its requirements in providing such transportation service.

Applicant states that the proposed service would not adversely affect or displace capacity for services to high priority users.

Applicant also requests the permission to retain transportation revenues and to terminate the proposed service at the option of either party on 30 days prior written notice after the initial one-year term.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28461 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-513-001]

Texas Gas Transmission Corp.; Petition to Amend

September 25, 1981

Take notice that on August 25, 1981, Texas Gas Transmission Corporation (Petitioner), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP80-513-001 a petition to amend the order issued March 25, 1981, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to extend the existing authorization to transport natural gas for Owens-Corning Fiberglas Corporation (Owens-Corning) for an additional year from August 27, 1981, until 8 a.m. August 28, 1982, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued August 27, 1980, as amended, it was authorized to transport and redeliver on an interruptible basis for Owens-Corning's account up to 1,000 Mcf of natural gas per day to its existing point or points of delivery with Jackson Utility Division (Jackson) or to divert all or a portion of the volumes up to 1,000 Mcf per day to be transported and delivered to Jackson and instead deliver such volumes to Transcontinental Gas Pipe Line Corporation (Transco) for ultimate delivery to Owens-Corning's Anderson, South Carolina, plant for a period of one year from the date of initial delivery which was August 27, 1980. It is asserted that by the same order Transco was authorized to transport up to 1,000 Mcf per day for use at Owens-Corning's Anderson, South Carolina, plant for a period of two years from the date of initial delivery. Petitioner proposes herein to extend the transportation service for an additional year from August 27, 1981, until 8 a.m. August 28, 1982, pursuant to a letter agreement between Petitioner and Owens-Corning dated August 19, 1981. Applicant maintains that in no event would it be obligated to deliver on any day an aggregate volume of more than 34,370 Mcf of natural gas through all points of delivery to Jackson. Furthermore, Applicant submits that Jackson has agreed to accept volumes of natural gas on an interruptible basis for the account of Owens-Corning. Applicant asserts that it would retain as makeup for compressor fuel and line loss 2.83 percent of those volumes delivered to Jackson and 0.32 percent of those volumes delivered to Transco.

It is averred that Applicant would collect a rate of 21.30 cents per Mcf for those volumes delivered to Jackson and 6.92 cents per Mcf for those volumes delivered to Transco.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28462 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-475-000]

Transcontinental Gas Pipe Line Corp.; Columbia Gulf Transmission Co.; Application

September 24, 1981.

Take notice that on August 21, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-475-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities in the offshore Texas area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is said that Applicants or their affiliates have the right to purchase gas to be produced from certain reserves in the Brazos Area, Blocks A-19, A-20 and A-23, offshore Texas. In order to attach new sources of gas supply from Blocks A-19 and A-20, Applicants propose to construct jointly as co-owners a pipeline lateral consisting of approximately 2.82 miles of 24-inch pipeline which would connect Shell Oil Company's (Shell) "A" production platform in Brazos Block A-20 to its production platform "C" in Brazos Block A-19, and 1.14 miles of 10-inch pipeline connecting the Brazos Block A-19 "C" platform to the Shell "JA" platform in Brazos Block A-20. Applicants also propose to construct metering, regulating and other appurtenant facilities at Shell's "C" platform in Brazos Block A-19.

It is stated that Transco would own 50 percent and Columbia Gulf would own 50 percent of the proposed facilities based on their or their affiliates' ownership of the subject gas pursuant to gas purchase contracts with Shell. It is further stated that such facilities would be constructed and operated by Transco and would have a maximum capability of 250,000 Mcf per day.

Such facilities are estimated to cost $13,502,940 which would be financed initially through revolving credit arrangements, short-term loans or available funds with permanent financing to be undertaken as a part of Applicants' respective overall long-term financing programs at later dates.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28463 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-450-000]

Union Electric Co.; Order Denying Rehearing

September 24, 1981.

On August 3, 1981, the W-3 Defense Group ("WDG"), a group comprised of eight customers served by Union Electric Company (Union) under its W-3 wholesale tariff, filed a petition for rehearing of the Commission's order of July 2, 1981, in this docket. In that order, the commission, *inter alia,* granted summary disposition with respect to three components of Union's cost of service, directed Union to file revised rates reflecting the summary dispositions within thirty days, and ordered that the revised rates, as modified, be suspended for one day to become effective as of July 9, 1981, subject to refund.[1] The company satisfied the refiling requirement on July 30, 1981.

In the petition for rehearing, WDG challenges the underlying Commission order in several respects. Initially, WDG contends that the effective date designated by the Commission for Union's modified rates results in a violation of the "filed rate doctrine" and the 60-day notice requirement of the Federal Power Act. WDG asks that the Commission stay the effective date until we conclude that Union's modified rates comply with the July 2 order. In addition, WDG argues that the Commission improperly refused to grant summary dispostion with respect to: (1) Union's allocation of its Ashley Plant between steam and electric operations; (2) Union's inclusion in cash working capital of a separate allowance for prepayments and cash bank balances; (3) Union's cost of service treatment of contributions to charitable trusts; and (4) Union's change in depreciation rates for certain equipment. Finally, WDG contests the one-day suspension ordered with respect to Union's rates.

In order to afford additional time to consider the merits of WDG's contentions, the Commission granted rehearing for the limited purpose of further consideration by order issued on September 2, 1981.

Discussion

As noted, WDG argues that the Commission's July 2 order is inconsistent with the "filed rate doctrine." WDG correctly states that under sections 205(c) and (d) of the Federal Power Act, a utility may only charge "filed rates."[2] WDG contends, however, that by allowing the rates, as modified by the Commission, to go into effect on July 9, 1981, rather that the date on which the compliance rates were filed (July 30, 1981), the Commmission allowed Union to charge rates that were not yet filed with the Commission. We disagree. The Commission's order stated specifically:

> Union's revised *rates, as modified* by summary disposition are hereby *accepted for filing* and suspended for one day from 60 days after filing to become effective, subject to refund, on July 9, 1981. (Emphasis added.)

Further, in *City of Cleveland* v. *FPC,* 525 F.2d 845, 854 (D.C. Cir. 1976), the court indicated:

> The considerations underlying the filed rate doctrine are preservation of the agency's primary jurisdiction over reasonableness of rates and the need to insure that regulated companies *charge only those rates of which the agency has been made cognizant.* (Emphasis added.)[3]

It is incorrect to claim that Union has been charging the rates from July 9, 1981, of which the Commission was not cognizant. On the contrary, as is common practice in the case of summary disposition, the Commission directed the company to make certain discrete and ascertainable adjustments to its claimed cost of service and tendered rates. As so modified, the rates being charged by Union are those which the Commission expressly accepted for filing and suspended to become effective as the "filed rates" on July 9, 1981.

WDG also contends that since "significant" adjustments to Union's cost of service and rates resulted from the Commission's July 2 order, Union could not have satisfied section 205(d) of the Federal Power Act which requires 60-days notice to the Commission and the public of any changes in rates. Again, we disagree. On May 8, 1981, Union submitted its proposed rates for filing. At that time, Union sought to make the rates effective approximately 60 days later. As a result, both the Commission and Union's affected customers were provided with the requisite notice of the full rate increase proposed by Union. The company did not thereafter request any change in its proposed rate level. Rather, the Commission summarily ordered those rates to be reduced and established an effective date following the 60-day notice period. Whether summary disposition is ordered at the initial stages of a proceeding or at a later date, the Commission's resolution of certain issues does not effect a new "change in rates" requiring an additional notice period. Neither has the filing utility taken action which would extend the original notice period or trigger a new notice requirement.

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[1] Union was required to refile its cost of service and rates to reflect summary disposition of the following issues: (1) interest synchronization for tax purposes; (2) rate base reduction of accumulated deferred income taxes associated with normalization of AFUDC and capitalized taxes and pensions; and (3) exclusion of post-test year wage increases from the Period II cost of service.

[2] WDG cites *Montana-Dakota Utilities Co.* v. *Northwestern Public Service Co.,* 341 U.S. 246, 251 (1951), where the court indicated that "[a utility] can claim no rate as a legal right that is other than the filed rate. . . ."

[3] *See also Arkansas Louisiana Gas Co.* v. *Hall, et al.,* Sup. Ct. No. 78-1789 (July 2, 1981); *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp., et al.,* 350 U.S. 332, 341-42 (1956).

Concerning WDG's challenge to the one-day suspension imposed in this docket, no new facts or arguments have been raised to suggest that modification of our earlier conclusion is warranted. As noted in the July 2 order, the intervenors raised substantive issues requiring further evaluation on the basis of a hearing record. However, by means of summary disposition, the Commission reduced the revenue level at issue by several million dollars. Considering this rate reduction, our preliminary analysis suggested that the resulting rates could be expected to yield revenues which are not substantially excessive. Under these circumstances, we continue to believe that an extended suspension period is unnecessary and inappropriate.

Because we find no merit to WDG's contentions in opposition to the July 9, 1981 effective date for Union's rates, we shall deny the request for rehearing. furthermore, we are not persuaded that any basis exists upon which to entertain WDG's request for a stay of the designated effective date.

We shall also deny rehearing with respect to WDG's arguments concerning summary disposition. In each instance, we have concluded on the bais of the pleadings and existing precedent that there are outstanding questions of fact or law to be resolved at a hearing. As to two issues (allocation of Ashley common plant and cash working capital computations), WDG contends that Opinion No. 94, *Union Electric Company* (September 2, 1980) must be considered controlling in favor of WDG's position. WDG also argues that Commission precedent not specific to Union requires summary disposition as to cash working capital and Union's contributions to a charitable trust.[4] According to WDG, summary disposition is also warranted with regard to Union's depreciation rates on certain environmental equipment and spare parts inasmuch as Union has provided inadequate cost support under section 35.13 of the Commission's regulations.

In the instant proceeding, we do not believe that applicable Commission precedent mandates summary disposition of the issues raised by WDG. Although Opinion No. 94 adopted WDG's proposed allocation of Ashley common plant, the underlying initial decision (issued August 7, 1979) observed that the hearing record was not as complete as it might have been and that the conflicting allocation methods each suffered from certain deficiencies. Under these circumstances, the public interest will best be served by a fuller examination of this issue at hearing. We are not willing to resolve the working cash issue simply on the basis of the company's evidentiary presentation. Whether or not an allowance for prepayments and minimum bank balances is appropriate may depend upon whether the Commission ultimately relies upon the 45-day convention in this proceeding or upon a specific study advanced by one or more parties. Similarly, at the present time, the record contains insufficient information on which to resolve the question of Union's charitable contributions.

Finally, we do not agree that Union has failed to comply with the regulations regarding its depreciation allowance. It appears that union has installed additional equipment (largely environmental) at existing generating facilities and has proposed to depreciate such equipment over the remaining life of the existing plant. In so doing, Union has not sought to change its depreciation rate or plant life in such a way as to require further cost support under § 35.13 of the regulations.

The Commission orders:

(A) WDG's August 3, 1981 application for rehearing is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-28464 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

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[4] We note that WDG did not request summary disposition of the charitable contribution issue prior to its application for rehearing.

[Docket No. CP81-493-000]

United Gas Pipe Line Co.; Application

September 25, 1981.

Take notice that on August 31, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-493-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing service to the City of Brewton, Alabama, the Town of Flomaton, Alabama, (Brewton-Flomaton) and the Utilities Board for the City of Atmore, Alabama, (Atmore) pursuant to Rate Schedule G-N in lieu of Rate Schedule DG-N, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant was authorized in Docket No. G-893 to serve Brewton-Flomaton and Atmore under Applicant's Rate Scehdule DG-N pursuant to a single service agreement dated July, 6, 1979. Applicant now proposes to provide natural gas service for the distribution systems of Brewton-Flomaton and Atmore, Alabama, under Applicant's Rate Schedule G-N pursuant to such cities' base requirements and two new superseding service agreements between Applicant and Atmore and between Applicant and Brewton-Flomaton.

Applicant submits that on August 10, 1981, Atmore and Applicant and Brewton-Flomaton and Applicant entered into new superseding service agreements whereby Applicant would deliver and sell to the cities their natural gas requirements for resale and distribution pursuant to Applicant's Rate Schedule G-N.

Applicant submits that the maximum daily quantity for Brewton-Flomaton and Atmore under the old service agreement and the new service agreements would remain the same. Applicant states that the maximum daily quantities for these agreements are as follows:

Service agreement dated July 6, 1979	Maximum daily quantity (Mcf)
Brewton-Flomaton-Atmore	8,731
Total	8,731
Service agreement dated August 10, 1981:	
Brewton-Flomaton	5,378
Atmore	3,353
Total	8,731

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the

Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28465 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-492-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

September 18, 1981.

Take notice that on August 31, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-492-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 33 small volume sales measuring stations for the sale and delivery of additional volumes of natural gas in the states of Minnesota, Iowa, Nebraska, Kansas, Oklahoma and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide service to right-of-way grantors whose easements provide for the contractural right to gas service as partial consideration for the easement to construct and operate pipeline facilities across their property. It is stated that such service would be made to small volume [1] industrial, commercial and residential customers.

Applicant proposes to install and operate 28 delivery stations in Minnesota, Iowa, Nebraska, Kansas and Texas for deliveries of gas to be resold by People's Natural Gas Company, Division of InterNorth, Inc. (People's) from People's presently authorized contract demand.

Applicant also states that it sells and delivers natural gas in Oklahoma to the Southern Union Gas Company (So. Union) pursuant to Applicant's Rate Schedule X-46 for resale by So. Union to Applicant's right-of-way grantors and others for use as irrigation engine fuel, residential and other high priority uses. Appliant proposes to provide natural gas service to 4 of its right-of-way grantors located in So. Union's service areas in Oklahoma which would result in an increase of 1,200 Mcf in annual sales to So. Union.

Applicant further requests authority to install and operate one small volume measuring station in Iowa which is required to make sale of natural gas to a customer through North Central Public Service Company (NCPS). It is asserted that the firm volumes to be delivered would be provided from NCPS's presently authorized contract demand.

The small volume sale measuring stations including location, estimated peak day and annual sales, and use are more fully described in the appendix hereto.

Applicant estimates the cost of the proposed facilities to be $78,396 which would be financed by cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure 918 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Appendix

Right-of-way grantor	Location of facilities (County-State)	Est. sales-Mcf		Primary end-use	Estimated facility costs
		Peak day	Annual		
Peoples Natural Gas Co., Division of InterNorth, Inc.;					
Ag Distilleries	Dodge-NE	60.0	19,800	Feed Process	[redacted]
Ahrens, H. G.	......do	1.5	162	Res. Heat	1,776
Annis, Daryl	Carver-MN	10.0	1,142	......do	1,573
Benson, Willy	Grundy-IA	2.4	207	......do	1,511
Brown, Kenneth	Washington-MN	52.0	1,714	CropDrying	2,659
Carver County	Carver-MN	3.0	310	Shop Heat	1,573
Colgrove, Dwight	Washington-KS	1.5	191	Res. Heat	[redacted]
Cox, Bur R.	Stevens-KS	2.2	[redacted]	......do	2,000
Crane, Charles F.	......do	1.5	[redacted]	......do	774
Devney, John	Dakota-MN	36.0	3,660	Irrigation	1,734
Diercks, Lavern	Bremer-IA	4.0	[redacted]	Res. Heat	1,511
Elmore, Glenard	Lipscomb-TX	1.2	158	......do	853
Do	......do	31.2	3,220	Irrigation	1,222
Fields-Edward	Anoka-MN	3.0	[redacted]	Res. Heat	1,350

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[1] As defined in Applicant's Gas Tariff, customers with maximum daily gas requirements under 200 Mcf are considered small volume customers.

Appendix—Continued

Right-of-way grantor	Location of facilities (County-State)	Est. sales-Mcf		Primary end-use	Estimated facility costs
		Peak day	Annual		
Harris, Wesley D. & Helen	Lipscomb-TX	31.2	3,220	Irrigation	1,222
Henry, Donald A.	Benton-MN	3.0	200	Res Heat	730
Iowa State University	Buena Vista-IA	35.0	1,000	CropDryer	1,964
Johnson, T Ray	Fillmore-MN	84.0	2,070	......do	2,116
Jueneman, John	Washington-KS	1.5	132	Res. Heat	[illegible]
Krein, J. W.	Lancaster-NE	2.5	176	......do	1,700
Kroblin, Allen	Bremer-IA	20.0	1,482	CropDryer	2,955
Marek, Rodney F.	LeSueur-MN	2.0	188	Res. Heat	1,573
McGarrough, Banks	Ochiltree-TX	1.2	158	......do	[illegible]
McKenzie, MaryLouise	Lipscomb-TX	31.2	3,220	Irrigation	1,222
Pankonin, David	Cass-NE	14.0	1,200	Com. Heat	2,200
Pottorff, Evelyn	Finney-KS	180.0	52,800	Ind. Gasohol	3,200
Prater, Vernal E.	Hemphill-TX	1.2	158	Res. Heat	2,262
Young, James	Sac-IA	36.0	1,765	CropDryer	1,964
Southern Union Gas Company:					
Baggerly, Jerry	Beaver-OK	1.0	300	Res. Heat	1,618
Culbertson, Roland	Texas-OK	1.4	300	......do	2,000
Miller, Robert C.	Ellis-OK	1.0	300	......do	1,618
Walters, Jimmie	......do	1.0	300	......do	1,618
North Central Public Service:					
Arthur P. Elbert	Kossolt-IA	105.0	1,545	CorpDryer Heating	2,345
Totals, all projects		761.7	102,258		78,396

[FR Doc. 81-2794[illegible] Filed 9-29-81; 8:45 am]

BILLING CODE [illegible]

Office of Hearings and Appeals

Cases Filed; Week of August 28 through September 4, 1981

During the week of August 28 through September 4, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: September 23, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of August 28 through September 4, 1981]

[illegible]	Name and location of applicant	Case No.	Type of Submission
Aug. 28, 1981	Young Refining Corporation, Washington, D.C	BFA-0736	Appeal of Information Request Denial. If granted: The July 29, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Young Refining Corporation would receive access to certain DOE information.
Aug. 31, 1981	Dixon R-1 Schools, Dixon, Missouri	BEE-1686	Request for Exception. If granted: Dixon R-1 Schools would be permitted to freely allocate among three energy conservation projects which it has already initiated, the funds received pursuant to the provisions of 10 CFR Part 455, Subpart D.
Aug. 31, 1981	Exxon Company, U.S.A., Houston, Texas	BRR-0159	Request for Modification/Rescission. If granted: The August 13, 1981 Decision and Order (Case No. BRD-0177) issued to Exxon Company, U.S.A. by the Office of Hearings and Appeals would be modified regarding the firm's Motion for Discovery.
Aug 31, 1981	Gulf States Oil & Refining Company, Washington, D.C	BEN-0085	Request for Interim Order. If granted: Gulf States Oil & Refining Company would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. BEE-1616).
Aug 31, 1981	Keller, Fernald & Harkey, Oklahoma City, Oklahoma	BFA-0737	Appeal of Information Request Denial. If granted: The August 20, 1981 Information Request Denial issued by the Economic Regulatory Administration would be rescinded, and Keller, Fernald & Harkey would receive access to an investigative report relating to Eagle Gas Company.
Aug 31, 1981	OE/Century Refining Company, Washington, D.C	BEF-0077	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the January 29, 1980 Consent Order entered into by Century Refining Company.
Sept. 1, 1981	OE/Alta Loma Oil Company, Dallas, Texas	BEF-0080	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the August 13, 1979 Consent Order entered into by Alta Loma Oil Company.
Sept. 1, 1981	OE/Eastern of New Jersey, Inc., Jersey City, New Jersey	BEF-0078	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the October 9, 1979 Consent Order entered into by Eastern of New Jersey, Inc.
Sept. 1, 1981	OE/Olin Corporation, New Haven, Connecticut	BEF-0079	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the April 3, 1981 Consent Ordered entered into by Olin Corporation.
Sept 2, 1981	Ashland Oil, Inc., Ashland, Kentucky	BEA-0738	Appeal of Entitlements Notice. If granted: The January 1981 Entitlements Notice would be modified with respect to Ashland Oil, Inc.'s entitlements purchase obligations.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of August 28 through September 4, 1981]

Date	Name and location of applicant	Case No.	Type of Submission
Sept 2, 1981	Diamond Shamrock Corporation, Amarillo, Texas	BEE-1690	Exception from Entitlements Program. If granted: Diamond Shamrock Corporation would receive an exception from the provisions of 10 CFR § 211.69 which would permit the firm to file an amended Refiners Monthly Report (Form ERA-49) for the month of June 1980.
Sept 3, 1981	Diamond Shamrock Corporation, Amarillo, Texas	BEL-1680	Request for Temporary Exception. If granted: Diamond Shamrock Corporation would receive a temporary exception from the provisions of 10 CFR § 211.69, permitting the firm to file an amended Refiner's Monthly Report (Form ERA-49) for the month of June 1980.
Sept. 4, 1981	OE/Ada Resources, Inc., Washington, D.C	BEF-0086	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the October 16, 1979 Consent Order entered into by Ada Resources, Inc.
Sept 4, 1981	OE/Anadarko Production Company, Washington, D.C	BEF-0085	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the March 13, 1980 Consent Order entered into by Anadarko Production Company.
Sept 4, 1981	OE/Benson-Montin-Greer Drilling Corp., Washington, D.C	BEF-0087	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the January 8, 1981 Consent Order entered into by Benson-Montin-Greer Drilling Corp
Sept. 4, 1981	OE/BTA Oil Producers, Washington, D.C	BEF-0083	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the June 20, 1979 Consent Order entered into by BTA Oil Producers.
Sept. 4, 1981	OE/Clark & Clark, Washington, D.C	BEF-0084	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the June 7, 1979 Consent Order entered into by Clark & Clark.
Sept 4, 1981	OE/Connally Oil Company, Washington, D.C	BEF-0082	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the June 19, 1979 Consent Order entered into by Connally Oil Company.
Sept. 4, 1981	OE/Nordstrom Oil Company, Washington, D.C	BEF-0081	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, in connection with the September 24, 1979 Consent Order entered into by Nordstrom Oil Company.

[FR Doc. 81-28374 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of August 3 Through August 7, 1981

During the week of August 3 through August 7, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Armour Oil Company, August 3, 1981, BFA-[illegible]

Armour Oil Company filed an Appeal from a denial by the District Manager for the Office of Enforcement, Western District, of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the District Manager had failed to prepare an adequate index of responsive documents in response to Armour's request. Moreover, the DOE found that the District Manager had not adequately shown that the burden associated with responding to the firm's request was unreasonable. The DOE therefore remanded the matter to the District Manager for the preparation of an index consistent with the principles enunciated in *Leonard L. Kleinman*, 8 DOE ¶ ——, No. —— BFA-0599 (April 9, 1981).

Federal Document Retrievals, Inc., August 3, 1981, BFA-0701

Federal Document Retrievals, Inc. filed an Appeal from a denial by the Director of the Resource Control and Administration Divison of the DOE Office of Procurement Management of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In its Request, the firm sought copies of all submissions in response to a request for proposal for subcontracts issued by a DOE contractor. In considering the Appeal, the DOE found that the documents sought by the firm did not constitute "agency records" subject to disclosure under the FOIA. Accordingly, the Federal Document Retrievals FOIA Appeal was denied. An important issue that was considered in the Decision and Order was whether records produced by a DOE contractor in the course of fulfilling its contractual responsibilities, but which had not been acquired by the DOE itself, are "agency records" and therefore subject to disclosure under the FOIA.

Fenix & Scisson, Inc., August 3, 1981, BFA-[illegible]

On July 6, 1981 Fenix & Scisson, Inc. (Fenix) filed an Appeal from a partial denial by the Acting Inspector General, Office of the Inspector General of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that certain portions of a document which were withheld under exemption 5 should not be released to the public. Accordingly, the Appeal filed by Fenix was denied.

Miller & Chevalier, August 3, 1981, BFA-0705

The law firm of Miller & Chevalier filed an appeal from a determination issued to it on June 4, 1981, by the Assistant General Counsel for Interpretations. In its request the firm sought copies of all agency records relating to Ruling 1976-4, which determined that the DOE allocation and price regulations were not applicable to crude oil substitutes. In considering the appeal, the DOE held that the Assistant General Counsel correctly determined that the five documents which she identified as responsive to the request are exempt from mandatory public disclosure under Exemption 5 of the Freedom of Information Act. The DOE also held that release of the documents would likely be injurious to the future course of governmental decisionmaking and therefore contrary to the public interest. The appeal was therefore denied.

Jerry Wells, August 3, 1981, BFA-0698

Jerry Wells filed an Appeal from a denial by the Director of the Office of Military Application (the Director) of a request for information which Mr. Wells had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the Los Alamos Primer, LA-1 (the Primer), the document requested by Mr. Wells, was not properly exempt from mandatory disclosure pursuant to Exemptions 2 and 5 of the FOIA. However, the DOE also determined that the claims of

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the Director regarding the national security implications of the Primer's release require that the matter be remanded for further findings. Accordingly, the DOE determined that the Wells Appeal should be granted in part and instructed the Director to promptly either release the Primer to Mr. Wells or issue a determination to Mr. Wells containing findings which convincingly demonstrate that release of the Primer would do grave damage to the national security.

Remedial Orders

Leo's-Winstead's, Inc., August 3, 1981, DRO–0232

Leo's-Winstead's, Inc. filed a Statement of Objections to a Proposed Remedial Order that was issued to it by the ERA's Central Enforcement District. The DOE concluded that none of Leo's objections were meritorious and consequently the PRO was issued as a final order of the DOE. Among the important issues discussed in the Decision were: (i) the proper method of calculating weighted average unit cost of product in inventory; (ii) whether the DOE should be estopped from maintaining the action due to prior audits; (iii) transportation costs incurred in paying a common carrier for delivery of product were product or non-product costs.

Requests for Exception

Ted Collins, Jr., August 5, 1981, BEE–1668

Ted Collins, Jr., Victoria M. Collins and Patricia Collins Massad (CCM) filed an Application for Exception from the provisions of 10 CFR 212.131 in which CCM sought permission to classify as "tertiary incentive crude oil" the crude oil produced from the North Cowden Grayburg Unit during the month of January 1981. In considering the exception application, the DOE determined that CCM had made a convincing showing that it had acted promptly and reasonably to comply with the certification requirements of Section 212.131, and that the strict application of the certification provisions in this case would result in a gross inequity to CCM. Accordingly, the exception application was granted.

Placid Refining Company, August 4, 1981, BEE–1352

Placid Refining Company filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought relief from the regulatory burdens associated with initial crude oil purchases to establish a working inventory at its Mont Belview refinery. In considering the request, the DOE found that the firm had failed to justify the 16-month lag between its initial crude oil purchases and the filing of its exception application. Accordingly, the application was evaluated under the criteria governing the approval of retroactive exception relief. Since the firm had failed (i) to show compelling reasons which would warrant the approval of retroactive relief, or (ii) to demonstrate that it would experience a severe and irreparable injury in the absence of retroactive relief, exception relief was denied.

Western Oil Sales Co., August 3, 1981, BEE–1667

Western Oil Sales Co. filed an Application for Exception in which the firm sought to be relieved of the requirement to file Form EIA–9A. In considering the request, the DOE found that the difficulties the firm faced in completing the form were no greater than those faced by other firms that were required to complete the form. Moreover, the DOE noted that Form EIA–9A provides it with important information. Accordingly, exception relief was denied.

Requests for Modification and/or Rescission

Exxon Co., U.S.A., 8/4/81; BER–0123

Exxon Co., U.S.A. filed an Application for Modification in which the firm sought a modification of the Decision and Order issued to Exxon on April 1, 1981, to require an additional search for documents responsive to its Freedom of Information Request. In considering the request, the DOE found that most of the documents which Exxon claimed were missing were identified in the index provided to Exxon. In the few instances where documents were not listed, but apparently existed as evidence by other documents, the DOE granted the firm's request and ordered a search for those specific documents.

Office of Enforcement, 8/3/81, BMR–0147, *BMR–0148*

The Office of Enforcement of the Economic Regulatory Administration (ERA) filed a Motion for Modification of a Decision and Order issued to Moraga Union and Moraga Shell, to motor gasoline retailers. In that Decision and Order, the Office of Hearings and Appeals considered the firms' objections to Proposed Remedial Orders issued to them and determined that the PRO's should be issued as final Remedial Orders. The OHA also determined that the interest rate on overcharges received by the firms should be increased from 6 percent per year simple interest, as set forth in the PRO, to the prime rate compounded quarterly for the period commencing April 10, 1981, until all overcharges have been repaid. In considering the Office of Enforcement's Motion for Modification, the OHA noted that the ERA's interest policy currently imposes interest on overcharges received by motor gasoline retailers at a rate of 12 percent per year simple interest. The OHA therefore granted the Motion and Modified the Decision issued to Moraga Union and Moraga Shell to conform to the current ERA interest policy.

Motion for Evidentiary Hearing

Plaquemines Oil Sales Corporation, 8/5/81; BRH–1320

Plaquemines Oil Sales Corporation (POSC) filed a Motion for Evidentiary Hearing in connection with a Statement of Objections which POSC filed in opposition to Proposed Remedial Order which was issued to the firm on September 19, 1980. In considering the Motion, the DOE determined that POSC had failed to establish that there were disputed issues of fact that could best be resolved at an evidentiary hearing. Accordingly, the Motion for Evidentiary Hearing was denied.

Supplemental Orders

Masonite Corporation, Uncle Ben's Foods, Inc., 8/3/81; BEX–0223, BEX–0222

On its own motion, the DOE rescinded the June 12, 1981 Decision and Order issued to Masonite Corporation and Uncle Ben's Foods, Inc., Nos. BES–0672, on the grounds that recent amendments to 10 CFR 211.67(a)(5), *see* 46 Fed. Reg. 36080 (July 13, 1981), rendered that Decision and Order moot.

The 341 Tract Unit of the Citronelle Field, Exxon Company, U.S.A. Mobil Oil Corporation, 8/5/81, BEX–0224

This Supplemental Order clarifies the procedures that are applicable to the conduct of the evidentiary hearing scheduled to be held in the *Citronelle* case. *See Exxon Co., U.S.A*, 8 DOE ¶ 82,589 (1981) (Motions for Discovery and Evidentiary Hearing); *See also The 341 Tract Unit of the Citronelle Field*, 7 DOE ¶ 81,140 (1980) (Interim Decision and Order.) The DOE set forth guidelines that would govern the conduct of the hearing and designated the list of witnesses that would present testimony at the evidentiary hearing. In addition, the DOE determined that the production of certain documents relating to the testimony of each witness should be exchanged among the parties prior to the date of the hearing.

Protective Order

The following firms filed an Application for a Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firms. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy:

Name and Case Number

Ashland Oil, Inc., Amoco Oil Co.; BEJ–0210.

Dismissals

The following submissions were dismissed without prejudice:

Name and Case Number

American Marina Development Corp., BRO–0105.
Masonite Corp., BEA–0670.
Uncle Ben's Foods, Inc., BEA–0672.
Tenneco Oil Co., BRO–1280.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

September 23, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81–28371 Filed 9–29–81; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders; Week of August 24 Through August 28, 1981

During the week of August 24 through August 28, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Koch Industries, Inc., 8/25/81, *BEA-0451*

Koch Industries, Inc. filed Appeals from two Temporary Assignment Orders issued to it by the Economic Regulatory Administration on July 15, 1980. The Orders directed Koch to provide certain quantities of motor gasoline to Monarch Oil and Supply Company and Prairie State Petroleum Company in order to fulfill temporary supply obligations which were made retroactive to the month of December 1979. In considering the Appeals, the DOE found that ERA did not provide any information concerning the availability of gasoline supplies to Monarch and Prairie. Accordingly, the Appeals were granted and the Orders were rescinded. However, in view of the fact that Koch was experiencing no difficulty in supplying its own customers with gasoline, the DOE concluded that it would not be appropriate to require Prairie and Monarch to return the gasoline they received pursuant to the ERA Orders.

Requests for Exception

Circle R Convenience Stores, Inc., 8/24/81, *DEE-7254*

Circle R Convenience Stores, Inc. filed an Application for exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. Since the motor gasoline allocation program is no longer in effect, the DOE determined that the firm's Application should be dismissed as moot. The DOE also noted that the firm had failed to establish that the supply difficulties it experienced were caused by the application of DOE regulations. The DOE pointed out that the mere fact that the firm could have realized greater profits had DOE regualtions not prevented it from further increasing its gasoline sales was not a basis for granting exception relief.

City of Columbus, Ohio, BEE-1623,
City of Clinton, Iowa, BEE-1658,
San Jose/Santa Clara Water Pollution Control Plant, BEE-1663,
Midwest Solvents Co., Inc., BEE-1671,
Bergen County Utilities Authority, 8/27/81, *BEE-1681*

The City of Columbus and four other applicants sought exception relief which would permit them to sell previously issued entitlements which they had been unable to sell as a result of purchase defaults. In considering the Applications, the DOE noted that the purpose of the Entititlements Program is frustrated when entitlements sellers are unable to consummate sales transactions dictated by the issuance of Entitlements Notices. Accordingly, exception relief was granted to the applicants and certain other similarly situated parties.

Indiana Farm Bureau Cooperative Association, Inc., 8/27/81, BEE-1628

Indiana Farm Bureau Cooperative Association, Inc. filed an Application for Exception from the provisions of 10 CFR § 211.67 (the Entitlements Program) in which the firm requested that its entitlements sales position be increased by the amount necessary to compensate it for the disproportionately low access to price controlled domestic crude oil and the accompanying crude oil cost disparity which it claims to have experienced during the period January 1980 through January 1981. In considering the request, the DOE found that although Indiana Farm received a substantially lower percentage of price controlled domestic crude oil than the average domestic refiner, the firm had not suffered the type of financial difficulty which would warrant a grant of exception relief on either a retroactive or prospective basis. The DOE further found that whatever financial difficulties the firm had experienced in its petroleum operations in connection with its crude oil cost disparity vis-a-vis the average refiner were not primarily the result of the DOE regulatory program. Accordingly, exception relief was denied.

LaGloria Oil & Gas Co., 8/24/81, BEE-1653

LaGloria Oil and Gas Company filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought additional entitlements to compensate for the regulatory burdens associated with the crude oil purchases made to increase its permanent refinery inventory. In considering the request, the DOE found that since the firm's application was filed 16 months after the firm purchased the crude oil inventory in question, the request should be considered under the criteria which govern the approval of retroactive exception relief. Because the firm chose not to submit data demonstrating that it would experience financial injury if relief were denied, the DOE was unable to conclude that the firm had met the standards applicable to requests for retroactive exception relief. The DOE also noted that LaGloria's refinery expansion was not undertaken with te expectation of a subsequent entitlements adjustment.

Navajo Refining Co., 8/25/81, BEE-0247

Navajo Refining Co. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought exception relief from its entitlements obligations incurred in fiscal years 1980 and 1981. In considering the request, the DOE found that although Navajo's crude oil cost was greater than the national average, the existence of such a disparity, alone, did not justify exception relief. The DOE concluded that because the firm had been granted exception relief under the Delta standards for fiscal years 1980 and 1981, it was able to maintain its historical return on its invested capital.

Motion for Modification and/or Rescission

Newhall Refining Co., Inc., 8/25/81, BER-0152

Newhall Refining Company, Inc. filed an Application for Modification or Rescission in which it requested that two previous decisions, *Newhall Refining Company*, 4 DOE ¶81,012 (1979) and *Newhall Refining Company*, 8 DOE ¶ ———, No. DEX-0133 (April 20, 1981), be modified to eliminate the requirement that Newhall refund $2, 215,274 in excessive entitlements relief. In considering the Application, the DOE determined that Newhall failed to demonstrate that the hardship that the additional entitlements purchase obligation would impose on the firm was attributable to the DOE regulations. Accordingly, the Application was denied.

Motion for Evidentiary Hearing

St. Louis Fuel and Supply Co., 8/28/81, BRD-0113, DRD-0159, DRH-0159

St. Louis Fuel and Supply Company filed a Motion for Evidentiary Hearing and two Motions for Discovery in conjunction with its Statement of Objections to a Proposed Remedial Order issued to it by DOE Region VII. In its Motion for Evidentiary Hearing, St. Louis Fuel sought to cross-examine DOE auditors in order to establish that the audit leading to the issuance of th PRO was erroneously performed. In considering St. Louis Fuel's Motion for Evidentiary Hearing, the DOE found that the firm had failed to identify with sufficient specificity the factual issues in dispute, and had further failed to demonstrate that its position could be established only through the direct questioning of witnesses at an evidentiary hearing. Accordingly, St. Louis Fuel's Motion for Evidentiary Hearing was denied. St. Louis Fuel's first Motion for Discovery sought memoranda, policy statements, reports and guidelines which it alleged were pertinent to the audit performed by the DOE and also set forth five requests for admission. In considering these requests, the DOE found that the type of discovery sought by the firm was unlikely to advance the resolution of pertinent issues in the underlying enforcement proceeding. Accordingly, St. Louis Fuel's first Motion for Discovery was denied. St. Louis Fuel's second Motion for Discovery generally dealt with documents outlining the agency's and Region VII's policies in regard to the settlement of compliance actions which involved less than $50,000. The DOE generally found that, in the absence of a showing of abuse of prosecutorial discretion, delving into Region VII's interpretation and implementation of agency policy would not be allowed. Accordingly, St. Louis Fuel's second Motion for Discovery was denied

Supplemental Order

Southwestern Refining Company, Inc., 8/28/81, BEX-0226

On June 2, 1981, the Office of Hearings and Appeals of the Department of Energy issued a Decision and Order to Southwestern Refining Company, Inc. which granted the firm's request for entitlement relief for the period July 1980 through January 1981. *Southwestern Refining Co.*, 8 DOE ¶———, No. BEE-1567

(June 2, 1981). However, as a result of its entitlement purchase defaults for the months of August, October, and November 1980, the firm had received benefits in excess of those found to be appropriate in the June 2, 1981 Order. In order to ensure that the firm did not retain these excessive benefits, the June 2, 1981 Order was modified so as to require Southwestern to (i) fulfill its entire entitlement purchase obligation for the month of January 1981, and (ii) purchase additional entitlements in the January 1981 Entitlements Notice worth $35.625. As an additional matter, the conditions set forth in the June 2, 1981 Order under which Southwestern was to fulfill its outstanding entitlement purchase obligations for periods prior to July 1980 were also modified. Consequently, Southwestern was required to satisfy its outstanding purchase obligations for the months of December 1979, January 1980, and April 1980 by delivering a certified check in the amount of $316,382.90 to the Economic Regulatory Administration.

Dismissals

The following submission was dismissed without prejudice:

Name and Case No.

Little America Refining Company, Inc., BED-0128

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

September 23, 1981.

George B. Breznay

Director, Office of Hearings and Appeals.

[FR Doc. 81-28372 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

DOE/NSF Nuclear Science Advisory Committee; Renewal

This notice is published in accordance with the provisions of Section 7 of the Office of Management and Budget Circular A-63, as amended. Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, and following consultation with the committee Management Secretariat, General Services Administration, notice is hereby given that the DOE/NSF Nuclear Science Advisory Committee has been renewed for a 2-year period ending on September 23, 1983.

The renewal of the Committee has been determined necessary and in the public interest. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), the Department of Energy Organization Act (Pub. L. 95-91), OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of those acts.

Further information regarding this Advisory Committee may be obtained from the Department of Energy Advisory Committee Management Office (202-252-5187).

Issued at Washington, D.C. on September 24, 1981.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 81-28247 Filed 9-29-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-66085; PH-FRL-1942-2]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: October 30, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 516, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7121).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
100-487	K[illegible]K Personal Insect Repellent	Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409	Aug. 30, 1967.
239-1550	Ortho Orchard Mouse Bait	Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804	Sept. 13, 1960.
239-1953	Ortho Kleenstock DV Concentrate	do	June 24, 1964.
270-48	Rider Guard Insect Repellent Towelettes	Farnam Companies, Inc., P.O. Box 21447, Phoenix, AZ 85036	Sept. 9, 1968.
270-49	Farnam Wipe-On Nosquito Mosquito & Gnat Repellent	do	Nov. 27, 1968.
270-91	Rider Guard II Insect Repellent Spray	do	Apr. 8, 1974.
270-130	Delnav 30 EM	do	Mar. 19, 1973.
279-286	TEPP "40"	FMC Corporation, Agricultural Chemical Group, 2000 Market St., Philadelphia, PA 19103.	May 19, 1948.
279-1455	Niagra Trithion 2 Dust	do	June 29, 1959.
385-56	McKesson Mosquitone Insect Repellent Spray	McKesson Laboratories, P.O. Box 2277, Dublin, CA 94566	Sept. 5, 1957.
1021-960	Insect Repellent Gel Made From MGK 5734	McLaughlin Gormley King Company, 8810 Tenth Ave. N., Minneapolis, MN 55427.	Mar. 5, 1968.
1021-961	Insect Repellent Made From MGK 5734	do	Mar. 6, 1968.
1202-105	Gavicide Thimet PCNB 6.5-6.5	Puregro Company, 1052 W. 6th St., Los Angeles, CA 90017	Aug. 16, 1966.
1269-87	DeWitt Insect Repellent	Zep Manufacturing Company, P.O. Box 2015 Atlanta, GA 30301	May 6, 1967.

Registration No.	Product name	Registrant	Date registered
2342-875	6-16-16+0.15 D Contains 0.15% Di-Syston or 3 lbs. Active Per Ton For Use on Potatoes.	Kerr-Mcgee Chemical Corporation, Kerr-Mcgee Bldg., Oklahoma City, OK 73120.	May 23, 1967.
2749-260	Dioxathion Emulsifiable Concentrate Miticide	Aceto Chemical Company, Inc., 126-02 Northern Blvd., Flushing, NY 11368	Jan. 9, 1973.
2909-1	Cramer Insect Repellent Spray	Cramer Products, Inc., P.O. Box 1001, Gardner, KS 66030	Feb. 11, 1966.
4582-26	Reefer Galler Insect Repellent	Colgate Palmolive Co., 300 Park Avenue, New York, NY 10022	Mar. 30, 1962.
4582-51	Wash 'N Dri Insect Repellent Towlettes	do	Nov. 23, 1966.
8253-1	H-R Wipe On Insect Repellent	Youngs Drug Products, Corporation, P.O. Box 5, Piscataway, NJ 08854	Dec. 5, 1963.
8590-221	Agway Personal Insect Repellent	Agway Inc., Box 4933, Syracuse, NY 13221	Dec. 29, 1965
8590-278	Agway Dibrom 4D Phosphate Insecticide	do	Sept. 5, 1967.
8853-4	Picfume Chloropicrin	Hendrix and Dail, Inc., P.O. Box 631, Greenville, NC 27834	Oct. 7, 1974.
9110-1	RV Pellent Ointment #399	Paul B. Elder Co., 705 Mulberry St., Bryan, Ohio 43506	Feb. 27, 1967.
9480-1	Repel-Away Insect Repellent Saturated Towlette	Nice-Pak Products, Inc., 150 No. MacQuesten Parkway, Mount Vernon, NY 10550.	Mar. 17, 1967.
10622-1	Be-Gon Personal Insect Repellent Spray	Unikem, A Junior Achievement Co., Sponsored by Ashland Chemical Co., P.O. Box 2219, Columbus, Ohio 43216.	Mar. 6, 1970.
10728-3	Coleman Insect Repellent	The Coleman Company, Inc., P.O. Box 1762, Wichita, KS 67207	Aug. 24, 1970
11640-1	Bug Repel	Divajex, 15551 Redhill Ave., Tustin, CA 92680	Nov. 3, 1971.
11885-9	Mater Mix (Bulk) Blue Death Rat and Mouse Bait	Central Soya Company, Inc., 1200 Ft. Wayne Bank Bldg., Ft. Wayne, IN [illegible]	Jan. 30, 1974
11885-11	Rigo Rat Blues-F	do	Mar. 18, 1975.
37594-7	Repel Insect Repellent	Trigon Corporation, P.O. Box 7183, Reno, NV 89510	Oct. 23, 1967.
43142-6	Hercules Metadelphene Insect Repellent Lotion	Boots Hercules Agro-chemicals Company, 910 Market St., Wilmington, DE [illegible]	Nov. 2, 1956.
43142-12	Insect Repellent	do	May 15, 1961.
43142-13	Hercules Metadelphene Insect Repellent	do	Mar. 14, 1962.
43142-20	Pressurized Metadelphene Insect Repellent	do	Nov. 22, 1966.

The Agency has agreed that such cancellation shall be effective October 30, 1981 unless within this time the registrant or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to Process Coordination Branch, Registration Division (TX-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66085]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E-107, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973 89 Stat. (751, 7 U.S.C. 136))

Dated: September 15 1981

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-28131 Filed 9-29-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-59066; TSH-FRL-1945-3]

Pentasubstitutedbenzopyran Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacturer or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny these applications by November 1, 1981. Persons should submit written comments on the applications no later than October 15, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401, M Street SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M Street SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any application requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approved or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed manufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime. EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before October 15, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M Street SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59066]". Comments received may be seen in Rm. E-107 between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

TME 81-36

Close of Review Period. November 1, 1981.

Importer's/Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Pentasubstitutedbenzopyran.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a minor constituent of an article for commercial and consumer use.

Production Estimates

	Maxi-[illegible] (kg)
Three months	1,000

Physical/Chemical Properties

Melting point, 9°C
Solubility water, 0.04 parts per million (ppm)
Octanol, 1.0–10.0%
Vapor pressure, 0.1 mm Hg @ 25°C

Toxicity Data

Acute oral LD_{50}, >3,000 mg/kg
Acute dermal LD_{50}, >20 ml/kg
Skin irritation, Slight
Eye irritation, Slight
Skin sensitization potential—Low
Repeated 10-day skin application—Moderate exacerbation of the irritation response.
Repeated 2-week feeding study (rats) 1.0 & 0.1% in diet—Weight gain and feed intake: Decreased for high dose group, normal for low dose group.
Hematology: Platelets were elevated in high dose group, otherwise normal for both.
Clinical chemistry: Serum alkaline phosphatose was elevated in high dose group.
Pathology: Relative liver and kidney weights were increased as well as absolute liver weight for the high dose group. Minor hepatocytomegaly was also observed in the high dose group. Low dose group was normal.
Target organs: Liver and kidney (high dose).

Environmental Test Data.

COD, 2.75 g/g
Secondary waste treatment compatibility study, An exposure of 0.1 ppm (measured concentration) showed no effects on microbiological carbon metabolism.
Acute effects on five acquatic species. An exposure to 0.1 and 0.04 ppm (measured concentration) showed no effects on four of the five acquatic species. The LC_{50} for daphnids is 0.045 ppm
Plant growth effects, No effects as tested (0.04 ppm).

Exposure. The manufacturer states that during manufacture and processing dermal and inhalation exposure may occur for up to 15 people for a maximum of 2 hr/day, 5 days/yr during manual transfer and processing operations. The average and potential maximum concentrations for these operations are expected to be 0–1 ppm. The chemical will be manufactured and processed in closed equipment with minimal potential for occupational exposure. The chemical will be contained as a minor constituent in an article for commercial and consumer use in such a manner as to afford a very low potential for human contact.

Environmental Release/Disposal. The manufacturer states that there will be no release of the new chemical to land and essentially none to air or water during test marketing, manufacture and processing. This chemical has a very low solubility in water. Almost all of the waste generated during manufacture and processing will be incinerated directly or will be collected in a sump and/or a biological treatment system and the incinerated. The very small amount of chemical potentially soluble in the discharge will be mixed with other plant effluents and receiving waters. Both the biological treatment system and incinerator operate in compliance with federal and state regulations. The TME chemical will be incorporated in a commercial consumer article that has a potential for disposal in landfills or by incineration. Due to the low water solubility of the chemical and its distribution in tihe article it is estimated that very little of the chemical will be leached from a landfill. Therefore the submitter states that the chemical will present no unreasonable risk to the environment.

Dated: September 22, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc.81-28316 Filed 9-29-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51321; TSH-FRL-1945-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seven PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-462, 81-463, 81-464, 81-465, 81-466, 81-467, and 81-468—November 20, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51321]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St. SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-462	Rachel Diamond	202-426-2601	E-222
81-463	Rose Allison	202-426-8815	E-222
81-464	Rachel Diamond	202-426-2601	E-222
81-465	Kathleen Ehrensberger.	202-426-8815	E-222
81-466	Kathleen Ehrensberger.	202-426-8815	E-222
81-467	Carrie Berlin	202-426-8815	E-222
81-468	Kathleen Ehrensberger.	202-426-8815	E-222

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-462

Close of Review Period. December 20, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $10,000,000 and $99,000,000

Manufacturing site—East North Central region

Standard Industrial Classification Code—281

Specific Chemical Identity. Benzaldehyde, 3-methoxy-4-(3-propanamonium-2-hydroxy-N,N,N-trimethyl chloride.

Use. The manufacturer states that the PMN substance will be used in a contained use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	225	900
2d year	900	3,200
3d year	900	4,300

Physical/Chemical Properties

Appearance—Liquid (aqueous solution)

pH—6.5±0.5

Density—9.3 lbs/gal

Color—Dark brown.

C1 minus concentrate—86±4 g/1

Toxicity Data

Acute oral toxicity LD_{50} (rat)—Non-irritant

Primary skin irritation (rabbit)—0.5

Primary eye irritation (rabbit)—Non-irritant

Exposure. The manufacturer states that during manufacture, 4 workers may experience inhalation exposure 1 hr/day, 4 days/yr. During processing, use, and disposal 43 workers may experience dermal exposure 6 hrs/day, 210 days/yr. Exposure may occur when closing drums and during mixing and blending with water and other chemicals.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr may be released to air, land, and water. Release to air will be for 3 hrs/day, 4 days/yr. Disposal is by on-site waste water treatment plant.

PMN 81-463

Close of Review Period. December 20, 1981.

Importer's/Manufacturer's Identity. E.I. du Pont de Nemours and Company, Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Benzenesulfonic acid, 4-[2-(trichlorosilyl)ethyl-, reaction product with silica.

Use. The manufacturer states that the PMN substances will be used in high-performance liquid chromatography.

Production Estimates

	Maximum (kilogram per year)
1st year	10
2d year	[illegible]
3d year	0

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Skin irritation (rabbit)—Non-irritant

Eye irritation (rabbit)—Moderate irritation

Exposure. The manufacturer states that 6 workers may experience dermal exposure 14 days/yr.

Environmental Release/Disposal. Disposal is by incineration and landfill

PMN 81-464

Close of Review Period. December 20, 1981.

Manufacturer's Identity. The Goodyear Tire and Rubber Company, 1144 E. Market Street, Akron, OH 44316.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl styrenated acrylate terpolymer.

Use. The manufacturer states that the PMN substance will be used as a synthetic resin for coating, paint and toner systems.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	900,000	1,150,000
2d year	1,000,000	1,250,000
3d year	1,000,000	1,250,000

Physical/Chemical Properties

Appearance—White powder or friable granules

pH—1.034

Viscosity (Ford cup)—25-50 sec

Solubility:

Water—0 percent

Xylene—100 percent

Particle size (mm):

93 percent through 14 mesh

80 percent between 10 and 100 mesh

Softening point—49°C

Nephelos (moisture)—130 max.

Toxicity Data

Acute oral toxicity LD_{50} (rat) >5,000 mg/kg

Primary skin irritation (rabbit) Not a primary irritant

Molecular weight:

$\overline{M}_n=46,300$

$\overline{M}_w=108,000$

$\overline{M}_w/\overline{M}_n=2.34$

Exposure. The manufacturer states that during production approximately 15 workers may be exposed approximately 144 man-hours per worker per year.

Environmental Release/Disposal. The manufacturer states that any environmental and workplace releases would be accidental and/or incidental spills; consequently, there would be no duration of release into the air or water. Disposal is by an approved solid waste landsfill. Product dust will be removed by workplace ventilation and captured by a bagging process.

PMN 81-465

Close of Review Period. December 20, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $10,000,000 and $99,999,999
Manufacturing site—East North Central region
Standard Industrial Classification Code—286

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkanedioic acid, (1-methyl, 5-hydroxymethyl heteromonocycle) diester.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in industrial use as a resin modifier.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	35,000	135,000
2d year	70,000	270,000
3d year	70,000	400,000

Physical/Chemical Properties

Boiling point—>200°C
Melting point—<0°C
Solubility:
Water—10^{-4}–10^{-2} gm/1
Methanol—>10 gm/1
Benzene—>10 gm/1
Density—Liquid, >1.1 gm/cc

Toxicity Data

Parenteral administration LD_{50} (rabbit) 1,250 mg/kg

Exposure. The manufacturer states that during manufacture, processing, and use a total of 26 workers may experience dermal and inhalation exposure 2 hrs/day, 5 days/wk. Exposure could occur during charging reactions, sampling, analysis, drumming, unloading, and transfer.

Environmental Release/Disposal. The manufacturer states that less that 10 kg/yr may be released to the air 8 hrs/day, 50–100 days/yr. Disposal will be in accordance with regulations. The empty drums will be reclaimed and reused.

PMN 81-466

Close of Review Period. December 20, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $10,000,000 and $99,999,999
Manufacturing site—East North Central region
Standard Industrial Classification Code—286

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkanedioic acid, bis(hydroxymethyl heteromonocycle) ester.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in industrial use as a resin modifier.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	35,000	135,000
2d year	70,000	270,000
3d year	70,000	400,000

Physical/Chemical Properties

Boiling point—>200°C
Melting point—<0°C
Solubility:
Water—10^{-4}–10^{-2} gm/1
Methanol—>10 gm/1
Benzene—>10 gm/1
Density—Liquid, >1.1 gm/cc

Toxicity Data

Parenteral administration LD_{50} (rabbit)—1,250 mg/kg

Exposure. The manufacturer states that during manufacture, processing, and use a total of 26 workers may experience dermal and inhalation exposure 2 hrs/day, 5 days/wk. Exposure could occur during charging reactions, sampling, analysis, drumming, unloading, and transfer.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr may be released to the air 8 hrs/day, 50–100 days/yr. Disposal will be in accordance with regulations. The empty drums will be reclaimed and reused.

PMN 81-467

Close of Review Period. December 20, 1981.

Manufacturer's Identity. American Hoechst, Route 202/206 North, Somerville, NJ 08876.

Specific Chemical Identity. 2-naphthalenesulfonic acid, 6-(acetylamino)-4-hydroxy-, sodium salt.

Use. The manufacturer states that the PMN substance will be used as site limited dye intermediate.

Production Estimates. Claimed confidential business information.

Physical/ Chemcial Properties.

Appearance—Red-tan water wet solid
pH—5.5 (1% in H_2O)
Solubility—30 g/100 ml H_2O @ 20°C

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 4 workers may experience dermal exposure when the product is removed from a filter press, placed in drums, and then dumped from the drums into a vat.

Environmental Release/Disposal. The manufacturer states that there will be no disposal of the substance. Residual amounts will be treated at an on site National Pollution Discharge Elimination System (NPDES) biological treatment facility.

PMN 81-468

Close of Review Period. December 20, 1981.

Manufacturer's Identity. Day-Glo Color Corporation, 4515 St. Clair Avenue, Cleveland, OH 44103.

Specific Chemical Identity. 4-chloronaphthalene 1,8-dicarboxylic acid anhydride.

Use. The manufacturer states that the PMN substance will be used as a dye intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	20	1,000
2d year	1,000	5,000
3d year	3,000	10,000

Physical/Chemical Properties

Appearance—White powder
Melting point—209–210°C
Solubility:
Water—Insoluble
Alcohol—Soluble
Esters—Soluble
Ketones—Soluble

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 4 workers may experience dermal exposure 16 hrs/day, 40 days/yr.

Exposure may occur during transport from filter press to tubs and during transport from tubs to reactor.

Environmental Release/Disposal. The manufacturer states that no release is anticipated.

Dated: September 23, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-28315 Filed 9-29-81: 8:45 am]

BILLING CODE 6560-31-M

[A-7-FRL-1944-4]

Approvals of PSD Permits; Augusta, Kansas, et. al.

In the matter of city of Augusta, Kansas. Augusta, Kansas; Vulcan Materials, Wichita, Kansas; National Cooperative Refinery Association, McPherson, Kansas; CRA, Inc., Coffeyville, Kansas.

Notice is hereby given that the Environmental Protection Agency (EPA) has issued construction permits under the Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21) to: City of Augusta, Kansas; Vulcan Materials; and National Cooperative Refinery (NCRA). Notice is also given that EPA approved a change in a permit previously issued to CRA, Inc.

On May 29, 1981, the EPA formally approved, with conditions, a proposal to install one 6000 Kilowatt dual fuel engine generator at Plant No. 2 at the Municipal Electric System, located in Augusta, Kansas. The engine addition will qualify as a major modification of a major stationary source because the addition will result in a significant increase in nitrogen oxides (NO_x), carbon monoxide (CO), and sulfur dioxide (SO_2) emissions.

On July 23, 1981, the EPA formally approved a proposal to the Vulcan Materials Company to construct a stationary gas turbine cogeneration facility at the existing chemical processing plant located in Wichita, Kansas. The turbine addition will qualify as a major modification of a major stationary source because the addition will result in a significant increase in nitrogen oxides (NO_x) and carbon monoxide (CO).

On July 17, 1981, the EPA formally approved a proposal by the National Cooperative Refinery Association (NCRA) to modify its refinery in McPherson, Kansas. The proposed project qualifies as a "major modification" of an existing major stationary source with respect to NO_x and volatile organic compound (VOC) emissions only. The modification will result in a significant net emission increase of these two pollutants from the refinery.

On July 6, 1981, the EPA fomally approved requested changes to a condition of the PSD permit that was issued to CRA, Inc. on September 4, 1980 regarding the emission limitation for NO_x emissions from the process heaters (Units 40-45). The changes will not significantly change the information that was provided in the preliminary review document, and the resulting incremental change in air quality impact is not significant.

Under Section 307(b)(1) of the Clean Air Act, as amended in August 1977, judicial review of any of these determinations in available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, as amended in August 1977, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

In these cases, the appropriate court is the Tenth Circuit Court of Appeals. A petition for review must be filed with this court on or before November 30, 1981. Copies of these permits and related information are available for public inspection at: U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Date: September 14, 1981.

William W. Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 81-28317 Filed 9-29-81; 8:45 am]

BILLING CODE 6560-38-M

[A-7-FRL-1944-5]

Approval of PSD Permit; A. E. Staley Manufacturing Co. and Iowa-Illinois Gas and Electric Co.

Notice is hereby given that the Environmental Protection Agency (EPA) has issued a construction permit under the Prevention of Significant Air Quality Deterioration (PSD) regulations (40 CFR 52.21) as amended August 7, 1980, (45 FR 52735) to A. E. Staley Manufacturing Company, Des Moines, Iowa. Notice is also given that EPA amended one condition of a permit to Iowa-Illinois Gas and Electric Company, Muscatine, Iowa.

On July 30, 1981, the EPA formally approved, with conditions, a proposal to construct a coal-fired steam generating facility at the A. E. Staley soybean processing plant in Des Moines, Iowa. The applicant proposes to construct two coal-fired boilers, one of the two existing oil, gas-fired boilers will remain at its existing location and will be utilized only as a backup boiler. This project is a major modification of an existing major stationary source.

The applicant estimates potential SO_2 emissions of 2,102.7 tons per year and potential NO_x emissions of 845.5 tons per year. Potential volatile organic compound (VOC) emissions are predicted to be approximately 65.0 tons per year. The source is subject to PSD review for these pollutants.

On June 16, 1981, the Environmental Protection Agency (EPA) amended Permit Condition No. 8 of the permit issued to Iowa-Illinois Gas and Electric Company for construction of the Louisa Generating Station near Muscatine, Iowa. The permit was originally issued August 7, 1979 and Condition No. 8 was added January 20, 1981. This amendment increases the allowable daily and hourly emission for sulfur dioxide.

Under Section 307(b)(1) of the Clean Air Act, as amended in August 1977, judicial review of the above determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Judicial review of the amended permit for Iowa-Illinois Gas and Electric Co. is available only as to the specific adjustment to the emissions stated in Condition No. 8. Under Section 307(b)(2) of the Clean Air Act, as amended in August 1977, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

In this case, the appropriate court is the Eighth Circuit Court of Appeals. A petition for review must be filed with this court on or before November 30, 1981.

Copies of these permits and related information are available for public inspection at: U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Dated: September 14, 1981.

William W. Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 81-28316 Filed 9-29-81; 8:45 am]

BILLING CODE 6560-38-M

[A-7-FRL-1944-6]

Nonapplicability of PSD Regulation; New Dawn Foods, Inc., Estherville, Iowa

Notice is hereby given that the Environmental Protection Agency (EPA), on July 1, 1981, pursuant to the regulations for the prevention of significant deterioration, 40 CFR 52.21, as amended August 7, 1980, (45 FR 57235), issued a non-applicability determination to New Dawn Foods, Inc. for the modification of dryers at their facility in Estherville, Iowa. Emissions from the facility will not significantly increase due to this modification, therefore the proposed project will not be subject to the preconstruction review requirements of the Prevention of Signficant Air Quality Deterioration Regulations (PSD). Under Section 307(b)(1) of the Clean Air Act, as amended in 1977, judicial review of this determination is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

In this case, the appropriate court is the Eighth Circuit Court of Appeals. A petition for review must be filed with this court on or before November 30, 1981.

This determinations and related background information are available for public inspection at: U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Dated: September 14, 1981.

William W. Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 81-28319 Filed 9-29-81; 8:45 am]

BILLING CODE 6560-26-M

[A-7-FRL-1944-7]

Non-applicability of PSD Regulation; Chase Transportation Co., Scott City, Kansas

Notice is hereby given that the Environmental Protection Agency (EPA), on July 7, 1981, pursuant to the regulations for the prevention of significant deterioration, 40 CFR 52.21, as amended August 7, 1980 (45 FR 52735), issued a non-applicability determination to Chase Transportation Company for the installation of two 1000-horsepower (HP) diesel engines and one 1000 HP gas turbine. The Scott City Terminal was not sufficiently large in terms of emissions to be considered a major stationary source, as defined in 40 CFR 52.21(b)(1), as amended. Since the addition of these three engines do not qualify as a major source, the project is not subject to PSD review. Under Section 307(b)(1) of the Clean Air Act, as amended in August 1977, judicial review of this determination is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

In this case, the appropriate court is the Tenth Circuit Court of Appeals. A petition for review must be filed with this court on or before November 30, 1981.

This determination and related background information are available for public inspection at: U.S. Environmental Protection Agency, Air and Hazardous Materials Division, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106.

Date: September 14, 1981.

William W. Rice,

Acting Regional Administrator, Region VIII.

[FR Doc. 81-28320 Filed 9-29-81; 8:45 am]

BILLING CODE 6560-38-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Delegation of Authority; Acting Chairman

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice.

SUMMARY: This notice sets forth a delegation of authority from the Equal Employment Opportunity Commission to the Acting Chairman of the Commission.

EFFECTIVE DATE: This delegation of authority shall be effective as of October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Anthony J. De Marco, Legal Counsel Division, Equal Employment Opportunity Commission, Room 2254, 2401 E Street, N.W., Washington, D.C. 20506 (202-634-6595).

SUPPLEMENTARY INFORMATION: The Equal Employment Opportunity Commission has delegated to the Acting Chairman of the Commission the authority to act, in consultation with the other sitting Commissioner, in all matters normally reserved for action by the Commission as a body. This delegation will terminate at such time as there are three sitting Commissioners.

Signed at Washington, D.C., this 25th day of September 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

[FR Doc. 81-28473 Filed 9-29-81; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Rescheduled Working Group Meeting

September 18, 1981.

Advisory Committee—1983 BSS Conference

Working Group 1A: Conventional Television Service Requirements.

Chairman: Thomas R. Keller, (202) 488-5380.

Meeting: September 28, 1981, 1:30 P.M., vice September 21, 1981, at 9:30 A.M. Public Broadcasting Service, 475 L'Enfant Plaza W, S.W., 6th Floor, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Committee.

[FR Doc. 81-28369 Filed 9-29-81; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Working Group Meeting

September 25, 1981.

Working Group 1E Public Service Requirements.

Co-Chairman: Frank Norwood, (202) 331-0660.

Co-Chairman: David E. Honig, (202) 387-8155.

Meeting: October 22, 1981, 10:00 A.M. to 1:00 P.M., Philip Murray Building, Kennedy Room, 7th Floor, 1126 16th Street, N.W., Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-28364 Filed 9-29-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-663, 81-664; BPCT-810102KG, BPCT-810511KJ]

Decatur Foursquare Broadcasting, Inc. and Jackson Telecasters, Inc.; Hearing Designation Order; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: September 18, 1981.

Released: September 24, 1981.

In re applications of Decatur Foursquare Broadcasting, Inc., Decatur, Illinois, BC Docket No. 81–663, File No. BPCT–810102KG; Jackson Telecasters, Inc., Decatur, Illinois, BC Docket No. 81–664, File No. BPCT–810511KJ]; for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 23, Decatur, Illinois.

2. Since no determination has been reached that the tower height and location proposed by each applicant would not constitute a hazard to air navigation, issues regarding this matter are required.

Decatur Foursquare Broadcasting, Inc.

3. Applicant estimates that $540,000 will be required to construct and operate for three months. Applicant indicates that equipment is to be purchased on an installment sales basis and that it "should be able" to get credit from its supplier. However, no documentation is submitted as required by page 3, Section III, FCC Form 301. Applicant's parent organization, the International Church of the Foursquare Gospel, has extended a $450,000 line of credit to applicant. So, applicant appears to require an additional $90,000 and a limited financial issue will be specified.

Jackson Telecasters, Inc.

4. Section 1.1305 of the Commission's Rules states that a Commission action authorizing construction of an antenna tower which exceeds 300 feet in height will be considered a major action within the meaning of the National Environmental Policy Act. A proposal to construct such tower must include a narrative statement containing the environmental information required by § 1.1311 of the Commission's Rules. Applicant proposes to construct an antenna structure with an overall height above ground of 1,105 feet, but has not submitted an environmental statement with the required information. Therefore, it will be required to submit to the presiding Administrative Law Judge, within 20 days of the release of this Order, an environmental statement which supplies the information required by § 1.1311 of the Commission's Rules.

Conclusion and Order

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications Are Designated for Hearing in a Consolidated Proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to each applicant whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine with respect to Decatur Foursquare Broadcasting, Inc.:

(a) The source and availability of an additional $90,000;

(b) Whether in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified;

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That the Federal Aviation Administration IS MADE A PARTY to the proceeding with respect to issue 1.

8. It is further ordered, That, Jackson Telecasters, Inc. submit to the presiding Administrative Law Judge, within 20 days of the release of this Order, an environmental statement which supplies the information required by § 1.1311 of the Commission's Rules.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau..

[FR Doc. 81–28365 Filed 9–29–81; 8:45 am]

BILLING CODE 6712–01–M

[BC Docket No. 81-646; File No. BPCT-5177, etc.]

Hubbard Broadcasting of San Antonio, Inc.; Hearing Designation Order

Adopted: September 18, 1981.

Released: September 24, 1981.

In re applications of HUBBARD BROADCASTING OF SAN ANTONIO, INC., San Antonio, Texas, (BC Docket No. 81–646; File No. BPCT–5177); Las Misiones de Bejar Television Co., San Antonio, Texas, (BC Docket No. 81–647; File No. BPCT–5235); Alamo Broadcasting Corp., San Antonio, Texas, (BC Docket No. 81–648; File No. BPCT–5244); Christian Tele-Communications, INC., San Antonio, Texas, (BC Docket No. 81–649; File No. BPCT–5245); LEE ENTERPRISES, Inc., San Antonio, Texas, (BC Docket No. 81–650; File No. BPCT–5247); Tejas Broadcasting Co., San Antonio, Texas, (BC Docket No. 81–651; File No. BPCT–5247); UNITED TELEVISION BROADCASTING CORP., San Antonio, Texas, (BC Docket No. 81–652; File No. BPCT–5248); For construction permit designating applications for consolidated hearing on stated issues.

1. The Commission, By the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 29, San Antonio, Texas and several informal objections to the grant of Christian Tele-Communications, Inc's. application.

2. The proposed towers of Hubbard Broadcasting of San Antonio, Inc., Las Misiones De Bejar Television Co., Alamo Broadcasting Corporation and Lee Enterprises, Inc. are to be located near the non-directional tower of Station WOAI (AM). Because of the proximity of the proposed towers to WOAI, a grant of any of the aforementioned applications will be conditioned to ensure that WOAI's radiation pattern

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will not be adversely affected by the construction of any of the proposed towers.

3. Tejas and United contemplate operating subscription television (STV) over their proposed facilities. These parties have applications for STV authorizations pending before the Commission. The STV applications will not be consolidated for hearing in this proceeding, however. This is in keeping with the Commission's policy with regard to mutually exclusive applications for a new station where one contemplates STV operation and the other a conventional facility as stated in paragraph 15, *Second Report and Order*, FCC 81-13, adopted January 8, 1981.

Hubbard Broadcasting of San Antonio, Inc.

4. Applicant indicates that it will require $6,154,000 to construct its proposed station and operate it for three months, itemized as follows:

Equipment	$5,159,000
Land	150,000
Building	250,000
Other Costs	295,000
Operating Costs (3 months)	300,000
Total	$6,154,000

In order to meet this requirement, applicant relies upon a loan from Hubbard Broadcasting, Inc.[1] However, analysis of Hubbard Broadcasting, Inc.'s balance sheet reveals that it has net liquid assets of only $2,606,501. Therefore, an issue will be specified inquiring into the source and availability of an additional $3,547,499 to construct and operate as proposed.

Christian Tele-Communications, Inc.

5. We have received letters opposing the application of Christian Tele-Communications, Inc. from the Reverend Dr. C. Don Baugh, Executive Director of the Council of Churches in San Antonio, Reverend Louis H. Zbinden, Jr. of First Presbyterian Church of San Antonio and William P. Lytle, D.D., Pastor of the Madison United Presbyterian Church of San Antonio.

6.The Reverend Messrs. Baugh, Zbinden and Lytle each expresses a personal view that Christian broadcasters in other cities generally are anti-Semitic, anti-Roman Catholic and present a view of Christianity that is generally unacceptable to most Protestants and they apparently feel that Christian Tele-Communications, Inc. would present a similarly biased view. The Commission has held that the prime consideration is not the religious orientation of a licensee, but "whether the applicant, whatever his own views, is likely to give a 'fair break' to other who do not share them." *WBNX Broadcasting Co.*, 12 FCC 837, 841, 4 RR 242, 248 (1948). *Noe* v. *FCC*, 260 F. 2d 739 (D.C. Cir. 1958). Where a question has been raised regarding the applicant's willingness to provide a "fair break" to other faiths with divergent religious precepts, an applicant has been required to indicate its intentions. However, in the instant case, the objectors have not alleged any specific facts with respect to this particular applicant which would raise a question as to whether the applicant is likely to adhere to the "fair break" doctrine. Their concerns are, therefore, speculative and further inquiry is not warranted. In the event of a grant of Christian Tele-Communications, Inc.'s application, we would expect the permittee to comply with the "fair break" doctrine and we are confident that the objectors' vigilance can be relied upon to assure that result. The informal objections of The Reverend Messrs. Baugh, Zbinden and Lytle will be denied.

Lee Enterprises, Incorporated

7. Applicant will require $4,949,500 to construct and operate its proposed station, itemized as follows:

Equipment	$3,575,000
Land	150,000
Buildings	475,000
Other Costs	390,000
Operating Costs (3 months)	359,500
Total	4,949,500

To meet this requirement, applicant relies entirely on existing capital. Analysis of Lee's balance sheet shows that it has net current assets of $6,429,000. However, we cannot determine Lee's net liquid assets since it has combined cash and temporary cash investments into one figure ($8,445,000) on its balance sheet and it has not submitted any information to indicate the liquidity of its temporary cash investments. Consequently, we cannot determine whether applicant has any funds available to meet construction and operating costs. Financial issues will be specified.

8. KOIN-TV, Inc., licensee of Station KOIN-TV, Portland, Oregon, is a wholly owned subsidiary of Lee. There is a complaint currently pending against KOIN-TV, Inc., filed by Don Hansen with the State of Oregon Civil Rights Division, alleging that Hansen was discharged from Station KOIN-TV due to his sex and his race. Since the outcome of the proceeding relates to the applicant's qualifications to be a Commission licensee in the event of a grant of Lee's application, the construction permit shall contain the condition that grant is subject to whatever action the Commission may deem appropriate as a result of the outcome of the pending proceeding filed against KOIN-TV Inc.

United Television Broadcasting Corporation

9. The Applicant will require $2,056,916 to construct and operate its proposed station for three months, intemized as follows:

Equipment	$1,755,416
Land & Building	17,500
Other Costs	140,000
Operating Costs (3 months)	144,000
Total	$2,056,916

In order to meet this requirement, applicant relies on a $860,000 bank loan and funds to be made available to it from United Cable Television Corporation.[2] The Bank letter submitted by the applicant does not comply with the requirements of Section III, page 3, item 4(e), in that the letter does not specify the interest rate, repayment terms or the collateral or security required. With respect to the funds to be provided by United Cable, applicant has submitted documentation that United Cable has a $10,500,000 line of credit with a bank. However, it does not appear that the line of credit, or any portion of it, is earmarked by the bank for a construction and operation of applicant's proposed station. Applicant has not submitted a balance sheet for United Cable which is required since the credit it relies on is not earmarked. See *Contemporary Television Broadcasting, Inc.*, Mimeo 05812, released January 16, 1981. Furthermore, applicant has not submitted a copy of the agreement by which United Cable is obligated to provide it funds. In view of the foregoing, United Television has not demonstrated the availability of any funds to construct and operate as proposed. Appropriate financial issues will be specified.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consilidated proceeding on the issues specified below.

11. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as

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[1] Hubbard Broadcasting of San Antonio, Inc. is a wholly owned subsidiary of Hubbard Broadcasting, Inc.

[2] United Television Broadcasting Corporation is 80% owned by United Cable Television Broadcasting Corporation.

amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Hubbard Broadcasting of San Antonio, Inc.:

(a) the source and availability of an additional $3,547,499 to construct its proposed station and operate it for three months;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

2. To determine with respect to Lee Enterprises, Incorporated:

(a) the source and availability of $4,949,500 to construct its proposed station and operate it for three months;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

3. To detemine with respect to United Television Broadcasting Corporation:

(a) The source and availability of $2,056,916 to construct its proposed station and operate it for three months;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

4. To determine, on a comparative basis, which of the applications would best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

12. It is further ordered, That the informal objections filed by The Reverend Messrs. Baugh, Zbinden and Lytle are denied.

13. It is further ordered, That, in the event of a grant of a construction permit to Hubbard Broadcasting of San Antonio, Inc., Las Missiones De Bejar Television Co., Alamo Broadcasting Corporation, or Lee Enterprises, Incorporated, the construction permit shall be subject to the following condition:

Prior to construction of the TV tower authorized herein, permittee shall notify AM station WOAI so that that station may determine operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the aforementioned AM station. Subsequent to construction of the TV tower and installation of all appurtenances thereon, antenna impedance measurements of the AM antenna shall be made and sufficient field strength measurements obtained at at least 10 locations along each of eight equally spaced radials shall be made to establish that the AM radiation pattern is essentially omnidirectional and, the results submitted to the Commission in application for the AM station to return to the direct method of power determination. Thereafter the TV station may commence Limited Program Tests.

14. It is further ordered, That, in the event of a grant of Lee Enterprises, Incorporated's application, the construction permit shall contain a condition that grant is subject to whatever action the Commission may deem appropriate as a result of the outcome of the pending discrimination proceeding filed against KOIN-TV, Inc.

15. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

16. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-28376 Filed 9-29-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-644, 81-6415; File Nos. 4598-CM-P-80, 625-CM-P-80]

Microband Corp. of America and Hi Band Broadcasting Co.; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: September 15, 1981.

Released: September 23, 1981.

1. For consideration are the above-referenced applications. [1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 in Billings, Montana. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Microband Corporation of America, Hi Band Broadcasting Company and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in

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[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *Transfer of Control/MDS*, 85 FCC ed 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001883, Microband was granted an exemption from the Commission's""cut-off" rules pursuant to Section 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

accordance with the provisions of §1.221 of the Commission's rules.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-28377 Filed 9-29-81; 8:45 am]

BILLING CODE 6712-01-M

North Atlantic Consultation Working Group (NACWG) Telecommunications Facility Planning for the North Atlantic Region; Meeting

September 24, 1981.

The heads of delegations of North Atlantic Consultative Working Group (NACWG) will meet at FCC headquarters, Washington, D.C. on October 6-7, 1981 to prepare for an upcoming NACWG meeting to be held in Montreal, Canada on November 10-13, 1981.

In preparation for the meetings listed above, the Commission's staff will conduct an informal meeting on October 2, 1981 at 10:00 a.m. in Room A-110, FCC, 1229 20th Street, N.W. (the Annex), Washington, D.C. This meeting will be open to the public and anyone who wishes to attend and express views is invited.

For additional information, contact Mike Cummins at (202) 632-4047.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-28370 Filed 9-29-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-654, 81-655 and File Nos. 21525-CD-P-1-81, 22126-CD-P-1-81]

Radio Relay Corp. and Phone Depots of Connecticut, Inc., d.b.a. Liberty Communications; Memorandum Opinion and Order

Adopted September 18, 1981.

Released September 23, 1981.

In re applications of Radio Relay Corp., New Jersey (CC Docket No. 81-654, File No. 21525-CD-P-1-81), for construction permit to add an additional location on frequency 35.58 MHz for one-way signaling Station KEC935 in the Domestic Public Land Mobile Radio Service at Spring Valley, New York; and Phone Depots of Connecticut, Inc., d.b.a. Liberty Communications (CC Docket No. 81-655, File No. 22126-CD-P-1-81), for a construction permit to add an additional location on frequency 35.58 MHz for one-way signaling Station KCI310 in the Domestic Public Land Mobile Radio Service at Mahopac, New York; designating applications for consolidated hearing on stated issues.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Radio Relay Corporation—New Jersey and Phone Depots of Connecticut, Inc., d.b.a. Liberty Communications. These applications are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the application of Radio Relay Corp., New Jersey, File No. 21525-CD-P-1-81), and Phone Depots of Connecticut, Inc., File No. 22126-CD-P-1-81, ARE DESIGNATED FOR HEARING in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine on a comparative basis, the areas and populations that each applicant will service within the prospective interference-free area within the 43 dBu contours,[1] based upon the standards set forth in § 22.504(a) of the Commission's Rules,[2] and to determine and compare the need for the proposed services in said areas; and

(c) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, That any authorization granted to Radio Relay—New Jersey, as a result of the comparative hearing designated herein shall be without prejudice to and conditioned upon whatever action, if any, the Commission may take as a result of allegations raised in petitions against Digital Paging Systems of New York, Inc.

5. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-28379 Filed 9-29-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-632; File No. 21491-CD-P-(1)-80]

Radio Electronics Products Corp.; Memorandum Opinion and Order

Adopted: September 9, 1981.

Released: September 17, 1981.

In re application of Radio Electronics Products Corp., for a construction permit for an additional channel on frequency 152.15 MHz, for Station KMD687 in the Domestic Public Land Mobile Radio Service at Redding, California, designating application for hearing on stated issues.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, is the above-captioned application of Radio Electronics Products Corporation (REPC). Our review of the REPC application has raised a question concerning whether the applicant has demonstrated a need for an additional frequency. We find REPC to be otherwise qualified.

2. REPC has submitted a traffic loading study pursuant to § 22.516 of the Rules in an attempt to demonstrate need for the additional two-way frequency it requests. REPC has not shown that it is holding any order for additional units and the loading study submitted does not demonstrate sufficient traffic to justify an additional frequency. The traffic loading study shows an average peak hour usage of only 32.2 minutes, leading to a probability of blocking of only 0.28 for three channels. As a result, we will designate an issue as to whether

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[1] For the purposes of this proceeding, the interference-free area is defined as that area within the 43 dBu contour as calculated from §22.504, in which the ratio of desired-to-undesired signal is always equal to or greater than R in F.C.C. Report No. R-6406, equation 8.

[2] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service on frequencies in the 35 MHz band. Propagation data sert forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50, 50) for the facilities involved in this proceeding. (The applicants should consult the Bureau in an effort to submit joint technical exhibits).

the applicant has demonstrated a need for an additional frequency.

3. Accordingly, it is ordered, that the above-referenced application of Radio Electronics Products Corporation, File No. 21491-CD-P-(1)-80 IS DESIGNATED FOR HEARING, pursuant to Section 309(e) of the Communications Act of 1934, as amended, upon the following issues:

(a) To determine whether the applicant has demonstrated a sufficient public need for the proposed facility; and

(b) To determine, in light of evidence adduced pursuant ot foregoing issue, what disposition of the referenced application would best serve the public interest, convenience and necessity.

4. It is further ordered, that the hearing be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. It is further ordered, that the applicant may avail itself of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-28378 Filed 9-29-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 81, "Review of FCC Rules Applicable to VHF-FM Maritime Frequencies", Notice of 1st Meeting, Wednesday, October 14, 1981—1:30 p.m., Conference Room A-106, FCC Annex, 1229 20th Street, N.W., Washington, D.C.

Agenda

1. Administrative matters.
2. Discussion concerning terms of Reference, tasks, and organization.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-28363 Filed 9-29-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-633; File No. 21631-CD-P-81]

Terre Haute Communications, Inc.; Designating Application for Hearing on Stated Issues

Memorandum opinion and order

Adopted: September 9, 1981.

Released: September 17, 1981.

In re application of Terre Haute Communications, Inc. for a construction permit for an additional channel on frequency 152.15 MHz for Station KSB655 in the Domestic Public Land Mobile Radio Service at Terre Haute, Indiana.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, is the above-referenced application of Terre Haute Communications, Inc. (Terre Haute). Our review of the Terre Haute application has raised a question concerning whether the applicant has demonstrated a need for an additional frequency. We find Terre Haute to be otherwise qualified.

2. Terre Haute presently has one frequency. The application is requesting an additional frequency. Terre Haute has submitted a traffic loading study pursuant to § 22.516 of the Rules in an attempt to demonstrate need for the additional two-way frequency it requests. However, the loading study submitted does not demonstrate sufficient traffic to justify an additional frequency. The traffic loading study shows an average peak hour usage of only 27.9 minutes. This results in 46.5 percent blocking for the existing frequency. As a result, we will designate an issue as to whether the applicant has demonstrated a need for an additional frequency.

3. Accordingly, it is ordered, that the above-referenced application of Terre Haute Communications, Inc., File No. 21631-CD-P-81 IS DESIGNATED FOR HEARING, pursuant to Section 309(e) of the Communications Act of 1934, as amended, upon the following issues:

(a) To determine whether the applicant has demonstrated a sufficient public need for the proposed facility; and

(b) To determine, in light of evidence adduced pursuant to the foregoing issues, what disposition of the referenced application would best serve the public interest, convenience and necessity.

4. It is further ordered, that the hearing be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. It is further ordered, that the applicant may avail itself of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-28380 Filed 9-29-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-667, File No. BPCT-800319KG, etc.]

Tidewater Television Corp., et al.; Hearing Designation Order

Adopted: September 18, 1981.

Released: September 25, 1981.

In re applications of Tidewater Television Corp., Norfolk, Virginia, BC Docket No. 81-667, File No. BPCT-800319KG; Focus Broadcasting of Norfolk, Inc., Norfolk, Virginia, BC Docket No. 81-668, File No. BPCT-800806KF; Tidewater Community Broadcasting, Inc., Norfolk, Virginia, BC Docket No. 81-669, File No. BPCT-800806KE; for construction permit; designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 49, Norfolk, Virginia.

V 46 SE 30 81 UMI

Preliminary Matters

2. Tidewater Television Corporation (Tidewater) has an application pending for subscription television (STV) authority. However, the STV application will not be considered in this proceeding. This is in keeping with the Commission's policy in regard to mutually exclusive applications for a new station where one contemplates STV operation and the others a conventional facility as stated in Paragraph 15, *Second Report and Order,* FCC 81–13, adopted January 8, 1981.

Tidewater Television Corporation

3. The application estimates that $1,040,518 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$839,318
Land (included in operating costs)	Leased
Building (included in operating costs)	Leased
Miscellaneous	77,000
Operating costs (three months)	124,200
Total	1,040,518

To finance its proposal, applicant relies upon: (1) $7,500 in net liquid assets and, (2) $1,500,000 loan from William G. Baker, Jr., treasurer of applicant corporation. The financial statement submitted by Baker does not comply with Item 4b, Page 3, Section III, FCC Form 301, which states, in part: "* * * a mere statement of total assets and total liabilities or a statement of net worth, is not acceptable under the terms of this section." Therefore, since applicant has demonstrated only $7,500 in net liquid assets, it will require an additional $1,033,018 and an appropriate financial issue will be designated.

Focus Broadcasting of Norfolk, Inc.

4. The applicant estimates that $2,800,134 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$2,547,634
Land (included in operating costs)	To be leased
Building (included in operating costs)	To be leased
Miscellaneous	75,000
Operating costs (three months)	177,500
Total	2,800,134

Focus has indicated that financial documentation will be submitted as soon as STV negotiations are completed and a franchise agreement is signed. Focus, however, has not submitted an STV proposal. Consequently, we are unable to find that any funds are available to the applicant, and an appropriate financial issue will be specified.

5. Since no determination has been reached that the tower height and location proposed by Focus would not constitute a hazard to air navigation, an issue regarding this matter is required.

Tidewater Community Broadcasting, Incorporated

6. The proposed tower is to be located 1.53 miles from the existing AM station WPMH directional array. Therefore, in order to insure that the AM pattern will not be adversely affected, a grant of this application will be appropriately conditioned.

Conclusion and Order

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Tidewater Television Corporation:

(a) Whether it has $1,033,018 available to meet its estimated construction and operation costs;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

2. To determine with respect to Focus Broadcasting of Norfolk, Inc.:

(a) Whether it has $2,800,134 available to meet its estimated construction and operation costs;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified;

(c) Whether there is a resaonable possibiity that the tower height and location proposed would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That, the Federal Aviation Administration IS MADE A PARTY to the proceeding with respect to issue 2(c).

10. It is further ordered, That, should a construction permit be granted to Tidewater community Broadcasting, Incorporated, such grant will be subject to the following condition:

Prior to the construction of the TV tower authorized herein, permittee shall notify AM station WPMH so that, if necessary, the AM station may determine operating power by the indirect method and request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the aforementioned AM station. Both prior to construction of the TV tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by § 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected and, the results submitted to the Commission and to the AM station. Thereafter the TV station may commence *Limited Program Test.*

11. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, That, the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81–28368 Filed 9–29–81; 8:45 am]

BILLING CODE 6712–01–M

[BC Docket No. 81–658, File No. BPCT-801224KH, etc.]

Valle Verde Broadcasting Corp., et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: September 14, 1981.

Released: September 25, 1981.

In re applications of Valle Verde Broadcasting Corp., Tucson, Arizona, BC

Docket No. 81–658, File No. BPCT–801224KH; J P Communications, Inc., Tucson, Arizona, BC Docket No. 81–659, File No. BPCT–810409KE; Focus Broadcasting of Tucson, Inc., Tucson, Arizona, BC Docket No. 81–660, File No. BPCT–810410KE; Sunwest Broadcasting, Inc., Tucson, Arizona, BC Docket No. 81–661, File No. BPCT–810413KH; National Group Telecommunications of Tucson, Inc., Tucson, Arizona, BC Docket No. 81–662, File No. BPCT–810413KI; for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 40, Tucson, Arizona.

2. *Focus Broadcasting of Tucson, Inc. (Focus).* Applicant estimates that it will require $2,003,895 to construct its proposed station and operate for three months, itemized as follows:

Equipment	$1,604,755
Land	24,140
Building	20,000
Other items	190,000
Operating Costs	165,000
Total	2,003,895

To meet these expenses, Focus intends to rely on a lease and/or a loan said to be forthcoming as part of a franchise agreement to be made with potential subscription television operators.[1] We have no copy of such agreement or any other indication that applicant has any funds available to construct and operate the proposed facility. Accordingly, financial issues will be specified to determine if Focus has $2,003,895 available.

3. *SunWest Broadcasting, Inc. (Sun).* Applicant will require $1,223,430 to construct its proposed facility and operate for three months, itemized as follows:

Equipment (down payment)	$523,250
(5 months payment)	242,000
Land (lease, included in operating costs)	
Building	25,000
Other items	120,000
Pre-Operating costs (3 months)	85,580
Operating costs (3 months)	227,600
Total	1,223,430

To meet these expenses, applicant will rely upon stock subscriptions totaling $650,000 from two of its principals, Dr. Goins and Mr. Steel, and a loan for $600,000 from First National Bank. No copy of a subscription agreement evidencing Dr. Goins' or Mr. Steel's willingness to subscribe to stocks totaling $650,000 has been submitted nor have we any indication as to the amount of each commitment. Furthermore, the bank letter in support of the $600,000 loan states that it is not an agreement or a commitment to lend funds, but is merely an expression of interest in providing financing. Further, the letter does not give the rate of interest or the terms of repayment. Additionally, any loan would require the guarantees of Dr. Goins and Mr. Steel, which have not been furnished. See FCC Form 301, Section III, page 3, item 4(e). Under these circumstances, Sun may not rely on the availability of the bank loan. Since Sun has not demonstrated that it can rely either upon stock subscriptions or the bank loan, a financial issue will be specified to determine the availability of $1,223,430 to construct and operate as proposed.

4. *National Group Telecommunications of Tucson, Inc. (National).* Applicant estimates that it will require $957,570 to construct its proposed facility and operate for three months, itemized as follows:

Equipment (lease)	$107,670
Land	237,000
Building	30,000
Other items	385,000
Operating costs (3 months)	197,900
Total	957,570

To meet these expenses, National intends to rely on existing capital of $4,330 and a net loan of $1,151,830 from Wells Fargo Bank. The loan from Wells Fargo Bank is contingent upon the execution of guarantees by all of the principals of National. However, there is no documentation evidencing each principal's willingness to guarantee the loan. Therefore, National may not depend upon the bank loan to meet its expenses. In that the applicant has demonstrated the availability of only $4,330, financial issues will be specified to determine if it has an additional $953,240 available.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine with respect to Focus Broadcasting of Tucson, Inc.:

(a) Whether it has $2,003,895 available;

(b) Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

(2) To determine with respect to SunWest Broadcasting, Inc.:

(a) Whether, it has $1,223,430 available;

(b) Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

(3) To determine with respect to National Group Telecommunications of Tucson, Inc.:

(a) Whether, it has $953,240 available.

(b) Whether, in light of the evidence adduced pursuant to issue (a), applicant is financially qualified.

(4) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(5) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issue specified.

8. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcasting Facilities Division, Broadcast Bureau.

[FR Doc. 81–28367 Filed 9–29–81; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 81–653]

James L. Ward; For Amateur Radio Station and Novice Class Operator Licenses; Designation Order

Adopted: September 21, 1981.

Released: September 23, 1981.

The Chief, Private Radio Bureau, has under consideration the Amateur Novice Class Operator license and station license of James L. Ward, 13222 Safford

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[1] Focus indicates that it will make application for a STV authorization.

Street, Garden Grove, California 92643, filed August 29, 1980.

1. James L. Ward was granted a Citizens Band (CB) license, KALT-2883, on February 25, 1977. On August 7, 1980, Ward was issued an Order directing him to Show Cause why his CB radio license should not be revoked. Ward waived his right to a hearing, but included a written statement.

2. On November 24, 1980, the Commission issued an Order (PR-967-80) revoking Ward's Citizens Band radio station license. The Order considered Ward's statement and concluded that he willfully operated in violation of the following CB rules:[1]

17(a) (unauthorized frequency: 27.805 MHz, assigned for exclusive use of United States Government radio stations).
19(a) (use of non-type accepted transmitter).
30(a) (station identification as "Jim" instead of by Commission call sign at end of communication).

The Order also concluded that the violations occurred on June 18, 1979, and that on that date, Ward refused to allow authorized FCC representatives to inspect his station, in wilful violation of CB Rule 43. The Order further concluded that Ward's July 5, 1979, response to an Official Notice of Violation was severely lacking in candor. On December 1, 1980, Ward petitioned for reconsideration which was denied by an Order issued March 9, 1981. The Commission cited Ward's operating violations, failure to allow inspection and lack of candor as reasons to deny reconsideration, stating each was an independent ground warranting revocation. The findings and conclusions of the Order of Revocation and March 9, 1981, Order shall be *res judicata* and shall not be relitigated in this proceeding.

3. Ward's conduct described above raises questions as to his fundamental qualifications to become a Commission licensee and also precludes the Commission from determining that a grant of his application would serve the public interest, convenience and necessity.

4. Section 309(e) of the Communications Act of 1934, as amended, requires the Commission to designate an application in which it is unable to determine that grant would serve the public interest, convenience and necessity.

5. It is ordered, That Ward's application for a Novice Class Operator license and station license is designated for hearing on the issues specified below.

(a) To determine the effect of the November 24, 1980, Order revoking Ward's CB license and the March 9, 1980, Order denying reconsideration on his qualifications to be a licensee of the Commission.

(b) To determine whether James L. Ward possesses the requisite qualifications to become a Commission licensee.

(c) To determine whether the public interest, convenience and necessity would be served by the grant of Ward's application.

6. It is further ordered, That if Ward desires to be heard on the application, he must file on or before October 20, 1981, a written appearance, in triplicate, stating that he will appear at a hearing to present evidence on the issues specified above.[2] [3] If a hearing is requested, the time, place and Presiding Judge will be specified by subsequent order.

7. It is further ordered, That copies of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to the licensee at his address of record as shown in the caption.

Chief, Private Radio Bureau.

Raymond A. Kowalski,
Chief, Compliance Division.

[FR Doc. 81-28381 Filed 9-29-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] The CB Rules are contained in Section 95.401 of the Commission's Rules.

[2] Absent a showing of good cause, if a written appearance is not filed within the specified time period, the application will be dismissed with prejudice for failure to prosecute pursuant to §§ 1.221(c) and 1.961(b) of the Commission's Rules.

[3] The enclosed forms may be used to enter your appearance. A copy should be sent to the Chief Administrative Law Judge in the envelope provided. The other copy should be sent to the F.C.C., Washington, D.C. 20554, in the envelope provided.

[BC Docket Nos. 81-665, 81-666; File Nos. BPCT-800819KH, BPCT-800820KE]

Western Slope Communications, Ltd., and High Country Television, Inc., et al.; Hearing Designation Order

Adopted: September 18, 1981.

Released: September 24, 1981.

In re applications of Western Slope Communications, Ltd., Glenwood Springs, Colorado, BC Docket No. 81-665, File No. BPCT-800819KH; High Country Television, Inc., Glenwood Springs, Colorado, BC Docket No. 81-666, File No. BPCT-800820KE; for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 3, Glenwood Springs, Colorado.

Western Slope Communications, Ltd.

2. The applicant estimates that $1,251,080 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$532,161
Additional equipment cost [1]	298,919
Land (included in operating costs)	(2)
Building (included in operating costs)	(2)
Miscellaneous	255,000
Operating costs (3 months)	165,000
Total	1,251,080

[1] Additional equipment costs represent the difference between the $1,968,754 in equipment costs shown on page 1, Section III, FCC Form 301, and the $1,669,835 for equipment which appears in the installment sales contracts which have been filed with the application.

[2] To be leased.

3. Western relies on the sale of partnership interests and cash as sources of capital. Only two proposed partners, Nicholas DeWolf and Sy Salkowitz, have shown the ability to meet their commitments (totalling $180,000) to the applicant, as required by page 3, Section III, FCC Form 301. It appears, therefore, that the applicant has $286,137 available for construction and operation costs, consisting of the $180,000 plus cash of $106,137.[1] Therefore, a limited financial issue will be specified to determine the source and availability of an additional $964,943 to finance its proposal.

High Country Television, Inc.

4. John H. Gayer is President, director, and 35 percent stockholder of High Country Television, Inc. (Country). Gayer and members of his family have other broadcast interests. (Refer to para. 5). In *Alan K. Levin*, Para. 11, FCC 80-657, released December 1, 1980, 45 FR 85512, December 29, 1980, the Commission designated for hearing in a consolidated proceeding the applications noted in Para. 5, below, in which the Gayer family has interests, saying:

> "Generally, family relationships standing alone do not create a presumption of common control. *KTRB Broadcasting Co., Inc.*, 46 FCC 2d 605 (1974). However, the circumstances in a particular case may raise questions which can only be answered through the hearing process. *Stuart W. Epperson*, 44 FCC 2370 (1981). Therefore, the facts of each case that comes before us must be carefully considered * * *. Our analysis of present and past Gayer family interests gives rise to sufficient questions of common control to warrant further exploration".

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[1] As we are not able to determine if applicant has included $36,902 in prepaid legal and engineering expenses in its cost estimates on page 1, Section III, FCC Form 301, we cannot consider it as a source of capital.

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Therefore, consistent with the Commission's action noted above, and since there is substantial primary service contour overlap among the proposals, an issue will be specified to determine whether circumstances show that there are sufficient common interests of the Gayer family to constitute common control in a manner inconsistent with § 73.636(a)(1) of the Commission's Rules, pertaining to multiple ownership.

5. A listing of Gayer family broadcast interests follows:

1. Summit Radio, Inc., BC Docket No. 80–713, File No. BP–780728AN, Dillon, Colorado.
2. Eagle Radio, Inc., BC Docket No. 80–715, File No. BP–20,626, Vail, Colorado.
3. Grand Radio, Inc., BC Docket No. 80–717, File No. BP–21,129, Fraser, Colorado.
4. KBCR–FM, Steamboat Springs, Colorado.
5. KBCR (AM), Steamboat Springs, Colorado.
6. AM Radio, BP–801117AC, Oceanside, California.
7. Television, BPCT–790305LD, Denver, Colorado.
8. Television, BPCT–5227, Boulder, Colorado.
9. Television, BPCT–790627KE, Omaha, Nebraska.

The proposed Glenwood Springs television station would be located within 100 miles of items one through four, above, and there will be overlap of the primary service contours of these stations. If the Commission determines that common control exists among the various members of the Gayer family, then the instant proposal may come within the proscriptions of § 73.636(a)(2) of the Commission's Rules (regional concentration of control). An appropriate issue will be specified.

Conclusion and Order

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place and before an Administrative Law Judge to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Western Slope Communications, Ltd.:

(a) Whether it has the additional $964,943 available to meet its estimated construction and operation costs;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to High Country Television, Inc. whether the application is consistent with § 73.636(a)(1) of the Commission's Rules and § 73.636(a)(2) of the Commission's Rules with respect to regional concentration of control.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81–28366 Filed 9–29–81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Bryson Bancshares, Inc.; Formation of Bank Holding Company

Bryson Bancshares, Inc., Bryson, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First State Bank of Bryson, Bryson, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–28403 Filed 9–29–81; 8:45 am]

BILLING CODE 6210-01-M

Carson Bancorporation, Inc.; Formation of Bank Holding Company

Carson Bancorporation, Inc., Carson, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96.9 per cent or more of the voting shares of Grant County State Bank, Carson, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–28404 Filed 9–29–81; 8:45 am]

BILLING CODE 6210-01-M

CNB Bancorp, Inc.; Formation of Bank Holding Company

CNB Bancorp, Decatur, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares, less directors' qualifying shares, of the successor by merger to The Citizens National Bank of Decatur, Decatur, Illinois. The factors that are

V 46 SE 30 81 UMI

considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28405 Filed 9-29-81; 8:45 am]

BILLING CODE 6210-01-M

Farmers National Bancorp, Inc.; Formation of Bank Holding Company

Farmers National Bancorp, Inc., Remington, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Farmers National Bank of Remington, Remington, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28406 Filed 9-29-81; 8:45 am]

BILLING CODE 6210-01-M

First National Holding Company; Formation of Bank Holding Company

First National Holding Company, Oxford, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Oxford, Oxford, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28407 Filed 9-29-81; 8:45 am]

BILLING CODE 6210-01-M

Geary Bancshares, Inc.; Formation of Bank Holding Company

Geary Bancshares, Inc., Geary, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The First National Bank of Geary, Geary, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1981. Any comments on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28408 Filed 9-29-81; 8:45 am]

BILLING CODE 6210-01-M

Hawkeye Bancorporation; Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 per cent or more of the voting shares of Security State Bank, Mount Ayr, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28409 Filed 9-29-81; 8:45 am]

BILLING CODE 6210-01-M

Holmes County Capital Corp.; Formation of Bank Holding Company

Holmes County Capital Corporation, Lexington, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 per cent of the voting shares of Holmes County Bank & Trust Company, Lexington, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28410 Filed 9-29-81; 8:45 am]

BILLING CODE 6210-01-M

Holyrood Bancshares, Inc.; Formation of Bank Holding Company

Holyrood Bancshares, Inc., Holyrood, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Bank of Holyrood, Holyrood, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28411 Filed 9-29-81; 8:45 am]

BILLING CODE 6210-01-M

Mid-Citco, Inc.; Formation of Bank Holding Company

Mid-Citco, Incorporated, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to The Mid-City National Bank of Chicago, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28412 Filed 9-29-81; 8:45 am]

BILLING CODE 6210-01-M

Morgan Bancorporation, Inc.; Formation of Bank Holding Company

Morgan Bancorporation, Inc., Morgan, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 88 percent or more of the voting shares of State Bank of Morgan, Morgan, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28413 Filed 9-29-81; 8:45 am]

BILLING CODE 6210-01-M

Pineview Bancshares, Inc.; Formation of Bank Holding Company

Pineview Bancshares, Inc., Pineview, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 84.4 percent of the voting shares of Pineview State Bank, Pineview, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28414 Filed 9-29-81; 8:45 am]

BILLING CODE 6210-01-M

Schrage Ltd.; Formation of Bank Holding Company

Schrage Ltd., Plainfield, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers State Bank, Plainfield, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28415 Filed 9-29-81; 8:45 am]

BILLING CODE 6210-01-M

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration

Maternal and Child Health Research Grants Review Committee; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body, scheduled to meet during the month of November 1981:

Name: Maternal and Child Health Research Grants Review Committee.

Date and Time: November 18–19, 1981, 9:00 a.m.

Place: Conference Room L, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open November 18, 9:00 a.m.–10:00 a.m.

Closed for remainder of meeting.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.

Agenda: The open portion of the meeting will cover: Report on program issues, Congressional activities, and other topics of interest in the field of maternal and child health. The meeting will be closed to the public on November 18, 1981, from 10:00 a.m. for the remainder of the meeting for the review of research grant applications. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Administrator, Health Services Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of the members, minutes of meeting, or other relevant information should write to or contact Dr. Gontran Lamberty, Bureau of Community Health Services, Health Services Administration, Room 7-44, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Agenda items are subject to change as priorities dictate.

Dated: September 24, 1981.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 81–28345 Filed 9–29–81; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. Law. 92–463), announcement is made of the following National Advisory bodies scheduled to meet during the month of October 1981:

Name: Health Services Research Review Subcommittee.

Date and Time: October 15—16, 1981, 8:00 a.m.

Place: Gramercy Inn, North Scott Room, 1616 Rhode Island Avenue NW., Washington, D.C. 20036.

Open October 15, 8:00 a.m.–9:00 a.m.

Closed for remainder of meeting.

Purpose: The objective of the Subcommittee is to advise the Secretary and make recommendations to the Director, National Center for Health Services Research, concerning the scientific and technical merit review of health services research grant applications involving primarily the analysis and use of economic, statistical, and other theoretical approaches which examine problems associated with the delivery of health services.

Agenda: The open session of the meeting on October 15, 1981, will be devoted to a business meeting covering administrative matters and reports. During the closed session, the Subcommittee will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Anthony Pollitt, Ph.D., National Center for Health Services Research, OASH, Room 7–50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436–6918.

Name: Health Services Developmental Grants Review Subcommittee.

Date and Time: October 22–23, 1981, 9:00 a.m.

Place: Gramercy Inn, Scott Room South, 1616 Rhode Island Avenue NW., Washington, D.C. 20036.

Open October 22, 9:00 a.m. to 9:30 a.m.

Closed for remainder of meeting.

Purpose: The Subcommittee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on October 22, 1981, will be devoted to a business meeting covering administrative matters and reports. During the closed sessions the Subcommittee will be reviewing research grant applications relating to the delivery, organization and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Services Research, OASH, Room 7–50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436–6916.

Name: Health Care Technology Study Section.

Date and Time: October 26–27, 1981, 8:30 a.m.

Place: Gramercy Inn, Scott Room, 1616 Rhode Island Avenue NW., Washington, D.C. 20036.

Open October 26, 8:30 a.m. to 12:00 noon

Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of health research grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research (NCHSR) and the National Center for Health Care Technology (NCHCT).

Agenda: The open session of the meeting on October 26 will include a presentation by the Acting Director, NCHSR, the Director, NCHCT, and the Director of the Office of Program Development, NCHSR, and a business meeting covering administrative matters and reports. The closed portion of the meeting will be utilized in a review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Assistant Secretary for Health, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, OASH, Room 7–50A, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, telephone (301) 436–6196.

Agenda items are subject to change as priorities dictate.

Dated: September 15, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-28239 Filed 9-29-81; 8:45 am]

BILLING CODE 4110-85-M

National Health Service Corps Scholarship Program; Availability

Availability of National Health Service Corps Scholarship Program Awards for the 1981-82 School Year for Former Participants in the Scholarship Program for First-Year Students of Exceptional Financial Need.

Section 751 of the Public Health Service Act (42 CFR 62) directs the Secretary of Health and Human Services to give priority in the selection of first-time recipients of National Health Service Corps Scholarship Program awards to individuals who have previously received scholarships under the Scholarship Program for First-Year Students of Exceptional Financial Need.

Notice is hereby given that, for the school year 1981-82, scholarship support is available under the National Health Service Corps Scholarship Program to students of medicine, osteopathy, and dentistry who have previously received scholarships under the Scholarship Program for First-Year Students of Exceptional Financial Need. Due to the limited availability of funds, applicants will be ranked for selection by the following criteria:

1. Career Goals—the applicant's expressed intent to enter into a primary care practice in an urban or rural health manpower shortage setting following the period of obligated service.
2. Work Experience—the extent to which an applicant's work background has included salaried or volunteer experience in medically underserved rural or urban settings.
3. Community Background—the extent to which an applicant has resided in a medically underserved urban or rural area.

For Additional Information Contact: Allan S. Noonan, M.D., Director, Division of Health Services Scholarships, Bureau of Health Personnel Development and Service, Health Services Administration, Center Building, Room G-15, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436-6788.

Dated: September 24, 1981.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 81-28349 Filed 9-29-81; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[PHX 075438, etc.]

Arizona; Order Providing for Opening of Public Lands

Correction

In FR Doc. 81-26383, published on page 45203, on Thursday, September 10, 1981, in the third column, in the fourth line from the bottom,

"T. 7 S., R. 3 E.,"

should be corrected to read

"T. 7 S., R. 3 W.,".

BILLING CODE 1505-01-M

[PHX 075419, etc.]

Arizona; Order Providing for Opening of Public Lands

1. In exchanges of land made under the provisions of Section 8 of the Act of June 28, 1934 (49 Stat. 1272, as amended, 43 U.S.C. 315g), the following lands have been reconveyed to the United States under the serial numbers listed below.

Gila and Salt River Meridian, Arizona

PHX 075419

T. 4 N., R. 11 W.,
  Sec. 2, Lots 1, 2, 3, SE¼NE¼, S½.
T. 4 N., R. 16 W.,
  Sec. 2, Lots 1, 2, 3.
T. 4 N., R. 18 W.,
  Sec. 2, Lots 1, 2, 3, 4, S½N½, S½.
T. 4 N., R. 19 W.,
  Sec. 2, Lots 1, 2, 3, 4.
T. 5 N., R. 12 W.,
  Secs. 16 and 36.
T. 5 N., R. 13 W.,
  Secs. 32 and 36.
T. 5 N., R. 14 W.,
  Sec. 32, N½, N½S½, SE¼SW¼, SE¼.
T. 5 N., R. 16 W.,
  Sec. 2, Lot 1; sec. 16.

PHX 075434

T. 5 N., R. 16 W.,
  Sec. 32.

PHX 075766

T. 7 N., R. 12 W.,
  Sec. 24, S½;
  Sec. 25, N½, SW¼;
  Sec. 26, S½, NW¼, N½NE¼, SW¼NE¼;
  Sec. 27, N½, SW¼, N½SE¼;
  Secs. 34 and 35.
T. 5 N., R. 12 W.,
  Sec. 5, S½N½, SW¼, N½SE¼.
T. 14 N., R. 14 W.,
  Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
  Sec. 18, E½, E½W½.
T. 12 N., R. 15 W.,
  Sec. 2, SE¼, SW¼SW¼, E½SW¼.
T. 12 N., R. 17 W.,
  Sec. 2, Lots 1, 2, 3, 4, SW¼, W½SE¼, SE¼SE¼.
T. 24 N., R. 17 W.,
  Sec. 2, Lots 1 and 2.

PHX 077290

T. 7 N., R. 12 W.,
  Sec. 25, SE¼.
T. 7 N., R. 11 W.,
  Sec. 34, NE¼, NE¼NW¼.

PHX 078044

T. 7 N., R. 11 W.,
  Secs. 28 and 29.
T. 7 N., R. 12 W.,
  Sec. 23, N½, SE¼, NE¼SW¼.
T. 13 N., R. 17 W.,
  Sec. 2, Lots 1, 2, 3, 4, S½N½, SW¼, W½SE¼.
T. 13 N., R. 18 W.,
  Sec. 36, N½, SW¼, W½SE¼, NE¼SE¼.
T. 11 N., R. 15 W.,
  Sec. 16, SE¼.
T. 13 N., R. 14 W.,
  Sec. 2, Lots 1, 2, 3, 4, S½N½, S½.
T. 14 N., R. 15 W.,
  Sec. 32; sec. 36, N½, SW¼, W½SE¼.
T. 12 N., R. 13 W.,
  Sec. 16.
T. 12 N., R. 17 W.,
  Sec. 36.
T. 13 N., R. 16 W.,
  Sec. 2, Lots 1, 2, 3, 4, S½N½, S½.
T. 10 N., R. 12 W.,
  Sec. 32, N½, SE¼.

PHX 078069

T. 9 N., R. 11 W.,
  Sec. 36, N½S½.
T. 9 N., R. 12 W.,
  Secs. 16, 32, and 36.
T. 10 N., R. 11 W.,
  Sec. 32;
  Sec. 36, N½, SW¼, N½SE¼, SW¼SE¼, E½NE¼SE¼SE¼, W½NW¼SE¼SE¼, S½SE¼SE¼.
T. 10 N., R. 13 W.,
  Sec. 32;
  Sec. 36, N½, SW¼.

PHX 078110

T. 9 N., R. 10 W.,
  Sec. 36, Lots 1, 2, 3, 4, N½S½, S½.
T. 6 N., R. 12 W.,
  Sec. 2, Lots 1, 2, 3, 4, S½N½, SW¼, W½SE¼, NE¼SE¼.

PHX 078391

T. 6 N., R. 13 W.,
  Secs. 2, 16, and 32.
T. 7 N., R. 12 W.,
  Sec. 32.

PHX 078401

T. 6 N., R. 12 W.,
  Sec. 16, NW¼;
  Sec. 36, NE¼.

PHX 078453

T. 6 N., R. 12 W.,
  Sec. 36, NW¼, S½.

PHX 080231

T. 13 N., R. 16 W.,
  Sec. 32, SW¼SE¼.
T. 13 N., R. 17 W.,
  Sec. 2, E½SE¼.
T. 13 N., R. 18 W.,

Sec. 2, N½, SE¼, NW¼SW¼;
Sec. 16, SE¼, SW¼NW¼, S½SW¼;
Sec. 36, SE¼SE¼.
T. 14 N., R. 14 W.,
Sec. 36, SE¼SE¼.
T. 14 N., R. [illegible] W.,
Sec. 16, E½NE¼, NW¼SW¼.
T. 14 N., R. [illegible] W.,
Sec. 16, SE¼,
Sec. 32, SE¼SE¼.
T. 14 N., R. 20 W.,
Sec. 2, W½, N½NE¼, SE¼NE¼.
T. 15 N., R. [illegible] W.,
Sec. 6;
Sec. 22, SE¼SE¼;
Sec. 26, S½SE¼;
Sec. 28, SE¼SE¼;
Sec. 30, Lot 3.
T. 15 N., R. 16 W.,
Sec. 2, Lots 3 and 4.
T. 16 N., R. [illegible] W.,
Sec. 18, Lots 1, 2, 3, 4.
T. 16 N., R. [illegible] W.,
Sec. 28, NW¼NE¼.
T. 17 N., R. 15 W.,
Sec. 16, SW¼NW¼.
T. 17 N., R. 16 W.,
Sec. 32, S½SW¼.
T. 17 N., R. 18 W.,
Sec. 2, Lot 4;
Sec. 36, SE¼SE¼.
T. 17 N., R. 21 W.,
Sec. 2, Lot 2.
T. 18 N., R. 17 W.,
Sec. 2, SE¼SE¼.
T. 18 N., R. 20 W.,
Sec. 2, less patented mining claim;
Sec. 16, SE¼SW¼.
T. 19 N., R. 15 W.,
Sec. 32, SE¼SE¼.
T. 19 N., R. 17 W.,
Sec. 2, Lot 3.
T. 19 N., R. 18 W.,
Sec. 32, E½SE¼.
T. 19 N., R. 19 W.,
Sec. 36, SW¼NE¼.
T. 20 N., R. 16 W.,
Sec. 32, N½NW¼, SW¼NW¼.
T. 20 N., R. 17 W.,
Sec. 32, W½NW¼.
T. 20 N., R. 20 W.,
Sec. 36, NE¼SE¼.

PHX 080325

T. 12 N., R. 10 W.,
Sec. 32.

PHX 080326

T. 1 N., R. 19 W.,
Sec. 36.
T. 5 N., R. 14 W.,
Sec. 36, Lot 4, W½E½, NW¼.
T. 9 N., R. 12 W.,
Sec. 2.

PHX 080687

T. 10 S., R. 27 E.,
Sec. 6, Lots 1, 2, 4, 5, 6, 7, SE¼NW¼, E½SW¼, SE¼SE¼.
T. 11 S., R. 28 E.,
Sec. 36, E½.
T. 11 S., R. 29 E.,
Sec. 24;
Sec. 25, N½, N½S½, SE¼SE¼;
Sec. 32 and 36.
T. 12 S., R. 29 E.,
Secs. 1 and 2.

PHX 080694

T. 9 N., R. 9 W.,
Sec. 2, Lots 1 and 2, SW¼NE¼.
T. 10 N., R. 8 W.,
Sec. 13, N½.
T. 8 N., R. 10 W.,
Sec. 2, excepting the patented mining claims.

PHX 080694

T. 12 S., R. 29 E.,
Sec. 4, S½, S½NW¼, SE¼NE¼;
Sec. 8, NW¼;
Sec. 9, NW¼;
Sec. 17, N½;
Sec. 20;
Sec. 21, S½, NE¼;
Sec. 36.

PHX 081212

T. 5 N., R. 14 W.,
Sec. 36, Lots 1, 2, 3, SE¼SW¼.
T. 7 N., R. 11 W.,
Sec. 20, SE¼SE¼;
Sec. 27, NE¼, E½NW¼.
T. 7 N., R. 12 W.,
Sec. 23, W½SW¼, SE¼SW¼.

PHX 081366

T. 7 N., R. 11 W.,
Sec. 31, NE¼;
Sec. 33, SW¼NE¼.
T. 7 N., R. 12 W.,
Sec. 24, N½.

PHX 081968

T. 12 S., R. 29 E.,
Sec. 6, Lots 1, 2, 3, SE¼NW¼.

PHX 082255

T. 12 S., R. 29 E.,
Sec. 6, Lot 4, S½NE¼.
T. 12 S., R. 30 E.,
Sec. 34, W½SW¼.

AR 017533

T. 12 S., R. 29 E.,
Sec. 31, Lots 1, 2, 3, 4, E½W½.

A 6025

T. 17 N., R. 18 W.,
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½;
Secs. 9, 11, 15 and 17;
Secs. 23 and 35 less railroad right-of-way.
T. 18 N., R. 18 W.,
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½;
Secs. 9 and 17;
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½;
Secs. 21, 27 and 29;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 33.
T. 17 N., R. 19 W.,
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, Lots 1, 2, 3, 4, S½N½;
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½;
Secs. 11 and 13;
Sec. 15, S½NE¼, S½NW¼;
Sec. 17, S½, NW¼, W½NE¼;
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½;
Secs. 21, 23, 27 and 29;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 33.
T. 18 N., R. 19 W.,
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½;
Secs. 9, 11, 13, 15 and 17;
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½;
Secs. 21, 23, 25, 27 and 29;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½;
Secs. 33 and 35.
T. 19 N., R. 19 W.,
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 7, Lots 1, 2, 3, 4, 6 and 7, NE½, E½W½, NE¼SE¼ except that protion of the 10.997 acre parcel previously sold and described in deed dated 8/23/62, recorded 8/24/62, in Book 127 of Deeds, pages 258–259, records of Mohave County, intruding into this subdivision.
Sec. 9;
Sec. 19, Lots 1 and 2, E½W½, E½;
Secs. 25, 27 and 29;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½;
Secs. 33 and 35.

The areas described aggregate approximately 85,276.26 acres in Cochise, Graham, Maricopa, Mohave, Pinal, Yavapai and Yuma.

2. The United States did not acquire the mineral rights in any of the lands described in paragraph 1.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws, generally. All valid applications received at or prior to October 9, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602–261–3706).

Mario L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–28351 Filed 9–29–81; 8:45 am]

BILLING CODE 4310–84–M

Rawlins, Wyoming; Rawlins District Advisory Council

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Rawlins District Advisory Council will be held on October 27, 1981.

The meeting will begin at 9:00 a.m. at the Rawlins District Office, Bureau of Land Management, 1300 North Third Street, Rawlins, Wyoming.

The meeting agenda will include: (1) Recommendations on public access needs within the district, (2) Fiscal year 1982 budget outlook, and (3) Status of the Green Mountain Management Framework Plan. The meeting will be open to the public.

Interested persons may make oral statements before the Council or file written statements for the Council's consideration. Persons wishing to make oral statements are asked to notify the Rawlins District Manager at the above address by close of business October 20, 1981.

David J. Walter,

District Manager.

[FR Doc. 81-28354 Filed 9-29-81; 8:45 am]

BILLING CODE 4310-84-M

Intent To Prepare an Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Development of a Management Framework Plan and preparation of an Environmental Impact Statement on the Proposed Grazing Management in the Green Mountain portion of the Lander Resource Area, Rawlins District, Wyoming.

SUMMARY: Pursuant to section 102(2)c of the National Environmental Policy Act, the Bureau of Land Management (BLM) Rawlins District Office will prepare an environmental impact statement (EIS) for the Green Mountain portion of the Lander Resource Area located in central Wyoming, based on rangeland management planning recommendations. In addition, BLM will be soliciting public comment on proposed management framework plan decisions in the Green Mountain area not directly related to rangeland management. The Green Mountain area includes approximately 1.4 million acres of BLM-administered land in Carbon, Fremont, Natrona, and Sweetwater Counties.

The purpose of the range management recommendations is to maintain or improve public land resource values which include soil, water, vegetation, wildlife, and wild horses. The EIS will analyze effects of managing grazing allotments based on selective management categories. This notice modifies an earlier (July 1979) notice of intent to prepare this EIS, and reflects recent changes in rangeland management policy.

Alternatives to be considered include continuation of present livestock management as well as alternatives depicting different levels and intensities of management for livestock and other resources.

A public scoping meeting is scheduled for November 2, 1981, at 7 p.m., in the Carnegie Room of the Fremont County Public Library, Lander, Wyoming. The purpose of the meeting is (1) to provide the public with an opportunity to comment on proposed management framework plan decisions not directly related to rangeland management; (2) to present rangeland management multiple use planning recommendations to the public; (3) to inform the public of the proposed action and tentative alternatives that BLM proposes to analyze in the EIS; (4) to gather resource information from the public; and (5) to identify concerns and issues important to the public for possible inclusion into the EIS or into planning system decisions. Comments received at this scoping meeting will be used in developing the EIS and the planning decisions that result.

FOR FURTHER INFORMATION CONTACT: All inquiries and comments should be directed to either Dale Brubaker, Lander Area Manager, P.O. Box 589, Lander, Wyoming 82520, telephone (307) 332-4220; or Bob Tigner, Green Mountain Team Leader, P.O. Box 670, Rawlins, Wyoming 82301, telephone (307) 324-7171.

Written comments on the planning system recommendations must be received no later than close of business December 2, 1981.

F. William Eikenberry,

Associate State Director.

[FR Doc. 81-28353 Filed 9-29-81; 8:45 am]

BILLING CODE 4310-84-M

Wilderness Alternatives; Extension of Comment Period

September 21, 1981.

AGENCY: Bureau of Land Management, Richfield District, Interior.

ACTION: Notice of extension of public comment period for wilderness suitability reports, Henry Mountain Resource Area, Wayne and Garfield Counties, Utah.

SUMMARY: Notice is hereby given that public comments on the following wilderness study areas will be accepted until October 30, 1981:

UT-050-221	Fremont Gorge
UT-050-236A	Dirty Devil
UT-050-236B	French Spring—Happy Canyon
UT-050-237	Horseshoe Canyon
UT-050-238	Blue Hills-Mt. Ellen
UT-050-241	Fiddler Butte
UT-050-242	Bull Mountain
UT-050-247	Little Rockies
UT-050-248	Mt. Pennell
UT-050-249	Mt. Hilliers

COMMENTS SHOULD BE SENT TO: Public Information Officer, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701.

BACKGROUND: Availability of wilderness suitability reports for the ten wilderness study areas in the Henry Mountain Resource Area was previously announced in the **Federal Register**, dated July 23, 1981, Volume 46, No. 141, page 37982-3.

Since an environmental impact statement will not be prepared for the 10 wilderness study areas during fiscal year 1982, preliminary recommendations on the suitability or unsuitability of these areas for wilderness designations will not be issued by the Richfield District Manager until further notice.

FOR FURTHER INFORMATION CONTACT: Public Information Officer, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701.

Larry Oldroyd,

Assistant District Manager.

[FR Doc. 81-28234 Filed 9-29-81; 8:45 am]

BILLING CODE 4310-84-M

Winnemucca District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Winnemucca District Grazing Board will be held on November 3, 1981. The meeting will begin at 10:00 A.M. in the conference room of the Bureau of Land Management Office at 705 East Fourth Street, Winnemucca, Nevada.

The agenda for the meeting will include:

1. New Rangeland Management Policy.
2. New Rangeland Improvement Policy and Funding.
3. Accomplishments 1981 AWP.
4. AWP Plan for 1982.
5. Individual Allotments for Alder Creek Allotment.
6. Public Comment Period.
7. Update on WH&B Activities.
8. Arrangements for Next Meeting and Discussion of Agenda Items.

The meeting is open to the public. Interested persons may make oral statements to the Board between 1:00 and 2:00 P.M. on November 3, 1981 or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445, by October 20, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: September 21, 1981.

Vaden G. Stickley,

Acting District Manager for State Director, Nevada.

[FR Doc. 81-2[illegible]351 Filed 9-29-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A., Inc.

AGENCY: Geological Survey, Interior

ACTION: Notice of the Receipt of a Proposed Development and Production Plan

SUMMARY: This notice announces that Chevron U.S.A. Inc., Unit Operator of the Eugene Island Block 231 Federal Unit Agreement No. 14-08-0001-8813, submitted on September 14, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Eugene Island Block 231 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 21, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-28[illegible]32 Filed 9-29-81; 8:45 am]

BILLING CODE 4310-31-M

Outer Continental Shelf; Blowout and Fire, High Island Block 38, OCS-G 4077, Offshore Texas; Availability of Report

AGENCY: Geological Survey, Interior.

ACTION: Notification of Availability of Report on Blowout and Fire, High Island Block 38, OCS-G 4077, Offshore the State of Texas.

Pursuant to the provisions of Section 22 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1348, an investigation was conducted into the blowout and fire that occurred on January 12, 1981, involving drilling operations on Well No. 1, lease OCS-G 4077, High Island Block 38, Gulf of Mexico, off the Texas coast. A report has been prepared by an Investigative Panel appointed to conduct the investigation, and copies of the report are now available.

The Panel was comprised of four USGS Conservation Division members. Information for the report was obtained through meetings with lease operator personnel as well as a thorough review of various well and lease records and other numerous documents.

The investigation findings included in the report cover the following topics:

A. Preliminary Activities.
B. Loss of Well Control.
C. Explosion and Fire.
D. Emergency Warning.
E. Abandonment of Platform.
F. Injuries and Damage.

Additionally, the Panel's conclusions address the proximate causes of the loss of well control, probable cause of the fire, and the cause of the fatalities.

The report also contains recommendations to the USGS concerning actions to be taken to minimize the possibility of future occurrences.

Copies of this report may be obtained from the Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092. For further information contact Mr. Price McDonald at (703) 860-6831.

Dated: September 24, 1981.

Robert L. Rioux,

Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81-28312 Filed 9-29-81; 8:45 am]

BILLING CODE 4310-31-M

Outer Continental Shelf (OCS) Oil and Gas Production Operations; Failure and Inventory Reporting System (FIRS) Reporting Requirements

AGENCY: Geological Survey, Interior.

ACTION: Notice of proposal to rescind the U.S. Geological Survey (USGS) FIRS program.

SUMMARY: This Notice informs the public of the USGS proposal to rescind the FIRS Program. This would be accomplished by the elimination of the requirements contained in paragraph 6 of OCS Order No. 5.

SUPPLEMENTARY INFORMATION: The USGS established the FIRS program on January 1, 1980. Through the systematic reporting of inventory and failure information, the USGS intended to collect and analyzed the data needed to enable it to contribute to the safety and reliability of offshore production platforms and to the prevention of environmental pollution.

The USGS proposed certain changes to the FIRS program (46 FR 26876, May 15, 1981) and requested comments on the proposed changes. Twenty comments were received. Fifteen commenters questioned the desirability of continuing the FIRS program and recommended the rescission of the FIRS program because, in their opinion, the program is not cost beneficial. They believe that it imposes a burdensome paperwork task on regulated industry, and it has not produced corresponding benefits.

In response to Secretary Watt's news release of January 28, 1981, solicitating recommendations from the public as to excessive, burdensome, or counterproductive regulations, a number of respondents identified the FIRS program and recommended its rescission.

Comments

Comments are requested on the proposed rescission of the FIRS program. Comments are also requested as to systems, methods, or techniques to collect and use information relating to the safety of operations on the OCS. Comments must be received by 4:00 p.m. EST November 16, 1981.

ADDRESS: Comments on this proposed action should be addressed to the Deputy Division Chief, Offshore minerals Regulation, U.S. Geological Survey, Conservation Division, National Center, Mail Stop 640, Reston, VA 22092.

FOR FURTHER INFORMATION: CONTACT Mr. M. L. Courtois, U.S. Geological Survey, Conservation Division, National Center, Mail Stop 640, Reston, VA 22092. (703) 860-6831.

Dated: September 22, 1981.

Richard B. Krahl,

Acting Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81-28311 Filed 9-29-81; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

MC-FC-78082. By decision of September 14, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JOSEPH T. LANGLAND, JR., of Lansing, IA, of Permit No. MC-139408 (Sub-Nos. 1 and 2), issued to BRILMAN TRUCKING SERVICE, INC., of Waukson, IA, authorizing: (Sub-No. 1) *butter,* from Waukson, IA, to New York, NY, and (Sub-No. 2) (a) *butter,* from Waukson, IA, to points in Cook County, IL, and from Waukson, IA, to Plymouth, WI; (b) *cheese,* from Elkader and Waukson, IA, to points in Wisconsin, both subs under continued contracts(s) with Meadowland Dairy Association, of Waukson, IA. Representative: Richard D. Howie, 600 Hubbel Bldg., Des Moines, IA 50309. TA lease is sought. Transfer is not a carrier.

MC-FC-78724. By decision of August 19, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 5 approved the transfer to LUGI DELLAPINA and LEA LETTERIS, a partnership, doing business as ASTORIA MOTOR VAN CO., of Long Island City, NY, of Certificates No. MC-43148 issued April 2, 1958, to JOSEPH G. CUREIO and RICHARD E. CURCIA, a partnership, doing business as ROCCO VAN & STORAGE CO., of Long Island City, NY, authorizing the transportation of *household goods,* as defined by the Commission, between New York, NY, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Massachusetts, Rhode Island, Maryland, Connecticut, Delaware, New York, and the District of Columbia, and between New York, NY, on the one hand, and, on the other, points in Virginia, Vermont, New Hampshire, and Maine. Representative: Mr. David A. Brown, Attorney 32-02 30th Avenue, Long Island City, NY 11102, (212) 726-1598. TA application has not been filed. Transferee presently holds no authority.

MC-FC-79220. By decision of September 4, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to WHATLEY TRANSPORTATION CO., INC. of Dothan, AL of Permit No. MC-134054 (Sub-No. 2) issued October 5, 1972, and of Certificate No. MC-133814 (Sub-No. 9) issued July 29, 1981, to WHATLEY SUPPLY CO., INC. d/b/a WHATLEY EQUIPMENT CO. of Dothan, AL. The Permit authorizes the transportation, by irregular routes, of *brick, tile and concrete masonry units* between the plantsites of Bickerstaff Clay Products Company, Inc. at certain points in Georgia, Alabama, and Florida, on the one hand, and, on the other, points in Georgia, Alabama, Mississippi, and Tennessee, and a portion of Florida under a continuing contract, or contracts with Bickerstaff Clay Products Company, Inc.; the certificate authorizes the transportation by irregular routes of *brick* from certain points in Alabama to points in Alabama, Georgia, Mississippi, Tennessee and Florida; *brick and tile* (except floor tile) from Montgomery, AL to points in Georgia, Mississippi, Tennessee, and Florida; *brick and clay products* and *used building materials* between points in Alabama, Florida, Georgia, Louisiana, Mississippi, North and South Carolina, and Tennessee; *damaged and rejected shipments of brick and clay products,* from points in Florida to points in Alabama; *concrete silo blocks and articles* used in the installations and erection of concrete silos (except commodities in bulk and cement) from points in Alabama, to points in Florida, Georgia, Mississippi and Tennessee. Representative: William K. Martin, 57 Adams Avenue (P.O. Box 2069), Montgomery, AL 36197.

MC-FC-79225. By decision of 6/25/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to RESIDENTIAL DELIVERY, INC., of Jacksonville, FL, to Permit No. MC-138429 (Sub-Nos. 2, 4, 5, and 9), issued to ASI, INC., of Jacksonville, FL, authorizing the transportation of: (Sub-No. 2) *Such merchandise* as is marketed by home products distributors, (a) between points in Florida, (b) between points in Virginia, (c) between points in West Virgina, and (d) from points in Virginia to points in West Virginia, under continuing contract(s) with Amway Corporation. (Sub-No. 4) *Such merchandise* as is marketed by home products distributors, between points in North Carolina, under continuing contract(s) with Amway Corporation. (Sub-No. 5) *Such merchandise* as is marketed by home products distributors, from Orlando, FL, to points in that part of Georgia on and south of Interstate Highway 20, under continuing contract(s) with Stanley Home Products, of Orlando, FL. (Sub-No. 9) *Such merchandise* as is marketed by home products distributors, between Orlando, FL, Memphis, TN, and Charlotte, NC, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, under continuing contract(s) with Stanley Home Products, of Jacksonville, FL, restricted (1) against the transportation of commodities in bulk and (2) against transportation from Orlando to points in Florida, under continuing contract(s) with Stanley Home Products, Inc., of Jacksonville, FL.

MC–FC–79229. By decision of 6/25/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to ALAN R. HOULE, of Vernon, VT, of Permit No. MC–150177 (Sub-No. 1) issued to CONATSER TRUCKING, INC., of Amherst, MA, authorizing *such commodities* as are dealt in or used by distributors of bottled water (except commodities in bulk), from Portland Spring, ME, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Tennessee, Kentucky, Pennsylvania, Ohio, Illinois, Wisconsin, Indiana, Missouri, and the District of Columbia, under continuing contract(s) with Poland Spring, Inc., of Las Vegas, NV. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128. TA lease is not sought. Transferee is not a carrier.

MC–FC–79302. By decision of September 4, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to WALLER TRANSFER, INC. of Malvern, IA of Certificate No. MC–25932 issued on April 27, 1977 to RAYMOND WALLER & R. STEPHEN WALLER, d.b.a. WALLER TRANSFER of Malvern, IA authorizing *livestock*, between Malvern, IA, and those points in IA and NE within 25 miles of Malvern, on the one hand, and, on the other, St. Joseph and Kansas City, MO, and Kansas City, KS., from Malvern, IA, and points to IA within 25 miles of Malvern, to Omaha and Nebraska City, NE, *building materials*, between Malvern, IA, on the one hand, and, on the other, Nebraska City and Gretna, NE, *household goods* and *emigrant movables*, between Malvern, IA, and points in IA within 25 miles of Malvern, on the one hand, and, on the other, points in MO and NE within 50 miles of Malvern, *general commodities*, from Omaha, NE, to Malvern, IA, and points in IA within 25 miles of Malvern. Representive: R. Stephen Waller, 209 Main, Malvern, IA 51551. TA lease is not sought. Transferee is not a carrier.

MC–79325. By decision of September 4, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. Part 1132, Review Board Number 3 approved the transfer to HALL BROS. MOVERS, INC., of Worcester, MA, of Certificate No. MC–94207 (Sub-No. 1) issued June 26, 1981, to ALL NEW ENGLAND VAN LINES, INC., of Marlboro, MA, authorizing the transportation of *Household goods*, as defined by the Commission. Between points in MA, on the one hand, and, on the other, points in ME, NH, VT, RI, CT and NY. Representative: Robert G. Parks, Attorney, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181, 617–235–5571. Transferee presently holds no authority. TA application has not been filed.

No. MC–FC–79328. By decision of September 10, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to A.J.D. TRANSPORT INC., of Gilmanton Iron Works, NH of Certificate No. MC–34564 and all subs thereunder, issued to ADOLPH J. DAROKSA, of Pittsfield, NH, authorizing: Named commodities, *including lumber, livestock, agricultural machinery, wood turnings, soap, kids, and fertilizer;* and *general commodities;* from and to named points in the New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, Vermont, and New York. Representative: Howard B. Myers, 4 Park St., Concord, NH 03301. TA lease is not sought. Transferee is not a carrier.

MC–FC–79330. By decision of September 4, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to DANIEL P. FERRE AND HENRY M. FERRE, a partnership, doing business as DIABLO TRANSPORTATION CO., of Pacheco, CA, of Certificate Nos. MC–105682 (Sub-Nos. 9, 14, and 18) and Certificate of Registration No. MC–105682 (Sub-No. 17), issued to ELMER G. FILOMEO AND BRUNO NARDI, a partnership, doing business as DIABLO TRANSPORTATION CO., of Concord, CA, authorizing the transportation as follows: No. MC–105682 (Sub-No. 9): Irregular routes, *general commodities* (except classes A and B explosives), and household goods as defined by the Commission) between the site of Fairfield-Suisun, CA, Army Air Base, on the one hand, and, on the other, the sites of Sacramento Municipal Airport, McClelland Field, Mather Field, Sacramento Signal Corps Depot at Polk, San Francisco Municipal Airport (Mills Field), Oakland Municipal Airport, Sacramento, San Francisco, Oakland, Alameda, and Emeryville, CA; No. MC–105682 (Sub-No. 14): Irregular routes, *automobile parts, chemicals, small arms ammunition, and turpentine*, from Sierra Ordnance Depot, Herlong, CA, to Oakland, CA, restricted to traffic moving to the Territories or possessions of the United States; No. MC–105682 (Sub-No. 18): Irregular routes, *general commodities* (except commodities in bulk, household goods as defined by the Commission, articles of unusual value, and commodities which require the use of special equipment), between Oakland, Oxnard, Long Beach, and San Diego, CA, and Travis Air Force Base, at Fairfield, CA (conditioned to the extent that authority is granted to transport classes A and B explosives, the certificate expires May 9, 1983); and No. MC–105682 (Sub-No. 17): Irregular routes, transporting property between San Francisco and Oakland, CA, on the one hand, and United States Navy Depot near Port Chicago, CA, on the one hand, subject to the following condition: prior to or concurrently with consummation of this transaction, applicants shall furnish to the Commission a certified copy of the California Public Utilities Commission certificate as reissued to it, or if the California Public Utilities Commission does not reissue the certificate, a certified copy of the order which approves the transfer of the California intrastate certificate, together with a statement in writing confirming the date of consummation of the intrastate transaction. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518.

Notes.—Transferee is a non-carrier. TA has not been filed.

MC–FC–79333. By decision of September 4, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JOSEPH J. SARCONA TRUCKING CO., INC., of Brooklyn, NY, of Permit No. MC–127976 (Sub-No. 1), issued July 30, 1968, to J & J TRUCKING CO., INC., of Brooklyn, NY, authorizing the transportation of *automobile and motorcycle parts and accessories*, from points in the New York, NY commercial zone, as defined by the Commission, to Melville, NY, restricted to of shipments having a prior movement by water, and limited to a transportation service to be performed under a continuing contract(s) with Beck Distributing Corp., of Melville, NY. Representative: Pike & Piken, P.C., 95–25 Queens Blvd., Rego Park, NY 11374.

Notes.—Transferee holds no authority from the Commission. TA application has not been filed.

MC-FC-79336. By decision of September 4, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to E & J FREIGHT LINES, INC., of Middlebury, IN, of Certificate Nos. MC-128256 and MC-128256 (Sub-Nos. 29, 30, 32, and 34), issued to BLOSSER TRUCKING, INC., of Middlebury, IN (First State Bank of Middlebury, IN, Secured Creditor; and David G. Smith, Assignor), authorizing the transportation, as summarized, of *lumber, mouldings, composition board, axle assemblies, frames, wheels, windows, doors, screens, aluminum extrusions, siding and roofing, particle board, plywood, plastics and plastic articles, insulation board, gypsum board, and hardboard,* between specified points in the United States (except AK and HI). Representative: Richard K. Muntz, 124 N. Detroit Street, LaGrange, IN 46761.

Notes.—TA has been filed. Transferee is a non-carrier.

MC-FC-79340. By decision of September 8, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to H & O TRANSPORT, INC., of Campbellsville, KY of Certificate No. MC-38227 (Sub-Nos. 5, 6, 7, and 9) thereunder issued to CRUTCHER TRANSFER LINE, INC., of Louisville, KY, authorizing: Regular route: MC-38227, *General commodities,* except those of unusual value, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, Between Fort Knox, KY, and Lousiville, KY, over U.S. Highway 31W, serving the intermediate points of Tip-Top and Muldraugh, KY. (Sub-5) *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. Between Hodgenville, KY, and Louisville, KY, serving all intermediate points on Kentucky Highway 61 south of Elizabethtown, KY, and the off-route point of Buffalo, KY, without restriction: From Hodgenville, over Kentucky Highway 61 to Elizabethtown, KY, thence over U.S. Highway 31W to Louisville, and return over the same route. *General commodities,* except household goods as defined by the Commission, Between Elizabethtown, KY, and Louisville, KY, serving all intermediate points south of Fort Knox, KY: From Elizabethtown, over U.S. Highway 31W to junction old U.S. Highway 31W near Radcliffe, KY, thence over old U.S. Highway 31W via Fort Knox, KY, to junction U.S. Highway 31W near Tip-Top, KY, thence over U.S. Highway 31W to Louisville, and return over the same route. Between junction new U.S. Highway 31W and old U.S. Highway 31W near Tip-Top, KY, and junction new U.S. Highway 31W and old U.S. Highway 31W near Radcliffe, KY, serving no intermediate points: From junction new U.S. Highway 31W and old U.S. Highway 31W near Tip-Top, KY, over new U.S. Highway 31W to junction old U.S. Highway 31W near Radcliffe, KY, and return over the same route. Restriction: the authority granted herein is restricted against serving points in Indiana within the Louisville, KY, commercial zone as defined by the Commission. (Sub-6) *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Between Elizabethtown, KY, and Munfordville, KY, over U.S. Highway 31W, serving the intermediate point of Bonnieville, KY. (Sub-7) *General commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between Elizabethtown, KY, and Munfordville, KY, over U.S. Highway 31W, serving all intermediate points: Between Hodgenville, KY, and Cub Run, KY, serving all intermediate points. From Hodgenville over U.S. Highway 31-E to Hardyville, KY, thence over Kentucky Highway 88 to Cub Run, and return over the same route. Between Sonora, KY, and Hodgenville, KY, over U.S. Highway 84, serving no intermediate points. (Sub-9) *General commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between the facilities of (1) USM Corporation, Parker-Kalon Division, (2) Union Underwear Company, Inc., and (3) Ingersall-Rand Company, at or near Campbellsville, KY, and Louisville, KY, serving no intermediate points. From Campbellsville, KY, over U.S. Highway 68 to junction Kentucky Highway 61, thence over Kentucky Highway 61 to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville, KY, and return over the same route. Representative: Robert L. Baker, 6th Fl., United American Bank Bldg., Nashville, TN. TA lease is sought. Transferee is not a carrier.

MC-FC-79349. By decision of 9/10/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to KELLOW REFRIGERATED SERVICE, INC. of Certificate No. MC-113267 and sub-numbers thereunder, issued to CENTRAL & SOUTHERN TRUCK LINES, INC. authorizing the transportation of specified commodities such as *food products, paper and paper products, merchandise dealt in by wholesale, retail, chain grocery and food business, bag, bagging, and wrapping paper, plastic and plastic products,* between various points in the United States (except AK and HI). Representative: Virgil H. Smith, 74 Highway N. Box 245, Tyrone, GA 30290.

Notes.—(1) Transferee is a non-carrier. (2) No application for temporary authority has been filed.

MC-FC-79218. By decision of July 10, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to GEORGE KU, INC., of Certificate No. MC-47126 issued January 14, 1971, and No. MC-47126 (Sub-No. 5) issued May 17, 1972, to SUBURBAN TRANSIT, INC., authorizing the transportation of *passengers and their baggage, and express and newspapers in the same vehicle with passengers,* over regular routes between Newton Falls, Ohio and Warren, Ohio, serving all intermediate points; between Newton Falls, Ohio and Ravenna, Ohio, serving all intermediate points; between junction Ohio Highways 82 and 5, and junction Ohio Highways 82, 303, and 534, serving all intermediate points; between Windham, Ohio, and junction Ohio Highways 168 and 82, serving all intermediate points; between Garrettsville, Ohio, and Freedom, Ohio, serving all intermediate points; between Ravenna, Ohio, and Kent, Ohio, serving all intermediate points; between Warren, Ohio, and Youngstown, Ohio serving all intermediate points. The above described authority to transport passengers was issued pursuant to an application filed on or before January 1, 1967, and therefore incidental charter operations in interstate or foreign commerce may be conducted under rules and regulations prescribed by the Commission pursuant to section 49 U.S.C. 10932(c). The certificate in (Sub-No. 5) authorizes the transportation of *passengers and their baggage,* in the same vehicle with passengers in special and charter operations, beginning and ending at points in Trumbull, Mahoning, and Portage Counties, Ohio, and extending to points in the United States, (including Alaska but excluding Hawaii). Representative: Lewis S. Witherspoon, 2455 North Star Road, Columbus, Ohio 43221.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–28232 Filed 9–29–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–179

Decided: September 22, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 24583 (Sub-43), filed August 31, 1981 Applicant: FRED STEWART CO., INC., P.O. Box 340, El Dorado, AR 71730–0340. Representative: Tom E. Moore (same address as applicant), (501) 862–5133. Transporting *chemicals and related products, rubber, and plastic products and metal products,* between points in Columbia County, AR, Jefferson County, MO, Will County, IL, Mason and Bay Counties, MI, Hancock, Licking and Lawrence Counties, OH Whitfield County, GA, New London County, CT, and Middlesex County, NJ, on the one hand, and, on the other, points in the U.S. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 24583 (Sub-45), September 8, 1981. Applicant: FRED STEWART COMPANY, P.O. Box 340, El Dorado, AR 71730. Representative: James M. Duckett, 221 W. Second, Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *laminated wood products* between points in Columbia County, AR, on the one hand, and, on the other, points in the U.S.

MC 59352 (Sub-6), filed September 9, 1981. Applicant: C.L.&A. MOTOR DELIVERY, INC., 4110 Dane Ave., Cincinnati, OH 45223. Representative: Norbert B. Flick, 2250 Beechmont Ave., Cincinnati, OH 45230, (513) 231–4831. Transporting *containers* between points in Dearborn County, IN, on the one hand, and, on the other, points in OH.

MC 111672 (Sub-16), filed August 27, 1981. Applicant: R & M TRUCK LINE, INC., P.O. Box 422, Oskaloosa, IA 525770. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *malt beverages,* (1) between points in Franklin County, MO, on the one hand, and, on the other, Milwaukee, WI, Chicago, Peoria, Evansville, and Belleville, IL, Memphis, TN, Detroit, MI, Fort Wayne, IN, Omaha, NE and Fort Worth, TX, and (2) between points in Mahaska and Wapello Counties, IA, on the one hand, and, on the other, LaCrosse and Milwaukee, WI, Belleville, IL, Memphis, TN, and Winston-Salem, NC.

MC 119752 (Sub-11), filed September 8, 1981. Applicant: G & G HAULAGE CO., INC., 215 Henderson St., Jersey City, NJ 07302. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *building materials, and paper and paper products,* between Chicago Heights, IL, and points in Chippewa County, WI, on the one hand, and, on the other, points in NJ and NY.

MC 143023 (Sub-3), filed September 8, 1981. Applicant: CHIWAUKEE TRUCK LINE, INC., 1501 West Pershing, Rd., Chicago, IL 60609. Representative: Donald E. Weishaar, Suite 202, 1301 W. 22nd St., Oak Brook, IL 60521, (312) 986–5855. Transporting (1) *wines, cocktail mixes, and extracts,* under continuing contract(s) with P.J. Trucking, Inc., d.b.a. Trans-Rail, of Summit, IL, and (2) *beverages,* under continuing contract(s) with C & S Distributing Co., and Elmwood Distributing Co., both of Chicago, IL, between points in the U.S.

MC 143963 (Sub-6), filed September 9, 1981. Applicant: P. J. LOMBARDI TRUCKING, INC., 1308 71st St., Brooklyn, NY 11228. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575–7700. Transporting (1) *electrical machinery* and (2) *fabricated metal products,* between points in the U.S., under continuing contract(s) with Slant/Fin Corporation, of Greenvale, NY.

MC 146583 (Sub-5), filed September 22, 1981. Applicant: TERRAIN TAMERS, INC.—INTERSTATE TRANSPORT, P.O. Box 1457, Roseburg, OR 97470. Representative: John A. Anderson, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224–5525. Transporting *general commodities*

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except classes A and B explosives), between points in WA, OR and CA, on the one hand, and, on the other, points in WA, OR, CA, NV, ID, MT, WY, UT, CO, AZ, NM and TX.

MC 147262 (Sub-3), filed September 8, 1981. Applicant: DETROIT AIR CARGO, INC., 18450 Highland Rd., Romulus, MI 48174. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885, (219) 422–8884. Transporting *electronic equipment and parts,* between points in the U.S., under continuing contract(s) with Control Data Corporation, of Minneapolis, MN.

MC 147442 (Sub-5), filed September 9, 1981. Applicant: LAVIERO TRUCKING, INC., 70 Maureen Dr., Bristol, CT 06010. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *general commodities* (except classes A and B explosives), between points in CT, on the one hand, and, on the other, points in CA and those in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 148143 (Sub-13), filed September 8, 1981. Applicant: MID-AMERICAN FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant), (417) 862–7460. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Grand Enterprises, Inc., and its affiliated companies, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151383 (Sub-8), filed September 1, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth St., Tulsa, OK 74103. Transporting *metal products,* between points in the U.S., under continuing contract(s) with (a) Fabsco, Inc., of Sapulpa, OK and (b) Auxier-Scott Supply Co., of Tulsa OK.

MC 153752, filed September 8, 1981. Applicant: MACHADO TRUCKING, INC., Pier D. Berth 34, Long Beach, CA 90802. Representative: Robert Machado (same address as applicant), (213) 435–7671. Transporting *containers and chassis,* between points in the U.S., under continuing contract(s) with Maersk Line Agency, of Los Angeles, CA.

MC 157153 (correction), filed July 21, 1981, published in the **Federal Register**, issue of August 11, 1981, and republished, as corrected, this issue. Applicant: LYNNHAVEN TRAVEL CENTER, 2872 Virginia Beach Boulevard, Virginia Beach, VA 23452. Representative: Ray Allen Wood, Jr. (same as applicant), (804) 486–1911. As a *broker,* at Virginia Beach, VA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage, in the same vehicle with passengers,* in round-trip special and charter operations beginning and ending at Norfolk, VA, and extending to points in the U.S.

Note.—The purpose of this republication is to correct this application to read as a *broker.*

MC 158152, filed September 8, 1981. Applicant: BAXLEY TRUCKING CO., INC., Route 1, Box 13, Hemingway, SC 29554. Representative: C. Bradley Ruffin, Jr., P.O. Box 218, Hemingway, SC 29554, (803) 558–2588. Transporting *rubber and plastic products, textile mill products,* and *machinery* between points in SC, on the one hand, and, on the other, points in the U.S.

MC 158163F, filed September 11, 1981. Applicant: WORTHY CARTAGE CO., INC., 1428 Dalton St., Cincinnati, OH 45214. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215. *General commodities* (except classes A and B explosives), between Cincinnati, OH, Chicago, IL, St. Louis, MO, and points in Jasper County, IN, on the one hand, and, on the other, points in OH, KY and IN.

Volume No. OPY–2–180

Decided: September 22, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 1783 (Sub-38), filed September 2, 1981. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway, Nashua, NH 03060. Representative: Charles A. Webb, Suite 1111, 1828 L St., NW., Washington, DC 20036, (202) 822–8200. Transporting *general commodities* (except classes A and B explosives), between points in ME, VT, NH, MA, RI, CT, NY, NJ, and PA.

MC 2153 (Sub-54), filed September 14, 1981. Applicant: MIDWEST MOTOR EXPRESS, INC., 5015 E. Main, P.O. Box 1058, Bismarck, ND 58501. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104, (612) 646–6677. Transporting *general commodities* (except classes A and B explosives), between points in WI, IL, MO, IA, MN, ND, SD, NE, KS, CO, UT, WY, MT, ID, WA and OR.

Note.—Applicant intends to tack this authority with its existing authority.

MC 24583 (Sub-44), filed September 8, 1981. Applicant: FRED STEWART COMPANY, P.O. Box 340, El Dorado, AR 71730. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *machinery, equipment, materials, and supplies* used in or in connection with (1) the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and (2) the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in the U.S.

MC 24583 (Sub-46), filed September 14, 1981. Applicant: FRED STEWART COMPANY, P.O. Box 340, El Dorado, AR 71730. Representative: James M. Duckett, 221 W. Second, Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *petroleum and related products,* between points in Union County, AR, on the one hand, and, on the other, points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of liquified petroleum gasses, it shall be limited to a period expiring 5 years from its date of issuance.

MC 64373 (Sub-19), filed September 14, 1981. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 788, Cowpens, SC 29330. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440–0496, (219) 1652–2789. Transporting (1) *those commodities which because of their size or weight, require the use of special handling or equipment* and (2) *transportation equipment,* between those points in the U.S. in and east of WI, IL, KY, TN and MS, on the one hand, and, on the other, points in the U.S.

MC 93143, filed September 8, 1981. Applicant: LARRY C. WOLFF, d.b.a. WOLFF TRANSPORTATION COMPANY, 3120 Jackson St., Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001, 319–557–1320. Transporting *general commodities* (except classes A and B explosives), between points in IL, IA, and WI.

MC 95813 (Sub-20), filed August 7, 1981. Applicant: SHUMAKER TRUCKING COMPANY, 601 U.S. Route 15N, Dillsburg, PA 17019. Representative: David Shumaker (same address as applicant), (717) 432–9617. Transporting *metal products,* between points in CT, DE, ME, MD, KY, MA, NY, NJ, NH, NC, OH, PA, RI, SC, TN, VA, WV, and DC.

MC 106002 (Sub-5), filed August 28, 1981 Applicant: JOHN F. HARRIS, d.b.a., HOGAN'S TRANSFER & STORAGE CO., 1122 S. Davis Ave., Elkins, WV 26241. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526, 304–562–3460. Transporting (1) *beverages*, between points in the U.S., under continuing contract(s) with (a) Wonn Distributing Company, (b) Elkins Distributing Company and (c) Tygart Valley Distributing Company, of Elkins, WV, and (2) *building materials*, between points in the U.S., under continuing contact(s) with Elkins Builders Supply, of Elkins, WV.

MC 108473 (Sub-58), filed September 14, 1981. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Ave., Holliston, MA 01746. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St., NW., Washington, D.C. 20036, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 108633 (Sub-18), filed September 15, 1981 Applicant: BARNES FREIGHT LINE, INC., P.O. Box 800, Carrollton, GA 30117. Representative: Larry M. Treadaway (same address as applicant), (404) 832–3581. Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, FL, MS, AR, LA, KY, NC, SC, VA, WV, TN, OH, IN, MO, IL, and PA.

MC 113362 (Sub-420), filed September 8, 1981. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912, 507–433–3427. Transporting *rubber products*, between points in Miller County, AR, on the one hand, and, on the other, points in CO, IA, IL, IN, KS, MI, MO, MN, NE, ND, OH, OK, SD, TX, and WI.

MC 128153 (Sub-6), filed September 3, 1981. Applicant: VICTORY VAN CORPORATION, 950 South Pickett St., Alexandria, VA 22304. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006, 202–833–8884. Transporting *household goods*, between points in DE, MD, NC, VA, WV and DC, on the one hand, and, on the other, New York, NY, Boston, MA, Wilmington, DE, Philadelphia, PA, Baltimore, MD, Norfolk, VA, Wilmington, NC, Charleston, SC, Savannah, GA, and Jacksonville, Miami and Tampa, FL.

MC 129573 (Sub-1), filed August 31, 1981. Applicant: THIBODEAU–FINCH EXPRESS LIMITED, P.O. Box 2430, 3049 Devon Dr., Windsor, Ontario, Canada N8Y 4S4. Representative: Robert D. Schuler, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013, 313–645–9606. In foreign commerce only, transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, KY, MI, MN, NY, OH, PA and WI.

MC 134612 (Sub-9), filed September 15, 1981. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, 312–332–5106. Transporting *general commodities* (except Classes A and B explosives), between points in the U.S., under continuing contract(s) with Sweetheart Cup Corp./Northwest Cone Co., Division of Maryland Cup Corp., of Chicago, IL.

MC 142672 (Sub-180), filed September 4, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501–521–8121. Transporting *food and related products*, between New York City, NY, on the one hand, and, on the other, points in the U.S.

MC 144452 (Sub-23), filed August 31, 1981. Applicant: ARLEN LINDQUIST, d.b.a. ARLEN E. LINDQUIST TRUCKING, 9172 Davenport St. NE., Minneapolis, MN 55434. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, 612–340–0808. Transporting (1) *rubber and plastic products*, between Nashville, TN, Kansas City, MO, points in Franklin and Trumbull Counties, OH, Graves County, KY, Oklahoma and Cleveland Counties, OK, and Morgan County, MO, on the one hand, and, on the other, points in CO, IA, KS, MN, NE, ND, SD, WI and WY, (2) *petroleum and petroleum products*, between St. Louis, MO and points in Madison County, IL, on the one hand, and, on the other, points in CO, KS, MO, OK, IA, NE and WY, and (3) *chemicals and related products and petroleum and petroleum products*, between points in Cook County, IL, on the one hand, and, on the other, points in NM, ND, OH and OK. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives or liquified petroleum gas, it shall be limited to a period expiring 5 years from the its date of issuance.

MC 144752 (Sub-62), filed September 15, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with George C. Brandt, Inc., of Denver, CO.

MC 145982 (Sub-1), filed September 14, 1981. Applicant: MOTOR TRANSPORTATION COMPANY, INC., 141 North Laurel St., Hazeleton, PA 18201. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St. NW., Washington, DC 20005, 202–783–3535. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in that part of PA bounded by a line beginning at the junction of Interstate Hwy 80 and the Carbon-Monroe County line, then west along Interstate Hwy 80 to its intersection with PA Hwy 339, then along PA Hwy 339 to its intersection with PA Hwy 924, then along PA Hwy 924 to its intersection with PA 54, then along PA Hwy 54 to its intersection with PA Hwy 309, then along PA Hwy 309 to its intersection with PA Hwy 443, then along PA Hwy 443 to the Carbon-Schuylkill County line, then along the Carbon-Schuylkill County line to its intersection with the Lehigh-Carbon County line, then along the Lehigh-Carbon County line to the Monroe-Carbon County line, then along the Monroe-Carbon County line to its intersection with Interstate Hwy 80, including points on the named Highways, and extending to points in the U.S. (including AK, but excluding HI).

MC 146202 (Sub-2), filed September 2, 1981. Applicant: CONTRACTUAL CARRIERS, INC., Alan Dr., Harmony Industrial Park, Newark, DE 19711. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879, 301–840–8565. Transporting *general commodities* (except classes A and B explosives), between points in New Castle County, DE, on the one hand, and, on the other, points in the U.S.

MC 146723 (Sub-5), filed September 15, 1981. Applicant: J.C. BANGERTER & SONS, INC., 1265 North Main St., Bountiful, UT 84010. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84106, 801–581–0322. Transporting *rubber and plastic products*, between points in ID, UT, AZ and TX.

MC 147712 (Sub-34), filed September 14, 1981. Applicant: MIDWESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant), (213) 921–7474. Transporting *building woodwork*, between points in the U.S., under continuing contract(s) with Bend Millwork Limited, of Bend, OR.

MC 148732 (Sub-6), filed September 16, 1981. Applicant: L & J TRUCKING, INC., P.O. Box 1325, Wisconsin Rapids, WI 54494. Representative: Robert P.

Sack, P.O. Box 6010, West St. Paul, MN 55118, 612–457–6889. Transporting *pulp, paper and related products*, between points in Oneida, Maratha, Winnebago and Outagamie Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 151533 (Sub-13), filed September 14, 1981. Applicant: BESTWAY FREIGHT LINES, LTD., 1749 Wilbur Cross Hwy., Berlin, CT 06037. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, 203–728–0700. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between those points in the U.S. in and east of WI, IL, TN, KY, MS, and CA, on the one hand, and, on the other, points in the U.S.

MC 152672 (Sub-5), filed September 14, 1981. Applicant: A. ROGER LEASING, LTD., 850 Beaver Grade Rd., Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, 703–442–8330. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Eljer Plumbing Division of the Wallace-Murray Corporation, of Pittsburgh, PA, (b) Quaker State Oil Refining Corporation, of Oil City, PA, and (c) Action Industries, Inc., of Cheswick, PA..

MC 154872 (Sub-1), filed August 31, 1981. Applicant: SOLAR TRANSPORT, INC., 420 Central Ave., West, Hampton, IA 50441. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting *petroleum, natural gas and their products*, between points in Black Hawk County, IA, on the one hand, and, on the other, points in MN. Condition: to the extent this certificate authorizes the transportation of liquified petroleum gas, it shall be limited to a period expiring 5 years from its date of issuance.

MC 157902, filed September 15, 1981. Applicant: VANCO TRUCKING CO-OP, 2191 South 300 West, Salt Lake City, UT 84115. Representative: Larry A. VanWagoner, 3093 Bell Canyon Rd., Sandy, UT 84092, 801–943–4164. Transporting *furniture and furniture parts*, between points in CA, UT, and ID.

MC 157953, filed August 28, 1981. Applicant: GWYN D. NORRIS AND NYLE HENDERSON, d.b.a CUSTOMER TRAVEL SERVICE, 1215 8th St. Eureka, CA 95501. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579, 415–357–6236. Transporting *passengers and their baggage, in the same vehicle with passengers*, in charter and special operations, beginning and ending at points in Humboldt, Del Norte, Trinity, and Shasta Counties, CA, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI).

MC 158033, filed August 31, 1981. Applicant: CROWN TRANSPORTATION AND DELIVERY SERVICE, INC., 810 Lynwood, Broken Arrow, OK 74012. Representative: Earl W. Wolfe, 616 South Main, Suite 204, Tulsa, OK 74119, 918–582–3168. Transporting *general commodities* (except Classes A and B explosives) between points in U.S., under continuing contract(s) with Amway Corporation, of Arlington, TX.

MC 158083, filed September 4, 1981. Applicant: RANGE THREE TRUCK LINES, INC., P.O. Box 8621, Houston, TX 77009. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, 817–332–4718. Transporting *Mercer commodities*, between points in the U.S.

MC 158112, filed September 8, 1981. Applicant: M. LEE JACKS TRUCKING COMPANY, 605 Lawnwood Drive, Oxnard, CA 93030. Representative: Theodore J. England, Fifth Floor, Financial Plaza Tower, 500 Esplanade Drive, Oxnard, CA 93030, 805–485–9627. Transporting *bananas*, between points in Orange, Los Angeles, and Ventura Counties, CA, on the one hand, and, on the other, points in OR and WA.

MC 158123, filed September 8, 1981. Applicant: K & R TRANSPORTATION, INC., 3950 North Firestone Drive, Hoffman Estates, IL 60195. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, 312–298–1094. Transporting *general commodities* (except classes A and B explosives), between points in Cook, DuPage, Kane, Lake, and McHenry Counties, IL, on the one hand, and, on the other, points in IN, MI, and WI.

MC 158222, filed September 14, 1981. Applicant: SIOUX TRAIL TRANSIT, INC., 12164 198th St., Hastings, MN 55033. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *floor coverings and floor care products*, between Minneapolis, MN, on the one hand, and, on the other, points in ND, and SD.

MC 158263, filed September 14, 1981. Applicant: FRENZ PETROLEUM CORPORATION, 2318 West State St., New Castle, PA 16103. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222, (412) 471–3300. Transporting *petroleum, natural gas and their products*, between points in the U.S., under a continuing contract(s) with United Refining Company, of Warren, PA. Condition: To the extent any permit issued in this proceeding authorizes the transportation of liquified petroleum gas, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 158273, filed September 16, 1981. Applicant: ODEEN HIBBS TRUCKING CO., INC., P.O. Box 14332, Austin, TX 78761. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. *Limestone products* between points in Williamson County, TX, on the one hand, and, on the other, AR, AZ, LA, MS, OK and NM.

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Decided: September 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 59666 (Sub-19), filed September 14, 1981. Applicant: TRAFIC SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: Robert A. Mega (same address as applicant), (401) 724–1200. Transporting *wood and wood products*, and *paper and paper products*, between points in the U.S., under continuing contract(s) with Champion International Corporation, of Stamford, CT.

MC 73616 (Sub-5), filed September 14, 1981. Applicant: BILKAYS EXPRESS CO., a corporation 830 Old Corlies Ave., Neptune, NJ 07753. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411.Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MD, MA, NJ, NY, PA, RI, and VA.

MC 96696 (Sub-3), filed September 14, 1981. Applicant: G. H. BEMIS FREIGHT SERVICE, INC., 4114 Wismann Lane, Quincy, IL 62301. Representative: Robert L. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *general commodities* (except classes A and B explosives), between points in AR, CO, IA, IL, IN, KS, KY, MI, MN, MO, NC, OH, TN, and WI.

MC 111656 (Sub-16), filed September 16, 1981. Applicant: FRANK LAMBIE, INC., Pier 79 North River, New York, NY 10018. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411.Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with American Hoechst Corporation, of Spartanburg, SC.

MC 123476 (Sub-74), filed September 15, 1981. Applicant: CURTIS TRANSPORT, INC., 23 Grandview Industrial Ct., Arnold, MO 63010.

V 46 6 SE 30 81 UMI

Representative: David G. Dimit (same address as applicant), (314) 464–1300.Transporting *textile mill products*, between the facilities of Union Underwear Company, at points in the U.S. on and east of U.S. Hwy 85.

MC 136246 (Sub-50), filed September 14, 1981. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *lumber and wood products, forest products,* and *building materials,* between points in the U.S., under continuing contract(s) with North Star Forest Materials, Inc., of St. Paul, MN.

MC 143776 (Sub-31), filed September 16, 1981. Applicant: C. D. B. INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253–9527. Transporting *rubber and plastic products*, between the facilities of points in Charter Industries, Incorporated, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143776 (Sub-32), filed September 16, 1981. Applicant: C. D. B. INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253–9527. Transporting *metal and plastic products, and electrical equipment*, between points in Coles County, IL, on the one hand, and, on the other, points in CA, NJ, and OR.

MC 144776 (Sub-15), filed September 17, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner St., S.W., Atlanta, GA 30310. Representative: Virgil H. Smith, 74 Hwy N., Box 245, Tyrone, GA 30290, (404) 969–1980. Transporting *electric storage batteries*, between points in Forsyth County, NC, on the one hand, and, on the other, points in the U.S.

MC 146166 (Sub-7), filed September 18, 1981. Applicant: TRIANGLE TRANSPORT CO., INC., 74 Sulyma Street, Cumberland, RI 02864. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02854, (401) 885–0474. Transporting *metal products*, between points in U.S. under continuing contract(s) with ITT Royal Electric Division of East Providence, RI.

MC 148970 (Sub-3), filed September 15, 1981. Applicant: H & W TRANSFER & CARTAGE SERVICE, INC., 611 South Main St., Cedartown, GA 30125. Representative: Bruce E. Mitchell, 5th Floor, Lenox Towers South, 3390 Peachtree Rd., Atlanta, GA 30326, (404) 262–7855. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with the Hon Company, a division of Hon Industries, of Cedartown, GA.

MC 150586 (Sub-2), filed September 14, 1981. Applicant: McDONOUGH TRUCK LINE, INC., 119 Irving Ave., Fairbault, MN 55021. Representative: James M. Christenson, 4444 IDS Center, 80 South 8th St., Minneapolis, MN 55402, (612) 339–4546. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Minneapolis and Owatonna, MN, over Interstate Hwy 35, serving all intermediate points, and off-route points in Dakota, Rice, and Steel Counties, MN.

MC 152316, filed September 14, 1981. Applicant: NORTHWESTERN HAULERS, INC., P.O. Box 5225, Wilmington, DE 19808. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005, (202) 296–3555. Transporting *general commodities* (except classes A and B explosives), between Wilmington and points in New Castle County, DE, on the one hand, and, on the other, points in NJ, PA, and MD.

MC 153336, filed September 14, 1981. Applicant: GEORGE SNYDER TRUCKING CO., INC., P.O. Box 13 Hibernia Rd., Brandamore, PA 19316. Representative: Rolfe C. Marsh, 295 S. Newtown St. Rd., Benson Bldg., Suite 1001, Newton Square, PA 19073, (215) 356–5302. Transporting *non-woven material*, between points in Chester County, PA, on the one hand, and, on the other, New York, NY and points in Sulfolk County, NY and those in MD, DE, and NJ.

MC 155916 (Sub-4), filed September 15, 1981. Applicant: ARDMORE FARMS, INC., P.O. Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *printed matter*, between points in Brevard and Palm Beach Counties, FL, on the one hand, and, on the other, points in the U.S.

MC 156296, filed September 14, 1981. Applicant: HODGES WAREHOUSE, division of PORT CITY PROPERTIES, INC., 6533 E. 46th St., Tulsa, OK 74145. Representative: Michael H. Lennox, 531 N. Portland, P.O. Box 75613, Oklahoma City, OK 73147, (405) 943–2722. Transporting *medical supplies*, between points in Tulsa County, OK, on the one hand, and, on the other, points in KS.

MC 157186 (Sub-1), filed September 18, 1981. Applicant: U.S. TRANSPORT, INC., 14307 Still Meadow, Houston, TX 77079. Representative: Keith Kisner P.O. Box 26742 Austin, TX 78755. (512) 346–4800. Transporting *Mercer commodities*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 158036, filed September 11, 1981. Applicant: MKM TRUCKING, INC., 106 Chestnut St., Cherry Hill, NJ 08002. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *such commodities* as are dealt in or used by department stores and discount houses, (1) between Cherry Hill, NJ, on the one hand, and, on the other, points in NJ, NY, PA, DE, MD, VA, and DC, and (2) between Dallas, TX, on the one hand, and, on the other, points in OK, TX, KS, and MO.

MC 158316, filed September 18, 1981. Applicant: OSCAR WILLIAMS, JR. TRUCKING, Box 66, Pinetop, AZ 85935. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275–3124. Transporting (1) *lumber and wood products,* and (2) *building materials,* between points in AZ, AR, CA, CO, ID, NM, NV, OK, OR, TX, UT and WA.

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Decided: September 22, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 105159 (Sub-44), filed September 11, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting (1) *food and related products,* and (2) *food serving and dispensing equipment,* between Minneapolis, MN, and Cincinnati, OH, on the one hand, and, on the other, points in the U.S.

MC 112989 (Sub-1), filed September 3, 1981. Applicant: WEST COAST TRUCKING LINES, INC., 85647 Hwy. 99 So., Eugene, OR 97405. Representative: John T. Morgans (same address as applicant), (503) 747–1283. Transporting *construction materials, contractors' materials, equipment* and *supplies, mining equipment,* and *filtration equipment,* between points in the U.S.

MC 121658 (Sub-40), filed September 8, 1981. Applicant: STEVEN D. THOMPSON, TRUCKING, INC., 710 Prairie St., Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205 (601) 948–8820. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MS, MO, NC, OH, OK, PA, SC, TN, TX, and VA.

MC 124809 (Sub-6), filed September 11, 1981. Applicant: WAEHLER TRUCKING SERVICE, INC., Route 1, Box 65, Lomira, WI 53048. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086 (608) 238–3119. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Lumber Specialities, Ltd., of Delafield, WI.

MC 134839 (Sub-3), filed September 11, 1981. Applicant: HANEFELD BROTHERS, INC., Route 1, Burnett, WI 53922. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719 (608) 273–1003. Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing houses*, between points in the U.S., under continuing contract(s) with Green Bay Dressed Beef, Inc., of Green Bay, WI.

MC 135989 (Sub-33), filed September 9, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Avenue, Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 588, 50 South Steele Street, Denver, CO 80209 (303) 322–0800. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of glass containers, between points in the U.S., under continuing contract(s) with Chattanooga Glass Company, of Chattanooga, TN.

MC 135989 (Sub-34), filed September 9, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Avenue, Chino, CA 91810. Representative: William J. Lippman, Steele Park, Suite 588, 50 South Steele Street, Denver, CO 80209 (303) 322–0800. Transporting *malt beverages, wines, and liquors and mixes*, between Denver, CO, and points in Mesa County, CO, on the one hand, and, on the other, points in the U.S.

MC 144209 (Sub-13), filed September 8, 1981. Applicant: ERWIN TRUCKING, INC., 4515 North 24th Street, Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392–1220. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Campbell Soup Company of Camden, NJ.

MC 146628 (Sub-11), filed September 9, 1981. Applicant: HUNT SUPER SERVICE, INC., P.O. Box 270, Bradley, IL 60915. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *metal containers and bottle caps*, between points in the U.S., under continuing contract(s) with Crown, Cork & Seal Company, Inc., of Philadelphia, PA.

MC 147039 (Sub-5), filed September 1, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Rd., Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Hwy., Suite 400, Fairfax, VA 22030, (703) 691–0900. Transporting *automotive parts*, (1) between points in TX, on the one hand, and, on the other, points in AL, AR, CA, FL, GA, KS, KY, IL, IN, MI, MN, MO, MS, NC, NJ, NY, OH, OK, PA, SC, TN, WI, and VA, (2) between points in AL, AR, NC, SC, MS, OK, and KS, on the one hand, and, on the other, points in CA, GA, IL, OH, NJ, NY, FL, MN, VA, MI, MO, WI, PA, TN, KY, IN, and KS, and (3) between points in AR, on the one hand, and, on the other, points in Al, NC, SC, MI, and OK.

MC 150339 (Sub-39), filed September 10, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same address as applicant), (301) 673–7151. Transporting *metal products*, between points in the U.S., under continuing contract(s) with LeRoy Machine Co., Inc., of LeRoy, NY.

MC 150938 (Sub-2), filed September 8, 1981. Applicant: NORMAN GRUBB LEASING, INC., 2018 Bethel Dr., High Point, NC 27260. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288, (919) 627–0555. Transporting *furniture* between points in Davidson, Guilford, and Randolph counties, NC, on the one hand, and, on the other, points in GA, SC, and FL.

Volume No. OPY–5–16

Decided: September 22, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 152019 (Sub-2), filed September 10, 1981. Applicant: C.A.T. TRUCKING, INC., P.O. Box 487, Greensburg, IN 47240. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, 317–635–2339. Transporting *plastic products*, between points in the U.S. under continuing contract(s) with Hoover Universal, Inc., of Georgetown, KY.

MC 152629 (Sub-3), filed September 4, 1981. Applicant: ATLAS WAREHOUSE COMPANY, 923 Osborn St., P.O. Box 456, Burlington, IA 52601. Representative: Michael D. Bromley, 4317 S. 35th St., Arlington, VA 22206, 703–820–2240. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina and its subsidiaries at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 154469 (Sub-1), filed September 14, 1981. Applicant: WARREN L. ADAMS d.b.a. WARREN TRANSPORTATION, 1667 English St., Maplewood, MN 55109. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *such commodities* as are dealt in, or used by, manufacturers or distributors of stove and range parts, between points in Polk County, WI, on the one hand, and, on the other, points in TN.

MC 155209 (Sub-1), filed September 9, 1981. Applicant: DOT TRANSPORTATION, INC., 1825 Midland Boulevard, Ft. Smith, AR 72904. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Company of Fairfield, CT.

MC 156509, filed September 14, 1981. Applicant: W. M. M. COMPANY, P.O. Box 80, Goshen, OR 97401. Representative: Wilford L. Main, 2299 Willona Dr., Eugene, OR 97401, 503–485–4255. Transporting *wines and brandy*, between points in CA, on the one hand, and, on the other, points in OR and WA.

MC 157729, filed September 8, 1981. Applicant: RED RIDER, INC., 512 Custer St., P.O. Box 202, Delphos, KS 67436. Representative: Clyde N. Christey, Kansas City Credit Union Building, 1010 Tyler, Suite 110L, Topeka, KS 66612, 913–233–9629. Transporting *passengers and their baggage in the same vehicle with passengers*, in charter and special operations, beginning and ending at points in Smith, Osborne, Russell, Ellsworth, Lincoln, Mitchell, Marshall, Jewell, Republic, Cloud, Ottawa, Saline, Dickinson, Clay, Washington, Riley, and Geary Counties, KS, and extending to points in AR, CO, IA, MN, MO, NE, NM, OK, TX, WI and WY.

MC 157859, filed August 24, 1981. Applicant: NORTH AMERICAN CARTAGE COMPANY, INC., P.O. Box 1997, Greenwood, MS 38930. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting (1) *machinery*, (2) *those commodities* which because of their size or weight require the use of special handling or equipment, and (3) *Mercer commodities*, between Corpus Christi, TX, Wichita, KS, and points in Terrebonne Parish, LA, Leflore County, MS, and Grayson, Gregg, and Morris Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 158118, filed September 8, 1981. Applicant: CROSS COUNTRY

CARRIERS, INC., P.O. Box 2389, Grand Rapids, MI 49501. Representative: Michael P. Zell, P.O. Box 2389, Grand Rapids, MI 49501, (616) 774–0400. Transporting *general commodities* (except classes A and B explosives), between points in CA and those points in the U.S. in and east of MT, WY, CO, and NM.

MC 158138, filed September 9, 1981. Applicant: PACKAGE EXPRESS SERVICES, LTD., 27165 Wick Rd., Taylor, MI 48180. Representative: Phillip L. Pharmer (same address as applicant), 313–946–8705. Transporting *general commodities* except classes A and B explosives), between Detroit and Grand Rapids, MI, on the one hand, and, on the other, Cincinnati, OH and points in Williams, Fulton, Lucas, and Ottawa Counties, OH; and points in Wayne, Washtenaw, Monroe, Lenawee, Hinsdale, Jackson, Ingham, Livingston, Oakland, and McComb Counties, MI.

MC 158169, filed September 11, 1981. Applicant: MILTON G. WALDBAUM COMPANY, 501 Main St., Wakefield, NE 68784. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502, 712–323–9124. Transporting *such commodities* as are dealt in, or used by, grocery and food business houses, between points in the U.S. under continuing contract(s) with Albertson's, Inc. of Boise, ID.

MC 158189, filed September 11, 1981. Applicant: WISEMAN OIL COMPANY, INC., 84 Montour Rd., Corapolis, PA 15108. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting *petroleum products*, between Venango County, PA, on the one hand, and, on the other, those points in the U.S. east of ND, SD, NE, KS, OK, and TX.

MC 158219, filed September 14, 1981. Applicant: ROBERT E. PETTY d.b.a. B & G TRUCKING, Route #3, New Market, TN 37820. Representative: Kathleen D. Day, 4507 Doris Circle, Knoxville, TN 37918, 615–922–7453. Transporting *bananas*, between points in the U.S. under continuing contract(s) with White Stores, Inc., of Knoxville, TN.

Volume No. OPY–5–163

Decided: September 23, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Joyce not participating.)

MC 5888 (Sub-69), filed September 14, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th Street, Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting (1)(a) *concrete products* and (b) *petroleum and coal products*, between points in Berks County, PA, on the one hand, and, on the other, points in the U.S. (2) *machinery*, between points in Washington County, NE, on the one hand, and, on the other, points in the U.S., and (3) *charcoal and charcoal products*, between points in Dent County, MO, and Lunenberg County, VA, on the one hand, and, on the other, points in the U.S.

MC 125708 (Sub-217), filed September 14, 1981. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 210 East State Street, Kokomo, IN 46901. Representative: Herman Galligos, 109 Velma, South Roxana, IL 62087 (618) 254–7624. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of refractories and refractory products, insulation and insulation materials, between points in Columbiana County, OH, Allegany County, MD, Lake County, IN, Audrain County, MO, Monterey County, CA, and Montgomery County, PA, on the one hand, and, on the other, points in the U.S.

MC 141889 (Sub-19), filed September 15, 1981. Applicant: RONALD DEBOER, d.b.a. RON DEBOER TRUCKING, Route 1, Box 82, Sherry Station, Milladore, WI 54454. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of malt beverages, between Memphis, TN, and points in Gregg and Harrison Counties, TX, on the one hand, and, on the other, points in IL, IA, MN, and WI.

MC 145768 (Sub-7), filed September 14, 1981. Applicant: KREILKAMP TRUCKING, INCORPORATED, Route 1, Allenton, WI 53002. Representative: Nancy J. Johnson, 103 East Washington St., Box 218, Crandon, WI 54520 (715) 478–3341. Transporting (1) *metal and metal products*, (2) *machinery*, and (3) *such commodities* as are dealt in or used by manufacturers and distributors of snowmobiles, snowmobile trailers and boat trailers, between points in Washington and Dodge Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 153839, filed September 9, 1981. Applicant: TOM WILSON, INC., 2126 W. 50 Highway, P.O. Box 816, Emporia, KS 66801. Representative: J. Philip Welch (same address as applicant) (316) 342–3944. Transporting *meats, meat products, meat byproducts*, and articles distributed by meat packing houses, (1) between points in Osborne County, KS, on the one hand, and, on the other, Los Angeles, CA, St. Joseph, MO, and points in Fresno, Stanislaus, and San Joaquin Counties, CA, and York County, NE, and (2) between Jewell County, KS, on the one hand, and, on the other, Los Angeles, CA, Houston and Ft. Worth, TX, Tucson, AZ, Denver, CO, and Minneapolis, MN, and points in Stanislaus County, CA.

MC 154108 (Sub-1), filed September 14, 1981. Applicant: CALHOUN TRANSPORTATION SERVICE, INC., Old Route 11, P.O. Box 10, Calhoun, TN 37309. Representative: M. C. Ellis, Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402, (615) 756–3620. Transporting *paper and paper products*, between Naheloa, AL, Ft. Smith, AR, Dallas, TX, St. Marys, GA, and points in Coweta County, GA Lauderdale County, NC, and Darlington County, SC on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, VA, and WV.

MC 154279 (Sub-1), filed September 16, 1981. Applicant: S & S SERVICES, INC., Port of Gulfport, Eastpier, P.O. Box 4008, Gulfport, MS 39501. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, 615–790–2510. Transporting *machinery*, between points in Harrison County, MS on the one hand, and, on the other, points in Mobile and Baldwin Counties, AL and New Orleans, LA.

MC 154569 (Sub-3), filed September 15, 1981. Applicant: LEYDIG TRUCKING, INC., P.O. Box 217, Corriganville, MD 21524. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 217, Hagerstown, MD 21740, 301–797–6060. Transporting, *brick, tile and concrete products*, between points in Allegany and Garrett Counties, MD, on the one hand, and, on the other, points in OH, VA, and PA.

MC 156388, filed September 14, 1981. Applicant: JOHN ROY BALDWIN and CLYDE T. GASPERSON, JR. d.b.a. G. D. I. Route 3, Box 128, Jackson Rd., Fletcher, NC 28732. Representative: D. Samuel Neill, 222 Third Avenue West, Hendersonville, NC 28739 (704) 693–1739. Transporting (1) *malt beverages, wine and brandy*, between points in the U.S., under continuing contract(s) with (a) Ideal of Asheville, Inc., of Asheville, NC, and (b) Skyland Beer Distributing Co., of Arden, NC, and (2) *blankets*, between points in the U.S., under continuing contract(s) with C.D. Owen Mfg., Co., of Swannanoa, NC.

MC 158179, filed September 16, 1981. Applicant: A. CURTIS WOODS, d.b.a. C & J TRUCKING, Route 2, Box 13A1, Albany, IN 47320. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, 317–635–2339.

Transporting *clay, concrete, glass or stone products,* between points in the U.S. under continuing contract(s) with Indiana Glass Company, a Division of Lancaster Colony Corporation, of Dunkirk, IN.

Volume No. OPY-5-164

Decided: September 24, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF-568, filed September 9, 1981. Applicant: MISSION INTERNATIONAL, INC., 6750 Federal Blvd., Lemon Grove, CA 92045. Representative: Leonard J. Pellman (same address as applicant) (714) 287-4510. As a *freight forwarder* of (a) *used household goods,* (b) *unaccompanied baggage,* and (c) *used automobiles,* between points in CA, on the one hand, and, on the other, points in the U.S.

MC 5888 (Sub-70), filed September 16, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th St., Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603 (312) 236-9375. Transporting *polyethylene film,* between Minneapolis, MN, on the one hand, and, on the other, Los Angeles, CA, Portland, OR, Seattle, WA, Dallas, TX, Birmingham, AL, Atlanta, GA, Boston, MA, and points in Maricopa County, AZ, Mecklenberg County, NC, Erie County, NY, Greenville County, SC, and DC, on the other.

Note.—Applicant intends to tack this authority with its existing regular-route authority at Minneapolis, MN, to provide service to points on its regular routes in IL, IA, IN, KS, MI, MN, MO, NE, OH, and WI.

MC 29628 (Sub-3), filed September 14, 1981. Applicant: GERALD F. MOORE, d.b.a. MOORES TRUCK SERVICE, 45 Brandywine St., Binghamton, NY 13902. Representative: Gerald F. Moore, P.O. Box 926, Binghamton, NY 13902 (607) 723-9431. Transporting *castings,* between points in Tioga County, NY, on the one hand, and, on the other, points in Bradford County, PA.

MC 78118 (Sub-61), filed September 16, 1981. Applicant: W. H. JOHNS, INC., 35 Witmer Rd., Lancaster, PA 17602. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101-1295, (717) 236-9318. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of MI, IN, KY, TN and MS (except NY, ME, NH, VT, CT, MA, and RI).

MC 114028 (Sub-41), filed September 16, 1981. Applicant: ROWLEY INTERSTATE TRANSPORTATION, COMPANY, INC., 2010 Kerper Blvd., Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *chemicals and related products,* between St. Louis, MO, Detroit and Oakland County, MI, points in Kent and Newcastle Counties, DE, Shawnee Sedgewick Counties, KS, Meade and Daviess Counties, KY, Saint Charles Parish, LA, Washoe and Storey Counties, NV, Dodge County, NE, Manitowac and Milwaukee Counties, WI, Sweetwater and Teton Counties, WY, Minnehaha County, SD, CA, GA, IL, IN, MN, NJ, NY, OH, PA, TN, TX, VA, and WV, on the one hand, and, on the other, points in Bremer County, IA.

MC 119099 (Sub-41), filed September 15, 1981. Applicant: BJORKLUND TRUCKING, INC., First Ave., NE and 8th St., Buffalo, MN 55313. Representative: Val M. Higgins, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *general commodities* between the facilities used by American-Canadian Distribution Center, Inc., at points in MN, MO, GA, and CO, on the one hand, and, on the other, points in the U.S. Condition: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.

MC 124679 (Sub-141), filed September 16, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Michael L. Bunnell (same address as applicant), (801) 972-2712. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 158248, filed September 15, 1981. Applicant: NOMEC, INC., 1652 West Belt North, Houston, TX 77043. Representative: Fred L. Jackson, 500 Franklin, Beaumont, TX 77701, (713) 838-9975. Transporting *pumps* between points in the U.S., under continuing contract(s) with Sellers Pump & Supply Company, of Houston, TX.

MC 158268, filed September 14, 1981. Applicant: CLARENCE A. MILLER TRUCKING CO., INC., P.O. Box 626, Jackson, OH 45640. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting (1) *coal and limestone,* between points in Gallia, Jackson, Meigs, Lawrence, and Vinton Counties, OH, on the one hand, and, on the other, points in KY and WV, and (2) *clay,* between points in Jackson County, OH, on the one hand, and, on the other, points in NC.

MC 158288, filed September 16, 1981. Applicant: MONTANA CONSULTANTS, INC., d.b.a. TOMAHAWK TRANSPORTATION, INC., 5400 Laurel Rd., Billings, MT 59101. Representative: David A. Sutherland, 1150 Connecticut Ave., NW, Suite 400, Washington, DC 20036, (202) 452-6800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Billings Furniture Pool Association, Billings Retail Shippers' Association, Billings Shipping Corporation, all of Billings MT, Peavey Company of Minneapolis, MN, and Great Falls Shipping of Great Falls, MT.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28256 Filed 9-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the applications later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-178

Decided: September 22, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 128642 (Sub-6), filed August 28, 1981. Applicant: BLACK HILLS MOVERS, INC., 610 East Omaha, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701 (605) 343-4036. Transporting (a) *general commodities*, between Keystone, SD, on the one hand, and, on the other, points in the U.S. and (b) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensative weapons and munitions), between points in the U.S. Condition: Issuance of a certificate in part (a) above is subject to applicant submitting proof of termination of rail service at Keystone, S.D.

MC 158272, filed September 16, 1981. Applicant: ROHNER, GEHRIG & CO., INC., One Whitehall St., New York, NY 10004. Representative: Kurt Engel (same address as applicant), (212) 269-8900. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 158283, filed September 14, 1981. Applicant: EXECUTIVE LIMOUSINE LTD., INC., 372 Bennetts Farm Rd., Ridgefield, CT 06877. Representative: Lawrence Hauser, 134 East Ave., Norwalk, CT 06851, (203) 853-7000. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY-2-181

Decided: September 23, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 158092, filed September 3, 1981. Applicant: MARION BURGERS TRUCKING, R# 2 Box 20, Colton, SD 57018. Representative: Marion Burgers (same address as applicant), (605) 446-3263. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158132, filed September 9, 1981. Applicant: SHELDON TRANSPORT CO., INC., 810 6th St., Sheldon, IA 51201. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101-1103, (605) 335-1777. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158253, filed September 9, 1981. Applicant: JAMES W. BLACKBURN, JR., Rte. 4, Box 424F, North Wilkesboro, NC 28659. Representative: James W. Blackburn, Jr. (same address as applicant), (919) 667-3882. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158262, filed September 9, 1981. Applicant: RONALD FRYREAR, d.b.a. COLORADO WEST TRUCKING, 2050 Fenton, Edgewater, CO 80214. Representative: Ronald Fryrear (same address as applicant), (303) 232-9064. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158292F, filed September 16, 1981. Applicant: CWC BROKERAGE, 910 10th Street, P.O. Box 7, Plano, TX 75074. Representative: William Sheridan, P.O. Box 5049, Irving, TX 75062, (214) 255-6279. As a *broker of general commodities* (except household goods) between points in the U.S.

Volume No. OPY-4-380

Decided: September 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 152136 (Sub-5), filed September 18, 1981. Applicant: DANE TRUCKING & CARTAGE COMPANY, P.O. Box 7506, Fort Worth, TX 76111. Representative: William Sheridan, P.O. Box Drawer 5049, Irving, TX 75062, (214) 255-6279. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret material and sensitive weapons and munitions) between points in the U.S.

MC 158266, filed September 11, 1981. Applicant: WALTER REDWINE, 2911 W. Dakota St., Tucson, AZ 85706. Representative: Ella F. Redwine (same address as applicant), (602) 883-5403. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158286, filed September 16, 1981. Applicant: M. T. TRUCK LINES, INC., 111 Washington St., Chicago, IL 60602. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236-5944. Transporting *general commodities* (except classes A and B explosives), between Merrillville, IN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor common carrier service in lieu of rail abandoned service.

Volume No. OPY-5-162

Decided: September 24, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 130679 (Sub-3), filed September 10, 1981. Applicant: METRO PARK WAREHOUSE, INC., 301 S. 5th St., Kansas City, KS 66110. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221–1464. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 135839 (Sub-8), filed September 14, 1981. Applicant: B LINE SERVICES, INC., P.O. Box 127 Stein Rd., Hammond, LA 70404. Representative: Edward A Winter, 235 Rosewood Dr., Metairie, LA 70005, (504) 835–4724. Transporting *metal products*, between points in the U.S. under continuing contract(s) with Gulf South Machine, Inc., of Pontchatoula, LA.

MC 146448 (Sub-32), filed September 16, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Junior C. Landis (same address as applicant), (800) 643–5650. Transporting *general commodities* (except household goods and classes A and B explosives), between Hamburg, Mist and Snyder, AR, Fallbrook, CA, Bell, FL, Astoria, Clare, Easton, Esmond, Five Points and Lindenwood, IL, Clemons, Minerva, St. Anthony and Zearing, IA, Cedarvale, Dexter, Fleming-Neon, Kona, Millstone, Sedan and Tyro, KY, Brashear, Durham, Edina, Ewing, Hurdland, Knox City, La Belle, Lewistown, Maywood and Taylor, MO, Butler, Cheyenne and Reydon, OK, Keystone, SD, Allison, Briscoe and Mobectie, TX, and Barronett, Burkhardt, Clayton Comstock, Cumberland, Deer Park, Gillett, Green Valley, Krakow, Marion, Shell Lake, Tigerton and Wittenberg, WI, on the one hand, and, on the other, points in the U.S. Condition: Approval of this authority is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at all of the involved points.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 158158, filed September 8, 1981. Applicant: THOMAS KIMBER, 240 Pinecrest, Winona, MN 55987. Representative Thomas Kimber (same address as applicant), (507) 454–5344. Transporting *food and other edible products and byproducts intended for human consumption* (except alcholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158208, filed September 14, 1981. Applicant: CIRCLE AIRFREIGHT CORP., 545 Sansome St., San Francisco, CA 94111. Representative: W. O. Locke (same address as applicant), (415) 983–9704. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 158259, filed September 11, 1981. Applicant: FRED G. YAEGER, 542 Skyline Dr., Great Falls, MT 59404. Representative: Fred G. Yaeger (same address as applicant), (406) 727–3394. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle between points in the U.S.

MC 158269, filed September 8, 1981. Applicant: MAURICE S. BOZEL, d.b.a. BOZEL-FETTY ASSOCIATES, 4500 Hollis Ferry Rd., Baltimore, MD 21227. Representative: Theodore Polydoroff, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101, (703) 893–4924. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 158289, filed September 16, 1981. Applicant: GENERAL EXPRESS, INC., 4698 Lake Mirror Place, Forest Park, GA 30050. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339, (404) 434–3381. (1) As a *broker* of *general commodities* (except household goods), between points in the U.S. and (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–28254 Filed 9–29–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 172]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 23, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

James H. Bayne,

Acting Secretary.

MC 1718 (Sub-15)X, filed September 16, 1981. Applicant: ALFRED M. FLATEGRAFF, d.b.a. GARDNER TRUCK LINE, P.O. Box 22, Pine River, MN 56474. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Ednina, MN 55424. Applicant seeks to remove restrictions from its lead and Sub-Nos. 12F, 13F, and 14F to: (1) broaden commodity descriptions from butter to "food and related products" in its lead, paragraph 1; from wooden spools, reels, lagging, and cooperage to "lumber and wood products, metal products, and machinery" in its lead, paragraphs 2 and 4; from new store and office fixtures and new furniture, uncrated, to "furniture and fixtures" in its lead, paragraph 3; from wooden spools, wooden reels, wooden reel head, wooden cooperage and nuts, bolts and washers used in the assembly thereof to "lumber and wood products and metal products" in Sub-No. 12F part (1) and from lumber and lumber products to "lumber and wood products" in Sub-No. 12F, part (2); from lumber, lumber products, wood products, and forest products to "lumber and wood products and forest products" in Sub-No. 13F; from wooden spools, wooden reels, wooden reel heads and wooden cooperage to "lumber and wood products and materials, equipment, supplies and accessories used in the manufacture and installation of lumber and wood products" in Sub-No. 14F; (2) replace existing one-way authority with radial in its lead and Sub-Nos. 12F and 13F; (3) broaden territorial description from Pine River, MN to Cass County, MN in its lead and Sub-Nos. 12F and 14F; from Duluth, MN to St. Louis County, MN in its lead; from Pequot Lakes and Brainerd, MN, to Crow Wing County, MN in its lead; (4) delete restriction against service to AK and HI in its Sub-No. 14f; (5) delete "originating at" restriction in its Sub-No. 13F.

MC 16903 (Sub-90)X, filed September 17, 1981. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-No. 70F certificate to (1) broaden the commodity description from road and street signs posts and brackets, and materials used in the manufacture of road and street signs to "metal products and materials, equipment and supplies used in the manufacture and distribution of metal products"; and (2) remove the facilities limitation at Bloomington, IN, and change city to county-wide authority from Bloomington to Monroe County, IN, to authorize authority between points in Monroe County, IN, and, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 87231 (Sub-29)X, filed August 24, 1981. Applicant: BAY & BAY TRANSFER CO., INC., 7200 West 128th Street, Savage, MN 55378. Representative: Pamela N. Merkle, 300 Roanoke Building, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its portions of its lead and Sub-Nos. 9, 10, 13, 15, 21, 22 and 26F certificates to (1) broaden the commodity descriptions to "commodities in bulk" from animal and poultry feed and fertilizer, in bulk, in tank or hopper vehicles, in the lead; dry fertilizer, in bulk, in Sub-No. 9; salt, in bulk, in hopper-type vehicles, in Sub-No. 10; foundry sands and silica sands, in bulk, in Sub-No. 13 and part of Sub-No. 19, fertilizer compounds, urea, ammonium nitrate fertilizer, and supperhosphate, in Sub-No. 15; salt, in Sub-No. 21; and silica sand, in Sub-No. 26F, (2) broaden the territorial description by substituting county-wide authority for city-wide authority as follows: Freeborn County, MN (for Albert Lea, MN), in the lead; Winona County, MN (Winona, MN), in Sub-No. 9; Scott County, MN (for Savage, MN), in Sub-No. 10; LeSueur County, MN (for Ottawa, MN), in Sub-Nos. 13 and 19; Scott County, MN (for Port Cargil, MN), in Sub-No. 15; and Dakota County, MN (for Pine Bend, MN), in Sub-No. 21, and (3) replace one-way authority with radial authority, in the lead and all subs.

MC 88414 (Sub-5)X, filed September 18, 1981. Applicant: RICHMOND TRANSFER & STORAGE CO., INC., 2114 MacDonald Street, Richmond, CA 94801. Representative: Alan F. Wohlstetter, 1700 K Street, NW, Suite 301, Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 4 certificate which authorizes the transportation of used household goods, in containers, and unaccompanied baggage, between points in the US to remove the AK and HI exceptions.

MC 103490 (Sub-87)X, filed March 4, 1981 and previously noticed in **Federal Register** of March 23, 1981, and April 21, 1981, republished as corrected, this issue. Applicant: PROVAN TRANSPORT CORP., 210 Mill St., Newburgh, NY 12550. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048. By a certificate served June 19, 1981, applicant was granted authority to perform the operations previously published. This republication is made pursuant to a decision of the Commission, Division 1, in *Provan Transport Corp.—Administrative Appeal of Partial Rejection of Restriction Removal Application* (not printed), served September 9, 1981. Applicant seeks to remove restrictions in its Sub-No. 36, 79, and 82 certificates to (1) authorize county-wide authority for city authority: Camden County for Pettys Island, NJ in Sub-No. 36; Essex County for Groveland, MA and Summit County for Macedonia, OH, in Sub-No. 79; and Essex County for Tahawas, NY in Sub-No. 82; and (2) substitute encompassed counties for a mileage-radius formula territory: points in New York in, east, and south of Steuben, Schuyler, Seneca, Cayuga, Oswego, Lewis, Herkimer, Hamilton, and Essex Counties, and those in Pennsylvania in and east of York, Cumberland, Perry, Juniata, Snyder, Union, Lycoming, and Tioga Counties, for those points within 200 miles of Stamford, CT, in New York and Pennsylvania, in Sub-No. 36.

MC 111310 (Sub-68)X, filed September 15, 1981. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to modify its Sub-No. 57F to (1) delete the following restrictions: (a) facilities limitations; (b) "originating at"; and (c) "except AK and HI"; (2) substitute Brown, Jefferson, Outagamie, and Winnebago Counties, WI for DePere, Fort Atkinson, and Menasha, WI; (3) authorize radial service in place of one-way authority; and (4) change commodity description from paper and paper products to "pulp, paper, and related products."

MC 138465 (Sub-8)X, filed September 14, 1981. Applicant: TOWNSEND HAULING, INC., Route 1, Box 292, Live Oak, FL 32060. Representative: Norman J. Bolinger, Suite 225, 3100 University Blvd. S., Jacksonville, FL 32216. Applicant seeks to remove restrictions in its Sub-Nos. 3 and 7F certificates to: in Sub-No. 3 (1) broaden the commodity description from fertilizer and agricultural limestone to "chemicals and related products" (2) replace Albany, GA, with Dougherty County, GA (3) remove the dry, in bulk restriction, and (4) broaden one-way authority to radial authority (a) between points in Dougherty County, GA, and, points in 16 named counties in FL; and (b) between points in Levy, Marion, and Suwannee Counties, FL, and, in that part of Georgia on and south of U.S. Hwy 280; and in Sub-No. 7F (1) broaden the commodity description from agricultural limestone, wet gypsum, superphosphate, and fertilizer to "chemicals and related products", (2) remove the in bags, in bulk, in dump vehicles restriction, (3) replace Clyo and Cordele, GA, with Crisp and Effingham Counties, GA, and (4) broaden one-way authority to radial authority (a) between points in Citrus and Taylor Counties, FL, and, points in Georgia on and south of U.S. Hwy 280, (b) between points in Hamilton County, FL, and, points in Georgia on and south of U.S. Hwy 280 and in Coffee, Covington, Dale, Geneva, Henry and Houston Counties, AL, (c) between points in Hamilton, Hillsborough, Manatee, and Polk Counties, FL, and, points in Georgia on the south of U.S. Hwy 280 and in Coffee, Covington, Dale, Geneva, Henry, and Houston Counties, AL, and (d) between Crisp and Effingham Counties, GA, and, points in Florida on and north of FL Hwy 40.

MC 145058 (Sub-3)X, filed August 26, 1981, previously noticed in the **Federal Register** of September 11, 1981, republished as corrected this issue. Applicant: THOMAS PRODUCE COMPANY OF MOUNT AIRY, INC., North Carolina Hwy. No. 220 South, P.O. Box 16707, Greensboro, NC 27406. Representative: Michael F. Morrone, 1150 17th Street N.W., Suite 1000, Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description to "general commodities, except classes A and B explosives" from general commodities, with exceptions; (2) authorize radial, county-wide authority to replace existing one-way, facilities or city-wide authority: between points in Wake and Guilford Counties, NC (for facilities at High Point and Raleigh, NC) and Washington County, VA (for Abingdon, VA), and points in 22 States. The purpose of this republication is to correct the county-wide authority.

MC 145252 (Sub-10)X, filed September 15, 1981. Applicant: HENRY ANDERSEN, INC., P.O. Box 75, King George, VA 22485. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. N.W., Washinbgton, DC 20005. Applicant seeks to remove restrictions from its Sub-No. 7 permit to (1) broaden the commodity description to "food and related products and materials, supplies and equipment used in the production and distribution thereof" from meats, meat products and meat by-products (except commodities in bulk), and materials, supplies and equipment used in the production and distribution of the aforementioned commodities (except commodities in bulk); and (2) expand the territorial authorization to authorize service between points in the United States, under continuing contract(s) with a named shipper.

MC 150091 (Sub-3)X, filed September 18, 1981. Applicant: PRESCOTT FERTILIZER CORP., 450 2nd Street, Prescott, WI 54201. Representative: Stanley C. Olsen, Jr., 5200 Wilson Road, Suite 307, Edina, MN 55424. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F permits to (1) broaden the commodity description to "food and related products and chemicals and related products and materials, equipment and supplies used in the manufacture and distribution of the commodities above" from feed and feed ingredients, and fertilizer and materials, equipment and supplies used in the manufacture and distribution of the above commodities, in both subs and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers, in both subs.

MC 153938 (Sub-5)X, filed August 31, 1981. Applicant: ENERGY EXPRESS, INC., 2125 North Redwood Road, Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Applicant seeks to remove restrictions in authority granted to it pursuant to MC-FC-79008 to (a) remove "in bulk" restrictions; (b) remove "tank truck (vehicle)" restrictions; (c) remove restriction requiring "specially heated equipment"; (d) authorize radial authority where only one-way exists; and (e) remove restriction requiring that no shipments shall be transported between specified UT and NV points.

[FR Doc. 81-28253 Filed 9-29-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29731]

Central of Georgia Railroad Co.—Lease—Southern Railway Co.; Exemption

September 24, 1981.

On September 3, 1981, the Southern Railway Company (Southern) and its wholly-owned subsidiary Central of Georgia Railroad Company (Central) jointly filed a Notice of Exemption of a proposed lease and operation by Central of a 19.33 mile railroad line owned and operated by Southern between Fort Valley and Roberta, in Peach and Crawford Counties, GA. The notice was filed pursuant to 49 CFR 1111.5(c)(3), as amended by *Railroad Consolidation Procedures*, 363 I.C.C. 200, 224 and 266 (1980), 45 FR 6299 (September 23, 1980).

Central is a wholly-owned subsidiary of Southern as approved by the Commission in *Central of Georgia Railway Company—Consolidation*, 338 I.C.C. 353 (1971).

This transaction is within the Southern corporate family and does not involve any changes in operations service levels, or competitive balance with other carriers.

In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. § 10505(g)(2).) Therefore, we will require, as a condition to this exemption, the same level of labor protection as is usually required in lease transactions. We have determined that the employee protective conditions developed in *Mendocino Coast Ry., Inc. Lease and Operate*, 354 I.C.C. 732 (1978) and 360 I.C.C. 653 (s980) satisfy the statutory requirements for protection of employees involved in a lease transaction. Therefore Southern and Central must comply with those provisions as a condition to the exercise of this exemption.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

James H. Bayne,
Acting Secretary.

[FR Doc. 81-28251 Filed 9-29-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: September 24, 1981.

In our recent decisions, an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 17.8-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 2.0-percent surcharge for United Parcel Service, or the 6.6-percent surcharge for the bus carriers. However, the surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators is ordered to be reduced to 3.0-percent.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m., September 25, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

James H. Bayne,
Acting Secretary.

Appendix.—*Fuel Surcharge*

September 21, 1981

Base date and price per gallon (including tax)

January 1, 1979 .... 63.5¢

Date of current price measurement and price per gallon (including tax)

September 21, 1981 .... 130.3¢

	Transporation performed by—			
	Owner operator[1]	Other[2]	Bus carrier	[illegible]
	(1)	[illegible]	(3)	(4)
Average percent; fuel expenses (including taxes) of total revenue	[illegible]	2.9	6.3	3.3
Percent surcharge developed	17.8	3.0	6.6	[3] 2.8

	Transporation performed by—			
	Owner operator[1]	Other[2]	Bus carrier	UPS[3]
Percent surcharge allowed	15.0	[illegible]	6.6	[4]2.0

[1] Apply to all truckload rated traffic.

[2] Including less-then-truckload traffic.

[3] The percentage surcharge developed for UPS is calculated by applying 8[illegible] percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[4] The developed surcharge is reduced 0.8 percent to reflect rule-related increases already included in UPS rates.

[FR Doc. 81-28249 Filed 9-29-81; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Applications for Relief (Formerly Fourth Section Applications)

September 24, 1981.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. on or before October 15, 1981.

FSA No. 43937, Southwestern Freight Bureau, Agent No. B-137, reduced rates on synthetic rubber and rubber compounds, from stations in Louisiana and Texas to Hopedale, MA, in Supplement 79 to its Tariff ICC SWFB 4973-A, effective October 19, 1981. Grounds for relief—destination rate relationship.

FSA No. 43938, Southwestern Freight Bureau, Agent, carload rates of iron or steel pipe and related articles from Chicago, IL and Youngstown, OH to Brookshire, TX in Tariff ICC SWFB 4853, to become effective October 21, 1981. Grounds for relief—destination rate relationship.

FSA No. 43939, Southwestern Freight Bureau, Agent (No. B-138) reduced rates on alloys or metals, from Industry, PA to Texas destinations, in Supplement 137 to its Tariff ICC SWFB 3002-I, effective October 24, 1981. Grounds for relief—market competition.

By the Commission.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28250 Filed 9-29-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 173]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 24, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings: We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

James H. Bayne,

Acting Secretary.

FF-84 (Sub-3)X, filed September 18, 1981. Applicant: C. S. GREENE AND COMPANY, INC., 2803 Butterfield Road, Oak Brook, IL 60521. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-No. 1 permits to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)" in Sub-No. 1; (2) expand one-way to radial authority; and (3) remove the restriction to the transportation of export traffic in Sub-No. 1.

MC 95540 (Sub-1172)X, filed September 4, 1981. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, Georgia 30301. Applicant seeks to remove restrictions in its Sub-No. 1169F certificate to broaden the commodity description from general commodities with the usual exceptions to general commodities (except classes A and B explosives), in connection with its authority to serve between points in the U.S.

MC 113119 (Sub-15)X, filed September 17, 1981. Applicant: C.S.I., INC., d.b.a. CONTRACT SERVICE, INC., Trewigtown Rd., Colmar, PA 18915. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Applicant seeks to remove restriction in its Sub-Nos. 8 and 12 certificates to (1) broaden the commodity description from paper and paper products to "pulp, paper and related products" in both subs; (2) change city to county-wide authority from New Hope, PA, to Bucks County, PA, in Sub-No. 8(3) change one-way to radial authority in both subs, (4) remove the facility limitation in Sub-No. 12 and replace New Hope, PA with Bucks County, PA, (5) remove in bulk restriction in Sub-No. 12, and (6) remove the originating at and destined to restriction in Sub-No. 8.

MC 124170 (Sub-No. 188)X, filed, September 21, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-No. 142F certificate to (1) broaden the commodity description from foodstuffs to "food and related products"; (2) replace Boston and Woburn, MA and West Reading, PA with Suffolk, Essex, Middlesex, Norfolk and Plymouth Counties, MA and Berks County, PA; and (3) provide radial authority in place of one-way authority.

MC 145955 (Sub-No. 27)X, filed, September 14, 1981. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, 9202 W. Dodge Road, Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 5, 6, and 7 certificates to (1) broaden the commodity description from plastic articles and chemicals to "rubber and plastic products, chemicals and related products" in Sub-No. 5; (2) delete in bulk, in tank vehicle restrictions in all three Sub-Nos.; (3) delete plantsite restriction in Sub-No. 5; (4) authorize radial service in place of existing one-way authority between Chicago, IL, and named mid-western States in all authorities.

MC 146773 (Sub-No. 4)X, filed, September 14, 1981. Applicant: CON-EX, INC., Cove Street, Manchester, NH 03101. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its Sub-No. 3 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; (2) remove the originating at or destined to facilities of a named shippers association restrictions where they exist and (3) remove exceptions to service at AK, HI, ME, NH, VT, and MA in its radial authority between ME, NH, VT, and MA and points in the U.S. (with exceptions).

MC 148561 (Sub-No. 2)X, filed, September 23, 1981. Applicant: BENETO, INC., P.O. Box 533, West Sacramento, CA 95691. Representative: Ronald Chauvel, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its lead certificate to: (1) remove the exception of asphalt, road oil, and fuel oils used in paving operations (2) remove the in bulk restriction; (3) remove the in tank vehicles restriction; and (4) change one-way to radial authority between points in named CA counties, on the one hand, and, on the other, points in part of NV and Lassen County, CA.

MC 148907 (Sub-No. 2)X, filed August 31, 1981 and previously noticed in **Federal Register** September 10, 1981, republished as corrected this issue. Applicant: R. M. ORMES TRANSPORTATION, INC., 20 Atlantic Avenue, Woburn, MA 01807. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (1) broaden the commodity description from household goods to "household goods and furniture and fixtures" in both certificates; and (2) expand the territorial area of Brockton, MA and points within 25 miles thereof, to points in Plymouth, Norfolk, Bristo, Suffolk, Middlesex, Essex, and Worcester Counties, MA, and Providence County, RI, in Sub-No. 1.

The purpose of this republication is to correct the inadvertent omission of Worcester and Providence Counties.

MC 151004 (Sub-No. 3)X, filed September 21, 1981. Applicant: WARNACO TRUCKING CORP., 350 LaFayette Street, Bridgeport, CT 06602. Representative: Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from clothing, shoes, and piece goods to "textile mill products and shoes, and materials, equipment and supplies used in the maufacture, sale, or distribution of shoes"; and (2) remove the restrictions "except on hangers", and "except AK and HI".

[FR Doc. 81-28336 Filed 9-29-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-105]

Certain Audiovisual Games and Components Thereof (viz, Pac Man and Rally-X; Amendment of Complaint

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has granted a motion pursuant to § 210.22(a) of the Commission's Rules of Practice and Procedure to amend the complaint in this investigation.

SUMMARY: On September 21, 1981, the Commission granted a motion (Motion 105-3) to amend the complaint in this investigation by joining 20 additional respondents, who are alleged to be infringing complainant's copyright and trademark rights in the Pac Man and Rally-X games. Although the effective date of such joinder is September 30, 1981, the parties joined by this action shall not be required to appear at the hearing on temporary relief, scheduled to commence on September 21, 1981. In addition, the parties joined by this action shall not be made subject to any *in personam* temporary relief pursuant thereto.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION: On July 24, 1981, complainant moved (Motion 105-3) to amend the complaint by joining 33 additional respondents, who are alleged to be infringing complainant's copyright and trademark rights in the Pac Man and Rally-X games. On August 12, 1981, the presiding officer issued a recommended determination that the motion be granted. After consideration of Motion 105-3 and the response thereto by the Commission investigative attorney and the subsequent reply by the complainant, the Commission determined to amend the notice of investigation by the joinder of the following named parties:

Jackson & Co., Ltd.
2nd Floor No. 1 Lane
Yen Chi Street
Taipei, Taiwan

C. J. Gasper
P 44 American Village
Fussa-City, Japan 197

Haitai International Inc.
CPO Box 4495
Seoul, Korea

Kyodo Agencies Ltd.
823 Moromizato
Okinawa City, Okinawa

Mama Top Corp.
3-1-3 Kitaando
Shizuoka City
420 Japan

J. C. Wang & Co.
1560 Salvatierra Drive
Coral Gables, FL 33134

NCA International Import & Export
1734 Taraval Street
San Francisco, CA 94116

Hua Chu Enterprises Co., Ltd.
No. 81-32 Fu Shing N. Rd.
Taipei, Taiwan

Spectron Corporation
Hibiya-Kashi Bldg., 28-15
Hatchobori 3 Chome
Chuo-Ku Tokyo, 104 Japan

B. P. Allies Co., Ltd.
8th Floor, Chung Hsiao Bludg
No. 85 Chung Hsiao E. Road Sec. 2
Taipei, Taiwan

Tiso Enterprises, Inc.
P.O. Box 221184
Charlotte, NC 28222

Buffy Mfg. Co., Inc.
P.O. Box 44-132
Taipei, Taiwan

Sewin Co., Ltd.
500, Songrae-Dong
Buchu-Si, Kyungki-Do
Korea

Leijac Co., Ltd
11-10, 5-Chome Nishinakajima
Yodogawa-Ku
Osaka, Japan 532

Impeuropex Corp. S.A.S.
P.O. Box No. 49
04100 Latina, Italy

United States Amusements Inc.
P.O. Box 505
2 West Northfield Road
Livingston, NJ 07039

Multigold Co., Ltd.
P.O. Box 68-1996
Taipei, Taiwan

I Canstant Co.
P.O. Box 68-302
Taipei, Taiwan

Jing Pung Electric Co., Ltd.
P.O. Box 82
Tainan, Taiwan

Sunyard Corporation
P.O. Box 81-171
Taipei, Taiwan

By order of the Commission.

Issued: September 23, 1981.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-28430 Filed 9-29-81; 8:45 am]

BILLING CODE 7020-02-M

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[Investigation No. 337-TA-104; Order No. 55]

Certain Card Data Imprinters and Components Thereof; Designation of Administrative Law Judge

Pursuant to my authority as Chief Administrative Law Judge, I hereby relieve Administrative Law Judge Janet D. Saxon and designate Administrative Law Judge Donald K. Duvall as the Presiding Officer in this investigation, effective 5:00 p.m. this date.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: September 23, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 28431 Filed 9-29-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-91]

Certain Mass Flow Devices and Components Thereof; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigation based on settlement agreement.

SUMMARY: Having reviewed the record in this investigation, including the presiding officer's recommendation, the Commission has voted to grant the parties' joint motion to terminate (motion 91-42) and is ordering the termination of investigation No. 337-TA-91, Certain Mass Flow Devices and Components Thereof. The motion was joined by all parties to the investigation.

Petitions for Reconsideration: Any party wishing to petition for reconsideration of the Commission's action must do so within 14 days of service of the Commission order. Such petitions must be in accord with § 210.56 of the Commission's rules (19 CFR 210.56).

SUPPLEMENTARY INFORMATION: On November 26, 1980, the Commission published notice of the institution of an investigation, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), of alleged unfair methods of competition and unfair acts in the importation and sale of certain mass flow devices and components thereof (45 FR 78843). On June 10, 1981, complainant Tylan Corp., respondents Advanced Semiconductor Materials Holding, b.v. and Advanced Semiconductor Materials America, Inc., and the Commission investigative attorney jointly moved to terminate the investigation on the basis of a settlement agreement entered into by complainant and respondents. The presiding officer recommended that the Commission grant the motion.

The Commission published notice containing a summary of the proposed settlement agreement in the **Federal Register** on August 5, 1981, and requested comments from the public. No comments adverse to termination were received.

Copies of the Commission's Action and Order and any other public documents in this investigation are available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0161. The settlement agreement entered into by the parties contains confidential business information subject to a protective order and is not available for public examination.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-1627.

Issued: September 22, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-28427 Filed 9-29-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-69; Order No. 16]

Certain Molded-In Sandwich Panel Inserts and Methods for Their Installation; Designation of Presiding Officer

For unanticipated but necessitous reasons of administrative management and judicial economy, Administrative Law Judge Donald K. Duvall is hereby relieved and Administrative Law Judge Janet D. Saxon is hereby designated as the Presiding Officer in this investigation, effective this date.

Such redesignation of the Presiding Officer will not affect the prehearing and hearing schedule previously ordered in this investigation and will afford the newly designated Presiding Officer adequate time to prepare for the hearing presently scheduled to commence following the prehearing conference on October 19, 1981.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: September 24, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-28433 Filed 9-29-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. TA-203-9]

Certain Mushrooms; Results of Investigation

September 11, 1981.

In accordance with section 203(i)(2) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2)), the United States International Trade Commission herein reports the results of an investigation (No. TA-203-9) conducted with respect to certain mushrooms.

Summary of advice of the Commission

The Commission unanimously advises, on the basis of information obtained in the investigation, that termination of the import relief presently in effect with respect to imports of certain mushrooms would not have an adverse economic effect on the domestic industry producing prepared or preserved mushrooms. Specifically, the Commission advises that exclusion from import relief of the following mushroom products will not have an adverse economic effect on the domestic industry: frozen battered or frozen breaded mushrooms; straw mushrooms, golden mushrooms, oyster mushrooms, and summer oyster mushrooms, whole, in airtight containers of nine ounces or less; wild specialty mushrooms in airtight containers; and cultivated specialty mushrooms in airtight containers valued over $3.00 per pound; all the foregoing provided for in item 144.20 of the Tariff Schedules of the United States. The Commission also advises that termination of the import relief presently in effect with respect to the other mushroom products specified in the letter of May 19, 1981, to the Commission from the U.S. Trade Representative (USTR) would have a significant adverse economic on the domestic industry.[1]

Background

The investigation was instituted on May 28, 1981, following receipt of a request for such an investigation from USTR on May 19, 1981. Public notice of the investigation and hearing was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of June 3, 1981 (46 FR 29793). A public hearing in connection with the investigation was held on July 30, 1981, in Washington, D.C. All interested persons were afforded an opportunity to be present, to present evidence, and to the heard.

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[1] Detailed advice on the probable economic effect on the domestic industry concerned of the termination of the import relief presently in effect with respect to each of the mushroom products specified in the letter to the Commission from USTR is contained in the statement of the Commission which follows. The Commission's statement also contains advice on four additional issues, as requested by USTR.

The information contained in this report was obtained from fieldwork, from questionnaires sent to domestic manufacturers and importers, from the Commission's files, from other Government agencies, from information received at the hearing, from briefs filed by interested parties, and from other sources.

Statement of the Commission

The issue of the impact of imported mushrooms on the domestic industry has a long history before the Commission. From 1964 to 1980, the Commission has conducted six investigations regarding the domestic mushroom industry. In the most recent investigation,[2] conducted under section 201 of the Trade Act of 1974 (19 U.S.C. 2251) and completed in August 1980, the Commission determined (Commissioner Bedell not participating) that mushrooms prepared or preserved, provided for in item 144.20 of the Tariff Schedules of the United States (TSUS), were being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing an article like the imported article. Thereafter, the President proclaimed an increase in the duty of imported mushrooms, prepared or preserved, pursuant to section 203(a)(1) of the Trade Act of 1974 (19 U.S.C. 2253(a)(1)).

The present investigation was requested by the U.S. Trade Representative (USTR) on May 19, 1981, in order to provide advice upon which the President can base his decision on whether to modify the mushroom import relief program presently in place.[3] Normally, a section 203 investigation examines, among other things, an industry's adjustment to import competition during the period of import relief. However, the scope of the Presidential request for this section 203 investigation is more narrow. We have been asked to determine whether the proposed termination of that relief program with respect to the following mushroom categories would have an adverse economic effect on the domestic industry: frozen battered and frozen breaded; champignon de Paris, chanterelle, cepe, morel, and mixed mushrooms valued over $1.60 per pound (drained weight); chanterelle mushrooms valued over $8.50 per pound (drained weight) and straw, golden oyster, and summer oyster mushrooms. In addition, we address four separate questions posed by USTR with respect to the above mushroom types.

Probable Economic Effects of Termination

Frozen Battered and Frozen Breaded Mushrooms

Modification of the import relief program currently in effect with respect to imported frozen battered and frozen breaded mushrooms[4] would have no adverse economic effect on the domestic industry. It is true that such imported mushrooms compete with U.S.-produced frozen battered and frozen breaded mushrooms, as well as other frozen mushrooms sold to the institutional market.[5] However, the value of imported frozen battered mushrooms has been consistently higher than that of the domestic product. The unit value of the Canadian imports averaged $1.28 per pound in 1978 and increased to $1.30 per pound in 1980. In contrast, the comparable price for domestic frozen battered and frozen breaded mushrooms averaged $1.01 per pound in 1978 and $1.09 in 1980. The price of other domestic frozen mushrooms averaged $0.81 and $0.96 per pound for the same 2 years. Further, import penetration of frozen battered mushrooms to domestic production of frozen battered and frozen breaded mushrooms declined from about 7 percent in 1978 to about 6 percent in 1980, before declining precipitously to about 2 percent in January-March 1981.[6] At the same time, domestic production has steadily increased as domestic capacity utilization has risen from 47 percent in 1978 to 68 percent in 1980.[7] Also of the domestic freezers of battered or breaded mushrooms responding to questionnaires indicate that sales were not lost to, and prices were not depressed by, import competition.[8] Furthermore, we do not believe that the limited importation of frozen battered and frozen breaded mushrooms is such a significant factor in the market as to affect the canned mushroom industry.

Wild Specialty Mushrooms

Wild specialty mushrooms imported in cans are valued 2 to 5 times higher than are U.S.-produced canned *Agaricus* mushrooms and are sold to gourmet retail outlets or to restaurants featuring gourmet menus. The large price difference and different markets in which wild specialty mushrooms are sold limit direct competition between these mushrooms and U.S.-producted canned *Agaricus* mushrooms.[9] In addition, the import penetration ratio of imported canned wild specialty mushrooms to domestically produced canned *Agaricus* mushrooms is very small (0.2 percent). Thus, we conclude that the domestic industry would not suffer a significant adverse economic effect by an exemption to the import relief currently in place.[10]

Cultivated Specialty Mushrooms

Imported canned cultivated specialty mushrooms (champignon de Paris) are of the same genus (*Agaricus*) as domestically produced mushrooms and compete with them. In our view, exemption of such mushrooms would have a significant adverse economic effect on the domestic industry unless a price break is establish at a level to assure that imports are of a specialty nature. Imported canned cultivated mushrooms were valued at about $2.00 per pound in 1980 compared with a value of $1.39 per pound for U.S.-produced canned. *Agaricus* mushrooms in containers of comparable size.[11] This price differential has been attributed to the use of high-grade mushrooms and better methods of cutting and canning.[12] The import penetration ratio for this product was less than 2 percent of U.S. production of canned whole and sliced mushrooms from 1979 to 1980.[13] It has been suggested that canned cultivated specialty mushrooms be exempted from relief on the basis of a price break of over $1.60 per pound. However, a significant amount of mushroom imports in 1980 was valued at levels so close to $1.60 that it would be advantageous for both exporters and importers to have the f.o.b. price raised to $1.61 per pound to circumvent the import relief tariff.[14] Further, inflation would bring an increasing volume of imports closer to this price break. Therefore, the Commission has recommended that only cultivated specialty mushroom imports valued over $3.00 per pound be exempted from the relief. At this price break, circumvention is unlikely given current prices of canned mushroom imports.

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[2] Mushrooms, Inv. No. TA-201-43. USITC Publication 1089 (1980).

[3] The Commission's authority to conduct this investigation is based upon the receipt of a request for advice from the President made pursuant to sec. 203(i)(2) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2)), which provides: Upon request of the President or upon its own motion, the Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the extension, reduction, or termination of the import relief provided pursuant to this section.

[4] Although the Commission was asked to consider frozen battered and frozen breaded mushrooms, only frozen battered mushrooms are currently imported into the United States.

[5] Staff report, p. A-37.

[6] Id., p. A-15.

[7] Id., p. A-17.

[8] Staff report, p. A-37.

[9] Id., pp. A-28.

[10] One firm in the United States sells fresh wild mushrooms (limited to chanerelles at this time) to gourmet restaurants at prices comparable with those of the canned wild mushroom imports. Initial sales of this product were in the spring of 1981. Supply is dependent on purchases of fresh mushrooms from about 2,000 independent pickers who generally gather mushrooms in U.S. forests and on the land of lumber companies. The growing season for these mushrooms occurs from mid-July through December, and because of the perishable nature of fresh mushrooms, distribution is restricted to these months. In the off-season the firm distributes a limited amount of dried mushrooms.

[11] Staff report, p. A-22.

Straw and Certain Other Oriental Mushrooms

Exemption of imported straw mushrooms, which compete with domestic *Agaricus* mushrooms in several areas, would have a significant adverse economic effect on the domestic industry. Although whole straw mushrooms have a distinctive shape, they lose many of the features that distingquish them from canned *Agaricus* mushrooms when chopped or sliced, especially if used in sauces, soups, etc.[15] The possibility of import competition in the institutional-use market is greatly increased by the fact that imported canned straw mushrooms significantly undersell the domestic canned *Agaricus* mushrooms. The price per pound (drained weight) of straw mushrooms, chopped into stems and pieces and sold in institutional size contaners, rose from $0.71 per pound in 1978, to $0.98 for January-March 1981; during the same period, the price for similarly chopped and packaged canned *Agaricus* mushrooms rose from $1.23 to $1.30 per pound.[16]

However, imported whole straw mushrooms in retail-size cans (9 ounces or less) supply a separate market normally for home use in oriental cusine. They are not known to be marketed through major supermarket chain but rather through shops specializing in oriental food products. Accordingly, the domestic industry would not suffer an adverse economic effect if these mushrooms were exempted from the import relief program.

Competition between imported canned golden, oyster, and summer oyster mushrooms, and canned domestic mushrooms follows the same pattern as that described above for canned straw mushrooms and U.S.-produced canned mushrooms.[17] When these oriental mushrooms are chopped or sliced, they are readily substitutable for domestic canned mushroom stems and pieces, especially in the institutional market.[18] However, whole golden, oyster, and summer oyster mushrooms on containers of 9 ounces or less supply a separate oriental cusine market and are not known to be sold in the same stores as most canned *Agaricus* mushrooms. Therefore, exemption of whole golden, oyster, and summer oyster mushrooms in containers of 9 ounces or less would not cause an adverse economic effect to the domestic industry.

Specific questions posed by USTR

The following questions were posed by the United States Trade Representative: (1) to what extent does each category of imported mushroom compete with the domestic product; (2) how would import levels be affected by specific exemptions; (3) would specific exemptions be administratively feasible; and (4) what circumvention problems can be expected if exemptions are granted.

Frozen Battered and Frozen Breaded Mushrooms

As noted above, imported frozen battered and frozen breaded mushrooms compete most directly with the corresponding segment of the domestic industry. They compete to a lesser extent, if at all, with domestic canned mushrooms.

Importation of frozen battered and frozen breaded mushrooms is not likely to increase significantly in the event that they are exempted from increased duties. Omstead Foods Ltd., which accounts for almost all imported frozen battered and frozen breaded mushrooms, is presently experiencing difficulty in obtaining the type of fresh mushroom that it maintains it requires for production.[19] Thus, although its exports to the United States increased from 1978 to 1980, they fell precipitously in January-March 1981, in part because of supply shortages.[20] Moreover, it is not constraints will permit it to significantly increase its exports to the United States above their 1980 level.[21] Although other foreign producers might enter the frozen battered or frozen breaded mushroom market, the possibility is remote in view of the considerable cost of installing necessary facilities.[22] It should be noted that certain companies in Taiwan currently export frozen mushrooms to the United States. However, Omstead estimates these companies would face conversion costs of $200,000 to enter production of frozen breaded or frozen battered mushrooms.[23] No evidence was presented to suggest that any Taiwanese company currently plans to enter this market. Therefore, given the supply constraints, increased future imports based on past trends do not appear to be likely.

The U.S. Customs Service has submitted a report discussing the administrative feasibility of applying exemptions to the current import relief for the categories of mushrooms considered in this investigation. With respect to frozen breaded and frozen battered mushrooms, manufacturers' invoices always provide a clear description. Further, even without invoices, Customs can readily identify frozen battered and frozen breaded mushrooms.

Wild Specialty Mushrooms

As stated above, canned imports of wild specialty mushrooms do not compete with the domestic industry producing canned mushrooms.

The Universal Import Group [24] estimates that importation of canned wild specialty mushrooms could rise as much as 35 percent a year in the absence of the current relief.[25] Based on this estimate, imports of canned wild specialty mushrooms could increase to 253,000 pounds in 1983.[26] However, the import penetration ratio is so low and the price differentials so great that we do not believe such expansion will have a significant effect on the domestic industry.

Uncultivated specialty mushrooms pose an administrative problem for customs agents in that such mushrooms are not always identified as to type by their invoices. However these mushrooms are priced at far higher levels than are other mushrooms and, therefore, can readily be identified on that basis by customs agents.

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[12] Id., p. A28.

[13] Id., p. A28.

[14] Id., p. A29.

[15] Id., p. A32.

[16] Transcript of the hearing, pp. 46, 108, and 180.

[17] Staff report, p. A–34.

[18] Id., p. A–34.

[19] Staff report, p. A–37.

[20] Id., p. A–37.

[21] Id., p. A–37.

[22] Omstead's prehearing brief, p. 20.

[23] Staff report, p. A–38.

[24] The Universal Import Group represents a number of firms that import wild mushrooms.

[25] Staff report, p. A–29.

[26] Id., p. A–29.

Because wild specialty mushrooms can only be grown in forest areas and in certain climates, the potential for large increases in production is restricted.[27] Therefore, it is unlikely that the intent of the import relief could be circumvented if an exemption from the import relief is granted for this product.

Cultivated Specialty Mushrooms

As discussed in greater detail above, cultivated specialty mushrooms priced below $3.00 per pound do compete with the domestic product.

The French Mushroom Canning Association [28] estimates that U.S. imports of canned cultivated specialty mushrooms could increase as much as 15 percent in the absence of the current relief.[29] According to this estimate, imports of canned cultivated specialty mushrooms could increase to 262,000 pounds in 1983.[30]

Customs reports that cultivated specialty mushrooms will be easy to identify despite the fact that they belong to the *Agaricus* genus because the imports have entered in such large quantities over recent years that Customs agents have become quite familiar with their appearance.

As discussed above, exemption of canned cultivated mushrooms would lead to circumvention if a sufficiently high price break were not established in order to prevent circumvention.

Straw and Certain Other Oriental Mushrooms

As noted above, whole straw and certain other oriental mushrooms imported in containers of 9 ounces or less do not compete with the domestic product. Whole straw and other oriental mushrooms imported in containers larger than 9 ounces, as well as such mushrooms chopped or sliced in containers of any size, do compete.

An estimate for future imports of canned straw mushrooms, if exempted from the relief, is based on the volume growth of imports from 1979 to 1980. If all straw mushrooms are exempted, imports could be expected to reach 4.7 million pounds in 1983.[31] Imports of straw mushrooms in institutional-size cans compete directly with similarly packaged domestic *Agaricus* mushrooms and are, therefore, expected to take a larger share of this increase if all canned straw mushrooms are exempted.[32] Because of the relatively limited and specialized market in the United States for this product, imports of whole straw mushrooms in retail-size cans will probably not increase if exempted. Further, it is not economically feasible to purchase straw mushrooms in retail-size cans (9 ounces or less) for institutional use.

An estimate for future imports of other oriental mushrooms (golden, oyster, and summer oyster), if exempted from the relief, is based on the average annual volume of growth of imports from 1978 to 1980. If these oriental mushrooms are exempted, imports could be expected to reach 1.1 million pounds in 1983.[33] Because these canned mushrooms compete with canned domestic *Agaricus* mushrooms in the same way as canned straw mushrooms, similar conclusions can be drawn regarding imports of institutional and retail-size containers.

Conclusion

On the basis of the information before the Commission in this investigation, it is our judgment that termination of the import relief presently in effect with respect to frozen battered and frozen breaded mushrooms, wild specialty mushrooms,[34] cultivated specialty mushrooms [35] valued at over $3.00 per pound (drained weight), and straw and certain other oriental mushrooms [36] imported whole in airtight containers of 9 ounces or less (drained weight) will not have an adverse economic effect on the domestic industry currently benefiting from the above import relief. However, it is also our judgment that termination of the import relief presently in effect with respect to cultivated specialty mushrooms valued at $3.00 or less per pound (drained weight), and straw and other oriental mushrooms, imported whole in airtight containers larger than 9 ounces, or imported sliced or chopped in containers of any size will have a significant adverse economic effect on the domestic industry.[37] We therefore recommend that portions of the current tariff relief be terminated as indicated herein.

Issued: September 11, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-28429 Filed 9-29-81; 8:45 am]

BILLING CODE 7020-02-M

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[27] Id., p. A-28.

[28] This association represents most producers of canned cultivated specialty mushrooms.

[29] Staff report, p. A-29.

[30] Id., p. A-29.

[31] Staff report, p. A-33.

[32] Id., p. A-33.

[33] Id., p. A-33.

[34] These mushrooms are of the following type and genera: chanterelle (*Cantharellus*), cepe (*Boletus*), morel (*Morchella*), and mixed mushrooms (*Boletus luteus, Lactarius deliciosus, Rozites caperata, Suillus grevillei,* and *Suillus granulatus*).

[35] These mushrooms are champignon de Paris (*Psalliota*).

[36] These mushrooms are of the following type and genera: straw mushrooms (*Volvariella volvacea*), golden mushrooms (*Flammulina voletipes*), Oyster mushrooms (*Pleurotus ostreatus*), and summer oyster mushrooms (*Pleurotus abalon*).

[37] Presidential Proclamation No. 4801 (45 FR 72617 (1980)) set forth the import relief for the domestic industry producing mushrooms, prepared or preserved, provided for in TSUS item 144.20. That import relief is scheduled to terminate on Oct. 31, 1983, unless earlier suspended, modified, or terminated by the President pursuant to sec. 203(h)(3) of the Trade Act of 1974.

[Investigation No. 337-TA-95]

Certain Surface Grinding Machines and Literature for the Promotion Thereof; Commission Request for Comments Regarding Proposed Termination of Respondents Based on Consent Order Agreements

AGENCY: International Trade Commission.

ACTION: A request for public comment on the proposed termination of two respondents based on consent order agreements.

SUMMARY: The consent order agreements would result in the termination of the investigation as to respondents Sigma Machinery, Inc. and Ramco Machinery Sales, Inc. This notice requests comments from the public on the proposed termination.

DATES: Comments will be considered if received within thirty (30) days of the date of publication of this notice. Comments should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: Complainant Brown and Sharpe Manufacturing Company respondents Sigma and Ramco, and the Commission investigative attorney have moved jointly in separate motions for termination of this investigation as to those respondents on the basis of consent order agreements. On August 17, 1981, the presiding officer recommended that the joint motions be granted.

Notice of the institution of the investigation was published in the **Federal Register** of January 22, 1981 (46 FR 7107).

Settlement Agreements: The two proposed consent orders, which are identical except for the difference noted, provide in pertinent part as follows:

I. It Is Ordered That: Respondent * * * refrain from importing or buying, Surface Grinding Machines into the United States directly or indirectly from Taiwan or other countries of the type and style which

(a) are reproductions, copies, colorable imitations, or simulations * * * under the designations "510", "612", "618", "818", "824", "1024", "1030", "1224", and "1236" or

(b) are of the type or style offered for sale heretofore by Lian Feng Machine Co. of Taiwan, China, under the designations "612", "618", "718" and "818" and/or those identified in Exhibit 14 attached to BROWN & SHARPE Complaint in this investigation. Respondent * * * will refrain from selling, leasing or otherwise transferring all Surface Grinding Machines in the preceding sentence that were imported into the United States after July 15, 1981 or after the effective date of this order, whichever occurs first.

Respondent * * * shall

(a) refrain from copying, reprinting, using, selling or distributing * * * copies of manuals, catalogs, brochures or other printed material prepared or owned by BROWN & SHARPE and bearing a BROWN & SHARPE copyright notice

(b) refrain from using or distributing for use any BROWN & SHARPE manual, catalog, or other printed material, or copies thereof in whole or in part, whether or not protected by copyright * * *

(c) refrain from using photographs of BROWN & SHARPE MFG. CO. Surface Machines * * * to market Surface Grinding Machines except those of BROWN & SHARPE

(d) refrain from using BROWN & SHARPE, Micromaster, B&S or other registered trademarks of BROWN & SHARPE * * * except in connection with the sale of BROWN & SHARPE products;

(e) refrain from using any name, language, picture, or combination thereof which implies, suggests or creates an impression that respondent is selling Surface Grinding Machines made by BROWN & SHARPE MFG. CO. * * *

II. It Is Further Ordered That: Respondent shall file a report under oath with the Commission within thirty (30) days of the anniversary date of the effective date of this order and annually for two (2) years thereafter indicating whether or not it is complying with Section I of this order and attaching copies of photographs, brochures, or advertising material it is using in connection with the sale of Surface Grinding Machines.

III. It Is Further Ordered That: Respondent notify the Commission at least 30 days prior to any proposed material change in the organization of RAMCO, including dissolution, assignment or sale, the creation of subsidiaries or their dissolution, or any other change which may affect compliance obligations arising out of the order.

IV. It Is Further Ordered That: In determining whether there has been compliance with the requirements and prohibitions of this Consent Order, the Commission may consider evidence of any activity engaged in by Respondent which is brought to its attention or of which it becomes aware.

For the purposes of securing compliance with this Consent order, Respondent shall retain any and all records relating to the importation, sale or distribution of Surface Grinding Machines made and received in the usual and ordinary conduct of their business, * * * for a period of one (1) year from the close of the fiscal year to which they pertain, and in summary form for a period of two (2) years from the close of the fiscal year to which they pertain from which compliance with this order may be determined.

For the purpose of determining or securing compliance with this Consent Order * * * authorized representatives of the Commission shall, upon reasonable written notice by the Commission or its staff to Respondent, be permitted:

a. Access to and the right to inspect and copy in Respondent's principal office during the office hours of Respondent, and in the presence of counsel or other representative if Respondent chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents * * *

b. Subject to the reasonable convenience of Respondent and without restraint or interference from it, to interview officers, directors, agents, partners or employees of Respondent who may have counsel present, regarding any of the matters contained in this Consent Order.

In paragraph 3 (III), the Commission consent order with Ramco Machinery Sales, Inc. includes the following:

This requirement shall terminate upon expiration of the reporting period referred to in paragraph II above.

Written Comments Requested: In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation as to respondents Sigma and Ramco on the basis of consent order agreements on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than October 30, 1981. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

Additional Information: The original and 19 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's office.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0148.

Issued: September 22, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-28424 Filed 9-29-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-94]

Certain Wet Motor Circulating Pumps and Components Thereof; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigation No. 337-TA-94, Certain Wet Motor Circulating Pumps and Components Thereof.

SUMMARY: The parties to this investigation have filed a joint motion to terminate on the basis of a settlement agreement. After reviewing the record, the Commission has voted to terminate the investigation.

SUPPLEMENTARY INFORMATION: In connection with the Commission's investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) of alleged unfair methods of competition and unfair acts in the importation into or sale in the United States of certain wet motor circulating pumps and components thereof, the complainant, Taco, Inc., and the respondents, Grundfos A.S., Grundfos Pumps, Inc., and Curtis V. Givan, filed a joint motion (motion No. 94–39) to terminate this investigation on the basis of a settlement agreement.

Notice of the pendency of the motion to terminate along with the text of the settlement agreement (with confidential information deleted) was published in the **Federal Register** on July 29, 1981 (46 FR 38793). By the terms of the notice, all comments were to be received by the Secretary to the Commission no later than July 28, 1981. No comments opposed to termination of the investigation were received.

Reconsideration: Any party wishing to petition for reconsideration of the Commission's action must do so within 14 days of service of the Commission's Action and Order. Such petitions must be in accord with § 210.157 of the Commission's rules (46 FR 17530).

Public Access to Record: Copies of the Commission's Action and Order and any other public document on the record of this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20463, telephone 202–523–1693.

Issued: September 22, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–28426 Filed 9–29–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–3]

Doxycycline; Motion To Modify Exclusion Order

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received a motion to modify the exclusion order issued at the conclusion of the above-captioned investigation. In conformity with § 211.57 of the Commission's Rules of Practice and Procedure (46 FR 17533, March 18, 1981), the motion and this notice will be served on each former party to the investigation. Within 30 days of such service, any former party served may file an answer to the motion.

DATES: Answers to the motion will be considered if received within 30 days of service upon the former party. Answers should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: On April 12, 1979, the Commission issued an order excluding the importation into the United States of doxycycline falling within claim 10 of U.S. Letters Patent 3,200,149 for the remaining term of the patent except under license. That order is now in force.

On September 2, 1981, Agvar Chemicals, Inc., filed a motion with the Commission seeking modification of the doxycycline exclusion order to permit the importation of small quantities of doxycycline to be used for testing or research purposes required to obtain Food and Drug Administration certification under 21 U.S.C. 357, and not for sale to the consuming public.

FOR FURTHER INFORMATION CONTACT: N. Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436; telephone 202–523–0311.

Issued: September 23, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–28432 Filed 9–29–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 332–131]

Institution of Investigation for the Conversion of the Tariff Schedules of the United States Into the Nomenclature Structure of the Harmonized System

AGENCY: International Trade Commission.

ACTION: Institution of investigation for the conversion of the Tariff Schedules of the United States into the nomenclature structure of the Harmonized System.

SUMMARY: The United States International Trade Commission (hereinafter "the Commission") hereby gives notice of investigation No. 332–131, initiated upon the request of the President of the United States to serve as the basis for the preparation of a conversion of the Tariff Schedules of the United States into the nomenclature structure of the Harmonized Commodity Description and Coding System (Harmonized System).

EFFECTIVE DATE: September 11, 1981.

FOR ADDITIONAL INFORMATION CONTACT: Mr. Eugene A. Rosengarden, Director, or Mr. Holm Kappler, Deputy Director, Office of Tariff Affairs, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523–0370 or 0362.

SUPPLEMENTARY INFORMATION: In response to a request dated August 24, 1981, by the President of the United States, the U.S. International Trade Commission has instituted an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), for the purpose of serving as a basis for the preparation of a conversion of the Tariff Schedules of the United States into the nomenclature structure of the Harmonized System. The full text of the request is as follows:

> "Dear Mr. Chairman: As you know, the Harmonized System Committee of the Customs Cooperation Council has substantially completed the technical work on the Harmonized Commodity Description and Coding System (Harmonized System) being developed for international use as a standard system of classifying products for both tariff and foreign trade statistical purposes.
>
> I believe that the use of the Harmonized System by all countries for customs tariff and international trade statistical reporting could result in major benefits both to the United States and our trading partners.
>
> In order to fully assess the impact of United States adoption of the Harmonized System, I request the Commission to undertake an investigation under section 332(g) of the Tariff Act of 1930 to serve as the basis for the preparation of a conversion of the Tariff Schedules of the United States into a nomenclature structure of the Harmonized System, in accordance with the attached guidelines.
>
> In view of the international timetable for implementation of the Harmonized System by January 1, 1985, the Commission's report, including the converted U.S. tariff schedules, should be submitted as soon as possible but no later than June 30, 1983.
>
> Sincerely,
>
> Ronald Reagan.

Guidelines for Converting the Tariff Schedules of the United States to the Harmonized System

1. In converting the tariff schedules the Commission should avoid, to the extent practicable and consonant with sound nomenclature principles, changes in rates of duty on individual products. However, the

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U.S. tariff structure should be simplified to the extent possible without rate changes significant for U.S. industry workers, or trade. Within these guidelines, the Commission should suggest modifications to the rate structure which, in the Commission's judgment, would alleviate administrative burdens on the Customs Service.

2. The final concession rates negotiated in the Multilateral Trade Negotiations (MTN) should be used as the basis for the proposed column 1 rates of duty. Adjustments concerning the staging of column 1 rates of duty and status of the converted tariff items under the Generalized System of Preferences will be made when, and if, the revised schedules become effective. In addition, references to units of measurement should be reflected in metric units.

3. With the converted schedules the Commission should submit a report on the probable effect of their adoption on U.S. industries workers, and trade. The Commission's report should also identify all known changes in rates of duty which would result from adoption of the converted schedules. At an appropriate time during its deliberations, the Commission should hold public hearings to obtain the views of interested parties.

4. Since the tariff conversion will affect programs for the collection of statistical data on trade, the Commission in preparing the converted schedules and proposed statistical subdivisions thereof should work closely with the Bureau of the Census and the U.S. Customs Service to insure improvements in the levels of statistical comparability, in the usefulness of trade data and the continuity of statistical series.

5. In preparing the converted tariff schedules, consultations should be held with the U.S. Trade Representative's Office so that, to the extent possible, policy matters regarding the conversion can be brought to the attention of the Administration prior to submission of the Commission's final report and conversion.

6. Finally, the Commission in undertaking this task should avail itself of the expertise and services of other agencies of the Executive Branch, particularly the Bureau of the Census and the U.S. Customs Service. I am therefore requesting the agencies to cooperate fully with the Commission in expediting completion of its work.

Chapters 25, 27, 44–55, 68–71, and 84–89 of the TSUS converted into the nomenclature structure of the Harmonized System will be published for comment on or about January 18, 1982 with public hearings thereon beginning on or about March 15, 1982. Chapters 1–14, 28, 29, 37, 42, 61–63, 74–82, and 90–92 of the conversion will be published for comment on or about August 9, 1982 with public hearings thereon beginning on or about October 4, 1982. Finally, chapters 15–24, 26, 30–36, 38–41, 43, 56–60, 64–67, 72, 73, 83, and 93–97 of the conversion will be published for comment on or about February 28, 1983 with public hearings thereon beginning on or about May 2, 1983. Appropriate public notice will be issued with respect to such hearings and the publication of such chapters.

Issued: September 16, 1981.

By order of the Commission.

Kenneth Mason,

Secretary.

[FR Doc. 81-28425 Filed 9-29-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-80 (Preliminary)]

Lamb Meat From New Zealand; Preliminary Countervailing Duty Investigation

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary countervailing duty investigation.

EFFECTIVE DATE: September 21, 1981.

SUMMARY: On September 21, 1981, the Commission was notified by the Department of Commerce that, in accordance with section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a), it was commencing an investigation to determine whether the government of New Zealand offers its exporters, producers, and processors of lamb meat benefits that qualify as subsidies within the meaning of the Act. Accordingly, effective September 21, 1981, the Commission, pursuant to section 703(a) of the Act (19 U.S.C. 1671b(a)), instituted preliminary countervailing duty investigation No. 701-TA-80 (Preliminary) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from New Zealand of lamb meat, provided for in item 106.30 of the Tariff Schedules of the United States, upon which bounties or grants are alleged to be paid. The Commission must make its determination in the investigation within 45 days after the date on which the notice of investigation was received from the Department of Commerce, or by November 5, 1981 (19 CFR 207.17). The investigation will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and particularly subpart B thereof.

FOR FURTHER INFORMATION CONTACT: Patrick J. Magrath, Office of Investigations (202-523-0283).

SUPPLEMENTARY INFORMATION:

Background. On April 23, 1981, a petition was filed with the Department of Commerce by counsel for the National Wool Growers Association, Inc., Salt Lake, Utah, alleging that imports of lamb meat from New Zealand are being subsidized within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303). The National Lamb Feeders Association, Inc., Menard, Texas, became a copetitioner on May 12, 1981. As New Zealand was not at that time a "country under the Agreement" within the meaning of section 701(b) of the Act (19 U.S.C. 1671(b)), there was no requirement for the petition to be filed with the Commission pursuant to section 702(b)(2) and no requirement for the Commission to conduct a preliminary material injury investigation pursuant to section 703(a).

On September 17, 1981, however, the United States Trade Representative announced that New Zealand had become a "country under the Agreement" (46 FR 46263). Accordingly, Commerce terminated its investigation under section 303, initiated an investigation under section 702, and notified the Commission of its action.

Written subcommissions. Any person may submit to the Commission on or before October 23, 1981, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen copies of such a statement must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference. The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10:00 a.m., e.d.t., on October 16, 1981, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for this investigation, Mr. Lynn Feathertone (202-523-0242). It is anticipated that parties in support of the petition for countervailing duties and parties opposed to the petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

Inspection of the petition. A copy of the petition filed with the Department of Commerce in this case is available for public inspection at the Office of the Secretary, International Trade Commission.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: September 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-28434 Filed 9-29-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 332-132]

Relationship of Exports in Selected U.S. Service Industries to U.S. Merchandise Exports

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), the Commission has instituted, on its own motion, investigation No. 332-132 for the purpose of gathering and presenting information on the relationship between the exports of selected U.S. service industries and U.S. merchandise exports. Specifically, the Commission will investigate the level of product exports generated by selected service industries, to include air transportation, computer services, construction and engineering, educational services, equipment leasing services, financial services, franchising, health services, hotel and motel services, telecommunications, and transportation and related services; the implications of international service trade barriers to U.S. goods-producing industries; and the nature of product movements in international markets and foreign shipments of merchandise attributed to existing U.S. services trade.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Brookhart (telephone 202-523-0275), Office of Industries, International Trade Commission, Washington, D.C. 20436.

Written Submissions: While there are no public hearings currently scheduled for this study, parties wishing hearings may so request. Written submissions from interested parties are invited. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than March 15, 1982. All submissions and other correspondence related to this investigation should be addressed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

Issued: September 21, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-28428 Filed 9-29-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Harvey Hubbell, Inc.; Ohio Brass Co.; and O.B. Merger Co.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed with the United States District Court in Bridgeport, Connecticut in *United States v. Harvey Hubbell, Incorporated, et al.*, Civil Action No. N-78-292. The Complaint in this case alleged that Harvey Hubbell's acquisition of the Ohio Brass Co., violated Section 7 of the Clayton Act (15 U.S.C. 18) in that the effect of the acquisition may be substantially to lessen competition in the manufacture and sale of underground power distribution equipment.

The proposed Final Judgment requires Hubbell to divest, as an ongoing business, a manufacturing facility and other assets used to manufacture eleven specified custom underground power distribution products. Hubbell must accomplish the divestiture within twelve months of the entry of the Judgment, otherwise a Trustee will be appointed to accomplish the divestiture. Hubbell is also enjoined for a period of five years from using the trade name "Ensign" or "Ensign Electric," in connection with its sale of any of the eleven specified products. Hubbell is also enjoined and restrained for a period of ten years from acquiring or merging without the prior written consent of the Government with anyone engaged in the manufacture or sale of underground power distribution products.

Public comment is invited within the statutory sixty (60) day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Ralph T. Giordano, Chief, New York Office, Antitrust Division, Department of Justice, Room 3630, New York, New York 10278.

Joseph H. Widmar,

Director of Operations.

U.S. District Court, District of Connecticut

United States of America, Plaintiff, v. *Harvey Hubbell, Incorporated, the Ohio Brass Company, and the OB Merger Company,* Defendant.

Civil Action No. N-78-292.

Filed: September 17, 1981.

Entered:

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. Section 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the Plaintiff: William F. Baxter, *Assistant Attorney General.* Mark P. Leddy, Ralph T. Giordano, *Attorneys, Department of Justice.*

For the Defendants:

Simpson Thacher & Bartlett, Charles E. Koob, Gary A. Kimmelman, Bruce E. Repetto, *Attorneys, Department of Justice, Antitrust Division, 26 Federal Plaza, New York, New York 10278, Telephone: (212) 264-0600.*

U.S. District Court, District of Connecticut

United States of America, Plaintiff, v. *Harvey Hubbell, Incorporated the Ohio Brass Company, and the OB Merger Company,* Defendants

Civil Action No. N78-292.

Final Judgment.

Filed: September 17, 1981.

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Plaintiff, United States of America, having filed its complaint herein on August 25, 1978, and the defendants, Harvey Hubbell Incorporated, The Ohio Brass Company and The OB Merger Company, having appeared and filed their answer to the complaint denying the material allegations thereof, and the plaintiff and the defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of or finding on any issue of fact or law herein, and without this Final Judgment constituting any evidence against or admission by any party with respect to any issue of fact or law herein,

Now, therefore, before the taking of any testimony and upon the consent of the parties hereto, it is hereby

Ordered, adjudged and decreed, as follows:

I

This Court has jurisdiction of the subject matter of this action and the parties hereto. The complaint states a claim upon which relief may be granted against the defendants under Section 7 of the Act of Congress of October 15, 1914, commonly known as the Clayton Act (15 U.S.C. 18), as amended.

II

As used in this Final Judgment:

(A) "Hubbell" means Harvey Hubbell, Incorporated and each of its subsidiaries;

(B) "Ensign" means the Ensign Electric Division of Hubbell;

(C) "Underground Power Distribution Products" means those 11 products listed in the attached Schedule A, which products are used primarily by coal mining companies for underground mines to transmit, utilize, regulate and distribute electrical power in connection with the use of underground mining equipment;

(D) "Person" means any individual, partnership, firm, corporation, association or any other business or legal entity;

(E) "Eligible Purchaser" means any one or more persons proposing to purchase the assets listed in the attached Schedule A as an ongoing business, to which the plaintiff after notice pursuant to Section IX of this Final Judgment does not object, or if the plaintiff does object, of which the Court approves.

III

The provisions of this Final Judgment shall apply to the defendants, and to each of their directors, officers, employees, agents, subsidiaries, partnerships, successors and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

(A) Hubbell is hereby ordered and directed to divest, as an ongoing business, to an Eligible Purchaser within 12 months of the date of entry of this Final Judgment all of its rights, title, interest and obligations in the assets listed in the attached Schedule A. Divestiture shall be accomplished in such a way as to reasonably ensure that the assets can be operated by the Eligible Purchaser as a viable ongoing business engaged in the manufacture and sale of underground power distribution products in the United States.

(B) With the prior written approval of the plaintiff, and at the request of a prospective Eligible Purchaser, Hubbell may sell to it, as an ongoing business, less than all of the assets listed in the attached Schedule A. In the event that the plaintiff approves the sale to an Eligible Purchaser pursuant to this paragraph (B) such sale shall fully discharge the obligations of Hubbell under Section IV of this Final Judgment.

(C) At the request of a prospective Eligible Purchaser, Hubbell may, in addition to those assets listed in the attached Schedule A, sell to such Eligible Purchaser any other assets of Ensign.

V

If Hubbell does not comply with Section IV above within 12 months from the date of entry of this Final Judgment, the Court shall, on application of the plaintiff on notice to Hubbell with an opportunity to be heard, appoint a trustee for the purpose of effecting said divestiture in accordance with the provisions of this Final Judgment. The Trustee shall serve at the cost and expense of Hubbell on such terms and conditions as the Court may set.

VI

In accomplishing the divestiture ordered by Section IV of this Final Judgment, Hubbell shall make known, by usual and customary means, including periodic advertising as appropriate, the availability of the assets listed in the attached Schedule A for sale as an ongoing business. Hubbell shall notify any person expressing an interest in purchasing the assets listed in the attached Schedule A that the sale is being made pursuant to this Final Judgment and provide such person with a copy of this Final Judgment. Hubbell shall also furnish to all bona fide prospective Eligible Purchasers who so request, all necesary information regarding the assets listed in the attached Schedule A, as well as the operations of Ensign and shall permit them to make such inspection as may be necessary.

VII

At the option of an Eligible Purchaser, Hubbell shall use its best efforts to provide it with such engineering, installation, marketing, and supply information as may be reasonably necessary to enable it to operate the assets listed in the attached Schedule A as a viable, ongoing business. At the option of an Eligible Purchaser, Hubbell shall also provide it with the name and address of each officer and employee of Ensign together with the job description, annual compensation, accrued sick leave, and accrued vacation pay of each.

VIII

Hubbell shall release, free and clear, from any employment contract any officer or employee whose primary responsibilities involve the design, manufacture, marketing, distribution, sale or repair of any of the 11 products listed in the attached Schedule A, who requests such a release in order to become associated with the Eligible Purchaser which, pursuant to this Final Judgment, acquires the assets listed in the attached Schedule A. That Eligible Purchaser shall have the right, but not the obligation, to offer employment to any such officer or employee.

IX

Thirty days after the date of entry of this Final Judgment and every 30 days thereafter until Hubbell has complied with Section IV above, Hubbell shall submit written reports to the plaintiff, describing the steps which have been taken to comply with this Final Judgment. Each report shall include the name and address of each person who, during the preceding 30 days, made an offer, expressed a desire, or entered into negotiations to acquire the assets listed in Schedule A together with full details of same.

At least 60 days prior to the closing date of any divestiture made pursuant to Section IV of this Final Judgment, Hubbell or the Trustee, whichever is then responsible for effecting the divestiture required herein, shall notify the plaintiff of the proposed divestiture. If a Trustee is responsible, it shall similarly notify Hubbell. The notice shall set forth the details of the proposed transaction and list the name and address of each person not previously reported who offered or expressed a desire to acquire the assets listed in Schedule A, together with full details of same. Within 30 days thereafter, the plaintiff may request additional information concerning the proposed divestiture. Within 30 days days after receipt of the notice or within 30 days after receipt of the additional information, the plaintiff shall notify Hubbell and the Trustee, if there is one, in writing, if it objects to the proposed divestiture. If the plaintiff does not object within the periods specified, then the divestiture may be consummated. Upon objection by the plaintiff, the proposed divestiture shall not be consummated unless approved by the Court. If there is a Trustee, the Court shall provide Hubbell with the opportunity for a hearing on the proposed divestiture should Hubbell raise an objection within 30 days after the Trustee has furnished Hubbell notice of the sale.

X

The provisions of the Stipulation and Order (the "Hold Separate Order") entered on August 28, 1978 shall remain in effect until the divestiture ordered by Section IV of this Final Judgment is consummated.

XI

Hubbell is enjoined and restrained for a period of 10 years from the date of entry of this Final Judgment from acquiring any of the assets or stock of, or from merging with, any person engaged in whole or in part in the manufacture or sale of underground power distribution products without the prior written consent of the plaintiff.

XII

Hubbell is enjoined and restrained for a period of 5 years from the date of divestiture pursuant to this Final Judgment from using the trademark "Ensign" or the trade name "Ensign Electric" in any form in conjunction with the manufacture, distribution or sale of any product which is listed in the attached Schedule A and is divested pursuant to this Final Judgment.

XIII

Nothing contained in this Final Judgment shall be deemed to prohibit Hubbell from accepting and enforcing a bona fide lien, mortgage, deed of trust or other form of security interest received by Hubbell to secure full payment of the consideration for which the assets listed in the attached Schedule A are divested. If Hubbell, by enforcement or settlement of any such bona fide lien, mortgage, deed of trust or other form of security interest, reacquires ownership, possession or control of any asset included in Schedule A, it shall promptly notify the plaintiff in writing, and shall dispose of such asset within 12 months from the date of reacquisition in accordance with the terms of this Final Judgment.

XIV

(A) For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Hubbell at its principal office in Orange, Connecticut, be permitted:

(1) Access during office hours of Hubbell to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and any other records and documents in the possession or under the control of Hubbell relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of Hubbell and without restraint or interference from it, to interview the officers, employees and agents of Hubbell, who may have counsel present, regarding such matters.

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to Hubbell at its principal office in Orange, Connecticut, Hubbell shall submit such reports in writing with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information or documents obtained by the means provided in this Section XIV shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law. If at the time information or documents are furnished by Hubbell to the plaintiff, Hubbell represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Hubbell marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days' notice shall be given by the plaintiff to Hubbell prior to divulging such material in any legal proceeding (other than a Grand Jury Proceeding) to which Hubbell is not a party.

XV

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XVI

Entry of this Final Judgment is in the public interest. Dated:

__________________,

United States District Judge.

Schedule A

This Schedule A is annexed to and made part of the Final Judgment in Civil Action No. N78–292.

(A) All of the tangible and intangible assets held or used by Hubbell in connection with the design, manufacture, marketing, distribution, sale, repair and rework of the eleven (11) Ensign products specifically listed below, including, but not limited to, blueprints, designs, specifications, patents, patent applications, goodwill, licenses, know-how, tooling, furniture, machinery and equipment, work in progress, contracts, inventory, and customer and vendor lists, wherever located:

1. Alternating current power center.
2. Direct current power center.
3. Combination power center.
4. Sectionalizing equipment.
5. Distribution center.
6. Underground disconnect, switch house.
7. Circuit breaker.
8. DC breaker, excluding E.J. Contactors.
9. Portable outdoor substation.
10. Portal circuit breaker.
11. Motor starters, excluding E.J. Contactors, centrifugal switches, push buttons, wobble switches and ground check monitors.

Hubbell shall be permitted to use, deplete, or replace any and all inventory in the ordinary course of its business prior to the consummation of the divestiture.

(B) The real estate and structure located in Huntington, West Virginia, known as Ensign Plant No. 1, together with the improvements thereon, and the adjacent parking area.

U.S. District Court, District of Connecticut

United States of America, Plaintiff v. *Harvey Hubbell, Incorporated; the Ohio Brass Company; and the O.B. Merger Company,* Defendants.

Civil Action No. N–78–292.

Competitive Impact Statement.

Filed: September 17, 1981.

The United States of America, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)), submits this Competitive Impact Statement in connection with the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On August 25, 1978 the Government filed a civil antitrust complaint under Section 15 of the Clayton Act (15 U.S.C. 25) to prevent and restrain defendants Harvey Hubbell, Incorporated (Hubbell), The Ohio Brass Company (Ohio Brass) and The O.B. Merger Company (OB) from violating Section 7 of the Clayton Act (15 U.S.C. 18). The Complaint states that Hubbell formed a subsidiary, OB, for the purpose of acquiring Ohio Brass by merging it into OB. The Complaint alleges that the effect of this acquisition of Ohio Brass may be substantially to lessen competition in the manufacture and sale of underground power distribution equipment in that: (a) Competition between Hubbell and Ohio Brass in the manufacture and sale of underground power distribution equipment will be eliminated; (b) concentration in the underground power distribution equipment market will be increased; and (c) competition generally in the manufacture and sale of underground power distribution equipment will be lessened. Underground power distribution equipment is defined in the Complaint as "a cluster of products purchased primarily by coal mining companies for installation in mines in order to transmit, utilize, regulate and distribute electrical power in connection with the equipment used in the mining of coal."

The Court's entry of the proposed Final Judgment will terminate this action, except that the Court will retain jurisdiction over the matter for possible further proceedings to construe or carry out the Judgment, to modify any of its provisions, to enforce compliance with the Judgment, or to punish violations of any of its provisions.

II

The Events Giving Rise to the Alleged Violation

The Complaint alleges that Hubbell was the leading manufacturer and seller of underground power distribution equipment at the time the Complaint was filed. In 1977, its sales of approximately $17 million of such equipment accounted for approximately 29 percent of total industry sales.

In 1977 total industry sales were approximately $60 million and the market was highly concentrated with the four largest sellers accounting for approximately 70 percent of the sales. The eight largest sellers accounted for approximately 89 percent of the total sales.

The Complaint alleges that Ohio Brass with 1977 sales of approximately $5 million in underground power distribution equipment was the fifth leading seller. Its sales represented 9 percent of total industry sales.

The Complaint alleges that as a result of its acquisition of Ohio Brass, Hubbell's share of the underground power distribution equipment market in the United States would increase to 38 percent, double that of the nearest competitor, and equal to the combined share of its three largest competitors.

Based on information gathered in the course of pretrial discovery, the Government contends the relevant market is slightly narrower than that alleged in the Complaint and consists of custom underground power distribution equipment. In 1977, Hubbell sold $11 million worth of this equipment, or about

27.5 percent of total industry sales of $40 million. Ohio Brass sold $4.2 million in 1977, or about 10 percent of industry sales.

Hubbell is engaged in the manufacture and sale of many products in addition to underground power distribution equipment, including electrical wiring devices, industrial controls, lighting fixtures, insulated wire and cable, and voice and data signal processing equipment. Hubbell had total sales in 1977 of $211 million. Its total assets were valued at $139.3 million in 1976.

Ohio Brass also manufactures and sells many products in addition to underground power distribution equipment, including high voltage porcelain insulators, surge arresters, apparatus bushings, overhead line material, current collectors, rail bonds, switch lubricants, and bronze valves. In 1977 Ohio Brass has total sales of $80 million, and its assets were valued at $36 million.

On the same day that the Complaint was filed, August 25, 1978, the acquisition of Ohio Brass by Hubbell was consummated. On August 28, 1978, a Hold Separate Order, previously stipulated to by the parties was entered. This Order requires Hubbell to maintain its underground power distribution equipment operation separate and distinct from that of Ohio Brass and to take such reasonable action as may be necessary to maintain the economic well being and viability of the respective operations.

III

Explanation of the Proposed Final Judgment

The Government and the defendants have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed Judgment provides that there has been no admission by any party with respect to any issue of fact or law. Under Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the Judgment is conditioned upon a determination by the Court that entry of the Judgment will be in the public interest.

The proposed Final Judgment requires Hubbell to divest, as an ongoing business, a specified list of assets including a manufacturing facility which has been heretofore used to manufacture and sell eleven specified underground power distribution products. The assets to be divested are used by Hubbell to manufacture and sell custom underground power distribution products which, based on information gathered during extensive pretrial discovery, the Government contends is the relevant product market in this litigation. The assets and products are specified in Schedule A to the proposed Final Judgment. These assets comprise approximately 50 percent of the assets and slightly less than 50 percent of the sales of the Ensign Electric Division of Hubbell. The divestiture must ~~be to~~ an eligible purchaser, one approved by the Government or the Court.

The Final Judgment provides that Hubbell, if requested by the prospective eligible purchaser, may divest less than all the assets specified in Schedule A if prior written approval has been obtained from the Government. Such divestiture must be as an ongoing business. If requested by a prospective eligible purchaser, Hubbell, if it chooses, may divest more than the listed assets.

Hubbell must make known, through periodic advertising and other appropriate means, the availability of the assets listed in Schedule A for sale as an ongoing business. At the option of the eligible purchaser, Hubbell must use its best efforts to provide it with such engineering, installation, marketing, and supply information as may be reasonably necessary to enable it to operate such assets as a viable ongoing business. Hubbell must also release from any employment contract any officer or employee whose primary responsibilities relate to the design, manufacture, marketing, distribution, sale, or repair of any of the products involved in the divestiture and who requests such a release in order to become associated with the eligible purchaser.

If Hubbell does not make the required divestiture within 12 months of the entry of the proposed Judgment, the Government may apply to the Court for the appointment of a trustee to effect the divestiture. The trustee shall serve at the cost and expense of Hubbell on such terms and conditions as the Court may set.

Under the proposed Judgment, the provisions of the Hold Separate Order dated August 28, 1978 shall remain in effect until the required divestiture is accomplished.

Hubbell is enjoined for a period of five years from the date of divestiture from using the name Ensign or Ensign Electric in conjunction with the manufacture, distribution or sale of any products for which assets were divested by order of the Judgment. Hubbell is further enjoined and restrained for a period of ten years from the date of the entry of the proposed Judgment from acquiring any of the assets or stock of, or from merging with any person engaged in whole or in part in the manufacture or sale of underground power distribution products without the prior written consent of the Government.

The proposed Judgment also provides means for determining Hubbell's compliance with its terms.

IV

The Competitive Effects of the Proposed Judgment

The proposed Final Judgment is designed to alleviate the alleged anticompetitive effects of the acquisition. The divestiture required by the proposed Judgment will create a new independent entity in the manufacture and sale of custom underground power distribution equipment products in the United States which will compete with Ohio Brass, deconcentrate the market, and enhance competition in the market generally, thus accomplishing the objectives of the lawsuit.

The provision in the proposed Judgment prohibiting Hubbell from acquiring another company in this market for ten years without the consent of the Government will prevent Hubbell from making any anticompetitive acquisitions in this industry for that period of time.

If the Division were certain that the new entrant would need the "Ensign" trademark to compete successfully in this market, it would have insisted that Hubbell divest it. It appears that trademarks are not so essential and that divestment would impose some cost on Hubbell for retooling and could create confusion as to product source as Hubbell could continue to use the mark on its standard product. The five-year prohibition against Hubbell's use of the mark in competing against the new entrant is in effect a hedge against the possibility that trademarks may constitute—despite the Division's current belief to the contrary—a barrier of some significance to a new entrant in the custom underground power distribution market. To the extent that the "Ensign" trademark does confer upon its holder some marketing advantage, the new entrant will have one less obstacle to overcome.

The Government believes that the proposed Final Judgment prevents the occurrence of the anticompetitive effects that would arise from the challenged acquisition, and that therefore the disposition of this proceeding without further litigation is appropriate and in the public interest.

V

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person who believes that the proposed Final Judgment should be modified may submit written comments relating to the proposed Judgment to Ralph T. Giordano, Chief, New York Office, Antitrust Division, U.S. Department of Justice, Room 3630, 26 Federal Plaza, New York, New York 10278, within the 60-day period provided by the Act. These comments and the Government's responses to them will be filed with the Court and published in the **Federal Register**. All such comments will be given due consideration by the Government, which remains free to withdraw its consent to the proposed Judgment at any time prior to its entry. Additionally, the proposed Judgment provides that the Court retains jurisdiction over this action, and that the parties may apply to the Court for interpretation, modification, or enforcement of its provisions.

VI

Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial on the merits and on relief. The Division considers the proposed Judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violation alleged.

Hubbell's Ensign Electric Division operates out of two plants, one producing the custom designed underground power distribution products and the other producing standard shelf products. The latter were not in the relevant product market and thus not part of this case. Since it is feasible to divest only the custom portion of the business, this option seemed the most appropriate.

Since the proposed divestiture encompasses all the products in the relevant product market and will result in an entity larger than the Rectifier Division of Ohio Brass, the Government does not perceive any clear advantage to requiring the sale of both portions of the business. The relief set forth in the proposed Judgment achieves the objectives of this suit without the need for further litigation and thus the entry of the Judgment is in the public interest.

VI

Remedies Available to Potential Private Plaintiffs

After entry of the proposed Final Judgment, any potential private plaintiff that might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable relief that it may have had if the Final Judgment had not been entered. Entry of the proposed Judgment in this proceeding will neither impair nor assist the bringing of any such private actions. Under Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the proposed Judgment would have no *primo facie* effect in any such lawsuit.

VII

Other Materials

No materials or documents were considered determinative by the Government in formulating the proposed Final Judgment. Consequently, none if being filed pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)).

Dated: 1981, New York, New York.

Respectfully submitted,

Gary A. Kimmelman, Bruce Repetto,

Attorneys, Department of Justice, Antitrust Division, 26 Federal Plaza, Room 3630, New York, New York 10278.

[FR Doc. 81-28235 Filed 9-29-81; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Procedures for Meetings; Background

Procedures to be followed with respect to meetings conducted by the Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards, which were published October 7, 1980 (45 FR 66535), are renewed by this notice. These procedures are set forth in order that they may be incorporated by reference in future individual meeting notices.

The Advisory Committee on Reactor Safeguards (ACRS) is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements from members of the public to be considered as a part of the Committee's information gathering procedure, they are not adjudicatory hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS reviews do not normally encompass matters pertaining to environmental impacts other than those pertaining to radiological safety. ACRS full Committee and Subcommittee, meetings are conducted in accordance with sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.)

General Rules Regarding ACRS Meetings

An agenda is published in the **Federal Register** for each meeting. Practical considerations may dictate some alterations in the agenda. The Chairman of the Committee or Subcommittee which is meeting is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete session from one day to the next.

With respect to public participation in ACRS meetings, the following requirement shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy at the beginning of the meeting. When meetings are held at locations other than Washington, D.C., reproduction facilities are usually not available. Accordingly, 15 additional copies should be provided for use as such meetings. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy addressed to the Designated Federal Employee specified in the **Federal Register** notice for the individual meeting in care of the ACRS, NRC, Washington, D.C. 20555. Comments postmarked no later than one calendar week prior to a meeting will normally be received in time for reproduction, distribution and consideration at the meeting.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the beginning of the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee or Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether a meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call, on the working day prior to the meeting, to the Office of the Executive Director of the Committee (telephone 202-634-3265, ATTN: the Designated Federal Employee specified in the **Federal Register** notice for the meeting) between 8:15 a.m. and 5:00 p.m., Washington, D.C. time.

(d) Questions may be asked only by ACRS Members, Consultants and Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc., being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript of the open portions of the meeting where factual information is presented will be available at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, for inspection within one week following the meeting. A copy of the minutes of the meeting will be available at the same location on or before three months following the meeting. Copies may be obtained upon payment of appropriate charges.

Copies of the above-mentioned minutes and transcript will also be placed in the NRC Local Public Document Room, when appropriate, on the same time schedule. The location of the Public Document Room will be indicated in these cases in the individual **Federal Register** notice for the meeting.

Special Provisions When Proprietary Sessions Are To Be Held

If it is necessary to hold closed sessions for the purpose of discussing matters involving proprietary information, persons with agreements permitting access to such information may attend those portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that it can be confirmed and a determination made regarding the applicability of the agreement to the material that will be discussed during the meeting. The minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Employee prior to the beginning of the meeting.

Dated: September 25, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–28471 Filed 9–29–81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on October 14, 1981, Room 1118, 1717 H Street, NW., Washington, D.C. The Subcommittee will be briefed by the Division of Human Factors Safety, Office of Nuclear Reactor Regulation on the developments and programs that have been initiated within the Division over the past year. Items for discussion will include the final version of the control room design evaluation guidelines, operator qualifications, and emergency procedures guidelines. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, October 14, 1981 at 8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Richard Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: September 25, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–28472 Filed 9–29–81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70–36]

Combustion Engineering, Inc., Negative Declaration Regarding Expansion at the Hematite, Missouri, Facility; License No. SNM–33

The Nuclear Regulatory Commission (the Commission) is considering amendment of Special Nuclear Material License SNM.33 to permit expansion of Combustion Engineering's Hematite, Missouri, fuel fabrication plant.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental impact appraisal of the proposed expansion. On the basis of this appraisal, the Commission has concluded that the environmental impact created by the proposed action would not be significant and does not warrant the preparation of an environmental impact statement, and, accordingly, it has been determined that a negative declaration is appropriate. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Maryland, this 23rd day of September, 1981.

For the Nuclear Regulatory Commission.

R. G. Page,

Chief, Uranimum Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 81–28406 Filed 9–29–81; 8:45 am]

BILLING CODE 7590-01

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR–61, issued to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility), located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment revised the Appendix A Technical Specifications to permit a one-time natural circulation cooldown test during the 1981 refueling outage with the plant in Mode 3 (Hot Shutdown).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 17, 1981, (2) Amendment No. 41 to License No. DPR–61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H. Street, N.W., Washington, D.C. 20555 and at the Russell Library, 119 Broad Street, N.W., Middletown, Connecticut 06457. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of September, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5. Division of Licensing.

[FR Doc. 81-28467 Filed 9-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320 OLA]

Metropolitan Edison Company, et al. (Three Mile Island Nuclear Station, Unit 2); Modification of Order

I.

Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (collectively, the Licensee) are the holders of Facility Operating License No. DPR-73, which had authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI-2) at power levels up to 2772 megawatts thermal. The facility, which is located in Londonderry Township, Dauphin County, Pennsylvania, is a pressurized water reactor previously used for the commercial generation of electricity.

By Order of the Director, Office of Nuclear Reactor Regulation, dated February 11, 1980, a new set of license requirements was imposed to reflect the condition of the facility following the accident of March 28, 1979, and to assure the continued maintenance of the current safe, stable, long-term cooling condition of the facility. 45 Fed. Reg. 11282 (February 20, 1980).

II.

The Licensee has undertaken containment entries as part of its maintenance and recovery effort at TMI-2. In order to facilitate certain activities which it needs to conduct within containment, the Licensee applied on August 20, 1981, for approval of a change to the requirement set forth in Technical Specification 3.6.1.3 that it maintain at least one door in each of its containment air locks closed at all times. The change proposed by the Licensee would permit both doors of the containment air locks to be open simultaneously when necessary to permit the passage of tools and equipment, provided that these operations are undertaken in accordance with procedures approved pursuant to the requirements reflected in Technical Specification 6.8.2.

The NRC Staff has prepared a Safety Evaluation of the proposed change in which it has found that the change will give the Licensee needed additional flexibility in the design of tools and equipment for the conduct of activities inside containment and will reduce the exposure of workers by lessening the time spent inside containment assembling such tools and equipment. Based upon its Evaluation, the Staff has concluded that:

(1) Conditions that the Staff will require to be incorporated in the implementing procedures will assure that no significant releases of radioactive materials will occur in the event of an accident,

(2) The proposed change will not result in a significant increase in the probability or consequences of accidents previously considered, nor a significant reduction in a margin of safety; and does not, therefore, involve a significant hazards consideration,

(3) There is reasonable assurance that the activities that would be authorized under the changed Technical Specification can be conducted without endangering the health and safety of the public, and in compliance with the Commission's regulations, and

(4) Approval of the proposed change will not be inimical to the common defense and security or to the public health and safety.

The Staff has further concluded that approval of the proposed change does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. In light of this determination, it has concluded, pursuant to 10 CFR 51.5(d)(4), that the approval of this change does not require the preparation of an envnironmental impact statement or negative declaration and environmental impact appraisal.

III.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Director's Order of February 11, 1980, is hereby modified to incorporate the requested change to Technical Specification 3.6.1.3. The revised Specification is set forth in Attachment A hereto. This action does not amend Operating License No. DPR-73 to incorporate revised Technical Specification 3.6.1.3 therein. The question of whether to amend the License to incorporate the Recovery Mode Technical Specifications, of which Technical Specification 3.6.1.3 is a part, is presently pending before an Atomic Safety and Licensing Board. The Licensee is, however, authorized to act in accordance with the revised requirements reflected in Technical Specification 3.6.1.3.

For further details with respect to this action, see (1) Letter to B. Snyder, USNRC, from G. K. Hovey, Met. Ed/GPU, Technical Specification Change Request No. 29, dated August 20, 1981, (LL2-81-0192); (2) Letter to G. K. Hovey, Met. Ed/GPU, from B. J. Snyder, USNRC, dated September 23, 1981; and (3) the Director's Order of February 11, 1980.

All of the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC, and at the Commission's Local Public Document Room at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Effective date: September 23, 1981.

Dated at Bethesda, Maryland, this 23 day of September, 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-28468 Filed 9-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment increases the required reactor shutdown margin during cold shutdown conditions.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact

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statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 27, 1981, as supplemented August 3, 1981, (2) Amendment No. 62 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 22d day of September, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-28469 Filed 9-29-81; 8:45 am]

BILLING CODE 7590-01-M

Statement of Policy on Issuance of Uncontested Fuel Loading and Low Power Testing Operating Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Statement of Policy.

SUMMARY: In October 1979 the Commission suspended its policy that permitted the issuance of nuclear power reactor construction permits and operating licenses by the staff in uncontested cases and directed that no such permits or licenses could be issued except upon prior review by the Commission itself. 44 FR 58559 (October 10, 1979). In the past months, the Commission has revised those procedures in a way designed to improve the licensing process. 46 FR 28627 (May 28, 1981). In this issue of the **Federal Register**, the Commission is publishing final rules which retain to the Commission itself the decision of whether or not an applicant will be granted authority for commercial operation, i.e., full power operation. These final rules will permit fuel loading and low power (up to 5 percent of rated power) testing to be authorized by the Director of Nuclear Reactor Regulation after a favorable decision by a Licensing Board in a contested case. This Statement announces the Commission's intention that in future uncontested cases full power operation will be authorized by the Commission. However, in such cases, the Director shall authorize fuel loading and low power testing without the need to obtain prior Commission approval.

Dated at Washington, D.C. this 24th day of September, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-28451 Filed 9-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-339]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. NPF-7 issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Unit No. 2 (the facility) located in Louisa County, Virginia. The amendment is effective as of its date of issuance.

The amendment revises the time required for the licensee to complete the requirements of Item II.D.1 of NUREG-0737. The date for completion of qualification tests of power operated relief valves and safety valves has been revised from July 1, 1981 to July 1, 1982. The amendment also removes a license condition regarding surveillance testing of 125-volt direct current batteries which is no longer applicable to the facility Technical Specification.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 1, 1981; (2) Amendment No. 12 to Facility Operating License No. NPF-7; and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 22nd day of September 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3 Division of Licensing.

[FR Doc. 81-28470 Filed 9-29-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Public Hearings On United States-Argentina Agreement on Hides and Leather

Correction

In FR Doc. 81-27606 appearing at page 46857, in the issue of Tuesday, September 22, 1981, please make the following change:

On page 46857, third column, third line from bottom of the page, "currently 2% ad volarem" should be changed to read, "currently 1% ad volarem".

BILLING CODE 1505-01-M

SMALL BUSINESS ADMINISTRATION

Gulfstream Capital Corp.; Surrender of License

Notice is hereby given that, pursuant to § 107.105 of the Small Business Administration (SBA) Regulations governing Small Business Investment Companies (13 CFR 107.105 (1981)), Gulfstream Capital Corporation, 600 First National Bank Building, Augusta, Georgia 30902, incorporated under the laws of the State of Georgia; has surrendered its License No. 04/04-0195, issued by SPA on February 10, 1981.

Gulfstream Capital Corporation has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above cited Regulation, the license of Gulfstream Capital Corporation is hereby accepted and it is no longer licensed to operate as a Small Business Investment Company.

Dated: September 24. 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-28400 filed 9-29-81 8:45 am]

BILLING CODE 8025-01-M

Small Business Investment Company; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires taht SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new Section 308(i) of the Small Business Investment Act, added by Section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective October 1, 1981, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 14.915% per annum.

Dated: September 24. 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-28401 Filed 9-29-81 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the **Federal Register**.

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954].

Bahrain
Iraq
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Arab Republic
Yemen, Peoples Democratic Republic of

John E. Chapoton,

Assistant Secretary for Tax Policy.

[FR Doc. 81-28386 Filed 9-29-81. 8:45 am]

BILLING CODE 4810-25-M

[Dept. Circular Public Debt Series—No. 31-81]

Treasury Notes of October 15, 1988, Series F-1988

September 23. 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,000,000,000 of United States Securities, designated Treasury Notes of October 15, 1988, Series F-1988 (CUSIP No. 912827 MK 5). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated October 14, 1981, and will bear interest from that date, payable on a semiannual basis of April 15, 1982, and each subsequent 6 months on October 15 and April 15 until the principal becomes payable. They will mature October 15, 1988, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other non business day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, October 7, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, October 6, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desire, expressed in terms of and annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Non-competitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined

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above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a 1/8 of one percent increment, which results in and equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4, must be made or completed on or before Wednesday, October 14, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, October 9, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Acting Fiscal Assistant Secretary.

[FR Doc. 81-28242 Filed 9-29-81; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 189
Wednesday, September 30, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Federal Energy Regulatory Commission	1
Federal Maritime Commission	2
National Labor Relations Board	3
National Mediation Board	4
Parole Commission	5, 6
Postal Rate Commission	7

1

FEDERAL ENERGY REGULATORY COMMISSION.

Meeting

September 28, 1981.

TIME AND DATE: 2 p.m., September 30, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: *Process Gas Consumers Group, et al., v. U.S. Department of Agriculture, et al.,* D.C. Cir. No. 79-1336.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

[S-1481-81 Filed 9-28-81; 3:51 pm]

BILLING CODE 6450-85-M

2

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 47173, September 24, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., September 30, 1981.

CHANGE IN THE MEETING: Addition of the following item to the open session:

5. Agreement No. 10159-10: Application to modify and restate the American West African Freight Conference Berth Rationalization Agreement.

[S-1482-81 Filed 9-28-81; 4:00 pm]

BILLING CODE 6730-01-M

3

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 9 a.m., Monday, September 28, 1981.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C.

STATUS: Closed to public observation prusuant to 5 U.S.C. 552b (c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invations of personal privacy).

MATTERS TO BE CONSIDERED: Personnel-related matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570; Telephone: (202) 254-9430.

Dated: Washington, D.C., September 25, 1981.

By direction of the Board.

John C. Truesdale,
Executive Secretary, National Labor Relations Board.

[S-1477-81 Filed 9-25-81; 5:07 pm]

BILLING CODE 7545-01-M

4

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, October 7, 1981.

PLACE: Board Hearing Room, Eighth floor, 1425 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Staff will report on possible amendments to the current NMB Representation Manual.
2. Ratification of Board actions taken by notation voting during the month of September, 1981.
3. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Rowland K. Quinn, Jr., Executive Secretary; Tel: (202) 523-5920.

Dated: September 28, 1981.

[S-1483-81 Filed 9-28-81; 4:00 pm]

BILLING CODE 7550-01-M

5

PAROLE COMMISSION.

[1P0401]

TIME AND DATE:

Monday, October 5, 1981—9:00 a.m. to 5:30 p.m.

Tuesday, October 6, 1981—9:00 a.m. to 3:00 p.m.

PLACE: Room 420-F; One North Park Building; 5550 Friendship Blvd., Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 20 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, Parole Commission, (301) 492-5926.

[S-1479-81 Filed 9-28-81; 2:45 pm]

BILLING CODE 4410-01-M

6

PAROLE COMMISSION.

[OP0401]

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Md., Headquarters)

TIME AND DATE: 9:30 a.m., Friday, September 25, 1981.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Blvd., Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

CHANGES IN THE MEETING: On September 24, 1981, the Commission determined that the above meeting date be further continued to 9:30 a.m. on Thursday, October 1, 1981, for consideration of case referrals from Regional Commissioners. The above change is being announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, Parole Commission, (301) 492–5926.

[S-1480-81 Filed 9-28-81; 8:45 am]

BILLING CODE 4410-01-M

7

POSTAL RATE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, October 1, 1981.

PLACE: Conference Room, Room 500, 2000 L Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Issues in Docket MC78–3. (E–Com). (Closed pursuant to 5 U.S.C. 552b(c)(10).)

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268; Telephone (202) 254–5614.

[S-1478-81 Filed 9-29-81; 2:46 pm]

BILLING CODE 7715-01-M

federal register

Wednesday
September 30, 1981

Part II

Office of the Federal Register

Incorporations by Reference; Approval in Titles 17, 40, and 42 through 50

Title 17	Chapter II—Securities and Exchange Commission
Title 40	Chapter I—Environmental Protection Agency
Title 42	Chapter I—Public Health Service, Department of Health and Human Services Chapter IV—Health Care Financing Administration, Department of Health and Human Services
Title 45	Chapter XIII—Office of Human Development Services, Department of Health and Human Services
Title 46	Chapter I—Coast Guard, Department of Transportation
Title 47	Chapter I—Federal Communications Commission
Title 49	Subtitle A—Office of the Secretary of Transportation Chapter I—Research and Special Programs Administration, Department of Transportation Chapter II—Federal Railroad Administration, Department of Transportation Chapter III—Federal Highway Administration, Department of Transportation Chapter V—National Highway Traffic Safety Administration, Department of Transportation

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OFFICE OF THE FEDERAL REGISTER

1 CFR Part 51 and CFR Titles 17, 40, 42, 45, 46, 47, and 49

Approval of Incorporations by Reference

AGENCY: Office of the Federal Register.

ACTION: Approval of incorporations by reference.

SUMMARY: The Office of the Federal Register publishes a document listing materials that have been approved by the Director for incorporation by reference. These references appear in Titles 17, 40, and 42 through 50 of the *Code of Federal Regulations* (CFR). This document is published to inform the public of materials that have the Director's approval and have the same legal status as if they were published in full text in the **Federal Register.**

EFFECTIVE DATE: The Director approves the following incorporations by reference for one year effective October 1, 1981, unless otherwise noted.

ADDRESSES: For specific addresses where materials are available, see table. Materials are also on file at the Office of the Federal Register, 1100 L Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Gary Segal, (202) 523-4534.

SUPPLEMENTARY INFORMATION:

Background. Each agency that wishes material incorporated by reference to remain effective must annually submit to the Director a list of that material and the date of its last revision (1 CFR 51.13). The materials included on the table below are incorporated by reference under 5 U.S.C. 552(a) and 1 CFR Part 51. These procedures provide that material approved for incorporation by reference by the Director of the Federal Register has the same legal status as if it were published in full text in the **Federal Register.**

Availability. Before an agency may incorporate by reference any material, it must make the material reasonably available to the class of persons affected by it. Agencies have listed addresses where you can obtain each item included in the table. The materials approved for incorporation by reference are also available for inspection and copying at the Office of the Federal Register, Room 8401, 1100 L St., NW, Washington, DC, phone (202) 523-5240.

Amendments. If the agency wishes to amend material before the annual approval expires, the agency shall publish a notice which announces the amendment and states where the material may be obtained. The agency shall also assure that the material and its amendments are available to the public and on file at the Office of the Federal Register. Unless the agency follows these procedures, the amendments are not approved.

Quarterly Publication. The titles of the CFR are generally revised according to the following schedule:

Title 1 through Title 16—as of January 1.

Title 17 through Title 27—as of April 1.

Title 28 through Title 41—as of July 1.

Title 42 through Title 50—as of October 1.

Every quarter, the Office of the Federal Register publishes a document on incorporation by reference. This quarterly document contains the following information on incorporation by reference. First, it contains a table of materials in the applicable titles that have been reapproved for incorporation by reference under 1 CFR 51.13. Second, the document contains a listing of any materials which were granted extensions under 1 CFR 51.13 review in the last quarter and have since received final approval by the Director of the Federal Register. Third, the document contains any materials approved for incorporation by reference for the first time under Office of the Federal Register general procedures in 1 CFR Part 51. And fourth, the document may contain corrections to previously published incorporation by reference approval documents.

Material which is approved in a timely fashion during the quarterly review process is also listed in the appropriate *Code of Federal Regulations* volume(s).

How the Table is Arranged. The table is arranged first by headings indicating the CFR title and chapter and the name of the agency incorporating the material. Under each of these headings are listed the name of the standards producing organization, a description of the material being incorporated and where it is available, and the CFR part or section where the material is referenced.

Problems. If you have any problems obtaining the material, notify the agency. If you find the material is not available, notify the Director of the Federal Register (NARS), Washington, DC 20408 or call (202) 523-4534.

John E. Byrne,

Director of the Federal Register.

17 CFR, CHAPTER II (PARTS 200 TO 399)
SECURITIES AND EXCHANGE COMMISSION

Securities and Exchange Commission

17 CFR

Washington, D.C. 20549

Form 7A.. 239.96

Copies may be inspected at the Securities and Exchange Commission, Washington, D.C. 20549, and at the Commission's regional and branch offices whose addresses appear at § 200.11 of this chapter.

40 CFR, CHAPTER I (PARTS 0 TO 1399)
ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Agency

40 CFR

Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711

State Implementation Plans: Consisting of Original State Implementation Plans for the fifty States and the territories of Guam, Puerto Rico, Virgin Islands and American Samoa; Regulatory and Non-Regulatory Revisions to State Implementation Plans approved 1972–June 1979 (prepared by Atlantic Environmental Associates, Inc.); and Individual State Implementation Plan Revisions approved July 1979–June 1981, which are identified below by State and Date of publication of the **Federal Register** notice. (The Director of the Federal Register extended the July 1, 1981, approval date for 30 days pending final review under 1 CFR 51.13. The list below reflects the SIP's and amendments receiving final approval for one year effective July 1, 1981.). 52.02(d)

Alabama: Nov. 28, 1979, June 3, Aug. 11, 1980, Oct. 31, 1980, April 27, 1981
Alaska: Dec. 30, 1980, April 15, 1981
Arizona: Dec. 17, 1979, Aug. 11, 1980, Oct. 10, 1980
Arkansas: Jan. 29, 1980, Aug. 15, 1980
California: July 30, 1979, Dec. 6, 1979, April 24, 1980 (2 notices), May 9, 1980, May 28, 1980 (2 actions), June 3, 1980, June 4, 1980, Aug. 11, 1980 (2 notices), Sept. 26, 1980, Oct. 24, 1980, Oct. 31, 1980, Nov. 10, 1980, Dec. 4, 1980, Jan. 16, 1981, Jan. 21, 1981, Jan. 27, 1981, April 14, 1981, May 18, 1981 (2 notices)
Colorado: Oct. 5, 1979, July 9, 1980, July 16, 1980, Aug. 1, 1980, March 13, 1981, March 19, 1981, April 30, 1981
Connecticut: July 30, 1979, Dec. 23, 1980, April 27, 1981, May 14, 1981
Delaware: July 30, 1979, March 6, 1980, Aug. 1, 1980, May 15, 1981
District of Columbia: Jan. 4, 1980, March 3, 1980, Jan. 30, 1981
Florida: Feb. 29, 1980, March 18, 1980, Sept. 10, 1980, Nov. 14, 1980, Dec. 16, 1980, March 17, 1981. May 14, 1981
Georgia: Sept. 18, 1979, Jan. 3, 1980, Jan. 24, 1980, March 20, 1981, May 5, 1981, May 22, 1981
Hawaii: Aug. 7, 1979
Idaho: July 30, 1979, Oct. 23, 1980, March 4, 1981
Illinois: Dec. 6, 1979, Jan. 3, 1980, Feb. 21, 1980, Sept. 22, 1980, Oct. 24, 1980, Jan. 27, 1981, March 4, 1981
Indiana: Jan. 2, 1981, May 19, 1981
Iowa: March 6, 1980, March 20, 1981, April 17, 1981
Kansas: April 3, 1981
Kentucky: Jan. 25, 1980, Oct. 31, 1980, Dec. 24, 1980, June 15, 1981
Louisana: Feb. 14, 1980
Maine: Jan. 30, 1980, Feb. 19, 1980, Sept. 9, 1980, Dec. 9, 1980, Jan. 5, 1981, Jan. 22, 1981
Maryland: Dec. 6, 1979, March 18, 1980, April 17, 1980, April 25, 1980, July 3, 1980, Aug. 12, 1980, Aug. 19, 1980, Sept. 3, 1980, Sept. 4, 1980, March 18, 1981
Massachusetts: May 21, 1979, July 16, 1979, Jan. 10, 1980, May 28, 1980, June 17, 1980, Aug. 12, 1980, Sept. 10, 1980 (2 actions), Sept. 16, 1980, Dec. 15, 1980, Jan. 19, 1981, Jan. 27, 1981, March 4, 1981, March 19, 1981
Michigan: May 6, 1980, June 2, 1980, Aug. 11, 1980, Aug. 25, 1980, Dec. 17, 1980, Dec. 29, 1980, Jan. 27, 1981, March 4, 1981, April 17, 1981, May 1, 1981, May 14, 1981, May 22, 1981, June 5, 1981
Minnesota: Dec. 13, 1979, June 16, 1980, March 4, 1981, April 8, 1981
Mississippi: Jan. 10, 1980, July 10, 1980
Missouri: March 18, 1980, April 9, 1980, May 9, 1980, June 16, 1980, Oct. 31, 1980, Dec. 24, 1980, March 16, 1981, April 3, 1981, April 27, 1981, May 22, 1981, June 12, 1981
Montana: March 4, 1980, Sept. 23, 1980, March 3, 1981
Nebraska: (none)
Nevada: Feb. 4, 1980, Feb. 6, 1980, July 10, 1980, April 14, 1981
New Hampshire: April 11, 1980, June 23, 1980, Sept. 9, 1980, Sept. 22, 1980, Dec. 18, 1980
New Jersey: March 11, 1980, April 19, 1980, May 7, 1980, Oct. 31, 1980, April 15, 1981, April 27, 1981, May 12, 1981
New Mexico: April 10, 1980, Dec. 24, 1980, March 26, 1981, June 18, 1981
New York: Feb. 5, 1980, Mar. 6, 1980, April 24, 1980, May 21, 1980, July 1, 1980, Nov. 10, 1980, Jan. 27, 1981 (2 actions), March 19, 1981 (2 actions), April 27, 1981, May 26, 1981
North Carolina: Jan. 10, 1980, April 17, 1980, Aug. 20, 1980, Sept. 10, 1980, March 19, 1981, April 13, 1981, April 16, 1981, May 15, 1981
North Dakota: Nov. 2, 1979, Aug. 12, 1980
Ohio: Oct. 31, 1980 (3 actions), Nov. 28, 1980, Jan. 27, 1981, March 4, 1981, March 31, 1981, May 1, 1981
Oklahoma: Feb. 13, 1980, Nov. 28, 1980, May 26, 1981
Oregon: July 30, 1979, April 18, 1980, June 24, 1980, July 15, 1980, Jan. 2, 1981, March 4, 1981

40 CFR, CHAPTER I (PARTS 0 TO 1399)—Continued

Pennsylvania: July 7, 1979, Aug. 8, 1979, Dec. 17, 1979, May 20, 1980, Aug. 19, 1980
Rhode Island: Jan. 15, 1981, Jan. 21, 1981, May 7, 1981
South Carolina: Sept. 21, 1979, Jan. 29, 1980, July 7, 1980
South Dakota: July 30, 1979, Aug. 9, 1979
Tennessee: Jan. 10, 1980, Feb. 6, 1980, April 24, 1980, Aug. 13, 1980, Nov. 17, 1980
Texas: Sept. 24, 1979, Dec. 18, 1979, March 25, 1980, Aug. 6, 1980
Utah: Feb. [illegible], 1980, Sept. 10, 1980, May 5, 1981
Vermont: Jan. 30, 1980, Feb. 19, 1980, Sept. 9, 1980, March 18, 1981
Virginia: Dec. 17, 1979, Jan. 31, 1980, Aug. 19, 1980, Oct. 8, 1980 (2 actions), Dec. 5, 1980, March 18, 1981, April 20, 1981
Washington: July 30, 1979, June 5, 1980, July 31, 1980, Dec. 24, 1980, April 15, 1981
West Virginia: Aug. 14, 1980, Nov. 10, 1980
Wisconsin: Jan. 11, 1980, April 9, 1981, April 17, 1981, May 6, 1981, June 9, 1981
Wyoming: July 2, 1979, Sept. 6, 1979, April 27, 1981
Guam: March 6, 1980, May 12, 1981
Puerto Rico: Nov. 3, 1980, April 27, 1981
Virgin Islands: May 2, 1980, April 27, 1981
American Samoa: (none)

	40 CFR
American Society for Testing and Materials 1916 Race St., Philadelphia, PA 19103	
ASTM D 93–80 Flash Point by Pennsky-Martens Closed Tester	261.21(a)(1)
ASTM D 3278–78 Flash Point of Liquids by Setaflash Closed Tester	261.21(a)(1)
National Fire Protection Association Batterymarch Park, Quincy, MA 02269	
Flammable and Combustible Liquids Code, 1981	264.198(b); 265.198(b)
U.S. Environmental Protection Agency Solid Waste Information, 26 W. St. Clair St., Cincinnati, OH 45268	
Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, 1980	122.25(b)(5); 122.27(b)(1); 261.22(a)(1); 261.22(a)(2); Part 261, Appendix II; Part 261, Appendix III

42 CFR CHAPTER I (PARTS 1–399)
PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES

	42 CFR
American Insurance Association Publications Department, 85 John St., New York, NY 10038	
National Building Code, 1976 edition	Part 36, Subpart H, Appendix A(a)
American Nurses' Association 2420 Pershing Road, Kansas City, MO 64108 Also available from Emergency Department Nurses' Association, 666 N. Lake Shore Dr., Chicago, IL 60611	
ANA Publication Code MS–5 10M 9/75 Standards of Emergency Nursing Practice	57.2106(b)(3)(i)
American Society of Heating, Refrigerating and Air Conditioning Engineers United Engineer Center, 345 East 47th Street, New York, NY 10017	
Handbook of Fundamentals, 1977	Part 36, Subpart H, Appendix A(b)(1); 52b.11(b)(1)
American Society of Mechanical Engineers United Engineer Center, 345 East 47th St., New York, NY 10017	
Boiler and Pressure Vessel Code, 1977 edition, with Summer 1980 addendum, Section 8, Division I	Part 36, Subpart H, Appendix A(b)(3)
National Plumbing Code, 1955	Part 36, Subpart H, Appendix A(b)(2)
Compressed Gas Association 500 Fifth Ave., New York, NY 10036	
Pamphlet P-[illegible]. Standard for Medical-Surgical Vacuum Systems in Hospitals (1967)	52b.11(b)(4)

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42 CFR CHAPTER I (PARTS 1–399)—Continued
PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES—Continued

	[illegible]
General Services Administration	
Specifications and Consumer Information, Distribution Section (WFSIS), Washington Navy Yard, Building 197, Washington, DC 20407	
Federal Specification, Ambulance Emergency Care Vehicle, GSA, KKK–A01822A	56a.102—definition of "Ground Vehicles"
General Services Administration, Public Buildings Services	
Office of Design and Construction, 18th & F Sts., NW., Washington, DC 20405	
GSA Accessibility Standard (PBS (PCD): DG6, October 14, 1980)	36.110(b)(10); 51c.503(a)(7)(iii)(A); 52b.8(j)
Health and Human Services Department	
The following documents are available for public inspection and copying at the Central Information Center, Department of Health and Human Services, North Building, 330 Independence Avenue, SW., Washington, DC 20201 and Regional Office Information Centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402.	
Minimum Requirements of Construction and Equipment for Hospitals and Medical Facilities, DHHS publication No. (HRA) 79–14500.	Part 36, Subpart H, Appendix A. 57.112; 124.201
Chapter 1–420 of the Department of Health and Human Services Grants Administration Manual	51a.512; 66.213(b)(2)(ii); 122.211(c)(2)(ii)
Department of Health and Human Services General Administration Manual, Chapter 9, Committee Management	52h.3(a); 52h.4(a)
Guide for Audits of Migrants Health Grants of the Department of Health and Human Services Audit Agency	56.603(c); 56.303(d)
Chapter 1–43 of the Department of Health and Human Services Grants Administration Manual	66.113(b); 66.210(b); 67.22(b); 86.33(b)
Part 2.1 (except section 5.4, 8.8, 11.2, 11.3, 11.4, Chapter 12, sections 13.2, 13.3, and exhibits 9 and 10) of DHHS Technical Handbook for Facilities Engineering and Construction Manual, Federally Assisted Construction, entitled "2.1 Information for Project Applicants and State Agencies on Design and Construction Related Activities".	110.1005(a)
Chapter 14 of DHHS Publication No. (HRA) 79–15400, Minimum Requirements of Construction and Equipment for Hospitals and Medical Facilities, "Small Primary Health Care Centers," except for the last sentence of paragraph 14.1A, the parenthetical phrase "(usually 4)" in paragraph 14.1B(1) and paragraph 14.1B(3) in its entirety.	110.1005(b)(2)
International Conference of Building Officials	
5360 South Workman Mill Rd., Whittier, CA 90601	
Uniform Building Code, 1979 edition	52b.11(g); 52b.11(a); Part 36, Subpart H, Appendix A(g)
National Association of Plumbing-Heating-Cooling Contractors	
1016 20th St., NW., Washington, DC 20036	
National Standard Plumbing Code, 1980 edition	52b.11(b)(2)
National Council on Radiation Protection and Measurement	
P.O. Box 30175, Washington, DC 20014	
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National Fire Protection Association	
Batterymarch Park, Quincy, MA 02269	
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42 CFR CHAPTER I (PARTS 1–399)—Continued
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42 CFR CHAPTER IV (PARTS 400–499)
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American Hospital Association Available from: Health Care Financing Administration, Office of Management and Budget, Division of Communication Services, Printing and Publishing Branch, Gwynn Oak Building, Baltimore, MD 21235	
Chart of Accounts for Hospitals (1973 Edition)	405.415(b)(7)(i)
American Lung Association (Formerly National Tuberculosis Association) 1740 Broadway, New York, NY 10019	
Diagnostic Standards and Classification of Tuberculosis (1974 Edition)	405.1039(b)(2)
American National Standards Institute Available from Engineering Societies' Library, 345 E. 47th St., New York, NY 10017	
ANSI A117.1–1971 Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People.	405.1134(c); 442.330(a)(2) and (b)
American Psychiatric Association 1700 18th St. NW., Washington, DC 20009	
Diagnostic and Statistical Manual of Mental Disorders (3rd Edition 1980)	405.243(b); 405.1037(a)(12)
Health Care Financing Administration Office of Management and Budget, Division of Communication Services, Printing and Publication Branch, Gwynn Oak Building, Baltimore, MD 21235	
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National Academy of Sciences Academy Press, 2101 Constitution Avenue, NW., Washington, DC 20418	
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42 CFR CHAPTER IV (PARTS 400–499)—Continued
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45 CFR CHAPTER XIII (PARTS 1300–1399)
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46 CFR SUBCHAPTER D
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UL 19 Woven Jacketed, Rubber Lined Fire Hose, 1971	34.10–10

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P–1 Safe Installation of Exhaust Systems for Propulsion and Auxiliary Machinery, 1973	58.10–5
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ANSI B16.1–1975—C.I. Flanges and Fittings	56.60–1; 56.60–10; 56.60–15
ANSI B16.3–1977—M.I. Threaded Fittings, 150 and 300 Lb	56.60–1
ANSI B16.4–1977—C.I. Threaded Fittings, 125 and 250 Lb	56.60–1
ANSI B16.5–1977—Steel Pipe Flanges and Pipe Fittings	56.20–1; 56.30–10; 56.60–1; 56.60–15
ANSI B16.9–1978—Steel Butt Welding Fitting	56.60–1
ANSI B16.10–1973—Dimensions of Ferrous Valves	56.60–1

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	46 CFR
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ANSI B16.14-1977—Ferrous Threaded Plugs Bushings	56.60-1
ANSI B16.15-1978—Cast Bronze Threaded Fittings	56.60-1
ANSI B16.18-1978—Cast Brass Solder-Joints	56.60-1
ANSI B16.20-1973—Ring Joint Gaskets, Steel Flanges	56.60-1
ANSI B16.21-1978—Non-metallic Gaskets for Flanges	56.60-1
ANSI B16.22-1980—Wrought Copper and Bronze Solder Joint Fittings	56.60-1
ANSI B16.23-1976—Cast Bronze Solder-Joint Drainage	56.60-1
ANSI B16.24-1979—Brass or Bronze Flanges and Fittings	56.60-1
ANSI B16.25-1979—Butt-welded Ends—Pipe, Valves, Flanges and Fitting	56.60-1; 56.70-0
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ANSI B16.29-1980—Wrought Copper and Wrought Copper Alloy-Solder Joint Drainage and Fittings	56.60-1
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ANSI B31.5-1974—Refrigeration Piping	58.20-5; 58.20-20
ANSI B36.10-1979—Stainless Steel Pipe	56.07-5; 56-30-20; 56-60-1
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ANSI B93.5-1979—Recommended Practice for the Use of Fire Resistant Fluids for Fluid Power Systems	58.30-10
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American Society of Mechanical Engineers United Engineering Center, 1345 E. 47th St., New York, NY 10017	
Boiler and Pressure Vessel Code, Section I, Power Boilers, 1977, with addenda through 1979	Part 52; 56.95-10; 58.30-15; 59.10-5
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Section VII, Care of Power Boilers, 1980	59.01-3
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Section IX, Welding and Brazing Qualifications, 1980	Part 57; 56.70-5; 56.70-20; 56.75-20; 56.85-10; 59.10-5
American Society for Testing and Materials 1916 Race St., Philadelphia, PA 19103	
ASTM A 20-80—Steel Plates for Pressure Vessels	54.25-10
ASTM A 36-77a—Structural Steel	56.30-10
ASTM A 47-77—Malleable Iron Castings	56.60-1
ASTM A 53-80—Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless	56.01-6; 56.10-1
ASTM A 106-80—Seamless Carbon Steel Pipe for High-Temperature Service	56.60-1
ASTM A 126-73—(1981) Gray Iron Castings for Valves, Flanges and Pipe Fittings	56.60-1
ASTM A 134-80—Electric-Fusion (Arc)-Welded Steel Plate Pipe (Sizes 16 in. and over)	56.60-1
ASTM A 135-79—Electric-Resistance-Welded Steel Pipe	56.60-1
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ASTM A 178-79b—Electric-Resistance Welded Carbon Steel Boiler Tubes	56.60-1
ASTM A 179-79—Seamless Cold-Drawn Low Carbon Steel Heat Exchanger and Condenser Tubes	56.60-1
ASTM A 193-80c—Alloy-Steel and Stainless Steel Bolting Materials for High Temperature Service	58.30-15
ASTM A 197-79—Cupola Malleable Iron	56.60-1
ASTM A 199-79a—Seamless Cold Drawn Intermediate Alloy-Steel Heat-Exchanger and Condenser Tubes	56.60-1
ASTM A 203-80—Pressure Vessel Plates, Alloy Steel, Nickel	54.05-20
ASTM A 210-79a—Seamless Medium Carbon Steel Boiler & Super Heater Tubes	56.60-1
ASTM A 213-79b—Seamless Ferritic and Austenitic Alloy-Steel Boiler, Superheater, and Heat-Exchanger Tubes	56.60-1
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ASTM A 234-80a—Piping Fittings for Wrought Carbon Steel and Alloy Steel for Moderate and Elevated Temperatures	56.60-1
ASTM A 249-80b—Welded Austenitic Steel Boiler, Superheater, Heat Exchanger, and Condenser Tubes	56.60-1
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ASTM A 307–80—Carbon Steel Externally and Internally Standard Fasteners	56.25–20
ASTM A 312–80b—Seamless and Welded Austenitic Stainless Steel Pipe	56.60–1
ASTM A 333–80—Seamless and Welded Steel Pipe for Low Temperature Service	56.60–1
ASTM A 334–79—Seamless and Welded Carbon and Alloy Steel Tubes for Low Temperature Service	56.60–1
ASTM A 335–80—Seamless Ferritic Alloy Steel Pipe for High Temperature Service	56.60–1
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ASTM A 369–79a—Ferritic Alloy Steel Forged and Bored Pipe for High Temperature Service	56.60–1
ASTM A 370–77—Mechanical Testing of Steel Products	54.25–20
ASTM A 376–80—Seamless Austenitic Steel Pipe for High Temperature Central Station Service	56.07–10; 56.60–1
ASTM A 395–80—Ferritic Ductile Cast Iron Pressure-Retaining Castings for use at Elevated Temperatures	56.60–1
ASTM A 403–80—Wrought Austenitic Stainless Steel Piping Fittings	56.60–1
ASTM A 420–80a—Piping Fittings of Wrought Carbon Steel and Alloy Steel for Low Temperature Service	56.60–1
ASTM A 430–79—Austenitic Steel, Forged and Bored Pipe for High Temperature Service	56.60–1
ASTM A 520–72—(1979) Supplementary Requirements Seamless and Electrical-Resistance-Welded Carbon Steel Tubular Products for High Temperature Service Conforming to ISO Recommendations for Boiler Construction.	56.60–1
ASTM A 575–80—Merchant Quality Hot Rolled Carbon Steel Bars	56.60–2
ASTM A 576–79—Steel Bars, Carbon, Hot Rolled, Special Quality	56.60–2
ASTM B 16–81—Free-cutting Brass Rod, Bar and Shapes for use in Shapes for use in Screw Machines	56.60–2
ASTM B 21–80—Naval Brass Rod, Bar and Shapes	56.60–2
ASTM B 26–80a—Aluminum-Alloy sand Castings	56.60–2
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ASTM B 75–80—Seamless Copper Tube	56.60–1
ASTM B 85–76—Aluminum Alloy Die Castings	56.60–2
ASTM B 88–80—Seamless Copper Water Tube	56.60–1
ASTM B 96–80—Copper Silicon Alloy Plate and Sheet for Pressure Vessels	56.60–2
ASTM B 97–80—Copper Silicon Alloy Plate, Sheet, Strip and Rolled Bar for General Purposes	58.50–5
ASTM B 111–80—Copper and Copper Alloy Seamless Condenser Tube and Ferrule Stock	56.60–1
ASTM B 122–80—Copper-Nickel-Zinc Alloy (Nickel Silver) & Copper-Nickel Alloy Plate, Strip and Rolled Bar	58.50–5
ASTM B 124–80—Copper and Copper Alloy Forging Rod, Bar and Shapes	56.60–1
ASTM B 127–80a—Nickel Copper Alloy (UNS NO 4400) Plate, Sheet and Strip	58.50–5; 58.50–10
ASTM B 152–80—Copper Sheet, Strip Plate and Rolled Bar	58.50–5
ASTM B 154–80—Mercurous Nitrate Test for Copper and Copper Alloys	56.60–1
ASTM B 161–75—Nickel Seamless Pipe and Tube	56.60–1
ASTM B 167–80—Nickel-Chromium-Iron Alloy (UNS NO 6600) Seamless Pipe and Tube	56.60–1
ASTM B 171–80—Copper-Alloy Condenser Tube Plates	56.60–2
ASTM B 209–81—Aluminum-Alloy Sheet and Plate	58.50–5; 58.50–10
ASTM B 210–80—Aluminum-Alloy Drawn Seamless Tubes	56.60–1
ASTM B 234–80—Aluminum-Alloy Drawn Seamless Tubes for Condensers and Heat Exchangers	56.60–1
ASTM B 241–80—Aluminum-Alloy Seamless Pipe and Seamless Extruded Tube	56.60–1
ASTM B 280–80—Seamless Copper Tube for Air Conditioning and Refrigeration Field Service	56.60–1
ASTM B 283–80—Copper and Copper Alloy Die Forging (Hot-pressed)	56.60–2
ASTM B 315–80—Copper-Silicon Alloy Seamless Pipe and Tube	56.60–1
ASTM B 361–81—Factory Made Wrought Aluminum and Aluminum Alloy Welding Fittings	56.60–1
ASTM D 92–78—Test for Flash and Fire Points by Cleveland Open Cup	58.30–10
ASTM D 93–80—Test for Flash Point by Pensky-Martens Closed Tester	58.01–10; 58.01–15
ASTM D 323–79—Test for Vapor Pressure of Petroleum Products (Reid Method)	58.10–5
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ASTM D 1785–76—Poly (Vinyl Chloride) (PVC) Plastic Pipe Schedules 40, 80, and 120	56.60–25
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ASTM D 2464–76—Threaded Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 80	56.60–25
ASTM D 2466–78—Socket-type Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 40	56.60–25
ASTM D 2467–76a—Socket-type Poly (Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 80	56.60–25
ASTM E 23–80—Notched Bar Impact Testing of Metallic Materials	54.05–5; 56.50–105
ASTM E 208–69—(1975) Conducting Drop-Weight Test to Determine Nil-Ductility Transition Temperature of Ferritic Steels.	54.05–5

Compressed Gas Association
500 Fifth Ave., New York, NY 10036

S–1.2—Safety Relief Device Standards—Cargo and Portable Tanks for Compressed Gases, 1979	54.15–25
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69-1—Pressure Rating Standard for Steam Traps, 1977	56.60–1
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5203 Leesburg Pike, Suite 502, Falls Church, VA 22401	
SP-9—Spot-facing for Bronze, Iron and Steel Flanges, 1977	56.60–1
SP-25—Standard Marking System for Valves, Fittings, Flanges and Unions, 1978	54.01–25; 56.15–1; 56.20–5
SP-42—Class 150—Corrosion Resistant Gate Globe, Angle and check valves with Flanged and Butt-Welded Ends, 1978	56.60–1
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SP-55—Quality Standard for Steel Castings for Valves, Flanges and Fittings and other Piping Components (Visual Method), 1971 reaffirmed 1980.	56.60–1
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400 Commonwealth Dr., Warrendale, PA 15096	
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333 Pfingsten Rd., Northbrook, IL 60062	
UL174—Household Electric Storage Tank Water Heaters, 1979	63.15–5; 63.15–35
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Coast Guard, G-MMT/12	
2100 2nd St., SW., Washington, DC 20593	
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Federal Specification: ZZ-H-451 Hose, Fire, Woven-jacketed Rubber or Cambric-lined, with Couplings, F	76.10–10
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140 W. Broadway, New York, NY 10013	
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65 Broadway, New York, NY 10006

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ANSI A17.1–1978—American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks	110.10–1; 110.80–35
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45—Recommended Practice for Electric Installations on Shipboard, 1977	110.10–1; 111.30–5; 111.30–10; 111.60–1; 113.10–90; 113.15–90; 113.20–90
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MIL–W–76—Wire and Cable, Hook-up, Electrical, for Shipboard Use, B	113.05–10
MIL–W–16878—Wire, Electrical (Insulated, High Temperature), D	113.05–10
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56A—Inhalation Anesthetics, 1973	110.10–1; 111.80–20
70—The National Electrical Code, 1981	110.10–1; 111.50–15; 111.80–5
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UL 20—General-Use Snap Switches, 1979	110.10–1; 111.55–5
UL 62—Flexible Cord and Fixture Wire, 1979	110.10–1; 111.60–5
UL 67—Panelboards, 1979, with revs thru Nov. 1979	110.10–1; 111.40–1
UL 98—Enclosed Switches, 1974, with revs thru July 1980	110.10–1; 111.55–5
UL 104—Elevator Door Locking Devices and Contacts, 1973	110.10–1; 111.80–35
UL 197—Commercial Electric Cooking Appliances, 1978, with revs thru Nov. 1979	110.10–1; 111.80–65
UL 363—Knife Switches, 1980	110.10–1; 111.55–5
UL 486A—Electric Wire Connectors and Soldering Lugs for Use with Copper Conductors, 1978	110.10–1; 111.60–25; 111.60–40
UL 498—Electrical Attachment Plugs and Receptacles, 1974, with revs thru Jan. 1979	110.10–1; 111.75–30
UL 514—Electrical Outlet Boxes and Fittings, 1979, with revs thru Apr. 1980	110.10–1; 111.75–35
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57—Standard for Fumigation, 1973	147A.11
70—National Electrical Code, 1981	146.29–35
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American Bureau of Shipping 65 Broadway, New York, NY 10006	
Rules for Building and Classing Steel Vessels, 1981	Part 154
American National Standards Institute 1430 Broadway, New York, NY 10018	
ANSI B16.5–1979—Steel Pipe Flanges and Pipe Fittings	151.50–35; 153.940
ANSI B16.11–1973—Forged Steel Fittings, Socket-Welding and Threaded	151.50–10
ANSI B16.25–1979—Butt-welded Ends—Pipe, Valves, Flanges, and Fittings	151.50–10
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ANSI B31.1–1980—Power Piping	151.20–1; 151.50–10
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46 CFR SUBCHAPTER O—Continued
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	46 CFR
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American Society for Testing and Materials 1916 Race St., Philadelphia, PA 19103	
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Par. PG–69—Testing 1977–1979	162.001–1
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Par. PG–110—Stamping of Safety Valves 1977–1979	162.001–1
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ASTM A 36–77—Structural Steel	160.035–1
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ASTM A 525–80—Steel Sheets, Zinc-Coated (Galvanized) by the Hot Dip Process	160.035–1
ASTM B 61–80—Steam or Valve Bronze Castings	162.014–1
ASTM B 117–73—Method of Salt Spray (Fog) Testing	161.002–1; 161.004–1; 161.006–1; 161.071–3
ASTM C 177–76—Standard Test Method for Steady State Thermal Transmission Properties by Means of the Guarded Hot Plate.	160.071–3
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ASTM D 570–77—Water Absorbtion of Plastics	160.055–1
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ASTM D 1004–66—Tear Resistance of Plastic Film and Sheeting	160.055–1; 160.071–3
ASTM D 1571–77—Cloth Woven Asbestos	164.009–3
ASTM E 84–80—Standard Test Method for Surface Burning Characteristics of Building Materials	164.012–1
ASTM E 119–80—Fire Testing of Building Construction and Materials	164.007–1; 164.008–1
ASTM D 3574–77—Flexible Cellular Materials—Slab Bonded and Molded Urethane Foam, Testing	164.031–1
Coast Guard G–MMT/12, 2100 Second St. SW, Washington, DC 20593	
DWG No. F–49–6–1—Life Preserver, Kapok, Adult	160.002–1
DWG No. F–49–6–5—Life Preserver, Kapok, Child	160.002–1
DWG No. 160.005–1—Life Preserver, Fibrous Glass, Adult and Child (Jacket Type)	160.006–1
DWG No. 160.009—Cork and Balsa Wood Ring Life Buoy; arrangement and construction details	160.009–1
DWG No. 160.013–1—Hatchet (Lifeboat and Liferaft)	160.013–1
DWG No. 160.017–1(b)—Ladders, Embarkation-Debarkation	160.017–1
DWG No. 160.027–4—Rectangular Balsa Wood Life Float with Platform, Net and Rigging	160.027–1
DWG No. 160.043–1(b)—Jackknife (with Can Opener)	160.043–1
DWG No. 160.047–1—Buoyant Vest, Kapok or Fibrous Glass, Adult and Child	160.047–1
DWG No. 160.048–1—Buoyant Cushion, Fibrous Glass	160.048–1
DWG No. 160.049–1—Buoyant Cushion, Plastic Foam	160.049–1
DWG No. 160.052–1—Buoyant Vest, Unicellular Plastic Foam, Adult and Child	160.052–1
DWG No. 160–055–1A—Life Preservers, Unicellular Plastic Foam, Adult	160.055–1

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DWG No. 160.055-1B—Life Preservers, Unicellular Foam, Child	160.055-1
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DWG No. 164.013-1—Pattern, Trigonal Slit, for Polyethylene Foam Slab Material	164.013-1
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S-1.2.5.2—Flow Tests of Safety Relief Valves (Pamphlet 1.2, para. 5.2), 1979	162.018-1
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CCC-C-428—Cloth, Cotton Drill, D	160.048-1; 160.049-1; 160.055-1; 164.018-5
CCC-C-443—Cloth, Cotton, Duck, Plied Filling Yarns, Flat, E, and Amdt. 1	160.009-1, 164.018-5
CCC-C-700—Cloth, Coated, Vinyl (Artificial Leather), G	160.048-1; 160.049-1; 160.055-1
GG-K-391—Kits (Empty), First Aid, Burn Treatment and Snakebite; and kit contents, A, and Amdt. 4	160.041-1
GGG-A-926—Axes, C, and Amdt. 2	160.013-1
HH-M-351—Millboard, Asbestos, E, and Amdt. 2	164.009-3
L-P-375—Plastic Film, Flexible, Vinyl Chloride, C, and Amdt. 3	160.002-1; 160.005-1; 160.047-1; 160.048-1; 164.018-1
L-P-390—Plastic Molding and Extrusion Materials, Polyethylene and Copolymers (Low, Medium, and High Density), C, and Amdt. 1.	161.010-1
L-P-393—Plastic Molding Material Polycarbonate, Injection and Extrusion, A, and Amdt. 2	161.010-1
L-P-406—Plastics, organic; General Specification (Test Methods), B, and Amdt. 1	161.010-1
L-S-300—Sheeting and Tape, Reflective: Non-exposed Lens, Adhesive Backing, B	164.018-5
QQ-B-611—Brass, Commercial; Bars, plates, rods shapes, Sheets and Strip, A, and Amdt. 4	161.006-1
QQ-I-706—Iron and Steel; Sheet, tinned (Tinplate), A, and Amdt. 1	160.061-1
QQ-W-423—Wire, Steel, Corrosion-resisting, B	160.061-1
RR-C-271—Chain and Attachments, welded, weldless, and roller chain, B	160.017-1
T-R-605—Rope, Manila and Sisal, B, and Amdt. 3	160.017-1; 160.031-1; 160.009-1; 160.028-1
TT-E-489—Enamel, Alkyd, Gloss (for Exterior and Interior Surfaces), G	161.001-1; 161.010-1
TT-P-59—Paint, Ready-mixed, International Orange (not for Residential Use), E, and Amdt. 1	160.035-1
TT-W-572—Wood Preservative: Water-repellant, B, and Amdt. 1	160.017-1
V-T-276—Thread, Cotton, H	160.001-1; 160.009-1; 160.010-1
V-T-285—Thread, Polyester, D	160.001-1; 160.009-1
V-T-295—Thread, Nylon, D	160.001-1; 160.009-1; 160.050-1
VV-G-671—Grease; Lubricating, Graphite, E	161.001-1
W-B-101—Batteries and Cells; Dry, H	161.008-1; 161.010-1
WW-C-621—Couplings; Hose, Cotton (Rubberlined) and Linen (Unlined), E, and Amdt. 1	162.027-1
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No. 151—Metals, Test Methods, B, and Notice 2	160.062-1
No. 191—Textiles, Test Methods, A	160.002-1; 160.005-1; 160.009-1; 160.047-1; 160.052-1; 160.055-1; 160.060-1; 160.071-3
No. 595—Colors, A, and Notice 5	160.050-1; 160.009-1; 160.055-1

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Military Specifications: MIL–B–18 Batteries, Dry, D, and Amdt. 2	161.001–1; 161.010–1
MIL–B–2766—Batt, Fibrous Glass, Lifesaving Equipment, B, and Interim Amdt. 1	160.005–1; 160.047–1; 160.048–1
MIL–B–16444—Bronze, Hydraulic (ounce metal): castings, A, and Notice 1	160.027–1
MIL–C–17415—Cloth, Coated and Webbing, Inflatable Boat and Miscellaneous Use, E, and Amdt. 1	160.051–1; 164.018–1
MIL–C–43006—Cloth Laminated, Vinyl-Nylon, High Strength, Flexible, E	160.049–1; 160.055–1; 164.018–5
MIL–D–3716—Dessicants (Activated) for Dynamic Dehumidification, A, and Amdt. 2	161.001–1
MIL–D–5531—Desalter Kit Sea water Mark Q, E	160.055–1
MIL–E–15090—Enamel, equipment, light gray (Formula No. 111), B, and Amdt. 2	160.026–1
MIL–F–859—Fuel Oil, Boiler, E and Amdt. 2	164.015–1; 164.016–1
MIL–I–16923—Insulating Compound, Electrical Embedding, G, and Amdt. 1	161.010–1
MIL–L–1204—Lamp, Safety, Flame, B	160.016–1
MIL–L–2648—Light, Marker, Distress, Floating Automatic Nonmagnetic, D, and Amdt. 2	161.001–1
MIL–L–7178—Lacquer, Cellulose Nitrate, Glass for Aircraft Use, A, and Amdt. 1	160.026–1
MIL–L–17653A—Life Preserver, Vest, Work Type, Unicellular Plastic, B, and Amdt. 3	160.053–1
MIL–L–19496 (ships)—Lifeboat, CO_2 Inflatable Mark 5, Mod 1, 15-person Capacity, D, and Amdt. 1	160.051–1
MIL–L–45505—Line-throwing Apparatuses, Rocket and Projectile Units, A	160.040–1
MIL–M–15617—Mats, Fibrous Glass for Reinforcing Plastics, A, and Amdt. 1	160.035–1
MIL–P–79—Plastic Rods and Tubes, Thermosetting, Laminated, C, and Amdt. 2	160.001–1; 161.010–1
MIL–P–17549—Plastic Laminates, Fibrous Glass Reinforced, Marine Structural, C, and Amdt. 2	160.035–1
MIL–P–18066—Plywood, Ship and Boat Construction, B	160.035–1
MIL–P–19644—Plastic Foam, Molded Polystyrene (Expanded Bend Type), C	160.035–1
MIL–P–21929—Plastic Materials, Cellular Polyurethane, Foam-in-Place, Rigid (2 and 4 Pounds Per Cubic Foot), B, and Amdt. 1.	160.035–1
MIL–P–40619—Plastic Material, Cellular, Polystyrene (for Buoyancy Applications), A	160.035.1; 164.013–1
MIL–R–900—Rubber Gasket Material, 45 Durometer Hardness, F	161.001–1
MIL–R–2765—Rubber Sheet, Strip, Extruded, and Molded Shapes, Synthetic, Oil Resistant, C	161.001–1
MIL–R–7575—Resin, Polyester, Low-Pressure Laminating, C, and Amdt. 2	160.035–1
MIL–R–16847—Ring Buoys, Lifesaving, Unicellular Plastic, E, and Amdt. 2	160.050–1
MIL–R–21607—Resins, Polyester, Low-Pressure Laminating, Fire-retardant, D	160.035–1; 164.018–5
MIL–R–23139—Rocket Motors, Surfaced Launched, Development and Qualification Requirements for, B	160.040–1
MIL–S–18655—Signal, Smoke and Illumination, Marine, C	160.023–1
MIL–W–530—Webbing, Textile, Cotton, General Purpose, Natural or in Colors, F, and Amdt. 2	160.002–1; 160.005–1; 160.047–1; 160.052–1; 160.055–1; 160.055–1

National Fire Protection Association
Batterymarch Park, Quincy, MA 02269

No. 255 Method of Test of Surface Burning Characteristics of Building Materials, 1972	164.012–1

Underwriters Laboratories
333 Pfingsten Road, Northbrook, IL 60062

UL 62—Flexible Cord and Fixture Wire, 1980	161.006–1
UL 198B—Class H Fuses, 1975	161.004–1
UL 1191—First Edition Standard for Components of Personal Flotation Devices, 1977	160.071–3

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American Bureau of Shipping
65 Broadway, New York, NY 10006

Rules for Building and Classing Steel Vessels, 1981	167.15–27; 167.20–1

Institute of Electrical and Electronic Engineers (formerly American Institute of Electrical Engineers)
345 East 47th St., New York, NY 10017

45—Recommended Practice for Electrical Installations on Shipboard, 1977	167.40–1; 167.25–1

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	46 CFR
Naval Publications and Forms Center, Customer Service—Code 1052 5801 Tabor Ave., Philadelphia, PA 19120	
Federal specification: ZZ–H–451 Hose, Fire, Woven-Jacketed Rubber or Cambric-lined, with Couplings, F	167.45–5
National F[illegible] Protection Association Batterymarch Park, Quincy, MA 02269	
306—Control of Gas Hazards on Vessels, 1980	167.30–1
Underwriters Laboratories 333 Pfingsten Rd., Northbrook, IL 60062	
UL 19—Woven-jacketed Rubber Lined Fire Hose,1971	167.45–5

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P–1—Safe Installation of Exhaust Systems for Propulsion and Auxiliary Machinery, 1973	182.15–15; 182.15–20
Institute of Electrical and Electronic Engineers (formerly American Institute of Electrical Engineers) 345 East 47th St., New York, NY 10017	
45—Recommended Practice for Electrical Installations on Shipboard, 1977	183.01–15; 183.05–45; 183.10–10
American Society for Testing and Materials 1916 Race St., Philadelphia, PA 19103	
ASTM B 97–77—Copper-Silicon Alloy Plate, Sheet, Strip and Rolled Bar for General Purposes	182.15–25
ASTM B 122–79—Copper-Nickel Zinc Alloy (Nickel Silver) and Copper-Nickel Alloy Plate, Strip, and Rolled Bar	182.15–25
ASTM B 127–80a—Nickel-Copper Alloy (UNS NO4400).Plate, Sheet and Strip	182.15–25; 182.20–25
ASTM B 152–79—Copper, Sheet, Strip, Plate and Rolled Bar	182.15–25
ASTM B 209–81—Aluminum Alloy Sheet and Plate	182.15–25; 182.20–25
ASTM D 93–80—Test for Flash Point by Pennsky-Martens Closed Tester	182.15–1; 182.20–1
ASTM D 323–79—Test for Vapor Pressure of Petroleum Products (Reid Method)	188.10–21
Naval Publications and Forms Center, Customer Service—Code 1052 5801 Tabor Ave., Philadelphia, PA 19120	
Federal Specification ZZ–H–451—Hose, Fire, Woven-jacketed Rubber or Cambric-lined, with Couplings, F	181.15–10
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National Fire Protection Association Batterymarch Park, Quincy, MA 02269	
70—National Electrical Code, 1980	183.01–10; 183.05–45; 183.05–50; 183.10–20
Underwriters Laboratories 333 Pfingsten Rd., Northbrook, IL 60062	
UL 19—Woven-Jacketed, Rubber Lined Fire Hose, 1971	181.15–10
UL 197—Commercial Electric Cooking Appliances, 1978, incl. all revisions thru 1979	183.01–15; 183.10–45
UL 595—Marine Type Electric Lighting Fixtures, 1974, incl. all revisions thru 1980	183.01–15
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	46 CFR
American Bureau of Shipping 65 Broadway, New York, NY 10006	
Rules for Building and Classing Steel Vessels, 1981	188.35–1; 189.15–1; 190.01–10; 190.01–15; 195.01–5
Coast Guard, G–MMT/12 2100 2nd St., SW, Washington, DC 20593	
160.014—"Compass and Mounting dated December 14, 1944" (Specification for Compasses: Magnetic, Liquid-filled, Mariners, Compensating, for Lifeboats (with mounting) for Merchant Vessels, 1944.	192.20–15
Naval Publications and Forms Center, Customer Service—Code 1052 5801 Tabor Ave., Philadelphia, PA 19120	
Federal Specification: ZZ–H–451—Hose, Fire, Woven-jacketed, Rubber or Cambric Lined, with Couplings, F	193.10–10
National Fire Protection Association Batterymarch Park, Quincy, MA 02269	
306—Control of Gas Hazards on Vessels (Formerly "Control of Gas Hazards on Vessels to be Repaired"), 1975	189.50–1
Underwriters Laboratories 333 Pfingsten Rd., Northbrook, IL 60002	

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	46 CFR
UL 19—Woven Jacketed, Rubber Lined Fire Hose, 1971	193.10–10

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American National Standards Institute 1430 Broadway, New York, NY 10018	
ANSI B31.1-1980—Power Piping	197.204; 197.205; [illegible]
American Society of Mechanical Engineers United Engineering Center, 345 East 47th St., New York, NY 10017	
Boiler and Pressure Vessel Code, Section VIII, 1980	197.204; 197.205; 197.300; 197.310; [illegible]
Naval Publications and Forms Center, Customer Service—Code 1052 5801 Tabor Ave., Philadelphia, PA 19120	
Federal Specifications: BB–N–411—Nitrogen, Technical, C	197.340
BB–O–925—Oxygen, Technical, Gas and Liquid, A	197.340

47 CFR, CHAPTER I (PARTS) 1–199)
FEDERAL COMMUNICATIONS COMMISSION

	47 CFR
National Association of Regulatory Utility Commissioners 1102 Interstate Commerce Commission Building, Constitution Ave. and Twelfth St., NW., Washington, DC 20005	
Separations Manaual (Standard Procedures for Separating Telephone Property Costs, Revenues, Expenses, Taxes and Reserves), February 1971. Copies of the NARUC Separations Manual are available for inspection at the following locations: Office of the Common Carrier Bureau, Federal Communications Commission, 1919 M St., NW., Washington, DC 20554: Field Office of the Common Carrier Bureau, Room 1309X, 90 Church St., New York, NY.	67.1

49 CFR SUBTITLE A (PARTS 0–99)
OFFICE OF THE SECRETARY, DEPARTMENT OF TRANSPORTATION

	49 CFR
American National Standards Institute New York, NY Available from: Office of Environment and Safety, DOT, 400 7th St., SW, Washington, DC 20590.	
ANSI A117.1-1961 (R1971), American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped.	27.5; 27.67
Interagency Land Acquisition Conference Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402	
Uniform Appraisal Standards for Federal land Acquisition (1972 Edition), Stock No. 5259–0002	25.260

49 CFR CHAPTER I (PARTS 100–189)
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION (HAZARDOUS MATERIALS REGULATIONS)

	49 CFR
The Aluminum Association 420 Lexington Ave., New York, NY 10017	
Aluminum Standards and Data, 1970–71 Dated December 1969	173.266; 178.65–5
American National Standards Institute 1430 Broadway, New York, NY 10018	
ANSI B16.5-1977—Steel Pipe Flanges, Flanged Fittings	178.34
ANSI N14.1-1971—Packaging of Uranium Hexafluoride for Transport	171.7; 173.396
American Society of Mechanical Engineers United Engineering Ctr., 345 47th St., New York, NY 10017	
ASME Code, Sec. VIII (Div. I) and IX of 1977 edition of American Society of Mechanical Engineers Boiler and Pressure Code and Addenda through 12/31/78.	171.7; 173.33; 173.306, 173.315, 177.814; 178.251; 178.255; 178.337; 178.340; 178.342; 178.343; 178.245; 173.32; 179.400
ASME Code, Section V (FR Nondestructive examination, 1977)	173.33
ASME Code, Section IX (FR Welding and Brazing Qualification 77 + Add 79)	178.245
American Society for Testing and Materials 1916 Race St., Philadelphia, PA 19103	

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	49 CFR
Noncurrent ASTM standards are available from: Engineering Societies Library, 345 E. 47th St., New York, NY 10017.	
ASTM A 20–72a—General Requirements for Delivery of Steel Plates for Pressure Vessels	178.337
ASTM A 47–68—Malleable Iron Castings	179.200
ASTM A 53–69a—Welded and Seamless Steel Pipe	179.12–2
ASTM A 178–70—Electric Resistance Welded Carbon Steel Boiler Tubes	179.12
ASTM A 192–69—Seamless Carbon Steel Boiler Tubes for High Pressure Service	179.12
ASTM A 240–69—Stainless and Heat-Resisting Chromium and Chromium-Nickel Steel Plate, Sheet, and Strip For Fusion-Welded Unfired Pressure Vessels.	178.57; 179.100; 179.200; 179.201; 179.220; 179.400
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5203 Leesburg Pike, Suite 502, Falls Church, VA 22041

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15th and New York Ave., NW, Washington, DC 20005

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Federal Railroad Administration, Office of the Associate Administrator, Nassif Building, 400 Seventh St., SW, Washington, DC 20590

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U.S. Department of Commerce

National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161	[illegible]

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All materials are available from the Office of Rulemaking, DOT-NHTSA, 400 7th St., SW., Washington, DC 20590

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Post Office Box 886, Durham, NC

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1430 Broadway, New York, NY 10018

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1916 Race St., Philadelphia, PA 19103

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Wednesday
September 30, 1981

Part III

Department of Health and Human Services

Health Care Financing Administration

Medicaid Program; Payment for Long-Term Care Facility Services and Inpatient Hospital Services; Interim Rule

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 447

Medicaid Program; Payment for Long-Term Care Facility Services and Inpatient Hospital Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim Final Rule With Comment Period.

SUMMARY: We are revising the regulations on Medicaid payment for long-term care (LTC) facility and inpatient hospital services. Revised regulations are needed to implement recent amendments to the Medicaid law (section 962 of the Omnibus Reconciliation Act of 1980 and section 2173 of the Omnibus Budget Reconciliation Act of 1981) that:

(1) Removed the requirements, in the previous law, that State agencies pay for LTC facility services on a reasonable cost-related basis and for inpatient hospital services on a reasonable cost basis, in accordance with methods and standards developed by the State and approved by the Secretary;

(2) Added the requirement that State agencies pay for both types of services through the use of rates that the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs that efficiently and economically operated facilities must incur to provide care in conformity with applicable State and Federal laws, regulations, and quality and safety standards; and

(3) Specified that payments for inpatient hospital services must take into account certain other factors, as explained in the preamble to these regulations.

The purpose of the revised regulations is to set forth the procedures HCFA will use in obtaining and accepting States' assurances that their payment rates meet the requirements of the Medicaid law. These procedures are intended to increase States' discretion in setting rates, minimize the administrative requirements States, facilities, and hospitals must comply with, and ensure that facilities and hospitals receive the reasonable and adequate payments intended by law.

DATES: Effective date: September 30, 1981. Although these regulations are final, comments may be submitted as described below.

Comment date: To assure consideration, comments should be mailed by December 29, 1981.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17076, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave. S.W., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPP–148–FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave. S.W., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, we will consider all comments we receive. If as a result of comments we decide changes in these regulations are needed, we will publish these changes in the **Federal Register** and respond to the comments in the preamble of that document.

FOR FURTHER INFORMATION CONTACT: Alan Spielman, (301) 594–4010.

SUPPLEMENTARY INFORMATION:

General Background

The revised regulations set forth below implement both section 962 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499), which deals with payment for long-term care facility services, and section 2173 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), which deals with payment for inpatient hospital services. The first section of this preamble (Payment for Long-Term Care Facility Services) explains the general approach we followed in developing the regulations. Thus, most of the discussion in the first section is equally applicable to both LTC facilities and hospitals. The second section of this preamble (Payment for Inpatient Hospital Services) provides further background on the changes made by section 2173, and discusses certain issues that relate specifically to hospital reimbursement. The final section of the preamble (Impact Analysis) sets forth further information on the cost and burden of the revised regulations, as required by Executive Order 12291 and the Regulatory Flexibility Act.

Payment For Long-Term Care Facility Services

I. Background

A. *Previous Medicaid Law.* Since it was originally enacted in 1965, the Medicaid law (title XIX of the Social Security Act; 42 U.S.C. 1396–1396k) has required each State with an approved Medicaid plan to pay for skilled nursing facility (SNF) services to individuals eligible for those services under the plan. In 1971, Pub. L. 92–223 added intermediate care facility (ICF) services as an optional Medicaid service. SNFs, ICFs, and intermediate care facilities for the mentally retarded, ICF/MRs, are known, collectively, as long-term care (LTC) facilities.

The Medicaid law did not initially include any specific requirements regarding the methods of payment to be used to pay for either SNF or ICF services. As a result, individual States were permitted to develop their own payment methods, subject only to the general requirement, in section 1902(a)(30) of the Act, that payments not exceed reasonable charges consistent with efficiency, economy, and quality of care. Under the initial Medicaid law, States developed a variety of payment methods. These methods ranged from the retrospective, reasonable cost reimbursement system used by Medicare (see 42 CFR Part 405, Subpart D), to prospective rates based, in some instances, on State budgetary considerations and other factors not directly related to actual LTC facility costs.

B. *1972 Amendments.* In 1972, Congress enacted Pub. L. 92–603 (the Social Security Amendments of 1972). Section 249 of Pub. L. 92–603 added a new section 1902(a)(13)(E) to the Act, effective July 1, 1976. This section required that each State Medicaid plan provide for payment for SNF and ICF services on a reasonable cost-related basis, in accordance with payment methods and standards developed by the State on the basis of cost-finding methods approved and verified by the Secretary.

The Senate Finance Committee report accompanying Pub. L. 92–603 stated that, under previous law, some SNFs and ICFs were being overpaid, while others were being paid too little to support the quality of care needed by Medicaid patients. On the other hand, the committee noted that the reasonable cost reimbursement method used by Medicare and, in particular, the detailed cost-finding requirements that are an integral part of that method, could cause difficulty for some LTC facilities. To avoid the problems that could arise either from the absence of specific requirements or from excessively detailed requirements, Congress enacted section 249. This provision required that payments to LTC facilities be related to the reasonable costs the facilities incur, but permitted States considerable flexibility, within limits established by the Secretary, to develop their own methods and standards for paying for these costs.

C. *Section 249 Regulations.* The section 249 regulations on payment for LTC facility services are currently codified at 42 CFR 447.272–447.316. These regulations specify that States must pay for LTC facility services on a reasonable cost-related basis, and require State plans to conform to specific requirements for:

- Cost-finding and cost reporting;
- Desk analysis of cost reports, and periodic audits of a specified percentage of facilities;
- Payment methods and standards that are based on approved cost-finding methods and reasonably account for allowable cost;
- Upper limits based on charges, and on amounts that would have been paid under Medicare; and
- A minimum payment level that is high enough to meet the costs of an economically and efficiently operated facility.

Although the current regulation on payment for LTC facility services do not include any specific provisions that either authorize or prohibit the use of payment rates that exceed actual facility costs, we have stated our policy on this issue in a separate **Federal Register** document. In response to a court order issued December 7, 1977, in *American Health Care Association v. Califano,* we published a notice in the **Federal Register** to explain the opportunities for profit that States may allow LTC providers (43 FR 4861, published February 6, 1978). This notice explains that profit, other than a return on equity capital for proprietary facilities, is available to facilities that can keep their costs below a prospectively determined class rate or individual facility rate, or can earn an incentive payment for performance relative to a standard established by the State. However, as specified in the preamble to the current regulations (41 FR 27300, published July 1, 1976), payment rates must not include flat amounts designated as growth allowances or efficiency bonuses. The preamble explains that these amounts are not to be included in payment rates because they are not reasonably related to incurred costs.

D. *Federal Review of State Plans Under Section 249.* The Secretary has delegated the approval authority for all State plans to the Administrator of HCFA, which is the Federal agency responsible for administration of the Medicare and Medicaid programs. All State plan provisions on payment for LTC facility services have been reviewed under the criteria in the regulations cited above.

Under section 249, our review focused on the State's LTC facility payment methods and standards, rather than on the rates paid to facilities. The term "rate" generally refers to the dollar amount payable to facilities under the State's payment method. The rate is simply the result of the payment method.

The primary purpose of the section 249 review was to determine whether the State's payment methods and standards would result in the reasonable cost-related payment required by that statute. To enable us to make this determination, we required each State that proposed to change its payment methods and standards to give us a detailed explanation of the rationale for the proposed change, and of the effects the change would have on other elements of the State's payment system.

After receiving this information, we first assessed the appropriateness of each element of the State's payment system. These elements include, among others, the State's definition of allowable costs; its methods of cost-finding; its system, if any, of classifying facilities into comparison groups for rate-setting purposes; and its specific methods for relating payment rates to facilities' costs and for adjusting these rates for inflation. We then considered the appropriateness of these elements as they relate to one another. This phase of our review was crucial, since an element of a payment system that would not meet the "reasonable cost-related" test if judged in isolation might be accepted if it were compensated for by other elements of the system. For example, a very restrictive standard on the amount of administrative salary cost considered acceptable by the State might result in payment for this specific type of cost that is not "reasonable cost-related". However, the effect of this restrictive standard might be offset by liberal incentive payments for efficiency, so that the payment system as a whole would result in reasonable cost-related payment. The approval that resulted from this review represents a comprehensive judgment that these elements, and their interaction, result in payments that are consistent with the requirements in section 249 and the regulations that implement it.

We wish to note that, under section 249, each State was responsible for developing specific methods and standards for determining its payment for LTC facility services. HCFA's responsibility was not to specify the payment methods and standards a State should adopt, but to review and approve or disapprove the particular plan, in light of the requirements in the Medicaid law and regulations.

II. Omnibus Reconciliation Act of 1980

A. *Major Provisions Relating to LTC Facility Reimbursement.* The Omnibus Reconciliation Act of 1980 (Pub. L. 96–499), which was enacted on December 5, 1980, made a significant change in the provisions of the Medicaid law that govern payments for LTC facility services. Specifically, section 962 of Pub. L. 96–499 amended section 1902(a)(13)(E) of the Social Security Act to remove the requirement that States pay for these services on a reasonable cost-related basis, and to substitute for it the requirement that States pay for SNF and ICF services through the use of rates (determined in accordance with methods and standards developed by the State) which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities to provide care in conformity with applicable State and Federal laws, regulations, and quality and safety standards. Section 962 also requires the State to make further assurances, satisfactory to the Secretary, for the filing of uniform cost reports by each SNF or ICF, and for periodic audits by the State of these reports. The effective date specified in the amendment for this change is October 1, 1980.

B. *Legislative History.* In developing regulations to implement the amendment, we relied on the amendment and its legislative history, including the pertinent parts of the Senate Finance Committee Report entitled "Spending Reductions: Recommendations of the Committee on Finance Required by the Reconciliation Process in section 3(a)(115) of H. Con. Res. 307, The First Budget Resolution for Fiscal Year 1981 (96th Congress, 2nd session committee print, Serial No. 96–36.)." We also considered the parts of the Senate Finance Committee Report on H.R. 934 (Senate Report No. 96–471), which ultimately led to Pub. L. 96–499,

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and of the Conference Report on Section 962 of Pub. L. 96–499 (Report No. 96–1479). We gave special emphasis to the expectation that, in implementing the amendment, the Secretary will keep the regulatory and other requirements States and facilities must comply with to the minimum level necessary to assure proper accountability.

C. *State Discretion in Establishing Payment Levels.* The Senate Finance Committee reports note that States have argued that complex Federal regulations implementing the statutory requirements of section 249 have unduly restrained their administrative and fiscal discretion, and that the Federal approval process has forced States to rely heavily on Medicare principles of reimbursement. (For example, the current regulations at 42 CFR 447.276(c) specify that Medicare cost-finding methods will be approved automatically. Other methods require specific justification.) The reports further state that neither of these consequences was intended when section 249 was enacted.

The reports also state that applying the Medicare reasonable cost reimbursement principles to LTC facility reimbursement is not entirely satisfactory, since these principles are inherently inflationary, and contain no incentives for efficient performance. The reports note that, under the amendment, States would be free to establish rates on a Statewide or other geographic basis, or on an institution-by-institution basis, without reference to Medicare reimbursement principles.

D. *Minimizing Administrative Burden.* The Senate Finance Committee reports state the expectation that the Secretary will keep regulatory and other requirments to the minimum level necessary to assure proper accountability for Medicaid spending, and will not overburden States and facilities with marginal but massive paperwork requirements. In our view, this expectation requires us to develop Federal procedure for acceptance of State assurances that would be less burdensome to States than the review procedure used under Section 249.

III. Omnibus Reconciliation Act of 1981

On August 13, 1981 the Omnibus Reconciliation Act of 1981 (Pub. L. 97–35) was enacted. This legislation includes a provision that directly affects issuance of the regulations set forth below.

Section 2161 of Pub. L. 97–35 requires specific percentage reductions in the amount of Federal financial participation (FFP) that otherwise would be paid to each State for fiscal years 1982, 1983, and 1984. A special provision of this section specifies that these reductions in FFP shall not be made for any calendar quarter unless, as of the first day of that quarter, the Secretary has promulgated and has in effect final regulations implementing paragraphs (10)(C) and (13)(A) of section 1902(a) of the Social Security Act, as amended by Pub. L. 97–35. (Section 1902(a)(13)(A) incorporates the changes made by section 962 of the Omnibus Reconciliation Act of 1980.) This special provision means that, if we are to make the reductions in FFP required by section 2161, we must publish revised hospital and LTC facility payment regulations by October 1, 1981. To meet this deadline, we are issuing the regulations set forth below as interim final rules effective on the date they are published in the **Federal Register** (September 30, 1981).

Although these regulations are effective on their date of publication, we believe it is important that the public be given an opportunity to comment on them, and that we have the benefit of these comments. Therefore, we have provided a 90-day public comment period for the revised regulations. We will consider all comments we receive during this period, and if as a result of comments we decide changes in these regulations are needed, we will publish these changes in the **Federal Register** and respond to the comments in the preamble of that document.

IV. Summary of Major Features of Revised Regulations

For the convenience of the reader, the major features of the revised regulations are summarized below.

The revised regulations provide for:

- Elimination of all requirements, in current regulations, that relate to Medicaid payment for LTC facility services on a reasonable cost-related basis.
- A requirement that States submit assurances to HCFA that their rates meet the statutory requirements, and also submit related information on the estimated short-term, and to the extent feasible, long-term impact of the rates on availability of services, type of care furnished, extent of provider participation, and the degree to which costs are covered in hospitals that serve a disproportionate number of low income patients with special needs. We will review the information a State submits with respect to these items to determine whether it is reasonable to justify acceptance of the State's assurances.
- A requirement that States resubmit assurances regarding rates before the end of the calendar quarter that includes the date on which the rate has been in effect for one year, or whenever they wish significantly to revise their methods of determining rates, whichever is earlier.
- A requirement that States submit assurances that they have provided the public with the opportunity to review and comment on significant changes in their methods for determining payment rates before the changes are implemented.
- A requirement that States develop appeals procedures that will give individual facilities an opportunity to seek administrative review and adjustment of the rates.
- Cost reporting and audit requirements, as provided by the statute. We are not specifying detailed requirements but are permitting States to implement their own systems in order to reduce the administrative burden, for States and facilities, of complying with the new regulations.
- Aggregate upper limits on payments to hospitals and LTC facilities that are based on Medicare payments, and limits on hospital payment rates based on charges.

V. Public Notice of Changes in Method of Reimbursement

On September 16, 1981, we published proposed regulations to remove the current requirement in 42 CFR 447.205 that Medicaid agencies give 60 days public notice of certain proposed changes in the statewide method or level of reimbursement for Medicaid services (46 FR 45964). We made this proposal to reduce the regulatory burden on States and allow them greater flexibility in adjusting reimbursement rates in response to changing fiscal situations. We indicated in the preamble to the proposed regulations published on September 16, 1981, that the Department was considering approaches to assure that State reimbursement decisions continue to be made through a public process.

With respect to institutional providers, i.e., hospitals and long-term care facilities, we believe that it is important that major changes in a State's reimbursement methodology be made only after public notice. We believe it is reasonable to expect that rates developed through a public process will represent an appropriate balance among provider concerns, beneficiary concerns, and budget and other limitations. Although most States have their own procedures for notifying the public of agency policy changes, we believe that the statutory requirements governing long-term care facility and inpatient hospital reimbursement added by section 962 and section 2173 make it appropriate to establish a Federal requirement on the public notice procedures that must be followed by all States.

Under the regulations we are proposing, we have included a procedural requirement that the State continue to issue public notice of any major change in its method of calculating payment rates for inpatient hospital or LTC services. However, in the interest of limiting the State's flexibility as little as possible and to streamline the process, we are not establishing either an explicit expenditure threshold that would have to be exceeded before public notice is required, or a mandatory length for the comment period. (The existing rule in 42 CFR 447.205 would continue to apply, however, if we determine not to remove it as we have proposed.)

VI. Other Provisions

In addition to the provisions regarding the States' assurances, we have included, in the revised regulations, other provisions needed to implement the amendment. We also have revised our current regulations on payment for LTC facility services to eliminate all requirements relating to payment on a reasonable cost-related basis, and to simplify or eliminate many of the current recordkeeping, reporting and audit requirements. These changes are explained in the following paragraphs.

A. *Time limit for HCFA review.* We have specified in the revised regulations that HCFA will notify the agency of its decision regarding acceptance of the agency's assurances within 60 days of receiving the assurances and related information. We have also specified that if we do not notify the agency of our decision within this time limit, the State's assurances will be deemed accepted.

This time limit is based on the requirements in section 2177 of the Omnibus Budget Reconciliation Act of 1981. (Pub. L. 97-35). Under section 2177, a request for approval of a State plan, plan amendment, or waiver of plan requirement will be deemed approved unless, within 90 days after the request is submitted, the Secretary either disapproves the request or gives the State written notice of the additional information needed for a decision on it. If further information is needed, the request will be deemed approved unless the Secretary disapproves it within 90 days of receiving the additional information. Since the revised regulations merely establish minimal procedural and information reporting requirements for States, we decided that a shorter timeframe for processing State's assurances is both achievable and in the public interest.

B. *Effective Date of Rates.* Under the revised regulations, a proposed rate will be effective for the period for which the State wishes to use the rate. However, this period cannot begin earlier than the first day of the calendar quarter in which HCFA received the State's assurance that the proposed rate meets the statutory requirements. This limitation on the retroactivity of rates is necessary to conform the revised regulations to the current regulations on the effective date of new plans and plan amendments (see 45 CFR 201.3(g)).

C. *Resubmittal of Assurances and Related Information.* In discussing the presumed approval of payment rates not disapproved within 90 days after they were submitted, the Conference Committee Report on section 962 specifies that these rates are to be effective for the fiscal year for which they were proposed. We believe this indicates that the Committee expected each rate to apply only to a single 12-month rate period, or to all periods beginning within one year of the first date for which the rate is effective. Therefore, we have specified in the revised regulations that a State must submit new assurances and related information before the end of the calendar quarter that includes the date on which the rate has been in effect for one year, or whenever the agency significantly changes its payment methodology, whichever occurs first.

Because this requirement will apply to both prospective and retrospective rates, the current requirement, in 42 CFR 447.304, that prospective payment rates be redetermined at least annually is no longer needed. Therefore, we have deleted this more limited requirement.

D. *Cost Reporting Requirements.* Section 962 requires each State to make assurances satisfactory to the Secretary for the filing of uniform cost reports by each SNF or ICF. The revised regulations do not add any further requirements for cost reporting. In general, we believe each State is best equipped to develop its own standards and procedures for cost reporting.

E. *Recordkeeping.* We have deleted the current regulations, in 42 CFR 447.277, under which each provider is required to keep financial records accurately and in enough detail to support its report of these costs, to keep the records for at least 3 years after it submits the cost report to which the records relate, and to make these records available on request to representatives of the State or HHS. These requirements are not needed to implement the amendment and, if retained, could be interpreted as duplicating the more general record retention and access requirements in 45 CFR Part 74, Subpart D. These more general requirements are not affected by the amendment and therefore will continue in effect.

F. *Audits.* Section 962 requires the State to make assurances satisfactory to the Secretary that it will provide for periodic State audits of LTC facility cost reports. To implement this requirement, we are requiring only that States provide for periodic audits of providers' cost reports. We are deleting the current regulations dealing with a minimum level of audit activity (audit of 15 percent of all facilities each year), audit procedures, cost report desk analysis, audit of all facilities' records over a 3-year period, audit reports, and accounting for overpayments found in audits (see 42 CFR 447.290–447.296). We believe the specific requirements regarding desk reviews and audits are not needed to implement the amendment, and that retaining them could limit States' discretion to design audit programs to meet their needs. However, we expect that States will, under the revised regulations maintain the minimum level of audit activity needed to ensure that payments are being made in accordance with their State plans and to detect and correct provider fraud and abuse.

Although we have included audit requirements for all States, we are concerned that the retroactive adjustments in payments that could be required as a result of audit findings might, in some cases, conflict with the requirements of State payment systems. This potential for conflict could arise because some payment systems, especially those that use prospectively determined class rates, do not allow adjustments to be made after a payment rate is determined. We wish to solicit comments on the specific issue of how adjustments needed to act on overpayments or underpayments discovered as a result of audits could be made under these systems.

G. *Payment Methods and Standards.* In revising the current regulations on payment methods and standards (see 42 CFR 447.301–447.306) to reflect the changes made by section 962, we have deleted the requirements that relate to payment on a reasonable cost-related basis, but have retained the general requirements that specify that each State plan must describe the State's payment methods and standards. This requirement is based on a general requirement in section 1902(a)(30) of the Social Security Act that plans must provide methods and procedures relating to payment for care and services provided under the plan. The requirement is also consistent with our current regulations at 45 CFR 201.2, which provide that each State plan must comprehensively describe the nature and scope of its program.

We also are requiring that, if the agency wishes to apply the Medicare limits on SNF costs to limit individual facility payments, it must state specifically in the plan that it intends to do so. We also are deleting the provisions of current regulations that require States to specify the types of service deficiencies, if any, for which rates will be reduced retroactively. We believe the requirement in the revised regulations, under which States must specify their payment methods and standards in their State plans, is adequate to ensure that this requirement will be met.

H. *Opportunity for Profit.* The current regulations do not specify the conditions under which facilities may be allowed a profit. Profit is a significant issue under the current regulations, because those regulations implement previous legislation (section 249 of Pub. L. 92–603), which required reasonable cost-related payment and thus raised the issue of when payments that exceed costs are justified. However, section 962 of Pub. L. 96–499 amended the Medicaid law to remove the cost-related payment requirement. We believe that, under section 962, each State should be free to decide, in setting its payment rate, whether to allow facilities an opportunity for profit. Therefore, in developing the proposed regulations to implement section 962, we have not included any specific rules on this issue.

I. *Upper Limits.* The revised regulations specify that the agency's total payments for all LTC facility services furnished under the plan must not be greater than the total amount that would be paid for the services under the Medicare principles of reimbursement in 42 CFR Part 405, Subpart D. To determine whether this requirement is met, the agency may consider payments to a random sample of all Medicaid facilities or average payments to all facilities in a class.

The regulations provide two separate approaches for determining what would have been paid under Medicare. For facilities that participate in both Medicare and Medicaid, the Medicare interim reimbursement rate, adjusted to account for services not covered under the Medicaid plan, may be used to determine the upper limit. For facilities that do not participate in Medicare, the regulations require the agency to use estimates of the amount Medicare would have paid these facilities. These estimates must be consistent with the intent that payments do not exceed what would be paid under Medicare principles.

The upper limit based on Medicare payments is needed to implement the general requirement in section 1902(a)(30) of the Act that Medicaid payments be consistent with efficiency, economy, and quality of care. In addition, the Senate Finance Committee Reports on the amendment state that the Secretary would be expected to continue to apply current regulations that require that payments made under State plans do not exceed amounts that would be determined under the Medicare principles of reimbursement. These reports also state that, since States would be free to establish payment rates without reference to Medicare principles of reimbursement, the Secretary would be expected only to compare the average rates paid to SNFs participating in Medicare with the average rates paid to SNFs participating in Medicaid, in applying this limitation. In our view, these statements make it clear that the Committee expected that the upper limits based on Medicare payments would remain in effect.

In developing the revised regulations, we revised the current upper limits as follows.

(a) *Revision to upper limit based on charges.* We deleted the current provision, in 42 CFR 447.315, that prohibits States from paying more for long-term care facility services than the providers' customary charges. We believe that the intent of section 962 to provide States with greater flexibility in the setting of payment rates warrants the removal of this upper limit requirement, which is not required by the statute. We believe that an aggregate upper limit based on Medicare payments is sufficient to assure that the increased flexibility granted by section 962 does not result in unacceptable increases in Federal Medicaid payments.

(b) *Medicare upper limit revisions.* We have extended the Medicare upper limit, which currently applies only to payments under retrospective payment systems, to payments under both retrospective and prospective systems. We made this change because we believe that a payment limit designed to implement section 1902(a)(30), which applies to Medicaid payments generally, should be applicable to all Medicaid plans and not only to those with retrospective payment systems. Currently, only 16 of the 53 Medicaid plans use retrospective payment systems, and we expect the number of retrospective systems to decline further as States exercise the increased flexibility provided by section 962. We do not believe it would be either equitable or effective to apply the limit based on Medicare payments only to the few States that use retrospective systems.

In making this change, we are aware that some States have expressed concern that applying the limit based on Medicare payments to prospective systems that use significantly different reimbursement principles could be costly and burdensome, since it could require the agency to apply Medicare's detailed cost-finding principles to determine what would have been paid under Medicare. However, we do not believe application of these principles would be necessary. Our current regulations permit agencies to use Medicare interim payments to determine what Medicare would have paid facilities that participate in both Medicare and Medicaid, and allow agencies considerable discretion in calculating what Medicare would have paid to Medicaid-only facilities. The revised regulations will allow agencies similar discretion in estimating what Medicare would have paid to facilities that participate only in Medicaid. Therefore, we believe that the limit could be extended to cover prospective systems without creating excessive administrative burdens for States with these systems.

In addition to making this change, we have specified that States must adjust the Medicare interim rate, (or other amount they estimate would have been paid under Medicare) to reflect services not included in the Medicaid plan. Although our current regulations do not explicitly require States to make this adjustment in applying the limit to Medicaid-only facilities, the adjustment has been required under our current policy on review of State plan provisions dealing with the limits, and is needed to assure that the limit applies equitably to all facilities. We believe, therefore, that the requirement should be stated explicitly in the upper limit regulations.

J. *Provider appeals.* The revised regulations require each State agency to develop an appeals procedure that allows a provider to submit evidence to the agency and seek prompt administrative review of its payment rate. We believe the appeals requirement described above is needed because individual facility rates will not receive Federal review under the revised regulations.

We believe that individual facilities must be given some opportunity to request review and adjustment of their rates. We recognize, however, that another approach could be used to achieve this purpose. Therefore, we wish to invite comments on the following issues:

- Is there a procedure other than an appeals process that would help ensure that facilities' payment rates are reviewed as necessary?
- If there is no appropriate alternative to an appeals process, should conditions for appeals be specified?

Payment for Inpatient Hospital Services

I. Omnibus Reconciliation Act of 1980

Section 902 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499) amended the Medicaid law by providing special rules on payment for inpatient hospital services to a patient who does not require an inpatient level of care but must be kept in the hospital because the SNF or ICF care the patient requires is not available. These rules specified that if the services are furnished in a hospital that meets the occupancy standard set forth in the amendment (80 percent average daily occupancy in the calendar year immediately preceding the year in which the services were furnished), the State must pay for the services at its regular rate of payment for inpatient hospital services. If the services were furnished in a hospital that does not meet the occupancy standard, the State must pay for the services at the estimated adjusted Statewide per diem rate for the level of care (SNF or ICF) the patient required or, for hospitals with distinct parts certified as SNFs or ICFs, at the lesser of the Statewide rate or the actual rate for the particular SNF or ICF. The effective date specified in the legislation for this amendment is the date the Secretary issues final regulations implementing the amendment. When the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) was enacted, regulations implementing section 902 of Pub. L. 96–499 had not been issued.

II. Omnibus Budget Reconciliation Act of 1981

A. *Major Provisions Relating to Hospital Reimbursement Under Medicaid.* The Omnibus Budget Reconciliation Act of 1981, which was enacted on August 13, 1981, made several significant changes in the provisions of the Medicaid law that govern payments for inpatients hospital services. Specifically, section 2173 of Pub. L. 97–35:

- Removed the requirement that States pay for the reasonable cost of inpatient hospital services in accordance with methods and standards, consistent with section 1122 of the Act, that are developed by the States, and reviewed and approved by the Secretary;
- Removed the requirements, added by section 902 of Pub. L. 96–499, that specify how States are to determine their payments for inappropriate inpatient hospital services to patients who require a lower level of care;
- Added the requirement that States pay for hospital services through the use of rates (determined in accordance with methods and standards developed by the State) which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities to provide care in conformity with applicable State and Federal laws, regulations, and quality and safety standards. (This is the same requirement that was added, for LTC facility reimbursement, by section 962 of Pub. L. 96–499);
- Added the requirements that States' methods and standards for determining payment rates for hospital services take into account the situation of hospitals that serve a disproportionate number of low income patients with special needs and provide, in the case of hospital inpatients receiving an inappropriate level of care (under conditions similar to those in section 1861(v)(1)(G) of the Act), for lower reimbursement rates reflecting the level of care the patients actually received (in a manner consistent with section 1861(v)(1)(G)). (Section 2101 of Pub. L. 97–35 amended section 1861(v)(1)(G) by removing the 80 percent occupancy standard added by section 902, and substituting more general provisions under which Medicare will pay for inappropriate services at the acute care rate only if the Secretary determines there is no excess of hospital beds.);
- Added the requirement that States' payment rates for hospital services be reasonable and adequate to assure that Medicaid patients have reasonable access, taking into account geographic location and reasonable travel time, to inpatient hospital services of adequate quality; and
- Added the requirement that each State make further assurances, satisfactory to the Secretary, for the filing of uniform cost reports by each hospital and for periodic audits by the State of those reports.

B. *Legislative History of Section 2173.* In developing regulations to implement this amendment, we relied on section 2173 and its legislative history, including the parts of the Conference Report on Pub. L. 97–35 that deal with section 2173. We also considered the pertinent parts of the Senate Budget Committee Report on S. 1377 (Senate Report No. 97–139) and of the House Budget Committee Report on H.R. 3982 (House Report No. 97–158). (The Conference Committee considered both S. 1377 and H.R. 3982 in deciding to recommend enactment of section 2173.) We gave special emphasis, in developing the revised regulations set forth below, to the parts of the amendment and its legislative history that deal with the issues described in items (1) through (5).

1. *State discretion in determining payment levels.* Both the House Budget Committee Report on H.R. 3982 and the Senate Budget Committee Report on S. 1377 make it clear that removal of the requirement that hospitals be paid on a reasonable cost basis is intended to increase State discretion in setting payment rates. Specifically, the report on H.R. 3982 notes that even the alternative payment methods approved under the previous law must offer a reasonable cost basis for reimbursement, and that the requirement that hospitals be paid on this basis results in higher levels of payment than States might set if granted more flexibility. The report on S. 1377 expresses the view that States should have flexibility in developing methods of payment for their Medicaid programs, and states that application of Medicare's reasonable cost reimbursement principles is not entirely satisfactory, since these principles are inherently inflationary and contain no incentives for efficient performance.

2. *Minimizing administrative burden.* The report on S. 1377 emphasizes the need for the Federal Government to keep its administrative requirements to the minimum necessary to assure proper accountability, and not to overburden States and facilities with unnecessary and burdensome paperwork requirements.

3. *Hospitals with disproportionate numbers of low-income patients with special needs.* The report on H.R. 3982 expresses concern about the impact of State payment practices on hospitals that treat a large volume of Medicaid patients and patients without health insurance. The report notes that these hospitals, especially those in urban areas, provide many public health and social services to residents of their areas, as well as serving as hospitals of

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last resort for the poor. As a result, these hospitals experience special costs. Meeting these costs is often difficult, since these hospitals also frequently receive only a small proportion of their overall revenues from non-public sources. The report states that, for these reasons, many of these hospitals are now and will continue to be financially distressed, and will experience special costs that States should take into consideration.

4. *Payment for inappropriate inpatient hospital services.* Although the reports cited above do not explicitly discuss this issue, section 2173 repealed the detailed provisions on payment for these services that were added by section 902 of Pub. L. 96–499, and substituted for them the more general requirement that State payment methods and standards provide lower reimbursement rates for these services in a manner consistent with section 1861(v)(1)(G) of the Act. (This section sets forth the requirements added by section 902, on Medicare payment for these services. As noted earlier, section 2102 modified these requirements by deleting the 80 percent occupancy standard and substituting more general provisions relating to situations in which the Secretary determines there is no excess of hospital beds.) In our view, the purpose of this change is to allow States greater flexibility than under previous law to develop appropriate ways of calculating their payments for these services.

5. *Reasonable access to inpatient hospital services.* The report on H.R. 3982 states the expectation that payment levels for inpatient services will be adequate to assure that a sufficient number of facilities providing a sufficient level of services actively participate in the Medicaid program to enable all Medicaid beneficiaries to obtain quality inpatient services. This report further states that payments should be set at a level that ensures the active treatment of Medicaid patients in a majority of the hospitals in the State.

III. Implementation of Section 2173

A. *General Implementation Approach.* We believe that section 2173, which extended the changes made by section 962 of Pub. L. 96–499 to apply to hospital as well as LTC facility reimbursement, requires that we adopt the same basic implementation approach with respect to payments for both inpatient hospital and LTC facility services. In addition, we believe that use of the same approach to implement both section 962 and section 2173 will simplify the administration of the Medicaid program for both the Federal and State governments and will make it easier for hospitals and facilities to understand Federal policy in this area. Therefore, we will use the revised regulations set forth below, which deal with payments to hospitals as well as LTC facilities, to implement section 2173. Except as specified otherwise in the following paragraphs, we will apply the requirements and procedures described in the section of this preamble that deals with payment for LTC facility services to payment for hospital services as well.

We wish to point out that our use of the same general approach to implement the changes in the Medicaid law relating to LTC facility and hospital services does not mean that States must use the same reimbursement method for both types of facility services. We also wish to note that the term "rates" as used in the revised regulations refers to the payment amounts produced under whatever specific payment method the State adopts for a particular type of facility.

B. *Issues Related to Payment for Inpatient Hospital Services.*

1. *Additional requirements for hospital payments.* In the revised regulations, we have set forth three requirements that apply only to payments for inpatient hospital services, as follows:

- The methods and standards used by States to determine payment rates must take into account the situation of hospitals that serve a disproportionate number of low-income patients with special needs;
- The methods and standards used by States to determine payment rates must provide that reimbursement for hospital patients receiving services at an inappropriate level of care, under conditions similar to those described in section 1861(v)(1)(G) of the Act, will be made at lower rates reflecting the level of care actually received, in a manner consistent with section 1861(v)(1)(G); and
- The payment rates for inpatient hospital services must be adequate to assure that beneficiaries have reasonable access, taking into account geographic location and reasonable travel time, to inpatient hospital services of adequate quality.

We have included these additional requirements because they are identified in section 2173 as basic conditions that must be met by hospital, but not LTC facility, payments. We have not, however, developed any standard methodology for States to use in ensuring that they meet these standards. We believe development of this methodology should be the responsibility of each State.

2. *Upper limit based on charges.* Section 1903(i) of the Act states that FFP for payments for inpatient hospital services is not available to the extent those payments exceed the hospital's customary charges for the services or, for services of a public institution that furnishes services free or at nominal charges, the amount that would provide fair compensation for the services. The upper limit based on charges is based on this provision of the Medicaid law as well as on the more general provisions of section 1902(a)(30).

Impact Analysis

I. Executive Order 12291

We have determined that these regulations do not meet the criteria for a major rule that are set forth in section 1(b) of Executive Order 12291. That is, the regulations will not:

(1) Have an annual effect on the economy of $100 million or more;

(2) Cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or

(3) Have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

We have made this determination because the revised regulations will not require States to make any specific changes in their hospital or LTC facility payment systems or payment rates. On the contrary, those regulations will simplify the current procedures for Federal action with respect to States' proposed payment rates, and thus increase State discretion in setting rates. Therefore, we believe the initial economic effect of the revised regulations will be to reduce the costs of administering State Medicaid plans.

In making this determination, we are aware that the increased State discretion in rate-setting that will be allowed by the revised regulations may induce some States to make changes in their payment rates, and that these changes could have economic consequences for States, hospitals, and facilities. However, we do not now have any basis for predicting the extent of these changes, or for estimating their economic impact.

II. Regulatory Flexibility Analysis

The Secretary certifies, under section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354), that these regulations will not have a significant economic impact on a substantial number of small businesses, nonprofit entities or small local governments.

The reason for the Secretary's negative certification is that, as explained in the Executive Order discussion, these regulations will not require States to make any specific changes in their hospital or LTC facility payment systems or payment rates. By simplifying Federal rules, they increase State discretion in setting rates, and thereby should reduce the costs of administering State Medicaid plans.

As also noted above, State changes in payment rates could have a fiscal impact on States, hospitals, and facilities. However, changes of this type are not required by these regulations, and we do not now have any basis for predicting the extent of these changes, or for estimating their economic impact.

Waiver of Proposed Rulemaking

As indicated in the first part of this preamble, section 2161 of Pub. L. 97-35 requires that the amount of Federal financial participation (FFP) that would otherwise be paid to each State under the Medicaid law be reduced by specific percentages (3 percent for fiscal year 1982, by 4 percent for fiscal year 1983, and by 4.5 percent for fiscal year 1984). These reductions cannot be made for any quarter unless, as of the first day of that quarter, the Secretary has promulgated and has in effect final regulations implementing paragraphs (10)(C) and (13)(A) of section 1902(a) of the Social Security Act. The effect of this special provision is to require that the regulations set forth below, which are needed to implement paragraph (13)(A) of section 1902(a) of the Act, be published in final form (on an interim or other basis) on or before October 1, 1981. If this were not done, we would be prohibited from making the reductions in FFP required by section 2161 for the first quarter of fiscal year 1982.

Because of the statutory deadline imposed by the special provision of section 2161 described above, we believe it would be impractical to delay publication of the final rules set forth below by the amount of time needed to obtain and analyze public comments on them. Moreover, if these regulations are not published on or before October 1, 1981, we would be precluded from making a part of the reduction in FFP for fiscal year 1982 that is required by section 2161. We believe this would be contrary to the public interest. Finally, since Congress expressly referred in section 2161 to the use of interim final regulations, their use in this case has been explicitly authorized. Therefore, we find good cause to waive publication of a notice of proposed rulemaking, and to publish these regulations in final form.

The statutory deadline for implementing these regulations does not permit States time to submit revised State plan amendments before the effective date of the regulations. To accommodate this problem, HCFA will not hold a State out of compliance with the regulations if the Medicaid agency submits the preprinted plan amendment required by the revised regulations by December 31, 1981.

PART 447—PAYMENTS FOR SERVICES

42 CFR Part 447 is amended as set forth below:

1. In Subpart C, §§ 447.250—447.316 are removed and revised §§ 447.250—447.272 are added to read as follows:

Subpart C—Payment For Inpatient Hospital and Long-Term Care Facility Services

Sec.
447.250 Basis and purpose.

Payment Rates

447.251 Definitions.
447.252 General requirements.
447.253 State plan requirements.
447.254 Public notice requirements.
447.255 Submittal of assurances and related information.
447.256 Procedures for HCFA action on assurances.

Provider Appeals

447.258 Provider appeals of State rate determinations.

Cost Reporting

447.260 Provider cost reporting.

Audits

447.265 Audit requirement.

Upper Limits

447.271 Upper limits based on customary charges.
447.272 Upper limits based on Medicare payments.

Subpart D—Payment for Other Institutional and Noninstitutional Services

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Subpart C—Payment for Inpatient Hospital and Long-Term Care Facility Services

§ 447.250 Basis and purpose.

Sections 447.251 through 447.265 of this subpart implement section 1902(a)(13)(A) of the Act, which requires that the State plan provide for payment for hospital and long-term care facility services through the use of rates that the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated facilities to provide services in conformity with State and Federal laws, regulations, and quality and safety standards. Sections 447.271 and 447.273 implement section 1902(a)(30) of the Act, which requires that payments be consistent with efficiency, economy, and quality of care; and section 1903(i)(3), which requires that payments for inpatient hospital services not exceed the hospital's customary charges.

Payment Rates

§ 447.251 Definitions

For the purposes of this subpart—

"Long-term care facility services" means skilled nursing facility (SNF) services and intermediate care facility (ICF) services, including intermediate care facility services for the mentally retarded (ICF/MR).

"Provider" means an institution that furnishes inpatient hospital services or an institution that furnishes long-term care facilities services.

§ 447.252 General requirements.

(a) *Payment rates.* (1) The Medicaid agency must pay for inpatient hospital services and long-term care facility services through the use of rates that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable State and Federal laws, regulations, and quality and safety standards.

(2) The payment rates used by the Medicaid agency must be determined in accordance with methods and standards developed by the agency.

(3) With respect to inpatient hospital services—

(i) The methods and standards used to determine payment rates must take into account the situation of hospitals which serve a disproportionate number of low income patients with special needs;

(ii) The methods and standards used to determine payment rates must provide that reimbursement for hospital patients receiving services at an inappropriate level of care under conditions similar to those described in section 1861(v)(1)(G) of the Act will be made at lower rates, reflecting the level of care actually received, in a manner consistent with section 1861(v)(1)(G); and

(iii) The payment rates for such services must be adequate to assure that recipients have reasonable access, taking into account geographic location and reasonable travel time, to inpatient hospital services of adequate quality.

(b) *State findings.* The Medicaid agency must find that the rates used to

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reimburse providers satisfy the requirements of paragraphs (a)(1) and (a)(3) of this section.

(c) *State assurances.* The Medicaid agency must make assurances satisfactory to the Secretary that the requirements of paragraphs (a)(1), (a)(3)(iii), (b), and (f) of this section are met and that, in making significant changes in its methods and standards for determining payment rates, it has complied with the public notice requirements in § 447.254.

(d) *Submittal of assurances and related information.* The Medicaid agency must comply with the requirements regarding submittal of assurances and related information in § 447.255.

(e) *Provider appeals.* The Medicaid agency must provide for a system of provider appeals, as specified in § 447.258.

(f) *Uniform reporting and audit requirements.* The Medicaid agency must provide for uniform cost reporting and periodic audits, as specific in §§ 447.260 and 447.265, respectively.

(g) *Upper limits.* The Medicaid agency must comply with the requirements regarding upper limits specified in §§ 447.271 and 447.272.

§ 447.253 State plan requirements.

(a) The plan must provide that the requirements of this subpart are met.

(b) The plan must specify the methods and standards used by the agency to set payment rates.

(c) If the agency chooses to apply the hospital or SNF services cost limits established under Medicare (see § 405.460 of this chapter) on an individual provider basis, the plan must specify this requirement.

(d) The plan must provide that the agency will make the findings and sumbit the assurances and related information to HCFA, as required under §§ 447.252 and 447.255.

§ 447.254 Public notice requirements.

(a) *When notice is required.* Except as specified in paragraph (b) of this section, the agency must provide public notice of any significant proposed change in its methods and standards for setting payment rates for inpatient hospital services and long-term care facility services.

(b) *When notice is not required.* Notice is not required if the change is required by court order.

(c) *Content of notice.* The notice must—

(1) Describe the proposed change in methods and standards;

(2) Give an estimate of any expected increase or decrease in annual aggregate expenditures;

(3) Explain why the agency is changing its methods and standards;

(4) Identify a local agency in each county (such as the social services agency or health department) where copies of the proposed changes are available for public review;

(5) Give an address where written comments may be sent and reviewed by the public; and

(6) If there are public hearings, give the location, date and time for hearings or tell how this information may be obtained.

(d) *Publication of notice.* The notice must—

(1) Be published before the proposed effective date of the change;

(2) Appear as a public announcement in—

(i) A State register similar to the **Federal Register;**

(ii) The newspaper of widest circulation in each city with a population of 50,000 or more; or

(iii) The newspaper of widest circulation in the State, if there is not a city with a population of 50,000 or more; and

(3) Be sent to the HCFA Regional Office upon publication.

§ 447.255 Submittal of assurances and related information.

(a) *Assurances.* The Medicaid agency must submit the assurances in § 447.252(c) before the end of the calendar quarter that includes the date on which the rate has been in effect for one year, or whenever the agency wishes to make a significant change in its methods and standards for determining the rate, whichever is earlier.

(b) *Related information.* The Medicaid agency must submit, with the assurances described in § 447.252(c), the following information:

(1) The amount of the average proposed payment rate for each type of provider (hospital, SNF, ICF, or ICF/MR), and the amount by which that average rate increased or decreased relative to the average payment rate in effect for each type of provider for the immediately preceding rate period;

(2) A quantified estimate of the short-term and, to the extent feasible, long-term effect the change in the rate will have on—

(i) The availability of services on a Statewide and geographic area basis;

(ii) The type of care furnished (for example, secondary or tertiary care);

(iii) The extent of provider participation; and

(iv) The degree to which costs are covered in hospitals that serve a disproportionate number of low income patients with special needs.

§ 447.256 Procedures for HCFA action on assurances.

(a) *Time limit for action.* HCFA will review the related information described in § 447.255 to determine the reasonableness of significant changes in the items specified in paragraph (b)(2) of that section that result from a change in the average proposed payment rate. HCFA will notify the agency of its determination as to whether the agency's assurances regarding a proposed rate are acceptable within 60 days of the date HCFA receives the assurances described in paragraph (c) of § 447.252 and the related information described in paragraph (b) of § 447.255.

If HCFA does not notify the agency of its determination within this time limit, the assurances will be deemed accepted.

(b) *Effective date.* (1) Except as specified in paragraph (b)(2) of this section, a proposed payment rate with respect to which HCFA has accepted assurances or with respect to which an assurance has been deemed accepted under this section will be effective on the date specified in the agency's assurances.

(2) A payment rate with respect to which HCFA has accepted assurances or with respect to which an assurance has been deemed accepted under this section will not be effective for any period beginning before the first day of the calendar quarter in which the agency submits the assurances and related information described in § 447.255.

Provider Appeals

§ 447.258 Provider appeals of State rate determinations.

The agency must provide an appeals procedure that allows individual providers an opportunity to submit additional evidence and request prompt administrative review of payment rates.

Cost Reporting

§ 447.260 Provider cost reporting.

The agency must provide for the filing of uniform cost reports by each participating provider.

Audits

§ 447.265 Audit requirement.

The agency must provide for periodic audits of the financial and statistical records of participating providers.

Upper Limits

§ 447.271 Upper limits based on customary charges.

(a) Except as provided in paragraph (b) of this section, the agency may not pay a provider more for inpatient hospital services under Medicaid than the provider's customary charges to the general public for the services.

(b) The agency may pay a public provider that provides services free or at a nominal charge at the same rate that would be used if the provider's charges were equal to or greater than its costs.

§ 447.272 Upper limits based on Medicare payments.

(a) An agency may not pay more in the aggregate for inpatient hospital services or long-term care facility services than the amount that would be paid for the services under the Medicare principles of reimbursement under Part 405, Subpart D of this chapter. Payments meet this requirement—

(1) If, in a random sample of all Medicaid providers, the payment is not more than the amount that would have been paid under Medicare in at least 90 percent of the providers in the sample; or

(2) If the average payment to all providers in a class is not more than the average amount that would have been paid under Medicare.

(b) To determine what would have been paid for a class of providers under Medicare—

(1) For providers that participate in Medicare, the interim rate paid to the provider under Medicare (adjusted for services not included in the State plan and for the Medicare inpatient routine nursing salary cost differential paid under § 405.430 of this chapter) may be used to determine the upper limit; and

(2) For hospitals and SNFs that do not participate in Medicare and for ICFs, the agency must estimate the amounts Medicare would have paid those providers. These estimates must be consistent with the intent that payments do not exceed amounts (adjusted for services not included in the State plan and for the Medicare inpatient routine nursing salary cost differential paid under § 405.430 of this chapter) that would be determined using Medicare's principles.

2. A new heading is added before § 447.321, as follows:

Subpart D—Payment for Other Institutional and Noninstitutional Services

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(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: September 23, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 24, 1981.

Richard S. Schweiker,

Secretary.

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Part IV

Department of Health and Human Services

Health Care Financing Administration

Medicaid Eligibility and Coverage Criteria

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Parts 435, 436, 440, and 441

Medicaid Program; Medicaid Eligibility and Coverage Criteria

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This rule amends current regulations that contain requirements States must follow in establishing eligibility criteria for the medically needy recipients under Medicaid (title XIX of the Social Security Act) and in providing services for those individuals. It also makes certain changes with respect to categorically needy persons. This rule implements sections 2171 and 2172 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). That law gives States considerable flexibility in establishing eligibility criteria and scope of services for the medically needy.

These final regulations: (1) specify whom the State must include among the medically needy if it provides for that group in the Medicaid program; (2) provide the State with flexibility in determining what additional persons will be included among the medically needy; (3) specify what services must be provided for the medically needy; and (4) require the State to include specified groups of individuals (certain children, pregnant women, and persons in certain work programs) among the categorically needy.

DATES: These regulations are effective October 1, 1981. Although these regulations are final, comments may be submitted as described below. To assure consideration, comments should be mailed by December 29, 1981.

State agencies have until December 31, 1981, to submit their preprinted plan amendments and required attachments. HCFA will not hold a State to be out of compliance with the requirements of these final regulations if they submit the necessary preprint plan material by that date.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration; P.O. Box 17076, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPP–179–FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., S.W., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if as a result of comments, we believe that changes are needed in these regulations, we will publish the changes in the **Federal Register** and respond to the comments in the preamble of that document.

FOR FURTHER INFORMATION CONTACT: Elmer Smith, (301) 594–9682.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Medicaid program was enacted in 1965 under title XIX of the Social Security Act (the Act). States that establish Medicaid programs must provide for medical assistance to the categorically needy. These are persons eligible for Medicaid because, in general, they receive certain cash assistance—Aid to Families with Dependent Children (AFDC) (title IV–A of the Act) or Supplemental Security Income (SSI) (title XVI of the Act). States could also cover as categorically needy certain individuals who would be eligible to receive cash benefits and recipients of certain State Supplmentary Payments. States may also provide medical assistance to the medically needy. Before Pub. L. 97–35, this group consisted, in general, of persons who would have been categorically needy, except that their income or resources exceeded the financial eligibility requirements for the categorically needy, but were within limits set by the State.

States that chose to include the medically needy in their Medicaid programs had to meet, among others, the following requirements:

(1) States had to cover as medically needy all groups that were categorically related (the aged, blind and disabled, and families with dependent children).

(2) States had to offer a mix of institutional and noninstitutional services.

(3) States had to offer the same amount, duration, and scope of services to all medically needy—the comparability of services requirement.

Sections 2171 and 2172 of the Omnibus Budget Reconciliation Act of 1981 (the 1981 Amendments) revised title XIX of the Act by giving the States flexibility in determining which groups of individuals would be included in the medically needy and what services those groups would be offered under the State plan. Congress intended to enable each State, based on internal consideration of priorities, needs, and resources, to target Medicaid services for the optional groups more appropriately (H.R. Rept. No. 97–208, p. 971).

Under the 1981 Amendments, coverage of the medically needy continues to be optional. A State can choose not to have a medically needy program at all. (At the present time, all but 20 States have a medically needy program.) However, the 1981 Amendments enacted the following changes in the eligibility requirements for those States that choose to have a medically needy program:

1. The State is not required to cover all categorically related groups (for example, the aged and blind) under its medically needy program.

2. The State plan must include a description of criteria for determining eligibility of each covered group of medically needy individuals.

3. The States are given greater flexibility in coverage of individuals under age 21. However, there are some minimal requirements that States must meet, as discussed below.

4. If the State plan provides for the medically needy, the plan must provide for pregnant women who, but for income and resources, would be eligible for Medicaid as catergorically needy.

The new legislation also includes the following provisions related to the categorically needy:

1. States must include as categorically needy persons who are denied AFDC payment solely because the payment would be less than $10 a month.

2. The State must include as categorically needy individuals who participate in certain AFDC-related work programs and are deemed by the State to be receiving AFDC.

3. The State must include under the categorically needy certain pregnant women who are deemed by the State to be AFDC recipients.

The 1981 Amendments made the following changes that affect the services that are provided to the medically needy:

1. The State plan is no longer required to provide the same amount, duration,

and scope of services for all medically needy groups under the plan.

2. The State plan must indicate the amount, duration, and scope of services for each covered group of medically needy.

3. Ambulatory services must be offered to (a) eligible children under age 18 and (b) individuals entitled to institutional services.

4. A range of services specified in the statute must be offered to all medically needy if the State plan provides for services to the medically needy in an intermediate care facility for the mentally retarded (ICF-MR) or in an institution for mental diseases (IMD).

5. Prenatal care and delivery services must be offered to all eligible pregnant women.

These final regulations implement the changes enacted by the 1981 Amendments. For the most part, the regulations restate the provisions of these amendments, giving States the maximum flexibility provided for under the Act. In the discussions that follow we identify the significant changes and the fundamental issues that are involved. In addition, there are technical revisions in the regulations to bring them into conformity with the latest changes in the statute.

II. Categorically Needy Eligibility Provisions

A. Optional Categorically Needy Group

Previously, section 1902(a)(10)(C) defined the medically needy and contained language that enabled one to identify a group of individuals referred to as the "optional categorically needy". They were individuals for whom the State had the option of providing medical assistance as categorically needy. This group included, among others, persons eligible for but not receiving AFDC cash assistance because they chose not to receive such assistance, and persons who would have been eligible to receive cash assistance if they were not institutionalized.

Section 2171(a) of the 1981 Amendments has revised the definition of the medically needy so that a question arises as to whether the optional categorically needy can continue to be identified under Medicaid. Section 1902(a)(10)(C) of the Act now defines the medically needy as "any group of individuals described in section 1905(a) who are not described in subparagraph (A) [of section 1902(a)(10)]". Subparagraph (A) describes the mandatory categorically needy, that is, persons receiving cash assistance. Section 1905(a) lists general groups of individuals, such as persons under 21 years of age and persons who are blind or disabled. Therefore, the new definition of medically needy could be interpreted to mean that anyone not receiving cash assistance or aid is considered medically needy rather than categorically needy.

In the past, the optional categorically needy group afforded the States some flexibility. For example, if the State did not wish to adopt a full scale medically needy program, it was able to provide Medicaid for certain individuals, such as those who would be eligible for cash assistance if they were not institutionalized, by electing to cover them as optional categorically needy.

Now, however, given the extensive flexibility afforded the States as a result of the 1981 Amendments (as explained more fully below), it is possible that there is no longer any reason for maintaining the optional categorically needy classification, because the State could cover these persons under one of the medically needy classifications. However, in order not to inhibit the States' options and allow the States to implement their new authority with the least confusion and disruption possible, we have in these regulations maintained the previous provisions that provide for the optional categorically needy. We specifically invite comments from the public as to whether, in view of the 1981 Amendments, the optional categorically needy classification should continue to be provided for as a distinct group in Medicaid and the implications of its deletion.

B. Individuals in Work Supplementation Programs

The State plan must provide Medicaid eligibility as categorically needy for all individuals who (1) are participating in an AFDC work supplementation program (under section 414 of the Act) *and* (2) are deemed by the State to be AFDC recipients. (See 42 CFR 435.115 and 436.114, as added by this rule.) This provision implements section 1902(a)(10)(A) of the Act, as amended by section 2171(a)(1) of the 1981 Amendments.

Section 2308 of the 1981 Amendments added a new section 414 to title IV of the Act. That section allows States to institute work supplementation programs. These programs make jobs available to AFDC recipients, as an alternative to receiving AFDC. States with these programs have the option of considering individuals who participate in these programs as receiving AFDC for purposes of eligibility under title XIX (section 414(g) of the Act). Individuals who, under section 414(g) of the Act, are considered to be receiving AFDC must be included among the categorically needy classification under Medicaid (section 1902(a)(10)(A) of the Act). (Under the provisions of section 414(a) of the Act, the State may elect, for purposes of Medicaid, to deem the following to be AFDC recipients: the participant in the work program, any child or relative of the participant, or other individual living in the same household as the participant.)

C. Pregnant Women

Under section 406(g)(2) of the Act (as amended by the 1981 Amendments), a State may choose to extend Medicaid eligibility to pregnant women as soon as pregnancy is medically verified, even though eligibility for AFDC cash assistance is limited to the last four months of pregnancy. If a State chooses to do so, it must treat such individuals as categoricaly needy. The issues and regulations related to these individuals are discussed more fully below in section V, "Pregnant Women."

D. Individuals Denied AFDC Cash Payment

The State plan must provide Medicaid for individuals who are denied a cash payment from the title IV-A agency solely because the amount of the AFDC payment would be less than $10. (See 42 CFR 435.115 and 436.114, as added by this rule.)

Section 2316 of the 1981 Amendments added a new paragraph (32) to section 402(a) of the Act. The new paragraph denies an AFDC cash assistance payment to an individual if the payment would be less than $10. However, that same paragraph specifies that such an individual is deemed to be an AFDC recipient. Since the Medicaid plan must provide for an individual receiving (or deemed to be receiving) AFDC cash assistance, the individual deemed to be an AFDC recipient under Section 402(a)(32) of the Act must, if otherwise eligible, be included under the mandatory categorically needy in the State Medicaid plan.

E. Persons Under 21 Years of Age

There were several changes in the AFDC and Medicaid programs affecting children under age 21. In order to discuss these in an orderly and logical way, we have grouped the issues and regulations relevant to these individuals below in section IV, "Individuals Under 21 Years of Age."

F. Individuals Entitled to Benefits Under Section 1622 of the Act

Individuals entitled to benefits under section 1622 of the Act are not to be considered SSI recipients for purposes of determining Medicaid eligibility. (See 42 CFR 435.120 as revised by this rule.)

Section 2201 of the 1981 Amendments repeals the minimum benefit provisions of Social Security (title II of the Act: Federal Old-Age, Survivors, and Disability Insurance Benefits). At the same time, the 1981 Amendments added a new section 1622 to the Act to provide benefits under the SSI program (title XVI of the Act) for certain individuals formerly receiving minimum benefits under title II. Generally, persons receiving SSI benefits become eligible for Medicaid as a result of that status. However, the new statute also specifies that individuals entitled to benefits under section 1622 shall not be considered to be SSI beneficiaries for purposes of title XVI or any other title of the Act (see section 1622(d) of the Act). Consequently, individuals entitled to benefits under section 1622 of the Act, do not automatically become eligible for Medicaid by reason of receiving such benefits.

III. Medically Needy Eligibility Provisions

Prior to the 1981 Amendments, States had the option of including, or excluding, the medically needy; but if they chose to include any medically needy, they were required to provide for all the medically needy, that is, the aged, blind, disabled, and families with dependent children. The 1981 Amendments substantially changed those requirements by giving the States flexibility in determining what groups (for example, the aged, or the blind, or the disabled) would be eligible for Medicaid as medically needy. Along with that flexibility, however, there are certain requirements that a State must follow if it does choose to provide for the medically needy. The following provisions identify the Federally-established parameters within which a State must specify the "medically needy" in its Medicaid program.

A. Choice of Medically Needy Groups

1. *Provision:* Subject to specific requirements discussed later pertaining to children and pregnant women, a State has discretion to extend eligibility to any of the groups of individuals listed in section 1905(a) of the Act who are not eligible as categorically needy. The groups listed in section 1905(a) of the Act are:

a. Caretaker relatives (formerly identified in regulations as part of the families with dependent children group).
b. Aged.
c. Blind.
d. Disabled.
e. Persons under age 21 (discussed below in section IV, "Individuals Under Age 21").

Congress also indentified another medically needy group, certain pregnant women who would be eligible for Medicaid as categorically needy, except for income and resources. This specific group is discussed below in section V, "Pregnant Women".

This provision, regarding choice of medically needy groups, is provided for in this final rule by revising 42 CFR 435.301 and 436.301. Formerly, those sections required States to offer Medicaid to all medically needy groups if the medically needy option were chosen.

2. *Discussion:* The statutory basis for this provision is section 1902(a)(10)(C) of the Act, as amended by section 2171(a)(3) of the 1981 Amendments.

B. The "209(b) States"

1. *Provision:* The "209(b) States" have the same flexibility as other States in choosing which medically needy groups they provide for in the State plan. (This final rule provides for this by revising 42 CFR 435.321 and redesignating it as 435.330.)

2. *Discussion:* Section 209(b) of Pub. L. 92–603, which added section 1902(f) to the Act, gave States the option not to use SSI criteria for determining Medicaid eligibility for aged, blind or disabled individuals. Instead, a State could choose to determine eligibility for these groups according to more restrictive criteria used in their January 1, 1972 State Medicaid plan. States that choose this option are referred to as "209(b) States". The question arises whether a 209(b) State is allowed to drop portions of its medically needy program, that is, whether the 1981 Amendments give a 209(b) State the same option as other States in selecting the groups of medically needy that it will cover. Our current regulations at 42 CFR 435.121(b)(1) do not permit the 209(b) States to have more liberal standards for their categorically needy than the standards current in the SSI program. This regulation is based on the reading of section 1902(f) of the Act in conjunction with section 1902(a)(10)(A) of the Act.

> "Notwithstanding any other provision of this title [(XIX) which requires States to provide Medicaid eligibility to all SSI recipients], no State * * * shall be required to provide medical assistance to any aged, blind, or disabled individual [unless the State would have been required to provide Medicaid to such individuals under its Medicaid plan in effect on January 1, 1972] * * *."

In our view, the obligation to provide Medicaid to aged, blind, and disabled individuals who would have been eligible for Medicaid under the January 1, 1972 plan is limited to those individuals (such as SSI recipients) whom the State is currently required to make Medicaid eligible by virtue of some other provision of the law. In this case, section 1902(a)(10)(A) of the Act requires States to make all SSI recipients eligible for Medicaid as categorically needy.

Regarding the medically needy, the 1981 Amendments have revised section 1902(a)(10)(C) of the Act so that States with a medically needy program are no longer required to provide eligibility for the aged, blind, *and* the disabled. We believe that the 209(b) States which had a medically needy program in 1972 are no longer required to continue to cover all groups of medically needy and, therefore, may eliminate the medically needy program for any or all of their medically needy group.

We believe that this view is consistent with the intent of section 1902(f) of the Act that was to allow States flexibility in administering their Medicaid programs by being more restrictive in their policies than the SSI program, while providing a certain amount of protection to individuals adversely affected by this option. We do not believe the intent was to deny the 209(b) States the options otherwise available to all States. With this in mind, and in view of the flexibility clearly intended by Congress and expressed in the amended language of the Act, we believe that 209(b) States should have the same options for selection of medically needy groups as other States, and we provide for this in these regulations. (See 42 CFR 435.321 which is revised and redesignated in this rule as 435.330.)

We note, however, that these final regulations do not affect the current requirements governing "spend down" of the categorically needy in 209(b) States (see 42 CFR 435.732)—regardless of whether the State has a medically needy program. ("Spend down" means that an individual incurs medical expenses in the amount by which his income exceeds a prescribed financial eligibility level.)

C. All Individuals in a Group

1. *Provision:* If the State plan provides for Medicaid to any individuals in a

group, the agency must provide Medicaid benefits for all individuals eligible to be in that group. (See revised sections, 42 CFR 435.301 and 436.301 of this final rule.) The only time the State plan may provide for a classification, or subgroup, is in the case of individuals under 21 years of age. (See new sections 42 CFR 435.308 and 436.308 of this final rule.)

2. *Discussion:* This provision is based on the new section 1902(a)(10)(C) of the Act that defines the medically needy, in part, as any *group* of individuals described in section 1905(a) of the Act. The only subgroups specified in section 1905(a) are those under age 21. Section 1905(a)(i) of the Act describes individuals "under the age of 21, or, at the option of the State, under the age of 20, 19, or 18 as the State may choose, or *any reasonable category of such individuals"* (emphasis added).

The issue is whether the State can limit eligibility to subgroups of any of the other groups in section 1905(a) of the Act. The phrase "any reasonable category" is used in the provision that addresses the under age 21 group. Therefore, we believe that Congress intended that if the State plan provides for any other group specified in section 1905(a) of the Act, such as the aged, the plan must provide for all the individuals who are eligible to be in that group.

D. State-Established Criteria

1. *Provision:* The State plan must include a description of the criteria for determining the eligibility of each medically needy group.

2. *Discussion:* This provision implements section 1902(a)(10(C)(i) of the Act, as amended by the 1981 Amendments. That section of the Act requires States that choose the medically needy option to describe the eligibility criteria. Existing Federal regulations (42 CFR 435.10 and 436.10) contain a general requirement that State plans specify the eligibility criteria for the medically needy; and this final rule does not amend those sections. However, as discussed below, this final rule does contain new regulatory language that requires State plans to specify certain eligibility criteria, such as the medically needy income and resource standards.

E. Medically Needy Income Level (MNIL)

1. *Provisions:* The State plan must specify the MNIL. The MNIL—

a. May be the same for all covered groups, or vary from group to group;

b. Must be the same for all members within a group;

c. Must be based on family size; and

d. Must be reasonable, as described below.

(These provisions are contained in 42 CFR 435.811 through 435.814, 436.811, and 436.812, as revised by this final rule, and in the new § 436.814.)

2. *Discussion:* Before the 1981 Amendments, the States were required to use an income standard (referred to as the medically needy income level (MNIL)) that met the following requirements:

a. The MNIL had to be determined by family size.

b. There had to be one MNIL for all medically needy.

c. The level had to be at least equal to the highest of all the income levels used in the cash assistance programs.

d. If 133⅓ percent of the payment standard for AFDC cash assistance was lower than the standard arrived at in "c", the State could adjust the MNIL downward to 133⅓ percent of the AFDC standard. This was allowed because Federal financial participation (FFP) was not available for medical assistance to a medically needy individual with income in excess of 133⅓ percent of the AFDC standard. (See section 1903(f) of the Act.)

The 1981 Amendments did not remove the requirement in section 1903(f) of the Act that, for FFP purposes, the MNIL cannot be higher than 133⅓ percent of the AFDC payment standard. Because that section of the statute also relates the cap provision to family size, and this is reasonable under section 1902(a)(17) of the Act, these final regulations maintain the requirement that States continue to set their MNILs according to family size.

The 1981 Amendments gave flexibility to the States in determining the eligibility criteria for the medically needy. Those criteria need not be the same for all covered groups. The amendments, however, did not revise section 1902(a)(17) of the Act, which mandates that income eligibility requirements be reasonable and comparable. Therefore, these final regulations mandate that the MNIL standard be the same for all members within the same covered group of medically needy. However, given the intent of Congress to "provide States with flexibility in establishing eligibility criteria and scope of services within the medically needy program to address the needs of different population groups more appropriately" (H.R. Rep. 97–208, p. 971) and the statutory change that no longer requires eligibility for all medically needy groups, we are reinterpreting comparability to allow different standards for each medically needy group. Also, the standards must be reasonable.

These regulations do not mandate a specific MNIL that the State must use for a medically needy group. On the contrary, the State is free to select one that it believes is most appropriate, provided that the standard is based on family size and uniform for all members of a group, as discussed above. However, any standard that the agency provides for in its Medicaid plan must also meet the requirement of "reasonableness" of section 1902(a)(17) of the Act; and HCFA will review the State's standards against that norm. The following are MNILs that HCFA will presume to be reasonable:

a. The State plan may provide that one standard is used for all medically needy groups; and that standard at least equals the highest of the income standards used for any of the cash assistance programs related to those medically needy groups, or 133⅓ percent of the AFDC cash standard (the cap provision of section 1903(f) of the Act), if that amount is lower. (For example, in a State that provides only for medically needy that are AFDC-related and blind-related, the State would use a uniform MNIL, subject to the 1903(f) cap, at least as high as the highest standard derived from the cash assistance programs for the AFDC and the blind.) This is a continuation of the practice established under the previous regulations. It is reasonable standard for the medically needy since it is based on the highest cash assistance standard, subject to the cap of section 1903(f) of the Act.

b. The State plan may provide for multiple standards that vary by medically needy groups, and the level for each group at least equals the income standard of the appropriate cash assistance program related to that group, or 133⅓ percent of the AFDC cash standard (the cap provision of section 1903(f) of the Act), if that amount is lower. (For example, in a State that provides only for medically needy AFDC- and blind-related, the State would use MNILs at least as high as the standards of the AFDC cash assistance program and of the cash assistance program for the blind for their respective medically needy groups.) This is reasonable as well, given the fact that States are no longer required to cover all medically needy groups and that Congress expressed its intent that the needs of each group be addressed more appropriately (H.R. Rep. 97–208, p. 971).

c. In the case of "209(b) States", the State plan may provide that the MNIL for aged, blind, disabled, or AFDC-type individuals is set as specified in "a" or "b". However, for the aged, blind, and disabled individuals, the MNIL in a 209(b) State may be set at a lower level, but not below the respective levels for those groups as provided for in the State's January 1, 1972 plan.

If a State wishes to use a MNIL lower than the options described above in "a", "b", and "c", HCFA will not presume it to be reasonable. Rather, the State must describe the standard chosen and explain why, in the State's view, the standard satisfies the requirement of section 1902(a)(17) of the Act. (For example, a State could show that the SSI level, which is set nationally, might be more generous in that State (where the State does not supplement SSI) given the cost of living in that State.) Although we intend to be deferential to the State's judgment as to what is reasonable, we have a statutory responsibility to review it carefully before approval. We also invite comments and suggestions regarding what criteria, other than those indicated above in "a" through "c", States might use in setting income levels for determining the eligibility of the medically needy.

F. Medically Needy Resource Standards

1. *Provision:* The State plan must specify the resource standards. Those standards:

a. Must be based on family size;

b. May be the same for all groups of medically needy, or vary by group; and

c. Must be reasonable, as discussed below.

(See 42 CFR 435.840, 435.841, 436.840 as revised by this final rule, and the new §§ 435.843, 436.841, and 436.843.)

2. *Discussion:* Resource standards are criteria that measure an individual's financial assets, such as personal property and bank accounts, to determine whether they are low enough to enable one to be eligible for assistance. Before the 1981 Amendments, States were required to apply resource standards according to requirements specified in Federal statute (1902(a)(17) of the Act) and regulations (for example, 42 CFR 435.840 and 435.841). The resource standards had to be (a) comparable for all medically needy, (b) related to family size, and (c) at least equal to the highest resource standard used in the related cash assistance programs.

These regulations give a State agency extensive discretion in establishing its resource standards for the medically needy. The rule on this point is analogous to the rule for MNILs. Thus, HCFA will presume each of the following options to be reasonable:

a. The State plan may provide for one resource standard for all medically needy groups, if that standard is at least equal to the highest resource standard used in the related cash assistance programs.

b. The State plan may provide for multiple resource standards that vary by medically needy group, if the level for each group is at least as high as the standards of the related cash assistance group.

c. In the case of "209(b) States", the State plan may provide that the resource standard be set as in "a" or "b". Moreover, the resource standard level may be set for the aged, blind, and disabled individuals at lower levels, but not below the respective levels for those groups, as provided for in the State's January 1, 1972 plan.

If a State plan provides for a resource standard lower than specified in "a", "b", and "c", HCFA will not presume reasonableness. Rather, the State agency must describe the standard chosen, and that standard must be reviewed and approved by HCFA against the test of reasonableness in section 1902(a)(17) of the Act. We also invite comments as to what options, other than those specified above, the State might select for resource standards.

G. Treatment of Income and Resources

1. *Provisions:* States are no longer required to apply a uniform methodology for treating income and resources in such matters as deemed income, interest, court-ordered support payments, and infrequent and irregular income. Rather, the State plan must specify the methodology that will be used; and that methodology must be reasonable. (See 42 CFR 435.850–435.852 and 436.850–436.852, as added by this final rule.)

2. *Discussion:* Before the 1981 Amendments, the methodology for treatment of income and resources of the medically needy depended on the individuals' relationship to a specific cash assistance program. For example, the methodology for deeming the income of medically needy aged, blind, and disabled was taken from the SSI program. This was based on the former wording of section 1902(a)(10) of the Act that described the medically needy, in part, as individuals who "except for income and resources" would be eligible for cash assistance and for Medicaid as categorically needy. Furthermore, section 1902(a)(17)(C) of the Act required that the methodology for the treatment of income and resources be reasonable and gave the Secretary authority to prescribe standards regarding that methodology.

Section 2171 of the 1981 Amendments revised the Medicaid statute so that the direct linkage between the cash assistance programs and the medically needy is no longer explicit. (The statute no longer defines the medically needy as those who would be categorically needy "except for income and resources.") Therefore, we have concluded that the State need not adopt the methodology of a related cash assistance program in treating income and resources of the medically needy. Rather, the State may develop its own. However, section 1902(a)(17)(C) of the Act has not been amended. Consequently, these final regulations require that the State must use a methodology for the treatment of income and resources that is reasonable.

The rule on this point is analogous to the rule for MNILS. Therefore, HCFA will presume the treatment of income and resources to be reasonable if the methodology is the same as that used in the cash assistance program related to the covered medically needy group. If the agency uses a different methodology, HCFA will not presume reasonableness. Rather, the agency must describe the methodology chosen, and that methodology must be reviewed and approved by HCFA.

Also, if a State uses the cash assistance level as the MNIL but wishes to use differing methodologies for the treatment of income and resources, the description must include information on the impact of the methodology. This is part of the information HCFA will use to review "reasonableness". We note that if a State uses a different methodology for determining income—and the MNIL is officially the same as the cash assistance level—the actual income levels for eligibility could be different because the components of the calculation differ.

At this time, we also invite comments and suggestions as to what methodologies for the treatment of income and resources, other than those specified above, would be reasonable.

We emphasize, at this point, that in determining eligibility, States must continue to disregard income and resources in the same manner as the related cash assistance programs. This is provided for in section 1902(a)(17)(B) of the Act, and is unchanged by this rule. (See 42 CFR 435.831 and 436.831.)

H. Individuals Under Age 21

1. *Provisions:* If the State adopts a medically needy program, the State plan must provide for individuals under age 21 (or, at State option, under the age of

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20, 19, or 18) or any reasonable category of such individuals. (See 42 CFR 435.301 and 436.301 as revised by this rule, and 435.308 and 436.308 as added by this rule.)

2. *Discussion:* This provision implements sections 1902(a)(10)(C)(ii)(I) and 1905(a)(i) of the Act, and is discussed below in section IV, "Individuals Under Age 21".

I. Pregnant Women

1. *Provision:* If the State covers the medically needy, the State plan must provide services for pregnant women, during the course of their pregnancy, who but for income and resources would be eligible as categorically needy. (See 42 CFR 435.301 and 436.301 as revised by this rule.)

2. *Discussion:* This provision implements section 1902(a)(10)(C)(ii)(II) of the Act, and is discussed below in section V, "Pregnant Women".

IV. Individuals Under Age 21

A. Prior Legislation

Before the 1981 Amendments, States were permitted to limit coverage of "dependent children" under their AFDC plans to individuals under age 18. At State option, they could cover students age 18 through 20 who were regularly attending primary, secondary, or vocational school. Furthermore, they could cover individuals age 18 through 20 attending college.

For Medicaid purposes, States were required to cover as categorically needy all individuals under age 21 who were AFDC recipients. States also had to cover, as categorically needy, those who were not AFDC recipients, but would have been except they did not meet age and school attendance requirements. For example, States were required to make eligible for Medicaid as categorically needy a 19 year old who was deprived of parental support and who met the financial criteria for AFDC, but was not in school and thus did not receive AFDC. States could offer Medicaid to the caretaker relatives of these children.

States had the option to cover as categorically needy all individuals under age 21 who would have qualified for AFDC financially, but were not AFDC eligible because they were not deprived of parental support. Furthermore, States could provide Medicaid to all of these individuals or, under Federal regulations, could limit Medicaid eligibility to reasonable classifications of these individuals (42 CFR 435.222 and 436.222).

B. Legislative Changes

By the 1981 Amendments, Congress simultaneously changed the AFDC and the Medicaid programs, both to limit AFDC and to provide more flexibility for Medicaid. Section 2311 of this legislation amended the AFDC program to lower the age limit for coverage of children. States may now limit coverage of otherwise eligible children to individuals under age 18. States also have the option to extend this to individuals under age 19 for children who are attending a secondary school, or receiving the equivalent of technical or vocational training. States can no longer cover as a dependent child an individual 19 years of age or older. Furthermore, attendance at college can no longer be used to qualify an individual over age 18.

Sections 2171 and 2172 of the 1981 amendments made several changes in the Medicaid eligibility rules. States continue to be required to cover as categorically needy all AFDC recipient children. However, States are no longer required to cover, as categorically needy, individuals who are not AFDC recipients, but who would be eligible for AFDC except for age and school requirements. States continue to have the option to cover all individuals under age 21 if they meet certain financial criteria. They are now allowed, however, to limit coverage, by age, to individuals under age 20, or to individuals under age 19 or 18. (However, the State Medicaid agency cannot exclude the 18-year-olds who meet the definition of dependent child under the State AFDC plan.) Furthermore, the statute now specifies that States may limit Medicaid eligibility to "any reasonable category" of individuals within the age range chosen. However, since States must cover AFDC recipients, the "reasonable categories" of the categorically needy must include all AFDC recipient children.

With respect to the medically needy, in section 2171 of the 1981 amendments, Congress required all States which choose to have a medically needy program to make some provision for Medicaid coverage of individuals under age 21 who are not AFDC recipients. (See section 1902(a)(10)(C)(ii)(I) of the Act.) However, Congress gave the States discretion to target assistance for this group, based on the States' priorities for expenditure of Medicaid funds and their assessment of those most in need, by providing the age range and reasonable classification choices described above.

C. Provisions of These Regulations

In order to conform to the above legislative changes, the following provisions are included in this final rule.

1. The State plan must provide Medicaid to individuals under age 19 who receive AFDC assistance as dependent children under the State title IV-A plan. (See 42 CFR 435.3 and 436.2 as revised by this rule.)

Note.—If the State AFDC agency chooses to limit the definition of dependent children to individuals under 18 years of age and limits cash assistance to that age group, the Medicaid agency is only required to offer medical assistance to those under 18 years of age. These persons are included among the mandated categorically needy.

2. The State plan may include under the optional categorically needy those individuals under age 21 (or, at the State option, under age 20, 19, or 18) who do not qualify as AFDC dependent children. In addition, States may limit coverage to reasonable classifications of these persons. (See 42 CFR 435.222 and 436.222, as revised by this rule.) Examples of reasonable classifications are as follows:

a. Individuals in foster homes or private institutions for whom a public agency is assuming a full or partial financial responsibility. If the agency covers these individuals, it may also provide Medicaid to individuals placed in foster homes or private institutions by private nonprofit agencies.

b. Individuals in adoptions subsidized in full or in part by a public agency.

c. Individuals in intermediate care facilities, if intermediate care facility services are provided under the plan. If the agency covers these individuals, it may also provide Medicaid to individuals in intermediate care facilities for the mentally retarded.

3. If the State plan includes the medically needy, the plan must provide medical assistance for individuals meeting the State's income standards who are under age 21 (or, at State option, under 20, 19, or 18), or reasonable classifications of these individuals. However, the statute does not specify whether these individuals must be provided for as medically needy or categorically needy. (As categorically needy, they would be identified as children who would be eligible for AFDC if they met the definition of dependent child. See 42 CFR 435.222 and 436.222. These individuals are also referred to as "Ribicoff children".) Accordingly, these regulations do not mandate the coverage group under which States are to provide for these persons. That decision rests with the

States. Therefore, the State plan may satisfy this requirement by providing for the under age 21 group as categorically needy (these are in addition to AFDC recipients under age 21 and are identified above in item 2) or as medically needy. (See 42 CFR 435.301 and 436.301, as amended by this rule.)

V. Pregnant Women

A. Prior Legislation

Before the 1981 Amendments, title IV–A of the Act (AFDC) did not specifically mention pregnant women. However, by Federal regulations, States were permitted to cover unborn children in their AFDC plans. This had the effect of also permitting States to provide for a pregnant woman, even if she had no other children, under AFDC.

For Medicaid purposes, States were required to cover all AFDC recipients; and, if States provided AFDC for unborn children, this included unborn children and their mothers. Furthermore, States could, at their option, cover unborn children and their mothers even if AFDC did not cover them. Under this option, States could extend Medicaid eligibility as categorically needy; and, if a State with a medically needy program covered unborn children as categorically needy, it was also required to cover them as medically needy.

B. Legislative Changes

The 1981 Amendments excluded payments to meet the needs of unborn children from the definition of AFDC. The statutory language now focuses on pregnant women. Furthermore, the effect of the Amendments is to limit AFDC coverage. AFDC now may be provided to a pregnant woman "only if it has been medically verified that the child is expected to be born in the month such payments are made or within the three-month period following such month of payment, and who if such child had been born and was living with her in the month of payment, would be eligible for aid to families with dependent children" (section 406(b) of the Act).

If a State opts to cover these pregnant women for AFDC, it must also cover them for Medicaid as categorically needy. Furthermore, in order to enable States to provide medical assistance to women throughout pregnancy, Congress added a new provision, section 406(g) of the Act. This section enables States, for purposes of Medicaid eligibility, to deem a woman to be an AFDC recipient, who would otherwise be eligible for AFDC if the child were born and living with her, as soon as pregnancy is medically verified. These deemed AFDC recipients must also be covered for Medicaid as categorically needy. If a State has chosen the "deemed AFDC option" and chooses to have a medically needy program, then the State must cover as medically needy all pregnant women who , but for income and resources, would be eligible as categorically needy, and who meet the medically needy financial requirements.

C. Provisions of These Regulations

1. *Categorically needy.* The State Medicaid plan must provide for all pregnant women who, at State option, are deemed to be recipients of AFDC under section 406(g)(2) of the Act. (See 42 CFR 435.115 and 436.114 which are added by this rule.) This provision implements section 1902(a)(10)(A) of the Act, as amended by section 2171(a)(1) of the 1981 Amendments. (It should be noted that neither the 1981 amendments nor these final regulations change the requirement that the Medicaid agency must provide Medicaid to pregnant women actually receiving AFDC or SSI.)

2. *Medically needy.* The State Medicaid plan must provide Medicaid to pregnant women during the course of their pregnancy who, but for income and resources, would be eligible for Medicaid as categorically needy. (This includes pregnant women who would have been eligible for AFDC, or for one of the other cash assistance programs, such as SSI.) (See 42 CFR 435.301 and 436.301, as amended by this rule.) This provision implements section 1902 (a)(10)(C)(i)(III) of the Act, as provided for by section 2171(a)(3) of the 1981 Amendments.

VI. Covered Services for the medically needy

A. Prior Legislation

Since the enactment of the Act in 1965, the coverage of services for the medically needy has been conditioned, in part, by the coverage provisions related to the categorically needy. Before the 1981 Amendments, the Act contained the following provisions regarding coverage of services for the categorically needy:

1. Under section 1902(a)(13)(B), State plans had to include services specified in section 1905(a)(1)–(5) and (17) of the Act for all categorically needy. These services include such items as physician services, inpatient and outpatient hospital services, and skilled nursing facility (SNF) services for individuals 21 years of age and older.

2. Under section 1902(a)(13)(B), States could provide any number of additional services, specified in section 1905(a)(6)–(16) and (18) of the Act, for the categorically needy. These include items such as dental services, intermediate care facility services, and clinic services.

3. Under section 1902(a)(10)(B), all the categorically needy had to be entitled to the same amount, duration, and scope of services. (The law does specify, however, certain limitations in some cases. For example, SNF services in an institution for mental diseases are limited to persons 65 years of age and older (see section 1905(a)(14) and clause following section 1905(a)(18) of the Act).

4. Under section 1902 (a)(13)(A), States had to provide for the inclusion of some institutional and some noninstitutional services and to provide for home health services for any individual entitled to skilled nursing facility services. (These two requirements applied to both the categorically and medically needy under the State plan.)

Before the 1981 Amendments, the Act also contained the following provisions for services to the medically needy:

1. Under section 1902(a)(10)(B), the amount, duration, and scope of services offered to the medically needy could not be more than the amount, duration, or scope of services offered to the categorically needy.

2. Under section 1902(a)(10)(C), all the medically needy had to be entitled to the same amount, duration and scope of services, the comparability of services requirement.

3. Under 1902(a)(13)(C), States that chose the medically needy option were required, at a minimum, to offer the medically needy either all the services mandated for the categorically needy (sections 1905(a)(1)–(5) and (17) of the Act) or, as an alternative, the care and services listed in any 7 of the 17 paragraphs defining covered services under Medicaid (section 1905(a)(1)–(17) of the Act). If the State chose the latter option for the medically needy, it was required to provide physician services to individuals receiving covered inpatient hospital or SNF services.

B. Legislative Changes

The 1981 Amendments did not change the substance of the provisions regarding covered services for the categorically needy, although it moved the requirements formerly in section 1902(a)(13)(B) of the Act to section 1902(a)(10)(A). However, section 2171 of the 1981 Amendments deleted most of the requirements regarding coverage of services for the medically needy, thereby giving States greater flexibility in designing their Medicaid plans for this population group. In general, the States are permitted to choose the services to be offered to the medically needy without being bound by requirements pertaining to a minimum number of services or a mix of institutional and noninstitutional services. Furthermore, the comparability of services provisions of the former statute have been deleted concerning services to different medically needy groups. (See section 2171(a)(3) of the 1981 Amendments.) States may now offer one set of services for a certain medically needy group, for example, the aged, without being required to offer them to all the medically needy groups. The amendments enable States to focus their resources on those services most urgently needed by specific population groups. These are the groups listed in section 1905(a) of the Act. The State is required, however, to furnish certain specified services to designated individuals. Thus, it is required to furnish ambulatory services to children under age 18, and to individuals entitled to institutional services. Also, the State must provide prenatal and delivery care to pregnant women. Third, if the State plan includes services either in institutions for mental diseases or in intermediate care facilities for the mentally retarded, it must offer a range of services specified in the statute. Finally, the State plan must include home health services for individuals entitled to SNF care.

C. Provisions of These Regulations

These provisions are taken directly from section 2171 of the 1981 Amendments, and they apply only if the State chooses to provide medical assistance for the medically needy:

1. The plan must describe the amount, duration, and scope of services for each covered group of the medically needy. (See 42 CFR 440.230, as amended by this rule.)

2. The State plan must provide that the services available to any member of a covered medically needy group are not less in amount, duration, and scope of services available to other members of that group. Exceptions to this rule are specified below in items 4 and 6. (See 42 CFR 440.240, as amended by this rule.)

3. The services provided for one group of medically needy (for example, the aged) need not be the same in amount, duration, and scope as the services for all medically needy groups. In other words, this rule deletes from current Federal regulations any reference to comparability of services for the medically needy groups. The statutory basis for this deletion is contained in section 2171(a)(3) of the 1981 Amendments which deletes the requirement (formerly section 1902(a)(10)(C)(ii) of the Act) that comparability of services be provided for the medically needy. (See 42 CFR 440.240, as amended by this rule.)

4. The State plan must provide ambulatory services to the following medically needy:

a. Children under 18.

b. Individuals entitled to institutional services. (See 42 CFR 440.220, as amended by this rule.)

We do not define "ambulatory services" in these regulations, but leave that to the States. This will afford States greater flexibility in designing a health care package that will best meet the needs of the population in question. At this time, however, we wish to note that, in the Conference Committee report on the 1981 Amendments, Congress indicated its view that the term ambulatory services means physician, clinic, nurse practitioner, dental, and preventive services (see H.R. Rep. No. 97–208, p. 971). (We believe that this is not to be understood as an all-inclusive list, but only a list of examples.) In the same conference report, the Congress also stated it expects the State to offer a service of sufficient amount, duration, and scope to achieve its purpose.

We further note that, in providing these ambulatory services, the State plan—

a. Must define ambulatory services (See 42 CFR 440.220, as revised by this rule);

b. Need not offer all of the ambulatory services that are offered to the categorically needy, or to other groups of medically needy; and

c. May not offer ambulatory services to the medically needy that are not also offered to the categorically needy.

5. If the plan includes services in institutions for mental diseases (see section 1905(a)(14) or (16) of the Act), or services in an intermediate care facility for the mentally retarded (see section 1905(a)(15) and (d) of the Act), it must offer a full range of services to all the medically needy. (See 42 CFR 440.220, as revised by this rule.) To fulfill this requirement, the State plan has the following options.

a. The State plan may offer those services specified in section 1905(a)(1) through (5) and (17). These are: inpatient hospital services; outpatient hospital services and rural health clinic services; other laboratory and x-ray services; skilled nursing facility services for individuals age 21 or older, early and periodic screening diagnosis and treatment of individuals under age 21, and family planning services and supplies for individuals of child-bearing age; physicians' services; and nurse-midwife services. (Section 965 of Pub. L. 96–499, the Omnibus Reconciliation Act of 1980, mandates payment under Medicaid for nurse-midwife services under certain circumstances. These services are being provided for in 42 CFR 440.165, and we are issuing a separate rule that defines nurse-midwife services.)

b. As an alternative, the State plan may offer any seven services specified in section 1905(a)(1) through (17) in the Act. Those include the services specified above in paragraph "a", plus the following: other practitioners' services; home health care; private duty nursing services; clinic services; dental services; physical therapy and related services; prescribed drugs, dentures, prosthetic devices, and eyeglasses; other diagnostic, screening, preventive, and rehabilitative services; inpatient hospital, skilled nursing facility, and intermediate care facility services for individuals age 65 and older in an institution for mental diseases or tuberculosis; intermediate care facility services (not in a mental institution); and inpatient services for individuals under age 21 in a psychiatric facility.

c. The State plan may offer option "a" to some medically needy groups, while offering option "b" to others.

The requirement that the State plan must offer this range of services is provided for in section 2171(a)(3) of the 1981 Amendments. It should be noted, however, that in accordance with item number 2, above, the amount, duration, and scope of these services need not be the same for all medically needy groups.

6. The plan must provide for prenatal care and delivery services for all eligible pregnant women. (See 42 CFR 440.220, as revised by this rule.)

7. Home health services must be offered to individuals entitled to skilled nursing facility services. (See 42 CFR 440.220, as revised by this rule.)

Some sections of these regulations are affected by statutory provisions that are implemented by other regulations documents also being published at this time. It would be confusing to present the same section with different wording in different documents (by making, in each document, only the particular changes called for by the statutory provisions implemented by that document). In order to avoid this problem, the sections affected by more than one provision are presented in each document with all the changes required by each of the provisions of law that affect them. However, each of the changes is explained only once, in the preamble of the regulations document that implements the provision which requires that particular change.

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VII. Waiver of Proposed Rulemaking

We are publishing these regulations in final form without notice of proposed rulemaking procedures. We believe the rapid implementation of these regulations is desirable in order to give States maximum flexibility in their Medicaid programs. To delay the effective date of these regulations by following a proposed rulemaking procedure would be contrary to the public interest. Also, Congress expressly addressed the issuance of interim final regulations as an option for the development of regulations to implement changes in section 1902(a)(10(C) of the Act (section 2161 of the 1981 Amendments). Moreover, the provisions of these regulations follow closely the language of the statute which is clear.

We, therefore, find good cause to waive notice of proposed rulemaking procedures. However, we invite comments from States and others interested in the provisions of this rule, and we will publish in the **Federal Register** any changes to the regulations that are appropriate.

VIII. Dates

These regulations are effective October 1, 1981. However, that effective date does not permit States time to comply with the new State plan requirements, such as specifying whether the plan provides for participants in work supplementation programs are covered as categorically needy (see, for example 42 CFR 435.115). To accommodate this need, HCFA will not hold a State out of compliance with these requirements if the Medicaid agency submits the preprinted plan amendments and required attachments by December 31, 1981.

IX. Impact Analysis

A. Executive Order 12291

The Secretary has determined, in accordance with Executive Order 12291, that this rule does not constitute a major rule because it will not have an annual effect on the economy of $100 million or more; result in a major increase in costs or prices for consumers, any industries, any governmental agencies or any geographic regions; or otherwise meet the thresholds of the Executive Order. Any substantial economic impacts are attributable to the statute itself, rather than these regulations.

There are no data available on the actual cost impact of the provisions of the new statute. We anticipate the statutory amendments affecting Medicaid eligibility changes will result in fiscal year 1982 savings. However, it is not possible to project how many States (and to what extent) will actually take advantage of the options made available as a result of the amendments. We anticipate significant savings resulting from AFDC related caseload reductions, but these savings are not covered by these regulations.

B. Regulatory Flexibility Analysis

The Secretary certifies, under Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354) that these regulations will not have a significant economic impact on a substantial number of small entities. (A small entity is a small business, a non-profit enterprise, or a small governmental jurisdiction.) As explained above, these regulations provide flexibility to States in determining population and services coverage for the "medically needy". We have no basis for predicting the specific decisions States will make, but these decisions may in some cases adversely impact particular providers in particular locations, through a reduction in coverage and hence income. However, we have no reason to believe that coverage limitations will be so substantial as to threaten the economic viability of health care providers or otherwise cause a "significant" impact on a "substantial" number of providers.

42 CFR Chapter IV is amended as set forth below:

PART 435—ELIGIBILITY IN THE STATES AND DISTRICT OF COLUMBIA

1. The authority citation for Part 435 reads as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

2. Section 435.1 is amended by adding a new paragraph (e) to read as follows:

§ 435.1 Introduction.

* * * * *

(e) Changes in Medicaid eligibility as a result of Pub. L. 97-35—

(1) *General purposes.* The intent of this legislation is to give States more flexibility in determining which individuals will be eligible for Medicaid.

(2) *Categorically needy.* If participants of a work supplementation program are deemed to be AFDC recipients under section 414 of the Act, the State must make them eligible for Medicaid. If certain pregnant women are deemed to be AFDC recipients under section 406 of the Act, the State must make them eligible for Medicaid. The State must provide Medicaid to individuals who are denied AFDC cash payment solely because the payment would be less than $10 a month (section 402(a) of the Act). The upper age limit of AFDC dependent children has been lowered from under age 21 to under age 19.

(3) *Medically needy.* The State is no longer required to include among the medically needy all those groups formerly mandated under the statute, that is the aged, blind, disabled, and families with dependent children, who do not receive cash assistance and whose income and resources are insufficient to enable them to pay for the cost of necessary health care. Rather, the State may restrict participation in the State Medicaid program to some of those groups. However, if the State chooses to provide for medically needy under the State plan, it must provide medical assistance to individuals under age 21, or a younger age, or reasonable classifications, as determined by the State (section 1905(a)(i) of the Act), and to pregnant women who, but for income and resources, would be included among the cagetorically needy (section 1902(a)(10)(C)(ii) of the Act).

3. Section 435.3 is amended to read as follows:

§ 435.3 Basis.

This part implements the following sections of the Act, which state eligibility requirements and standards:

* * * * *

1902(b) Prohibited conditions for eligibility:

* * * * *

Age requirement excluding children under age 19 who meet the definition of dependent child under the State title IV-A plan;

* * * * *

1905(a)(i)-(vii) List of eligible individuals.

* * * * *

4. In § 435.4 the definition "medically needy" is revised to read as follows:

§ 435.4 Definitions and use of terms.

As used in this part—

* * * * *

"Medically needy" means aged, blind, or disabled individuals or families and children who are otherwise eligible for Medicaid, who are not categorically needy, and whose income and resources are within limits set under the Medicaid State plan;

* * * * *

5. The table of contents is amended by removing § 435.111 and adding a new § 435.115 to read as follows:

Subpart B—Mandatory Coverage of the Categorically Needy

* * * * *

435.115 Individuals deemed to be receiving AFDC.

* * * * *

§ 435.111 [Removed]

6. Section 435.111 is removed.

7. A new § 435.115 is added to read as follows:

§ 435.115 Individuals deemed to be receiving AFDC.

(a) The Medicaid agency must provide Medicaid to individuals deemed to be receiving AFDC, as specified in this section.

(b) The State must deem individuals to be receiving AFDC who are denied a cash payment from the title IV-A State agency solely because the amount of the AFDC payment would be less than $10.

(c) The State may deem pregnant women to be receiving AFDC under section 406(g)(2) of the Act. This section permits States, for purposes of title XIX, to deem a pregnant woman to be receiving AFDC if—

(1) She would be eligible for AFDC cash payments if the child had been born and was living with her in the month of payment; and

(2) The pregnancy has been medically verified.

(d) The State may deem participants in a work supplementation program to be receiving AFDC under section 414(g) of the Act. This section permits States, for purposes of title XIX, to deem an individual and any child or relative of the individual (or other individual living in the same household) to be receiving AFDC, if the individual—

(1) Participates in a State-operated work supplementation program under section 414 of the Act; and

(2) Would be eligible for an AFDC cash payment if the individual were not participating in the work supplementation program.

8. Section 435.120 is revised to read as follows:

§ 435.120 Individuals receiving SSI.

(a) *General provisions.* Except as allowed under § 435.121, the agency must provide Medicaid to aged, blind, and disabled individuals or couples who receive SSI, including—

(1) Individuals receiving SSI pending a final determination of blindness or disability;

(2) Individuals receiving SSI under an agreement with the Social Security Administration to dispose of resources that exceed the SSI dollar limits on resources; and

(3) From January 1, 1981 until December 31, 1983, individuals considered to be receiving SSI under 1619(b) of the Act (blind individuals or those with disabling impairments whose income equals or exceeds a specific SSI limit). (See 20 CFR 416.263–416.269 for determinations of eligibility under this provision.)

(b) *Exclusion.* Individuals entitled to benefits under section 1622 of the Act are not to be considered individuals receiving SSI. Section 1622 of the Act provides for certain individuals whose minimum benefits under title II of the Act were reduced by section 2201 of Pub. L. 97–35.

9. Section 435.121 is amended by revising paragraph (c) to read as follows:

§ 435.121 Individuals in States using more restrictive requirements for Medicaid than the SSI requirements.

* * * * *

(c) The following sections of this part apply to the agency's use of more restrictive eligibility requirements:

(1) Section 435.135, treatment of individuals who receive OASDI cost-of-living increases.

(2) Section 435.330, medically needy coverage.

(3) Section 435.530, more restrictive definitions of blindness.

(4) Section 435.540, more restrictive definitions of disability.

(5) Sections 435.731 through 435.733, more restrictive income and resource requirements.

(6) Sections 435.812, 435.823, 435.831, and 435.841, medically needy financial eligibility requirements.

10. The table of contents is amended by removing § 435.221.

§ 435.221 [Removed]

11. Section 435.221 is removed.

12. Section 435.222 is revised to read as follows:

§ 435.222 Individuals under age 21 who would be eligible for AFDC but do not qualify as dependent children.

(a) The agency may provide Medicaid to individuals under age 21 (or, at State option, under age 20, 19 or 18) who would be eligible for AFDC if they met the definition of dependent child. (See 45 CFR 233.90(c)(1).)

(b) The agency may cover all individuals described in paragraph (a) of this section or in reasonable classifications of those individuals. Examples of reasonable classifications are as follows:

(1) Individuals in foster homes or private institutions for whom a public agency is assuming a full or partial financial responsibility. If the agency covers these individuals, it may also provide Medicaid to individuals of the same age placed in foster homes or private institutions by private nonprofit agencies.

(2) Individuals in adoptions subsidized in full or part by a public agency.

(3) Individuals in intermediate care facilities, if intermediate care facility services are provided under the plan. If the agency covers these individuals, it may also provide Medicaid to individuals in intermediate care facilities for the mentally retarded.

(4) Individuals under age 21 receiving active treatment as inpatients in pyschiatric facilities or programs, if inpatient psychiatric services for individuals under 21 are provided under the plan.

13. Section 435.223 is revised to read as follows:

§ 435.223 Individuals who would be eligible for AFDC if coverage under the State's AFDC plan were as broad as allowed under title IV-A.

(a) The agency may provide Medicaid to individuals who—

(1) Would be eligible for AFDC if the State's AFDC plan included individuals whose coverage under title IV-A is optional (for example, Medicaid may be provided to members of families with an unemployed parent even though AFDC is not available to them under the State's AFDC plan); or

(2) Would be eligible for AFDC if the State's AFDC plan did not contain eligibility requirements more restrictive than, or in addition to, those required under title IV-A.

(b) The agency may cover any AFDC optional group without covering all such groups.

14. The table of contents is amended by adding §§ 435.308, 435.322, 435.324, 435.330, and 435.340, revising §§ 435.310 and 435.320, and removing §§ 435.321 and 435.325 as follows:

Subpart D—Optional Coverage of the Medically Needy

435.300 Scope.
435.301 General rule.

* * * * *

435.308 Medically needy coverage of individuals under age 21.
435.310 Medically needy coverage of caretaker relatives.
435.320 Medically needy coverage of aged in States that cover individuals receiving SSI.
435.322 Medically needy coverage of the blind in States that cover individuals receiving SSI.
435.324 Medically needy coverage of the disabled in States that cover individuals receiving SSI.
435.330 Medically needy coverage of aged, blind, and disabled individuals in States that impose more restrictive eligibility requirements.
435.340 Protected medically needy coverage for blind and disabled individuals eligible in December 1973.

* * * * *

15. Section 435.301 is revised to read as follows:

§ 435.301 General rules.

(a) A medicaid agency may provide Medicaid to individuals specified in this subpart who—

(1) Either—

(i) Have income that meets the applicable standards in §§ 435.812 through 435.814; or

(ii) If their income is more than allowed under those standards, have incurred medical expenses at least equal to the difference between their income and the applicable income standard; and

(2) Have resources that meet the applicable standards in §§ 435.840 through 435.843.

(b) If the agency chooses this option, the following provisions apply:

(1) The agency must provide Medicaid to—

(i) All pregnant women during the course of their pregnancy who, but for income and resources, would be eligible for Medicaid as categorically needy; and

(ii) All individuals under age 21 (or, at State option, under age 20, 19, or 18), as specified in § 435.308. For purposes of this requirement, the agency may provide for individuals under age 21 as—

(A) Categorically needy, as specified in § 435.222; or

(B) Medically needy, as specified in § 435.308.

(2) The agency may provide Medicaid to any of the following groups of individuals:

(i) Individuals under age 21 (§ 435.308).

(ii) Caretaker relatives (§ 435.310).

(iii) Aged (§§ 435.320 and 435.330).

(iv) Blind (§§ 435.322, 435.330 and 435.340).

(v) Disabled (§§ 435.324, 435.330 and 435.340).

(3) If the agency provides Medicaid to any individual in a group specified in paragraph (b)(2) of this section, the agency must provide Medicaid to all individuals eligible to be members of that group.

16. A new § 435.308 is added to read as follows:

§ 435.308 Medically needy coverage of individuals under age 21.

(a) If the agency provides Medicaid to the medically needy, it must provide Medicaid to individuals under age 21 (or, at State option, under age 20, 19, or 18), as specified in paragraph (b) of this section, who meet the income and resource standards in Subpart I of this part. (See § 435.301 for required coverage as either categorically or medically needy.)

(b) The agency may cover all individuals described in paragraph (a) of this section or reasonable classifications of those individuals. Examples of reasonable classifications are as follows:

(1) Individuals in foster homes or private institutions for whom a public agency is assuming a full or partial financial responsibility. If the agency covers these individuals, it may also provide Medicaid to individuals placed in foster homes or private institutions by private nonprofit agencies.

(2) Individuals in adoptions subsidized in full or in part by a public agency.

(3) Individuals in intermediate care facilities, if intermediate care facility services are provided under the plan. If the agency covers these individuals, it may also provide Medicaid to individuals in intermediate care facilities for the mentally retarded.

(4) Individuals receiving active treatment as inpatients in psychiatric facilities or programs, if inpatient psychiatric services for individuals under 21 are provided under the plan.

17. Section 435.310 is revised to read as follows:

§ 435.310 Medically needy coverage of caretaker relatives.

(a) If the agency provides for the medically needy, it may provide Medicaid to caretaker relatives, as specified in paragraph (b) of this section, who meet the income and resource standards of Subpart I of this part.

(b) "Caretaker relatives" mean individuals who—

(1) Meet the definition of a caretaker relative under 45 CFR 233.90(c)(1)(v)(A); and

(2) Have in their care an individual who is determined to be dependent, as specified in § 435.510.

18. Section 435.320 is revised to read as follows:

§ 435.320 Medically needy coverage of the aged in States that cover individuals receiving SSI.

If the agency provides Medicaid to individuals receiving SSI and elects to cover the medically needy, it may provide Medicaid to individuals who—

(a) Are 65 years of age and older, as specified in § 435.520; and

(b) Meet the income and resource requirements of Subpart I of this part.

19. A new § 435.322 is added to read as follows:

§ 435.322 Medically needy coverage of the blind in States that cover individuals receiving SSI.

If the agency provides Medicaid to individuals receiving SSI and elects to cover the medically needy, it may provide Medicaid to blind individuals who meet—

(a) The requirements for blindness, as specified in §§ 435.530 and 435.531; and

(b) The income and resource requirements of Subpart I of this part.

20. A new § 435.324 is added to read as follows:

§ 435.324 Medically needy coverage of the disabled in States that cover individuals receiving SSI.

If the agency provides Medicaid to individuals receiving SSI and elects to cover the medically needy, it may provide Medicaid to disabled individual who meet—

(a) The requirements for disability, as specified in §§ 535.540 and 435.541; and

(b) The income and resource requirements of Subpart I of this part.

21. Section 435.321 is redesignated as § 435.330 and revised to read as follows:

§ 435.330 Medically needy coverage of the aged, blind, and disabled in States that impose eligibility requirements more restrictive than used under SSI.

(a) If an agency provides Medicaid as categorically needy only to those aged, blind, or disabled individuals who meet more restrictive requirements than used under SSI and elects to cover the medically needy, it may provide Medicaid as medically needy to those aged, blind, or disabled individuals who—

(1) Are not categorically needy, as specified in paragraph (b) of this section;

(2) Have income and resources within the standards established under Subpart I of this part; and

(3) If applying as blind or disabled, meet the blindness or disability requirements established under § 435.121.

(b) To determine whether an individual is covered as categorically needy or medically needy, the agency must—

(1) Consider as categorically needy those individuals who meet the State's categorically needy financial standard and—

(i) Who, before their incurred medical expenses are deducted from income, meet the financial eligibility requirements for SSI or a State supplement; or

(ii) Whose OASDI increases are not counted under §§ 435.134 and 435.135.

(2) Consider as medically needy all other individuals.

22. Section 435.325 is redesignated as § 435.340 and revised to read as follows:

§ 435.340 Protected medically needy coverage for blind and disabled individuals eligible in December 1973.

If an agency provides Medicaid to the medically needy, it must cover individuals who—

(a) Where eligible as medically needy under the Medicaid plan in December 1973 on the basis of the blindness or disability criteria of the AB, APTD, or AABD plan;

(b) For each consecutive month after December 1973, continue to meet—

(1) Those blindness or disability criteria; and

(2) The eligibility requirements for the medically needy under the December 1973 Medicaid plan; and

(c) Meet the current requirements for eligibility as medically needy under the Medicaid plan except for blindness or disability criteria.

23. Section 435.520 is amended by revising paragraph (a) to read as follows:

§ 435.520 Age requirements for the aged and children.

(a) The agency must not impose—

(1) An age requirement of more than 65 years;

(2) An age requirement that excludes an individual under age 19 who meets the definition of dependent child under the State title IV-A plan; or

(3) A lower age requirement than that under the State's AFDC plan.

* * * * *

24. The table of contents for Subpart I is revised as follows:

Subpart I—Financial requirements for the medically needy

435.800 Scope.

Medically Needy Income Standards

435.811 Medically needy income standards: General requirements.
435.812 Medically needy income standards: Reasonableness.
435.813 [Reserved]
435.814 Medically needy income standards: State plan requirements.
435.815 [Reserved]

Financial Responsibility of Relatives

435.821 Financial responsibility of relatives: individuals under the age 21 and caretaker relatives.
435.822 Financial responsibility of relatives of aged, blind, or disabled individuals in States using SSI eligibility requirements.
435.823 Financial responsibility of relatives of aged, blind, or disabled individuals in States using more restrictive requirements than SSI.

Medically Needy Income Eligibility

435.831 Income eligibility.
435.832 Post-eligibility treatment of income and resources of institutionalized individuals: Application of patient income to the cost of care.

Medically Needed Resource Standards

435.840 Medically needy resource standards: General requirements.
435.841 Medically needy resource standards: Reasonableness.
435.843 Medically needy resource standards: State plan requirements.

Determining Eligibility on the Basis of Resources

435.845 Medically needy resource eligibility.

Treatment of Income and Resources

435.850 Treatment of income and resources: General requirements.
435.851 Treatment of income and resources: Reasonableness.
435.852 Treatment of income and resources: State plan requirements.

25. Section 435.811 is revised to read as follows:

Medically Needy Income Standards

§ 435.811 Medically needy income standards: General requirements.

To determine eligibility of medically needy individuals, a Medicaid agency must use an income standard under this subpart that is—

(a) Based on family size;

(b) Uniform for all individuals in a covered group;

(c) For FFP purposes, not in excess of 133⅓ percent of the highest money payment that ordinarily would be made in the State AFDC program to an individual or a family of comparable size (see § 435.1007); and

(d) Reasonable (see § 435.812).

26. Section 435.812 is revised to read as follows:

§ 435.812 Medically needy income standards: Reasonableness.

(a) The agency must use a medically needy income standard that is reasonable.

(b) The following medically needy income standards are presumed to be reasonable:

(1) The agency provides one medically needy income standard for all covered medically needy groups. Except as provided in paragraphs (c) and (d) of this section, the standard must at least equal the highest income or payment standard used to determine eligibility in the cash assistance programs (or an optional State supplement, if the agency provides Medicaid under § 435.230) related to the covered medically needy groups.

(2) The agency provides a different medically needy income standard for each covered medically needy group. Except as provided in paragraphs (c) and (d) of this section, the standard for each covered group must at least equal the income or payment standard used to determine eligibility in the cash assistance program (or an optional State supplement, if the agency provides Medicaid under § 435.230) related to that covered medically needy group.

(c) The agency may use a lower medically needy income standard than the standards specified in paragraph (b) of this section if—

(1) The income standard used under paragraph (b) of this section exceeds the maximum dollar amount on income allowed for purposes of FFP under § 435.1007; and

(2) The lower income standard at least equals the maximum amount allowed for purposes of FFP.

(d) In the case of an agency that provides Medicaid for the aged, blind, or disabled individuals only if they meet more restrictive requirements than used under SSI, the following provisions apply:

(1) The agency may use an income standard for those individuals that is lower than the standard specified in paragraph (b) of this section.

(2) The lower standard must at least equal the medically needy income standard for those aged, blind, or disabled individuals under the State's plan on January 1, 1972.

(e) If the agency uses a medically needy income standard not specified in paragraphs (b) through (d) of this section—

(1) That standard is not presumed to be reasonable; and

(2) HCFA must approve the standard.

27. Section 435.814 is revised to read as follows:

§ 435.814 Medically needy income standards: State plan requirements.

(a) The State plan must specify the income standard for each covered medically needy group.

(b) If the agency uses an income standard that is not presumed to be reasonable under § 435.812, the State plan must describe that standard.

§ 435.816 [Removed]

28. Section 435.816 is removed.

29. Section 435.821 is revised to read as follows:

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§ 435.821 Financial responsibility of relatives: Individuals under age 21 and caretaker relatives.

(a) The agency must meet the requirements of this section in determining eligibility—

(1) Under § 435.308 of medically needy individuals under age 21; and

(2) Under § 435.310 of medically needy caretaker relatives.

(b) The agency must consider income and resources that are actually contributed by the spouse or parent as available to the individual.

(c) The agency may consider income and resources of spouses or parents as available to the individual even if they are not actually contributed to the individual.

30. Section 435.822 is revised to read as follows:

§ 435.822 Financial responsibility of relatives of aged, blind, or disabled individuals in States using SSI eligibility requirements.

(a) The agency must meet the requirements of this section in determining eligibility—

(1) Under § 435.320 of medically needy aged individuals;

(2) Under § 435.322 of medically needy blind individuals; and

(3) Under § 435.324 of medically needy disabled individuals.

(b) For aged, blind, or disabled individuals with spouses, the agency—

(1) Must consider income and resources that are actually contributed by one spouse to another; and

(2) May consider income and resources of spouses as available to each other even if they are not actually contributed.

(c) For blind or disabled individuals under age 21—

(1) The agency must consider the parent's or spouse's income and resources as available if they are actually contributed to the individual; and

(2) The agency may consider the parent's or spouse's income and resources as available even if they are not actually contributed.

31. Section 435.823 is revised to read as follows:

§ 435.823 Financial responsibility of relatives of aged, blind, or disabled individuals in States using more restrictive requirements than SSI.

(a) The agency must meet the requirements of this section in determining eligibility under § 435.330 of medically needy aged, blind, and disabled individuals.

(b) For aged, blind, or disabled individuals with spouses, the agency—

(1) Must consider income and resources as available if they are actually contributed by one spouse to the other; and

(2) May consider income and resources of spouses as available to each other even if they are not actually contributed.

(c) For blind or disabled individuals under age 21, the agency—

(1) Must consider the parent's or spouse's income and resources as available if they are actually contributed to the individual; and

(2) May consider the parent's or spouse's income and resources as available even if they are not actually contributed.

32. In § 435.831, paragraphs (a)(1), (b), and (d) are revised as follows:

§ 435.831 Income eligibility.

The agency must determine income eligibility of medically needy individuals in accordance with this section. The agency must use a prospective period of not more than 6 months to compute income.

(a) *Determining countable income.* The agency must deduct the following amounts from income to determine the individual's countable income.

(1) For individuals under age 21 and caretaker relatives, the agency must deduct amounts that would be deducted in determining eligibility under the State's AFDC plan.

* * * * *

(b) *Eligibility based on countable income.* If countable income determined under paragraph (a) of this section is equal to or less than the applicable income standard under § 435.814, the individual or family is eligible for Medicaid.

* * * * *

(d) *Eligibility based on incurred medical expenses.* Once deduction of incurred medical expenses reduces income to the income standard, the individual is eligible for Medicaid.

33. Section 435.832(c) (2)(iii) and (3) are revised as follows:

§ 435.832 Post-eligibility treatment of income and resources of institutionalized individuals: Application of patient income to the cost of care.

* * * * *

(c) The agency must deduct the following amounts, in the following order, from the individual's total income including amounts disregarded in determining eligibility:

* * * * *

(2) For an individual with only a spouse at home, an additional amount for the maintenance needs of the spouse. This amount must be based on a reasonable assessment of need but must not exceed the highest of—

* * * * *

(iii) The amount of the highest medically needy income standards for one person established under § 435.814.

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family. This amount must—

(i) Be based on a reasonable assessment of their financial need;

(ii) Be adjusted for the number of family members living in the home; and

(iii) Not exceed the highest of the following need standards for a family of the same size:

(A) The standard used to determine eligibility under the State's approved AFDC plan.

(B) The standards used to determine eligibility under the State's Medicaid plan, as provided for in § 435.814.

* * * * *

34. Section 435.840 is revised to read as follows:

§ 435.840 Medically needy resource standards: General requirements.

To determine eligibility of medically needy individuals, a Medicaid agency must use a resource standard under this subpart that is—

(a) Based on family size;

(b) Uniform for all individuals in a group; and

(c) Reasonable.

35. Section 435.841 is revised to read as follows:

§ 435.841 Medically needy resource standards: Reasonableness.

(a) The agency must use a medically needy resource standard that is reasonable, according to the provisions of this section.

(b) The following medically needy resource standards are presumed to be reasonable:

(1) The agency provides one medically needy resource standard for all covered medically needy groups. Except as provided in paragraph (c) of this section, the standard must at least equal the highest resource standard used to determine eligibility in the cash assistance programs (or an optional State supplement, if the agency provides Medicaid under § 430.230) related to the covered medically needy groups.

(2) The agency provides a different medically needy resource standard for each covered medically needy group. Except as provided in paragraph (c) of this section, the standard for each covered group must at least equal the resource standard used to determine eligibility in the cash assistance program

(or an optional State supplement, if the agency provides Medicaid under § 435.230) related to that covered medically needy group.

(c) In the case of an agency that provides Medicaid for the aged, blind, or disabled individuals only if they meet more restrictive requirements than used under SSI, the following provisions apply:

(1) The agency may use a resource standard for those individuals that is lower than the standard specified in paragraph (b) of this section.

(2) The lower standard must at least equal the medically needy resource standard for those aged, blind, or disabled individuals under the State's plan on January 1, 1972.

(d) If the Agency uses a medically needy resource standard not specified in paragraphs (b) and (c) of this section—

(1) That standard is not presumed to be reasonable; and

(2) HCFA must approve the standard.

36. A new § 435.843 is added to read as follows:

§ 435.843 Medically needy resource standards: State plan requirements.

(a) The State plan must specify the resource standard for each covered medically needy group.

(b) If the agency uses a resource standard that is not presumed to be reasonable under § 435.841, the State plan must describe that standard.

37. Section 435.845 is amended by revising paragraphs (c) and (f) to read as follows:

§ 435.845 Medically needy resource eligibility.

To determine eligibility on the basis of resources for medically needy individuals, the agency must—

* * * * *

(c) For individuals under age 21 and caretaker relatives, deduct the value of resources that would be deducted in determining eligibility under the State's AFDC plan;

* * * * *

(f) Apply the resource standards established under § 435.843.

38. A new § 435.850 is added to read as follows:

Treatment of Income and Resources

§ 435.850 Treatment of income and resources: General requirements.

To determine eligibility of medically needy individuals, a Medicaid agency must use a methodology for the treatment of income and resources that is—

(a) Uniform for all individuals in a covered group; and

(b) Reasonable (see § 435.851).

39. A new § 435.851 is added to read as follows:

§ 435.851 Treatment of income and resources: Reasonableness.

(a) The agency must use a methodology for the treatment of income and resources, to determine eligibility of the medically needy, that is reasonable.

(b) The methodology used to determine eligibility of individuals in the cash assistance program related to the covered medically needy group is presumed to be reasonable.

(c) If the agency provides Medicaid for the aged, blind, or disabled individuals who meet more restrictive requirements than used under SSI, the methodology for the treatment of income and resources of those aged, blind, or disabled individuals under the State's plan on January 1, 1972, is presumed to be reasonable.

(d) If the agency uses a methodology not described in paragraphs (b) and (c) of this section—

(1) The methodology is not presumed to be reasonable; and

(2) HCFA must approve that methodology.

40. A new § 435.852 is added to read as follows:

§ 435.852 Treatment of income and resources: State plan requirements.

(a) The State's plan must specify the methodology used to treat the income and resources for each covered medically needy group.

(b) If the agency uses a methodology that is not presumed to be reasonable under § 435.851, the State plan must describe that methodology.

PART 436—ELIGIBILITY IN GUAM, PUERTO RICO, AND THE VIRGIN ISLANDS

41. The authority citation for Part 436 reads as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

42. Section 436.2 is amended by changing the wording of the second item listed under 1902(b) as follows:

§ 436.2 Basis.

This part implements the following sections of the Act, which state requirements and standards for eligibility:

* * * * *

1902(b) Prohibited conditions for eligibility:
Age requirement of more than 65 years;
Age requirement excluding children under age 19 who meet the definition of dependent child under the State title IV–A plan;

* * * * *

43. Section 436.3 is amended by revising the definition for "medically needy" as follows:

§ 436.3 Definitions and use of terms.

As used in this part—

* * * * *

"Medically needy" means aged, blind, or disabled individuals or families and children who are otherwise eligible for Medicaid, who are not categorically needy and whose income and resources are within limits set under the Medicaid State plan.

* * * * *

44. The Table of Contents is amended by adding a new § 436.114 and by removing § 436.115 as follows:

Subpart B—Mandatory Coverage of the Categorically Needy

* * * * *

436.114 Individuals deemed to be AFDC recipients.

* * * * *

45. A new § 436.114 is added to read as follows:

§ 436.114 Individuals deemed to be receiving AFDC.

(a) The Medicaid agency must provide Medicaid to individuals deemed to be receiving AFDC, as specified in this section.

(b) The State must deem individuals to be receiving AFDC who are denied a cash payment from the title IV–A State agency solely because the amount of the AFDC payment would be less than $10.

(c) The State may deem pregnant women to be receiving AFDC under section 406(g)(2) of the Act. This section permits States, for purposes of title XIX, to deem a pregnant woman to be receiving AFDC if—

(1) She would be eligible for AFDC cash payments if the child had been born and was living with her in the month of payment; and

(2) The pregnancy has been medically verified.

(d) The State may deem participants in a work supplementation program to be receiving AFDC under section 414(g) of the Act. This section permits States, for purposes of title XIX, to deem an individual and any child or relative of the individual (or other individual living in the same household) to be receiving AFDC, if the individual—

(1) Participates in a State-operated work supplementation program under section 414 of the Act; and

(2) Would be eligible for an AFDC cash payment if the individual were not participating in the work supplementation program.

§ 436.115 [Removed]

46. Section 436.115 is removed.

47. The Table of Contents is amended by removing § 436.221.

48. Section 436.212(a)(1) is revised as follows:

§ 436.212 Individuals who would be eligible for cash assistance if the State plan for OAA, AFDC, AB, APTD, or AABD were as broad as allowed under the Act.

(a) The agency may provide Medicaid to individuals who—

(1) Would be eligible for OAA, AFDC, AB, APTD, or AABD if the State's plan under those programs included individuals whose coverage under title I, IV-A, X, XIV, or XVI is optional (for example, the agency may provide Medicaid to members of families with an unemployed parent even though the State's AFDC plan does not include them); or

* * * * *

§ 436.221 [Removed]

49. Section 436.221 is removed.

50. Section 436.222 is revised to read as follows:

§ 436.222 Individuals under age 21 who would be eligible for AFDC but do not qualify as dependent children.

(a) The agency may provide Medicaid to individuals under age 21 (or, at State option, under age 20, 19 or 18) who would be eligible for AFDC if they met the definition of dependent child. (See 45 CFR 233.90(c)(1).)

(b) The agency may cover all individuals described in paragraph (a) of this section or reasonable classifications of those individuals. Examples of reasonable classifications are as follows:

(1) Individuals in foster homes or private institutions for whom a public agency is assuming a full or partial financial responsibility. If the agency covers these individuals, it may also provide Medicaid to individuals of the same age in foster homes or private institutions by private nonprofit agencies.

(2) Individuals in adoptions subsidized in full or in part by a public agency.

(3) Individuals in intermediate care facilities, if intermediate care facility services are provided under the plan. If the agency covers these individuals, it may also provide Medicaid to individuals in intermediate care facilities for the mentally retarded.

(4) Individuals receiving active treatment as inpatients in psychiatric facilities or programs, if inpatient psychiatric services for individuals under 21 are provided under the plan.

51. The Table of Contents for Subpart D of Part 436 is revised as follows:

Subpart D—Optional Coverage of the Medically Needy

436.300 Scope.
436.301 General rules.
436.308 Medically needy coverage of individuals under age 21.
436.310 Medically needy coverage of caretaker relatives.
436.320 Medically needy coverage of the aged.
436.321 Medically needy coverage of the blind.
436.322 Medically needy coverage of the disabled.

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

52. Section 436.301 is revised to read as follows:

§ 436.301 General rules.

(a) A Medicaid agency may provide Medicaid to individuals specified in this subpart who—

(1) Either—

(i) Have income that meets the standards in § 436.814; or

(ii) If their income is more than allowed under those standards, have incurred medical expenses at least equal to the difference between their income and the applicable income standards; and

(2) Have resources that meet the standards in § 436.843.

(b) If the agency chooses this option, the following provisions apply:

(1) The agency must provide Medicaid to—

(i) All pregnant women during the course of their pregnancy who, but for income and resources, would be eligible for Medicaid as categorically needy; and

(ii) All individuals under age 21 (or, at State option, under age 20, 19, or 18), or specified in § 436.308. For purposes of this requirement, the agency must provide for individuals under age 21 as—

(A) Categorically needy, as specified in § 436.222; or

(B) Medically needy, as specified in § 436.308.

(2) The agency may provide Medicaid to any or all of the following groups of individuals:

(i) Individuals under age 21 (§ 436.308).

(ii) Caretaker relatives (§ 436.310).

(iii) Aged (§ 436.320).

(iv) Blind (§ 436.321).

(v) Disabled (§ 436.322).

(3) If the agency provides Medicaid to any individual in a group specified in paragraph (b)(2) of this section, the agency must provide Medicaid to all individuals eligible to be members of that group.

53. A new § 436.308 is added to read as follows:

§ 436.308 Medically needy coverage of individuals under age 21.

(a) If the agency provides Medicaid to the medically needy, it must provide Medicaid to individual under age 21 (or, at State option, under age 20, 19, or 18), as specified in paragraph (b) of this section, who meet the income and resource standards in Subpart I of this part. (See § 436.301 for required coverage as either categorically or medically needy.)

(b) The agency may cover all individuals in paragraph (a) of this section or individuals in reasonable classifications. Examples of reasonable classifications are as follows:

(1) Individuals in foster homes or private institutions for whom a public agency is assuming a full or partial financial responsibility. If the agency covers these individuals, it may also provide Medicaid to individuals placed in foster homes or private institutions by private nonprofit agencies.

(2) Individuals in adoptions subsidized in full or in part by a public agency.

(3) Individuals in intermediate care facilities, if intermediate care facility services are provided under the plan. If the agency covers these individuals, it may also provide Medicaid to individuals in intermediate care facilities for the mentally retarded.

(4) Individuals receiving active treatment as inpatients in psychiatric facilities or programs, if inpatient psychiatric services for individuals under 21 are provided under the plan.

54. Section 436.310 is revised to read as follows:

§ 436.310 Medically needy coverage of caretaker relatives.

(a) If the agency provides for the medically needy, it may provide Medicaid to caretaker relatives, as specified in paragraphs (b), (c), and (d) of this section, who meet the income and resource standards of Subpart I of this part.

(b) "Caretaker relatives" mean individuals who—

(1) Meet the definition of a caretaker relative under 45 CFR 233.90(c)(1)(v)(A); and

(2) Have in their care an individual who is determined to be dependent, as specified in § 436.510.

55. Section 436.320 is revised to read as follows:

§ 436.320 Medically needy coverage of the aged.

If the agency provides Medicaid to the medically needy, it may provide Medicaid to individuals who—

(a) Are 65 years of age and older, as provided for in § 436.520; and

(b) Meet the income and resource requirements of Subpart I of this part.

56. A new § 436.321 is added to read as follows:

§ 436.321 Medically needy coverage of the blind.

If the agency provides Medicaid to the medically needy, it may provide Medicaid to blind individuals who meet—

(a) The requirements for blindness, as specified in §§ 436.530 and 436.531; and

(b) The income and resource requirements of Subpart I of this part.

57. A new § 436.322 is added to read as follows:

§ 436.322 Medically needy coverage of the disabled.

If the agency provides Medicaid to the medically needy, it may provide Medicaid to disabled individuals who meet—

(a) The requirements for disability, as specified in §§ 436.540 and 436.541; and

(b) The income and resource requirements of Subpart I of this part.

§ 436.330 [Removed]

58. Section 436.330 is removed.

59. Section 436.520 is amended by revising paragraph (a) to read as follows:

§ 436.520 Age requirements for the aged and children.

(a) The agency must not impose—

(1) An age requirement of more than 65 years;

(2) An age requirement that excludes an individual under age 19 who meets the definition of dependent child under the State title IV–A plan; or

(3) A lower age requirement than that under the State AFDC plan.

* * * * *

60. Section 436.811 is revised to read as follows:

§ 436.811 Medically needy income standards: General requirements.

To determine eligibility of medically needy individuals, the agency must use an income standard under this subpart that is—

(a) Based on family size;

(b) Uniform for all individuals in a covered group;

(c) Reasonable; and

(d) For FFP purposes, not in excess of 133⅓ percent of the highest money payment that ordinarily would be made in the State AFDC program to an individual or a family of comparable size (see § 435.1007).

61. Section 436.812 is revised to read as follows:

§ 436.812 Medically needy income standards: Reasonableness.

(a) The agency must use a medically needy income standard that is reasonable, according to the provisions of this section.

(b) The following medically needy income standards are presumed to be reasonable:

(1) The agency provides for one medically needy income standard for all covered medically needy groups. Except as provided in paragraph (c) of this section, that standard must at least equal the highest income standard used on or after January 1, 1966, to determine eligibility for the OAA, AFDC, AB, APTD, and AABD programs that are related to the covered medically needy groups.

(2) The agency provides for a different medically needy income standard for each covered medically needy group. Except as provided in paragraph (c) of this section, the standard for each covered group must at least equal the income standard used on or after January 1, 1966, to determine eligibility for the OAA, AFDC, AB, APTD, or AABD program that is related to that covered medically needy group.

(c) The agency may use a medically needy income standard, that is lower than the standards specified in paragraph (b) of this section, if—

(1) The medically needy income standard in paragraph (b) of this section exceeds the maximum dollar amount or income allowed for purposes of FFP under §435.1007; and

(2) The lower income standard at least equals the maximum amount allowed for purposes of FFP.

(d) If the agency provides for a medically needy income standard not specified in paragraphs (b) or (c) of this section—

(1) That standard is not presumed to be reasonable; and

(2) HCFA must approve that standard.

62. A new § 436.814 is added to read as follows:

§ 436.814 Medically needy income standard: State plan requirements.

(a) The State plan must specify the income standard for each covered medically needy group.

(b) If the agency provides for an income standard that is not presumed to be reasonable under § 435.812, the State plan must describe that standard.

63. Section 436.821 is amended by revising the introductory text and paragraph (a) as follows:

§ 436.821 Financial responsibility of spouses and parents.

In determining eligibility of medically needy individuals, the agency may use the rules for determining whether the income of a spouse or parent is available to the individual that would be used if he were applying for OAA, AFDC, AB, APTD or AABD. However—

(a) For individuals under age 21 and caretaker relatives, the agency must consider parental income and resources available to a child who is living with the parent until he becomes 21, even if State law confers adult status below age 21; and

* * * * *

64. Section 436.831 is amended by revising paragraphs (b) and (d) to read as follows:

§ 436.831 Income eligibility.

The agency must determine income eligibility of medically needy individuals in accordance with this section. The agency must use a prospective period of not more than 6 months to compute income.

* * * * *

(b) *Eligibility based on countable income.* If countable income determined under paragraph (a) of this section is equal to or less than the applicable income standard under § 436.814, the individual is eligible for Medicaid.

* * * * *

(d) *Eligibility based on incurred medical expenses.* Once deduction of incurred medical expenses reduces income to the income standard, the individual is eligible for Medicaid.

* * * * *

65. Section 436.832(c) (2) and (3) are revised as follows:

§ 436.832 Post-eligibility treatment of income and resources of institutionalized individuals. Application of patient income to the cost of care.

(a) The agency must reduce its payment to an institution, for services provided to an individual specified in paragraph (b) of this section, by the amount that remains after deducting the amounts specified in paragraph (c) from the individual's income.

* * * * *

(c) The agency must deduct the following amounts, in the following order, from the individual's total income including amounts disregarded in determining eligibility:

* * * * *

(2) For an individual with only a spouse at home, an additional amount for the maintenance needs of the spouse. This amount must be based on a reasonable assessment of need but must not exceed the higher of—

(i) The amount of the highest need standard for an individual without income and resources under the State's approved plan for OAA, AFDC, AB, APTD, or AABD; or

(ii) The amount of the highest medically needy income standard for one person established under § 436.814.

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family. This amount must—

(i) Be based on a reasonable assessment of their financial need;

(ii) Be adjusted for the number of family members living in the home; and

(iii) Not exceed the highest of the following need standards for a family of the same size:

(A) The standard used to determine eligibility under the State's Medicaid plan, as provided for in § 436.814.

(B) The standard used to determine eligibility under the State's approved AFDC plan.

* * * * *

66. Section 436.840 is revised to read as follows:

§ 436.840 Medically needy resource standards: General requirements.

To determine eligibility of medically needy individuals, the Medicaid agency must use a resource standard under this subpart that is—

(a) Based on family size;

(b) Uniform for all individuals in a group; and

(c) Reasonable.

67. A new § 436.841 is added to read as follows:

§ 436.841 Medically needy resource standards: Reasonableness.

(a) The agency must use a medically needy resource standard that is reasonable, according to the provisions of this section.

(b) The following medically needy resource standards are presumed to be reasonable:

(1) The agency provides one medically needy resource standard for all covered medically needy groups. The standard must at least equal the highest resource standard used on or after January 1, 1966, to determine eligibility for the OAA, AFDC, AB, APTD, and AABD programs that are related to the covered medically needy groups.

(2) The agency provides for a different medically needy resource standard for each covered medically needy group. The standard for each covered group must at least equal the resource standard used on or after January 1, 1966, to determine eligibility for the OAA, AFDC, AB, APTD, or AABD program that is related to that covered medically needy group.

(c) If the agency provides for a medically needy resource standard not specified in paragraph (b) of this section—

(1) That standard is not presumed to be reasonable; and

(2) HCFA must approve the standard.

68. A new § 436.843 is added to read as follows:

§ 436.843 Medically needy resource standards: State plan requirements.

(a) The State plan must specify the resource standard for each covered medically needy group.

(b) If the agency provides for a resource standard that is not presumed reasonable under § 435.841, the State plan must describe that standard.

69. Section 436.845 is amended by revising paragraph (d) to read as follows:

§ 436.845 Medically needy resource eligibility.

To determine eligibility on the basis of resources for medically needy individuals, the agency must—

* * * * *

(d) Apply the resource standards established under § 436.843.

70. A new § 436.850 is added to read as follows:

Treatment of Income and Resources

§ 436.850 Treatment of income and resources: General requirements.

To determine eligibility of medically needy individuals, a Medicaid agency must use a methodology for the treatment of income and resources that is—

(a) Uniform for all individuals in a covered group; and

(b) Reasonable (see § 436.851).

71. A new § 436.851 is added to read as follows:

§ 436.851 Treatment of income and resources: Reasonableness.

(a) The agency must use a methodology for the treatment of income and resources, to determine eligibility of the medically needy, that is reasonable.

(b) The methodology used to determine eligibility of cash assistance program related to the covered medically needy group is presumed to be reasonable.

(c) If the agency uses a methodology not described in paragraph (b) of this section—

(1) The methodology is not presumed to be reasonable; and

(2) HCFA must approve that methodology.

72. A new § 436.852 is added to read as follows:

§ 436.852 Treatment of income and resources: State plan requirements.

(a) The State plan must specify the methodology used to treat the income and resources for each covered medically needy group.

(b) If the agency uses a methodology that is not presumed to be reasonable under § 436.851, the State plan must describe that methodology.

PART 440—SERVICES: GENERAL PROVISIONS

73. The Table of Contents is amended by adding a new § 440.165 to read as follows:

Subpart A—Definitions

* * * * *

440.165 Nurse-midwife services. [Reserved]

* * * * *

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

74. A new § 440.165 is added to read as follows:

§ 440.165 Nurse-midwife services. [Reserved]

75. Section 440.200 is revised to read as follows:

§ 440.200 Basis, purpose, and scope.

(a) This subpart implements—

(1) Section 1902(a)(10), regarding comparability of services for groups of recipients, and the amount, duration, and scope of services described in 1905(a) of the Act that the State plan must provide for recipients;

(2) Section 1902(a)(22)(D), which provides for standards and methods to assure quality of services; and

(3) Section 1907 on observance of religious beliefs.

(b) The requirements and limits of this subpart apply for all services defined in Subpart A of this part.

76. Section 440.220 is revised to read as follows:

§ 440.220 Required services for the medically needy.

Except as limited in § 440.250, a State plan that includes the medically needy must specify that the medically needy are provided, as a minimum, the following services:

(a) Prenatal care and delivery services for pregnant women.

(b) Ambulatory services, as defined in the State plan, for—

(1) Individuals under age 18; and

(2) Individuals entitled to institutional services.

(c) Home health services (§ 440.70) to any individual entitled to skilled nursing facility services.

(d) If the State plan includes services in an institution for mental diseases (§§ 440.140 and 440.160) or in an intermediate care facility for the mentally retarded (§ 440.150(c)) for any group of medically needy, either of the following sets of services to each of the medically needy groups:

(1) The services contained in §§ 440.10–440.50 and 440.165; or

(2) The services contained in any seven of the sections in §§ 440.10–440.165.

77. Section 440.230 is revised to read as follows:

§ 440.230 Sufficiency of amount, duration, and scope.

(a) The plan must specify the amount, duration, and scope of each service that it provides for—

(1) The categorically needy; and

(2) Each covered group of medically needy.

(b) Each service must be sufficient in amount, duration, and scope to reasonably achieve its purpose.

(c) The Medicaid agency may not arbitrarily deny or reduce the amount, duration, or scope of a required service under §§ 440.210 and 440.220 to an otherwise eligible recipient solely because of the diagnosis, type of illness, or condition.

(d) The agency may place appropriate limits on a service based on such criteria as medical necessity or on utilization control procedures.

78. Section 440.240 is revised to read as follows:

§ 440.240 Comparability of services for groups.

Except as limited in § 440.250—

(a) The plan must provide that the services available to any categorically needy recipient under the plan are not less in amount, duration, and scope than those services available to a medically needy recipient; and

(b) The plan must provide that the services available to any individual in the following groups are equal in amount, duration, and scope for all recipients within the group:

(1) The categorically needy.

(2) A covered medically needy group.

79. Section 440.250 is amended by adding new paragraphs (h) through (k) to read as follows:

§ 440.250 Limits on comparability of services.

* * * * *

(h) Ambulatory services for the medically needy (§ 440.220(b)) may be limited to—

(1) Individuals under age 18; and

(2) Individuals entitled to institutional services.

(i) Services provided under an exception to requirements allowed under § 431.54 may be limited as provided under that exception.

(j) If HCFA has approved a waiver of Medicaid requirements under § 431.55, services may be limited as provided by the waiver.

(k) If the agency has been granted a waiver of the requirements of § 440.240 (Comparability of services) in order to provide home or community-based services under § 440.180, the services provided under the waiver need not be comparable for all individuals within a group.

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

80. The authority citation for Part 441 reads as follows:

Authority. Sec. 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

81. Section 441.10 is amended by revising paragraph (a) to read as follows:

Subpart A—General Provisions

§ 441.10 Basis.

This subpart is based on the following sections of the Act which state requirements and limits on the services specified or provide Secretarial authority to prescribe regulations relating to services.

(a) Sections 1902(a)(10)(D) and 1905(a)(7) for home health services (§ 441.15).

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.714 Medical Assistance Program)

Dated: September 16, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 24, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-28324 Filed 9-29-81; 8:45 am]

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Wednesday
September 30, 1981

Part V

Department of Health and Human Services

Health Care Financing Administration

Medicaid Program; Reductions in Payments to States

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 433

45 CFR Part 201

Medicaid Program; Reductions in Payments to the States

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim Final Rule with Comment Period.

SUMMARY: This rule amends current Medicaid regulations to implement section 2161 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) which imposes reductions in Federal matching payments for fiscal years 1982 through 1984. In the regulations, we describe the conditions and specify minimum criteria under which States may lower the reduction. The conditions are the existence of a qualified hospital cost review program, a specific level of unemployment in a State, and a specific amount of fraud and abuse recoveries by a State or, for fiscal year 1982 only, a combination of fraud and abuse and third party liability recoveries. We intend these regulations to provide guidance as to when the reductions, and offsets against the reductions, will be made and how States can qualify for the offsets.

In addition, we have issued a notice of proposed rulemaking elsewhere in this issue of the Federal Register that contains proposed policies concerning recoveries from liable third parties for purposes of implementing section 2161.

DATES: This rule is effective September 30, 1981. It is being issued as a final rule for reasons explained in Waiver of Proposed Rulemaking in the Supplementary Information section below. However, we will consider any comments mailed by November 30, 1981, and revise the regulations, if necessary.

Sections 433.209 and 433.213 of these regulations contain reporting or recordkeeping requirements that have not been approved by the Office of Management and Budget (OMB). The reporting or recordkeeping referenced in these sections is not required until OMB approval has been obtained. HCFA will publish a further notice in the **Federal Register** when OMB approves or disapproves these requirements.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17076, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309-G Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPO-26-FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309-G of the Department's office at 200 Independence Ave., S.W., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if as a result of comments, we believe that changes are needed in these regulations, we will publish the changes in the **Federal Register** and respond to the comments in the preamble of that document.

FOR FURTHER INFORMATION CONTACT: Charles Schreibeis, 301-597-1702.

SUPPLEMENTARY INFORMATION:

I. Background

A. Program Description

Medicaid, authorized under title XIX of the Social Security Act, is a program that provides medical assistance to certain categories of individuals and families with low income. The program is funded by both the Federal government and the States, but is administered by the individual States. Each State designs its own program within certain Federal guidelines. Thus, there is substantial variation among the States in the nature of the program itself and in the way in which the program is administered. For example, eligibility requirements, the range of medical services provided to beneficiaries, and the policies governing the ways in which providers of health care services are reimbursed may differ extensively from State to State. Additionally, because of differing levels of administrative resources and the scope of individual programs, the various States emphasize specific administrative aspects of their program, such as fraud and abuse activities, to varying degrees.

Under current law, as noted above, Medicaid is financed jointly with Federal and State funds. Generally, the Federal government shares in the cost of health care services covered under each State's Medicaid program, with the Federal contribution determined under a statutory formula (sections 1903(a) and 1905(b) of the Social Security Act) that is designed to have the Federal government pay a proportionally larger share of the program in States with lower per capita income as compared to the national per capita income. The Federal government also shares in the cost of the administration of each State's Medicaid program (section 1903(a) of the Act).

B. Section 2161 of the Omnibus Budget Reconciliation Act of 1981

On August 13, 1981, the President signed the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). Section 2161 of that Act added sections 1903(s) and (t) to the Social Security Act and mandated progressive reductions in total Federal Medicaid payments to the States for fiscal years 1982 through 1984. Under the law, Federal matching payments to which a State is entitled are to be reduced by three percent of each quarter's payment in fiscal year (FY) 1982, four percent in FY 83, and four and one half percent in FY 84. However, Congress provided that a State may lower the amount of its reduction by one percentage point for each quarter in the year for each of the following conditions:

- The State has in operation a qualified hospital cost review program.
- The State has an unemployment rate equal to or exceeding 150 percent of the national average.
- The State demonstrates recoveries of Medicaid funds, as a result of fraud and abuse initiatives, equal to one percent of the Federal share of total expenditures. With respect to FY 82 only, States may qualify for this decrease if the combination of recoveries from fraud and abuse and third party liability efforts is equal to one percent of the Federal share of total expenditures.

The legislation further provides that a State will be entitled to a dollar for dollar offset in the reductions if total Federal Medicaid funding of the State's program in a year falls below a specified target amount. However, the amount recovered by a State in this manner may not exceed the total amount of the original reduction for the fiscal year. Congress established the target amount for 1982 as equal to 109 percent of each State's estimate of the amount of Federal funding it needed for FY 81, and stipulated that the State estimates to be used would be those that were submitted to HCFA before April 1, 1981. For FY 83 and FY 84, the target amounts are equal to the FY 82 target amount increased or decreased by the same percentage as the increase or decrease in the index of the medical care expenditure component of the consumer price index over the same period.

A review of the legislative history of section 2161 and the language of the section itself clearly indicate what Congress intends regarding the existence of a hospital cost review program. Section 2161 states the specific conditions (see section II A of this Preamble) that must be met, including requirements for the effective date of the program, its scope, its treatment of affected groups, and its results in terms of cost containment.

Regarding the offset for States with high unemployment, the statute provides that a State qualifies for the one percent offset in the reduction if the monthly average of unemployment for the quarter immediately preceding the quarter in which the offset is to be applied is equal to or greater than 150 percent of the national average for the same period.

For purposes of the offset gained by fraud and abuse recoveries, and for 1982 only, both fraud and abuse and third party liability recoveries, the statute simply provides that the recoveries for a quarter must equal or exceed one percent of the amount of Federal payments to the State in that quarter.

These provisions, and how we will apply them, are discussed in greater detail below.

Congress specifically applied the reductions, and the offset against the reductions, to the State with Medicaid plans approved as of July 1, 1981. This means that the reductions apply to all States and the District of Columbia, with the exception of Arizona, which does not participate in Medicaid. Other provisions of the Budget Act (section 2162) set limits on Federal funding for Medicaid programs in the other jurisdictions (Guam, Puerto Rico, the Virgin Islands and the Northern Mariana Islands).

Reductions in Medicaid payments to the States under section 2161 were made contingent on approval and publication of regulations by the Secretary implementing several other provisions of law, by the first day of the quarter in which the reductions are applied. First, Congress required that final regulations implementing section 1902(a)(10)(C) of the Social Security Act, as amended by section 2171 of the Omnibus Budget Reconciliation Act of 1981, relating to flexibility in Medicaid eligibility requirements, be published in the **Federal Register**. Second, Congress required that regulations implementing section 1902(a)(13)(A) of the Social Security Act, as amended by section 962 of the Omnibus Reconciliation Act of 1980 and section 2173 of the Omnibus Budget Reconciliation Act of 1981, relating to modifications in requirements for hospital, skilled nursing facility and intermediate care facility reimbursement, be published. The first set of regulations were published elsewhere in this issue, and the second set published elsewhere in this issue.

II. Provisions of the Regulations

A. Location and General Content

We have amended the existing Medicaid regulations in 42 CFR Part 433, State Fiscal Administration, by adding a new Subpart E, Reductions in Total Federal Payments to the States for fiscal years 1982–1984. The new subpart spells out the rules that will govern HCFA's administration of the statutory requirements. Specific provisions are explained below. In addition, we have made conforming changes in 42 CFR Part 433, Subpart A and 45 CFR Part 201. These changes are cross-references to the new subpart.

B. Notice of Proposed Rulemaking on Third Party Liability Recoveries

We issued a notice of proposed rulemaking elsewhere in this issue of the **Federal Register** containing a proposed description of what we mean by recoveries from liable third parties. We are providing the public with a 30 day period in which to comment on the proposal and will issue a final rule as soon as possible after the comment period is over. The final rule will consist of definitions of "third party" and "third party liability" to be included in § 433.203 and a new § 433.215 that will describe the use of recoveries from liable third parties in determining the offset against the FY82 reductions.

C. States with Qualified Hospital Cost Review Programs

Sections 433.207(a) and 433.209 of the new regulations are based on sections 1903 (s)(2)(A) and (s)(3) of the Social Security Act (as enacted by section 2161 of Pub. L. 97–35). Section 1903(s)(2)(A) specifies that the percentage reduction in FFP for a State that is required by the amendment for a quarter is to be decreased by one percentage point if the State has a qualified hospital cost review program for the quarter. Section 1903(s)(3) specifies that a program will be considered to be "qualified" if specific criteria are met. These criteria are as follows:

- The program must have been established by statute, and have been in effect on July 1, 1981, and at the beginning of the quarter in which offset against the reduction is granted;
- The program must be operated directly by the State;
- The program just apply to substantially all non-Federal acute care hospitals;
- Under the program, the State must review all non-Medicare revenues or expenses for inpatient hospital services, or at least 75 percent of all revenues or expenses for inpatient hospital services, including those under Medicare;
- The State must make satisfactory assurances to the Secretary that the program provides substantially equitable treatment to all payors, hospital employees and hospital patients; and
- The State's rate of increase in aggregate inpatient hospital costs per capita or per admission on a calendar year basis must be at least two percentage points lower than the rate of increase in all States without qualifying programs. The period of comparision is the most recent calendar year or, at the State's option, the two or three calendar year period ending at least nine months before the quarter covered by the Federal payment.

These conditions are set forth in § 433.209 of the new regulations as the criteria we will use to determine whether a State is entitled to a decrease in the reduction based on the existence of a qualified hospital cost review program. Since we believe these criteria are largely self-explanatory, we have not included any further description of our interpretation of them in § 433.209. To avoid any confusion as to how we intend to implement § 433.209, however, we are providing an explanation of the meaning of certain key phrases used in that section, as follows:

- *Established by statute.* We will consider a program to be "established by statute" if the statutory laws of the State provide a basis for the operation of the program.
- *In effect.* We will consider a program to have been "in effect" on July 1, 1981 if, on that date, rules or regulations for the conduct of the program had been issued and were in effect.
- *Operated directly by the State.* This means that the State must be directly involved in the operation of the program, or that final decisions under the program must be made by a State employee or by an individual or a commission (or similar body) appointed by the State
- *Substantially all.* We will consider a program to apply to "substantially all" non-Federal acute care hospitals in a State if it applies to all non-Federal acute care hospitals, with possible,

occasional exceptions for the purpose of dealing with extraordinary circumstances.

- *Review.* For purposes of § 433.209, we will consider review of revenue or expenses to mean an examination of:

(1) The reasonableness of a hospital's proposed revenue, expenses, or rate request for a prospective period that results in a determination that is binding on the hospital; or

(2) A hospital's past expenses, rates or revenue for purposes of establishing rates or restricting the revenue to be received by the hospital for services in future periods.

If a State does not review hospitals when their proposed expenses, revenues or rate increases are less than specified target levels, those hospitals would be considered to have been reviewed by the State for purposes of determining whether the program was qualified under this section.

- *Assurances regarding equitable treatment.* To meet this requirement, we are requiring that the State assure HCFA, in a letter signed by the administrator of the Medicaid State agency, that the State's review program provides for equitable treatment of all entities that pay hospitals for inpatient hospital services, all hospital employees, and all hospital patients. In the absence of a significant question about whether all entities are being treated equitably, we will not require the State to specify the basis for its assurances, or to provide further information regarding its manner of ensuring that payers, hospital employees, and patients are treated equitably.

- *Calculation of annual rates of increase in aggregate hospital inpatient costs on a calendar year basis.* In determining whether this requirement is met, we will use the best available national data base. However, no national data bases currently exist with individual or Statewide hospital expense data reported on a calendar year basis. Medicare cost reports, for example, are filed by hospitals based on their own fiscal years which vary throughout the calendar year.

The best available data base currently available is the American Hospital Association's Annual Survey of Hospitals. The expenses reported by AHA are total expense figures (outpatient as well as inpatient expenses). To compute inpatient admission expenses, adjustments are made for outpatient costs by using a ratio of outpatient revenue to total revenue to derive an adjusted admissions figure. HCFA will make a similar adjustment to compute an inpatient expense per capita.

For purposes of this Annual Survey, hospitals are requested by the American Hospital Association (AHA) to report each year's expenses based on their fiscal years ending closest to September 30. AHA then makes the data available from its Annual Survey in September of the year following the reporting date. (Approximately one-half of the hospitals report to AHA on the basis of fiscal years ending on September 30, one quarter on June 30, and the remainder vary throughout the calendar year.) This means that data reported to AHA for hospital reporting periods closest to September 30, 1980 will be available in late September, 1981.

In addition, in order to prepare a national data base for *calendar year* 1980, it is necessary to have available for *all* hospitals both their FY80 and FY81 expenditure data (except those with fiscal years ending on December 31). For example, a hospital whose fiscal year ended on September 30, 1980 would report to AHA its expenditure data for the period October 1, 1979 through September 30, 1980. At the end of its FY81, that hospital would report to AHA its expenditure data for the period October 1, 1980 through September 30, 1981. This latter data would, of course, be included in AHA's Annual Survey available in September, 1982. Therefore, data from both fiscal years would be used to construct a *calendar year* 1980 expenditure file for the hospital because FY81 expenditure reports would be needed to provide the data for the period October through December, 1980.

As a result of this delay in the availability of complete data for calendar year 1980, and in order to avoid an unreasonable delay in the application of the hospital cost review offset against the reduction, we will use the data available by the end of October 1981 in the AHA Annual Survey. We will determine in this manner which States tentatively meet the criterion and apply the offset against the reduction in grants for all quarters of FY81. We anticipate that we will make a supplementary grant award in November to States that qualify for the offset. For subsequent quarters, we will make the adjustment in the initial grant award. We will review the AHA Annual Survey published in September 1982 and make any necessary retroactive adjustments to the grant awards of the States determined to have qualified for the reduction. We will follow these same procedures in FY 83 and FY 84.

D. States with High Unemployment Rates

Section 433.207(b) of the new regulations is based on sections 1903(s)(2)(B) and (4) of the Social Security Act, as enacted by section 2161. Those sections specify that the percentage reduction in FFP required by the amendment for a calendar quarter is to be decreased by one percentage point if the State's average monthly unemployment rate for the immediately preceding calendar quarter, as determined by the Bureau of Labor Statistics (BLS), was at least 50 percent higher than the national average unemployment rate for the same period. To determine whether a State's average monthly unemployment rate is high enough to permit the State to qualify for this decrease, we plan to use the unemployment data in *Employment and Earnings* (table E-1), which is published monthly by the BLS and includes unemployment data for all States. The unemployment data for the 10 largest States are based on the *Current Population Survey,* which is the same survey used to derive estimates of national unemployment rates. Unemployment data for other States are based on State-administered unemployment insurance surveys. The unemployment data for each quarter generally are available by the middle of the following quarter. We will issue a supplementary grant award as soon as the data is available.

E. Fraud and Abuse and Third Party Liability Recoveries

Under section 1903(s)(2)(C) of the Act, as enacted by section 2161, the States will be entitled for each quarter to a decrease of one percentage point in the applicable reduction if the total amount of the State's recoveries against expenditures for the previous quarter, that are the result of third party liability or fraud and abuse activities, is equal to or exceeds one percent of the total Federal Medicaid payments due the State for the quarter. The statute goes on to define "recoveries" and further provides that recoveries from liable third parties may be considered for FY 82 only. In addition, the provision specifies that recoveries exceeding one percent of the Federal payment can be carried over for crediting against the succeeding quarter's reduction.

Third party and fraud and abuse recoveries are defined by section 1903(s)(5)(A)(i) as the total amount that the "State demonstrates to the Secretary that it has recovered or diverted * * *" We believe that Congress intended that the States must be able to document their recoveries and must report them to HCFA before we include them in our determinations concerning the decrease in the reduction of Federal payments. In itself, the phrase "demonstrates to the Secretary" necessarily implies that the recoveries must be auditable and have been reported. Additionally, however, in the Report of the House Committee on the Budget on H.R. 3982 (97th Congress, 1st Sess. 290 (1981)), clear reference is made to the view that the recoveries must be documented. The report goes on to note that claims by the States of reduced expenditures because fraud and abuse has been discouraged are too subjective to establish the right to a smaller reduction through application of the offset. We find nothing in the legislative history of Pub. L. 97-35 to indicate a shift in Congressional intent away from that view. Therefore, in the regulation we do not consider expenditures that may have been reduced because fraud and abuse have been discouraged. We defined recoveries to include funds actually collected or diverted by a Medicaid State agency or Medicaid Fraud Control Unit, and which have been reported to the Federal government.

Furthermore, the statute makes use of the term "diverted" funds. We take the view that Congress intended that diverted funds, as well as recoveries, should be documented by the State before being included in determinations by HCFA concerning decreases in the reduction mandated by Pub. L. 97-35. We included in the definition of diverted funds amounts saved as a result of a State's having applied prepayment screens to all claims submitted by a specifically identified provider, and also savings realized from the application of special prepayment utilization screens in a mechanized or automated claims processing system. With respect to general screens, we distinguish between routine monitoring or screening edits in automated or mechanized claims systems and those put in place by the States as a result of surveillance and utilization review program actions or fraud control unit actions.

We will include savings from the latter source in deteminations about the fraud and abuse effect, and we will designate categories of screens that qualify in our reporting instructions for completion of the quarterly expenditure report (Form HCFA-64). Examples of qualified categories of screens are one time only procedures, inappropriate services for speciality and inappropriate place of service. More generally, diverted funds do not, for example, include amounts—

- Recovered as a result of routine audit activities or review of cost reports;
- Recovered or avoided as a result of detecting duplicate payments or applying normal utilization claims processing screens;
- Saved from claims that are denied as a result of prior authorization or general application of mechanized prepayment screens;
- Recovered as a result of overpayments based on State agency or fiscal agent administrative error;
- Amounts estimated by the States as future savings based on the conviction or suspension of a provider from Medicaid because of fraud or abusive practices;
- Amounts saved as a result of programs that restrict recipients to receive services from certain providers.

Generally, the regulations (§ 433.213) provide that HCFA will grant, on a quarter by quarter basis, the one percent decrease in the applicable reduction based on the total amounts a State can demonstrate as having been recovered or diverted through operation of its fraud control unit or through other fraud or abuse control activities. HCFA will make adjustments based on the decrease after it has received and reviewed the applicable data and determined that a State qualifies for the offset. This normally will occur toward the end of the quarter, or in the next succeeding quarter, depending on the timeliness of receipt and review of the necessary data.

For fiscal year 1982 only, Congress provided that recoveries from liable third parties will be included in determinations regarding the applicability of the one percent decrease in the reduction. This provision is covered in the proposed § 433.215, published in the notice of proposed rulemaking mentioned above.

We also provide in § 433.213 that amounts of third party liability (fiscal year 1982 only) and fraud and abuse recoveries in a quarter that exceed one percent of the total Federal Medicaid payments due a State for that quarter, will be carried forward for one quarter, as provided in section 1903(s)(5)(B).

For the purpose of establishing a tracking system to determine whether a State achieves the requisite level of third party liability and fraud and abuse recoveries, we are requiring that States report the data on existing forms. We will extract the data from these forms. Additionally, it is important to note here that the forms must be properly completed in order to facilitate a timely determination regarding the level of recoveries.

E. Target Amounts

Section 433.217 of the regulations implements section 1903(t) of the Social Security Act, as added by section 2161(b) of Pub. L. 97-35. Section 1903(t) provides for establishment of target amounts of Federal Medicaid expenditures for each State for fiscal years 1982, 1983 and 1984. A State is entitled to a dollar-for-dollar offset of the reductions made under section 2161 if the total Federal Medicaid expenditures fall under its target amount, but the offset applies only up to the total amount of the reductions.

The target amounts are established as follows:

FY 82—109 percent of the State's estimate of the Federal share of expenditures for FY 81, as reflected in the estimate received by the Department before April 1, 1981;

FY 83 and *FY 84*—The FY 82 target amount adjusted by the percentage increase or decrease in the index of the medical care expenditure category of the consumer price index for all urban consumers, between September 1982 and the end of the respective fiscal year (September 1983 or September 1984).

The calculation of the target amounts does not take into account interest paid under section 1903(d)(5) on disallowances of State claims, reductions in payments under section 1903(s) as enacted by section 2161, supplementary payments received by the State for spending less than the target in the previous year, or adjustments for claims relating to expenditures before October 1, 1981.

Under sections 1905(b) and 1101(a)(8) of the Social Security Act, the percentage of the Federal share of each State's medical assistance expenditures is recalculated each two years according to a specified formula. There will be a recalculation of the formula for FY 84. In recognition of this, section 1903(t)(3) provides that any change in this percentage for a State for FY 84 will be disregarded for purposes of computing target amounts. The Conference Report (H.R. Rep. No. 97-208, 97th Cong., 1st Sess. (1981)) points out (p. 960) that this provision was included to avoid rewarding a State simply because of a change in the share of its expenditures paid by the Federal government.

It should be noted that, under section 2165 of Pub. L. 97-35, Congress directed the Comptroller General, in consultation with the Advisory Commission on Intergovernmental Relations, to conduct a study of (1) the statutory formula for

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computing the Federal medical assistance percentage (the Federal share of State Medicaid expenditures), and (2) the validity and equity of adjustments that should be made to the States' FY 83 and FY 84 target rates to reflect economic and demographic factors affecting the State but not under the State's ordinary sphere of control. The report is due to Congress by October 1, 1982.

III. Implementation of the Regulations

A. HCFA Grant Awards Process

We will impose the reductions mandated by Congress through our grant awards process. As noted above, the Federal government's share of a State's Medicaid program is determined by a formula based on the State's per capita income, with special provisions for administrative expenditures. Regulations governing the process are located in 45 CFR Part 201. To obtain the Federal government's share (which is called Federal financial participation, or FFP), each State submits to HCFA, 45 days prior to the beginning of each quarter in the fiscal year, an estimate (Form HCFA-25) of the amount of FFP the State will need for that quarter. This estimate includes the amounts the State believes it will need from the Federal government to cover program expenditures (that is, medical services covered under the State plan) and administrative expenditures. After reviewing the estimates, we advance funds by awarding a grant about 15 days before the beginning of the quarter. This grant authorizes States to obtain Federal cash as a payment of estimated expenses. Within 30 days after the end of the quarter, the State submits a quarterly expenditure report (Form HCFA-64) that reflects the actual expenditures incurred by the State. We review the report and determine whether the State has claimed reimbursement for any expenditures that are not allowable. (See **Federal Register** issues of January 15, 1981 (46 FR 3527) and September 17, 1981 (46 FR 46134) for clarification of "expenditures".) If we determine that any adjustments (that is, deferral, disallowance, suspension or other financial actions) are necessary in the amount of FFP advanced to the State before the quarter, the adjustment is made at the same time that the award for the next succeeding quarter is granted or shortly thereafter as a supplemental grant award.

B. Effect of Section 2161 on the Grants Process

The grant award computation form we use (Form HCFA-152) shows the amount of the estimate for the ensuing quarter, and the amounts by which the estimate is reduced or increased because of over- or under-estimates for a prior quarter and for other adjustments. We will use this form to show the applicable reduction to the amount of payments to the State and any of the three offsets against the reduction for which the State qualifies.

Of the three conditions allowing offsets against the reduction, two are not dependent on the budget and awards process followed by HCFA and the States. That is, unemployment offset and the hospital rate review program offset are controlled by factors extrinsic to the grant awards process. On the other hand, we will implement the fraud and abuse and third party liability offset based on information gathered and reported by the States, as explained below, to support their estimates of the amount of FFP needed for a given quarter.

Included in the State's expenditure reports are expenditures for current and prior year activities, as well as collections and adjustment actions. Part of the data reported covers the State's collection efforts in recovering funds through third party payments. In these instances, claims paid under the Medicaid program are collected from insurance companies or others found to have the legal liability to pay for care and services. Also reported are recovered amounts that result from fraud and abuse control actions. State Medicaid fraud control units or other fraud control entities are responsible for collecting payments that were made improperly. Through the efforts of these units, funds are returned to the program.

The following example illustrates how we will reduce Federal payments in accordance with section 2161 of the Pub. L. 97-35. The example contains dates for FY 82, but the process described will apply equally to FY 83 and FY 84. Separate grant awards procedures and forms are used for grants to the States for the Federal share of the costs of State programs for survey and certification of health facilities, and for certified State Medicaid fraud control units authorized under 42 CFR 455.300, but the reductions and offsets apply to FFP for these costs as well. The following illustration also applies generally to our survey and certification grant procedures.

Funding needs for the first quarter of FY 82 were to be submitted by August 15, 1981. For our example, we are using a State funding estimate of $1,000,000. By August 30, 1981 the HCFA Regional Administrator had reviewed the State's estimate and submitted a recommendation of $800,000 as the State's funding need. Both the State estimates and Regional Administrator's recommendation were forwarded to the HCFA central office for use in preparing the first quarter grant award. The initial grant award was issued before the beginning of the quarter and was for the amount that HCFA estimates as the State's need for the quarter, less the three percent reduction. We will apply offsets for unemployment and for third party liability/fraud and abuse recoveries and collections when data is reviewed by HCFA indicating that States qualify for those offsets. In like manner, we will apply the hospital cost review offset when supporting data become available. In the first quarter of FY 82, we expect to apply this offset in November, 1981, and thereafter in the initial grant awards. We will make these adjustments by preparing supplemental grant awards during the quarter, or as soon as possible thereafter.

The States are to submit their expenditure reports 30 days after the end of the quarter, which would be January 30, 1982, for the purpose of our example. The HCFA Regional Administrator reviews the expenditures reported by the State and submits a recommendation on the allowability of the expenditures to the HCFA central office two weeks after the State submits the expenditure report. Based on the State expenditure report and the HCFA Regional Administrator's recommendations, the HCFA central office calculates the final expenditures amount and prepares the final grant award adjustment. This action is to occur together with the initial award for the third quarter; however, due to timing difficulties, the final adjustment will normally occur in the third quarter. As an example, we will assume that the initial HCFA determination of funds required is $800,000 and that $900,000 is the final expenditure amount. In addition, we will assume that the State qualified for the hospital cost review and the third party liability/fraud and abuse offsets. The final award adjustment calculation, including offsets, will be as follows:

HCFA Initial Funding Determination	$800,000
3% reduction—Sec. 2161	−24,000
Initial Grant Award	776,000
Adjusted Expenditures	900,000
3% reduction—Sec. 2161	−27,000
1% TPL/FA offset	9,000
1% Hospital Cost Review Offset	9,000
Final First Quarter Adjusted Expenditure	891,000
Initial Grant Award Funding	−776,000
Final Grant Award Adjustment	115,000

The quarterly cycle continues as described above for the remainder of the fiscal year. At the end of the fiscal year, before the issuance of the initial award for the first quarter of FY 83, the State's total expenditures for the fiscal year are estimated by the HCFA central office based on the available actual expenditure data and the State's budget estimate. To the extent that the State's total estimated expenditures are under the target amount and expenditure reductions have not been offset, the State is entitled to a supplemental adjustment. If, in this case, we use $3,600,000 as the State's estimated FY 82 expenditures, a target amount of $3,650,000 and $36,000 as reductions that have not been offset, we have the following calculation:

Target amount—FY 82	$3,650,000
Estimated Annual Expenditures	−3,600,000
Under Targeted Expenditures	50,000
Reductions not offset	36,000
Less Amount used as supplement award adjustment	36,000

Since $36,000 is the lower of the two amounts that are compared (the amount by which the State's expenditures are under its target amounts, and the amount of reductions not offset), this is the supplemental figure awarded to the State. Upon determination of the final expenditure amount for FY 82, an adjustment will be made as described above in the appropriate grant award.

IV. Impact Analyses

A. Executive Order 12291

The Secretary had determined, in accordance with Executive Order 12291, that this rule does not constitute a major rule. We are required by the Amendment to reduce FFP in Medicaid by more than $100 million per year. However, because the reduction is mandated by law and we are required by the amendment to adopt the specific implementation approach set forth in the regulations, the reduction is not attributable to this regulation.

B. Regulatory Flexibility Analysis

The Secretary certifies, under section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354), that these regulations will not have a significant economic impact on a substantial number of small businesses, nonprofit entities or small local governments.

One major objective of the revised regulations is to give States financial incentives for more efficient purchasing of health care services under Medicaid. We are aware that, in responding to these incentives, individual States may take actions that have a significant economic impact on some physicians, hospitals, long term care facilities, or other providers of services that meet the definition of "small entities" in Pub. L. 96–345. However, we do not now have any basis for predicting either the specific actions States will take, or the effect these actions will have on small entities. Moreover, apart from the budget reductions involved, which are not attributable to these regulations, State decisions are as likely to have a favorable as adverse impact on small entities, or to affect a less than "substantial" number. Accordingly, these regulations do not meet the thresholds established in the Regulatory Flexibility Act.

V. Waiver of Proposed Rulemaking

As explained earlier in this preamble, the major provisions of the new regulations are based on requirements that are set forth explicitly in section 2161. Because we are required by that amendment to adopt those rules, we believe it is unnecessary to publish a notice of proposed rulemaking. Further, we believe it would be both impractical and contrary to the public interest to delay implementation of section 2161 by the amount of time that would be needed to obtain and analyze public comments. As a practical matter, we would not be able to make any reductions in FFP for the first quarter of fiscal year 1982 if we delayed implementation of these rules by even the minimum amount of time (60 days) usually allowed for public comment and the time (30 days) usually provided for delay in the effective date. Therefore, we find good cause to waive the requirement for publication of a notice of proposed rulemaking and a delayed effective date. However, as stated previously, we will accept any comments mailed within the specified period and will make any changes in the regulations we believe necessary as a result of the comments.

Title 42—Public Health

PART 433—STATE FISCAL ADMINISTRATION

A. 42 CFR Part 433 is amended as set forth below:

1. The table of contents for Part 433 is amended as follows:

a. Subpart A of Part 433 is amended by adding a new § 433.8 as follows:

Subpart A—Federal Matching Provisions

* * * * * *

433.8 Application of progressive reductions during fiscal years 1982–1984.

* * * * *

b. A new Subpart E is added to Part 433 as follows:

Subpart E—Reduction in Total Federal Payments to the States for Fiscal Years 1982–1984

Sec.
433.201 Statutory basis and scope.
433.203 Definitions.
433.205 Reductions in total Federal payments.
433.207 Offsets against reductions.
433.209 Qualifications for offset based on hospital cost review programs.
433.213 Offset based on fraud and abuse recoveries.
433.215 Third party liability recoveries [Reserved].
433.217 Use of target amounts to decrease reductions.

2. The authority citation for Part 433 is revised to read as follows:

Authority: Secs. 1102, 1902(a)(25), 1903(d)(2), 1903(o), 1903(p), 1903(s), 1903(t) and 1912 of the Social Security Act (42 U.S.C. 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), 1396b(s), 1396b(t) and 1396(k), unless otherwise noted.

3. Subpart A is amended by adding a new § 433.8 as follows:

§ 433.8 Application of progressive reductions to FFP during fiscal years 1982–1984.

Under sections 1903 (s) and (t) of the Act, HCFA will reduce the FFP described in §§ 433.10 and 433.15 in accordance with the procedures described in Subpart D of this part.

4. A new Subpart E is added to read as follows:

Subpart E—Reduction in Total Federal Payments to the States for Fiscal Years 1982–1984

§ 433.201 Statutory basis and scope.

(a) *Basis.* Sections 1903 (s) and (t) of the Act (as enacted by section 2161 of Pub. L. 97–35) provide for progressive reductions in Federal payments to the States, in fiscal years 1982 through 1984.

(b) *Scope.* The reductions apply only to the 49 States with Medicaid programs approved by HCFA as of July 1, 1981, and to the District of Columbia. Special funding provisions in § 433.10 apply to Puerto Rico, Guam, the Virgin Islands, and the Northern Mariana Islands.

§ 433.203 Definitions.

For purposes of this subpart—

"Abuse" means provider practices that are inconsistent with sound fiscal, business or medical practices, and result in unnecessary cost to the Medicaid program, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care.

"Diverted funds" means those amounts saved from claims that are denied or reduced in amount—

(1) As a result of applying prepayment screens to all or a particular portion of the claims submitted by a specifically identified provider; and

(2) By the application of special prepayment utilization screens in a mechanized or automated claims processing system, designed to detect fraud and abuse, to all claims submitted for payment from all providers or from a general category of providers. The term does not include amounts estimated by the States as future savings based on the conviction or suspension of a provider from Medicaid because of fraud or abusive practices.

"Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or herself or to some other person or entity. It includes any act that constitutes fraud under applicable State law.

"Recoveries" means Medicaid funds a provider of services has been paid in excess of amounts payable under title XIX of the Act, applicable regulations and the State plan that are actually collected or diverted by a State agency or Medicaid Fraud Control Unit, and which have been reported to the Federal Government. Fines, penalties and unexecuted judgments established by, Federal, State, or local courts or administrative bodies are not considered recoveries.

§ 433.205 Reductions in total Federal payments.

(a) *Amount of the reductions.* HCFA will reduce total Federal payments to which a State is otherwise entitled under the Medicaid program by the following percentages:

(1) Three percent in fiscal year 1982.

(2) Four percent in fiscal year 1983.

(3) Four and one half percent in fiscal year 1984.

(b) *Effective date and date reductions end.* HCFA will impose the reductions effective October 1, 1981 for the first quarter in fiscal year 1982. No reductions will be imposed for quarters after the last quarter of fiscal year 1984, which ends on September 30, 1984. However, adjustments relating to the final computations for fiscal years 1982–1984 expenditures will continue to be made until the States have submitted all expenditure reports and all outstanding issues have been resolved.

(c) *Amounts not affected by reductions.* HCFA will not apply the progressive reduction to—

(1) Payments to the State for expenditures made before fiscal year 1981; or

(2) Supplementary payments made to a State resulting from its having incurred fewer expenditures than its target amount, described in § 433.217.

§ 433.207 Offsets against reductions.

HCFA will decrease the reduction specified in § 433.205 by one percentage point for a quarter for a State, for each of the following three conditions that the State meets:

(a) *Hospital cost review program.* Operation by the State of a hospital cost review program that meets the criteria, described in § 433.209, for the quarter covered by the Federal payment.

(b) *Unemployment levels.* An unemployment rate in the State, for the quarter before the quarter covered by the Federal payment, that is equal to or greater than 150 percent of the national unemployment rate for the same period, as determined by the Bureau of Labor Statistics.

(c) *Fraud and abuse and third party liability recoveries.* For the quarter before the quarter covered by the Federal payment, recovery through fraud and abuse initiatives, described in § 433.213, of an amount equal to one percent of the FFP for the quarter covered by the payment. For fiscal year 1982 only, this total may include recoveries from liable third parties (see § 433.215).

§ 433.209 Qualifications for offset based on hospital cost review programs.

(a) A state has a qualified hospital cost review program if the qualifications in the following paragraph (b) of this section are met.

(b) The State must provide HCFA with assurances of equitable treatment, under its cost review program, for hospital employees and patients, and for all payers, including Federal and State programs, that pay hospitals for inpatient hospital services. In addition, in order to qualify, a hospital cost review program must—

(1) Be established by statute;

(2) Have been in effect on July 1, 1981 and at the beginning of the quarter covered by the Federal payment;

(3) Be directly operated by the State;

(4) Apply to substantially all non-Federal acute care hospitals in the State;

(5) Provide for review of all non-Medicare revenues or expenses for inpatient hospital services, or at least 75 percent of all revenues or expenses for inpatient hospital services including those under Medicare; and

(6) Result in an annual rate of increase in aggregate hospital inpatient costs per capita, or per admission, in the State on a calendar year basis that is at least two percentage points less than the rate of increase in all States without qualifying programs. A State may meet this requirement based on performance during the most recent one, two, or three calendar year period ending at least nine months before the quarter covered by the Federal payment.

§ 433.213 Offset based on fraud and abuse recoveries.

(a) *General policy.* HCFA will decrease the reduction under § 433.205 by one percentage point for each quarter in which the State demonstrates that its fraud and abuse recoveries (and third party liability recoveries for fiscal year 1982 only (see § 433.215)), for the quarter before the quarter covered by the Federal payment, are equal to one percent of the total Federal Medicaid payments due to the State in that previous quarter. For purposes of calculating the one percent, HCFA will not include in this total any supplementary payments due to a State resulting from the State's having spent less than its target amount, described in § 433.217.

(b) *Fraud and abuse recoveries.* For purposes of paragraph (a) of this section, fraud and abuse recoveries—

(1) Must be documented by the State; and

(2) May include diverted funds or funds recovered as a result of—

(i) The operation of a State Medicaid fraud control unit, as defined in Part 455, Subpart D, of this chapter;

(ii) Audit activities that are initiated as a result of a suspicion or complaint of fraud or abuse (including any amounts recovered as restitution in civil or criminal litigation resulting from these audit activities, but not including fines, penalties, unexecuted judgments established by Federal, State, or local courts or administrative bodies (and fraud and abuse uncovered through routine audits); and

(iii) State determinations of overutilization or furnishing of unnecessary care.

(c) *Procedures for carrying forward fraud and abuse recoveries.* For purposes of paragraph (a) of this section, HCFA will carry forward, to the next quarter only, the amount by which a State demonstrates that its fraud and abuse recoveries exceed one percent of the total Federal Medicaid expenditures for the quarter covered by the Federal payment.

§ 433.215 Third party liability recoveries [Reserved].

§ 433.217 Use of target amounts to decrease reductions.

(a) *Purpose of the target amount.* HCFA will issue supplemental grants for fiscal years 1982–1984 based on the amount by which a State's total Federal Medicaid expenditures are under the State's target amount, described in paragraph (b) of this section, for the fiscal year. However, the supplemental grant may not exceed the amount of the reduction, described in § 433.205, for the fiscal year under consideration.

(b) *Method for determining target amounts.*—(1) *Fiscal year 1982.* The target amount for a State for fiscal year 1982 is 109 percent of the State's estimate of the Federal share of all Medicaid expenditures for fiscal year 1981, in the latest estimate received by HCFA central office before April 1, 1981. The estimate may not include Federal expenditures resulting from adjustments made during fiscal year 1981 based on expenditures made before October 1, 1980.

(2) *Fiscal year 1983.* HCFA will derive the target amount for each State for fiscal year 1983 by increasing or decreasing the 1982 target amounts by a percentage equal to the percentage increase or decrease, between September 1982 and September 1983, in the index of the medical care expenditure category of the consumer price index for all urban consumers, as determined by the Bureau of Labor Statistics.

(3) *Fiscal year 1984.* HCFA will derive the target amount for each State for fiscal year 1984 by the same method used for the 1983 targets, except that the 1982 target amounts will be increased or decreased based on medical care expenditure data for the period between September 1982 and September 1984. For purposes of calculating the fiscal year 1984 target amount, HCFA will deem the FMAP for 1984 to be equal to the percentage for 1983.

(c) *Exclusions from target amount determinations.* HCFA will exclude the following from each year's target amount determinations:

(1) Adjustments with respect to prior year claims (see paragraph (b)(1) of this section);

(2) Interest paid on disallowances of disputed claims;

(3) Any offset payments the State receives for spending less than its target amount in the previous year; and

(4) Any reductions in Federal funds under § 433.205.

Title 45—Public Welfare

PART 201—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

B. 45 CFR 201.5 is amended by revising the introductory language as set forth below. The authority citation for Part 201 reads as follows:

Authority: Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302.

§ 201.5 Grants.

To States with approved plans, grants are made each quarter for expenditures under the plan for assistance, services, training and administration. The determination as to the amount of a grant to be made to a State is based upon documents submitted by the State agency containing information required under the Act and such other pertinent facts as may be found necessary.

Progressive reductions in Federal Medicaid payments to the States under sections 1903 (s) and (t) of the Act for fiscal years 1982–1984 are described in 42 CFR Part 433, Subpart E.

* * * * *

(Catalog of Federal Domestic Assistance Programs No. 13.714, Medical Assistance Program)

Dated: September 16, 1981.

Carolyne K. Davis

Administrator, Health Care Financing Administration.

Approved: September 24, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-28325 Filed 9-29-81; 8:45 am]

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federal register

Wednesday
September 30, 1981

Part VI

Department of Health and Human Services

Health Care Financing Administration

Medicaid Program; Offset Based on Third Party Liability Recoveries Against Reductions in Medicaid Payments

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 433

Medicaid Program; Offset Based on Third Party Liability Recoveries Against Reductions in Medicaid Payments

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Section 2161 of the Omnibus Budget Reconciliation Act (Pub. L. 97–35) imposes reductions in Federal matching payments for fiscal years 1982 through 1984, but also provides for offsets against the reductions if a State meets certain conditions. One of the conditions is a specific level of fraud and abuse recoveries by a State or, for fiscal year 1982 only, a combination of fraud and abuse and third party liability recoveries. Interim final rules, published elsewhere in this issue of the **Federal Register**, amend Medicaid regulations to implement section 2161, except for the provisions relating to third party liability recoveries. We are proposing here that, for purposes of implementing these provisions, recoveries from Medicare would be—

- Excluded in situations in which the State had knowledge of the dual entitlement of individuals to Medicare and Medicaid before a Medicaid claim was paid; and
- Included in situations in which the State had to make a special effort to determine that an individual's claim should be paid by Medicare.

DATE: To assure consideration, comments should be mailed by October 30, 1981.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17076, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave, S.W., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPO–27–P. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., S.W., Washington, D.C., 20201 on Monday through Friday of each from 8:30 a.m. to 5:00 p.m. (202–245–7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

FOR FURTHER INFORMATION CONTACT: Charles Schreibeis, 301–597–1702.

SUPPLEMENTARY INFORMATION:

In an interim final rule "Reductions in Payments to the States", published elsewhere in this issue of the **Federal Register**, we issued regulations implementing section 2161 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). Section 2161 imposes reductions in the total Federal Medicaid payments to the States for fiscal years 1982–1984. However, in enacting section 2161, Congress also provided that States are entitled to an offset against each fiscal year's reduction of one percentage point for each of three conditions involving the existence of a hospital cost review program, the rate of unemployment in a State and the level of recoveries of funds from fraud and abuse activities.

Congress provided that the level of fraud and abuse recoveries must be equal to or more than one percent of the total Federal Medicaid payment, and that, for fiscal year (FY) 1982 only, fraud and abuse recoveries may be combined with recoveries from liable third parties for purposes of determining whether a State is entitled to the offset against the reduction.

The Supplementary Information section of the interim final rule mentioned above contains an extensive discussion of the provisions of section 2161 and of the regulations that implement it. However, the final rule does not include a discussion of the types of recoveries we will use in determinations about a State's third party liability recoveries in FY 82. We refer the reader to the background discussion in the final rule and present here a proposed description of third party liability recoveries.

Proposed Regulations

States reduce costs for Medicaid by predetermining obligations of liable third parties and offsetting the amounts paid on provider invoices (prepayment screens), or by retroactively identifying the obligations and collecting the appropriate amounts from third party payers. In the former system, the reductions are called cost avoidance; in the latter, they are called collections. Both are considered recoveries.

If a Medicaid recipient is also entitled to Medicare, a claim for a provider of health care services is referred, either on a prepayment or post-payment basis, to the Medicare program. In these circumstances, Medicaid is responsible only for any deductible or coinsurance amount payable on behalf of the recipient. Being the payer of last resort, a Medicaid agency routinely transfers claims for services in these situations to the Medicare program.

Generally, we do not believe that transfers of claims to the Medicare program were intended by Congress to be used for purposes of decreasing the reductions in Federal payments. We take this view primarily because the States know beforehand which recipients are entitled to both Medicaid and Medicare and, therefore, which claims will routinely be paid by Medicare. For example, HCFA makes available to all States with buy-in programs (that is, programs in which the States pay Medicare premiums for individuals) certain compilations of information (for example, the Carrier Alphabetic State File (CASF) and the Beneficiary State Tape (BEST) that permit the States to determine whether an individual is dually entitled to Medicare and Medicaid. In addition, if individuals are receiving Supplemental Security Income (SSI) under title XVI of the Social Security Act, they may also be entitled to Medicare. In this case, the Social Security Administration makes SSI and Medicare entitlement information available to the States (Bendex and State Data Exchange (SDX) tapes). In like manner, characteristics of Medicaid applicants such as age, the existence of a long-term disability, or an impairment of a certain nature such as end stage renal disease, help the States to identify individuals entitled to Medicare. On the other hand, situations do arise in which the State pays a Medicaid claim without knowing that the individual is dually entitled. These situations typically involve inaccurate or incomplete information concerning the nature of an individual's disability, or retroactive entitlement to Medicare resulting from successful appeals concerning factors of entitlement to Medicare such as a person's age. For the most part, however, dually entitled individuals are routinely identified and claims are routinely referred to Medicare for payment. The additional effort normally required on the part of the State to detect liable third parties and to seek recoveries is not required in these circumstances. Thus, we believe that it was the intent of Congress, in providing for the third party liability offset provision, to encourage additional efforts by the States against liable third parties other than the Medicare program.

Therefore, for purposes of implementing section 2161 of Pub. L. 97-35, we are proposing to amend Medicaid regulations (42 CFR Part 433, Subpart E, issued in the **Federal Register** on this date as an interim final rule) by adding a new § 433.215 to prohibit the States from attributing to third party liability recovery efforts, savings realized in Medicaid costs by transferring the claims of dually entitled individuals to Medicare for payment.

However, we would provide an exception for circumstances in which a State has paid a Medicaid claim, subsequently discovers that the individual was also entitled to Medicare, and recovers the payment after referring the claim to Medicare.

We would also state that in order for HCFA to use recoveries from liable third parties in FY 82, the recoveries must be auditable and must have been reported to HCFA. We would also amend § 433.203 to add definitions of "third party" and "third party liability".

Impact Analysis

For information concerning the applicability of Executive Order 12291 and the Regulatory Flexibility Act to these proposed rules, refer to the final rule on "Reductions in Payments to the States", published elsewhere in this issue of the **Federal Register.**

30-Day Comment Period

Normally, when issuing a notice of proposed rulemaking, we provide a 60-day comment period. HCFA and the States need to make determinations about third party liability recoveries as soon as possible. In order to make these determinations, final regulations are necessary. Therefore, we are limiting the comment period to 30 days and will issue final regulations as quickly as possible.

PART 433—STATE FISCAL ADMINISTRATION

42 CFR Part 433, Subpart E is proposed to be amended as follows:

The authority citation for Part 433 reads as follows:

Authority: Secs. 1102, 1902(a)(25), 1903(d)(2), 1903(o), 1903(p), 1903(s), 1903(t) and 1912 of the Social Security Act (42 U.S.C. 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), 1396b(s), 1396b(t) and 1396(k), unless otherwise noted.

1. Section 433.203 is amended by adding two new definitions, in alphabetical order as follows:

§ 433.203 Definitions.

For purposes of this subpart—

* * * * *

"Third party" means any individual, entity or program that is or may be liable to pay all or part of the medical costs of injury, disease or disability of an applicant or recipient.

"Third party liability" means payment resources, available from both private and public health insurance, and other liable third parties, that can be applied toward Medicaid recipients' medical and health benefit expenses.

A new § 433.215 is added to read as follows:

§ 433.215 Third party liability recoveries.

(a) *Applicability in fiscal year 1982 only.* For fiscal year 1982 only, for purposes of determining whether a State is entitled to the offset under § 433.213, HCFA will add to the total fraud and abuse recoveries, funds saved as a result of recoveries from liable third parties under procedures described in Subpart D of this Part, except as provided in paragraph (c) of this section.

(b) *Conditions for inclusion of third party liability recoveries.* For purposes of paragraph (a) of this section, HCFA will include recoveries from liable third parties if the recoveries—

(1) Can be validated by audit; and

(2) Have been reported to the Federal government.

(c) *Recoveries from the Medicare program.*—(1) *General policy.* For purposes of paragraph (a) of this section, recoveries from liable third parties may not include recoveries from the Medicare program, except those based on claims paid by Medicaid because the State did not know that the individual was entitled to both Medicare and Medicaid.

(2) *Examples of excluded recoveries.* Recoveries from Medicare that are excluded are based on those cases in which the State knows, prior to the payment of a claim, that the individual is entitled to Medicare. Examples include situations in which—

(i) The State is paying Medicare premiums for the individual under State buy-in agreements (see Subpart B of Part 405 of this chapter);

(ii) The individual is receiving Supplemental Security Income (SSI) benefits under title XVI of the Act; or

(iii) The State has access to or has received information from the Federal government that identifies individuals entitled to Medicare.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: September 16, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 24, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-28326 Filed 9-29-81; 8:45 am]

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federal register

Wednesday,
September 30, 1981

Part VII

Department of Health and Human Services

Health Care Financing Administration

Medicare Programs; Schedule of Limits on Hospital Per Diem Inpatient General Routine Operating Costs

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare Program; Schedule of Limits on Hospital Per Diem Inpatient General Routine Operating Costs

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final notice.

SUMMARY: This notice sets forth a schedule of limits on hospital per deim inpatient general routine operating costs that may be reimbursed under Medicare beginning October 1, 1981. This is a special revision of the schedule, not an annual update, and replaces the current schedule, which was published in the **Federal Register** on June 30, 1981 (46 FR 33637). It incorporates two changes required by the Omnibus Budget Reconciliation Act of 1981:

- The limits are lowered from 112 percent of mean costs to 108 percent; and
- The limits are revised to reflect a reduction in the nursing salary differential.

As required by statute, this notice also has a special provision for its effective date.

EFFECTIVE DATE: The revised schedule of limits is applicable to cost reporting periods *ending after* September 30, 1981. For any of these cost reporting periods that begin before October 1, 1981, the reductions in payments resulting from application of these limits shall be applied only in proportion to the part of the reporting period that occurs after September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Slutter, 301-594-9344.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) as amended by Section 223 of Pub. L. 92-603, the Social Security Amendments of 1972, authorizes the Secretary to set prospective limits on the costs that are reimbursed under Medicare. These limits may be applied to direct or indirect overall costs or to costs incurred for specific items or services furnished by a Medicare provider, and may be based on estimates of the cost necessary in the efficient delivery of needed health services.

Regulations implementing this authority are set forth at 42 CFR 405.460. Under this authority, we published limits on hospital per diem inpatient general routine service costs annually from 1974 through 1978, and limits on hospital per diem inpatient general routine operating costs in 1979 and 1980.

On June 30, 1981, we published in the **Federal Register** (46 FR 33637) a schedule of limits on hospital per diem inpatient general routine operating costs applicable to cost reporting periods beginning on or after July 1, 1981. In that notice, we described the scope of the limits, and explained our methodology for deriving and applying those limits. That methodology remains essentially unchanged.

II. Changes Required by the Omnibus Budget Reconciliation Act of 1981

A. *Limits cannot exceed 108 percent of mean costs.* Section 2143 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) established a new statutory maximum on cost limits for reimbursement of hospitals under Medicare. The statute states:

> The Secretary, in determining the amount of the payments that may be made under this title with respect to routine operating costs for the provision of general inpatient hospital services, may not recognize as reasonable (in the efficient delivery of health services) routine operating costs for the provision of general inpatient hospital services by a hospital to the extent these costs exceed 108 percent of the mean of such routine operating costs per diem for hospitals, or, in the judgment of the Secretary, such lower percentage or such comparable or lower limit as the Secretary may determine.

As stated in the House Report on H.R. 3850 (House Report No. 97-143, p. 79), the Congress believed that reducing the limits from 112 percent of mean costs to 108 percent is an appropriate method of encouraging efficient operation of hospitals. In accordance with section 2143 of the Omnibus Budget Reconciliation Act of 1981, we have revised the limits to set them at 108 percent of the mean labor-related costs and mean non-labor costs of each comparison group. We continue to have the authority to grant exceptions to and exemptions from the limits. (Exceptions are granted to cover specific types of costs, such as costs of atypical services to meet the special needs of patients treated; exemptions are granted in specific circumstances, such as when a hospital is the sole community source of inpatient hospital care. See 42 CFR 405.460(e) and (f).)

B. *Adjustment required by change in the nursing salary differential.* Under the Medicare regulations (42 CFR 405.430) published in July 1969, we have recognized a per diem rate above the facility's average costs for all patients for inpatient routine nursing care furnished to aged Medicare patients. (The differential is also applied to pediatric and maternity patients, who also are assumed to require a greater amount of routine nursing services than other patients.) This is called the "nursing salary cost differential." The differential is not an add-on to the total routine nursing salary costs incurred by a provider, but rather a reallocation of the actual routine nursing salary costs between aged, pediatric and maternity patients and all other classes of patients. It presumes that, on the average, aged, pediatric and maternity patients receive more routine nursing services than do other patients.

The effect of the nursing differential is that the Medicare program recognizes a higher than average routine per diem cost for aged, pediatric and maternity patients and a lower than average per diem cost for all other classes of patients. (Disabled Medicare beneficiaries are counted in the "all other" category, unless they are also pediatric or maternity patients, and the lower than average per diem is applicable to that class of patient.)

The total impact of the differential on a particular facility's Medicare reimbursement will vary, depending on the provider's patient mix. If all of the provider's patients were aged, pediatric and maternity, no differential would be applicable.

We presently recognize a nursing salary differential equal to 8.5 percent of the provider's average per diem nursing salary costs. However, Section 2141 of Pub. L. 97-35 amended Section 1861(v)(1) of the Social Security Act to state that "an inpatient routine nursing salary cost differential shall be allowable as a reasonable cost of hospitals, at a rate not to exceed 5 percent, to be applied under the same methodology used for the nursing salary cost differential for the month of April 1981." According to its terms, Section 2141 is effective for all cost reporting periods ending after September 30, 1981, and reductions in Medicare payments resulting from the smaller nursing differential shall be made only in proportion to the part of a provider's reporting period that occurs after September 30, 1981.

We will be publishing a separate regulation implementing Section 2141. However, Section 2141 has also necessitated an adjustment of the cost limits. All of our current cost report data incorporates the 8.5 percent differential in the Medicare costs. However, for cost reports that straddle September 30, 1981, we can only recognize a 5 percent nursing differential for that portion of the cost reporting period occurring on or after October 1, 1981. To do this, we have estimated the portion of per diem

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costs in each hospital classification group attributable to the 8.5 percent nursing differential, and developed adjustment ratios that reflect the proportionate application of this change to the part of the cost reporting period after September 30, 1981.

Briefly, we derived these ratios in the following way:

- We calculated the total average per diem routine operating costs for each provider grouping (for purposes of these cost limits, hospitals are grouped in seven cells according to SMSA/non-SMSA location and bedsize). We also calculated the Medicare average per diem routine operating costs for the same grouping. (We did this for a cost reporting period ending September 30, 1981, in order to reflect the same period for which we have developed the revised limits.)
- For each grouping, we determined the difference between the overall total average per diem costs and the Medicare average per diem costs. This difference represents the average effect of the 8.5 percent nursing differential on the average per diem cost for that provider grouping.
- For each provider grouping, we multiplied the resulting figure by .588 (the ration of 5 percent to 8.5 percent). The products represent the dollar value, on the average, of a 5 percent nursing differential for each hospital grouping. We subtracted this amount from the average dollar value of the differential at 8.5 percent to obtain the dollar value of the reduction.
- We divided the result from the prior step by the original Medicare average per diem cost for each grouping. This gives us a ratio of the reduction due to the differential to the original mean. (This varies from group to group ranging from approximatley 1 to 2 percent.)
- The ratio obtained from the prior step, for each grouping, is divided into twelve equal parts and applied in proportion to the number of months in the cost year prior to October 1.
- The arithmetic from the prior step yields a set of ratios, set forth in Tables IV A and IV B. An explanation of how to use these tables is also set forth below, in paragraph VII.3.

C. *Special effective date provision.* Section 2143 of the Reconciliation Act also included provisions for its effective date that prescribe how it is to be applied to particular cost reporting periods. Previously, we had always made revised shcedules of cost limits applicable to the cost reporting periods beginning on or after a specified date (usually July 1 of each year). However, Section 2143(b) states that this provision is effective for cost reporting periods *ending* after September 30, 1981.

Thus, these limits apply to current cost reporting years. Section 2143(b) also states, however, that for cost reporting periods that straddle the September 30 date, the limits will be applied in proportion to the part of the cost reporting period that occurs after September 30, 1981. Thus, each hospital cost reporting period beginning before October 1, 1981, and ending after that date, will be governed by two schedules of cost limits: (1) The schedule in effect on the first day of the cost reporting period, which will be applied in proportion to the part of the total period occurring between the first day of the period and ending September 30, 1981; and (2) this schedule, effective October 1, 1981, which will be applied in proportion to the part of the total cost reporting period occurring after September 30, 1981. The method for making these proportional applications is illustrated later in this notice under paragraph VII. 7. For cost reporting periods beginning on or after October 1, 1981, these revised limits will be in effect for the entire cost reporting period.

III. Summary Description of Cost Limit Methodology

The basic methodology previously used has not been changed. A full explanation is set forth in the notices published on April 1, 1980 (45 FR 21582), June 20, 1980 (45 FR 41868) and June 30, 1981 (46 FR 33637). In brief summary, it is as follows:

1. Limits on hospital per diem inpatient general routine operating costs. The limits do not apply to capital-related costs, costs of approved medical or nursing education programs that are properly allocated to interns and residents (in approved programs) and nursing school cost centers on the hospital's Medicare cost report, costs of special care units or ancillary services, or malpractice insurance costs.

2. A classification system based on each hospital's bed size, and whether the hospital is located within a Standard Metropolitan Statistical Area (SMSA), a New England County Metropolitan Area (NECMA) or in a non-SMSA/non-NECMA area. (For a discussion of the exceptions to these rules for certain New England areas, see the notice published June 18, 1980 (45 FR 41218). For a listing of the counties including in each SMSA or NECMA, see the hospital cost limits notice published on June 20, 1980 (45 FR 41868).)

The Executive Office of Management and Budget on June 19, 1981 announced new SMSAs based on the 1980 census. As soon as we have received new wage index values for these areas, we will publish in the **Federal Register** a list of the constituent counties in the SMSAs and their wage index values.

3. Use of actual hospital inpatient general routine per diem operating cost data from Medicare cost reports to derive the limits. We have adjusted the limits to reflect the allowance of an 8.5 percent routine nursing salary cost differential through September 30, 1981, and a 5 percent nursing differential thereafter.

4. A market basket index (see Appendix) that we developed to reflect changes in the prices of goods and services purchased by hospitals.

5. A hospital wage index (see Tables III A and III B) that we developed from hospital wage and employment data obtained from the Bureau of Labor Statistics (BLS). We use this index to adjust for the differing levels of labor-related costs among the areas in which hospitals are located.

6. A cost-of-living adjustment to the nonlabor component of the limits for hospitals in Alaska and Hawaii.

7. Limits set at 108 percent of the mean labor-related costs and of the mean nonlabor costs of each group.

8. An adjustment to the limits for increased costs due to approved internship and residency programs.

9. A formula that permits the limits to be adjusted upward for areas where the number of covered days of care per 1,000 Medicare beneficiaries is less than the national average.

10. An explanation of how these limits will be implemented effective October 1, 1981, in proportion to whatever part of a hospital's cost reporting period occurs after September 30, 1981.

11. A revised schedule of dollar limits, by geographic area and hospital size, that we calculated under the methodology summarized above.

IV. Impact analyses

Executive Order 12291

This notice merely implements statutory amendments made by Pub. L. 97–35 to Section 1861(v)(1) of the Social Security Act, and does not otherwise modify the methodology used to compute the limits in any manner. Therefore, the Secretary has determined that, although this notice will have an annual effect on the economy of $263 million in fiscal year 1982, the development of a Regulatory Impact Analysis is not required. If, in the future, discretionary changes are proposed that would modify the methodology used in computing the limits and would meet the criteria for conducting a Regulatory Impact Analysis, a Regulatory Impact Analysis will be developed and made available for public comment.

Regulatory Flexibility Act

The Secretary certifies, under Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354), that the revised schedule of limits set forth in this notice will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's certification is that the revised limits merely implement recent statutory changes governing the system of hospital costs limits that is now in effect, and do not otherwise include any changes in our methodology for deriving and applying them.

V. Waiver of Proposed Notice and 30-day Delay in Effective Date

We developed the revised limits set forth below by using the same methodology that we use to develop the current hospital cost limits, which were published on June 30, 1981 (46 FR 33637) and the previous cost limits, published on June 20, 1980 (45 FR 41868). On April 1, 1980, we published a proposed notice that described in detail our methodology for developing and applying those limits, and provided a 60-day period for public comment (45 FR 21582). In developing the current methodology for deriving and applying the schedule of limits, we considered all comments received in response to the April 1, 1980 notice. These comments, and our responses to them, are described in the June 20, 1980 notice.

Because the methodology used for the revised schedule has previously been published for public comment, and because the changes being made in this notice are mandated by statute, we do not believe it is either necessary or useful to request comment agains on that methodology. Therefore, we find good cause to waive publication of a proposed notice, and to publish this notice of revised limits in final form.

In the past, we generally have attempted to allow a 30-day period between the date of publication of each cost limit schedule and the effective date of the schedule. Since the effective date of the statutory changes is October 1, 1981, we find that there is good cause to waive the customary 30-day delay between publication of new limits and their effective date, and apply them to hospitals effective October 1, 1981.

VI. Methodology for Determining per Diem Routine Operating Cost Limit

Development of Published Limits

1. *Data.* We developed the limits by using actual hospital inpatient general routine operating cost data obtained from the latest Medicare cost reports available as of April 15, 1980. In developing the revised limits, we excluded capital-related costs and costs allocated to the interns and residents (in approved programs) and nursing school cost centers. After excluding these costs, we would normally adjust the remaining data for inflation by projecting them from the midpoints of the cost reporting periods used in the data collection through the midpoint of the first cost reporting period to which the limits would apply.

Since the amendments to the statute direct that the revised limits be applied to cost reporting periods *ending* (rather the *beginning*) after September 30, 1981, the limits published in this notice represent what the limits would have been at 108 percent costs for the period October 1, 1980 through September 30, 1981. We derived these limits by deflating (using the market basket index) the means used in deriving the limits published on June 30, 1981, so that the midpoint of the limits became March 31, 1981, rather than December 31, 1981. We then multiplied the new means by 1.08 to arrive at the new limits.

We derived the limits in this manner for ease of administration and application. For every hospital whose cost reporting period ends after September 30, 1981, the intermediary will adjust the limits to account for the change in the nursing differential, as indicaated in item 3 below, and will apply an inflation adjustment as indicated in item 6 under *"Calculation of Individual Hospital Limit"* below. The intermediary will apply both of these adjustments for those months in the cost reporting period that occur after September 30, 1981.

We anticipate that our next schedule of limits will apply for whole cost reporting periods beginning on or after October 1, 1982. The schedule of limits in this notice is applied to periods ending after September 30, 1981. As a result of this, many hospitals will have a second cost reporting period subject to the limits contained in this schedule. For example, a hospital whose cost reporting period ends December 32, 1981 will also be subject to this schedule for the period beginning January 1, 1982. Therefore, we have included additional inflation factors in item 6 which the intermediary will use to determine the limit for the reporting period following the reporting period which ends after September 30, 1981.

The annual percentage increase over the previous year that we used for our inflation projections are:

	Percent
1978	13.1
1979 (1/1 through 6/30)	10.8
1979 market basket (7/1 through 12/31)	9.1
1980 market basket	11.7
1981 market basket	*10.8
1982 market basket	*9.5
1983 market basket	*9.5

* Forecasted increase.

If the actual rate of the increase in the market basket is at least .3 of 1 percentage point above the estimated rate, we will advise the Medicare intermediaries to use the actual rate to adjust each hospital's cost limit at the time of final settlement.

2. *Adjustment for Education Costs.* We adjusted each hospital's Medicare per diem routine operating costs used in calculating the mean for each group by dividing the per diem costs by 1.0 plus the product of the education adjustment factor (.047) and the individual hospital's adjusted intern-and-resident to bed ratio. We determined that adjusted ratio by dividing the number of full-time equivalent (FTE) interns and residents for the cost reporting period to which each per diem cost applies (see step 5 of the "Calculation of Individual Hospital Limit") by the hospital's bed size determined at the beginning of that period to obtain the hospital's intern-and-resident to bed ratio, and dividing that ratio by .1. Example: The per diem operating cost of a 686-bed hospital in Los Angeles, California, is $200. The hospital employed 77 FTE interns and residents in approved teaching programs.

The per diem cost is adjusted for education costs as follows:

$77 \div 686 = .1122$, which is the intern-and-resident to bed ratio for this hospital.

$.1122 \div .1 = 1.122$—Adjusted Ratio

$\$200 \div [1 + (.047 \times 1.122)] =$

$\$200 \div 1.0527 = \$189.99$, Education-adjusted per diem cost.

The education-adjusted per diem costs are divided into labor-related and nonlabor portions, adjusted by the wage index and used to calculate the group means (see steps 3 and 4 below).

3. *Use of Wage Index to Adjust Cost Data.* We divided each hospital's adjusted per diem routine operating cost into labor-related and nonlabor portions. We determined the labor-related portion of cost by multiplying each hospital's adjusted per diem

routine operating cost by 79.26 percent, which is the labor-related portion of cost from the market basket. We then divided the labor-related portion of each hospital's per diem cost by the wage index applicable to the hospital's location (see Tables III A and III B) to arrive at an adjusted labor-related portion of routine cost.

If we discover that we, or the Bureau of Labor Statistics, have made any error that results in an incorrect wage index for any area, we will notify the Medicare intermediaries of the corrected index and will direct them to recalculate the limits for affected providers.

4. *Group Limits.* We calculated separate means of routine labor-related and nonlabor operating costs for each group established in accordance with the hospitals' SMSA/NECMA or non-SMSA/non-NECMA location and bed size.

For each group, we multiplied the mean labor-related and mean nonlabor costs by 108 percent. (See Tables I and II as well as the explanation in item 1 above.)

VII. Calculation of Individual Hospital Limit

1. *Cost-of-Living Adjustment (Alaska and Hawaii Hospitals Only).* If a hospital is located in Alaska or Hawaii, the hospital's intermediary will multiply the nonlabor component for the hospital's group (see Tables I and II) by the appropriate cost-of-living adjustment factor from the list included in these tables. The intermediary will use the adjusted nonlabor component in computing the hospital's limit.

Example—Calculation of Cost-of-Living Adjusted Non-Labor Component for a 400-bed Hospital Located in Alaska.

Non-Labor Component—$27.62 (Published in Table I)
Adjustment Factor for Alaska=1.25
$27.62×1.25=$34.53 Cost-of-Living Adjusted Non-Labor Component.

2. *Adjustment of Labor-Related Component by Wage Index.* To arrive at a labor-adjusted limit for each hospital, the hospital's Medicare intermediary will multiply the labor-related component for the hospital's group by the wage index developed from the wage levels for hospital workers in the area in which the hospital is located (see Tables III. A and III. B). The individual limit that applies to any hospital will be the sum of the nonlabor component, plus the adjusted labor-related component, as adjusted further for the change in the nursing differential under item 3, and for the hospital's actual cost reporting period under item 6, unless the hospital also qualifies for one or more of the adjustments described in steps 4 and 5.

Example—Calculation of Adjusted Limit for a 686-bed Hospital Located in Los Angeles, California, with a cost reporting period ending 11/30/81.

Non-Labor Component—$28.95 (published in Table I).

Labor-related Component—$98.15 (published in Table I).

SMSA Wage Index—1.2899 (published in Table III A).

Computation of Adjusted Limit

$98.15×1.2899 (wage index)=$126.60—Adjusted Labor Component
$126.60+$28.95=$155.55—Adjusted limit.

The wage indices for each SMSA/NECMA area and for the non-SMSA/non-NECMA areas of each State are published in Tables III A and III B.

3. *Adjustment for change in nursing differential.* To adjust each hospital's limit to take account of the change in the nursing differential from 8.5 percent to 5 percent effective for cost reporting periods ending after September 30, 1981, the Medicare intermediary will multiply the individual limit (after adjusting the labor component under item 2 and combining the adjusted labor component and nonlabor component into an adjusted limit) by the appropriate ratio for that hospital's bed size, urban or rural location, and the beginning date of its reporting period (see Tables IV A and IV B). The resulting limit will reflect application of the 8.5 percent differential from the first day of the reporting period through September 30, 1981, and a 5 percent differential for the remainder of the period.

All cost reporting periods that begin after October 1981 will be subject to the adjustment factor that appears for October 1981.

Example—A 686-bed hospital in Los Angeles, California has an adjusted Medicare limit of $155.55. The adjustment ratio from Table IV A is .99857.

Adjusted limit $155.55×Adjustment ratio .99857=$155.33, which is the hospital's limit after applying the nursing salary differential adjustment.

4. *Adjustment for Covered Days of Care.* If a hospital is located in a State that is entitled to a covered days of care adjustment (see Table V) the intermediary will determine the adjusted limit for the hospital, and multiply that limit by the applicable factor from Table IV.

Example—A 686-bed hospital in Los Angeles, California has an adjusted Medicare limit of $155.33. The adjustment factor from Table V is 1.06483.

Adjusted limit $155.33×Adjustment factor 1.06483=$165.40, which is the hospital's limit after application of the covered days of care adjustment.

5. *Education Cost Adjustment.* If a hospital has a graduate medical education program approved under 42 CFR 405.421, the intermediary will increase the hospital's limit by 4.7 percent for each .1 increase (above zero) in the hospital's ratio of full-time equivalent (FTE) interns and residents (in approved programs) to its bed size. The hospital will report to its intermediary, 45 days before the start of each cost reporting period, the number of FTE interns and residents it employed on the September 30 immediately preceding the date on which this report is due. The intermediary will calculate the amount of the education cost adjustment based on that report, and will adjust the hospital's limit retroactively at final settlement if, for a cost reporting year, a hospital actually employed more or fewer FTE interns and residents on September 30 of that period than the number it reported.

The number of full-time equivalent interns and residents is the sum of:

a. Interns and residents employed for 35 hours or more per week, and

b. One half of the total number of interns and residents working less than 35 hours per week (regardless of the number of hours worked).

For purposes of this adjustment, a hospital will be allowed to count only interns and residents in teaching programs approved under 42 CFR 405.421 who are employed at the hospital. Interns and residents in unapproved programs and those who are on the hospital's payroll but furnish services at another site will not be taken into account in making this adjustment.

Example—A 686-bed hospital in Los Angeles, California has an adjusted limit of $165.40 for the portion of the cost reporting period occurring after September 30, 1981. The hospital has a cost reporting period of December 1, 1980 through November 30, 1981. The hospital employed 77 FTE interns and residents in approved teaching programs on September 30, 1980.

77÷686=.1122 Ratio of FTE Interns and Residents to Beds
Ratio .1122÷.1=1.122 Adjusted ratio
The Education Adjustment Factor is .047.
Adjusted Medicare limit
$165.40×[1+(education adjustment factor .047×adjusted ratio 1.122)]=$165.40×1.0527=$174.12 Education-adjusted Medicare limit.

If the number of FTE interns and residents the hospital employs on September 30, 1981, is more or less than

77, the intermediary will adjust the hospital's limit at the time of final settlement of the hospital's cost report.

6. *Market Basket Inflation Adjustment for Cost Reporting Year.* For all hospitals having cost reporting periods ending after September 30, 1981, the intermediary will increase the limit by the factor from Table VI that corresponds to the month and year in which the cost reporting period begins. Each factor represents the monthly increase that we derived by dividing the projected annual increase in the market basket index by twelve. This adjustment is needed to account for price increases that occur after the date on which the limits are effective.

As indicated under item 1 above, the majority of hospitals will experience a second cost reporting period under this schedule of limits. Therefore, Table VI contains additional inflation factors to be applied to the second cost reporting period.

Example—A 686-bed hospital in Los Angeles, California has a cost reporting period that ends November 30, 1981. The otherwise applicable limit for the hospital is $174.12.

Computation of Revised Hospital Limit

Individual Hospital Adjusted Limit—$174.12
Adjustment Factor from Table VI—1.018
Adjusted Limit $174.12×Adjustment factor 1.018=Revised Medicare limit $177.25

For the cost reporting period beginning December 1, 1981, the adjustment factor will be 1.12058.

If a hospital uses a cost reporting period that is not 12 months in duration, a special calculation of the adjustment factor must be made. This results from the fact that projections are computed to the midpoint of a cost reporting period and the adjustment factors in Table VI are based on an assumed 12 month reporting period. For cost reporting periods other than 12 months, the calculation must be done specifically for the midpoint of the cost reporting period. The hospital's intermediary will obtain this adjustment factor from HCFA.

7. *Proportional Application of Limits to Cost Reporting Periods Ending After September 30, 1981.* As a result of the new legislation, each hospital reporting period beginning before October 1, 1981, and ending after September 30, 1981, will be governed by two schedules of cost limits: (1) The schedule in effect on the first day of the reporting period, which will be applied in proportion to the part of the total period occurring between the first day of the period and ending September 30, 1981; and (2) the schedule in this notice, which will be applied in proportion to the part of the total period occurring after September 30, 1981.

In determining the proportional application of the new limits, it is not our intention that ongoing systems for reporting and determining reasonable costs be revised or otherwise disrupted or that hospitals be subjected to new reporting requirements. However, we also understand that more than one method can be used to determine the proportional application. We believe some hospitals may find the adjustment easier to calculate as a reduction factor based upon the previous limit, particularly since this application is specific to those cost reporting periods which begin before October 1, 1981 and end after September 30, 1981. Therefore, we have provided two alternatives for calculating the application of the new cost limits. The examples illustrate two alternative methods providers and intermediaries may use to determine the proportional application.

Example 1: A hospital has a cost reporting period which begins December 1, 1980. Assume that the hospital's limit for this period is $177.24, and the limit for that portion of the period ending after September 30, 1981 is $170.24. Assume also that the hospital had 1,000 general routine patient days during the entire cost reporting period.

It is first necessary to determine what total allowable cost would be for the entire period under both the old and new limits (even though neither the old nor the new limit in fact applies to the entire period). This is done as follows:

Total allowable cost for the entire period using old limit:
$177.24×1,000 days=$177,240

Total allowable cost for the entire period using new limit:
$170.24×1,000 days=170,240
Difference=$7,000

It is then necessary to determine what proportion of this difference should be applied to the months after September 30, 1981. This is accomplished as follows:

$7,000×2/12 (number of months after 9–20–81 in the hospital's cost reporting period)=$1,167

To determine the actual total allowable cost, the amount of the disallowance under the new limits ($1167) is subtracted from the total allowable costs for the entire period (under the old limit) as follows:

Total allowable cost for the period	$177,240
	−1,167
	176,073

Example 2: Assume the same facts as in example 1.

Total allowable costs for the entire period using old limit: $177,240.

Ratio of new limit to old limit $170.24 to $177.24 is .96050.

.96050 represents the proportion which the new limit bears to the old limit. However, since the new limit applies only to months in the reporting period after September 30, 1981, it is necessary to increase this proportion to reflect this fact. This is done by the formula below. .0395 represents the total percentage reduction in the new limit (1.00−.96050). This figure is then reduced in proportion to the number of months subject to the old limit (10) and the result is added to .96050 to obtain the relationship which total allowable costs using the proportional application of the new limits bears to total allowable costs computed under the old limits for the entire period.

[(.0395×10 divided by 12)+.96050]×$177,240=$176,073—Total allowable cost for the period.

VIII. Schedule of Limits

Under the authority of section 1861(v) of the Social Security Act, the following per diem limits will apply to hospital inpatient general routine operating costs that may be reimbursed under Medicare effective October 1, 1981. Medicare fiscal intermediaries will compute the adjusted limits for hospitals that participate in Medicare using the methodology set forth in this notice, and will notify each hospital of its applicable limit. These limits, adjusted by the cost reporting year adjustment factors in Table VI, will remain in effect until replaced by a revised schedule of limits published in a final notice in the **Federal Register.**

Table I.—*Hospitals Located in SMSA (NECMA) Areas*

Bed size	Labor-related component	Nonlabor component
Less than 100	$101 28	$28.06
100 to 404	97.78	27.62
405 to 684	94.16	26.58
685 and above	98.15	28.95

Table II.—*Hospitals Located in Non-SMSA (Non-NECMA) Areas*

Bed size	Labor-related component	Nonlabor component
Less than 100	$96.14	$24.02
100 to 169	91.91	23.29
170 and above	87.92	22.64

Nonlabor components for hospitals located in the States of Alaska and Hawaii will be increased by multiplying them by the following cost-of-living adjustment factors:

Location	Adjustment factor
Alaska	1.25
Hawaii:	
Oahu	1.15
Kauai	1.15
Molokai	1.125
Maui and Lanai	1.15
Hawaii	1.10

Table IIIA.—*Wage Index for Urban Areas*

SMSA area	Wage index
Abilene, TX	[illegible]
Akron, OH	1.0417
Albany, GA	[illegible]
Albany-Schenectady-Troy, NY	.9624
Albuquerque, NM	1.0009
Alexandria, LA	.8954
Allentown-Bethlehem-Easton, PA-NJ	1.0569
Altoona, PA	1.0219
Amarillo, TX	.9233
Anaheim-Santa Ana-Garden Grove, CA	1.2115
Anchorage, AK	1.6461
Anderson, IN	.9812
Ann Arbor, MI	1.2175
Anniston, AL	[illegible]
Appleton-Oshkosh, WI	1.0124
Asheville, NC	[illegible]
Atlanta, GA	.9162
Atlantic City, NJ	1.0174
Augusta, GA-SC	.9237
Austin, TX	[illegible]
Bakersfield, CA	1.1223
Baltimore, MD	[illegible]
Baton Rouge, LA	[illegible]
Battle Creek, MI	1.0229
Bay City, MI	1.1238
Beaumont-Port Arthur-Orange, TX	[illegible]
Billings, MT	[illegible]
Biloxi-Gulfport, MS	.8143
Binghamton, NY-PA	[illegible]
Birmingham, AL	[illegible]
Bismarck, ND	[illegible]
Bloomington, IN	[1].9481
Bloomington-Normal, IL	[illegible]
Boise City, ID	[illegible]
Boston-Lowell-Brockton-Lawrence-Haverhill, MA-NH	1.1214
Bradenton, FL	[1].8631
Bridgeport-Stamford-Norwalk-Danbury, CT	1.1647
Brownsville-Harlingen-San Benito, TX	.9312
Bryan-College Station, TX	.8377
Buffalo, NY	.9926
Burlington, NC	.8899
Canton, OH	.9447
Cedar Rapids, IA	[1].9193
Champaign-Urbana-Rantoul, IL	1.1197
Charleston-North Charleston, SC	.9751
Charleston, WV	[illegible]
Charlotte-Gastonia, NC	.8456
Chattanooga, TN-GA	1.0226
Chicago, IL	1.1780
Cincinnati, OH-KY-IN	1.0814
Clarksville-Hopkinsville, TN-KY	[illegible]
Cleveland, OH	1.1957
Colorado Springs, CO	.9743
Columbia, MO	1.1712
Columbia, SC	.9743
Columbus, GA-AL	.9021
Columbus, OH	1.1184
Corpus Christi, TX	[illegible]
Dallas-Fort Worth, TX	[illegible]
Davenport-Rock Island-Moline, IA-IL	.9219
Dayton, OH	1.1064
Daytona Beach, FL	[illegible]
Decatur, IL	[illegible]
Denver-Boulder, CO	1.0960
Des Moines, IA	1.0156
Detroit, MI	1.2280
Dubuque, IA	[illegible]
Duluth-Superior, MN-WI	.9193
Eau Claire, WI	[illegible]
El Paso, TX	.8714
Elkhart, IN	[1].7997
Elmira, NY	.9642
Enid, OK	[illegible]

Table IIIA.—*Wage Index for Urban Areas*—Continued

SMSA area	Wage index
Erie, PA	[illegible]
Eugene-Springfield, OR	[illegible]
Evansville, IN-KY	1.0742
Fargo-Moorhead, ND-MN	[illegible]
Fayetteville, NC	[1].8353
Fayetteville-Springdale, AR	.7997
Flint, MI	1.1919
Florence, AL	[illegible]
Fort Collins, CO	.8353
Fort Lauderdale-Hollywood, FL	[illegible]
Fort Myers, FL	[illegible]
Fort Smith, AR-OK	.8899
Fort Wayne, IN	[illegible]
Fresno, CA	1.1265
Gadsden, AL	[illegible]
Gainesville, FL	[illegible]
Galveston-Texas City, TX	1.0607
Gary-Hammond-East Chicago, IN	1.1664
Grand Forks, ND-MN	[illegible]
Grand Rapids, MI	[illegible]
Great Falls, MT	[1].9162
Greeley, CO	[1].9312
Green Bay, WI	.9740
Greensboro-Winston-Salem-High Point, NC	[illegible]
Greenville-Spartanburg, SC	.9371
Hamilton-Middleton, OH	[illegible]
Harrisburg, PA	1.0534
Hartford-New Britain-Bristol, CT	1.1535
Honolulu, HI	1.1645
Houston, TX	1.0630
Huntington-Ashland, WV-KY-OH	.9270
Huntsville, AL	[illegible]
Indianapolis, IN	1.0507
Iowa City, IA	[illegible]
Jackson, MI	[1]1.0173
Jackson, MS	[illegible]
Jacksonville, FL	[illegible]
Janesville-Beloit, WI	[illegible]
Jersey City, NJ	1.1180
Johnson City-Kingsport-Bristol, TN-VA	.8777
Johnstown, PA	1.0445
Kalamazoo-Portage, MI	1.1695
Kankakee, IL	1.0073
Kansas City, MO-KS	[illegible]
Kenosha, WI	[1]1.0778
Killeen-Temple, TX	.8868
Knoxville, TN	[illegible]
Kokomo, IN	[illegible]
La Crosse, WI	[1].9016
Lafayette, LA	[illegible]
Lafayette-West Lafayette, IN	.9141
Lake Charles, LA	[illegible]
Lakeland-Winter Haven, FL	[illegible]
Lancaster, PA	[illegible]
Lansing-East Lansing, MI	1.0811
Laredo, TX	[illegible]
Las Cruces, NM	[1].8129
Las Vegas, NV	1.188[illegible]
Lawrence, KS	[illegible]
Lawton, OK	[1].8377
Lewiston,-Auburn, ME	[illegible]
Lexington-Fayette, KY	[illegible]
Lima, OH	.9932
Lincoln, NE	[illegible]
Little Rock-North Little Rock, AR	[illegible]
Long Branch-Asbury Park, NJ	1.0648
Longview, TX	[illegible]
Lorain-Elyria, OH	1.0207
Los Angeles-Long Beach, CA	[illegible]
Louisville, KY-IN	[illegible]
Lubbock, TX	[illegible]
Lynchburg, VA	[illegible]
Macon, GA	.9637
Madison, WI	1.0257
Manchester-Nashua, NH	[illegible]
Mansfield, OH	.9196
McAllen-Pharr-Edinburg, TX	[illegible]
Melbourne-Titusville-Cocoa, FL	[illegible]
Memphis, TN-AR-MS	1.0371
Miami, FL	1.1050
Midland, TX	[1].9141
Milwaukee, WI	[illegible]
Minneapolis-St. Paul, MN-WI	[illegible]
Mobile, AL	[illegible]
Modesto, CA	1.0250
Monroe, LA	[illegible]
Montgomery, AL	[illegible]
Muncie, IN	[illegible]
Muskegon-Norton Shores-Muskegon Heights, MI	[illegible]
Nashville-Davidson, TN	1.0167

Table IIIA.—*Wage Index for Urban Areas*—Continued

SMSA area	Wage index
Nassau-Suffolk, NY	1.2758
New Bedford-Fall River, MA	[illegible]
New Brunswick-Perth Amboy-Sayreville, NJ	[illegible]
New Haven-Waterbury-Meriden, CT	[illegible]
New London-Norwich, CT	[illegible]
New Orleans, LA	[illegible]
New York, NY-NJ	[illegible]
Newark, NJ	[illegible]
Newport News-Hampton, VA	[illegible]
Norfolk-Virginia Beach-Portsmouth, VA-NC	[illegible]
Northeast Pennsylvania	[illegible]
Odessa, TX	[illegible]
Oklahoma City, OK	[illegible]
Omaha, NE-IA	[illegible]
Orlando, FL	[illegible]
Owensboro, KY	[illegible]
Oxnard-Simi Valley-Ventura, CA	1.3788
Panama City, FL	[1].8777
Parkersburg-Marietta, WV-OH	1.0461
Pascagoula-Moss Point, MS	[1]1.1535
Paterson-Clifton-Passaic, NJ	[illegible]
Pensacola, FL	[illegible]
Peoria, IL	1.0175
Petersburg-Colonial Heights-Hopewell, VA	[illegible]
Philadelphia, PA-NJ	1.1810
Phoenix, AZ	1.1100
Pine Bluff, AR	[1].7997
Pittsbrugh, PA	1.1275
Pittsfield, MA	1.0275
Portland, ME	[illegible]
Portland, OR-WA	1.1026
Poughkeepsie, NY	1.0778
Providence-Warwick-Pawtuckett, RI	1.0314
Provo-Orem, UT	[illegible]
Pueblo, CO	[illegible]
Racine, WI	[illegible]
Raleigh-Durham, NC	1.0173
Rapid City, SD	[illegible]
Reading, PA	1.0101
Reno, NV	[1]1.2428
Richland-Kennewick, WA	[illegible]
Richmond, VA	.9252
Riverside-San Bernardino-Ontario, CA	1.1729
Roanoke, VA	[illegible]
Rochester, MN	[illegible]
Rochester, NY	1.0653
Rockford, IL	.9696
Sacramento, CA	1.1396
Saginaw, MI	1.1279
St. Cloud, MN	[illegible]
St. Joseph, MO	[illegible]
St. Louis, MO-IL	.9977
Salem, OR	1.1083
Salinas-Seaside-Monterey, CA	[illegible]
Salt Lake City-Ogden, UT	[illegible]
San Angelo, TX	[illegible]
San Antonio, TX	[illegible]
San Diego, CA	1.1113
San Francisco-Oakland, CA	1.3153
San Jose, CA	[illegible]
Santa Barbara-Santa Maria-Lompoc, CA	[illegible]
Santa Cruz, CA	1.0811
Santa Rosa, CA	1.4037
Sarasota, FL	.8554
Savannah, GA	.9414
Seattle-Everett, WA	[illegible]
Sherman-Denison, TX	[illegible]
Shreveport, LA	.9292
Sioux City, IA-NE	[illegible]
Sioux Falls, SD	[illegible]
South Bend, IN	[illegible]
Spokane, WA	1.0921
Springfield, IL	.9873
Springfield, MO	[illegible]
Springfield, OH	[illegible]
Springfield-Chicopee-Holyoke, MA	1.0184
Steubenville-Weirton, OH-WV	[illegible]
Stockton, CA	[illegible]
Syracuse, NY	[illegible]
Tacoma, WA	1.0514
Tallahassee, FL	[illegible]
Tampa-St. Petersburg, FL	.9898
Terre Haute, IN	.8644
Texarkana-TX-Texarkana, AR	[illegible]
Toledo, OH-MI	1.1157
Topeka, KS	[illegible]
Trenton, NJ	1.1708
Tucson, AZ	[illegible]
Tulsa, OK	[illegible]
Tuscaloosa, AL	1.0142

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Table IIIA.—*Wage Index for Urban Areas*—Continued

SMSA area	Wage index
Tyler TX	9481
Utica-Rome, NY	1 0145
Vallejo-Fairfield-Napa, CA	1 5862
Vineland-Millville-Bridgeton, NJ	1 0083
Waco, TX	8593
Washington, DC-MD-VA	1 1457
Waterloo-Cedar Falls, IA	8631
West Palm Beach-Boca Raton, FL	9632
Wheeling, WV-OH	9921
Wichita, KS	1 0248
Wichita Falls, TX	8282
Williamsport, PA	9749
Wilmington, DE-NJ-MD	1.0898
Wilmington, NC	.8936
Worcester-Fitchburg-Leominster, MA	9703
Yakima, WA	.9523
York, PA	.9884
Youngstown-Warren, OH	1 1090

[1] Approximate value for area.

Table IIIB.—*Wage Index for Rural Areas*

Non-SMSA area	Wage index
Alabama	0.8960
Alaska	1 5579
Arizona	1 0289
Arkansas	[illegible]
California	1.2415
Colorado	[illegible]
Connecticut	1 1552
Delaware	1.0370
Florida	9917
Georgia	[illegible]
Hawaii	1.3362
Idaho	[illegible]
Illinois	[illegible]
Indiana	[illegible]
Iowa	[illegible]
Kansas	[illegible]
Kentucky	[illegible]
Louisiana	[illegible]
Maine	[illegible]
Maryland	1 1028
Massachusetts	1 1722
Michigan	1 1325
Minnesota	[illegible]
Mississippi	[illegible]
Missouri	[illegible]
Montana	.9561
Nebraska	[illegible]
Nevada	1.0790
New Hampshire	1.0971
New Jersey	1 0820
New Mexico	1.0073
New York	1.0327
North Carolina	.9917
North Dakota	[illegible]
Ohio	[illegible]
Oklahoma	9111
Oregon	1.0673
Pennsylvania	1 1358
Rhode Island	([1])
South Carolina	[illegible]
South Dakota	[illegible]
Tennessee	[illegible]
Texas	[illegible]
Utah	[illegible]
Vermont	[illegible]
Virginia	9792
Washington	1 0465
West Virginia	1 0111
Wisconsin	[illegible]
Wyoming	1 0402

[1] Not applicable. All of Rhode Island is classified as urban.

Table IVA.—*Nursing Differential Adjustment Ratio for Hospitals Located in Urban Areas*

[Bed size]

Cost reporting period begins	Less than 100	101 to 404	405 to 684	685 and above
October 1980	1 000	1 000	1.000	1 000
November 1980	99935	[illegible]	99963	99928
December 1980	[illegible]	[illegible]	[illegible]	[illegible]
January 1981	[illegible]	[illegible]	[illegible]	[illegible]
February 1981	[illegible]	[illegible]	[illegible]	[illegible]
March 1981	[illegible]	[illegible]	[illegible]	99642
April 1981	[illegible]	[illegible]	99776	99571
May 1981	[illegible]	99727	[illegible]	[illegible]
June 1981	.99479	[illegible]	.99701	[illegible]
July 1981	[illegible]	[illegible]	[illegible]	.99358
August 1981	[illegible]	[illegible]	.99626	[illegible]
September 1981	.99285	.99571	[illegible]	[illegible]
October 1981 or after	.99220	[illegible]	.99552	[illegible]

Table IVB.—*Nursing Differential Adjustment Ratio for Hospitals Located in Rural Areas*

[Bed size]

Cost reporting periods begins	Less than 100	101 to 169	170 and above
October 1980	1.000	1 000	1.000
November 1980	.99942	[illegible]	[illegible]
December 1980	.99885	99899	99948
January 1981	.99827	[illegible]	[illegible]
February 1981	.99770	99798	99896
March 1981	.99712	[illegible]	.99870
April 1981	.99655	[illegible]	[illegible]
May 1981	.99598	[illegible]	[illegible]
June 1981	.99541	[illegible]	[illegible]
July 1981	.99484	[illegible]	[illegible]
August 1981	.99427	.99496	[illegible]
September 1981	.99370	[illegible]	[illegible]
October 1981 or after	.99312	[illegible]	[illegible]

Table V.—*Adjustment to Limits Based on Areas With Covered Days of Care Per 1,000 HI Enrollees Less Than the National Average (1979 Data)*

State	Adjustment factor
Alaska	1 06577
Arizona	1 04813
California	1 06483
Colorado	1 00420
Connecticut	1 02302
Florida	1 01248
Georgia	1 01559
Hawaii	1 10006
Idaho	1 08364
Montana	1 04632
Nevada	1 02016
New Hampshire	1 02357
New Mexico	1 05796
Oregon	1 10056
Rhode Island	1 00912
South Carolina	1 02003
Utah	1 13128
Washington	1 10009

The published limit will be increased so that hospitals in States with low utilization per 1,000 HI enrollees would receive higher per diem limits.

Sources of Data: Medicare inpatient covered days of care for short stay hospitals for 1979, by State: HCFA, Office of Research, Demonstrations and Statistics, Current Utilization Tabulations as of June 27, 1980—Table AA4A—Total—Number of Bills, Days of Care, Amount of Covered Charges and Reimbursement by Period Expense Incurred.

Number of Medicare beneficiaries, by State: HCFA, Office of Research, Demonstrations and Statistics, Medicare: 1979, Table 1.1.1., Enrollment (July 1) and reimbursement for hospital and medical insurance by census region, division, and State of residence: All persons, unpublished.

Table VI.—*Cost reporting year adjustment factors*

If the hospital cost reporting period begins—	The adjustment factor is:[1]
Oct. 1, 1980	1.00000
Nov 1, 1980	1.00900
Dec. 1, 1980	1.01800
Jan. 1, 1981	1.02700
Feb. 1, 1981	1.03600
Mar 1, 1981	1.04500
Apr 1, 1981	1.05400
May 1, 1981	1.06300
June 1, 1981	1.07200
July 1, 1981	1.08100
Aug. 1, 1981	1.08892
Sept. 1, 1981	1.09683
Oct. 1, 1981	1.10475
Nov 1, 1981	1.11267
Dec. 1, 1981	1.12058
Jan. 1, 1982	1.12850
Feb. 1, 1982	1.13642
Mar 1, 1982	1.14433
Apr 1, 1982	1.15225
May 1, 1982	1.16017
June 1, 1982	1 16808
July 1, 1982	1.17600
Aug. 1, 1982	1.18392
Sept. 1, 1982	1.19183

[1] Based on projected market basket inflation rates of 10.8 percent for 1981, 9.5 percent for 1982 and 9.5 percent for 1983. These adjustment factors are subject to change based on later estimates of cost increases.

If for any reason, we do not publish a new schedule of limits or do not announce other changes in the current schedule, the current limits would continue in effect. These limits would be increased by 007917 (corresponding to 7917 percent) per month, until a new schedule of limits or other provison is issued.

Appendix.—*Derivation of "Market Basket" index for routine inpatient hospital operating costs*

Category of costs	Relative importance,[1] 1979	Forecaster,[2] percent changes 1980–83	Price variable used
1. Wages and salaries	59.41	DRI–CFS	For the period calendar year 1980 and thereafter: Percentage change in average hourly earnings of hospital industry workers (SIC 806).[3] Source: U.S. Department of Labor, Bureau of Labor Statistics, *Employment and Earnings*, (monthly) Table C–2.
2. Employee benefits	8.13	DRI–MM	Percentage change in supplements to wages and salaries per worker in nonagricultural establishments. Sources: For supplements to wages and salaries—U.S. Department of Commerce, Bureau of Economic Analysis, *Survey of Current Business* (monthly) table 7 (1.12). July issue has detailed components. For total employment—U.S. Dept. of Labor, Bureau of Labor Statistics *Employment and Earnings*, (monthly) table B–4.
3. Professional fees, other (legal, auditing, consulting, etc.)[4]	.49	DRI–MM	Percentage change in hourly earnings index for production or nonsupervisory workers on private nonagricultural payrolls, total private. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, (monthly), table 18.
4. Malpractice insurance premiums	2.09	HHS, HCFA	Percentage change in hospital malpractice insurance premiums per hospital. Data obtained from the American Hospital Association for the period 1967–1978. HHS, Health Care Financing Administration projected these data for 1979–1981
5. Food	5.99	DRI–MM	A. Percentage change in food and beverages component of consumer price index, all urban (relative importance, 3.02). Sources: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 23.
		DRI–MM	B. Percentage change in processed foods and feeds component of producer price index (relative importance, 2.97). Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 27
6. Fuel and other utilities	3.33	DRI–MM	A. Percentage change in implicit price deflator—consumption of fuel oil and coal (derived from fuel oil component of consumer price index) (relative importance, 1.43). Source: U.S. Dept. of Commerce, Bureau of Economic Analysis, *Survey of Current Business*, (monthly) table 7 11.
		DRI–MM	B. Percentage change in implicit price deflator—consumption of electricity (derived from electricity component of consumer price index) (relative importance, .83). Source: U.S. Dept. of Commerce, Bureau of Economic Analysis. Unpublished data provided to Data Resources Inc. by the Bureau of Economic Analysis. Historical time series data are available from the Health Care Financing. Administration or the Bureau of Economic Analysis.
		DRI–MM	C. Percentage change in implicit price deflator for natural gas, derived from utility (piped) gas component of consumer price index (relative importance, .69). Source: Same as electricity above.
		DRI–CFS	D. Percentage change in water and sewerage maintenance component of consumer price index (relative importance, .38). Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 23.
7 Drugs	1.32	DRI–CFS	Percentage change in pharmaceutical preparations, ethical component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Producer Prices and Price Indexes* (monthly), table 6.
8. Chemicals and cleaning products	2.53	DRI–MM	Percentage change in chemicals and allied products component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 27.
9. Surgical and medical instruments and supplies	1.25	DRI–CFS	Percentage change in special industry machinery and equipment component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 27.
10. Rubber and miscellaneous plastics	1.07	DRI–MM	Percentage change in rubber and plastic products component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 27
11. Business travel and motor freight	1.44	DRI–CFS	Percentage change in transportation component of consumer price index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 23
12. Apparel and textiles	1.72	DRI–MM	Percentage change in textile products and apparel component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 27
13. Business services	3 93	DRI–MM	Percentage change in services component of consumer price index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 23
14. All other miscellaneous expenses[5]	7 30	DRI–MM	Percentage change of consumer price index for all items, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, table 23
Total	100.00		

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[1] Routine operating cost weights for 1977 were derived from special studies by the Health Care Financing Administration using primarily data from the American Hospital Association and data from HCFA Medicare cost reports. A Laspeyres price index was constructed using 1977 weights and price variables indicated in this table. In calendar 1977 each price variable has an index value of 100.00. The "relative importance" of the routine operating cost weights changes each period in accordance with price changes for each price variable. Cost categories with relatively higher price increases get relatively higher cost weights and vice versa.

[2] DRI–CFS = Data Resources, Inc., Cost Forecasting Service, 1750 K Street, NW., Washington, D.C. 20006. (Forecast: CFS 811).

DRI–MM = Data Resources, Inc., Macro Model, 29 Hartwell Avenue, Lexington, Massachusetts 02173, (Forecast: Control 032381).

HHS–HCFA = Dept. of Health and Human Services, Health Care Financing Administration, 200 Independence Avenue, SW., Washington, D.C. 20201.

[3] For six months in 1979, the annual percentage change in average hourly earnings of service industry workers was used.

[4] Medical professional fees are included as part of nonroutine costs.

[5] This is a residual category of routine operating costs not included in the 13 specific categories above. It consists primarily of miscellaneous and unallocated items.

(Secs. 1102, 1814(b), 1861(v)(1), 1866(a), and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395f(b), 1395x(v)(1), 1395cc(a), and 1395hh)
(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: September 12, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 18, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-28627 Filed 9-29-81; 8:45 am]

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federal register

Wednesday
September 30, 1981

Part VIII

Department of Health and Human Services

Health Care Financing Administration

Medicare Program; Schedule of Limits on Home Health Agency Costs Per Visit Effective October 1, 1981

V 46 SE 30 81 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Medicare Program; Schedule of Limits on Home Health Agency Costs Per Visit Effective October 1, 1981

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final Notice.

SUMMARY: This notice sets forth a schedule of limits on home health agency (HHA) costs that may be reimbursed under the Medicare program beginning October 1, 1981. This is a special revision of the schedule, not an annual update, and replaces the current schedule, which was published in the **Federal Register** on June 30, 1981 (46 FR 33645). It incorporates a change required by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) which is to lower the level of the limits from the 80th percentile of unweighted per visit costs to the 75th percentile of these costs. As required by statute, this notice also has a special provision for its effective date.

EFFECTIVE DATE: The revised schedule of limits is applicable to all cost reporting periods *ending after* September 30, 1981. For any of these cost reporting periods that begin before October 1, 1981, the reductions of payments resulting from application of these limits shall be applied only in proportion to the part of the reporting period that occurs after September 30, 1981.

FOR FURTHER INFORMATION, CONTACT: Carl Slutter, 301–594–9344

SUPPLEMENTARY INFORMATION:

Background

Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) as amended by section 223 of the Social Security Amendments of 1972 (Pub. L. 92–603) authorizes the Secretary to set prospective limits on allowable costs incurred by a provider of services that will be reimbursed under Medicare. These limits may be based on estimates of the costs necessary in the efficient delivery of needed health services. The limits may be applied to direct or indirect overall costs or to the costs incurred for specific items or services furnished by the provider. This provision of the statute is implemented under regulations at 42 CFR 405.460.

Under this authority, we have published limits on home health agency per visit costs annually since 1979. On June 30, 1981 we published in the **Federal Register** (46 FR 33645) the current schedule of limits, applicable to cost reporting periods beginning on or after July 1, 1981. These limits contained provisions related to (1) a classification system based on whether a HHA is provider-based or freestanding, and whether the HHA is located within a Standard Metropolitan Statistical Area (SMSA), a New England County Metropolitan Area (NECMA), or on non-SMSA area; (2) a "market basket" index developed from the price of goods and services purchased by HHAs; (3) adjustments to the limits by an area wage index developed from hospital wages; (4) a cost-of-living adjustment for HHAs in Alaska and Hawaii; (5) limits set at the 80th percentile; (6) calculation of per visit limits by type of service; and (7) application of the limits to each HHA in the aggregate.

On August 13, 1981, the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) became law, including provisions affecting the Medicare program. Section 2144 of that Act amended the Social Security Act, setting new statutory requirements on cost limits for reimbursement of home health agencies under Medicare by adding a new paragraph (L)(ii) to section 1861(v)(1) that read as follows:

"The Secretary, in determining the amount of the payments that may be made under this title with respect to services furnished by home health agencies, may not recognize as reasonable (in the efficient delivery of such services) costs for the provision of such services by an agency to the extent these costs exceed (on the aggregate for the agency) the 75th percentile of such costs per visit for home health agencies, or, in the judgment of the Secretary, such lower percentile or such comparable or lower limit (based on or related to the mean of the costs of such agencies or otherwise) as the Secretary may determine. The Secretary may provide for such exemptions and exceptions to such limitation as he deems appropriate."

Section 2144 also includes provisions on the effective date of the new limits, and the Conference Committee Report accompanying the legislation clarifies the method of application. (H.R. Report No. 97–208, 97th Cong., 1st Sess. p. 949 (1981).) Previously, we applied schedules of cost limits to cost reporting periods beginning after a specified date. Thus, a single schedule applied to each cost reporting period of a home health agency. However, the new provision in 1861(v)(1)(L)(ii) is effective for *all* cost reporting periods *ending* after September 30, 1981, including portions of reporting periods that begin before and continue after that date.

This notice implements these provisions of the Reconciliation Act, but otherwise retains the methodology of the prior cost limits.

Summary of Provisions

This revised schedule of limits on home health agency costs per visit provides for:

1. Identical provisions to those of the June 30, 1981 Notice (see 46 FR 33645) concerning the classification system, market basket and wage index adjustment.

One June 19, 1981, the Executive Office of Management and Budget announced revised Standard Metropolitan Statistical Area (SMSA) definitions based on the 1980 census. As soon as we have received new wage index values for these areas, we will publish in the **Federal Register** a list of the constituent counties in the revised SMSAs together with the appropriate wage indexes.

2. *Limits set at the 75th percentile.*

In accordance with Pub. L. 97–35, we are setting the basic service limits at the 75th percentile of each comparison group. Each HHA's individual limits will be increased or decreased by the application of the wage index as described in the June 30 notice.

3. *Application of Limits.*

The 75th percentile limits apply to cost reporting periods ending after September 30, 1981 (or beginning on or after 11/1/80), but are applicable only in proportion to that portion of the cost reporting period occurring after September 30, 1981. We explain how this adjustment is made later in this notice.

The limits will continue to be applied in the aggregate. However, the Conference Committee Report accompanying Pub. L. 97–35 "* * * urges the Secretary, as soon as possible, to begin to impose the limits by type of service." (H.R. Report No. 97–208, 97th Cong., 1st Sess. p. 949 (1981).) Therefore, we will continue to examine the possibility of applying the limits to individual services.

Impact Analyses

Executive Order 12291

The Secretary has determined, in accordance with Executive Order 12291, that this final notice does not constitute a "major rule" because it will not: have an annual effect on the economy of $100 million or more; result in a major increase in costs or prices for consumers, any industries, any governmental agencies or any geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Secretary certifies, under Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354), that the revised schedule of limits set forth in this notice will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's negative certification is that the revised limits merely implement recent statutory changes governing the system of home health agency cost limits that is now in effect, and do not otherwise include any changes in our methodology for deriving and applying them.

Waiver of Proposed Notice and 30-Day Delay in Effective Date

As explained previously, we developed the revised limits using the same methodology that we used to develop the current limits, that were published on June 30, 1981, and the previous cost limits, published on June 5, 1980. On February 15, 1980, we published a proposed notice that described in detail our methodology for developing and applying the limits and provided a 60-day period for public comment (45 FR 10450). In developing the current methodology for deriving and applying the schedule of cost limits, we considered all comments received in response to the February 15, 1980 notice. These comments, and our responses to them, are described in the June 5, 1980 notice (45 FR 38014).

Because the main features of the methodology used in this revised schedule has previously been published for public comment, we believe that it would be impracticable and unnecessary to again request public comment. To do so would be contrary to the public interest. Therefore, we find good cause to waive publication of a proposed notice, and publish this notice of updated limits in final form.

In the past, we generally have attempted to allow a 30-day period between the date of publication of each cost limit schedule and the effective date of the schedule. In this case, it would be impracticable and contrary to the public interest to do so because the effective date of the statutory changes is October 1, 1981. Since prompt publication of the results of these changes in the limits would be in the public interest, we find good cause to waive the customary 30-day delay between publication of new limits and their effective date, and apply them to HHAs effective October 1, 1981.

Methodology For Determining Cost Per Visit Limits

1. *Basic Service Limit.* An explanation of the data used and methodology for calculating the home health agency limits is contained in the June 30, 1981 notice (46 FR 33645). For this schedule, a basic service limit equal to the 75th percentile of the array was calculated for each type of service, according to the provider-based and freestanding classification and the urban or non-urban location of the group.

2. All other aspects of the methodology for determining the cost per visit limits contained in this schedule are identical to those described in the June 30, 1981 notice. For ease of reference, however, we have reprinted the annual percentage increases in the market basket which we use for the June 30, 1981 schedule and these revised limits.

	Percent increase
Calender year:	
1977	7.1
1978	[illegible]
1979	7.6
1980 (1/1/80 to 6/30/80)	[illegible]
1980 (market basket, 7/1/80 to 12/31/80)	11.7
1981 (market basket)	10.8
1982 (market basket)	[illegible]
1983 (market basket)	[illegible]

Schedule of Limits

This schedule of limits applies to all cost reporting periods ending after September 30, 1981. However, for cost reporting periods beginning before October 1, 1981, any reduction in payment resulting from this schedule will be applied in proportion to the part of the reporting period occurring after September 30, 1981. The fiscal intermediaries will compute the adjusted limits using the wage index published in Table III A and III B, and adjustment factors published in Table IV and notify each HHA of its applicable limits. These limits will remain in effect until replaced by a revised schedule of limits published in a final notice in the **Federal Register**.

Any HHA that has a cost reporting period that begins prior to October 1, 1981, will be affected by two cost limits: the limit in effect for the period before October 1, 1981 (the cost limits that were published June 5, 1980 *or* June 30, 1981 will apply to this period); and these revised costs limits that apply to the portion of the cost reporting period occurring after September 30, 1981.

The intermediary will determine the proportionate application of the limits in the following manner:

1. Compute the aggregate cost limit using the two schedules which apply:

(a) Limits published June 5, 1980, (45 FR 38014), for cost reporting periods beginning on or after July 1, 1980 *or* limits published June 30, 1981, (46 FR 33645), for cost reporting periods beginning on or after July 1, 1981; and

(b) This schedule of limits.

2. Determine the disallowance under each schedule separately.

3. Multiply the disallowance for each schedule of limits by a factor that represents the portion of the cost reporting period to which each schedule applies. This is divided by the number of months before the effective date (for the period covered by the limits in (a) above) and after the effective date (for the period covered by this schedule) by 12. (See following examples.) These are the reductions in payments which apply to each portion of the cost reporting period.

4. Determine the total disallowance by adding the results from the calculation described in step 3 above. This sum represents the total disallowance for the reporting period.

Examples

A. Cost Reporting Period Beginning on or After October 1, 1981

Example: Home Health Agency X, a freestanding agency located in Pittsburgh, Pennsylvania made 6,000 skilled nursing, 1,000 physical therapy and 2,000 home health aide covered visits to Medicare beneficiaries during the 12-month cost reporting period beginning October 1, 1981. The aggregate cost limit would be determined as follows using the wage index for Pittsburgh, Pennsylvania—1.1275. The provider's actual cost is $500,000.

Portion of Cost Reporting Period after 9/30/81—12÷12=1.0.

Actual Cost: $500,000.

Aggregate Cost Limit (effective 10/01/81):

Type of visit	Visit	Per visit limit[1]	Adjustment limit[2]	Adjustment total
Skilled Nursing (SN)	6,000	45.90	[illegible]	[illegible]
Physical Therapy (PT)	1,000	[illegible]	[illegible]	[illegible]
Home health aide	2,000	33.26	[illegible]	[illegible]
Total				421,030
Amount disallowed ($500,000−$421,030)				78,970

(1) Using adjustment factor of 1.0958 from Table IV

(2) Using wage index=1.1275.

B. Cost Reporting Periods Beginning Prior to October 1, 1981

1. *Example:* Home Health Agency A, a freestanding agency located in Chattanooga, Tennessee, made 5,000 skilled nursing, 1,000 physical therapy, and 1,000 home health aide covered visits to Medicare beneficiaries during the 12-month cost reporting period beginning July 1, 1981.

The aggregate cost limit (effective 7–1–81) was $322,580 (see 46 FR 33649). The provider's actual cost is $320,000.

Portion of Cost Reporting Period Before 10/1/81—3÷12=.25.

Portion of Cost Reporting Period After 9/30/81—9÷12=.75.

a. Actual Cost: $320,000.

Aggregate Cost Limit (effective 07/01/81)—322,580.

Amount over Limit ($320,000−$322,580)=$0.

Amount Disallowed (07/01/81 to 09/30/81) $0×.25=$0.

Actual Cost: $320,000.

Aggregate Cost Limit (effective 10/01/81).

Type of visit	Visit	Per visit limit [1]	Adjustment limit [2]	Adjustment total
SN	5,000	44.91	45.61	$228,050
PT	1,000	43.98	44.67	44,670
Aide	1,000	32.54	33.05	33,050
Aggregate cost limit (effective 10/01/81) total				305,770

[1] Using adjustment factor of 1.0720 from Table IV.
[2] Wage index=1.0226.

Amount over limit (10/01/81 to 06/30/82) ($320,000−305,770)=$14,230.

Amount Disallowed $14,230×.75=$10,673.

Total Amount Disallowed (07/01/81 to 06/30/82)$0+$10,673.

12. *Example:* Home Health Agency B, a freestanding agency located in Savannah, Georgia made 7,000 skilled nursing, 1,000 physical therapy and 2,500 home health aides covered visits to Medicare beneficiaries during the 12-month cost reporting period beginning January 1, 1981.

The aggregate cost limit (calculated in accordance with the June 5, 1980 Notice) was $412,975. The provider's actual cost is $450,000.

Portion of Cost Reporting Period Before 10/1/81=9÷12=.75.

Portion of Cost Reporting After Before 9/30/81=3÷12=.25.

a. Actual Cost: $450,000.

Aggregate Cost Limit (45 FR 38014) 412,975.

Amount over Limit (01/01/81 to 09/30/81) $450,000−412,975=$37,025.

Amount Disallowed (01/01/81 to 09/30/81) $37,025×.75=$27,769.

b. Actual Cost: $450,000.

Aggregate Cost Limit (effective 10–01–81)

Type of visit	Visit	Per visit limit [1]	Adjustment limit [2]	Adjustment total
SN	7,000	42.64	40.91	$286,370
PT	1,000	41.77	40.07	40,070
Aides	2,500	30.90	29.65	74,125
Aggregate cost limit (effective 10/01/81) total				400,565

[1] Using adjustment factor of 1.0180 from Table IV.
[2] Wage index=.9414.

Amount over Limit=$450,000−400,565=$49,435.

Amount disallowed (10/01/81 to 12/31/81) $49,435×.25=$12,359.

Total amount disallowed (01/01/81 to 12/31/81) $27,769+12,359=$40,128.

Before the limits are applied at cost settlement, the provider's actual costs will be reduced by the amount of individual items of cost (e.g., administrative compensation, contract services) that are found to be excessive under Medicare principles of provider reimbursement. The fiscal intermediaries will review the various reported costs against such screens as the cost guidelines for physical therapy under arrangements (see 42 CFR 405.432) and against the limitation on costs that are substantially out of line with those of comparable agencies (see 42 CFR 405.451). The provider's cost will also be reduced by the amount of reimbursable costs that are not included in the limitation amount (e.g., medical appliances).

Table I.—*Per Visit Limits for Provider-Based Home Health Agencies*

Type of visit	Limit	Wage portion 69.28 percent	Non-wage portion 30.72 percent
SMSA (NECMA) Location:			
Skilled nursing care	54.66	37.87	16.79
Physical therapy	49.30	34.16	15.14
Speech pathology	51.49	35.67	15.82
Occupational therapy	48.46	33.57	14.89
Medical social services	50.58	35.04	15.54
Home health aide	48.36	33.50	14.86
NON-SMSA Location:			
Skilled nursing care	51.43	35.63	15.80
Physical therapy	48.72	33.75	14.97
Speech pathology	(1)	(1)	(1)
Occupational therapy	(1)	(1)	(1)
Medical social services	(1)	(1)	(1)
Home health aide	41.94	29.06	12.88

[1] Insufficient data—Use basic service limits for freestanding non-SMSA agencies.

Table II.—*Per visit limits for freestanding home health agencies* [1]

Type of visit	Limit	Wage portion 69.28 percent	Non-wage portion 30.72 percent
SMSA (NECMA) location:			
Skilled nursing care	41.89	29.02	12.87
Physical therapy	41.03	28.43	12.60
Speech pathology	42.33	29.33	13.00
Occupational therapy	41.82	28.97	12.85
Medical social services	48.46	33.57	14.89

Table II.—*Per visit limits for freestanding home health agencies* [1]—Continued

Type of visit	Limit	Wage portion 69.28 percent	Non-wage portion 30.72 percent
Home health aide	30.35	21.03	9.32
Non-SMSA location:			
Skilled nursing care	43.44	30.10	13.34
Physical therapy	43.65	30.24	13.41
Speech pathology	45.65	31.63	14.02
Occupational therapy	40.07	27.76	12.31
Medical social services	45.78	31.72	14.06
Home health aide	27.90	19.33	8.57

[1] Nonwage portion of limits for HHAs located in States of Alaska and Hawaii will be increased by the following cost-of-living adjustment:

Alaska	25
Hawaii (island):	
Oahu	15
Kauai	15
Molokai	12.5
Maui and Lanai	15
Hawaii	10

Table III A.—*Wage Index for Urban Areas*

SMSA area	Wage index
Abilene, TX	.8485
Akron, OH	1.0417
Albany, GA	.8586
Albany-Schenectady-Troy, NY	.9624
Albuquerque, NM	1.0009
Alexandria, LA	.8954
Allentown-Bethlehem-Easton, PA–NJ	1.0569
Altoona, PA	1.0219
Amarillo, TX	.9233
Anaheim-Santa Ana-Garden Grove, CA	1.2115
Anchorage, AK	1.6461
Anderson, IN	.9812
Ann Arbor, MI	1.2175
Anniston, AL	.8400
Appleton-Oshkosh, WI	1.0124
Asheville, NC	.8676
Atlanta, GA	.9182
Atlantic City, NJ	1.0174
Augusta, GA–SC	.9207
Austin, TX	.9859
Bakersfield, CA	1.1223
Baltimore, MD	1.1696
Baton Rouge, LA	.8813
Battle Creek, MI	1.0225
Bay City, MI	1.1238
Beaumont-Port Arthur-Orange, TX	.8530
Billings, MT	.9496
Biloxi-Gulfport, MS	.8143
Binghamton, NY–PA	.9769
Birmingham, AL	.9009
Bismarck, ND	.9032
Bloomington, IN	.9481
Bloomington-Normal, IL	.8484
Boise City, ID	.9634
Boston-Lowell-Brockton-Lawrence-Haverhill, MA–NH	1.1214
Bradenton, FL	.8631
Bridgeport-Stamford-Norwalk-Danbury, CT	1.1647
Brownsville-Harlingen-San Benito, TX	.9312
Bryan-College Station, TX	.8377
Buffalo, NY	.9025
Burlington, NC	.8619
Canton, OH	.9447
Cedar Rapids, IA	.9193
Champaign-Urbana-Rantoul, IL	1.1197
Charleston-North Charleston, SC	.9751
Charleston, WV	1.0620
Charlotte-Gastonia, NC	.8458
Chattanooga, TN–GA	1.0226
Chicago, IL	1.1780
Cincinnati, OH–KY–IN	1.0814
Clarksville-Hopkinsville, TN–KY	.8397
Cleveland, OH	1.1957
Colorado Springs, CO	.9743
Columbia, MO	1.1712
Columbia, SC	.9743
Columbus, GA–AL	.9021
Columbus, OH	1.1184
Corpus Christi, TX	.9037
Dallas-Fort Worth, TX	.9401
Davenport-Rock Island-Moline, IA–IL	.9219
Dayton, OH	1.1064

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Table III A.—*Wage Index for Urban Areas*—Continued

SMSA area	Wage index
Daytona Beach, FL	.9423
Decatur, IL	[illegible]
Denver-Boulder, CO	[illegible]
Des Moines, IA	1.0156
Detroit, MI	1.2280
Dubuque, IA	[illegible]
Duluth-Superior, MN-WI	.9103
Eau Claire, WI	[illegible]
El Paso, TX	.8714
Elkhart, IN	[1].7997
Elmira, NY	[illegible]
Enid, OK	.8228
Erie, PA	.9652
Eugene-Springfield, OR	[illegible]
Evansville, IN-KY	1.0742
Fargo-Moorhead, ND-MN	.9355
Fayetteville, NC	[1].8353
Fayetteville-Springdale, AR	.7997
Flint, MI	1.1919
Florence, AL	[illegible]
Fort Collins, CO	[illegible]
Fort Lauderdale-Hollywood, FL	1.0506
Fort Myers, FL	.9391
Fort Smith, AR-OK	.8899
Fort Wayne, IN	[illegible]
Fresno, CA	1.1265
Gadsden, AL	.9264
Gainesville, FL	[illegible]
Galveston-Texas City, TX	1.0607
Gary-Hammond-East Chicago, IN	1.1664
Grand Forks, ND-MN	[illegible]
Grand Rapids, MI	[illegible]
Great Falls, MT	[1].9162
Greeley, CO	[1].9312
Green Bay, WI	[illegible]
Greensboro-Winston-Salem-High Point, NC	[illegible]
Greenville-Spartanburg, SC	[illegible]
Hamilton-Middleton, OH	1.0620
Harrisburg, PA	1.0534
Hartford-New Britain-Bristol, CT	1.1535
Honolulu, HI	1.1645
Houston, TX	1.0630
Huntington-Ashland, WV-KY-OH	[illegible]
Huntsville, AL	[illegible]
Indianapolis, IN	1.0507
Iowa City, IA	1.0209
Jackson, MI	[1]1.0173
Jackson, MS	[illegible]
Jacksonville, FL	[illegible]
Janesville-Beloit, WI	.8579
Jersey City, NJ	1.1180
Johnson City-Kingsport-Bristol, TN-VA	.8777
Johnstown, PA	1.0445
Kalamazoo-Portage, MI	1.1695
Kankakee, IL	1.0073
Kansas City, MO-KS	[illegible]
Kenosha, WI	[1]1.0778
Killeen-Temple, TX	.8868
Knoxville, TN	[illegible]
Kokomo, IN	.9828
La Crosse, WI	[1].9016
Lafayette, LA	[illegible]
Lafayette-West Lafayette, IN	.9141
Lake Charles, LA	[illegible]
Lakeland-Winter Haven, FL	[illegible]
Lancaster, PA	1.0674
Lansing-East Lansing, MI	1.0811
Laredo, TX	[illegible]
Las Cruces, NM	[1].8129
Las Vegas, NV	1.1884
Lawrence, KS	[1].9193
Lawton, OK	[1].8377
Lewiston-Auburn, ME	[illegible]
Lexington-Fayette, KY	.9016
Lima, OH	.9932
Lincoln, NE	[illegible]
Little Rock-North Little Rock, AR	1.0205
Long Branch-Asbury Park, NJ	1.0648
Longview, TX	.8129
Lorain-Elyria, OH	1.0207
Los Angeles-Long Beach, CA	1.2899
Louisville, KY-IN	.9915
Lubbock, TX	.9042
Lynchburg, VA	.8876
Macon, GA	.9637
Madison, WI	1.0257
Manchester-Nashua, NH	[illegible]
Mansfield, OH	[illegible]
McAllen-Pharr-Edinburg, TX	[illegible]
Melbourne-Titusville-Cocoa, FL	.9374
Memphis, TN-AR-MS	1.0371
Miami, FL	1.1050
Midland, TX	[1].9141
Milwaukee, WI	[illegible]
Minneapolis-St. Paul, MN-WI	[illegible]
Mobile, AL	.9416
Modesto, CA	1.0508
Monroe, LA	.8461
Montgomery, AL	[illegible]
Muncie, IN	[illegible]
Muskegon-Norton Shores-Muskegon Heights, MI	[illegible]
Nashville-Davidson, TN	1.0187
Nassau-Suffolk, NY	1.2758
New Bedford-Fall River, MA	.9687
New Brunswick-Perth Amboy-Sayreville, NJ	[illegible]
New Haven-Waterbury-Meriden, CT	[illegible]
New London-Norwich, CT	1.0903
New Orleans, LA	[illegible]
New York, NY-NJ	[illegible]
Newark, NJ	1.2099
Newport News-Hampton, VA	[illegible]
Norfolk-Virginia Beach-Portsmouth, VA-NC	[illegible]
Northeast Pennsylvania	[illegible]
Odessa, TX	[1].9496
Oklahoma City, OK	[illegible]
Omaha, NE-IA	[illegible]
Orlando, FL	[illegible]
Owensboro, KY	[1].8364
Oxnard-Simi Valley-Ventura, CA	1.3788
Panama City, FL	[1].8777
Parkersburg-Marietta, WV-OH	1.0461
Pascagoula-Moss Point, MS	[1]1.1535
Paterson-Clifton-Passaic, NJ	[illegible]
Pensacola, FL	[illegible]
Peoria, IL	1.0175
Petersburg-Colonial Heights-Hopewell, VA	.9494
Philadelphia, PA-NJ	1.1810
Phoenix, AZ	1.1100
Pine Bluff, AR	[1].7997
Pittsburgh, PA	1.1275
Pittsfield, MA	1.0275
Portland, ME	[illegible]
Portland, OR-WA	1.1026
Poughkeepsie, NY	1.0778
Providence-Warwick-Pawtucket, RI	1.0314
Provo-Orem, UT	.9454
Pueblo, CO	[illegible]
Racine, WI	.9240
Raleigh-Durham, NC	1.0173
Rapid City, SD	[illegible]
Reading, PA	1.0101
Reno, NV	[1]1.2428
Richland-Kennewick, WA	[illegible]
Richmond, VA	[illegible]
Riverside-San Bernardino-Ontario, CA	1.1729
Roanoke, VA	.9614
Rochester, MN	[illegible]
Rochester, NY	[illegible]
Rockford, IL	.9696
Sacramento, CA	1.1396
Saginaw, MI	1.1279
St. Cloud, MN	[illegible]
St. Joseph, MO	[illegible]
St. Louis, MO-IL	[illegible]
Salem, OR	1.1083
Salinas-Seaside-Monterey, CA	[illegible]
Salt Lake City-Ogden, UT	.8550
San Angelo, TX	[illegible]
San Antonio, TX	[illegible]
San Diego, CA	1.1113
San Francisco-Oakland, CA	1.3153
San Jose, CA	1.3055
Santa Barbara-Santa Maria-Lompoc, CA	[illegible]
Santa Cruz, CA	1.0811
Santa Rosa, CA	1.4037
Sarasota, FL	.8554
Savannah, GA	.9414
Seattle-Everett, WA	1.0500
Sherman-Denison, TX	.8277
Shreveport, LA	[illegible]
Sioux City, IA-NE	[illegible]
Sioux Falls, SD	[illegible]
South Bend, IN	.9154
Spokane, WA	1.0921
Springfield, IL	[illegible]
Springfield, MO	[illegible]
Springfield, OH	[illegible]
Springfield-Chicopee-Holyoke, MA	1.0184
Steubenville-Weirton, OH-WV	.9689
Stockton, CA	1.3046
Syracuse, NY	[illegible]
Tacoma, WA	1.0614
Tallahassee, FL	[illegible]
Tampa-St. Petersburg, FL	[illegible]
Terre Haute, IN	[illegible]
Texarkana-TX-Texarkana, AR	[illegible]
Toledo, OH-MI	1.1157
Topeka, KS	[illegible]
Trenton, NJ	1.1706
Tucson, AZ	[illegible]
Tulsa, OK	[illegible]
Tuscaloosa, AL	1.0142
Tyler, TX	[illegible]
Utica-Rome, NY	1.0145
Vallejo-Fairfield-Napa, CA	1.5862
Vineland-Millville-Bridgeton, NJ	[illegible]
Waco, TX	[illegible]
Washington, DC-MD-VA	1.1457
Waterloo-Cedar Falls, IA	[illegible]
West Palm Beach-Boca Raton, FL	[illegible]
Wheeling, WV-OH	[illegible]
Wichita, KS	[illegible]
Wichita Falls, TX	[illegible]
Williamsport, PA	[illegible]
Wilmington, DE-NJ-MD	[illegible]
Wilmington, NC	[illegible]
Worcester-Fitchburg-Leominster, MA	[illegible]
Yakima, WA	[illegible]
York, PA	[illegible]
Youngstown-Warren, OH	1.1090

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[1] Approximate value for area.

Table III B.—*Wage Index for Rural Areas*

Non-SMSA area	Wage index
Alabama	.8960
Alaska	[illegible]
Arizona	1.0289
Arkansas	.8686
California	1.2415
Colorado	.8990
Connecticut	1.1552
Delaware	1.0370
Florida	.9917
Georgia	.9463
Hawaii	1.3362
Idaho	.9689
Illinois	[illegible]
Indiana	[illegible]
Iowa	[illegible]
Kansas	[illegible]
Kentucky	.9207
Louisiana	.9216
Maine	.9826
Maryland	1.1028
Massachusetts	1.1722
Michigan	1.1325
Minnesota	.9052
Mississippi	.8751
Missouri	.9156
Montana	[illegible]
Nebraska	[illegible]
Nevada	1.0790
New Hampshire	1.0971
New Jersey	1.0820
New Mexico	1.0073
New York	1.0327
North Carolina	.9917
North Dakota	.9045
Ohio	1.0086
Oklahoma	.9111
Oregon	1.0673
Pennsylvania	1.1358
Rhode Island	([1])
South Carolina	.9180
South Dakota	.7990
Tennessee	.8779
Texas	.8979
Utah	.8499
Vermont	.9993
Virginia	.9792
Washington	1.0465
West Virginia	1.0111
Wisconsin	.9179
Wyoming	1.0402

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[1] Not applicable. All of Rhode Island is classified as urban.

Table IV.—*Cost Reporting Year Adjustment Factors* [1]

If the HHA cost reporting period begins	The adjustment factor is
December 1, 1980	1.0090
January 1, 1981	1.0180
February 1, 1981	1.0270
March 1, 1981	1.0360
April 1, 1981	1.0450
May 1, 1981	1.0540
June 1, 1981	1.0630
July 1, 1981	1.0720
August 1, 1981	1.0799
September 1, 1981	1.0878
October 1, 1981	1.0958
November 1, 1981	1.1037
December 1, 1981	1.1116
January 1, 1982	1.1195
February 1, 1982	1.1274
March 1, 1982	1.1353
April 1, 1982	1.1433
May 1, 1982	1.1512
June 1, 1982	1.1591
July 1, 1982	1.1670

[1] Based on a projected market basket inflation rate of 9.5 percent for 1982. These adjustment factors are subject to change based on later estimates of costs increases.

If, for any reason, we do not publish a new schedule of limits or do not announce other changes in the current schedule, the current limits would continue in effect. These limits would be increased by .008 (corresponding to .8 percent) per month, until a new schedule of limits or other provision is issued. The adjustment factor of .008 is based on a projected market basket inflation rate of 9.6 percent for 1983.

(Sections 1102, 1814(b), 1861(v)(1), 1866(a), and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395f(b), 1395x(v)(1), 1395cc(a) and 1395hh)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: September 12, 1981.

Carolyne K. Davis, Ph.D.,

Administrator, Health Care Financing Administration.

Approved: September 18, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-28328 Filed 9-29-81; 8:45 am]

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federal register

Wednesday
September 30, 1981

Part IX

Department of Health and Human Services

Health Care Financing Administration

Medicare and Medicaid Programs; Schedule of Limits on Skilled Nursing Facility Inpatient Routine Service Costs

V 46 SE 30 81 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Medicare and Medicaid Programs; Schedule of Limits on Skilled Nursing Facility Inpatient Routine Service Costs

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final Notice.

SUMMARY: This notice sets forth a schedule of limits on skilled nursing facility inpatient routine service costs that may be reimbursed under Medicare for cost reporting periods beginning on or after October 1, 1981. This is an annual update of the schedule, and replaces the schedule published in the **Federal Register** on September 4, 1980. This schedule will remain in effect until superseded.

EFFECTIVE DATE: For cost reporting periods beginning on or after October 1, 1981.

FOR FURTHER INFORMATION, CONTACT: Carl Slutter, 301-594-9344.

SUPPLEMENTARY INFORMATION: Section 1861(v)(1) of the Social Security Act (42 U.S.C. 1395x(v)(1)) authorizes the Secretary to set prospective limits on allowable costs incurred by a provider of services that will be reimbursed under Medicare, based on estimates of the costs necessary in the efficient delivery of needed health services. The limits may be applied to direct or indirect overall incurred costs or to the costs incurred for specific items or services furnished by the provider. This provision of the statute is implemented under regulations at 42 CFR 405.460.

Under this authority we have published limits on skilled nursing facility (SNF) per diem inpatient routine service costs annually since 1979. On September 4, 1980, we published in the **Federal Register** (45 FR 58699) a schedule of limits, applicable to cost reporting periods beginning on or after October 1, 1980. These limits contained provisions related to (1) limits on adjusted SNF per diem inpatient routine service costs; (2) a "market basket" index developed to reflect changes in the price of goods and services purchased by SNFs; (3) adjustments to the limits by an area wage index developed from hospital industry wages; (4) a classification system based on whether the SNF is hospital-based or freestanding and whether it is located within a Standard Metropolitan Statistical Area (SMSA) or non-SMSA area (in the New England area, New England County Metropolitan Areas (NECMA) are used to determine urban locations); (5) a cost-of-living adjustment for the nonlabor portion of the limits for SNFs located in Alaska and Hawaii; and (6) limits set at 112 percent of the average per diem labor-related and nonlabor costs of each comparison group.

In developing the revised limits contained in this notice, we have retained essentially the same provisions as in the current limits, as well as the same methodology. We have, however, used more current SNF cost data for calculating the limits, as well as more recent hospital industry wage data and projections of the rates of increase in the costs included in the SNF market basket, as specified below.

Summary of Provisions

This updated schedule of limits on skilled nursing facility inpatient routine service costs provides for:

1. *Separate group limits for labor-related and non-labor components of per diem routine service costs.* As in the current schedule, we have established separate group limits for the labor-related and non-labor components of per diem routine service costs. We calculate these separate limits by first obtaining actual SNF per diem inpatient routine service cost data for each SNF. Next, in order to make the data reflect current conditions more accurately, we increase these data by the actual and projected monthly increases in the SNF market basket (see item 4 below), for a period extending from 1980 to 1983. We then separate each SNF's per diem cost into labor-related and non-labor portions, and divide the labor-related portion by the wage index for the SNF's location (see item 2 below). We then compute separate group means for the labor-related and non-labor components, and multiply each group mean by 112 percent. For each group, the resulting amounts are shown in Tables IA and IB.

2. *Adjustment of SNF cost data by wage index.* We are again using a hospital industry wage index to account for area wage differences, since there are not industry-specific data available on SNF wages. Because hospitals and SNFs generally compete in essentially the same labor market for employees, we believe an index based on geographic variations in hospital wages provides an accurate measure of geographic variations in wages paid by SNFs.

We developed the wage index from hospital wage data obtained from the Bureau of Labor Statistics (BLS). The data used are those for the "hospital industry", a standard BLS reporting category. The wage index we used for the revised limits is based on data for calendar year 1979, which are the latest available data. Data for 1980 will not be available until late in 1981.

We have used the same methodology in calculating the wage index for use in determining the SNF limits that we used for purposes of the limits on hospital per diem inpatient general routine operating costs published on June 30, 1981 (46 FR 33637). The methodology used to calculate the wage index is as follows. We first computed the average hospital wage for each SMSA or NECMA and non-SMSA/non-NECMA area. We then calculated the national average hospital wage for all SMSA or NECMA areas, and a separate national average hospital wage for all non-SMSA/non-NECMA areas. We then divided the average wage level for each area by the appropriate national average (SMSA/NECMA or non-SMSA/non-NECMA). These calculations resulted in an index value for each SMSA or NECMA area that reflects the wage level for that area relative to the national average for all SMSA/NECMA areas, and in an index value for each non-SMSA/non-NECMA area that reflects the wage level for that area relative to the national average for all non-SMSA/non-NECMA areas (see Tables II and III). (The Executive Office of Management and Budget on June 19, 1981 announced new SMSAs based on the 1980 census. As soon as we have received new wage index values for these areas, we will publish in the **Federal Register** a list of the constitutent counties in the SMSAs and their wage index values.)

In addition to being based on more current data, the wage indexes we used for the revised limits differ in two ways from the wage indexes used in developing the 1980 cost limits. First, we have used approximate, rather than actual, index values for 26 areas. (These approximate values are identified by asterisks in Table III.) We made this change because BLS, which supplies the data on wages and numbers of employees that we use to calculate the wage index, has informed us that its confidentiality requirements prohibit it from disclosing actual data for areas that include fewer than three reporting units. (A reporting unit need not be a single hospital. Reporting unit is defined by BLS as the smallest unit for which data are recorded on the employer's contribution report. For example, two facilities in the same area owned by one employer could appear as one reporting unit.)

To make it possible to calculate limits for these areas, we have asked the BLS to identify the areas having wage index values numerically closest to, but not less than, the areas for which it cannot supply actual data. In the case of each area for which actual data are unavailable, we have substituted the wage index value identified by BLS as being closest to the actual value. We believe that the use of approximate rather than actual values for these areas will not affect the accuracy of the limits significantly, and will assure that no SNF's limit is reduced because actual data for its area are unavailable.

The second change from the 1980 limits in developing the current wage index is that we have also excluded data from Federal government hospitals. Because these hospitals typically use national pay scales, the amounts they pay their employees do not necessarily reflect area wage levels. We believe excluding data from these hospitals will help improve the accuracy of the wage index adjustment.

We wish to note that the data used to develop the wage indexes were supplied by BLS, and are the most reliable data available. All hospitals are required under State unemployment compensation laws to report these data. If we receive additional data from BLS that require further changes in the wage index values for certain areas, or if we discover that we, or BLS, have made any error that results in an incorrect wage index for any area, we will publish corrected indexes in the **Federal Register** and will direct the Medicare intermediaries to recalculate the limits. However, we are unable to correct any inaccuracies in the wage indexes that may result from a hospital's failure to report or correctly report the required wage data.

3. *Application of the hospital wage index to employee benefits, health service costs, costs of business services, and other miscellaneous expenses.* In developing the current schedule, we applied the wage index discussed above to five categories of labor-related costs: wages, employee benefits, health service costs, business service costs, and other miscellaneous costs. We have retained this method in developing this revised schedule of limits. The proportion of adjusted routine service cost we adjust by the wage index is 80.25 percent.

For purposes of applying the wage index, employee benefits include such items as FICA tax, health insurance, life insurance, facility contributions to employee retirement funds, and all other compensation that the SNF records in the "employee health and welfare" cost center on its Medicare cost report. (The Medicare Provider Reimbursement Manual (HIM-15), Chapter 4, and the instructions to the HCFA cost reporting forms (HIM-15, Part II) describe the types of costs that are to be recorded in that cost center.)

Health service costs are a category used by the National Nursing Home Survey conducted in 1977 by the Office of Health Research, Statistics and Technology, National Center for Health Statistics of the Public Health Service. They include the costs of routine services that are purchased under arrangement from outside sources.

Business services costs include costs of banking, contract laundry, telephone, and other services SNFs purchase at retail from outside suppliers.

Other miscellaneous costs include various types of routine operating costs not allocated to any other category of the market basket.

Thus, we will apply the wage index to the total portion of cost (80.25 percent) attributable to wages, fringe benefits, health service costs, business service costs, and other miscellaneous expenses, rather than to the wage portion (61.31 percent) only. We are continuing this method because our analysis of the data we used to develop the hospital limits shows that area variations in routine per diem costs in these additional categories are closely related to area variations in prevailing wage levels. We believe that applying the wage index to the other categories of labor-related costs specified above, rather than to wages only, results in individual limits that are more equitable and more appropriate to each SNF's actual market environment.

4. *Use of SNF market basket index.* This updated schedule of limits is based on reported costs, adjusted for actual and projected cost increases by applying the SNF market basket index. The values used in deriving the index are contained in Appendix I below.

The market basket is comprised of the most commonly used categories of SNF routine service expenses. The categories we are using are based primarily on those used by the National Center for Health Statistics in its National Nursing Home Surveys.

The categories of expenses are weighted according to the estimated proportion of SNF routine service costs attributable to each category. The weights for all major categories of SNF costs are based on the National Nursing Home Surveys for 1972 and 1976. These are the most current and comprehensive sources of national data on the distribution of costs in SNFs. (The second column of the index table specifies the weights used for each category.)

In developing the market basket index, we obtained historical and projected rates of increase in the resource prices for each category. The market basket index table, in the third and fourth columns, identifies the price variables used and the source of the forecast for calendar years 1980 through 1983.

The market basket index also provides for adjustments to be made in the limits if our forecasts of economic trends prove erroneous. If the final rate of increase in the market basket index for a year exceeds the estimated rate of increase by at least .3 of 1 percentage point, we will publish that rate in the **Federal Register** and the Medicare intermediaries will adjust each SNF's limit retroactively at final settlement of the SNF's cost report.

5. *Use of adjusted SNF inpatient routine service costs.* This updated schedule applies to SNF inpatient routine service costs (as defined in 42 CFR 405.452(d)(2)), plus the inpatient routine nursing salary cost differential, adjusted by exclusion of capital-related costs, as is done in the current schedule. The basic methodology in this regard remains unchanged. We have, however, had to make significant changes in our data base with respect to capital-related costs. Capital-related costs include interest, depreciation, insurance, rent and fixed asset related costs that are normally included in the depreciation accounts for Medicare reimbursement purposes. The revised cost report (HCFA-2552, 5/80) contains additional schedules that allow a provider to identify and eliminate indirectly allocated capital-related costs. Some facilities have not been accurately reporting these costs on the cost report we use to develop these limits. Consequently, we have had to adjust the data base from which these limits were derived. As explained fully later in this notice, this resulted in a marginal reduction in the limits for freestanding facilities.

6. *Separate limits for hospital-based and freestanding SNFs.* We included separate limits for hospital-based and freestanding SNFs in the September 1980 notice, based upon indications that hospital-based SNFs incur higher costs due to circumstances beyond their control. In that notice, we indicated that we would conduct a study to examine these higher costs. The areas we were to examine included the Medicare methodology for the allocation of overhead costs and variations in intensity of care. These studies are on-going.

7. *Cost-of-living adjustment for Alaska and Hawaii.* To avoid disadvantaging SNFs located in Alaska and Hawaii, we have retained the cost-

of-living adjustment for these States. This is an adjustment of the non-labor component of the limits that apply to these two States, based on the amount of the most recently determined cost-of-living differentials developed by the Office of Personnel Management. Since we adjust the labor-related component by the applicable wage index, this cost-of-living adjustment applies only to the non-labor component.

8. *Limits set at 112 percent of the average labor-related and average non-labor costs of each comparison group.* As in the 1980 notice, we are maintaining the limits at 112 percent of the average labor-related and average non-labor costs of each comparison group. The 12 percent allowance above mean costs is intended to account for variations in costs that are consistent with efficiency, but are not accounted for by our classification system and methodology for adjusting and applying the limits, or by the exceptions and exemptions specified in our regulations at 42 CFR 405.460. (Exceptions are granted to cover specific types of costs, such as costs of atypical services to meet the special needs of patients treated; an SNF may be exempted from application of the limits if it qualifies as a new provider under the provisions of 42 CFR 405.460(e)(2)).

Correction in Limits Due to Provider Errors in Reporting Capital-Related Costs

In the process of extracting cost data from the Medicare cost reports to use in updating the limits, we found that a number of SNFs have routinely failed to reclassify capital-related costs to the appropriate cost centers for allocation in accordance with applicable instructions. Provider Reimbursement Manual (HIM-15, Part II, Chapter 3) explicitly defines capital-related costs and specifies that these costs must be reclassified before allocation of overhead costs.

Some of the cost reports we use in extracting data for purposes of updating the limits are in the form submitted by the SNF before review by the intermediary. In a review of those cost reports, we found numerous instances (in those reports that had not gone through the settlement process by the intermediary) of failures to classify capital-related costs properly. Where such errors in classifying capital-related costs were identified in our data collection, we excluded these costs from the data base used to calculate the SNF limits.

The problem of misclassifed capital-related costs was more prevalent in freestanding SNF cost reports. As a result of the correction of misclassified capital-related costs, the adjusted routine service costs in the two freestanding SNF groups resulted in limits for freestanding SNFs that are actually lower than last year's limits by 10 cents in urban areas and 22 cents in rural areas.

SNFs with costs above their limit by virtue of their failure to classify capital-related costs properly can correct their cost reports to remove the additional capital-related costs from the amount subject to the limits. Therefore, the real impact on specific institutions flowing from our making these corrections is not as great as might appear from the fact that the limits have been lowered by a small margin.

Impact Analysis

Executive Order 12291

We have determined that this final notice does not meet the criteria for a major rule that are set forth in section 1(b) of Executive Order 12291. That is, this notice will not:

(1) Have an annual effect on the economy of $100 million or more (our estimate is that this notice will have a total impact of approximately $31 million in FY 82);

(2) Cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions, or

(3) Have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Analysis

The Secretary certifies, under Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-353), that the revised schedule of limits set forth in this notice will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's negative certification is that the revised limits merely update the system of skilled nursing facility cost limits that is now in effect, and do not include any changes in our methodology for deriving and applying them.

Waiver of Proposed Notice and 30-Day Delay in Effective Date

As explained previously, we developed the revised limits set forth below by using the same basic methodology that we used to develop the current SNF cost limits, which were published on September 4, 1980. On June 18, 1980, we published a proposed notice that described in detail our methodology for developing and applying those limits, and provided a 60-day period for public comment (45 FR 41292). In developing the schedule of limits now in effect, we considered all comments received in response to the June 18, 1980 notice. These comments, and our responses to them, are described in the September 4, 1980 notice.

Because the methodology used for the revised schedule has previously been published for public comment, we do not believe it would be either necessary or useful to request comment on that methodology again. Moreover, without publication of this notice, the current limits would remain in effect without adjustment for cost reporting periods beginning after September 30, 1981, since there is no provision in the current schedule for adjusting the limits for cost reporting periods that begin after that date. We believe it would be contrary to the public interest to permit this to occur. Therefore, we find good cause to waive publication of a proposed notice, and publish this notice of updated limits in final form.

In the past, we generally have attempted to allow a 30-day period between the date of publication of each cost limit schedule and the effective date of the schedule. Since prompt publication of the limits would be in the public interest, and early implementation of this schedule will benefit those SNFs that will be affected by the updated limits, there is good cause to waive the customary 30-day delay between publication of new limits and their effective date, and apply them to SNFs with cost operating periods beginning on or after October 1, 1981.

If the actual rate of increase in the market basket for a year is at least .3 of 1 percentage point above the estimated rate, we will publish the actual rate of increase in the **Federal Register.** The Medicare intermediaries will use the actual rate to adjust each SNF's cost limit retroactively at final settlement of the SNF's cost report.

2. *Use of Wage Index to Adjust Cost Data.* We divided each SNF's adjusted per diem routine service costs into labor-related and non-labor portions. We determined the labor-related portion by multiplying each SNF's adjusted per diem routine service cost by 80.25 percent, which is the labor-related portion of cost from the market basket. We then divided the labor-related portion of each SNF's per diem cost by the wage index applicable to the SNF's location (see Tables II and III) to arrive at an adjusted labor-related portion of routine cost.

3. *Group Means.* We calculated separate means of labor-related and

non-labor adjusted routine service costs for each SNF group established in accordance with the SNF's SMSA/NECMA or non-SMSA/non-NECMA location and type (hospital-based/freestanding).

4. *Components of Limit.* For each group, we multiplied the mean labor-related and mean non-labor costs by 112 percent (see Tables IA and IB).

Methodology For Determining Per Diem Routine Service Cost Limit

Development of Published Limits

1. *Data.* We have developed the limits by using actual SNF inpatient routine service costs data, less capital-related costs, obtained from the latest Medicare cost reports as of March 6, 1981.

We adjusted this data using the market basket index discussed above, to project costs from the midpoint of each cost reporting period in the data base to the midpoint of the first cost reporting period to which the limits will apply. The annual percentage increases in the market basket over the previous year that we used for this projection are:

1978	[illegible]
1979	9.4
1980	10.2
1981	[1] 10.2
1982	[1] 9.3
1983	[1] 9.2

[1] Forecasted increase.

If the actual rate of increase in the market basket for a year is at least .3 of 1 percentage point above the estimated rate, we will publish the actual rate of increase in the **Federal Register**. The Medicare intermediaries will use the actual rate to adjust each SNF's cost limit retroactively at final settlement of the SNF's cost report.

2. *Use of Wage Index to Adjust Cost Data.* We divided each SNF's adjusted per diem routine service costs into labor-related and non-labor portions. We determined the labor-related portion by multiplying each SNF's adjusted per diem routine service cost by 80.25 percent, which is the labor-related portion of cost from the market basket. We then divided the labor-related portion of each SNF's per diem cost by the wage index applicable to the SNF's location (see Tables II and III) to arrive at an adjusted labor-related portion of routine cost.

3. *Group Means.* We calculated separate means of labor-related and non-labor adjusted routine service costs for each SNF group established in accordance with the SNF's SMSA/NECMA or non-SMSA/non-NECMA location and type (hospital-based/freestanding).

4. *Components of Limit.* For each group, we multiplied the mean labor-related and mean non-labor costs by 112 percent (see Tables IA and IB).

Adjustment of Published Limits

1. *Adjustment of Labor-Related Component by Wage Index.* To arrive at a labor-adjusted limit for each SNF, we multiply the labor-related component of the limit for the SNF's group by the wage index developed from wage levels for hospital workers in the area in which the SNF is located. (See Tables II and III). The adjusted limit that applies to an SNF will be the sum of the non-labor component, plus the adjusted labor-related component, unless the SNF qualifies for the cost reporting year adjustment discussed in item 2 below.

Example.—Calculation of Adjusted Limit for a Freestanding SNF Located in Dallas, Texas.

Labor-Related Component $40.10 (published in Table IB).

Non-Labor Component $10.72 (published in Table IB).

SMSA Wage Index .9403 (published in Table II).

Computation of Adjusted Limit

Labor-related component	$40.10
Wage index	×.9403
Adjusted labor component	$37.71
Non-labor component	+10.72
Adjusted limit	$48.43

2. *Adjustment for Cost Reporting Year.* If an SNF has a cost reporting period beginning on or after November 1, 1981, the intermediary will increase the limit that would otherwise apply to the SNF by the factor from Table IV that corresponds to the month and year in which the cost reporting period begins. Each factor represents the monthly increase that we derived by dividing the projected annual increase in the market basket by twelve. This adjustment is needed to account for price increases that occur after the date on which the limits are effective.

Example—SNF A has a cost reporting period that begins January 1, 1982.

The otherwise applicable limit for the SNF is $48.43.

Computation of Revised SNF Limit

Individual SNF Adjusted Limit	[illegible]
Adjustment Factor from Table IV	×1.02325
Revised Limit	[illegible]

If an SNF uses a cost reporting period that is not 12 months in duration, a special adjustment factor must be calculated. This results from the fact that projections are computed to the midpoint of a cost reporting period and the adjustment factors in Table IV are based on an assumed 12 month reporting period. For cost reporting periods of other than 12 months, the calculation must be done for the midpoint of the specific cost reporting period. The SNF's intermediary will obtain this adjustment factor from HCFA.

Schedule of Limits

Under the authority of section 1861(v) of the Social Security Act, the following group per diem limits will apply to the adjusted SNF inpatient routine service costs (including the inpatient routine service nursing salary differential) reimbursed under Medicare for cost reporting periods beginning on or after October 1, 1981. Medicare fiscal intermediaries will compute the adjusted limits for SNFs using the methodology set forth in this notice, and will notify each SNF of its applicable limit. These limits, as adjusted by the wage indexes in Tables II & III, and the cost reporting year adjustment factors in Table IV, will remain in effect until replaced by a revised schedule of limits published in a notice in the **Federal Register**.

Table 1A.—*Group Limits for Hospital-Based SNFs*

Location	Labor related [illegible]	[illegible] component [1]
SMSA	[illegible]	[illegible]
Non-SMSA	[illegible]	[illegible]

Table 1B.—*Group Limits for Freestanding SNFs*

Location	Labor related component	[illegible] component [1]
SMSA	$40.10	$10.72
Non-SMSA	[illegible]	$9.25

[1] The non-labor portion of the limits for SNFs located in States of Alaska and Hawaii will be increased by the following cost-of-living adjustments:

	Factor
Alaska	1.25
Hawaii (Island)	
Oahu	1.15
Kauai	1.15
Molokai	1.125
Maui and Lanai	1.15
Hawaii	1.10

Table II.—*Wage Index for Urban Areas*

SMSA area	Wage index
Abilene, TX	[illegible]
Akron, OH	1.0417
Albany, GA	.8566
Albany-Schenectady-Troy, NY	[illegible]
Albuquerque, NM	[illegible]
Alexandria, LA	[illegible]
Allentown-Bethlehem-Easton, PA–NJ	[illegible]
Altoona, PA	[illegible]
Amarillo, TX	.9233

Table II.—*Wage Index for Urban Areas*—Continued

SMSA area	Wage index
Anaheim-Santa Ana-Garden Grove, CA	1.2115
Anchorage, AK	1.6461
Anderson, IN	[illegible]
Ann Arbor, MI	1.2175
Anniston, AL	[illegible]
Appleton-Oshkosh, WI	1.0124
Asheville, NC	[illegible]
Atlanta, GA	.9162
Atlantic City, NJ	1.0174
Augusta, GA–SC	.9237
Austin, TX	[illegible]
Bakersfield, CA	1.1223
Baltimore, MD	1.1698
Baton Rouge, LA	[illegible]
Battle Creek, MI	1.0229
Bay City, MI	1.1238
Beaumont-Port Arthur-Orange, TX	[illegible]
Billings, MT	[illegible]
Biloxi-Gulfport, MS	.8143
Binghamton, NY–PA	[illegible]
Birmingham, AL	[illegible]
Bismarck, ND	[illegible]
Bloomington, IN	[1].9481
Bloomington-Normal, IL	[illegible]
Boise City, ID	.9834
Boston-Lowell-Brockton-Lawrence-Haverhill, MA–NH	1.1214
Bradenton, FL	[1].8631
Bridgeport-Stamford-Norwalk-Danbury, CT	1.1647
Brownsville-Harlingen-San Benito, TX	.9312
Bryan-College Station, TX	[illegible]
Buffalo, NY	.9926
Burlington, NC	.8699
Canton, OH	.9447
Cedar Rapids, IA	[1].9193
Champaign-Urbana-Rantoul, IL	1.1197
Charleston-North Charleston, SC	.9751
Charleston, WV	[illegible]
Charlotte-Gastonia, NC	[illegible]
Chattanooga, TN–GA	[illegible]
Chicago, IL	1.1780
Cincinnati, OH–KY–IN	1.0814
Clarksville, Hopkinsville, TN–KY	[illegible]
Cleveland, OH	1.1957
Colorado Springs, CO	.9743
Columbia, MO	1.1712
Columbia, SC	[illegible]
Columbus, GA–AL	[illegible]
Columbus, OH	1.1164
Corpus Christi, TX	.9337
Dallas-Fort Worth, TX	[illegible]
Davenport-Rock Island-Moline, IA–IL	.9219
Dayton, OH	1.1064
Daytona Beach, FL	.9423
Decatur, IL	[illegible]
Denver-Boulder, CO	[illegible]
Des Moines, IA	1.0156
Detroit, MI	[illegible]
Dubuque, IA	[illegible]
Duluth-Superior, MN–WI	[illegible]
Eau Claire, WI	[illegible]
El Paso, TX	.8714
Elkhart, IN	[1].7997
Elmira, NY	[illegible]
Enid, OK	[illegible]
Erie, PA	[illegible]
Eugene-Springfield, OR	[illegible]
Evansville, IN–KY	1.0742
Fargo-Moorhead, ND–MN	[illegible]
Fayetteville, NC	[1].8353
Fayetteville-Springdale, AR	.7997
Flint, MT	1 1919
Florence, AL	[illegible]
Fort Collins, CO	[illegible]
Fort Lauderdale-Hollywood, FL	[illegible]
Fort Myers, FL	.9391
Fort Smith, AR–OK	[illegible]
Fort Wayne, IN	[illegible]
Fresno, CA	1.1265
Gadsden, AL	[illegible]
Gainesville, FL	[illegible]
Galveston-Texas City, TX	1.0607
Gary-Hammond-East Chicago, IN	1 1664
Grand Forks, ND–MN	.8779
Grand Rapids, MI	[illegible]
Great Falls, MT	[1].9162
Greeley, CO	[1].9312
Green Bay, WI	.9740
Greensboro-Winston-Salem-High Point, NC	[illegible]
Greenville-Spartanburg, SC	.9371
Hamilton-Middleton, OH	1.0620
Harrisburg, PA	1.0534
Hartford-New Britain-Bristol, CT	1.1535
Honolulu, HI	1.1645
Houston, TX	1.0630
Huntington-Ashland, WV-KY-OH	.9270
Huntsville, AL	[illegible]
Indianapolis, IN	1.0507
Iowa City, IA	1.0209
Jackson, MI	[1] 1.0173
Jackson, MS	[illegible]
Jacksonville, FL	.9331
Janesville-Beloit, WI	[illegible]
Jersey City, NJ	1.1180
Johnson City-Kingsport-Bristol, TN–VA	.8777
Johnstown, PA	1.9445
Kalamazoo-Portage, MI	1.1695
Kankakee, IL	1.0073
Kansas City, MO–KS	.9399
Kenosha, WI	[1] 1.0778
Killeen-Temple, TX	[illegible]
Knoxville, TN	.9100
Kokomo, IN	[illegible]
La Crosse, WI	[1].9016
Lafayette, LA	[illegible]
Lafayette-West Lafayette, IN	.9141
Lake Charles, LA	[illegible]
Lakeland-Winter Haven, FL	.9749
Lancaster, PA	1.0674
Lansing-East Lansing, MI	1.0811
Laredo, TX	[illegible]
Las Cruces, NM	[1].8129
Las vegas, NV	1.1884
Lawrence, KS	[1].9193
Lawton, OK	[1].8377
Lewiston-Auburn, ME	[illegible]
Lexington-Fayette, KY	[illegible]
Lima, OH	[illegible]
Lincoln, NE	.9259
Little Rock-North Little Rock, AR	[illegible]
Long Branch-Asbury Park, NJ	[illegible]
Longview, TX	.8129
Lorain-Elyria, OH	1.0207
Los Angeles-Long Beach, CA	[illegible]
Louisville, KY–IN	[illegible]
Lubbock, TX	[illegible]
Lynchburg, VA	[illegible]
Macon, GA	.9637
Madison, WI	1.0257
Manchester-Nashua, NH	[illegible]
Mansfield, OH	[illegible]
McAllen-Pharr-Edinburg, TX	.8165
Melbourne-Titusville-Cocoa, FL	.9374
Memphis, TN–AR–MS	1.0371
Miami, FL	1.1050
Midland, TX	[1].9141
Milwaukee, WI	[illegible]
Minneapolis-St. Paul, MN–WI	[illegible]
Mobile, AL	.9416
Modesto, CA	1.0250
Monroe, LA	.9451
Montgomery, AL	[illegible]
Muncie, IN	[illegible]
Muskegon-Norton Shores-Muskegon Heights, MI	[illegible]
Nashville-Davidson, TN	1.0187
Nassau-Suffolk, NY	1.2758
New Bedford-Fall River, MA	[illegible]
New Brunswick-Perth Amboy-Sayreville, NJ	[illegible]
New Haven-Waterbury-Meriden, CT	[illegible]
New London-Norwich, CT	[illegible]
New Orleans, LA	.9644
New York, NY–NJ	[illegible]
Newark, NJ	[illegible]
Newport News-Hampton, VA	.8907
Norfolk-Virginia Beach-Portsmouth, VA–NC	[illegible]
Northeast Pennsylvania	[illegible]
Odessa, TX	[illegible]
Oklahoma City, OK	[illegible]
Omaha, NE–IA	[illegible]
Orlando, FL	[illegible]
Owensboro, KY	[1].8364
Oxnard-Simi Valley-Ventura, CA	1.3788
Panama City, FL	[1].8777
Parkersburg-Marietta, WV–OH	1.0461
Pascagoula-Moss Point, MS	[1] 1.1535
Paterson-Clifton-Passaic, NJ	[illegible]
Pensacola, FL	.8541
Peoria, IL	1.0175
Petersburg-Colonial Heights-Hopewell, VA	[illegible]
Philadelphia, PA–NJ	1 1810
Phoenix, AZ	1.1100
Pine Bluff, AR	[1].7997
Pittsburgh, PA	1.1275
Pittsfield, MA	1.0275
Portland, ME	.9718
Portland, OR–WA	1.1026
Poughkeepsie, NY	1.0778
Providence-Warwick-Pawtucket, RI	1.0314
Provo-Orem, UT	[illegible]
Pueblo, CO	1.0969
Racine, WI	.9240
Raleigh-Durham, NC	1.0173
Rapid City, SD	[1].8680
Reading, Pa	1.0101
Reno, NV	[1] 1.2428
Richland-Kennewick, WA	.9763
Richmond, VA	9252
Riverside-San Bernadino-Ontario, CA	1.1729
Roanoke, Va	9614
Rochester, MN	[illegible]
Rochester, NY	1 0653
Rockford, IL	[illegible]
Sacramento, CA	1.1396
Saginaw, MI	1.1279
St. Cloud, MN	[illegible]
St. Joseph, MO	9749
St. Louis, MO–IL	.9977
Salem, OR	1.1083
Salinas-Seaside-Monterey, CA	1.2428
Salt Lake City-Ogden, UT	[illegible]
San Angelo, TX	[illegible]
San Antonio, TX	[illegible]
San Diego, CA	1.1113
San Francisco-Oakland, CA	1.3163
San Jose, CA	1.3055
Santa Barbara-Santa Maria-Lompoc, CA	1.0552
Santa Cruz, CA	1.0811
Santa Rosa, CA	1.4037
Sarasota, FL	[illegible]
Savannah, GA	.9414
Seattle-Everett, WA	1 0500
Sherman-Denison, TX	8277
Shreveport, LA	9292
Sioux City, IA–NE	9306
Sioux Falls, SD	8844
South Bend, IN	.9154
Spokane, WA	1 0921
Springfield, IL	9873
Springfield, MO	.8933
Springfield, OH	9821
Springfield-Chicopee-Holyoke, MA	1.0184
Steubenville-Weirton, OH-WV	[illegible]
Stockton, CA	1.3046
Syracuse, NY	1.3209
Tacoma, WA	1.0514
Tallahasee, FL	[1] .9219
Tampa-St. Petersburg, FL	[illegible]
Terre Haute, IN	[illegible]
Texarkana-TX-Texarkana, AR	1.0929
Toledo, OH-MI	1.1157
Topeka, KS	1.0602
Trenton, NJ	1.1708
Tucson, AZ	.9977
Tulsa, OK	[illegible]
Tuscaloosa, AL	1.0142
Tyler, TX	.9481
Utica-Rome, NY	1.0145
Vallejo-Fairfield-Napa, CA	1.5862
Vineland-Millville-Bridgeton, NJ	[illegible]
Waco,TX	[illegible]
Washington, DC-MD-VA	1.1457
Waterloo-Cedar Falls, IA	[illegible]
West Palm Beach-Boca Raton, FL	[illegible]
Wheeling, WV-OH	.9921
Wichita, KS	1.0248
Wichita Falls, TX	[illegible]
Williamsport, PA	[illegible]
Willmington, DE-NJ-MD	[illegible]
Wilmington, NC	[illegible]
Worcester-Fitchburg-Leominister, MA	[illegible]
Yakima, WA	.9523
York, PA	[illegible]
Youngstown-Warren, OH	1.1090

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[1] Approximate value for area.

Table III.—Wage Index for Rural Areas

Non-SMSA area	Wage index
Alabama	.8900
Alaska	1.5579
Arizona	1.0209
Arkansas	.8686
California	1.2415
Colorado	.9000
Connecticut	1.1552
Delaware	1.0970
Florida	.9917
Georgia	.9463
Hawaii	1.3362
Idaho	.9669
Illinois	.9180
Indiana	.9783
Iowa	.9220
Kansas	.8973
Kentucky	.9207
Louisiana	.9216
Maine	.9325
Maryland	1.1028
Massachusetts	1.1722
Michigan	1.1325
Minnesota	.9052
Mississippi	.8751
Missouri	.9195
Montana	.9561
Nebraska	.8130
Nevada	1.0790
New Hampshire	1.0971
New Jersey	1.0820
New Mexico	1.0073
New York	1.0327
North Carolina	.9017
North Dakota	.9046
Ohio	1.0066
Oklahoma	.9111
Oregon	1.0673
Pennsylvania	1.1358
Rhode Island	([1])
South Carolina	.9180
South Dakota	.7890
Tennessee	.8779
Texas	.8979
Utah	.8409
Vermont	.9093
Virginia	.9792
Washington	1.0466
West Virginia	1.0111
Wisconsin	.9179
Wyoming	1.0402

[1] Not applicable. All of Rhode Island is classified as urban.

Table IV.—*Cost reporting year adjustment factors*[1]

If the SNF cost reporting period begins—	The adjustment factor is:
Nov. 1, 1981	1.00775
Dec. 1, 1981	1.01550
Jan. 1, 1982	1.02325
Feb. 1, 1982	1.03100
Mar. 1, 1982	1.03875
Apr. 1, 1982	1.04650
May 1, 1982	1.05425
June 1, 1982	1.06200
July 1, 1982	1.06975
Aug. 1, 1982	1.07750
Sept. 1, 1982	1.08525

[1] Based on projected market basket inflation rate of 10.2 percent for 1981, 9.3 percent for 1982, and 9.2 percent for 1983.

If, for any reason, we do not publish a new schedule of limits or do not announce other changes in the current schedule, the current limits would continue in effect. These limits would be increased by .00767 (corresponding to .767 percent) per month, until a new schedule of limits or other provision is issued.

Appendix I.—*Derivation of "Market Basket" index for SNF routine service costs*

Category of costs	Relative[1] importance, 1977	Forecaster,[2] percent changes 1981–83	Price variable used
Payroll expenses	61.31	DRI–CFS	Percentage changes in average hourly earnings of employees in nursing and personal care facility. (SIC 805). Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment and Earnings* (monthly), Table C–2.
Food	9.71	DRI–MM	Processed foods and feeds component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
		DRI–MM	Food and beverage component of Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 22.
Employee benefits	7.91	DRI–MM	Supplements to wages and salaries per worker in nonagricultural establishments. For supplements to wages: Source: U.S. Dept. of Commerce, Bureau of Economic Analysis, *Survey of Current Business*. Table 1.11. For total employment: Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment and Earnings* (monthly), Table B–4.
Fuel and other utilities	5.24	DRI–MM	A. Implicit price deflator-consumption of fuel oil and coal (derived from fuel oil component of Consumer Price Index). Source: U.S. Dept. of Commerce, Bureau of Economic Analysis, *Survey of Current Business*, (monthly), Table 7.11.
		DRI–MM	B. Implicit price deflator-consumer of electricity (derived from electricity component of Consumer Price Index). Source: U.S. Dept. of Commerce, Bureau of Economic Analysis.
		DRI–MM	C. Implicit price deflator for natural gas (derived from utility (piped) gas component of Consumer Price Index). Source: Same as electricity above.
		DRI–CFS	D. Water and sewage maintenance component of the Consumer Price Index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
Miscellaneous	4.96	DRI–MM	All item Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
Other business services	4.87	DRI–MM	Services component of Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
Supplies	3.40	DRI–MM	All item Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23.
Drugs	1.40	DRI–CFS	Pharmaceutical preparations, ethical component of producer price index. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Producer Prices and Price Indexes*, (monthly), Table 6.
Health services	1.20	DRI–CFS	Physician services component of Consumer Price Index for all urban consumers. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, Table 23

[1] The basic weights for all major categories of skilled nursing home costs were obtained from the DHEW-National Center for Health Statistics (NCHS) National Nursing Home Surveys (NNHS) for 1972 and 1976 for homes certified for participation in the Medicare program. See *Nursing Home Costs 1972, United States: National Nursing Home Survey, August 1973–April 1974, DHEW, NCHS: National Nursing Home Survey: 1977 Summary for the United States, Vital and Health Statistics, Series 13, Number 43.*

A Laspeyres price index was constructed using 1977 weights and price variables indicated in this table. In calendar year 1977 each "price" variable has an index value of 100.0. The relative routine service cost weights change each period in accordance with price changes for each price variable. Cost categories with relatively higher "price" increases get relatively higher cost weights and vice versa.

[2] DRI–CFS refers to Data Resources, Inc., Cost Forecasting Service (CFS 612), 1750 K Street, N.W., Washington, D.C. 20006.

[3] DRI–MM refers to Data Resources, Inc., Marcro Model, (Control 052581), 29 Hartwell Avenue, Lexington, Massachusetts 02173.

(Sections 1102, 1814(b), 1861(v)(1), 1866(a) and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395f(f), 1395x(v)(1), 1395cc(a) and 1395hh)

Dated: September 15, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 24, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81–28329–Filed 9–29–81; 8:45 am]

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V46 SE 30 81 UMI

federal register

Wednesday
September 30, 1981

Part X

Department of the Treasury

Office of Revenue Sharing

Final Revenue Sharing Regulations

V 46 SE 30 81 UMI

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

31 CFR Part 51

Final Revenue Sharing Regulations

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Final rule.

SUMMARY: This final rule contains the amended revenue sharing regulations. The changes made result from the amendments to the Revenue Sharing Act by the State and Local Fiscal Assistance Act Amendments of 1980. This final rule also implements the changes proposed to be made to the regulations on December 31, 1979 (44 FR 77356). The revisions are primarily technical and procedural to conform certain regulations to existing operating procedures, and to lessen the impact of regulations on recipient governments.

EFFECTIVE DATE: October 30, 1981.

FOR FURTHER INFORMATION CONTACT:
Richard S. Isen, Chief Counsel (Designate), Office of Revenue Sharing
or
Jacqueline L. Jackson, Attorney-Advisor, Telephone (202) 634-5182

SUPPLEMENTARY INFORMATION:

Background

On December 28, 1980, the State and Local Fiscal Assistance Act Amendments of 1980 (Pub. L. 96-604) were enacted to amend the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512), which established the General Revenue Sharing Program. The State and Local Fiscal Assistance Act of 1972 had previously been amended by the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94-488). The 1980 Amendments extended the General Revenue Sharing Program for three years until the end of the fiscal year 1983 (September 30, 1983). The amendments also eliminated entitlements to State governments, but authorized the appropriation of revenue sharing payments to State governments for fiscal years 1982 and 1983. Payments to State governments were not appropriated for fiscal year 1981. The 1980 Amendments also made certain technical changes to the formula, public participation and audit provisions in the Act. The 1980 Amendments necessitated several changes to the regulations contained in 31 CFR Part 51, which implement the Revenue Sharing Act. Proposed rulemaking was published in the **Federal Register** on July 22, 1981 (46 FR 37717-37722) and comments were requested for 30 days, ending August 22, 1981. Two comments were received and are discussed in the section-by-section analysis contained in an Appendix.

In 1979, the ORS conducted a thorough review of the complete set of regulations contained in 31 CFR Part 51. As a result of the review, notice of proposed rulemaking was published in the **Federal Register** on December 31, 1979 (44 FR 77356-77437) and comments were requested for 60 days, ending February 29, 1980. Over 50 comments were received on the December 31, 1979 proposed rule. The majority of these comments concerned the proposed handicapped discrimination regulations. Approximately 20 comments concerned other provisions of this part and are discussed below in the section-by-section analysis of the regulation contained in an Appendix. The section-by-section analysis combines the significant comments and changes made to the regulations from proposed form to the present final regulation.

Discrimination on the Basis of Handicap and Age

The ORS published final regulations implementing the prohibition against discrimination on the basis of handicap on January 5, 1981 (46 FR 1120). These regulations are contained in a new § 51.55, which implement Section 504 of the Rehabilitation Act of 1973, as amended, the effective date of this section was deferred pending reconsideration pursuant to Executive Order 12291. As a result of the case *Paralyzed Veterans of America* v. *Smith, etc., et al.*, U.S. District Court, Central District of California, No. 79-1979 WPG, certain provisions of the regulations were issued in interim form on August 14, 1981 (46 FR 41047). The provisions of § 51.55 which have not been deferred are published as a part of these regulations.

The proposed rule published on December 31, 1979, also contained a new § 51.56, "Discrimination on the basis of age." This provision concerns a prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975, as amended. This provision is currently under review by the Department of Health and Human Services and will be published in final form at a later date. Accordingly, Section 51.56 is reserved at this time.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, (Pub. L. 96-354, hereinafter referred to as the RFA) provides that regulations with significant economic impact on a substantial number of "small entities" should undergo a regulatory flexibility analyses. With respect to the General Revenue Sharing Program, small entities are defined as recipient governments with a population below 50,000.

The final regulations reflect changes in the Revenue Sharing Act made after a review in 1979 pursuant to Executive Order 12044 "Improving Government Regulations." The final regulations also implement the 1980 Amendments to the Revenue Sharing Act made by the State and Local Fiscal Assistance Act Amendments of 1980 (Pub. L. 96-604).

As a result of the 1979 proposed rule, a number of the changes have been made to lessen the impact of rulemaking on recipient governments. In Subpart B, public participation and reporting requirements have been amended to expand the coverage of the provisions and eliminate certain reporting requirements. In subpart E the ORS has adopted the EEOC Guidelines and expanded its provisions concerning agreements between agencies in order to ensure consistent and nonduplicative enforcement of the prohibitions against discrimination. Recipient governments will be less likely to be subjected to conflicting or inconsistent requirements. Similarly in Subpart F, reporting provisions regarding audits have been reduced and the waiver provisions have been expanded in coverage.

As mentioned above, the final regulations implement statutory changes made by the 1980 Amendments. The revenue effects of the final regulations, if any, flow directly from the statute, and the regulations impose no additional paperwork, compliance, or financial burdens on recipient governments. The final regulations are primarily interpretative, providing needed guidance to recipient governments with respect to the General Revenue Sharing Program. The final regulations are not expected to have a significant economic impact on small governmental units. Accordingly, the provisions of the RFA were not applicable to this regulatory project, and an initial regulatory flexibility analysis was not required.

Executive Order 12291—"Federal Regulation"

The proposed regulations do not constitute a "major rule" within the meaning of Section 1(b) of Executive Order 12291, entitled "Federal Regulation." A regulatory analysis is not required.

Executive Order 12067—"Providing For Coordination of Federal Equal Employment Opportunity Programs"

These regulations have been reviewed by the Office of Interagency Coordination of the Equal Employment Opportunity Commission, pursuant to Executive Order 12067 "Providing for Coordination of Federal Equal Employment Opportunity Programs." Pursuant to this Executive Order, EEOC has the authority to review other agency's regulations implementing equal employment opportunity programs to insure consistent government-wide enforcement.

Executive Order 12250—"Leadership and Coordination of Nondiscrimination Laws"

The regulations have also been reviewed by the Office of Coordination and Review of the Department of Justice, pursuant to Executive Order 12250 "Leadership and Coordination of Nondiscrimination Laws." Pursuant to this Executive Order, the Department of Justice has authority to review other agencies regulations implementing Federal statutes laws which prohibit discrimination on the basis of race, color, national origin, handicap, religion or sex under any program or activity receiving Federal financial assistance.

`31 CFR Part 51, is therefore revised to read as set forth below:

Dated: September 25, 1981.

Michael F. Hill,

Director, Office of Revenue Sharing.

PART 51—FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Subpart A—General Information

Sec.
51.0 Scope and application of regulations.
51.1 Establishment of Office of Revenue Sharing.
51.2 Definitions.
51.3 Procedure for effecting compliance for violations of provisions other than subpart E.
51.4 Transfer of entitlement funds to secondary recipients.
51.5 Effect of State or local law.
51.6 Applicability of other Federal laws.

Subpart B—Assurances, Reports, And Public Participation

51.10 Definitions.
51.11 Reports to the Director; assurances; procedure for effecting compliance.
51.12 Use reports.
51.13 Proposed use hearing.
51.14 Budget hearing.
51.15 Amendments or modification to enacted budget.
51.16 Participation by senior citizens.
51.17 Notification of news media.
51.18 Legal notice rules not applicable.
Sec.
51.19 Reports to the Bureau of the Census.

Subpart C—Computation And Adjustment Of Entitlement Funds

51.20 Data.
51.21 Data affected by a major disaster.
51.22 Adjusted taxes.
51.23 Dates for finalizing data.
51.24 Boundary changes, governmental reorganization, etc.
51.25 Waiver of entitlement; nondelivery of checks; insufficient data.
51.26 Reservation of funds and adjustment of entitlement.
51.27 State to maintain transfers to local governments.
51.28 Optional formula.
51.29 Notification and adjustment of data factors.
51.30 Adjustment to entitlements; application of adjustments.
51.31 Separate law enforcement officers.
51.32 Population.

Subpart D—Prohibitions And Restrictions On Use Of Funds

51.40 Matching funds.
51.41 Permissible expenditures for local governments.
51.42 Wage rates and labor standards.
51.43 Lobbying.
51.44 Use of entitlement funds for debt retirement.
51.45 Use of entitlement funds in accordance with State or local law.
51.46 Procedure for effecting compliance.

Subpart E—Nondiscrimination By States And Local Governments Receiving Entitlement Funds

51.50 Purpose.
51.51 Definitions.
51.52 Discrimination prohibited.
51.53 Employment discrimination.
51.54 Discrimination on the basis of sex.
51.55 Nondiscrimination on the basis of handicap (Interim).
51.56 [Reserved].
51.57 Discrimination on the basis of national origin.
51.58 Discrimination on the basis of religion.
51.59 Assurances required.
51.60 Compliance information and reports.
51.61 Compliance reviews and affirmative action.
51.62 Administrative complaints and investigations.
51.63 Notification to the complainant.
51.64 Notification of noncompliance.
51.65 Determination by the Director.
51.66 Compliance agreements.
51.67 Resumption of suspended entitlement funds.
51.68 Exhaustion of administrative remedies.
51.69 Agreements between agencies.
51.70 Jurisdiction over property.

Subpart F—Fiscal Procedures And Auditing

51.100 Definitions.
51.101 Procedures applicable to the use of funds.
51.102 Auditing and evaluation.
51.103 Waiver of audit requirement.
51.104 Audits of secondary recipients.
51.105 Reliance upon audits under other Federal laws.
Sec.
51.106 Audit opinions.
51.107 Scope of audits.
51.108 Retention and submission of audit reports and workpapers.
51.109 Procedure for effecting compliance.

Subpart G—Proceedings For Reduction In Entitlement, Withholding, Or Suspension Of Funds

51.200 Scope of subpart.
51.201 Liberal construction.
51.202 Reasonable notice and opportunity for hearing.
51.203 Opportunity for compliance.
51.204 Institution of administrative hearing.
51.205 Complaint for administrative hearing.
51.206 Service of complaint and other papers.
51.207 Answer, referral to administrative law judge.
51.208 Proof; variance; amendment of pleadings.
51.209 Representation.
51.210 Administrative law judge; powers.
51.211 Administrative hearings.
51.212 Stipulations.
51.213 Evidence.
51.214 Depositions.
51.215 Stenographic record; oath of reporter; transcript.
51.216 Proposed findings and conclusions.
51.217 Preliminary finding (for hearings under Subpart E).
51.218 Initial decision of the administrative law judge.
51.219 Certification and transmittal of record and decision.
51.220 What constitutes record?
51.221 Procedures for review of decision of administrative law judge.
51.222 Effect of absence of appeal on review of initial decision of administrative law judge.
51.223 Publicity of proceedings.
51.224 Judicial review.
Appendix—Section-by-Section Analysis.

Authority: State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512), as amended by the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94–488), the State and Local Fiscal Assistance Act Amendments of 1980 (Pub. L. 96–604), and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342) as amended by Treasury Department Order No. 242 (Revision No. 1) dated May 17, 1977.

Subpart A—General Information

§ 51.0 Scope and application of regulations.

(a) *In general.* The rules and regulations in this subpart are prescribed for carrying into effect the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512) applicable to entitlement periods beginning January 1, 1972, and ending December 31, 1976, as amended, by the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94–488) applicable to entitlement periods beginning January 1, 1977, and ending September 30, 1980, and the State and Local Fiscal Assistance Act

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Amendments of 1980 (Pub. L. 96-604) applicable to entitlement periods beginning after October 1, 1980. Subpart A of this part sets forth general information and definitions of terms used in this part. Subpart B of this part prescribes the reporting, public hearing and publication requirements under this part. Subpart C of this part contains rules regarding the computation, allocation and adjustment of entitlements. Subpart D of this part prescribes prohibitions and restrictions on the use of funds. Subpart E of this part contains the nondiscrimination provisions and procedures applicable to programs funded by recipient governments which receive revenue sharing funds. Subpart F of this part prescribes fiscal procedures and auditing requirements. Subpart G of this part contains rules relating to procedure and practice requirements where a recipient government has failed to comply with any provision of this part. A reference to individuals in the feminine or masculine gender shall not be construed to exclude either gender.

(b) *Effect on pending cases.* The procedural provisions of the State and Local Fiscal Assistance Act of 1972, as amended by Pub. L. 94-488 and 96-604 and regulations promulgated thereunder, shall apply to all pending administrative proceedings, including cases commenced by complaints filed prior to January 1, 1977.

§ 51.1 Establishment of Office of Revenue Sharing.

There is established, in the Office of the Secretary of the Treasury, the Office of Revenue Sharing. The Office shall be headed by a Director who shall be appointed by the Secretary of the Treasury. The Director shall perform the functions, exercise the powers and carry out the duties vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972, Title I, (Pub. L. 92-512) as amended by the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94-488) and the State and Local Fiscal Assistance Act Amendments of 1980 (Pub. L. 96-604).

§ 51.2 Definitions.

As used in this part (except where the context clearly indicates otherwise, or where the term is otherwise defined elsewhere in this part) the following definitions shall apply:

(a) "Act" means the State and Local Fiscal Assistance Act of 1972 (Title I of Pub. L. 92-512) approved October 20, 1972, 31 U.S.C. 1221 *et seq.*, as amended by the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94-488) approved October 13, 1976, and as amended by the State and Local Fiscal Assistance Act Amendments of 1980 (Pub. L. 96-604) approved December 28, 1980.

(b) "Chief executive officer" of a unit of local government means the elected official, or the legally designated official, who has the primary responsibility for the conduct of that unit's governmental affairs. Examples of the "chief executive officer" of a unit of local government may be: The elected mayor of a municipality, the elected county executive of a county, the chairman of a county commission or board in a county that has no elected county executive, the township supervisor, trustee, first selectman, chairman, city manager, or such other official as may be designated pursuant to law by the duly elected governing body of the unit of local government; or the chairman, governor, chief or president (as the case may be) of an Indian tribe or Alaskan native village.

(c) "Department" means the Department of the Treasury.

(d) "Director" means the Director of the Office of Revenue Sharing.

(e) "Entitlement funds" means the amount of revenue sharing payments to which a State government or unit of local government is entitled as determined by the Director pursuant to an allocation formula contained in the Act and as established by regulations under this part, including the interest earned on entitlement funds deposited in financial institutions prior to their use, obligation or appropriation.

(f) "Entitlement period" means one of the following periods of time:

(1) Entitlement Period One is the 6-month period beginning January 1, 1972, and ending June 30, 1972.

(2) Entitlement Period Two is the 6-month period beginning July 1, 1972, and ending December 31, 1972.

(3) Entitlement Period Three is the 6-month period beginning January 1, 1973, and ending June 30, 1973.

(4) Entitlement Period Four is the Federal fiscal year beginning July 1, 1973, and ending June 30, 1974.

(5) Entitlement Period Five is the Federal fiscal year beginning July 1, 1974, and ending June 30, 1975.

(6) Entitlement Period Six is the Federal fiscal year beginning July 1, 1975, and ending June 30, 1976.

(7) Entitlement Period Seven is the 6-month period beginning July 1, 1976, and ending December 31, 1976.

(8) Entitlement Period Eight is the 9-month period beginning January 1, 1977, and ending September 30, 1977.

(9) Entitlement Period Nine is the Federal fiscal year beginning October 1, 1977, and ending September 30, 1978.

(10) Entitlement Period Ten is the Federal fiscal year beginning October 1, 1978, and ending September 30, 1979.

(11) Entitlement Period Eleven is the Federal fiscal year beginning October 1, 1979, and ending September 30, 1980.

(12) Entitlement Period Twelve is the Federal fiscal year beginning October 1, 1980, and ending September 30, 1981.

(13) Entitlement Period Thirteen is the Federal fiscal year beginning October 1, 1981 and ending September 30, 1982.

(14) Entitlement Period Fourteen is the Federal fiscal year beginning October 1, 1982, and ending September 30, 1983.

(g) "Funded" means entitlement funds have been or are being made available for expenditure in or substantially benefited a program or activity of a recipient government or a secondary recipient.

(h) "Governor" means the Governor of any of the 50 State governments or the Mayor of the District of Columbia.

(i) "Indian tribes or Alaskan native villages" means an Indian tribe and Alaskan native village which has a recognized governing body and which performs substantial governmental functions. Certification to the Director by the Secretary of the Interior (or by the Governor of a State in the case of a State affiliated tribe) that an Indian tribe or an Alaskan native village has a recognized governing body and performs substantial governmental functions, shall constitute *prima facie* evidence of that fact.

(j) "Lobbying" means the personal solicitation of members of a legislative body by representatives of the recipient government or their agents for the purpose of influencing pending or proposed legislation regarding the provisions of the Act.

(k) "Program or activity" means the operations of the agency or organizational unit of a recipient government or the operations or organizational unit of a secondary recipient funded with entitlement funds (examples include, but are not limited to a police department, department of corrections, health department, or a division of a public or private corporation).

(l) "Recipient government" means a State government or unit of local government, the District of Columbia, Indian tribe, Alaskan native village, as defined in this section, or the office of the separate law enforcement officer for any parish in the State of Louisiana, other than the Parish of Orleans, which directly receives entitlement funds, except as otherwise provided.

(m) "Secondary recipient" means:

(1) Any State government, unit of local government, any political subdivision of any State or local government, any public or private agency, institution, organization or other entity which receives entitlement funds, in whole or in part, from a recipient government either:

(i) By a contract or other arrangement pursuant to which such other entity shall conduct, deliver or otherwise participate or assist in the conduct or delivery of a program or activity of the recipient government;

(ii) By a grant or other arrangement with the recipient government intended to provide financial assistance to such other entity under a program or activity.

(2) "Secondary recipient" shall not include a construction contractor or any other private or governmental entity from which a recipient government only acquires real or personal property (e.g supplies, equipment and materials) by such means as purchasing, renting, leasing, or bartering. Secondary recipient also shall not include persons who are the ultimate beneficiaries of a recipient government's programs or activities.

(n) "Secretary" means the Secretary of the Treasury.

(o) "State government" means the government of any of the 50 State governments or the District of Columbia.

(p) "Unit of local government" means the government of a county, municipality, or township, which is a unit of general government as determined by the Bureau of the Census for general statistical purposes. The term "unit of local government" shall also include the recognized governing body of an Indian tribe or Alaskan native village which performs substantial governmental functions. The District of Columbia, in addition to being treated as a State, shall also be treated as a county area which has no units of local government (other than itself) within its geographic area.

§ 51.3. Procedures for effecting compliance for violations of provisions other than subpart E.

(a) *Investigations.* (1) The Director shall establish procedures to reasonably assure than an investigation of a complaint, relating to possible violation of the provisions of this part (other than Subpart E) is completed and a decision is made as to whether the recipient government is in noncompliance with the Act. The procedures shall provide for the investigation and decision to be made within 180 days of receipt of the complaint.

(2) The scope of the investigation is not necessarily limited to the complaint, but may include any matters covered under the Act either discovered during the investigation or reasonably flowing from the complaint.

(b) *Compliance review or audit.* The Director may periodically conduct audits or reviews of compliance with the provisions of this part (other than Subpart E) based upon receipt of audit reports or other information, which shall be completed within one year after initiation.

(c) *Notice of Noncompliance.* After the completion of an investigation, compliance review or audit, the Director shall decide whether the recipient government has complied with the provisions of the Act. If the decision is that the recipient government has substantially failed to comply with the Act, the Director shall provide the appropriate notice(s) of noncompliance which inform the recipient government of the corrective action necessary to achieve compliance and take appropriate steps to secure compliance.

(d) *Opportunity for hearing.* Whenever a recipient government fails to enter into a compliance agreement after receipt of appropriate notice(s) of noncompliance, the Director shall initiate an administrative hearing and, if appropriate, issue a determination of noncompliance pursuant to the provisions of Subpart G of this part. If a violation is found after such administrative hearing, the administrative law judge shall issue an initial decision that the recipient government is in noncompliance with the provisions of the Act and the Director shall withhold the further payment of entitlement funds, unless corrective action is taken within 60 days of the notification of the determination.

(e) *Delay and constructive waiver of entitlement payments.* (1) The failure of a recipient government to comply with the assurance and reporting requirements of Subparts B and F of this part which include submission of reports and assurances and response to specific requests for information concerning possible violation of the Act, may result in the delay of the further payment of entitlement funds until the assurance, report or information requested is received. A delay of the payment of entitlement funds shall not be subject to the procedures for affecting compliance set forth in paragraphs (a) through (d) of this section.

(2) The Director may, after the payment of entitlement funds have been delayed for one or more of the entitlement periods pursuant to paragraph (e)(1) of this section, determine that the payments to the recipient government for a particular entitlement period are constructively waived pursuant to § 51.25(b) of this part. Entitlement payments constructively waived will no longer be available to the recipient government. The constructive waiver shall not be subject to the procedures for effecting compliance set forth in paragraph (a) of this section or in Subpart E of this part.

§ 51.4. Transfer of entitlement funds to secondary recipients.

(a) *Restrictions, prohibitions and requirements applicable to secondary recipients.* The prohibitions, restrictions and requirements set forth in Subparts D, E, and F of this part that are applicable to a recipient government's use and expenditure of entitlement funds are also applicable to the expenditure of entitlement funds transferred to a secondary recipient by the primary recipient government. Any failure by a secondary recipient to comply with any provision of Subparts D, E, and F shall constitute noncompliance with such subparts by the primary recipient government. The Director shall effect compliance by taking appropriate enforcement action against the primary recipient government pursuant to Subpart A, E or G of this part.

(b) *Responsibilities of the primary recipient government for compliance by secondary recipient.* It is the responsibility of the primary recipient government to inform the secondary recipient of the requirements of this part and monitor its compliance. If the secondary recipient fails or refuses to comply with the restrictions and prohibitions or requirements applicable to the expenditure of entitlement funds, the primary recipient government responsible for achieving compliance may be required to withdraw funding in order to achieve compliance.

§ 51.5 Effect of State or local law.

Any State or local law, ordinance or regulation that substantially impedes compliance by a recipient government with the provisions of this part, shall be inoperative to the extent necessary to achieve such compliance or remedy.

§ 51.6 Applicability of other Federal laws.

Except as otherwise provided in the Act or this part, entitlement funds are not subject to Federal civil laws applicable only to Federally assisted programs or to Federal grants, loans or contracts. The Criminal Code of the

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United States (Title 18, U.S.C.) shall be applicable to all criminal offenses relating to the expenditure, accounting or reporting of entitlement funds by a recipient government or secondary recipient of such funds under the Act or this part.

Subpart B—Assurances, Reports, and Public Participation

§ 51.10 Definitions.

As used in this subpart (except where the context clearly indicates otherwise) the following definitions shall apply:

(a) "Budget" means a plan for the overall allocation of funds, including entitlement funds, by a recipient government to various purposes during a specified fiscal period in accordance with its State and local law and procedure. A recipient government that does not formally adopt or enact such a plan, shall be deemed to have adopted or enacted a budget for purposes of this subpart when it has adopted or enacted a resolution, ordinance, or appropriation act, or takes other action dedicating, setting aside, or otherwise designating entitlement funds for a particular purpose or use.

(b) "Budget summary" means categories of expenditures for entitlement funds and general funds classified by major function and activity in accordance with the recipient government's State or local laws and procedures. Where there is no State or local law or procedure prescribing the expenditure classifications, the recipient government shall use the classifications of the Bureau of the Census.

(c) "Enacted" means, in the budget context, the act of final adoption, ratification, confirmation or other action with respect to an approved budget that makes the budget the official expenditure authorization of the recipient government. Where a State board or agency has statutory authority to review or approve the budget of a unit of local government, enacted means the final action of the unit of local government.

(d) "Entitlement funds" means the amount of revenue sharing payments to which a State government or unit of local government is entitled as determined by the Director pursuant to an allocation formula contained in the Act and as established by regulations under this part, including the interest earned on entitlement funds deposited in financial institutions prior to their use, obligation or appropriation.

(e) "Executive authority" means the chief executive officer or other elected or appointed official of the recipient government whose statutory responsibility is to assemble budget data and prepare the budget document for presentation to the legislative body for enactment or approval.

(f) "Fiscal year" means the 12-month period or other fiscal period on the basis of which the recipient government operates.

(g) "Impractical" means, with respect to the publication requirement, that a newspaper of general circulation is available to the citizens of a recipient government but is not generally subscribed to or read within the community.

(h) "Infeasible" means, with respect to the publication requirement, that a newspaper of general circulation is not available or does not serve the citizens of a recipient government.

(i) "Legislative body" means the elected officials of the recipient government who have the primary legal responsibility for enacting the budget. A quorum or the minimum number of legislative officials needed to legally transact business, as determined by State and local law shall constitute the legislative body.

(j) "Presented" means, in the budget context, the submission of a proposed budget to the legislative body having primary legal responsibility for enacting the budget of a recipient government.

(k) "Public hearing" means an open public meeting called by a recipient government to provide all residents (without regard to taxpaying voting status or handicap) with an opportunity to offer written and oral comments regarding the subject to be discussed. A public hearing required under this subpart may be held concurrently with other meetings held by the recipient government for public purposes (such as town meetings, budget sessions and other regular meetings), provided that the recipient government complies with the public notice requirements of this subpart.

(l) "Publication" means giving notice or advising the public, and making information known to the citizens of the recipient government.

(m) "Use report" means a report required by the Director from each recipient government showing the amounts and purposes for which entitlement funds have been used in relation to the relevant functional items in the recipient government's budget.

§ 51.11 Reports to the Director; assurances; procedure for effecting compliance.

(a) *In general.* The Director may require each recipient government to submit such annual and interim reports as may be necessary to provide a basis for evaluation and review of compliance with, and effectiveness of, the provisions of the Act and regulations of this part. Such reports requested by the Director shall include the documentation necessary to support the statements contained therein.

(b) *Retention of documentation concerning public participation requirements.* Documentation establishing compliance with the assurance, reporting and public hearings requirements of this subpart, e.g., the publication of notices, and supplementary information and the availability of required information for public inspection, shall be retained for at least one year and made available to the Director upon request.

(c) *Requisite assurances for receipt of entitlement funds.* In order to qualify for entitlement funds for an entitlement period, the chief executive officer of each recipient government, when requested by the Director, shall file a Statement of Assurances on a form to be provided. The Statement of Assurances will state the recipient government's intention to comply with specified requirements, prohibitions and restrictions of the Act and of Subparts B, D, E, and F of this part, with respect to the use of entitlement funds. The Director will afford the Governor of each State an opportunity for review and comment to the Office of Revenue Sharing on the adequacy of the assurance by units of local government, other than Indian tribes and Alaskan native villages, located in that State.

(d) *Procedure for effecting compliance.* (1) If a recipient government fails to comply with the public participation requirements of this subpart, the Director shall apply the procedures for effecting compliance set forth in §§ 51.3 (a) through (d) of Subpart A and hearing procedures of Subpart G of this part.

(2) If the recipient government fails to comply with the assurance and reporting requirements of this part, the Director may implement the delay of payment and/or constructive waiver provisions of § 51.3(e) of Subpart A and § 51.25(b) of Subpart C of this part.

§ 51.12 Use reports.

(a) *In general.* Each recipient government shall submit a report to the Director (or to the Bureau of the Census or other agency that the Director may designate) setting forth the amounts and purposes for which entitlement funds have been appropriated, spent or obligated during its fiscal year. Such report shall also show the relationship of the entitlement funds to the relevant functional items in the recipient government's budget and shall identify differences between the actual use of entitlement funds and the use of such funds as planned in the enacted budget. The report shall be filed on the form prescribed and approved by the Director and shall be submitted within the requested time period. Failure to file the report as prescribed by the Director may jeopardize future entitlement payments pursuant to § 51.3(e).

(b) *Public inspection.* A copy of the use report and documentation necessary to support the statements contained therein shall be made available to any person for a period of three years. Within 10 days after the use report is filed, this information shall be placed at the principal office of the recipient government for public inspection during normal business hours. Where feasible, local public libraries and other public buildings should be used also. If the recipient government has no principal office, the report and supporting documentation shall be made available for public inspection at a public place or places within the political boundaries of the recipient government to satisfy the requirements of this paragraph.

(c) *Notice of availability of use reports.* The recipient government shall publish a notice which indicates that the actual use report is available for public inspection within 10 days of the filing of the report with the Director or other designated agency. Such notice shall specify the location(s) and hours during which the report and its supporting documentation are available to the public. Publication of the notice shall be made in a newspaper of general circulation serving the recipient government's geographic area. Where newspaper publication is impractical or infeasible, alternative methods of publication shall be used as provided in § 51.13(c)(2).

(d) *Submission of use reports to Governor.* The Director (or such agency as the Director may designate) shall furnish the reports required under paragraph (a) of this section, except those reports relating to Indian tribes and Alaskan native villages, to the Governor of the State in which a recipient government is located, in the manner and form prescribed by the Director.

§ 51.13 Proposed use hearing.

(a) *In general.* Each recipient government which expends entitlement funds in any fiscal year, pursuant to each budget enacted on or after January 1, 1977, shall, prior to such enactment, have at least one public hearing on the possible uses of such funds. Subsequently, the recipient government shall have at least one public hearing on the budget as proposed by the executive authority as described in § 51.14. At the proposed use hearing, all citizens of the recipient government shall have the opportunity to provide the executive authority with written and/or oral comments and suggestions as to the possible uses of entitlement funds. The proposed use hearing shall be conducted not less than seven calendar days before the proposed budget is presented to the legislative body for enactment.

(b) *Public notice*—(1) *Publication of notice.* Notice of the proposed use hearing shall be published in at least one newspaper of general circulation serving the recipient government's geographic area, no later than 10 days prior to the scheduled date of the hearing.

(2) *Contents of notice.* The notice shall include the date, place, and time of the hearing, the amount of unappropriated entitlement funds in the recipient government's revenue sharing trust fund, and the amount of entitlement funds which the recipient government expects to receive during its fiscal year. In addition, the notice shall specify that citizens attending the public hearing shall have the right to provide written and oral comments and suggestions as to the possible uses of entitlement funds.

(c) *Waiver of proposed use hearing and notice requirements; alternative method of publication*—(1) *Waiver of hearing requirement due to cost.* The Director, upon written application by the chief executive officer of a recipient government, may grant a waiver of the proposed use hearing requirements for one or more entitlement periods, if it can be determined from the facts submitted that the unavoidable expenses associated with holding the proposed use hearing would exceed fifteen (15) percent of the recipient government's entitlement received during the applicable entitlement period. An itemized cost estimate, which specifically describes the unavoidable expenses, must accompany the waiver application. For purposes of this paragraph, "unavoidable expenses" are those incurred in holding the public hearing, such as space, furniture and equipment rentals, overtime compensation, and similar direct costs including the costs of publication of the public notice verified by a newspaper. The waiver must be requested and approved before the proposed appropriation of entitlement funds occurs.

(2) *Waiver of publication requirement.* The newspaper publication requirements for the notice of the proposed use hearing may be waived by the Director upon written application by the chief executive officer of the recipient government. The application shall indicate the circumstances making newspaper publication impractical or infeasible, and provide for an alternative method of notification which informs citizens of the recipient government of the date, place, time, and subject of the public hearing. The waiver must be requested and approved before the proposed appropriation of entitlement funds occurs.

(3) *Waiver of proposed use hearing and publication requirements where hearing is based upon projections.* A recipient government shall not be required to conduct an additional hearing under paragraph (a) of this section concerning entitlement funds appropriated for entitlement period twelve where:

(i) The hearing was held prior to December 28, 1980, and,

(ii) The recipient government used reasonable projections as to the amounts of entitlement funds to be received during entitlement period twelve to determine the amount of entitlement funds subject to the budget process.

§ 51.14 Budget hearing.

(a) *Budget hearing requirement.*—(1) *In general.* Each recipient government which expends entitlement funds in any fiscal year pursuant to a budget enacted on or after January 1, 1977 shall, after the proposed use hearing, have at least one public hearing on the government's proposed uses of entitlement funds in relation to its entire budget (i.e., the general revenues and all other funds proposed for appropriation during the fiscal period). The budget hearing shall be conducted by the legislative body, or the appropriate committee thereof, prior to enactment of the budget. The number of representatives of the legislative body required to be present at the hearing is the same as that required for a budget hearing under State or local law. All citizens of the recipient government shall have a reasonable opportunity to provide written and oral comments, and to ask questions concerning the entire budget and the relationship of entitlement funds to the entire budget. The budget hearing required by this paragraph shall be held at a date, place, and time and in a manner that permits and encourages public attendance and participation by all citizens.

(2) *Recipient government with bicameral legislature.* For those recipient governments which have a bicameral legislature, the hearing shall

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be held before the appropriate committee in each house of the legislature, or before an appropriate joint committee of both houses of the legislature.

(b) *Alternative procedures for budget hearing.* A recipient government may use an alternative budget hearing process without obtaining prior approval from the Director if it complies with the public notice requirements contained in paragraph (c) of this section and if:

(1) The recipient government, pursuant to State or local law, governing the expenditure of its own revenues, is required to follow a budget procedure which requires a public hearing that provides all citizens the opportunity to provide oral and written comments and ask questions concerning the proposed use of all revenues to be budgeted by the recipient government, including the use of entitlement funds and their relationship to the entire budget; and

(2) Documentation that the recipient government's alternative budget hearing procedures comply with State or local law shall be made available for public inspection during normal business hours at the principal office of the recipient government and submitted to the Director upon request;

(c) *Public notice and inspection.* (1) Notice of the budget hearing shall be published in a newspaper of general circulation serving the recipient government's geographic area no later than 10 days prior to the scheduled date of the hearing. The notice shall specify the date, place, and time of the public hearing, and that all citizens attending the hearing have the right to provide written and oral comments and ask questions concerning the entire budget and the relationship of entitlement funds to the entire budget. The notice shall state how, in the context of its proposed budget, the recipient government intends to use its entitlement funds, and shall require a budget summary of its entire proposed budget. In addition, the notice shall advise when and where the above information, together with a copy of the entire proposed budget, shall be made available for public inspection.

(2) At least 10 days prior to the revenue sharing budget hearing a recipient government shall make available for public inspection during normal business hours, at the principal office of such government, a statement of the government's proposed uses of entitlement funds in the context of its proposed budget, a summary of the entire proposed budget, which describes the uses proposed for entitlement funds, general revenues and other funds, and a copy of its entire proposed budget. If a recipient government has no principal office, then making the above materials available at a public place within the political boundaries of the recipient government shall satisfy the requirements of this paragraph. Where feasible, local public libraries and other public buildings should be used for the purpose of providing additional places for public inspection of these materials.

(d) *Modification of time limitation for public notice and inspection.* Whenever State or local law provides for a specified time period within which a recipient government is required to publish notice of a budget hearing or to permit public inspection of its proposed budget for a specified time period, the recipient government shall comply with the time period for publication or public inspection required by its State or local law, provided that it is not less than three (3) working days.

(e) *Waiver of newspaper publication; alternative forms.* (1) The requirement, that notice of the budget hearing and the summary of the proposed budget be published in a newspaper, may be waived by the Director upon receipt of a written request by the chief executive officer of the recipient government. The request shall include an itemized cost estimate verified by a newspaper, which shows how the cost of publication will exceed fifteen (15) percent of the amount of entitlement funds included in the proposed budget. In addition, the request shall propose an alternative method of publication which provides the citizens of the jurisdiction with adequate notice of the budget hearing and the opportunity to review the budget summary. Any alternative method of publication shall meet the time requirements and include the information required by this section.

(2) When newspaper publication of the notice of the budget hearing and the budget summary is impractical or infeasible, the Director may waive the newspaper publication requirement upon receipt of a written request by the chief executive officer of the recipient government. The request shall indicate the circumstances which make publication in a newspaper impractical or infeasible and shall propose an alternative method of publication. The waiver must be requested and approved before the proposed appropriation of entitlement funds occurs.

(f) *Waiver of budget hearing and publication requirements where hearing is based upon projection.* A recipient government shall not be required to conduct an additional hearing under paragraph (a) of this section concerning entitlement funds appropriated for entitlement period twelve where:

(1) The hearing was held prior to December 28, 1980, and

(2) The recipient government used reasonable projections as to the amounts of entitlement funds to be received during entitlement period twelve to determine the amount of entitlement funds subject to the budget process.

(g) *Summary of enacted budget.* Within 30 days after enactment of a budget as provided by State or local law, a summary of the enacted budget showing the intended uses of entitlement funds and information necessary to support the information and data in the summary shall be made available for public inspection during normal business hours at the principal office of the recipient government. If a recipient government has no principal office, the summary of the enacted budget and the enacted budget document shall be made available for public inspection at a public place within the political boundaries of the recipient government to satisfy the requirements of this paragraph. Where feasible, local public libraries and other public buildings should be used for the purpose of providing additional places at which the public may inspect the budget summary and the enacted budget.

(h) *Published notice of availability of summary of enacted budget.* Public notice shall be published in a newspaper of general circulation serving the geographic area of the recipient government within 30 days after enactment of the budget. The notice shall state where the when the summary of the enacted budget is available for public inspection. Where newspaper publication is impractical or infeasible alternative methods of publication shall be used as provided in § 51.13(c)(2).

§ 51.15 Amendments or modification to enacted budget.

(a) *Amendments or modification pursuant to State or local law.* Where applicable State or local law exists which governs amendments or modification of existing budgets, and requires public notice, at least one public hearing, and the availability of the amendments or modifications for public inspection, the recipient government shall comply with the State or local law when making a major change to an enacted budget.

(b) *Amendment or modification in absence of State or local law.* In the absence of applicable State or local law, the provisions of § 51.14 shall apply to any amendment, modification or revision of an enacted budget when a major change is proposed.

(c) *Major change defined.* For the purposes of this section, a major change is any change in the enacted budget which, on a cumulative basis, affects the use of more than $2,000 of entitlement funds and affects 25% or more of the entitlement funds as originally enacted in the budget of the recipient government. An amendment or modification that does not meet both criteria shall not be considered a major change.

§ 51.16 Participation by senior citizens.

A recipient government shall endeavor to provide senior citizens, and organizations representing the interests of senior citizens, with an opportunity to be heard and present their views regarding the use of entitlement funds, in any hearing or proceeding required under this subpart or under its own budget processes, prior to final allocation of such funds.

§ 51.17 Notification of news media.

Each recipient government shall advise the news media, including minority, bilingual and foreign language news media, serving its geographic area and shall provide the news media with copies of reports, notice, or budget information on request, at the same time that any public report, notice of hearing or budget information is required to be published in a newspaper under this subpart.

§ 51.18 Legal notice rules not applicable.

Whenever any section of this subpart requires the newspaper publication of a report, public notice, budget summary, or any other required information, the recipient government may publish the required information in a newspaper of general circulation serving its geographic area without regard to State or local statutory requirements for the publication of legal notices. Prominently displayed advertisements or news articles may be used to provide newspaper notice required by this subpart. Such article or advertisement must contain all of the required information.

§ 51.19 Reports to the Bureau of the Census.

It shall be the obligation of each recipient government to comply promptly with requests by the Bureau of the Census (or by the Director) for data, information and reports relevant to the determination of entitlement allocations or use of entitlement funds. Failure of any recipient government to comply may place in jeopardy its receipt of entitlement funds.

Subpart C—Computation and Adjustment of Entitlement Funds

§ 51.20 Data.

(a) *In general.* The data used in determination of allocations and adjustments to allocations, payable under this part, will be the latest and most complete data supplied by the Bureau of the Census, the Bureau of Indian Affairs, the Bureau of Economic Analysis and the Internal Revenue Service which are available prior to the allocations for an entitlement period unless, in the judgment of the Director, the data provided by those agencies are not current enough or are not comprehensive enough to provide for equitable allocations.

(b) *Computation and payment of entitlements.* (1) Allocations will not be made to any unit of local government if the available data is so inadequate as to frustrate the purpose of the Act. Such units of local government will receive an entitlement and payment when current and sufficient data become available to permit an equitable allocation.

(2) Payment to units of local government for which the Director has not received an address confirmation will be delayed until proper information is available to the Director.

(3) Where the Director determines that the data provided by the agencies listed in paragraph (a) of this section are not sufficiently current or comprehensive enough to provide for equitable allocations, the Director may authorize the use of other data, including estimates. The Director's determination shall be final and such other additional data and estimates as are used, including the sources, shall be publicized by notice in the **Federal Register.**

(4) *Currency of tax collection.* Only that tax collection data, which is received in the most recent reporting year available from the appropriate agencies prior to the allocation for an entitlement period, shall be used in the determination of entitlements for that entitlement period, except as provided in § 51.21.

(c) *Special rule for less than one year entitlement periods.* For entitlement periods which encompass less than one year, the adjusted taxes and intergovernmental transfers of any unit of local government for the entire reporting year will be used. The limitation that the amount allocated to a recipient government shall not exceed 50% of the sum of the recipient government's adjusted taxes and intergovernmental transfers of revenues shall be reduced proportionately for entitlement periods which are less than one year.

(d) *Units of local government located in more than one county area.* In cases where a unit of local government is located in more than one county in one or more States, each part of that unit in each county is treated for allocation purposes as a separate unit of local government, and the adjusted taxes and intergovernmental transfers of such parts are estimated on the basis of the ratio which the population of that part bears to the entire population of the local government. Parts of a unit with population below 100, however, need not be treated for allocation purposes as a separate unit of local government.

§ 51.21 Data affected by major disaster.

(a) *In general.* Any change in data otherwise eligible for use in determining the entitlement of a recipient government after April 1, 1974, shall be disregarded for a period of 60 months if that change:

(1) Resulted from a major disaster as determined by the President under section 301 of the Disaster Relief Act of 1974 (Section 414 of Pub. L. 93–288); and

(2) Results in a data factor which is less beneficial to the recipient government than the pre-disaster data factor for purposes of the revenue sharing allocation process.

(b) *Pre-disaster data factor.* For the purposes of this section, a pre-disaster data factor is defined as a data factor of record for the final revenue sharing allocation which was calculated for a time period immediately preceding the data factor time period in which the disaster occurred and, therefore, could not have been affected by the disaster.

(c) *Eligibility requirements.* To be eligible for the data stabilization benefits of paragraph (a) of this section, a recipient government shall be:

(1) Located within a State designated by the President as a major disaster area; and

(2) Located within a geographical subdivision of the State certified to the Office of Revenue Sharing as a major disaster area by the Administrator of the Federal Emergency Management Agency;

(3) Each recipient government within the specific geographic area so designated will be notified, pursuant to the data improvement program provided for in § 51.29, of each of its data factors developed subsequent to the major disaster designation, which are less beneficial than the pre-disaster data factors. The chief executive officer of

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the recipient government must verify that the data was adversely affected by the major disaster. In addition, the Director may require that the verifications be accompanied by substantiating documentation which establishes the causal relationship between the major disaster and the current beneficial revenue sharing data factor of record. The Director, upon being satisfied that all of the requirements of this section have been met with respect to any post-disaster data factor, shall refrain from using the post-disaster data factor in the allocation process of an entitlement period, and shall continue to use the pre-disaster data factor in the allocation process for each entitlement period that begins during the 60-month period after the President's designation of the specific major disaster area unless:

(i) A data factor for a current entitlement period is more beneficial than the pre-disaster data factor; or

(ii) A post-disaster data factor of an entitlement period is not verified by the chief executive officer as having been adversely affected by the major disaster;

(iii) The Director determines that the data used for revenue sharing allocations in a State has been significantly affected by other causes subsequent to the disaster declaration by the President. In such cases, the Director will determine the entitlement of a recipient government affected by a major disaster by using current data of record, reasonably adjusted to account only for the effects of the disaster.

(d) *Multiple disasters.* Recipient governments may be in areas designated by the President as specific major disaster areas as the result of two or more disasters. Recipient governments in such areas will also be provided their appropriate pre-disaster data for vertification. The 60-month period for which more beneficial pre-disaster data may be used for a government shall be determined by the most recent designation by the President of a specific major disaster area containing that government.

(e) *Effect on later entitlement periods of failure to verify.* A recipient government which does not verify that an adverse data change is caused by a disaster in an entitlement period when it was afforded an opportunity to do so does not lose the opportunity to verify in a later entitlement period that a disaster has affected the data factor for that later entitlement period.

(f) *Per capita income data.* Increases in per capita income data subsequent to disasters in designated disaster areas will not be considered adverse data changes resulting from a disaster for purposes of section 145 of the Act.

(g) *60-month period.* The post-disaster data factor shall be used for the first entitlement period beginning after the end of the 60 months referred to in § 51.21(a).

§ 51.22 Adjusted taxes.

(a) *In general.* Tax revenues are compulsory contributions to a unit of local government exacted for public purposes, as such contributions are determined by the Bureau of the Census for general statistical purposes. The term "adjusted taxes" means the tax revenues adjusted by excluding an amount equal to that portion of the compulsory contributions which is properly allocable to school operations, debt service on school indebtedness, school capital outlays, and other educational purposes.

(b) *Procedure for exclusion of tax revenues for education.* The tax revenues exacted by a unit of local government shall be adjusted to exclude any such tax revenues used for financing education in a manner consistent with the following provisions:

(1) Where a unit of local government finances education from a specific fund and lists tax revenues to the fund or levies a separate tax for purposes of education, this amount will constitute the tax revenues for education.

(2) If tax revenues for purposes of education are not separately identifiable because education is financed by expenditure or transferring of moneys from a general fund (or similarly named fund) to a school fund or funds, then the ratio of tax revenues (as defined in paragraph (a) of this section) to the total revenues in the fund shall be calculated, and that ratio, multiplied by the expenditure of transfer of non-dedicated moneys from the fund to the school fund, shall be equated with the tax revenues properly allocable to expenses for education. The phrase "total revenues in the fund" means cash and securities on hand in the general fund (or similarly named fund) at the beginning of the fiscal year, plus all non-dedicated revenues to the fund (other than trust or agency revenues) less cash and securities on hand at the end of the fiscal year. Trust and agency funds are those held specifically for individuals or governments for which no discretion can be exercised as to the amounts to be paid to the recipient.

(3) If any instance where neither paragraph (b) (1) nor (2) of this section permits determination of school taxes, then any procedure deemed equitable by the Director shall be utilized to ascertain adjusted taxes.

(c) *Validity of adjusted tax data.* Allocation of funds under the Act will be based on data reported by States and units of local government to the Bureau of the Census and shall be in accordance with definitions established by the Bureau. No State or unit of local government shall report to the Department of the Treasury or the Bureau of the Census in a manner which attempts to circumvent or frustrate the intent of this section.

§ 51.23 Dates for finalizing data.

(a) *Data definitions.* Pursuant to the provisions of § 51.20 (a) and (b)(3), the determination of the data definitions upon which the allocations and entitlements for an entitlement period are to be calculated shall be made no later than the day immediately preceding the beginning of the entitlement period. The final data definitions published in the **Federal Register**, prior to each entitlement period, shall not be subject to change.

(b) *Memphis Rule.* Any change in the computation of local tax effort to credit county sales taxes to units of local government pursuant to section 109(e)(2)(B) of the Act (the "Memphis Rule") will be considered to be a change in a data definition and will not be given effect for any entitlement periods for which there are final data definitions.

(c) *Initial allocation.* The date upon which initial allocations for an entitlement period are calculated for payment purposes shall be determined by the Director as soon as practicable and shall be publicized by notice in the **Federal Register.**

(d) *Adjusted taxes and intergovernmental transfers.* The date for determining the amount of adjusted taxes and intergovernmental transfers of a unit of local government will be the fiscal year that can be uniformly assembled for all units of local government prior to the beginning of the affected entitlement period.

§ 51.24 Boundary changes, governmental reorganization, etc.

(a) *In general.* A boundary change, governmental reorganization, or change in State statutes or constitution, relevant to the computation of entitlement of a unit of local government under the Act, which occurs during an entitlement period shall not result in a change to the entitlement of that government until the next entitlement period. However, payment(s) tendered to such government for the entitlement period may be redistributed pursuant to the provisions of paragraphs (b) and (c) of this section.

(b) *New units of local government.* A unit of local government which came into existence as an active government during an entitlement period shall first be eligible for an allocation for the next entitlement period. A new unit of local government must establish its eligibility for an entitlement period within one year after the end of that period by providing documentation of its boundaries, State certification and its activation date to the ORS or the Bureau of the Census. However, if such unit is a successor government, it shall be eligible to receive the entitlement payment of the unit or units of local government which it succeeded in accordance with the conditions of the succession.

(c) *Dissolution of units of local government.* A unit of local government which dissolved, was absorbed or ceased to exist as such during an entitlement period is eligible to receive an entitlement payment for that entitlement period: *Provided,* That such unit of local government is in the process of winding down its governmental affairs or a successor unit of local government has the legal capacity to accept and use such entitlement funds. Entitlement payments which are returned to the Director because of the cessation of existence of a unit of local government shall be placed in the State and Local Government Fiscal Assistance Trust Fund until such times as they can be redistributed according to the conditions under which the unit of local government ceased to exist. An entitlement payment not used by a dissolved unit of local government or its successor government or governments shall be added to and shall become a part of the entitlement of the next higher eligible unit of government in that State. If that government cannot receive the entitlement funds, they shall be added to the appropriate State reserve.

(d) *Limitations on adjustment for annexations.* Annexations by units of local government shall not affect the entitlement of any unit of local government for an entitlement period, unless the Director determines that adjustments pursuant to such annexations would be equitable and would not be unnecessarily burdensome, expensive, or otherwise impracticable.

(e) *Certification.* Units of local government affected by a boundary change, governmental reorganization, or change in State statutes or constitution shall, before receiving an entitlement adjustment or payment redistribution pursuant to this section, obtain State certification that the change was accomplished in accordance with State law. The certifying official shall be designated by the Governor, and the certification shall be submitted to the Bureau of the Census.

§ 51.25 Waiver of entitlement; nondelivery of checks; insufficient data.

(a) *Waiver.* Any unit of local government or Indian tribe or Alaskan native village may waive its entitlement for any entitlement period: *Provided,* That the chief executive officer, with the consent of the governing body of the government, notifies the Director that the entitlement payments for a past, current, or next beginning entitlement period, or any combination thereof, are being waived. A wavier of entitlement for the next beginning entitlement period will only be given effect if the waiver notice is received during the 6-month period immediately preceding that entitlement period. In the event that an entitlement payment is returned or a notice of waiver is executed which is not in accordance with this procedure, the chief executive officer will be notified by the Director and, unless the attempted waiver is rescinded within 30 days of the notice, it shall be given effect. However, in no event will a notice of waiver be given effect for an entitlement period which follows the next beginning entitlement period. The entitlement waived, and any adjustments resulting from recalculation of earlier entitlements, shall be added to and shall become a part of the entitlement of the next higher unit of government eligible to receive entitlement funds in that State in which the unit of local government, Indian tribe or Alaskan native village waiving the entitlement is located. If that government cannot receive the entitlement funds, they shall be added to the appropriate State reserve. A waiver of entitlement by a unit of local government, Indian tribe or Alaskan native village shall be deemed irrevocable 30 days prior to the first payment for the entitlement period to which it relates.

(b) *Constructive waiver.* Any recipient government which has not waived and is otherwise eligible to receive entitlement payments and which has failed to submit reports or assurances required pursuant to Subparts B, E or F, of this part is subject to having the Director constructively waive one or more of its entitlement payments for the applicable entitlement period. Prior to such a waiver, the Director shall, in two separate notices of not less than 30 days each, notify nonresponsive recipient governments of their noncompliance and that their entitlement payment(s) for the affected entitlement period(s) are being temporarily withheld pursuant to §§ 51.3(c) and 51.60(c). If compliance is not achieved by the end of each affected entitlement period, or a reasonable period thereafter as determined by the Director, the Director shall make a determination that the payments to the nonresponsive recipient governments will or are continued to be constructively waived. Entitlement funds constructively waived will be redistributed pursuant to the provisions of paragraph (a) of this section.

(c) *Nondelivery.* Entitlement payments for any entitlement period which are returned to the Department of the Treasury as being nondeliverable because of incorrect address information, or which are unclaimed for any reason, shall be placed in the State and Local Government Fiscal Assistance Trust Fund until such time as payment can be made.

(d) *Insufficient data.* Entitlement funds for any entitlement period which are withheld from payment because of insufficient data upon which to compute the entitlement, or for which payment cannot be made for any other reason, shall remain in the State and Local Government Fiscal Assistance Trust Fund until such time as payment can be made.

§ 51.26 Reservation of funds and adjustment of entitlement.

(a) *Reservation of entitlement funds.* In order to make subsequent adjustments to an entitlement payment under this part which may be necessitated because of insufficient or erroneous data, or for any other reason, the Director shall reserve in the State and Local Government Fiscal Assistance Trust Fund such percentage, not to exceed 0.5 percent, of the total entitlement funds for each State government and all units of local government within the State for any entitlement period as are necessary to ensure that there will be sufficient funds available to pay adjustments due after the final allocations of funds. The reserves shall be known as State Obligated Adjustment Reserves and amounts remaining in the reserves will accumulate until the liabilities of the Trust Fund to the recipient governments in each State are discharged or sufficiently diminished to permit an allocation.

(b) *Adjustments to entitlement payments.* Adjustments to the entitlement of a recipient government during an entitlement period will ordinarily be effected through alteration

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to entitlement payments for the next entitlement period, unless the following circumstances exist:

(1) There is a downward adjustment which is so substantial as to make payment alterations impracticable or impossible. In such case, the Director may demand that the remaining entitlement funds received by the recipient government in excess of its entitlement be immediately repaid to the State and Local Government Fiscal Assistance Trust Fund.

(2) There is a positive adjustment which is so substantial as to make an interim payment adjustment necessary to avoid an inequitable delay in providing a government with its entitlement. In such case, the Director may authorize an interim adjustment for such government provided there are sufficient funds in the appropriate State reserve to permit an early allocation and payment.

(3) For entitlement periods which begin on or after January 1, 1977, any adjustments to increase or decrease entitlement payments of a recipient government for a particular entitlement period shall be made only if demand therefor has been made by the recipient government, or the Director, prior to the expiration of one year from the end of the entitlement period for which the adjustment is claimed.

(4) For entitlement periods which begin on or after January 1, 1977, any adjustments to increase or decrease entitlement payments of a recipient government for a particular entitlement period shall be made through the State Obligated Adjustment Reserve.

(5) Adjustments made to decrease payments to a recipient government for an entitlement period ending before January 1, 1977 shall be withheld from the appropriate State Obligated Adjustment Reserve established under paragraph (a) of this section.

§ 51.27 State to maintain transfers to local governments.

(a) *General rule for entitlement periods commencing on or after January 1, 1977.* The payment of revenue sharing funds to any State government for any entitlement period beginning on or after January 1, 1977, for which entitlement funds were appropriate for State governments, shall be reduced by the amount (if any) by which—

(1) One-half of the aggregate amounts transferred by the State government out of its own sources during the 24-month period ending the last day of the last fiscal year for which the Bureau of the Census has relevant data on the first day of such entitlement period, to all units of local government in such State is less than—

(2) One-half the similar aggregate amount for the 24-month period ending the day before the 24-month period described in paragraph (a)(1) of this section.

For purposes of paragraph (a)(1) of this section, the amount of any reduction in the entitlement of a State government under this section for any entitlement period shall, for subsequent entitlement periods, be treated as an amount transferred by the State (out of its own sources) government in such State. The phrase "own sources" means all sources of State revenue (including debt proceeds and State's revenue sharing entitlement funds) but excluding intergovernmental revenues received from the Federal government.

(b) *Measurement of maintenance of effort.* The following formula will be applied by the Director to establish the base year intergovernmental transfers to units of local government from the State's own sources and to generally monitor the level of effort in accordance with the maintenance provisions of paragraph (a) of this section during future entitlement periods:

(1) It shall be assumed that the ratio of a State's own source intergovernmental transfers to units of local government to that State's total intergovernmental transfers to units of local government is equal to the ratio of that State's own source revenues to its total revenues. Thus, for a State in which such formula may be applied, its base year own source intergovernmental transfers to units of local government shall be assumed to equal its total intergovernmental transfers to units of local government in the base year multiplied by its own source revenue in the base year divided by its total revenues in the base year.

(2) In a State in which the formula is applied, the State's own source intergovernmental transfers to units of local government in a future entitlement period shall be assumed to equal the average of—

(i) The State's total intergovernmental transfers to units of local government during that period (or that State's fiscal year ending on or immediately prior to the end of such period) multiplied by its own source revenue in that period (or such fiscal year) divided by its total revenues in that period (or such fiscal year) and

(ii) The State's total intergovernmental transfers to units of local government during the preceding entitlement period (or that State's fiscal year ending on or immediately prior to the end of such period) multiplied by its own source revenue in that period (or such fiscal year) divided by its total revenues in that period (or such fiscal year).

(3) Therefore, in a State in which the formula is applied, maintenance (for a given entitlement period) of intergovernmental transfer effort to units of local government will be measured by the difference between that State's average aggregate intergovernmental transfers to units of local government (over the appropriate periods) as calculated by employing the method described in paragraph (b)(2) of this section and that State's own source intergovernmental transfers to units of local government in the base period as calculated by employing the method described in paragraph (b)(1) of this section.

(4) If the application of this formula during any entitlement period indicates that a State government has not maintained its intergovernmental transfer effort, i.e., should a State's intergovernmental transfers to units of local government, for a particular period, be less than transfers calculated for the base period, the difference (as defined in paragraph (b)(3) of this section) shall constitute the future indicated reduction in that State's entitlement unless such State can document to the Director that the fact or amount of nonmaintenance, as determined by application of the formula, is inaccurate.

(c) *Alternative procedure.* If the Director determines that the application of the formula set forth in paragraph (a) of this section in a particular case provides an inaccurate or unfair measurement of transfer effort, then any formula, procedure, or method deemed equitable by the Director may be utilized to measure such transfer effort for the purpose of implementing the maintenance provision.

(d) *Adjustment where State assumes responsibility for category of expenditures.* If the State government establishes to the satisfaction of the Director that since June 30, 1972, it has assumed responsibility for a category of expenditures which (before July 1, 1972) was the responsibility of local governments located in such State, then the aggregate amount taken into account under paragraph (a)(2) of this section shall be reduced to the extent that increased State government spending (out of its own sources) for such category has replaced corresponding amounts, which for the period used for the purposes of this paragraph, it transferred to units of local government.

(e) *Adjustment where new taxing powers are conferred upon local governments.* If a State establishes to the satisfaction of the Director that since June 30, 1972, one or more units of local government within such State have had conferred upon them new taxing authority, then, the aggregate amount taken into account under paragraph (a)(2) shall be reduced to the extent of the larger of—

(1) The amount of the taxes collected by reason of the exercise of such new taxing authority by such local governments, or

(2) The amount of the loss of revenue to the State by reason of such new taxing authority being conferred on such local governments. No amount shall be taken into consideration under paragraph (e)(1) of this section if such new taxing authority is an increase in the authorized rate of tax under a previously authorized kind of tax, unless the State is determined by the Director to have decreased a related State tax.

(f) *Adjustment where Federal government assumes responsibility for category of expenditures.* If in an entitlement period beginning on or after January 1, 1977, a State government establishes to the satisfaction of the Director that the Federal government has assumed responsibility for a category of expenditures for which such State government transferred amounts, during all or a part of the period utilized for purposes of paragraph (a)(1) of this section, which (but for this paragraph) would be included in the aggregate amount taken into account under paragraph (a)(2) of this section, the aggregate amount shall be reduced to the extent that increased Federal government spending has replaced corresponding amounts which such State government had transferred to units of local government.

(g) *Computation by the Office of Revenue Sharing.* The Director shall make the computation required for the determination of maintenance of effort, based on data furnished by the Bureau of the Census. The Bureau of the Census shall provide to the Office of Revenue Sharing the following data pertaining to a State's transfer of funds to units of local government for the State's appropriate fiscal year:

(1) The State's own source funds.

(2) The State's total funds.

(3) The State's own source transfers to units of local government.

(4) The State's total transfers to units of local government.

(h) *Reduction in entitlement.* If the Director has reason to believe that paragraph (a) of this section requires a reduction in the entitlement of any State government for any entitlement period, the Director shall give reasonable notice and opportunity for hearing to the State. If, after a hearing it is determined that a reduction is required, the Director shall determine the amount of the reduction, notify the Governor of the affected State of the determinations and withhold from subsequent payments to such State government under this part an amount equal to the reduction.

(i) *Transfer to general fund.* An amount equal to the reduction in the entitlement of any State government which results from the application of this section shall be transferred from the Secretary's Trust Fund to the general fund of the Treasury on the day on which such reduction becomes final.

§ 51.28 Optional formula.

(a) *In general.* A State government may by law provide for the allocation of entitlement funds among the county areas, or among units of local government (other than county governments, Indian tribes, and Alaskan native villages):

(1) On the basis of the population multiplied by the general tax effort factors of such areas or units of local government; or,

(2) On the basis of the population multiplied by the relative income factors of such areas or units of local government; or,

(3) On the basis of a combination of those two factors;

(4) Any State which provides by law for such a variation in the allocation formula provided by subsections 108(a), 108(b) (2) and (3) or 108(c) of the Act, shall notify the Director of the new law no later than 90 days before the beginning of the first entitlement period to which it is to apply. Any such law shall:

(i) Provide for allocating 100 percent of the aggregate amount to be allocated under subsections 108(a) or 108(b) (2) and (3) of the Act;

(ii) Apply uniformly throughout the State; and

(iii) Apply during the period beginning on the first day of the first entitlement period to which it applies and ending on September 30, 1983.

(b) *Single legislation required.* If a State government alters its county area allocation formula or its local government allocation formula, or both, such alteration may be made only once and is required to be made in the same legislative enactment.

(c) *Certification required.* Paragraph (a) of this section shall apply within a State only if the Director certifies that the State law complies with the requirements of the paragraph. The Director shall not certify any such law with respect to which notification is received later than 30 days prior to the initial entitlement period during which it is to apply.

§ 51.29 Notification and adjustment of data factors.

(a) *Notification of data factors.* The data factors used in computing allocations of entitlement funds under the Act for any entitlement period will be made available to each State government and unit of local government as soon as practicable. Each such government will be given a reasonable opportunity to question its data factors by providing factual documentation which demonstrates evidence of error in the data as defined in § 51.23(a) for that entitlement period, no later than one year from the end of the entitlement period for which the data are applicable.

(b) *Time limit for data changes.* If it is established to the satisfaction of the Director by factual evidence and documentation that the data used in the computation of an allocation are erroneous, an adjustment will be made to the entitlement payment of such government. No adjustment shall be made unless evidence and documentation of the error in the data as defined for that entitlement period, is provided the Director for determination within one year of the end of the entitlement period with respect to which the payment is made. No adjustment of any kind, which is less than $200, shall be made to an entitlement if in the judgment of the Director such adjustment will be burdensome, expensive, or otherwise impracticable.

§ 51.30 Adjustment to entitlements; application of adjustments.

(a) *County area maximum and minimum per capital entitlement.* (1) *In general.* Pursuant to Section 108(b)(6) of the Act, the per capita amount allocated to any county area shall be not less than 20 percent, nor more than 145 percent, of the amount allocated to the State under section 106 of the Act, divided by the population of that State.

(2) *One hundred forty-five percent.* If a county area allocation is greater than the 145-percent limit, its allocation shall be reduced to the 145-percent level and the resulting surplus shall be shared proportionately by all remaining unconstrained county areas.

(3) *Twenty-percent rule.* If, after the application of paragraph (a)(2) of this section, a county area allocation is less than the 20-percent limit, its allocation shall be increased to the 20-percent level

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and the resulting deficit shall be shared proportionately by all remaining unconstrained county areas.

(b) *Local governments (other than a county government, Indian tribe or Alaskan native village)*—(1) *In general.* Except as provided below, the per capita amount allocated to any unit of local government (other than a county government, Indian tribe or Alaskan native village) shall be not less than 20 percent, nor more than 145 percent, of the amount allocated to the State under Section 106 of the Act, divided by the population of that State.

(2) *One hundred forty-five percent rule.* If a unit of local government is allocated an amount greater than the 145-percent limit, its allocation shall be reduced to that level.

(3) *Twenty percent rule.* If a unit of local government is allocated, an amount less than the 20-percent limit, its allocation shall be increased to the lower of the 20-percent limit or 50 percent of the sum of that local government's adjusted taxes and transfers and intergovernmental transfers of revenue (other than entitlement funds).

(4) *Entitlement less than $200.* If a unit of local government below the level of a county government is allocated an amount less than $200 for an entitlement period, the amount of the entitlement of that local government for that entitlement period shall become a part of the entitlement of the county government of the county area in which the local government is located.

(c) *Fifty percent limitation.* —(1) *In general.* The amount of entitlement funds allocated to any unit of local government other than an Indian tribe or Alaskan native village under this section for any 12-month entitlement period shall not exceed 50 percent of the sum of that local government's adjusted taxes, plus its intergovernmental transfers of revenue (other than entitlement funds).

(2) *Reallocation of excess amounts due to the fifty percent limitation.* In any case in which the amount of entitlement funds allocated to a unit of local government other than a county government is reduced pursuant to paragraph (c)(1) of this section, the amount of the reduction of funds shall be reallocated as follows—

(i) The amount shall be added to the county government in which the local government is located, to the extent that the county government may receive funds after application of the provisions of paragraphs (a) and (c) of this section.

(ii) If the county government cannot receive such funds, the provisions of paragraphs (d) and (e) of this section shall be applied.

(d) *One hundred-percent criterion.* If the amounts allocated to units of local government within a State do not total 100 percent of the amount allocated to that State, due to application to the adjustments set forth in paragraphs (a), (b) and (c) of this section, the amount to be allocated to county areas shall be adjusted appropriately, and the allocation process shall be repeated until the amounts allocated to such units of local government total 100 percent of the amount allocated to that State to the extent possible.

(e) *Distribution of funds in excess entitlement funds resulting from adjustments.* Funds which may not be distributed after application of paragraph (d) of this section shall be added on a pro rata basis to all units for local government within the State.

§ 51.31 Separate law enforcement officers.

(a) *Entitlement of separate law enforcement officers.* (1) The office of the separate law enforcement officer within any parish area in the State of Louisiana, other than the parishes of East Baton Rouge and Orleans, shall be entitled to receive for each entitlement period beginning on or after January 1, 1977, 15 percent of the entitlement of the government of the Parish government, unless entitlement funds are not appropriated to State governments in which case the Office shall receive 13.5 percent of the entitlement.

(2) The office of the separate law enforcement officer within the area of the government of the parish of East Baton Rouge, shall be entitled to receive for each entitlement period, beginning on or after January 1, 1977, 7.5 percent of the entitlements of the governments of Baton Rouge, Baker and Zachary, Louisiana for each such entitlement period, unless entitlement funds are not appropriated to State governments in which case the Office shall receive 6.75 percent of the entitlement.

(b) *Reduction of entitlement of parish government.* (1) The governments of each parish (other than East Baton Rouge and Orleans, Louisiana) shall receive for an entitlement period, entitlements reduced by one-half of the amount due the separate law enforcement officer for such parish, except that after October 1, 1981, the parish government entitlement shall be reduced by the full amount of entitlement funds are not appropriated to the State governments.

(2) The governments of Baton Rouge, Baker and Zachary, Louisiana shall receive, for an entitlement period, entitlements reduced by an amount equal to 3.75 percent of such government's normal entitlement, unless entitlement funds are not appropriated to State governments in which case the entitlements for the governments of Baton Rouge, Baker and Zachary shall be reduced by 6.75 percent.

(c) *Reduction of entitlement of State government.* The State government of Louisiana shall receive for an entitlement period an entitlement reduced by the same amount as the reduction to entitlements of the parishes and governments of Baton Rouge, Baker and Zachary. This subparagraph shall not apply for entitlement periods beginning after October 1, 1981, if entitlement funds are not appropriated to the government of the State of Louisiana.

(d) *Entitlement of the Parish of Orleans.* The provisions of paragraphs (a), (b) and (c) of this secton shall not apply to the entitlements of the Parish of Orleans. The Parish of New Orleans shall be entitled to receive for each entitlement period beginning on or after January 1, 1977, from the State government's entitlement an additional amount equal to 7.5 percent of the amount it is otherwise entitled to receive. This subparagraph shall not apply for entitlement periods beginning after October 1, 1981, if entitlement funds are not appropriated to the State government of Louisiana.

§ 51.32 Population.

(a) *Population generally.* Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

(b) *Undercount adjustment.* To adjust for any possible undercount during the 1980 census, the Director shall—

(1) As soon as practicable, request the Bureau of the Census to adjust the population data provided to include a reasonable estimate of the number of resident persons not counted in the 1980 census or subsequent revisions thereof.

(2) Estimates received from the Bureau of the Census shall be used to calculate the allocations for entitlement periods beginning after receipt of such estimates.

(c) *Adjustment as result of legal immigrants.* The determination of population shall reflect any adjustments made pursuant to Section 118 of Pub. L. 96–369 conducted due to a major population change resulting from the movement of a large number of Cuban or Haitian legal immigrants into a jurisdiction within 6 months after the 1980 census. The adjustments to such population figures shall be reflected in entitlement periods beginning with fiscal year 1981 and shall continue to be used until the Bureau of the Census makes available 1981 population estimates.

(d) *Population of Indian tribes and Alaskan native villages.* (1) The population of an Indian tribe or Alaskan native village is the resident population as of April, 1980, defined as—

(i) For Indian tribes, American Indians living on a reservation minus those in cities and towns, plus the number of American Indians living in Census Enumeration Districts (ED's) containing adjacent tribally owned trust lands of that tribe. Resident non-Indian members of families with an American Indian householder or spouse are also included in the population data.

(ii) The lands in each Oklahoma county which were part of one or more Indian reservations at the time of allotment will be treated jointly as the land of all the reservations located in that county. Therefore, within a given county, an Indian identified with a tribe whose historic reservation includes a portion of that county will be enumerated with that tribe regardless of whether they reside within their tribe's own historic reservation area or that of one of the other tribes. Areas inside cities and towns will be subtracted from the land of the tribes. Only an Indian identified with the tribe of the Indian governing body and their spouses and children living within the boundaries of the tribal area described above are to be included in the population data of Oklahoma Indian governments. The population of the Osage Tribal Council of Oklahoma is as defined in paragraph (d)(1)(i) of this section since this tribe has its own current reservation.

(iii) For Alaskan native villages, the number of American Indians, Eskimos and Aleuts living in the village on the April 1, 1980, Census date. Resident non-Alaskan native members of families with an Alaskan native householder or spouse are also included in the population data.

(2) The Director will request the Bureau of the Census to provide updated population estimates for Indian tribes and Alaskan native villages when such estimates are provided for other local governments in the Revenue Sharing Program.

Subpart D—Prohibitions and Restrictions on Use of Funds

§ 51.40 Matching funds.

The prohibition against the use of entitlement funds for matching purposes has been repealed. After January 1, 1977, a recipient government may expend its entitlement funds for this purpose without restriction.

§ 51.41 Permissible expenditures for local government.

The priority expenditure restrictions on the use of entitlement funds by units of local government have been repealed. After January 1, 1977, a recipient government may expend its entitlement funds for any purpose permissible under State or local law.

§ 51.42 Wage rate and labor standards.

(a) *Construction laborers and mechanics.* A recipient government shall require that all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project costing in excess of $2,000 and of which 25% or more of the cost is paid out of its entitlement funds:

(1) Will be paid at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5); and

(2) Will be covered by labor standards specified by the Secretary of Labor pursuant to 29 CFR Parts 1, 3, 5, and 7.

(b) *Wage rates.* In projects to which the Davis-Bacon Act standards are applicable, the recipient government must ascertain the U.S. Department of Labor's wage rate determination for each intended project and insure that such wage rates are incorporated in the contract specifications. Wage rate determinations may be obtained by filing a Standard Form 308 with the Employment Standards Administration of the applicable regional Office of the U.S. Department of Labor at least 30 days before the invitation for bids, or in the case of construction covered by general wage rate determination, the appropriate rate may be obtained from the **Federal Register**.

(c) *Government Employees.* A recipient government which employs individuals whose wages are paid in whole or in part from entitlement funds must pay wages which are not lower than the prevailing rates of pay for persons employed in similar public occupations by the same employer. However, this subsection shall apply with respect to employees in any category only if 25% or more of the wages of all employees of the recipient government in such category are paid from the trust fund established by it under § 51.101(a) of this part.

§ 51.43 Lobbying.

(a) *In general.* Entitlement funds may not be used by any State or unit of local government for the purpose of lobbying (as defined in § 51.2(j) of this part) concerning the provisions of the Act.

(b) *Activities prohibited.* Prohibited lobbying activities include, but are not limited, to the following:

(1) Personal solicitation of individual members of a legislative body to influence legislation regarding the General Revenue Sharing Program by personal interview, letter, financial contributions, and other means.

(2) Employment of a lobbyist to engage in proscribed activities.

(c) *Activities permitted.* Without violation of this section, a recipient government may:

(1) Use revenue sharing funds to pay dues to national or State organizations.

(2) Use revenue sharing funds to attempt to influence public opinion or to convey opinions and judgments to the public regarding provisions of the Act, by publication, distribution of books, pamphlets and other writings.

§ 51.44 Use of entitlement funds for debt retirement.

Where the actual expenditures of the proceeds of indebtedness were made after January 1, 1977, the repayment of the indebtedness with entitlement funds is permissible, provided that the expenditures from the proceeds of the indebtedness were made in compliance with the restrictions and prohibitions set forth in Subparts D and E of this part.

§ 51.45 Use of entitlement funds in accordance with State or local law.

A recipient government shall expend its entitlement funds only in accordance with the laws and procedures applicable to the expenditure of its own revenues to the extent that those laws and procedures do not conflict with the provisions of the Act or regulations promulgated thereunder.

§ 51.46 Procedures for effecting compliance.

(a) *Compliance with substantive provisions.* If a recipient government fails to comply with the requirements of this subpart, the Director may implement the procedures for effecting compliance contained in § 51.3 (a) through (d) of Subpart A.

(b) *Compliance with reporting requirements.* If a recipient government fails to comply with the reporting requirements of this subpart, the Director may implement the delay of payment and/or constructive waiver provisions of § 51.3(e) of Subpart A and § 51.25(b) of Subpart C of this part.

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Subpart E—Nondiscrimination by States and Local Governments Receiving Entitlement Funds

§ 51.50 Purpose.

The purpose of this subpart is to effectuate section 122 of the Act which provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a recipient government. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to a qualified handicapped individual, as provided in section 504 of the Rehabilitation Act of 1973, or any prohibition against discrimination on the basis of religion (as modified by the exemptions and exclusions contained in the Civil Rights Act of 1964, as amended or the Civil Rights Act of 1968), shall also apply to any such program or activity.

§ 51.51 Definitions.

Unless the context provides otherwise, as used in this subpart, the term:

(a) "Attorney General" means the Attorney General of the United States, or a designate.

(b) "Complaint" means an allegation submitted in writing to the ORS which sets forth the nature of the discrimination alleged and the specific facts upon which the allegation is based. The complaint may be filed by an individual or organization which believes that a recipient government has or is committing discrimination prohibited by the provisions of this subpart.

(c) "Compliance review" means a review, initiated at the discretion of the Director, of a recipient government's employment practices, facilities, or delivery of services for the purpose of ascertaining compliance with the provisions of this subpart.

(d) "Determination" means the decision by the Director following a notification of noncompliance as to whether a recipient government is in compliance or in noncompliance with the provisions of this subpart.

(e) "Facility" means all or any portion of a building, structure, parking lot, road, walk, equipment or other real or personal property or interests therein.

(f) "Finding" means the decision by the Director after the completion of an investigation or compliance review that it is more likely than not that a recipient government or secondary recipient is in noncompliance with the provisions of this subpart.

(g) "Funded" means entitlement funds have been or are being made available for expenditure in, or substantially benefit, a program or activity.

(h) "Holding" means any finding of fact or conclusion of law by a Federal court, a State court, or a Federal administrative law judge (after notice and opportunity for a hearing), which has been litigated, identifies the recipient government or part thereof which is in noncompliance and is to the effect that there has been exclusion, denial, or discrimination on the grounds of race, color, national origin, sex, age (other than in employment), handicapped status or religion as prohibited under section 122 of the Act. Except as otherwise provided in § 51.67, a holding is conclusive as to the issue of discrimination.

(i) "Investigation" means fact-finding efforts by the Office of Revenue Sharing or other agency undertaken after receiving a complaint, or other information, that a recipient government has failed to comply with the provisions of this subpart.

(j) "Noncompliance" means that the Director or an administrative law judge has found or determined that a recipient government has violated the provisions of this subpart.

(k) "Notification of noncompliance" means the notification given to a recipient government of a finding or receipt by the Director of a holding.

(l) "Program or activity" means the operations of an agency or organizational unit of a recipient government, or the operations or organizational unit of a secondary recipient, funded with entitlement funds (examples include, but are not limited to a police department, department of corrections, health department).

§ 51.52 Discrimination prohibited.

(a) *In general.* No person in the United States shall, on the ground of race, color, national origin, or sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity of a recipient government or a secondary recipient. Also prohibited is discrimination:

(1) on the baisis of age under the Age Discrimination Act of 1975, effective July 1, 1979 (hereinafter referred to as discrimination on the basis of age);

(2) with respect to a qualified handicapped individual, as provided in section 504 of the Rehabilitation Act of 1973, as amended, (hereinafter referred to as discrimination on the basis of handicapped status); or

(3) on the basis of religion, as modified by exemptions and exclusions contained in the Civil Rights Act of 1964, as amended or the Civil Rights Act of 1968, (hereinafter referred to as discrimination on the basis of religion).

(b) *Specific discriminatory actions prohibited.* (1) Except as otherwise provided in § 51.55(c)(1) and other sections in this subpart with respect to services, a recipient government shall not on the ground of race, color, national origin, sex, handicapped status or age:

(i) Deny any service or other benefit provided.

(ii) Provide any service or other benefit, which is not equal to, or is provided in a different form, than that provided to others.

(iii) Subject any person to segregated or separate treatment in any facility or in any matter or process related to receipt of any service or benefit.

(iv) Restrict in any way the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit.

(v) Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any service or other benefit.

(vi) Determine the types of services, or other benefits or facilities which will be provided or the class of individuals to whom, or the situation in which, such services or other benefits or facilities will be provided by utilizing criteria or methods of administration which have the effect of:

(A) Subjecting individuals to discrimination;

(B) Perpetuating the results of past discrimination; or

(C) Defeating or substantially impairing the accomplishment of the objectives of the programs or activities with respect to individuals of a particular race, color, national origin, and sex, handicapped status or age.

(2) With respect to planning and advisory boards, a recipient government shall not on the ground of race, color, national origin, sex, handicapped status, or religion, deny any person an equal opportunity to participate as an appointed member of planning or advisory bodies.

(3) With respect to employment, a recipient government shall not utilize criteria or methods of administration that have the effect of:

(i) Subjecting individuals to discrimination on the basis of race, color, national origin, sex, handicapped status, or religion in any program or activity.

(ii) Perpetuating the results of past discriminatory practices.

(iii) Defeating or substantially impairing the accomplishment of the objectives of the program or activities with respect to individuals of a particular race, color, national origin, sex, handicapped status, or religion.

(4) With respect to facilities, a recipient government shall not on the grounds of race, color, national origin, sex, age, or handicapped status, except as otherwise provided in § 51.55 and other sections of this subpart, make selections of site or location of facilities which have the effect of:

(i) Excluding individuals from such facilities.

(ii) Denying the individuals the benefits of such facilities.

(iii) Subjecting individuals using the facilities to discrimination.

(5) A recipient government shall not intimidate, threaten, coerce, or in any way retaliate against any person who files a complaint against that government alleging discrimination which is covered by the provisions of this subpart, who assists the ORS in an investigation, or any other proceedings under this subpart or who opposes a practice made unlawful by this subpart.

(6) A recipient government shall not use any unvalidated selection device, including, but not limited to, a minimum height or weight requirement or physical agility test which operates to disproportionately exclude members of a protected class. Use of such a selection device is a violation of this subpart; the device must either be validated or replaced with a selection device that has less severe impact pursuant to the Uniform Guidelines on Employee Selection Procedures.

(7) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragaph (a) of this section and should not be considered all-inclusive.

(c) *Exemptions.* The provisions of paragraphs (a) and (b) of this section concerning prohibited discrimination shall not apply:

(1) Where a recipient government demonstrates by clear and convincing evidence that a program or activity, with respect to which discrimination is alleged, is not funded in whole or in part with entitlement funds.

(2) To construction projects commenced prior to January 1, 1977, with respect to discrimination on the basis of handicapped status, except as provided in § 51.55(k)(11). A construction project shall be deemed to have commenced when the recipient government has obligated itself by contract for the physical construction of the project or of any substantial portion of the project.

§ 51.53 Employment discrimination.

(a) *Employment practices.* In general a recipient government shall not discriminate on the grounds of race, color, national origin, sex or religion in the following specific activities:

(1) Recruitment, advertising, and the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Setting rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Granting leaves of absence, sick leave, or other leave;

(6) Providing fringe benefits available by virtue of employment, whether or not administered by the recipient government;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social recreational programs; and

(9) Any other term, condition, or privilege of employment.

(b) *Uniform Guidelines on Employee Selection Procedures.* The Equal Employment Opportunity Commission (EEOC), the Office of Personnel Management, the Department of Justice, the Department of Labor and the Department of Treasury, in carrying out their responsibilities in ensuring compliance with Federal equal employment opportunity law, have adopted Uniform Guidelines on Employee Selection Procedures to assist in establishing and maintaining equal employment opportunities. These Guidelines are in 29 CFR Part 1607; 5 CFR 300.103(c); 990–1 (Book 3) of the Federal Personnel Manual; 28 CFR 50.14, and 41 CFR 60.3. These Guidelines, among other things, recognize the unlawfulness of the use of any employee selection procedures (including tests and minimum education levels) which disqualify a disproportionate number of persons on grounds of race, color, religion, sex or national origin and which have not been validated or otherwise justified in accordance with Federal law. Discrimination on the basis of handicapped status and age are not covered by the Guidelines. Recipient governments shall used selection procedures that comply with the provisions of the Guidelines, and a violation of the Guidelines shall constitute a violation of this subpart.

(c) *Preemployment inquiries.* A recipient may make inquiries of an applicant for employment concerning the applicant's race, color, national origin, sex, or religion only for purposes permissible under the Uniform Guidelines on Employee Selection Procedures.

(d) *Self-review.* Recipient governments may conduct continuing reviews of their programs or activities, in accordance with Sections 4, 15 and the appendix of the Uniform Guidelines on Employee Selection Procedures, to determine whether their employment practices have the effect of denying equal employment opportunity on the basis of race, color, national origin, sex or religion. Whenever a self-review indicates that an employment practice is not in compliance with the Guidelines or this subpart, the recipient government is encouraged to take appropriate remedial action.

§ 51.54 Employment discrimination on the basis of sex.

The EEOC has adopted guidelines on employment discrimination on the basis of sex (29 CFR Part 1604). These guidelines provide practical assistance to enable recipient governments to bring themselves into compliance with Federal law. Recipient governments shall comply with the provisions of these Guidelines, which are adopted by the ORS. A violation of these Guidelines shall constitute a violation of this subpart.

§ 51.55 Nondiscrimination on the basis of handicap (interim).

(a) *Definitions.* As used in this section the phrase:

(1) "Handicapped individual" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

(2) "Physical or mental impairment" means (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and

endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(3) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(4) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(5) "Is regarded as having an impairment" means (i) has a physical or mental impairment that does not substantially limit major life activities, but that is treated by a recipient government as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (iii) has none of the impairments defined in paragraph (a)(1) of this section but is treated by a recipient government as having such impairment.

(6) "Qualified handicapped individual" means (i) with respect to employment, a handicapped individual who, with reasonable accommodation, can perform the essential functions of the job in question; and (ii) with respect to services, a handicapped individual who meets the essential eligibility requirements for the receipt of such services.

(b) *General prohibitions with respect to discrimination against a qualified handicapped individual.*

(1) Those general prohibitions described in § 51.52(b) of this subpart, also apply to discrimination against a handicapped individual, with the exception of § 51.52(b)(1) (ii), (iii) and (iv) of this section which are covered by the provisions of this subsection. In addition, a recipient government shall:

(i) Not exclude a qualified handicapped individual from participation in programs or activities open to the general public, regardless of the availability of permissibly separate or different programs or activities designed especially for the handicapped;

(ii) Administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped individuals;

(iii) Take appropriate steps to ensure that communications with applicants, employees, beneficiaries, and the general public are available to persons with impaired vision or hearing, through means such as brailled or taped material, telecommunication devices, televised information or other media;

(iv) Take the appropriate steps to ensure that the public hearings required under §§ 51.13 and 51.14 of this part are accessible to qualified handicapped individuals and that notice of such hearings is made available to individuals with impaired vision and hearing, through means such as telecommunication devices, brailed or taped material, televised information, qualified sign language interpreters or other media;

(v) Provide a qualified handicapped individual with an aid, benefit, or service that is as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(vi) Not provide a different or separate aid, benefit, or service to qualified handicapped individuals or to any class of qualified handicapped individuals than is provided to others unless such action is necessary to provide qualified handicapped individuals with aid, benefits, or services that are as effective as those provided to others;

(vii) Not aid or perpetuate discrimination against a qualified handicapped individual by funding an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the program or activity;

(viii) A recipient government shall not, directly or through contractual or other arrangements, utilize criteria or methods of administration that:

(A) Have the effect of subjecting qualified handicapped individuals to discrimination on the basis of their handicaps;

(B) Have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient government's program with respect to handicapped individuals; or

(C) Perpetuate the discrimination of another department of the recipient government if both departments are subject to common administrative control or are agencies of the same recipient government; and,

(ix) [Reserved]

(2) The exclusion of persons that are not handicapped individuals from the benefits of a program limited by Federal statute or executive order to handicapped individuals, or the exclusion of a specific class of handicapped individuals from a program limited by Federal statute or executive order to a different class of handicapped individuals, is not prohibited by this section.

(3) For purposes of this section, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped individuals. They must, however, afford qualified handicapped individuals equal opportunity to obtain the identical result, or achievement in the most integrated setting appropriate to the individual's needs.

(4) A recipient government which government receives $25,000 or more entitlement funds in each entitlement period, shall, at the request of, and in consultation with such individual, provide appropriate auxiliary aids to individuals with impaired sensory, manual or speaking skills, where necessary to prevent a qualified handicapped individual from being denied the benefits of, excluded from participation in or subjected to discrimination under a program or activity. Such auxiliary aids may include brailled or typed material, the provision of qualified sign language interpreters, the provision of telecommunication devices, captioned films, video tapes, televised information or other media. The Director may require recipient governments which receive less than $25,000 in entitlement funds in any entitlement period to provide appropriate auxiliary aids when the Director finds that such aids are appropriate to remedy a violation of the provisions of this section.

(5) The enforcement provisions contained in this subpart are applicable to violations of the provisions of this section.

(c) [Reserved]

(d) [Reserved]

(e) [Reserved]

(f) [Reserved]

(g) *Employment discrimination against a qualified handicapped individual.* (1) A recipient government shall:

(i) Not discriminate against a qualified handicapped individual in employment in any program or activity;

(ii) Not participate in a contractual or other relationship that has the effect of subjecting a qualified handicapped applicant or employee to discrimination prohibited by this section. The relationships referred to in this paragraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient government, and with organizations providing training and apprenticeship programs;

(iii) Make all decisions concerning employment under any program or activity in a manner which ensures that discrimination on the basis of handicap does not occur and not limit, segregate, nor classify applicants or employees in any way that adversely affects their opportunities or status because of handicap;

(iv) Take appropriate steps to ensure that communications with its applicants and employees are available to persons with impaired vision and hearing as described in § 51.55(b)(1)(iii) and (b)(4);

(v) Not discriminate against a qualified handicapped individual in the following specific activities:

(A) Recruitment, advertising, and the processing of applications for employment;

(B) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(C) Setting rates of pay or any other form of compensation and changes in compensation;

(D) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(E) Granting leaves of absence, sick leave, or any other leave;

(F) Providing fringe benefits available by virtue of employment, whether or not administered by the recipient government;

(G) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(H) Employer sponsored activities, including social or recreational programs; and

(I) Any other term, condition, or privilege of employment.

(2) A recipient government's obligation to comply with this section is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

(3) A recipient government's obligation to comply with this part is not obviated or alleviated because employment opportunities in any occupation or profession are more limited for handicapped individuals than for nonhandicapped individuals.

(h) *Reasonable accommodation.* (1) A recipient government shall make reasonable accommodation to the known physical or mental limitations of a qualified handicapped applicant or employee unless the recipient government can demonstrate that the accommodation would impose an undue hardship on the operation of its program or activity.

(2) Reasonable accommodation may include:

(i) Making facilities used by employees readily accessible to and usable by handicapped persons, and

(ii) Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices (e.g., telecommunications devices and other telephone devices), the provision of readers or qualified sign language interpreters, and other similar actions. Accommodations shall be made in consultation with the handicapped individual.

(3) The determination of whether an accommodation would impose an undue hardship on the operation of a recipient government's program or activity shall be made on a case-by-case basis upon consideration of the following factors:

(i) The overall size of the recipient government's operations with respect to number of employees, number and type of facilities, and size of budget;

(ii) The type, composition and structure of the specific program or activity and the structure of the workforce required; and

(iii) The nature and cost of the accommodation needed. Such reasonable accommodation may require a recipient government to undertake more than an insignificant economic cost in making allowance for the handicap of a qualified applicant or employee and to accept minor inconvenience which does not bear on the ability of the handicapped individual to perform the essential functions of the job in question.

(4) A recipient government may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

(i) *Employment criteria and policies.* (1) A recipient government may not use any employment test, selection criterion or policy, that screens out, or tends to screen out from consideration for employment, a handicapped individual or any class of handicapped individuals unless:

(i) The test, selection criterion or policy as used by the recipient, is shown to be directly related to the essential functions of the position in question, and

(ii) Alternative job-related tests, criteria or policies that do not screen out, or tend to screen out as many handicapped individuals are shown to be not available.

(2) A recipient government shall select and administer tests using procedures (e.g. auxiliary aids such as readers for visually-impaired individuals or qualified sign language interpreters for hearing-impaired individuals) that accommodate the special problems of handicapped individuals to the fullest extent consistent with the objectives of the test. The test results shall accurately reflect the applicant's or employee's ability to perform the essential functions of the job in question, rather than the applicant's or employee's impaired sensory, manual or speaking skills, except where such skills are essential requirements of the job.

(3) If a recipient government has established a test, selection criterion or policy that explicitly or implicitly screens out, or tends to screen out, a class of handicapped individuals from a particular job, and cannot establish that the class as a whole is unqualified to perform the job, the recipient government shall evaluate each such individual who applies for the job to determine whether the applicant can perform the essential functions of the job in question despite the handicap. As part of the determination, the recipient government shall also decide whether such applicant would be qualified to perform the essential functions of the job in question through reasonable accommodation without undue hardship, as provided in § 51.55(h).

(j) *Preemployment inquiries.* (1) Except as provided in paragraph (j)(2) and (3) of this section, a recipient government may not conduct a preemployment medical examination or make preemployment inquiry of an applicant as to whether the applicant is a handicapped individual or as to the nature or the severity of a handicap. A recipient government may, however, make preemployment inquiry into an applicant's ability to perform the essential functions of the job.

(2) When a recipient government is taking remedial action to correct the effects of past discrimination; when a recipient government is taking voluntary action to overcome the effects of conditions that resulted in limited participation in a program or activity, or when a recipient government is taking affirmative action, the recipient government may invite applicants for employment to indicate whether and to

what extent they are handicapped, provided that:

(i) The recipient government states clearly on any written questionnaire used for this purpose or makes clear orally, if no written questionnaire is used, that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts; and

(ii) The recipient government states clearly that the information is being requested on a voluntary basis, that it will be kept confidential as provided in paragraph (j)(4) of this section, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this section.

(3) Nothing in this section shall prohibit a recipient government from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, provided that: (i) All entering employees are subjected to such as examination regardless of handicap, and (ii) the results of such an examination are used only in accordance with the requirements of this section.

(4) Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms and shall be accorded confidentiality as used for medical records, except that:

(i) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals and regarding necessary accommodations;

(ii) First aid and safety personnel may be informed, whether appropriate, if the condition might require emergency treatment; and

(iii) Government officials investigating compliance with the Act shall be provided relevant information upon request.

(k) *Program accessibility.*—(1) *Discrimination prohibited.* No qualified handicapped individual shall, because the facilities owned or leased by a recipient government are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity of a recipient government, which government receives entitlement funds.

(2) *Existing facilities.*—(i) *Program accessibility.* A recipient government shall operate each program or activity in existing facilities owned or leased by it, so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped individuals. Recipient governments are not necessarily required to make each existing facility, or every part of an existing facility accessible to and usable by handicapped individuals. Where structural changes are necessary to make programs or activities in existing facilities accessible, such changes shall be made as soon as practicable, but in no event later than three years after the effective date of this regulation except as otherwise provided in this section. Recipient governments shall not be required to revoke leases on which lessors refuse to make the structural changes needed if no more accessible facility is available, but shall use the provisions of subparagraph (ii) to ensure that the maximum possible accessibility is achieved.

(ii) *Methods of compliance.* A recipient government may comply with the requirements of paragraph (1) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of health, welfare, or other social services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of paragraph (k)(7) of this section, or any other methods that result in making its programs or activities accessible to handicapped individuals. A recipient government is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (k)(1) of this section. In choosing among available methods for meeting the requirements of paragraph (k)(1) of this section, a recipient government shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate to obtain the full benefits of the program.

(3) *Exception for small recipient governments.* If a recipient government, which government receives less than $25,000 in entitlement funds, in any entitlement period, determines, after consultation with a handicapped individual seeking a health, welfare or social service, that there is no method of complying with paragraph (k)(1) of this section other than making a significant alteration in its existing facilities, that government may, as an alternative, refer the handicapped individual to other providers of those services that are accessible at no additional cost to the handicapped individual. Examples of other providers of those services are States, counties or other larger units of local government.

(4) [Reserved].

(5) [Reserved].

(6) [Reserved].

(7) *New construction.* The construction of facilities by a recipient government financed in whole or in part with entitlement funds or the construction of a facility pursuant to a contract for the recipient government to lease the building facility in its entirety, on or after January 1, 1977, shall be accomplished so as to be readily accessible to and usable by handicapped individuals.

(8) *Alterations.* Alterations to existing facilities owned, or leased by a recipient government, which alterations are funded with entitlement funds and commenced on or after January 1, 1977, shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by handicapped individuals.

(9) *American National Standards Institute Accessibility Standards.* Design, construction, or alteration of facilities in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A 117.1-1961 (1971)),* which is incorporated by reference, shall constitute compliance with paragraphs (k) (1) and (2) of this section. A recipient government also may use the revised ANSI standards issued in May of 1980, which are also incorporated by reference and are obtainable at the same address. A recipient government may use standards other than the 1961 or 1980 standards or other methods, if the government establishes that it is clearly evident that equivalent or better access to the facility or part of the facility is provided.

(10) *Exception for construction projects commenced prior to January 1, 1977.* The provisions of this subsection do not apply to buildings or construction projects, including those funded with revenue sharing funds, commenced prior to January 1, 1977, including those funded with revenue sharing funds, unless it is determined that programs or activities funded in whole or in part with revenue sharing funds are conducted within or make use of such facilities, in which case, those programs

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*Copies obtainable from American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018—(212) 354-3300. Copies are also on file with the Federal Register.

and activities must be readily accessible to and usable by handicapped individuals as described in paragraphs (k)(2) (i) and (ii) of this section.

(11) *"Commencement of construction" defined.* A construction project shall be deemed to have commenced when the recipient government has obligated itself by contract for the physical construction of the project or any substantial portion of the project.

(l) *Coordination of unresolved legal issues.* Whenever the Director receives a complaint which alleges a violation of the provisions of this section and involves a legal issue that has not been resolved judicially or administratively, the Director shall request guidance from the Department of Justice which was designated by Executive Order 12250 to coordinate Section 504, within one week of receipt of such complaint. The Director may defer action on the complaint pending receipt of the guidance if it is determined that such guidance will be received within one month from the issuance of the request. Thereafter, the Director shall then act in accordance with the guidance. If the Director determines that the Department of Justice cannot provide guidance concerning the proper course of action within a period of one month (30 days), the Director shall proceed to initiate fact-finding activities with respect to the complaint. During that process, the Director shall continue to keep the Department of Justice advised of the actions taken, pending receipt of the guidance requested.

§ 51.56 [Reserved]

§ 51.57 Discrimination on the basis of national origin.

The EEOC has adopted Guidelines on discrimination on the basis of national origin (29 CFR Part 1606). These Guidelines provide practical assistance to enable recipient governments to bring themselves into compliance with Federal law. Recipient governments shall comply with the provisions of these Guidelines, which are adopted by the ORS. A violation of these Guidelines shall constitute a violation of this subpart.

§ 51.58 Discrimination on the basis of religion.

(a) *In general.* Any prohibition against discrimination on the basis of religion, or any exclusion or exemption from such discrimination, as provided in the Civil Rights Act of 1964 or title VIII of the Act of April, 1968, (hereafter referred to as the Civil Rights Act of 1968), shall apply to any program or activity of a recipient government which government receives entitlement funds under the Act.

(b) *EEOC Guidelines.* The EEOC has adopted Guidelines on discrimination on the basis of religion (29 CFR Part 1605). These Guidelines provide practical assistance to enable recipient governments to bring themselves into compliance with Federal law. Recipient governments shall comply with the provisions of these Guidelines, which are adopted by the ORS. A violation of these Guidelines shall constitute a violation of this subpart.

§ 51.59 Assurances required.

(a) *General.* In order to qualify for any payment of entitlement funds for any entitlement period, each Governor of a State or each chief executive officer of a unit of local government shall execute to the satisfaction of the Director an assurance that all programs and activities of a recipient government will be conducted in compliance with the requirements of this subpart. The chief executive officer is also required to assure that in the event a Federal or State court or Federal administrative law judge makes a holding as defined in § 51.51(h) of this subpart against the recipient government, such recipient government will forward a copy of the holding to the Director within 10 days of receipt by the recipient government. Assurances required under this paragraph shall be in such form and detail as prescribed by the Director.

(b) *Delay and constructive waiver of entitlement payments.* (1) The failure of a recipient government to comply with the assurance and reporting requirements of subpart E of this part which include submission of assurances and requests for information concerning compliance with the provisions of this subpart, may result in the delay of the further payment of entitlement funds until the assurance, report or information requested is received. A delay of the payment of entitlement funds shall not be subject to the procedures for affecting compliance set forth in this subpart.

(2) The Director may, after the payment of entitlement funds have been delayed for one or more of the entitlement periods pursuant to paragraph (b)(1), constructively waive such funds pursuant to § 51.25(b) of this part. Entitlement payments constructively waived shall not be paid to the recipient government.

§51.60 Compliance information and reports.

(a) *Access to sources of information.* Each recipient government shall permit access by authorized representatives of the Office of Revenue Sharing and the Department of Justice during normal business hours to such facilities, books, records, accounts, personnel, and other sources of information as may be relevant to a determination of whether the recipient government is complying with the provisions of this subpart. Where any information required of a recipient government is in the exclusive possession of any other agency, institution, or person, and such agency, institution, or person fails or refuse to furnish this information to the ORS or its authorized representatives, the responsibility for providing such information shall remain with the recipient government.

(b) *Compliance reports.* Each recipient government shall submit on request of the Director timely, complete and accurate compliance reports at such times, in such form, and containing such information, as the Director may determine to be necessary or useful to ascertain whether the recipient government has complied or is complying with the requirements of the subpart. Recipient governments shall make available on request of Office of Revenue Sharing officials, racial, ethnic, male/female, and national origin data showing the extent to which minorities and females will be beneficiaries of entitlement funds. The recipient government shall also make available on request similar data concerning age distinctions and handicapped status. In the case of any program under which a primary recipient government extends or will extend entitlement funds to any secondary recipient, the secondary recipient shall submit such compliance reports to the primary recipient government as may be necessary or useful to enable the primary recipient to carry out its obligations as a recipient government under this subpart. Each recipient government shall identify, on request of the Office of Revenue Sharing, any State or local agency which has been legally authorized to monitor its civil rights compliance activities.

(c) *Delay and constructive waiver of entitlement payments.* (1) The failure of a recipient government to comply with the assurance and reporting requirements of Subpart E of this part which include submission of reports and response to specific requests for information concerning possible violation of this subpart, may result in the delay of the further payment of entitlement funds until the assurance, report or information requested is received. A delay of the payment of entitlement funds shall not be subject to the procedures for affecting compliance set forth in this subpart.

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(2) The Director may, after the payment of entitlement funds have been delayed for one or more of the entitlement periods pursuant to paragraph (c)(1) of this section, determine that the payments to the recipient government for a particular entitlement period are constructively waived pursuant to § 51.25(b) of this part. Entitlement payments constructively waived will no longer be available to the recipient government.

§ 51.61 Compliance reviews and affirmative action.

(a) *Compliance Reviews.* (1) The Director may periodically conduct compliance reviews of selected recipient governments.

(2) Selection for review shall be made on the basis of any of the following considerations:

(i) The relative disparity between the percentage of minorities, or women, in the relevant labor market, and the percentage of minorities, or women, employed by the recipient government;

(ii) The percentage of women and minorities in the population receiving benefits from a program or activity;

(iii) The number and nature of discrimination complaints filed against a recipient with ORS or other Federal agencies;

(iv) The scope of the problems revealed by any investigation of allegations of noncompliance against a recipient government; and

(v) The amount of entitlement funds provided to the recipient government.

(3) Within 90 days after selection of a recipient government for review, the Director shall inform the recipient government that it has been selected and will initiate the review. The review will ordinarily be initiated by a letter requesting data pertinent to the review and advising the recipient government of:

(i) The practice(s) to be reviewed;

(ii) The programs or activities affected by the review;

(iii) The opportunity to make, at any time prior to the receipt of the Director's findings, a documentary submission responding to the Director, explaining, validating, or otherwise addressing the practices under review; and

(iv) The schedule under which the review will be conducted and a finding made.

(4) Within 180 days after the initiation of the review, the Director shall advise the chief executive officer of the appropriate recipient government of:

(i) The results of the review; and

(ii) Where appropriate, a recommendation for corrective action.

(5) If within 30 days after the recipient government has been notified of corrective actions required pursuant to subparagraph (4) of this paragraph, a compliance agreement is not secured, the Director shall institute administrative proceedings pursuant to § 51.64, *et seq.* and Subpart G of this part.

(b) *Affirmative action.* The EEOC has adopted Guidelines for affirmative action (29 CFR Part 1608). These Guidelines indicate when voluntary affirmative action is appropriate and are adopted by the ORS.

§ 51.62 Administrative complaints and investigations.

(a) *Administrative complaints.* Any person who believes that he or she has been subjected to discrimination prohibited by this subpart, may personally or by a representative, file a complaint with the Director of the Office of Revenue Sharing (Treasury Department, Washington, D.C. 20226). A person who has not personally been subjected to discrimination may also file a complaint. The complaint must be a written statement setting forth the nature of the discrimination alleged and the facts upon with the allegation is based.

(b) *Investigations.* (1) The Director shall advise the chief executive officer of the recipient government of any administrative complaint received pursuant to paragraph (a) of this section within 30 days of the receipt of such complaint.

(2) The Office of Revenue Sharing shall investigate administrative complaints described in paragraph (a) of this section. Information contained within the files of the Office of Revenue Sharing or other information which suggests discrimination prohibited by this subpart may become part of an ongoing or future investigation.

(3) Such investigations will be made with the assistance of the complainant(s) and of the recipient government to the maximum extent feasible.

(4) In appropriate cases the Director may defer to the Attorney General as provided for in an agreement with the Department of Justice.

(5) The scope of such investigations may not be limited to the administrative complaint or other information, but may include any matters either discovered during the investigation or reasonably flowing from said administrative complaint or other information.

(6) The Director shall to the maximum extent feasible, make a finding within 90 days of receipt of an administrative complaint or State administrative agency determination where there is sufficient evidence of noncompliance.

(7) To the maximum extent feasible, the Director will make use of the agreements between agencies as provided for in § 51.69 of this subpart in order to facilitate compliance with the provisions of this subpart.

§ 51.63 Notification to the complainant.

Upon written request, the complainant shall be advised of the status of the investigation or other proceeding undertaken in response to the complaint. Within 10 days after the Director issues a finding or determination, or receives a holding, the Director shall notify the complainant or the complainant's counsel.

§ 51.64 Notification of noncompliance.

(a) *Notification of noncompliance after a finding by the Director.* The Director shall issue a notice of noncompliance in writing to the chief executive officer of the recipient government (and in the case of a unit of local government, also the Governor of the State in which the recipient government is located) within 10 days of making a finding. The notice shall be to the effect that it is more likely than not that the recipient government has failed to comply with the provisions of this subpart. The notice shall further state that a determination will be made within 30 days after receipt of this notice, and that within this period, the recipient government may enter into a compliance agreement with the Director, present additional evidence that demonstrates compliance with this subpart and/or proves by clear and convincing evidence that the program or activity complained of was not funded with entitlement funds. The Assistant Attorney General for Civil Rights shall also be notified of the finding.

(b) *Notification of noncompliance by the Director after receipt of a holding.* (1) Within 10 days of receipt of a holding, the Director shall issue a notice of noncompliance to the chief executive officer of the recipient government in writing (and in the case of a unit of local government, to the Governor of the State in which the recipient government is located).

(2) The notice shall state that the Office of Revenue Sharing is required to adopt the holding as conclusive on the issue of discrimination and that the recipient government is in noncompliance with the provisions of this subpart. The notice may include the issues beyond those contained in the holding. The notice shall state that unless within 30 days after receipt of

this notice the recipient government enters into a compliance agreement or proves by clear and convincing evidence that the program or activity complained of was not funded with entitlement funds, the Director shall issue a determination that the recipient government has failed to comply with the provisions of this subpart. The Assistant Attorney General for Civil Rights shall also be notified of the finding.

(c) *Effect of a Stay.* An administrative proceeding based on a holding shall be suspended to the extent that a stay is issued by a court of competent jurisdiction with respect to the holding. The suspension shall only affect those issues covered by the stay.

§ 51.65 Determination by the Director.

(a) *Determination by the Director after a finding of discrimination.* (1) The Director shall, within 30 days after the recipient government's receipt of the notice of noncompliance, issue a determination as to whether the recipient government has failed to comply with this subpart to the chief executive officer of the recipient government (and in the case of a unit of local government, the Governor of the State in which the recipient government is located shall also be notified). The Assistant Attorney General for Civil Rights shall also be notified of the determination.

(2) Once a determination of noncompliance is received, a recipient government shall have 10 days in which to enter into a compliance agreement or request an administrative hearing. If a recipient government fails to take either action within the 10-day period, the Director shall immediately suspend the further payment of entitlement funds to such recipient government. The suspension in effect shall remain suspended until the recipient government enters into a compliance agreement.

(b) *Determination by the Director after notice of a holding.* (1) The Director shall, within 30 days after the recipient government's receipt of notification of noncompliance based on a holding, issue a determination as to whether the recipient government is in compliance with this subpart to the chief executive officer of the recipient government (and in the case of a unit of local government, the Governor of the State in which the recipient government is located shall also be notified). The Assistant Attorney General for Civil Rights shall also be notified of the determination.

(2) The determination of noncompliance shall adopt the holding of the Federal or State Court or Federal administrative law judge as conclusive on the issue of discrimination and give the recipient government 10 days from receipt of the notification of the determination to enter into a compliance agreement or request an administrative hearing. The sole issue at the administrative hearing shall be whether the program or activity complained of was funded by entitlement funds. If the recipient government fails to take either action within the 10-day period, the Director shall immediately suspend the further payment of entitlement funds to such government.

(3) If the holding on which the determination is based is reversed by a appellate tribunal, or by agency review in the case of the holding of a Federal administrative law judge, the Director shall discontinue the administrative action begun as a result of the holding. Any suspension of entitlement funds resulting from the determination shall also be discontinued and those funds paid to the recipient government as quickly as possible.

§ 51.66 Compliance agreements.

(a) *In matters where the ORS was not a party to the proceeding.* For purposes of this subpart a compliance agreement includes an agreement in writing between the Federal or State agency or official responsible for prosecuting the claim (including the Attorney General of the United States) and the chief executive officer of the recipient government against whom the noncompliance with this subpart is alleged. Such compliance agreement may take the form of a consent decree to be entered in the proceedings before a court of record or to be entered by a Federal administrative law judge having jurisdiction over the proceedings. Counsel of record representing the chief executive officer of the recipient government may initiate or negotiate the compliance agreement on behalf of the chief executive officer of the recipient government. However, in each case the Director shall, through counsel or representative, approve or reject the compliance agreement. The Director may reject the compliance agreement if it is determined that the agreement has not adequately remedied the discrimination.

(b) *In matters involving a holding.* Where the Director acts on the basis of a holding, the remedial order of the Court or Federal administrative law judge shall constitute the basis of the compliance agreement to be entered into with the Director; *Provided, however,* That the lack of a remedial order does not affect the requirement that a recipient government enter into a compliance agreement with the Director within the time limits set forth in section 122(b) of the Act and §§ 51.64 and 51.65 of this subpart. Any agreement entered into prior to issuance of such remedial order may be appropriately modified when the order is entered.

(c) *In matters between the Director and a recipient government.* In those instances where a compliance agreement is negotiated between the Director and the chief executive officer of the recipient government, the agreement shall be one document signed by the parties containing the following:

(1) A statement of all matters that constitute the failure of the recipient government to comply with the requirements of this subpart;

(2) The terms and conditions with which the recipient government has agreed to comply in order to achieve compliance with the requirements of this subpart. Such terms and conditions may include the payment of restitution to persons injured by the failure of the recipient government to comply with any provisions of this subpart; and

(3) The signatures of the Director and the chief executive officer of the recipient government concerned.

(d) *Monitoring of compliance agreement.* The Director shall monitor compliance by recipient governments with the compliance agreement. As part of the monitoring process, the Director may require from recipient governments periodic reports which demonstrate continued compliance.

(e) *Effect of violation of compliance agreement.*

(1) If the recipient government fails to comply with the obligations stipulated in this agreement, the Director shall issue a determination of noncompliance under section 122(b)(2) of the Act.

(2) The Director shall suspend the payment of entitlement funds to a recipient government 10 days after its receipt of the determination of noncompliance, unless such government either achieves compliance with the provisions of the compliance agreement or requests an administrative hearing. At any such hearing, the issues shall be limited to whether or not the recipient government has acted in compliance with the agreement.

(f) *Notification to complainants of compliance agreement.* Within 15 days after the execution of a compliance agreement (or, in the case of an agreement executed under paragraph (a) of this section, upon the approval of the Director if later than 15 days) the Director shall submit a copy of such agreement to the complainant(s). The

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submission of a copy of the compliance agreement to counsel of record (if any) for the complainants shall meet the requirements of this paragraph.

§ 51.67 Resumption of suspended entitlement payment.

The payment of entitlement funds, to a recipient government to which such payment has been suspended, shall be resumed when:

(a) The recipient government enters into a compliance agreement that satisfies the Director that the recipient government will comply with the provisions in this subpart.

(b) The administrative law judge, who made a preliminary finding under section 122(b)(3) of the Act, holds that the recipient government is in compliance with the provisions of this subpart; or

(c) The recipient government complies fully with the remedial order of a court or a Federal administrative law judge if the order covers all matters raised by the Director in the notice of noncompliance based on a holding to the recipient government; or

(d) After a rehearing or similar adjudicative proceedings a court or an administrative law judge which originally held that the recipient government had failed to comply with the provisions of this subpart, subsequently holds that the recipient government did not so fail to comply; or

(e) An appellate court reverses the findings of discrimination by a lower court or administrative law judge upon the basis of which the Director suspended the payment of entitlement funds.

§ 51.68 Exhaustion of administrative remedies.

For purposes of bringing a private civil action pursuant to section 124 of the Act a complainant shall be deemed to have exhausted the administrative remedies upon the expiration of 90 days from the date the administrative complaint was filed with the Director, where the Director:

(a) Issues a determination that the recipient government against whom the complaint was filed is in compliance with the provisions of this subpart; or

(b) Fails to make a determination on such complaint.

§ 51.69 Agreements between agencies.

(a) *Purpose of cooperative agreements.* The Director shall endeavor to enter into cooperative agreements with officials of other departments and agencies of the Federal government, or officials of State agencies (which have concurrent jurisdiction) to effectuate the purposes of this subpart, including the achievement of effective coordination within the executive branch in the implementation of Title VI and Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d, 2000e), the Civil Rights Act of 1968, the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

(b) *Content of cooperative agreements.* The agreements between the Director and other agencies or officials shall describe the cooperative efforts to be undertaken, which may include, but need not be limited to:

(1) Sharing of resources during investigations and compliance reviews (either by having joint investigations or having one agency do an investigation for both);

(2) Cooperation during compliance activities including the issuance of findings or determinations, (including the adopting of other agency's findings or determinations where practical);

(3) Cooperation during administrative hearings including joint participation and sharing of resources.

(4) Deferral of agency action where one agency has begun compliance activities on the same complaint or set of circumstances and provision for resumption of action where the agency deferred to does not act in a timely manner;

(5) Sharing of information, including data, records and investigative and other files, computer printouts, lists and status reports on complaints received;

(6) Identification of liaison personnel and the establishment of periodic meetings to discuss common substantive and procedural problems;

(7) Protecting the confidentiality of information shared;

(8) Providing for notification of formal administrative actions instituted against jointly covered recipients and of the results of such actions, particularly those may be classified as holdings; and

(9) The establishment of lead agencies (in those areas in which lead agencies have not already been designated by statute or executive order) so that the designated lead agency will provide policy guidance in the area where two or more agencies share concurrent jurisdiction.

§ 51.70 Jurisdiction over property.

(a) *In general.* The Director shall have jurisdiction over any recipient government for purposes of this subpart for as long as that recipient government retains ownership or possession of any real or personal property or any interest therein, which was purchased in whole or in part with entitlement funds. Further, if such property is transferred to a secondary recipient or other party, the Director will retain jurisdiction over the recipient government for purposes of this subpart for as long as the property is used to provide benefits similar to those which were provided by the property before the transfer.

(b) *Definitions.* For the purposes of this section:

(1) Real property includes land, structures upon land and fixtures attached to land, and buildings or structures which cannot be removed without damage to the fixtures, buildings or structures.

(2) Personal property includes, at the least, non-expendable tangible property having a useful life or more than one year and an acquisition cost of $1,000 or more per unit of property.

(3) The transfer of property means the passage of the property to a secondary recipient, or to any other person, firm or agency.

(c) *Use of property to provide similar benefits.* For the purposes of this section the clause in subsection (a) "so long as the property is used to provide benefits similar to those provided by the property before the transfer" means the primary use or function of the property and not the specific or particular use of the property in the program or activity for which originally acquired.

(d) *Record keeping requirements.* Recipient governments shall maintain a separate record of real property and of tangible personal property having a value in excess of $1,000. Such records shall set forth the date of purchase, date of disposal or transfer and the transferee of the property. Upon outright sale, discard, or trade of such property the provisions of this section shall no longer be applicable.

Subpart F—Fiscal Procedures and Auditing

§ 51.100 Definitions.

Unless the context requires otherwise, as used in this subpart, the term:

(a) "Compliance audit" means the review of the documentation concerning a recipient government's expenditure of entitlement funds to determine that those funds have been expended in compliance with the provisions of the Act and regulations.

(b) "Financial audit" means the examination of the financial statements of all funds of a recipient government in accordance with generally accepted auditing standards.

(c) "Financial statements" mean:

(1) Show the financial operations for a specific period of time, and

(2) If appropriate, present the financial position as of the end of that fiscal period, and

(3) Present the footnotes required for adequate disclosure.

(d) "Generally accepted auditing standards" means those auditing standards pronounced by the American Institute of Certified Public Accountants and incorporated in its *Statements on Auditing Standards*, or those in the financial and compliance element of the *Standards for Audit of Governmental Organizations, Programs, Activities, and Functions*, issued in 1981 by the Comptroller General of the United States.

(e) "Independent audit" means an audit conducted by independent public accountants, or by independent qualified acountants or examiners from a State or local agency. An independent public accountant or independent qualified accountant or examiner is one who has no personal interest directly or indirectly in the financial affairs of the government being audited, or in the financial affairs of any of the officers of the government being audited.

(1) In those States in which an audit is required by State law to be made of the State government by a State office or official, such audit shall be considered to meet the requirements of an independent audit provided the principal officer of the State audit agency is not responsible for the maintenance of the accounting records being audited and does not report to the officer responsible for maintenance of such accounting records and is:

(i) Elected by the citizens of the State; or

(ii) Elected or appointed by and reports to the State legislature or a committee thereof; or

(iii) Appointed by the Governor and confirmed by and reports to the legislature or a committee thereof.

(2) In those States in which an audit is made of local governments (or certain categories of local government) by a State office or official, such audit shall be considered to meet the requirements of an independent audit.

(3) Audits of local recipient governments made by an internal auditing ofice or officer shall be considered to meet the requirements of an independent audit provided the principal officer of the audit agency is not responsible for the maintenance of the official accounting records being audited and does not report to the officer responsible for maintenance of official accounting records, and is:

(i) Elected by the citizens of the local recipient governments; or

(ii) Elected or appointed by and reporting to the governing body of the local recipient government or a committee thereof; or

(iii) Appointed by the chief executive officer of the local recipient government and reports to the governing body of the local recipient government or a committee thereof.

(4) Audits other than those specified in paragraphs (e) (1), (2) and (3) of this section shall not be considered to be independent audits.

(f) "Independent public accountant" means independent certified public accountants and licensed public accountants licensed on or before December 31, 1970. Certification or licensing shall be by a regulatory authority of a State or other political subdivison of the United States.

§ 51.101 Procedures applicable to the use of funds.

A recipient government which receives entitlement funds under the Act shall:

(a) Establish a trust fund and deposit all entitlement funds received and all interest earned thereon in that trust fund. The trust fund may be established on the books and records as a separate set of accounts, or a separate bank account may be established.

(b) Use, obligate, or appropriate entitlement funds within 24 months from the end of the entitlement period to which the entitlement payment is applicable. The use, obligation or appropriation of entitlement funds shall be consistent with State or local law requiring a legislative enactment in ordinance or resolution form. Any interest earned on such funds while in the trust fund shall be used, obligated, or appropriated within 24 months from the end of the entitlement period during which the interest was received or credited. An extension of time in which to act on the funds, or interest accrued, shall be obtained by application to the Director. The application will set forth the facts and circumstances supporting the need for more time and the amount of additional time requested. The Director may grant such extensions of time which appear necessary or appropriate.

(c) Maintain its fiscal accounts in a manner sufficient to:

(1) Permit the reports required by the Director to be prepared therefrom, and

(2) Permit the tracing of entitlement funds to a level of expenditure adequate to establish that the funds have not been used in violation of the restrictions and prohibitions of this part. Tracing requires that vouchers in support of expenditures funded by the Act shall be identified. Identification can be made in any one of three ways as follows:

(i) Maintain a separate set of fund accounts; or

(ii) Maintain a separate bank account; or

(iii) Keep a memorandum record of the voucher numbers and amounts of the expenditures funded by entitlements received under the Act.

The accounting for entitlement funds shall, at a minimum, employ the same fiscal accounting and internal audit procedures as are used with respect to the expenditures from revenues derived from the recipient government's own sources.

(d) Provide to the Director and to the Comptroller General of the United States, on reasonable notice, access to and the right to examine such books, documents, papers or records as the Director may reasonably require for the purpose of reviewing compliance with the Act and the regulations of this part or, in the case of the Comptroller General, as the Comptroller General may reasonably require for the purpose of reviewing compliance and operations under the Act.

§ 51.102 Auditing and evaluation.

(a) *Audit requirement.* (1) Each recipient government which expects to receive entitlement funds for entitlement periods beginning on or after January 1, 1977, shall have an independent audit of its financial statements conducted for the purpose of determining compliance with the provisions of the Act, in accordance with generally accepted auditing standards, not less often than once every three years. The compliance aspects of the audit must be performed for the same year in which the financial audit is performed on the funds into which revenue sharing entitlements are deposited.

(2) Audits conducted to comply with the provisions of this section shall be submitted to the Director within eight months from the end of the fiscal year audited.

(3) Where applicable and practicable to do so, recipient governments shall employ the provisions of the Office of Management and Budget's Circular A-102, Attachment P in meeting the requirements of this section. The General Accounting Office publication *Guidelines for Financial and Compliance Audits of Federally Assisted Programs* and the OMB Compliance Supplement shall be used by auditors in the performance of these examinations.

(b) *Election by recipient government.* A recipient government may elect to

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have the requirements of paragraph (a) of this section not applicable to that government upon filing notice to the Director that the audits are conducted in compliance with State or local law and meet the following requirements:

(1) The financial statements of the recipient governments are audited by independent public accountants as defined in § 51.100(e) of this subpart, or by independent auditors as defined in § 51.100(f) of this subpart; and

(2) The audits of the recipient government are conducted in accordance with generally accepted auditing standards; and

(3) The audits of the recipient government will be conducted not less often than once every three years; and

(4) A compliance audit, as well as a financial audit, is conducted.

(c) *Inapplicability of audit requirement.* The requirement of paragraph (a) of this section shall not apply where the recipient government's allocation of entitlement funds for any of its fiscal years is less than $25,000. State or local law which requires an audit of such government's financial statements must be complied with in accordance with § 51.45 of this part, and will constitute compliance with paragraph (a). Such an audit conducted under State or local law need not be submitted to the ORS, but shall be made available upon request by the Director.

(d) *Modification of audit requirement.* A unit of local government may conduct an audit required pursuant to paragraph (a) of this section solely on those funds of accounts in the financial activity into which entitlement funds have been deposited where:

(1) The State in which the unit of local government is located, entered into an agreement on July 25, 1974, to conduct audits required by the Act on behalf of such units of local government, and

(2) The audits were not conducted as required for entitlement periods beginning after December 31, 1976, and before January 1, 1980.

(e) *Series of audits.* A series of independent audits may be used as an alternative to the provisions of paragraph (a) of this section if they are conducted in accordance with generally accepted auditing standards, over a period not to exceed three fiscal years, and cover, in the aggregate, all of the accounts of a recipient government. When electing a series of audits, a recipient government must perform the compliance audit for the same fiscal year in which the financial audit is performed on the fund into which entitlement funds are deposited. The reports will be considered in an aggregate as one report for the purpose of determining whether the recipient government has complied with the provisions of this part.

(f) *Audits by State governments; local governments receiving less than $25,000 in entitlement funds in one entitlement period.* (1) A State government which receives entitlement funds will be required to conduct audits described in paragraph (a) of this section only if such government receives entitlement funds for three consecutive entitlement periods. The required audit would then be conducted for any one of the three years in which entitlement funds were received.

(2) Units of local government which receive entitlement funds shall be required to conduct audits described in paragraph (a) of this section only when such governments receive $25,000 or more entitlement funds for each of the three consecutive entitlement periods. The required audit would then be conducted for any one of these three consecutive years in which $25,000 or more in entitlement funds were received.

§ 51.103 Waiver of audit requirement.

(a) *Basis for granting waiver.* The Director may waive the provisions of § 51.102 of this subpart in whole or in part, for any recipient government which makes application for such a waiver, for any fiscal period upon determining that:

(1) The accounts of such government are not auditable and the government is making substantial progress towards making its accounts auditable; or

(2) The government has been audited by a State audit agency which does not follow generally accepted auditing standards or which is not independent as defined in § 51.100 (d) and (e) respectively, and which is demonstrating progress toward taking the necessary corrective action.

(b) *Procedure for requesting waiver.* (1) The chief executive officer of the recipient government shall apply to the Director in writing for the waiver and provide the following information:

(i) If the waiver is requested due to unaudibility of government financial accounts, an assurance that in the course of determining compliance with § 51.102, the independent auditor rendered an opinion that part or all of the financial accounts are not auditable. The waiver request shall further clearly set forth the arrangements which have been made or steps taken toward making such financial accounts auditable.

(ii) If the waiver is requested pursuant to paragraph (a)(2) of this section, an assurance that the State audit agency is demonstrating progress toward performing audits in accordance with generally accepted auditing standards or becoming independent. The waiver request shall further clearly set forth the arrangements which have been made or steps taken toward establishing the use of generally accepted auditing standards or achieving independence.

(2) The Director shall determine whether the recipient government or the State audit agency is making substantial progress towards taking the necessary corrective action.

§ 51.104 Audits of secondary recipients.

A recipient government shall be responsible for an audit of the entitlement funds transferred to any secondary recipient, where the aggregate of the entitlement funds transferred to such secondary recipient during the fiscal year is $25,000 or more. Such audit shall be conducted pursuant to § 51.102(a), and the commentary on the audit requirements of the 1980 Amendments to the Act as published by the ORS and available to each recipient government. Audits performed for secondary recipients shall be performed in the same year as such audits are performed for the applicable primary recipient governments.

§ 51.105 Reliance upon audits under other Federal laws.

The Director may rely upon audits of the financial statements of recipient governments conducted in accordance with other Federal laws, for any fiscal period, provided that such audits substantially satisfy the requirements for audits contained in § 51.102(a) of this part. Audits and reports prepared in accordance with the procedures prescribed by OMB Circular A-102, Attachment P, will be acceptable to the Director as meeting the audit requirements of the Act, providing the OMB approved compliance supplement is used, and all funds of the recipient are examined.

§ 51.106 Audit opinions.

(a) *In general.* Opinions made with respect to audits must be rendered as a part of the audit report and shall be in accordance with the opinion in general use for attesting to financial statements, as defined in § 51.100(c).

(b) *Nature of opinions.* Audit opinions may be unqualified, qualified, or adverse. Disclaimers of opinion will be considered on an individual case-by-case basis to determine acceptability. Appropriate opinions for special reports should be expressed where cash basis statements have been prepared.

§ 51.107 Scope of audits.

(a) *In general.* (1) Audits made pursuant to § 51.102(a) shall include all financial statements prepared from accounts which the recipient government is required to maintain pursuant to State or local law.

(2) Audits of such financial statements made pursuant to § 51.102(a) are required whether the funds being audited belong to the recipient government or whether the recipient government is holding such funds in a trust fund or other account which belongs to another political entity.

(3) Audits pursuant to § 51.102(a) are also required (even if the financial statements are prepared from accounts maintained by a political entity other than the recipient government, such as a quasi-independent board, commission, authority) if the Bureau of the Census has classified the political entity as being dependent for general statistical purposes upon the recipient government. The classification of governments is contained in "The Census of Governments, Governmental Organization (Vol. 1)," published by the Bureau of the Census every five years and updated on a current basis to reflect significant changes occurring between censuses.

(4) The audit shall be of the financial and compliance type described in the *Standards for Audit of Governmental Organizations, Programs, Activities, and Functions* as issued in 1981 by the Comptroller General of the United States, or the financial types prescribed by the American Institute of Certified Public Accountants and incorporated in its *Statements on Auditing Standards.*

(b) *Verification of fiscal data reported to the Bureau of the Census.* The scope of the audit shall also include a verification of the recipient government's fiscal data as reported by it to the Bureau of the Census.

§ 51.108 Retention and submission of audit reports and workpapers.

(a) *Submission of audit reports.* The Director may require the chief executive officer of a recipient government to submit a copy of its audit report and other information as may be requested by the Director to determine compliance with the provisions of this subpart.

(b) *Retention of audit workpapers.* Audit workpapers and related reports shall be retained for three years after the issuance of the audit report, and shall be made available upon request to the Director and the Comptroller General or to their representatives. Recipient governments whose audits are performed by independent public accountants, not in their employ, may meet the requirement of this section by informing the firm or individual of this requirement and encouraging them to comply.

§ 51.109 Procedures for effecting compliance.

(a) *Compliance with substantive provisions.* If a recipient government fails to comply with the requirements of this subpart, the Director may implement the procedures for effecting compliance contained in § 51.3 (a) through (d) of Subpart A.

(b) *Compliance with reporting requirements.* If a recipient government fails to comply with the reporting requirements of this subpart, the Director may implement the delay of payment and/or constructive waiver provisions of § 51.3(e) of Subpart A and § 51.25(b) of Subpart C of this part.

Subpart G—Proceedings for Reduction in Entitlement, Withholding, or Suspension of Funds

§ 51.200 Scope of subpart.

The regulations of this subpart govern the procedure and practice requirements involving adjudications where the Act requires reasonable notice and opportunity for a hearing. The adjudications covered in this subpart include administrative hearings concerning violations of all provisions of this part. Unless otherwise specified, the procedures described herein apply to both hearings concerning the violation of the provisions contained in Subpart E and hearing concerning the violation of the provisions contained in Subparts B, D and F.

§ 51.201 Liberal construction.

The regulations in this subpart shall be liberally construed to secure just, expeditious, and efficient determination of the issues presented. The Federal Rules of Civil Procedure for the District Courts of the United States, where applicable, shall be a guide in any situation not provided for or controlled by this subpart, but shall be liberally construed or relaxed when necessary.

§ 51.202 Reasonable notice and opportunity for hearing.

Whenever the Director has reason to believe that a recipient government has failed to comply with any provision of the Act or the regulations contained in this part, the Director shall give reasonable notice and opportunity for a hearing to such government as required by the pertinent procedural provisions of Subparts A, E or G prior to the invocation of any sanction available under the Act. The sanctions for violation of the provisions of the Act include: Repayment, withholding, or reduction in the amount of an entitlement of a recipient government which is required for a violation of the provisions of Subparts B, D and F, or suspension or termination of the entitlement payments for violations of the provisions of Subpart E.

§ 51.203 Opportunity for compliance.

(a) *In general.* Except in proceedings involving willfulness or those in which the public interest requires otherwise, an administrative hearing under this part will not be instituted until such facts or conduct which may warrant such action have been called to the attention of the chief executive officer of the recipient government in writing and an opportunity has been given to demonstrate or achieve compliance with the requirements of the Act and the regulations of this part.

(b) *Opportunity for compliance, under provisions other than Subpart E.* The opportunity for compliance will be given in accordance with the procedures for effecting compliance contained in § 51.3 for violations of Subparts B, D and F. If the recipient government fails to meet the requirements of the Act and regulations within such reasonable time as specified by the Director pursuant to § 51.3 of this part, an administrative hearing may be initiated by the Director.

(c) *Opportunity for compliance under Subpart E.* For violations of the provisions of Subpart E, entitlement funds shall be immediately suspended after notification of a determination of noncompliance pursuant to § 51.65, unless a recipient government specifically and timely requests an administrative hearing pursuant to § 51.65. If the recipient government is a unit of local government, a copy of the finding and determination letters shall be transmitted by the Director to the Governor of the State in which the unit of local government is located.

§ 51.204 Institution of administrative hearing.

(a) *Institution of an administrative hearing other than under Subpart E.* An administrative hearing to require repayment of funds to the Director, or to withhold funds from subsequent entitlement payments, or to reduce the entitlement of a recipient government for violations of the provisions of Subparts B, D, or F, shall be instituted by the Director through a complaint which names the recipient government as the respondent.

(b) *Institution of an administrative hearing under Subpart E.* An administrative hearing under Subpart E

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of this part shall be instituted at the timely request of the recipient government, pursuant to § 51.65 of Subpart E, within 30 days of receipt of that request by the Director. After receiving the request for a hearing, the Director shall file a complaint which names the recipient government as the respondent.

§ 51.205 Complaint for administrative hearing.

Administrative complaints shall include the following:

(a) *Charges.* A complaint shall give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint shall be deemed sufficient if it fairly informed the respondent of the charges against it.

(b) *Demand for answer.* Notification shall be given in the complaint of the time and place within which the recipient government shall file its answer, which time shall be not less than 30 days from the date of service of the complaint for hearings concerning provisions other than Subpart E. Where the hearing concerns provisions under Subpart E, the answer shall be required to be filed within 10 days of the date of service of the complaint. The complaint shall also contain notice that a decision by default will be rendered against the recipient government in the event it fails to file its answer as required.

§ 51.206 Service of complaint and other papers.

(a) *Service of complaint.* The complaint or a true copy thereof may be served upon the recipient government by first-class mail or by certified mail, return receipt requested; or it may be served in any other manner which has been agreed to by the respondent. Where the service is by certified mail, the return Postal Service receipt duly signed on behalf of the respondent shall be proof of service. Where the hearing concerns the provisions of Subpart E, the complaint shall be served upon the recipient government within seven days of receipt of the request for a hearing from the recipient government.

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served upon a party or upon its attorney of record by first-class mail. Such mailing shall constitute complete service.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with an administrative hearing under this subpart, and the place of filing is not specified in this subpart or by rule or order of the administrative law judge, the paper shall be filed with the Director, Office of Revenue Sharing, Treasury Department, Washington, D.C. 20226. All papers shall be filed in duplicate.

(d) *Motions and requests.* Motions and requests may be filed with the designated administrative law judge, except that an application to extend the time for filing an answer shall be filed with the Director, Office of Revenue Sharing, pursuant to § 51.207(a).

§ 51.207 Answer; referral to administrative law judge.

(a) *Filing.* The recipient government's answer shall be filed in writing within the time specified in the complaint, unless a recipient government's request for an extension of time is granted by the Director. The recipient government's answer shall be filed in duplicate with the Director, Office of Revenue Sharing.

(b) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the recipient government shall not deny a material allegation in the complaint which it knows to be true, nor shall a recipient government state that it is without sufficient information to form a belief when in fact it possesses such information. The recipient government may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegation in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in respect of such allegation need to be adduced at a hearing.

(d) *Failure to file answer.* Failure to file an answer within the time prescribed in the complaint, except where the time for answer is extended under paragraph (a) of this section, may constitute an admission of the allegations of the complaint and a waiver of hearing, and the administrative law judge may make his findings and decision by default without a hearing or further procedure.

(e) *Reply to answer.* No reply to the recipient government's answer shall be required, and new matter in the answer shall be deemed to be denied, but the Director may file a reply in her discretion and shall file one if the administrative law judge so requests.

(f) *Referral to administrative law judge.* Upon receipt of the answer by the Director, or upon filing a reply if one is deemed necessary, or upon failure of the recipient government to file an answer within the time prescribed in the complaint or as extended under paragraph (a) of this section, the complaint (and answer, if one is filed) shall be referred to the administrative law judge who shall then proceed to set a time and place for hearing and shall serve notice thereof upon the parties at least 15 days in advance of the hearing date.

§ 51.208 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading, and the evidence adduced in support of the pleadings, the administrative law judge may order or authorize amendment of a pleading to conform to the evidence: *Provided,* That, the party that would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegations contained in the pleading as amended. The administrative law judge shall make findings on any issue presented by the pleadings as so amended.

§ 51.209 Representation.

A recipient government may appear in person through its chief executive officer or it may be represented by counsel or other duly authorized representative. The Director shall be represented by the General Counsel of the Treasury, or a person or persons designated by the General Counsel.

§ 51.210 Administrative law judge; powers.

(a) *Appointment.* An administrative law judge, appointed as provided by Section 11 of the Administrative Procedure Act (5 U.S.C. 3105), shall conduct proceedings upon complaints filed under this subpart.

(b) *Powers of administrative law judge.* Among other powers provided by law, the administrative law judge shall have authority, in connection with any proceeding under this subpart, to do the following things:

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests. Prior to the close of the hearing, no appeal shall be made from any such ruling except, at the discretion of the administrative law judge, in extraordinary circumstances;

(3) Determine the time and place of hearing and regulate its course and conduct. In determining the place of hearing, the administrative law judge may take into consideration the requests and convenience of the respondent or its counsel;

(4) Adopt and modify rules of procedure from time-to-time as occasion requires for the orderly disposition of proceedings;

(5) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(6) Take or authorize the taking of depositions;

(7) Receive and consider oral or written arguments on facts or law;

(8) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(9) Perform the acts and take the measures necessary or appropriate to promote the efficient conduct of any proceeding; and

(10) Make initial findings of fact and conclusions of law and issue a decision.

§ 51.211 Administrative hearings.

(a) *Administrative hearing for violations other than Subpart E.* The administrative law judge shall preside at the hearing on a complaint. Testimony of witnesses shall be given under oath or affirmation. The hearing shall be stenographically recorded and transcribed. Hearings will be conducted pursuant to Section 7 of the Administrative Procedure Act (5 U.S.C. 556).

(b) *Administrative hearing under Subpart E.* A hearing requested by a recipient government under Subpart E pursuant to § 51.65 shall be commenced by the Director within 30 days of receipt of such request and shall be held before an administrative law judge. Testimony shall be given under oath or affirmation and shall consist of two proceedings as follows:

(1) The first proceeding shall be in the nature of a summary hearing conducted in accordance with the provisions of this subpart, similar to a judicial hearing on a preliminary injunction. All parties shall have an opportunity to present their respective positions. The administrative law judge shall issue a preliminary finding as to whether the recipient government is likely to prevail, which finding shall be based upon the record developed throughout this proceeding, and shall be issued within 30 days after commencement of the summary hearing.

(2) The second proceeding, if necessary, shall be a full hearing on the merits conducted in accordance with the provisions of this subpart and shall result in the initial decision of the administrative law judge. The initial decision of the administrative law judge shall be based upon the complete record of all the evidence developed throughout the hearing.

(c) *Failure to appear.* If a recipient government fails to appear at a hearing, after due notice thereof has been served upon it or upon its counsel of record, it shall be deemed to have waived the right to a hearing and the administrative law judge may make appropriate findings and issue a decision against the respondent by default.

(d) *Waiver of hearing.* A recipient government may waive the hearing by informing the administrative law judge, in writing, on or before the date set for hearing, that it desires to waive a hearing. In such event, the administrative law judge may make appropriate findings and issue a decision based upon pleadings and the record before her, together with such documentary evidence properly submitted. The decision shall plainly show that the respondent waived the hearing.

§ 51.212 Stipulations.

The administrative law judge shall, prior to or at the beginning of a hearing, require the parties to arrive at such stipulations as will eliminate the necessity of taking evidence with respect to allegations of facts concerning which there is no genuine issue of material fact. The administrative law judge shall take similar action, where it appears appropriate, throughout the hearing and shall call and conduct any conferences which she deems advisable with a view to the simplification, clarification, and disposition of any of the issues involved.

§ 51.213 Evidence.

(a) *In general.* Any evidence which would be admissible under the rules of evidence governing proceedings in matters not involving trial by jury in the Courts of the United States, shall be admissible and controlling as far as possible; *Provided That* the administrative law judge may relax such rules in any hearing when in her judgment such relaxation would not impair the rights of either party and would more speedily conclude the hearing, or would better serve the ends of justice. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded by the administrative law judge.

(b) *Depositions.* The deposition of any witness may be taken pursuant to § 51.214 and the deposition may be admitted as evidence.

(c) *Proof of documents.* Official documents, records, and papers of a respondent shall be admissible as evidence without the production of the original, provided that such documents, records and papers are proven to represent the original by a copy attested or identified by the chief executive officer of the respondent or the custodian of the document, and contain the seal of the respondent.

(d) *Exhibits.* If any document, record, paper, or other tangible or material thing is introduced in evidence as an exhibit, the administrative law judge may authorize the withdrawal of the exhibit subject to any condition she deems proper. An original document, paper or record need not be introduced, and a copy duly certified (pursuant to paragraph (c) of this section) shall be deemed sufficient.

(e) *Objections.* Objections to evidence shall be in short form, stating the grounds of objection relied upon, and the record shall not include argument thereon, except as permitted by the administrative law judge. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the right of either party to the proceeding.

§ 51.214 Depositions.

(a) *In general.* Depositions for use at a hearing may, with the written approval of the administrative law judge, be taken by either the Director or the respondent or their duly authorized representative. Depositions may be taken upon oral or written interrogatories, upon not less than 15 days written notice to the other party, before any officer duly authorized to administer an oath for general purposes, except in proceedings under Subpart E in which case depositions may be taken upon not less than 10 days written notice. Such written notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of written notice may be waived by the parties in writing, or may be modified by the administrative law judge. Depositions may be taken from the persons and at times and places mutually agreed to by the parties.

(b) *Written interrogatories.* When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogatories shall be mailed by first class mail or delivered to the opposing party at least 7 calendar days before the date on which such interrogatories or cross-interrogatories are scheduled to be answered, unless the parties mutually agree or the administrative law judge rules otherwise. A party upon whose behalf a deposition is taken must file it with the administrative law judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose request the deposition is taken.

§ 51.215 Stenographic record; oath of reporter; transcript.

(a) *In general.* A stenographic record shall be made of the testimony and proceedings, including stipulations and admissions of fact in all proceedings. A transcript of the proceedings and evidence at a hearing shall be made in all cases.

(b) *Oath of reporter.* The reporter making the stenographic record shall subscribe an oath before the administrative law judge, to be filed in the record of the case, that said reporter will truly and correctly report the oral testimony and proceedings at such hearing and accurately transcribe the same to the best of her ability.

(c) *Transcript.* In cases where the hearing is stenographically reported by a government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the government and the reporter. Where the hearing is stenographically reported by a regular employee of the Department of the Treasury, a copy thereof will be supplied to the respondent or its counsel at actual cost of duplication. Copies of exhibits introduced at the hearing or at the taking of the deposition will be supplied to the parties upon the payment of a reasonable fee (31 U.S.C. 483(a)).

§ 51.216 Proposed findings and conclusions.

Except in cases where a recipient government has failed to answer the complaint, has failed to appear at the hearing, or has waived the hearing, the administrative law judge shall, prior to making the preliminary finding under § 51.217 for hearings under Subpart E or the initial decision, give the parties a reasonable opportunity to submit proposed findings of fact and conclusions of law and any supporting reasons.

§ 51.217 Preliminary finding (for hearings under Subpart E).

(a) *Suspension of funding or termination of payment by administrative law judge.* (1) Within 30 days after the commencement of a summary hearing under § 51.211(b)(1), the administrative law judge conducting the hearing shall, on the record of evidence presented, issue a preliminary finding as to whether the recipient government has failed to comply with the provisions of this part. If the preliminary finding of the administrative law judge is to the effect that the recipient government is not likely to prevail on the issues to which the hearing pertained, the Director shall immediately suspend the further payment of entitlement funds to the recipient government.

(2) Such suspension shall remain in effect until a compliance agreement is entered into by the recipient government and the Director. A preliminary finding by the administrative law judge is not appealable by the recipient government. After the completion of the full hearing on the merits, the administrative law judge shall make findings and a decision based upon the complete record of the evidence. If the administrative law judge issues a decision that the recipient government has failed to comply with the provisions of this part, then the recipient government must enter into a compliance agreement with the Director before the 31st day after the decision. If no compliance agreement is entered into, the Director shall, upon the initial decision of the administrative law judge, indefinitely suspend the payment of entitlement funds to the recipient government, continue the suspension invoked under paragraph (a)(1) of this section, or terminate the payment of entitlement funds if ordered to terminate by the administrative law judge.

(b) *Resumption of funding; finding of compliance by administrative law judge.* A determination by the administrative law judge that the recipient government has complied with the provisions of this part, will terminate a suspension or termination of entitlement funds by the Director pursuant to paragraph (a) of this section. The Director shall, as promptly as feasible, pay over to the recipient government all entitlement funds the payment of which were suspended.

§ 51.218 Initial decision of the administrative law judge.

(a) *In general.* As soon as practicable after the conclusion of a full hearing on the merits under § 51.211(b)(2) and the receipt of any proposed findings of fact and conclusions of law timely submitted by the parties, but in no event later than 30 days after the conclusion of the hearing, the administrative law judge shall, in accordance with 5 U.S.C. Section 557, make the initial decision in the case. The initial decision shall include a statement of the findings of fact and the conclusions of law reached upon all the material issues of fact, law or discretion presented on the record, as well as the reasons or basis for them. The decision shall not, however, order any particular remedy for the noncompliance, but shall only state whether the recipient government has failed to comply with the provisions of the statute. The nature of the remedy shall be within the discretion of the Director, based upon the findings of fact and conclusions of law of the administrative law judge. The initial decision shall further provide for one or more of the following:

(1) With respect to proceedings under Subpart E—

(i) A determination that the recipient government has failed to comply with the provisions of Subpart E. This determination shall result in the immediate suspension of the further payment of entitlement funds by the Director or continued suspension of such funds if they had been previously suspended pursuant to a preliminary finding by the administrative law judge as described in § 51.217 of this subpart.

(ii) An order pursuant to paragraph (a), that the payment of entitlement funds to the recipient government is terminated.

(iii) A determination that the recipient government has proven compliance with the provisions of Subpart E. This determination should cause the Director to immediately resume payments, if they had been suspended pursuant to § 51.217.

(2) With respect to proceedings other than under Subpart E—

(i) That the Director withhold subsequent entitlement payments to the respondent until appropriate corrective action (as determined by the Director) is taken; and

(ii) That the entitlement of a recipient government be reduced and the amount of such reduction to be withheld from subsequent entitlement payments.

(3) That the proceedings be dismissed.

(b) *Suspension of funding.* For violations of the provisions of Subpart E, if the initial decision is against the recipient government, the Director shall suspend the payment of entitlement funds (or continued suspension of funds suspended after a preliminary finding of the administrative law judge). The entitlement payment to the recipient government shall be suspended by the Director until the recipient government enters into a compliance agreement which satisfies the Director that appropriate corrective action has been taken and there is full compliance with the provisions of Subpart E.

(c) *Order of termination of funding.* For violations of the provisions of Subpart E, if the order of the administrative law judge against the recipient government is for termination of entitlement funds, the entitlement payment to the recipient government shall be terminated by the Director. The recipient government may resume participation in the program in the future

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if it enters into a compliance agreement which satisfies the Director that appropriate corrective action has been taken and there is full compliance with the provisions of Subpart E. Entitlement funds terminated shall be returned to the general fund of the Department and will not be available to the recipient government, unless the order of termination is reversed by an appellate tribunal.

(d) *Withholding of funding.* For violations of provisions other than Subpart E, if the initial decision of the administrative law judge or the Secretary is against the recipient government the Director shall withhold the further payment of entitlement funds to the recipient government. The amounts shall be withheld by the Director after notice to the chief executive officer of the recipient government. The notice shall state that if the recipient government fails to take corrective action within 60 days after receipt of the notice, the further payment of entitlement payments will be withheld until the Director is satisfied that appropriate corrective action has been taken and there is full compliance with the Act and regulations of this part.

§ 51.219 Certification and transmittal of record and decision.

After reaching the initial decision, the administrative law judge shall certify the complete record and immediately forward the certified record, together with a certified copy of the initial decision, to the Director. The administrative law judge shall also serve a copy of the initial decision by certified mail upon the chief executive officer of the recipient government or upon its attorney of record.

§ 51.220 What constitutes the record?

The transcript of testimony, pleadings and exhibits, all papers and requests filed in the proceeding, together will all findings, decisions and orders, shall constitute the exclusive record in the matter.

§ 51.221 Procedure on review of decision of administrative law judge.

(a) *Appeal to the Secretary.* (1) *By the recipient government.* In all proceedings, within 30 days from the date of the initial decision and order of the administrative law judge, the recipient government may appeal to the Secretary by filing its exceptions to the initial decision and the reasons for the exceptions. The recipient government shall transmit a copy of its appeal and reasons therefor to the Director of the Office of Revenue Sharing, who may, within 30 days from receipt of the recipient government's appeal, file a reply brief in opposition to the appeal. A copy of the reply brief, if one is filed, shall be transmitted to the recipient government or its counsel of record. Upon the filing of an appeal and a reply brief, if any, the Secretary shall make the final agency decision on the record of the administrative law judge within 90 days from the date of the last filing.

(2) *By the Director of the Office of Revenue Sharing.* In all proceedings, the Director may, on her own motion, within 45 days after the initial decision, serve on the recipient government by certified mail a notice that the decision will be appealed to the Secretary. Within 30 days from such notice, the Director through counsel shall file with the Secretary exceptions to the initial decision and supporting reasons therefor. A copy of the exceptions shall be transmitted to the recipient government or its counsel of record, who, within 30 days after receipt thereof, may file a reply brief thereto with the Secretary and submit a copy to the Director of the Office of Revenue Sharing or counsel for ORS. Upon the filing of a reply brief, if any, the Secretary shall make the final agency decision on the record of the administrative law judge within 90 days from the date of the last filing.

(b) *Review by Secretary.* In all proceedings, in the absence of appeal by either party, the Secretary may elect to review the initial decision of the administrative law judge. Within 45 days of the initial decision, the Secretary shall serve on the recipient government by certified mail, a notice that an election has been made to review the decision. As part of the review, the Secretary may request briefs from each party within 30 days of the date of notice of the review. Upon filing of the briefs, the Secretary shall make the final agency decision on the record of the administrative law judge within 90 days from the date of the last filing.

(c) *Decision of the Secretary.* On appeal or review of the initial decision of the administrative law judge, the Secretary shall make the final agency decision, after review of the record or such portions thereof as may be cited by the parties, to permit limiting of the issues. The Secretary may affirm, modify, or revoke the findings and initial decision of the administrative law judge. A copy of the Secretary's decision shall be transmitted immediately to the chief executive officer of the recipient government or its counsel of record.

§ 51.222 Effect of absence of appeal or review of initial decision of administrative law judge.

In the absence of either exceptions by the recipient government, a notice of appeal by the Director or review by the Secretary (where appropriate) within the time periods set forth in paragraphs (a), (b) or (c) of § 51.221, the initial decision of the administrative law judge shall become the final decision of the Department.

§ 51.223 Publicity of proceedings.

(a) *In general.* A proceeding conducted under this subpart shall be open to the public and to elements of the news media provided that, in the judgment of the administrative law judge, the presence of the media does not detract from the decorum and dignity of the proceeding.

(b) *Availability of record.* The record established in any proceeding conducted under this subpart shall be made available for inspection by the public as provided for in accordance with regulations of the Department of the Treasury pursuant to 31 CFR Part 1.

(c) *Decisions of the administrative law judge.* The statement of findings and the initial decision of the administrative law judge in any proceedings, whether or not on appeal or review, shall be indexed and maintained by the Director and made available for inspection by the public at the public documents room of the Department. If practicable, the statement of findings and the decisions of the administrative law judge shall be published periodically by the Department and offered for sale through the Superintendent of Documents.

§ 51.224 Judicial review.

(a) *In general.* Actions taken as a result of administrative hearings pursuant to this subpart shall be subject to judicial review pursuant to Section 143 of Subtitle C of the Act.

(b) *Appeal by the respondent.* A respondent may appeal the initial decision of the administrative law judge which has become final, or a final order of the Secretary pursuant to §§ 51.221(c) or 51.222, to the U.S. Court of Appeals, as provided by law.

(c) *Cross-appeal by the Director.* In the event a recipient government appeals, the Director may cross-appeal any issues decided adversely to the ORS by the administrative law judge. Issues decided adversely to the ORS by the Secretary may not be appealed by the Director.

(d) *The record.* The Secretary, upon prior notification of the filing of the petition for review, shall have prepared

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in triplicate, a complete transcript of the record of the proceeding, and shall certify to the correctness of the record. The original record shall then be filed with the Court of Appeals which has jurisdiction.

Appendix—Section-by-Section Analysis of Final Regulations

Subpart A—General Information Section 51.0 Scope and Application of Regulation

Paragraph (a) of this section describes the statutes which these regulations implement. This paragraph is amended to include the State and Local Fiscal Assistance Act Amendments of 1980.

Paragraph (b) of this section is revised to reflect the most recent amendments to the Revenue Sharing Act. One commenter on the 1979 proposed rule objected to the application of January 1, 1977 date to discrimination on the basis of handicap. This date is imposed by the 1976 Amendments to the Revenue Sharing Act and is, therefore, not within the discretion of the Office of Revenue Sharing (ORS).

Section 51.1—Establishment of ORS. This section is amended to reflect the State and Local Fiscal Assistance Act Amendments of 1980.

Section 51.2—Definitions. Paragraph (a) which defines "Act" is amended to reflect the State and Local Fiscal Assistance Act Amendments of 1980.

Paragraph (c) which defines "Entitlement" is eliminated because it was unnecessary. The definition "Entitlement funds" is redesignated paragraph (e) and is amended to make it clear that interest earned on revenue sharing funds prior to their expenditure by recipient governments is subject to the requirements of the Revenue Sharing Act.

Paragraph (g) which defines "Entitlement period" is redesignated paragraph (f) and amended to more accurately describe the fourteen entitlement periods during which recipient governments have received or will receive revenue sharing funds.

A new paragraph (g) which defines "Funded" was added by the 1979 proposed rule to Subpart A, as well as subpart E, because the term has general applicability to all provisions of this part.

The definitions of "Generally accepted auditing standards" and "Independent public accountants" in paragraphs (h) and (j) respectively, have been placed in a new definition section in subpart F. The definitions of "Governor" and "Indian tribes and Alaskan native villages" are redesignated paragraphs (h) and (i) respectively.

The definition of "Lobbying" is redesignated paragraph (j) and is defined as personal solicitation of members of a legislative body to influence legislation regarding the Act. The definition includes solicitation of any legislative body (Federal, State or local) by a representative of the recipient government acting on behalf of the recipient government to influence the outcome of legislation concerning the provisions of the Revenue Sharing Act.

The definition of "Program and activity" is added to this section as a new paragraph (k). This definition also appears in Subpart E, concerning discrimination, but is generally applicable to all provisions of this part. The definition, presently contained in Section 51.51(c) of the regulations was amended on April 2, 1979 (44 FR 1919) to conform it with the definition contained regulations implementing the Crime Control and Safe Streets Act of 1976 (42 U.S.C. 3701 *et seq.*). The nondiscrimination provisions under that Act are substantially similar to those under the Revenue Sharing Act. The final rule amends the rule to encompass secondary recipients.

The definition of "Recipient government" is redesignated paragraph (1) and amended to reflect the fact that Indian tribes and Alaskan native villages are direct recipients of revenue sharing funds, but are not required to comply with certain specified provisions of the Act.

A new paragraph (m) defines "Secondary recipient." Section 51.4 of the current regulations states that any governmental unit or private entity to whom entitlement funds are transferred shall comply with the restrictions and prohibitions contained in the Act but does not define the term "transfer". The final rule defines "Secondary recipient" as any entity which receives entitlement funds by grant, contract or other arrangement for the purpose of providing a service the recipient government would otherwise provide or for the purpose of providing an entity with general financial assistance.

The secondary recipients include other governments, private nonprofit organizations and profit-making business which receive revenue sharing funds and use them in a manner which impacts on the citizens of the primary recipient government. The definition contained in the proposed rule included construction contractors as a secondary recipient. The rationale for the decision to include construction contractors as secondary recipients was that construction contractors could be considered to be providing a service, the construction of the building, which the the primary recipient government would otherwise have to provide. Several commenters on the 1979 proposed rule objected to the inclusion of construction contractors within the definition. They pointed out that it was more accurate to characterize a contract for the construction of a building as a purchase of an item, rather than the provision of a service. The commenters particularly objected to the application of the audit requirement to secondary recipients. The Director agrees with these comments and construction contractors have specifically been deleted from coverage of the definition.

Section 51.3—Procedures for effecting compliance for violations other than subpart E. This section was completely revised to provide better guidance concerning the procedures the ORS uses to achieve compliance where a recipient government in noncompliance with the provisions of the Act, other than of the nondiscrimination provisions contained in subpart E. The procedures described in this section apply to violations of the requirements, restrictions, and prohibitions contained in Subparts B, D and F of this part. The provisions of this regulation are, therefore, broad enough to apply to audit, as well as public participation or Davis-Bacon violations. Section 125 of the Act requires the Secretary to promulgate regulations establishing reasonable and specific time limits for the conduct of an investigation and issuance of a finding and for the conduct of compliance reviews and audits.

It is the position of the ORS that only Section 125(2) of the Act requring reasonable and specific time limits for the conduct of audits and reviews applies to provisions other than Subpart E. Accordingly, the issuance of a finding is not required within 90 days of receipt of a complaint or other information. The final regulation is designed to provide guidance without eliminating the flexibility needed to achieve compliance with varying violations of the Act.

Section 51.3(e) clarifies the procedures that will be used to achieve compliance where a recipient government has failed to submit an assurance, report or other information requested to determine compliance with the Act. The proposed rule has been amended to clarify that the Director has the discretion to determine whether or not to constructively waive the entitlement of a recipient government after delay of entitlement payments has failed to bring about compliance with reporting requirements. Entitlement funds constructively waived are not returned to a recipient government, but become a part of the entitlement of the next highest level of government eligible to receive such funds.

One commenter objected to the subparagraph (a)(2) which provides that the scope of the investigation is not limited to the administrative complaint where an investigation uncovers other violations of the law. The final regulation retains the provision because it is not reasonable to require the ORS to ignore violations uncovered during an investigation merely because they were not the subject of a complaint.

Section 51.4—Transfer of funds to secondary recipients. This section was amended to clarify the application to secondary recipients of the prohibitions and restriction, contained in the Act and regulations. The final regulation provides additional guidance in response to comment that the primary recipient government's responsibility for the secondary recipient compliance was unclear. The regulation attempts to make it clear that the primary recipient must inform the secondary recipient of the requirements attached to the expenditure of revenue sharing funds, monitor compliance with those requirements and attempt to resolve areas of noncompliance found by the ORS. Where compliance cannot be achieved, the Director may require the recipient government to withdraw funding of the secondary recipient. One commenter asked what portion of revenue sharing funds would be endangered if the ORS took enforcement action against the recipient government. The Act authorizes only the full withholding of the primary recipient's entitlement funds, after opportunity for a hearing, until compliance is achieved.

Section 51.5—Time periods (deleted). This section was added to the proposed rule to clarify the time periods for particular events described in the procedures for effecting compliance. All time periods described in the Act and regulations begin to run with receipt of notice of the event. Paragraph (b) of this section provided a distinction between calendar or working days. A number of commenters objected particularly to this paragraph as being confusing and unnecessary. The entire section is, therefore, deleted. Time periods will continue to begin to run with receipt of notice. References to all time periods, however, will remain to calendar days, unless it is specifically provided otherwise.

Section 51.5—Effect of State or local law. Proposed Section 51.6 is redesignated Section 51.5. The final rule adds a new provision to the regulations which states the provisions of the supremacy clause of the U.S. Constitution. Several commenters felt that this might place some recipient governments in the middle of a conflict between the Federal government and a State government. If such situations occur, they will be handled on an individual basis in accordance with Constitutional law.

Section 51.6—Applicability of other Federal laws. Proposed § 51.7 is redesignated Section 51.6. This provision states that general Federal laws relating to Federal grant, loans, contracts and financial assistance programs are not applicable, unless specifically provided in the Revenue Sharing Act or regulations. It has always been the position of the ORS that only the Acts specifically mentioned within the Revenue Sharing Act are applicable to the revenue sharing program. This position has support in the case law. In *Carolina Action* v. *Simon*, (552 F. 2d 295, (1975)) the Court held that the National Environmental Policy Act (42 U.S.C. Sections 4321 *et seq.*) was not applicable to revenue sharing. In the latest case, *Goolsby* v. *Blumenthal*, (590 F. 2d 1369 (1979)), the Court held that the Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Sections 460 *et seq.*) was not applicable to revenue sharing.

The section also provides that the criminal code of the United States is applicable to criminal offenses relating to the expenditure of revenue sharing funds. One commenter objected to the fact that the effect of this provision was to exclude the General Revenue Sharing Program from the coverage of Title VI. The Revenue Sharing Act clearly contains procedures and substantive law that are distinct from those of Title VI, and it has long been held that the ORS is not a Title VI agency.

Subpart B—Assurances, Reports, and Public Participation

Section 51.10—Definitions. The definitions of "Budget" and "Budget Summary" are revised for clarification. The definition of "Recipient government" is eliminated as redundant because it is included in § 51.2 of Subpart A. Current paragraph (f) which defines "Executive authority" is redesignated paragraph (e). New definitions of the terms "Impractical" and "Infeasible" are added as paragraphs (f) and (g) respectively. Current paragraphs (g), (h) and (i) which define "Legislative body," "presented" and "public hearing" respectively are redesignated paragraphs (i), (j) and (k). The definition of "Public hearing" is also revised to emphasize that all citizens of a jurisdiction must have access to hearings concerning revenue sharing funds. Paragraphs (j) and (l) which define "Publication" and "Use report" are redesignated (l) and (m) respectively.

Section 51.11—Reports to the Director; assurances; procedure for effecting compliance. This section is amended by the addition of a new paragraph (b) which sets forth the extent of the record-keeping requirements concerning documentation establishing compliance with the public participation requirements of this subpart. Such documentation shall be retained by a recipient government for period of at least one year. Current paragraph (b) entitled "Requisite assurances for receipt of entitlement funds" is redesignated paragraph (c). Current paragraph (c) entitled "Procedure for effecting compliance" is redesignated paragraph (d) and amended to distinguish between the procedures for effecting compliance for public hearing violations and the procedures for effecting compliance for reporting and assurance violations.

Section 51.13—Proposed use hearing. Paragraph (b) is amended to improve clarity. Section 51.13(c) is amended to clarify that a waiver of the proposed use hearing must be requested by the recipient government and the request must be accompanied by a cost estimate of the unavoidable expenses. Further, the waiver must be approved by the Director prior to the appropriation of revenue sharing funds by the recipient government. Section 51.13(c) is also amended to add an additional waiver of the hearing and publication requirements. Because the Revenue Sharing program was renewed several months after September 30, 1980, some recipient governments enacting budgets for fiscal year 1981, may have had to estimate the amount of funds they would receive during the coming fiscal year without the usual guidance from the ORS as to the amount of entitlement funds they might be expected to receive. For this reason, Section 2(e) of the 1980 Amendments provides that a recipient government, which conducted hearings of the proposed uses of revenue sharing funds prior to December 28, 1980 (the enactment date of the 1980 Amendments) using reasonable projections as to the amount of those funds, would not be considered to have violated the provisions of the Act. New §§ 51.13(c)(3) and 51.14(f) provide that where hearings have been held based upon reasonable estimates, additional hearings would not be required concerning the entitlement funds not subjected to the budget process for entitlement period twelve. This provision is in no way meant to exempt recipient governments from compliance with the public hearing requirements for subsequent entitlement periods.

Section 51.14—Budget hearing. Paragraph (a) of this section is revised to emphasize that public hearings shall be open to all U.S. citizens. This paragraph further emphasizes that these hearings must actually be conducted by the legislative body. Mere presence of one individual of the legislative body at a hearing, for example, would not be sufficient.

Paragraph (b) revises the provision for an alternative procedure for a budget hearing to eliminate the requirement that the recipient government submit a written assurance prior to the use of the alternative procedure. The State or local public hearing procedure may be used automatically and compliance with those procedures need only be proved when questioned pursuant to a compliance review or a complaint.

Paragraph (e), "Waiver of newspaper publication, alternative forms," clarifies the requirements for the waiver of newspaper publication. Those requirements are the same as the requirements for the waiver of the proposed use hearing and publication.

Paragraph (f) entitled "Waiver of budget hearing and publication requirements," sets forth the new waiver created by the 1980 Amendments to the Revenue Sharing Act. Current paragraphs (f) and (g) are redesignated (g) and (h).

Section 51.15—Amendments or modification to enacted budget. This section is amended to clarify what constitutes a major change to an enacted budget. To be a major change, the modification to the budget must involve at least a cumulative amount of $2,000, and also must represent at least 25% of the revenue sharing funds in the recipient government's budget as originally enacted.

Section 51.18—Legal notice rules not applicable. This section is amended to provide that newspaper publication required with respect to public hearings and the use report may be in the form of a newspaper advertisement of article. The publication must, however, include all of the required information.

Subpart C—Computation and Adjustment of Entitlement Funds

Section 51.20—Data. Section 51.20(c) is amended to clarify the special rule concerning intergovernmental transfers for less than one-year entitlement periods. Subparagraph (b)(3) of this section is also amended to eliminate the reference to use of other data where data are determined to be "otherwise inadequate to provide for equitable allocations." The Director may use alternative data only when the data provided by the Bureau of the Census are not current or comprehensive enough to provide for equitable allocations.

Section 51.21—Data affected by a major disaster. The final rule amends § 51.21(c), "Eligibility requirements," to clarify that at the end of the 60-month period the data used for the initial allocation of revenue sharing funds will also be used for the final allocation of these funds. A new § 51.21(g) is added to provide that the post-disaster data factor will be used for the first entitlement period after the end of the 60-month period.

Section 51.23—Dates for finalizing data. Current § 51.23 entitled "Date for determination of allocations" is retitled "Date for finalizing data" and reorganized. The final rule creates a new paragraph (b) entitled "initial allocation out of the last sentence in paragraph (a). Current paragraph (b) entitled

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"Time limitation and minimum adjustment" has been added to § 51.29 "Notification and adjustment of data" and retitled "Time limit for data changes."

Section 51.24—Boundary changes, governmental reorganizations. Paragraph (b) of this section entitled "New units of local government" is amended to describe what a new unit of local government must do to establish its eligibility to receive entitlement funds. Paragraph (c) entitled, "Dissolution of units of local government" is amended to point out the fact that entitlement funds, due to a government which has been dissolved, and which would normally go to the next higher unit of local government, will be placed in the appropriate State reserve for later distribution if that higher government cannot receive the money.

Section 51.25—Waiver of entitlement; nondelivery of checks; insufficient data. Paragraph (a) of this section is amended to specify that entitlement funds waived shall become a part of the entitlement of the next higher unit of local government and if that is not proper, the funds shall be placed in the appropriate State adjustment reserve.

Section 51.25(b) "Constructive waiver," clarifies that a recipient government may be constructively waived for failure to comply with the reporting and assurance requirements of the Act and regulations. The reporting requirement includes submission of reports and other information upon request of the Director or a designate to determine compliance with the provisions of Subparts B, D, E or F. This section is also amended to give the Director the discretion to delay implementing constructive waiver procedures where it is determined that additional time should be given a recipient government to submit the required information.

Section 51.26—Reservation of funds and adjustment of entitlement. Paragraph (a) of this section is amended to emphasize the fact that there is a separate State obligated adjustment reserve for each State area. Paragraph (b) of this section is amended to add new subparagraphs (b) (1) and (2) to clarify the circumstances under which interim negative and positive adjustments will occur. Paragraph (b) (5) is also amended to reflect the fact that there are separate reserves for each State.

Section 51.27—State to maintain transfers to local governments. The final rule amends this section to remove all reference to pre-January 1, 1977 rules because they are obsolete and is further reorganized for added clarity. The final rule adds a § 51.27(e), "Adjustment where new taxing powers are conferred," which clarifies the effect upon the States of conferring new taxing powers upon local governments.

Current § 51.27(k), "Report by Governor," becomes a § 51.27(g) "Computation by the ORS". The new section would reflect the current operating procedure of obtaining data concerning maintenance of effort from the Bureau of the Census.

Section 51.28—"Optional Formula". The final rule amends § 51.28 entitled "Optional formula" to update the time period within which a State may apply for use of an optional formula. The date in § 51.28(a)(3)(iii) is changed from September 30, 1980, to September 30, 1983, the end of the last entitlement period authorized by the 1980 Amendments.

Section 51.29—Notification and adjustment of data. This section is retitled "Notification and adjustment of data" and amended by the addition of a new paragraph (b), which is taken from § 51.23. Together these paragraphs specify that recipient governments will be notified of the data to be used in computing allocations of entitlement funds and given the opportunity to request adjustments in data factors if such requests are made within a year of the end of the entitlement period for which the data are applicable.

Section 51.30—Adjustment of Maximum and Minimum per Capita Entitlement; 100 Percent Criterion. The final rule amends paragraphs (a) and (b) of this section to eliminate the reference to inclusion of the States in the formula for determining constraints on allocations to local governments. The final rule also adds new subsections which set forth the methods by which the amounts described in this section, which some local governments cannot receive due to the formula constraints, would be reallocated within States to eligible local governments.

Section 51.31—Separate Law Enforcement Officers. The final rule amends § 51.31 "Separate law enforcement officers" to set forth the source and percentage of direct funding for the separate law enforcement officers in the State of Louisiana during entitlement periods in which funds are not appropriated for State governments.

Section 51.32—Population. The final rule adds a new § 51.32 entitled "Population." Paragraph (a) restates the current definition of population." Paragraph (b) implements the 1980 Amendments regarding the potential use of population undercount adustments when provided by the Bureau of the Census. One commenter objected to this provision. The 1980 Amendments to the Act however, require that the request be made. The Bureau of the Census has informed the ORS that at this time it is not statistically feasible to make such estimates. Paragraph (c) implements the 1980 Amendments regarding population adjustments due to legal immigrants entering the country within six months after the 1980 Census.

Paragraph (d) updates the definition of population for Indian tribes and Alaskan native villages and describes the population data of Oklahoma Indian governments. Oklahoma Indian governments, except the Osage Tribal Council, do not have current reservation boundaries within which population can be determined and the Bureau of the Census cannot determine the Indian population on Oklahoma Indian trust lands since they do not match the geography of Census enumeration districts. Since Oklahoma Indian tribes do not now have reservations, the Bureau of Indian Affairs has advised that it is unlikely that Indian governing bodies in Oklahoma would be providing governmental services to anyone but Indians identified with the tribe of that governing body. Therefore, the population of Oklahoma Indian tribes for revenue sharing purposes will include only Indians and their spouses and children identified with the tribe of the Indian governing body, who are living within the boundaries of the historic areas in those Oklahoma county areas where the tribe had a reservation at the time of the allotment of Oklahoma lands.

One of the commenters on this section pointed out that the definition specifically excluded American Indians living in cities and towns only with respect to American Indians living in the State of Oklahoma. The commenter asked for clarification on this issue and expressed the preference that if the definition was to be applied to other areas, it would be phased in gradually because a sharp reduction in the allocation of entitlement funds to a particular Indian tribe might result. Subparagraph (d)(1)(A) of the definition has been amended to specifically subtract American Indians living in cities and towns as was originally intended by the definition. While the failure to count American Indians living in cities and towns may result in a reduction of the entitlement for some Indian tribes, the Act requires that population estimates provided by the Bureau of the Census be used in making allocations. The Bureau of the Census will not count Indians living in cities and towns as part of the population. To do so would result in double counting.

Subpart D—Prohibitions and Restrictions on Use of Funds

Section 51.40—Matching funds. The amendments to the Revenue Sharing Act in 1976 repealed the prohibition against the use of revenue sharing funds for matching purposes. Since a recipient government has 24 months in which to use, obligate or appropriate revenue sharing funds, revenue sharing funds received in the last quarter of 1976 may not have been spent until after 1978. Accordingly, the current regulations maintain the restrictions concerning matching with the proviso that they do not apply to revenue sharing funds received after January 1, 1977. Since all pre-1977 funds are likely to have been spent, the final rule eliminates the provision and merely states that revenue sharing funds may be used for matching purposes after January 1, 1977.

Section 51.41—Permissible expenditures for units of local government. The 1976 amendments to the Act also eliminated the priority expenditure restrictions for local governments. For the same reason as stated above with respect to matching, the final rule states that revenue sharing funds may be used by recipient governments for any purpose permissible under State or local law.

Section 51.42—Wage rate and labor standards. Several commenters on the 1979 proposed rule objected to the inclusion of renovation and repair projects with construction projects covered by the Davis-Bacon Act. The references to renovation or repair were included in the proposed rule after reviewing the definition of "construction project" in the regulations implementing the Davis-Bacon Act (29 CFR 51.2(g)). This definition in part provides that: "the terms "Construction," * * * "Completion," or "Repair" means all types of work done on a particular building or work done at the site thereof or * * * including without limitation, altering, remodeling, painting and decorating, * * *" The inclusion of the words "renovation" and "repair" was an attempt to conform the revenue sharing regulations to the Labor Department definition. The final regulation deletes the reference and makes it clear that § 51.42 uses the term "Construction project" as it is defined in 29 CFR 5.2(g).

Section 51.43—Restriction on expenditures by Indian tribes and Alaskan native villages (deleted). This section of the current regulations was issued to implement Section 123(a)(8) of the Act. This provision was eliminated by the 1980 Amendments to the Act and, is therefore, deleted from the regulations.

Section 51.43—Lobbying. Section 51.44 "Lobbying" is a redesignated § 51.43.

Section 51.44—Use of entitlement funds for debt retirement. Section 51.45 "Use of entitlement funds for debt retirement" is redesignated Section 51.44. The final rule also amends this section to clarify the current rule that the restrictions on use of entitlement funds for debt retirement have been eliminated, except that the proceeds of indebtedness must have been spent in compliance with the provisions of Subpart D and E.

Section 51.45—Use of entitlement funds in accordance with State or local law. This section is moved from Sections 51.100(c) of the current regulations. The provision is also qualified to make it clear that State or local laws which conflict with the Revenue Sharing Act are not a defense to violations of the Act due to the Supremacy Clause of the United States Constitution. Several commenters objected to the qualification for the same reasons that they objected to § 51.5 "Effect of State or local law." The comments were not accepted for the same reasons described above. One commenter requested that the word "procedure" be removed from the phrase of the regulations "State or local laws or procedures." Section 123(a)(4) of the Act, however, specifically refers to both laws and procedures. Therefore, this section was not changed.

Section 51.46—Procedures for effecting compliance. A new § 51.46 is added to the final regulation as a companion provision to §§ 51.11(d), and 51.109 to cross-reference the procedures for effecting compliance with the substantive and reporting requirements of the Act. Section 51.3 of Subpart A of the Act contains those procedures to be used to achieve compliance where violations of the provisions of Subpart D are found.

Subpart E—Nondiscrimination by States and Local Governments Receiving Entitlement Funds

Section 51.51—Definitions. (1) The definition of "Attorney General" was amended to remove the reference to the Assistant Attorney General for Civil Rights because the reference was determined to be unnecessary.

(2) The definition of "compliance review" was amended to emphasize that compliance reviews are to be initiated at the discretion of the Director.

(3) The definition of "determination" was amended for clarification purposes.

(4) The definition of "facility" was amended to expand the examples in a manner consistent with the HEW regulations (45 CFR 84.3(i)).

(5) The definition of "program and activity" was amended to clarify that the concept of program or activity is linked to that of funding as per discussion of § 51.2(g) in subpart A.

Section 51.52—Discrimination prohibited. The general prohibitions have been reorganized to provide additional clarity, particularly with respect to what is a prohibited practice concerning the provision of services, employment, and access to facilities.

Section 51.52(b)(6) concerning the use of height or weight requirements was amended in response to comments. One commenter stated that the section did not follow the Uniform Guidelines on Employee Selection Procedures which have been adopted by the Treasury Department. The section was amended to clarify that selection devices, validated pursuant to the Uniform Guidelines may be used even if they have an adverse impact upon a protected class.

One commenter suggested that reference should be made to the sensory impaired with respect to employee selection devices, The Director declines to add references to specific handicaps to these general examples of prohibited discrimination. Discrimination against the handicapped in the use of employee selection devices is specifically covered in § 51.55(i) of the interim handicapped discrimination regulations.

With respect to § 51.52(c) "Exemptions," one commenter complained that § 51.52(c)(2), which provides an exemption where a recipient government proves by clear and convincing evidence that a particular program or activity was not funded by revenue sharing funds, provided recipient governments with a loophole. The Director has no discretion in this matter because this exemption is set forth in Section 122(a)(2)(A) of the Act. Clear and convincing evidence is a very high legal standard, however, and the burden is on the recipient government to prove it to the satisfaction of the Director.

Section 51.53—Employment discrimination. One commenter suggested that handicapped and age discrimination be added to this section. This section is not meant to apply to handicapped and age discrimination, which are best handled separately. Section 51.55(g) of the final regulations covers employment discrimination on the basis of handicap. The Revenue Sharing Act does not cover employment discrimination on the basis of age.

Proposed § 51.53(b) of the proposed rule entitled "Uniform Guidelines on Employee Section Procedures" was amended to clarify that a violation of the Guidelines violates these regulations.

Section 51.53(c) of the proposed rule entitled, "Recruitment practices of recipient governments," has been deleted and combined with the provision for self-review.

Proposed § 51.53(d) "Preemployment inquiries" was redesignated § 51.53(c) and amended in response to comments to be consistent with the Uniform Guidelines.

Proposed § 51.53(d) entitled, "Self-review," was amended to clarify that recipient governments are encouraged to voluntarily review all of their employment practices, including their recruitment practices and should undertake affirmative action where practices that are not in compliance with the Uniform Guidelines or these regulations are discovered.

Section 51.55—Nondiscrimination on basis of handicap. Section 51.55, "Discrimination on the basis of handicap," was published in the **Federal Register** on January 5, 1981 (46 FR 1120), it is currently in interim form (46 FR 41047). Certain provisions of this regulation remain deferred at this time, as is indicated in the regulation and the section-by-section analysis below. Once the government-wide Guidelines have been revised by the Department of Justice, those provisions, currently, deferred, which remain consistent with the Guidelines will be given effect. Those provisions which are determined to be inconsistent with the new Guidelines, whether currently in effect or deferred, will be deleted permanently.

Most of the approximately 50 comments on the 1979 proposed regulations concerned discrimination on the basis of handicap, as provided in Section 504 of the Rehabilitation Act of 1973. The majority of the comments expressed concern about the cost of compliance and objected to specific provisions such as the definition of handicapped individual, the self-evaluation requirement and the accessibility requirements. The Department has little discretion contained in these regulations. Executive Order 11914, "Nondiscrimination with Respect to the Handicapped in Federally Assisted Programs," requires Federal departments and agencies with Section 504 responsibility to issue regulations consistent with the standards and procedures established by HEW. Comments requesting elimination of or major revisions to these provisions were not acted upon due to the requirements of the Executive Order, which was issued to ensure consistent Federal enforcement of Section 504. The administrative provisions, such as the self-evaluation requirement have, however, been deferred and will not take effect until after the completion of the review of the HEW Guidelines. Revisions have primarily been made for clarification purposes and in some instances to make the substantive requirements conform more closely with the requirements for the General Revenue Sharing program.

One such revision is that all references in the proposed rule to special provisions for small recipient governments as those employing fewer than 15 employees have been changed to those receiving $25,000 or more in entitlement funds in each entitlement period. The reference to fewer than 15 employees has little relevance for the General Revenue Sharing Program which unlike grant programs, provides financial assistance to States and local governments, as opposed to particular departments and agencies or even private entities. The number of recipient governments which employ fewer than 15 persons is much less than the number which receives less than $25,000 in entitlement funds. Further, the independent audit requirements in Section 123(c) of the Revenue Sharing Act exempt local governments receiving less than $25,000 in entitlement funds. In the interest of consistency with this Congressional guidance, the General Revenue Sharing Program's final regulations prohibiting discrimination on the basis of handicap, should also incorporate the $25,000 standard.

Section 51.55(b) entitled, "General prohibitions with respect to discrimination against a qualified handicapped individual" contains the prohibitions against discrimination in the provision of services. Sections 51.55(b)(1) (iii) and (iv) were amended in response to comments that the provisions did not provide sufficient guidance concerning how recipients can make communications and services available to persons with impaired sensory, manual and speaking skills. Examples of methods were added to the regulations. Section 51.55(b)(1)(v) was deleted and a new § 51.55(b)(4) was added to expand the discussion of how to provide appropriate auxiliary aids to individuals with impaired sensory, manual and speaking skills. It is noted that auxiliary aids must be provided only at the request of the handicapped individual. Further, recipient governments must consult with the individual to determine the most appropriate auxiliary aids to be used. It is expected that requiring such aids only upon request, as recommended by organizations representing the handicapped, will reduce the cost of providing handicapped individuals with access to programs and activities. It will do so in a manner that will meet as closely as possible the individual needs of the handicapped.

Section 51.55(b)(1)(iv), which requires that the public hearings required under the Act and regulations be accessible to the handicapped, was amended in response to comments as to how such hearings can be made more accessible.

Proposed §§ 51.55(b)(1) (vi), (vii) and (viii) are redesignated Section 51.55(b)(1) (v), (vi) and (vii). Further, § 51.55(b)(1)(ix) has been redesignated § 51.55(b)(1)(viii). One commenter suggested that subparagraph (C) had been drafted too narrowly, prohibiting discrimination by a secondary recipient only if subject to the common administrative control of a recipient government. This subparagraph was amended to delete the reference to the secondary recipient situation and to clarify that where a recipient government funds a particular department in whole or in part with revenue sharing funds, subdivisions of that department are subject to these regulations.

Section 51.55(b)(1)(x) has been redesignated § 51.55(b)(1)(ix). The effective date of this subparagraph is deferred.

Section 51.55(c) "Self-evaluation" is deferred.

Section 51.55(d), "Designation of responsible employee and adoption of grievance procedure" is deferred.

Section 51.55(e), "Notice" is deferred.

Section 51.55(f), "Administrative requirements for small recipient governments" is deferred.

Section 51.55(g) "Employment discrimination" was amended to add a new subsection (g)(1)(iii) because it is one of the basic prohibitions contained in the HEW Guidelines and is therefore required to be contained in the regulation. Proposed §§ 51.55(g)(1) (iii) and (iv) are redesignated (iv) and (v). In response to comments, § 51.55(g)(1)(iv) was amended to include examples of how communication can be made available to the sensory impaired. Concerning this section, one commenter questioned whether a recipient government can be required to undertake affirmative action to employ the handicapped. Section 504 does not require affirmative action, as does Section 503. Section 504 requires only that recipient governments refrain from discriminating and undertake remedial action where discrimination is found.

Section 51.55(h), "Reasonable accommodation" was amended in response to comments to add examples of reasonable accommodation for the sensory impaired. The section was also amended to provide that the accommodations shall be made in consultation with the handicapped individual. One commenter requested greater specificity concerning what is required for reasonable accommodation. Considering the broadness of the definition of handicapped individual, what constitutes reasonable accommodation must be determined on a case-by-case basis and the regulation must remain broad. A new sentence is added to subsection (h)(3)(iii) to reflect the fact that an accommodation that causes inconvenience to the recipient government or result in some economic cost is not per se unreasonable.

Section 51.55(i), "Employment criteria and policies" as revised to conform subparagraph (2) more closely to the HEW regulations. Several comments suggested the application of the Uniform Guidelines on Employee Selection Procedures to these provisions. The Guidelines specifically apply only to race, color, national origin, sex and religion. If they are formally revised to apply to handicapped discrimination, the Director will adopt that application. One commenter questioned the use of the phrase "class as a whole" in subsection (i)(3). The Director does not agree that the phrase should be changed. To be able to use a selection procedure which excludes a class of handicapped individuals as a whole, the recipient government must establish to the satisfaction of the Director that no member of that class of individuals would be able to perform the essential functions of the job in question.

Section 51.55(k), "Program accessibility" received a majority of the comments relating to the cost of compliance. It is emphasized that compliance with this subsection does not mean that recipient governments will be required to retrofit all of their public buildings. For a particular program or activity to be accessible, it is not required that the entire facility in which the program or activity is conducted be accessible. Structural changes to facilities are required only after all other means of making programs accessible have been pursued.

A number of comments were received on § 51.55(k)(10), "Leased facilities." The Director agrees that this provision as written needed clarification. It is important, however, to make it clear that a recipient government cannot avoid the program accessibility requirements merely by conducting its programs and activities in leased facilities. Accordingly, § 51.55(k)(10) has been eliminated and subsections (k)(1), (2), (k)(7) and (8) have been amended to clarify that programs and activities operated in existing facilities, owned or leased by the recipient government, must be accessible. Where a recipient government leases a facility, it must make whatever non-structural changes are necessary to make facilities accessible. Where an existing facility is leased, however, structural changes will not be required if the lessor refuses to make them and no other more readily accessible facility is available.

Existing facilities newly leased after January 1, 1977, or on which leases are renewed must meet the requirements of § 51.55(k)(2) for existing facilities. Leases of newly constructed facilities must meet the requirements set forth in § 51.55(k)(7) for new construction. Alterations to existing facilities which are leased must meet the requirements of Section 51.55(k)(8).

Section 51.55(k)(5), is deferred.

Section 51.55(k)(9) is amended to incorporate the 1980 American National Standard Institute Standards, as well as the 1961 version and allow compliance with either.

Proposed § 51.55(k)(10), was eliminated.

Proposed §§ 51.55(k) (11) and (12), have been redesignated §§ 51.55(k) (10) and (11). One commenter suggested that the definition of commencement of construction be amended to conform with the definition contained in the HEW regulations. In this instance, however, the provision being interpreted is one uniquely included in the Revenue Sharing Act and need not be consistent with HEW's definition.

One commenter suggested that subsection (k) should provide specific provisions concerning the need for structural changes to historical properties. However, the regulations with their emphasis upon program accessibility over structural changes to facilities, do not need specific treatment of historical properties.

A new § 51.55(l) is added to the regulations to cover the situation in which the ORS is requested to act upon a complaint concerning subject matters unresolved by another Federal agency, the agency in charge of coordination of Section 504, or by the courts. One example of such an unresolved issue is whether obesity should be considered a handicap. Another example is whether all public television broadcasting must be captioned for the deaf. The Department of Education is currently involved in litigation on this issue and at the same time the complainants have filed a complaint with the ORS. This provision is particularly needed because the ORS supports an almost unlimited range of programs and activities of State and local governments that are under the primary jurisdiction of other departments and agencies.

The Director has determined that the ORS may defer action on legal issues not resolved until the coordinating agency has had an opportunity to provide guidance in the interest of uniformity of Federal enforcement of Section 504. In this way, the ORS will avoid conflicting Federal enforcement problems in this still evolving area of the law. The coordinating agency referred to is the Department of Justice pursuant to Executive Order 12250, which supersedes Executive Order 11914, which gave such authority to the Department of HEW.

At the same time, the Director is concerned that consultation with the coordinating agency may impede resolution of complaints in the expeditious manner required by the Revenue Sharing Act. In order to ensure that coordination will take place as expeditiously as possible, and at the same time allow for flexibility, the regulations would require the Director to consult with the coordinating agency within one week. The Director would also have to make a determination as to whether the Department of Justice will act within thirty (30) days. If guidance cannot be expected within thirty (30) days, the Director shall begin to obtain preliminary information needed to process the complaint while waiting for the guidance to be received. The ORS may defer making any findings until the Department of Justice has provided the necessary guidance. With these safeguards, possible deferral of action on the complaint should not result in undue delay in the processing of complaints. Accordingly, when a complaint concerning unresolved issues under Section 504 is received, the Director would immediately consult with the appropriate lead agency and act upon the guidance received.

Section 51.56—Nondiscrimination on the basis of age. Section 51.56 "Discrimination on the basis of age," has not been included in these regulations because the final regulation is currently under review by the Department of Health and Human Services (HHS). It will be published separately when approved.

EEOC Guidelines

ORS final regulations adopt the EEOC Guidelines concerning sex (§ 51.54), national origin (§ 51.57), and religion (§ 51.58). Violations of the provisions of these Guidelines are considered violations of the provisions of this subpart. The EEOC Guidelines are adopted to ensure that the Federal government will apply the same standards concerning employment discrimination, and that there will be consistency in the Federal civil rights enforcement effort. It is intended that the most current of the EEOC Guidelines be applicable to this subpart. Any subsequent revisions will also be adopted by ORS to the extent necessary to insure that is the case.

Section 51.59—Assurances required. This section was amended on July 24, 1978 (43 FR 31927) to eliminate the requirement that the copy of a holding to be submitted to the Director be certified. The final regulation also amends the 1979 proposed rule concerning delay of entitlement payments and constructive waivers to conform with the provisions of § 51.3(e) of subpart A and for other than nondiscrimination violations.

Section 51.60—Compliance information and reports. One commenter suggested that compliance reports be required to be made available for public inspection. The Director disagrees with this comment because in many cases, such reports contain confidential information. To require compliance reports to be made available for public inspection could foreseeably hinder compliance efforts. Paragraph (c) of this section, concerning constructive waiver is amended from its proposed form to be consistent with the provisions to § 51.3(e) of Subpart A.

Section 51.61—Compliance reviews and affirmative action. This provision was completely revised to provide more specificity concerning what a compliance review will consist of. The regulation is modeled after that of the Law Enforcement Assistance Administration of the Department of Justice (28 CFR 42.206) to enforce the Crime Control and Safe Streets Act of 1976.

One commenter suggested that § 51.61(a)(2)(i) be amended to reflect that the mere presence of minorities or women in the relevant labor market is not sufficient to indicate discrimination because they may not be available for employment. Subsection (a)(2) only suggests factors that may be considered in selecting a recipient government for a compliance review and are not to be considered evidence of discrimination. The Uniform Guidelines on Employee Selection Procedures will be used to evaluate the information obtained during the review.

Section 51.61(b) "Affirmative action," removes the reference to the Guidelines of the Equal Employment Opportunity Coordinating Council, which Council no longer exists. The EEOC has published Affirmative Action Guidelines, which supersede those of the Coordinating Council. Accordingly, the Director adopts these Guidelines in order to provide guidance concerning when affirmative action is appropriate.

Section 51.62—Administrative complaints and investigations. Section 51.62(b) "investigations," amends the interim regulation to clarify that ORS will investigate administrative complaints, which allege a discriminatory practice which, if true, would violate the Act. Information other than complaints, either generated within or outside of the ORS may also be the source of an investigation. This paragraph also provides that the Director may defer to the Attorney General in appropriate cases. The subsection, in conjunction with § 51.70(c), serves as the basis for a cooperative agreement with the Department of Justice. The final rule also provides that the scope of an investigation is not limited to the complaint or other information on which it is based, but may be expanded to include other matters.

Section 51.64—Notification of noncompliance. Sections 51.64 and 51.65 combine interim §§ 51.62, 51.65, 51.67 and 51.68 and generally reorganize the provisions describing the procedures for effecting compliance.

Section 51.64(a) provides that after an investigation or receipt of a determination of a State administrative agency, the Director shall if warranted by the facts and the record, make a finding that it is more likely than not that the recipient government has failed to comply with the provisions of this subpart. The Director shall within ten days of making a finding, issue a notice of noncompliance to the recipient government and inform the government that it has 30 days to enter into compliance, provide evidence to demonstrate compliance, or prove by clear and convincing evidence that revenue sharing funds were not used to fund the particular program or activity, or a determination of noncompliance will be issued.

Section 51.64(b) provides that within 10 days after receipt of a holding, the Director shall notify the recipient government of the holding and that the holding is conclusive on the issue of discrimination. The notice of noncompliance shall further inform the recipient government that it has 30 days to enter a compliance agreement or prove lack of funding by clear and convincing evidence, or a determination of noncompliance will be issued. This section also provides that the Assistant Attorney General for Civil Rights shall be notified of findings and holdings.

Section 51.64(b)(2) provides that where the remedial order issued on which the holding is stayed by a court, the stay will not affect action by the Director, unless the ORS is specifically included in the stay.

One commenter suggested that there was some confusion in the time limits for issuance of a finding. A finding is contemplated to be issued 90 days after the Director receives the administrative complaint or State administrative agency determination of discrimination. Accordingly, the two time periods are not contradictory. The preamble to the proposed regulations discussed the recommendations of the EEOC, pursuant to its coordination authority under Executive Order 12067. The EEOC recommended that the pre-finding process, an informal notice to recipients of possible noncompliance prior to the issuance of finding and notification of noncompliance set forth in § 51.64, be included in the regulations. Comments on this issue were requested, but none were received. Since the pre-finding process has since been eliminated by the Director, it is no longer necessary to add it to the regulation.

A new paragraph (c) is added to § 51.64 to describe the effect of a stay upon an administrative proceeding. This provision reflects an opinion received from the Department of Justice that the stay suspends the administrative proceeding to the extent that it covers the same issues.

Section 51.65—Determination by the Director. This section covers the action to be taken by the Director if the recipient government fails to enter into a compliance agreement after receipt of notification of noncompliance. Once a determination of noncompliance is issued, the recipient government has ten days to enter a compliance agreement, prove by clear and convincing evidence that the program or activity complained of was not funded with revenue sharing funds or request a hearing. If the recipient government does not take any of these actions within the 10-day period, the payment of revenue sharing funds to that government will be suspended until a compliance agreement is concluded. Section 51.65(b)(3) provides that administrative action based upon a holding will be

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discontinued if that holding is reversed by an appellate tribunal.

This section is also amended to reflect that the Director has the discretion to issue both determinations of compliance and noncompliance and that the Assistant Attorney General for Civil Rights shall be notified of such determinations. The time periods contained in this section are statutorily derived and, therefore, cannot be expanded as requested in one comment.

Interim §§ 51.65, 51.68(c), 51.69, and 51.72 concerning administrative hearing procedures have been placed in appropriate sections of subpart G.

Section 51.66—Compliance agreements. Section 51.66(a) sets forth the requirements for compliance agreements where the ORS is not directly a party.

Section 51.66(b) provides that in the case of a holding, the remedial order issued pursuant to the holding, if any, will be the basis of a compliance agreement. If there is no extant remedial order, a compliance agreement will be modified, if necessary, to conform to the remedial order of the court.

Section 51.66(c) sets forth the requirements for a compliance agreement between the Director and a recipient government. It must be one document in writing and signed by the Director and the chief executive officer.

One commenter suggested that the ORS should monitor a recipient government's performance under compliance agreements. The Director agrees that reference to such monitoring should be included in the regulations. Accordingly, a new subsection (d) is added to the final regulation which provides that the Director will monitor compliance agreements and may require periodic reports which demonstrate continued compliance.

Interim § [illegible].66(d) is redesignated (e) and provides that if the Director believes that the recipient government has violated the provisions of the agreement, the Director may issue a determination of noncompliance based upon the alleged violation of agreement. A subsequent administrative hearing would be limited to the issue of whether the recipient government complied with the agreement.

"Notification to complainants of compliance agreement" is redesignated § 51.66(g). One commenter suggested that copies of compliance agreements be furnished to the complainant prior to their execution. The Director believes that to do so may interfere with the negotiation process and declines to accept this comment.

Section 51.67—Resumption of suspended entitlement payments. This section remains unchanged, except that the word "may" is replaced with "shall" since the Director has no discretion to continue to withhold revenue sharing funds if one of the events described occurs.

Section 51.68—Exclusion of administrative remedies. Interim § 51.64 is redesignated 51.68 and revised to provide additional clarity.

Section 51.69—Agreements between agencies. Interim § 51.74 is redesignated Section 51.69 and is revised to provide more specificity concerning the contents of a compliance agreement. Section 122(h) of the Act requires the Director to enter into agreements with other agencies to ensure consistent civil rights enforcement and efficient use of personnel and resources. Even without such agreements however, the ORS will cooperate with other Federal agencies to reduce the costs of compliance and burdens on recipient governments and to increase the efficiency of the Federal Civil Rights effort. Paragraph (c) of this section concerning review of preliminary decisions of the administrative law judge was eliminated because it was deemed unnecessary.

Section 51.70—Jurisdiction over property. Interim § 51.73 is redesignated Section 51.70.

Section 51.75—Authority of Attorney General of U.S. This section of the interim regulations was deleted due to the fact that it does not provide guidance concerning actions required of the ORS or revenue sharing recipients.

Subpart F—Fiscal Procedures and Auditing

Section 51.100—Definitions. This subpart is reorganized to take the definitions contained in § 51.101. "Auditing and evaluations," and 51.2 (of subpart A) general definitions, and create a new definition section for Subpart F, 51.100. Sections 51.100 (a) and (b) add the only new definitions. The definitions of "compliance" and "financial audit" reflect the current operating procedure of dividing the single independent audit requirement into two separate audits, a financial audit of all of a recipient government's funds and a compliance audit to determine that revenue sharing funds were spent in compliance with the provisions of the Act. The provisions of the Act referred to include the nondiscrimination provisions of Section 122, public participation requirements of Section 121, the prohibition against the use of revenue sharing funds for lobbying purposes and the requirements in section 123(a) that revenue sharing funds be spent in accordance with State and local laws and procedures.

The definition of "financial statements" in paragraph (c) is revised from the 1979 proposed rule to include the reference to the presentation of footnotes.

Section 51.101—Procedures applicable to the use of funds. Several commenters objected to the requirement contained in § 51.101(a) that revenue sharing trust funds established as separate sets of accounts to be classified and accounted for as special revenue funds. The comments correctly pointed out that this requirement conflicted with generally accepted accounting principles, and the reference to special revenue funds is eliminated.

Because the requirement that recipient governments spend their entitlement funds only in accordance with State or local laws and procedures has been moved to § 51.45 of Subpart D, current paragraph (d) is redesignated paragraph (c) and paragraph (e) is redesignated paragraph (d).

Section 51.102—Auditing and evaluation. Section 51.102(a) includes a reference to the separation of the single audit requirement into a financial audit and a compliance audit. A new paragraph (a)(2) is added to § 51.102 to inform recipient governments when audits must be submitted to the Director.

This section is amended to reflect the fact that the ORS encourages the use of the Office of Management and Budget's Circular A-102 Attachment P in meeting the audit requirements of the Act. A new paragraph (a)(3) reflects the acceptance of the Office of Management and Budget procedures.

Section 51.102(b) eliminates the requirement previously imposed that a recipient government submit a written assurance in order to elect to follow State or local law. The section also adds a new subsection to clarify that a compliance audit is required when a recipient government elects to follow State or local law in the performance of an audit.

Section 51.102(c) makes it clear that where a recipient government is required by State or local law to conduct an audit, though it receives less than $25,000 in entitlement funds, the audit must be performed. As stated above, Section 123(a)(4) of the Act requires the expenditure of revenue sharing funds in accordance with the laws and procedures applicable to the expenditure of a recipient governments own funds, unless that State or local law conflicts with Federal law. Additional requirements which go beyond those in the Revenue Sharing Act would not be considered conflicting. As stated in Section 123(c) of the Act, the performance of a locally required audit will be considered compliance with the Revenue Sharing Act. The audit performed pursuant to this subsection need not be submitted to the ORS, but shall be made available upon request by the Director.

Section 2(g) of the 1980 Amendments provided a special modification of the audit requirements for local governments within the State of Michigan. In this situation, the State agency had entered into an agreement with ORS to perform the required audits for county governments, but later found that it could not complete the audits. The affected counties are authorized to conduct the required audits in accordance with generally accepted auditing standards and only concerning fund accounts in which revenue sharing funds are placed. The final rule adds a new § 51.102(d), "Modification of audit requirement" to implement that special modification.

Section 51.102(d) of the proposed rule entitled, "Series of audits" is redesignated § 51.102(e). This subparagraph is also amended to require that financial and compliance audits must be performed in the same fiscal year.

Since the 1980 Amendments merely authorized, but did not appropriate revenue sharing funds for the State governments, an amendment to the regulations was needed to clarify when, if ever, the States would be required to conduct independent audits required by the Act. The Department has determined that a State government will be required to conduct such audits only if it receives entitlement funds for three consecutive entitlement periods. The same approach was taken for local governments which receive less than $25,000 in entitlement funds. A new paragraph (f) is added to § 51.102 to clarify our interpretation of this provision.

Section 51.103—Waiver of Audit Requirement. Section 2(f) of the 1980

Amendments provides an additional waiver for the situation in which the accounts of units of local government are audited by a State audit agency which either does not follow generally accepted auditing standards or which is not independent. The State agency must be demonstrating progress towards meeting the audit standards or becoming independent. The final rule revises proposed § 51.103 "Waiver of audit requirement" to include the new basis for granting a waiver and clarify the procedure by which the waiver will be granted. This section is also amended by the 1979 proposed rule to eliminate the requirement that the request for waiver be submitted before March 31, 1978.

Section 51.106—Audit opinions. This section is amended to clarify the notice of audit opinions and to eliminate the definition of generally accepted accounting principles as it is redundant.

Section 51.107—Scope of audits. The final rule would amend this section to clarify that the scope of audits include all of the financial statements for each separate fund. The section would further add the Statements on Auditing Standards as an additional guide for the type of audit to be conducted. This section is also amended to update the reference in paragraph (a)(4) to the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, from the 1972 edition to the 1981 edition.

Section 51.108—Retention and submission of audit reports and work papers. Sections 51.108 and 51.109 of the current regulations are combined into one section. Paragraph (a) contains the requirements of old § 51.109 that audit reports and other information needed to determine compliance be submitted to the Director upon request. Paragraph (b) contains the requirement of old § 51.108 that audit work papers be retained for three years after the issuance of the audit reports and be submitted to the Director or the Controller General upon request.

Section 51.109—Procedures for effecting compliance. A new § 51.109 is added by the final rule to point out that violations of the provisions of this subpart are redressed by the enforcement procedures contained in § 51.3 of Subpart A of this part.

Subpart G—Proceedings for Reduction in Entitlement, Withholding or Suspension of Funds

This subpart was revised by the 1979 proposed rule to differentiate between the requirements for administrative hearings concerning violations of Subpart E and those concerning Subparts B, D, and F. Section 122 of the Revenue Sharing Act sets forth the hearing procedures for nondiscrimination violations. Section 123(b) of the Act sets forth the hearing procedures for violations of the provisions of the Act other than Section 122. The current Subpart G does not make it clear where the two procedures are the same and where they differ. In the interest of consistency, the administrative hearing procedures contained in current Subpart E are added to Subpart G. This subpart is also amended to eliminate any reference to repayment of entitlement funds, for which the Act no longer provides authority.

Section 51.102—Reasonable notice and opportunity for hearing. Section 51.102 states that provisions for withholding, or reduction in revenue sharing payments apply to violations of the provisions of Subparts B, D, and F, while provisions for suspension or termination of the payment of revenue sharing funds apply to violation of the provisions of Subpart E.

Section 51.103—Opportunity for compliance. Section 51.103 is amended to reference the provisions pursuant to which a recipient government will be given the opportunity to enter into compliance prior to the initiation of an administrative hearing.

Section 51.204—Institution of an administrative hearing. The final rule provides for the institution of an administrative hearing. A hearing instituted under the provisions of Subpart E differs from the hearing instituted under other provisions because it is instituted by the Director only after the request of the recipient government and is required under Section 122(b)(3)(A) to be instituted within 30 days of receipt of the request by the Director.

Section 51.205—Complaint for administrative hearing; Section 51.206—Service of complaint and other papers. The final rule amends these sections to point out the shortened time frames under which complaints and answers for hearings under Subpart E must be filed pursuant to Section 122(b)(3)(A). Section 51.205 provides that for hearings under Subpart E, the complaint must require that the answer be filed within 10 days of receipt of the complaint by the recipient government. Section 51.206 requires that for hearings under Subpart E, the complaint must be served upon the recipient government within seven days of receipt of the request for a hearing from the recipient government.

Section 51.211—Administrative hearings. This section would set forth the procedures under which an administrative hearing is conducted. Section 51.211(b) is based upon §§ 51.66 and 51.68 of interim Subpart E.

Section 51.214—Depositions. The final rule would amend this section to provide for the taking of depositions in a shorter time period for hearings under the provisions of Subpart E. The summary hearing pursuant to § 51.211 must commence within 30 days of the request for an administrative hearing by the recipient government.

Section 51.217—Preliminary finding (for hearings under Subpart E). Section 51.217 sets forth the provisions currently contained in § 51.66 of the interim regulations concerning actions to be taken by the Director after the administrative law judge issues a preliminary finding under the provisions of Subpart E.

Section 51.218—Initial decision of the administrative law judge. The final rule would amend this section to clarify the nature of the decision of the administrative law judge. The administrative law judge's decision does not include the remedy for noncompliance. The decision sets forth the findings of fact and conclusions of law and whether the recipient government has failed to comply with the provisions of the Act. The final rule further revises this section to emphasize that the administrative law judge does not order suspension of entitlement funds. Only the Director has such authority. The Act does, however, provide for an order of termination of funds by the administrative law judge. The section further describes the actions to be taken by the Director depending upon the decision of the administrative law judge. The provisions of current § 51.223 is incorporated into this section and § 51.223 is eliminated.

Section 51.221—Procedure for review of decision of administrative law judge. The final rule removes the restriction in current § 51.221(b) that the Director appeal only in absence of appeal by respondent. Section 51.221(b) adds a new provision to state that the Secretary of the Treasury may review the decision of the administrative law judge absent appeal by either party. Current § 51.222 is added to this section as a new § 51.221(c). The subsection provides that the Secretary's decision is the final agency decision.

Section 51.222—Effect of absence of appeal or review of initial decision of administrative law judge. The final rule adds a new section to clearly state that the initial decision of the administrative law judge becomes the final agency decision if not appealed by either party or reviewed by the Secretary.

Section 51.223—Judicial review. Current § 51.213, "Effect of order of repayment, withholding of funds or suspension of funds is eliminated and merged into § 51.218. Current § 51.224 is redesignated § 51.223. The final rule also amends this section to provide that the Director may cross-appeal issues decided adversely to the Office of Revenue Sharing, unless those issues were ruled upon directly by the Secretary.

Section 51.224—Judicial review. Current § 51.225 is redesignated § 51.224.

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federal register

Wednesday
September 30, 1981

Part XI

Federal Election Commission

Transfers of Funds; Collecting Agents, Joint Fundraising

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FEDERAL ELECTION COMMISSION

11 CFR Part 102

[Notice 1981-9]

Transfers of Funds; Collecting Agents, Joint Fundraising

AGENCY: Federal Election Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission requests comments on proposed rules to govern joint fundraising activity and collecting agents. The proposed regulations would revise current 11 CFR 102.6 to cover transfers of funds and collecting agents. The proposed rules would also add a new section entitled "Joint Fundraising" to be designated as 11 CFR 102.7.

DATE: Comments must be received on or before October 30, 1981. A hearing will be scheduled after written comments are received. (See Supplementary Information for details.)

ADDRESS: Susan E. Propper, Assistant General Counsel, 1325 K Street, N.W., Washington, D.C. 20463.

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel (202) 523-4143.

SUPPLEMENTARY INFORMATION: The proposed rules being published today make a distinction between two types of fundraising activity. "Joint fundraising" refers to the solicitation of contributions through the combined effort of two or more candidates or committees which are not affiliated for purposes of 2 U.S.C. 441a(a)(5). Possible combinations of committees conducting a joint fundraiser could be, for example, two candidates (one or both of whom are federal candidates), two multicandidate committees or a candidate committee and a party committee.

Joint fundraising is distinguished from a situation in which an unregistered organization, such as a union local or a trade association, collects contributions made to a separate segregated fund. In this situation, the unregistered organization, or "collecting agent," has a special relationship to the separate segregated fund. The collecting agent is either an unregistered affiliated committee of the separate segregated fund, such as a state PAC, or a connected organization of the separate segregated fund, such as a corporate subsidiary or union local. For example, a union local acting as a collecting agent might collect its membership dues and contributions to the separate segregated fund of the local's international union in one combined billing/solicitation.

The draft regulations provide separate procedures for these two forms of fundraising. To emphasize the distinction between true joint fundraising and the collecting agent situation, the proposed regulations would change the title of 11 CFR 102.6 from "Transfers of Funds; Joint Fundraising" to "Transfers of Funds; Collecting Agents." In addition, a new section entitled "Joint Fundraising" would be added at 11 CFR 102.7, thus necessitating a renumbering of subsequent sections of 11 CFR Part 102. To avoid confusion until the draft regulations are approved by the Commission, cross-references in the text are to current section numbers.

The proposed regulations are designed to cover joint fundraising activity by Presidential primary candidates electing to receive matching funds under Chapter 96 of Title 26 of the Internal Revenue Code in addition to fundraising activity by candidate committees and other political committees operating under Title 2 of the United States Code. If candidates receiving federal funding engage in joint fundraising activity, such candidates would continue to be subject to the stricter recordkeeping and reporting requirements of Chapter 96 and sections 9031 *et seq.* of the Commission's regulations. However, these proposed regulations do not address certain substantive issues unique to joint fundraising in the context of Title 26, such as whether contributions received may be submitted for matching funds.

The Commission will be scheduling a public hearing to be held after written comments are received. Persons or organizations interested in testifying at the hearing should so indicate in their written comments. The date of the hearing will be published in a future issue of the **Federal Register**.

PART 102—REGISTRATION, ORGANIZATION, AND RECORDKEEPING BY POLITICAL COMMITTEES (2 U.S.C. 433)

It is proposed to revise 11 CFR 102.6 to read as follows:

§ 102.6 Transfer of funds; collecting agents.

(a) *Transfers of Funds.*—(1) *Who May Make Transfers.* (i) Transfers of funds may be made without limit on amount between affiliated committees whether or not they are political committees under 11 CFR 100.5.

(ii) Transfers of funds may be made without limit on amount between or among a national party committee, a State party committee and/or any subordinate party committee whether or not they are political committees under 11 CFR 100.5 and whether or not such committees are affiliated.

(iii) Transfers of joint fundraising proceeds may be made without limit on amount between organizations or committees participating in the fundraising activity provided that no participating committee or organization receives more than its allocated share of the funds raised. See 11 CFR 102.7, Joint Fundraising.

(2) *When Registration Required.* Except as provided in subsection (b), organizations or committees making transfers under 11 CFR 102.6(a)(1) shall count such transfers against the reporting thresholds of the Act for determining whether an organization or committee is a political committee under 11 CFR 100.5.

(b) *Collecting Agent Not Required to Report.* (1) A collecting agent is an organization or committee which collects and transmits contributions to a separate segregated fund. A collecting agent must be either:

(A) A committee affiliated with the separate segregated fund under 11 CFR 110.3; or

(B) The connected organization of the separate segregated fund as defined in under 11 CFR 100.6; or

(C) A parent, subsidiary, branch, division, department, or local unit of the connected organization of the separate segregated fund; or

(D) A local, national or international union collecting contributions on behalf of the separate segregated fund of any federation with which the local, national or international union is affiliated. See 11 CFR 114.1(e).

(2) A collecting agent which follows the procedures of 11 CFR 102.6(c) is not required to register and report as a political committee under 11 CFR Parts 102 and 104, provided that the organization does not engage in other activities such as making contributions or expenditures for the purpose of influencing federal elections.

(c) *Procedures for Collecting Agents.*—(1) *Solicitation for Contributions.* A collecting agent may include a solicitation for voluntary contributions to a separate segregated fund in a bill for membership dues or other payments such as conference registration fees or a solicitation for contributions to the collecting agent. The collecting agent may only solicit contributions from those persons permitted to be solicited under 11 CFR Part 114. The solicitation for contributions must meet all of the requirements for proper solicitations under 11 CFR 114.5.

(2) *Checks Combining Contributions with Other Payments.* In response to a solicitation under 11 CFR 102.6(c)(1), a contributor may write one check that represents both a contribution and payment of dues or other fees. The check must be drawn on the contributor's personal checking account or on a non-repayable corporate drawing account of the individual contributor. Under a payroll deduction plan, an employer may write one check on behalf of its employees to a union, which check represents a combined payment of union dues and voluntary contributions to the union's separate segregated fund.

(3) *Transmittal of Contributions.* All contributions collected by collecting agents shall be transmitted to the separate segregated fund within 10 or 30 days as required by 11 CFR 102.8. Cash contributions and checks made payable to the separate segregated fund shall be transmitted in accordance with 11 CFR 102.6(c)(4). To transfer all other contributions, a collecting agent shall either:

(i) Establish a transmittal account to be used solely for the deposit and transmittal of funds collected on behalf of the separate segregated fund. Funds deposited into this account are subject to the prohibitions and limitations of the Act. If any disbursement is made from the account, other than a transfer of funds to an affiliated committee, the account shall be considered a depository of the recipient committee and all activity of that account shall be reported; or

(ii) Deposit the contributions collected into its own account. The collecting agent shall keep separate records of all receipts and deposits that represent contributions to the separate segregated fund; or

(iii) Deposit the contributions collected into an account otherwise established solely for State or local election activity. The collecting agent shall keep separate records of all receipts and deposits that represent contributions to the separate segregated fund.

(4) *Transmittal of Cash Contributions and Checks Made Payable to a Separate Segregated Fund.* (i) Cash contributions collected by a collecting agent may be transmitted to the separate segregated fund through a transmittal account established by the collecting agent pursuant to 11 CFR 102.6(c)(3)(i). Cash contributions may also be transmitted by the collecting agent to the separate segregated fund in the form of money orders or cashier's checks.

(ii) Checks made payable to a separate segregated fund shall be transmitted by the collecting agent directly to the separate segregated fund in accordance with the provisions of 11 CFR 110.6 and 11 CFR 102.8.

(5) *Contributor Information.* The collecting agent shall comply with the requirements of 11 CFR 102.8 regarding transmittal of contributions and contributor information to the separate segregated fund, except that if contributions of $50 or less are received at a mass collection, a record shall be kept of the date, the total amount collected, and the name of the function at which the collection was made.

(6) *Retention of Records.* The collecting agent shall retain all records of contribution deposits and transmittals under this section for a period of three years and shall make these records available to the Commission on request.

(7) *Reporting of Funds Received Through Collecting Agents.* A separate segregated fund receiving contributions collected by a collecting agent shall report the total amount received as a transfer-in from the collecting agent. The recipient shall also file a memo Schedule A itemizing the total receipts as contributions from original contributors to the extent required by 11 CFR 104.3(a).

It is proposed to add new 11 CFR 102.7 as follows:

§ 102.7 Joint fundraising.

(a) *General.* (1) Political committees may engage in joint fundraising with other political committees or with unregistered committees or organizations. The participants in a joint fundraising effort under this section shall either: (i) Establish a separate committee; or (ii) select a participating committee; or (iii) hire a commercial fundraising agent or firm, to act as fundraising representative for all participants; or the participants may select any other reasonable fundraising arrangement which is approved by the Commission in advance of the fundraising effort. See 11 CFR Part 112, Advisory Opinions.

(2) A fundraising representative conducting joint fundraising under this section is distinguished from an unregistered organization acting as a collecting agent under 11 CFR 102.6(b).

(3) The procedures in 11 CFR 102.7(c) will govern all joint fundraising activity conducted under this section.

(b) *Fundraising Representatives.*—(1) *Separate Fundraising Committee as Fundraising Representative.* Participating committees may establish a separate political committee to act as fundraising representative for all participants. This separate committee shall be a reporting political committee and shall collect contributions, pay fundraising costs from gross proceeds and from funds advanced by participants, and disburse net proceeds to each participant.

(2) *Participating Committee as Fundraising Representative.* All participating committees may select one participant to act as fundraising representative for all participants. The fundraising representative must be a political committee as defined in 11 CFR 100.5. The fundraising representative and any other participating committees may collect contributions, however, all contributions received by other participants shall be forwarded to the fundraising representative. The fundraising representative shall pay fundraising costs from gross proceeds and from funds advanced by participants and disburse net proceeds to each participant.

(3) *Commercial Fundraising Firm or Agent as Fundraising Representative.* The participants may hire a commercial fundraising firm or agent to act as fundraising representative. The fundraising firm or agent shall collect contributions, pay fundraising costs from gross proceeds and from funds advanced by participants, and disburse net proceeds to each participant. If a fundraising firm or agent is hired, a participating political committee shall report all receipts and disbursements related to the joint fundraising activity.

(c) *Joint Fundraising Procedures.* The requirements of (c)(1) through (8) of this section shall govern joint fundraising activity conducted under this section.

(1) *Written Agreement.* The participants in a joint fundraising activity shall enter into a written agreement, whether or not all participants are political committees under 11 CFR 100.5. The written agreement shall identify the fundraising representative and shall state a formula for the allocation of fundraising proceeds. The participants shall also use the formula to allocate the expenses incurred for the fundraising activity. The fundraising representative shall retain the written agreement for a period of three years and shall make it available to the Commission on request.

(2) *Fundraising Notice.* In addition to any notice required under 11 CFR 110.11, a joint fundraising notice shall be included with every solicitation for contributions. This notice shall include the following information:

(i) The names of all committees participating in the joint fundraising activity whether or not such committees are political committees under 11 CFR 100.5; and

(ii) The allocation formula to be used for distributing joint fundraising proceeds; and

(iii) A statement informing contributors that the allocation formula may change if a contributor makes a contribution which would exceed the amount that contributor may give to any participant or if a participant receives sufficient funds to pay its outstanding debts; and

(iv) A statement informing contributors that, notwithstanding the stated allocation formula, they may designate their contributions for a particular participant or participants.

(3) *Separate Depository Account.* (i) The participants shall establish a separate depository account to be used soley for the receipt and disbursement of joint fundraising proceeds. All contributions deposited into the separate depository account must be permissible under the Act. Contributions from prohibited sources which may not be deposited in the separate depository account may be forwarded directly to an unregistered participating organization, although such contributions shall not be included in the total amount on which the allocation of expenses under 11 CFR 102.7(c)(7) is based. Each political committee shall amend its Statement of Organization to reflect the account as an additional depository.

(ii) The fundraising representative shall deposit all joint fundraising proceeds in the separate depository account within ten days of receipt as required by 11 CFR 103.3. The fundraising representative may delay distribution of the fundraising proceeds to the participants until all contributions are received and all expenses are paid.

(iii) For contribution reporting and limitation purposes, the date of receipt of a contribution by a participating political committee is the date that the contribution is received by the fundraising representative. The fundraising representative shall report contributions in the reporting period in which they are received. Participating political committees shall report joint fundraising proceeds in accordance with 11 CFR 102.7(c)(8) when such funds are received from the fundraising representative.

(4) *Recordkeeping Requirements.* (i) The fundraising representative shall screen all contributions received to insure that the prohibitions and limitations of 11 CFR Parts 110 and 114 are observed. Participating political committees shall make their contributor records available to the fundraising representative to enable the fundraising representative to carry out its duty to screen contributions.

(ii) The fundraising representative shall collect and retain contributor information with regard to gross proceeds as required under 11 CFR 102.8 and shall also forward such information to participating political committees.

(iii) The fundraising representative shall retain the records required under 11 CFR 102.9 regarding fundraising disbursements for a period of three years. Commercial fundraising firms or agents shall forward such information to participating political committees.

(5) *Contribution limitations.* Except to the extent that the contributor has previously contributed to any of the participants, a contributor may make a contribution to the joint fundraising effort which contribution represents the total amount that the contributor could contribute to all of the participants under the applicable limits of 11 CFR 110.1 and 110.2.

(6) *Allocation of Gross Proceeds.* (i) The fundraising representative shall allocate proceeds according to the formula stated in the fundraising agreement. If distribution according to the allocation formula extinguishes the debts of one or more participants and results in a surplus for those participants or if distribution under the formula results in a violation of the contribution limits of 11 CFR 110.1(a), the fundraising representative may reallocate the excess funds. If reallocation results in a violation of a contributor's limit under 11 CFR 110.1, the fundraising representative shall return to the contributor the amount of the contribution that exceeds the limit.

(ii) Designated contributions which exceed the contributor's limit to the designated participant under 11 CFR Part 110 may not be re-allocated by the fundraising representative absent the written permission of the contributor.

(7) *Allocation of Expenses and Distribution of Net Proceeds.* (i) If participating committees are not affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity and are not committees of the same political party:

(A) After gross contributions are allocated among the participants under 11 CFR 102.7(c)(6)(i), the fundraising representative shall determine each participant's share of expenses based on the percentage of the total receipts each participant has been allocated. See 11 CFR 102.7(c)(3)(i) regarding funds not included in total receipts for expense allocation purposes. To determine each participant's net proceeds, the fundraising representative shall subtract the participant's share of expenses from the amount that participant has been allocated from gross proceeds.

(B) A participant may only pay expenses on behalf of another participant subject to the contribution limits of 11 CFR Part 110.

(ii) If participating committees are affiliated as defined in 11 CFR 110.3 prior to the joint fundraising activity or if participants are committees of the same political party, expenses need not be allocated among those participants. Payment of such expenses by an unregistered committee or organization on behalf of an affilated political committee may cause the organization to become a political committee.

(iii) Payment of expenses may be made from gross proceeds by the fundraising representative.

(8) *Reporting of Receipts and Disbursements.*—(i) *Reporting Receipts.* (A) If the fundraising representative is a separate fundraising committee or a participating committee, the fundraising representative shall report all funds received in the reporting period in which they are received. If the fundraising representative is a commercial fundraising agent or firm, a participating political committee shall report gross receipts in the reporting period in which they are received by fundraising representative.

(B) After distribution of net proceeds, each participating political committee shall report its share of net proceeds received as a transfer-in from the fundraising representative. Each participating political committee shall also file a memo Schedule A itemizing its share of gross receipts as contributions from original contributors to the extent required under 11 CFR 104.3(a).

(ii) *Reporting Disbursements.* (A) If the fundraising representative is a separate fundraising committee or a participating political committee, the fundraising representative shall report all disbursements.

(B) If the fundraising representative is a commercial fundraising agent or firm, a participating political committee shall report all disbursements.

Certification of No Effect Pursuant to 5. U.S.C. 605(b) Regulatory Flexibility Act.

I certify that the attached proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for this certification is that no entity is required to make any expenditures under the proposed rules.

Dated: September 25, 1981.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 81–28397 Filed 9–29–81; 8:45 am]

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Part XII

Occupational Safety and Health Review Commission

Equal Access to Justice Act; Interim Rules and Request for Comments

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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2204

Rules Implementing the Equal Access to Justice Act

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Adoption of interim rules and request for comments.

SUMMARY: The Equal Access to Justice Act, Pub. L. 96–481, 94 Stat. 2325 (1980) ("EAJ Act"), authorizes agencies that conduct adversary adjudications to award attorney fees and other litigation expenses to certain parties other than the United States that prevail in such adjudications. The EAJ Act also requires agencies that conduct adversary adjudications to establish procedures for the submission and consideration of applications for the award of fees and other expenses. The Occupational Safety and Health Review Commission ("Commission") now adopts, on an interim basis, rules establishing such procedures. The Commission also seeks public comments on these interim rules.

DATES: The interim rules take effect on October 1, 1981. Comments on the interim rules must be received by December 1, 1981.

ADDRESS: Submit comments to Jonathan R. Ross, Acting Associate General Counsel, Occupational Safety and Health Review Commission, 1825 K Street, N.W., Suite 400, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Acting Associate General Counsel Jonathan R. Ross at the above address; telephone (202) 634–7965.

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States ("ACUS") is charged with coordination of the procedural rules adopted by various agencies to implement the EAJ Act. To carry out this responsibility, ACUS issued model rules implementing the EAJ Act (46 FR 32900, June 25, 1981), after receiving public comment on draft model rules. (46 FR 15895, March 10, 1981). The Commission's rules implementing the EAJ Act are based on the model rules issued by ACUS. Since the preamble to the draft model rules explained their formulation and the preamble to the final model rules summarized and responded to the public comments submitted concerning the draft rules, the Commission does not repeat here the rationale of the model rules. Rather, we note where our rules differ from the model rules and explain significant provisions, as follows:

1. The Commission's rules constitute Part 2204 of 29 CFR. They are divided into three subparts, as are the model rules, and maintain the same numbering and sequence with the following exceptions:

a. The Commission's rules insert a definitions provision at § 2204.102, which does not appear in the model rules. Also, the Commission's rules omit model rules § 0.107, "Rulemaking on maximum rates for attorney fees," and § 0.108, "Awards against other agencies." The revised numbering causes Commission rules §§ 2204.103–2204.107 to correspond to model rules §§ 0.102–0.106, respectively, and Commission rule § 2204.108 to correspond to model rule § 0.109.

b. The Commission rule corresponding to model rule § 0.204, "When an application may be filed," does not appear in subpart B but rather is inserted in subpart C as § 2204.302. Therefore, Commission rules §§ 2204.303–2204.309 correspond to model rule §§ 0.302–0.308, respectively, and Commission rule § 2204.311 corresponds to model rule § 0.310. Model rule § 0.309, "Judicial review," is omitted from the Commission's rules, and a new provision, "Waiver," appears as Commission rule § 2204.310.

2. Sections 2204.101, 2204.105(a), and 2204.108 use the terms "attorney or agent fees" where the corresponding sections of the model rules use only "attorney fees." References to agent fees are included because the EAJ Act authorizes award of fees for both attorneys and agents, and parties in proceedings before the Commission may be represented by individuals who are not attorneys. See § 2200.22.

3. A definitions provision, not present in the model rules, appears as § 2204.102 and defines the terms "agent," "Commission," "EAJ Act," "judge," and "Secretary."

4. Section 2204.104, "Proceedings covered," is modified and simplified from model rule § 0.103 and identifies the specific proceedings before the Commission that are covered by the EAJ Act. Incorporation of paragraphs (b) and (c) of model rule § 0.103 into the Commission rules is not necessary, because it is clear which Commission proceedings are covered by the EAJ Act.

5. In § 2204.105, "Eligibility of applicants," the second sentence of paragraph (a) uses the language "satisfies the conditions" rather than the language "meets all conditions," which is used in the corresponding model rule, § 0.104(a). This wording change is to clarify that an applicant need satisfy only one of the alternative eligibility requirements of § 2204.105(b), not all of them.

6. In § 2204.105(b), the order of paragraphs is altered from that of the corresponding model rule, § 0.104(b). The paragraph corresponding to § 0.104(b)(1) appears as § 2204.105(b)(5), and the paragraphs corresponding to § 0.104(b)(2)–(b)(5) appear as § 2204.105(b)(1)–(b)(4). These provisions are rearranged because it is expected that the paragraph corresponding to model rule § 0.104(b)(1) is unlikely to have frequent application in Commission proceedings; therefore, it is not listed first in § 2204.105(b).

7. Section 2204.105(b)(4) uses the wording "employs not more than 500 employees" rather than the wording of model rule § 0.104 "with . . . not more than 500 employees." The purpose of this change is to make clear that the eligibility of a party such as a union that applies for an award is not affected by the number of employees it has as members but rather the number of employees the applicant employs. The term "employs" also is used in § 2204.105(b)(1) to maintain parallel construction.

8. In § 2204.105(d) the word "only" is added after the phrase "sole owner of an unincorporated business" to clarify that an applicant who owns an unincorporated business is classified as an "individual" only if the issues on which the applicant prevails are related primarily to personal, rather than business, interests. Thus, it is quite unlikely that a contesting employer in a Commission proceeding who is the sole owner of an unincorporated business could avoid the eligibility limit on number of employees for applicants by seeking classification as an individual under § 2204.105(b).

9. Section 2204.105(e) adopts without alteration the definition of "employee" for use in determining eligibility that appears in model rule § 0.104(e). The Commission rule does not use the definition of "employee" provided by section 3(6), 29 U.S.C. 652(6), of the Occupational Safety and Health Act of 1970 ("OSH Act"), even though that definition applies to the subject matter of the cases before the Commission. The OSH Act definition of employee is interpreted liberally to effectuate the remedial purposes of the OSH Act, *see, e.g., S & S Diving Co.,* 80 OSAHRC 85/D3, 8 BNA OSHC 2041, 1980 CCH OSHD ¶24,742 (No. 77–4234, 1980); *Griffin & Brand of McAllen, Inc.,* 78 OSAHRC 48/C13, 6 BNA OSHC 1702, 1978 CCH OSHD ¶22,829 (No. 14801, 1978), and arguably is broader than the definition

in § 2204.105(e). Use of an expansive definition of "employee" in EAJ Act proceedings could result in more applicants being found ineligible than otherwise would be the case. This outcome would tend to thwart the EAJ Act's purpose of diminishing the deterrent effect that attorney fees and other litigation expenses have on small businesses and other small entities defending against governmental action. Therefore, it is more appropriate to adopt the model rules' definition of "employee."

10. Paragraphs (f) and (g) of model rule § 0.104 do not appear in the corresponding Commission rule, § 2204.105. The Commission prefers to address on a case-by-case basis the issue addressed by § 0.104(f), *i.e.*, when to aggregate the net worth and number of employees of the applicant with those of other entities that control, or are controlled by, the applicant. Paragraph (g) of § 0.104, concerning applicants representing entities that would be ineligible, is omitted because such a situation is unlikely to arise in Commission proceedings. The Commission particularly invites comment on whether the net worth and number of employees of applicants should or should not be determined by aggregating the net worth and number of employees of organizations affiliated with the applicant on the terms set out in the model regulations of the ACUS.

11. Paragraph (a) of § 2204.106, "Standards for awards," permits an award of fees and expenses for a party that prevails in a "discrete substantive portion" of a proceeding, omitting from the corresponding model rule, § 0.105(a), the requirement that the portion on which the party prevails be "significant" as well as "discrete." A similar change is made in § 2204.302(a). The issue of whether a particular portion of a case before the Commission is "significant" is a relative matter and one that sheds little light on whether the award of fees and expenses incurred in litigating that portion is warranted. If a party prevails in a "discrete substantive portion" of a Commission proceeding, that should be a matter sufficient for an award, assuming the other requirements of the EAJ Act are met. For example, if the Secretary secures the affirmance of two items contained in a three-item citation, while the contesting employer persuades the Commission to vacate the third item, the latter item is a "discrete substantive portion" of the proceeding as to which the employer may seek an award of fees and expenses.

12. Section 2204.106(b) divides corresponding model rule § 0.105(b) into two sentences to clarify that no award, rather than a reduced award, should be made if special circumstances make an award unjust.

13. The first two sentences of paragraph (b) of § 2204.107, "Allowable fees and expenses," are revised from the corresponding model rule, § 0.106(b), so that they are phrased affirmatively. Also, a clause is added to the first sentence to note that the Commission by regulation may increase the maximum hourly rate that may be awarded for attorney or agent fees. Additionally, model rule § 0.106(b) contemplates that the rule will state the maximum rate that an agency may pay expert witnesses; however, § 2204.107(b) does not specify a rate, since that is a matter within the purview of the Secretary of Labor.

14. Model rule § 0.107, "Rulemaking on maximum rates for attorney fees," does not appear in the Commission rules. Since frequent rulemaking on this subject is not foreseen, a formal rule concerning it is not deemed necessary.

15. Section 0.108 of the model rules, "Awards against other agencies," does not appear in the Commission rules. It is duplicative of §§ 2204.101, 2204.104, 2204.106, 2204.311, and other sections that make clear these rules contemplate awards by the Commission against the Department of Labor, a separate agency.

16. Section 2204.108, "Delegation of authority," is revised from the corresponding model rule, § 0.109, in terms specifically applicable to Commission proceedings.

17. In § 2204.201, "Contents of application," the third sentence does not contain the introductory clause, "Unless the applicant is an individual," which appears in the corresponding model rule, § 0.201(a). It is not expected that individuals often will be applicants in proceedings before the Commission, and, when individuals are applicants, it is not detrimental for the third sentence of paragraph (a) to apply to them.

18. In § 2204.201(b), the second parenthesis in the first sentence does not contain the phrase "including their affiliates," that appears in the corresponding model rule, § 0.201(b). Additionally, in paragraph (a) of § 2204.202, "Net worth exhibit," the phrases "and any affiliates" and "and its affiliates" are omitted from the first and second sentences, respectively, although the corresponding model rule, § 0.202(a), contains these phrases. These omissions are made necessary by the omission of paragraph (f), concerning aggregation of applicants with their affiliates, from § 2204.105.

19. The first sentence of § 2204.202(a) employs the term "shall," rather than the term "must," which is used in model rule § 0.202(a).

20. Paragraph (b) of § 2204.202 varies from model rule § 0.202(b) in that it is divided into paragraphs (1) and (2) and the first sentence is reworded to use the term "shall," rather than "must."

21. Model rule § 0.204, "When an application may be filed," does not appear in subpart B. A Commission rule corresponding to this model rule appears instead as the second section of subpart C, § 2204.302, because it fits more logically at that location.

22. Commission rule § 2204.301, "Filing and service of documents," is modified slightly from the corresponding model rule, § 0.301. Section 2204.301 uses the wording "and any other pleading" rather than the wording employed by § 0.301, "or other pleading." The rule also incorporates the provisions of Commission rules §§ 2200.7 and 2200.8 concerning service and filing, respectively. Under the latter rule, an application for an award and related pleadings or documents are to be filed with the administrative law judge ("judge") when the case as to which the application is filed is before a judge. Any application or related pleading or document filed after the judge issues his decision in the case is to be filed with the Executive Secretary of the Commission.

23. Commission rule § 2204.302, "When an application may be filed," is modified from corresponding model rule § 0.204. Section 2204.302 contemplates in paragraph (a) that an application for an award may be filed whenever an applicant prevails in a proceeding or in a discrete substantive portion of a proceeding. If a party petitions for Commission review of a judge's decision as to which a fee application has been filed, or if the Commission directs review of such a decision, paragraph (b) of § 2204.302 provides that proceedings concerning the fee application are stayed until there is a final Commission disposition of the case. The purpose of paragraph (b) is to prevent the waste of resources of the parties and the judge that would occur if the fee application were litigated and resolved and subsequently the judge's decision as to which the award was sought was vacated or reversed by the Commission. The Commission particularly invites comments as to whether other procedures than those stated herein would better afford to the prevailing party the most efficient and fastest payment of fees. For instance, alternative procedures could include pleading and discovery with respect to eligibility requirements concurrent with

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the underlying OSH Act proceedings. The Commission also invites opinions as to whether the stay provisions as provided for in § 2204.302(b) should be modified or eliminated.

24. If a petition for court of appeals review is filed concerning a Commission decision as to which a fee award has been sought, paragraph (c) of § 2204.302 provides that the fee application be dismissed. Paragraph (c) is made necessary by the EAJ Act's provision at 5 U.S.C. 504(c)(1), which provides that if a court reviews the underlying decisions of the agency adversary adjudication, a fee award may be made only by the court. The EAJ Act's provision at 28 U.S.C. 2412(d)(3) authorizes the court to make such an award. 28 U.S.C. 2412(d)(1)(B) provides that an application for a fee award by the court shall be submitted to the court. Thus, a fee application previously submitted to the Commission is not sufficient for that purpose.

25. Paragraph (d) of § 2204.302 defines the date of final Commission disposition. This is significant for paragraphs (a) and (b), both of which make reference to final Commission disposition. In particular, paragraph (a) reiterates the statutory provision, set forth at 5 U.S.C. 504(a)(2), that a party may file an application for an award as long as thirty days after the Commission's final disposition as to which the award is sought. It is noteworthy that, by providing for the filing of an application as long as thirty days after final disposition of the underlying case, the EAJ Act necessarily, though implicitly, grants jurisdiction to the Commission to entertain applications filed after the Commission's decision as to which an award is sought has become final.

26. Paragraph (a) of § 2204.303, "Answer to application," is altered from paragraph (a) of the corresponding model rule, § 0.302, in that "shall" rather than "may" is used in the first sentence, thereby making the Secretary's filing of an answer mandatory. Section 2204.303(a) omits the second sentence of model rule § 0.302(a), which provides that failure to file an answer within thirty days after service of an application may be treated as consent to the award requested. The Commission invites comments as to whether the omission of the second sentence of the model rule removes an effective sanction which aids in the processing of applications.

27. Paragraph (a) of § 2204.307, "Further proceedings," is divided into paragraphs (1) and (2) and the word "shall" rather than "may" is used in paragraph (1). The first sentence of paragraph (a)(2) is reworded from the corresponding language in model rule § 0.306(a) to provide that the judge may order "further proceedings as necessary, including discovery and an evidentiary hearing." Because this rephrasing incorporates the concept, expressed in the last sentence of model rule § 0.306(a), that further proceedings be held "as necessary," § 2204.307(a)(2) does not contain that sentence.

28. Section 2204.308, "Decision," revises corresponding model rule § 0.307 to require judges' decisions to accord with § 2200.90, the rule governing judges' decisions in cases under the Occupational Safety and Health Act. The last sentence of model rule § 0.307, which addresses awards made against more than one agency, is omitted because awards in Commission proceedings are to be made only against the Secretary of Labor. Also, the time limit contained in the model rule for the issuance of decisions on applications for award is omitted. Judges must be given discretion to efficiently apply their energies to the most pressing matters before them and must allocate their time between occupational safety and health matters and applications for fee awards. Thus, a rigid deadline for disposing of fee applications would be inappropriate.

29. Section 2204.309, "Commission review," is modified from corresponding model rule § 0.308 so that Commission review of a judge's decision concerning a fee application follows the same procedures as Commission review of a judge's decision concerning an occupational safety and health matter.

30. Model rule § 0.309, "Judicial review," is omitted from the Commission's rules. Court review of a Commission decision on a fee application is provided by the EAJ Act at 5 U.S.C. 504(c)(2). Since the Commission lacks authority to issue regulations governing the procedures of such court review, the Commission rules do not address this subject.

31. Section 2204.310, "Waiver," has no analogue in the model rules. Section 2204.310 permits the Commission to waive provisions of its rules under certain circumstances set forth in the rule.

32. Section 2204.311, "Payment of award," provides that payment is to be sought from the Secretary of Labor. It omits the second sentence and part of the first sentence of the corresponding model rule, § 0.310. The Commission lacks authority to prescribe the procedures the Secretary is to follow in processing and paying awards, which is the subject addressed by the omitted portion of the model rule. It would be appropriate for the Secretary to issue regulations concerning this matter.

For the reasons set out in the preamble and under authority granted by 5 U.S.C. 504(c)(1) and 29 U.S.C. 661(f), the Occupational Safety and Health Review Commission adopts as interim rules 29 CFR Part 2204 as follows:

PART 2204—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN PROCEEDINGS BEFORE THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Subpart A—General Provisions

Sec.
2204.101 Purpose of these rules.
2204.102 Definitions.
2204.103 When the EAJ Act applies.
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2204.301 Filing and service of documents.
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2204.308 Decision.
2204.309 Commission review.
2204.310 Waiver.
2204.311 Payment of award.

Authority: Sec. 203(c)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

Subpart A—General Provisions

§ 2204.101 Purpose of these rules.

The Equal Access to Justice Act, Pub. L. 96-481, 94 Stat. 2325 (1980), provides in 5 U.S.C. 504 for the award of attorney or agent fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before the Occupational Safety and Health Review Commission. An eligible party may receive an award when it prevails over the Secretary of Labor, unless the Secretary's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards and the procedures and standards that the Commission uses to make awards.

§ 2204.102 Definitions.

For the purposes of this part,

(a) The term "agent" means any person other than an attorney who represents a party in a proceeding before the Commission pursuant to § 2200.22;

(b) The term "Commission" means the Occupational Safety and Health Review Commission;

(c) The term "EAJ Act" means the Equal Access to Justice Act, Pub. L. 96-481, 94 Stat. 2325 (1980);

(d) The term "judge" means an administrative law judge appointed by the Commission under 29 U.S.C. 661(i);

(e) The term "OSH Act" means the Occupational Safety and Health Act of 1970, 29 U.S.C. 651-678;

(f) The term "Secretary" means the Secretary of Labor.

§ 2204.103 When the EAJ Act applies.

The EAJ Act applies to any adversary adjudication pending before the Commission at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final Commission action hs not been taken before that date, and proceedings pending before the Commission on September 30, 1984, regardless of when they were initiated or when final Commission action occurs.

§ 2204.104 Proceedings covered.

The EAJ Act applies to adversary adjudications before the Commission. These are adjudications under 5 U.S.C. 554 and 29 U.S.C. 659(c) in which the position of the Secretary is represented by an attorney or other representative. The types of proceedings covered are the following proceedings under section 10(c), 29 U.S.C. 659(c), of the OSH Act:

(a) Contests of citations, notifications, penalties, or abatement periods by an employer;

(b) Contests of abatement periods by an affected employee or authorized employee representative; and

(c) Petitions for modification of the abatement periods by an employer.

§ 2204.105 Eligibility of applicants.

(a) To be eligible for an award of attorney or agent fees and other expenses under the EAJ Act, the applicant must be a party to the adversary adjudication. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it satisfies the conditions of eligibility set out in this subpart and subpart B.

(b) The types of eligible applicants are as follows:

(1) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and employs not more than 500 employees;

(2) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(3) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees;

(4) Any other partnership, corporation, association, or public or private organization that has a net worth of not more than $5 million and employs not more than 500 employees; and

(5) An individual with a net worth of not more than $1 million.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the notice of contest was filed, or, in the case of a petition for modification of abatement period, the date the petition was received by the Commission under § 2200.34(d).

(d) An applicant who owns an unincorporated business shall be considered as an "individual" rather than a "sole owner of an unincorporated business" only if the issues on which the applicant prevails are related primarily to personal interests rather than business interests.

(e) For the purpose of determining eligibility under the EAJ Act, the employees of an applicant include all persons who regularly perform services for remuneration for the applicant under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

§ 2204.106 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a discrete substantive portion of the proceeding, unless the position of the Secretary was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the Secretary, who may avoid an award by showing that his position was reasonable in law and fact.

(b) An award shall be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding. An award shall be denied if special circumstances make an award unjust.

§ 2204.107 Allowable fees and expenses.

(a) Awards shall be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) An award for the fee of an attorney or agent under these rules shall not exceed $75.00 per hour, unless the Commission determines by regulation that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys or agents for Commission proceedings, justifies a higher fee. An award to compensate an expert witness shall not exceed the highest rate at which the Secretary pays expert witnesses. However, an award may include the reasonable expenses of the attorney, agent or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the Commission shall consider the following:

(1) If the attorney, agent, or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent, or witness ordinarily perform services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 2204.108 Delegation of authority.

The Commission delegates to each judge authority to entertain and, subject to § 2204.309, take final action on applications for an award of fees and expenses arising from the OSH Act cases that are assigned to the judge under section 12(j) of the OSH Act, 29 U.S.C. 661(i). However, the Commission retains its right to consider an application for an award of fees and expenses without assignment to a judge

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or to assign such an application to a judge other than the one to whom the underlying OSH Act case is assigned. When entertaining an application for an award of fees and expenses pursuant to this section, each judge is authorized to take any action that the Commission may take under this part, with the exception of actions provided in §§ 2204.309 and 2204.310.

Subpart B—Information Required From Applicants

§ 2204.201 Contents of application.

(a) An application for an award of fees and expenses under the EAJ Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the Secretary that the applicant alleges was not substantially justified. The application also shall state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application also shall include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application also may include any other matters that the applicant wishes the Commission to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It also shall contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true.

§ 2204.202 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association shall provide with its application a detailed exhibit showing the net worth of the applicant as of the date specified by § 2204.105(c). The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The Commission may require an applicant to file additional information to determine its eligibility for an award.

(b)(1) The net worth exhibit shall be included in the public record of the proceeding except as provided in subsection (b)(2) of this section.

(2) An applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit in a sealed envelope labeled "Confidential Information," accompanied by a motion to withhold the informaion from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on the Secretary but need not be served on any other party to the proceeding. If the Commission finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Commission's procedures under the Freedom of Information Act, Part 2201.

§ 2204.203 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Commission may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

Subpart C—Procedures for Considering Applications

§ 2204.301 Filing and service of documents.

An application for an award and any other pleading or document related to an application shall be filed and served on all parties to the proceeding in accordance with §§ 2200.7 and 2200.8, except as provided in § 2204.202(b) for confidential financial information.

§ 2204.302 When an application may be filed.

(a) An application may be filed whenever an applicant has prevailed in a proceeding or in a discrete substantive portion of the proceeding, but in no case later than thirty days after the Commission's final disposition of the proceeding.

(b) If Commission review is sought or directed of a judge's decision as to which an application for a fee award has been filed, proceedings concerning the award of fees shall be stayed until there is a final Commission disposition of the case and the period for seeking review in a court of appeals expires.

(c) If review of a Commission decision, or any item or items contained in that decision, is sought in the court of appeals under section 11 of the OSH Act, 29 U.S.C. 660, an application for an award filed with the Commission with regard to that decision shall be dismissed under 5 U.S.C. 554(c)(1) as to the item or items of which review is sought. If the petition for review in the court of appeals is thereafter withdrawn, the applicant may reinstate its application before the Commission within thirty days of the withdrawal.

(d) For purposes of this section, the date of final disposition is:

(1) The date on which the order of the judge disposing of the case becomes final under section 12(j) of the OSH Act, 29 U.S.C. 661(i); or

(2) The date on which the order of the Commission affirming, modifying, or vacating the Secretary's citation or proposed penalty or directing other appropriate relief becomes final under section 10(c) of the OSH Act, 29 U.S.C. 659(c).

§ 2204.303 Answer to application.

(a) Within 30 days after service of an application, the Secretary shall file an answer to the application.

(b) If the Secretary and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted upon request.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the Secretary's position. If the answer is based on any alleged facts not already in the record of the proceeding, the Secretary shall include with the answer either supporting affidavits or a request for further proceedings under § 2204.307.

§ 2204.304 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 2204.307.

§ 2204.305 Comments by other parties.

Any party to a proceeding other than the applicant and the Secretary may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the Commission determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 2204.306 Settlement.

The applicant and the Secretary may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and the Secretary agree on a proposed settlement of an award before an application has been field, the application shall be filed with the proposed settlement.

§ 2204.307 Further proceedings.

(a)(1) The determination of an award shall be made on the basis of the written record except as provided in subsection (a)(2) of this section.

(2) On request of either the applicant or the Secretary, or on the judge's own initiative, the judge may order further proceedings as necessary, including discovery and an evidentiary hearing.

(b) A request that the judge order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 2204.308 Decision.

The preparation and issuance of decision shall be in accordance with § 2200.90. Additionally, the judge's decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Secretary's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust.

§ 2204.309 Commission review.

Commission review shall be in accordance with §§ 2200.91 and 2200.92. The applicant, the Secretary, or both may seek review of the judge's decision on the fee application, and the Commission may grant such petitions for review or direct review of the decision on the Commission's own initiative. The Commission delegates to each of its members the authority to order review of a judge's decision concerning a fee application. Whether to review a decision is a matter within the discretion of each member of the Commission. If the Commission does not direct review, the judge's decision on the application shall become a final decision of the Commission 30 days after it is received and docketed by the Executive Secretary of the Commission. If review is directed, the Commission shall issue a final decision on the application or remand the application to the judge for further proceedings.

§ 2204.310 Waiver.

After reasonable notice to the parties, the Commission may waive, for good cause shown, any provision contained in this part as long as the waiver is consistent with the terms and purpose of the EAJ Act.

§ 2204.311 Payment of award.

An applicant seeking payment of an award shall submit to the officer designated by the Secretary a copy of the Commission's final decision granting the award.

Signed this 25th day of September 1981.

Robert A. Rowland,
Chairman.

Timothy F. Cleary,
Commissioner.

Bertram Robert Cottine,
Commissioner.

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Part XIII

National Labor Relations Board

Equal Access to Justice Act; Procedural Rules

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NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Equal Access to Justice; Procedural Rules for Award of Fees and Other Expenses of Litigation

AGENCY: National Labor Relations Board.

ACTION: Final rule.

SUMMARY: These National Labor Relations Board procedural rules are issued in accordance with 5 U.S.C. 504(c)(1) to establish procedures for the submission and consideration of application to the Board for an award of fees and other expenses of litigation, as provided by the Equal Access to Justice Act, Pub. L. 96–481, October 21, 1980, 94 Stat. 2325.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue, N.W., Room 701, Washington, D.C. 20570, Telephone: (202) 254–9430.

SUPPLEMENTARY INFORMATION: The Equal Access to Justice Act, Pub. L. 96–481, 94 Stat. 2325, provides for the award of fees and other expenses to eligible parties who prevail in litigation before administrative agencies and in the Federal courts over the position of a Federal agency as a party to the proceeding. The award is to be made unless the government can establish that its position in the litigation was substantially justified, or that because of other circumstances an award is unjust. The statute becomes effective October 1, 1981, and applies to complaint and backpay proceedings pending before the Board at any time between October 1, 1981, and September 30, 1984.

In preparing these rules, the Board has followed in substantial part the model rules prepared by the Administrative Conference of the United States (46 FR 32900, June 25, 1981), particularizing them to the extent appropriate to the procedures of this Agency and the types of its proceedings affected.

The statute provides for submission of an application for a fee award no later than 30 days after the Board's final decision, and for consideration of the application by the administrative law judge who conducted the proceeding. Rule procedures are designed to encourage disposition of the application without the necessity of a hearing, if at all possible. A Board decision on a fee application is subject to review upon petition to the Court of Appeals having jurisdiction to review the underlying Board order, but review will be only on an abuse of discretion standard.

The procedures established by the provisions of Subpart I are as follows:

Section 102.143—This section identifies the Board proceedings to which 5 U.S.C. 554, and therefore these rules, are applicable. Unfair labor practice proceedings in which a complaint issues, and backpay proceedings in which a notice of hearing issues, are the only two types of proceedings covered. Paragraph (b) incorporates the legislative history interpretation that "prevailing" includes prevailing in a significant and discrete substantive portion of the proceeding. The remaining portion of the section incorporates the statutory eligibility standards and methods for calculation of net worth.

Section 102.144—This section contains the operative statutory standard for awards. Under that standard the General Counsel is required to show that its position in the adversary proceeding was reasonable in law and fact.

Section 102.145—The statute provides that fees for attorneys and agents "shall be based upon prevailing market rates for the kind and quality of the services furnished" (5 U.S.C. 504(b)(1)(A)), but also establishes a $75 per hour maximum for such fees. The reasonableness standard of § 102.145(b) and the matters to be considered are essentially those of the ACUS model rules.

Section 102.147—The contents of the application are simple, but verification is required. Section 102.147(f) requires a detailed net worth statement. The administrative law judge may require such additional information concerning eligibility as is necessary.

The provisions of § 102.147(g) permitting withholding from public disclosure of confidential financial information contained in the net worth exhibit recognize considerations of confidentiality and privacy. However, it is up to the judge to determine whether the exhibit should be sealed. The sealing of the exhibit does not prohibit the General Counsel from disclosing information from the exhibit if required to verify the claim of eligibility.

The sealing of the exhibit by the administrative law judge is not determinative of the availability of the exhibit to a member of the public if a request is made for it under the Freedom of Information Act. Such a request would be handled under the procedures established by § 102.117 of the Board's rules, and the determination of availability made by the responsible official under those rules.

Section 102.148—The 30 day time limit for filing an application dates from entry of the Board's final order, even though a motion for reconsideration may thereafter be filed. Section 102.148(d) provides that withdrawal of a complaint before hearing is a final disposition for purposes of this section.

The application is to be filed in Washington with service on all parties to the underlying proceeding, and specifically on the Regional Director. The requirement for referral to the administrative law judge who heard the underlying proceeding is statutory. The designation of a new judge in the event of the first judge's unavailability conforms to usual procedures.

Since the time limit for filing the application is statutory, it must be filed within the 30 day time limit even though court review or reconsideration by the Board of the underlying adversary adjudication is being sought. Processing of the application, however, will be stayed pending final disposition of the underlying adversary adjudication.

Section 102.149—All motions or pleadings after the case is referred by the Board shall be filed with the administrative law judge directly, who has now been identified.

Motions for an extension of time are an exception to the requirement of filing with the judge. They are to be filed with the chief administrative law judge, since they must be acted upon promptly and the judge is sometimes not available.

Section 102.150—An answer is due 30 days after the service of the application. However, the filing of a motion to dismiss will stay the time for filing an answer until 30 days after its denial. Supporting documents may be filed in some circumstances. The granting of a motion to dismiss would be appealable to the Board under the 10 day time limit of § 102.27.

An applicant may file a reply to an answer, and the other parties may file comments, although any further participation by any party other than the applicant and the General Counsel is wholly within the discretion of the administrative law judge.

Section 102.152—This section permits the administrative law judge to develop a record of the issues through a variety of techniques which includes, where necessary, an evidentiary hearing. All orders directing further proceedings, including those directing hearings, will include specification of the issues to be considered. Only if an evidentiary hearing is held under paragraph (d) will subpoenas be available to the applicant or to the General Counsel. Rulings of the administrative law judge are reviewable by the Board pursuant to the special permission to appeal procedure provided in § 102.26.

Section 102.153—The judge is required to prepare a decision directed to the issues. Proceedings thereafter before the Board are the same as those in unfair labor practice proceedings.

Section 102.155—An applicant may obtain payment of an award by submitting a copy of the Board's final award decision to the Director of the Division of Administration, accompanied by a statement that the applicant will not seek review of that decision.

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart T, §§ 102.143 through 102.155, is added to 29 CFR Chapter I, Part 102, to read as follows:

Subpart T—Awards of Fees and Other Expenses

Sec.

102.143 "Adversary adjudication" defined; entitlement to award; eligibility for award.
102.144 Standards for awards.
102.145 Allowable fees and expenses.
102.146 Rulemaking on maximum rates for attorney or agent fees.
102.147 Contents of application; net worth exhibit; documentation of fees and expenses.
102.148 When an application may be filed; place of filing; service; referral to administrative law judge; stay of proceeding.
102.149 Filing of documents; service of documents; motions for extension of time.
102.150 Answer to application; reply to answer; comments by other parties.
102.151 Settlement.
102.152 Further proceedings.
102.153 Administrative law judge's decision; contents; service; transfer of case to the Board; contents of record in case.
102.154 Exceptions to administrative law judge's decision; briefs; action of Board.
102.155 Payment of award.

Authority: Equal Access to Justice Act, Pub. L. 96-481, 94 Stat. 2325.

Subpart T—Awards of Fees and Other Expenses

§ 102.143. "Adversary adjudication" defined; entitlement to award; eligibility for award.

(a) The term "adversary adjudication," as used in this subpart, means unfair labor practice proceedings pending before the Board on complaint, and backpay proceedings under §§ 102.52 to 102.59 of these rules pending before the Board on notice of hearing, at any time between October 1, 1981, and September 30, 1984.

(b) A respondent in an adversary adjudication who prevails in that proceeding, or in a significant and discrete substantive portion of that proceeding, and who otherwise meets the eligibility requirements of this section, is eligible to apply for an award of fees and other expenses allowable under the provisions of § 102.145 of these rules.

(c) Applicants eligible to receive an award are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(d) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date of the complaint in an unfair labor practice proceeding or the date of the notice of hearing in a backpay proceeding.

(e) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(f) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(g) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless such treatment would be unjust and contrary to the purposes of the Equal Access to Justice Act (94 Stat. 2325) in light of the actual relationship between the affiliated entities. In addition financial relationships of the applicant other than those described in this paragraph may constitute special circumstances that would make an award unjust.

(h) An applicant that participates in an adversary adjudication primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 102.144 Standards for awards.

(a) An eligible applicant may receive an award for fees and expenses incurred in connection with an adversary adjudication or in connection with a significant and discrete substantive portion of that proceeding, unless the position of the General Counsel over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible applicant is on the General Counsel, who may avoid an award by showing that its position in the proceeding was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the adversary adjudication or if special circumstances make the award sought unjust.

§ 102.145 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the attorney or agent fees under these rules may exceed $75.00 per hour. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or expert witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the following matters shall be considered:

(1) If the attorney, agent or expert witness is in practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or expert witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the

issues in the adversary adjudicative proceeding; and

(d) the reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of an applicant may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 102.146 Rulemaking on maximum rates for attorney or agent fees.

Any person may file with the Board a petition under § 102.124 of these rules for rulemaking to increase the maximum rate for attorney or agent fees. The petition should specify the rate the petitioner believes should be established and explain fully why the higher rate is warranted by an increase in the cost of living or a special factor (such as the limited availability of qualified attorneys or agents for the proceedings involved).

§ 102.147 Contents of application; net worth exhibit; documentation of fees and expenses.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the adversary adjudication for which an award is sought. The application shall state the particulars in which the applicant has prevailed and identify the positions of the General Counsel in that proceeding that the applicant alleges were not substantially justified. Unless the applicant is an individual, the application shall also state the number, category and work location of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes this Agency to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true.

(f) Each applicant, except a qualified tax-exempt organization or cooperative association, must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 102.143(g)) when the adversary adjudicative proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The administrative law judge may require an applicant to file such additional information as may be required to determine its eligibility for an award.

(g)(1) Unless otherwise directed by the administrative law judge, the net worth exhibit will be included in the public record of the fee application proceeding. An applicant that objects to public disclosure of information in any portion of the exhibit may submit that portion of the exhibit in a sealed envelope labeled "Confidential Financial Information", accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why public disclosure of the information would adversely affect the applicant and why disclosure is not required in the public interest. The exhibit shall be served on the General Counsel but need not be served on any other party to the proceeding. If the administrative law judge finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding.

(2) If the administrative law judge grants the motion to withhold from public disclosure, the exhibit shall remain sealed, except to the extent that its contents are required to be disclosed at a hearing. The granting of the motion to withhold from public disclosure shall not be determinative of the availability of the document under the Freedom of Information Act in response to a request made under the provisions of § 102.117. Notwithstanding that the exhibit may be withheld from public disclosure, the General Counsel may disclose information from the exhibit to others if required in the course of an investigation to verify the claim of eligibility.

(h) The application shall be accompanied by full documentation of the fees and expenses for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the dates and the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The administrative law judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 102.148 When an application may be filed; place of filing; service; referral to administrative law judge; stay of proceeding.

(a) An application may be filed after entry of the final order establishing that the applicant has prevailed in an adversary adjudication proceeding or in a significant and discrete substantive portion of that proceeding, but in no case later than 30 days after the entry of the Board's final order in that proceeding. The application for an award shall be filed in triplicate with the Board in Washington, D.C., together with a certificate of service. The application shall be served on the regional director and all parties to the adversary adjudication in the same manner as other pleadings in that proceeding, except as provided in § 102.147(g)(1) for financial information alleged to be confidential.

(b) Upon filing, the application shall be referred by the Board to the administrative law judge who heard the adversary adjudication upon which the application is based, or, in the event that proceeding had not previously been heard by an administrative law judge, it shall be referred to the chief administrative law judge for designation of an administrative law judge, in accordance with § 102.34, to consider the application. When the administrative law judge to whom the application has been referred is or becomes unavailable the provisions of §§ 102.34 and 102.36 shall be applicable.

(c) Proceedings for the award of fees, but not the time limit of this section for filing an application for an award, shall be stayed pending final disposition of the adversary adjudication in the event any person seeks reconsideration or review of the decision in that proceeding.

(d) For purposes of this section the withdrawal of a complaint by a regional director under § 102.18 of these rules shall be treated as a final order, and an appeal under § 102.19 of these rules shall be treated as a request for reconsideration of that final order.

§ 102.149 Filing of documents; service of documents; motions for extension of time.

(a) All motions and pleadings after the time the case is referred by the Board to the administrative law judge until the issuance of the judge's decision shall be filed with the administrative law judge in triplicate together with proof of service. Copies of all documents filed shall be served on all parties to the adversary adjudication.

(b) Motions for extensions of time to file motions, documents or pleading permitted by § 102.150 or § 102.152 shall be filed with the chief administrative law judge in Washington, D.C., the deputy chief administrative law judge in San Francisco, California, or the associate chief administrative law judge in New York, New York, or Atlanta, Georgia, as the case may be, not later than three days before the due date of the document. Notice of the request shall be immediately served on all other parties and proof of service furnished.

§ 102.150 Answer to application; reply to answer; comments by other parties.

(a) Within 30 days after service of an application the General Counsel may file an answer to the application. Unless the General Counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file a timely answer may be treated as a consent to the award requested. The filing of a motion to dismiss the application shall stay the time for filing an answer to a date 30 days after issuance of any order denying the motion. Within 15 days after service of any motion to dismiss, the applicant shall file a response thereto. Review of an order granting a motion to dismiss an application in its entirety may be obtained by filing a request therefore with the Board in Washington, D.C., pursuant to § 102.27 of these rules.

(b) If the General Counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate toward a settlement. The filing of such a statement shall extend the time for filing an answer for an additional 30 days.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the General Counsel's position. If the answer is based on alleged facts not already in the record of the adversary adjudication supporting affidavits shall be provided or a request made for further proceedings under § 102.152.

(d) Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on alleged facts not already in the record of the adversary adjudication supporting affidavits shall be provided or a request made for further proceedings under § 102.152.

(e) Any party to an adversary adjudication other than the applicant and the General Counsel may file comments on a fee application within 30 days after it is served and on an answer within 15 days after it is served. A commenting party may not participate further in the fee application proceeding unless the administative law judge determines that such participation is required in order to permit full exploration of matters raised in the comments.

§ 102.151 Settlement.

The applicant and the General Counsel may agree on a proposed settlement of the award before final action on the application. If a prevailing party and the General Counsel agree on a proposed settlement of an award before an application has been filed, the proposed settlement shall be filed with the application. All such settlements shall be subject to approval by the Board.

§ 102.153 Further Proceedings.

(a) Ordinarily the determination of an award will be made on the basis of the documents in the record. The administrative law judge, however, upon request of either the applicant or the General Counsel, or on his or her own initiative, may order further proceedings, including an informal conference, oral argument, additional written submissions or an evidentiary hearing. An evidentiary hearing shall be held only when necessary for resolution of material issues of fact.

(b) A request that the administrative law judge order further proceedings under this section shall specifically identify the disputed issues and the evidence sought to be adduced, and shall explain why the additional proceedings are necessary to resolve the issues.

(c) An order of the administrative law judge scheduling further proceedings shall specify the issues to be considered.

(d) Any evidentiary hearing held pursuant to this section shall be open to the public and shall be conducted in accordance with §§ 102.30 to 102.44 of these rules, except §§ 102.33, 102.34 and 102.38.

(e) Rulings of the administrative law judge shall be reviewable by the Board only in accordance with the provisions of § 102.26.

§ 102.153 Administrative law judge's decision; contents; service; transfer of case to the Board; contents of record in case.

(a) Upon conclusion of proceedings under §§ 102.147 to 102.152, the administrative law judge shall prepare a decision. The decision shall include written findings and conclusions as necessary to dispose of the application. The administrative law judge shall file the original of his decision with the Board and cause a copy thereof to be served on each of the parties. Upon the filing of the decision, the Board shall enter an order transferring the case to the Board and shall serve copies of the order, setting forth the date of such transfer, on all the parties. Service of the administrative law judge's decision and of the order transferring the case to the Board shall be complete upon mailing.

(b) The record in a proceeding on an application for an award of fees and expenses shall include the application and any amendments or attachments thereto, the net worth exhibit, the answer and any amendments or attachments thereto, any reply to the answer, any comments by other parties, motions, rulings, orders, stipulations, written submissions, the stenographic transcript of any oral argument, the stenographic transcript of any hearing, exhibits and depositions, together with the administrative law judge's decision and exceptions, any cross-exceptions or answering briefs as provided in § 102.46, and the record of the adversary adjudication upon which the application is based.

§ 102.154 Exceptions to administrative law judge's decision; briefs; action of Board.

Procedures before the Board, including the filing of exceptions to the administrative law judge's decision and briefs, and action by the Board, shall be in accordance with §§ 102.46, 102.47, 102.48 and 102.50 of these rules. The Board will issue a decision on the application or remand the proceeding to the administrative law judge for further proceedings.

§ 102.155 Payment of award.

To obtain payment of an award made by the Board the applicant shall submit to the Director, Division of Administration, a copy of the Board's final decision granting the award, accompanied by a statement that the applicant will not seek court review of the decision. If such statement is filed the Agency will pay the amount of the award within 60 days, unless judicial review of the award or of the underlying decision has been sought.

Dated, Washington, D.C., September 25, 1981.

By direction of the Board:

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 81-28421 Filed 9-29-81; 8:45 am]

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federal register

Wednesday
September 30, 1981

Part XIV

Department of Education

Fund for the Improvement of Postsecondary Education

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DEPARTMENT OF EDUCATION

34 CFR Parts 630 and 730

Fund for the Improvement of Postsecondary Education; Assistance Awards

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to revise the regulations governing assistance awards under the Fund for the Improvement of Postsecondary Education. These revisions clarify the provisions of the regulations and adopt a format that is consistent with other Department of Education regulations, without significantly affecting the Fund's approach or its existing priorities. These proposed regulations would also increase the Fund's ability to respond to the changing needs in postsecondary education by increasing flexibility in the application selection process.

DATE: Comments must be received on or before November 16, 1981.

ADDRESS: Comments should be addressed to Russell Y. Garth, Fund for the Improvement of Postsecondary Education, Department of Education (3123 FOB–6), 400 Maryland Avenue, S.W., Washington, D.C. 20202–3302.

FOR FURTHER INFORMATION CONTACT: Russell Y. Garth, telephone (202) 245–8091.

SUPPLEMENTARY INFORMATION: The Fund for the Improvement of Postsecondary Education (the Fund) provides funds to institutions of postsecondary education and other public and private educational institutions and agencies to improve postsecondary educational opportunities.

This notice of proposed rulemaking would revise the regulations for the Fund in 34 Part 730 (formerly 45 CFR Part 1501).

The regulations would be rewritten to conform, for the most part, with the Education Department General Administrative Regulations (EDGAR) and would revise the existing regulations by—

- Redesignating the part number of these regulations in the Code of Federal Regulations (CFR) as Part 630 so that it will be located in the CFR with the other program regulations under the Office of Postsecondary Education;
- Adding a provision that enables the Fund to announce program priorities, selection criteria, and other program elements annually, in keeping with procedures recently established in EDGAR, 34 CFR 75.105 (46 FR 3205, January 14, 1981);
- Adding a provision that permits the Fund to request or require other information or additional materials after applications have been submitted under selected competitions, in order to assist in the final evaluation of applications of equal merit and quality;
- Adding several selection criteria that relate to the:

(1) Importance of the problem identified in the applications;

(2) Suitability of the applicant's proposed response to the problem; and

(3) Contribution to grantee collaboration (for National Project competitions only);

- Elaborating upon the criteria that concern the applicant's capacity to conduct the proposed project and its commitment to the project's success; and
- Reorganizing most of the selection criteria under two general headings—*Significance* and *Feasibility*.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. Small entities affected by these regulations include small nonprofit organizations and small institutions of higher education. The regulations contain paperwork compliance and reporting requirements, but these will not have a significant economic impact on the small entities participating in the program.

Invitation to Comment

General Comments

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

Information From Institutions of Higher Education

The Secretary requests comments on whether these proposed regulations would require institutions of higher education to transmit informtion that is already being gathered by or is available from any other agency or authority of the United States.

Burden Reduction

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall objective of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens imposed by these regulations, especially with regard to paperwork and compliance requirements.

Address for Comments

Written comments and recommendations may be sent to the address given at the beginning of this preamble. The Secretary will consider in the development of the final regulations all comments received on or before November 16, 1981.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3100, ROB–3, 7th and D Streets, S.W., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday of each week except Federal holidays.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

Dated: September 25, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.116, Fund for the Improvement of Postsecondary Education)

PART 730—REDESIGNATED AS PART 630

The Secretary redesignates Part 730 in Chapter VII of Title 34 of the Code of Federal Regulations as Part 630 in Chapter VI of Title 34 of the Code of Federal Regulations and proposes to revise redesignated Part 630 to read as follows:

PART 630—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Subpart A—General

Sec.
630.1 Fund for the Improvement of Postsecondary Education.
630.2 Eligible parties.
630.3 Types of awards.
630.4 Regulations that apply to this program.
630.5 Definitions that apply to this program.

Subpart B—Projects the Secretary Assists Under This Program

630.11 Types of competition
630.12 Annual priorities.

Subpart C—How to Apply for Assistance

630.21 Annual announcement.

Subpart D—How the Secretary Makes an Award

630.31 How the Secretary evaluates an application.
630.32 Selection criteria.
630.33 State comment.
630.34 Other information and materials.

Authority: Title X of the Higher Education Act of 1965, as amended by section 1001 of the Education Amendments of 1980, Pub. L. 96–374, 20 U.S.C. 1135, *et seq.*, unless otherwise specified.

Subpart A—General

§ 630.1 Fund for the improvement of postsecondary education.

The Fund assists educational institutions and agencies in improving postsecondary educational opportunities.

(20 U.S.C. 1135)

§ 630.2 Eligible parties.

Institutions of posesecondary education, a combination of institutions of postsecondary education, and other public and private educational institutions and agencies are eligible to receive an award.

(20 U.S.C. 1135)

§ 630.3 Types of awards.

The Secretary awards grants and contracts under this program. The Secretary does not make grants to an educational institution or agency other than a nonprofit or public institution or agency.

(20 U.S.C. 1135)

§ 630.4 Regulations that apply to this program.

(a) The following regulations apply to applicants for and recipients of grants under this part:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and Part 77 (Definitions).

(2) The regulations in this Part 630.

(b) A different set of regulations apply to applicants for and recipients of contracts under this program (See EDGAR, 34 CFR 75.4 (Education Department Contracts)).

(c) The following provisions of EDCAR do not apply to this program:

(1) Section 75.201(a) (unweighted selection criteria);

(2) Section 75.202 through 75.206 (selection criteria); and

(3) Section 75.217(a)(2) (three or more persons to review applications).

(20 U.S.C. 1135, 1135a–2, 3474)

§ 630.5 Definitions that apply to this program.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Applicant
Application
Award
Contract
EDGAR
Grant
Nonprofit
Preapplication
Private
Project
Public
Secretary

(b) *Definitions that apply to this part:* The following definitions apply to this part:

"Combination of institutions of postsecondary education" means a group of institutions of postsecondary education that have entered into a joint arrangement for the purpose of carrying out a common objective, or a public or nonprofit private agency organization, or institution designated or created by a group of institutions of postsecondary education for the purpose of carrying out a common objective on their behalf.

"Educational institution or agency" means an entity that is either engaged in activities involving education or has jurisdiction over educational matters pursuant to State or local law.

"Fund" means the Fund for the Improvement of Postsecondary Education, the unit within the Department of Education that administers the program covered by this part.

(20 U.S.C. 1135, 1141, 3474, 41 U.S.C. 505)

Subpart B—Projects the Secretary Assists Under This Program

§ 630.11 Types of competitions.

The Secretary accepts applications for assistance in two program competition categories described in this section. Each year the Secretary announces, as described in § 630.21, the types of competitions to be conducted and the information required for submitting and reviewing preapplications, when applicable. (See EDGAR §§ 75.130 through 75.134)

(a) *The Comprehensive Program Competition.* In this competition, the Secretary supports a broad range of projects that respond to immediate problems or issues in a variety of categories and that seek to improve postsecondary educational opportunities. Preapplications are required of applicants under this competition.

(b) *Targeted Competitions.* In these competitions, the Secretary focuses on one or several problems areas or improvement approaches in postsecondary education. Preapplications may be required of applicants under these competitions. The Targeted competitions may include, for example—

(1) Special Focus competitions, in which the Secretary supports projects addressing a particular problem area or improvement approach in postsecondary education;

(2) National Project competitions, in which the Secretary supports projects addressing a particular problem area or improvement approach in postsecondary education. Grantees under National Project competitions shall collaborate in disseminating project results;

(3) Network competitions, in which the Secretary supports projects that bring together educational practitioners in a particular area of concern in a continuing association to improve practice in that area;

(4) Final Year Dissemination competitions, in which the Secretary supports efforts by grantees of the Fund to disseminate project ideas and results. Applicants in these competitions are limited to grantees of the Fund whose projects are in their final year of funding, except that a recipient of a single-year grant may apply for assistance under this competition within one year following the termination of its project; or

(5) Practitioner Scholars competitions, in which the Secretary supports efforts by postsecondary educational practitioners to contribute to knowledge about postsecondary education or to the improvement of postsecondary education by producing a document or other product or by engaging in an activity designed to share the practitioner's knowledge with others.

(20 U.S.C. 1135)

§ 630.12 Annual priorities.

(a) Each year the Secretary announces, as described in § 630.21, the program priorities applicable to each competition to be conducted that year and the method that will be used in applying the selected priorities.

(b) Program priorities describe problem areas or improvement approaches in postsecondary education and may include, for example—

(1) Increasing the availability of high quality programs for all postsecondary students by developing educational programs and services that allow currently enrolled students from groups previously excluded from postsecondary educational participation to complete their educational goals;

(2) Expanding professional education and employment for racial or ethnic minorities and women by increasing access to postsecondary educational institutions at the graduate level and by increasing employment opportunities

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within postsecondary educational institutions for these populations;

(3) Expanding learning opportunities for the full-time worker by developing new educational programs and services for workers;

(4) Increasing the use of active modes of learning by using educational processes, such as internships, self-directed learning, learning groups, and interactive electronic technologies, that allow learners to take greater responsibility for their own learning;

(5) Enhancing the knowledge and abilities of postsecondary students by developing new or redefined curricular content and educational subject matters; and

(6) Improving leadership for new educational circumstances by encouraging efforts to renew and implement the educational missions of individual institutions or systems of institutions and to improve the management of postsecondary educational institutions.

(c) Under the Comprehensive Program Competition, projects that do not address a priority are eligible for support if they address other significant problems in postsecondary education.

(20 U.S.C. 1135, 1135a–2, 3474)

Subpart C—How To Apply for Assistance

§ 630.21 Annual announcement.

Each year the Secretary announces in one or more application notices published in the **Federal Register**, the following:

(a) The types of competitions to be conducted (see § 630.11).

(b) Those competitions requiring preapplications and information about the submission and review of preapplications (see § 630.11).

(c) Program priorities selected for each competition and the methods that will be used in applying the selected priorities. (see §630.12).

(d) Selection criteria applicable to each competition and the methods that will be used in applying these criteria (see § 630.32).

(e) These competitions in which other information may be requested or materials required of applicants after applications have been submitted and the kind of information or materials to be requested or required (see §630.34).

(20 U.S.C. 1135, 1135a–2, 3474)

Subpart D—How the Secretary Makes an Award

§ 630.31 How the Secretary evaluates an application.

The Secretary evaluates a preapplication or application on the basis of the applicable selection criteria in § 630.32. Any comments and recommendations received from State commissions as described in § 630.33, and other information requested or materials requested or required in § 630.34, may also be used in evaluating applications.

(20 U.S.C. 1135, 1135a–1, 1135a–2, 3474)

§ 630.32 Selection criteria.

Each year, in accordance with § 630.21, the Secretary announces the selection criteria that apply to each competition to be conducted that year. The selection criteria will be drawn from the criteria listed in paragraphs (a) through (c) of this section. Each year, in accordance with § 630.21, the Secretary also announces the methods that will be used in applying the selection criteria, in each competition. In applying the selection criteria, the Secretary first analyzes applications in terms of individual selection criteria, or groups of criteria, which may be given equal importance or ranked according to relative importance. The Secretary then bases the final judgment of an application on an overall assessment of the extent to which the application satisfactorily addresses the applicable selection criteria.

(a) *Significance for Postsecondary Education.* The Secretary reviews each project for its significance in improving postsecondary education by determining the extent to which it would—

(1) Achieve the purposes of the particular program competition as referenced in § 630.11;

(2) Address the program priorities for the particular program competition;

(3) Address an important problem or need.

(4) Represent an improvement upon, or important departure from, existing practice;

(5) Involve learner-centered improvements;

(6) Achieve far-reaching impact through improvements that will be useful in a variety of ways and in a variety of settings; and

(7) Increase the cost-effectiveness of services.

(b) *Feasibility.* The Secretary reviews each projects for its feasibility by determining the extent to which—

(1) The project represents an appropriate response to the problem or need addressed;

(2) The applicant is capable of carrying out the project, as evidenced by, for example—

(i) The applicant's understanding of the problem or need;

(ii) The quality of the project design, including objectives and approaches;

(iii) The adequacy of resources, including money, personnel, facilities, equipment, and supplies;

(iv) The qualifications of key personnel who would conduct the project; and

(v) The applicant's relevant prior experience;

(3) The applicant and any other participating organizations are committed to the success of the project, as evidenced by for example—

(i) Contribution of resources by the applicant and by participating organizations;

(ii) Their prior work in the area; and

(iii) The potential for continuation of the project beyond the period of the Fund's support (unless the project is self-terminating);

(4) The activities of the project, if funded under a National Project competition, would contribute to a collaboration among other grantees under that competition; and

(5) The project demonstrates potential for dissemination to or adaption by other organizations, and shows evidence of interest by potential users.

(c) *Appropriateness of the Fund's support.* The Secretary reviews each application to determine whether support of the project by the Fund is appropriate in terms of the availability of other funding sources for the proposed activities.

(20 U.S.C. 1135, 1135a–2, 3474)

§ 630.33 State comment.

The Secretary does not make an award for a project to a postsecondary institution applicant until the Fund affords each appropriate State entity having an agreement under section 1203 of the Higher Education Act of 1965, an opportunity to submit its comments and recommendations on the application to the Secretary.

(20 U.S.C. 1135a–1)

§ 630.34 Other information or materials.

Under some competitions in § 630.11, the Secretary may request other information or request or require additional materials after applications have been submitted. This information or these materials are relevant to applicable criteria or priorities and are used to verify or clarify information about projects or applicants in the final evaluation of applications of equal merit and quality. The Secretary may request or require interviews, references, or samples of written materials. Each year the Secretary announces, as described in § 630.21, those competitions to which this section applies, and provides a list of the kinds of information or additional materials that may be requested or required.

(20 U.S.C. 1135, 1135a–2, 3474)

[FR Doc. 81-28258 Filed 9–28–81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS**		DOT/FAA	USDA/FSIS**
DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of October 4 through October 10, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

45776 9-15-81 / Milk in the Lake Mead Marketing area; comments by 10-5-81

Food and Nutrition Service—

44452 9-4-81 / National School Lunch, School Breakfast, and Child Care Food Programs; meal pattern requirements; comments by 10-5-81

[Corrected at 46 FR 45354, 9-11-81; 46 FR 45776; 9-15-81]

Food Safety and Inspection Service—

40208 8-7-81 / Phosphates and sodium hydroxide; comments by 10-6-81

COMMERCE DEPARTMENT

International Trade Administration—

39585 8-4-81 / Commodity Control List (CCL) and Advisory Notes for Selected CCL Entries; export of commodities and technical data that are restricted for national security purposes; (interim rule); comments by 10-5-81

National Oceanic and Atmospheric Administration—

45174 9-10-81 / Amendments to the plans for squid, Atlantic mackerel, and butterfish; comments by 10-7-81

CONSUMER PRODUCT SAFETY COMMISSION

44992 9-9-81 / Walk-behind power lawn mowers; blade control requirements; comments by 10-9-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

45155 9-10-81 / Colorado; high-cost gas produced from tight formations; comments by 10-5-81

45624 9-14-81 / Inclusion of construction work in progress for public utilities; comments by 10-7-81

[*See also* 46 FR 39445, 8-3-81]

ENVIRONMENTAL PROTECTION AGENCY

44196 9-3-81 / Air quality implementation plans; delayed compliance; New Jersey; comments by 10-5-81

44783 9-8-81 / Approval and promulgation of implementation plans; Florida: Proposed Florida plan revision for point source emission testing; comments by 10-8-81

44785 9-8-81 / Approval and promulgation of implementation plans; Florida: Revision of sulfur dioxide rule for Tampa Electric Company's Gannon Station; comments by 10-8-81

39611 8-4-81 / Approval and promulgation of New Jersey State Implementation Plan; comments by 10-5-81

44785 9-8-81 / Commonwealth of Pennsylvania; Proposed revision of the Pennsylvania State Implementation Plan; comments by 10-8-81

39614 8-4-81 / Approval and promulgation of Ohio State Implementation Plan; comments by 10-5-81

44787 9-8-81 / Designation of areas for air quality planning; revisions to section 107 attainment status designations for New York State; comment by 10-8-81

44476 9-4-81 / Fuel and fuel additives; measure of octane of unleaded gasoline; comments by 10-5-81

40897 8-13-81 / Hazardous waste management system; standards applicable to owners and operators of waste treatment, storage and disposal facilities comments by 10-4-81

43472 8-28-81 / Texas Department of Water Resources; underground injection control primary application; comments by 10-5-81

FARM CREDIT ADMINISTRATION

40029 8-6-81 / Farm credit system; development of debt maturity guidelines, priorities and objectives, and authorities for banks for cooperatives; comments by 10-5-81

40028 8-6-81 / Federal intermediate credit bank lending authority regulations; institutions from which loans may be discounted or purchased; comments by 10-5-81

FEDERAL COMMUNICATIONS COMMISSION

44793 9-8-81 / Amendment of the commission's rules to reclassify coin-operated electronic games from Class B to Class A Computing Devices; comments by 10-5-81

37919 7-21-81 / FM broadcasting station, College, Alaska; changes in table of assignments; reply comments by 10-5-81

37925 7-21-81 / FM broadcast station in Tremonton, Utah; changes in table of assignments; reply comments by 10-5-81

40709 8-11-81 / FM broadcast station in Vernal, Utah; changes in table of assignments; comments by 10-6-81

38390 7-27-81 / Regulatory and deregulatory requirements for medical services radio systems operating in the 450-460 MHz band in the Special Emergency Radio Service; reply comments by 10-8-81

44790 9-8-81 / Petitions to exempt from measurement, recordkeeping and computing device rules those medical devices marketed for use in hospitals; comments by 10-8-81

40776 8-12-81 / Tulsa, Okla.; proposed changes in TV table of assignments; comments by 10-6-81

40707 8-11-81 / TV broadcast station in Fort Walton Beach, Fla.; proposed changes in table of assignments; comments by 10-5-81

40710 8-11-81 / TV broadcast station in Houston, Tex.; proposed changes in table of assignments; comments by 10-5-81

FEDERAL ELECTION COMMISSION

44964 9-8-81 / Communications by corporations and labor organizations; comments by 10-8-81

[Corrected at 46 FR 45784, 9-15-81]

FEDERAL TRADE COMMISSION

39833 8-5-81 / American Honda Motor Co., Inc. proposed consent agreement with analysis; comments by 10-5-81

[Corrected at 46 FR 40774, 8-12-81]

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service—

42686 8-24-81 / Revision of U.S. Government Bill of Lading, Standard Form 1103; comments by 10-8-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

40212 8-7-81 / General biological products standards; container label requirements; comments by 10-6-81

41102 8-14-81 / Radiological health; performance standards for Microwave and Radiofrequency-Emitting Products; amendments to microwave oven standard, measurement and test conditions; extension of comment period; comments by 10-23-81

INTERIOR DEPARTMENT

Geological Survey—

44994 9-9-81 / Outer Continental Shelf geological and geophysical exploration; deep stratigraphic test wells; requirement for completion of prelease drilling; comments by 10-9-81

Land Management Bureau—

45164 9-10-81 / Alaska Native Claims settlement; reduction of land overselections; comments by 10-10-81

Surface Mining Reclamation and Enforcement Office—

44475 9-4-81 / Modified Portions of the Maryland Permanent Regulatory Program; comments by 10-5-81

39855 8-5-81 / State-Federal cooperative agreement with Colorado on surface coal mining and reclamation operations on Federal lands under the permanent program; comments by 10-5-81

40050 8-6-81 / Surface Coal Mining and Reclamation operations on Federal lands under permanent program; State-Federal cooperative agreement; New Mexico; comments by 10-5-81

40212 8-7-81 / Surface Coal Mining and Reclamation Operations on Federal Lands Under the Permanent Program; State-Federal Cooperative Agreement; North Dakota; comments by 10-6-81

45082 9-9-81 / Surface Coal Mining and Reclamation Operations Permanent Regulatory Programs; reclamation bond and insurance requirements; comments by 10-9-81

2043 1-8-81 / Surface coal mining and reclamation enforcement operations; permanent regulatory program reporting and recordkeeping requirements; surface and underground mining activities, operations in alluvial valley floors and on steep slopes; comment period extended to 10-10-81

(*See also* 44 FR 35192, 6-18-79)

44995 9-9-81 / Wyoming; permanent regulatory program under Surface Mining Control and Reclamation Act; comments by 10-9-81

INTERSTATE COMMERCE COMMISSION

44999 9-9-81 / Appropriate methodologies for determining costs that should be borne by commuter services for use of Amtrak's properties; comments by 10-9-81

45000 9-9-81 / Costing methodology for determining right-of-way related costs Conrail should pay to Amtrak for use of Northeast Corridor; comments by 10-9-81

40778 8-12-81 / Railroad track structures; alternative method of accounting; comments by 10-5-81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

43218 8-27-81 / Equipment lease or purchase, negotiating advance agreements for independent research and development/bid and proposal costs, and use of Government sources by contractors; comments by 10-9-81

POSTAL SERVICE

44998 9-9-81 / Second-class eligibility information retention period; comments by 10-7-81

SECURITIES AND EXCHANGE COMMISSION

41791 8-18-81 / Revision of certain exemptions from registration provisions; transactions involving limited offers and sales; comments by 10-5-81

TRANSPORTATION DEPARTMENT

Coast Guard—

37006 7-16-81 / Annex II to Inland Navigation Rules—Additional signals for fishing vessels fishing in close proximity; comments by 10-14-81

37010 7-16-81 / Annex IV to Inland Navigation Rules—distress signals; comments by 10-14-81

42300 8-2-81 / Passenger vessel subdivision and damage stability; alternative regulations; comments by 10-5-81

National Highway Traffic Safety Administration—

40541 8-10-81 / Consumer information; performance data on new vehicle models; modification of initial preintroduction submissions by manufacturer; comments by 10-9-81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

39853 8-5-81 / Provisions for transfer of wine, without payment of tax, to customs bonded warehouses for embassy removals and other purposes; comments by 10-5-81

Comptroller of the Currency—

40520 8-10-81 / Definition of capital and surplus for analytical and statutory purposes; comments by 10-9-81

Fiscal Service—

36715 7-15-81 / Service charges for allotments of pay to savings accounts of Federal civilian employees; comments by 10-8-81

[46 FR 27969, 5-22-81]

Deadlines for Comments on Proposed Rules for the Week of October 11 through October 17, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

45323 9–11–81 / Lemons grown in California and Arizona, minimum size requirements; comments by 10–13–81

45542 9–11–81 / Milk in the Alabama-West Florida Marketing Area; proposed marketing agreement and order; comments by 10–13–81

Commodity Credit Corporation—

41467 8–17–81 / Processed agricultural commodities; standards for approval of dry and cold storage warehouses for processed agricultural commodities, extracted honey and bulk oils; comments by 10–16–81

Food and Nutrition Service—

40764 8–11–81 / Food stamp administrative grants provisions; comments by 10–13–81

Forest Service—

40706 8–11–81 / Timber management planning provisions; comments by 10–13–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

45968 9–16–81 / Foreign fisheries; Bering Sea and Northeast Pacific; comments by 10–16–81

DEFENSE DEPARTMENT

Office of the Secretary—

45368 9–11–81 / Education of handicapped children in the DOD dependents schools; comments by 10–13–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

46142 9–17–81 / Utah; high-cost gas produced from tight formations; comments by 10–13–81

ENVIRONMENTAL PROTECTION AGENCY

45378 9–11–81 / Approval and promulgation of implementation plans, Connecticut revisions; comments by 10–13–81

41814 8–18–81 / Approval and promulgation of State implementation plans; Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin; comments by 10–17–81

45157 9–10–81 / Approval and promulgation of State implementation plans; Arkansas; prevention of significant deterioration regulations; comments by 10–13–81

45162 9–10–81 / Glyphosate; proposed tolerance; comments by 10–13–81

45159 9–10–81 / Revision of State implementation plan; Virginia; comments by 10–13–81

45381 9–11–81 / Revision of Pennsylvania State implementation plan; comments by 10–13–81

45160 9–10–81 / Revisons of Delaware air quality plans; comments by 10–13–81

FEDERAL COMMUNICATIONS COMMISSION

37923 7–23–81 / Amendment to permit increased antenna height to Class A FM commercial broadcast stations in Puerto Rico and the Virgin Islands; reply comments by 10–15–81

37920 7–23–81 / FM broadcast station, Delhi, La.; changes in table of assignment; reply comments by 10–13–81

42703 8–24–81 / FM broadcast stations in Greenfield and Springfield, Mo.; changes in table of assignments; comments by 10–13–81

42701 8–24–81 / FM broadcast stations in Hudson and Adrian, Mich., and Swanton, Ohio; changes in table of assignments; comments by 10–13–81

42474 8–21–81 / FM broadcast station in Hilo, Hawaii; changes in table of assignments; comments by 10–13–81

46147 9–17–81 / FM broadcast stations in Natchitoches, La.; table of assignments; reply comments by 10–13–81

[*See also* 46 FR 37058, 7–17–81]

42475 8–21–81 / FM broadcast station in Petosky, Mich.; changes in table of assignments; comments by 10–13–81

42477 8–21–81 / FM broadcast station in Redding, Calif.; changes in table of assignments; comments by 10–13–81

42483 8–21–81 / FM broadcast stations in Truth or Consequences, N. Mex.; changes in table of assignments; comments by 10–13–81

46147 9–17–81 / Future role of television translators and low-power television broadcasting; comments by 10–13–81

[*See also* 46 FR 42478, 8–21–81]

40899 8–13–81 / Policy regarding character qualifications in broadcast licensing; reply comments by 10–16–81

37927 7–23–81 / Release, allocation, assignments, and criteria for use of the remaining 250 channels in the 800 MHz private land mobile reserve band; reply comments by 10–14–81

41534 8–17–81 / TV broadcast station in Barstow, Calif.; changes in table of assignments; comments by 10–13–81

FEDERAL TRADE COMMISSION

41080 8–14–81 / Trade regulation rule: labeling and advertising of home insulation; comments by 10–13–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

42470 8–21–81 / Prescription drug products; patient package insert requirements; comments by 10–15–81

INTERSTATE COMMERCE COMMISSION

43721 8–31–81 / Certificate to construct, acquire or operate railroad lines; application procedures for a certificate to construct, acquire or operate railroad lines; comments by 10–15–81

JUSTICE DEPARTMENT

Prisons Bureau—

43812 8–31–81 / Control, custody, care, treatment and instructing of inmates; comments by 10–16–81

LABOR DEPARTMENT

Office of the Secretary—

41438 8–14–81 / Practice before the Board of Service Contract Appeals; comments by 10–13–81

41428 8–14–81 / Rules of practice for administrative proceedings enforcing labor standards in Federal and federally assisted construction contracts and Federal service contracts; comments by 10–13–81

Wage and Hour Division, Employment Standards Administration—

41456 8–14–81 / Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to nonconstruction contracts subject to the Contract Work Hours and Safety Standards Act); comments by 10–13–81

41444 8–14–81 / Procedures for predetermination of wage rates; comments by 10–13–81

41380 8–14–81 / Service Contract Act; Labor standards for Federal Service Contracts; comments by 10–13–81

NATIONAL CREDIT UNION ADMINISTRATION

45365 9–11–81 / Description of office, disclosure of official records; availability of information, promulgation of regulations; comments by 10–12–81

POSTAL SERVICE

45787 9–15–81 / Northern Mariana Islands; mail security; comments by 10–15–81

SECURITIES AND EXCHANGE COMMISSION

44775 9–8–81 / Recordkeeping by brokers and dealers; comments by 10–12–81

SMALL BUSINESS ADMINISTRATION

41523 8–17–81 / Business loan policy for small business lending companies; comments by 10–16–81

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TRANSPORTATION DEPARTMENT

Coast Guard—

39460 8-3-81 / Operational visibility from navigational bridge of commercial vessels operating in U.S. water; comments by 10-12-81

43701 8-31-81 / Safety zone; vicinity Bascule Bridge, Ft. Lauderdale, Fla.; comments by 10-15-81

Federal Aviation Administration—

40646 8-10-81 / Certification: pilot and flight instructors; proposed amendment of instrument rating requirements; comments by 10-12-81

40529 8-10-81 / Need requirement and fees for certification of foreign airmen and air agencies; comments by 10-12-81

VETERANS ADMINISTRATION

45785 9-15-81 / Disclosure of loan guaranty information; comments by 10-15-81

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

44206 9-3-81 / Challis National Forest Grazing Advisory Board, Challis, Idaho (open), 10-9-81

46151 9-17-81 / Deerlodge National Forest Grazing Advisory Board, Butte, Mont. (open), 10-9-81

44018 9-2-81 / North Kaibab Grazing Advisory Board, Fredonia, Ariz. (open), 10-6-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

46451 9-18-81 / Music Panel, Festivals Section, Washington, D.C. (closed), 10-5 and 10-6-81

CIVIL RIGHTS COMMISSION

46151 9-17-81 / Louisiana Advisory Committee, New Orleans, La. (open), 10-9 and 10-10-81

45406 9-11-81 / Vermont Advisory Committee, Whiteriver Junction, Vt. (open), 10-6-81

46610 9-21-81 / Washington Advisory Committee, Seattle, Wash. (open), 10-7-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

46610 9-21-81 / Gulf of Mexico Fishery Management Council, Panama City, Fla. (open), 10-7-81

46154 9-17-81 / Pacific Fishery Management Council, El Segundo, Calif. (open), 10-6-81

44028 9-2-81 / Pacific Fishery Management Council, El Segundo, Calif. (partially open), 10-7-81

[Changed at 46 FR 47107, 9-24-81]

44028 9-2-81 / Pacific Fishery Management Council, Scientific and Statistical Committee, El Segundo, Calif. (partially open), 10-6 and 10-7-81

Office of the Secretary—

44213 9-3-81 / U.S. Delegation of the International Laboratory Accreditation Conference, Mexico City, Mexico; pre-conference meeting (open), Gaithersburg, Md., 10-8-81

DEFENSE DEPARTMENT

Army Department—

42501 8-21-81 / United States Army Medical Research and Development Advisory Panel, Viral and Rickettsial Diseases Subcommittee, Washington, D.C. (partially open), 10-6 and 10-7-81

Office of the Secretary—

45011 9-9-81 / Defense Science Board Task Force on Application of High Technology to Ground Forces, Fort Lewis, Wash. (closed), 10-7-81

45794 9-15-81 / Defense Systems Management College, Board of Visitors, Fort Belvoir, Va. (open), 10-8-81

42327 8-20-81 / Wage Committee, Washington, D.C. (closed), 10-6-81

EDUCATION DEPARTMENT

46987 9-23-81 / Indian Education National Advisory Council, Portland, Oreg. (open), 10-9 through 10-12-81

ENERGY DEPARTMENT

46155 9-17-81 / National Petroleum Council, Coordinating Subcommittee of the Committee on Arctic Oil and Gas Resources, Vail, Colo. (open), 10-5-81

ENVIRONMENTAL PROTECTION AGENCY

24987 5-4-81 / Health effects of diesel emissions, Raleigh, N.C., (open), 10-5 through 10-7-81

42752 8-24-81 / Interagency Toxic Substances Data Committee, Washington, D.C. (open), 10-6-81

45411 9-11-81 / Osage Beach and Lake Ozark, Mo., design and construction of wastewater collection and treatment facilities, Lake Ozark, Mo. (open), 10-6-81

FEDERAL EMERGENCY MANAGEMENT AGENCY

45193 9-10-81 / Board of Visitors for the National Fire Academy, Emmitsburg, Md. (open), 10-5 and 10-6-81

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register—

35553 7-9-81 / Uniform Building Code, Indianapolis, Ind. (open), 10-4 through 10-9-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

44885 9-8-81 / Federal Activities for Alcohol Abuse and Alcoholism Interagency Committee, Washington, D.C. (open), 10-6-81

47013 9-23-81 / Mental Health Research Education Review Committee, Rockville, Md. (partially open), 10-9-81

Food and Drug Administration—

46391 9-18-81 / Blood Products Advisory Committee, Bethesda, Md. (partially open), 10-9-81

46395 9-18-81 / Health professional organizations, Washington, D.C. (open), 10-8-81

National Institutes of Health—

41564 8-17-81 / Allergy and Infectious Diseases National Institute, Board of Scientific Counselors, Bethesda, Md. (partially open), 10-5 through 10-7-81

41567 8-17-81 / Behavioral and Neurosciences Study Section 2, Washington, D.C. (partially open), 10-5 and 10-6-81

46680 9-21-81 / National Cancer Advisory Board and Subcommittee, Bethesda, Md. (partially open), 10-4 through 10-7-81

41568 8-17-81 / Blood and its Substitutes Working Group, Bethesda, Md. (open), 10-7-81

39476 8-3-81 / Child Health and Human Development National Advisory Council, Bethesda, Md. (partially open), 10-5 and 10-6-81

45200 9-10-81 / National Diabetes Advisory Board, Washington, D.C. (open), 10-5-81

42769 8-24-81 / National Library of Medicine, Board of Scientific Counselors, Bethesda, Md. (partially open), 10-5 and 10-6-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Environmental Quality Office—

46004 9-18-81 / Scoping meeting, Tampa, Fla. (open), 10-8-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

44890 9-8-81 / Trinity River Basin Fish and Wildlife Management Program (all sessions open):

—McKinleyville, Calif., 10-6-81;
—Weaverville, Calif., 10-7-81;
—Sacramento, Calif., 10-9-81

Land Management Bureau—

44291 9–3–81 / Montana and North Dakota environmental impact statements:

—Hazen, N. Dak. (open), 10–7–81

—Garrison, N. Dak. (open), 10–8–81

45036 9–9–81 / Roswell District Advisory Council, Roswell, N. Mex. (open), 10–7–81

National Park Service—

45432 9–11–81 / National Park System Advisory Board (open), Gettysburg, Pa., 10–7–81; Washington, D.C., 10–8 and 10–9–81

46008 9–18–81 / National Park System Advisory Board, History Areas Committee, Washington, D.C. (open), 10–6–81

Office of the Secretary—

43752 8–31–81 / Alaska Land Use Council, Anchorage, Alaska (open), 10–5–81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

46431 9–18–81 / Occupational Safety and Health Federal Advisory Council, Washington, D.C. (open), 10–7–81

Office of the Secretary—

47328 9–25–81 / International Labor Organization, President's Committee, Washington, D.C. (closed), 10–9–81

46854 9–22–81 / Labor Advisory Committee for Trade Negotiations and Trade Policy, Steering Committee, Washington, D.C. (closed), 10–6–81

NATIONAL SCIENCE FOUNDATION

46029 9–18–81 / Engineering Advisory Committee, Mechanical Engineering and Applied Mechanics Subcommittee, Washington, D.C. (partially open), 10–5 and 10–6–81

46705 9–21–81 / Environmental Biology Advisory Committee, Subcommittee on Ecosystem Studies, Washington, D.C. (closed), 10–8 and 10–9–81

46029 9–18–81 / Equal Opportunities in Science and Technology Committee, Washington, D.C. (open), 10–6 and 10–7–81

46028 9–18–81 / Physiology, Cellular and Molecular Biology Advisory Committee, Genetic Biology Subcommittee, Washington, D.C. (closed), 10–8 through 10–10–81

46029 9–18–81 / Physiology, Cellular and Molecular Biology Advisory Committee, Regulatory Biology Subcommittee, Washington, D.C. (closed), 10–7 through 10–9–81

STATE DEPARTMENT—

46265 9–17–81 / International Investment, Technology and Development Advisory Committee, Washington, D.C. (open), 10–7–81 (2 documents)

TRANSPORTATION DEPARTMENT

Coast Guard—

43789 8–31–81 / Chemical Transportation Advisory Committee, Washington, D.C. (open), 10–8–81

43789 8–31–81 / Chemical Transportation Advisory Committee, Chemical Vessels Subcommittee, Washington, D.C. (open), 10–7–81

National Highway Traffic Safety Administration—

Federal Highway Administration—

43692 8–31–81 / Highway Safety Programs; determination of effectiveness, Washington, D.C., 10–5–81

VETERANS ADMINISTRATION

45463 9–11–81 / Educational Allowances Station Committee, Muskogee, Okla. (open), 10–5 and 10–6–81

46275 9–17–81 / Educational Allowances Station Committee, Nashville, Tenn., 10–8–81

Next Week's Hearings

INTERIOR DEPARTMENT

Land Management Bureau—

46005 9–16–81 / Environmental Impact Statement for Proposed Outer Continental Shelf Oil and Gas Lease No. 57, Alaska, 10–5, 10–6, and 10–8–81

Surface Mining Reclamation and Enforcement Office—

44995 9–9–81 / Wyoming, permanent regulatory program; proposed amendment, Cheyenne, Wyo., 10–6–81

INTERNATIONAL TRADE COMMISSION

38779 7–29–81 / Clothespins, Portland, Maine, 10–5–81

TREASURY DEPARTMENT—

Internal Revenue Service—

42285 8–20–81 / Books and records of foreign corporations and operations, proposed regulations, Washington, D.C., 10–6–81

List of Public Laws

Last Listing: September 22, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 2120 / Pub. L. 97–45 Product Liability Risk Retention Act of 1981 (Sep. 25, 1981; 95 Stat. 949) Price: $1.50.

H.R. 4416 / Pub. L. 97–46 To enable the Secretary of Agriculture to assist, on an emergency basis, in the eradication of plant pests and contagious or infectious animal and poultry diseases. (Sep. 25, 1981; 95 Stat. 953) Price: $1.50.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

46973 9–23–81 / FEMA—Disaster Assistance; individual and family grant program provisions; comments by 11–23–81

46750 10–21–81 / HHS/SSA—Aid to Families With Dependent Children; comments by 11–20–81

APPLICATIONS DEADLINES

47110 9–24–81 / ED—Transition program for refugee children; apply by 10–30–81

47111 9–24–81 / ED—Transition program for refugee children (Cuban and Haitian entrant domestic assistance); apply by 10–15–81

MEETINGS

47304 9–25–81 / HHS/NIH—Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications, Bethesda, Md. (partially open), 11–10 and 11–11–81

47304 9–25–81 / HHS/NIH—General Research Support Review Committee, Bethesda, Md. (partially open), 11–12 and 11–13–81

47305 9–25–81 / HHS/NIH—Minority Access to Research Careers Review Committee, Bethesda, Md. (partially open), 11–9 and 11–10–81

46679 9–21–81 / HHS/NIH—National Advisory Neurological and Communicative Disorders and Stroke Council and the Planning Subcommittee, Bethesda, Md. (partially open), 10–14 through 10–16–81

47305 9-25-81 / HHS/NIH—National Advisory Research Resources Council, Bethesda, Md. (partially open), 10-15 and 10-16-81

46680 9-21-81 / HHS/NIH—National Cancer Advisory Board and Subcommittees, Bethesda, Md. (partially open), 10-4 through 10-7-81

47134 9-24-81 / NFAH—National Council on the Arts, Special Projects Panel, Washington, D.C. (partially open), 10-13 through 10-16-81

46704 9-21-81 / NSF—Environmental Biology Advisory Committee, Subcommittee on Ecology, Washington, D.C. (closed), 10-29 and 10-30-81

46705 9-21-81 / NSF—Environmental Biology Advisory Committee, Subcommittee on Ecosystem Studies, Washington, D.C. (closed), 10-8 and 10-9-81

46704 9-21-81 / NSF—Environmental Biology Advisory Committee, Subcommittee on Population Biology and Physiological Ecology, Washington, D.C. (closed), 10-22 and 10-23-81

46704 9-21-81 / NSF—Environmental Biology Advisory Committee, Subcommittee on Systematic Biology, Washington, D.C. (closed), 10-15 and 10-16-81

46705 9-21-81 / NSF—Physiology, Cellular, and Molecular Biology Advisory Committee, Subcommittee on Molecular Biology, Group B (closed), 10-26 and 10-27-81

OTHER ITEMS OF INTEREST

46610 9-21-81 / Commerce/EDA—Single audit concept for grant recipients

46925 9-23-81 / ED—Continuing Education Outreach; State administered program; final regulations

47170 9-24-81 / VA—Manpower grants program; report availability federal regulations

LSA

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PARALLEL TABLE OF
AUTHORITIES AND RULES

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LSA—LIST OF CFR SECTIONS AFFECTED

The LIST OF CFR SECTIONS AFFECTED is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles, except for Title 41, in which proposed rules follow each chapter.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

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To bring these regulations up to date, consult the most recent LIST OF CFR SECTIONS AFFECTED for any changes, additions, or deletions published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Daggers † appearing on page numbers under a particular title indicate that the page numbers span 2 years. The dagger is used to distinguish the current year from the previous year.

Cite a page reference from this publication as 45 FR for 1980 page numbers and 46 FR for 1981 page numbers. Example: Page 57234 cite as 45 FR 57234; † 4627 cite as 46 FR 4627.

ISSUES TO BE SAVED

There is no single annual issue of the LIST OF CFR SECTIONS AFFECTED. Four ANNUAL ISSUES must be saved: the DECEMBER issue is the ANNUAL for Titles 1–16; the MARCH issue is the ANNUAL for Titles 17–27; the JUNE issue is the ANNUAL for Titles 28–41; the SEPTEMBER issue is the ANNUAL for Titles 42–50. ANNUAL ISSUES to be saved are clearly designated on the cover.

PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains references to new authorities cited for CFR regulations added or revised since July 1, 1981, as well as removals from Table I for CFR regulations removed since July 1, 1981.

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An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 and July 1 each year.

INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA, assisted by Carolyn T. Payne. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne. Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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25.4 Amended	52357
40 Revised	48186
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41 Redesignated from 45 Part 85; nomenclature change; authority citation	40686
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41.1 Amended	40687
41.3 (a) revised	40687
41.4 (b) amended	40687
41.55 Amended	40687
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42.2 (a) and (b) amended	52357
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42.302 (c) amended	52357
42.401—42.415 (Subpart F) Authority citation revised	52357
42.401 Introductory text amended	52357
42.403 (c)(3) amended	52357
42.412 (a) revised	52357
42.501—42.540 (Subpart G) Headed	52357
42 Appendix B removed	52357
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45.735-2 (b), (c), and (d) removed; (e) redesignated as (b) and revised	52358
45.735-3 (b) amended	52358
45.735-4 Removed	52358
45.735-5 (a)(2) amended	52358
45.735-9 (a) revised; (c) and (e) amended	52358
45.735-12 Heading revised; (c) amended	52358
45.735-13 Removed	52358
45.735-14 (b) revised; (c)(5) and (6) removed	52358
45.735-14a Added	52358
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45.735-19 (a) revised	52358
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540.20 Revised	43809
541.40—541.49 (Subpart D) Authority citation	34547
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541.42 Revised	34547
541.43 (a) and (b)(3) revised	34547
541.46 Introductory text, (d), (e) (1) and (5), (g), (i), (j), (l), and (n) revised	34547
541.47 Revised	34548
541.48 (a) revised	34548
541.49 (a) revised	34548
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2.4 Removed 49543
2.20—2.25 (Subpart C) Added 49543
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4 Effective date deferred to 8-15-81 36140
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5 Effective date deferred to 8-15-81 36140
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16 Added 50353
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56.1 (a) and (c) amended; (b) revised; interim 48610
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56.16 (b) revised; interim 48610
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56.20 (b)(2), (8), and (9) revised; (b)(11) added; interim 46778, 46806
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(a) and (c)(4) revision and (b)(10) addition republished 48649
56.21 (a)(5) revised; interim 48611
(a)(5) revision republished 48649
56.22 (b) revised; interim 46779, 46806
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56.30 (b)(5) removed; (a), (b)(2) and (3), and (e) revised; interim 48611
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56.34 (a) revised; interim 48612
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56.41 Revised; interim (effective pending OMB review) 48612
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56.50 (e) revised; (h) added; interim 48612
(e) revision and (h) addition republished 48651
56.51 (a)(2) and (3) redesignated as (a)(3) and (4); new (a)(2) added; interim 46779, 46806
Revised; interim 48612
Revision republished 48651
56.63 (a) revised; (b)(2) removed; (b)(3) redesignated as (b)(2) and revised; (b)(4) through (8) redesignated as (b)(3) through (7) and republished; interim 48612
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1601.75 Added 50367
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1625.1—1625.10 Added	47726
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1910.20 Effectiveness deferred in part to 2-15-82	40490
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1910.301 (e) corrected	40185
1910.302 (a)(2)(iii) and (iv), (b)(1) introductory text and table corrected	40185
1910.303 (e), (f), (g)(1)(i) table S-1, and (h)(3)(i) table S-2 corrected	40185
1910.304 (c)(4), (f)(1)(ii)(*b*), (5)(v)(*a*), (*c*)(*3*) and (*4*), and (6)(ii) corrected	40185
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1910.306 (a)(1) and (2), (b)(1), (c)(1), (g)(2)(i), (h)(1), (3)(ii), (7)(ii), and (j)(2)(ii)(*a*) corrected	40185
1910.307 (b) introductory text, (2)(ii) introductory text, and (*a*) corrected	40185
1910.308 (a)(2)(i), (b)(2), and (e)(1) corrected	40185
1910.399 (a)(24)(ii) Note, (25)(ii) and Note, (7), (112)(i), and (124)(i) corrected	40185
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1952.115 Added	52361
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1952.354 Heading revised and (i) added	46322
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317.8 Appendix added	38664
332.8 (b) and tables 1 through 57A revised; tables 58 through 121A added	54074
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298a.4	(b), (c), and (d) revised	35640
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298a.7	(b), (c), and (d) removed	35641
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298a.9	(a) introductory text and (b) revised; (a)(3)(ii) amended	35641
298a.10	(a) introductory text (4) (iii) and (b) amended	35641
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208 Removed; eff. 10–1–82	42847
209 Removed; eff. 10–1–82	42847

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280	Removed; eff. 10-1-82	42847
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346	Removed; eff. 10-1-82	42848
347	Removed; eff. 10-1-82	42848
350	Added (effective pending congressional review)	45305
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442	Removed; eff. 10-1-82	42848
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634	Added (effective pending congressional review)	39791
635	Added (effective pending congressional review)	39793
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637	Redesignated from 735 and revised (effective pending congressional review)	51204
639	Revised (effective pending congressional review)	36339
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648	Revised (effective pending congressional review)	37867
651	Added (effective pending congressional review)	36870
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769	Removed; eff. 10-1-82	42848
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793	Removed; eff. 10-1-82	42848
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federal register

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Federal Register
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Thursday, October 1, 1981

Presidential Documents

Title 3—

The President

Proclamation 4860 of September 28, 1981

Fire Prevention Week

By the President of the United States of America

A Proclamation

Every year this Nation experiences needless loss of life and property. America's fire losses are a great waste of our precious resources and must be minimized. Destruction of property and what we pay for fire protection totals over $21 billion each year. But even worse, 7,500 American deaths annually can be attributed to fire.

With a concerted effort by individual citizens, our Nation can curtail its needless fire losses.

Installing and properly maintaining smoke detectors and practicing fire escape plans can reduce loss of life and property. If each of us would take a few simple precautions, fewer Americans would suffer disfigurement, the agony of injury, or the mental anguish of the sudden loss of loved ones.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do designate the week of October 4 through October 10, 1981, as Fire Prevention Week.

Furthermore, I congratulate the fire service for their fire prevention efforts and support their continued work. The National Fire Protection Association, the Fire Marshals Association of North America, fire chiefs, and fire fighters deserve our thanks for their sponsorship of this year's fire safety observance.

I direct the Federal Emergency Management Agency to work with all levels of government, industry, service organizations and volunteers to encourage the broadest possible use of smoke detectors across the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of Sept., in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-28782
Filed 9-29-81; 4:02 pm]
Billing code 3195-01-M

V46/1900 OC1 81 UMI

Presidential Documents

Proclamation 4861 of September 28, 1981

National Diabetes Week

By the President of the United States of America

A Proclamation

Diabetes is a serious and widespread public health problem, resulting from the inability of the body to convert nutrients into energy. This debilitating and often fatal disease affects about 10 million Americans and is occurring among all age and socio-economic groups at an increasing rate. More than 35,000 people die from diabetes every year, and the disease contributes to deaths from heart attack, stroke, kidney failure and blood vessel disorders. It is the leading cause of new blindness. The cost of diabetes is measured in the billions of dollars, but by far the highest price is paid in the suffering and shortened life span of its victims.

Fortunately, there is hope. Through advances in medical research, we are learning more about diabetes, its cause, and improved methods for its control and management. Prospects for better prevention and treatment appear brighter than at any time since the discovery of insulin more than 50 years ago.

I am pleased that in cooperation with private, voluntary organizations, the Federal Government plays a valuable role in support of this research. It is my fervent hope that continued efforts will improve the quality of life for all our Nation's diabetics and eventually lead to the prevention and cure of this difficult and cruel disease.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 4 through October 10, 1981, as National Diabetes Week, and I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-28783
Filed 9-29-81; 4:03 pm]
Billing code 3195-01-M

V46/1900 OC1 81 UMI

Presidential Documents

Proclamation 4862 of September 28, 1981

Child Health Day

By the President of the United States of America

A Proclamation

We have all heard the saying, "As the twig is bent the tree inclines." This maxim is especially true for the minds and bodies of our children. The physical and mental health of the child prepares the way for the physical and mental health of the adult.

Our future as a Nation lies in the healthy development of our children. That development must be fostered from the earliest stages so that our twigs and saplings will grow into straight and strong trees.

We must actively promote child health through the positive approach of preventive care, such as early prenatal care for mothers, assured immunization against dangerous childhood illnesses and early identification of handicapping conditions.

In this effort to improve the well-being and future of our children, I earnestly call for cooperative and voluntary action from all those who make maternal and child health their profession, from the States through their health care resources, from the organizations of private citizens who devote themselves to the health of mothers and children, and particularly from parents themselves, whose attention to their children's needs and personal examples of healthful behavior are vital factors in the protection of child health.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, pursuant to a joint resolution of May 18, 1928, as amended (36 U.S.C. 143), do hereby proclaim Monday, October 5, 1981, as Child Health Day.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of Sept., in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-28784
Filed 9-29-81; 4:04 pm]
Billing code 3195-01-M

V 46/190 OC1 81 UMI

[FR Doc.
Filed 9-2
Billing co

Presidential Documents

Proclamation 4863 of September 28, 1981

White Cane Safety Day

By the President of the United States of America

A Proclamation

For blind Americans, the white cane is an important sign of independence, symbolizing their ability to travel in our Nation's cities and towns with great confidence and safety. For motorists, the white cane symbolizes caution, and reminds them that their courtesy and consideration insure the safety of the visually disabled.

We should always be aware of the significance of the white cane and extend every courtesy to those who carry it. By doing so, we will respect and ensure the right to independence of the visually disabled as they pursue a productive and fulfilling life.

In recognition of the significance of the white cane, the Congress, by a joint resolution of October 6, 1964 (78 Stat. 1003), authorized the President to proclaim October 15 of each year as White Cane Safety Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 15, 1981, as White Cane Safety Day.

I urge all Americans to mark this occasion by giving greater consideration to the special needs of the visually disabled, and, particularly, to observe White Cane Safety Day with activities that contribute to maximum independent use of our streets and public facilities by our visually handicapped population.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of Sept., in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-28785
Filed 9-29-81; 4:05 pm]
Billing code 3195-01-M

V 46/190 OC 1 81 UMI

[FR Doc.
Filed 9–2
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Presidential Documents

Proclamation 4864 of September 28, 1981

United Nations Day, 1981

By the President of the United States of America

A Proclamation

The United Nations rose from the ashes of the Second World War. As we observe another United Nations Day on October 24, 1981, we are thankful that the world has since been spared another major conflagration.

The United Nations has assisted in bringing stability to troubled areas and will surely do so again. United Nations peacekeeping forces are on duty in the volatile Middle East and have contributed to maintaining the peace in other places.

The problems addressed in this world forum are diverse, and the United Nations cannot resolve all matters it considers. But it has helped. This year it held a major conference for the purpose of pledging assistance to refugees in Africa. The United States made a substantial pledge, consistent with our historic support for United Nations refugee programs.

The United Nations is the world's meeting place. It brings together representatives of virtually all countries to discuss a multitude of subjects. These meetings afford opportunities for bilateral discussions, often at a high level, as an extra benefit. Today, much of the world's diplomacy takes place under the aegis of the United Nations.

The United States will continue to play a prominent role and champion the values and ideals that originally inspired the United Nations. We will further those activities that strengthen the capacity of the institution to serve the good of mankind.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Saturday, October 24, 1981, as United Nations Day. I urge all Americans to use this day as an opportunity to better acquaint themselves with the activities and accomplishments of the United Nations.

I have appointed Mr. Robert Anderson to serve as 1981 United States National Chairman for United Nations Day, and welcome the role of the United Nations Association of the United States of America in working with him to celebrate this special day.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of Sept., in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-28786
Filed 9-29-81; 4:06 pm]
Billing code 3195-01-m

V46/190 OC1 81 UMI

[FR Doc
Filed 9–
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Presidential Documents

Proclamation 4865 of September 29, 1981

High Seas Interdiction of Illegal Aliens

By the President of the United States of America

A Proclamation

The ongoing migration of persons to the United States in violation of our laws is a serious national problem detrimental to the interests of the United States. A particularly difficult aspect of the problem is the continuing illegal migration by sea of large numbers of undocumented aliens into the southeastern United States. These arrivals have severely strained the law enforcement resources of the Immigration and Naturalization Service and have threatened the welfare and safety of communities in that region.

As a result of our discussions with the Governments of affected foreign countries and with agencies of the Executive Branch of our Government, I have determined that new and effective measures to curtail these unlawful arrivals are necessary. In this regard, I have determined that international cooperation to intercept vessels trafficking in illegal migrants is a necessary and proper means of insuring the effective enforcement of our laws.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and the statutes of the United States, including Sections 212(f) and 215(a)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(f) and 1185(a)(1)), in order to protect the sovereignty of the United States, and in accordance with cooperative arrangements with certain foreign governments, and having found that the entry of undocumented aliens, arriving at the borders of the United States from the high seas, is detrimental to the interests of the United States, do proclaim that:

The entry of undocumented aliens from the high seas is hereby suspended and shall be prevented by the interdiction of certain vessels carrying such aliens.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

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Presidential Documents

Executive Order 12324 of September 29, 1981

Interdiction of Illegal Aliens

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Sections 212(f) and 215(a)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(f) and 1185(a)(1)), in view of the continuing problem of migrants coming to the United States, by sea, without necessary entry documents, and in order to carry out the suspension and interdiction of such entry which have concurrently been proclaimed, it is hereby ordered as follows:

Section 1. The Secretary of State shall undertake to enter into, on behalf of the United States, cooperative arrangements with appropriate foreign governments for the purpose of preventing illegal migration to the United States by sea.

Sec. 2. (a) The Secretary of the Department in which the Coast Guard is operating shall issue appropriate instructions to the Coast Guard in order to enforce the suspension of the entry of undocumented aliens and the interdiction of any defined vessel carrying such aliens.

(b) Those instructions shall apply to any of the following defined vessels:

(1) Vessels of the United States, meaning any vessel documented under the laws of the United States, or numbered as provided by the Federal Boat Safety Act of 1971, as amended (46 U.S.C. 1451 *et seq.*), or owned in whole or in part by the United States, a citizen of the United States, or a corporation incorporated under the laws of the United States or any State, Territory, District, Commonwealth, or possession thereof, unless the vessel has been granted nationality by a foreign nation in accord with Article 5 of the Convention on the High Seas of 1958 (U.S. TIAS 5200; 13 UST 2312).

(2) Vessels without nationality or vessels assimilated to vessels without nationality in accordance with paragraph (2) of Article 6 of the Convention on the High Seas of 1958 (U.S. TIAS 5200; 13 UST 2312).

(3) Vessels of foreign nations with whom we have arrangements authorizing the United States to stop and board such vessels.

(c) Those instructions to the Coast Guard shall include appropriate directives providing for the Coast Guard:

(1) To stop and board defined vessels, when there is reason to believe that such vessels are engaged in the irregular transportation of persons or violations of United States law or the law of a country with which the United States has an arrangement authorizing such action.

(2) To make inquiries of those on board, examine documents and take such actions as are necessary to establish the registry, condition and destination of the vessel and the status of those on board the vessel.

(3) To return the vessel and its passengers to the country from which it came, when there is reason to believe that an offense is being committed against the United States immigration laws, or appropriate laws of a foreign country with which we have an arrangement to assist; provided, however, that no person who is a refugee will be returned without his consent.

(d) These actions, pursuant to this Section, are authorized to be undertaken only outside the territorial waters of the United States.

Sec. 3. The Attorney General shall, in consultation with the Secretary of State and the Secretary of the Department in which the Coast Guard is operating, take whatever steps are necessary to ensure the fair enforcement of our laws relating to immigration (including effective implementation of this Executive Order) and the strict observance of our international obligations concerning those who genuinely flee persecution in their homeland.

Ronald Reagan

THE WHITE HOUSE,
September 29, 1981.

[FR Doc. 81-28829
Filed 9-30-81; 11:38 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 190
Thursday, October 1, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 27, 28, and 61

Cotton and Cottonseed; Revision in Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action will revise fees charged for cotton classing and related services, and for supervision of cottonseed grading; the revisions are necessary due to the increased costs of providing these services. The cotton standards price increases included in this rule are due to the requirements of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35).

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, AMS, USDA, Washington, D.C. 20250, 202/447-2147.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under the USDA procedure established in accordance with Executive Order 12291 of February 17, 1981, and has been classified "nonmajor" as it does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator for Marketing Program Operations, has determined that this action will not have a significant impact on a substantial number of small business entities because (i) use of the services is voluntary; and (ii) further, if there is any impact, the Secretary is required by statute to make the services available and to recover the costs of the services from the users of the services.

Due to the requirement contained in the Omnibus Budget Reconciliation Act of 1981 for implementation of its provisions concerning cotton standards, it is necessary to make this regulatory action comply with an effective date of October 1, 1981. Increases are also being made in the fees for classing of cotton linters and for cottonseed grading which are authorized by the Agricultural Marketing Act of 1946. Since these services are directly related to the marketing of cotton, it is necessary that all fee increases have a uniform effective date and good cause is found for making this rule effective on October 1, 1981.

A notice of proposed rulemaking was published on August 21, 1981 (46 FR 42490). Due to the nearness of the effective date required by the statute, the comment period was limited to 20 days. A total of two comments were received from the cotton industry. All of the comments received addressed objections to the amount of the increase in cotton standards prices. The substantial increase in cotton standards prices is mandated by the Omnibus Budget Reconciliation Act of 1981. The comments received contained no objections to any other part of the proposed regulatory changes.

The United States Cotton Standards Act (7 U.S.C. 51-65), United States Cotton Futures Act (7 U.S.C. 15b), and Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) authorize the Secretary of Agriculture to provide cotton classing and related services and supervision of cottonseed grading to the public on a fee basis. The Secretary is further directed to set such fees for these services as will allow USDA to recover the costs of providing the services.

The services provided include cotton classing and cottonseed grading. Due to increases of USDA costs in providing these services since the last adjustment in fees on August 1, 1979 (44 FR 40481-40494), an average increase in fees of about 20 percent is required to recover the increased costs.

Many factors are considered in calculating the cost of providing services. Increases in personnel costs, rent, utilities and communications have the most significant impact on these costs. Federal salaries have increased 16 percent and expenditures for rent, utilities, and communications have gone up 25 percent since August 1979. A significant amount of travel is involved in performing these services also, and the standard daily per diem rate has increased over 40 percent since the last fee adjustment. These increases, along with increased costs for supplies and materials, are responsible for an overall increase in the costs of providing services of approximately 20 percent.

An amendment to the Cotton Standards Act (7 U.S.C. 55) contained in the Omnibus Budget Reconciliation Act of 1981 directs the Secretary of Agriculture to assess such prices for cotton standards that will cover, as nearly as practicable, the costs of providing standards. This requirement and the increases in costs of providing the services since the last adjustment in prices on August 1, 1979 (44 FR 40481-40494), result in a substantial increase in the prices charged for cotton standards.

Therefore, 7 CFR Parts 27, 28, and 61 are amended as follows:

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

1. Sections 27.80 and 27.81 are revised to read as follows:

§ 27.80 Fees; classification, micronaire, and supervision.

For services rendered by the Cotton Division pursuant to this subpart, whether the cotton involved is tenderable or not, the person requesting the services shall pay fees as follows:

(a) Initial classification and certification—90 cents per bale.

(b) Review classification and certification—$1.10 per bale.

(c) Micronaire determination and certification—20 cents per bale.

(d) Combination service—$2 per bale. (initial classification, review classification, and Micronaire determination covered by the same request and only the review classification and Micronaire determination results certified on cotton class certificates.)

(e) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any two or more of these operations are performed together—$1.10 per bale.

(f) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any one of these operations is performed individually—$1.10 per bale.

(g) Supervision, by a supervisor of cotton inspection, of transfers of cotton to a different delivery point, including issuance of new cotton class certificates in substitution for prior certificates—$2.10 per bale.

(h) Supervision, by a supervisor of cotton inspection, of transfers of cotton to a different warehouse at the same delivery point, including issuance of new cotton class certificates in substitution for prior certificates—$1.45 per bale.

§ 27.81 Fees; certificates.

For each new certificate issued in substitution for a prior certificate at the request of the holder thereof, for his business convenience, or when made necessary by the transfer of the cotton under the supervision of an exchange inspection agency as provided in § 27.73, the person making the request shall pay a fee of 45 cents for each certificate issued.

(90 Stat. 1841–1846; (7 U.S.C. 15b))

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

2. Sections 28.116, 28.117, 28.120, 28.122, 28.123, 28.148, 28.149, and 28.151 are revised to read as follows:

§ 28.116 Amounts of fees for classification; exemption.

(a) For the classification of any cotton or samples, the person requesting the services shall pay a fee, as follows, subject to the additional fee provided in paragraph (c) of this Section;

(1) Grade, staple, and micronaire reading—$1 per sample.

(2) Grade and staple only—85 cents per sample.

(3) Grade only or staple only—60 cents per sample.

(4) Micronaire reading only—20 cents per sample.

(b) When a comparison is requested of any samples with a type or with other samples, the fees prescribed in paragraph (a) of this section shall apply to every sample involved, including each of the samples of which the type is composed.

(c) An additional fee of 25 cents per sample shall be assessed for services described in paragraphs (a) (1), (2), and (3), and (b) of this section unless the request for service is so worded that the samples become Government property immediately after classification.

(d) For any review of classification or comparison of any cotton, the fees prescribed in paragraph (a) of this section shall apply. The additional fee prescribed in paragraph (c) of this section is not applicable to review of classification if made on the same sample as the original class or comparison.

§ 28.117 Fee for new memorandum or certificate.

For each new memorandum or certificate issued in substitution for a prior memorandum or certificate at the request of the holder, thereof, on account of the breaking or splitting of the lot of cotton covered thereby or otherwise for his business convenience, the person requesting such substitution shall pay a fee of $1.80 per sheet.

§ 28.120 Expenses to be borne by party requesting classification.

For any samples submitted for Form A or Form D determinations, the expenses of inspection and sampling, the preparation of the samples, and the delivery of such samples to the classification room of the board or other place specifically designated for the purpose by the Director or by the chairman of such board, shall be borne by the party requesting the classification. For samples submitted for Form C determinations, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of $14 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

§ 28.122 Fee for practical classing examination.

The fee for the complete practical classing examination for cotton or cotton linters shall be $90. Any applicant who passes both parts of the examination may be issued a certificate indicating this accomplishment. Any person who passes one part of the examination, either grade or staple, and fails to pass the other part, may be reexamined for that part that was failed. The fee for this partial reexamination is $50.

§ 28.123 Costs of practical forms of cotton standards.

The cost of practical forms of the cotton standards of the United States shall be as follows:

	Dollars each box	
	Domestic shipments f.o.b. Memphis, Tenn.	Foreign shipments surface delivery
GRADE STANDARDS		
American Upland:		
12-sample official boxes (Universal Standards)	150.00	170.00
6-sample guide boxes	80.00	95.00
American Pima: 6-sample guide boxes	110.00	125.00
STANDARDS FOR LENGTH OF STAPLE		
American upland (prepared in one pound rolls for each length)	11.00	13.00
American Pima (prepared in one pound rolls for each length)	12.00	14.00

§ 28.148 Fees and costs; classification; reviews; other.

The fee for the classification, comparison, or review of linters with respect to grade, staple, and character or any of these qualities shall be at the rate of 90 cents for each bale or sample involved. The provisions of §§ 28.115 through 28.128 relating to other fees and costs shall, so far as applicable, apply to services performed with respect to linters.

§ 28.149 Fees and costs; Form C determination.

For samples submitted for Form C determination, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of $14 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

§ 28.151 Cost of practical forms for linters; period effective.

Practical forms of the official cotton linters standards of the United States will be furnished to any person subject to the applicable terms and conditions specified in § 28.05; Provided, that no practical form of any of the official cotton linters standards of the United States for grade shall be considered as representing any of said standards after the date of its cancellation in accordance with this subpart, or, in any event, after the expiration of 12 months following the date of its certification. The cost of the official standards for grade shall be at the rate of $80 each, f.o.b. Memphis, Tennessee, for shipments within the continental United States, and $95 each, delivered to destination, for shipments outside the

United States. The cost of the official standards for staple shall be at the rate of $15 each, f.o.b. Memphis, Tennessee, for shipments within the continental United States, and $17 each, delivered to destination, for shipments outside the continental United States.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61; and The Omnibus Reconciliation Act of 1981)

3. Section 28.184 is revised to read as follows:

§ 28.184 Cotton linters; general.

Requests for the classification or comparison of cotton linters pursuant to this subpart and the samples involved shall be submitted to the Board of Cotton Linters Examiners. All samples classed shall be on the basis of the official cotton linters standards of the United States. The fee for classification or comparison and the issuance of a memorandum showing the results of such classification or comparison shall be 90 cents per sample.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.)

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION SAMPLING AND CERTIFICATION)

6. Sections 61.43, 61.44, 61.45, and 61.46 are revised to read as follows:

§ 61.43 Fee for sampler's license.

In the examination of an applicant for a license to sample and certificate official samples of cottonseed the fee shall be $14, but no additional charge shall be made for the issuance of a license. For each renewal of a sampler's license the fee shall be $12.

§ 61.44 Fee for chemist's license.

For the examination of an applicant for a license as a chemist to analyze and certificate the grade of cottonseed the fee shall be $290, but no additional charge shall be made for the issuance of a license. For each renewal of a chemist's license the fee shall be $95.

§ 61.45 Fee for certificates to be paid by licensee to Service.

To cover in part the cost of administering the regulations in this part each licensed cottonseed chemist shall pay to the Service $1.10 for each certificate of the grade of cottonseed issued by him. Upon receipt of a statement from the Service each month showing the number of certificates issued by the licensee, such licensee will forward the appropriate remittance in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA."

§ 61.46 Fees for the review of grading of cottonseed.

For the review of the grading of any lot of cottonseed, the fee shall be $36. Remittance to cover such fee, in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA" shall accompany each application for review. Of each such fee collected, $12 shall be covered into the Treasury and $12 disbursed to each of the two licensed chemists designated to make reanalysis of such seed.

* * * * *

(Sections 203 and 205, 60 Stat. 1087 and 1090, as amended; 7 U.S.C. 1622–1624.)

Dated: September 25, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-28478 Filed 9-28-81; 10:50 am]

BILLING CODE 3410-02-M

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7 CFR Part 28

Implementation of User Fees for Cotton Classification Service to Producers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action will implement a user fee for cotton classfication services to producers as required by the Omnibus Budget Reconciliation Act of 1981. The Omnibus Budget Reconciliation Act (Pub. L. 97–35) contains amendments to the Cotton Statistics and Estimates Act of 1927 (7 U.S.C. 471–476) which direct the Secretary of Agriculture to provide cotton classification services to producers and recover, as nearly as practicable, the costs of providing such service including administrative and supervisory costs through the imposition of a user fee.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, AMS, USDA, Washington, D.C. 20250, 202/447–2147.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under the USDA procedure established in accordance with Executive Order 12291 of February 17, 1981, and has been classified "nonmajor" as it does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator for Marketing Program Operations, Agricultural Marketing Service (AMS), has determined that this action will not have a significant impact on a substantial number of small business entities as (i) cotton classification services will continue to be provided to producers; (ii) the fee will be imposed upon the producers who receive the service; and (iii) cotton classification is not mandatory.

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 31, 1981) amended section 3a of the Cotton Statistics and Estimates Act ("Act"), 7 U.S.C. 473a, to require that user fees shall be charged for the classification of producer cotton under section 3a of the Act, effective October 1, 1981. Accordingly, it has been determined that by reason of the effective date of the amendments to the Act good cause is found for making this final rule effective October 1, 1981.

The 1937 Smith-Doxey Amendment to the Cotton Statistics and Estimates Act of 1927 ("Act") (7 U.S.C. 471–476) directed the Secretary of Agriculture to provide free cotton classification to producers organized to promote the improvement of cotton. Actually, the classing service has not been entirely free because of samples submitted by producers become Government property after classing and are sold as baled loose cotton. The free services began in 1937 primarily as an incentive to producers to improve the quality of cotton and to place them in a better bargaining position in the marketplace by furnishing quality information on each bale produced. The Omnibus Budget Reconciliation Act of 1981 includes amendments, effective for fiscal years 1982, 1983 and 1984, to the Act which direct the Secretary to provide cotton classification services to producers on a user fee basis. The Secretary is further authorized to set the user fee at a level that when combined with the proceeds from the sale of samples submitted for classification will recover, as nearly as practicable, the cost of the service provided, including the administrative and supervisory costs. The Secretary is also directed to take necessary action to insure that the universal cotton standards system is preserved and that the Government cotton classification system continues to operate to provide an official quality description for the United States cotton crop.

A notice of proposed rulemaking was published on August 21, 1981 (46 FR 42492). Due to the nearness of the October 1, 1981 effective date of the amendment, the comment period was limited to 20 days. A total of 57 comments were received from interested parties. One comment was in favor of the proposed regulations. The other 56

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comments were against the statutory mandate for a user fee to recover the costs of cotton classification. No specific objections to the regulations implementing the user fee were received.

The fee for classification will be 60 cents per sample. Due to the lack of experience in charging fees under this type of service, the fee of 60 cents may be adjusted, downward or upward, based on experience gained in operating the program.

Under the regulations, receipt of a properly drawn and identified sample of the producer's cotton by the USDA classing facility serving the area where it is ginned will constitute a request for classification service from the producer. Classing facilities will maintain accounts for participating producers and billings to producers will be scheduled to coincide as closely as possible with a monthly statement cycle. If a producer has designated a billing agent, such agent will be billed. No action is required of producers who do not wish to participate in the classification program since only those producers from whom samples are received by USDA will receive classification services.

Cotton samples for official USDA classification must be drawn by licensed cotton gins or warehouses. Requirements for licensing and approved procedures for the drawing and handling of cotton samples are not altered under this rule. Since only cotton which is owned by the producer is eligible for the service under this subpart, the sampling instructions issued to licensed samplers by the Cotton Division, AMS, will be amended to state that the licensed sampler will certify that all samples submitted for classification under this subpart were drawn from producer-owned cotton.

Accordingly, 7 CFR Part 28 is amended as follows:

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

1. Subpart D is amended by revising the subpart title and authority to read as follows:

Subpart D—Cotton Classification and Market News Service for Producers.

Authority: Sec. 10, 42 Stat. 1519, sec. 3c, 50 Stat. 62; 7 U.S.C. 61, 473c, and Sec. 156, Pub. L. 97–35 (Omnibus Budget Reconciliation Act of 1981), unless otherwise noted.

2. Section 28.901 is amended by revising paragraphs (a), (c), and (e), and adding (f) to read as follows:

Definitions

§ 28.901 Definitions.

When used in the regulations in this subpart:

(a) "Act" means the applicable provisions of the Act of Congress of March 3, 1927 (44 Stat. 1372), as amended by the Act of Congress of April 13, 1937 (50 Stat. 62) (7 U.S.C. 471–476), the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U.S.C. 51 et seq.) and the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), unless otherwise noted.

* * * * *

(c) "Administrator" means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act for the Administrator.

* * * * *

(e) "Director" means the Director of the Cotton Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act for the Director.

(f) "Producer" means any individual, partnership, corporation, association, trust, estate, or other legal entity, a state or political subdivision thereof, or any agency of such state or political subdivision producing American Upland or American Pima cotton in the capacity of landowner, landlord, tenant, or sharecropper.

* * * * *

3. Sections 28.903 and 28.904 are revised to read as follows:

Classification and Market News Services

§ 28.903 Classification of samples.

The Director, or an authorized representative, upon the receipt of a producer's cotton sample which complies with the regulations in this subpart shall, as hereinafter provided, furnish to such producer or to an agent designated by the producer the classification in accordance with the official cotton standards of the United States.

§ 28.904 Market news.

The Director shall cause to be distributed to producers of cotton and to others on request, timely information on prices for various qualities of cotton.

§ 28.905 [Removed]

4. Section 28.905 is removed.

5. Sections 28.906 and 28.907 are revised to read as follows:

Sampling

§ 28.906 Sampling arrangements.

(a) Cotton must be sampled by a gin or warehouse that holds a valid license to sample cotton issued pursuant to §§ 28.20–28.22.

(b) The Director, or an authorized representative may direct that sampling be performed by employees of the Department of Agriculture for the purpose of appraising the sampling procedures at cotton gins or warehouses, or for the purpose of providing service to producers in special cases where a licensed gin or warehouse is not available.

(Sec. 2, Pub. Res. 72–73, 47 Stat. 1621 (7 U.S.C. 51b))

§ 28.907 Responsibilities of licensed gins or warehouses.

Each licensee shall be primarily responsible for drawing, identifying, handling, and shipping samples of cotton in accordance with this subpart and with instructions furnished by the Director or an authorized representative from time to time.

(Sec. 2, Pub. Res. 72–73, 47 Stat. 1621 (7 U.S.C. 51b))

6. Section 28.908 is amended by revising paragraphs (a), (c), and (e), and adding (g) to read as follows:

§ 28.908 Samples.

(a) *Only one sample to be submitted.* Only one sample from each bale of eligible cotton shall be submitted for classification under this subpart. This does not prohibit the submission of an additional sample from a bale for review classification if the producer so desires.

* * * * *

(c) *Mechanical sampling.* Samples may be drawn in gins equipped with mechanical samplers approved by the Division and operated according to sampling instructions furnished by the Director or an authorized representative. Such samples shall not be less than 6 ounces in weight.

* * * * *

(e) *Handling samples.* Samples shall not be dressed or trimmed and shall be carefully handled in such manner as not to cause loss of leaf, sand, or other material, or otherwise change their representative character. Samples shall be handled only by employees of the licensee prior to shipment or delivery to the cotton classing office of the Division.

* * * * *

(g) *Request for classification.* Samples received from a licensed gin or warehouse with the identification tag required in sec. 28.908(f) shall constitute a request for classification service by the producer.

7. Sections 28.909, 28.910, and 28.911 are revised to read as follows:

§ 28.909 Costs

(a) Costs incident to sampling, tagging, and identification of samples and transporting samples to points of shipment shall be assumed by the producer, but tags and containers for the shipment of samples and shipping charges via U.S. Postal Service or duly authorized common carrier will be furnished by the Service. After classification the samples shall become the property of the Government. The proceeds of the sale of cotton samples shall be used to defray the costs of providing the services under this subpart.

(b) The Division will periodically bill producers or the agents designated by the producers for the cost of classification. The cost for cotton classification service to producers is 60 cents per sample.

Classification

§ 28.910 Classification of samples and issuance of memoranda.

(a) The samples submitted as provided in this subpart shall be classified by employees of the Division and classification memoranda showing the official quality determinations of each sample according to the official cotton standards of the United States will be mailed or made available to the producer whose name appears on the tag accompanying the samples, or to an agent designated by the producer to receive the classification memoranda.

(b) Upon the request of an owner of cotton for which classification memoranda have been issued under this subpart, a new memorandum shall be issued for the business convenience of such owner without the reclassification of the cotton. Such rewritten memorandum shall bear the date of its issuance and the date or inclusive dates of the original classification. The fee for a new memorandum shall be $1.80 per sheet.

§ 28.911 Review classification.

A producer may request one review classification for each bale of eligible cotton. The fee for review classification is $1.00 per sample. Samples for review classification must be drawn by gins or warehouses licensed pursuant to §§ 28.20–28.22, or by employees of the United States Department of Agriculture. Each sample for review classification shall be taken, handled, and submitted according to § 28.908 and to supplemental instructions issued by the Director or an authorized representative of the Director. Costs incident to sampling, tagging, identification, containers, and shipment for samples for review classification shall be assumed by the producer. After classification the samples shall become the property of the Government. The proceeds of the sale of such samples shall be used to defray the costs of providing the services under this subpart.

§§ 28.912, 28.913, 28.914, 28.915, 28.916 [Removed]

8. Sections 28.912, 28.913, 28.914, 28.915, and 28.916 and the center heading "Applications" are removed.

9. Section 28.917 is revised to read as follows:

Limitation of Services

§ 28.917 Limitation of services.

The Director, or an authorized representative, may suspend, terminate, or withhold cotton classing and market news services to any producer upon any failure of the producer to comply with the act or these regulations. Failure to remit fees for classification services shall result in loss of service.

Dated: September 25, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81–28477 Filed 9–28–81; 10:48 am]

BILLING CODE 3410-01-M

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7 CFR Part 917

[Pear Regulation 12]

Fresh Pears, Plums, and Peaches Grown in California; Grade, Size, and Container Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade, size, and container requirements for shipments of fresh California Bartlett, Max-Red Bartlett, and Red Bartlett varieties of pears. Such action is designed to promote orderly marketing of suitable quality and sizes of fresh California pears in the interest of producers and consumers.

DATES: Effective on and after October 16, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

An interim rule was published in the **Federal Register** (46 FR 38492) on July 28, 1981, which specified grade, size, and container requirements applicable to shipments of specified varieties of fresh California pears through October 15, 1981. That rule provided an opportunity to file comments through August 27, 1981. No comments were received. This final rule contains the same requirements as specified in the interim rule. This rule is effective on and after October 16, 1981, except that the provision pertaining to organically grown pears expires July 31, 1982.

This regulation is issued under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Pear Commodity Committee, established under the order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

Grade and size requirements are designed to ensure the shipment of ample supplies of better grades and more desirable sizes of fresh Bartlett pears in the interests of consumers and producers. The industry believes that should shipments of fresh pears include immature, poor quality, and excessively small fruit, the marketability of the entire crop would be adversely affected. This type of fruit arriving on the fresh market creates consumer resistance to pears, resulting in a decline of repeat purchases. The container requirements are designed to prevent deceptive packaging practices and to promote buyer confidence.

Under the terms of the regulation the grade, size, and container requirements would be effective on and after October 16, 1981. Although the regulation would be effective for an indefinite period, the committee would continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of regulation of shipments of California pears would tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to postpone the effective date of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) an interim rule was published in the **Federal Register** (46 FR 38492) and no comments were received during the period provided; (2) the requirements contained in this final rule are the same as those currently in effect; and (3) the requirements will not require any additional preparation by handlers which cannot be completed by the effective date hereof.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Therefore, a new § 917.461 is added under the subpart heading *Grade and Size Regulation* to read as follows:

§ 917.461 Pear Regulation 12.

(a) On and after October 16, 1981, no handler shall ship:

(1) Bartlett or Max Red (Max Red Bartlett, Red Bartlett) varieties of pears which do not grade at least U.S. Combination with not less than 80 percent, by count, of the pears grading at least U.S. No. 1: *Provided,* That during the period October 16, 1981, through July 31, 1982, organically grown pears may be damaged by russeting, but must be free from serious damage caused by russeting, as defined in the U.S. Standards for Summer and Fall Pears, if the following conditions and safeguards are met:

(i) The handler of such pears has registered and certified to the committee on a date prior to harvest the location of the orchard, the acreage and varieties of pears, and that sales of organically grown pears will be made only to natural food stores or handlers of organically grown food.

(ii) The handler of such pears files with the committee a report showing the names and address of all buyers of the pears, the dates on which shipments were made, and the number of packages in each shipment.

(iii) Each container of organically grown pears bears the words "organically grown" on one outside end of the container in plain letters.

(2) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears unless such pears are of a size not smaller than the size known commercially as size 165;

(3) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears unless such box or container is stamped or otherwise marked, in plain sight and in plain letters, on one outside end with the name of the variety;

(4) Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears, when packed in closed containers, unless such box or container conforms to the requirement of standard pack, except that such pears may be fairly tightly packed;

(5) Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears, when packed in other than a closed container, unless such pears do not vary more than ⅜ inch in their transverse diameter for counts 120 or less, and ¼ inch for counts 135 to 165, inclusive: *Provided,* That 10 percent of the containers in any lot may fail to meet the requirements of this paragraph; and

(6) Any box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears in volume fill cartons (not packed in rows and not wrap packed) unless (i) such cartons are well filled with pears fairly uniform in size; (ii) such pears are packed fairly tight; (iii) there is an approved top pad in each carton that will cover the fruit with no more than ¼ inch between the pad and any side or end of the carton; and (iv) the top of the carton shall be securely fastened to the bottom: *Provided,* That 10 percent of the cartons in any lot may fail to meet the requirements of this paragraph.

(b) *Definitions.* (1) "Size known commercially as size 165" means a size of pear that will pack a standard pear box, packed in accordance with the specifications of standard pack, with 165 pears and that one-half of the count size designated, representative of the size of the pears in the box or container, shall weigh at least 22 pounds.

(2) "Standard pear box" means the container so designated in § 1380.19 of the regulations of the California Department of Food and Agriculture.

(3) "U.S. No. 1", "U.S. Combination", and "standard pack" shall have the same meaning as when used in the U.S. Standards for Pears (summer and fall) 7 CFR 2851.1260–2851.1280.

(4) "Approved top pad" shall mean a pad of wood-type excelsior construction, fairly uniform in thickness, weighing at least 160 pounds per 1,000 square feet (e.g., an 11 inch by 17 inch pad will weigh at least 21 pounds per 100 pads) or an equivalent made of material other than wood excelsior approved by the committee.

(5) "Organically grown" pears means those pears which have been grown for market in accordance with Section 2659.11 of the California Health and Safety Code.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 28, 1981, to become effective October 16, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–28612 Filed 9–30–81; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 1207

Potato Research and Promotion Plan; Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses for the functioning of the National Potato Promotion Board for the 1981–82 fiscal period. It enables the Board to collect assessments from designated handlers on assessable potatoes and to use the resulting funds for its expenses.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

The Potato Board is the administrative agency established under the Potato Research and Promotion Plan (7 CFR Part 1207). This program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611–2627).

Notice was published in the August 12 **Federal Register** (46 FR 40773) regarding the proposals. It afforded interested persons an opportunity to submit written comments not later than August 26, 1981. None was received within this period. On August 28, however, the Hearing Clerk received a statement from the National Potato Council, a national industry organization. The National Potato Council supported the proposals and commented on benefits of funds previously expended under the program.

After consideration of all relevant matters, including the proposal in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (7 U.S.C. 553) because this part requires that the rate of assessment for a particular period apply to all assessable potatoes from the beginning of such period.

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

§ 1207.409 [Removed]

Section 1207.409 (45 FR 41391, June 19, 1980) is hereby removed and § 1207.410 is added as follows:

§ 1207.410 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1981, and ending June 30, 1982, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $2,187,000..

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the Plan shall be one cent ($0.01) per hundredweight of assessable potatoes handled by such person during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

(Title III of Pub. L. 91–670; 84 Stat. 2041 (7 U.S.C. 2611–2627))

Dated: September 25, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81–28491 Filed 9–30–81; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1446

[Amdt. No. 4]

General Regulations Governing 1979 and Subsequent Crops Peanut Warehouse Storage Loans and Handler Operations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This rule amends the regulations at 7 CFR 1446.9(j)(4), the General Regulations Governing 1979 and Subsequent Crops Peanut Warehouse Storage Loans and Handler Operations, to authorize the Executive Vice President of the Commodity Credit Corporation (CCC) to reduce or waive the liquidated damages specified in subparagraph (j)(4)(ii) if the Executive Vice President determines that such reduction or waiver will not impair the effective operation of the price support program.

The 1980 crop peanut supply situation caused domestic buyers to seek supplies of peanuts in the world market. As a result, contract additional peanuts which had been exported were sold back to U.S. manufacturers for reentry into the United States. Under present regulations, such peanuts are subject to 10 cents per pound liquidated damages. The liquidated damages are intended to prevent contract additional peanuts from reentering the domestic market and thereby causing CCC to lose money on quota peanuts which were supported by CCC under the price support program at prices above the world market price.

DATES: Effective October 1, 1981.

ADDRESS: Producer Associations Division, Agricultural Stabilization and Conservation Service, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Dallas R. Smith, ASCS, (202) 447–5988. The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This action has been reviewed under criteria of Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as not a "major rule."

It has been determined that these program provisions will not result in (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies of geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice of determination applies to are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, a review as established by Office of Management and Budget Circular A–95, was not used to assure that units of local government are informed to this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

I have also determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for a public comment period because without this amendment it will be necessary to take action immediately to assess and collect liquidated damages on approximately 7 million pounds of U.S. grown peanuts that were exported and returned to the U.S.

Accordingly, I have determined that compliance with the public rulemaking requirements of Secretary's Memorandum No. 1512–1 and 5 U.S.C. 553 is impracticable and contrary to the public interest. Comments are requested for 60 days after publication of this document and this interim rule will be scheduled for review so that a final document discussing comments received and any amendment of this interim rule

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which may be required can be published in the **Federal Register** as soon as possible.

Section 359(i) of the Agricultural Adjustment Act of 1938, as amended, authorizes handlers to contract with producers for the purchase of additional peanuts for crushing, export, or both. Such peanuts, once exported, are required to remain outside the United States, in accordance with the regulations at 7 CFR 1446.9(j)(4), in order to prevent damage to the domestic price support program for peanuts. If contract additional peanuts which have been exported are later reentered into the United States, the handler originally responsible for their exportation is subject to liquidated damages at a rate of 10 cents per pound.

However, because of the short crop, only small quantities of edible quality peanuts were placed under the CCC price support loan program and they have all been resold at prices substantially above the support level. Therefore, it is not likely that CCC will incur program damage as a result of the entry into the United States of contract additional peanuts.

PART 1446—PEANUTS

Interim Rule

Accordingly, the regulations, at 7 CFR 1446.9(j)(4) are amended by adding a new paragraph (iii) to read as follows:

§ 1446.9 Supervision and handling of additional contract peanuts.

(j) * * *

(4) * * *

(iii) *Waiver or Reduction of Liquidated Damages.* The liquidated damages specified in paragraph (j)(4)(ii) above may be reduced or waived if the Executive Vice President determines that such waiver or reduction will not impair the effective operation of the peanut price support program. Such reduction or waiver may contain such terms and conditions as the Executive Vice President determines to be appropriate and necessary for effectuating the purposes of the peanut price support program.

Signed at Washington, D.C. on September 25, 1981.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-28532 Filed 9-30-81; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Ch. II

[Docket No. ERA-R-81-07]

Electric Powerplants; Establish Procedures for Owners and Operators

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Interim and final rules.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is issuing a final rule to establish procedures for the owners and operators of electric powerplants which have received proposed prohibition orders under former section 301 (b) or (c) of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620, ("FUA"), to elect continued coverage under those sections in lieu of coverage under section 1021 of the Omnibus Budget Reconciliation Act of 1981 ("OBRA"). OBRA amended the former section 301 of FUA limiting the authority of the Secretary of Energy to prohibit oil or natural gas use, only where the owner or operator of an existing powerplant voluntarily certifies to the unit's technical and financial capability to use an alternate fuel.

Additionally, ERA is issuing an interim rule establishing procedures for the owners and operators of electric powerplants which, as of the date of enactment of OBRA, have orders pending against them under the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended, 15 U.S.C. 791 *et seq.*, to elect continued coverage under that Act in lieu of coverage under section 1021 of OBRA.

Because only a short period of time is provided in which to make such elections, the procedures set forth herein will neither be assigned section numbers, nor codified in the Code of Federal Regulations.

DATES: Effective dates: These final rules shall be effective from October 1, 1981, to November 30, 1981, and the interim rules from October 1, 1981, to January 14, 1982. Comments concerning the interim rule must be submitted on or before November 2, 1981.

ADDRESS: Comments should be submitted to Public Hearing Management, Docket No. ERA-R-81-07, Department of Energy, Room B-210, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-4055

Robert L. Davies, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3002, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3649

Henry Garson, Office of the General Counsel, Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2967

SUPPLEMENTARY INFORMATION:

I. Background

Section 1022(b) of OBRA provides that any powerplant issued a proposed prohibition order under former section 301 (b) or (c) of FUA which has not been made final as of August 13, 1981, the date of enactment of OBRA, may elect continued coverage under former sections 301 (b) or (c) of FUA rather than coverage under the provisions of section 1021 of OBRA. OBRA amended the former section 301 of FUA to limit the authority of the Secretary of Energy to prohibit oil or natural gas use only where the owner or operator of an existing powerplant has certified to the unit's technical and financial capability to use an alternate fuel. On September 3, 1981, ERA issued a Notice of Proposed Rulemaking (46 FR 44192) and invited comments to be submitted by September 21, 1981. The following section summarizes the comments which were received and actions taken on them.

II. Comments

One comment was that the proposed procedures failed to include existing powerplants with ESECA orders pending on the date of OBRA's enactment in the new voluntary prohibition order process authorized by OBRA. The commenter argued that while OBRA does not directly address the status of plants with pending ESECA orders, the Congressional purpose of OBRA can be affected only by permitting plants with pending ESECA orders the same election provided for plants with proposed FUA orders. ERA has considered these arguments. While the statutory language is less than perfect in enacting the legislative intent as revealed by the Conference Report, ERA believes that at least a portion of the argument is persuasive. The Conference Report clearly indicates that OBRA section 1021 applies to all powerplants which do not have final orders issued against them under either ESECA or FUA. Accordingly, ERA agrees that amended section 301 must be read as applying to all such powerplants.

Concerning plants with pending ESECA orders, section 1022 of OBRA provides no right to elect continued ESECA coverage, instead granting the right to elect continued coverage of prior law only to holders of proposed orders under the prior section 301 (b) or (c). The authority to continue the pending ESECA proceedings remains intact. Thus, holders of prohibition orders under ESECA which have not become final could be subject to continued coverage under ESECA as well as being eligible to participate in the voluntary certification prohibition order process authorized by OBRA. In order to avoid this anomalous result, and because ERA believes that involuntary conversions are inconsistent with the Administration's regulatory relief program, ERA has determined to continue processing ESECA orders only where the recipient of that order requests us to do so. A failure to elect treatment under ESECA would result in termination of the ESECA proceeding. Such plant thereafter would only be eligible to receive a prohibition order under the amended section 301 (b) or (c). ERA is, therefore, issuing an interim rule establishing election procedures for owners and operators of electric powerplants with pending ESECA orders similar to those proposed for powerplants with proposed FUA orders.

Because the statutory language is less than clear and because ERA failed to address this issue in the proposed rulemaking, holders of prohibition orders under ESECA may have been unaware of the possibility they would be required to consider whether or not to elect continued applicability of ESECA to their prohibition order proceedings. Therefore, to give these persons the same notice and opportunity to consider carefully whether or not they should file an election, 45 additional days (a total of 105 days) are provided for these persons to file elections.

Another comment was that ERA's proposed procedures failed to address the issue of the continued validity of proposed FUA orders or pending ESECA orders against plants that wish to proceed under the amended section 301. The comment further stated that plants with proposed FUA orders or pending ESECA orders may wish to proceed under OBRA without unnecessarily disrupting the continuity of their prohibition proceedings. This may be of particular concern for powerplants which have obtained Delayed Compliance Orders (DCO) under section 113(d)(5)(A) of the Clean Air Act in reliance on such prohibition orders. It is ERA's view that a proposed prohibition order recipient under OBRA would be eligible for a DCO under section 113(d)(5)(A) of the Clean Air Act. However, the validity or continuity of a DCO issued to a FUA or ESECA order recipient which desires to proceed under OBRA is a matter which will be addressed by the EPA regional office which has issued the DCO. Should a plant wish to preserve the continuity of the prohibition order proceeding, ERA suggests that it submit the certification required by § 1021 of OBRA at least five days prior to the expiration of the applicable election period in order that ERA can issue a proposed prohibition order under § 1021 of OBRA and prevent any lapse in the prohibition order process.

Several procedural matters were also raised by the comments. One comment requested that the 60-day period for elections should be computed from the date of **Federal Register** publication of election procedures. ERA has accepted this comment.

Another comment was that ERA should deem an election to be filed upon mailing by first class mail. ERA will deem an election to be filed upon mailing by certified mail.

Finally, a comment was received which stated that the procedures should include a provision that if an election is held invalid on judicial review or by other legal process, either the election may be cured within a reasonable time or the plant shall revert to its status as of August 13, 1981. ERA has determined that such a provision is not appropriate.

Because of the short period of time in which the election may be made, these procedures will not be codified in the Code of Federal Regulations.

III. Procedural Matters

(a) *Section 102 of the National Environmental Policy Act (NEPA).* The Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness has determined that this regulation would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. Therefore, the preparation of an Environmental Impact Statement for this rule is not required.

(b) *Regulatory Flexibility Act.* ERA has determined that these procedures will primarily impact large public utilities. ERA certifies that, for the reason discussed above, the promulgation of this rule will not have a significant economic impact on a substantial number of "small entities" within the meaning of the Regulatory Flexibility Act. Therefore, a regulatory flexibility analysis has not been prepared.

(c) *Executive Order No. 12291.* ERA has determined that this is not a major rule as defined in Executive Order No. 12291 (46 FR 13193 (February 19, 1981)). Due to the requirement contained in section 1022 of OBRA to promulgate this regulation within 45 days of enactment, DOE cannot comply with Executive Order No. 12291 procedures. In accordance with section 8(a)(2), this rule has been reported to the Office of Management and Budget (OMB).

(d) *Paperwork Reduction Act of 1980.* This rule must be submitted to OMB for clearance under the provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511. Any data submitted in compliance with provisions of the final rule may require revision or additions as a result of OMB's action.

(e) This rule is final for powerplants with prohibition orders under former Section 301 (b) and (c) of FUA and interim for powerplants with prohibition orders under Section 2(a) of the ESECA.

In consideration of the foregoing, these procedures are adopted.

IV. Procedures

(a) *What to file.* The owner or operator of any facility subject to a proposed prohibition order under former section 301 (b) or (c) of FUA or subject to a pending ESECA prohibition order may elect continued coverage under former law rather than to be covered under section 1021 of OBRA, by filing with ERA a written "FUA Election" signed by a duly authorized representative. Any such election must be clearly labeled as such both on the election and on the outside of the envelope in which it is sent, and should identify the name, docket number, owner, unit and location of the facility as it appeared in the related prohibition order. Each election may include either a single unit or multiple units at a common site.

(b) *Where to file.* Any election under this notice shall be filed with the Office of Fuels Conversion, Case Control Unit, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461.

(c) *When to file.* (1) Election for continued coverage under former section 301 (b) or (c) of FUA shall be filed at the above address no later than November 30, 1981. Any eligible facility not filing an election pursuant to this rule prior to this date, will, by operation of law, be covered under the provisions of section 1021 of OBRA, rather than former section 301 (b) or (c) of FUA. Any election made under this rule is irrevocable.

(2) Election for continued coverage under section 2 of ESECA shall be filed at the above address no later than January 14, 1982. Any eligible facility not filing an election pursuant to this rule prior to this date will not receive a notice of effectiveness under ESECA and will, by operation of law, be covered under the provisions of 1021 of OBRA. Any election made under this rule is irrevocable.

(d) *How to file.* An election shall be deemed to be filed upon mailing by certified mail or when actually received.

(e) *Notice.* ERA will notify persons filing elections under the final rule, in writing, that such elections are recognized not later than 30 days after receipt of the election.

(f) *Status of FUA orders.* (1) The validity of any proposed prohibition order issued under former section 301 (b) or (c) of FUA shall not be affected in the case of eligible powerplants filing elections under this rule.

(2) The validity of any prohibition order issued under section 2 of ESECA shall not be affected in the case of eligible powerplants filing elections under this rule.

(Department of Energy Organization Act, Pub. L. 95–91, 42 U.S.C. 7101 *et seq.;* Energy Supply and Environmental Coordination Act of 1974, as amended, 15 U.S.C. 791 *et seq.;* Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, 42 U.S.C. 8301 *et seq.;* Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35)

Issued in Washington, D.C., September 28, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81–28661 Filed 9–30–81; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

Extensions of Credit by Federal Reserve Banks; Changes in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A, "Extensions of Credit by Federal Reserve Banks," for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country.

EFFECTIVE DATE: The changes were effective on the dates specified below.

FOR FURTHER INFORMATION CONTACT: James McAfee, Assistant Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452–3259).

SUPPLEMENTARY INFORMATION: Pursuant to the authority of 5 U.S.C. 553 (b)(3)(B) and (d)(3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial considerations required that these amendments must be adopted immediately.

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357) Part 201 is amended as set forth below:

1. Section 201.52(b) is revised to read as follows:

§ 201.52 Extended credit to depository institutions.

* * * * *

(b) The rates for other extended credit provided to depository institutions under sustained liquidity pressures or where there are exceptional circumstances or practices involving a particular institution under § 201.3(b)(2) of Regulation A are:

	Rate	Effective
Federal Reserve Bank of:		
Boston	14	Sept. 4, 1981.
New York	14	Aug. 21, 1981.
Philadelphia	14	Aug. 20, 1981.
Cleveland	14	Aug. 25, 1981.
Richmond	14	Aug. 21, 1981.
Atlanta	14	Aug. 21, 1981.
Chicago	14	Aug. 27, 1981.
St. Louis	14	Aug. 25, 1981.
Minneapolis	14	Aug. 21, 1981.
Kansas City	14	Aug. 28, 1981.
Dallas	14	Aug. 20, 1981.[1]
San Francisco	14	Aug. 24, 1981.

[1] August 28, 1981 for extended credit to depository institutions where there are special circumstances.

NOTE.—These rates apply for the first 60 days of borrowing. A 1 percent surcharge applies for borrowing during the next 90 days, and a 2 percent surcharge applies for borrowing thereafter.

(12 U.S.C. 248(i), Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, September 25, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81–[illegible] Filed 9–30–81; 8:45 am]

BILLING CODE 6210–01–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 747

Administrative Actions, Adjudicative Hearings, and Rules of Practice and Procedure; Equal Access to Justice Regulation

AGENCY: National Credit Union Administration.

ACTION: Interim rule with request for comments.

SUMMARY: The National Credit Union Administration (NCUA) proposes to add a new subpart to its Rules of Practice and Procedure to implement the Equal Access to Justice Act. The Act provides for the award of attorneys fees and expenses to certain small entities when they prevail against NCUA in administrative and court actions if the position of NCUA in the proceeding was not substantially justified. It directs all agencies conducting these proceedings to adopt regulations establishing procedures for making fee awards. In response to this requirement, the proposed new subpart would establish the procedures to be used by prevailing parties in applying for fee awards and by NCUA in determining whether the conditions requisite to an award have been met.

DATES: This interim rule is effective October 1, 1981. Comments must be received by November 30, 1981.

ADDRESS: Interested persons are invited to submit written comments to Robert S. Monheit, Regulatory Development Coordinator, National Credit Union Administration, 1776 G Street, NW, Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Robert S. Monheit, Senior Attorney, or Anne K. Scully, Attorney-Advisor, at the above address. Telephone: (202) 357–1030.

SUPPLEMENTARY INFORMATION:

I. Background

The Equal Access to Justice Act ("Act"), Pub. L. 96–481, which will go into effect on October 1, 1981, provides for the award of reasonable fees and expenses to certain eligible parties that prevail over NCUA and other agencies of the Federal government in certain administrative and court adjudications. The Act is based on the premise that small businesses and individuals may be deterred from seeking review of, or defending against, unreasonable governmental action because of the expense involved in challenging unwarranted agency action through litigation. In enacting the Act, Congress intended to diminish this deterrent effect by providing, in specified situations, for an award of attorneys fees and expenses against the United States unless the government action was substantially justified. In addition, the Act makes the United States subject to the common law and statutory exceptions to the "American Rule" respecting the award of attorneys fees. (The American Rule generally provides that each part is responsible for the payment of his own attorneys fees and other expenses incurred during litigation.)

The Act directs Federal agencies to establish uniform procedures for the submission and consideration of applications for fees in their own covered proceedings after consultation with the Administrative Conference of the United States. In order to facilitate this process, the Administrative Conference has developed model regulations to provide a workable guideline and to encourage uniform procedures. NCUA's interim rules have been based on the model drafted by the Administrative Conference.

II. Summary

General Provisions

The procedures of proposed subpart I will apply to formal administrative adjudications conducted by NCUA pursuant to section 554 of the Administrative Procedures Act. (5 U.S.C. 554) These are proceedings pertaining to issuance of cease-and-desist orders, assessment of civil money penalties, removal or suspension from office, and/or prohibition from participation in the affairs of a credit union, of directors, officers and other persons, suspension or revocation of the charter of a Federal credit union (involuntary liquidation), involuntary termination of the insured status of an insured credit union, termination of the membership in the Central Liquidity Facility. After an eligible party has prevailed in one of these proceedings, it may file an application for certain of its fees and expenses if it believes that the position of NCUA in the proceeding was not substantially justified. The NCUA Board will issue a Final Decision and Order, based upon the criteria set forth in the Act and subpart I, either to approve or deny the fee award sought in the application. If the Board approves an application for a fee award, NCUA will pay the award unless judicial review of the award or the underlying action has been sought.

Eligible Parties

Section 747.902 sets forth those categories of applicants who are eligible to recover their fees and expenses. Prevailing parties eligible for such awards are limited to individuals with net worths of less than $1 million, business and other entities that are not individuals with net worths of less than $5 million and fewer than 500 employees, and tax exempt organizations under 26 U.S.C. 501(c)(3) and agricultural cooperatives regardless of net worth.

As noted previously, Congress intended that only small entities and individuals benefit from the Act. Therefore, where an applicant is affiliated with other entities (whose net worths may be available to underwrite the cost of litigation), the Board may aggregate the net worths and employees of an applicant with that of its affiliates, where the relationship between the two entities is such to make aggregation compatible with the intent of the Act. § 747.902(g) sets forth this view.

In addition, § 747.902 states that the net worth of sole owners of unincorporated business must include both their personal and business assets. However, for the purpose of determining eligibility, an applicant's status as an individual or a sole owner of an unincorporated business shall be determined based upon the personal or business nature of the issues on which the applicant prevails.

The Act and the model rules also provide that eligibility shall be determined as of the date the proceedings begin. The interim rule provides that the NCUA Board will disregard transactions made by applicants prior to initiation of the proceeding that were made solely for the purpose of meeting the net worth standard. This would include instances where the applicant has apparently disposed of assets or incurred financial obligations for this purpose.

The Act limits the eligibility of businesses to those with less than 500 employees. The interim rule defines "employees" for this purpose to include those persons who regularly perform compensated services under the applicant's direction and control. Part-time employees are to be included on a proportional basis.

Finally, § 747.902 provides that applicants will not be eligible when they are participating only on behalf of other persons or entities that are ineligible. This is designed to prevent ineligible parties planning litigation with NCUA from using other eligible parties to conduct their litigation in order to qualify for fee awards.

Prevailing Party

Under the Act, a "prevailing party," is not merely an applicant who receives a favorable final decision in any litigation. A party may prevail on a significant and separate substantive issue which has become final in the proceeding.

Standards for Awards

Section 747.903 sets forth the Act's standards for making fee awards. The Board may award allowable fees and expenses to a prevailing eligible party if NCUA's position in the proceeding, or on a significant, separate issue, was not substantially justified as being reasonable in law and in fact. Where a party prevails on a portion of the entire proceeding, his award shall be prorated accordingly. The burden of proof is on NCUA to demonstrate that its position was justified. This subsection also authorizes the Board to reduce or deny an award when it determines that special circumstances make the award unjust.

Allowable Fees and Expenses

Section 747.904 would establish guidelines for the amount of an award. Under the provisions of the Act and the model rules, recoverable fees and expenses include reasonable attorneys fees, expenses for expert witnesses, reasonable costs of any study, analysis, report, test, or project found necessary for the preparation of the party's case. The Act specifically provides for awards at "prevailing market rates" customarily charged by attorneys and experts subject to the statutory ceilings imposed, i.e., attorney fees cannot exceed $75 per hour (unless NCUA determines, by regulation, that special factors justify a higher fee). Expert witness compensation cannot exceed the maximum rate of compensation for expert witnesses that may be paid by NCUA, computed from the current government-wide ceiling on employee salaries. NCUA adopts the model rules on allowable fees.

Awards Against Other Agencies

NCUA also adopts the provision in the model rules which allows for the award of fees and expenses against other agencies which have participated with NCUA and have taken unreasonable positions in proceedings before the NCUA Board. While the likelihood of another agency participating in a proceeding before the NCUA Board is minimal, such

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involvement may occur. Section 747.905 sets forth this position.

Application Procedures

(a) Contents of Application. Section 747.906 identifies the information to be included in an application made by an eligible prevailing party for an award of fees and expenses. The Act and the model rules provide that the application must identify the applicant, the proceeding, indicate that the applicant has "prevailed" against NCUA, identify NCUA's allegedly unjustified position in the proceeding, provide information that is eligible to receive an award, and document the fees and expenses sought. No special form is required. Information submitted under this section may be submitted in the form of a legal pleading, with supporting exhibits and material, where appropriate. NCUA adopts the model rules provided by the Administrative Conference.

(b) Statement of Net Worth. Section 747.907 states the requirements regarding the contents of the statements of net worth to be submitted by eligible prevailing applicants. To avoid burdensome paperwork requirements, this section allows applicants to submit information on their net worth in a format of their own choice, provided that full disclosure of all facts necessary to determine the applicant's eligibility under the applicable net worth criteria is made. Where the information submitted is incomplete, the Board may require additional information and/or data from the applicant. The section provides that a Federal credit union or qualified state credit union shall submit, as a statement of its net worth, its last Statement of Financial Condition dated prior to the initation of the underlying proceeding.

NCUA is not adopting the model rules' special procedures for guaranteeing confidential treatment of net worth information. Since such information may be traditionally exempt under FOIA and is to be used in proceedings not open to the public only, such a section is unnecessary in light of NCUA's present regulations under FOIA, 12 CFR Part 720.

(c) Documentation of Fees and Expenses. Section 747.908 describes the documentation of fees and expenses to be submitted. Generally, the provision would require itemized statements of work performed, and fees and expenses claimed, for each attorney, expert, or witness for whose services an award is claimed, to be verified by the individual or entity who performed the services. Records of expenses are required to be kept in accordance with the Internal Revenue Service's requirements for documentation of business expenses.

Filing and Service of Applications

Applications for an award of fees and expenses must be filed by an eligible prevailing party within 30 days after the Board's final decision on the proceeding. However, a prevailing party may apply at any earlier time that it believes it has prevailed with respect to a significant and separate substantive issue which has become "final." This would include settlements between the party and the NCUA Board, or when a party wins an intermediate appeal of a sufficiently significant issue and still loses the principal case. This should not be interpreted to mean, however, that a party has "prevailed" in all cases when the Board administers fewer sanctions or less severe sanctions than called for in the Notice of Charges.

If a party seeks judicial review either of an issue for which it seeks an award or of the underlying proceeding, award proceedings will be stayed pending final disposition. The model rules provide that an agency's decision does not become "final" until after the last date on which a petition for reconsideration could be filed. With the exception of Part 747, Subpart F regarding suspension and prohibitions where a felony is charged, NCUA's rules and regulations do not provide any procedures or time limits, per se, for reconsideration of its orders. Therefore, applications must be filed within 30 days after the Board issues its final decision and order.

Answer, Reply, and Comments to Application

Section 747.909 sets forth the procedures to be followed by NCUA and the applicant following the latter's submission of an application for an award. This section is intended to keep the procedures used simple and streamlined and to promote prompt disposition of the fee-award request. NCUA's Office of General Counsel (OGC) is required to file an answer to an application for an award against the NCUA Board within 30 calendar days after service of the application, unless OGC seeks an extension of time or the parties manifest an intent to settle. Failure to answer will be treated as consent to the application unless an extension of time has been granted. Applicants will have 15 days to reply to the OGC answer. However, replies are permitted only in response to answers that raise affirmative defenses.

Section 747.910 limits participation in award proceedings by non-applicant parties to the original administrative actions. It permits these parties a 30-day comment period concerning the application and a 15-day comment period on NCUA's answer. This time period provides non-applicants who have a stake in the outcome with a reasonable opportunity to comment upon the application.

Settlement

Section 747.911 permits a settlement of an award, either in connection with a settlement or the underlying issues or after the underlying proceeding has been concluded. In addition, the rules provide that a proposed settlement of an award that is agreed upon before an application has been filed must be accompanied by an application because: (1) the Act appears to require the filing of an application; (2) the information in the application will permit the Board, which is authorized to approve settlements, to review the reasonableness of the terms contained therein; and (3) the information in the application will provide a data base for the Administrative Conference's annual report to Congress.

Decision

Section 747.913 states that after all applications, answers, and replies have been filed, the Administrative Law Judge or the Board may order further proceedings, when necessary, to develop a complete record on the application including, but not limited to, informal conferences, oral argument, additional written submissions, or an evidentiary hearing. After the close of all proceedings, the Administrative Law Judge will make a recommended decision on the application to the NCUA Board. The Board will review it and issue its final decision within 60 days thereafter.

Interim Rule

The NCUA Board determines that, due to the severe statutory time constraints requiring implementation by October 1, 1981, good cause exists for finding that public procedure on these interim regulations is impracticable, 5 U.S.C. 553(b)(B). For the same reason, good cause exists for making these interim rules effective in less than 30 days, 5 U.S.C. 553(d)(3). However, NCUA is soliciting comments on the interim rule and will issue a final rule after public procedure has been completed.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, in particular 44 U.S.C. 3506(c)(5), the application and documentation requirements of the interim rule were not submitted to the Office of Management and Budget. While these documents are required by law to obtain a benefit, the NCUA Board believes, based upon past records in civil and administrative adjudications, that less than 10 persons will, each year, be considered to be "prevailing parties" required to submit applications for benefits under the Act and these rules. Thus, 44 U.S.C. 3506(c)(5) exempts these requirements from review by the Office of Management and Budget. Further, those applications and documents submitted during the conduct of a civil action or and administrative action are exempt from all the requirements of the Paperwork Reduction Act pursuant to 44 U.S.C. 3518(c)(1)(B).

Certification Under the Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NCUA Board certifies that the interim rule will not have a significant economic impact on a substantial number of small entities. While these rules would impact upon those small entities with net worths of less than $5 million, it would affect only those entities that prevail in one of the proceedings referred to in § 747.901. In such proceedings since 1978, only two eligible businesses or individuals, as defined by the Act, have prevailed within the meaning of the proposed subpart. In any event, any impact created would be beneficial in nature. Based on this history, the proposed new subpart cannot be expected to affect a substantial number of small entities.

Accordingly, the National Credit Union Administration Board hereby issues an interim amendment to 12 CFR Part 747, as set forth below.

Rosemary Brady,

Secretary, National Credit Union Administration Board.

September 25, 1981.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789); Sec. 203, 94 Stat. 2325 (5 U.S.C. 504))

PART 747—ADMINISTRATIVE ACTIONS, ADJUDICATION HEARINGS, AND RULES OF PRACTICE AND PROCEDURE

A new Subpart I is added to 12 CFR Part 747, to read as follows:

Subpart I—Rules and Procedures Applicable to Recovery of Attorneys Fees and Other Expenses Under the Equal Access to Justice Act in Board Adjudications.

Sec.
747.901 Purpose and scope.
747.902 Eligibility of applicants.
747.903 Prevailing party.
747.904 Standards for awards.
747.905 Allowable fees and expenses.
747.906 Awards against other agencies.
747.907 Contents of application.
747.908 Statement of net worth.
747.909 Documentation of fees and expenses.
747.910 Filing and service of applications.
747.911 Answer to application.
747.912 Comments by other parties.
747.913 Settlement.
747.914 Further proceedings.
747.915 Recommended decision.
747.916 Decision of the Board.
747.917 Payment of award.

Authority: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789); Sec. 203, 94 Stat. 2325 (5 U.S.C. 504).

Subpart I—Rules and Procedures Applicable to Recovery of Attorneys Fees and Other Expenses Under the Equal Access to Justice Act in Board Adjudications

§ 747.901 Purpose and scope.

(a) This subpart contains the regulations of the National Credit Union Administration implementing the Equal Access to Justice Act of 1980, Pub. L. 96–481 (5 U.S.C. 504). The Act provides for the award of attorneys fees and other expenses to eligible individuals and entities who are parties to adjudicative proceedings conducted under Part 747 of this Chapter. An eligible party may receive an award when it prevails over NCUA in a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the NCUA was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for fee awards, explain how to apply for awards and the procedures and standards that NCUA will use to make them.

(b) The rules and procedures set forth in this section apply to adversary adjudications that are pending before the NCUA Board at any time between October 1, 1981 and September 30, 1984. Pending proceedings would include those actions begun prior to October 1, 1981, if no final action has been taken before that date and those pending as of September 30, 1984, regardless of when they were initiated or when final action occurs.

§ 747.902 Eligibility of applicants.

(a) To be eligible for an award of attorneys fees and expenses, an applicant must be a prevailing party in the proceeding for which it seeks an award and must be:

(1) an individual with a net worth of not more than $1 million;

(2) the sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees at the time the proceeding was commenced (an applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests);

(3) a charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with fewer than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with fewer than 500 employees; or

(5) any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(b) For the purpose of determining eligibility, the net worth of an applicant shall be its net worth as of the date the proceeding was initiated.

(c) The applicant's net worth includes the value of any assets disposed of for the purpose of meeting an eligibility standard and excludes any obligations incurred for this purpose. Transfers of assets or obligations incurred for less than reasonably equivalent value will be presumed to have been made for this purpose.

(d) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(e) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this Subpart, unless the Board determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the Board may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(f) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 747.903 Prevailing party.

An eligible applicant may be a "prevailing party" if it wins an action after a full hearing or trial on the merits, if a settlement of the proceeding was effected on terms favorable to it, or if the proceeding against it has been dismissed. In appropriate situations an applicant may also have prevailed if the outcome of the proceeding has substantially vindicated the applicant's position on the significant substantive matters at issue, even though the applicant has not totally avoided adverse final action.

§ 747.904 Standards for awards.

(a) A prevailing party may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, by or against NCUA unless the position of NCUA during the proceeding was substantially justified. The burden of proving that an award should not be made is on counsel for NCUA. To avoid an award, counsel for NCUA must show that its position was reasonable in law and in fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

(c) Where an applicant has prevailed on one or more discrete substantive issues in a proceeding, even though all the issues were not resolved in its favor, any award shall be based on the fees and expenses incurred in connection with the discrete significant substantive issue or issues on which the applicant's position has been upheld. If such segregation of costs is not practicable, the award may be based on a fair proration of those fees and expenses incurred in the entire proceeding which would be recoverable under this section if proration were not performed.

(d) Whether separate or prorated treatment under the preceding paragraph, including the applicable proration percentage, is appropriate shall be determined on the facts of the particular case. Attention shall be given to the significance and nature of the respective issues and their separability and interrelationship.

§ 747.905 Allowable fees and expenses.

(a) Except as provided by § 747.904(b), awards will be based on rates customarily charged by persons engaged in the business [illegible] acting as attorneys, agents and expert witnesses, even if the sevices were made available without charge or at a reduced rate.

(b) No award under this subpart for the fee of an attorney or agent may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which NCUA is permitted to pay expert witnesses. However, an award may also include the reasonable expenses of the attorney, agent or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent, or expert witness, the NCUA Board shall consider the following:

(1) If the attorney, agent, or expert witness is in private practice, his or her customary fee for like services, or, if he or she is an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent, or expert witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, report, test, project, or similar matter prepared on behalf of the party may be awarded to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 747.906 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates with NCUA in a proceeding before the NCUA Board and takes a position that is not substantially justified, the award or an appropriate portion of the award shall be made against that agency.

§ 747.907 Contents of application.

(a) A prevailing eligible party, as defined in §§ 747.902, 747.903, and 747.904, seeking an award under this section, must file an application for an award of fees and expenses with the Secretary of the NCUA Board. The application shall include the following information:

(1) the identity of the applicant and the proceeding for which an award is sought;

(2) a showing that the applicant has prevailed and an identification of the issues in the proceeding on which the applicant believes that the position of NCUA was not substantially justified;

(3) a statement, with supporting documentation that the applicant is an eligible party, as defined by § 747.902. If the applicant is an individual, he must state that his net worth does not exceed $1 million. If the applicant is not an individual, it shall state the number of its employees and that its net worth does not exceed $5 million as of the date the proceeding was initiated. However, an applicant may omit a statement of net worth if:

(i) it attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(ii) it states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a));

(4) a statement of the amount of fees and expenses for which an award is sought; and

(5) any other matters that the applicant believes may assist or wishes the NCUA Board to consider in determining whether and in what amount an award should be made.

(b) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty or perjury that the information provided in the application is true and correct.

(c) The application and documentation requirements of this subpart are required by law to obtain a benefit under the Equal Access to Justice Act and this subpart. These requirements were not subject to submission to and review by the Director of the Office of Management and Budget under the Paperwork Reductions Act (44 U.S.C. 3507).

§ 747.908 Statement of net worth.

(a) Each applicant (other than a qualified tax-exempt organization or cooperative association) must provide a detailed statement showing the net worth of the applicant and any affiliates, as defined in § 947.902(a), when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant is an eligible party. The Administrative Law Judge or the Board may require additional information from the applicant to determine eligibility. Unless otherwise ordered by the Board or required by law, the statement shall be kept confidential and used by the Board only in making its determination of an award.

(b) If the applicant or any of its affiliates is a Federal credit union, the portion of the statement of net worth which relates to the Federal credit union shall consist of a copy of the Federal credit union's last Statement of Financial Condition filed before the initiation of the underlying proceeding.

(c) All statements of net worth shall describe any transfers of assets from or obligations incurred by the applicant or any affiliate, occurring in the six-month period prior to the date on which the proceeding was initiated, which reduced the net worth of the applicant and its affiliates below the applicable net-worth ceiling. If there were none, the applicant shall so state.

§ 947.909 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, audit, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Administrative Law Judge or the Board may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 747.910 Filing and service of applications.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Board's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision on which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) As used in this rule, final disposition means the issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

(d) Any application for an award of fees and expenses shall be filed with the Secretary of the Board, National Credit Union Administration, 1776 G Street, NW, Washington, D.C. 20456. Any application for an award and any other pleading or document related to an application, shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 747.908(a) for statements of net worth.

§ 747.911 Answer to application.

(a) Within 30 days after service of an application, counsel for NCUA may file an answer to the application. Unless counsel for NCUA requests and is granted an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period will be treated as a consent to the award requested.

(b) If counsel for NCUA and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the NCUA Board upon the joint request of counsel for NCUA and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, counsel shall include with the answer a request for further proceedings under § 747.914.

(d) The applicant may file a reply if counsel for NCUA has addressed in his or her answer any of the following issues: (1) that the position of NCUA in the proceeding was substantially justified; (2) that the applicant unduly protracted the proceedings; or (3) that special circumstances make an award unjust. The reply shall be filed within 15 days after service of the answer. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply a request for further proceedings under § 747.914 of this rule.

§ 747.912 Comments by other parties.

Any party to a proceeding other than the applicant and counsel for NCUA may file comments on an application within 30 days after service of the application or on an answer within 15 days after service of the answer. A commenting party may not participate further in proceedings on the application unless the Administrative Law Judge or the Board determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 747.913 Settlement.

The applicant and counsel for NCUA may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with NCUA's standard settlement procedure. If a prevailing party and counsel for NCUA agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 747.914 Further proceedings.

(a) After the expiration of the time allowed for the filing of all documents necessary for the determination of a recommended fee award, the Board shall transmit the entire record to the Administrative Law Judge who presided at the underlying proceeding. Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or counsel for NCUA, or on its own initiative, the Administrative Law Judge or the Board may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the Administrative Law Judge or the Board order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 747.915 Recommended decision.

The Administrative Law Judge shall file a recommended decision on the application with the Board within 60 days after completion of proceedings on the application. The recommended decision shall include written findings and conclusions on the applicant's

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eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The recommended decision shall also include, if at issue, findings on whether NCUA's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the recommended decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made. The Administrative Law Judge shall file with and certify to the Board the record of the proceeding on the fee application, the recommended decision and proposed order. Promptly upon such filing, the Board shall serve upon each party to the proceeding a copy of the Administrative Law Judge's recommended decision, findings, conclusions and proposed order. The provisions of this paragraph and § 747.914 shall not apply, however, in any case where the hearing was held before the Board.

§ 747.916 Decision of the board.

(a) Within 15 days after service of the recommended decision, findings, conclusions, and proposed order, the applicant or counsel for NCUA may file with the Board written exceptions thereto. A supporting brief may also be filed.

(b) The Board shall render its decision within 60 days after the matter is submitted to it. The Board shall furnish copies of its decision and order to the parties. Judicial review of the Board's final decision and order may be obtained as provided in 5 U.S.C. 504(c)(2).

§ 747.917 Payment of award.

An applicant seeking payment of an award granted by the NCUA Board against the agency shall submit to the Division of Financial Operations, Office of Administration, a copy of the Board's Final Decision and Order granting the award, accompanied by a statement that it will not seek review of the decision and order in the United States court. All submissions shall be addressed to Director, Division of Financial Operations, Office of Administration, National Credit Union Administration, 1776 G Street, NW, Washington, D.C. 20456. The NCUA will pay the amount awarded within 60 days after receiving the applicant's statement, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

[FR Doc. 81-28568 Filed 9-30-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-SO-26; Amdt. No. 39-4222]

Airworthiness Directives; Piper Aircraft Models PA-28R-200, PA-28R-201 and PA-28RT-201 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Piper Aircraft Models PA-28R-200, PA-28R-201 and PA-28RT-201 airplanes by providing a sketch of the approved oil quick drain valve to assist in field identification of the correct part. The amendment is needed because the FAA has determined that the number stamped on the oil quick drain valve, and referenced in Paragraph (b)(1) of AD 81-11-02, may not be legible, resulting in some confusion as to whether the correct valve is installed.

DATES: Effective October 2, 1981. Compliance as prescribed in body of AD.

ADDRESSES: The applicable service letter may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lockhaven, Pennsylvania 17745. A copy of the service letter is contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: R. C. Padgett, ASO-214, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-4111, AD 81-11-02, which currently requires inspection of the oil quick drain valve to insure that Piper Part Number 492-172V is installed, replacement with the correct part, if necessary, and the installation of warning placards which caution that the use of incorrect parts may result in loss of oil on certain Piper Models PA-28R-200, PA-28R-201 and PA-28RT-201 airplane. After issuing Amendment 39-4111, the FAA has determined that some confusion has resulted in the field concerning the identification of some oil quick drain valves due to the identifying number, referenced in AD 81-11-02, either missing or found illegible. Therefore, the FAA is amending Amendment 39-4111 by providing a sketch of the approved oil quick drain valve to assist in field identification of the correct part on certain Piper Models PA-28R-200, PA-28R-201 and PA-28RT-201 airplanes. Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-4111 (46 FR 26608), AD 81-11-02, as follows:

1. By revising Paragraph (b)(1) to read:

> (b)(1) Inspect the oil quick drain valve and insure that Piper Part No. 492-172V is installed and correctly safety wired. The correct valve can be identified by comparison with Figure 2. Also, the Number 1H50-1 may be visible on the hex.

2. By adding the following Figure 2.

Correct Oil Quick Drain Valve

PA-28R-200; PA-28R-201; PA-28RT-201

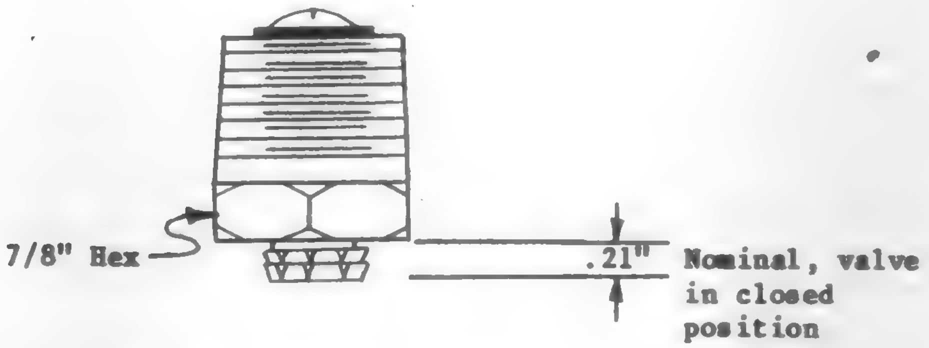

Oil Quick Drain Valve

Piper Part Number 492 172V

FIGURE 2

This amendment becomes effective October 2, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

Note.—The FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 24, 1979) and will not have an impact on a substantial number of small entities under the Regulatory Flexibility Act, since it imposes no additional burden on any person.

Issued in East Point, Georgia, on September 16, 1981.

William J. McGill,

Acting Director, Southern Region.

[FR Doc. 81-28596 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-40-AD; Amdt. No. 39-4225]

Airworthiness Directive; Boeing Model 727 and 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD) which requires modification of a printed circuit card located in the Hamilton Standard (HS) Electronic Pressurization Controller. This action is necessary to prevent overheating of a resistor caused by a short-circuit, which may result in inflight fire in the pressurization controller and damage to adjacent electronic boxes and the aircraft lining in the forward electronics bay.

DATES: Effective date October 13, 1981.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Lium, Systems and Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, Telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: On December 5, 1980, during a departure climbout, a B-727 crew noted a cabin pressure change and found they were unable to control pressurization in the automatic, standby, or manual modes. The crew noted smoke in the crew cab and returned the airplane to base. Ground emergency personnel opened the door to the Electronics/Electrical (E/E) bay and observed flames in the vicinity of the pressure controller. After the fire was extinguished, burnt residue was observed below the pressure controller rack, and damage to the avionics components immediately to the right and left of the pressure controller and to the drip shield above the controller was noted.

An investigation by the controller manufacturer revealed that a short circuit between a certain transistor metal case (collector) and electrical ground caused excessive current to flow through a resistor, which then became hot enough to ignite the printed circuit board.

Five previous occurrences of overheating have been reported, although none resulted in a fire. Mandatory modification of the pressurization controller is now required, since continued operation of an airplane with unmodified controllers could result in a inflight fire in the forward E/E bay.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires modification to the pressurization controller on certain Boeing Model 727-200 and 737 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this Amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Boeing Model 727-200 series and 737 airplanes, certificated in all categories, using the following Hamilton Standard electronic pressurization controllers that have not been previously modified to HS reference number P57

HS Part Number—710204-7, 710204-8, 761260-7, 761260-8

Boeing Part Number—10-61209-13, 10-61209-14, 10-61209-19, 10-61209-18

To prevent inflight fires, within 30 days after the effective date of this AD, accomplish the following, unless already accomplished: Modify the Hamilton Standard pressurization controllers listed above in accordance with Boeing Service Bulletins 727-21 A96 and 737-21 A1064, published August 28, 1981, or later FAA approved revision, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received the above specified Alert Service Bulletin from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or it may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This Amendment becomes effective October 13, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals of the District of Columbia.

Issued in Seattle, Washington, on September 23, 1981.

Leroy A. Keith,

Acting Director, Northwest Region.

[FR Doc. 81-28596 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWE-21]

Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment changes the description of VOR Federal Airway V-8 in the vicinity of Seal Beach, CA, by relocating the intersection which is the starting point of V-8 eastward approximately 4 miles. There is no change to the current alignment of V-8. This action coincides with the new realignment of the Standard Instrument Departure Procedure (SID) Doyle 2, from Point Mugu, CA. This amendment also increases air safety and reduces chart clutter.

DATES: Effective date—November 26, 1981. Comments must be received on or before November 2, 1981.

ADDRESSES: Send comments on the rule in triplicate to:

Director, FAA Western Region,
Attention: Chief, Air Traffic Division,
Docket No. 81-AWE-21, Federal
Aviation Administration, 15000
Aviation Boulevard, P.O. Box 92007,
Worldway Postal Center, Los Angeles,
CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves only a slight change to the description of VOR Federal Airway V-8 and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the description of VOR Federal Airway V-8 by relocating the current starting point of V-8 (Doyle Intersection) eastward along the V-8 radial approximately 4 miles (Intersection V-8/V-27). This action coincides with the new Instrument Departure Procedure (SID) Doyle 2, from Point Mugu, CA. In addition, this amendment removes some chart clutter, simplifies air traffic control procedures, and reduces controller workload. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 409).

Since this amendment merely relocates the Doyle Intersection eastward to a current intersection along an existing airway segment with no change in controlled airspace, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 GMT, November 26, 1981, as follows:

V-8 [Amended]

By deleting the words "From INT Seal Beach, CA, 266° and Los Angeles, CA, 236° radials; Seal Beach;" and substituting for them the words "From INT Seal Beach, CA, 266° and Ventura, CA, 144° radials; Seal Beach;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 25, 1981.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-28603 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-21]

Alteration, Designation and Revocation of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes several VOR Federal Airways and designates several new VOR Federal Airways in the vicinity of Oklahoma City, OK. This action reduces chart clutter and is consistent with our policy to eliminate all alternate route designations in accordance with an agreement with the International Civil Aviation Organization (ICAO).

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On July 13, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke VOR Federal Airways V-14N, V-14S, V-15E, V-77E, V-81E, V-102S, V-114S and V-272N. Also, this amendment designates new VOR Federal Airway V-404 between Childress, TX, and Wichita, TX (46 FR 35934). In order to maintain the route structure, V-14S between Hobart, OK, and Tulsa, OK, has been renamed V-436, and V-272S between Sayre, OK, and Oklahoma City, OK, has been renamed V-440. This action reduces chart clutter and supports our commitment to ICAO to eliminate all alternate route designations. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) removes VOR Federal Airways V-14N, V-14S, V-15E, V-77E, V-81E, V-102S, V-114S, and V-272N. Also, this amendment designates new VOR Federal Airway V-404.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished and amended (46 FR 409, 24167, and 24170) is further amended, effective 0901 GMT, November 26, 1981, as follows:

1. V-14 [Amended]

By deleting the words "Childress, TX, including a S alternate via INT Lubbock 086° and Childress 229° radials; Hobart, OK; Oklahoma City, OK, including a S alternate via INT Hobart 076° and Oklahoma City 202° radials; Tulsa, OK, including a N alternate via INT Oklahoma City 037° and Tulsa 261° radials, and also a S alternate via INT Oklahoma City 079° and Tulsa 228° radials; Neosho, MO," and substituting for them the words "Childress, TX; Hobart, OK; Oklahoma City, OK; Tulsa, OK; Neosho, MO,"

2. V-15 [Amended]

By deleting the words "Ardmore, OK; Okmulgee, OK, including an E alternate; INT Okmulgee 048° and Neosho, MO, 223° radials; Neosho." and substituting for them the words "Ardmore, OK, Okmulgee, OK; INT Okmulgee 048° and Neosho, MO, 223° radials; Neosho."

3. V-77 [Amended]

By deleting the words "via Abilene, TX; Wichita Falls, TX, including an E alternate; INT Wichita Falls 028° and Oklahoma City, OK, 202° radials; Oklahoma City, including an E alternate from Wichita Falls to Oklahoma City via INT Wichita Falls 047° and Duncan, OK, 248° radials, Duncan, INT Duncan 011° and Oklahoma City 180° radials; Pioneer, OK;" and substituting for them the words "via Abilene, TX; Wichita Falls, TX; INT Wichita Falls 028° and Oklahoma City, OK, 202° radials; Oklahoma City, Pioneer, OK;"

4. V-81 [Amended]

By deleting the words "Plainview, TX; Amarillo, TX, including an east alternate via INT Plainview 025° and Amarillo 163° radials; Dalhart, TX," and substituting for them the words "Plainview, TX; Amarillo, TX; Dalhart, TX;"

5. V-102 [Amended]

By deleting the words "Guthrie, TX; Wichita Falls, TX, including an S alternate via INT Guthrie 103° and Wichita Falls 247° radials." and substituting for them the words "Guthrie, TX; Wichita Falls, TX."

6. V-114 [Amended]

By deleting the words "via Childress, TX, including an S alternate; Wichita Falls, TX, including an S alternate via INT Childress 120° and Wichita Falls 262° radials;" and substituting for them the words "via Childress, TX; Wichita Falls, TX,"

7. V-272 [Amended]

By deleting the words "Sayre, OK; Oklahoma City, OK, including an N alternate via INT Sayre 070° and Oklahoma City 282° radials and also an S alternate via INT Sayre 101° and Oklahoma City 242° radials; to McAlester, OK." and substituting for them the words "Sayre, OK; Oklahoma City, OK; to McAlester, OK."

8. V-404 [New]

By adding a new airway V-404 to read as follows:

V-404 From Childress, TX, INT Childress 120° and Wichita Falls, TX, 262 radials; to Wichita Falls.

9. V-436 [New]

By adding a new airway V-436 to read as follows:

V-436 From Hobart, OK, via INT Hobart 076° and Oklahoma City, OK, 202° radials; Oklahoma City; INT Oklahoma City 079° and Tulsa, OK, 228° radials; to Tulsa.

10. V-440 [New]

By adding a new airway V-440 to read as follows:

V-440 From Sayre, OK, via INT Sayre 101° and Oklahoma City, OK, 242° radials; to Oklahoma City.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant effect on a substantial number of small entitites under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 24, 1981.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-28604 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-53]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area, Starkville, Miss.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Starkville, Mississippi, transition area by correcting the description of an arrival area extension to coincide with a change to the NDB-C Standard Instrument Approach Procedure and corrects the location of the George M. Bryan Field Airport geographic position.

EFFECTIVE DATE: 0901 GMT, November 26, 1981.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace and Procedures Branch, Air Traffic Division,

V 46/190 OC 1 81 UMI

Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

In the Starkville, Mississippi, transition area described in § 71.181 (46 FR 540) an extension is designated on the BRYAN RBN 350° bearing to provide controlled airspace for aircraft executing instrument approaches to the George M. Bryan Field Airport. Since the final approach course is being changed from the 350° to the 340° bearing from the RBN, it is necessary to amend the transition area description accordingly. Also, the airport geographic position has changed, which requires a minor correction.

This amendment represents a change in the technical description of the transition area and imposes no greater constraints on the public than presently exist. Therefore, notice and public procedure hereon are not necessary.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the description of a Starkville, Mississippi, transition area by realigning the arrival area extension for the NDB-C Standard instrument approach procedure to the George M. Bryan Field Airport and correcting the coordinate location of the airport geographic position.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, November 26, 1981, as follows:

Starkville, Mississippi

By deleting the words, "* * * radius of George M. Bryan Field (lat. 33°26'00"N., long. 88°50'45"W.); within 3 miles each side of the 350° bearing BRYAN RBN * * *" and substituting for them the words, "* * * radius of George M. Bryan Field (lat. 33°26'02"N., long. 88°50'55"W.); within 3 miles each side of the 340° bearing from BRYAN RBN * * *".

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on September 21, 1981.

Jonathan Howe,

Director, Southern Region.

[FR Doc. 81-28442 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-34]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area: Hondo, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Hondo, Texas. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Hondo Municipal Airport. This amendment is necessary to provide protection for aircraft executing an instrument approach procedure using a new nondirectional radio beacon (NDB) located on the airport.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

On July 20, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 37279) stating that the Federal Aviation Administration proposed to designate the Hondo, Texas, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, November 26, 1981 as follows:

Hondo, Texas

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Hondo Municipal Airport (Latitude 29°21'28"N., Longitude 99°10'34"W.)

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves as established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on September 22, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-28444 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-34]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Redesignation of Control Zones and Transition Areas, Fort Campbell, Ky.; and Redesignation of Transition Area, Hopkinsville, Ky.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This rule redesignates: (1) The transition area centered on Campbell AAF, Sabre Army Heliport and Outlaw Field, and lowers the base controlled airspace from 1200 to 700 feet AGL northeast of Campbell AAF; (2) the transition area centered on Hopkinsville Christian County Airport; (3) the control zones centered on Campbell AAF, Sabre Army Heliport and Outlaw Field.

Additional controlled airspace, 700-foot transition area, is necessary to protect aircraft executing a new instrument approach procedure at Campbell AAF. A change of weather reporting service necessitates

redesignation of the control zones. This action provides controlled airspace protection for aircraft instrument flight operations in the vicinity of Fort Campbell, Kentucky, and Clarksville, Tennessee.

DATES: Effective Date: 0901 GMT, November 26, 1981; comments on the rule must be received before November 21, 1981.

ADDRESSES: Send comments on the proposal to.

Federal Aviation Administration
ATTN: Chief, Airspace and Procedures Branch, ASO-530 P.O. Box 20636
Atlanta, Georgia 30320

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, July 30, 1981 (46 FR 38929), the FAA proposed to designate additional controlled airspace in the Hopkinsville, Kentucky, 700-foot Transition Area northeast of Campbell AAF for protection of aircraft executing the proposed TACAN RWY 22 instrument approach procedure and correct an air navigation facility's name and the Campbell AAF geographic location in the Transition Area and Control Zone descriptions. No objections were received from this notice.

On September 14, 1981, Air Kentucky Air Lines terminated weather reporting service which supported IFR operations in the part-time control zone at Outlaw Field, Clarksville, Tennessee. The Outlaw Field Airport Manager, Air Kentucky and military representatives at Fort Campbell, Kentucky, have requested that the Clarksville and Hopkinsville Control Zones be combined. Campbell Approach Control has two-way radio communication capabilities with aircraft on Outlaw Field and will provide weather reports and air traffic control service at the airport. The control zone centered on Outlaw Field is being redesignated from part-time to full-time to facilitate the consolidation and weather service. No additional airspace is being designated in this action.

Request for Comments on the Rule

Although this action is in the form of a Final Rule, which involves changing a control zone from part-time to full-time and, thus, was not preceded by notice and public procedure, comments are invited on the rule. The FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, rulemaking proceedings will be initiated to amend the regulation.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (1) lowers the base of controlled airspace from 1200 to 700 feet AGL northeast of Campbell AAF; (2) redesignates the control zones centered on Campbell AAF, Sabre Army Heliport and Outlaw Field; and (3) redesignates the transition areas centered on Campbell AAF, Sabre Army Heliport and Outlaw Field.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to provide controlled airspace for protection of instrument flight operations in the vicinity of Outlaw Field. Therefore, I find that notice or public procedure under 5 U.S.C. 533(b) is impractical.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends Subparts F and G of Part 71 of the Federal Aviation Regulations, as republished (46 FR 455 and 540, respectively), effective 0901 GMT, November 26, 1981, as follows:

In § 71.171, the present control zone descriptions of Hopkinsville, Kentucky, and Clarksville, Tennessee, are deleted and the following is substituted therefor:

Fort Campbell, Kentucky

Within a 5-mile radius of Campbell AAF (Lat. 36°40′25″N., Long. 87°29′30″W.); within 1.5 miles each side of the 224° bearing from Airbe LOM, extending from the 5-mile radius zone to 0.5 mile southwest of the LOM; within a 5-mile radius of Outlaw Field (Lat. 36°37′15″N., Long. 87°24′52″W.); within 3 miles each side of Clarksville VOR 171° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR; within a 3-mile radius of Sabre Army Heliport (Lat. 36°34′14″N., Long. 87°28′50″W.).

In § 71.181, the present transition area description of Hopkinsville, Kentucky, is deleted and the following is substituted therefor:

Fort Campbell, Kentucky

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Campbell AAF (Lat. 36°40′25″N., Long. 87°29′30″W.); within 4.5 miles each side of the Screaming Eagle TACAN 054° radial, extending from the 8.5-mile radius area to 17.5 miles northeast of the TACAN; within an 8.5-mile radius of Outlaw Field (Lat. 36°37′15″N., Long. 87°24′52″W.); within a 5-mile radius of Sabre Army Heliport (Lat. 36°34′14″N., Long. 87°28′50″W.).

Hopkinsville, Kentucky

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hopkinsville-Christian County Airport (Lat. 36°51′25″N., Long 87°27′25″W.).

(Sec 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on September 22, 1981.

Jonathan Howe,

Director, Southern Region.

[FR Doc. 81-28441 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-50]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Revocation of Control Zone: Silver City, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revokes the control zone at Silver City, New Mexico. This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing the Silver City-Grant County Airport. The amendment is necessary since weather reports both hourly and special are not available at the Silver City-

Grant County Airport. Weather reports must be reported by a federally certified weather observer at the primary airport in the control zone during the times and dates a control zone is designated. Since this service is not available at the Silver City-Grant County Airport, the airport does not meet the basic requirements for the retention of the control zone. Therefore, this action revokes the designated controlled airspace.

DATES: Effective date—November 26, 1981. Comments on the rule must be received before November 15, 1981.

ADDRESSES: Send comments on the action in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region: Docket No. 81–ASW–50, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F § 71.171 as republished in the **Federal Register** on January 2, 1981 (46 FR 455), contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Revocation of the control zone at Silver City, New Mexico, will necessitate an amendment to this subpart. The basic requirements for a control zone are not available at Silver City, New Mexico; therefore, the revocation of the control zone is necessary.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) revokes the Silver City, New Mexico, control zone. Because this action reduces a burden on the public by releasing controlled airspace, I find that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, November 26, 1981, by: deleting the description of the Silver City, New Mexico, control zone.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11/61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on September 22, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81–28443 Filed 9–30–81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 81–AEA–11]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Special Use Airspace; Amendment to Restricted Area R–6602 Fort Pickett, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends Restricted Area R–6602, Fort Pickett, VA, by subdividing the existing area, reducing the area's lateral size, changing the area's designated times of use, and modifying the designated altitude. The change is required to provide airspace for a terminal instrument approach procedure and accommodate a change to the military's training requirements within the affected airspace. No person may operate an aircraft within a restricted area during its designated time of use without the permission of the using or controlling agency.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

On August 6, 1981, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to: (1) Delete the Northwest corner of R–6602 to allow unrestricted use of the Non-Directional Beacon (NDB) instrument approach procedure to Blackstone Army Airfield/Allen C. Perkinson Municipal Airport for category A, B, and C aircraft; (2) vertically subdivide R–6602 for more efficient joint use of the airspace by permitting activation of only those altitudes needed for a particular training activity; (3) change the time of use and the ceiling of the Southeast corner of R–6602 to accommodate the increased utilization of Fort Pickett by all military services; and (4) make editorial changes to the Continental Control Area and Federal Airways V–155 and V–157 to reflect the vertical subdivision. The U.S. Army has certified to the FAA that the requirements of the National Environmental Protection Act (NEPA) have been met (46 FR 40034). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Of the comments received, none were objections. Except for editorial changes, these amendments are the same as those proposed in the notice. Sections 71.123, 71.151, and 73.66 were republished on January 2, 1981 (46 FR 409, 446 and 826).

The Rule

These amendments to Parts 71 and 73 of the Federal Aviation Regulations: (1) Delete a portion of R–6602 from the Northwest corner; (2) vertically subdivide existing R–6602; (3) raise the ceiling of the Southeast corner of the existing area from 1,900 feet MSL to 4,000 feet MSL; (4) change the normal time of use to include the month of May; and (5) make appropriate editorial changes to the Continental Control Area and Federal Airways V–155 and V–157.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.123, 71.151, and 73.66 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73), as republished (46 FR 409, 446, and 826) and amended (45 FR 71773, 77418 and 46 FR 23047) are further amended, effective 0901 GMT, November 26, 1981, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

§ 71.123 [Amended]

Under V–155 by deleting the word "R–6602" and substituting for it the word "R–6602A."

Under V–157 by removing the word "R–6602" and substituting for it the word "R–6602A."

§ 71.151 [Amended]

By deleting the words "R–6602 Camp Pickett, VA" and substituting for them the words "R–6602C fort Pickett, VA"

PART 73—SPECIAL USE AIRSPACE

§ 73.66 [Amended]

By deleting the title and text of R–6602 Fort Pickett, VA, and adding the following:

"R–6602A Fort Pickett, VA

Boundaries. Beginning at lat. 37°05'37"N., long. 77°51'54"W.;
to lat. 37°04'25"N., long. 77°51'45"W.; along State Highway No. 40
to lat. 37°03'55"N., long. 77°51'05"W.;
to lat. 37°02'43"N., long. 77°50'38"W.;
to lat. 37°01'05"N., long. 77°50'43"W.;
to lat. 36°59'50"N., long. 77°50'34"W.;
to lat. 36°57'58"N., long. 77°52'14"W.;
to lat. 36°57'54"N., long. 77°53'19"W.;
to lat. 36°58'12"N., long. 77°57'42"W.;
to lat. 37°01'50"N., long. 77°58'40"W.;
to lat. 37°01'50"N., long. 77°55'58"W.;
to lat. 37°04'21"N., long. 77°55'58"W.;
to lat. 37°05'37"N., long. 77°54'42"W.;
to point of beginning.

Designated altitudes. Surface to but not including 4,000 feet MSL.

Time of designation. Continuous May 1 to Sept. 15. Other times by NOTAM 24 hours in advance.

Controlling agency. FAA Washington ARTCC.

Using agency. Commander, Fort Lee, VA.

R–6602B Fort Pickett, VA

Boundaries. Beginning at lat. 37°05'37"N., long. 77°51'54"W.;
to lat. 37°04'25"N., long. 77°51'45"W.; along State Highway No. 40
to lat. 37°03'55"N., long. 77°51'05"W.;
to lat. 37°02'43"N., long. 77°50'38"W.;
to lat. 37°01'05"N., long. 77°50'43"W.;
to lat. 36°57'54"N., long. 77°53'19"W.;
to lat. 36°58'12"N., long. 77°57'42"W.;
to lat. 37°01'50"N., long. 77°58'40"W.;
to lat. 37°01'50"N., long. 77°55'58"W.;
to lat. 37°04'21"N., long. 77°55'58"W.;
to lat. 37°05'37"N., long. 77°54'42"W.;
to point of beginning.

Designated altitudes. 4,000 feet MSL to but not including 11,000 feet MSL.

Time of designation. By NOTAM 24 hours in advance.

Controlling agency. FAA Washington ARTCC.

Using agency. Commander, Fort Lee, VA.

R–6602C Fort Pickett, VA

Boundaries. Beginning at lat. 37°05'37"N., long. 77°51'54"W.;
to lat. 37°04'25"N., long. 77°51'45"W.; along State Highway No. 40
to lat. 37°03'55"N., long. 77°51'05"W.;
to lat. 37°02'43"N., long. 77°50'38"W.;
to lat. 37°01'05"N., long. 77°50'43"W.;
to lat. 36°57'54"N., long. 77°53'19"W.;
to lat. 36°58'12"N., long. 77°57'42"W.;
to lat. 37°01'55"N., long. 77°58'40"W.;
to lat. 37°01'50"N., long. 77°55'58"W.;
to lat. 37°04'21"N., long. 77°55'58"W.;
to lat. 37°05'37"N., long. 77°54'42"W.;
to point of beginning.

Designated altitudes. 11,000 feet MSL to but not including 18,000 feet MSL.

Time of designation. By NOTAM 24 hours in advance.

Controlling agency. FAA Washington ARTCC.

Using agency. Commander, Fort Lee, VA."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 23, 1981.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–28439 Filed 9–30–81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 81–ASO–52]

Alteration of Jet Route J–79

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action modifies the description of J–79 between Wilmington, NC, and Norfolk, VA. This action is required because the Haw, NC, VORTAC, now used in the description of J–79 does not appear to be usable for navigational purposes. The substitute routing, Wilmington direct Norfolk, is now being used. This action will make the substitute routing permanent, thereby cuttting down on pilot/controller verbiage and allowing better flight planning.

EFFECTIVE DATE: November 26, 1981. Comments must be received on or before November 2, 1981.

ADDRESSES: Send comments on the rule in triplicate to:

Director, FAA Southern Region,
Attention: Chief, Air Traffic Division,
Docket No. 81–ASO–52, Federal
Aviation Administration, P.O. Box
20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves a minor alteration of Jet Route J–79 necessitated by failure of a navigational aid and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed.

The Rule

The purpose of this amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to modify the description of J–79 between Wilmington, NC, and Norfolk VA. This action alters J–79 by removing a segment of the route between Wilmington, NC; Haw, NC; and Norfolk, VA, and redefining it via Wilmington direct Norfolk. The Haw VORTAC has been unusable for navigation purposes for some time and efforts to improve its performance appear futile. The Wilmington direct Norfolk route is now a NOTAM substitute route. This action allows for charting of the substitute route, thereby reducing verbiage between the pilot and controller and allowing better flight planning. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 834). Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834), is amended, effective 0901 GMT, November 26, 1981, as follows:

Under J–79, after the words "Wilmington, NC" remove the words "; Haw, NC."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C, 1655(c)); and 14 CFR 11.69.)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 24, 1981.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–28605 Filed 9–30–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 22169; Amdt. No. 1200]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchases as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Fight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, and effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedures before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard

Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

. . . *Effective November 26, 1981*

Galesburg, IL—Galesburg Muni, VOR Rwy 20, Amdt. 1
Macomb, IL—Macomb Muni, VOR/DME–A, Amdt. 2
Springfield, IL—Capital, VOR Rwy 222, Amdt. 17
Alexandria, IN—Alexandria, VOR Rwy 27, Amdt. 5
Anderson, IN—Anderson Muni, VOR–A, Amdt. 6
Brazil, IN—Arthur Muni, VOR Rwy 9, Amdt. 5
Greenwood, IN—Skyway, VOR–A, Original, cancelled
Indianapolis, IN—Skyway, VOR–A, Original
Muncie, IN—Delaware County Johnson Field, VOR Rwy 14, Amdt. 12
Muncie, IN—Delaware County Johnson Field, VOR Rwy 20, Amdt. 9
Muncie, IN—Delaware County Johnson Field, VOR Rwy 32, Amdt. 10
New Castle, IN—New Castle-Henry County Muni, VOR Rwy 27, Amdt. 6
Terre Haute, IN—Hulman Regional, VOR Rwy 5, Amdt. 12
Terre Haute, IN—Hulman Regional, VOR Rwy 23, Amdt. 15
Terre Haute, IN—Sky King, VOR–A, Amdt. 3
Winchester, IN—Randolph County, VOR–A, Amdt. 3
Hawesville, KY—Hancock Airfield, VOR Rwy 15, Amdt. 1
Hawesville, KY—Hancock Airfield, VOR Rwy 33, Amdt. 1
Dowagiac, MI—Cass County Meml, VOR–A, Amdt. 6
Plymouth, MI—Mettetal, VOR–A, Amdt. 6
Fergus Falls, MN—Fergus Falls Muni-Einar Mickelson Fld, VOR Rwy 17, Amdt. 2
Nashua, NH—Boire Field, VOR–A, Amdt. 9
Hazelton, PA—Hazelton Muni, VOR Rwy 10, Amdt. 9
Hazelton, PA—Hazelton Muni, VOR Rwy 28, Amdt. 8
Pineville, WV—Kee Field, VOR Rwy 25, Amdt. 1

. . . *Effective November 12, 1981*

Mobile, AL—Brookley, VOR Rwy 14, Amdt. 3
Mobile, AL—Brookley, VOR Rwy 32, Amdt. 8
Selma, AL—Craig Field, VOR Rwy 32, Amdt. 1
Ramona, CA—Ramona, VOR/DME–A, Original
Chicago (West Chicago), IL—DuPage, VOR Rwy 10, Amdt. 8
Ionia, MI—Ionia County, VOR Rwy 27, Amdt. 4
Manistee, MI—Manistee County-Blacker, VOR Rwy 9, Amdt. 6
Manistee, MI—Manistee County-Blacker, VOR Rwy 27, Amdt. 6
Aberdeen-Amory, MS—Monroe County, VOR Rwy 18, Amdt. 6
Greenwood, MS—Greenwood-LeFlore, VOR Rwy 5, Amdt. 7
West Point, MS—McCharen Field, VOR–A, Amdt. 2
West Point, MS—McCharen Field, VOR/DME–B, Amdt. 2
Wilmington, NC—New Hanover County, VOR–A (TAC), Amdt. 1
Newark, OH—Newark-Heath, VOR–A, Amdt. 7

. . . *Effective September 17, 1981*

Christiansted, St. Croix, VI—Alexander Hamilton, VOR Rwy 27, Amdt. 17

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

. . . *Effective November 26, 1981*

Anderson, IN—Anderson Muni, LOC Rwy 12, Amdt. 3
Anderson, IN—Anderson Muni, LOC (BC) Rwy 30, Amdt. 3
Terre Haute, IN—Hulman Regional, LOC BC Rwy 23, Amdt. 15
Hazelton, PA—Hazelton Muni, LOC Rwy 28, Amdt. 3
Rutland, VT—Rutland State, LDA Rwy 19, Amdt. 2

. . . *Effective November 12, 1981*

Newark, OH—Newark-Heath, SDF Rwy 9, Original

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

. . . *Effective November 26, 1981*

Sand Point, AK—Sand Point, NDB/DME Rwy 33, Amdt. 1
Sand Point, AK—Sand Point, NDB/DME–A, Amdt. 2
Sand Point, AK—Sand Point, NDB–B, Amdt. 1
Macomb, IL—Macomb Muni, NDB Rwy 26, Amdt. 7
Anderson, IN—Anderson Muni, NDB Rwy 30, Amdt. 3
Michigan City, IN—Michigan City, NDB Rwy 20, Amdt. 11
Muncie, IN—Delaware County-Johnson Field, NDB Rwy 32, Amdt. 6
South Bend, IN—Michiana Regional, NDB Rwy 27, Amdt. 23
Terre Haute, IN—Hulman Regional, NDB Rwy 5, Amdt. 13
Madison, MN—Dawson-Madison-LAC QUI Parle County, NDB Rwy 31, Amdt. 1
Lexington, NE—Lexington Muni, NDB Rwy 14, Amdt. 3
Ord, NE—Evelyn Sharp Field, NDB Rwy 13, Amdt. 1
Nashua, NH—Boire Field, NDB Rwy 14, Amdt. 1
Seattle, WA—Boeing Field/King County Intl, NDB–A, Amdt. 6
Rice Lake, WI—Rice Lake Municipal, NDB Rwy 36, Original
Rice Lake, WI—Rice Lake Municipal, NDB Rwy 36, Amdt. 3, cancelled

. . . *Effective November 12, 1981*

Selma, AL—Craig Field, NDB Rwy 32, Amdt. 1
Carmi, IL—Carmi Muni, NDB Rwy 36, Amdt. 3
Fairfield, IL—Fairfield Muni, NDB Rwy 9, Original
Fairfield, IL—Fairfield Muni, NDB Rwy 36, Amdt. 5, cancelled
Angola, IN—Tri-State Steuben County, NDB Rwy 5, Amdt. 5
Boyne Falls, MI—Boyne Mountain, NDB–A, Amdt. 2
Southport, NC—Brunswick County, NDB–A, Amdt. 2
Newark, OH—Newark-Heath, NDB Rwy 9, Amdt. 1
Greenville, SC—Donaldson Center Airport, NDB Rwy 4, Original
Pineville, WV—Kee Field, NDB Rwy 7, Original, cancelled

. . . *Effective October 29, 1981*

Mesa, AZ—Falcon Fld, NDB–C, Original
Phoenix, AZ—Phoenix-Deer Valley Muni, NDB Rwy 25L, Original
Scottsdale, AZ—Scottsdale Muni, NDB–B, Original
Durant, OK—Eaker Field, NDB Rwy 35, Amdt. 1

. . . *Effective September 24, 1981*

Cordova, AK—Cordova Mile 13, NDB–A, Amdt. 5

. . . *Effective September 22, 1981*

Hatteras, NC—Billy Mitchell, NDB Rwy 6, Amdt. 4

. . . *Effective September 17, 1981*

Christiansted, St. Croix, VI—Alexander Hamilton, NDB Rwy 9, Amdt. 11

. . . *Effective September 10, 1981*

Meriden, CT—Meriden Markham Muni, NDB Rwy 36, Amdt. 3

4. By amending §97.29 ILS-MLS SIAPs identified as follows:

. . . *Effective November 26, 1981*

Galesburg, IL—Galesburg Muni, ILS Rwy 2, Amdt. 4
Springfield, IL—Capital, ILS Rwy 22, Amdt. 2
Fort Wayne, IN—Fort Wayne Muni (Baer Fld), ILS Rwy 4, Amdt. 6
Muncie, IN—Delaware County-Johnson Field, ILS Rwy 32, Amdt. 3
South Bend, IN—Michiana Regional, ILS Rwy 27, Amdt. 29
Terre Haute, IN—Hulman Regional, ILS Rwy 5, Amdt. 17
Nashua, NH—Boire Field, ILS Rwy 14, Amdt. 1
Pittsburgh, PA—Greater Pittsburgh Intl, ILS Rwy 32, Amdt. 4
Seattle, WA—Boeing Field/King County Intl, ILS Rwy 13R, Amdt. 22

. . . *Effective November 12, 1981*

Chicago (West Chicago), IL—DuPage, ILS Rwy 10, Amdt. 4
Kankakee, IL—Greater Kankakee, ILS Rwy 4, Amdt. 2
Tulsa, OK—Tulsa Intl, ILS Rwy 17R, Amdt. 1

. . . *Effective September 24, 1981*

Cordova, AK—Cordova Mile 13, ILS/DME Rwy 27, Amdt. 5

. . . *Effective September 17, 1981*

Christiansted, St. Croix, VI—Alexander Hamilton, ILS Rwy 9, Amdt. 4

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5. By amending § 97.31 RADAR SIAPs identified as follows:

. . . *Effective November 26, 1981*

South Bend, IN—Michiana Regional, RADAR–1, Amdt. 5
Terre Haute, IN—Hulman Regional, RADAR–1, Original

. . . *Effective November 12, 1981*

Lansing, MI—Capital City, RADAR–1, Amdt. [illegible]

6. By amending § 97.33 RNAV SIAPs identified as follows:

. . . *Effective November 26, 1981*

Terre Haute, IN—Hulman Regional, RNAV Rwy 31, Amdt. 3
Dowagiac, MI—Cass County Meml, RNAV Rwy 9, Amdt. [illegible]
Dowagiac, MI—Cass County Meml, RNAV Rwy 27, Amdt. 3
Nashua, NH—Boire Field, RNAV Rwy 32, Amdt. 2

. . . *Effective November 12, 1981*

Jacksonville, IL—Jacksonville Muni, RNAV Rwy 31, Amdt. 3, cancelled
Peoria, IL—Greater Peoria, RNAV Rwy 12, Amdt. 1, cancelled
Greenwood, MS—Greenwood-LeFlore, RNAV Rwy 18, Amdt. 2
Greenwood, MS—Greenwood-LeFlore, RNAV Rwy 36, Amdt. 2
West Point, MS—McCharen Field, RNAV Rwy 36, Amdt. 2
Newark, OH—Newark-Heath, RNAV Rwy 9, Amdt. 1
Newark, OH—Newark-Heath, RNAV Rwy 27, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on September 25, 1981.

John M. Howard,
Acting Chief, Aircraft Programs Divisions.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

[FR Doc. 81–28614 Filed 9–30–81; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33–6348, 34–18117, 35–22203, and AS–298]

Revision of Property, Plant, and Equipment Disclosure Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of amendments to the disclosure requirements for the detailed property, plant and equipment schedule and the related schedule of accumulated depreciation, depletion and amortization [Schedules V and VI]. The amendments limit the presentation of these schedules to instances where property, plant and equipment is at a high level of significance, and clarify the existing rules to make it explicit that the schedules, when required, shall be included for each year for which an income statement is presented.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene W. Green (202–272–2130), M. Elizabeth Rader (202–272–2133), or LeGrand C. Kirby (202–272–2050), Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On February 25, 1981, the Commission published Securities Act Release No. 33–6293 [46 FR 15278] in which it proposed amendments to (1) liberalize the percentage tests for exemption from the requirement to file Schedules V (Property, Plant, and Equipment) and VI (Accumulated Depreciation, Depletion, and Amortization), and (2) modify and expand the information content of those schedules. The adopted amendments broaden the proposed exemption criteria requiring the presentation of Schedules V and VI only by those registrants that are relatively capital intensive. The proposed changes to the form and content of the schedules have not been adopted; thus the schedules retain their current form. This release discusses the background of the proposed amendments, the comments received, and the final rules adopted.

Background

As part of the overall project to consider general revisions to Regulation S–X, the Commission in January 1980 initially proposed amendments which would have revised the schedule requirements in Rules 5–04, 12–06, and 12–07 [17 CFR 210.5–04, 210.12–06 and 210.12–07] for property, plant and equipment ("PP&E") and accumulated depreciation, depletion and amortization. This proposal was later withdrawn for further study. A second proposal, published for comment in February 1981, would have required the PP&E information in Schedules V and VI to be organized by business segments and would have modified the exemption rules to reduce the number of registrants required to file the schedules. Disclosures of fully depreciated assets still in use and idle capacity were retained in the second proposal but were required only if significant to the business segment to which they related.

Views of Commentators and Final Rules

The revised proposal to expand and significantly modify the detail information reported in the schedules met with substantial criticism. A majority of the respondents strongly opposed expansion of the existing requirements and recommended that these sections of the proposed amendments be withdrawn. Opposition to the proposed disclosure requirements was generally based on the high cost and/or impracticability of accumulating the data as well as a lack of demonstrated need for the expanded disclosure. Commentators emphasized that they did not maintain property records in this detail on a segment basis, and that they would have to incur substantial additional costs to develop the necessary systems. Most of the commentators estimated that the accumulation of data on fully depreciated assets in use and idle capacity would be very costly since the information was not part of the basic property records. Further, the identification of fully amortized assets in use would often require a physical inventory and would be virtually impossible for companies that use a composite depreciation method. The commentators also stated that allocations of jointly used facilities often made it unrealistic to track assets and accumulated depreciation balances by segment. Based on these arguments, the Commission has concluded that the proposed expanded disclosures would not be a cost-beneficial addition to existing segment data. The Commission continues to believe that information about idle facilities may be important to an analysis of an enterprise. However, generally accepted accounting principles require disclosure of the existence of significant idle facilities; and Instruction 1 to Item 2(a) of Regulation S–K (Description of Property) calls for information on the extent of utilization of facilities. In addition, where current year changes in idle facilities have a material impact on the results of operations, it would also be necessary to address such matters in Management's Discussion and Analysis of Financial Condition and Results of Operations.[1]

Most commentators expressed general support for the proposed liberalization of the exemption from the schedule requirements. Moreover, the Commission understands that the supplemental PP&E disclosures are primarily of benefit to investors and potential investors analyzing companies in capital intensive industries. Accordingly, the Commission has concluded that the PP&E schedules should be required only of relatively capital intensive registrants. The Commission is adopting amendments to Rule 5-04 of Regulation S-X which exempt from presentation of the schedules those registrants whose PP&E, net of accumulated depreciation, depletion and amortization, is less than 25 percent of total assets at both the beginning and end of the latest fiscal year. This 25-percent test represents a revision of the February 1981 proposal to allow exclusion if net PP&E is less than 10 percent and gross PP&E is less than 20 percent of total assets. Focusing only on net PP&E simplifies the test, and the increase in the percentage threshold to 25 percent limits the schedule requirements to those registrants that are relatively capital intensive.

The test is to be applied at both the beginning and end of the year in order to offset unusual fluctuations in total assets. Since the test focuses on the latest fiscal year, schedules will not be necessary for prior years if not required currently. However, the schedules will be required for previous years if the schedules are required for the current year.

The exemption of noncapital intensive entities from the schedule requirements is in furtherance of the Commission's goal to reduce reporting burdens while maintaining adequate disclosure for users. The Commission is also adopting minor technical amendments to Rule 5-04 to make it explicit that the PP&E schedules are required for each year for which an income statement is presented.

Regulatory Flexibility Certification

Section 604(a) of the Administrative Procedures Act, as amended by the Regulatory Flexibility Act ("Flexibility Act"), generally requires the Commission to prepare for final rules a final regulatory flexibility analysis which addresses the impact of such rulemaking on small entities as defined under the Flexibility Act. Section 605(b) of the Flexibility Act, however, specifically exempts from this requirement any final rule which will not "have a significant economic impact on a substantial number of small entities." The Commission believes that the final amendments announced in this release will not impose an additional regulatory burden on entities subject to the rules. Accordingly, the Chairman of the Commission has certified that the final amendments will not have a significant impact on a substantial number of small entities.

Effective Date

The amendments shall be effective October 1, 1981.

Text of Amended Rule

Part 210 of Title 17 CFR Chapter II is amended as follows:

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By revising Schedules V and VI in § 210.5–04 to read as follows:

§ 210.5–04 What schedules are required to be filed.

* * * * *

Schedule V—Property, plant and equipment. The schedule prescribed by § 210.12–06 shall be filed for each period specified in paragraph (a)(2) of this section, provided that these schedules may be omitted if, at both the beginning and end of the latest fiscal year, the total of property, plant and equipment (caption 13 on the balance sheet) less accumulated depreciation, depletion and amortization (caption 14 on the balance sheet) is less than 25 percent of total assets as shown by the related balance sheet.

Schedule VI—Accumulated depreciation, depletion and amortization of property, plant and equipment. The schedule prescribed by § 210.12–07 shall be filed for each period specified in paragraph (a)(2) of this section. This schedule may be omitted if Schedule V is omitted.

* * * * *

These amendments are adopted pursuant to authority in sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78*l*, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; and Sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935. Pursuant to section 23(a)(2) of the Securities Exchange Act of 1934, the Commission has considered the impact of these amendments on competition and is not aware of any burden that they would impose on competition. Inasmuch as the above described amendments do not impose any additional requirements under § 210.5–04, the Commission finds, for good cause, that the thirty-day notice provision specified in the Administrative Procedure Act [5 U.S.C. 553(d)] is unnecessary and, accordingly, the amendments shall be effective on October 1, 1981.

By the Commission.

September 24, 1981.

George A. Fitzsimmons,
Secretary.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b) that the adoption of amendments to the disclosure requirements for the detailed schedule of property, plant and equipment and the related schedule of accumulated depreciation, depletion and amortization contained in Securities Act Release No. 6348 (September 24, 1981), "Revision of Property, Plant and Equipment Disclosure Requirements," will not have a significant economic impact upon any reporting entity and, therefore, will not have a significant economic impact on a substantial number of small entities. The reasons for this certification are that the revisions should reduce the number of registrants required to file the detailed property, plant and equipment schedules and will have no effect on the compliance burden of registrants required to file the schedules.

Dated: September 24, 1981.

John S. R. Shad,
Chairman.

[FR Doc. 81–28598 Filed 9–30–81; 8:45 am]
BILLING CODE 8010-01-M

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17 CFR Parts 230 and 239

[Release No. 33–6346; File No. S7–860]

Report of Sales of Securities and Use of Proceeds

AGENCY: Securities and Exchange Commission.

ACTION: Final rule and form.

SUMMARY: The Commission announces the amendment of Rule 463 and related Form SR which require filings by issuers with respect to their first effective registration statements disclosing information concerning their offerings and the use of proceeds therefrom. The amendments, which do not substantially change either the application of the rule

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[1] Item 11 of Regulation S-K.

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or the disclosures required by the form, include: a standardized short-answer format for Form SR; a materiality standard for disclosure of differences between actual uses of proceeds and the uses stated in the prospectus; clarified provisions for the time for filing the form and filings by successor issuers; and additional exemptions from the filing requirement. The amendments are intended to simplify and clarify the requirements relating to Form SR and to enhance the usefulness of reports on Form SR.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Prior to the effective date of the amendments, Susan Davis, (202) 272–2604, Office of Disclosure Policy, Division of Corporation Finance; after the effective date of the amendments, David Martin, (202) 272–2573, Office of Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of amendments to Rule 463 (17 CFR 230.463) under the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq.] and to related Form SR (17 CFR 239.61) pursuant to section 19(a) of the Securities Act. The amendments are designed to maintain the applicability of Form SR to issuers with respect to their first effective registration statements ("first-time issuers"), to enhance the usefulness to investors and the Commission of the disclosures in reports on Form SR, to clarify and simplify reporting requirements and to reduce reporting burdens, to the extent practicable. The amendments do not represent a significant change in either the application of, or disclosures required by, the current rule or form. Among the amendments are the following:

(1) Amendments to Rule 463 to make clear that the Form SR filing requirement applies to successor issuers to the extent that the filing requirement filings on Form SR are required of the predecessor and that the filing requirement does not apply to issuers that succeed to seasoned issuers;

(2) An amendment to Rule 463 to make clear that, where an offering of a first-time issuer has terminated but the issuer has not yet finally applied the offering proceeds, the issuer must continue to file reports on Form SR until the final application of the proceeds has been reported;

(3) An amendment to Rule 463 to exempt from the Form SR filing requirement issuers of securities offered in connection with certain business combination transactions, pursuant to employee benefit plans, or pursuant to dividend or interest reinvestment plans;

(4) Revision of Form SR's narrative format to a standardized short-answer format; and

(5) An amendment to Form SR to include a materiality standard in the requirement to disclose differences between the actual uses of proceeds and the uses stated in the prospectus.

Originally adopted in 1971,[1] Rule 463 and Form SR require first-time issuers, absent an exemption, to file reports with the Commission concerning the progress of their offerings and the use of proceeds therefrom. In addition to eliciting information for investors and the marketplace, Rule 463 and Form SR are intended to permit the Commission to monitor the compliance of first-time issuers with the prospectus delivery and updating requirements of Sections 4(3)[2] and 10(a)(3)[3] of the Securities Act.

On October 23, 1980, the Commission proposed for comment[4] the first substantial revisions of Rule 463 and Form SR since 1971.[5] Rule 463 was proposed to be amended: to extend the filing requirement to offerings by issuers through direct distributions and by best efforts underwritings; to eliminate the current exemption for public utility companies and to add three new exemptions to the filing requirement;[6] to reduce the number of reports on Form SR required to be filed; and to clarify the time at which reports on Form SR must be filed. Form SR was proposed to be amended: to change its narrative format to a standardized short-answer format easily digested by a data processing system; to obtain more detailed information from issuers regarding their offering expenses and use of proceeds; to obtain certain identifying and market information from issuers; and to include a materiality standard in connection with the requirement to disclose differences between the actual uses of proceeds and the uses set forth in the prospectus. The proposals were designed to provide investors and the Commission with information concerning offerings pursuant to a direct distribution or by a best efforts underwriting, in addition to those by first-time issuers.

The Commission received five comment letters on the proposals.[7] The commentators generally supported the proposals that were designed to simplify the reporting procedures, such as the change to a short-answer format. While certain commentators supported the application of Form SR to first-time issuers, the majority opposed any increase in the Form SR reporting burdens, particularly the proposed extension of the filing requirement to direct distributions and best efforts offerings.

Based on the Commission's reconsideration of the proposals in light of the views expressed by the commentators, the adopted amendments differ from the proposals but do not constitute significant changes in the current regulation. Thus, the Commission is not extending the application of Form SR to direct distributions or best efforts offerings, as proposed, nor is it substantially expanding the disclosures required concerning offering expenses and the use of proceeds, as proposed. In this regard, the Commission affirms the need for first-time issuers to provide the disclosures required by Form SR to investors and the Commission.

This release contains a synopsis of the amendments which is intended to assist in a better understanding of the Commission's actions. Attention is directed, however, to the text of the rule and form for a more complete understanding of the amendments.

I. Synopsis

A. Amendments to Rule 463

1. *Applicability.*

While existing Rule 463, and the adopted amendments, require only first-time issuers to file reports on Form SR, the proposal would have extended the filing requirement to issuers of securities offered pursuant to direct distributions or best efforts underwritings. The 1980 Release stated that the purpose of the proposed extension was to facilitate the determination of whether an issuer of securities offered pursuant to a direct distribution or by a best efforts underwriting is complying with the prospectus delivery and updating requirements of the Securities Act and to provide additional information to investors and the Commission concerning direct distributions and best efforts offerings.

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[1] Securities Act Release No. 5141 (April 19, 1971) [36 FR 7896].

[2] Section 4(3) provides that dealers effecting transactions in a security registered for the first time under the Securities Act must deliver a prospectus to prospective customers during the ninety-day period following the commencement of the offering.

[3] Section 10(a)(3) provides that if a prospectus is used more than nine months after the effective date of the registration statement the information contained therein must be no more than sixteen months old.

[4] Securities Act Release No. 6251 (October 23, 1980) [45 FR 71811] (the "1980 Release").

[5] Rule 463 had previously been amended in one minor respect to make clear that a report on Form SR should be filed at the office of the Commission where the registration statement was filed. Securities Act Release No. 6049 (April 3, 1979) [44 FR 21562].

[6] The proposed exemptions were for securities issued in connection with a business combination under paragraph (a) of Securities Act Rule 145, pursuant to an employee benefit plan, or pursuant to a dividend reinvestment plan.

[7] The five commentators may be categorized as follows: law firms and associations (2); corporations (2); and individuals (1). Copies of the comment letters are available for public inspection and copying at the Commission's Public Reference Room (File No. S7–860).

The proposed extension, which received more comment than any other proposal, was not favored by the commentators. One stated that the Commission has not shown that problems of non-compliance with prospectus delivery and updating requirements have arisen in connection with direct distributions and best efforts offerings to warrant an extension of the Form SR filing requirement to those offerings. Another stated that the extension of the filing requirement to such offerings as "shelf" registrations by seasoned issuers would result in minimal improvement in the quality of disclosure. The commentators generally, however, did not object to the use of Form SR to elicit information from first-time issuers regarding the progress of their offerings or their use of proceeds. Two commentators strongly supported the Form SR reporting requirement for regulating the new issuer market and for having a prophylactic effect on new issuers with respect to the use of proceeds.

The Commission believes that it is both necessary and appropriate for the protection of investors that first-time issuers provide the information required by amended Form SR. In its Report of Special Study of Securities Markets, the Commission recognized that there are special characteristics and risks associated with first-time offerings and that the disclosure process should be especially refined and adapted in connection with such offerings.[8] In the case of first-time offerings, the use by an issuer of the proceeds of the offering may well determine the nature of the business, so that the use of proceeds for a purpose other that than stated in the prospectus is apt to be of substantial importance to investors.

Furthermore, the Commission believes that it is not necessary to extend the Form SR filing requirement beyond its current application to first-time issuers. An extension of the filing requirement to direct distributions and best efforts offerings would substanitally increase the number of issuers required to file reports on Form SR. In view of the comments received, it is not clear at this time that the benefits that would be derived from such an extension outweigh the additional reporting burdens that would be imposed on issuers. Accordingly, the Commission is not amending Rule 463 to require issuers of securities sold pursuant to direct distributions or best effort underwritings to file reports on Form SR.

In the 1980 Release, the Commission also proposed to extend the Form SR filing requirement by eliminating the current exemption for any public utility company and public utility holding company required to file reports with any state or federal authority. At the same time, however, the Commission proposed to add three new exemptions for securities issued in connection with a business combination as described in Rule 145(a) (17 CFR 230.145(a)) under the Securities Act; pursuant to an employee benefit plan; and pursuant to a dividend reinvestment plan. In light of the degree of state regulation over public utility companies' uses of proceeds and the Commission's determination to limit the application of the Form SR filing requirement as much as practicable consistent with the public interest, the Commission is retaining the exemption from Rule 463 for public utility companies. Moreover, the Commission is adopting the three additional exemptions. The exemption for dividend reinvestment plans has been revised, however, to include interest reinvestment plans, which are substantially similar in nature. All exemptions are contained in paragraph (d) of the rule.

Finally, the Commission proposed to amend Rule 463 to clarify the application of the Form SR filing requirement to certain successor issuers. Although the one commentator expressing views on this issue supported the Commission's intent to clarify the matter, that commentator suggested changes to avoid any implication that a successor to a seasoned issuer (an issuer that has had one or more registered offerings and thus is not subject to the Form SR filing requirement) would be required to file reports on Form SR with respect to its first effective registration statement after the succession.

The Commission agrees that successor issuers to seasoned issuers should not be subject to the Form SR filing requirement. The proposed clarification of the term was intended to ensure that, where a first-time issuer that is required to file reports on Form SR is succeeded by another issuer before a final report has been filed, investors and the Commission should continue to receive meaningful information concerning the offering and use of proceeds with respect to the predecessor's effective registration statement. In such a situation, the successor issuer should assume responsibility to file any report(s) on Form SR that remain to be filed in connection with the registration statement when such reports are due.

To clarify the applicability of the Form SR filing requirement to an issuer that succeeds to another issuer while that other issuer is engaged in distributing its first offering or has not yet applied all of the proceeds of such offering, Rule 463(a) has been amended to require that a successor issuer file reports on Form SR with respect to the first effective registration statement of its predecessor issuer. Paragraph (b) of Rule 463 has been added to state that a successor issuer is required to file reports on Form SR only to the extent that filings on Form SR are required with respect to the first effective registration statement of the predecessor issuer.

A related addition was made in Rule 463(d) to make clear that an issuer that has succeeded to a seasoned issuer is not required to file reports on Form SR with respect to any effective registration statement subsequent to the succession. More specifically, Rule 463(d)(2) will exempt registration statements for securities to be offered by an issuer which, pursuant to a business combination described in Rule 145(a) under the Securities Act, has succeeded to another issuer that, prior to such business combination, had a registration statement declared effective under the Securities Act and, on the date of such business combination, was not subject to the requirements of paragraph (a) of Rule 463 to file reports on Form SR.

2. *Filing procedures.*

Currently, Rule 463 requires that Form SR be filed within 10 days after the end of the first three-month period following the effective date of the registration statement and within 10 days after the end of each successive six-month period, with a final report being filed within 10 days after "completion or termination of the offering and application of the proceeds therefrom."[9]

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[8] Report of the Special Study of Securities Markets of the Securities and Exchange Commission, H.R. Doc. No. 95, 88th Cong., 1st Sess., Part 1, at 487–559 (1963).

[9] Form SR includes an instruction to the effect that a registrant shall continue to file reports on Form SR as long as the offering proceeds have only been temporarily invested and not applied to their ultimate use.

The 1980 Release proposed to amend Rule 463 to require an initial report on Form SR within 30 days after the date that is six months after the effective date of the registration statement (if the offering has not yet terminated), a report within 30 days after the termination of the offering ("termination" being defined to mean the date on which securities cease to be offered for sale) and within 30 days after the application of the proceeds, if that occurs subsequent to the termination of the offering ("application" being defined not to include the temporary investment of proceeds pending final application). The proposals were intended to minimize reporting burdens on issuers, particularly in view of the proposed extension of the Form SR filing requirement to direct distributions and best efforts underwritings. They were also intended to clarify the time at which reports on Form SR must be filed in the case of an offering that terminated prior to the application of proceeds and to clarify when the proceeds are deemed to be applied. In connection with these proposals, the 1980 Release specifically requested comment on whether the existing filing procedures should be retained.

Commentators did not object to the existing filing requirements nor did they express much support for the proposed amendments. One commentator specifically objected to reducing the number of reports required to be filed by first-time issuers stating that, although reduction of filing burdens is normally desirable, it need not be given priority in the case of first-time issuers, as there is need of special care in introducing such issuers into the responsibilities of the federal disclosure system.[10]

On the basis of the comments received, it does not appear that the filing requirement is overly burdensome on first time issuers. Moreover, as commentators indicated, the existing Form SR reporting system has worked well to make disclosure available to investors and the Commission and to prevent abuses in connection with first-time offerings. In view of this, and since the application of Rule 463 is not being expanded, the Commission has determined to retain the current filing procedures.

The Commission believes, however, that the existing filing procedures need certain clarification. Rule 463 requires an issuer to file a final report after the application of the proceeds received from the offering, in order that investors and the Commission may evaluate whether the proceeds were used for substantially the same purposes as stated in the prospectus. By requiring, however, that a final report on Form SR be filed "at completion or termination of the offering and application of the proceeds therefrom," Rule 463 may not make clear an issuer's continuing reporting obligation where its offering has terminated but the proceeds have not yet been finally applied. Similarly, an issuer may be confused under Rule 463 as to its final reporting obligation where its offering has terminated but there are no offering proceeds or the offering proceeds have already been applied.

To remedy these interpretive problems, the Commission is amending paragraph (a) of Rule 463 to require an issuer to file a final report on Form SR within 10 days after the application of proceeds or within 10 days after the termination of the offering, whichever is later. Thus, the date on which the offering terminated will be the trigger for the final filing requirement only in those situations where an offering terminates without any offering proceeds to be applied, or where the proceeds from the offering were applied before the offering terminated. Definitions of the terms "application" and "offering proceeds" are also included in paragraph (c) of Rule 463. The term "application" would not include the temporary investment of proceeds prior to their final application and the term "offering proceeds" would exclude any amounts received for the accounts of selling security holders. The term "termination" has not been included in Rule 463(c) since the term is generally understood to mean the date on which the securities cease to be offered for sale.[11]

The Commission has adopted one other amendment to the filing procedures that is designed to clarify those procedures. As proposed in the 1980 Release, Rule 463(a) is amended to require that copies of the report on Form SR be filed at the same office of the Commission where the registration statement to which the report relates was filed.

B. *Amendments to Form SR*

1. *Short-answer format.*

The 1980 Release proposed to change the current narrative format of Form SR to a standardized short-answer format. The proposal was intended to make it possible for data reported on Form SR to be digested by a data processing system, thereby enhancing the usefulness of Form SR to investors and the Commission. Commentators supported the proposal for the reasons that it would simplify reporting on Form SR and would minimize burdens on the Commission's staff without decreasing the level of regulatory oversight or significantly increasing burdens on issuers. To enhance the usefulness by investors and the Commission of the information provided on Form SR, Form SR is being amended from a narrative format to a standardized short-answer format.

2. *Instructions.*

In connection with the proposal to change Form SR to a standardized short-answer format, the 1980 Release included two proposed instructions dealing with the method of entering information on the form and the preparation of a report by a successor issuer. Designed to assist issuers in the preparation and filing of reports on Form SR, these instructions are adopted essentially as proposed.

To further assist issuers in the preparation of reports, three additional instructions have been adopted. The first directs issuers to refer to Rule 463 and, in addition, to Rules 405 (17 CFR 230.405) and 409 (17 CFR 230.409) under the Securities Act regarding definitions of terms used in the form and information unknown or not reasonably available, respectively. Just as Rules 405 and 409 provide guidance to issuers in the preparation of registration statements for the offering of securities under the Securities Act, they are appropriate sources of guidance for the preparation of reports on Form SR. The second instruction makes clear that there is no need for an issuer to report information, other than identifying information, in subsequent reports if the information has not changed from the previous Form SR filed. Finally, the third instruction would indicate where, and how many copies of, Form SR should be filed.

3. *Expenses and Use of Proceeds.*

The disclosure requirements concerning expenses and use of proceeds are central to Form SR, as the form's primary purpose is to enable investors and the Commission to track the expenses and use of proceeds stated in the prospectus, through the offering, to the actual uses of the offering proceeds. Currently, the issuer provides this information through a reasonably itemized list of the uses made of its proceeds from the sale of securities, with certain expenses and purposes stated separately,[12] and payments to affiliates [13] stated separately from payments to others. Form SR also contains requirements to disclose the nature and terms of any temporary investments and to disclose the existence of, and reasons for, any difference between the actual uses of proceeds and the uses stated in the prospectus.

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[10] The Form SR filing procedures are substantially similar to those in effect in connection with Forms 242 (17 CFR 239.242) and 4(6) (17 CFR 239.246) under the Securities Act.

[11] It should be noted that, if the Commission adopts proposed Rule 462A, which would permit registration of securities to be sold on a delayed or continuous basis (i.e., a "shelf" registration) under certain conditions (Securities Act Release No. 6334 (August 6, 1981)[46 FR 42001]), the Form SR filing requirement would be applicable to any shelf registration that is the first effective registration statement of the issuer. If Rule 462A is adopted, as proposed or in a revised form, the Commission may consider at that time whether any of the filing requirements of Rule 463, particularly the requirement to file successive six-month reports, should be changed for shelf registrations.

The 1980 Release proposed to amend the disclosure requirements to obtain more detailed information concerning expenses and the use of proceeds, and to include general partners of the issuer among the persons to whom payments must be separately stated. The proposal would also have required an explanation of only material differences between the use of proceeds described in the prospectus and the actual use of proceeds. The amendments to Form SR substantially retain the existing disclosure requirements, include general parnters of the issuer among those affiliates to whom payments must be separately stated, and include a materiality standard in disclosure of differences in the use of proceeds.

The change to a short-answer format of necessity requires an enumeration of expenses and uses of proceeds. The Commission is amending the requirements relating to disclosure of these items to contain enumerated categories, analogizing the new requirements to existing requirements to the extent practicable.[14] In the case of expenses, amended Form SR lists those expenses that are currently required to be stated separately. With respect to the uses of proceeds, the amended form enumerates those purposes that are normally contained in registration statements or are currently required by Form SR, such as construction of plant, building, or facilities, acquisition of other businesses, working capital, and temporary investments. Like the current form, amended Form SR instructs the issuer to enumerate each purpose for which 5 percent of its total offering proceeds or $50,000, whichever is less, has been used. Thus, an issuer reporting on amended Form SR would indicate the amounts used for the specific categories of expenses and uses of proceeds enumerated. The amended Form SR makes clear, however, that amounts should not be stated as having been applied to "working capital" where a more specific category applies.

In addition, the Commission is making two revisions in the disclosure requirements relating to expenses and use of proceeds designed to decrease reporting burdens without reducing the quality of reports on Form SR. First, the requirement that the issuer disclose any difference between the actual uses of proceeds and the uses described in the prospectus has been amended to require that the issuer indicate only whether the uses of proceeds represent a material change from those disclosed in the prospectus and, if so, to explain briefly the reasons for such material change.[15] This change was proposed in the 1980 Release and was not objected to by commentators. Second, an issuer may provide an estimate of any expense or amount applied to a particular purpose if the actual amount is not known.[16] Where an estimated, rather than an actual, amount is provided, the issuer is required to so indicate by checking a box on the form.[17]

4. *Other disclosure requirements.*

Currently, Form SR requires, in addition to information on expenses and the use of proceeds, information concerning the names of the managing underwriters, if any, and information concerning the progress of the offering.[18] The Commission's proposal that these items be put into a short-answer format resulted in the proposed consolidation or separation of certain items. In addition, the 1980 Release proposed to revise the disclosure requirements of Form SR to require certain identifying information (e.g., the issuer's CUSIP number and Standard Industrial Classification number), market information (e.g., the market on which the securities are traded), and additional information concerning the progress of the offering (e.g., the total amount of securities sold, but not delivered, as of the most recent practicable date) currently not required by the Form.

Consistent with its determination to essentially retain the existing Form SR disclosure system and not to substantially change the applicability, filing procedures, or disclosure requirements as to expenses and use of proceeds, amended Form SR includes, for the most part, only the proposed short-answer disclosure items that are analogous to the existing disclosure items in Form SR. Certain requirements were revised to clarify their application in the case of a registration statement pursuant to which more than one class of securities is being offered or pursuant to which securities are being offered for the accounts of selling security holders as well as for the issuer.

The Commission is not amending Form SR to require additional identifying and market information with the exception of the effective date of, and file number assigned to, the registration statement and the issuer's CUSIP number, if such a number has been assigned. In addition, Form SR is not being amended to require disclosure of the amount of securities sold, but not delivered, as of the most recent practicable date. Identifying and market information can be obtained, if necessary, from various sources without substantial difficulty. Information concerning the amount of securities sold but not delivered, while possibly helpful to the Commission in monitoring first-time filings, might not be readily available to issuers without incurring undue expense. Accordingly, the Commission does not believe that it is necessary to impose additional burdens on issuers to provide such information.

II. Statutory Authority

These amendments are being adopted pursuant to Section 19(a) of the Securities Act, 15 U.S.C. 77s(a).

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[12] Form SR requires separate disclosure of separate payments to directors and officers of the issuer and their associates, persons owning 10 percent or more of any class of equity securities of the registrant and affiliates of the registrant.

[13] Specifically, Form SR requires separate disclosure of underwriting discounts and commissions, finders' fees, expenses paid to or for the underwriters, other expenses paid to date, and other purposes for which the lesser of $50,000 or 5% of the total proceeds has been used.

[14] In this regard, the Commission is not revising the dislosure items, as proposed in the 1980 Release, to require substantially more detailed information regarding expenses and the use of proceeds than that currently required by Form SR. Based on commentators' objections to these proposals, the Commission believes that an enumeration more detailed than that provided in the prospectus is not necessary.

[15] It should be noted that the Commission recently proposed to modify the definition of the term "material" contained in Rule 405 to bring that definition into conformance with the Supreme Court's decision in *TSC Industries, Inc. v. Northway, Inc.*, 426 U.S. 438 (1976) and with subsequent case law. Securities Act Release No. 6333 (August 6, 1981) [46 FR 41971].

[16] In this regard, the appropriate standard of knowledge is whether the expense or amount applied to a particular purpose is known to the issuer, not whether it is known to the individual signing the report.

[17] This requirement is derived from Forms 242 and 4(6).

[18] Specifically, Form SR requires information concerning the date the offering commenced or, if it has not commenced, the reasons why; the date the offering was completed and, if the offering terminated prior to completion, the reasons why; the amount of securities registered, sold and still being offered; and the total amount received from the public from the sale of securities for the account of the registrant.

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III. Text of Rule and Form

In accordance with the foregoing, the Commission is amending Title 17, Chapter II, of the Code of Federal Regulations as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933; REGULATION C: REGISTRATION

1. Section 230.463 is revised to read as follows:

§ 230.463 Report of offering of securities and use of proceeds therefrom.

(a) Except as hereinafter provided in this section, within 10 days after the end of the first three-month period following the effective date of the first registration statement filed under the Act by an issuer, and within 10 days after the end of each six-month period following such three-month period, the issuer or successor issuer shall file with the Commission four copies of a report on Form SR (§ 239.61 of this chapter) containing the information required by that form. A final report shall be filed within 10 days after the later of (1) the application of the offering proceeds or (2) the termination of the offering. A report on Form SR shall be filed at the same office of the Commission where the registration statement to which it relates was filed.

(b) A successor issuer shall comply with paragraph (a) of this section only to the extent that filings on Form SR are required with respect to the first effective registration statement of the predecessor issuer.

(c) For purposes of this section—

(1) The term "offering proceeds" shall not include any amount(s) received for the account(s) of any selling security holder(s).

(2) The term "application" shall not include the temporary investment of proceeds by the issuer pending final application.

(d) This section shall not apply to any effective registration statement for securities to be issued:

(1) In a business combination described in Rule 145(a) (§ 230.145(a));

(2) By an issuer which pursuant to a business combination described in Rule 145(a) has succeeded to another issuer that prior to such business combination had a registration statement become effective under the Act and on the date of such business combination was not subject to paragraph (a) of this section;

(3) Pursuant to an employee benefit plan;

(4) Pursuant to a dividend or interest reinvestment plan;

(5) As American depository receipts for foreign securities;

(6) By any investment company registered under the Investment Company Act of 1940; or

(7) By any public utility company or public utility holding company required to file reports with any State or Federal authority.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Subpart A—Forms for Registration Statements

2. By revising § 239.61 to read as follows:

§ 239.61 Form SR, Report of sales of securities and use of proceeds therefrom.

This form shall be used for filing a report of sales of securities in use of proceeds pursuant to § 230.463 of this chapter.

BILLING CODE 8010-01-M

U. S. SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

REPORT OF SALES OF SECURITIES AND USE OF PROCEEDS THEREFROM

For period ending Mo ☐ Day ☐ Year ☐

Indicate whether the report is

an initial report ☐, an amendment ☐, or a final report ☐.

If the report is an amendment, indicate the number of such amendment ☐.

GENERAL INSTRUCTIONS:

A. The report shall be filed in accordance with the provisions of Rule 463 (17 CFR 239.463). The provisions of Rule 405 (17 CFR 230.405) regarding definitions of terms and Rule 409 (17 CFR 239.409) regarding information unknown or not reasonably available are applicable to the report.

B. Answer each item in the box(es) or space provided. If additional space is required for any response, continue the response on the attached sheet. Where the number of boxes provided exceeds the number required for the response, enter zero(es) in any unnecessary box(es) to the left of the response. For example, if the date August 1, 1981 is to be entered into the boxes provided, the entry should appear as Mo 0 8 Day 0 1 Year 8 1

C. If the report is being filed by a successor issuer, answer each item with respect to the successor issuer.

D. If the issuer is required to file any report(s) on this form subsequent to its initial filing thereon, each subsequent filing shall be deemed to be an amendment to the initial filing. Do not report in any amendment on this form any response to Items 3-12 unless the response reported on the most recent prior filing has changed.

E. No fee is required to be paid in connection with the filing of the report.

F. File four copies of the report at the office of the Commission where the registration statement was filed. At least one copy shall be manually signed; the other three copies may bear typed or printed signatures.

1. (a) State the name of the issuer or successor issuer filing the report.

☐

(b) If a successor issuer is filing the report with respect to the registration statement of its predecessor, state the name of such predecessor issuer.

☐

2. (a) Indicate the effective date of the registration statement for which this form is filed. Mo ☐ Day ☐ Yr ☐

(b) Provide the SEC file number assigned to the registration statement. 2 - ☐☐☐☐☐☐

(c) If the issuer has been assigned a CUSIP number, specify the first six (6) digits. ☐☐☐☐☐☐

3. (a) Has the offering commenced? Yes ☐ No ☐

(b) If yes, indicate the date the offering commenced.

Mo ☐ Day ☐ Year ☐

If no, explain briefly. . . . .

. . . .

. . . .

4. Did the offering terminate before any securities were sold? Yes ☐ No ☐

If yes, explain briefly . . . .

. . . .

. . . .

Note: If the offering terminated before any securities were sold, see Rule 477 under Regulation C (17 CFR 239.477) regarding withdrawal of the registration statement.

Instruction: If the answer to Item 4 is "yes," do not answer Items 5-12.

5. Did the offering terminate prior to the sale of all securities registered? Yes ☐ No ☐

If yes, explain briefly . . . .

. . . .

. . . .

6. Furnish the name(s) of the managing underwriters, if any.

(01)
(02)
(03)
(04)

7. (a) Indicate the title and code of each class of securities registered and, where a class of convertible securities is being registered, indicate the title and code of any class of securities into which such securities may be converted.

Title of security	Code
(01)	
(02)	
(03)	
(04)	

Instruction: Select the appropriate code for each class of securities registered. Debt — DE; Convertible Debt — CD; Equity -EQ; Limited Partnership Interest — LP; Other (e.g., investment contracts, warrants, rights, and options) — OT.

(b) Describe briefly any class of securities categorized as "other." . . . .

. . . .

8. Indicate on the following table the amount and aggregate offering price of securities registered and sold to date for the account of the issuer and for the account(s) of any selling security holder(s).

	For the account of the issuer				For the account(s) of any selling security holder(s)			
Title of security	Amount registered	Aggregate offering price of amount registered	Amount sold	Aggregate offering price of amount sold	Amount registered	Aggregate offering price of amount registered	Amount sold	Aggregate offering price of amount sold
(01)								
(02)								
(03)								
(04)								
(05) Total								

Instructions: 1. List each class of securities registered except any class of securities into which a class of convertible securities registered may be converted without additional payment to the issuer. Match any class listed with the line on which it was listed in Item 7(a) (e.g., the class listed on line (01) of the table should be the same class as listed on line (01) of Item 7(a)). 2. Compute all amounts from the effective date of the registration statement to the ending date of the reporting period for this report. 3. Round all dollar amounts to the nearest dollar.

9. State, if known, or furnish a reasonable estimate of, the amount of expenses incurred for the issuer's account in connection with the issuance and distribution of the securities registered for each category listed below. Place an "X" in the box to the left of any amount given that is an estimate.

	Direct or indirect payments to directors, officers, general partners of the issuer or their associates; to persons owning ten percent or more of any class of equity securities of the issuer; and to affiliates of the issuer (A)	Direct or indirect payments to others (B)
(01) Underwriting discounts and commissions	☐ $	☐ $
(02) Finders' Fees	☐	☐
(03) Expenses paid to or for underwriters	☐	☐
(04) Other expenses	☐	☐
(05) Total Expenses	☐ $	☐ $

Instruction: Compute all amounts from the effective date of the registration statement to the ending date of the reporting period for this report. 2. Round all amounts to the nearest dollar.

10. Indicate the net offering proceeds to the issuer after the total expenses in Item 9 above. ☐ $

11. State, if known, or furnish a reasonable estimate of, the amount of net offering proceeds to the issuer used for each of the purposes listed below. Do not include any amount in "working capital" to which a more specific category is applicable. Place an "X" in the box to the left

of any amount given that is an estimate.

	Direct or indirect payments to directors, officers, general partners of the issuer or their associates; to persons owning ten percent or more of any class of equity securities of the issuer; and to affiliates of the issuer	Direct or indirect payments to others
	(A)	(B)
(01) Construction of plant, building and facilities	$	$
(02) Purchase and installation of machinery and equipment		
(03) Purchase of real estate		
(04) Acquisition of other businesses		
(05) Repayment of indebtedness		
(06) Working capital		

Temporary investment (specify)

(07)		
(08)		
(09)		
(10)		

Other purposes (specify)

(11)		
(12)		
(13)		
(14)		
(15)		
(16)		

BILLING CODE 8010-01-C

Instructions: 1. Specify under "other purposes" any purpose for which 5 percent of the issuer's total offering proceeds or $50,000, whichever is less, has been used. 2. Compute all amounts from the effective date of the registration statement to the ending date of the reporting period for this report. report. 3. Round all amounts to the nearest dollar.

12. Do the use(s) of proceeds in Item 11 represent a material change in the use(s) of proceeds described in the prospectus? Yes ☐ No ☐

If yes, explain briefly . . . .

. . . .

. . . .

SIGNATURE

Pursuant to the requirements of Rule 463 under the Securities Act of 1933, _________ has caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

____
Issuer

_________ By_______________
(Date) (Signature)

Instruction: The report shall be signed by an executive officer, general partner or counsel of the issuer or by any other duly authorized person. The name and any title of the person who signs the report shall be typed or printed beneath his/her signature.

ATTENTION: Intentional misstatements or omissions of facts constitute Federal criminal violations (See 18 U.S.C. 1001).

Form SR Continuation Sheet

Item of Form; Response

* * * * *

[Sec. 19(a), 48 Stat. 85; Sec. 209, 48 Stat. 908; 15 U.S.C. 77s(a)]

George A. Fitzsimmons,

Secretary.

September 21, 1981.

[FR Doc. 81-28559 Filed 9-30-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 241

[Release No. 34-18114]

Interpretive Release on Rules Applicable to Insider Reporting and Trading

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff interpretations.

SUMMARY: The Commission has authorized the issuance of this release setting forth the views of its Division of Corporation Finance on various interpretive questions regarding the rules promulgated under Sections 16(a) and 16(b) of the Securities Exchange Act of 1934. These views are being published to resolve certain recurring issues that arise under the rules and to establish uniform interpretations for the benefit of those persons subject to their requirements.

FOR FURTHER INFORMATION CONTACT: Persons with specific questions concerning the subject matter of this release should contact Michael R. Kargula or William E. Toomey, (202) 272-2573, Office of Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Section 16 of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq.] was designed to provide the public with information on insider[1] securities transactions and holdings and to deter insiders from profiting on short term trading transactions in the securities of their corporations on the basis of undisclosed information. The section was enacted primarily in response to abuses, described in detail in the legislative history of the Exchange Act,[2] where insiders with advance knowledge of facts which would produce a rise or fall in the market value of securities of their companies bought and sold such securities as the circumstances warranted to their personal advantage. On occasion, insiders actually manipulated the market price of their stock by causing a corporation to follow financial policies calculated to produce sudden changes in market prices in order to obtain short swing profits. To combat these practices, Congress enacted Section 16 to require reports of securities transactions by insiders and to provide for the recovery of any short swing profits.[3]

Congress believed prompt publicity to be a potent weapon in the effort to curb the abuse of inside information. Thus, Section 16(a) requires insiders to file public reports with respect to transactions in the equity securities of their corporations. This publicity was intended to encourage voluntary maintenance of proper fiduciary standards by those in control of corporations and at the same time give public investors information as to purchases and sales by insiders, which might in turn indicate their private opinions as to the prospects of the company.[4] In addition, the reports may reveal insider purchases and sales of securities which are subject to the profit recovery provisions of Section 16(b) of the Exchange Act. Section 16(b) provides that any profit realized by an insider as a result of a purchase and sale or sale and purchase of an equity security of the insider's company made within a six-month period shall inure to the company.[5] The intent of this section is to deprive officers, directors and substantial stockholders of the incentive to utilize their positions to trade in the securities of their companies on the basis of inside information.

The Commission has general rulemaking power under the Exchange Act to interpret and define statutory provisions and to exempt securities from any provision of the Act.[6] In addition, it has specific power under Section 16(b) to exempt from that subsection "any transaction or transactions which the Commission by rules and regulations may exempt as not comprehended within the purpose of this subsection." Since 1934, the Commission has exercised this authority by adopting a number of rules designed to implement and administer the insider trading and reporting provisions of Section 16. During this period, the staff has responded to a great many requests for interpretations of these rules as applied to particular facts.

In an effort to provide guidance to the public, and as part of a continuing program to clarify and simplify the application of the various rules administered by the Division, a number of these interpretations have been selected for publication in this release. The interpretations selected are not exhaustive. Rather, they represent fundamental, recurring questions which arise under the rules. Most of the illustrations used in the release represent actual inquiries received by the staff. While the Commission has authorized the issuance of this release, the views expressed are those of its Division of Corporation Finance.

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[1] By its terms, Section 16 applies to every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of equity security of an issuer registered pursuant to Section 12 of the Exchange Act, and to any director or officer of the issuer of such security. Persons who are subject to Section 16 are often termed "statutory insiders" or, simply, "insiders." This release does not treat questions raised by the trading activities of persons who may not be within the statutory definition of insider, but who nonetheless acquire non-public information about a particular company and utilize it to enhance their trading in the company's securities. See *SEC* v. *Texas Gulf Sulphur Co.*, 401 F.2d 833 (2d Cir. 1968), *cert. denied*, 394 U.S. 976 (1969).

[2] For example, as observed by the Senate Committee which considered the bill:

"Among the most vicious practices unearthed at the hearings before the subcommittee was the flagrant betrayal of their fiduciary duties by directors and officers of corporations who used their positions of trust and the confidential information which came to them in such positions, to aid them in their market activities. Closely allied to this type of abuse was the unscrupulous employment of inside information by large stockholders who, while not directors and officers, exercised sufficient control over the destinies of their companies to enable them to acquire and profit by information not available to others." Stock Exchange Practices, Report of the Committee on Banking and Currency, S. Rep. No. 1455, 73rd Cong., 2d Sess. p. 55 (1934). The section was "aimed at the general evil of officers and directors rigging their stock up and down squeezing out their own stockholders." Stock Exchange Practices, Report of the Committee on Banking and Currency, S. Rep. No. 1455, 73rd Cong., 1st Sess., Part 15, p. 6559 (1934).

[3] Substantially identical provisions appear as Sections 17(a) and 17(b) of the Pacific Utility Holding Company Act of 1935 [15 U.S.C. 79a et seq.], and the reporting requirements of Section 16(a) are adapted in Section 30(f) of the Investment Company Act of 1940 [15 U.S.C. 81a et seq.]. The exemptive rules under Section 16 are fully applicable to these parallel statutes, as are the illustrations herein.

[4] Committee on Interstate and Foreign Commerce, H. Rep. No. 1383, 73rd Cong., 2d Sess., pp. 13 and 24 (1934).

[5] Section 16(b) provides that the profits obtained by an insider from transactions completed within six months in equity securities of the insider's company may be recovered by the corporation or by any security holder suing on behalf of the corporation.

[6] See, e.g., Sections 3(a)(12), 3(b), and 23(a) of the Exchange Act. The Commission also has authority under Section 12(h) of the Exchange Act to exempt any officer, director or beneficial owner of securities from the provisions of Section 16, so long as such action is not inconsistent with the public interest or the protection of investors. This particular exemptive power has rarely been used.

Although many of the issues dealt with in this release have previously been addressed by the staff in public interpretive letters, the release clarifies and, in some instances, revises certain positions expressed in those letters. Any previous staff interpretations which are contrary to those set forth in this release should be regarded as superseded by this release. Similarly, the views expressed in previous interpretive letters on issues which are not addressed by this release, may still be considered to represent the staff's position on the questions raised. To the extent that particular facts and circumstances are substantially similar to those set forth in this release, interested persons may rely on the views expressed herein and need not seek individual interpretive advice.

The Commission is hopeful that the issuance of this release will reduce the need for members of the public to request interpretive advice from the staff regarding the rules in question. It should be noted, however, that the staff is considering possible amendments to the rules promulgated under Sections 16(a) and 16(b), particularly Rule 16b–3, and invites interested persons who wish to express an opinion on the rules, or on the interpretations contained in this release to submit their views in writing.

The staff routinely responds to interpretive requests concerning the rules adopted under both Sections 16(a) and 16(b). However, the staff declines to take no-action or interpretive positions on questions involving the scope of liability under Section 16(b). Whether liability under Section 16(b) will result from particular transactions can only be determined on the basis of the facts in each case in an appropriate action brought by the issuer or a security holder.[7]

This release considers first the reporting rules under Section 16(a) with a prefatory discussion of concepts and definitions, some of which are essential to an understanding of the Section 16(b) rules which follow. The rules are treated simply in their numerical order, and no attempt has been made to group them by function. A table of contents follows.

17 CFR Part 241 is amended by adding this release thereto.

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I. Section 16(a)—The Reporting Requirement

Section 16(a) of the Exchange Act provides that every person[8] who is directly or indirectly the beneficial owner of more than 10 percent of any class of equity security (other than an exempted security) registered pursuant to Section 12,[9] or who is an officer or director of the issuer of such security, shall file with the Commission an initial report disclosing the amount of all equity securities of such issuer of which he is the beneficial owner, and a subsequent transaction report within 10 days after the close of each calendar month in which there has been any change in his holdings.[10] If the registered security is also listed on a national securities exchange, such ownership reports must also be filed with the exchange.

A. Definition of Officer

The term "officer" is defined by Rule 3b–2 [17 CFR 240.3b–2] under the Exchange Act to mean a president, vice-president, treasurer, secretary, comptroller, and any other person who performs for an issuer, whether incorporated or unincorporated, functions corresponding to those performed by the foregoing officers.[11]

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[7] Letters re *Chromalloy American Corporation* dated May 5 and May 15, 1980.

[8] The term "person" is defined in Section 3(a)(9) of the Exchange Act as meaning "a natural person, company, government, or political subdivision, agency, or instrumentality of a government."

[9] Section 12 of the Exchange Act provides for the registration of securities to be listed on a national securities exchange, and requires the registration of equity securities of companies having more than $1,000,000 in assets and a class of equity security held by over 500 persons. For convenient reference, and only for purposes of this release, a company with a class of equity securities registered pursuant to Section 12 of the Exchange Act will be termed a "registered company." Section 16, of course, does not apply to unregistered companies, including those which file periodic reports with the Commission pursuant to Section 15(d) of the Exchange Act. Section 16 becomes operative only after registration under Section 12 has become effective.

[10] Initial reports of ownership are filed on Form 3 [17 CFR 249.103] within ten days after the date a person acquires insider status. Reports of subsequent transactions and holdings are made on Form 4 [17 CFR 249.104].

[11] Although similar in thrust, this definition is somewhat narrower than the definition of "executive officer" found in Items 3 and 4 of Regulation S–K [17 CFR 229.20.3 and .4, respectively]. It should also be noted that, in connection with the Commission's sunset review of existing rules and regulations, Rule 3b–2 is proposed

Continued

The determination whether a particular individual is an officer hinges on an examination of all the relevant facts. Generally, it is not difficult to identify a company's principal officers by their traditional titles and functions. However, an employee who does not possess a title may nevertheless be an officer because of the significant functions he performs; similarly, an employee who holds a title may nonetheless not be an officer because his functions and duties are insignificant, despite his formal position. The staff generally takes the view that anyone holding an appropriate title is an officer for purposes of Section 16(a). The staff, however, no longer expresses opinions on questions of officer status. These questions usually involve difficult assessments of fact which can best be made by the issuer and its counsel. For the same reason, the staff will not express a view as to whether a particular individual is in fact a director. Nevertheless, as an indication of staff analysis in this area, the following three hypotheticals are set forth.

(1) *Question:* Would the following persons be deemed to be "officers" for purposes of Section 16(a):

(a) An assistant treasurer, assistant vice president or assistant comptroller?

(b) The president of a wholly-owned subsidiary?

(c) A vice president who has no significant duties, and who does not participate in the management of the company?

Answer: The persons named in (a) may be officers if they regularly perform a substantial part of the duties of the officers they assist. An assistant who performs only some of the duties of his superior would not normally be considered an officer, so long as those functions are performed under the supervision of his chief. Finally, assistants would not be considered officers if they regularly perform only routine administrative duties.[12]

The president referred to in (b) would not ordinarily be considered an officer under Section 16(a) since he is not an officer of the issuer.[13] If the vice president described in (c) is vice president in name only, and has no access to inside information, he is not an officer for purposes of Section 16(a).[14]

B. Definition of Director

Section 3(a)(7) of the Exchange Act defines the term "director" to mean any director of a corporation or any person performing similar functions with respect to an organization whether incorporated or unincorporated. As with the application of the term "officer," the determination whether a particular person is a director sometimes involves the evaluation of unusual or difficult facts. The staff will not express a view as to whether a particular person may be deemed to be a director.

(2) *Question:* Is a person who is an honorary director of an issuer, but does not attend board meetings and is inactive in the affairs of the issuer, considered to be a director for Section 16(a) purposes?

Answer: If an honorary director does not take part in formulating and deciding policy issues, and does not have access to inside information, he is not a director under Section 16(a).[15]

(3) *Question:* Can the term "director" include a person who designates another to be a director on a theory of deputization? [16]

Answer: Yes. A person who has the power, by agreement or otherwise, to name another to be a corporate director is likely to have the same sort of access to inside information by reason of that relationship as any other insider and should be considered a director for purposes of Section 16(a) of the Exchange Act.

Illustration: Company X lends Company Y a substantial amount of money in order for Company Y to complete its plans for expansion. One of the express terms of the loan agreement permits Company X to designate a person to serve on the board of directors of Company Y. Company X designates its vice president to sit on Y's Board.

Interpretation: Company X may be considered a director for purposes of Section 16(a).

C. *Definition of Beneficial Ownership*

The Commission has never specifically defined the term "beneficial ownership" for purposes of Section 16(a) of the Exchange Act. However, some of the generally accepted indicia of beneficial ownership include: (1) the right to vote or control the voting of the securities; (2) the right to transfer the securities or control their transfer; (3) the right to receive income from the securities or control the disposition of such income; and (4) the right to receive or control the disposition of the proceeds in liquidation. The staff has interpreted the term broadly to implement fully the disclosure function of Section 16(a).[17]

(4) *Question:* The spouse and minor children of a director of a registered company hold securities of that company in their own name. The director owns additional securities of the company which are held of record by a broker. Can the director be considered the beneficial owner of all of these securities?

Answer: Yes. Absent countervailing facts, it is expected that securities held by a spouse, minor children and other relatives who share the same home as the insider will be reported as being beneficially owned by the insider since such relationships ordinarily result in the insider obtaining benefits substantially equivalent to ownership.[18] The sharing of economic benefits among the members of the family group, as well as the potential influence of the reporting person over securities held by family members, are factors which tend to support this view. Securities held by a broker in street name, of course, are generally beneficially owned by the broker's principal. Accordingly, Section

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to be amended to include an issuer's "principal financial officer" and "principal accounting officer" within the definitional scope of the term "officer." Such persons were previously covered by the rule although not specifically mentioned. See Securities Act Release No. 6333 (August 6, 1981) [46 FR 41971].

[12] Securities Exchange Act Release No. 2687 (November 15, 1940) [5 FR 4501].

[13] Letters re *CMI Investment Corp.* dated June 11, 1974 and *Associated Bank & Services, Incorporated* dated June 23, 1971.

[14] See *Merrill Lynch, Pierce, Fenner & Smith, Inc.* v. *Livingston*, 566 F.2d 1119 (9th Cir. 1978).

[15] While access to inside information is a key factor in determining insider status under Section 16, the staff has taken the view that the term "director," as defined in Section 303(5) of the Trust Indenture Act of 1939, does not include emeritus, honorary or advisory directors who are appointed rather than elected and who serve merely as advisors without any other customary responsibilities or duties of directors. See letter re *Wells Fargo Bank* dated June 22, 1981.

[16] The existence of deputization if a factual question determined on a case-by-case basis. The United States Court of Appeals for the Second Circuit has held that a defendant corporation was in fact liable as a director under a deputization theory. *Feder v. Martin Marietta Corp.*, 406 F. 2d 260 (2d Cir. 1969), *cert. denied*, 396 U.S. 1036 (1970). For a discussion of the factual elements that may establish deputization, see Wagner, *Deputization under Section 16(b): The Implications of Federal v. Martin Marietta Corporation*, 78 Yale L. J. 1151 (1969).

[17] Rule 13d–3 [17 CFR 240.13d–3] under the Exchange Act sets out a very detailed definition of beneficial ownership for purposes of the reporting requirements under Section 13(d) and the Commission's tender offer rules. While the concepts of beneficial ownership under Section 16(a) and under Rule 13d–3 have much in common, the former stresses the economic benefit to be derived from the securities and the latter emphasizes the ability to control or influence the voting or disposition of the securities. As a result, different determinations of beneficial ownership under the section and rule are possible.

[18] Securities Exchange Act Release No. 7824 (February 14, 1966) [31 FR 3175]. A person may also be regarded as the beneficial owner of securities held in the name of a spouse, minor children or other person, even though he does not obtain benefits substantially equivalent to ownership, if he can vest or revest title in himself at once or at some future time.

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16(a) would require the director to report the holdings of the spouse and minor children, and other relatives who share the home, as well as any securities held of record by a broker, bank or other nominee for the director's account.[19] It should be noted, however, that a reporting person may disclaim that a report filed is an admission of beneficial ownership with respect to any particular security. See Rule 16a–3 [17 CFR 240.16a–3].

(5) *Question:* Mr. Smith is a director of a registered company and has recently become president of a non-profit foundation which is operated exclusively for charitable purposes and is qualified under Section 501(c)(3) of the Internal Revenue Code. The foundation owns approximaterly 3 pecent of the outstanding common stock of the registered company. Should Mr. Smith include the holdings and transactions of the foundation in the company's stock on his own ownership report?

Answer: The determination of beneficial ownership of securities is dependent upon the relevant facts and circumstances in a particular situation. Additional facts which should be considered are: (1) whether Mr. Smith has voting power, investment power, or other indications of control with respect to the securities held by the foundation; and (2) whether he has any other interest in the foundation itself, or transactions entered into by the foundation. If the answers to these questions are affirmative, Mr. Smith may be considered the beneficial owner of the securities held by the foundation.[20]

(6) *Question:* Must a member of a partnership take into account the entire holdings of the partnership in determining whether he is a 10 percent beneficial owner of a class of equity security of a registered company?

Answer: No. A partner is required to include only his own economic interest in the partnership holdings. Thus only his pro rata interest in the securities held by the partnership must be added to his own personal beneficial interest.[21]

Of course, where a partnership holds for its own account more than 10 percent of a class of equity security of a registered company, it should file reports of such holdings in accordance with the requirements of Rule 16a–1, whether or not individual reports are filed by the partners, since the partnership would be the direct beneficial owner of more than 10 percent.[22]

Illustration: Three individuals form a general partnership in which each has an equal interest. The partnership holds 29 percent of a class of registered equity security. The partners do not hold any other securities of that class.

Interpretation: Since each partner's pro rata interest in the securities is less than 10 percent of the class, the individual partners are not subject to Section 16(a). Of course, the partnership itself would be subject to the reporting requirements.

(7) *Question:* If an officer or director of a registered company were a member of a partnership, would that relationship automatically subject the partnership to the requirements of Section 16(a)?

Answer: No. However, the officer or director-partner should report his indirect beneficial ownership of all partnership holdings in the securities of the registered company. If the partnership ever owned more than 10 percent of a class of registered equity security of the company, it would be required to report independently.

(8) *Question:* Should a director of a registered company, who is also a control person of a closely-held company, file ownership reports with respect to transactions by the latter company in the securities of the registered company?

Answer: Yes. As a control person of the closely-held company, the insider is deemed to be the beneficial owner of all securities held by that company. Since all of the indicia of beneficial ownership are present, the insider should report the closely-held company transactions, even if that company itself files separate reports as a 10 percent beneficial owner.[23]

(9) *Question:* Would the answer to Question (8) be different if the company holding the registered security were a public company which the insider did not control?

Answer: Yes. The basic question is whether the insider may be deemed to be the beneficial owner of the securities held by the other company. Normally, an insider who is a shareholder of a publicly held company would not be obligated to report his interest in that company's transactions in the registered security, since he would not usually be considered to be, even indirectly, the beneficial owner of that security.

(10) *Question:* An insider is the trustee of an irrevocable trust. Neither the insider nor any member of his or her family is the beneficiary of the trust. Must the insider aggregate the shares held in trust with his personal holdings for purposes of Section 16(a)?[24]

Answer: No. The trustee of an irrevocable trust or a trust revocable at the discretion of another person,[25] who has no interest in the income or corpus of the trust, is not the benefical owner of any securities held in the trust.

Illustration: A member of the board of directors of a registered company is also the trustee of 3 trusts established solely for the benefit of the minor children of the company's president. The trusts hold less than 4 percent of the outstanding common stock of the company. The director, as an independent trustee, has the power to manage the assets of the trusts, including the power to make acquisitions and dispositions and to vote the securities held by the trusts.

Interpretation: The shares of common stock of the registered company held by the trusts would not be deemed beneficially owned by the director trustee.[26]

(11) *Question:* If the facts of question (10) were modified so that the trustee had a vested interest in the income or corpus of the trusts, would the answer be the same?

Answer: No. If the trustee has a vested interest in the income or corpus of the trusts, attribution would be required, i.e., the trustee should report the holdings and transactions of the trusts as his own.

(12) *Question:* A person is trustee and sole beneficiary of a trust which owns less than 10 percent of a class of registered equity security. In his personal capacity, he owns an amount of the same security which, if added to the holdings of the trust, would exceed 10 percent of the class outstanding. Must this individual file Section 16(a) reports?

Answer: Yes. Although the trustee owns less then 10 percent of the securities in this personal capacity, he would be deemed to be the beneficial owner of the trust securities.

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[19] *Whiting v. The Dow Chemical Co.*, 523 F. 2d 680 (2d Cir. 1975).

[20] Letter to *Dean L. Buntrock and Elizabeth Buntrock Foundation* dated September 24, 1980.

[21] Opinion of General Counsel, Securities Exchange Act Release No. 1965 (December 21, 1938) [11 FR 10971].

[22] The names of the individual members of the partnership do not have to be set forth when the partnership itself files a Section 16(a) report.

[23] The insider may, if he so desires, indicate in a footnote the extent of his individual interest in the transaction.

[24] Questions (10) through (14), inclusive, should also be read in conjunction with the discussion of Rule 16a–8 [17 CFR 240.16a–8], *infra*.

[25] If the trust is subject to revocation, the person who possesses the power to revoke the trust for his own benefit would appear to be the beneficial owner of the securities held by the trust, and, if an insider, such person would have to report the trust shares as his own. It should be noted, however, that if the trust holds more than 10 percent of a registered equity security, the fact that a power of revocation exists would not relieve the trustee from his duty to file reports concerning transactions of the trust in that security. See Rule 16a–8(c).

[26] Letter re *Chilton Corporation* dated May 15, 1973.

(13) *Question:* Must a report be filed to reflect a transaction whereby an insider, as settlor, establishes a trust with the settlor as the sole beneficiary and in whose administration the settlor has a voice?

Answer: No. The creation of a trust which does not substantially alter the benefits of ownership, including rights to the income or corpus of the trust, is not a change in beneficial ownership required to be reported under Section 16(a).[27]

(14) *Question:* Is an insider required to report the securities held by his or her spouse as trustee for the benefit of their children?

Answer: Yes. The insider is considered to have a sufficient interest in the securities held by such a trust. Since an insider is considered to be the indirect beneficial owner of securities held by his or her spouse and children, the insider should report the indirect beneficial ownership of the holdings of the spouse as trustee for their children.[28]

(15) *Question:* A director of a registered company transfers stock of that company to his or her spouse pursuant to a divorce settlement. Should the director report the transfer under Section 16(a)?

Answer: Yes. The director has effected a change in the beneficial ownership of that security which is required to be reported.

(16) *Question:* When is an insider who purchases securities under an installment agreement, deemed to have acquired beneficial ownership of such securities thereby triggering his reporting obligation under Section 16(a)?

Answer: As a general rule, an insider is deemed to have acquired beneficial ownership of a security at the time he makes a firm commitment for its purchase. Similarly, he divests himself of such beneficial ownership at the time he makes a firm commitment for its sale.[29]

Illustration: A director of a registered company enters into a contract to purchase 2,000 shares of the company's common stock. The terms of the contract call for a 25 percent down payment, with the balance of purchase price paid in installments over the next six months. At the time of the final payment, the director will receive the stock.

Interpretation: The director would be deemed to have acquired beneficial ownership of the securities at the time the contract was entered into, i.e., the time he agreed to purchase the securities, and made the down payment, notwithstanding the fact that the purchase price had not been paid in full and the stock was not delivered until final payment.

(17) *Question:* For purposes of Section 16(a), when is an insider deemed to acquire beneficial ownership of a stock dividend; on the declaration date, the record date, or the payment date?

Answer: On the record date. The record date generally fixes the time when security holders are entitled to receive the dividend. The fact that delivery of the stock certificate has not been effected or transfer recorded on the stock transfer books of the issuer is immaterial.

(18) *Question:* When an insider sells "short against the box,"[30] must he report the sale as of the date his sell order is executed by the broker, or the date when he ultimately delivers stock to cover his short position?

Answer: The insider effects a change in his beneficial ownership of the security at the time the sell order is executed. The date of the transaction for purposes of Form 4 is the date of execution.

D. Definition of 10 Percent Beneficial Owner

Under the framework of Section 16, officers and directors automatically become insiders of a registered company by virtue of the positions they hold with the company. Persons who are not officers or directors may also become insiders by accumulating more than 10 percent of any class of an equity security which is registered pursuant to Section 12 of the Exchange Act.[31] Once insider status has been acquired, changes in beneficial ownership of the equity securities of the company should be reported.

(19) *Question:* Is a person required to file an initial ownership report reflecting the transaction which increases his beneficial ownership to more than 10 percent?

Answer: Yes. For purposes of Section 16(a), it does not matter that the person was not a 10 percent holder prior to the transaction. Section 16(a) specifically requires the filing of reports by all persons who own beneficially more than 10 percent of a class of registered equity security. The obligation to report arises at the time of the transaction which results in one's owning more than 10 percent of the class and, accordingly, such person must report within 10 days after the date on which the transaction occurred.

Illustration: A company has 2,000,000 shares of common stock outstanding which are listed on a national securities exchange. On October 1, a stockholder, not otherwise affiliated with the company, acquires 10,000 additional shares of its common stock, bringing his total ownership to 205,000 shares. Thereafter, on January 5, he sells 30,000 of these shares at a profit.

Interpretation: This stockholder would be required to file ownership reports covering both of these transactions.[32]

(20) *Question:* Must a person who owns more than 10 percent of the registered common stock of a company also report his transactions in any unregistered equity securities of the company?

Answer: Yes. An insider must report all changes in beneficial ownership arising from transactions involving any equity security of the company, whether or not such equity security is registered pursuant to Section 12 of the Exchange Act. However, to be a 10 percent beneficial owner within the meaning of Section 16(a), one must beneficially own

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[27] Letters re *Park Chemical Company* dated June 2, 1976, and *Litton Industries, Inc.* dated April 27, 1973.

[28] See letter to *Jane Gillespie*, dated October 7, 1971; See also question 4, *supra;* and Rule 16a–8(a), *supra.*

[29] See Securities Exchange Act Release No. 116 (March 9, 1935) [11 FR 10968].

[30] A "short sale against the box" is a brokerage transaction in which the seller already owns an amount of securities at least equal to the amount he wishes to sell short. While Section 16(c) of the Exchange Act prohibits insiders from making short sales, i.e., the sale of a security which the seller does not own, this prohibition does not extend to short sales against the box where the securities ultimately to be delivered already belong to the seller. See letter to *Michael G. Marks* dated February 26, 1980.

[31] Rule 16a–2 [17 CFR 240.16a–2] provides that for the purpose of determining whether a person is the beneficial owner of more than 10 percent of a class of equity security, other than voting trust certificates or certificates of deposit, such class is deemed to consist of the total amount of the securities of the class outstanding, exclusive of any securities of the class held by or for the account of the issuer or a subsidiary of the issuer. The rule further provides that such person will be deemed to be the beneficial owner of securities which he or she has the right to acquire through the exercise of presently exercisable options, warrants or rights or through the conversion of presently convertible securities.

[32] It should be noted, however, that this individual has not incurred any short swing trading liability because he was not a 10 percent beneficial owner prior to the October 1 transaction. To incur liability under Section 16(b) one must have insider status both at the time of purchase and sale. Although this insider was beneficial owner of more than 10 percent immediately after the purchase transaction, he was not such a beneficial owner at the time of purchase. *Formost-McKesson, Inc. v. Provident Securities Co.*, 423 U.S. 232 (1976). See also *Reliance Electric Co. v. Emerson Electric Co.*, 404 U.S. 418 (1972)..

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more than 10 percent of a registered equity security.

Illustration: An individual owns 15 percent of the common stock of a company which is registered on a national securities exchange. He also owns 15 percent of its cumulative preferred stock and 15 percent of a class of subordinated debentures, neither of which is registered pursuant to Section 12. In order to diversify, he sells both the preferred stock and the subordinated debentures.

Interpretation: This individual is an insider since he owns more than 10 percent of the common stock which is a class of registered equity security. Accordingly, he must report the sale of the preferred stock since it is an equity security. The subordinated debentures are debt rather than equity securities and so their sale need not be reported. Note that insider status based on ownership of securities derives *only* from ownership of an equity security which is registered pursuant to Section 12 of the Exchange Act. Had this person owned less than 10 percent of the common stock, he would not have been an insider despite his other holdings, and his sale of the preferred stock would not have been reportable because it was not registered.

E. Definition of Equity Security

Section 3(a)(11) of the Exchange Act broadly defines the term "equity security" to include any stock or similar security; or any security convertible into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the Commission by rule shall deem an equity security. Rule 3a11-1 [17 CFR 240.3a11-1] under the Exchange Act interprets the statutory definition by enumerating a number of the less familiar securities ranging from voting trust certificates to various rights to subscribe to or purchase a security.

(21) *Question:* Does the term "equity security" include puts and calls?[33]

Answer: Yes. In Securities Exchange Act Release No. 10129 (April 27, 1973) [38 FR 11449], Rule 3a11-1 was amended specifically to include puts, calls, straddles, and other rights to buy and sell securities within the definition of equity security. Rule 16a-6 [17 CFR 240.16a-6] requires the reporting of puts, calls and similar rights whether or not such securities are issued by a registered company since the ownership of such rights may have a real impact on the insider's beneficial ownership of the security to which the right relates.[34] It must be emphasized that the reporting provisions of Section 16(a) relate not only to purchases and sales of securities, but also to changes in their beneficial ownership. The acquisition or disposition of a put, call or other right or obligation to sell an equity security of a registered company not only effects a change in the insider's beneficial ownership of the right, but it also gives rise to derivative right with respect to the beneficial ownership of the underlying security.

(22) *Question*: Must an insider report the acquisition of a stock appreciation right?

Answer: Yes. A stock appreciation right ("SAR") is a form of deferred incentive compensation, generally granted pursuant to a plan adopted for the benefit of key employees. In practice, a key employee is granted a number of SAR units representing an equal number of shares of a company's common stock. When the employee exercises a SAR, the company pays him an amount equal to the appreciation in market value of the number of shares subject to the SAR for the period between the date of grant and the date of exercise. This amount may be paid or "settled" in cash or stock, or a combination of both, usually at the discretion of a committee administering the plan. The grant of a SAR may be coupled with the grant of a stock option, in which case the SAR units are generally awarded in an amount equal to the number of shares subject to the option. Exercise of any portion of the stock option or the SARs results in a corresponding reduction in the number of shares or SAR units remaining subject to exercise. An award in this form is often referred to as a "tandem grant."

The stock appreciation right in its various forms has posed important interpretive questions under both Sections 16(a) and 16(b). It is generally agreed, for example, that the acquisition of a SAR which may be settled in stock creates the kind of derivative right in an equity security which must be reported as a change in beneficial ownership pursuant to Rule 16a-1. There has been a broad difference of view, however, with respect to the obligation to report the acquisition of a SAR exercisable only for cash. Although such an instrument would not seem to represent a direct claim on the equity securities of a company, its cash settlement has been viewed by some as a simultaneous purchase and sale of the related common stock, a theory which would suggest the applicability of both the reporting and the liability provisions of Section 16 of the Exchange Act.[35] Indeed, the very nature of the stock appreciation right as an instrument falling within the definition of "equity security" has been controversial, and although this question has been touched upon by at least three courts, as yet there is no clear judicial statement as to whether a stock appreciation right is an equity security for purposes of Section 16(b).[36]

These, and other issues were a source of genuine concern to many who wished to use the stock appreciation right concept as a part of their employee benefit programs. The stock appreciation right appeared to be a valuable new tool for employee compensation, but its use raised novel concerns under Section 16. The Commission recognized the legitimacy of these concerns and, in 1976, amended Rule 16b-3 to provide an exemption for the transactions necessary to implement a plan involving stock appreciation rights, that is, the acquisition and disposition of the rights by employee participants as well as the cash settlement of rights pursuant to the terms of the plan.[37] The exemption is subject to a number of conditions which are intended to guard against the abuse of inside information. The amendment does not attempt to resolve the troublesome legal issues posed by the stock appreciation right; it simply exempts the transactions required to effectuate stock appreciation right plans without addressing the legal implications of the transaction themselves under Section 16 of the Exchange Act.[38]

(23) *Question*: Are debt securities which are convertible into the common stock of an issuer considered to be "equity securities" within the meaning of Section 3(a)(11) of the Exchange Act?

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[33] Generally, a put is a contract giving its holder the right to sell a fixed amount of securities within a specified period at a set price. A call is a similar arrangement conferring the right to purchase securities. Exchange traded options are essentially put and call contracts.

[34] Read discussion of Rule 16a-6, *infra.*

[35] See footnote 108, *infra.*

[36] *Id.*

[37] See Securities Exchange Act Release No. 13097 (December 22, 1976) [42 FR 755].

[38] In the 1976 release, the Commission observed that its "action in revising Rule 16b-3 in order to provide a 'safe harbor' for certain transactions in stock appreciation rights should not be construed as a statement by it that SAR transactions which do not satisfy the conditions of the rule necessarily are subject to Section 16(b). In this regard, the Commission wishes to emphasize that because of the unsettled legal status of stock appreciation rights under Section 16, it is expressing no view as to the applicability of that section to transactions in stock appreciation rights that are outside the scope of Rule 16b-3, and no inference in that connection should be drawn from the Commission's actions today."

Answer: Yes.[39] However, the purchase of over 10 percent of a class of non-registered securities by itself will not subject a person to the requirements of Section 16(a). In order for Section 16(a) to apply, a person must be the beneficial owner of over 10 percent of a class of equity security registered under Section 12 or an officer or director of the issuer of such security. Once a person acquires this status, he must report ownership of convertible securities which are not themselves registered under Section 12. If, however, the convertible securities are registered, a person owning more than 10 percent thereof would be required to report his ownership of the convertibles, even though the common stock which could be acquired upon conversion represents less than 10 percent of the class of common stock outstanding.

(24) *Question*: Should ownership reports be filed with respect to limited partnership interests which are registered under Section 12, even though they are not publicly traded?

Answer: Yes. Limited partnership interests are considered to be equity securities. General partners of a limited partnership are deemed to perform functions corresponding to those of directors and officers. Thus, a person owning more than 10 percent of a class of such interests and the general partners should file the requisite reports.

F. Definition of Exempted Security

Section 3(a)(12) of the Exchange Act exempts certain specified securities from some or all of the statute's provisions, including Section 16. Among those securities exempted are obligations of the United States, certain municipal bonds, interests in bank-maintained trust funds, and securities issued in connection with certain employee benefit plans. In addition, the Commission has exempted by rule certain other securities from the Exchange Act's requirements, again including Section 16. These exemptive rules generally cover mortgages sold by the Federal Home Loan Mortgage Corporation;[40] securities substantially guaranteed by the states;[41] and securities of foreign issuers.[42]

(25) *Question:* Are registered securities issued by foreign companies exempt from the operation of Section 16?

Answer: Yes, if the provisions of Rule 3a12–3, promulgated under the Exchange Act, are met. The rule cannot be relied upon if (1) more than 50 percent of the outstanding voting securities of the issuer are held of record either directly or through voting trust certificates or depository receipts by residents of the United States, and (2) the business of such issuer is administered principally in the United States or if 50 percent or more of the members of the issuer's board of directors are residents of the United States.

G. Section 12

Section 12(b) of the Exchange Act provides that a company may register or list a security on a national securities exchange by filing an application with the exchange and duplicate originals of that application with the Commission. The application must contain the disclosures required by Section 12(b)(1) of the statute. In addition, the company and the security must meet the individual exchange requirements for listing. Once the exchange certifies to the Commission that the security has been approved for listing and registration, the registration becomes effective thirty days after the receipt of such certification by the Commission or within such shorter period of time as the Commission may determine by order. Accordingly, the provisions of Section 16(a) and 16(b) become operative for insiders on the effective date of the registration.

Section 12(g) of the Exchange Act, on the other hand, provides for the mandatory registration of the equity securities of companies of a certain size.[43] Section 12(g) requires that any company with total assets exceeding $1,000,000 and a class of equity security held by 500 or more persons must file a registration statement with the Commission to register such equity security.[44] The information disclosed in this registration statement is comparable to that required for registration under Section 12(b). The registration statement becomes effective sixty days after filing, or within such shorter period as the Commission may direct. As with Section 12(b) registration, the mandates of Section 16 become operative on the effective date of the registration statement.

(26) *Question:* A company recently completed its first public offering registered under the Securities Act of 1933. As a result it files periodic reports with the Commission pursuant to Section 15(d) of the Exchange Act. At the end of its fiscal year, its assets total $900,000 and it has over 600 common shareholders. Are the company's officers and directors subject to Section 16 of the Exchange Act?

Answer: No. Since the company does not have $1,000,000 in assets, it is not required to register its common stock under Section 12(g). Until the company's common stock or other class of equity security is registered under Section 12(b) or 12(g), the insiders are not subject to Section 16.[45]

(27) *Question:* If the same company were to list its securities on a national securities exchange, would the insiders be subject to Section 16?

Answer: Yes. A class of equity securities is now listed on a national securities exchange and registered pursuant to Section 12(b). Section 16 applies to all insiders of companies with a class of equity security registered under Section 12, and its obligations attach as soon as registration becomes effective.[46]

II. Interpretations Relating to the Commission's Rules Under Section 16(a)

A. Rule 16a–1 [17 CFR 240.16a–1]

Rule 16a–1 implements the statutory reporting requirement by establishing Form 3[47] for initial reports of securities beneficially owned by insiders and Form 4[48] for statements of subsequent changes in such beneficial ownership.[49]

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[39] See Securities Exchange Act Release No. 8202 (December 6, 1967) [32 FR 18063] and footnote 57, *infra*.

[40] [17 CFR 240.3a12–1].

[41] [17 CFR 240.3a12–2].

[42] [17 CFR 240.3a12–3].

[43] Of course, an issuer may at any time voluntarily register a class of equity security under Section 12(g) even if it has not reached the specified size. (See Section 12(g)(1)(B)). Voluntary registration may be motivated by any number of practical considerations, such as broadening the market for an issuer's securities through more regular distribution of information. Or an issuer may choose to register to accomplish a related objective. For example, in order to elect to be regulated as a business development company, an issuer must register a class of its equity securities under Section 12. (See Section 54 of the Small Business Incentive Act of 1980) [15 U.S.C. 80a–53].

[44] Section 12(g)(2) of the Exchange Act provides varying types of exemptions from the registration provisions of Section 12(g) for specific classes of issuers (e.g., cooperative organizations and insurance companies).

[45] Letter re *Superior Packing Company* dated January 13, 1978.

[46] However, Rule 16a–(d) [17 CFR 240.16a–(d)] requires that certain transactions which occurred prior to registration under Section 12 must be reported pursuant to Section 16(a) after registration becomes effective.

[47] A Form 3 must be filed within 10 days after the occurrence of the event which requires the filing of the form.

[48] A Form 4 must be filed within 10 days after the close of the month in which a change in beneficial ownership of the securities of the issuer has occurred.

[49] At one time, different forms were required to be filed by insiders under each of the relevant statutes: Forms 4, 5 and 6 under the Securities Exchange Act of 1934; Forms U–17–1 and U–17–2 under the Public Utility Holding Company Act of 1935; and Forms N–30F–1 and N–30F–2 under the Investment Company Act of 1940. These forms were consolidated into

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(28) *Question:* Are there any provisions under Section 16 which would permit an insider to file a late ownership report?

Answer: No. The reporting provisions of Section 16(a) are designed to insure prompt disclosure of insider holdings. There are no provisions in the Exchange Act, or the rules, permitting an extension of time for filing an ownership report. However, instruction 15 to Form 3 and instruction 17 to Form 4 allow the reports to be filed and signed by an agenct on behalf of the reporting person, provided the authority for such an arrangement is furnished to the Commission.

Illustration: A director of a registered company purchases shares of the company's common stock and immediately leaves the country on a month long business trip.

Interpretation: The director is still required to arrange for the filing of a Form 4 within the time prescribed, notwithstanding the fact that he is abroad.

(29) *Question:* Must a person selected to become an officer or director of a registered company file an initial ownership report on Form 3, within the time prescribed, even though he beneficially owns no securities of the company?

Answer: Yes. The purpose of this report is simply to indicate the status of the insider's holdings at the time he becomes subject to Section 16(a). The fact that he owns no securities does not eliminate the filing requirement.

(30) *Question:* Should the officers and directors of a registered company file an additional Form 3 report when the company registers a new class of equity security under Section 12(g)?

Answer: No. The purpose of filing the Form 3 report is to determine and disclose the holdings of officers, directors and certain beneficial owners of registered companies at the time such persons become subject to Section 16(a). Since the officers and directors are already subject to the reporting requirements of Section 16(a), they do not need to file an additional Form 3 report for the newly registered class of equity security. Of course, an insider who acquires shares of the new class would be required to file a report on Form 4 disclosing the amount of securities acquired.

Illustration: In a proposed corporate reorganization, Company B will become a wholly-owned subsidiary of newly-formed Company A. To effect the reorganization, Company B will merge into a wholly-owned subsidiary of Company A and, upon the effective date of the merger, each outstanding share of common stock of Company B will be automatically converted into one share of common stock of Company A. For a number of years, the common stock of Company B has been registered pursuant to Section 12 of the Exchange Act. Company A will file a registration statement at the time of the merger to register its own common stock pursuant to Section 12.

Interpretation: Former insiders of Company B, who have now become insiders of Company A, need not file initial statements of beneficial ownership on Form 3 to reflect their new interest in Company A, inasmuch as Company A is the successor corporation of Company B. However, in the interest of ownership reporting continuity, the initial filing on Form 4 by an insider reporting a change in his ownership of Company A equity securities should reflect the fact that Company A is the successor issuer to Company B for purposes of filings under Section 16(a).

(31) *Question:* The Vice President of Finance of a registered company is selected to fill a vacancy on the company's Board of Directors. Must he file an additional Form 3 report showing his change in status?

Answer: No. The newly selected director is already subject to the reporting requirements of Section 16(a) since he is an officer of the company, and no additional filing is required to indicate his change of status.

(32) *Question:* A company's common stock is listed on three national securities exchanges. Must insiders file copies of Forms 3 and 4 with each exchange as well as with the Commission, in order to satisfy the requirements of Section 16(a)?

Answer: No. Rule 16a-1(c) allows an issuer listed on more than one exchange to designate which exchange will receive the reports required to be filed under 16(a). However, if no designation is made, ownership reports must be filed with each national securities exchange on which an equity security of the issuer is listed.

(33) *Question:* Must a person who becomes an officer or director of a registered company report changes in his beneficial ownership which occurred prior to his assuming that status?

Answer: Yes. When he becomes an officer or director he files a Form 3; in addition, he must file a Form 4 with respect to any subsequent purchase or sale. In his first Form 4, the insider must report all prior purchases or sales that occurred within the preceding six months even though they were effected before he became an officer or director. Transactions which occur outside of this six month period need not be reported. The purpose of this requirement is to provide disclosure with respect to all transactions which may be subject to the recovery provisions of Section 16(b).[50]

Illustration: On May 1, an employee purchases stock of his registered company on a national securities exchange. Thereafter, on June 30, he becomes an officer of the company and files his Form 3 within 10 days. On September 15, he acquires additional shares of the company under an employee benefit plan and prepares to file his first Form 4.

Interpretation: The officer's May 1 purchase should be included in his first Form 4 report.

(34) *Question:* Should directors and officers of an issuer report changes in their beneficial ownership of equity securities of such issuer which occur prior to the issuer's first registration of an equity security under Section 12 but within six months of an otherwise reportable transaction?

Answer: Yes. Pursuant to Rule 16a-1(d) [17 CFR 240.16a-1(d)], directors and officers are required to report in their initial Form 4 all changes of beneficial ownership which occur within six months prior to the date of the transaction which required the filing of the form.

Illustration: On January 3, a non-registered company sells 1,000 shares of its common stock to one of its directors. On April 2, the company's common stock is registered under Section 12(g) and the director files his Form 3. From May 15 through May 28, the director acquires an additional 5,000 shares of the common stock in a series of private transactions.

Interpretation: The first Form 4 report is triggered by the purchase of the common stock on May 15. Accordingly, the director would have to report all his transactions in the company's common

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Forms 3 and 4 in Securities Exchange Act Release No. 6487 (March [illegible], 1961) [26 FR 2465].

[50] Securities Exchange Act Release No. 8697 (September 18, 1969) (34 FR 15246). See also *Adler v. Klawans*, 172 F. Supp. 502 (S.D.N.Y. 1958), *aff'd*, 267 F.2d 840 (2d Cir. 1959; *Blau v. Allen*, 163 F. Supp. 702 (S.D.N.Y. 1958). In both cases the courts held that for purposes of Section 16(b), a purchase of an equity security made before a person becomes a director or officer of a registered company may be matched with a sale within 6 months, at a time when such person is a director or officer of the issuer.

It should be noted that while directors and officers are subject to the requirements of Section 16 for certain transactions occurring before becoming directors and officers, there is no corresponding requirement for 10 percent beneficial owners. See footnote 32, *supra*.

stock which occured since the preceding November 15.

(35) *Question:* If a person ceases to be a director or officer of a registered company or if his company ceases to be a registered company, does he have any obligation to report changes in his beneficial ownership which occur following termination of his office or of the company's status as a registered company?

Answer: Yes. Rule 16a–1(e) requires that such person report any change in beneficial ownership which occurs on or after the date he ceases to be an officer or director, if such change occurs within six months of any other change prior to that date.[51] Under the rule the same result would obtain were the company to terminate its registered status. The rule provides, in effect, that the last reportable transaction occurring while a person is an officer or director, or while the company still has an equity security registered, establishes the time from which the six month period is measured.[52]

B. Rule 16a–2 [17 CFR 240.16a–2]

Rule 16a–2 sets out standards to help determine whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of a class of equity security for purposes of Section 16(a).

(36) *Question:* Where a company has two series of registered preferred stock outstanding, differing only with respect to dividend rate and redemption price, is each series considered a separate "class" of security for the 10 percent computation?[53]

Answer: No. Securities with substantially similar characteristics are generally considered to constitute one class, even though they may confer slightly different ancillary privileges. Accordingly, a person who owns over 10 percent of one such series, but less than 10 percent of both series combined, is not subject to Secton 16(a).[54]

(37) *Question:* In determining whether a person is the beneficial owner of more than 10 percent of a class of securities, is the base the number of shares outstanding, excluding the number of shares held by or for the account of the issuer or its subsidiaries?

Answer: Yes.

Illustration: A registered company has 2,000,000 shares of authorized common stock. There are 1,100,000 shares outstanding, of which the company's subsidiary holds 100,000 shares.

Interpretation: A person owning 99,000 shares of the company would not be considered a 10 percent holder since such person would own only 9.9 percent of the class (99,000–1,000,000).

(38) *Question:* Are substantial stockholders charged with the responsibility of knowing exactly how many shares a company has outstanding at any particular time?

Answer: No. The Commission realizes that an issuer may engage in numerous transactions involving its securities, with the result that the total amount of securities outstanding may fluctuate. Even major shareholders may not be aware of these changes on a timely basis. In recognition of this fact, Rule 16a–2 provides that a person acting in good faith may rely on the information contained in the latest consolidated financial statement in a registration statement or annual report filed with the Commission in determining the amount of a class outstanding.

Illustration: Assume that the registered company referred to in the above illustration acquires 19,000 shares of its stock in the open market. The person owning 99,000 shares, who has no knowledge of the issuer's purchase, becomes a beneficial owner of more than 10 percent. Unaware of this fact, he does not file an initial report on Form 3.

Interpretation: Absent actual knowledge, this person would not be deemed to be in violation of the reporting requirements of Section 16(a). However, he must report no later than 10 days after the close of the month in which the company's annual report on Form 10–K is filed with the Commission indicating the reduced amount of stock outstanding or such earlier time when he obtains knowledge of such reduction.[55]

(39) *Question:* Are securities issuable pursuant to the exercise of warrants or a conversion privilege excluded from the 10 percent class computation?

Answer: No. Rule 16a–2(b) provides that for purposes of determining whether a person is a beneficial owner of more than 10 percent of any class of equity security he shall be deemed to be the beneficial owner of securities which he has the right to acquire through the exercise of presently exercisable options, warrants, or rights, or through the conversion of presently convertible securities. Securities subject to such options, warrants, rights or conversion privileges, held by such person, are deemed outstanding for the purpose of computing the percentage of the class owned by him, but are not deemed outstanding for the purpose of computing the percentage of the class owned by any other person.[56]

Illustration: An individual owns 10,000 shares of common stock and $90,000 principal amount (of a total outstanding principal amount of $1,000,000) of debentures which are presently convertible into 50,000 shares of common stock of a registered company. That company currently has 700,000 shares of common stock outstanding.

Interpretation: Since this individual would be deemed to own only 60,000 shares of the total 750,000 shares which would be outstanding in the event of his conversion, he would not be considered a 10 percent beneficial owner of the common stock.

(40) *Question:* Are ownership reports required for persons owning in excess of 10 percent of a class of registered security which is convertible into less than 10 percent of a class of equity security?

Answer: Yes. The staff is of the view that the statute requires reports to be filed by persons holding more than 10 percent of a class of any registered security which is convertible into an equity security. The same result would obtain where a person held more than 10 percent of a registered class of warrants exercisable for shares of common stock of the company.[57]

Illustration: A person owns 8 percent of a class of presently exercisable warrants and 15 percent of a class of presently convertible debentures, both of which are registered on a national securities exchange. Upon exercise and conversion, he would own approximately 6 percent of the outstanding common stock.

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[51] Letter to *Michael J. Halloran, Esq.* dated May 30, 1980 and letter re *Biospherics, Inc.* dated October 2, 1975.

[52] See *Feder* v. *Martin Marietta Corp.*, 406 F.2d 260 (2d Cir. 1969), *cert. denied*, 396 U.S. 1036 (1970), where the United States Court of Appeals for the Second Circuit held that Section 16(b) liability arose if a director who had purchased shares of a company while he was a director sold them at any time within 6 months after the purchase even though he had in the interim resigned as a director.

[53] Section 12(g)(5) defines the term "class" as: ". . . all securities of an issuer which are of substantially similar character and the holders of which enjoy substantially similar rights and privileges."

[54] *Ellerin* v. *Massachusetts Mutual Life Insurance Company*, 270 F.2d 259 (2d Cir. 1959).

[55] Securities Exchange Act Release No. 7667 (August 3, 1965) [30 FR 9678].

[56] Securities Exchange Act Release No. 8325 (June 6, 1968) [33 FR 8774].

[57] The United States Court of Appeals for the Second Circuit has stated in *Chemical Fund v. Xerox Corp.*, 377 F.2d 107 (2d Cir. 1967), that a class of registered securities which is convertible into equity securities of the issuer should not be considered a separate class of equity security for purposes of determining liability for short-swing profits under Section 16(b). In light of the differing purposes of Section 16(a), the staff does not believe this decision to be determinative of the obligation to file ownership reports under that section.

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Interpretation: Notwithstanding the fact that in the event of exercise and conversion this person would own less than 10 percent of the common stock outstanding, ownership reports are required because such person owns more than 10 percent of a class of a registered equity security, i.e., the convertible debentures. In the event such debentures were not registered under Section 12, no reports would be required provided the person is not otherwise an insider. However, if the person is a director or officer of the issuer, ownership information with respect to all equity securities of the issuer, whether registered or not, must be reported.

C. Rule 16a–3 [17 CFR 240.16a–3]

Rule 16a–3 permits a person to include a declaration in his ownership report that the filing of such report is not to be construed as an admission that such person is, for the purpose of Section 16 of the Act, the beneficial owner of securities covered by the report.

(41) *Question*: Could Mr. Smith in Question 5, *supra*, disclaim beneficial ownership with respect to the securities held by the foundation?

Answer: Yes. In case of genuine doubt, Mr. Smith can include such holdings in his own ownership report and in a footnote disclaim beneficial ownership pursuant to Rule 16a–3.

D. Rule 16a–4 [17 CFR 240.16a–4]

Rule 16a–4 provides an exemption from the operation of both Sections 16(a) and 16(b) for executors and administrators of various kinds of estates for a limited period of twelve months following their appointment. Thereafter, ownership reports are required under Section 16(a) and liability attaches under Section 16(b), but only if the estate is a more than 10 percent beneficial owner of a registered class of equity security.

(42) *Question*: Should the executrix of an estate which holds over 10 percent of the equity securities of a registered company, report estate transactions in such securities occurring during the first 12 months of her appointment as executrix?

Answer: No. Rule 16a–4(a) states that executors and administrators of the estate of a decedent, guardians and committees for an incompetent, and various administrators of the estates or assets of others are exempt during the first twelve months of their administration from the duties and liabilities imposed by Section 16(a) and Section 16(b).

Illustration: On January 1, a person is appointed the executrix of the estate of a decedent who, at the time of his death, was a director of a registered company. The only securities held by the estate are 100,000 shares of the common stock of the company, which is equal to 10.1 percent of the common stock outstanding. On February 1, the executrix sells 20,000 of these shares in order to pay some expenses.

Interpretation: The executrix is not required to report this transaction since it occurred within twelve months of her appointment.[58]

(43) *Question*: Must a registered company report repurchases of its own equity securities pursuant to Section 16(a)?

Answer: No. Issuer repurchases are exempt from the application of Sections 16(a) and 16(b) by virtue of Rule 16a–4[59]

E. Rule 16a–5 [17 CFR 240.16a–5]

Purchases and sales by odd-lot dealers insofar as such transactions are reasonably necessary in the ordinary course of their business are exempt from Section 16 of the Exchange Act pursuant to Rule 16a–5. Odd-lot dealers perform the function of purchasing and selling securities in amounts less than the exchange unit of trading, usually 100 shares. Since odd-lot dealers must accept every order transmitted, [60] their transactions in odd-lots and adjustment of their inventory positions caused by such transactions do not ordinarily provide an opportunity for speculative abuse. It should be noted that any person who properly performs the functions of an odd-lot dealer would be entitled to the exemption provided by the rule.

(44) *Question*: Is a specialist on a national securities exchange exempt from the operation of Section 16 when trading in odd-lots, even though he may be an officer, director or 10 percent beneficial owner of the company whose securities are involved?

Answer: Yes. The specialist executes odd-lot orders in addition to his primary responsibility to maintain an orderly round lot market, and thus he is also considered to be an odd-lot dealer.

(45) *Question*: Can persons acting in their capacity as odd-lot dealers ever be subject to Section 16 when trading?

Answer: Yes. The exemption does not apply to transactions by an odd-lot dealer which involve his taking a position on the long or short side in excess of that necessary to transact his odd-lot business. An odd-lot dealer who takes a position not reasonably related to his odd-lot business may be subject to all the requirements of Section 16.

F. Rule 16a–6 [17 CFR 240.16a–6]

Rule 16a–6 requires the reporting of certain transactions occurring in connection with puts, calls, options and similar rights. However, the acquisition, expiration, surrender to the issuer, or cancellation of any non-transferable stock option or stock appreciation right issued under an employee benefit plan which meets the conditions of Rule 16b–3 is exempt from reporting by virtue of paragraph (c) of the rule. For purposes of this release, employee benefit plans which do not meet the conditions of Rule 16b–3 [61] may be termed "non-complying plans."

(46) *Question:* Are non-transferable options or rights granted to an employee under a plan which does not meet the conditions of Rule 16b–3 required to be reported pursuant to Section 16(a)?

Answer: Yes. Rule 16a–6 requires the reporting of the grant, acquisition, or disposition of any put, call, option or similar right on the ground that such a transaction involves a change in the beneficial ownership of the equity security to which the right relates.

The transferability or non-transferability of the right itself is unimportant in this context since the recipient acquires or disposes of the same beneficial interest in the underlying equity security in either case.

(47) *Question:* Should the award of a stock option granted in tandem with a SAR [62] under a non-complying plan be reported by an insider?

Answer: Yes. If currently exercisable the option and SAR shares should be reported within 10 days after the end of the month in which they are granted; both should be reported even if the SAR is exercisable only for cash. In the event they are not exercisable until sometime in the future, the award should be reported for the month in which they become exercisable. Of course, if the plan meets the requirements of 16b–3, the acquisition of the option and SAR is exempt from the liability and reporting provisions of Section 16 by virtue of that rule and Rule 16a–6(c).

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[58] It should be emphasized that even after the twelve month grace period has elapsed, the executrix would be subject to the provisions of Section 16 only if the estate were a 10 percent beneficial owner of a class of equity security registered under Section 12. In such a situation ownership reports are required to be filed by the executrix.

[59] Imposition of the short-swing profit recovery provisions of Section 16(b) would be incongruous in this context, since the company would owe any profit to itself.

[60] That is, the odd-lot dealer must always buy when a customer wants to sell, and sell when a customer wants to buy, at the first possible opportunity following receipt of an order.

[61] Rule 16b–3 provides an exemption from the liability provisions of Section 16(b) of the Exchange Act for certain transactions involving acquisitions and dispositions of securities by participants under employee benefit plans which meet the conditions specified in the rule.

[62] See discussion of SARs in Question 22, *supra*.

(48) *Question:* Under a non-complying plan, an insider receives an award of the right to acquire shares of his registered company, exercisable only at the time of his retirement. When must the employee report the award?

Answer: At the time the right becomes exercisable.

(49) *Question:* A registered company grants a stock bonus award to an insider. The bonus shares are subject to a repurchase option, exercisable only if the grantee's employment is terminated. Should the employee report the award on Form 4?

Answer: Yes. A Form 4 should be filed covering the stock granted to the insider. The reporting date for the transaction would be the date of the grant, and the transaction should be described as the receipt of a stock bonus. Pursuant to Rule 16a–6, Note 1, the company's repurchase option need not be reported by the insider until it is exercisable.

Upon termination of employment, the grantee should file a Form 4 reporting the company's repurchase option provided that other reportable changes in the insider's beneficial ownership occurred within the six months preceding such termination.[63] The termination of the company's repurchase option need not be reported if such option lapses without ever having been exercised.

(50) *Question:* Where an insider ("lender") loans equity securities of his registered company to a brokerage firm ("borrower"), which of the following events requires the lender to file a report on Form 4?

(a) The initial loan of the securities to the borrower;

(b) The transfer of record ownership of the securities from the lender to the borrower (or its nominee);

(c) A disposition of the borrowed securities, by loan or sale, by the borrower prior to the return of an equivalent amount of such securities to the lender; and

(d) A purchase by the lender of replacement securities in the event of a default by the borrower.

Answer: The lender is not required to report the actual loan of securities to the borrower, nor the transfer of record ownership.[64] Similarly, no report is required when there is a sale of such securities by the brokerage firm, so long as the loan is not in default; nor would a loan made by the borrower through failure to return the borrowed securities and the subsequent purchase by the lender of replacement securities would be reported on Form 4.

(51) *Question:* Is the right to acquire securities to be obtained in connection with a merger, a right to buy securities within the meaning of Rule 16a–6?

Answer: No.

Illustration: The shareholders of two otherwise unrelated companies agree to merge. Pursuant to the merger agreement, shares of common stock of the acquiring registered company are to be exchanged for the common stock of the other company. One person is a director and stockholder of both companies.

Interpretation: The common director need not report his right to acquire shares of the registered company in the merger. Of course, his acquisition of common stock upon completion of the merger must be reported.

(52) *Question:* "A" acquires a currently exercisable option to purchase 15 percent of the outstanding common stock of a registered company from "B". Must this transaction be reported under Section 16(a)?

Answer: "A" is required to report the acquisition of beneficial ownership of 15 percent of the outstanding common stock of the registered company. "B" is required to report the granting of the option as a change in his beneficial ownership. Both "A" and "B" have a sufficient interest in the securities to be considered beneficial owners under Section 16(a). If "A" is not already filing reports as an insider, his report will be filed on Form 3.

In the event the option expires or is cancelled, without "A" exercising his right to buy, both "A" and "B" would be required to report the expiration or cancellation of the option as a change in their beneficial ownership, and "A" would no longer be deemed a beneficial owner of the securities underlying the option. If the option were exercised, "A" would be required to report the purchase of the shares and "B" would report their sale on Form 4. "B" would no longer be deemed to be a beneficial owner of the securities.[65]

(53) *Question:* Is the acquisition of a currently exercisable right to purchase shares of a registered company for a 30 day period the "acquisition * * * of a presently exercisable * * * call, option or other right * * * to buy securities" which is reportable pursuant to Rule 16a–6?[66]

Answer: Yes. However, reporting would not be required if the provisions of paragraph (c) of Rule 16a–6 are satisfied.[67]

(54) *Question:* Is the acquisition of an exchange traded option or other type of put or call option by an insider exempt from reporting by virtue of Rule 16a–6(c)?

Answer: No. Rule 16a–6(c) is only available for non-transferable stock options and stock appreciation rights issued in connection with certain employee benefit plans that satisfy the conditions of Rule 16b–3.[68] Accordingly, an insider would be required to report the acquisition of the exchange traded or other type of option on Form 4.

(55) *Question:* Must an insider report the grant of performance units under a performance share plan[69] that meets the conditions of Rule 16b–3?

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[63] Letters re *Itel Corporation* dated May 16, 1978 and *Amdahl Corp.* dated January 19, 1977.

[64] The staff has long held the view that neither a bona fide pledge nor a loan of securities is a reportable event pursuant to the requirements of Section 16(a) of the Exchange Act. This position is grounded on the belief that the vast majority of such transactions are not subterfuges for sales, but rather straightforward commercial transactions which contemplate payment of the loan and the return of the pledged or borrowed securities to their owner, with no consequent change in his beneficial ownership for purposes of Section 16(a). Recently, the United States Supreme Court has ruled in *Rubin v. United States,* 49 U.S.L.W. 4103 (January 21, 1981), that the pledge of stock to a bank as collateral for a loan is an "offer" or "sale" of a security under Section 17(a) of the Securities Act of 1933. The staff has carefully examined the *Rubin* opinion in light of its administrative practice not to require the reporting of bona-fide pledges and loans of securities. In brief, the staff notes that *Rubin* deals essentially with issues arising largely under the Securities Act of 1933. *Rubin* does not address the impact of a pledge or loan in the context of the prohibition against insider trading found in Section 16(b) of the Exchange Act, nor does the opinion treat the effect of such arrangements with respect to the disclosure system established by Section 16(a). Given the different statutory objectives, the staff does not regard the *Rubin* decision as dispositive for reports filed under Section 16(a). Accordingly, the staff will adhere to its position that bona-fide pledges and loans of securities need not be reported as changes in beneficial ownership.

[65] Securities Exchange Act Release No. 9499 (February 23, 1972) [37 FR 4329].

[66] For consideration of the question whether the 30 day right to purchase shares is an "option, warrant, or right" within the meaning of Rule 16b–3, see the discussion of Rule 16b–3, *infra.*

[67] Rule 16a–6(c) provides that an ownership report need not be filed with respect to the acquisition, expiration, surrender to the issuer, or cancellation of any non-transferable stock option or stock appreciation right granted pursuant to a plan that meets the conditions of Rule 16b–3.

[68] Rule 16a–6(c), of course, exempts only transactions in the rights, or ancillary securities. Acquisitions of the underlying or principal securities must be reported under Section 16(a).

[69] In general, these plans call for the grant of accounting units or performance shares which entitle participants to payments contingent upon the attainment of pre-established employment performance objectives set over the award period typically three or more years. The payment value of each unit earned is equal to the current market

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Answer: No. However, the acquisition of common stock in satisfaction of the performance units would be reportable under Section 16(a) even though exempted from Section 16(b) by Rule 16b–3.

Illustration: A registered company adopts a performance share plan. The plan provides for the granting of awards to participants in the form of performance units, but no payments will be made on account of such awards until after the end of a four-year award period. At the end of an award period, participants become entitled to receive, based on their performance units, payments in cash and/or common stock of the company, in amounts related to the average annual growth of the company's earnings per share during the award period.

Interpretation: Assuming that the plan satisfies all applicable provisions of Rule 16b–3, an insider need not report the acquisition of performance units by virtue of paragraph (c) of Rule 16a–6.

G. Rule 16a–7 [17 CFR 240.16a–7]

Rule 16a–7 provides that persons subject to the reporting requirements of both Section 16(a) of the Exchange Act as well as Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(f) of the Investment Company Act of 1940 may file a single ownership report which will be deemed to be filed under both Acts.

(56) *Question:* A director of a closed end investment company, which is registered under the Investment Company Act of 1940, purchases stock of his company which is listed on a national securities exchange. His purchase triggers reporting requirements under both the Exchange Act and the Investment Company Act. Must the director file two separate reports to satisfy these requirements?

Answer: No. The filing of a single ownership statement containing the required information will be deemed to satisfy the reporting obligation under both Acts.

H. Rule 16a–8 [17 CFR 240.16a–8]

Rule 16a–8 treats the filing of ownership reports with respect to situations where securities are held in trust.

(57) *Question:* For purposes of Rule 16a–8(a), in determining whether a person is part of the "immediate family" of the trustee, are factors such as age, marital status, and the sharing of a common household relevant?

Answer: No. Rule 16a–8(e) specifically defines the phrase "immediate family" [70] for purposes of the rule. The age, marital status and household of a particular person are not relevant to this determination.

Illustration: The trustee of an irrevocable personal trust is also a director of a registered company. The trust holds less than 10 percent of the common stock of that company. The sole beneficiary of the trust is the 35-year old married daughter of the trustee, who receives the income from the trust until age 45 and then is entitled to the corpus.

Interpretation: Since the beneficiary of the trust is the daughter of the trustee, she is considered part of his "immediate family," despite her maturity, marital status and presumed independence. Accordingly, the trustee must report trust transactions in the securities of the registered company as though they were his own.[71]

(58) *Question:* An officer of a registered company is the beneficiary of an irrevocable trust which holds shares of common stock of that company. The officer has the right to vote the trust shares but receives income from them only in the discretion of an independent trustee. Does the officer have a vested beneficial interest in the trust within the meaning of Rule 16a–8(a)(2)?

Answer: Yes. As already noted, the term "beneficial ownership" of securities has not been specifically defined by the Commission for purposes of Section 16. It is generally recognized, however, that among the hallmarks of beneficial ownership are the right to control voting and transfer; the right to receive or control the disposition of income; and the right to control disposition of proceeds upon liquidation. Not all of these characteristics need be present in order for beneficial ownership to exist. In this case, since the insider may receive income from the trust, and since he does have the right to vote the trust securities, it appears that he receives benefits sufficient to constitute him the beneficial owner of securities held in the trust.[72]

(59) *Question:* An insider establishes a trust whose assets consist of shares of his registered company. The sole beneficiary of the trust is a person not related to the insider, and the trustee is independent. The insider retains the power to remove the trustee without the consent of the beneficiary. Would the insider be deemed the beneficial owner of the trust shares?

Answer: Yes.[73]

(60) *Question:* Employee benefit plans of various types frequently provide for the accumulation of interests in registered company shares by participating employees, including officers and directors. Many such plans are based on a form of trust arrangement, often with an independent trustee, with the participants as beneficiaries. Where the beneficial interest in company common stock held by a plan trust for the accounts of officers and directors does not exceed, in the aggregate, 20 percent of the market value of all securities held by the trust, are officers and directors required to report: (1) participant and company contributions under the plan; (2) the purchase by the trustee of the common stock of the company for use in connection with the plan; (3) the allocation of company stock to their individual trust accounts; or (4) the periodic vesting of rights to acquire the common stock so allocated?[74]

Answer: No.[75] Such intra-plan transactions are exempt from the reporting requirements under Rule 16a–8(b). However, a plan participant who is required to report changes in beneficial ownership pursuant to Section 16(a) must continue to file reports on Form 4 to disclose any other changes in his beneficial ownership which occur outside the plan. Each such report should include, by footnote, a statement as to the number of shares vested for such individuals in the plan as shown by

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value of a share of company stock at the end of the award period, subject in some cases to a maximum payment ceiling. Payments are made at the end of the award period in cash, stock, or a combination of both, in the sole discretion of a disinterested committee which administers the plan. Performance shares are not transferable by a participant.

[70] Rule 16a–8(e) defines an immediate family member as:

1. a son or daughter of the trustee, or a descendant of either,

2. a stepson or stepdaughter of the trustee,

3. the father or mother of the trustee, or an ancestor of either,

4. a stepfather or stepmother of the trustee,

5. a spouse of the trustee.

For the purpose of determining whether any of the foregoing relations exists, a legally adopted child of a person shall be considered a child of such person by blood.

[71] Opinion of General Counsel, Securities Exchange Act Release No. 1965 (December 21, 1938) [11 FR 1091].

[72] Letter to *John R. Blake* dated June 30, 1971.

[73] See Rule 16a–8(a)(3). [17 CFR 240.16a–8(a)(3)].

[74] See letters re *The Pillsbury Company* dated June 17, 1981 and *Associated Madison Companies, Inc.* dated October 27, 1980.

[75] Where a trust holds more than one class of equity security of the same issuer, the aggregate value of all classes of equity securities of the issuer held by the trust should be taken into consideration when computing the 20 percent threshhold established in paragraph (b) of Rule 16a–8. Further, the exemption provided by Rule 16a–8(b) is not "acquired or lost solely as a result of changes in the value of the trust assets during any fiscal year or during any time when there is no transaction by the trust in the securities otherwise subject to the reporting requirements of Section 16(a)."

its latest annual report. The footnote should also indicate that the information reflected therein does not include securities which may have accured to his account since the filing of the plan's last report. Of course, actual distributions of plan securities to insider participants should be reported in accordance with Rule 16a–1. Finally, should the plan itself become a 10 percent beneficial owner, the plan would be required to file its own reports pursuant to Rule 16a–8(c).

(61) *Question:* Would the existence of a provision in an employee plan which permits participants to reallocate their contributions among the various funds in the plan at least once a year affect the availability of the 16a–8(b) exemption?

Answer: No. As long as the aggregate market value of reportable securities allocated to the accounts of officers and directors represents less than 20 percent of the market value of all securities held by the plan, Rule 16a–8(b) is available.

(62) *Question*: Assuming that a trust does not meet the 20 percent test of Rule 16a–8(b), is the second sentence of that rule available to provide an exemption from reporting for officer and director participants if the benefit plan provides that the company, in its sole discretion, can determine when distributions will be made except in the case of death, disability or termination of employment?

Answer: No. Rule 16a–8(b) does provide an additional exemption from reporting when the ownership, acquisition or disposition of the securities by a trust is made without the settlor's or beneficiary's prior approval.[76] Here, however, the company as settlor has full control over the disposition of the securities held by the trust and, accordingly, Rule 16a–8(b) is not available.[77]

(63) *Question*: Would the answer to Question (62) be different if the company did not have any discretion over distributions but the participant had the right to withdraw his interest in the trust after a period of 5 years from the time the shares were allocated to his account?

Answer: No. Here the beneficiary has some control over the disposition of securities made by the trust. Since the plan contemplates withdrawals by participants prior to actual termination of employment, the exemption provided by the second sentence of Rule 16a–8(b) would not appear to be available.[78]

(64) *Question*: Is there any provision under Rule 16a–8(b) which would exempt from reporting the actual distribution of securities to insider participants in a plan?

Answer: No. Actual distributions of company stock are not exempt from reporting and therefore such acquisitions must be reported within the time prescribed by Rule 16a–1.[79]

(65) *Question*: Must a trust, and its trustee, file separate reports pursuant to Section 16(a), if the trust holds 5 percent of the outstanding common stock of a registered company and the trustee is an insider of the same company?

Answer: No.[80]

(66) *Question*: Is it ever appropriate to file only one annual ownership report covering all officer and director participants in a benefit plan?

Answer: Yes. The staff recognizes that the assembling and reporting of transactions for individual insider participants as frequently as on a monthly basis may require burdensome and costly procedures. Accordingly, the staff has interpreted the provisions of Rule 16a–8(d) to provide partial relief from the reporting provisions of Section 16(a) for officers and directors who are participants in a plan.[81] Under this interpretation, the plan trustee may file a single annual report naming the insider participants, and showing the dates, amounts and average price per share of company securities attributable to each officer and director for the period.[82] If this procedure is followed, individual ownership reports reflecting interests accrued under the plan are not required.

(67) *Question:* Is Rule 16a–8(d) available to officer and director participants in benefit plans that do not provide for the establishment of a trust?

Answer: No. Rule 16a–8(d) permits deferred reporting only for plan securities held in trust.

Illustration: A registered company adopts an employee benefit plan which allows employees to make monthly purchases of company common stock on the open market, through a broker, by means of monthly payroll deductions. Each month, a participant immediately acquires full ownership of shares purchased for his or her account. Shares are held for the participant's account in the name of the broker until delivery is requested by the participant.

Interpretation: Since this plan does not provide for the establishment of a trust, Rule 16a–8(d) is not available, and officer and director participants must file a Form 4 for each month in which there is a change in beneficial ownership resulting from participation in the plan. Since the shares held by the plan are segregated in a brokerage account for the benefit of the participant, and since the participant can vote the shares and obtain physical possession of them, there is no basis for deferred reporting.[83]

(68) *Question:* As a matter of administrative convenience, may the committee administering a benefit plan file the Form 4 report on behalf of all participating officers and directors, instead of the trustee?

Answer: Yes.[84]

(69) *Question:* Under the terms of a retirement plan in use by a registered company, participants are allowed to reallocate contributions annually among various funds in the trust and they are entitled to vote the shares of company common stock credited to their accounts. However, participants are not entitled to receive such shares until their retirement, disability, death or other termination of employment. Is the reporting exemption provided by Rule 16a–8(g)(3) available to officer and director participants in the plan?[85]

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[76] The second sentence of Rule 16a–8(b) states, "[E]xemption is likewise accorded from section 16(a) with respect to any obligation which would otherwise be imposed solely by reason of ownership as settlor or beneficiary of securities held in trust, where the ownership, acquisition, or disposition of such securities by the trust is made without prior approval by the settlor or beneficiary."

[77] See letter re *Quaker Oats Company* dated April 12, 1973.

[78] See letter re *Dain, Kalman & Quail* dated November 29, 1973. It should be noted that in those situations where this exemption is applicable, that is, where the settlor or beneficiary has no control over the ownership, acquisition or disposition of the company's securities, participants who are otherwise required to report changes in beneficial ownership should include a notation, on any report filed, of the number of shares vested to their accounts under the plan as shown by its latest annual report, and an indication that such report does not include securities which may have been acquired since the last plan report.

[79] Letters re *Buckhorn, Inc.* dated April 30, 1981 and *Butler Manufacturing Company* dated February 5, 1981.

[80] Notwithstanding the fact that the definition of the term "person" in Section 3(a)(9) does not expressly include trusts, if the trust were a 10 percent beneficial owner, both it and the trustee would have to file separate ownership reports reflecting such transactions. Letter re *Caltron Systems, Inc.* dated September 6, 1973.

[81] Letters re *Royal Crown Cola Co.* dated July 31, 1974 and *General Tire and Rubber Company* dated January 5, 1973.

[82] It should be noted that a trust which is a 10 percent stockholder may not avail itself of this relief. Accordingly, if a trust owns more than 10 percent of a class of equity security of a registered company, both the trustee and the trust would have to report, on a regular basis, the transactions of the trust in the securities of the company. Letter re *The Bendix Corporation* dated August 10, 1972.

[83] Letters re *Northwest Energy Company* dated September 8, 1976; and *The Texstar Corporation* dated July 11, 1975.

[84] Letters re *North American Group Associates* dated January 24, 1979 and *Clarkson Industries, Inc.* dated December 13, 1973.

[85] As noted above, Rule 16a–8(b) may also be available to participants in the plan if the beneficial

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Answer: Yes. The mere pass-through of voting rights to participants in a pension or retirement plan, even when coupled with the power to reallocate contributions on an annual basis does not change the primary emphasis of the pension or retirement plan.[86] Since a participant's interest remains substantially indirect, Rule 16a–8(g)(3) is available.[87]

(70) *Question:* Would the existence of withdrawal provisions in a plan automatically destroy the availability of Rule 16a–8(g)(3)?

Answer: No. If limited withdrawal provisions are accompanied by the imposition of significant penalties on the participants, such provisions will not automatically disqualify the plan from being considered a "pension or retirement plan." [88] Significant penalties might consist of denying the participant the right to participate in the plan for at least a one-year period,[89] and/or requiring the forfeiture of a substantial portion of the participant's interest in the employer's contribution.[90]

(71) *Question:* Is the rule available where a participant can make withdrawals, without penalty, for emergency and educational purposes subject to the approval of the committee administering the plan?

Answer: No. Withdrawal provisions of any kind must be accompanied by corresponding penalties.

(72) *Question:* Would a voluntary, contributory employee benefit plan that requires the establishment of a trust, and allows the employee participant to choose from different investment media, be deemed a "business trust" within the meaning of Rule 16a–8(g)(4)?

Answer: No. The term "business trust" has been construed to mean a type of business organization formed along the lines of the common-law or "Massachusetts trust," and which is engaged in general commercial enterprise. An employee benefit plan would not normally be considered such an entity, and the exemption provided by Rule 16a–8(g)(4) would not be available.[91]

I. Rule 16a–9 [17 CFR 240.16a–9]

Rule 16a–9 provides a temporary exemption or, more accurately, deferred reporting for certain transactions in which the amounts involved are sufficiently small that there appears to be no public interest in requiring reports of the transactions as they occur.

(73) *Question:* is the exemption provided by Rule 16a–9 available to an insider who participates in a registered company's employee benefit plan?

Answer: The exemption provided by Rule 16a–9 would be available for acquisitions by an insider participating in the plan so long as the following two conditions are met: (1) all acquisitions and sales of securities of the same class effected by the insider during any six month period do not exceed $3,000 in aggregate market value; and (2) the insider does not sell securities of the same class within six months *after* an acquisition.[92] These limitations, however, do not apply to the acquisition or disposition of securities by gift in an amount not exceeding $3,000 in aggregate market value during any six month period. Thus, the rule provides a temporary exemption for up to $3,000 in acquisitions, otherwise than by gift, so long as the conditions of paragraph (a) of the rule are satisfied, and an additional $3,000 for acquisitions or dispositions by gift in accordance with the provisions of paragraph (b) of the rule.[93] It should be emphasized that any transaction involving a sale of securities is not exempt under Rule 16a–9.

Illustration: An insider, who has had no recent transactions in the securities of his registered company, acquires on January 1 registered common stock with a market value of $1,000 through the company's benefit plan. No Form 4 report need be filed in accordance with the exemption provided by paragraph (a)(2) of Rule 16a–9. On February 1, he acquires additional common stock, again in the amount of $1,000, and on the same day he donates $1,000 worth of stock to a charity. On May 1, the insider acquires common stock in the amount of $1,000 and makes a second donation of $2,000 worth of common stock to the same charity. The $3,000 in acquisitions and the $3,000 in dispositions by gift would be exempt from reporting under Section 16(a) by virtue of Rule 16a–9. However, if the insider made further donations of the common stock, or acquired additional shares of such stock within the relevant six month period, the exemption would be lost since he has exceeded the limits of the rule.[94] Under these circumstances, he must file a Form 4 reporting all transactions temporarily exempted by Rule 16a–9. See paragraph (c) of the rule.[95]

(74) *Question:* Would the exemption be available with respect to an insider's gifts of a company's registered equity security having a total market value of $10,000 during a six-month period?

Answer: No. Based on the specific language of Rule 16a–9(b), gifts of registered securities by an insider in

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interest in company common stock held by the trust for the account of statutory insiders does not exceed, in the aggregate, 20 percent of the market value of the securities having a readily ascertainable market value held by the trust.

Although Rule 16a–8(b) technically provides only an exemption from reporting changes in beneficial ownership of securities held in trust, and Rule 16a–8(g)(3) provides an exemption only for changes in an insider's indirect interest in portfolio securities held by certain types of plans, it is the staff's view that all intra-plan transactions are exempt from reporting if either of these two provisions is applicable.

[86] A "pension or retirement plan," within the meaning of the rule, is one in which participants generally are not entitled to receive a distribution until their retirement, death, or other termination of employment.

[87] For example, the staff is of the view that the following are two indications of direct ownership: (1) the ability to control or influence the timing and amount of purchase or sale of securities for the plan; and (2) the ability of a participant to withdraw his vested interest in the plan without substantial penalty.

[88] Even where the penalties are not significant, the reporting obligations may be deferred if the administrators of the plan file annually a single report pursuant to Rule 16a–8(d) which reflects the beneficial interests of officer and director participants in the company stock held by the plan. Individual ownership reports which are otherwise filed by participants should note their participation in the plan.

[89] Letter re *Santa Anita Realty Enterprises, Inc.* dated May 30, 1980. A lesser period of time is not sufficient; see letters re *United Bank Corporation of New York* dated March 5, 1981; *Newhall Land and Farming Company* dated September 29, 1980; *Western Gear Corp.* dated April 9, 1979; and *Heritage Communications, Inc.* dated September 14, 1978.

[90] While a 10 percent forfeiture is considered to be substantial, a lesser percentage would not; see letters re *Harris Bankcorp, Inc.* dated November 24, 1978 and *Ex-Cell-O Corporation* dated May 9, 1977.

[91] Letter to *Theodore C. Bolliger* dated December 16, 1970.

[92] The sale transactions referred to in (1) above must occur *prior* to an acquisition intended to be exempt from reporting under the sale since the exemption is lost pursuant to Rule 16a–9(a)(1) if sales occur within six months after the subject acquisitions.

[93] Rule 16a–9 provides:

(a) Any acquisition of securities shall be exempt from Section 16 where

(1) The person effecting the acquisition does not within six months thereafter effect any disposition, otherwise than by way of gift, of securities of the same class, and

(2) The person effecting such acquisition does not participate in acquisitions or in dispositions of securities of the same class having a total market value in excess of $3,000 for any six months' period during which the acquisition occurs.

(b) Any acquisition or disposition of securities by way of gift, where the total amount of such gifts does not exceed $3,000 in market value for any six months period, shall be exempt from section 16(a) and may be excluded from the computations prescribed in paragraph (a)(2).

(c) Any person exempted by paragraph (a) or (b) of this section shall include in the first report filed by him after a transaction within the exemption a statement showing his acquisitions and dispositions for each six months' period or portion thereof which has elapsed since his last filing.

[94] Similarly, if the insider sold securities of the same class during such period the protection of the rule would be forfeited.

[95] Letters re *Atlantic Richfield Thrift Plan* dated June 6, 1973 and *Washington National Corporation* dated August 11, 1975.

excess of $3,000 market value in any six-month period would not be entitled to the exemption provided by the rule.

(75) *Question:* In computing the $3,000 ceiling, can the value of the shares acquired through dividend reinvestment plans be excluded?

Answer: No. All acquisitions of securities of the same class should be included in calculating the $3,000 ceiling.[96]

J. Rule 16a–10 [17 CFR 240.16a–10]

Rule 16a–10 provides that any transaction which has been or shall be exempted by the Commission from the requirements of Section 16(a) shall, insofar as it is otherwise subject to the provisions of Section 16(b), be likewise exempted from section 16(b). The plain language of Rule 16a–10 needs no elaboration. The rule simply expresses the Commission's view that transactions which are exempt from the reporting requirements of Section 16(a) should not be subjected to the liability provisions of Section 16(b), and thus the rule exempts such transactions from the recovery provisions of the Exchange Act.[97] It might be noted that Rule 16a–10 was designed to be self-operative, and the Division will not express any view as to the applicability of the rule to a given fact situation.

K. Rule 16a–11 [17 CFR 240.16a–11]

Rule 16a–11 exempts from the liability and reporting requirements of Section 16 the acquisition of securities by insiders pursuant to dividend reinvestment plans.

(76) *Question:* Is the exemption provided by Rule 16a–11 available to insider participants in a dividend reinvestment plan which restricts plan participation to key employees of the issuer?

Answer: No. As stated in Securities Exchange Act Release No. 16806 (May 14, 1980) [45 FR 33957], the rule is available only to participants in dividend reinvestment plans which, by their terms, are available to all security holders of the class on which the dividend is being paid. It should be noted, however, that the staff has expressed the view that Rule 16a–11 is available for a dividend reinvestment feature of a profit sharing plan which was not available to all shareholders of the company's common stock, since the company did maintain a separate dividend reinvestment plan which was open to all of the company's shareholders.[98]

(77) *Question:* Assuming Rule 16a–11 is available, are acquisitions of securities pursuant to a dividend reinvestment plan forever exempt from reporting by an insider?

Answer: No. For reporting purposes, Rule 16a–11 means only that an insider is not required to file current reports of acquisitions of dividend securities within ten days of the close of the month in which such securities are acquired pursuant to a dividend reinvestment plan. The rule does not mean, however, that plan securities are forever insulated from the reporting requirements of Section 16(a), one purpose of which is to require a periodic public statement of the total amount of equity securities actually owned by each insider. Accordingly, the ownership of plan securities, as distinguished from their acquisition, should be reported on the next Form 4 report otherwise required to be filed. On that, and in subsequent reports, participation in the dividend reinvestment plan may be indicated by a footnote, which also shows the aggregate number of plan shares acquired to date. Specific dates of acquisitions are not necessary. This technique permits accurate reconciliation of reports by the Commission as well as the public.[99]

(78) *Question:* Many dividend reinvestment plans permit participants to make additional cash contributions toward the purchase of securities along with the reinvestment of dividends and interest. Are such cash contributions by insiders exempt under Rule 16a–11?

Answer: No. The rule exempts only the reinvestment of dividends or interest. Additional securities acquired through voluntary cash contributions which may be permitted under such plans are not covered by the rule and must be reported under Section 16(a).

(79) *Question:* When is a reporting person deemed to acquire beneficial ownership of securities purchased through additional cash contributions under a dividend reinvestment plan?

Answer: On that date which corresponds to the last day on which the participant is able to withdraw any uninvested cash held for his account, before becoming entitled only to a distribution of whole shares which have been or will be purchased for his account.[100]

(80) *Question:* Is a sale of securities which were acquired pursuant to a dividend reinvestment plan exempt from the liability and reporting provisions of Section 16?

Answer: No. Rule 16a–11 exempts only the acquisition of such securities, not their subsequent disposition.

III. Section 16(b)—The Liability Provision

A. Statutory Concept

In order to minimize any possible inclination on the part of statutory insiders to utilize non-public information to their own advantage in trading the equity securities of their companies, Congress enacted Section 16(b) of the Exchange Act as a complement to the disclosure requirements of Section 16(a). Section 16(b) provides, in pertinent part, that for the purpose of preventing the unfair use of information which may have been obtained by an insider by reason of the insider's relationship to the issuer any profit realized by the insider from any purchase and sale, or any sale and purchase, of any equity security of such issuer within any period of less than six months shall inure to and be recoverable by such issue.[101] As a general rule, the "profit realized" is calculated so as to produce the maximum recovery. Thus, in the simplest computation involving a single purchase and a single sale within six months, the profit realized (or the amount recoverable) is the difference between the insider's purchase price and his sale price. If, in fact, the matching of these transactions results in no profit, or a loss, then the recovery provisions of Section 16(b) are inapplicable even through transactions of purchase and sale occurred within six months. The calculation of profit, however, becomes more complex when there are multiple transactions since, among other things, it may be difficult to determine how the various transactions should be matched. The order in which the transactions occurred is not controlling, since Section 16(b) provides for recovery of profit in connection with "any purchase and sale or sale and purchase."[102]

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[96] This would be the result even if certain acquisitions were exempted under Rule 16a–11 or another exemptive provision. See, generally, letter re *Orange and Rockland Utilities, Inc.* dated August 12, 1977.

[97] Securities Exchange Act Release No. 4801 (February 20, 1953) [18 FR 1132].

[98] See letter re *The Girard Company* dated February 3, 1981.

[99] Letter to *Dorothy L. Roberts* dated August 15, [illegible]

[100] Letter to *John W. Brocks, Jr.* dated January 12, [illegible]

[101] Section 16(b) also provides that such profits may be recovered in an appropriate action by the corporation or, if the corporation fails to bring suit, by any security holder suing on its behalf. Such actions may not be brought more than two years after the date the profit was realized.

[102] See e.g., *Smolowe v. Delendo Corporation*, 136 F. 2d 231 (2d Cir), *cert. denied*, 320 U.S. 751 (1943), where the Court held that the only rule that would effectuate the Congressional purpose was one which would require the insider to disgorge all possible profit. The court accomplished this through

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The disclosure requirements of Section 16(a) and the liability provisons of Section 16(b), mesh to form a significant deterrent to short-swing trading by those whose close relationships with their companies may afford them access to information not generally known by the public or other shareholders. It must be emhasized that, while Sections 16(a) and 16(b) rest on the hypothesis that insiders are likely to possess inside information, the actual possession or use of such information is not a pre-condition to the operation of the recovery provisions of Section 16(b).

It is sometimes overlooked that Congress left the implementation of the recovery provisions of Section 16(b) of the Exchange Act to private parties exclusively, namely corporations and their security holders, who alone are authorized to bring actions to recover short-swing profits in courts of appropriate jurisdiction. Consequently, the Commission and its staff generally refrain from expressing any interpretive views as to the impact of that section on particular facts. Of course, the Commission does participate as amicus curiae in private litigation under Section 16(b), sometimes at the request of the parties or the court itself where the issues involved raise important questions of law or policy.

Finally, section 16(b) grants the Commission specific rulemaking authority to exempt from its provisions any transaction or transactions which the Commission determines as not comprehended within the purposes of the section.[103] Over the years, the Commission has made use of this authority, and has adopted rules exempting certain types of transactions as well as certain acquisitions and dispositions of equity securities from the recovery provisions of Section 16(b), in situations where it appeared that such exemptions were consistent with the statutory purposes.

B. Purchase and Sale

The threshold determination that must be made when considering the applicability of Section 16(b) is whether there has been a purchase and sale of equity securities within six months. The terms "purchase" and "sale" are broadly defined by the Exchange Act. Section 3(a)(13) provides that "The terms 'buy' and 'purchase' each include any contract to buy, purchase, or otherwise acquire." Section 3(a)(14) of the Exchange Act defines the terms "sale" and "sell" to include "any contract to sell or otherwise dispose of." While the meaning of these terms is usually clear,[104] their application in certain special situations has given rise to difficult problems of construction. Thus, the courts have applied these terms somewhat differently to transactions of exchange involving conversions,[105] recapitalizations and reclassifications,[106] and mergers and consolidations.[107] Similar difficulty with the application of these terms has been encountered in certain employee compensation situations.[108]

In general, the rules adopted by the Commission under Section 16(b) do not address the problems of construction which arise from the application of that statutory provision. Rather, the rules are exemptive in nature and designed to alleviate the impact of the short-swing profit recovery provisions in situations where their mechanical application does not appear to effectuate the purpose of the statute. It should be noted that the exemptive rules under Section 16(b) do not provide any exemption from the reporting requirements of Section 16(a) of the Exchange Act.

The final portion of this release is devoted to the interpretation of the rules promulgated under Section 16(b).

IV. Interpretations Relating to the Commission's Rules Under Section 16(b)

A. Rule 16b–1 [17 CFR 240.16b–1]

Rule 16b–1 provides an exemption from Section 16(b) liability for transactions involving purchases and sales of securities by an investment company registered under the Investment Company Act of 1940, so long as such transactions have been exempted, by order of the Commission, from the provisions of Section 17(a) of the Investment Company Act.[109]

(81) *Question:* Is a formal order of the Commission under Section 17 of the Investment Company Act always a prerequisite to the availability of Rule 16b–1?

Answer: No. Rule 16b–1 would also be available to an investment company which could rely on an exemptive rule under Section 17(a) for both the purchase and sale. The exemption provided by Rule 16b–1 gives recognition to the fact that before it may grant an exemptive order pursuant to Section 17(b), the Commission is required by that Section to make an appropriate finding with respect to the fairness and reasonableness of the transactions concerned and the absence of overreaching. In a similar fashion, the Commission's adoption of exemptive rules pursuant to Section 17(a) reflects the Commission's determination that the classes of transactions satisfying the specified standards for exemption meet the requisite standards of Section 17(b) as to fairness, reasonableness, and absence of overreaching.

For example, Rule 17a–5 excludes from the terms "purchase" and "sale",

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the use of a formula which has become known as the "lowest price in highest price out" method. Under this method, profit is computed by matching the highest sale price with the lowest purchase price within six months, the next highest sale price with the next lowest purchase price within six months, and so on, until all shares have been included in the computation.

[103] Section 3(a)(12) of the Exchange Act exempts a limited number of securities from some or all of the provisions of the Exchange Act. These exempted securities are not subject to Sections 16(a) or 16(b).

[104] For example, a bona fide gift of securities is not considered to be a "sale" for purposes of Section 16(b). *Lewis v. Adler*, 331 F. Supp. 1258 (S.D.N.Y. 1971); *Truncale v. Blumberg*, 80 F. Supp. 387 (S.D.N.Y. 1948); *Shaw v. Dreyfus*, 79 F. Supp. 533 (S.D.N.Y. 1948), *aff'd*, 172 F. 2d 140 (2d Cir. 1949).

[105] *Park & Tilford, Inc. v. Schulte*, 160 F. 2d 984 (2d Cir.), *cert. denied*, 332 U.S. 761 (1947) (conversion of redeemable preferred stock held to be a purchase); *Heli-Coil Corp. v. Webster*, 352 F. 2d 156 (3rd Cir. 1965) (conversion of a convertible debenture deemed a sale of the debenture and a simultaneous purchase of the underlying common stock); *Ferraiolo v. Newman*, 259 F. 2d 342 (6th Cir. 1958), *cert. denied*, 359 U.S. 927 (1959) (conversion of preferred stock held not to be a purchase).

[106] *Blau v. Lehman*, 286 F. 2d 786 (2d Cir. 1960), *aff'd without consideration of this point*, 368 U.S. 403 (1962) (exchange of common stock for preferred stock was a purchase); *Roberts v. Eaton*, 212 F.2d 82 (2d Cir.), *cert. denied*, 348 U.S. 827 (1954) (exchange in connection with a reclassification not a purchase).

[107] In the area of mergers and other reorganizations, some courts have looked to the opportunity for abuse as the test for determining the applicability of Section 16(b). See *Kern County Land Co. v. Occidental Petroleum Corp.*, 411 U.S. 582 (1973) (exchange of stock in a merger was not a sale since it did not present the possibility of speculative abuse of inside information); *American Standard, Inc. v. Crane Co.*, 510 F.2d 1043 (2d Cir 1974), *cert denied*, 421 U.S. 1000 (1975) (exchange in merger was neither a sale of stock of disappearing corporation nor a purchase of stock of the surviving corporation). Other courts have followed a more literal or objective approach and applied the statute without regard for actual abuse or the opportunity for such abuse. *Reliance Electric Co. v. Emerson Electric Co.*, 404 U.S. 418 (1972); *Foremost-McKesson, Inc. v. Provident Securities Co.*, 423 U.S. 232 (1976).

[108] For example, one court has indicated that the cash settlement of a stock appreciation right involves a simultanaeous purchase and sale of the stock to which it relates. *Matas v. Siess*, 467 F.Supp. 217 (S.D.N.Y. 1979). Two other decisions in the same district, however, suggest that Section 16(b) liability does not attach solely because of the exercise of a stock appreciation or similar right, at least in the circumstances described in those cases. *Rosen v. Drisler*, 421 F. Supp. 1282 (S.D.N.Y. 1976) (cash payments in settlement of stock option rights); *Freedman v. Barrow*, 427 F. Supp. 1129 (S.D.N.Y. 1976) (Stock appreciation rights exercised for stock or cash). In *Freedman* at 1152, the court stated "The exercise of a stock appreciation right does not involve the sale of an equity security by the officer-director, and thus, there is no inherent or *per se* violation of Section 16(b) as a result of the simultaneous receipt of shares thereunder."

[109] Rule 16b–4 extends comparable relief to companies registered under the Public Utility Holding Company Act of 1935.

as used in Section 17(a), any pro-rata distribution in cash or in kind made by a company to its common stockholders, where the individual stockholder has no election as to the type of asset he will receive in the distribution. It is the Division's view that, for purposes of Rule 16b–1, the general exemption from the provisions of Section 17(a) embodied in an exemptive rule such as Rule 17a–5 is substantially equivalent to an exemptive order of the Commission issued under the Investment Company Act.

B. Rule 16b–2 [17 CFR 140.16b–2]

Rule 16b–2 recognizes that an underwriter engaged in the public distribution of securities of a registered company may also be an insider of that company for purposes of section 16(b). Accordingly, the rule exempts those transactions of purchase and sale which are essential in connection with the distribution as not comprehended within the purpose of Section 16(b), so long as the conditions specified in the rule are satisfied.

(82) *Question:* A registered company is making an underwritten distribution of its securities. A member of the underwriting firm is also a director of the registered company. Can the underwriting firm conduct customary stabilizing transactions during the distribution period without incurring Section 16(b) liability, assuming the conditions of Rule 16b–2 are satisfied?

Answer: Yes. Rule 16b–2 exempts transactions in the security being distributed, as well as such stabilizing transactions as may be considered necessary to effect the distribution.

Illustration: The same company proposes to make an offering of preferred stock which is convertible into shares of its common stock. The underwriter intends to stabilize during the distribution period by buying the preferred stock.

Interpretation: The stabilizing purchases are exempt from the recovery provisions of Section 16(b).

(83) *Question:* Is the exemption afforded by Rule 16b–2 available to the underwriter who enters into a standby agreement with an issuer in connection with the redemption of a class of convertible debt securities?

Answer: Yes.

Illustration: A registered company proposes to call its outstanding subordinated convertible debentures for redemption. The company does not wish to use its own cash for the redemption. Accordingly, it will enter into a standby agreement with a group of dealers represented by a managing dealer, one of whose partners is also a director of the company. The standby agreement provides that the dealers will undertake to purchase any debentures tendered for cash at a price slightly in excess of the redemption price. The dealers would then convert the debentures into common stock of the company and sell such common stock in the open market.

Interpretation: The exemption provided by Rule 16b–2 is available to the managing dealer for the purchase and sale transactions contemplated so long as the conditions of the rule are met.

(84) *Question:* Is Rule 16b–2 available to an underwriter whose participation exceeds 50 percent of the aggregate offering where a member of the underwriter is also a director of the issuer?

Answer: No. Since the aggregate participation of persons not subject to the provisions of Section 16(b) must be at least equal to the aggregate participation of those subject to that section, the exemption would not be available.[110]

(85) *Question:* An unaffiliated underwriter purchases 35% of a new offering of common stock in a firm commitment underwriting for a registered company. As a result of that purchase the underwriter becomes the owner of more than 10 percent of the company's outstanding common stock. Is the protection of Rule 16b–2 available to the underwriter in such a situation?

Answer: Yes. Rule 16b–2 will exempt purchases and sales of the security being distributed, as well as necessary stabilizing transactions.

C. Rule 16b–3 [17 CFR 240.16b–3]

(1) *Introduction.* Rule 16b–3 establishes exemptions from the liability provisions of Section 16(b) for certain securities transactions occurring under those employee benefit plans which meet the conditions specified in the rule.[111] First adopted in 1935, and amended numerous times, Rule 16b–3 has had a long and complex history largely because of rapidly developing techniques in employee compensation. From the beginning, however, the basic thrust of the rule was to provide statutory insiders with a measure of relief from the impact of Section 16(b) on their participation in various types of employee benefit plans. Essentially, Rule 16b–3 is applicable to two broad categories of employee plans: (1) those plans which provide for the acquisition of securities of the issuer through the individual exercise of a stock option or other right and thus involve some element of choice by the insider as to the timing of the acquisition of the stock; and (2) those plans which provide for the acquisition of securities of the issuer on a more or less mechanical basis, such as stock bonus, retirement, incentive, thrift, savings and similar plans, and involve virtually no individual decision on the part of the participant as to the timing of the acquisition of the stock.

The concept of volition, or the ability on the part of a participant to make an independent choice or decision affecting his actual receipt of securities under an employee benefit plan, is central to the application of Rule 16b–3 to the two major types of benefit plans which involve the distribution of employer securities to participants. The first type, plans providing for the acquisition of employer securities through the exercise of options, warrants or similar rights and generally covering a limited group of key employees, usually gives broad discretion to the participant with respect to the timing of the exercise of his options or rights. A participant may be able to exercise his options at any time or for substantial periods during their stated life, and this freedom permits him to acquire the securities underlying the options at points in time which are within his control. As a consequence, it may be possible for an insider participant to coordinate the exercise of his options with the possession of non-public or inside information and perhaps obtain the kind of economic benefit that Section 16(b) of the Exchange Act was designed to discourage. Accordingly, Rule 16b–3 recognizes the element of volitional control present in plans of the first type and does not provide an exemption from Section 16(b) for the securities acquired pursuant to the exercise of options, warrants or rights. The rule, however, does exempt from the recovery provisions of Section 16(b) the acquisition of options, warrants and rights themselves since they are essential to the operation of plans of this type. Rule 16b–3 requires that all such rights be non-transferable, and thus, in the context of an employee benefit plan, they are not effective vehicles for the abuse of inside information.

Employee benefit plans of the second type, stock bonus, retirement, thrift and similar plans, may cover most if not all of a company's employees. Unlike the option plans, they are generally structured to eliminate any meaningful volition or choice on the part of the participant. As a rule, the employee's basic choice is whether to participate in the plan or not. Once the employee

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[110] See Rule 16b–2(a)(3) [17 CFR 240.16b–2(a)(3)].

[111] For purposes of this release, a benefit plan which complies with the conditions of Rule 16b–3 may be referred to as a "complying plan."

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elects to participate, and depending upon the plan, he may have limited additional decisions to make such as the amount of his regular contribution to the plan and his selection of an investment vehicle within the plan, if more than one is available. But in plans of the second type the employee cannot control the moment in time when he will receive a distribution of securities of the employer as a result of his participation in the plan. Distributions are made in accordance with the terms of the plan, rather than any decision of an individual participant. The meaningful volition is absent from plans of the second type. The mechanical nature of such plans, coupled with the inability of a participant to influence allocations to his account or distributions to him under the plan tend to make plans of the second type ineffective for the abuse of inside information. Consequently, and in contrast to plans of the first type, Rule 16b–3 exempts the actual acquisition of securities issued to participants, although the rule does not exempt the subsequent disposition of such securities by participants under either type of plan. In addition, for plans of the second type, Rule 16b–3 exempts certain formal transactions which may be regarded as purchases and sales and which are necessary to the operation of these plans, such as the transfer of employer securities from the trustee to the plan, the allocation of such securities within the plan, and the crediting of securities to individual accounts.

Were it not for the exemptive provisions of Rule 16b–3, it would be extremely difficult for officers and directors of a registered company to participate in either type of plan because of the impact of Section 16(b). Stock options and similar rights may be considered equity securities within the meaning of the Exchange Act's definition. Thus, an insider who receives a stock option may be deemed to have acquired an equity security for purposes of Section 16(b); should he decide to exercise that option, he must dispose of one equity security, the option, in order to acquire another, the underlying common stock. This situation is further complicated if the insider participates in a stock bonus, retirement, incentive or similar plan, which usually entails the accumulation of the issuer's shares for his account at relatively frequent intervals. Under these circumstances, and absent Rule 16b–3, an insider might never be able to make a casual sale of his company's securities without facing the possibility of liability, since his casual sale could always be matched against a purchase under either or both plans. The Commission has long held the view that transactions such as these do not readily lend themselves to the abuse of inside information and should not automatically be subject to the recovery provisions of Section 16(b).[112] Accordingly, the Commission adopted Rule 16b–3 to exempt these and other limited types of related transactions from the operation of the statute in situations where the nature of the transaction, coupled with the conditions imposed by the rule, affords some real assurance against the likelihood of misuse of inside information.

Specifically, Rule 16b–3 exempts the following types of transactions:

(1) The acquisition of shares of stock pursuant to a plan, otherwise than upon the exercise of an option, warrant or right, as well as certain ministerial transactions essential to the operation of such a plan, such as the crediting of securities to a participant's account.

(2) The acquisition, expiration, cancellation or surrender of a stock option or stock appreciation right.

(3) The delivery to the issuer of shares of its own stock as payment for the exercise of a stock option.

(4) Upon the exercise of a stock option, the acquisition of a number of shares of the issuer's stock equal to the number delivered to the issuer in payment.

(86) *Question:* Is the sale of stock by an insider, which was received under an employee benefit plan, exempt from the reporting and liability provisions of Section 16 if the plan satisfies the conditions of Rule 16b–3?

Answer: No. Rule 16b–3 provides an exemption from the liability provisions of Section 16(b) for the acquisition of shares of stock only under a non-volitional complying plan. Except for one limited, technical provision,[113] the rule does not apply to the disposition or sale of stock.[114] Finally, Rule 16b–3 does not confer any exemption from the reporting requirements of Section 16(a).[115] (But see discussion of Rule 16a–6, *supra*, with respect to the reporting of options and rights.)

(87) *Question:* Rule 16b–3 exempts from Section 16(b) the acquisition of a stock option or stock appreciation right,[116] but not the acquisition of the underlying shares.[117] What is the reason for this distinction?

Answer: A principal justification for the exemption of options, warrants and rights under Rule 16b–3 is that the acquisition of such rights is an event not normally within the control of the recipient.[118] Since the insider generally has no choice as to when or even whether he will receive such an award, it is unlikely that any inside information he may possess will affect the granting of the right. This concept is reflected in paragraph (b) of the rule which states that the selection of those insiders who are to receive stock options or stock appreciation rights under complying plans will be made by "disinterested" persons. Once such rights are granted, however, the discretion of insiders to control the timing and amount of exercise is not generally restricted. Since that decision to exercise may be influenced by inside information, the rule does not create an exemption for the acquisition of the underlying stock.

Illustration: The employee benefit plan of a company provides that the administering committee shall have the authority to offer to optionees the opportunity, at such times and on such terms and conditions as the committee may prescribe, to surrender their options to the company for cancellation, and to receive upon such surrender a payment in common stock of the company in an amount determined by a set formula.

Interpretation: The surrender of options pursuant to the plan would be exempt from the operation of Section 16(b) by virtue of Rule 16b–3. However, the acquisition of common stock upon such surrender would not be exempt. By permitting participants to determine whether they will deliver their options for payment pursuant to the terms of the surrender or continue to hold such options, the company is, in effect, providing the participant with the opportunity to control the timing of the acquisition of the common stock, with the concurrent possibility of speculative abuse.[119] Accordingly, Rule 16b–3 does not exempt the acquisition of the underlying shares. But since the rule does exempt the acquisition and disposition of the option, it is possible for this plan, and many similar compensation plans, to achieve their basic purpose and still avoid the mechanical application of the short-swing liability provisions of Section 16(b).

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[112] The exemption of the option transaction alone may be significant. As the Commission observed in Securities Exchange Act Release No. 6111 (November 5, 1959) [24 FR 9272], ". . . plans frequently provide that grants are to be made at regular intervals, often annually. In consequence, it may be impossible to sell stock, without having a 'purchase' occur within six months before or after the 'sale.' Accordingly, the exemption is particularly important to the continued usefulness of these methods of providing employee compensation and incentives."

[113] That is, the delivery of stock by an officer or director as payment for the exercise of an employee stock option.

[114] Letter re *Tele-Communications, Inc.* dated July 12, 1978.

[115] Letters re *American Quasar Petroleum Co.* dated February 8, 1978; and *Risdon Manufacturing Co.* dated January 6, 1978.

[116] See question 22, *supra*, for a discussion of stock appreciation rights.

[117] See *Keller Industries, Inc. v. Walden*, 462 F. 2d 388 (5th. Cir. 1972). See also letters re *Doyle, Dane Bernbach, Inc.* dated March 2, 1977 and *SmithKline Corporation* dated March 23, 1976.

[118] The other main justifications are that stockholders in approving the plan have expressly authorized the additional compensation, and that the plan contains set limits so that it is not easily abused. The purpose of Rule 16b–3 is to permit the functionng of plans which serve a legitimate corporate purpose by providing additional incentives to officers and directors, where the safeguards surrounding such plans minimize the possibility of abuse of inside information.

(88) *Question:* Rule 16b–3 does not exempt the acquisition of shares of stock "acquired upon the exercise of an option, warrant or right."[120] In the following types of plans,[121] are the shares received acquired other than upon the exercise of an option, warrant or right and thus exempted by the rule?

(a) *Performance Share Plan.* The acquisition of stock received on the settlement of performance share units awarded by a disinterested committee. Performance share units, in effect, are accounting units which entitle the holder to payments contingent upon the attainment of pre-established employment and performance objectives set over a period of time, typically three or more years. The payment value of each unit earned is equal to the current market value of a share of company stock at the end of the award period, subject in some cases to a maximum payment ceiling. Participants have no discretion as to the time or manner in which the units will be settled or valued.

(b) *Stock Appreciation Right Plan.* The acquisition of stock received upon the exercise of a right which is directly related to a stock option, whereby an insider is entitled to receive the appreciation in market value of the shares covered by the related stock option (i.e., current market price less purchase price of option shares), in lieu of actually exercising the option.

(c) *Employee Stock Purchase Plan.* The acquisition of stock received upon the exercise of a non-transferable "option" under a plan which, by its terms, gives the holder 90 days to purchase at 85 percent of market value as many shares of stock as his employee contributions will allow. The "options" are automatically exercised on the last day of the 90 day period, unless the employee withdraws from participation in the plan before that time. The only discretion exercised by an employee is whether to participate in the plan.

(d) *Restricted Stock Plan.* The acquisition of restricted stock by grant from the company with no cash consideration required. If the participant leaves the company's employ before the end of the restricted period (usually three to five years), the shares are forfeited to the company.

(e) *Restricted Stock Purchase Plan.* The acquisition of stock from a company by purchase at a substantial discount from current market value, often for a nominal amount such as par value. Rights to execute such purchases are granted to employees on a periodic basis, with the right expiring within a short time period, often thirty to sixty days following the grant.

Answer: In determining whether an acquisition of stock is pursuant to the exercise of an "option, warrant or right," the staff examines the facts and circumstances of a given plan with a view to determining whether the participant can exert a meaningful degree of control as to the timing of his acquisition, and also whether there is an element of consideration involved in the exercise. Thus, the staff has determined that the acquisition of stock in situations (a), (c) and (d) would be exempt from the operation of Section 16(b) by virtue of Rule 16b–3. However, the acquisition of stock in situation (e) would be exempt only under the limited circumstances discussed below. The acquisition of stock in situation (b) would not be exempt under the rule.

Certain interpretive letters concerning the applicability of Rule 16b–3 to performance share plans such as the one described in situation (a) have reached different conclusions. In some instances, the staff found such plans to be "bonus plans," and so concluded that the acquisition of stock under the plans would be exempt from Section 16(b). In other instances, the rights conferred by these plans were deemed to be "tantamount to stock appreciation rights." Under that approach, the acquisition of stock pursuant to the rights would not be exempt under the rule, although cash settlements of the rights could be exempted upon compliance with the provisions of paragraph (e) of Rule 16b–3.[122] After review, the staff modified its position and determined that the settlement of performance share units in either common stock or cash is essentially non-volitional and would be exempt under Rule 16b–3, at least under a plan which places all volition as to the form of settlement of a performance share unit (i.e., stock or cash) with a disinterested committee.[123] Since the form of settlement of the performance share units in situation (a) is made by a disinterested committee, the acquisition of stock in settlement of such units would be exempt from the operation of Section 16(b) by virtue of Rule 16b–3.

Situation (c) illustrates a common type of employee stock purchase plan. The staff has regularly taken the position that such plans may be deemed to be "retirement, incentive, thrift, savings or similar plan(s)" within the meaning of Rule 16b–3, and that the acquisition of shares pursuant to such plans would be deemed to constitute an acquisition of shares of stock other than upon the exercise of an option, warrant or right.[124] Unlike stock options granted under traditional option plans, the options granted under this type of stock purchase plan are granted and deemed to be exercised at regular intervals. A participant has discretion only as to his participation in the plan and the extent of his contributions within the limits established by the plan. He has no control over the timing of the automatic option exercise, and there is little opportunity for the kind of speculative abuse that Section 16(b) was designed to prevent.

With respect to situation (d), which describes a restricted stock plan, the staff's position has been that such a plan would constitute a "bonus" or "incentive" plan, and that an award of common stock would be exempt from the operation of Section 16(b). These plans clearly do not involve the exercise of an option or right, and there is no

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[119] Letter re *The Rouse Company* dated October [redacted]

[120] With one limited, but important, exception. Rule 16b–3 does exempt delivery by the participant of a number of shares to the issuer in payment of the exercise price of a stock option, as well as the acquisition by the participant of a like number of shares received upon exercise. See Question 91, *infra.*

[121] These descriptions are based in part upon those supplied by Frederick W. Cook & Co., Inc. in a letter to the Commission dated November 1, 1978. They are intended only to be helpful illustrations, not a comprehensive summary of plan provisions in this area.

[122] Letters re *Chemical New York Corporation* dated August 2, 1978 and *West Point Pepperell, Inc.* dated August 29, 1978.

[123] Letter to *Lawrence C. Bickford* dated November 22, 1978. It should be noted, however, that if a performance share plan gives participants discretion as to the time or manner in which the units granted thereunder will be settled or valued, the units may be treated as SAR's under the rule. Under these circumstances, the settlement of the units for stock would not be exempt, and cash settlements would be exempt only upon compliance with paragraph (e) of Rule 16b–3.

[124] Letters re *Plantronics, Inc.* dated September 28, 1979; *Tratec Incorporated* dated March 7, 1979; *Baker International Corporation* dated December 29, 1978; and *Four-Phase Systems, Inc.* dated September 6, 1978.

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period of time during which a participant might abuse inside information.[125]

Situation (b) provides an example of stock acquired upon the exercise of a right. The introductory paragraph to Rule 16b–3 specifically excludes shares acquired upon the exercise of a right, and therefore the acquisition of stock in situation (b) is not exempted by the rule. In such situations, of course, the participant can control the timing of the exercise of the right.

Situation (e) typifies a restricted stock purchase plan. Since the participants under such plans may have control over the timing of the exercise of the right, if only for a relatively short period of time, there exists some potential for speculative abuse. Further, the requirement that participants pay some measure of consideration in order to acquire stock pursuant to the plan makes it difficult to view such plans as "bonus" plans within the meaning of the rule. Nonetheless, various arguments have been advanced in support of the view that acquisitions under such plans should be exempted by Rule 16b–3. These arguments, essentially, are as follows: (1) the restricted stock purchase plan does not present a real opportunity for speculative abuse due to the inability of a participant to "time" his acquisition in the long-term sense of conventional stock options; (2) the economic reality of the transaction is an "award" of stock in recognition (and upon condition) of employment service; and (3) the grantee of such a "right" exercises no true volition due to the nominal nature of the purchase price.

After a review of this area, the staff has concluded that these contentions have merit, and that the acquisition of shares pursuant to a restricted stock purchase plan such as that described in situation (e) should be exempt from Section 16(b) by virtue of Rule 16b–3 if certain conditions are met. In reaching this conclusion, the staff deems it essential that the plan provide: (1) that rights granted to participants under the plan expire within a period of no longer than sixty days; and (2) any nominal consideration required of a participant in connection with the exercise of a right must be required only in order to assure compliance with applicable state law, and must not exceed ten percent of the market value of the shares subject to the right at the time of exercise.[126]

(89) *Question:* Does the phrase "option, warrant, or right" include the right of a participant to elect to defer receipt of an award payable in stock or in cash?

Answer: If the provisions of the plan governing such an election otherwise conform to the requirements of Rule 16b–3(d)(2)(i),[127] the election would not be considered the acquisition of a security pursuant to an "option, warrant or right." In this regard it should be noted that a participant who has this right is really making a choice as to the timing and manner in which payments are made under the plan. Broad discretion as to timing and manner of payment would be susceptible to potential abuse.[128] However, where the election is made either prior to the making of the award or prior to the fulfillment of all conditions to the receipt of the award, and where the participant is obligated to take the award in the form he previously elected, it would appear that the opportunity for misuse of inside information is slight. In recognition of this fact, Rule 16b–3 was amended to except from the phrase "exercise of an option, warrant or right" certain events which may occur in the operation of a plan where the award is ordinarily made in cash, but where the plan allows the recipient to defer payment of the award and elect to receive the deferred award in stock rather than in cash.[129]

(90) *Question:* Are the exceptions provided by Rule 16b–3(d)(2) relevant in the following circumstances:

(a) The right to elect to participate in a plan;

(b) The right to defer receipt of vested stock already credited to a participant's account where there is no cash alternative;

(c) The election of a retiring participant to receive a distribution in kind of his interest in the company common stock fund, in lieu of receiving cash?

Answer: Although the circumstances described in (a) and (b) do not literally fall within paragraph (d)(2) of Rule 16b–3, they do not constitute the acquisition of shares of stock upon the exercise of an "option, warrant or right" within the meaning of the rule. Situation (a) does not involve a purchase or acquisition, and thus would not appear to need the protection of an exemption. In situation (b), the participant is really not exercising volition since his right to a specific number of shares is fixed, whether he receives the shares now or later. By permitting the participant in situation (c) to elect to receive payment in stock in lieu of cash, an immediate acquisition of stock can be said to have occurred pursuant to the exercise of an "option, warrant or right."[130] Therefore, the provisions of Rule 16b–3(d)(2) must be satisfied if the election is to be exempt from the operation of Section 16(b) by virtue of Rule 16b–3.

(91) *Question:* Rule 16b–3 provides a special exemption for transactions whereby an officer or director satisfies the exercise price of a stock option by delivering to the issuer shares of the same class of stock which he already owns. The rule exempts the insider's disposition of the number of shares surrendered in payment, as well as his acquisition of an equal number of shares upon exercise of the option. Shares received upon exercise, in excess of the number surrendered, are not exempted by the rule. Does this mean that an insider can exercise an option under this provision and then proceed to sell the exempted shares he acquires upon exercise without regard for the liability provisions of Section 16(b)?

Answer: No. When an insider exercises a stock option in this fashion, he routinely acquires more shares than he surrenders. By its terms, Section 16(b) is applicable to any purchase and sale occurring within six months. Since the insider would have purchased shares upon exercise of the option (to the extent that the shares received exceeded those delivered) and would have sold some or all of the shares received,[131] these transactions would be subject to the recovery provisions of Section 16(b).

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[125] It should be noted that Section 16(a) reports should be filed at the time when share certificates are issued in the recipient's name since, even though the shares are restricted, voting power and the right to receive dividends will usually vest at that time.

[126] See letter re *Western Gear Corporation* dated June 11, 1981. Issuers relying on prior interpretive letters, utilizing other standards, may continue to rely on such letters for the life of current plans.

[127] Rule 16b–3(d)(2) provides:

2. The term "exercise of an option, warrant or right" contained in the parenthetical clause of the first paragraph of this rule shall not include

(i) The making of an election to receive under any plan compensation in the form of stock of credits therefor, provided that such election is made either prior to the making of the award or prior to the fulfillment of all conditions to the receipt of the compensation and, provided further, that such election is irrevocable until at least six months after termination of employment;

(ii) The subsequent crediting of such stock;

(iii) The making of any election as to the time for delivery of such stock after termination of employment, provided that such election is made at least six months prior to any such delivery;

(iv) The acceptance of certificates for shares of such stock.

[128] An exemption for shares acquired pursuant to such an unlimited right would be contrary to the underlying theory of Rule 16b–3 as set forth in Securities Exchange Act Release No. 6111 (November 5, 1959) [24 FR 9272], to exempt only those acquisitions which are unrelated to the use of inside information, primarily because of a lack of volition or limitation of discretion on the part of the insider with respect to the amount and timing of such acquisitions.

[129] See Securities Exchange Act Release Nos. 7776 (December 23, 1965) [31 FR 86] and 8592 (May 1, 1969) [34 FR 7574]. See also letter re *PPG Industries* dated September 20, 1960.

[130] See *Greene v. Dietz*, 247 F.2d 689 (2d Cir. 1957), and *Perlman v. Timberlake*, 172 F.Supp. 246 (S.D.N.Y. 1959).

Illustration: A director of a registered company holds an option for 200 shares of its common stock at an exercise price of $10 per share. On June 1, when the common stock is trading at $20 per share, he decides to exercise the option by delivering 100 shares already owned (with a value of $2,000) in payment for the 200 shares subject to the option. Thereafter, on August 1, he sells 150 shares at $25 per share. These are his only relevant transactions during the calendar year.

Interpretation: Since the only purchase that can be matched with the August sale is in the amount of 100 shares (the number of shares received upon exercise that exceeded the number delivered), the amount of the director's liability under Section 16(b) is limited to the profit realized on the sale of 100 of the 150 shares sold.

(92) *Question:* In delivering already owned shares to satisfy the exercise price of a stock option, can the optionee also use the shares received upon such exercise to satisfy the exercise price of additional options?

Answer: Yes. The optionee can use any shares of the same class that are in his possession. However, the so-called "pyramiding of shares" is not contemplated by Rule 16b–3. Under this technique, the optionee requests the issuer to automatically apply the shares received upon the exercise of a stock option to satisfy the exercise price for additional options. The effect of pyramiding, at least in theory, is to allow the optionee to deliver a relatively small number of shares in satisfaction of the exercise price of even the largest option.[132] In amending Rule 16b–3 to provide an exemption in connection with the exercise of stock options, the Commission did not intend that this relief would extend to the practice of pyramiding.

(93) *Question:* Since the fair market value of the already owned shares will seldom exactly equal the exercise price, does the rule also exempt the sale by an optionee of the fractional share interest that will result when the market value of the already owned shares is fractionally in excess of the purchase price of the option shares?

Answer: Yes. Although Release No. 34–17080 (August 28, 1980) [45 FR 57389], speaks in terms of exempting whole shares, the staff is of the view that the sale by an optionee of a fractional share interest in connection with the exercise of an option would be exempt from the operation of Section 16(b).

2. *Approval by Security Holders:* In order to be eligible for the exemptive relief afforded by Rule 16b–3, a plan must satisfy the relevant conditions specified in the rule. The first condition is that the plan must be approved by the affirmative vote or consent of the company's security holders, solicited in accordance with the rules and regulations in effect under Section 14(a) of the Exchange Act.

(94) *Question:* Can the shareholder approval requirement be satisfied if the original vote or consent was not solicited substantially in accordance with the rules and regulations in effect under Section 14(a), because such action was taken at a time when Section 14(a) was not applicable to the company?

Answer: Yes. Paragraph (a) of Rule 16b–3 recognizes that a plan may be approved by security holders prior to the registration of the company's equity securities under Section 12 of the Exchange Act and thus at a time when the Commission's proxy rules under Section 14(a) do not apply. In such cases, the approval requirement of Rule 16b–3 can be satisfied by the issuer furnishing in writing to its shareholders of record entitled to vote on the plan substantially the same information regarding the plan that would be required by the rules and regulations under Section 14(a).[133]

Illustration: The company's common stock was recently registered under Section 12(g). Employees of the company received stock options pursuant to a plan both before and after such registration. The plan has not been submitted to shareholders for approval in accordance with the rules and regulations under Section 14(a) of the Exchange Act.

Interpretation: The exemption afforded by Rule 16b–3 would not be available for options granted under the plan until such time as the company complies with the informational requirements of the rule.[134]

(95) *Question:* In order to rely on the exemption afforded by the rule, when must this alternate informational requirement be met?

Answer: Rule 16b–3(a)(2) provides that the written information is required to be furnished on or prior to the date of the first annual meeting of security holders held subsequent to the later of (a) the first registration of an equity security under Section 12 of the Exchange Act or (b) the acquisition of an equity security for which exemption is claimed by a officer or director.

(96) *Question:* Where a company is not subject to the Commission's proxy rules, must the alternate information be provided to all security holders, including benefical owners, and holders of securities not entitled to vote on the plan?

Answer: No. The information is required to be sent only to security holders of record who would be entitled to vote on approval of the plan at the time the information is sent.[135] This group may include holders of securities which are not registered under section 12 of the Exchange Act.[136]

(97) *Question:* Does shareholder approval of a plan adopted by a predecessor corporation carry over to a successor corporation?

Answer: Yes. In connection with a merger, reorganization, purchase of assets or similar transaction, approval of a plan by the shareholders of a predecessor corporation, in accordance with the provisions of paragraph (a) of Rule 16b–3, would carry over to the successor corporation provided, of course, that the plan was assumed by the successor.[137]

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[131] Of course, a sale of shares other than the option shares would have the same result.

[132] Theoretically, only one share is needed. For example, suppose an insider holds an option for 5,000 shares at an exercise price of $30. He decides to exercise the option when the stock is at $60 by delivering one share of stock. As a result, he received 2 shares which are automatically used to purchase 4 shares under the option, which in turn are used to purchase 8 shares, and so on until the maximum number of shares purchasable under the option pursuant to this technique are received.

[133] As a matter of policy, the staff will not express any opinion whether the approval of a company's shareholders was solicited substantially in accordance with the rules and regulations in effect under Section 14(a). Compliance with the proxy rules is a question of fact which can be determined best by the parties concerned and their counsel, in light of all relevant facts.

[134] It should be noted that, even assuming compliance with the informational requirement at the next annual meeting of security holders, the exemption provided by the rule would only be available with respect to those options granted since the preceding annual meeting. See Rule 16b-3(a)(2).

[135] The rule makes it clear that this requirement is met if the information is mailed to the last known addresses of persons who are record holders within 30 days prior to mailing.

[136] Four copies of the written information forwarded to security holders must be filed with, or mailed to, the Commission not later than the date on which it is first sent to security holders.

[137] Letter re *Combined International Corporation* dated August 15, 1980 and *Natomas Company* dated February 21, 1980.

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(98) *Question:* Where a plan provides for the granting of awards, and such awards are granted before obtaining the approval of security holders required by Rule 16b–3, is the exemption provided by the rule still available?

Answer: Yes. So long as (1) the grant of the award is conditioned upon subsequent shareholder approval; (2) the recipient has no right to sell or transfer the award; and (3) the plan otherwise conforms to the requirements of Rule 16b–3. In these circumstances, it is the staff's view that the exemption provided by the rule would be available in connection with the acquisition of the awards and any vesting of shares which may occur under the plan, but only to the extent allowed by Rule 16b–3(a)(2) (i.e., for those awards granted and any shares vested since the preceding annual meeting).[138]

Illustration: The plan is a new part of the company's key employee stock incentive program and was created by the board of directors in order to provide for the issuance of shares as awards to officers who have a direct responsibility for a long-term growth of earnings. Although the plan has not been approved by shareholders, "conditional awards" have been granted since the last annual meeting, and the recipients of such awards have no right to sell, assign, transfer, pledge or place any encumbrance on the awards or the underlying shares. Ownership of the shares will not vest until the lapse of certain restrictions which govern the award. The plan otherwise meets the conditions of Rule 16b–3.

Interpretation: Assuming shareholder approval of the plan at the next annual meeting, the grant of the conditional awards, as well as any acquisitions of shares pursuant to such awards, will be exempt from the operation of Section 16(b) by virtue of Rule 16b–3.

(99) *Question:* Would the existence of a plan provision which allows the board of directors to amend or modify the plan, without necessarily seeking shareholder approval, automatically result in the loss of the exemption?

Answer: No. However, any amendment to the plan which (a) materially increases the number of shares which may be awarded under the plan, (b) materially increases the benefits accruing to participants in the plan, or (c) materially modifies the requirements for eligibility for participation in the plan, must be approved by the shareholders in order to insure the continued availability of Rule 16b–3.

(100) *Question:* Rule 16b–3(a)(2)(ii) also requires the approval of security holders for certain material amendments or modifications made to plans which have already received approval. Would the following amendments require approval under Rule 16b–3(a)(2)(ii):

(a) An amendment which would provide for the grant of stock appreciation rights [139] or limited rights;[140]

(b) An amendment increasing the number of shares of stock subject to exercise pursuant to a stock appreciation right;[141]

(c) An amendment permitting officers and directors to participate in the plan;

(d) An amendment waiving a two-year eligibility requirement for participation, which significantly increases the number of participants in the plan, including officers and directors;

(e) An amendment substantially increasing the number of shares that may be issued under the plan?

Answer: Yes. With respect to (a) and (b), the staff is of the view that SARs confer benefits upon participants that are material in nature. Accordingly, these two amendments would materially increase the benefits accruing to participants under the plan, and would require shareholder approval.[142]

Approval would also be required in connection with the adoption of amendments (c) and (d) since they materially modify the eligibility requirements for participation in the plan within the meaning of the rule.[143]

Finally, with respect to amendment (e), a significant increase in the number of shares issuable under the plan would ordinarily require the approval of security holders. In this situation, however, the determination of materiality is especially dependent upon the nature and scope of the particular plan, and decisions must be based on the specific facts of each case.

(101) *Question:* Of the following plan amendments, which ones would require shareholder approval in order to assure the continuing availability of Rule 16b–3?

(a) Extension of the period for the exercise of stock options from three months to three years following termination of employment, provided that such exercise is still within the original expiration date of such option;[144]

(b) Elimination of a restriction against participation in a plan for those employees who have reached age 65, in accordance with the provisions of the Employee Retirement Income Security Act;

(c) An increase in company contributions to at least 27 percent of the amount contributed by the participant, rather than at least 20 percent;

(d) A reduction in the amount of company contributions;[145]

(e) A provision for the acceptance of already owned stock in payment for the exercise price of a stock option;

(f) The use of plan contributions to buy company stock directly from the company instead of in the open market;[146]

(g) A revision which provides that cash instead of stock will be paid in settlement of SARS;[147]

(h) The elimination of a provision which requires an insider to select his contribution rate at least six months in advance of his enrollment in the plan;[148]

(i) The establishment of an additional fund in which a participant would have the option of directing all or a part of his contribution;

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[138] Letter re *Wickes Companies, Inc.* dated July 14, 1980; *Arkansas Louisiana Gas Co.* dated August 16, 1977; and *Burndy Corporation* dated December 9, 1975.

[139] See letter re *Anheuser-Busch Companies, Inc.* dated February 20, 1981.

[140] A "limited right" is essentially an SAR which may be exercised in the event of a tender or exchange offer by someone other than the issuer. See letter re *Hospital Corporation of America* dated May 23, 1980.

[141] For example, under many plans, SARs may not be exercised for more than 50 percent of the shares to which the related option is exercisable. Thus, if an option is exercisable for 100 shares, the optionee may only exercise the SAR as to 50 shares. If he exercises the SAR for the maximum 50 shares, the shares remaining under option are reduced by a corresponding amount. Amendment (b) would permit SARs to be exercised for a greater number of shares, e.g., 75 percent rather than 50 percent. A basic purpose of the SAR is to furnish a source of cash for the purchase of option shares to officers and directors of the company who are constrained by the operation of Section 16(b) from selling other shares in order to finance the exercise of an option.

[142] It should be noted, however, that an amendment establishing "limited rights" would not be considered material if the plan already provided for the grant of stock appreciation rights. Letter re *Champion International Corporation* dated August 13, 1979.

[143] The staff has taken the position that the waiver of an eligibility requirement designed to benefit only non-insider employees which does not materially increase the cost of the plan to the company need not be submitted to shareholders under pararaph (a)(2) of Rule 16b–3. See letter re *FMC Corporation* dated March 10, 1981.

[144] See letters re *NCR Corporation* dated June 16, 1980 and *The Carnation Company* dated March 5, 1980.

[145] See letter re *E. H. Crump Companies, Inc.* dated January 14, 1980.

[146] See letter re *Transcontinental Gas Pipe Line Corporation* dated November 5, 1975.

[147] See letter re *Crompton & Knowles Corporation* dated July 7, 1977.

[148] See letter re *Dean Witter & Co., Inc.* dated November 1, 1975.

(j) A provision giving participants the right to make contributions of up to 12 percent of their compensation instead of 6 percent, with company contributions limited to the 6 percent provided by the original plan;

(k) A provision allowing participants to transfer their interest in the plan from one fund to another fund; [149]

(l) A provision permitting participants who make partial withdrawals from a plan to continue their contributions to the plan without penalty; [150]

(m) A provision permitting a retiring participant to defer distribution for up to 5 years and then receive distribution in 15 annual installments; [151]

Answer: None of the foregoing amendments require shareholder approval. It is the staff's view that the amendments are not material for purposes of Rule 16b–3(a)(2) since they would not result in any additional remuneration for directors and officers not already contemplated by the plans, nor would they materially increase the number of eligible participants, or substantially increase the number of securities issuable under such plans.

(102) *Question:* Is shareholder approval required under Rule 16b–3(a) for amendments to a stock option plan and related stock option agreements, whose sole purpose is to permit options granted and to be granted under the plan to be treated as "incentive stock options" for federal tax purposes? The amendments would provide that: (1) the aggregate fair market value of the stock underlying the options granted to a participant may not exceed in any calendar year $100,000 plus certain carryovers; and (2) no incentive stock options may be exercised by a participant while any previously granted incentive stock options are outstanding.

Answer: No.[152] The adoption of such amendments may result in certain federal income tax benefits to plan participants and may have some adverse federal income tax consequences on the company. Historically, however, the staff has not considered the tax implications of employee benefit plans in determining the applicability of the shareholder approval requirement of Rule 16b–3(a). The staff does not generally regard such benefits or detriments to be controlling in assessing the need for shareholder approval under the rule. It is possible, of course, that under some circumstances benefits or detriments resulting from tax or other legislation might rise to a level of significance requiring shareholder approval.

3. *Disinterested Administrators:* Paragraph (b) of Rule 16b–3 sets forth a second condition for the availability of the rule with respect to the participation of officers and directors in various benifit plans. Paragraph (b) generally requires that the selection of any director or officer to whom stock may be allocated, or to whom stock options or stock appreciation rights may be granted, as well as the number of shares subject to such options or rights, must be determined by disinterested administrators. In the case of director participants, this discretion must be exercised by a disinterested board of directors or a disinterested committee as defined in the rule.[153] In the case of officers who are not directors, the award discretion must be in the hands of the board of directors or a committee of three or more directors.

(103) *Question:* Where a plan is open to all directors, officers and employees and the number of shares allocable to such participants is not left to the discretion of any person, is rule 16b–3(b) applicable?

Answer: No. The requirement for disinterested administrators is not applicable where the plan is open to all and no person has discretion as to the number of shares a participant will receive.[154]

Illustration: The purpose of the employee benefit plan of a company is to provide eligible employees a means of purchasing shares of company common stock in the open market, through regular payroll deductions of up to a maximum of 6 percent of bi-weekly compensation. The company will contribute an amount equal to 25 percent of each participating employee's actual payroll deduction. Participation in the plan is entirely voluntary, and all regular full time employees who have béen employed by the company for at least two years are eligible to participate.

Interpretation: This plan need not satisfy the requirements of Rule 16b–3(b) in order for participants to rely on the exemption provided by the rule, since participation is essentially open to all employees, and the number of shares allocable to participants is not within the discretion of any person.

(104) *Question:* Assume that the plan described in Question 103 is open only to key employees and does not satisfy the requirements of either 16b–3(b)(1)(i) or (b)(1)(ii) [155], would the exemption provided by the rule still be available if the plan permitted participants to select between investments (such as a choice of either company stock or government obligations) and to direct a percentage of their contribution according to that choice?

Answer: Yes. Rule 16b–3(1)(iii) exempts the acquisition of shares under a plan without the need for disinterested administrators, if the plan sets forth the maximum number of shares which directors may acquire pursuant to the plan, and the terms and times at which such stock may be acquired. In the instant question, although a participant may have discretion to determine how much to contribute to the plan and how much of his individual account shall be invested in the company's stock, the plan establishes fixed limitations upon his discretion by establishing a maximum percentage of compensation which he may contribute, i.e., 6 percent.[156] Thus, it would appear that that plan meets the provisions of Rule 16b–3(b)(1)(iii)(A).[157]

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[149] See letter re *TRW, Inc.* dated June 28, 1977.

[150] See letter re *InterNorth, Inc.* dated July 14, 1980.

[151] See letter re *General Foods Corporation* dated May 29, 1980.

[152] It should be noted that Rule 16b–3 does not exempt the "pyramiding" of shares under employee stock option plans. See discussion regarding pyramiding in the answer to Question 92, *supra.*

[153] Rule 16b–3(d)(3) defines "disinterested person," as used in paragraphs (b) and (e) of the rule, to mean "an administrator of a plan who is not at the time he exercises discretion in administering the plan eligible and has not at any time within one year prior thereto been eligible for selection as a person to whom stock may be allocated or to who stock options or stock appreciation rights may be granted pursuant to the plan or any other plan of the issuer or any of its affiliates entitling the participants therein to acquire stock, stock options or stock appreciation rights of the issuer or any of its affiliates."

[154] See letters re *Hexcel Corporation* dated July 3, 1980 and *Fed-Mart Corporation* dated December 8, 1972.

[155] Paragraphs (b)(1)(i) and (b)(1)(ii) of Rule 16b–3 relate to the requirement that a plan be administered by disinterested persons with respect to participation of directors in the plan.

[156] See, generally, letters re *ROCKCOR, Inc.* dated July 22, 1981; *Homestake Mining Company* dated June 20, 1974; and *Amerada Hess Corporation* dated March 30, 1972.

[157] Rule 16b–3(b)(1) provides:

(1) With respect to participation of directors:

(i) By the board of directors of the issuer, a majority of which board and a majority of the directors acting in the matter are disinterested persons;

(ii) By, or only in accordance with the recommendation of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or

(iii) Otherwise in accordance with the plan, if the plan:

(A) specifies the number or maximum number of shares of stock which directors may acquire or which may be subject to stock options or stock appreciation rights granted to directors pursuant to the plan and the terms upon which and the times at which, or the periods within which, such stock may be acquired or such options or rights may be acquired and exercised; or

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(105) *Question:* If the selection of director participants who are to receive stock under a plan is made by a committee, one of whose members is not "disinterested" within the meaning of Rule 16b–3(d)(3), would this fact destroy the availability of the exemption?

Answer: Yes. Subparagraph (b)(1)(ii) of the rule requires that if discretion with respect to participation by directors is exercised by a committee, then all the members of such committee must be disinterested persons.[158]

Illustration: An award plan, a written document which meets the definition of a plan as stated in Rule 16b–3(d), was approved by a majority of the stockholders of the company. The plan is administered by a committee of four persons, all of whom are directors. Three of the committee members are disinterested persons as that term is defined by Rule 16b–3(d)(3). However, the fourth member of the committee has been granted awards under the plan.

Interpretation: Inasmuch as one of the members of the committee does not appear to be a disinterested person, the plan does not meet the conditions of the rule and, therefore, the exemption provided by the rule is not available.

(106) *Question:* Where Rule 16b–3(b) is applicable, would a committee member be considered "disinterested" in the following circumstances?

(a) He participates in another employee benefit plan of the issuer which is open to all and whose eligibility and allocation criteria are fixed and uniform for all employees;

(b) He participates in another plan of the issuer under which the selection of persons who will receive awards is within the discretion of others;

(c) He is granted options, independent of any plan, but subject to approval of shareholders.

Answer: The committee member would be deemed "disinterested" in situations (a) and (c), but not in situation (b). In this regard, it should be noted that a disinterested person under the rule must not have "been eligible for selection as a person to whom stock may be allocated or to whom stock options or stock appreciation rights may be granted pursuant to the plan or any other plan of the issuer * * *". In situation (a), the other plan does not involve any selection or allocation which is subject to the discretion of any person, and thus participation in such plan by the committee member would not disqualify him from serving as an administrator under any other plan. Similarly, since the options in situation (c) are granted outside of any plan, and are subject to shareholder approval, the grant of such options to the committee member will not affect his status as a disinterested person within the meaning of Rule 16b–3(b).

With respect to situation (b), the committee member is not disinterested since he is eligible for selection to receive stock pursuant to another plan.

Illustration (1): The various stock option plans of the company are administered by a stock option committee composed of three directors, none of whom is eligible to participate in such plans. Two of the committee members, however, are eligible and do participate in the company's employee stock ownership plan.

The stock ownership plan provides for the inclusion of all employees with one year of service who have reached the age of 21. Contributions to the plan are used to purchase the company stock. Allocations of employee contributions under the plan are based upon a participant's percentage of the total compensation received by all participants. However, the amount contributed to a participant's account is limited to the lesser of 25 percent of his compensation or a specified dollar amount which varies with the cost of living. Both committee members are restricted by this dollar amount limitation.

Interpretation: Since the eligibility and allocation criteria under the stock ownership plan are fixed and uniform for all employees, and since all employees are able to participate in the plan under those criteria, the participation by the two committee members does not disqualify them under Rule 16b–3(d)(3) from serving as administrators of the company's various stock option plans.[159]

Illustration (2): The option plan of a company provides for the granting of non-transferable stock options. Persons chosen to receive options are designated by an option plan committee composed of three persons selected by the board of directors to administer the plan. The committee members are ineligible to receive options under the plan.

The company also has a stock purchase plan for certain, but not all, full-time salaried employees, including the three persons who serve on the option plan committee. The stock purchase plan permits the regular acquisition of company shares through employer-employee contributions in fixed amounts. The stock purchase plan is administered by a separate committee of three persons, other than those who administer the option plan, who are selected by board. The stock purchase plan committee has the power to determine which groups of employees are eligible to participate.

Interpretation. Because the purchase plan gives its own administrative committee the power to select certain groups for participation in the plan, the members of the option plan committee would not be disinterested administrators within the meaning of Rule 16b–3.[160]

(107) *Question:* Is paragraph (b)(2)(i) of the rule[161] satisfied even if one or more members of a committee of three directors is not a disinterested person?

Answer: Yes.[162]

(108) *Question:* Prior to registration under Section 12 of the Exchange Act, a company adopts an employee stock option plan which does not meet the disinterested administrator standard of paragraph (b) of Rule 16b–3. The company grants options pursuant to the plan, and shortly thereafter registers its common stock under the Exchange Act. The stock option plan is then conformed to Rule 16b–3. Is the rule available for those persons who received options under the non-complying plan?

(B) sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time-to-time or similar factors.

[158] This answer assumes that the plan does not satisfy the alternative provisions of Rule 16b–3(b)(1)(iii).

[159] Letter re *American Financial Corporation* dated June 23, 1977.

[160] Letter re *R. B. Jones Corporation* dated July 26, 1972.

[161] Rule 16b–3(b)(2) provides:

2. With respect to the participation of officers who are not directors:

(i) By the board of directors of the issuer or a committee of three or more directors;

(ii) By, or only in accordance with the recommendation, of a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or

(iii) otherwise in accordance with the plan, if the plan

(A) specifies the number or maximum number of shares of stock which officers may acquire or which may be subject to stock options or stock appreciation rights granted to officers pursuant to the plan and the terms upon which, and the times at which, or the period within which, such stock may be acquired or such options or rights may be acquired and exercised; or

(B) sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market values of shares, outstanding shares or percentages thereof outstanding from time-to-time or similar factors.

[162] Letters re *Faberge, Inc.* dated December 8, 1972 and *National Medical Enterprises, Inc.* dated October 22, 1980.

Answer: Yes. The Commission, in Release No. 34–7559 (March 22, 1965) [30 FR 4127], added a new subparagraph to the rule which provided that the disinterested administrator requirements of Rule 16b–3(b) would not apply with respect to any option granted or any other equity security acquired prior to the date of the first registration of an equity security.[163]

4. *Plan Limitations.* Paragraph (c) of Rule 16b-3 requires that a plan limit the amount of stock which may be issued thereunder or the dollar amount of such stock.

(109) *Question:* Would a plan be deemed to meet the requirements of paragraph (c) if it requires that both participant and employer contributions be limited to a fixed percentage of annual compensation?

Answer: Yes. The language of Rule 16b–3(c) indicates that the plan will qualify under this provision if it limits the maximum number of shares which may be allocated under the plan, or the aggregate dollar amount of such shares. These limitations may be set in terms of fixed dollar amounts, maximum number of shares, or by formulas based upon earnings, dividends, compensation received by participants, or similar factors.

Illustration: The employee benefit plan of a company provides that any salaried employee is eligible to participate, except those employees subject to certain collective bargaining agreements. A participating employee may contribute up to 12 percent of his basic salary by regular payroll deductions, of which up to 6 percent will be matched by company contributions of 50 percent. A participant may direct the trustee to invest his contributions in one of two investment alternatives.

Interpretation: Because of the 6 percent ceiling on company contributions, the plan effectively limits the aggregate dollar amount and the aggregate number of shares that may be acquired by a participant, and therefore the plan meets the requirement of Rule 16b–3(c).[164]

5. *Definition of Plan.* Paragraph (d) of Rule 16b–3 defines three terms that are used repeatedly throughout the rule, "plan," "exercise of an option, warrant or right" and "disinterested person." The last two terms have already been considered in connection with the discussion of the introductory paragraph, and paragraph (b) of the rule. The definition of the term "plan" will be considered here.

(110) *Question:* The definition of the term "plan" seems to include a broad spectrum of remunerative arrangements. Does the term include a bonus share provision in a personal employment agreement that has been approved by a company's board of directors as well as its shareholders?

Answer: No. Although the definition of the term "plan," as set forth in paragraph (d)(1) of the rule, is very broad, it is basically intended to include only those plans which apply uniformly to a class of persons. Since a bonus share provision in a personal employment contract is negotiated between the company and the employee individually, it would not be considered a "plan" within the meaning of Rule 16b–3.

(111) *Question:* Is an employee stock purchase plan which otherwise satisfies the requirements of Rule 16b–3(d)(1), although not specifically mentioned therein, deemed to be a "plan" within the meaning of that provision?

Answer: Yes.

(112) *Question:* Are the provisions of Rule 16b–3(d)(1)(i), which require that a plan set forth either the price or the method used for determining the price at which securities may be offered to participants, satisfied in the following circumstances:

(a) The plan provides that the price shall be determined by the board of directors and "may be less than, equal to, or greater than the fair market value of the common stock on the date the option is granted."

(b) The plan provides that the price shall be determined by the board of directors but that it will "not be less than 50 percent of the fair market value of the underlying shares of common stock on the date the option is granted."

(c) The plan provides that bonus stock issued thereunder shall be subject to "such conditions and restrictions as the board in its discretion may provide, except that bonus stock will be issued for no consideration."

(d) The plan provides that "shares of common stock issued under the plan may be issued for any lawful consideration as determined by the board."

(e) The plan provides that the "option price for the common stock to be issued under the plan shall be a price to be determined by the board upon the date of the grant, not less, however, than a price equal to the $1 par value of the stock?"

Answer: Although the price or the method for determining the price is not specifically set forth in any of the foregoing situations, it is the Division's view that the provisions in situations (b) and (c) would be deemed to satisfy Rule 16b–3(d)(1)(i).

Situation (b) utilizes a general, but meaningful guide which is not likely to be abused. Situation (c) simply indicates, in the case of a bonus stock award, that no price or additional consideration will be demanded of the participant. Situations (a), (d) and (e) are different, however. In those examples, the provisions for determining the price are so vague as to be uninformative. Since they do not set forth the offering price of the securities to participants, or a reasonably specific method by which the price may be determined, the staff believes that these provisions do not meet the standard of Rule 16b–3(d)(1)(i).[165]

(113) *Question:* Is the exemption provided by Rule 16b–3 available under a plan which permits options to be transferred?

Answer: No. As specifically stated in paragraph (d)(1)(ii) of the rule, any option issued under the plan must not be transferrable other than by will or inheritance.

6. *Cash Settlements of Stock Appreciation Rights:* Paragraph (e) of Rule 16b–3 exempts any transaction involving the receipt of cash in complete or partial settlement of a stock appreciation right from the operation of Section 16(b), if all of the conditions of paragraph (e) have been satisfied.[166]

(114) *Question:* Is stock received in full or partial settlement of a stock appreciation right exempt from Section 16(b) liability by virtue of Rule 16b–3?

Answer: No. Rule 16b–3 does not provide any exemption for stock received in settlement of a stock

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[163] The effect of this exclusion from the requirements of paragraph (b) of Rule 16b–3, assuming the other relevant conditions of the rule are satisfied, is to make the protection of the rule available for certain acquisitions occurring under a plan, prior to Section 12 registration, to the extent that such acquisitions might be deemed purchases for purposes of Section 16(b). See *Adler v. Klawans, supra; Blau v. Allen, supra;* and *Feder v. Martin Marietta Corp., supra.*

[164] Letters re *Kennecott Paper Corporation* dated October 16, 1978 and *Gifford-Hill & Company, Inc.* dated October 1, 1975.

[165] Many plans provide a form of price range as to the formula for determining the price to participants. The suitability of such a formula in terms of the requirement of Rule 16b–3(d)(1)(i) must be established by an examination of the particular facts. In general, if the plan provision establishes a minimum price which is less than 50 percent of the market value of the security, the Division takes the position that such a formula is too vague to satisfy the standard of the rule.

[166] That is, the settlement of a stock appreciation right for cash will not be deemed to involve a simultaneous purchase and sale of the related stock. See footnote 106, *supra*. In addition, as stated in the introductory paragraph of Rule 16b–3 "* * * the acquisition, expiration, cancellation or surrender to the issuer of a * * * stock appreciation right * * *" is also exempt if the plan meets the conditions of the rule.

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appreciation right, just as it does not exempt stock acquired upon the exercise of a stock option.[167]

(115) *Question:* A company has in effect a stock option—stock appreciation rights plan which satisfies the conditions of Rule 16b–3, except for paragraph (e) of the rule relating to cash settlement of stock appreciation rights. Would the following types of settlement under the plan be exempt from the operation of Section 16(b) by the rule?

(a) The plan provides that, should a participant be entitled to receive a fractional share, a cash payment will be made in lieu thereof;

(b) The plan provides that, upon exercise of an option and receipt of the appropriate number of shares, the company will pay to the optionee in cash an amount which approximates the federal income tax incurred;

(c) The plan provides that, upon the exercise of an SAR for stock, the appreciated value of the shares subject to the right will be reduced by the amount of tax incurred by the participant—the company would then pay such amount to the appropriate tax authorities for the account of the participant;

(d) The plan permits grants in the form of "equity units" which are essentially the equivalent of stock appreciation rights, except that increases in book value rather than market value determine the amount of cash the participant will receive;

(e) The plan permits a disinterested committee, in its sole discretion, upon or without the request of a holder, to cancel all or a portion of an option then subject to exercise by the holder, and either pay the holder in cash or issue stock. The committee authorizes full payment in cash upon exercise of a stock option;

(f) The cash settlement of a stock appreciation right.

Answer: All of the above cash payments would have to comply with the provisions of Rule 16b–3(e) in order for the exemption to be available for such cash payments. However, while paragraph (e) of Rule 16b–3 is intended to provide a safe harbor for cash settlements of stock appreciation rights, compliance with the provisions of paragraph (e) is optional on the part of the issuer, and a decision not to comply with the requirements of paragraph (e) would mean only that cash received by participants in full or partial settlement of a stock appreciation right would not be exempted from the operation of Section 16(b) by virtue of Rule 16b–3. Non-compliance with paragraph (e) would have no effect on settlements of stock appreciation rights in stock, nor would it affect the availability of the exemptive relief offered by any other provision of Rule 16b–3 for securities acquired pursuant to a plan that otherwise meets the conditions of the rule.

(116) *Question:* Are cash payments to a director in settlement of a stock appreciation right still exempt if the issuer has failed to meet certain of its periodic reporting obligations under Section 13 of the Exchange Act?

Answer: No. Under paragraph (e)(1) of the rule, the issuer must have filed all reports required under Section 13 for at least one year immediately prior to the settlement of a stock appreciation right. In addition, the issuer must regularly release, on a quarterly and annual basis, summary statements of sales and earnings. These two conditions are intended to provide some degree of assurance that comprehensive information about the issuer will be published and available on a regular basis.

(117) *Question:* Paragraph (e)(2) of rule 16b–3 prohibits the exercise of a stock appreciation right or any related stock option during the first six months of their respective terms. An officer receives a stock option and related stock appreciation rights and he exercises the first installment of the option in less than six months, which results in the surrender and cancellation of those stock appreciation rights relating to that portion of the option exercised. Does this destroy the exemption for cash exercises of the remaining stock appreciation rights?

Answer: No. This situation does not conflict with the requirements of paragraph (e)(2) of Rule 16b–3, insofar as the unexercised stock appreciation rights remaining. The reference to a "related stock option" means the particular share option to which an SAR relates, and not to any other options, whether or not exercised, which may have been a part of the same grant or award.[168]

(118) *Question:* Are the requirements of paragraph (e)(2) satisfied where stock appreciation rights are subsequently granted to holders of long-term stock options and then such rights are exercised within 6 months of the grant?

Answer: No. A basic purpose of this provision is to deter the use of inside information by requiring a six month hiatus between thé date of grant and the date of exercise. Accordingly, both the stock appreciation rights and the options must be outstanding for at least six months prior to exercise in order to meet the requirement of Rule 16b–3(e)(2).[169]

(119) *Question:* If a plan provides that stock appreciation rights are exercisable within six months of grant, would this feature automatically destroy reliance upon Rule 16b–3(e)?

Answer: No. In Securities Exchange Act Release 34–13659 (June 22, 1977) [42 FR 33283] the Commission stated that it had revised subparagraph (e)(2) of the rule to provide that neither the stock appreciation right nor any related stock option *"shall have been exercised* during the first six months of their respective terms * * *" Thus, so long as the rights have not actually been exercised during the first six months of their term, the condition set forth in Rule 16b–3(e)(2) will have been satisfied.

(120) *Question:* When stock appreciation rights are granted conditioned upon subsequent shareholder approval, does the six month term of Rule 16b–3(e)(2) commence upon the date of the conditional grant or upon the date of shareholder approval?

Answer: The term of the stock appreciation rights would begin immediately upon their grant, assuming that shareholders in fact approve the plan.[170]

(121) *Question:* Assume that a plan does not meet the administration requirements of Rule 16b–3(e)(3) at the time stock appreciation rights are granted. The company then forms a disinterested committee to administer the plan. The committee proceeds, in its discretion, to confirm the earlier grants

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[167] See Rule 16b–3(e)(5). In general, the granting of stock options and stock appreciation rights under a complying plan will have the following ramifications for the insider:

(1) The acquisition of both stock appreciation rights and related stock options is exempt under Rule 16b–3, as is the acquisition of independent stock options;

(2) The acquisition of stock upon exercise of a stock appreciation right or a stock option is a purchase not exempt under Rule 16b–3;

(3) The complete or partial cash settlement of a stock appreciation right is exempt under Rule 16b–3; and

(4) The acquisition of immediately exercisable stock appreciation rights, related stock options and independent stock options is not reportable under Section 16(a) by reason of Rule 16a–6. However, the acquisition of stock upon the exercise of such rights and options is reportable.

[168] See letter re *General Electric Company* dated February 3, 1978.

[169] It should be noted, however, that subsequent amendments to a plan to provide for the settlement of stock appreciation rights in cash would not start a new six month period. That is, the term of the stock appreciation right would still be deemed to have commenced on the date it was originally granted. Letter re *Savin Business Machines Corp.* dated January 6, 1978.

[170] Letters re *R. R. Donnelly & Sons Co.* dated December 12, 1979 and *Columbia Pictures Industries, Inc.* dated August 4, 1977.

of stock appreciation rights and advises holders not to exercise such rights or the related options for six months following committee confirmation. Does this form of compliance satisfy the requirements of paragraph (e)(3) of the rule in this situation?

Answer: Yes.[171]

(122) *Question:* Is the requirement of Rule 16b–3(e)(3)(i), that the plan be "administered by * * * a committee of three or more persons, all of whom are disinterested persons" satisfied, if the disinterested committee does not have the authority to select all of the persons who may participate but does have the sole authority to approve the form in which all stock appreciation rights granted under the plan will be paid?

Answer: No. Since the disinterested committee does not have full authority with respect to one of the fundamental powers of administration, i.e., the right to select all participants, the staff does not believe that the requirement of Rule 16b–3(e)(3)(i) has been satisfied.[172]

(123) *Question:* Where the board of directors or committee administering the plan has sole discretion to determine the form in which payment is to be made upon exercise of a stock appreciation right, has such board or committee acted in accordance with the provisions of Rule 16b-3(e)(3)(ii) in the following situations:

(a) The committee has adopted a general determination that all payments upon the exercise of a stock appreciation right are to be made 50 percent in the form of shares of company stock and the balance in the form of cash;

(b) The committee has amended the plan to provide that holders of stock appreciation rights will receive upon exercise (i) payment only in shares of common stock where such rights are exercised outside of the window period,[173] and (ii) payment only in cash where such rights are exercised during the window period;

(c) The committee has adopted a general determination that payments upon the exercise of stock appreciation rights are to be made entirely in the form of cash, if such exercise is made in conjunction with the exercise of a stock option, in accordance with a formula prescribed by the committee;

(d) The committee has adopted a general determination that it will approve any election made by a participant?

Answer: The board or committee has satisfied its responsibilities in situations (a), (b) and (c) but not in situation (d). The purpose of this provision is to insure that the disinterested administrators will have final authority and control over the form in which payment of the stock appreciation right will be made. Situation (d) represents an abdication of this authority which is inconsistent with the requirements of Rule 16b–3(e)(3)(ii).

(124) *Question:* If a plan provides that stock appreciation rights are exercisable only for cash, must the board or committee administering the plan approve the payment of such cash?

Answer: No.

(125) *Question:* Assuming that the exception [174] to the window period provision of Rule 16b–3(e)(3)(iii) is not applicable, does the window period restriction apply where (1) the form of settlement of a stock appreciation right is within the complete discretion of the committee administering the plan; and (2) the participant has the option to elect cash in lieu of the stock to which he would otherwise be entitled?

Answer: Yes, in both situations. The purpose of Rule 16b–3(e)(3)(iii) is to make clear that, in those circumstances where reliance is to be placed on the safe harbor provided by Rule 16b-3(e), the window period requirement is applicable not only to any *election* by a plan participant as to the form of payment of a stock appreciation right which may involve cash, but also to any *exercise* by a participant of a stock appreciation right for cash. Thus, as in situation (1), even though a participant may have no *election* as to the form of payment of a stock appreciation right, the window period requirement would still be applicable to any *exercise* of such right by a participant for cash.[175]

With respect to situation (2), by permitting participants to determine whether they will accept cash in lieu of stock in settlement of a stock appreciation right, the company is in effect providing such participant with an election as to the form of payment. Viewed in this light, the determination must be made in accordance with paragraph (e)(3) of the rule and the window period requirement applies.[176]

(126) *Question:* Must the plan administrator's decision to consent to or disapprove the election of a participant be made during the ten day window period?

Answer: No. This decision can be made at any time after the participant's election.

(127) *Question:* In order to eliminate differences in compensation for officers and directors who exercise stock appreciation rights for cash at different times during the same window period, a plan provides that the highest market price of the company's common stock during any particular window period shall be the cash settlement price for that window period. Does such a provision meet the requirements of Rule 16b–3(e)(3)(iii)?

Answer: Yes.[177]

(128) *Question:* Is the window period requirement of Rule 16b–3(e)(3)(iii) applicable to the automatic exercise of SARs?

Answer: No. The exception to the window period requirement provides that exercises of SARs which occur on fixed or automatic maturity dates shall not be subject to the requirements of Rule 16b–3(e)(3)(iii), if the date of exercise is at least six months beyond the date of grant of the SAR and is outside the control of the participant. Under these circumstances the insider has no volition, and the automatic exercise does not provide real opportunity for the misuse of confidential information.

Illustration: Under the terms of a plan, SARs are granted to participants concurrently with the grant of stock options. Recipients are permitted to exercise the SARs only during a widow period, as defined in Rule 16b–3(e)(3)(iii). The plan also provides that the SARs will be automatically exercised upon the expiration of the related option.

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[171] Letter re *Standard Oil Company (Indiana)* dated February 19, 1981.

[172] Although interested directors can administer a benefit plan without jeopardizing the availability of Rule 16b–3 as long as the plan meets the requirements of paragraph (b)(1)(iii) of the rule, the specific exemption for cash settlements of SARs is dependent upon disinterested administrators. See letter re *Exxon Corporation* dated December 1, 1977.

[173] The term "window period" is used to describe the period of 10 business days in each quarter during which elections for cash settlement of stock appreciation rights must be made by participants. Under Rule 16b–3(e)(3)(iii), the window period commences on the third business day following the date of release of the specified quarterly and annual financial information and ends on the twelfth business day following such release.

[174] The window period provisions of Rule 16b–3(e)(3)(iii) do not apply to any exercise where the date of the exercise (1) is automatic or fixed in advance under the plan; (2) is at least six months beyond the date of grant of the stock appreciation right; and (3) is outside the control of the participant.

[175] In Securities Exchange Act Release No. 13659 (June 22, 1977) [42 FR 33283] the Commission stated "Henceforth, the exemption provided by the rule for cash settlements of stock appreciation rights will not be available unless all exercises of such rights for cash (other than those occurring on certain fixed or automatic majority dates) are made during a specified ten-day period each quarter following the release of financial information by the issuer."

[176] See letters re *Houdaille Industries, Inc.* dated May 8, 1978 and *Crompton & Knowles Corporation* dated July 7, 1977.

[177] See letter re *Texasgulf, Inc.* dated March 30, 1981.

Interpretation: Assuming the three provisions of the exception to Rule 16b-3(e)(3)(iii) are satisfied, the window period requirement would not be applicable to the automatic exercise of SARs.[178]

(129) *Question:* Must the exercise of "limited rights"[179] take place during a window period?

Answer: No. Since the period for exercise of limited rights is fixed in advance, and since such rights can only be exercised in very special circumstances which are beyond the control of the participant, their exercise comes within the exception provided by Rule 16b–3(e)(3)(iii), and the window period restriction is not applicable.

(130) *Question:* Pursuant to the provisions of a plan, SARs may be exercised for cash within a specified short period of time after the company enters into a definitive agreement for the merger, consolidation or sale of its assets. Should such exercises take place during a window period in order for the insider to properly rely on Rule 16b-3(e)?

Answer: Yes. Unlike "limited rights," mergers and other types of reorganizations as well as the transfer of company assets are not outside the control of directors and officers since such persons might be included in the negotiation and approval of the transaction. Thus, the exception to Rule 16b–3(e)(3)(iii) is not applicable.[180]

(131) *Question:* Assume that the date of exercise of a stock appreciation right meets the conditions of subparagraphs (e)(3)(iii) (A), (B) and (C). Must an election by the holder to receive cash in settlement of the right be made during a window period?

Answer: Yes. Rule 16b–3(e)(3)(iii) makes it clear that, where a participant has the right to elect cash as the form of payment of an SAR, such election must be made during a window period. Although the window period requirements of paragraph (e)(3)(iii) do not apply with respect to the *exercise* by the participant of a stock appreciation right for cash where the date of exercise meets the conditions of subparagraphs (A), (B) and (C), there is no parallel exception for an *election* by the participant to receive cash in payment of a stock appreciation right.[181]

D. Rule 16b–4 [17 CFR 240.16b–4]

Rule 16b–4 exempts from Section 16(b) any transaction of purchase and sale of a security made by a holding company registered under the Public Utility Holding Company Act of 1935, or by any subsidiary of such company, where both the purchase and the sale have been approved or permitted by the Commission under the Holding Company Act.

(132) *Question:* Is a formal order of the Commission required to assure the availability of Rule 16b–4?

Answer: No. The intent of the rule is simply to provide relief from the operation of Section 16(b) for those transactions by registered public utility holding companies which have been approved or permitted by the Commission pursuant to the applicable provisions of the Holding Company Act and the rules and regulations thereunder.

E. Rule 16b–5 [17 CFR 240–16b–5]

Rule 16b–5 exempts from the operation of Section 16(b) certain highly specialized transactions involving the acquisition of an equity security of an issuer through the redemption of a security of another issuer.

(133) *Question:* Are all acquisitions resulting from redemption exempt from section 16(b) of the Exchange Act pursuant to the provisions of this rule?

Answer: No. The rule is inapplicable to the acquisition of convertible securities or rights. Further, the application of the rule is severely limited by its terms to redemption transactions which consist exclusively of the exchange of one security for another, where both the old and the new security are substantially and in practical effects equivalents, and the redemption does not involve the payment of any additional consideration for the new security. Such a redemption does not result in any real change in the rights of the beneficial owner of the old security, although it does change the form of his holdings.[182]

Illustration: An issuer decides to establish a stock bonus type of employee benefit plan. For various reasons, it organizes an affiliated holding company to implement the plan. The assets of the holding company consist solely of stock of the issuer contributed to fund the plan. The stock bonus awards to participants are made using holding company stock, which is redeemable at any time for stock of the issuer on the basis of a predetermined ratio.

Interpretation: Rule 16b–5 exempts from Section 16(b) of the Exchange Act the acquisition of shares of the issuer received by a participant in such a redemption, so long as the participant has made no purchases of the same class of issuer security within six months before or after the redemption transaction.[183]

(134) *Question:* Does Rule 16b–5 exempt the purchase and sale of securities of the same classes as those involved in the redemption, when such transactions occur immediately before and after the redemption?

Answer: No. As stated in Securities Exchange Act Release No. 4495 (September 19, 1950) [15 FR 6477], proposing the rule for comment, Rule 16b–5 does not exempt any transaction other than the redemption. Thus, if there should be a separate purchase and sale (or sale and purchase) of either the old or the new security within any six month period, or if there should be a purchase of one and a sale of the other (or a sale of one and a purchase of the other), within any six month period, the insider would be subject to recovery under Section 16(b). Paragraph (c) of the rule is simply designed to facilitate the recovery of profit, by requiring an issuer to recognize formally the similarity between the two securities through appropriate corporate action, such as the adoption of a by-law or a resolution of the board of directors.

F. Rule 16b–6 [17 CFR 240.16b–6]

Paragraphs (a) and (b) of Rule 16b–6 recognize that where securities are acquired through the exercise of a long-term option (one held more than six months), not all of the gain inherent in the exercise of the long-term option need be attributed to the insider for purposes of computing the profit recoverable under Section 16(b), since at least a portion of such profit may derive from appreciation which occured prior to the relevant six month period. The rule establishes this apportionment of short and long-term profit to maintain the basic policy of Section 16(b) against short-swing trading by insiders and, at the same time, to avoid recapture of the long-term gain inherent in the exercise of the option as not comprehended within the purposes of the section. Accordingly, when gain is being calculated under Section 16(b) with respect to a purchase resulting from the exercise of a long-term option and a sale within six months, the rule limits the issuer's recovery to the difference between the proceeds of the sale and the lowest market price of the security within six months before or after the date of the sale. In addition, paragraph (c) of Rule 16b–6 provides a complete exemption from Section 16(b) for the disposition of securities purchased in a transaction specified in paragraph (a) of the rule, provided such disposition is made in connection with a plan or agreement for a merger, consolidation, reclassification or sale of assets. It must be emphasized that paragraphs (a) and (b) simply limit the extent of Section 16(b) liability; paragraph (c), where applicable, actually exempts the transaction of disposition.

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[178] See letter re *The May Department Stores Company* dates April 10, 1978.

[179] See footnote 140, *supra*, for a general definition of "limited rights."

[180] See letter re *Garfinckle, Brooks Brothers, Miller & Rhoads, Inc.* dated June 19, 1981.

[181] See letter re *Intertherm, Inc.* dated July 16, 1979.

[182] As a result, the beneficial owner must file the report required by Section 16(a) when the redemption takes place.

[183] See 2 L. Loss, Securities Regulation 1118 (2d ed. 1961).

(135) *Question:* In computing the amount of profit that will inure to the issuer in a transaction which falls under Rule 16b–6(a), is the option exercise price considered the cost of the purchase, to be matched against the price received on a sale within six months of that purchase? [184]

Answer: No. The use of the option exercise price as the purchase cost would effectively deprive the insider of the long term appreciation in the value of his option, represented by the long-term increase in the value of the underlying stock. The Commission believes that the capture of this unrelated long-term profit is not comprehended within the purposes of Section 16(b). Consequently, in 1950, the Commission promulgated Rule 16b–6 [185] to preserve for the insider the gain attributable to the long-term portion of the option and still permit recovery of the profit surrounding the short-swing transaction itself.[186]

Illustration: On October 1, 1976, C, an insider of XYZ Corporation, is granted an option to buy XYZ common stock at $10.00 per share, the market value on the date of grant. On June 1, 1977, C exercises his option to buy XYZ at $10.00 per share. The market value of XYZ on the date of exercise is $15.00 per share. On September 1, 1977, C sells XYZ stock at $20.00 per share. Absent Rule 16b–6, C may be required to surrender the difference between the purchase price and the sale price: $20.00—$10.00, or $10.00 per share. Assume that the market price for XYZ common stock from March 1, 1977 to March 1, 1978 ranged as follows:

March 1, 1977	$13.50
April 1, 1977	14.00
May 1, 1977	14.00
June 1, 1977	15.00
July 1, 1977	16.00
August 1, 1977	17.00
September 1, 1977	20.00
October 1, 1977	20.00
November 1, 1977	19.00
December 1, 1977	18.50
January 1, 1978	18.00
February 1, 1978	15.00
March 1, 1978	16.00

Under Rule 16b–6, C would be required to surrender the difference between the sale price, $20.00, and the lowest price at which XYZ traded within six months before or after the sale which would be the price on March 1, 1977, or $13.50 per share. Thus, the recoverable profit computed with the benefit of the rule would be only $6.50 per share.

The same result obtains under Rule 16b–6 where the option to buy is exercised by an insider within six months after a sale of an equity security.[187] The maximum recovery based on matching the purchase upon exercise of the option, with a prior sale occurring within six months of such exercise, would be the difference between the sale price and the lowest price at which the stock traded within six months before or after the sale.

(136) *Question:* Where an insider purchases stock through the exercise of a long-term option and immediately sells such stock within six months at a price below the exercise price, is Rule 16b–6 applicable?

Answer: No. Since the insider did not realize any profit on the transaction, he has no liability under Section 16(b).

(137) *Question:* Is the exercise of a warrant or stock incentive right the exercise of a "similar right" within the meaning of Rule 16b–6?

Answer: Yes.

Illustration: An insider of a company exercises warrants granted to him by the company over two years ago. Within six months of the exercise, the insider exchanges all his shares of the company for shares of its parent pursuant to the terms of a reorganization agreement.[188] The exercise of the warrants for common stock and the subsequent exchange of the shares received upon such exercise would appear to involve a purchase and sale subject to Section 16(b).

Interpretation: While there would be a purchase and a sale for purposes of Section 16(b), Rule 16b–6(c) would appear to be applicable. As a consequence, the disposition of the securities in accordance with the terms of the reorganization would be exempt from the operation of Section 16(b).[189]

(138) *Question:* Is Rule 16b–6(c) applicable to mergers in which shareholders receive cash or a combination of cash and securities?

Answer: Yes. Rule 16b–6(c) provides insiders an exemption from the operation of Section 16(b) for the disposition of an insider's securities, purchased pursuant to a long-term option or right, or acquired pursuant to a long-term employment contract, as specified in paragraph (a) of the rule, provided that the disposition is pursuant to a plan or agreement for a merger, consolidation, reclassification or sale of assets. The exemption is not lost if cash is paid in lieu of securities, or in combination with securities.[190]

Illustration: Company A has entered into an agreement and plan of merger whereby it will merge into a wholly-owned subsidiary of Company B. On the effective date of the merger, each outstanding share of common stock of Company A will be converted into the right to receive $50 in cash, and Company A will become a wholly-owned subsidiary of Company B. An executive officer of Company A intends to exercise options which he has held for more than six months and then surrender the Company A shares received upon exercise for the $50 per share cash payment.

Interpretation: Rule 16b–6(c) exempts the disposition of the option shares from the operation of Section 16(b).

(139) *Question:* An officer owns shares of his company, as well as options to acquire additional shares. Both his shares and options have been held for more than six months. In connection with a merger, or one of the other transactions described in

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[184] *Smolowe v. Delendo Corporation, supra.*

[185] Securities Exchange Act Release No. 4509 (October 24, 1950) [15 FR 7357].

[186] Letter re *New England Nuclear Corporation* dated September 18, 1972.

[187] Rule 16b–6 does not extend to options to *sell* securities.

[188] It should be noted that if an insider desires to realize the long term appreciation in the value of his option (or similar right) without risk of controversy concerning his liability to surrender profits under Section 16(b), his safe course is to exercise the option and hold for at least six months the security thereby acquired. Where this is done the insider will not be affected by the method in which the Commission and the courts may compute realized profit, since the transaction in question would fall outside the scope of Section 16(b). Nevertheless, *the insider who does sell within six months after acquiring a security pursuant to an option (or similar right) is not acting unlawfully;* Congress did not intend to impose such a drastic sanction in the event of such a sale, but merely to remove the profit incentive to entering into short-swing trading transactions. (Emphasis added) Securities Exchange Act Release No. 4509 (October 24, 1950) [15 FR 7357]. Of course, trading on the basis of inside information may be a violation of other provisions of the federal securities laws.

[189] Letter re *Spectronics, Inc.* dated August 18, [illegible]

[190] See letter re *American Credit Corporation* dated November 24, 1978 and letter to *Gary A. Herman* dated May 18, 1978.

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paragraph (c) of Rule 16b–6, the officer exercises his options and surrenders the newly acquired option shares together with his previously held shares. Will the acquisition of the option shares be matched against the disposition of his other shares in the merger, resulting in potential Section 16(b) liability, despite the exemption provided by Rule 16b–6?

Answer: No. There has been concern that insiders in such a situation are confronted with a dilemma, since the purchase of shares under the option could in theory be matched with the sale of already owned shares in the merger giving rise to liability under Section 16(b).[191] The staff believes that this approach would unfairly penalize holders of long-term options and frustrate the purpose of paragraph (c) of the rule. Accordingly, in light of the rationale underlying paragraph (c), the staff is of the view that the acquisition of shares pursuant to the exercise of a long-term option just prior to a merger need not be matched against the disposition of other shares in the merger.

(140) *Question:* Are the provisions of Rule 16b–6 available where a company extends the life of its outstanding options prior to entering into a merger or other transaction of the type described in paragraph (c) of the rule?

Answer: Yes. The extension of an option does not commence a new six month holding period for purposes of Rule 16b–6.

Illustration: On May 1, Company X extends for one year the expiration date of employee stock options held by certain of its executive officers, some of which had been held for only five months at the time of the extension. On May 30, Company X begins merger discussions with Company Z, and on June 30 an agreement in principle is reached. The merger takes place on July 14.

Interpretation: Rule 16b–6 would be available to the officers of Company X with respect to all options held for more than six months at the time of the merger.

(141) *Question:* Would the exemption provided by Rule 16b–6(c) be available for the purchase of unexercised stock options in connection with a cash merger? In connection with a sale of assets for cash and securities?

Answer: Yes, assuming all the provisions of the rule are satisfied.

Illustration (1): Company A proposes a complete liquidation and dissolution. Pursuant to the plan, Company A will sell all of its assets to Company B in exchange for cash and securities in an amount equal to $26 per outstanding share of Company A. In accordance with the terms of the applicable agreements, Company A has the right to purchase those stock options which have been held by its officers and directors for more than six months, but have not been exercised, for a cash price equal to the difference between $26 and the option exercise price.

Interpretation: Rule 16b–6(c) is applicable to the purchase of these stock options.[192]

Illustration (2): Following a successful tender offer, the purchaser informs the issuer that it proposes to merge the issuer with a wholly-owned subsidiary of the purchaser, on terms providing that each remaining share of the issuer's common stock will be entitled to a cash payment per share in an amount equal to the tender offer price. The merger will bind all stockholders of the issuer except for the exercise of appraisal rights by dissenting shareholders. The issuer has stock options outstanding under several employee benefit plans. The applicable agreements provide for the cancellation of the exercisable options on the date of the merger and a cash payment to the optionees of the option spread.

Interpretation: The cash settlement of the stock options in this manner is eligible for the protection afforded by Rule 16b–6(c).[193]

G. Rule 16b–7 [17 CFR 240.16b–7]

Rule 16b–7 exempts from the operation of Section 16(b) the acquisition and disposition of securities in certain specified types of mergers and consolidations.[194]

In Securities Exchange Act Release No. 4696 (April 3, 1952) [17 FR 3177], the Commission emphasized the danger of the possibility of misuse of inside information in connection with mergers and consolidations.

> The policy of Section 16(b) to discourage short-swing trading by insiders seems highly relevant to purchases or sales within six months of a merger if the merger involves a significant change in the character of the enterprise carried on by an issuer which is subject to Section 16(b). Thus a purchase on the eve of the merger may well be motivated by advance information and the receipt by merger of a new security having different economic characteristics from that purchased involves elements of realization of a short term profit. In addition to preventing abuse of inside information, requiring an insider to surrender any profit resulting from a purchase or sale within six months of a merger is related to the policy of Section 16(b) to eliminate motives for manipulative activity. The significance of a merger may be greatly exaggerated by rumor, particularly in periods of unusual speculative activity in the security markets. If insiders were free to take advantage of such a situation to unload at temporarily inflated prices securities received in the merger, the opportunity and motive for manipulative activity might well be greater than the ordinary short-swing purchases and sales where both are cash transactions.[195]

The Commission recognized, however, that not every transaction of this nature involves a serious potential for the abuse of inside information. As a consequence, Rule 16b–7 was adopted to exempt transactions of exchange involved in the merger or consolidation of companies where 85 percent or more of all of the assets or securities of one of the companies involved is owned by the other company. As Release No. 34–4696 points out, the exemption is based on the premise that such transactions are of relatively minor importance to the stockholders of a particular company and do not present significant opportunities to insiders to profit by advance information concerning the merger. Indeed, they do not significantly alter in an economic sense the type of security which the insider held prior to the transaction.[196]

(142) *Question:* Although not specifically mentioned, does Rule 16b–7 apply to transactions structured as (1)

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[191] Letters re *The Flintkote Company* dated February 7, 1980 and *Investors Diversified Services, Inc.* dated March 21, 1979.

[192] Letter re *National Liberty Corporation* dated December 12, 1980.

[193] Letter to *Melvin L. Bedrick* dated September 20, 1979.

[194] While Rule 16b–6(c) provides an exemption from the operation of Section 16(b) only for the disposition of certain securities pursuant to a plan or agreement for merger, consolidation, reclassification or sale of assets, Rule 16b–7, on the other hand, exempts transactions of acquisition and disposition in connection with specified types of mergers and consolidations.

[195] See also Securities Exchange Act Release No. 4717 (June 9, 1952) [17 FR 5501], and Brief for SEC as *amicus curiae*, page 8, *Blau v. Hodgkinson*, 100 F. Supp. 361 (S.D.N.Y. 1951).

[196] The rule is typically relied upon in situations where a company is reincorporating in a different state or reorganizing its corporate structure. For example, Company T, a Texas insurance company, seeks to become a general business corporation. To accomplish this in conformity with Texas law, Company T proposes to transfer all of its assets and liabilities to New T, a Texas general business corporation, to be organized as a wholly-owned subsidiary of Company T, and then merge into an insurance subsidiary of New T. Pursuant to the merger, each share of T common will be exchanged on a share-for-share basis for equivalent New T securities, with the result being that the present T shareholders will become New T shareholders. The proposed transaction will have no effect on the consolidated financial statements, the present composition of management, nor will it affect the rights of present shareholders and, accordingly, Rule 16b–7 is available. Letters re *American General Insurance Company* dated March 11, 1980; *Anheuser-Busch, Incorporated* dated March 16, 1979. See also letters to *Eugene R. Sullivan* dated October 10 and December 11, 1978.

statutory exchanges; (2) liquidations; or (3) reclassifications?

Answer: The staff is of the view that, for purposes of Rule 16b–7, a statutory exchange may be the substantive equivalent of a merger, consolidation or sale of assets. Therefore, the acquisition and disposition of stock in a statutory exchange would be exempt under Rule 16b–7, assuming all of the conditions of the rule are satisfied.[197] A liquidation, on the other hand, is not covered by Rule 16b–7, since the liquidation in substance and purpose bears little resemblance to the types of transactions specified in the rule.[198] Rule 16b–7 does not require that the security received in exchange be similar to that surrendered, and the rule can apply to transactions involving reclassifications.

Illustration (1): Company B is a savings and loan association organized in the State of Virginia. Company A, a wholly-owned subsidiary of Company B, was incorporated under the laws of Virginia for the sole purpose of acquiring all the outstanding shares of capital stock of Company B. The purpose was to create a holding company which would be able to acquire other savings and loan institutions in Virginia. Under Virginia law, Company B is not permitted to acquire stock of other savings and loan associations. As a result of the exchange, Company B became a wholly-owned subsidiary of Company A, and the former Company B shareholders became the owners of all the outstanding shares of Company A. This transaction was implemented pursuant to statutory procedures under Virginia law.

Interpretation: The acquisition by Company B stockholders of common stock of Company A and the corresponding disposition of the Company B stock in exchange fall within the terms of Rule 16b–7.

Illustration (2): Company X is a holding company whose principal asset is 100,000 shares of Company Y common stock, roughly 6 percent of the total number of shares of such stock issued and outstanding. Company X proposes to liquidate so that its shareholders will hold the stock of Company Y directly. Pursuant to the liquidation plan, shareholders of Company X will exchange their shares of Company X for those of Company Y on a pro rata basis.

Interpretation: The acquisition and disposition of such shares is not exempt under Rule 16b–7. This transaction is not substantially similar to a merger or consolidation, nor does it meet the standards of paragraph (a) of the rule which provides that the acquisition and disposition of securities in connection with a merger or consolidation is exempt from Section 16(b) where 85 percent or more of the assets or securities of all other companies involved in the transaction is owned by another party to the transaction.

(143) *Question:* Does the 85 percent ownership requirement of the rule apply to indirect as well as to direct ownership of the companies involved in a transaction?

Answer: Yes. It is the staff's view that the rule does encompass indirect ownership, so long as the transaction in question does not result in a significant change in the character or structure of the company.[199]

Illustration: Company A proposes to enter into a transaction with its wholly-owned subsidiary, Company B, whereby Company B would become the parent of Company A through a tax free exchange of shares. The tax free exchange would be accomplished by a statutory merger of a wholly-owned shell subsidiary of Company B into Company A, with Company A the surviving corporation. Prior to the merger, Company A will own 100 percent of the equity securities of the shell subsidiary which will be merged into Company A. Thus, Rule 16b–7 would be available only if the 85 percent requirement was interpreted to include indirect as well as direct ownership, since Company A will merge into a wholly-owned subsidiary of Company B rather than Company B itself.

Interpretation: Rule 16b–7 would be applicable because Company B, on a consolidated basis, will represent the same business entity as the present Company A, will be managed by the same officers and directors, and will have the same charter and by-laws as Company A. Accordingly, the merger will not result in "any significant change in the character or structure of the company."[200]

(144) *Question:* Would the purchase and sale of securities of any company involved in a merger which met the requirements of Rule 16b–7, within six months of such merger, destroy the exemption otherwise afforded by the rule?

Answer: If the non-merger transactions are exempt under any other rule adopted under Section 16(b), the exemption provided by Rule 16b–7 could still be relied upon. However, as stated in paragraph (c) of the rule, if an insider has made additional non-exempt purchases and sales within six months of the merger or consolidation, the exemption shall be unavailable to the extent of such purchases and sales.

Illustration: An officer purchases 100 shares of his company's common stock in the open market on June 1 and sells 100 shares on August 1. No exemption from Section 16(b) is available for these transactions. During the interim, the company reincorporates by merger. Although Rule 16b–7 is available for the officer's participation in the merger transaction, paragraph (c) of the rule diminishes his protection to the extent of his non-exempt purchase and sale.

H. Rule 16b–8 [17 CFR 240.16b–8]

Rule 16b–8 exempts from the operation of Section 16(b) any acquisition or disposition of an equity security involved in the deposit or withdrawal of such security under a voting trust or deposit agreement.

(145) *Question:* Is the exemption provided by Rule 16b–8 available to an insider who purchases securities of the class deposited and, within six months thereafter, sells certificates of deposit representing such securities?

Answer: The rule provides that the exemption is not available to the extent that there has been a purchase or sale of securities of the class deposited and a sale or purchase of certificates representing such securities within a period of less than six months. The intent of this provision is to exempt only transactions of withdrawal or deposit in the voting trust itself. The protection afforded by the rule is diminished and, perhaps, lost to the extent that the insider also has transactions of purchase and sale, or sale and purchase, in either the certificates of deposit or the underlying equity security within six months of the date of the deposit or withdrawal in the voting trust.

I. Rule 16b–9 [17 CFR 240.16b–9]

Rule 16b–9 generally provides that the conversion of one equity security into another equity security shall not constitute either a sale of the security converted or a purchase of the security acquired upon conversion for purposes of Section 16(b).

(146) *Question:* Would the fact that the security received upon conversion does not have substantially the same rights and privileges as the convertible security affect the availability of the exemption?

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[197] Letter re *Heritage Financial Corp.* dated September 19, 1978.

[198] Letter re *Petro-Lewis Corporation* dated July 9, 1979.

[199] Letter re *Southern Natural Gas Company* dated May 11, 1973; letter to *Ed Kaufman* dated May 25, 1973.

[200] Securities Exchange Act Release No. 4717 (June 9, 1952) [17 FR 5501].

Answer: No.

(147) *Question:* An insider holds convertible debentures for more than six months. He then converts the debentures into common stock and immediately sells some additional shares of common stock. Assuming he has no other relevant transactions, is rule 16b–9 available for his conversion?

Answer: Yes. The proviso to the rule states that the rule is not available to the extent that there are independent purchases and sales of the securities concerned within a period of less than six months, which period includes the date of conversion. Since the insider did not engage in any other relevant transactions within the six month period, the exemption is available.

Illustration: An insider of Company X acquires notes convertible into Company X common stock in a private placement. He intends to convert these notes one year later. The conversion will be effected at a time when he will not have purchased or sold any other equity securities of the company within the preceding six months. However, he intends to sell Company X common stock immediately after the conversion.

Interpretation: Rule 16b–9 is available, hence the acquisition of the common stock upon the conversion of the notes would not be deemed a purchase for purposes of Section 16(b).[201]

(148) *Question:* Is Rule 16b–9 available if, pursuant to the terms of the conversion right, the holder must make an additional cash payment in order to receive the new security?

Answer: Usually. In connection with the exercise of a conversion right, it is sometimes necessary to make a payment in addition to the surrender of the convertible security or, alternatively, surrender of the convertible security may result in the delivery of cash or other property in addition to the security received on conversion. Where such extra payments or receipts are not substantial in relation to the value of the securities involved, they do not affect the availability of the exemption. Thus, the exemption would still be available so long as not more than 15 percent of the value of the security received in exchange consisted of cash or property other than the convertible security.[202]

(149) *Question:* Would the application of anti-dilution provisions which might affect the conversion price of a convertible security, be considered a change in the conversion privilege for purposes of Rule 16b–9(a)(1)?

Answer: No.

Illustration: In accordance with a loan agreement, Company A issued and sold to Company B a $2,000,000 principal amount, convertible subordinated note. The note is convertible into shares of Company A common stock. The agreement requires Company A to make periodic pre-payments on the principal amount of the note. The agreement also provides for the adjustment of the conversion price of the note to prevent dilution of the conversion privilege and protect the proportional equity interest of the note holder. Any changes in the conversion price resulting from the operation of the anti-dilution provisions would occur solely because of actions taken by Company A and would not involve any further actions by, or negotiations with, the note holder.

Interpretation: Any change in the conversion price of the note, by operation of the anti-dilution provisions, would not be considered a change in the conversion privilege of the note for purposes of clause (1) of the proviso to paragraph (a) of Rule 16b–9.[203]

J. Rule 16b–10 [17 CFR 240.16b–10]

Rule 16b–10 exempts from Section 16(b) of the Exchange Act certain acquisitions of securities from an issuer received in exchanges made pursuant to the provisions of the Interstate Commerce Act. In order for the exemption to be available, the person acquiring the new security must be subject to one or more of the provisions of Part I of the Interstate Commerce Act and meet the other conditions set forth in the rule. The exemption was intended to provide a measure of protection for mandatory exchange transactions in connection with the reorganization of railroads and other carriers.

(150) *Question:* Is Rule 16b–10 available for the disposition of stock made in accordance with an order or condition imposed by the Interstate Commerce Commission?

Answer: No. The exemption covers only the acquisition of securities received in the mandatory exchange.

K. Rule 16b–11 [17 CFR 240.16b–11]

Rule 16b–11 exempts from Section 16(b) certain transactions involving the sale of short-term subscription rights distributed *pro rata* by an issuer to its security holders.

(151) *Question:* Does Rule 16b–11 exempt: (1) purchases of subscription rights for cash or other consideration; (2) sales of subscription rights which were purchased for cash or other consideration; or (3) the purchase of securities upon the exercise of subscription rights?

Answer: No. By its terms, the exemption is only available for the sale of subscription rights which were acquired from the issuer without the payment of consideration.

Illustration: A company proposes to file a registration statement under the Securities Act of 1933, pursuant to which it will offer to the holders of its common stock the right to subscribe for additional shares of common stock. The rights will be evidenced by transferable subscription warrants which will be distributed to stockholders *pro rata*, without the payment of any consideration, and will expire 30 days after issuance.

Interpretation: The sale of such rights by an insider would be exempt under Rule 16b–11.[204]

By the Commission.

George A. Fitzsimmons,

Secretary.

September 23, 1981.

[FR Doc. 81–28620 Filed 9–30–81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Parts 285, 286 and 287

[Release Nos. 33–6347, 34–18116, BWA–4, IAD–3; AD–3]

Primary Offerings by Multinational Banks

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending three virtually identical exemptive regulations for primary distribution of securities issued by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank. The amendments permit these banks to sell their securities immediately upon filing certain information with the Commission instead of waiting a period of seven days.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT:

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[201] Letter re *Oxoco* dated September 15, 1977.

[202] It should be noted that this exemption is construed to exclude the exercise of options, warrants or rights. See *Brenner v. Johnson*, 328 F.Supp. 149 (E.D. Wis. 1971), *mod.*, 467 F.2d 1080 (7th Cir. 1972).

[203] Letter re *Portec, Inc.* dated June 14, 1976.

[204] The exemption does not apply to the sale of subscription rights by a person who has purchased subscription rights for cash or other consideration, within the six-month period preceding or following such sale, to the extent of any such purchase. See paragraph (c) of Rule 16b–11.

Carl T. Bodolus (202) 272-3246, or Ronald Adee (202) 272-3250, Office of International Corporate Finance, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On June 25, 1981, there was published in the **Federal Register** (46 FR 32879) a notice of proposed rulemaking relating to the sale of securities issued by the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Asian Development Bank. Interested parties were given the opportunity to submit comments until July 24, 1981.

No unfavorable comments have been received, and the proposed amendments are hereby adopted without change and are set forth below.

George A. Fitzsimmons,
Secretary.
September 24, 1981.

PART 285—RULES AND REGULATIONS PURSUANT TO SECTION 15(A) OF THE BRETTON WOODS AGREEMENTS ACT

PART 286—GENERAL RULES AND REGULATIONS PURSUANT TO SECTION 11(A) OF THE INTER-AMERICAN DEVELOPMENT BANK ACT

PART 287—GENERAL RULES AND REGULATIONS PURSUANT TO SECTION 11(A) OF THE ASIAN DEVELOPMENT BANK ACT

Accordingly, 17 CFR 285.3, 286.3, and 287.3 are revised to read as follows:

§ —.3 Reports with respect to proposed distribution of primary obligations.

The Bank shall file with the Commission, on or prior to the date on which it sells any of its primary obligations in connection with a distribution of such obligations in the United States, a report containing the information and documents specified in Schedule A below. The term "sell" as used in this section and in Schedule A means the making of a completed sale or a firm commitment to sell.

Authority

These amendments are pursuant to Section 15(a) of the Bretton Woods Agreements Act, Section 11(a) of the Inter-American Development Bank Act, Section 11(a) of the Asian Development Bank Act, and Section 19(a) of the Securities Act of 1933.

[Sec. 15(a), 63 Stat. 298, 22 U.S.C. 286k-1(a); Sec. 11(a), 73 Stat. 301, 22 U.S.C. 283h(a); Sec. 11(a), 80 Stat. 73, 22 U.S.C. 285h(a); Sec. 19(a), 48 Stat. 85, 15 U.S.C. 77s(a)]

[FR Doc. 81-28549 Filed 9-30-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 274

[Docket No. RM81-44; Order No. 176]

Identification of Jurisdictional Agencies

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) amends 18 CFR 274.501, which identifies the State and Federal agencies from which well category determinations must be obtained under the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432). Section 503 of the NGPA provides that Federal and State agencies having regulatory jurisdiction with respect to the production of natural gas are authorized to make the initial determinations that gas qualifies under sections 102, 103, 107, and 108. Section 274.501 of the Commission's regulations lists the names and addresses of the appropriate jurisdictional agencies. The United States Department of Energy, the United States Geological Survey and the North Dakota Geological Survey have notified the Commission of a change in jurisdiction over specific natural gas production. The Commission now amends § 274.501(a)(2) to reflect those changes.

DATES: Effective date: September 23, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Hirsch, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8511.

SUPPLEMENTARY INFORMATION:

Issued: September 23, 1981.

By this rule, the Federal Energy Regulatory Commission (Commission) amends § 274.501, which identifies the State and Federal agencies from which well category determinations must be obtained under the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432). Section 503 of the NGPA provides that Federal and State agencies having regulatory jurisdiction with respect to the production of natural gas are authorized to make the initial determinations that gas qualifies under sections 102, 103, 107, and 108. Section 274.501 lists the names and addresses of the appropriate jurisdictional agencies. When a jurisdictional agency notifies the Commission of a change of jurisdiction over specific natural gas production, the change is reflected in § 274.501(a)(2) to provide current information to the public. The Commission now amends § 274.501(a)(2) to reflect changes submitted by the United States Department of Energy (DOE), the United States Geological Survey (USGS) and the North Dakota Geological Survey.

On March 28, 1980, the Commission received notice from DOE [1] that it was responsible for making well category determinations on certain Naval Petroleum Reserves.[2] On September 15, 1980, the Commission received notice from the USGS that its Central Region of the USGS Conservation Division located in Denver, Colorado, was the jurisdictional agency for Federal and Indian lands in the states of Colorado, Iowa, Kansas, Missouri, Nebraska and Utah. Also, on June 18, 1981, the North Dakota Geological Survey notified the Commission that effective July 1, 1981, the Industrial Commission would be the jurisdictional agency for lands other than federal lands for the state of North Dakota. Section 274.501(a)(2) is amended herein to reflect these changes.

Publication of a notice of proposed rulemaking and opportunity for public comment under section 553 (b) and (c) of the Administrative Procedure Act (5 U.S.C. 553) is unnecessary because the amendments simply inform the public of the identity and location of jurisdictional agencies. For the same reason, the 30 day publication prior to the effective date, otherwise required under section 553(d), is also unnecessary.

(Natural Gas Act, as amended, 15 U.S.C. 717-717w; Department of Energy Organization Act, 42 U.S.C. 7101-7352; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

For reasons stated herein, Part 274 of Subchapter H, Title 18, Code of Federal Regulations, is amended as set forth below, effective September 23, 1981.

By the Commission.

Kenneth F. Plumb,
Secretary.

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[1] See section 307 of DOE Organization Act. The Department of Energy's report of determination process, filed under § 274.105(a) was received by the Commission on March 28, 1980, and notice of receipt of the report was issued on May 1, 1980.

[2] Naval Petroleum Reserve No. 1 (Elk Hills, California), Naval Petroleum Reserve No. 2 (Buena Vista, California), Naval Petroleum Reserve No. 3 (Teapot Dome, Wyoming).

PART 274—DETERMINATIONS BY JURISDICTIONAL AGENCIES

Section 274.501(a)(2) is amended by adding a jurisdictional agency for federal lands in Iowa and Missouri and by revising the list of jurisdictional agencies for California, Colorado, Kansas, Nebraska, North Dakota, Utah and Wyoming to read as follows:

§ 274.501 Jurisdictional agency.

(a) Definitions * * *

* * * * *

(2) * * *

State in which well is located	Jurisdictional agency for wells on—	
	Federal lands	Other lands
* *	* * * * *	
California	(Except for Naval Petroleum Reserve No. 1 (Elk Hills) and Naval Petroleum Reserve No. 2 (Buena Vista)), Area Oil & Gas Supervisor, 160 Federal Building, 1340 West 6th Street, Los Angeles, CA 90017; or (Only Naval Petroleum Reserve No. 1 (Elk Hills) and Naval Petroleum Reserve No. 2 (Buena Vista)), Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness, DOE, 1000 Independence Ave. SW, Room 4G 084, Washington, D.C. 20585.	Department of Conservation, Division of Oil & Gas, 1416 Ninth St., Rm. 1316, Sacramento, CA 95814.
Colorado	DCM—Oil and Gas Conservation Div., USGS Box 25046, DECF, MS 609, Denver, CO 80225	Oil & Gas Conservation Commission, 1313 Sherman Street, Rm. 721, Denver, CO 80203.
* *	* * * * *	
Iowa	DCM—Oil and Gas Conservation Div., USGS Box 25046, DFC, MS 609, Denver, CO 80225	
* *	* * * * *	
Kansas	DCM—Oil and Gas Conservation Div., USGS Box 25046, DFC, MS 609, Denver, CO 80225	Corporation Commission, State Office Building, Topeka, KS 66612.
* *	* * * * *	
Missouri	DCM—Oil and Gas Conservation Div., USGS Box 25046, DFC, MS 609, Denver, CO 80225	
* *	* * * * *	
Nebraska	DCM—Oil and Gas Conservation Div., USGS Box 25046, DFC, MS 609, Denver, CO 80225	Oil & Gas Conservation Commission, Box 399, Sidney, NE 69162.
* *	* * * * *	
North Dakota	Area Oil & Gas Supervisor, P.O. Box 2589, 20002 Federal Bldg. & Post Office, Casper, WY 82602	Industrial Commission, Commission State Office Building, 900 East Boulevard, Bismarck, ND 58505.
* *	* * * * *	
Utah	DCM—Oil and Gas Conservation Div., USGS Box 25046, DFC, MS 609, Denver, CO 80225	Division of Oil, Gas and Mining, Utah Department of Natural Resources, 1588 West North Temple, Salt Lake City, Utah 84116.
* *	* * * * *	
Wyoming	(Except for Naval Petroleum Reserve No. 3 (Teapot Dome)), Area Oil & Gas Supervisor, P.O. Box 2859, 2000 Federal Bldg. & Post Office, Casper, WY 82602; or (Only Naval Petroleum Reserve No. 3 (Teapot Dome)), Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness, DOE, 1000 Independence Ave. SW, Room 4G 084, Washington, D.C. 20585.	Oil & Gas Conservation Commission, Box 2640, Casper, WY 82602.

[FR Doc. 81-2859 Filed 9-30-81; 8:45 am]

BILLING CODE 450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 81-256]

Vessels in Foreign and Domestic Trades

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to add Greece to the list of nations which permit vessels of the United States to transport certain articles specified in section 27, Merchant Marine Act of 1920, as amended, between their ports. The Department of State has furnished satisfactory evidence that Greece places no restrictions on the transportation of the specified articles by vessels of the United States between ports in that country. This amendment provides reciprocal privileges for vessels registered in Greece.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Michael K. Tomenga, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883) (the "Act"), provides generally that no merchandise shall be transported by water, or by land and water, between points in the United States except in vessels built in and documented under the laws of the United States and owned by U.S. citizens. However, the Act, as amended by Pub. L. 90–474 (82 Stat. 700; T.D. 68–227), provides that upon a finding by the Secretary of the Treasury, pursuant to information obtained and furnished by the Secretary of State that a foreign nation does not restrict the transportation of certain articles between its ports by vessels of the United States, reciprocal privileges will be accorded to vessels of that nation, and the prohibition against the transportation of those articles between points in the United States will not apply to its vessels.

Section 4.93(b)(1), Customs Regulations (19 CFR 4.93(b)(1)), lists those nations found to extend reciprocal privileges to vessels of the United States for the transportation of empty cargo vans, empty lift vans, and empty shipping tanks. Section 4.93(b)(2), Customs Regulations (19 CFR 4.93(b)(2)), lists those nations found to grant reciprocal privileges to vessels of the United States for the transportation of equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and certain equipment for use with such barges; certain empty instruments of international traffic; and certain stevedoring equipment and material.

Greece is included in the list in § 4.93(b)(1), Customs Regulations, of those nations found to extend reciprocal privileges to vessels of the United States for the transportation of empty cargo vans, empty lift vans, and empty shipping tanks.

On June 12, 1981, the Department of State advised the Secretary of the Treasury that Greece places no restrictions on the transportation of the other articles listed in the Act by vessels of the United States between ports in Greece.

Finding

On the basis of the information received from the Secretary of State, as described above, I find that the Government of Greece places no restrictions on the transportation of the other articles specified in section 27 of the Merchant Marine Act of 1920, as amended, by vessels of the United States between ports in Greece. Therefore, reciprocal privileges are accorded to vessels registered in Greece as of June 12, 1981.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Amendment to the Regulations

§ 4.93 [Amended]

To reflect the reciprocal privileges granted to vessels registered in Greece, § 4.93(b)(2), Customs Regulations (19 CFR 4.93(b)(2)), is amended by inserting "Greece" in appropriate alphabetical order in the list of nations under this section.

(Sec. 27, 41 Stat. 999, as amended, sec. 14, 67 Stat. 516, Pub. L. 90–474, 82 Stat. 700 (5 U.S.C. 301, 19 U.S.C. 1322(a), 46 U.S.C. 883))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this is a minor amendment in which the public is not particularly interested and there is a statutory basis for the described extension of reciprocal privileges, notice and public procedure pursuant to 5 U.S.C. 553(b)(B) are unnecessary. In accordance with 5 U.S.C. 553(d)(1), a delayed effective date is not required because this amendment grants an exemption.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code, as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act." That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of State and the Treasury participated in its development.

Dated: September 3, 1981.

John P. Simpson,
Acting Assistant Secretary of the Treasury.

[FR Doc. 81–28591 Filed 9–30–81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 40

[Order No. 957–81]

Standards for Inmate Grievance Procedures

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The "Civil Rights of Institutionalized Persons Act," Pub. L. 96–247, requires that the Attorney General promulgate minimum standards for inmate grievance procedures and establish a method of certifying such procedures. The following document fulfills these requirements. Specifically, this document amends Part 40 of Title 28, Code of Federal Regulations by revising Subpart A ("Minimum Standards for Inmate Grievance Procedures") and by adding a new Subpart B ("Procedures for Obtaining Certification of a Grievance Procedure"). This document is intended to provide the public with notice of the rule in this area, not just changes from prior policy.

EFFECTIVE DATE: November 1, 1981.

ADDRESS: Office of General Counsel, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534 (202) 724–3062.

SUPPLEMENTARY INFORMATION: The Civil Rights of Institutionalized Persons Act, Pub. L. 96–247, 94 Stat. 349 (the "Act"), grants the Attorney General of the United States authority to initiate and to intervene in civil actions against states and their political subdivisions to protect the federal rights of institutionalized persons. It also

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promotes the protection of constitutional rights of adults in correctional facilities by encouraging the development and implementation of administrative mechanisms for the resolution of prisoner grievances within institutions.

The Act requires that the Attorney General develop standards for prisoner grievance mechanisms in adult correctional and detention facilities and procedures to certify grievance mechanisms which meet those standards. States and their political subdivisions voluntarily may submit plans for grievance mechanisms to the Attorney General for such certification. A court may continue, for a period of up to 90 days, a case filed pursuant to 42 U.S.C. 1983 by an adult confined in a correctional or detention facility in order to require that adult to exhaust administrative remedies that the Attorney General or the court determines are in substantial compliance with the standards promulgated by the Attorney General. Such continuances should only occur if the issues raised in the action pursuant to 42 U.S.C. 1983 reasonably can be expected to be resolved by the grievance mechanism.

Section 7 of the Act, to be codified at 42 U.S.C. 1997e, requires that the standards for grievance mechanisms provide for an advisory role for employees and inmates in the formulation, implementation, and operation of the mechanism; specific time limits for written replies to grievances including explanations of decisions; priority processing of emergency grievances; safeguards to prevent reprisals against grievants; and independent review of grievance decisions "by a person or other entity not under the direct supervision or direct control of the institution."

Proposed standards on this rule were initially published November 28, 1980 (45 FR 79095 et seq.). Following receipt of comments, a final rule was published January 16, 1981 (46 FR 3843 et seq.). Pursuant to the provisions of the Act, the standards set forth in the final rule became effective March 9, 1981, thirty legislative days after final publication. By Order dated March 6, 1981 (46 FR 16100), however, the effective date of those parts of the rule that established methods of certification of inmate grievance procedures and an Office of Inmate Grievance Procedure Certification were deferred until March 30, 1981. In the same Order, the Attorney General gave notice of his intent to review and, if necessary, to revise the part of the rule that became effective March 9, 1981. Subsequently, by Order dated March 30, 1981 (46 FR 19935), the Attorney General again deferred, until June 30, 1981, the effective date of both Subpart B, which established methods of certification, and 0.18 which established an Office of Inmate Grievance Procedure Certification.

Following further review, the Attorney General, as stated in his March 6, 1981 Order, determined that the rule on Standards for Inmate Grievance Procedures should be republished as a proposed rule. Accordingly, by Order dated July 10, 1981 (46 FR 36843), the Attorney General removed 28 CFR Part 40, Subpart B and § 0.18 to Part 0 of Title 28, Code of Federal Regulations. This action was taken to prevent the confusion which would result from permitting the Department's regulations on methods of certification to go into effect while new procedures were simultaneously being proposed.

The Department of Justice republished its proposed Standards for Inmate Grievance Procedures July 16, 1981 (46 FR 36865 et seq.). That document contained a revision of Subpart A (Minimum Standards for Inmate Grievance Procedures) and a new Subpart B (Procedures for Obtaining Certification of a Grievance Procedure). Interested persons were invited to submit comments on the propose rule and public comments were received from various sources. On the basis of comments received, some changes have been made in the final rule. Members of the public may submit further comments concerning this rule by writing the previously cited address. These comments will be considered but will receive no further response in the **Federal Register**.

After review of the law and regulations, the Attorney General certifies that this final rule, for the purpose of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), will not have a significant impact on a substantial number of small entities. Further, the Attorney General has determined that the proposed standards do not constitute a "major rule" within the meaning of Executive Order 12291.

Summary of Changes/Comments

1. § *40.1*—Proposed § 40.17 is renumbered § 40.1. Comments requested clarification on whether the rule applies to pretrial inmates, as the definition of "inmate" in § 40.1(e) states "who has been convicted of a crime", while the definition of "institution" includes "pretrial detention facility". A comment favored including pretrial inmates within the scope of this rule; however, section 7 of the Act, specifies "an adult convicted of a crime confined in any jail, prison, or other correctional facility". To clarify this, the definition of "institution" is revised to specify that the Standards apply to institutions which house adult inmates. "Inmate" is defined in § 40.1(e) as "an individual confined in an institution for adults, who has been convicted of a crime". Any state, at its option, may elect to apply the standards to persons in pretrial status whether they are detained in a separate institution or in the same institution as adult inmates.

2. § *40.2*—Comments on this section objected to the provision that inmates be afforded an advisory role in the formulation and implementation of a grievance procedure. One comment stated that prisoners in county jails are in custody for short periods of time and are poor advisors because they are "inexperienced and unaware of the problems of the jail". Another commenter suggests the use of ex-offenders as advisors. Another commenter believed that the system itself provides an advisory role in both the implementation and reviewing phases of the procedure, as the inmate can call attention to procedural shortcomings through use of the system itself. Another commenter suggested that the rule lends a greater level of specificity to inmate advisory roles than is desirable or practicable. The commenter favors inmate/employee advisory roles through regular monthly "forum" meetings, which focus on numerous subjects, including the grievance procedure. Section 7(b)(2)(A) of the Act requires that employees and inmates have an advisory role in the formulation, implementation, and operation of the system. Correctional authorities have latitude in selecting a method to ensure that the advisory role is provided. This method may include periodic "forum" meetings, written notices with solicitation of comments, advisory committees, etc. While jail prisoners may be inexperienced and unaware of the problems of the jail, the Act requires an "advisory role" only, and gives correctional authorities latitude to determine the method of participation and the feasibility of suggestions.

3. § *40.3*—Comments objected to the provision that the written grievance procedure be distributed to all employees and inmates in the institution. One commenter stated that implementation of this provision would require "large expenditures of precious few dollars and staff time to make available to each and every new employe and inmate a copy of the entire and, presumably, lengthy procedure."

Another commenter stated that some institutional employees have no direct contact with or responsibility for inmates and therefore would have no substantive need for an individual copy of the procedure.

Although it is essential that all inmates and staff know that the procedure exists, the value of individual copies for every person is not clear. The cost factor and the administrative burden are not inconsequential, especially in facilities where large numbers of inmates are detained for relatively short periods of time. Accordingly, the final rule is revised to require the written grievance procedure to be "available" to all employees and inmates of the institution. This provision may be met by posting copies of the written procedure on inmate and staff bulletin boards, in inmate law libraries, ect. The rule also requires that each new inmate and employee receive both a written notification (possibly as part of an institution handbook) and an oral explanation (possibly as part of the institution orientation program) of the procedure.

We do not agree with a comment that this section needs to recognize that participating employees and inmates equally need training. Section 40.11(b) of the certification procedure clearly states that staff and inmates are to be afforded instructional materials.

4. § *40.5*—A commenter suggests that it would be unwise to allow a staff/inmate committee to review *all* complaints against staff and inmates since some complaints require absolute confidentiality, while other complaints result in the head of the institution having his actions or decisions reviewed by a group of subordinates. This section does not establish one required method for review of grievances, but only requires that the grievance procedure apply to a broad range of complaints and state specifically the type of complaints covered and excluded. There is no requirement that grievances be reviewed by a committee, as suggested by the commenter. An applicant may exclude from review by inmates participating in an advisory role, a grievance which is not against general policy and which poses a threat to institution security (for example, a serious allegation against an employee which may affect the security of the institution). As to the comment that the head of the institution may have his actions or decisions reviewed by subordinates, we point out that inmate/staff participation is advisory only, but this review can be useful in assessing how policy is perceived.

5. § *40.7*—A commenter suggests that § 40.7(a) encourage attempts at informal resolution of a grievance before formal filing to ensure that an inmate makes an initial effort to solve the problem with the appropriate person(s). Prior to the commenter's initiation of an informal resolution procedure, inmates "were ignoring the usual way of doing business which resulted in an extraordinarily high volume of appeals entering the system". An informal resolution process is highly desirable, and § 40.7(a) is revised accordingly.

The majority of all comments received related to § 40.7(b) and concerned the provision for inmate and employee participation in the operation of the system. The words "and use" were removed from the first sentence because inmate and employee participation is intended to promote the credibility of the system, but not to promote the use of the procedure. In response to concern that the third sentence of proposed § 40.7(b) was vague and difficult to understand, that sentence was redrafted to more clearly state its intent. Most comments opposed the concept of inmate participation. Commenters stated that such a provision creates a specific hardship on management, that the matter should be left to the discretion of prison officials (dependent on the situation at a given institution), that it may potentially impact on institution security, that it may subject inmate participants to exertion of pressure, criticisms and perhaps retaliatory actions from others, and that inmates may be perceived by other inmates to exercise a leadership role (thereby constituting a security risk). Several commenters pointed out specific problems which would be encountered with a jail population. One commenter said that inmates in their jail have an average stay of 62 days, and that the longer term inmates are "hard core, repeat offenders," with "no real interest in the efficient lawful operation of the jail". Another commenter pointed out that the short stay would make selection and evaluation of inmates for an advisory position "difficult and meaningless".

Several commenters favored inmate participation but believe that the proposed rule fails to accurately meet the Act's requirement for employees and inmates to be afforded an advisory role in the formulation, implementation, and operation of the system. One commenter suggests that the proposed rule "permits prisoner participation far short of that required under any reasonable interpretation of the statutory language." Another commenter objects to the limitation of inmate participation to general policy matters, as distinguished from specific actions or incidents relating to individual inmates.

The Act and its legislative history require an advisory role for employees and inmates in the formulation, implementation, and operation of the system. The Act also recognizes the need to solicit and incorporate the suggestions of correctional experts, as it requires that the Attorney General shall "after consultation with persons, State and local agencies, and organizations with background and expertise in the area of corrections, promulgate minimum standards * * *". The rule as written accommodates the legitimate security concerns of correctional persons and complies with the minimum requirements of the Act. One commenter believed the language is insufficient, that the rule should provide guidance more specific than the statute. The rule is considerably more detailed than the statute. The rule language sets the framework and the tone for what is expected, and the applicant has discretion to determine how best to fulfill the requirement. Different approaches may be considered. If the method chosen is not sufficient, the Attorney General will not award certification.

In respect to comments that there is no support in the Act or its legislative history for limiting inmate participation to grievances on general policy matters, the Act does not require that inmates and staff advise on all grievances, and it calls for the establishment of minimum standards after consultation with corrections authorities. Because some commenters believe the inmates' advisory role in resolution should be restricted to no more than general policy matters, and because most commenters believe it is unwise and even dangerous to place one inmate in an apparent or quasi decision-making role in the specific grievance of another, we believe it is unwise to require as a minimum standard a more extensive advisory role for inmates than required in the present rule. These rules set minimum standards which applicants may then expand if they wish. For example, inmate participation may be solicited in a grievance concerning an institution's administrative detention policy. For reasons addressed by most correctional authorities, however, inmate participation in a grievance concerning another inmate's placement in detention is considered inappropriate, as it may permit one inmate to unreasonably intrude on the privacy of another, it may affect institution security, it may subject

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inmate participants to undue pressure and retaliation, and it may invite corruption. While two commenters believe that limiting inmate participation to grievances of general policy would diminish the inmates' perception of the system's credibility, the majority of comments on that issue are best described by one comment that inmate trust and inmate belief in the credibility of the system are not a function of inmate participation, since that participation in any event is advisory, but depend on how well correctional officials, who are and must be the final decision-makers, operate the system.

We disagree with a comment that this section conflicts with Standard 1.11 (which requires "an advisory role for inmates and staff in the formulation, implementation and general policy operation of the system") of the Department of Justice Federal Standards for Prisons and Jails. Section 40.7(b) clearly reflects the same principle, that the advisory role on operation need only relate to general policy questions.

Several commenters addressed the method of inmate participation and many were under the impression that grievance hearings or some form of inmate-employee grievance resolution committee are required. To resolve this misconception, a new sentence has been added to make it clear that these methods of resolving grievances are permitted but not required. The method of participation is intentionally left unspecified so that correctional authorities may consider the applicable constraints and factors which exist at their institutions. The need for this latitude is demonstrated by one state correctional official who reported that while several institutions in his state have been able to operate inmate councils in "an effective and non-disruptive manner", at least two institutions "have recently experienced disruptions caused by misguided and pressured inmate council members". In addition to inmate councils, other examples of inmate participation include the solicitation of written comments on the posted abstract of policy grievances, advisory committee discussions, and inmate/staff town meetings.

We disagree with a comment that inmate review of the effectiveness and credibility of the grievance procedure be at the discretion of the institution if inmates and employees are allowed to actively participate in disposition of grievances challenging policy and practices. Inmate assessment of the procedure, regardless of their participation in the system, is beneficial in both learning how the system is perceived, and in making the effort to strengthen the effectiveness and credibility of the mechanics of the system. Inmate participation "before the adjudication of the grievance" in § 40.7(b) means before the first formal level of adjudication, and is amended accordingly.

No change is contemplated in response to a comment that § 40.7(c) should specifically state that the institution establish a procedure for investigating the allegations and establishing the facts of each grievance. The title of § 40.7(c), "Investigation and consideration", clearly indicates an investigation is to occur, and such a rule would simply belabor the obvious. Nor do we believe it necessary to revise this section to specify that no direct party to the grievance should be involved. The existing language is intended to exclude persons who, although not directly involved, may have been indirectly involved in the subject of the grievance (for example, a witness to an act which is the subject of the grievance). It is not intended, as suggested by a commenter, to preclude the Warden from responding to a grievance about an institutional policy promulgated by the Warden.

We disagree with a comment to § 40.7(d) that the rule should require that the grievant file a reasoned, written statement as to why he wishes to appeal further. The commenter objected to a common practice whereby a grievant appeals, stating only "appeal further". While some states may wish to require further specificity, as to the exact substance of an appeal, this is a matter better left to the applicant's discretion than to this rule. Another comment to this section states that the rule does not identify decision levels. This is intentional to give each applicant latitude to establish its own levels of decision and review in compliance with § 40.7(f). With respect to a comment that suggests deletion of the phrase "if available", we note that administrative appeal is not available after the final stage.

Comments on § 40.7(e) objected to the requirement that grievances must be processed from initiation to final disposition in less than 90 days, unless the grievant agrees in writing to an extension. While some grievances may require in excess of 90 days, for resolution (for example, on a policy issue), the Act in § 7(a)(1), permits continuance for exhaustion for no more than 90 days. To clarify, § 40.7(e) substitutes the phrase "within 90 days" for "in less than 90 days".

Two commenters to § 40.7(f) favored the provision that the required review be conducted by a person or other entity not under the supervision or control of the correctional agency. Such a requirement, however, would clearly go beyond the provision of the Act which requires "independent review * * * by a person or other entity not under the direct supervision or direct control of the institution". Further, there are strong arguments for not having review outside of the agency. The existing rule language does not prohibit review by an authority outside the correctional agency but leaves this determination to individual applicants.

We do not agree with another comment to § 40.7(f) that inmates will always exercise this review provision or that the correctional system itself cannot effectively serves as an objective third party. Experience with, and knowledge of existing grievance procedures clearly indicate that inmates don't automatically exercise their right to appeal nor do appeal responses within the correctional system routinely show a lack of objectivity.

A commenter to both § 40.7(f) and § 40.8 asked who had responsibility to select or appoint a person or persons outside of the institution to serve as the reviewing official. Such a selection is presumed to be made by the applicant.

6. § *40.8*—Several commenters to § 40.8 objected to the need for an emergency procedure. One commenter believed that the use "of multi-level grievance procedure requiring inmate, employee and outside participation is inefficient for this purpose." The commenter favored the development of an alternative approach, for example, directing the grievance to the appropriate administrator. Another commenter believes that an emergency provision "unnecessarily complicates the entire process", stating that failure to act promptly will undermine the validity of the system and be detrimental to the correctional institution. The language of the Act requires the development of a procedure for "priority processing of grievances which are of an emergency nature". While an individual is encouraged to go to the "appropriate administrator" prior to filing a grievance, the rule does provide an inmate an alternative course of action in the event that the emergency situation is not expeditiously handled. Another comment assumes the need to initially refer the emergency complaint to a grievance committee, but there is nothing in the Act which requires that a committee exist for any reason in the grievance procedure. The rule allows for

an emergency appeal directly to the decision level of the grievance process. In the event that the grievance does not warrant an emergency review, it may be returned to the inmate for routine submission.

There is merit to comments that the grievance procedure needs to provide guidance in determining emergency matters to be reviewed. The proposed language requiring specificity, however, is unnecessary and may result in applicants inadvertently omitting subjects which may constitute an emergency. The basis for emergency review is described in the existing rule language as a matter which could "subject the inmate to a substantial risk of personal injury, or cause other serious and irreparable harm to the inmate." Accordingly, the final rule deletes language requiring that the grievance procedure state specifically the matters to be reviewed.

7. § *40.9*—In response to comments, § 40.9 is revised. The final rule is expanded to prohibit reprisals against anyone for their good faith use of or good faith participation in the grievance procedure. This revision satisfies public comments that employees be included within the provisions of this section. The "good faith" condition is added as a result of comments, and changes the rule so that appropriate disciplinary action is not precluded in cases of deliberate, malicious filings. We consider it impractical and unnecessary to adopt a suggestion that the rule require an applicant to specify steps that will be taken to prevent and redress reprisals, and the penalties for engaging in reprisals, though individual applicants are free to do so. Reprisals are a form of employee misconduct which is governed, as to procedures and sanctions, by provisions other than the grievance procedure.

8. § *40.10*—We do not agree with a comment to § 40.10(a) that the minimal reporting and recording system for grievance matters is meaningless. The requested information can be provided in a single-line log, card, or data entry per case, which easily provides a general overview of the system's operation.

Commenters to § 40.10(b) opposed the provisions on confidentiality. One commenter stated that staff may need to review grievances for many non-clerical reasons, including certain transfer decisions (a grievance could have been filed against placement in a particular institution), to determine whether an inmate has exhausted administrative remedies, etc. Another commenter stated that § 40.9, by prohibiting reprisals, clearly prohibits misuse of the grievance information. Recognizing these concerns, the final rule incorporates the substance of a comment that the records regarding the participation of an inmate in the grievance procedures shall be considered confidential and shall be handled under the same procedures used to protect other confidential case records.

9. § *40.11 (Proposed)*—Several commenters objected to the annual comprehensive evaluation required by § 40.11. Commenters believed that it places an unjustified burden upon small entities and that the necessary resources (staff and hardware) will not be available. Another commenter believes that it is impossible to report accurately the costs generated or saved by compliance with 42 U.S.C. 1997e "due to the myriad of other factors affecting the cost associated with the correctional system."

In assessing these comments and after a review of the Act, it has been determined that inclusion of § 40.11 is neither necessary nor cost-effective, and that it would be of questionable value. Accordingly, proposed § 40.11 is deleted from the final rule. Section 40.10(a) requires maintenance of records and establishes the minimum information that is to be retained. Additional information and/or evaluation may be maintained at the discretion of the applicant.

One commenter to this section indicates that there is a need to continually monitor the program, preferably by a person or entity within the agency that is outside the chain of command of the institution. While an applicant may wish to establish a separate monitoring procedure, we believe that the appeal process can be adequately monitored by that entity designated to be the final level of appeal. We do not believe it necessary for the rule to require a separate provision for monitoring.

Based on the deletion of proposed § 40.11, proposed §§ 40.12–23 become final §§ 40.11–22.

10. § *40.11*—We do not believe, as suggested by a commenter, that the absence of a separate office for grievance certification will adversely affect the certification process. While a separate office might have some useful aspects, administrative costs do not warrant its establishment now. If the need exists at some future date, consideration can then be given to the establishment of a separate office for certification.

There is no requirement in the proposed rule that each inmate or employee receive training in the operation of the grievance system. As specified in § 40.3, each inmate and employee is to be afforded written notification of and is to be orally advised of the existence of the procedure. The training required in the latter part of final § 40.11(b) is only for those persons who are directly involved in the operation of the system. "If any" was added to recognize that special training for inmates may not be necessary for some methods of advisory inmate participation.

11. § *40.12*—A commenter objected to proposed § 40.13 (now final § 40.12), stating that the published notice requirement is a waste of tax dollars and that it is vague in respect to what is required. In response to this comment, the publication requirement has been replaced by a requirement that an applicant post notice of its intent to apply for certification in prominent places in each affected institution and provide a similar notice to the U.S. District Court(s) with jurisdiction over the institution(s). Proposed § 40.12(b) has been deleted because its requirements are not applicable under the terms of the final rule.

12. § *40.13*—A commenter believes that proposed § 40.14 (now final § 40.13) is vague and, in conjunction with the notice provision, that it creates a situation whereby the applicant is placed in the "middle of a political controversy with those 'groups and persons' which have developed and attempted to promulgate philosophies of corrections for and against the rights of incarcerated persons". The commenter believes that the net effect of these requirements is to discourage rather than encourage state applicants. A final objection is based on the view that since the Federal District Court with jurisdiction over 42 U.S.C. 1983 actions can determine if a 90-day continuation is in order, the requirements of final § 40.12 are cumbersome and that the requirements of final § 40.13 are subjecting the state applicant to political pressures.

It is not the intent of the proposed rule to create the situation identified by this commenter. The posting of the notice and inviting of comments provide interested persons with the knowledge that an application for certification is to be filed. The Attorney General's review of the comments received is limited to the certification process, and is not intended, nor expected, to create a "political controversy".

A commenter requests clarification on what constitutes a reasonable amount of time for a response by the Attorney General. The rule requires that a

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response be prepared as promptly as the circumstances permit. It is not now possible to set a specific time frame, since the number and complexity of the applications and the volume of information to be reviewed are unknown.

13. § *40.20*—The word "whether" is changed to "if" in the last sentence of § 40.20 to make it clear that the Attorney General need notify an applicant only if a proposed change would result in suspension of certification.

14. § *40.22*—It is not appropriate to add the phrase, as suggested by a commenter, that "these standards create no legally enforceable rights or expectations of any kind." In suggesting this language the commenter refers to the revised Preamble (see 46 FR 39515–16) to the Federal Standards for Prisons and Jails. The Federal Standards for Prisons and Jails were not statutorily created as is the case with this present publication. As for this grievance procedure, certification of the procedure will give a U.S. Court the authority to continue an inmate's claim under 42 U.S.C. 1983 for 90 days in order to exhaust these administrative remedies.

15. *Additional comments*—Several commenters objected to the grievance procedures in their entirety. One commenter believed that the proposed procedure "is a series of mistakes", that it is "far too burdensome on a jail administration". Other comments suggested that the Commission on Accreditation for Corrections Standards serve as the definitive set of standards for jails, with one commenter stating that imposing additional standards only serves to impose an additional level of regulations that is unnecessary. We believe these Standards, as revised, are adaptable to jail situations (with frequent turnover of population) if an applicant chooses to apply them to jails. We concur with the statements supporting definitive standards for corrections; we do not believe that these standards for grievance procedures conflict with those published by the Commission on Accreditation for Corrections. Rather, the rule deals with a certification process for the grievance procedure, and describes what the system should include in order for the Attorney General to award certification.

Another comment suggested that the grievance standards need to retain flexibility to accommodate the "healthy diversity" that exists among various states. We agree, and believe that this is accomplished in the existing standards, which set guidelines, but leave specific procedures to each applicant. These revised standards recognize, as suggested in a comment, the "assumption that state correction officials by and large seek to discharge their duties with the utmost good faith * * *".

A suggestion that the Commentary published in the January 1981 final rule be retained is not adopted, as this information is believed extraneous to the substance of the rule. Another commenter suggested that the implementation of this grievance procedure would be better served if federal assistance were granted. Federal assistance is a separate issue, not required to be addressed by the Act in these standards. These rules have been adopted on the basic assumption that each state should develop its own grievance procedure. Federal assistance in the form of consultation, as opposed to monetary support, is available upon request. In response to a final comment, the rule does not require periodic review by the Attorney General. It is expected that reviews will be conducted as the need arises, based on specific requests or information.

For the reasons set forth in the preamble and under the authority of Pub. L. 96–247, 94 Stat. 349 (42 U.S.C. 1997) the Attorney General amends Part 40 of Title 28, Code of Federal Regulations by revising Subpart A and by adding a new Subpart B.

40 CFR is amended by revising Subpart A and by adding a new Subpart B to read as follows:

PART 40—STANDARDS FOR INMATE GRIEVANCE PROCEDURES

Subpart A—Minimum Standards for Inmate Grievance Procedures

Sec.
40.1 Definitions.
40.2 Adoption of procedures.
40.3 Communication of procedures.
40.4 Accessibility.
40.5 Applicability.
40.6 Remedies.
40.7 Operation and decision.
40.8 Emergency procedure.
40.9 Reprisals.
40.10 Records—nature; confidentiality.

Subpart B—Procedures for Obtaining Certification of a Grievance Procedure

40.11 Submissions by applicant.
40.12 Notice of intent to apply for certification.
40.13 Review by the Attorney General.
40.14 Conditional certification.
40.15 Full certification.
40.16 Denial of certification.
40.17 Reapplication after denial of certification.
40.18 Suspension of certification.
40.19 Withdrawal of certification.
40.20 Contemplated change in certified procedure.
40.21 Notification of court.
40.22 Significance of certification.

Authority: Pub. L. 96–247, 94 Stat. 349 (42 U.S.C. 1997).

Subpart A—Minimum Standards for Inmate Grievance Procedures

§ 40.1 Definitions.

For the purposes of this part—

(a) "Act" means the Civil Rights of Institutionalized Persons Act, Pub. L. 96–247, 94 Stat. 349 (42 U.S.C. 1997).

(b) "Applicant" means a state or political subdivision of a state that submits to the Attorney General a request for certification of a grievance procedure.

(c) "Attorney General" means the Attorney General of the United States or the Attorney General's designees.

(d) "Grievance" means a written complaint by an inmate on the inmate's own behalf regarding a policy applicable within an institution, a condition in an institution, an action involving an inmate of an institution, or an incident occurring within an institution. The term "grievance" does not include a complaint relating to a parole decision.

(e) "Inmate" means an individual confined in an institution for adults, who has been convicted of a crime.

(f) "Institution" means a jail, prison, or other correctional facility, or pretrial detention facility that houses adult inmates and is owned, operated, or managed by or provides services on behalf of a State or political subdivision of a State.

(g) "State" means a State of the United States, the District of Columbia, the commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

(h) "Substantial compliance" means that there is no omission of any essential part from compliance, that any omission consists only of an unimportant defect or omission, and that there has been a firm effort to comply fully with the standards.

§ 40.2 Adoption of procedures.

Each applicant seeking certification of its grievance procedure for purposes of the Act shall adopt a written grievance procedure. Inmates and employees shall be afforded an advisory role in the formulation and implementation of a grievance procedure adopted after the effective date of these regulations, and shall be afforded an advisory role in reviewing the compliance with the standards set forth herein of a grievance procedure adopted prior to the effective date of these regulations.

§ 40.3 Communication of procedures.

The written grievance procedure shall be readily available to all employees and inmates of the institution. Additionally, each inmate and employee shall, upon arrival at the institution, receive written notification and an oral explanation of the procedure, including the opportunity to have questions regarding the procedure answered orally. The written procedure shall be available in any language spoken by a significant portion of the institution's population, and appropriate provisions shall be made for those not speaking those languages, as well as for the impaired and the handicapped.

§ 40.4 Accessibility.

Each inmate shall be entitled to invoke the grievance procedure regardless of any disciplinary, classification, or other administrative or legislative decision to which the inmate may be subject. The institution shall ensure that the procedure is accessible to impaired and handicapped inmates.

§ 40.5 Applicability.

The grievance procedure shall be applicable to a broad range of complaints and shall state specifically the types of complaints covered and excluded. At a minimum, the grievance procedure shall permit complaints by inmates regarding policies and conditions within the jurisdiction of the institution or the correctional agency that affect them personally, as well as actions by employees and inmates, and incidents occurring within the institution that affect them personally. The grievance procedure shall not be used as a disciplinary procedure.

§ 40.6 Remedies.

The grievance procedure shall afford a successful grievant a meaningful remedy. Although available remedies may vary among institutions, a reasonable range of meaningful remedies in each institution is necessary.

§ 40.7 Operation and decision.

(a) *Initiation.* The institution may require an inmate to attempt informal resolution before the inmate files a grievance under this procedure. The procedure for initiating a grievance shall be simple and include the use of a standard form. Necessary materials shall be freely available to all inmates and assistance shall be readily available for inmates who cannot complete the forms themselves. Forms shall not demand unnecessary technical compliance with formal structure or detail, but shall encourage a simple and straightforward statement of the inmate's grievance.

(b) *Inmate and employee participation.* The institution shall provide a role for employees and inmates in the operation of the system in such a manner as to promote the credibility of the grievance procedure. At a minimum, some employees and inmates shall be permitted to participate in an advisory capacity in the disposition of grievances challenging general policy and practices and to review the effectiveness and credibility of the grievance procedure. In any instance in which inmates and employees are afforded an advisory role in the disposition of an individual grievance, the opportunity for such participation shall occur before the initial adjudication of the grievance. Such participation may be limited to advisory comment on policy questions which are raised or implicated in a grievance, without identification of individual names or specific facts. No inmate shall participate in the resolution of any other inmate's grievance over the objection of the grievant. In-person hearings and formally established inmate-employee committees are permitted, but are not required as part of the grievance procedure.

(c) *Investigation and consideration.* No inmate or employee who appears to be involved in the matter shall participate in any capacity in the resolution of the grievance.

(d) *Reasoned, written responses.* Each grievance shall be answered in writing at each level of decision and review. The response shall state the reasons for the decision reached and shall include a statement that the inmate is entitled to further review, if such is available, and shall contain simple directions for obtaining such review.

(e) *Fixed time limits.* Responses shall be made within fixed time limits at each level of decision. Time limits may vary between institutions, but expeditious processing of grievances at each level of decision is essential to prevent grievances from becoming moot. In all instances grievances must be processed from initiation to final disposition within 90 days, unless the grievant agrees in writing to an extension for a fixed period. Expiration of a time limit at any stage of the process shall entitle the grievant to move to the next stage of the process, unless the grievant has agreed in writing to an extension of the time for a response.

(f) *Review.* The grievant shall be entitled to review by a person or other entity, not under the institution's supervision or control, of the disposition of all grievances, including alleged reprisals by an employee against an inmate. A request for review shall be allowed automatically without interference by administrators or employees of the institution and such review shall be conducted without influence or interference by administrators or employees of the institution.

§ 40.8 Emergency procedure.

The grievance procedure shall contain special provision for responding to grievances of an emergency nature. Emergency grievances shall be defined, at a minimum, as matters regarding which disposition according to the regular time limits would subject the inmate to a substantial risk of personal injury, or cause other serious and irreparable harm to the inmate. Emergency grievances shall be forwarded immediately, without substantive review, to the level at which corrective action can be taken. The procedure for resolving emergency grievances shall provide for expedited responses at evey level of decision. The emergency procedure shall also include review by a person or entity not under the supervision or control of the institution.

§ 40.9 Reprisals.

The grievance procedure shall prohibit reprisals. "Reprisal" means any action or threat of action against anyone for the good faith use of or good faith participation in the grievance procedure. The written procedure shall include asurance that good faith use of or good faith participation in the grievance mechanism will not result in formal or informal reprisal. An inmate shall be entitled to pursue through the grievance procedure a complaint that a reprisal occurred.

§ 40.10 Records—nature; confidentiality.

(a) *Nature.* Records regarding the filing and disposition of grievances shall be collected and maintained systematically by the institution. Such records shall be preserved for at least three years following final disposition of the grievance. At a minimum, such records shall include aggregate information regarding the numbers, types and dispositions of grievances, as well as individual records of the date of and the reasons for each disposition at each stage of the procedure.

(b) *Confidentiality.* Records regarding the participation of an individual in the grievance proceedings shall be considered confidential and shall be handled under the same procedures used to protect other confidential case

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records. Consistent with ensuring confidentiality, staff who are participating in the disposition of a grievance shall have access to records essential to the resolution of the grievance.

Subpart B—Procedures for Obtaining Certification of a Grievance Procedure

§ 40.11 Submissions by applicant.

An application for certification shall be submitted to the Office of the Associate Attorney General, Department of Justice, Main Justice Building, Washington, D.C. 20530, and shall contain the following:

(a) *Written statement.* A written statement describing the grievance procedure, including a brief description of the institution or institutions covered by the procedure, with accompanying plans for or evidence of implementation in each institution.

(b) *Instructional materials.* A copy of the instructional materials for inmates and employees regarding use of the grievance procedure together with a description of the manner in which such materials are distributed, a description of the oral explanation of the grievance procedure, including the circumstances under which it is delivered, and a description of the training, if any, provided to employees and inmates in the skills necessary to operate the grievance procedure.

(c) *Form.* A copy of the form used by inmates to initiate a grievance and to obtain review of the disposition of a grievance.

(d) *Information regarding past performance.* For a procedure that has operated for more than one year at the time of the application, the applicant shall submit information regarding the number and types of grievances filed over the preceding year, the disposition of the grievances with sample responses from each level of decision, the remedies granted, evidence of compliance with time limits at each level of decision, and a description of the role of inmates and employees in the formulation, implementation, and operation of the grievance procedure.

(e) *Plan for collecting information.* For a procedure that has operated for less than one year at the time of the application, the applicant shall submit a plan for collecting the information described in paragraph (d) of this section.

(f) *Assurance of confidentiality.* A description of the steps taken to ensure the confidentiality of records of individual use of or participation in the grievance procedure.

(g) *Evaluation.* A description of the plans for periodic evaluation of the grievance procedure, including identification of the group, individuals or individual who will conduct the evaluation and identification of the person or entity not under the control or supervision of the institution who will review the evaluation, together with two copies of the most recent evaluation, if one has been performed.

§ 40.12 Notice of intent to apply for certification.

The applicant shall post notice of its intent to request certification in prominent places in each institution to be covered by the procedure and shall provide similar written notice to the U.S. District Court(s) having jurisdiction over each institution to be covered by the procedure. The notices shall invite comments regarding the grievance procedure and direct them to the Attorney General.

§ 40.13 Review by the Attorney General.

The Attorney General shall review and respond to each application as promptly as the circumstances, including the need for independent investigation and consideration of the comments of agencies, and interested groups and persons, permit.

§ 40.14 Conditional certification.

If, in the judgment of the Attorney General, a grievance procedure that has been in existence less than one year is at the time of application in substantial compliance with the standards promulgated herein, the Attorney General shall grant conditional certification for one year or until the applicant satisfies the requirements of § 40.15, whichever period is shorter.

§ 40.15 Full certification.

If, in the judgment of the Attorney General, a grievance procedure that has been in existence longer than one year at the time of application is in substantial compliance with the standards promulgated herein, full certification shall be granted. Such certification shall remain in effect unless and until the Attorney General finds reasonable cause to believe that the grievance procedure is no longer in substantial compliance with the minimum standards and so notifies the applicant in writing.

§ 40.16 Denial of certification.

If the Attorney General finds that the grievance procedure is not in substantial compliance with the standards promulgated herein, the Attorney General shall deny certification and inform the applicant in writing of the area or areas in which the grievance procedure or the application is deemed inadequate.

§ 40.17 Reapplication after denial of certification.

An applicant denied certification may resubmit an application for certification at any time after the inadequacy in the application or the grievance procedure is corrected.

§ 40.18 Suspension of certification.

(a) *Reasonable belief of non-compliance.* If the Attorney General has reasonable grounds to believe that a previously certified grievance procedure may no longer be in substantial compliance with the minimum standards, the Attorney General shall suspend certification. The suspension shall continue until such time as the deficiency is corrected, in which case certification shall be reinstated, or until the Attorney General determines that substantial compliance no longer exists, in which case, except as provided in paragraph (b) of this section, the Attorney General shall withdraw certification pursuant to § 40.19 of this part.

(b) *Defect may be readily remedied; good faith effort.* If the Attorney General determines that a grievance procedure is no longer in substantial compliance with the minimum standards, but has reason to believe that the defect may be readily corrected and that good faith efforts are underway to correct it, the Attorney General may suspend certification until the grievance procedure returns to compliance with the minimum standards.

(c) *Recertification after suspension pursuant to paragraph (a).* The Attorney General shall reinstate the certification of an appliant whose certification was suspended pursuant to paragraph (a) of this section upon a demonstration in writing by the applicant that the specific deficiency on which the suspension was based has been corrected or that the information that caused the Attorney General to suspend certification was erroneous.

(d) *Recertification after suspension pursuant to paragraph (b).* The Attorney General shall reinstate the certification of an applicant whose certification has been suspended pursuant to paragraph (b) upon a demonstration in writing that the deficiency on which the suspension was based has been corrected.

(e) *Notification in writing of suspension or reinstatement.* The Attorney General shall notify an applicant in writing that certification has been suspended or reinstated and state the reasons for the action.

§ 40.19 Withdrawal of certification.

(a) *Finding of non-compliance.* If the Attorney General finds that a grievance procedure is no longer in substantial compliance with the minimum standards, the Attorney General shall withdraw certification, unless the Attorney General concludes that suspension of certification under § 40.18(b) of this part is appropriate.

(b) *Notification in writing of withdrawal of certification.* The Attorney General shall notify an applicant in writing that certification has been withdrawn and state the reasons for the action.

(c) *Recertification after withdrawal.* An applicant whose certification has been withdrawn and who wishes to receive recertification shall submit a new application for certification.

§ 40.20 Contemplated change in certified procedure.

A proposed change in a certified procedure must be submitted to the Attorney General thirty days in advance of its proposed effective date. The Attorney General shall review such proposed change and notify the applicant in writing before the effective date of the proposed change if such change will result in suspension or withdrawal of the certification of the grievance procedure.

§ 40.21 Notification of court.

The Attorney General shall notify in writing the Chief Judges of the United States Court of Appeals and of the United States District Court(s) within whose jurisdiction the applicant is located of the certification, suspension of certification, withdrawal of certification and recertification of the applicant's grievance procedure. The Attorney General shall also notify the court of the certification status of any grievance procedure at the request of the court or any party in an action by an adult inmate pursuant to 42 U.S.C. 1983.

§ 40.22 Significance of certification.

Certification of a grievance procedure by the Attorney General shall signify only that on the basis of the information submitted, the Attorney General believes the grievance procedure is in substantial compliance with the minimum standards. Certification shall not indicate approval of the use or application of the grievance procedure in a particular case.

Dated: September 25, 1981.

William French Smith,
Attorney General.

[FR Doc. 81-28587 Filed 9-30-81; 8:45 am]

BILLING CODE 4410-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Procedural Regulations on Filing and Deferral of Charges of Discrimination; Correction

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects two typographical errors contained in the final regulation on filing and deferral of charges of discrimination which was published August 26, 1981 (46 FR 43037).

FOR FURTHER INFORMATION CONTACT: Thomas J. Schlageter, (202) 653-5490, Legal Counsel Division, EEOC, 2401 E Street, N.W., Washington, D.C. 20506.

Signed at Washington, D.C. this 22d day of September 1981.

For the Commission.

J. Clay Smith, Jr.,
Acting Chairman, Equal Employment Opportunity Commission.

In FR Doc. 81-24877, appearing at page 43037 in the August 26, 1981 issue of the **Federal Register**, the word "and" and the figure "30" should be "an" and "300" respectively in sections 1601.13(a)(2) and 1601.13(b)(2)(ii). Accordingly, the Equal Employment Opportunity Commission is correcting 29 CFR 1601.13(a)(2) and 1601.13(b)(2)(ii) to read as follows:

§ 1601.13 Filing; deferrals to State and local agencies.

* * * * *

(a) * * *

(2) A jurisdiction having a 706 Agency without subject matter jurisdiction over a charge (e.g., an agency which does not cover sex discrimination or does not cover nonprofit organizations) * * *

(b) * * *

(2) * * *

(ii) If the 706 Agency proceedings have terminated, the charge may be timely filed with the Commission within 30 days of receipt of notice that the 706 Agency proceedings have been terminated or within 300 days from the date of the alleged violation, whichever is earlier.

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FR Doc. 81-28553 Filed 9-30-81; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 185

[DoD Directive 3025.10] [1]

Military Support of Civil Defense

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule.

SUMMARY: This rule is being reissued to incorporate relevant provisions of Executive Order 12148, "Federal Emergency Management," July 20, 1979, as amended, and to provide guidance to all DoD components for DoD support of the national civil defense program under the proponency of the Federal Emergency Management Agency (FEMA). The reissuance establishes revised DoD policies and responsibilities for military support of civil defense under a national emergency involving an attack, or a condition that might precede an attack, on the United States.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Colonel Conrad C. Gonzales, USAF, Office of the Deputy Under Secretary of Defense (Policy), Directorate for Emergency Planning, Washington, D.C. 20301, telephone 202-694-4534.

SUPPLEMENTARY INFORMATION: In FR Doc. 65-3852, appearing in the **Federal Register** (30 FR 4753) on April 14, 1965, the Secretary of Defense published this rule under Part 220 of this title, which was later redesignated Part 185 (33 FR 6913, May 8, 1968). The source document of this revised Part 185, DoD Directive 3025.10, July 22, 1981, was signed by Frank C. Carlucci, Deputy Secretary of Defense.

Accordingly, 32 CFR is being amended by revising Part 185, reading as follows:

PART 185—MILITARY SUPPORT OF CIVIL DEFENSE

Sec.
185.1 Reissuance and purpose.
185.2 Applicability and scope.
185.3 Definitions.
185.4 Policy.
185.5 Responsibilities.
185.6 Financing.

Authority: The Federal Civil Defense Act of 1950 (64 Stat. 1245-1257), as amended; E.O. 12148, July 20, 1979, as amended.

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[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

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§ 185.1 Reissuance and purpose.

This Part is reissued to establish DoD policies and responsibilities for DoD support of the national civil defense program under the proponency of the Federal Emergency Management Agency (FEMA), in compliance with the Federal Civil Defense Act of 1950, as amended and Executive Order 12148, "Federal Emergency Management," July 20, 1979, as amended; and defines policy for the military support of civil defense under a national emergency involving an attack, or a condition that might precede an attack, on the United States.

§ 185.2 Applicability and scope.

(a) The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments and their Reserve and National Guard components, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, and the Defense Agencies (hereafter called "DoD Components"). The term "Military Service," as used herein, refers to the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) The provisions of this Part shall govern military support of civil defense actions by all DoD Components in the 50 states, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

§ 185.3 Definitions.

(a) *Military Support of Civil Defense.* Those military activities and measures taken by DoD Components to assist the civilian population and designed to minimize the effects upon the civilian population caused or which would be caused by an enemy attack upon the United States, its terrritories and possessions; deal with the immediate emergency conditions which would be created by any such attack; and effect emergency repairs to or the emergency restoration of vital utilities and facilities destroyed or damaged by any such attack. When directed by the Secretary of Defense to implement military support of civil defense plans, military support of civil defense actions shall encompass those responsibilities and functions identified in DoD Directives 3025.1[1], "Use of Military Resources During Peacetime Civil Emergencies within the United States, its Territories and Possessions," May 23, 1980 and 32 CFR Part 215.

(b) *Military Resources.* Military and civilian personnel of the active and reserve components, facilities, equipment and supplies under the control of DoD Components, and services performed by DoD Components, to include airlift and other transportation services.

(c) *Civil Defense Emergency.* A national emergency resulting from devastation created by an enemy attack and requiring emergency operations during and following an attack. This emergency may also be proclaimed by appropriate authority in anticipation of an attack.

Note.—This is distinct from "Civil Emergency" and "Civil Disturbance," as defined in DoD directives 3025.1[1], and 32 CFR Part 215.

(d) *Automatic Response.* Actions taken independently by a military commander before implementation of military support of civil defense plans and in anticipation of or during a civil defense emergency and to save lives or prevent human suffering.

(e) *Crisis Relocation.* The orderly relocation of the population of metropolitan and other risk areas during a period of acute international crisis to low risk areas to reduce vulnerability to the effect of nuclear, biological, chemical or conventional weapons attack. For the commander of a military installation or facility, a similar relocation of military forces and other personnel from the installation or facility.

§ 185.4 Policy.

(a) The national civil defense program is an intergral part of national security and is an essential element of the deterrent posture of the United States. Accordingly, subject to the priorities prescribed in § 185.4(b) military support of civil defense is an appropriate mission for DoD Components. The JCS shall have overall responsibility for providing military support of civil defense. In performing this mission, the JCS are authorized to call upon the Military Services and the Defense Agencies to make available military resoures needed for the performance of this mission.

(b) In event of nuclear, biological, chemical, or conventional weapon attack on the United States, its territories and possessions, the degree of military involvement in military support of civil defense will depend upon the commitment of military resources to military operations, the extent of damage sustained in the civilian community, and the status and disposition of active and reserve component forces. In all cases, however, military operations shall have first priority. Other missions that will have precedence over military support of civil defense include continuity of Federal Government operations, military personnel and property survival, and rehabilitation of military facilities that support the war-waging capacity of the armed forces.

(c) Accomplishment of the military support of civil defense mission requires coordination between the Department of Defense and the Federal Emergency Management Agency at the national and regional levels. DoD commanders charged with planning and execution responsibilities shall coordinate plans and procedures with FEMA regional offices. In the event of conflicting demands on DoD resources, appropriate DoD Components shall seek clarification through military command channels.

(d) Subject to JCS approval, the Military Services and Defense Agencies shall make available to state or local authorities during a civil defense emergency those resources not otherwise committed to current or planned military operations or to other priority missions cited in § 185.4(b) in accordance with the policies enumerated below.

(1) Planning for military support of civil defense shall contain provisions for emergency preparations in crisis situations and be directed toward the most disastrous damage anticipated from an attack under minimum warning.

(2) The executive agent functions assigned to the Secretary of the Army by DoD Directive 3025.1[1] and 23 CFR Part 215 shall be suspended or terminated in accordance with procedures established by the Secretary of Defense for enemy attack situations. In such a case, responsibility for these functions shall be transferred to the JCS for accomplishment by commanders responsive to the JCS.

(3) Military support of civil defense shall complement and not be a substitute for civil participation in civil defense operations. Military plans and plans developed by civil authority shall recognize that civil resources must be the first used to support civil requirements and that military resources must be used only when available and within resource capability to supplement the civil resources. DoD-expendable materials used by the Military Services and Defense Agencies for military support of civil defense missions shall be resupplied through civil resource claimancy procedures and channels in accordance with DoD Directive 5030.45[1], "Department of Defense Representation of Federal Emergency Management Agency (FEMA) Regional Preparedness Committees," (Under Revision).

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[1] See footnote page 1.

(4) Subject to the priorities prescribed in § 185.4(b), military forces, active and reserve, and the National Guard when federalized, shall be considered potentially available to provide military support of civil defense to civil authorities during a civil defense emergency. The actual use of military resources will also be determined by casualties and damage incurred by the military during an attack.

(5) The Commander-in-Chief, U.S. Readiness Command (USCINCRED) has military support of civil defense planning and execution responsibilities for the continental United States (CONUS). Within the 48 contiguous states and the District of Columbia, each Military Department shall periodically or upon request provide to USCINCRED, through appropriate headquarters designated by the parent Military Service, listings of all military forces and DoD Components located in CONUS. Forces shall be listed in order of priority of probable availability to provide military support of civil defense based on their military missions, their locations, and their capabilities as follows:

(i) *Priority I.* Those forces with a high probability of availability.

(ii) *Priority II.* Those forces with a lower probability of availability.

(iii) *Priority III.* Those forces least likely to be available because of high priority combat and combat support missions.

(6) For Alaska, Hawaii, Puerto Rico, and U.S. territories and possessions, the commander of the appropriate Unified Command or the commander designated by the JCS has military support of civil defense planning and execution responsibility for his respective areas. These commanders shall maintain a listing of forces as described in § 185.4(d)(5).

(7) Priorities of availability of forces shall be reflected in appropriate military support of civil defense plans. All forces listed shall be prepared and ready to execute the tasks contemplated. Those forces furnished to perform military support of civil defense in CONUS may be withdrawn by the military commanders of the parent Military Service for operational missions contingent upon notification of USCINCRED. For other areas, similar notification is required with the commander of the appropriate Unified Command or other commander designated by the JCS.

(8) A military commander, in making military resources available to civil authorities for military support of civil defense, is subject to no authority other than that established in the military chain of command.

(e) Military support of civil defense includes the following:

(1) Coordination with FEMA of plans and procedures for providing military support of civil defense to the civil sector.

(2) Use, under the direction of USCINCRED, of the existing military command structure in CONUS to plan for and execute military support of civil defense, using the Adjutants General and their headquarters.

(3) Use of appropriate commands in Alaska, Hawaii, Puerto Rico, and U.S. territories and possessions, as designated by JCS, to plan for and conduct military support of civil defense using the Adjutants General and their headquarters.

(4) Designation and training of personnel of alternate headquarters in conformity with continuity of operations plans, to assume responsibility in the event the principal headquarters is inoperative.

(5) Allocating time to the training of military forces in the basic functions of military support of civil defense, consistent with the need for those forces first to achieve an adequate level of readiness to perform their primary wartime mission. The present emergency-related DoD and FEMA facilities and courses shall be used to accomplish that training.

(6) Law enforcement:

(i) In those areas in which martial law has been proclaimed, military resources may be used for local law enforcement. Normally a state of martial law will be proclaimed by the President. However, in the absence of such action by the President, a senior military commander may impose martial law in an area of his command where there has been a complete breakdown in the exercise of government functions by local civilian authorities. Military assumption of judicial, law enforcement, and administrative functions of local government will be based on necessity that is actual and present, and the performance of these functions will continue only so long as necessity of that extreme nature requires interim military intervention. Civil administration will be restored as soon as civil authorities are able to resume their local government roles.

(ii) In the absence of martial law the performance of law enforcement functions by the military will be limited to those actions that are necessary to prevent loss of life and the wanton destruction of property. Intervention by the military for these purposes is permissible only when a serious breakdown in law and order has occurred or is imminent and only when appropriate civilian authorities have requested military assistance. Such assistance will be terminated as soon as civilian authorities are able to resume their responsibilities in these respects.

(7) Making provisions for commanders at appropriate echelons to provide within the commander's capability immediate and independent automatic response support to requests from civil authorities. This include developing and maintaining plans and capabilities to assist civilian authorities in restoring federal, state and local civil operations. Such interim emergency assistance shall be in coordination with and supplementary to the capabilities of state and local governments and other nonmilitary organizations, and shall be concerned with assistance which includes but is not limited to:

(i) Restoration of facilities and utilities, including transportation, communications, power, fuel, water, and other essential facilities.

(ii) Emergency clearance of debris and rubble, including explosive ordnance from streets, highways, rail centers, dock facilities, airports, shelters, and other areas, to permit rescue or movement of people, access to and recovery of critical resources, and emergency repair or reconstruction of facilities.

(iii) Fire protection.

(iv) Rescue, evacuation, and emergency medical treatment or hospitalization of casualties, recovery of critical medical supplies, and safeguarding of public health. This may involve sorting and treating casualties and preventive measures to control the incidence and spread of infectious diseases.

(v) Recovery, identification, registration, and disposition of deceased personnel.

(vi) Radiation monitoring and decontamination, as well as chemical and biological monitoring, to include identifying contaminated areas, and reporting information through the national warning system. Initial decontamination will be directed primarily at personnel and vital facilities.

(vii) Movement control, to include plans and procedures for essential movements.

(viii) Issue of food, essential supplies, and materiel, to include collection, safeguarding, and issue of critical items.

(ix) Emergency provision of personnel, equipment, and facilities for food preparation, should mass or community subsistence support be required.

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(x) Damage assessment.

(xi) Provision of interim communications, using available mobile military equipment to provide command and control.

§ 185.5 Responsibilities.

(a) On behalf of the Secretary of Defense, the *Under Secretary of Defense for Policy* shall provide policy guidance on matters associated with military support of civil defense.

(b) The *Joint Chiefs of Staff* shall:

(1) Advise the Secretary of Defense and Under Secretary of Defense for Policy on policies, responsibilities, and programs relating to military support of civil defense as a contingency mission of all military forces, and provide recommendations on allocating military resources for military support of civil defense as numerated in § 185.4(e).

(2) In consultation with the Director, FEMA, and the Military Services, issue instructions for the conduct of military support of civil defense to Commanders of Unified Commands and other designated commanders. Such instructions shall provide for establishment of liaison with FEMA.

(3) Ensure compatibility of military support of civil defense plans with other military plans.

(c) The *Secretary of the Army* shall:

(1) Provide for the execution of the tasks in § 185.4(e) in accordance with approved guidance.

(2) Provide for a reporting system to USCINCRED to identify all Department of the Army forces by CONUS Army area according to priority of probable availability, in accordance with § 185.4 (c) through (e); determine specific availability of forces following an actual attack; and, for CONUS, designate commands to assist in preattack planning and provide for control of Department of the Army forces made available for military support to civil defense. The reporting system shall be developed in accordance with the provisions of DoD Directive 5000.11[1], "Data Elements and Data Codes Standardization Program," December 7, 1964, and DoD Directive 500.19[1], "Policies for the Management and Control of Information Requirements," March 12, 1976. Data elements and codes shall be registered with the Office of the Assistant Secretary of Defense (Comptroller) (OASD)(C)), Attention: Director for Management Information Control and Administration (DMIC&A).

(3) Assure readiness of active and reserve units of the Army to execute plans for military support of civil defense.

(4) Provide explosive ordnance disposal service and planning assistance to civil authorities in the development and operation of any military support of civil defense explosive ordnance disposal program.

(5) Assist the Department of the Air Force, to the extent that conditions and resources available permit, in executing postattack aerial reconaissance within the CONUS for nuclear damage assessment purposes.

(d) The *Secretary of the Navy* shall:

(1) Provide for the execution of tasks enumerated in § 185.4(e), in accordance with approved guidance.

(2) Provide for a reporting system to USCINCRED to identify all Department of the Navy forces by CONUS Army area according to priority of probable availability, in accordance with § 185.4 (c) through (e), determine specific availability of forces following an actual attack; and, for CONUS, designate commands to assist in preattack planning and provide for control of Department of the Navy forces made available for military support of civil defense. The reporting system shall be developed in accordance with the provisions of DoD Directive 5000.11[1], and DoD Directive 5000.19[1]. Data elements and codes shall be registered with DMIC&A, OASD(C).

(3) Assure readiness of active and reserve units of the Navy and Marine Corps to execute plans for military support of civil defense.

(4) Assist the Department of the Air Force, to the extent that conditions and available resources permit, in executing postattack aerial reconnaissance within the CONUS for nuclear damage assessment purposes.

(5) Maintain liaison and coordinate planning with the U.S. Coast Guard regarding the participation of Coast Guard forces in military support of civil defense.

(6) Furnish technical training in explosive ordnance disposal, and provide underwater explosive ordnance and nuclear material disposal service for coastal areas to and including the high water mark for enclosed bodies of water and for rivers or canals and at all Navy and Marine Corps installations; provide for disposal of explosive ordnance or nuclear materials aboard naval aircraft.

(e) The *Secretary of the Air Force* shall:

(1) Provide for the execution of the tasks enumerated in § 185.4(e) in accordance with approved guidance.

(2) Provide for a reporting system to USCINCRED to identify all Department of the Air Force forces by CONUS Army area according to priority of probable availability, in accordance with § 185.4 (c) through (e); determine specific availability of forces following an actual attack; and, for CONUS, designate commands to assist in preattack planning and to provide for control of Department of the Air Force forces made available for military support of civil defense. The reporting system shall be developed in accordance with the provisions of DoD Directive 5000.11[1], and DoD Directive 5000.19[1]. Data elements and codes shall be registered with DMIC&A, OASD(C).

(3) Assure readiness of active and reserve units of the Air Force to execute plans for military support of civil defense.

(4) Furnish appropriate assistance to units of Civil Air Patrol engaged in missions related to military support of civil defense.

(5) Conduct postattack aerial photo reconnaissance missions for damage assessment purposes. Information derived therefrom shall be made available to civil defense authorities as expeditiously as possible, in accordance with standing arrangements and procedures.

(6) Provide explosive ordnance disposal service on Air Force installations for disposal of explosive ordnance or nuclear materials in the physical possession of the Air Force at the time of any incidents or accidents.

(f) The *Directors of the Defense Agencies* shall provide advice and assistance on matters within their spheres of competence to the JCS in the discharge of the responsibilities enumerated in § 185.5(b), provide advice and assistance and make available resources not otherwise committed to the Military Departments in the discharge of their responsibilities enumerated in § 185.5 (c) through (e).

§ 185.6 Financing.

Financial planning under this Directive shall assume that in the event of a declared civil defense emergency, actions will be taken by military authorities on the basis of the President's constitutional war powers.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 25, 1981.

[FR Doc. 81-28535 Filed 9-30-81; 8:45 am]

BILLING CODE 3810-01-M

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[1] See footnote page 1.

[1] See footnote page 1.

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD3-80-4A]

Anchorage Regulations; New London Harbor, Connecticut

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule implements the request of the Commander, U.S. Navy Submarine Squadron Two and the Southeastern Connecticut Chamber of Commerce to eliminate the naval anchorage restriction applying to Anchorage A in New London Harbor, New London, Connecticut. The anchorage is no longer needed as a designated naval anchorage. The effect of this rule will be an increase in the availability of general anchorage grounds in New London Harbor, thereby relieving crowding in general anchorages adjacent to Anchorage A. Editorial changes are also being made to appropriately designate descriptive latitudes and longitudes as "north" and "west" respectively.

EFFECTIVE DATE: This amendment becomes effective on November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Michael S. Macie, Project Officer, Port Safety Branch, Third Coast Guard District (mps), Building 108, Room 106, Governors Island, New York, NY 10004 (Tel: 212-668-7179).

SUPPLEMENTARY INFORMATION: On January 29, 1981 the Coast Guard published a notice of proposed rulemaking for these regulations in the **Federal Register** (46 FR 9659-9660). Interested persons were requested to submit comments and no comments were received.

In addition, the **Federal Register** notice of January 29, 1981 contained two minor errors as follows. (1) Two different docket numbers were given, one in the heading (CGD81-012) and another in the text (CCGD3-80-4A). The correct docket number (CGD3-80-4A) appears at the beginning of this notice of the final rule. (2) AT § 110.147(a)(2), line 7, of the proposed rule, the distance of "2,460" yards following the bearing of 009° was omitted. It has been placed within this final rule. Neither of these errors substantially affected the proposal or this final rule.

DRAFTING INFORMATION: The principal persons involved in drafting this final rule are Lieutenant Commander Michael S. Macie, Project Officer, Port Safety Branch, Third Coast Guard District, and Lieutenant Robert Bruce, Project Attorney, Third Coast Guard District Legal Office.

SUMMARY OF FINAL EVALUATION: The proposed change of this anchorage from naval to general use was reviewed by the Third Coast Guard District Planning Staff under the provisions of the "Procedures for Considering Environmental Impacts" (COMDTINST 16475.1) and was found not to require an environmental assessment.

The proposed regulation was also found to be nonsignificant in accordance with the guidelines set forth in the "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of 22 May 1980). An economic evaluation of the proposal has not been conducted since its impact is expected to be minimal. The change in designated use of this anchorage is not a matter on which there is substantial public interest or controversy, nor does it involve impacts on competition, business, State or local government, or the regulations of other programs and agencies.

Moreover, this rule is not a major rule as defined by Executive Order 12291 of February 17, 1981. This rule, once implemented, will not affect the economy to any measurable degree, result in any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or result in any adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Finally, it is hereby certified that this rule will not have any economic impact on a substantial number of small entities, as described in the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601, et seq.). This certification is made in accordance with section 605 of Title 5 of the United States Code.

PART 110—ANCHORAGE REGULATIONS

Final Regulations: In consideration of the foregoing, § 110.147 of Title 33, Code of Federal Regulations, is amended to read as follows:

§ 110.147 New London Harbor, Conn.

(a) *The anchorage grounds—(1) Anchorage A.* In the Thames River east of Shaw Cove, bounded by lines connecting points which are the following bearings and distances from Monument, Groton (latitude 41°21'18" N., longitude 72°04'48" W.): 243°, 1,400 yards; 246°, 925 yards; 217°, 1,380 yards; and 235°, 1,450 yards.

(2) *Anchorage B.* In the Thames River southward of New London, bounded by lines connecting points which are the following bearings and distances from New London Harbor Light (latitude 41°18'59" N., longitude 72°05'25" W.): 002°, 2,460 yards; 009°, 2,480 yards; 026°, 1,175 yards; and 008°, 1,075 yards.

(3) *Anchorage C.* In the Thames River southward of New London Harbor, bounded by lines connecting a point bearing 100°, 450 yards from New London Harbor Light, a point bearing 270°, 575 yards from New London Ledge Light (latitude 41°18'21" N., longitude 72°04'41" W.), and a point bearing 270°, 1,450 yards from New London Ledge Light.

(4) *Anchorage D.* In Long Island Sound approximately two miles west-southwest of New London Ledge Light, bounded by lines connecting points which are the following bearings and distances from New London Ledge Light: 246°, 2.6 miles; 247°, 2.1 miles; 233°, 2.1 miles; and 235°, 2.6 miles.

(b) *The regulations.*—(1) Anchorage A is for barges and small vessels drawing less than 12 feet.

(2) Except in emergencies, vessels shall not anchor in New London Harbor or the approaches thereto outside the anchorages defined in paragraph (a) of this section unless authorized to do so by the Captain of the Port.

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46(c)(1); 33 CFR 1.05-1(g)(1))

Dated: June 26, 1981.

R. I. Price,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 81-28611 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD3-80-5A]

Special Anchorage Area, Manhasset Bay, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Manhasset Isle Civic Association, Inc., Manhasset Isle, Port Washington, New York, the Coast Guard is expanding the special anchorage described in 33 CFR 110.60(h) in Manhasset Bay at Manorhaven, New York. This expansion of the special anchorage is needed to accommodate vessels now anchoring for extended periods of time within the area to be added. The expansion will enhance navigational safety by alerting,

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through depiction on appropriate nautical charts, transiting vessels that unlighted vessels or vessels not sounding fog signals may be present in the anchorage.

EFFECTIVE DATE: This amendment becomes effective on November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Commander Peter T. Muth, Chief, Port Safety Branch, Third Coast Guard District, Room 106, Building 108, Governors Island, New York, NY 10004 (Tel: 212-668-7179).

SUPPLEMENTARY INFORMATION: On April 13, 1981, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (46 FR 21626-7). Interested persons were requested to submit comments and no comments were received.

DRAFTING INFORMATION: The principal persons involved in drafting this final rule are Lieutenant Commander Michael S. Macie, Project Officer, Port Safety Branch, Third Coast Guard District and Lieutenant Ronald Nelson, project Attorney, Legal Division, Third Coast Guard District.

SUMMARY OF FINAL EVALUATION: An environmental review of the proposal had been performed by the Third Coast Guard District Planning staff who determined that this rule will have no significant impact. Preparation of an environmental assessment was not required since the action was found to be categorically excluded in accordance with Section 2.B.3.g. of COMDTINST M16475.1A.

This regulation is considered to be nonsignificant in accordance with guidelines set out in the "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of 22 May 1980). An economic evaluation of the rule has not been conducted since its impact is expected to be minimal. The expansion of such a special anchorage is not a matter on which there is substantial public interest or controversy, nor does it involve impacts on competition, businesses, State or local government, or the regulations of other programs and agencies.

Moreover, this final rule is not a major rule as defined by Executive Order 12291 of February 17, 1981. Once enacted, this rule will not affect the economy to any measurable degree, result in any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or result in any adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Likewise, it is hereby certified that this rule will not, when promulgated, have any economic impact on a substantial number of small entities, as described in the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601, et seq.). This certification is made in accordance with section 605 of Title 5 of the United States Code.

PART 110—ANCHORAGE REGULATIONS

FINAL REGULATION: In consideration of the foregoing, the Coast Guard is amending Part 110 of Title 33, Code of Federal Regulations, by revising § 110.60(h) to read as follows:

§ 110.60 Port of New York and Vicinity.

* * * * *

(h) *Manhasset Bay, east area at Manorhaven.* That portion of Long Island Sound Anchorage No. 4 (described in § 110.155) bounded as follows: Beginning at the shoreline at 40°50′18″N, 73°42′51″W; thence 180° to 40°50′05″N, 73°42′51″W; thence 132° to 40°49′58″N, 73°42′41″W; thence 234° to 40°49′48.5″N, 73°42′58″W; thence 090° to 40°49′48.5″N, 73°42′22.5″W; thence 020° to 40°50′01.5″N, 73°42′16″W; thence due north to the point of land at Manorhaven northeasterly of Tom Point; thence southwesterly along the shore to and around Tom Point and north northwesterly along the shore to the point of beginning.

* * * * *

(33 U.S.C. 180; 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.46(c)(2); 33 CFR 1.05-1(g))

Dated: June 26, 1981.

R. I. Price,

Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc. 81-28610 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD 79-171]

Establishment of Special Anchorage Area Muskegon Lake East, Muskegon, Michigan

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the city of Muskegon, Michigan, a Special Anchorage Area is established on eastern Muskegon Lake. This Special Anchorage Area is needed to accommodate the increased number of small craft utilizing Muskegon Lake. This rule would enhance navigational safety by alerting transiting vessels, through depiction on appropriate nautical charts, that unlighted vessels or vessels not sounding fog signals may be present in the anchorage.

EFFECTIVE DATE: This amendment is effective on November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel W. Ziegfield, Office of Marine Environment and Systems (G-WWM), Room 1104, U.S. Coast Guard Headquarters, 2100 Second St. SW, Washington, D.C. 20593, telephone: (202) 755-6146.

SUPPLEMENTARY INFORMATION: On February 19, 1980, the Coast Guard published a proposed rule (45 FR 10815) concerning this amendment. Interested persons were given until April 1, 1980 to submit comments and two comments were received concerning the proposal.

DRAFT EVALUATION: The proposed regulations have been evaluated under E.O. 12291 and the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations," dated May 22, 1980, and have been determined not to be major and to be nonsignificant. The establishment of an anchorage does not involve impacts on competition, businesses, State or local government, or regulations of other programs and agencies. There is no cost to the public while benefit is conferred upon anchorage users in terms of convenience and exemption from sound and lighting requirements. Because the economic impact is minimal, no evaluation has been prepared.

This rule is exempted from the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601, et seq.) because the proposed rule was published before January 1, 1981. Even if it were not exempted, this rule would not impact on any small entity because the Special Anchorage Area would merely exempt vessels not more than 65 feet in length from displaying anchor lights and sounding fog signals.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are Ensign Rhae A. Giacoma, Project Manager, Office of Marine Environment and Systems; Mr. Daniel W. Ziegfield; and Lieutenant Collin Lau, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

One commenter felt that the establishment of this Special Anchorage Area would interfere with commercial shipping and thereby impair safety on Muskegon Lake. The Coast Guard disagrees. The location of this anchorage area is well removed from fairways regularly utilized by commercial vessels and the area is located where general navigation will not endanger or be endangered by unlighted vessels, assuming prudent navigation by all concerned. This same commenter also felt that incidents of pollution would increase with the anchoring of vessels in this area. The Coast Guard has no evidence indicating that the establishment of a Special Anchorage increases the likelihood of pollution in the area. Further, vessels using the anchorage area are still required to comply with pollution prevention regulations.

One commenter expressed concern that the anchorage would be located too close to a public launch ramp. It is for the benefit of small pleasure craft that this Special Anchorage Area is established. Being located close to a public launch ramp is viewed by most boaters as a convenience, again assuming prudent navigation by all concerned.

PART 110—ANCHORAGE REGULATIONS

In consideration of the foregoing, Part 110 of Title 33 Code of Federal Regulations is amended by revising § 110.81 to read as follows:

§ 110.81 Muskegon Lake, Michigan.

(a) *Muskegon Lake West.* The waters of the southwest side of Muskegon Lake enclosed by a line beginning at latitude 43°13′24″N., longitude 86°19′18.5″W.; thence 145°T to latitude 43°13′07.5″N., longitude 86°19′02.5″W.; thence 230°T to latitude 43°13′04″N., longitude 86°19′08.5″W.; thence along the shoreline to the point of origin.

(b) *Muskegon Lake East.* The waters of the southeast side of Muskegon Lake enclosed by a line beginning at latitude 43°14′04″N., longitude 86°15′47″W.; thence 277°T to latitude 43°14′06.5″N., longitude 86°16′27″W.; thence 205°T to the shore; thence along the shoreline to the point of origin.

Note.—Administration of the Special Anchorage Area is exercised by the City of Muskegon pursuant to local ordinances.

(Sec. 1, 28 Stat. 647, as amended, (33 U.S.C. 258); Sec. 6(g)(1)(C), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(C)); 49 CFR 1.46(c)(3))

Dated: August 11, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81–28609 Filed 9–30–81; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD 81–024]

Drawbridge Operation Regulations; Bayou Plaquemine Brule, La.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development, the Coast Guard is changing the regulations governing the State Route 91 pontoon bridge across Bayou Plaquemine Brule, mile 8.0, at Esterwood, Louisiana. The bridge now is required to open between 5 a.m. and 9 p.m. on signal and between 9 p.m. and 5 a.m. on at least 12 hours advance notice. The change will require the bridge to open between 5 a.m. and 9 p.m. on at least 4 hours advance notice while retaining the 12 hour advance notice requirement for openings between 9 p.m. and 5 a.m. This change is being made because of the limited number of requests for opening the draw. The action will relieve the bridge owner of the burden of having a person constantly available from 5 a.m. to 9 p.m. to open the draw, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130—(504) 589–2965.

SUPPLEMENTARY INFORMATION: On 25 June 1981, the Coast Guard published a proposed rule (46 FR 32887) concerning this amendment. The Eighth Coast Guard District also published this proposal as a Public Notice dated 9 July 1981. Interested persons were given until 10 August 1981 to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of Comments

One comment was received, offering no objection.

These final regulations have been reviewed under provisions of Executive Order 12291 and have been determined not to be a major rule. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). An economic evaluation has not been conducted since the impact is expected to be minimal for the reasons discussed above.

In accordance with section 605(d) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as set forth below.

§ 117.540 [Amended]

1. By removing "Bayou Plaquemine Brule, mile 8.0, S–91 highway drawbridge at Esterwood" from § 117.540(b).

2. By revising paragraph (j)(16) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(j) * * *

* * * * *

(16) Bayou Plaquemine Brule, LA;

(i) S–91 highway drawbridge at Esterwood. The draw shall open on signal if at least four hours notice is given from 5 a.m. to 9 p.m., and if at least 12 hours notice is given from 9 p.m. to 5 a.m.

(ii) Texas and New Orleans Railroad Company bridge near Midland. The draw shall open on signal if at least 24 hours notice is given.

* * * * *

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2), 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3))

Dated: August 24, 1981.

W. H. Stewart,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 81–28608 Filed 9–30–81; 8:45 am]

BILLING CODE 4910–14–M

VETERANS ADMINISTRATION

38 CFR Part 21

Extension of Educational Benefits to Eligible Person

AGENCY: Veterans Administration.

ACTION: Final Regulation.

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SUMMARY: This regulation permits a greater extension of educational benefits to an eligible person when his or her eligibility for educational assistance ends, because circumstances change for the veteran on whom eligibility is based. For several years the law has allowed payments of benefits to the end of the course or for 12 weeks, whichever occurs first, when the eligible person who loses eligibility is attending a school that is not organized on a quarter or semester basis. The regulation previously permitted only a 9-week extension. The amended regulation corrects the discrepancy between the law and the regulation.

EFFECTIVE DATE: October 15, 1976.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: On pages 31022 and 31023 of the **Federal Register** of June 12, 1981, there was published a notice of intent to amend part 21 to change the rules governing the extension of an eligible person's eligibility period for dependents' educational assistance.

Interested persons were given 30 days in which to submit comments, suggestions or objections regarding the proposal. The Veterans Administration received two letters containing comments. These letters approved the proposal and urged that it be adopted. Accordingly the agency is adopting the proposal without change.

The Administrator hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this final rule therefore is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the rule will regulate only individual Veterans Administration benefit recipients. It will have no significant direct impact on small entities in terms of compliance costs, recordkeeping requirements, or effects on competition.

The Veterans Administration has determined that this regulation is not a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. It will not result in major increases in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.117.

The proposed change to § 21.4135 is deemed proper and is hereby approved.

Approved: September 10, 1981:

Robert P. Nimmo,

Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

In § 21.4135, paragraph (o) is revised as follows:

§ 21.4135 Discontinuance dates.

* * * * *

(o) *Veteran no longer rated permanent total disabled; or spouse (trainee) divorced from veteran without fault on his or her part; or serviceman or servicewoman removed from "missing status" listing—chapter 35 (§§ 21.3041 and 21.3046).* (1) End of quarter or semester if school is operated on quarter or semester system.

(2) End of the course or a 12-week period, whichever is earlier, if the school does not operate on a quarter or semester system (38 U.S.C. 1711(b))

* * * * *

[FR Doc. 81–28557 Filed 9–30–81; 8:45 am]

BILLING CODE 8320–01–M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Amendments to the Postal Contracting Manual.

SUMMARY: The Postal Service hereby announces that it has revised the definition of a minority enterprise and is incorporating the revised definition in procurement forms as they are reprinted. The name minority enterprise has been changed to minority business enterprise and the new name is being incorporated into required contract clauses. The Postal Service has also clarified the applicability of the Service Contract Act to multi-year contracts and has revised a form.

EFFECTIVE DATE: September 18, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene A. Keller, (202) 245–4818.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the Code of Federal Regulations (See 39 CFR 601.100) has been amended by the issuance of PCM Circular 81–6, Revised, dated September 18, 1981.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the **Federal Register** and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic manual will receive these amendments from the Postal Service. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Explanation of these amendments to the Postal Contracting Manual follows:

Explanation:

1–701.7 revises the definition of a minority enterprise. The revised name, "minority business enterprise," and definition are being incorporated in procurement forms as they are reprinted. Pending such incorporation, contracting officers must substitute the new definition for the existing definition in Form 7319–C.

1–706 incorporates the revised name, "minority business enterprise," into required clauses. Pending revision of other portions of the Postal Contracting Manual, other references to "minority enterprise" should be understood to refer to "minority business enterprise."

12–905(a) clarifies the applicability of the Service Contract Act to multi-year contracts.

Use the following revised form included in section 16 immediately when applicable:

Form 7336, *Continuation Sheet.*

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81–28161 Filed 9–30–81; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 1E2523/R354; PH-FRL-1946-4]

Chlorpyrifos; Tolerance Established

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide chlorpyrifos and its metabolite in or on peppers at 1.0 part per million (ppm). This regulation was

requested by the Carmielit-Portnoy Industries, Ltd. This regulation will establish a maximum permissible level for residues of the subject insecticide and its metabolite on peppers.

EFFECTIVE DATE: Effective on: October 1, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of August 19, 1981 (46 FR 42088) that Carmielit-Portnoy Industries, Ltd., Carmel, Israel, had submitted a pesticide petition (PP 1E2523) to the EPA. The petition proposed the establishment of a tolerance for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodity peppers at 0.5 part per million (ppm).

The petitioner subsequently amended the petition by increasing the proposed tolerance from 0.5 ppm to 1.0 ppm.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerance included a 2-year rat feeding/oncogenicity study and a dog feeding study with a no-observed-effect level (NOEL) of 0.1 milligram (mg)/kilogram (kg) of body weight (bw) per day; a mouse oncogenicity study which was negative at 15 ppm (highest dose); and a mouse teratology study which was negative at 25 mg/kg. Studies on delayed neurotoxicity and reproduction showed negative potential. Based on the 2-year chronic rat feeding study with an NOEL of 0.1 mg/kg of bw/day, and using a safety factor of 10, the acceptable daily intake (ADI) for humans is 0.01 mg/kg of bw/day.

The theoretical maximum residue contribution (TMRC) in the human diet from this tolerance and previously established tolerances for residues of chlorpyrifos on a variety of raw agricultural commodities at levels ranging from 0.01 ppm to 1.5 ppm does not exceed the ADI.

The metabolism of chlorpyrifos is adequately understood for this use, and an adequate analytical method (gas chromatography) is available for enforcement purposes. No regulatory actions are currently pending against the continued registration of chlorpyrifos, nor are there any other relevant considerations involved in establishing this tolerance.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations proposing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: October 1, 1981.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)))

Dated: September 23, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.342 is amended by alphabetically inserting the raw agricultural commodity "peppers" to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * *	*
Peppers	1.0
* * * *	*

[FR Doc. 81-28550 Filed 9-30-81; 8:45 am]

BILLING CODE 6560-32-M

[SW-FRL-1945-6]

40 CFR Parts 264 and 265

Financial Requirements Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Deferral of Effective Date

AGENCY: Environmental Protection Agency.

ACTION: Notice of deferral of effective date.

SUMMARY: On January 12, 1981, the Environmental Protection Agency issued an interim final rule which established financial requirements applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities. Under the financial requirements, owners and operators must (1) provide financial assurance that applicable closure and post-closure requirements will be met, and (2) maintain liability coverage of certain types and amounts during the operating life of the facilities (§§ 264.143, 264.145-151, 265.143, and 265.145-151). On May 18, 1981, the Agency deferred the effective date for these requirements from July 13, 1981, to October 13, 1981, in order to consider revisions to the requirements. This notice further defers the effective date of these requirements from October 13, 1981, to April 13, 1982. This action is being taken since the Agency is planning to make several amendments to the closure and post-closure financial requirements and is considering whether to withdraw the liability requirements in their entirety.

EFFECTIVE DATE: The new effective date for the regulations covered by this notice is April 13, 1982.

FOR FURTHER INFORMATION CONTACT: George A. Garland, Chief, Economic and Policy Analysis Branch, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), 401 M Street, S.W., Washington, D.C. 20460, (202) 755-9190.

SUPPLEMENTARY INFORMATION:

Deferral of Effective Date

Financial requirements applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities were promulgated on January 12, 1981, as part of the interim final rule amending 40 CFR Parts 264 (standards to be applied in issuing permits) and 265 (standards for interim status facilities) (46 FR 2802-2897). The regulations require owners and operators of hazardous waste management facilities to: (1) assure closure and post-closure care and (2) have liability insurance. These standards are part of the hazardous waste regulatory program required by the Resource Conservation and Recovery Act (RCRA).

Based on its analyses and comments from the public, the Agency intends to make several amendments to the closure and post-closure requirements. Due to the complexity of issues and comments raised in response to the January 12, 1981 interim final regulations, the Agency will not be able to promulgate necessary amendments to those regulations before mid-October 1981. The Agency believes that the amendments, which are expected to include the addition of new financial assurance mechanisms and modifications of existing mechanisms, will result in reducing the cost of compliance with the regulation while providing increased environmental and public health protection.

EPA expects that the regulated community will need up to six months to review the amendments and to determine and obtain the most appropriate mechanism to comply with the requirements. Under these circumstances, EPA believes it should defer the effective date for the closure and post-closure requirements until April 13, 1982, and that the deferral should be effective immediately. In light of the present effective date of October 13, 1981, the Agency believes that good cause exists to make this deferral effective immediately. It would be both impracticable and contrary to the public interest not to do so.

In addition, the Agency intends to publish by mid-October 1981 a proposal to eliminate the liability requirements. The Agency expects that it will take about six months to consider comments on the proposal and reach a final decision. Consequently, the effective date for the liability requirements is being similarly deferred until April 13, 1982, because owners and operators should not be required to purchase insurance while the Agency is considering eliminating the requirements. Because the Agency recently decided to propose the elimination of the liability requirements, and in light of the present October 13, 1981 effective date, the Agency believes that good cause exists to make this deferral effective immediately. It would be both impracticable and contrary to the public interest not to do so.

Compliance With Executive Order 12291

Executive Order 12291 (46 FR 13193, February 19, 1981) requires that EPA prepare a Regulatory Impact Analysis for each major rule. The Order defines a "major rule" as any regulation that is likely to result in:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local agencies or geographic regions; or
- Significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action is a postponement of the effective date of a regulation and as such has none of the effects noted above. Accordingly, EPA concludes that this action is not a major rule under E.O. 12291. In addition, the Agency has determined that such a postponement is not subject to the Regulatory Flexibility Act.

This notice was submitted to the Office of Management and Budget for review as required by E.O. 12291.

Dated: September 24, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–28321 Filed 9–30–81; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 281

Determination Relative to Certain Non-Subsidized Voyages of Subsidized Operators of Vessels

AGENCY: Maritime Administration, DOT.

ACTION: Notice of Determination by Maritime Administrator.

SUMMARY: This notice is to inform all operators of U.S.-flag ships that the Maritime Administrator has made a determination as provided in 46 CFR 281.11–281.17 that a non-subsidized voyage of a subsidized operator's ship carrying single shipper full load cargoes may be made without consent otherwise required from another U.S.-flag operator offering service on the route, line, or service of the proposed non-subsidized voyage.

EFFECTIVE DATE: October 1, 1981.

ADDRESS: Maritime Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. William B. Ebersold, Director, Office of Trade Studies and Statistics, Main Commerce Building, Washington, D.C. 20230, (202) 377–4758.

SUPPLEMENTARY INFORMATION: Under 46 CFR Part 281, procedures are described for a subsidized operator to obtain authorization for a non-subsidized voyage in §§ 281.11 through 281.17. Among those procedures is the requirement contained in § 281.11(d) to obtain the consent of any other U.S.-flag operator offering service on the route, line, or service of the proposed non-subsidized voyage.

Part 281 was properly promulgated under section 204(b) of the Merchant Marine Act, 1936, as amended, and has not been repealed. The elimination of subsidy recapture provisions from the Act in 1970 did not eliminate all rationale for Part 281. Controls are exercised over non-subsidized operations to ensure that the continuity and quality of subsidized operations will not be adversely affected. Such controls are also intended to safeguard against improper competitive practices and to prevent operations prejudicial to the purposes and policy of the Act. There is thus a need to strike a balance between operating flexibility for the subsidized operator and adverse impact on other U.S.-flag operators.

However, notwithstanding the continuing need for controls, there are certain situations in which it is not considered necessary to require the consent of other U.S.-flag operators. Accordingly, as provided in 46 CFR 281.11(d), the Maritime Administrator has determined the following exceptions to the consent requirements contained in that section:

1. When the non-subsidized voyage is to be made by a vessel not covered by an operating-differential subsidy agreement, the consent requirement will not be applicable and prior approval will not be required for a voyage carrying a full shipload of bulk or bagged agricultural commodities or fertilizers subject to the cargo preference laws of the United States, or any full cargo of other commodities when there is only a single shipper and the vessel is not operated as a common carrier.

2. When the non-subsidized voyage is to be made by a vessel included in an operating-differential subsidy agreement, the consent requirement will not be applicable but prior approval will be required for the types of voyages described above.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Acting Maritime Administrator.

Dated: September 23, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-28679 Filed 9-30-81; 8:45 am]

BILLING CODE 3510-15-M

FEDERAL MARITIME COMMISSION

46 CFR Part 510

[General Order 4, Revised; Docket 80-13]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Clarification of Stay of Final Rule.

SUMMARY: The Commission's final rules in this proceeding provided in 46 CFR 510.32(j) that the waiver or reduction of forwarding fees was prohibited. The Commission subsequently determined to consider further the proper treatment of such fees when applied to shipments for relief agencies or charitable organizations, and to stay the provision pending final resolution of the matter. This document clarifies that the stay is limited to the rule only as it pertains to relief agencies or charitable organizations.

DATE: The stay is effective September 3, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission published final rules in this proceeding May 1, 1981 (46 FR 24565). These rules contain a provision which prohibits the waiver or reduction of forwarding fees (46 CFR 510.32(j)). The Commission subsequently determined to further consider this provision as it applied to shipments for relief agencies and charitable organizations and determined to stay the provision pending final resolution of the matter. The order effectuating the stay was published September 14, 1981 (46 FR 45612). The language of that order indicates that the entirety of 46 CFR 510.32(j) is stayed. This clarifies that the stay is limited to circumstances involving relief agencies or charitable organizations.

Therefore, it is ordered, That the effect of § 510.32(j) of Title 46 CFR is stayed to the extent that it would prohibit waiver or reduction of forwarding fees for relief agencies or charitable organizations, pending final resolution of the matter.

By the Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-28558 Filed 9-30-81; 8:45 am]

BILLING CODE 6730-01-M

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46 CFR Part 524

[General Order 23, Rev. Docket 81-6]

Exemption of Certain Agreements From the Requirements of Section 15, Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This exempts agreements which relate to routine administrative or housekeeping matters from the filing and approval requirements of section 15 of the Shipping Act, 1916. These agreements have previously been routinely approved and appear to have little or no anticompetitive potential. Exemption should lessen the regulatory burden on ocean carriers and encourage the formation of agreements involving routine housekeeping or administrative matters which should promote efficiencies and economies in operation for such carriers.

DATE: Effective November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 35 of the Shipping Act, 1916 (the Act) (46 U.S.C. 833a) provides that the Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to the Act, or any specified activity of such persons from any requirement of the Act, where it finds that such exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, or be detrimental to commerce.

The Commission previously gave notice (46 FR 10178) that it proposed to amend 46 CFR Part 524 to exempt certain agreements from the filing and approval requirements of section 15 of the Act (46 U.S.C. 814). The agreements proposed to be exempted involve non-substantive routine housekeeping or administrative matters. Specifically, this type of agreement: (1) Reflects changes in the name of a port or country currently served; (2) substitutes officers and/or committee assignments; or (3) relates to the procurement, maintenance and sharing of office facilities, furnishings, equipment, supplies and personnel.

Eight responses to the proposed rulemaking were filed on behalf of 31 conferences/rate agreements, one discussion agreement and one independent carrier. All but one commentator support the rule as proposed or with modifications.

Two commentators suggest that the rule's reference to "committee assignments" is unclear and that it should refer to "establishment of committees." The Commission believes the reference to "committee assignments" can be modified to remove any confusion, and this has been accomplished in the final rule. Furthermore, the establishment of a committee by the members of an agreement should be allowed under the rule. Accordingly, the rule has been revised to so allow.

Uncertainty has also been expressed as to whether exempted nonsubstantive provisions must be included in the basic agreement of a conference and filed with the Commission before such provisions may be carried out, and, if so, whether they must be designated in some manner to indicate they have been filed for informational purposes only. The Commission does not believe that such provisions need a special designation to indicate they have been filed for informational purposes. Section 524.3 provides that an informational filing must be made within 30 days of the effective date of the provisions.

The U.S.-Flag Far East Discussion Agreement participants contend that potential adverse effects in the form of undue risks of antitrust exposure outweight any benefits of the proposed exemption. For example, they believe it conceivable that even the exchange of information relating to the sharing of office facilities may give rise to a claim by certain parties of a restraint of trade. They view the filing option as unrealistic and one that would rarely be exercised. This result is anticipated because the U.S.-flag carriers in the several U.S./Far East conferences are minority members, and the majority foreign-flag members may be less concerned about the potential application of U.S. antitrust laws and thus would not vote to file the agreements for the optional approval provided. The Commission is, therefore, urged to continue to require the filing and approval of such agreements and adopt a simplified processing procedure so that they can be handled under delegated authority or approved by notation.

V 46/190 OC 1 81 UMI

The concern expressed by the U.S.-Flag Far East Discussion Agreement parties does not, in the Commission's opinion, establish a justifiable basis or regulatory need for continued Commission approval of arrangements with *de minimus* anticompetitive impact.[1] Moreover, it is unlikely that coordinated activity under such agreements will result in violations of the antitrust laws. However, if problems arise because of the filing option, this should be brought to the Commission's attention for such further action as may be warranted.

Pursuant to a commentator's suggestion, the Commission will amend Item 3 of the final rule to include provisions for the allocation and assessment of costs and the administration and management activities incidental to agreements providing for the procurement, maintenance or sharing of office facilities, furnishings, equipment and personnel, including employees and contractors.

Certain other suggestions regarding amendments which should also be defined as non-substantive agreements (for example, those involving a change in the name of an agreement or in the names of parties to an agreement, corrections to typographical and grammatical errors, renumbering and relettering of articles and subarticles of agreements, changes in the tables of contents of agreements or changes in the names and/or numbers of any other section 15 agreements or designated provisions thereof referred to in an agreement and changes in the date or amendment number contained in agreements) have been added to the rule.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission certifies that the proposed rulemaking will not have a significant economic impact on a substantial number of small entities. The proposed exemption will not impose any reporting or record-keeping requirements which might result in a compliance or reporting burden on small entities. The exemption will primarily benefit carriers. The shipping public, some of whom fall within the definition of small entities, may enjoy a secondary benefit from this exemption, but it is not foreseen that this benefit will amount to a "significant economic impact," within the meaning of 5 U.S.C. 605(b).

PART 524—EXEMPTION OF CERTAIN AGREEMENTS FROM THE REQUIREMENTS OF SECTION 15, SHIPPING ACT, 1916

Therefore, pursuant to sections 15, 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 833a and 841a) and 5 U.S.C. 553, 46 CFR Part 524 is amended by adding a new paragraph (d) to § 524.2 *Definitions*, as follows:

§ 524.2 Definitions.

* * * * *

(d) A non-substantive agreement is an agreement between common carriers by water acting individually or through approved agreements which:

(1) Reflects changes in the name of any geographic locality stated therein, the name of the agreement or the name of a party to the agreement, the names and/or numbers of any other section 15 agreement, or designated provisions thereof referred to in an agreement, the table of contents of an agreement, the date or amendment number through which agreements state they have been reprinted to incorporate prior revisions thereto or which corrects typographical and grammatical errors in the text of the agreement, renumbers or reletters articles or subarticles of agreements and references thereto in the text,

(2) Reflects changes in the titles or persons or committees designated therein or transfers the functions of such persons or committees to other designated persons or committees or which merely establishes a committee, or

(3) Concerns the procurement, maintenance, or sharing of office facilities, furnishings, equipment, supplies and personnel, including employees and contractors, the allocation and assessment of the costs thereof, or the provisions for the administration and management of such agreements by duly appointed individuals.

Section 524.3 would be amended by adding the following proviso at the end of the existing section which reads:

§ 524.3 Exemption of agreements.

* * * *And provided further*, That a nonsubstantive agreement which modifies an agreement which is subject to the requirements of section 15 shall be filed with the Commission for informational purposes only within 30 days of its effective date.

By the Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-28034 Filed 9-30-81; 8:45 am]

BILLING CODE 6730-01-M

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[1] The filing of such agreements will remain optional under the current rule (46 CFR 524.7).

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-282; RM-3767]

FM Broadcast Station in Sonora, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 228A to Sonora, California, in response to a petition filed by Donald E. and Sylvia B. Leutz. The assignment could provide Sonora with a second FM service.

DATE: Effective November 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Sonora, California); report and order (Proceeding Terminated).

Adopted: September 17, 1981.

Released: September 24, 1981.

By the Acting Chief, Policy and Rules Division.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 25489, published May 7, 1981, proposing the assignment of FM Channel 228A to Sonora, California, as that community's second FM assignment, in response to a petition filed by Donald E. and Sylvia B. Leutz ("petitioner"). Portugese American Communications Corporation ("PACC"),[1] filed comments in opposition to the proposal. Petitioner filed supporting comments in which it reaffirmed its intent to apply for the channel, if assigned. PACC and petitioner filed reply comments.

2. Sonora (population 3,239),[2] in Tuolumne County (population 33,920), the Sonora Division (population 16,996), is located approximately 184 kilometers (115 miles) east of San Francisco, California.
It is currently served locally by Stations KVML(AM) and KROG(FM) (channel 224A).

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[1] PACC is the licensee of Stations KVML and KROG(FM), Sonora, California.

[2] Population figures are extracted from the 1980 U.S. Census.

3. In its opposition comments, PACC states that the petitioner has failed to show that the needs of Sonora are not being met by current services. Further, it claims that Sonora lies within the primary service area of a third station and, therefore, that the amount of quality broadcast service received by the Sonora area is greater than petitioner suggests. PACC claims that Sonora is well served by broadcast and print media, and that any FM assignment in this area should be made instead to Angels Camp (listed in the 1980 Census as Angels) (population 2,302). Furthermore, PACC contends that contrary to petitioner's claim that Sonora receives primary broadcast service only from Stations KVML and KROG, uniquely favorable propagation characteristics prevail in the San Joaquin Valley resulting in communities such as Sonora receiving actual primary service from stations normally beyond such range. Additionally, it states that Sonora lies within the predicted 60 dBu contour of Station KWLF Oakdale. These services, it is claimed, are supplemented by one local newspaper and by a special news section of a Modesto paper devoted to the San Joaquin-Tuolmne area.

4. It further claims that petitioner has failed to meet certain criteria as set forth in the 1967 *Policy Statement to Govern Requests for Additional FM Assignments,* 8 F.C.C. 2d 79, namely, a convincing showing of need to a community of less than 10,000 and an outline of communities which may suffer preclusion as a result of the proposed assignment. It suggests that any new assignment in the area should be made to Angels Camp since an assignment to Sonora would preclude that community from obtaining any local aural service.

5. In its reply comments, petitioner asserts that a second FM channel assignment to Sonora would serve not only the Sonora Division, but also an additional 16,034 persons residing in the adjacent Twain Harte, Tuolumne and Groveland Divisions. Petitioner states that while its population is small,[3] it is the economic hub of the area, as well as the seat of county government. Its accessible location at the intersection of two state highways is one of the reasons for Sonora's continued economic growth, according to petitioner.

6. Further, petitioner states that an additional FM station in Sonora would serve a potential 5,637 persons residing in the Angels Division of Calaveras County.

7. Petitioner contends that while it can receive signals from other stations in the region, they do not serve the local needs and interests of Sonora. As to PACC's allegation that Sonora lies within the predicted 60 dBu contour of KWLF, Oakdale, petitioner states that a construction permit was granted in 1979, yet construction of that station has yet to commence.

8. Petitioner also states that since the existing Sonora stations (KVML and KROG) are co-owned, and their community affairs programs are duplicated, these stations effectively constitute a single aural service for local news and information. Likewise, it disputes the claim of more than one source of local print media in Tuolumne County. Petitioner states that the San Joaquin/Tuolumne news section of the Modesto paper is not a source of local news as such, and that the paper is edited in Modesto, a distance of more than 50 miles from Sonora.

9. Our *Notice* pointed out that petitioner had indicated that the assignment of Channel 228A to Sonora would cause preclusion on Channels 227, 228A and 230. We requested therein that petitioner supply us with information listing those communities within the precluded areas having populations exceeding 1,000, which have no FM assignments, and state whether alternate FM channels are available to them. In response, petitioner advises that the communities of Groveland (1970 population 884),[4] Jamestown (not listed), Columbia (not listed), Tuolumne (1970 population 1,365), Twain Harte (1970 population 1,484) and Mi-Wuk Village (not listed) would sustain preclusion as a result of the proposed assignment to Sonora, and notes that no alternate channels are available.

10. With respect to the precluded communities of Jamestown, Tuolumne, Twain Harte and Columbia, it is noted that all of these communities are within 10 miles of Sonora. Therefore, an application could be filed for use at any of those communities if assigned to Sonora in accordance with § 73.203(b) of the Commission's Rules. None of these places are large enough, however, to warrant our reserving a channel there for future use at the expense of another city where demand is present. As for Angels Camp (located 10.1 miles from Sonora), § 73.203(b) would permit use of the channel at Angels Camp since we do permit rounding off. See § 73.208(c)(5). Even without this availability, the preclusion impact to Angels Camp would not be considered substantial enough to justify denial of the provision of a second FM service to Sonora. See *Effingham, Illinois,* 48 R.R. 2d 165 (1980).

11. As to PACC's suggestion that any assignment in the area should be made to Angels Camp instead of to Sonora, we do not have a commitment from any party that the channel would be put to use at Angels Camp. In addition, petitioner's response that Angels Camp was not listed as a precluded community in the petition since the use of Channel 228A there was already precluded by the assignment of that channel to Roseville, California, complies with acceptable procedures for preclusion studies.

12. As the PACC's contention that we have ignored our Policy Statement of 1967, this case follows a policy trend established several years ago in which the efficiency of a proposed assignment is evaluated by placing greater weight than we have in the past on the location where demand is present. See, *e.g., El Dorado, Ark.,* Docket 78-143, *Memorandum Opinion and Order* adopted March 16, 1981, Mimeo No. 08208, and cases cited therein; see also *Effingham, Ill., supra.* While many of these cases involve the Commission's population criteria, the situation is even more compelling here where the additional assignment would not exceed the total which we believe is reasonable for a community under 50,000 population.

13. It appears that the undertone of PACC's comments indicate a concern of possible economic impact the proposed assignment could have on its operations. If this is so, that is a matter which could be raised at the application stage where it would be feasible to investigate and consider the merits of various allegations, rather than at the assignment level. *See Beaverton, Michigan,* 44 R.R. 2d 55 (Broadcast Bureau, 1978).

14. Accordingly, since the preclusion impact affects communities for which the channel is available under the 10-mile rule or not otherwise significant and since the assignment will provide a second local FM broadcast voice to serve the local needs, we believe that the public interest would be served by allocating Channel 228A to Sonora, California.

15. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of

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[3] Based on 1980 U.S. Census data, Sonora's population has increased 4.3% over the past decade, while that of Tuolumne County showed a gain of 34.6%.

[4] Recent population figures are not available for the precluded communities since they are not incorporated, and therefore not listed in the preliminary 1980 Census.

1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective November 24, 1981, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with regard to the following community:

City	Channel No.
Sonora, Calif.	224A, 228A

16. It is further ordered, That this proceeding is terminated.

17. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-28384 Filed 9-30-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-334; RM-3750]

FM Broadcast Station in Atoka, Oklahoma; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action herein assigns FM Channel 276A to Atoka, Oklahoma, in response to a petition filed by M. J. Chase. The assignment could provide Atoka with a first local FM service.

DATE: Effective November 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Atoka, Oklahoma); Report and order (Proceeding Terminated).

Adopted: September 17, 1981.

Released: September 23, 1981.

By the Acting Chief, Policy and Rules Division.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making,* 46 FR 27728, published May 21, 1981, in response to a petition filed by M. J. Chase ("petitioner"), proposing the assignment of FM Channel 276A to Atoka, Oklahoma, as that Community's first FM assignment. Supporting comments were filed by petitioner in which she reaffirmed her intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Atoka (population 3,346),[1] in Atoka County (population 10,972), is located approximately 176 kilometers (110 miles) southeast of Oklahoma City, Oklahoma. It is currently served by daytime-only AM Station KEOR. Channel 276A could be assigned to Atoka in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

3. In support of her proposal, petitioner submitted information with respect to Atoka which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 276A to Atoka, Oklahoma. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first fulltime local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, That effective November 23, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Atoka, Oklahoma	276A

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-28383 Filed 9-30-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] Population figures are taken from the 1980 U.S. Census.

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47 CFR Part 73

[BC Docket No. 80-50; RM-3183]

FM Broadcast Station Coeur D'Alene, Idaho; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns a second Class A FM channel to Coeur D'Alene, Idaho. In doing so, two proposed plans involving Class C channels were rejected. The proceeding was initiated by Coeur Broadcasting, Inc.

DATE: Effective November 24, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Coeur D'Alene, Idaho); Report and order (Proceeding Terminated).

Adopted: September 18, 1981.

Released: September 25, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has before it the *Notice of Proposed Rule Making,* 45 FR 12451, published February 26, 1980, which proposed three assignment plans to add a second FM channel to Coeur D'Alene, Idaho. One plan involved shifts in existing assignments at Libby, Montana, at Colfax, Washington, and at Orofino, Idaho.[1] Comments were received from petitioner, Coeur Broadcasting, Inc.; 4-K Radio, Inc., licensee of Station KLER-FM, Orofino, Idaho; Idaho Broadcasting Co., licensee of Station KIOB(FM), Coeur D'Alene, Idaho, Spokane Public Radio, licensee of Station KPBX(FM), Spokane, Washington; and KGVO Broadcasters, Inc., proponent for the assignment of a Class C channel for Missoula, Montana, in BC Docket No. 80-180.[2]

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[1] This proposal also necessitated frequency changes for two Spokane noncommercial stations as well in order to avoid the potential for IF interference. This is discussed further below. However, because noncommercial FM assignments are not listed in the Table of Assignments, no proposed rule amendment was needed in this regard.

[2] The distance between Missoula and Coeur D'Alene is approximately 227 kilometers (142 miles) and the required distance for first adjacent channel Class C assignments, as in two of the proposed plans for Coeur D'Alene, is 240 kilometers (150 miles). However, in view of the action taken herein,

Continued

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2. Coeur D'Alene with a population of 20,054,[3] is the seat of Kootenai County (population 59,770), and is located in the narrow, northern tip of Idaho, near its western border with Washington. It is 51 kilometers (32 miles) east of Spokane, Washington, and 420 kilometers (260 miles) east of Seattle, Washington. Present aural services licensed to Coeur D'Alene are fulltime AM Station KVNI and Class A FM Station KIOB.

3. The *Notice* set forth three assignment plans for Coeur D'Alene. First, we proposed to assign two Class C channels which involved upgrading Station KIOB (Channel 276A) to Class C status. Three substitutions of Class A channels, at Orofino, Idaho, at Libby, Montana, and at Colfax, Washington, were also necessary. The basis for assigning Class C channels to this community was the showing of considerable first and second FM and aural service to outlying areas which were demonstrating signficant growth. Two Class C channels were proposed to avoid intermixture, particularly since Station KIOB had just recently commenced operations: Only one Class C channel (Channel 270) however could utilize a transmitter location in or near to Coeur D'Alene. The closest site for another Class C assignment was 61 kilometers (39 miles) on Channel 291. Therefore we indicated that should the distant site restriction prove unsatisfactory or should Station KIOB not desire to avail itself of a Class C facility, one Class C channel might be assigned (Plan II). As in Plan I, three Class A channel substitutions would be necessary. Finally, we left open the option of assigning a second Class A channel to Coeur D'Alene since it seemed no unlikely that the first two plans may prove too problematic (Plan III). No other channel assignments would be affected by the second Class A channel "drop-in."

4. A number of submissions were filed in response to the three plans proposed in the *Notice*. 4–K Radio, Inc., licensee of Station KLER–FM, Channel 237A, in Orofino, Idaho, filed a pleading in which it waived its right to a hearing regarding Plan I which proposed to change its channel. It argued instead that if Channel 276A could be reassigned from Coeur D'Alene to Colfax, then the need to change Orofino's 237A assignment would be eliminated. Plan II, it argued, could also be modified to place either Channel 237A or Channel 276A in Colfax with appropriate site restrictions.[4] As to Plan III, KLER–FM notes that by placing a site restriction on Channel 272A in Colfax, Channel 272A could also be assigned to Coeur D'Alene. Alternatively it is suggested that Channel 237A or Channel 276A could be substituted, with a site restriction, for Channel 272A in Colfax.

5. Coeur Broadcasting, Inc., the petitioner, provided a list of channels available to precluded communities as requested. It also submitted that Channel 291 would be an unacceptable assignment to Coeur D'Alene, as the site restriction would place it beyond two mountain ranges thus causing severe shadowing. From such a restricted site (39 miles), petitioner insists there is no possibility of 70 dBu coverage to Coeur D'Alene. Petitioner further noted that the site for Station KIOB–FM, which is in a valley floor, would provide very poor coverage as a Class C facility thus removing the rationale for assigning a Class C channel. For the same reason, other possible Class C assignments, each needing greater site restrictions, are also unusable. Petitioner further states that it is undecided about whether it would accept a Class A assignment should the third plan be adopted, however, it does fully endorse Plan II.[5]

6. Another party filing comments is Idaho Broadcasting Co., the licensee of Station KIOB–FM (Channel 276A), in Coeur D'Alene, stating that it would accept upgrading to Channel 270, that it would share the costs of reimbursement for the related changes under Plan I, and further that Channel 276A could be reassigned to Colfax under Plan I in lieu of Channel 272A or 237A.[6]

7. We believe it has been adequately shown that Coeur D'Alene, Idaho, merits a second FM assignment. As to the first proposed plan, it appears that due to site restrictions and surrounding terrain any Class C channel other than 270 would cause severe shadowing and thus is of no interest to petitioner or any other party. Therefore we have dismissed Plan I from further consideration having been convinced that no other Class C channel is available for Coeur D'Alene. The second plan involves an intermixture of channels in Coeur D'Alene. We have consistently refused to intermix a Class C channel with an existing Class A station in this type of situtation except in two types of situations: (1) The Class A station were upgraded to the Class C channel and there was an interest in utilizing the vacated Class A frequency by some party; [7] or (2) the need for a Class C assignment based on a showing of substantial new service to unserved and underserved areas was demonstrated.[8] As to the first example, Idaho Broadcasting appears willing to switch to a Class C facility if it were reimbursed for the change in frequency, as proposed. We have no reason to believe it is otherwise willing to upgrade on its own. We also lack an expression of willingness in this regard from petitioner to the effect that it would be willing to occupy the vacated Class A frequency. In fact, petitioner stated it was undecided whether it would apply for a Class A channel under Plan III which proposed two Class A channels for Coeur D'Alene. We feel it is more unlikely that petitioner would be willing to apply for a Class A channel at Coeur D'Alene if it were to be faced with an intermixture situation. But even more important from a public interest standpoint, there is little to be gained from a Class C channel assignment. Due to the mountainous terrain, a Class C station's signal would carry a relatively short distance from Station KIOB's present site in the valley where Coeur D'Alene is located and surrounded by mountains. Thus outlying areas in need of service, could not be reached, just as none of the proposed Class C channels in Plan I or II operating from distant transmitter sites of 39 miles and beyond could reach into the Coeur D'Alene valley area. Similarly, a Class C station utilizing petitioners proposed site at Mica Peak with 75 kW at 2,200 feet approximately 10.5 miles southwest of Coeur D'Alene, according to our staff study, would not provide any first FM or aural service and would not likely provide any second FM or aural service. Rather such a location would provide an excellent signal to Spokane, only 20 miles west, and which is in line of sight from Mica Peak. This fact may have raised *Berwick* [9] concerns were we to

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it was not necessary to consolidate the two proceedings.

[3] All population figures are taken from the 1980 U.S. Census.

[4] The Bureau's study indicates that a site restriction of 8.5 kilometers (5.3 miles) northwest is required for Channel 237A in Colfax, to avoid short spacing to Channel 237A in Orofino, licensed to Station KLER–FM.

[5] In addition to its comments petitioner filed a reply pleading expressing its continued support for Plan II and lack of objection to the comments of Pend Oreille and 4–K Radio.

[6] Pend Oreille Valley Broadcasting filed a petition for the assignment of Channel 285A to Newport, Washington (BC Docket No. 81–332), and, as such, in its comments submitted in the Coeur D'Alene proceeding, opposed any plan that would interfere with it. Nothing in that proposal, however, affects any of the proposals in Plans I, II or III or vice versa.

[7] See, *Rome, New York*, 42 RR 2d 618 (1978).

[8] *Fayetteville, North Carolina*, 43 FR. 36104 (1979).

[9] The *Berwick* issue involves a situation where a proposed transmitter location is so close to a larger market as to raise questions of the petitioner's true intent. See *Communications Investment Corp.* 48 RR 2d 1291 (D.C. Cir. 1981).

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consider that proposal. Therefore we find that not only do we lack the willingness of Idaho Broadcasting to upgrade without reimbursement and of petitioner to be the "victim" of an intermixture result by seeking to occupy the vacated Class A channel, but, we lack the showing justifying a Class C channel for Coeur D'Alene.

8. On the other hand, pursuant to Plan III, we have no difficulty in finding a need for a second Class A channel assignment to Coeur D'Alene based on its size and lack of local service. While we do not have the unqualified expression of interest in applying for the channel that we normally require, we believe the assignment is nonetheless justified and hopefully the channel will be applied for in the near future.[10]

9. Canadian concurrence in the assignment of Channel 272A to Coeur D'Alene has been obtained.

10. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §0.281 of the Commission's Rules, IT IS ORDERED, That effective November 24, 1981, the FM Table of Assignments (Section 73.202(b) of the Rules) is amended with respect to the communities listed below:

City	Channel No.
Coeur D'Alene, Idaho	272A, 276A

11. It is further ordered, That this proceeding IS TERMINATED.

12. For further information concerning this proceeding, contact Mark N. Lipp, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-28367 Filed 9-30-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-102; RM-3783]

FM Broadcast Station in Fort Worth and Palestine, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes Channel 231 for Channel 230 at Fort Worth, Texas; substitutes Channel 244A for Channel 232A at Palestine, Texas, and modifies the licenses accordingly, in response to a petition filed by Latin American Broadcasting Company.

DATE: Effective November 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fort Worth and Palestine, Texas); Report and Order (Proceeding Terminated).

Adopted: September 17, 1981.

Released: September 24, 1981.

By the Acting Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 15186, published May 4, 1981, proposing the substitution of Channel 231 for Channel 230 at Fort Worth and the substitution of Channel 244A for Channel 232A at Palestine, Texas, in response to a petition filed by Latin American Broadcasting Company ("petitioner"), licensee of Station KESS(FM), Fort Worth, Texas (Channel 230). The *Notice* also proposed modification of the licenses to specify the newly assigned channels. Comments supporting the petition were filed by the petitioner, by Vista Broadcasting Company, Inc., licensee of Station KLIS (FM), Palestine, Texas (Ch. 232A), and by Service Broadcasting Corporation, licensee of Station KKDA(FM), Dallas, Texas (Ch. 283).

2. In comments, petitioner incorporated by reference the information contained in the *Notice*, noting the benefits that could be derived from the proposed substitution of channels at Fort Worth and Palestine. To recapitulate, those benefits include moving to a site which will permit Station KESS to provide a better signal to the Spanish speaking population in the Dallas-Fort Worth area. Petitioner restated its willingness to reimburse Station KLIS (FM) for changes associated with its own channel change.

3. Vista in comments, restated its support of the proposal to modify its license from Channel 232A to Channel 244A. Service Broadcasting also filed supporting comments, asserting that the proposal, if adopted, would also permit relocation of its own transmitter site, thereby improving coverage to the black community of Dallas. Service restated its earlier commitment to share in the expenses of the KLIS(FM) channel change.

4. In the *Notice*, we stated that the substitution of Channel 231 for Channel 230 would reduce preclusion on Channels 228, 229 and 230, and would cause no new preclusion on Channels 231, 233 and 234. We also stated that new preclusion would occur, however, on Channel 232A in the Waco-Gatesville Marlin area.[1] As directed by the *Notice*, the petitioner submitted information indicating that the following channels are available for assignment to the precluded communities: Channels 221A and 289 to Marlin; Channels 221A, 269A and 289 to Waco, and Channels 269A, 289 and 290 to Gatesville.

5. We have determined that the public interest would be served by the substitution of channels, as proposed in the *Notice*, inasmuch as the substitution of Channel 231 for Channel 230 at Fort Worth would enable better broadcast service to a substantial Spanish speaking population in the area. It would also allow Station KKDA to relocate and provide better service to its listeners. The above proposal requires the substitution of Channel 244A for Channel 232A (Station KLIS (FM)), Palestine, Texas. Based on the benefits that could be derived by the proposed substitution of channels, we shall substitute Channel 230 for Channel 231 at Fort Worth, Channel 244A for Channel 232A at Palestine and modify the licenses of FM Stations KESS and KLIS to specify the newly assigned channels.

6. Accordingly, it is ordered, That effective November 23, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, IS AMENDED with respect to the following communities:

City—Channel No.

Fort Worth, Texas—231, 242, 246, 258, 271, 298

Palestine, Texas—244A, 252A

7. IT IS FURTHR ORDERED, pursuant to the authority contained in section 316 of the Communications Act of 1934, as amended, the license of Station KESS (FM), Fort Worth, Texas, IS MODIFIED to specify operation on Channel 231, subject to the following provisions:

(a) At least 30 days before operating on Channel 231, the licensee shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 231;

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[10] In assigning Channel 272A to Coeur D'Alene, we note that a site restriction of 3.6 miles south on Channel 272A at Colfax, Washington, is necessary.

[1] The *Notice* incorrectly referred to the community as "Martin."

(b) At least 10 days prior to commencing operation on Channel 231, the licensee shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The licensee shall not commence operation on Channel 231 without prior Commission authorization.

(d) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission Rules.

8. It is further ordered, pursuant to the authority contained in section 316 of the Communications Act of 1934, as amended, the license of Station KLIS (FM), Palestine, Texas, IS MODIFIED to specify operation on Channel 244A, subject to the following provisions:

(a) At least 30 days before operating on Channel 244A, the licensee shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 244A;

(b) At least 10 days prior to commencing operation on Channel 244A, the licensee shall submit the measurement data required of an applicant for an FM broadcast station license; and

(c) The licensee shall not commence operation on Channel 244A without prior Commission authorization.

(d) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

9. Authority for the actions taken herein is contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

10. It is further order, That this proceeding IS TERMINATED.

11. For further information concerning the above proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-28388 Filed 9-30-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-331; RM-3726]

FM Broadcast Station in Kailua-Kona, Hawaii; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 228A to Kailua-Kona, Hawaii, in response to a petition filed by Norman E. and Sally A. Garrison. The proposed station would provide a first local FM broadcast service to Kailua-Kona.

DATE: Effective November 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTRACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Kailua-Kona, Hawaii); Report and order (Proceeding Terminated).

Adopted: September 17, 1981.

Released: September 23, 1981.

By the Acting Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making,* 46 FR 29488, published June 2, 1981, proposing the assignment of Channel 228A to Kailua-Kona, Hawaii, as that community's first FM assignment. The *Notice* was initiated in response to a petition filed by Norman E. and Sally A. Garrison ("petitioners"). Supporting comments were filed by Shoblom Broadcasting, Inc. ("Shoblom"),[1] and by the petitioner, both stating their intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Kailua-Kona (population 365)[2] is located in the North Kona Division (population 4,832) on the Island of Hawaii (population 63,468). Kailua-Kona is located on the west coast of the Island of Hawaii, approximately 280 kilometers (173 miles) southeast of Honolulu. It has no local aural broadcast service.

3. Petitioner incorporated by reference the information contained in the *Notice,* demonstrating the need for a first FM assignment to Kailua-Kona. They again note the lack of service at Kailua-Kona and the need for a station to meet the needs of the community.

4. We believe that the petitioner has adequately demonstrated the need for a first FM assignment to Kailua-Kona, and that the public interest would be served by assigning Channel 228A to that community. The assignment can be made in compliance with the minimum distance separation requirements.

5. Accordingly, pursuant to Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act, as amended, and § 0.281 of the Commission's, Rules, it is ordered, That effective November 23, 1981, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community:

City—Channel No.
Kailua-Kona, Hawaii—228A

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-28389 Filed 9-30-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-333; RM-3758]

FM Broadcast Station in Owensville, Missouri; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 237A to Owensville, Missouri, in response to a petition filed by Gerald W. Hertlein. The assignment could provide Owensville with a first local aural broadcast service.

DATE: Effective November 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Owensville, Missouri); Report and order (Proceeding Terminated).

Adopted: September 17, 1981.

Released: September 23, 1981.

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[1] Shoblom is licensee of Stations KFWJ (AM and FM), Lake Havasu City, Arizona, and Station KUUK(AM), Wickensburg, Arizona, and is the petitioner in BC Docket No. 80-744 to assign Channel 240A to Lahaina, Hawaii.

[2] Population figures are taken from the 1980 U.S. Census.

V 46/190 OC 1 81 UMI

By the Acting Chief, Policy and Rules Division:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 46 FR 27727, published May 21, 1981, in response to a petition filed by Gerald W. Hertlein ("petitioner"), proposing the assignment of FM Channel 237A to Owensville, Missouri, as that community's first FM assignment. Supporting comments were filed by petitioner in which he reaffirmed his intent to file for the channel, if assigned. No oppositions to the proposal were received.

2. Owensville (population 2,416),[1] in Gasconade County (population 11,878), is located approximately 113 kilometers (70 miles) southwest of St. Louis, Missouri. It presently has no local aural service. Channel 237A could be assigned to Owensville, provided the transmitter site is located approximately 9.2 kilometers (5.7 miles) south of that community to avoid short-spacing to Station KWWR, Mexico, Missouri, in compliance with § 73.207 of the Commission's Rules.

3. In support of his proposal, petitioner submitted information with respect to Owensville which is persuasive as to its need for a first FM channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 237A to Owensville, Missouri. An interest has been shown for its use, and such an assignment would provide the community with an FM station which could render a first local aural broadcast service.

5. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, That effective November 23, 1981, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City—Channel No.

Owensville, Missouri—237A

7. It is further ordered, That this proceeding is terminated.

8. For further information regarding the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-28391 Filed 9-30-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] Population figures are taken from the 1980 U.S. Census.

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47 CFR Part 73

[BC Docket No. 346; RM-3766]

FM Broadcast Station in Rayville, Louisiana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 221A to Rayville, Louisiana, in response to a petition filed by North Louisiana Broadcast Enterprise. The proposed station would provide a first local aural broadcast service to Rayville.

DATE: Effective November 23, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Rayville, Louisiana); Report and order (Proceeding Terminated).

Adopted: September 17, 1981.

Released: September 23, 1981.

By the Acting Chief, Policy and Rules Division:

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 30154, published June 5, 1981, proposing the assignment of Channel 221A to Rayville, Louisiana, as that community's first FM assignment, in response to a petition filed by North Louisiana Broadcast Enterprise ("petitioner".) Supporting comments were filed by the petitioner and by a community leader of Rayville.

2. Rayville (population 3,962), [1] seat of Richland County (population 21,774) is located approximately 320 kilometers (200 miles) northwest of New Orleans, Louisiana. It is served locally by daytime-only AM Station KRIH.

3. In comments to the proposal, petitioner restated the information contained in the *Notice* which demonstrated the need for an FM assignment to Rayville. Petitioner reiterated its intent to apply for the channel, if assigned.

4. The Commission believes that the public interest would be served by assigning Channel 221A to Rayville, Lousiana, since it would provide the community with an opportunity for its first local FM broadcast service. The transmitter site is restricted to kilometers (2.5 miles) northeast of the city to avoid short-spacing to Station KVCL-FM, Winnfield, Louisiana.

5. Accordingly, pursuant to Section 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rues, IT IS ORDERED, That effective November 23, 1981, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the following community:

City	Channel No.
Rayville, Louisiana	221A

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For futher information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-28392 Filed 9-30-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] Population figures are taken from the 1980 U.S. Census.

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 801

Public Availability of Information, Appendix—Fee Schedule

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: This revision sets forth price changes for obtaining copies of factual investigative records and other documents available from the National Transportation Safety Board (Board) under the Freedom of Information Act. Certain changes in the fee schedule are now required to reflect the price terms of the renewed contract with the commercial reproducer.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: John M. Stuhldreher, General Counsel, National Transportation Safety Board, Washington, D.C. 20594 (202-382-6540).

SUPPLEMENTARY INFORMATION: Pursuant to subsection (a)(4)(A) of the Freedom of Information Act (Pub. L. 93-502, November 21, 1974, amending 5 U.S.C. 552), fee schedules for document search and duplication must be published in the **Federal Register**. In 1975, after notice, the Board issued its regulations implementing this subsection. In an amended Appendix to 49 CFR Part 801, which was published at 45 FR 64193, September 29, 1980, a price list for documents published by or available from the Board was established, based on the provisions of the then current contract between the Board and the commercial reproducer. The Board has renewed that contract effective October 1, 1981, and the renewed contract necessitates certain price changes for reproduction services and photographic prints.

Pursuant to 5 U.S.C. 553, the Board believes that notice of proposed rulemaking is unnecessary and impracticable since the changes in reproduction fees were subject to and are the result of a formally advertised procurement.

PART 801—PUBLIC AVAILABILITY OF INFORMATION

Accordingly, 49 CFR Part 801 is hereby amended by revising the Appendix—Fee Schedule as set forth below.

Appendix—Fee Schedule

1. Special services fees (pursuant to 31 U.S.C. 483a). Upon request, services relating to public documents are available at the following fees:

(a) Subscriptions (Calendar year):

(1) Initial decisions of the administrative law judges—$40.00 for one subscription, $30.00 for each additional subscription.

(2) Board safety enforcement opinions and orders—$20.00 for one subscription. $15.00 for each addtional subscription.

(3) Board aircraft accident (probable cause) reports, brief format—$40.00 (U.S.) and $80.00 (foreign).

(4) Aircraft accident reports, narrative—$40.00 (U.S.) and $80.00 (foreign).

(5) Board safety recommendations—$60.00.

Note.—Send subscription orders for (a)(1), (a)(2), and (a)(5) above to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Subscription orders for (a) (3) and (4), above, should be forwarded to the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

(b) Document certification under the Board's seal—$4.

(c) Computer tapes and services for aviation accidents. Duplication of computer tapes (or a fraction thereof)—$40.

Note.—Computer tape requests should be addressed to the Chief, Information Systems Division, Bureau of Technology, National Transportation Safety Board, Washington, D.C. 20594.

(d) The basic fees set forth provide for ordinary first-class postage prepaid. If registered, certified, air, or special delivery mail is used, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, such costs will be added to the basic fee.

(e) Subscription fees for paragraph (a) above reproduction fees, and search fees are waived for qualifying foreign countries, international organizations, nonprofit public safety entities, State and Federal transportation agencies, and colleges and universities, after approval by the Director, Bureau of Administration. In addition, such fees may be waived or reduced for other recipients not in any of the foregoing categories, when determined by the Director, Bureau of Administration, to be appropriate in the interest of and contributing to the Board's program.

2. Reproduction fees. All documents in the Board's public files may be examined, without charge, in the Board's public reference room, located in the Public Inquiries Section, Room 808F, 800 Independence Ave., SW, Washington, D.C. A self-service duplicator in the reference room is available to the public for reproduction at a nominal cost.

All transportation mode accident files. Reproduction of accident files (statements, photographs, hearing transcripts, and other material contained in the board's accident investigation files) is accomplished by commercial contract. Reproductions of all printed matter and photographs are made from the best copy available. Requests must be forwarded to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The contractor may bill and/or collect full payment before duplicating the requested documents. Fees are subject to change depending upon the Board's annual contract award.

Current fees are:

(a) Reproduction services:

SIZE (IN INCHES)	
8½ by 11	$0.12
8½ by 14	.08
10 by 14	.01

(b) Photographic prints:

SIZE (IN INCHES)	
8 by 10 black/white	$0.45
3½ by 5 color	.40
5 by 7 color	.75
8 by 10 color	3.13
2 by 2 color slide	.45

(c) Hearing transcripts $0.15 per page.

(d) Regular service—Usually, three weeks' time is required to service a request for reproduction. Filling any request for reproduction of a file that must be retrieved from the Federal Records Center will require two additonal weeks.

(e) Expedited service—A $1.00 surcharge will be made for accelerated service which will be provided within 2 working days commencing when the contractor has received advance payment or when telephone arrangements for payment have been made with the contractor. Reproduction service through the commercial contractor will be handled as follows:

Step 1. Customer places telephone or written request to the Board's Public Inquiries Section for desired accident file.

Step 2. The Board forwards order form and file to contractor.

Step 3. Contractor sends advance billing invoice, which shows total cost, to customer.

Step 4. Customer calls contractor direct and verifies that he is wiring payment to contractor, as specified by contractor, or customer returns a copy of the contractor's invoice with full payment enclosed.

Step 5. Contractor copies documents and mails them to the customer.

3. Availability of accident files. All transportation mode accident files are retained in accordance with the following schedule:

(1) Air carrier accident files and all public hearing files are retained for a period of fifteen (15) years and then destroyed.

(2) All other transportation accident files are retained for a period of seven (7) years and then destroyed.

All transportation mode accident files are retained at the Board for four (4) calendar years commencing with the anniversary date of the accident and ending on the last day of the fourth calendar year. After the retention period at the board, the files are then transferred to the Federal Records Center for retention in accordance with the schedule outlined in paragraphs (1) and (2), above, and then destroyed on the last day of the fifteenth or seventh year, as applicable.

4. Document search fee—The Board has determined that it is in the public interest to eliminate fees for the first hour of search time. For all time expended beyond the initial hour in locating documents, the fee is $5 per hour.

5. Responses to safety recommendations. Single copies of responses to safety recommendations are available without charge.

6. Documents available without commercial reproduction cost until limited supplies are exhausted.

(1) Press releases.

(2) Aircraft accident reports, narrative, and brief format probable cause reports (on request for specific accidents).

(3) Surface accident reports.

(4) Special studies.

(5) Safety Board regulations (chapter VIII of title 49, Code of Federal Regulations).

(6) Indexes to initial decisions, Board orders, opinions and orders, and staff manuals and instructions.

(7) Statistical data published by the Board.

(8) Safety recommendations.

7. Documents for sale by the Government Printing Office:

(1) Board's annual report.

(2) Volume I, National Transportation Safety Board Decisions (1967-1972).

(3) Volume II, National Transportation Safety Board Decisions (1973-1976).

(5 U.S.C. 552, 31 U.S.C. 483a, and 49 U.S.C. 1901 et seq.)

V46/190 OC1 81 UMI

Signed at Washington, D.C., on this 28th day of September 1981.

James B. King,
Chairman.

[FR Doc. 81-28588 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-[illegible]-M

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49 CFR Part 826

Equal Access to Justice Act; Implementation

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: This amendment adds a new Part 826 to the Board's rules to provide procedural regulations to implement the Equal Access to Justice Act (the Act). That Act provides for the award of attorney fees and other expenses to certain parties who prevail against the United States in certain adversary adjudications conducted by Federal agencies. The Safety Board has concluded that it conducts one such proceeding that is encompassed by the Act. That is the review on appeal of the suspension or revocation of certain airman and other FAA certificates issued by the Federal Aviation Administration (FAA) (safety enforcement proceedings). The procedural regulations that are adopted herein provide for the hearing of fee award proceedings by Safety Board administrative law judges in FAA safety enforcement cases, with Board review, when appropriate.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: John M. Stuhldreher, General Counsel, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594; telephone (202-382-6540).

SUPPLEMENTARY INFORMATION: *Public Comments:* By a notice of proposed rulemaking published September 8, 1981 (46 FR 44797), interested persons were invited by the Board to participate in the making of the proposed rules by the submission of written data, views, or arguments.

Three comments were received in response to the notice. The first comment takes issue with the Board's determination that the Act does not apply to proceedings involving the denial of airman medical certification. The Board's determination was based upon the statutory language in Section 504(b)(1)(C) of the Act (5 USC 504) which expressly excludes adversary adjudications for the purpose of granting or renewing a license. Nothing is cited in the first comment to justify reversal of that determination.

The second comment, from FAA Chief Counsel, disputes the Board's determination that FAA safety enforcement proceedings involving the suspension of revocation of certain airman or other certificates are adversary adjudications covered by the Act, claiming that the Board's position on the issue constitutes a change of its position regarding the status of dual-agency adjudications under the Act. The Board's position was set forth in the preamble to the proposed rule as follows:

> Together with other agencies of Government, including the United States Department of Justice, and the Office of the Secretary, DOT, the Board's comment on the [Administrative Conference's] Model Rules expressed some reservations regarding its role in adjudicating fee awards that may involve the ordering by the Board of the disbursement of another Government agency's funds.

We also pointed out that, in its response to our comment, to the comment of the United States Department of Justice, and to those of other agencies, the Administrative Conference cited the language of the Act and its legislative history [citations appear in 46 FR 32900], in support of its view that dual-agency situations are covered by the Act. The Administrative Conference cited statements made in floor debate in both the House and the Senate in respect to the Act in which the dual-agency situation involving the Occupational Safety and Health Review Commission's role in the adjudication of enforcement actions brought by the Department of Labor was discussed in support of the Act. (See, for example, statement of Senator De Concini, *Congressional Record,* September 26, 1980, at S. 13690).

The Board recognizes that the Act does not explicitly pertain to the dual agency situation, a factor which formed the basis of the Board's reservation previously expressed in our comments to the Administrative Conference. Nevertheless, after carefully reviewing and considering the Act in light of its legislative history, we are persuaded that it was the intent of Congress that the legislation cover proceedings where the enforcement and adjudicative functions reside in separate agencies. To conclude otherwise would be to exclude aviation enforcement proceedings from the Act altogether (since the Board is the only forum available to consider fee awards) and thereby frustrate the overall purpose of the Act of providing for the awards of fees and expenses to private parties who prevail against the United States in adversary adjudications.

A third comment was submitted by the Chief Counsel of the United States Coast Guard who recommends that appeals from fee award determinations in cases, the merits of which have been appealed to and decided by the Board, be taken directly from the decision of the Commandant to the Courts as provided by the Act. The Board has decided that there is good cause to adopt this recommendation and the final rule is modified to delete any provisions pertaining to proceedings involving the Coast Guard. Unlike the aviation enforcement proceedings discussed above, there is a forum, other than the Board, available to consider awards in marine enforcement proceedings. The administrative law judge who renders the initial decision in the fee award proceeding is a Coast Guard employee. The appeal from that decision to the Commandant provides the agency review contemplated by the Act. The fact that the appeal from the Commandant's decision on the fee award would go directly to the Courts, rather than first coming to the Board, does not, in our judgment, do any violence to the intent of the Equal Access to Justice Act.

Background

Congress enacted the Equal Access to Justice Act (Pub. L. 96-481, 94 Stat. 2325) to provide for the award of attorney fees and other expenses to certain parties who prevail against the United States in adversary adjudications conducted by Federal agencies (proceedings under section 554 of the Administrative Procedure Act, 5 U.S.C. 554, in which the position of the United States is represented by counsel or otherwise). The Safety Board has concluded that it conducts one such proceeding; which is, the review on appeal of the suspension or revocation of certain airman and other FAA certificates listed under section 609(a) of the Federal Aviation Act of 1958 (U.S.C. 1429(a) (safety enforcement proceedings). The award of fees in proceedings involving the United States Coast Guard will be conducted under rules promulgated by the Department of Transportation.

The regulations that are adopted herein establish uniform procedures for the award of fees in administrative proceedings under section 609 of the Federal Aviation Act, an action mandated by the Equal Access to Justice Act. Those procedures apply to certain persons, identified herein, when such an identified person prevails in an appeal to the Board under section 609, and require that the Board award fees and other expenses incurred in connection with that appeal, unless the Board's administrative law judge who heard and initially decided the appeal finds that the position of the FAA was substantially justified in bringing the enforcement action that was the subject of the appeal or that special circumstances make an award unjust. Any initial decision made in response to a request for the award of fees is appealable to the full Board in order to ensure uniformity of application of the Equal Access to Justice Act to all safety enforcement proceedings in which a fee award is sought. When an award is administratively final, it will be recoverable by submission of the award to the appropriate official identified in § 826.40. The general rules applicable to all petitions for review, appeals to the Board, and initial decisions, found in Subpart B of Part 821, are applicable to the proceedings adopted herein. Moreover, appeals to the full Board from initial fee award decisions of Board administrative law judges shall be conducted in accordance with Subpart H of Part 821 of the Board's Rules of Procedure in Air Safety Proceedings (49 CFR 821.47–821.50).

Accordingly, the Board adopts a new 49 CFR part 826 to read as follows:

PART 826—RULES IMPLEMENTING THE EQUAL ACCESS TO JUSTICE ACT OF 1980

Subpart A—General Provisions

Sec.

826.1 Purpose of these rules.
826.2 When the Act applies.
826.3 Proceedings covered.
826.4 Eligibility of applicants.
826.5 Standards for awards.
826.6 Allowable fees and expenses.
826.7 Rulemaking on maximum rates for attorney fees.
826.8 Awards against the Federal Aviation Administration.

Subpart B—Information Required From Applicants

826.21 Contents of application.
826.22 Net worth exhibit.
826.23 Documentation of fees and expenses.
826.24 When an application may be filed.

Subpart C—Procedures for Considering Applications

826.31 Filing and service of documents.
826.32 Answer to application.
826.33 Reply.
826.34 Comments by other parties.
826.35 Settlement.
826.36 Further proceedings.
826.37 Decision.
826.38 Board review.
826.39 Judicial review.
826.40 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96–481, 94 Stat. 2325 [5 U.S.C. 504 (c)(1)].

Subpart A—General Provisions

§ 826.1 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (the Act), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (adversary adjudications) before the National Transportation Safety Board (Board). An eligible party may receive an award when it prevails over the Federal Aviation Administration (FAA), unless the Government agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that this Board will use to make them. As used hereinafter, the term "agency" applies to the FAA.

§ 826.2 When the Act applies.

The Act applies to any adversary adjudication identified in § 826.3 as covered under the Act that is pending before the Board at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final Board action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Board action occurs.

§ 826.3 Proceedings covered.

(a) The Act applies to certain adversary adjudications conducted by the Board. These are adjudications under 5 U.S.C. 554 in which the position of the FAA is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Proceedings to grant or renew certificates or documents, hereinafter referred to as "licenses," are excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise "adversary adjudications." For the Board, the type of proceeding covered includes aviation enforcement cases appealed to the Board under section 609 of the Federal Aviation Act (49 U.S.C. 1429).

(b) The Board may also designate a proceeding not listed in paragraph (a) as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. The Board's failure to designate a proceeding as an adversary adjudication shall not precude the filing of an application by a party who believes the proceeding is covered by the act; whether the procedure is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 826.4 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in subpart B.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation, or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this Part, unless the administrative law judge determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the administrative law judge may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 826.5 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the agency counsel, who may avoid an award by showing that the agency's position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 826.6 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents, and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75 per hour. No award to compensate an expert witness may exceed the highest rate at which the agency pays expert witnesses. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent, or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent, or expert witness, the administrative law judge shall consider the following:

(1) If the attorney, agent, or witness is in private practice, his or her customary fee for similar services, or if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent, or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project, or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 826.7 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Board may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this Part. The Board will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with the Board a petition for rulemaking to increase the maximum rate for attorney fees. The petition should identify the rate the petitioner believes the Board should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. The Board will respond to the petition within 60 days after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

§ 826.8 Awards against the Federal Aviation Administration.

When an applicant is entitled to an award because it prevails over an agency of the United States that participates in a proceeding before the Board and takes a position that is not substantially justified, the award shall be made against that agency.

Subpart B—Information Required From Applicants

§ 826.21 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the agency in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)), or in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes this agency to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney for the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 826.22 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 826.4(f) of this part) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The administrative law judge may require an applicant to file additional information to determine the eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the administrative law judge in a sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the administrative law judge finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Board's established procedures under the Freedom of Information Act as inplemented by Part 801 of the Board's rules.

§ 826.23 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spend in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The administrative law judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 826.24 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding, but in no case later than 30 days after the Board's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) the date on which an unappealed initial decision by an administrative law judge becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of the Board's final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

Subpart C—Procedures for Considering Applications

§ 826.31 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 826.22(b) for confidential financial information.

§ 826.32 Answer to application.

(a) Within 30 days after service of an application, counsel representing the agency against which an award is sought may file an answer to the application. Unless agency counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If agency counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the administrative law judge upon request by agency counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 826.36.

§ 826.33 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 826.36.

§ 826.34 Comments by other parties.

Any party to a proceeding other than the applicant and agency counsel may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the administrative law judge determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 826.35 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and agency counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 826.36 Further proceedings.

(a) Ordinarily the determination of an award will be made on the basis of the written record; however, on request of either the applicant or agency counsel, or on his or her own initiative, the administrative law judge assigned to the matter may order further proceedings, such as an informal conference, oral argument, additional written submissions, or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application and shall be conducted as promptly as possible.

(b) A request that the administrative law judge order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 826.37 Decision.

The administrative law judge shall issue an initial decision on the application within 60 days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust.

§ 826.38 Board review.

Either the applicant or agency counsel may seek review of the initial decision on the fee application, or the Board may decide to review the decision on its own initiative, in accordance with Subpart H of Part 821 for FAA safety enforcement matters appealed under Section 609 of the Federal Aviation Act. If neither the applicant nor agency counsel seeks review and the Board does not take review on its own initiative, the initial decision on the application shall become a final decision of the Board 30 days after it is issued. Whether to review a decision is a matter within the discretion of the Board. If review is taken, the Board will issue a final decision on the application or remand the application to the administrative law judge who issued the initial fee award determination for further proceedings.

§ 826.39 Judicial review.

Judicial review of final Board decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 826.40 Payment of award.

An applicant seeking payment of an award shall submit to the disbursing official of the FAA a copy of the Board's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. Applications for award grants in cases involving the FAA shall be sent to: The Office of Accounting and Audit, AAA-1, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. The agency will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

Signed at Washington, D.C., on this 28th day of September 1981.

James B. King,

Chairman.

[FR Doc. 81-28616 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-58-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Fifth Revised Service Order No. 1495]

Car Service Order; Burlington Northern Railroad Co. and Fort Worth and Denver Railway Co. Authorized To Use Tracks and/or Facilities of Chicago, Rock Island and Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Fifth Revised Service Order No. 1495.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96–254, this order authorizes the Burlington Northern and Fort Worth and Denver to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., October 1, 1981, and continuing in effect until 11:59 p.m., October 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: September 25, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96–254, (RITEA), the Commission is authorizing Burlington Northern Railroad Company (BN) and Fort Worth and Denver Railway Company (FWD) to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits BN and FWD to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A of the previous order is revised by the removal of the following:

Item 1

B. Fairfield, Iowa.

C. Henry to Peoria, Illinois, reduced to Mossville to Peoria, Illinois.

D. Phillipsburg, Kansas, to Stratton, Colorado, reduced to Phillipsburg, Kansas, to Caruso, Kansas. (C through E relettered B through D).

Item 2

C. From Groom to Adrian, Texas.

All changes effected were at the request of the involved carriers.

It is the opinion of the Commission that an emergency exists requiring that the BN and FWD, as indicated in the attached appendix, be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered:

§ 1033.1495 Service Order 1495

(a) *Burlington Northern Inc. and Fort Worth and Denver Railway Company Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* Burlington Northern Inc. (BN) and Fort Worth and Denver Railway Company (FWD) are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the BN and FWD to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the BN and FWD; or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced on the expected commencement date of those operations.

(e) BN and FWD, as authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of operations over the RI lines authorized in paragraph (a), BN and FWD shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties, or failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by BN and FWD over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, the interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, the carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., October 1, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. 10304, 10305, and Section 122, Public Law 96–254)

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

James H. Bayne,

Acting Secretary.

Appendix A.—RI Lines Authorized To Be Operated by Interim Operator

1. Burlington Northern Railroad Company (BN):
    - A. Burlington, Iowa (milespost 0 to milepost 2.06)
    - B. Mossville, Illinois (milepost 148.9) to Peoria, Illinois (milepost 164.35) including the Keller Branch (milepost 1.55 to 8.62).[1]
    - C. Phillipsburg, Kansas (milepost 282) to Caruso, Kansas (milepost 430).[1]
    - D. At Okeene, Oklahoma.[1]
2. Fort Worth and Denver Railway Company (FWD):
    - A. From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.
    - B. North Fort Worth, Texas (milepost 603.0 to 611.4).

[FR Doc. 81–28617 Filed 9–30–81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[23rd Revised Service Order No. 1473]

Car Service Order; Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Rock Island and Pacific Railroad Co., Debtor

AGENCY: Interstate Commerce Commission.

ACTION: Twenty-third Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96–254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE: 12:01 a.m., October 1, 1981, and continuing in effect until 11:59 p.m., October 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: September 25, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for implementation of long range solutions for continued rail service over RI lines, and in consideration of a recent complaint by the Trustee regarding the absence of compensation for the use of his property by certain rail carriers, the Railroad Service Board (RSB) hereby reminds any carriers which haven't negotiated such compensation to do so in the interest of continued operations. Compensation to the Trustee is an integral part of the interim authority and an obligation of all interim operators as specified by paragraph (c) of the order.

Appendix A, to the previous order, is revised by adding at Item 5, V., the authority for the Chicago and North Western Transportation Company (CNW), to operate at Iowa Junction, Illinois; at renumbered Item 14.B., the authority for the Baltimore and Ohio Railroad to operate between Bureau and Henry, Illinois; at renumbered Item 20.B, the authority for the Iowa Northern Railroad to operate between Nora Springs and Manly, Iowa, and at Item 21, the new authority for the Iowa Railroad to operate between McClelland and Stuart, Iowa, and on two adjacent branch lines. That Appendix is further modified by deleting the authority for

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[1] Changed.

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the Missouri-Kansas-Texas/Oklahoma, Kansas and Texas Railroad Company to operate in that necessary authority was granted in Finance Docket 29372. All succeeding items were renumbered accordingly.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered:

§ 1033.1473 Service Order No. 1473.

(a) *Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Comission in accordance with pertinent authority conferred upon it by Section 122(a), Public Law 96–254.

(d) Interim operators, authorized in Appendex A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsiblity of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the division shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., October 1, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

James H. Bayne,

Acting Secretary.

Appendix A.—RI Lines Authorized To Be Operated By Interim Operator

1. *Louisiana and Arkansas Railway Company (L&A):* A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF interlocking station No. 19.
2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.
3. *Union Pacific Railroad Company (UP):*
   - A. Beatrice, Nebraska.
   - B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.
4. *Toledo, Peoria and Western Railroad Company (TP&W):*
   - A. Keokuk, Iowa.
   - B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.
5. *Chicago and North Western Transportation Company (C&NW):*
   - A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.
   - B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.
D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).
E. From Short Line Junction Yard (milepost 73.6) to Carlisle, Iowa.
F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).
G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).
H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).
I. From Allerton, Iowa (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).
J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 209.9).
K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).
L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).
M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).
N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.
O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).
P. Sibley, Iowa.
Q. Worthington, Minnesota.
R. Altoona to Pella, Iowa.
S. Carlisle to Indianola, Iowa.
T. Omaha, Nebraska (between milepost 502 to milepost 504).
U. Earlham (milepost 388.6) to Dexter, Iowa (milepost 393.5).
V. Peoria Terminal Company trackage from Iowa Junction (PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (PTC milepost 7.40), and between RI mileposts 164.30 and 164.32 at Iowa Junction, Illinois.[1]

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company* (Milwaukee):
   A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.
   B. Washington, Iowa.
   C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.
   D. From Davenport to Iowa City, Iowa.
   E. At Davenport, Iowa.
7. *Davenport, Rock Island and North Western Railway Company (DRI):*
   A. Moline, Illinois.
   B. Rock Island, Illinois, including 26th Street yard.
   C. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.
   D. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island Arsenal.
8. *St. Louis Southwestern Railway Company (SSW):*
   A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.
   B. At North Topeka and Topeka, Kansas.
9. *Little Rock & Western Railway Company:* From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).
10. *Missouri Pacific Railroad Company:* From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.
11. *Norfolk and Western Railroad Company:* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calument approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calument Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calument Harbor, West Side, will be continued so that shippers at the port can have NW rates and routed regardless of which carrier performs switching services.
12. *Southern Railway Company:* A. At Memphis, Tennessee.
13. *Cadillac and Lake City Railroad:*
   A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 3.9) all in the vicinity of Denver, Colorado.[1]
   B. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.
   C. From Limon, Colorado (milepost 532) to but not including Caruso, Kansas (milepost 429.3), with over-head rights from Caruso to Colby, Kansas, in order to effect interchange with the Union Pacific.
   D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado.
14. *Baltimore and Ohio Railroad Company:*
   A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.
   B. From Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.[2]
15. *Cedar Rapids and Iowa City Railway Company (ICC):* A. From the west intersection of Lafayette Street and South Capitol Street, Iowa City, Iowa, southward for approximately 2.2 miles, terminating at the intersection of the RI tracks and the southern line of Section 21, Township 70 North, Route 6 West, Johnson County, Iowa, including spurs of the main trackage to serve various industry; and to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
16. *Keota Washington Transportation Company:*
   A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.
   B. At Vinton, Iowa, and to serve any industries on the former RI which are not being served presently.
   C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).
17. *The La Salle and Bureau County Railroad Company:*
   A. From Chicago (milepost 0.66) and Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.
   B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.
   C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.
18. *The Atchison, Topeka and Santa Fe Railway Company:* A. At Alva, Oklahoma.
19. *The Brandon Corporation:* A. From Clifton, Kansas (milepost 197.0), to Manhattan, Kansas (milepost 143.0), a distance of approximately 53 miles.
20. *Iowa Northern Railroad:*
   A. From Cedar Rapids, Iowa (milepost 100.5), to Waterloo, Iowa (milepost 150.76).
   B. From Shell Rock, Iowa (milepost 172.1), to Manly, Iowa (milepost 225.1).
   C. At Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.
21. *Iowa Railroad Company:*
   A. From McClelland, Iowa (milepost 476.6) to Stuart, Iowa (milepost 397.84) a distance of approximately 78.76 miles.
   B. From Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.
   C. From Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

[FR Doc. 81-28618 Filed 9-30-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Parts 1039 and 1300

[Ex Parte No. 387]

Railroad Transportation Contracts

AGENCY: Interstate Commerce Commission.

ACTION: Removal of interim rules.

SUMMARY: At 45 FR 73481, November 5, 1980, the Commission published interim rules implementing the provisions of the

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[1] Changed.

[2] Added.

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Staggers Rail Act which govern the process of contract filing, complaints, and approval and disapproval of contracts between rail carriers and purchasers of rail service. At 45 FR 85640, December 29, 1980, the Commission published a notice telling of a stay of these rules which took effect on December 16, 1980. Proposed rules were promulgated in the same issue, which had a comment due date of January 8, 1981.

This notice removes the interim rules. The purpose of removal at this time is to avoid inclusion of the stayed interim rules in the annual revision of the Code of Federal Regulations now being prepared. Comments on the proposed rules are currently being considered, and final action on them will be forthcoming.

EFFECTIVE DATE: October 1. 1981.

FOR FURTHER INFORMATION CONTACT: Jane Mackall, 202-275-7693.

SUPPLEMENTARY INFORMATION: Title 49 of the Code of Federal Regulations is amended by removing §§ 1039.1-1039.6, and §§ 1300.300, 1300.310, 1300.311, 1300.312, 1300.313, 1300.314, and 1300.315 as published at 45 FR 73481, November 5, 1980.

Decided: September 28, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28565 Filed 9-30-81: 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Parts 1100, 1108, 1111, and 1121

General Rules of Practice; Guidelines for Implementation of the National Environmental Policy Act of 1969; Railroad Acquisition, Control, Merger, Consolidation Project, Trackage Rights and Lease Procedures; Abandonment of Railroad Lines and Discontinuance of Service; Corrections

AGENCY: Interstate Commerce Commission.

ACTION: Corrections to final rules.

SUMMARY: The purpose of this notice is to correct errors, inconsistencies and omissions which occurred inadvertently in documents published during the period from October 1, 1979 to the present. The documents concern regulations on the Commission's general rules of practice, environmental considerations, and railroad matters. The corrections are listed and discussed separately below.

FOR FURTHER INFORMATION CONTACT: Ann Guthridge, 202-275-7281.

SUPPLEMENTARY INFORMATION: (1) At 45 FR 86789, December 31, 1980, in Ex Parte No. 55 (Sub-No. 43), the Commission published rules governing applications for operating authority. The rules modified the Commission's procedures for permanent authority governing issuance of certificates, permits and licenses to motor and water carriers, freight forwarders and brokers. The instruction for removing portions of Appendix F is corrected as follows:

PART 1100—COMMISSION ORGANIZATION; DELEGATION OF AUTHORITY

Appendix F [Amended]

Remove that portion of Appendix F to Part 1100 under the headings "Applications—Motor Carrier and Broker," and "Applications—Water Carrier and Freight Forwarder."

(2) At 45 FR 79813, December 2, 1980, in Ex Parte No. 55 (Sub-No. 22), the Commission revised its exisiting guidelines for environmental policy. The heading of the revised Part 1108 was inadvertently omitted. The heading should read as follows:

PART 1108—GUIDELINES FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

(3) At 46 FR 9113, January 28, 1981, in Ex Parte No. 282 (Sub-No. 6), the Commission issued a policy statement on the importance of rail consolidations in national policy. The instruction for the CFR amendment in column 3 is corrected as follows:

PART 1111—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS AND LEASE PROCEDURES

Title 49 CFR Part 1111 is amended by adding § 1111.10 to read as follows:

(4) At 45 FR 79486, December 1, 1980, in Ex Parte No. 282 (Sub-No. 7), the Commission issued interim rules which describe application procedures for special intermodal authority for transportation prior or subsequent to rail transportation. § 1111.11(c) in instruction number (2) is corrected as follows:

(2) The interim rule in 49 CFR 1111.11 (c) is revised to read as follows:

* * * * *

(c) *Protests*—(1) *Filing requirements.* The original and five copies of a protest to an application filed under 49 CFR 1111.11(a) shall be filed with the Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423, within 10 days of filing of the application. The protest shall bear the same caption (IM prefix, number and title) as that appearing on the application. This caption shall also be printed on the front of the envelope containing the application.

(2) *Contents.* The protest shall be in the form of verified statements and shall demonstrate why there is no presently impaired rail service and/or inadequate motor common carrier service which results in the serious failure of the rail carrier serving the shippers to meet the rail equipment or transportation schedules of shippers or which otherwise seriously fail to provide adequate normal rail services required by shippers and which shippers would reasonably expect a rail carrier to provide.

PART 1121—ABANDONMENT OF RAILROAD LINES AND DISCONTINUANCE OF SERVICE

(5) At 45 FR 78146, November 25, 1980, in Ex Parte No. 274 (Sub-No. 6), the Commission issued interim rules concerning the abandonment of railroad lines and discontinuance of service. Subparagraphs (i) and (ii) in paragraph (a) of § 1121.37 are corrected to read (1) and (2).

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28513 Filed 9-30-81: 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 190
Thursday, October 1, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Changes in the Options To Treat Insect Infested Shiplot Grain

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice of Withdrawal of Proposed Rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) is withdrawing the proposal to eliminate the current option of treating insect infested grain during loading aboard ships other than bulk dry cargo ships. This action is based on comments received regarding the proposal, as well as, research resulting in new developments in the treatment of insect infested grain aboard ships.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: John W. Marshall, Director, Inspection Division, USDA, FGIS, 1400 Independence Avenue, SW, Washington, D.C. 20250, telephone (202) 447–8497.

SUPPLEMENTARY INFORMATION: In the May 15, 1980, issue of the **Federal Register** (45 FR 32284), the Federal Grain Inspection Service (FGIS) proposed to amend § 800.86(e)(1) of the regulations (7 CFR 800.86(e)(1)) under the United States Grain Standards Act (7 U.S.C. 71 et. seq.) by deleting paragraph (e)(1)(iii) of § 800.86. The effect of this proposal would have been to revoke procedures allowing the fumigation of insect infested grain during loading aboard ships other than bulk dry cargo ships. Public comments were solicited on the proposal. All comments received by FGIS were opposed to the proposal. The commentors recommended the evaluation of other alternatives which would be less restrictive.

Since the publication of this proposal and receipt of the comments, research conducted by the Agricultural Research Service, U.S. Department of Agriculture, has determined that insect infested grain, which has been loaded aboard tanker-type ships, can be safely and effectively treated in accordance with procedures similar to those used for bulk dry cargo ships. Therefore, treatment of insect infested grain aboard tankers has been approved on an interim basis by FGIS instruction until further research in regard to gas distribution is conducted.

FGIS is evaluating other alternative methods for safely and effectively treating insect infested grain aboard ships other than tankers and bulk dry cargo ships. The methods will be designed to minimize any potential economic impact on the U.S. grain and maritime industries while providing for safe and effective fumigation of grain on board other types of ships.

Accordingly, FGIS has determined that the proposed amendment should be withdrawn. The withdrawal of this proposal, however, does not preclude FGIS from issuing similar notices in the future or commit FGIS to any course of action.

Accordingly, the proposed amendment published in the **Federal Register** (45 FR 32284–32285) on May 15, 1980, entitled "Proposed Change in the Options to Treat Insect Infested Shiplot Grain" is hereby withdrawn.

(Sec. 18, Pub. L. 94–582, 90 Stat. 2884 (7 U.S.C. 87e)).

Done in Washington, D.C., on September 25, 1981.

Kenneth A. Gilles,
Administrator.

[FR Doc. 81–28631 Filed 9–30–81; 8:45 am]

BILLING CODE 3410–EN–M

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual Agenda.

SUMMARY: Pursuant to the Regulatory Flexibility Act, and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures, the Board anticipates having under consideration regulatory matters as indicated below during the period from October 1, 1981 through April 1, 1982. The Board's next semiannual agenda will be published on April 1, 1982.

DATE: Comments may be received any time during the next six months.

ADDRESS: Comments sould be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: (A staff contact for each item is indicated with the regulatory description below.)

SUPPLEMENTARY INFORMATION: The Board's Semiannual Agenda is divided into three sections: Section A reports those regulatory matters from the Board's last Semiannual Agenda (April 1, 1981 through October 1, 1981) on which final action has been taken; Section B reports on regulatory matters that have been proposed and that are under Board consideration; and Section C reports regulatory matters the Board may consider proposing for public comment during the next six months.

A double asterisk (**) in Sections B and C indicates those matters listed on the Board's previous Semiannual Agenda; a dagger(†) indicates a proposal that is likely to have a significant economic impact on a substantial number of small entities. The latter designation applies to only those matters proposed or expected to be proposed for public comment *after* the January 1, 1981, effective date of the Regulatory Flexibility Act.

A. REGULATORY MATTERS FROM THE APRIL 1, 1981 THROUGH OCTOBER 1, 1981 SEMIANNUAL AGENDA ON WHICH FINAL ACTION HAS BEEN TAKEN

1. Regulation: C—Home Mortgage Disclosure (12 CFR part 203)

ACTION TAKEN: In July 1981, the Board adopted a revised regulation that implements statutory changes to the Home Mortgage Disclosure Act that were enacted in October 1980 (Pub. L. 96–399), and that is written in a simplified, concise form (46 FR 40679, August 11, 1981). This proposal was published for comment in February 1981 (46 FR 11780, February 10, 1981). The regulation requires depository institutions located in standard metropolitan statistical areas (SMSAs) and with assets over $10 million to

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disclose data about their home mortgage and home improvement loans each year. No significant new burdens were imposed on any covered institutions.

Some of the principal changes in the revised regulation are as follows: (1) disclosures are no longer required at a branch office in the SMSA where the institution's home office is located. (A disclosure statement will continue to be available at the home office and will contain complete data for all SMSAs in which the institution has offices.); (2) disclosures at other branch offices are only required to give data about loans on property in the SMSA where the branch is located; (3) the "total residential mortgage loans" category is no longer required; (4) geographic breakdowns must be given in terms of census tracts or counties and not by ZIP codes; (5) an institution may use either 1970 or 1980 census tract boundaries in geocoding loans, until the 1980 census tract outline maps for the SMSA are issued by the U.S. Census Bureau; (6) a lobby notice is required regarding the availability of home mortgage data; (7) an institution that has exempt status and that subsequently loses its exemption must begin to compile and report data only, in general, for the calendar year following the loss of exemption; and (8) an institution must send a copy of its disclosure statement to its supervisory agency.

The lobby notice requirement became effective on September 30, 1981. The remaining requirements went into effect on August 11, 1981. The Board also adopted a revised version of the HMDA-1 form for reporting and disclosure of loan data. The form will be published after review by the U.S. Office of Management and Budget.

AUTHORITY: Home Mortgage Disclosure Act of 1975, 12 U.S.C. 2804(a).

DOCKET NUMBER: R-0350.

STAFF CONTACT: John C. Wood, Senior Attorney, Division of Consumer and Community Affairs, (202-452-2412).

2. Regulation: D—Reserve Requirements of Depository Institutions, Q—Interest on Deposits (12 CFR Parts 204, 217)

ACTION TAKEN: In response to requests from the banking community, in December 1980 the Board issued for public comment proposed amendments to its Regulations D and Q to permit the establishment in the United States of International Banking Facilities (IBFs) by depository and other institutions to promote international banking activity in the United States. IBFs would make loans to and accept deposits from foreign residents free of reserve requirements and interest-rate limitations (45 FR 84070, December 22, 1980). This proposal would affect principally the major banks already engaged in international banking transactions. Following review of the public comments, the Board adopted the proposal in substantially the form proposed (46 FR 32426, June 23, 1981).

AUTHORITY: Federal Reserve Act, 12 U.S.C. 461.

DOCKET NUMBER: R-0214.

STAFF CONTACT: Robert F. Gemmill, Associate Director, Division of International Finance, (202-452-3733); Gilbert T. Schwartz, Associate General Counsel, Legal Division (202-452-3625).

3. Regulation: T—Credit by Brokers and Dealers (12 CFR 220.6(j))

ACTION TAKEN: In response to a request on behalf of a registered broker-dealer, the Board in December 1980 denied permission to allow the acceptance of bank depository receipts for gold by a broker or dealer to meet the margin requirements specified by the rule. At the same time the Board issued for public comment a proposed amendment to Regulation T deleting § 220.6(j) which permits the use of foreign currency to meet margin requirements (45 FR 83510, December 19, 1980). In June 1981, after reviewing comments received on the draft amendments, the Board deleted § 220.6(j) from Regulation T (46 FR 31250, June 15, 1981).

AUTHORITY: Securities Exchange Act of 1945, 15 U.S.C. 78g and w.

DOCKET NUMBER: R-0250.

STAFF CONTACT: Laura Homer, Securities Credit Officer, Robert Lord, Attorney, Securities Regulation Section, Division of Banking Supervision and Regulation, (202-452-2781).

4. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR 225.4(a)(9))

ACTION TAKEN: In March 1978 the Board issued for public comment a proposal to amend its Regulation Y relating to permissible insurance activities for bank holding companies (43 FR 14970, April 10, 1978). The proposed amendments were required in order to conform the regulation to an opinion of the United States Court of Appeals for the Fifth Circuit. The first amendment deletes the authority of bank holding companies to act as an agent for the sale of insurance sold as a matter of convenience to the public. Another amendment removes the authority for bank holding companies to act as agent for the sale of insurance for themselves or for their subsidiaries. In July 1981, the Board adopted the proposals in substantially the form proposed (46 FR 38493, July 28, 1981).

AUTHORITY: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

DOCKET NUMBER: R-0050.

STAFF CONTACT: Richard M. Whiting, Senior Attorney, Legal Division, (202-452-3779).

B. REGULATORY MATTERS THAT HAVE BEEN PROPOSED AND WILL INVOLVE FURTHER BOARD CONSIDERATION

**1. Regulation: B—Equal Credit Opportunity (12 CFR Part 202)

ACTION TAKEN: In April 1979, the Board, in response to requests for clarification, requested public comment on how the specific rules of Regulation B should apply to various credit scoring practices (44 FR 23365, April 23, 1979).

In August 1980, the Board published a revised proposal in the form of two proposed interpretations, the first dealing with consideration of income in credit scoring systems and the second with the selection and disclosure of reasons for adverse action (45 FR 56818, August 26, 1980). Both proposals would affect creditors that use credit scoring systems. The Board will review the comments received on the draft proposals and is expected to take further action during the next six months.

AUTHORITY: Section 703(a) of the Equal Credit Opportunity Act, 15 U.S.C. 1691b(a).

DOCKET NUMBER: R-0203.

STAFF CONTACT: Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, (202-452-2412).

**2. Regulation: B—Equal Credit Opportunity (12 CFR Part 202)

ACTION TAKEN: In October 1978, the Board proposed for comment several amendments to the regulation. In April of 1979 one of the proposals was adopted (44 FR 23813, April 23, 1979). The amendment clarified that persons who regularly refer consumers to creditors were subject to the general proscriptions against discrimination but were not subject to the mechanical and recordkeeping provisions of the regulation. Three proposals, which would affect creditors that extend credit to small businesses, have yet to be acted upon. These proposals would extend recordkeeping and adverse action notification requirements to business loans of under $100,000. Inquiries as to marital status of applicants would be prohibited in all business credit applications. It is expected that these matters will be considered by the Board during the next six months in conjunction with action on the proposed credit-scoring interpretations that are also outstanding. (See entry B.1.)

AUTHORITY: Equal Credit Opportunity Act, 15 U.S.C. 1691b.

DOCKET NUMBER: R–0185.

STAFF CONTACT: Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, (202–452–2412).

**3. Regulation: D—Reserve Requirements of Depository Institutions (12 CFR Part 204)

ACTION TAKEN: The Board will consider further during the next six months a proposal to adopt contemporaneous reserve accounting. In August 1980, the Board stated that it is disposed toward returning to contemporaneous reserve accounting if investigation indicates that such a system is practical (45 FR 56009, August 22, 1980). The proposal would change the reserve maintenance schedule of depository institutions to coincide with reserve computation periods as a means of improving the System's ability to meet its monetary policy objectives. Such a proposal would affect the reserve management practices of all depository institutions with $15 million or more in total deposits.

AUTHORITY: 12 U.S.C. 461 *et seq.*

DOCKET NUMBER: R–0306.

STAFF CONTACT: David Lindsey, Assistant Director, Division of Research and Statistics, (202–452–2601); Gilbert T. Schwartz, Associate General Counsel, Legal Division, (202–452–3625).

†4. Regulation: G—Securities Credit by Persons Other than Banks, Brokers or Dealers (12 CFR Part 207); T—Credit by Brokers and Dealers (12 CFR Part 220); and U—Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (12 CFR Part 221)

ACTION TAKEN: In June and July 1981, proposals to revise the Board's margin regulations were published for comment as part of the Board's Regulatory Improvement Project. The objectives of the proposed revisions, as described below and in the proposal's Initial Regulatory Flexibility Analysis, are to simplify the regulations and to reduce the burden of compliance wherever possible for individual and business borrowers.

In its first group of proposed amendments (46 FR 32592, June 24, 1981) to its margin regulations, the Board proposed to amend Regulation T to:

1. Eliminate "equity building" devices; consolidate bond accounts with the General Account; and require in certain circumstances, an off-setting adjustment to any highly leveraged General Account by transfers from the customer's Special Miscellaneous Account.
2. Relax the restriction on the arranging of credit for customers by investment bankers to permit investment banking services that may be otherwise prohibited.

For Regulation U, the Board proposed to change the collateral test to exempt from quantitative limitation all bank credit not secured by margin equity securities. At the present time a purpose loan that is collateralized by any stock is subject to the margin regulation.

In a second announcement (46 FR 37516, July 21, 1981), the following principal changes in the Board's margin regulations were proposed:

1. Regulation T would be amended to reduce the number of types of securities and other accounts subject to Regulation T from eleven to seven and to restructure the accounts along functional lines. Four of the accounts would be used for public customer transactions and three for transactions between industry members.
2. The terminology of Regulation T would be revised to prescribe the amount of margin required rather than the maximum loan value of securities used as collateral. This would conform to the terminology generally used by the securities industry.
3. The definition of "indirectly secured" margin loans in Regulations U and G would be amended to achieve more objective standards. This action would affect principally lending arrangements, by banks and insurance companies with corporate borrowers, that contain restrictions on disposition of the borrower's assets.
4. Regulation G would be amended to broaden the types of credit which may be extended by lenders subject to that regulation, chiefly insurance companies and credit unions.

The Board will review comments on these proposals and is expected to take further action during the next six months.

AUTHORITY: Securities Exchange Act of 1934, 15 U.S.C. 78g, w.

DOCKET NUMBER: R–0362.

STAFF CONTACT: Laura Homer, Securities Credit Officer, Division of Banking Supervision and Regulation, (202–452–2781); Robert Rewald, Division of Research and Statistics, (202–452–3637) Board of Governors of the Federal Reserve System, Washington, D.C.; or Mindy R. Silverman, (212–791–5032), James M. McNeil, (212–791–5914) Federal Reserve Bank of New York.

5. Regulation: J—Collection of Checks and Other Items and Wire Transfer of Funds (12 CFR Part 210)

ACTION TAKEN: In May 1981, the Board issued for public comment proposals to amend Subpart A of Regulation J by (1) redefining the terms "sender" and "bank" to include a depository institution as defined in 12 U.S.C. 461(b), namely, banks and thrift institutions, (2) imposing on a paying bank that returns an item an indemnity for loss or expense resulting from return of the item beyond the deadlines provided in the regulation, (3) incorporating provisions for collecting coupons and other securities similar to provisions regarding the payment and return of cash items, and (4) imposing a warranty and related indemnity regarding wire advice of nonpayment on a paying bank which returns a cash item (46 FR 24576, May 1, 1981). After considering the comments received, the Board adopted the first proposal in substantially the form proposed (46 FR 42059, August 19, 1981). Final action on the other three items is expected during the next six months. In its consideration of these proposals, the Board has taken account of the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, and has concluded that none are expected to have a significant economic impact on a substantial number of small entities.

AUTHORITY: Sections 13, 16, and 11(i) of the Federal Reserve Act, 12 U.S.C. 342, 248(o), 360, and 248(i).

DOCKET NUMBER: R–0357.

STAFF CONTACT: Joseph R. Alexander, Attorney, Legal Division, (202–452–2489).

**6. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)

ANTICIPATED ACTION: In the last Semiannual Agenda, reference was made to possible consideration of an amendment to Regulation T dealing with back office procedures of brokers-dealers.

Such an amendment has been proposed as part of the current revision of Regulation T (46 FR 32592, June 24, 1981). The Board will review the comments on the proposal and is expected to take further action during the next six months. (See entry B.4.)

AUTHORITY: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

STAFF CONTACT: Laura Homer, Securities Credit Officer, Bruce Brett,

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Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202–452–2781).

†**7. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)

ACTION TAKEN: In June 1981, the Board issued for public comment a proposed amendment to Regulation T to provide special rules for margin on options written on Treasury or Government National Mortgage Association (GNMA) securities (46 FR 32033, June 19, 1981).

The Securities and Exchange Commission on February 24, 1981, approved a Chicago Board Options Exchange proposal to trade options on GNMA securities. The Board's existing margin requirements for options on equity securities will be applicable unless relaxing changes are made for options on fixed income securities. If special rules are not adopted, the markets for these risk-transferring instruments may not be economically viable. Sectors affected by such a proposal would include securities brokers, government securities dealers, mortgage bankers, option exchanges, and the general public who may wish to take positions in the options market.

The Board's June 16, 1981 action requested public comment on two alternative margin-setting proposals for options on government and government agency debt issues. One such proposal would permit brokers and dealers to give "good faith" loan value to an option which has been purchased and would permit a "good faith" margin when an option contract is written. Under the alternate proposal, the Board would set a margin requirement of 130 percent of the option premium, plus $1,000 for the initial writing of all uncovered option contracts on exempt debt securities. Under this proposal no option contract would be permitted to have loan value.

The Board will review the comments on the proposals and is expected to take further action during the next six months.

AUTHORITY: Securities Exchange Act of 1934, 15 U.S.C. 78 g and w.

DOCKET NUMBER: R–0082.

STAFF CONTACT: Laura Homer, Securities Credit Officer, Bruce Brett, Securities Regulation Analyst, Division of Banking Supervision and Regulation (202–452–2781).

**8. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR 225.7)

ACTION TAKEN: In February 1979, the Board adopted regulations to implement the Change in Bank Control Act, under which any person seeking to acquire control of any insured bank or bank holding company must provide 60 days' prior written notice to the appropriate Federal banking agency. At the same time the Board invited public comment on the final regulations (44 FR 7229, February 6, 1979); following review of the comments received, the Board will determine whether further action should be taken.

AUTHORITY: Change in Bank Control Act of 1978, 12 U.S.C. 1817(j).

DOCKET NUMBER: R–0199.

STAFF CONTACT: Carl Howard, Senior Attorney, Legal Division (202–452–3786); Jack M. Egertson, Assistant Director, Division of Banking Supervision and Regulation (202–452–3408).

9. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR 225.4(a))

ACTION TAKEN: In June 1981, the Board issued for public comment a proposed amendment to Regulation Y to include the issuance of travelers checks in the list of activities permissible for bank holding companies (46 FR 32594, June 24, 1981).

Before a bank holding company is allowed to engage in a nonbanking activity, the Board must first determine that (1) the activity is "so closely related to banking * * * as to be a proper incident thereto," and (2) permitting the particular company to engage in the activity is in the public interest. The Board may make the "closely related" determination by issuing an order in an individual case upon request or by adopting a regulation; the public interest determination is always made on a case-by-case basis. On several occasions the Board has found by order that the issuance of travelers checks by particular holding companies is closely related to banking. In view of the increased number of applications to engage in this activity, the Board is proposing to make the general "closely related" determination by regulation.

The change would impose no additional burden on any bank holding company; indeed, it should facilitate the application process for any company wishing to engage in the activity because the company would merely have to refer to the regulation without offering specific evidence on the "closely related" test.

The Board will review the comments received on the draft proposal and is expected to take final action on the proposal during the next six months.

AUTHORITY: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

DOCKET NUMBER: R–0361.

STAFF CONTACT: Richard Whiting, Senior Attorney, Legal Division (202–452–3779); Susan Weinberg, Attorney, Legal Division (202–452–3707).

**10. Guidelines for Enforcement of the Equal Credit Opportunity and Fair Housing Acts

ACTION TAKEN: In July 1978, the five Federal financial regulatory agencies—Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, National Credit Union Administration, and the Federal Reserve Board—issued for public comment proposed uniform guidelines for enforcement of the Equal Credit Opportunity and Fair Housing Acts (43 FR 29256, July 6, 1978). The guidelines would specify the kind of corrective action a creditor would be requested to take for violations of the more substantive provisions of the Equal Credit Opportunity Act (Regulation B) and the Fair Housing Act. Based on the comments received and further deliberation, the agencies, under the direction of the Federal Financial Institutions Examination Council, have developed a policy statement and agency guidelines for implementing the policy statement. These have been recommended to the agencies for possible adoption by October 1981.

AUTHORITY: Equal Credit Opportunity Act, 15 U.S.C. 1691, *et seq.*, Federal Deposit Insurance Act, 12 U.S.C. 1818(b).

DOCKET NUMBER: R–0168.

STAFF CONTACT: Jerauld C. Kluckman, Associate Director, Division of Consumer and Community Affairs (202–452–3401).

C. REGULATORY MATTERS THE BOARD MAY CONSIDER DURING THE NEXT SIX MONTHS

†1. Regulation: E—Electronic Fund Transfers (12 CFR Part 205)

ANTICIPATED ACTION: The Board has been asked by financial institutions to consider publishing for comment amendments to the regulation concerning (1) a limited exemption for small institutions that participate in the federal government's direct deposit program, but do not offer other electronic services subject to the regulation; (2) a partial exemption from the periodic statement requirements for savings accounts that are accessible by intra-institutional telephone transfers; and (3) modification of certain requirements for institutions that offer electronic services internationally.

The suggested amendments, if proposed and adopted by the Board, would relax existing regulatory burdens for a number of small institutions (under the first two items listed above) and for institutions that are members of debit-credit card networks (under the third item). It is believed that these proposed changes would not result in any loss of significant protections for consumers.

The Board is expected to consider, within the next six months, whether to publish these proposals.

AUTHORITY: Electronic Fund Transfer Act, 15 U.S.C. 1693b.

STAFF CONTACT: Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs (202-452-2412).

†2. Regulation: G—Securities Credit by Persons Other than Banks, Brokers, and Dealers (12 CFR Part 207); T—Credit by Brokers and Dealers (12 CFR Part 220); and U—Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (12 CFR Part 221)

ANTICIPATED ACTION: The Board will consider issuing for public comment proposed amendments to the requirements set forth in Regulations G, T and U for initial and continued inclusion on the List of OTC Margin Stocks.

In July 1969, the Board adopted criteria for including stocks on the List of OTC Margin Stocks. In discussions leading to the selection of the criteria, the Board indicated that (a) stocks to be included on the List should have market characteristics similar to exchange-listed securities; (b) manipulation by issuers to permit or prevent inclusion or non-inclusion should be made as difficult as possible, and (c) fluctuations in the List should be minimized.

Recommended changes in the OTC List criteria are the result of a staff review of the OTC Margin stock listing and continued listing requirements in light of recent developments in the securities markets in general, the OTC market in particular, and staff experience with administering the requirements. It is believed that revising the criteria is especially appropriate at this time because of a recent decision to revise the List three times a year commencing in 1982 rather than twice a year as is the current practice. This has been a frequent recommendation of the securities industry.

Stocks included on the List of OTC Margin stocks may be bought and held on margin at brokerage firms, and some market participants believe this broadens the market for these stocks. To the extent this is true, changes in the listing criteria may affect the future growth of the List and might have some effect on the ability of small corporations to raise additional equity capital from the public.

AUTHORITY: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

STAFF CONTACT: Robert S. Plotkin, Assistant Director; Laura Homer, Securities Credit Officer; Jamie Lenoci, Financial Analyst, Division of Banking Supervision and Regulation, (202-452-2781).

† **3. Regulation: K—International Banking Operations (12 CFR Part 211)

ANTICIPATED ACTION: The Board will consider publishing for comment a revised proposal that would permit Edge Corporations to provide a broader range of banking services than is now permissible to a limited class of customers. While Edge Corporations are in most instances owned by major banks, the proposal would also afford scope for smaller banks to compete more effectively in development and supply of services to support U.S. trade. Pursuant to the International Banking Act, a similar proposal was published for comment in February 1979 (44 FR 10509, February 21, 1979), to improve the competitive position of Edge Corporations.

Action on this matter would represent a relaxation of regulatory burden on Edge Corporations and would permit a shift to a more cost-effective method of supervision of Edge Corporations.

AUTHORITY: International Banking Act of 1978, 12 U.S.C. 3101. Federal Reserve Act 12 U.S.C. 601 and 615.

STAFF CONTACT: James S. Keller, Senior Attorney, Legal, (202-452-3582); Henry S. Terrell, Chief, International Banking Section, Division of International Finance, (202-452-3768).

4. Regulation: K—International Banking Operations (12 CFR Part 211)

ANTICIPATED ACTION: The Board will consider publishing for comment an amendment to Regulation K that would permit Edge Corporations in the United States to offer certain investment, financial and economic advisory services. These services would include providing general economic information and certain portfolio investment advice, as well as managing investment portfolios for non-U.S. customers of the Edge Corporation.

This proposal, in response to a request by a U.S. banking organization in accordance with Regulation K, would enable Edge Corporations to offer a service that currently is not on the list of activities permissible for an Edge Corporation in the U.S. The proposal would impose no additional burden on any Edge Corporation.

AUTHORITY: Federal Reserve Act, 12 U.S.C. 616. International Banking Act of 1978, 12 U.S.C. 611.

STAFF CONTACT: Melanie L. Fein, Attorney, Legal Division, (202-452-3594); Henry N. Schiffman, Division of Banking Supervision and Regulation, (202-452-2525).

5. Regulation: T—Credit by Brokers and Dealers (12 CFR 220.4(c))

ANTICIPATED ACTION: The Board will consider issuing for public comment either an amendment to the special cash account provision of Regulation T or an interpretation to facilitate the covered writing of options by institutions and other entities which are prevented by law from using margin accounts. Because of processing delays in delivery versus payment arrangements in which escrow receipts from banks are used, brokers have asked for more flexibility than presently permitted.

Lifting the Securities and Exchange Commission's moratorium on option expansion has increased the difficulties encountered by brokers, and the Board's staff has verified with banks that a problem exists. With respect to the Regulatory Flexibility Act (5 U.S.C. 601-612), it is not expected that such a proposal would be likely to have a significant economic impact on a substantial number of small entities.

AUTHORITY: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

STAFF CONTACT: Robert Lord, Attorney, Securities Regulation Section, Division of Banking Supervision and Regulation, (202-452-2781).

6. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)

ANTICIPATED ACTION: The Board will consider issuing for public comment a proposed amendment to Regulation T to permit letters of credit to be used as collateral in connection with the lending of securities. The current rule (12 CFR 220.6(h)) permits only cash to be used as collateral when creditors borrow securities to make delivery in the cases of short sales, failures to receive securities required to be delivered, or in other circumstances involving settlement of securities transactions. In addition, staff has expressed the view that Treasury bills may also be used as collateral.

Members of the securities industry and institutional lenders of securities have requested Board staff to review Regulation T with a view toward permitting the use of letters of credit in securities lending transactions. They argue that a low-cost alternative to cash deposits in such transactions is necessary under current economic conditions. They also argue that the use of letters of credit would be more efficient since it eliminates transfers of money and book entry problems. In addition, the newly revised Federal Bankruptcy Code has created uncertainty over the rights of securities lenders to the cash collateral deposited by a broker/borrower in the event of the latter's insolvency. Finally, the Department of Labor has recently given permission to employee benefit plans to lend securities and take back letters of credit as collateral. It is not expected that such a proposal would have an adverse impact on any small institutions.

AUTHORITY: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

STAFF CONTACT: Laura Homer, Securities Credit Officer, Division of Banking Supervision and Regulation, (202–452–2781).

7. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR 225.4(a)(9))

ANTICIPATED ACTION: The Board will consider issuing for public comment a proposal to amend Regulation Y to authorize bank holding companies to act as agents for the sale of renewal insurance.

In rulemaking proceedings to conform the Board's insurance agency regulation (Section 225.4(a)(9) of Regulation Y) to a court decision, the Board in July 1981, deleted the authority for bank holding companies to sell renewal insurance. In connection with that rulemaking proceeding, the Board had received comments from several organizations requesting that the authority for bank holding companies to sell renewal insurance be re-added to Regulation Y. In addition the Board received a request opposing the inclusion of renewal insurance within the final regulation. The proposal was deferred pending final Board action on the rulemaking proceedings referred to above; now that those proceedings are completed the Board will consider issuing for public comment a proposal to amend Regulation Y to authorize bank holding companies to act as agents for the sale of renewal insurance.

If the Board determines to issue this proposal, it would seek comment from the public on whether the activity is "so closely related to banking * * * as to be a proper incident thereto," including comment on whether performance of the activity by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. The proposal would impose no additional burden on any bank holding company.

AUTHORITY: Bank Holding Company Act. 12 U.S.C. 1843(c)(8).

STAFF CONTACT: Richard Whiting, Senior Attorney, Legal Division, (202–452–3779).

**8. Regulation: AA—Unfair or Deceptive Acts and Practices (12 CFR Part 227)

ANTICIPATED ACTION: The Board is required by the Federal Trade Commission Act to adopt a rule applicable to the acts or practices of banks that is substantially similar to a trade regulation rule adopted by the FTC prohibiting certain acts or practices of other creditors as unfair or deceptive, unless the Board finds that such acts or practices of banks are not unfair or deceptive or that implementation of a similar rule with respect to banks would seriously conflict with essential monetary and payments systems policies of the Board. In response to a proposed FTC rule (known as the "creditor holder-in-due-course rule") governing the preservation of consumers' claims and defenses, the Board published a comparable proposal for comment (41 FR 7110, February 17, 1976). The proposal would require the insertion in certain credit contracts of a notice preserving a consumer's claims and defenses against a seller of goods or services so that they can be raised against any holder of the contract. The FTC published a revised version of its creditor rule for comment in November 1979, and is expected to take final action sometime in 1981. When a final FTC rule is adopted, the Board will consider publishing a new proposal for comment or taking other appropriate regulatory action.

AUTHORITY: Section 18(f) of Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

DOCKET NUMBER: R–0006.

STAFF CONTACT: Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, (202–452–2412).

**9. Regulation: Rules Regarding Availability of Information (12 CFR Part 261)

ANTICIPATED ACTION: The Board will consider issuing for public comment certain amendments to its Rules Regarding Availability of Information in order to bring them into conformity with existing information disclosure law as it has developed since the regulation was last amended, and also in order to take advantage of the staff's experience working with the Freedom of Information Act. With respect to the Regulatory Flexibility Act (5 U.S.C. 601–612), it is not expected that proposals in the area would create any additional burden for small businesses.

AUTHORITY: Freedom of Information Act, 5 U.S.C. 552.

STAFF CONTACT: Stephen L. Siciliano, Senior Counsel, Legal Division, (202–452–3920).

**10. Regulatory Improvement Project

ANTICIPATED ACTION: The Board's Regulatory Improvement Project involves, among other things, a substantive, zero-base review of all Federal Reserve regulations that affect the public to determine (1) the fundamental objectives of the regulation and the extent to which it is meeting current policy goals, (2) nonregulatory alternatives that would accomplish the objectives, (3) costs and benefits of the regulation, (4) unnecessary burdens imposed by the regulation, and (5) the clarity of the regulation.

During the next six months, the staff is expected to complete its review of Regulation Y (Bank Holding Companies and Change in Bank Control), and public comment on proposed changes may be sought during this period. In addition, the Project will be continuing its review of the "margin credit" regulations; Regulation G (Securities Credit by Persons Other than Banks, Brokers, or Dealers), Regulation T (Credit by Brokers and Dealers), Regulation U (Credit by Banks for the Purposes of Purchasing or Carrying Margin Stocks), and Regulation X (Rules Governing Borrowers Who Obtain Securities Credit). The staff will be reviewing the comments that were due by September 15, 1981, on some margin credit proposals, and additional requests for public comment may be made over the coming six months. The Project will also participate in other regulatory action listed in this agenda to ensure that the objectives of the Project are met.

AUTHORITY: Financial Simplification Act of 1980, 12 U.S.C. 3501.

STAFF CONTACT: Barbara R. Lowrey, Assistant Secretary, Office of the Secretary, (202–452–3742).

Board of Governors of the Federal Reserve System, September 24, 1981.

Barbara R. Lowrey,

Assistant Secretary of the Board.

[FR Doc. 81–28447 Filed 9–30–81; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-55-AD]

Airworthiness Directive; Lockheed-California Company Model L-1011 Series Airplanes

AGENCY: Federal Aviation (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes a new Airworthiness Directive (AD) applicable to Lockheed L-1011 series airplanes that would require an inspection for fuel leaks from the No. 2 engine and APU fuel lines in the after body compartment, and an inspection for hydraulic fluid leakage in the right hand horizontal stabilizer servo area. This action is necessary to prevent a possible fire hazard in an area of the aircraft which is not equipped with a fire detection or extinguishing system.

DATE: Comments must be received no later than November 20, 1981. Compliance schedule as prescribed in the body of the AD unless previously accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California [illegible].

FOR FURTHER INFORMATION CONTACT: Duane Naff, Aerospace Engineer, Propulsion Branch, ANW-140L, Federal Aviation Administration, Los Angeles Area Aircraft Certification Office, Northwest Region, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2835.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81-NW-55-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion: Recent tests have revealed that auxiliary power unit (APU) exhaust shroud external surface temperatures are higher than indicated by previous testing. The shroud surface temperature can exceed 650°F in high ambient temperatures with high APU loads. This represents a potential ignition source. The area in which the shroud is located contains hydraulic components and is open to the general afterbody compartment which contains engine and APU fuel feed lines. This area does not have firewalls nor fire detection nor fire extinguishing systems.

If a leak should occur from the fuel lines within the afterbody cavity or from the hydraulic components adjacent to the APU shroud, flammable fluid or vapors could be carried to the heated shroud, which could become an ignition source, thus causing a fire hazard.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being proposed which requires initial and repetitive leak tests and visual inspections of the fuel line couplings and fittings and the hydraulic actuators and servos located in the afterbody compartment. At the present time a repair or modification which represents terminating action for this AD does not exist. The FAA, however, is in the process of evaluating a modification to the shroud which, if approved, will eliminate the need for the proposed repetitive inspections.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Lockheed-California Company: Applies to all Lockheed Model L-1011 Series airplanes, certificated in all categories.

Compliance required as indicated, unless previously accomplished.

A. To detect leakage of flammable fluids in areas from which fluids or vapors could reach the auxiliary power unit exhaust shroud, accomplish the following:

1. Within 400 hours time in service from the effective date of this AD, and at repetitive intervals not to exceed 400 hours time in service thereafter, perform lead tests and visual inspections as specified in the accomplishment instructions of Lockheed Service Bulletin 093-49-058 dated July 31, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

2. If fuel or hydraulic fluid leakage is detected, repair or replace defective parts or components with serviceable units before further flight.

B. Within 400 hours time in service from the effective date of this AD, and at repetitive intervals not to exceed 1600 hours time in service thereafter, remove the drain plugs from each double "o" ring, wig-o-flex coupling in the section of the number 2 engine fuel fluid line located in the afterbody compartment (figure B of Service Bulletin 093-49-058) and pressurize the line in accordance with paragraph 2.A(2) of the Service Bulletin. There should be no fuel leakage. If fuel leakage is detected, repair or replace defective parts or components with serviceable units before further flight.

C. Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base in order to comply with the inspection requirements of this AD.

D. Upon request of the operator, an FAA maintenance inspector, subject to prior approval by the chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the change for that operator.

E. Alternative means of compliance with this AD, which provide an equivalent level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft certification Office, FAA Northwest Region.

The manufacturer's specifications and procedures indentified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long beach, California [illegible].

(Secs. 313(a), 601, and 603, Federal Aviation act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c)), Department of

Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, such entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in Seattle, Washington, on September 18, 1981.

Robert O. Brown,

Acting Director, Northwest Region.

[FR Doc. 81-28597 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-63-AD]

Airworthiness Directives: Lockheed-California Company Model L-1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) applicable to Lockheed-California Company L-1011 series airplanes that would require installation of a wire harness shield and a one-time inspection of the APU generator feeder cables for either insufficient or excessive slack; to be followed by the corrective action necessary. Incidents of arcing related to abrasion and chafing of the cable harness have been reported. This AD is needed to ensure the integrity of the APU electrical generating system and prevent a possible fire hazard.

DATES: Comments must be received no later than November 20, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Lonnie Tarver, Aerospace Engineer, Systems and Equipment Branch, ANW-130L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2831.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each Federal Aviation Administration-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81-NW-63-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion: There have been four (4) reported instances of APU generator feeder cable malfunctions which have resulted from chafing or abrasion of the cables. One instance resulted in minor damage to a stringer as a consequence of arcing. Chafing or abrasion may be caused by either excessive or insufficient cable slack in conjunction with inadequate clamping procedures. In addition, abrasion of cables has resulted from inadvertent mispositioning of the cables during maintenance.

To minimize damage during maintenance activity, Lockheed issued L-1011 Service Bulletin 093-25-254 dated October 25, 1976, which provides a protective wire harness shield. Lockheed also issued L-1011 Service Bulletins 093-24-097 dated November 20, 1980 and 093-53-182 dated November 18, 1980 relating to cable clamping modifications to minimize chafing or abrasion damage. Therefore, in consideration of the hazardous consequence of feeder cable arcing, and the need for the integrity of this power source to be maintained as an alternate generating system, the Federal Aviation Administration considers the proposed AD to be necessary.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Lockheed-California Company: Applies to Lockheed Model L-1011-385 series airplanes certificated in all categories. Compliance required within six months from the effective date of this AD, unless already accomplished.

To prevent APU electrical power supply cable arcing resulting from chafing or abrasion, accomplish the following:

A. Install wire harness shield per Part 2 of Lockheed L-1011 Service Bulletin 093-25-254 dated October 25, 1976, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

B. Perform a one-time inspection of APU feeder harness J130 for clearance from stringer No. 42, and install a harness support if found necessary, in accordance with Part 2 of Service Bulletin 093-53-182 dated June 18, 1980, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

C. Perform a one-time inspection of APU feeder cable harness No. J130 and harness No. X043 and install wire harness support if found necessary, in accordance with part 2 of Service Bulletin 093-24-097 dated November 20, 1980, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

D. Alternative inspections, repairs, or other methods which provide an equivalant level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63-11, U-33, B-1. These documents also may be examined at FAA Northeast Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of

Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The Federal Aviation Administration has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, such entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT".

Issued in Seattle, Washington on September 21, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-28602 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-64-AD]

Airworthiness Directives: McDonnell Douglas Model DC-9 and C-9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require modification or replacement of the tailcone lock housing on Kevlar tailcones installed on Douglas Model DC-9 series airplanes. The lighter-weight Kevlar tailcone has been shown to shift its position on the latches during release resulting in tailcone hangup. This AD is needed to assure proper operation of the tailcone emergency exit in the event an emergency evacuation is required.

DATE: Comments must be received no later than November 20, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Gilbert L. Thompson, Aerospace Engineer, Systems and Equipment Branch, ANW-130L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2833.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each Federal Aviation Administration-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81-NW-64-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion:

During recent production DC-9 tailcone drop tests, the lightweight Kevlar tailcone failed to release completely and as a result did not separate from the aircraft. As a consequence, the emergency evacuation slide could not be deployed as required for emergency evacuation.

Investigation revealed that when the tailcone release handle was pulled, the lockpin on the fuselage latching mechanism would catch the edge of the relief cutout in the tailcone lock housing. This release problem is attributed to the lightweight Kevlar tailcone shifting its position on the latches during the release sequence, allowing the tailcone to hand up. Prior design heavier fiberglass tailcones have not exhibited similar release problems. This proposed AD is necessary to assure that the tailcone emergency exit functions properly on those DC-9 aircraft configured with Kevlar tailcones.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-10, -20, -30, -40, -50, and -80 series airplanes, including C-9A, C-9B, and VC-9C airplanes, certificated in all categories. Compliance required within the next 900 hours time-in-service from the effective date of this AD, unless already accomplished. To assure proper operation of the tailcone emergency exit tailcone release mechanism on aircraft utilizing tailcone assemblies P/N 5910233-505 or P/N 5910233-507, accomplish the following:

A. Replace or modify the tailcone lock housing as outlined in the Accomplishment Instructions of McDonnell Douglas DC-9 Service Bulletin 53-158 dated July 15, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

B. Alternate means of compliance with the AD which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

C. Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note: The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, such entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT".

Issued in Seattle, Washington, on September 18, 1981.

Robert O. Brown,

Acting Director Northwest Region.

[FR Doc. 81–28615 Filed 9–30–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AGL–36]

Proposed Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke a segment of VOR Federal Airway V–279 between Gunne, OH, Intersection and the Columbus, OH, nondirectional radio beacon (RBN). The Columbus RBN will be decommissioned and that segment of V–279 is no longer required for air traffic control.

DATES: Comments must be received on or before November 2, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 81–AGL–36, 2300 East Devon, Des Plaines, IL 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–AGL–36." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to eliminate a segment of VOR Federal Airway V–279 between Gunne, OH, Intersection and the Columbus, OH, nondirectional radio beacon (RBN). The Columbus RBN is scheduled for decommissioning and we have determined this airway segment is not necessary for air traffic control purposes. This would reduce chart clutter and return airspace for public use. Section 71.123 of Part 71 was republished in the **Federal Register** on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

V–279 [Amended]

By deleting the words "From the Columbus, OH, RBN, INT Findlay, OH, 146° and Rosewood, OH, 045° radials;" and substituting for them the words "From INT Findlay, OH, 146° and Rosewood, OH, 083° radials; to Findlay;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 23, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81–28436 Filed 9–30–81; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 9103]

The Times Mirror Co.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Los Angeles, California, publisher, in connection with the sale of retail display advertising in the Los Angeles Times and its suburban sections, to cease charging different prices per line to competing purchasers of advertising, unless the difference in price results from the use of an Annual

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Cumulative Volume Discount rate, as prescribed in the order. Should the firm elect to use the volume discount system prescribed, the company would be required to reduce the amount of the discounts to percentages allowed by the order and grant a specified extra discount to advertisers which provide their advertisements in "camera ready" form. Additionally, the order would bar other discounts, credits or commissions which are not functionally available to all purchasers of display advertising. The order would not be meant to infringe upon or limit the company's publishing standards and policies and would not prevent the company from asserting certain defenses in any action brought to enforce this order. Except for recordkeeping, compliance obligations under this order would terminate in ten years.

DATE: Comments must be received on or before November 30, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, Benjamin Sharp, Washington, D.C., 20580, (202) 523-3601, or Robert J. Enders, Director, 7R, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Blvd., Los Angeles, Calif. 90024, (213) 834-7575.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's rules of practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

Agreement Containing Consent Order To Cease and Desist

The agreement herein, by and between The Times Mirror Company ("Times Mirror"), a corporation, hereafter sometimes referred to as respondent, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's rules governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Times Mirror is a corporation organized, existing and doing business under and by virtue of the laws of the State of California, with an office and its principal place of business located at Times Mirror Square, Los Angeles, California 90053.

2. Times Mirror has been served with a copy of the Complaint issued by the Federal Trade Commission on July 27, 1977, charging it, *inter alia*, with violation of Section 5 of the Federal Trade Commission Act and Times Mirror has filed an Answer to the Complaint denying, *inter alia*, said charge.

3. Times Mirror admits that the Commission has jurisdiction in this matter pursuant to Section 5 of the Federal Trade Commission Act.

4. Times Mirror waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Agreement.

5. This Agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this Agreement is accepted by the Commission it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter either may issue and serve its decision accepting the following Order in disposition of the proceeding or may withdraw its acceptance of this Agreement and so notify Times Mirror in which event the Commission may take such action as it may consider appropriate.

6. This Agreement is for settlement purposes only, is entered into without trial or final adjudication of any issue of fact or law herein and without the taking of any evidence or testimony, and does not constitute any evidence or any admission by Times Mirror that the law has been violated as alleged in the Complaint.

7. This Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's rules, the Commission may without further notice to Times Mirror, (1) issue its decision containing the following Order in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to Order to Times Mirror's address as stated in this Agreement shall constitute service. Times Mirror waives any right it may have to any other manner of service. Count I of the Complaint and this Agreement may be used in construing the terms of the Order and no agreement, understanding, representation, or interpretation not contained in the Order or in this Agreement may be used to vary or to contradict the terms of the Order.

8. Times Mirror has read the Complaint and the Order contemplated hereby. It understands that, once the Order has been issued, it will be required to file one or more compliance reports setting forth the manner in which it intends to comply, is complying, and/or has complied with the Order. Times Mirror further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

9. In the event that the Order contemplated hereby shall become final, Times Mirror agrees to dismiss its appeal to the United States Court of Appeals for the Ninth Circuit, No. 78-3683, from the Order of the United States District Court for the Central District of California, entered October 17, 1978 in Civil Action No. 78-3422 LEW, entitled "The Times Mirror Company, Plaintiff, v. Federal Trade Commission, et al., defendants". It is expressly agreed that each party to the civil action is to bear its own costs, including all costs on appeal and all costs before the district court.

10. It is expressly agreed that, should the Commission reject, alter, modify or otherwise change any portion of the proposed Order prior to its becoming final, Times Mirror shall be relieved of all undertakings, commitments and other provisions contained in this Agreement and proposed Order and may litigate fully and without limitation or prejudice all claims alleged in the Complaint and/or otherwise incidental to this proceeding as provided by law as if this Agreement had never existed.

11. During the pendency of the proceeding, Times Mirror conducted studies of the accounting and other costs associated with the sale of ROP retail display advertising linage in the Los Angeles Times, including a statistical

work-sampling study of certain accounting cost centers. The agreement of the parties, for purposes of settlement and enforcement of this Agreement and Order, regarding the results of those cost studies and all other costs is reflected in the provisions of Parts I, II and IV of the Order.

Order

For purposes of this Order, the following definitions shall apply:

A. "Respondent" means The Times Mirror Company, a corporation, and its successors and assigns, and its officers, employees, agents, and representatives, whether acting directly or indirectly or through any corporation, subsidiary, division, or other device.

B. "Los Angeles Times" means the daily and Sunday newspaper of general circulation bearing that name, founded in 1881 and presently published by respondent and includes any successor newspaper.

C. "ROP retail display advertising linage in the Los Angeles Times" shall be defined as follows:

(1) The term means display advertising linage in the full-run (ROP) editions of the Los Angeles Times sold pursuant to the "Retail Rates, R.O.P." schedule contained in the "NR"-Series Los Angeles Times Retail Rate Card: *Provided, however,* That the term includes display advertising linage sold pursuant to other schedules of rates, whether presently existing or hereafter created, if such linage is of the type that was in 1978 customarily sold pursuant to the "Retail Rates, R.O.P." or "Master Contract Retail Rates, R.O.P." contained in the "NR"-Series Los Angeles Times Retail Rate Card. A copy of Los Angeles Times Retail Rate Card NR–10, effective February 1, 1980, is attached hereto as Exhibit A.

(2) The term does not include advertising in the Los Angeles Times other than that specified in subparagraph (1) above, whether sold pursuant to other schedules of rates contained in the "NR"-Series Los Angeles Times Retail Rate Card and/or sold pursuant to other rate cards or schedules whether presently existing or hereafter created.

D. "Qualifying ROP Volume" means the volume of advertising linage which applies toward fulfillment of a purchaser's Los Angeles Times Retail Display Advertising Contract (ROP) or which otherwise qualifies for a ROP annual cumulative volume discount rate. In determining Qualifying ROP Volume for purposes of this Order, respondent shall use the rules, practices, procedures, and policies which were used to determine Qualifying ROP Volume in the Los Angeles Times in 1978 and which are fully described in the file to be maintained by respondent pursuant to paragraph 4 of Part VIII of this Order: *Provided,* That Retail "Master" Contracts shall not be extended and provided that commonly owned retail enterprises engaged in like businesses may be permitted to aggregate advertising linage for purposes of determining Qualifying ROP Volume only if all of the following requirements are satisfied: (1) Dispatching services for the transportation and delivery of advertising copy and/or advertising proofs are to a single location for the group of enterprises; (2) Sales activity for all of the enterprises is primarily handled by a single Los Angeles Times salesperson; and (3) Billings for all of the enterprises are directed to a single address for payment.

E. "ROP Retail Rate Brackets" means the rate classifications set forth in the "Retail Rates, R.O.P." schedule contained in the Los Angeles Times Retail Rate Card NR–10, attached hereto as Exhibit A, or as modified in accordance with Part I of the Order.

F. "Suburban Section retail display advertising linage in the Los Angeles Times" shall be defined as follows:

(1) The term means display advertising linage in a single Suburban Section of the Los Angeles Times, as defined from time to time, sold pursuant to the "Suburban Rates" schedules contained in the "NR" Series Los Angeles Times Retail Rate Card: *Provided, however,* That the term includes display advertising linage sold pursuant to other schedules of rates, whether presently existing or hereafter created, if such linage is of the type that was in 1978 customarily sold pursuant to the "Suburban Rates" or "Suburban Section Retail Master Contract Rates" contained in the "NR"-Series Los Angeles Times Retail Rate Card.

(2) The term does not include advertising in the Los Angeles Times other than that specified in subparagraph (1) above, whether sold pursuant to other schedules of rates contained in the "NR"-Series Los Angeles Times Retail Rate Card and/or sold pursuant to other rate cards or schedules, whether presently existing or hereafter created.

G. "Qualifying Suburban Section Volume" means the volume of advertising linage which applies toward fulfillment of a purchaser's Los Angeles Times Retail Display Advertising Contract (Suburban Section) or which otherwise qualifies for a Suburban Section annual cumulative volume discount rate. In determining Qualifying Suburban Section Volume for purposes of this Order, respondent shall use the rules, practices, procedures, and policies which were used to determine Qualifying Suburban Section Volume in the Los Angeles Times in 1978 and which are fully described in the file to be maintained by respondent pursuant to paragraph 4 of Part VIII of this Order: *Provided,* That Retail "Master" Contracts shall not be extended and provided that commonly owned retail enterprises engaged in like businesses may be permitted to aggregate advertising linage for purposes of determining Qualifying Suburban Section Volume only if all of the following requirements are satisfied: (1) Dispatching services for the transportation and delivery of advertising copy and/or advertising proofs are to a single location for the group of enterprises; (2) Sales activity for all of the enterprises is primarily handled by a single Los Angeles Times salesperson; and (3) Billings for all of the enterprises are directed to a single address for payment.

H. "Suburban Section Retail Rate Brackets" means the rate classifications offered now or in the future in the "Suburban Rates" schedules contained in the "NR"-Series Los Angeles Times Retail Rate Card.

I. "Phase-in Period" means the period, if any, not to exceed two years, during which respondent complies with the provisions of Part I of this Order by calculating annual cumulative volume discount rate schedules by means of Index 1 and/or Index 2 in accordance with Part I of this Order. Employment of the Phase-in Period shall be at respondent's option.

J. "Effective Date" means the day on which this Order becomes final by service upon respondent by the Commission.

K. "Camera Ready" means advertising copy or material that complies with the following specifications: (1) Type is furnished by the advertiser and is in place; (2) Illustrations, line and halftone, are furnished by the advertiser and are in place; and (3) the material is proof-approved and either in the form of a velox or in a form ready for direct production of a velox or veloxes. Advertising copy or material that requires camera shots to produce a velox for page paste-up is camera ready Additional uniform requirements and specifications may be imposed by respondent.

I

It is ordered, That respondent in connection with the sale of ROP retail display advertising linage in the Los Angeles Times in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall, not later than six months after the Effective Date of this Order, cease and desist from discriminating, directly or indirectly, in the price of such linage of like grade and quality by selling such linage to any purchaser at a net price higher than the net price charged any other purchaser who, in fact, competes in the sale of merchandise at retail with the purchaser paying the higher price: *Provided, however,* That price differences resulting from the use of annual cumulative volume discount rate schedules as provided herein shall not violate this Part:

1. Each schedule shall list the ROP Retail Rate Brackets and a per line rate for each such Bracket determined in accordance with subparagraph 3 below.

2. Each purchaser's Qualifying ROP Volume shall determine that purchaser's ROP Retail Rate Bracket.

3. The per line rate for each ROP Retail Rate Bracket shall be determined as follows (or in a manner yielding the same rates):

(i) Respondent may set any rate for the 500-line bracket.

(ii) The minimum rate for each higher volume bracket shall be the product of the rate for the 500-line bracket and the applicable Index Value for such higher volume bracket as specified in subparagraph 4 below.

(iii) If a bracket's rate is set above the minimum rate (other than by rounding) then the minimum rate for each higher volume bracket shall be increased by the same absolute dollar amount. These adjustments may be made more than once.

(iv) The maximum rate for the open-line bracket shall be the product of the rate for the 500-line bracket and the applicable Index Value for the open-line bracket as specified in subparagraph 4 below.

(v) All rates may be rounded to the nearest full cent.

(vi) The rate for each bracket shall not be greater than the rate for the previous bracket.

(vii) Brackets may be added between any existing brackets. Rates for such added brackets shall be determined by interpolating the rates of adjoining brackets, using any generally accepted method of interpolation. Any such added brackets may thereafter be deleted.

4. In performing the calculations described in subparagraph 3 above, the following Index Values shall apply:

(a) During the first phase, if any, not to exceed one year, of the Phase-in Period, if any, the Index Values listed on Index 1;

(b) During the second phase, if any, not to exceed one year, of the Phase-in Period, if any, the Index Values listed on Index 2; and

(c) At all times thereafter during the term of this Order, the Index Values listed on Index 3.

5. Different annual cumulative volume discount rate schedules may be used for ROP retail display advertising linage in the Los Angeles Times for a different line or different lines of merchandise, such as apparel, appliances or furniture: *Provided* (a) That each such rate schedule complies with this Part; (b) that, except as provided in subparagraph 6 below, all ROP retail display advertising in the Los Angeles Times for such line or lines of merchandise is sold pursuant to such rate schedule; (c) that a purchaser's total Qualifying ROP Volume (and not merely the volume purchased pursuant to each separate rate schedule) shall determine that purchaser's rate bracket for each such separate schedule; and (d) that all volumes purchased pursuant to each such separate rate schedule shall be included in the purchaser's Qualifying ROP Volume.

6. Different annual cumulative volume discount rate schedules may be used for ROP retail display advertising linage in the Los Angeles Times in different sections of the newspaper: *Provided* (a) That each such rate schedule complies with this part; (b) that advertisements of similar content, size and quality are accepted for publication in each such section; (c) that a purchaser's total Qualifying ROP Volume (and not merely the volume purchased pursuant to each such separate rate schedule) shall determine that purchaser's rate bracket on each such separate rate schedule; and (d) that all volumes purchased pursuant to each such separate rate schedule shall be included in the purchaser's Qualifying ROP Volume.

7. In the event that respondent, during the term of this Order, employs annual cumulative volume discount rate schedules which are permitted by this Part and respondent decides to charge separately for services (other than services to make advertising copy camera-ready) which were customarily provided by respondent in 1978 as part of the basic line rates for ROP retail display advertising linage in the Los Angeles Times and the costs of which were included in the 1978 accounting cost study, respondent may do so: *Provided,* That the index values set forth in Indexes 1, 2, and 3 are recalculated based upon the 1978 accounting cost study and the costs of the services for which respondent will charge separately are eliminated from consideration in calculating the index values: *And provided,* That such charges are uniform to all purchasers of ROP retail display advertising linage in the Los Angeles Times who purchase such services. In the event that respondent employs annual cumulative volume discount rate schedules which are permitted by this part, respondent, in connection with the sale of ROP retail display advertising linage in the Los Angeles Times, may charge separately for services which were not customarily provided by respondent in 1978 as part of the basic line rates for ROP retail display advertising linage in the Los Angeles Times: *Provided,* That such charges are uniform to all purchasers of ROP retail display advertising linage in the Los Angeles Times who purchase such services.

8. In the event that respondent, during the term of this Order, employs annual cumulative volume discount rate schedules which are permitted by this part, respondent shall employ in conjunction therewith one of the following in its discretion: (1) Standardized fees per unit of work to make advertising copy camera-ready; (2) a surcharge in a uniform amount per line for all advertising copy which is not submitted camera-ready; or (3) a discount in a uniform amount per line or in percentage terms per line for all advertising copy which is submitted camera-ready. In the event that respondent uses alternative (1) above, the fees shall be not less than respondent's good faith estimate of the labor costs associated with the work. In the event that respondent uses alternative (2) above, the amount of the surcharge shall be not less than one percent of the rate for the 500-line bracket. In the event that respondent uses alternative (3) above, the amount of the uniform per line discount, if any, shall be not less than one percent of the rate for the 500-line bracket and the amount of the percentage per line discount, if any, shall be not less than one percent of the purchaser's rate.

9. Volume may be measured in lines or in any suitable equivalent, including column inches, fractions of pages, and pages.

II

It is ordered, That respondent in connection with the sale of Suburban Section retail display advertising linage in the Los Angeles Times in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall, not later than six months after the

Effective Date of this order, cease and desist from discriminating, directly or indirectly, in the price of such linage of like grade and quality by selling such linage to any purchaser at a net price higher than the net price charged any other purchaser, who, in fact, competes in the sale of merchandise at retail with the purchaser paying the higher price: *Provided, however,* That price differences resulting from the use of annual cumulative volume discount rate schedules as provided herein shall not violate this Part:

1. Each schedule shall list such Suburban Section Retail Rate Brackets as respondent elects to use and a per line rate for each such Bracket determined in accordance with subparagraph 3 below.

2. Each purchaser's Qualifying Suburban Section Volume shall determine that purchaser's Suburban Section Retail Rate Bracket.

3. Respondent may add, delete, change, and merge Suburban Section Retail Rate Brackets: *Provided,* That the per line rate difference between the Open Rate and any other Suburban Section Retail Rate Bracket shall not exceed the absolute per line rate difference then in effect between the corresponding ROP Retail Rate Brackets. When a bracket is employed in a Suburban Section schedule that is not employed in the ROP Retail Rate Brackets the maximum difference in price shall be calculated by interpolating from the rates for the most nearly corresponding ROP Retail Rate Brackets by any generally accepted method of interpolation.

4. Different annual cumulative volume discount rate schedules may be used for Suburban Section retail display advertising linage in the Los Angeles Times for a different line or different lines of merchandise, such as apparel, appliance, or furniture: *Provided* (a) That each such rate schedule complies with this part; (b) that, except as provided in subparagraph 5 below, all Suburban Section retail display advertising in the Los Angeles Times for such line or lines of merchandise is sold pursuant to such rate schedules; (c) that a purchaser's total Qualifying Suburban Section Volume (and not merely the volume purchased pursuant to each such separate rate schedule) shall determine that purchaser's rate bracket on each such separate rate schedule; and (d) that all volumes purchased pursuant to each such separate rate schedule shall be included in the purchaser's Qualifying Suburban Section Volume.

5. Different annual cumulative volume discount rate schedules may be used for Suburban Section retail display advertising linage in the Los Angeles Times in different sections of the newspaper: *Provided* (a) That each such rate schedule complies with this part; (b) that advertisements of similar content, size, and quality are accepted for publication in each such section; (c) that a purchaser's total Qualifying Suburban Section Volume (and not merely the volume purchased pursuant to each such separate rate schedule) shall determine that purchaser's rate bracket on each such separate rate schedule; and (d) that all volumes purchased pursuant to each such separate rate schedue shall be included in the purchaser's Qualifying Suburban Section Volume.

6. In the event that respondent, during the term of this Order, employs annual cumulative volume discount rate schedules which are permitted by this part, respondent may charge separately for services under the same circumstances as provided in subparagraph 7 of Part I of this Order.

7. In the event that respondent, during the term of this Order, employs annual cumulative volume discount rate schedules which are permitted by this Part, respondent shall employ in conjunction therewith one of the following in its discretion: (1) Standardized fees per unit of work to make advertising copy camera-ready; (2) a surcharge in a uniform amount per line for all advertising copy which is not submitted camera-ready; or (3) a discount in a uniform amount per line or in percentage terms per line for all advertising copy which is submitted camera-ready. In the event that respondent uses alternative (1) above, the fees shall be not be less than respondent's good faith estimate of the labor costs associated with the work. In the event that respondent uses alternative (2) above, the amount of the surcharge shall be not less than one percent of the rate for the 500-line bracket. In the event that respondent uses alternative (3) above, the amount of the uniform per line discount, if any, shall be not less than one percent of the rate for the 500-line bracket and the amount of the percentage per line discount, if any, shall be not less then one percent of the purchaser's rate.

8. Volume may be measured in lines or in any suitable equivalent, including column inches, fractions of pages, and pages.

III

It is ordered, That, in connection with the sale of ROP and/or Suburban Section retail display advertising linage in the Los Angeles Times, respondent shall not establish other discounts, credits, or commissions which are not made functionally available to all purchasers of ROP and/or Suburban Section retail display advertising linage in the Los Angeles Times or establish non-uniform charges to such purchasers, *Provided,* That nothing herein contained shall prevent respondent from using the discounts, credits, commissions, or charge which were used by respondent in connection with the sale of ROP and/or Suburban Section retail display advertising in the Los Angeles Times in 1978: *Provided, however,* That, in connection with the sale of ROP and/or Suburban Section retail display advertising linage in the Los Angeles Times, no discount for multiple full page advertisments in the full-run (ROP) editions of the Los Angeles Times on a single day may be granted and no annual cumulative volume discounts other than in compliance with Part I or Part II of this Order, as appropriate, may be granted. All such discounts, credits, commissions, or charges permitted by this part shall be disregarded in determining whether rates for ROP and/or Suburban Section retail display advertising linage in the Los Angeles Times comply with Part I or Part II of this Order.

IV

It is ordered, That nothing in this Order shall be construed to prevent respondent from asserting any of the following defenses in any action brought to enforce this Order: Price discrimination which makes only due allowance for differences in the cost of manufacture, sale or delivery resulting from differing methods or quantities in which such ROP and/or Suburban Section retail display advertising linage in the Los Angeles Times is sold or delivered to such purchasers, or which is made in good faith to meet an equally low price of a competitor, or where the purchaser is an agency of the United States of America; *provided,* That, in the event respondent employs annual cumulative volume discount rate schedules as permitted by Part I or Part II of this Order, no type or item of cost covered by paragraph 11 of the Agreement contemplating this Order may be relied on in justification of price differences greater than those differences expressly permitted by Part I and Part II.

V

It is ordered, That nothing in this Order shall be constructed to infringe upon or limit the publishing standards and policies of the Los Angeles Times, including, but not limited to, the right, in the exercise of its sole discretion, to accept or reject advertising, and the right to revise or reject advertising which, in the judgement of the Los Angeles Times, is offensive, misleading, libelous or unlawful.

VI

It is ordered, That Count II of the Compliant be, and it hereby is, dismissed and that the Order Reinstating Count II of the Complaint, issued July 27, 1976, be, and it hereby is, vacated.

VII

It is ordered, That, except as specified in paragraph 3 of Part VIII below, this Order shall terminate ten (10) years from six months after the Effective Date: *provided, however,* That said ten (10) year period shall be reduced by the amount of time, if any, in excess of one (1) year elapsing between the execution of this Agreement by Times Mirror and its attorneys and by counsel for the Commission and the Effective Date: *And provided further,* That said ten (10) year period shall be increased by the amount of time, it any, of the Phase-in Period.

VIII

It is further ordered, That respondent shall:

1. Distribute within 60 days of the Effective Date a copy of this Order to all Los Angeles Times operating divisions involved in the sale of ROP retail display advertising linage in the Los Angeles Times and/or in the sale of Suburban Section retail display advertising linage in the Los Angeles Times, and to personnel, agents, or representatives having policy responsibilities with respect to the sale of such advertising linage in the Los Angeles Times and that respondent secure from each such person a signed statement acknowledging receipt of this Order.

2. Notify the Commission at least thirty (30) days prior to any proposed change in Times Mirror, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or disslution of subsidiaries or any other change in the corporation, which may affect respondent's compliance obligations arising out of the Order.

3. Maintain, for a period of three years from the date of sale, records of all sales of ROP and Suburban Section retail display advertising linage in the Los Angeles Times sufficient to identify the purchaser, the number of lines purchased, the rates charged, and the discounts, credits, commissions and charges made in connection with the sale of ROP and/or Suburban Section retail display advertising linage in the Los Angeles Times. Respondent shall make said records available for inspection, copying, and reproduction to counsel for the Federal Trade Commission during respondent's normal business hours upon responable request. Respondent may have counsel present during any and all such inspections. Respondent's obligations to maintain these records and to provide access to them shall terminate one year following the termination of this Order.

4. Maintain, during the term of this Order, a file at its principal place of business containing informatin which fully describes the rules, practices, procedures, and policies which were used by the Los Angeles Times in 1978 to determine Qualifying ROP Volume and Qualifying Suburban Section Volume.

5. File with the Commission, within one (1) year after the Effective Date of this Order, a report, in writing, setting forth in detail the manner and form in which it intends to comply, is complying, and/or has complied with this Order; and, thereafter until this Order terminates, file annually copies of all schedules of rates for ROP and/or Suburban Section retail display advertising linage in the Los Angeles Times, showing the periods during which such rates were in effect, and a list of other types of discounts, surcharges, and commissions, if any, not shown on the schedules of rates for ROP and/or Suburban Section retail display advertising linage in the Los Angeles Times, that are offered or imposed in connection with the sale of ROP and/or Suburban Section retail display advertising linage in the Los Angeles Times, accompanied by a certification that such schedules of rates were employed in the sale of ROP and Suburban Section retail display advertising in the Los Angeles Times.

Analysis for Public Comment

The Federal Trade Commission has accepted an Agreement to a Proposed Consent Order from The Times Mirror Company, publisher of the Los Angeles Times newspaper, in settlement of Docket No. 9103.

The Proposed Consent Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the Agreement and the comments received and will decide whether it should withdraw from the Agreement or make final the Agreement's Proposed Order.

I. The Complaint

The Complaint in this matter alleged that The Times Mirror Company, publisher of the Los Angeles Times newspaper, discriminated in price in the sale of adverting linage to competing retailers, in part through the use of annual cumulative volume discounts, with the result that larger volume advertisers were charged less per line for their advertising than were smaller volume advertisers. These discriminatory rates were alleged to constitute unreasonable restraints of trade and unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act, and to constitute violations of the provisions of Section 2(a) of the Clayton Act, as amended by the Robinson-Patman Act.

II. Agreement and Order

The Order applies to sales of retail display advertising in both the run-of-the-paper and suburban sections of the Los Angeles Times. It does not apply to other types of advertising.

In general, the Order prohibits the Los Angeles Times from charging different prices per line to purchasers of advertising who compete with one another in the sale of merchandise. The Order does, however, contain a description of a volume discount system which the Los Angeles times can use and still be regarded as in compliance with the Order. Many of the characteristics of this system are based on the characteristics of the system the newspaper previously used, but the permitted discounts are limited to specified maximum percentages. These percentages are smaller than the percentage sizes of the discounts the Los Angeles times offered in the past.

The permitted percentages are expressed in the Order as "Indexes." For example, the Order requires that the price per line charged a purchaser of five million lines of advertising a year be not less than .73235 of the price per line charged a purchaser of five hunded lines a year. This equals a maximum discount of 26.765%.

If the Los Angeles Times chooses to use this permitted volume discount structure it must also either grant a specified extra discount to advertisers which provide their advertisements in "camera ready" form, or it must impose a separate specified charge on those who do not provide their advertisements in "camera ready" form.

The provisions described above in part reflect the results of studies of the Los Angeles Times' costs associated with the sale of advertising.

If the Los Angeles Times chooses to use the volume discount system described in the Order, it may reduce its present discounts to the percentages permitted by the Order in three stages over a two year period. In the first year, the discounts will have to be reduced by at least one-third of the excess over the permitted levels; in the second year, they will have to be reduced by at least two-thirds of the excess; and in the third and following years, the discounts must be confined to the permitted levels. These three stages are reflected in Index 1, Index 2, and Index 3 of the Order.

The Los Angeles Times may continue to use various other discounts, credits and commissions that it used in 1978, except as prohibited in the Order. It may also establish new discounts, credits or commissions, but they must be made functionally available to all advertisers. In addition to the per-line advertising charges, separate charges can be made for related services, but these charges must be uniform to all purchasers.

The Los Angeles Times may use different rate schedules for different sections of the newspaper and it may use different schedules for discrete types of products, as long as each schedule conforms to the requirements of the Order. Such schedules must be equally available to competing retailers.

The Order preserves the defenses available to a charge of price discrimination except that the cost justification defense to a volume discount pricing system is deemed exhausted.

The Order will not be construed to infringe upon the publishing standards and policies of the Los Angeles Times.

As part of the settlement, Count II of the Complaint, the Robinson-Patman count, is dismissed. The settlement is grounded solely on FTCA Section 5 jurisdiction.

Times Mirror's compliance obligations under the Order, other than record keeping, will terminate after 10 years of full compliance.

III. Anticipated Effects of the Order

The Order does not require the use of any particular rate or discount system. It therefore leaves Times Mirror free to use any price system that is non-discriminatory or discriminatory only to the extent justified by differences in cost or the need to meet competition. However, the Order also provides that if Times Mirror uses the particular discount system described in the Order, that system will be deemed in compliance with the Order.

It is anticipated that the Order will therefore result in a substantial reduction in the relative differences in prices that smaller volume advertisers must now pay in comparison with larger volume advertisers. It is further anticipated that this reduction will enhance the ability of smaller businesses to compete with larger businesses in Southern California.

IV. Pupose of the Analysis

The purpose of this analysis is to facilitate public comment on the Proposed Order, and it is not intended to constitute an official interpretation of the Agreement and Proposed Order or to modify in any way their terms.

In accepting this consent agreement for purposes of public comment the Commission wishes to direct particular attention to the following questions:

(1) How and to what extent will this order enhance the ability of smaller retailers to compete with larger retailers in Southern Califorina?

(2) What effect will this order have on the ability of newspapers to compete in the sale of advertising?

(3) What should be the Commission's enforcement policies in the future with respect to the principles expressed in this order and what competitive effects—including effects on The Times—may flow from these policies?

Carol M. Thomas,
Secretary.

Dissenting Statement of Acting Chairman Clanton Regarding the Times Mirror Consent Agreement

I have voted not to accept the negotiated consent agreement with the Times Mirror Company. Instead, I would close the matter. My reluctance to accept this consent stems from my concerns about extending the coverage of Section 5 of the FTC Act to encompass commercial circumstances on which we reserved judgment in our *Reuben H. Donnelley Corp.* decision. 95 F.T.C. 1 (1980). The question for me is whether it is good policy, in this case, to extend Section 5 to embrace the kind of price discrimination practiced here. There are three separate reasons for my belief that we should exercise restraint in this instance.

First, in *Official Airline Guides, Inc.* v. *FTC,* 630 F.2d 920 (2d Cir. 1980), *cert. denied,* 101 S. Ct. 1362 (1981), the court ruled that a monopolist[*] has no duty under Section 5 to refrain from discriminating arbitrarily between classes of customers where there is no evidence that the monopolist is trying to preserve or expand its market power. Even if the court's decision does not constitute the last word on this subject, and I am not prepared to say that it does, the holding must still give us some pause. I recognize this is a consent agreement, but we must take account of future situations where litigation might result. Although this troublesome hurdle is not the decisive factor for me in deciding whether to accept or reject the order, it does have some bearing, especially in light of the other considerations discussed below.

Second, the Commission's opinion in *Donnelley* did not distinguish between an absolute refusal to deal and dealing on discriminatory terms. In fact, while we did not foreclose the possibility of reaching price discrimination under Section 5, we emphasized the difficulties of extending a duty-to-deal obligation to the kind of secondary-line discrimination at issue here:

> Another reason often advanced in opposition to imposing a duty not to be arbitrary is that refusals to deal at all will not be the only question presented; rather, there will be questions concerning discriminatory terms which do not amount to a total refusal to deal. Such questions, it is argued, will inevitably lead courts into complex issues regarding what constitutes a reasonable price, whether terms are really comparable, and so on. Thus, an order directing the seller to deal on reasonable terms, or not to be arbitrary, will lead a court or agency to specify what constitutes reasonable terms and to police compliance over time—a regulatory role that courts have wisely shunned whenever possible.
>
> * * * * *
>
> We agree that is is generally undesirable for courts to place themselves in a position of monitoring the pricing activities or other variable, on-going activities of a monopolist. But we are reviewing a refusal by Donnelley to list certain connecting flight information, and to group the listings of all carriers together—matters not involving pricing questions at all. 95 F.T.C. 1, 81 (1980).

Third, in defining what constitutes "arbitary" conduct in *Donnelley,* we indicated that our concern should be limited to

> "conduct which results in a substantial injury to competition and lacks subsantial business justification. In examining the question of business justifications, the economic self interest of the monopolist would be the major but not the exclusive consideration." 95 F.T.C. at 82.

After reviewing the evidence in hand—and, of course, a definitive answer is not possible since the issues have not been litigated—I am not satisfied that we would be likely to find liability under the *Donnelley* standard. It may well be that the *Times'* rate schedule cannot be fully cost justified, but it is at least questionable whether *Donnelley* requires the kind of cost justification mandated by the Robinson-Patman Act. Likewise, the *Times'* pricing practices may reflect a generalized response to other forms of competition (including competition from the electronic media) that might satisfy the demands of *Donnelley* but not the more stringent requirements of the Robinson-Patman Act.

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[*] I assume for purposes of argument that the L.A. Times enjoys a monopoly in its market over the sale of retail advertising space, a conclusion that we obviously cannot reach at this time.

In addition, the competitive injury test under Robinson-Patman presumably allows the Commission to infer injury from evidence of persistent, unjustified price differences. Under the "substantial injury to competition" standard of *Donnelley*, however, it probably would not be sufficient, as a general rule, to rely solely on the kind of inferences permissible under the Robinson-Patman Act. While it is possible that evidence of substantial competitive injury might be established in this case, if it were to be litigated, I am not persuaded that this possibility is sufficient to justify the acceptance of the order, especially in view of the other significant uncertainties associated with the case.

[FR Doc. 81-28539 Filed 9-30-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201

[Release No. 33-6344; 34-18106; 35-22200; 39-656; IC-11942; IA-775; File No. S7-905]

Request for Comments on Standard of Conduct Constituting Unethical or Improper Professional Practice Before the Commission

AGENCY: Securities and Exchange Commission.

ACTION: Request for written comments.

SUMMARY: The Securities and Exchange Commission is requesting written comments on its previously announced interpretation of the standard of conduct that constitutes unethical or improper professional conduct by a lawyer before the Commission pursuant to Rule 2(e)(1)(ii) of its Rules of Practice, 17 CFR 201.2(e)(1)(ii). A determination that one has engaged in unethical or improper professional conduct is one of a number of findings the Commission may make in determining to deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person. This standard was previously announced in the context of an adjudication pursuant to Rule 2(e). The Commission has previously considered the issue of its authority to adopt and administer Rule 2(e) and is not soliciting comments on that issue at this time. Rather, comments should be limited to the appropriateness of the previously announced interpretation.

DATE: Comments should be received by the Commission on or before November 27, 1981.

ADDRESSES: Interested persons should submit six copies of their written comments to George A. Fitzsimmons, Secretary, Securities and Exhange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, and should refer to File No. S7-905. Copies of all submissions including the original decision will be available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Stephen E. Cavan, Office of the General Counsel, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2454.

SUPPLEMENTARY INFORMATION:

Introduction

On February 28, 1981 the Commission announced its decision *In re Carter*,[1] an adjudication conducted pursuant to Rule 2(e) of the Commission's Rules of Practice [2] to determine if the two lawyers in that proceeding had engaged in, among other things, unethical or improper professional conduct.[3] This determination is one of a number of findings the Commission may make in deciding to deny, temporarily or permanently, the privilege of appearing or practicing before it.

In its opinion in that proceeding the Commission determined that the respondents' conduct "raises serious questions about the obligations of securities lawyers," [4] but stated that it could not conclude that standards of ethical and professional responsibilities were so clearly established as to constitute generally recognized norms at the time of their conduct. Therefore, in order to clarify publicly the standards of ethical and professional conduct that are applicable in similar circumstances, the Commission announced a prospective imterpretation of the phrase "unethical or improper professional conduct" as that term is used in Rule 2(e)(1)(ii).

In its opinion, the Commission also stated its intent to issue a release soliciting public comment as to whether that interpretation should be expanded or modified. This release is intended to accomplish that purpose. After careful consideration of these comments, the Commission will issue a further release summarizing and analyzing the comments received. Based upon the comments, it may or may not determine to expand or modify its interpretation. Until that time, the present interpretation will govern all similar circumstances for purposes of proceedings pursuant to Rule 2(e) if the conduct occurred after February 28, 1981.[5]

Discussion

The opinion of the Commission *In re Carter* contains an extensive discussion of the ethical and professional responsibilities of lawyers who practice before the Commission.[6] And although in this instance the Commission determined to promulgate a definitive standard for conduct to be applied in the future, it made plain that generally recognized standards of conduct need not be formally adopted by the Commission before they may be relied upon as the appropriate standard in an administrative proceeding.

> [W]e perceive no unfairness whatsoever in holding those professionals who practice before us to generally recognized norms of professional conduct, whether or not such norms had previously been explicitly adopted or endorsed by the Commission. To do so upsets no justifiable expectations, since the professional is already subject to those norms.[7]

In this proceeding the Commission addressed the issue of determining "the professional obligations of the lawyer who gives essentially correct disclosure advice to a client that does not follow that advice and as a result violates the federal securities laws." [8] As a general matter, the Commission found "that a lawyer must, in order to discharge his professional responsibilities, make all efforts within reason to persuade his client to avoid or terminate proposed illegal action. Such efforts could include, where appropriate, notification to the board of directors of a corporate client." [9] The Commission recognized that these judgments often require difficult choices in an ongoing business situation.[10] Moreover, it noted that a

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[1] Securities Exchange Act Rel. No. 17597, 22 *SEC Docket* 292, [1981] Fed. Sec. L. Rep. (CCH) ¶82,847.

[2] 17 CFR 201.2(e).

[3] [1981] Fed. Sec. L. Rep. (CCH) ¶82,847 at 84,169 to 84,173 and 84,177 to 84,178.

[4] *Id.* at 84,170.

[5] *Id.* at 84,172.

[6] *Id.* at 84,169 to 84,173 and 84,177 to 84,178. The opinion also contains a discussion of the Commission's authority to promulgate and enforce Rule 2(e). *See id.* at 84,146 to 84,150. This release is not soliciting comments on that issue.

[7] *Id.* at 84,170 (footnote omitted).

[8] *Id.*

[9] *Id.* (footnote omitted).

[10] As the Commission stated, "So long as a lawyer is acting in good faith and exerting reasonable

Continued

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lawyer does not have a professional obligation to take extraordinary action merely because management seeks to make the minimum disclosure required by law. The Commission recognized that such a rule would lead to an undesirable reduction in a reporting company's reliance on outside counsel.

Within the context of the facts of *In re Carter*, the Commission determined that the following standard of unethical or improper professional conduct would be appropriate in similar cases in the future:

> When a lawyer with significant responsibilities in the effectuation of a company's compliance with the disclosure requirements of the federal securities laws becomes aware that his client is engaged in a substantial and continuing failure to satisfy those disclosure requirements, his continued participation violates professional standards unless he takes prompt steps [11] to end the client's noncompliance.[12]

Request for Written Comments

The Commission invites all interested members of the Public, including issuers, attorneys, investors and members of the academic community and the organized bar, to submit comments with respect to the standard announced by the Commission and whether this interpretation should be expanded or modified. Written statements must be received on or before November 27, 1981 and six copies should be submitted to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Such communications should refer to File No. S7-905 and will be available for public inspection.

By the Commission.

George A. Fitzsimmons,

Secretary.

September 21, 1981.

[FR Doc. 81-27801 Filed 9-30-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Utah-3)]

High-Cost Gas Produced from Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Utah that the Dakota Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on October 28, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket at yet. Written requests for a public hearing are due on October 13, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

Issued: September 28, 1981.

I. Background

On August 31, 1981, the State of Utah Board of Oil, Gas, and Mining (Utah), submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Dakota Formation located in Grand and Uintah Counties, Utah, be designated as a tight formation. The United States Geological Survey joined in Utah's recommendation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Utah's recommendation that the Dakota Formation be designated as a tight formation should be adopted. Utah's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation underlies certain lands in the Book Cliffs area of Grand and Uinatah Counties, Utah, just north of the town of Thompson. The recommended are contains 550,860 acres located in the general area of Townships 15 South through 20 South, and Ranges 16 East through 24 East. The average depth to the top of the Dakota Formation is 6,034 feet. The average thickness of the Dakota Formation measured from the top of the Dakota Silt down to the top of the Morrison Formation is approximately 250 feet.

III. Discussion of Recommendation

Utah claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. TGF-102 convened by Utah on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) "The standard production of gas from the subject lands, without stimulation, does not exceed the rate established by the Federal Energy Regulatory Commission (§ 271.703(c)(2)(i)(B)), taking into proper account the average depth from the surface to the Dakota Formation and the cost of drilling and completing gas wells in the area;" and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Section 271.703(c)(2)(i) states that the Commission will approve the designation of any formation recommended by a jurisdictional agency if the formation meets each of the guidelines set forth in § 271.703(c)(2)(i)(A), (B), (C) and (D). Preliminary Commission staff analysis indicated that Utah's recommendation may meet the guideline specified in § 271.703(c)(2)(i)(B) because the staff computation based on data submitted in support of the recommendation, reflects an average pre-stimulation flow rate of wells completed for production in the recommended formation in excess of the

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efforts to prevent violations of the law by his client, his professional obligations have been met." *Id.* at 84,172 to 84,173. Earlier in its opinion, while discussing the legal liability of an attorney for aiding and abetting his client's violations, the Commission stated, "It is axiomatic that a lawyer will not be liable as an aider and abettor merely because his advice, followed by the client, is ultimately determined to be wrong." *Id.* at 84,167.

[11] "What is required, in short, is some prompt action that leads to the conclusion that the lawyer is engaged in efforts to correct the underlying problem, rather than having capitulated to the desires of a strong-willed, but misguided client." *Id.* at 84,172 (footnote omitted).

[12] *Id.*

maximum allowable production rate set out in the regulation. Comments are specifically requested on this issue.

Utah further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Utah that the Dakota Formation, as described and delineated in Utah's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 28, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Utah-3), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than October 13, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301-3342.)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Title 18, Code of Federal Regulations, as set forth below, in the event Utah's recommendation is adopted.

Kenneth A. Williams,
Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (63) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(55) through (62) [RESERVED.]

(63) *Dakota Formation in Utah.* RM79-76 (Utah-3).

(i) *Delineation of formation.* The Dakota Formation is found in the Book Cliffs area of Grand and Uintah Counties, Utah and is in the general area of Townships 15 South through 20 South and Ranges 16 East through 24 East. The Dakota Formation is defined as the interval from the top of the Dakota Silt down to the top of the Morrison Formation, a thickness of approximately 250 feet.

(ii) *Depth.* The average depth to the top of the Dakota Formation is 6,034 feet.

[FR Doc. 81-28613 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 271

[Docket No. RM79-76 (New Mexico—5)]

High-Cost Gas Produced From Tight Formations: Correction

September 28, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking; correction.

SUMMARY: This document deletes an incorrect reference in the preamble and proposed regulation found in the Notice of Proposed Rulemaking issued by the Director of the Office of Pipeline and Producer Regulation on August 25, 1981, as it appeared in the **Federal Register** on September 1, 1981 at **page 43844**. The preamble and proposed regulation had incorrect identification of the Townships and Ranges in which the recommended formation was located.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, Office of General Counsel, Federal Energy Regulatory Commission, Washington, D.C. 20426 (202) 357-8307.

SUPPLEMENTARY INFORMATION: The following correction is made in FR Doc. 81-25468, as it appeared in the **Federal Register** on September 1, 1981.

1. On page 43845, in the section of the preamble headed "II. Description of Recommendation" delete the second sentence and substitute in its place the following sentence:

"The area recommended by New Mexico and the USGS is situated in Townships 26, 27 and 28 North, Ranges 2 and 3 West, along the eastern fringe of the main Blanco Mesaverde Gas Pool."

2. On page 43845, change the first sentence of the subparagraph in § 271.703(d)(63)(i), headed "Delineation of formation" to read as follows:

"The Mesaverde Formation underlies portions of Townships 26, 27 and 28 North, Ranges 2 and 3 West, in Rio Arriba County, New Mexico."

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-28592 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10, 18, 114, 143

Proposed Amendments to the Customs Regulations Relating to Carnets

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to make conforming amendments to the Customs Regulations relating to the use of carnets. Carnets are international customs documents, backed by an internationally valid guarantee, that may be used for the entry of articles into a country in place of the usual customs documents required. The proposed amendments would: (1) implement an optional provision of the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods; (2) reflect the withdrawal of the United States from the Customs Convention on the E.C.S. Carnets for Commercial Samples; and (3) correct typographical errors in the regulations relating to carnets.

DATES: Comments must be received on or before November 30, 1981.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations and Information Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Jerold O. Worley, Office of Commercial Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8551).

SUPPLEMENTARY INFORMATION:

Background

Carnets are international customs documents, backed by an internationally valid guarantee, which may be used for the entry of articles under various customs procedures such as temporary importation and transportation in bond (transit). The carnet is used in place of the usual national customs documentation and guarantees the payment of duties (including taxes and associated penalties) which may become due if the requirements under a particular customs procedure are not satisfied. The existence of a single international document rather than numerous national documents facilitates international commerce.

The carnet guarantee is based on international chains of national guaranteeing associations established in the countries accepting the carnets. The guaranteeing association is jointly and severally liable with the carnet holder for the payment of the sums due in the event of non-compliance with the conditions of the procedures for which the carnet is used.

Types of Carnets Commonly Used

A.T.A. Carnets. The A.T.A. ("Admission Temporaire—Temporary Admission") carnet is used for the temporary duty-free entry of professional equipment, commercial samples, and advertising material. The use of the A.T.A. carnet allows the traveler or businessman to make customs arrangements in advance and to use a single document for goods which will pass through several different countries. A.T.A carnets are valid for a period of 1 year. In the United States the U.S. Council of the International Chamber of Commerce has been designated by the Customs Service as the United States issuing and guaranteeing organization for A.T.A. carnets.

E.C.S. Carnets. Before the United States withdrew from the Customs Convention on the E.C.S. Carnets for Commercial Samples, effective August 11, 1977, the E.C.S. ("Echantillons Commerciaux-Commercial Samples") carnet was used in the same manner as the A.T.A. carnet, but only for the temporary duty-free entry of commercial samples. E.C.S. carnets were valid for one year. The U.S. Council of the International Chamber of Commerce also had been designated by the Customs Service as the United States issuing and guaranteeing organization for E.C.S. carnets.

T.I.R. Carnets. T.I.R. ("Transport International Routier—International Road Transport") carnets authorize road vehicles, containers, and their contents to transit one or more frontiers without customs inspection at intermediate points and with a minimum of other formalities. Road vehicles and containers transit the country or move from port of entry to final destination with their contents under customs seal. Inspection is accomplished at the final destination. T.I.R. carnets are valid until the end of the transit operation. The Equipment Interchange Association has been designated by the Customs Service as the issuing and guaranteeing association for T.I.R. carnets in the United States.

As a result of certain actions regarding the acceptance and use of carnets within the United States, and to correct typographical errors found in previous amendments to the regulations relating to carnets, Customs proposes to make certain conforming amendments to the Customs Regulations. The following is a list of the proposed changes and the reasons for them:

1. The United States withdrew from the Customs Convention on the E.C.S. Carnets for Commercial Samples effective August 11, 1977. In a General Notice published in the **Federal Register** on August 25, 1977 (42 FR 42851), Customs announced that it would not accept E.C.S. carnets issued after August 10, 1977, for the temporary duty-free admission of commercial samples into the United States. The A.T.A. carnet was designated to replace the E.C.S. carnet for this purpose. Accordingly, modifications to various sections of Parts 10, 114, and 143, Customs Regulations (19 CFR Parts 10, 114, 143), are necessary.

2. At the request of the Secretary General of the Customs Cooperation Council the United States has elected to exercise the option, under article 3, paragraph 3, of the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods, to accept A.T.A. carnets for transit operations, permitting articles covered by A.T.A. carnets to be transported in bond. Therefore, modifications to various sections of Parts 18 and 114, Customs Regulations (19 CFR Parts 18, 114), are necessary.

3. By T.D. 75-41, published in the **Federal Register** on February 13, 1975 (40 FR 6646), § 10.68, Customs Regulations (19 CFR 10.68), was amended to include professional books, implements, instruments, and tools of trade, occupation, or employment, among the types of articles which are permitted to be returned, after having been temporarily taken abroad under cover of an A.T.A. carnet, without formal entry or payment of duty. However, the word "formal" was inadvertently omitted before the word "entry" and this made it appear that all the types of articles listed in § 10.68 could be returned without entry and without payment of duty if either an exportation voucher from an A.T.A. carnet or an application on Customs Form 4455 was filed prior to exportation. It is necessary to amend § 10.68 to: (1) clarify that in every case either an informal entry or a declaration is still required; and, (2) state when each procedure is necessary.

4. Minor typographical errors in §§ 114.12(b) and 114.26(c), Customs Regulations (19 CFR 114.12(b), 114.26(c)), also require correction.

Proposed Amendments to the Regulations

It is proposed to amend Parts 10, 18, 114, and 143, Customs Regulations (19 CFR Parts 10, 18, 114, 143), in the following manner:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

It is proposed to amend § 10.68(a) by inserting "formal" between "without" and "entry" in the first sentence and by adding the following between the first and second sentences:

§ 10.68 Procedure.

(a) * * * Articles exported under cover of an A.T.A. carnet (where the carnet serves as the control document) may, in accordance with this paragraph, be returned without entry or the payment of duty. If Customs Form 4455 is utilized, commercial travelers' samples, professional books, implements, instruments, and tools of trade, occupation, or employment may be returned with either an informal entry or a declaration on Customs Form 3299; theatrical scenery, properties, and effects and motion-picture films may be returned only with an informal entry. * * *

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

1. It is proposed to amend § 10.1(a) by adding a new paragraph (3) to read as follows:

§ 18.1 Carriers; Application to bond.

(a) * * *

(3) Merchandise to be transported from one port to another in the United States under cover of an A.T.A. carnet (see Part 114 of this chapter) shall be delivered to a common carrier or contract carrier bonded for that purpose, but the merchandise thereafter may be transported with the use of other bonded or nonbonded common or contract carriers. The A.T.A. carnet shall be responsible for liability incurred in the carriage of merchandise under the carnet, and the carrier's bond shall be responsible as provided in § 114.22(d) of this chapter.

* * * * *

§ 18.2 [Amended]

2. It is proposed to amend § 18.2(a) by adding "or A.T.A." after "TIR" in the second sentence and by removing "TIR" from the third sentence.

§§ 18.2 and 18.4 [Amended]

3. It is proposed to amend §§ 18.2(c) and 18.4(c)(2) by removing "TIR" from the first sentence of each.

§ 18.5 [Amended]

4. It is proposed to amend §§ 18.5 (c) and (d) by removing "TIR."

§ 18.6 [Amended]

5. It is proposed to amend § 18.6(d) by removing "TIR" and by inserting "appropriate" between "the" and "guaranteeing" in the first sentence.

6. It is proposed to amend § 18.8(e) by substituting "114.22(d)" for "114.22(c)(3)" in the first sentence of subparagraph (2) and by adding a new subparagraph (3) to read as follows:

§ 18.8 Liability for shortage, irregular delivery, or nondelivery; penalties.

* * * * *

(e) * * *

(3) The domestic guaranteeing association shall be jointly and severally liable with the initial bonded carrier for pecuniary penalties, liquidated damages, duties, and taxes accruing to the United States and any other charges imposed as the result of any shortage, irregular delivery, or nondelivery at the port of destination or port of exit of merchandise covered by an A.T.A. carnet. However, the liability of the guaranteeing association shall not exceed the amount of the import duties by more than 10 percent. If an A.T.A. carnet is unconditionally discharged with respect to certain goods, the guaranteeing association will no longer be liable on the carnet with respect to those goods unless it is subsequently discovered that the discharge of the carnet was obtained fraudulently or improperly or that there has been a breach of the conditions of temporary admission or of transit. No claim for payment shall be made more than 1 year following the date of expiration of the validity of the carnet. The guaranteeing association shall be allowed a period of 6 months from the date of any claim by the district director in which to furnish proof of the reexportation of the goods or of any other proper discharge of the A.T.A. carnet. If such proof is not furnished within the time specified, the guaranteeing association shall either deposit or provisionally pay the sums. The deposit or payment shall become final 3 months after the date of the deposit or payment, during which time the guaranteeing association may still furnish proof of the reexportation of the goods to recover the sums deposited or paid.

§ 18.11 [Amended]

7. It is proposed to amend §§ 18.11 (b), (c), (f), and (g), by removing "TIR."

8. It is proposed to amend § 18.11(h) by removing "TIR" from the first sentence and by substituting "114.22(d)" for "114.22(c)(3)" in the last sentence.

§ 18.12 [Amended]

9. It is proposed to amend § 18.12(d) by removing "TIR."

10. It is proposed to amend § 18.12(e) by substituting "carnets" for "a TIR carnet."

§ 18.20 [Amended]

11. It is proposed to amend §§ 18.20 (a) and (b) by removing "TIR."

12. It is proposed to further amend § 18.20(b) by substituting "Sections 18.1(a) (2) and (3)" for "Section 18.1(a)(2)."

§ 18.24 [Amended]

13. It is proposed to amend §§ 18.24 (a) and (b) by removing "TIR."

14. It is proposed to amend § 18.25(a) by adding the following at the end of the section:

§ 18.25 Direct exportation.

(a) * * * If an A.T.A. carnet covers the merchandise which is to be exported directly without transportation, the carnet shall be discharged by the certification of the appropriate transportation and reexportation vouchers by Customs officers as necessary.

* * * * *

15. It is proposed to amend § 18.26(a) by adding the following at the end of the section:

§ 18.26 Indirect exportation.

(a) * * * If merchandise has been imported under cover of an A.T.A. carnet to be transported in bond to another port for exportation, the approriate transit voucher shall be accepted in lieu of Customs Forms 7512. One transit voucher shall be certified by Customs officers at the port of importation and a second transit voucher, together with the reexportation voucher shall be certified at the port of exportation.

* * * * *

PART 114—CARNETS

§§ 114.1 and 114.2 [Amended]

1. It is proposed to amend Part 114 by removing §§ 114.1(e) and 114.2(b) and marking those paragraphs "Reserved."

§ 114.12 [Amended]

2. It is proposed to amended § 114.12(b) by substituting "of" for "by" before "future."

3. It is proposed to revise § 114.22(a) to read as follows:

§ 114.22 Coverage of carnets.

(a) *A.T.A. carnet.* The A.T.A. carnet is acceptable for goods to be temporarily entered, or temporarily entered and transported, under:

(1) The Customs Convention on the Temporary Importation of Professional Equipment, or

(2) The International Convention to Facilitate the Importation of Commercial Samples and Advertising Material, which includes motion-picture advertising films not exceeding 16 mm., consisting essentially of photographs (with or without sound track) showing the nature or operation of products or equipment whose qualities cannot be adequately demonstrated by samples or catalogs, provided that the films:

(i) Relate to products or equipment offered for sale or for hire by a person established in the territory of another contracting party;

(ii) Are of a kind suitable for exhibition to the public; and

(iii) Are imported in a packet which contains not more than 1 copy of each film and which does not form part of a larger consignment of films. There shall be presented with each carnet covering motion-picture advertising films a

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statement showing how each of the foregoing requirements is met.

(3) When the total of duties and taxes on any shipment covered by an A.T.A. carnet exceeds the amount for which the guaranteeing association is liable, the excess constitutes a charge against the Carrier's Bond of the carrier which receipts for the merchandise in accordance with § 18.2(a) of this chapter.

* * * * *

§ 114.22 [Amended]

4. It is proposed that § 114.22(b) be removed and marked "Reserved."

5. It is proposed that § 114.22(c)(3) be redesignated as § 114.22(d) and be amended by removing "TIR."

§ 114.23 [Amended]

6. It is proposed that § 114.23(a) and the section heading be amended by removing *"and E.C.S."* and "or E.C.S."

§§ 114.24, 114.25, 114.26, and 114.34 [Amended]

7. It is proposed to amend §§ 114.24, 114.25, 114.26 (a) and (b), 114.34(b) by removing "or E.C.S." wherever it appears.

8. It is proposed to amend § 114.26(c) by revising the first sentence to read as follows:

§ 114.26 Discharge, nonacceptance, or cancellation of carnets.

* * * * *

(c) *Nonacceptance or cancellation of TIR carnets.* If a TIR carnet presented to Customs is not accepted, it shall be stamped "Not Taken on Charge" (see § 114.22(c)(2)). * * *

§ 114.32 [Amended]

9. It is proposed to amend § 114.32 by substituting "A.T.A." for "E.C.S."

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

1. It is proposed to amend § 143.21 by removing "and" after the semicolon in paragraph (g), by substituting a semicolon for the period at the end of paragraph (h), by redesignating § 143.21(i) as § 143.21(j), and adding a new § 143.21(i) to read as follows:

§ 143.21 Merchandise eligible for informal entry.

* * * * *

(i) Theatrical scenery, properties, and effects, motion-picture films, commercial travelers' samples and professional books, implements, instruments, and tools of trade, occupation, or employment, as set forth in § 10.68 of this chapter.

* * * * *

2. It is proposed to further amend § 143.21 by substituting a semicolon for the bracket at the end of the citation of authority and adding the following:

"; T.D. 75-41, 40 FR 6646, February 13, 1975)"

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations and Information Division, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

These amendments are proposed under the authority of R.S. 251, as amended, sections 484, 498, 624, 46 Stat. 722, as amended, 728 as amended, 729, sections 623, 624, 46 Stat. 759, as amended, section 101, 76 Stat. 72, 77A Stat. 14 (19 U.S.C. 66, 1202 (General Headnote 11), 1484, 1498, 1623, 1624).

Executive Order 12291

Because this document will not result in a regulation which would be a "major" rule as defined by section 1(b) of Executive Order 12291, a regulatory impact analysis and review as prescribed by section 3 of the Executive Order is not required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the proposed amendments will not have a significant economic impact on a substantial number of small entities. Any economic impact flows directly from international agreements (the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods and the Customs Convention on the E.C.S. Carnets for Commercial Samples) and not from the proposed implementing regulations. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from small entities through comments, either formal or informal.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the proposed amendments will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William T. Archey,
Acting Commissioner of Customs.

Approved: July 29, 1981.

John P. Simpson,
Acting Assistant Secretary of the Treasury.

[FR Doc. 81-28589 Filed 9-30-81; 8:45 am]
BILLING CODE 4810-22-M

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19 CFR Part 19

Proposed Customs Regulations Amendment Relating to Imported Smelted or Refined Products Containing Metal

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to simplify the reporting requirements relating to the amount of dutiable metal in imported smelted or refined products. Customs believes the revenue would be amply protected without requiring that smelted or refined products containing dutiable metal be described in the warehouse withdrawal and delivery permit. Further, paper work and a reporting burden would be reduced.

DATES: Comments must be received on or before November 30, 1981.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations and Information Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: William Rosoff, Carriers, Drawback and Bonds Division, U.S. Customs Service,

1301 Constitution Avenue, NW.,
Washington, D.C. 20229 (202–566–5856).

SUPPLEMENTARY INFORMATION:

Background

Imported metal-bearing materials may be entered into a bonded smelting or refining warehouse in the United States without the payment of duties and smelted or refined, or both, together with other metal-bearing materials of domestic or foreign origin.

Upon the withdrawal for consumption of metal so smelted or refined, or both, duty is collected on the quantity of metal contained in the imported metal-bearing materials. In order to aid in determining the amount of duty to be paid, § 19.18(b), Customs Regulations 19 CFR 19.18(b)), provides that the warehouse withdrawal and delivery permit shall (1) describe the smelted or refined products to be withdrawn in terms of the condition in which they will be when released from Customs custody upon presentation of the delivery permit; (2) state the estimated amount of the dutiable metal contained in the products; and (3) the warehouse withdrawal shall specify the applicable wastage.

Customs has determined that the revenue is amply protected without requiring a description of the smelted or refined products containing dutiable metal in the warehouse withdrawal and delivery permit. The deletion of this requirement would reduce paper work and the reporting burden for those who must file the warehouse withdrawal and delivery permits and yet continue to provide adequate protection of the revenue. Accordingly, it is proposed to delete this requirement.

PART 19—CUSTOMS WAREHOUSES CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

Proposed Amendment

It is proposed to amend § 19.18(b), customs Regulations (19 CFR 19.18(b)), by revising the fourth sentence of the paragraph to read as follows:

§ 19.18 Smelting and refining; allowance for wastage; withdrawal for consumption.

* * * * *

(b) * * * The warehouse withdrawal and delivery permit shall state the estimated amount of the dutiable metal contained in the products, and the warehouse withdrawal shall specify the applicable wastage.* * *

Authority

This amendment is proposed under the authority of R.S. 251, as amended, sections 312, 624, 46 Stat. 692, as amended, 759 (19 U.S.C. 66, 1312, 1624).

Comments

Before adopting this proposal, consideration will be given to any written comments that are timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations and Information Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

Executive Order 12291

This proposed amendment is not a "major" regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

It has been determined that the proposed amendment is not subject to the provisions of Pub. L. 96–354, the Regulatory Flexibility Act (5 U.S.C. 601–612), because publication of a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), or any other law. This minor amendment would not impose any additional affirmative duty or burden on the public, but rather would merely reduce paper work and relax a reporting requirement. Accordingly, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are believed to be unnecessary. However, recognizing that there may be some minor impact from the proposal, in an effort to assess any effects and provide the public with an opportunity to comment, it has been determined to publish this document as a proposed rule.

Drafting Information

The principal author of this document was John E. Elkins, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, other Customs personnel participated in its development.

William T. Archey,
Acting Commissioner of Customs.

Approved: August 28, 1981.

John P. Simpson,
Acting Assistant Secretary of the Treasury.

[FR Doc. 81–[illegible] Filed 9–30–81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5 81–06R]

Drawbridge Operation Regulations: Wrightsville Beach, N.C.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Town of Wrightsville Beach, North Carolina, the Coast Guard is considering the establishment of regulations that would limit the opening of the drawbridge across the Atlantic Intracoastal Waterway, mile 283.1, at Wrightsville Beach, North Carolina. This proposal is being made in order to reduce vehicular traffic congestion in the vicinity of the bridge. This action will reduce vehicular traffic congestion and still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before November 16, 1981.

ADDRESS: Comments should be submitted to and are available for review from 8 a.m. to 4:30 p.m., Monday through Friday at the office of the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Bridge Administrator, Aids to Navigation Branch, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705 (804–398–6222).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written comments. Persons submitting comments should include their name and address, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement of their comments should enclose a stamped, self-addressed postcard or envelope.

The Commander, Fifth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in the light of comments received.

This proposed regulation has been reviewed under the provisions of E.O. 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis,

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and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation of the proposal has not been conducted because the expected economic impact is so minimal as to not warrant the evaluation. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

These conclusions are supported in the following discussion of the Proposed Regulations.

DRAFTING INFORMATION: The principal person involved in drafting this proposal is: Wayne J. Creed, Project Manager, Fifth Coast Guard District, Aids to Navigation Branch.

DISCUSSION OF THE PROPOSED REGULATIONS: The proposed regulations would restrict the bridge to one opening an hour for the passage of pleasure craft from 7 a.m. to 7 p.m. every day from May 1 through October 30. At all other times the bridge would open on signal for the passage of pleasure craft. Commercial vessel traffic would not be affected by the proposed regulations. The proposed regulations would be in effect only during the tourist season and the restrictions would be in effect during daylight hours for the most part. It is during daylight hours from May 1 through October 30 that vehicular traffic across the bridge is the heaviest according to data provided by the bridge owner. It is felt that the proposed regulations would reduce vehicular traffic congestion in the vicinity of the bridge and still provide for the reasonable needs of navigation. With this in mind, it is reasonable to assume that the proposed regulations are in the best interest of the public.

There are no known businesses that will be significantly impacted by the proposed regulations. Since the regulations only affect pleasure craft, the only costs will be those of time delays and fuel used by these entities. This cost is considered insignificant because the time delays will be less than one hour in most cases.

PART 117—DRAWBRIDGE REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding § 117.359 to read as follows.

§ 117.359 AICWW, Mile 283.1, Wrightsville Beach, NC; bridge

(a) From November 1 through April 30 the drawbridge shall open on signal for the passage of pleasure craft.

(b) From May 1 through October 31:

(1) The drawbridge shall open for the passage of pleasure craft on the hour from 7 a.m. to 7 p.m. every day.

(2) The drawbridge shall open on signal for the passage of pleasure craft from 7 p.m. to 7 a.m. every day.

(3) If a pleasure boat is approaching the drawbridge and cannot reach the draw exactly on the hour the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching pleasure boat and any other pleasure boats that are waiting to pass.

(c) The drawbridge shall open on signal at any time for public vessels of the United States, commercial vessels and any vessel in an emergency involving danger to life or property. The signal to request an emergency opening is four or more short blasts of a whistle or horn.

(d) A copy of the regulations in this section shall be posted on both sides of the bridge.

(Sec. 5. 28 Stat. 362, as amended (33 U.S.C. 499); Sec. 6(g)(2), Pub. L. 89-670, 80 Stat. 937, as amended (49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: September 28, 1981.

John D. Costello,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 81-28607 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1936-7]

State of Maryland; Proposed Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to propose approval of several amendments of the Maryland Regulations submitted on May 18, 1981 as revisions to the State Implementation Plan. A public hearing was held on these amended regulations on December 15, 1980 in accordance with the requirements of 40 CFR 51.4. The regulations were adopted on April 8, 1981 and became effective State regulations on June 8, 1981. This proposed rule includes adoption of new regulations, for the control of Volatile Organic Compound (VOC) emissions and for the control of total reduced sulfur emissions from kraft pulp mills, as well as miscellaneous State-initiated regulation changes and revised stack test procedures. Additionally, EPA proposes changes to 40 CFR Part 52 pertaining to the transportation control plans. This notice solicits comments on EPA's proposed action.

DATE: Comments on these proposed SIP revisions must be submitted on or before November 2, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Edward A. Vollberg;

Maryland Department of Health and Mental Hygiene, Air Management Administration, 201 W. Preston Street, Baltimore, Maryland 21201, ATTN: George P. Ferreri;

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

All comments should be directed to: Mr. Henry Sokolowski, Chief, MD-DE-DC Metro Section (3AH12), U.S. Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, PA 19106, ATTN: AH303MD, AH203MD, AH400(a)MD.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Vollberg (3AH12), U.S. Environmental Protection Agency, Region III, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, telephone: 215/597-8990.

SUPPLEMENTARY INFORMATION: On May 18, 1981, the Governor of the State of Maryland submitted numerous regulation changes as revisions to the Maryland State Implementation Plan. This revision identified by Maryland as Revision 81-1 includes State-initiated changes as well as new regulations adopted to meet specific EPA requirements including conditions of approval of the Part D plan. A public hearing on the changed and new regulations was held on December 15, 1980 in Baltimore, Maryland. The regulations were adopted on April 8, 1981 and became effective State regulations on June 8, 1981. These amendments have been developed and submitted in accordance with the requirements of Title 40, Code of Federal Regulations, Part 51. Further, on January 20, 1981, the Governor of Maryland requested that the transportation measures in 40 CFR Part 52 that were obsolete be deleted. These deletions are consistent with EPA's action on the Maryland plan revision which satisfied the requirements of Part D of Title I of the Clean Air Act, as amended (45 FR 53470, August 12, 1980).

Background

The revision as submitted to EPA includes:

1. The adoption of reasonably available control technology (RACT) regulations for the Round II Control Techniques Guidelines for the control of VOC emissions.
2. Extension of the new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAPS) coverage through the 1979 edition of the Code of Federal Regulations.
3. The adoption of total reduced sulfur (TRS) regulations for kraft pulp mills.
4. Miscellaneous State regulation changes.
5. Revised stack test procedures.

Each of the above will be discussed individually in the following portions of this notice.

1. Part D of Title I of the Clean Air Act, as amended, required that States revise their State Implementation Plan (SIP) for all areas that have not attained the national ambient air quality standards (NAAQS). As a part of the Maryland control strategy for attainment of the NAAQS for ozone (O_3), the State revised its regulations to require additional control of volatile organic compounds (VOCs) in the Baltimore Metropolitan Intrastate Air Quality Control Region (AQCR) and the Maryland portion of the National Capital Interstate AQCR. The revisions to the State SIP control VOCs emitted from certain industrial sources covered by EPA's Group II Control Techniques Guidelines (CTGs). For States with O_3 nonattainment areas, EPA has stated that the minimum acceptable level of control for O_3 attainment includes RACT requirements for sources of VOC emissions for which EPA has published a CTG by January 1978 and additional reasonably available control technology (RACT) requirements on an annual basis for VOC sources covered by CTGs published by January of the proceeding year (see 44 FR 20372 [April 4, 1979] as supplemented at 44 FR 38583 [July 2, 1979]; 44 FR 50371 [August 28, 1979]; 44 FR 53761 [September 17, 1979]; and 44 FR 67182 [November 23, 1979]). Adoption and submittal of additional RACT regulations for sources covered by CTGs published between January 1978 and January 1979 (Group II CTGs) were due on July 1, 1980 (44 FR 50371, August 28, 1979). However, because State regulatory processes took longer than anticipated, and in most cases good faith efforts were being made to adopt the necessary regulations, EPA revised the July 1, 1980 deadline to January 1, 1981 (45 FR 78121, November 25, 1980).

EPA published the CTGs in order to assist the States in determining RACT. The CTGs provide information on available air pollution control techniques and provide recommendations on what EPA calls the "presumptive norm" for RACT. Group II CTGs cover the following source categories:

Factory Surface Coating of Flat Wood Paneling
Petroleum Refinery Fugitive Emissions (Leaks)
Manufacture of Synthesized Pharmaceutical Products
Manufacture of Pneumatic Rubber Tires
Surface Coating of Miscellaneous Metal Parts and Products
Graphic Arts (Printing)
Dry Cleaning (Perchloroethylene)
Gasoline Tank Trucks, Leak Prevention
Petroleum Liquid Storage, External Floating Roof Tanks

The State, in its submittal, included a statement that there is not pneumatic rubber tire manufacturing or flat wood paneling manufacturing in the ozone nonattainment areas and therefore no RACT regulations for these industries were adopted. For the remaining categories, Maryland has either made changes to currently-approved regulations or adopted new regulations as necessary.

2. Coverage of NSPA and NESHAPS are defined in the Maryland Regulations by reference to the Code of Federal Regulations. This requires updating of these regulations by the State as new or revised NSPS or NESHAPS regulations are promulgated by EPA. The changes proposed, update and expand coverage of the regulations to those sources that have been added to the Federal programs since the initial delegation of authority. These include all changes incorporated in the 1979 edition of the Code of Federal Regulations.

3. Control of kraft pulp mill total reduced sulfur emissions is required by Section 111(d) of the Clean Air Act, as amended. This section of the Act requires a plan for emission performance standards for non-criteria pollutants. In the case of kraft pulp mills, EPA has published a New Source Performance Standard for total reduced sulfur (TRS) emissions. Maryland's new regulation (10.18.14) has been developed to respond to this new standard. The regulation applies to only one facility in the State, the Westvaco Mill in Luke, Maryland.

4. Miscellaneous changes to the Maryland regulations are being made for clarification or correction of previous versions. These include changes to general definitions, changes to the incinerator regulations, changes to regulations on solid fuel-burning equipment, and establishment of a new regulation for the galvanizing industry. Additionally Maryland is exempting benzene emissions from the VOC regulations due to its low reactivity, however, the State intends to control benzene emissions under the NESHAPS regulations when EPA finalizes them.

5. Maryland, as a result of the new regulations and to satisfy the conditions of approval of the Part D plan, needed to revise the stack test procedures used by the State of Maryland. While these do not change the emission requirements, they do define the techniques to determine compliance and are therefore submitted as revisions to the SIP.

EPA Evaluation and Proposed Action

EPA has reviewed the amended regulations submitted by the Governor of the State of Maryland on May 18, 1981 as revisions to the State Implementation Plan. The amendments have been developed and submitted in accordance with the requirements of Title 40, Code of Federal Regulations, Part 51. Specific review of each amendment, as well as EPA's findings, is presented below:

1. COMAR 10.18.01

Section .01I. is amended to reference the 1979 edition of 40 CFR Part 61.

Section .01K is amended to add subsection (25) Kraft Pulp Mills and (26) Grain elevators.

EPA proposes to approve these changes since they merely update the Maryland regulations to be consistent with Federal requirements.

2. COMAR 10.18.06

Section .01B is amended to exempt benzene and methylene chloride.

Section .06A is repealed, since requirements are recodified in 10.8.13.

Section .12 is amended to change the reference to 40 CFR 1979 edition. The State in its cite for NSPS refers to 40 CFR Part 61. This was a typographical error; Part 60 is the appropriate part for NSPS requirements. Maryland is aware of this error and will correct it in the near future.

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Section .13 is amended to change the reference to 40 CFR 1979 edition.

EPA proposes to approve these changes, noting the intent that Section .12 reference 40 CFR Part 60 rather than Part 61.

3. COMAR 10.18.08

This regulation was amended to be consistent with a Maryland Department of Health & Mental Hygiene interpretive guideline for disposal of infectious wastes. The regulation therefore has been changed to eliminate references to pathological and medical waste and to use only the term infectious waste. Additionally, an emission limit was established for infectious waste incinerators burning less than one ton of refuse per hour and less than eight tons of refuse per day which is 0.10 gr/SCFD.

EPA proposes to approve these changes, since they do not change the attainment demonstration for the approved Maryland SIP.

4. COMAR 10.18.09

Section .04 and .06 and Table 1 are being revised to change the size limit on the prohibited sources. Since the emission limit for all existing sources will remain the same, the prviously approved attainment demonstration remains unchanged. Any new sources are required to obtain new source permits by Maryland's regulations which were adopted in accordance with 40 CFR 51.18 and will therefore be reviewed on a case-by-case basis.

Section .08 is amended to correct a previous error. The regulation is applicable to existing fuel-burning equipment yet it had incorrectly referred to new equipment, therefore the word "new" is deleted.

EPA proposes to approve these changes.

5. COMAR 10.18.10

This entire regulation is not a part of the approved SIP and is undergoing further revision by the State of Maryland. The State has held hearings on the new regulations and will be submitting them in the very near future. The changes in this revision being considered today will be superseded by the new regulations.

EPA is not acting on these changes at this time and will review and act on the entire new COMAR 10.18.10 when submitted by the State of Maryland in the near future.

6. COMAR 10.18.11

Section .02 was amended in response to the conditional approval of the Maryland SIP for the attainment of the ozone standard. The regulation now uses a monthly exemption to the prohibition of cutback asphalt use in place of the previous temperature-related exemption which was more difficult to enforce. This satisfies the concern raised in the previous conditional approval. Further, the definition for "emulsified asphalt" has been clarified to reference the designated ASTM or AASHTO specifications as amended through November 14, 1980, which satisfies EPA's other concern noted in the conditional approval. These amendments do not change the regulation requirements which are being met.

Section .04 was amended to include regulations for the control of refinery equipment leaks in response to the Round II CTG documents published between January 1978 and January 1979. EPA has noted some typographical errors in the regulation where a section D is referenced instead of the correct section C. The State of Maryland has been notified of these and will make the necessary corrections in the near future. EPA does not feel that this affects the approvability of the regulation.

Section .05 has been repealed as it is included in the requirements of a new chapter 10.18.13 which is discussed later in this notice.

EPA finds that the above changes satisfy previous concerns in conditional approval of the Part D plan and needed VOC controls to reflect RACT and therefore proposes to approve the amendments.

7. COMAR 10.18.12

This is a new regulation and establishes emission standards for the galvanizing industry. These were developed reflecting the status quo emissions for the sources presently located in Maryland. The current approved SIP attainment demonstration includes these emissions and is not changed by this regulation.

EPA proposes to approve COMAR 10.18.12 as a part of the State Implementation Plan.

8. COMAR 10.18.13

This is a new chapter which replaces regulations 10.18.11.05 and 10.18.06.06A and incorporates their combined requirements. Further, it adds control requirements which were based upon the Round II CTG documents. The definition of true vapor pressure used by Maryland in this chapter varies from the recommended EPA definition; however, Maryland has certified that the total emissions from the controlled category are the same no matter which definition is used. Therefore, the Maryland definition is satisfactory.

EPA proposes to approve COMAR 10.18.13 as a part of the Maryland State Implementation Plan.

9. COMAR 10.18.14

This chapter is a new regulation which was developed to meet the requirements of Section 111(d) of the Clean Air Act. Under this Section of the Act, EPA has published guidelines for the control of total reduced sulfur (TRS) emissions from kraft pulp mills. The only affected facility in the State of Maryland is the Westvaco Kraft Mill in Luke, Maryland. The regulation was developed considering the EPA guideline and the specifics of the Luke Mill. Maryland's emission standard is on a weight basis as opposed to the guideline standard which is a volume basis; however, the State has supplied the analysis showing the equivalency for its standard.

EPA proposes to approve 10.18.14 as the 111(d) plan for TRS emissions from kraft pulp mills.

10. COMAR 10.18.21

Section .01A is amended to included an exemption of benzene and methylene chloride from the definition of organic material.

Section .10 was amended to require RACT control of VOC emissions from graphics arts sources, developed in accordance with the Round II CTGs.

Section .12 is a new regulation for the control of VOC emissions from dry cleaning facilities. This regulation is consistent with the CTG document for this source category, with the exception of the size cutoff of 55 gallons per month. This size cutoff is significant larger than that adopted by most other states. While EPA proposes to approve this regulation, comments are specifically solicited on this size exemption.

Section .13 is a new regulation for the control of VOC emissions from miscellaneous metal coating. This regulation is an acceptable representation of RACT control for this category of sources in the State of Maryland.

Section .14 is a new regulation controlling VOC emissions from synthesized pharmaceutical manufacture. Maryland has chosen 40 lbs/day as a lower size cutoff. While this is higher than the EPA recommendation, the one affected source located in the State of Maryland emits more than 40 lbs/day, therefore there is not difference in total emissions even though a different cutoff size was chosen. Also, § .14(B)(1)(c) contains a typographical error in referring to a vapor pressure of 1.0 psia. This should have read 1.5 psia. Maryland has noted this and has committed to change it at the most convenient future time. Therefore, EPA is proposing this rule on the basis that 1.5 psia is the proper vapor pressure.

EPA proposes to approve the amendments to COMAR 10.18.21, noting the intent in § .14(b)(1)(c) to refer to 1.5 psia as the vapor pressure.

11. Technical Memorandum TM-116

TM-116 the State of Maryland Stack Test Methods were amended to reflect the above regulation changes and the conditional approval of the Part D plan. They are consistent with EPA stack test requirements, and satisfy the conditional approval.

EPA proposes to approve TM-116 as amended November 1980 as a revision to the Maryland SIP.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

12. Changes to 40 CFR Part 52

Approval Status § 52.1073 will be revised to reflect the changes to §§ 52.1074, 52.1076, 52.1077, 52.1080, 52.1081, 52.1084, 52.1089, 52.1090, 52.1091, 52.1092, 52.1093, 52.1094, 52.1095, 52.1096, 52.1097, 52.1098, 52.1099, 52.1100, 52.1103, 52.1104, 52.1105, 52.1106, 52.1108, 52.1109, and 52.1111 due to the current approved SIP measures (45 FR 53460, August 12, 1980).

Legal Authority § 52.1074 will be revised to reflect the current SIP as proposed on August 1, 1979 (44 FR 45144) and approved August 12, 1980 (45 FR 53460).

Section 52.1076 is proposed to be repealed and reserved due to the indefinite suspension of the provisions of § 52.22(b).

Section 52.1077 (b) and (c) are proposed to be amended to reflect the approved SIP.

Section 52.1080(b)–(k) are proposed to be repealed since they are obsolete and the currently approved SIP measures replace them.

Section 52.1081—this section is proposed to be repealed since it has been made obsolete by the currently approved SIP.

Section 52.1083—this provision is proposed to be repealed as it has been satisfied with the current approved SIP measures.

Section 52.1084—this provision is proposed to be repealed as it has been satisfied with the current approved SIP.

Section 52.1089—this provision is proposed to be repealed as it has been replaced by I/M provisions in the current approved SIP.

Section 52.1090 is proposed to be repealed as it has been made obsolete by the current SIP measures.

Section 52.1091–.1094 are to be repealed as they are obsolete measures.

Section 52.1095 has been replaced by the current approved SIP I/M requirements and is proposed to be repealed.

Section 52.1096–.1100 are proposed to be repealed as they are obsolete measures.

Section 52.1103–52.1104, 52.1105, and 52.1106 have been replaced by current SIP measures and are proposed to be repealed.

Sections 52.1108–52.1109 have been replaced by a current SIP measure and is proposed to be repealed.

Section 52.1111 is proposed to be repealed, this measure is obsolete and its purpose has been achieved by other current SIP measures.

As noted in the **Federal Register** notice approving the Maryland Part D plan (45 FR 53470), these obsolete measures can be deleted; therefore, EPA proposes to amend 40 CFR Subpart V—Maryland in accordance with the above evaluation and in response to the request made by the Governor of Maryland on January 20, 1981.

Based upon the above evaluations it is the tentative decision of the Administrator to approve these proposed revisions to the Maryland State Implementation Plan as discussed in this notice.

The public is invited to submit comments on whether these amendments should be approved as revisions to the Maryland State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based upon the comments received and on a determination whether they meet the requirements of Part D of Title I and Sections 110(a)(2) and 111(d) of the Clean Air Act.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Dated: August 25, 1981.

Alvin R. Morris,

Acting Regional Administrator.

[FR Doc. 81-28552 Filed 9-30-81; 8:45 am]

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40 CFR Parts 122 and 146

[WH-FRL-1921-3]

Underground Injection Control Program Criteria and Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency is proposing amendments to its Consolidated Permit Regulations (40 CFR Part 122) and Technical Criteria and Standards for State Underground Injection Control Programs (40 CFR Part 146), as promulgated May 19, 1980 and June 24, 1980 respectively.

The Agency is proposing these amendments as part of a settlement agreement reached with a number of companies, trade associations and the State of Texas which have challenged the regulations in court.

DATES: EPA will accept public comments on the proposed amendments until November 16, 1981, either in writing or at the informal public hearings to be held at the time and place listed below.

ADDRESSES: Written public comments should be sent to the comment clerk, UIC Program Regulations, Office of Drinking Water (WH-550), EPA, Washington, DC 20460.

Public hearings will be held at the Humphrey Building, Humphrey Auditorium, 200 Independence Avenue, Washington, D.C., on November 2, 1981; and at the U.S. Post Office Building, 1828 Stout Street, Room 269, Denver Colorado, on November 5, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas E. Belk, Chief, Ground-Water Protection Branch, Environmental Protection Agency, (202) 426-3934.

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SUPPLEMENTARY INFORMATION:

I. Background

EPA originally proposed regulations to implement Part C of the Safe Drinking Water Act (SDWA) on August 31, 1976 (41 FR 36730–45). That proposal included the program regulations, the technical criteria and standards, and the related grant regulations for the Underground Injection Control (UIC) program. Numerous written comments were filed and many persons commented at three public hearings.

After careful review of those public comments, EPA determined that there were many ways that the initial proposal could be made generally more flexible and less burdensome without sacrificing the resulting environmental protection to any significant degree. Further, in the fall of 1978, the Agency decided to consolidate the regulations for its major permit protrams: the Hazardous Waste Management program under the Resource Conservation and Recovery Act (RCRA); the UIC program under the Safe Drinking Water Act (SDWA); and the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act (CWA).

As a consequence of these decisions the UIC program regulations were reproposed in four parts on April 20 and June 14, 1979:

- 40 CFR Part 122 reproposed the regulatory framework for the UIC program.
- 40 CFR Part 123 described the elements of an approvable State program and proposed the process for EPA approval of State participation in the UIC program.
- 40 CFR Part 124 described the procedures for permit application and issuance. Certain provisions of 40 CFR Part 124 would also be applicable to State UIC programs.
- 40 CFR Part 146 proposed the technical criteria and standards to be used by EPA or the State in implementing the UIC program.

After five public hearings and review of public comments the Agency promulgated final Consolidated Permits Regulations on May 19, 1980 (45 FR 33290 et seq.) and Technical Criteria for State Underground Injection Control Programs, on June 24, 1980 (45 FR 42472 et seq.).

A number of trade associations, mining companies, oil and gas producers, iron and steel producers, and the State of Texas petitioned for review of these regulations, insofar as they were promulgated pursuant to the Safe Drinking Water Act. In all a list of 93 issues was filed by the petitioners with the Court of Appeals for the District of Columbia Circuit. The Agency has discussed these issues with the litigants and has reviewed studies on which it relied to draft the regulations, reassessed comments received during rule making and reevaluated the cost and production impacts of the regulations in the light of these discussions. The proposed amendments are the result of these reevaluations. While EPA anticipates that the final promulgation of these proposed amendments in substantially the same form will provide a basis for settlement of the litigation affecting these regulations, EPA will consider carefully all public comments on this proposal before making its final decision.

II. Changes to the Major Program Concepts

A. Classification of Injection Wells

When the Agency originally proposed these regulations in 1976, injection wells were grouped into three categories:

- Waste Disposal and Engineering Wells, including industrial and municipal disposal wells, subsidence control wells, mining wells, storage and geothermal wells, etc;
- Injection Wells related to Oil and Gas Production; and
- Drainage Wells, including wells used to dispose of storm water runoff, irrigation return flow, and excess ponded surface waters.

In order to make technical requirements more specifically and appropriately applicable to particular injection practices, the Agency developed a more fully articulated classification scheme for the reproposal in 1979. Injection wells were grouped into five classes:

- Class I retained the industrial and municipal disposal wells and nuclear storage and disposal wells injecting below the deepest underground source of drinking water (USDW) in the area.
- Class II retained the injection wells related to oil and gas production.
- A new Class III contained mining, geothermal, and other special process wells.
- A new Class IV included wells used by generators of hazardous wastes or hazardous waste management facilities to inject into or above USDWs.
- Class V included all other wells (e.g., subsidence control, irrigation return flow, etc.) not included in Classes I–IV.

This five-part classification scheme, with certain adjustments, was promulgated in 1980. These amendments propose to make several changes in the promulgated classification scheme.

Classes I and IV. The Preamble to the 1979 reproposal pointed out that wells not injecting into, through or above USDWs were covered by the regulations in Class V and requested comment on this decision (44 FR 23740–1). Commenters seemed not to be opposed to this inclusion, but argued that the injection of hazardous waste, regardless of the injection zone, merited stricter regulation than that outlined for Class V. The Agency agreed with this comment and categorized injection of hazardous wastes *not* into, through or above USDWs in Class I instead of Class V. The possible choices for classifying such practices were either Class I or Class IV. At that time, however, the Agency was contemplating a total ban on all Class IV operations. A ban was judged to be an overly stringent measure for the control of wells not injecting into, through or above USDWs. Therefore, such wells were placed in Class I in order to create a presumption that they could be authorized to operate with a permit. At that time the Agency realized that the technical requirements of Class I may not be applicable to each such injection practice. Partly to provide for such situations, the final regulations contained § 122.43(a) which allows the Director to ease virtually all requirements for such injections as long as doing so does not result in an increased risk of movement of fluids into an USDW (see Preamble to the final Part 146, 45 FR 42474 and 42479–80).

Several changes have occurred since the Agency made the decisions outlined above. *First,* in the course of the litigation, industry representatives sought clarification about whether an injection of hazardous waste into an exempted aquifer was a banned practice. This had not been the Agency's intent, and these amendments now clarify that such injections are not banned. *Second,* the Agency in the final regulation decided not to go ahead with a ban on all Class IV wells at the time the regulations were promulgated. The final regulations only ban the injection of hazardous wastes directly into an USDW. Requirements for other Class IV wells, those injecting above an USDW, were reserved and the Agency requested further public comment regarding appropriate regulation (45 FR 33331 *et seq.* and 42485 *et seq.). Third,* the final regulations did not provide for an interim rule to authorize the continued operation of existing Class IV wells for which requirements were reserved. This was because, at the time the final regulations were issued, the Agency expected to have final regulations promulgated within a few months, well before any operational State programs raised the question of authorization for the continued operation of the reserved Class IV wells.

In light of the foregoing discussion these amendments propose two changes. One, the injection of hazardous wastes *not* into through or above USDWs is moved from Class I to Class IV. Two, § 122.37 is amended to make it possible to authorize the continued operation of existing Class IV wells for which requirements have been reserved.

Class II. The Agency is proposing to broaden Class II to include wells in which waste waters from gas plants, which are an integral part of the production of gas from oil and gas fields, are injected along with produced brines, so long as these waste waters are not a hazardous waste at the time of injection. It has been pointed out to the Agency that it is a fairly common practice to dispose of blow-down waters from cooling towers and boilers used in the initial drying process of natural gas, along with the produced brine separated from the gas. EPA believes that adding this blow-down water which generally contains very low total dissolved solids levels to the brine does not increase the risk to underground sources of drinking water. It seems reasonable to reduce the administrative burden for the Director and the owners or operators which would result from requiring a separate Class I permit for these wells.

Class III. The major change to the Class III category is the shift of two types of wells currently in Class III to Class V. Geothermal wells used for the production of electric power were considered Class III in the promulgated regulations. However, these wells really do not "inject for extraction of mineral or energy"; rather they are used to reinject brines from which heat has been extracted into the formations from which they were pumped. In many cases, such reinjection serves to recharge these formations. For this reason the Agency is proposing to place these wells in Class V to allow for an assessment of the practice.

In discussions with the litigants it was pointed out to EPA that the technical requirements for Class III wells were not appropriate for injection wells used for *in situ* recovery of lignite, coal, tar sands or oil shale. These are emerging technologies and the Agency does not wish at this time to impede their development by imposing technical requirements which may not fit the various practices or which may restrict their technical evolution. The Agency therefore proposes to place these wells in Class V where they can be further studied and assessed.

Class V. Finally the Agency is proposing some language in § 122.31(d)(2) and is rewording the inclusions in Class V to exclude cesspools and septic systems used for non-residential establishments when they are used solely for the disposal of sanitary wastes and have a maximum capacity to serve fewer than 20 persons a day. The Agency thinks that these types of system would be similar to single residential systems which are excluded from the regulation and accordingly, is proposing to exclude them as well.

B. Underground Sources of Drinking Water

The Safe Drinking Water Act requires that the regulations protect drinking water sources, i.e., "underground water which supplies or can reasonably be expected to supply any public water system." In the promulgated regulations current underground sources of drinking water were defined as "aquifers or portions of aquifers which currently provide drinking water for human consumption. Aquifers in which the ground water contains fewer than 10,000 mg/1 were considered potential sources of drinking water. Aquifers which were not currently used for drinking water could be exempted if they were:

(1) Mineral, hydrocarbon or geothermal energy producing;

(2) Situated at a depth or location which makes recovery of water for drinking purposes economically or technologically impractical;

(3) So contaminated that it would be economically or technologically impractical to render the water fit for human consumption; or

(4) Located over a Class III mining area subject to subsidence or catastrophic collapse.

After discussion with the litigants and a review of the record on the subject the Agency is proposing to amend this definition to reflect more closely the intent of the Safe Drinking Water Act. This proposal defines current underground sources of drinking water as aquifers or their portions which currently supply public water systems. Aquifers in which the ground water contains fewer than 10,000 mg/l are still considered potential sources of drinking water if they supply water for human consumption or can yield a sufficient quantity of water to supply a public water system.

The Agency has reviewed the current information on the drinking water use of aquifers containing high levels of total dissolved solids (TDSs). This review found that the use of water containing up to 3,000 mg/l TDS is fairly widespread. The Agency has also found that ground water containing as much as 9,000 mg/l TDS is currently supplying public water systems. EPA also believes that technology for treating water containing high levels of TDS is advancing. Therefore, based on this review and the legislative history of the Safe Drinking Water Act, the Agency still believes that it is reasonable to protect aquifers containing water with fewer than 10,000 mg/l TDS as potential sources of drinking water.

At the same time the Agency believes that the use of aquifers containing water between 3,000 and 10,000 mg/l of TDS is likely to be a function of economics and specific local hydrogeologic circumstances. Therefore, the Agency is proposing to provide flexibility to the Director for exempting such aquifers.

A new criterion in Section 146.04 would allow for exemption if "the total dissolved solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system." As part of the flexibility afforded the Director, subsequent to State program approval such exemptions will not be considered program revisions. Rather the Director, after notice and opportunity for a public hearing, must notify the Administrator in writing of the designations and the exemptions will become final unless the Administrator disapproves of them within 45 days. However, there are no changes for designation of exempted aquifers which are part of a State program submission.

The Agency is also proposing to modify the first exemption criterion which could have been construed as prohibiting mineral exploitation of previously unproduced areas. The Agency still wants to prevent the possibility of wholesale exemption of aquifers over large areas of the country simply because they are mineral bearing. However, EPA is proposing a modification to allow for exemption of aquifers if they are expected to yield commercially-producible minerals or hydrocarbons.

A subsection is being added to § 122.35 which details specific information which the Director should require from permit applicants in order to make a judgement that an aquifer contains commercially-producible minerals or hydrocarbons.

C. "No Migration" Standard

The basic purpose of the UIC regulations is to provide a framework for State programs which assures that underground injections will not

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"endanger" drinking water sources. Section 1421(b)(1) states that regulations published by the Agency under Section 1421 "shall contain minimum requirements for effective programs to prevent underground injection which endangers drinking water sources . . ." In the course of developing these regulations, the Agency has attempted to develop a standard for "endangerment" which would both meet the intentions of the Act and provide a usable, measurable test for use by injectors and regulatory agencies.

The 1976 proposal provided that underground injection operations found to endanger should be discontinued and offered the following definition:

> * * *Underground injection endangers underground sources of drinking water if (1) such injection may make it necessary for a public water system using an underground drinking water source to increase treatment of the water; or (2) if such injection might make it necessary for a public water system which uses the source in the future to use more extensive treatment of the water than would otherwise have been necessary, or (3) if such injection may otherwise adversely affect the health of persons such as by adding a substance that would make water from the source unfit for human consumption. (41 FR 36737)* * *.

Many commenters argued, and EPA agreed, that this definition was vague and confusing. Therefore in the 1979 reproposal the Agency decided to avoid a definition of engangerment and to provide instead an operational standard to meet the statutory goal. As explained in the preamble [The test in these reproposed regulations is whether injection operations will cause the migration of injected or formation fluids into an underground source of drinking water. If injection into a well can cause such migration, the owner/operator must take appropriate action to eliminate the fluid migration (44 FR 23740).] The Agency believed that this standard, applicable to Class I–III wells, was achievable through sound engineering practices. However, the 1979 reproposal provided for two exemptions to the strict "no migration" standard. First, for casing and cementing of Class II wells, the Director could grant relief from the requirements for existing wells if injection would "not result in the migration of fluids into an underground source of drinking water so as to create a significant risk to the health of persons using the source of drinking water" (44 FR 23762). Second, Class V wells were subject to the different standard of "no significant risk to the health of persons" (44 FR 23766).

In the promulgated regulations there was a blanket prohibition at § 122.34 against movement of fluid into underground sources of drinking water for Class I, II or III wells. No Class IV or V wells were authorized if they caused or allowed movement of fluid containing any contaminant into underground sources of drinking water, and the presence of that contaminant could cause a violation of any primary drinking water regulation under 40 CFR Part 142 or adversely affect the health of persons.

In Part 146 the specific technical requirements were stated so as to be achievable through good engineering practices.

In §§ 146.06 and 146.07 the goal was to determine the area in which injection pressure could cause the upward vertical movement of formation or injection fluids via improperly plugged or completed wells and apply necessary remedies.

Similarly in § 146.10(a), Plugging and Abandonment of Class I–III Wells, and in the definition of plugging in § 146.03, the Agency was specifically concerned with vertical movement of fluids through a borehole or well which could lead to communication between aquifers.

In current §§ 146.12, 146.22 and 146.32 the requirement is that wells be cased and cemented to prevent movement of fluids into or between underground sources of drinking water. The goal of this requirement is two-fold: one, to prevent movement of injected fluids from the well into USDWs which would occur if the tubular goods were leaking; and two, to prevent vertical movement of injected or formation fluids through the bore hole which could occur if the casing, cement and packer were not properly set. The test of proper construction is set by § 146.08, Mechanical Integrity. A well is properly constructed if there is no significant leak in the casing, tubing or packer, and properly cemented if there is no significant fluid movement through *vertical* channels adjacent to the well bore.

In §§ 146.13, 146.23 and 146.33 the requirement is that the injection pressure be calculated so that there is no fracturing of the confining zone and no movement of injection or formation fluids into underground sources of drinking water. This prohibition is against movement which could occur if the confining zone were fractured, or the injection pressure resulted in a zone of endangering influence greater than that used in setting the corrective action requirements. The only exception to this would be in certain Class III operations such as uranium mines which operate in exempted aquifers. There the concern would be with lateral movement of fluid into the protected portions of the aquifers. The "no migration" standard is achievable through net withdrawal of water from the mined zone, during the life of the mining operation. The Agency therefore thought that the promulgated regulations had achieved an appropriate and feasible standard.

Discussions with the litigants, however, pointed out one remaining problem. Paragraph 146.10(d) established two requirements with respect to the abandonment of a Class III well field which underlies or is in an aquifer which has been exempted under 40 CFR 146.04. First, the plugging and abandonment plan to be prepared by the permittee was to demonstrate that no movement of contaminants from the mined zone into an USDW would occur. Second, the Director was to prescribe such aquifer cleanup and monitoring measures as necessary and feasible on a case-by-case basis to insure that no migration from the mined zone into an USDW would occur.

It has been called to the Agency's attention that a "no migration" standard may not be technically or economically feasible to achieve in the case of at least some abandoned Class III sites. It may be extremely difficult to remove all residues of the mining activity, for example, ammonia, from the mining site. As the natural flow of the aquifer is reestablished after abandonment, such residues may be dissolved or eluted over time and carried into protected portions of the aquifer.

To solve this problem, this amendment proposes to change the standard in § 146.10(d) from "no migration" to one of "adequate protection." The plugging and abandonment plan to be submitted by the permittee would have to demonstrate an adequate level of protection for USDWs. Similarly, the Director would be empowered to prescribe necessary aquifer cleanup and monitoring to assure an adequate level of protection for USDWs.

The proposal of a different standard for § 146.10(d) reflects EPA's judgment that the abandonment of Class III mining operations which underly or inject into aquifers exempted under § 146.04 represents a sufficiently unique situation that a different standard for the protection of USDWs is appropriate.

The "adequate protection" standard is intended to require all efforts on the part of the operator that are necessary to assure that there will be no movement of fluids into an underground source of drinking water so as to create a significant risk to the health of persons. EPA does not believe that it is either possible or even prudent to prescribe a more specific standard as part of these minimum national requirements. The appropriate level of protection is best determined by the Director in each individual case. In establishing the specific requirements, EPA expects the Director to take the particular circumstances of the mining site into account—for example, the nature and concentration of the residuals, the hydrogeology of the aquifer, the economic and technical feasibility of cleanup actions, the importance of the aquifer, the proximity of water wells, and the number of people relying on the USDW down-gradient from the mining site.

The Agency also believes that since the "no migration" standard does not fit all the technical requirements it is not appropriate to keep it in § 122.34(a) as a general requirement and is proposing to amend this section to provide that [no authorization by permit or rule shall allow the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR Part 142 or may otherwise adversely affect the health of persons] The same language is also used in § 122.31(d) "Scope of the Permit or Rule Requirements" where that section refers to § 122.34.

Finally, a change is proposed for § 122.34(b) which requires the Director to take certain steps when monitoring indicates movement of fluids. This has been reworded to specify that this section only applies if there is movement of contaminants into an underground source of drinking water and that movement is not authorized under Part 146.

D. Mechanical Integrity

The mechanical integrity requirement in the promulgated regulations was the result of consideration by the Agency of comments and contractors' reports prepared for the Agency. However, after discussions with the litigants and reevaluation of available information, the Agency is proposing some modifications of this requirement.

The regulations now require Class II wells to show that there is no significant leak in the casing, tubing or packer by continuous monitoring of annulus pressure, or by periodic pressure tests with liquid or gas which can only be done in wells completed with tubing and packer where the annulus can be filled with fluid and pressure applied to the annulus. EPA proposes to amend this requirement for two reasons:

One, the periodic pressure test is burdensome in wells completed without a packer. In order to provide some relief to operators of such wells the Agency is willing to accept instead records of injection pressure and flow rate, provided that these data are available and that an initial pressure test was performed. The Agency still expects owners or operators to run one pressure test at a time when the well is shut down and running the test would not cause loss of production.

Two, the pressure test cannot be preformed in certain wells completed without long string casings. In such cases the Director is to require a ground-water monitoring program and inspection of annular space where possible in addition to the pressure and flow rate data, to verify the absence of fluid movement into underground sources of drinking water.

These proposed changes only apply to enhanced recovery wells since EPA believes that shutting down these wells in order to run a pressure test could have a substantial impact on oil and gas production. Further for these wells a strong economic incentive exists for the operator to insure that the wells function properly, i.e., that there are no significant leaks from the well. There are no changes proposed for salt water disposal wells since shutting these wells down for a few days every five years in EPA's view would only have minimal impact on oil and gas production.

Finally it has come to the Agency's attention that in the case of Class III wells the logging techniques prescribed to verify the absence of fluid movement behind the casing of a well are not reliable when PVC casing is used. For such wells this proposal now only requires that the operator submit cementing records showing the presence of adequate cement to prevent migration. The monitoring program prescribed by § 146.33(b) shall be designed to verify the absence of significant fluid movement.

E. Area Permits

This proposal contains one amendment to the Area Permit requirements. The current regulations require that all wells covered by an area permit be of one class as defined in § 122.32. It has been called to EPA's attention, however, that certain operations, for example storage of hydrocarbon in salt domes, may employ more than one type of well (Class III wells for mining the salt and Class II wells to inject the hydrocarbons). The same wells may also be used as Class II at certain times and Class III at others. It seems reasonable for these operations to be placed under a single permit and therefore the Agency is proposing to delete the requirement that all wells in an area permit be of a single class. The permit will specify construction, operation, and monitoring and reporting requirements applicable to each type of well covered. However, because the Agency believes injection of hazardous waste deserves to be treated differently from other types of injection, the regulations limit this relief to wells which are not used to inject hazardous waste.

A definition related to area permits has been added to §§ 122.3 and 146.03. These sections now include the term "project" defined to mean a group of wells in a single operation. This term is now used in a number of places throughout the regulations in connection with the requirements applicable to operations authorized under an area permit.

III. Changes to Class II Requirements

The promulgated regulations set out the information which had to be considered by the Director in specifying casing and cementing requirements (§ 146.22(b)) and issuing permits (§ 146.24(a)). After discussions with the litigants the Agency has reassessed the amount of information required and is proposing to delineate more precisely the information which it feels is indispensable for setting requirements, from the information which it is desirable to take into account. The items previously included in §§ 146.22(b) and 146.24(a) have been retained in the proposal except for some clarifying terminology. However, the requirements have been reorganized to distinguish the information the Director may consider from the information he must consider. The requirements in § 146.22(g) have been streamlined and reworded to make it clear that the information required is for the project in general and need not be repeated for every single will authorized by an area permit.

EPA is proposing that the logging requirements in § 146.22(f) be modified in two ways. First, the proposal allows the use of electric logs intead of only resistivity and spontaneous potential logs. This proposed change would allow the Director and owner or operator to use the most effective logging program in any given situation instead of being limited to only two specific logs. Second, for surface casing, the logging requirements would now only apply in areas where the lithology is unknown. Shallow logs are not usually run for oil and gas wells since the information obtained is of little use to the

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companies, and the logging requirements would be burdensome without corresponding environmental benefit where enough information on the shallow zones is readily available from other sources.

Finally, these proposed amendments would reduce the monitoring requirements by allowing for observation instead of monitoring (which imples recording) of injection pressure, flow rate and cumulative volumes at the time intervals which were specified in the regulation at § 146.23(b). These observations would have to be recorded once a month and summaries submitted to the Director annually as now required. If at any time the injection pressure or the flow rate exceed the limits imposed in the permits the operator will be in non-compliance and must make an immediate report to the Director according to the requirement of § 122.41(d). Imposing on the operator the burden of recording these data daily or weekly when he is in compliance with the terms of the permit could result in unnecessary paperwork. Monthly records, however, are useful in providing information on the overall performance of the well.

IV. Changes to Class III Requirements

Despite the care the Agency had taken in drafting the Class III requirements, discussions with the litigants have pointed out particular instances where the requirements could be modified, to make them more appropriate for particular operations, without any loss of environmental benefits.

The Agency is proposing to amend § 146.10 to allow discretion to the Director in the choice of plugging material for Class III wells. The cement required by the promulgated regulations is not necessary, for example, to form the bottom plug in wells used in the Frasch sulfur mining process since sulfur left at the bottom of the well will harden when hot water injection ceases and forms an adequate plug.

The Agency is also proposing in § 146.32(a) to allow discretion to the Director as to whether or not to cement the casing of new wells in existing fields where historical practice and available data may show that cementing is not necessary to protect underground sources of drinking water. Similarly, the Agency not realizes that some shallow wells are constructed by a pilot hole and reaming technique. For those wells which will be cased and cemented by circulating cement to the surface, the Agency does not believe that deviation checks are necessary since the cementing method will effectively plug off any diverging hole. Section 146.32(b) has been reworded to provide for this alternative.

The proposal would amend the monitoring requirements of § 146.33 to bring them closer to existing practices and require monitoring of injection pressure and either flow rate or injected volumes, or metering of injected and produced volumes, depending on the type of operation monitored. The proposal also liberalizes the frequency of monitoring. An important factor in protecting underground sources of drinking water from the impact of Class III operations is that certain limits for injection pressure, flow-rate, or in the case of shallow operations such as uranium mines, levels of certain indicator parameters in the monitoring wells, be established as permit conditions. Since noncompliance with any of these conditions must be reported to the Director immediately and corrrective measures taken, continuous monitoring and recording does not appear to be indispensable to ensure protection of the USDWs. The greater discretion provided will allow the Director to select the monitoring requirements which will provide the greatest environmental safeguards while reducing the burden on owners or operators.

Finally, discussions with the litigants brought out the fact that some of the information required for permitting in § 146.34(a)(7) concerning the analysis of injected fluids was of a highly confidential nature and may not be necessary for the Director to know in order to protect underground sources of drinking water. Accordingly, it is proposed that the requirement for a specific qualitative and quantitative analysis of injected fluids be relaxed to require only qualitative analysis and ranges in concentrations of constituents of the injected fluids. If the information is deemed proprietary the applicant may submit only data on the maximum concentration of certain constituents which are not to be exceeded.

The applicant for a permit can request that this information be treated as confidential. In § 122.19 the Agency has set out the requirements for confidentiality claims. Nothing in the UIC program is intended to override protection which is afforded proprietary information under State law, except insofar as Federal statutes or regulations require disclosure of information.

In keeping with the proposed change to § 146.34(a)(7), EPA is proposing that the monitoring requirements at § 146.33(b)(1) be changed to require monitoring of the nature of injected fluids rather than a more detailed analysis of the physical and chemical characteristics of the injected fluids so long as the original analysis has not been rendered incorrect or, incomplete.

In addition, two minor changes are being proposed to § 146.34(a): first, maps and cross sections need not show the lateral limits of underground sources of drinking water which could have required maps and cross-sections covering several miles; and second, the extent of the formation testing program would be clarified by referencing it to § 146.32(c). This section would be revised in a manner consistent with the revisions proposed for Class II wells to make it clear that the information required is for the project in general and need not be repeated for every single well authorized by an area permit.

V. Changes to Part 122

A. 180-Day Notice of Abandonment

It has been pointed out to the Agency that the 180-day notice of abandonment of a well was not desirable since once a well is inactive, speedy plugging is important to protect underground sources of drinking water. The requirement could also have conflicted with State laws in some cases. Accordingly, the Agency is proposing that the Director be responsible for deciding when notice of abandonment needs to be given, and that specific time frames be set in the permits. Language in §§ 122.37, 122.39(c) and 122.41(e) would be revised to this effect.

B. Miscellaneous Changes

Section 122.10(a) would be revised to allow 30 days instead of 14 to submit progress reports after each interim or final date in compliance schedules.

Section 122.41 would be revised to require that records of the nature and composition of injected fluids be retained for 3 years instead of 5 years after completion of plugging and abandonment proceudres.

Section 122.42(g), Financial Responsibility, would be revised in order to make it clearer that surety bonds are not the only means of proving financial responsibility.

VI. Changes to Part 146

A. Definitions

The Agency proposes to amend the definition of "packer" by deleting the words "which can be expanded" from the current definition since it is aware that non-expandable packers are available. The type of packer used in a particular circumstance will be discussed as part of a permit application process and the Director has the ultimate responsibility to approve or disapprove the use of a given packer.

The Agency is adding two definitions to that section, one for "conventional mines" and the other for "experimental technologies." These terms have been used in the recently promulgated technical amendments to the regulations and these definitions have been added for the benefit of the regulated community.

B. Plugging and Abandonment

Section 146.10(b) specifies that the placement of plugs during the abandonment of wells in Classes I–III must be accomplished by the use of one of three methods. The three methods named are currently the major acceptable methods for placing plugs. By specifying the use of one of the three methods, the Agency intended to assure the use of readily available and effective technology in the abandonment of wells.

It is, however, possible that new methods for the placement of plugs may be developed in the future which are as good as, or better than, the existing technology. Since § 146.10 does not provide for the use of any alternatives to the three specified methods, the wording of the requirement could work to frustrate the development and use of new technology. Such a result was not the Agency's intent. Therefore, this amendment would provide the Director the discretion to allow the use of a method for placing plugs, other than those specified, as long as the alternative can be shown to be at least as effective as the ones specified.

VII. Economic and Regulatory Impacts

A. Expected Economic Impact

The regulations being proposed today, if promulgated, will result in saving to owners and operators of approximately $70 million over five years over the costs they would have incurred under the existing regulations. These savings result from reductions in the requirements for mechanical integrity testing, monitoring and reporting, and permit application for Class II wells, as well as the removal of certain wells from coverage under Class III. The proposed regulations are not expected to have any impact on oil and gas production, or on production from Class III operations.

In addition to savings to owners and operators EPA expects the States to save $1.4 million over five years due to a reduced number of permits to review as well as less detailed information to evaluate in the application.

A detailed economic analysis of this proposal is available upon request.

B. Paperwork Reduction

The proposed regulations will result in a lesser paperwork burden on owners and operators, as well as State enforcement bodies, by reducing the amount of monitoring information which must be collected and the number of times per year the information is to be submitted. In addition, less detailed information will be required on permit applications, and applications for area permits can cover wells of various classes, not just wells of similar construction. These changes are expected to result in a reduction of 213,000 hours of monitoring and reporting time expended by owners and operators, and a reduction of 102,000 hours of permit processing time by the States, over a five-year period.

C. Impact on Small Businesses

Under the Regulatory Flexibility Act an agency is required to prepare an initial regulatory flexibility analysis whenever it is required to publish general notice of any proposed rule, unless the head of the agency certifies that the rule, if promulgated will not have a significant economic impact on a substantial number of small entities. These proposed regulations will reduce the costs to small Class II businesses. (The Agency knows of no small businesses affected by the changes in the Class III regulations.) As noted in the separate document discussing the economic effects of these proposed regulations, the Agency examined two potential definitions of a small entity for Class II operations. One involved a definition by the Department of Energy based on the production of a firm with a small oil and gas firm producing annually less than 400,000 barrels of oil or less than 2 billion cubic feet of gas. Approximately 97% of the firms producing oil and gas fall into this category. An alternative definition was based upon well production with stripper wells defined as those producing less than 10 barrels per day of oil. Stripper wells account for approximately 70% of all producing wells. Under both definitions it seems probable that the majority of resource savings from this proposed change could accrue to small entities. Therefore, the Administrator certifies that this regulation will not have a significant impact on a substantial number of small entities.

The economic effects of these proposed regulations on small businesses are discussed in greater detail in a separate background document available from the Agency.

D. Executive Order 12291

Under Exectuive Order 12291, EPA must judge whether the amendments to the regulation are major and therefore subject to the requirements of a regulatory impact analysis. These proposed amendments modify certain monitoring and reporting requirements, provide greater flexibility to operators and to State enforcement agencies and generally make the regulations more flexible and less burdensome for a savings of approximately $70 million over five years. They therefore do not constitute major rulemaking. This proposal was submitted to OMB for review as required by Executive Order 12291.

(Sec. 1421, 1422, 1423, 1431, 1445, 1447, 1450, Safe Drinking Water Act, as amended 42 U.S.C. 300(f) et. seq.)

Dated: September 19, 1981.

Anne M. Gorsuch,
Administrator.

40 CFR Part 122 is amended as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM: AND THE UNDERGROUND INJECTION CONTROL PROGRAM

1. In § 122.3 the definition for "underground source of drinking water" is revised and a definition of "Project" added to read as follows:

§ 122.3 Definitions.

* * * * *

Project means a group of wells in a single operation.

* * * * *

Underground source of drinking water (USDW) (RCRA and UIC) means an aquifer or its portion:

(1)(i) Which supplies any public water system; or

(ii) Which contains a sufficient quantity of ground water to supply a public water system; and

(A) Currently supplies drinking water for human consumption; or

(B) Contains fewer than 10,000 mg/1 total dissolved solids; and

(2) Which is not an exempted aquifer.

* * * * *

2. In § 122.10 paragraph (a)(4) is revised to read as follows:

§ 122.10 Schedules of compliance.

(a) * * *

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(4) Reporting—A RCRA or NPDES permit shall be written to require that no later than 14 days following such interim date and the final date of compliance, the permittee shall notify the Director in writing of its compliance or noncompliance with the interim or final requirements. A UIC permit shall be written to require that if paragraph (a)(1)(ii) of this section is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.

* * * * *

3. In § 122.31 the introduction to paragraph (d) is revised and paragraph (d)(2)(iii) is redesignated (d)(2)(iv) and a new (d)(2)(iii) is added to read as follows:

§ 122.31 Purpose and scope of subpart C.

* * * * *

(d) Scope of the permit or rule requirement. The UIC permit program regulates underground injections by five classes of wells (see definition of "well injection" § 122.3). The five classes of wells are set forth in § 122.32. All owners or operators of these injection wells must be authorized either by permit or rule by the Director. In carrying out the mandate of the SDWA, the Subpart provides that no injection shall be authorized by permit or rule if it results in the movement of fluid containing any contaminant into USDWs if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR Part 142 or may adversely affect the health of persons (§ 122.34). Existing Class IV wells which inject hazardous waste directly into an underground source of drinking water are to be eliminated over a period of six months and new such Class IV wells are to be prohibited (§ 122.36). Class V wells will be inventoried and assessed and regulatory action will be established at a later date. In the meantime, if remedial action appears necessary, an individual permit may be required (§ 122.37) or the Director must require remedial action or closure by order (§ 122.34(c)). During UIC program development, the Director may identify aquifers and portions of aquifers which are actual or potential sources of drinking water (see § 123.4(g) for State programs). This will provide an aid to the Director in carrying out his or her duty to protect all USDWs. An aquifer is a USDW if it fits the definition, even if it has not been "identified." The Director may also designate "exempted aquifers" using criteria in § 146.04. Such aquifers are those which would otherwise qualify as "underground sources of drinking water" to be protected, but which have no real potential to be used as drinking water sources. Therefore they are not USDWs. No aquifer is an "exempted aquifer" until it has been affirmatively designated under the procedures in § 122.35. Aquifers which do not fit the definition of "underground sources of drinking water" are not "exempted aquifers." They are simply not subject to the special protection afforded USDWs.

* * * * *

(2) * * *

(iii) Nonresidential cesspools, septic systems or similar waste disposal systems if such systems (A) are used solely for the disposal of sanitary waste, and (B) have the capacity to serve fewer than 20 persons a day.

(iv) Any dug hole which is not used for emplacement of fluids underground.

* * * * *

4. In § 122.32 paragraphs (a)(1), (b)(1) and (d) are revised and (c)(4) and (5) are removed to read as follows:

§ 122.32 Classification of injection wells.

(a) *Class I.* (1) Wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing, within one quarter mile of the well bore, an underground source of drinking water.

* * * * *

(b) *Class II.* (1) Which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection.

* * * * *

(d) Class IV.

(1) Wells used by generators of hazardous wastes or of radioactive wastes, by owners or operators of hazardous wastes management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous wastes or radioactive wastes into a formation which within one quarter (¼) mile of the well contains an underground source of drinking water.

(2) Wells used by generators of hazardous wastes or of radioactive wastes, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste above a formation which within one quarter (¼) mile of the well contains an underground source of drinking water.

(3) Wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities to dispose of hazardous wastes, which cannot be classified under §§ 122.32(a)(1) or 122.32(d)(1) and (2) (e.g., wells used to dispose of hazardous wastes into or above a formation which contains an aquifer which has been exempted pursuant to § 146.04).

* * * * *

5. In § 122.34 paragraphs (a) and (b) are revised to read as follows:

§ 122.34 Prohibition of movement of fluid into underground sources of drinking water.

* * * * *

(a) No authorization by permit or rule shall allow the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR Part 142 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met.

(b) For Class I, II, and III wells, if any water quality monitoring of an underground source of drinking water indicates the movement of any contaminant into the underground source of drinking water, except as authorized under Part 146 the Director shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with § 122.15, or the permit may be terminated under § 122.16 if cause exists, or appropriate enforcement action may be taken if the permit has been violated. In the case of wells authorized by rule, see § 122.37(a).

* * * * *

6. In § 122.35 paragraph (b) is revised and paragraph (c) is added to read as follows:

§ 122.35 Identification of underground sources of drinking water.

* * * * *

(b)(1) The Director may identify (by narrative description, illustrations, maps, or other means) and describe in geographic and/or geometric terms (such as vertical and lateral limits and gradient) which are clear and definite, all aquifers or parts thereof which the

Director proposes to designate as exempted aquifers using the criteria in 40 CFR 146.04.

(2) No designation of an exempted aquifer submitted as part of a UIC program shall be final until approved by the Administrator as part of the State program.

(3) Subsequent to program approval, the Director may, after notice and opportunity for a public hearing, identify additional exempted acquifers. Exemption of aquifers identified (i) under § 146.04(b) shall be treated as a program revision under § 123.13; (ii) under § 146.04(c) shall become final if the State Director submits the exemption in writing to the Administrator and the Administrator has not disapproved the designation within 45 days. Any disapproval by the Administrator shall state the reasons and shall constitute final agency action for purposes of judicial review.

(c)(1) For Class III wells, the Director shall require an applicant for a permit which necessitates an aquifer exemption under § 146.04(b)(1) to furnish the data necessary to demonstrate that the aquifer is expected to be mineral or hydrocarbon producing. Information contained in the mining plan for the proposed project, such as a map and general description of the mining zone, general information on the mineralogy and geochemistry of the mining zone, analysis of the amenability of the mining zone to the proposed mining method, and a time-table of planned development of the mining zone shall be considered by the Director in addition to the information required by § 122.38(c). Approval of the aquifer exemption shall be treated as a program revision under § 123.13.

(2) For Class II wells, a demonstration of commercial producibility shall be made as follows:

(i) For a Class II well to be used for enhanced oil recovery processes in a field or project containing aquifers from which hydrocarbons were previously produced, commercial producibility shall be presumed by the Director upon a demonstration by the applicant of historical production having occurred in the project area or field.

(ii) For Class II wells not located in a field or project containing aquifers from which hydrocarbons were previously produced, information such as logs, core data, formation description, formation depth, formation thickness and formation parameters such as permeability and porosity shall be considered by the Director, to the extent such information is available.

7. In § 122.37 paragraphs (a)(1)(iii)(D), (a)(2)(i)(D), and (a)(3) are revised to read as follows:

§ 122.37 Authorization of underground injection by rule.

(a) * * *

(1) * * *

(iii) * * *

(D) Section 122.41(e)—(notice of abandonment);

* * * * *

(2) * * *

(i) * * *

(D) Section 122.41(e)—(notice of abandonment);

* * * * *

(3)(i) Injection into existing Class IV wells as defined in § 122.32(d)(1) may be authorized for a period not to exceed six months after approval or promulgation of the UIC program. Such rules shall apply the requirements of § 122.45(c).

(ii) Injection into existing Class IV wells as defined in § 122.32(d)(2) and (3) may be authorized until six months after approval or promulgation of an UIC program incorporating criteria and standards under Part 146, Subpart E applicable to Class IV injection wells. Such rules shall apply the requirements of § 122.45(c).

* * * * *

8. In § 122.39 paragraphs (a)(1), (a)(3), (a)(4) and (c)(1) and the introduction to (c) are revised to read as follows:

§ 122.39 Area permits.

* * * * *

(a) * * *

(1) Described and identified by location in permit application(s) if they are existing wells, except that the Director may accept a single description of wells with substantially the same characteristics;

* * * * *

(3) Operated by a single owner or operator; and

(4) Used to inject other than hazardous waste.

* * * * *

(c) The area permit may authorize the permittee to construct and operate, convert, or plug and abandon wells within the permit area provided:

(1) The permittee notifies the Director at such time as the permit requires.

* * * * *

9. In § 122.41 paragraphs (b) and (e) are revised to read as follows:

§ 122.41 Additional conditions applicable to all UIC permits.

* * * * *

(b) In addition to § 122.7(j)(2) (monitoring and records): the permittee shall retain records concerning the nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under § 122.42(f). The Director may require the owner or operator to deliver the records to the Director at the conclusion of the retention period.

* * * * *

(e) The permittee shall notify the Director at such times as the permit requires before conversion or abandonment of the well or in the case of area permits before closure of the project.

10. In § 122.42 paragraph (g) is revised to read as follows:

§ 122.42 Establishing UIC permits conditions.

* * * * *

(g) Financial responsibility. The permit shall require the permittee to maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Director. The permittee must show evidence of financial responsibility to the Director by the submission of surety bond, or other adequate assurance, such as financial statements or other materials acceptable to the Director.

PART 146—UNDERGROUND INJECTION CONTROL PROGRAM: CRITERIA AND STANDARDS

40 CFR Part 146 is amended as follows:

1. In § 146.3 the definitions for "Conventional mine", "Experimental technology", and "Project" are added and the definitions for "packer" and "underground source of drinking water" are revised to read as follows:

§ 146.3 Definitions.

* * * * *

Conventional mine means an open pit or underground excavation for the production of minerals.

* * * * *

Experimental technology means a technology which has not been proven feasible under the conditions in which it is being tested.

* * * * *

Packer means a device lowered into a well to produce a fluid-tight seal within the casing.

* * * * *

Project means a group of wells in a single operation.

* * * * *

Underground source of drinking water (USDW) means an aquifer or its portion

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(1)(i) Which supplies any public water system; or

(ii) Which contains a sufficient quantity of ground water to supply a public water system; and

(A) Currently supplies drinking water for human consumption; or

(B) Contains fewer than 10,000 mg/1 total dissolved solids; and

(2) Which is not an exempted aquifer.

* * * * *

2. In § 146.4 paragraph (b)(1) and (b)(4) are revised and (c) is added to read as follows:

§ 146.4 Criteria for exempted aquifers.

* * * * *

(b) * * *

(1) It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II or III operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.

* * * * *

(4) It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or

(c) The Total Dissolved Solids content of the ground water is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.

3. In § 146.5 paragraphs (a)(1), (b)(1), (d), (e)(2), (e)(9), (e)(12) and the introduction to paragraph (e) are revised, (e)(16) is added and (c) (4) and (5) are removed to read as follows:

§ 146.5 Classification of injection wells.

* * * * *

(a) * * *

(1) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing, within one quarter (¼) mile of the well bore, an underground source of drinking water.

* * * * *

(b) * * *

(1) Which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection.

* * * * *

(d) *Class IV.* (1) Wells used by generators of hazardous wastes or of radioactive wastes, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous wastes or radioactive wastes into a formation which within one quarter (¼) mile of the well contains an underground source of drinking water.

(2) Wells used by generators of hazardous wastes or of radioactive wastes, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous wastes or radioactive wastes above a formation which within ¼ mile of the well contains an underground source of drinking water.

(3) Wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities to dispose of hazardous wastes, which cannot be classified under §§ 146(a)(1) or 146.5(d) (1) and (2) (e.g., wells used to dispose of hazardous wastes into or above a formation which contains an aquifer which has been exempted pursuant to § 146.4).

(e) Class V—Injection wells not included in Class I, II, III, or IV. Class V wells include: * * *

(2) Cesspools including multiple dwelling, community or regional cesspools, or other devices that receive wastes which have an open bottom and sometimes have perforated sides. The UIC requirements do not apply to single family residential cesspools nor to non-residential cesspools which receive solely sanitary wastes and have the capacity to serve fewer than 20 persons a day.

* * * * *

(9) Septic system wells used to inject the waste or effluent from a multiple dwelling, business establishment, community or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells, nor to non-residential septic system wells which are used solely for the disposal of sanitary waste and have the capacity to serve fewer than 20 persons a day.

* * * * *

(12) Injection wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power.

* * * * *

(16) Injection wells used for in situ recovery of lignite, coal, tar sands, and oil shale.

4. In § 146.8 the introduction to paragraph (b) is revised and paragraphs (b)(3), (c)(3) and (c)(4) added to read as follows:

§ 146.8 Mechanical integrity.

* * * * *

(b) One of the following methods must be used to evaluate the absence of significant leaks under paragraph (a)(1) of this section:

* * * * *

(3) Records of monitoring showing the absence of significant changes in the relationship between injection pressure and injection flow rate for the following Class II enhanced recovery wells:

(i) Existing wells completed without a packer provided that a pressure test has been performed and the data is available and provided further that one pressure test shall be performed at a time when the well is shut down and if the running of such a test will not cause further loss of significant amounts of oil or gas; or

(ii) Existing wells constructed without a long string casing, but with surface casing which terminates at the base of fresh water provided that local geological and hydrological features allow such construction and provided further that the annular space shall be visually inspected. For these wells, the Director shall prescribe a monitoring program which will verify the absence of significant fluid movement from the injection zone into an USDW.

(c) * * *

(3) For Class III wells where the nature of the casing precludes the use of the logging techniques prescribed at (c)(1) of this paragraph, cementing records demonstrating the presence of adequate cement to prevent such migration;

(4) For Class III wells where the Director elects to rely on cementing records to demonstrate the absence of significant fluid movement, the monitoring program prescribed by § 146.33(b) shall be designed to verify the absence of significant fluid movement.

* * * * *

5. In § 146.10 paragraphs (a) and (d) are revised and paragraph (b)(4) is added to read as follows:

§ 146.10 Plugging and Abandoning Class I–III Wells.

(a) Prior to abandoning Class I–III wells the well shall be plugged with cement in a manner which will not allow the movement of fluids either into or between underground sources of drinking water. The Director may allow Class III wells to use other plugging materials if he is satisfied that such materials will prevent movement of fluids into or between underground sources of drinking water.

(b) * * *

(4) or an alternative method approved by the Director, which will reliably provide a comparable level of protection to underground sources of drinking water.

* * * * *

(d) The plugging and abandonment plan required in 40 CFR 122.42(f) and 122.41(e) shall, in the case of a Class III project which underlies or is in an aquifer which has been exempted under 40 CFR 146.04, also demonstrate adequate protection of USDWs. The Director shall prescribe aquifer cleanup and monitoring where he deems it necessary and feasible to insure adequate protection of USDWs.

6. In § 146.22 paragraphs (b) (4), (5), (6), and (7) are removed; the introductory text to paragraph (b) is redesignated as paragraph (b)(1); the existing paragraph (b)(1) is redesignated as (b)(1)(i); paragraphs (b) (2) and (3) are redesignated (b)(1) (ii) and (iii) and revised; (b)(2) is added; the introduction to (f)(2)(i), paragraphs (f)(2)(i)(A), (f)(2)(ii)(A), and (g) are revised to read as follows:

§ 146.22 Construction requirements.

* * * * *

(b)(i) * * *

(ii) Depth to the bottom of all USDWs;

(iii) Estimated maximum and average injection pressures;

(b)(2) In addition the Director may consider information on:

(i) Nature of formation fluids;

(ii) Lithology of injection and confining zones;

(iii) External pressure, internal pressure, and axial loading;

(iv) Hole size;

(v) Size and grade of all casing strings;

(vi) Class of cement.

* * * * *

(f) * * *

(2) * * *

(i) For surface casing intending to protect underground sources of drinking water in areas where the lithology has not been determined:

(A) Electric and caliper logs before casing is installed; and

* * * * *

(ii) * * *

(A) Electric, porosity and gamma ray logs before the casing is installed;

* * * * *

(g) At a minimum, the following information concerning the injection formation shall be determined or calculated for new Class II wells or projects:

(1) Fluid pressure;

(2) Estimated fracture pressure;

(3) Physical and chemical characteristics of the injection zone.

7. In § 146.23 the introduction to paragraph (b)(2) is revised and a paragraph is added at the end of (b)(2) to read as follows:

§ 146.23 Operating, monitoring and reporting requirements.

* * * * *

(b) * * *

(2) Observation of injection pressure, flow rate, and cumulative volume at least with the following frequencies:

* * * * *

And recording of one observation of injection pressure, flow rate and cumulative volume at reasonable intervals no greater than 30 days.

* * * * *

8. In § 146.24 paragraphs (b) and (c) are redesignated (c) and (d) respectively; paragraphs (a) (10) through (14) are removed; paragraphs (a) (4)(iii), (5), (6), (8) and (9) are revised; and a new paragraph (b) is added to read as follows:

§ 146.24 [Amended]

* * * * *

(a) * * *

(4) * * *

(iii) Source and an appropriate analysis of the chemical and physical characteristics of the injection fluid.

(5) Appropriate geological data on the injection zone and confining zone including lithologic description, geological name, thickness and depth;

(6) Geologic name and depth to bottom of all underground sources of drinking water which may be affected by the injection;

* * * * *

(8) In the case of new injection wells the corrective action proposed to be taken by the applicant under 40 CFR 122.44;

(9) A certificate that the applicant has assured through a performance bond or other appropriate means, the resources necessary to close, plug or abandon the well as required by 40 CFR 122.42(g);

(b) In addition the Director may consider the following:

(1) Proposed formation testing program to obtain the information required by § 146.22(g);

(2) Proposed stimulation program;

(3) Proposed injection procedure;

(4) Proposed contingency plans, if any, to cope with well failures so as to prevent migration of contaminating fluids into an underground source of drinking water;

(5) Plans for meeting the monitoring requirements of § 146.23(b).

* * * * *

9. In § 146.32 the introduction to paragraph (a), and paragraphs (b), (c) and (d) are revised to read as follows:

§ 146.32 Construction requirements.

(a) All new Class III wells shall be cased and cemented to prevent the migration of fluids into or between underground sources of drinking water. The Director may waive the cementing requirement for new wells in existing projects or portions of existing projects where he has substantial evidence that no contamination of underground sources of drinking water would result. The casing and cement used in the construction of each newly drilled well shall be designed for the life expectancy of the well. In determining and specifying casing and cementing requirements, the following factors shall be considered:

* * * * *

(b) Appropriate logs and other tests shall be conducted during the drilling and construction of new Class III wells. A descriptive report interpreting the results of such logs and tests shall be prepared by a knowledgeable log analyst and submitted to the Director. The logs and tests appropriate to each type of Class III well shall be determined based on the intended function, depth, construction and other characteristics of the well, availability of similar data in the area of the drilling site and the need for additional information that may arise from time to time as the construction of the well progresses. Deviation checks shall be conducted on all holes where pilot holes and reaming are used, unless the hole will be cased and cemented by circulating cement to the surface. Where deviation checks are necessary they shall be conducted at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.

(c) Where the injection zone is a formation which is naturally water-bearing the following information concerning the injection zone shall be determined or calculated for new Class III wells or projects:

(1) Fluid pressure,

(2) Fracture pressure, and

(3) Physical and chemical characteristics of the formation fluids.

(d) Where the injection formation is not a water bearing formation, the information in paragraph (c)(2) of this section must be submitted.

* * * * *

10. In § 146.33 paragraphs (b)(1), (b)(2), (b)(3) and (b)(4) are revised to read as follows:

§ 146.33 [Amended]

* * * * *

(b) * * *

(1) Monitoring of the nature of injected fluids with sufficient frequency to yield representative data on its characteristics. Whenever the injection fluid is modified to the extent that the analysis required by § 146.34(a)(7)(iii) is incorrect or incomplete, a new analysis as required by § 146.34(a)(7)(iii) shall be provided to the Director.

(2) Monitoring of injection pressure and either flow rate or volume semi-monthly, or metering and daily recording of injected and produced fluid volumes as appropriate.

(3) Demonstration of mechanical integrity pursuant to § 146.08 at least once every five years during the life of the well for salt solution mining.

(4) Monitoring of the fluid level in the injection zone semi-monthly, where appropriate and monitoring of the parameters chosen to measure water quality in the monitoring wells required by § 146.32(e), semi-monthly.

* * * * *

11. In § 146.34 paragraph (a)(4), (a)(7)(iii), (a)(8) and (b)(2), are revised to read as follows:

§ 146.34 Information to be considered by the Director.

* * * * *

(a) * * *

(4) Maps and cross sections indicating the vertical limits of all underground sources of drinking water within the area of review, their position relative to the injection formation, and the direction of water movement, where known, in every underground source of drinking water which may be affected by the proposed injection;

(7) * * *

(iii) Qualitative analysis and ranges in concentrations of all constituents of injected fluids. The applicant may request Federal confidentiality as specified in 40 CFR Part 2. If the information is proprietary an applicant may, in lieu of the ranges in concentrations, choose to submit maximum concentrations which shall not be exceeded. In such a case the applicant shall retain records of the undisclosed concentrations and provide them upon request to the Director as part of any enforcement investigation.

(8) Proposed formation testing program to obtain the information required by § 146.32(c).

* * * * *

(b) * * *

(2) A satisfactory demonstration of mechanical integrity for all new wells and for all existing salt solution wells pursuant to § 146.08;

* * * * *

[FR Doc. 81-28164 Filed 9-30-81; 8:45 am]

BILLING CODE 6560-29-M

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40 CFR Parts 122 and 146

[SW-FRL-1943-7]

Underground Injection Control Program Criteria and Standards; Hearings

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearings.

SUMMARY: The U.S. Environmental Protection Agency (EPA has proposed a set of amendments to the regulations establishing the Underground Injection Control (UIC) Program under the Safe Drinking Water Act (SDWA). The proposed regulations represent changes to 40 CFR Part 122 (procedural requirements under the Consolidated Permit regulations) and 40 CFR Part 146 (Technical Criteria and Standards, State UIC Programs) which were promulgated on May 19, 1980 and June 24, 1980. Most of the proposed amendments are part of a settlement the Agency reached as a result of a suit filed by trade associations, mining companies, oil and gas producers, iron and steel producers, and the State of Texas. In addition, the Agency proposes to provide greater flexibility in establishing the requirements for plugging and abandoning wells. To meet the tight schedule contained in the settlement stipulations and also satisfy the public notice requirements of 40 CFR Part 25, EPA hereby gives notice of its intention to hold two one-day public hearings in November 1981 at the locations listed below.

The Agency also intends to publish a proposal amending 40 CFR Part 122 to allow more flexibility in developing an UIC program for Class II wells located on Indian lands. If practical, the Agency will receive comments on this proposal at the above scheduled public hearings. Those wishing to participate should confirm the dates and locations at the address given below, before attending either hearing.

DATES: The hearings will be held in Washington, D.C. on November 2, 1981 and in Denver, Colorado on November 5, 1981. In addition to the public hearings, EPA will accept written public comments on the proposed amendments until 45 days after they are published in the **Federal Register**.

ADDRESSES: The November 2, 1981 hearing will be held at the Humphrey Building, Humphrey Auditorium, 200 Independence Avenue, Washington, D.C. The November 5, 1981 hearing will be held in the U.S. Post Office Building, 1823 Stout Street, Room 269, Denver, Colorado. The hearings will begin at 8:30 a.m. on both days. The agenda is shown in the Supplementary Information section of this document.

Comments and request to speak at the public hearings should be addressed to Mr. Thomas E. Belk, Chief, Ground Water Protection Branch, Office of Drinking Water (WH-550), U.S. EPA, 401 M Street, SW., Room 1045 East Tower, Washington, D.C. 20460. Copies of the proposed amendments will also be available at this location.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas E. Belk, (202) 426-3934.

SUPPLEMENTARY INFORMATION: In general, the proposed amendments attempt to increase flexibility of State Programs, reduce paperwork and reporting burdens, and solve some problems which would have made compliance difficult for specific industries. The Agency believes that these actions are possible without sacrificing the environmental benefits expected from the program.

The Agency proposes to make the following changes to the regulations (See FR Doc. 81-28164 in the Proposed Rules Section of this issue).

- Amend the definition of underground source of drinking water (USDW) to reflect more closely the language of the Safe Drinking Water Act (SDWA). Under the proposed definition, an USDW would be an aquifer that (1) currently supplies any public water system (PWS); or (2) a formation that contains a quantity of ground water sufficient to supply a PWS, and either currently supplies drinking water or contains fewer than 10,000 mg/1 TDS.
- Provide increased flexibility for exempting aquifers between 3,000 and 10,000 mg/1 TDS which could be exempted by the State Director if they were not reasonably expected to supply a public water system. Designation of exempted aquifers, under this new criterion, would become effective within 45 days of a written notification of such designation by the State Director to the Administrator unless the Administrator disapproves of the submission in writing.
- Modify the "no migration" standard as defined in Section 122.34. The standard as now proposed would be tied to the statutory language. However, the prohibition against migration has been retained in Part 146 when appropriate, except for a change of

wording in Section 146.10(d) to call for "adequate protection" after abandonment of certain Class III operations.

- Clarify that existing Class IV wells injecting into exempted aquifers may continue operations, and provide for authorization by rule for Class IV wells for which requirements were reserved in the promulgated regulations.
- Reclassify several types of wells:

Non-residential septic systems serving fewer than 20 people would be exempted from control.

—Gas "blow down" wells located in producing fields would be in Class II.

—Certain brine disposal wells for halogen recovery processes would be in Class V.

—Geothermal wells would be in Class V.

- Amend the mechanical integrity testing requirements to allow for increased flexibility where appropriate, specifically:

—Monitoring of pressure and volume for Class II enhanced recovery wells could be used as a valid demonstration after an initial test.

—Certain wells cannot test using conventional methods could monitor USDWs and submit data on operating parameters in lieu of the tests now listed in the regulations.

—Class III wells could demonstrate mechanical integrity through cementing records.

- Allow for the use of materials other than cement for plugging of Class III wells provided that the Director is satisfied (through historical practices, for example) that the alternative is effective.
- Clarify requirements for area permits.
- Ease information requirements:

—The logging requirements would be eased where local lithology is known.

—Area permit applications would only require description of typical wells rather than each well.

—Specificity of analysis of injected fluids would be reduced.

—Applicants would only be responsible for information reasonably available.

- Amend the monitoring requirements to bring them closer to current practices.

Public Hearing Agenda:

The agenda for the hearings is as follows:

Registration—8:30 AM–9:00 AM
Proposed Amendments to UIC Regulations and Proposed amendment for UIC Programs on Indian Lands—9:00 AM–5:00 PM or until all speakers have been heard

Background Documents

Background documents in support of the proposed rule are available for review in all EPA Regional office libraries, in the EPA Headquarters (Public Information Reference Unit), Room 1404, Waterside Mall, 401 M Street, SW, Washington, DC, and in the docket located in Room 1045, East Tower, 401 M Street, SW, Washington, DC.

Dated: September 23, 1981.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

[FR Doc. 81-28656 Filed 9-30-81; 8:45 am]

BILLING CODE 6560-25-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6074]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Massachusetts

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 30121 on June 5, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Ayer, Middlesex County, Massachusetts.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Ayer, Middlesex County, Massachusetts, previously published at 46 FR 30121 on June 5, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The location descriptions listed below have been amended to read as follows:

Source of flooding	Location	Elevation in feet National Geodetic Vertical Datum
Bennetts Brook.	Second upstream Corporate Limits.	251
	Third upstream Corporate Limits	266

In addition, the following stream names have been changed:

Current	Former
Nonacoicus Brook 1	Nonacoicus Brook
Tributary to Nonacoicus Brook 1	Long Pond Brook
Nonacoicus Brook 2	[illegible] Brook

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 21, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28494 Filed 9-30-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6079]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Massachusetts

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 31685 on June 17, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Westminster, Worcester County, Massachusetts.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287–0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Westminster, Worcester County, Massachusetts, previously published at 46 FR 31685 on June 17, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

Under the Source of Flooding, Tributary to Round Meadow Pond, the base flood elevation for the location "State Route 2 (Upstream)" has been amended to read 1,005 feet in elevation (National Geodetic Vertical Datum).

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–28495 Filed 9–30–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA–6124]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Michigan

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Caledonia, Shiawassee County, Michigan, previously published at 45 FR 41113 on August 14, 1981.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of corrections to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Caledonia, Shiawassee County, Michigan, previously published at 45 FR 41113 on August 14, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(Twp.) Caledonia Shiawassee County	Shiawassee River	About 500 feet upstream of Gould Street	*733
			About 1.5 miles upstream of Gould Street	*734

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 21, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–28496 Filed 9–30–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

[Docket No. FEMA-6080]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Pennsylvania

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 31689 on June 17, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the City of Coatesville, Chester County, Pennsylvania.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program (202) 287-0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Coatesville, Chester County, Pennsylvania, previously published at 46 FR 31689 on June 17, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The following location has been amended to read as follows:

Source of Flooding	Location	*Elevation in feet (NGVD)
West Branch Brandywine Creek.	Upstream of Conrail Spur Crossing.	*321

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 15, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28497 Filed 9-30-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6080]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Vermont

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 31691 on June 17, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Wolcott, Lamoille County, Vermont.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program (202) 287-02790, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Wolcott, Lamoille County, Vermont, previously published at 46 FR 31691 on June 17, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

Under the Source of Flooding of Wild Branch, the location description "90 feet upstream of Town Highway 15" should be amended to read "90 feet downstream of Town Highway 15". The corresponding elevation is correct as published. Also, due to a typographical error, Town Highway 13 was incorrectly referred as Town Highway 12.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 21, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28498 Filed 9-30-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5845]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Wisconsin

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the

V 46/190 OC 1 81 UMI

Village of Ettrick, Trempealeau County, Wisconsin.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Blair Press* on June 19, 1980 and June 26, 1980, and at 45 FR 46120 on July 9, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTAL INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Village of Ettrick, Trempealeau County, Wisconsin, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.7(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(V) Ettrick Trempealeau County	North Fork Beaver Creek	About 1500 downstream of State Street	*755
			About 100 feet downstream of 1st Street	*769
			About 370 feet upstream of 1st Street	*771
			About 3,000 feet upstream of 1st Street	*774
		South Fork Beaver Creek	About 1,000 feet downstream of South Main Street	*765
			Just upstream of South Main Street	*766
			About 2,300 feet upstream of 1st Street	*773

Maps available for inspection at the Village Office, 117 North Main Street, Ettrick, Wisconsin. Send comments to Honorable D.W. Erickson, Village President, Village of Ettrick, Village Office, 117 North Main Street, Ettrick, Wisconsin 54627.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 21, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28460 Filed 9-30-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-487; RM-3915]

FM Broadcast Station in Marco, Florida; Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 276A to Marco, Florida, in response to a petition filed by Sunshine Broadcasting, Inc. The proposed station would provide for a second FM broadcast service to Marco.

DATES: Comments must be filed on or before November 23, 1981, and reply comments on or before December 14, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR ADDITIONAL INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Marco, Florida); Notice of proposed rule making.

Adopted: September 17, 1981.

Released: September 23, 1981.

By the Acting Chief, Policy and Rules Division:

1. The Commission herein considers a petition for rule making [1] filed by Sunshine Broadcasting, Inc. ("petitioner"), proposing the assignment of Channel 276A to Marco, Florida, as its second FM assignment. Supporting comments were filed by Dean J. Maitlen and by the petitioner, both stating an intent to apply for the channel, if assigned. Opposing comments were

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[1] Public Notice of the petition was given on June 19, 1981, Report No. 1293.

filed by Collier Broadcasting Company ("Collier"), licensee of AM Station WMIB, Marco, Florida, to which petitioner responded.

2. Marco (population 8,500) [2] in Collier County (population 85,791) [3], is located on Marco Island, off the southwestern coast of Florida. It is served locally by daytime only AM Station WMIB and Channel 266 (construction permit issued).

3. Petitioner contends that due to the tremendous growth that Marco is experiencing, it has a definite need for an additional programming source. The population increased from 1,500 in 1970 to an estimated 8,500 in 1980, and the peak winter population is estimated to be approximately 12,000 persons. Marco's economy is based on construction related to real estate and other activities usually associated with resorts.

4. Collier, in opposing comments, claims that Collier County has nine aural broadcast facilities, and that the instant proposal exceeds the Commission's population criteria, and will preclude future assignments to deserving communities, while it will not provide a demonstrated first, second or third aural service to anyone. Collier states that although it is not a requirement at the rule making stage, the facts here dictate the need for petitioner to demonstrate the availability of a suitable site. Most of Marco Island is owned by Deltona Corporation (permittee of the FM construction permit on Channel 266 at Marco), who would probably be reluctant to allow another station to use its property.

5. Petitioner, in reply comments, argues that Collier's allegations are without merit and provide no basis for the Commission to deny the proposed rule making. With regard to the proposal being in violation of the population guidelines, it notes that these are applicable to the community rather than the county. A second allocation is within the guidelines for a community the size of Marco. The suggestion of the unavailability of a transmitter site should be regarded as completely speculative and the economic impact resulting from the proposal should be resolved at the application stage.

6. *Preclusion Consideration:* According to the information submitted by the petitioner, the only preclusion caused to a community of over 1,000 population will be on Channel 275 at Key West, Florida, which currently has three FM assignments, with additional channels available for assignment, if needed. Collier states that concern should also be shown for smaller communities with a potential for growth. However, it has not been Commission policy to consider communities under 1,000 population as needing a reserved channel for future demand.

7. We are satisified from the information submitted by the petitioner, that sufficient showing has been made to justify proposing a second FM assignment to Marco, Florida. Collier argues that the proposal exceeds the population guidelines for the county. However, the criteria relates to communities and provides up to two channels for communities under 50,000 in population. The assignment of Channel 276A to Marco would result in an intermixture of a Class A channel and Class C channel (266). The Commission has a policy permitting such intermixture where no other Class C channels are available for assignment and (as here) the petitioner is willing to apply for the Class A channel in spite of the unfavorable competitive situation.

8. In view of the foregoing information and the fact that the assignment would provide a second local FM broadcast service, the Commission proposes to amend the FM Table of Assignments, 73.202(b) of the Rules, with regard to Marco, Florida, as follows:

City	Channel No.	
	Present	Proposed
Marco, Florida	266	266, 276A

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before November 23, 1981, and reply comments on or before December 14, 1981.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibted in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures

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[2] According to petitioner.

[3] Population figures are taken from the 1980 U.S. Census.

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set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-28390 Filed 9-30-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-10, Notice 1]

Federal Motor Vehicle Safety Standards; Impact Protection for the Driver from the Steering Control System

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to Standard No. 203, *Impact Protection for the Driver from the Steering Control System,* which would modify the current limitation on the amount of force imposed on the steering column during a simulated crash. This proposal responds to a petition for rulemaking filed by General Motors (GM). Based on a review of GM test data, NHTSA has tentatively concluded that allowing the force measured on the steering column to exceed 2,500 pounds for a cumulative duration of 3 milliseconds would not cause serious injury.

EFFECTIVE DATE: Since this amendment would relieve a restriction in the current standard, the proposed effective date is the date of publication of the final rule in the **Federal Register**. Comments on the proposal must be received on or before November 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. William Smith, Office of Vehicle Safety Systems, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2242).

SUPPLEMENTARY INFORMATION: Standard No. 203, *Impact Protection for the Driver from the Steering Control System,* sets performance requirements to protect the driver from steering assembly-related injuries in a crash. The standard establishes an impact test in which a block simulating the human torso strikes the steering assembly at 15 mph. The force measured on the steering column during the impact cannot exceed 2,500 pounds for any time interval.

In September 1976, General Motors (GM) petitioned the agency to amend the standard to permit the force measured on the steering column during the impact test to exceed 2,500 pounds for time intervals that do not exceed a cumulative duration of 3 milliseconds. NHTSA originally denied the petition because GM did not provide sufficient biomechanical justification for allowing the greater force. GM subsequently submitted additional test data, copies of which are in the docket, to justify the proposed change. Based on a review of the GM test data, the agency tentatively has decided to amend the standard as requested by GM.

GM Tests

GM conducted Standard No. 203's body block impact test on tilting and telescoping steering wheels, which allow a driver to tilt the steering wheel several degrees upward and downward and move the wheel forward and rearward. It found that within 15 to 20 milliseconds of when the column was impacted, the force measured on the steering column exceeded 2,500 pounds for a short duration when the wheel was telecoped all the way rearward and titled 15 degrees downward. The forces do not exceed 2,500 pounds at any other time during the impact. (At present, GM restricts the amount of telescoping and limits the tilting of the steering wheel to 10 degrees of movement.)

GM argues that forces of such short during do not pose a risk of injury to the driver. To support this argument, GM conducted three sled tests simulating 30 mph frontal barrier crashes with an unrestrained Part 572 anthropomorphic test dummy. In one of the tests, GM used a steering wheel with restricted tilting and telescoping. In the other two tests, GM used wheels without those restrictions.

GM instrumented the steering columns to measure the forces on the column during the tests. In addition, the test dummy was instrumented with a chest accelerometer to measure the forces on its chest.

In the two tests using wheels without any tilting and telescoping restrictions, GM found that the forces measured on the column briefly exceeded 2,500 pounds, just as in the Standard 203 impact test, within approximately 70 milliseconds of when the unrestrained test dummy struck the steering wheel. In the test with the wheel with restricted tilting and telescoping, the force was well under 2,500 pounds within 70 milliseconds of impact.

The force measured by the accelerometer within the dummy's chest in the two tests with the unrestricted steering wheels did not show a corresponding abrupt, short duration, high force on the chest at approximately 70 milliseconds. The accelerometer did show that the chest resultant acceleration at 70 milliseconds had gradually risen to approximately 25 g's. That force is far below the limitation on test dummy chest resultant acceleration of 60 g's set in Standard No. 208, *Occupant Crash Protection,* to reduce occupant injuries. Thus, the abrupt, short duration forces GM found in the Standard No. 203 impact testing apparently do not transmit potential injuries to the driver.

The 30 mph sled testing did show that the forces on the test dummy's chest between approximately 110 to 130 milliseconds after impact exceeded 60 g's in one test and were very close to 60 g's in the other tests. This high force level occurs regardless of whether GM restricts the amount of telescoping and tilting of the wheel. The agency is currently considering the feasibility of setting additional performance requirements in Standard No. 203.

The agency has assessed the economic and other effects of this proposal and determined that they are neither major within the meaning of Executive Order 12291 nor significant within the meaning of the Department of Transportation's regulatory policies and procedures. Based on that assessment, the agency has concluded further that the economic and other consequences of this proposal are so minimal that a regulatory evaluation is not required by the DOT policies and procedures. The impact is minimal since the proposed amendment relieves a restriction contained in the current standard and thus will not require manufacturers to make any design changes to their vehicles. Any resultant cost savings would be very small.

The agency has also considered the effect of this proposal on small businesses, small governmental jurisdictions and small organizations as required by the Regulatory Flexibility Act (the Act). The agency has determined that the proposed amendment, if adopted, would not have a significant economic effect on a substantial number of small entities and thus an initial regulatory flexibility analysis is not necessary. The primary effect of this proposal is to relieve a restriction for motor vehicle manufacturers, virtually none of which are small business entities for the purposes of the Act. The proposed amendment would have no effect on small organizations and small government jurisdictions.

Finally, the agency has analyzed this proposal for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant effect on the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies by submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The principal authors of this notice are Mr. William Smith, Office of Vehicle Safety Systems, and Mr. Stephen Oesch, Office of Chief Counsel.

In consideration of the foregoing, it is proposed that Standard No. 203, *Impact Protection for the Driver From the Steering Control System* (49 CFR 571.203) be revised as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

§ 571.203 [Amended]

1. Section S5.1 of Standard No. 203 would be revised to read as follows:

When the steering control system is impacted by a body block in accordance with Society of Automotive Engineers Recommended Practice J944, "Steering Wheel Assembly Laboratory Test Procedure," December 1965, or an approved equivalent, at a relative velocity of 15 miles per hour, the impact force developed on the chest of the body block transmitted to the steering control system shall not exceed 2,500 pounds, except for intervals whose cumulative duration is not more than 3 milliseconds.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on September 22, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–28160 Filed 9–24–81; 2:40 pm]

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49 CFR Part 571

Federal Motor Vehicle Safety Standards; Power-Operated Window Systems

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of petition for rulemaking.

SUMMARY: The purpose of this notice is to grant a petition for rulemaking filed by Mr. Paul A. Reneau regarding Safety Standard No. 118, *Power-Operated Window Systems.* Mr. Reneau requests that the standard be amended to permit the use of power windows that automatically close under certain conditions unless the windows contact an obstruction. The petitioner has patented a device that automatically closes vehicle windows if it rains or snows when the vehicle is unoccupied, the doors are closed, and the ignition is in an "off" position. At present, Standard No. 118 does not permit the use of such a device, because the rule requires that the power windows not be movable once the ignition is in an "off" position or the key is removed from the lock. Mr. Reneau suggests that the standard be amended to specify that when the key that controls activation of the vehicle's engine is in an "off" position or is removed from the lock, no power window shall be movable when the vehicle is occupied, any door is open or ajar, or an obstruction comes into contact with an exposed edge of a window.

The NHTSA believes that the petition filed by Mr. Reneau has merit, and it is hereby granted. The agency will commence rulemaking to determine the safety consequences of the proposed amendments. The granting of a petition does not mean that a rule will necessarily be issued. The determination whether to issue a rule is made in the course of the rulemaking proceeding, in accordance with statutory criteria.

FOR FURTHER INFORMATION CONTACT: Michael M. Finkelstein, (202) 426–1810.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

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Issued: September 24, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-2830[illegible] Filed 9-30-81; 8:45 am]

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49 CFR Part 581

[Docket No. 73-19; Notice 27]

Federal Motor Vehicle Safety Standards; Bumper Standard

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of proposed rulemaking; announcement of public meeting.

SUMMARY: This notice proposes several alternative amendments to the Part 581 Bumper Standard. These alternatives involve reducing to varying degrees the level of impact speed for barrier and pendulum testing from the 5.0 mph currently required under the regulation. In addition, the notice proposes the elimination of current damage resistance criteria which set forth the degree of damage which may be incurred by the bumper system in test impacts.

The agency has tentatively concluded that the statutory requirement of the Motor Vehicle Information and Cost Savings Act that any bumper standard "seek to obtain the maximum feasible reduction of costs to the public and to the consumer" is not met by the existing standard. Stated differently, the current standard costs consumers more than it saves them. Therefore, the interests of consumers and the public are not served by retention of the standard at current levels, and the statute requires modification of the standard. The agency intends by modifications pursuant to this proposal to ensure that any Federal bumper standard meets the statutory criteria of the Motor Vehicle Information and Cost Savings Act, and seeks the maximum feasible reduction of public and consumer costs.

DATES: Comments must be received on or before November 30, 1981. A public meeting will be held at a date to be announced shortly. Persons wishing to make oral presentations should notify the agency by 10 days prior to the date of the public meeting.

ADDRESSES: Comments should refer to the docket number and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. The docket room is open to the public from 8:00 a.m. until 4:00 p.m., Monday through Friday, except holidays. The time and location of the public hearing will be announced at a later date through notice in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Steven Zaidman, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1740.

SUPPLEMENTARY INFORMATION: The "Part 581" Bumper Standard (49 CFR Part 581) sets forth damage resistance requirements for passenger motor vehicles involved in low-speed collisions. The standard imposes limits on the damage which may be caused to specified components and vehicle exterior surfaces by a series of 5.0 mph front and rear barrier and pendulum impacts, and by 3.0 mph corner pendulum impacts.

Prior to the Part 581 standard, former Federal motor vehicle safety standard (FMVSS) 215, Exterior Protection, had since September 1, 1973, required standardization of bumper heights and the protection of various safety-related components of the vehicle itself in low speed impacts. Phase I of Part 581 became effective on September 1, 1978. Phase I incorporated and replaced the damage resistance criteria of FMVSS 215, and extended the required levels of protection to components and exterior surfaces of the vehicle other than the bumper face bar itself, and to the components and associated fasteners of the bumper which attach it to the vehicle.

Phase II of the Part 581 standard became effective on September 1, 1979. It extended the damage resistance criteria to include the bumper face bar itself and its components and fasteners.

The Part 581 standard implements the mandate of Congress expressed in section 102 of the Motor Vehicle Information and Cost Savings Act (Cost Savings Act) (15 U.S.C. 1912) that this agency promulgate bumper standards applicable to passenger motor vehicles. The term "bumper standard" is therein defined to include a property loss reduction standard intended to eliminate, or reduce substantially, damage to the front or rear end, or both, of a passenger motor vehicle in a low-speed collision. As noted above, the statute specifically requires that any such standard "seek to obtain the maximum feasible reduction of costs to the public and to the consumer", taking into account a number of factors. The specified factors include the standard's costs and benefits, its effects on insurance and legal costs and fees, savings in consumer time and inconvenience, and health and safety considerations.

This combination of statutory requirements has become one of the most complex and difficult mandates of the agency. At the time of enactment and of adoption of the current standard, virtually nothing was known of the economic values required to be taken into account. Little direction was afforded as to how the agency might assess or quantify elements of cost related to consumer convenience. Information as to the extent and frequency of unreported damage actually incurred in consumer experience was non-existent. Finally, the direction that any such standard seek to "maximize" savings can be inferred to require that one and only one standard level might in fact comply with the will of the Congress. The absence of real-world experience with bumpers designed to meet the full range of possible impact levels made literal achievement of that mandate difficult if not impossible. Accordingly, since the late 1970's, and in order to assure that the Bumper Standard is consistent with the letter and intent of the statute, the National Highway Traffic Safety Administration (NHTSA) has expended considerable time and effort evaluating and reevaluating the costs and benefits of the standard, taking into account changes in vehicle design, energy, and materials costs, and other relevant factors.

An initial reevaluation, the "Final Assessment of the Bumper Standard", was published in June 1979. Docket 73-19, Notice 25, No. 190. This document estimated the net benefits of alternative bumper standards specifying test impact speeds of 2.5 mph, 5.0 mph and 7.5 mph. The 1979 Final Assessment concluded that based upon then available data the net benefits of the existing 5.0 mph standard appeared to exceed those of a 2.5 mph alternative by an amount equal to $39. Estimates regarding the 7.5 mph alternative were considered at that time to be too unreliable to form the basis for regulatory action. The 1979 Final Assessment was based on (1) cost and weight data derived for the agency under contract; (2) information gathered from motor vehicle manufacturers, insurance companies and other industry sources; and (3) estimates based on the agency's own engineering analyses.

After receiving extensive comments from auto and insurance industry sources, NHTSA updated this 1979 Final Assessment in December 1979. Docket 73-19, Notice 25, No. 249. Based upon data then available, the agency concluded that a standard based on a test impact speed of 5.0 mph continued to provide the greatest net benefits, although the difference between the net benefits of the 5.0 mph and the 2.5 mph alternatives, was found to be far smaller than originally estimated (between $11 and $29 compared to the $39 net benefit of the 5 mph alternative originally estimated).

In addition, the bumper regulation was being studied independently as part of the long-term program adopted by the agency in 1976 to evaluate the cost-effectiveness of all regulations. In order to develop data for use in this evaluation, the agency commissioned a nationwide driver survey to better quantify the incidence and extent of unreported damage resulting from low speed collisions. NHTSA's initial analyses had estimated unreported damage based only upon studies involving observation of damaged vehicles in parking lots, thus not accounting for possible double-counting due to reporting of damage not followed by actual repair. The agency also updated its bumper cost information, and conducted a new analysis of insurance claims data which incorporated previously unavailable data on damage to vehicles which had been manufactured so as to meet early Part 581 requirements.

The findings from these now additional sources were incorporated in a NHTSA report, "Evaluation of the Bumper Standard", published in April 1981. Docket 81–07, Notice 1, No. 007. This Evaluation attempts to analyze the costs and benefits of each phase of the agency's bumper requirements, beginning with the initial FMVSS 215 requirements and extending to the present Part 581, Phase II standard. Based upon this new analysis and data then available, the 1981 Evaluation concludes that the 5.0 mph *frontal* test impact requirements, considered alone, result in net benefits to consumers. However, the document also observes that the present 5.0 mph *rear* impact test standard, alone, provides consumers with negative net benefits, i.e., imposes costs upon consumers greater than the total benefits realized.

As a result of its analyses, NHTSA has concluded that a rulemaking proceeding is necessary to determine that bumper performance level which would best fulfill the statutory mandate to seek to maximize net benefits to the public and the consumer. At the same time, the agency wishes to carry out, to the extent consistent with the statute, the direction of Executive Order 12291 that each rulemaking maximize net benefits, and arrive at the regulatory alternative involving the least net cost to society.

In furtherance of these goals, a Preliminary Regulatory Impact Analysis has been prepared by NHTSA which estimates the changes in both costs and benefits, relative to the present standard, which would be likely to occur under several alternative levels of bumper standards. Docket 73–19, Notice 27, No. 001. The analysis employs cost benefit methodology to provide a comparison of alternatives based on the best available data and assumptions. NHTSA intends through this rulemaking proceeding, to further refine its analysis by incorporating additional data, estimates, and viewpoints, and to adopt that bumper requirement which best meets applicable statutory and regulatory objectives.

NHTSA's Approach to Bumper Standard Analysis

In estimating the net benefits of the Bumper Standard alternatives proposed in this notice, NHTSA has evaluated a number of factors which contribute to bumper cost-effectiveness. In so doing, the agency specifically notes that although significant new data has been obtained, many of the uncertainties and complex economic variables which tended to reduce the certainty of earlier agency actions and estimates still exist, and desirable levels of certitude are still not assured as to many alternatives to the current standard. Action at this time is deemed necessary, however, because of the degree of agency confidence in the conclusion that each alternative under consideration is superior in statutory terms to the current standard.

The primary measure of *benefits* resulting from a bumper standard is the economic cost of the avoided damage which would otherwise have been incurred in the presence of an unregulated bumper, or a bumper regulated at a different level of impact. This figure is computed for each putative standard by estimating the frequency of damage to the bumper system in question, and the cost to repair that system when it is damaged. These estimates are based on available information from which may be inferred the number (frequency), and severity of both accidents which have been reported to insurance companies or police, and accidents for which no such report was filed. Federal Highway Administration and Bureau of Census figures on vehicle miles traveled are used to estimate the likely distribution of accidents over the life of the car for purposes of discounting benefits received.

The agency's calculation of *benefits* also takes into account insurance cost savings beyond the value of the damage avoided by the subject regulated bumper system. These savings result from a reduction in administrative expenses, e.g., agent's fees and claim processing costs associated with a decrease in the number of collision and liability insurance claims submitted. Savings are estimated from information submitted by insurers in response to NHTSA special orders, and are assumed to be passed on to the consumer through reduced premiums.

In accordance with the statutory direction, savings in consumer time and inconvenience associated with upgraded bumper system performance are also considered as *benefits* of the regulation. Such benefits are measured in terms of time saved by not having to survey avoided damage, obtain repair estimates, and have the avoided low-speed collision damage repaired. Time saved has been analyzed by NHTSA on the basis of experience and common sense estimates, while economic savings are quantified by application of the United States hourly wage rate to such time values.

Finally, although they are difficult to quantify, the agency has considered as benefits the possible effects of revised bumper requirements on vehicle occupant safety. These effects would result from changes in the crash management characteristics of vehicles as affected by different bumper systems. Thus, while a more substantial bumper system might reduce damage at low speeds, the extra weight or relative rigidity could adversely affect safety, or increase actual vehicle damage, and the cost of repair, in crashes at higher speeds.

The most important *cost* impact of bumper regulation is reflected in the marginal increase in new car prices attributable to the use of bumper systems providing greater damage resistance. These costs consist of, first, the cost of the bumper system itself (i.e., the cost of primary weight), and second, the cost of upgrading other vehicle components to support the weight of the more damage resistant bumper system (i.e., the cost of secondary weight). NHTSA's estimates of these values are based on the assumption that in the absence of a bumper standard, vehicles would still be equipped with some type of bumper system. Given this baseline system, the costs used in NHTSA's analyses are the marginal costs by which heavier regulated bumpers exceed a hypothetical totally unregulated system.

In addition to the initial cost of purchasing a regulated bumper system, the added operating *cost* of driving a car

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with a heavier bumper system has been taken into account. In this regard, the agency has estimated the added fuel costs incurred in carrying the additional primary and secondary weight associated with the heavier regulated bumper. Fuel costs are based on projections of national average pump prices for gasoline, while the marginal increase in fuel consumption associated with the addition of each pound of primary and secondary weight associated with the bumper system is based on industry estimates (i.e., lifetime fuel consumption drops 1.1 gallons for every one pound reduction in vehicle weight).

Estimates of increased repair costs for more substantial bumper systems which are damaged and must be repaired or replaced after crashes at higher than design speed are also relevant. Although difficult to quantify, they must be taken into account.

Evolving Application of the Bumper Analysis Methodology

NHTSA's published analytical work on the costs and benefits of the Bumper Standard has consistently applied the methodology described above. The agency's conclusions have been modified over time, as additional data and updated estimates have become available. Thus, the various analyses differ in several important respects relating to application of the analytical framework.

A notable example of these differences is found on the subject of damage avoidance related to differing levels of bumper design. In estimating low speed accident frequency, and the value of damage caused by those accidents, the 1979 Final Assessment relied on engineering estimates of damage as a function of speed of impact.

To estimate the extent of damage resulting from low speed accidents, NHTSA relied on a series of parking lot surveys conducted by Ford Motor Company between 1971 and 1976. These surveys involved observation of damage on Ford vehicles parked in 75 lots in 11 cities. Based on the damage observed on these vehicles, Ford estimated the barrier equivalent velocity of the collisions which had caused the damage. This estimate of the relationship between impact speed and lifetime damage formed the foundation for NHTSA's 1979 estimates of lifetime damage as a function of impact speed. This data suffered from the subjectivity of the impact speed estimates used in this approach, and from the exclusive focus on Ford products and vehicles in use in urban areas.

To obtain the cost of repaired accident damage, the agency in its 1979 Final Assessment examined insurance claim data supplied by the State Farm Insurance Company. From this data, the agency was able to determine the average repair cost of automobiles involved in front and rear end collisions. Estimates of unreported damage were also based on information submitted by State Farm. These estimates were derived by State Farm through damage appraisals in a series of parking lot surveys.

In its 1981 Evaluation of the Bumper Standard, the agency used newly developed data which has required it to modify substantially its damage avoidance estimates. The first major new data source incorporated into the 1981 Evaluation is an analysis of insurance claims data prepared for NHTSA by KLD Associates. Docket 81–07, Notice 1, Nos. 004, 005. This study analyzed reports of roughly 65,000 property damage claims, covering model years 1972 through 1979, contained in the records of State Farm Insurance Company. Data was classified on the basis of vehicle model year, impact points, bumper and parts damage, bumper type, and other factors. Results were checked against damage frequency and cost of repair data collected by the Highway Loss Data Institute. An additional study examined the effects of the Part 581 standard on 1979 model year vehicles. In applying this data in the 1981 Evaluation, NHTSA grouped all accidents leading to bumper repairs as low speed accidents and all accidents leading to bumper replacement as high speed accidents.

A second significant source of new data used in the 1981 Evaluation was a nationwide survey of drivers and vehicles conducted for NHTSA by Westat, Inc., and designed to assess the frequency and severity of low-speed collisions. Docket 81–07, Notice 1, No. 003. This survey permitted for the first time the use of empirical data in place of the subjective and limited estimates relied on in the 1979 Final Assessment. They survey also produced data on the performance of 1979 and 1980 model year bumper systems.

The Westat study involved a random telephone survey of over 10,000 households, supplemented by a follow-up contact with 4,949 households. A separate update survey focused on model year 1979 and 1980 vehicles. Results were checked against a smaller number of personal inteviews and vehicle inspections.

The new information derived from the insurance data analysis and the driver survey differed from the values arrived at in the 1979 Final Assessment, with respect to both reported and unreported damage. For example, the new data suggests that an average vehicle will be involved in 2.45 accidents over the course of its lifetime, whereas an estimate of 3.63 accidents per vehicle life was used in the 1979 Final Assessment.

Although the Westat and KLD studies were important steps in quantifying the damage avoidance characteristics of bumper systems, engineering estimates are still required to play a major role in NHTSA's analysis of this issue. The 1981 Evaluation focused on the cost effectiveness of the present bumper regulation. Bumper systems providing differing levels of damage protection were not examined. The Westat and KLD studies focused on 5.0 mph bumpers since, with the exception of model year 1973 rear bumpers, no bumper specifically designed to meet a different damage resistance standard had ever been used in production vehicles in this country.

In applying the new data to its examination of alternative damage resistance levels, data from pre-standard vehicles, i.e., model year 1972 and earlier, are now being used to estimate the performance of bumpers meeting a height only requirement. Also, NHTSA has extrapolated from the 1973 rear bumper data and derived estimates of damage costs for 2.5 mph front bumpers. (Some uncertainty is introduced by such use of model year 1973 rear bumpers to reflect 2.5 mph bumper performance, since such bumpers were required to meet a 2.5 mph barrier impact standard providing only for protection of safety equipment.) Due to this uncertainty, the Preliminary Regulatory Impact Analysis includes estimates of potential benefits based on both the 1979 Assessment's engineering estimates and the 1973 rear bumper approach used in the 1981 Evaluation.

Another area in which the agency's initial estimates have been supplemented with new data is the estimation of bumper system cost and weight. The 1979 Final Assessment estimates on these items were based on teardown studies of a small number of representative vehicles equipped with 5.0 mph bumper systems. Docket 73–19, Notice 25, No. 025. To determine the cost and weight of a projected 2.5 mph system, the agency applied a scaling factor to the cost and weight figures for a representative 5.0 mph system among those examined. The resulting estimate was checked for reasonableness against estimates submitted by motor vehicle manufacturers.

The 1981 Evaluation made use of more extensive teardown study results involving 94 representative pre- and post-standard vehicles. Docket 81-07, Notice 1, Nos. 001, 002, 006. In applying these results to the alternatives bumper systems evaluated in the Preliminary Regulatory Impact Analysis, NHTSA uses the pre-standard teardown data as representative of the height only alternative. For the 2.5 mph alternative, the agency applies a sensitivity analysis based on estimates of manufacturing cost reductions submitted by manufacturers in response to agency special orders. Docket 73-19, Notice 25, Nos. 105A, 163, 184, 289. Such claimed cost reductions are, in the judgment of NHTSA engineers, consistent with and supportable on the basis of the reduced levels of component material and complexity by which a 2.5 mph bumper requirement may be met.

The final major points on which NHTSA's estimates have been most recently refined are the methodology for computation of secondary weight and the cost associated with that weight. Based on the agency's own engineering judgment, a secondary weight factor of .35 was employed in the June 1979 Final Assessment. This factor represented the number of pounds of supporting structure which was felt must be added to the vehicle to carry each additional pound of bumper weight.

Based on comments on the 1979 Final Assessment, the agency's December 1979 Commentary on Critiques of that Assessment revised judgment on the appropriate secondary weight factor to a range of .50 to .75, reflecting the differing results of an independent analysis conducted by the Transportation Systems Center (TSC) and a second analysis by NHTSA using a methodology supplied by General Motors. The 1981 Evaluation broadened this range to .35 to 1.00, to take into account both NHTSA's original estimate and additional estimates and clarifications received from the auto industry. To permit analysis based on the most recent and reliable information, the Preliminary Regulatory Impact Analysis has now adopted and applied alternative secondary weight factors of .50 and 1.00.

Also based on developing data, the agency's estimate of the economic cost of such secondary weight has evolved from the initial estimate in the 1979 Final Assessment of $1.46 per pound. This figure was based on the then current average consumer cost per pound of a new car. After reviewing comments on the 1979 Final Assessment, the agency noted that its original estiamte was articfically inflated because the base value included costs associated with complex electrical and electronic equipment, glass, and other relatively expensive items not affected by bumper weight. In its Commentary on Critiques, the agency substituted a secondary weight cost of $.55 per pound, in 1978 dollars, based on the materials cost associated only with structural components of the bumper system.

The 1981 Evaluation considered both of these approaches to computation of secondary weight costs, and used alternative secondary weight cost figures of $.60 and $1.60 per pound, in 1979 dollars. The figure of $.60 represents the cost of added structural materials, manufacturers' and sales overhead, and profit. The $1.60 estimate is an estimate of the consumer cost per pound of a 1979 model year vehicle. The Preliminary Regulatory Impact Analysis utilizes the structural materials approach, employing a $.72 per pound figure in 1981 dollars, based on the agency's *tentative judgment*, in light of comments received, that this figure most realistically represents the true cost of secondary weight associated with the bumper alone.

As NHTSA has incorporated additional data and comments in its analyses of the Bumper Standard, the agency has progressively revised its estimation of the relative *benefits* of various alternative standards. The 1979 Final Assessment stated that the 5.0 mph bumper test requirement of Part 581 resulted in net benefits of $189 relative to the performance of pre-standard bumper systems. Net benefits of bumpers meeting a 2.5 mph standard were estimated at $150. A net benefit projection of $196 for 7.5 mph bumpers was also included, although the agency noted that this figure was not considered reliable in view of certain unsupported assumptions on which it was based. The 5.0 mph and 2.5 mph estimates were modified slightly in the Commentary on Critiques of the 1979 Final Assessment to net benefit levels of $179 to $167 for 5.0 mph bumpers and $156 to $150 for 2.5 mph bumpers.

The 1981 Evaluation significantly refined NHTSA's estimates by providing separate net benefit estimates for front and rear bumpers. NHTSA stated in the 1981 Evaluation that 5.0 mph front bumpers provided positive net benefits, since they were first required in model year 1973. The agency calculated that for a new model year 1979 vehicle, the 5.0 mph bumper requirement would provide net benefits of $44 over the life of the vehicle. This estimate was based on assumptions of a .50 secondary weight ratio and a $.60 per pound cost of secondary weight. At the same time, the 1981 Evaluation stated that rear bumpers had never been cost effective since the advent of bumper regulations and that, based on the above assumptions, model year 1979 rear bumpers resulted in a negative net benefit, or cost to the consumer, of $46 compared to an unregulated bumper.

Thus, using a .50 secondary weight ratio and a secondary weight cost assumption of $.60 per pound, NHTSA observed in its 1981 Evaluation that the net benefits of the combined 5.0 mph front and rear requirements are near zero. Any net benefit would increase if the estimated secondary weight ratio were reduced, and would immediately become clearly negative if the assumed ratio were increased. Based on available data, the agency also stated that vehicle downsizing, in terms of weight reduction and materials substitution, has not affected the damage resistenace or cost-effectiveness of bumper systems. Only the direct costs and benefits of the standard were included in the 1981 Evaluation. Indirect effects, such as the value of time spent obtaining repairs, were not estimated.

NHTSA's Preliminary Regulatory Impact Analysis is based largely on the 1981 Evaluation, with the addition of certain estimates from the 1979 Assessment and still other newly developed estimates. This Analysis indicates that the net benefits available under any level of bumper regulation do not differ greatly. Considerable uncertainly exists regarding the relative and optimal level of bumper performance in terms of costs and benefits. For example, the Analysis reveals that, when an average of repair cost estimates is used, and a 30% variable cost reduction and a 1.0 secondary weight ratio is assumed, the present 5.0 mph standard results in a negative net benefit (or cost) of $2 relative to a height only bumper standard, and generally provides fewer net benefits than all alternative standards considered.

However, because of the complexity of the issues, relatively small changes in assumptions can produce major variations in results. In the above example, if a secondary weight ratio of .5 is used, the present standard shows net benefits of $43 compared to a height only requirement. The 2.5 mph front/2.5 mph rear alternative provides an extreme example of the possible variation in results. The Analysis indicates that the net benefits for that alternative relative to the present standard range from a positive increase in benefits of $123 to a negative benefit of $143, depending on the specific assumptions used in analysis.

Recognizing that legitimate differences of opinion may exist regarding competing assumptions and data sources, the Analysis includes net benefit computations based on a variety of damage repair cost estimates, secondary weight ratios, and changes in other variables. Sensitivity analyses are used to compute ranges in possible net benefits for various alternatives.

When these computations are compared, several alternatives to the present standard appear promising under various sets of assumptions. The alternative of a 2.5 mph test impact speed, front and rear, provides the greatest estimated net benefits across the board when cost of repair estimates from the 1979 Assessment are used. A 2.5 mph front/height only rear requirement exhibits similar net benefits in this context. If the model year 1973 2.5 mph rear bumper damage data used in the 1981 Evaluation are substituted, however, the 5.0 mph front/height only rear alternative generally provides slightly greater net benefits than the other alternatives considered. When cost of repair estimates are averaged, the alternative of 5.0 mph front/2.5 mph rear shows the greatest increase in net benefits relative to the present standard, regardless of which of the two secondary weight assumptions is used.

While the bulk of NHTSA's analysis to date has focused on the costs and benefits of alternative impact speed requirements, the agency has also considered the effects of modification of the existing damage criteria of the bumper standard. After review of all available data, the agency finds significant uncertainty as to the relative merits of the Phase I and Phase II damage criteria.

The costs and benefits of the Phase II requirements were first analyzed by NHTSA in its "Final Impact Assessment—Part 581 Bumper Standard", completed in November 1977. Docket 73–19, Notice 20, No. 010. That analysis predicted net benefits of $45 to $100 for the Phase II criteria relative to the Phase I requirements. Using a similar methodology, the agency noted in its 1979 Final Assessment that the Phase II requirements would provide an additional $37 to $79 in net benefits. It should be remembered, however, that both of these analyses were completed before any real world data on Part 581 bumper systems were available.

Data on model year 1979 and 1980 vehicles required to meet Phase I and II requirements, respectively, were developed for use in NHTSA's 1981 Evaluation of the regulation. These data indicated that there existed no weight and little cost difference between model year 1979 and model year 1980 vehicles. Moreover, the Westat household survey results showed no difference in incidence of damage between model year 1979 and 1980 vehicles when adjustments for driving exposure were made. However, these apparent similarities may be attributable to manufacturers installing Phase II bumpers on their 1979 models, instead of redesigning once to meet Phase I and again a year later to comply with Phase II.

In contrast, the Bureau of Labor Statistics, in reports on quality changes for 1979 and 1980 model year passenger cars, has estimated the cost of structural changes to meet the Phase II bumper requirements to be $12.23 per vehicle. Docket 73–19, Notice 27, No. 002. The cost of changes to meet the Phase I requirements was estimated as a much lower figure.

Still other data, produced NHTSA's Office of Vehicle Safety Compliance, indicates that, while repair costs for 1978 model year vehicles in compliance testing to the FMVSS No. 215 requirements averaged $280, costs for model year 1980 vehicles in Part 581 testing averaged only $111. Docket 73–19, Gen. Ref. No. 082. Although no bumper systems required to meet only Phase I criteria were tested, substantial similarity exists between the FMVSS No. 215 and the Phase I damage criteria. The data, thus, seem to suggest a substantial improvement in damage resistance attributable to the Phase II requirements as compared to other alternatives. However, the effects of vehicle downsizing or other factors may have contributed to this difference. In view of this uncertainty and seemingly conflicting data, NHTSA has determined that Phase I and Phase II damage criteria should be proposed in the alternative for the test impact speed combinations proposed in this notice.

Proposed Alternatives

In its efforts to identify the bumper standard which will most effectively seek to maximize net benefits to the public and the consumer, NHTSA has examined several alternative test impact speeds and combinations of test impact speeds. Based on the latest available data and analyses, it appears that the alternative bumper standards considered differ only very slightly in the level of net benefits which they provide. Moreover, the absolute amount of benefits available under any of the various alternatives is limited. When an average of repair cost estimates is used, no alternative offers more than $4 per year in net benefits over the average life of a vehicle. Furthermore, uncertainties regarding data and assumptions tend to limit even the apparent confidence with which the agency can identify the standard best meeting the statutory requirements and the Administration's regulatory goals.

So that a decision can be made based on all available data and analyses, NHTSA has chosen to propose several alternative bumper standards employing differing test impact speeds and damage criteria. In this way, the agency hopes to encourage the broadest possible exchange of information and viewpoints on the issues involved in this proceeding. Thus, NHTSA proposes the following alternative amendments to the Part 581 Bumper Standard:

Alternative IA—Amend the test impact speeds for rear bumpers only to 2.5 mph for longitudinal impacts and 1.5 mph for corner impacts. Maintain the test impact speed for front bumpers at the present level. (5.0 mph front, 2.5 mph rear; Phase II).

Alternative IB—Amend the test impact speeds as described in Alternative IA, and substitute Phase I damage criteria for both the front and rear bumper. (5.0 mph front, 2.5 mph rear; Phase I).

Alternative IIA—Eliminate the damage criteria for rear bumpers only with the exception of the criterion which requires bumper contact with a pendulum test device within a specified height range. Maintain the test impact speed and damage criteria for front bumpers at their present levels. (5.0 mph front, Phase II; height only rear).

Alternative IIB—Amend the damage criteria and test impact speed requirements as described in Alternative IIA, and substitute Phase I damage criteria for the front bumper. (5.0 mph front, Phase I; height only rear).

Alternative IIIA—Amend the test impact speeds for both front and rear bumpers to 2.5 mph for longitudinal impacts and 1.5 mph for corner impacts. (2.5 mph front and rear, Phase II).

Alternative IIIB—Amend the test impact speeds as described in Alternative IIIA, and substitute Phase I damage criteria for both the front and rear bumper. (2.5 mph front and rear, Phase I).

Alternative IVA—Amend the test impact speeds for front bumpers to 2.5 mph for longitudinal impacts and 1.5 mph for corner impacts. Eliminate the damage criteria for rear bumpers only with the exception of the criterion which requires bumper contact with a pendulum test device within a specified height range. (2.5 mph front, Phase II; height only rear).

Alternative IVB—Amend the damage criteria and test impact speed requirements as described in Alternative IVA, and substitute Phase I damage criteria for the front bumper. (2.5 mph front, Phase I; height only rear).

Alternative V—Eliminate the damage criteria for both front and rear bumpers with the exception of the criterion which requires bumper contact with a pendulum test device within a specified height range. (height only front and rear).

Several of the proposed alternatives involve elimination of damage criteria for one or both bumpers, with the exception of the criterion, § 581.5(c)(7), which requires bumper contact with the pendulum test device within a specified height range. While such a requirement is commonly referred to as a height only standard, a test impact speed of 1.5 mph is specified in the proposal for this alternative. The 1.5 mph impact speed is intended to represent roughly the design speed of unregulated bumpers based on past approximations by industry sources. In the absence of such a minimum speed requirement, NHTSA believes there would be difficulty in judging whether a vehicle is equipped with a functioning bumper system. However, the agency also wishes to consider the possible effects of a height only requirement specifying no impact speed.

Topics of Particular Interest

The agency notes that, in spite of the extensive analyses completed to date, considerable uncertainty still exists regarding certain underlying data and assumptions used in the Preliminary Regulatory Impact Analysis. This fact is reflected in the Analysis by computation of ranges of possible net benefits for each alternative standard. In order to further refine its estimates and to provide the most comprehensive basis upon which to choose among available standard alternatives, NHTSA requests that commenters give particular consideration to the following issues of importance to the agency's analysis and supply andy current data on these subjects.

1. As noted above, the agency, in its Preliminary Regulatory Impact Analysis, based estimates of unregulated bumper system cost, weight, and damage reduction performance on studies and insurance and survey data relating to pre-standard bumpers. Similar estimates for future 2.5 mph bumpers were developed from model year 1973 2.5 mph rear bumpers. However, a number of factors exist which suggest that these earlier bumper systems may not be representative of bumpers of the future. For example, technological improvements in bumper design, vehicle downsizing, safety considerations, international standards, and consumer expectations and desires, may have changed since the establishment of bumper regulations. Any such changes could affect the design and performance of future bumper systems in comparison to pre-standard and model year 1973 designs. For example, model year 1973 rear bumpers were not required to meet a standard height pendulum impact test. This suggests that they were not designed to the same types and levels of performance that a 2.5 mph system based on current test procedures would be. Moreover, the performance data for model year 1973 bumpers may have been affected by the environment in which they were used, i.e., heavier vehicles, bumper height differences and contact with more aggressive 5.0 mph bumpers on later model vehicles. They could, thus, have performed less well (due to then current differences in bumper heights) than would future 2.5 mph bumpers. Benefit estimtes for future 2.5 mph bumpers based on such past performance could then be understated. How should the agency deal with this issue?

2. Calculations in the Preliminary Regulatory Impact Analysis are based on the assumption that future unregulated bumpers would be designed to provide a level of damage resistance similar to pre-standard bumpers. Is this assumption reasonable in view of the design restrictions imposed by safety considerations, consumer expectations, and international standards? To what extent would market pressures generated by insurance cost differentials affect design goals? In an unregulated environment, what would be the manufacturers' design goal for bumper system performance? How would this goal affect cost estimates for unregulated bumper systems?

3. As noted above, inclusion of a 1.5 mph test impact speed specification in the proposed height only requirement is intended to provide an objective standard which assures that vehicles are equipped with a functioning bumper system within the specified height range. The agency has tentatively concluded that this test impact speed provision will impose no additional regulatory burdens, as compared to a height only standard specifying no impact speed requirement at all. This conclusion is based on the assumption that, in the absence of an impact speed requirement, manufacturers would voluntarily design bumpers to provide protection in, at minimum, 1.5 mph impacts. Alternatively, the 1.5 mph impact speed could be eliminated in favor of a requirement that a vehicle merely be equipped with a bumper within a specified height range. Would such a requirement result in additional cost savings, e.g., savings in testing costs, relative to the 1.5 mph "height only" requirement? Would any other effects result from such a change? How could the term "bumper" be defined to eliminate subjectivity and ensure an enforceable bumper height requirement?

4. What percentage of the front and rear impact energy management capability of typical passenger motor vehicles is attributable to the bumper system? How would these percentages be affected by a reduction in bumper design speed to 2.5 mph or by a shift to height only bumper requirements? If bumper impact resistance requirements were lowered and bumpers were redesigned accordingly, would other vehicle components be required to be modified to compensate for this reduced bumper energy management capability? Which components would be modified and to what degree? What would be the cost of these changes? Would manufacturers achieve the same energy management levels now provided, and, if not, how much would performance be affected? Is there a minimum level of bumper system performance necessary to assure compliance with Federal motor vehicle safety stantards (FMVSS) for crashworthiness (e.g., FMVSS' 204 and 301) and, if so, what is that level? Have the more substantial bumpers now required created a need for different energy management diesigns or components not accounted for in current NHTSA cost estimates?

5. In the Preliminary Regulatory Impact Analysis, NHTSA assumes that a reduction in bumper design speed to 2.5 mph will affect manufacturers' variable costs only and will result in variable cost reductions of from 15 to 30 percent. Variable costs consist of direct labor and material costs and any indirect costs, e.g., equipment maintenance costs, which vary with production volume. NHTSA also assumes that these variable cost savings will be passed through to the consumer. Do these assumptions accurately reflect the variable cost savings to manufacturers and consumers which would result from modification of the bumper standard? What is the appropriate markup between variable cost and vehicle retail price?

6. Would any fixed cost savings, e.g., reduced amortization expense

associated with reduced investment in special tooling, result from reduction of required bumper damage resistance levels? Would any increased costs due to retooling be incurred if the bumper standard were modified? Is a secondary weight cost of $.72 per pound in 1981 dollars, together with a secondary weight ratio of .5 to 1.0, an accurate reflection of the consumer price impact of secondary weight changes? Will these figures be an accurate estimate for secondary weight effects on future down-sized vehicles?

7. NHTSA assumes that most new car purchases are financed. To account for the savings in finance charges associated with possible future reductions in new car prices resulting from modification of the Bumper Standard, the Preliminary Regulatory Impact Analysis adds the present discounted value of saved finance charges to estimates of lifetime cost savings. Is this an appropirate adjustment or does discounting adequately account for the value of money spent at different times?

8. NHTSA's Preliminary Regulatory Impact Analysis assumes that decreases in car prices would be a result of lower manufacturer variable costs and it makes use of a study of General Motors' X-car as a basis for estimating the percentage of bumper consumer cost represented by variable cost, i.e., 64 percent. Does this vehicle model provide a representative basis for estimating variable cost percentages? How does this estimate compare to figures for other new models such as the General Motors J-car, Ford Escort, and Chrysler K-car?

9. What effect would change to a 2.5 mph or unregulated bumper have on repair costs for components other than the bumper system in collisions at speeds greater than 5.0 mph? What increased costs might be incurred in repair or replacement of more substantial, e.g., 5.0 mph, bumper alternatives in such higher speed crashes? Would increased damage to vehicle safety systems, resulting form reduced bumper damage resistance performance, increase the number and severity of traffic accidents? If so, what would be the extent of this increase? The agency assumes that there would be no appreciable additional cost associated with a bumper system subject only to a height requirement, as compared to a totally unregulated bumper system. Apart from the limitations placed on vehicle styling, would there be any cost associated with a height only requirement? What are the costs of compliance testing associated with the current bumper standard? Would these costs be affected by modifications of the impact speed requirements?

10. Based on estimates supplied by the auto industry, NHTSA, in its Preliminary Regulatory Impact Analysis, bases its calculation of added fuel consumed due to heavier bumpers on the assumption that each pound of weight added results in the consumption of 1.1 gallons of fuel over the life of the car. This figure was used in Congressional testimony by General Motors. The agency has previously used this approach, as well as others, to compute fuel savings associated with reduction of vehicle weight. Under the other approaches, a mileage improvement factor is determined by dividing the vehicle's original weight by its reduced weight and multiplying this result to a fractional power. This factor multiplied by the vehicle's original fuel economy in miles per gallon yields a new fuel economy figure which can be used in computing lifetime fuel savings for the vehicle. Does this or some other procedure provide a better means of measuring vehicle lifetime fuel savings than the 1.1 factor used by NHTSA in its Analysis?

11. Fuel cost estimates play an important role in NHTSA's Preliminary Regulatory Impact Analysis in the computation of costs associated with the bumper system. The schedule of estimated gasoline cost figures relied on in the Analysis is derived from Department of Energy and Data Research, Inc. forecasts using a 1982 cost in 1981 dollars of $1.60 per gallon. Are these estimates reasonable in light of current gasoline prices, price decontrol, and other factors?

12. Among the alternative bumper standards under consideration by the agency are standards which would establish different test impact speeds for front and rear bumpers, e.g., 5.0 mph front, height only rear. Would such a damage resistance differential lead to increased repair costs resulting from more aggressive, i.e., less damageable, front bumpers striking less aggressive, i.e., more damageable, rear bumpers in car to car collisions?

13. The Ford Motor Company parking lot survey and the Westat telephone survey provide differing measurements of the frequency of low-speed accidents, i.e., unrepaired and unreported accidents. Which of these or other data sources provides the best measure of this parameter, and why?

14. NHTSA assumes in the Preliminary Regulatory Impact Analysis that unrepaired damage is properly valued at the full cost to repair that damage. However, the fact that such damage has not been repaired may suggest that the vehicle owner values the cost of the damage at something less than its full cost to repair. Should the value of unrepaired damage be considered on the basis of cost to repair or should some other figure be used?

15. Present value factors in the Preliminary Regulatory Impact Analysis are based on the assumption that accident frequency is distributed over a vehicle's lifetime in proportion to vehicle miles travelled each year. A vehicle's accident probability per mile travelled is thus assumed to be independent of the age of the vehicle. Is this assumption reasonable? If not, what data are available which would permit calculation of the probability of an accident at various stages of a vehicle's life?

16. NHTSA has examined bumper standard compliance test results for 1978 and 1980 model year vehicles and observed significant differences in repair cost estimates between vehicles of these model years. Docket 73-19, Gen. Ref. Nos. 082, 082-01, and 082-02. No compliance tests were run on model year 1979 vehicles. Can the repair cost difference be attributed to imposition of the Phase II requirements? Did certain 1978 models already comply with the Phase II standard? What weight should compliance test data be accorded in analysis of benefits of the Phase II standard?

17. If the bumper standard were amended to specify a test impact speed level lower than 5.0 mph, for either or both bumpers, what would be the economic impact on industries which supply bumper system components? In the same situation, what would be the economic impact on the automobile insurance industry?

18. NHTSA, in its Preliminary Regulatory Impact Analysis, places a value on consumer time saved by improved bumpers at $7.10 per hour, based on average hourly earnings in the private sector. Other studies have suggested that the actual amount which consumers are willing to pay to avoid delays is much lower than this figure. Docket 73-19, Notice 27, No. 003. What is the most reasonable approach to placing a value on time and inconvenience?

19. Also on the subject of time and inconvenience, the Analysis places a total value of $10 on the loss of use of a car while it is being repaired. Does this figure adequately account for the cost of alternative transportation, the value of aggravation suffered by the vehicle owner, and any other cost factors which

may be associated with obtaining repairs?

20. In recent years, automobile manufacturers have made significant changes in the design and fabrication of 5 mph bumper systems. For example, the number of cars having plastic material on the bumper face bar has increased from less than 10 percent of the fleet in model year 1979 to about 18 percent of the fleet in model year 1981. In addition, many passenger automobiles now have bumpers that are attached directly to the vehicle structure, thereby eliminating the need for energy absorbers. The current test procedures and requirements of the Bumper Standard are very specific in that each system must survive repeated 5 mph impacts from a pendulum device, and sustain virtually no damage when the vehicle strikes a rigid barrier. The Agency seeks information and comment on what specific new technologies and improvements in bumper construction are available, or could be available, but are precluded from use by the test procedures or Phase II requirements of the standard. Which new technologies could 1) reduce the weight of bumper systems 2) reduce the original costs of bumper systems, and/or 3) reduce repair costs for bumper systems damaged in low speed crashes? Which aspects of the bumper standard would have to be modified in order to allow introduction of these technologies and improvements? Would the permissibility of simple manual repositioning of components contribute to the availability of cost and weight saving designs? How could the prospective effects of modification of these requirements be evaluated?

21. Do different vehicle size classes differ in terms of net benefits obtained from improved bumper performance? Is there reason to believe that the optimum level of bumper performance may vary with vehicle size class? Could test procedures relating to mass effects or test impact speeds be altered or varied to increase net benefits for particular vehicle size classes? If size class differences exist, how could these differences best be accounted for through a single standard?

22. Regardless of the analyses of the costs and benefits of bumper standards at various levels, the ultimate decision on what level of bumper protection is most cost-beneficial would be made in a a free market by car buyers. Insurance premium discounts and surcharges based on vehicle damageability, which are increasingly being used, help to stimulate marketplace demand for optimal levels of damageability. If the requirements of the bumper standard are reduced, some manufacturers may continue to equp their cars with 5 mph, Phase II (limited damage) bumpers. Some cars buyers may be willing to pay for cars with this level of protection, and some insurance companies may offer discounts for such bumper protection. If the bumper standard were amended to reduce required bumper performance, to what extent would manufacturers continue to offer 5 mph Phase II bumpers? Would purchasers be sufficiently well-informed about differences in bumper performance to make intelligent purchase decisions? If not, would the availability of ratings on bumper protection levels be useful? If such information would be useful, what kind of information on bumper performance would be most valuable, and how could it be best provided?

23. Ford Motor Company has informed NHTSA that the present damage criteria of the bumper standards prevented it from equipping new motor vehicles with accessories, i.e., fog lamps, which must be attached to, or in the vacinity of, the bumper system. Do the existing damage criteria unduly restrict manufacturers' flexibility in offering optional equipment? If so, how could the standard be modified to ease this restriction?

24. Shielding panels typically are flexible, cosmetic components which lie between the bumper face bar of a vehicle and the vehicle's body sheet metal. These components may be displaced by the movement of the bumper during test impact and may not always return to the exact position they occupied prior to impact. Such minor changes in shielding panel position have given rise to difficult questions of interpretation regarding the level of shielding paneling "damage" permissible under the standard. In some situations, shielding panel damage may be correctable by manual repositioning of components. NHTSA has in the past rejected as unacceptably subjective suggestions that manual repositioning of shielding panels be permitted under the bumper test procedures. Does uncertainty exist regarding application of the bumper standard damage criteria to shielding panels? Do existing interpretations concerning shielding panel damage unreasonably restrict bumper design? If these problems exist, how could the bumper test procedures or damage criteria be modified to reduce the degree of uncertainty or permit greater design flexibility?

25. The Phase II damage criteria now in effect place limitations on the amount of "dent" (deviation from original contour in areas of contact) and "set" (deviation from original contour and position relative to the vehicle frame) which may be incurred by a bumper face bar in a series of test impacts. Can the costs and benefits of the dent and set requirements be isolated to permit separate analysis of the net benefits of these criteria? If so, what are the costs and benefits of the dent and set requirements of the present bumper standard and how would these costs and benefits change under the various alternative impact speed requirements described in this notice?

NHTSA has determined that this proposal involves a major rule within the meaning of Section 1, paragraph (b)(1) of Executive Order 12291 in that it is likely to result in an annual effect on the economy of $100 million or more. The agency estimates that current bumper requirements add as much as $100 to the cost of a new car. If test impact speed requirements were reduced as proposed in this notice for each of the roughly 11 million vehicles sold in this country annually, the resulting impact on the economy could far exceed $100 million. For this same reason, this proposal is considered significant for purposes of Department of Transportation procedures for internal review of proposals.

As discussed in greater detail above, the agency's Preliminary Regulatory Impact Analysis indicates that the present 5.0 mph bumper test impact speed requirements may actually be resulting in a net loss in consumer benefits as compared to a height only standard. At the same time, several alternative speed requirements provide greater net benefits than the present standard under various sets of assumptions. Thus, the analysis leads to the conclusion that several alternative test impact speed requirements should be proposed to assist in identification of the alternative which maximizes net benefits while meeting regulatory objectives.

Pursuant to the Regulatory Flexibility Act, the agency has considered in the Preliminary Regulatory Impact Analysis the impact of this proposed rulemaking action on small entities. The agency has determined that effects of this proposal on small entities will not be significant and that a regulatory flexibility analysis will not be required for this action. The agency has concluded that few, if any, manufacturers of motor vehicles and bumper components or vehicle insurers are small entities, and that the only small entities having an interest in the regulation, new car dealers, will not be significantly affected because the proposed amendments are unlikely to significantly affect new car sales levels for individual dealerships. In developing this proposal, NHTSA considered the bumper standard promulgated by the International Standards Organization, but found that standard to be inappropriate for use in this country since it does not adequately deal with consumer cost saving considerations as required by the Motor Vehicle Information and Cost Savings Act.

NHTSA has prepared an Environmental Assessment of the likely environmental consequences of this proposal. This Assessment has been placed in the public rulemaking docket for this notice. Based on this Assessment, the agency has concluded that this action will not have a significant effect on the human environment and that, for this reason, an Environmental Impact Statement will not be prepared for this action.

PART 581—BUMPER STANDARD

In consideration of the foregoing, NHTSA proposes that 49 CFR Part 581 be amended as follows:

Alternative IA

1. Section 581.5(a) would be revised to read:

"(a) Each vehicle shall meet the damage criteria of §§ 581.5(c)(1) through 581.5(c)(7) and §§ 581.5(c)(9) through 581.5(c)(11) when impacted by a pendulum-type test device in accordance with the procedures of § 581.7(b) under the conditions of § 581.6, at an impact speed of 3.0 m.p.h. for the front bumper and 1.5 m.p.h. for the rear bumper, and when impacted by a pendulum-type test device in accordance with the procedures of § 581.7(b) under the conditions of § 581.6, at an impact speed of 3.0 m.p.h. for the front bumper and 1.5 m.p.h. for the rear bumper, and when impacted by a pendulum-type test device in accordance with the procedures of § 581.7(a) at 5.0 m.p.h. for the front bumper and 2.5 m.p.h. for the rear bumper, followed by impacts into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward at 5.0 m.p.h., then longitudinally rearward at 2.5 m.p.h., under the conditions of § 581.6.

2. Section 581.5(b) would be removed and reserved.

3. Section 581.5(c)(8) would be removed and reserved.

4. Section 581.5(c)(9) would be amended by substitution of the word "There" in place of the words "Except as provided in § 581.5(c)(8), there".

5. Section 581.5(c)(10) would be amended by substitution of the word "The" in place of the words "For vehicles manufactured on or after September 1, 1979, the".

Alternative IB

1. Section 581.5(a) would be revised to read:

(a) Each vehicle shall meet the damage criteria of §§ 581.5(c)(1) through 581.5(c)(9) when impacted by a pendulum-type test device in accordance with the procedures of § 581.7(b) under the conditions of § 581.6, at an impact speed of 3.0 m.p.h. for the front bumper and 1.5 m.p.h. for the rear bumper, and when impacted by a pendulum-type test device in accordance with the procedures of § 581.7(a) at 5.0 m.p.h. for the front bumper and 2.5 m.p.h. for the rear bumper, followed by impacts into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward at 5.0 m.p.h., then longitudinally rearward at 2.5 m.p.h., under the conditions of § 581.6.

2. Section 581.5(b) would be removed and reserved.

3. Section 581.5(c)(8) would be amended by substitution of the word "The" in place of the words "For vehicles manufactured from September 1, 1978 to August 31, 1979, the".

4. Section 581.5(c)(10) and 581.5(c)(11) would be removed and reserved.

Alternative IIA

1. Section 581.5(a) would be revised to read:

"(a) Each vehicle shall meet the damage criteria of §§ 581.5(c)(1) through 581.5(c)(7) and §§ 581.5(c)(9) through 581.5(c)(11) when impacted on the front bumper by a pendulum-type device in accordance with the procedures of § 581.7(b) under the conditions of § 581.6, at an impact speed of 3.0 m.p.h., and when impacted on the front bumper by a pendulum-type test device in accordance with the procedures of § 581.7(a) at 5.0 m.p.h., followed by an impact into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward, under the conditions § 581.6, at 5.0 m.p.h."

2. Section 581.5(b) would be revised to read:

* * * * *

"(b) Each vehicle shall meet the damage criteria of § 581.7(c)(7) when impacted on the rear bumper by a pendulum-type test device in accordance with the procedures of §§ 581.7(a) and 581.7(b) under the conditions of § 581.6, at an impact speed of 1.5 m.p.h."

3. Section 581.5(c)(8) would be removed and reserved.

4. Section 581.5(c)(9) would be amended by substitution of the word "There" in place of the words "Except as provided in § 581.5(c)(8), there".

5. Section 581.5(c)(10) would be amended by substitution of the word "The" in place of the words "For vehicles manufactured on or after September 1, 1979, the".

Alternative IIB

1. Section 581.5(a) would be revised to read:

"(a) Each vehicle shall meet the damage criteria of §§ 581.5(c)(1) through 581.5(c)(9) when impacted on the front bumper by a pendulum-type device in accordance with the procedures of § 581.7(b) under the conditions of § 581.6, at an impact speed of 3.0 m.p.h., and when impacted on the front bumper by a pendulum-type test device in accordance with the procedures of § 581.7(a) at 5.0 m.p.h., followed by an impact into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward, under the conditions of § 581.6, at 5.0 m.p.h."

2. Section 581.5(b) would be revised to read:

* * * * *

"(b) Each vehicle shall meet the damage criteria of § 581.5(c)(7) when impacted on the rear bumper by a pendulum-type test device in accordance with the procedures of §§ 581.7(a) and 581.7(b) under the conditions of § 581.6, at an impact speed of 1.5 m.p.h."

3. Section 581.5(c)(8) would be amended by substitution of the word "The" in place of the words "For vehicles manufactured from September 1, 1978 to August 31, 1979, the".

4. Sections 581.5(c)(10) and 581.5(c)(11) would be removed and reserved.

Alternative IIIA

1. Section 581.5(a) would be revised to read:

"(a) Each vehicle shall meet the damage criteria of §§ 581.5(c)(1) through 581.5(c)(7) and §§ 581.5(c)(9) through 581.5(c)(11) when impacted by a pendulum-type test device in accordance with the procedures of § 581.7(b) under the conditions of § 581.6, at an impact speed of 1.5 m.p.h., and when impacted by a pendulum-type test device in accordance with the procedures of § 581.7(a) at 2.5 m.p.h., followed by an impact into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward, then longitudinally rearward, under the conditions of § 581.6, at 2.5 m.p.h."

2. Section 581.5(b) would be removed and reserved.

3. Section 581.5(c)(8) would be removed and reserved.

4. Section 581.5(c)(9) would be amended by substitution of the word "There" in place of the words "Except as provided in § 581.5(c)(8), there".

5. Section 581.5(c)(10) would be amended by substitution of the word "The" in place of the words "For vehicles manufactured on or after September 1, 1979, the".

Alternative IIIB

1. Section 581.5(a) would be revised to read:

"(a) Each vehicle shall meet the damage criteria of §§ 581.5(c)(1) through 581.5(c)(9) when impacted by a pendulum-type test device in accordance with the procedures of § 581.7(b) under the conditions of § 581.6, at an impact speed of 1.5 m.p.h., and when impacted by a pendulum-type test device in accordance with the procedures of § 581.7(a) at 2.5 m.p.h., followed by an impact into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward, then longitudinally rearward, under the conditions of § 581.6, at 2.5 m.p.h."

2. Section 581.5(b) would be removed and reserved.

3. Section 581.5(c)(8) would be amended by substitution of the word "The" in place of the words "For vehicles manufactured from September 1, 1978 to August 31, 1979, the".

4. Sections 581.5(c)(10) and 581.5(c)(11) would be removed and reserved.

Alternative IVA

1. Section 581.5(a) would be revised to read:

"(a) Each vehicle shall meet the damage criteria of §§ 581.5(c)(1) through 581.5(c)(7) and §§ 581.5(c)(9) through 581.5(c)(11) when impacted on the front bumper by a pendulum-type test device in accordance with the procedures of § 581.7(b) under the conditions of § 581.6, at an impact speed of 1.5 m.p.h., and when impacted on the front bumper by a pendulum-type test device in accordance with the procedures of § 581.7(a) at 2.5 m.p.h., followed by an impact into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward, under the conditions of § 581.6, at 2.5 m.p.h."

2. Section 581.5(b) would be revised to read:

* * * * *

"(b) Each vehicle shall meet the damage criteria of § 581.5(c)(7) when impacted on the rear bumper by a pendulum-type test device in accordance with the procedures of §§ 581.7(a) and 581.7(b) under the conditions of § 581.6, at an impact speed of 1.5 m.p.h."

3. Section 581.5(c)(8) would be removed and reserved.

4. Section 581.5(c)(9) would be amended by substitution of the word "There" in place of the words "Except as provided in § 581.5(c)(8), there".

5. Section 581.5(c)(10) would be amended by substitution of the word "The" in place of the words "For vehicles manufactured on or after September 1, 1979, the".

Alternative IVB

1. Section 581.5(a) would be revised to read:

"(a) Each vehicle shall meet the damage criteria of §§ 581.5(c)(1) through 581.5(c)(9) when impacted on the front bumper by a pendulum-type test device in accordance with the procedures of § 581.7(b) under the conditions of § 581.6, at an impact speed of 1.5 m.p.h., and when impacted on the front bumper by a pendulum-type test device in accordance with the procedures of § 581.7(a) at 2.5 m.p.h., followed by an impact into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward, under the conditions of § 581.6, at 2.5 m.p.h."

2. Section 581.5(b) would be revised to read:

* * * * *

"(b) Each vehicle shall meet the damage criteria of § 581.5(c)(7) when impacted on the rear bumper by a pendulum-type test device in accordance with the procedures of §§ 581.7(a) and 581.7(b) under the conditions of § 581.6, at an impact speed of 1.5 m.p.h."

3. Section 581.5(c)(8) would be amended by substitution of the word "The" in place of the words "For vehicles manufactured from September 1, 1978 to August 31, 1979, the".

4. Section 581.5(c)(10) and 581.5(c)(11) would be removed and reserved.

Alternative V

1. Section 581.4 would be amended by removal of the second sentence thereof.

2. Section 581.5(a) would be revised to read:

"(a) Each vehicle shall meet the damage criteria of § 581.5(c)(7) when impacted by a pendulum-type test device in accordance with the procedures of §§ 581.7(a) and 581.7(b) under the conditions of § 581.6, at an impact speed of 1.5 m.p.h."

3. Section 581.5(b), (c)(1) through (c)(6), and (c)(8) through (c)(11) would be removed and reserved.

4. Section 581.6(c) would be removed and reserved.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary argument in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 553(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate offical authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items have previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rulemaking docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

In accordance with Section 102(e)(1) of the Cost Savings Act which requires that interested persons be given an opportunity to orally present their views on any rule amending a bumper standard, a public meeting is hereby scheduled to discuss the alternatives proposed by this notice.

Interested persons are invited to attend the meeting and to present oral or written comments. Persons making oral comments are encouraged to submit their comments in written form either at the meeting or by mail to the docket. All written comments are subject to the deadlines and page limitations noted above.

Persons who desire to make an oral statement should contact Mr. Steven Zaidman, Office of Automotive Ratings, at the address and phone number stated above so that time limitations, if necessary, and the need for any special equipment, such as projectors, can be discussed and final arrangements can be make. A general outline of each planned oral presentation should also be submitted to Mr. Zaidman. A schedule of the persons making oral presentations at the meeting will be available on the date of the meeting.

Persons whose presentations include slides, motion pictures, or any other visual aids should plan to submit copies of them for the record at the meeting. Persons making oral presentations are requested but not required to submit 25 written copies of the full text of their presentation to Mr. Zaidman not later than the beginning of the meeting.

No opportunity will be afforded for persons to question other participants. However, the presiding officials reserve the right to ask questions of all persons making presentations.

A transcript of the meeting will be made and will be abailable for examination, along with any written comments submitted, in the NHTSA Docket Section, as soon as possible after the meeting. The date of the public meeting will be announced in the near future by publication in the **Federal Register**. The time and location of the meeting will be announced in a subsequent notice in the **Federal Register**.

The principal author of this notice is Richard J. Hipolit of the Office of the Chief Counsel.

(Sec. 102, Pub. L. 92–513, 86 Stat. 947 (15 U.S.C. 1912; Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority of 49 CFR 1.50 and 501.8)

Issued on: September 25, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–28437 Filed 9–28–81; 9:32 am]

BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 46, No. 190
Thursday, October 1, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Privacy Act of 1974; Notice of New System of Records

AGENCY: ACTION.

ACTION: Notification of Privacy Act System of Records.

SUMMARY: The Peace Corps proposes the establishment of a file system that will be comprised of members of the general public who by means of their professional positions/affiliations would be willing to refer prospective candidates in needed skill and/or emphasis areas for volunteer service.

DATES: Comments must be received on or before November 2, 1981. This system will become effective on November 30, 1981 unless ACTION publishes notice to the contrary.

ADDRESS: ACTION, P–307, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT: Noel McCaman, 202–254–7520.

SUPPLEMENTARY INFORMATION: The individuals in the system would be contracted by mail only one to four times annually in order to inform them of the seasonal recruitment needs of the Peace Corps in their particular skill and/or emphasis area. The mailings will also highlight the technical or programmatic accomplishments of the Peace Corps which would be of interest.

SYSTEM NAME:

Peace Corps Volunteer Recruitment Resource File.

SYSTEM LOCATION:

ACTION, Office of Recruitment and Communications, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who by means of their professional affiliations would be willing to refer prospective candidates to apply for Peace Corps service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual records containing the following information about the particular individual: name, current business or home address, skill identifier, university or professional identifier; former volunteer identifier; special designations (i.e., senior citizens' organizations, skilled trades organizations).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Peace Corps Act, as amended (22 U.S.C. 2501, et. seq.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data maintained in this file will be used by:

1. ACTION/Peace Corps staff to involve members of the general public in an informal recruitment referral process.

2. In circumstances set forth in the following agency routine uses under numbers 5, 8, 9 and 10 as published in the **Federal Register**, Volume 44, at pages 55940–41 on September 26, 1979:

5. A record may be disclosed as a routine use to a Member of Congress submitting a request involving an individual who is a constituent of such member who has requested assistance from the member with respect to the subject matter of the record.

8. Information in any system may be used as a data source, for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Information may also be disclosed to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or the Privacy Act or to locate specific individuals for personnel research or other personnel management functions.

9. Information in any system of records may be disclosed to a Congressional office, in response to an inquiry from any such office made at the request of the individual to whom the record pertains.

10. A record from any system of records may be disclosed as a routine use to the National Archives and Records Service, General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

A periodic mailing will be sent to persons in this file in an effort to maintain a level of awareness of Peace Corps program needs in particular skill and/or emphasis areas.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These computer files shall be stored in disc packs or tape with tape backup. All files will be maintained and filed in rooms or cabinets with manipulation proof combination locks when not in immediate use.

RETRIEVABILITY:

Files are retrievable through name.

SAFEGUARDS:

Records in the system are available only to appropriate officials of ACTION/Peace Corps with the need for access to such records for the performance of their duties.

RETENTION AND DISPOSAL:

Records in this system shall be maintained only for so long as necessary to carry out the recruitment functions for which they were collected. They shall then be destroyed. Records will be removed immediately upon request of the individuals.

SYSTEM MANAGER AND ADDRESS:

Terry Landolt, Director, Communications Division, Office of Recruitment and Communications, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

NOTIFICATION PROCEDURE:

Individuals wishing to see information in their records should provide their name, any former name, current business and/or home address, university and/or professional affiliations, dates and type of record. Individuals should address their inquiries to: Director, Administrative Services Division, Office of Administration and Finance, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. All inquiries

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should have "Privacy Act Request" noted on the envelope.

RECORD ACCESS PROCEDURES:

Individuals wishing to inquire if this system of records contains information about them should provide their name, any former name, current business and/or home address, university and/or professional affiliations, dates and type of record. Individuals should address their inquiries to: Director, Administrative Services Division, Office of Administration and Finance, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. All inquiries should have "Privacy Act Request" noted on the envelope.

CONTESTING RECORD PROCEDURES:

Individuals wishing to contest/correct information in their records should provide their name, any former name, current business and/or home address, university and/or professional affiliations, dates and type of record. Individuals should address their inquiries to: Director, Administrative Services Division, Office of Administration and Finance, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. All inquiries should have "Privacy Act Request" noted on the envelope.

RECORD SOURCE CATEGORIES:

Information will be obtained from the individual or persons dealing with ACTION/Peace Corps programs.

This Notice is issued in Washington, D.C. on September 23, 1981.

Winifred A. Pizzano,

Deputy Director, ACTION.

Loret Miller Ruppe,

Director, Peace Corps.

[FR Doc. 81-28653 Filed 9-30-81; 8:45 am]

BILLING CODE 6050-01-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Agreement Regarding In-Lieu Exchange of Lands the Bureau of Land Management, Department of the Interior, and the State of California

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of the regulations for the "Protection of Historic and Cultural Properties" (36 CFR Part 800) with the U.S. Department of the Interior, Bureau of Land Management, and the California State Historic Preservation Officers. This Agreement will establish a system for identifying and avoiding or mitigating adverse effects on historic properties that would otherwise result from the Bureau's proposed exchange of land with the State of California as part of its "in lieu" selection program. Under this program, the State will select manageable land areas now held by the Bureau in lieu of certain specified parcels set aside for the State by the Federal Government when the former was created.

COMMENTS DUE: November 2, 1981.

ADDRESS: Comments should be addressed to Executive Director, Advisory Council on Historic Preservation, 44 Union Blvd., Suite 616, Lakewood, Colorado 80228.

FOR FURTHER INFORMATION CONTACT: Mr. Louis S. Wall, Chief, Western Division of Project Review, Advisory Council on Historic Preservation, 44 Union Blvd., Suite 616, Lakewood, Colorado 70228, (303-234-4946).

SUPPLEMENTARY INFORMATION: This notice of the proposed agreement invites comments from interested parties. Copies of the proposed agreement are available from the Council.

Dated: September 25, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81-28622 Filed 9-30-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Section 22 Import Fees; Determination of Quarterly Import Fees On Sugar

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) requires the Secretary of Agriculture to determine on a quarterly basis the amount of the fees which shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) under the authority of Section 22 of the Agriculture Adjustment Act of 1933, as amended. This notice announces those determinations for the fourth calendar quater of 1981.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: William F. Doering, Foreign Agricultural Service, Department of Agriculture, Washington, D.C. 20250 (202-447-6723).

SUPPLEMENTARY INFORMATION: By Presidential Proclamation No. 4631, dated December 28, 1978, Headnote 4 of Part 3 of the TSUS was amended to provide that quarterly adjusted fees shall be imposed on imports of raw and refined sugar (TSUS items 956.05, 956.15, and 957.15). Paragraph (c)(ii) of Headnote 4 provides that the quarterly adjusted fee for item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee and Sugar Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding the applicable duty and 0.90 cents per pound to cover attributed costs for freight, insurance, stevedoring, financing, weighing and sampling, is less than 15.0 cents per pound. However, whenever the average of the daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis, plus the fee then in effect: (1) Exceeds 16.0 cents, the fee then in effect shall be decreased by one cent; or (2) is less than 14.0 cents, the fee then in effect shall be increased by one cent. The fee, in any event, may not be greater than 50 per centum of the average of such daily spot price quotations. Paragraph (c)(i) further provides that the quarterly adjusted fee for items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .52 cents per pound.

The average of the daily spot (world) price quotations for raw sugar for the applicable period prior to the fourth calendar quarter of 1981 has been calculated to be 11.944 cents per pound. This results in a fee of 1.531 cents per pound for item 956.15, the amount by which the sum of the 11.944 cents average spot price +0.625 cents duty +.90 cents attributed costs is less than 15.0 cents. Accordingly, the fee for items 956.05 and 957.15 for the fourth calendar quarter of 1981 is 2.051 cents per pound.

Headnote 4(c) requires the Secretary of Agriculture to determine and announce the amount of the quarterly fees no later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary is also required to certify the amounts of such fees to the Secretary of the Treasury and file notice thereof with the **Federal**

Register prior to the beginning of the calendar quarter during which the fees shall be applicable. This notice is therefore being issued in order to comply with the requirements of Headnote 4(c).

Notice

Notice is hereby given that, in accordance with the requirements of Headnote 4(c) of Part 3 of the Appendix to the Tariff Schedules of the United States, it is determined that the quarterly adjusted fees for raw and refined sugar (TSUS items 956.05, 956.15, and 957.15) for the fourth calendar quarter of 1981 shall be as follows:

Item	Fee (cents per lb.)
956.05	2.051
956.15	1.531
957.15	2.051

The amounts of such fees have been certified to the Secretary of the Treasury in accordance with paragraph (c)(iii) of Headnote 4.

Signed at Washington, D.C. on September 28, 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-28838 Filed 9-30-81; 8:45 am]

BILLING CODE 3410-10-M

Meat Import Limitations; Fourth Quarterly Estimate

Public Law 88-482, approved August 22, 1964, as amended by the Meat Import Act of 1979 (hereinafter referred to as the "Act"), provides for limiting the quantity of fresh, chilled, or frozen meat of cattle, sheep except lambs, and goats (TSUS 106.10, 106.22, and 106.25), and certain prepared or preserved beef and veal products (TSUS 107.55, 107.61, and 107.62), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of articles provided for in TSUS 106.10, 106.22, 106.25, 107.55 and 107.62 (hereinafter referred to as "meat articles"), in the absence of limitations under the Act during such calendar year, would equal or exceed 110 percent of the estimated quantity of meat articles prescribed by Section 2(c) of the Act.

As published on November 28, 1980 (45 FR 78740), the estimated aggregate quantity of meat articles prescribed by Section 2(c) of the Act during the calendar year 1981 is 1,315 million pounds.

In accordance with the requirements of the Act, the fourth quarterly estimate for 1981 of the aggregate quantity of meat articles which would, in the absence of limitations under the Act, be imported during calendar year 1981 is 1,235 million pounds.

Done at Washington, D.C. this 28th day of September 1981.

John R. Block,

Secretary.

[FR Doc. 81-28586 Filed 9-29-81, 10:37 am]

BILLING CODE 3410-10-M

Soil Conservation Service

Camp Grafton Recreation Area RC&D Measure, N. Dak.; No Significant Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. J. Michael Nethery, State Conservationist, Soil Conservation Service, P.O. Box 1458, Bismarck, North Dakota 58502, telephone 701-255-4011.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Camp Grafton Recreation Area RC&D Measure, Ramsey County, North Dakota.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. J. Michael Nethery, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of earthfill for boat ramps 60 x 110 feet, three concrete log boat ramps, 2,000 feet of gravel access roads, five gravel units for handicapped parking, 50 gravel units for regular parking, 100 units of unimproved overflow parking, two 40 foot divider boat docks, two 100 foot tieup docks, 2,400 feet of control fence to enclose area, two vaulted comfort stations, one entrance or control building, and five entrance or control signs. Future plans include a day use picnicking and playground area, picnic shelters and tables, playground equipment, comfort stations, parking plus access roads, and control fencing.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. J. Michael Nethery. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until November 2, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: September 18, 1981.

David G. Unger,

Associate Chief, Soil Conservation Service.

[FR Doc. 81-28526 Filed 9-30-81; 8:45 am]

BILLING CODE 3410-16-M

Eminence School Land Drainage RC&D Measure, Indiana; No Significant Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone 317-260-6515.

NOTICE: Pursuant to Section 102(2(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Eminence School Land Drainage RC&D Measure, Morgan County, Indiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert L. Eddleman, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for drainage treatment on the Eminence School property. The planned improvement includes the placement of 30 feet of 72-inch CMP, 2 side inlet pipes, 3 tile outlet pipes, 1,500 feet of 5-inch tile, and 900 feet of open ditch, and will need 900 cubic yards of fill next to the road. Approximately 1.5 acres of seeding, mulching, and fertilizing will be done after construction is completed.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert L. Eddleman. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until November 2, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: September 18, 1981.

David G. Unger,

Associate Chief, Soil Conservation Service.

[FR Doc. 81-28527 Filed 9-30-81; 8:45 am]

BILLING CODE 3410-16-M

Jennings County Fairgrounds Land Draingage RC&D Measure, Indiana; No Significant Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5601 Crawfordsville Road, Indianapolis, Indiana 46224, telephone 317-269-5615.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Jennings County Fairgrounds Land Drainage RC&D Measure, Jennings County, Indiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert L. Eddleman, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage. The planned works of improvement include the construction of 4,700 feet of surface drainage, 1,360 feet of subsurface drainage, six water control structures, one grade stabilization structure, and 24 acres of seeding and mulching.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data development during theenvironmental assessment are on file and may be reviewed by contacting Mr. Robert L. Eddleman. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until November 2, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Developmenta Program. Office of Mangement and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: September 18, 1981.

David G. Unger,

Associate Chief, Soil Conservation Service.

[FR Doc. 81-28525 Filed 9-30-81; 8:45 am]

BILLING CODE 3410-16-M

South Branch of Cattaraugus Creek RC&D Measure, New York; No Significant Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Paul A. Dodd, State Conservationist, Soil Conservation Service, 100 South Clinton Street, Syracuse, New York 13260, telephone 315-423-5512.

Notice.— Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the South Branch Cattaraugus Creek RC&D Measure, Cattaraugus County, New York.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to maximize the installation of agricultural waste management practices and conservation tillage on farms located in the South Branch of Cattaraugus Creek Watershed, Cattaraugus County, New York. The planned project includes installing waste management practices on 40 individual farms and installing 2,500 acres of conservation tillage.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Paul A. Dodd. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until November 2, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: September 18, 1981.

David G. Unger,

Associate Chief, Soil Conservation Service.

[FR Doc. 81-28524 Filed 9-30-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Applications

In the matter of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits filed under Subpart Q of the Board's Procedural Regulations (see, 14 CFR 302.1701 et. seq.); week ended September 18, 1981.

Subpart Q Applications

The due date for answers, conforming applications, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Sept. 14, 1981	40019	Challenge Air Transport, Inc., P.O. Box 52-2933, Miami, Florida 33152. Application of Challenge Air Transport, Inc., pursuant to 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its certificate of public convenience and necessity so as to engage in foreign charter transportation of property and mail, as follows: Between any point in any state of the United States, the District of Columbia, or any U.S. territory or possession, and (a) any point in South America; (b) any point in Australasia, Indonesia and Asia as far west as longitude 70° east via a transpacific routing; and (c) any point in Greenland, Iceland, the Azores, Europe, Africa and Asia as far east as (and including) India. Conforming Applications, motions to modify scope, and Answers may be filed by October 13, 1981.
Sept. 15, 1981	40023	Arizona Pacific, Inc. d/b/a/ Arizona Pacific Airline, 1500 E. Tropicana, Las Vegas, Nevada 89109. Application of Arizona Pacific, Inc. d/b/a/ Arizona Pacific Airline pursuant to Section 401 and Subpart Q of the Board's Procedural regulations requests the issuance of a certificate of public convenience and necessity authorizing it to engage in air transportation of persons, property and mail as follows: Between the terminal point of Albuquerque, New Mexico the intermediate points of Flagstaff and Phoenix, Arizona, Carlsbad, Lake Tahoe, Long Beach, Los Angeles, Ontario, San Diego and Santa Barbara, California, Durango, Colorado, Ft. Lauderdale, Miami and Orlando, Florida, San Antonio, Texas and the terminal point Tampa, Florida. Conforming Applications, motions to modify scope, and Answers may be filed by October 15, 1981.
Sept. 16, 1981	40035	Challenge Air Transport, Inc., P.O. Box 52-2933, Miami, Florida 33152. Application of Challenge Air Transport, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity issued pursuant to Section 401 so as to authorize it to engage in scheduled foreign air transportation of property and mail on a permissive basis, as follows: Between a point or points in the United States, and a point or points in Argentina, Brazil, Colombia, the Dominican Republic, Peru and Venezuela. Answers may be filed by September 30, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-28215 Filed 9-30-81; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Maine Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:30 p.m., on October 29, 1981, at the Maine Teacher's Association, 35 Community Drive, Augusta ME 04330. The purpose of this meeting is to make long range plans; review the draft of the annual report on 1981; and review responses to both the spousal assault report and forum, and to the bilingual education statement.

Persons desiring additional information or planning a presentation to the Committee, should contact the Acting Chairperson, Ms. Lois Reckitt, 38 Myrtle Ave., 90 SO. Portland, Maine 04106, 207/799-8744, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, MA 02110, 617/223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, September 25, 1981.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 81-28474 Filed 9-30-81; 8:45 am]

BILLING CODE 6335-01-M

Maine Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 12:00 noon, on October 17, 1981, at the Downtown Holiday Inn, 88 Spring Street, Portland Maine, 04111. The purpose of this meeting is to have a brief report and recommendations on the spousal assault statute issued by the Maine Advisory Committee. Justice system representatives and other guests will make statements and respond to the report in forum format.

Persons desiring additional information or planning a presentation to the Committee, should contact the Acting Chairperson, Ms. Lois Reckitt, 38 Myrtle Ave., 90 SO. Portland, Maine 04106, 207/799-8744, or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, MA 02110, 617/223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 24, 1981.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 81-28475 Filed 9-30-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before October 20, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00349. Applicant: University of Florida, Chemical Engineering Department, 227 CHE, Gainesville, FL 32611. Article: Vibrating Densimeter, Model 03-D with

Accessories. Manufacturer: Sodev, Canada. Intended use of article: The article is intended to be used to measure the density of solutions being studied to validate theory. These include salt solutions, coal, oils, and mixtures of petrochemicals. The experiment will be conducted over the entire range of temperature for the apparatus and the composition range from pure solvents to saturation. The objective is to confirm theoretical concepts concerning behavior of the components in mixtures and provide guidelines for development of quantitative models to correlate and predict this behavior in chemcial processes such as separations and reactions. The article will only be used for educational purposes in the research courses for BSCHE, MS and Ph. D. chemical engineers. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81–00350. Applicant: Stanford University, 851 Welch Road, Palo Alto, CA 94304. Article: Excimer Laser, EMG 200 with Accessories. Manufacturer: Lambda-Physik GMBH and Co., West Germany. Intended use of article: The article is intended to be used to develop a coherent, tunable source of vacuum ultraviolet (VUV) photons. This tunable VUV laser source is needed to study the quantum states of molecular hydrogen process: H_2 (HD) $[\gamma''=O\ J''=O]+H(D)\rightarrow H_2$ (HD) $[\gamma''\ O, J''O]+H(D)$. The quantum states (vibrational and rotational populations) of the products will be probed via laser-induced fluorescence resulting from the absorption of VUV photons. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81–00351. Applicant: National Eye Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in high resolution biological studies of eye tissues of normal and pathological materials. In addition, freeze etch replicas of lens cells will be studied. These studies are essential for the elucidation of the pathogenesis of blinding diseases. Experiments to be conducted will include a study on the turn-over mechanism of the photoreceptor outer segment, a new theory in visual physiology. The fate of phagocytosed outer segment in the pigment epithelium (PE) will be studied in various conditions of the eye which are experimented by alteration of the environmental illumination, the circadian cycle, toxic agents, vitamin A and E situation, and immunoreactivity of the PE cell, etc. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81–00352. Applicant: Northwestern University, 633 Clark Street, Evanston, IL 60201. Article: Electron Microscope, Model JEM 100-CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study cells, tissues and macromolecular structures in a variety of biological systems. Actual experiments and materials will vary greatly, inasmuch as the faculty of three departments in the Section of Biological Sciences will be utilizing the article. The article will also be used for individual instruction in electron microscopy provided by the professional staff to graduate students and post doctoral fellows in the courses: Bio. Sci. C–65 Submicroscopic Cytology, Bio. Sc. D–65 Techniques in Submicroscopic Cytology, and Mater. Sc. C–65 Electron Microscopy. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81–00353. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: Electron Microscope, Model JEM 200–CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of steels, nonferrous metals, ceramics, polymers, combustion products, etc. Experiments will consist of examination of thin foils of materials for determination of one or more of: crystal structure, faults in crystal structure, presence of and size and distribution of precipitates, size and distribution of particles in finely divided specimens, structure of grain boundaries, etc. These investigations will be conducted to relate the microstructure with microscopic properties to: (i) verify theoretical models of the structure of materials, and (ii) to provide empirical data concerning the microstructure of materials of commercial or research importance. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81–00354. Applicant: University of Wisconsin, H4/540 Clinical Science Center, 600 Highland Avenue, Madison, WI 53792. Article: Prototype Spectrophotometric Instrument for Determining O_2 Dissociation. Manufacturer: Rheinisch-Westfalische Technische, West Germany. Intended use of article: The article is intended to be used for studies of whole blood, isolated red cells, hemoglobin and other oxygen binding pigments from man, vertebrates, and invertebrates. The phenomena to be studied will involve the position of the oxyhemoglobin dissociation curve under a variety of conditions. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81–00355. Applicant: Georgia Institute of Technology, Engineering Experiment Station, 225 North Avenue, N.W., Atlanta, Georgia 30332. Article: VKB2445T1 Extended Interaction Oscillator. Manufacturer: Varian/Canada Ltd., Canada. Intended use of article: The article is intended to be used for millimeter wave radar measurements in radar research. Application received by Commissioner of Customs: August 21, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–28481 Filed 9–30–81; 8:45 am]

BILLING CODE 3510–25–M

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before October 20, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00356. Applicant: Northwestern University/Medical School, Department of Cell Biology and Anatomy, 303 East Chicago Avenue, Ward 7–315, Chicago, IL 60611. Article: Electron Microscope, Model JEM 100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in studies of the molecular architecture of tissues, cells and isolated molecules obtained as part of the experimental data derived from biomedical research projects. Experiments will revolve around determining ultrastructural alterations in cells during different physiological activities. The article will also be used in the training of Ph. D. candidates, postdoctorals, medical and dental students in cell biology and anatomy. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81-00357. Applicant: North Carolina State University, Raleigh, North Carolina 27650. Article: Electron Microscope, Model EM 400-T with Accessories. Manufacturer: Philips Electronic Instrument Inc., The Netherlands. Intended use of article: The article will be used in studies of the ultrastructure of various muscle cells in normal and mutant cells. Included will be:

(1) The structure of thick filaments from both vertebrate and invertebrate muscles will be examined with negative staining and high resolution shadowing techniques, and

(2) The structure of muscle cells in thin sections will be compared in normal and mutant muscles obtained from the invertebrate *C. elegans*. In addition the article will be used to train the faculty, staff, postdoctoral fellows, and graduate students in high resolution electron microscopy. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81-00358. Applicant: Brookhaven National Laboratory, Upton, New York 11973. Article: Ultra High Vacuum Sample Manipulator. Manufacturer: VG Scientific, United Kingdom. Intended use of article: The article will be used to manipulate samples of metal, semiconductor, organic, and nonorganic crystals; and evaporated metal films into the National Synchrotron light beam for measurement. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81-00359. Applicant: University of Kentucky, Biochemistry Department, University of Kentucky Medical Center, Lexington, KY 40536. Article: Nanosecond Fluorometer System 2000 with Accessories. Manufacturer: Photochemical Research Associates, Canada. Intended use of article: The article is intended to be used to examine solutions of fluorescent compounds, such as drug-DNA complexes; fluorescent nucleotides in mRNA, DNA, or proteins; DNA-binding proteins containing tryptophan or tyrosine; europium or terbium ions bound to nucleic acids; amino, sulfhydryl or sialic acid fluorescent labels for membrane proteins; and photexcited carbanions. The experiments will include fluorescence depolarization measurements of drug-DNA complexes and the resulting data analyzed according to the predicted non-exponental decay law for the emission anisotropy. Also the interactions of cap-binding protein with mRNA "cap" and of phage and bacterial proteins with nucleic acids will be studied by time-resolved fluorescence techniques and the physical states of fluorescent-labeled proteins in erythrocyte membranes will be investigated by nanosecond fluorometry. It is intended to elucidate photochemical and photophysical processes in chemical and biological systems, including DNA flexibility, protein-nucleic acid interactions, alterations of membrane proteins in disease, and excited-state reactivity. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81-00360. Applicant: Smithsonian Institution, U.S. National Museum of Natural History, Washington, D.C. 20560. Article: Scanning Electron Microscope, Mark IIA with Accessories. Manufacturer: Cambridge Instruments, Ltd., United Kingdom. Intended use of article: The article will be used to study specimens, such as, dolphin teeth, mineral and rock samples, pollens, pieces of coral reef, diatoms, small fish, and palaeopathological bone from archaeological sites. Such specimens may range from several centimeters to less than a micrometer and the details observed may be measured in millimeters or nanometers. The properties which will be investigated are the gross and microscopic morphological features of these specimens and the underlying microcrystalline structure and include the chemical compositions within the specimens. The investigations are intended to provide interpretations and analyses of materials from the natural world, including the flora and fauna, man and his artifacts, and the physical and chemical structure of the earth. The article will also be used to train pre- and post-doctoral fellows and a number of Research Associates in the techniques, methodologies and other scientific tools and procedures appropriate to their specific fields under the supervision of a member of the Museum's curatorial staff. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81-00361. Applicant: Harper-Grace Hospitals, Harper Division, 3990 John R. Street, Detroit, MI 48201. Article: Electron Microscope, Model EM-10CA with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to study normal, benign, and malignant human material, obtained either as surgical or autopsy specimens. The article will also be used to teach diagnostic electron microscopy. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81-00362. Applicant: SRI International, Department of Chemical Kinetics, 333 Ravenswood Avenue, Menlo Park, CA 94025. Article: Excimer Laser System, Model EMG-101. Manufacturer: Lambda-Physik, West Germany. Intended use of article: The article will be used to study free radicals in heterogeneous chemical reactions using low pressure photolysis of radical precursors to develop an understanding of heterogeneous radical reactions that occur in polluted atmospheres. Application received by Commissioner of Customs: August 21, 1981.

Docket No. 81-00292. Applicant: Brookhaven National Laboratory, Upton, NY 11973. Article: Electron Spectrometer used in ADES 400 System. Manufacturer: V.G. Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used in studying photoelectron spectroscopy from solid metal surfaces to study their electronic structures. It will also be used to study various molecules either alone or on the surfaces. These studies yield information on how catalysis works, why corrosion occurs and in similar studies using exotic semiconductors, how these work. The studies, therefore, embrace this rather specialized but fundamentally important area of Physics and Chemistry. Application received by Commissioner of Customs: June 30, 1980.

Docket No. 81-00363. Applicant: University of Delaware, Evans Hall, Room 229, Newark, Delaware 19711. Article: STEM attachment for Model EM 400 Electron Microscope. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is an attachment which will be added to an existing EM 400 HTG electron microscope that will be used for both undergraduate and graduate teaching. The article will be used in studies of a wide variety of metals, semi-conductors, ceramics, polymers and marine organisms. All experiments to be conducted can be classified into one or more of the following types:

1. Production of images and analyses of the internal or surface defect

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structure of metals, ceramics, and polymers.

(2) Normal and micro-electron diffraction analyses of the constituents of metallic alloys, ceramics and polymers.

(3) Examination and photographic recording of tissue sections from marine organisms, both normal and experimentally altered.

(4) Microanalysis of constituents of metallic alloys, ceramics, polymers, and shells from marine organisms.

The courses in which the article will be used are Metallurgy 302; Material Science for Engineers, Metallurgy 401; Structure of Materials and Metallurgy 801; and Diffraction of Radiation by Matter. Application received by Commissioner of Customs: September 2, 1981.

Docket No. 81-00364. Applicant: Harrington Cancer Center, 1500 Wallace Blvd., Amarillo, TX 79106. Article: Electron Microscope, H-600-2. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for studies of observations on the effect of various drugs and other methods of treatment such as hyperthermia, immunotherapy and hormonal therapy on cancers in animal and man. The article will also be used for educational purposes in cancer surgical pathology and educational programs for students and residents. Application received by Commissioner of Customs: September 2, 1981.

Docket No. 81-00365. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Nuclear Magnetic Resonance Spectrometer, Model JNM/FX-270. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in research which covers a number of different areas each requiring the study and structural characterization of complex organic molecules by NMR spectroscopy mainly involving ^{1}H and ^{13}C measurements. Much of this research deals with the total synthesis of complex, biologically active organic molecules, such as (1) antitumor, antiviral and antibiotic agents, (2) regulators of mammalian cell function, (3) plant- and marine-derived natural products, (4) enzyme inhibitors and, (5) chemotatic agents. A substantial part of the research might best be characterized as the application of organic chemistry to important areas of biological science and experimental medicine. A number of bioorganic topics including biosynthetic pathways, mechanisms of action of certain enzymes, enzyme and receptor blockade, rational design of biological antagonists, and chemical mimics of enzymic processes will also be investigated. Application received by Commissioner of Customs: September 2, 1981.

Docket No. 81-00366. Applicant: St. Elizabeth's Hospital, 736 Cambridge Street, Boston, MA 02135. Article: Electron Microscope, Model JEM 100S with Sheet Film Camera. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article will be used to examine biological specimens including blood cells, individual protein molecules of complexes thereof, as well as tissue biopsy samples. Gross morphology and ultrastructure or tissues samples and blood cells will be examined. Associations between contractile proteins from blood cells will also be explored. In general these studies share the common goal of investigating the ultrastructure of normal and abnormal blood cells and their constituent proteins. The clinical objectives will be to better characterize abnormal tissue samples from a variety of disease states by means of ultrastructural analysis. Application received by Commissioner of Customs: September 1, 1981

Docket No. 81-00367. Applicant: University of California, Berkeley, Department of Chemistry, 529 Latimer Hall, Berkeley, CA 94720. Article: Circular Dichroism Spectrophotometer, Model J-500-C. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used for investigation of intrinsic optical activity in the metal binding sites of proteins using techniques involving metal substitutions as spectroscopic probes and difference CD measurements and elucidation of binding site stereochemistry. In addition the article will be used in courses requiring the measurement of optical activity of inorganic coordination complexes. Application recieved by Commissioner of Customs: September 1, 1981.

Docket No. 81-00368 Applicant: Stanford University, Procurement Services, AEF 109, Palo Alto, CA 94304. Article: Angle-Resolved Electron Spectrometer System, ADES-400. Manufacturer: VG Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used to perform angle-resloved photoelectron spectroscopy studies on solids samples, using both conventional and synchrotron radiation excitation. The article will be of vital importance to the training of researchs in the field of surface science. Graduate students, as well as post-doctoral fellows, from electrical engineering, applied physics, and materials science will use it in the course of pursuing the goals of their respective research programs. Application recieved by Commissioner of Customs: September 1, 1981.

Docket No. 81-00369. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Field Emission Ion Source System, Model DC10-100. Manufacturer: Dubilier Scientific Ltd., United Kingdom. Intended use of article: The article is intended to be used to produce a well defined beam of ions (spot size approx. 0.1mm) of 1 to 10 keV energy (gallium, argon, and neon ions) which will be focused onto a target. Ejection of atoms, ions, and electrons from the target will be investigated as well as changes in the surface of the target itself. Application recieved by Commissioner of Customs: September 1, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-28482 Filed 9-30-81; 8:45 am]

BILLING CODE 3510-25-M

[A-583-080]

Carbon Steel Plate From Taiwan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On May 22, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on carbon steel plate from Taiwan. The review covered the only known exporter of the merchandise to the United States, China Steel Corporation, for two consecutive time periods from February 14, 1979 through May 31, 1980.

Interested parties were given an opportunity to submit written comments or request a hearing on these preliminary results. We received written comments from the exporter and a domestic interested party. After our analysis of the comments, the results of the preliminary review remain unchanged.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Susan Crawford or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2209/5289).

SUPPLEMENTARY INFORMATION:

Background

On June 13, 1979, a dumping finding with respect to carbon steel plate from Taiwan was published in the **Federal Register** (44 FR 33877–8). On May 22, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 13532–3) the preliminary results of its administrative review of the finding. The Department has now completed its administrative review of that finding.

Scope of the Review

Imports covered by this review are shipments of hot-rolled cargbon steel plate, 0.1875 inch or more in thickness, over 8" in width, not in coils, not pickled, not coated or plated with metal, not clad, and not pressed or stamped to nonrectangular shape. Carbon steel plate is currently classifiable under item 607.6615 of the Tariff Schedules of the United States Annotated (TSUSA). China Steel Corporation ("CSC") is the only known exporter to the United States of Taiwanese carbon steel plate. This review covers two consecutive time periods from February 14, 1979, the date of suspension of liquidation, through May 31, 1980. For the period July 1, 1979 through May 31, 1980, there were no known shipments to the United States.

Analysis of Comments Received

Both CSC and an interested domestic party, Armco Inc., submitted comments. CSC claimed the Department should have calculated the margin based on the methodology presented in its response. CSC proposed that only one foreign market value, calculated by adding a weighted-average base price plus a weighted-average extra price, be used as the basis of comparison for all dimensions of plate sold in the United States. The Department calculated separate foreign market values for each dimension based on the weighted-averge base price plus the individual home market list price of the extras included in the sales to the U.S. We believe our approach provides a more equitable basis of comparison.

Armco disagreed with additions to purchase price for harbor dues not collected on imported merchandise used for producing export merchandise and for taxes on the product (sales, stamp, and education) rebated upon exportation. Armco claimed that CSC's response did not provide sufficient information to justify either adjustment and that the response identified the taxes as indirect taxes, while 353.10(d)(1)(iii) of the Commerce Regulations requires that such taxes be direct. The Department maintains that adequate data were furnished to allow both adjustments. Further, pursuant to 353.10(d)(1)(iii), an adjustment is permissible for the rebate of indirect taxes which were imposed directly on the merchandise, to the extent that such taxes were incurred on and were added to or included in the price of such or similar merchandise sold in the home market.

Armco commented that the Department should not allow a circumstance of sale adjustment to foreign market value for differences in credit. Armco claimed the respondent did not establish that the difference between U.S. and foreign market price is due in whole or in part to the differences in credit. The Department maintains that its allowance of differences in credit costs is in accordance with 353.15(d) of the Commerce Regulations, which states reasonable allowances will be made for the costs to the seller of any differences in circumstances of sale. This regulation in turn is consistent with section 773(a)(4) of the Tariff Act of 1930 ("the Tariff Act"), which states that an allowance will be made for any difference "wholly or partly" due to differences in circumstances of sale. We conclude that differences in cost constitute a reasonable indication of the differences in price.

Armco also argued that we overstated the adjustment for differences in credit by not taking into account the time lag for receipt of actual payment in CSC's export transactions. CSC furnished clarifying information, stating that there is no time lag in payment on sales to the U.S. The steel plates were loaded on the carrier as soon as they were brought to the dock, and CSC received payment on its sight draft letter of credit within one day of the loading date. Since the credit period ran from the date the merchandise arrived on the dock to the date of final payment, the delay in payment was no longer than 1 or 2 days. The Department reduced the home market price to account for the cost of credit on home market sales due to delayed payment.

Finally, Armco alleged that the Department should not have taken the weighted-average base price for both general use plate and shipbuilding plate as the base for determining foreign market value. Armco believes that the available evidence demonstrates that shipbuilding plate is not identical in physical characteristics, and therefore not such or similar, to general plate, within the meaning of section 771(16) of the Tariff Act. CSC provided satisfactory information that, while the general and shipbuilding plate may not be identical in physical characteristics, the difference in base price is not due to these physical characteristics. They stated that the price difference is that the general use market price is determined by a formula which relates the price to the duty-paid, landed cost of steel imported from Japan, and the price of shipbuilding plate relates to a duty-free, landed cost of steel from Japan. Under Taiwanese customs, imported plate used for exported products may enter Taiwan duty free. Therefore, our use of the weighted-average base price is appropriate

Final Results of the Review

As a result of our analysis of these comments, the final results of our review are the same as our preliminary results of review. We therefore determine that for the period February 14, 1979 through June 30, 1980, a weighted-average margin of 19.97% exists, and that there were no shipments for the period July 1, 1979 through June 30, 1980.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries, where appropriate, during the first period. Individual differences between purchase price and foreign market value may vary from the percent stated above. The Department will issue appraisement instructions separately to the Customs Service.

Further, as required by section 353.48(b) of the Commerce Regulations, a cash deposit based on the margin calculated above shall be required on all shipments of carbon steel plate from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication of these results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of June 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-28480 Filed 9-30-81; 8:45 am]

BILLING CODE 3510-25-M

Lamb Meat From Australia; Termination of Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Termination of Countervailing duty investigation.

SUMMARY: The petitioners have withdrawn their petition concerning lamb meat from Australia. Therefore, we are terminating our countervailing duty investigation.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Miguel Pardo de Zela, Import Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–1279.

SUPPLEMENTARY INFORMATION:

Termination of Countervailing Duty Determination

On April 23, 1981, we received a petition from the National Wool Growers Association, Inc. (NWGA), alleging that lamb meat from Australia benefited from subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended. On May 12, 1981, the National Lamb Feeders Association (NLFA) joined in this petition. On the basis of information contained in the NWGA's petition, we announced our initiation of a countervailing duty investigation on May 18, 1981 (46 FR 27151). The result of the investigation was a preliminary determination (46 FR 38,561 (1981)) "based upon the best information available at the time of the determination." (Section 703(a) of the Act). After the preliminary determination we anticipated reviewing anew the findings contained in the preliminary determination.

During the investigation we presented questionnaires to the respondents. Subsequent to receiving their responses, we then conducted a verification of the information. Our verification included an on site examination of the Sydney and New York offices of the AMLC, the Export Insurance Finance Corporation, the office of an American shipping line in Australia, a public abattoir, the Government of Australia's Departments of Trade and Resources and Primary Industry, and its Taxation Office. In addition we interviewed recipients of EMDG grants and AMLC personnel. All of the respondents rendered a high level of cooperation. We analyzed the information obtained for possible subsidies. Before we reached any final conclusions, counsel for the NWGA and NLFA submitted a letter on September 14, 1981, withdrawing the petition and requesting that we terminate the case. This letter is reproduced as an appendix to this notice. Under section 734(a) of the Act, upon the withdrawal of the petition by the petitioner, the administering authority may terminate an investigation after giving notice to all parties to the investigation.

We have decided to terminate this case in the public interest (19 CFR 355.30) and have notified all parties to the investigation of the petitioner's withdrawal. We have instructed Customs officers to refund any estimated countervailing duties collected and release any special bonds posted with respect to lamb meat from Australia.

For the purposes of the preliminary determination, we had to draw conclusions from abbreviated information in a limited time period. The subsidy findings contained in the preliminary determination were based on assumptions made in the absence of clarifying information. By virtue of the withdrawal of the petition and termination of the investigation, the determination and all preliminary conclusions reached therein, as to whether the programs investigated do or do not constitute subsidies, are without legal force or effect. Accordingly, no reliance can be placed upon the preliminary determination and the *status quo ante* the filing of the petition is restored.

Dated: September 25, 1981.

Gary Horlick,

Deputy Assistant Secretary for Import Administration.

Appendix

September 14, 1981.

By Hand

Mr. Lawrence J. Brady,

Assistant Secretary for Import Administration, International Trade Administration, Room 3826, U.S. Department of Commerce, Washington, D.C. 20230

Re: Countervailing Duty Investigation of Lamb From Australia.

Dear Mr. Brady: In accordance with 19 U.S.C. Sec. 1671c(a), the National Wool Growers Association, Inc. and the National Lamb Feeders Association, who are the petitioners in the above-captioned investigation, hereby withdraw their petition and therefore, the U.S. Department of Commerce should terminate this investigation.

Sincerely,

William Silverman,

John C. Jost,

Counsel for the National Wool Growers Association, Inc. and the National Lamb Feeders Association.

[FR Doc. 81–28463 Filed 9–30–81; 8:45 am]

BILLING CODE 3510–25–M

Articles of Quota Cheese; Quarterly Determination and Listing of Foreign Government Subsidies

AGENCY: International Trade Administration, Commerce.

ACTION: Quarterly update of foreign government subsidies on articles of quota cheese.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has determined that the amounts of the subsidies listed in the Department's July 1, 1981, quarterly update to our annual list of foreign government subsidies on articles of quota cheese have changed. Therefore, we are publishing the current rates of those subsidies that we have determined exist.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–3691.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 (19 U.S.C. 1202 note) ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Department of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese.

In the current quarter the Department has determined that the subsidy amounts have changed for each of the countries for which programs were identified in July 1, 1981, quarterly update to our annual subsidy list. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate any additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any peson having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

This determination and notice are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

Gary Horlick,

Deputy Assistant Secretary for Import Administration.

September 28, 1981.

APPENDIX.—QUOTA CHEESE SUBSIDY PROGRAMS

[In cents per pound]

Country and program(s)	Gross [1] subsidy	Net [2] subsidy
Belgium: European Community (EC) restitution payments	6.4	6.4
Canada:		
Export assistance on certain types of cheese	16.9	16.9
Indirect (milk) subsidy	20.2	20.2
Total	37.1	37.1
Denmark: EC restitution payments	4.5	4.5
Finland:		
Export subsidy	99.1	99.1
Indirect subsidies	20.8	20.8
Total	119.9	119.9
France: EC restitution payments	3.4	3.4
Ireland: EC restitution payments	2.0	2.0
Italy: EC restitution payments	34.0	34.0
Luxembourg: EC restitution payments	6.4	6.4
Netherlands: EC restitution payments	0.7	0.7
Norway:		
Indirect (milk) subsidy	22.7	22.7
Consumer subsidy	50.3	50.3
Total	73.0	73.0
Portugal:		
Indirect (milk) subsidy	29.4	29.4
Direct subsidy on all sales of Gouda Cheese	20.8	20.8
Total	50.2	50.2
Switzerland: Deficiency payments	72.4	72.4
United Kingdom: EC restitution payments	2.4	2.4
West Germany: EC restitution payments	7.4	7.4

[1] Defined in 19 U.S.C. 1677(5).

[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 81-28547 Filed 9-30-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to discuss the interim Groundfish Fishery Management Plan (FMP); amendment #3 to the Squid, Mackerel and Butterfish FMP; the proposed National Standards Guidelines, as well as other business as necessary.

DATES: The public meetings will convene on Tuesday, October 20, 1981, at approximately 10 a.m., and will adjourn on Wednesday, October 21, 1981, at approximately 5 p.m. The meetings may be lengthened or shortened, or agenda items rearranged depending upon progress on the agenda.

ADDRESS: The meetings will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway-Route One, Saugus, Massachusetts 01906.

Dated: September 28, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-28601 Filed 9-30-81; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to discuss the application of enforcement costs by the U.S. Coast Guard for Fishery Management Plans (FMP's); decision on portions of the Snapper-Grouper, Mackerel, Coral and Billfish FMP's, as well as update on other FMP activity; presentation on Gray's Reef and Looe Key Marine Sanctuary by Coastal Zone; personnel performance review, as well as other management and administrative matters.

DATES: The public meetings will convene on Tuesday, October 27, 1981, at approximately 1:30 p.m., and will adjourn on Thursday, October 29, 1981, at approximately noon.

ADDRESS: The meetings will take place at the Indies Resort and Marina, Duck Key, Florida.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: September 28, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-28600 Filed 9-30-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Level for Certain Cotton Textile Products From Malaysia

September 28, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing from 388,281 to 369,433 dozen the level of restraint established for cotton knit shirts and blouses in Category 338/339, produced or manufactured in Malaysia and exported during the agreement year that began on January 1, 1981, to account for 1980 exports of these products which exceeded the 1980 limit by 18,848 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).)

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 18, 1978, as amended, between the Governments of the United States and Malaysia, the United States Government has advised the Government of Malaysia that 1980 exports of cotton textile products in Category 338/339 exceeded the level established for them during the agreement year which began on January 1, 1980 by 18,848 dozen and that amount is being charged to the 1981 level, reducing it to 369,433 dozen.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On May 5, 1981, there was published in the **Federal Register** (46 FR 25120) a letter dated April 23, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Category 338/339, produced or manufactured in Malaysia and exported to the United States during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below the chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs in accordance with the terms of the

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bilateral agreement to reduce the level of restraint established for Category 338/339 to 369,433 dozen.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 28, 1981.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on April 23, 1981 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Malaysia.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 18, 1978, as amended, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 338/339, produced or manufactured in Malaysia, in excess of 369,433 dozen.[1]

The action taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-28638 Filed 9-30-81; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade's Proposed Gasoline Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The Chicago Board of Trade ("CBT") has applied for designation as a contract market in both leaded regular gasoline and unleaded regular gasoline. The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contracts are of major economic significance and that, accordingly, announcing the availability of these proposed contracts for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before November 2, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the CBT Gasoline Futures Contracts.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., (202) 254-7303; or George L. Garrow, Jr., Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955.

SUPPLEMENTARY INFORMATION: A copy of the terms and conditions of CBT's proposed gasoline futures contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by CBT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by CBT in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by November 2, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on September 28, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-28658 Filed 9-30-81; 8:45 am]

BILLING CODE 6351-01-M

Chicago Board of Trade's Proposed Gold Coins Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of proposed commodity futures contract.

SUMMARY: The Chicago Board of Trade ("CBT") has applied for designation as a contract market in gold coins. The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, announcing the availability of this proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before November 2, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the CBT Gold Coins Futures Contract.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. (202) 254-7303; or George L. Garrow, Jr., Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955.

SUPPLEMENTARY INFORMATION: A copy of the terms and conditions of CBT's proposed gold coins contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

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[1] The level of restraint has not been adjusted for any imports after December 31, 1980.

Other materials submitted by CBT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by CBT in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington D.C. 20581, by November 2, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on September 28, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 28657 Filed 9–30–81; 8:45 am]

BILLING CODE 6351–01–M

Chicago Board of Trade's Proposed Intermediate-Term U.S. Treasury Notes-CDR Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Chicago Board of Trade ("CBT") has applied for designation as a contract market in intermediate-term U.S. Treasury notes-CDR. The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, announcing the availability of this proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before November 2, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the CBT Treasury Notes-CDR Futures Contract.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., (202) 254–7303; or George L. Garrow, Jr., Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–8955.

SUPPLEMENTARY INFORMATION: A copy of the terms and conditions of CBT's proposed Treasury notes-CDR futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by CBT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by CBT in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by November 2, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on September 28, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81–28659 Filed 9–30–81; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee will be held as follows:

Wednesday & Thursday, November 18–19, 1981, Pomponio Plaza, Rosslyn, Virginia. The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on Soviet naval trends.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 25, 1981.

[FR Doc. 81–28480 Filed 9–30–81; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs; Meetings

AGENCY: National Advisory Council on Women's Educational Programs.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its Executive, Federal Policies, Practices, and Programs, and WEEA Program Committees. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: October 15, 1981, 8:30 a.m. to 5:00 p.m. and October 16, 1981, 9:00 a.m. to 5:00 p.m.

ADDRESS: Meetings will be held in the Council offices at 1832 M Street, N.W., Suite 821, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Kathleen Dauito, Administrative Officer, National Advisory Council on Women's Educational Programs, 1832 M Street, N.W., Suite 821, Washington, D.C., 20036, (202) 653–5846.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 95–561. The Council is mandated to (a) advise the Secretary on matters relating to equal education opportunities for women and policy matters relating to the administration of the Women's Educational Equality Act of 1978; (b) make recommendations to the Secretary with respect to the allocation of any funds pursuant to the Act, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (d) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate information concerning the activities of the Council.

The meeting of the Executive Committee will take place on October 15, 1981 from 8:30 a.m. to 9:30 a.m. The agenda will include plans for the Council meeting as well as a discussion of current and future activities.

The meetings of the Federal Policies, Practices, and Programs Committee and the WEEA Program Committee will take place on October 15, 1981 from 3:00 p.m. to 5:00 p.m. and October 16, 1981 from 9:00 a.m. to 11:30 a.m.

The agenda for the Federal Policies, Practices, and Programs Committee will include the election of Committee Chair and Vice-Chair, discussion of proposals for reauthorization of the Vocational Education Act, status report on pending Committee activities, and future Committee plans.

The agenda for the Program Committee will include the election of Committee Chair and Vice-Chair, a discussion and review of the draft Evaluation Report of the Women's Educational Equity Act Program for Fiscal Year 1980, a status report from the WEEAP Director, and future Committee plans.

The meeting of the National Advisory Council on Women's Educational Programs will take place from 9:30 a.m. to 3:00 p.m. on October 15, 1981 and from 11:30 a.m. to 5:00 p.m. on October 16, 1981. The agenda will include the election of Council Chair and Vice-Chair, restructuring of the Council's committees, a review of the status of legislation and programs related to educational equity, a panel discussion on Title IV, consideration of the Council's future roles and activities, reports of the Executive Director and the Council's standing committees, action on any recommendations presented by the Committees, and plans for future Council meetings.

The meeting of the Council will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the office of the National Advisory Council on Women's Educational Programs, 1832 M Street, N.W., Suite 821, Washington, D.C., 20036.

Signed at Washington, D.C. on September 24, 1981.

Joy R. Simonson,

Executive Director.

[FR Doc. 81–28631 Filed 9–30–81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[OFC Case No. 55368–3194–01–12; Docket No. ERA–FC–81–018]

Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Availability of Tentative Staff Analysis.

SUMMARY: On July 14, 1981, Jones & Laughlin Steel Corporation (J&L) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the statutory provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. The procedure for petitioning and criteria for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500, 501 and 503.

The MFBI for which the petition is filed is a field-erected boiler (designated as #61 Bolier by J&L) at J&L's Aliquippa Works, located in Aliquippa, Pennsylvania. The MFBI has a design heat input rate of 732 million Btu's per hour and is designed to burn petroleum and natural gas in a mixture with industrial and commercial waste oils including spent lubricants, crankcase sludge from gasoline service stations and blast furnace gas.

ERA accepted the petition on August 23, 1981, and published notice of its acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the Federal Register on September 1, 1981, (46 FR 43870). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, interested persons are afforded an opportunity to request a public hearing. The period will expire October 16, 1981.

Based upon the ERA staff's review and analysis of the information presently contained in the record on this proceeding, a Tentative Staff Analysis has been prepared recommending that ERA issue an order which would grant J&L the requested exemption. A summary of the Tentative Staff Analysis is provided in the Supplementary Information section below.

As provided in 10 CFR 501.64, interested persons may submit written comments or request a public hearing on the Tentative Staff Analysis. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATE: The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, will run concurrently with the current 45-day comment period on the Notice of Acceptance of J&L's petition. Accordingly, any written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before October 16, 1981, the expiration of the 45-day period provided for Acceptance of J&L's petition.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act) Box 4629, Room 3214, 2000 M Street, NW, Washington, D.C. 20461.

Docket Number ERA–FC–81–018 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M. Street, NW, Room 3128, Washington, D.C. 20461. Phone (202) 653–4226.

Robert J. Goodie, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M. Street, NW, Room 3128–L, Washington, D.C. 20461. Phone (202) 653–4257.

Douglas F. Mitchell, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW, Washington, D.C. 20585. Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed is a field-erected boiler at J&L's Aliquippa Works in Alliquippa, Pennsylvania. The new MFBI, designated as #61 Boiler by J&L, has a design heat input rate of approximately 732 million Btu's per hour and is designed to burn non-refinery waste oil and blast furnace gas in a mixture with petroleum and natural gas. J&L has utilized the certification alternative for the permanent fuels mixture exemption provided for in 10 CFR 503.38(d) and has included in its petition a description of the fuel mixture, component elements, and percentage and quantity of each component to be utilized; and the following duly executed certifications providing:

(1) That the amount of petroleum and natural gas to be used in the fuels mixture in the #61 Boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

(2) That, pursuant to 10 CFR 503.15(b), J&L will, prior to operating the #61 Boiler under the exemption, secure all applicable environmental permits and approvals pursuant to but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act and the Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CFR 503.15(b); and

(4) That it will, upon grant of the requested exemption, agree to the terms and conditions specified in 10 CFR 503.38(e). The ERA staff has examined the aforementioned certifications made by J&L in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.38(d). Accordingly, the ERA staff recommends that an order be issued, subject to the terms and conditions specified below, which would grant J&L the requested permanent fuels mixture exemption for its #61 Boiler. This tentative recommendation also takes into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption are to be used, i.e., to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude from the definition of primary energy source any fuel used for the purposes of unit ignition, startup, testing, flame stabilization and control for the #61 Boiler.

Terms and Conditions: Section 214(a) of FUA gives ERA the authorization to attach appropriate terms and conditions to any order granting an exemption. By petitioning for an exempiton under the provisions of 10 CFR 503.38(d), J&L, in accordance with 10 CFR 503.38(e) agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Accordingly, should an order be issued in this case, it will be subject to the following terms and conditions:

(1) The amount of petroleum and/or natural gas to be used in a mixture with an alternate fuel in the #61 Boiler will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

(2) The quality of any petroleum to be burned in the #61 Boiler will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

(3) Prior to operating No. 61 Boiler under this exemption, J&L will secure applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements: In addition to the above standard terms and conditions, J&L will, pursuant to 10 CFR 503.38(g), submit to ERA the following: (a) A certified statement indicating the date No. 61 Boiler is first operated under the provisions of the order, and (b) within 30 days of each anniversary date of commencement of operation of the No. 61 Boiler, a certified statement of the percentage of petroleum and natural gas used in the No. 61 Boiler during the preceding year. Such certifications shall be executed by a duly authorized representative of J&L. Cite OFC Case Number 55368–3194–01–12 on each certification and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55368–3194–01–12, Box 4629, Room 3214, 2000 M Street, NW, Washington, D.C. 20461.

NEPA Categorical Exclusion Guidelines: On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification, was identified as an action which normally would not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion). This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. J&L has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed and certified to by J&L pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. J&L's responses to the questions contained therein indicate that the operation of the new No. 61 Boiler will have no significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. No contrary information has come to the attention of ERA. Therefore, unless substantial questions regarding the application of the categorical exclusion in this instance are raised during the remaining proceeding on J&L's petition which indicate otherwise, no additional environmental review is deemed to be required.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made, in accordance with 10 CFR 501.68, on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

The public file containing documents on this proceeding and supporting materials is available for inspection upon request at ERA, Room B–110, 2000 M Street, NW, Washington, D.C., Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C., on September 24, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–28560 Filed 9–30–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP79-416-002]

ANR Storage Co.; Petition To Amend

September 24, 1981.

Take notice that on September 16, 1981,[1] ANR Storage Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-416-002 a petition to amend the order issued January 2, 1981, in Docket No. CP79-416-001 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the use of the facility well approved therein for injection and to incorporate the East Kalkaska 1 reservior with the Excelsior 6 and Cold Springs 31 reservoirs to form a single storage project, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued January 2, 1981, it was authorized to expand the boundary of its Excelsior 6 Storage Field to include the East Kalkaska 1 Reservoir, to recondition an existing well in the East Klakaska reservoir area for use as an observation well, and to drill and operate one additional well from the Excelsior 6 drilling pad to the East Kalkaska 1 reservoir for observation and possible injection/withdrawal. It is asserted that in the order of January 2, 1981, the Commission stated that if reservoir communication exists Petitioner should file to incorporate the East Kalkaska 1 reservoir with the Excelsior 6 and the Cold Springs 31 reservoirs to form a single storage project.

Petitioner states that tests taken on the wells in question have clearly demonstrated that there is communication between Excelsior 6 and East Klakaska 1; hence, Petitioner proposes to incorporate the East Klakaska 1 Reservoir with the Excelsior 6 and Cold Springs 31 Reservoir to form a single storage project. Petitioner further requests that the one facility well be changed from observation and withdrawal to injection/withdrawal.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28569 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

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[1] The application was initially tendered for filing on September 16, 1981, however; the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until September 17, 1981; thus filing was not completed until the latter date.

[Docket Nos. G-3894-007, et al.]

Arco Oil and Gas Co., Division of Atlantic Richfield Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[2]

September 24, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 2, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure [illegible]
G-3894-007, Sept. [illegible]4, 1981[1]	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Texas Eastern Transmission Corporation, T. J. Lyne #14 Well, Live Oak County, Texas.	(2)	14.65
CI78-259 (CI62-107[illegible]), B, Dec. 5, 1977	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Colorado Interstate Gas Company, Boehm Field, Morton County, Kansas.	(3)	

[1] Applicant is filing to add a new delivery point on Texas Eastern's 8" lateral for gas from the T. J. Lyne #14 Well.

[2] Applicant is filing under Gas Purchase Contract dated March 25, 1952 as amended, and amended by Amendment dated August 15, 1981.

[3] Applicant was authorized by order issued February 20, 1974, to assign the productive acreage dedicated to this sale to the purchaser for development of a natural gas storage field. All the remaining acreage is non-productive. The last production was in 1973. The leases are held by production at other depths.

Filing Code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession

[FR Doc. 81-28570 Filed 9-30-81; 8:45 am]

BILLING CODE 64[illegible]-85-M

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[2] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket Nos. TC81-57-000, TC81-58-000, etc.]

Arkansas Louisiana Gas Co., et al.; Tariff Sheet Filings

September 25, 1981.

In the matter of Arkansas Louisiana Gas Co., Docket No. TC81–57–000; Tennessee Natural Gas Lines, Inc., Docket No. TC81–58–000; Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Docket No. TC81–59–000; Panhandle Eastern Pipe Line Co., Docket No. TC81–60–000; Florida Gas Transmission Co., Docket No. TC81–61–000; Trunkline Gas Co., Docket No. TC81–62–000; South Georgia Natural Gas Co., Docket No. TC81–63–000; Southern Natural Gas Co., Docket No. TC81–64–000; East Tennessee Natural Gas Co., Docket No. TC81–65–000; National Fuel Gas Supply Corp., Docket No. TC81–66–000; Mississippi River Transmission Corp., Docket No. TC81–67–000; Midwestern Gas Transmission Co., Docket No. TC81–68–000; Eastern Shore Natural Gas Co., Docket No. TC81–69–000; Alabama-Tennessee Natural Gas Co., Docket No. TC81–70–000; El Paso Natural Gas Co., Docket No. TC81–71–000; Colorado Interstate Gas Co., Docket No. TC81–72–000; Kansas-Nebraska Natural Gas Co., Inc., Docket No. TC81–73–000.

Take notice that the following pipelines[1] have filed revised tariff sheets to become effective November 1, 1981, pursuant to § 281.204(b)(2) of the Commission's Regulations which section requires interstate pipelines to update their respective index of entitlements annually to reflect changes in priority 2 entitlements:

Pipeline and Tariff Sheet(s)

- Arkansas Louisiana Gas Company:
  - Third Revised Sheet No. 3E
  - Third Revised Sheet No. 3F
  - Third Revised Sheet No. 3G
  - Third Revised Sheet No. 3H
  - Third Revised Sheet No. 3I
  - Third Revised Sheet No. 3J, FERC Gas Tariff, first Revised Volume No. 1
- Tennessee Natural Gas Lines, Inc.:
  - Third Revised Sheet No. 32
  - Third Revised Sheet No. 33
  - Third Revised Sheet No. 34, FERC Gas Tariff, First Revised Volume No. 1
- Tennessee Gas Pipeline Company, a Division of Tenneco Inc.:
  - Fourth Revised Sheet Nos. 2 and 96
  - Third Revised Sheet Nos. 4, 9, 10, 16, 22, 23, 24, 34, 43, 67, 92, 93, 111, 118, 121, and 122
  - Second Revised Sheet Nos. 5, 28, 29, 30, 91, 102, 104, 105, and 126
  - First Revised Sheet Nos. 12, 19, 131, 134, and 135 FERC Gas Tariff, Original Volume No. 1A
- Panhandle Eastern Pipe Line Company:
  - Third Revised Sheet Nos. 2 Through 38, FERC Gas Tariff, Original Volume No. 1–A
- Florida Gas Transmission Company:
  - Fifth Revised Sheet No. 20–D
  - Original Tariff Sheet Nos. 20–D.1 through 20–K.1, FERC Gas Tariff, Original Volume No. 1
- Trunkline Gas Company:
  - Fourth Revised Sheet Nos. 21–C.3 through 21–C.7
  - Third Revised Sheet No. 21–C.8, FERC Gas Tariff, Original Volume No. 1
- South Georgia Natural Gas Company:
  - Fifth Revised Sheet No. 44
  - Sixth Revised Sheet No. 45
  - Third Revised Sheet No. 46
  - Fourth Revised Sheet No. 47, FERC Gas Tariff, First Revised Volume No. 1
- Southern Natural Gas Company:
  - Ninth Revised Sheet No. 62
  - Second Revised Sheet No. 62A
  - Eleventh Revised Sheet No. 63
  - Third Revised Sheet No. 63A
  - Eleventh Revised Sheet No. 64
  - Third Revised Sheet No. 64A
  - Ninth Revised Sheet No. 65
  - Fourth Revised Sheet No. 65A
  - Tenth Revised Sheet No. 66
  - Fourth Revised Sheet No. 66A
  - Twelfth Revised Sheet No. 67
  - Fourth Revised Sheet No. 67A
  - Fourth Revised Sheet No. 68
  - Second Revised Sheet No. 68A
  - Sixth Revised Sheet No. 69
  - First Revised Sheet No. 69A
  - Sixth Revised Sheet No. 70
  - First Revised Sheet No. 70A
  - Twelfth Revised Sheet No. 71
  - Fourth Revised Sheet No. 71A
  - Eighth Revised Sheet No. 73
  - Second Revised Sheet No. 73A
  - Tenth Revised Sheet No. 74
  - Third Revised Sheet No. 74A
  - Tenth Revised Sheet No. 75
  - Third Revised Sheet No. 75A
  - Ninth Revised Sheet No. 76
  - Fourth Revised Sheet No. 76A
  - Eleventh Revised Sheet No. 77
  - Fourth Revised Sheet No. 77A
  - Twelfth Revised Sheet No. 78
  - Fourth Revised Sheet No. 78A
  - Fourth Revised Sheet No. 79
  - Second Revised Sheet No. 79A
  - Sixth Revised Sheet No. 80
  - First Revised Sheet No. 80A
  - Sixth Revised Sheet No. 81
  - First Revised Sheet No. 81A
  - Twelfth Revised Sheet No. 82
  - Fourth Revised Sheet No. 82A, FERC Gas Tariff, Sixth Revised Volume No. 1
- East Tennessee Natural Gas Company:
  - First Revised Sheet Nos. 263 through 277, FERC Gas Tariff, Original Volume No. 1
- National Fuel Gas Supply Corporation:
  - Second Revised Sheet Nos. 32(B) and 32(C), FERC Gas Tariff, Original Volume No. 1
- Mississippi River Transmission Corporation:
  - Fourth Revised Sheet Nos. 35 and 38
  - Fifth Revised Sheet Nos. 36 and 39, FERC Gas Tariff, First Revised Volume No. 1
- Midwestern Gas Transmission Company:
  - First Revised Sheet Nos. 265, 271, 273, 274, and 275, FERC Gas Tariff, Original Volume No. 1
- Eastern Shore Natural Gas Company:
  - Second Revised Sheet No. 424, FERC Gas Tariff, Original Volume No. 1
- Alabama-Tennessee Natural Gas Company:
  - Fourth Revised Sheet No. 36–E–2, FERC Gas Tariff, Third Revised Volume No. 1
- El Paso Natural Gas Company:
  - Eleventh Revised Sheet No. 63–C.3, FERC Gas Tariff, Original Volume No. 1
  - Eleventh Revised Sheet No. 1–M.3, FERC Gas Tariff, Third Revised Volume No. 2
- Eleventh Revised Sheet No. 7–MM.3, FERC Gas Tariff, Original Volume No. 2A
- Colorado Interstate Gas Company:
  - First Revised Sheet No. 61H, FERC Gas Tariff, Original Volume No. 1
- Kansas-Nebraska Natural Gas Company, Inc.:
  - Fourth Revised Sheet Nos. 33 through 37
  - Second Revised Sheet Nos. 38 through 49
  - Original Sheet No. 50, FERC Gas Tariff Third Revised Volume No. 1

Any person desiring to be heard or to make any protest with reference to said tariff sheet filings should on or before October 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

Appendix

Arkansas Louisiana Gas Company
P.O. Box 21734
Shreveport, Louisiana 71151

Tennessee Natural Gas Lines, Inc.,
2000 Parkway Towers
Nashville, Tennessee 37219

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
Tenneco Building
P.O. Box 2511
Houston, Texas 77001

Panhandle Eastern Pipe Line Company
3000 Bissonnet Avenue
P.O. Box 1642
Houston, Texas 77001

Florida Gas Transmission Company
P.O. Box 44
Winter Park, Florida 32790

Truckline Gas Company

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[1] Addresses of the pipelines are listed in the appendix hereto.

3000 Bissonnet Avenue
P.O. Box 1642
Houston, Texas 77001

South Georgia Natural Gas Company
P.O. Box 2563
Birmingham, Alabama 35202

Southern Natural Gas Company
P.O. Box 2563
Birmingham, Alabama 35202

East Tennessee Natural Gas Company
Tenneco Building
P.O. Box 2511
Houston, Texas 77001

Midwestern Gas Transmission Company
1100 Milam Building
P.O. Box 2511
Houston, Texas 77001

Eastern Shore Natural Gas Company
P.O. Box 615
Dover, Delaware 19901

Alabama-Tennessee Natural Gas Company
P.O. Box 918
Florence, Alabama 35630

Kansas-Nebraska Natural Gas Company, Inc.
12055 West Second Place
P.O. Box 15265
Lakewood, Colorado 80215

National Fuel Gas Supply Corporation
10 Lafayette Square
Buffalo, New York 14203

Mississippi River Transmission Corporation
9900 Clayton Road
St. Louis, Missouri 63124

[FR Doc. 81-28671 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-65-000]

Central Maine Power Co.; Application

September 25, 1981

Take notice that on September 16, 1981, Central Maine Power Company (Applicant) filed an application seeking authority pursuant to section 204 of the Federal Power Act with respect to the guarantee of a portion (4.0%) of certain payment obligations, including indemnity obligations, of Vermont Yankee Nuclear Power Corporation ("Vermont Yankee") with respect to nuclear fuel under a nuclear fuel sale agreement (the "Sale Agreement") and promissory note (the "Promissory Note") proposed to be entered into with Bankers Trust Company, not in its individual capacity but solely as trustee of the Vernon Energy Trust (the "Trust").

Central Maine is one of ten sponsoring New England utilities (the "Sponsors") which purchase the entire output of the Vermont Yankee plant and which are contractually obligated to contribute capital to Vermont Yankee under certain defined circumstances. Each of the Sponsors has entered into a Power Contract, as amended, with Vermont Yankee pursuant to which it has agreed to purchase its ownership percentage share of the capacity and output of the Vermont Yankee plant at all levels at which the plant is operated or operable. Each of the Sponsors has also entered into a Capital Funds Agreement, as amended, with Vermont Yankee pursuant to which it has agreed to provide its ownership percentage share of the capital requirements of Vermont Yankee in the form of stock purchases, capital contributions or loans.

Vermont Yankee proposes to enter into the Sale Agreement and the Promissory Note in order to finance its nuclear fuel requirements. Pursuant to the Sale Agreement, the Trust will purchase from, or on behalf of, Vermont Yankee uranium and processing and fabrication services. After fabrication of the fuel is completed, the Trust will sell the fabricated fuel to Vermont Yankee and will lend Vermont Yankee funds to make that purchase, each of such loans to be recorded on the Promissory Note. Vermont Yankee will be obligated to make (1) quarterly payments under the Sale Agreement based upon the carrying costs of the capital invested in the nuclear fuel in processing, (2) quarterly payments of interest on the amounts outstanding under the Promissory Notes and (3) payments of principal under the Promissory Note as fuel is consumed. These payments will constitute fuel costs billable by Vermont Yankee to the Sponsors under the Power Contracts. The Trust will raise the capital necessary to make payments to fuel vendors and Vermont Yankee by the sale of its commercial paper backed by letters of credit issued by Bankers Trust Company, in its individual capacity, or by loans from Bankers Trust Company and two other participating banks (Bankers Trust Company and such other banks being herein after collectively called the "Banks"). The Banks' obligation to extend credit to the Trust by consenting to the issue of commercial paper backed by letters of credit or making loans will be limited to $40,000,000. The Trust will pay to Bankers Trust Company a fee of ⅝ of 1% per annum on the daily average aggregate outstanding principal amount of commercial paper and a commitment fee of ¼ of 1% per annum on the daily average unused portion of the commitment, each payable quarterly in arrears. The documentation to be entered into in connection with the Sale Agreement and the Promissory Note also provides for Vermont Yankee to secure its borrowings by pledging to the Banks and the commercial paper noteholders its right to receive payments of fuel costs under the Power Contracts. In addition, the Trust will assign to the Banks and the commercial paper noteholders its rights under the Sale Agreement, the Promissory Note and the Guarantee Agreements and will grant them a security interest in such rights and in the fuel owned by the Trust. The cash flow assured by the Power Contracts represents the underlying collateral for the nuclear fuel financing arrangement.

The Banks have requested additional assurances from Vermont Yankee in the form of an unconditional guarantee by each of the Sponsors, including Central Maine, of Vermont Yankee's payment obligation under the Sale Agreement and the Promissory Note in proportion to the Sponsor's ownership percentage of Vermont Yankee common stock. If the Sponsors had refused to guarantee Vermont Yankee's obligations in the manner proposed, Vermont Yankee would have to raise the $40,000,000 by requiring the Sponsors to make capital contributions or loans under the existing Capital Funds Agreements. This would require an actual cash outlay by Central Maine of $1,600,000.

Copies of this application have been served on the Connecticut Department of Public Utility Control, the Vermont Public Service Board, and the Maine Department of Public Utility Regulation.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before October 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-28672 Filed 9-30-81; 8:45]

BILLING CODE 6450-85-M

[Docket No. CP81-514-000]

Cities Service Gas Co.; Application

September 28, 1981.

Take notice that on September 14, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-514-000 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon for the calendar year 1982 and operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment under § 157.7(g) would not exceed $3,000,000. Applicant requests waiver of the single project cost limitation of $500,000 proposing a single project cost limitation of $750,000. Applicant asserts that such waiver is required because of the increases in the cost of labor and materials. Such costs, it is asserted, would be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28573 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-87-000]

Detroit Edison Co.; Application

September 25, 1981.

Take notice that on September 18, 1981, The Detroit Edison Company, a corporation organized under the laws of the State of Michigan and New York, with principal business offices in Detroit, Michigan, filed an Application pursuant to Section 204 of the Federal Power Act, seeking authorization to issue from time to time, on or before September 30, 1983, in aggregate principal amount not to exceed $1.2 billion at any one time outstanding, short-term debt securities and promissory notes bearing final maturities not to exceed two years.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before October 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28574 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-483-000]

Equitable Gas Co.; Application

September 28, 1981.

Take notice that on August 24, 1981, Equitable Gas Company (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP81-483-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of The Brooklyn Union Gas Company (Brooklyn Union) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to a service agreement dated July 20, 1981, to transport up to 2,500 dekatherms (dth) equivalent of natural gas per day for Brooklyn Union commencing on September 23, 1981, and continuing for ten years thereafter. It is stated that Brooklyn Union would purchase such gas in Braxton, Clay, Gilmer, Lewis, and Nicholas Counties, West Virginia, which Applicant would receive from Brooklyn Union's suppliers' facilities. Applicant further states that although the maximum delivery would be 2,500 dth equivalent per day it estimates that the average daily quantity would be 2,000 Mcf of natural gas per day. Applicant explains that it would construct and operate metering facilities necessary to receive the gas from Brooklyn Union's suppliers.

It is asserted that Applicant would deliver similar quantities, less 5.0 percent for shrinkage, to Texas Eastern Transmission Corporation (Texas Eastern) at the existing interconnection between Applicant and Texas Eastern either at Texas Eastern's measuring station No. 9 near Waynesburg, Greene County, Pennsylvania, at Texas Eastern's measuring station No. 355 near Delmont, Westmoreland County, Pennsylvania, or at other mutually agreeable points. Applicant submits that Texas Eastern would further transport the gas for Brooklyn Union under a separate transportation agreement.

Applicant proposes to construct and operate metering facilities which would consist of twenty 3-inch meters and appurtenant facilities at a cost of approximately $37,000 which would be financed by cash on hand.

Applicant states that it would charge Brooklyn Union at a rate of 15.5 cents per Mcf for all gas transported.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a

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proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28575 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-767-000]

Illinois Power Co.; Filing

September 25, 1981.

The filing Company submits the following:

Take notice that on September 15, 1981, Illinois Power Company (Illinois Power) tendered for filing proposed Modification No. 17, dated August 15, 1981, to the Interconnection Agreement, dated November 27, 1961, between Indiana and Michigan Electric Company (I&M) and Illinois Power.

Illinois Power indicates that Modification No. 197 modifies the language of Article 7—Billing and Payment from the original 1961 Agreement. In addition, Modification No. 17 provides for a new Service Schedule E—Short Term Power which allows daily, in addition to weekly, exchanges of short term power.

The parties request waiver of the notice requirements to permit an effective date of August 15, 1981.

Illinois Power states that a copy of this filing was served upon I&M, American Electric Power Service Corporation, Public Service Commission of Indiana, Michigan Public Service Commission and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28576 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-47-000]

Kennecott Minerals Co.; Application for Adjustment

Issued: September 28, 1981.

Take notice that on June 23, 1981, Kennecott Minerals Company (Kennecott), c/o Parsons, Behle and Latimer, 79 South State, Salt Lake City, Utah 84147, filed with the Federal Energy Regulatory Commission (Commission) an application for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301 *et seq*), and § 1.41 of the Commission's regulations. Kennecott seeks relief from certain alternative fuel price ceilings set forth in 18 CFR 282.404.

Specifically, Kennecott states that its Utah Copper Division consumes natural gas subject to the incremental pricing program of Title II of the NGPA. Kennecott notes that the alternative fuel price ceilings published by the Energy Information Administration for the months of January and February, 1981 for the State of Utah were $3.86 and $4.26 per MMBtu respectively. Kennecott asserts that these fuel price ceilings were based on inaccurate and incomplete information, and exceeded the actual market price of high sulfur No. 6 fuel oil in Utah during those months. Kennecott submits that the application of these price ceilings results in an inequity and unfair distribution of burdens to its Utah Copper Division.

Kennecott requests that the alternative fuel price ceilings for the State of Utah be revised and republished to reflect the fuel price ceilings for Region G, which Kennecott states to be $3.33 and $3.57 per MMBtu, for the months of January and February, 1981 respectively. The $3,33 and $3.57 per MMBtu ceilings, according to Kennecott's application, approximate the appropriate prices for Utah for the two months in question.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41 (44 FR 18961, March 30, 1979). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before October 16, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28577 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-55-000]

McCormick Operating Co.; Application for Adjustment

September 25, 1981.

On September 14, 1981, McCormick Operating Company filed with the Federal Energy Regulatory Commission an application for an adjustment under § 273.202 of the Commission's regulations (18 CFR 273.202) wherein McCormick sought waiver of the § 273.202(b)(2) limitation of the period for interim collection authority with respect to the S. W. Cummings No. 1 well in Miller County, Arkansas. McCormick also sought interim relief pursuant to § 1.41(m) of the Commission's regulations.

On September 11, 1980, McCormick filed its application with the Arkansas Oil & Gas Commission (Arkansas) for a determination of eligibility under section 102(c)(1)(C) of the Natural Gas Policy Act of 1978. However, Arkansas has yet to send a notice of jurisdictional agency determination to the Commission, apparently due to a backlog of applications.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24, issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a Petition to Intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before October 16, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28758 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-764-000]

Minnesota Power & Light Co.; Filing

September 25, 1981.

The filing Company submits the following:

Take notice that Minnesota Power & Light Company (MP&L) on September 15, 1981, tendered for filing proposed changes in its rates and charges applicable to eighteen municipal customers, one rural electric cooperative customer, and one privately-owned electric system customer, as embodied in proposed Rate Schedule Nos. 06, 07 and 08. In addition, MP&L has filed proposed contracts for service to the City of Hibbing and the City of Virginia, and the letter amendments increasing the transmission service rate applicable to the City of Wadena and increasing the distribution wheeling service rate applicable to United Power Association. MP&L proposes to place the proposed rate schedules, contracts and amendments into effect as of November 14, 1981. The revised rates and charges would increase revenues from jurisdictional sales by $8,529,659, based on the 12 month period ending December 31, 1982.

MP&L states that the proposed increase in sales-for-resale rates is intended primarily to increase the rate of return to an adequate level and reflects the inclusion in rate base of MP&L's investment in the 500 MW coal-fired generating unit at the Clay Boswell Steam Electric Station. The proposed rates and charges are designed to enable MP&L to earn a rate of return of 11.62% on rate base during calendar year 1982, which is Period II.

MP&L proposes an effective date of November 14, 1981.

A copy of the appropriate portions of the filing has been served upon MP&L's jurisdictional customers and the State Commissions of Minnesota and Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28579 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI69-1177-000, et al.]

Mobil Oil Exploration & Producing Southeast Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

September 25, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with referende to said applications should on or before October 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI69-1177-000, D, Sept. 21, 1981	Mobile Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Texas Eastern Transmission Corporation, Main Pass Block 6 and 103 Fields, Offshore Louisiana.	(1)	
CI74-82-000, Sept. 18, 1981 [2]	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160.	Tennessee Gas Pipeline Company, Platform Block Nos. 388, 330, and 331, Eugene Island Area, Offshore Louisiana.	(3)	15.025
CI75-174-001, Sept. 18, 1981 [2]	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160.	Transcontinental Gas Pipe Line, Corporation, Vermilion Area Block 67-B, Offshore Louisiana.	(4)	15.025
CI81-495-000, A, Sept. 14, 1981	Union Oil Company of California, Union Oil Center, Room 901, P.O. Box 7600, Los Angeles, California 90051.	Pacific Lighting Gas Supply Company, Federal Lease #OCS-P-0216 (Tract 373), Santa Clara Field, and Federal Leases #OCS-P-0202 (Tract 350), and #OCS-P-0203 (Tract 351), Hueneme Field, Offshore Ventura County, California.	(5)	14.73
CI81-496-000, A, Sept. 14, 1981	Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45840.	Natural Gas Pipeline Company of America, High Island Area, High Island Block, A-568 Field, Offshore Texas.	(6)	14.73
CI81-497-000, A, Sept. 14, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Transco Gas Supply Company, Ship Shoal Block 91, Offshore Louisiana.	(7)	15.025
CI81-498-000, A, Sept. 17, 1981	Mesa Petroleum Co., One Mesa Square, P.O. Box 2009, Amarillo, Texas 79189.	Trunkline Gas Company, Vermilion Area, block 346, Offshore Louisiana.	(8)	15.025

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI81-499-000, A, Sept. 21, 1981	Getty Oil Company, P.O. Box 1401, Houston, Texas 77001.	Texas Eastern Transmission Corporation, West Cameron Block 261, Offshore Louisiana.	(9)	15.025
CI81-500-000, A, Sept. 22, 1981	Columbia Gas Development Corporation, P.O. Box 1350, 1700 West Loop South, Houston, Texas 77001.	Columbia Gas Transmission Corporation, Blocks 155 and 156, Vermilion Area, Offshore Louisiana.	(10)	15.025

[1] Cessation of production.
[2] Applicant is filing to change delivery point.
[3] Applicant is filing under Gas Purchase and Sales Agreement dated July 5, 1973, amended by amendment dated November 10, 1980.
[4] Applicant is filing under Gas Purchase Contract dated August 29, 1974, amended by agreement dated January 30, 1981.
[5] Applicant is filing under Gas Sales and Purchase Agreement dated August 31, 1981.
[6] Applicant is filing under Gas Purchase Contract dated March 2, 1981.
[7] Applicant is filing under Gas Purchase Contract dated August 17, 1981.
[8] Applicant is willing to accept the applicable rate under Section 104 of the Natural Gas Policy Act of 1978.
[9] Applicant is filing under Gas Purchase Contract dated July 17, 1981.
[10] Applicant is filing under Gas Purchase and Sales Agreement dated September 4, 1981.

Filing Code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession

[FR Doc. 81-28580 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-503-000]

Southern Natural Gas Co.; Application

September 28, 1981.

Take notice that on September 8, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-503-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional compressor unit to be located at Applicant's existing White Castle Compressor Station in Iberville Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its White Castle Compressor Station presently compresses gas received from the west on Applicant's 20-inch South Section 28 pipeline and from the south from Applicant's Shadyside Compressor Station. Applicant has determined that the most economic means of providing the capacity at its White Castle Compressor Station necessary to accommodate future additional supplies of gas which would be delivered to its system as the said locations is by a combination of transferring volumes of gas off its pipelines and by installing a proposed 2,700 horsepower compressor unit at its White Castle Station.

Appliant proposed to install the 2,700 horsepower compressor unit as a "swing" unit so that Applicant would be able to utilize the unit in conjunction with the existing swing units to compress those gas volumes received on its South Section 28 pipeline or at its Shadyside Station depending upon the then existing operational conditions on its system.

The estimated cost of Applicant's proposed facilities is $4,444,900. Applicant expects that such cost would be financed initially by short-term financing and/or cash from current operations and ultimately from permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28581 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-120-002]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

September 28, 1981.

Take notice that on September 4, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-120-002 a petition to amend the order issued March 7, 1977,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for additional points of receipt for the account of Tenneco Oil Company (TOC), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by FPC Opinion No. 789 and order issued March 7, 1977, as amended, Petitioner was authorized to transport natural gas subject to certain limitations for TOC to Yscloskey, Louisiana, for delivery to Creole Gas Pipeline Corporation (Creole) for transportation by Creole to TOC's Chalmette Refinery. Petitioner now proposes to establish the following additional receipt points:

1. Lake Boudreaux source: Delivered for the account of Petitioner at a central treating and metering facility platform on Columbia Gulf Transmission Company's (Columbia Gulf) line approximately 500 feet west northwest of the La-Terre No. 1, Tex W-3 RA SU A

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Well in Terrebonne Parish, Louisiana. Columbia Gulf then transports and delivers gas to Petitioner at an existing authorized point of interconnection located at Egan, Louisiana.

2. East Lake Decade source: Delivered for the account of Petitioner at a central treating and metering facility on Transcontinental Gas Pipe Line Corporation's (Transco) line at or near the Terrebonne Parish School Board Well No. 3 located in Terrebonne Parish, Louisiana. Transco then transports and delivers gas to Petitioner at existing authorized points of interconnection located at Louise, Wharton County, Texas, Crowely, Acadia Parish and Kinder, Allen Parish, Louisiana.

3. Grand Cane source: Delivered to Petitioner at Petitioner's Valve No. 704A–102 in De Soto Parish, Louisiana.

4. Haynesville source: Delivered to Petitioner by United Gas Pipe Line Company (United) at existing interconnections between Petitioner and United at Cocodrie, Terrebonne Parish, Louisiana, and at Bayou Sale, St. Mary Parish, Louisiana.

5. Bisteneau source: Delivered to Petitioner by United at existing interconnections between Petitioner and United at Cocodrie, Terrebonne Parish, Louisiana, and at Bayou Sale, St. Mary Parish, Louisiana.

6. San Juan source: Caused to be delivered to Petitioner by El Paso Natural Gas Company at Cocodrie, Louisiana, and/or Katy, Texas.

7. Four Isle Dome source: Delivered to Petitioner at Superior Oil Company's Four Isle Dome Plant in Terrebonne Parish, Louisiana.

8. Agua Dulce source: Delivered to Petitioner at side valve ID–102 on Petitioner's Plomo Line No. ID–100, Nueces County, Texas, and/or delivered to Petitioner at TGP–400E–102 on the Elmer McCoy, *et al.* 160 Ac. Tract in the north end of Share 3 of Share 2 of the Palo Alto Partition of the W. B. Chapman Sands, in the Matias Garcia Grant, Abstract 116, Nueces County, Texas.

Petitioner submits that the gas to be transported from the above receipt points would be subject to the provisions of paragraph (K) of Opinion No. 789 which according to Petitioner provides that:

> * * * all the gas transported by Petitioner pursuant to the paragraph K other than the exchange gas shall be delivered to satisfy a portion of the process and feedstock requirements of the New Orleans complex of Air Products and Chemicals Corporation and thereafter, the process and feedstock requirements of Tenneco's refinery at Chalmettee, Louisiana.

Petitioner maintains that the service would be rendered in accordance with terms set forth in the agreement of November 3, 1980, between TOC and Petitioner which amended their exchange and transportation agreement dated September 27, 1974.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 19, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–28582; Filed 9–30–81 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP 81–480–000]

TOPICO; Petition for Declaratory Order

September 28, 1981.

Take notice that on August 18, 1981, TOPICO (Petitioner), 4000 Mahoning Avenue, Warren, Ohio 44482, filed in Docket No. CP81–480–000 a petition pursuant to § 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for a declaratory order (1) approving a transportation arrangement under Section 311(a) of the Natural Gas Policy Act of 1978 (NGPA), (2) finding that Petitioner is an intrastate pipeline within the meaning of Section 2(16) of the NGPA, and (3) finding that it is unnecessary for Petitioner to obtain a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate facilities necessary for the proposed Section 311(a) transaction, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner, an Ohio intrastate pipeline, proposes to provide transportation service to deliver the natural gas sold by Atlas Energy Group, Inc. to the facilities of National Fuel Supply Company (National Fuel) pursuant to a NGPA Section 311(a) transportation arrangement. It is stated that the connecting facilities necessary to connect Petitioner's system to National Fuel's facilities would be located approximately thirty feet into the State of Pennsylvania. Petitioner asserts that these facilities would be used solely for the NGPA Section 311(a) delivery to National Fuel.

Petitioner further requests a finding that it not be required to obtain a certificate of public convenience and necessity under the Natural Gas Act to transport natural gas on behalf of National Fuel. Petitioner states that Section 311(a) of the NGPA permits intrastate pipelines such as Petitioner to transport natural gas on behalf of interstate pipelines such as National Fuel. Petitioner submits that Section 601(a)(2) of the NGPA provides that the Natural Gas Act shall not apply to any transportation in interstate commerce if such transportation is authorized by Section 311(a) of the NGPA. Moreover, Petitioner maintains that since the proposed transportation would use facilities solely for transportation authorized by NGPA Section 311(a) it should not be subject to the Natural Gas Act according to § 284.3 of the Commission's Regulations.

Petitioner finally requests a finding that it is an intrastate pipeline within the meaning of Section 2(16) of the NGPA. Petitioner asserts that it engages solely in transporting natural gas which is gathered and delivered to its lines by producers. Petitioner further asserts that it does not take title to any natural gas and is an Ohio public utility subject to the jurisdiction of the Public Utilities Commission of Ohio. Petitioner therefore submits that it is an intrastate pipeline within the meaning of NGPA Section 2(16).

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28583 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP 81-498-000]

United Gas Pipe Line Co.; et al.; Application

September 28, 1981.

Take notice that on September 4, 1981, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-498-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 113.3 miles of 16-inch pipeline, 19.7 miles of 12-pipeline and appurtenant facilities including 9,000 horsepower of compression, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to construct and operate the following laterals or gas supply lines and appurtenant facilities to connect gas produced from the Williston Basin Area in North and South Dakota and Montana.

Lateral A

Applicants state that Lateral A would consist of 60.6 miles of 16-inch pipeline and appurtenant facilities originating at the outlet side of Aminoil USA, Inc.'s plant in Williams County, North Dakota, and extending in a west southwesterly direction to a point of interconnection with the Northern Border Pipeline Company (Northern Border) System in Williams County. A 3,000 horsepower compressor station would be located at the tie-in with Northern Border. Following installation of the facilities, Applicants anticipate that 50,000 Mcf of gas per day would be available to this lateral. It is averred that Lateral A would have an initial disign capacity of 65,000 Mcf of gas per day. The estimated cost of Lateral A is $26,956,400 it is stated.

Lateral B

Applicants assert that Lateral B would consist of 35.5 miles of 16-inch pipeline and appurtenant facilities beginning at the outlet side of Koch Industries, Inc.'s plant in McKenzie County, North Dakota, and extending in a northeasterly direction to a point of interconnection with the Northern Border system in McKenzie County. A 3,000 horsepower compressor station would be located at the tie-in with Northern Border. Following installation of the facilities, Applicants anticipate that up to 50,000 Mcf of gas per day would be available to this lateral. It is averred that Lateral B would have an initial design capacity of 64,000 Mcf of gas per day and an estimated cost of $18,948,700.

Lateral C

Applicants state that Lateral C would consist of 19.7 miles of 12-inch pipeline and 17.2 miles of 16-inch pipeline and appurtenant facilities. This lateral would begin at the outlet side of Western Gas Processors, Ltd.'s (Western) plant in Billings County, North Dakota, and extend to a point of interconnection with the Warren Petroleum's (Warren) Plant in Billings County. Applicants submit that from this point Lateral C would extend in a northeasterly direction to a point of interconnection with the Northern Border system in Dunn County, North Dakota. A 3,000 horsepower compressor station would be located at the tie-in with Northern Border. Following installation of the facilities, Applicants anticipate that up to 25,000 Mcf of gas per day would be available at the Western point of receipt and an additioal 25,000 Mcf per day would e available at the Warren point of receipt. Applicant contends that the design capacity of the Western segment of the lateral is 36,500 Mcf per day and 61,500 Mcf per day for the Warren segment of the lateral. the estimated cost of Lateral C is $17,975,700, it is submitted.

Applicants submit that to receive the gas from the Williston Basin into their respective systems they have requested Northern Plains Natural Gas Company (Northern Plains), operator of Northern Border, to transport an aggregate volume of 150,000 Mcf of gas per day from the points of interconnection of these proposed laterals to the terminus of Northern Border near Ventura, Iowa. It is indicated that from this point in Iowa, United and Natural have requested Northern to transport said volume from Ventura to existing points of interconnection with Natural or by exchanging said volume of gas.

Applicants assert that the projects proposed in the instant application would provide them with access to the Williston Basin, a new gas supply area with excellent potential for future development. Applicants contend that this basin which has its structural center in McKenzie County, North Dakota, is one of the largest structural and sedimentary basins on the North America Continent.

Applicants assert that United has entered into letters of commitment with Depco, Inc. and Nicor Exploration for their collective interests in approximately 484,906 gross acres and 246,638 net acres of anticipated gas supply to be produced from land in the Western Williston Basin. Applicants state that Natural has entered into letters of commitment with Williams Exploration Company and Jerry Chambers Exploration Company for their interest in a total of 2,770,672 gross acres and 594,612 net acres in the Williston Basin Area. Applicants aver that they are actively negotiating with other producers for the purchase of natural gas to be produced from the Williston Basin. Applicants propose to begin receiving gas from the proposed laterals in the third quarter of 1982 which would coincide with the projected in-service date of the Northern Border system.

Applicants submit that the projects proposed herein would allow Applicants to be competitive purchasers of new gas supplies necessary to meet long-term needs of their customers and that the proposed pipeline systems would provide a transportation route to assure that Williston Basin volumes can be delivered to gas markets which would in turn encourage producers to develop gas reserves in the area.

The total cost of the proposed facilities is estimated to be approximately $64,000,000 which would be financed from the general corporate funds of each Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 19, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28584 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

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[Volume 513]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 24, 1981.

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JD NO    JA DKT       API NO     D SEC CAT WELL NAME                          FIELD NAME              PROD  PURCHASER
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***************************************************************************
   KANSAS CORPORATION COMMISSION
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-COASTAL OIL & GAS CORP               RECEIVED:  09/03/81   JA: KS
 8148450  K-79-0596   1512900000   108-ER  DREYES # 1-16                     GREENWOOD                 0.0 COLORADO INTERSTA
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   MICHIGAN DEPARTMENT OF NATURAL RESOURCES
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-SUN OIL COMPANY (DELAWARE)           RECEIVED:  09/04/81   JA: MI
 8148578              2111333164   103     NORWICH UNIT NO 3-2               NORWICH                  16.0 DOW CHEMICAL CO
 8148567              2111334073   103     NORWICH UNIT NO 4-105             NORWICH                   1.6 DOW CHEMICAL CO
 8148572              2111333276   103     NORWICH UNIT NO 4-86              NORWICH                  28.0 DOW CHEMICAL CO
 8148575              2111333167   103     NORWICH UNIT NO 4-87              NORWICH                  14.6 DOW CHEMICAL CO
 8148569              2111334074   103     NORWICH UNIT NO 4-88              NORWICH                   6.0 DOW CHEMICAL CO
 8148562              2111333592   103     NORWICH UNIT NO 4-89              NORWICH                   7.0 DOW CHEMICAL CO
 8148561              2111333591   103     NORWICH UNIT NO 4-90              NORWICH                   5.0 DOW CHEMICAL CO
 8148560              2111333590   103     NORWICH UNIT NO 4-92              NORWICH                   0.5 DOW CHEMICAL CO
 8148566              2112134103   103     NORWICH UNIT NO 4-93              NORWICH                   8.0 DOW CHEMICAL CO
 8148576              2111333484   103     NORWICH UNIT NO 4-94              NORWICH                   1.0 DOW CHEMICAL CO
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 8148559              2111333850   103     NORWICH UNIT NO 4-96              NORWICH                   8.0 DOW CHEMICAL CO
 8148577              2111333275   103     NORWICH UNIT NO 5-22              NORWICH                   1.6 DOW CHEMICAL CO
 8148570              2111333485   103     NORWICH UNIT NO 5-23              NORWICH                   9.0 DOW CHEMICAL CO
 8148563              2111333486   103     NORWICH UNIT NO 5-24              NORWICH                   2.0 DOW CHEMICAL CO
 8148558              2114333822   103     NORWICH UNIT NO 5-25              NORWICH                   2.0 DOW CHEMICAL CO
 8148574              2114333339   103     NORWICH UNIT NO 6-13              NORWICH                  17.0 DOW CHEMICAL CO
 8148564              2114333682   103     NORWICH UNIT NO 6-14              NORWICH                   8.0 DOW CHEMICAL CO
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 8148568              2114334188   103     NORWICH UNIT NO 6-19              NORWICH                   1.0 DOW CHEMICAL CO
 8148573              2114333222   103     NORWICH UNIT NO 8-1               NORWICH                   1.3 DOW CHEMICAL CO
 8148571              2111332841   103     NORWICH UNIT NO 9-14              NORWICH                   1.0 DOW CHEMICAL CO
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   OHIO DEPARTMENT OF NATURAL RESOURCES
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-BELDEN & BLAKE & CO L P NO 76        RECEIVED:  09/04/81   JA: OH
 8148504              3401921432   103     G JEWELL #1-341063                BROWN                    36.5
 8148504              3401921432   107-TF  G JEWELL #1-341063                BROWN                    36.5
-BELDEN & BLAKE AND CO #77            RECEIVED:  09/04/81   JA: OH
 8148503              3401921415   103     W WRIGHT #1-341062                BROWN                    36.5
 8148503              3401921415   107-TF  W WRIGHT #1-341062                BROWN                    36.5
-BEREA OIL AND GAS CORPORATION        RECEIVED:  09/04/81   JA: OH
 8148505              3405922913   103     LINKHORN #2                       WESTLAND                  0.0 COLUMBIA GAS TRAN
 8148505              3405922913   107-TF  LINKHORN #2                       WESTLAND                  0.0 COLUMBIA GAS TRAN
-BROWN PETROLEUM CORP                 RECEIVED:  09/04/81   JA: OH
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 JD NO     JA DKT        API NO     D SEC CAT WELL NAME                          FIELD NAME                PRCD      PURCHASER
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 8148506                 3403124085   103     LONSINGER #1                       BEDFORD                   10.0 COLUMBIA GAS TRAN
 8148506                 3403124085 D 107-TF  LONSINGER #1                       BEDFORD                   10.0 COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC                  RECEIVED:  09/04/81  JA: OH
 8148507                 3412725123 D 107-TF  FRANK GRIGSBY #1                   READING                   12.0 COLUMBIA GAS TRAN
-GASEARCH INC                            RECEIVED:  09/04/81  JA: OH
 8148508                 3415521628   103     HARRINGTON #1                      MESOPOTAMIA               20.0 COLUMBIA GAS TRAN
 8148508                 3415521628   107-TF  HARRINGTON #1                      MESOPOTAMIA               20.0 COLUMBIA GAS TRAN
-H & S OPERATING COMPANY                 RECEIVED:  09/04/81  JA: OH
 8148510                 3405922803   107-TF  ELDER #2                           WHEELING                  20.0 COLUMBIA GAS TRAN
 8148509                 3403124128   107-TF  WELKER #1                          LINTON                    15.0 COLUMBIA GAS TRAN
-I R D CORP                              RECEIVED:  09/04/81  JA: OH
 8148511                 3415521710   103     SULEK #2                           BLOOMFIELD               200.0
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 8148512                 3415521722   103     SULEK #3                           BLOOMFIELD               200.0
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-JERRY MOORE INC                         RECEIVED:  09/04/81  JA: OH
 8148516                 3403123023   103     BEN J RABER NO 1-16                NEW BEDFORD                4.0 COLUMBIA GAS TRAN
 8148516                 3403123023   107-TF  BEN J RABER NO 1-16                NEW BEDFORD                4.0 COLUMBIA GAS TRAN
 8148531                 3403124288   103     CARROLL WELLING NO 1-4             NEW BEDFORD                3.0 COLUMBIA GAS TRAN
 8148531                 3403124288   107-TF  CARROLL WELLING NO 1-4             NEW BEDFORD                3.0 COLUMBIA GAS TRAN
 8148517                 3403123832   103     CHARLES L PEW NO 1                 COSHOCTON                  3.0 COLUMBIA GAS TRAN
 8148517                 3403123832   107-TF  CHARLES L PEW NO 1                 COSHOCTON                  3.0 COLUMBIA GAS TRAN
 8148530                 3403124203   103     DAVID A BARKMAN #1-6               NEW BEDFORD                3.0 COLUMBIA GAS TRAN
 8148530                 3403124203   107-TF  DAVID A BARKMAN #1-6               NEW BEDFORD                3.0 COLUMBIA GAS TRAN
 8148519                 3403123841   103     ELI D TROYER NO 1-14               NEW BEDFORD                4.0 COLUMBIA GAS TRAN
 8148519                 3403123841   107-TF  ELI D TROYER NO 1-14               NEW BEDFORD                4.0 COLUMBIA GAS TRAN
 8148521                 3403123849   103     EMANUEL D MILLER NO 1-14           NEW BEDFORD                6.0 COLUMBIA GAS TRAN
 8148521                 3403123849   107-TF  EMANUEL D MILLER NO 1-14           NEW BEDFORD                6.0 COLUMBIA GAS TRAN
 8148529                 3403124106   103     ERNEST F LORENZ UNIT NO 1-7        KEENE                      3.0 COLUMBIA GAS TRAN
 8148529                 3403124106   107-TF  ERNEST F LORENZ UNIT NO 1-7        KEENE                      3.0 COLUMBIA GAS TRAN
 8148527                 3403124058   103     FRANCES M HENSLEY UNIT NO 1-9      KEENE                      2.0 COLUMBIA GAS TRAN
 8148527                 3403124058   107-TF  FRANCES M HENSLEY UNIT NO 1-9      KEENE                      2.0 COLUMBIA GAS TRAN
 8148520                 3403123848   103     GEORGE L SMITH NO 1-18             NEW BEDFORD                3.0 COLUMBIA GAS TRAN
 8148520                 3403123848   107-TF  GEORGE L SMITH NO 1-18             NEW BEDFORD                3.0 COLUMBIA GAS TRAN
 8148526                 3403124043   103     HAROLD L PARKHILL NO 1-12          NEW BEDFORD                4.0 COLUMBIA GAS TRAN
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 8148518                 3403123833   103     JOHN A RABER NO 1-14               NEW BEDFORD                4.0 COLUMBIA GAS TRAN
 8148518                 3403123833   107-TF  JOHN A RABER NO 1-14               NEW BEDFORD                4.0 COLUMBIA GAS TRAN
 8148522                 3403123858   103     ROBERT KAUFMAN UNIT NO 1           NEW BEDFORD                3.0 COLUMBIA GAS TRAN
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 8148524                 3403123897   103     RONALD HADINGER UNIT NO 1          KEENE                      2.0 COLUMBIA GAS TRAN
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 8148528                 3403124059   103     WAYNE J MILLER NO 2-19             KEENE                      6.0 COLUMBIA GAS TRAN
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-KENOIL                                  RECEIVED:  09/04/81  JA: OH
 8148513                 3416922040   107-TF  JAMES FOLLOWAY #2                  CANAAN                     4.0 COLUMBIA GAS TRAN
-LAKE REGION OIL INC                     RECEIVED:  09/04/81  JA: OH
 8148514                 3415723562   107-TF  SAM AMISTADI #1                    FRANKLIN                  30.0 COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION             RECEIVED:  09/04/81  JA: OH
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JD NO	JA DKT	API NO	C	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8148515		3406720373		103		MYERS-BIRNEY #1-26	CLINTON	100.0	
8148515		3406720373		107-TF		MYERS-BIRNEY #1-26	CLINTON	100.0	
-OHIO PARTNERS OIL CO						RECEIVED: 09/04/81 JA: OH			
8148532		3415514920		103		YOUNGSTOWN AIRPORT #14	VIENNA	20.0	COLUMBIA GAS TRAN
8148532		3415514920		107-TF		YOUNGSTOWN AIRPORT #14	VIENNA	20.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY CO LTD PART 79-12						RECEIVED: 09/04/81 JA: OH			
8148539		3407523290		107-TF		#1 HOMER ROGERS	MECHANIC	600.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY CO LTD 1980-4						RECEIVED: 09/04/81 JA: OH			
8148545		3407522357		107-TF		#1 JOHN C BUREN	HARDY	1200.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY CO LTD 1980-5						RECEIVED: 09/04/81 JA: OH			
8148542		3407522353		107-TF		#2 JOHN C BUREN	HARDY	1300.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY CO LTD 1980-6						RECEIVED: 09/04/81 JA: OH			
8148541		3407522352		107-TF		#3 JOHN C BUREN	HARDY	1700.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY CO LTD 80-2						RECEIVED: 09/04/81 JA: OH			
8148543		3407522354		107-TF		#4 MELVIN MILLER	MECHANIC	750.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY L P 1979-10						RECEIVED: 09/04/81 JA: OH			
8148538		3407522297		107-TF		#1 JONAS RABER	MECHANIC	450.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY L P 1979-11						RECEIVED: 09/04/81 JA: OH			
8148540		3407522332		107-TF		#1 MELVIN MILLER	MECHANIC	650.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY L P 1979-8						RECEIVED: 09/04/81 JA: OH			
8148536		3407522295		107-TF		#2 R J MILLER	MECHANIC	350.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY LTD PART 1979-9						RECEIVED: 09/04/81 JA: OH			
8148537		3407522296		107-TF		#1 L J HATTER	MECHANIC	385.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY LTD PTNR 1979-1						RECEIVED: 09/04/81 JA: OH			
8148533		3407522209		107-TF		ATLEE J MILLER #1	MECHANIC	500.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY LTD PTNR 1979-2						RECEIVED: 09/04/81 JA: OH			
8148534		3407522265		107-TF		RAYMOND J MILLER #1	MECHANIC	370.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY LTD PTNR 1979-3						RECEIVED: 09/04/81 JA: OH			
8148535		3407522266		107-TF		ATLEE J MILLER #2	MECHANIC	45.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY 80-7						RECEIVED: 09/04/81 JA: OH			
8148546		3407522558		107-TF		#1 THEO-LEEN REALTY	HARDY	1250.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY 80-8						RECEIVED: 09/04/81 JA: OH			
8148547		3407522559		107-TF		#2 THEO-LEEN	HARDY	950.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY-LTD PART 1979-13						RECEIVED: 09/04/81 JA: OH			
8148544		3407523550		107-TF		#2 MELVIN MILLER	MECHANIC	750.0	COLUMBIA GAS TRAN
-PENN-OHIO ENERGY CORP						RECEIVED: 09/04/81 JA: OH			
8148548		3403124051		103		OLLIE LOWE #1	CLARK	25.0	COLUMBIA GAS TRAN
8148548		3403124051		107-TF		OLLIE LOWE #1	CLARK	25.0	COLUMBIA GAS TRAN
-PREMIER ENERGY CORP						RECEIVED: 09/04/81 JA: OH			
8148549		3407522858	D	107-TF		ROBERT ALLISON #2	RICHLAND	0.0	COLUMBIA GAS TRAN
8148550		3407523083	D	107-TF		ROBERT ALLISON #3	RICHLAND	0.0	COLUMBIA GAS TRAN
-ROWLEY & BROWN PETROLEUM CORP						RECEIVED: 09/04/81 JA: OH			
8148552		3409921193		107-TF		CANFIELD MANUFACTURING #1	CANFIELD	0.0	EAST OHIO GAS
8148551		3403520916		107-TF		CLEVELAND CATHOLIC DIOCESE #2	PARMA	10.0	COLUMBIA GAS TRAN
-STRATA EXPLORATION INC LTD PART						RECEIVED: 09/04/81 JA: OH			
8148553		3407524630	D	107-TF		#1 JAMES FLYNN	KILLBUCK	500.0	EAST OHIO GAS CO
-SUPERIOR PETROLEUM INC						RECEIVED: 09/04/81 JA: OH			
8148554A		3401320326		103		HARPER #1		0.0	TEXAS EASTERN TRA
8148554B		3401320326	D	107-TF		HARPER #1		0.0	TEXAS EASTERN TRA
-VIKING RESOURCES CORP						RECEIVED: 09/04/81 JA: OH			
8148556		3415123523		103		BOOTH-MILLER UNIT #2	PARIS	30.0	
8148556		3415123523		107-TF		BOOTH-MILLER UNIT #2	PARIS	30.0	
8148555		3415123489		103		DIERINGER UNIT #1	WAYNE	30.0	
8148555		3415123489		107-TF		DIERINGER UNIT #1	WAYNE	30.0	

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                                                                                   VOLUME  513          PAGE  004
 JD NO     JA DKT        API NO      D SEC CAT WELL NAME                          FIELD NAME                     PROD     PURCHASER
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*******************************************************************************
   OKLAHOMA CORPORATION COMMISSION
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-AMOCO PRODUCTION CO                          RECEIVED:  09/03/81  JA: OK
 8148477   10343         3504528789   103      LUANE UNIT NO 1                    N CHANEY                       182.0 NORTHERN NATURAL
-AN-SON CORPORATION                           RECEIVED:  09/03/81  JA: OK
 8148461   12931         3501520956   102-4    TAYLOR #1                          KEECHI CREEK                    86.0 PRODUCERS GAS CO
-ANDOVER OIL COMPANY                          RECEIVED:  09/03/81  JA: OK
 8148463   12940         3501721900   102-2    EARL MILLS #28-4A                                                 125.0 DELHI GAS PIPELIN
 8148463   12940         3501721900   103      EARL MILLS #28-4A                                                 125.0 DELHI GAS PIPELIN
-ARCO OIL AND GAS COMPANY                     RECEIVED:  09/03/81  JA: OK
 8148468   12693         3504722038   102-4    MARY ELIZABETH COOPER NO 1         SOUTH DOUGLAS                   36.5
-BLUE QUAIL ENERGY INC                        RECEIVED:  09/04/81  JA: OK
 8148482   10308         3501721786   103      C M I #1                           EAST YUKON S1-T11N-5W          370.0 CONOCO INC
 8148481   10332         3501721620   103      MCCAULEY #1                        EAST YUKON NW/4 S1-11N-5       370.0 CONOCO INC
-BUNKER EXPLORATION CO                        RECEIVED:  09/04/81  JA: OK
 8148480   12034         3505120938   103      REED 1-14                          SOUTH CHITWOOD                   0.0
-BURKHART PETROLEUM CORP                      RECEIVED:  09/04/81  JA: OK
 8148502   12898         3504722612   102-4    NEUNDORF 1-4                       S E SALT FORK                  200.0 CRA INC
 8148502   12898         3504722612   103      NEUNDORF 1-4                       S E SALT FORK                  200.0 CRA INC
-CHAMPLIN PETROLEUM COMPANY                   RECEIVED:  09/04/81  JA: OK
 8148487   09721         3508321477   103      J A HEIM NO 2                      CASHION                         61.0 CITIES SERVICE GA
-CLARK RESOURCES INC                          RECEIVED:  09/03/81  JA: OK
 8148456   10409         3507322725   103      FRANK 3-1                          SOONER TREND                    65.0 EASON OIL CO
-CLARK RESOURCES INC                          RECEIVED:  09/04/81  JA: OK
 8148483   10257         3507322844   103      CROSSWHITE 20-1                    SOONER TREND                   105.0 EASON OIL CO
-COTTON PETROLEUM CORPORATION                 RECEIVED:  09/03/81  JA: OK
 8148474   10337         3504321148   103      PECKHAM NO 1                       S W TALOGA                     210.0 PANHANDLE EASTERN
-DAVID R MORGAN                               RECEIVED:  09/03/81  JA: OK
 8148455   10408         3507322853   103      JULIA #1                           SOONER TREND                   150.0 ONG WESTERN INC
-DEMCO OIL & GAS COMPANY                      RECEIVED:  09/03/81  JA: OK
 8148473   09522         3507121682   108      FRANKLIN #1                                                        17.8 CITIES SERVICE GA
 8148472   09521         3507121938   108      HENSLEY #2                                                          7.2 CITIES SERVICE GA
-ENERGY SERVICES INC                          RECEIVED:  09/03/81  JA: OK
 8148469   12700         3515321158   102-2    GRUNEWALD #4-1                                                     73.0 DELHI GAS PIPELIN
-ENSERCH EXPLORATION INC                      RECEIVED:  09/04/81  JA: OK
 8148495   10374         3514920127   103      LESLIE HINDS NO 1-36               BURNS FLAT                       0.0 NATURAL GAS PIPEL
-ENTEX INC                                    RECEIVED:  09/03/81  JA: OK
 8148453   10405         3508320839   103      GLADYS WISS WELL NO 1              N W RUSSELL                      4.0 EASON OIL CO
-GEORGE E FEARS                               RECEIVED:  09/04/81  JA: EK
 8148493   09947         3508320986   103      HAAS #1                                                             0.0 EASON OIL CO
-HENRY H GUNGOLL ASSOCIATES                   RECEIVED:  09/03/81  JA: OK
 8148462   12938         3504722677   102-4    ALICE 3-12                         SOONER TREND                   126.0
-IMPERIAL PETROLEUM INC                       RECEIVED:  09/03/81  JA: OK
 8148452   12971         3511721127   102-2    BREWER PRUITT NO 1                 JENNINGS                       352.0 MID-AMERICA GAS L
-INTERNORTH INC                               RECEIVED:  09/04/81  JA: OK
 8148496   10376         3504520871   103      MCCLURE NO 1                       MOCANE-LAVERNE                  17.0 INTERNORTH INC
 8148497   10377         3504520871   103      MCCLURE NO 1                       MOCANE-LAVERNE                  65.0 INTERNORTH INC
-JAKE L HAMON                                 RECEIVED:  09/04/81  JA: OK
 8148486   09754         3504321116   103      SANDERS NO 1-6                     CESTOS (MORROW)                274.0 DELHI GAS PIPELIN
-JEFFERSON-WILLIAMS ENERGY CORP               RECEIVED:  09/03/81  JA: OK
 8148457   10411         3510320833   103      GASAWAY ESTATE #2                  BILLINGS FIELD                  18.0 ARCO OIL & GAS CO
-JOE M SEARS                                  RECEIVED:  09/04/81  JA: OK
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                                                                        VOLUME  513         PAGE  005
 JD NO    JA DKT        API NO      D SEC CAT WELL NAME                 FIELD NAME                PROD   PURCHASER
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 8148500   10399        3507322308    103      MARGUERITE (2) NO I      WEST CASHION-SOONER TREN    60.0 CONOCO INC
-JOHN D TODD                                 RECEIVED:  09/03/81  JA: OK
 8148479   12566        3508108000    102-4    SPURR NO 1               SOUTH STROUD                70.0 KERR MCGEE
-KAISER-FRANCIS OIL COMPANY                  RECEIVED:  09/03/81  JA: OK
 8148475   12238        3503920447    102-4    STEINER #1               N W HYDRO                 1000.0 TRANSOK PIPELINE
 8148475   12238        3503920447    103      STEINER #1               N W HYDRO                 1000.0 TRANSOK PIPELINE
-L G WILLIAMS OIL COMPANY INC                RECEIVED:  09/04/81  JA: OK
 8148454   10301        3504321129    103      HAIRY NO 11-1            S E MUCMAC                   0.0
-LRF CORP                                    RECEIVED:  09/04/81  JA: OK
 8148485   09911        3509321858    103      FLORENCE #1              405 232-7679               990.0 DELHI GAS PIPELIN
-MOBIL OIL CORP                              RECEIVED:  09/04/81  JA: OK
 8148491   10345        3513921371    103      FRANK PARKES FD INC UNIT NO 1  GUYMON-HUGOTON COUNCIL G    70.0 CITIES SERVICE GA
 8148490   10346        3513921345    103      JACKSON (RNG UNIT 15) NO 2     GUYMON-HUGOTON COUNCIL G    60.0 CITIES SERVICE GA
-NATOMAS NORTH AMERICA INC                   RECEIVED:  09/03/81  JA: OK
 8148465   12609        3505121106    102-2    J C JOLLY #1-7           MINCO WEST                 139.0
 8148466   12610        3512920547    102-2    TAYLOR A 1-15            TAYLOR RANCH               230.0
-OKLAND OIL CO                               RECEIVED:  09/04/81  JA: OK
 8148492   08645        3512920424    103      MALES FARM #1-17         DURHAM                     280.0 DELHI GAS PIPELIN
-PHILLIPS PETROLEUM COMPANY                  RECEIVED:  09/03/81  JA: OK
 8148471   07202        3500702185    103      KNOWLES #2               S E COMO TONKAWA           180.0 EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY                  RECEIVED:  09/04/81  JA: OK
 8148488   09355        3509322031    103      MYRTLE A #2                                           0.0 PANHANDLE EASTERN
 8148479   09354        3505920974    103      SMITH DD #1                                           0.0
-PORTS OF CALL OIL CO                        RECEIVED:  09/04/81  JA: OK
 8148489   10338        3505121065    103      WRIGHT NO 22-2           WATONGA CHICKASHA TREND    803.0
-RICKS EXPLORATION CO                        RECEIVED:  09/03/81  JA: OK
 8148454   10407        3504520847    103      MARSH 26A                N E GAGE                   270.0 PANHANDLE EASTERN
-ROBERT F LAMMERTS                           RECEIVED:  09/03/81  JA: OK
 8148478   12555        3504722581    102-4    SCHNEIDER #2-12          HUNTER W                     8.0 CRA INC
-SENECA OIL COMPANY                          RECEIVED:  09/03/81  JA: OK
 8148470   12716        3501121576    102-2    PARKER #1-3              N CANTON                   330.0 PANHANDLE EASTERN
-SUNDANCE ENERGY CORP                        RECEIVED:  09/03/81  JA: OK
 8148458   10417        3509321813    103      PEARL NO 12-1            RINGWOOD                    49.0 PANHANDLE EASTERN
-TENNECO OIL COMPANY                         RECEIVED:  09/03/81  JA: OK
 8148468   12926        3512120619    102-4    CROWL 1-15               HAILEYVILLE SW              31.9 ARKANSAS LOUISIAN
-TEXAS OIL & GAS CORP                        RECEIVED:  09/03/81  JA: OK
 8148451   12959        3512920570    102-2    PATTON B #1              E ROLL                    1054.0 DELHI GAS PIPELIN
 8148476   10339        3513921425    103      WILLIAMS R #1            N W DOMBEY                 256.0
-UNIVERSAL RESOURCES CORPORATION             RECEIVED:  09/04/81  JA: OK
 8148484   10059        3507322425    103      MAAS #1-22               SOONER TREND               237.3 WARREN PETROLEUM
-WALKER & WITHROW INC                        RECEIVED:  09/04/81  JA: OK
 8148501   10398        3501721796    103      CARY 23-2                YUKON                      336.0 CONOCO
-WESLEY WEBBER                               RECEIVED:  09/04/81  JA: OK
 8148498   10396        3513722557    103      SPEARS B #15             SHO-VEL-TUM                 15.0 GETTY OIL CO
-WILSHIRE OIL CO OF TEXAS                    RECEIVED:  09/03/81  JA: OK
 8148467   12649        3504321243    102-4    BLAINE #2                SOUTH CESTOS               110.0 MICHIGAN WISCONSI
-WOODS PETROLEUM CORPORATION                 RECEIVED:  09/03/81  JA: OK
 8148459   12906        3504921533    102-4    CUNNIUS #29-1            S W ELMORE                 104.0 WARREN PETROLEUM
 8148464   12590        3504321228    102-4    EDWARDS #5-3             KODNAS                     480.0 DELHI GAS PIPELIN
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   PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES
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-ADOBE OIL & GAS CORPORATION                 RECEIVED:  09/03/81  JA: PA
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                                                                      VOLUME 515           PAGE 608
JD NO     JA DKT    API NO        D SEC CAT WELL NAME                          FIELD NAME                  PROD   PURCHASER
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 8148415   8936      3706522245   103      ABIGAIL SMITH HEIRS #1-A            DUBOIS                       23.0
 8148416   8937      3706522246   103      ABIGAIL SMITH HEIRS #1-B            DUBOIS                       24.0
-AMOCO PRODUCTION CO                        RECEIVED:  09/03/81  JA: PA
 8148417   8928      3711120110   102-4    EDWARD E BEENER GAS UNIT WELL NO 1  NEW CENTERVILLE             285.0
 8148418   8929      3711120113   102-4    WILLIAM SCHMIDT GAS UNIT WELL NO 1  ALLEN CREEK                 333.0
-ANGERMAN ASSOCIATES INC                    RECEIVED:  09/03/81  JA: PA
 8148419   7917      3706323670 D 103      MUSSER FOREST INC #2 - IND-23670    W PENNA - UPPER DEVONIAN     25.0 PEOPLES NATURAL G
-CASTLE GAS CO INC                          RECEIVED:  09/03/81  JA: PA
 8148420   8960      3706323259   108      V WISNIEWSKI #1(C-347) IND-23299    YOUNG TOWNSHIP                8.8 PEOPLES NATURAL G
 8148421   8961      3706323303   108      V WISNIEWSKI #2 (C-349) IND-23303   YOUNG TOWNSHIP                8.8 PEOPLES NATURAL G
-COLUMBIA GAS TRANSMISSION CORP             RECEIVED:  09/03/81  JA: PA
 8148422   8987      3705120244   103      ED & ANGELA M YODER 620628          PENNSYLVANIA S W SHALLOW     65.0 COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION        RECEIVED:  09/03/81  JA: PA
 8148424   8965      3706326207   103      ALVIN CAIN WN-1839                  MONTGOMERY TOWNSHIP          12.2 GENERAL SYSTEM PU
 8148428   8193      3704700000   108      CHARLEROI MOUNTAIN CLUB WN-1424                                   1.2 GENERAL SYSTEM PU
 8148425   8967      3703321093   103      J D TONKIN WN-1862                  BURNSIDE TOWNSHIP            13.1 GENERAL SYSTEM PU
 8148427   8100      3703320908   108      M J HAAG #2 WN-1698                 BRADY TOWNSHIP                4.3 GENERAL SYSTEM PU
 8148429   8195      3704700000   108      PENN DEPT OF FOREST & WATERS WN-15                                0.6 GENERAL SYSTEM PU
 8148426   8998      3703320837   108      REED C REITER WN-1713               BRADY TOWNSHIP                5.3 GENERAL SYSTEM PU
 8148423   8963      3703321095   103      W R HEVENER WN-1861                 BURNSIDE TOWNSHIP           348.0 GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC                     RECEIVED:  09/03/81  JA: PA
 8148430   8934      3703321048   102-2    J PATTERSON KA - 101                UPPER DEVONIAN SANDS         30.0 COLUMBIA GAS TRAN
 8148431   8935      3706325551   103      WALTER A PIEKARSKI #1 KN - 8        UPPER DEVONIAN SANDS         30.0 PEOPLES NATURAL G
-FAIRMAN DRILLING CO                        RECEIVED:  09/03/81  JA: PA
 8148432   8982      3710020508   107-TF   ANNA KUHN UNIT NO 1 F-335           BAILEY                       20.0 PEOPLES NATURAL G
-FOX OIL & GAS INC                          RECEIVED:  09/03/81  JA: PA
 8148433   8834      3706325977   103      BEIERINGER #1                       GREEN TOWNSHIP               25.5 COLUMBIA GAS TRAN
 8148438   8848      3706325876   103      FLORENCE O HARRAH #5                MONTGOMERY                   25.5 COLUMBIA GAS TRAN
 8148437   8847      3706325440   103      FRED GOLDEN #2                      CHERRYHILL TOWNSHIP          29.2 COLUMBIA GAS TRAN
 8148434   8844      3706325897   103      J GASTON #3                         MONTGOMERY TWP               25.5 COLUMBIA GAS TRAN
 8148435   8845      3706326141   103      J GASTON #5                         MONTGOMERY                   25.5 COLUMBIA GAS TRAN
 8148436   8846      3706326082   103      JOHN GOLDEN #1                      CHERRYHILL                   25.5 COLUMBIA GAS TRAN
-HUTTERIAN SOCIETY OF BROTHERS              RECEIVED:  09/03/81  JA: PA
 8148439   8994      3712521178   108      J & M HORNING #1                                                  9.0 COLUMBIA GAS OF P
-J & J ENTERPRISES INC                      RECEIVED:  09/03/81  JA: PA
 8148440   8932      3706326111   103      DAVID L JOYCE #2                    BURRELL                       0.0 PEOPLES NATURAL G
 8148441   8933      3706325927   103      INDIANA CO VO-TECH SCHOOL #1        WHITE                         0.0 COLUMBIA GAS TRAN
-LAUREL ENERGY CORP                         RECEIVED:  09/03/81  JA: PA
 8148443   8990      3706324643   108      SOULCHIN #1 IND-24643               SOULCHIN                     10.0 PEOPLES NATURAL G
 8148442   8989      3706324644   108      SOULCHIN #2 IND-24644               SOULCHIN                     10.0 PEOPLES NATURAL G
-MDM ACCOUNT                                RECEIVED:  09/03/81  JA: PA
 8148444   8947      3706325807   107-TF   MATEER COAL CO #2                   UPPER DEVONIAN SANDS         20.0 PEOPLES NATURAL G
-MITCHELL ENERGY CORPORATION                RECEIVED:  09/03/81  JA: PA
 8148445   8968      3703920200   103      MILLER #1-74                        NEW LEBANON - MEDINA & W      0.0
-PEACOCK DOVERSPIKE GAS VENTURE-1979        RECEIVED:  09/03/81  JA: PA
 8148446   8991      3700522275   108      MARSHALL #1 ARM-22275               MARSHALL                      7.2 PEOPLES NATURAL G
-VICTORY DEVELOPMENT CO                     RECEIVED:  09/03/81  JA: PA
 8148447   8442      3700521808   108      ST CLAIR ARM-21808 #                ST CLAIR                      3.9 PEOPLES NATURAL G
-WAINOCO OIL & GAS CO                       RECEIVED:  09/03/81  JA: PA
 8148449   8939      3703920978   102-2    G B HEINZELMAN NO 1 (W-87) WELL     ATHENS (BLOOMFIELD)          18.0 COLUMBIA GAS TRAN
 8148448   8936      3703921097   102-2    G B HEINZELMAN NO 2 (W-88)          ATHENS (BLOOMFIELD)           6.0 COLUMBIA GAS TRAN
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** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK
**************************************************************************
-BRADY BROTHERS                             RECEIVED:  09/04/81  JA: OK  8
 8148581             3511300000   103      OSAGE - CULVER #12A                 CULVER LEASE                182.5 AJAX OIL & GAS CO
-CROWN CENTRAL PETROLEUM CORP               RECEIVED:  09/04/81  JA: OK  8
 8148580             3511300000   103      ST JOHN KENNEDY #6                  DALTON DOME                  10.0 PHILLIPS PETROLEU
 8148579             3511300000   103      ST JOHN-KENNEDY #5                  DALTON DOME                   8.0 PHILLIPS PETROLEU
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **FEDERAL REGISTER.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
  102–2: New well (2.5 mile rule)
  102–3: New well (1000 ft rule)
  102–4: New onshore reservoir
  102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
  107–GB: Geopressured brine
  107–CS: Coal seams
  107–DV: Devonian shale
  107–PE: Production enhancement
  107–TF: New tight formation
  107–RT: Recompletion tight formation
Section 108: Stripper well
  108–SA: Seasonally affected
  108–ER: Enhanced recovery
  108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81–28563 Filed 9–30–81; 8:45 am]

BILLING CODE 6450–85–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 24, 1981.

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JD NO    JA DKT       API NO      D SEC CAT WELL NAME                        FIELD NAME                 PRCD   PURCHASER
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***********************************************************************
  KANSAS CORPORATION COMMISSION
***********************************************************************
-BRADEN-DEEM INC                          RECEIVED:  09/08/81  JA: KS
 8148582  K 79-0014   1500700000   108-SA  WHEAT B-1                         AETNA                      16.8 KANSAS POWER &\LI
***********************************************************************
  OKLAHOMA CORPORATION COMMISSION
***********************************************************************
-AN-SON CORPORATION                       RECEIVED:  09/08/81  JA: OK
 8148599   10425      3505121064   103     OEKERMAN #1-33                    S W NORGE                  23.0 PHILLIPS GAS CC
-ANDOVER OIL COMPANY                      RECEIVED:  09/08/81  JA: OK
 8148584   10439      3501721772   103     GLOBE LIFE K #35-3                                          180.0 DELHI GAS PIPELIN
-BUNKER EXPLORATION CO                    RECEIVED:  09/09/81  JA: OK
 8148604   13678      3505120924   107-DP  BAILEY 1-36                       KNOX                        0.0 EL PASO NATURAL G
-CITIES SERVICE COMPANY                   RECEIVED:  09/08/81  JA: OK
 8148598   11433      3513921424   103     INTERSTATE A NO 15 (CHEROKEE)     S RICHLAND CENTER AREA    750.0 NORTHERN NATURAL
-CITIES SERVICE COMPANY                   RECEIVED:  09/09/81  JA: OK
 8148605   13028      3500721961   102-2   DIRKS A NO 1                      EAST LORENA                 0.0 WESTERN GAS INTER
-DAWN ENERGY CO                           RECEIVED:  09/09/81  JA: OK
 8148608   10579      3515321140   102-2   YOUNG ESTATE #1-12                SOUTHWEST SHARON          357.5
-F C D OIL CORP                           RECEIVED:  09/08/81  JA: OK
 8148591   10593      3504722498   102-4   MONTGOMERY 1-16                   KREMLIN                   160.6 CRA INC
-JAMES E BARNETT                          RECEIVED:  09/09/81  JA: OK
 8148611   10454      3514300000   103     BUTLER 2-A                        EAST OF BIRD CREEK FIELD   70.0 PHILLIPS PETROLEU
 8148610   10458      3514320941   103     BUTLER 3-A API NO 143 20941       EAST OF BIRD CREEK FIELD   36.0 PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY               RECEIVED:  09/09/81  JA: OK
 8148609   10459      3509322053   103     LONG #2                                                      60.0 UNION TEXAS PETRO
-LADD PETROLEUM CORPORATION               RECEIVED:  09/08/81  JA: OK
 8148600   10313      3509321485   103     EARLY #1                          RINGWOOD                  180.5 PANHANDLE EASTERN
-NEWBOURNE OIL COMPANY                    RECEIVED:  09/08/81  JA: OK
 8148603   13066      3504520935   102-4   BRANDENBURG UNIT #1               BRANDENBURG                20.0
 8148585   10422      3513921427   103     MATTINA UNIT #1                   HUGOTON KRIDER FIELD       50.0
 8148595   13065      3513921372   102-3   VAUGHN UNIT #1                    VAUGHN UNIT                50.0
-MUSHROOM OIL CO                          RECEIVED:  09/08/81  JA: OK
 8148597   12401      3514722309   102-2   MOORE E NO 10 14722309            BARTLESVILLE-DEWEY         12.0 CITIES SERVICE GA
 8148596   12462      3514722145   102-2   MOORE E NO 9 14722145             BARTLESVILLE-DEWEY         12.0 CITIES SERVICE GA
-NATIONAL COOP REFINERY ASSOC             RECEIVED:  09/08/81  JA: OK
 8148586   10419      3509322085   103     RATZLAFF #3                       ORIENTA                   690.0 UNION TEXAS PETRO
-PIONEER PRODUCTION CORP                  RECEIVED:  09/08/81  JA: OK
 8148583   12148      3512920592   107-DP  L R HERSHBERGER #1-4              REYDON                   2000.0
-RALPH E PLOTNER OIL & GAS INVEST IN      RECEIVED:  09/08/81  JA: OK
 8148589   10441      3501721746   103     MUEGGENBORG NO 1-14               OKARCHE                    97.0 PHILLIPS PETROLEU
 8148590   10440      3501721744   103     NICHOLSON #1-15                   YUKON                      72.0 MOBIL OIL CORP
-RED EAGLE OIL CO                         RECEIVED:  09/08/81  JA: OK
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                                                                                        VOLUME  514         PAGE  002
 JD NO     JA DKT         API NO     D SEC CAT WELL NAME                          FIELD NAME                PROD  PURCHASER
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 8148601   10247          3509322068  103     HENRY NO 1                         N W FAIRVIEW              102.0 PANHANDLE EASTERN
-ROYAL OIL & GAS CORPORATION             RECEIVED:  09/08/81  JA: OK
 8148593   10446          3510321201  103     JAMES C ATHERTON A #2 (WAS B #1)   WEST RED ROCK              25.0 ARCO OIL & GAS CO
 8148592   10447          3510321164  103     RICHARD C SULLINS #1               WEST RED ROCK               7.0 ARCO OIL & GAS CO
-SPECTRA ENERGY CORP                     RECEIVED:  09/08/81  JA: OK
 8148602   09269          3504720579  103     MIESNER NO 1                       SOONER TREND              100.0 GRACE PETROLEUM C
-SUN OIL COMPANY (DELAWARE)              RECEIVED:  09/08/81  JA: OK
 8148588   10442          3505920791  103     A E BOYD NO 2                      MOCANE-LAVERNE            478.0 MICHIGAN WISCONSI
 8148587   10443          3504500000  108     F W MOORE NO 1                     S PEEK                      9.0 PANHANDLE EASTERN
 8148594   10444          3501900000  108     MAUD MOORE NO 2                    SHO-VEL-TUM                 0.4 MOBIL OIL CORP
-TEXAS OIL & GAS CORP                    RECEIVED:  09/09/81  JA: OK
 8148607   11995          3500722019  102-4   DUERSON #1                         DOMBEY                     68.0 UNCONTRACTED
-VIERSEN & COCHRAN                       RECEIVED:  09/09/81  JA: OK
 8148606   12995          3501721984  103     SPURLIN #3-14                      EAST EL RENO              150.0 DELHI GAS PIPELIN
*********************************************************************************
   PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES
*********************************************************************************
-ANGERMAN ASSOCIATES INC                 RECEIVED:  09/11/81  JA: PA
 8148612   7695           3712921243  103     LEWIS M PIPER #2 WES-21243         W PA - UPPER DEVONIAN SA   35.0 PEOPLES NATURAL G
-APPALACHIAN ENERGY INC                  RECEIVED:  09/11/81  JA: PA
 8148682   9066           3704921271  103     ARCHIE BISHOP #2 AE-190            UPPER DEVONIAN SANDS        8.0 COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP                    RECEIVED:  09/11/81  JA: PA
 8148665   9040           3703920741  102-2   E & M KISER #1                     UNION                      50.0 TENNESSEE GAS PIP
 8148666   9042           3703921118  102-2   GLEN FREYERMUTH #1                 UNION                      50.0 TENNESSEE GAS PIP
 8148667   9044           3703921186  102-2   NEAL LANG #2                       RANDOLPH                   50.0 TENNESSEE GAS PIP
 8148668   9046           3703921128  102-2   RICHARD DUNN #1                    EAST FAIRFIELD             50.0 TENNESSEE GAS PIP
-CASTLE GAS CO INC                       RECEIVED:  09/11/81  JA: PA
 8148681   9062           3706323424  108     G SMYERS #1 (PNG-5063) IND-23424   GRANT TOWNSHIP              4.0 PEOPLES NATURAL G
 8148680   9061           3706323989  108     J S STEWART #1 (C-464) IND-23989   YOUNG TOWNSHIP             17.0 INDUSTRIAL ENERGY
-CONSOLIDATED GAS SUPPLY CORPORATION     RECEIVED:  09/11/81  JA: PA
 8148633   9003           3703321095  102-2   W R HEVENER WN-1861                BURNSIDE TOWNSHIP         340.0 GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC                  RECEIVED:  09/11/81  JA: PA
 8148664   9036           3706326152  103     JOHN R GETTY KA - 67               UPPER DEVONIAN SANDS       30.0 COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO                     RECEIVED:  09/11/81  JA: PA
 8148620   8502           3706322919  108     CLAIR PARK NO 1 F-1255             WILLET                     15.0 PEOPLES NATURAL G
 8148615   8497           3706321845  108     EDWARD V & D M HARRIS NO 1 F-708   WILLET                     15.0 PEOPLES NATURAL G
 8148617   8499           3706322317  108     FRED JEWART NO 1 F-922             WILLET                     15.0 PEOPLES NATURAL G
 8148616   8498           3706321848  108     J T & DOLORES L EDELMAN NO 1 F-707 WILLET                     15.0 PEOPLES NATURAL G
 8148613   8495           3706322834  108     L A ROBIN NO 1 F-1186              WILLET                     15.0 PEOPLES NATURAL G
 8148619   8501           3706322228  108     NORMAN L BREWER NO 1 F-852         WILLET                     15.0 PEOPLES NATURAL G
 8148614   8496           3706321824  108     R E HENNINGER NO 1 F-698           WILLET                     15.0 PEOPLES NATURAL G
 8148618   8500           3706322833  108     VERA L KEPNER NO 1 F-1187          WILLET                     15.0 PEOPLES NATURAL G
-I F BITTINGER & R E BARRETT             RECEIVED:  09/11/81  JA: PA
 8148670   9049           3700500000  108     LAURA PONTIOUS #1                                              1.5 PEOPLES NATURAL G
 8148669   9048           3700500000  108     LAURA PONTIOUS #2                                              1.5 PEOPLES NATURAL G
-J & J ENTERPRISES INC                   RECEIVED:  09/11/81  JA: PA
 8148630   8930           3706522147  103     F S BIZOUSKY #1                    PUNXSUTAWNEY BORO           0.0 CONSOLIDATED GAS
 8148631   8931           3706522148  103     P BEATTY #1                        PUNXSUTAWNEY BORO           0.0 CONSOLIDATED GAS
-MERIDIAN EXPLORATION CORP               RECEIVED:  09/11/81  JA: PA
 8148628   8919           3704921209  102-2   ARDEN S STAFFORD #539-1            EDINBORO NORTH             30.0 COLUMBIA GAS TRAN
 8148624   8912           3704921249  102-2   C MCCLEARY #556-1                  EDINBORO NORTH             30.0 COLUMBIA GAS TRAN
 8148625   8914           3704921258  102-2   EDGAR HALL #553-1                  EDINBORO NORTH             30.0 COLUMBIA GAS TRAN
 8148626   8917           3704921257  102-2   EDINBORO GRAVEL 559-1              EDINBORO NORTH             30.0 NATIONAL FUEL GAS
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JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8148627	8918	3704921247		102-2	G REEMSNYDER #550-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8148623	8911	3704921217		102-2	LEWIS G SKELTON #548-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8148629	8920	3704921218		102-2	RALPH L BATCHELOR #549-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
-MID-EAST OIL CO					RECEIVED: 09/11/81 JA: PA			
8148679	9060	3706521629		108	JAMES L SHAFFER ET UX #1	REYNOLDSVILLE	9.5	CONSOLIDATED GAS
8148678	9059	3706521640		108	JAMES L SHAFFER ET UX #2	REYNOLDSVILLE	9.5	CONSOLIDATED GAS
-MITCHELL ENERGY CORPORATION					RECEIVED: 09/11/81 JA: PA			
8148675	9055	3703920943		103	BLOOD #1-75	LINESVILLE - MEDINA SAND	35.0	
8148677	9058	3703920947		103	BLOOD #2-93	LINESVILLE - MEDINA SAND	35.0	
8148673	9052	3706320940		103	GESSNER #2-84	NORRISVILLE - MEDINA & W	0.0	
8148672	9051	3703920941		103	HUYA #1-76	MOSIERTOWN - MEDINA SAND	35.0	
8148674	9054	3706300000		103	VAREE #1-68	NORRISVILLE - MEDINA & W	35.0	
8148676	9057	3703900000		103	WORLEY #1-77	MOSIERTOWN - MEDINA SAND	0.0	
-MONROE RESOURCES LTD					RECEIVED: 09/11/81 JA: PA			
8148671	9050	3712328589		102-2	A GOURLEY NO 1	LOTTSVILLE	38.0	COLUMBIA GAS TRAN
-VICTORY DEVELOPMENT CO					RECEIVED: 09/11/81 JA: PA			
8148621	8650	3700500000		108	PATRICK #1	PATRICK	3.5	PEOPLES NATURAL G
8148622	8665	3700500000		108	SHAEFFER	SHAEFFER	8.0	PEOPLES NATURAL G
-WAINOCO OIL & GAS CO					RECEIVED: 09/11/81 JA: PA			
8148632	8999	3703920822		102-2	ANTHONY C & IRENE H IZWICKI NO 1	ATHENS	5.0	COLUMBIA GAS TRAN
8148683	9068	3703920887		102-2	ELIZABETH WM & RICHARD ROEDER NO 1	ATHENS (ROME)	50.0	COLUMBIA GAS TRAN
-ZAMA PETROLEUM INC					RECEIVED: 09/11/81 JA: PA			
8148654	9026	3705900000		108	A J PHILLIPS & E E PHILLIPS #1	KUGHNTOWN	3.3	PEOPLES NATURAL G
8148657	9029	3705900000		108	ABRAHAM & FRANCES TUSTIN #1	KUGHNTOWN	3.3	PEOPLES NATURAL G
8148646	9018	3705900000		108	ALBERT ADDLEMAN		2.0	PEOPLES NATURAL G
8148640	9011	3705900000		108	B F MOORE		3.4	PEOPLES NATURAL G
8148653	9025	3705900000		108	BELLE C STEWART	KUGHNTOWN	3.3	PEOPLES NATURAL G
8148639	9010	3705900000		108	BERT WISE #1		21.3	PEOPLES NATURAL G
8148655	9027	3705900000		108	E D & LIDE C MAPEL #1	KUGHNTOWN	3.3	PEOPLES NATURAL G
8148651	9023	3705900000		108	ELISHA RINEHART #6	KUGHNTOWN	2.9	PEOPLES NATURAL G
8148637	9007	3705900000		108	GEO HOSKINSON #1	NEW FREEPORT	2.4	EQUITABLE GAS CO
8148636	9006	3705900000		108	GEO HOSKINSON #2	NEW FREEPORT	2.4	EQUITABLE GAS CO
8148641	9012	3705900000		108	GEORGE RINEHART		7.0	PEOPLES NATURAL G
8148643	9014	3705900000		108	H R KNIGHT #1		3.4	PEOPLES NATURAL G
8148658	9022	3705900000		108	HARRISON ULLOM #2	NETTLE HILL	2.9	PEOPLES NATURAL G
8148659	9031	3705900000		108	J L & ALICE CLARK WELL #1	KUGHNTOWN	3.3	PEOPLES NATURAL G
8148662	9034	3705900000		108	J S ORNDOFF & ELLA ORNDOFF #1	KUGHNTOWN	3.3	PEOPLES NATURAL G
8148656	9028	3705900000		108	J T KNIGHT & MARY E KNIGHT #2	KUGHNTOWN	3.3	PEOPLES NATURAL G
8148660	9032	3705900000		108	JACOB & ELLA SHRIVER	KUGHNTOWN	3.3	PEOPLES NATURAL G
8148649	9021	3705900000		108	LEMMON #1	NETTLE HILL	3.0	PEOPLES NATURAL G
8148648	9020	3705900000		108	LEMMON #2	NETTLE HILL	3.0	PEOPLES NATURAL G
8148647	9019	3705900000		108	MAIN OR CLOVIS WELL		4.0	PEOPLES NATURAL G
8148642	9013	3705900000		108	PARRY		4.4	PEOPLES NATURAL G
8148663	9035	3705900000		108	PETER COLE #2	KUGHNTOWN	3.3	PEOPLES NATURAL G
8148645	9016	3705900000		108	SMITH #1		3.9	PEOPLES NATURAL G
8148644	9015	3705900000		108	SMITH #2		3.9	PEOPLES NATURAL G
8148661	9033	3705900000		108	T J & R HUFFMAN	KUGHNTOWN	3.3	PEOPLES NATURAL G
8148650	9030	3705900000		108	T L J & M A GARRISON	KUGHNTOWN	3.3	PEOPLES NATURAL G
8148638	9009	3705900000		108	W L SELLERS #1		3.4	PEOPLES NATURAL G
8148635	9005	3705900000		108	WILLIAM BRADLEY #1	NEW FREEPORT	2.7	EQUITABLE GAS CO
8148634	9004	3705900000		108	WILLIAM BRADLEY #2	NEW FREEPORT	2.7	EQUITABLE GAS CO
8148652	9024	3705900000		108	WILLIAM COLE	KUGHNTOWN	4.0	PEOPLES NATURAL G

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
  102-2: New well (2.5 mile rule)
  102-3: New well (1,000 ft. rule)
  102-4: New onshore reservoir
  102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
  107-GB: Geopressured brine
  107-CS: Coal seams
  107-DV: Devonian shale
  107-PE: Production enhancement
  107-TF: New tight formation
  107-RT: Recompletion tight formation
Section 108: Stripper well
  108-SA: Seasonally affected
  108-ER: Enhanced recovery
  108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-28568 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 512]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: September 24, 1981.

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 JD NO      JA DKT          API NO      D SEC CAT WELL NAME                             . FIELC NAME                  PROD     PURCHASER
 -----      ------          ------      - --- --- ---------                               ----------                  ----     ---------
****************************************************************************************
   ALABAMA OIL & GAS BOARD
****************************************************************************************
-GRACE PETROLEUM CORPORATION                      RECEIVED:  09/03/81  JA: AL
 8148411    8-21-8112PD   0105720243     102-4    C L BURROW 29-13                          MUSGROVE CREEK                0.0
 8148407    8-21-811PD    0107520342     102-4    FRANKS 2-15                               NORTH BLOWHORN CREEK          0.0 SOUTHERN NATURAL
-HUGHES & HUGHES                                  RECEIVED:  09/03/81  JA: AL
 8148410    8-21-8111PD   0107520344     102-4    ELSIE WALLACE 34-16 NO 1                  NORTH BLOWHORN CREEK         44.5
 8148409    8-21-8110PD   0107520340     102-4    SELMER WOODS 35-13 NO 1                   NORTH BLOWHORN CREEK         69.0
-MOON & HINES                                     RECEIVED:  09/03/81  JA: AL
 8148408    8-21-516PD    0105720222     102-4    LANGSTON 31-7 NO 1                        BLUFF                       438.0 SOUTHERN NATURAL
-MOSBACHER PRODUCTION CO                          RECEIVED:  09/03/81  JA: AL
 8148412    81-83 PD      0105320151     107-DP   POWELL GAS UNIT NO 19-4                   FLOMATON                    240.0 UNITED GAS PIPELI
-PRUET PRODUCTION CO                              RECEIVED:  09/03/81  JA: AL
 8148413    8-21-8114PD   0107520316     102-4    COATS 10-9 NO 2                           BLOWHORN CREEK                0.0 SOUTHERN NATURAL
-SKELTON OPERATING CO INC                         RECEIVED:  09/03/81  JA: AL
 8148414    8-21-8115PD   0107520348     103      S H GILMER 18-15 NO 5                     FAIRVIEW                      0.0 NORTHWEST ALABAMA
-TRIAD OIL & GAS CO INC                           RECEIVED:  09/03/81  JA: AL
 8148406    7-2-819PD     0107520326     102-4    COATS 29-15 NO 1 WELL                     BEAVERTON FIELD             600.0 SOUTHERN NATURAL
****************************************************************************************
   LOUISIANA OFFICE OF CONSERVATION
****************************************************************************************
-PRIMOS PRODUCTION                                RECEIVED:  09/03/81  JA: LA
 8148319    81-1694       1711122431     108      PETRO LEWIS E NICHOLS #1                  MONROE                        9.5 PETRO LEWIS FUNDS
 8148313    81-1690       1711122832     108      PETRO LEWIS UNION POWER #8                MONROE                        5.8 PETRO LEWIS FUNDS
-PRIMOS PRODUCTION CO                             RECEIVED:  09/03/81  JA: LA
 8148312    81-1687       1707321456     108      PETRO LEWIS CONS CARBON #2                MONROE                        6.2 PETRO LEWIS FUNDS
 8148310    81-1683       1707321618     108      PETRO LEWIS DARBONNE #1                   MONROE                       13.7 PETRO LEWIS FUNDS
 8148320    81-1695       1711122433     108      PETRO LEWIS E NICHOLS #4                  MONROE                        9.5 PETRO LEWIS FUNDS
 8148322    81-1696       1711122782     108      PETRO LEWIS E NICHOLS #5                  MONROE                        9.5 PETRO LEWIS FUNDS
 8148307    81-1688       1711122780     108      PETRO LEWIS FROST LUMBER #14              MONROE                        6.4 PETRO LEWIS FUNDS
 8148308    81-1689       1711122881     108      PETRO LEWIS FROST LUMBER #4               MONROE                       14.8 PETRO LEWIS FUNDS
 8148318    81-1693       1711122401     108      PETRO LEWIS NOLAN HEIRS #2                MONROE GAS FIELD             15.8 PETRO LEWIS FUNDS
 8148316    81-1686       1711122367     108      PETRO LEWIS PENNZOIL FEE 65 #4            MONROE                       16.3 PETRO LEWIS FUNDS
 8148309    81-1682       1707321624     108      PETRO LEWIS S R WALL #2                   MONROE                       11.9 PETRO LEWIS FUNDS
 8148306    81-1687       1707321623     108      PETRO LEWIS SR WALL #1                    MONROE                       11.9 PETRO LEWIS FUNDS
 8148314    81-1691       1711122833     108      PETRO LEWIS UNION POWER #9                MONROE                        5.8 PETRO LEWIS FUNDS
 8148311    81-1685       1711122373     108      PETRO-LEWIS PENNZOIL FEE 65 #3            MONROE                       16.3 PETRO LEWIS FUNDS
 8148315    81-1692       1711122834     108      PETRO-LEWIS UNION POWER #12               MONROE                        5.8 PETRO LEWIS FUNDS
-PRIMOS-PENNZOIL JV                               RECEIVED:  09/03/81  JA: LA
 8148348    81-1776       1707321254     108      A BAYLES #1                               MONROE                        8.6 UNITED GAS PIPELI
 8148346    81-1772       1707321176     108      ARENT #1                                  MONROE                       12.8 UNITED GAS PIPELI
 8148302    81-1773       1707321186     108      ARENT #3                                  MONROE                       12.8 UNITED GAS PIPELI
 8148352    81-1775       1707321454     108      ARENT #6                                  MONROE                       12.8 UNITED GAS PIPELI
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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8148351	81-1774	1707321177		108		ARENT NO 5	MONROE	12.8	UNITED GAS PIPELI
8148333	81-1703	1707672144		108		CROSSETT TIMBER & DEVELOPMENT CO #1	MONROE	11.2	UNITED GAS PIPE L
8148334	81-1704	1707621445		108		CROSSETT TIMBER & DEVELOPMENT CO 2	MONROE	11.2	UNITED GAS PIPELI
8148342	81-1764	1707321165		108		D ARBONNE CO #1	MONROE	2.8	UNITED GAS PIPELI
8148343	81-1765	1707321166		108		DARBONNE CO #2	MONROE	2.8	UNITED GAS PIPELI
8148344	81-1770	1707321255		108		FEE 135 #1	MONROE	3.0	UNITED GAS PIPELI
8148345	81-1771	1707321197		108		FEE 136 #1	MONROE	11.1	UNITED GAS PIPELI
8148400	81-1751	1707321203		108		FEE 136 #2	MONROE	11.1	UNITED GAS PIPELI
8148401	81-1752	1707321198		108		FEE 136 #3	MONROE	11.1	UNITED GAS PIPELI
8148356	81-1753	1707321526		108		FEE 136 #4	MONROE	11.1	UNITED GAS PIPELI
8148402	81-1754	1707321215		108		FEE 523 #1	MONROE	15.7	UNITED GAS PIPELI
8148347	81-1766	1707321442		108		FEE 53 #1	MONROE	5.9	UNITED GAS PIPELI
8148339	81-1767	1707321286		108		FEE 55 #1	MONROE	15.7	UNITED GAS PIPELI
8148340	81-1768	1707321483		108		FEE 55 #2	MONROE	15.7	UNITED GAS PIPELI
8148353	81-1769	1707321473		108		FEE 55 #3	MONROE	15.7	UNITED GAS PIPE L
8148379	81-1729	1706721593		108		FEE 71 NO 2	MONROE	2.5	UNITED GAS PIPELI
8148403	81-1755	1706721361		108		GEORGIA PACIFIC C #16	MONROE	9.6	UNITED GAS PIPELI
8148404	81-1756	1706721362		108		GEORGIA PACIFIC C #17	MONROE	9.6	UNITED GAS PIPELI
8148338	81-1757	1706721352		108		GEORGIA PACIFIC C #18	MONROE	9.6	UNITED GAS PIPELI
8148329	81-1758	1706721380		108		GEORGIA PACIFIC C #21	MONROE	12.5	UNITED GAS PIPELI
8148330	81-1759	1706721442		108		GEORGIA PACIFIC C #22	MONROE	9.6	UNITED GAS PIPELI
8148335	81-1760	1706721437		108		GEORGIA PACIFIC C #24	MONROE	12.5	UNITED GAS PIPELI
8148336	81-1761	1706721449		108		GEORGIA PACIFIC C #25	MONROE	11.2	UNITED GAS PIPELI
8148393	81-1741	1706721377		108		GEORGIA PACIFIC C #26	MONROE	7.7	UNITED GAS PIPELI
8148388	81-1735	1706721458		108		GEORGIA PACIFIC C #27	MONROE	12.5	UNITED GAS PIPELI
8148389	81-1736	1706721379		108		GEORGIA PACIFIC C #28	MONROE	12.5	UNITED GAS PIPELI
8148390	81-1737	1706721378		108		GEORGIA PACIFIC C #29	MONROE	12.5	UNITED GAS PIPELI
8148380	81-1730	1706721483		108		GEORGIA PACIFIC C #31	MONROE	9.6	UNITED GAS PIPELI
8148381	81-1731	1706721484		108		GEORGIA PACIFIC C #32	MONROE	12.5	UNITED GAS PIPELI
8148376	81-1732	1706721485		108		GEORGIA PACIFIC C #33	MONROE	9.6	UNITED GAS PIPELI
8148375	81-1733	1706721589		108		GEORGIA PACIFIC C #34	MONROE	9.6	UNITED GAS PIPELI
8148378	81-1734	1706721590		108		GEORGIA PACIFIC C #35	MONROE	12.5	UNITED GAS PIPELI
8148385	81-1738	1706721482		108		GEORGIA PACIFIC C-30	MONROE	9.6	UNITED GAS PIPELI
8148326	81-1706	1706721365		108		GEORGIA PACIFIC D #1	MONROE	12.5	UNITED GAS PIPELI
8148358	81-1713	1706721381		108		GEORGIA PACIFIC D #10	MONROE	11.2	UNITED GAS PIPE L
8148359	81-1714	1706721372		108		GEORGIA PACIFIC D #11	MONROE	12.5	UNITED GAS PIPELI
8148366	81-1715	1706721373		108		GEORGIA PACIFIC D #12	MONROE	12.5	UNITED GAS PIPELI
8148367	81-1716	1706721374		108		GEORGIA PACIFIC D #13	MONROE	12.5	UNITED GAS PIPELI
8148368	81-1717	1706721375		108		GEORGIA PACIFIC D #14	MONROE	12.5	UNITED GAS PIPELI
8148363	81-1718	1706721454		108		GEORGIA PACIFIC D #15	MONROE	12.5	UNITED GAS PIPE L
8148364	81-1719	1706721452		108		GEORGIA PACIFIC D #16	MONROE	12.5	UNITED GAS PIPE L
8148365	81-1720	1706721455		108		GEORGIA PACIFIC D #17	MONROE	12.5	UNITED GAS PIPELI
8148305	81-1721	1706721146		108		GEORGIA PACIFIC D #18	MONROE	12.5	UNITED GAS PIPELI
8148323	81-1697	1706721465		108		GEORGIA PACIFIC D #19	MONROE	11.2	UNITED GAS PIPELI
8148355	81-1707	1706721366		108		GEORGIA PACIFIC D #2	MONROE	12.5	UNITED GAS PIPELI
8148354	81-1708	1706721369		108		GEORGIA PACIFIC D #3	MONROE	12.5	UNITED GAS PIPELI
8148362	81-1709	1706721447		108		GEORGIA PACIFIC D #4	MONROE	12.5	UNITED GAS PIPELI
8148360	81-1710	1706721371		108		GEORGIA PACIFIC D #5	MONROE	11.2	UNITED GAS PIPELI
8148361	81-1711	1706721417		108		GEORGIA PACIFIC D #6	MONROE	11.2	UNITED GAS PIPELI
8148357	81-1712	1706721368		108		GEORGIA PACIFIC D #7	MONROE	11.2	UNITED GAS PIPELI
8148324	81-1698	1706721475		108		GEORGIA PACIFIC D-20	MONROE	8.1	UNITED GAS PIPELI
8148317	81-1699	1706721478		108		GEORGIA PACIFIC D-21	MONROE	11.2	UNITED GAS PIPELI
8148327	81-1700	1706721476		108		GEORGIA PACIFIC D-22	MONROE	11.2	UNITED GAS PIPELI

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                                                                                        VOLUME  512        PAGE  003
JD NO     JA DKT          API NO      D SEC CAT WELL NAME                               FIELD NAME           PROD     PURCHASER
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8148328    81-1701        1706721592    108      GEORGIA PACIFIC D#23                   MONROE                   11.2 UNITED GAS PIPELI
8148321    81-1702        1706721522    108      GEORGIA PACIFIC E #1                   MONROE                    8.1 UNITED GAS PIPE L
8148332    81-1702        1707321216    108      M C COLE #2                            MONROE                    1.9 UNITED GAS PIPELI
8148337    81-1762        1707321214    108      M C COLE #3                            MONROE                    7.6 UNITED GAS PIPELI
8148386    81-1739        1711121940    108      HAILE BROS #1                          MONROE                    8.1 UNITED GAS PIPELI
8148387    81-1740        1711121902    108      J THOMAS #1                            MONROE                   10.2 UNITED GAS PIPELI
8148331    81-1781        1707321188    108      JOHNSON #1                             MONROE                    4.4 UNITED GAS PIPELI
8148405    81-1750        1707321126    108      LIEBER #1                              MONROE                    4.1 UNITED GAS PIPELI
8148391    81-1745        1707321260    108      LIEBER #10                             MONROE                    4.1 UNITED GAS PIPELI
8148396    81-1744        1707321260    108      LIEBER #10-D                           MONROE                    4.1 UNITED GAS PIPE L
8148395    81-1743        1707321277    108      LIEBER #11                             MONROE                    4.1 UNITED GAS PIPELI
8148394    81-1742        1707321277    108      LIEBER #11-D                           MONROE                    4.1 UNITED GAS PIPELI
8148397    81-1749        1707321127    108      LIEBER #2                              MONROE                    4.1 UNITED GAS PIPELI
8148399    81-1748        1707321257    108      LIEBER #4                              MONROE                    4.1 UNITED GAS PIPELI
8148398    81-1747        1707321164    108      LIEBER #5                              MONROE                    4.1 UNITED GAS PIPELI
8148392    81-1746        1707321171    108      LIEBER #8                              MONROE                    4.1 UNITED GAS PIPELI
8148341    81-1763        1707321213    108      PERRYVILLE #1                          MONROE                    1.6 UNITED GAS PIPELI
8148370    81-1727        1706721472    108      SCHOOL BOARD #13                       MONROE                   11.8 UNITED GAS PIPELI
8148371    81-1728        1706721467    108      SCHOOL BOARD #14                       MONROE                   11.8 UNITED GAS PIPELI
8148325    81-1705        1706721464    108      SCHOOL BOARD #7                        MONROE                   11.8 UNITED GAS PIPELI
8148372    81-1722        1706721466    108      SCHOOL BOARD #8                        MONROE                   11.8 UNITED GAS PIPELI
8148373    81-1723        1706721468    108      SCHOOL BOARD #9                        MONROE                   11.8 UNITED GAS PIPELI
8148374    81-1724        1706721469    108      SCHOOL BOARD NO 10                     MONROE                   11.8 UNITED GAS PIPELI
8148377    81-1725        1706721470    108      SCHOOL BOARD NO 11                     MONROE                   11.8 UNITED GAS PIPELI
8148369    81-1726        1706721471    108      SCHOOLBOARD NO 12                      MONROE                   11.8 UNITED GAS PIPELI
8148350    81-1778        1707321196    108      WALL #1                                MONROE                    9.7 UNITED GAS PIPELI
8148349    81-1777        1706721217    108      WHITE #1                               MONROE                   10.2 UNITED GAS PIPELI
8148383    81-1779        1707321190    108      WILSON #1                              MONROE                    4.4 UNITED GAS PIPELI
8148384    81-1780        1707321191    108      WILSON #2                              MONROE                    4.4 UNITED GAS PIPELI
***************************************************************************
  NEW MEXICO DEPARTMENT OF ENERGY & MINERALS
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-MARALO INC                                 RECEIVED:  09/03/81  JA: NM
 8148304                  3002500000   102-2   MARALO 16 STATE #2               SIOUX YATES POOL         65.0 EL PASO NATURAL G
-YATES PETROLEUM CORPORATION                RECEIVED:  09/03/81  JA: NM
 8148275   NM-0985-81     3000560682   107-TF  HAHN NH FEDERAL #1               UNDES ABO                 0.0 TRANSWESTERN PIPE
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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM
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-AMOCO PRODUCTION CO                        RECEIVED:  09/03/81  JA: NM  4
 8148281   NM 1022-81     3004524663   103     C A MCADAMS C NO 1E              BASIN DAKOTA             30.0 EL PASO NATURAL G
 8148232   NM-0016-81-E   3004508586   108-ER  FLORANCE GAS COM B #1 (2ND FILING)  BASIN DAKOTA          19.0 EL PASO NATURAL G
 8148295   NM-1038-81     3004524553   103     GALLEGOS CANYON UNIT NO 152E     BASIN DAKOTA             30.0 EL PASO NATURAL G
 8148296   NM-1037-81     3004524292   103     GALLEGOS CANYON UNIT NO 153E     BASIN DAKOTA             30.0 EL PASO NATURAL G
 8148294   NM-1039-81     3004524726   103     J C GORDON D NO 3E               BASIN DAKOTA             30.0 EL PASO NATURAL G
 8148292   NM-1041-81     3004524725   103     MARTIN GAS COM F NO 1E           BASIN DAKOTA             50.0 EL PASO NATURAL G
 8148291   NM-1042-81     3004524665   103     P O PIPKIN NO 1E                 BASIN DAKOTA             30.0 EL PASO NATURAL G
 8148290   NM-1043-81     3004524684   103     P O PIPKIN NO 3E                 BASIN DAKOTA             30.0 EL PASO NATURAL G
 8148293   NM-1040-81     3004523902   103     W D HEATH A NO 14                WILDCAT-KIRTLAND         15.0 EL PASO NATURAL G
-BLACKWOOD & NICHOLS CO LTD                 RECEIVED:  09/03/81  JA: NM  4
 8148213   NM-0952-81     3004505751   108     NORTHEAST BLANCO UNIT WELL NO 104   BLANCO MESAVERDE SEC I-3   20.0 EL PASO NATURAL G
 8148214   NM-0950-81     3004522528   108     NORTHEAST BLANCO UNIT WELL NO 65    BLANCO MESAVERDE NE/4 SE   20.0 EL PASO NATURAL G
-CITIES SERVICE COMPANY                     RECEIVED:  09/03/81  JA: NM  4
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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8140282	NM 1017-81	3001523538	103	FEDERAL N COM NO 1	UNDESIGNATED MORROW	365.0	
-COTTON PETROLEUM CORPORATION				RECEIVED: 09/03/81 JA: NM 4			
8140264	NM-0560-81	3003922220	103	APACHE NO 25	S BLANCO	46.0	NORTHWEST PIPELIN
-DAVE M THOMAS JR				RECEIVED: 09/03/81 JA: NM 4			
8140288	NM 1023-81	3003922584	103	AMERADA JICARILLA #3	CHACON JICARILLA	59.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP				RECEIVED: 09/03/81 JA: NM 4			
8140267	NM-0821-81	3004524636	103	MF #1 WELL	BASIN DAKOTA	35.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED: 09/03/81 JA: NM 4			
8140244	NM-1066-81	3004520446	108	BOLACK B #7	SOUTH BLANCO - PICTURED	20.0	EL PASO NATURAL G
8140268	NM-0085-81	3004521100	108	HEATON #31 PC	AZTEC PICTURED CLIFFS	24.0	EL PASO NATURAL G
8140245	NM-1062-81	3004520334	108	HOWELL #6	SOUTH BLANCO - PICTURED	22.0	EL PASO NATURAL G
8140240	NM-0964-81	3004521770	108	HOWELL D #3A	BLANCO - MESA VERDE	0.0	EL PASO NATURAL G
8140223	NM-0870-81	3004505916	108	HUERFANITO UNIT #92	BASIN-DAKOTA	20.0	EL PASO NATURAL G
8140274	NM-1816-80	3004511579	108	HUERFANO UNIT #145	BASIN-DAKOTA	19.0	EL PASO NATURAL G
8140224	NM-0872-81	3004520419	108	HUERFANO UNIT #190	BASIN - DAKOTA	18.0	EL PASO NATURAL G
8140243	NM-1068-81	3004510338	108	KERNAGHAN #4	BLANCO - MESA VERDE	20.0	EL PASO NATURAL G
8140220	NM-0862-81	3004507349	108	LACKEY B #16	BASIN - DAKOTA	10.0	EL PASO NATURAL G
8140272	NM-1716-80	3004523710	108	MORRIS A #3R	AZTEC PICTURED CLIFFS GA	9.0	EL PASO NATURAL G
8140298	NM-1030-81	3004523740	103	NEWBERRY #13A	BLANCO MESAVERDE	150.0	EL PASO NATURAL G
8140297	NM-1031-81	3004523738	103	NEWBERRY #3A	BLANCO MESAVERDE	150.0	EL PASO NATURAL G
8140246	NM-1061-81	3004520469	108	PIERCE #6	BLANCO - PICTURED CLIFFS	21.0	EL PASO NATURAL G
8140270	NM-0261-81	3003921392	108	RINCON UNIT #220	LARGO-CHACRA	23.0	EL PASO NATURAL G
8140265	NM-0630-81	3003920127	108	SAN JUAN 27-4 UNIT #47	BASIN - DAKOTA	16.0	EL PASO NATURAL G
8140217	NM 905-81	3003920484	108	SAN JUAN 27-4 UNIT #60	BASIN DAKOTA	17.0	EL PASO NATURAL G
8140221	NM-0863-81	3003920608	108	SAN JUAN 28-6 UNIT #172	BLANCO SOUTH-PICTURED CL	20.0	EL PASO NATURAL G
8140242	NM-1100-81	3003960072	108	SAN JUAN 28-6 UNIT #7	BLANCO - MESAVERDE	18.0	EL PASO NATURAL G
8140211	NM 0944-81	3003922362	103	SAN JUAN 28-7 UNIT #239E	BASIN DAKOTA	190.0	EL PASO NATURAL G
8140215	NM 0945-81	3003922360	103	SAN JUAN 28-7 UNIT #246E	BASIN DAKOTA	150.0	EL PASO NATURAL G
8140212	NM 0940-81	3003922363	103	SAN JUAN 28-7UNIT #256E	BASIN DAKOTA	160.0	EL PASO NATURAL G
8140222	NM-0868-81	3003907555	108	SAN JUAN 29-7 UNIT #40	BLANCO-MESAVERDE	15.0	EL PASO NATURAL G
8140263	NM-0475-81	3003907130	108	SJ 28-6 UNIT #80 MV & PC	BLANCO - MESAVERDE AND S	23.0	EL PASO NATURAL G
8140247	NM-1059-81	3002500000	108	W H RHODES B FEDERAL NCT 2 #5	RHODES YATES - SEVEN RIV	1.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED: 09/03/81 JA: NM 4			
8140279	NM 1026-81	3003922659	103	JICARILLA B WELL NO 3E	BASIN DAKOTA	34.0	EL PASO NATURAL G
-KENAI OIL AND GAS INC				RECEIVED: 09/03/81 JA: NM 4			
8140271	NM-0343-81	3001523368	103	COBB-FEDERAL #2 NM-13987	ARTESIA	0.0	
-KIMBELL OIL COMPANY				RECEIVED: 09/03/81 JA: NM 4			
8140259	NM-1140-81	3003905899	108	JICARILLA FEDERAL NO I	BASIN DAKOTA M-20-25N-5W	16.7	EL PASO NATURAL G
-MARATHON OIL COMPANY				RECEIVED: 09/03/81 JA: NM 4			
8140273	NM-1786-80	3004524335	103	OHIO C GOVERNMENT #3-E	KUTZ CANYON	212.0	EL PASO NATURAL G
-MESA PETROLEUM				RECEIVED: 09/03/81 JA: NM 4			
8140218	NM 0906-81	3000560698	107-TF	BARN FEDERAL #1	UNDESIGNATED ABO	100.0	TRANSWESTERN PIPE
8140219	NM-0908-81	3000560859	107-TF	CAMACK FEDERAL #1	UNDESIGNATED ABO	97.0	TRANSWESTERN PIPE
8140226	NM-0909-81	3000560831	107-TF	CAMACK FEDERAL #3	UNDESIGNATED ABO	495.0	TRANSWESTERN PIPE
8140227	NM-0910-81	3000560759	107-TF	COYOTE FEDERAL #1	UNDESIGNATED ABO	200.0	TRANSWESTERN PIPE
8140228	NM-0911-81	3000560779	107-TF	COYOTE FEDERAL #2	UNDESIGNATED ABO	400.0	TRANSWESTERN PIPE
8140236	NM-0912-81	3000560827	107-TF	COYOTE FEDERAL #3	UNDESIGNATED ABO	214.0	TRANSWESTERN PIPE
8140237	NM-0913-81	3000560818	107-TF	COYOTE FEDERAL #4	UNDESIGNATED ABO	309.0	TRANSWESTERN PIPE
8140301	NM-0924-81-B	3003922255	103	FEDERAL #11E	BLANCO MESAVERDE	603.0	NORTHWEST PIPELIN
8140302	NM-0924-81-A	3003922255	103	FEDERAL #11E	BASIN-DAKOTA	957.0	NORTHWEST PIPELIN
8140238	NM-0914-81	3000560769	107-TF	HUGGINS FEDERAL #1	UNDESIGNATED ABO	290.0	TRANSWESTERN PIPE
8140225	NM-0915-81	3000560600	107-TF	ROCK FEDERAL #1	WILDCAT ABO	179.0	TRANSWESTERN PIPE
8140234	NM 916-81	3000560630	107-TF	ROCK FEDERAL #2	UNDESIGNATED ABO	60.0	TRANSWESTERN PIPE

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                                                                                VOLUME  512         PAGE  005
 JD NO     JA DKT        API NO      C SEC CAT WELL NAME                        FIELC NAME                  PROD      PURCHASER
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 8148235   NM 917-81     3000560687    107-TF  ROCK FEDERAL #5                  UNDESIGNATED ABO            100.0 TRANSWESTERN PIPE
 8148262   NM-0918-81    3000560772    107-TF  SALT FEDERAL #1                  UNDESIGNATED ABO            181.0 TRANSWESTERN PIPE
 8148253   NM 919-81     3000560704    107-TF  SAVAGE FEDERAL #1                WILDCAT ABO                 479.0 TRANSWESTERN PIPE
 8148252   NM 920-81     3000560756    107-TF  SAVAGE FEDERAL #2                UNDESIGNATED ABO            365.0 TRANSWESTERN PIPE
 8148257   NM-0921-81    3000560703    107-TF  STANCEL FEDERAL #1               WILDCAT ABO                 365.0 TRANSWESTERN PIPE
 8148287   NM 922-81     3000560749    107-TF  STANCEL FEDERAL #2               UNDESIGNATED ABO            168.0 TRANSWESTERN PIPE
 8148303   NM-0923-81    3000560770    107-TF  STANCEL FEDERAL #3               UNDESIGNATED ABO            700.0 TRANSWESTERN PIPE
-MOBIL PROG TEXAS & NEW MEXICO INC      RECEIVED:  09/03/81  JA: NM  4
 8148258   NM-1835-80    3003920162    108     JICARILLA B NO 8                 TAPACITO PICTURED CLIFFS     19.5 NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION         RECEIVED:  09/03/81  JA: NM  4
 8148251   NM-1045-81-B 3003922538    103     ROSA UNIT 77 DK/GL               BASIN DAKOTA-GALLUP          99.0 NORTHWEST PIPELIN
 8148289   NM-1045-81-A 3003922538    103     ROSA UNIT 77 MV                  BLANCO MESAVERDE            174.0 NORTHWEST PIPELIN
 8148261   NM-1007-81-B 3003922537    103     ROSA 80 DK                       BASIN DAKOTA                 40.0 NORTHWEST PIPELIN
 8148254   NM-1007-81-A 3003922537    103     ROSA 80 MV                       BLANCO MESAVERDE            200.0 NORTHWEST PIPELIN
 8148231   NM-1165-80    3004507835    108     SAN JUAN 30-5 #25                BLANCO MESAVERDE              0.0 EL PASO NATURAL G
 8148284   NM-1010-81    3003921147    108     SAN JUAN 30-5 #54                BLANCO MESAVERDE             21.0 NORTHWEST PIPELIN
 8148283   NM-1012-81    3003922573    103     SAN JUAN 30-5 #72                BASIN DAKOTA                 95.0 PHILLIPS PACIFIC
 8148229   NM-1009-81    3003907835    108     SAN JUAN 30-5 UNIT #5            BLANCO MESAVERDE              0.0 EL PASO NATURAL G
 8148260   NM-1008-81    3004521545    108     SAN JUAN 32-7 #28                BLANCO MESAVERDE              0.0 EL PASO NATURAL G
 8148248   NM-1088-81    3004524390    103     SAN JUAN 32-7 #62                BASIN DAKOTA                 23.0 NORTHWEST PIPELIN
 8148250   NM-1046-81    3004524499    103     SAN JUAN 32-8 #20A               BLANCO MESAVERDE            121.0 NORTHWEST PIPELIN
 8148230   NM-1164-80    3004510943    108     SAN JUAN 32-8 #33                BLANCO MESAVERDE              0.0 EL PASO NATURAL G
 8148249   NM-1047-81    3004522468    103     SAN JUAN 32-8 #42                BLANCO MESAVERDE            189.0 NORTHWEST PIPELIN
-PERRY R BASS                           RECEIVED:  09/03/81  JA: NM  4
 8148216   NM-0895-81-I [illegible]    103     JAMES RANCH UNIT NO 1[illegible] WILDCAT                     274.0 NATURAL GAS PIPEL
-SHELL OIL CO                           RECEIVED:  09/03/81  JA: NM  4
 8148269   NM-0195-81    3001510499    108     HENSHAW DEEP UNIT #11            HENSHAW WOLFCAMP              2.0 PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO                   RECEIVED:  09/03/81  JA: NM  4
 8148277   NM 0975-81    3001523502    103     EMPIRE FEDERAL 22 COM #1                                      46.0 TRANSWESTERN PIPE
-SUPRON ENERGY CORPORATION              RECEIVED:  09/03/81  JA: NM  4
 8148239   NM 0973-81-A 3004524369    103     NORDHAUS 5-A                     BLANCO MESAVERDE            288.0 SOUTHERN UNION GA
 8148278   NM 0973-81-B 3004524369    103     NORDHAUS 5-A                     BASIN DAKOTA                102.0 SOUTHERN UNION GA
 8148266   NM-0684-81-B 3004524452    103     TALIAFERRO NO 4-E                BLANCO MESAVERDE            312.0 SOUTHERN UNION GA
-TENNECO OIL COMPANY                    RECEIVED:  09/03/81  JA: NM  4
 8148276   NM-0981-81    3004524592    103     NEWBERRY A #4E                   BASIN DAKOTA                500.0 NORTHWEST PIPELIN
-TEXACO INC                             RECEIVED:  09/03/81  JA: NM  4
 8148241   NM-1115-81    3002527186    103     COTTON DRAW UNIT #74             NORTH PADUCA (DELAWARE)      15.0 PHILLIPS PETROLEU
-W M GALLAWAY                           RECEIVED:  09/03/81  JA: NM  4
 8148299   NM-1027-81    3004521082    108     DELO #8                          FULCHER KUTZ PICTURED CL      5.0 EL PASO NATURAL G
 8148233   NM-0017-81-E 3003920444    108-ER  MECHEL #6                        TAPACITO PICTURED CLIFFS     12.0 EL PASO NATURAL G
-YATES PETROLEUM CORPORATION            RECEIVED:  09/03/81  JA: NM  4
 8148256   NM-1112-81    3001523591    103     AMOCO QT FEDERAL #1              SIEGREST DRAW                 0.0 TRANSWESTERN PIPE
 8148300   NM-0995-81    3000560742    107-TF  COFFMAN NY FEDERAL #1            UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148288   NM-0996-81    3001560594    107-TF  DUNCAN LH FED #1-Y               UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148286   NM-0997-80    3000560820    107-TF  EVERETTE OO FEDERAL #1           UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148285   NM-0999-81    3000560608    107-TF  FIVE MILE DRAW LX FEDERAL #1     UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148207   NM-0986-81    3000560645    107-TF  IWANOWSKI MM FEDERAL #1          UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148204   NM-0987-81    3000560614    107-TF  MCCLELLAN MB FEDERAL #1          UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148203   NM-0988-81    3000560834    107-TF  MCCLELLAN MB FEDERAL #2          UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148202   NM-0989-81    3000560799    107-TF  POWERS OL FEDERAL #1             UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148209   NM-0990-81    3000560821    107-TF  POWERS OL FEDERAL #3             UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148255   NM-1001-81    3001560574    107-TF  SOUTH ALKALI LK FED #1           UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148208   NM 991-81     3000560681    107-TF  TECKLA MD FEDERAL #2             UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148206   NM-0992-81    3001560[illegible]83    107-TF  THOMAS LN FEDERAL #1     UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148205   NM-0993-81    3000560740    107-TF  THORPE MI FEDERAL #2             UNDES ABO                     0.0 TRANSWESTERN PIPE
 8148210   NM-0994-81    3000560[illegible]47    107-TF  WILLIAMSON LC FEDERAL #2 WILDCAT ABO                   0.0 TRANSWESTERN PIPE
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth Plumb,
Secretary.

[FR Doc. 81-28565 Filed 9-30-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-10-FRL-1946-6]

Petitions Requesting Sole Source Aquifer Designation; Request for Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Public comments requested.

SUMMARY: The purpose of this notice is to invite public comment on the two *sole source aquifer* petitions for Whidbey Island and Camano Island submitted April 13, 1981 by the Island County Board of Commissioners of Coupeville, Washington, on behalf of the Island County Health Department and the Island County Planning Department. The petitions request the Regional Administrator of the Environmental Protection Agency, Region 10, to make a determination under Section 1424(e) of the Safe Drinking Water Act, Pub. L. 93-523 as amended, that separates aquifers underlying Whidbey Island and Camano Island be designated as sole or principal drinking water sources for the area which, if contaminated, would create a significant hazard to public health.

The Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 88 Stat. 1661, provides in section 1424(e):

> (e) "If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the **Federal Register**. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into, to plan or design the project to assure that it will not so contaminate the aquifer."

These two petitions are being processed under the sole or principal aquifer proposed regulations published in the **Federal Register**, Volume 42, No. 189, page 51620, Thursday, September 29, 1977.

DATE: Comments will be accepted up to November 16, 1981.

ADDRESSES: The petitions and background data concerning this request for sole source aquifer designation can be examined during normal business hours at the following locations:

Island County Health Department or Island County Planning Department, Courthouse Annex, 6th and Main, Coupeville, Washington 98239. Attn: Don Holmes or Rob Harbour.

Environmental Protection Agency, Region 10, Library, 1200 Sixth Avenue, Seattle, Washington 98101.

COMMENTS SHOULD BE ADDRESSED TO: Harold M. Scott, Drinking Water Programs Branch, M/S 409, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-1223, FTS 399-1223.

FOR FURTHER INFORMATION CONTACT: Harold Scott at (206) 442-1223, or FTS 399-1223.

SUPPLEMENTARY INFORMATION: Due to the similarity of the two petitions, significant portions are combined and reprinted below:

(a) *Petitioners' interest.*

The above named petitioners are mandated by state law to plan for, and regulate public and private systems and services and activities in order to ensure an acceptable level of health, safety and welfare within Island County, consistent with federal, state and local laws.

A more specific responsibility of the petitioners is to provide for the continued productivity and qualtiy of Whidbey Island's and Camano Island's ground water aquifers, which are the sole source of drinking water for a major portion of the islands' population.

The petitioners wish to cooperate with the U.S. Environmental Protection Agency to ensure that all projects on Whidbey Island and Camano Island receiving federal financial assistance, will be consistent with our common goal of safeguarding our fragile aquifers for the benefit of present and future generations.

(b) *Significant Health Hazard Due to Contamination.*

Contamination of the ground-water aquifers, either by improper management of ground water withdrawal or by pollution resulting from unwise land use activities, would constitute a major health hazard because 70% of the Whidbey Island population and the entire population of Camano Island depend upon ground water for its drinking water supply.

In addition, the predominant development patterns on Whidbey Island and Camano Island and the unique characteristics of an island intensify the potential health hazards caused by ground-water aquifer pollution. Development is predominantly rural and low density residential in nature. Such a low density of development induces the proliferation of many individual and small community water systems that, in the event of ground-water pollution, would be difficult or impossible to adequately monitor or control.

Islands, by their very nature, are more isolated than surrounding mainland areas. As a result of this isolation, the provisions of even a short term emergency water supply would be difficult if not impossible.

(c) *The Aquifers and Their Location.*

(1) The following plans and reports address the ground-water aquifers of Whidbey Island and Camano Island:

The Comprehensive Water and Sewer Plan for Island County, published in 1968, by R. W. Beck and Associates, discusses future water demands and the problems associated with meeting those demands. Although it is over 10 years old, the document has a wealth of accurate information regarding the ground-water aquifer of Whidbey Island.

Also published in 1968, *Water Bulletin #25*, prepared by the Washington Department of Water Resources (now the Dept. of Ecology) contains information on pleistocene stratigraphy and ground-water resources.

Island County is presently participating, with the United States Geological Survey, in a cooperative study of the ground-water resources of the entire county. The goal of this effort is the formulation of a ground-water management plan that will ensure the long term productivity of the ground-water aquifers of the county.

Presently, only a preliminary report, designated "Confidential," has been released by U.S.G.S. for in-house review. Data collection continues and a final report is expected to be published within three years. Charles R. Collier, District Chief, United States Department of Interior, Geological Survey, Water Resources Div., 1201 Pacific Ave., Suite 600, Tacoma, WA, 98402, may be contacted for release of information contained in the study.

The ground-water aquifers serving Whidbey Island and Camano Island lie within the shoreline defining the Islands.

(2) *Location of Sole or Primary Source Aquifer Area.*

The aquifer underlying Whidbey Island is a sole or primary source aquifer for the entire island population EXCEPT for the following areas: The City of Oak Harbor, Deception Pass State Park, a residential plant adjacent to the state park and a few industrial users north of Oak Harbor on Goldie Road.

The entire aquifer underlying Camano Island is a sole or primary source aquifer for the entire island population.

(3) Preliminary U.S. Census Bureau figures indicate a 1980 population of approximately 25,262 for Whidbey Island described in subparagraph #2 above. the 1970 population of this area was 13,766 which indicates a 45% increase in the past decade.

Preliminary U.S. Census Bureau figures indicate that the permanent 1980 population of Camano Island was 4,998. The 1970 population of Camano Island was 2,600. The Island has experienced a 91.8% population increase in the past decade and will experience accelerated population growth in the coming years.

(4) *Alternative Sources of Drinking Water.*

Presently, the City of Oak Harbor and the U.S. Navy purchase water from the City of Anacortes. 75% of the water used within the Cty of Oak Harbor is purchase from the City of Anacortes. The purchased water is drawn from the Skagit River above Mt. Vernon and piped to Oak Harbor and the U.S. Navy Base by two pipelines that tie into the main pipeline to Anacortes.

The potential for expansion of this service exists on the northern portion of the island, in close proximity to the pipeline. Future expansion of this alternative surface water source is limited by previous commitments of water produced by the Anacortes Water System and the Skagit River itself.

Central and southern Whidbey Island could not be served economically by the Anacortes system because of the low density of development and distance from the existing system.

There are no known alternative sources of drinking water capable of serving Camano Island. The nearest major water purveyor, Stanwood Water Company, serves the City of Stanwood, a food processing plant and a small area surrounding the city. Due to the distance from its existing service area and the low density development on Camano Island, the Stanwood Water Company is not a viable alternative source of drinking water.

(5) *Recharge Zones for the Aquifers.*

The recharge areas of the aquifers consist of areas of high soil permeability and low-lying peat and bog areas.

Areas of gravelly and sandy glacial drift and outwash exist throughout the Island and provide a relatively rapid route for rainfall to recharge the ground-water aquifer.

Low-lying peat and bog areas, although less permeable, collect and hold surface and shallow subsurface waters, allowing slow infiltration of the water into the ground-water aquifer

(6) *Source of Recharge.*

The ground-water aquifers of Whidbey Island and Camano Island are entirely dependent upon rainfall for recharge.

(7) *Projects Which Might Contaminate the Aquifer.*

There are a number of projects which might contaminate the ground-water aquifers of Whidbey Island and Camano Island.

The Northern Tier Pipeline Company has applied to the Washington State Energy Facility Site Evaluation Council for license to construct a crude oil shipment pipeline across the Whidbey Island and Camano Island. Local experts fear there will be contamination of the ground-water aquifers by oil leaking from the pipeline and either leaching slowly down to the aquifer or by coming into contact with a moving perched water layer that will move the highly volatile portions of the crude oil quickly to the aquifers. Another potential source of pollution associated with the pipeline project is the intrusion of salt water into the ground-water aquifers through the pipeline landfall, where the pipeline passes from a submarine environment to a terrestrial environment. Disruption of this marine/terrestrial interface could create a "window" through which salt water could enter the ground-water aquifers or through which valuable fresh water supplies could escape into the marine waters.

The Trans-Mountain Pipeline Company has also applied to the Washington State Energy Facility Site Evaluation Council for a license to construct a crude oil pipeline across the Islands. The potential pollution problems associated with the Northern Tier proposal mentioned above apply to this proposal as well.

Presently most residences and businesses on Whidbey Island and all on Camano Island rely upon septic drainfields for disposal of sanitary wastes. If poorly designed, located or constructed, these drainfields cold, in aggregate, pose a serious threat to the ground-water aquifers.

There are several existing or proposed industrial developments that may potentially contaminate the ground-water aquifers. On the southern portion of Whidbey Island, a 90-acre industrial park is proposed in the vicinity of Lone Lake, an unsewered area. The City of Langley has recently received an Economic Development Administration grant to study the feasibility of converting an abandoned solid waste disposal site into an industrial park.

An existing electronics firm in the Goldie Road area of North Whidbey presently disposes of manufacturing wastes in a leach field which is directly upstream of an established peat bog area.

Other additional sources of ground water aquifer pollution include sludge dump sites that serve the six sewage treatment plants in operations on Whidbey Island; the operation of a boat building business on the shores of Homes Harbor, various sanitary landfill sites, both operating and abandoned; and the operation of NAS Whidbey on North Whidbey.

(8) *Public Water Systems Utilizing the Aquifer.*

There are about 300 and 700 recorded public water systems serving Whidbey Island and Camano Island, respectively. There are a much larger number of unrecorded public and private water systems on the Islands.

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(d) *Maps of Aquifer.*

Since the ground-water aquifers of Whidbey Island and Camano Island underline the entire Islands; and the aquifers are recharged by precipitation that percolates through permeable soils scattered throughout the entire Islands, the following map[1] shows the location of, recharge areas of and source of recharge for the ground-water aquifers of Whidbey Island and Camano Island.

Any comments to EPA should be submitted to Harold Scott at the location listed in the "Addresses" section. Depending upon comments, if there is significant public interest the Regional Administrator will hold an informal public hearing on whether the aquifers should be designated a sole source. The Regional Administrator will give widespread notice of such a public hearing.

Dated: September 18, 1981.

John R. Spencer,

Regional Administrator.

[FR Doc. 81-28542 Filed 9-30-81 8:45 am]

BILLING CODE 6560-38-M

[OPTS-59061A; TSH-FRL-1946-2]

Polymer of an Alkenoic Acid, Alkyl Alkenoate, and a Substituted Alkyl Alkenoate; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-31) under section 5 of the Toxic Substances Control Act (TSCA) on August 25, 1981. Notice of receipt of the application was published in the **Federal Register** of September 2, 1981 (46 FR 44042). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Rose Allison, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, D.C. 20460, (202-426-3815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States, a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On August 25, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-31. The manufacturer claimed its identity, the specific chemical identity, and the specific use of the new substance as confidential business information. The generic name of the new substance is a polymer of an alkenoic acid, alkyl alkenoate and, a substituted alkyl alkenoate and it will be used in an open use. A maximum of 35,000 kilograms will be manufactured for test market purposes, during a test marketing period not to exceed two months. During manufacture at one site, a maximum number of 12 workers may be exposed to the new substance 6 hours/day for 4 days and at another site, 5 workers may be exposed for 6 hours/day for one day. During processing, 40 workers will be exposed for 6 hours/day for 10 days. During industrial use, a total of 64 workers will be exposed for a maximum of 8 hours/day for 45 days. A notice published in the **Federal Register** of September 2, 1981 (46 FR 44042) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the text marketing of the substance described In TM-81-31, under the conditions set our in the application will not present any unreasonable risk of injury to health or the environment for the reasons explained below. No significant health concerns were identified for the TME substance. The substance has a high molecular weight and is not soluble in water. As a formulated mixture, there will be no direct exposure to consumers of the new substance. Consumer use will involve an infrequent potential for skin contact with an article containing the new substance in a cured solid state. No significant environmental concerns were identified and environmental release of the substance will be low.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The appplicant must maintain Records of the date(s) of shipment(s) to the customers specified in the application, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 35,000 kilograms described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a two-month period commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test markting of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

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[1] Filed as a part of original documents.

Dated: September 24, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-28529 Filed 9-30-81; 8:45 am]

BILLING CODE 6560-31-M

[EN-3-FRL-1936-6]

Standards of Performance for New Stationary Sources; Delegation of Authority to Commonwealth of Pennsylvania

On June 11, 1979 (44 FR 33613), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of The Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for certain categories of new stationary sources, New Source Performance Standards (NSPS). Section 111(c) directs the Administrator to delegate his authority to implement and enforce NSPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On February 26, 1981, Clifford L. Jones, Secretary, Department of Environmental Resources, submitted to the EPA Regional Office a request for delegation of authority. The request was to receive delegation of authority to enforce New Source Performance Standards for: Grain Elevators, Electric Utility Steam Generating Units, Gas Turbines, Petroleum Liquid Storage Vessels, Glass Manufacturing Plants, Ammonium Sulfate Manufacture, and Automobile and Light-Duty Truck Surface Coating Operations. After a thorough review of that request, the Enforcement Director has determined that for the source categories set forth in paragraph A of the following official letter to Clifford L. Jones, Secretary, Department of Environmental Resources, delegation is appropriate subject to the conditions set forth in paragraphs 1 through 8 of that letter.

During the ten day comment period Pennsylvania made two comments concerning the delegation letter. The first dealt with condition 3. It was the State's understanding that the condition required the State to only request authority for new source categories as they are promulgated, not amendments to existing source categories. This is correct. Condition 3 delegates to the State authority for any future amendments to the categories delegated in this package, and the original categories delegated previously. The second comment by Pennsylvania was that the delegation makes no indication that it does not include Philadelphia and Allegheny Counties. Therefore, the delegation is now amended to specifically exclude Philadelphia and Allegheny Counties from this delegation of authority for NSPS. (The response to Pennsylvania's comments is included in this delegation package).

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Clifford L. Jones,
Secretary, Commonwealth of Pennsylvania, Department of Environmental Resources, Post Office Box 2063, Harrisburg, Pennsylvania

Re: Delegation of Authority of New Source Performance Standards pursuant to Section 111(c), Clean Air Act, as amended

Dear Secretary Jones: This is in response to your letter of February 26, 1981, requesting delegation of authority for implementation and enforcement for the following Standards of Performance for New Stationary Sources (NSPS), to the Commonwealth of Pennsylvania's Department of Environmental Resources (the Department): Grain Elevators, Electric Utility Steam Generating Units, Gas Turbines, Petroleum Liquid Storage Vessels, Glass Manufacturing Plants, Ammonium Sulfate Manufacture, and Automobile and Light-Duty Truck Surface Coating Operations.

We have reviewed the pertinent laws of the Commonwealth of Pennsylvania and its regulations governing the control of air pollution and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS regulations by the Department. Therefore, we hereby delegate authority to the Department, as follows:

The Department is delegated and shall have authority for all sources that come under the above categories, located in the Commonwealth of Pennsylvania subject to the Standards of Performance for New Stationary Sources promulgated in 40 CFR Part 60.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Department For New Source Performance Standards including:

(A) Sources determined to be applicable during that quarter;

(B) Applicable sources which started operation during that quarter or which started operation prior to that quarter which have not been previously reported;

(C) The compliance status of the above, including the summary sheet from the compliance test(s); and

(D) Any legal actions which pertain to NSPS Sources.

2. Enforcement of the NSPS regulations in the Commonwealth of Pennsylvania will be the primary responsibility of the Department. Where the Department determines that such enforcement is not feasible and so notifies EPA, or where the Department acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the Commonwealth of Pennsylvania subject to NSPS regulations.

3. Acceptance of this delegation of certain promulgated NSPS does not commit the Commonwealth of Pennsylvania to request or accept delegation of other present or future standards and requirements. A new request for delegation will be required for any additional standards of 40 CFR Part 60, not included in the State's request of February 26, 1981. (The state has requested all subsequent amendments to the requested standards, and they have demonstrated adequate legal authority to enforce such amendments. Therefore, in this case no additional delegation will be necessary).

4. The Department will not grant a variance from compliance with the applicable NSPS regulations if such variance delays compliance with the Federal Standards (Part 60). Should the Department grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the Department shall also constitute grounds for revocation of delegation by EPA.

5. The Department and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a Department interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the Department.

6. If at any time there is a conflict between a Department regulation and a Federal regulation 40 CFR Part 60, the Federal regulation must be applied if it is more stringent than that of the Department. If the Department does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

7. The Department will utilize the methods specified in 40 CFR Part 60, in performing source tests pursuant to the regulations.

8. If the Enforcement Division Director determines that a Department program for enforcing or implementing a NSPS regulation is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Department.

A Notice announcing this delegation will be published in the **Federal Register** in the near future. The Notice will state, among other things, that effective immediately, all reports required pursuant to the above-enumerated Federal NSPS regulations by sources located in the Commonwealth of Pennsylvania should be submitted to the Commonwealth of Pennsylvania, Department of Environmental Resources, Post Office Box 2063, Harrisburg, Pennsylvania 17120, in addition to EPA, Region III. Any original reports which have been or may be received by EPA, Region III will be promptly transmitted to the Department.

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Since this delegation is effective immediately, there is no requirement that the Department notify EPA of its acceptance. Unless EPA receives from the Department written notice of objections within ten (10) days of receipt of this letter, the Commonwealth of Pennsylvania's Department of Environmental Resources will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

Thomas C. Voltaggio,

Acting Director, Enforcement Division.

August 30, 1981.

Clifford L. Jones,

Secretary, Commonwealth of Pennsylvania, Department of Environmental Resources, P.O. Box 2063, Harrisburg, Pennsylvania

Dear Secretary Jones: This is in response to Mr. Hambright's letter of July 17, 1981, regarding comments to our letter of July 6, delegating authority to enforce additional Standards of Performance for New Stationary Sources (NSPS). The first comment dealt with condition 3. The understanding was that the condition required the Department to request only the authority for new source categories as they are promulgated, rather than the amendments to existing source categories. This is correct. Condition 3 delegates to you authority to enforce any future amendments to the categories that you requested in your February 26 letter, and the original categories delegated previously.

Secondly, Mr. Hambright indicated that the delegation makes no indication that it does not include the areas of Philadelphia and Allegheny Counties. The package is not specific in this respect, however, the delegation was never intended to include those two counties and has been modified to correct this.

Both of the items you are concerned with will be clarified and included in the introduction of the **Federal Register** package.

I hope these points of concern have been taken care of to your satisfaction.

Sincerely yours,

Thomas C. Voltaggio,

Acting Director, Enforcement Division.

Therefore, pursuant to the authority delegated by the Administrator, the Enforcement Director of Region III notified Clifford L. Jones, Secretary, Department of Environmental Resources, on July 6, 1981, that authority to implement and enforce certain standards of performance for new stationary sources was delegated to the Commonwealth of Pennsylvania.

Copies of that request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region III Office, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

Effective immediately, all reports required pursuant to the standards of performance for new stationary sources should be submitted to the Commonwealth of Pennsylvania Department of Environmental Resources, Post Office Box 2063, Harrisburg, Pennsylvania 17120, with copies to EPA Region III. However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) should be sent to the Pennsylvania Department of Environmental Resources only.

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is an administrative change and is not a major rule because it is not likely to result in:

An annual effect on the economy of $100 million or more;

A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7411)

Dated: August 30, 1981.

Thomas C. Voltaggio,

Acting Director, Enforcement Division.

[FR Doc. 81-28543 Filed 9-30-81; 8:45 am]

BILLING CODE 6560-26-M

[OPP-00148; PH-FRL-1946-3]

State Fifra Issues Research and Evaluation Group (SFIREG) Working Committee on Enforcement and Certification; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a two-day meeting of the Working Committee on Enforcement and Certification of the State FIFRA Issues Research and Evaluation Group (SFIREG) to discuss various aspects of pesticides. The meeting will be open to the public.

DATE: Tuesday and Wednesday, October 20 and 21, 1981, beginning at 8:30 a.m. each day.

ADDRESS: The meeting will be held in a room on the mezzanine floor of: Environmental Protection Agency, Region VIII, 1860 Lincoln St., Denver, CO.

FOR FURTHER INFORMATION CONTACT: P. H. Gray, Jr., Office of Pesticide Programs (TS-766C), Environmental Protection Agency, Rm. 915, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-0825).

SUPPLEMENTARY INFORMATION: The meeting of the Working Committee on Enforcement and Certification will be concerned with the following topics:

1. Activities of drift sub-committee.
2. Model self-evaluation protocol.
3. Model use investigation report.
4. FIFRA Policy compendium.
5. Pesticide Incident Monitoring System.
6. Farm Worker Safety Action Plan.
7. Pesticide applicator certification activities.
8. Section 2(ee) and ULV/LV Uses by States.
9. Other topics as appropriate.

Dated: September 24, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-28530 Filed 9-30-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51322; TSH-FRL-1945-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary.

DATES: Written comments by: PMN 81-469 & 81-470: November 21, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51322]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm.

E-409, 401 M St., SW., Washington, D.C. 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-469	Mary Cushmac	202-426-0503	E-229
81-470	Robert Jones	202-426-0503	E-229

Mail address of notice manager: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-469

Close of Review Period. December 21, 1981.

Importer's Identify. Sumitomo Corporation of America, 345 Park Avenue, New York, NY 10022.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Benzyl heteropolycyclic onium halide.

Use. Claimed confidential business information. Generic use information provided: The importer states that the PMN substance will be used in an open use.

Importer Estimates	Kilograms per year	
	Minimum	Maximum
st year	30	120
2d year	45	180
3d year	90	300

Physical/Chemical Properties

Appearance—White powder.
pH—7.8 (1% aqueous solution).
Melting point—176-180°C.
Solubility:
Water—Soluble.
Methyl alcohol—Soluble.

Toxicity Data

Acute oral toxicity LD$_{50}$ (mice):
Male—258 mg/kg.
Female—262 mg/kg.

Exposure. The importer states that dermal exposure may occur during weighing and finishing.

Environmental Release/Disposal. The importer states that more than 50 but less than 5,000 kg/yr may be released to the environment. Disposal is to an approved landfill.

PMN 81-470

Close of Review Period. December 21, 1981.

Manufacturer's Identity. The Minnesota Mining & Manufacturing Company, 3M Center, St. Paul, MN 55144.

Specific Chemical Identity. Tris (tridecafluorohexyl) amine. *Use.* The manufacturer states that the PMN substance will be used in soldering with heat from boiling fluid and in high temperature electronic testing.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Colorless, wax-like solid.
Boiling point—251-257°C (uncorrected).
Melting point—0-33°C.
Solubility: water—0.76 part per million (ppm).
Density—1.92 g/cc @ 35°C.
Refractive index—1.3025 @ 25°C.
Octanol/Water Partition Coefficient—11 (0.76 ppm).
Vapor pressure—0.0185 mm/Hg @ 25°C.

Toxicity Data

Acute oral toxicity LD$_{50}$ (rat)—>5,000 mg/kg.
Primary Skin irritation (rabbit)—Minimally irritating.
Primary Eye irritation (rabbit)—Non-irritating.
Ames salmonella—Non-mutagenic.

Environmental Test Data

COD—50 mg/kg.
BOD$_{20}$—<200 mg/kg.
LC$_{50}$ 96 hr. (fathead minnow)—>1,000 mg/1.

Exposure. The manufacturer states that during manufacture, processing, and use a total of 422 workers may experience dermal and inhalation exposure up to 24 hrs/day, up to 250 days/yr.

Environmental Release/Disposal. The manufacturer states that from less that 10 to 1,000 kg/yr of the PMN substance may be released to air, land, and water. Disposal is to an approved landfill.

Dated: September 25, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-28537 Filed 9-30-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

Canadian Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

CANADIAN LIST NO. 406 (MILLIONS PER 1,000 KILOWATS)

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Gound system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
				900 kHz					
CKTS	Sherbrooke, Quebec, N. 45°26'28", W. 72°00'35" (Change of day time directional antenna pattern) (Conditional on deletion of CJEN, St. Jerome, Quebec).	10	DA-2	U	II				July 20, 1982.
				970 kHz					
CFIQ	Harbour Grace, Newfoundland, N. 47°40'43", W. 53 12'13" (Assignment of call letters).	1D/0.5N	DA-2	U	III	170	120	[illegible]	July 20, 1982.

CANADIAN LIST NO. 406 (MILLIONS PER 1,000 KILOWATS)—Continued

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Gound system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
	1250 kHz								
CKOM	Saskatoon, Saskatchewan, N. 50°04'45", W. 106°30'38" (In operation with night pattern change).	10	DA–N ND–D–220	U	III				
	1340 kHz								
CHNL-2	Ashcroft, British Columbia, N. 50°45'30", W. 121°17'47" (Assignment of call letters).	1D/0.25N	ND-180	U	IV	125	120	294	Oc. 10, 1981.
	1350 kHz								
CKEG	Nanaimo, British Columbia, N. 49°09'07", W. 123°38'40" (In operation).	10	DA–1	U	III				
	1450 kHz								
NEW	Canmore, Alberta, N. 51°04'44", W. 115°19'31".	1D/0.25N	ND-181	U	IV	125	120	271	July 20, 1982.
	1450 kHz								
CKYR	Jasper, Alberta, N. 52°52'51", W. 118°04'26" (P.O. 0.1 kW).	0.25	ND–150	U	IV	80	120	60–160	Do.
	1450 kHz								
CHET	Chetwynd, British Columbia, N. 55°40'06", W. 121°34'54" (In operation).	1D/0.25N	ND-180	U	IV	115	120	271	
	1570 kHz								
CKIS	St. Thomas, Ontario, N. 42°42'22", W. 81°06'20" (Change of call letters from CHLO).	10	DA–2	U	II				

Richard J. Shiben,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 81-28567 Filed 9-30-81; 8:45 am]

BILLING CODE 6712-01-M

Canadian Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

August 25, 1981.

CANADIAN LIST NO. 407 (MILLIVOLTS PER 1,000 KILOWATTS)

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
	910 kHz								
CHRL	Roberval, Quebec, N. 48°26'25", W. 72°06'47" (In operation with increased night power).	10	DA–N	U	III				
	920 kHz								
CFLS	Levis, Quebec, N. 46°48'26", W. 71°06'37" (P.O. 1 kW, DA–N).	10	DA–2	U	III				Aug. 25, 1982.
	1140kHz								
CKXL	Calgary, Alberta, N. 50°55'25", W. 113°49'58" (Change of day-time directional pattern).	[illegible]	DA–2	U	II				Aug. 25, 1982.
	1340 kHz								
New	Iroquois Falls, Ontario, N. 48°45'12", W. [illegible]	1D/0.25N	ND–150	U	IV	100	120	294 ave	Aug. 25, 1982.

CANADIAN LIST NO. 407 (MILLIVOLTS PER 1,000 KILOWATTS)—Continued

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
			1400 kHz						
New	Cochran, Ontario, N. 49°03'20" W. 81°01'17".	1D/0.25N	ND-165	U	IV	160	120	281 ave.	Aug. 25, 1982

Richard J. Shiben,

Chief Broadcast Bureau Federal Communications Commission.

[FR Doc. 81-28566 Filed 9-30-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Federal Emergency Management Agency Docket: FEMA REP-1-CT-1; FEMA REP-1-CT-2]

Connecticut Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the State of Connecticut, by letter of transmittal dated September 4, 1981 has submitted its radiological emergency plans to the FEMA Region I Office. These plans support the Haddam Neck Nuclear Power Plant in Haddam, Connecticut and the Millstone Nuclear Power Station in Waterford, Connecticut.

DATE PLANS RECEIVED: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Sparks, Regional Director, FEMA Region I, Room 442, John W. McCormack Post Office & Courthouse Bldg., Boston, MA 02109, 617/223-4741.

SUPPLEMENTARY INFORMATION: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Plan for the State of Connecticut was received by the Federal Emergency Management Agency Region I Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone of the nuclear power plants. For the Haddam Neck Nuclear Power Plant, plans are included for the towns of Chester, Colchester, Deep River, Durham, East Haddam, East Hampton, Essex, Haddam, Hebron, Killingworth, Lyme, Madison, Marlborough, Middlefield, Middletown, Portland, Salem, and Westbrook. For the Millstone Nuclear Power Station plans are included for the towns of East Lyme, Fishers Island, NY, City of Groton, Town of Groton, Ledyard, Lyme, Montville, New London, Old Lyme, Old Saybrook, Plum Island, NY, and Waterford. Plans are also included for host communities including East Hartford, Hartford, New Haven, Norwich, The University of Connecticut, Wethersfield, and Windham/Willimantic.

Copies of the plan are available for review at the FEMA Region I Public Affairs Office, Room 435, John W. McCormack Post Office and Courthouse Building, Boston, MA 02109. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in Subpart C of 44 CFR Part 5. There are 233 pages in the State of Connecticut Plan and 6,321 pages in Connecticut local plans; reproduction fees are $.10 a page payable with the request for copy.

Copies of the plan are also available from the State of Connecticut Office of Civil Preparedness, 360 Broad St., Hartford, CT 06115.

Comments on the plan may be submitted in writing to Mr. David M. Sparks, Regional Director, at the above address within 30 days of the **Federal Register** Notice.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plan. Details of this meeting will be announced in *the Hartford Courant, The New London Day,* and *The Middletown Press* at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

David M. Sparks,

Regional Director.

September 15, 1981.

[FR Doc. 81-28487 Filed 9-30-81; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-646-DR]

Texas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Texas (FEMA-646-DR), dated September 21, 1981, and related determinations.

DATED: September 21, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0520.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148, effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 21, 1981, the President declared a major disaster as follows:

> I have determined that the damage in certain areas of the State of Texas resulting from severe storms and flooding beginning on or about August 30, 1981, is of sufficient

severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Texas.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal funds under Pub. L. 93-288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under the Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Robert D. Broussard of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Texas to have been affected adversely by this declared major disaster.

Lavaca County for Individual and Public Assistance

(Catalog of Federal Domestic Assistance No. 83-300, Disaster Assistance, Billing Code 6718-02)

John E. Dickey,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 81-28488 Filed 9-30-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

MDR Enterprises, Inc., 7701 Pacific, Suite 7, Omaha, NE 68114. Officers: M. Dale Roberts, President/Treasurer; Madine Roberts, Secretary

Inter-Maritime Forwarding Co. Illinois, Inc., 10600 W. Higgins Road, Suite 216, Rosemont, IL 60018. Officers: Charles H. Dalldorf, President/Director; Martin G. Mann, Vice President/Director; Robert B. Mann, Treasurer

Suzuyo American Corporation, 19600 Magellan Drive, Torrance, CA 90502. Officers: Michihiro Suzuki, Director/President; Takeo Suzuki, Director/Executive Vice President; Yoshinobu Endo, Director; Kenichi Tsumura, Vice President; Masashi Morimoto, Vice President; Henry Y. Ota, Assistant Secretary; Yoshihiko Shida, Treasurer

New Orleans Cold Storage Brokerage Co., Inc.; 3401 Alvar Street, New Orleans, LA 70186. Officers: Phillip G. Kuehn, President/Director; Clarance E. Boyd, Vice President/Manager; Garland E. Walker, Vice President/Manager; Rober Chance, Vice President/Manager; Jo F. Fredotovich, Vice President/Manager; Joseph Paniello, Director; Edwin A. Geoghegan, Director; Lawrence J. Molony, Secretary/Director; Harry M. England, Director; Rita D. Machie; Jeanne C. Molony; George G. Westfeldt, Jr., Treasure/Director

L. F. Cargo Services, Inc., 65 Roosevelt Avenue, Valley Stream, NY 11581. Officers: Leon Frankel, President; Corona Frankel, Secretary/Treasurer

Deka Associates, Inc., 1673 B. Ninth Avenue, San Francisco, CA 94122. Debbie Yamamoto, President/Treasurer; Kazuko Sugie, Vice President/Secretary; Tzeng-Chih Chen, Chairman of the Board

Speedway Express, Inc., 3605 Long Beach Blvd., Suite 421, Long Beach, CA 90807. Officers: K. T. Chung, President; Key Y. Chung, Vice President; Eduardo C. Ferrer, Chief Finance Officer; Chong S. Park, Assistant Finance Officer; K. K. Lee, Director; B. Y. Shin, Director

Hudson International Forwarders, Inc., 295 Main Street, Madison, NJ 07940. Officers: Barbara Larsen, President; Martin Zager, Executive Vice President; David Rothbart, Secretary; Ronald Bubnis, Treasurer

Nilda Haydee Fadhel, 4810 N.W. 79th Avenue, Bldg. 3, Apt. 107, Miami, FL 33166

Louis C. Perez, dba Perez Correal International Services, 28200 SW 159th Avenue, Homestead, FL 33033

Nestor Reyes-Caban dba U.S. Customs Broker, Malgor Bldg., Suite #2-B, 151 Marina Street, San Juan, PR 00903

Gunther George Schmid, 110 Standard Street El Segundo, CA 90245

Eugene E. Ellison, Jr., dba Ellison & Company, P.O. Box 010432, Miami, FL 33101

Projects Transportation International, Ltd., 340 South Derbyshire Lane, Arlington Heights, IL 60004. Officers: Gordon H. Stewart, President; Flora A. Stewart, Secretary/Treasurer

Thomas M. Beidleman, dba A. C. S. Forwarding, 1540 West 9th Street, Long Beach, CA 90813

Quick International Service, Inc., 4723 N.W. 72nd Avenue, Miami, FL 33166. Officers: Arturo E. Insignares, President/Director; Javier Perez, First Vice President/Director

John A. Merritt & Company, 804 S. Palafox Street, P.O. Box 590, Pensacola, FL 32593-0590. Officers: E. Rob Leatherbury, President; John L. McCarron, Jr., Executive Vice President; E. P. Nickinson, Jr., Executive Vice President; William J. Colley, Sr., Vice President/Finance Secretary; Philip M. Alvarez, Vice President; Peggy R. Moore, Treasurer; Emma Lou Drey, Assistant Secretary; Grace Wicke, Assistant Secretary; Gregory L. Leatherbury, President; E. B. Peebles, Jr., Senior Executive Vice President

R. Brian, Inc., 4333 Transworld Rd., Suite T-16, Schiller Park, IL 60176. Officers: Ralph E. Brian, President; Cynthia J. Brian, Secretary/Treasurer

Southern Steamship Agency, Inc., 80 Saint Michael Street, P.O. Box 2188, Mobile, AL 36652. Officers: Gregory L. Leatherbury, President; E. B. Peebles, Jr., Senior Executive Vice President; E. R. Leatherbury, Executive Vice President; John L. McCaron, Jr., Executive Vice President; Robert R. Barkerding, Sr., Senior Vice President; H. K. Baker, Jr., Vice President; Jack W. Campbell, Vice President; Martin J. Walsh, Vice President; H. S. Thorne, III, Vice President; Leslie H. Stuart, Jr., Vice President; Michael T. Merritt, Vice President; John E. Dyer, Vice President; E. P. Nickinson, Jr., Vice President; Robert S. Matthews, Vice President; P. M. Alvarez, Vice President; Robert C. Engram, Vice President; J. Frank Fogarty, Vice President; Michael V. H. Walsh, Assistant Vice President; Peggy R. Moore, Treasurer; Loraine W. Pugh, Assistant Secretary Administration; Emma L. Drey, Assistant Secretary; William J. Colley, Senior Vice President-Finance/Secretary; Dudley E. Dawson, Jr., Director; Ernest F. Ladd, III, Director; E. Roberts Leatherbury, Executive Vice President

Charles J. Buscemi, dba Seven Seas Consultants, 838 Greens Road, #256, P.O. Box 60741, AMF, Houston, TX 77060

Meston and Brings, Inc., Maritime Bldg., Suite 522, P.O. Box 24363, Seattle, WA 98124. Officers: Bruce S. Meston, President; Sam T. Shimabukuro, Assistant Vice President

Inter-Maritime Forwarding Company Florida, Inc., 2917 N.W. 79th Avenue, Miami, FL 33122. Officers: Charles H. Dalldorf, President/Director; Maritn G. Mann, Vice President; Robert B. Mann, Secretary/Treasurer; Marcelino Vazquez, Vice President

Inter-Maritime Forwarding Co. (California) Inc., 421 North Oak Street, Inglewood, CA 90301. Officers: Charles H. Dalldorf, President/Director; Martin G. Mann, Vice President; Robert B. Mann, Secretary/Treasurer

Akhtar L. Din, 4 Michael Drive, Blauvelt, NY 10913

Richard Allen Cope, dba RC Shipping Services, 6065 Rosewell Rd., N.E., Atlanta, GA 30328

Marjorie A. Goltzman Arellano, dba Customs Import Services, 1314 Texas Avenue, Suite 606, Houston, TX 77002

Seaport International, 42-D Hasell Street, Charleston, SC 29401. Officers: Edward A.

Godfrey, President; Amelia G. Aiken, Vice President/Treasurer

Miguel M. Alvarado, dba Exporters Service, 11211 Katy Freeway, Houston, TX 77079

Dated: September 25, 1981.

By the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-28479 Filed 9-30-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 943]

George Stern Co., Inc.; Order of Revocation

On September 14, 1981, George Stern Co., Inc., 807 Keyser Bldg., 207 E. Redwood Street, Baltimore, MD 21202, surrendered its Independent Ocean Freight Forwarder License No. 943 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 943 issued to George Stern Co., Inc. be revoked effective September 14, 1981, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon George Stern Co., Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-28621 Filed 9-30-81; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

First-Year Student Enrollment Decreases for Health Professions Schools

The Department of Health and Human Services announces that schools of medicine, osteopathy, dentistry, public health, pharmacy, optometry, podiatry and veterinary medicine are permitted to decrease the first-year student enrollments that were required by statute as part of the conditions for receiving health professions construction grants, loan guarantees and interest subsidies under Title VII of the Public Health Service Act.

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) requires the Secretary to unilaterally release all recipients of grants, loan guarantees, and interest subsidies under sections 720(a) and 726, of the Public Health Service Act (as these sections were in effect prior to October 1, 1981) from any contractual obligation to fulfill enrollment increases incurred under these sections or their implementing regulations. This release is applicable to all grantees that received grants, loan guarantees and interest subsidies irrespective of the date of the award. The release is effective as of October 1, 1981 and will apply to enrollment levels beginning in the 1981-82 academic year.

While relieved of enrollment requirements of the construction program, schools of public health wishing to participate in the Health Professions Capitation Program may not decrease first-year enrollments of full-time students below the level required for capitation eligibility. (See section 771(e) of the Public Health Service Act.)

This announcement will serve as an amendment to the approved applications, Notices of Grant Awards, and the Specifics of Grants pertaining to the number of first-year student enrollments.

Questions concerning this announcement should be directed to: Director, Bureau of Health Facilities, Health Resources Administration, Center Building, Room 5-22, 3700 East-West Highway, Hyattsville, Maryland 20782 (Phone 301-436-7700)

Robert Graham,

Acting Administrator.

September 28, 1981.

[FR Doc. 81-28528 Filed 9-30-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-81-658]

Delegation of Authority

AGENCY: Office of The Secretary, HUD.

ACTION: Delegation of authority.

SUMMARY: The Regional Administrator and Deputy Regional Administrator, Chicago Regional Office, Region V, and the Area Manager and Deputy Area Manager, Detroit Area Office, each is delegated the authority of the Secretary of Housing and Urban Development, pursuant to Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484b, as amended, to transfer a parcel of Federally-owned surplus land, together with any improvements and related personal property to the City of Detroit, Michigan.

EFFECTIVE DATE: September 25, 1981.

FOR FURTHER INFORMATION CONTACT: Angelo Scioscia, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 5182, Washington, D.C. 20410, Telephone 202/755-1862 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject real property will be assigned to HUD by GSA. The property will then be sold to the City of Detroit, Michigan for development of an assisted public housing rental project for persons of low and moderate income. The transaction is being handled this way to avoid the necessity of returning all the closing documents to Central Office.

Accordingly, the delegation of authority should read as follows:

The Secretary of the Department of Housing and Urban Development delegates to the Regional Administrator, Deputy Regional Administrator, Chicago Regional Office, and the Area Manager and Deputy Area Manager, Detroit Area Office, pursuant to Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484b, as amended, the authority to transfer real property listed below, together with any improvements and related personal property, to the City of Detroit, Michigan: IRS Site, Detroit, Michigan; GSA Control Number 5-G-MI-639A

(Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484b.)

Issued at Washington, D.C., September 25, 1981.

Donald I. Hovde,

Under Secretary, Department of Housing and Urban Development.

[FR Doc. 81-28546 Filed 9-30-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-81-659]

Delegation of Authority

AGENCY: Office of the Secretary, HUD.

ACTION: Delegation of authority.

SUMMARY: The Regional Administrator and Deputy Regional Administrator, Region VI, Fort Worth, Texas and the Area Manager and Deputy Area Manager, San Antonio Area Office, each is delegated the authority of the Secretary of Housing and Urban Development, pursuant to Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484b, as amended, to transfer a parcel of Federally-owned surplus land, together with any improvements and related personal property, to the City of San Antonio, Texas.

EFFECTIVE DATE: September 25, 1981.

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FOR FURTHER INFORMATION CONTACT: Angelo Scioscia, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 5182, Washington, D.C. 20410, Telephone 202/755–1862 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject real property will be assigned to HUD by GSA. The property will then be sold to the City of San Antonio, Texas for development of an assisted public housing rental project for persons of low and moderate income. The transaction is being handled this way to avoid the necessity of returning all the closing documents to Central Office.

Accordingly, the delegation of authority should read as follows:

The Secretary of the Department of Housing and Urban Development delegates to the Regional Administrator, Deputy Regional Administrator, Region VI, Fort Worth, Texas and the Area Manager and Deputy Area Manager, San Antonio Area Office, pursuant to Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484b, as amended, the authority to transfer real property listed below, together with any improvements and related personal property, the City of San Antonio, Texas: Former Post Office Site, San Antonio, Texas, property identified as NCB 2970, containing 2.249 acres. GSA Case NBR 7–G–TX–919.

(Section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484b)

Issued at Washington, D.C., September 25, 1981.

Donald I. Hovde,

Under Secretary, Department of Housing and Urban Development.

[FR Doc. 81–28545 Filed 9–30–81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permits; Issued for the Month of August; U.S. Forest Service, et al.

Notice is hereby given that the Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235–1903) or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

US Forest Service: X2519, 08–27–81.
Smithsonian Inst.: X7024, 08–10–81.
St. Louis Zoo Park: X7364, 08–04–81.
Inst. for Raptor STU: X7869, 08–05–81.
Foster, Steven C.: X7949, 08–07–81.
Univ. of Co Museum: X8028, 08–19–81.
Moore, Davie L.: X8087, 08–10–81.
Goodson, Nike J.: X8119, 08–06–81.
W. Found of Vert Zoo: X8176,08–17–81.
Lexington Pheasantry: X8179, 08–31–81.
IAE: X8212, 08–20–81.
Mus. of the Am. Ind: X8222, 08–11–81.
Zoo Soc of San Diego: X8234, 08–27–81.

Dated: September 24, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–28555 Filed 9–30–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Issuance of Permit for Marine Mammals; Vancouver Public Aquarium

On August 4, 1981, a notice was published in the **Federal Register** (46 FR 16, No. 149), that an application had been filed with the Fish and Wildlife Service by the Vancouver Public Aquarium, P.O. Box 3232, Vancouver, British Columbia, Canada V6B 3X8 for a permit to capture four sea otters (*Enhydra lutris*) for the purpose of public display.

Notice in hereby given that on Septmeber 11, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Fish and Wildlife Service issued a permit PRT 2–2507 to the Vancouver Public Aquarium subject to certain conditions set forth therein.

The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's Office in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

Dated: September 25, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–28554 Filed 9–30–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Applications; James E. Schrope, et al.

The applicants listed below wish to conduct certain activities with various endangered species:

PRT 2–8415

Applicant: James E. Schrope, Easthampton, MA.

The applicant requests a permit to purchase in interstate commerce captive-bred nene geese (*Branta sandvicensis*) from Dr. S. Dillon Ripley, Litchfield, Connecticut, for enhancement of propagation.

PRT 2–8485

Applicant: Chicago Zoological Park, Brookfield, IL.

The applicant requests a permit to import one male captive-bred snow leopard (*Panthera uncia*) from the Helsinki Zoo for enhancement of propagation.

PRT 2–8471

Applicant: Lawler, Matusky and Skelly Engineers, Pearl River, NY.

The applicant requests a permit to capture incidentally shortnose sturgeon (Acipenser brevirostrum) from the Hudson River during normal field collection operations for scientific research. No efforts will be made to purposely capture shortnose sturgeon.

PRT 2–8474

Applicant: Caribbean National Forest, U.S. Forest Service, Luquillo, PR.

The applicant requests a permit to take (capture) Puerto Rican boas (*Epicrates inornatus*) at the Caribbean National Forest to determine the distribution, abundance, and habitat requirements of this species for scientific research. No snakes are to be removed from the wild.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe, Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before November 2, 1981, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: September 24, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-28556 Filed 9-30-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[AA-29383]

Alaska Native Claims Selection

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Public Law (Pub. L.) 94–204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95–178 (91 Stat. 1369) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance and to issue immediately thereafter a revised conveyance reflecting such reservation.

On November 16, 1979 Patent No. 50–80–0011 and Interim Conveyance No. 258 were issued to Cook Inlet Region, Inc., for 4,191.84 acres and 321.75 acres, respectively, or the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of Pub. L. 94–204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95–178 (91 Stat. 1369), and are described as follows:

Seward Meridian, Alaska (Surveyed)

T. 5 N., R. 8 W.
  Sec. 21, lots 11 and 12, SW¼NE¼NE¼ SW¼, W½NE¼SW¼, SE¼NE¼SW¼, NW¼SW¼, S½SW¼;
  Sec. 22, SW¼SE¼;
  Sec. 27, lots 4, 5 and 18, SW¼NW¼;
  Sec. 34, NE¼, E½NW¼.
  Containing 559.25 acres.
T. 5 N., R. 9 W.
  Sec. 31, lot 7;
  Sec. 32, lots 8 and 9.
  Containing 71.84 acres.
T. 5 N., R. 10 W.
  Sec. 8, NE¼SE¼;
  Sec. 9, S½;
  Sec. 10, N½, N½SW¼, SW¼SW¼;
  Sec. 16, E½NW¼.
  Containing 880 acres.
T. 7 N., R. 11 W.
  Sec. 29, SE¼NW¼
  Containing 40 acres.
T. 8 N., R. 11 W.
  Sec. 17, lot 1;
  Sec. 20, lots 1 to 4, inclusive, N½NE¼SW¼, E½SW¼NE¼SW¼, SE¼NE¼SW¼, SE¼SW¼, SE¼;
  Sec. 21, lot 2, SW¼, W½SE¼;
  Sec. 28, lots 3, 4 and 5, SW¼NE¼, S½NW¼, W½SE¼;
  Sec. 29, lots 1 and 2, E½, E½W½;
  Sec. 30, lots 5, 6, 7 and 9 to 21, inclusive;
  Sec. 31, lots 7, 8 and 10 to 15, inclusive;
  Sec. 32, N½NW¼, SE¼NW¼.
  Containing 1,721.05 acres.
T. 7 N., R. 12 W.
  Sec. 3, lots 1, 2, 3 and 9 to 12, inclusive; NW¼NE¼, S½NW¼, NW¼SW¼;
  Sec. 4, E½SE¼SW¼;
  Sec. 9, lots 3, 4 and 7, NE¼, E½NW¼, E½SW¼, NW¼SE¼;
  Sec. 10, lot 7.
  Containing 914.86 acres
T. 8 N., R. 12 W.
  Sec. 34, lot 1.
  Containing 4.84 acres.
  Aggregating 4,191.84 acres.
  Interim Conveyance No. 258 of November 16, 1979

Seward Meridian, Alaska (Surveyed)

T. 5. N., R. 8 W.
  Sec. 21, those portions of lot 7 more particularly described as NW¼SW¼SE¼ NW¼ and S½SW¼SE¼NW¼;
  Sec. 22, Lot 1, excluding that portion of lot 1 designated on the State status plats as lot 19A; SE¼SW¼, excluding State lot 19B;
  Sec. 27, those portions of lot 1 more particularly described as N½NW¼NE¼ and N½SE¼NW¼NE¼;
  That portion of lot 1 and lot 8 designated on the State status plats as lot 1D;
  Those portions of lot 8 designated on the State status plats as lots 8A and 8C.
  Containing approximately 119.25 acres.
T. 5 N., R. 10 W.
  Sec. 16, W½NE¼, excluding land lease 24099, lake, and all land southeast (SE) of platted access road.
  Containing approximately 69.00 acres.
T. 7 N., R. 12 W.
  Sec. 4, Tracts 3, 4, 5, 6, 7, and 8 of ASLS 70–5
  Containing approximately 133.50 acres.
  Aggregating approximately 321.75 acres.

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-31242, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

Easements to be Reserved:

a. (EIN 3 L) An easement sixty (60) feet in width for an existing road paralleling the Kenai River in Sec. 34, T. 5 N., R. 8 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

b. (EIN 4 D4) An easement twenty-five (25) feet in width for an existing trail from the North Kenai Road on the section line between Secs. 2 and 11, T. 7 N., R. 12 W., Seward Meridian, westerly to the southeast shore of Foreland Lake in Sec. 3, T. 7 N., R. 12 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 5 D4) An easement sixty (60) feet in width for an existing road which traverses Secs. 20, 21, 29, 30 and 31, T. 8 N., R. 11 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

d. (EIN 6 L) An easement twenty (20) feet in width for an existing power line which traverses Sec. 27, T. 5 N., R. 8 W., Seward Meridian. The uses allowed are those uses associated with the construction, operation and maintenance of a powerline.

e. (EIN 7 L) An easement twenty (20) feet in width for an existing power line which traverses Secs. 21 and 28, T. 8 N., R. 11 W., Seward Meridian. The uses allowed are those uses associated with the construction, operation and maintenance of a powerline.

f. (EIN 8 L) An easement sixty (60) feet in width for an existing road which traverses Lot 8, Sec. 27, T. 5 N., R. 8 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

g. (EIN 34 L) An easement twenty (20) feet in width for an existing power line which traverses the N½NE¼, NE¼NW¼ Sec. 34, T. 5 N., R. 8 W., Seward Meridian. The uses allowed are those associated with the construction, operation and maintenance of a powerline.

When this decision becomes final, revised conveyance documents will be issued to Cook Inlet Region, Inc., for the above-described lands reflecting the easements identified above. The revised conveyance documents will remain subject to all other rights, terms, conditions, and covenants contained in Patent No. 50–80–0011 and Interim Conveyance No. 258, respectively.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week,

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for four (4) consecutive weeks, in the ANCHORAGE DAILY NEWS.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until November 2, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 81-28346 Filed 9-30-81; 8:45 am]

BILLING CODE 4310-84-M

Invitation To Participate in Exploration Project on Lands

Ark Land Company proposes to conduct an exploration project on lands containing Federal minerals which are described below. All parties wishing to participate on a pro rata cost sharing basis are invited to contact David George, c/o Ark Land Company, P.O. Bos 1688, Jasper, Alabama 35501, phone (205) 622-3301, and Roger Hildebeidel, Eastern States Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. This exploration project will be conducted on the following lands:

Huntsville Meridian

T. 14 S., R. 10 W.,
  Sec. 2, SW¼NE¼, SE¼SW¼, SW¼SW¼, SE¼SE¼, SW¼SE¼, NW¼SE¼;
  Sec. 3, NE¼NE¼, SE¼NE¼, NE¼SE¼, SE¼SE¼;
  Sec. 10, SE¼SE¼;
  Sec. 11, NE¼NE¼, SE¼NE¼, SW¼NE¼, NW¼NE¼, NE¼NW¼, SE¼NW¼, SW¼NW¼, NE¼SW¼, SE¼SW¼, SW¼SW¼, NW¼SW¼, SW¼SE¼;
  Sec. 14, NE¼NW¼, NW¼NW¼, NW¼NE¼;
  Sec. 15, NE¼NE¼, SE¼NE¼, SW¼NE¼, NW¼NE¼, SE¼NW¼, NW¼NW¼.

Lonna McKenna,

Acting Chief, Division of Lands and Minerals.

[FR Doc. 81-28523 Filed 9-30-81; 8:45 am]

BILLING CODE 4310-84-M

Extension of Public Comment Period on Draft Environmental Statement and Draft Wilderness Study Report, El Malpais Area, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension of public comment period on the Draft Environmental Impact Statement and Draft Wilderness Study Report for the El Malpais Areas in New Mexico.

SUMMARY: Pursuant to Section 3(d) of the Wilderness Act of 1964, notice is hereby given that the comment period on the El Malpais wilderness proposal will be held open 30 days past the public hearings scheduled for September 29 and 30, 1981.

DATE: Comments on the proposed wilderness designation and on the content of the Draft Environmental Impact Statement and Wilderness Study Report will be accepted up to and including October 30, 1981.

SUPPLEMENTARY INFORMATION: This notice extends the close-of-comment period date provided in the Federal Register on Monday, August 24, 1981 (46 FR 42769), from October 19, 1981, to October 30, 1981.

Dated: September 25, 1981.

D. Dean Bibles,

Assistant Director.

[FR Doc. 81-28623 Filed 9-30-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Gateway National Recreation Area; Gateway Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 3 p.m., Tuesday, October 6, 1981, at the William F. Ryan Visitor Center at Floyd Bennett Field, Brooklyn, New York.

The Commission was established by Pub. L. 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The matters to be discussed at this meeting include:

1. Coney Island/Breezy Point Ferry update including funding.
2. Development Concept Plan—publication schedule and update.
3. Status of Human Resources Administration request for use of Floyd Bennett Field.
4. Summer Program Evaluation.
5. Fort Wadsworth update, including perceptions of Secretary of the Interior James Watt and Congressman Molinari differences and future role of Gateway Advisory Commission.
6. New schedule for the year for meetings of Gateway Advisory Commission meetings.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Herbert S. Cables, Jr., Superintendent, Gateway National Recreation Area, Headquarters, Building No. 69, Floyd Bennett Field, Brooklyn, New York 11234, (212) 630-0353.

Minutes of the meeting will be available for inspection four weeks after the meeting, at the Gateway National Recreation Area Headquarters Building.

Dated: September 14, 1981.

Herbert S. Cables, Jr.,

Superintendent, Gateway National Recreation Area.

[FR Doc. 81-48514 Filed 9-30-81; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 18, 1981. Pursuant to §1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Writen comments should be submitted by October 16, 1981.

Carol Shull,

Acting Keeper of the National Register.

MASSACHUSETTS

Middlesex County

Winchester, *Sanborn House,* 15 High St.

Suffolk County

Boston, *Fields Corner Municipal Building,* 1 Arcadia St.

NEW YORK

Fulton County

Johnstown, *Fulton County Jail (Tryon County Jail)* Perry and Montgomery Sts.

SOUTH CAROLINA

Courthouses in South Carolina Designed by William Augustus Edwards Thematic Resources. Reference—see individual listings under Abbeville, Calhoun, Dillon, Jasper, Lee and York Counties.

Abbeville County

Abbeville, *Abbeville County Courthouse (Courthouses in South Carolina Designed by William Augustus Edwards Thematic Resources)* (previously listed in Abbeville Historic District 9–14–72).

Calhoun County

St. Matthews, *Calhoun County Courthouse (Courthouses in South Carolina Designed by William Augustus Edwards Thematic Resources)* S. Railroad Ave.

Charleston County

McClellanville vicinity, *Cape Romain Lighthouses, SE of* McClellanville on Lighthouse Island.

Dillon County

Dillon, *Dillon County Courthouse (Courthouses in South Carolina Designed by William Augustus Edwards Thematic Resources)* 1303 W. Main St.

Jasper County

Ridgeland, *Jasper County Courthouse (Courthouses in South Carolina Designed by William Augustus Edwards Thematic Resources)* Russell St.

Lee County

Bishopville, *Lee County Courthouse Courthouses in South Carolina Designed by William Augustus Edwards Thematic Resources)* 123 Main St.

Richland County

Columbia, *Babcock Building, South Carolina State Hospital,* Bull St.

York County

York, *York County Courthouse (Courthouses in South Carolina Designed by William Augustus Edwards Thematic Resources)* (previously listed in York Historic District 10–16–79).

[FR Doc. 81–28515 Filed 9–30–81; 8:45 am]

BILLING CODE 4310–70–M

Big Cypress National Preserve; Availability of Master Plan of Operations for the Purpose of Oil Drilling

In accordance with § 9.52 of Title 36 of the Code of Federal Regulations, Big Cypress National Preserve has received a draft Master Plan of Operations from Exxon Company, U.S.A. for the purpose of oil drilling operations in the Raccoon Point Field area of Big Cypress National Preserve. The public is invited to review and comment on the Master Plan of Operations, copies of which are available for review during normal business hours at Everglades National Park Headquarters, Route 27, 12 miles south of Homestead, Florida; Big Cypress National Preserve, Star Route, Box 11, Ochopee, Florida; Miami-Dade Public Library, Main Library, 1 Biscayne Boulevard, Miami, Florida; Collier County Public Library, 650 Central Avenue, Naples, Florida; and at the National Park Service, Southeast Regional Office, 75 Spring Street, S.W., Atlanta, Georgia. Comments should be received by October 31, 1981. For further information contact Pat Tolle, Management Assistant, Everglades National Park, (305) 247–6211.

Dated: September 10, 1981.

Neal G. Guse, Jr.,

Acting Regional Director, Southeast Region.

[FR Doc. 81–28635 Filed 9–30–81; 8:45 am]

BILLING CODE 4310–70–M

Biscayne National Park, Florida; Designation of Boundary

Section 101 of the Act of June 28, 1980, (94 Stat. 599), established Biscayne National Park.

Notice is given that the boundary of Biscayne National Park has been established, pursuant to the Act, to include the land depicted on boundary map number 169–90,003, dated April 1980, prepared by the Land Acquisition Division of the Southeast Regional Office of the National Park Service.

This map is on file and available for inspection in the administrative office of the Biscayne National Park, P.O. Box 1369, Homestead, Florida 33030, and in offices of the National Park Service, Department of the Interior, Washington, D.C. 20240.

Following is a detailed description of the boundary as depicted on boundary map 169–90,003:

Commencing at the Northwest corner of Section 35, Township 55 South, Range 40 East, Tallahassee Meridian;

Thence Easterly 1,978.35 feet, more or less, along the north line of said Section 35 to a point on the center line of Old Cutler Road, as shown on Sheet 11 of 14 Sheets of Part Three of the drawings titled Metropolitan Dade County, Florida, Bulkhead Line, and recorded in Plat Book No. 74, Page 3 of the Public Records of Dade County, Florida, February 23, 1962;

Thence Southwesterly 2,700 feet, more or less, along the center line of said Old Cutler Road to a point, said point being the intersection with the center line of S.W. 176 Street;

Thence Easterly along the extension of the center line of S.W. 176 Street bearing North 87°39′08″ East, 700 feet, more or less, to the Point of Beginning;

Thence South 80°53′53″ East, 30,000 feet, more or less, to a point on the Intracoastal Waterway;

Thence Northeasterly along the Intracoastal Waterway 28,950 feet, more or less, to a point of intersection with Latitude 25°40′16″ North;

Thence East along the Parallel at Latitude 25°40′16″ North 6,600 feet, more or less, to a point on the Southwest side of a cable area lying generally South of Cape Florida (said cable area shown on the National Oceanic and Atmospheric Administration Nautical Chart 11451);

Thence Southeasterly along the Southwest side of the cable area 18,000 feet, more or less, to a point where the Southwest line of said cable area deflects to the right (said point being approximately at Latitude 25°38′40″ North);

Thence East 14,000 feet, more or less, to a point of intersection with the 10 fathom line (water depth of 60 feet);

Thence Southerly along the 10 fathom line (60 foot depth curve line), 133,000 feet, more or less, to a point on the North line of The Key Largo Coral Reef Marine Sanctuary (also known as John Pennekamp Coral Reef State Park), at Latitude 25°17′36″ North, Longitude 80°10′00″ West;

Thence Northwesterly along the boundary of the Preserve and State Park 21,000 feet, more or less, to Latitude 25°20′06″ North, Longitude 80°12′36″ West;

Thence Southwesterly 9,400 feet, more or less, to a point on the Monroe-Dade County line at Latitude 25°19′55″ North, Longitude 80°14′18″ West;

Thence Northwesterly 11,100 feet, more or less, along the meanderings of said County line to a point in Broad Creek, located about mid-channel between Swan Key and the easternmost tip of Broad Key, Latitude 25°21′04″ North, Longitude 80°15′25″ West;

Thence Northwesterly 10,350 feet, more or less, to a point adjacent to flashing red light marker "14" in Card Sound at the south end of the Intracoastal Waterway Channel through Cutter Bank, Latitude 25°21′58″ North, Longitude 80°17′01″ West;

Thence continue across the open waters of Card South North 77°00′00″ West 16,400 feet, more or less, to a point on the west line of Section 15, Township 58 South, Range 40

East. Said west line also being a portion of the western boundary of the Turkey Point Wilderness Area as established by an agreement entitled "Deed", recorded in Book 7624, Page 4[illegible]7–464 of the Official Records of Dade County, Florida, March 22, 1972;

Thence Northerly along the west line of Section 15, Section 10, and Section 3 to a point, said point being the Northwest corner of Section 3, all in Township 58 South, Range 40 East. The west line of Section 15, Section 10, and Section 3 also being a portion of the western boundary of the Turkey Point Wilderness Area;

Thence Easterly along the north line of Section 3, Township 58 South, Range 40 East, passing Turtle Point, over the waters of Biscayne Bay, passing the Metropolitan Dade County, Florida, Bulkhead Line to a point on a line 350 feet easterly of and parallel to the Metropolitan Dade County, Florida, Bulkhead Line as shown on Sheet 6 of 12 Sheets of Part Five of the drawings titled Metropolitan Dade County, Florida, Bulkhead Line, and recorded in Plat Book No. 74, Page 5 of the Public Records of Dade County, Florida, May 10, 1963. The north line of Section 3, Township 58 South, Range 40 East, also being the north boundary of the Turkey Point Wilderness Area;

Thence northerly along a line 350 feet easterly of and parallel to the Metropolitan Dade County, Florida, Bulkhead Line, (as shown on Sheets 5 and 6 of 12 Sheets of Part Five of the drawings titled Metropolitan Dade County, Florida, Bunkhead Line, and recorded in Plat Book 74, Page 5 of the Public Records of Dade County, Florida, May 10, 1963), passing and going around Turkey Point to the intersection with a line being the extension eastward of the south boundary of Homestead Bayfront Park;

Thence Westerly along the south line of Homestead Bayfront Part to the Southwest cornor thereof;

Thence Northerly along the west line of Homestead Bayfront Part to the Northwest cornor of said park, also being the Southwest corner of Section 9, Township 57 South, Range 40 East;

Thence Easterly along the north line of Homestead Bayfront Part (also the south line of Section 9, Township 57 South, Range 40 East), 1,870 feet, more or less, to a point;

Thence North 00°35′00″ West, 4,080 feet, more or less, to a point;

Thence North 04°35′00″ West, 3,360 feet, more or less, to a point;

Thence North 17°05′00″ East, 1,995 feet, more or less, to a point;

Thence North 39°10′00″ East, 2,260 feet, more or less, to a point;

Thence North 18°25′00″ West, 1,080 feet, more or less, to a point;

Thence North 17°20′00″ East, 2,820 feet, more or less, to a point;

Thence North 03°00′00″ East, 3,500 feet, more or less, to a point;

Thence North 17°45′00″ East, 3,380 feet, more or less, to a point on the southwesterly bank of Goulds Canal;

Thence Southeasterly along the southwesterly bank of Goulds Canal 2,200 feet, more or less, to a point;

Thence Northeasterly crossing Goulds Canal to a point on a tip of land being the southeasterly-most tip of a triangular shaped parcel of land lying between Goulds Canal and Black Creek (also known as C–1 Canal);

Thence Northwesterly following the northeastern shoreline of the above-mentioned triangular shaped parcel of land 300 feet, more or less, to a point;

Thence North 45°15′00″ East, 525 feet, more or less, to a point;

Thence North 32°00′00″ West, 2,980 feet, more or less, to a point;

Thence North 0°30′00″ West, 640 feet, more or less, to a point;

Thence Northeasterly to a point on the north line of Section 22, Township 56 South, Range 40 East, said point being 3,330 feet East of the Northwest corner of Section 22, Township 56 South, Range 40 East;

Thence Easterly along the north line of Section 22 to the Northwest corner of Section 23, Township 56 South, Range 40 East;

Thence Easterly along the north line of said Section 23, 460 feet, more or less, to a point;

Thence North 17°54′00″ East, 2,780 feet, more or less, to a point on the north line of the south half of Section 14, Township 56 South, Range 40 East;

Thence North 14°25′00″ East, 320 feet, more or less, to a point;

Thence North 09°25′00″ East, 980 feet, more or less, to a point;

Thence North 00°50′00″ West, 1,045 feet, more or less, to a point;

Thence North 14°00′00″ East, 255 feet, more or less, to a point;

Thence North 25°45′00″ East, 600 feet, more or less, to a point;

Thence North 16°50′00″ East, 495 feet, more or less, to a point;

Thence North 27°00′00″ East, 255 feet, more or less, to a point;

Thence North 26°25′00″ East, 1,050 feet, more or less, to a point;

Thence North 22°25′00″ East, 640 feet, more or less, to a point;

Thence North 08°15′00″ East, 410 feet, more or less, to a point;

Thence North 07°10′00″ West, 460 feet, more or less, to a point;

Thence North 14°45′00″ West, 440 feet, more or less, to a point;

Thence North 19°50′00″ West, 260 feet, more or less, to a point;

Thence North 30°06′00″ West, 1,235 feet, more or less, to a point;

Thence North 00°06′00″ West, 1,410 feet, more or less, to a point;

Thence North 55°52′30″ West, 590 feet, more or less, to a point;

Thence North 5°45′00″ East, 1,980 feet, more or less, to a point;

Thence North 16°45′00″ West, 950 feet, more or less, to a point;

Thence North 88°40′00″ East, 470 feet, more or less, to a point;

Thence North 05°00′00″ West, 2,035 feet, more or less, to a point on the south line of Section 35, Township 55 South, Range 40 East;

Thence North 06°07′30″ East, 2,900 feet, more or less, to a point, the Point of Beginning.

BILLING CODE 4310-70-M

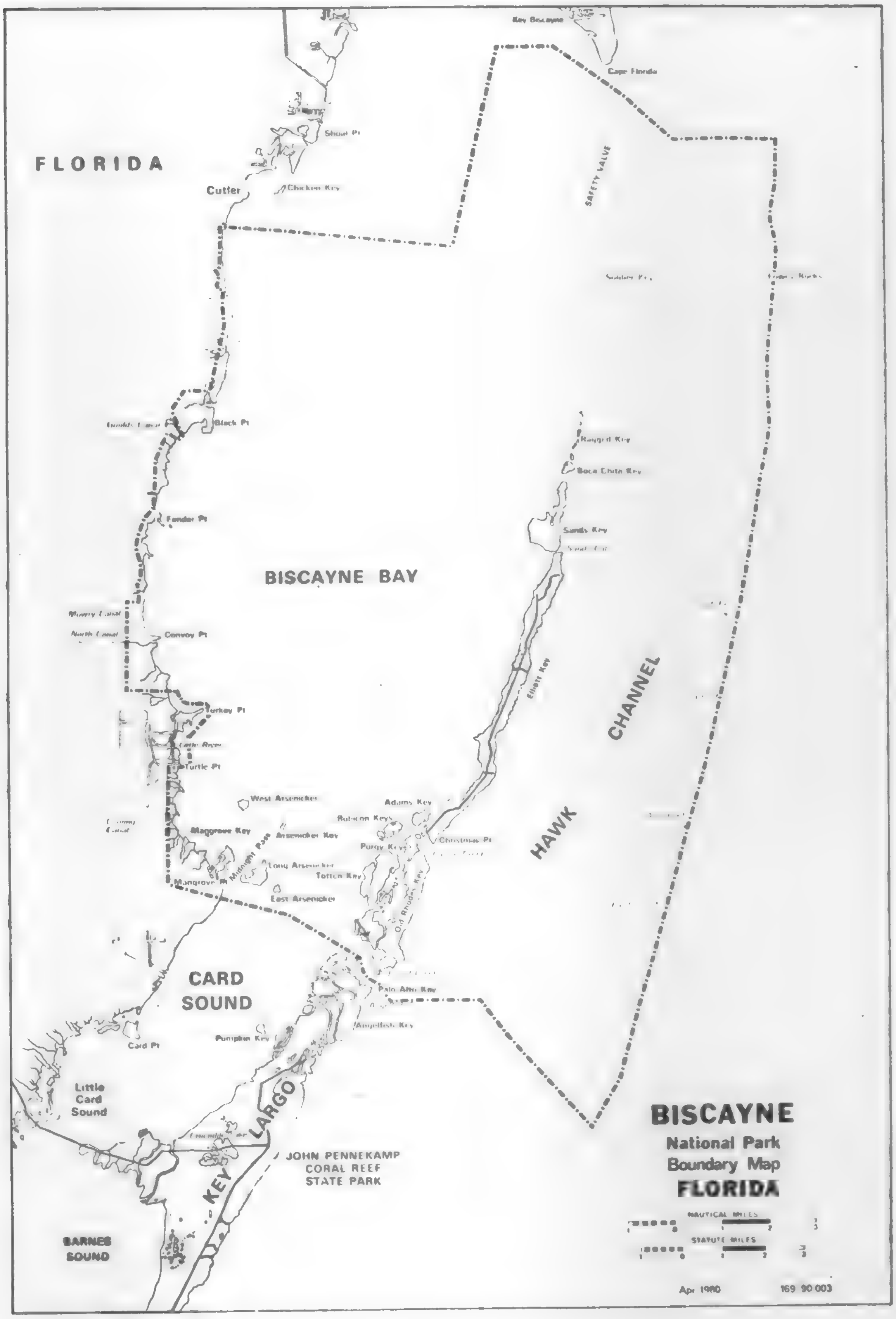
Key Biscayne
Cape Florida
Shoal Pt
FLORIDA
Cutler
Chicken Key
SAFETY VALVE
Black Pt
Ragged Key
Boca Chita Key
Fender Pt
Sands Key
BISCAYNE BAY
Mowry Canal
North Canal
Convoy Pt
Elliott Key
CHANNEL
Turkey Pt
Turtle Pt
West Arsenicker
Adams Key
Rubicon Keys
Mangrove Key
Arsenicker Key
Midnight Pass
Porgy Key
Christmas Pt
HAWK
Long Arsenicker
Totten Key
Mangrove Pt
East Arsenicker
Old Rhodes Key
CARD SOUND
Palo Alto Key
Angelfish Key
Pumpkin Key
Card Pt
Little Card Sound
KEY LARGO
JOHN PENNEKAMP CORAL REEF STATE PARK
BARNES SOUND
BISCAYNE
National Park
Boundary Map
FLORIDA
NAUTICAL MILES
1 0 1 2 3
STATUTE MILES
1 0 1 2 3
Apr 1980
169 90 003

BILLING CODE 4310-70-C

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Dated: August 31, 1981.

Robert M. Baker,

Regional Director, Southeast Region, National Park Service.

[FR Doc. 81-28629 Filed 9-30-81; 8:45 am]

BILLING CODE 4310-70-M

Corpus Christi Oil and Gas Co., Padre Island National Seashore, Tex.; Availability of Plan of Operations and Environmental Review and Analysis for the Purpose of Drilling and Exploratory Oil/Natural Gas Well No. 1

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Corpus Christi Oil and Gas Company a plan of operations for the purpose of drilling an exploratory oil/natural gas well in State Tract 182, Padre Island National Seashore, Kleberg County, Texas.

The Plan of Operations and Environmental Review and Analysis are available for public review and comment on or before November 2, 1981 in the Office of the Superintendent, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas 78418. Copies of the document are available from Padre Island National Seashore and will be sent, upon request, to individuals or groups at a charge of $7.60 per copy, pursuant to the Freedom of Information Act. The documents are 76 pages in length.

Dated: September 17, 1981.

Donald A. Dayton,

Acting Regional Director, Southwest Region.

[FR Doc. 81-28632 Filed 9-30-81; 8:45 am]

BILLING CODE 4310-70-M

San Antonio Missions National Historical Park, Bexar County, Tex.; Availability and Public Meetings, Envorionmental Assessment/General Management Plan/Development Concept Plan

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, and Part 516 of the Departmental Manual, the National Park Service has prepared an Envorinmental Assessment/General Management Plan/Development Concept Plan for San Antonio Missions National Historical Park, Bexar County, Texas.

The Environmental Assessment/General Management Plan/Development Concept Plan outlines alternative management strategies to insure all reasonable ways of achieving the intent of Congress and the management objectives of San Antonio Missions National Historical Park have been considered and that the positive and negative impact of each strategy have been identified and analyzed.

Copies of the Environmental Assessment/General Management Plan/Development Concept Plan will be available on October 5, 1981, at the following locations. A Spanish translation of the document will also be available.

Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.

San Antonio Missions National Historical Park, 727 E. Durango, Room A612, San Antonio, Texas 78206.

Public Meetings are scheduled for the week of October 19, 1981, in San Antonio, Texas. The actual times and locations of the public meetings are not available at the time of publication of this notice. Please write the Superintendent at San Antonio Missions National Historical Park at the above address, or telephone 512-229-6000 for futher information.

Anyone wishing to provide comments on the Environmental Assessment/General Management Plan/Development Concept Plan should provide them to the Superintendent, San Antonio Missions National Historical Park, at the address provided above, by November 3, 1981.

Dated: September 11, 1981.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-28634 Filed 9-30-81; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Proposed Contract With the Wellton-Mohawk Irrigation and Drainage District for Drainage and Minor Construction; Intent To Initiate Contract Negotiations

The Department of the Interior, through the Bureau of Reclamation (Bureau), intends to enter into a drainage and minor construction (D&MC) contract with the Wellton-Mohawk Irrigation and Drainage District (District), Wellton, Arizona. The proposed contract will amend and supplement the existing contract between the District and the United States and provide Federal funding for construction of three bridges and one culvert across the Gila River and associated Gila River channel works in the area of the crossings. The work to be accomplished under the proposed contract is to replace or improve river crossings which impede the passage of floodflows in the portion of Gila River within the Wellton-Mohawk Division of the Bureau's Gila Project. Improved passage of floodwater will reduce the infiltration of such water into adjacent lands thereby reducing District ground-water pumping requirements for drainage purposes. The estimated cost of the proposed D&MC program is $2,079,000. The expenditures will be repaid pursuant to the terms of the District's existing repayment contract with the United States.

The proposed contract will be written pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388), and acts amendatory thereof and supplementary thereto, particularly the Act of July 30, 1947 (61 Stat. 628), and the Act of June 13, 1956 (70 Stat. 274).

Negotiating sessions will be open to public observation. Upon completion of negotiations, the proposed contract will be made available to the public for review and written comments for 30 days after it has been declared available for such review. If there is little or no public interest shown during the negotiations, as indicated by the response to this notice and local press releases, the availability of the proposed contract for public review and comment will not be published in the **Federal Register.**

All written correspondence pertaining to the proposed contract will be made available for review pursuant to the Freedom of Information Act, as amended.

Inquiries or comments concerning the proposed contract should be directed to: Regional Director, Lower Colorado Region, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005; or call Mr. Ralph Pederson at (702) 293-8652.

September 25, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner of Reclamation.

[FR Doc. 81-28548 Filed 9-30-81; 8:45 am]

BILLING CODE 4310-09-M

Office of the Secretary

Commission on Fiscal Accountability of the Nation's Energy Resources; Meeting

Notice is given that a meeting of the Commission on Fiscal Accountability of the Nation's Energy Resources will be held on October 19 and 20, 1981, in New York City in Room 305 of the Federal Office Building at 26 Federal Plaza, New York, New York 10007.

Purpose of the Commission

The mission of this Commission includes the review of waste and loss of revenue due to the theft of oil and royalty management problems. The Commission will examine the problems of waste and loss of revenues from energy resources from Federal and Indian tribal lands. Concern has been expressed by Congress, the Department of the Interior, the General Accounting Office, the Indian community, State governments, and the taxpayers over the fiscal accountability of mineral royalty revenues. A final report of the Commission will be presented to the Secretary evaluating the Royalty Management System, internal controls and actions relating to the allegations of oil theft.

Purpose of This Meeting

The purpose of this meeting is to hear testimony relating to the problems of oil theft and royalty management particularly from oil companies and independent operators. The hearing will be devoted to oral testimony to assist the Commission in understanding the nature and extent of the problems. It is expected that the second day will be devoted entirely to a business meeting. All proceedings will be open to the public. Any member of the public may file a written statement and/or present testimony concerning matters to be discussed by the Commission. Witnesses will be invited by the Commission to testify. Additional persons who wish to present testimony to the Commission should contact the Commission staff at the Commission on Fiscal Accountability of the Nation's Energy Resources, Suite 403, 1111 18th Street, N.W., Washington, D.C. 20036, telephone (202) 653–9051. For additional information on the meeting contact the same office.

Minutes of the meeting will be available for public inspection within 30 days in Suite 403, 1111 18th Street, N.W., Washington, D.C. 20036.

Dated: September 25, 1981.

William L. Kendig,

Director, Office of Financial Management.

[FR Doc. 81–28375 Filed 9–30–81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forths in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce, and Dowell.

MC–FC–78872. By decision of April 16, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to W. C. HALL GENERAL HAULING, INC., of Callao, VA, of Certificate No. MC–99213 issued to Virginia Freight Lines, of Kilmarnock, VA authorizing the transportation of *Roofing and roofing materials, asphalt and Asbestos siding, building paper, wallboard,* and *materials and supplies* used in the installation thereof, *paint, steel sash weights, steel windows* and *casements, steel ventilators* and *steel dampers,* From Bound Brook and Jersey City, NJ and Philadelphia and Reading, PA to points in Essex, Richmond, Lancaster, Northumberland and Westmoreland Counties, VA with no transportation for compensation on return except as otherwise authorized. *Roofing and roofing materials, asphalt and asbestos siding, building paper, wallbord,* and *materials* and *supplies* used in the installation thereof, From Perth Amboy and Manville, NJ to points in Essex, Richmond, Lancaster, King and Queen, King William, Middlesex, Northumberland and Westmoreland Counties, VA with no transportation for compensation on return except as otherwise authorized. From Tappahannock, VA to points in DE, PA, NJ, NY, OH and MD, (except Baltimore), with no transportation for compensation on return except as otherwise authorized. *Malt beverages,* in containers, From Norristown, PA and Newark, NJ to Lottburg, VA and *Empty Malt beverage containers,* from Lottsburg, VA to Norristown PA and Newark, NJ. *Canned goods, seafood and frozen food,* From points in Lancaster and Northumberland Counties, VA, to Richmond and West Point, VA and *Feeds, seeds, fertilizer, building materials, salt, and empty seafood containers* and *rejected or damaged shipments* of the commodities specified next above, From Richmond and West Point, VA. to points in Lancaster and Northcumberland Counties, VA. *Seaford, fruits, and vegetables, fresh, frozen, canned* or processed, and *seafood by-products,* From points in Gloucester, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland Counties, VA. to points in VA, MD, PA, DE, NJ, NY, NC, SC and GA (except from points in Gloucester, Mathews and Middlesex Counties, VA to Baltimore, MD) and *Empty fruit, vegetable, and seafood by-product containers, Lumber,* From points in King and Queen, King William, Middlesex, and Essex Counties, VA, (except Tappahannock) to Baltimore, MD., with no Transportation for compensation on return except as otherwise authorized. From points in Essex, King William, and Middlesex Counties, VA to points in DE, PA, NJ and MD (except Baltimore), with no transportation for compensation on return except as otherwise authorized. From Tappahannock, VA to points in NY and OH, with no transportation for compensation on return except as otherwise authorized. *Canned goods,* From points in Essex, and King and Queen Counties, VA to Baltimore, MD

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and DC, with no transportation for compensation on return except as otherwise authorized. *Canned vegetables*, From Urbanna, VA to Philadelphia, PA, and Mullica Hill and Woodstown NJ with no transportation for compensation on return except as otherwise authorized. *Tin cans*, From Baltimore, MD, to points in Essex, and King and Queen Counties, VA with no transportation for compensation on return except as otherwise authorized. *Fertilizer*, From Baltimore, MD to points in Essex,

King and Queen, and Caroline Counties, VA with no transportation for compensation on return except as otherwise authorized. *Mineral wool*, from Manville NJ to Tappahannock, VA with no transportation for compensation on return except as otherwise authorized. *Empty wooden boxes, furniture frames (wood), appliance bases (wood), and pallets and crates (wood)*, From the destination points specified next above, to points in Gloucester, Lancaster, Mathews, Middlesex, Northumberland, Richmond and Westmoreland Counties, VA. *Fishing boats and rigging therefor* Between points in Gloucester, Mathews, Middlesex, Lancaster, and Northumberland Counties, VA, on the one hand, and, on the other, points in DE, MD, NJ, NY, NC, SC, and VA. *Lumber*, Between points in Lancaster, Northumberland, Richmond, and Westmoreland Counties, VA on the one hand, and on the other, points in MD within 25 miles of Baltimore, not including DC, or points in MD within 25 miles of Baltimore; MC 99213 Sub 11, Irregular Routes: (1) *Wooden boxes, furniture frames, appliance bases, pallets, and crates* and (2) *lumber* (except plywood and veneer), in mixed loads with one or more of the commodities in (1), From points in Richmond, Lancaster and Northumberland Counties, VA to points in DE, PA, NJ, NY, OH, MD (except Baltimore), WV and NC, with no transportation for compensation on return except as otherwise authorized. MC–99213, Sub 12, Irregular Routes: *Fish products, commercial fishing boats, equipment and supplies* for commercial fishing boats, and *fish processing equipment and supplies*, Between the plant site and storage facilities of Haynie Products, to Cape Charles and Reedville, VA, Morehead City, NC, Baltimore, Md, Wildwood, NJ and Moss Point, MS; MC99213 Sub 13, Regular Routes: *Processed fruits and vegetables, relishes, and materials and supplies* used in the canning and processing of fruits, vegetables and relishes, Serving the plant site of Mount Rose Canning Co., Inc. at or near Office Hall, VA, as an intermediate point in connection with carrier's presently authorized regular-route operations between Baltimore, MD and Burgess Stores, VA (Restriction: The operations authorized herein are restricted to the transporation of traffic originating at or destined to the plant site of Mount Rose Canning Co., Inc., at or near Office Hall, VA). MC 99213 Sub 15, Irregular Routes: *Fish meal, fish oil, and fish solubles*, From Reedville, VA to points in CT and OH, with no transportation for compensation on return except as otherwise authorized. MC 99213 Sub 18, Irregular Routes: *Fish oil, in bulk*, in tank vehicles, From points in Northumberland County, VA to points in FL, IL, IN, KY, MA, MI, WI, and Memphis, TN, with no transportation for compensation on return except as otherwise authorized. From points in ME, LA, MS, NJ, NY, NC (except Charlotte and Wilson), and VA, (except Smithfield and Crozet), to points in Northumberland County, VA with no transportation for compensation on return except as otherwise authorized. MC 99213 Sub 20, Irregular Routes: *Fish solubles*, in tank vehicles, From Cambridge, MD, to points in NY, NC, PA, and VA with no transportation for compensation return except as otherwise authorized. Applicant's representative is: Calvin F. Major, Attorney, 200 W. Grace Street, Suite 415, Richmond, VA 23220, 804–649–7591. Application for TA has been filed. Transferee holds authority under Certificate No. MC–143210.

MC–FC–79191. By decision of June 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to SOUTHERN FEDERAL TRANSPORTATION, INC. of Permit No. MC–143540 (Sub-No. 6F) issued May 16, 1979 to Marine Transport Company authorizing the transportation of (1) *paper, paper articles, wood pulp*, and *lumber*, (except commodities in bulk), from the facilities of Federal Paper Board Company, Inc., at (a) Riegelwood, Wilmington, Cape Fear, and Roanoke Rapids, NC, and (b) Richmond, VA, to points in the United States (except Alaska and Hawaii), and (2) *material, equipment*, and *supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), in the reverse direction under contract with Federal Paper Board Company, Inc. of Montvale, NJ. Applicants' represenative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602.

Notes.—(1) Transferee presently holds no authority from the Commission. (2) An application for temporary authority has not been filed.

MC–FC–79306. By decision of September 15, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to CONTINENTAL CARTAGE, LTD. of Des Moines, IA, of Permit No. MC–142913 (Sub-No. 2F) issued March 10, 1981, to Travis Transport, Inc. of Des Moines, IA, authorizing the transportation of *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the United States, under contract(s) with Continental Warehouse Group, Ltd. of Des Moines, IA. TA lease is not sought. Transferee is not a carrier. Applicants' representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501.

MC–FC–79312. By decision of September 15, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3, approved the transfer to ON TIME FREIGHT SYSTEMS, INC. of Omaha, NE 68130 of Certificate No. MC–138069 (Sub-Nos. 12, 13, 14, and 16) issued to Lucuis, Inc. of Omaha, NE authorizing the transportation of *general commodities* (except classes A and B explosives), between points in Douglas County, NE and Pottawattamie County, IA, on the one hand, and, on the other, points in the United States; *such commodities* as are dealt in or used by manufacturers of pet foods and pet supplies, between Omaha, NE, on the one hand, and, on the other, points in the United States; *food and related products*, between points in York County, NE, on the one hand, and, on the other, points in the United States; *food and related products*, between points in Finney County, KS, on the one hand, and, on the other, those in the United States in and east of ND, SD, NE, CO, and NM. Applicant's representative is: James P. Beck, 717 17th St., Suite 2600, Denver, CO 80202. TA lease is not sought. Transferee is not a carrier.

Note.—By this same transaction, applicant seeks to transfer MC–138069 (Sub-No. 17). Sub-No. 17 is pending a final decision before the Commission and therefore, is not susceptible to the transfer at this time.

MC–FC–79313. By decision of September 15, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to FELTMAN TRUCKING of Worthington, MN certificates No. MC–93573 issued to Douglas W. Kluever of Bigelow, MN authorizing *livestock*, between Bigelow, MN, and points within 15 miles of Bigelow, on the one hand, and, on the other, Sioux Falls, SD, and Sioux City, IA, and points in Gilman Township, and Floyd Township in Osceola and O'Brien Counties, IA, respectively. *Farm machinery, livestock, emigrant movables,* and *feed,* between points and places within 15 miles of Bigelow, MN. *Sand* and *gravel,* between points within 120 miles of Bigelow, MN. Applicant's representative: Frank Riley, 921 4th Avenue, Worthington, MN. TA lease is not sought. Transferee is not a carrier.

MC-FC-79331. By decision of September 11, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to CHARLES T. LUDY, JR. doing business as CHARLES T. LUDY, JR. TRUCKING of Certificate No. MC-88575 issued April 6, 1962 to C. E. Mostoller, Kenneth R. Mostoller & Clifford F. Mostoller, a partnership doing business as C. E. Mostoller & Sons generally authorizing the regular-route transportation of hay, coal, farm products, fertilizer oyster shells, grit, tar, grass seed, spray and dusting materials, canned goods, and sugar, from and to Berlin, Somerset, Shanksville and Meyersville, PA, and Baltimore, MD. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. An application for temporary authority has not been filed. Transferee is not a carrier or freight forwarder.

MC-FC-79332. Filed August 10, 1981. By decision of September 10, 1981, Review Board Number 3 approved the transfer to MER-BUZ CORP., d.b.a. BOWERS TRANSFER & STORAGE CO., of Denver, CO, of Certificate No. MC-126183 and MC-126183 (Sub-No. 2) issued to R. E. Robinson, d.b.a. Bowers Transfer & Storage Co. of Denver, CO authorizing the transportation of *uncrated store and office furnishings, fixtures, and equipment and component parts* of the commodities described above, between Denver, CO, and points in Denver County, CO, on the one hand, and, on the other, points in CO; and *uncrated business machines,* between Denver, CO, and points in Denver County, CO, on the one hand, and, on the other, points in CO; *refrigeration equipment, business machines, store and office furnishings, fixtures, and equipment,* all uncrated, *uncrated parts* of the commodities above, and *machinery, equipment, materials, and supplies* used in the operation and maintenance of industrial plants, offices, and other business establishments, when involved in, or part of the effects of, a removal of the plants, offices, and business establishments from one location to another, between Denver, CO, and LaFayette, CO, on the one hand, and, on the other, points in AR, KS, NE, NM, OK, TX, UT, and WY, restricted to traffic originating at or destined to Denver or Lafayette, CO. TA lease is sought. Transferee is not a carrier. Applicant's representative: Thomas J. Burke, Jr., 1660 Lincoln Street, Suite 1600, Denver, CO 80264.

MC-FC-79334. By decision of September 10, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to ALASKA TEXAS FREIGHT, INC., of Seattle, WA, of Certificate No. MC-129789 issued to Alaska-Texas Express, Inc. of Seattle, WA, authorizing: *Mercer* commodities, and machinery, equipment, materials, and supplies used in, or in connection with, the drilling of water wells, between points in described portions of OR, MT, ND, and SD. Applicant's represenative: J. G. Dail, Jr., 6810 Fleetwood Rd., Box LL, McLean, VA 22101. TA lease is not sought. Transferee is not a carrier, but is affiliated with transferor.

MC-FC-79338. By decision of September 11, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to H & S MOTOR LINES, INC., of Wesson, MS, of permit No. MC-145230 and Subs 3, 4, 5, 6, and 7 issued to H & S Trucking, Inc., of Wesson, MS, authorizing: such commodities as are dealt in or used by manufacturers of lawn and snow removal products (except commodities in bulk), between the facilities of Jacobsen Manufacturing Co., a division of Sextron, at Brookhaven, MS, on the one hand, and, on the other, points in the United States (except AK and HI); foodstuffs and specialty gift items, from the facilities of the Wisconsin Cheeseman, Inc., at or near Sun Prairie, WI, to Phoenix, AZ, Los Angeles and Oakland, CA, Jacksonville and Miami, FL, Shreveport, LA, Albuquerque, NM, Portland, OR, Salt Lake City, UT, and Seattle, WA under contract with the Wisconsin Cheeseman, Inc., of Madison, WI; prefabricated steel buildings, and materials, equipment and supplies used in their manufacture and distribution, between points in the United States, under contract with Ruffin Pre-Fab Co. Inc., of Oak Grove, LA; wood burning stoves, and accessories for wood burning stoves, and materials, equipment, and supplies used in their manufacture and distribution, between points in the U.S., under contract with Bart Manufacturing Company, of Charlotte, NC, building materials and supplies, between points in the United States, under contract with Woodstocks, Inc., of Terry, MS; building materials, between points in the United States, under contract with Apache Building Products Company, of Linden, NJ. Transferee is not a carrier. TA lease is not sought. Applicant's representative: Donald B. Morrison, Suite 1500, Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205.

MC-FC-79342. By decision of September 18, 1981 issued under 49 U.S.C. 10926 and 10931 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to BLUE LINE TRANSPORTATION COMPANY, INC. of Bloomington, CA of Certificate No. MC-89007, MC-89007 Sub 1 issued on August 16, 1981 authorizing general commodities (except the usual exception) between Los Angeles, CA, on the one hand, and, on the other, Los Angeles Harbor and Long Beach, CA, between points in the Los Angeles Harbor Commercial Zone, on the one hand, and, on the other, points in the Los Angeles, CA Commercial Zone, frozen shrimp, frozen lobster, and Mexican flake agar from San Diego, CA, to the port of San Pedro, CA and frozen fruit juices, from Whittier and La Habra, CA, to the port of San Pedro, CA and of Certificate of Registration No. MC-89007 (Sub-No. 4) issued April 23, 1964 to Citizens Warehouse Trucking Company, Inc. evidencing a right to engage in transportation authorizing, as a highway common carrier, of general commodities with exceptions between the points and over the routes between all points within the Los Angeles Basin Territory and between the Los Angeles Basin Territory, on the one hand, and, on the other hand, the San Diego Territory, over U.S. Highways Nos. 101 and 395 serving all intermediate points on U.S. Highway 101, and all points laterally within five miles of that portion of U.S. Highway No. 101 extending from the Los Angeles Basin Territory to the San Diego Territory, including Camp Pendleton in interstate commerce corresponding in scope to Decision No. 60458 dated August 2, 1960 issued by the Public Utilities Commission of the State of California. Applicant's representative: Jerry I. Michael, P.O. Box 188, Bloomington, CA 92316. TA lease is not sought.

Note.—In No. MC-141086 (Sub-No. 3), Blue Line Transportation Company, Inc. sought authority to transport certain specified commodities between points in Arizona, California, Nevada, and Utah. That application was filed June 1, 1981 and

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published in the **Federal Register** June 22, 1981. A certificate in that proceeding was served August 25, 1981, thereby constituting Blue Line as a multi-state carrier. Therefore, upon consummation of this transaction, the holding by Blue Line of the Certificate of Registration in No. MC–89007 (Sub-No. 4) will render that Certificate of Registration invalid, and operations may not be conducted thereunder by Blue Line.

MC–FC–79344. By decision of September 11, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to B&M TRUCKING, INC. of Gwinner, ND, of Permit No. MC–148646 and Certificate 149477 to Beckstrom Enterprises, Inc., of Gwinner, ND, which authorize the transportation of (A) *iron and steel articles* from Minneapolis, MN, and Chicago, IL, to the facilities of Concord, Inc., at Fargo, ND; and (2) *airline baggage wagons,* from the facilities of Concord, Inc., at Fargo, ND, to Chicago, IL and Memphis, TN, under continuing contract(s) in (1) and (2) above with Concord, Inc. of Fargo, ND; and (B) of *metal building system components, and material equipment and supplies* used in the erection and distribution of metal building system components, from Kansas City, MO, Galesburg, IL, Omaha, NE, and Story City, IA, to points in MN, ND, and SD respectively. Applicant's representative is: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126.

Notes.—(A) Temporary authority has been granted to B&M Trucking to conduct the above-described operations. (B) B&M Trucking also seeks to acquire temporary authority granted to Beckstrom Enterprises in No. MC–149477 (Sub-No. 4–5TA), on March 25, 1981, following publication at 46 FR 15819 on March 9, 1981, authorizing the transportation of (1) rolled steel trucks, axles, and axle components, and (2) equipment, materials and supplies used in the manufacture and distribution of the commodities in (1) above, between points in the United States under continuing contract(s) with Loegering Manufacturing, Inc., of Casselton, ND. However, temporary authority issued pursuant to 49 U.S.C. 10928, is not transferable under 49 U.S.C. 10926, nor is it subject to temporary operating approval under 49 U.S.C. 11349, pending disposition of a 49 U.S.C. 10926 transfer. B&M and Beckstrom must jointly seek to substitute B&M for Beckstrom in No. MC–149477 (Sub-No. 4–5TA) and any pending related application for permanent authority under 49 U.S.C. 10922.

MC–FC–79345. By decision of September 10, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to SOUTHEASTERN SALES AND DESIGN, INC., of Corinth, MS, of Certificate Nos. MC–150612F and MC–150612 (Sub-No. 1), issued to Rhodes Truck and Tractor, Inc., of Corinth, MS, authorizing the transportation of (1) *sawmill machinery and parts,* between Corinth, MS, on the one hand, and, on the other, points in the U.S.; and (2) *Mercer commodities,* between points in Alcorn County, MS, and TN, on the one hand, and, on the other, points in the U.S. Representative: John Davidson, Box 1456, Corinth, MS 38834.

Note.—TA application has been filed. Transferee does not hold any authority from this Commission.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–28507 Filed 9–30–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jursidictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: September 18, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

James H. Bayne,

Acting Secretary.

MC–F–14685, filed August 31, 1981. Authority to purchase by BROWN TRANSFER COMPANY, 1202 East 26th Street, Kearney, Nebraska 68847, a portion of the operating rights of Sullivan Transfer & Storage Company, 301 North 8th Street, Lincoln, Nebraska 68508. Control of the involved operating rights by Dwayne A. Brown, Margaret L. Brown, Gaylene R. Aden, Dean L. Aden, and Edna M. Brown, who together control Brown Transfer Co., is also authorized. Applicant's representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, Nebraska 68106. Operating rights in Certificate No. MC–

11022 (Sub-No. 2) to be purchased: *general commodities* between points in Lancaster and Hall Counties, NE, on the one hand, and, on the other, points in NE. Application has been filed for temporary authority.

MC-F-14692, filed September 8, 1981. Applicants: Walter Peters, David J. Peters, Theodore Peters, and Barry S. Peters, 1540 Lucas Road, Yreka, CA 96097. Representative: Michael S. Rubin, c/o Silver, Rosen, Fischer & Stecher, P.C., 256 Montgomery Street, Fifth Floor, San Francisco, CA 94104. Applicants are individuals, controlling one carrier, Peters Truck Lines, who seek authority to control a second carrier, Oregon Freightways, Inc., through management and stock ownership. Peters Truck Lines is a regular route carrier having authority to operate as a motor common carrier pursuant to Certificate of Public Convenience and Necessity, No. MC-97710, which authorizes the transportation of general commodities (except those of unusual value, used household goods as defined by the Commission and commodities in bulk, in tank vehicles) over regular routes, generally, (1) between Grant's Pass, OR, and Stockton, CA; (2) between Klamath Falls, OR, and Weed, CA; (3) between Red Bluff and Modesto, CA; (4) between Medford, OR, and Newell, CA; (5) between San Francisco and Auburn, CA; (6) between Oakland and Stockton, CA; (7) between junction Interstate Highway 580 and Interstate Highway 205 and junction Interstate Highway 5 and Interstate Highway 205; (8) between junction California 12 and Interstate Highway 80 near Fairfield, CA, and junction California Highway 12 and U.S. Highway 99 near Lodi, CA; (9) between junction California Highway 4 and Interstate Highway 80 near Benicia, CA, and Stockton, CA; (10) between junction California Highway 3 and Interstate Highway 5 near Yreka, CA, and Callahan, CA; (11) between junction California Highway 161 and U.S. Highway 97 near the Oregon-California State Boundary line and junction California Highway 161 and California Highway 139 near Tulelake, CA; (12) between San Francisco and San Jose, CA; (13) between Los Gatos and Berkeley, CA; (14) between junction California Highway 96 and California Highway 263 and Happy Camp, CA; (15) between Yreka, CA, and junction California Hwy 263 and Interstate Highway 5 near Hornbrook, CA; (16) between junction Interstate Highway 80 and Interstate Highway 505 near Vacaville, CA, and junction Interstate Highway 505 and Interstate Highway 5 near Dunnigan, CA; (17) between junction Interstate Highway 5 and California Highway 120 near Lathrop, CA, and Oakdale, CA; (18) between Oakland, CA, and Walnut Creek, CA; (19) between Orland, CA, and Chico, CA; (2) between Willows, CA, and junction California Highway 162 and U.S. Highway 99; (21) between Yuba City CA, and Auburn, CA; (22) between San Mateo, CA, and Hayward, CA; (23) between junction U.S. Highway 101 and California Highway 84 and junction California Highway 17, and California Highway 84; (24) between junction Interstate Highway 5 and California Highway 20 at or near Williams, CA, and Yuba City, CA, also serving specified off-route points in Contra Costa, Solano, Alameda, Yolo, Sacramento, San Joaquin, Sutter, San Francisco, Siskiyou, Stanislaus, Placer, Butte, Tehama, Yuba, Colusa, Glenn, Shasta, San Mateo, Santa Clara, Modoc, Napa, and Marin Counties, CA, and within OR. By order of the Commission served July 13, 1981, in No. MC-152794 (Sub-No. 1) Oregon Freightways, Inc. was substituted for Tyway, Inc. dba O.N.C. Freight System as applicant for authority to transport general commodities (except commodities in bulk, those requiring special equiment, commodities of unusual value, Classes A and B explosives, and household goods as defined by the Commission) between points in Clark County, WA, Multnomah, Washington, Clarkamas, Marion, Linn, Lane, Douglas, Coos, Klamath, Jackson, and Josephine Counties, OR; and Del Norte and Humboldt Counties, CA. Temporary Authority has not been sought under 49 U.S.C. 11349.

Federal Register Caption Summary

MC-F-14696, filed September 8, 1981. CLEAR WATER TRUCK COMPANY, INC. (Clear Water) (9101 Northwest Street, Valley Center, KS 67148)—purchase (portion)—GASTON FEED TRANSPORTS, INC., (Gaston) (2519 East 14th Avenue, Hutchinson, KS 67501). Representative: Michael J. Ogborn, Nelson & Harding, P.O. Box 82028, 1200 N Street, 500 The Atrium, Lincoln, NE 68501. Clear Water, a Kansas corporation, seeks authority to purchase a portion of the interstate operating rights of Gaston. Claude A. Harpster, Jr., seeks authority to acquire control of said rights through the transaction. Clear Water is purchasing the authority contained in Certificate No. MC-126489 (Sub 39F) which authorizes the transportation of *materials and supplies* used in the manufacture of textile bags (except in bulk), from points in AL, GA, LA, NC, SC, TN and TX to the facilities of Hutchinson Bag Corporation at Hutchinson, KS, and *calcium carbonate* (except in bulk), from Sylacauga, AL, to points in IA, IL, KS, NE, OK and points in TX on and north of Interstate Highway 10 and on and east of U.S. Highway 281. Clear Water is authorized to operate as a contract carrier over irregular routes throughout the continental United States pursuant to authority granted in MC-127304 and subs thereto; and as a common carrier in the states of AZ, CA, CO, ID, KS, MS, MT, NM, NV, OR, TX, UT, WA and WY pursuant to authority granted in MC-134966 and subs thereto.

Note.— Application for TA has not been filed.

MC-F-14697, filed September 9, 1981. STUMPS REFRIGERATED EXPRESS, INC. (Stumps)(R.D. #1, Tiro, OH 44887)—purchase (portion)—TEXAS CONTINENTAL EXPRESS, INC., JOSEPH COLVIN, TRUSTEE IN BANKRUPTCY (Texas) (2002 Continental Bldg., Ft. Worth, TX 76102). Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Stumps seeks authority to purchase a portion of the interstate operating rights of Texas. James M. Stump and Charles Stump, equal stockholders of Stumps, seek authority to acquire control of said rights through the transaction. Stumps seeks to purchase Certificate MC-133095 (Sub-Nos. 18 and 61), which authorize the transportation, as a motor common carrier, over irregular routes, of (1) *pet foods*, in containers, from the facilities of Kal Kan Foods, Inc., at Columbus, OH, to points in that part of the United States east of U.S. Hwy 85 (except points in OH), restricted to shipments originating at the described facilities and destined to the above described destination territory; and (2) *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 109 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Amarillo, TX, to points in CT, DE, IL, IN KY, ME, MD, MA, MI, MN, NH, NJ, NY, ND, OH, PA, RI, SD, VT, VA, WV, WI, and DC, restricted to traffic originating at the named facility and destined to the named destination points. Impediment: Texas holds authority in Certificate No. MC-133095 (Sub-No. 304)X which duplicates the authority sought to be purchased by Stumps. Because this would result in an objectionable split of authority, approval and authorization of this transaction is conditioned upon applicants either canceling the retained duplicative authority or submitting evidence of public need or demand for the duplicative service which would result from this transaction.

Note.—Application for TA has been Filed. Stumps is authorized to operate as a motor common carrier under MC 148831 and subnumbers thereunder.

[FR Doc. 81–28306 Filed 9–30–81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions, Volume No. OP1-268]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: September 24, 1980.

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to conform the service proposed, and to perform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier (Chandler not participating in part).

James H. Bayne,

Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

MC 19550 (Sub-12), filed September 14, 1981. Applicant: OBSERVER TRANSPORTATION COMPANY, P.O. Box 34213, Charlotte, NC 28234. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), (1) between points in NC and SC, and (2) between Atlanta and points in Hall County, GA, on the one hand, and, on the other, points in NC and SC.

MC 35320 (Sub-662), filed September 14, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: John T. Coon (same address as applicant), (806) 745–7262. Transporting *classes A and B explosives*, between points in the U.S.

Note.—Applicant intends to tack and/or interline at points of origin and destination in connection with its regular service route operations. The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 82841 (Sub-323), filed September 9, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339–3003. Transporting *iron and steel articles*, between the facilities of Nucor Corporation and its subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S.

MC 141870 (Sub-4), filed September 14, 1981. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Ave., Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, (205) 578–2836. Transporting *food and related products* and *containers*, between points in the U.S., under continuing contract(s) with The Wiki Wiki Corporation, of Carson, CA.

MC 142231 (Sub-5), filed September 15, 1981. Applicant: TRI-L CONTRACT CARRIER, INC., 2400 Tower Place, 3340 Peachtree Rd., NE., Atlanta, GA 30326. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., Atlanta, GA 30326, (404) 262–7855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Oxylance Corp., of Atlanta, GA.

MC 142451 (Sub-1), filed August 31, 1981. Applicant: JAMES L. SMITH AND JERRY ATTKISSON, d.b.a. SMITH & ATTKISSON TRUCKING CO., Route 2, Columbia, TN 38401. Representative: James N. Clay, III, 222 E. Mallory Ave., Memphis, TN 38109, (901) 774–9992. Transporting *ores and minerals, clay, concrete, glass or stone products, lumber, building materials, and commodities in bulk*, between points in TN, KY, MS, AL, and GA, on the one hand, and, on the other, points in the U.S.

MC 143580 (Sub-3), filed September 15, 1981. Applicant: FREIGHT SYSTEMS, INC., 6303 Corsair Street, Commerce, CA 90040. Representative: Savery L. Nash, 3838 Carson Street, Third Floor, Torrance, CA 90503, (213) 316–0752. Transporting *printed matter*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in CA.

MC 149321 (Sub-1), filed September 14, 1981. Applicant: SCHMIDT TRUCKING, INC., Seymour Ave., Garner, IA 50438. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products*, between points in AL, AR, CO, IA, IL, IN, KS, KY, LA, MD, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX and WI, on the one hand, and, on the other, points in the U.S.

MC 151280 (Sub-2), filed September 14, 1981. Applicant: B & P TRUCK LINES, INC., 2906 South Market St., Chattanooga, TN 37410. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting (1) *metal products*; and (2) *such commodities* as are dealt in or used by discount department stores, between Birmingham, AL, on the one hand, and, on the other, points in the U.S. in and east of ND, SC, NE KS, OK and TX.

MC 151590 (Sub-1), filed September 15, 1981. Applicant: LAKE TRUCKING COMPANY, a corporation, P.O. Box 142, Leesburg, FL 32748. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products*, between points in FL, on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NH, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV and WI.

MC 153650 (Sub-2), filed September 14, 1981. Applicant: MIKE MEADORS TRUCKING, P.O. Box 496, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521–8121. Transporting *petroleum products*, between points in AR, on the one hand, and, on the other, points in the U.S.

MC 153730 (Sub-1), filed September 14, 1981. Applicant: QUICK TRANSPORT, INC., 5320 Augusta Road, Garden City, GA 31408. Representative: Marcus James Padgett, Jr., 33 Varnedoe Ave., Garden City, GA 31408, (912) 964–7282. Transporting *general commodities* (except classes A and B explosives), between points in GA, SC, FL, NC, AL, LA, MS, TN, KY and VA.

MC 157000 (Sub-1), filed September 1, 1981. Applicant: WALTER E. DLUBAK, d.b.a. DLUBAK GLASS CO., R.D. #1, Box 274, Saxonburg Rd., Natrona Heights, PA 15065. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 224–6611. Transporting *waste or scrap materials*, between points in PA, NY, NJ, CT, RI, NH, VT, MA, ME, MD, DE, VA, WV, NC, SC, TN, KY, OH, IN, IL, MI, WI, and DC.

MC 157060, filed September 10, 1981. Applicant: JANCO, LTD., 34 Burgess Place, Wayne, NJ 07470. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–8880. Transporting (1) *passengers;* and (2) *such commodities* as are used or dealt in by theatrical production companies, between points in the U.S., under continuing contract(s) with Janco Productions, Inc., of New York, NY.

MC 158161, filed September 10, 1981. Applicant: JOHN CONTE, d.b.a. J & R CARTAGE, 1740 Cortland St., Suite G, Addison, IL 60101. Representative: Gerald Cohen, Barrister Hall, 29 South LaSalle St., Suite 345, Chicago, IL 60603, (312) 236–1717. Transporting *metal tubing, paper and paper products, and computer room furniture*, between Chicago, IL, and points in Cook and Du Page Counties, IL, on the one hand, and, on the other, points in WI, IN, OH, PA, and MO.

MC 158171, filed September 11, 1981. Applicant: FIELDER TRUCKING, INC., Route 1, Box 36–A, Branch, LA 70516. Representative: J. Robert Wooley, P.O. Box 289, Baton rouge, LA 70821, (504) 342–5710. Transporting *asphalt*, between points in the U.S., under continuing contract(s) with Bitucote Products Co., of St. Louis, MO.

MC 158220, filed September 15, 1981. Applicant: BERNARD D. (BERNIE) CLARK, d.b.a., C E R & DISTR., P.O. Box 19, Canby, OR 97013. Representative: Bernie Clark (same address as applicant), (503) 266–5943. Transporting (1) *lumber and wood products;* (2) *metal products;* (3) *chemicals and related products;* (4) *machinery;* and (5) *such commodities* as are dealt in or used by manufacturers of paint, ceramics, plastics and insulation, between points in the U.S., under continuing contract(s) with (a) States Industries, Inc., of Eugene, OR; (b) UNR-Leavitt, Division of UNR, Inc., of Chicago, IL; (c) Western Equipment Co., of Eugene, OR; (d) Harrisons & Crosfield (Pacific), Inc., of Seattle, WA; and Robert Weed Plywood Corp., of Bristol, IN.

MC 158250, filed September 14, 1981. Applicant: LIMO–1, INC., 20 W. Graisbury Ave., Aububon, NJ 08108. Representative: Peter L. Cornelli, 1209 Wyndmoor Rd., Cherry Hill, NJ 08034, (609) 795–1479. Transporting *passengers*, between points in NJ, PA, NY, DE, VA, MD, CT, RI, MA, and DC.

[FR Doc. 81–28512 Filed 9–30–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. OP1–269]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: September 24, 1981.

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that application is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all suporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jusisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisifed before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

V 46/190 OC 1 81 UMI

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier (Chandler not participating in part).

James H. Bayne,

Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 158151, filed September 8, 1981. Applicant: W. N. PROCTOR COMPANY, INC., 115 Broad Street, Boston, MA 02110. Representative: F. Leo Fitzpatrick (same address as applicant), (617) 482-0360. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158170, filed September 11, 1981. Applicant: RIEDEL INTERNATIONAL, INC., 4555 N. Channel Ave., Portland, OR 97208. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between point in the U.S.

MC 158210, filed September 11, 1981. Applicant: COMPAGNIE D'AFFRETEMENT ET DE TRANSPORT U.S.A., INC., 499 Park Ave., New York, NY 10022. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, (202) 833-8884. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 158240, filed September 8, 1981. Applicant: SPECIALIZED TRANSPORT SERVICES, INC., P.O. Box 5236, Lake Station, IN 46405. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440-0496, (216) 652-2789. As a *broker* of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-28511 Filed 9-30-81; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-C-10800 (Sub-1)]

Petition for Declaratory Order—Interpretation of Used Pallet, Container, and Shipping Devices Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of related declaratory order proceeding.

SUMMARY: The Commission is expanding the scope of the proceeding in No. MC-C-10800, same title as above, 46 FR 43114, August 26, 1981, to encompass specifically the question of whether the transportation by motor vehicle of empty, used beverage containers is exempt from regulation pursuant to 49 U.S.C. 10526(a)(11). This action is taken in response to a petition for interpretation filed by a trade association.

DATES: Comments are due November 2, 1981.

ADDRESS: Send an original and, if possible, 15 copies of comments to:

MC-C-10800 (Sub-No. 1), Room 5416,
Office of Proceedings, Interstate
Commerce Commission, Washington,
D.C. 20423

Send one copy of comments to petitioner's representatives:

Bruce Rea, Jr. and David H. Coburn,
Rea, Cross & Auchincloss, 700 World
Center Building, 918 16th Street, NW.,
Washington, D.C. 20006

FOR FURTHER INFORMATION CONTACT:

Nancy Hurley, (202) 275-7893 or
Donald J. Shaw, Jr., (202) 275-7292

SUPPLEMENTARY INFORMATION: The National Motor Freight Traffic Association has filed a petition which seeks the Commission's interpretation of the scope of the exemption from regulation set forth in section 10526(a)(11) of the Interstate Commerce Act. We have previously instituted a declaratory proceeding with a somewhat different focus in No. MC-C-10800, same title as above, 46 FR 43114-16 (August 26, 1981), to interpret the new statutory exemption and solicited public comments. Consequently, it appears that the most expeditious and practical course under these circumstances would be to consider petitioner's inquiry here concurrently with the proceeding in MC-C-10800. A brief review of petitioner's interest in this area is summarized below.

Petitioner seeks a ruling to determine whether the statutory words "used empty shipping containers" embrace, and thereby exempt from regulation, the transportation by motor common carriers of used, empty beverage bottles. It reviews an underlying dispute between a carrier and a shipper over the propriety of employing exempt rates for the transportation of used, empty beer bottles. Petitioner takes the position that the exemption in section 10526(a)(11) does not embrace the transportation of used, empty consumer packages, such as beverage bottles, since the plain terms of that section do not cover these articles and since bottles are not "shipping containers" within the technical transportation meaning derived from trade usage. Petitioner relies on the definition of a "shipping container" as this term appears in the packaging industry's *Glossary of Terms,* the Packaging Institute, U.S.A. and Packaging Machinery Manufacturers Institute, (5th ed. 1979).

Contrary to the petitioner's arguments and definitional distinctions, however, it has been the Commission's long-standing practice to treat the return transportation of certain empty containers, such as used, empty beer barrels and bottles, as covered by implied authority and not subject to separate regulation or licensing requirements. See 49 CFR 1041.10. Petitioner contends that the subsequent passage of the Motor Carrier Act of 1980 limits attention to "shipping containers" and is therefore not as broad as the Commission's earlier rule. Considering the regulations governing our return transportation of used, empty bottles, and given the issue presented by the Petitioner's arguments concerning the exemption in section 10526(a)(11), we believe it would be useful to handle petitioner's inquiry in conjunction with the interpretation efforts already begun in MC-C-10800. We feel that comments from interested members of the public which relate to petitioner's position will be most helpful to our determination of the scope of the involved exemption, and for that purpose a separate comment period is specified below.

Any person (including the petitioner) desiring to participate in this proceeding shall file with the Commission an original and, if possible 15 copies of written representations, views, or arguments. A copy of each representation also must be filed on the petitioner's representatives.

This action does not appear to affect significantly either the quality of the human environment or conservation of energy resources.

It is ordered:

Pursuant to 5 U.S.C. 554(e), and in the sound exercise of our discretion, a declaratory proceeding is instituted. Absent compelling reasons to the contrary, this proceeding and the related proceeding MC-C-10800, as specified above, will be handled concurrently following the expiration of their respective comment periods.

Decided: September 23, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28510 Filed 9-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 290 (Sub-2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of approval of railroad cost index.

SUMMARY: The Commission had decided to approve the cost index filed by the Association of American Railroads under the procedures of Docket Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures.* The application of the index provides a maximum increase of 1.4% above the level prescribed in our decision served June 25, 1981 (46 FR 34425, July 1, 1981).

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Jane Mackall (202) 275-7656; or Raymond Hobbs (technical) (202) 275-6780.

SUPPLEMENTARY INFORMATION: By decision served April 17, 1981 (46 FR 25594, April 20, 1981), we outlined the procedures for calculation of the Interim Mid-Quarter Index of railroad costs and the methodology for computing the Rail Cost Adjustment Factor. We also decided to require the Association of American Railroads (AAR), no later than 20 days before the end of each quarter, to calculate and submit to the Commission the mid-quarter index.

We have received AAR's calculations of the mid-quarter index and have found that these calculations comply with the guidelines outlined in our decision served April 17, 1981.

The indices derived from these calculations are shown in the table below.

The carriers may not apply this increase to recyclable commodities, other than scrap iron or steel. We admit this is an extraordinary action, not contemplated by the rules established in this proceeding. However, we believe it is required by our special mandate in the recyclables area and recent court action.

Section 204 of the Staggers Act defines a revenue-to-variable cost ratio to be used as a ceiling for rail rates on these commodities, and states further that "as long as any such rate equals or exceeds such average * * * ratio * * * such rate shall not be required to bear any further rate increase." In Ex Parte No. 394 *Cost Ratio for Recyclables—1980 Determination,* 364 I.C.C. 425 (1980), we calculated that ratio to be 146 percent. Section 204 was further interpreted in a recent court decision which held that the railroads must immediately reduce their rates to the 146 level. *National Ass'n. of Recycling Industries* v. *I.C.C., — F. 2d —* (D.C. Cir. 1981). Since the rate reductions have not yet been made, we may not approve any increase that could produce increases on rates above 146 percent. Furthermore, considering the wording of section 204, and considering, as was emphasized by the court, that Congress intended special treatment for recyclables, we will be issuing a notice in Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures,* to address this matter. In view of our affirmative duty under Section 204, we believe it necessary that carriers submit specific cost evidence demonstrating that any proposed increases for these commodities will not result in rates that exceed the permissible level before we will approve any increase on these recyclables.

We believe that further study is appropriation as to the manner in which anticipated wage settlements are reflected in the index. The rulemaking portion of this proceeding is hereby reopened on the issue of handling interest accruing on funds collected but not disbursed. A notice of proposed rulemaking will be issued shortly describing in detail our concerns on this issue and perhaps other issues.

This decision will not significantly affect the quality of the human environment or conservation of energy resources. Although this proceeding is not subject to Pub. L. 96-354, it is our opinion that it will not have a significant adverse impact on a substantial number of small entities.

Dated: September 24, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam. Chairman Taylor will submit a separate expression at a later date.

James H. Bayne,

Acting Secretary

TABLE I.—INTERIM MID-QUARTER INDEX

[1979=100]

Category	Oct. 1, [illegible]	[illegible]			
		[illegible]	[illegible]	3d [illegible]	4th [illegible]
Salaries, wages and supplements	112.6	119.6	119.6	124.7	128.7
Fuel	153.1	170.8	[illegible]	186.4	176.8
Other materials and supplies	119.1	121.9	123.6	125.0	[illegible]
Other expenses	117.3	121.7	124.7	127.2	128.7
Weighted average [1]	118.6	125.4	127.7	131.4	133.3

[1] Based on the following 1979 weights: Salaries, wages and supplements—49.9 pct; fuel—9.6 pct; other materials and supplies—12.5 pct; and other expenses—28.0pct.

The Rail Cost Adjustment Factors for first, second, third and fourth quarter, 1981, are computed in the following table.

RAIL COST ADJUSTMENT FACTOR

Item	Oct. 1, 1980	[illegible]			
		[illegible]	[illegible] quarter	3d [illegible]	[illegible]
Weighted index	118.6	125.4	127.7	131.4	133.3
Rail cost adjustment factor		1.057	1.078	1.108	1.124

The factor of 1.014 (1.4%) applicable to present rates was computed by dividing the fourth quarter adjustment factor (1.124) by the third quarter adjustment factor (1.108).

[FR Doc. 81-28509 Filed 9-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-50)]

Southern Railway Co. Exemption for Contract Tariff ICC-SOU-C-0037

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). Its previously filed contract tariff may become effective on one day's notice. This exemption may be

revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Southern Railway Company filed a petition on September 14, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its contemporaneously filed contract tariff ICC-SOU-C-0037, now October 11, 1981, so that the effective date would be on one day's notice. The contract covers coal movements from a number of mines to Morehead City, NC.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. CF. former section 10763(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition is granted. The shipper has held back shipments pending completion of contract negotiations. As a result, the receiver's shipment requirements are reaching a critical level because of a heavy vessel schedule for this fall. Further, a letter from Alla-Ohio Valley Coals, Inc., indicates that its operation has been impaired in not having these contract rates. In these circumstances, authorization of a provisional exemption is warranted, and Southern's contract ICC-SOU-C-0037 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: September 25, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam and Taylor. Commissioner Taylor did not participate.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28508 Filed 9-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 174]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 28, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings:

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

James H. Bayne,

Acting Secretary.

FF-357 (Sub-1)X, filed September 9, 1981. Applicant: INTERSTATE INTERNATIONAL, INC., 5801 Rolling Road, West Springfield, VA 22152. Representative: Marshall Kragen, 1919 Pennsylvania Avenue, N.W., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions from its Sub-1 permit to: (1) broaden the commodity description from used household goods and unaccompanied baggage and used automobiles to "household goods, baggage and transportation equipment; and (2) eliminate the restriction limiting the transportation of used automobiles to the transportation of used automobiles to the transportation of export and import traffic.

MC 52869 (Sub-102)X, filed September 18, 1981. Applicant: NORTHERN TANK LINE, P.O. Box 970, Miles City, MT 59301. Representative: Michael E. Miller, 502 First National Bank Building, Fargo, ND 58126. Applicant seeks to remove restrictions in its lead certificate to (1) broaden all commodity descriptions to "commodities in bulk" from petroleum and petroleum products, liquid petroleum products, and crude petroleum, in bulk; (2) authorize two-way in lieu of one-way service; and (3) authorize service at all intermediate points on the specified regular routes.

MC 59336 (Sub-No. 30)X, filed September 14, 1981. Applicant: U.S. TRUCK COMPANY, INC., 2290—24th Street, Detroit, MI 48216. Representative: Wilber M. Brucker, Jr., 38th Floor City National Bank Building, Detroit, MI 48226. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20, 21, 23, 26, 27, 28, and 29F certificates to (1) broaden the commodity descriptions to (a) "general commodities (except classes A and B explosives)" from uncrated household goods and commodities generally (with exceptions) in Sub-No. 1, commodities generally (with exceptions) in Sub-No. 3 and general commodities (with exceptions) in Sub-Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, 21, 23, 26, 27, 28, and 29F; and (b) "waste or scrap materials not identified by industry producing" from foam padding in Sub-No. 20, and padded foam products in Sub-No. 27 (part 1); (2) allow service at all intermediate points between points in MI and Toledo, OH, in the lead, between Flint and Bay City, MI, Saginaw and Durand, MI, and junction MI Hwys. 78 and 71 and Corunna, MI, in Sub-No. 5, between junction U.S. Hwy 12 and Scio, MI, and Ann Arbor, and Scio, MI, in Sub-No. 6, and between Toledo and Cincinnati, OH, Wapakoneta and Lancaster, OH, Fostoria and Springfield, OH, and Carey and Springfield, OH, in Sub-No. 27; (3) change one-way to radial authority on its irregular routes in Sub-Nos. 20 and 27; (4) authorize interstate service and remove the restriction which limits service to or from points in Canada in Sub-No. 21; (5) remove the plantsite limitations in Sub-Nos. 26, 27, and 29F; (6) remove the restriction against the transportation of local and interlining traffic moving between points in Michigan, on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence easterly along U.S. Highway 30 to junction U.S. Highway 30N near Delphos, Ohio, thence easterly along U.S. Highway 30N to junction U.S. Highway 30 near Mansfield, Ohio, and thence easterly along U.S. Highway 30 to the Ohio-Pennsylvania State line in Sub-No. 27; and (7) replace off-route points with county-wide authority as follows: (a) Perry, Morrice, Bancroft, and Durand with Shiawassee County, MI, in Sub-No. 1; (b) Chelsea and Clarkston with Washtenaw and Oakland Counties, MI, in Sub-No. 3; (c) Romeo with Macomb County, MI, in Sub-No. 26; (d) Logan, Newark, Zanesville, South Zanesville, London, and Chillicothe with Hocking, Licking, Muskingum, Madison, and Ross Counties, OH, points within 5 miles of Cincinnati, OH, with Hamilton County, OH, and Kenton, Campbell, and Boone Counties, KY, and points within 3 miles of Columbus, OH, with Franklin County, OH, in Sub-No. 27; (e) Lyons and Coopersville with Ionia and Ottawa Counties, MI, in Sub-No. 28; and (f) Constantine and Three Rivers with St. Joseph County, MI, in Sub-No. 29F.

MC 116602 (Sub-8)X, filed September 15, 1981. Applicant: JAMES F. HERLIHY TRUCKING CO., INC., 20 Emma St., Binghamton, NY 13905. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 1, 5 and 7F certificates to (1) remove all exceptions from its general commodities authority, except classes A and B explosives, in all certificates; (2) remove the restriction limiting service to the transportation of traffic having an immediately prior or subsequent movement by air, in all certificates, and (3) broaden the airport or city-wide authority to county-wide or city-wide authority: (a) Broome County Airport to Broome County, NY; Newark Airport to Newark, NJ; and John F. Kennedy International Airport to New York, NY in Sub-No. 1, (b) Buffalo, Rochester, Syracuse, Utica, Elmira and Binghamton, NY to Erie, Niagara, Monroe, Onondaga, Oneida, Chemung and Broome Counties, NY, in Sub-No. 5, and (c) Binghamton, NY and Broome County Airporty to Broome County, NY and Stewart Field Airport to Orange County, NY, in Sub-No. 7F.

MC 124111 (Sub-69)X, filed August 10, 1981, published in the **Federal Register** of September 2, 1981, and republished as follows:

MC 124111 (Sub-69)X, filed August 10, 1981. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins, P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 11, 14, 15, 17, 18, 19, 23, 24, 25, 26, 27, 29, 31, 32, 35, 38, 39, 40, 42, 44, 45, 46, 50, 51, 53, 55, 57, 59F, 60F, 61F, 62F, 65F, certificates and E–1 letter notice, to (1) broaden the commodity description to (a) "food and related products" from meats, meat products, and meat by-products in Sub-Nos. 3, 11, 15, 17, 18, 19, 24, 27, 59F, and 60F, bananas in Sub-Nos. 4, 23, 32, 35, 38, 40, 51, 55, 57 and E–1, oleomargarine, salad dressing, coconut oil, vegetable oil, vegetable oil—fatty acids, cooking oil, shortening, stearine, stearate and mayonnaise in Sub-No. 14, lard in Sub-No. 15, cheese products in Sub-No. 24, prepared foods, cabbage, sauerkraut, pickles, sugar, fresh fruits and vegetables, packaged vegetables, fresh tomatoes, tomato pulp, tomato juice, ketchup in Sub-No. 25, cole slaw, salads, bakery goods in Sub-No. 26, foodstuffs in Sub-Nos. 27, 31, and 62F, frozen foods and frozen prepared foods in Sub-Nos. 27, 39, and 42, vegetable oil shortening in Sub-No. 44, prepared flour mixes and frosting mixes in Sub-No. 45, food and food products in Sub-No. 46, frozen bakery products in Sub-Nos. 50 and 53, frozen bread, salad dressings, croutons and popcorn in Sub-No. 61F, and spaghetti, macaroni, and noodle products in Sub-No. 65F, non-carbonated fruit drinks, chocolate drink, cider and frozen yogurt in Sub-No. 29, (b) "printed matter" from advertising material in Sub-Nos. 14 and 25; (c) "metal products" from steel, steel stampings, cans and bottle caps in Sub-No. 25; (d) "clay, concrete, glass or stone products" from glass containers, enamelware and enamelware products in Sub-No. 25; (e) "rubber and plastic products" from electric refrigerator parts in Sub-No. 25; (f) "waste or scrap materials" from scrap metals in Sub-No. 25; (g) "chemical and related products" from salt in Sub-No. 25; (h) "coal and coal products" from coal in Sub-No. 25; and (i) "furniture and fixtures" from office supplies in Sub-No. 25; (2) replace facilities limitations and specific point authority with city-wide or country-wide authority to (a) Erie County, OH from Sandusky, OH in Sub-Nos. 3 and 46, (b) Columbus, OH for facilities at Columbus, OH in Sub-Nos. 14, 26, and 62F, (c) Highland County, OH for Greenfield, OH in Sub-Nos. 15 and 17 and facilities at Greenfield, OH in Sub-No. 59F, (d) Sandusky County, OH for Fremont, Cincinnati and Clyde, OH in Sub-No. 25, (e) Huron County, OH for Bellevue, OH in Sub-No. 25, (f) Ottawa County, OH for Oak Harbor, OH in Sub-No. 25; (g) Wood County, OH for Bowling Green, OH in Sub-No. 25, (h) Trumbull County, OH for Warren, OH in Sub-No. 25, (i) Mahoning County, OH for Youngstown, OH in Sub-Nos. 25, (i) Mahoning County, OH for Youngstown, OH in Sub-Nos. 25 and 32, (j) Wayne County, OH for Orrville, OH in Sub-No. 27, (k) Seneca County, OH for new Riegel and Tiffin, OH in Sub-No. 27, (l) Cuyahoga County, OH for Bedford Heights, OH in Sub-No. 61 and facilities at Solon, OH in Sub-No. 31, (m) Jackson County, OH for facilities at Wellston, OH in Sub-No. 42, (n) Dayton, OH for facilities at Dayton, OH in Sub-No. 60F, (o) Preble County, OH for facilities at Lewisburg, OH in Sub-No. 60F, (p) Kane County, IL for facilities at North Aurora, IL in Sub-No. 11 (q) Madison County, IL for Alton, IL in Sub-No. 25, (r) Daviess County, IN for Washington, IN in Sub-No. 24, (s) Fayette County, IN for Connersville, IN in Sub-No. 25, (t) Grant County, IN for Gas City, IN in Sub-No. 25, (u) Adams County, IN for facilities at Decatur, IN in Sub-No. 44, (v) Hillsdale County, MI for Jonesville, MI in Sub-No. 25, (w) Kent County, MI for Grand Rapids, MI in Sub-No. 32, (x) Detroit, MI for facilities at Detroit, MI in Sub-No. 39, (y) Washtenaw County, MI for facilities at Chelsea, MI in Sub-No. 45, (z) Wayne County, MI for facilities at Livonia, MI in Sub-Nos. 50 and 53, (aa) Erie County, NY for Buffalo, NY in Sub-Nos. 25 and 27, (bb) Onondaga County, NY for Syracuse, NY in County, NY Nos. 25 and 27, (cc) Chautauqua, Cattaraugus and Monroe Counties, NY for Jamestown, Olean and Rochester, NY in Sub-No. 25, (dd) Allegheny County, PA for New Kensingston, PA in Sub-No. 25, (ee) Beaver County, PA for Ambridge, PA in Sub-No. 25, (ff) New Castle County, DE for Wilmington, DE in Sub-No. 23, (gg) Cumberland and Hudson Counties, NJ for Rosenhayn and Weehawken, NJ in Sub-No. 55, (hh) Youngstown, OH, with Mahoning County, OH, Grand Rapids, MI, with Kent County, MI, Fort Wayne, IN, with Allen County, IN, in Sub-No. 4; (ii) Erie, PA, to Erie County, PA, in E–1; (3) replace existing one-way authority with radial authority between cities and counties named in (2) and points in several States throughout the United States in Sub-Nos. 3, 4, 11, 14, 15, 17, 18, 19, 23, 24, 25, 26, 27, 29, 31, 32, 35, 38, 39, 40, 42, 44, 45, 46, 50, 51, 53, 55, 57, 59F, 60F, 61F, 62F, 65F, and E–1; (4) delete restrictions (a) originating at the destined to named points in Sub-Nos. 11, 14, 15, 17, 24, 26, 27, 31, 42, 44, 45, 46, 50,

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53, and 59F, (b) commodities in bulk, in tank vehicles in Sub-Nos. 11, 14, 15, 17, 45, 46, 59F and 60F, (c) in vehicles equipped with mechanical refrigeration in Sub-Nos. 14, 29, 31, and 62F, (d) hides and pelts in Sub-Nos. 11, 18 and 19, (e) animal and vegetable oil, in bulk, in tank vehicles in Sub-No. 19, (f) meat, meat products, meat by-products in Sub-No. 27; (5) delete restriction against the transportation of traffic moving to points in Canada in Sub-No. 4; (6) delete restriction to traffic originating at points in Seneca and Wyandot Counties, OH, in Sub-No. 18; County, (7) delete mixed loads restriction in Sub-Nos. 23, 57, and E–1; (8) remove restriction limiting transportation to shipments having a prior movement by water with specific destinations in Sub-No. 23; and (9) delete restriction against the transportation of glass containers from three named points in PA in Sub-No. 25.

The purpose of this republication is to reflect applicant's original request to substitute Erie, PA, with Erie County, PA, as noted in No. 2(ii).

MC 125674 (Sub-14)X, filed September 16, 1981. Applicant: JACK RABBITT EXPRESS COMPANY, 3600 N. W. 82nd Avenue, Miami, FL 33166. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions from its Sub-No. 5 and 13 certificates to: (1) remove all exceptions except classes A and B explosives from its general commodity authorities in Sub-Nos. 5 and 13; (2) remove the prior or subsequent movement by air restriction in Sub-No. 5; (3) remove the restriction against the transportation service between the McCoy Jetport, Orlando, FL and the Tampa International Airport, Tampa, FL, and, points in thirteen named counties in FL; (4) remove the restriction against transporting any single package or article weighing more than 125 pounds in Sub-No. 13F; and (5) replace airports located at or near cities with countywide authority as follows: Tampa, FL with Hillsborough County, FL; Daytona Beach, FL with Volusia County, FL; Titusville, FL, with Brevard County, FL; Orlando, FL, with Orange County, FL; Melbourne, FL, with Brevard County, FL; Vero Beach, FL, with Indian River County, FL; Ocala, FL, with Marion County, FL; Gainesville, FL, with Alachua County, FL.

MC 134064 (Sub-54)X, filed September 11, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 32F, 35, 39F, 40F, 41F, 42, and 47 certificates to (1) broaden the commodity descriptions to: (a) "food and related products," from alcoholic liquors in Sub-No. 35, from foodstuffs in Sub-No. 42, and from malt beverages in Sub-No. 47; (b) "coal and coal products, petroleum, natural gas and their products, chemicals and related products, and lumber and wood products," from charcoal in Sub-No. 39; and (c) "pulp, paper and related products," from paper and paper products in Sub-No. 32; (2) remove exceptions of "commodities in bulk" in Sub-Nos. 32, 35, 39, 40, and 41; (3) remove exceptions of AK and HI in Sub-Nos. 39 and 40; (4) remove "originating at and destined to" restrictions in Sub-Nos. 35 and 42; (5) change one-way authority to radial authority in Sub-Nos. 35, 40, and 42; and (6) broaden facilities and named points to countywide authority as follows: Sub-No. 35, Sebastian and Crawford Counties, AR and Sequoyah and Le Flore Counties, OK (Ft. Smith, AR), Nelson County, KY (Bardstown, KY), Jefferson, Bullitt and Oldham Counties, KY and Harrison, Floyd and Clark Counties, IN (Louisville, KY), Orleans, St. Bernard, Plaquemines, Jefferson, St. Charles, St. John The Baptist, Lafourche and St. Tammany Parishes, LA and Hancock County, MS (New Orleans, LA), and Will County, IL (Plainfield, IL); Sub-No. 42, Bergen, Hudson, Essex and Union Counties, NJ and Richmond, Kings, Queens, New York, and Bronx Counties, NY (Jersey City, NJ).

MC 144622 (Sub-213)X, filed September 14, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. Applicant seeks to remove restrictions in its Sub-Nos. 33F, 34F, 35F, 36F, 38F, 39F, 40F, 59F, 61F, 37F, 71F, 100F, 101F, 102F, 103, 104, 118F, 131, 140F, 141, 142F, 153F, 157, 159F, 165F, and 166F, to (A) broaden the commodity descriptions in each certificate to "food and related products," from meats, meat products and byproducts and articles distributed by meat packinghouses, and commodities used by meat packers in the conduct of their businesses, as described in the *Descriptions case,* 61 M.C.C. 209 and 766, from confectionery, from canned and preserved foodstuffs, from canned goods, from foodstuffs, from frozen meats, from foodstuffs and food ingredients, and from gift wrapped and packaged foods and food products, and plants and bulbs when transported in mixed loads with other named commodities; and, in Sub-No. 118 (part 2), to "such commodities as are dealt in by retail gift stores" from commodities dealt in by retail gift shops; (B) delete exceptions of "hides and commodities in bulk" and "frozen," and the vehicle limitation, wherever they appear; (C) delete exceptions prohibiting service in AK and HI in Sub-Nos. 71, 118, 140, 157, 159, and 166; (D) delete restrictions limiting the origin and destination of traffic to the named facilities and specified destinations; (E) authorize radial service in place of one-way authority; and (F) broaden the facilities and named points to countywide authority as follows: Sub-Nos. 33 and 34, Douglas and Madison Counties, NE and Nobles County, MN (facilities at Omaha and Madison, NE, and Worthington, MN); Sub-Nos. 35, 37, 38, and 39, Woodbury County, IA, Dodge, Madison and Douglas Counties, NE, Beadle County, SD, and Nobles County, MN (facilities at Sioux City, IA: Fremont, Madison, and Omaha, NE: Huron, SD: and Worthington, MN); Sub-Nos. 36, 103, and 104, Jefferson County, KY (facilities at Louisville, KY); Sub-No. 40, Freeborn County, MN, Linn, Cherokee and Polk Counties, IA, and Saline County, MO (facilities at Albert Lea, MN: Cedar Rapids, Cherokee, and Des Moines, IA: and Marshall, MO); Sub-No. 59, Cook County, IL (facilities near Chicago, IL), and Washoe County, NV (Reno, NV); Sub-No. 61, Allegheny County, PA, Ottawa County, MI, and Sandusky and Lucas Counties, OH (facilities near Pitsburgh, PA: Holland, MI: and Fremont and Toledo, OH); Sub-No. 71, Vermilion and Peoria Counties, IL, Avoyelles and West Feliciana Parishes, LA, Sampson County, NC, and Dodge County, WI (facilities near Hoopeston and Princeville, IL: Belledeau and St. Francisville, LA: Turkey, NC: and Mayville, WI); Sub-No. 100, Saline County, MO (facilities at Marshall, MO); Sub-No. 101, Cass County, IN (facilities at Logansport, IN); Sub-No. 102, Freeborn County, MN and Linn County, IA (facilities at Albert Lea, MN and Cedar Rapids, IA); Sub-No. 118, Jackson County, OR (facilities near Medford, OR); Sub-No. 131, Warren County, NJ and Lancaster County, PA (facilities at Hackettstown, NJ, and Elizabethtown, PA); Sub-No. 140, Buchanan County, MO (facilities at St. Joseph, MO); Sub-No. 141, Tazewell County, IL (East Peoria, IL), Oklahoma County, OK (Oklahoma City, OK), Cass County, IN (Logansport, IN), Hamilton, Butler and Clermont Counties, OH and Boone, Kenton and Campbell Counties, KY (Cincinnati, OH), Jefferson, Oldham and Bullitt Counties, KY and Harrison, Floyd and

Clark Counties, IN (Louisville, KY), Milwaukee, Osaukee, Waukesha, Racine and Washington Counties, WI (Milwaukee, WI), and Washington County, MS (Greenville, MS); Sub-No. 142, White County, AR (facilities at Searcy, AR); Sub-No. 153, Dougherty County, GA (facilities at Albany, GA); Sub-No. 157, Albermarle County, VA, and White and Pope Counties, AR (facilities near Crozet, VA: and Searcy and Russellville, AR); Sub-No. 159, New Haven County, CT (Naugatuck, CT), Luzerne and York Counties, PA (Hazelton and York, PA), Clinton County, IN (Frankfort, IN), and Monterey County, CA (Salinas, TX); Sub-No. 165, Jefferson County, AL (Birmingham, AL), Denver, Adams, Arapahoe, Douglas and Jefferson Counties, CO (Denver, CO), Duval and Hillsborough Counties, FL (Jacksonville, and Tampa, FL), Jefferson Parish, LA (Harahan, LA), Middlesex County, MA (Watertown, MA), Prince Georges County, MD (Landover, MD), Cass, Jackson, Clay and Platte Counties, MO and Wyandotte, Johnson and Leavenworth Counties, KS (Kansas City, MO), Hudson and Camden Counties, NJ (Bayonne and Camden, NJ), Charleston and Richland Counties, SC (Charleston and Columbia, SC), Davidson, Williamson, Wilson and Summer Counties, TN (Nashville, TN), El Paso and Bexar Counties, TX (El Paso and San Antonio, TX), and King, Snohomish and Kitsap Counties, WA (Seattle, WA); and Sub-No. 166, Hidalgo County, TX (La Joya, TX).

MC 145645 (Sub-1)X, filed September 17, 1981. Applicant: NORTON BROS. TRUCKING CO., INC., P.O. Box 29839, Dallas, TX 75229. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX 75063. Applicant seeks to remove restrictions in its lead permit to broaden the territorial description to between all points in the U.S., under continuing contract(s) with a named shipper.

MC 146573 (Sub-18)X, filed September 17, 1981. Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 81354. Representative: E. Stephan Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 8F certificate to (1) broaden the commodity description from "chemicals, and plastics, in bulk, in tank vehicles," to "chemicals and related products and rubber and plastic products," and (2) broaden the territorial description by (a) replacing facilities at Ottawa, IL with county-wide authority in La Salle County, IL, and (b) eliminate the "except AK and HI" restriction.

MC 146783 (Sub-5)X, filed September 18, 1981. Applicant: S & L TRANSPORTATION, INC., 59–21 156th Street, Flushing, NY 11355. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Applicant seeks to (1) broaden the commodity description in its Sub-2F certificate to "metal and metal articles," from copper, brass, and alloys in bars, sheets, strips, and rods; (2) delete the exception of service in AK and HI, and the restriction limiting service to that "having a prior movement by water;" and (3) change one-way service to radial authority, between New York, NY, New Orleans, LA, and Houston, TX, on the one hand, and, on the other, points in the U.S.

MC 148285 (Sub-1)X, filed September 18, 1981. Applicant: A. L. COUEY, d.b.a. COUEY TRUCKING COMPANY, Industrial Boulevard at Southern Railway, P.O. Box 3244, Dalton, GA 30721. Representative: M. C. Ellis, 1001 Market Street, Chattanooga, TN 37402. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities with exceptions, to "general commodities (except Classes A and B explosives)," in connection with its service between points in GA and TN and (2) remove the ex-rail restriction.

MC 148512 (Sub-7)X, filed September 21, 1981. Applicant: WESTERN TANK LINE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-5 certificate to broaden the commodity description from liquid commodities, in bulk, (except soybean oil, vegetable oils and blends thereof), to "commodities in bulk".

MC 148585 (Sub-1)X, filed September 21, 1981. Applicant: GENERAL LEASING, INC., 1620 South 15th Street, P.O. Box 216, Prairie du Chien, WI 53821. Representative: Michael S. Varda, 121 South Pinckney Street, P.O. Box 2509, Madison, WI 53701. Applicant seeks to remove restrictions in its No. MC 126133 and Sub-2, 4F, and 5F permits, and its No. MC 126133 (Sub-6) certificate, to (1) broaden the commodity description in each permit to do "food and related products" from malt beverages and malt liquor; and, in Sub-6 certificate, to "construction materials" from lumber, lumber products, posts, and ties; (2) Sub-6 certificate, remove the facilities restriction, and replace the named points with countywide authority: Rock and Crawford Counties, WI (Janesville and Prairie du Chien, WI); and (3) in each permit, authorize service between points in the U.S., under continuing contract(s) with the named shippers.

MC 150910 (Sub-1)X, filed September 21, 1981. Applicant: RONALD R. PAYNE, d.b.a. EASTERN PLAINS EXPRESS, 5565 E. 52nd Ave., Commerce City, CO 80012. Representative: Lee E. Lucero, 445 Capitol Life Center, East 16th Avenue at Grant Street, Denver, CO 80203. Applicant seeks to remove restrictions in its lead certificate (1) to remove all exceptions except classes A and B explosives from its general commodities authority; and (2) to authorize service all intermediate points between Denver, CO, and Wray, CO.

MC 151788 (Sub-10)X, filed September 21, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Avenue, Salina KS 67401. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions in its lead and Sub-No. 6 certificates to (1) broaden the commodity descriptions as follows: lead certificate, to "metal products, and machinery" from agricultural and industrial trailers, wood burning stoves, grain dryers, lawn mowers, springtooth harrows. iron and steel articles, tractor cabs and parts for lawn mowers and tractor cabs; and Sub-6, to "construction materials" from insulating materials, mineral wool, and fiberglass; (2) remove exceptions excluding AK, HI and KS, in the lead certificate; (3) remove restrictions limiting the origin and destination of traffic to the named facilities and destinations; (5) authorize radial service in place of one-way service; and (6) broaden the named facilities and points to countywide authority: lead certificate, McPherson County, KS (Moundridge, KS), Will County, IL (Joliet, IL), and Harvey County, KS (Hesston, KS); and Sub-6, McPherson County, KS (facilities at McPherson, KS).

MC 153002 (Sub-3)X, filed September 15, 1981. Applicant: GETZINGER TRUCKING, INC., Morton Avenue, Rosenhayn, NJ 08352. Representative: Larry R. McDowell, 1200 Western Savings Bank Building, Philadelphia, PA 19107. Applicant seeks to remove restrictions in its No. MC 10183 and Sub-8F permits, to (1) broaden the commodity descriptions as follows: (a) "food and related products and farm products" from fruits, vegetables, farm products, poultry and seafood, in the lead permit, and (b) "food and related products" from fresh fruits and vegetables, canned foodstuffs, and

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canned goods, in the lead permit, and from meats, meat products and articles distributed by and commodities used by meat packinghouses, in Sub-8; (2) remove (a) the seasonal restriction in the lead permit, (b) the vehicle limitation in Sub-8, and (c) the exception of named commodities in Sub-8; and (3) broaden the territorial descriptions in each permit to authorize service between points in the U.S., under continuing contract(s) with named shippers and specified classes of shippers.

[FR Doc. 81-28637 Filed 9-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-122 (Sub-2)]

Lease of Equipment and Drivers to Private Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Notice of oral argument on proposed policy statement.

SUMMARY: At 45 FR 86766, December 31, 1980, the Commission published a notice which proposed to reexamine its policy behind the restrictions which prohibits owner-operators and others who do not hold authority from this Commission from leasing their equipment, with drivers directly to private carriers.

Because of the extensive interest expressed in this important proceeding, the Commission will afford interested persons the opportunity to make oral representations for the purpose of further supplementing the record. Written comments are not required, but persons who intend to participate must notify the Office of the Secretary.

DATES: Notification of intent to participate may be made by letter or phone call. Notification must be received at the Office of the Secretary by close of business, Monday, October 5, 1981.

Oral argument has been scheduled for Wednesday, October 14, 1981, at 9 a.m.

ADDRESSES: Notifications of intent to participate should be addressed to:

James H. Bayne, Assistant Secretary, Room 2215, Interstate Commerce Commission, 12th St. & Constitution Ave., N.W., Washington, DC 20423.

The oral argument will be held at the Interstate Commerce Commission Building, 12th Street and Constitution Ave., NW., Washington, DC, in Hearing Room A.

FOR FURTHER INFORMATION CONTACT: James H. Bayne (202) 275-7428.

SUPPLEMENTARY INFORMATION: The Commission is acutely aware of the importance of this proceeding to owner-operators and to the national transportation system as a whole. For this reason, we have determined that interested persons should be afforded an additional opportunity to supplement the record before a final decision is made. Participation in the oral argument is not limited to those parties who filed written comments earlier.

As set forth in the notice of proposed policy statement, published December 31, 1980 (45 FR 86766), this proceeding involves a reexamination of policies, Commission decisions, and judicial precedent which, in combination, generally preclude owner-operators and others who do not hold operating authority from leasing their equipment, with drivers, directly to private carriers. Attention is directed to, and oral argument is sought on, the previously issued notice of proposed policy statement, including the options as we perceive them, alternative courses of action or areas of consideration, as well as the implications of owner-operator leasing to private carriers engaged in compensated intercorporate hauling under Section 9 of the Motor Carrier Act of 1980. Legal and practical views are sought.

Any organization or individual interested in making an oral presentation to the Commission must notify (by letter or phone call) the Office of the Secretary of the Commission on or before October 5, 1981. The notification should indicate both (1) the interest represented (e.g., shipper, consumer, owner-operator, trade or business organization, or other) and (2) the individuals or organizations, if any, represented. To maximize the opportunity for participation, we urge individuals or organizations with similar interests to designate a single spokesperson to advance their commonly held views or arguments. Time for oral argument will be allocated in consideration of the number of individuals or organizations to be represented. Participants will be notified by telephone of scheduling and time allocation. A schedule of appearances also will be available on the day of the oral argument.

Decided: September 25, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28636 Filed 9-30-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. New York County Lawyers' Association; Competitive Impact Statements and Final Consent Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the Department of Justice has filed the following comment, together with its Response thereto, on the proposed Final Judgment in the case of *United States* v. *New York County Lawyers' Association,* 80 Civ. 6129 (LBS).

Joseph H. Widmar,

Director of Operations.

July 29, 1981.

Re: *United States* v. *New York County Lawyers' Assn.,* 80 Civ. 6129 (LBS).

Douglas C. Foerster, Esq.,
U.S. Department of Justice, Antitrust Division, 26 Federal Plaza, Room 3630, New York, NY 10007.

Dear Mr. Foerster: I have reviewed a copy of the Stipulaton of Settlement dated July 20, 1981, the proposed Final Judgment and the Competitive Impact Statement. I would like to take this opportunity to express our appreciation to you and the other attorneys involved in this case for this reasonable resolution of the serious issues that you had to grapple with. As I mentioned to you at our meeting last summer, Citibank did not find the 1966 Statement of Principles to be a serious impediment to the conduct of fiduciary business, largely because we withdrew from the agreement early on. We are nonetheless pleased that County Lawyers voluntarily abrogated the agreement, albeit 15 years later. In these intervening years I think the practice of law has become less formulized and more competitive, all with the approval of the courts and the more progressive state and local bar associations across the country. In any event you and your colleagues have been of real assistance to both the banks involved and the bar in clarifying the roles of the banks in conducting fiduciary business.

In reviewing your Competitive Impact Statement, especially at the bottom of page three thereof, I note that you, quite correctly we feel, describe as part of our package of fiduciary services provided to our cutomers, the planning of estates, wills, and trusts and also offering forms of such documents to the public. Although the final judgment does not enumerate a laundry list of permissible activities of banks, I assume that the Justice Department and County Lawyers are in agreement that our "providing services" as described in Part IV of the proposed Judgment embraces estate planning and providing forms. I would however appreciate your comments for our records.

Sincerely yours,

Ross R. Scott,

Vice President.

September 24, 1981.

Re: *United States* v. *New York County Lawyers' Assn.*, 80 Civ. 6129 (LBS).

Mr. Ross R. Scott,
Vice President, Citibank, N.A., Private Banking Division, One Citicorp Center, New York, N.Y. 10043.

Dear Mr. Scott: Thank you for the comments in your letter of July 29, 1981, regarding the proposed final judgment. Your letter stated, correctly, that the proposed final judgment does not enumerate "a laundry list of permissible activities of banks." You then asked for our comments on whether the phrase "providing services" in Section IV of the proposed judgment "embraces estate planning and providing forms."

The purpose of the proposed judgment is to allow banks and other corporate fiduciaries to offer, consistent with the law of the State of New York, services in the trusts and estates business, free from restrictions, as defined by the proposed judgment, by the New York County Lawyers' Association. It is not the intent of the proposed final judgment to attempt to define what may or may not constitute the unlawful practice of law by banks or other corporate fiduciaries operating under the law of the State of New York.

I hope this is responsive to your request.

Sincerely yours,

Douglas C. Foerster,

Attorney, Antitrust Division.

[FR Doc. 81-38599 Filed 9-30-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 80-30]

Alan D. Fields, D.O.; Revocation of Registration

On September 15, 1980, the Administrator of the Drug Enforcement Administration (DEA) issued an Order To Show Cause proposing to revoke the DEA Certificate of Registration of Alan D. Fields, D.O. (Respondent), of Detroit and Sterling Heights, Michigan. Simultaneously, citing his preliminary finding of imminent danger to the public health and safety, the Administrator ordered the immediate suspension of the Respondent's registration, pending a final determination in these proceedings.

On October 21, 1980, the Respondent, through an attorney, requested a hearing on the issues raised by the Order To Show Cause. In the months that followed, the Respondent apparently retained and dismissed a number of attorneys and the Administrative Law Judge granted a number of continuances of this matter in order to afford the Respondent an adequate opportunity to decide whether or not he desired to proceed with a hearing or to otherwise defend his registration. After a number of unsuccessful attempts to establish normal correspondence with the Respondent's attorneys, the Administrative Law Judge ordered that the requested hearing in this matter be convened in Washington, D.C., on April 14, 1981. Notice of the hearing was served on the Respondent and on the attorney who originally filed the request for the hearing. Additionally, notice was published in the Federal Register, Vol. 46, page 18124, on March 23, 1981.

On the morning of April 14, 1981, Administrative Law Judge Francis L. Young convened the hearing in this matter. Neither the Respondent nor any person claiming to represent him appeared in the hearing room. The record shows that Government counsel was present and prepared to proceed with the presentation of the Government's case. However, in view of the fact that the Respondent had failed to appear at the hearing scheduled at his request, Government counsel requested that the hearing be cancelled and that this matter be disposed of in accordance with the provisions of 21 CFR 1301.54(d) and 1301.54(e). These regulations provide, in pertinent part, that if a person who is entitled to a hearing fails to request one or if he does request a hearing and fails to appear, the Administrator may cancel the hearing and issue his final order without the necessity of a formal evidentiary proceeding. Indeed, the Order To Show Cause which was served upon the Respondent on September 22, 1980, clearly stated that the procedures set forth in the above-cited regulations would be invoked in the event of the Respondent's failure to appear at the hearing. Accordingly, the Administrative Law Judge, on behalf of the Administrator, cancelled the hearing and ordered that this matter proceed to a final determination pursuant to 21 CFR 1301.54(e).

Subsequent to the cancellation of the hearing in this matter, a new attorney wrote to the Administrative Law Judge, claiming to represent the Respondent and requesting that these proceedings be reopened and a new hearing date established. In view of the fact that both the Respondent and his previous attorney had ample notice of the hearing and since neither the Respondent nor anyone acting in his behalf made any effort to notify this administration of the Respondent's inability to participate in the scheduled hearing, the Administrative Law Judge denied the Respondent's request to reopen these proceedings. The Acting Administrator concurs in the procedural rulings made by the Administrative Law Judge in this matter.

After reviewing the file in this matter, the Acting Administrator of the Drug Enforcement Administration, pursuant to 21 CFR 1301.57, hereby publishes his Final Order in this matter, based on the findings of fact and conclusions of law set forth below.

The Acting Administrator finds that on March 2, 1951, in the United States District Court for the Eastern District of Michigan, the Respondent, who was then using the name Alan F. DeVore, entered a plea of guilty to the charge of violating Title 26, United States Code, Section 2554(a), and was thereupon convicted of unlawfully selling morphine, a felony offense relating to a narcotic drug which is now listed as a Schedule II controlled substance.

The Acting Administrator concludes that there is a lawful or statutory basis for the revocation of the Respondent's DEA registration pursuant to 21 U.S.C. 824(a)(2).

The Acting Administrator further finds that had the Government presented its case at the scheduled hearing session, its evidence would have shown that during the course of the recent investigation of the Respondent's activities, undercover police officers of the Detroit, Inkster and Ypsilanti, Michigan, Police Departments obtained prescriptions for Preludin, a Schedule II, nonnarcotic, controlled substance, which prescriptions were issued by the Respondent outside the usual course of professional practice and without legitimate medical reason. On at least one occasion, a casual visitor to the clinic in which the Respondent was employed was given a prescription for Valium, a Schedule IV controlled substance, without pretense of medical treatment or need. Government testimony would have further shown that one pharmacy filled 5,493 of the Respondent's prescriptions in a 72-day period, from July 10 through September 22, 1980, and that a survey of twenty-five other Detroit area pharmacies revealed 9,209 of the Respondent's prescriptions, written during the period March 27, 1980 through September 22, 1980. This extraordinary number of prescriptions, when considered in light of the circumstances under which the undercover police officers obtained theirs from the Respondent, leads inescapably to the conclusion that the vast majority of the Respondent's prescriptions were issued in a similar manner, without legitimate medical reason and outside the course of the Respondent's professional practice.

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In consideration of all of the foregoing facts and circumstances, the Acting Administrator has concluded that the Respondent's registration to handle controlled substances must be revoked. Accordingly, pursuant to the authority vested in the Attorney General by Title 21, United States Code, Section 824, and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that DEA Certificate of Registration AD6338215, previously issued to Alan D. Fields, D.O., of Detroit, Michigan, be, and it hereby is, revoked effective immediately.

Dated: September 25, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-[illegible] Filed 9-30-81; 8:45 am]

BILLING CODE [illegible]410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-69)]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Rotorcraft Technology.

DATE AND TIME: October 26, 1981, 9 a.m. to 5 p.m.; October 27, 1981, 8 a.m. to 4:30 p.m.; October 28, 1981, 8:30 a.m. to 11:30 a.m.

ADDRESS: NASA Ames Research Center, Building N200, Committee Room, Moffett Field, CA.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Ward, National Aeronautics and Space Administration, Code RJL-2, Washington, DC 20546 (202/755-2375).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Rotorcraft Technology was established to assist the NASA in assessing the current adequacy of rotorcraft technology and recommend actions to reduce deficiences through modification of the planned NASA research and technology program in rotorcraft aerodynamics, acoustics, structures, dynamics, propulsion system components, flight control, and avionics. The Subcommittee, chaired by Mr. Troy M. Gaffey, is comprised of seven members. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including the Subcommittee members and participants).

Type of meeting: Open

Agenda: October 26, 1981

9 a.m.—Summary of NASA Rotorcraft Research and Technology Program, FY 1981 Accomplishments, FY 1982-1983 Plans.

5 p.m.—Adjourn.

October 27, 1981

8 a.m.—Continuation of Summary of NASA Rotorcraft Research and Technology Program.

11 a.m.—Assessment of the State of Rotorcraft Basic Research.

1 p.m.—Discussion of NASA Rotorcraft Research and Technology Program.

4:30 p.m.—Adjourn.

October 28, 1981

8:30 a.m.—Subcommittee Recommendations on NASA Rotorcraft Program.

11 a.m.—Areas for Possible Future Discussion.

11:30 a.m.—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

September 25, 1981.

[FR Doc. 81-28476 Filed 9-30-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Atmospheric Sciences

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Atmospheric Sciences.

Date: October 19, 20, and 21, 1981.

Time: 9:00 a.m.—5:00 p.m.

Place: Rooms 642, 643, and 628, National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550.

Type of Meeting: Closed—October 19 (all day) and October 20 (9:00 a.m.—12:00 Noon); Open—October 20 (1:00 p.m.—5:00 p.m.) and October 21 (all day).

Contact: Dr. Eugene W. Bierly, Division Director, Division of Atmospheric Sciences, Room 644, National Science Foundation, Washington, D.C. 20550, telephone: (202) 357-9874.

Purpose of Committee: The Advisory Committee for Atmospheric Sciences provides advice, recommendations, and oversight concerning support for research and research-related activities in the atmospheric sciences area. Provides expert assistance in carrying out external oversight which is concerned with the examination of decisions made, procedures and policies in effect and focuses on operations and activities, priorities, program balance and selection of awards.

Agenda:

October 19—9:00 a.m. to 5:00 p.m. and October 20—9:00 a.m. to 12:00 Noon (closed) Rooms 642, 643, and 628.

Committee review of the Atmospheric Chemistry, Climate Dynamics, and Experimental Meteorology and Weather Modification Programs, including examination of proposal jackets, reviewer comments and other privileged material.

October 20, 1981 (Open 1:00 p.m.—5:00 p.m.) Room 642.

1:00 p.m.—Remarks by AD/AAEO

1:20 p.m.—Approval of Minutes from ACAS Meeting April 9-10, 1981

1:30 p.m.—Presentation of Review Reports to ACAS

1:45 p.m.—Remarks by Chairman, ACAS and ACAS Members

October 20, 1981

2:00 p.m.—Budgeting Status

2:10 p.m.—Status of National Astronomy and Ionosphere Center (Arecibo)

2:40 p.m.—Status of Chemistry Proposal Experiment, Master Grant Experiment, Special Creativity Grants

3:00 p.m.—Manpower Survey Results in Atmostpheric Sciences

3:45 p.m.—CCOPE Results

4:00 p.m.—Global Atmospheric Chemistry Program Acid Rain Research Program

4:45 p.m.—ATM Facility Needs

October 21, 1981

9:00 a.m.—UCAR Activities

10:00 a.m.—NCAR Activities

10:45 a.m.—NSBF Status

11:00 a.m.—Role of NCAR for 1980s

12:15 p.m.—Program for Spring ACAS 1982, Date, ACAS Replacements, Other Items

1:00 p.m.—Adjourn Meeting

1:00—5:00—Breakthroughs, Opportunities and Trends on Atmospheric Sciences

Reason for Closing: The meeting will deal with a review of grants and declinations in which the Committee will review materials containing the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This meeting will also include a review of peer review documentation pertaining to applicants. Any non-exempt material that may be discussed at this meeting (proposals that have been awarded) will be inextricably intertwined with the discussion of exempt materials and no further separation is practical. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 28, 1981.

[FR Doc. 81-28643 Filed 9-30-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physics; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Physics.
Date and Time: October 22-24, 1981; 9:00 a.m.-5:00 p.m. each day.
Place: National Science Foundation, 1800 G Street, NW, Washington, D.C. 20550, Room 540 each day.
Type of Meeting: Open.
Contact Person: Dr. Laura P. Bautz, Deputy Director, Division of Physics, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7611.
Summary of Minutes: May be obtained from Dr. Laura P. Bautz, Division of Physics, National Science Foundation, Washington, D.C. 20550.
Purpose of Committee: To provide advice and recommendations concerning support for research in physics.
Agenda:

October 22, 1981, 9:00 a.m.-5:00 p.m.

Oversight review of NSF support of atomic, molecular, and plasma physics, including the report of the Subcommittee for the Review of the NSF Atomic, Molecular, and Plasma Physics Program. Introductory discussions on long range planning.

October 23, 1981, 9:00 a.m.-5:00 p.m.

Planning for major projects in Elementary Particle Physics and Nuclear Science. Status of prospective network for Computational Physics and of Large Laser Interferometer. Continuation of previous day's discussions.

October 24, 1981, 9:00 a.m.-5:00 p.m.

Discussion of long range priorities. Continuation of discussions from previous two days. Planning for future meetings.

M. Rebecca Winkler,

Committee Management Coordinator.

September 28, 1981.

[FR Doc. 28640 Filed 9-30-81; 8:45 am]

BILLING CODE 7555-01-M

Ad Hoc Oversight Subcommittee for the Ceramics Program; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Ad Hoc Oversight Subcommittee for the Ceramics Program, Advisory Committee for Materials Research.
Date and Time: October 22, 23, 1981—9:00 a.m.-5:00 p.m. each day.
Place: Room 421, National Science Foundation, 1800 G. Street, NW., Washington, DC 20550.
Type of Meeting: Closed.
Contact Person: Dr. Ben A. Wilcox, Head, Metallurgy, Polymers, and Ceramics Section, Division of Materials Research, Room 411, National Science Foundation, Washington, DC. Telephone: (202) 357-[illegible].
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Ceramics.
Agenda:

Thursday, October 22, 1981—9:00 a.m. to 5:00 p.m.—Closed

Review and comparison of declined proposals (and supporting documentation) with successful awards under the Ceramics Program, including review of peer review materials and other privileged material.

Friday, October 23, 1981—9:00 a.m. to 5:00 p.m.—Closed

9:00 a.m.—Further discussions of declined proposals and awards.
12:00 noon—Lunch.
1:00 p.m.—Preparation of report on Subcommittee findings and recommendations.

Reason for Closing: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 28, 1981.

[FR Doc. 81-28645 Filed 9-30-81; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Molecular Biology, Group A, of the Advisory for Physiology, Cellular, and Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Molecular Biology, Group A, of the Advisory Committee for Physiology, Cellular, and Molecular Biology.
Date and Time: October 22 and 23, 1981; 9:00 a.m. to 5:00 p.m. each day.
Place: Room 642, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Type of Meeting: Closed.
Contact Person: Dr. Arthur Kowalsky, Program Director, Biophysics Program, Room 329, National Science Foundation, Washington, D.C. 20550.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Molecular Biology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee Management Office pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

September 28, 1981.

M. R. Winkler,

Committee Management Coordinator.

[FR Doc. 81-28644 Filed 9-30-81; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Psychobiology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Psychobiology of the Advisory Committee for Behavioral and Neural Sciences.
Date and Time: October 29 and 30, 1981, 8:30 a.m.-5:00 p.m. each day.
Place: National Science Foundation, 1800 G Street, NW., Room 642, Washington, D.C.
Type of Meeting:
  Open—October 30, 12:00-2:00 p.m.
  Closed—October 29, all day; October 30, 9 a.m. to noon; 2 p.m. to 5 p.m.
Contact Person: Dr. Fred Stollnitz, Program Director, Psychobiology Program, Room 320, National Science Foundation, Washington, D.C., 20550. Telephone (202) 357-7949.
Summary Minutes: May be obtained from the Contact Person, Dr. Fred Stollnitz, at the above stated address.
Purpose of Subcommittee: To provide advice and recommendations concerning support for research in psychobiology.
Agenda:
  Closed—October 29 and 30—To review and evaluate research proposals as part of the selection process for awards. (10/29—all day; 10/30—9 a.m. to noon and 2 p.m. to 5 p.m.).

Open—October 30: To discuss possible subcommittee reorganization in the Neurosciences area. (noon–2 p.m.).

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

September [illegible] 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81–2864[illegible] Filed 9–30–81; 8:45 am]

BILLING CODE 7555-01-M

Task Group No. 17; Advisory Council; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Task Group No. 17 of the NSF Advisory Council.

Place: Room 1242, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Date: Monday, October 19, 1981.

Time: 9:00 a.m. to 5:00 p.m.

Type of Meeting: Open.

Contact Person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street, NW., Washington, D.C. 20550. Telephone: 202/357–9433.

Purpose of Task Group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary Minutes: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to review current patterns of NSF salary support [illegible] scientific and engineering disciplines; to consider whether NSF should change its policy on allowance of faculty salaries; to address the need for and the impact of policies and practices in program areas that differ from NSF-wide policies and practices; and to suggest ways current NSF policy might be modified.

September 28, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81–28639 Filed 9–30–81; 8:45 am]

BILLING CODE 7555-01-M

Task Group No. 18; Advisory Council Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Task Group No. 18 of the NSF Advisory Council.

Place: Holiday Inn O'Hare Kennedy, 5440 North River Road, Rosemont, IL.

Date: Monday, October 26, 1981.

Time: 9:00 a.m.–5:00 p.m.

Type of Meeting: Open.

Contact Person: Dr. H. Frank Eden, Senior Science Associate, National Science Foundation, 1800 G Street NW., Room 510, Washington, D.C. 20550. Telephone: (202) 357–7357.

Purpose of Task Group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary Minutes: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to consider how limited resources might be leveraged to provide greater support for university instrumentation and in the general area of education.

M. Rebecca Winkler,

Committee Management Coordinator.

September 21, 1981.

[FR Doc. 81–28642 Filed 9–30–81; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 81–40]

Reports, Recommendations, Responses; Availability

- **Aircraft Accident Report:** *Texasgulf Aviation, Inc., Lockheed JetStar L–1329, N520S, Westchester County Airport, White Plains, New York, Feb. 11, 1981 (NTSB–AAR–81–13).*—As a result of this accident, and several others involving general aviation aircraft, the Board has reiterated recommendations **A–78–27 through –29.** These recommendations, issued Apr. 13, 1978, to the Federal Aviation Administration, concerned flight recorder standards (43 FR 18073, 4–27–78). FAA responded on Nov. 6, 1980 (45 FR 85532, 12–29–80). Also in connection with the subject investigation, the Board on Aug. 26 issued to FAA recommendation **A–81–92** concerning Supplemental Type Certificate SA 1596 CE (46 FR 44312, 9–3–81).

- **Special Investigation Report:** *Flight Service Station Weather Briefing Inadequacies (NTSB–SIR–81–3).*—On Aug. 31 the Board issued to FAA these related recommendations:

Audio record all weather briefings provided by FSS personnel and retain such records for a reasonable period of time **(A–81–94).** Take steps to insure that all FSS personnel who provide weather briefings comply with the weather briefing procedures published in Flight Services Handbook 7110.10 **(A–81–95).**

- **Marine Accident Report:** *Grounding of the U.S. Tankship S.S. CONCHO, Constable Hook Reach of Kill Van Kull, Upper New York Harbor, Jan. 19, 1981 (NTSB–MAR–81–11).*—Following investigation, the Board on Aug. 26 issued these recommendations to—

Sabine Towing and Transportation Company: Develop and issue an operating manual for the CONCHO which includes a clear delineation of each officer's responsibilities, the intended method of vessel operation, and guidance to the master in preparing his standing orders **(M–81–77).**

American Bureau of Shipping: In conjunction with the U.S. Coast Guard, review the CONCHO's Load Line Certificate and Trim and Stress Loading Instructions and, where necessary, make changes so that information will be accurate and consistent with U.S. Coast Guard requirements **(M–81–78).**

U.S. Coast Guard: Before approving modified loading restrictions which vary from the vessel's Load Line Certificate, require an approved Trim and Stability Booklet which explains how to use those restrictions, and require that the American Bureau of Shipping modify the vessel's Load Line Certificate and Loading Manual accordingly **(M–81–79).** In conjunction with the American Bureau of Shipping, review the CONCHO's Load Line Certificate, Trim and Stress Loading Instructions, Stability Letter, and Trim and Stability Booklet and, where necessary, make changes so that the information is accurate regarding loading restrictions and consistent with USCG requirements **(M–81–80).**

Each of the above recommendations is designated "Class II, Priority Action."

- **Recommendation Letter:** "Class I, Urgent Action" recommendations sent Sept. 21 to the Federal Aviation Administration concerning an in-flight accident occurring Sept. 19 on a World Airways DC–10–30 aircraft en route from Baltimore-Washington International Airport to England:

Issue an Operations Alert Bulletin to all operators of DC–10 aircraft notifying them of the circumstances of this accident and informing them to implement procedures or temporary circuitry changes which would prohibit flight attendants in the main cabin service center from activating the galley personnel lift upward from the lower lobe galley without verbal confirmation that all personnel are clear and the lower lift door closed **(A–81–124).** Issued an Airworthiness Directive to require affected DC–10 operators to immediately comply with the Douglas

Aircraft Company's Service Bulletin 25-266 **(A-81-125).** Require a redesign of the galley personnel and food cart lift doors and door frames to relocate the interlock switches to a position where they would not be susceptible to damage by food service carts, to inadvertant contact by personnel attempting removal of food service carts, and to contamination by foreign substance **(A-81-126).** Review DC-10 operator training programs for flight attendant personnel and flightcrews to assure that they include a description and discussion of the galley lift system including the electrical circuitry, location of circuit breakers, function of door interlock switches, and emergency operating procedures **(A-81-127).**

- **Recommendation Letter:** Issued Aug. 7 to FAA concerning crash on July 31 of a Varga Model 2150A, N8423J, near Stevensville, Md., after control of the elevator was lost because of failure of the elevator horn assembly (P/N VAC 6000K-26):

Issue an emergency Airworthiness Directive to require that all P/N VAC 6000K-26 elevator horn assemblies installed on Varga aircraft be inspected before further flight and therafter at appropriate time intervals. Horn assemblies should be removed from the aircraft and the mounting flange areas stripped of paint. The upper aft corners of the channel bends and the mounting radii should then be inspected by an appropriate nondestructive test method. Horn assemblies found cracked should be removed from service (Class I) **(A-81-85).** Issue an airworthiness Directive to require that the flange area on all P/N VAC 6000K-26 elevator horn assemblies installed on Varga aircraft be visually inspected before each flight for cracking in the upper aft corners of the channel bends and in the mounting flange radius areas. Horn assemblies found cracked should be removed from service (Class I) **(A-81-86).** Evaluate the design of the P/N VAC 6000K-26 elevator horn assembly and in the manner in which it is attached to the elevator (Class II) **(A-81-87.**

- **Responses** to NTSB Recommendations from the *Federal Aviation Administration*—

A-79-58 and -59 (Sept. 10).–All DHC-7's, except two prototypes, have been modified with squencing nose gear door systems and the requirement that these systems be operational. Canadian authorities have informed FAA that the nose gear closing system effectively prevents accumlation of ice and slush in the nose wheel bay. (44 FR 61478, 10-25-79)

A-81-71 and 72 (Sept. 11).—FAA has reviewed the reported service problems of the tail rotor pitch horn, P/N 350-A12-1368-01, and reports that the French airworthiness authority has issued an AD to require inspections and to establish a temporary 450-hour service life; this action duplicates the manufacture's Telex Service Bulletins Nos. 01-07A and -B. Aerospatiale helicopter designs are type certified under the import aircraft provisions of 14 CFR 21.29 and the U.S./French bilateral airworthiness agreement; FAA is working closely with the French authorities and will take whatever additional corrective action in necessary. (46 FR 38000, 7-23-81)

A-81-85 through -87 (Sept. 11). Airworthiness Directive 81-17-05, issued by priority mail on Aug. 13, requires inspection of the elevator for integrity and, if found to be cracked, replacement with improved parts; it also requires repetitive checks prior to each flight for a period not to exceed 10 additional hours' time in service, at which time the (steel) improved part is to be installed and the required repetitive inspections may be discontinued; AD-81-17-05 supersedes AD 79-15-06. The P/N VAC 6000K-26 elevator hour assembly will be removed from service and replaced with an improved steel part within 10 hours' additional time in service from the (immediate) effectivity of AD 81-17-05. (Recommendations reported above.)

Note.—Single copies of Board reports are available without charges as long as limited supplies last. (Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

September 25, 1981.

[FR Doc. 81-28256 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket No. STN 50-4830L]

Union Electric Co. (Callaway Plant, Unit 1); Memorandum and Order; Modification of Hearing Schedule

September 24, 1981.

To provide additional time for schedule requirements of the Board and parties and for consideration of motions that may be filed. The prior Order establishing a schedule in this proceeding is modified as follows:

1. Filing of summary disposition motions, October 7, 1981.
2. Prehearing conference under 10 CFR 2.752, October 26, 1981, on construction defect contentions.
3. Filing of direct testimony and copies of exhibits, November 6, 1981, on construction defects contentions.
4. Hearing on construction defects contentions, November 17, 1981.

The prehearing conference and hearing on these contentions will be held in St. Louis, Missouri at the Marriot Pavilion Hotel at 1 Broadway with both sessions commencing at 9:00 a.m. Except for November 19. The hearing place for November 19 will be announced later. The Hearing is scheduled to continue each day through November 24, if necessary, not including Sunday November 22.

For the Atomic Safety and Licensing Board.

In Bethesda, Maryland September 24, 1981.

James P. Gleason,

Administrative Judge.

[FR Doc. 81-28562 Filed 9-30-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on October 15-17, 1981, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on September 23, 1981.

The agenda for the subject meeting will be as follows:

Thursday, October 15, 1981

8:30 A.M.-8:45 A.M.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

8:45 A.M.-12:15 P.M.: Shoreham Nuclear Power Station Unit 1 (Open)—The Committee will hear and discuss the reports of its Subcommittee and consultants who may be present regarding the request for a full power operating license for this facility. Representatives of the Applicant and the NRC Staff will also make presentations and respond to questions regarding proposed operation of this unit.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

1:15 P.M.-5:15 P.M.: Grand Gulf Nuclear Station Units 1 and 2 (Open)—The Committee will hear and discuss the reports of its Subcommittee and consultants who may be present regarding the request for a full power operating license for this facility. Representatives of the Applicant and the NRC Staff will also make presentations and respond to questions regarding proposed operation of this unit.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

5:15 P.M-6:30 P.M.: Integrity of Primary Coolant System (Open)—The Committee will hear and discuss reports of its Subcommittee and consultants who may be present as well as presentations by representatives of the

NRC Staff and the nuclear industry as appropriate regarding proposed changes in the analysis of primary coolant system pipe failures (WCAP-9558, Mechanistic Fracture Evaluation of Reactor Coolant Pipe Containing a Postulated Circumferential Through Wall Crack and WCAP-9787, Tensile Toughness Properties of Piping Weld Material for Use in Mechanistic Fracture Evaluation).

Friday, October 16, 1981

8:30 A.M.–10:30 A.M.: ACRS Subcommittee Activities (Open)—The Committee will hear and discuss the reports of designated Subcommittees and Subcommittee chairmen regarding the status of current activities including those related to proposed revisions of NRC Regulatory Guides (R.G. 1.23, Rev. 1, Meteorological Programs for Nuclear Power Plants), Anticipated Transients Without Scram (10 CFR Part 50), proposed NRC guide for preparation of Emergency Operating Procedures, and the scope/timing of the annual ACRS reports to the NRC and the U.S. Congress on the proposed NRC safety research budget.

The ACRS Subcommittee on the Sequoyah Nuclear Power Station will report to the Committee regarding the proposed system for control of combustible gasses at this facility as well as other features of the plant design and operation.

Portions of this session will be closed as necessary to discuss Proprietary Information related to the matters being considered.

10:30 A.M.–11:30 A.M.: Control of Combustible Gasses Following a Serious Accident (Open)—The Committee will hear and discuss a report from the NRC Staff regarding the advantages and disadvantages of inerting reactor containment as a method to control combustible gasses.

11:30 A.M.–1:00 P.M.: Discussion of ACRS Position Regarding Safety Related Matters (Open)—The Committee members will discuss proposed ACRS positions/comments in preparation for a meeting with the NRC Chairman and other NRC Commissioners who may have an interest regarding safety related matters including proposed NRC siting criteria for nuclear power plants, reactor pressure vessel integrity, use of rules in the regulatory process to address technical issues, and the impact of NRC regulatory activities on applicants/licensees.

2:00 P.M.–3:30 P.M.: Meeting with NRC Chairman and Other NRC Commissioners (Open)—The Committee will meet with the NRC Chairman and other Commissioners to discuss the safety related and regulatory issues noted above.

3:30 P.M.–3:45 P.M.: Anticipated ACRS Activities (Open)—The Committee will discuss anticipated Subcommittee and full Committee activities.

3:45 P.M.–5:45 P.M.: Floating Nuclear Plant (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding resolution of outstanding technical issues for this project and application of the TMI-2 Lessons Learned to this plant design. Representatives of the NRC staff and the applicant for a Manufacturing License (Offshore Power Systems) will make presentations and answer questions as appropriate regarding this matter.

Portions will be closed as necessary to discuss Proprietary Information regarding this project.

5:45 P.M.–6:30 P.M.: Application of TMI-2 Lessons Learned to DOE Facilities (Open)—The Committee will discuss a proposed ACRS position and comments regarding the application of TMI-2 Lessons Learned to DOE nuclear facilities.

Saturday, October 17, 1981

8:30 A.M.–11:30 A.M.: ACRS Reports to the NRC (Open/Closed)—The Committee members will discuss proposed ACRS reports to the NRC regarding the projects considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being discussed and to discuss information which will be involved in an adjudiciary proceeding.

11:30 A.M.–12:30 P.M.: Position Regarding DOE Application of TMI-2 Lessons Learned (Open)—The Committee members will discuss proposed testimony regarding DOE application of TMI-2 Lessons Learned to DOE nuclear facilities.

1:30 P.M.–3:30 P.M.: Concluding Session (Open)—The Committee will complete discussion of the items noted above and will discuss other miscellaneous matters related to nuclear safety and regulation including the results of a recent meeting/visit with representatives of Japanese regulatory organizations.

Portions of this session will be closed as necessary to discuss information considered privileged and provided in confidence by a foreign source.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information relating to the matter being considered (5 U.S.C. 552b(c)(4)), information which will be involved in an adjudicatory proceeding (5 U.S.C. 552b(c)(10)), and information considered privileged and provided in confidence by a foreign source (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: September 28, 1981.

John C. Hoyle,

Advisory Committee Management.

[FR Doc. 81-28561 Filed 9-30-81; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

State of Washington: Staff Assessment of Proposed Amended Agreement Between the NRC and the State of Washington

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed amended agreement with State of Washington.

SUMMARY: Notice is hereby given that the Nuclear Regulatory Commission is publishing for public comment a proposed amendment to the existing Section 274b. Agreement between NRC and the State of Washington which was effective December 31, 1966. The request dated August 17, 1981 from the Governor of the State of Washington, if approved, would permit the State of Washington to regulate byproduct material as defined in Section 11e.(2) of the Atomic Energy Act, as amended, (uranium mill tailings) after November 8, 1981 in conformance with the requirements of Section 274o. of the Atomic Energy Act of 1954, as amended.

A staff assessment of the State's proposed radiation control program to implement the amended agreement is set forth below as supplementary information to this notice. A copy of the complete program description submitted by Washington including a narrative prepared by the State of Washington and describing the State's proposed program for control over byproduct materials as defined in Section 11e(2) of the Act and appropriate State legislation, and Washington regulations is available for public inspection in the Commission's public document room at 1717 H Street, NW, Washington, D.C.

DATE: Comments must be received on or before October 19, 1981.

ADDRESS: All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed amended agreement should send them to the Nuclear Regulatory Commission, Office of State Programs, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Craig Z. Gordon, Office of State Programs, Nuclear Regulatory Commission, Washington, D.C. 20555 Phone: (301) 492–9886.

SUPPLEMENTARY INFORMATION: Assessment of Proposed Washington Programs To Regulate Byproduct Material as Defined in Section 11e(2) of the Act. Reference: Criteria 29–36 of "Guidance of States and NRC in Discontinuance of NRC Regulatory Authority Thereof by States Through Agreement," 44 FR 42818.

I. Introduction

The Uranium Mill Tailings Radiation Control Act of 1978 amended the requirements for Section 274 of the Atomic Energy Act, "Cooperation With States" and imposed certain requirements that must be met by Agreement States in order to regulate uranium mill tailings after November 8, 1981. Governor John Spellman of the State of Washington has requested NRC to amend its agreement with NRC to permit continued State regulation of uranium mill tailings after this date. His request was supported by a description of the State's program for control or uranium mill tailings. NRC staff has completed an assessment of the State's proposal as follows:

II. Assessment of Proposed State of Washington Radiation Control Program for Uranium Mill Tailings

1. Statutes

State statutes or duly promulgated regulations should be enacted, if not already in place, to make clear State authority to carry out the requirements of Pub. L. 95–604, Uranium Mill Tailings Radiation Control Act (UMTRCA).

In the enactment of any supporting legislation, the State should take into account the reservations of authority to the United States in UMTRCA as stated in 10 CFR 150.15a.

It is preferable that State statutes contain the provisions of Section 6 of the Model Act,[1] but the provisions may be accomplished by adoption of either procedures by regulation or technical criteria. In any case, authority for their implementation should be adequately supported by statute, regulation or case law as determined by the State Attorney General.

In the licensing and regulation of ores processed primarily for their source material content and for the disposal of byproduct material, procedures shall be established which provide a written analysis of the impact on the environment of the licensing activity. This analysis shall be available to the public before commencement of hearings and shall include:

a. An assessment of the radiological and nonradiological public health impacts;

b. An assessment of any impact on any body of water or groundwater;

c. Consideration of alternatives to the licensed activities; and

d. Consideration of long-term impacts of licenses activities.

A detailed evaluation of the pertinent Washington Statutes, Chapter 110, Laws 1979—Senate Bill No. 2197, Chapter 70.121 of the Revised Code of Washington (RCW): Public Health and Safety Statute, and Amendments to Washington Administrative Code (WAC) 402–52 has been performed by NRC staff. The State's statutes provide sufficient authority for Washington agencies to comply with the requirements of UMTRCA. The evaluation was performed against and relates to a checklist (which is included in the Washington proposal) which outlines each statutory requirement and section number contained in UMTRCA. Relevant provisions of the Washington Statute were cited and reflected as to how the UMTRCA requirements are satisfied. Resolution of deficiencies were made by frequent contacts with the State's Department of Social and Health Services (DSHS) and the State's Attorney General's Office. Where deficiencies could not be adequately addressed by regulations, the State has committed to incorporate necessary requirements into the licensing process by appropriate license conditions or order.

2. Regulations

State regulations should be reviewed for regulatory requirements, and where necessary incorporate regulatory language which is equivalent to the extent practicable or more stringent than regulations and standards adopted and enforced by the Commission, as required by Section 274o. (see 10 CFR Part 40 and 10 CFR 150.31(b)).

On January 1, 1980, Title 402 of the Washington Administrative Code was amended by WAC 402–22–150 to incorporate Special Requirements for Issuance of Specific Licenses for Source Material Milling and by WAC 402–52–100, Criteria Related to Disposition for Uranium Mill Tailings or Wastes. These regulations followed the Suggested State Regulations of the Council of State Governments which were deemed by the staff to be equivalent, to the extent practicable to the requirements of 10 CFR 40, Appendix A. Satisfactorily addressed in Title 402 regulations are: bonding requirements, siting requirements, criteria for tailings

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[1] The reference is to the Model Uranium Mill Radiation Control Act, a copy of which has been placed in the Commission's Public Document Room. Section 6 of the Model Act requires that, among other things, statutory authority must be enacted to make clear State authority to carry out the requirements of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended. UMTRCA specifies that when States license an activity involving mill tailings, that has a significant impact on the human environment, they must prepare a written independent analysis of the impact of such license on the environment, including any activities conducted pursuant thereto.

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management, dam stability analyses, surety arrangements, requirements for ownership, and criteria for ongoing active maintenance for uranium mill tailings impoundments.

3. Organizational Relationships Within the States

Organizational relationships should be established which will provide for an effective regulatory program for uranium mills and mill tailings.

When personnel in agencies other than the lead agency are included in the professional staff's effort, their availability on a routine and continuing basis must be demonstrated. Arrangements for availability for such resources have been proposed by Washington through interagency memoranda of understanding with the Departments of Ecology and Natural Resources. Contained in each agreement are duties of the agency, the period required for their performance, and procedures to resolve disputes if they should arise. An organization chart outlining the organizational relationships between the Radiation Control Section and other State agencies is also included. The proposal acknowledges that all MOU's between Radiation Control Section and other State agencies are only for the work required by State statutes. Although not contained in the proposal, commitments for assistance by various State agencies assures that consideration for necessary budgeting has been confirmed.

4. Personnel

Personnel needed in the processing of the license applications can be identified or grouped according to the following skills: Technical, Administrative, and Support.

In order to meet the requirements of UMTRCA, current indications are that 2–2.75 total professional person-years' effort is necessary to process and evaluate a new conventional mill license, in-situ license, or major license renewal. A complete review of in-plant safety, production of the environmental assessment, and consultant use are primary considerations in the total professional effort for each licensing case. With respect to clerical support, one secretary is required to process two conventional milling applications, including the pre-licensing and post-licensing phases. Legal support is also an essential element of the mill program, and the effort is set at a minimum of ½ staff-year. In addition, consideration must be given to such post-licensing activities as issuance of minor amendments, mill inspections, and environmental monitoring. Professional staff effort is estimated at 0.5–1.0 person-years for each year of post-licensing activities.

Currently, there are two conventional licensed uranium milling operations in the State of Washington. We estimate the total professional staff-years effort within the Radiation Control Section (RCS) directly responsible for regulation of uranium mills and mill tailings to be well within our guidelines. Specialty functions and responsibilities of each staff member have been outlined and broken down by percentage of time devoted to the mill program in the proposal. Eight of the ten professional positions having full-time and part-time responsibilities in uranium mill regulation have been filled. (This does not include the Supervisor of the Radioactive Materials Program and a Radiation Health Physicist II normally assigned to Special Projects.) State funds are committed for the remainder and there is an active effort to fill the existing vacancies. The make-up of the Uranium Mill Subunit of the RCS is as follows:

a. Nancy P. Kirner, RHP III, Supervisor of Radioactive Materials Program. Will be responsible for planning, directing, and supervising the operations and emergency response activities for the regulation of uranium mills and mill tailings.

b. Terry C. Frazee, RHP II, Compliance Supervisor, Responsible for supervision and planning activities of compliance program and inspection staff.

c. Donaly C. Peterson, RHP II, Environmental Radiation Protection Supervisor. Duties and responsibilities include supervision of professional staff for environmental radiation monitoring at the uranium mill facility.

d. Robert R. Verellen, RHP II, Licensing Supervisor. Will direct and supervise the licensing activities of source materials and prepare licenses in final form.

e. Robert H. Bidstrup, RHP I, Manager of Uranium Milling Control Program. Responsible for planning and coordinating licensing and compliance functions of the uranium mill subunit. Will also supervise health physicists responsible for control of uranium milling operations.

f. Arden C. Scroggs, Kent M. Prendergast, and Leonard Knowles, RHP I—Responsible for evaluation of radiological impacts associated with regulation of uranium mills and mill tailings; conducting field inspections at mills to assure licensee compliance with license conditions; evaluation of license applications, license amendments, preparation of safety evaluation reports; and environmental impact statements prior to issuing licenses.

The Radiation Control Section staff have attended the following short-term training courses related to uranium mill regulation: NRC "Orientation Course in Regulatory Practices and Procedures"—Kirner, Frazee, Peterson, Verellen, Haars; NRC "Inspection Procedures"—Kirner, Frazee, Haars; NRC "Uranium Mill Training for State Regulatory Personnel"—Verellen; NRC "Radiological Emergency Response Training"—Kirner, Frazee, Bidstrup Verellen; "EPA Groundwater Migration Course"—Frazee, Peterson, Verellen, Bidstrup; Eberline Instrument Corp. "Use of Instrumentation and Environmental Surveillance at Uranium Processing Facilities"—Peterson. Scroggs, Frazee.

During evaluations of license applications the State must have access to speciality resources such as hydrologists, geologists, and geotechnical engineers. It is also recommended that radioactive materials regulatory personnel have some training in these areas in addition to specialized training in uranium mill health physics and preparation of environmental assessments. Mr. Knowles has obtained many years of education and training in the field of geology; he will serve as staff geologist. Consultants to provide hydrological, geological and geotechnical assistance have been identified by Washington and are adequately qualified. Such consultants will be utilized to perform an independent review of a proposed license application. Memoranda of Understanding (MOU) or contracts between the Radiation Control Section (RCS) and consultants provide for a RCS evaluation of consultants' work. Consultants will be compensated on a fee-for-service basis to be reimbursed through provisions of State regulation specific to preparation of environmental reports.

5. Functions To Be Covered

The State should develop procedures for licensing, inspection, and preparation of environmental assessments.

Each uranium mill license application will be evaluated against State statutes, regulations, and NRC Regulatory Guides. A list of NRC Regulatory Guides utilized by the State in evaluating licensing actions has been furnished. State personnel will perform in-plant safety reviews. The individual in charge for licensing is also responsible for assuring that the in-plant safety review meets State requirements. The safety evaluation report is written under guidance from the State's Uranium Mill Project Manager.

Inspections of all byproduct material licensees are conducted by Washington in accordance with general procedures outlined in the State Radiation Control Section's manual. These procedures which are common to all routine inspections have been supplemented by instructions specific to inspections at mills. The general procedures have been judged acceptable during the periodic NRC review meetings with Washington. The functions of State inspectors are to prepare for inspections, conduct on-site inspections, prepare a written report of the inspection, prepare enforcement letters, and review corrective actions. With respect to uranium mill inspections, inspectors are required to review all aspects of mill operations and tailings control with appropriate consultation and review by the division's environmental RCS's Radiation Subunit. The compliance staff and the environmental radiation safety staff conduct both joint and independent inspections. This is to assure that the facility's effluents meet the requirements of the State Environmental Policy Act (SEPA). Inspections of each of the two mills will be conducted at least on an annual basis.

Preparation of an environmental impact statement by persons outside State government is not specifically prohibited by State law. However, Federal statute, i.e., Section 274o.(3)(c) requires the State to prepare a written analysis of the impact on the environment with respect to uranium mill tailings from proposed operations. Sections WAC-402-22-040(5), WAC 402-22-070(6), and WAC 402-52 of the Washington Regulations, and SEPA guidelines (§ 197-10-230(13)) indicate that DSHS will act as lead agency to independently prepare the environmental impact statement (EIS).[2] On January 5, 1981 the State issued its most recent EIS for the Dawn Mining Company application to expand the existing tailings disposal area. With technical assistance from NRC on the radiological assessment, a determiniation was made that all requirements and criteria had been satisfied by Dawn to minimize the potential for adverse environmental effects.[3]

Procedures for coordinating, organizing, and completing an environmental impact statement have been submitted in a separate section of the proposal. This process, described in detail, basically is as follows: (1) The environmental report is received from the applicant; (2) A review of the report is performed by consultant teams; (3) The consultants' assessments are reviewed by the Radiation Control Section and other State agencies; and (4) These entities submit reports to the State Uranium Mill Project Manager who then prepares the environmental impact statement for issuance.

As a supplement to the reporting requirements required by regulation or license conditions, the State should require the licensee to submit in writing on a semi-annual schedule reports specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents from all pathways during the previous six months of operations. This data shall be reported in a manner that will permit the regulatory agency to confirm annual radiation doses to nearest individuals are within the requirements of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations."

The environmental impact statement on Dawn's facility has identified the dose contribution from the expansion operation (with a below-grade pit) as having little bearing on overall site compliance with 40 CFR Part 190. Dose estimates from the existing operation, especially the front end of the mill circuit, indicate a need for better effluent control. The State has required Dawn by license condition to keep all effluent control equipment in good working order and in use at all times during mill operations. Furthermore, the licenses of both mills (the other being Western Nuclear's Sherwood Facility) were amended to require a determination of compliance with 40 CFR Part 190 using on-site data collected from the licensee's radiological monitoring programs. The monitoring programs must conform to specifications of NRC Regulatory Guide 4.14, Radiological Effluent and Environmental Monitoring at Uranium Mills" (issued as revision 1, April 25, 1980). These amendments require the licensee to perform land-use surveys, to develop and maintain a quality assurance program, emergency response procedures, data review programs, and semi-annual reporting specifications.

The Department's Environmental Radiation Subunit is responsible for review and verification of the licensee's environmental monitoring data. Dose assessments have been made at both mills. The assessment for Dawn was completed by NRC using computer models. At Western Nuclear's Sherwood Facility, the Department's report of the assessment shows the mill to be in compliance with 40 CFR Part 190. This finding was based upon field data taken during the period of July 1979-June 1980. Both mills are required to submit their own dose assessments by May 1, 1982 which will be based on data collected during CY 1981. The Environmental Subunit will then assess and confirm that radiation doses to nearest receptors are within the limits of 40 CFR Part 190.

6. Instrumentation

The State should have available both field and laboratory instrumentation sufficient to ensure the licensee's control of materials and to validate the licensee's measurements.

The Radiation Control Section has utilized a portion of funds authorized under its UMTRCA grant to purchase field equipment for monitoring and surveillance purposes. The submitted list shows the following detection capabilities:

a. Sampling of air particulates—The State has four (4) area air samplers to detect natural uranium, Ra-226, Th-230, and Pb-210 in addition to adequate personal air sampling equipment (lapel samplers).

b. Sampling of radioactive gases—scintillation detectors with compatible scintillation cells (ZnS) are utilized for detection of Radon-222.

c. Site surveillance—The State owns two portable survey meters designed to be used with interchangeable detector probes, i.e., proportional, Geiger-Mueller, and scintillation probes for detection of alpha, beta, and gamma radiations, respectively. A micro-R meter for counting of low-level gamma does rates also has been obtained. There are two general purpose survey meters providing versatility for use in field and laboratory. Alpha scintillation probes are currently being used with these survey meters.

d. Equipment calibration—Procedures have been developed and staff has been trained in calibration of radiation detection equipment. National Bureau of Standards traceable sources for calibration of counting equipment have been identified and are utilized. The State is currently working with the University of Washington to establish a regional calibration facility.

The Environmental Radiation Laboratory is a division within the

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[2] WAC-402-070(6)(a)(ii)(B) also requires consideration of long-term impacts for decommissioning, decontamination, and reclamation relevant for the proposed activities.

[3] This radiological assessment continues to be refined by NRC and a final radiological assessment will be included in the EIS. Renewal of the Dawn license is expected to be issued by December, 1981.

State's Office of Public Health Laboratories and Epidemiology and provides direct support to the Radiation Control Section in the areas of environmental monitoring and processing of samples. It has all necessary equipment to analyze and evaluate environmental samples taken around milling activities including alpha counters for uranium and thorium, alpha spectrometer, alpha scintillation counter, intrinsic Germanium-Lithium detector, and automatic TLD analyzer.

Procedures have been developed for determining uranium and radium-226 concentration by precipation methods. Development of procedures for Thorium-230 analysis began in July 1981. All laboratory methods are derived from NRC Regulatory Guide 4.14 and EPA procedures and guides used for laboratory support of a uranium will control program. The laboratory also participates regularly in the inter-laboratory quality assurance (QA) program offered by EPA. A full-time chemist contributes to the main staffing effort and is responsible for carrying out effective QA. This is done by supplementing environmental samples with standards, spiked samples and blank samples for evaluation. The State has committed to further developing procedures for evaluating Ra-226 by emanation, Pb-210 analysis, Po-210 analysis, and familiarizing staff with alpha spectroscopy evaluation.

7. Conclusion

Based on the foregoing, the NRC staff concludes that the State of Washington has met the criteria for an amended agreement.

III. Amendment to Agreement Between the United States Nuclear Regulatory Commission and the State of Washington for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, the United States Atomic Energy Commission[4] (hereinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of December 6, 1966 with the State of Washington under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on December 31, 1966 and provided for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, it is necessary to enter into this amendment in order to implement new requirements of section 274 of the Act which become fully effective on November 8, 1981; and

Whereas, the Commission found on __________ that the program of the State for the regulation of materials covered by this amendment is in accordance with the requirements of section 274o. of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, this amendment is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting on behalf of the State, as follows:

Section 1. Article I of the Agreement of December 6, 1966 is amended by adding "as defined in section 11e.(1) of the Act;" after the words "byproduct materials" in paragraph A., by redesignating paragraphs B. and C. as paragraphs C. and D., and by inserting the following new paragraph immediately after paragraph A.:

"B. Byproduct materials as defined in section 11e.(2) of the Act;".

Section 2. Article II of the Agreement of December 6, 1966 is amended by inserting "A." before the words "This Agreement," by redesignating paragraphs A. through D. as subparagraphs 1. through 4., and by adding the following at the end thereof:

"B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct materials as defined in section 11e.(2) of the Act:

"1. Prior to the termination of a State license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.

"2. The Commission reserves the authority to establish minimum standards governing reclamation, long term surveillance or maintenance, and ownership of such byproduct material. Such reserved authority includes:

"a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

"b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State at the option of the State (provided such option is exercised prior to termination of the license);

"c. The authority to permit use of surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to subparagraph B.2.b. of this Article;

"d. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety, and other actions as the Commission deems necessary; and

"e. The authority to enter into arrangements as may be appropriate to assure Federal long term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.".

Section 3. Article III of the Agreement of December 6, 1966 is amended by inserting "otherwise licensable by the State under Article I of this Agreement" after the words "special nuclear material."

Section 4. Article VII of the Agreement of December 6, 1966 is amended by inserting "all or part of" after the words "terminate or suspend," by inserting "(1)" after the words "finds that," and by adding at the end before the period the following:

", or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with the provisions of section 274 of the Act.".

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[4] Under the provisions of the Energy Reorganization Act of 1974, the regulatory functions formerly carried out by the Atomic Energy Commission are now carried out by the Nuclear Regulatory Commission as of January 19, 1975.

Section 5. Article VIII of the Agreement of December 6, 1966 is amended by redesignating it Article IX and by inserting a new Article VIII as follows:

"In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in production of such material, the State shall comply with the provisions of section 274o. of the Act. If, in such licensing and regulation, the State requires financial surety arrangements for the reclamation or long term surveillance or maintenance of such material,

"A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

"B. Such State surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long term management of such byproduct material and its disposal site.".

This amendment shall becomed effective on ———.

Done at Olympia, State of Washington, in triplicate, this day of ———.

For the State of Washington.

John Spellman,

Governor.

Done at Washington, D.C., in triplicate, this day of ———.

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino,

Chairman.

Dated at Bethesda, Maryland, this 11th day of September, 1981.

For the United States Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 81-27130 Filed 9-16-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

September 23, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the office of management and budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), for reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available).

The office of the agency issuing this form.

The title of the form.

The agency form number, if applicable.

How often the form must be filled out.

Who will be required or asked to report.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

Whether small businesses or organizations are affected.

A description of the Federal Budget functional category that covers the information collection.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

An estimate of the cost to the Federal Government.

An estimate of the cost to the public.

The number of forms in the request for approval.

An indication of whether section 3504(h) of Pub. L. 96-511 applies.

The name and telephone number of the person or office responsible for OMB Review and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmital letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

- Science and Education Administration

Aquaculture Information Sources Directory
Nonrecurring
State or local governments/businesses or other institutions
Profit, non-prof. assocs., st. and Fed. Gov. enter.
SIC: 823, 892

V 46/190 OC 1 81 UMI

Small businesses or organizations
Agricultural research and services: 700 responses; 117 hours; $25,000 Federal costs; 1 form; $1,170 public cost; not applicable under 3504 (h)
Charles A. Ellett, 202-395-7340

Implementation of the mandate of the National Agriculture Act of 1980.
Directory designed to avoid creation of new programs which would duplicate existing aquaculture information centers and resources.

- Agricultural Marketing Service

Florida Tomato Committee forms—Marketing Order No. 966
Admin. cttee forms
On occasion, annually
Farms/businesses or other institutions
Tomato handlers in the productions area
SIC: 514, 016
Small businesses or organizations
Agricultural research and services: 407 responses; 20 hours; $516 Federal cost; 6 forms; $106 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The forms are used by the committee to ensure compliance by handlers who wish to be exempted from grade, size, pack or container requirements of the order.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

- Bureau of the Census

Selected Office Supplies and Accesories (Shipments)
MA-26B
Annually
Businesses or other institutions
Manuf. of selected converted paper and board prod. and blankbks.
SIC: 264, 278
Small businesses or organizations
Other advancement and regulation of commerce: 1,065 responses; 800 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

This survey will provide the only intercensal data available of manufacturers' shipments of converted paper and board office supplies, and blankbooks. The figures are used extensively by Government agencies to monitor procurement, forecasting, and price index calculation. Industry analysts use the data to monitor market share and shifts in product types.

- Bureau of the Census

Paint and Allied Products
MA-28F
Annually
Businesses or other institutions
Manufacturers of paints and allied products
SIC: 285
Small businesses or organizations
Other advancement and regulation of commerce: 700 responses; 350 hours; $35,183 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

Survey results will be used by Government agencies, business firms, and trade associations for market analysis and to monitor and forecast trends in the industry.

- Bureau of the Census

1982 Farm and Ranch Identification Survey
82-A4 and 82-A4-L1
Nonrecurring
Farms
Farmers, ranchers and agricultural related respondents
SIC: multiple
Othe advancement and regulation of commerce: 3,500,000 responses; 317,100 hours; $60 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

This report form will be used to screen nonagricultural related persons and duplicates from the census mailing list. Successors and other "new" operators will be identified and added to the mailing list.

Revisions

- Bureau of the Census

Ingoranic Chemicals (Shipments and Production)
MA-28A
Annually
Business or other institutions
Manufacturers of inorganic chemicals
SIC: 281, 287
Small businesses or organizations
Other advancement and regulation of commerce: 1,000 responses; 1,000 hours; $41,690 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-794

Survey results are used by Government agencies, business firms, and trade associations for market analysis, including analysis of import penetration, and to forecast long-term growth and changes in the industry.

- Bureau of the Census

Inorganic Chemicals (Production and Stocks)
M-28A (formerly M-28A.1)
Monthly
Businesses or other institutions
Manufactuers of inorganic chemicals
SIC: 281
Small businesses or organizations
Other advancement and regulation of commerce: 4,200 responses; 1,400 hours; $59,702 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

This survey provides the only monthly data on production of the specified chemicals. Government and industry analysts use these data to monitor the trends of production for chemicals which have a wide range of industrial and commercial use. Stock data are used to measure the available supply of these products.

- Bureau of the Census

Methods Development Survey Questionnaire
MDS-2F and MDS-2G
Monthly
Individuals or households
Households in four areas
Other advancement and regulation of commerce: 18,000 responses; 2,340 hours; $612,000 Federal cost; 2 forms; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

This survey instrument provides a means of testing various labor force concepts for the purpose of improving the quality and reliability of the employment and unemployment statistics collected in the current population survey.

- Bureau of the Census

Construction Machinery Shipments
MA-35D
Annually
Businesses or other institutions
Manufacturers of excavators and cranes
SIC: 353
Small businesses or organizations
Other advancement and regulation of commerce: 65 responses; 4 hours; $21,648 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

This survey was begun in 1942 to provide quantity and value of shipments and exports data for construction machinery. Government agencies use data for trade analysis, measurement, and forecasting. Business firms and trade associations use the data for marketing analysis and long-term planning.

- Bureau of the Census

Pulp, Paper, and Board
MA-26C
Annually
Businesses or other institutions

Pulp, paper, and board mills
SIC: 262, 261, 263, 266, 249
Small businesses or organizations
Other advancement and regulation of commerce: 700 responses; 700 hours; $35,183 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

This survey provides detailed statistics on selected wood, pulp, paper, and board products. The data are used extensively by government and industry analysts, and in conjunction with the related monthly survey, provide a benchmark to related surveys conducted by industry associations.

Extensions (Burden Change)

- Bureau of the Census

Paint, Varnish and Lacquer (Shipments)
M-28F
Monthly
Businesses or other institutions
Manufacturers of paints, varnishes and lacquers
SIC: 285
Small businesses or organizations
Other advancement and regulation of commerce: 1,800 responses; 1,050 hours; $33,949 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

Survey results are used by Government agencies, business firms, and trade associations for market analysis and to forecast long-term growth and changes in the industry. The data are also used by the Federal Reserve Board for its index of industrial production.

Extensions (No Change)

- Bureau of the Census

Commercial Steel Forgings
MA-34C
Annually
Businesses or other institutions
Manufacturers of commercial steel forgings
SIC: 346
Small businesses or organizations
Other advancement and regulation of commerce: 240 responses; 160 hours; $25,798 Federal cost; 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

This survey provides measures of the quantity and value of shipments for commercial steel forgings. The products have a wide range of industrial uses, and the survey data are widely used by the Government and the private sector.

Reinstatements

- Bureau of the Census

1982 Census of Governments Local Government Directory Survey
G-25, 26, 27, 28, 29, 30, and 31
Nonrecurring
State or local governments
Local government officials
SIC: multiple
Other advancement and regulation of commerce: 71,000 responses; 17,750 hours; $249,000 Federal cost; 7 forms; not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

These forms will be used for interrelated surveys in the "local government directory" phase of the 1982 Census of Governments. The information requested on these forms is similar to that requested in the governmental organization phase of the 1977 Census of Governments.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

- Office of Educational Research and Improvement

Fall Enrollment in Institutions of Higher Education, 1983
Ed (NCES) 2300-2.3B
Biennially
Businesses or other institutions and community colleges
SIC: 822
Research and general education aids: 3,300 responses; 5,940 hours; $206,000 Federal cost; 1 form; $330,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

College enrollment data are needed by the Department of Education, States, educational researchers, planning and budget offices, and individual colleges for use in economic and financial planning and policy formation, deforming funding allocation standards, and assess the manpower flow through college training and development.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

- Health Care Financing Administration

To Improve Medicare Assignment Rate Pre-Clearance
81-3-007 demonstration
Nonrecurring
Businesses or other institutions
Physicians
SIC: 999
Small businesses or organizations
Health: $0 Federal cost; 1 Form; not applicable under 3504(h)
Richard Eisinger, 202-395-6880

Testing of various methods to improve the rate of acceptance of assignment under part B of the medicare program. Methods to be tested would not include increases in the amount of monies paid to part B suppliers.

- Human Development Services

Reporting and Recordkeeping Requirements of Pub. L. 97-35 on the Community Services Block Grant Program
Annually
State or local governments
State agen. admin. or superv. the admin. of the com., etc.
SIC: 839
Social services: 57 responses; 110,000 hours; $75,000 federal cost; $1,100,000 public cost; 1 form; not applicable under 3504(h)
Barbara F. Young, 202-395-6880

Under Pub. L. 97-35, to participate in the community services block grant program, A State must submit an application to the Secretary which provides assurances that requirements of statute will be met. Also, a State must submit a plan and a pre-expenditure report.

- Social Security Administration

Low Income Home Energy Assistance
Annually
State or local governments
State agencies designated to operate liheap
SIC: 944
Other income security: 57 responses; 32,490 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

This reporting requirement is to comply with Pub. L. 97-35, Sec. 2610(a) which calls for an annual report to Congress.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184

Revisions

- Housing Programs

Report on Occupancy for Public and Indian Housing
HUD 51234
Annually
State or local governments
Public housing authorities
SIC: 915
Mortgage credit and thrift insurance: 2,800 responses; 2,800 hours; $112,000 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

V 46/190 OC 1 81 UMI

To measure the utilization of public and Indian housing units by low income families. Occupancy information is used on a project and national level to (1) ensure maximum efficiency and effectiveness are achieved with Federal assistance funds, (2) monitor program performance and (3) analyze for planning and budgeting purposes.

Extensions (No Change)

- Housing Programs

Title I—Transfer of Note Report
FH-6 (9-77)
On occasion
Businesses or other institutions
Banks, savings & loans, credit unions, State gov't
SIC: 616, 651
Small businesses or organizations
Mortgage credit and thrift insurance: 2,000 responses; 400 hours; $6,700 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard 202-395-6880

Section 7(d), 79 Stat. 670 (42 U.S.C. 3535(d), section 2, 48 Stat. 1246 (12 U.S.C. 1703)), provides that the insured shall not assign or otherwise transfer any loan reported for insurance to a transferee not holding a contract of insurance under title I of the National Housing Act. This form is used to transfer a loan from one insured lender to another.

- Housing Programs

Title I Refinancing Report
FH-5
Other—see SF83
Businesses or other institutions
Banks, savings and loans, credit unions, State government
SIC: 612, 614, 616, 651
Mortgage credit and thrift insurance: 30,000 responses; 6,000 hours; $67,000 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

Statute (see item 28 below) provides that new obligations to liquidate loans previously reported for insurance may or may not include an additional amount advanced, and which may include the maximum finance charge permissible, will be covered by insurance if the new obligation meets sec. 201.9 of the CFR. These new obligations are reported to HUD on the FH-5.

Reinstatements

- Housing Programs

Lenders Request for Termination of Home Mortgage Insurance
HUD 2344
On occasion
Businesses or other institutions
Business firms
SIC: 616
Mortgage credit and thrift insurance: 238,000 responses; 59,500 hours; $3,475 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

Form necessary to transmit from mortgagees to HUD concerning mortgage transactions

- Housing Programs

Fiscal Data in Support of Claims for Insurance Benefits
FHA-2742
On occasion
Businesses or other institutions
FHA approved mortgagees
SIC: 616
Mortgage credit and thrift insurance: 300 responses; 75 hours; $1,110 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202-395-6880

Needed by mortgagee to make a claim for insurance benefits.

- Housing Programs

Insurance information
HUD 5460
On occasion
State or local governments
Public housing agencies
SIC: 953
Disaster relief and insurance: 1 response; 800 hours; $24,000 Federal cost; 1 form; not applicable under 3504 (h)
Richard Sheppard, 202-395-6880

The annual contributions contract requires public housing agencies to maintain certain insurance coverages. This form provides the record of insurance contract in force and is also a tool for us in determining insurance amounts needed and in comparing competitive proposals.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

Revisions

- Office of Justice Assistance, Research and Statistics

Request for Advance or Reimbursement (H-3)
OJARS 7160/3
Monthly
State or local governments/businesses or other institutions
Grant
SIC: 941
Criminal justice assistance: 8,400 responses; 4,200 hours; $124,740 Federal cost; $37,191 public cost; 1 form; not applicable under 3504 (h)
Andy Uscher, 202-395-4814

This form is used by grantees to request funds when the letter-of-credit method is not used. The form is prescribed by OMB Circulars A-102 (attachment H) and A-110 (attachment G).

Extensions (Burden Change)

- Legal Activities

Exhibit A to Registration Statement (Foreign Agents)
OBD-7 (CRM)
On Occasion
Individuals or households
Foreign agents
Conduct of foreign affairs: 5 responses; 38 hours; $21,360 Federal cost; $380 public cost; 1 form; not applicable under 3504 (h)
Andy Uscher, 202-395-4814

Form is used to register foreign agent as required by 22 U.S.C. 611, et seq. must be utilized within ten days of date contact is made or when initial activity occurs (whichever is first).

Extensions (No Change)

- Legal Activities

Exhibit B to Registration Statement (Foreign Agents)
OBD-65 (CRM)
On occasion
Individuals or households
Foreign agents
Federal litigative and judicial activities: 75 responses; 25 hours; $21,360 Federal cost; $250 public cost; 1 form; not applicable under 3504 (h)
Andy Uscher, 202-395-4814

Form is used to augment the registration statement of foreign agents as required by the provisions of 22 U.S.C. 611 et seq., within ten days of the date a contact is made or when initial activity occurs, whichever is first.

- Legal Activities

Short Form Registration Statements of Individuals (Foreign Agents) (OBD Criminal)
OBD-66 (CRM)
On occasion
Individuals or households
Foreign agents
Federal litigative and judicial activities: 350 responses; 150 hours; $56,960 Federal cost; $1,500 public cost; 1 form; not applicable under 3504 (h)
Andy Uscher, 202-395-4814

Form is used to register Foreign agents as required by 22 U.S.C. 611 et seq.

- Legal Activities

Dissemination Report (Transmittal of Political Propaganda)
OBD-69 (CRM)
On occasion
Individuals or households
Foreign agents
Federal litigative and judicial activities: 3,600 responses; 1,800 hours; $46,200

Federal cost; $18,000 public cost; 1 form; not applicable under 3504 (h)
Andy Uscher, 202–395–4814

Form used reporting on the dissemination of political propaganda, within 48 hours of initial dissemination of political propaganda under the requirements of 22 U.S.C. 611 et seq.

- Legal Activities

Amendment to Registration or Supplemental Registration Reports (Foreign Agents)
OBD–68 OBD–68 (CRM)
On occasion
Individuals or households
Foreign agents
Federal litigative and judicial activities: 200 responses; 300 hours; $46,280 Federal cost; $3,000 public cost; 1 form; not applicable under 3504 (h)
Andy Uscher, 202–395–4814

Form is used in registration of Foreign agents when changes are required under provisions of 22 U.S.C. 611 et seq.

- Legal Activities

Supplemental Registration Statements of Individuals (Foreign Agents)
OBD–64 (CRM)
Semiannually
Individuals or households
Foreign agents
Conduct of foreign affairs: 2,400 responses; 3,300 hours; $153,080 Federal cost; $33,000 public cost; 1 form; not applicable under 3504 (h)
Andy Uscher, 202–395–4814

Form contains supplemental registration and information used in registering foreign agents under 22 U.S.C. 611.

- Legal Activities

Registration Statements of Individuals (Foreign Agents)
OBD–63 (CRM)
On occasion
Individuals or households
Foreign agents
Conduct of foreign affairs: 100 responses; 150 hours; $10,680 Federal cost; $1,500 public cost; 1 form; not applicable under 3504 (h)
Andy Uscher, 202–395–4814

Form contains registration statement and information used for registering Foreign agents under 22 U.S.C. 66 et seq.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

- Coast Guard

Applications for Formal Admeasurement and Subapplications
On occasion
Individuals or households/state or local governments/businesses or other in institutions
Owners, maritime design consult. firms, builders & shipyards
SIC: 373, 441, 442, 444
Small businesses or organizations
Water transportation: 7,103 responses; 28,412 hours; $1,042,296 Federal cost; $265,019 public cost; 0 form; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

46 U.S.C. 71(A)(C)(D)(F), 72, 74, 77(F)(1)(3)(G)(1), 83A—All United States commercial merchant vessels over 5 net tons require admeasurement. Shipyards, builders and owners are required to apply for admeasurement. Admeasurement produces the register tonnages and the legal description of these vessels as required by law.

- Coast Guard

State Reports of Marine Sanitation Device Regulations
Violations
Monthly
State or local governments
State gov. entered into voluntary agreement w/Coast Guard
SIC: 922
Water transportation: 600 responses; 600 hours; $25,000 Federal cost; 0 forms; $12,000 public cost not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Under Section 312(k) of the Federal Water Pollution Control Act, the States may, by agreement, participate in the enforcement of the Marine Sanitation Device (MSD) Regulations. However, because the States are preempted from issuing State MSD laws, they are unable to penalize violators they detect. They must forward copies of the violation reports to the Coast Guard for penalty action.

- Coast Guard

Master/Mate Uninspected Vessel Exams
CG 4814
On occasion
Individuals or households
Appl. for original master or mate of uninspected vessel lic.
Water transportation: 1,001 responses; 12,012 hours; $12,947 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

This exam is used by the Coast Guard, to assure that applicants possess a minimum level of qualifications when applying for a master or mate of uninspected vessels license.

- Coast Guard

Amendment to Operations Manual
On occasion
Businesses or other institutions
Owner/operators of bulk liquid waterfront facilities
SIC: 291
Small businesses or organizations
Water transportation: 200 responses; 100 hours; $3,800 Federal cost; 0 form; $2,000 public cost; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Changes to a waterfront facility's operations manual may be required from time to time. The changes may be proposed by the Coast Guard Captain of the Port or the facility owner or operator. This report is the mechanism used to make the amendment.

- Coast Guard

Lifeboatman Examination
Answer sheet CG 4814
On occasion
Individuals or households
Applicants for Lifeboatman endorsement
Water transportation: 1,859 responses; 1,859 hours; $23,742 Federal cost; 1 form; not applicable under 3504

Wayne Leiss; 202–395–7340

These examinations are used by the Coast Guard to assure that lifeboatmen possess a minimum level of qualifications when applying for the lifeboatman endorsement.

- Coast Guard

Signalling Examination for original Deck Officer License
CG 4814
On occasion
Individuals or households
Applicants for original deck officer license
Water transportation: 610 responses; 610 hours; $7,032 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

This examination is used by the Coast Guard, in conjunction with the deck officer examination, to assure that applicants for original deck officer license possess a minimum level of qualifications.

- Research and Special Programs Administration

Drum Retester ID Registration
Nonrecurring
Businesses or other institutions
Drum reconditioners
SIC: 341
Other transportation: 50 responses; 25 hours; $1,250 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

To verify to the MTB and drum owners that drum retesters have the proper equipment documentation and

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reference material necessary to recondition drums.

• Coast Guard
Applications for Optional Simplified Admeasurement for Pleasure Vessels
On occasion
Individuals or households/businesses or other institutions
Yacht owners, small and large businesses
SIC: 441 442 444
Small businesses or organizations
Water transportation: 9,075 responses; 18,150 hours; $134,968 Federal cost; 0 form; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

46 U.S.C. 71(B), 46 CFR 69.17—Yacht owners of vessels over 5 net tons have the option to license or "enroll and license" as a vessel of the United States. This simplified method greatly reduces the burden on the public and the Federal Government.

• Coast Guard
Establishment of Regulated Navigations Areas
On occasion
Individuals or households/businesses or other institutions
All waterway users
SIC: 444
Small businesses or organizations
Water transportation: 11 responses; 6 hours; $89 Federal cost; $75 public cost; 0 forms; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

Regulated navigation areas are a water area under the jurisdiction of the Coast Guard Captain of the Port for which special regualtions have been promulgated. Any person may request that the Captain of the Port establish a regulated navigation area.

• Coast Guard
Engineer Officers Original Examinations (Chief Engineer, First Assistant, Second Assistant, Third Assistant)
CG 5164
On occasion
Individuals or households
Applicants for original issue engineer officer license
Water transportation: 2,820 responses; 69,090 hours; $148,621 Federal cost; 1 form; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

These examinations are used by the Coast Guard to assure that engineering officers possess a minimum level of qualifications when applying for an originial license.

Extensions (Burden Change)

• Federal Railroad Administration
Locomotive Daily Inspection Record
Quarterly
Businesses or other institutions
Railroads
SIC: 401
Ground transportation: 8,936,220 responses; 148,937 hours; $0 Federal cost; $2,233,980 public cost; 1 form; not applicable under 3504 (h)
Donald Arbuckle, 202–395–7340

The Locomotive Inspection Act 45 U.S.C. section 22–34, requires railroads to inspect, repair and maintain locomotives so they are safe, free of defects and that they can be placed in service without unnecessary peril to life or limb.

Extensions (No Change)

• Office of the Secretary
Contractor's request for Progress Payment
4220.2
On occasion
Businesses or other institutions
Contractors of the transportation industry
SIC: 401, 411, 421
Small businesses or organizations
Other transportation: 2,500 responses; 7,500 hours; $200 Federal cost; 1 form; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

Provides contractor's opportunity to request financial assistance in the form of progress payment when authorized by their contract with the Department of Transportation. The data are used to support all invoices and determine eligibility of costs and amount to be paid.

• Department of Transportation
Request for Establishment of Additional Wage Rates
4220.10 DOT F4220–10
On occasion
Businesses or other institutions
Contractors of transportation industry
SIC: 401, 411, 421, 442
Small businesses or organizations
Other transportation: 500 responses; 2,500 hours; $200 Federal cost, 1 form; not applicable under 3504 (h)
Donald Arbuckle, 202–395–7340

Contractor is required to provide data to the Secretary of Labor regarding wage rate(s). Data are used to establish work classification(s) and wage rate(s) which are not contained in the contract when reqested by the contractor and determined by the Department of Labor.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Supplemental Information for Internal Revenue Agent Applications
RL 1–177 (10–80), RL 1–183 (8–81) and RL 1–183–A (8–81), RC–C 1–582 (Rev. 8–81)
On occasion
Individuals or households
Individual applicants for IRS agent positions
Central fiscal operations: 2,150 responses; 258 hours; $3,300 Federal costs; 5 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

5 U.S.C. 1302 requires that employment of Federal agency personnel be based on examinations for competitive service. These forms help IRS determine and aplicant's qualifications and availability for current and future employment vacancies

• Internal Revenue Service
Request for Authorization From Principal Officers To Receive Transcript of Business Accounts
FL–1916 (Rev 12–80)
On occasion
Farms/businesses or other institutions
Principal officers of corporations requesting transcripts
SIC: All
Small businesses or organizations
Central fiscal operations: 150 responses; 150 hours; $365 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Corporations send IRS requests for transcripts of accounts. FL–1916 is sent to the corporation requesting the corporation to submit a request signed by a principal officer and attested to by another officer or the corporation secretary authorizing IRS to release the transcript of account. This authorization is required by IRC sec. 6103(E)(1)(D)(II).

• Internal Revenue Service
IRS Tax Protestor Questionnaire
DIR–DET 4–302
On occasion
Individuals or households/businesses or other institutions
Taxpayers who invested in minister tax shelter.
SIC: All
Small businesses or organizations
Central fiscal operations: 750 responses; 563 hours; $31,116 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

The Internal Revenue Service is examining all returns filed by tax protesters or is filing returns for them where not returns have been filed. Without this questionnaire, Internal Revenue Service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the tax shelters.

- Internal Revenue Service

Underpayment of Estimated Tax 5128
On occasion
Farms/businesses or other institutions
All taxpayers doing business as corporations
SIC: All
Small businesses or organizations
Central fiscal operations: 12,400 responses; 3,100 hours; $10,574 Federal cost; 1 Form; not applicable under 3504(h)
Irene Montie, 202-395-6880

26 U.S.C. 6154(A) requires corporations to make installment payments of estimated tax. Form 5128 is sent to corporations who fail to pay the required installments and notifies them of additional tax due plus penalty and interest. The corporations respond if there is a discrepancy in records.

- Internal Revenue Service

Pre-Employment Availability Statement
ROWR 3062
On occasion
Individuals or households
Individuals—job applicants
Central fiscal operations: 5,000 responses; 2,500 hours; $306 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie 202-395-6880

All job applicants whose name appears on the OPM IRS Jobs Register will be given this form during the pre-employment meeting to help us determine where to place them.

- Internal Revenue Service

Correspondence Examination Pattern Paragraphs
1479(p) through 1501(p)
On occasion
Businesses or other institutions
Charitable and certain other tax exempt organizations
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 5,329 responses; 15,329 hours; $24,975 Federal cost; 23 forms not applicable under 3504(h)
Irene Montie, 202-395-6880

Used for correspondence examinations of small organizations whose returns contain only one or several questionable items. The information is used to determine if the organization's exempt status has been jeopardized or if it may be liable for income or excise taxes on certain activities.

- Internal Revenue Service

Contact Letter for Examination, Where the Taxpayer Cannot Be Reached by Telephone 1398 (do)
On occasion
Businesses or other institutions
Exempt organizations under examination SIC: Multiple
Small Businesses or organizations
Central fiscal operations: 5,000 responses; 5,000 hours; $3,830 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Under IRC Section 7602, returns of exempt organizations are subject to examination. Letter 1398(d) is needed to schedule examinations where the taxpayer is not reachable by telephone. The types of records needed are listed. IRS uses the information to determine the proper tax status and tax liability of the organizations.

- Internal Revenue Service

Request for Information Needed To Process Return of Exempt Organization—Copy of Exemption Status Not on File
993 (do)
Nonrecurring
Businesses or other institutions
Organizations claiming tax-exempt status SIC: Multiple
Small businesses or organizations
Central fiscal operations: 50,000 responses; 16,667 hours; $61,216 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Letter 993(DO) requests information regarding an exempt organization return filer's exempt status, name change, or change in accounting period. This information is needed before the filed return can be processed by IRS. Where appropriate, the letter asks for a return to be filed on the proper form for the organization's established accounting period.

- Internal Revenue Service

Letter Advising Organization of the Need for IRC Section 6110 Information
P-6110-11
On occasion
Individuals or households/businesses or other institutions
Exempt organizations and certain persons requesting LTR rule SIC: Multiple
Small businesses or organizations
Central fiscal operations: 470 responses; 117 hours; $1,131 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

As part of letter ruling request procedures, the requester must indicate what information in the request and supporting document should not be subject to public disclosure, under IRC section 6110. P-6110-11 is needed to obtain such information from the requester. IRS uses the information to determine permissible deletions.

- Internal Revenue Service

Letter Requesting Advance Ruling Supporting Information and Letter Requesting Public Support Information
1046(do)
Nonrecurring
Businesses or other institutions
Tax-exempt charitable organizations
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 7,917 responses; 7,919 hours; $29,414 Federal cost; 2 forms; not applicable Under 3504(h)
Irene Montie, 202-395-6880

Under income tax regulation Sections 1.170A-9(e)(5) and 1.509(a)-3(d), an organization may receive an advance ruling that it is to be treated as a publicly supported organization and not as a private foundation during an advance ruling period. Letter 1046(do) for a similar individual prepared letter if an advance ruling is not received) is needed, prior to the end of the advance ruling period, to obtain information IRS uses to make a final determination of the organization.

Revisions

- Internal Revenue Service

Employer's Annual Railroad Retirement Tax Return
CT-1
Annually
- Businesses or other institutions

All railroad employers
SIC: 401
Central fiscal operations: 3,000 responses; 4,271 hours $15,699 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Railroad employers are required to file an annual return to report employer and employee Railroad Retirement Tax Act (RRTA) taxes. Form CT-1 is used for this purpose. IRS uses the information to insure that the employer has paid the correct tax.

Extensions (Burden Change)

- Bureau of Alcohol, Tobacco and Firearms

Wholesale Liquor Dealers Report of Receipts Wholesale Liquor Dealer's Report of Disposal.
ATF 52A/52B (5170.9)
On occasion
Businesses or other institutions
Wholesale distributors of beer, wine & distilled spirits
SIC: 518
Small businesses or organizations

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Federal Law Enforcement Activities: 0 responses; 0 hours; $500 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880.

The law requires that every wholesale dealer in liquors submit a report of distilled spirits received and disposed of by him as the regulations require. The reports are submitted on these forms.

- Bureau of Alcohol, Tobacco and Firearms

Wholesale Dealers Records of Receipt of Alcoholic Beverages, Disposition of Distilled Spirits, Daily Recap Record, and Copies of Commercial Invoices
ATF REC 5170 /2
On occasion
Businesses or other institutions
Wholesale dealers in alcoholic beverages
SIC: 518
Small businesses or organizations
Federal Law Enforcement Activities: 2,675,400 responses; 222,950 hours; $165 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880.

Accounting tools, audit trail. Part of the accounting process shows to whom sold, amount and provides a daily inventory of amounts on premises and sales activities. Protection of the revenue.

- Bureau of Alcohol, Tobacco and Firearms

Wholesale Liquor Dealer's Semi-Annual Report
ATF F 338 (5110.48)
Semiannually
Businesses or other institutions
Wholesale distributors of beer, wine & distilled spirits
SIC: 518
Small businesses or organizations
Federal Law Enforcement Activities: 0 responses; 0 hours; $0 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880.

This report is an accounting of all distilled spirits received and disposed of during the 6-month period. This report is filed only when required by the regional regulatory administrator.

- Internal Revenue Service

Authorization and Consent of Subsidiary Corporation To Be Included in a Consolidated Income Tax Return
1122
Nonrecurring
Businesses or other institutions
Subsidiary corporations
SIC: all
Central fiscal operations: 11,000 responses; 5,386 hours; $6,693 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880.

Form 1122 is filed by each subsidiary corporation and attached to the consolidated return (form 1120) for the first time a consolidated return is filed. This information is used to verify that an affiliated group of corporations may properly file a consolidated return.

- Internal Revenue Service

Split-Interest Trust Information Return
5227
Annually
Individuals or households/businesses or other institutions
Fiduciaries for split-interest trust
SIC: 673
Small businesses or organizations
Central fiscal operations: 18,500 responses; 122,744 hours; $79,092 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880.

The data is used to verify the beneficiaries of a charitable remainder trust include the correct amounts in their tax returns, and that the trust owes no inoome tax or private foundation taxes.

- Comptroller of the Currency

Reports of Condition and Inoome (Call Reports—Interagency)
FFIEC 0135, 011, 011J, 013 012, 014 010, 015
Quarterly, semiannually, annually
Businesses or other institution
Nat'l banks
SIC: 999
Other advancement and reguations of commerce; 28,596 responses; 351,948 hours; $1,400,000 Federal cost; 9 forms; $6,730,045 public cost: not applicable under 3504 (h)
Irene Montie, 202–395–6880.

This is the interagency of uniform call reports, or reports of condition and income collected by each of the three Federal Bank Regulatory Agencies. Form and content are established by the Federal financial institutions examiniation council. These reports and the brief special supplementary report covered in a separate submission present all of the regularly obtained statistical and supervisory data of the OCC.

Extensions (No Change)

- Internal Revenue Service

Corporate Report of Nontaxable Dividends
5452
On occasion
Business or other institutions
Corporations making non taxable distributions
SIC: all
Central fiscal operation: 1,000 responses; 1,000 hours; $8,676 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 5452 is used by corporations to report their nontaxable distributions. The information is used by IRS to check compliance on the part of the shareholders.

- Comptroller of the Currency

Annual Compliance Report
None
On occasion
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 4,425 responses; 2,212 hours; $4,250 Federal cost; 1 form; $41,834 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

This report certifies compliance with 12 CFR 21.5 concerning records of consultation, reports on security devices, external crime reports and special reports.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

New

- Essential Air Service Survey

Nonrecurring
State or local governments
Municipal chief executives and States Aeronautics Commissions
SIC: Multiple
Air transportation: 1,130 responses; 2,260 hours; $8,000 Federal cost; 0 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

The questionnaire will be used to review essential air service determinations for commuters under the guaranteed air service program of section 419 of the Federal Aviation Act. The act directs the board to obtain community and State input in making this determination and this questionnaire meets this statutory requirement.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

Revisions

- Application for Renewal of Radio Station License in Specified Services

405
Other-see SF83
Businesses or other institutions
Common carriers in domestic public radio services
SIC: 481 482 489
Small businesses or organizations

Other advancement and regulations of commerce: 2,700 responses; 1,134 hours; $148,514 Federal cost; 1 form: not applicable under 3504(h)
William T. Adams, 202–395–4814

Application must be filed by the licensee between 30 and 60 days prior to the expiration date of the license sought to be renewed. The data is used to renew authorization for current licensees.

Extensions (no change)

- Application for Airport Radio Station License

404
On occasion
State or local governments/businesses or other institutions
Anyone who requests a new aircraft radio station license
SIC: 481, 482, 489
Small businesses or organizations
Other advancement and regulation of commerce: 28,000 responses; 14,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Filing is required when applying for a new license, modifying an existing license, or renewing/modifying a license for a aircraft radio station within the aviation services.

- License expiration notice, renewal application short form

405–B
On occaion
Individual or households/State or local Governments/businesses or other institutions
Anyone who holds a ship or aircraft license
SIC: 481, 482, 489
Small businesses or organizations
Other advancement and regulation of commerce: 50,000 responses; 8,000 hours; $92,000 Federal cost; 1 form; not applicable under 3504 (h)
William T. Adams, 202–395–4814

Prepared by FCC when sending out expiration notices to licensees, and returned by applicants to renew ship (voluntarily equipped and title III, part III vessels) and aircraft radio station licenses when there is no change or only minor changes to the existing license.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—202–389–4481

Extensions (no change)

- Recordkeeping and Confirmation Requirements for Securities

Transactions
On occasion
Businesses or other institutions
Insured banks not members of the Federal Reserve System
SIC: 602 603
Small businesses or organizations
Mortgage credit and thrift insurance: 191,700 responses, 94,154 hours; $141,990 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Part 344 of the FDIC rules and regulations is to ensure that purchasers of securities in transactions effected by an insured nonmember bank are provided adequate information concerning the transactions. It is also required that insured nonmember banks maintain adequate records and controls with respect to securities transactions they effect.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202–377–6025

New

- Thrice-Monthly Survey of Deposit Balances

By type
Other—see SF83
Businesses or other institutions
FSLIC—insured Savings and Loan Associations
SIC: 612
Mortgage credit and thrift insurance: 8,640 responses; 5,789 hours; $20,752 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Only means of monitoring volume and structure of deposit flows at associations between monthly reports. Used for determining and projecting deposit trends that may require changes in FHLBB credit and regulatory policy. Used by FRB for preliminary estimates of the monetary aggregates used in establishing monetary policy.

Revisions

- Registration of Class of Securities Under SEA of 1934

Monthly, quarterly, annually
Businesses or other institution
Savings and loan associations
SIC: all
Mortgage credit and thrift insurance: 1,050 responses; 45,000 hours; $6,070 Federal cost; 1 form not applicable under 3504 (h)
Irene Montie, 202–395–6880

To provide for regulation and control by officers, directors and principal security holders, to perfect the mechanisms of a national market system for securities, a national system of clearance and settlement of securities and to insure the maintenance of fair and honest markets in securities transactions.

- Application for Mutual to Stock Conversion

Monthly, quarterly, annually
Businesses or other institution
Savings and loan associations
SIC: all
Mortgage credit and thrift insurance: 50 responses; 28,000 hours; $41,145 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Mutual to stock conversion application is a one time submission by mutual associations who wish to convert to stock form. The disclosure required is for the benefit of the investing public to assure a fair and equitable plan of conversion and adequate disclosure.

Extensions (burden change)

- Application for conversion to a Federal Charter

159–M, 159–S, 602
Nonrecurring
Businesses or other institutions
Savings and loan industry
SIC: 999
Mortgage credit and thrift insurance: 46 responses; 644 hours; $4,285 Federal cost; 3 forms; $4,285 Public cost; not applicable under 3504 (h)
Irene Montie, 202–395–6880

12 CFR 543.8 and 552.-1, and section 5(I) of the Home Owners Loan Act requires that the bank board act on requests by State-chartered Savings and Loan Associations for permission to convert to a Federal charter. The application to convert to a Federal S&L charter is used to evaluate the financial history and condition of the applicant, its future earnings prospects, management and performance in helping to meet community credit needs.

- Application to Organize a Federal Savings and Loan Association (PMD)

138 139 601 6T
7T 10T
Nonrecurring
Businesses of other institutions
Savings and Loan Industry
SIC: 999
Mortgage credit and thrift insurance; 10 responses; 1,100 hours; $4,285 Federal cost; $4,285 public cost; 7 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

12 CFR 543.2 and section 5(a) of the Home Owners Loan Act requires that the Bank Board Act on requests by organizing groups for permission to establish a new Federal association. The application for a Federal association

charter is used to evaluate whether the applicant group has met the statutory and regulatory criteria, and establishment of the new association would not place an undue risk on the FSLIC.

- Application for Merger

709 710 712 713
714 718 719
Nonrecurring
Businesses of other institutions
Savings and Loan Industry
SIC: 999
Mortgage credit and thrift insurance; 182 responses; 13,650 hours; $4,285 Federal cost; $4,285 public cost; 15 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

12 CFR 563.22 and 546.2 and section 403(b) of the National Housing Act requires FSLIC-insured associations to obtain Bank Board approval to merge with or acquire the assets of another institution. The merger application is used to evaluate the financial, competitive and legal aspects of the transaction.

- Application for Membership in the FHLB System

400
Nonrecurring
Businesses of other institutions
Savings and Loan Industry
SIC: 999
Mortgage credit and thrift insurance; 20 responses; 40 hours; $4,285 Federal cost; $4,285 public cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

12 CFR 523.1 and section 4 of the Federal Home Loan Bank Act require that the Bank Board Act on applications by financial institutions for membership in the Federal Home Loan Bank system. The bank membership application is used to evaluate whether the applicant meets the statutory criteria for membership and its financial condition is adequate to support bank advances.

- Application to Establish Branch Office

700 743
Nonrecurring
Businesses of other institutions
Savings and Loan Industry
SIC: 999
Mortgage credit and thrift insurance; 588 responses; 27,048 hours; $4,285 Federal cost; $4,285 public cost; 2 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

12 CFR 545.14–16 requires Federal associations to submit applications for a branch or agency office. The purpose of this application is to determine where a branch office can be established without supervisory concern and undue injury to other local thrift institutions. 12 CFR 563E and the community reinvestment act requires the board to consider an association's community service record when it evaluates a branch application.

- Association to Change Office Location

850
Nonrecurring
Businesses of other institutions
Savings and Loan Industry
SIC: 999
Mortgage credit and thrift insurance; 146 responses; 2,336 hours; $4,285 Federal cost; $4,285 public cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

12 CFR 545.15 requires Federal associations to submit to the Bank Board applications to change the location of an existing branch office. The purpose of this application is to determine if the branch can be established at the new location without supervisory concern and undue injury to other local thrift institutions.

- Request to Amend Assoc By-Laws

On occasion
Nonrecurring
Businesses of other institutions
Savings and Loan Industry
SIC: 999
Mortgage credit and thrift insurance; 88 responses; 176 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

12 CFR 544.6 requires Federal associations to obtain Bank Board approval of any change in its by-laws, which is not preapproved by regulation. The purpose of the by-law amendment application is to evaluate whether the by-law change is justified and will not negatively impact the association or its members.

- Application for Insurance of Accounts

140, 141, 142, 186
300, 458, 603
Nonrecurring
Businesses or other institutions
Savings and Loan Industry
DIS: 999
Mortgage credit and thrift insurance; 54 responses; 4,752 hours; $4,285 Federal cost; $4,285 public cost; 8 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

12 CFR 563.1 and section 403(b) of the National Housing Act require the Bank Board to approve requests by State-chartered associations for FSLIC deposit insurance. The insurance of accounts application is used to evaluate the management and financial condition of the applicant to assure that granting of insurance would not pose an undue risk to the FSLIC.

Extensions (No Change)

- Public information on Requests

FHLBB 213
Businesses or other institutions/State or local governments/individuals or households
State & municipal governments, corps. law firms, brokers.
SIC: 999
Small businesses or organizations
Mortgage credit and thrift insurance; 3,000 responses; 150 hours; $0 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Section 552 of title 5 of the United States Code, which relates to public information; agency rules, opinions, orders, and proceedings, is referred to as the Freedom of Information Act. The Federal Home Loan Bank Board has adopted Part 505 of the general regulations—availability and character of records—pursuant to section 552 of title 5 of the United States Code. Information services of the office of General Counsel receives, and completes, requests from the public.

- Semiannual Report (of Savings and Loan Associations):

Special Section: L: deposit balances of office
FHLBB 248
Annually
Businesses or other institutions
FSLIC-insured savings and loan associations
SIC: 612
Mortgage credit and thrift insurance; 4,000 responses; 5,000 hours; $28,696 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Provides only data on deposits at associations by office location. Consequently, it is essential for the analysis of market share of deposits needed for evaluating the competitive impact of merger and branching applications on which FHLBB must act. Used by other agencies (FRB, FDIC, CC, Justice) for similar purposes.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Donald D. Murphy—202–523–5326

Extensions (Burden Change)

- Security for the Protection of the Public—46 CFR 540

46 CFR 520
On occasion
Quarterly
Semiannually
Annually
Businesses or other institution
Embark. psgr at U.S. pts.

SIC: 441, 442
Water transportation; 154 responses; 639 hours; $18,300 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

Mandated by sections 2(d) and 3(d) of Public Law 89-777. (46 U.S.C. 817 d and e). The Commission is charged with the responsibility to ascertain that passenger vessel operators are financially responsible to pay personal injury and death claims and refund fares.

Extensions (No Change)

- Application for Certificate of Financial Responsibility

(performance/casualty)
Form 131
On occasion
Businesses or other institutions
passgr ves. oper. (FGN & Amer.) embark. passgr at U.S. pts.
SIC: 441, 442
Water transportation; 50 responses; 300 hours; $40,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

In order to process and issue a certificate (performance) and/or a certificate (casualty), an application form (Form FMC-131) must be completely filled out by a prospective certificant.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202-452-2983

Extensions (No Change)

- Senior Loan Officer Opinion Survey on Band Lending Practices

FR 2018
Quarterly
Businesses or other institutions
Sample of large commercial banks
SIC: 602
General government; 240 responses; 60 hours; $7,500 Federal cost; $900 public cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Report collects subjective information from a sample of large member banks on recent changes in bank lending policies with respect to commercial and industrial loans. This information supplements statistical information collected on the FR 2039 and FR 2028A-B reports and is used in analyzing business loan developments and bank responses to monetary policy.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202-633-0204

Extensions (Burden Change)

- Small Community Service Study

Semiannually
Farms/Businesses or other institutions
Shippers & receivers in small comm. throughout 48 states
SIC: 421
Ground transportation; 3,000 responses; 1,050 hours; $147,321 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

This questionnaire is used to gather information about the adequacy of truck service to small communities and how the motor carrier act of 1980 has impacted that service.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—301-492-8585

Extensions (Burden Change)

- Waiver of reduction of fees under the Freedom of Information Act, 10 CFR 9

On occasion
Individuals or households
Those interested in req. info. under the Freed. of Info. Act
Small businesses or organizations
Energy information, policy, and regulation; 10 responses; 30 hours; $1,288 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

Provides basic data for review in request for waiver or reduction of fees under the Freedom of Information Act.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

- Form 18-K, Annual Report for Foreign Governments and Political Subdivisions With Securities Listed on a U.S. Exchange

Sec 1797
Annually
Individuals or Households
Foreign governments w/securities listed on a U.S. exchange other advancement and regulation of commerce; 30 responses; 240 hours; $1,834 Federal cost; $15,600 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form 18-K elicits material information from foreign governments and political subdivisions with securities listed on a U.S. securities exchange in order that investors may make informed and knowledgeable investment decisions.

- Form 18, Registration for Securities of Foreign Governments and Political Subdivisions with Securities listed on a U.S. Exchange

Sec 1421
On occasion
Individual or households
Foreign governments listing securities on U.S. exchanges other advancement and regulation of commerce; 5 responses; 40 hours; $1,855 Federal cost; $2,600 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form 18 elicits material information from foreign governments or political subdivisions that list their publicly-held securities exchanges in the United States in order that investors may make informed and knowledgeable investment decisions.

- Report on Income and Expenses, Rule 17A-10

Annually
Businesses or other institutions
Registered securities brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce; 7,000 responses; 7,000 hours; $14,000 Federal cost; $70,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 17A-10 was adopted in 1968. The rule was designed to obtain economic and statistical data necessary for an ongoing analysis of the securities industry.

- Rule 17A-5 Under Securities Exchange Act of 1934, reports to be made by certain brokers and dealers

Monthly
Quarterly
Annually
Businesses or other institution
Registered securities brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce; 53,000 responses; 636,000 hours; $900,000 Federal cost; $9,540,000 public cost; 0 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 17A-5 and form X-17A-5 were adopted in 1942. Form X-17A-5 was replaced by the current form X-17A-5 in 1975. The Rule and related form are the basic documents for reporting the financial and operational condition of brokers and dealers.

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VETERANS ADMINISTRATION

Agency Clearance Officer—R.C. Whitt—202-389-2146

New

- Application for participation in the Veterans Administration Health Professional scholarship program

10-0003
Nonrecurring
Individuals or households
Students enrolled in an accredited educational institn.
Hospital and medical care for veterans; 6,000 responses; 3,000 hours; $69,120 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

This application would be used to determine the eligibility and suitability of applicants to be awarded scholarships under the provisions of title II, Pub. L. 96-330 when funds are appropriated.

Arnold Strasser,

Acting, Assistant Administrator For Reports Management.

[FR Doc. 81-28140 Filed 9-30-81; 8:45 am]

BILLING CODE 3110-01-M

PENSION BENEFIT GUARANTY CORPORATION

Privacy Act of 1974; System of Records, Annual Publication

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Annual Privacy Act Notice; notification of new routine uses.

SUMMARY: This document sets forth the annual notice of the systems of records maintained by the Pension Benefit Guaranty Corporation, (PBGC) as required by the Privacy Act of 1974. This document also provides notice of one amended routine use and one new routine use under established systems of records.

EFFECTIVE DATE: The annual notice is effective on October 1, 1981. The amended and new routine uses shall become effective without further notice on November 2, 1981 unless comments are received on or before that date which would result in a contrary determination and a notice is published to that effect.

ADDRESSES: Send comments to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. Written comments will be available for public inspection at the PBGC, Suite 7000, at the same address, on weekdays between 9 A.M. and 4 P.M.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, (202) 254-3010.

SUPPLEMENTARY INFORMATION: As required by the Privacy Act, 5 U.S.C. 552a(e)(4), this document sets forth the annual notice of the existence and character of the systems of records maintained by the Pension Benefit Guaranty Corporation ("PBGC"). There are changes in several systems to reflect changed procedures within PBGC. The changes are in the PBGC-1, regarding retrievability, safequards and retention and disposal of the record; in the PBGC-4, regarding safequards of the records; in the PBGC-6, regarding the system manager and retention and disposal of the records; in the PBGC-7, regarding the retention and disposal of the records; and in the PBGC-9, regarding the retention and disposal of the records. In addition, notice is given of an amended routine use under the PBGC-6, Plan Participant and Beneficiary Data and a new routine use under the PBGC-7, Equal Employment Opportunity Discrimination Complaints.

Technical Changes

In the PBGC-1, the section entitled Retrievability has been changed to reflect the fact that this system is indexed by name of the correspondent or by the name of the plan. Also in the PBGC-1, the section entitled Safeguards has been changed to reflect the fact that not all records in this system are kept in lockable file cabinets. Some records are kept in areas of restricted access which are locked after office hours. The section entitled Retention and Disposal in the PBGC-1 has been changed to reflect the PBGC's program of records management. That program provides that correspondence with regard to specific cases is transferred to the Federal Records Center one year after the end of the fiscal year in which the correspondence was received or sent, and destroyed when 15 years old. Correspondence with members of Congress is detroyed one year after the end of the fical year in which it is received or sent. Miscellaneous correspondence not related to an active case is destroyed one year after the end of the fiscal year in which it is received or sent.

In the PBGC-4, the section entitled Safeguards has been changed to reflect the fact that records are kept in areas of restricted access, but not necessarily in lockable file cabinets.

In the PBGC-6, the section entitled Retention and Disposal has been changed to reflect PBGC's program of records management. This program provides that records for vested plan particpants are destroyed one year after final payment to, or death of, the last participant and/or beneficiary in the plan. Records for non-vested plan participants are destroyed 7 years after written notification to the particpant. Also in the PBGC-6, the System Manager was changed from the Director, Office of Program Operations and Director, Internal Audit, to the Chief, Division of Benefits Administration, Office of Program Operations.

In the PBGC-7, the section entitled Retention and Disposal has been changed to reflect the fact that an Official Discrimination Complaint file of a complaint which is resolved by EEOC or by the United States Court, as well as those resolved within the PBGC, is destroyed 4 years after the resolution of the case.

In the PBGC-9, the section entitled Retention and Disposal has been changed to reflect the fact that the Internal Revenue Service (IRS) allows PBGC to return records to IRS for disposal or to destroy the records at PBGC.

Routine Uses

The PBGC proposes to amend Routine Use 2 to the PBGC-6, Plan Participant and Beneficiary Data and to add Routine Use 5 to the PBGC-7, Equal Employment Opportunity Discrimination Complaints.

Routine Use 2 to the PBGC-6 currently provides that disclosure of information in this system may be made to an employer maintaining the plan. Several instances have arisen in which an individual who was intended to be able to receive information in this system was not the employer maintaining the plan. In some cases, the individual was an employer who formerly maintained the plan; in other cases, the individual was a member of a controlled group which included the employer maintaining the plan. Accordingly, because the langauage of the routine use did not implement its purpose, the agency wishes to clarify this routine use by making clear, that it applies to the employer who maintained the plan, including any predecessor or successor employer and to any member of a controlled group of which the employer is a part.

The PBGC also proposes to add to a new routine use to the PBGC-7, Equal Employment Opportunity Discrimination Complaints. This routine use would allow disclosure of information in this system to the United States Attorney's Office for the purpose of preparing a case for litigation or conducting the litigation itself. This new use will assist the PBGC and the United States Attorney's Office in litigation.

Section 552a(e)(11) of the Privacy Act requires that notice of an intended routine use of records be published at least 30 days prior to the implementation of the use and that the public be given an opportunity to comment. The proposed routine uses are set forth below. They will become final on November 2, 1981, unless PBGC publishes a notice to the contrary.

The revised Routine Use 2 to the PBGC-6 will read as follows:

"2. Disclosure, in furtherance of proceedings under Title IV of the Employee Retirement Income Act of 1974 as amended, of plan participant and beneficiary data to an employer who maintained the plan, including any predecessor or successor employers and to any member of a controlled group of which the employer is a part."

The new Routine Use 5 to the PBGC-7 will read as follows:

"5. Disclosed to the United States Attorney's Office for the purpose of preparing for, or conducting litigation."

Interested persons are invited to submit written data, views or comments on the proposed routine uses. The routine uses may be changed in light of the comments received.

(Secs. 4002, 4022 and 4041, Pub. L. 93-406, 88 Stat. 1004, 1016, 1020 (1974), as amended by Secs. 406, 403(c) and 403(d), Pub. L. 96-364, 94 Stat. 1303, 1301, (1980) (29 U.S.C. 1302, 1322, and 1341))

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

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6. Plan Participant and Beneficiary Data—PBGC.
7. Equal Employment Opportunity Discrimination Complaints—PBGC.
8. Employee Adverse Action Files—PBGC.
9. Plan Participant and Beneficiary Address Identification File—PBGC.

Prefatory Statement of General Routine Uses

The following routine uses, except for number 3, apply to and are incorporated by reference into each system of records set forth below except PBGC-9. Routine use number 3 applies to and is incorporated by reference into systems 1-5 and 7-8 set forth below. None of the routine uses apply to PBGC-9.

1. Routine Use—Law Enforcement: In the event that a system of records maintained by the PBGC to carry out its functions indicates a violation or potential violation of law, whether criminal civil or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order issued pursuant thereto.

2. Routine Use—Disclosure When Requesting Information: A record from this system of records may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertient information, if necessary to obtain information relevant to a PBGC decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the letting of a contract.

3. Routine Use—Disclosure of Requested Information: A record from this sytem of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. Routine Use—Disclosure During and in Anticipation of Litigation: A record from this system of records may be disclosed during litigation, including disclosure to all counsel in the course of discovery or settlement negotiations and during the presentation of evidence to a court, magistrate or administrative tribunal, or during proceedings in reasonable anticipation thereof.

5. Routine Use—Disclosure of OMB: A record contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Routine Use—Congressional Inquiries: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

PBGC-1

SYSTEM NAME:

Correspondence Between PBGC and Persons Outside PBGC—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and Pension Benefit Guaranty Corporation, Los Angeles Regional Office, Room 4033A, 300 N. Los Angeles Street, Los Angeles, California 90012.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have corresponded with PBGC and with divisions of the PBGC and individuals who have received replies in response to their correspondence with the PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence containing the name and address of the correspondent and other information regarding various aspects of the PBGC and Title IV of the Employee Retirement Income Security Act of 1974. Correspondence is kept by the Office Director to whom the correspondence was addressed or the Office Director who replied to the correspondent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for regulatory purposes including use in evidence in proceedings before the PBGC and the courts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders.

RETRIEVABILITY:

Indexed by name of correspondent or plan.

SAFEGUARDS:

Records are kept in file cabinets in areas of restricted access which are locked after office hours.

RETENTION AND DISPOSAL:

General requests for information involving no administrative action,

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policy decisions or special research are destroyed 3 months after reply.

Correspondence with regard to specific cases is transferred to the Federal Records Center one year after the end of the fiscal year in which the correspondence was received or sent, and destroyed when 15 years old. Correspondence with members of Congress is destroyed one year after the end of the fiscal year in which it is received or sent.

Miscellaneous correspondence not related to an active case is destroyed one year after the end of the fiscal year in which it is received or sent.

SYSTEMS MANAGER(S) AND ADDRESS:

Office of Executive Director, Director of Office of Financial Operations, Director of the Office of Information Management, Director of the Office of Program Operations, and General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and Special Assistant for Field Liaison, Los Angeles Regional Office, Pension Benefit Guaranty Corporation, Room 4033A, 300 N. Los Angeles Street, Los Angeles, California 90012.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notifiction procedure.

RECORD SOURCE CATEGORIES:

Individuals writing to the PBGC and the PBGC responses.

PBGC-2

SYSTEM NAME:

Disbursements—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consultants and vendors to PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payment vouchers, including SF 1081.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Transmittal of data to United States Department of the Treasury to effect payments to consultants and vendors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours.

RETENTION AND DISPOSAL:

Records created after June 30, 1975 are destroyed 6 years and 3 months after date of voucher.

SYSTEMS MANAGER(S) AND ADDRESS:

Controller, Office of Financial Operations, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORDS PROCEDURES:

Same as notification procedures.

RECORD SOURCE CATEGORIES:

Subject consultant or vendor.

PBGC-3

SYSTEM NAME:

Employee Payroll, Leave and Attendance Records—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and Los Angeles Regional Office, Pension Benefit Guaranty Corporation, Room 4033A, 300 N. Los Angeles Street, Los Angeles, California 90012.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; address; social security number and employee number, earnings records; leave status and data; jury duty data; military leave data; time and attendance records, including number of regular, overtime, holiday, Sunday and other hours worked, co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Transmittal of data to United States Department of Labor to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes and to effect tax withholdings and other authorized deductions.

2. Pursuant to Title VII of the Civil Service Reform Act, pertinent records from this system may be furnished to a labor organization upon its request when needed by that organization to perform its duties as the recognized collective bargaining representative of PBGC employees in the bargaining unit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEMS:

STORAGE:

Records are maintained manually in file folders and in machine readable form.

RETRIEVABILITY:

Indexed by name and/or employee or social security number.

SAFEGUARDS:

Records are kept in lockable file cabinets in areas of restricted access which are locked after office hours. Magnetic tapes and computer records are kept under restricted access.

RETENTION AND DISPOSAL:

Payroll Records are transferred to the National Personnel Records Center and destroyed 56 years after date of last entry.

Leave and Attendance Records are destroyed three years after the close of the leave year.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Office of Financial Operations, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and Special Assistant for Field Liaison, Los Angeles Regional Office, Pension Benefit Guaranty Corporation, Room 4033A, 300

N. Los Angeles Street, Los Angeles, California 90012.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2807.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PRECEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Subject individual and Office of Personnel Management.

PBGC-4

SYSTEM NAME:

Employee Travel Records—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington D.C. 20006, and Los Angeles Regional Office, Pension Benefit Guaranty Corporation, Room 4033A, 300 N. Los Angeles Street, Los Angeles, California 90012.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of PBGC who have filed travel vouchers and related documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel vouchers and related documents filed by emplyees of PBGC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Transmittal of data to United States Department of Treasury to effect reimbursement to employees for travel expenses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETRAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are kept in file cabinets in areas of restricted access which are locked after office hours.

RETENTION AND DISPOSAL:

Retained for 3 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Office of Financial Operations, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and Special Assistant for Field Liaison, Los Angeles Regional Office, Pension Benefit Guaranty Corporation, Room 4033A, 300 N. Los Angeles Street, Los Angeles, California 90012.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2807.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

PBGC employee executing vouchers.

PBGC-5

SYSTEM NAME:

Personnel Records—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with PBGC.

CATEGORIES OF RECORDS IN THE SYSTEM;

Personnel records that the PBGC maintains, including applications and related information for attorneys maintained by the Office of the General Counsel. (Records included in the Permanent Official Personnel File are maintained as a system of records by the Office of Personnel Management and are not included in this system of records).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C 1302.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. These records are used to carry out authorized personnel programs.

2. Pursuant to Title VII of the Civil Service Reform Act records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders and in machine readable form.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are kept in areas of restricted access which are locked after office hours. Magnetic tapes and computer records are kept under restricted access.

RETENTION AND DISPOSAL:

Temporary Personnel File records are destroyed when the employee leaves PBGC or one year after the file was established, whichever is sooner. Applications for employment are destroyed after the receipt of Office of Personnel Management inspection report or 2 years after date of application, whichever is sooner. Applications for training are destroyed 5 years after date of application.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Personnel Programs and Services, Office of Management Services, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, and the Management Officer, Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2807.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Subject individuals, present and past employers, references given by subject individuals and responses to security investigations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from access and contest and certain other provisions of the Privacy Act 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f), to the extent it includes material which would reveal the identity of a source who furnished information to the PBGC under an express promise that the identity of the source would be held in confidence or prior to September 27, 1975, was provided to the PBGC under an implied promise of confidentiality.

PBGC-6

SYSTEM NAME:

Plan Participant and Beneficiary Data—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washingotn, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants and beneficiaries in terminated pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain name, address, telephone number, sex, social security number and other social security data, date of birth, date of hire, salary, martial status, time of plan participation, participant status, pay status, benefit data, health data, and insurance information where plan benefits are guaranteed by private insurers. The individual records listed herein are included only as pertinent or applicable to the individual plan participant or beneficiary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302, 1322 and 1341.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosed to third parties, such as banks, insurance companies and, trustees, for the purpose of paying benefits to plan participants and beneficiaries.

2. Disclosure, in furtherance of proceedings under Title IV of the Employee Retirement Income Security Act of 1974, of plan participant and beneficiary data to an employer who maintained the plan, including any predecessor or successor employers and to any member of a controlled group of which the employer is a part.

3. Disclosure may be made to an official of a labor organization which is the duly recognized collective bargaining representative of the individual about whom the request is made.

POLICIES AND PRACTICE FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders and in machine readable form.

RETRIEVABILITY:

Indexed by plan and participant and/or beneficiary name.

SAFEGUARDS:

Manual records are maintained in lockable file cabinets which are locked after office hours, in areas of restricted access. Magnetic tapes and computer records are kept under restricted access.

RETENTION AND DISPOSAL:

Records for vested plan participants are destroyed one year after final payment to, or death of, the last participant and/or beneficiary in the plan. Records for nonvested plan participants are destroyed 7 years after written notification to the participant.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Benefits Administrtion, Office of Program Operations, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORDS ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Plan administrators and Social Security Administration.

PBGC-7

SYSTEM NAME:

Equal Employment Opportunity Discrimination Complaints—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, Equal Employment Opportunity Office, Room 4300–A, 2020 K Street, NW., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PBGC employee and applicant complainants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain names, work locations, dates, Social Security numbers, and other information as included on affidavits, interviews, informal and formal discrimination complaint reports and investigative files of complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR Part 1613.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Used by EEO Officer, staff of Equal Employment Opportunity Commission, staff of the Merit System Protection Board, Complaints examiners, Contract EEO investigators, PBGC EEO investigators and PBGC EEO counselors to investigate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program:

Use—

1. Disclosed to complainant's representative.

2. Portions may be disclosed to the alleged discriminating official and his/her representative.

3. Disclosed to Equal Employment Opportunity Commission and Merit System Protection Board to carry out authorized investigations, to adjudicate appeals and of discrimination complaints, and make recommendations regarding discrimination complaints.

4. Disclosed to Contract EEO investigators.

5. Disclosed to the United States Attorney's Office for the purpose of preparing for or conducting litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders, binders and marked exhibits.

RETRIEVABILITY:

Indexed by complainant's name.

SAFEGUARDS:

Records are kept in lockable file cabinets which are locked after office hours in rooms with restricted access.

RETENTION AND DISPOSAL:

An official Discrimination Complaint case file which is resolved in the agency, by EEOC or by a United States Court is destroyed 4 years after the resolution of the case. The background record is destroyed 2 years after the resolution of the case.

SYSTEM MANAGER(S) AND ADDRESS:

Equal Employment Opportunity Officer, Division of Personnel Programs and Services, Office of Management Services, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORDS ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORD PROCEDURES:

Same as notification procedure above.

RECORD SOURCE CATEGORIES:

Information is received from the complainants, respondent and from investigations and interviews.

PBGC-8

SYSTEM NAME:

Employee Adverse Action files—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

PBGC employees against whom an adverse action covered by this system has been initiated, or a PBGC employee who has initiated a grievance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notice to employees of disciplinary actions, performance warning letters, adverse actions, reductions-in-force, employees' replies to notices, employee notice of grievance, employee notice of appeal, records of hearing proceedings, appeal decisions and rebuttals, notice of action, investigative reports and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—

Provide a record keeping system, 1) for grievances and related appeals filed by an employee who alleges his rights regarding compensation, benefits, or other terms and conditions of employment have been adversely affected and, 2) for adverse actions brought against a PBGC employee.

Use—

1. Disclosed to employee's representative.
2. Disclosed to the Office of Personnel Management and Merit Systems Protection Board to carry out their authorized functions.
3. Pursuant to Title VII of the Civil Service Reform Act, records from this system may be furnished to a labor organization upon its request when needed by the organization to perform properly its duties as the collective bargaining representative of PBGC employees in the bargaining unit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is retained manually in file folders.

RETRIEVABILITY:

Indexed by employee name.

SAFEGUARDS:

Records are kept in lockable file cabinets which are locked after office hours in areas of restricted access.

RETENTION AND DISPOSAL:

Grievance files are destroyed 3 years after the case is closed. Adverse action files are destroyed 4 years after the case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Division of Personnel Programs and Services, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORD PROCEDURES:

Same as notification procedure above.

RECORD SOURCE CATEGORIES:

Information is received from an employee who initiates a grievance, or against whom an adverse action is initiated, employee's supervisors, and other PBGC employees and from investigations and interviews.

PBGC-9

SYSTEM NAME:

Plan Participant and Beneficiary Address Identification File—PBGC.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Certain plan participants and beneficiaries in terminated pension plans covered by Title IV of ERISA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain name, social security number, name of pension plan, and address received from the Internal Revenue Service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. sections 1302, 1322 and 1341, 26 U.S.C. section 6103.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made only to the extent permitted by 26 U.S.C. section 6103 and 26 CFR section 404.6103.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders.

RETRIEVABILITY:

Indexed by participant or beneficiary name and social security number.

SAFEGUARDS:

Records are kept in locked file cabinets in areas of restricted access under procedures that meet Internal Revenue Service safeguarding standards.

RETENTION AND DISPOSAL:

Records for participants in PBGC-trusteed plans for which the address is verified are transferred to PBGC-6 on verification. Records for which IRS has no address, for which the address was not verified, and records for participants in sufficient plans or plans with a third-party trustee will be retained for two years from the date the request was sent to the Internal Revenue Service and then will be sent to Internal Revenue Service for disposal or destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Benefits Administration, Office of Program Operations, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

Information is received from the Internal Revenue Service.

[FR Doc. 81-28654 Filed 9-30-81; 8:45 am]

BILLING CODE 7708-01-M

POSTAL RATE COMMISSION

[Docket No. MC76-5]

Mail Classification Schedule, 1976; Hearing

September 25, 1981.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Of Conference", dated September 25, 1981, a Conference is scheduled to be held on October 21, 1981, at 9:00 a.m., Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C. 20268, to afford the Commission an opportunity to inquire further of the parties as to the future direction of the study program.

Copies of the Presiding Officer's Notice are available to all interested parties in the Commission's Docket Room at the above-listed address, or by calling the Docket Room at Area Code 202-254-3800.

David F. Harris,

Secretary.

[FR Doc. 81-28540 Filed 9-30-81; 8:45 am]

BILLING CODE 7715-01-M

[Docket No. MC78-3]

Electronic Mail Classification Proposal, 1978 (Remand); Prehearing

September 28, 1981.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Rescheduling Prehearing Conference," dated September 28, 1981, the Second Prehearing Conference scheduled to be held in this proceeding on October 1, 1981, at 9:00 a.m., is rescheduled to be held on October 6, 1981, at 10:00 a.m., Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C. 20268.

David F. Harris,

Secretary.

[FR Doc. 81-28541 Filed 9-30-81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22206; 70-6645]

American Electric Power Co., Inc.; Proposed Indemnification by Holding Company in Connection With Subsidiaries' Surety Bonds

September 25, 1981.

American Electric Power Company, Inc., 180 East Borad Street, Columbus, Ohio 43215 ("AEP"), a registered holding company, has filed a declaration with this Commission pursuant to Section 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder.

AEP proposes to enter into an agreement of agreements of indemnity with one or more surety bonding companies providing for indemnification by AEP of liabilities incurred by any such surety bonding company or companies in connection with the issuance of surface mining reclamation surety bonds, self-insurance workmen's compensation surety bonds, and self-insurance pneumoconiosis (black lung) disability bonds that are required by certain AEP system companies operating in Virginia, West Virginia, Ohio, and Utah. The maximum amount of indemnity from AEP at any one time outstanding with respect to each type of bonds will not exceed $45,000,000, $39,000,000, and $5,000,000, respectively.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 26, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28625 Filed 9-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11959; 812-4866]

Royal Bank of Canada; Application Exempting Applicant From All Provisions of the Act

Notice is hereby given that the Royal Bank of Canada c/o Lawrence J. Hohlt, Esq., Sage Gray Todd & Sims, Two World Trade Center, New York, New York 10048 ("Applicant") filed an application on April 27, 1981, and an amendment thereto on August 26, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant is Canada's largest bank and one of the largest banks in the world. Applicant states that at the close of its fiscal year ended October 31, 1980, it had $53.4 billion in assets, $41.4 billion in total loans and total deposits of $46.2 billion. According to the application, income from loans accounted for approximately 87% of Applicant's total revenue and interest paid on deposits represented 80% of its total expenses. Applicant states that it provides a full range of personal and corporate banking services in Canada, including checking, savings and term deposit accounts, consumer loans and credit card programs, mortgage lending, and business and commercial loan facilities. The application states that Applicant is also engaged in international banking and currently provides extensive corporate and retail banking services to international companies and individuals around the world.

Applicant represents that it is a Canadian chartered bank organized under the provisions of the Bank Act of Canada, which governs in detail Applicant's organization, powers and activities. The application states that the Bank Act of Canada provides for the appointment of an Inspector General of Banks who is charged with examining the affairs of each chartered bank to determine whether the bank is in sound financial condition and in order to protect the interests of bank creditors, depositors and shareholders. Applicant states that an examination of the affairs of each chartered bank is conducted annually by two auditors acting jointly who are members of different chartered accounting firms and are appointed by the bank's shareholders. According to the application, chartered banks are limited in the types of loans they may make and the types of assets in which they may invest in order to ensure satisfactory liquidity and the protection of creditors, depositors and shareholders. In addition, Applicant states that in it is registered as a bank holding company under the Bank Holding Company Act of 1956, which subjects it to regulation by the Board of Governors of the Federal Reserve System and requires it to file annual reports respecting its operations.

According to the application, Applicant proposes to issue and sell prime quality commercial paper notes in minimum denominations of $100,000 in the United States. Applicant represents that notes will be sold through one or more major registered securities dealers to the types of institutional and other sophisticated investors who normally purchase commercial paper and will not be advertised or otherwise offered to the general public. Applicant presently anticipates that during the first year in which notes are sold the aggregate amount of notes outstanding at any one time is unlikely to exceed $500 million. The application states that the notes will be direct liabilities of Applicant and will rank *pari passu* among themselves and equally with all other unsecured, unsubordinated indebtedness of Applicant, including deposit liabilities other than deposits of the government of Canada and of the Canadian provinces, which have a superior position. The notes will rank prior to any subordinated indebtedness of Applicant and to the rights of shareholders. Applicant plans to sell the notes without registration under the Securities Act of 1933 (the "1933 Act"), in reliance on the written opinion of its legal counsel in the United States to the effect that the notes will qualify for the exemption from the registration requirements of the 1933 Act provided by section 3(a)(3) thereof. Applicant states that it will not offer or sell any of its notes until it has received such opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the notes and any future issue of Applicant's securities (assuming such securities are eligible to receive a rating of the type discussed below) in the United States will have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations and Applicant's United States counsel will have been notified in writing by Applicant of the receipt of such rating. No such rating will be obtained, however, if, in the opinion of Applicant's legal counsel in the United States, an exemption from registration is available under Section 4(2) of the 1933 Act (after due consideration of the doctrine of "integration").

Applicant undertakes to ensure that each dealer in the United States through which it sells the notes will provide to each offeree, prior to sale, a memorandum which describes Applicant's business and contains a balance sheet and income statement for the most recent fiscal year which is audited in accordance with Canadian accounting principles applicable to chartered banks, and, as publicly available, an unaudited copy of Applicant's financial statements for the most recent fiscal quarter. Applicant states that the memorandum and financial statements will describe any material differences between Canadian accounting principles applicable to chartered banks and United States generally accepted accounting principles applicable to commercial banks, will be at least as comprehensive as those customarily used in commercial paper offerings by bank holding companies in the United States, and will be updated periodically to reflect material changes in Applicant's financial status.

Applicant further represents that any future offering of debt securities by Applicant in the United States will be made only pursuant to a registration statement under the 1933 Act or pursuant to an applicable exemption from registration under such Act, and any such offering will be made on the basis of a disclosure document appropriate and customary for such registration or exemption and in any event as comprehensive as those used in offerings of similar debt securities in the United States by United States issuers. Applicant undertakes to ensure that such a disclosure document will be provided to each offeree who has indicated an interest in such securities prior to any sale of such securities to such offeree, except that in the case of an offering made pursuant to a registration statement under the 1933 Act such a disclosure document will be provided to such persons and in such manner as may be required by the 1933 Act and the pertinent rules and regulations thereunder. Applicant consents to having any order granting the relief requested under Section 6(c) expressly conditioned upon its compliance with the foregoing undertakings regarding disclosure documents.

Applicant represents that it will appoint an agent to accept service of process in any suit, action or proceeding on the notes or with respect to the offer or sale of the notes and any other debt securities it may offer in the United States in the future. Applicant further represents that it will expressly submit to the jurisdiction of any state or federal court located in the city and county of New York in any such suit, action or proceeding. Applicant states that the appointment of its agent to accept service of process and the consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the notes and any future debt securities have been paid or set aside.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvestment, owning, holding, or trading in securities, and own's or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Applicant states that there is uncertainty as to whether or not a commercial bank organized and based outside the United States would be considered an investment company as defined under the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Applicant submits that it is not the type of institution intended to be regulated by the Act. Applicant also submits that granting the application pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors in the United States by making Applicant's securities more readily available to them. Applicant concludes that granting an order of exemption pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given That any interested person may, not later than October 20, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28624 Filed 9-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11955; 811-3102]

Biotech Capital Corp.; Proposal To Terminate Registration

September 24, 1981.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Biotech Capital Corporation ("Biotech"), 11 Hanover Square, New York, New York 10005, registered under the Act as a closed-end, non-diversified, management investment company, ceased to be an investment company required to be registered under the Act, effective as of the date that Biotech elected to be treated as business development company.

Information contained in the files of the Commission indicates that Biotech was organized under the laws of Delaware on December 19, 1979, and registered under the Act on October 20, 1980. On October 24, 1980, Biotech filed a registration statement pursuant to the Securities Act of 1933 and the 1940 Act. This statement was declared effective on January 22, 1981. On the same date, Biotech filed a Notification of Election to be treated as a business development company pursuant to Section 54 of the Act.

Section 6(f) of the Act provides in part that any closed-end company which elects to be treated as a business development company pursuant to Section 54 of the Act will be exempt from registration pursuant to Section 8 of the Act.

Section 8(f) of the Act provides in part that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company it shall so declare by order.

Notice is further given that any interested person may, not later than October 19, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28518 Filed 9-30-81; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

September 24, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Mercantile Texas Corporation Common Stock, $5 Par Value (File No. 7–6055)

Republic of Texas Corporation Common Stock, $5 Par Value (File No. 7–6056)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 16, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegate authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28516 Filed 9-30-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11956; 811-3065, 811-3066]

Fluid Power Pump Corp. and Fluid Capital Corp.; Filing of Application for an Order Declaring That Applicants Have Ceased To Be Investment Companies Required To Be Registered Under the Act.

September 24, 1981.

Notice is hereby given that Fluid Capital Corporation, a New Mexico corporation, and Fluid Power Pump Company, a Delaware corporation ("Applicants"), 200 Lomas Blvd. NW, Suite 527, Albuquerque, New Mexico 87102, registered under the Investment Company Act of 1940 ("Act") as closed-end, non-diversified, management investment companies, filed applications on October 6, 1980 for an order of the Commission pursuant to Section 8(f) of the Act declaring that Applicants have ceased to be investment companies required to be registered under the Act as of the date that each Applicant elected to be treated as a business development company. All interested persons are referred to the applications on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants represent that they are operated for the purpose of making investments in securities described in Section 55(a) (1) through (3) of the Act

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and make available significant managerial assistance with respect to the issuers of such securities. Applicants also represent they are corporations which have a class of equity securities registered under Section 12 of the Securities Exchange Act of 1934. Applicants further represent that on September 30, 1980, their boards of directors resolved that Applicants elect to be subject to the provisions of Sections 55 through 65 of the Act. Finally, on January 5, 1981, Fluid Power Pump Company filed with the Commission a Notification of Election to be treated as a business development company pursuant to Section 54 of the Act. Fluid Capital Corporation filed its Election on March 13, 1981.

Section 6(f) of the Act provides in part that any closed-end company which elects to be treated as a business development company pursuant to Section 54 of the Act will be exempt from registration pursuant to Section 8 of the Act.

Section 8(f) of the Act provides in part that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company it shall so declare by order.

Notice is further given that any interested person may, not later than October 19, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–28519 Filed 9–30–81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

September 24, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Chicago & North Western Transportation Company: Class A Common, $.28 Par Value (File No. 7–6057).

Flow General Incorporated: Common Stock, $.10 Par Value (File No. 7–6058).

Integrated Resources Incorporated: Common Stock, $.10 Par Value (File No. 7–6059).

Payless Cashways Incorporated: Common Stock, $.50 Par Value (File No. 7–6060).

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 16, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–28517 Filed 9–30–81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 09/09–0300]

Hamco Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (CFR 107.102 (1981)) under the name of Hamco Capital Corporation, 235 Montgomery Street, San Francisco, California 94104, for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958 as amended (the Act) (15 U.S.C. 661 et *seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and stockholders are as follows:

Name and title

William R. Hambrecht, President, Director [100 percent], 235 Montgomery Street, San Francisco, CA 94104

Colleen E. Curry, Vice President, Secretary, Director, 235 Montgomery Street, San Francisco, CA 94104

Sara P. Hambrecht, Vice President, Director, 235 Montgomery Street, San Francisco, CA 94104

The Applicant, which is a California Corporation, proposes to commence operations with private capital of $600,000 and intends to purchase convertible subordinated obligations or other securities of small business concerns located throughout the United States.

Matters involved in SBA's consideration of the application include the general business reputations of the owner and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given than any person may, on or before October 16, 1981, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Investment, 1441 "L" Street, N.W., Washington, D.C. 20416.

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(Catalog of Federal Domestic Assistance Program No. 59.011, Small business Investment Companies)

Peter F. McNeish,

Acting Associate Administrator for Investment.

Dated: September 25, 1981.

[FR Doc. 81-[illegible] Filed 9-30-81; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 09/09-0290]

San Marino Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (CFR 107.102 (1981)) under the name of San Marino Capital Corporation, 57 Post St., San Francisco, California 94104, for a license to operate as a small business investment company, under the proisions of the Small Business Investment Act of 1958 as amended (the Act) (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and stockholders are as follows:

Name and title

Bruce F. Glaspell, President, Director, Treasurer [50 percent] 57 Post Street, Suite 813, San Francisco, CA 94104

Jane E. Barnett, Secretary, Director, 57 Post Street, Suite 813, San Francisco, CA 94104

Lee H. Stein, Vice President, Director [50 percent] 57 Post Street, Suite 813, San Francisco, CA 94104

The Applicant which is a California Corporation, proposes to commence operations with private capital of $500,000 and intends to purchase convertible subordinated obligations or other securities of small business concerns principally in the State of California and other areas within the United States.

Matters involved in SBA's consideration of the application include the general business reputations of the owner and management, and the probability of successful operations of the new company, in accordance with the Act and regulations

Notice is further given than any person may, not later than fifteen (15) days from the date of publication of this Notice, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Investment, 1441 "L" Street, NW, Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Peter F. McNeish,

Acting Associate Administrator for Investment.

Dated: September 24, 1981.

[FR Doc. 81-28628 Filed 9-30-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2011]

Texas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Lavaca County and adjacent counties within the State of Texas constitute a disaster area because of damage resulting from severe storms and flooding beginning on or about August 30, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 20, 1981, and for economic injury until close of business on June 21, 1982, at: Small Business Administration, District Office, 727 East Durango, Room A513, Federal Building, San Antonio, Texas 78206, or other locally announced locations. Information on recent regulatory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above mentioned office(s).

Dated: September 28, 1981.

Donald R. Templeman,

Acting Administrator.

[FR Doc. 81-28628 Filed 9-30-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD81-073]

Port Access Routes Study

AGENCY: U.S. Coast Guard, DOT.

ACTION: Notice of study results.

The purpose of this notice is to publish results of the Port Access Route study announced on April 16, 1979, in the **Federal Register** (44 FR 22543) and modified on January 31, 1980 (45 FR 7026). Only the results for study areas 13 to 20 (including the Coast of South Carolina, Georgia and the Florida Peninsula) are published in this notice. Results for the remaining Study Areas (1 to 12 and 21 to 32) will be published in future **Federal Registers.**

Background

The Ports and Waterways Safety Act (PWSA) (Pub. L. 95-474, 92 Stat. 1473), mandated that the Coast Guard "undertake a study of the potential traffic density and the need for safe access routes." The **Federal Register** for April 16, 1979 (44 FR 22543), announced the scope of the study and included a description of each area to be studied. Coast Guard district staff officers were assigned responsibility for executing the study; and it has been conducted under the standards contained in sections 4 and 5 of the PWSA. As a result of the study, appropriate ships' routing measures, such as safety fairways and traffic separation schemes, may be proposed. Where the study indicates that no new routing measures are to be designated in an area, notice of such a conclusion is to be published in the **Federal Register.** However, areas for which results are published may be studied again in the future as changes in conditions may warrant re-evaluation.

Summary

Based on the Port Access Route Study, conducted in accordance with the PWSA, the establishment of new vessel traffic routing measures is considered unnecessary at the present time for Study Areas 13 to 20, which include the coast of South Carolina, Georgia and the Florida Peninsula. The conclusion not to designate routing measures in these areas is based on contact with the marine industry, state and federal government agencies, and the general public, as well as analysis of available statistics and results of surveys conducted specifically for the study.

Method

The study is an attempt to determine the vessel traffic density in approaches to ports and over the Outer Continental Shelf (OCS) as well as to assess the need for and feasibility of establishing routing measures in approaches to U.S. ports. This has required determining the volume of traffic from merchant shipping, recreational and fishing vessels, military operations, and the extent of OCS exploitation. At the outset of the study of Areas 13 to 20, two premises were developed by the project staff in the Seventh Coast Guard District:

(1) As stated in the PWSA (subsections 2(a) and 4(c)(1)), vessel and navigation safety and protection of the marine environment are of national importance; also, the right of navigation shall be paramount over other uses, while it is reconciled with other reasonable uses as far as practicable, in designated areas.

(2) In order to facilitate development of objectively-based study conclusions, a quantitative survey was desirable.

In accordance with the PWSA requirement that the Coast Guard consider the views of representatives of the maritime community (subsection 5(b)), a wide variety of interested parties was contacted and invited to express opinions relevant to the study. From the 157 parties contacted directly, 70 responses (45%) were received.

In order to obtain specific information on vessel traffic density in a consistent format, several questionnaires were developed. Various groups within the marine community were contacted: Marine industry; state and federal agencies; port authorities; Department of Defense organizations; Coast Guard units and Seventh District staff elements; and the general public through news releases. Contacted parties were requested to provide responses concerning current operations and make projections for the next 10 years (i.e., thru 1990).

For one month from 15 January 1980, Coast Guard Marine Safety Offices in the Seventh Coast Guard District were directed to request masters or mates of all boarded vessels to complete a questionnaire about navigation safety along their routes; a chart on which they were to depict their usual routes was also included. 215 boardings were performed among 1533 vessel arrivals.

In addition to the above sources of information, several previous studies were reviewed. Two studies in particular, *Offshore Vessel Traffic Management Study* (1978)[1] and *Deepwater Port Navigation: Hazards and Risk* (1979)[2] were especially pertinent to study areas in the Seventh District.

General Conclusions

From an evaluation of information accumulated during the study in the Seventh District, several projections were made:

(1) Although the specific rate of growth for the marine industry in the next 10 years is uncertain, the apparent trend is that activity in the marine environment will continue to increase.

(2) Along with increased commercial activity, Naval operations will increase with definite expansions planned for the bases at Mayport and King's Bay.

(3) Outer Continental Shelf activity will continue. Based upon findings from current exploration in the Georgia Embayment (east of Jacksonville), the Georgia Embayment-Blake plateau areas are not expected to develop at a rapid rate. The eastern Gulf will be open for lease bids in 1981. The outcome of exploration in that region is uncertain, but the Bureau of Land Management (BLM) estimates 30 drilling platforms may eventually be erected subsequent to sales # 66 and # 66A.[3] While not necessary now, some vessel routing measures may eventually be necessary in this area.

In parts of these study areas, a natural separation scheme exists as a result of the Florida current. This current, emanating from the Gulf of Mexico, proceeds through the Straits of Florida and northward along the east coast of Florida, eventually flowing into the Gulf Stream. While this current tends to keep traffic separated, with southbound traffic close in to shore and northbound further offshore, several crossing situations do exist. Vessel traffic in those areas, though, does not appear sufficient to establish special routing measures.

Very few respondents in the survey indicated any difficulties with navigation safety in the port approaches. The majority of comments made about congestion were in reference to safety within the ports; several commenters also addressed the problem of operators who fail to adhere to proper navigation procedures. For example, several commenters noted that in Miami harbor recreational boaters often fail to follow the Rules of the Road, while at the same time commercial vessels will transit the ship channel too swiftly. In situations such as these, the establishment of new procedures is of questionable value since some operators already disregard established procedures. In many cases, more vigorous enforcement of established procedure may be more beneficial than new requirements.

Specific Findings: Areas ® 13–20

Area 13. Includes Cape Romain Area.

Enclosed by the coast and a line bearing 156° T from the coast at 78°32.0′ W longitude to 32°50.0′ N latitude 78° W longitude, thence a line bearing 270° T to the coast.

Charleston, the principal port in this area, is the site of military operations, commercial shipping, and commercial fishing. The Naval presence, which includes surface vessels and submarines, will remain at its current level and possibly increase over the next 10 years. Commercial shipping will continue to grow, but not at a rapid rate. There is no OCS exploration planned within area 13. Contacted parties did not indicate any hazardous situations in the port approaches to Charleston. No routing designations are contemplated in this area.

Area 14. Includes Charleston, South Carolina, and Savannah, Georgia.

From the coast seaward to the 1800 meter curve, from 32° 50.0′ N latitude to 31° 30.0′ N latitude.

Within area 14, Savannah is the major port. Commercial and fishing interests are the principal marine activities in this port. There is a liquefied natural gas (LNG) facility in Savannah. LNG arrivals are closely monitored by Marine Safety Office Savannah. No navigational hazards have been noted in the port approaches to Savannah and no routing measures for LNG or other vessels are deemed necessary. Some OCS tracts in least #56, scheduled for August 1981, are in area 14. At the present time, no potentially hazardous situations have been identified.

Area 15. Includes Brunswick, Georgia, and Jacksonville, Florida.

From the coast seaward to the 1800 meter curve, from 31° 30.0′ N latitude, to 30° 30.0′ N latitude.

This was established as an area with high priority due the OCS exploration occurring east of Jacksonville. This area was opened for exploration with Bureau of Land Management lease sale #43.

When this area was opened for exploration, it was anticipated that it would become a major production area; this anticipation has not been borne out. Five sites have been drilled without positive results. The last exploratory rig left the South Atlantic in February 1980. According to the BLM lease schedule, new tracts will be open for leasing in 1981 and in 1984. At the present time, though, a significant increase in the number of drilling platforms is not anticipated.

Jacksonville itself is a major commercial port. Also, the Navy maintains a large base at nearby Mayport. During the next 10 years the Navy projects a 60% expansion in the number of surface vessels homeported at Mayport, increasing from approximately 25 to 40 vessels. At King's Bay, Georgia, approximately 25 miles to the north, the Navy is expanding its submarine support facility. The Navy has indicated this will

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[1] *Offshore Vessel Traffic Management Study.* U.S. Department of Transportation, Research and Special Programs Administration, Transportation Systems Center, Cambridge, MA. August 1978.

[2] *Deepwater Ports Navigation: Hazards and Risk.* Planning Research Corporation, Systems Service Company, McLean, VA. February 1979.

[3] *Environmental Impact Assessment: OCS Oil and Gas proposed 1981 Sales A66 and 66.* New Orleans Outer Continental Shelf Office, New Orleans, LA. July 1980.

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be one of the largest facilities on the east coast.

Because of the variety and extent of marine activities in area 15, item by item analysis was given to responses to the boarding (multiple choice) questionnaires completed in January 1980. During that month, 65% of the commercial arrivals in Jacksonville carried either hazardous materials or bulk petroleum/chemical products. In response to a question addressing those factors which influenced masters in choosing navigation routess, only two out of 25 respondents (8%) stated that traffic density affected route choices. In response to a question concerned with problems that impair navigation, only one respondent (4%) stated that fixed structures presented a problem. In spite of the high amount of activity within area 15, traffic density does not appear to be a problem. Routing schemes are not necessary in this area at the present time. It should be mentioned that due to the Florida current, flowing north from the Gulf of Mexico, a natural separation scheme has developed off the Florida east coast. Southbound vessels remain close in to shore in order to avoid the current; northbound traffic sails further out to take full advantage of the current.

Area 16. Includes Cape Canaveral Area.

From the coast seaward to the 1800 meter curve or the limit of Bahamian jurisdiction, from 30° N latitude to 27° N latitude.

Within this area, military operations are the principal activities. The Naval Ordnance Test Unit, a test facility for submarine-based missile launches, is located at Port Canaveral. The Air Force and the National Aeronautics and Space Administration (NASA) operate missile and space launch facilities at Cape Canaveral. Most of area 16 serves as an impact zone for recoverable stages and jettisoned equipment from DOD and NASA launches. (This impact zone extends into area 15.) When NASA commences launches with the Space Shuttle program on a regular basis, the impact zone for these launches will be in area 16. The Air Force is tasked with safety coordination for launches; this includes broadcasting notices to mariners to advise of impact areas during a launch. This has been an effective method without any reported incidents involving shipping. Commenters did not report any hazardous problems within this area. No routing measures are proposed for this area.

Area 17. Includes Port Everglades and Miami, Florida. From the coast seaward to the limit of Bahamian jurisdiction, from 27° N latitude to 25° 20.0′ N latitude.

Port Everglades, Palm Beach, and Miami are the major ports in this area. Vessel traffic is steady with a wide variety of cargoes handled. Congestion does occur, but only within the ports. Respondents indicated that the port approaches are hazard-free.

As stated above, the Florida current provides a natural separation scheme for vessels transiting this region. In a previous Seventh District study (1976) two crossing areas were identified within area 17—one 13 miles south southeast of Miami and the other 13 miles south southeast of West Palm Beach. These crossing situations are created by the confluence of traffic southbound/northbound from the Straits of Florida, and westbound from the Bahamas. It has been estimated that within areas 17 and 18, in excess of 32,000 recreational boat operations occur on a daily basis. During a 30-day period in January/February 1980, there was an average of eight commercial arrivals per day in Miami and six arrivals per day in Port Everglades. Assuming that these figures are representative of daily averages, it can be concluded that despite the vast number of recreation operations and the existence of two crossing junctions, the commercial traffic is insufficient for special routing procedures at the junctions.

Area 18. Includes the Florida Keys and southwest Florida coast. From the coast to the 1800 meter curve or the limit of the Bahamian jurisdiction or the limit of Cuban jurisdiction, from 25°20.0′ N latitude on the eastern side of Florida, around the Florida Keys, to 27° N latitude on the western side of Florida.

Area 18 includes the Straits of Florida. Estimates of the number of vessels transiting the Straits per day vary from 38 to 100 (District Study, 1976). Although this is considered an environmentally sensitive area, the volume of traffic does not warrant routing measures. Respondents in the present study indicated the region can be navigated without undue hazards. The Florida current provides separation of traffic in this area, with westbound traffic sailing close to the shore. A crossing situation has been identified 14 miles south of Dry Tortugas (1976 study); however, considering the estimates of the number of vessels transiting the Straits, this crossing junction does not appear hazardous.

In August 1979, BLM announced that tracts within area 18 would be open for bids on OCS leases. In July and October 1981, lease sales #66 and #A66 will occur. The tracts open for bids lie approximately 60 miles offshore west of Fort Myers and extend approximately 50 miles in a north-south direction. BLM estimates that 30 platforms may eventually be placed in the area of leases 66 and A66. (It should be noted that these leases will also cover parts of the western Gulf so that all platforms probably would not be located off the Florida coast.) Some form of routing may be necessary in the future, dependent upon the outcome of exploratory drilling. Although it is premature at this time to recommend any particular form of routing, a fairway system may be appropriate in the future. There is currently a safety fairway extending southwesterly from Charlotte Harbor (33 CFR 209.135). The proposed OCS tracts do not lie in the path of the fairway. The Corps of Engineers regulations in 33 CFR 209.135 which establish this fairway are unaffected by this report and the regulations remain in full effect. There will be a separate but related ongoing action directed toward the repromulgation of these regulations by the Coast Guard.

Area 18a. Includes Puerto Rico and U.S. Virgin Islands. Enclosed by a line drawn from 21°00′ N latitude, 67°00′ W longitudinal to 15°30′ N latitude, 68°30′ W longitude to 17°45′ N latitude, 64°05′ W longitude; thence northwesterly along the international boundary between the U.S. and the United Kingdom to 18°27′ N latitude, 64°53′ W longitude, thence along a line drawn to 21°00′ N latitude, 65°50′ W longitude; thence continuing to the origin (21°00′ N, 67°00′ W).

This area includes Puerto Rico and was added to the study in January 1980 (45 FR 7026). The study did not identify any congestion or navigation problems in the region. No mineral exploration is projected for the next 10 years. In a previous Coast Guard study, Guayanilla Bay, Puerto Rico, was identified as a high risk area for vessel groundings. In a five-year period (FY72–FY77), 29% (16 out of 55) groundings in that study's data base occurred in Guayanilla Bay. The Seventh District subsequently (1979) completed a study on this Bay; as a result, several changes to the ranges within the Bay were made in order to facilitate navigation. In the present study, no hazards in the port approaches were noted. Also, in the past year, vessel traffic into Guayanilla Bay has fallen from a 1977 average of 10 petro-chemical carriers per day to the present level of about three petro-chemical carriers per day. Sources contacted during this study do not see an increase in this level of shipping in the foreseeable future.

Area 19. Includes the entrance to Tampa Bay. From the coast to a line bearing 019° T passing through the point 27° N latitude, 85° W longitude, from 27° N latitude to 28° N latitude.

According to the new BLM lease schedule, area 19 will be part of OCS lease areas #66 and #A66. A small number of tracts for OCS exploration will be open for bids in 1981. The number of tracts available are so few that navigational problems are not expected. A safety fairway now extends from Tampa Bay (33 CFR 209.135), but the BLM lease tracts do not lie in the fairway. The Corps of Engineers regulations in 33 CFR 209.135 which establish this fairway are unaffected by this report and the regulations remain in full effect.

Tampa is an active port; however, no respondents indicated any hazards for navigation safety in the port approaches. Although Tampa is the site of two major marine casualties during 1980, no special routing procedures are recommended under this study, as these incidents were within the port, and not in the port approaches. However, the Coast Guard is conducting a study into the Navigation Safety aspects of Tampa Bay, and this may result in new proposals.

Area 20. Includes the Cedar Keys Area.

Enclosed by the coast and a line bearing 199° T from the coast at 83°50.0′ W longitude to 28° N latitude; thence a line bearing 090° T to the coast.

This area encompasses no major shipping or port activities. A small area of OCS tracts will be available for leasing in 1981 as part of sales #66 and #A66. These tracts lie approximately 40 miles southwest of Crystal River. The traffic density in this area does not warrant routing measures.

Conclusion

1. Findings for study areas 13 to 20 indicate that the establishment of new routing measures within the study areas is unnecessary at the present time.
2. Traffic patterns and traffic density in these areas will continue to be monitored, and a reassessment of the need for vessel routing measures will be made when relevant trends or circumstances are detected.
3. Particular attention will be given to activity in the Straits of Florida from Dry Tortugas east to the West Palm Beach area; to the DOD/NASA missile launch impact zone; and to regions of OCS development.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Young, Office of Marine Environment and Systems (G–WWM–2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426–4958 between 7:30 a.m. and 4:30 p.m. Monday through Thursday, except holidays.

Dated: September 24, 1981.

W. E. Caldwell,

Chief, Office of Marine Environment and Systems.

[FR Doc. 81–28630 Filed 9–30–81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Airports District Office, Detroit, Michigan; Change of Address

Notice is hereby given that on or about October 15, 1981, the Airports District Office, Building 358, Detroit Metropolitan Airport, Detroit (Romulus), Michigan 48242, will be relocated to 8800 Beck Road, East Willow Run Airport, Belleville, Michigan 48111. Services to the aviation public formerly provided by this office will continue to be provided at their new location.

Issued in Des Plaines, Illinois, on Sept. 21, 1981.

F. Issac,

Chief Airports Division, Great Lakes Region.

[FR Doc. 81–28440 Filed 9–30–81; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS–81–15]

Central New York Railroad Co.; Petition for Exemption from the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Central New York Railroad (CNYR) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64(e)). That petition request that the CNYR be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provisions that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The CNYR seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for a oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–81–15, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before October 30, 1981, will be considered by the FRA before final action is taken. Comments received after the date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).)

Issued in Washington, D.C. on September 24, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81–28188 Filed 9–30–81; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS–81–13]

Cooperstown and Charlotte Valley Railroad Co.; Petition for Exemption from the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Cooperstown and Charlotte Valley Railroad (C & CV) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)). That petition requests that the C & CV be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the

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statute, to seek an exemption from this twelve hour limitation.

The C & CV seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-13, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before October 30, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d)).

Issued in Washington, D.C. on September 24, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-28185 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-81-14]

Fonda, Johnstoron & Gloversville Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that Fonda, Johnstoron & Gloversville Railroad (FJ&G) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the FJ&G be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The FJ&G seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views of comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-14, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before October 30, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C. on September 24, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-28187 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-81-16]

Lackawaxen and Stourbridge Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Lackawaxen and Stourbridge (L&S) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the L&S be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The L&S seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-16, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before October 30, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments recieved will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).

Issued in Washington, D.C. on September 24, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-28189 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS–81–17]

New York, Susquehana and Western Railroad Co.; Petition for Exemption from the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the New York, Susquehana and Western Railroad (NYSW) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)). That petition requests that the NYSW be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The NYSW seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–81–17, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before October 30, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).

Issued in Washington, D.C. on September 24, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81–28190 Filed 9–30–81; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS–81–12]

Wolfeboro Railroad Co.; Petition for Exemption from the Hours of Service Act

In accordance with 49 CFR 211.41 and § 211.9, notice is hereby given that the Wolfeboro Railroad Company (Wolfeboro) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91–169, 45 U.S.C. 64a(e)). That petition requests that the Wolfeboro be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The Wolfeboro seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views of comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS–81–12, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before October 30, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d).)

Issued in Washington, D.C. on September 24, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81–28186 Filed 9–30–81; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP81–4; Notice 2]

Suzuki Motor Co., Ltd.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Suzuki Motor Co., Ltd. of Santa Fe Springs, California, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR Part 567 (a safety-related defect) and 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance and defect are inconsequential as they relate to motor vehicle safety.

Notice of the petition was published on February 19, 1981, and an opportunity afforded for comment (46 FR 13060).

The petition involves both a safety-related defect and a noncompliance with a Federal Motor Vehicle Safety Standard. The defect exists from failure to meet the certification regulations, 49 CFR Part 567. Section 567.4(g) (3) and (4) requires that the maximum load rating marked on the rear tire of a motorcycle be not less than the Rear Gross Axle Weight Rating ("RGAWR") of the machine.

From January through September 1980 Suzuki produced 6,675 1980 model and 1,500 1981 model GS1000 G model motorcycles with incorrectly marked certification labels. The RGAWR marked on the motorcycles is 668 pounds. The correct value is 640 pounds, 28 pounds less. The GVWR marked on the motorcycles is 1112 pounds. The correct value is 1084 pounds, 28 pounds less. The maximum load rating marked on the 4.50 V17–4PR rear tire is 640 pounds at 40 psi cold. The tire, however, is rated at 670 pounds up to 130 mph regardless of the 640 pounds marked on the sidewall. With respect to future production, Suzuki could have resolved

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the noncompliances either by marking future tires with a 670 pound maximum load rating, or by marking future certification labels with a 640 pound RGAWR (1068 pounds GVWR). It has decided to change future certification labels.

The company argued that the noncompliances were inconsequential because the tire will not be overloaded even if the operator puts 668 pounds on it; and that its customers to date are not confused by the incorrect information. In addition, there should be no safety problem with replacement tires; the maximum load rating of the tire meets or exceeds RGAWR and all are rated up to 130 mph, identical to the tires in question.

No comments were received on the petition.

The actual rating of the tire is 670 pounds at 130 mph. Since the motorcycle is designed not be exceed this speed, the actual load capacity of the tire exceeds the erroneous RGAWR marked on the motorcycles (668 pounds) by a 2-pound margin. Thus no safety hazard has been created by Suzuki's error. Accordingly, petitioner has met its burden of persuasion and it is hereby determined that the noncompliances herein described are inconsequential as they relate to motor vehicle safety, and the petition by Suzuki Motor Co., Ltd. is here granted.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 22, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–28191 Filed 9–30–81; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. EX81–2; Notice 2]

Vintage Reproductions, Inc.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by Vintage Reproductions, Inc. of Fort Lauderdale, Florida, for temporary exemption for its 1900 Series Horseless Carriages from certain safety standards on grounds of substantial economic hardship.

Notice of receipt of the petition was published on March 23, 1981, and an opportunity afforded for comment (46 FR 18138).

The company produces replicas of turn-of-the-century vehicles. It appears to manufacture about 100 such each year. Petitioner's 1900 series Horseless Carriages have received NHTSA exemptions twice previously (EX74–6, EX78–1). While its latest exemptions, which expired March 1, 1981, were in effect, it states that it has achieved conformance with Safety Standards Nos. 101, 102, 105, 106, 109, 110, 124, 207, 210, 212 and 301. The company now requests exemption from the following standards for the reasons indicated:

Standard No. 103, *Windshield Defrosting/Defogging Systems.*

Standard No. 104, *Windshield Wiping and Washing Systems.*

The vehicles are open, and not likely to be used in adverse weather. An electric wiping system is nonetheless supplied.

Standard No. 114, *Theft Protection.*

Standard No. 115, *Vehicle Identification Number.*

Due to its unique configuration, this vehicle would be readily identifiable if stolen. It has a VIN attached to the dash and number stamped into the frame.

Standard No. 201, *Occupant Protection in Interior Impact.*

Standard No. 203, *Impact Protection for the Driver From the Steering Control System.*

Standard No. 204, *Steering Control Rearward Displacement.*

The steering column is mounted vertically from the floor rather than having "the conventional wheel which is aimed directly at driver's chest."

Standard No. 202, *Head Restraints.*

The vehicle's maximum speed of 35 m.p.h. and use "for non-conventional purposes (parades, sales/marketing)" make it unlikely to be involved in accidents. Further, head restraints "would absolutely destroy the reproduction value."

Standard No. 208, *Occupant Crash Protection.*

Petitioner's basis for its request is unclear; however, under its previous exemption it was required to provide a Type 1 seat belt assembly at each designated seating position, though relieved of compliance with the remainder of the standard.

Standard No. 302, *Flammability of Interior Materials.*

The vehicle is open and occupants can easily jump free of it in the event of an accident.

A 3-year exemption is requested from each of the above standards.

In support of its petition the company argued that it is not likely that its replica vehicles will present a significant hazard to traffic safety. It believes the overall concept is such that the vehicles' appeal primarily is for occasional, limited use (*e.g.*, auto shows, resort use) rather than extensive daily use on the public roads. The company has over 25 full-time employees. In a recent 6-year period (May 1, 1974–April 30, 1980) it had a cumulative net loss of about $80,000. Therefore, compliance with any of the standards for which it requests exemption would cause it substantial economic hardship.

One comment was received on the petition, which opposed it, principally on the basis that petitioner was not sufficiently convincing in its arguments.

The agency notes with approval petitioner's representation that it now complies with 11 standards from which it was previously exempted. Also noted is that compliance was met during a time of economic loss for the petitioner. The ten that are the subject of the petition are those that appear to afford a continuing problem to a vehicle replicating a design 80 years old. Even if the petitioner was not confronted with the design and marketing constraints implicit in producing a replica, it would be subject to the substantial developmental production and test costs involved in achieving and demonstrating compliance. NHTSA's past grants of temporary exemption from these standards have not contributed to or resulted in, so far as is known, any accidents or injuries involving these vehicles, and supports petitioner's arguments that these machines are for limited use and do not present a significant threat to traffic safety. The Administrator has determined and now finds that immediate compliance with the standards discussed herein would cause the petitioner substantial economic hardship, and that an exemption is in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act, with one exception: the manufacturer has not shown that providing lap belts would create a hardship, and it thus is not exempted from that requirement of Standard No. 208.

For the reasons expressed above, Vintage Reproductions, Inc. is hereby granted NHTSA Exemption No. 81–2, expiring July 1, 1984, from the following Federal motor vehicle safety standards: 103, 104, 111, 115, 201, 202, 203, 204, 208 (except for that portion of § 4.1.2.3.2 that requires a Type 1 seat belt assembly at each designated seating position), and 302.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50)

Issued on September 23, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81–28092 Filed 9–30–81; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP81-7; Notice 2]

Firestone Tire & Rubber Co.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by the Firestone Tire & Rubber Co. of Akron, Ohio, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on March 12, 1981, and an opportunity afforded for comment (46 FR 18493).

Paragraphs S4.3 (b) and (c) of Standard No. 109 require that the sidewalls of each passenger car tire be labelled with the maximum permissible inflation pressure and maximum load rating. Firestone manufactured an unknown number of P195/75R14 Deluxe Champion Radial polyester fiberglass tires incorrectly marked on the serial, or blackwall side, as "MAX, LOAD 635 kg (1400 lbs.) AT 240 kPa (35 P.S.I.) MAX. LOAD." However, the white sidewall side was correctly marked with the words "MAX. LOAD 635 kg (1400 lbs.) AT 240 kPa (35 P.S.I.) MAX. PRESS." Firestone argued that the noncompliance was inconsequential because the white sidewall side is usually the side mounted outboard to the vehicle, the letters P.S.I. clearly refer to inflation pressure precluding confusion, and the sequencing of the words in the label virtually eliminates the possibility of misinterpreting the stamping.

No comments were received on the petition.

The National Highway Traffic Safety Administration concurs with petitioner's argument that the noncompliance herein described is not likely to cause confusion. In the rare instance in which a blackwall side might be mounted outwards, the P.S.I. marking after the figure "35" would clearly indicate pressure rather than load. Accordingly, petitioner has met its burden of persuasion and it is hereby found that the noncompliance with Motor Vehicle Safety Standard No. 109 herein described is inconsequential as it relates to motor vehicle safety.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 89 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 24, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–28359 Filed 9–30–81; 8:45 am]

BILLING CODE 4910–59–M

Automotive Fuel Economy; Denial of Petition

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Denial of petition.

SUMMARY: This notice announces the denial of a petition from the Center for Auto Safety. That petition requested that the agency continue rulemaking on post-1985 average fuel economy improvements for passenger automobiles and light trucks. The agency previously announced the termination of that rulemaking. See 46 FR 22243, April 16, 1981. The petitioner's main argument for reconsidering this decision is that the agency should not rely on market forces alone to guarantee improvements in fuel efficiency, particularly in view of limited improvements achieved prior to the establishment of a fuel economy standards program. However, the current market situation is considerably different from that of the early 1970's, in light of major gasoline price increases and threats to continued gasoline supply occurring over the past 3 years. The agency continues to find that, given the strong consumer demand for fuel efficient vehicles and the manufacturers' product plans to achieve major fuel economy improvements through 1985, there is no need to pursue rulemaking at this time. However, the agency will continue to monitor the efforts of the vehicle manufacturers to achieve fuel economy improvements consistent with national energy needs.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley Scheiner, Office of Automotive Fuel Economy Standards (NRM–22), National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–472–5906).

(Sec. 9, Pub. L. 89–670, 80 Stat. 931 (49 U.S.C. 1657); Sec. 301, Pub. L. 94–163, 89 Stat. 901 (15 U.S.C. 2002); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 25, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–28520 Filed 9–30–81; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in August 1981. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewal and Party to Exemptions		
2709–X	DOT–E 2709	U.S. Department of Defense, Washington, DC.	49 CFR 173.52, 177.834(l)(1)	To authorize the shipment of a Class A liquid explosive in non-DOT specification specially designed drums and containers. (Mode 1.)
3569–X	DOT–E 3569	NL McCullough/NL Industries, Incorporated, Houston, TX.	49 CFR 173.246, 172.101 column 4, 175.3.	To authorize use of non-DOT specification cylinder for shipment of a liquid oxidizer. (Modes 1, 2, 3, and 4.)
3600–X	DOT–E 3600	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 172.300, 173.87	To authorize shipment of Lance rocket engines in specific configurations which contain class B and Class C explosives. (Modes 1, and 2.)
4459–X	DOT–E 4459	Lif-O-Gen American Life Support Corporation, Cambridge, MD.	49 CFR 173.302(a)(1), 173.304(a)(1), 173.328(a)(2), 173.353(a)(3), 175.3, 178.37.	To authorize the use of a non-DOT specification cylinder for shipment of flammable gases, nonflammable gases, Class A poisons, Class B poisons and mixtures thereof. (Modes 1, 2, and 4.)
5022–X	DOT–E 5022	U.S. Department of Defense, Washington, DC.	49 CFR 174.101(l), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To authorize the shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1, and 2.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5179-X	DOT-E 5179	Union Carbide Corporation, Tarrytown, NY.	49 CFR 173.302, 173.304, 178.45-17	To authorize use of cylinders not marked to DOT specification for shipment of certain flammable and nonflammable compressed gases. (Modes 1 and 3.)
5248-X	DOT-E 5248	Lawrence Livermore Laboratory, Livermore, CA.	49 CFR 173.389(g) 175.3	To authorize the shipment of a certain quantity of polonium-210 in any DOT Specification approved outer Type A packaging. (Modes 1, 2, 4, and 5.)
5746-X	DOT-E 5746	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 173.145, 173.268, 175.3, 176.83(b).	To authorize shipment of contaminated missile components or detanking pumps containing a certain flammable liquid and a corrosive liquid packaged in wooden boxes or metal drums. (Modes 1, 2, 3 and 4.)
5777-X	DOT-E 5777	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 173.93(c)	To authorize shipment of certain propelling charges with primer or igniter, or both; class B explosives packaged in specific cylindrical type metal containers. (Modes 1 and 2.)
5876-X	DOT-E 5876	FMC Corporation, Philadelphia, PA	49 CFR 107 App B, 173.365, 178.241	To authorize several alternative packaging methods to those prescribed in the regulations for a Class B posion. (Modes 1, 2 and 3.)
5945-X	DOT-E 5945	Chemetron Corporation, Countryside, IL	49 CFR 173.315, 178.245	To authorize the use of a small capacity DOT Specification 51 portable tank for shipment of a nonflammable compressed gas. (Mode 1.)
6232-X	DOT-E 6232	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 173.102, 173.108, 173.176, 173.87, 175.3.	To authorize shipment of a nonflammable gas, Class C explosive, and a flammable solid to be packed in the same outside package. (Modes 1, 3 and 4.)
6267-X	DOT-E 6267	Alden Leeds, Inc., South Kearny, NJ	49 CFR 173.217(a)	To authorize the transportation of certain oxidizers in Non-DOT specification double-faced fiberboard boxes. (Modes 1, 2 and 3.)
6530-P	DOT-E 6530	MG Burdett Gas Products Company, Conshohocken, PA.	49 CFR 173.302(c)	To become a party to Exemption 6530. (Modes 1 and 2.)
6658-X	DOT-E 6658	U.S. Department of Energy, Washington, DC..	49 CFR 173.21(b), 173.64(a)	To authorize use of a non-DOT specification specially designed steel drum for a certain Class A explosive. (Mode 1.)
6694-P	DOT-E 6694	Compagnie des Containers Reservoirs, Paris France	49 CFR 173.315	To become a party to Exemption 6694. (Modes 1, 2, and 3.)
6702-X	DOT-E 6702	Dow Chemical Company, Midland, MI	49 CFR 173.242(a), 173.25, 173.266(c), 175.3.	To authorize use of glass or plastic bottles overpacked in a DOT Specification 12A fiberboard box for certain corrosive liquids. (Modes 1, 2, 3 and 4.)
[illegible]	DOT-E 6755	Lincoln Welding Supply Company, Lincoln, NB.	49 CFR 173.315(a)(1)	To authorize shipment of liquid argon, nitrogen, and oxygen in non-DOT specification cargo tanks. (Mode 1.)
6759-X	DOT-E 6759	Austin Powder Company, Cleveland, OH	49 CFR 173.87, 177.835(g)(2)	To authorize shipment of Class A or B exposives in an IME 22 container or compartment on the same vehicle with non-mass detonating blasting caps. (Mode 1.)
6759-X	DOT-E 6759	Hercules, Incorporated, Wilmington, DE	49 CFR 173.87, 177.835(g)(2)	To authorize shipment of Class A or B explosives in an IME 22 container or compartment on the same vehicle with non-mass detonating blasting caps. (Mode 1.)
6810-X	DOT-E 6810	U.S. Department of the Interior, Amarillo, TX.	49 CFR 173.302(a)(1)	To authorize shipment of a nonliquefied, nonflammable compressed gas in seamless steel tanks(tubes) made in compliance with DOT 107A except they are not mounted on a rail car. (Mode 1.)
			Renewal and Party to Exemptions	
7285-P	DOT-E 7285	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.315(a)	To become a party to Exemption 7285. (Modes 1, 2 and 3.)
7466-X	DOT-E 7466	Firmenich Incorporated, Princeton, NJ	49 CFR 173.119(a)(7), 175.3	To authorize use of an aluminum can overpacked in a fiberboard box for shipment of certain flammable liquid mixtures. (Modes 1, 2, 3, 4.)
7476-X	DOT-E 7476	Thompson Tank & Manufacturing Co., Inc., Long beach, CA.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a) 178.340-7, 178.342-5, 178.343-5.	To authorize the manufacture, marking, and sale of certain non-DOT specification cargo tanks for use in the transportation of certain flammable liquids and corrosive liquids. (Mode 1.)
7685-X	DOT-E 7685	Cordova Chemical Company Sacramento, CA.	49 CFR 173.65(b)	To authorize use of DOT Specification 21C fiber drum with two 4 mil inner polyethylene film bags as packaging for a certain Class A explosive. (Mode 1.)
7730-X	DOT-E 7730	Western Company of North America, Fort Worth, TX.	49 CFR 178.343-5(b)(2)	To authorize use of a DOT Specification MC-312 cargo tank for transportation of certain corrosive materials. (Mode 1.)
7755-X	DOT-E 7755	Varian Associates, Inc., Palo Alto, CA	49 CFR Parts 100-199	To authorize small quantities of liquid hazardous materials in prescribed packagings essentially without regulation. (Modes 1, 2, 3, 4 and 5.)
7891-P	DOT-E 7891	Sigma Chemical Company, St. Louis, MO	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3) 172.504(a), 172.504, Table 1, 173.25(a)..	To become a party to exemption7891. modes 1 and 2.)
7891-P	DOT-E 7891	Aldrich Chemical Company, Milwaukee, WI.	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 172.504, Table 1, 173.25(a)..	To become a party to Exemption 7891. (Modes 1 and 2.)
7911-X	DOT-E 7911	Richmond Lox Equipment Company, Livermore, CA.	49 CFR 172.101, 173.315(a)	To authorize the use of a non-DOT specification cargo tank for the transportation of certain flammable gases. (Mode 1.)
7943-X	DOT-E 7943	Hill Brothers Chemical Company, Orange, CA.	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	To authorize shipment of corrosive liquids in fiberboard boxes complying with DOT Specification 12B except for handholes in top flaps. (Mode 1.)
8000-X	DOT-E 8000	Fauvet-Girel, Paris, France	49 CFR Part 173 Subpart D, F and H	To authorize shipment of certain flammable and poison B liquids in non-DOT specification ISO portable tanks. (Modes 1, 2 and 3.)
8012-X	DOT-E 8012	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.266	To authorize the transportation of an oxidizer in non-DOT specification portable tanks. (Modes 1, 2 and 3.)
8012-X	DOT-E 8012	Bignier Schmid-Laurent, Paris, France	49 CFR 173.266	To authorize the transportation of an oxidizer in nen-DOT specification portable tanks. (Modes 1, 2 and 3.)
8012-X	DOT-E 8012	United Tank Container, Incorporated, New York, NY.	49 CFR 173.266	To authorize the transportation of an oxidizer in non-DOT specification portable tanks. (Modes 1, 2 and 3.)
8015-X	DOT-E 8015	Deguesa, Frankfurt, West Germany	49 CFR 173.166, 173.263, 173.352	To authorize the use of non-DOT specification portable tanks for the transportation of various hazardous materials. (Modes 1, 2 and 3.)
8046-X	DOT-E 8046	Deguesa, Frankfurt, West Germany	49 CFR 173.247	To authorize the use of non-DOT specification portable tanks for the transportation of certain corrosive liquids. (Modes 1, 2 and 3.)
8055-X	DOT-E [illegible]	American Cyanamid Company, Wayne, NJ.	49 CFR 173.154	To authorize the shipment of a flammable solid in 50-pound capacity DOT Specification 44C multi-wall paper bags. (Modes 1, 2 and 3.)
8131-X	DOT-E 8131	National Aeronautics and Space Administration, Washington, DC.	49 CFR 173.301(d), 173.302(a), 173.34(d), 175.3.	To authorize the use of a non-DOT specification portable tank made of inconel 718 metal for shipment of a nonflammable gas. (Modes 1, 2 and 4.)

Application No.	Exemption No	Applicant	Regulation(s) affected	Nature of exemption thereof
8171-X	DOT-E 8171	Sea Containers, Inc., London, England	49 CFR 173.119, 173.125, 173.128, 173.129, 173.131, 173.132 173.144, 173.245, 173.346, 46 CFR 90 05-35	To authorize shipment of various liquid hazardous materials in non-DOT specification IMCO type II portable tanks. (Modes 1, 2 and 3.)
8175-X	DOT-E 8175	Norac Company, Incorporated, Azusa, CA	49 CFR 173 157(a)(4), 178.224	To authorize shipment of benzoyl peroxide, wet, in a plastic lined DOT Specification 21C fiber drum, without an inside polyethylene container. (Mode 1.)
		Renewal and Party to Exemptions		
8177-X	DOT-E 8177	A. O. Smith-Inland, Inc. Little Rock, AK	49 CFR 173.245(a)(12), 175.3	To authorize the shipment of a material corrosive to the skin, but not to metal, in a non-DOT specification metal can, overpacked with a nonhazardous material in a DOT Specification 12B fiberboard box (Modes 1, 2, 3 and 4.)
8178-X	DOT-E 8178	National Aeronautics and Space Administration, Washington, DC.	49 CFR 173.302(a), 173.34(d), 175.3	To authorize the use of a non-DOT specification composite cylinder for a compressed nonliquefied gas. (Modes 1 and 4.)
8182-X	DOT-E 8182	Societe Parlefer, Paris, France	49 CFR 173.348	To authorize the use of non-DOT specification intermodal portable tanks for the transportation of a Poison B solution. (Modes 1, 2 and 3.)
8182-X	DOT-E 8182	Fauvet-Girel, Paris, France	49 CFR 173 348	To authorize the use of non-DOT specification intermodal portable tanks for the transportation of a Poison B solution. (Modes 1, 2, and 3.)
8179-X	DOT-E 8197	Container Corporation of America, Wilmington, DE.	49 CFR Part 173, Subparts D, E, F	To authorize the use of a non-DOT specification 35-gallon polyethylene container for shipment of certain corrosive, flammable and Poison B liquids and liquid organic peroxides. (Modes 1, 2 and 3.)
8212-X	DOT-E 8212	Embassy of Switzerland, Washington DC	49 CFR 172.101, 173.87, 175.3	To authorize the transportation of Class A and Class B rocket ammunition by cargo-only aircraft. (Mode 4.)
8213-X	DOT-E 8213	Trailmaster Tanks, Incorporated, Fort Worth, TX.	49 CFR 173.119(a)(17), 173.245(a)(30), (31), 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for shipment of flammable or corrosive waste liquids or semi-solids. (Mode 1.)
8217-X	DOT-E 8217	Compagnie des Containers Reservoirs, Paris, France.	49 CFR Part 173 Subpart D, F, H, J & K	To authorize shipment of flammable, combustible, corrosive, and poison liquids, and ORM-A materials in non-DOT specification ISO portable tanks. (Modes 1, 2 and 3.)
8222-X	DOT-E 8222	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.245a	To authorize the use of a non-DOT specification portable tank for the transportation of a corrosive material. (Modes 1 and 3.)
8228-X	DOT-E 8228	Bureau of Alcohol, Tobacco and Firearms, Washington, DC.	49 CFR 173.100(bb), 173.113(a)(1), 173.86.	To authorize the transportation of packages containing not in excess of 35 grams of one type of explosive material or one explosive device, not exceeding 35 grams, in any one package. (Mode 1.)
8232-X	DOT-E 8232	ANF Industries, Paris, France	49 CFR 173.315(a)	To authorize use of a non-DOT specification portable tank for the transportation of certain compressed gases. (Modes 1, 2 and 3.)
8232-X	DOT-E 8232	Societe Auxiliarie de Transports et d'Industries Paris, France.	49 CFR 173.315(a)	To authorize use of a non-DOT specification portable tank for the transportation of certain compressed gases. (Modes 1, 2 and 3.)
8253-X	DOT-E 8253	Allied Drum Service, Incorporated, Louisville, KY.	49 CFR 173.28(o), 178.118-10(a)	To provide for the conversion of a non-DOT specification 55-gallon steel drum to an open-head, DOT Specification 17H drum. (Modes 1, 2 and 3.)
8254-X	DOT-E 8254	Applied Environments Corporation, Van Nuys, CA.	49 CFR 173.302(a), 175.3	To authorize the use of a non-DOT specification sphere for shipment of certain nonflammable gases. (Modes 1, 2 and 4.)
8255-X	DOT-E 8255	Applied Environments Corporation, Van Nuys, CA.	49 CFR 173.302	To authorize the use of a non-DOT specification cylinder for shipment of certain nonflammable gases. (Modes 1, 2 and 4.)
8260-X	DOT-E 8260	Boyonne Barrel and Drum Company, Newark, NJ.	49 CFR 173.28(o), 178.118-10(a)	To provide for the conversion of a non-DOT specification 55-gallon steel drum to an open-head, DOT Specification 17H drum. (Modes 1, 2 and 3.)
8264-X	DOT-E 8264	Hercules, Incorporated, Wilmington, DE	49 CFR 173.93	To authorize shipment of certain solid propellant explosives (Class B) and smokeless powders for small arms (flammable solids) in non-DOT specification fiber cans or tubes packed in fiberboard boxes. (Modes 1 and 2.)
8265-X	DOT-E 8265	Hercules, Incorporated, Wilmington, DE	49 CFR 173.197a, 173.93, 177.838(g)	To authorize transportation of solid propellant explosives and smokeless powder for small arms in non-DOT specification fiber tubes and 21C fiber drums packed in fiberboard boxes. (Modes 1 and 2.)
8285-P	DOT-E 8285	U.S. Environmental Protection Agency, Washington, DC.	49 CFR Parts 100-199	To become a party to Exemption 8285. (Modes 1, 2, 3, 4 and 5.)
		Renewal and Party to Exemptions		
8332-P	DOT-E 8332	Calgon Corporation, Pittsburgh, PA	49 CFR 173.245, 173.276	To become a party to Exemption 8332. (Modes 1 and 2.)
8441-P	DOT-E 8441	Eagle-Picher Industries, Inc., Joplin, MO	49 CFR 172.101	To become a party to Exemption 8441. (Mode 1.)
8544-P	DOT-E 8544	Compagnies des Containers Reservoirs, Paris, France.	49 CFR 173.118a, 173.119, 173.125, 173.245, 173.346.	To become a party to Exemption 8544. (Modes 1, 2 and 3.)
		New Exemptions		
8511-N	DOT-E 8511	Oxychem Company, New York, NY	49 CFR 173.266(f)	To authorize shipment of 70% hydrogen peroxide solution in water in DOT Specification MC-310 or MC-312 cargo tanks and 103CW or 111A60W7 tank cars constructed of stainless steel. (Modes 1 and 2.)
8544-N	DOT-E 8544	Hugonnet, S.A., Paris, France	49 CFR 173.118a, 173.119, 173.125, 173.245, 173.346.	To authorize shipment of various flammable, corrosive, combustible, poison B liquids and ORM-A materials, in non-DOT specification IMCO Type 1 portable tanks. (Modes 1, 2 and 3.)
8579-N	DOT-E 8579	E. I. du Pont de Nemours, & Company, Inc., Wilmington, DE.	49 CFR 176.410(d)	To authorize shipment of ammonium nitrate fertilizer in strapped or stretch wrapped palletized loaded bags aboard cargo vessel exempt from spacing criteria for bags and location. (Mode 3.)
8620-N	DOT-E 860	Polar Manufacturing Company, St. Cloud, MN.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)
8621-N	DOT-E 8621	Sealand Terminal Corporation, Gulfport, MS.	49 CFR 176.415(c)(2)	To authorize loading of ammonium nitrate mixtures containing more than 60% ammonium nitrate with no organic coating contained in combustible packagings on a break-bulk basis at a non-isolated facility. (Mode 3.)
8624-N	DOT-E 8624	General American Transportation Corporation, Masury, OH.	49 CFR 173.190	To manufacture, mark and sell DOT Specification 51 portable tanks for shipment of yellow phosphorus, in water, (Modes 1, 2 and 3.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8624-N	DOT-E 8626	Fiber Industries, Inc., Charlotte, NC	49 CFR 173.245(a)	To authorize shipment of orthochlorophenol, classed as a corrosive liquid, n.o.s. in non-DOT specification stainless steel portable tanks. (Mode 1.)
8632-N	DOT-E 8632	Lorentz Barrel & Drum Company, Inc., San Jose, CA.	49 CFR 173.28(m)(3), 175.3, 178.118-10(a).	To authorize conversion of non-DOT specification tight head 18 gauge steel 55 gallon drums to DOT specification 17H except for marking location for shipment of all commodities authorized in a DOT Specification 17H drum. (Modes 1, 2, 3 and 4.)
8637-N	DOT-E 7708	HTL Industries, Inc., Duarte, CA	49 CFR 173.302(a), 175.3, 178.44	To manufacture, mark and sell non-DOT specification girth welded stainless steel cylinders otherwise similar to DOT Specification 3HT for shipment of compressed air, classed as a nonflammable gas. (Modes 1, 2, 4 and 5.)
[redacted]	DOT-E 8649	Burns Chemical, Inc., Charleston, SC	49 CFR 173.245	To authorize shipment of acetic acid, glacial and acetic acid (aqueous solutions) in stainless steel DOT Specification 57 portable tanks. (Mode 1.)
		Renewal and Party to Exemptions		
8650-N	DOT-E 8650	Ethyl Corporation, Baton Rouge, La	49 CFR 173.354	To authorize Shipment of motor fuel antiknock compound, poison B liquid, in portable tanks complying with DOT Specification 51 except for grain of steel and without the ASME Code stamp. (Modes 1, 2 and 3.)
8651-N	DOT-E 8651	Rockwell International Corporation, Canoga Park, CA.	49 CFR 173.119, 173,302(a), 173.328(a), 173.336(a).	To authorize the transportation of nitrogen tetroxide and monomethylhydrazine in separate tanks mounted on a motor vehicle chassis. (Mode 1.)
8654-N	DOT-E 8654	Isomedix, Inc., Whippany, NJ	49 CFR 173.394(b)(1)(5)(6)	To authorize shipment of special form radioactive materials in DOT Specification 55 containers build after March 1975. (Modes 1 and 2.)
8655-N	DOT-E 8655	Western Electric Company, Greensboro, NC.	49 CFR 173.352(a)(1)	To authorize shipment of a cyanide solution, n.o.s., classed as a poison B, in DOT Specification 6D steel overpack with inside Specification 2S or 2SL polyethylene container. (Mode 1.)
8657-N	DOT-E 8657	Celanese Chemical, Company, Inc., Dallas, TX.	49 CFR 173.289(a)(2)	To authorize shipment of 95% formic acid in lined aluminum DOD Specification 111A60ALW tank cars. (Mode 2.)
8661-N	DOT-E 8661	Ethyl Corporation, Baton Rouge, LA	49 CFR 173.119(m)	To authorize shipment of a flammable liquid, n.o.s., which is also a poison B liquid in DOT Specification 51 portable tanks. (Modes 1, 2 and 3.)
8662-N	DOT-E 7891	Sigma-Aldrich Corporation, St. Louis, MO	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 172.504, Table 1, 173.25(a).	To authorize shipment of certain small quantities of Class B poisonous liquids, flammable liquids, flammable solids, oxidizers and corrosive materials in specially designed packagings exempt from labeling and flammable solids from placarding requirements. (Modes 1 and 2.)
		Emergency Exemptions		
EE 8697-N	DOT-E 8697	ERA Helicopters, Inc.,, Anchorage, AK	49 CFR 172.101, 175.30(a)(1)	To authorize the transportation of propane in DOT Specification 4B240, 4BA240, 4BW240 cylinders via helicopter utilizing sling loads. (Mode 4.)
EE 8704-N	DOT-E 8704	Thiokol Corporation, Elkton, MD	49 CFR 172.101 column 6(b)	To authorize the shipment of two rocket motors having excess gross weight. (Mode 4.)
EE 8708-N	DOT-E 8708	Great Lakes Chemical Corporation, West Lafayette, IN.	49 CFR 173.357(b)	To authorize the use of non-DOT specification steel drums for the shipment of a poison B. (Mode 1.)

WITHDRAWALS

Application No.	Applicant	Regulations(s) affected	Nature of exemption thereof
4497-X	Red Ball Supply, Inc., Oklahoma City, OK	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification cargo tanks for shipment of certain nonfammable gases. (Mode 1.)
6861-P	GOEX, Inc., Cleburne, TX	49 CFR 173.65(a)	To become a party to Exemption 6861. (Mode 1.)
8670-N	Oriole Chemical Carriers,Inc., Baltimore, MD	49 CFR 172.101, 172.203(a), 172.328(a)(e), 172.334(b)(d)	To authorize the transportation of sodium hydroxide and potassium hydroxide in MC-312 cargo tanks which dispaly only one identification number for materials which require identical emergency response treatment. (Mode 1.)

8600-N	Request by CanOcean Resources Ltd., New Westminister, Canada to manufacture, mark and sell non-DOT specification fusion welded tank car tanks built in accordance with proposed Specification 220A500W for shipment of chlorine denied August 10, 1981.
8622-N	Request by Department of Defense, Washington, DC to de-regulate or classify other than an explosive, Triaminotrinitrobenzene (TATB) and munitions containing TATB denied August 18, 1981.
8634-N	Request by International Minerals & Chemical Corporation, Allentown, PA to authorize shipment of pentaerythrite tetranitrate containing at least 25% water, by weight packed in bags overpacked in a non-DOT specification fiberboard box complying with IMCO requirements denied August 26, 1981.
8677-N	Request by International Mineral & Chemical Corporation, Allentown, PA to authorize shipment of a high explosive, Class A in non-DOT specification 5 gallon capacity polyethylene pails denied August 18, 1981.

Issued in Washington, DC, on September 17, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-27798 Filed 9-30-81; 8:45 am]

BILLING CODE 4910-60-M

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in July 1981. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Renewal and Party to Exemptions		
1479–P	DOT–E 1479	Jet Propulsion Laboratory, Pasadena, CA	49 CFR 173.315(a)(1)	To become a party to Exemption 1479. (Mode 1.)
2709–X	DOT–E 2709	Hercules, Inc. Wilmington, DE	49 CFR 173.52, 177.834(l)(1)	To authorize the shipment of a Class A liquid explosive in non-DOT specification containers. (Mode 1.)
2805–X	DOT–E 2805	Allied Corp., Petersburg, VA	49 CFR 172.101, 173.315(a)(1)	To authorize shipment of liquefied ethylene in non-DOT specification insulated cargo tanks. (Mode 1.)
3121–X	DOT–E 3121	U.S. Department of Defense, Washington, DC.	49 CFR 173.336(a), 177.841(b)	To authorize the use of non-DOT specification cargo tanks for the transportation of a certain Class A poisonous liquid. (Mode 1.)
3134–X	DOT–E 3134	Hooker Chemical Co., Houston, TX	49 CFR 173.249(a)(5), 179.200–4(a)	To authorize the use of a DOT Specification 103W or 111A100W1 tank car having an insulated jacket constructed or reinforced polyester resin for shipment of a corrosive liquid (Mode 2.)
3367–X	DOT–E 3367	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.315(a), 173.316	To authorize non-DOT specification vacuum insulated cargo tanks for shipment of liquefied hydrogen. (Mode 1.)
4262–X	DOT–E 4262	Schlumberger Well Services; Houston, TX	49 CFR 172.101, 173.53(u), 173.80	To authorize shipment of charged oil well jet perforating guns with initiators attached. (Mode 1.)
4400–X	DOT–E 4400	AIRCO Industrial Gases, Murray Hill, NJ	49 CFR 172.101, 173.315(a)	To authorize the shipment of liquefied hydrogen and pressurized liquid helium in non-DOT specification insulated cargo tanks. (Modes 1, and 3.)
4719–X	DOT–E 4719	Dow Chemical Co., Freeport, TX	49 CFR 173.314(c), 173.315(a)(1)	To authorize the shipment of certain compressed gases not listed in 49 CFR 173.314 and 173.315, in DOT. Specification cargo tanks and tank cars. (Modes 1 and 2.)
4719–X	DOT–E 4719	Allied Corp., Morristown, NJ	49 CFR 173.314(c), 173.315(a)(1)	To authorize the shipment of certain compressed gases not listed in 49 CFR 173.314 and 173.315, in DOT. Specification cargo tanks and tank cars. (Modes 1 and 2.)
5022–X	DOT–E 5022	United Technologies Corp., Sunnyvale, CA.	49 CFR 174.101(l), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To authorize the shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1 and 2.)
5022–X	DOT–E 5922	The Boeing Co., Seattle, WA	49 CFR 174.101(l), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	To authorize the shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1 and 2.)
5062–X	DOT–E 5062	Dow Chemical Co., Midland, MI	49 CFR 172.101, 173.315(a)	To authorize the transportation of liquefied hydrogen chloride in DOT Specification MC–330 or MC–331 cargo tanks. (Mode 1.)
5248–X	DOT–E 5248	3M Co., St. Paul, MN	49 CFR 173.389(g), 175.3	To authorize the shipment of a certain quantity of polonium–210 in any DOT specification approved outer Type A packaging. (Modes 1, 2, 4, and 5.)
		Renewal and Party to Exemptions		
5248–X	DOT–E 5248	The Boeing Co., Seattle, WA	49 CFR 173.389(g), 175.3	To authorize the shipment of a certain quantity of polonium-210 in any DOT specification approved outer Type A packaging (Modes 1, 2, 4, and 5.)
5520–P	DOT–E 5520	Oxy Metal Industries Corp., Morenci, MI	49 CFR 173.245(a), 173.256(a)	To become a party to Exemption 5520. (Modes 1, 2, and 3.)
5600–X	DOT–E 5600	Ozark-Mahoning Co., Tulsa, OK	49 CFR 175.3, Part 173	To authorize the shipment of certain flammable or nonflammable compressed gases, flammable or corrosive liquids in a cylinder made to DOT 3A specifications except monel metal may be used rather than steel. (Modes 1, 2, and 4.)
5662–X	DOT–E 5662	Dow Chemical Co., Midland, MI	49 CFR 173.353(a), 173.353a	To authorize the use of a DOT Specification 51 portable tank for shipment of certain class B poisonous liquids. (Modes 1, 2, and 3.)
5662–X	DOT–E 5662	Great Lakes Chemical Corp., El Dorado, AR.	49 CFR 173.353(a), 173.353a	To authorize the use of a DOT Specification 51 portable tank for shipment of certain class B poisonous liquids. (Modes 1, 2, and 3.)
5923–X	DOT–E 5923	Union Carbide Corp., Tarrytown, NY	49 CFR 173.148(a)(4), 173.314	To authorize transportation of certain gases in DOT Specification 106A500X and 110A500W multi-unit tank cars, for shipment of certain flammable and nonflammable gases. (Modes 1, 2, and 3.)
5945–X	DOT–E 5945	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.315, 178.245	To authorize the use of a small capacity DOT Specification 51 portable tank for shipment of a nonflammable compressed gas (Mode 1.)
6016–X	DOT–E 6016	Livingston Medical Products Co., Modesto, CA.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
6092–X	DOT–E 6092	Fisher Scientific Co., Fair Lawn, NJ	49 CFR 173.25(b)	To authorize certain concentrations of nitric acid or perchloric acid to be transported in glass bottles overpacked in DOT Specification 33A polystyrene cases. (Modes 1 and 2.)
6126–X	DOT–E 6126	Dow Chemical Co., Midland, MI	49 CFR 173.253(a)	To authorize shipment of chloracetyl chloride in DOT specification 6D/2S or 2SL composite packaging. (Modes 1, and 3.)
6128–X	DOT–E 6128	Hapag-Lloyd, Hamburg, Germany	49 CFR 173.119, 173.125(a), 173.245(a), 173.346(a).	To authorize use of non-DOT specification intermodal portable tanks for shipment of certain hazardous materials. (Modes 1, 2, and 3.)
6228–X	DOT–E 6228	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.301(d)(4)	To authorize the use of DOT Specification 8 or DOT Specification 8 AL cylinders which are manifolded for shipment of a flammable compressed gas. (Mode 1.)
6267–X	DOT–E 6267	Georgia-Pacific Corp., Montebello, CA	49 CFR 173.217(a)	To authorize the transportation of certain oxidizers in non-DOT specification double-faced fiberboard boxes. (Modes 1, 2, and 3.)
6416–X	DOT–E 6416	Allied Corp., Morristown, NJ	49 CFR 179.101–1(a)	To authorize shipment of monochloro-difluoromethane in DOT Specification 105A300W tanks. (Mode 2.)
6477–X	DOT–E 6477	E.I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.66(c)	To authorize the shipment of a Class A explosive in non-DOT specification packaging. (Modes 1 and 2.)

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Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
			Renewal and Party to Exemptions	
6543-X	DOT-E 6543	M & T Chemicals, Inc., South San Francisco, CA.	49 CFR 173.135(a)(6), 173.136(a)(5), 173.247, 173.304, 175.3.	To authorize the shipment of certain corrosive and flammable liquids or gases in non-DOT specification 16 gauge, 304 stainless steel cylinders and/or 14 gauge 316 stainless steel cylinders.(Modes 1, 2, and 4.)
6657-X	DOT-E 6657	Liquid Air Corp., San Francisco, CA	49 CFR 173.34(e)(15)(i), 175.3	To authorize the use of specified cylinders having an age over 35 years for shipment of certain nonliquefied compressed gases. (Modes 1, 2, 3, 4, and 5.)
6657-X	DOT-E 6657	Kelsey Welding Supply Corp., New Berlin, WI.	49 CFR 173.34(e)(15)(i), 175.3	To authorize the use of specified cylinders having an age over 35 years for shipment of certain nonliquefied compressed gases. (Modes 1, 2, 3, 4, and 5.)
6657-P	DOT-E 6657	Gases & Arc Supply Co., Pueblo, CO	49 CFR 173.34(e)(15)(i), 175.3	To become a party to Exemption 6657. (Modes 1, 2, 3, 4, and 5.)
6712-X	DOT-E 6712	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.34(e)(15)(i)	To authorize the shipment of certain flammable and nonflammable gases in DOT Specification 3A or 3AA cylinders or ICC 3A or 3AA cylinders. (Modes 1, 2, 3, 4, and 5.)
6738-X	DOT-E 6738	Texas Eastman Co., Longview, TX	49 CFR 172.101, 173.315(a)	To authorize shipment of liquefied ethylene in non-DOT specification cargo tanks. (Mode 1.)
6738-X	DOT-E 6738	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 172.101, 173.315(a)	To authorize shipment of liquefied ethylene in non-DOT specification cargo tanks. (Mode 1.)
6759-X	DOT-E 6759	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.87, 177.835(g)(2)	To authorize shipment of Class A or B explosives in an IME 22 container or compartment on the same vehicle with non-mass detonating blasting caps. (Mode 1.)
6763-P	DOT-E 6763	Pool Water Products, Garden Grove, CA	49 CFR 173.217(a)(8)	To become a party to Exemption 6763. (Modes 1, 2, 3.)
6766-X	DOT-E 6766	DuBois Chemical Co., Cincinnati, OH	49 CFR 173.256	To authorize the use of DOT Specification MC-311 and MC-312 cargo tanks for shipment of a corrosive liquid. (Mode 1.)
6769-X	DOT-E 6769	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.314, 173.315	To authorize transport of trifluoromethane in DOT Specification tank cars and cargo tanks. (Modes 1, and 2.)
6798-X	DOT-E 6798	Allied Chemical, Morristown, NJ	49 CFR 173.164(a), 173.164(a)	To authorize a DOT Specification 56 portable tank and a modified DOT Specification 56 portable tank for the transportation of an oxidizing material. (Modes 1, and 2.)
6806-P	DOT-E 6806	Department of Health and Human Services; Morgantown, WV.	49 CFR 173.302(a), 175.3	To become a party to Exemption 6806. (Mode 5.)
6824-X	DOT-E 6824	Georgia-Pacific Corp., Montebello, CA	49 CFR 173.217(a)	To authorize packagings net provided for in the Hazardous Materials Regulations for certain oxidizing materials. (Modes 1, 2, and 3.)
6932-P	DOT-E 6932	Compagnie des Containers Reservoris, Paris, France.	49 CFR 173.264(b)(4)	To become a party to Exemtion 6932 (Modes 1, and 3.)
			Renewal and Party to Exemptions	
6984-X	DOT-E 6984	Explo-Midwest Inc., Joplin, MO	49 CFR 173.103(a), 173.66(g), 177.835(g)(2)(i).	To authorize the packaging of 1000 or less electric blasting caps in IME 22 containers (Class C explosives). (Mode 1.)
7005-X	DOT-E 7005	Sea Containers Pacific Ltd., Central, Hong Kong.	49 CFR 173.119, 173.141(a)(10), 173.221, 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To authorize the use of non-DOT specification intermodal portable tanks for the shipment of certain flammable, corrosive, class B poisons, and combustible liquids and ORM-A materials. (Modes 1, 2, 3, 4, and 5.)
7051-X	DOT-E 7051	Ozark-Mahoning Co., Tulsa, OK	49 CFR 173.248(a), 175.3	To authorize use of non-DOT specification Teflon bottles overpacked with either a DOT specification 12A or 12B fiberboard box for transportation of a corrosive liquid. (Modes 1 and 4.)
7052-P	DOT-E 7052	Data/Ware Development, Inc., San Diego, CA.	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Airco Temescal, Berkeley, CA	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	Saft Corporation of America, Valdosta, GA.	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7192-X	DOT-E 7192	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.315(a), 173.316(a)	To authorize the use of non-DOT specification cargo tanks for the shipment of a flammable gas. (Mode 1.)
7259-P	DOT-E 7259	Hooker Chemical Co., Houston, TX	49 CFR 176.76(g)(5)	To become a party to Exemption 7259. (Mode 3.)
7259-P	DOT-E 7259	FMC Corp., Philadelphia, PA	49 CFR 176.76(g)(5)	To become a party to Exemption 7259. (Mode 3.)
7282-X	DOT-E 7282	M-R Plastics & Coatings, Inc., Maryland Heights, MO.	49 CFR 173.315(a)(1)	To authorize the use of non-DOT specification portable tanks for the shipment of certain mixtures of nonpoisonous, nonflammable compressed gases. (Mode 1.)
7413-X	DOT-E 7413	Chilton Metal Products Division Western Industries, Inc., Chilton, WI.	49 CFR 173.302(a), 173.304(a)(1), 175.3, [illegible]	To authorize the transportation of carbon dioxide or nitrogen in a non-DOT specification brazed steel cylinder. (Modes 1, 2, 4.)
7418-P	DOT-E 7418	Interpool Ltd., New York, NY	49 CFR 173.119, 173.125, 173.245	To become a party to Exemption 7418. (Modes 1, 2, 3.)
7526-X	DOT-E 7526	Schering, A. C., Berlin, Germany	49 CFR 173.134	To authorize the shipment of a pyrophoric liquid in non-DOT specification portable tanks. (Modes 1, 3.)
7555-X	DOT-E 7555	Provost Cartage, Inc., Ville d'Anjou, Quebec.	49 CFR 172.101, 173.245, 173.263(a)(10), 173.265(b)(4).	To authorize the use of a cargo tank made from non-metallic materials for transportation of certain hazardous materials. (Mode 1.)
7590-X	DOT-E 7590	Gordons Transports, Inc., Memphis, TN	49 CFR 177.841(e)	To authorize packages containing class B poisons to be placed in a specially designed reusable overpack and transported in the same vehicle with foodstuff, feed or any other edible material. (Mode 1.)
			Renewal and Party to Exemptions	
7590-X	DOT-E 7590	Commercial Lovelace Motor Freight, Inc., Columbus, OH.	49 CFR 177.841(e)	To authorize packages containing class B poisons to be placed in a specially designed reusable overpack and transported in the same vehicle with foodstuff, feed or any other edible material. (Mode 1.)
7590-X	DOT-E 7590	Smith's Transfer Corp., Staunton, VA	49 CFR 177.841(e)	To authorize packages containing class B poisons to be placed in a specially designed reusable overpack and transported in the same vehicle with foodstuff, feed or any other edible material. (Mode 1.)
7590-X	DOT-E 7590	Ryder Truck Lines, Inc. Jacksonville, FL	49 CFR 177.841(e)	To authorize packages containing class B poisons to be placed in a specially designed reusable overpack and transported in the same vehicle with foodstuff, feed or any other edible material. (Mode 1.)
7590-X	DOT-E 7590	Transcon Lines, Los Angeles, CA	49 CFR 177.841(e)	To authorize packages containing class B poisons to be placed in a specially designed reusable overpack and transported in the same vehicle with foodstuff, feed or any other edible material. (Mode 1.)
7590-X	DOT-E 7590	Central Freight Lines, Inc., Waco, TX	49 CFR 177.841(e)	To authorize packages containing class B poisons to be placed in a specially designed reusable overpack and transported in the same vehicle with foodstuff, feed or any other edible material. (Mode 1.)

—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7590-X	DOT-E 7590	Pacific Intermountain Express Co., Oakland, CA.	49 CFR 177.841(e)	To authorize packages containing class B poisons to be placed in a specially designed reusable overpack and transported in the same vehicle with foodstuff, feed or any other edible material. (Mode 1.)
7603-X	DOT-E 7603	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 172.101, 173.315, 176.76(b)	To authorize the use of non-DOT specification cargo tanks for the shipment of certain nonflammable gases. (Mode 3.)
7725-X	DOT-E 7725	Economics Laboratory, Inc., St. Paul, MN.	49 CFR 172.201(a)(3)	To authorize the use of coded shipping papers. (Modes 1, 2, 3.)
7731-X	DOT-E 7731	Minnesota Valley Engineering, New Prague, MN.	49 CFR 172.101, 173.315(a)(1)	To manufacture, mark, and sell non-DOT specification super-insulated portable tanks for shipment of pressured liquid helium. (Modes 1, 3.)
7772-P	DOT-E 7772	Compagnie des Containers Reservoris, Paris, France.	49 CFR 173, Subpart D	To become a party to Exemption 7772.
7846-X	DOT-E 7846	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.314(c)	To authorize frame mounting and manifolding of DOT Specification seamless steel tank car tanks for shipment of certain nonflammable gases. (Modes 1, 3.)
7886-X	DOT-E 7886	W. M. Barr & Co., Memphis, TN.	49 CFR 173.245, 178.210	To authorize the shipment of a corrosive liquid in non-DOT specification metal can/fiberboard box packaging. (Modes 1. 3.)

Renewal and Party to Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7943-P	DOT-E 7943	FMC Corp., Philadelphia, PA	49 CFR 173.263(a)(15), 173.272(c), 173.272(i)(12), 173.277(a)(1).	To become a party to Exemption 7943. (Mode 1.)
8116-P	DOT-E 8116	Illinois Environmental Protection Agency, Springfield, IL.	49 CFR Parts 100-199	To become a party to Exemption 8116. (Modes 1, 2, 3, 4, 5.)
8116-P	DOT-E 8116	Illinois Environmental Resources Associates, South Chicago Heights, IL.	49 CFR Parts 100-199	To become a party to Exemption 8116. (Modes 1, 2, 3, 4, 5.)
8123-X	DOT-E 8123	Texas Instruments, Inc., Dallas, TX.	49 CFR 173.119(a)(7), 173.119(b)(4), 173.125(a)(1), 173.245(a)(12), 173.263(a)(15), 173.264(a)(4), 173.266(c)(8), 173.272, 173.299(a)(1), 173.299(b), 178.210-10.	To authorize the shipment of various hazardous materials in a non-DOT specification plastic overpack containing multiple DOT Specification 2E polyethylene bottles of one gallon capacity or metal cans. (Mode 1.)
8134-X	DOT-E 8134	J.T. Baker Chemical Co., Phillipsburg, NJ.	49 CFR 173.268(g)(1), 173.269(d)(2)	To authorize the shipment of nitric acid or perchloric acid in DOT Specification 12R boxes having inside glass bottles closed with liner-less polypropylene caps. (Modes 1, 2, 3.)
8145-X	DOT-E 8145	American Box Co., Fernwood, MS	49 CFR 173.366	To manufacture, mark, and sell non-DOT specification wirebound wood/corrugated fiberboard/polyethylene film pallet boxes for shipment of a certain Class B poisonous solid. (Modes 1, 2.)
8192-X	DOT-E 8192	Greif Brothers Corp., Springfield, NJ.	49 CFR 173.272(g), 173.346, 173.348	To authorize the shipment of Class B poisonous liquids and sulfuric acid in a DOT Specification 34 polyethylene container. (Modes 1, 2, 3.)
8215-X	DOT-E 8215	Olin Cor., East Alton, IL	49 CFR 173.101, 173.107, 173.60, 173.74, 173.78, 173.93.	To authorize the shipment of certain identified Class A, B, and C explosives in non-DOT specification containers. (Mode 1.)
8235-X	DOT-E 8235	Mobay Chemical Corp., Pittsburgh, PA.	49 CFR 173.346	To authorize the use of a non-DOT specification portable tank for shipment of certain Poison B liquids. (Modes 1, 2, 3.)
8239-X	DOT-E 8239	Westinghouse Electric Corp., Horseheads, NY.	49 CFR 173.302	To authorize the use of non-DOT specification containers for the shipment of nonflammable gases. (Modes 1, 2, 3, 4, 5.)
8354-X	DOT-E 8354	VTG Hamburg, Germany	49 CFR 173.123, 173.315	To become a party to Exemption 8354. (Modes 1, 2, 3.)
8441-P	DOT-E 8441	Magnavox Electronics Systems Co., Fort Wayne, IN.	49 CFR 172.101	To become a party to Exemption 8441. (Mode 1.)
8445-P	DOT-E 8445	Tennessee Eastman Co., Kingsport, TN	49 CFR Part 173, Subpart D, E, F, H	To become a party to Exemption 8445. (Mode 1.)
8445-P	DOT-E 8445	Advanced Environmental Technology Corp., Morris Plains, NJ.	49 CFR Part 173, Subpart D, E, F, H	To become a party to Exemption 8445. (Mode 1.)

Renewal and Party to Exemptions

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8465-P	DOT-E 8465	Allied Flexible Products, Inc., Helena, AL	49 CFR 173.182	To become a party to Exemption 8465. (Modes 1, 2).
8526-P	DOT-E 8526	Red Star Express Lines, Auburn, NY	49 CFR 177.834(l)(2)(i)	To become a party to Exemption 8526. (Mode 1).
8526-P	DOT-E 8526	National Starch & Chemical Corp., Bridgewater, NJ.	49 CFR 177.834(l)(2)(i)	To become a party to Exemption 8526. (Mode 1).
8554-X	DOT-E 8554	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.114a, 173.93	To authorize the shipment of propellant explosives and blasting agents in DOT Specification MC-306, MC-307, and MC-312 cargo tanks. (Mode 1).
8556-P	DOT-E 8556	Liquid Air Corp., San Francisco, CA.	49 CFR 172.101, 173.315(a)	To become a party to Exemption 8556. (Modes 1, 3)
8564-P	DOT-E 8564	Bunke Ramo Corp., Westlake Village, CA	49 CFR 173.206, 173.247	To become a party to Exemption 8564. (Mode 1).
8572-P	DOT-E 8572	AMEX, Inc., Hayden Lake, ID	49 CFR 172.101, 172.406, 172.504, 173.114a.	To become a party to Exemption 8572. (Mode 1).
8613-P	DOT-E 8613	Steere Tank Lines, Inc., Dallas, TX.	49 CFR 173.131(a)(2)	To become a party to Exemption 8613. (Mode 1).
8613-P	DOT-E 8613	Mission Petroleum Carriers, Houston, Tx	49 CFR 173.131(a)(2)	To become a party to Exemption 8613. (Mode 1).

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8343-N	DOT-E 8343	Westerwalder Eisenwerk, Weitefeld, W. Germany.	49 CFR 173.119	To authorize the shipment of certain hazardous materials in non-DOT specification IMCO type II portable tanks. (Modes 1, 2, 3, 4.)
8566-N	DOT-E 8566	Alpha Chemical Co., Lake Charles, LA.	49 CFR 173.119, 173.125, 173.245, 173.263, 173.289, 46 CFR 64.9.	To authorize the shipment of flammable, corrosive and combustible liquids in DOT Specification marine portable tanks. (Modes 1, 3.)
8592-N	DOT-E 8592	Beech Aircraft Corp., Boulder, CO.	49 CFR 173.315	To authorize shipment of a flammable gas in non-DOT specification cargo tanks. (Mode 1.)
8602-N	DOT-E 8602	Minnesota Valley Engineering, New Prague, MN.	49 CFR 172.101, 173.315	To manufacture, mark and sell non-DOT specification vacuum insulated portable tanks for shipment of liquefied argon, nitrogen or oxygen. (Mode 3.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8628–N	DOT–E 8628	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.314(c)	To authorize the shipment of a compressed gas mixture in DOT Specification 105A300W, 112T340W, 112T400W, 112A340W, and DOT 112A400W tank cars. (Mode 2.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 7603–X	DOT–E 7603	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 172.101, 173.315, 176 76(b)	To authorize the use of non-DOT specification cargo tanks for the shipment of certain nonflammable gases. (Mode 3.)
EE 8673–N	DOT–E 8673	Alaska International Airline, Anchorage, AK.	49 CFR 172.101, 175 30	To authorize two shipments of inhibited hydrochloric acid solution in a DOT Specification 60 rubber lined portable tank. (Mode 4.)
EE 8675–N	DOT–E 8675	Behring Shipping Co., New York, NY.	49 CFR 172.101(6)(b), 175.30	To authorize the transportation of military ammunition packed, marked and labeled in accordance with Department of Defense requirements. (Mode 4.)
EE 8675–N	DOT–E 8675	Flying Tiger Line, Los Angeles, CA.	49 CFR 172.101(6)(b), 175.30	To authorize the transportation of military ammunition packed, marked and labeled in accordance with Department of Defense requirements. (Mode 4.)
EE 8679–N	DOT–E 8679	[illegible] International, Corona, CA.	49 CFR 172.101, 172.400, 173.286, 175.3, 175.30.	To authorize the shipment of a water reactive material via air when packaged in the same outside packaging with separately packaged small quantities of a flammable liquid, a corrosive liquid, a corrosive solid, and non-hazardous materials in non-DOT specification corrugated fiberboard boxes. (Modes 1, 4, 5.)
EE 8681–N	DOT–E 8681	M-Chem, Inc., Westwege, LA.	49 CFR 173.119	To authorize the use of a DOT Specification 57 portable tank for shipment of flammable and combustible liquids by water. (Mode 3.)

Denials

7052–X Request by Duracell International, Inc., Elmsford, NY to authorize the shipment of batteries containing lithium and other materials, classed as flammable solids denied July 31, 1981.

8584–N Request by Safety-Kleen Corporation, Elgin, IL to authorize shipment of a compound, cleaning, liquid, classed as a corrosive liquid, n.o.s. in non-DOT specification reusable 16 gallon removable head steel drums similar to a DOT Specification 37A denied July 31, 1981.

Issued in Washington, DC, on September 17, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81–27793 Filed 9–30–81; 8:45 am]

BILLING CODE 4910-60-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Solicitation of Public Views on the Extension, Reduction, or Termination of Import Relief for High-Carbon Ferrochromium

On November 15, 1978, the President issued Proclamation 4608 implementing import relief in the form of a temporary duty increase on the importation of high-carbon ferrochromium described in item number 923.18 of the Tariff Schedules of the United States. That action was taken pursuant to Section 203(a) of the Trade Act of 1974, 19 U.S.C. 2253, in response to a finding by the USITC that the domestic industry producing like or indirectly competitive products was suffering from serious injury or the threat thereof substantially caused by increased imports of such products.

The import relief will expire on November 15, 1981 unless extended by the President. Pursuant to section 203(h) (3) and (4) of the Trade Act, the President may extend, reduce, or terminate the import relief after receiving advice from the USITC and taking into account the considerations in 202(c) of the Trade Act.

On September 16, 1979 the USITC reported to the President its advice under 203 (1)(2) and (1)(5) of the Trade Act as to the probable economic effects of such expiration, which was summarized as follows: "On the basis of the information before the Commission in this investigation, it is our judgment that termination of import relief with respect to high-carbon ferrochromium would have a significant adverse economic effect on the domestic industry. We therefore advise that relief be extended in modified form for an additional 3-year period to provide the domestic industry with more time in which to complete the process of adjusting to import competition. Because we believe the present relief is ineffective, we have discussed in this statement several alternative forms of extended relief for the President's consideration. It is also our view that the present relief, although no longer very effective, would be better than no relief after November 15, 1981, in view of information indicating a large buildup of inventories of imported high-carbon ferrochromium which could cause a significant decline in prices." (See USITC Report Number TA–203–8 of September 1981 for further details.)

The Office of the United States Trade Representative chairs the interagency Trade Policy Committee Structure that makes recommendations to the President as to what action, if any, he should take with respect to any action on an extension, reduction or termination of relief. In order to assist the Trade Policy Staff Committee in developing recommendations to the President, interested persons are invited to submit written briefs to the Trade Policy Staff Committee on the probable effects of any extension, reduction or termination or present import restrictions now in effect with respect to high-carbon ferrochromium, specifically with respect to the following factors:

(1) The probable effectiveness of the extension, reduction, or termination of the import relief as a means to promote adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relevant to the position of the industry in the nation's economy;

(2) The effect of the extension, reduction or termination of import relief on consumers and on competition in the domestic markets for such articles;

(3) The effect of the extension, reduction or termination of import relief on the international economic interest of the United States;

(4) The impact on United States industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

(5) The geographic concentration of imported products marketed in the United States;

(6) The extent to which the United States market is a focal point for exports of such article by reason of restraints on exports of such article to, or on imports of such article into, third country markets; and

(7) The economic and social costs which would be incurred by taxpayers, communities and workers if import relief were or were not extended, terminated or reduced.

In addition, views on the President's legal authority to extend relief with modification such as an increased breakpoint price, will be considered.

Briefs should be submitted in twenty (20) copies to the Secretary, Trade Policy Staff Committee, Room 413, 600 17th Street, N.W., The Winder Building, Washington, D.C. 20506.

To be considered by the Trade Policy Staff Committee, submissions should be received by the Secretary no later than the close of business Friday, October 9, 1981.

For further information, contact Catherine Curtiss, Room 322A (202-395-7203). Legal questions should be directed to Mike Hathaway, Room 221, (202-395-3432).

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81-28504 Filed 9-30-81; 8:45 am]

BILLING CODE 3190-01-M

Determination Regarding the Application of Certain International Agreements

This notice [1] modifies the determination published in the Federal Register of January 4, 1980 (45 FR 1181), as amended by determinations published at 45 FR 18547, 45 FR 36569, 45 FR 63402, 45 FR 85239, 46 FR 24059, 46 FR 40624 and 46 FR 46263.

Under section 1-103(b) of Executive Order 12188 of January 2, 1980, the functions of the President under section 2(b) of the Trade Agreements Act of 1979 (the Act) and section 701(b) of the Tariff Act of 1930 as amended, are delegated to the United States Trade Representative (the Trade Representative), who shall exercise such authority with the advice of the Trade Policy Committee.

Now, therefore, I, William E. Brock, United States Trade Representative, in conformance with the provisions of section 2(b) of the Act, section 701(b) of the Tariff Act of 1930 as amended, and section 1-103(b) of Executive Order 12188, do hereby determine, effective on the date of signature of this Notice, that:

With respect to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the Subsidies Code), India has accepted the obligations of the agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement.

In accordance with section 701(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1671(b)), as of September 25, 1981, India is a "country under the Agreement."

William E. Brock,

United States Trade Representative.

[FR Doc. 81-28533 Filed 9-30-81; 8:45 am]

BILLING CODE 3190-01-M

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[1] Inquiries concerning this notice should be addressed to Kathryn Flynn, Office of GATT Affairs, Office of the U.S. Trade Representative, Washington, D.C. 20506, (202) 395-3063.

Sunshine Act Meetings

Federal Register

Vol. 46, No. 190

Thursday, October 1, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD.

[M–333, September 24, 1981]

TIME AND DATE: 9:30 a.m., October 1, 1981.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Rules of Government Travel Fares: Draft order to show cause why tariffs containing the "YCA" fare designator by carriers which do not have government contracts should not be cancelled. (Memo 791, BCCP, BDA, OGC)
3. Docket 39788, Acquisition of Control by Air Florida System, Inc. Western Air Lines, Inc., Western's motion to dissolve Air Florida's voting trust. (BCCP)
4. Docket 36658, Air New England, Inc., Violations of Part 250. (Memo 603–A, BCCP)
5. Commuter carrier fitness determination of Pennsylvania Aviation, Inc. d.b.a. Wings Airways. (Memo 790, BDA)
6. Commuter carrier fitness determination of Pompano Air Taxi, Inc. d.b.a. Pompano Airways. (Memo 786, BDA)
7. Dockets EAS–391 through 402; Appeal of Essential Air Service Determinations of the 12 eligible points in Illinois. (Memo 792, BDA, OCCR, OGC)
8. Docket EAS–754, Appeal of Rome, Georgia of its determination of eligibility for essential air service under section 419(b). (OGC, OCCR, BDA)
9. Dockets EAS–416, 417, 418, 419, 420, 421, 422, 423, 424, 425, and 426, Appeal of Essential Air Transportation Determinations at Dodge City, Garden City, Goodland, Great Bend, Hays, Hutchinson, Parsons/Independence/Coffeyville, Liberal/Guymon, Okla., Manhattan/Junction City/Ft. Riley, Salina and Topeka, Kansas. (Memo 204–A, BDA, OGC, OCCR)
10. Docket EAS–612, Amendment of Essential Air Service definition at Elkins, West Virginia to permit one stop service in the Elkins-Pittsburgh market. (Memo 585–C, BDA)
11. Dockets 35908 and 36204, Essential Air Transportation at Clearfield/Philipsburg, Pennsylvania. (BDA, OCCR)
12. Docket EAS–487; Essential Air Service Determination for West Yellowstone, Montana. (Memo 735, OGC, BDA, OCCR)
13. Docket 39902—American Airlines' exemption application to postpone resumption of service at Palm Springs, California. (BDA, OCCR)
14. Orange County Additional Points Show-Cause Proceeding. (BDA)
15. Docket 39899; Application of Jet Fleet Corporation, Inc. for transfer and reissuance of its certificates of public convenience and necessity to engage in charter air transportation. (Memo 788, BDA)
16. Docket 37236, Essential Air Service at Danville, Virginia. (BDA, OCCR, OC)
17. Docket 35489, Petition of Hughes Air Corp., d.b.a. Hughes Airwest for compensation pursuant to section 419(a) (7) (B) of the Federal Aviation Act of 1958, as amended. (BDA)
18. Dockets 38300, 38323—Petitions by the American Institute for Foreign Study and the United States Tour Operators Association for rulemakings to raise the 10 percent limit on charter price increases. (Memo 330–C, OGC)
19. Dockets 37531, 37532, 22771—Accident liability insurance coverage for U.S. and foreign air carriers. (OGC)
20. Docket 38905—Civil penalty for violation of CAB rules of conduct. (Memo 765, OGC, BCCP)
21. Docket 38534, *Spanish Main International Airlines Fitness Investigation*, Docket 34128, *Application of Spanish Main International Airlines* for a certificate of public convenience and necessity. (Memo 780, OGC,)
22. Dockets 38965, 39158—*Application of Wings International Airways, Inc., Wings International Airways Fitness Investigation.* (OGC)
23. Docket 30356. *Transcontinental Low-Fare Route Proceeding* (Remanded); Opinion and Order on Discretionary Review. (OGC)
24. Docket 35634, IATA agreements proposing new and amending approved cargo rate structures applicable in various world markets during the October, 1981–September, 1982, period. (BIA)
25. Docket 39718, complaint of DHL against Braniff baggage rules. (Memo 787, BIA, BCCP)
26. NPRM to eliminate the airport notice and approved service plan requirements and the operational restrictions in 14 CFR 213.4 (a) and (b). (Memo 783, BIA, OGC, BDA)
27. Docket 39325—Application of World Airways for scheduled combination authority between San Francisco/Oakland, Los Angeles, and Honolulu, on the one hand, and Manila, Republic of the Philippines, on the other hand. (Memo 626–A, BIA, OGC, BALJ)
28. Docket 39417, Application of Air Florida, Inc., to add Miami-Prestwick, Scotland on Route 197–F. (BIA, OGC, BALJ)
29. Consultations with the United Kingdom scheduled to begin October 5, 1981 in London regarding British Airports authority user charges. (BIA)

STATUS: 28—(Open); 29—(Closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–1493–81 Filed 9–29–81; 3:45 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, October 9, 1981.

PLACE: 2033 K Street, NW., Washington, D.C., Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1465–81 Filed 9–29–81; 11:10 am]

BILLING CODE 6351-01-M

3

FEDERAL CROP INSURANCE CORPORATION.

[NOM–81–1]

TIME AND DATE: 9:45 a.m., Monday, October 5–6, 1981.

PLACE: Room 201–W, Administration Building, USDA, 14th and Independence Avenue, SW., Washington, D.C. 20250.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Bylaws.
2. Recision of previous resolution.
3. Ratification of previous actions.
4. Good Faith Reliance on Misrepresentation item.
5. Debt Management Policy.
6. Annual Report.
7. Organization.
8. Investigations.

9. Board management philosophy.
10. Docket systems.
11. Prevented Planting Docket.

CONTACT PERSON FOR MORE INFORMATION: Peter F. Cole, Secretary, 202-447-3325.

Dated: September 29, 1981.

[S-1495-81 Filed 9-29-81; 3:47 pm]

BILLING CODE 3410-08-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, September 28, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Heritage Bank-North, Monroe Township (P.O. Jamesburg), New Jersey, for consent to purchase the assets of and assume the liability to pay deposits made in State Bank of Raritan Valley, Raritan, New Jersey, and to establish the three offices of State Bank of Raritan Valley as branches of Heritage Bank-North.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,929-SR—American Bank & Trust Company, New York, New York

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: September 28, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1488-81 Filed 9-29-81; 12:18 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, September 28, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of First City Bank—Addison, a proposed new bank, to be located at 14800 Quorum Drive, Addison, Texas, for Federal deposit insurance, and for consent to establish a detached drive-in facility at 14780 Landmark Boulevard, Addison, Texas.

Application of Sun Bank of Jacksonville, Jacksonville, Florida, for consent to merge, under its charter and title, with Beach Guaranty Bank, Jacksonville Beach, Florida, and to establish the sole office of Beach Guaranty Bank as a branch of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,923-L—Northern Ohio Bank, Cleveland, Ohio

Memorandum and Resolution re: Gateway National Bank of Chicago, Chicago, Illinois; Guaranty Bank & Trust Company, Chicago, Illinois

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: September 28, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1487-81 Filed 9-29-81; 12:18 pm]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" >(5 U.S.C. 552b), notice is hereby given that at 9:30 a.m. on Monday, September 28, 1981, the Board of Directors met in closed session, by telephone conference call, to consider the following matters:

(1) Authorization of funds for the payment of insured deposits in Southwestern Bank, Tucson, Arizona, which was closed by the Superintendent of Banks of the State of Arizona on September 25, 1981, and appointment of a liquidator for the assets of the closed bank;

(2) Application of Dai-Ichi Kangyo Bank, Ltd., Tokyo, Japan, a foreign bank, for Federal deposit insurance of depostis received at and recorded for the account of its proposed branch to be located at 111 South Wabash Avenue, Chicago, Illinois; and

(3) Memorandum re: Spouse Travel Policy.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" >(5 U.S.C. 552(b)(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: September 28, 1981.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S-1486-81 Filed 9-29-81; 12:18 pm]

BILLING CODE 6714-01-M

7

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, October 8, 1981 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: Portions of this meeting will be open to the public and protions will be closed.

MATTERS TO BE CONSIDERED: Portions open to the public:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
  Draft AO 1981-34 Philip J. Barter, national Association of Retired Federal Employees
  Draft AO 1981-38: Christopher J. Daly, CAMPAC Publications
  Draft AO 1981-42: Vernon P. Ravenscroft, Consulting Associates, Inc.
Pending Legislation
Appropriations and budget
Classification actions
Routine administrative matters

Portions closed to the public:

Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Monday, October 26, 1981 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: Public hearing.

MATTER TO BE CONSIDERED: Notice of proposed rulemaking for 11 CFR 114.3 and 114.4: Communications by Corporations and Labor Organizations.

* * * * *

DATE AND TIME: Wednesday, October 28, 1981 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: Public hearing.

MATTER TO BE CONSIDERED: Continued from October 26, 1981, if necessary.

* * * * *

DATE AND TIME: Friday, October 30, 1981 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: Public hearing.

MATTERS TO BE CONSIDERED: Continued from October 28, 1981, if necessary.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-1492-81 Filed 9-29-81; 3:44 pm]

BILLING CODE 6715-01-M

8

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 47698, September 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 30, 1981.

CHANGE IN THE MEETING: The meeting time has been changed to 9:00 a.m. and the following items have been added:

Item No., Docket No., and Company

ER–8. ID–1424, Edwin I. Hatch
M–6. RA80–96, Guam Oil & Refining Company, Inc.
RP–3. G–11980, *et al.*, RP67–23, *et al.*, and RP73–113, *et al.*, Tennessee Gas Pipeline Company
CP–2. CP78–532, Ozark Gas Transmission System
CP–3. CP81–388–000, CP81–388–001 and CP81–388–002, Northwest Canadian Gas Sales Company CP78–123, *et al.*, Northwest Alaskan Pipeline Company

Kenneth F. Plumb,

Secretary.

[S-1491-81 Filed 9-29-81; 3:43 pm]

BILLING CODE 6450-85-M

9

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., October 7, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Proposed Amendment of Commission Order No. 1 (Revised), section 7.06 to Delegate to the Managing Director Authority to Determine Applicability of Section 15 Shipping Act to certain Terminal Agreements.

2. Docket No. 81–47: Lease Agreement No. T–3753 Between Maryland Port Administration and Atlantic and Gulf Stevedores, Inc.—Consideration of the record; Petition of Sea-Land Service, Inc. to Intervene.

Portion closed to the public:

1. Docket No. 81–11—"50 Miles Container Rules" Implementation by Common Carriers by Water Serving the Atlantic and Gulf Coast Ports of the United States—Possible Violations of the Shipping Act, 1916, and of the Intercoastal Shipping Act, 1933—Motions to Dismiss; Request for Oral Argument; Request For Procedural Schedule; Possible Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Assistant Secretary (202) 523–5725.

[S-1496-81 Filed 9-29-81; 3:56 pm]

BILLING CODE 6730-01-M

10

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

September 23, 1981.

TIME AND DATE: 10 a.m., Wednesday, September 30, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Kaiser Steel Corporation, DENV 75–163–P, IBMA 77–3. (Issues include whether violation of 30 CFR § 75.509 occurred).

2. V & R Coal Company, HOPE 76–275–P, IBMA 77–21. (Issues include whether violation of 30 CFR § 70.246 occurred).

3. Florence Mining Company, Helen Mining Company, Oneida Mining Company, North American Coal Corp., PITT 77–15, etc., IBMA 77–32. (Issues include whether 30 CFR § 75.1405 is applicable to rubber-rail equipment).

4. Joseph W. Herman v. Imco Services, WEST 81–109–DM. (Issues include whether judge erred in dismissing discrimination complaint for failure to respond to show cause order).

5. Amax Coal Company, LAKE 81–37. (Petition for Discretionary Review; issues include whether violation of 30 CFR § 77.500 ocourred.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen 202–653–5632.

[S-1484-81 Filed 9-29-81; 10:33 am]

BILLING CODE 6820-12-M

11

INTERNATIONAL TRADE COMMISSION.

[USITC SE–81–30]

TIME AND DATE: 2 p.m., Thursday, October 15, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:
   a. Coded radio pages (Docket No. 759).
   b. Vacuum bottles (Docket No. 760).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S-1490-81 Filed 9-29-81; 2:32 pm]

BILLING CODE 7020-02-M

12

PAROLE COMMISSION.

TIME AND DATE:

Tuesday, October 6, 1981, 3:30 p.m., 5:30 p.m.
Wednesday, October 7, 1981, 9:00 a.m., 5:30 p.m.

PLACE: Room 420–F, One North Park Building; 5550 Friendship Blvd.; Bethedsa, Maryland 20015.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of prior meetings.
2. Reports from Acting Chairman and Commissioners.
3. Community alternatives to incarceration— Mr. Jerome Miller, Guest Speaker.
4. Severity rating of large scale marijuana cases without managerial or proprietary interests.
5. Disciplinary infractions—Unit Disciplinary Committee findings and reports.
6. Severity in probation revocation cases.
7. Severity rating for multiple separate offenses.
8. Wording on Notices of Action.
9. Non-appealable Parole Commission actions.
10. Superior Program Achievement—possible modification of program.
11. District of Columbia Parole violators.
12. Inmates released on bond.
13. Youth Corrections Act cases in the District of Colorado—related population

changes in institutions at Englewood, Colorado, Otisville, New York, and Morgantown, West Virginia.

14. Campbell, John A.—Need to apply for an exemption under 29 U.S.C. 504.

CONSENT AGENDA: The following Consent Agenda items only if previously requested to be opened for discussion at the meeting.

15. Adoption of modification of rule at 28 CFR 2.47 concerning dispositional revocations.

16. Procedures Manual modification concerning representation.

17. Procedures Manual modification concerning designation of hearing officials other than examiners.

18. Procedures Manual modification concerning the inmate's background statement.

19. Procedures Manual modification establishing criteria for use of summons in lieu of warrants.

20. Policy and Procedure Memoranda issued since last meeting:

a. 81/7 Authority for Grants of Parole on the Record in Selected Cases: Experimental Procedure (6/23/81).

b. 81/8 Use of Parolees as Informants—Procedures Manual, Appendix 9 (6/23/81).

c. 81/9 Sanctioning of Parorle Violators—Procedures Manual Section 211 (6/23/81).

d. 81/10 Preference for CTC Placement as a Sanction for Administrative Violations—Procedures Manual Section 121 (6/23/81).

e. 81/11 Votes Required to Terminate Supervision of Original Jurisdiction Cases—Procedures Manual Section 119 (6/23/81).

f. 81/12 Modifications of Panel Recommendations and Appeals—Procedures Manual Sections 111, 112, 113, (Effective September 1, 1981) (7/9/81).

g. 81/13 Revision of 2.28(c)—Procedures Manual—Section 108 (Effective August 31, 1981) (7/9/81).

h. 81/14 Salient Factor Score/Severity Change (Effective August 31, 1981) (7/10/81).

i. 81/15 Modification of 2.47—Dispositional Review and Revocation (Effective August 31, 1981) (7/10/81).

j. 81/16 Termination of Supervision for Military Parolees—Procedures Manual, Section 119 (Effective upon receipt) (8/6/81).

k. 81/17 Corrections of Policy and Procedures Memoranda 81/15 and 81/14 (8/28/81).

21. Research Reports Nos. 27, 28, 29, and 30 prepared by the Commission's Research Staff.

CONTACT PERSON FOR MORE INFORMATION: Ms. Billie L. Richards; Acting Chairman's Office; (301) 492-5990.

[S-1494-81 Filed 9-29-81; 3:45 pm]

BILLING CODE 4410-01-M

13

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of October 6, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, October 6, 1981, at 10 a.m. and on Wednesday, October 7, 1981, following the 10 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certan staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Thomas and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, October 6, 1981, at 10 a.m., will be:

Access to investigative files by Federal, State, or self-regulatory authorieies.
Freedom of Information Act appeals.
Consideration of *amicus* participation.
Formal orders of investigation.
Subpoena enforcement action.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Regulatory matter bearing enforcement implications.

The subject matter of the closed meeting scheduled for Wednesday, October 7, 1981, following the 10 a.m. open meeting, will be:

Opinion.
Proposed orders in administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Wednesday, October 7, 1981, at 10 a.m., will be:

1. Consideration of whether to issue an order which would subject the Boston Stock Exchange, Inc., Cincinnati Stock Exchange, Inc., Midwest Stock Exchange, Inc., Pacific Stock Exchange, Inc., and Philadelphia Stock Exchange, Inc., to the provisions of Securities Exchange Act Rule 11b-1, relating to the regulation of specialists, with respect to any security which is listed on any such exchange and which is not listed on either the American Stock Exchange, Inc., or the New York Stock Exchange, Inc. For further information, please contact Michael A. Cline at (202) 272-2402.

2. Consideration of whether to issue a release announcing the rescission of the interpretative guidance previously provided in Accounting Series Release No. 261. Such an action would permit oil and gas producers to rely on existing generally accepted accounting principles in changing to or from the full cost or successful efforts methods of accounting. For further information, please contact James D. Hall at (202) 272-2133.

3. Consideration of whether to grant the request of Morgan, Lewis & Bockius for a waiver of imputed disqualification pursuant to Rule 8(d) of the Commission's Conduct Regulation, 17 CFR 200.735-8(d). For further information, please contact Myrna Siegel at (202) 272-2430.

4. Consideration of whether to grant the request of Debevoise & Plimpton for a waiver of imputed disqualification pursuant to Rule 8(d) of the Commission's Conduct Regulation, 17 CFR 200.735-8(d). For further information, please contact Myrna Siegel at (202) 272-2430.

5. Consideration of whether to publish a release proposing: (1) revision of Guide 60 for Preparation of Registration Statements Relating to Interests in Real Estate Limited Partnerships; (2) amendment of the financial statement requirements of Item 3-14 of Regulation S-X, "Special Instructions for Real Estate Operations to be Acquired;" and (3) conforming amendments to Guide 60 and to Form 8-K for current reports. The proposals would streamline track record disclosure by sponsors of real estate limited partnerships. In addition, the proposals represent a significant cooperative effort between the Commission staff and a subcommittee of the North American Securities Administrators Association. For further information, please contact William L. Larsen at (202) 272-2604.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272-2091.

September 28, 1981.

[S-1469-81 Filed 9-29-81; 2:11 pm]

BILLING CODE 8010-01-M

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48

Reader Aids

Federal Register
Vol. 46, No. 190
Thursday, October 1, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Library and Public Inspection Desk	633-6930
Scheduling of Documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, OCTOBER

48097-48616............................1

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSIS**		DOT/FAA	USDA/FSIS**
DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—OCTOBER, 1981

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

All January dates are in 1982.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
October 1	October 16	November 2	November 16	November 30	December 30
October 2	October 19	November 2	November 16	December 1	December 31
October 5	October 20	November 4	November 19	December 4	January 4
October 6	October 21	November 5	November 20	December 7	January 4
October 7	October 22	November 6	November 23	December 7	January 5
October 8	October 23	November 9	November 23	December 7	January 6
October 9	October 26	November 9	November 23	December 8	January 7
October 13	October 28	November 12	November 27	December 14	January 11
October 14	October 29	November 13	November 30	December 14	January 12
October 15	October 30	November 16	November 30	December 14	January 13
October 16	November 2	November 16	November 30	December 15	January 14
October 19	November 3	November 18	December 3	December 18	January 18
October 20	November 4	November 19	December 4	December 21	January 18
October 21	November 5	November 20	December 7	December 21	January 19
October 22	November 6	November 23	December 7	December 21	January 20
October 23	November 9	November 23	December 7	December 22	January 21
October 26	November 10	November 25	December 10	December 28	January 25
October 27	November 12	November 27	December 11	December 28	January 25
October 28	November 12	November 27	December 14	December 28	January 26
October 29	November 13	November 30	December 14	December 28	January 27
October 30	November 16	November 30	December 14	December 29	January 28

CFR CHECKLIST; 1980/81 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1980/81. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $525 domestic, $131.25 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1981):

Title	Price
1-2	$4.50
3	6.50
4	6.50
5	9.00
6	3.50
7 Parts:	
0-52	7.50
53-209	6.50
210-299	7.00
300-399	6.00
400-699	6.50
700-899	7.00
900-944	7.00
945-980	5.50
981-999	5.50
1000-1059	6.50
1060-1119	6.50
1120-1199	6.00
1200-1499	7.50
1500-1899	6.00
1900-2799	10.00
2800-2851	7.00
2853-end	6.00
8	5.50
9 Parts:	
1-199	7.50
200-end	6.50
10 Parts:	
0-199	7.50
200-399	7.50
400-499	7.00
500-end	7.50
11	5.50
12 Parts:	
1-199	6.00
200-299	8.00
300-499	6.00
500-end	8.00
13	7.00
14 Parts:	
1-59	7.50
60-199	8.50
200-1199	7.50
1200-end	6.00
15 Parts:	
0-299	5.50
300-end	8.50
16 Parts:	
0-149	6.50
150-999	6.50
1000-end	7.00
CFR Index	8.50
CFR Unit (Rev. as of Apr. 1, 1981):	
17 Parts:	
1-239	7.50
240-end	7.00
18 Parts:	
1-149	7.00
20 Parts:	
01-399	6.00
400-499	7.50
500-end	8.00
21 Parts:	
1-99	6.00
100-169	6.50
170-199	6.50
200-299	4.75
300-499	8.00
500-599	7.50
600-799	5.50
800-1299	6.00
1300-end	4.75
23	7.50
24 Parts:	
0-199	6.00
500-799	6.50
800-1699	7.00
27 Parts:	
1-199	7.50
200-end	7.00
CFR Unit (Rev. as of July 1, 1981):	
40 Parts:	
0-51	7.50
53-80	8.00
100-149	6.50
150-189	6.50
190-399	7.00
400-424	7.00
425-end	7.00
CFR Unit (Rev. as of Oct. 1, 1980):	
42 Parts:	
1-399	9.50
400-end	8.50
43 Parts:	
1-199	6.50
1000-end	11.00
44	7.00
45 Parts:	
1-99	6.50
100-149	7.50
150-199	7.50
200-499	5.50
500-1199	7.50
1200-end	7.50
46 Parts:	
1-29	5.00
30-40	4.75
41-69	6.50
70-89	5.50
90-109	5.50
140-155	6.00
156-165	6.50
166-199	6.00
400-end	6.00
47 Parts:	
0-19	6.50
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CFR ISSUANCES

Complete Listing of 1981 CFR Issuances

This list restates the publication plans for the January, April and July, 1981 quarters and projects the publication plans for the October, 1981 quarter. A projected schedule that will include the January, 1982 quarter will appear in the first **Federal Register** issue of January, 1982, immediately after the CFR checklist.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR checklist and the Annual Cumulative LSA will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1-16—January 1
Titles 17-27—April 1
Titles 28-41—July 1
Titles 42-50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

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AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department
AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CSRS Cooperative State Research Service
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ERS Economic Research Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSIS Food Safety and Inspection Service
FSQS Food Safety and Quality Service
IGO Inspector General Office
PSA Packers and Stockyards Administration
REA Rural Electrification Administration
SCS Soil Conservation Service
SEA Science and Education Administration
SRS Statistical Reporting Service
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department
BEA Bureau of Economic Analysis
BIE Bureau of Industrial Economics
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department
AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department
NCH National Council for the Handicapped

DOE Energy Department
APA Alaska Power Administration
BPA Bonneville Power Administration
CRE Conservation and Renewable Energy, Office of Assistant Secretary
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS Health and Human Services Department
ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Centers for Disease Control
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute for Occupational Safety and Health
PHS Public Health Service
RRO Refugee Resettlement Office
SSA Social Security Administration

HUD Housing and Urban Development Department
CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
EQO Environmental Quality Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department
BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMREO Surface Mining Reclamation and Enforcement Office

JUSTICE Justice Department
ANTITRUST Antitrust Division
BJS Bureau of Justice Statistics
DEA Drug Enforcement Administration
FCSC Foreign Claims Settlement Commission
INS Immigration and Naturalization Service
JJDPO Juvenile Justice and Delinquency Prevention Office
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission
PB Prisons Bureau

LABOR Labor Department
BLS Bureau of Labor Statistics
ESA Employment Standards Administration

ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MA Maritime Administration
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
FACO Foreign Assets Control Office
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

ACHP Historic Preservation, Advisory Council
ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
DIDC Depository Institutions Deregulation Committee
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRAC Federal Register Administrative Committee
FRS Federal Reserve System
FSIDP Foreign Service Impasse Disputes Panel
FSLRB Foreign Service Labor Relations Board
FTC Federal Trade Commission
GAO General Accounting Office
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Representative Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing September 30, 1981

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federal register

Book 2 of 2 Books
Thursday, October 1, 1981

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Termination of Designations and Requests for Comments on Applicants.

48422 Part III—DOT/Secretary:
Regulations Agenda and Review List; Semi-Annual Summary.

48524 Part IV—HHS/HCFA:
Medicaid Program; Freedom of Choice; Waivers of and Exceptions to State Plan Requirements.

48532 Part V—HHS/HCFA:
Medicaid Program; Home and Community-Based Services.

48544 Part VI—HHS/HCFA:
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48550 Part VII—HHS/HCFA:
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48564 Part IX—HHS/HCFA:
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48574 Part X—Justice/PB:
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federal register

Thursday,
October 1, 1981

Part II

Department of Agriculture

Federal Grain Inspection Service

Termination of Designations and Requests for Comments on Applicants

V46/190 OC1 81 UMI

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Termination of Designations of the Gibson City Grain Inspection Department, the Indianapolis Grain Inspection and Weighing Service, Inc., and the Wyoming Department of Agriculture

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that the designations of three official agencies will terminate on March 31, 1982, and requests applications from parties interested in being designated as agencies to conduct official inspection services in the geographic areas currently serviced by each of the three present agencies. The three official agencies are the Gibson City Grain Inspection Department, the Indianapolis Grain Inspection and Weighing Service, Inc., and the Wyoming Department of Agriculture.

EFFECTIVE DATE: November 2, 1981.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, Room 2405 Auditors Building, Washington, DC 20250, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore the Executive Order does not apply to this action.

Sections 7(f)(1) of the U.S. Grain Standards Act, as amended (7 U.S.C. 71, *et seq.*, at 79(f)(1)) (Act), specifies that the Administrator of the Federal Grain Inspection Service is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official inspection services after a determination is made that the applicant is better able than any other applicant to provide official inspection services in an assigned geographic area.

The Gibson City Grain Inspection Department (Gibson City), Routes 47 and 9, P.O. Box 20, Gibson City, Illinois 60936, was designated as an official agency under the Act for the performance of official grain inspection functions on February 1, 1979. The Indianapolis Grain Inspection and Weighing Service, Inc. (Indianapolis), 4804 East Michigan Street, Indianapolis, Indiana 46201, was designated as an official agency under the Act for the performance of official grain inspection functions on November 20, 1978. The Wyoming Department of Agriculture (Wyoming), 2219 Carey Avenue, Cheyenne, Wyoming 82002, was designated as an official agency under the Act for the performance of official grain inspection functions on November 20, 1978. The three agencies' designations will terminate on March 31, 1982. Section 7(g)(1) of the Act states generally that designations of official agencies shall terminate no later than triennially and may be renewed in accordance with the criteria and procedures prescribed in the Act.

The geograhic area presently assigned to Gibson City in the State of illinois pursuant to Section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation is the following:

Bounded: on the North by the northern Livingston County line from the ICG Railroad line;

Bounded: on the East by the Livingston County line; the Ford County line; the southern Ford County line west to Interstate 57; Interstate 57 south to State Route 136;

Bounded: on the South by State Route 136 west to a point approximately 10 miles west of the eastern McLean County line; and

Bounded: on the West from this point through Arrowsmith to Pontiac along a straight line running north and south, which intersects with the ICG Railroad line northeast to the northern Livingston County line.

Also, the following location which is outside of the foregoing contiguous area, and which is presently assigned to Gibson City and which is part of the geographic area that may be assigned to the applicant selected for designation is:

Farm Service, Arrowsmith, Illinois, in McLean County.

An exception to the described geographic area is the following location situated inside Gibson City's area which has been and will continue to be serviced by the following official agency:

Bunge Corporation, Pontiac, Illinois, in Livingston County to be serviced by the Bloomington Grain Inspection Department.

The geographic area presently assigned to Indianapolis in the State of Indiana pursuant to section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation are the following Counties:

Bartholomew; Brown; Hamilton, south of State Route 32; Hancock; Hendricks; Johnson; Madison, west of State Route 13 and south of State Route 132; Marion; Monroe; Morgan; and Shelby.

The geographic area presently assigned to Wyoming pursuant to section 7(f)(2) of the Act and which is the geographic area that may be assigned to the applicant selected for designation is the entire State of Wyoming except the geopgraphic area assigned to the Denver Grain Exchange Association, Inc., Commerce City, Colorado, which is as follows:

Goshen County, Platte County, and the following locations in Laramie County: Albin Elevator, Albin; Farmers Coop, Burns; Carpenter Elevator, Carpenter; Pillsbury Company, Egbert; and Pine Bluffs Feed and Grain, Pine Bluffs.

Interested parties, including Gibson City, Indianapolis, and Wyoming, are hereby given oportunity to apply for designation as the official agency for each respective specified geographic area, as described above, under the provisions of Section 7(f) of the Act and section 800.196(b) of the regulations issued thereunder, as applicable. The designations in each specified geographic area are for the period beginning April 1, 1982, and terminating March 31, 1985. Parties wishing to apply for any of these designations should contact the Chief, Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than November 2, 1981 to be eligible for consideration.

In making a determination as to which applicant will be designated to provide official inspection service in the geographic areas, consideration will be given to all applications submitted and all other information available to the Administrator. All applications submitted pursuant to this notice will be available for public inspection at the Regulatory Branch, Compliance Division, during regular business hours.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873, (7 U.S.C. 79))

Dated: September 23, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81-28085 Filed 9-30-81; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Applicants for Designation in the Areas Currently Assigned to Agricultural Seed Laboratories, Decatur Grain Inspection, Inc., and the South Carolina Department of Agriculture

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the areas currently assigned to Agricultural Seed Laboratories (Agri Seed), Decatur Grain Inspection, Inc. (Decatur), and the South Carolina Department of Agriculture (South Carolina). The three designations terminate effective 12 p.m., December 31, 1981

DATE: Comments to be postmarked on or before November 2, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditor Buildings, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 447–3910. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 447–3910.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore the Executive Order does not apply to this action.

The July 30, 1981, issue of the **Federal Register** (46 FR 39079) contained a notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to perform official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to Agri Seed, Decatur, and South Carolina. Applications were to be postmarked by August 31, 1981.

One applicant requested designation for all of the geographic area currently assigned to Agri Seed. That applicant is Agricultural Seed Laboratories, Phoenix, Arizona, Owner and Chief Inspector: Thomas B. Storey. Agri Seed applied for a renewal of designation for an additional 3-year period.

One applicant requested designation for all of the geographic area currently assigned to Decatur. That applicant is Decatur Grain Inspection, Inc., Decatur, Illinois, President: John N. Humphrey. Decatur applied for a renewal of designation for an additional 3-year period.

One applicant requested designation for all of the geographic area currently assigned to South Carolina. That applicant is the South Carolina Department of Agriculture, North Charleston, South Carolina, Commissioner: G. Bryan Patrick, Jr., South Carolina applied for a renewal of designation for an additional 3-year period.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants. All comments must be submitted to the Issuance and Coordination Staff, specified in the address section of this notice, and postmarked not later than November 2, 1981.

The Administrator of FGIS has determined that a 30-day comment period would not impose any undue obligations on others and, under the circumstances, provides a sufficient period of time for comments while expediting the designation process.

Consideration will be given to all comments filed and to all other information available to the Administrator of FGIS before a final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register** and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: September 23, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81–28086 Filed 9–30–81; 8:45 am]

BILLING CODE 3410–EN–M

Request for Comments on Applicants for Designation in the Areas Currently Assigned to California Department of Food and Agriculture and Washington Department of Agriculture

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the areas currently assigned to California Department of Food and Agriculture (California) and Washington Department of Agriculture (Washington). The two designations terminate effective 12 p.m., January 31, 1982.

DATE: Comments to be postmarked on or before November 30, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditors Building, 1400 Independence Avenue, SW, Washington, DC 20250, telephone (202) 447–3910. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Bebskken, Jr., telephone (202) 447–3910

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore the Executive Order does not apply to this action.

The August 4, 1981, issue of the **Federal Register** (46 FR 39775) contained a notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to perform official inspection, official weighing, and supervision of weighing services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to California and Washington, Applications were to be postmarked by September 3, 1981.

One applicant requested designation for all of the geographic area currently assigned to California. That applicant is the California Department of Food and Agriculture, Sacramento, California, Director: Richard E. Rominger. California applied for a renewal of designation for an additional 3-year period.

One applicant requested designation for all of the geographic area currently assigned to Washington. That applicant is the Washington Department of Agriculture, Olympia, Washington, Director: Bob J. Mickelson. Washington applied for a renewal of designation for an additional 3-year period.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants. All comments must be submitted to the Issuance and Coordination Staff, specified in the address section of this notice, and postmarked not later than November 30, 1981.

Consideration will be given to all comments filed and to all other information available to the Administrator of FGIS before a final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register** and the applicants will be informed of the decision in writing.

(Sec. 8, Sec. 9, Pub. L. 94-582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Dated: September 23, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81-288[illegible]7 Filed 9-30-81; 8:45 am]

BILLING CODE 3410-EN-M

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federal register

Thursday
October 1, 1981

Part III

Department of Transportation

Office of the Secretary

Regulatory Agenda and Review List; Semi-Annual Summary

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

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41 CFR Ch. 12

46 CFR Chs. I and III

49 CFR Subtitle A, Chs. I–VI

[OST Docket No. 59; Notice 80–2]

Department Regulations Agenda and Review List; Semi-Annual Summary

AGENCY: Department of Transportation.

ACTION: Department Regulations Agenda and Review List.

SUMMARY: The Regulations Agenda is a semi-annual summary of each pending proposed regulation that the Department of Transportation ("Department")* has issued and each proposed and final regulation that the Department expects to publish in the **Federal Register** during the succeeding 12 months or such longer projected period as may be anticipated. The Regulations Review List is a semi-annual summary of the existing regulations that the Department of Transportation has selected for review and possible revocation or revision. The Agenda and the Review List provide the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the Agenda and the Review List are 400 Seventh Street, SW., Washington, D.C. 20590, except for the Federal Aviation Administration and the St. Lawrence Seaway Development Corporation, which are located at 800 Independence Avenue, S.W., Washington, D.C. 20591, and the U.S. Coast Guard, which is located at 2100 Second Street, S.W., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda or the Review List, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-4723.

Specific

For further information about any particular item on the Agenda or the Review List, contact the individual listed in the column headed "Contact" for that item.

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Background

Improvement of government regulations is a prime goal of the Reagan Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation" 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semi-annual Department Regulations Agenda for publication in the **Federal Register**. The Agenda summarizes each pending proposed regulation that the Department has issued and each proposed and final regulation that the Department expects to publish in the **Federal Register** during the succeeding 12 months or such longer projected period as may be anticipated. The Executive Order and the Regulatory Policies and Procedures also include a requirement that the Department prepare a semi-annual list of existing regulations it has selected for review and possible revocation or revision for publication in the **Federal Register**.

The Agendas and Review Lists are based on reports submitted by the initiating offices by the beginning of February and August each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda and Review List is prepared and published in the **Federal Register**. The Department's last Regulations Agenda and Review List was published in the **Federal Register** on April 2, 1981 (46 FR 20036). The next one is scheduled for publication in the **Federal Register** on April 1, 1982.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), P.L. 96–354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. The symbol "†" appears at the left margin, prior to the title, for each significant and nonsignificant regulation in this Agenda for which a Regulatory Flexibility Analysis will be, or has been, prescribed. In addition, where the RFA applies to a significant regulation in this Agenda, that fact is noted in the regulation's summary under subheading C "Analysis," by the addition of a slash (/) after the words "Regulatory Evaluation" or "Regulatory Impact Analysis," followed by the words "Regulatory Flexibility Analysis."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The Review List in this and future Agendas will include those regulations to be reviewed under the RFA or those for which review has been concluded since the last Agenda. The symbol "†" also will appear in the left margin, prior to the title, for each such regulation. It should be noted, however, that after a preliminary assessment of the regulations listed for RFA review, it

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* **Note.**—*The Maritime Administration was made an operating administration of the Department of Transportation on August 6, 1981. At that time, development of this Agenda was already underway and it was too late to include the Maritime Administration regulatory actions in this Agenda. They will publish a separate Agenda on October 29, 1981, and will be included in the Department's next Agenda scheduled for publication on April 1, 1982.*

may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

Definitions

The Agenda and the Review List cover all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary—

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transportation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register**; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively that (1) is likely to result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major effect on the general economy in terms of costs, consumer prices, or production;

(c) A major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2) The Secretary or head of the initiating office determines deserves such an analysis.

Explanation of Information on the Regulations Agenda

The Regulations Agenda is divided by initiating offices. For each initiating office the Agenda lists: (1) significant regulations, which are subdivided into two subcategories—major significant regulations and other significant regulations, (2) nonsignificant regulations, and (3) routine and frequent nonsignificant regulations. For each proposed and final regulation, the Agenda provides the following information: (1) a short descriptive title; (2) a summary; (3) the earliest expected date for a decision on whether to issue the proposed or final regulation; (4) a contact office official who can provide additional information, including advice on how to obtain documents referenced in the Agenda; and (5) the related regulatory citation in the Code of Federal Regulations. If final action has been taken on an item included on the previous semi-annual Agenda, that item is still contained in this Agenda and the final action is indicated under the "Summary" column of that item.

For a significant regulation, the summary includes: (1) a description of the proposed or final regulation; (2) a brief statement as to why it is considered significant; (3) a listing of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), Regulatory Flexibility Analysis, and an Urban Impact Analysis; (4) a brief statement of the objectives— why the regulation is needed; (5) the legal basis for the action being taken; (6) the past and anticipated chronology of the development of the regulation including any final action taken since the last semi-annual Agenda and (7) the related regulatory citation in the Code of Federal Regulations. It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the Agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation.

For nonsignificant regulations issued routinely and frequently as part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it is contained in parentheses immediately following the short descriptive title of the regulation. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number. The Federal Highway Administration also provides an FHPM number at this point for easier reference by those who use the Federal-aid Highway Program Manual (FHPM). The numbers following the FHPM represent, respectively, the volume, chapter, section and subsection at which the material is located in the FHPM.

In the "Earliest Expected Decision Date" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a date in this column is not an indication that a proposal or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291, must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the **Federal Register** would follow within a few days. These dates are based on current schedules. Subsequently received information could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

It should be noted that some of the items on the Agenda result from programs that were established to review existing regulations and revoke or revise those regulations that the initiating office determined were not achieving their intended purpose. Projects under regulatory development that resulted from a review of existing regulations to determine whether they should be revoked or revised are preceded by the word "Review" in the "Title" column. Because some reviews can be large-scale undertakings, and because there are already a number of these in the regulatory development process, the Department thought it would provide the public with valuable information if it indicated not only which regulatory reviews are under consideration but also which reviews have now reached the stage where proposed revisions are being, or have been, prepared. The number of regulatory projects that an initiating office can handle is limited by available resources. Therefore, the number of projects in the regulatory development stage may limit the number of reviews that can be added.

Explanation of Information on the Regulations Review List

The Regulations Review List is divided by initiating offices. For each office, it provides the following information: (1) a short description of the existing regulations involved, including the related citation to the Code of Federal Regulations; (2) a brief description of the reasons for each selection; (3) a contact office or official who can provide additional information; and (4) the target date for completing the review and determining the corrective course of action to be taken. The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures. If final action has been taken on an item included on the previous semi-annual Review List, that item is still contained in this Review List and the final action is indicated under the "Reasons for Selection" column for that item.

General

To allow for easier use of the Agenda and for quick comparison with earlier Agendas, the Department has instituted the following additional procedures in the Agenda: (1) Items listed on the Agenda or Review List retain the same order in each semi-annual publication. If subheadings are used within an initiating office's listing, then the same order is retained within each subheading. (2) New items generally are added at the end of the appropriate portion of the Agenda or Review List and are identified by an asterisk ("*") on the left side of the "Title" when first added. (3) New substantive information added to items that were on an earlier Agenda or Review List is printed in italics.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semi-Annual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the Agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the Agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the Agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our Agenda is intended primarily for the use of the public. In each of the eight Agendas that we have issued, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the Agenda easier to use. We have, for example, tried to give as many **Federal Register** and Code of Federal Regulations citations as possible so that the public can easily check source documents when they are needed for more information; we also have tried to maintain the same order in the list of the regulations in the Agenda, adding new items at the end and putting new information in italics so that it would be easier for the public to follow the development of a regulation from one Agenda to the next. We would now like to ask you, the public, to make suggestions or comments on how the Agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from Agenda to Agenda? Do you find that the format for setting out the information enables you to use the Agenda easily? Do you find that the explanation of the information in the Agenda and the Review List is clearly explained in the preamble to the Agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included on our Review List; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations listed in the Review portion of the Agenda that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses" paragraph above.

It should be noted that the Department has already initiated a systematic review of over 40 of its most costly and controversial existing regulations for possible revision/rescission. The regulations selected for this priority review are identified by a bullet ("•") in the left margin preceding the title. Several of the selected regulations are also included either in the Agenda or review portion of this notice; however, selection for priority review will ensure that they will receive special expedited attention and that they will be reviewed in a systematic fashion.

Innovative Regulatory Techniques

The Department of Transportation is reviewing its regulations for regulatory areas where the application of innovative regulatory techniques would be appropriate. The Department invites the assistance of the public in this search.

Particular techniques that have shown promise throughout the federal government are (1) the creation of marketable rights; (2) the use of economic incentives; (3) the use of performance standards; (4) the use of market-oriented compliance measures; (5) the enhancement of competition; (6) the use of information disclosure; (7) the use of voluntary standards; and (8) the tailoring of standards to distinguish among categories of regulated entities ("tiering"). More complete descriptions of these innovative techniques are set forth in Appendix D. The Department of Transportation is already using these techniques in many regulatory programs. However, the views of the public are solicited with respect to other regulatory programs where these techniques can be applied effectively to reduce the burdens on regulated entities or to reduce governmental costs. If you have any suggestions, please send them to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Address" paragraph above. Additional information on the innovative techniques program can be obtained by contacting Neil R. Eisner, whose address appears above.

Purpose

The Department is publishing this Regulations Agenda and Review List in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible.

This publication in the **Federal Register** does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the Agenda or the Review List. Regulatory action in addition to the items listed is not precluded.

If further information is desired on any of the items listed in the Agenda or the Review List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the Agenda or the Review List, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, D.C. on August 31, 1981.

Drew Lewis,

Secretary of Transportation.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST

Office of the Secretary

Significant Regulations: Major

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Allocation of "Slots" at Washington National Airport.	**A. Description:** Proposed amendment to establish procedures for allocating the hourly number of instrument flight operations (takeoffs and landings) or "slots" that may be reserved at Washington National Airport (WNA) in accordance with the FAA's High Density Rule. **B. Why Significant:** This proposal is considered a significant rulemaking project due to substantial public interest and potential costs to airlines. **C. Analysis:** Regulatory Impact Analysis…… **D. Need:** The Civil Aeronautics Board and the Department of Justice have expressed concerns about continuing the antitrust immunity under which the airline scheduling committees currently allocate slots at WNA. A new method of allocation may become necessary. **E. Legal Basis:** Sections 103, 306, 307 (a), (b), and (c), and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1303, 1347, 1348 (a), (b), and (c), and 1354(a)); § 6(c) DOT Act (49 U.S.C. § 1655(c)); Sec. 2, Act for the Administration of Washington National Airport, 54 Stat. 888. **F. Chronology:** The CAB in conjunction with the FAA commissioned the Polinomics Research Laboratories, Inc., to research the allocation problem. A report of its findings has been prepared. Another report by Econ, Inc. analyzing a slot allocation auction procedure has been prepared under an FAA contract. On August 15, 1980, the Secretary of Transportation issued a Policy for the Operation of Washington National Airport (WNA). The policy and implementing regulations were published in the **Federal Register** on September 18, 1980 (45 FR 62406). On October 29, 1980, DOT issued an emergency regulation for the temporary allocation of slots at WNA for the period December 1, 1980 until April 26, 1981, because of the failure of the scheduling committee to come to an agreement for that period. The emergency regulation was published in the **Federal Register** on November 3, 1980 (45 FR 72637). The NPRM for a long term solution to the slot allocation problem was issued on October 27, 1980 (45 FR 71236). A public hearing was held on February 13, 1981, and the comment period was extended until February 26, 1981 (46 FR 932, January 5, 1981). **G. Citation:** 14 CFR pt. 93……	Harvey Safeer, (202) 426-3331	Further action to be determined.
Nondiscrimination on the Basis of Handicap.	**A. Description:** *The Department's section 504 rule is one of those selected for priority review. In addition, a May 1981 Federal Court of Appeals decision said that section 504 of the Rehabilitation Act of 1973 did not authorize the Department's rule as it affects mass transit. The Department published an interim final rule changing the transit portion of the rule on July 20, 1981 (46 FR 37488) to conform to the Court's decision. Other parts of the rule will be revised in light of the decision and as part of the priority review of the regulation, with an NPRM to be issued proposing any appropriate changes.*. **B. Why Significant:** The section 504 rule is a controversial regulation affecting all parts of DOT as well as many providers and users of DOT-funded or operated programs. *The mass transit section of the rule is controversial and* changes to the rule will be of considerable interest to the public.	Robert C. Ashby, (202) 426-4723	*FR (Interim Amendment) issued. Action completed. NPRM (comprehensive revision) December 1981.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST

Office of the Secretary

Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	C. Analysis: Regulatory Evaluation. *(Interim amendment); Regulatory Impact Analysis (NPRM for comprehensive revision).* **D. Need:** *These regulatory actions are necessary in order to make the rule consistent with the Court's decision and the Administration's regulatory policy.* **E. Legal Basis:** Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); *Section 16(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1612(a)); section 165(b) of the Federal-aid Highway Act of 1973, as amended (23 U.S.C. 142 nt.).* **F. Chronology:** The Final Rule establishing the Department's section 504 regulations was published May 31, 1979 (44 FR 31442). *Interim final rule published July 20, 1981 (46 FR 37488).* **G. Citation:** 49 CFR pt. 27		

OST

Office of the Secretary

Significant Regulations: Other

Title	Summary	Contact	Earliest expected decision date
Title VI Civil Rights Regulation	**A. Description:** The proposed regulations would assemble in one package all DOT procedures and requirements concerning all recipients of financial assistance under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4). **B. Why Significant:** Substantial public interest is anticipated and it will affect all of the DOT elements and the administration of all grant programs. **C. Analysis:** Regulatory Evaluation **D. Need:** The Department has an existing Title VI regulation dating from 1970, and a Title VI order promulgated by Secretary Coleman on Jan. 19, 1977, and reaffirmed by Secretary Adams in March of that year. A new regulatory package is being developed to replace the previous layering of regulations. **E. Legal Basis:** 42 U.S.C. 2000d–4 **F. Chronology:** NPRM published in the **Federal Register** January 19, 1981 (46 FR 5588). Comment period closed April 20, 1981. **G. Citation:** 49 CFR pt. 21	Robert J. Coates, (202) 426–*4070*	Further action to be determined.
Minority Business Enterprise Program (Direct Contracting).	**A. Description:** This regulation would implement the requirements of DOT Order 4000.7A for DOT operating elements to take affirmative action to assure that minority business enterprises participate in Departmental procurement programs.	Robert Ashby, (202) 426–4723	*To be withdrawn.*

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST

Office of the Secretary

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: Substantial public interest is anticipated given the proposed action's potential impact on DOT's procurement programs. **C. Analysis:** Regulatory Evaluation **D. Need:** To implement the provisions of the DOT Order 4000.7A by providing detailed instructions for carrying out the affirmative action requirements of the Order. To supplement the 1978 amendments to the Small Business Act. **E. Legal Basis:** Executive Order 11625; Executive Order 12138; 45 U.S.C. 803 P.L. 95-507. **F. Chronology:** NPRM was published on May 17, 1979 (44 FR 28928). The comment period closed on July 16, 1979. The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). *The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule.* **G. Citation:** 49 CFR pt. 23		
†**Review:** Minority Business Enterprise Program (Financial Assistance Programs).	**A. Description:** The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). **B. Why Significant:** This regulation has been very controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. **C. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis (for NPRM). **D. Need:** As part of the Administration's program of reviewing regulations that are costly or controversial, the Department has decided that it is necessary to consider substantial revisions of the existing rule. The aim of the revisions would be to reduce regulatory burdens associated with the present rule. **E. Legal Basis:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); Title 23 of the U.S.C.; 49 U.S.C. 1730; 45 U.S.C. 906; 49 U.S.C. 1615. **F. Chronology:** Final Rule published March 31, 1980 (45 FR 21172). NPRM to make interim amendment to this final rule, proposing to delete two controversial provisions, pending revision of the entire rule, published March 12, 1981 (46 FR 16282). Comment period closed March 26, 1981. Final rule for interim amendment *published April 27, 1981 (46 FR 16202). Proposed revision of entire rule anticipated October 1981*. **G. Citation:** 49 CFR pt. 23	Robert Ashby, (202) 426-4723	*FR (Interim Amendment) issued. Action completed. NPRM (Comprehensive Revision) October 1981.*
Financial Assistance to Participants in Rulemaking Proceedings (Docket No. 48).	**A. Description:** This proposal would permit, but not require, each agency of the Department to fund eligible members of the public for the reasonable and actual costs of preparing and presenting their views at selected agency rulemaking proceedings.	Sam Podberesky, (202) 426-4723	*Action to be terminated.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST Office of the Secretary

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: This issue concerns a matter on which there is substantial public interest and controversy and would have a significant impact on the operating administrations and the Office of the Secretary. **C. Analysis:** Regulatory Evaluation **D. Need:** This rule would substantially increase the number of active, informed, and independent participants at many rulemaking proceedings within the Department, thereby increasing the diversity and balance of views presented to the Department, and enhancing the Department's knowledge of the interests likely to be affected by its proposed rules. **E. Legal Basis:** The Department's rulemaking authority under the Department of Transportation Act, 49 U.S.C. 1651 et seq., and related statutes. **F. Chronology:** On Jan. 13, 1977, the Department published regulations for a one-year demonstration program to provide financial assistance to certain participants in rulemaking proceedings of NHTSA. (42 FR 2863). At the same time, the Department issued an ANPRM, inviting public comments on the feasibility, wisdom, and scope of a permanent Department-wide program of financial assistance. Upon conclusion of the demonstration program, NHTSA evaluated the program and recommended that the Department establish an amended version of the program throughout the Department. On March 16, 1978, the demonstration program in NHTSA was extended until the Secretary decided whether to issue final, permanent Departmental regulations (43 FR 10918). On January 23, 1979, the regulation governing the NHTSA financial assistance demonstration program was revised to improve its administration. The Department is not in a position at this time to proceed with the issuance of an NPRM in view of the action taken by Congress, on the Department's Fiscal Year 1981 appropriations. The Department's FY 1981 Appropriations Act prohibits the funding of public participation in the Departmental rulemaking proceedings. **G. Citation:** 49 CFR pt. 5		
Public Availability of Information	**A. Description:** This involves a revision of DOT's Freedom of Information Act regulations. Specific areas to be revised may include the fee schedule and the policy on waivers of fees for public interest groups and the press. **B. Why Significant:** Substantial public interest **C. Analysis:** Regulatory Evaluation **D. Need:** Freedom of Information Regulations need periodic revision to keep current with changes in case law, policy, and implementation costs. **E. Legal Basis:** 5 U.S.C. 552 (Freedom of Information Act) **F. Chronology:** The regulations were last revised in 1975. (40 FR 7915) A new revision is currently under internal development. **G. Citation:** 49 CFR pt. 7	Rebecca Lima Dailey, (202) 426-4542	NPRM *October* 1981.

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

OST

Office of the Secretary

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—State Transportation Agencies' EEO Affirmative Action Programs.	**A. Description:** The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. **B. Why Significant:** This proposed regulation would affect the equal opportunity employment programs of all State transportation agencies. **C. Analysis:** Regulatory Evaluation **D. Need:** OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort. **E. Legal Basis:** Section 22(a) of the Federal-Aid Highway Act of 1968, as amended; Section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976; Section 19 of the Urban Mass Transportation Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973. **F. Chronology:** The proposed regulation *has been* forwarded to EEOC for review and coordination. **G. Citation:** 23 U.S.C. 140(a), 45 U.S.C. 801, 49 U.S.C. 1615, 49 CFR 1.48(c), 2.49(u), 1.51(a).	Robert J. Coates, (202) 426-*4070*	*Further action to be determined.*

OST

Office of the Secretary

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Consolidation of Transportation Grants to U.S. Territories.	The regulation would comply with Title V of Pub. L. 95-134, which permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. NPRM was published on 1/8/79 (44 FR 1765) (49 CFR pt. 29).	Don Ryan, (202) 426-9605	*Further action to be determined.*
Rulemaking procedures	Amendments to the Office of the Secretary regulations on notice-and-comment rulemaking. (49 CFR pt. 5).	Sam Podberesky, (202) 426-4723	Further action to be determined.
Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs.	This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. NPRM published on October 22, 1979 (44 FR 60946).	Leslie Baldwin, (202) 426-4388	Further action to be determined.
Part-time Career Employment Program.	This internal order would convert certain full-time positions in the Department to permanent part-time positions, in accordance with the Federal Employees' Part-Time Career Employment Act of 1978. Comment period closed on November 14, 1980 (45 FR 61074) *Internal order, in the form of an amendment to the DOT Personnel Manual, published August 1981.*	Norma Phelps, (202) 426-0185	*Action complete.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Office of the Secretary

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
*Real Property Appraisal and Appraisal Review Regulation.	This regulation would prescribe requirements for the appraisal of property to be acquired pursuant to Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.	Lynne Adams-Whitaker, (202) 426-4723	NPRM Early 1982.
*Award of Fees and Expenses to Successful Litigants.	This regulation would provide for the award of attorney fees and other expenses to parties who prevail over the Federal Government in certain administrative and court proceedings pursuant to the Equal Access to Justice Act. (49 CFR pt. 6).	Lynne Adams-Whitaker, (202) 426-4723	FR October 1981.
*Minority Business Enterprise Program (Financial Assistance).	This regulation would change the definition of the term "Hispanic" to include persons of European hispanic origin. (49 CFR pt. 23).	Robert C. Ashby, (202) 426-4723	FR September 1981.

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Significant Regulations: Major

Title	Summary	Contact	Earliest expected decision date
†**Review:** Proposed Design Standards for Tank Barges (Docket No. CGD 75-083). Upgrade Existing Tank Barge Construction (Docket No. CGD 75-083a).	**A. Description:** This action would encompass two regulatory projects centered on tank barge construction standards which resulted from Presidential initiatives of March 17, 1977, directing study of the tank barge pollution problem. One project will address new barge construction while the other will pertain to existing barges. **B. Why Significant:** Considered significant due to substantial Congressional and public interest. **C. Analysis:** Regulatory Impact Analysis, Environmental Impact Statement/Regulatory Flexibility Analysis. **D. Need:** Increased public awareness of the oil pollution problem, as well as international and domestic interest in this area, have made improved design standards important as a means of reducing the possibility of pollution. **E. Legal Basis:** Sec. 201, 86 Stat. 427, as amended (46 U.S.C. 391a). **F. Chronology:** The upgrade of tank barge construction standards was published as an NPRM in the **Federal Register** of December 24, 1971 (36 FR 24960). As a result of the 63 written comments received, it was decided that the standards needed to be studied further, especially as they would apply to existing barges. In 1974, the Coast Guard and the Maritime Administration performed a joint study of the tank barge pollution problem which found that certain construction techniques might provide a significant advantage for eliminating oil pollution from tank barges. However, the study had several weaknesses and regulatory action was not taken.	LCDR Spackman, (202) 426-4431; LCDR Rock, (202) 426-2183	Further action to be determined. *Notice of intended future action October 1981.*

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Significant Regulations: Major—Continued

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Title	Summary	Contact	Earliest expected decision date
	In July 1977, the Coast Guard began a reexamination of the tank barge construction standards. It was determined that new barge construction should be treated separately from existing barges. An ANPRM concerning impacts related to existing barges was published on June 14, 1979 (44 FR 34440). An NPRM on the standards for new construction was published on June 14, 1979 (44 FR 34440). Public hearings were held on August 2, 1979 (Washington, D.C.); August 15, 1979 (Seattle); August 23, 1979 (New Orleans); September 5, 1979 (Washington, D.C.); and September 7, 1979 (St. Louis). The comment period ended September 30, 1979. The comment period was extended to December 1, 1979. Supplemental Notice published March 13, 1980 (45 FR 16438) announced a National Academy of Sciences (NAS) study which was conducted from February 15, 1980 through *July 1981. Rulemaking has been deferred until review of the NAS study is completed.* **G. Citation:** 46 CFR pts. 32–40		
Review: Construction and Equipment; Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (Docket No. 77-069).	**A. Description:** Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by the Intergovernmental Maritime Consultative Organization (IMCO). These amended regulations would also increase safety levels of existing ships carrying gas. **B. Why Significant:** This is significant because it involves a large number of existing U.S. and foreign flag ships which carry liquefied gas and because it is the subject of substantial public interest. **C. Analysis:** Regulatory Impact Analysis **D. Need:** Increased use of liquefied gases has intensified the problems associated with this product. Since this product has unique properties and dangers, a dedicated set of regulations is needed to address them. **E. Legal Basis:** R.S. 4417(a) as amended by section 5, P.L. 95–474 (46 U.S.C. 391a); See 6(d)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)). This rulemaking is also the Port and Tanker Safety Act of 1978. **F. Chronology:** An Advance Notice of Proposed Rulemaking was published June 30, 1977 (42 FR 33353). This action was taken pursuant to the Port and Tanker Safety Act of 1978. **G. Citation:** 46 CFR pts. 31, 34, 38, 40, 54, 98, 154	LCDR McGowan, (202) 426–2160	NPRM December 1981.
Damage Stability and Flooding Protection Standards for Great Lakes Bulk Dry Cargo Vessels (Docket No. CGD 80–159).	**A. Description:** Would require a level of subdivision for new ships which is at least equivalent to that required for Maritime Administration construction loan guarantees. Would reduce the risk of catastrophic sinking and increase the time available to utilize recently improved survival gear. **B. Why Significant:** This project would initiate a significant change in policy which differs substantially from international standards. Additionally, it could result in a major price increase for an individual industry. **C. Analysis:** Regulatory Impact Analysis	*Mr. Granholm,* (202) 426–2187	NPRM *August* 1982.

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Significant Regulations: Major—Continued

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Title	Summary	Contact	Earliest expected decision date
	D. Need: Due to lack of subdivision in the cargo hold, catastrophic sinkings of Great Lakes bulk carriers can occur very rapidly and with little or no warning, thus precluding the use of survival gear. Unique features of Great Lakes geography and shipping may permit application of unusual alternatives such as route modifications to increase the safety of existing vessels. **E. Legal Basis:** RS 4405 (46 U.S.C. 375); R.S. 4417 (46 U.S.C. 391); R.S. 4462 (46 U.S.C. 416). **F. Chronology:** January 7, 1981, work plan approved **G. Citation:** 46 CFR Parts 45 and 93.		

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Significant Regulations: Other

Title	Summary	Contact	Earliest expected decision date
†**Review:** Qualifications of the Person in Charge of Oil Transfer Operations, Tankerman Requirements (Docket No. CGD 79–116 and 79–116a).	**A. Description:** Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk. **B. Why Significant:** Considered significant because this is the result of a Presidential initiative. **C. Analysis:** Regulatory Evaluation, Environmental Impact Statement, Inflationary Impact Statement/Regulatory Flexibility Analysis. **D. Need:** Most pollution incidents are the result of personnel error; consequently, the minimum qualifications of persons involved in handling polluting substances should be specified. **E. Legal Basis:** 86 Stat. 427, as amended (46 U.S.C. 391a); Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(n)(4). **F. Chronology:** Environmental Analysis and Inflationary Impact Statement completed February, 1977. NPRM published April 25, 1977 (42 FR 21190). Public hearing June, 1977. Extensive comments were received on this NPRM and it was withdrawn on April 30, 1979. NPRM published December 1980 (45 FR 83268 and 45 FR 83290). Public hearings held in January and February 1981. **G. Citation:** 33 CFR pt. 155; 46 CFR pts. 12, 13, 30, 31, 35, 70, 90, 98, 105, 151, 153, and 157.	CDR Arnet, (202) 426–2251	FR October *1982.*
Review: Pollution Prevention, Vessels and Oil Transfer Facilities (Docket No. CGD 75–124a).	**A. Description:** Would reduce accidental or intentional discharge of oil or oily wastes during vessel operations.	*LCDR Gregory, (202) 755–1354*	NPRM *indefinite.*

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Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	B. Why significant: This regulation is the significant part of Docket No. CGD 75-124. Substantive changes to the NPRM are proposed so that a supplemental NPRM is needed. It is considered significant due to opposition from the owners/operators of offshore marine service vessels and inland waterways vessels to the oil-water separator requirements of 33 CFR 155.330. Also, considerable expense may be incurred by the towing service to install separators and monitors or alarms, if alternative measures are not used. Without these sections, the remainder of CGD 75-124 is nonsignificant and was published as a final rule on January 31, 1980 (45 FR 7156). The Coast Guard is presently attempting to determine whether a significant number of small entities would be affected by this rulemaking; a Regulatory Flexibility Analysis may be required. **C. Analysis:** Regulatory Evaluation **D. Need:** (1) Necessity to reduce the number of oil spills. (2) Clarification of existing rules. (3) Additional requirement for oil-water separators under the 1973 International Convention for the Prevention of Pollution from Ships. **E. Legal Basis:** Section 311(i)(1) (C) and (D) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(i)(1) (C) and (D)). **F. Chronology:** NPRM published June 27, 1977 (42 FR 32670). Supplemental NPRM published October 27, 1977 (42 FR 56625). Public hearings held: New Orleans, LA. 11/22/77, St. Louis, MO. 11/30/77, Wash., D.C., 11/28/77. **G. Citation:** 33 CFR 155.330–155.410		
†**Review:** Licensing of Pilots (Docket No. CGD 77-084).	**A. Description:** This proposal would require: recency of service for each route upon which a pilot is authorized to serve; licenses to be issued with tonnage limitations commensurate with pilot experience; and consideration of shiphandling simulator training for pilots of very large vessels including Very Large Crude Carriers (VLCC). **B. Why Significant:** Considered significant because there is substantial interest among marine personnel about this matter and because opposition is expected from Federal pilots. **C. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **D. Need:** Increased ship size has led to unusual handling characteristics with which some pilots may not be familiar. This rule will allow use of simulator training for these kinds of vessels. **E. Legal Basis:** 46 U.S.C. 214, 224, 230, 233, 237; 49 U.S.C. 1655(b)(1). **F. Chronology:** A Regulatory Analysis and Work Plan were completed in October 1978. NPRM published November 28, 1980 (45 FR 79258). Public hearings were held in January and February 1981. Revisions to the NPRM are planned as a result of the hearings. **G. Citation:** 46 CFR pt. 10	Mr. J. Hartke, (202) 755-8683	*Supplemental NPRM January 1982.*

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Significant Regulations: Other—Continued

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Title	Summary	Contact	Earliest expected decision date
Tank Vessel Operations Regulations, Puget Sound (Docket No. CGD 78-041).	**A. Description:** This regulation would govern the operation of tank vessels in the Puget Sound area to protect against environmental harm resulting from vessel or structure damage, destruction, or loss. **B. Why Significant:** This is considered a significant rulemaking due to Congressional and public interest. In addition, it may generate controversy among the public, environmentalists, and the oil industry. **C. Analysis:** Regulatory Evaluation, Environmental Impact Statement. **D. Need:** To reduce the possibility of environmental harm resulting from oil spills in Puget Sound by governing the operation of tankers so as to reduce the risk of collision or grounding. **E. Legal Basis:** Port and Waterways Safety Act (33 U.S.C. 1221). **F. Chronology:** Secretary Adams signed a 180-day Interim Rule on March 14, 1978, prohibiting entry of oil tankers in excess of 125,000 Deadweight Tons in Puget Sound March 23, 1978 (43 FR 12257). ANPRM published March 27, 1978 (43 FR 12840) with public hearing held April 20–21, 1978. NPRM published April 12, 1979 (44 FR 21974). Public hearings were held in Washington State on June 11–14, 1979. The interim navigation rule will remain in effect until cancelled (44 FR 36174). The Puget Sound rulemaking has been broken into three parts: 78–041 Tank Vessel Operations, 78–041a Puget Sound VTS Service Area, and 78–041b, Puget Sound VTS General Rules. 78–041b, the General Rules, were published as a final rule on July 21, 1980 (45 FR 48822). On August 11, 1980, the effective date was deferred until October 1, 1980, and a correction to the interim final rule was published August 11, 1980 (45 FR 53135). An editorial correction to the August 11, 1980, publication was published November 10, 1980 (45 FR 74471). The Puget Sound VTS Service Area portion (78–041a) was reclassified as nonsignificant and future issues of the agenda will list it in the nonsignificant section. A supplemental notice on the new nonsignificant portion was published on July 21, 1980 (45 FR 48826). The Tank Vessel Operations (78–041) portion remains significant. A supplemental NPRM announcing tanker/tug risk analysis tests was published on July 21, 1980 (45 FR 48827). **G. Citation:** 33 CFR pts. 160, 161	Mr. Ziegfeld, (202) 755-*5116*	FR December 1981.

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Title	Summary	Contact	Earliest expected decision date
Vessel Traffic Service (VTS), Berwick Bay, La. (Docket 73-186).	Would codify certain operating procedures now being done under local order. (33 CFR pt. 161).	Ens LeBlanc, (202) 426-*5116*	NPRM *August* 1981.
VTS Houston-Galveston, Texas (Docket No. CGD 74-029).	Would make mandatory a now voluntary vessel traffic service. NPRM published September 18, 1980 (45 FR 62158). (33 CFR pt. 161).	Ens LeBlanc, (202) 426-*5116*	FR *September* 1981.
Review: Revision of Electrical Regulations (Docket No. CGD 74-125).	Would generally revise and update the electrical regulations to conform to latest technology and to include steering requirements for vessels other than tank vessels. This project was downgraded from significant. Supplemental NPRM published March 3, 1980 (45 FR 13982).	LCDR Mowery, (202) 426-2206	FR *December* 1981.
Pilot Ladders and Powered Pilot Hoists (Docket No. CGD 74-140).	Would establish new regulations for pilot hoists and revise regulations for pilot ladders and chain ladders. NPRM published July 23, 1979. (44 FR 43016). Publication of FR deferred pending evaluation of comments. (46 CFR pts. 160, 163).	Mr. R. Markle, (202) 426-1445	FR *October* 1981.
Review: Fixed Fire Extinguishing Systems on Uninspected Vessels (Docket No. CGD 74-284).	Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. (46 CFR 162.029).	Mr. K. Wahle, (202) 426-1444	NPRM *October* 1981.
Elevators and Dumbwaiters (Docket No. CGD 75-001).	Would adopt the 1978 American National Standards Institute (ANSI) code with certain modifications for vessel construction. NPRM published April 5, 1976 (41 FR 14386). (46 CFR pt. 58).	*LT(jg) Cairns,* (202) 426-2206	*Further action to be determined.*
Opening Signals for Drawbridges (Docket No. 75-237).	If approved, would establish uniform signals for opening drawbridges. NPRM published June *1,* 1980 (45 FR 43226) (33 CFR pt. 117).	Mr. Teuton, (202) 426-1380	FR *August* 1981.
†**Review:** Stability Standards for Towing and Offshore Vessel Hull Forms (Docket No. CGD 76-018).	Would establish intact stability standards for both towing and free-route modes of subject vessels. ANPRM published April 12, 1976 (41 FR 15349). (46 CFR pt. 42).	Mr. F. Perrini, (202) 426-2187	NPRM *February 1982.*
Review: Subdivision and Stability of Passenger Vessels (Docket No. CGD 76-058).	Proposes more flexible regulations by allowing alternate compliance with Intergovernmental Maritime Consultative Organization as an alternative to existing requirements. (46 CFR pts. 73, 74).	Mr. J. Howell, (202) 426-2187	NPRM *August* 1981.
†Pilotage Requirements (Docket No. CGD 76-060).	Would clearly delineate when and in what areas pilots are required. (46 CFR 157.20-40).	CDR McCowen, (202) 426-2240	Further action to be determined.
Review: Stability Standards for Hopper Dredges (Docket No. CGD 76-080).	Would improve capability of a dredge to withstand flooding caused by damage to hull or interior piping. NPRM published December 10, 1979 (44 FR 70791). (46 CFR pt. 93).	*Mr. W. Cleary,* (202) 426-2187	FR *October* 1981.
Cargo Monitors on Tank Vessels (Docket No. CGD 76-088b).	Proposed requirements for installation and use of cargo monitors. NPRM published June 27, 1977 (42 FR 32684). (33 CFR pt. 157).	LCDR Cool, (202) 426-4431	Supplemental NPRM *October* 1981.
Review: Casualty Reporting (Docket No. CGD 76-170).	Would update the regulation by changing the monetary and other damage criteria. As a result of numerous comments, a revised NPRM was published. NPRM published October 19, 1978 (43 CFR 48982). Correction published October 23, 1978 (43 FR 49316). NPRM published December 3, 1979 (44 FR 69308). Interim final rule published November 24, 1980 (45 FR 77439). (46 CFR 4.05).	Capt Blomquist, (202) 426-1455	*FR February 1982.*
Review: Radar Observer Endorsement for Personnel (Docket No. CGD 76-193a).	Would require specialized training in use of radar equipment. NPRM published November 6, 1980 (45 FR 73716). (48 CFR Pt. 10).	CDR Arnet, (202) 426-2251	FR *December* 1981.

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Title	Summary	Contact	Earliest expected decision date
Review: Shipboard Fumigation Standards (Docket No. CGD 76-206).	Proposed operational requirements for fumigation procedures on vessels. (46 CFR pt. 147a).	*Mr. J. McAnulty,* (202) 426-1577	NPRM *April 1982.*
Review: Exemption for Cargo Vessels in Alaska Serving Remote Villages (Docket No. CGD 76-223).	Would allow special uses for specific vessels serving in the Alaskan Trade. (46 CFR pts. 6, 30, 42, 43, 70, 90, and 151; 33 CFR pt. 1) *FR published 9 March 1981 (46 FR 15685).*	LT Murray, (202) 426-2190	*Action complete.*
Review: Marine Safety Investigations (Docket No. CGD 77-018).	Would implement investigation authority under Ports and Waterways Safety Act. NPRM published January 25, 1979 (44 FR 5368). (33 CFR pt. 168).	*LCDR Gregory, (202) 755-1354*	FR *January 1982.*
Damage Stability, Subchapter "O" Barges (Docket No. CGD 77-027).	Would apply damage stability requirements for chemical vessels to ocean chemical barges. (46 CFR 151.10-10).	Mr. F. Perrini, (202) 426-2187	NPRM *February 1982.*
Ocean Dumping Surveillance Equipment Requirements, (new Part) (Docket No. CGD 77-029).	Would establish equipment requirements to conduct surveillance to prevent unlawful dumping of material into ocean waters. NPRM published December 13, 1979 (44 FR 72188). After reviewing the comments and evaluating the current state of ocean dumping, the Coast Guard has determined that this proposal would be too expensive for the potential benefits to be expected. For this reason, the proposal is being withdrawn. (33 CFR pt. 158). *Withdrawn April 30, 1981 (46 FR 24213).*	LCDR Voyik, (202) 755-7938	*Withdrawn.*
Review: Designation of Oceanographic Vessels (Docket No. CGD 77-081).	Would establish standard procedures for designating oceanographic research vessels and allow their exemption from certain manning requirements. NPRM published December 22, 1980 (45 FR 84104). (46 CFR pt. 188).	CDR McCowen, (202) 426-2240	FR *December* 1981.
Vessel Traffic Service (VTS) New York, N.Y. (Docket No. CGD 77-087).	Establishes regulations for vessel traffic service in New York Harbor. NPRM published February 16, 1978 (43 FR 6906). Final Rule published August 2, 1979 (44 FR 45381). Effective date suspended indefinitely September 24, 1979 (45 FR 50005) (44 FR 2133). (33 CFR pt. 161).	*LT Burnette, (202) 426-5716*	*Effective date to be established.*
Requirement for First Purchaser List Kept by Boat Dealers (Docket No. CGD 77-115).	Would require boat dealers to assist in creating a list of retail purchasers so manufacturers could send notice to alert of safety defects. NPRM published December 29, 1980 (45 FR 85475). (33 CFR pt. 179).	Mr. Ellison, (202) 426-1065	*Further action to be determined.*
†**Review:** Waterfront Facilities (Docket No. CGD 77-128).	Would revise waterfront facility regulations by consolidating and updating general regulations. ANPRM published April 10, 1978 (43 FR 15108). (33 CFR pts. 126-32).	*LCDR Gregory, (202) 755-1354*	NPRM *March 1982.*
Review: Amendments to Alternative Compliance (Docket No. CGD 77-136).	Would provide editorial improvement and clarification of existing regulations. NPRM published January 26, 1981 (46 FR 8030). (33 CFR pt. 81).	*Mr. C. Llana, (202) 426-5116*	FR *August* 1981.
Review: Miscellaneous Changes to 46 CFR 56 (Docket No. CGD 77-140).	Would update Title 46, Subchapter F—Marine Engineering. (46 CFR pt. 56).	*LT(jg) Jackson, (202) 426-2160*	NPRM *January 1982.*
*__Review:__ Acceptance of American Society of Mechanical Engineers (ASME) "U" or "UM" Pressure Vessels (Docket 77-147).	Would accept pressure vessels bearing the ASME "U" or "UM" stamp without U.S. Coast Guard inspection. NPRM published December 29, 1980 (45 FR 85488). (46 CFR Part 54).	Mr. H. Hime, (202) 426-2160	FR December 1981.

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Title	Summary	Contact	Earliest expected decision date
Revision of Navigation Safety Regulations (Docket No. CGD 77-196).	This docket was previously titled "Designation of Confined or Congested Waters." 33 CFR Part 164 is being revised. This revision would amend existing navigation safety regulations and incorporate changes in electronic position fixing devices and electronic relative motion analyzers, delete references to confined or congested waters, and resolve certain other ambiguities. (33 CFR pt. 164).	*Mr. T. Falvey, (202) 426-5116*	Further action to be determined.
Lifesaving Systems for Great Lakes Vessels (Docket No. CGD 77-202).	Would amend regulations for lifeboats and other equipment to improve chances of personnel survival following abandonment of vessel. This project has been redocketed and will appear in future agendas under the number CGD 77-202. Redocketed from No. CGD 75-033. (46 CFR Subchapters D, H, I, T, and Q).	Mr. R. Markle, (202) 426-1445	NPRM *February 1982.*
Review: Second Class Operator for Towing Vessels (Docket No. CGD 77-204).	Would allow able seaman service on ocean going vessels to be credited toward second class towboat license. NPRM published May 25, 1978. (43 FR 22653). (46 CFR pt. 10).	CDR Struck, (202) 426-2240	Further action to be determined.
Review: Halon 1301 Fire Extinguishing Systems for Merchant Vessels (Docket No. CGD 77-232).	Would allow Halon 1301 for specific types of installations. (46 CFR 164.035).	Mr. R. Eberly, (202) 426-2197	NPRM *August* 1981.
Navigation Lights for Small Vessels (Docket No. CGD 77-233).	Would specify approval procedures and installation requirements for International Rules navigation lights for small vessels. NPRM published September 7, 1978 (43 FR 39946). Supplemental NPRM published December 29, 1980 (45 FR 85468). (33 CFR pt. 89).	Mr. L. Gray, (202) 426-4027	FR *September* 1981.
Officers on Uninspected Vessels (Docket No. CGD 78-027).	The amendment would clarify 46 CFR 157.30-10 regarding the number of deck officers and engineers to be on board uninspected vessels. NPRM published October 27, 1980 (45 FR 70920). *FR published 21 May 1981 (46 FR 27654).*	CDR McCowen, (202) 426-2240	*Action complete.*
Hazardous Substances, Pollution Prevention for Vessels and Marine Transfer Facilities (Docket No. CGD 78-032).	Would establish regulations to prevent pollution from hazardous substances from vessels and marine transfer facilities. *Incorporated into project CGD 77-128* (33 CFR pts. 154, 155 and 156).	*LT Balch,* (202) 426-9578	*Withdrawn.*
†Liquefied Natural Gas Waterfront Facility (Docket No. CGD 78-038).	Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Materials Transportation Bureau, RSPA. ANPRM published August 3, 1978 (43 FR 34362). Will merge with CGD 77-128. Supplemental ANPRM published March 8, 1979 (44 FR 12693). (33 CFR pt. 126).	*LCDR Gregory, (202) 755-1354*	NPRM *March 1982.*
Vessel Traffic Service (VTS), Puget Sound (Docket No. CGD 78-041a).	Would establish requirements for a Vessel Traffic Service in the Puget Sound area. This rulemaking was separated from Docket No. CGD 78-041 which appears earlier in this Agenda as a significant rulemaking. Published December 22, 1980 (45 FR 80457); originally scheduled to go into effect February 1, 1981. Effective date delayed March 31, 1981 (46 FR 10706) for review under E.O. 12291.	Mr. Ziegfeld, (202) *426-5116*	*Action complete.*
Review: St. Mary's River, Vessel Traffic Service (Docket No. CGD 78-079).	Would revise and restate existing anchorage and navigation regulations for St. Mary's River, re-promulgating them under the authority of the Ports and Waterways Safety Act. NPRM published January 5, 1981 (46 FR 946). Comment period extended on February 19, to May 15, 1981 (46 FR 12987). (33 CFR pt. 161).	Mr. E. LaRue, (202) 426-*5116*	FR *August* 1981.

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[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Notification of Marine Casualties (Docket No. CGD 78-098).	If approved, would require vessels within a certain distance of United States coasts to notify the Coast Guard of certain casualties. Further action on this project depends on the outcome of a study suggested in response to the ANPRM. ANPRM published April 16, 1979 (44 FR 22476). (33 CFR pt. 124 transferred to 161).	*LCDR Gregory,* (202) 755-1354	*To be withdrawn.*
Aluminum Hatch Covers Aboard Tank Ships (Docket No. CGD 78-121).	Would prohibit aluminum hatch covers on tank ships, because they can melt down in ship-board fires. NPRM published October 27, 1980 (45 FR 70916). (46 CFR 32.60-1).	Mr. R. Eberly, (202) 426-2197	*Further action to be determined.*
Review: Bulk Chemical Tanker Update (Docket No. CGD 78-128).	Would update and revise standards for self-propelled vessels carrying hazardous liquid. (46 CFR pt. 153). NPRM published July 17, 1980 (45 FR 48058).	LT *Gormanson,* (202) 426-1217	FR *December* 1981.
Inland Waters Navigation Regulations—Waters Connecting Lake Huron and Lake Erie (Docket No. CGD 78-151).	Would modernize existing regulations. (33 CFR pt. 162)........	Mr. LaRue, (202) 426-*5116*	NPRM *September* 1981.
Review: Mandatory Marking of Obstructions (Docket No. CGD 78-156).	Would clarify and consolidate the requirements for marking of obstructions. (33 CFR pt. 64).	LT Johnson, (202) 426-1974	*Further action to be determined.*
Review: Private Aids to Navigation and State Aids to Navigation (Docket No. CGD 78-157).	Would codify and clarify the aids to navigation regulations concerning State and private aids to navigation. (33 CFR pt. 66).	LT Johnson, (202) 426-1974	Further action to be determined.
Review: Mandatory Markings for Artificial Islands, Installations, and other Devices (Docket No. CGD 78-158).	Would revise the marking regulations to bring them into agreement with the latest procedures. (33 CFR pt. 67).	LT Johnson, (202) 426-1974	Further action to be determined.
Review: Aids to Navigation—General Interference with, Damages to and Charges for Aids to Navigation (Docket No. CGD 78-159).	Would codify, revise and clarify the existing regulations. (33 CFR pts. 60, 62, 66, 70, 74, and 76).	LT Johnson, (202) 426-1974	Further action to be determined.
Review: General Revision to Subchapter N (Docket No. CGD 78-160).	Proposed general revisions to Subchapter N, Artificial Islands and Fixed Structures on the Outer Continental Shelf. Revisions to include changes made necessary by new legislation and the Coast Guard Commercial Diving Rules. NPRM published May 1, 1980 (45 FR 29072). (33 CFR pt. 140).	*LT Cashman, (202) 472-5160*	FR *September* 1981.
Review: Termination of Windsurfer Exemption (Docket No. CGD 78-163).	Would determine whether to continue an exemption that allows operators of windsurfer boats to not carry personal flotation devices. ANPRM published March 29, 1979. NPRM published July 17, 1980 (45 FR 47676). (33 FR pt. 175).	*Mr. Franseen,* (202) 426-*1080*	*To be withdrawn.*
Approval of Inflatable Personal Flotation Devices (PFDs) (Docket No. CGD 78-174).	Would establish performance standards for inflatable PFDs and procedures for granting product approval to these devices. ANPRM published March 15, 1979. (46 CFR pt. 160).	LT Weiss, (202) 426-1444	NPRM September 1981.
Offshore Oil Lightering (Docket No. CGD 78-180).	Would establish requirements for vessel to vessel transfers of oil or hazardous materials if the cargo is bound for a U.S. port. NPRM published May 31, 1979 (44 FR 31486). (33 CFR pt. 156).	LCDR Hendrickson, (202) 426-9578	Supplemental NPRM *September* 1981.

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Title	Summary	Contact	Earliest expected decision date
Review: Amendment to Hull Identification Requirements (Docket No. CGD 79-013).	Would further delineate responsibility for marking boats with a hull identification number. Would require a second number inside the boat to aid in identification of stolen boats. NPRM published December 29, 1980 (45 FR 85476). (33 CFR pt. 181).	Mr. Ellison, (202) 426-1065	*Further action to be determined.*
Review: Stability Subchapter (Docket No. CGD 79-023).	Would bring together all the existing stability regulations and identifiable past practices into a single subchapter including a part pertaining to the carriage of passengers and separate parts pertaining to cargoes, vessel use, and special types.	*LCDR Feeney,* (202) 426-*2167*	NPRM *April 1982.*
Port and Tanker Safety Act Delegations Under Section 9. Ports and Waterways Safety Act (Docket No. CGD 79-026).	Would delegate to Captains of the Port authority and responsibility to prohibit vessel operations and cargo transfers which may be unsafe. (33 CFR pt. 160). NPRM published December 3, 1979 (44 FR 69306). (33 CFR pt. 160). *Supplemental NPRM published June 11, 1981 (46 FR 30835).*	*LCDR Gregory,* (202) *755-1354*	*FR June 1982.*
Installation, Maintenance and Inspection of Pilot Accommodation and Chain Ladders, and Powered Pilot Hoists (Docket No. CGD 79-032).	Would establish inspection procedures and timetables for embarkation apparatus.	LT Murray, (202) 426-*2183*	*Further action to be determined.*
Limited Access Areas (Docket No. CGD 79-034).	Would realign limited access area regulations in 33 CFR. (33 CFR pts. 125, 127, 128, and 165).	*LCDR Gregory,* (202) *755-1354*	FR *October* 1981.
Steering Gear, Drills and Tests (Docket No. CGD 79-038).	Would require all inspected vessels over 100 gross tons and foreign vessels over 1600 gross tons to have written procedures for loss of steering control, and to conduct log emergency steering drills. Docket No. CGD 79-038a incorporates changes to Title 46 CFR and CGD 79-038b incorporates changes to Title 33 CFR.	*Mr. Falvey,* (202) 426-*4958*	*Further action to be determined.*
Crane Operator Qualifications and Standards for Offshore Crane Design Inspection, Testing and Operation (Docket No. CGD 79-059).	Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing. ANPRM published January 10, 1980 (45 FR 2052). (33 CFR pt. 146 and 46 CFR pt. 92).	*Mr. R. Barr,* *(202) 472-5160*	NPRM *November* 1981.
†Marine Personnel Safety Standards (Docket No. CGD 79-065).	Would develop a new Subchapter prescribing general personnel safety standards for inspection vessels and offshore facilities. (Subchapter V).	*LT Gold,* (202) 426-2183 LT F. Whipple, (202) 426-5160	NPRM *December* 1981.
Stowage of Lifeboats and Liferafts (Docket No. CGD 79-072).	Would amend various subchapters to require inspected vessels under 1600 gross tons on coastwise voyage and having widely separated accommodation or working spaces, to carry inflatable liferafts in those areas capable of accommodating 50 percent of the people on board. NPRM published December 3, 1979 (44 FR 69311). Supplemental NPRM published May 27, 1980 (45 FR 35366). *Rule published May 26, 1981 (46 FR 28167).*	CDR J. DeLeonardis, (202) 426-2183	*Action complete.*
†Personnel Job Safety Requirements for Fixed Installations on the Outer Continental Shelf (Docket No. CGD 79-077).	This regulation would develop personnel safety and health requirements for artificial island, fixed installations and other devices on the Outer Continental Shelf (33 CFR Subchapter No. 46 CFR Subchapter 1A and V.) *Notice of meeting published March 5, 1981 (46 FR 15402). Correction published March 19, 1981 (46 FR 17702).*	LT Cashman, (202) 471-5150	NPRM *August 1982.*
Vessel Personnel Licensing and Certification Standards of Foreign Countries (Docket No. CGD 79-081(a)).	Establishes procedures for verification of training, qualification and watchkeeping standards of personnel serving on foreign tank vessels. Interim FR Published April 7, 1980 (45 FR 23425).	CDR D. Struck, (202) 426-2240	Further action to be determined.

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Title	Summary	Contact	Earliest expected decision date
Foreign Tank Vessel Manning Levels (Docket No. CGD 79–081(b)).	Would establish minimum manning levels for foreign tank vessels while operating on U.S. navigable waters. NPRM published November 17, 1980 (45 FR 75712).	CDR D. Struck, (202) 426–2240	FR *February 1982.*
Amendment to Application of Vessel Numbers (Docket No. 79–087).	Would delete date of birth and citizenship data from application for vessel number. NPRM published August 21, 1980. (45 FR 55768). (33 CFR pt. 174).	Mr. Dewees, (202) 426–4176	Further action to be determined.
Shipment of Bulk Hazardous Waste by Water (Docket No. CGD 79–095).	Would establish requirements for transportation of bulk hazardous wastes. NPRM published October 14, 1980 (45 FR 67708).	Mr. R. M. Query, (202) 426–1217	*Further action to be determined.*
U.S. Coast Guard Reserve (Docket No. CGD 79–105).	Would update the administrative regulations pertaining to the Coast Guard reserve.	Mr. Cotter, (202) 426–2348	FR December 1981.
Inland Waterways Navigation Thimble Shoals (Docket No. CGD 79–120).	Would make two existing regulations consistent. (33 CFR pts. 128 and 162). *NPRM published June 4, 1981 (46 FR 29904).*	ENS Le Blanc, (202) 426–*5116*	*FR July 1981.*
Applications for Exemptions for SBT, CBT or COW, for Existing Vessels in Specific Trades (Docket No. CGD 79–126).	Would establish procedures for exemption from Segregated Ballast (SBT), Clean Ballast (CBT), or Crude Oil Washing (COW), for existing vessels in specific trades. NPRM published May 22, 1980 (45 FR 34306). FR published January 15, 1981 (46 FR 3510); originally scheduled to go into effect on February 2, 1981. Effective date delayed until March 31, 1981 (46 FR 10706) for review under E.O. 12291.	LCDR A. Spackman, (202) 426–4431	*Action complete.*
Joint U.S.-Canada Vessel Traffic Management regulations for the Pacific region (Docket No. CGD 79–131).	Would implement the provisions of an Agreement for a Cooperative Vessel Traffic Management System for the Pacific Region. (33 CFR pt. 161).	*Mr. A. Whitten,* (202) 426–*5116*	NPRM August 1981.
Shipboard Noise Abatement (Docket No. CGD 79–134).	Would develop noise abatement standards (noise levels, hearing conservation program, etc.) for inspected vessels over 100 gross tons. (Will be included in subchapter V).	LT Murray, (202) 426–2183	NPRM *October* 1981.
Start-in-Gear Protection (Docket No. CGD 79–137).	Would establish a requirement for manufacturers of outboard engines producing more than 115 pounds of thrust to have a feature that would prevent the engine from being started while the transmission was in gear. NPRM published March 24, 1980 (45 FR 18987); comment due July 24, 1980. FR published January 15, 1981 (46 FR 3514); scheduled to go into effect on August 1, 1982, subject to review under E.O. 12291 (33 CFR 181 and 183).	Mr. L. *Gray,* (202) 426–4027	Undergoing Executive Order 12291 review.
Review: Inland Waterways Navigation Great Lakes (Docket No. CGD 79–151).	Would update existing regulations in 33 CFR pt. 162, NPRM published August 25, 1980 (45 FR 56365). FR published January 26, 1981 (46 FR 7959); originally scheduled to go into effect on February 25, 1981. Effective date delayed until March 31, 1981 (46 FR 10706) for review under E.O. 12291. *Decision made to allow rule to go into effect.*	ENS Le Blanc, (202) 426–*5116*	*Action complete.*
Review: Load Line Equivalent Regulations (Docket No. CGD 79–153).	Would rearrange existing regulations in 46 CFR 42, Load Line, to comply with International Maritime Consultative Organization Resolution A.320(IX).	*Mr. W. Cleary,* (202) 426–2187	NPRM *October* 1981.
Deepwater Port Liability Fund Requirements. (Docket No. CGD 79–158).	Would implement provisions of the Deepwater Port Act of 1974 to establish and administer liability limits and compensation relative to accidental oil spills at deep water port sites. (33 CFR pts. 137.150). NPRM published October 2, 1980 (45 FR 67708).	Mr. F. Martin, (202) 472–5052	*FR September 1981.*

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Title	Summary	Contact	Earliest expected decision date
Review: Tank Stop Valves (Docket No. CGD 79-159).	Would amend the regulations for tank stop valves to make them applicable to sluice gates and sluice valves as well as piping systems. *ANPRM published 16 April 1981 (46 FR 220).*	LCDR Mowery, (202) 426-2160	*Further action to be determined.*
Modification to Line Throwing Device Requirements (Docket No. CGD 79-160).	Would modify the regulation requiring a linethrowing device only in cargo vessels over 500 gross tons and passenger vessels on international voyages. NPRM published December 11, 1980 (45 FR 81616).	LT *Gold,* (202) 426-2183	FR *December* 1981.
*Use of Dangerous Articles as Ship's Stores (Docket No. CGD 79-166).	Would establish acceptance, handling, and use of dangerous articles as products approved for use on board vessels. (46 CFR pt. 147).	Mr. J. McAnulty, (202) 426-1577	*ANPRM February 1982.*
Review: Painters for Life Floats and Buoyant Apparatus (Docket No. CGD 79-167).	Would require life floats and buoyant apparatus to have painters that are secured to the vessel.	Mr. R. Markle, (202) 426-1444	*January 1982.*
Launching Devices for Liferafts (Docket No. CGD 79-168).	Proposed specification for approval of devices used for launching inflatable liferafts. (46 CFR pts. 160 and 163).	*LT(jg) Girton,* (202) 426-1445	NPRM *December 1981.*
Review: License in Temporary Grades (Docket No. CGD 79-173).	Would provide for licenses in temporary grades or special endorsements or licenses to permit temporary service. NPRM published August 18, 1980 (45 FR 54776).	CDR D. Struck, (202) 426-2240	*Further action to be determined.*
Disclosure of Safety Standards and Country of Registry (Docket No. CGD 79-180).	Would update 46 CFR 80.10 in compliance with 46 U.S.C. 362(b).	CDR DeLeonard, (202) 426-2183	*NPRM September 1981.*
†Shipboard Asbestos Standards (Docket No. CGD 79-181).	Would develop safety standards threshold values, etc., for use of asbestos on inspected vessels. (Will be included in Subchapter V).	LT Fust, (202) 426-2183	NPRM *October* 1981.
Update of Subchapter O Cargo List (Docket No. CGD 80-001).	Would update the subchapter O cargo table in 46 CFR 151.05. NPRM published July 3, 1980 (45 FR 45327).	Mr. J. Jakabcin, (202) 426-6260	FR *August* 1981.
*Tank Vessels, Corrections and Clarifications to Title 33 CFR (Docket No. CGD 80-09).	Would eliminate conflicting requirements in Titles 46 and 33 CFR for minimum bolts per flange on transfer connections, fixed piping. In addition it would eliminate confusion in tank barge security and smoking regulations.	LT Murray, (202) 426-2183	NPRM *August* 1981.
Prince William Sound VTS Amendment (Docket No. CGD 80-010).	Updates Prince William Sound Vessel Traffic System regulations. NPRM published December 29, 1980 (45 FR 85471). (33 CFR pt. 161). *Final rule published July 2, 1981 (46 FR 34579).*	Mr. E. LaRue, (202) 426-*5116*	*Action complete.*
*Emergency Position Indicating Radiobeacons (EPIRB) (Docket No. 80-24).	Would require use of EPIRB's on vessels operating on the Great Lakes.	Mr. Markle, (202) 426-1444	NPRM *August* 1981.
*Review: Coast Guard Claims regulations (Docket No. CGD 80-33).	This proposal would update the regulations pertaining to claims made against the Coast Guard. (33 CFR pt. 25).	LCDR Bissell, (202) 426-2245	*Further action to be determined.*
Valve Inspection for Thermal Fluid Heaters (Docket No. 80-64).	Would clarify the inspection standards for valves on thermal heaters.	LT(jg) *Strasser,* (202) 426-2183	NPRM *September* 1981.
Carriage of Liquefied Gases (Docket No. 80-65).	*Would reconcile the existing regulations with the IMCO (International Maritime Consultative Organization) Gas Code* (46 CFR 38.05).	LT P. Wieczynski, (202) 426-1217	NPRM *January 1982*
Regulated Navigation Area, Tomlinson Bridge, New Haven, Conn. (Docket No. CGD 80-069).	Would include a portion of the waters of New Haven Harbor around the Tomlinson Bridge as a Regulated Navigation Area. NPRM published June 16, 1980 (45 FR 40621). (33 CFR pt. 128).	*LCDR Gregory,* (202) *755-1354*	*October 1981.*

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Title	Summary	Contact	Earliest expected decision date
Loran C Position Transmitting System (Docket No. CGD 80-093).	Would require an automatic position transmitting capability of deep draft ships approaching Hinchen Brook Entrance and in the lower portion of Prince William Sound, Alaska. (33 CFR pt. 161).	Mr. *A. Whitton,* (202) 426-4958	NPRM *August* 1981.
Mooring and Fleeting of Tows on Snake Island, Texas (Docket No. 80-094).	Would prohibit the mooring and fleeting of tows on Snake Island, Texas. (33 CFR 128). *NPRM published July 13, 1981 (46 FR 35941).*	ENS LeBlanc, (202) 426-*5116*	*FR November 1981.*
San Juan, Puerto Rico Restricted Seaplane Landing Area (Docket No. 80-095).	Would redefine the restricted seaplane landing area in San Juan Harbor, Puerto Rico. NPRM published December 11, 1980 (45 FR 81607). (33 CFR pt. 162). *Final rule published May 21, 1981 (46 FR 27644).*	ENS Leblanc, (202) 426-4958	*Action complete.*
COLREGS Demarcation Line, Chesapeake Bay, VA. (Docket No. CGD 80-096).	Would relocate the Collision Avoidance Regulations (COLREGS) Demarcation line at the entrance to Chesapeake Bay to less congested waters. (33 CFR pt. 82). NPRM published December 18, 1980 (45 FR 83267). *Withdrawn June 25, 1981 (46 FR 32886).*	ENS LeBlanc, (202) 426-4958	*Withdrawn.*
Documentation of Vessels (Docket No. CGD 80-107).	Would revise 46 CFR parts 66 and 67 to implement the provisions of Public Law 96-594. *Project number CGD 80-108 has been incorporated into this project.*	Mr. P. Camilla, (202) 426-1492	NPRM *November* 1981.
Qualifying Corporations as U.S. Citizens for Documentation Purposes under 46 U.S.C. 883-1 (Docket No. CGD 80-108).	Would consolidate and revise existing regulations dealing with corporate citizenship into a separate subpart of Title 46 CFR pt. 67. *Consolidated into CGD 80-107.*	LT M. Drazal, (202) 426-1492	*Action complete.*
Inflatable Liferaft Stability (Docket No. CGD 80-113).	Would provide specific rules for function, size, and placement of stability appendages. *ANPRM published June 29, 1981 (46 FR 33341).*	Mr. M. Daniels, (202) 426-1445	ANPRM *November* 1981.
Lights for barges at bank or dock (Docket No. CGD 80-115).	Would delete the list of lighting exemptions for barges moored at certain banks or docks as now listed in 33 CFR pt. 95 and authorize Captains of the Port to authorize or deny lighting exemption requests. *NPRM published May 18, 1981 (46 FR 27128). FR published August 13, 1981 (46 FR 40873) (33 CFR pt. 95).*	ENS LeBlanc, (202) 426-*5116*	*Action complete.*
Portable Deadlights on Great Lakes Vessels (Docket No. CGD 80-116).	Would permit inside portable deadlights on deckhouse and companion way doors as alternatives to hinged inside deadlights.	Mr. F. Thompson, (202) 426-2174	*April 1982.*
Proposed Changes to Puget Sound VTS Rules (Docket No. CGD 80-119).	Would solicit public comment on determining appropriate means to reduce conflicts between various areas of Puget Sound and adjacent waterways (33 CFR pt. 161). *ANPRM published April 14, 1981 (46 FR 22207).*	Mr. Whittem, (202) 426-*5116*	*NPRM September 1981.*
Revocation of certain Load Line Regulations (Docket No. CGD 80-120).	Would revoke obsolete load line regulations and revise other regulations accordingly (46 CFR pt. 43).	Mr. F. Thompson, (202) 426-2174	NPRM *October* 1981.
General Provisions: Offshore Supply Vessels (Docket No. CGD 80-133).	Would establish procedures for registering offshore supply vessels. *Rule published October 20, 1980 (FR 69243).*	LT Rolman, (202) 426-1464	*Action completed.*
Vessel Navigational Visibility (Docket No. CGD 80-134).	Would identify constraints on operation and recommend effective procedures to eliminate or reduce inadequate bridge visibility. *ANPRM published May 11, 1981 (46 FR 26086).*	LCDR Henry, (202) 426-2197	*NPRM May 1982.*
Fire test for carpets (Docket No. 80-135).	Would clarify "equivalent fire resistive" carpet and specify limitations on use of carpet aboard commercial vessels other than passenger vessels.	Mr. W. Boyce, (202) 426-2197	NPRM *May 1982.*

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Title	Summary	Contact	Earliest expected decision date
Maneuvering Performance Regulations (Docket No. CGD 80-136).	Would establish performance standards for new tank vessels; and possibly all vessels *in response to mandates in Port and Tanker Safety Act.*	Mr. P. Cojeen, (202) 426-2197	ANPRM *October* 1981.
Private/Semiprivate facilities (Docket No. CGD 80-138).	Would add definition of "private" and "semiprivate" wash rooms and toilet facilities to inspected vessel rules as now in Mobile Offshore Drilling Units, American Bureau of Shipping (ABS) rules.	Mr. F. Thompson, (202) 426-2174	*Withdrawn.*
Load Line Survey Fees (Docket No. CGD 80-143).	Would permit American Bureau of Shipping (ABS) to set fees without Coast Guard regulatory action.	Mr. *Granholm,* (202) 426-2188	*FR August* 1981.
Great Lakes Pilotage Rates (Docket No. CGD 80-148).	Would increase the basic rates for Great Lakes Pilotage by an average of 10 percent. NPRM January 12, 1981 (46 FR 2656). *FR published March 26, 1981 (46 FR 18716).*	Mr. J. Hartke, (202) 755-8863	*Action complete.*
Review: Revocation of Obsolete Specifications (Docket No. 80-155).	Would revoke approval specifications for cork and balsa ring life buoys and material specifications for cork and balsa. *NPRM published July 20, 1981 (46 FR 37290).*	Mr. F. Thompson, (202) 426-2174	NPRM *January 1982.*
*Amendments to Regulations allowing cork and balsa wood rings buoys (Docket 80-155a).	Would amend regulations in 33 CFR parts 144, 149 and 175 that allow cork and balsa wood ring buoys on artificial islands, fixed offshore structures and recreational boats. NPRM published July 20 (46 FR 37386). This regulatory project was split from Docket No. 80-155.	Mr. F. Thompson, (202) 426-2174	NPRM January 1982.
Material Standards for Fixed Structures (CGD 80-160).	Description: Would revise and update 33 CFR, Subchapter N, including lifesaving and firefighting equipment.	Lt. *Cashman,* 472-5160	NPRM *April 1982.*
*Colregs Demarcation Lines—Savannah River, GA. Amelia Island, FLA (Docket 80-142).	Would move the Colregs lines along the coast of Georgia to coincide with the Georgia Dept. of Natural Resources fishing lines. (33 CFR pt. 80). NPRM published July 27, 1981 (46 FR 38378).	Ens. LeBlanc, (202) 426-5116	FR September 1981.
*Inland Navigation Rules Certificates of Alternative Compliance (Docket 80-157).	Would set out procedures by which a vessel can receive a certificate of alternative compliance which recognizes the inability of a vessel of particular construction to comply with a particular provision of the Inland Rules. NPRM published May 14, 1981 (46 FR 26661). (33 CFR Pt. 96).	Mr. C. Llana, (202) 426-5116	FR August 1981.
*Annex V to Inland Navigation Rules Pilot Rules (Docket 80-158).	Would set out pilot rules of special applicability to supplement the new Inland Navigation Rules. (33 CFR pt. 88). NPRM published July 16, 1981 (46 FR 37012).	Mr. C. Llana, (202) 426-5116	FR October 1981.
*Ocean Thermal Energy Conversion (OTEC) Facility and Plantship Requirement (Docket 80-161).	Would establish minimal rules mandated under the OTEC Act for marine environmental protection and safety of life and property at sea (33 and 46 CFR).	Mr. F. Martin, (202) 472-5052	NPRM August 1981.
*Annex II to Inland Navigation Rules—Additional Signals for Fishing Vessels Fishing in Close Proximity (Docket 81-006).	Would provide trawlers and purse seiners with standardized signals to indicate when they are handling their nets (33 CFR pt. 85). NPRM published July 16, 1981 (46 FR 37006).	Mr. C. Llana, (202) 426-5116	FR October 1981.
*Annex IV to Inland Navigation Rules—Distress Signals (Docket 81-007).	Would provide the marine community with standardized signals for vessels to be used exclusively for indicating distress and the need for assistance (33 CFR pt. 87). NPRM published July 16, 1981 (46 FR 37002).	Mr. C. Llana, (202) 426-5116	FR October 1981.
*Annex I to Inland Navigation Rules—Positioning and Technical Details of Lights and Shapes (Docket 81-008).	Would set out the technical details for navigation lights and shapes for vessels (33 CFR pt. 86). NPRM published July 16, 1981 (46 FR 37002).	Mr. C. Llana, (202) 426-5116	FR October 1981.

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Title	Summary	Contact	Earliest expected decision date
*Annex III to Inland Navigation Rules Technical Construction Details for Sound Signal Appliances (Docket 81-009).	Would provide technical details for navigation lights and shapes for vessels (33 CFR pt. 86). NPRM published July 16, 1981 (46 FR 37008).	Mr. C. Llana, (202) 426-5116	FR October 1981.
*Servicing Inflatable Liferafts (Docket 81-010).	Would allow liferaft servicing in U.S. and foreign ports without Coast Guard Marine inspectors.	LT(jg) Delikat, (202) 426-1445	NPRM February 1982.
*Automated Main and Auxiliary Machinery (Docket 81-030).	Would implement the provisions for periodically unattended machinery spaces in the "Recommendation Concerning Regulations for Machinery and Electrical Installations on Cargo and Passenger Vessels" adopted by IMCO and the guidance on system design in Coast Guard Navigation and Inspection Circular on Automated Main and Auxiliary Machinery.	Mr. Slatt, (202) 426-2160	NPRM November 1981.
*Optional Simplified Admeasurement of Commercial Vessels (Docket 81-032).	Would implement Public Law 96-594, a bill to simplify admeasurement of commercial vessels of less than 24 meters (79 feet), and non-self propelled vessels of any size which are not engaged or intending to engage in international voyages by sea.	Mr. Higgins, (202) 426-2192	FR December 1981.
*Delete Fifth District Merchant Marine Technical Office Address from Regs (Docket 81-039).	Would remove Fifth District Merchant Marine Technical Office from regulations.	LCDR Anderson, (202) 426-2197	FR August 1981.
*Transfer of Corps of Engineers Gulf of Mexico Shipping Fairway Regulations to Coast Guard (Docket 81-040).	Would transfer the Army Corps of Engineers regulations designating Shipping Fairways in the Gulf of Mexico to the Coast Guard (33 CFR pt. 74).	Mr. C. Young, (202) 426-5116	NPRM December 1981.
*Licensing of Officers of Inspected Vessels of less than 100 gross tons (Docket 81-043).	Would amend 46 CFR parts 157, 175, 185, 186 and 187 to reflect statutory intent of P.L. 96-378 concerning the licensing of officers, and manning of inspected vessels of less than 100 gross tons.	CDR McCowen, (202) 426-2240	NPRM October 1981.
*Charge for Coast Guard's aid to navigation work (Docket 81-051).	Would delete the buoy and vessel costs currently listed in 33 CFR 74 and direct the owner to contact the Coast Guard for a list of reimbursable service charges (33 CFR pt. 74).	LT Johnson, (202) 426-1974	NPRM September 1981.
*General Bridge Permit Regulations (Docket 81-057).	Would establish rules for issuing general bridge permits (33 CFR pt. 115).	Mr. J. Schwartz, (202) 426-1974	NPRM October 1981.

USCG

U.S. Coast Guard

Routine and Frequent Nonsignificant Regulations

Title	Total	Contact	Decision date
Safety/Security Zone Regulations	15	Mr. Ziegfeld, (202) *426-5116*	*October* 1981-*October* 1982.
Anchorage Area Regulations	12	Mr. Ziegfeld, (202) *426-5116*	*October* 1981-*October* 1982.

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U.S. Coast Guard

Routine and Frequent Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Total	Contact	Decision date
Drawbridge Regulations	50	Mr. F. Teuton, (202) 426-1380	*July* 1981–*July* 1982.

FAA

Federal Aviation Administration

Significant Regulations: Major

Title	Summary	Contact	Earliest expected decision date
Flammability Standard for Crewmember Uniforms (Docket No. 14451).	**A. Description:** Would establish flammability specifications for crewmember uniforms that will provide protection against heat and flame. **B. Why Significant:** This proposal is considered a significant rulemaking project due to substantial public interest and potential cost to airlines. **C. Analysis:** Regulatory Impact Analysis. **D. Need:** To establish basic flammability specifications for crewmember uniforms, since clothing now used is made of conventional fabrics which may be ignited under many of the emergency conditions that may result. **E. Legal Basis:** Secs. 313(a), 601, and 604, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421(a), 1422; Sec. 6(c), DOT Act (49 U.S.C. § 1655(c)). **F. Chronology:** Prior to April 1974, a number of informal conferences were held with members of the public including the Association of Flight Attendants (AFA), regarding flammability of flight attendant uniforms. A project was established to examine AFA claims regarding uniform flammability. National Bureau of Standards (NBS) Center for Fire Research was selected as research contractor. ANPRM No. 75-13 was issued March *13,* 1975 (40 FR 11737), to solicit public information and comments. A follow-up contract was established with the NBS to evaluate comments and conduct further testing, the contract was extended through August 1979. A public hearing was held on May 28 and 29, 1980, to further explore the technical and economic factors that would be involved in implementing flammability standards. Participants in the hearing agreed to explore nonregulatory solutions to the problems raised by AFA. Notice 75-13B reopening the comment period until December 16, 1980 was published August 21, 1980 (45 FR 55760). *The withdrawal of this proposal was published June 22, 1981 (46 FR 32409).* **G. Citation:** 14 CFR Part 121.	William J. Sullivan, (202) 755-8716	*Withdrawn.*
Review: Operations Review Notice No. 7 (Docket No. 17669).	**A. Description:** Would revise the flight and duty time limitations and rest requirements for flight crewmembers used by domestic, flag, and supplemental air carriers, commercial operators of large aircraft, and air *taxi operators.* **B. Why Significant:** This proposal is considered a significant regulation because of the controversy associated with the complexity and enforcement problems of the current rules.	William J. Sullivan, (202) 755-8716	*Withdrawn.*

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Federal Aviation Administration

Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	C. Analysis: Regulatory Impact Analysis **D. Need:** This proposal is needed to eliminate the complexity of the current regulations and to assure that flight and duty time limitations are based upon today's operating environment. **E. Legal Basis:** Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **F. Chronology:** The proposals contained in this notice are based on related proposals discussed at the December 1975 Operations Review Conference. The notice was published in the Federal Register on February 27, 1978 (43 FR 8070), with a closing date of May 30, 1978, for public comments. The initial comment period was extended by supplemental notice on May 25, 1978 (43 FR 22540), to July 14, 1978, with reply comments allowed on or before August 18, 1978. A Supplemental Notice of Proposed Rulemaking (SNPRM) was published August 11, 1980 (45 FR 53315). The comment period closes October 10, 1980. Reply comments are due by November 10, 1980. Comment period extended to December 10, 1981. Notice to extend comment period published October 19, 1980 (45 FR 67283). *The withdrawal of the SNPRM was published June 22, 1981 (46 FR 32413).* **G. Citation:** 14 CFR Pts. 121 and *135*		

FAA

Federal Aviation Administration

Significant Regulations: Other

Title	Summary	Contact	Earliest expected decision date
Parts Manufacturer Approvals (Docket No. 17147).	**A. Description:** Would (1) simplify the procedure for approving a PMA applicant's design on the basis of identicality to an already approved design; (2) reduce PMA application and reporting requirements; and (3) add a marking requirement which will facilitate field installation of replacement parts manufactured under a PMA and help avoid use of incorrect parts. **B. Why Significant:** The proposed revision is considered to be significant because it is controversial. **C. Analysis:** Regulatory Evaluation **D. Need:** Differences of opinion exist with respect to the methods available for showing identicalness of parts. Also the Parts Manufacturer Approval application and reporting requirements may be unnecessarily burdensome. **E. Legal Basis:** Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C 1354(a), 1421, and 1423).	William J. Sullivan, (202) 755-8716	FR *February 1982.*

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Federal Aviation Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: This project was initiated December 23, 1975. NPRM No. 77-19 was published in the Federal Register (42 FR 43985). Comment period later reopened until January 4, 1978 (NPRM No. 77-19A, 42 FR 61048) and again reopened until May 15, 1978 (NPRM No. 77-19B, 43 FR 15432). Portions of NPRM 77-19 dealing with other subjects were handled separately. Supplemental Notice of Proposed Rulemaking (SNPRM) was published January 15, 1981 (46 FR 3775). Initial comment period closed April 15, 1981; reply comment period closed May 15, 1981. *NPRM 77-19D reopening the comment period until August 24, 1981, and the reply comment period until September 21, 1981, was published July 23, 1981 (46 FR 38062).* **G. Citation:** 14 CFR Pt. 21		
Review: Operations Review Notice No. 14.	**A. Description:** Would establish regulations for flight and duty time limitations and rest requirements for flight attendants used by domestic, flag, and supplemental air carriers, commercial operators of large aircraft and air travel clubs. **B. Why Significant:** This proposal is considered a significant regulation because there is substantial public interest in it. **C. Analysis:** Regulatory Evaluation **D. Need:** Because flight attendants perform important duties relating to the safety of flight, flight and duty time limitations and rest requirements are necessary to prevent excessive fatigue from adversely affecting the performance of those duties. **E. Legal Basis:** Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **F. Chronology:** The proposals contained in this notice are based on related proposals discussed at the December 1975, Operations Review Conference. *These proposals are undergoing review in accordance with EO 12291 to determine whether rulemaking should be initiated.* **G. Citation:** 14 CFR Pts. 121 and 123	William J. Sullivan, (202) 755-8716	*Further action to be determined.*
Administrative User Charges (Docket No. 10110).	**A. Description:** Would revise existing FAA fees for aircraft registration and for recording conveyances affecting title to, or any interest in, aircraft. In addition, it proposes to establish fees for FAA certification of pilots, instructors, and other airmen, including medical certification. It is intended that this proposed rule will provide for the recovery of expenses that the FAA incurs in these activities. The proposed action would be in accordance with the sense of the Congress. **B. Why Significant:** This proposal is considered a significant project because it involves an area of substantial public interest and controversy. **C. Analysis:** Regulatory Evaluation **D. Need:** This proposal will provide for the recovery of expenses that the FAA incurs in these activities and is in accordance with the sense of Congress.	John M. Rodgers, (202) 426-3420	*Withdrawn.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA Federal Aviation Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	E. Legal Basis: Secs. 313, 503, 505, 601, 602, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1401, 1403, 1421, and 1422); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), Title V; Independent Offices Appropriation Act of 1952 (31 U.S.C. 483(a)). **F. Chronology:** NPRM published on April 20, 1978 (43 FR 16924). The closing date for comments was July 19, 1978. *The withdrawal of this NPRM was published June 29, 1981 (46 FR 33284).* **G. Citation:** 14 CFR Pts. 47, 49, 61, 63, 65, 67, 143, and 187.		
Wind Shear (Docket No. 19110).....	**A. Description:** Would revise existing regulation to require all large passenger-carrying aircraft be equipped with a device that will display wind shear information to the pilots. **B. Why Significant:** This action is considered a significant project because it will generate substantial public interest and will be controversial. **C. Analysis:** Regulatory Evaluation .... **D. Need:** As a result of several accidents involving wind shear, it is necessary to identify equipment that will enable pilots to identify low level wind shear conditions. **E. Legal Basis:** Secs. 313(a), 601 and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **F. Chronology:** In 1975, the FAA began a two year effort to develop a wind shear program. As part of the program, FAA began work to develop a wind shear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. The ANPRM *No. 79-11* was published on May 3, 1979 (44 FR 25807) and comment period closed August 3, 1979. **G. Citation:** 14 CFR Pt. 121	William J. Sullivan, (202) 755-8716	NPRM *November* 1981.
Metropolitan Washington Airports Policy *(Docket No. 21955).*	**A. Description:** Develops and implements a comprehensive policy and regulations (1) defining the respective roles of Washington National and Dulles International Airports, and (2) governing the future use, operation, development and maintenance of those airports. **B. Why Significant:** The proposed policy is of substantial interest to the public, potentially affecting State and local governments and the aviation community. **C. Analysis:** Regulatory Evaluation	*Edward P. Faberman, (202) 426-3235*	*FR October 1981.*

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Federal Aviation Administration

Significant Regulations: Other—Continued

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Title	Summary	Contact	Earliest expected decision date
	D. Need: The lack of a firm, long-range policy has substantially hindered maximum effective and efficient management of the airports. Planning and funding processes have necessarily been limited to relatively short-term objectives. Efforts to lessen the impact of the airports on surrounding communities continue to be hampered by the absence of well-defined policy goals and guidelines. Aircraft operators using the airports have been similarly disadvantaged with respect to long-term planning and objectives. **E. Legal Basis:** Sections 103, 307, 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348 and 1354); Sections 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94; Sec. 4 of the Second Washington National Airport Act, 64 Stat. 770; Sec. 6 of the Department of Transportation Act (49 U.S.C. 1655). **F. Chronology:** A Notice of Proposed Policy was published March 23, 1978 (43 FR 12141). The NPRM was published January 21, 1980 (45 FR 4314). The comment period closed April 15, 1980. The Amendments were published September 18, 1980 (45 FR 62406). Effective date extended to April 26, 1981, published October 27, 1980 (45 FR 11251). Notice proposing additional extension of effective date until October 25, 1981, published on March 5, 1981 (46 FR 15458). *On July 13, 1981, an NPRM was published proposing to withdraw the Amendments (46 FR 36068). The comment period closed August 31, 1981.* **G. Citation:** 14 CFR Pts. 93 and 159		

FAA

Federal Aviation Administration

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Additional Equipment Requirements for Multiengine Turbojet Airplanes. (Formerly "Third Attitude Gyro, Ground Proximity Warning System, and Cockpit Voice Recorders").	Proposed amendment to add instrument and equipment requirements (1) to require a third gyroscopic attitude instrument, independently powered in case of total aircraft electrical failure, on all multiengine turbojet powered airplanes not already required to have a third gyroscopic attitude and (2) to require a ground proximity warning system and a cockpit voice recorder on all turbojet powered airplanes configured with 6 or more passenger seats. (14 CFR Pts. 23, 25, 91, and 121).	William J. Sullivan, (202) 755-8716	*Project cancelled.*
Review: Aircraft Engine Regula*tions* Notice (Docket No. 16919).	Proposed amendment to resolve a number of regulatory issues raised by engine manufacturers and to update those standards. The NPRM *No. 80-21* was published November 20, 1980 (45 FR 76872). The comment period closed February 18, 1981. (14 CFR Pts. 23, 25, 27, 29, and 33).	William J. Sullivan, (202) 755-8716	FR *December* 1981.

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Nonsignificant Regulations—Continued

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Title	Summary	Contact	Earliest expected decision date
Takeoff and Landing Minimums. (Formerly "Instrument Approach Procedures") *(Docket No. 20060).*	The rule clarifies prescribed conditions for approach and landing under specified weather conditions. The NPRM was published March 6, 1980 (45 FR 14801). The comment period closed May 6, 1980. The amendment was published January 8, 1981 (46 FR 2280); it went into effect on May 8, 1981, after review under E.O. 12291. (14 CFR Pts. 91 and 121).	William J. Sullivan, (202) 755–8716	*Action complete.*
Airport Noise Regulations (Docket No. 16279).	Environmental Protection Agency's proposed revision to require airport noise certification as a condition for Airport and Airway Development Act funding. The NPRM was published on 11/22/76 (41 FR 51522). The Final Rule was published January 26, 1981 (46 FR 8316). (14 CFR Pt. 91).	Richard Tedrick, (202) 755–9027	*Action complete.*
Review: Operations Review Notice No. 11 (Docket No. 21269).	This proposal features provisions providing for the use of "mini-evacuation" tests, requirements for the elimination of the three-pointer altimeter in turbojet-powered airplanes, and allows for the use of "blocked seats" under certain conditions. The NPRM was published January 19, 1981. The comment period closed April 20, 1981. (14 CFR Pts. 121, 145, and 183).	William J. Sullivan, (202) 755–8716	*Further action to be determined.*
Review: Operations Review Notice No. 12 (Docket No. 21071).	Proposed extensive revisions to update and improve regulations applicable to aircraft maintenance, preventive maintenance, rebuilding and alteration of aircraft. The NPRM was published November 20, 1980 (45 FR 76894). The comment period closed February 18, 1981. (14 CFR Pts. 43 and 91).	William J. Sullivan, (202) 755–8716	FR *November* 1981.
Review: Operations Review *Program Close-out* Notice No. 13.	*Notice announcing the disposition of all proposals not addressed in previous Operations Review Notices and the availability of an index of the disposition of all Operations Review proposals.*	William J. Sullivan, (202) 755–8716	NPRM *December* 1981.
Review: Part 91 Notice (Docket No. 16431).	The agency conducted a Regulatory Review Conference of 14 CFR Part 91, Subpart B, in September 1977, in order to update that part. This action will cover all proposals covered by the review except for lost communications. (14 CFR Pt. *91*).	Hal Becker, (202) 426–3656	NPRM *October* 1981.
Review: Part 91 Review Lost Communications (Docket No. 16431).	*Proposed amendment to simplify lost communications procedures.*	Hal Becker, (202) 426–3656	NPRM *September* 1981.
Review: Objects Affecting Navigable Airspace (Docket No. 16920).	*Would revise and reorganize 14 CFR Part 77 in a more logical sequence and presentation of regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation.* Notice of Review was published on 6/19/78 (43 FR 26322). (14 CFR Pt. 77). Review Conference held December 4–8, 1980.	Keith Potts, (202) 426–3731	NPRM *November* 1981.
Civil Helicopter Noise Certification (Docket No. 13410).	Would establish noise certification levels and procedures for civil helicopters. An ANPRM was published 12/28/73, (38 FR 35487). The NPRM was published 7/19/79 (44 FR 42410). The comment period was extended until March 5, 1981 (46 FR 931) (14 CFR Pt. 36).	Richard Tedrick, (202) 755–9027	FR July *1982.*

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Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Implementation of OMB Circular A-95 (Docket No. 17337).	Final procedures and regulations implementing OMB Circular A-95 (coordination of Federal assistance programs with State, areawide, and local planning agencies), based on public comment on interim procedures in Special Federal Aviation Regulation 35 (42 FR 59476, 11/17/77). *The amendment was published June 11, 1978 (46 FR 30808)* (14 CFR Pt. 152).	John Gable, (202) 426-8090	*Action complete.*
Implementation of Energy Policy (Docket No. 1[illegible]17).	Implementation of the Energy Policy and Conservation Act. The NPRM was published on 3/31/77. (42 FR 17135). (14 CFR Pt. 11).	*David Winer*, (202) 755-9717	*Further action to be determined.*
Review: Update of Part 139	Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting and rescue requirements. (14 CFR Pt. 139).	Jose Roman, (202) 426-3087	*Further action to be determined.*
Protective Breathing Equipment	Proposed rule to establish minimum performance standards and operating rules for protective breathing equipment. (14 CFR Pts. 25, 29, 37, 91 and 121).	William J. Sullivan, (202) 755-8716	*Project cancelled.*
Pilot Oxygen Mask Use Requirements (Formerly "Supplemental Oxygen").	Proposed rule to permit certain widebody turbojet airplanes to operate up to flight level of 45,000 feet above sea level without requirements for the pilot to use supplemental oxygen. (14 CFR Pts. 25, 29, 37, 91, and 121).	William J. Sullivan, (202) 755-8716	NPRM *October* 1981.
Review: Metropolitan Washington Airports Regulations.	Proposed revision to reflect changed operational conditions and policies and to simplify, clarify and consolidate the regulations pertaining to the National Capital Airports. (14 CFR Pt. 159).	Edward S. Faggen, (703) 557-8123	*Further action to be determined.*
Miscellaneous Minor Amendments (Docket No. 21129).	Proposed nonsubstantive amendments that are routine, editorial and clarifying in nature. The NPRM *No. 80-23* was published December 4, 1980. The comment period closed February 4, 1981. (14 CFR Pts. 23, 25, 37, 45, 61, 63, 65, 91, and 121).	William J. Sullivan, (202) 755-8716	FR December 1981.
Review: *Revision of Part 91 (Formerly Aircraft Owners and Pilots Association (AOPA) Petition) (Docket No. 18334).*	*This review deals with the air traffic and general operating rules in Part 91—the most fundamental aviation regulations. This action would reorganize and rearrange the rules without substantive change, to make them easier to use and understand. A later action will review and revise them to eliminate unnecessary burdens in keeping with E.O. 12291. AOPA withdrew its petition on November 20, 1980, so the FAA could proceed with this two-step review. ANPRM 79-2 published the original AOPA petition for comment on January 22, 1979 (44 FR 4571). (14 CFR Part 91).*	William J. Sullivan, (202) 755-8716	NPRM *August* 1981.
Foreign Airman Certification	Proposed amendments to establish priorities for processing applications by foreign airmen for U.S. Airman Certificates. (14 CFR Pts. 61, 63, 65, and 67).	William J. Sullivan, (202) 755-8716	*Further action to be determined.*
Recording of Aircraft Titles and Security Documents—Notice of Lien (Docket No. 14236).	Proposed amendment to prescribe specific procedures for filing Noice of Lien with the Aircraft Registry. This proposal would also require release of the Notice filed upon satisfaction of the lien. The NPRM was published January 13, 1975 (40 FR 2445). (14 CFR Part 49).	Virginia Swimmer, (405) 686-2284	*Further action to be determined.*
Cessna Finance Petition (Docket No. 17311).	Petition for rulemaking to amend Part 47 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract. The ANPRM was published 10/20/77 (42 FR 55891). The NPRM was published May 22, 1980 (45 FR 34826). The comment period was extended to August 21, 1980. (14 CFR Pt. 47).	Virginia Swimmer, (405) 686-2284	*February 1982.*

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Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review.. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Airplane and Airport Operators Security Rules (Docket No. 19726).	Implements safety standards mandated by the Airline Deregulation Act of 1978, and insures that commuter air carrier passengers enjoy the same level of security as persons traveling on air carriers holding Certificates of Public Convenience and Necessity from the CAB. The NPRM was published November 1, 1979 (44 FR 63048). Comment period closed February 11, 1980. The amendments were published January 15, 1981 (46 FR 3782). *Notice of OMB approval and correction of amendment published July 13, 1981 (46 FR 36053). Rules become effective 9/11/81; however, operators may elect to comply earlier, (14 CFR Parts 107, 108 (new), 121, 129, and 135).*	William J. Sullivan, (202) 755–8716	*Action complete.*
Use of Alcohol or Drugs (Formerly "Blood Alcohol Level Tests") *(Docket No. 21631).*	Proposed rule which will subject Certificated Flight Crewmembers suspected of being under the influence of alcohol to blood-alcohol tests and establish a specific blood-alcohol content level at which a pilot is considered to be intoxicated. *The NPRM was published July 27, 1981 (46 FR 38480). The comment period closes November 25, 1981.* (14 CFR Pts. 61 and 91).	William J. Sullivan, (202) 755–8716	*FR July 1982.*
Microwave Landing System (MLS) .	Proposed rule to recognize the MLS selected by ICAO and to prescribe measuring standards and procedures for the approval, installation, operation, and maintenance of such systems on non-Federal navigation facilities. The NPRM was published September 8, 1980. (45 FR 59256). The comment period closes November 7, 1980. (14 CFR Pt. 171).	William Redeen, (202) 426–8634	FR July 1981.
Airplane Tires (Formerly "Tires Retrofit") (Docket No. 19793).	Proposed rule to require installation of improved tires on certain turbojet transport category airplanes. The NPRM was published 11/27/79. (41 FR 68759). The comment period closed 2/27/79. *The NPRM was withdrawn May 21, 1981 (46 FR 27889).* (14 CFR Pt. 91).	William J. Sullivan, (202) 755–8716	*Withdrawn.*
Revision of Applicability of Part 139.	Proposed amendment to require the certification of airports serving commuter air carriers, as well as air carriers holding certificates of public convenience and necessity from the CAB. This revision would respond to the Airline Deregulation Act of 1978 and ensures that passengers traveling aboard commuter air carriers enjoy the same level of safety as passengers traveling aboard CAB certificated air carriers. The NPRM was published June 12, 1980. (45 FR 39857). The comment period closed August 11, 1980. (14 CFR Part 139).	Jose Roman, Jr., (202) 426–3087	*Further action to be determined.*
Review: . Rotorcraft Review Notice No. 1 Certification, IFR, and Deicing *(Docket No. 21180).*	This notice proposes to add new airworthiness standards and update existing criteria in the areas of instrument flight rules (IFR) certification and ice protection certification. It also proposes revisions to the applicability of sections of Part 27 and 29 which allow for increased productivity for rotorcraft engaged primarily in utility or cargo operations and provides additional protection for rotorcraft carrying 10 or more passengers. The NPRM *No. 80–25* was published December 18, 1980. The comment period closed April 17, 1981 (45 FR 83424). A public meeting was held August 18–20, 1980. (14 CFR Parts 1, 27, 29, 33, 43, 45, 61, 91, 121, 127, 133, and 135).	William J. Sullivan, (202) 755–8716	FR *December* 1981.

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Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics*: New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Inoperative Instruments or Equipment (Formerly "Minimum Equipment Lists (MEL)").	*This notice proposes to revise Part 91 to include provisions that will allow the operation of powered aircraft with certain installed instruments and equipment inoperative. The proposal would consolidate minimum equipment list requirements presently contained in various parts of the Federal Aviation Regulations into one regulation. (14 CFR Parts 43, 91, 121, 125, and 135).*	William J. Sullivan, (202) 755-8716	NPRM *September* 1981.
Hang Gliding *(Docket No. 21631)*.	Proposed addition to FAR Part 101 to designate general safety rules for hang gliding in order to accommodate increasing hang gliding activity in the National Airspace System. *The NPRM was published July 27, 1981 (46 FR 38472). The comment period closes November 25, 1981.* (14 CFR Part 101).	Hal Becker, (202) 426-3656	*FR February 1982.*
Parachute Jumping, Notice and Authorization Requirements.	Proposed amendments would require notice of parachute jumps in terms of above mean sea level and would require ATC authorization for jumps in/into a terminal control area (14 CFR Part 105).	Hal Becker, (202) 426-3656	NPRM *August* 1981.
Review: Operations on and in Vicinity of an Airport.	Proposed review of rules pertaining to operations on/in the vicinity of controlled and uncontrolled airports, including radio communications, altitudes, and noise abatement areas. *Further action on this proposal will be incorporated into the National Airspace Review.* (14 CFR Part 91).	Hal Becker, (202) 426-3656	Action terminated.
Terminal Control Areas (TCA's): Phoenix.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. The NPRM was published April 7, 1980 (45 FR 23457). *A Supplemental NPRM was published June 15, 1981, (46 FR 31269). The comment period closed July 30, 1981.* (14 CFR Part 71).	S. Wugalter, (202) 426-*8783*	*Further action to be determined.*
Terminal Control Areas (TCA's): Tampa.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71). NPRM published February 4, 1980 (45 FR 7559). Comment period closes 5/5/80. *The withdrawal of this NPRM was published June 22, 1981. (46 FR 32267).*	S. Wugalter, (202) 426-8783	*Withdrawn.*
Terminal Control Areas (TCA's): Fort Lauderdale/Miami. Docket No. 186905/80-R30-4.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. The NPRM was published September 22, 1980. (45 FR 62839). The comment period closed December 22, 1980. (14 CFR Part 71).	S. Wugalter, (202) 426-*8783*	*Further action to be determined.*
Terminal Control Areas (TCA's): Orlando.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	S. Wugalter, (202) 426-*8783*	Action terminated.
Terminal Control Areas (TCA's): Memphis.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	S. Wugalter, (202) 426-*8783*	Action terminated.
Terminal Control Areas (TCA's): Portland.	Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	S. Wugalter, (202) 426-*8783*	Action terminated.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA Federal Aviation Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Operations Review Notice No. 8A (Docket No. 17897).	Proposed amendment to require that all flight attendants remain seated at their assigned stations during taxiing except to perform duties related to the safety of the airplane and its occupants. NPRM published June 19, 1980 (45 FR 41956). On August 28, 1980 the comment period was reopened. (45 FR 59295). The comment period closed October 23, 1980. Reply comments were due by November 23, 1980. *The withdrawal of the NPRM was published May 21, 1981 (46 FR 27893).* (14 CFR 121 and 127).	*William* J. Sullivan, (202) 755-8716	*Withdrawn.*
Air Carrier—Carry-On Baggage—(Formerly National Federation of the Blind (NFB)—Carriage of Canes) *(Docket No. 17320).*	Petition for rulemaking to permit the stowage of a blind person's flexible cane in a readily accessible location, on all passenger-carrying flights, so that the cane would be available to that person in case of evacuation of an aircraft in an emergency situation. The NPRM was published November 13, 1980. The comment period closed January 12, 1981 (45 FR 75138). *The amendment was published July 23, 1981 (46 FR 38043).*	*William* J. Sullivan, (202) 755-8716	*Action complete.*
Size of Registration Marks—(Formerly Modification of Aircraft Registration Markings) *(Docket No. 20424).*	Proposed amendment to increase height of markings from 3 inches to 12 inches on certain fixed-wing aircraft, decrease height of markings from 20 inches to 3 inches on airships and balloons, and retain the 3-inch height of markings on experimental amateur-built, and experimental exhibition aircraft. NPRM published July 31, 1980 (45 FR 50810). The comment period was extended until November 28, 1980 (45 FR 64207) (14 CFR 39).	*William* J. Sullivan, (202) 755-8716	FR *October* 1981.
Special Airport Traffic Area and Communication Rule.	Proposed amendments to establish special airport traffic areas for certain Canadian airports that are adjacent to the U.S.-Canadian border and which have operating air traffic control towers; the amendments would also require aircraft communications with those towers while operating in the area. *The NPRM was published April 7, 1981 (46 FR 24199). The comment period closes June 30, 1981. (14 CFR Part 93).*	Hal Becker, (202) 426-3656	*FR December 1981.*
Export Airworthiness Approvals (Docket No. 17502).	Petition for rulemaking to amend § 21.339(a) to allow restricted category aircraft to be eligible for special export airworthiness approvals and to amend the restricted category civil aircraft operating limitations. The NPRM *No. 80-20* was published November 20, 1980 (45 FR 76868). The comment period closed January 19, 1981. (14 CFR Part 21).	William J. Sullivan, (202) 755-8716	FR *August* 1981.
Pitot Heat Indication Systems (Docket No. 18904).	Petition to amend the rules to require installation of pitot heat indicating systems only on transport category airplanes operated for hire. A summary of the petition was published on October 18, 1979 (44 FR 60107). The comment period closed November 14, 1979. The NPRM *No. 80-27* was published January 2, 1981 (46 FR 00076). The comment period closed March 5, 1981. (14 CFR Parts 91, 121, 123, and 135).	William J. Sullivan, (202) 755-8716	FR *August* 1981.
Pyrotechnic Devices for Certain Over-Water Flights (Docket No. 18904).	Petition to establish minimum standards for pyrotechnic signaling devices required for certain overwater operations. This action would require these devices to at least meet U.S. Navy Weapons System Specifications WS 13697B. A summary of the petition was published on October 18, 1979 (44 FR 60107). The comment period closed November 14, 1980. (14 CFR Parts 91, 121, and 135).	William J. Sullivan, (202) 755-8716	*Project cancelled.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Federal Aviation Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
FAA Access to Flight Data Recorder and Cockpit Voice Recorder Tapes (Docket No. 20661).	Proposed amendment to allow the FAA to obtain flight data recorder and cockpit voice recorder information at any time at any place. The information is needed to study human factor elements associated with aircraft operation. NPRM 80-14 was published August 28, 1980 (45 FR 57694). The comment period closed October 27, 1980. A supplemental NPRM was published January 19, 1981 (46 FR 5506). The comment period closes May 18, 1981. *The NPRM was withdrawn May 21, 1981 (46 FR 27897).* (14 CFR Parts 121 and 135).	William J. Sullivan, (202) 755-8716	*Withdrawn.*
Elimination of Duties and Activities of Flight Crewmembers Not Required for Safe Operation of Aircraft (Docket No. 20659).	Prohibits flight crewmembers from performing duties and activities not required for the safe operation of aircraft during critical phases of flight. NPRM 80-12 was published August 28, 1980. (45 FR 57684). Comment period closed October 27, 1980. The amendments were published January 19, 1981 (46 FR 05500). Scheduled to go into effect on May 18, 1981 subject to Executive Order 12291 review. (14 CFR Parts 121 and 135). *At the request of the Office of Management and Budget, a postponement of the effective date of this rule to June 18, 1981, was published on May 26, 1981 (46 FR 28303), and it was postponed a second time until July 18, 1981. The second postponement was published June 25, 1981. (46 FR 32863). A decision was then made to allow the rule to go into effect on July 18.*	William J. Sullivan, (202) 755-8716	*Action complete.*
Airworthiness Standards: Aircraft and Products Design and Procedural Standards for Type Certificates, Type Certificate Amendments and Supplemental Type Certificates (Docket No. 20660).	Proposed amendments to provide the FAA the means to require updating of safety standards for type certificates, amended type certificates, and supplemental type certificates. NPRM 80-13 was published August 28, 1980 (45 FR 57687). Comment period extended until March 31, 1981 (45 FR 80434). *The NPRM was withdrawn May 21, 1981 (46 FR 27885)* (14 CFR Parts 21, 39, and 91).	William J. Sullivan, (202) 755-8716	*Withdrawn.*
Noise Levels for Turbojet-Powered Airplanes and Large Propeller-Driven Airplanes (Docket No. 16231).	Environmental Protection Agency's proposed revision to FAR 36 requiring further reductions in noise levels of subsonic aircraft. *The amendment was published June 29, 1981 (46 FR 33454).*	Richard Tedrick, (202) 755-9027	*Action complete.*
Acoustical Change Definition (Docket No. 20026).	Proposed in response to ATA petition (published March 6, 1980) to define "acoustical change" and to limit its applicability in maintenance situations.	Richard Tedrick, (202) 755-9027	NPRM *October* 1981.
Terminal Control Area (TCA) San Antonio.	Terminal Control Areas (TCAs) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	S. Wugalter, (202) 426-8488	Action terminated.
Terminal Control Area (TCA) Buffalo.	Terminal Control Areas (TCAs) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	S. Wugalter, (202) 426-8488	*Action terminated.*
Terminal Control Area (TCA) New York (Modification).	Terminal Control Areas (TCAs) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. *The NPRM was published January 8, 1981 (46 FR 2088). The comment period closed April 8, 1981.* (14 CFR Part 71).	S. Wugalter, (202) 426-*8783*	*To be determined.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FAA Federal Aviation Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Terminal Control Area (TCA) San Diego (Modification).	Terminal Control Areas (TCAs) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. *The NPRM was published January 29, 1981. The comment period closed March 16, 1981. (46 FR 9631). The amendment was published June 29, 1981 (46 FR 33229).* (14 CFR Part 71).	S. Wugalter, (202) 426–8488	*Action complete.*
Terminal Control Area (TCA) Honolulu (Modification). *(Docket No. 18605/80-APC-6).*	Terminal Control Areas (TCAs) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. *The NPRM was published April 23, 1981 (46 FR 23065). The comment period closed June 8, 1981.* (14 CFR Part 71).	S. Wugalter, (202) 426–*8783*	*To be determined.*
Terminal Control Area (TCA) Las Vegas (Modification).	Terminal Control Areas (TCAs) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. (14 CFR Part 71).	S. Wugalter, (202) 426–*8783*	*To be determined.*
Proposed Issuance of Notices to Airmen (NOTAMs) for Communicating Emergency Flight Rules.	*The* amendment expressly *established* the NOTAM system as an authorized means by which emergency flight rules are communicated to pilots and operators. *The amendment was published March 13, 1981. (46 FR 16666). (14 CFR Part 91).*	Hal Becker, (202) 426–3656	*Action complete.*
Exclusive—Use Requirements Supplemental Air Carriers and Commercial Operators (Docket No. 20784).	*The* provisions in Section 121.155 of the Federal Aviation Regulations that a supplemental air carrier or commercial operator may not use any aircraft that it does not have the sole possession, control and use of for flight for at least 6 months. This updating of the Federal Aviation Regulations would eliminate, without any derogation of safety, an unnecessary economic burden which the present rule imposes on this segment of aviation. NPRM 81-2 issued Jan. 16, 1981. Comment period closed March 27, 1981. *The amendment was published on July 9, 1981 (46 FR 35611).* (14 CFR Part 121).	William J. Sullivan, (202) 755–8716	*Action complete.*
Flight Operations Control Systems (Docket No. 18591).	Based upon a Transamerica Airlines (TIAS) and World Airways (WRLS) joint petition for rule making, the FAA is considering amending Part 121 to allow among other things all operations to be conducted under a flight operations control system. *Advance* Notice 80-16 (14 FR 67103) issued Oct. 2, 1980, published the entire petition and requested comments to assist the FAA in determining what if any regulatory proposals should be developed. Comment period closed Jan. 7, 1981. Based on comments received an NPRM will be issued proposing changes to Part 121 (14 CFR 121).	William J. Sullivan, (202) 755–8716	NPRM *April 1982.*
Standards and Certification for Issuance of Airman Medical Certificate (Docket No. 21130).	Proposes exemption procedures for the issuance of airman medical certificates to persons with certain medical conditions who do not initially qualify for certification under the medical standards in the Federal Aviation Regulations. The NPRM *No. 80-24* was published January 2, 1980 (45 FR 80296). The comment period on NPRM 80-24 closed Feb. 4, 1981. A public hearing was held Feb. 3-4, 1981. (14 CFR Part 67).	William J. Sullivan, (202) 755–8716	FR *October* 1981.
Review: Rotorcraft Review Notice No. 2—Systems.	This notice is the second of a series of notices that propose to add new airworthiness, operation, and maintenance standards for rotorcraft. This particular notice proposes changes to Parts 27, 29, and 91 and deals only with the flight controls and associated systems on rotorcraft. (14 CFR Parts 27, 29, and 91).	William J. Sullivan, (202) 755–8716	NPRM *December* 1981.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Federal Aviation Administration

Nonsignificant Regulations—Continued

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Title	Summary	Contact	Earliest expected decision date
Review: Rotorcraft Review Notice No. 3—Powerplants.	This notice is the third of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the engine and related equipment certification requirements in Parts 27 and 29 of the Federal Aviation Regulations. (14 CFR Parts 27 and 29).	William J. Sullivan, (202) 755-8716	NPRM *January 1982.*
Review: Rotorcraft Review Notice No. 4—Airframe.	This is the fourth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations. (14 CFR Parts 27 and 29).	William J. Sullivan, (202) 755-8716	NPRM May *1982.*
Review: Rotorcraft Review Notice No. 5—Operations and Maintenance.	This is the fifth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the operations and maintenance requirements pertaining to rotorcraft and covered in Parts 43, 45, 61, 91, 121, 127, 133, and 135 of the Federal Aviation Regulations. Part 1 would also be amended to add a definition of a Class D rotorcraft-load combination. (14 CFR Parts 43, 45, 61, 91, 121, 127, 133, and 135).	William J. Sullivan, (202) 755-8716	NPRM *December* 1981.
*Added Instrument Rating (Docket No. 22051).	This notice proposes to amend the rules governing the requirements for the issuance of an original or additional instrument rating onto an airman certificate. The proposal would delete the requirement for an individual to acquire cross-country experience in a specific category of aircraft. The NPRM was published August 10, 1981 (46 FR 40646). The comment period closes October 10, 1981. (14 CFR Part 61).	William J. Sullivan, (202) 755-8716	FR July 1982.
*Transport Category Airplanes—Cabin Ozone Concentration.	This proposed amendment would exempt operators of "cargo-only" aircraft and narrow-body two- and three-engine aircraft from installing ozone equipment or establishing ozone avoidance procedures. (14 CFR Parts 25 and 121).	William J. Sullivan, (202) 755-8716	NPRM September 1981.
*Major Repairs (Docket No. 21988).	This notice proposes certain actions which will improve understanding of the term "major repair" and corollary terms used in relation to maintenance and repair procedures for aircraft, airframes, aircraft engines, propellers, and appliances. NPRM 81-10 was published July 23, 1981 (46 FR 38054). (14 CFR Part 43).	William J. Sullivan, (202) 755-8716	FR July 1982.
*Airman and Repair Station Certification for Foreign Nationals.	This proposed rule would establish a regulatory needs requirement and schedule of fees for issuance of airmen and repair station certificates to foreign nationals at overseas locations. (14 CFR Pts. 61, 63, 65, 67, 145 and 187). The NPRM was published August 10, 1981 (46 FR 40529). The comment period closes 10/10/81.	Kathleen W. Gorman, (202) 426-3230	FR October 1981.
*Flight Crewmember Flight Time Limitations and Rest Requirements.	Proposed amendment to revise the flight time limitations and rest requirements for flight crewmembers utilized by domestic, flag, and supplemental air carriers, commercial operators, air taxi operators, and scheduled air carriers with helicopters. The complexity of the current rule has required numerous interpretations and has been a burdensome requirement. A proposal is to be developed which is both less complex and less burdensome in compliance with Executive Order 12291. (14 CFR Parts 121 and 135).	William J. Sullivan, (202) 755-8716	NPRM November 1981.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA

Federal Aviation Administration

Routine and Frequent Nonsignificant Regulations

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Decision date
Other Items:			
Part 95 Instrument Flight Rules Altitudes.	2500	*Don Tuna,* (202) *426–8277*	*October 1, 1981–September 30, 1982.*
Airworthiness Directives	300	*Jack McGrath,* (202) *426–8192*	*October 1, 1981–September 30, 1982.*
Standard Instrument Approach Procedures.	2800	*Don Tuna,* (202) *426–8277*	*October 1, 1981–September 30, 1982.*
Airspace Actions	525	S. Wugalter, (202) *426–8783*	*October 1, 1981–September 30, 1982.*

FHWA

Federal Highway Administration

Significant Regulations: Major

Title	Summary	Contact	Earliest expected decision date
	ENGINEERING AND TRAFFIC OPERATIONS		
Buy America Requirements (Docket No. 78-35).	**A. Description:** This amendment to an existing regulation would establish provisions for the protection of domestic structural steel on construction projects with an estimated cost of $450,000 or more. *This entry has been moved to "Significant Regulations—Other" portion of Agenda.*	*Kenneth L. Ziems,* (202) 426–4847	
Geometric Design Criteria for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways (Docket No. *80–3*).	**A. Description:** This regulation would contain criteria intended to provide additional flexibility in some of the basic geometric features of design, primarily those in which modification would result in appreciable savings in costs and other impacts while improving safety. **B. Why Significant:** This regulation is considered significant because the adoption of new design criteria specifically for RRR projects has proven to be controversial. **C. Analysis:** Regulatory Impact Analysis **D. Need:** To implement the 1976 amendment to 23 U.S.C. 101 redefining "construction" to include resurfacing, restoration, and rehabilitation. Geometric design criteria are needed to effectively administer a RRR program for preservation work on the Federal-aid highway systems. **E. Legal Basis:** 23 U.S.C. 101, 109, 315, and 402: 49 CFR 1.48(b).	Alvin R. Cowan or Kenneth Davis, (202) 426–0312	*FR October 1981.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Federal Highway Administration

Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: An ANPRM published August 25, 1977, (42 FR 42876) offered three alternatives. A Notice published October 28, 1977 (42 FR 56751) extended the comment period for the ANPRM to November 22, 1977. A notice of withdrawal of the ANPRM was published January 9, 1978 (43 FR 2734). Because of the adverse comments, all alternatives were rejected and FHWA decided to develop a new set of criteria for Resurfacing, Restoration, and Rehabilitation (RRR) projects. An NPRM was published on August 23, 1978 (43 FR 37556). A correction to the NPRM was published September 12, 1978 (43 FR 40539). A Notice published on October 19, 1978 (43 FR 48658) extended the comment period for the NPRM to January 4, 1979. On May 23, 1979 (44 FR 29921) FHWA published as a Notice a status report on the creation of an internal task force appointed to evaluate comments received on the NPRM and make recommendations to the Administrator. *Another NPRM proposing a more flexible approach was published* on January 5, 1981 (46 FR 1228). A public meeting was held on February 3, 1981. *The public comment period closed on May 5, 1981, and the comments received are now under evaluation. It should also be noted that the Presidential Task Force on Regulatory Relief has identified the existing design criteria regulation for regulatory review.* **G. Citation:** 23 CFR pt. 625		
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS		
Minimum Cab Space Dimensions (Docket No. MC-79).	**A. Description:** This regulation would specify minimum size for the cab portion of the regulated commercial vehicles manufactured after a certain date. **B: Why Significant:** This proposal has the potential of being costly if extensive changes to cab configuration become necessary. **C. Analysis:** Regulatory Impact Analysis **D. Need:** Changes in truck technology and maximum limitation on size by States have led to the development of reduced cab space in favor of increased cargo space to remain within State length limitations. The impact on safe operations and driver workplace may be negatively affected. **E. Legal Basis:** 49 U.S.C. 304 and 1655 **F. Chronology:** An ANPRM was issued on February 14, 1978 (43 FR 6273). Comment period closed on July 14, 1978. A review of present cab sizes was conducted and a report issued on February 27, 1980. No further action anticipated until additional research is completed; earliest possible action will not occur within the next 12 months. **G. Citation:** 49 CFR 393	Gerald J. Davis, (202) 426-9767	Further action to be determined.
†Minimum Levels of Financial Responsibility.	**A. Description:** Section 30 of the Motor Carrier Act of 1980, Pub. L. 96-296 (signed July 1, 1980) gives the Secretary of Transportation the statutory authority to modify, by regulation, the minimum levels of financial responsibility for motor carriers within 1 year of enactment of the Act.	Gerald Davis, (202) 426-9767	*Action complete.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA Federal Highway Administration

Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	B. Why Significant: It has been determined that this proposal may have substantial impact on the motor carrier or insurance industry. **C. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **D. Need:** The purpose of the financial responsibility provision of the Act is to create incentives for the motor carrier industry to focus on the safety aspects of highway transportation and to assure the general public that a motor carrier maintains an adequate level of financial responsibility sufficient to satisfy claims covering public liability, property damage, and environmental restoration. **E. Legal Basis:** The Motor Carrier Act of 1980, Pub. L. 96–296 Section 30. **F. Chronology:** An ANPRM was published on August 28, 1980 (45 FR 57676). An NPRM was published on January 20, 1981 (46 FR 8186). The comment period *closed* on April 12, 1981. *The final rule was published on June 11, 1981 (46 FR 3094), and became effective July 1, 1981.* **G. Citation:** 9 CFR 367		
†**Review:** Hours of Service of Drivers (Docket No. MC-70-1).	**A. Description:** The Federal Highway Administration (FHWA) *has considered* a revision of the regulations pertaining to hours of service limitations for commercial vehicle drivers engaged in interstate or foreign commerce. **B. Why Significant:** *A* proposal *could* be controversial and could have a major cost impact on the motor carrier industry. **C. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **D. Need:** *FHWA has considered this action* in response to petitions and requests from public interest groups, labor organizations, and individual drivers for the revision of these regulations. **E. Legal Basis:** 49 U.S.C. 304 and 1655 **F. Chronology:** An ANPRM which stated that FHWA was considering an extensive review of the Hours of Service of Drivers regulation was published on February 12, 1976 (Docket MC-70, Notice 76-14, 41 FR 6275). A second ANPRM was issued on May 22, 1978 (43 FR 21905) setting forth three plans for comments. A notice of public hearings was published August 29, 1978 (43 FR 38608). Public hearings were held in 7 major cities. A request for comment relating to this regulation was issued on January 14, 1980 (45 FR 5781) based on a petition filed by owner operators requesting longer driving and working hours. Petition denied on December 15, 1980. *Based upon the results of analytical research, FHWA has decided that further rulemaking action is not warranted at this time. A docket closing notice was published on September 3, 1981 (46 FR 44198). The recordkeeping requirements imposed by the current regulation will be the subject of a separate rulemaking action.* **G. Citation:** 49 CFR pt. 395	Gerald J. Davis, (202) 426-9767	*Withdrawn.*

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA

Federal Highway Administration

Significant Regulations: Other

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Title	Summary	Contact	Earliest expected decision date
	PLANNING		
Review: Urban Transportation Planning Process: Transportation Improvement Program.	**A. Description:** *Revised final regulations were issued on July 30, 1981 (46 FR 40170). These regulations withdrew the final regulations issued on January 19, 1981 (46 FR 5702), and included only those proposed revisions that are intended to (1) reduce redtape and simplify administration of the planning process, especially for areas under 200,000 population, (2) incorporate recent legislative changes, and (3) clarify the purpose of Transportation System Management (TSM) and other aspects of the planning process.* **B. Why Significant:** These are significant regulations since they significantly impact the Urban Mass Transportation Administration (UMTA) and involve important Department policy. **C. Analysis:** Regulatory Evaluation **D. Need:** Continuing review has identified areas where added flexibility will not impair effectiveness and recent national policies and statutory changes need to be implemented. **E. Legal Basis:** 23 U.S.C. 104(f)(3), 134 and 315 **F. Chronology:** The recommendations of the FHWA Regulation Reduction Task Force were adopted in October 1977. The Surface Transportation Assistance Act of 1978 was enacted on November 6, 1978. Following agreement with UMTA and EPA, insofar as air quality is concerned, proposed regulatory changes will be prepared. An NPRM was issued on October 30, 1980 (45 FR 71990) and a final rule on January 19, 1981 (46 FR 5702). Effective date delayed until March 31, 1981 (46 FR 10706) for review under Executive Order 12291. *An additional 90 days was provided by notice of March 30, 1981 (46 FR 19233) and an additional 30 days delay was provided by notice of June 30, 1981 (46 FR 33513).* The need for future revisions to these regulations will be considered on the basis *of results of a comprehensive review of the urban transportation planning process, legislative action,* and the experience gained under these regulations. **G. Citation:** 23 CFR pt. 450, Subpt. A and C. 49 CFR 613 (FHPM 4-4-2 and 4-4-6).	FHWA Sam Rea, (202) 426-2961 UMTA Bob Kirkland, (202) 426-4991	*Action complete.*
	RIGHT-OF-WAY AND ENVIRONMENT		
Review: Outdoor Advertising Control and Acquisition.	**A. Description:** This regulation would provide a definition of "effective control" of outdoor advertising as required by 23 U.S.C. 131. It would also set further requirements for signs exempt from control under the statute and establish the basic framework for State development of police power regulations and procedures. The regulation would also outline the requirements for Federal participation in the acquisition of compensable nonconforming outdoor advertising devices. **B. Why Significant:** This proposal may involve substantial public interest, is controversial and involves important departmental policy. **C. Analysis:** Regulatory Evaluation	*Myron Laible,* (202) 245-0021	*To be withdrawn.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Federal Highway Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	D. Need: This regulation is necessary for the maintenance of national uniformity in the outdoor advertising control program. Since 23 U.S.C. 131 is regulatory in nature, it is necessary to establish and maintain minimum Federal program requirements. **E. Legal Basis:** 23 U.S.C. 131, 148, and 315; 49 CFR 1.48. **F. Chronology:** The proposal involves the consolidation of two existing regulations, 23 CFR pt. 750, subpts. D and G, and one interim regulation 23 CFR pt. 750, subpt. E. The regulations have been in effect since September 16, 1975 and July 29, 1974, respectively. The interim regulations have been in effect since October 18, 1976. The proposed consolidation will be issued as an NPRM. An ANPRM, published April 30, 1979, (44 FR 25387) and a Notice, published May 17, 1979, (44 FR 28946) announced public hearings as part of an overall review of the Highway Beautification Program. These currently proposed regulations may be modified as a result of this review. A Notice published June 15, 1979 (44 FR 34516) announced a hearing site change and a change in hearing procedures. On June 25, 1979 (44 FR 37100), a Notice announced amendments to the Highway Beautification Act by the Surface Transportation Assistance Act of 1978. A Notice published on July 12, 1979 (44 FR 40781) announced the establishment of a National Advisory Committee on Outdoor Advertising and Motorist Information. On July 23, 1979 (44 FR 43236), a Notice announced the availability of a report on Directional and Informational Sign Standards and Systems. This report is to be considered as part of the reassessment of the Highway Beautification Program. No further action anticipated until Advisory Committee submits recommendations; earliest possible action will not occur within the next year. *This proposal is being withdrawn at this time because no action can be taken until the recommendations of the Advisory Committee have been fully considered.* **G. Citation:** 23 CFR pt. 750, subpt. C. (FHPM 7-6-2).		
Review: Air Quality Guidelines	**A. Description:** This regulation, which was developed jointly with UMTA, establishes administrative procedures regarding: (1) conformity of highway plans, programs, and projects with air quality implementation plans, and (2) priority for highway improvements with air quality benefits. This regulation is a revision of existing Air Quality Guidelines. **B. Why Significant:** This Regulation is considered significant because it affects another Federal agency and may be controversial. **C. Analysis:** Regulatory Evaluation. **D. Need:** Currently, permanent administrative procedures on funding sanctions, priority of highway improvements with air quality benefits, and conformity of highway plans, programs, and projects with air quality implementation plans are lacking even though the existing Air Quality Guidelines were amended on November 19, 1979 (44 FR 66193) to provide interim procedures. These regulations are a result of the Clean Air Act Amendments of 1977 which became law in August 1977.	FHWA *Jesse R. Chaves,* (202) 426-4836, UMTA *Jocelyn Karp, (202) 426-1906, or James Getzewich, (202) 426-4991*	*Withdrawn.*

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	E. Legal Basis: Clean Air Act Amendments of 1977. (42 U.S.C. 7401). **F. Chronology:** A joint EPA/FHWA Notice on Sec. 176(a) of the Clean Air Act Amendments, which covers only project approval sanctions, was published June 11, 1979 (44 FR 33473). Interim procedures were published November 19, 1979 (44 FR 66193). An interim final rule was published on January 26, 1981 (46 FR 8426). Public comments were requested and the docket *closed* July 27, 1981. *Future revisions to this rule will be considered based upon the results of a priority review of air quality requirements and a review of comments submitted to the docket.* No action is anticipated on this rule within the next 12 months. **G. Citation:** 23 CFR pt. 770. (FHPM 7-7-9)		
†Minimum Levels of Financial Responsibility.	**A. Description:** Section 30 of the Motor Carrier Act of 1980, Pub. L. 96-296 (signed July 1, 1980) gives the Secretary of Transportation the statutory authority to modify, by regulation, the minimum levels of financial responsibility for motor carriers within 1 year of enactment of the Act. *This entry has been moved to "Significant Regulations: Major" portion of agenda.*	Gerald Davis, (202) 426-9767	Further action to be determined.
	SAFETY		
Employee Safety and Health Standards (Docket No. MC-64).	**A. Description:** This regulation would provide safety and health standards to govern employees engaged in the operation, maintenance, and loading and unloading of motor vehicles, designed to eliminate uncertainty with regard to the jurisdictional authority of the Occupational Safety and Health Administration (OSHA). **B. Why Significant:** This proposal may have a significant impact on OSHA. **C. Analysis:** Regulatory Evaluation. **D. Need:** These standards are designed to eliminate uncertainty with regard to the jurisdictional authority of the OSHA and to improve safety and health standards for employees of motor carriers. **E. Legal Basis:** 49 U.S.C. 304 and 1655. **F. Chronology:** An NPRM was issued March 2, 1978 (43 FR 8566) and the closing date for the comment period was May 31, 1978. A notice on June 9, 1978 (43 FR 25145) extended the comment period to June 30, 1978. As a result of the analysis of the comments, another NPRM is being considered. No further action is anticipated within the next 12 months. **G. Citation:** 49 CFR pt. 399.	Gerald Davis, (202) 426-9767	Further action to be determined.
Buy America Requirements (Docket No. 78-35).	**A. Description:** This amendment to an existing regulation would establish provisions for the protection of domestic structural steel on construction projects with an estimated cost of $450,000 or more. **B. Why Significant:** This regulation involves a matter which may become controversial or arouse significant public interest. **C. Analysis:** Regulatory *Evaluation*	*Kenneth L. Ziems,* (202) 426-4847	*FR January 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	D. Need: This regulation is required to implement the provisions of Section 401 of the Surface Transportation Assistance Act of 1978. **E. Legal Basis:** Section 401 of the Surface Transportation Assistance Act of 1978: P.L. 95-599. **F. Chronology:** A final regulation was issued under emergency procedures on November 17, 1978 (43 FR 53717). FHWA asked for comments, and the comment period closed on January 17, 1979. An emergency amendment to the existing final rule was published on November 17, 1980 (45 FR 75643) in order to implement a recent court order. An NPRM was published on November 24, 1980 (45 FR 77456). The comment period closed on January 23, 1981. *In accordance with E.O. 12291, FHWA has conducted a priority review of this controversial regulation. The regulation has been reclassified as a non-major significant regulation because the major economic impact ($100 million annual) earlier expected was not verifiable, and FHWA is unable to support the claim that the regulation is inflationary or to determine the amount of trade diverted. Also, the Federal-aid highway program uses less than one-half of one percent of total U.S. consumption of steel.* **G. Citation:** 23 CFR 835.410		
*Hours of Service of Drivers; Drivers' Logs.	**A. Description:** The Federal Highway Administration is proposing possible alternatives to the drivers' log recordkeeping requirement used to enforce the hours of service rules. **B. Why Significant:** The drivers' log is a major paperwork burden item, and is presently the key means of enforcing a major safety rule. **C. Analysis:** Regulation Evaluation **D. Need:** This action is part of the Administration's efforts to reduce administrative burdens. **E. Legal Basis:** 49 U.S.C. 304 **F. Chronology:** NPRM expected to be published November 1981. **G. Citation:** 49 CFR Part 396	Gerald J. Davis, (202) 426-9767	NPRM November 1981.
*Highway Safety Programs: Determination of Effectiveness.	**A. Description:** NHTSA and FHWA are involved in a joint rulemaking to determine those highway safety programs that are the most effective in reducing accidents, injuries and deaths. The objective is to replace the current Highway Safety Program. The rulemaking is summarized in the NHTSA portion of this Agenda.		ANPRM September 1981.

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Title	Summary	Contact	Earliest expected decision date
	GENERAL MANAGEMENT AND ADMINISTRATION		
Rulemaking Procedures	The proposed rule would incorporate the Federal Highway Administration's redtape reduction policy and provide procedures for processing petitions for rulemaking and related matters.	Stan Abramson, (202) 426-0761	*Further action to be determined.*
Administrative Hearings	This rule is proposed to provide a general procedure for administrative hearings. This proposed rule would allow the Administrator to initiate administrative proceedings on discretion, or on complaint, and would govern procedure under such proceedings. (23 CFR 20).	Hugh T. O'Reilly, (202) 426-0780	NPRM 1981.
	PAYMENT PROCEDURES		
Review: Payroll and Related Expense of Public Employees: General Administration and other Overhead: and Cost Accumulation Centers and Distribution Methods.	This revision to an existing regulation prescribes policies and procedures governing the extent to which Federal funds may participate in the cost of salaries and wages and related labor costs, incurred by public forces of State highway departments, counties, cities, or other political subdivisions. Final rule published January 15, 1981 (46 FR 3501). Originally scheduled to go into effect on February 17, 1981. Effective date delayed until March 31, 1981 (46 FR 10706) for review under E.O. 12291. (23 CFR pt. 140; FHPM 1-4-5).	J. E. Lewis, (202) 426-0562	*Action complete.*
	PLANNING		
Review: Carpool and Van Pool Projects.	This regulation revision reflects the required changes brought about by the Surface Transportation Assistance Act of 1978 plus related program modifications. NPRM published December 10, 1979 (44 FR 70753). Final rule published January 8, 1981 (46 FR 2298). Effective date delayed until March 31, 1981 (46 FR 10706) for review under E.O. 12291, *and final rule was withdrawn on March 30, 1981 (46 FR 19232) pending further review under E.O. 12291.* (23 CFR pt. 656: FHPM 4-8-3).	Barbara Reichart, (202) 426-0210	*Further action to be determined.*
Review: Highway Planning Program Administration (Docket No. 78-24).	This revision to an existing regulation would reflect recent policy changes in management of the highway planning and research program, e.g., allowing separate projects for components of the program (urbanized area planning, statewide planning, research and development), and applying matching rates to time periods rather than a fiscal year fund, etc. NPRM was published January 11, 1979 (44 FR 2400). As a result of comments received to the Docket, as well as internal coordination, FHWA is considering combining this regulation with 23 CFR Part 450, Subpart B, Metropolitan Planning Funds, since both deal with program administration. (23 CFR Part 420, Subpart A and Part 450, Subpart B; FHPM 4-1-2-1).	R. B. Puckett, (202) 426-0175	Further action to be determined.
Review: Payback Regulation Amendments.	Federal Highway Administration regulations in 23 CFR Part 480 prescribe the circumstances under which states must repay the Federal Government for the Federal contribution to the purchase of property for Interstate highway projects that are later withdrawn. Congress, in Public Law 96-106, amended 23 U.S.C. 103(e) to change the circumstances under which repayment must be made. This revision to an existing regulation would incorporate the legislative changes in 23 CFR Part 480. NPRM published November 20, 1980 (45 FR 76705).	C. L. Shufflebarger, (202) 426-0404	FR 1981.

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Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
*Economic Growth Center Development Highways.	This amendment deletes the requirement for preparation of special studies following implementation of certain growth center projects. Final rule published on August 20, 1981, effective on publication (46 FR 42266); (23 CFR 490A: FHPM 4-8-2).	Arthur Balek, (202) 426-0570	Action complete.
*Interstate System Withdrawal and Substitution of Alternative Projects.	This amendment to an existing regulation reflects a DOT policy which prohibits the withdrawal of and substitution of mileage added to the Interstate System after August 13, 1973, under the provisions of 23 U.S.C. 103(e)(1). This amendment is expected to be published as a final rule in September 1981.	C. L. Shufflebarger, (202) 426-0404	FR September 1981.
RESEARCH AND DEVELOPMENT			
Review: Research and Development (R&D) Programs (Docket No. 79-21).	These revisions to existing regulations will reduce unnecessary requirements, increase administrative flexibility and simplify procedures in R&D work funded with Federal-aid highway funds. An NPRM was published September 27, 1979 (44 FR 55766). (23 CFR parts 520, 524, 530, 540, 544 and 560; FHPM 5-2-1, 5-2-4, 5-4-1, 5-4-3, and 5-6-1).	Harry H. Hersey, (703) 285-2057	FR 1981.
ENGINEERING AND TRAFFIC OPERATIONS			
Resurfacing, Restoration and Rehabilitation (RRR) Work.	This regulation would set forth policy and project procedures for implementing RRR program as it relates to pavement design practices. (FHPM 6-2-4-2).	Leon M. Noel, (202) 426-0327	Further action to be determined.
Review: Skid Resistant Surface Design.	This regulation would set forth pavement design policy as it pertains to skid resistance on Federal-aid highway projects. An NPRM was published April 10, 1980 (45 FR 24505). Comments received on NPRM were evaluated. No action is anticipated on this regulation within the next 12 months. (23 CFR 628: FHPM 6-2-4-3).	Leon M. Noel, (202) 426-0327	Further action to be determined.
Selection of Pavement Type	This regulation would set forth policy for the selection of pavement type on Federal-aid projects. ANPRM published on August 21, 1980 (45 FR 55763). (FHPM 6-2-4-4).	Leon M. Noel, (202) 426-0327	*Further action to be determined.*
Review: Reimbursement for Railroad Work.	*This revision to an existing regulation would update and simplify certain selected policies, procedures and requirements on reimbursement to the States for railroad work done on projects undertaken pursuant to the provisions of 23 CFR pt. 646 B. An NPRM is under preparation updating and modifying reimbursement rates, lump sum maximum amount and required insurance coverage provisions. (23 CFR 140; FHPM 1-4-8).*	J. A. Carney, (202) 426-0104	*NPRM October 1981.*
Review: Design and Construction Criteria for Bikeway Construction (Docket No. 79-3).	This regulation establishes design and construction guidelines for bikeways. ANPRM published on February 8, 1979 (44 FR 7979). NPRM published August 4, 1980 (45 FR 51720). No action is anticipated on this regulation within the next *6* months. (23 CFR pts. 652 and 663).	Richard Lemieux, (202) 426-0314	Further action to be determined.
Review: Design Standards for Highways *(Docket No. 80-2).*	This regulation would amend the existing geometric design standards for highways for new construction and major reconstruction of federal-aid highways by replacing several publications incorporated by reference in 23 CFR Part 625 with a single new publication. Public comments were requested on the geometric design criteria as presented in a draft of the new publication.	Wilson B. Harkins, (202) 426-0313	*FR Fall 1982.*

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Nonsignificant Regulations—Continued

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Title	Summary	Contact	Earliest expected decision date
	"A Policy on Geometric Design of Highways and Streets" prepared by the American Association of State Highway and Transportation Officials. Comments received as a result of NPRM published February 14, 1980 (45 FR 10236) *have been evaluated and recommended changes submitted to AASHTO for consideration. It should also be noted that the Presidential Task Force on Regulatory Relief has identified the existing design criteria rule for regulatory review. (46 FR 27722). Notice regarding status of proposed rule published November 17, 1980 (45 FR 75690) indicates further rulemaking action is not anticipated before Fall 1982.* (23 CFR Part 625, FHPM 6-2-1-1).		
Design and Construction Requirements for Highway Pedestrian Overpasses and Underpasses.	This regulation would develop standards for the design and construction of pedestrian overpasses and underpasses for accessibility and usability by physically handicapped persons (per March 7, 1979, Agreements with Architectural and Transportation Barriers Compliance Board). This regulation would follow the completion of the research in progress titled "Design Guidelines to Make Crossing Structures Accessible to the Physically Handicapped." Rulemaking action is not anticipated within the next year.	Ali Sevin and Larry King, (202) 426-0306 or Lee Burstyn, (202) 426-0761	Further action to be determined.
Review: Traffic Control Devices on Federal-Aid and Other Streets and Highways.	This revision to an existing regulation prescribed the policies and procedures of FHWA relative to obtaining basic uniformity in the visible features and functioning of traffic control devices on all highway open to public travel in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways. An NPRM was published September 27, 1979 (44 FR 55598). Final rule was published January 8, 1981 (46 FR 2038); originally scheduled to go into effect on January 30, 1981. Effective date delayed until March 31, 1981 (46 FR 10706) for review under E.O. 12291 *and final rule was withdrawn on March 30, 1981 (46 FR 19232) pending further review under E.O. 12291.* (23 CFR pt. 655: FHPM 6-8-3-1).	Donald P. Ryan, (202) 426-0411	*Further action to be determined.*
Review: Forest Highways	This revision to an existing regulation would update and simplify administrative procedures applicable to Forest Highway projects administered by direct Federal offices and State highway agencies. The revisions will conform to the Surface Transportation Assistance Act of 1978. NPRM published on August 25, 1980 (45 FR 56355). (23 CFR pt. 660: FHPM 6-9-2-1).	R. C. Coles, (202) 426-0460	FR *October* 1981.
Review: Contract Procedures (Docket No. 78-16).	This revision to an existing regulation would simplify Federal-aid contract procedures. NPRM was published on August 18, 1978 (43 FR 36685). (23 CFR pt. 635: FHPM 6-4-1-6).	K. L. Ziems, (202) 426-4847	Further action to be determined.
Review: General Materials Requirements.	This regulation would simplify procedures relating to general material requirements for Federal-aid construction work. NPRM published January 29, 1981 (46 FR 9642). No action is anticipated on this revision within the next *6* months. (23 CFR pt. 635: FHPM 6-4-1-16).	K. L. Ziems, (202) 426-4847	Further action to be determined.
Review: Accommodation of Utilities.	This revision to an existing regulation would update and simplify policies and procedures for accommodating utility facilities on the rights-of-way of Federal and Federal-aid highway projects. An NPRM was published April 17, 1980 (45 FR 26280). (23 CFR pt. 645: FHPM 6-6-3-2).	J. A. Carney, (202) 426-0104	Further action to be determined.
Review: Traffic Safety in Highway and Street Work Zones.	This proposal would modify existing requirements to assure a reduction in the incidence of accidents occurring where two-way traffic is maintained on one roadway of a normally divided highway. NFRM published October 16, 1980 (45 FR 68663). (23 CFR 630J: FHPM 6-4-2-12).	Kenneth L. Ziems, (202) 426-4847	*FR October 1981.*

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Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Review: Utility Relocation, Adjustments and Reimbursement.	This revision to an existing regulation would update and simplify the policies and procedures for the adjustment and relocation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Federal Highway Administration. An ANPRM was published March 8, 1979 (44 FR 12209). An NPRM was published November 20, 1980 (45 FR 76924). No action is anticipated on this revision within the next *6* months. (23 CFR pt. 645: FHPM 1-4-4).	J. A. Carney, (202) 426-0104	Further action to be determined.
Uniform Criteria for Warning Devices at Railroad-Highway Grade Crossings (Docket No. 78-13 *and Docket No. 80-11).*	This regulation would issue uniform nationwide criteria for the selection of various types of warning devices to be installed at railroad-highway grade crossings. ANPRM published August 10, 1978 (43 FR 35491) and June 12, 1980 (45 FR 40062). No action is considered necessary at this time. Withdrawal notice to be published. (23 CFR 625, 646, and 655).	*Bob Helland,* (202) 426-0411	To be withdrawn.
*Pavement Structural Design Policy.	This revision to existing regulations will update procedures dealing with rigid pavement structural design and participation. (23 CFR 625, 626; FHPM 6-2-1-1 and FHPM 6-2-4-1).	Leon M. Noel, (202) 426-0327	NPRM 1981.
*Directional Signing for American Revolution Bicentennial Activities.	The regulation on directional signing for Bicentennial activities established guidelines for the design, installation, and funding of signs related to the American Revolution Bicentennial. Since the Bicentennial activities have been completed, the FHWA rescinded the regulation on July 9, 1981 (46 FR 35502).	F. C. Vandenbroeder, (202) 426-0411	Action complete.
	RIGHT-OF-WAY AND ENVIRONMENT		
Review: Procedures for Abatement of Highway Traffic Noise and Construction Noise (Docket No. 78-33).	This revision would make substantial reductions in the detailed procedures and interpretive information in the existing regulation. This is being done pursuant to the FHWA Regulation Reduction Task Force recommendations. An ANPRM was published December 6, 1978 (43 FR 57161). (23 CFR pt. 772; FHPM 7-7-3).	*Jem A. Reagan,* (202) 426-4836	NPRM 1981.
*Relocation Assistance; Revised Interest Payments.	The purpose of this proposal is to change the discount rate to be used when computing an interest differential payment for homeowners displaced by Federal or federally assisted highway projects. (23 CFR Part 740).	Gerald Starkweather, (202) 426-0117	NPRM 1981.
	HIGHWAY SAFETY		
Skid Accident Reduction Program ..	This rule would set forth policy for development and implementation of a program in each State designed to reduce the number and severity of wet weather accidents. No action is anticipated within the next *6* months. (FHPM 8-2-3-1).	Mike *Burk,* (202) 426-2131	Further action to be determined.
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS		
Radioactive Materials Routing.........	This regulation exempts radioactive materials from the routing provisions contained in the Federal Motor Carrier Safety Regulations at 49 CFR 397.9. This action is necessary in order to prevent duplication of rules *with RSPA's regulation on the same subject.* Final Rule published January 8, 1981 (46 FR 2126); originally scheduled to go into effect on February 2, 1982. *The RSPA rule is now undergoing priority review within the Department.*	Gerald J. Davis, (202) 426-9767	*Further action to be determined.*

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Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Toxic Gases in Truck Cabs (Docket No. MC-80).	This regulation would set maximum toxic gas levels in truck cabs. ANPRM published January 1978 (43 FR 120). NPRM published June 18, 1979 (44 FR 34992). No further action is anticipated within the next 12 months. (49 CFR pt. 392).	Gerald J. Davis, (202) 426-9767	Further action to be determined.
Ambient Temperature in Heavy Duty Truck Cabs (Docket No. MC-81).	This regulation would set maximum permissible ambient temperatures in truck cabs. ANPRM published on February 8, 1978 (43 FR 5397). No further action is anticipated within the next 12 months. (49 CFR pt. 399).	Gerald J. Davis, (202) 426-9767	Further action to be determined.
Review: Compliance with Motor Carrier Noise Standards.	The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g., grassy areas. NPRM published April 3, 1980 (45 FR 22120).	Gerald J. Davis, (202) 426-9767	Further action to be determined.
Review: Qualification of Drivers......	The FHWA is considering revising the regulation which provides that no waiver for handicapped drivers will be granted to drivers of buses or trucks transporting hazardous materials. Request for comments was published on June 12, 1980 (45 FR 39672). (49 CFR 391.49).	Gerald J. Davis, (202) 426-9767	Further action to be determined.
Assignment of Motor Carrier Safety Ratings (Docket No. MC-88).	The Federal Highway Administration is responsible for determining and reporting to the ICC a safety rating for each carrier applicant seeking operating authority from the ICC. This regulation formalizes current procedures. NPRM published November 23, 1979 (44 FR 67193). (49 CFR pt. 385).	James Jeglum, (202) 426-1724	Further action to be determined.
Rear Vision Mirrors (Docket MC-80).	This amendment would serve to clarify the rule change published May 1, 1979, and was developed in response to a rulemaking petition. NPRM published on October 9, 1980 (45 FR 67107). No further action is anticipated within the next 12 months. (49 CFR 393).	Gerald J. Davis, (202) 426-9767	Further action to be determined.
Review: Inspection, Repair, and Maintenance—Inspection Requirements for Leased Vehicles.	This proposed revision to an existing regulation would exempt commonly controlled motor vehicles from the inspection procedure for vehicles leased less than 30 days. This proposal was developed in response to a rulemaking petition. NPRM published on October 23, 1980 (45 FR 70288). No further action is anticipated within the next *6* months. (49 CFR 396).	Gerald J. Davis, (202) 426-9767	Further action to be determined.
Review: Disqualifying Offenses, Drugs.	The FHWA is considering amending the Disqualification of Drivers regulation (49 CFR 391.15) by reviewing and enlarging that group of substances and drugs whose use by drivers operating commercial motor vehicles, is forbidden and is considered a disqualifying offense. NPRM published on November 24, 1980 (45 FR 77466). No further action is anticipated within the next 12 months. (49 CFR pt. 391).	Gerald J. Davis, (202) 426-9767	Further action to be determined.
Review: Exemption from Preparing Driver's Daily Logs for Operations of Less Than 10 Hours (Docket No. MC-70-2).	This regulation would propose to exempt certain drivers from preparing the driver's log when they operate less than 10 hours. ANPRM published on November 9, 1978 (43 FR 58416). NPRM published on December 15, 1980 (45 FR 82291). (49 CFR pt. 395). *Further action to be taken in conjunction with Drivers' Log rulemaking action (See "Significant Regulations: Other" portion of FHWA's portion of the Agenda.).*	Gerald J. Davis, (202) 426-9767	*To be withdrawn.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA **Federal Highway Administration**

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Review: The Use of 4-Way Flashers on Slow Moving Vehicles.	This action will consider changing existing regulations to allow the use of 4-way flashers to warn of potential hazards, and was developed in response to a rulemaking petition. NPRM published on December 11, 1980 (45 FR 81621). No action is anticipated on this change within the next 12 months.	Gerald J. Davis, (202) 426-9767	Further action to be determined.

Routine and Frequent Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
	ENGINEERING AND TRAFFIC OPERATIONS		
Manual on Uniform Traffic Control Devices.	6	J. C. Partlow, (202) 426-0411, Robert E. Conner, (202) 426-0411	*October 1981–September 1982.*
	RIGHT-OF-WAY AND ENVIRONMENT		
Relocation Assistance—Moving Payments—Moving Expense Schedules.	2	Robert Moore, (202) 426-0116	January 1982–*July 1982.*
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS		
Miscellaneous Amendments—Federal Motor Carrier Safety Regulations.	1	Gerald J. Davis (202) 426-9767	*April 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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NHTSA

National Highway Traffic Safety Administration

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	INFORMATION NOTICE *The National Highway Traffic Safety Administration (NHTSA) has reordered the items that appeared in the last Agenda in order to improve the usefulness of the Agenda for those who follow the NHTSA's programs. Within the categories of "Significant: Major," "Significant: Other," and "Nonsignificant," proposals and regulations in this Agenda are subdivided into three subject areas. Within each of the subject areas, the entries are listed, where possible, in order of CFR section being amended or established. Entries for which a CFR section has not been identified are listed at the end of each subject area in the order in which they have been added to the Agenda.* *The first subject area is "Federal Motor Vehicle Safety Standards." The largest number of entries are in this area. These entries are listed by order of the safety standard being amended or established, since those numbers correspond to CFR section numbers. In addition to facilitating quick location of an entry, this reordering also keeps rulemaking activities affecting the same safety standard together within the Agenda.* *The second subject area is "Fuel Economy Standards and Exemptions." The third subject area is "Regulations Other Than Safety Standards and Fuel Economy Standards/Exemptions".*		

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NHTSA **National Highway Traffic Safety Administration**

Significant Regulations: Major

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	FEDERAL MOTOR VEHICLE SAFETY STANDARDS		
†Multipiece Rims on Trucks and Buses. (Docket No. 71–19).	**A. Description:** NHTSA has examined the need to issue a performance requirement for multipiece rims because of their potential for explosive separation. *Action to be withdrawn because it would result in substantial costs with minimum benefits since occupational hazards in service facilities for commercial tires have come under regulations of OSHA.* **B. Why Significant:** This rulemaking is considered significant because of the level of interest shown by users and manufacturers of these rims, and because of the cost impacts. **C. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **D. Need:** Balance the safety hazards associated with the use of these rims against the added costs of using safer single-piece rims or improved multipiece rims, *with consideration for the benefits from existing occupational safety regulations.* **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended. **F. Chronology:** ANPRM issued March 5, 1979 (44 FR 12072). **G. Citation:** 49 CFR 571.120	A. Malliaris, (202) 426–0842	*Notice of Termination October 1981.*
†Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems) *(Docket No. 79–03).*	**A. Description:** *Would establish a new brake standard for all trucks, buses and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as automatic brake adjustors, load-sensing proportioning valves, air driers, and retarders for heavy trucks, buses and trailers.* **B. Why Significant:** This rule is considered significant because of the level of public and Congressional interest. **C. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **D. Need:** *To prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.* **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended. **F. Chronology:** *Two ANPRM's have been issued related to this rulemaking. The first was published February 15, 1979 (44 FR 9783). The second was published February 28, 1980 (45 FR 13155).* **G. Citation:** 49 CFR 571.121, 49 CFR 571.105	A. Malliaris, (202) 426–0842	Research underway.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Occupant Crash Protection *(Docket No. 74-14).*	**A. Description:** *Delays* for one year the effective date of the first phase of automatic restraint requirements of Safety Standard No. 208. **B. Why Significant:** The rule is considered significant because of the impact on the automobile industry. **C. Analysis:** Regulatory Impact Analysis **D. Need:** To take into account changed economic circumstances and reduced production plans for large cars since the Standard was adopted in 1977. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, 15 U.S.C. 1392, 1407. **F. Chronology:** *NPRM published February 12, 1981 (46 FR 12033). Final rule published April 9, 1981 (46 FR 21172).* **G. Citation:** 49 CFR pt. 571.208	Mike Finkelstein, (202) 426-0842	*Action complete.*
*Occupant Crash Protection *(Docket No. 74-14).*	**A. Description:** Proposes alternatives to the effective dates for the automatic restraint requirements or a rescission of those requirements. **B. Why Significant:** The rule is considered significant because of the impact on the automobile industry, and the significant level of public and congressional interest. **C. Analysis:** Regulatory Impact Analysis **D. Need:** To take into account changed circumstances since the Standard was adopted in 1977. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, 15 U.S.C. 1392, 1407. **F. Chronology:** NPRM published April 9, 1981 (46 FR 21205). Comment period closed May 26, 1981. Public meetings held August 5 and 6, 1981. **G. Citation:** 49 CFR pt. 571.208	Mike Finkelstein, (202) 426-0842	Final Rule October 1981.
Low Tire Pressure Warning Devices *(Docket No. 81-05).*	**A. Description:** Would require new cars and light trucks to be equipped with devices to show the driver that the inflation pressure is low in one or more of the tires. *Action withdrawn because NHTSA believes the objectives of this rulemaking can better be addressed as a consumer information issue. NHTSA will continue research in this area.* **B. Why Significant:** The rule is considered significant because of the potential costs. **C. Analysis:** Regulatory Impact Analysis **D. Need:** To reduce the number of accidents caused by underinflated tires. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended. **F. Chronology:** ANPRM published January 26, 1981. (46 FR 8062). *Notice of termination published August 31, 1981 (46 FR 43721).* **G. Citation:** 49 CFR pt. 571	A. Malliaris, (202) 426-0842	*Withdrawn.*

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Significant Regulations: Major—Continued

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Title	Summary	Contact	Earliest expected decision date
	FUEL ECONOMY STANDARDS AND EXEMPTIONS		
†Passenger Automobile and Light Truck Fuel Economy Rulemaking. *(Docket No. FE-80-01).*	**A. Description:** Analysis to determine whether and what fuel economy standards should be established for the time frame beyond MY 1985. *Action withdrawn because NHTSA believes strong market demand for fuel-efficient vehicles will continue and thereby make rulemaking unnecessary in this area.* **B. Why Significant:** The rule is considered significant because of the impact on the automotive industry, the public, and energy consumption. **C. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **D. Need:** Conservation of petroleum **E. Legal Basis:** Motor Vehicle Information and Cost Savings Act, as amended, 15 U.S.C. 2002, as amended, 15 U.S.C. 2002, Sec. 502(a)(4). **F. Chronology:** ANPRM published January 26, 1981. (46 FR 8056). *Notice withdrawing ANPRM published April 16, 1981 (46 FR 22243).* **G. Citation:** *49 CFR Parts 531 and 533*	Richard Strombotne, (202) 426-0846	*Action withdrawn.*
	REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS		
Bumper Standard *(Docket No. 73-19).*	**A. Description:** *NHTSA has performed an evaluation of the bumper standard in terms of costs and benefits. In 1979 NHTSA issued a report that concluded that the existing standard was justified. Based on the new evaluation of the bumper standard, published in April 1981, NHTSA will propose to amend the bumper standard to reduce or eliminate the impact speed requirements while retaining the bumper height requirements.* **B. Why Significant:** This rulemaking is considered significant because of the level of interest shown by Congress and bumper manufacturers, and because of the cost impacts to consumers. **C. Analysis:** Regulatory *Impact Analysis* **D. Need:** *To reassess various regulatory options to achieve the most cost-effective requirements.* **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, and Motor Vehicle Information and Cost Savings Act, as amended. **F. Chronology:** ANPRM *published* 3/1/79. (44 FR 11569) *Report published June 1979. New evaluation published April 1981.* **G. Citation:** 49 CFR pt. 581	Michael Brownlee, (202) 426-1740	*NPRM September/ October 1981.*
†Crashworthiness Ratings (Docket No. 79-17).	**A. Description:** Would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public. **B. Why Significant:** This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.	Michael Brownlee, (202) 426-1740	Further action to be determined.

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Significant Regulations: Major—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	C. Analysis: Regulatory Impact Analysis/Regulatory Flexibility Analysis. **D. Need:** To provide consumers with comparative information on the crashworthiness performance of new car models. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, and Motor Vehicle Information and Cost Savings Act, as amended, 15 U.S.C. 1401, Section 112(d); 15 U.S.C. 1941, Section 201(d). **F. Chronology:** NPRM published January 22, 1981 (46 FR 7025). *Comment due date extended to October 22, 1981 by notice published April 2, 1981 (46 FR 19947).* **G. Citation:** 49 CFR Ch. 5		
*Highway Safety Programs; Determination of Effectiveness. Docket No. 81-12.	**A. Description:** NHTSA and FHWA are involved in a joint rulemaking to determine those highway safety programs that are the most effective in reducing accidents, injuries and deaths. The objective is to replace the current Highway Safety Program. **B. Why Significant:** This rule may be significant because of the amount of Federal assistance provided to states under this program. Significance being evaluated. **C. Analysis:** To be determined **D. Need:** This action is required by section 1107(d) of the Budget Reconciliation Act of 1981. **E. Legal Basis:** Section 1107(d) of the Budget Reconciliation Act of 1981. **F. Chronology:** ANPRM published August 31, 1981 (46 FR 43692). NPRM expected November 1981. Final rule expected April 1982. The effective date is expected to be October 1, 1982. **G. Citation:** 23 CFR Part 1205	Chuck Livingston, (202) 426-0837	NPRM November 1981.

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Significant Regulations: Other

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Title	Summary	Contact	Earliest expected decision date
	FEDERAL MOTOR VEHICLE SAFETY STANDARDS		
†Air Brake Systems	**A. Description:** Would reinstate the 60 mph stopping distance requirement in standard No. 121, without a no wheel lock-up requirement, to replace the one invalidated by the Ninth Circuit Court of Appeals decision: PACCAR, INC. v. NHTSA, 573 F. 2d 632. This will be an interim action while research and analysis is underway to develop requirements for a new *brake standard*. **B. Why Significant:** The rule is considered significant because of the level of public and Congressional interest. **C. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **D. Need:** To prevent degradation of current braking performance as a result of the Court's action while research and analysis is underway to support a new *brake standard*. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended. **F. Chronology:** None yet **G. Citation:** 49 CFR 571.121	A. Malliaris, (202) 426-0842	*Further action to be determined.*
†Heavy Duty Vehicle Brake Systems (Docket No. 79-03). (Formerly Air Brake Systems).	**A. Description:** Would establish a new Air Brake Standard (No. 130) for trucks, buses, and trailers over 10,000 pounds gross vehicle weight rating, to replace Air Brake Standard No. 121. This new standard will include requirements for hydraulically braked heavy trucks and buses. **B. Why Significant:** The rule is considered significant because of the level of public and Congressional interest. **C. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **D. Need:** To correct the inadequacies in Standard No. 121 resulting from many revisions and Court action, and to include hydraulically braked heavy trucks and buses not previously included. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended. **F. Chronology:** ANPRM issued 2/15/79. (44 FR 9783). Comment period closed 4/16/79. Research is being conducted. **G. Citation:** 49 CFR 571.121	A. Malliaris, (202) 426-0842	*Combined with entry under Significant Regulations: Major entitled "Heavy Duty Vehicle Brake Systems."*
	REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS		
Confidential Business Information (Docket No. 78-10).	**A. Description:** Codifies existing method of processing confidential information from manufacturers. **B. Why Significant:** This rule is considered significant because of the controversial nature of confidential business information. **C. Analysis:** Regulatory Evaluation	Frank Berndt, (202) 426-9511	*Undergoing review pursuant to Executive Order 12291 and petition for reconsideration.*

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Title	Summary	Contact	Earliest expected decision date
	D. Need: To assure the manufacturer a more predictable process of information gathering and to streamline and speed up NHTSA use of data. **E. Legal Basis:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, and the Motor Vehicle Information and Cost Savings Act, as amended, 15 U.S.C. 1381; 15 U.S.C. 2002. **F. Chronology:** NPRM issued 5/25/78. (43 FR 22412). FR published January 8, 1981 (46 FR 2049), *originally* scheduled to go into effect on April 9, 1981, subject to review under Executive Order 12291. *Notice deferring effective date to August 7, 1981, in order to allow NHTSA sufficient time to review and consider a petition for reconsideration published April 13, 1981 (46 FR 21617). Notice further deferring effective date to November 6, 1981, published August 10, 1981 (46 FR 40513).* **G. Citation:** 49 CFR pt. 512		

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Title	Summary	Contact	Earliest expected decision date
	FEDERAL MOTOR VEHICLE SAFETY STANDARDS		
Controls & Displays (Docket No. 1-18).	Would amend the standard to include several symbols adopted by the International Standards Organization (ISO). (49 CFR 571.101).	A. Malliaris, (202) 426-0842	Further action to be determined.
Controls and displays *(Docket No. 1-18).*	Would amend standard 101 to allow use of alternative color for highbeam telltale. (49 CFR 571.101) NPRM published October 30, 1980 (45 FR 71632).	A. Malliaris, (202) 426-0842	FR 1981.
Hydraulic Brake Systems (Docket No. 70-27).	Extends the applicability of FMVSS *105* from passenger cars and school buses to cover on a general basis, multipurpose passenger vehicles, buses, and trucks with a Gross Vehicle Weight Rating (GVWR) of 10,000 lbs. or less. *Also extends* the standard on a limited basis to trucks, buses, and MPVs with a GVWR of more than 10,000 lbs. NPRM issued 10/16/79 (44 FR 60113). Final Rule published January 2, 1981 (46 FR 55); scheduled to go into effect on September 1, *1983*, subject to review under Executive Order 12291. (49 CFR *571.105*).	A. Malliaris, (202) 426-0842	*Undergoing review pursuant to Executive Order 12291 and petition for reconsideration.*
Rear Lighting and Signalling *(Docket No. 81-02).*	Would establish requirement for a high mounted brake light. NPRM published January 8, 1981 (46 FR 2132). (49 CFR 571.108).	A. Malliaris, (202) 426-0842	Further action to be determined.
†Commercial Vehicle Conspicuity *(Docket No. 80-9).*	Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights). ANPRM *published* May 27, 1980 (45 FR 35405) (49 CFR 571.108).	A. Malliaris, (202) 426-0842	Further action to be determined.
Lamps, Reflective Devices, and Associated Equipment.	This proposal would *have required* the headlights and taillights of motorcycles to be illuminated at all times when the engine is running. This action resulted from a granted rulemaking petition. *Notice of termination published June 25, 1981 (46 FR 32899).* (49 CFR 571.108).	A. Malliaris, (202) 426-0842	Withdrawn.
Lamps, Reflective Devices, and Associated Equipment.	This proposal would remove the dimensional specifications for headlamp retaining rings. This action results from a granted rulemaking petition. (49 CFR 571.108).	A. Malliaris, (202) 426-0842	NPRM 1981.
Lamps, Reflective Devices, and Associated Equipment.	This proposal for a technical modification to FMVSS 108 would require that rear lamp reflex reflector tests be changed to require a 10 instead of a 7 inch test diameter size. The action results from a granted rulemaking petition (49 CFR 571.108).	A. Malliaris, (202) 426-0842	NPRM 1981.
Lamps, Reflective Devices, and Associated Equipment.	This notice for comments *was* for a possible technical modification to FMVSS 108 to have special tests for waterproof boat trailer lights. This action *resulted* from a granted rulemaking petition (49 CFR 571.108). Notice for comments published July 3, 1980 (45 FR 45334). *Notice of termination published June 25, 1981 (46 FR 32899).*	A. Malliaris, (202) 426-0842	Withdrawn.
Lamps, Reflective Devices, and Associated Equipment.	This notice for comments is for a possible amendment to FMVSS No. 108 to modify headlamp configurations and for a possible addition or tests for plastic headlamps (49 CFR 571.108).	A. Malliaris, (202) 426-0842	Further action to be determined.
New Pneumatic Tires *(Docket No. 80-14).*	Amendment would delete Appendix A (Tire Tables) of FMVSS 109 to ease introduction of new tire concepts and to add criteria to insure compatibility of new concepts with existing tire types. NPRM published August 28, 1980. (45 FR 57466) (49 CFR 571.109).	A. Malliaris, (202) 426-0842	FR 1981.

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Title	Summary	Contact	Earliest expected decision date
New Pneumatic Tires	Amendment to FMVSS 110 would specify a minimum tire reserve load. *NHTSA has decided not to act in this area* (49 CFR 571.110).	A. Malliaris, (202) 426-0842	Action terminated.
Rear View Mirrors (Docket No. 71-3a).	This proposal would amend FMVSS 111 by establishing requirement for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. NPRM issued 11/6/78. (43 FR 51657). (49 CFR 571.111).	A. Malliaris, (202) 426-0842	Further action to be determined.
Rear View Mirrors	Would require rearview mirrors in vans equipped with rear windows. NPRM issued December 31, 1979. (44 FR 77224). Comments received February 14, 1980. *The agency's decision to terminate this rulemaking is explained in a notice published August 31, 1981 (46 FR 43687)* (49 CFR 571.111).	A. Malliaris, (202) 426-0842	Withdrawn.
Rearview Mirror Systems *(Docket No. 71-3a).*	Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less. NPRM published November 6, 1978 (43 FR 51657). (49 CFR 571.111).	A. Malliaris, (202) 426-0842	Further action to be determined.
†Rearview Mirror Systems *(Docket No. 71-3a).*	Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR over 10,000 pounds. NPRM published November 6, 1978 (43 FR 51657). (49 CFR 571.111).	A. Malliaris, (202) 426-0842	Further action to be determined.
Theft Protection (Docket No. 1-21).	*Would have amended* the performance requirements of the existing standard for passenger cars to prevent the inadvertent activation of the steering wheel lock while the vehicle is in motion *and extended* all requirements of the amended standard to light trucks and vans. *In response to petitions for reconsideration, the agency deleted the new provisions for passenger cars and exempted walk-in vans from all requirements of the standard and open-body type vehicles with readily removable or no doors from the key-in-ignition warning requirements.* NPRM issued 5/1/78 (43 FR 18577). Final Rule published December 29, 1980 (45 FR 86450). *Response to petitions for reconsideration published June 22, 1981 (46 FR 32251). The effective date for light trucks and vans is September 1, 1983.* (49 CFR 571.114).	A. Malliaris, (202) 426-0842	*Standard modified.*
*Federal Vehicle Identification Number.	Would change Federal Vehicle Identification Number requirement from a Federal Motor Vehicle Safety Standard to an administrative regulation. (49 CFR 571.115).	A. Malliaris, (202) 426-0842	NPRM *October* 1981.
Tire Selection and Rims Non-Passenger Cars. *(Docket No. 80-16).*	These technical amendments would clarify existing requirements or resolve minor specific technical problems. (49 CFR 571.120). NPRM published October 30, 1980 (45 FR 71834).	A. Malliaris, (202) 426-0842	*Final rule 1981.*
*Air Brake Systems (Docket No. 79-03).	Would delete the requirement in Standard No. 121 for a separate reservoir capable of releasing parking brakes. NPRM published July 23, 1981 (46 FR 37952).	A. Malliaris, (202) 426-0842	Final Rule November 1981.

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Nonsignificant Regulations—Continued

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Title	Summary	Contact	Earliest expected decision date
*Speedometers and Odometers (Docket No. 76-06).	Standard No. 127 requires that speedometers be graduated in both MPH and KM/H and that they display speeds of no more than 85 MPH and 140 KM/H. Those requirements are in effect. The standard also requires odometers to be tamper-resistant and indicate whether or not a car has been driven over 100 thousand miles. Because there appear to be no direct safety benefits associated with the standard and in view of the potential for consumer savings, NHTSA will propose to rescind the standard. In the interim, NHTSA has issued a final rule delaying the effective date of the odometer requirements from September 1, 1981, to September 1, 1982. That final rule was published on May 7, 1981 (46 FR 25463).	A. Malliaris, (202) 426-0842	NPRM October 1981.
Fields of Direct View (Docket No. 70-7).	*Would have established* requirements (for passenger cars) for the maximum allowable size of obstructions in the field of view of drivers, and the luminous transmittance of glazing. NPRM *published* 11/6/78. (43 FR 51677). Final Rule published January 2, 1981. (46 FR 40); (49 CFR 71.128); *was* scheduled to go into effect on September 1, 1984. *Notice revoking standard in response to petitions for reconsideration published June 22, 1981 (46 FR 32254). In response to a petition for reconsideration of the revocation, an action entitled Reconsideration of Agency Action; Notice of Petitions for Reconsideration and opportunity to comment thereon was published September 21, 1981 (46 FR 46604).*	A. Malliaris, (202) 426-0842	*Revocation of standard undergoing reconsideration.*
Fields of Direct View *(Docket No. 70-7).*	Would *have addressed* blind spots in driver's direct fields of view for trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less. NPRM published November 6, 1978 (43 FR 51677). *Notice of termination published July 16, 1981 (46 FR 36873).* (49 CFR 571.128).	A. Malliaris, (202) 426-0842	*Withdrawn.*
†Fields of Direct View *(Docket No. 70-7).*	Would *have addressed* blind spots in driver's direct fields of view for trucks, buses and multipurpose passenger vehicles with a GVWR over 10,000 pounds. NPRM published November 6, 1978 (43 FR 51677). *Notice of termination published July 16, 1981 (46 FR 36873).* (49 CFR 571.128).	A. Malliaris, (202) 426-0842	*Withdrawn.*
Impact Protection for the Driver from the Steering Control System.	This technical amendment would revise the test requirements of FMVSS 203 to permit force loads in excess of 2,500 pounds for a cumulative period not to exceed 3 milliseconds. (49 CFR 571.203).	A. Malliaris, (202) 426-0842	*Action complete.*
†Steering Control Rearward Displacement.	Would extend the applicability of the Standard from vehicles with an unloaded weight of 4,000 pounds to vehicles with an unloaded weight of 5,500 pounds. (49 CFR 571.204).	A. Malliaris, (202) 426-0842	Further action to be determined.
Glazing Materials *(Docket No. 71-1).*	This technical amendment would delete the abrasion resistance requirements for certain types of glazing used on side windows of light trucks and vans. NPRM issued 9/27/79. (44 FR 55610). *Final rule published August 31, 1981 (46 FR 43687).* (49 CFR 571.205).	A. Malliaris, (202) 426-0842	*Action complete.*
Glazing Materials	Would update FMVSS 205 by referring to latest edition of companion commercial standard (ANS Z-26), thereby permitting use of modern materials.	A. Malliaris, (202) 426-0842	NPRM 1981.
†Glazing Materials *(Docket No. 81-04).*	Would amend FMVSS No. 205 to adopt less stringent requirements for glass-plastic glazing materials. ANPRM published January 26, 1981 (46 FR 8067).	A. Malliaris, (202) 426-0842	Further action to be determined.

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Title	Summary	Contact	Earliest expected decision date
Door Locks and Door Retention Components.	This amendment would *have clarified* existing test procedures and *extended* the applicability of FMVSS 206 such that present side door requirements cover transverse rear doors. *NHTSA has decided not to act in this area* (49 CFR 571.206).	A. Malliaris, (202) 426-0842	*Action terminated.*
Seat Belt Assemblies (Docket No. 74-14).	*To improve* seat belt comfort, convenience, reliability and effectiveness by prescribing parameters for performance of seat belt assemblies. (49 CFR 571.208). NPRM issued 12/20/79 (44 FR 77210). Final Rule published January 8, 1981. (46 FR 2064); *scheduled to go into effect on September 1, 1982, subject to review under Executive Order 12291. NHTSA plans to respond to petitions for reconsideration by modifying various requirements and deferring the effective date of the requirements by one year.*	A. Malliaris, (202) 426-0842	*Rulemaking to modify November 1981.*
Seat Belt Assemblies *(Docket No. 80-12).*	Amends FMVSS 209 to exempt load limiting belts used with automatic restraint systems from elongation requirements. NPRM published August 4, 1980. (45 FR 51626). Final Rule, published January *12*, 1981. (46 FR 2618); scheduled to go into effect on September 1, 1982, subject to review under Executive Order 12291. (49 CFR 571.209).	A. Malliaris, (202) 426-0842	Undergoing Executive Order 12291 review.
Seat Belt Assemblies *(Docket No. 80-06).*	Would amend FMVSS 209 to modify resistance to light test procedures. NPRM *published* 6/1/80 (45 FR 29102).	A. Malliaris, (202) 426-0842	FR 1981.
Seat Belt Assemblies	Would amend Standard 209 by citing the current American Society of Testing Materials' (ASTM) specifications. (49 CFR 571.209).	A. Malliaris, (202) 426-0842	NPRM 1981.
Child Restraint Tether Anchorages. *(Docket No. 80-18).*	Would require anchorages for use with child restraint systems equipped with a top tether strap. NPRM published December 11, 1980 (45 FR 81625) (49 CFR 571.210).	A. Malliaris, (202) 426-0842	Further action to be determined.
†Side Door Strength *(Docket No. 79-04).*	Would upgrade FMVSS 214 requirements for passenger cars and extend the upgraded standard to light trucks, vans and MPVs. ANPRM *published* 12/6/79. (44 FR 70204). Public meeting held in Washington on January 31 and February 1, 1980. *FMVSS 214 is undergoing priority review under Executive Order 12291. See entry in Review List entitled "Side Impact Protection".*	A. Malliaris, (202) 426-0842	Further action to be determined.
†Motorcycle Helmets	The proposal would extend the applicability of FMVSS 218 to large and small helmets, thus covering all size helmets. The Standard currently covers only those helmets which use a size "C" headform for compliance testing to the standard.	A. Malliaris, (202) 426-0842	Further action to be determined.
School Bus Body Joint Strength	Would amend FMVSS 221 to modify the exempt status of maintenance access panels.	A. Malliaris, (202) 426-0842	Further action to be determined.
School Bus Seat Spacing (Docket No. 73-03).	Would amend 49 CFR 571.222 to permit increased school bus seat spacing.	A. Malliaris, (202) 426-0842	NPRM 1981.
Fuel System Integrity (Docket No. 73-20).	Would establish specific performance requirements in Safety Standard No. 301-75 for non-metallic fuel tanks (plastic tanks) used in motor vehicles. ANPRM issued 8/2/79. (44 FR 33441). Further action postponed indefinitely pending further analysis. Notice of termination published July 21, 1981 (46 FR 38392).	A. Malliaris, (202) 426-0842	Withdrawn.
Brake System Inspectability	Would *have required* vehicle modifications in order to inspect for certain levels of brake degradation in accordance with proposed test procedures and criteria for measurement. *NHTSA has decided not to act in this area.*	A. Malliaris, (202) 426-0842	Action terminated.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

NHTSA

National Highway Traffic Safety Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
†Battery Explosions	Would *have established* performance requirements and labeling of batteries to reduce the incidence of battery explosions while jump starting. *Notice of termination published August 31, 1981 (46 FR 43718).* (49 CFR 571).	A. Malliaris, (202) 426–0842	*Withdrawn.*
Truck Rear Underride Protection *(Docket No. 1–11).*	Would require protective devices to reduce vehicle penetration under the rear-ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices). NPRM published January 8, 1981. (46 FR 2136). (49 CFR 571).	A. Malliaris, (202) 426–0842	Further action to be determined.
Vehicle Speed Control (Docket No. 79–06).	Trailways Bus Company petitioned for an FMVSS to require road speed governors for all commercial vehicles. A request for comments was published in the Federal Register on 3/19/79 with a closing date of 8/17/79. (44 FR 16461). Further Agency action will await results from long range research.	A. Malliaris, (202) 426–0842	*To be withdrawn.*
†Flammability of School Bus Interior Materials.	Would utilize guidelines prescribed by UMTA to define flammability characteristics of School Bus Interior Materials.	A. Malliaris, (202) 426–0842	Further action to be determined.
†Pedestrian Protection *(Docket No. 78–19).*	Would reduce adult pedestrian leg injuries and child injuries through modification of the bumper area. NPRM published January 22, 1981. (46 FR 7015). Comment closing date *was* May 22, 1981. (49 CFR 571).	A. Malliaris, (202) 426–0842	Further action to be determined.
FUEL ECONOMY STANDARDS AND EXEMPTIONS			
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77-01).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Avanti Motor Corp. NPRM published January 19, 1981 (46 FR 5022). *Final rule published May 4, 1981 (46 FR 24952)* (49 CFR pt. 525).	R. Strombotne, (202) 426–0846	*Action complete.*
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77–02).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Rolls-Royce Motors, Inc. NPRM published October 9, 1980 (45 FR 67108). *Final rule published June 4, 1981 (46 FR 29944)* (49 CFR pt. 525).	R. Strombotne, (202) 426–0846	*Action complete.*
Exemption from and Establishment of Fuel Economy Standards (Docket No. LVM 77–05).	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Excaliber Automobile Corp. NPRM published July 31, 1980 (45 FR 50840). *Final rule published March 23, 1981 (46 FR 18038)* (49 CFR pt. 525).	R. Strombotne, (202) 426–0846	*Action complete.*
Exemption from and Establishment of Fuel Economy Standard. *(Docket No. LVM 77–07).*	Analysis of petition for exemption from 1979 and 1980 standards and setting of alternative standards for Maserati, S.p.A. NPRM published December 22, 1980 (45 FR 84103). *Final rule published March 26, 1981 (46 FR 18721)* (49 CFR pt. 525).	R. Strombotne, (202) 426–0846	*Action complete.*
†Fuel Economy Exemptions: Exemption from and Establishment of Fuel Economy Standards..	Would establish a single alternate average fuel economy standard for all LVMs for MY 1981 thru 1985 (49 CFR pt. 525).	R. Strombotne, (202) 426–0846	Further action to be determined.
REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
*Fuel Economy Reporting Requirements.	Would reduce the fuel economy reporting requirements manufacturers must comply with since some of those requirements are either duplicative or unnecessary for NHTSA's monitoring responsibilities. (49 CFR Part 537).	S. Wood, (202) 426–2992	NPRM *October* 1981.

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

NHTSA

National Highway Traffic Safety Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Anthropomorphic Test Dummies	Would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded. (49 CFR Part 572).	A. Malliaris, (202) 426-0842	Further action to be determined.
Tire Identification and Recordkeeping. *(Docket No. 80-20).*	Would require ID on outward facing sidewall of motor vehicle tires. NPRM published December 15, 1980. (45 FR 82293). (49 CFR pt. 574).	A. Malliaris, (202) 426-0842	Further action to be determined.
*Consumer Information Reporting Requirements.	Would permit modification of pre-introduction submissions of performance data on new vehicle models at any time up to 30 days prior to model introduction. This amendment would create an exception to the requirement that pre-introduction submissions be made 90 days prior to model introduction, which becomes effective on June 1, 1982. NPRM published August 10, 1981 (46 FR 40541) (49 CFR 575.6).	Michael Brownlee, (202) 426-1740	Final Rule November 1981.
*Consumer Information—Tire Reserve Load.	Would delete tire reserve load information from consumer information requirements. NPRM issued September 17, 1981. Expected publication date: September 24, 1981. (49 CFR 575.102).	Michael Brownlee, (202) 426-1740	Final Rule 1982.
Uniform Tire Quality Grading *(Docket No. 25).*	*Amends* the Uniform Tire Quality Grading Standards to permit *tire grades to be molded on the tire sidewall beginning at any time up to six months after introduction of a new tire line.* Also *extends* the deadline for conversion to a new tread label format. NPRM published January 26, 1981 (46 FR 8063). *Final rule published August 17, 1981 (46 FR 41514).* (49 CFR Part 575).	Michael Brownlee, (202) 426-1740	*Action complete.*
Uniform Tire Quality Grading *(Docket No. 25).*	Would amend the Uniform Tire Quality Grading Standards to prescribe a standardized process for translating treadwear and traction test results into tire grades. Also would expand the numerical increments used to denote treadwear grades. NPRM published February 2, 1981. (46 FR 10429) (49 CFR Part 575).	Michael Brownlee, (202) 426-1740	Further action to be determined.
Uniform Tire Quality Grading	Would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards. (49 CFR Part 575).	Michael Brownlee, (202) 426-1740	Further action to be determined.
*Uniform Tire Quality Grading	Would amend the Uniform Tire Quality Grading Standards to simplify the requirements. (49 CFR 575.104).	Michael Brownlee, (202) 426-1740	ANPRM 1981.
Consumer Information—Wet Stopping Distance.	Would develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces. (49 CFR 575.105).	Michael Brownlee, (202) 426-1740	Further action to be determined.
Highway Safety Plan	Would revise Volume 102, Highway Safety Plan, of the Highway Safety Program Manual to clarify confusing provisions, to eliminate redundancies, to establish program priorities, to improve management and financial processes, and to reflect the increased role mandated for the central state highway safety agencies. (23 U.S.C. 402).	Chuck Livingston, (202) 426-0837	NPRM 1981.
†Vehicle Classification—Compact Vans/Station Wagons.	Would invite comment on possible amendments to the safety and fuel economy regulations, with respect to the manner in which compact vans/station wagons and certain other vehicles are classified.	S. Wood, (202) 426-2992	Further action to be determined.
†Inclusion of Alcohol Fuels in Fuel Economy Program.	Would include vehicles which operate on alcohol fuels in the automotive fuel economy program.	R. Strombotne, (202) 426-0846	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FRA

Federal Railroad Administration

Significant Regulations: Major

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
†**Review:** Power Brake Rules	**A. Description:** Outgrowth of regulatory review in general safety inquiry and the Department's priority review of costly and controversial regulations. Revision and updating of current requirements. **B. Why Significant:** *Annual effect on the economy of $100 million or more.* **C. Analysis:** *Regulatory Impact Analysis/Regulatory Flexibility Analysis.* **D. Need:** *Because of changes in railroad operations and technological advances, the rules need to be revised to make them consonant with the present railroad operating environment and to provide more flexibility in achieving safety and operating efficiency.* **E. Legal Basis:** *The Safety Appliance Acts (45 U.S.C. 9)* **F. Chronology:** *General Safety Inquiry announced May 8, 1978 (43 FR 19696). Public hearings were held September 13 and 14, 1978.* **G. Citation:** *49 CFR Part 232*	Edward F. Conway, Jr., (202) 426-8836	October 1981.

Significant Regulations: Other

Title	Summary	Contact	Earliest expected decision date
Strobe Lights on Locomotives (Docket No. RSGC-2).	**A. Description:** Lighted warning devices that include strobe lights have been shown to be more readily visible than normal lighting devices. FRA is considering requiring the installation of strobe lights on locomotives. **B. Why Significant:** Degree of controversy reflected by response to ANPRM. **C. Analysis:** Regulatory Evaluation **D. Need:** Grade crossing accidents represent the single largest group of railroad related fatalities each year. Available data indicate that the conspicuity of locomotives may be a factor in many of these accidents. Limited research with one railroad has indicated that equipping locomotives with strobe lights will improve their conspicuity and may lead to a reduction in these accident statistics. **E. Legal Basis:** The Federal Railroad Safety Act of 1970 (45 U.S.C. 431); Locomotive Inspection Act (45 U.S.C. 22 et seq.). **F. Chronology:** The ANPRM was published March 7, 1978 (43 FR 9328). NPRM was published June 18, 1979 (44 FR 34982). **G. Citation:** Will be 49 CFR pt. 222	Steve Urman, (202) 426-9178	FR *October 1981.*

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FRA

Federal Railroad Administration

Nonsignificant Regulations

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Railroad Bridge and Tunnel Safety Inquiry.	The Safety Inquiry will examine the present condition of railroad bridges and tunnels. Options for assuring proper rating of bridges and the inspection and maintenance of bridges and tunnels will be considered. *Withdrawn based upon preliminary analysis of costs and lack of accident data.*	William R. Paxton, (202) 426-0912	*Withdrawn.*
Railroad Noise Emission Compliance Regulations (Docket No. RNE-1).	The proposed rule would amend FRA railroad noise emission compliance regulations to reflect EPA Standards for fixed railroad facilities that were published on January 4, 1980; 45 FR 1252 (49 CFR pt. 210).	Steve Urman, (202) 426-9178	NPRM December 1981.
Safety Standards for Cabooses (Docket No. RSC-76-6).	The proposed rule would seek to establish comprehensive safety standards for cabooses.	Robert E. Abbott, (202) 426-9186	Further action to be determined.
Rail Services Assistance to States Under Section 5 of the DOT Act (FRA Economic Docket No. 4).	This action would amend 49 CFR pt. 266 to implement proposals offered by the grantees at a recent public meeting, and to make changes necessitated by the enactment of the Local Rail Services Assistance Act of 1978. Interim regulations published on August 30, 1979 (44 FR 51128). FRA is currently working with interested parties to implement comments and suggestions.	Jo Anne McGowan, (202) 426-1677	*Further action to be determined.*
Review: Track Safety Regulations.	Outgrowth of regulatory review in general safety inquiry. Revision and updating of current requirements (49 CFR pt. 213). NPRM published September 6, 1979 (44 FR 52104). *Withdrawal of proposed rule published June 25, 1981 (46 FR 32898).*	William R. Paxton, (202) 426-0912	*Withdrawn.*
Review: Safety Appliance Standards.	Outgrowth of regulatory review in general safety inquiry. Revised standards for new and existing equipment (49 CFR pt. 231).	Ralph R. Smith, (202) 426-9187	January 1982.
†**Review:** Power Brake Rules	Outgrowth of regulatory review in general safety inquiry and the Department's priority review of costly and controversial regulations. Revision and updating of current requirements (49 CFR pt. 232). *This entry has been moved to the "Significant Regulations: Major" portion of the FRA Agenda.*	Edward F. Conway, Jr., (202) 426-8836	*October* 1981.
Review: Signal and Train Control Regulations.	Outgrowth of regulatory review in general safety inquiry. Revision and updating of current requirements of Parts 235 and 236.	S. H. Stotts, (202) 426-0912	December 1982.
Amendments to Regulations Implementing Section 905 of the 4R Act.	This action would amend 49 CFR Part 265 to make changes necessitated by the promulgation of the Department of Transportation's comprehensive Minority Business Enterprise regulation (49 CFR Part 23). Part 265 will be revised to omit those provisions now covered in Part 23.	*Rufus Watson,* (202) 472-5311	*October* 1981.
Railroad Passenger Equipment Safety Standards (Docket No. RSP-1).	Development of initial passenger equipment safety standards mandated by Section 202 of the Federal Railroad Safety Act of 1970, as amended by P.L. 96-423.	R. Mowatt-Larssen, (202) 426-0924	*Safety Inquiry November* 1981.
Amendments to State Participation Regulations.	Revise State Participation Regulations to reflect the broader scope of participation authorized by Section 206 of the Federal Railroad Safety Act of 1970, as amended by P.L. 96-423. *NPRM published June 25, 1981 (46 FR 32888).*	Dan Inabinett, (202) 426-9252	*FR September* 1981.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

AGENDA

FRA

Federal Railroad Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
†*Special Safety Inquiry	FRA has initiated a Railroad Safety Inquiry to obtain information from the public to assist in evaluating and improving its safety regulatory program as it applies to "small railroads". The inquiry will also assist in meeting the goals of the Regulatory Flexibility Act by obtaining data that will assist in defining the economic impact of existing rules on small railroads. A series of public hearings has been scheduled. The hearings notice was published August 3, 1981 (46 FR 39461).	R. Mowatt-Larssen, (202) 426-0924	Further action to be determined.
†*Rules of Practice	This proposed rule would amend 49 CFR Part 211 to respond to the provisions of the Regulatory Flexibility Act of 1980 by defining the criteria used by FRA in determining whether any regulatory proposal or final rule will have a significant economic impact on a substantial number of small entities.	Lawrence I. Wagner, (202) 426-8836	NPRM September 1981.

UMTA

Urban Mass Transportation Administration

Significant Regulations: Major

Title	Summary	Contact	Earliest expected decision date
†*"Buy America" Requirements of Surface Transportation Assistance Act of 1978.	**A. Description:** This rulemaking proposes amendments to the existing Buy America Requirements. The amendments would permit subcomponents manufactured in the United States that receive Customs Bureau tariff exemptions to retain their domestic identity for purposes of determination of origin under the Buy America Requirements. A definition of "final assembly" is also proposed. **B. Why Significant:** There is substantial public interest concerning these regulations because of their impact in urban mass transportation projects. **C. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **D. Need:** These regulations implement section 401 of the Surface Transportation Assistance Act of 1978. **E. Legal Basis:** 49 U.S.C. 1602 note; P.L. 95-599, Section 401. **F. Chronology:** The NPRM was published on January 19, 1981 (46 F.R. 5815). Comments on alternative approaches *were* invited until April 20, 1981. *UMTA extended the comment period until May 20, 1981 (46 FR 23501). This NPRM is under Departmental review along with the existing "Buy America" regulation. Further action on this NPRM will depend on the results of that review.* **G. Citation:** 49 CFR pt. 660	John Coffins, (202) 426-1906	*Further action to be determined pending review of the existing "Buy America" regulation.*

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA

Urban Mass Transportation Administration

Significant Regulations: Other

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
†Private Enterprise Participation in Federally-Assisted Programs.	**A. Description:** Pursuant to Sections 3(e) and 8(e) of the UMT Act, as amended, UMTA plans to publish procedures regarding the involvement of private mass transit operators in federally-assisted programs. The subject matter of this rulemaking will include consideration of private enterprise participation in paratransit programs. **B. Why Significant:** While these regulations would implement statutory requirements, this is a controversial issue for both the transit industry and private operators. **C. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **D. Need:** To resolve an area of continuing controversy **E. Legal Basis:** Sections 3(e)(1) and (2), and Section 8(e) of the UMT Act, as amended. **F. Chronology:** 8(e) was added to the Urban Mass Transportation Act by the Federal Public Transportation Act of 1978. NPRM to be prepared by *October* 1981. **G. Citation:** 49 CFR pt. 619	James Stratton, (202) 426-4060	NPRM *October* 1981.
Urban Transportation Planning Process/Transportation Improvement Program.	The regulation was being jointly developed by UMTA and FHWA and is summarized elsewhere in this agenda by the Federal Highway Administration. An NPRM was published on October 30, 1980 (45 FR 71990). The comment period closed on December 24, 1980. Final rule published on January 19, 1981 (46 FR 5702); originally scheduled to go into effect February 18, 1981. Effective date delayed until March 31, 1981 (46 FR 10706) for review under Executive Order 12291. *The effective date was further postponed until June 30, 1981 (46 FR 19233) and again until July 30, 1981 (46 FR 33513) to allow for additional review and revision. After extensive review, UMTA and the FHWA decided to withdraw the final rule and issued instead a final rule on July 30, 1981 (46 FR 40170). This final rule incorporates into the existing planning regulations (23 CFR 450 and 630; 49 CFR 613) only those provisions of the January 19, 1981, withdrawn final rule that are intended to: (1) reduce red tape and simplify administration of the planning process, especially for areas under 200,000 population; (2) incorporate recent legislative changes; and (3) clarify the purpose of Transportation System Management (TSM) and other aspects of the planning process. The docket for the withdrawn final rule has been closed.*	Bob Kirkland, (202) 426-4991, or Sam Zimmerman, (202) 426-2360;- FHWA: Sam Rea, (202) 426-2961	*Action complete.*
"Buy America" Requirements of Surface Transportation Assistance Act of 1978.	**A. Description:** These regulations implement section 401 of the Surface Transportation Assistance Act of 1978, which provides, with exceptions, that funds authorized may not be obligated for urban mass transportation projects unless materials and supplies are of United States origin. These regulations were issued as a final rule but comments were solicited until February 15, 1979 and changes will be made based on the comments received. A separate NPRM has been issued addressing several issues raised during the comment period. **B. Why Significant:** There is substantial public interest concerning these regulations because of their impact in urban mass transportation projects. **C. Analysis:** Regulatory Evaluation	John Collins, (202) 426-1908	*Action complete.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA

Urban Mass Transportation Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	D. Need: These regulations implement section 401 of the Surface Transportation Assistance Act of 1978. **E. Legal Basis:** 49 U.S.C. 1602 note; P.L. 95-599, Section 401. **F. Chronology:** The statute creating this provision was signed by the President on November 6, 1978 and required immediate implementation. The emergency final rule was published on December 6, 1978. (43 FR 57144) Comments were invited through February 15, 1979. Final rule published on January 19, 1981 (46 FR 5808); originally scheduled to go into effect on February 18, 1981. Effective date delayed until March 31, 1981 (46 FR 10706) for review under Executive Order 12291. *After extensive review, UMTA decided to permit this rule to become effective on March 31, 1981.* A separate NPRM was also issued on January 19, 1981 (46 FR 5815) and is summarized elsewhere in the UMTA agenda. *In addition, UMTA is conducting a review of the existing "Buy America" regulation.* **G. Citation:** 49 CFR pt. 660		
Regulation Implementing the Nondiscrimination Section of the Urban Mass Transportation Act.	**A. Description:** The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. **B. Why Significant:** Substantial public interest is anticipated. **C. Analysis:** Regulatory Evaluation **D. Need:** Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation. **E. Legal Basis:** Section 19 of the UMT Act (49 U.S.C. 1615). **F. Chronology:** Section 19 was added to the UMT Act in November 1978 by the Federal Public Transportation Act of 1978. *Further action on this item is dependent on action by the Department concerning revision of the DOT-wide Title VI regulation (49 CFR Part 21).* **G. Citation:** 49 CFR pt. 628	Charlene Thomas, (202) 426-6371	Further action to be determined.
Minority Business Enterprise Requirements—Transit Vehicle Manufacturers.	**A. Description:** The recently issued DOT Rulemaking Concerning Participation by Minority Business Enterprises (March 31, 1980, 45 FR 21172) contains a provision that transit vehicle manufacturers are required to have an UMTA-approved MBE program in order to be eligible to bid on UMTA-assisted transit vehicle procurements. *Since the Department is reviewing this regulation, UMTA guidelines will be formulated in conjunction with this larger effort and will be part of the revised rulemaking.* **B. Why Significant:** Substantial public interest is anticipated given the potential impact on transit vehicle manufacturers. **C. Analysis:** Regulatory Evaluation	Irvin Bromall, (202) 426-6371	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA

Urban Mass Transportation Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	D. Need: To implement the DOT MBE requirements for application to transit vehicle manufacturers. **E. Legal Basis:** 49 U.S.C. 1615; E.O. 11625 **F. Chronology:** DOT NPRM issued on May 17, 1979 (44 FR 28928); DOT FR issued March 31, 1980 (45 FR 21172); *DOT issued an NPRM proposing revisions to the existing MBE rule (49 CFR pt. 23) on March 12, 1981 (46 FR 16282). The proposed revisions became final on April 27, 1981 (46 FR 23457). Further UMTA action on this item is dependent on policy decisions to be made by the Department in connection with its review of the entire MBE rule.* **G. Citation:** 49 CFR pt. 23		
Safety Information Reporting and Analysis System for Rail Transit Systems.	**A. Description:** UMTA is proposing regulations that would establish a requirement for periodic reporting of accidents and casualty information that occur in Rail Rapid Transit and Light Rail Transit operations. **B. Why Significant:** The proposed regulations could have a substantial impact on a major transportation safety problem. **C. Analysis:** Regulatory Evaluation **D. Need:** Information collected will be used to maintain cognizance of the status of rail transit safety, ascertain the need for improvements in rail transit safety, and establish research and development projects for safety improvements. **E. Legal Basis:** Sections 3 and 5 of the UMT Act, as amended, and Section 107 of the National Mass Transportation Assistance Act of 1974. **F. Chronology:** *UMTA is determining whether a voluntary system will be adequate, suitable, and acceptable to the involved agencies and industry. This is consistent with UMTA's policy to reduce regulations and red tape.* **G. Citation:** 49 CFR pt. 632.	Lloyd Murphy, (202) 426-6588	*Further action to be determined.*
†Maintenance Requirements	**A. Description:** UMTA is considering a policy along with implementing regulations that would require each mass transit operator to maintain facilities and equipment purchased with UMTA funds consistent with practices necessary to adequately provide for safety, comfort, and preservation and expansion of transit service. *However, UMTA plans first to write the policy statement on maintenance and then to determine the need for regulations.* **B. Why Significant:** This proposal concerns a matter on which there may be substantial controversy and it initiates a substantial change in policy. **C. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **D. Need:** There is a substantial Federal interest in assuring that maximum use is made of Federal money. The contemplated policy and regulations would: (a) increase performance and useful life of equipment and facilities; (b) minimize replacement costs; and (c) result in cost savings.	Charlotte Adams, (202) 472-6997	Further action to be determined.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA Urban Mass Transportation Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	E. Legal Basis: Sections 3 and 5 of the UMT Act, as amended. **F. Chronology:** ANPRM issued on January 21, 1981 (46 FR 6334). *The comment period closed on May 22, 1981.* The final form of this undertaking will depend on *the analysis of the comments received on the ANPRM and UMTA's determination of the need for regulations once the policy statement on maintenance has been written.* **G. Citation:** 49 CFR pt. 638		
Bus Rehabilitation Program, UMTA Docket 80-A.	**A. Description:** Regulations to implement a policy in which UMTA will participate in the rehabilitation of older buses. The regulations set out the guidelines for eligibility and participation in the program. **B. Why Significant:** Substantial controversy was generated upon publication of the NPRM. **C. Analysis:** Regulatory Evaluation **D. Need:** To provide a national funding basis for a bus rehabilitation program and to ensure the prudent use and maximum effectiveness of Federal and local money. **E. Legal Basis:** Sections 3 and 5 of the UMT Act, as amended. **F. Chronology:** NPRM published February 11, 1980 (45 FR 9244). Comments were invited through May 2, 1980 (after an extension of the comment period). Based on the substantial controversy generated upon publication of the NPRM, this proposal was reclassified as a significant regulation. Final rule published on January 29, 1981 (46 FR 9862), originally scheduled to go into effect March 31, 1981. Effective date delayed until March 31, 1981 (46 FR 10706) for review under Executive Order 12291. *On March 30, 1981, UMTA further postponed the effective date for this rule until May 15, 1981 (46 FR 19235) and proposed to withdraw the rule and to substitute non-regulatory policy guidance for it (46 FR 19270). The comment period closed on April 15, 1981. All the comments received supported UMTA's proposal and UMTA withdrew this rule on May 14, 1981 (46 FR 26651). The non-regulatory guidance will be published in the Notice section of the Federal Register in the future.* **G. Citation:** 49 CFR pt. 640	Charlotte Adams, (202) *426-4033*	*Withdrawn.*
Air Quality Guidelines	This regulation was jointly developed by UMTA and FHWA and is summarized elsewhere in this agenda by the Federal Highway Administration. Interim final rule issued on January 19, 1981, and effective immediately (46 FR 8426; January 26, 1981). The closing date for comments on this final rule *was* July 27, 1981. This rule is subject to review under Executive Order 12291.	Jocelyn Karp, (202) 426-1906; or James Getzewich, (202) 426-4991; FHWA; Jesse R. Chaves, (202) 426-4836	Further action to be determined pending Executive Order 12291 review.
Exemption Procedures	**A. Description:** UMTA plans to publish procedures that would allow persons to petition for exemptions from existing UMTA regulations. **B. Why Significant:** The regulation would provide for the exemption from significant regulations. **C. Analysis:** Regulatory Evaluation	Jocelyn Karp, (202) 426-1906	NPRM *October* 1981.

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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Urban Mass Transportation Administration

Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	D. Need: To provide a formal mechanism for the public to obtain exemptions. **E. Legal Basis:** Sections 3, 5, and 12(a) of the UMT Act of 1964 as amended (49 U.S.C. 1602, 1604 and 1608(a)). **F. Chronology:** NPRM to be prepared and issued by *October* 1981. **G. Citation:** 49 CFR pt. 602		

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
†Charter Bus Regulations	These regulations provide more detailed information regarding the restrictions placed on charter bus operations in section 3(f) of the UMT Act, 49 U.S.C. 1601. UMTA received considerable comments as a result of an ANPRM dated December 29, 1976 (41 FR 56680) and a hearing held thereafter. ANPRM published on January 19, 1981 (46 FR 5394). The comment period closed on March 5, 1981. *Further action on this item depends on UMTA's current examination and evaluation of the role of private enterprise in the UMTA program* (49 CFR pt. 604).	Ernesto Fuentes, (202) 426-1906	*Further action to be determined.*
Innovative Techniques and Methods Set-Aside.	These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services under Section 4(i) of the UMT Act, as amended. The NPRM was published on December 1, 1980 (45 FR 79669). The comment period closed on February 25, 1981. This is being withdrawn as a rulemaking document. Provisions of the NPRM will be used for guidance. The application instructions for this program will be issued by UMTA in the "Notice" section of the **Federal Register.** (49 CFR pt. 644).	Norm Ensrud, (202) 426-4984	*To be withdrawn.*
Miscellaneous Amendments—Organization, Functions, and Procedures.	These amendments will reflect modifications in the organization and distribution of functions as well as changes in the delegations of authority within the Urban Mass Transportation Administration. (49 CFR pt. 601).	*Mary Pat Stephenson,* (202) 426-4011	*Further action to be determined.*
Public Hearing Requirements	UMTA's regulations implement Section 5(i)(3) of the Urban Mass Transportation Act of 1964, as amended. This section requires a public hearing or an opportunity for a public hearing prior to increases in general levels of transit fares or substantial changes in service. A notice of proposed rulemaking was published on July 16, 1979 (44 FR 41272). Comments were invited through August 30, 1979. FR published April 17, 1980 (45 FR 26298) (49 CFR Part 635). The final rule invited comments through June 20, 1980 on UMTA's treatment of "substantial changes in service." Final rule published on January 19, 1981 (46 FR 5746), (49 CFR pt. 635A); originally scheduled to go into effect on February 18, 1981. Effective date postponed until March 31, 1981 (46 FR 10706) for review under Executive Order 12291. *After extensive review, UMTA decided to permit this rule to become effective on March 31, 1981.*	Charlotte Adams, (202) 472-6997	*Action complete.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA Urban Mass Transportation Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last agenda]

Title	Summary	Contact	Earliest expected decision date
Investigation of Safety Hazards in Urban Mass Transportation Systems.	These regulations would establish the policy and proceedings to be followed in the implementation of Section 107 of the National Mass Transportation Assistance Act of 1974, including the investigation of an unsafe condition, the requiring of a plan for correcting an unsafe condition, and the withholding of financial assistance until such a plan is approved or implemented. (49 CFR pt. 631).	*Tom Prendergast,* (202) 426-9545	Further action to be determined.
Standards and Procedures for Third Party Contracts.	These standards and procedures would provide guidance on third party contracting by recipients of Federal assistance from UMTA. They would implement OMB Circular A-102, Attachment B and Attachment O. A Notice of Proposed Rulemaking was published on September 20, 1979 (44 FR 54513). Comments were invited through November 15, 1979. The comment period was extended to January 3, 1980 in a notice published in the **Federal Register** on November 1, 1979 (44 FR 62918). (49 CFR pt. 666).	Arlan Eadie, (202) 426-2710	Further action to be determined.
Regulations Governing Formula Operating Assistance Grants to Urbanized Areas.	These regulations would streamline the policies and procedures governing the Operating Grant Program of Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604). Included in the regulations would be application procedures, general program requirements, and project management requirements. The closing date for comments was December 1, 1980 (49 CFR pt. 645). *UMTA has decided to withdraw this rulemaking and to issue it as non-regulatory policy guidance that will be published in the Notice section of the Federal Register.*	Candace Noonan, (202) 472-6997	*To be withdrawn.*
Maintenance of Effort Requirements.	These regulations would implement Section 5(f) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604(f), which deals with maintenance of effort by designated recipients of Federal mass transportation funds. The maintenance of effort requirement is imposed to ensure that state and local support and mass transportation non-farebox revenues will be maintained for provision of mass transportation services. The proposed regulations would implement 1978 legislative changes giving recipients of funds greater flexibility in meeting the requirements. A Notice of Proposed Rulemaking was published on August 27, 1979 (44 FR 50068). Comments were invited through October 11, 1979. *The provision in the UMT Act requiring maintenance of effort will not apply to funds appropriated for use after September 30, 1981. Therefore, UMTA has determined that there is no need for a regulation and has withdrawn this item.* (49 CFR Part 646).	Candace Noonan, (202) 472-6997	*To be withdrawn.*
Project Management Guidelines for Grantees.	These regulations would provide grantees with guidelines and procedures to be applied in administering UMTA grants, cooperative agreements, and loans. These guidelines are intended to assist grantees in meeting various grant management responsibilities and reporting requirements. NPRM published September 11, 1980 (45 FR 60306). *The comment period closed on December 8, 1980. UMTA has decided to withdraw this rulemaking activity and to issue it as non-regulatory guidance that will be published in the Notice section of the Federal Register* (49 CFR pt. 662).	Timothy Wolgast, (202) 426-4011	*To be withdrawn.*

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Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last agenda]

Title	Summary	Contact	Earliest expected decision date
†Application Instructions for Capital Assistance Projects..	These regulations would provide program information and application instructions and procedures for capital assistance under Sections 3 and 5 of the Urban Mass Transportation Act of 1964, as amended, and for assistance for Interstate Substitution and Federal-Aid Urban Systems (FAUS) non-highway Public Mass Transit Projects under the Federal-Aid Highway Act of 1973. *UMTA has decided to withdraw this rulemaking activity and to issue it as non-regulatory policy guidance that will be published in the Notice section of the Federal Register.* (49 CFR pt. 643).	Charlotte Adams, (202) 472-6997	*Action Terminated.*
Stockpiling of Buses (UMTA Docket 80-B).	These regulations would provide guidance concerning the evaluation of requests by grantees for permission to stockpile older buses being replaced with UMTA assistance. NPRM published March 3, 1980 (45 FR 13994). Comments were invited through April 16, 1980. Final rule published on January 19, 1981 (46 FR 5480); originally scheduled to go into effect on February 18, 1981. Effective date postponed until March 31, 1981 (46 FR 10706) for review under Executive Order 12291. (49 CFR 639). *On March 30, 1981, UMTA further postponed the effective date for this rule until May 15, 1981 (46 FR 19235) and proposed to withdraw the rule and to substitute non-regulatory policy guidance for it (46 FR 19270). The comment period closed on April 15, 1981. All the comments supported UMTA's proposal and UMTA withdrew the rule on May 14, 1981 (46 FR 26651). The non-regulatory policy guidance will be published in the Notice section of the Federal Register in the future* .	Charlotte Adams, (202) 472-6997	*Withdrawn.*
Delivery of Section 8 Funds to Small Urbanized Areas (Those with Populations Between 50,000 and 200,000).	The proposed policy would offer states two options in addition to the current way UMTA delivers planning funds for small urbanized areas. The first option would pass UMTA funds for small urbanized areas through the state and delegate to it certain management functions without the need for Metropolitan Planning Organization (MPO) concurrence. The second option, which could only be selected if the affected MPOs agree to it, would involve an agreement with FHWA whereby UMTA would fund large MPOs directly for both highway and transit planning and FHWA would fund smaller MPOs for both types of planning. *UMTA has decided to withdraw this rulemaking and to issue it as non-regulatory policy guidance that will be published in the Notice section of the Federal Register.*	James Getzewich, (202) 426-4991	*Action terminated.*
†Technology Introduction..................	These regulations would implement Section 3(a)(1)(C) of the UMT Act of 1964, as amended, by prescribing policies and procedures for administering the grant program for projects that would introduce new technology into public transportation. NPRM published on January 19, 1981 (46 FR 5832). The comment period closed on March 20, 1981. *UMTA has decided to withdraw this rulemaking activity and to issue it as non-regulatory policy guidance that will be published in the Notice section of the Federal Register. Until then, the January 19, 1981, NPRM should be used as guidance.*	Robert Haught, (202) 426-9545.	*To be withdrawn.*

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UMTA Urban Mass Transportation Administration

Nonsignificant Regulations—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Urban Initiatives Program	UMTA issued regulations governing its Urban Initiatives Program. The Urban Initiatives Program provides funding for mass transportation projects that enhance urban development. The regulations codify and clarify existing requirements and guidelines concerning the program. An NPRM was published on October 23, 1980 (45 FR 70412). Comments were received through December 8, 1980. A Final Rule was issued on January 19, 1981 (46 FR 5802), with an effective date of February 18, 1981. Effective date postponed until March 31, 1981 (46 FR 10706) for review under Executive Order 12291. *After extensive review, UMTA decided to withdraw this final rule on March 30, 1981 (46 FR 19237).*	Casimir Bonkowski, (202) 472-7037	*Withdrawn.*

SLSDC St. Lawrence Seaway Development Corporation

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Operational Regulations	Periodic update of 33 CFR Part 401 operational regulations developed, for the most part, jointly with the Seaway Authority of Canada. Most recent Final Rule published August 7, 1980 (45 FR 52376).	Frederick A. Bush, (315) 764-3245	Next update *January 15, 1981.*
*Tariff of Tolls Amendment	Revision of 33 CFR Part 402 in accordance with statutory procedures 33 USC 988.	Robert D. Kraft, (202) 426-3574	September 15, 1981.

RSPA Research and Special Programs Administration

Significant Regulations: Other

Title	Summary	Contact	Earliest expected decision date
Highway Routing of Radioactive Materials (Docket No. HM-164).	**A. Description:** This regulation establishes routing requirements for the highway carriage of radioactive materials. **B. Why Significant:** There is substantial public interest and controversy over the regulation and it will have a significant impact on the Federal Highway Administration. **C. Analysis:** Regulatory Evaluation **D. Need:** To provide a basis for deciding whether Federal routing requirements are necessary for the highway transportation of hazardous materials. **E. Legal Basis:** 49 U.S.C. 1803, 1804, 1808	*J. C. Allen, (202) 472-2726*	Undergoing Executive Order 12291 review.

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Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: Administrative ruling on Federal pre-emption: Published a public notice and invitation to comment on Aug. 15, 1977 (42 FR 41202); Public hearing (New York) was held on Nov. 10, 1977 (42 FR 64487); Ruling published April 20, 1978 (42 FR 16945); Rulemaking: ANPRM issued Aug. 17, 1978 (43 FR 36492); Public hearing (Washington) was held on Nov. 29, 1978. NPRM issued January 31, 1980 (45 FR 7140). Published NPRM announcing dates and locations of five public hearings on March 6, 1980 (45 FR 14609). Two additional hearings announced May 15, 1980 (45 FR 32030). All hearings completed. FR published January 19, 1981 (46 FR 5298). Scheduled to go into effect February 1, 1982, but undergoing review under Executive Order 12291. **G. Citation:** 49 CFR pt. 177		
Development of New Standards for Liquefied Natural Gas (LNG) Facilities (Docket No. OPSO–46).	**A. Description:** Comprehensive new standards for the siting, design, construction, operation, and maintenance of LNG facilities. **B. Why Significant:** Considered significant due to substantial public interest and controversy, and due to potential danger of large-scale LNG spills. **C. Analysis:** Regulatory Evaluation **D. Need:** The concerns of Federal, State, and local agencies over LNG safety. **E. Legal Basis:** 49 U.S.C. 1672 **F. Chronology:** ANPRM published April 21, 1977 (42 FR 20076); NPRM (siting, design, and construction); published February 8, 1979 (44 FR 8142); NPRM (operation and maintenance); published February 11, 1980 (45 FR 9220); Final Rules (siting, design, and construction): Published February 11, 1980 (45 FR 9184). Effective March 15, 1980, except as noted. Final rules (operation and maintenance) published October 23, 1980 (45 FR 70390). Effective July 23, 1981, except as noted, subject to review under E.O. 12291. Petitions for reconsideration answered August 28, 1980 (45 FR 57402). **G. Citation:** 49 CFR pt. 193 (new)	L. Furrow, (202) 426–2392	Undergoing Executive Order 12291 review.
Tank Car Safety Improvements: Specifications and Retrofit (Docket No. HM–175).	**A. Description:** This project would extend the puncture and thermal protection systems now required for DOT 112 and 114 tank cars to existing DOT 105 tank cars and to other newly constructed tank cars. (New construction of DOT 105 tank cars is addressed in Docket No. HM–174, Safety Improvement Program for DOT 105 Tank Cars.). **B. Why Significant:** There is substantial public interest in tank car safety and in retrofit issues. **C. Analysis:** Regulatory Evaluation **D. Need:** To determine the extent to which current thermal and puncture standards should be applied to the existing DOT 105 tank car fleet, and to other similarly used tank cars. **E. Legal Basis:** 49 U.S.C. 1803, 1804, 1808	L. A. Peterson, (202) 426–0897	NPRM *November* 1981.

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Significant Regulations: Other—Continued

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
	F. Chronology: ANPRM published July 21, 1980 (45 FR 48668); public comment period closed October 16, 1980.		

Nonsignificant Regulations

Title	Summary	Contact	Earliest expected decision date
Intermodal Portable Tanks (Docket No. HM-167).	Standards for new specifications for portable tanks and procedures for use of these portable tanks for certain hazardous materials. NPRM published Dec. 11, 1978 (43 FR 58050). (49 CFR 107.400–.407, 178.271, 178.272). FR published January 29, 1981 (46 FR 9880). *Executive Order 12291 Review completed. Correction published March 30, 1981 (46 FR 19236).* Effective May 1, 1981.	E. Altemos, (202) 426-0656	*Action complete.*
Review: Recodification of Radioactive Requirements (Docket No. HM-169).	Proposed consolidation, simplication and recodification of the existing requirements applicable to the transportation of radioactive materials to make them compatible with latest revised international standards as promulgated by the International Atomic Energy Agency. NPRM published Jan. 8, 1979 (44 FR 1852). (New pt. 127 to 49 CFR).	R. Rawl, (202) 426-2311	FR *October* 1981.
Safety Improvement Program for DOT 105 Tank Cars (Docket No. HM-174).	Changes current safety performance standards of DOT 105 tank cars (49 CFR pt. 179). NPRM concerning thermal standards for new tank cars, and coupler retrofit, published July 21, 1980 (45 FR 48671). FR published January 26, 1981 (46 FR 8005). Originally scheduled to go into effect March 1, 1981. Effective date delayed until March 31, 1981 (46 FR 10706) for review under E.O. 12291. *Correction published March 30, 1981. Petitions for reconsideration to be answered by May 31, 1981 following extensive review of materials submitted. Response to petitions for reconsideration and resulting amendments published August 24, 1981 (46 FR 42678).*	L. A. Peterson, (202) 426-0897	*Action complete.*
Cryogenic Liquids (Docket No. HM-115).	Proposed standards and procedures for the transportation of cryogenic liquids, (NPRM published Mar. 8, 1979). (44 FR 12826) (49 CFR 172.101, 173.316). Hearing (Washington, D.C.) held on April 17, 1979. Comment period extended to October 9, 1979 to permit further consideration of issues raised in hearing.	P. Seay, (202) 755-4906	FR *September* 1981.
Definition of a Flammable Solid (Project 118-71).	Consideration of new standards for classifying a material as a flammable solid. Previously part of Docket HM-118, which was terminated May 22, 1980 (45 FR 34560) to permit publication of ANPRM.	C. Schultz, (202) 426-2311	ANPRM *May* 1981.
Radiation Exposure for Transportation Workers (Project 263-78).	Consideration of methods which will reduce radiation exposure levels to transportation workers (New Sections). Proposal converted to ANPRM to permit development of basic data.	R. Rawl, (202) 426-2311	ANPRM *November* 1981.
Review: Reclassification of Operating Procedures For Motor Vehicles (Project 261-78).	Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177. Development of driver training requirements (formerly Project 270-78). (49 CFR pt. 177).	J. Fulnecky, (202) 426-1700	NPRM July 1981.

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[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last agenda]

Title	Summary	Contact	Earliest expected decision date
Use of Interested Inspectors for Cylinder Inspections (Docket No. HM-74A).	Proposal would result in ending of "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders (NPRM published Mar. 17, 1976 (44 FR 11179). (49 CFR pt. 178). This docket has been withdrawn for further study of justification.	H. Mitchell, (202) 426-2075	Further action to be determined.
Specification for 55-gallon Plastic Drum (Project 278-78).	Proposal to authorize use of 55-gallon capacity plastic drums with certain hazardous materials. (49 CFR pt. 178).	M. Gigliotti, (202) 755-4906	NPRM *December* 1981.
Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel (Project 279-78).	Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode. (49 CFR pt. 176).	K. Norris, (202) 426-1577	NPRM *April 1982.*
Oxidizing Materials Definition, Criteria and Proposed Regulations (Project 160-71).	Development of new standards for classifying a material as an oxidizing material. (49 CFR pt. 173).	C. Schultz, (202) 426-2311	ANPRM June 1981.
Consolidation of Specifications and Establishment of Performance Standards for Specification Bags (Docket No. HM-153).	Consolidation of specifications and development of performance standards for specification bags. *Present data insufficient for rulemaking.*	M. Gigliotti, (202) 755-4906	*Withdrawn for further review.*
Organic Peroxide Requirements (Project 186-72).	Proposed listing of and packaging requirements for organic peroxides. (49 CFR Parts 172, 173). May be combined with Project 160-71, Oxidizing Materials Definition, Criteria and Proposed Regulations. (49 CFR pt. 173).	C. Schultz, (202) 426-2311	ANPRM *December* 1981.
Aluminum Cylinder Specification (Docket No. HM-176).	Development of specifications for aluminum cylinders. (49 CFR pts. 173, 178). NPRM published August 14, 1980 (45 FR 54097).	A. Mallen, (202) 755-4906	FR *September* 1981.
Matches (Project 281-78).................	Proposed revision and simplification of requirements concerning matches (49 CFR pts. 172, 173).	H. Mitchell, (202) 426-2075	NPRM *November* 1981.
Marking and Record Retention for Cylinders (Docket No. HM-172).	Proposed revision and clarification of cylinder marking requirements; deletion of approval for changes to owner markings, user markings, and serial numbers; deletion of submission requirements for cylinder test reports and substitute record retention requirement. NPRM published Feb. 14, 1980 (45 FR 9960). (49 CFR pts. 173, 178).	D. Henry, (202) 426-2075	FR *December* 1981.
Fusion Welding of Multi-Unit Tank Car Tanks (Project 252-77).	Proposed requirements to authorize fusion welding of multi-unit tank car tanks. (49 CFR pt. 178).	A. Mallen, (202) 755-4906	NPRM *December* 1981.
Etiologic Agents (Docket No. HM-142).	Proposed new standards and procedures for the transportation of etiologic (i.e. disease-causing) agents. (49 CFR pt. 173).	G. Cushmac, (202) 426-2311	NPRM *September* 1981.
Requirements for Reporting Gas Incidents (Docket No. OPS-49).	The *proposed* reporting forms provide additional and more appropriate information about gas safety problems and require reports from certain systems not now covered. NPRM issued June 5, 1978 (43 FR 24478). Comment period was extended to July 7, 1978 (43 FR 30590). Supplemental Notice to NPRM of June 5, 1978, published March 5, 1979. (44 FR 12070) (49 CFR pt. 191).	R. Langley, (202) 426-2392	FR November 1981.

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Title	Summary	Contact	Earliest expected decision date
Design and Construction of Pipelines Carrying Highly Volatile Liquids (Docket No. PS-56A).	Operation standards for pipelines carrying highly volatile liquids. ANPRM published February 5, 1979, (44 FR 6961). This rule requires the addition of water to ammonia in pipelines. (49 CFR pt. 195). NPRM published February 7, 1980 (45 FR 8323). FR published January 2, 1981 (46 FR 39). Originally scheduled to go into effect February 2, 1981. Effective date delayed until March 31, 1981 (46 FR 10706) *and again until June 30, 1981 (46 FR 20556)* for review under E.O. 12291. *After completion of the review under E.O. 12291, the FR was revoked retroactive to June 29, 1981. FR published July 27, 1981 (46 FR 38357).*	F. Robinson, (202) 426-2392	*Action complete.*
Retention of Radiographic Film	Recordkeeping requirement for radiographic film would be revoked for hazardous liquid pipelines (49 CFR pt. 195).	F. Robinson, (202) 426-2392	NPRM *September* 1981.
Placing Longitudinal Weld Seams in Upper Pipe Half (PS-66).	Proposal would require location of longitudinal weld seams in the upper half of pipe during construction of hazardous liquid pipelines. ANPRM published March 27, 1980, (45 FR 20142). (49 CFR pt. 195).	F. Robinson, (202) 426-2392	NPRM *October* 1981.
Heat Treatment of Hard Spots in Steel Pipe. (PS-58).	Allowable temperature for heat treating hard spots in steel pipe would be increased. NPRM published September 13, 1979, (44 FR 53185). (49 CFR pt. 192).	W. Dennis, (202) 426-2392	FR *October 1981.*
Qualifying Components for Use in Gas Pipelines. (PS-64).	General criteria would be proposed for qualifying the use of pipeline components other than the pipe itself. NPRM published March 3, 1980 (45 FR 13783). (49 CFR pt. 192).	L. Furrow, (202) 426-2392	FR *October* 1981.
Transportation of Natural and Other Gas by Pipeline (PS-57).	Requirements for procedures and instrumentation for use in monitoring gas for odorants would be proposed. NPRM published February 22, 1979 (44 FR 10604). (49 CFR pt. 192).	W. Dennis, (202) 426-2082	FR *September* 1981.
Leak Survey (PS-62)	Present leak survey requirements would be amended in accordance with practices necessary for safety. (49 CFR pt. 192). NPRM published December 13, 1979 (44 FR 72201).	W. Dennis, (202) 426-2392	FR *October* 1981.
Interior Piping (PS-67)	The adequacy of existing standards with regard to safety problems concerning interior piping would be examined and new standards may be proposed. ANPRM published April 3, 1980 (45 FR 22118). (49 CFR pt. 192).	R. Langley, (202) 426-2392	NPRM *November* 1981.
Procedures To Guard Against Blasting Effects in Gas Pipelines.	Proposed standards requiring gas pipeline operators to have procedures to protect facilities affected by blasting. (49 CFR pt. 192).	L. Furrow, (202) 426-2392	NPRM *September* 1981.
Location, Size, and Operating Pressure of Pipelines (PS-61).	Operators would be required to maintain maps and records to identify the location, size, and operating pressure of all pipelines. ANPRM published November 29, 1979 (44 FR 68493). (49 CFR pt. 192).	R. Langley, (202) 426-2392	*NPRM August 1981.*
Hot Taps in Gas Pipelines (PS-60).	Operators would be required to identify a pipeline by pressure monitoring or other means before performing a hot tap on it. (49 CFR pt. 192). NPRM published November 29, 1979 (44 FR 68491).	R. Langley, (202) 426-2392	FR *September* 1981.
Excavation Damage (PS-59)	Operators would be required to participate in a program to prevent excavation damage to underground pipelines (49 CFR pt. 192). NPRM published November 15, 1979 (44 FR 65792).	R. Simmons, (202) 426-2082	FR *August* 1981.
Reporting Abnormal Operations at LNG Facilities.	Requirements for reporting abnormal operations at LNG facilities would be proposed. (49 CFR pt. 193).	L. Furrow, (202) 426-2392	ANPRM *August* 1981.

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Title	Summary	Contact	Earliest expected decision date
Review: Line Markers on Navigable Waterways for Pipelines (PS-69).	The required number, size, and location of line markers along navigable waterways, including definition of "navigable waters" would be made more appropriate. (49 CFR pt. 192). *ANPRM published June 22, 1981 (46 FR 32287).*	R. Simmons, (202) 426-2082	NPRM *November* 1981.
Cargo Tank Corrosion (Project 285-79).	Consideration of the effects of corrosion to the structural integrity of cargo tanks. Would establish a prescribed test for the degree of corrosion of cargo tanks (49 CFR pt. 178).	A. Mallen, (202) 755-4906	NPRM August 1981.
Miscellaneous Hazardous Materials Communications Regulations (Project 289-79).	Development of miscellaneous proposals dealing with the communications regulations such as odorization of gas and availability of shipping papers to emergency response personnel. (49 CFR pt. 172).	L. Metcalfe, (202) 426-0656	NPRM *May 1982.*
Transportation of Wet Electric Storage Batteries (Docket No. HM-173).	Would establish new standards for transportation of wet cell electric storage batteries, and for wet cell battery equipped wheelchairs on passenger-carrying aircraft. Separated from Docket No. HM-166 due to public interest. NPRM published May 21, 1979 (44 FR 29503). Meeting announcement and request for comment published Feb. 28, 1980 (45 FR 13153). (49 CFR pt. 173). Meetings held on April 3 (Washington, D.C.) and April 16, 1980 (Denver, Colorado). Due to public interest and comments, a second NPRM will be published.	E. Mazzullo, (202) 426-2075	NPRM April 1981.
Reports of Leaks, and Federal Safety Standards.	Addressee for written leak and annual reports to be changed. Requirements for filing inspection and maintenance plans to be deleted. (49 CFR pts. 191, 192). *FR published July 20, 1981 (46 FR 37250). Effective July 20, 1981.*	L. Furrow, (202) 426-2392	*Action complete.*
Transportation of Liquids by Pipeline.	Safety standards for hazardous liquid pipelines to be reissued to comport with the Hazardous Liquid Pipeline Safety Act of 1979 (49 CFR pt. 195). *FR published July 27, 1981 (46 FR 38357). Effective July 27, 1981.*	E. Robinson, (202) 426-2392	*Action complete.*
Transportation of Hazardous Materials on Trailer-On-Flatcar (Docket No. HM-177).	Would establish standards for TOFC operations. Hearing announcement and request for comment published January 26, 1981 (46 FR 8055). (49 CFR pt. 174). *Docket HM-177 was established to resolve the TOFC problem area that arose from HM-167. MTB will leave HM-177 open while the problem is being resolved.*	R. Barlow, (202) 755-4906	*Further action to be determined.*
Air Transportation of Limited Quantities of Low Level Radioactive Materials; Exemption Renewal. *(Docket No. UM-149-c).*	To extend the limited exemption in Part 175 that provides for air transport of limited quantities of radioactive materials having very low radiation levels. (49 CFR pts. 172, 175). *NPRM published April 9, 1981 (46 FR 21202). FR published April 30, 1981 (46 FR 24184).*	T. Allan, (202) 426-2075	*Action complete.*
*Shipping Papers for Limited Quantities (Docket No. HM-166).	Proposed deletion of limited quantity radioactive materials detailed shipping paper requirements and associated marking modification. ANPRM published December 8, 1980 (45 FR 80843).	R. Rawl, (202) 426-2311	NPRM September 1981.
*Radiation Level Specifications Pt. 173 (49 CFR 173.393(j)).	Proposed rewrite of 49 CFR 173.393 (i) and (j) for clarity and enforceability.	W. Carriker, (202) 426-2311	NPRM September 1981.
*Private Carriers Licensed to use Radioactive Materials.	Proposed exceptions for private carriers who also are licensed to use radioactive materials in the course of their businesses. (49 CFR Pts. 173 and 177).	W. Carriker, (202) 426-2311	NPRM January 1982.
*Specification Packages of Type B and Fissile Radioactive Materials.	Advance notice to address feasibility of continued use and needed modifications of certain radioactive materials package designs (49 CFR Pt. 173).	R. Rawl, (202) 426-2311	ANPRM December 1981
*Quality Assurance for Radioactive Materials Shippers.	Advance notice to solicit comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials. (49 CFR Pt. 173).	R. Rawl, (202) 426-2311	ANPRM March 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

RSPA Research and Special Programs Administration

Routine and Frequent Nonsignificant Regulations

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Title	Summary	Contact	Earliest expected decision date
Conversion of Individual Exemptions to Regulations of General Applicability (Docket No. HM-139).	NPRM approximately every four months; with FR targeted approximately two months thereafter.	D. Raines, (202) 472-2726	April 1981–April 1982. Most recent FR undergoing Executive Order 12291 review.
Minor Regulatory Adjustments to Regulations of General Applicability (Docket No. HM-166).	NPRM approximately every four months; with FR targeted approximately two months thereafter.	D. Raines, (202) 472-2726	April 1981–April 1982. Most recent FR undergoing Executive Order 12291 review.
Matter Incorporated by Reference (hazardous materials). (Docket No. HM-22).	NPRM every six months; with FR targeted two months thereafter.	*L. Metcalf,* (202) 426-2075	April 1981–April 1982. Most recent FR undergoing Executive Order 12291 review.
Withdrawal of Certain Delegations of Authority to the Bureau of Explosives (Docket No. HM-163).	Prior responsibilities delegated to the Bureau of Explosives would be withdrawn in series of rulemaking actions. NPRM every three months; with FR targeted two months thereafter. *FR published April 16, 1981 (46 FR 22194). Correction published April 27, 1981 (46 FR 23461).*	D. Raines, (202) 472-2726	April 1981–April 1982. Most recent FR undergoing Executive Order 12291 review.
Matter Incorporated by Reference (pipelines).	Documents incorporated by reference would be updated to later published editions. NPRM every year, with FR six months later. Most recent FR published February 2, 1981 (46 FR 10157). Originally scheduled to go into effect March 4, 1981. *Became effective March 31, 1981.*	R. Simmons, (202) 426-2082	April 1981–April 1982.

OST Office of the Secretary

Regulations selected for review	Reasons for selection	Contact	Target date
†● Minority Business Enterprise (Financial Assistance Program) (49 CFR Part 23).	This rule requires DOT financial assistance recipients to establish affirmative action plans to increase the use of minority and women-owned businesses. The rule is very controversial and is the subject of several lawsuits. *Upon review, a decision was made to propose a comprehensive revision of this rule. (An interim amendment for the contract award provision has already been issued.) This project has been added to the OST portion of the Agenda. During the review of these regulations the impact of the regulation on "small entities" as defined in the Regulatory Flexibility Act has been considered..*	Robert Ashby, (202) 426-4723	*Review completed.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

OST Office of the Secretary

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Regulations selected for review	Reasons for selection	Contact	Target date
†● Nondiscrimination on the Basis of Handicap (49 CFR Part 27).	This rule requires all DOT-assisted programs to become accessible to handicapped persons. While many parts of the rule are not controversial, the part pertaining to mass transit programs is potentially very costly and is strongly opposed by the transit industry. The House and Senate passed separate versions of legislation last session that would have reduced the perceived impact of this rule. DOT is currently reviewing this rule. *The Urban Mass Transportation Administration submitted a legislative proposal to relieve the burden placed upon transit authorities. A Federal Court of Appeals decision in May held that section 504 did not authorize the existing transit requirements. DOT published an interim final rule altering the transit portion of the rule and plans to publish an NPRM proposing changes for the entire rule. This portion has been added to the OST portion of the Agenda.*	Robert Ashby, (202) 426–4723	*Review completed.*

USCG U.S. Coast Guard

Regulations selected for review	Reasons for selection	Contact	Target date
Charges for Duplicate Medals and Sales of Personal Property, Equipment or Services and Rental (33 CFR 1.26).	Length of time since last evaluated: changing economic factors. *No project being initiated at this time.*	Mr. A. Bell, (202) 426–1863	*Action complete.*
Agency regulations regarding the Coast Guard Reserve program (33 CFR pt. 8).	Length of time since last evaluated and need to reflect changed procedures. *No project being initiated at this time.*	Mr. Cotter, (202) 426–2350	*Action complete.*
Boating Safety: Equipment Requirement Personal Flotation Devices (33 CFR 175.15).	Length of time since last evaluated; Research and Development project initiated to determine need for carriage regulations revision.	LCDR Schmect, (202) 426–4176	*Action complete. Regulatory project to commence.*
Boats and Associated Equipment: Safe Powering (33 CFR pt. 183, subpart D).	Length of time since last evaluated; standards may not be effective for all boats to which these regulations apply. *No project to be initiated at this time.*	Mr. L. Gray, (202) 426–4027	*Action complete.*
Boats and Associated Equipment: Flotation Standards (33 CFR pt. 183).	Length of time since last evaluated; standards may be limited in applicability. *No project to be initiated at this time.*	Mr. L. Gray, (202) 426–4027	*Action complete.*
Licensing of Merchant Seamen.......	Reporting requirements associated with licensing may be a burden for the public. *Regulation project to be initiated.*	CAPT Hand, (202) 426–1500	*Action complete.*
Vessel Documentation.....................	These regulations contain public reporting requirements which have been in effect for many years and should be reviewed. *Regulatory project (CGD 80–107) initiated.*	Mr. Yglesias, (202) 426–1494	*Action complete.*
Oil Transfer and Oil Pollution...........	These regulations may contain overlapping reporting requirements that could be eliminated. *The Coast Guard is undertaking a number of comprehensive regulatory reviews under the provisions of E.O. 12291 and the Regulatory Flexibility Act. As a result, this routine review will not be completed.*	CAPT Corbett, (202) 426–2010	*Withdrawn.*
● Puget Sound Vessel Traffic Service Rule (33 CFR Part 161, Subpart B; App. A).	This interim rule prohibits oil tankers weighing more than 125,000 dead weight tons (DWT) from entering Puget Sound. This interim rule took effect in 1978. The purpose of the regulation was to protect against environmental harm from oil or polluting material spills that result from vessel damage, destruction and loss. This interim rule has been extremely controversial. It is favored by environmentalists and opposed by oil industry and shipping groups. Presently, tests are being conducted by the Coast Guard, in the area, to determine the risks of tanker spillage.	Mr. D. *Ziegfield,* (202) *426–5116*	*September 1981.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

USCG

U.S. Coast Guard

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last agenda]

Regulations selected for review	Reasons for selection	Contact	Target date
● Marine Sanitation Devices on Vessels (33 CFR Part 159).	These regulations govern the design and construction of marine sanitation devices in accordance with the regulations and performance standards promulgated by the Environmental Protection Agency (EPA) under section 312 of the Federal Water Pollution Control Act. They also contain the procedures by which Coast Guard enforces its own and EPA standards pertaining to these devices. The purpose of the regulations is to eliminate the discharge of untreated sewage from vessels into the waters of the United States. This is one of the Coast Guard's most controversial regulations. The Coast Guard estimates the annual cost of the rule to be $100,000,000. The Coast Guard estimates the cost of retrofitting boats with these devices to be $1,000,000,000. The regulation is appropriate for review because of its cost and because of its unpopularity with boat owners. Any revision of the regulation, however, will require coordination with the EPA.	*LT Ives,* (202) *426–1927*	*December,* 1981
● Documentation and Admeasurement of Vessels (46 CFR Subchapter G).	These regulations implement several very old vessel documentation laws. Those laws stipulate that commercial vessel owners must obtain documentation on their vessels from the Coast Guard. The implementing regulations are considered burdensome because they contain extremely heavy paperwork requirements. Until now, the annual public cost of documentation has been 750,000 person-hours of paperwork. However, the 96th Congress enacted legislation (P.L. 96–594) that will allow the Coast Guard to prescribe simplified documentation procedures that would eliminate a large portion of the paperwork requirements. This law will be effective on July 1, 1982.	Mr. J. Lewis, (202) 426–2192	*Review completed. NPRM to be issued, November 1981.*
● Pollution Prevention Regulations (33 CFR Part 157).	These regulations were promulgated pursuant to 46 U.S.C. 391a(7), (Port and Tanker Safety Act) (PTSA). The regulations require segregated ballast tanks, clean ballast tanks, and crude oil washing systems in various combinations for oil tankers. The purpose of the regulations is to prevent pollution. The PTSA also requires a regulation to be promulgated by January 1, 1986, that would require retrofitting of United States flag vessels of between 20–40,000 tons that are 15 years old or older with these pollution prevention systems. The Coast Guard initially calculates the cost will be $5–6 billion over a period of 20–30 years. These regulations should be reviewed because of their cost. Also there has been, in the past, some opposition from tank vessel owners. However, the PTSA is fairly specific in requiring certain pollution prevention systems and legislation may be needed.	Mr. J. Angelo, (202) 426–4432	*September 1981.*
● Vessel Reporting Requirements (33 CFR Part 161).	These regulations were also developed and promulgated pursuant to the PTSA. They require vessel owners to report their locations, arrivals and departures when carrying certain hazardous cargoes. The barge industry and certain boat owners in the past, have opposed these regulations. This regulation should be reviewed because of its controversy and impact on the barge and towing industry.	*LTJG Powers,* (202) *755–1354*	*September 1981.*
● Navigation Safety Regulations (33 CFR Part 164).	These regulations were promulgated pursuant to the PTSA (46 U.S.C. 391a). The implementing regulations require that commercial tank vessels carry dual radar systems and redundant (back-up) steering systems. The cost is estimated to be $50,000 per tank vessel on a one-time only basis. Again, the PTSA is fairly specific in its requirements, but a review is warranted because of controversiality with vessel owners and costs.	Mr. Tom *Falvey,* (202) *426–4958*	*September 1981*

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

USCG

U.S. Coast Guard

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Regulations selected for review	Reasons for selection	Contact	Target date
†*Regulatory Flexibility Act Reviews.	In accordance with the Regulatory Flexibility Act (RFA) review plan published in the *Federal Register* of June 29, 1981 (46 FR 33404) the Coast Guard has deferred selecting any specific regulations for RFA review at this time. Instead, the Coast Guard is dividing its regulatory material into manageable units and determining which will require review under the RFA. Once the extent of the required RFA review is known, the Coast Guard will publish a specific review schedule.	Mr. Bruce Novak, (202) 426-1477	

FAA

Federal Aviation Administration

Regulations selected for review	Reasons for selection	Contact	Target date
●Rotorcraft Certification and Operating Rules (14 CFR Parts 27, 29, 91, and 127.	*This will include a review of new flight control and associated system airworthiness for rotorcraft. Previous notices covered the applicability of rotorcraft certification, instrument flight rules (IFR) certification, and the certification of anti-icing and deicing equipment. This review is based on a number of proposals discussed at the Rotorcraft Regulatory Review held December 10–14, 1979, in New Orleans, La.; and the Rotorcraft regulatory Review Meeting held August 18–20, 1980, in Washington, DC.*	William J. Sullivan, (202) 755-8716	*January 1982.*
†●General Operating and Flight Rules (14 CFR Part 91).	*Part 91 is needed in order to prescribe the minimum safety standards for all classes of operators who operate within the aviation system. The legal basis for Part 91 is sections 313(a) and 601–610 of the Federal Aviation Act of 1958 (49 U.S.C. 1364(a) and 1421–1430) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). This review is examining the need to reorganize and realign the air traffic and general operating rules to make them more understandable and easier to use. The present regulations reflect the many changes that have occurred in aviation since the first set of aviation regulations were promulgated almost 50 years ago. This review would reorganize the subparts, organize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other improvements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Phase I would recodify the regulation into 10 subparts to make it easier to use. This effort has basically been completed. In Phase II substantive changes would be made to each subpart to clarify the existing rules, simplify the language, delete obsolete rules, and consider proposals not included in other review programs. Additionally, Part 91 will be reviewed in accordance with Executive Order 12291 to reduce regulatory burdens on the public. The review plan will focus on Phase II and, to a large extent, will be dependent upon the results of the Phase I effort.*	William J. Sullivan, (202) 755-8716	*May 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FAA

Federal Aviation Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
●Air Carrier Certification, Operating and Maintenance Rules (14 CFR Parts 121 and 135). *Elements of the review:* ●*Aircraft Requirements* ●*Manual Requirements* ●*Performance Limitations* ●*Airworthiness Requirements* ●*Instrument and Equipment Requirements* ●*Maintenance Requirements* ●*Airmen and Crewmember Requirements* ●*Training Programs* ●*Crewmember Qualifications* ●*Airplane Performance Operations Limitation* ●*Flight Time Limitations* ●*Flight Operations* ●*Dispatching and Flight Release Rules, Records, and Reports*	*To evolve a single air transportation regulation from Parts 121 (Air Carrier, Supplemental Air Carrier, and Commercial Operators of Large Aircraft) and 135 (Air Taxi Operators and Commercial Operators) which would embody aviation safety policy procedures rather than using several different regulations for this purpose. This would eliminate inconsistences within each rule which lends credence to the public complaint that the regulations too often are unduly complex, confusing, and difficult to understand. It would allow individual operators to conduct operations in the most efficient manner possible to meet established safety objectives and would reduce costs while retaining the highest level of safety.*	William J. Sullivan, (202) 755-8716	*March 1982.*
●Pilot Certification, Ground Instructor and Pilot School Rules (14 CFR Parts 61 and 141).	*Because of the expansion of the above reviews and due to resource constraints, action has been terminated on these reviews.*	William J. Sullivan, (202) 755-8716	*Action terminated.*
●Production and Quality Control System Rules (14 CFR Part 21).	......do	......do	*Action terminated.*
●Deregulation of Sport Aviation (14 CFR Parts 21 and 91).	......do	......do	*Action terminated.*
●Normal, Utility and Acrobatic Category Airworthiness Rules (14 CFR Part 23).	......do	......do	*Action terminated.*
●Repair Station Rules (14 CFR Part 145).	......do	......do	*Action terminated.*

FHWA

Federal Highway Administration

Regulations selected for review	Reasons for selection	Contact	Target date
	General Management and Administration		
State Internal Audit Responsibility (23 CFR pt. 12).	FHWA policy on minimization of redtape	Harvey Wood, (202) 426-0563	October 1981.
*Statement of Policy as to Administrative Action to be Taken in Instances of Irregularities (23 CFR Pt. 16).	The debarment policies of the FHWA are being reviewed to determine if revisions to their coverage and the specific administrative procedures employed are appropriate.	Hugh T. O'Reilly, (202) 426-0780	April 1982.
	Payment Procedures		
Bond Issue Projects (23 CFR pt. 140).	FHWA policy on minimization of redtape	J. E. Lewis, (202) 426-0562	April 1982.

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA

Federal Highway Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
	Civil Rights		
Construction Contract Equal Opportunity Compliance Procedures (23 CFR pt. 230, subpart D).	To revise and update policies and procedures and incorporate provisions of a Memorandum of Understanding between DOT/FHWA and the Department of Labor/Office of Federal Contract Compliance Programs relative to respective responsibilities under Executive Order 11246 and title 23. *This item is being withdrawn because it is incorporated in the priority review of 23 CFR Parts 200 and 230.*	Edward W. Morris, Jr., (202) 426–0471	*Action terminated.*
	Related agenda item on Review List—Engineering and Traffic Operations		
● Civil Rights Requirements (23 CFR Parts 200, 230).	These regulations carry out program and employment nondiscrimination requirements under Title VI of the Civil Rights Act of 1964, Executive Order 11246, and other authorities. These regulations have requirements that may overlap or duplicate other civil rights rules, and also contain a number of recordkeeping and reporting requirements that need scrutiny. An effort to consolidate some of the employment requirements of these rules with similar UMTA and FRA requirements has been underway for several months. Review of the portion of Part 230 dealing with contract compliance should be coordinated with the review of programs of the Office of Federal Contract Compliance (OFCCP) in the Department of Labor, since FHWA's requirements implement OFCCP requirements.	*Edward W. Morris, Jr., (202) 426–0471*	*October 1981.*
	Planning		
Public Road Mileage for Apportionment of Highway Safety Funds, Safer Off-System Roads Funds and Hazard Elimination Funds (23 CFR pt. 460).	To consider expansion of the existing regulation to include safer off system roads funds and hazard elimination funds; FHWA policy on minimization of redtape. *It is inappropriate to continue to consider expanding the existing regulation in light of anticipated congressional actions.*	D. W. Briggs, (202) 426–0199	Action terminated.
Appalachian Highway Procedures (23 CFR pt. 633, subpart B).	FHWA policy on minimization of redtape; recent legislative change; recent policy decisions by the Appalachian Regional Commission.	R. B. Puckett, (202) 426–0175	October 1981.
Federal-Aid Highway Systems (23 CFR pt. 470, subpart A).	FHWA policy on minimization of redtape, reflect amendments contained in the 1976 and 1978 Highway Acts. *In recognition of the Administration's present policy on highway systems, it is inappropriate to continue to consider system regulation changes.*	R. B. Puckett, (202) 426–0175	Action terminated.
	Engineering and Traffic Operations		
Required Contract Provisions—Federal-Aid Contracts (23 CFR pt. 633).	FHWA policy on minimization of redtape	K. L. Ziems, (202) 426–4847	*December* 1981.
Highway Construction Work to be Performed by Methods Other than Contract Awarded by Competitive Bidding (23 CFR pt. 635).	FHWA policy on minimization of redtape	K. L. Ziems, (202) 426–4847	*December* 1981.
Railroad Highway Projects (23 CFR pts. 140 and 646).	FHWA policy on minimization of redtape. *Review completed—see Nonsignificant portion of Agenda.*	J. A. Carney, (202) 426–0104	*Action complete.*
Authorization to Proceed to Physical Construction (23 CFR pt. 635).	FHWA policy on minimization of redtape	K. L. Ziems, (202) 426–4847	*December* 1981.
Advance Construction of Federal-Aid Projects (23 CFR pt. 630).	FHWA policy on minimization of redtape	K. C. Kippley, (202) 426–0673	October 1981.
Motorist Aid Systems (23 CFR pt. 655).	FHWA policy on minimization of redtape	Robert Harp, (202) 426–0411	October 1981.
Traffic Surveillance and Control (23 CFR pt. 655).	FHWA policy on minimization of redtape	Robert Harp, (202) 426–0411	October 1981.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

FHWA

Federal Highway Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
Project Agreements (23 CFR pt. 630, subpart C).	FHWA policy on minimization of redtape	L. Pettigrew, (202) 426-0334	October 1981.
Water Supply and Sewage Treatment at Safety Rest Areas (23 CFR pt. 650, subpart E).	FHWA policy on minimization of redtape	Stanley R. Davis, (202) 472-7690	April 1982.
Equal Employment Opportunity on Federal-Aid Highway Construction Contracts (23 CFR pt. 230, Subpart A).	FHWA policy on minimization of redtape. *This item is being withdrawn because it is incorporated in the priority review of 23 CFR Parts 200 and 230.*	K. L. Ziems, (202) 426-4847	Action terminated.
Maximum Weight of Trucks on Interstate System Highway; Variable Load Suspension Axles; Dummy Axles; Interpretation and Application of the Bridge Formula (23 CFR pt. 657).	This regulation would provide guidance on the use of Variable Load Suspension Axles and Dummy Axles in the Bridge Formula, which is used to determine the maximum weight of motor vehicles permitted to use the Interstate System highway in accordance with 23 U.S.C. 127.	David Oliver, (202) 426-0825	April 1982.
● Design Standards for Highways (23 CFR Part 625).	This rule, by incorporating by reference a number of other FHWA rules and industry consensus standards, prescribes the technical requirements for highway construction. Some states have complained that these standards are too rigid, and would prefer to set their own design standards. FHWA has proposed to take an approach of this kind for standards for the rehabilitation, restoration and resurfacing of highways other than freeways. The review is needed to establish whether a more flexible approach of this kind is appropriate for new construction as well. *It should also be noted that the Presidential Task Force on Regulatory Relief has identified this rule for regulatory review.*	Alvin R. Cowan, (202) 426-0312	*October* 1981.
● Buy America (23 CFR 635, 410).	This regulation implements the requirements of the Surface Transportation Assistance Act of 1978 that requires that preference be given to items produced in the United States in FHWA funded projects. The regulation has been the subject of considerable criticism and controversy. The controversy centers on the extent that the domestic steel industry deserves the protection afforded it under the statute, whether sufficient domestic supplies exist and the increased costs resulting from using more expensive domestic products. The FHWA regulation is also the subject of pending litigation.	Ken Ziems, (202) 426-4847	*October* 1981.
	Right-of-Way and Environment		
Landscape and Roadside Development (23 CFR pt. 752).	Consolidation and simplificaton of policies and procedures relating to highway landscaping and plant establishment, safety rest areas and information centers and systems, scenic strips in connection with Federal-aid highway projects, joint use and joint development, and access for the handicapped at Interstate rest area facilities. Response to comments on interim final regulations published May 5, 1978 (43 FR 19390).	Ken Rickerson, (202) 426-0314	*December 1981.*
General Policy and Definitions (23 CFR pt. 710).	FHWA policy on minimization of redtape	Douglas A. Wubbels, (202) 426-0142	*April 1982.*
State Highway Department Responsibilities (23 CFR pt. 710).	FHWA policy on minimization of redtape	Douglas A. Wubbels, (202) 426-0142	*April 1982.*
Reimbursement Provisions (23 CFR pt. 710).	FHWA policy on minimization of redtape	Douglas A. Wubbels, (202) 426-0142	April 1982.
Civil Rights (23 CFR pt. 710)	FHWA policy on minimization of redtape	Douglas A. Wubbels, (202) 426-0142	April 1982.
The Real Property Acquisition Function-Policy (23 CFR pt. 712).	FHWA policy on minimization of redtape	*Richard Moeller,* (202) 426-0142	April 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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FHWA

Federal Highway Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
The Acquisition Function-General Provisions and Project Procedures (23 CFR pt. 712).	FHWA policy on minimization of redtape	*Richard Moeller*, (202) 426-0142	April 1982.
The Acquisition Function-General Provisions and Project Procedures-Functional Replacement of Real Property in Public Ownership (23 CFR pt. 712).	FHWA policy on minimization of redtape	*Richard Moeller*, (202) 426-0142	April 1982.
The Acquisition Function-Negotiations (23 CFR pt. 712).	FHWA policy on minimization of redtape	*Richard Moeller*, (202) 426-0142	April 1982.
The Acquisition Function-Administrative Settlements, Legal Settlements, and Court Awards (23 CFR pt. 712).	FHWA policy on minimization of redtape	*Richard Moeller*, (202) 426-0142	April 1982.
Appraisal and Appraisal Review Policy (23 CFR pt. 720).	FHWA policy on minimization of redtape	Gerald Kennedy, (202) 426-0142	April 1982.
Property Management (23 CFR pt. 713).	FHWA policy on minimization of redtape	*Richard Moeller*, (202) 426-0142	April 1982.
Disposal of Right-of-Way (23 CFR pt. 713).	FHWA policy on minimization of redtape	*Richard Moeller*, (202) 426-0142	April 1982.
Junkyard Control and Abatement (23 CFR pt. 751).	FHWA policy on minimization of redtape	*Myron Laible*, (202) 246-0021	April 1982.
Relocation Assistance—General (23 CFR pt. 740).	FHWA policy on minimization of redtape	Robert Moore, (202) 426-0116	April 1982.
Relocation Assistance—Relocation Services (23 CFR pt. 740).	FHWA policy on minimization of redtape	*Gerald Starkweather, (202) 426-0117*	April 1982.
Relocation Assistance—Moving Payments (23 CFR pt. 740).	FHWA policy on minimization of redtape	*Gerald Starkweather, (202) 426-0117*	April 1982.
Relocation Assistance—Replacement Housing Payments (23 CFR pt. 740).	FHWA policy on minimization of redtape	*Gerald Starkweather, (202) 426-0117*	April 1982.
Relocation Assistance—Mobile Homes (23 CFR pt. 740).	FHWA policy on minimization of redtape	Robert Moore, (202) 426-0116	April 1982.
Relocation Assistance—Replacement Housing As Last Resort (23 CFR pt. 740).	FHWA policy on minimization of redtape	Robert Moore, (202) 426-0116	April 1982.
Land Service Facilities (23 CFR pt. 712).	FHWA policy on minimization of redtape	*Richard Moeller*, (202) 426-0142	April 1982.
Right-of-Way Revolving Fund (23 CFR pt. 712).	FHWA policy on minimization of redtape	*Richard Moeller*, (202) 426-0142	April 1982.
Management of Airspace (23 CFR pt. 713).	FHWA policy on minimization of redtape	*Richard Moeller*, (202) 426-0142	April 1982.
Mitigation of Environmental Impacts to Privately Owned Wetlands (23 CFR pt. 777).	Response to comments received on interim final rule published July 31, 1980 (45 FR 50728).	Charles DesJardins, (202) 426-9173	April 1982.
On-Premise Signs (23 CFR pt. 750).	FHWA policy on minimization of redtape	*Myron Laible*, (202) 245-0021	April 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

FHWA

Federal Highway Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
● Guidelines for the Development of Environmental Action Plans (23 CFR part 795).	This regulation requires FHWA recipients to write "action plans" describing how they will take environmental impacts into account and meet the other administrative requirements in the environmental area. Given newer and more specific rules concerning meeting environmental requirements and the relationship of environmental matters to transportation planning, it is questionable whether the action plan requirement is needed in its present form. The review is needed to determine whether the administrative burden imposed on grant recipients by this regulation can be eliminated as superfluous.	*Robert Bee*, (202) 426-1033	*October* 1981.
● Air Quality Guidelines/Environmental Impact Procedures (23 CFR part 770, 771).	These rules set forth procedures that implement, respectively, a DOT-EPA interagency agreement pursuant to the Clean Air Act amendments of 1977 and the 1978 Council on Environmental Quality (CEQ) regulations. In each case, DOT had little discretion to move beyond the agreement or the CEQ rules, and DOT could do little on its own to change the rules. The relevant part of the 1977 Clean Air Act amendments and the CEQ rules themselves are controversial and implementation of the DOT rules in Air Act amendments or CEQ regulations are warranted. Any changes will have to be made jointly with EPA, CEQ, and other interested agencies. *Future revisions to this rule will be considered based upon the results of the priority review of air quality requirements and a review of comments submitted to the docket.*	*FHWA:* Leon N. Larson (Environmental Impact Procedures) (202) 426-0351 *Jesse Chaves,* (Air Quality) (202) 426-4836 UMTA: Abbe Marner, (202) 472-7100	*October* 1981.
Public Transportation			
Non-Urbanized Area Public Transportation (23 CFR pt. 825).	Update and simplify current procedures; respond to comments received on regulations published on December 13, 1978 (43 FR 58308).	FHWA Sheldon G. Strickland, (202) 426-0153 UMTA Kay Regan, (202) 472-7037	October 1981
Federal Motor Carrier Safety Regulations			
Disqualification of Drivers (traffic records) (49 CFR pt. 391, subpart B).	Consideration is being given to a proposal that would require the disqualification of Interstate truck and bus drivers based on the driver's traffic or accident record.	Gerald J. Davis, (202) 426-9767	*March 1982.*
The General Part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR pt. 390).	FHWA policy on minimization of redtape; to improve and simplify the regulations.	Gerald J. Davis, (202) 426-9767	*April 1982*
The Need for First-Aid Kits on Buses (49 CFR pt. 393).	FHWA policy on minimization of redtape; determine the need to continue requiring first-aid kits on Interstate buses.	Gerald J. Davis, (202) 426-9767	*January 1982.*
Rear End Underride Protection (49 CFR pt. 393).	Improve rear end protection on heavy motor vehicles in conjunction with action taken by the National Highway Traffic Safety Administration on January 18, 1981.	Gerald J. Davis, (202) 426-9767	*April 1982.*
Selection of Motor Carriers for Survey (49 CFR pt. 385).	Publish criteria for selection of carriers for safety and hazardous materials surveys in response to a rulemaking petition.	*James Jeglum, (202) 426-1724*	October 1981.
Transportation of Migrant Workers (49 CFR pt. 398).	Improve procedures for ensuring safe transportation of migrant workers in interstate commerce.	Gerald J. Davis, (202) 426-9767	April 1982.
Retail Fertilizer Distribution Exemption (49 CFR pt. 390).	Exempt certain fertilizer distribution operations from the Federal Motor Carrier Safety Regulations in response to a rulemaking petition.	Gerald J. Davis, (202) 426-9767	

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

FHWA Federal Highway Administration

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last Agenda]

Regulations selected for review	Reasons for selection	Contact	Target date
†● Hours of Service (49 CFR Part 395).	This regulation, little changed from its original version published 40 years ago by the ICC, limits the number of hours interstate truck drivers can drive and be on duty in a given day or week. Its rationale is that long hours mean tired drivers, and that tired drivers are more likely to be in accidents. The principal monitoring and enforcement device for this rule is the "driver's log," in which drivers record their activities. FHWA has been gathering data on the relationship between driver fatigue and accidents, and on the economic impact of changing the rule, pursuant to a 7½ year-old rulemaking petition from a drivers' group to further restrict hours of service. Litigation involving this regulation is also pending. A review is needed to focus on the safety justification for the present limitation, economic effects of relaxing present requirements, and, most importantly, finding a less burdensome, more cost-effective enforcement mechanism than the driver's log. *This review also analyzed the impacts on small entities in accordance with the Regulatory Flexibility Act. The legal basis for this regulation is 49 U.S.C., 304 and 1655.*	Gerald J. Davis, (202) 426-9767	*October 1981.*
● Commercial Vehicle Inspection, Repair, and Maintenance (49 CFR part 396).	This regulation requires regular inspections of commercial vehicles for mechanical and other defects and calls for the preparation of various reports. The rule's rationale is to require operators to give sufficient attention to maintenance of their vehicles, since sloppy maintenance can cause accidents. The rule was controversial when it was promulgated in 1979. One focus of a review would be on ways of reducing recordkeeping and reporting requirements. *This review also analyzed the impacts on small entities in accordance with the Regulatory Flexibility Act. The legal basis for this regulation is 49 U.S.C., 304 and 1655.*	Gerald J. Davis, (202) 426-9767	*October 1981.*
†*Notification, Reporting, and Recording of Accidents (49 CFR Part 394).	This regulation establishes duties of motor carriers to make reports and keep records of accidents which occur during their operations. This regulation is needed to implement section 204(a) of the Interstate Commerce Act as amended (49 U.S.C. 304), relating to motor carrier safety concerned with accident reduction. (49 U.S.C. 304, 320, 1655). This review is being conducted in accordance with the Regulatory Flexibility Act.	Gerald Davis, (202) 426.9767	october 1982.

NHTSA National Highway Traffic Safety Administration

Regulations selected for review	Reasons for selection	Contact	Target date
Side Door Strength (49 CFR 571.214).	Public Interest	Frank Ephraim, (202) 426-1574	Evaluation Report published 8/30/79. *Revised Report, 1981.* (44 FR 50878).
Exterior Protection (49 CFR 571.215 and 49 CFR pt. 581).	Cost and Public Interest	Frank Ephraim, (202) 426-1574	*Evaluation Report published April 1981.*
Fuel system Integrity (49 CFR 571.301).	Cost, Safety Benefits and Public Interest	Frank Ephraim, (202) 426-1574	*1982*
School Bus Seating System (49 CFR 571.222).	Public Interest	Frank Ephraim, (202) 426-1574	*1982.*
Hydraulic Brakes (49 CFR 571.105).	Cost and Safety Benefits	Frank Ephraim, (202) 426-1574	1981.
Lamps, Reflective Devices and Associated Equipment (49 CFR 571.108).	Cost, Safety Benefits	Frank Ephraim, (202) 426-1574	1981.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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NHTSA National Highway Traffic Safety Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
Head Restraints (49 CFR 571.202).	Costs	Frank Ephraim, (202) 426-1574	1981
Seating Systems (49 CFR 571.207).	Costs	Frank Ephraim, (202) 426-1574	*1983.*
Child Seating Systems (49 CFR 571.213).	Public Interest	Frank Ephraim, (202) 426-1574	*1983.*
Occupant Protection (49 CFR 571.208).	Cost, Safety Benefits and Public Interest	Frank Ephraim, (202) 426-1574	*To be determined*
Impact Protection for the Driver from the Steering Control System (49 CFR 571.203) and Steering Control Rearward Displacement (49 CFR 571.204).	Safety Benefits	Frank Ephraim, (202) 426-1574	Evaluation Report published January 26, 1981 (46 FR 8066).
Windshield Glazing Materials (49 CFR 571.205).	Costs, Safety Benefits	Frank Ephraim, (202) 426-1574	1981.
Windshield Mounting (49 CFR 571.212).	Costs, Safety Benefits	Frank Ephraim, (202) 426-1574	1981.
● Passenger Car Fuel Economy (49 CFR Part 531).	This regulation sets fleet fuel economy standards for model years 1982-84. It was costly and controversial. The estimated capital cost to the auto industry to fully implement the rule was $2,050 million with an average added cost per vehicle of $95. (But most of these capital costs have already been incurred.) NHTSA estimates that over the life of the affected vehicles 39 billion gallons of gasoline ($319 per car) will be saved. *NHTSA's review determined that this regulation is no longer controversial since manufacturers plan to exceed the standards as a result of strong market demand for fuel efficient vehicles.*	Ellen Kranidas, (202) 426-1600	*Review completed.*
● Light Truck Fuel Economy (49 CFR Part 533).	These regulations require light truck manufacturers to meet minimum annual standards for fleet fuel economy for model years 1982-85. They were costly and have also been controversial. To meet the standards it is estimated that the industry will have to spend $4,800 million with an additional average cost per vehicle of $169; however, most of the industry costs would probably result even without a standard due to market forces. NHTSA estimates that over the life of the affected vehicles 11.2 billion gallons of gasoline ($1,770 per truck) will be saved. *NHTSA's review determined that this regulation is no longer controversial since manufacturers plan to exceed the standards as a result of strong market demand for fuel efficient vehicles.*	Ellen Kranidas, (202) 426-1600	*Review completed.*
● Automatic Occupant Protection (49 CFR 571.208).	This regulation is controversial and costly. If the regulation is implemented as currently planned, the capital costs and recurring costs to the auto industry are estimated to be several hundred million dollars. *NHTSA has published an NPRM that proposes to modify or rescind this regulation. See entry under Significant Regulations: Major entitled "Occupant Impact Protection".*	Ellen Kranidas, (202) 426-1600	*Review completed. Rulemaking underway.*
● Bumper Standard (49 CFR 571.215 and 581).	The current requirement that passenger car bumpers withstand impacts at speeds up to 5 mph has been controversial. It has been the focus of a number of legislative hearings. Industry objections include cost and concerns about added weight and fuel consumption. Recurring costs of up to *$650* million have been associated with the rule. *NHTSA plans to propose modifications to the standard's requirements. See entry under Significant Regulations: Other, entitled "Bumper Standard".*	*Ellen Kranidas, (202) 426-1600*	*Review completed. Action to publish evaluation report complete. NPRM in this area September/October 1981.*
● Air Brake Systems (49 CFR 571.121).	*Some of this standard, i.e., the 60 mph stopping distance and antilock requirements, was withdrawn as a result of a 1978 court decision. The rest of the rule is under continuing review, but not as part of the priority review process.*	Frank Ephraim, (202) 426-1576	*Review completed.*

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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NHTSA National Highway Traffic Safety Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
● Uniform Tire Quality (49 CFR 571.104).	The regulations in question require manufacturers to grade tires for tread wear, traction, and temperature. They are controversial. The manufacturers claim that the grading system is not reliable and therefore potentially misleading and confusing. *NHTSA plans to propose modifications to the regulations' requirements. See entry under Nonsignificant Regulations entitled "Uniform Tire Quality Grading".*	Frank Ephraim, (202) 426-1574	Review completed. Rulemaking to modify. 1981.
● Head Restraints (49 CFR 571.202).	This regulation, which was promulgated in 1969, is designed to reduce the frequency and severity of neck injuries in passenger car accidents. It is estimated that the rule requires a recurring investment of $130 million (an additional cost of $19 per vehicle). A review of the rule is currently under way.	Frank Ephraim, (202) 426-1574	1981.
● Side Impact Protection (49 CFR 571.214).	This regulation provides minimum standards for side door crash resistence for passenger cars under static test conditions. NHTSA estimates that the standard saves 2,800 lives and averts 7,000 injuries a year. A recurring cost of $300 million (an additional cost of $38 per vehicle) is associated with the requirement. An initial review of this regulation, originally promulgated in 1974, was completed in 1979.	Frank Ephraim, (202) 426-1574	1981.
● Light Truck Hydraulic Brakes (49 CFR 571.105).	This regulation applies requirements similar to passenger car standards for minimum stopping distances and parking brakes to light trucks and vans. Total costs for complying with the requirements of the standard will be $10.2 million. *In response to petitions for reconsideration, NHTSA plans to modify this regulation's requirements.*	Ellen Kranidas, (202) 426-1600	*Review completed. Rulemaking to modify. 1981.*
● Seat Belt Comfort and Convenience (49 CFR 571.208).	This regulation will provide for several changes in seat belt construction that are intended to increase usage. It is controversial but the costs are limited. *In response to petitions for reconsideration, NHTSA plans to modify this regulation's requirements. See entry under Nonsignificant Regulations entitled "Seatbelt Assemblies".*	Ellen Kranidas, (202) 426-1600	*Review completed. Rulemaking to modify. November 1981.*
● Fields of Direct View (Docket No. 70-7).	*This regulation would have provided minimal requirements of visibility from automobiles, including requirements for the size of passenger car pillars blocking forward and rear views, the forward field of vision, and light transmittance through auto windows. Based on information submitted in petitions for reconsideration, the agency revoked the standard because of the minor and unquantifiable safety benefits, the failure of the extended effective date to avoid affecting a significant number of models and imposing substantial costs, and the opportunity to address several standard No. 128 objectives through rearview mirror rulemaking. See entry under Nonsignificant Regulations entitled "Fields of Direct View".*	Ellen Kranidas, (202) 426-1600	*Review completed. Standard revoked June 1981. Revocation of standard undergoing reconsideration.*
● Theft Protection (49 CFR 571.114).	*This regulation would have amended the existing standard for passenger cars to prevent the inadvertent activation of the steering wheel lock while the vehicle is in motion and extended all requirements of the amended standard to trucks and vans. In response to petitions for reconsideration, the agency deleted the new provisions for passenger cars and exempted walk-in vans from all requirements and open-body type vehicles with readily removable or no doors from the key-in-ignition warning requirements. See entry under Nonsignificant Regulations entitled "Theft Protection".*	Ellen Kranidas, (202) 426-1600	*Review complete. Standard modified June 1981.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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NHTSA National Highway Traffic Safety Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
†*Occupant Crash Protection (49 CFR 571.208).	This regulation specifies performance requirements for the protection of vehicle occupants in crashes. The purpose of the regulation is to reduce the number of deaths and the severity of injuries to vehicle occupants. This safety standard was established under sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966. A review has determined that the existing rule will have minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required for either the existing rule or the current rulemaking action. See entry under Significant Regulations: Major entitled "Occupant Impact Protection".	Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.
†*Bumper Standard (49 CFR 581)..	This regulation establishes requirements for the impact resistance of vehicles in low speed front and rear collisions. The purpose of the regulation is to reduce physical damage to the front and rear ends of passenger motor vehicles from low speed collisions. This standard was established under the Motor Vehicle Information and Cost Savings Act of 1972.	Ellen Kranidas, (202) 426-1600	*September/October 1981.*
†*Fields of Direct View (49 CFR 571.128).	This standard has been revoked and therefore no RFA is required. See entry under Nonsignificant Regulations entitled "Fields of Direct View".	Ellen Kranidas, (202) 426-1600	Review withdrawn. Standard revoked June 1981. Revocation of standard undergoing reconsideration.
†*Tire Identification and Record Keeping (49 CFR 574).	Sets forth the method by which manufacturers, brand name owners, and retreaders identify motor vehicle tires and maintain and report records of tire purchases. Its purpose is to facilitate notification to purchasers of defective or nonconforming tires, pursuant to section 113 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426-1600	October 1981.
†*Speedometers and Odometers (49 CFR 571.127).	Establishes requirements for the installation of speedometers and odometers in motor vehicles, limits the speed which can be indicated on a speedometer, and requires that odometers be tamper-resistant. An NPRM is being prepared to rescind the standard. See entry under Nonsignificant Regulations entitled "Speedometers and Odometers.".	Ellen Kranidas, (202) 426-1600	October 1981.
†*Theft Protection (49 CFR 571.114).	Specifies requirements for passenger car theft protection to reduce the incidence of accidents resulting from unauthorized use, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426-1600	October 1981.
†*Tire Selection and Rims (49 CFR 571.110).	Specified requirements for passenger car tire selection to prevent tire overloading pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426-1600	October 1981.
†*Uniform Tire Quality Grading System (49 CFR 575.104).	Requires motor vehicle and tire manufacturers and tire brand name owners to provide information indicating the relative performance of passenger car tires in the areas of treadwear, traction, and temperature resistance. Its purpose is to aid the consumer in making an informed choice in the purchase of passenger car tires, pursuant to section 203 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426-1600	December 1981.
†*Side Door Strength (49 CFR 571.214).	Specifies strength requirements for side doors of a passenger car to minimize the safety hazard caused by intrusion into the passenger compartment in a side impact accident, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426-1600	December 1981.
†*Child Restraint Systems (49 CFR 571.213).	Specifies requirements for child restraint systems used in motor vehicles. Its purpose is to reduce the number of children killed or injured in motor vehicle crashes, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426-1600	March 1982.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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NHTSA National Highway Traffic Safety Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
†*Lamps, Reflective Devices and Associated Equipment (49 CFR 571.108).	Specifies requirements for original and replacement lamps, reflective devices, and associated equipment necessary for signaling and for the safe operation of motor vehicles during darkness and other conditions of reduced visibility, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426-1600	March 1982.
†*Fuel System Integrity (49 CFR 571.301).	Specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the regulation is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426-1600	March 1982.
†*School Bus Passenger Seating and Crash Protection (49 CFR 571.222).	Establishes occupant protection requirements for school bus passenger seating and restraining barriers. Its purpose is to reduce the number of deaths and the severity of injuries that result from the impact of school bus occupants against structures within the vehicle during crashes and sudden driving maneuvers, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426-1600	June 1982.
†*Hydraulic Brake Systems (49 CFR 571.105).	Specifies requirements for hydraulic brakes and associated parking brake systems. The purpose of the regulation is to insure safe braking performance under normal and emergency conditions, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426-1600	June 1982.
†*Head Restraints (49 CFR 571.202).	Specifies requirements for passenger car head restraints to reduce the frequency and severity of neck injuries in rear-end and other collisions pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act.	Ellen Kranidas, (202) 426-1600	June 1982.

UMTA Urban Mass Transportation Administration

Regulations selected for review	Reasons for selection	Contact	Target date
*Public Transportation to Non-Urbanized Areas.	Update and simplify current procedures; respond to comments received on the regulations published on December 13, 1978 (43 FR 58308).	*UMTA:* Kay Regan, (202) 472-7037 *FHWA: Sheldon G. Strickland, (202) 426-0153*	October 1981.
†*Charter Bus Regulations	Continuing controversy. *Information required by the Regulatory Flexibility Act is found in entry under Non-Significant Regulations.*	Ernesto Fuentes, (202) 426-1906	*Further action to be determined.*
*Public Hearing Requirements for Section 5(i)(3) of the UMT Act of 1964, as amended.	Continuing controversy	Charlotte Adams, (202) 472-6997	*Further action to be determined.*
†● Buy America Regulations (49 CFR Part 660).	This regulation implements the requirements of the Surface Transportation Assistance Act of 1978 that requires that preference be given to items produced in the United States in UMTA funded projects. The regulation has been subject to considerable controversy centering on the extent that domestic industry should be protected and the increased costs resulting from using more expensive domestic products. UMTA believes this regulation can increase the cost of capital purchases up to 10%. (UMTA currently has a $2 billion capital grant program.) *Legal basis for this regulation is found in 49 U.S.C. 1602 note; P.L. 95-599, Section 401.*	John J. Collins, (202) 426-1906	*January 1982.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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UMTA Urban Mass Transportation Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
*Claims Under the Federal Claims Collection Act (49 CFR pt. 603).	UMTA policy to streamline the grant process and reduce red tape.	Colleen Weule, (202) 426-1936	June 1982.
†*School Bus Operations (49 CFR pt. 605).	UMTA is reviewing this regulation as part of its overall effort to examine and evaluate the role of private enterprise in the UMTA program. The regulation is needed to provide guidelines under which recipients of UMTA funds can conduct school bus operations. This requirement is to implement Section 3(g) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601).	Ernesto Fuentes, (202) 426-1906	June 1982.
*Transportation for Elderly and Handicapped (49 CFR pt. 609).	UMTA is reviewing this regulation in conjunction with the Department's review of the DOT regulation on Nondiscrimination on the Basis of Handicap (49 CFR pt. 27). DOT issued an interim final rule on this topic on July 20, 1981 (46 FR 37488). The comment period closed on September 18, 1981.	Mary Anderson, (202) 426-4055	November 1981.
*Environmental Impact and Related Procedures (49 CFR pt. 622).	UMTA policy to streamline the grant process and reduce red tape. This is a joint UMTA/FHWA regulation.	Abbe Marner, (202) 472-7100	October 1981.
*Uniform System of Accounts and Records and Reporting System (49 CFR pt. 630).	UMTA policy to reduce red tape, and to improve the effectiveness and increase the timeliness of information gathering and dissemination.	Donald Chapman, (202) 426-9157	June 1982.

FRA Federal Railroad Administration

Regulations selected for review	Reasons for selection	Contact	Target date
Reducing Reporting and Recordkeeping Burdens (49 CFR Parts 228, 258, 260, and 268.	FRA has selected the following regulations to be reviewed to determine whether the substantial reporting and recordkeeping burdens they impose on the public, including small businesses, can be decreased or eliminated.		December 1981.
	Part 228—Hours of Service for Railroad Employees..................	Part 228—Mr. Lawrence I. Wagner, (202) 426-8836	
	Part 258—Regulations Governing Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended.	Parts 258, 260, and 268—Mr. Lawrence A. Friedman, (202) 426-7737	
	Part 260—Regulations Governing Section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended.		
	Part 268—Merger and Consolidation Procedures..................		
● Power Brake Rules (49 CFR Part 232).	The present rules prescribe a series of operational air brake inspections and tests as well as a series of single car inspection, testing and repair requirements that are performed in shops and on repair tracks. Except for the addition of section 232.19 in 1972 to accommodate run-through trains operated by more than one railroad, the Power Brake Rules have not been changed since they were issued in 1958. Because of subsequent changes in railroad operations and technological advances, a major restructuring of these rules to make them consonant with the present railroad operating environment and to provide more flexibility in achieving safety and operating efficiency is needed. FRA roughly estimates the current requirements could cost the railroad industry more than $100 million each year.	Edward F. Conway, (202) 426-8836	*September* 1981.

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FRA

Federal Railroad Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
● Regulations on Hours of Service of Railroad Employees (49 CFR Part 228).	The Hours of Service Act prescribes the maximum hours that certain railroad employees, such as train crew members, train dispatchers, tower operators and signal maintainers, may remain on duty within any 24-hour period. The Act sets out employee working conditions and defines "time on duty" and "designated terminals." 49 CFR Part 228 contains regulations necessary to implement the Act.	J. Thomas Furphy, (202) 426-8256	*Further action to be determined.*
● Movement of Defective Cars	The Safety Appliance Act (49 U.S.C. 13) imposes unduly severe statutory restrictions on the movement of individual cars with defective safety appliances (e.g., handholds, ladders, sill steps, uncoupling levers) and defective brakes. For example, cars with these defects may only be moved for purposes of repair to the nearest repair point on the same railroad that discovered the defect. Many of these statutory requirements are counterproductive from the standpoint of safety and increase accident possibilities. They also result in considerable delays for shippers and expense to the railroad industry. Elimination of these statutory requirements would enable cars with these defects to be handled in the same manner as cars with other defects now covered in 49 CFR Part 215. Amendments to these statutory requirements may necessitate regulatory revisions. FRA roughly estimates that these statutory requirements could cost the railroads more than $25 million each year.	J. Thomas Furphy, (202) 426-8285	*Further action to be determined.*
†*Regulatory Flexibility Act Reviews.	In accordance with the Regulatory Flexibility Act (RFA) review plan published in the *Federal Register* on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the *Federal Register* on August 3, 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads.	Lawrence I. Wagner, (202) 426-8836	

RSPA

Research and Special Programs Administration

Regulations selected for review	Reasons for selection	Contact	Target date
Shippers-General Requirements for Shipments and Packagings (49 CFR pt. 173) (includes the following items):			
Charcoal (49 CFR 173.162)	Due to inquiries requesting an interpretation of this section and to eliminate the possibility of noncompliance based on a misunderstanding of the requirements, it was thought there was a need to simplify and clarify present standards. *No further review contemplated at this time.*	*T. Allen, (202) 426-2075*	*Action Terminated.*
Flammable Solid; Definitions Criteria (49 CFR 173.150).	Inquiries; lack of objective regulatory standard. See Definition of a Flammable Solid (Project 118-71).	*M. Morris, (202) 426-2075*	*May* 1981.
Toxic Materials; Definitions, Criteria, and Proposed Regulations (49 CFR 173.326, 173.343).	Need for quantitative criteria	*G. Cushmac, (202) 426-2311*	*December* 1981.
Hydrostatic Testing (49 CFR pt. 195, subpart E).	*Examine* need to clarify present standards as indicated by extent of interpretation. *No rulemaking action found warranted.*	F. Robinson, (202) 426-2392	*Review completed.*
Welding Requirements (49 CFR pt. 195, subpart D).	Present requirements to be examined in light of changes in technology. *No further review contemplated at this time.*	B. Gloe, (202) 426-2082	*Action Terminated.*

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

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RSPA Research and Special Programs Administration

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Regulations selected for review	Reasons for selection	Contact	Target date
Petroleum Gas Systems (49 CFR pt. 192).	This review has been merged into the Master Meter and LPG Distribution Systems review.		
Master Meter and LPG Distribution Systems (49 CFR pt. 192).	*Examine* need to simplify current standards for small systems such as master meter systems. *No rulemaking action found warranted.*	R. Langley, (202) 426-2082	*Review completed.*
● Highway Routing of Radioactive Materials (HM-164).	The Department recently issued—to become effective February 1, 1982—a regulation establishing a Federal system for selecting routes for truck carriage of radioactive materials. Basically, interstate highways, and beltways around urbanized areas, where available, must be used. States, after consultation with affected local governments, may designate substitutes for interstate highway segments, if the substitutes are safer. State and local laws inconsistent with the Federal system will be preempted. This aspect of the regulation generated a great deal of controversy.	J. C. Allen, (202) 472-2726	*September 1981.*
● Monitoring of External Corrosion Control (49 CFR 192.465(a)).	Gas pipeline operators currently are required annually to check the performance of cathodic protection systems which serve to control metal corrosion and extend the useful life of pipelines. This is costly for gas mains under city streets in close proximity to other underground utilities. It is also controversial because some in the industry contend that it is not possible to get valid performance data under conditions which exist in cities; hence, there is no return on the expense of complying with the regulation. The Department is conducting a study to verify this regulation's testing techniques. Annual compliance costs for this regulation are approximately $80 million.	*P. Cory, (202) 426-2082*	*March 1982.*
● Line Markers for Mains and Transmission Lines (49 CFR 192.707(a) *and 195.410*).	These regulations require markers to be placed at each crossing of a navigable waterway by a pipeline. However, benefits from the regulation may be questionable because some navigable waterways do not carry commercial traffic. Costs associated with the rule are high (installation cost of $100 million for all navigable waterways) because the signs, to be effective, must be large. *ANPRM published June 22, 1981 (46 FR 32287).*	R. Simmons, (202) 426-2392	*October* 1981.
● Repair and Removal of Defects (49 CFR 192.245 and 195.232).	These rules, which specify what repairs are permitted on defective pipe welds, may be more restrictive than required for safety. Less stringent repair methods have been shown to be safe under most conditions. Changing the rules to allow some repairs of defective welds, rather than total removal, could save industry about $20 million per year.	W. Gloe, (202) 426-2082	*September* 1981.
● Data Collection and Reporting: *Gas Pipeline Reporting* (49 CFR Part 191).	The pipeline industry questions the usefulness to government and industry of the reports of leaks required by these regulations. While any safety enforcement program requires recordkeeping in order to operate, it is possible to be more specific, and therefore less burdensome, in identifying problems for which reporting and recordkeeping are useful. Annual costs of the current regulation are more than $6 million. *Data Collection and Reporting: Liquid Pipeline Nondestructive Weld Tests (49 FR 195.234(g)) appears as a separate Review List entry.*	*G. Levin, (202) 472-1024*	*October* 1981.
● Regulation of Paint (49 CFR 173.128).	Regulations applicable to small quantity paint containers may impose a greater burden on paint shippers than is necessary to promote safety. In 1980, reporting requirements for incidents involving carriers of paint were reduced. The next step is to address the more basic question of the best regulatory framework for transportation of this flammable liquid. Savings to the paint industry could exceed $1 million annually.	A. I. Roberts, (202) 426-0656	*Review completed—NPRM to be issued.*
*● Data Collection and Reporting: Liquid Pipeline Nondestructive. Weld Tests (49 CFR 195.234(g)).	This rule requires that radiographic film of weld tests be kept three years. Retention may not be needed for accident investigation or test verification; there are large administrative costs. Annual costs are about $1 million.	F. Robinson, (202) 426-2392	*September* 1981.

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DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA AND REVIEW LIST

REVIEW LIST

RSPA

Research and Special Programs Administration

[Key to symbols: *New item. †Analysis or review being considered under Regulatory Flexibility Act. ●Regulation selected for priority review. *Italics:* New or changed information since last agenda]

Regulations selected for review	Reasons for selection	Contact	Target date
†*Review of packaging manufacturing regulations. (49 CFR pt. 178)	Inquiry will be made into the adoption of performance oriented standards consistent with those contained in United Nations Recommendations for small packagings. These regulations are needed to provide for the manufacture of packaging suitable for the safe transportation of hazardous materials. (Authority 49 U.S.C. 1803, 1804 and 1808).	Tom Charlton, 426-0656	1981.
†*Part 191	Review of regulations pertaining to transportation of natural and other gas by pipeline; report of leaks is being initiated. These reporting regulations are needed to ensure the safe transportation of gas by pipelines. (Authority 49 U.S.C. 1671 *et seq.*).	Mel Judah, 426-2392	1981-1985.
†*Review of Regulations Pertaining to Transportation of Liquids by Pipeline. (Part 195, Subparts A-D).	Regulations pertaining to accident reporting, design requirements, and construction is being initiated. These reporting, design and construction regulations are needed to ensure the safe transportation of liquid hazardous materials and petroleum products by pipeline. (Authority 49 U.S.C. 831 through 835.).	Mel Judah, 426-2392	1981-1985

Appendix A—Instructions for Obtaining Copies of Regulatory Documents

United States Coast Guard (USCG)

Persons who desire to obtain a copy of any regulatory document to be issued by the USCG that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person) United States Coast Guard, 2100 Second Street SW., Washington, D.C. 20593.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-426-8058 or by writing to: Federal Aviation Administration, Office of Public Affairs. Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591.

Federal Highway Administration (FHWA)

The FHWA maintains a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Persons may selectively choose to receive rulemaking materials in a number of separately identified program categories from the Code of Federal Regulations, Title 23. Those wishing to take advantage of the FHWA consumer mailing list may obtain additional information by writing to: Consumer Affairs Representative, Office of Public Affairs, Room 4206, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Highway Adminstration, 400 7th Street, SW., Washington, D.C. 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any other regulatory document to be issued by the NHTSA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-0679.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Urban Mass Transit Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1909.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the appropriate address specified below: For contact persons with (202), telephone area code: (name of contact person), Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20591. For contact persons with (315) telephone area code: (name of contact person), Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mrs. Sandra Cureton, Information Services Division, DMT-43, 400 7th Street, SW., Washington, D.C. 20590.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General

Counsel, Department of Transportation, Washington, D.C. 20590, (202) 426–4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired.

Appendix B—General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG—Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room *4402,* 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: 202/426–1477.

FAA—Edward Faberman, Office of Chief Counsel, Regulation and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Telephone: 202/426–3644.

FHWA—Thomas P. Holian, Office of the Chief Counsel, 400 7th Street, S.W., Room 4223, Washington, D.C. 20590. Telephone: 202/426–0761.

FRA—Mike Haley, Office of Chief Counsel, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Telephone: *202/426–0767.*

NHTSA—Roger Tilton, Office of Chief Counsel, 400 7th Street, S.W., Room 5219, Washington, D.C. 20590. Telephone: 202/426–9511.

UMTA—Doug Gold, Office of Chief Counsel, 400 7th Street, S.W., Room 9320, Washington, D.C. 20590. Telephone: 202/426–1906.

SLSDC—Bob Kraft, Office of Chief Counsel, 800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Telephone: 202/426–3574.

RSPA—Doug Crockett, Office of Chief Counsel, 400 7th Street, S.W., Room 8420, Washington, D.C. 20590. Telephone: 202/755–4972.

OST—Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Telephone: 202/426–4723.

Appendix C—Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand deliver comments on advance notices and notices of proposed rulemaking:

USCG—Marine Safety Council, 2100 2nd Street, S.W., Room *4402,* Washington, D.C. 20593. Working Hours: 7:00–5:00 [Monday–Thursday].

FAA—Rules Docket, Office of Chief Counsel, Regulation and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Working Hours: 8:30–5:00.

FHWA—Docket Room, 400 7th Street, S.W., Room 4205, (Federal Motor Carrier Safety Regulations in Room 3404) Washington, D.C. 20590. Working Hours: 7:45–4:15.

FRA—Docket Clerk, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Working Hours: 8:30–5:00.

NHTSA—Docket Room, 400 7th Street, S.W., Room 5108, Washington, D.C. 20590. Working Hours: 7:45–4:15.

UMTA—Docket Clerk, 400 7th Street, S.W., Room 9320, Washington, D.C. 20590. Working Hours: 8:30–5:00.

SLSDC—800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Working Hours: 8:30–5:00.

RSPA—Docket Branch, 400 7th Street, S.W., Room 8426, Washington, D.C. 20590. Working Hours: 8:30–5:00.

OST—Docket Clerk, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Working Hours: 9:00–5:30.

Appendix D

Innovative Regulatory Techniques

As explained in the preamble, the public's views are solicited with respect to the Department's regulatory programs where innovative regulatory techniques can be applied effectively to reduce the burden on regulated entities or to reduce governmental costs. The following are descriptions of particular techniques that have shown promise throughout the federal government.

Enhance Competition

An agency seeks to achieve a valid regulatory goal through generally increasing its sensitivity to market structure by for example, removing barriers to and constraints on competition.

Marketable Rights

In place of detailed government controls, an agency limits private-sector rights to engage in a specific activity or to use scarce resources, but allows private parties to exchange, trade, or sell these rights. The agency maintains overall control while letting the affected parties arrange the detailed allocation of rights in the free market.

Economic Incentives

An agency provides economic incentives that are supplements or alternatives to government standards and regulations by structuring fees or subsidies to encourage the private sector to achieve regulatory goals. Incentives replace rigidly enforced regulatory standards.

Performance Standards

An agency replaces design standards which specify strict means of compliance with more general standards based on overall performance levels. Firms or businesses are free to find the most efficient way of complying with the standards.

Information Disclosure

An agency requires that users or consumers be provided with information choices among competing goods and services and be free to choose on the basis of that information. The agency may provide information directly to the public (e.g., uniform tire quality grading standards).

Voluntary Standard Setting

An agency supplements or substitutes direct Federal regulation with voluntary standards developed and enforced by the regulated sectors.

Compliance Reform

An agency replaces or supplements government compliance monitoring and enforcement with other mechanisms, such as third-party monitoring, supervised self-certification, and economically-based penalties (e.g., third party inspection of emergency equipment aboard ships).

Tiering

An agency takes into account the size and nature of regulated organizations when it develops or revises its regulations (e.g., certain FAA, RSPA, and NHTSA exemptions).

[FR Doc. 81-28227 Filed 9-30-81; 8:45 am]

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federal register

Thursday
October 1, 1981

Part IV

Department of Health and Human Services

Health Care Financing Administration

Medicaid Program; Freedom of Choice; Waivers of and Exceptions to State Plan Requirements

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 431 and 440

Medicaid Program; Freedom of Choice: Waivers of and Exceptions to State Plan Requirements

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This regulation implements section 2175 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). It revises in several ways the current requirements regarding a Medicaid beneficiary's right to choose among participating providers of covered items or services:

(1) A State will not be found out of compliance with otherwise applicable requirements if it enters into certain arrangements to purchase laboratory services or medical devices through competitive bids, or if, under certain circumstances, it restricts for a reasonable period of time a specific beneficiary's choice of providers or the participation of a specific provider.

(2) States may also request the Secretary to waive statutory requirements, as necessary, in order to:

(a) implement a primary care case management system,

(b) allow a locality to act as a central broker in aiding beneficiaries to select among competing health care plans,

(c) share with beneficiaries, through provision of additional services, savings resulting from beneficiary use of more cost effective medical care, and

(d) restrict beneficiaries to receive services (other than in emergency circumstances) only from efficient and cost-effective providers or practitioners.

The purpose of these regulations is to provide States with increased flexibility in administering their Medicaid programs, in order that they may increase the efficiency and effectiveness of the delivery of health care services, and reduce their costs.

DATES: These regulations are effective October 1, 1981, except for reporting requirements that have not yet been approved by OMB. See Supplementary Information. We are publishing final regulations, rather than a notice of proposed rulemaking, for reasons given below in the section entitled "Waiver of Proposed Rulemaking". However, we will consider any comments mailed on or before December 30, 1981 and will revise these regulations if necessary.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17076, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPP-181-FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309-G of the Department's office at 200 Independence Ave., SW., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if as a result of comments, we believe that changes are needed in these regulations, we will publish the changes in the **Federal Register** and respond to the comments in the preamble of that document.

FOR FURTHER INFORMATION CONTACT: Stanley Katz, (301) 594-9595.

SUPPLEMENTARY INFORMATION:

I. General

In order to permit States the flexibility necessary to achieve greater efficiency and cost-effectiveness in the delivery of health care services to the Medicaid beneficiary population, Congress included several provisions in the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35; August 13, 1981). Among these provisions is section 2175, which, in part, establishes a new section 1915 of title XIX, and which is implemented by these regulations.

In developing these regulations, we have tried to afford States the greatest possible flexibility and opportunity for innovation in administering their Medicaid programs, consistent with the statutory requirements. We have therefore decided to minimize Federal prescription of definitions and procedures in implementation of these provisions. We do not intend to use the Secretary's waiver authority to impose new restrictions on the States, or to compel them to meet unnecessary and burdensome regulatory requirements in order to receive or qualify for waivers. Instead, we will permit each State to determine its own program content and administration, consistent with the law. We will impose no requirements or criteria for waiver approval or compliance determinations beyond those specified in the statute.

II. Exceptions to Freedom of Choice Requirements (Section 1915(a))

Our current regulations implementing the freedom of choice requirements of section 1902(a)(23) of the Social Security Act are at 42 CFR 431.51. Under amendments to the statute made in 1972 and 1977, we have already allowed exceptions to these requirements (as well as requirements on Statewideness and comparability of services) when a State Medicaid agency contracts with an organization, such as a health maintenance organization (HMO), to provide services to beneficiaries on a prepayment basis (Pub. L. 92-603), or because the State Medicaid plan provides for payment for rural health clinic (RHC) services only if those services are provided by an RHC (Pub. L. 95-210). These new amendments provide for exceptions in additional cases.

When the statutory exceptions for prepayment organizations and RHCs were incorporated as part of Section 1902(a)(23), we treated them as State plan requirements, and they were administered and enforced as such. However, the new section 1915(a) is not framed as a State plan requirement. The statutory language of section 1915(a) merely states that these provisions are practices for which States will not be found out of compliance with specified statutory State plan requirements, even though the practices may deviate from those requirements. Moreover, unlike section 1915(b), which is explicitly a waiver provision, section 1915(a), does not call for formal waivers of plan requirements by the Secretary before these practices can be implemented.

However, it is necessary for us to be accurately informed of how States are administering their Medicaid programs, and to determine if their operations are actually in compliance with the statute. Moreover, paragraph 1915(a)(1)(B) requires a positive Secretarial finding in order for a State to adopt a competitive bidding process. We believe these purposes can be achieved best by having a State notify us early in its implementing process of program changes under section 1915(a). This early report would not be a request for approval, since the State would not be precluded from beginning implementation pending review of its report. However, we believe that such a mechanism will permit us to pass along to the States, through our review of their reports, the benefit of the experience of the other States and to provide them as much technical assistance as possible.

Therefore, we have decided to require States to report to HCFA regarding program changes under section 1915(a) no later than the end of the calendar quarter in which a State first implements these changes. (In the case of a State entering into competitive or other arrangements concerning laboratory services or medical devices, the report would have to be submitted, and a positive finding made, before the arrangements could be implemented.) We have authority to require such a report under section 1902(a)(6) of the Act, which provides that the State agency will make reports, in the form and including the information, as required by the Secretary.

We believe that these reports will provide the information required for Federal program management and create an optimal atmosphere for the exercise of State flexibility with accountability.

A. Prepayment Organizations and Rural Health Clinics

Section 1915(a)(1)(A) merely repeats requirements that Pub. L. 97–35 transferred from section 1902(a)(23) of title XIX to this new section. Implementation of an exception under section 1915(a)(1)(A) by furnishing services through an HMO, prepaid health plan, or RHC, will not require a report under the new regulations.

B. Competitive Arrangements

Section 1915(a)(1)(B) provides that a State will not be found out of compliance with the freedom of choice requirements of the Social Security Act solely because the State, or any political subdivision of the State, has entered into arrangements to purchase, through a competitive bidding process or otherwise, certain laboratory services (including X-ray) and medical devices. The laboratory services covered by this provision are specified in section 1905(a)(3) of the Act and defined at 42 CFR 440.30. Medical devices means items such as durable medical equipment, home health appliances, eyeglasses, hearing aids, or prosthetics that are covered under the State's Medicaid program.

C. Lock-in of Beneficiaries Who Overutilize Services

Section 1915(a)(2)(A) provides for exceptions to the freedom of choice requirements to allow a State to "lock-in" chronic overutilizers of services to a single physician or limited group of providers for a reasonable period of time. Congress has required that these beneficiaries be given notice and an opportunity for a hearing, and that in no event should emergency services from any participating provider be denied the beneficiary. Under the new regulations at 42 CFR 431.51 and 431.54, when a State implements these restrictions, it must submit a report to us. The general requirements of this report are set forth at § 431.51(d).

As stated at § 431.51(d), this report is to address the various key terms of the statute. The format of the report and the specific interpretation of these terms are up to the State.

D. Lock-out of Providers Who Abuse the Medicaid Programs

Section 1915(a)(2)(B) allows exceptions to the freedom of choice requirements for States to restrict, for a reasonable period of time, the participation of providers in their Medicaid programs. This restriction could be imposed, if, after notice and opportunity for hearing, the State determines that the provider, in a significant number or proportion of cases, provided services to beneficiaries when such services were not medically necessary or of a quality not meeting professionally recognized standards of health care. Congress added this provision because it was concerned that some providers may furnish unnecessary services in order to maximize reimbursement under title XIX, or may provide poor quality care, and wanted to enable States to penalize those providers (H.R. Rep. No. 97–158, II, 310).

E. Conditions Applicable When Freedom of Choice Is Restricted

As indicated in its Committee reports, Congress believed that access to quality health care for beneficiaries is essential (H.R. Rep. No. 97–158, II, 310; H.R. Rep. No. 97–208, 964). We are requiring that the State, in its exception report, provide an explanation of how these statutory requirements will be met (see § 431.54(e)).

III. Waiver of Other Medicaid Requirements (Section 1915(b))

States are required to design and manage their Medicaid programs in accordance with various statutory requirements that define the scope and nature of health care services for which Federal matching funds are available. While these requirements generally serve to assure that beneficiaries have adequate access to quality care, they sometimes restrict a State's ability to manage its Medicaid program in the most efficient and effective manner.

A. Requests for Waivers

States may now request the Secretary to waive these statutory and regulatory requirements. In making such a request, a State must submit a written description of the waiver proposal. This must include at least:

A clear and specific description of the purpose of the waiver, in terms of statutorily permitted goals;

Identification of the specific statutory requirements that must be waived to allow the proposed program changes;

An explanation of the expected cost-effectiveness and efficiency of the program changes, such as the extent to which total Medicaid outlays for the State will be less with the waiver, without sacrificing beneficiary access to quality care;

An assessment of how the waiver will affect beneficiary access to services of adequate quality; and

A showing that the impact of the waiver on beneficiaries will not be inconsistent with Federal Medicaid program objectives.

We expect, in most instances, to be able to respond to a State's waiver request on the basis of its own assessments, and supporting analyses, that the proposal satisfies the statutory requirements and the procedural requirements of the new regulations at 42 CFR 431.55. When necessary, we will request further information from a State in order to determine whether the request complies with the statute.

B. Restriction of Beneficiaries to Selected Cost-Effective Providers

Section 1915(b)(4) provides for waivers allowing States to restrict beneficaries' freedom of choice to certain providers who:

Undertake to provide the covered care or medical services needed; and

Comply with State plan standards for reimbursement, quality, and utilization.

States may qualify for these waivers only if:

Their applicable State standards are consistent with access, quality, and efficient and economic provision of covered care and services; and

The restrictions they impose do not discriminate among classes of providers on grounds unrelated to their demonstrated effectiveness and efficiency in providing those services.

C. Conditions Applicable to all Section 1915(b) Waivers

Section 1915(d) (added as section 1915(c) by section 2175 and redesignated by section 2176) provides that waivers approved under section 1915(b) may extend for no more than two years,

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unless the State requests continuation of the waiver. Unless the Secretary denies a State's request for continuation of a waiver within 90 days of its submission to the Secretary, the requested continuation shall be deemed granted. (A similar 90 day provision applies to the initial request for a waiver, as explained below.)

Section 1915(e) (added as section 1915(d) by section 2175, and redesignated by section 2176) requires the Secretary to monitor the implementation of waivers granted under section 1915 to assure that the requirements for those waivers are being met. After notice and opportunity for a hearing, the Secretary must terminate waiver if he or she finds noncompliance has occurred. This section also requires the Secretary to report to Congress, no later than September 30, 1984, on waivers granted under section 1915.

Section 1915(f), added by section 2177 of the Omnibus Reconciliation Act, provides that a request submitted to the Secretary by a State for a proposed State plan or plan amendment under title XIX, or a waiver of a title XIX requirement, shall be deemed granted unless the Secretary, within 90 days after the date of its submission to the Secretary, either denies the request in writing or informs the State agency in writing of any additional information that is needed to make a final determination on the request. After the date the Secretary receives the additional information, the request shall be deemed granted unless the Secretary, within 90 days, denies the request.

Sections 1915 (a), (b), (d), and (e) were effective with enactment, on August 13, 1981. Section 1915(f) will be effective 90 days after enactment, on November 11, 1981. However, we must note that the primary effect of this delay in effective date is to enable the Department to make provisions for those plans and plan amendments pending HCFA review before enactment. Waivers requested under section 1915(b) between August 13, 1981 and November 11, 1981 will be deemed granted 90 days from the date of submission, unless they are denied in writing or further information is requested.

Some sections of these regulations are affected by statutory provisions that are implemented by other regulations documents also being published at this time. It would be confusing to present the same section with different wording in different documents (by making, in each document, only the particular changes called for by the statutory provisions implemented by that document). In order to avoid this problem, the sections affected by more than one provision are presented in each document with all the changes required by each of the provisions of law that affect them. However, each of the changes is explained only once, in the preamble of the regulations document that implements the provision which required that particular change.

Waiver of Proposed Rulemaking and of 30-Day Delay in Effect

The provisions of section 2175 of Pub. L. 97–35 that are being implemented by these regulations were effective on enactment. Although Congress recognized that the Secretary could begin to grant waivers before these regulations are issued, it urged that we issue them as quickly as possible, so that States will receive guidance concerning the standards the Secretary will apply in approving and disapproving waiver requests. In order to have regulations in place, as close as possible to the effective date of the law, we must publish these regulations in final form.

These regulations will allow the States substantial flexibility to achieve cost savings in administering their Medicare programs. Therefore, we believe that publication of a notice of proposed rulemaking is unnecessary and contrary to the public interest. We also believe that it is important to the States to have these rules effective as soon as possible, so as to expedite the approval of waivers under them, and that no compelling purpose would be served by delaying the effective date beyond the date of publication. We therefore find good cause to waive both notice of proposed rulemaking and our normal 30-day delay in effective date. We will, however, consider any comments on this rule that are mailed by the date specified above in the "Dates" section and make any further changes that may be necessary.

Executive Order 12291

Under the terms of the Executive Order 12291, a "major" rule is one which is "likely to result" in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or significant adverse effects on competition, employment or productivity. If a rule is "major", a "regulatory impact analysis" must be prepared.

The Department is uncertain as to whether or not this rule is "likely" to have an economic impact of $100 million or more (the other threshold criteria will not be met). Nothing in this rule required cost-saving actions, and the States are free to use any of a number of other methods to achieve required Medicaid savings, such as reductions in covered services or eligibility. We note that many actions States might take under Section 1915 do not depend on this regulation, and are not therefore a "result" of this regulation, but of the statute itself. The potential for substantial cost savings is contingent upon State actions. In either case, there is no present basis for an impact analysis to be other than an exercise in speculation as to actions which the States may decide later to take.

Under these circumstances, we have decided not to classify this rule as "major" at this time. However, we specifically invite public comment on this question. If we decide to reclassify the rule as major, a regulatory impact analysis will be prepared to accompany the final rule.

Regulatory Flexibility Act

The Regulatory Flexibility Act requires preparation of a "regulatory flexibility analysis" in cases in which a rule will have a "significant impact on a substantial number of small entities." "Small entities" include most hospitals, laboratories, doctors, and other medical care providers. Some of the actions that States might take under Section 1915 would impact small entities. However, for reasons given above, it is unlikely that a substantial number would be impacted significantly by this regulation, and we so certify. This statement may be reconsidered based on public comment and actual State actions, as described above.

Paperwork Reduction Act of 1980

Sections 431.51, and 431.55 of this regulation contain reporting requirements subject to the Paperwork Reduction Act (Pub. L. 96–511) which have not been approved by the Office of Management and Budget (OMB). The reporting is not required until OMB approval has been obtained. HCFA will publish a notice in the **Federal Register** when approval has been obtained, indicating the effective date of the reporting.

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

* * * * *

42 CFR Part 431 is amended as follows:

1. In Part 431, the table of contents of Subpart B is amended by adding new §§ 431.54 and 431.55 to read as follows:

Subpart B—Administrative Requirements: General Program Services

* * * * *

Sec.
431.54 Exceptions to certain State plan requirements.
431.55 Waiver of other Medicaid requirements.

* * * * *

2. The authority citation for Part 431 reads as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302).

3. Section 431.50 is amended by revising paragraphs (a) and (c) to read as follows:

§ 431.50 Statewide operation.

(a) *Basis and purpose.* This section implements section 1902(a)(1) of the Act, which requires a State plan to be in effect throughout the State, and section 1915, which permits certain exceptions.

* * * * *

(c) *Exceptions.* The requirements of paragraph (b) of this section do not apply with respect to:

(1) Services offered by comprehensive health services organizations (see § 440.250(g) of this subchapter);

(2) Services offered by rural health clinics (see § 440.20(b) of this subchapter);

(3) Arrangements to purchase medical services or laboratory and X-ray services (as defined in § 440.30 of this subchapter) through a competitive bidding process or otherwise, under § 431.54(d);

(4) Lock-in or lock-out restrictions under § 431.54(e) and (f); or

(5) Services offered under a waiver with respect to home and community based services (§ 440.180 of this subchapter).

4. Section 431.51 is revised to read as follows:

§ 431.51 Free choice of providers.

(a) *Basis and purpose.* This section implements section 1902(a)(23) of the Act, which provides that recipients may obtain services from any qualified Medicaid provider, and section 1915 of the Act, which provides that a State shall not be found out of compliance with section 1902(a)(23) solely by reason of certain specified allowable restrictions of this free choice (see paragraph (c) of this section and § 431.54) and which authorizes the Secretary to waive the requirements of section 1902(a)(23), and other provisions of the Act, in certain circumstances (see § 431.55).

(b) *State plan requirement.* Except as provided in paragraph (c) of this section, a State plan (except in Puerto Rico, the Virgin Islands, and Guam) must provide that any recipient may obtain Medicaid services from any institution, agency, pharmacy, person, or organization that is qualified to perform the services, including an organization that provides these services or arranges for their availability on a prepayment basis.

(c) *Limitations on applicability.* Paragraph (b) of this section does not prohibit the agency from—

(1) Establishing the fees it will pay providers for Medicaid services;

(2) Setting reasonable standards relating to the qualifications of providers; or

(3) Restricting the free choice of providers in accordance with one or more of the exceptions provided for under § 431.54, or under a waiver as provided for under § 431.55.

(d) *Reporting requirement.* If a State implements a project under one of the exceptions allowed under § 431.54 (d), (e) or (f), it must provide a report to HCFA that describes how the project meets the statutory requirements for an exception under section 1915(a) of the Act. The report must be submitted by the end of the quarter in which the State implements the project, except that the report must be submitted prior to instituting the project in the case of an exception under § 431.54(d), for which the Secretary must make certain findings before the project may be initiated.

5. A new § 431.54 is added to read as follows:

§ 431.54 Exceptions to certain State plan requirements.

(a) *Basis and purpose.* This section implements section 1915(a) of the Act, which provides that a State shall not be deemed to be out of compliance with the requirements of sections 1902(a) (1), (10), or (23) of the Act solely by reason of certain specified allowable exceptions, as set forth in this section.

(b) *Services on a prepayment basis.* If the Medicaid agency contracts on a prepayment basis with an organization that provides services additional to those offered under the State plan, the agency may restrict the provision of the additional services to recipients who live in the area served by the organization and wish to obtain services from it.

(c) *Rural health clinic services.* The State Medicaid agency may require in its State plan that payment will be made for rural health clinic services only if those services are provided by a rural health clinic.

(d) *Competitive bidding or other arrangements.* The Medicaid agency may enter into arrangements to purchase medical devices or laboratory and X-ray tests (as defined in § 440.30) through a competitive bidding process or otherwise, if the State assures in the report required § 431.51(d), and the Secretary finds that adequate services or devices are available to recipients under the arrangements. In addition, the State must assure and the Secretary must find that:

(1) Laboratory services purchased under such arrangements are provided through laboratories that meet the requirements of Part 405, Subpart J or Part 405, Subpart M of this chapter.

(2) Any laboratory for which a State purchases services under this section has no more than 75 percent of its charges based on services to beneficiaries or recipients of Medicaid or Medicare.

(e) *Lock-in of recipients who over-utilize Medicaid services.* If a Medicaid agency finds that a recipient has utilized Medicaid services or items at a frequency or amount that is not medically necessary, as determined in accordance with utilization guidelines established by the State, the agency may restrict that recipient for a reasonable period of time to obtain Medicaid services or items only from designated providers, provided that:

(1) The agency gives the recipient notice and opportunity for a hearing (in accordance with procedures established by the agency) before such restrictions are imposed.

(2) The agency assures that the recipient has reasonable access (taking into account geographic location and reasonable travel time) to Medicaid services of adequate quality.

(f) *Lock-out of providers.* If a Medicaid agency finds that a provider of items or services under the State plan has abused the Medicaid program, the agency may restrict the provider, through suspension or otherwise, from participating in the Medicaid program for a reasonable period of time, provided that:

(1) Before imposing any restriction, the agency gives the provider notice and opportunity for a hearing, in accordance with procedures established by the agency.

(2) The agency shows, before so restricting a provider, that in a significant number or proportion of cases, the provider has:

(i) Provided Medicaid items or services at a frequency or amount not medically necessary, as determined in accordance with utilization guidelines established by the agency; or

(ii) Provided Medicaid items or services of a quality that does not meet

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professionally recognized standards of health care.

(3) The agency assures that recipients do not lose reasonable access to services of adequate quality as a result of such restrictions.

(4) The agency gives general notice to the public of the restriction, its basis, and its duration.

6. A new § 431.55 is added to read as follows:

§ 431.55 Waiver of other Medicaid requirements.

(a) *Basis and purpose.* This section implements section 1915(b) of the Act, which authorizes the Secretary to waive the requirements of sections 1902 and 1903(m) of the Act to the extent he or she finds proposed improvements in the provision of services under Medicaid to be cost-effective, efficient, and consistent with the objectives of the Medicaid program. This section also implements sections 1915 (d), (e), and (f) of the Act, which govern how such waivers are to be approved, continued, monitored, and terminated.

(b) *General requirements.* (1) In applying for a waiver to implement an approvable project under paragraphs (c), (d), (e), or (f) of this section, a Medicaid agency must document:

(i) The cost-effectiveness of the project;

(ii) The effect on recipients regarding access to care and quality of services; and

(iii) The projected impact of the program.

(2) No waiver under this section may be granted for a period longer than 2 years, unless the agency requests a continuation of the waiver.

(3) HCFA will monitor the implementation of waivers granted under this section to assure that requirements for such waivers are being met.

(i) Where monitoring demonstrates evidence that the agency is not in compliance with the requirements for a waiver under this section, the agency shall be given notice and opportunity for a hearing.

(ii) If, after a hearing, HCFA finds an agency to be out of compliance with the requirements of a waiver, that waiver shall be terminated, and the agency shall be given a specified date by which it must demonstrate that it meets the applicable requirements of sections 1902 and 1903(m) of the Act.

(c) *Case-management system.* Waivers of appropriate requirements of sections 1902 and 1903(m) of the Act may be authorized for a State to implement a case-management system or specialty physician services arrangements which restricts the provider from or through whom a recipient can obtain primary care services (other than in emergency circumstances); provided that—

(1) Such restrictions do not substantially impair access to such services of adequate quality where medically necessary.

(2) Under a case-management system, the agency assures that a specific person or agency will be responsible for locating, coordinating, and monitoring Medicaid services in behalf of a recipient.

(d) *Locality as central broker.* Waivers of appropriate requirements of sections 1902 and 1903(m) of the Act may be authorized for a State to allow a locality to act as a central broker in assisting individuals (eligible for medical assistance under this title) in selecting among competing health care plans.

(e) *Sharing of cost savings.* Waivers of appropriate requirements of sections 1902 and 1903(m) of the Act may be authorized for a State to share (through provision of additional services) with recipients of medical assistance under the State plan cost savings resulting from use by the recipient of more cost-effective medical care.

(f) *Restriction of freedom of choice.* Waivers of appropriate requirements of sections 1902 and 1903(m) of the Act may be authorized for States to restrict recipients to obtaining services from a provider or providers that have demonstrated effectiveness and efficiency in providing those services; Provided, That—

(1) An agency may qualify for such a waiver only if—

(i) Its applicable State standards are consistent with access, quality, efficiency, and economic provision of covered care and services; and

(ii) The restrictions it imposes do not discriminate among classes of providers on grounds unrelated to their demonstrated effectiveness and efficiency in providing those services.

(2) The agency restricts recipients to obtain services only from qualified providers or practitioners that:

(i) Undertake to provide the covered care or medical services needed; and

(ii) Comply with State plan standards for reimbursement, quality, and utilization.

(3) The agency must assure that such restriction does not hamper or deter access to emergency services for affected recipients.

PART 440—SERVICES: GENERAL PROVISIONS

42 CFR Part 440 is amended as follows:

1. The authority citation for Part 440 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 440.200 is revised to read as follows:

§ 440.200 Basis, purpose, and scope.

(a) This subpart implements—

(1) Section 1902(a)(10), regarding comparability of services for groups of recipients, and the amount, duration, and scope of services described in 1905(a) of the Act that the State plan must provide for recipients;

(2) Section 1902(a)(22)(D), which provides for standards and methods to assure quality of services;

(3) Section 1907 on observance of religious beliefs; and

(4) Section 1915 on exceptions to section 1902(a)(10) and waivers of other requirements of section 1902 of the Act.

(b) The requirements and limits of this subpart apply for all services defined in Subpart A of this part.

Section 440.250 is amended by adding new paragraphs (h), (i), (j), and (k) to read as follows:

§ 440.250 Limits on comparability of services.

* * * * *

(h) Ambulatory service for the medically needy (§ 440.220(b)) may be limited to—

(1) Individuals under age 18; and

(2) Individuals entitled to institutional services.

(i) Services provided under exceptions to requirements allowed under § 431.54

may be limited as provided under those exceptions.

(j) If HCFA has approved a waiver of Medicaid requirements under § 431.55, services may be limited as provided by the waiver.

(k) If the agency has been granted a waiver of the requirements of § 440.240 (Comparability of services) in order to provide home or community-based services under § 440.180, the services provided under the waiver need not be comparable for all individuals within a group.

(Catalog of Federal Domestic Assistance Program No. 13.761, Medical Assistance Program)

Dated: September 16, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 24, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-28330 Filed 9-30-81; 8:45 am]

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October 1, 1981

Part V

Department of Health and Human Services

Health Care Financing Administratio

Medicaid Program; Home and Community-Based Services

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 431, 435, 440, 441

Medicaid Program; Home and Community-Based Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This rule amends current Medicaid regulations to permit States to offer, under a Secretarial waiver, a wide array of home and community-based services that an individual may need in order to avoid institutionalization. Before enactment on August 13, 1981, of the Omnibus Budget Reconciliation Act of 1981, little coverage under Medicaid was available for noninstitutional long-term care services. Conversely, institutional long-term care services represent a significant part of the budgets of State Medicaid programs.

These regulations, which implement section 2176 of Pub. L. 97–35, allow Federal payment for these noninstitutional services, subject to HCFA's approval of the States' requests for waivers and to certain assurances made by the States. Once granted, waivers are in effect for 3 years and are renewable. On an annual basis, the States must report to HCFA on the impact and effectiveness of the program.

EFFECTIVE DATES: October 1, 1981. These regulations are being published in final, for reasons described in the Supplementary Information, below. However, we will consider any written comments mailed by December 30, 1981 and will revise the regulations if necessary.

Sections 441.300–441.305 of these regulations contain reporting requirements subject to the Paperwork Reduction Act (Pub. L. 96–511) that have not been approved by the Office of Management and Budget. The reporting is not required until the Office of Management and Budget approval has been obtained. HCFA will publish a notice in the **Federal Register** when approval has been obtained, indicating the effective date of the reporting.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17076, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPP–182–FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., S.W., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if as a result of comments, we believe that changes are needed in these regulations, we will publish the changes in the **Federal Register** and respond to the comments in the preamble of that document.

FOR FURTHER INFORMATION, CONTACT: Robert Wren, (301) 594–9820.

SUPPLEMENTARY INFORMATION:

Background

Until Pub. L. 97–35, the Omnibus Budget Reconciliation Act, was signed on August 13, 1981, the Medicaid program provided little coverage for long-term care services in a noninstitutional setting, but offered full or partial coverage for such care in an institution. Even though only approximately 6 percent of the elderly reside in an institution, more than 40 percent of Medicaid expenditures was for long-term institutional care in the most recent year for which data are available.

The House Report accompanying the House Omnibus Reconciliation Bill (H. Rept. 97–158, p. 316) notes that it has been estimated that a quarter of the current nursing home population do not need full-time, residential care. Many elderly, disabled and chronically ill persons live in institutions not for medical reasons, but because of the paucity of health and social services available to them in their homes or communities, and the individual's inability to pay for those services or to have them covered by Medicaid when they do exist.

Assessment procedures required under Medicaid to determine the need for institutional care for the elderly and disabled have not been adequate in preventing avoidable admissions. Most of the reviews occur after admission to the long-term care facility, when it is most difficult to discharge the resident back to the community. In addition, the reviews focus on medical conditions, primarily, and not on social and other factors that are often more critical in determining the most suitable placement.

Statutory Amendments

Section 2176 of Pub. L. 97–35 added new provisions to the Social Security Act to deal with the circumstances described above, by inserting a new subsection 1915(c). (Section 1915 itself was added by section 2175 of Pub. L. 97–35.) The subsection authorizes the Secretary of HHS to waive Medicaid statutory limitations in order to enable a State to cover a broad array of home and community-based services. All such services must be furnished under an individual written plan of care, and may only be furnished to persons who would otherwise require the level of care provided in a skilled nursing facility (SNF) or intermediate care facility (ICF) for which the cost could be reimbursed under the State plan. The law provides that the Secretary will not approve the State's request for a waiver unless the State provides satisfactory assurances to the Secretary that:

1. Necessary safeguards (including adequate standards for provider participation) have been taken to protect the health and welfare of beneficiaries provided services under the waiver and to assure financial accountability for funds spent for the services;
2. The State will provide for an evaluation of the need for the inpatient services for individuals who are entitled to and who may require the level of care provided in an SNF or ICF under the State plan;
3. Any individuals who are determined to be likely to require the level of care provided in a SNF or ICF are informed of the feasible alternatives available under the waiver, and are given the choice of the inpatient services or the alternative noninstitutional services;
4. The average per capita expenditure estimated by the State in any fiscal year for medical assistance provided to these individuals does not exceed the average per capita expenditure that the State reasonably estimates would have been made in that fiscal year for expenditures under the State plan for these individuals if the waiver had not been granted; and
5. The State will provide to the Secretary annually, consistent with a data collection plan designed by the Secretary, information on the impact of the waiver on the type and amount of medical assistance provided under the State plan and on the health and welfare of its beneficiaries.

Additionally, the law specifically provides that a waiver granted under section 1915(c) may include a waiver of the requirements of section 1902(a)(1) and (10) of the Social Security Act. Under section 1902(a)(1) of the Act, a State plan for medical assistance must be in effect throughout the State. Section 1902(a)(10), as amended by Pub. L. 97–35 of the Act, sets forth certain Medicaid eligibility and service coverage requirements. It requires the plan to provide that services available to the categorically needy beneficiary are not less in amount, duration and scope than services available to the medically needy and are equal in amount, duration and scope for all categorically needy beneficiaries.

Waivers granted under section 1915(c) of the Act shall be for an initial term of three years and, if requested by the State, shall be extended for additional three-year periods unless the Secretary determines that, for the previous three-year period, the State did not meet the assurances discussed above (in (1) through (5)).

Section 1915(d), as added by section 2175 and redesignated as section 1915(e) by section 2176 of Pub. L. 97–35, provides that the Secretary shall monitor the implementation of the waivers granted to determine if the requirements of the waivers are being met. After giving the State notice and an opportunity for a hearing, the Secretary shall terminate any waivers if noncompliance has occurred.

Under the waiver, the State may exclude those individuals for whom there is a reasonable expectation that home and community-based services would be more expensive than Medicaid services the individual would otherwise receive.

A waiver will allow a State to provide Medicaid to individuals for such services as case management, homemaker, home health aide, personal care, adult day health, habilitation, and respite care, and other services requested by the State and approved by the Secretary. The services must be consistent with plans of care, which are subject to the State's approval.

Section 2177 of the Omnibus Budget Reconciliation Act of 1981 also amends the new section 1915 of the Social Security Act. It adds a new subsection (f) that affects subsection (c) as well as other parts of title XIX. Section 1915(f) provides that a request from a State for approval of a State plan amendment or waiver, including a waiver request under section 1915(c), shall be deemed granted unless the Secretary, within 90 days after the date of its submission to the Secretary, either denies the request in writing or informs the State in writing of any additional information needed to make the determination on the request. The request will be deemed granted 90 days after the receipt of the additional information, unless the Secretary denies the request in writing within the 90 days.

Regulatory Provisions

The provisions of the new regulations parallel the statute with clarifying or implementing policy as discussed below.

The new regulations add a new § 440.180, defining home or community-based services, to 42 CFR Part 440; and a new Subpart G to Part 441, specifying requirements for providing these services. They also add new §§ 435.232, 435.726, and 435.735 to the eligibility regulations, specifying new eligibility provisions that allow States to cover certain individuals who would otherwise be institutionalized. The regulations also make technical amendments to §431.50, Statewideness; § 440.1, the basis and purpose section of the regulations defining Medicaid services; § 440.170(f), Personal care services in a recipient's home; and § 440.250, Limits on comparability of services.

The purpose of these regulations is to give the States the maximum opportunity for innovation in furnishing noninstitutional services to beneficiaries, with a minimum of Federal regulation. Basically, we will measure the States' proposals against the statutory requirements rather than against a detailed additional set of Federal guidelines or criteria. That is, we will require the State requesting a waiver to describe its proposal, to explain how it satisfies the statutory requirements of section 1915(c) and, with regard to some specific requirements, to make assurances that those requirements are met. However, we are not generally mandating how the States must establish or implement their community care programs.

Using our experience with demonstration projects, which tested an expanded range of noninstitutional services, we will be able to offer technical assistance to States interested in requesting waivers. We can provide the States with information, for example, on successful procedures and services for a case management system and home health aides. We can also provide assistance to States that they can use in developing their community care programs and, in requesting appropriate waivers and State plan changes.

Note.—References in this document to "the level of care provided in an ICF" include the level of care furnished to beneficiaries in ICFs for the mentally retarded (ICF/MR) (42 CFR 440.150(c)).

A. Definition of Services

The regulations provide that home or community-based services for which a waiver may be granted under this provision may consist of the following services (other than room and board):

1. Case management services.
2. Homemaker services.
3. Home health aide services.
4. Personal care services.
5. Adult day health services.
6. Habilitation services.
7. Respite care services.
8. Other services requested by the State and approved by the Secretary.

We are not going to try to define these terms in our regulation. Instead, we are requiring that the States define them in their waiver request. The States thus have broad discretion in determining the nature of the services to be covered, subject to the budgetary restraints discussed below.

The following discussion of services is presented solely for the purpose of providing the States with suggestions on how they might begin developing a waiver proposal

1. "*Case management*" is commonly understood to be a system under which responsibility for locating, coordinating and monitoring a group of services rests with a designated person or organization. It was Congress' view (H. Rept. 97–158, p. 321) that the case manager should be responsible for locating available sources of help from within the family and community so that the burden of care will not be exclusively borne by formal health and social agencies. Thus, an "informal network" of friends, relatives, churches, etc., can be used wherever feasible to strengthen the elderly or disabled person's ties with his or her own community.

2. "*Homemaker services*" is normally viewed as consisting of general household activities (meal preparation and routine household care) provided by a trained homemaker when the individual regularly responsible for these activities is temporarily absent or unable to manage the home and care for himself or others in the home.

3. "*Home health aide services*" would typically include the performance of simple procedures such as the extension of therapy services, personal care, ambulation and exercise, household services essential to health care at home, assistance with medications that are ordinarily self-administered, reporting changes in the patient's condition and needs, and completing

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appropriate records. (See 42 CFR 405.1227(a) and 440.70 for the Medicare and current Medicaid provisions on home health aides.)

4. "*Personal care services*" are presently defined for the Medicaid program in 42 CFR 440.170(f) as services furnished to a recipient in his or her home that are prescribed by a physician in accordance with the recipient's plan of treatment and provided by an individual who is—

(i) Qualified;

(ii) Supervised by a registered nurse; and

(iii) Not a member of the recipient's family.

States can furnish home health aide and personal care services under their State plan without seeking a waiver under section 1915(c). However, they can also seek such a waiver to provide these services in a manner that departs from these definitions.

5. "*Adult day health services*" are discussed in the legislative history as encompassing "both health and social services needed to insure the optimal functioning of the client, as well as habilitation services suitable for the care of the mentally retarded and the developmentally disabled" (H. Rept. 97-158, p. 321). In our view, such care should be furnished for four or more hours per day on a regularly scheduled basis, for one or more days a week in an outpatient setting. We also believe that meals provided as a part of these services could be covered. Although section 1915(c)(1) has a general prohibition against the payment for room and board, the Conference Report (H. Rept. 97-208, p. 966) indicates that Congress was aware of the manner in which homemaker and adult day health services are provided under title XX. That statute contains a similar prohibition against payment for "room and board". The title XX regulations at 45 CFR 1396.1 define "board" as "three meals a day or any other full nutritional regimen". Under this definition, title XX now pays for individual meals provided as part of adult day health services. We are adopting the title XX approach. Accordingly, Federal financial participation (FFP) will be available for meals that are provided as a part of adult day health services.

6. "*Habilitation services*" are typically health and social services needed to insure optimal functioning of the mentally retarded or persons with related conditions.

7. "*Respite care*"—The Conference Report (H. Rept. 97-208, p. 966) states that respite care is given to individuals unable to care for themselves and is provided on a short term basis to the individual because of the absence or need for relief of those persons normally providing the care. Respite care services may be provided in the individual's home or in a facility approved by the State such as a hospital, nursing home, foster home or community residential facility. As noted above, section 1915(c)(1) of the Act precludes Federal payment for room and board when furnished as a home or community-based service. However, since the statute specifically authorizes the provision of respite care, and the Conference Report indicates that Congress intended that respite care include full-time, short-term institutional care, which always under the Medicaid program has included room and board, we have concluded that Congress intends to create an exception to the general statutory prohibition against room and board. Accordingly, Federal funds will be available for respite care provided under the waiver, including any room and board that may result from furnishing respite care outside a private residence. When respite care is furnished in a setting that charges a "per diem" rate, the room and board is considered part of the "per diem" rate.

8. *Other services*—The State may also request HCFA's approval to provide other home and community-based services not listed here. Such services may include, for example, but not be limited to, nursing care, medical equipment and supplies, physical and occupational therapy, speech pathology and audiology, and minor physical adaptations to the home. We will approve these services and others if the State demonstrates in its waiver request that they are cost-effective (i.e., their cost would not raise the cost of home and community-based care for the beneficiaries to whom they are provided to an amount greater than the cost of the level of care provided in an SNF or ICF), describes the services in detail, and assures HCFA that the services are necessary to avoid institutionalization.

B. Content of Waiver Requests

Requests for waivers must contain—

(1) The information as described below in C;

(2) The assurances discussed below in D; and

(3) The required supporting information discussed below in E.

Section 1915(c) describes this provision as a waiver. We are implementing it in that fashion. Therefore, we are requiring that the State submit supporting explanation and documentation in the form of a waiver request. If the State does not intend to offer home and community-based services to all individuals who would otherwise likely require institutionalization, it must also include a request for a waiver of the requirements of either section 1902(a) (1) or (10) of the Social Security Act, or both, if applicable. If the State intends not to offer the home or community-based services to beneficiaries on the basis that it can reasonably expect that the services would cost more than the services the beneficiaries would otherwise receive, the State must also explain in its waiver request how it will make and implement such determinations.

C. Waiver Request Requirements

The waiver request must describe the services the State is offering under the waiver and who is eligible to receive them. It must also state that the services will only be furnished to those eligible beneficiaries who, but for the provision of the home and community-based services, would require the level of care provided in an ICF or SNF.

The request must indicate how the statutory requirements for a plan of care will be met. The services provided a beneficiary must be furnished under a plan of care that is written specifically for that beneficiary. The State has discretion in designing the plan of care process and prescribing who writes individual plans of care. Based on our experience and that of the States, we expect the plan of care to include the medical and other services to be given, their frequency, and the type of provider to furnish them. Plans of care are subject to the State's approval, and the State has the discretion to set up its own approval process. The waiver request must include a description of the qualifications of the individual or individuals who will be responsible for developing the individual plan of care.

D. State Assurances

Section 1915(c) of the Act explicitly requires that a waiver can be approved only if the State provides us with satisfactory assurances of the following:

1. *Safeguards*—The State must assure us that necessary safeguards have been taken to protect the health and welfare of the beneficiaries receiving the services. Under the statute, these safeguards must include adequate standards for provider participation. These regulations do not attempt to define these safeguards or to prescribe how they are to be developed. It is the State's responsibility to determine what the necessary safeguards are, to define them or specify how they will be developed and implemented, and to

explain how they satisfy the statute. If the State has licensure or certification requirements for any services (or for the individuals who furnish these services) provided under the waiver, it must assure HCFA that the standards in the licensure or certification requirements will be met.

The State must also assure us that it will maintain, and require providers of these services to maintain, financial accountability for funds expended with respect to these services. Again, it is the State's responsibility to inform us how it will meet this requirement and, in particular how it will assure that there is an audit trail for all State and Federal funds.

2. *Individual assessments*—Services under the waiver may be furnished only to an individual who, but for these services, would require the level of care provided in an SNF or ICF. This does not mean that the individual must be receiving the level of care provided in an SNF or ICF before receiving the noninstitutional services. It means, rather, that the individual, in the absence of the noninstitutional services, would require the level of care provided in an SNF or ICF. Thus, the state must assure us that, for each beneficiary encompassed by the waiver, it will provide an objective method for evaluating the beneficiary's need for the level of care provided in an SNF or ICF.

The new section requires the States to provide for an evaluation of the need for the level of care provided in an SNF or ICF with respect to all individuals who are entitled to medical assistance for these services and who may require these services. Section 1903(g) of the Act requires specific recertification of the need for institutional care with respect to beneficiaries who are already inpatients. Accordingly, under the waiver, a State would not be required to perform any further evaluation of those inpatients, although it would, of course be free to do so. It would, however, be required to perform an evaluation for all beneficiaries or Medicaid applicants for whom there is a reasonable indication that they might need the level of care provided in an SNF or ICF in the near future. In making this evaluation, the level of care provided in an SNF or ICF, as defined at 42 CFR 440.40 and 440.150 respectively, must be used. Other factors, whether medical or not, may be employed as the State deems appropriate. The State, in its assurance, must include a copy of the written assessment instrument that will be used, must describe how those assessments will be made, and specify who has responsibility for doing them.

The waiver request would have to describe, for example, the party or parties responsible for the assessment, what factors they will use to evaluate and reevaluate the recipient's need for the level of care provided in an SNF or ICF, and when evaluations and reevaluations will be made.

Our regulations require that the State maintain written documentation of all such evaluations and reevaluations. (The State need not keep the documentation itself but may arrange for the provider or for another person or agency to keep it.) The State must include in its waiver request an explanation of how it will satisfy this requirement. Congress clearly intended that these services would be made available only to individuals who had been determined to need inpatient SNF or ICF services in the absence of the alternative noninstitutional services. Therefore, we believe the maintenance of documentation is necessary to insure an audit trail and to enable us to determine whether only those individuals who would otherwise have required institutionalization were being provided these services.

3. *Informing beneficiaries of choice.*—Beneficiaries determined to be likely to require an SNF or ICF level of care must be informed of the feasible alternatives and given a choice as to which type of services to receive. (This would not apply to beneficiaries for whom there is a reasonable expectation that the cost of home and community-based services would be more than the cost of SNF or ICF care, if the State indicates in its waiver request that it will exclude these individuals from coverage under the waiver. See discussion in B above.) The State must explain in its waiver request how this requirement will be met and assure us that it will be met. We are not, however, requiring that the State document that each beneficiary (or his or her representative) has been so informed. In the absence of information to the contrary, we will accept the State's assurance that it has been done.

The Congressional Conference Committee, in its report on this amendment (H. Rept. 97–208, p. 966) emphasized that, while it is expected that the existence of alternatives will encourage the acceptance of community care, the integrity of patient choice must be preserved. The determination of which long-term care options are feasible in a particular case should be based on the individual's needs, as determined by an evaluation, and not on short-term cost savings.

As with other services under Medicaid, a beneficiary who is not given the choice of home or community-based services as an alternative to SNF or ICF services may request a fair hearing under 42 CFR Part 431, Subpart E, unless the reason for the denial is that the group of which the individual is a part is not included within the scope of the waiver (see 42 CFR 431.220(b)). Since a finding that home or community-based services are not feasible in a particular case constitutes a denial of services covered under a State's Medicaid plan, the Medicaid statute (section 1902(a)(3)) requires that applicants and beneficiaries be provided the procedural protections of the Medicaid administrative hearing process as described in 42 CFR Part 431, Subpart E.

4. *Average per capita expenditures.*—Congress was concerned that the total of all medical assistance for services provided to individuals who would qualify for home or community-based care under the State plan not exceed, on an average per capita basis, the total expenditures that would be incurred for such individuals if home and community-based services were not available. Accordingly, the statute and these regulations provide that the State, in its waiver request, must assure us that the average per capita expenditure under the waiver does not exceed the average per capita expenditure, as reasonably estimated by the State, that would have been made under the State plan had the waiver not been granted. Congress expected that this provision would assure that aggregate costs will not be greater than they would have been without these alternative services. (H. Rept. 97–208, p. 967)

Average per capita expenditures for services for this purpose means the aggregate Medicaid payment for all long-term care services furnished (taking into account the utilization of each type of service) divided by the number of beneficiaries expected to receive services. (We are excluding from these calculations services other than long-term care services, since they should be unaffected by the waiver, and their inclusion would simply make the calculations more burdensome.) These estimates must cover each fiscal year during the 3-year term of the waiver. To be granted approval by HCFA, the estimates must be reasonable, based on statistically sound and valid procedures, and verifiable. To develop the required assurances, the State will have to develop estimates of the costs and utilization for each type of service and an estimate of the total population that would likely receive these services.

The estimated average per capita expenditures under the waiver is obtained by multiplying (A) the estimated number of beneficiaries who would receive the level of care provided in an SNF or ICF under the waiver times (B) the estimated Medicaid payment per eligible Medicaid user of such care; and adding that figure to the product of (C) the estimated number of beneficiaries who would receive home and community-based services under the waiver or other noninstitutional alternative services included under the State plan times (D) the estimated Medicaid payment per eligible Medicaid user of such services. This figure is to be divided by (F) the estimated number of beneficiaries who would receive the level of care provided in an SNF or ICF under Medicaid in the absence of the waiver plus (H) the estimated number of beneficiaries who would receive any of the noninstitutional, long-term care services otherwise provided under the State plan as an alternative to institutional care.

To illustrate,

$$\frac{(A \times B)+(C \times D)}{F+H} = \text{the estimated average}$$

per capita expenditure under the waiver.

Note.—The product of A×B would be calculated separately for SNF and ICF levels of care and then added. Similarly, the product of C×D would be calculated for each type of service covered under the waiver and then added. Thus, the numerator would be the sum of all these products—or the estimated aggregate cost for all long-term care services offered under the plan.

Next, the State will develop an estimate of average per capita expenditures that would result in the absence of a waiver. This estimate is obtained by multiplying (F) the estimated number of beneficiaries who would receive the level of care provided in an SNF or ICF in the absence of the waiver times (G) the estimated Medicaid payment per eligible Medicaid user of such care; and adding that figure to the product of (H) the estimated number of beneficiaries who would receive any of the noninstitutional, long-term care services otherwise provided under the State plan as an alternative to institutional care times (I) the estimated Medicaid payment per eligible Medicaid user of such noninstitutional services. This figure will be divided by the same denominator as before—namely, (F) the estimated number of beneficiaries who would receive the level of care provided in an SNF or ICF under Medicaid in the absence of the waiver plus (H) the estimated number of beneficiaries who would receive any of the noninstitutional, long-term care services otherwise provided under the State plan as an alternative to institutional care.

To illustrate,

$$\frac{(F \times G)+(H \times I)}{F+H} = \text{the estimated average per capita expenditures in the absence of a waiver.}$$

In both of these computations the denominator (i.e., the estimated number of beneficiaries who would likely receive the level of care provided in an ICF or SNF under Medicaid in the absence of the waiver) must be the same number for like periods of time. In particular, if the State wishes to revise its estimate of the denominator at some point after a waiver is approved (in order to adjust for an error in the estimate or for adding an unanticipated increase in the eligible population), that revision would be made in both calculations and the comparison would be re-examined to determine if the waiver is still cost effective.

In developing the estimates of utilization necessary to complete the above computations, the State must use actual data on nursing home cost and utilization and on cost and utilization of community-based services for the most recent year before the waiver takes effect. These figures would be adjusted by the State to reflect anticipated growth in the supply of nursing home beds, availability of community-based services and inflation. Similarly, the State's experience with utilization and cost of home and community-based services provided under title XIX, title XX and other programs should provide a useful basis for the necessary estimates.

The State, in its waiver request, must inform HCFA of what its per capita expenditures are, describe how these were estimated, and describe the factors it employed in deriving the estimates. HCFA will review these estimates very closely to determine if they are reasonable and based on statistically supportable assumptions. Further, HCFA will compare these estimates with data the State must furnish annually on its actual experience. In the event of a discrepancy between actual and estimated per capita expenditures, HCFA will ask the State to explain the basis for the difference or to adjust its estimates.

We will provide further guidance on how to develop estimating methodology and will provide technical assistance to States that request it.

5. *Annual report on impact*—The State must assure us that it will provide us annually with information on the impact of the waiver on the type and amount of services provided under the State plan and on the health and welfare of the beneficiaries. The data will have to be consistent with a data collection plan we are designing. We will provide further guidance to the States on what data must be submitted and in what form. However, such data would include, but not be limited to, the State's actual per capita expenditures for services provided under the waiver.

D. Duration of Waiver

If we approve a waiver request, the waiver may continue for three years. The waiver may be extended for three-year periods thereafter if the State requests it, unless our review of the prior three-year period shows that the assurances the State offered were not met.

The development and implementation of a State home and community-based services program is a time-consuming and complex process, often requiring the coordination of several agencies and, sometimes, State legislative action. In recognition of this, Congress provided that the waiver would be for three-year periods of time. However, Congress also provided in the amendments for the Secretary to monitor implementation of the waivers to assure that the requirements for them are being met. Thus, if HCFA finds that a given State is not meeting the assurances it made in its waiver request or any of the other requirements for a waiver specified in this subpart, the State will be given a notice of these findings and an opportunity for a hearing to rebut the findings. If, after the proceedings, HCFA determines that the State is not in compliance, HCFA will terminate the waiver. Possible grounds for termination will include excessive costs.

If a State wants to terminate its waiver before the completion of the three-year period and no longer provide home and community-based services, it must submit a written request to HCFA showing its intent to terminate the waiver 30 days before terminating services.

Whether HCFA or the State terminates the waiver, the State must notify beneficiaries receiving services under the waiver in accordance with 42 CFR 431.210 and must notify them 30 days before ending services. The State does not have to offer a hearing to beneficiaries when a waiver is terminated.

E. HCFA's Review of Waiver Requests

When we receive a request for a waiver, we will review its contents against the regulations and the statute to determine whether the request meets our requirements. For example, we will review to see that per capita expenditure estimates are reasonable and that the State has an adequate means for evaluating whether a beneficiary needs the level of care provided in an SNF or ICF. If we find the request inadequate, unrealistic, or not cost-effective, we will return the request for more or better information. If the additional information does not improve the request sufficiently, we will deny it.

F. Eligibility of Beneficiaries

Under 42 CFR 435.231, it is possible for a beneficiary who would not be eligible for Medicaid while in the community to be eligible in an institution. The regulations permit States to set a special income standard that results in a higher institutional eligibility level for institutionalized beneficiaries than the community-based eligibility level. This level cannot exceed 300 percent of the Supplemental Security Income (SSI) community-based payment standard (42 CFR 435.722 and 435.1005). Most States have chosen this option and often the institutional level is significantly higher than the community level. The purpose of current regulations, which recognize the high cost of institutional care, is to enable States, particularly those without spend down mechanisms, such as a medically needy program, to cover institutionalized individuals although their income exceeds the community-based level. However, a beneficiary may lose Medicaid eligibility if he or she leaves the institution and returns to the community. A lack of community-based supportive services and the eligibility effect of § 435.231 have combined to provide an incentive toward institutionalization.

Section 1915(c) of the Act has a target population consisting of beneficiaries who are or who would be eligible for Medicaid in an institutional setting. The statute is not explicit on how beneficiaries are to be determined eligible for new services under the waiver. However, we believe that Congress did not intend that there would be a smaller population eligible for Medicaid for home and community-based services than for institutional long-term care. In addition, the purpose of the law is to provide an incentive for beneficiaries to remain in the community by providing supportive care at home, rather than making it available to them only in an institution.

Under our regulations implementing the changes in Medicaid eligibility made by Pub. L. 97-35, "Medicaid Eligibility and Coverage Criteria", BPP-179-FC, published in the **Federal Register** of September 30, 1981, we decided to retain, at least for the time being, this and other optional categorically needy groups. To keep optional categorical coverage under 42 CFR 435.231 for the institutionalized only would deprive the program and the beneficiaries who are eligible for Medicaid only because they are institutionalized of the benefits of having care provided at home and in the community, and of the savings that Congress expected would accrue from the provision of less costly noninstitutional care. Therefore, we are adding new regulations, 42 CFR 435.232, to allow States to cover individuals who would be eligible for institutional services under 42 CFR 435.231 to be eligible for home and community-based services furnished under a waiver. The new regulations, § 435.232, will affect only the base of categorically-needy beneficiaries. Medically needy individuals may become eligible under provisions of other regulations.

These new regulations, § 435.232, are very similar to § 435.231 and permit States to make eligible those categorically needy individuals in the community who—

(1) Are not eligible for SSI or a State supplement because of their income;

(2) Have income below a level specified in the plan under § 435.722;

(3) Would be eligible under § 435.231 if institutionalized; and

(4) Would require institutional care if not receiving home or community-based services authorized under the waiver.

The effect of the changes just discussed is to remove the bias in favor of institutionalization. Conversely, we do not wish to provide an inequitable incentive for those receiving noninstitutional services.

Since beneficiaries determined eligible under a special standard, such as § 435.231, have income in excess of their maintenance needs, it is reasonable to expect these beneficiaries to share in the cost of personal and medical care above a level of income protected for maintenance needs. Current regulations at 42 CFR 435.725 and 435.733 impose this requirement on beneficiaries who are Medicaid eligible under § 431.231. Therefore, to insure equal treatment of institutionalized beneficiaries and beneficiaries receiving home and community-based services under the waiver, we will require beneficiaries who are eligible for home and community-based services under the waiver to share in the cost of the services. We believe that this requirement is supportable under the rationale of *Friedman* v. *Berger*, 547 F. 2d 724 (2d Cir., 1976). We are adding new §§ 435.726 and 435.735 to 42 CFR Part 435 for categorically needy beneficiaries. The sections are very similar to §§ 435.725 and 435.733, which lay out the requirements of post-eligibility treatment of income and resources of institutionalized beneficiaries. Section 435.726 deals with beneficiaries who reside in States that provide Medicaid to all SSI beneficiaries or to all SSI beneficiaries and to State supplement beneficiaries. Section 435.735 deals with beneficiaries residing in States with more restrictive requirements than SSI.

There are two major differences in the new sections: (1) there is no provision dealing with consideration of maintenance of the beneficiary's home while he or she is an inpatient; and (2) there is no provision specifying the amount that is to be deducted from a beneficiary's total income and protected for his or her use for personal needs. Instead, there will be a provision discussing a beneficiary's maintenance allowance, which will be deducted from the total income. We are requiring this amount to be based on a reasonable assessment of need but it must not (for beneficiaries subject to the provisions of § 435.726, applicable to States covering all SSI beneficiaries) exceed the highest of:

(a) The amount of the income standard used to determine eligibility for SSI for and individual living in his own home, if the agency provides Medicaid only to individuals receiving SSI;

(b) The amount of the highest income standard, in the appropriate category of age, blindness, or disability, used to determine eligibility for an optional State supplement for an individual in his or her own home, if the agency provides Medicaid to optional State supplement recipients under § 435.230; or

(c) The amount of the medically needy income standard for one person established under §§ 435.811 and 435.814, if the agency provides Medicaid under the medically needy coverage option.

Our reasoning for setting these maximum levels (and those under § 435.735) for beneficiaries only is that they are the levels set under the present regulations at §§ 435.726(c)(2) and 435.733(c)(2) for maximum maintenance levels for spouses in the community. We assume that all other needs of beneficiaries under the waiver, which might otherwise require a higher income level to meet them, will be met by the supportive services furnished under the waiver.

In these regulations the allowances for a beneficiary with only a spouse at home and for a beneficiary with a family at home will be based on the same criteria that are used for beneficiaries

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who are eligible for Medicaid because they are institutionalized.

A beneficiary with only a spouse will be allowed the reasonable amount for the beneficiary's maintenance, as determined above, plus a reasonable amount for maintenance of the spouse. The reasonable amount for the spouse will be based on the same criteria used to determine the allowance for the beneficiary.

The allowances for a beneficiary with a family will be the reasonable amount (as determined above) for the beneficiary, plus an additional amount for the maintenance needs of the family. The additional amount will:

(a) Be based on a reasonable assessment of the family's financial needs;

(b) Be adjusted for the number of family members living in the home; and

(c) Not exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's AFDC plan or the medically needy income standard established under 42 CFR Part 435, Subpart I, for a family of the same size. See present § 435.725(c)(3).

The State must also deduct from the beneficiary's total income amounts for incurred medical expenses that are not subject to payment by a third party. These expenses include:

(a) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(b) Necessary medical or remedial care recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits the agency may establish on amounts of these expenses. See present § 435.725(c)(4).

For beneficiaries subject to the provisions of § 435.735 (applicable to States with more restrictive requirements than SSI), the amount the beneficiary needs for maintenance will be determined in the same manner as the maintenance needs of the spouse under existing regulations at § 435.733. The spouse's needs will be determined the same as in § 435.733, as will the family's needs. Amounts for incurred medical expenses, as in § 435.733, will be deducted from total income.

G. Technical Changes

We are revising § 431.50, Statewide operation, to show that a State need not offer services under the new benefit to all beneficiaries in the State.

We are revising § 440.1, the basis and purpose statement for existing regulations on services, to show the new statutory authority for services that can be furnished under the waiver.

We are amending § 440.170(f) so that personal care services, when furnished under a waiver as home and community-based services, will not have to meet the definitions of these sections.

Finally, we are amending § 440.250, regulations on comparability of services, to provide that, if applicable under the waiver, services provided by the State need not be comparable for all individuals within a group.

Some sections of these regulations are affected by statutory provisions that are implemented by other regulations documents also being published at this time. It would be confusing to present the same section with different wording in different documents (by making, in each document, only the particular changes called for by the statutory provisions implemented by that document). In order to avoid this problem, the sections affected by more than one provision are presented in each document with all the changes required by each of the provisons of law that affect them. However, each of the changes is explained only once, in the preamble of the regulations document that implements the provision which requires that particular change.

Waiver of Proposed Rulemaking

Public Law 97–35 was enacted on August 13, 1981, and section 2176 of that law became effective on that date. In order to have regulations in place as close as possible to the effective date of the law, we must publish these regulations in final form promptly. Because of this, and because we believe that the States and a substantial number of Medicaid recipients may benefit by these regulations, we believe that publication of a notice of proposed rulemaking would be contrary to the public interest. We therefore find good cause to waive notice of proposed rulemaking and our normal 30-day delay in effective date. We will, however, consider any comments on this rule that are mailed by the date specified above in the "Dates" section and make any further changes that may be necessary. We will also respond to the comments when we make any further changes.

Impact Analyses

Executive Order 12291

The Secretary has determined that the proposed regulations do not meet the criteria for a "major rule", as defined by section 1(b) of Executive Order 12291. That is, the proposed regulations will not—

- Have an annual effect on the economy of $100 million or more;
- Result in a major increase in costs or prices for consumers, any industries, any government agencies or any geographic regions; or
- Have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets.

Congress estimated that this provision, as it appeared in H.R. 3982, would save $20 million in fiscal year 1982. Cost or savings estimates for the provision, as enacted, were not developed.

The costs or savings are a function of the balance between deinstitutionalization (some current residents of nursing homes could be returned to the community for less money) and new demand (some people who currently receive care from family and friends despite a medical need for nursing home care will become eligible for Medicaid outside the nursing home setting), and the number of States which choose to exercise this option. Because of these variables, we cannot estimate the cost of this program at this time. (However, Congress indicated (H. Rept. 97–208, p. 967) that it expected the provisions concerning per capita costs to assure that aggregate costs will not be greater than they would have been without the home and community-based services.) Moreover, the purpose of the legislative amendment was to provide the States with sufficient flexibility to develop more economical alternatives to the high cost of long-term care institutional services. To the extent that this purpose is achieved, then the cost of providing the home and community-based services under the waiver will offset the cost of institutional care that would otherwise have been required. Further, by facilitating the use of other providers of care, more competition should be generated. Accordingly, we do not believe the criteria for a "major rule" will be met.

Regulatory Flexibility Act

Section 604 of Public Law 96–354 (the Regulatory Flexibility Act of 1980) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis on certain regulations. The regulatory flexibility analysis is intended to explain what effect regulatory actions by agencies would have on small businesses and other small entities.

As defined by the Regulatory Flexibility Act, the term "small entities" includes "small governmental jurisdictions". The latter term is defined as local governments (cities, counties, towns, townships, villages, school districts, or other special districts) with a population of less than fifty thousand persons.

As explained above, these regulations will permit States to offer an array of services to beneficiaries outside of an institutional setting. Although they directly affect States, the regulations could indirectly adversely affect providers of institutional services that are small enough to meet the definition of "small entity", since some individuals may choose a home or community-based service rather than an inpatient service. However, we do not believe the regulations will have a significant economic effect on a substantial number of small entities. These regulations will benefit some entities that were not able to participate previously as providers under Medicaid before because the services they provide are not covered under the Medicaid program. The regulations are intended to expand the universe of small providers and may benefit them economically. Although we do not know how many States will take advantage of the provisions of these regulations, we project that the total number of providers that benefit significantly will be small compared to total number of providers. (Many providers in a position to become Medicaid providers are already reimbursed under other programs for the same services.) Therefore, the Secretary certifies, under section 605(b) of the Regulatory Flexibility Act, that the regulations will not have a significant economic impact on a substantial number of small entities.

Reporting and Recordkeeping Requirements

The Department is required to submit to the Office of Management and Budget for review and approval, 42 CFR 441.301, 441.302, 441.303 and 441.304, which include reporting and recordkeeping requirements. These sections have been submitted to OMB. We will publish a notice in the **Federal Register** when approval has been obtained indicating the effective date of the reporting.

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

42 CFR Part 431 is amended as follows:

The authority citation for Part 431 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 431.50 is amended by revising paragraphs (a) and (c) to read as follows:

§ 431.50 Statewide operation.

(a) *Basis and purpose.* This section implements section 1902(a)(1) of the Act, which requires a State plan to be in effect throughout the State, and section 1915, which permits certain exceptions.

* * * * *

(c) *Exceptions.* The requirements of paragraph (b) of this section do not apply with respect to:

(1) Service offered by comprehensive health services organizations (see § 440.250(g)) of this subchapter;

(2) Services offered by rural health clinics (see § 440.20(b));

(3) Arrangements under § 431.54(d) to purchase medical services or laboratory and x-ray services (as defined in § 440.30);

(4) Lock-in or lock-out restrictions under § 431.54(e) and (f); and

(5) Services offered under a waiver with respect to home and community based services (§ 440.180).

PART 435—ELIGIBILITY IN THE STATES AND DISTRICT OF COLUMBIA

42 CFR Part 435 is amended as follows:

1. The table of contents for Part 435 is amended by adding new §§ 435.232, 435.726 and 435.735 as follows:

Subpart C—Options for Coverage as Categorically Needy

* * * * *

Section

435.232 Individuals receiving home and community-based services who are eligible under a special income level.

* * * * *

Subpart H—Financial Requirements for the Categorically Needy

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435.726 Post-eligibility treatment of income and resources of individuals receiving home and community-based services furnished under a waiver: Application of patient income to the cost of care.

* * * * *

435.735 Post-eligibility treatment of income and resources of individuals receiving home and community-based services furnished under a waiver: Application of patient income to the cost of care.

2. The authority citation for Part 435 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

3. Section 435.3 is amended by adding a new statutory citation at the end of the existing text as set forth below.

§ 435.3 Basis.

This part implements the following sections of the Act, which state eligibility requirements and standards:

* * * * *

1915(c) Home or community based services.

4. A new § 435.232 is added to read as follows:

§ 435.232 Individuals receiving home and community-based services who are eligible under a special income level.

(a) If the agency provides Medicaid under § 435.231 to individuals in institutions who are eligible under a special income level, it may also cover aged, blind and disabled individuals in the community who—

(1) Because of their income, are not eligible for SSI or State supplements;

(2) Have income below a level specified in the plan under § 435.722 (See § 435.1005 for limitations on FFP in Medicaid expenditures for individuals specified in this section);

(3) Would be eligible for Medicaid under § 435.231 if institutionalized; and

(4) Will receive home and community-based services under a waiver granted under Part 441, Subpart G, of this subchapter.

5. New §§ 435.726 and 435.735 are added to read as follows:

§ 435.726 Post-eligibility treatment of income and resources of individuals receiving home and community-based services furnished under a waiver: Application of patient income to the cost of care.

(a) The agency must reduce its payment for home and community-based services provided to an individual specified in paragraph (b) of this section, by the amount that remains after deducting the amounts specified in paragraph (c) of this section from the individual's income.

(b) This section applies to individuals who are eligible for Medicaid under § 435.232 and are receiving home and community-based services furnished under a waiver of Medicaid requirements under Part 441, Subpart G of this subchapter.

(c) In reducing its payment for home and community-based services, the agency must deduct the following amounts, in the following order, from the individual's total income (including amounts disregarded in determining eligibility):

(1) An amount for the maintenance needs of the individual. This amount must be based on a reasonable assessment of need but must not exceed the highest of—

(i) The amount of the income standard used to determine eligibility for SSI for an individual living in his own home, if the agency provides Medicaid only to individuals receiving SSI;

(ii) The amount of the highest income standard, in the appropriate category of age, blindness, or disability, used to determine eligibility for an optional State supplement for an individual in his own home, if the agency provides Medicaid to optional State supplement recipients under § 435.230; or

(iii) The amount of the medically needy income standard for one person established under §§ 435.811 and 435.814, if the agency provides Medicaid under the medically needy coverage option.

(2) For an individual with only a spouse at home, an additional amount for the maintenance needs of the spouse. This amount must be based on a reasonable assessment of need but must not exceed the highest of—

(i) The amount of the income standard used to determine eligibility for SSI for an individual living in his own home, if the agency provides Medicaid only to individuals receiving SSI;

(ii) The amount of the highest income standard, in the appropriate category of age, blindness, or disability, used to determine eligibility for an optional State supplement for an individual in his own home, if the agency provides Medicaid to optional State supplement recipients under § 435.230; or

(iii) The amount of the medically needy income standard for one person established under §§ 435.811 and 435.814, if the agency provides Medicaid under the medically needy coverage option.

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family. This amount must—

(i) Be based on a reasonable assessment of their financial need;

(ii) Be adjusted for the number of family members living in the home; and

(iii) Not exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's AFDC plan or the medically needy income standard established under subpart I of this part for a family of the same size.

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party including—

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical or remedial care recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits the agency may establish on amounts of these expenses.

§ 435.735 Post-eligibility treatment of income and resources of individuals receiving home and community-based services furnished under a waiver: Application of patient income to the cost of care.

(a) The agency must reduce its payment for home and community-based services provided to an individual specified in paragraph (b) of this section, by the amount that remains after deducting the amounts specified in paragraph (c) of this section from the individual's income.

(b) This section applies to individuals who are eligible for Medicaid under § 435.232, and are eligible for home and community-based services furnished under a waiver of State plan requirements under Part 441, Subpart G of this subchapter.

(c) In reducing its payment for home and community-based services, the agency must deduct the following amounts, in the following order, from the individual's total income (including amounts disregarded in determining eligibility):

(1) An amount for the maintenance needs of the individual. This amount must be based on a reasonable assessment of need but must not exceed the higher of—

(i) The more restrictive income standard established under § 435.121; or

(ii) The medically needy standard for an individual.

(2) For an individual with only a spouse at home, an additional amount for the maintenance needs of the spouse. This amount must be based on a reasonable assessment of need but must not exceed the higher of—

(i) The more restrictive income standard established under § 435.121; or

(ii) The medically needy standard for an individual.

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family. This amount must—

(i) Be based on a reasonable assessment of their financial need;

(ii) Be adjusted for the number of family members living in the home; and

(iii) Not exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the medically needy income standard established under subpart I of this part for a family of the same size.

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party, including—

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical or remedial care recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits the agency may establish on amounts of these expenses.

PART 440—SERVICES: GENERAL PROVISIONS

42 CFR Part 440 is amended as follows.

1. The authority citation for Part 440 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 440.1 is revised to read as follows:

§ 440.1 Basis and purpose.

This subpart interprets section 1905(a) of the Act, which lists the services included in the term "medical assistance," sections 1905 (c), (d), (f)–(i), and (l), which define some of those services, and section 1915(c), which lists as "medical assistance" certain home and community-based services provided under waivers under that section to individuals who would otherwise require institutionalization. It also implements sec. 1902(a)(43) with respect to laboratory services (see also §§ 447.10 and 447.342).

3. Section 440.170 is amended by revising paragraph (f) as follows:

§ 440.170 Any other medical care or remedial care recognized under State law and specified by the Secretary.

* * * * *

(f) *Personal care services in a recipient's home.* Unless defined differently by a State agency for purposes of a waiver granted under Part 441, Subpart G of this chapter, "personal care services in a recipient's home" means services prescribed by a physician in accordance with the recipient's plan of treatment and provided by an individual who is—

(1) Qualified to provide the services;

(2) Supervised by a registered nurse; and

(3) Not a member of the recipient's family.

4. Section 440.180 is added to read as follows:

§ 440.180 Home or community-based services.

(a) "Home or community-based services" means services that are furnished under a waiver granted under the provisions of Part 441, Subpart G of this subchapter. The services may consist of any of the following services as defined by the agency (but not including room and board except as specifically provided for in paragraph (b) of this section):

(1) Case management services;

(2) Homemaker services;

(3) Home health aide services;

(4) Personal care services;

(5) Adult day health services;

(6) Habilitation services;

(7) Respite care services;

(8) Other services requested by the Medicaid agency and approved by HCFA as cost-effective.

(b) FFP for home community-based services described in paragraph (a) of this section is not available in expenditures for the cost of room and board except when provided as part of respite care in a facility approved by the State that is not a private residence. For purposes of this provision, "board" means three meals a day or any other full nutritional regimen and does not include meals provided as part of a program of adult day health services.

5. Section 440.250 is amended by adding new paragraphs (h) through (k) to read as follows:

§ 440.250 Limits on comparability of services.

* * * * *

(h) Ambulatory services for the medically needy (§ 440.220(b)) may be limited to—

(1) Individuals under age 18; and

(2) Individuals entitled to institutional services.

(i) Services provided under an exception to requirements allowed under § 431.54 may be limited as provided under that exception.

(j) If HCFA has approved a waiver of Medicaid requirements under § 431.55, services may be limited as provided by the waiver.

(k) If the agency has been granted a waiver of the requirements of § 440.240 (Comparability of services) in order to provide home or community-based services under § 440.180, the services provided under the waiver need not be comparable for all individuals within a group.

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

42 CFR Part 441 is amended as follows:

Subpart G, §§ 441.300–441.305 is added to read as follows:

Subpart G—Home and Community Based Services: Waiver Requirements

Sec.

441.300 Basis and purpose.
441.301 Contents of request for a waiver.
441.302 State assurances.
441.303 Supporting documentation required.
441.304 Duration of waiver.
441.305 Notification of termination of a waiver.

Authority: Section 1102 of the Social Security Act (42 U.S.C. 1302).

Subpart G—Home and Community-Based Services: Waiver Requirements

§ 441.300 Basis and purpose.

Section 1915(c) of the Act permits States to offer, under a waiver of statutory requirements, an array of home and community-based services that an individual needs to avoid institutionalization. Those services are defined in § 440.180 of this subchapter. This subpart describes what the Medicaid agency must do to obtain a waiver.

§ 441.301 Contents of request for a waiver.

(a) A request for a waiver under this section must consist of—

(1) The assurances required by § 441.302 and the supporting documentation required by § 441.303;

(2) When applicable, requests for waivers of the requirements of section 1902(a) (1) or (10) of the Act; and

(3) A statement as to whether the agency will refuse to offer home or community-based services to any recipient because it can reasonably expect that the cost of the home or community-based services furnished to that recipient would exceed the cost of the level of care provided in an SNF or ICF (or ICF/MR if applicable).

(b) If the agency furnishes home and community-based services, as defined in § 440.180 of this subchapter, under a waiver granted under this subpart, the waiver request must:

(1) Provide that the services are furnished—

(i) Under a written plan of care subject to approval by the Medicaid agency;

(ii) Only to recipients who are not inpatients of a hospital, SNF, ICF, or ICF/MR, and who the agency determines would require the level of care provided in an SNF or ICF (or ICF/MR, if applicable) under Medicaid (as defined in §§ 440.40 and 440.150) if not furnished these services;

(2) Describe the qualifications of the individual or individuals who will be responsible for developing the individual plan of care;

(3) Describe the group or groups of individuals to whom the services will be offered;

(4) Describe the services to be furnished; and

(5) Provide that the documentation requirements regarding individual evaluation, specified in § 441.303(c), will be met.

§ 441.302 State assurances.

HCFA will not grant a waiver under this subpart unless the Medicaid agency provides satisfactory assurances to HCFA that:

(a) Necessary safeguards have been taken to protect the health and welfare of the recipients of the services. Those safeguards must include adequate standards for provider participation. If the State has licensure or certification requirements for any services or for any individuals furnishing services provided under the waiver, it must assure that the standards in the licensure or certification requirements will be met.

(b) The agency will assure financial accountability for funds expended for home and community-based services, and it will maintain and make available to HHS, the Comptroller General, or their designees, appropriate financial records documenting the cost of services provided under the waiver.

(c) The agency will provide for an evaluation of the need for home and community-based care for recipients who are entitled to the level of care provided in an SNF, ICF, or ICF/MR, as defined by §§ 440.40 and 440.150 respectively, and for whom there is a reasonable indication that they might need such services in the near future.

(d) If a recipient is determined to be likely to require the level of care provided in an SNF, ICF, or ICF/MR services, the recipient or his or her representative will be informed of the feasible alternatives, if any, available under the waiver, and permitted to choose among them.

(e) The average per capita fiscal year expenditures under the waiver will not exceed the average per capita expenditures for the level of care provided in an SNF, ICF, or ICF/MR under the State plan that would have been made in that fiscal year had the waiver not been granted. These expenditures must be reasonably estimated by the agency, and the estimates must cover each year of the waiver period.

(f) The agency will provide HCFA annually with information on the impact of the waiver on the type, amount and cost of services provided under the State plan and on the health and welfare of recipients. The information must be consistent with a data collection plan designed by HCFA.

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§ 441.303 Supporting documentation required.

The agency must furnish HCFA with sufficient information to support the assurances required by § 441.302. The information must consist of the following, at a minimum:

(a) A description of the safeguards necessary to protect the health and welfare of recipients.

(b) A description of the records and information that will be maintained to support financial accountability.

(c) A description of the agency's plan for the evaluation and reevaluation of recipients, including a description of who will make these evaluations and how they will be made. The information must include a copy of the evaluation instrument to be used and provide for the maintenance of written documentation of all evaluations and reevaluations.

(d) An explanation with supporting documentation of how the agency estimated the per capita expenditures for both institutional and noninstitutional services. This information must include the estimated utilization rates and costs for institutional and noninstitutional services included in the plan.

(1) The average per capita expenditure estimate of the cost of all services, both institutional and noninstitutional, under the waiver must not exceed the average per capita expenditure of the cost of all services in the absence of a waiver. The estimates are to be based on the following equation:

$$\frac{(A \times B) + (C \times D)}{F + H} \leq \frac{(F \times G) + (H \times I)}{F + H}$$

where:

A = the estimated number of beneficiaries who would receive the level of care provided in an SNF, ICF, or ICF/MR under the waiver.

B = the estimated Medicaid payment per eligible Medicaid user of such institutional care.

C = the estimated number of beneficiaries who would receive home and community-based services under the waiver or other noninstitutional alternative services included under the State plan.

D = the estimated Medicaid payment per eligible Medicaid user of such home and community-based services.

F = the estimated number of beneficiaries who would likely receive the level of care provided in an SNF, ICF, or ICF/MR in the absence of the waiver.

G = the estimated Medicaid payment per eligible Medicaid user of such institutional care.

H = the estimated number of beneficiaries who would receive any of the noninstitutional, long-term care services otherwise provided under the State plan as an alternative to institutional care.

I = the estimated Medicaid payment per eligible Medicaid user of the noninstitutional services referred to in H.

§ 441.304 Duration of a waiver.

(a) Except as provided in paragraph (b) of this section, a waiver of State plan requirements to provide home or community-based services approved under this section will continue for a three-year period from the date of the approval. If the agency requests it, the waiver may be extended for three years after the initial three-year period, if HCFA's review of the prior three-year period shows that the assurances required by § 441.302 of this subpart were met.

(b) If HCFA finds that an agency is not meeting any of the requirements for a waiver contained in this subpart, the agency will be given a notice of HCFA's findings and an opportunity for a hearing to rebut the findings. If HCFA determines that the agency is not in compliance with this subpart after the notice and any hearing, HCFA will terminate the waiver.

§ 441.305 Notification of a waiver termination.

(a) If a State chooses to terminate its waiver before the three-year period is up, it must notify HCFA in writing 30 days before terminating services to recipients.

(b) If HCFA or the State terminates the waiver, the State must notify recipients of services under the waiver in accordance with § 431.210 of this subchapter and notify them 30 days before terminating services.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: September 16, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 24, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-28331 Filed 9-30-81; 8:45 am]

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federal register

Thursday
October 1, 1981

Part VI

Department of Health and Human Services

Health Care Financing Administration

Medicare Program; Inpatient Routine Nursing Salary Cost Differential; Interim Rule

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Inpatient Routine Nursing Salary Cost Differential

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: Because patients age 65 and over are presumed to require more nursing services than the general patient population, the Medicare reimbursement principles currently recognize an inpatient routine nursing salary cost differential for hospitals and skilled nursing facilities (SNFs). This differential is presently set at the rate of 8½ percent. On August 13, 1981, Pub. L. 97–35, the Omnibus Budget Reconciliation Act of 1981, amended section 1861(v)(1) of the Social Security Act, by incorporating the nursing salary cost differential for hospitals specifically into the statute and by limiting the rate for hospitals to no more than 5 percent, beginning October 1, 1981.

We are amending the Medicare regulations to incorporate the legislative amendment for hospitals.

DATES: These regulations are effective October 1, 1981 and are being published in final for reasons described in the Supplementary Information below.

However, we will consider any written comments mailed by November 30, 1981, and revise the regulations, if necessary.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C. or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPP–171–FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., S.W., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if as a result of comments, we believe that changes are needed in these regulations, we will publish the changes in the **Federal Register**, and respond to the comments in the preamble of that document.

FOR FURTHER INFORMATION CONTACT: William Goeller (301) 597–1802.

SUPPLEMENTARY INFORMATION:

Background

Under Part A of the Medicare program (title XVIII of the Social Security Act), hospitals and skilled nursing facilities (SNFs) are reimbursed based on the reasonable cost of health care items and services furnished to beneficiaries. The Medicare rules for calculating reimbursable costs of these providers include an inpatient nursing salary cost differential (42 CFR 405.430). This differential was adopted by the Medicare program on the basis of certain studies that were conducted at the time that indicated that, on the average, elderly patients in an institutional setting require more general routine nursing services than do other patients. The differential is also applied to pediatric and maternity patients, who also are assumed to require a greater amount of routine nursing services than other patients.

The differential is not an add-on to the total routine nursing salary costs incurred by a provider, but rather a reallocation of the actual routine nursing salary costs between aged, pediatric and maternity patients and all other classes of patients.

The effect of the nursing differential is that the Medicare program recognizes a higher than average routine per diem cost for aged, pediatric and maternity patients and a lower than average per diem cost for other classes of patients. (Disabled Medicare beneficiaries are counted in the "all other" category unless they are otherwise pediatric or maternity patients, and the lower than average per diem is applicable to that class of patient.) The total impact of the differential on a particular provider's Medicare reimbursement will vary, depending on the provider's patient mix. If all of the provider's patients were aged, pediatric and maternity, no differential would be applicable.

We originally published regulations in the **Federal Register** on July 2, 1971 (36 FR 12606) to establish the principle of an inpatient routine nursing salary cost differential as an element of reimbursable cost under the Medicare principles of reimbursement. The differential was effective for services furnished beginning July 1, 1969 and we set the rate at 8½ percent.

On May 23, 1975, we amended the regulations (see 40 FR 22540) to terminate payment of the inpatient routine nursing salary cost differential for provider cost reporting periods beginning July 1975. However, on August 1, 1975, the U.S. District Court for the District of Columbia declared the amended regulations invalid. To comply with this decision, we issued instructions to Medicare fiscal intermediaries (Part A Intermediary Letter No. 75–49, September 1975) instructing them to continue payment of the differential in accordance with regulations previously in effect. However, the regulations were not amended to reflect the court's decision.

Statutory Amendment

Section 2141 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) amended section 1861(v)(1) of the Social Security Act by requiring that the Secretary, through regulations, allow an inpatient routine nursing salary cost differential as a reimbursable cost of hospitals, at a rate not to exceed 5 percent. The legislation also requires the differential to be applied under the same methodology as that used in April 1981. The amendments apply to cost reporting periods ending after September 30, 1981. In cases of cost reporting periods that begin before October 1, 1981, the reduced rate is imposed only in proportion to the part of the period that occurs after September, 1981.

The statute also requires the Comptroller General to conduct a study of the extent, if any, to which the average cost of efficiently providing routine inpatient nursing care to Medicare beneficiaries exceeds the average cost of furnishing that care to other patients. The report is due to Congress by February 13, 1982.

Regulatory Provisions

Current regulations at 42 CFR 405.430 indicate that there is a nursing differential of 8½ percent payable for services furnished during specified periods. The regulations cover Medicare institutional providers of services, which include both hospitals and SNFs. Historically, we have uniformly applied the differential to both types of institutions. The legislation establishes a routine nursing salary cost differential for hospitals at a rate not to exceed 5 percent beginning October 1, 1981, but is silent with respect to the application of a nursing salary differential for SNFs. We will, therefore, continue to apply the differential to SNFs at the rate of 8½ percent after September 30, 1981. We are amending the regulations to implement the provisions of the statute as follows:

A Section 405.430(a)—Principle. This paragraph currently states that there is a differential of 8½ percent payable for periods after June 30, 1969, to the provider's first cost reporting period beginning after June 1975. We have changed this paragraph by deleting the reference to June 30, 1969 and to show that for hospitals there is a differential of 8½ percent for inpatient routine nursing services furnished through September 30, 1981, and a differential of 5 percent for inpatient routine nursing services furnished thereafter. We also state in this paragraph that the 8½ percent differential will continue for SNFs.

B Section 405.430(b)(7)—Definition of "Adjusted inpatient routine nursing salary cost". This subparagraph currently gives an explanation and a formula for determining the differential at 8½ percent. We have changed the explanatory material to delete references to specific percentages and have deleted the formula. We do not believe further clarification of the explanation is necessary.

C Section 405.430(c)—Application. We are revising this section to conform to the specific differential percentages in effect and the time periods to which they apply. We are also removing any references to periods prior to June 30, 1969.

D Section 405.430(d) (1), (2) and (3)—Effective dates. We have revised § 405.430(d) in the following manner:

1. In paragraph (d)(1), we have removed references to cost reporting periods beginning prior to July 1, 1969. Also in that paragraph, we have made a technical correction to eliminate the current wording in the paragraph that indicates that the differential no longer applies after June 1975. Further, we have added language to the paragraph that makes it clear that the existing differential rate of 8½ percent will continue to apply to SNFs for periods after September 30, 1981.

2. We are revising paragraphs (d)(2) and (d)(3) to indicate that hospitals with cost reporting periods that straddle October 1, 1981, (the effective date of the 5 percent differential for hospitals) are to calculate the differential for that portion of the period through September 30, 1981, at 8½ percent and to calculate the differential at 5 percent for that portion of the period after that date. The individual calculations are simplified by computing an aggregate nursing differential percentage weighted to reflect the number of months in the cost reporting period where the 8½ percent factor is applicable and the number of months in the period where the 5 percent applies. This weighted percentage is computed as follows:

(Total Months in Cost Reporting period prior to October 1, 1981) × 1.085 + (Total Months in Cost Reporting period after September 30, 1981) × 1.085 ÷ 12 calendar months = Nursing Differential Percentage

The following table will be used to compute the routine nursing salary cost differential for 12-month cost reporting periods beginning before October 1, 1981, and ending on the last day of each of the 12 months after September 30, 1981. We will publish this table in our cost reporting instructions for hospitals. For cost reporting periods ending on a day other than the last day of the month, the table would not be appropriate. The appropriate aggregate percentage can be developed using the above formula and substituting calendar days for calendar months. Also, the table would not be appropriate for cost reporting periods of less than 12 months.

By using the aggregate percentage for the appropriate cost reporting period designated in the table, we can compute the inpatient routine nursing salary cost differential in the same manner as for cost reporting periods that do not straddle October 1, 1981. Accordingly, the appropriate percentage should be substituted for 1.085 shown in the example in 42 CFR 405.430(e)(1).

12-month Cost Reporting Period Ending Date—Nursing Differential Percentage

October 31, 1981—1.082
November 30 1981—1.080
December 31, 1981—1.077
January 31, 1982—1.074
February 28, 1982—1.071
March 31, 1982—1.068
April 30, 1982—1.065
May 31, 1982—1.062
June 30, 1982—1.059
July 31, 1982—1.056
August 31, 1982—1.053
September 30, 1982—1.05

Waiver of Proposed Rulemaking

These amendments are technical in nature and merely implement the clear language of Pub. L. 97–35. They reinstate in regulations an inpatient routine nursing salary cost differential of 8½ percent for hospitals and SNFs for cost reporting periods beginning after June 1975. The amendments also reduce the rate of the inpatient routine nursing salary cost differential to 5 percent for hospitals for services furnished after September 30, 1981. In our view, publishing a notice of proposed rulemaking is unnecessary for the immediate and proper implementation of this provision and would not contribute to the clarification of any issues. Moreover, the statutory language is quite clear in requiring that these changes to the regulations be effective October 1, 1981, and any delay caused by such a notice would not serve the public interest. We therefore find good cause to waive proposed rulemaking procedures. We will, however, consider any comments on this rule that are mailed by the date specified above in the "DATES" section and make any further changes that may be necessary. We also find good cause to waive the delayed effective date for these amendments based on the statutory effective date.

Impact Analyses

Executive Order 12291

The Secretary has determined that these final regulations do not meet the criteria for a "major rule", as defined by section 1(b) of Executive Order 12291.

As stated above, these rules are essentially technical in that we are updating our nursing salary cost differential policy to cover the period after June 1975 and implementing specific provisions of the law, about which we have no discretion, to cover the period beginning October 1, 1981. Because the intent of the Congress in enacting section 2141 of the Omnibus Budget Reconciliation Act of 1981 was to reduce total Medicare program outlays, hospitals will experience a decrease in total Medicare reimbursement. We expect that implementation of the law will result in a decrease in total Medicare reimbursement to hospitals in fiscal year 1982 of about $53 million.

Regulatory Flexibility Analysis

Section 604(a) of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues regulations, which would have a "significant impact on a substantial number of small providers". The analysis is intended to explain what effect the regulatory action by the agency would have on small businesses and other small entities and to develop lower cost or burden alternatives.

As noted above, hospitals, most of which are small entities, will experience some reduction in Medicare reimbursement. However, the reduced reimbursement of $53 million represents only about one tenth of one percent of hospital revenues and can be offset by reallocation of charges to other patients or changes in staffing patterns. Accordingly, we have determined that the impact on hospitals is not "significant" and does not require preparation of a regulatory flexibility analysis.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

42 CFR Part 405, Subpart D is amended as follows:

1. The authority citation for 42 CFR Part 405, Subpart D reads as follows:

Authority: Secs. 1102, 1814(b), 1833(a), 1861(v), and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 79 Stat. 302, 79 Stat. 322, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq., unless otherwise noted.

2. 42 CFR 405.430 is amended by revising paragraphs (a), (b)(7), (c), (d)(1), (2) and (3), and (e)(1) and removing paragraph (e)(3) to read as follows:

§ 405.430 Inpatient routine nursing salary cost differential.

(a) *Principle.* In recognition of the above-average cost of inpatient routine nursing care furnished to aged, pediatric, and maternity patients, an inpatient routine nursing salary cost differential is allowable as a reimbursable cost of a provider. The allowable differential applicable to such inpatient routine nursing salary costs of aged, pediatric, and maternity patients is reimbursable at the rate of 8½ percent for services furnished by hospitals and skilled nursing facilities before October 1, 1981. For services furnished on or after October 1, 1981, the applicable rate will be 8½ percent for skilled nursing facilities and 5 percent for hospitals. Recognition of the differential by the health insurance program is accomplished through an inpatient routine nursing salary cost differential adjustment factor as specified in paragraph (b)(8) of this section.

(b) *Definitions—*

* * * * *

(7) *Adjusted inpatient routine nursing salary cost.* The adjusted inpatient routine nursing salary cost attributable to title XVIII beneficiaries is determined on a per diem basis and is arrived at by dividing (i) total inpatient routine nursing service salary costs for all patients (excluding nursery patients), plus the differential percentages as specified in paragraph (a) of this section by (ii) total inpatient days (excluding nursery days), plus the differential percentages, as specified in paragraph (a) of this section, of aged, pediatric, and maternity days. This quotient is the adjusted average per diem inpatient routine nursing salary (excluding nursery salary) cost.

* * * * *

(c) *Application.* (1) In the determination of health insurance inpatient routine service costs, an inpatient routine nursing salary cost differential applies for aged, pediatric, and maternity patients.

(2) Although the inpatient routine nursing salary cost differential under the health insurance program is established at a rate of 8½ percent for skilled nursing facilities, and 8½ percent for hospitals, through September 30, 1981, and at 5 percent thereafter, the effect of the differential on reimbursement to a particular provider is also a function of the relationship that total aged, pediatric, and maternity patient days of service bears to total patient days of service (excluding nursery days) rendered by that provider.

(d) *Effective dates*—(1) *Cost-reporting periods ending before October 1, 1981.* For cost-reporting periods ending before October 1, 1981, an inpatient routine nursing salary cost differential of 8½ percent is applicable for the reporting period as an element in the computation of a hospital's or skilled nursing facility's reimbursable cost. For cost reporting periods ending after September 30, 1981, an inpatient routine nursing salary cost differential of 8½ percent will continue to apply for skilled nursing facilities for the reporting period as an element in the computation of its reimbursable cost.

(2) *Hospitals with cost reporting periods beginning before October 1, 1981, and ending after September 30, 1981.* For hospitals with cost reporting periods beginning before October 1, 1981, and ending after September 30, 1981, an inpatient routine nursing salary cost differential is applicable as an element in the computation of the hospitals reimbursable cost as follows:

(i) For that portion of the cost reporting period occurring before October 1, 1981, the routine nursing salary cost differential of 8½ percent is applicable.

(ii) For that portion of the cost reporting period occurring after September 30, 1981, a routine nursing salary cost differential of 5 percent is applicable.

For cost reporting periods ending on the last day of a month, a composite nursing differential percentage will be determined based on the number of months in the reporting period occurring prior to October 1, 1981, and the number of months ending after September 30, 1981. For cost reporting periods ending on a day other than on the last day of the month, a composite nursing differential percentage will be determined based on the number of calendar days in the reporting period occurring prior to October 1, 1981 and the number of calendar days ending after September 30, 1981.

(3) *Hospitals with cost reporting periods beginning on or after October 1, 1981.* For hospitals with cost reporting periods beginning on or after October 1, 1981, an inpatient routine nursing salary cost differential of 5 percent is applicable for the reporting period as an element in the computation of the hospital's reimbursable cost.

(e) *Examples*—(1) *Illustration of calculation of differential adjustment factor for a cost-reporting period ending before October 1, 1981.*

Inpatient routine nursing salary costs (excluding nursery costs)	$160,000
Total inpatient days	12,800
Total inpatient days applicable to beneficiaries	3,840
Total aged, pediatric, and maternity days	5,120
Adjusted per diem inpatient routine nursing salary (excluding nursery salary) cost	$13 12

$$\frac{\$160{,}000 \times 1.085}{(12{,}800 \div 5{,}120) + (5{,}120 \times 1.085)}$$

Average per diem routine nursing salary (excluding nursery salary) cost $160,000 ÷ 12,800	- 12 50
Per diem differential adjustment factor	.62
Allowable routine nursing salary cost differential adjustment factor applicable to beneficiaries for the reporting period $0.62 × 3,840	$2.381

(2) *Verification of differential adjustment factor computation as calculated in the illustration in (e)(1) of this section.* Using data in the illustration in (e)(1) of this section the computation of the differential adjustment factor may be verified as follows:

(i) Adjusted per diem inpatient routine nursing salary cost per computation in (e)(1)	$13.12
(ii) Total adjusted inpatient routine nursing salary cost for these patients (5,120 × $13.12)	$67.174.40
(iii) total inpatient routine nursing salary cost for the remainder of the adult patient population ($160,000 − $67,174.40)	$92,825.60
(iv) Per diem inpatient routine nursing salary cost for the remaining adult patient population	$12 09
Total patient days	12,800
Aged, pediatric, and maternity days	−5,120
Remaining adult patient days	7,680

$92,825.60/7,680 = $12.09

(v) Difference between adjusted per diem inpatient routine nursing salary cost and per diem inpatient routine nursing salary cost for the remainder of the adult patient population (i) less (iv)	$1 03
(vi) $1.03÷$12.09=8.5 percent.	
(vii) Average per diem routine nursing salary cost included in basic computation of cost of routine services ($160,000÷12,800)	$12 50
(viii) Inpatient routine nursing salary cost differential adjustment factor to be reimbursed in addition to average per diem routine nursing salary cost ($13.12−$12.50)	$0.62
(ix) Portion of the per diem inpatient routine nursing salary cost differential included in the cost of routine service ($12.50−$12.09)	$0 41

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance Program)

Dated: September 15, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 22, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-28332 Filed 9-30-81; 8:45 am]

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Thursday
October 1, 1981

Part VII

Department of Health and Human Services

Health Care Financing Administration

Medicare and Medicaid Program; Less Than Effective Drugs and Inpatient Hospital Tests

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 441

Medicare and Medicaid Program; Less Than Effective Drugs and Inpatient Hospital Tests

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This rule amends current Medicare and Medicaid regulations to implement two provisions of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). Those provisions are intended to assure that Federal funds are properly expended for drug products and inpatient tests without endangering the quality of care provided Medicare and Medicaid beneficiaries. The amendments pertain to the following subjects:

I. Prohibition of the use of Federal funds under the Medicare Part B and Medicaid programs for drugs that the Food and Drug Administration of HHS has proposed, in a notice of opportunity for hearing, to withdraw from the market because they are less than effective. (Section 2103 of Pub. L. 97–35).

II. Prohibition of the use of Federal funds under the Medicaid program for routine inpatient hospital tests unless they are ordered by the attending physician or other responsible practitioner for purposes of diagnosis and treatment of a patient's specific condition. This prohibition does not apply, however, for inpatient hospital tests furnished in emergency situations. (Section 2164 of Pub. L. 97–35).

EFFECTIVE DATE: October 1, 1981 (see Supplementary Information for further explanation). Although these regulations are being issued in final for reasons described in the Supplementary Information section, we will consider any comments mailed by December 30, 1981, and we will revise the regulations, if necessary.

ADDRESSES: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17073, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPP–176–FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., S.W., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if as a result of comments, we believe that changes are needed in these regulations, we will publish the changes in the **Federal Register** and respond to the comments in the preamble of that document.

FOR FURTHER INFORMATION CONTACT: Henry J. Hehir, 301–594–8561.

SUPPLEMENTARY INFORMATION:

I. Less Than Effective Drugs

A. Background

Both the Medicare program under title XVIII and the Medicaid program under title XIX of the Social Security Act reimburse, under certain circumstances, for drugs provided to eligible individuals. Medicare is authorized, under sections 1812(a), 1832(a), 1861(b)(2), 1861(h)(5), 1861(s)(2) and 1861(t) of the Act, to provide coverage of drugs under Part A (Hospital Insurance) when they are furnished during a Medicare-covered stay in a hospital or skilled nursing facility; and under Part B (Supplementary Medical Insurance) for drugs which cannot be self-administered and are furnished incident to a physician's professional service or in the outpatient department of a hospital. Medicare's regulations implementing these statutory provisions are set forth in 42 CFR 405.116(a), 405.125(a), and 405.231.

Under the Medicaid program, States may reimburse for prescribed drugs as an optional item of service under section 1905(a)(12) of the Act. As specified in regulations at 42 CFR 440.120, drugs must be prescribed by a physician or other licensed practitioner of the healing arts within the scope of his or her professional practice, as defined and limited by Federal and State law. Currently, 51 of the 54 States and jurisdictions with Medicaid programs include coverage of prescribed drugs.

The 1962 amendments to the Federal Food, Drug, and Cosmetic Act (Pub. L. 87–781, October 10, 1962) added the requirement that new drugs, as defined in that Act, section 201(p), 21 U.S.C. 321 (p), be found to have substantial evidence of their effectiveness under the conditions that are prescribed, recommended, or suggested in the proposed labeling, before they can be approved for marketing. Before those amendments, the statute required that new drugs only be found safe, rather than both safe and effective, before marketing. Authority under the new drug provisions of the Federal Food, Drug, and Cosmetic Act has been delegated to the Commissioner of Food and Drugs (21 CFR 5.10).

In addition to new drugs proposed for marketing in the future, the 1962 amendment applied retroactively to all drugs approved as safe by the Food and Drug Administration (FDA) from 1938 to 1962. Because an estimated 4,000 pre-1962 drug products needed to be reviewed for effectiveness, FDA contracted with the National Academy of Sciences, National Research Council (NAS-NRC) on June 16, 1966, to review those drugs and report to FDA findings and recommendations with respect to their effectiveness. NAS-NRC reviewed the drugs and forwarded to FDA for review and an initial determination by that agency as to effectiveness. FDA classified each labeled indication for each drug as: effective, probably effective, possibly effective, or ineffective. The program was named the Drug Efficacy Study Implementation (DESI).

FDA published in the **Federal Register** a notice of the effectiveness rating for each indication of each drug in the DESI program. For those drugs determined to be less than effective, it has been necessary for FDA to review any additional evidence submitted by the manufacturers in support of their therapeutic claims for the drugs. If the Bureau of Drugs, FDA, then decides that a drug product lacks substantial evidence of effectiveness for the conditions it is intended to threat, it publishes in the **Federal Register** a notice of opportunity for hearing (NOOH) on a proposal to withdraw approval for marketing. This notice affords the manufacturer an opportunity for a hearing before a final determination by FDA that a drug lacks substantial evidence of effectiveness for any claim and is no longer approved for marketing. The Commissioner of FDA has redelegated the authority to issue an NOOH to the Director and Deputy Director of the Bureau of Drugs (21 CFR 5.82(a)).

The Drug Amendments of 1962 also made changes in the classification of drug products. Before 1962, section 507 of the Federal Food, Drug, and Cosmetic Act established certification and other procedures for certain specifically named antibiotic drugs determined to be safe and effective. Other antibiotics were regulated, along with nonantibiotics, under section 505 of that Act and were approved on the basis of safety. The 1962 amendments changed this system by making all antibiotics subject to section 507 and allowing those that were switched from section 505 to be certified unless they were determined to lack substantial evidence of effectiveness.

Thus, the DESI review encompassed both new drug products (section 505 drugs) and antibiotics (section 507 drugs). The standards that must be met to show safety and effectiveness apply equally to nonantibiotics and antibiotics, and the procedures for removing both kinds of drugs from the market are similar in that an NOOH is offered.

B. New Legislation

If a determination has been made that a drug is less than effective for all conditons of use and an NOOH to that effect has been published, Congress believes that the drug's use should not be reimbursed under the Medicare Part B and Medicaid programs unless there is a compelling justification for its medical need. Therefore, Congress enacted section 2103 of Pub. L. 97-35, the Omnibus Budget Reconciliation Act of 1981. Section 2103 adds sections 1862(c) and 1903(i)(5) to the Social Security Act.

Section 1862(c) of the Act prohibits payment under Medicare Part B for any drug product (1) that was approved by FDA before October 10, 1962, (2) that is furnished to beneficiaries only upon prescription, (3) that is the subject of an NOOH issued under section 505(e) of the Federal Food, Drug, and Cosmetic Act and published in the **Federal Register** stating that substantial evidence of the effectiveness of the drug product for all its uses is lacking, and (4) for which the Secretary has not determined there is a compelling justification for its medical need.

The prohibition in section 1862(c) of the Act applies both to drug products named in the NOOH and to those that are identical, related, or similar to the drugs named. (A further explanation of these related drugs is provided below under the next caption).

Section 1903(i)(5) of the Act requires that Federal payment under Medicaid not be made for any drug product that is excluded from payment under Medicare Part B because of section 1862(c) of the Act.

C. Provisions of the Regulations

1. *Drugs affected.* Two categories of drugs are affected by these regulations. The first category includes any prescription drug approved by FDA before October 10, 1962, for which FDA has, upon reevaluating it for efficacy, proposed an order to withdraw approval of the drug because of a lack of substantial evidence of its effectiveness.

As specified in the legislation, these regulations apply only to section 505 drugs, including antibiotic-containing drug products originally approved and currently regulated under section 505. Even though the Bureau of Drugs issues NOOHs for section 507 drugs (antibiotics) that are found to lack substantial evidence of effectiveness, Congress did not extend its prohibition on Federal funds to those drugs. For this reason, we are not including section 507 drugs in these regulations. Further, antibiotic drugs approved prior to 1962 under section 507 and later transferred to section 505 are not covered by these regulations. However, we are requesting interested parties to comment on the possibility of including section 507 drugs some time in the future.

The second category of drugs includes other products that are identical, related, or similar to the first category. These products are so-called "me-too" drugs that were marketed under different names or by different firms, without FDA's approval.

An NOOH specifically names only those drug products that are the subject of new drug applications, because it is not feasible for FDA to list identical, related, and similar products that are not explicity subjects of those applications. However, to achieve the purpose for which the statutory requirement for efficacy review was enacted, it is essential that efficacy decisions be applied to all identical, related, or similar drug products. This applicability is described in 21 CFR 310.6. Consequently, FDA applies the same regulatory policy to these drug products even though they are not listed in the **Federal Register** notice. The FDA regulations (21 CFR 310.6(a)) specify that manufacturers and distributors of drugs should review their products as drug efficacy notices are published, and assure that their identical, related, or similar products comply with the drug efficacy notices.

While sections 1862(c) and 1903(i)(5) of the Act prohibit Medicaid and Medicare Part B reimbursement for drugs determined to be less than effective, they also provide for an exception. If, as indicated above, the Secretary determined that there is a compelling justification for a drug's medical need, then the statute allows us to continue reimbursement for that drug regardless of its FDA standing.

Congress did not specify in either the legislation or the conference reports how or when such a determination would be made. FDA has already made a "compelling justification" determination for certain DESI drugs in order to permit their continued marketing while additional testing is conducted in an attempt to demonstrate their effectiveness. These drugs are designated as "paragraph XIV" drugs and were exempted from the timetable established in a court order for removing less than effective drugs from the market (*American Public Health Association* v. *Veneman,* 349 F. Supp. 1331 (D.D.C. 1972)). Drugs were put in paragraph XIV status when FDA determined that there was a compelling justification for the drugs' medical need.

FDA's current procedure is to revoke the paragraph XIV exemption prior to or simultaneously with the issuance of an NOOH. Thus, technically, an NOOH is not issued with respect to a paragraph XIV drug. Rather, the NOOH is issued when the drug is removed from paragraph XIV status. Similarly, if an NOOH had been issued, and thereafter a drug was put in paragraph XIV status, the latter action is considered as revoking the NOOH. Therefore, a drug product is subject to either an NOOH or the paragraph XIV exemption, but not to both at the same time.

One could interpret the legislation as referring to paragraph XIV drugs. Another interpretation is that the determination is not restricted to paragraph XIV drugs, but rather represents a different set of determinations from those made earlier by FDA. The short time frame for implementing section 2103 of Pub. L. 97-35, precluded an opportunity for reviewing all options for determining compelling medical need for the drugs. At this time, these regulations limit any determination made under this section of the Act (1862(c)(1)(D)) to those made by FDA under the paragraph XIV exemption. We are, however, reviewing options and welcome comments on procedures we might use in the future.

2. *Point of termination of Federal reimbursement.* We will terminate Federal reimbursement under the Medicare Part B and Medicaid programs for the affected drugs when FDA has published in the **Federal Register** an NOOH on a proposed order to withdraw approval for a drug because that drug is determined to lack substantial evidence of effectiveness for all conditions of use prescribed, recommended, or suggested in its labeling. If any drug that is the subject of an NOOH is subsequently proven to be effective, the Federal

government will reimburse under Medicare Part B and Medicaid claims that were denied during the period the NOOH was in effect because the drug was determined less than effective.

Although the statute did not specify the length of time between the date the NOOH is published and the date we would no longer reimburse for the affected drug, we believe it would be virtually impossible to inform all interested parties (Medicare contractors, Medicaid State agencies, physicians, pharmacists, medical facilities, and others) of the FDA's action on the same day the NOOH is published. We published a notice of proposed rulemaking (NPRM) in the **Federal Register** on June 5, 1980 (45 FR 37858) that proposed some restrictions in the Medicare and Medicaid policies of reimbursing for less than effective drugs. Comments we received in response to that NPRM indicated that it would be appropriate to allow at least 30 days for notification of interested parties when FDA published a determination in the **Federal Register**. We agree with these comments.

Therefore, although the statutory provision takes effect when the NOOH is published, we will, in the exercise of our enforcement discretion, grant a grace period of 30 days before we terminate reimbursement under this provision. The prohibition on the use of Medicare Part B funds to pay for less than effective drugs furnished to beneficiaries would be enforced with respect to drugs furnished to beneficiaries after the 30th day following the date of publication of the NOOH in the **Federal Register.** Similarly, for Medicaid, the prohibition on Federal financial participation (FFP) would be enforced with respect to drugs purchased by or provided to beneficiaries after the 30th day following the publication of the NOOH.

When an NOOH is published in the **Federal Register**, we will notify Medicare contractors and Medicaid State agencies. We will expect them to forward the information to their providers and suppliers.

We will also distribute and publish in the **Federal Register** a list of all the drugs that have been the subject of an NOOH before the publication date of these regulations. Although this regulation is effective October 1, 1981, we are, in the exercise of our enforcement discretion, allowing a 90-day grace period. Therefore, the prohibition against Federal reimbursement will be enforced for these drugs beginning January 1, 1982. (See discussion below regarding effective date.)

D. Effective Date of the Regulations

These regulations are effective October 1, 1981. However, in the exercise of our enforcement discretion, we are granting a grace period of 90 days during which we will not deny reimbursement for the affected drugs, nor will we audit or disallow Federal funds for any of the affected drugs because they are subject to an NOOH.

We are allowing 90 days in the case of Medicare Part B reimbursement so that Medicare contractors have time to make the necessary system changes and to apply them to the list of drugs subject to NOOHs before October 1. For the Medicaid program, we are allowing 90 days to provide States with sufficient time to make any necessary changes in their claims processing systems to implement these regulations. In addition, it will be necessary for Medicare contractors and Medicaid State agencies to notify their providers and suppliers.

On January 1, 1982, the prohibition on Federal reimbursement will be enforced under Medicare Part B and Medicaid for any drug that was the subject of an NOOH published before December 2, 1981. For any NOOH published on or after December 2, the 30-day rule will apply. For example, Federal reimbursement for expenses incurred for a drug product that is the subject of an NOOH published December 31, 1981, will be denied beginning January 31, 1982.

E. Applicability of Prohibition to Medicare Part A

The new statutory section 1862(c) prohibiting Medicare payments for less than effective drugs contains no reference to Part A of Medicare; its applicability is limited to Medicare Part B. Therefore, we are not extending the prohibition to Part A reimbursement in these regulations.

II. Inpatient Hospital Tests

A. Background

Under the Medicaid program, Federal matching funds are available to the States for inpatient hospital services provided to beneficiaries. This includes, in States that choose the option, inpatient hospital services furnished to persons aged 65 or older in an institution for tuberculosis or mental diseases—section 1905(a) (1) and (14) of the Social Security Act and 42 CFR 440.10 and 440.140.

Inpatient hospital tests are part of the inpatient hospital services provided Medicaid beneficiaries. In Pub. L. 97-35, Congress expressed the belief that many inpatient hospital tests are performed (1) that are not specifically ordered by an attending physician or other responsible practitioner, and (2) that are unrelated to a patient's specific diagnosis or course of treatment. Congress also noted that such tests have unnecessarily increased Medicaid costs (House of Representatives Report 97-158, Vol. II, p. 330).

B. New Legislation

In order to address the concerns noted above, Congress enacted section 2164 of Pub. L. 97-35. That section amended the Medicaid law by adding a new paragraph (i)(6) to section 1903 of the Social Security Act. The amendment prohibits Federal payment for inpatient hospital tests (other than in emergency situations) that have not been specifically ordered by the patient's attending physician or other responsible practitioner. Congress enacted that section because it believes that the amendment will result in cost savings without reducing the quality of care to beneficiaries (H.R. 97-158, Vol. II, p. 331).

C. Provisions of the Regulations

In order to clarify the limits for providing Federal matching funds to States for inpatient hospital tests, we have incorporated the legislative amendment into Medicaid regulations by adding a new section 42 CFR 441.12. That section specifies that Federal funds for inpatient hospital tests are not available unless specifically ordered by a physician or other licensed practitioner, acting within the scope of practice as defined under State law, who is responsible for the diagnosis or treatment of a particular patient's condition. An exception is provided in the case of emergency services.

State Responsibility

It will be up to the States to determine the manner in which they will monitor bills and conduct utilization reviews to assure that these provisions are properly implemented. In our view, the States are fully capable of performing these functions without specific Federal rules. We are available, however, to the States at all times for any assistance and consultation they may need.

Responsible Practitioner

New section 1903(i)(6) of the Social Security Act requires that inpatient tests be ordered by the attending physician or "other responsible practitioner". However, the statute did not define the term "other responsible practitioner" and the House Report (H.R. 97-158) did not address the meaning of that language.

We believe that a "responsible practitioner" is an individual other than an attending physician, acting within the scope of practice as defined by State law, who is responsible for the care or treatment of a particular patient's condition, such as a consultant or intern. This interpretation acknowledges that an individual other than the attending physician might be familiar with the specific needs of the patient, and could order tests for the purpose of diagnosis or treatment of that patient's condition. Therefore, Federal matching funds will be available for State expenditures for hospital tests ordered by a physician or licensed practitioner within the scope of practice as defined under State law.

For the Purpose of Diagnosis or Treatment

As noted above, we are requiring that inpatient tests be ordered by a physician or other licensed practitioner, acting within the scope of practice as defined by State law, who is responsible for the diagnosis or treatment of a particular patient's condition. We believe this requirement is consistent with Congressional intent because the Committee report indicated that the Congress did "not intend this provision to in any way restrict payment for tests and other diagnostic procedures the patient's physician deems necessary for the appropriate treatment of his or her patient." (H.R. 97–158, Vol. II, p. 332) We also believe that the language of our regulations allows the practitioner great flexibility in determining which tests are related to the diagnosis or treatment of the patient. The regulations do not inhibit the practice of medicine or impinge on the practitioner's judgment.

Inpatient tests that are not specifically ordered by the attending physician or other licensed practitioner who is responsible for the diagnosis or treatment of a particular patient's illness or injury would not qualify for Federal matching funds under these regulations. While physicians may have standing orders for certain tests for all their patients, such as following surgery, the test must be specifically ordered for the particular patient. That is, a test ordered routinely without a predetermined need for the test for the particular patient will not qualify for Federal matching funds.

Emergency Services

This amendment to Medicaid law allows one exception to the limits for inpatient testing. That exception applies to emergency situations. Federal matching funds will be available for tests ordered in emergency situations even though they are not specifically ordered by a physician. The exception was included because Congress recognized that, in emergency situations, prompt diagnosis and treatment are necessary.

Current regulations at 42 CFR 440.170(e)(1) define emergency hospital services as those "necessary to prevent the death or serious impairment of the health" of a beneficiary. We are incorporating this definition by reference in the regulations in order to clarify when the general restrictions on payments will not apply to this situation.

D. Effective Date of the Regulations

These regulations are effective October 1, 1981. However, in the exercise of our enforcement discretion, we will grant a grace period of 90 days before we disallow FFP for hospital tests that do not conform to the requirements of these regulations. This grace period is to provide States with sufficient time to implement the regulations, notify providers of changes in the law, and make necessary systems changes. Therefore, the prohibition on Federal funds for routine inpatient hospital tests not ordered by the attending physician or other responsible practitioner will be enforced on January 1, 1982.

III. Waiver of Proposed Rulemaking

We are publishing these regulations in final form without notice of proposed rulemaking procedures. In our view, because the language of the statute is clear, publishing a proposed rule is unnecessary for the proper implementation of these provisions and would not contribute to the clarification of any issues. In addition, to the extent that Federal dollars would be saved by implementation of the limits on inpatient hospital tests, we believe that publication of proposed rulemaking would be contrary to the public interest.

Therefore, we find good cause to waive notice of proposed rulemaking procedures. However, we invite comments from States, Medicare contractors, pharmacists, physicians, and others interested in these regulatory changes, and will make any necessary changes as a result of the comments.

IV. Impact Analysis

Executive Order 12291

We have determined that this final rule does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291. That is, this rule will not have an annual effect on the economy of $100 million or more; or cause a major increase in costs or prices for consumers, government agencies, industry, or a geographic region; or cause significant adverse effects on business or employment.

Although we have no specific estimate on the effect of the less-than-effective drug regulations on Medicare and Medicaid expenditures, we believe it will not be a significant amount. Any savings realized by prohibiting reimbursement for less than effective drugs will most likely be offset by reimbursement made for substitute drug products.

With regard to inpatient hospital tests, the Congressional Budget Office cost estimates (H.R. Report No. 97–158 accompanying H.R. 3982, a precursor to the Omnibus Budget Reconciliation Act of 1981), projected cost savings of $10 million in fiscal year 1982, $14 million in fiscal year 1983, and $17 million in fiscal year 1984 for *two* provisions in the bill: elimination of Federal funds for excess preoperative hospital stays, and for routine administered tests unrelated to diagnosis and treatment. Congress later dropped the provision concerning excess hospital stays. For that reason, the cost savings impact for the provision covered in these regulations would be less than the total impact indicated above. Even the overall estimates given for the two provisions do not place these regulations in the category of a major rule.

Regulatory Flexibility Act

Section 603(a) of Pub. L. 96–354 (The Regulatory Flexibility Act of 1980) requires Federal agencies to prepare and make public a regulatory flexibility analysis when regulations have a significant economic impact on a substantial number of small businesses or small governmental jurisdictions. Because we expect that the economic impact of these regulations is not significant, we believe a regulatory analysis is not required. Therefore, the Secretary certifies, under section 605(b) of Pub. L. 96–354, that this rule will not have a significant economic impact on a substantial number of small entities.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

42 CFR Part 405 is amended as set forth below:

1. The authority citation for Subpart B reads as follows:

Authority: Secs. 1102, 1831–1843, 1861, 1862, 1866, 1871, 49 Stat. 647, as amended, 79 Stat. 301–312, 313, 325, 327, 331; 42 U.S.C. 1302, 1395 et seq.

2. Part 405, Subpart B is amended by revising § 405.232(c) to read as follows:

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§ 405.232 Medical and other health services; conditions, limitations, and exclusions.

In addition to the general exclusions specified in Subpart C of this part, the following conditions, limitations, and exclusions shall apply with respect to the "medical and other health services" specified in § 405.231;

* * * * *

(c) *Drugs and biologicals.* The following items and services are excluded from the term "medical and other health services":

(1) Any drug or biological that can be self-administered, whether furnished by a physician, a provider of services, or other than a provider of services.

(2) Any drug product that meets all of the following conditions:

(i) The drug product was approved by the Food and Drug Administration (FDA) before October 10, 1962.

(ii) The drug product is available only through prescription.

(iii) The drug product was the subject of a notice of opportunity for hearing issued under section 505(e) of the Federal Food, Drug, and Cosmetic Act and published in the Federal Register on a proposed order of FDA to withdraw its approval for the drug product because it has determined that the product is less than effective for all its labeled indications.

(iv) The drug product is presently not subject to a determination by FDA, made under its efficacy review program (see 21 CFR 310.6 for an explanation of this program), that there is a compelling justification of the drug product's medical need.

(3) Any drug product that is identical, related, or similar, as defined in 21 CFR 310.6, to a drug product that meets the conditions of paragraph (c)(2) of this section.

* * * * *

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

Part 441 is amended as set forth below:

1. The table of contents is amended to add new §§ 441.12 and 441.25 to Subpart A as follows:

* * * * *

Sec.
441.12 Inpatient hospital tests.

* * * * *

441.25 Prohibition on FFP for certain prescribed drugs.

* * * * *

Authority.—Sec. 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

2. Section 441.10 is amended by adding new paragraphs (f) and (g) to read as follows:

§ 441.10 Basis.

This subpart is based on the following sections of the Act which state requirements and limits on the services specified or provide Secretarial authority to prescribe regulations relating to services:

* * * * *

(f) Section 1903(i)(5) for certain prescribed drugs (§ 441.25).

(g) Section 1903(i)(6) which prohibits (except in emergency situations) FFP in expenditures for inpatient hospital tests that are not ordered by the attending physician or other licensed practitioner (§ 441.12).

3. A new § 441.12 is added to read as follows:

§ 441.12 Inpatient hospital tests.

Except in an emergency situation (see § 440.170(e)(1) of this chapter for definition), FFP is not available in expenditures for inpatient hospital tests unless the tests are specifically ordered by the attending physician or other licensed practitioner, acting within the scope of practice as defined under State law, who is responsible for the diagnosis or treatment of a particular patient's condition.

4. A new § 441.25 is added to read as follows:

§ 441.25 Prohibition on FFP for certain prescribed drugs.

(a) FFP is not available in expenditures for the purchase or administration of any drug product that meets all of the following conditions:

(1) The drug product was approved by the Food and Drug Administration (FDA) before October 10, 1962.

(2) The drug product is available only through prescription.

(3) The drug product is the subject of a notice of opportunity for hearing issued under section 505(e) of the Federal Food, Drug, and Cosmetic Act and published in the **Federal Register** on a proposed order of FDA to withdraw its approval for the drug product because it has determined that the product is less than effective for all its labeled indications.

(4) The drug product is presently not subject to a determination by FDA, made under its efficacy review program (see 21 CFR 310.6 for an explanation of this program), that there is a compelling justification of the drug product's medical need.

(b) FFP is not available in expenditures for the purchase or administration of any drug product that is identical, related, or similar, as defined in 21 CFR 310.6, to a drug product that meets the conditions of paragraph (a) of this section.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program and No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: September 16, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 24, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-28393 Filed 9-30-81; 8:45 am]

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federal register

Thursday
October 1, 1981

Part VIII

Department of Health and Human Services

Health Care Financing Administration

Medicaid Program; Miscellaneous Medicaid Provisions—Increased State Flexibility

V46/190 OC1 81 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 430, 433, 435, 441, 447, and 456

Medicaid Program; Miscellaneous Medicaid Provisions—Increased State Flexibility

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This rule amends current Medicaid regulations to implement several provisions of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). Those provisions give State agencies increased flexibility in the administration of their Medicaid programs. The following subjects and sections of the law are included in these amendments:

I. Removal of reasonable charge limits that apply to reimbursement for the services of practitioners such as physicians, and for other noninstitutional services and items such as medical supplies and laboratory services (Section 2174);

II. Removal of the requirement for collection of third party payments when the amount of reimbursement that the State expects to recover exceeds the cost of recovery (Section 2182);

III. Permitting physician assistants and nurse practitioners to recertify the need for continued inpatient care for patients in institutions and extending the period of time for recertification from 60 days to 12 months in certain facilities for the mentally retarded or persons with related conditions (section 2183).

In addition, this rule includes technical amendments that add the Northern Mariana Islands to the States and territories participating in the Medicaid program (Section 2162).

EFFECTIVE DATE: October 1, 1981. These regulations are being published in final, for reasons described in the Supplementary Information below. However, we will consider any written comments mailed by December 30, 1981 and will revise the regulations if necessary.

Section 433.139 of these regulations contains reporting requirements subject to the Paperwork Reduction Act (Pub. L. 96–511) which have not been approved by the Office of Management and Budget. The reporting is not required until the Office of Management and Budget approval has been obtained. HCFA will publish a notice in the **Federal Register** when approval has been obtained, indicating the effective date of the reporting.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17076, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPP–174–FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., SW., Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202–245–7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if as a result of comments we believe that changes are needed in these regulations, we will publish the changes in the **Federal Register** and respond to the comments in the preamble of that document.

FOR FURTHER INFORMATION CONTACT:

Paul Riesel (for Medicaid reasonable charge limits), 301–597–1843.

Kathy Rama (for flexibility in collection of payments), 301–594–8221.

Robert Wren (for recertification), 301–594–9820.

SUPPLEMENTARY INFORMATION:

I. Removal of Reasonable Charge Limits

A. Background

Before the implementation of Pub. L. 97–35, the Omnibus Budget Reconciliation Act of 1981, a Medicaid agency's reimbursement level for noninstitutional services such as physicians' services, laboratory services, and supplies and equipment (including equipment servicing) could not exceed the reasonable charges established under Medicaid and Medicare. Section 1902(a)(30) of the Social Security Act required that State plans for medical assistance must provide assurance that payments were not in excess of reasonable charges consistent with efficiency, economy, and quality of care. Section 1903(i)(1) of the Act provided that Federal financial participation (FFP) was not made under the Medicaid program to the extent that a Medicaid payment exceeded the charge that was determined to be reasonable under section 1842(b)(3) of the Act. That section addresses charges allowed under the supplementary medical insurance portion (Part B) of the Medicare program. Thus, Medicaid's upper limits for payment were tied to the Medicare reasonable charge.

Specifically, the regulations to implement the former statutory provisions imposed the following rules:

1. For services furnished under both Medicare and Medicaid by practitioners such as physicians, the Medicaid payment could not exceed the lowest of the actual charge (42 CFR 447.341(b)(1)), the applicable Medicare reasonable charge (42 CFR 447.341(b)(2) and 447.342(b)), or the Medicaid agency's own median and prevailing charge calculations (42 CFR 447.341(b)(3) and (d)). The Medicaid agency's own median and prevailing calculations also applied as limits on Medicaid payments for services furnished by practitioners (such as physicians) only under Medicaid (i.e., when there is no applicable Medicare limit).

2. For other noninstitutional services and items that are furnished under both Medicare and Medicaid, and which are subject to the lowest charge level provision under 42 CFR 405.511, the Medicaid payment could not exceed the Medicare lowest charge level limitations (42 CFR 447.351(a) and (b)). The Medicaid agencies were also required to calculate and apply their own lowest charge level limitations (42 CFR 447.351(c)) to services and items subject to the lowest charge level limitation that are furnished only under Medicaid. However, no "Medicaid only" services were designated as being subject to this limitation.

3. For services and items that were neither classified as practitioner services nor as services subject to the lowest charge level limitation, Medicaid could pay no more than (a) the Medicare reasonable charge if they were furnished under both Medicare and Medicaid (42 CFR 447.352(a)); or (b) the Medicaid agency's own customary and prevailing charge calculations if they were furnished only under Medicaid (42 CFR 447.352(b)).

4. For laboratory services performed by outside laboratories but billed by a physician, Medicaid could pay no more than the lower of (a) the laboratory's reasonable charge for the service, or (b) the amount the laboratory charged the physician, when the physician indentified both the laboratory and the amount it charged for that service. When the physician did not identify the laboratory and its charge to the

physician, Medicaid could pay no more than the lowest estimated charge at which the service could have been secured from a laboratory serving the physician's locality (42 CFR 447.342(c), published August 24, 1981, at 46 FR 42669).

Some States have informed us that these requirements created problems for them because—

1. The requirement for States to make and apply their own reasonable charge calculations and to obtain and use Medicare reasonable charge data imposed unjustified administrative costs and burdens on States;

2. Reasonable charge limits have sometimes prevented States from improving access to care by paying higher amounts for services and items that are difficult for Medicaid beneficiaries to obtain; and

3. The Medicare reasonable charges vary from physician to physician, and from locality to locality. Their use as Medicaid payment limitations has resulted in the States being unable to apply a single payment rate Statewide unless that rate is set at or below the lowest Medicare reasonable charge level in the State.

B. New Legislation

Section 2174, Pub. L. 97–35 amended section 1902(a)(30) of the Act to remove the legislative requirements that payments under Medicaid not exceed reasonable charges, and deleted paragraph (1) of section 1903(i) of the Act to remove the legislative requirement that Medicaid use the reasonable charge established by Medicare as the upper limit for reimbursing noninstitutional services.

Congress removed the Medicaid and Medicare reasonable charge levels as a ceiling on Medicaid payments because it was aware of the problems cited above, and in recognition of States' need for flexibility in their Medicaid programs. Congress expects the removal of the administrative burdens imposed on States by the prior law to improve States' administration of their Medicaid programs and to provide States with the flexibility needed to create incentives to improve the availability and utilization of physicians services under Medicaid (House Budget Committee Report, No. 97–158, page 312). With the removal of the reasonable charge limits, States can structure their payment levels to fit their specific needs.

C. Provisions of the Regulations

We are making the technical changes in the Medicaid regulations needed to remove all references to reasonable charge limits for noninstitutional services under Medicaid, except for certain laboratory services, as explained below. Therefore, we are revising 42 CFR 447.200, adding a new subpart D to 42 CFR Part 447, containing revisions to §§ 447.250, and 447.342, and deleting §§ 447.341, 447.351 and 447.352 to reflect the elimination of these limits by Pub. L. 97–35.

We are adding a new § 447.304 to clarify that when primary payment is made by Medicare for services to a beneficiary eligible under both programs, and Medicaid is responsible only for the deductible and coinsurance payments (crossover claims), Medicare upper limits will still generally apply. That is because in the crossover claim situation, most States require that a physician or other provider must accept assignment of the Medicare claim in order to receive payment from Medicaid with respect to deductibles and coinsurance. A person who accepts assignments under Medicare is prohibited from accepting more than the Medicare reasonable charge. Because Congress did not remove the reasonable charge limits on Medicare reimbursement, in this situation, the provider would not be able to accept any additional payment, even if Medicaid were willing to pay more than the Medicare limit.

We are also revising § 447.342, which contains the limits for payment of laboratory services when billed by a physician. The regulations cover two situations: one in which the laboratory services are performed by or under the supervision of a physician, and the other in which the laboratory services are performed by an outside laboratory. By virtue of amending section 1902(a)(30) of the Act to remove the limitation of Medicare reasonable charges, Congress removed that limit with respect to the first situation. However, Congress did not amend section 1902(a)(43) of the Act which specifically provides that payment to physicians for laboratory services performed by an outside laboratory may not exceed the payment authorized under section 1842(h) of the Act (Medicare). Therefore, we are retaining that limitation (see § 447.342(c)).

II. Collection of Third Party Payments

A. Background and Legislation

Under section 1902(a)(25) of the Act, States are required to take reasonable measures to determine the legal liability of third parties to pay for health care and services provided to Medicaid beneficiaries. The States are further required to treat the legal liability of a third party as a resource of the beneficiary and to seek reimbursement from the third party.

Current regulations (42 CFR 433.139) provide that States must seek reimbursement from liable third parties (defined in § 433.136 as "any individual, entity or program * * *") within 30 days after the end of the month in which the State makes a payment to a provider of health care services if the State chooses to pay the provider before seeking reimbursement from the third party. If the State learns of the existence of a liable third party after it has paid a claim, the regulations require the State to seek reimbursement from the third party within 30 days after the end of the month in which it learned of the existence of the liable third party.

In section 2182 of the Omnibus Budget Reconciliation Act of 1981, Congress amended section 1902(a)(25) of the Act to provide that third party liabilities are not to be collected by States if the amount of reimbursement a State can reasonably be expected to recover is less than the cost to the State of the recovery. The provision is intended to correct situations in which States are obligated by law to pursue claims against liable third parties even if those efforts are not cost effective. Cost-ineffective recovery attempts are also inconsistent with the general requirements for proper administration that are contained in section 1902(a)(4) of the Act.

B. Provisions of the Regulations

We are amending 42 CFR 433.139 to state that, in any case in which a State is obligated to seek reimbursement from a liable third party, it may suspend or terminate the effort if the amount it can reasonably expect to recover is less than the cost of the recovery. We are not specifying a Federal standard regarding the amount for which the State should forego collection efforts. Rather, we are leaving that to the discretion of each state. However, we are requiring that the State plan specify the threshold amount (or other guideline) the State uses for this determination, or describe the process by which the determination is made, and that the plan specify the dollar amount or time period the State uses to accumulate billings from a particular liable third party for this purpose.

III. Recertification—Physician Assistants and Nurse Practitioners

A. Background

States are required, under their Medicaid State plan, to have methods and procedures to assure the proper utilization of care and services. (See section 1902(a)(30) of the Act.) If a State does not make a satisfactory showing to the Secretary that it has such a utilization program in operation for inpatient services in hosptials (including institutions for tuberculosis and hospitals for mental diseases), skilled nursing facilities and intermediate care facilities, Federal matching funds in expenditures for long-stay inpatient services are decreased. (See section 1903 (g)(1) and (g)(5) of the Act.)

A satisfactory showing by the State must include a physician certification of the need for inpatient services at the time of admission (or at the time the individual applies for medical assistance, if later), and recertification of that need at least every 60 days thereafter during the patient's stay. The physician certification and recertification requirement is based on the concept that the physician is a key figure in determining appropriate utilization of health services. It is a physician who decides whether an individual should be admitted for inpatient services, orders tests, drugs and treatment, and determines the length of stay in an inpatient facility.

B. New Legislation

Section 2183 of Pub. L. 97–35, amends section 1903(g)(1)(A) of the Act to allow physician assistants and nurse practitioners, under the supervision of a physician, to recertify the continued need for inpatient services. It also extends the period of time for recertification of care for patients receiving services in public institutions for the mentally retarded or persons with related conditions (ICF/MR) from once every 60 days to once every 12 months.

Although Congress agrees that it is necessary that a physician perform the initial certification to insure the most accurate diagnosis and plan of care, it finds that physician assistants and nurse practitioners, under the supervision of physicians, are well qualified to perform the recertification of the patient's need for continued inpatient care. Those professionals have the proper basic skills needed to perform the many tasks involved in recertification and can be trained in any additional skills that are required.

As to the 12-month period for recertification for a patient in a public institution for the mentally retarded (ICF/MR), Congress believes that the longer recertification period is reasonable and appropriate in view of the likelihood that the patient's condition will change slowly over an extended period of time. (H.R. Report 97–158, Vol. II, page 333) (The amendment Congress made applies only to public institutions for the mentally retarded and not to private institutions. Because the amendment refers to section 1905(d) of the Act, which pertains only to public ICF/MRs, the legislation gives us no authority to extend the recertification period with respect to private institutions. Although it is unclear why Congress chose to limit this portion of the amendment to public institutions, the latest data available for ICF/MRs indicate that, as of June 30, 1979, 97,503 patients were receiving ICF/MR care in public institutions and 18,272 were receiving such care in private institutions. Thus, relatively few ICF/MR patients would be unaffected by the change in recertification period.)

Congress emphasized that this provision in no way indicates that one year is the appropriate length of stay for a person in an ICF/MR. The appropriate length of stay for a patient in an ICF/MR is left to the judgment of the professional staff responsible for the patient's plan of care and rehabilitation. Congress considered this amendment an effective way of reducing costs while maintaining quality of care. (H.R. Report 97–158, Vol. II, Page 334)

C. Provisions of the Regulations

Section 2183 of Pub. L. 97–35 states that recertification of the need for continued inpatient services may be performed by a physician assistant or nurse practitioner under the supervision of a physician, and that the recertification period in a public institution that is an ICF/MR must at least once every 12 months.

Physician Assistant and Nurse Practitioner.—"Physician assistant" and "nurse practitioner" are currently defined in Medicaid rural health clinic regulations at 42 CFR 481.2. Those definitions have served us well in the rural health clinic setting. In addition, the use of established definitions will assure the consistency of Federal standards within the Medicaid program. Therefore, we have cross-referenced the current definitions in these regulations to the definitions of physician assistant and nurse practitioner in 42 CFR 481.2.

We are also requiring that the recertification of inpatient services by physician assistants and nurse practitioners be within the scope of their practice as defined under State law. Although the provision is not expressly stated in section 2183 of the Omnibus Budget Reconciliation Act of 1981, it is cited in both the House Report of the Committee on the budget which accompanied H.R. 3982 (a precursor to Pub. L. 97–35) and the Conference Report. (See H.R. Report 97–158, Vol. II, Report of the Committee on the Budget, page 333 and the Omnibus Budget Reconciliation Act of 1981 Conference Report, page 969) Thus, we believe this added requirement to be the intent of Congress.

Under the Supervision of a Physician.—We do not believe that Congress intended that the physician necessarily be on the premises, or provide over-the-shoulder supervision of the physician assistant or nurse practitioner as those individuals perform the tasks involved in recertifying the need for inpatient care. That is because Congress expressed its confidence in the qualifications of those individuals in the recertification process. Therefore, our regulations do not require "direct" supervision. We believe that Congress intended the physician supervision of physician assistants and nurse practitioners involved in the recertification process to be general in nature, to free the physician to perform those procedures that require the skills of his or her profession.

In many cases, the attending physician would be the supervising physician. However, where that is not the case, and the recommendation (with regard to the need for continued care) of the physician assistant or nurse practitioner differs from that of the attending physician, we believe that it would be reasonable for States to allow the attending physician's judgment to prevail since he or she is legally responsible for the patient's condition.

Recertification in hospitals, SNFs and ICFs.—We have amended 42 CFR 456.60, 456.160, 456.260, and 456.360 to state that physician assistants and nurse practitioners may recertify the need for continued inpatient stays in these institutions.

Recertification in Public Institutions for the Mentally Retarded or Persons with Related Conditions.—We have also amended 42 CFR 456.360 to state that the recertification in these institutions must be made at least once every 12 months.

Other Technical Amendments.—We have also made technical amendments to 42 CFR 441.155, 456.1 and 456.652 to reflect the new flexibility in the law.

IV. Northern Mariana Islands

A. New Legislation

Section 2162 of Pub. L. 97–35 amends section 1101(a)(1) of the Act by adding the Northern Mariana Islands to the list of geographical areas that are included in the term "State" when used in reference to the Medicaid program.

Section 2162 also amends section 1905(b) of the Act by adding the Northern Mariana Islands to the list of the localities entitled to a designiated 50 percent Federal medical assistance percentage.

Thirdly, that section of Pub. L. 97–35 amends section 1108(c) of the Act by increasing the limits on payments under Medicaid to Puerto Rico, the Virgin Islands, and Guam, and by adding a limit on payment for the Northern Mariana Island. Section 1108(c) now specifies that the total amount certified by the Secretary under Medicaid for a fiscal year will not exceed the following amounts:

(1) Puerto Rico—$45,000,000.
(2) Virgin Islands—$1,500,000.
(3) Guam—$1,400,000.
(4) Northern Mariana Islands—$350,000.

This amendment applies to fiscal years beginning with 1982.

B. Provisions of the Regulations

The following are technical changes required to implement section 2162 of Pub. L. 97–35.

We are amending 42 CFR 430.1 by revising the definition of "State" to include the Northern Mariana Islands.

We are also making technical amendments to § 433.10 to state that the Federal medical assistance percentage is set by statute at 50 percent.

We have added a reference to the Northern Mariana Islands to the title of 42 CFR Part 435, Eligibility in the States and District of Columbia, for the following reason. Medicaid eligibility has been closely linked to eligibility for Federal Supplemental Security Income (SSI) payments since the 1972 amendments to the Social Security Act. Guam, Puerto Rico, and the Virgin Islands are ineligible for Federal SSI payments (section 1614(e) of the Act), and their Medicaid eligibility provisions differ from those of the States. Thus, Medicaid eligibility regulations for Guam, Puerto Rico, and the Virgin Islands were placed in a separate Part 436 in the Medicaid Regulations. The Northern Mariana Islands, on the other hand, are eligible for Federal SSI payments effective January 9, 1978, as specified in 20 CFR 416.120(c)(9). Therefore, Medicaid eligibility provisions for the Northern Marianas as well as for the 50 States and the District of Columbia, are those in 42 CFR Part 435.

Waiver of Proposed Rulemaking

These amendments implement the clear language of sections 2162, 2174, 2182 and 2183 of Pub. L. 97–35. Consequently, we are publishing these regulations in final form because the Congress intended to provide States with flexibility in the administration of the Medicaid program effective October 1, 1981.

In our view, publication of a notice of proposed rulemaking for these amendments is unnecessary for the immediate and proper implementation of these provisions, and would not contribute to the clarification of any issues. Moreover, the delay caused by such a notice would not serve the public interest. We therefore find good cause to waive proposed rulemaking procedures. We will however, consider any comments on these regulations that are mailed by the date specified above in the Effective Date section, and make any further changes that may be necessary.

For the reasons cited above, and in order to relieve States of administratively burdensome requirements and to provide them with the flexibility they need to tailor their programs to individual conditions and resources, we find good cause to waive a delayed effective date.

Impact Analysis

Executive Order 12291

The Secretary has determined that these final regulations do not meet the criteria for a "major rule" as defined in section 1(b) of Executive Order 12291.

These rules implement several provisions of Pub. L. 97–35, and are essentially technical in nature. The intent of Congress in enacting these sections was to remove administrative burdens.

Regulatory Flexibility Analysis (RFA)

We certify that a regulatory flexibility analysis is not required under section 604 of the Regulatory Flexibility Act (Pub. L. 96–354).

PART 430—GRANTS TO STATES FOR MEDICAL ASSISTANCE PROGRAMS

42 CFR Chapter IV, Subchapter C is amended as set forth below.

A. Part 430 is amended as follows:

1. The authority citation for Part 430 is revised to read as follows:

Authority: Secs. 1101 and 1102 of the Act (42 U.S.C. 1301 and 1302)

2. Section 430.1 is amended by revising the definition of "State" as follows:

§ 430.1 Definitions.

In this subchapter, unless the context indicates otherwise—

* * * * *

"State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands;

* * * * *

PART 433—STATE FISCAL ADMINISTRATION

B. Part 433 is amended as follows:

1. The authority citation for Part 433 reads as follows:

Authority: Secs. 1102, 1902(a)(4), 1902(a)(25), 1903(d)(2), 1903(o), 1903(p), and 1912 of the Social Security Act (42 U.S.C. 1302(a)(4), 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396k), unless otherwise noted.

2. Section 433.10 is amended by revising paragraph (b) to read as follows:

§ 433.10 Rates of FFP for program services.

* * * * *

(b) *Federal medical assistance percentage (FMAP)*—(1) *Computation.* The FMAP is determined by the formula described in sec. 1905(b) of the Act. Under the formula, if a State's per capita income is equal to the national average per capita income, the Federal share is 55 percent. If a State's per capita income exceeds the national average, the Federal share is lower, with a statutory minimum of 50 percent. If a State's per capita income is lower than the national average, the Federal share is increased, with a statutory maximum of 83 percent. The formula used in determining the State and Federal share is as follows:

State share = (State per capita income)^{2} (National per capita income)^{2} × 45 percent

Federal share = 100 percent minus the State share (with a minimum of 50 percent and a maximum of 83 percent)

The formula provides for squaring both the State and national average per capita incomes; this procedure magnifies any difference between the State's income and the national average. Consequently, Federal matching to lower income States is increased, and Federal matching to higher income States is decreased, within the statutory 50–83 percent limits. The FMAP for Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands is set by statute at 50 percent and is subject to dollar limitations specified in section 1108 of the Act.

* * * * *

3. Section 433.139 is amended by adding a new paragraph (c) to read as follows:

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§ 433.139 Payment of claims.

* * * * *

(c) An agency must suspend or terminate an effort to seek reimbursement from a liable third party if it determines that the effort would not be cost effective because the amount it reasonably expects to recover will be less than the cost of recovery. The State plan must—

(1) (i) Specify the threshold amount or other guideline that the agency uses in determining whether to seek reimbursement from a liable third party; or

(ii) Describe the process by which the agency determines that seeking reimbursement would not be cost effective; and

(2) Specify a dollar amount or period of time for which it will accumulate billings with respect to a particular liable third party, in making the decision whether to seek recovery.

PART 435—ELIGIBILITY IN THE STATES, DISTRICT OF COLUMBIA AND THE NORTHERN MARIANA ISLANDS

C. Part 435 is amended as follows:

1. The authority citation for Part 435 reads as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

2. The title of Part 435 and the introductory language of § 435.2 are amended to read as follows:

PART 435—ELIGIBILITY IN THE STATES, DISTRICT OF COLUMBIA AND THE NORTHERN MARIANA ISLANDS

* * * * *

§ 435.2 Purpose and applicability.

This part sets forth, for the 50 States, the District of Columbia and the Northern Mariana Islands—

* * * * *

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

D. Part 441 is amended as follows:

1. The authority citation for Part 441 reads as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302).

2. Section 441.155 is amended by revising paragraph (d)(1) to read as follows:

§ 441.155 Individual plan of care.

* * * * *

(d) The development and review of the plan of care as specified in this section satisfies the utilization control requirements for—

(1) Recertification under §§ 456.60(b), 456.160(b), 456.260(b), and 456.360(b) of this subchapter; and

* * * * *

PART 447—PAYMENT FOR SERVICES

E. Part 447 is amended as follows:

1. The table of contents for part 447 is amended by designating §§ 447.321 through 447.371 as Subpart D, removing §§ 447.341, 447.351 and 447.352, changing the center headings, and revising § 447.342.

PART 447—PAYMENTS FOR SERVICES

Subpart D—For Other Institutional and Noninstitutional Services

Sec.
447.300 Basis and purpose.
447.302 State plan requirements.
447.304 Adherence to upper limits FFP.

Outpatient Hospital and Clinic Services

447.321 Outpatient hospital services and clinic services: Upper limits of payment.

Other Inpatient and Outpatient Facilities

447.325 Other inpatient and outpatient facility services: Upper limits of payment.

Drugs

447.331 Drugs: Upper limits of payment.
447.332 Cost of drugs.
447.333 Dispensing fee.
447.334 Upper limits for drugs furnished as part of services.

Clinical Laboratory Services

447.342 Physician billing for clinical laboratory services.

Prepaid Capitation Plans

447.361 Prepaid capitation plans: Upper limits of payment.

Rural Health Clinic Services

447.371 Services furnished by rural health clinics.

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

2. Section § 447.200 is revised to read as follows:

§ 447.200 Basis and purpose.

This subpart prescribes State plan requirements for setting payment rates to implement, in part, section 1902(a)(30) of the Act, which requires that payments for services be consistent with efficiency, economy, and quality of care.

3. Sections 477.321, 447.325, 447.331 through 447.334, 447.342, 447.361 and 447.371 are designated as Subpart D. Sections 447.300, 447.302 and 447.304 are added to Subpart D, the heading and paragraph (a) of § 447.342 are revised and § 447.342(b) is removed and reserved, §§ 447.341, 447.351, and 447.352 are removed as follows:

Subpart D—Payment Methods for Other Institutional and Noninstitutional Services

§ 447.300 Basis and purpose.

In this subpart, §§ 447.302 through 447.334 and 447.361 implement section 1902(a)(30) of the Act, which requires that payments be consistent with efficiency, economy and quality of care.

Section 447.342 of this subpart implements section 1902(a)(43) of the Act, which permits the State plan to provide for payment to a physician for laboratory services which the physician did not personally perform or supervise. Section 447.371 implements section 1902(a)(13)(F) of the Act, which requires that the State plan provide for payment for rural health clinic services in accordance with regulations prescribed by the Secretary.

§ 447.302 State plan requirements.

A State plan must provide that the requirements of this subpart are met.

§ 447.304 Adherence to upper limits; FFP.

(a) The Medicaid agency must not pay more than the upper limits described in this subpart.

(b) In the case of payments made under the plan for deductibles and coinsurance payable on an assigned Medicare claim for noninstitutional services, those payments may be made only up to the reasonable charge under Medicare.

(c) FFP is available in expenditures for payments for services that do not exceed the upper limits.

Note.—The Secretary may waive any limitation on reimbursement imposed by Subpart D of this part for experiments conducted under section 402 of Pub. L. 90-428, Incentives for Economy Experimentation, as amended by section 222(b) of Pub. L. 92-603, and under section 222(a) of Pub. L. 92-[illegible].

* * * * *

Clinical Laboratory Services

§ 447.342 Physician billing for clinical laboratory services.

(a) This section applies when a State plan provides for payments to physicians for clinical laboratory services.

(b) [Reserved]

(c) A state plan may provide for payment to a physician who bills for clinical laboratory services performed by an outside laboratory. Under these circumstances, the plan must provide that the agency will not pay the physician more than the amount that would be authorized under Medicare in accordance with § 405.515 (b), (c), and (d) of this chapter.

PART 456—UTILIZATION CONTROL

F. Part 456 is amended as follows.

1. The table of contents is amended by revising the headings for §§ 456.60, 456.160, 456.260, and 456.360 as follows:

PART 456—UTILIZATION CONTROL

* * * * *

Sec.
456.60 Certification and recertification of need for inpatient care.
456.160 Certification and recertification of need for inpatient care.
456.260 Certification and recertification of need for inpatient care.
456.360 Certification and recertification of need for inpatient care.

Authority: Sec. 1102 of the Social Security Act, 49 Stat. 647 (42 U.S.C. 1302).

2. Section 456.1 is amended by revising paragraph (b)(2)(i) to read as follows:

§ 456.1 Basis and purpose of part.

* * * * *

(b) The requirements in this part are based on the following sections of the Act. Table 1 shows the relationship between these sections of the Act and the requirements in this part.

* * * * *

(2) *Penalty for failure to have an effective program to control utilization of institutional services.* * * *

(i) Under section 1903(g)(1)(A), a physician must certify at admission, and a physician (or physician assistant or nurse practitioner under the supervision of a physician) must periodically recertify, the individual's need for inpatient care.

* * * * *

3. Section 456.60 is revised to read as follows:

§ 456.60 Certification and recertification of need for inpatient care.

(a) *Certification.*

(1) A physician must certify for each applicant or recipient that inpatient services in a hospital are or were needed.

(2) The certification must be made at the time of admission or, if an individual applies for assistance while in a hospital, before the Medicaid agency authorizes payment.

(b) *Recertification.*

(1) A physician, or physician assistant or nurse practitioner (as defined in § 481.2 of this chapter) acting within the scope of practice as defined by State law and under the supervision of a physician, must recertify for each applicant or recipient that inpatient services in a hospital are needed.

(2) Recertifications must be made at least every 60 days after certification.

4. Section 456.160 is revised to read as follows:

§ 456.160 Certification and recertification of need for inpatient care.

(a) *Certification.*

(1) A physician must certify for each applicant or recipient that inpatient services in a mental hospital are or were needed.

(2) The certification must be made at the time of admission or, if an individual applies for assistance while in a mental hospital, before the Medicaid agency authorizes payment.

(b) *Recertification.*

(1) A physician, or physician assistant or nurse practitioner (as defined in § 481.2 of this chapter) acting within the scope of practice as defined by State law and under the supervision of a physician, must recertify for each applicant or recipient that inpatient services in a mental hospital are needed.

(2) Recertification must be made at least every 60 days after certification.

5. Section 456.260 is revised to read as follows:

§ 456.260 Certification and recertification of need for inpatient care.

(a) *Certification.*

(1) A physician must certify and recertify for each applicant or recipient that SNF services are or were needed.

(2) The certification must be made at the time of admission or, if an individual applies for assistance while in a SNF, before the Medicaid agency authorizes payment.

(b) *Recertification.*

(1) A physician, or physician assistant or nurse practitioner (as defined in § 481.2 of this chapter) acting within the scope of practice as defined by State law and under the supervision of a physician, must recertify for each applicant or recipient that SNF services are needed.

(2) Recertification must be made at least every 60 days after certification.

6. Section 456.360 is revised to read as follows:

§ 456.360 Certification and recertification of need for inpatient care.

(a) *Certification.*

(1) A physician must certify for each applicant or recipient that ICF services are or were needed.

(2) The certification must be made at the time of admission or, if an individual applies for assistance while in an ICF, before the Medicaid agency authorizes payment.

(b) *Recertification.*

(1) A physician, or physician assistant or nurse practitioner (as defined in § 481.2 of this chapter) acting within the scope of practice as defined by State law and under the supervision of a physician, must recertify for each applicant or recipient that ICF services are needed.

(2) Recertification must be made at least—

(i) Every 12 months after certification in a public institution for the mentally retarded or persons with related conditions; and

(ii) Every 60 days after certification in an ICF other than a public institution for the mentally retarded or persons with related conditions.

7. Section 456.652 is amended by revising paragraph (a)(1) to read as follows:

§ 456.652 Requirements for an effective utilization control program.

(a) *General requirements.* In order to avoid a reduction in FFP, the Medicaid agency must make a satisfactory showing to the Administrator, in each quarter, that it has met the following requirements for each recipient:

(1) Certification and recertification of the need for inpatient care, as specified in §§ 456.60, 456.160, 456.260, 456.360 and 456.481.

* * * * *

(Catalog of Federal Assistance Program No. 13.714, Medical Assistance Program)

Dated: September 15, 1981.

Carolyne K. Davis,
Administrator, Health Care Financing Administration.

Approved: September 22, 1981.

Richard S. Schweiker,
Secretary.

[FR Doc. 81-28334 Filed 9-30-81; 8:45 am]

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October 1, 1981

Part IX

Department of Health and Human Services

Health Care Financing Administration

Professional Standards Review Organizations

V46/190 OC1 81 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 431, 432, 433, 456, 462, 463, 466, 473, 478, and 480

Professional Standards Review; Professional Standards Review Organizations (PSRO)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final regulation with a comment period.

SUMMARY: This interim final rule is required to conform current regulations to certain provisions of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499) and the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). To conform with current statutory authority, this rule makes technical changes to Parts 431, 432, 433, 456, 462, 463, 466, 473, 478, and 480 of Chapter 42 of the Code of Federal Regulations.

The Omnibus Reconciliation Act of 1980 (Pub. L. 96–499) made several adjustments to the PSRO program. In conformance with that Act, this rule changes PSRO membership and advisory group requirements.

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) has further modified the PSRO program. In conformance with that Act, this rule changes the agreement requirements between HCFA and each PSRO. Accordingly, such agreements may be for any period not to exceed 12 months (42 CFR 462.11(a)(2)), and the procedures for termination or non-renewal of the agreement are modified.

The Act (Pub. L. 97–35) also changed the scope and responsibility of the PSRO program. PSROs are no longer required to review care paid for by the Medicaid and Maternal and Child Health and Crippled Children's Services programs (Titles XIX and V of the Social Security Act), but may conduct such review at the option of the individual States. These changes apply to PSROs entering into or renewing their agreement on or after October 1, 1981. A PSRO with a current agreement which was entered into before October 1, 1981 will continue to have responsibility for the review of health care services provided to recipients of the Medicaid or Maternal and Child Health and Crippled Children's Services programs (Titles XIX and V of the Social Security Act) until the next renewal of that agreement or in accordance with instructions in the current grants.

DATES: These regulations are effective on October 1, 1981. Although we are issuing this as an interim final rule for reasons stated in the Supplementary Information, we will consider any comments mailed by November 30, 1981.

Section 431.630 of this regulation contains reporting or recordkeeping requirements which have not been approved by OMB. The reporting and/or recordkeeping referenced in these sections is not required until OMB approval has been obtained. HCFA will publish a further notice in the Federal Register when OMB approves or disapproves these requirements.

ADDRESSES: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17082, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 789, East High Rise Building, 6401 Security Boulevard, Baltimore, Maryland, 21235. In commenting, please refer to HSQ–105–FC. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309–G of the Department's office at 200 Independence Ave., SW., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m., (202) 245–7890.

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, if as a result of comments, we believe that changes are needed in these regulations, we will publish the changes in the Federal Register and respond to public comments in that document.

FOR FURTHER INFORMATION CONTACT:

Geraldine L. Ellis (301) 594–1432
David McNally (for Part 433) (301) 597–1397

SUPPLEMENTARY INFORMATION: Establishment of Professional Standards Review Organizations (PSROs) was mandated by Congress in the 1972 Amendments to the Social Security Act (Pub. L. 92–603). The purpose of the PSRO program was to assure that health care services and items for which payment may be made in whole or in part under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children's Services program (Titles XVIII, XIX, and V of the Act) are medically necessary; conform to appropriate professional standards; and are delivered in the most effective, efficient, and economical manner consistent with quality care.

The Omnibus Reconciliation Act of 1980 (Pub. L. 96–499) made several adjustments to the PSRO program. In conformance with that Act, this rule deletes the requirement that PSROs have formal advisory groups (42 CFR Part 480), allows PSROs to accept as members health care practitioners, other than physicians, who have independent hospital admitting privileges (42 CFR 462.4), and requires advisory groups to Statewide Professional Standard Review Councils to include a registered nurse and a doctor of dental surgery or dental medicine (42 CFR 478.102).

Although the basic purpose of the PSRO program is unchanged, the scope of its review authority has been altered by Section 2113 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). As a result, PSROs are no longer required to perform review of services furnished to Medicaid recipients. States now have the option of contracting with PSROs for the performance of medical or utilization review functions. This allows the individual States the flexibility of determining whether it is to their benefit to contract with a local PSRO for these services or to utilize another method to accomplish the utilization control required by Title XIX. If a State elects to contract with a PSRO, the PSRO is obligated to agree to perform review as long as it is not inconsistent with the PSRO's responsibilities to perform Medicare review. In addition, any State contracting with a PSRO is eligible for Federal Financial Participation (FFP) at the rate of 75 percent for all funds expended by the PSRO for these purposes (42 CFR 433.15), as required by section 1903(a)(3)(C) of the Act (added by section 2113(n)(2) of Pub. L. 97–35). States contracting with review organizations not designated as PSROs under Part B of Title XI of the Act are eligible for FFP at the rate of 50 percent.

To effect these changes, all references to the Medicaid and the Maternal and Child Health and Crippled Children's Services programs (Titles XIX and V of the Social Security Act) as a mandatory review responsibility of the PSRO have been deleted. Similarly, since the PSRO does not have mandatory responsibility for Medicaid review, the requirement for State assessment or State approval of an individual PSRO's plan or performance has been deleted. These changes apply to agreements between HCFA and a PSRO entered into on or after October 1, 1981. A PSRO with a current agreement which was entered into before October 1, 1981 will continue to have responsibility and authority to review health care services provided or proposed to be provided to recipients of the Medicaid and Maternal and Child Health and Crippled Children's Services programs until the next renewal date of that agreement or in accordance with instructions in the current grant.

In addition, the regulations have been amended to require a State, electing to contract with a PSRO, to submit a written amendment to the State plan. This requirement is based on section 1902(a)(4) of the Act, which requires State plans to provide such methods of administration as are found by the Secretary to be necessay for the proper and efficient operation of the plan. Requiring a State plan amendment is necessary to enable HCFA and the State to determine the degree to which the State will be relieved of medical and utilization review responsibility, pursuant to new section 1902(d) of the Act (Section 2113(m) of Pub. L. 97–35), and to enable HCFA and the State to schedule audits of the PSROs. The amendment must specify the specific time period covered by the contract and the services and providers subject to PSRO review. It must also specify that the State agency or HHS will be permitted to audit and inspect PSRO records relative to the contract. These records must be retained by the PSRO in accordance with 45 CFR Part 74. The plan must also specify that the State will monitor and evaluate PSRO performance, in a manner sufficient to assure that the PSRO is adequately fufilling its obligations under the contract. The State plan must identify specifically the types of services being reviewed by the PSRO; that is, hospital services, services in a skilled or intermediate care facility, or other services agreed upon. The State plan should also indicate if the review will be conclusive for payment purposes.

The review to be performed by the PSRO must not be inconsistent with the review conducted by the PSRO of Title XVIII services under its agreement with HCFA and must be sufficient in scope to satisfy the intention of the utilization control provision of the Act, consistent with section 1155(a)(1) of the Act, as amended by section 2113(d)(2) of Pub. L. 97–35. A State may be deemed to have satisfied requirements for utilization control specified in 42 CFR Part 456 with respect to those services or providers the PSRO contracts with the State to review pursuant to section 1902(d) of the Act.

Additionally, section 2111 of Pub. L. 97–35, amending section 1155(e) of the Act, modified the PSRO program regarding delegation of review. In conformance with that Act, this rule allows the PSRO the option of delegating review functions to a hospital review committee but does not require delegation (42 CFR 466.1(a)(2)). Section 2112 of Pub. L. 97–35 also eliminated certain distinctions between conditional and fully designated PSROs with respect to their agreements with HCFA. The regulations concerning the duration, renewal, and termination of agreements and grants, as well as the regulations involving the reevaluation of a PSRO's capability, have been changed to indicate that PSROs will be assessed periodically, that an agreement between the Secretary and a PSRO may not exceed 12 months, and that the agreement can be terminated upon 90 days' notice by the Secretary to the organization. Additionally, the regulations have been amended to indicate that when HCFA determines that a PSRO agreement should be terminated or not renewed, the PSRO, either conditionally or fully designated, will not be entitled to a formal hearing but will be entitled to an informal meeting in accordance with 42 CFR 462.12. If the agreement to be terminated was entered into before August 13, 1981, the date of enactment of Pub. L. 97–35, and involves a fully designated PSRO, the PSRO is entitled to a formal hearing in accordance with current procedures. In all cases, in accordance with section 2112(a)(2)(B) of Pub. L. 97–35, the decision of the Secretary is final and is not subject to judicial review.

42 CFR 432.50 and 433.15 have been revised to delete references to a special rate of FFP for the salary and training of State surveyors. This special rate expired by the terms of the statute and regulations on September 30, 1980.

Waiver of Notice of Proposed Rulemaking

We have determined that good cause exists for publication of this rule without a prior notice and comment period. These changes are necessary to bring 42 CFR, Subchapter D, into conformance with the Social Security Act, and they are nondiscretionary. Since the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499) and the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) mandate the changes, we find good cause to waive the NPRM.

Executive Order Certification

The Secretary has determined, in accordance with Executive Order 12291, that the final rule does not constitute a "major rule" because it will not have an annual economic effect of $100 million or more; result in a major increase in costs or prices for consumers, industries, any governmental agencies, or any geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The major expected effects of this rule are that States will have more flexibility in choosing review methods and that Federal costs will be reduced as inefficent and ineffective PSROs are identified.

Regulatory Flexibility Act

The Secretary certifies, pursuant to Section 605(b) of the Regulatory Flexibility Act, that the regulation in this notice will not have a significant economic impact on a substantial number of small entities including: 1) small businesses as defined under section 3 of the Small Business Act; 2) not-for-profit enterprises independently owned and operated and not dominant in their fields; or 3) governmental jurisdictions serving less than 50,000 persons. The reason for the negative certification is that PSROs are not considered subject to the provisions of the Regulatory Flexibility Act.

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

42 CFR Part 431 is amended as follows:

Section 431.630 is revised as follows:

§ 431.630 Coordination of Medicaid with Professional Standards Review Organizations.

The State plan must provide that the Medicaid agency will comply with provisions of Part 463 of this chapter, relating to the activities of PSROs.

(a) The State plan may provide for the review of Medicaid services by a PSRO designated under Part B of Title XI of the Act. Medicaid requirements for medical and utilization review shall be deemed to be met for those services or providers subject to such contracted review.

(b) The State plan must specify how the contract with the PSRO satisfies the requirements that:

(1) The provisions of paragraphs (a), (b), (c), (g), (h), (i), (m), and (n) of § 431.503 of this subchapter are met;

(2) A monitoring and evaluation plan is in effect by which the State will assure satisfactory performance by the PSRO;

(3) The services and providers subject to PSRO review are identified; and

(4) The review activities performed by the PSRO are not inconsistent with those activities performed for the review of Title XVIII services, including a

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description of whether and to what extent PSRO determinations will be considered conclusive for payment purposes.

PART 432—STATE PERSONNEL ADMINISTRATION

42 CFR Part 432 is amended as follows:

Section 432.50(b) is amended by removing and reserving paragraph (4) as follows:

§ 432.50 FFP: Staffing and training costs.

* * * * *

(b) *Rates of FFP.* * * *

* * * * *

(4) [Reserved]

* * * * *

PART 433—STATE FISCAL ADMINISTRATION

42 CFR Part 433 is amended as follows:

Section 433.15(b) is amended by removing and reserving paragraph (b)(1), redesignating paragraph (b)(6) as (b)(7), and adding new paragraph (b)(6) as follows:

§ 433.15 Rates of FFP for administration.

* * * * *

(b) *Activities and rates* * * * (1) [Reserved]

* * * * *

(6)(i) Funds expended for the performance of medical and utilization review by a Professional Standards Review Organization under a contract entered into under Section 1902(d) of the Act; 75: percent (Section 1903(a)(3) of the Act).

(ii) If a State contracts for medical and utilization review with any individual or organization not designated under Part B of Title XI of the Act, funds expended for such review will be reimbursed as provided in paragraph (b)(7) of this section.

(7) All other activities the Secretary finds necessary for proper and efficient administration of the State plan: 50 percent. (Section 1903(a)(7).) (See also § 455.300 of this subchapter for FFP at 90 percent for State Medicaid fraud control units under section 1903(a)(6).)

PART 456—UTILIZATION CONTROL

42 CFR Part 456 is amended as follows:

Section 456.2 is revised as follows:

§ 456.2 State plan requirements

(a) A State plan must provide that the requirements of this part are met.

(b) These requirements may be met by the State by:

(1) Assuming direct responsibility for assuring that the requirements of this Part are met; or

(2) Deeming, if the State contracts with a PSRO in accordance with § 431.630 of this subchapter.

(c) In accordance with § 431.15 of this subchapter, FFP will be available for expenses incurred in meeting the requirements of this Part.

PART 462—PROFESSIONAL STANDARDS REVIEW

42 CFR Part 462 is amended as follows:

1. The table of contents to Part 462 is amended by revising the title of § 462.11; adding a new § 462.12; and redesignating §§ 462.12 through 462.15 as §§ 462.13 through 462.16 as follows:

Sec.
462.1 Scope and applicability.
462.2 Definitions.
462.3 Eligibility for grants.
462.4 Requirements for designation as a priority PSRO.
462.5 Requirements for designation as an alternate PSRO.
462.6 Application requirements for conditional designation.
462.7 [Reserved]
462.8 Conditional designation as a PSRO.
462.9 [Reserved]
462.10 Limitation on period of conditional designation.
462.11 Duration, renewal and voluntary termination or nonrenewal of grants.
462.12 Involuntary termination or nonrenewal of grants.
462.13 Use of grant funds.
462.14 Publications and copyrights.
462.15 Applicability of 45 CFR Part 74.
462.16 Additional terms and conditions.

Authority. Secs. 1152, 1154, and 1155(f) (2) and (3), Social Security Act, 36 Stat. 1430, 1431, 1432, 1435 (42 U.S.C. 1320c-1, 1320c-3, 1320c-4(f) (2) and (3)); sec. 1102, Social Security Act, 49 Stat. 647 (42 U.S.C. 1302), unles otherwise noted.

2. Section 462.4 is amended by revising paragraphs (a)(3), (a)(5), and (c)(1) to read as follows:

§ 462.4 Requirements for designation as a priority PSRO.

To be eligible for designation as a priority PSRO, an organization must meet the following requirements:

(a) *Composition of the organization.* * * *

(3) Be composed of:

(i) Licensed physicians engaged in the active practice of medicine, surgery, or osteopathy in the PSRO area; and

(ii) If the PSRO chooses, other health care practitioners who have independent admitting privileges and are engaged in the practice of their professions in the PSRO area.

* * * * *

(5) Maintain open membership for all eligible persons who voluntarily choose to become members and so inform the PSRO in writing.

(i) All physicians engaged in the active practice of medicine, surgery or osteopathy in the PSRO area are eligible to become members.

(ii) If the PSRO chooses, other health care practitioners who have independent admitting privileges and are engaged in the practice of their professions in the PSRO area can become members.

* * * * *

(c) *Composition of the governing body.* (1) A majority of the governing body must be members but the governing body may include non-members, such as consumers, health care practitioners other than physicians, and other physicians.

* * * * *

3. Section 462.6 is amended by removing and reserving paragraph (b)(4) and revising paragraph (b)(7)(i) as follows:

§ 462.6 Application requirements for conditional designation.

* * * * *

(b) *Initial application.* An organization not previously designated as a PSRO shall include in its application:

* * * * *

(4) [Reserved]

* * * * *

(7) A plan for insuring administrative coordination of the applicant's activities with:

(i) Medicare fiscal intermediaries, carriers, and HCFA Office of Direct Reimbursement, as provided in part 463 of this chapter; and

* * * * *

4. Section 462.8 is amended by revising paragraph (b)(2) as follows:

§ 462.8 Conditional designation as a PSRO.

* * * * *

(b) HCFA's determination will be based on the following factors:

* * * * *

(2) Comments and recommendations submitted by appropriate Medicare fiscal agents in accordance with the procedures for evaluation of capability contained in § 463.2 of this chapter.

5. Section 462.11 is amended by revising paragraphs (a) and (b) (2) and adding new paragraphs (c) and (d) as follows:

§ 462.11 Duration, renewal, and voluntary termination or nonrenewal of grants.

(a) *Grant period.* The initial grant to a PSRO, whether conditional or fully designated, will be for a term not to exceed 12 months.

(b) *Renewal.* * * *

(2) If HCFA determines that a conditionally designated PSRO has made satisfactory progress in carrying out its formal plan and remains qualified for conditional designation, or that a fully designated PSRO has performed in a satisfactory manner and remains qualified for full designation, it will renew the grant for an additional period not to exceed 12 months, provided it is in the best interest of the Federal government.

(c) *Voluntary termination or nonrenewal.* If a PSRO determines that it does not want to have its grant renewed, if must notify HCFA not later than 90 days before the expiration of its grant. HCFA may permit notice of less than 90 days if it determines that an earlier termination date would not unduly interrupt the system of peer review established by the PSRO nor unduly interfere with the effective and efficient administration of the PSRO program.

(d) *Transfer of records.* If a grant to a PSRO is terminated or is not renewed, the PSRO shall transfer to HCFA or a successor PSRO any information (acquired or developed in carrying out PSRO duties and functions) that is requested by HCFA.

6. Part 462 is amended by redesignating §§ 462.12 through 462.15, as §§ 462.13 through 462.16 and by adding a new § 462.12 to read as follows:

§ 462.12 Involuntary termination or nonrenewal of grants.

(a) *Reevaluation factors.* Periodically, the Secretary will reevaluate a PSRO's capability to perform review functions. He will consider:

(1) The progress of the PSRO in carrying out its formal plan;

(2) Any comments or recommendations submitted by the Medicare fiscal agents; and

(3) Other relevant factors as determined by the Secretary.

(b) *Notice of tentative determination and intended action.* If, after such reevaluation, the Secretary has reason to believe that the PSRO is not performing in a satisfactory manner the duties and functions which it was found capable of performing, he will notify the PSRO of the grounds for this belief and of the action that he proposes to take. This action may include:

(1) Placing restrictions upon the exercise of review responsibility or the performance of certain duties and functions by the PSRO, including revision of the conditional PSRO's phase-in timetable;

(2) Requiring the PSRO to take corrective action, including the acceptance of technical assistance to improve its performance;

(3) Suspending the authority of the conditional PSRO to make conclusive determinations;

(4) Terminating the agreement with the PSRO upon 90 days notice to the PSRO, pursuant to sections 1152(d) and 1154(d) of the Act;

(5) Not renewing the agreement;

(6) Any other action the Secretary may deem appropriate.

(c) *Notice to State and Medicare fiscal agencies.* The Secretary will, as soon as practicable:

(1) Notify the Medicare fiscal agents, affected health care institutions, and the Medicaid State agency (if the PSRO has a contract under Title XI Part B of the Act) of his belief and intended action under paragraph (b) of this section; and

(2) Solicit their comments on the action he proposes to take.

(d) *Informal meeting and decision.* (1) The notice to the PSRO under paragraph (b) of this section shall offer the PSRO an opportunity:

(i) To respond to any comments of the Medicare fiscal agents;

(ii) To submit written material; and

(iii) To meet informally with an official designated by the Secretary to show cause why the action proposed by the Secretary should not be taken.

(2) If the PSRO does not submit written material or request an informal meeting within 30 days after receipt of the Secretary's notice, the Secretary's tentative decision shall become final and he will so notify the PSRO, Medicare fiscal agent(s), affected health care institutions, and Medicaid State agency (if the PSRO has a contract under Title XI Part B of the Act) and state the basis for his decision.

(3) If the PSRO submits written material within 30 days, the Secretary will consider this material prior to making a final decision.

(4) If the PSRO request an informal meeting within 30 days after receipt of the Secretary's notice, a meeting will be scheduled as soon as practicable.

(5) After this meeting, the official designated by the Secretary will render promptly a recommended decision to the Secretary.

(6) The Secretary will adopt, revise or set aside the recommended decision and will notify the PSRO, appropriate agencies and affected health care institutions of his decision, the effective date, and the basis for it.

(e) *Effect of decision of the Secretary.* The decision of the Secretary is final and is not subject to judicial review.

Part 463—Review Responsibility and Authority of Professional Standards Review Organizations (PSRO's)

42 CFR Part 463 is amended as follows:

1. The table of contents to Part 463 is amended by removing § 463.11 from Subpart A, by removing and reserving § 463.27 from Subpart C, and removing and reserving Subpart D.

§ 463.1 [Amended]

Section 463.1 is amended by removing the definitions for "Combined facility," "Intermediate care facility (ICF)," "Intermediate care facility for the mentally retarded (ICF–MR)," "Medicaid State agency," and "Title V State agency."

* * * * *

3. Section 463.2 is amended by removing paragraphs (a) (2), (3), (4), (e) (3) and (4); by removing and reserving paragraphs (b)(2), (c), (d), and (e)(1)(ii); and by revising paragraphs (a) and (e)(2) as follows:

§ 463.2 Evaluation of capability.

(a) *Formal plan.* An organization wishing to be designated as a conditional PSRO shall submit to the Secretary a formal plan detailing the necessary tasks and a phase-in timetable for the orderly assumption and implementation of review responsibility.

* * * * *

(b) *Evaluation by the Secretary.* The Secretary will evaluate the capability of the organization to exercise review responsibility and determine whether to designate it as a conditional PSRO, on the basis of the following factors:

(1) The formal plan, and any modification or amendments submitted by the organization;

(2) [Reserved]

(c) [Reserved]

(d) [Reserved]

(e) *Extension of PSRO review activities.* (1) Once designated, the conditional PSRO shall submit to the Secretary, at least once a year, any modification to the formal plan; and any amendments to extend the PSRO's review activities to:

(i) Skilled nursing facilities, as defined in section 1861(j) of the Act;

(ii) [Reserved]

(iii) Ambulatory care services.

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(2) Paragraphs (a) and (b) of this section (relating to the Secretary's evaluation of an organization's capability to be designated as a conditional PSRO) apply to any amendments to extend a PSRO's review activities to these facilities and services.

4. Section 463.3 is amended by revising paragraphs (b)(2) and (c) to read as follows:

§ 463.3 Notification of designation and capability.

* * * * *

(b) *Review not conclusive for claims payment.* (1) The notification under paragraph (a)(2) of this section may include a time limited authorization for the PSRO to perform review which is not conclusive for purposes of claims payment.

(2) During this time, the Title XVIII requirements regarding utilization review, physician certifications, and State agency surveys and certifications shall be deemed to be satisfied.

(c) *Notice to fiscal and survey agencies.* (1) The Secretary will notify the appropriate State survey agency and the Medicare fiscal agents of the PSRO's approved phase-in timetable at the time of designation.

* * * * *

5. Section 463.4 is amended by revising paragraph (c)(1) to read as follows:

§ 463.4 General requirements

* * * * *

(c) *Public access.* The PSRO shall maintain and make available for public inspection, at its principal business office:

(1) A copy of each MOU (or other administrative procedures) with Medicare fiscal agents; and

(2) A copy of its current approved phase-in timetable.

* * * * *

6. Section 463.5 is revised as follows:

§ 463.5 Coordination with Medicare fiscal agents.

(a) *Procedures for MOUs.* If a Medicaid or Title V State agency or Medicare fiscal agent notifies the PSRO that it wishes a written memorandum of understanding incorporating their administrative procedures:

(1) The SPRO and the fiscal agent shall negotiate in good faith in an effort to reach written agreement.

(2) If they cannot reach agreement, the Secretary will assist them in resolving matters in dispute.

(3) The PSRO is required to incorporate its procedures into an MOU approved by the Secretary, before it may make conclusive determinations for the Medicare program, unless the Secretary finds that the agency or agent has:

(i) Refused to negotiate in good faith or in a timely manner; or

(ii) Insisted on including the MOU provisions which are not consistent with the provisions of the Act.

(4) The MOU shall include procedures for:

(i) Informing Medicare fiscal agents of PSRO approval or disapproval of health care services and items;

(ii) Exchanging data or information;

(iii) Modifying the procedures when additional PSRO review responsibility is authorized by the Secretary; and

(iv) Dealing with any other matters that are necessary for coordination.

(5) [Reserved]

(6) [Reserved]

(b) [Reserved]

(c) *Action by the Secretary.* (1) At least 30 days prior to the timetable date for initial assumption of review responsibility, the PSRO shall submit to the Secretary for approval its MOUs or administrative procedures, including any comments by the agencies or agents.

(2) If the Secretary approves the MOUs or procedures, the PSRO shall follow them.

(3) If the Secretary disapproves the MOUs or procedures, he will:

(i) Notify in writing the PSRO and the appropriate agencies and agents, stating the reasons for disapproval; and

(ii) Require the PSRO to revise its MOUs or procedures and, if necessary, modify its timetable.

(d) *Modification of MOUs.* the MOUs or procedures may be modified, with the Secretary's approval:

(1) Through a revised MOU with the agent(s); or

(2) In the case of procedures, by the PSRO, after providing opportunity for comment by the agencies and agents.

7. Section 463.8 is amended by revising paragraph (c)(1) as follows:

§ 463.8 Notices regarding assumption of responsibility.

* * * * *

(c) *Effect of delay in PSRO's assumption of responsibility.* (1) The activities required under title XVIII of the Act, as specified in Subpart C of this part, shall continue in effect in the institution until the PSRO is able to assume responsibility.

* * * * *

8. Section 463.10 is amended by revising paragraph (a)(1), removing and reserving paragraphs (a)(2) and (b), and removing paragraphs (d), (e), and (f) as follows:

§ 463.10 Monitoring.

(a) *Use of appropriate agencies and agents.* (1) The Secretary will periodically evaluate the review performance of conditional PSRO's. He may arrange to have Medicare fiscal agents or State agencies assist him in monitoring the activities of a conditional PSRO.

(2) [Reserved]

(3) If monitoring is authorized, the PSRO shall take all necessary and appropriate actions to facilitate monitoring activities.

(b) [Reserved]

(c) *Meetings.* (1) If a monitoring agency considers that PSRO performance is not effective, it shall

(i) Notify the PSRO and meet with it to discuss methods for improving effectiveness; and

(ii) Promptly notify the Secretary of any serious problems and of the results of its meeting with the PSRO.

(2) The Secretary may decide to reevaluate the PSRO's capability or take other appropriate action.

§ 463.11 [Removed]

9. Section 463.11 is removed.

10. Section 463.15 is revised to read as follows:

§ 463.15 Basic requirement.

No Federal funds appropriated under Title XVIII of the Act shall be used (directly or indirectly) for the payment of any claim for services or items provided in a health care institution where a PSRO is exercising review responsibility for those services unless the conditions of this subpart are met.

11. Section 463.16 is amended by revising paragraph (c) to read as follows:

§ 463.16 Effect of PSRO action.

* * * * *

(c) *Conclusive effect on payment agencies.* Unless services or items have been disapproved by the PSRO or disapproved under section 1159 of the Act, payment shall not be denied by a Medicare fiscal agent on the grounds that the services:

(1) Were not medically necessary; or

(2) Were not of a quality which meets professionally recognized standards of health care; or

(3) Were provided inappropriately on an inpatient health care facility of a different type.

12. Section 463.17 is revised to read as follows:

§ 463.17 Duration of payment after PSRO disapproval.

In any case in which a PSRO disapproves institutional care provided or proposed to be provided to a Medicare beneficiary:

(a) Payment may be made for the services furnished before the second day after the day on which the provider received notice of the disapproval; or

(b) If the PSRO determines that more time is required in order to arrange post discharge care, payment may be made for the services furnished before the fourth day after the day on which the provider received the notice.

13. Section 463.18 is revised to read as follows:

§ 463.18 Coverage determinations.

Nothing in this part shall be construed as precluding the Secretary, Medicare fiscal agent, in the proper exercise of its duties and functions, from reviewing claims to determine whether they meet the coverage requirements of Title XVIII. (See § 463.26 (b) and (c).)

Subpart C—Correlation of Title XI Functions With Functions Required Under Title XVIII of the Act

14. Part 463, Subpart C is amended by revising the title as set forth above.

15. Section 463.27 is removed and reserved as follows:

§ 463.27 [Reserved]

PART 463, SUBPART D [REMOVED]

16. Part 463, Subpart D is removed in its entirety.

PART 466—PSRO HOSPITAL REVIEW

42 CFR Part 466 is amended as follows:

1. Section 466.1 is amended by revising paragraph (a) as follows:

§ 466.1 Statutory provisions and applicability.

(a) *Statutory provisions.* (1) Section 1155(a) of the Social Security Act requires that each PSRO assume, at the earliest date practicable after designation of a PSRO by HCFA, responsibility for the review of the professional activities of institutional and non-institutional providers and physicians and other health care practitioners in the provision of health care services under the Medicare program. The purpose of PSRO review is to determine whether:

(i) The services and items are or were medically necessary;

(ii) The quality of the services meets professionally recognized standards of health care; and

(iii) Those services and items proposed to be provided on an inpatient basis could, consistent with the provision of appropriate medical care, be effectively provided on an outpatient basis or more economically in an inpatient health care facility of a different type.

* * * * *

(2) Section 1155(e) of the Act allows PSROs to use the services, and accept the findings, of hospital review committees that demonstrate their capacity to carry out review functions in a timely and effective manner and provides that the Secretary may, for good cause, disapprove such acceptance.

* * * * *

2. Section 466.2 is amended by revising the following definition and removing the definition for "Intermediate care facility (ICF)."

§ 466.2 Definitions.

* * * * *

"Federal program patient" means a patient who is or may be eligible to have payment made on his behalf under the Medicare program.

* * * * *

3. Section 466.10 is amended by revising paragraphs (b) and (d) as follows:

§ 466.10 General requirements for concurrent review.

* * * * *

(b) *Basis for determination of appropriateness.* In the case of Medicare beneficiaries, the PSRO must determine whether a particular level of care is appropriate in accordance with the level-of-care provisions in sections 1814 and 1861 of the Act, 42 CFR 405.116, 405.126–405.128a, and pertinent guidelines issued by HCFA.

* * * * *

(d) *Coverage determinations.* Nothing in §§ 466.10 through 466.16 shall be construed as precluding a Medicare intermediary or carrier in the proper exercise of its duties and functions, from:

(1) Reviewing claims to determine whether they meet the pertinent coverage requirements of Medicare; or

(2) Requesting the PSRO to make a retrospective determination regarding the medical necessity and appropriateness of specific health care services in the application of coverage requirements.

* * * * *

4. Section 466.12 is amended by revising paragraph (f)(2) to read as follows:

§ 466.12 Continued stay review.

* * * * *

(f) *PSRO responsibilities.* * * *

(2) The PSRO shall maintain, at its principal business office, and make available to HCFA, fiscal intermediaries, and other interested parties, copies of;

(i) Its physician certification requirements; and

(ii) Its procedures for informing physicians and other appropriate health care practitioners of those requirements.

5. Section 466.16 is amended by removing and reserving paragraph (c) and revising paragraph (e) as follows:

§ 466.16 Notice of adverse determination.

* * * * *

(c) [Reserved]

* * * * *

(e) *Notice to payers.* The PSRO must provide prompt written notice of an adverse determination to the Medicare intermediary of carrier.

* * * * *

6. Section 466.21 is amended by revising paragraph (a)(1) to read follows:

§ 466.21 Reviewer qualifications and participation.

(a) *Staff privileges.* (1) Each person who makes a determination about health care services provided, or proposed to be provided, must have active staff privileges in at least one of the hospitals participating in the Medicare program in the PSRO area.

* * * * *

7. Section 466.32 is amended by revising paragraph (c) to read as follows:

§ 466.32 Details of delegated review plan.

The delegated review plan must include:

* * * * *

(c) A description of the coordination procedures developed with Medicare fiscal agents including the mechanisms for notifying these agents of delegated review determinations that impact on claims payment;

* * * * *

8. Section 466.33 is amended by revising paragraph (b)(2) to read as follows:

§ 466.33 Determination and notice of hospital capability.

* * * * *

(b) *Basis for determination.* In making a determination of capability, the PSRO must use written evaluation factors which have been approved by HCFA. These evaluation factors must measure the capability of the hospital review committee to perform review activities effectively and efficiently. They must include at least:

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(1) The degree to which the proposed organization for review and review mechanisms provides the capability to meet the objectives of the PSRO's approved formal plan;

(2) The adequacy of the hospital's performance in Medicare utilization review activities. In evaluating this factor the PSRO shall consider information;

(i) Obtained from the State survey agency and the appropriate Medicare intermediaries, and

(ii) Obtained through site visits to the hospital;

* * * * *

9. Section 466.38 is amended by revising paragraph (c) to read as follows:

§ 466.38 Monitoring by HCFA.

* * * * *

(c) *Disapproval by HCFA.* HCFA may disapprove a delegation for good cause, after taking into consideration any comments submitted by Medicare fiscal agents regarding:

(1) The appropriateness of delegation of review to a hospital; or

(2) The effectiveness of performance of delegated review functions by that hospital.

* * * * *

10. Section 466.62 is amended by removing paragraph (c)(3) and revising paragraph (d) as follows:

§ 466.62 Reimbursement to delegated hospitals.

* * * * *

(c) *Reimbursement.*

* * * * *

(3) [Reserved]

(d) *PSRO Monitoring.* (1) The PSRO is responsible for monitoring the total cost of delegated review and the delegated review activity to assure the hospital's conformance with the review plan. Payment of the unit cost rate per admission is contingent on the hospital executing the approved review plan. The PSRO may withdraw delegation if the hospital does not perform review consistent with the plan.

(2) The hospital must maintain records, and submit reports regarding its review activities and costs to the PSRO or to HCFA as required by HCFA. Fiscal intermediaries are responsible for audits of review costs for hospitals participating in the Medicare Program.

PART 473—HEARINGS AND APPEALS ON PSRO DETERMINATIONS

42 CFR Part 473 is amended as follows:

Section 473.2 is amended by revising paragraph (a) to read as follows:

§ 473.2 Right to reconsideration, review and hearing.

(a) Any beneficiary who is entitled to benefits under Title XVIII of the Act, or a provider or practitioner who is dissatisfied with a determination, with respect to a claim, made by a Professional Standards Review Organization in carrying out its responsibilities for the review of professional activities in accordance with paragraphs (1) and (2) of section 1155(a) of the Act shall, after being notified of such determination, be entitled to a reconsideration thereof by the Professional Standards Review Organization, and, where the Professional Standards Review Organization reaffirms such determination in a State which has established a Statewide Professional Standards Review Council, and where the matter in controversy is $100 or more, such determination shall, upon the written request of the dissatisfied party, be reviewed by professional members of such Council and, if the Council so determines, revised.

* * * * *

PART 478—STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCILS

42 CFR Part 478 is amended as follows:

1. Section 478.4 is amended by revising paragraph (f)(1) to read as follows:

§ 478.4 Qualifications and selection of Statewide Council members.

* * * * *

(f) *Qualifications of public representatives.* Each public representative shall be:

(1) Knowledgeable by education and/or experience about health care that is provided in the State under Title XVIII of the Act;

* * * * *

2. Section 478.6 is amended by revising paragraphs (c)(2) and (f) as follows:

§ 478.6 Duties and functions.

* * * * *

(c) *Data gathering procedures and operating procedures.* Each Statewide Council shall, at the request of the Secretary or the PSROs, assist in:

* * * * *

(2) Coordinating PSRO data activities in the State with other programs of the Department of Health and Human Services, including Cooperative Health Systems, Health Systems Agencies, and the programs under Title XVIII of the Act.

* * * * *

(f) *Assistance in assuring practitioner and provider compliance.* (1) Each Statewide Council shall help assure compliance with the obligations imposed by section 1160(a) of the Act on practitioners and other providers of health care services for which payment may be made under Title XVIII of the Act.

(2) In order to carry out this responsibility, the Council shall, in accordance with section 1160(c) of the Act:

(i) Use whatever authority or influence it may possess as a professional organization:

(ii) Enlist the support of other professional or governmental organizations;

(iii) Use educational and other appropriate means; and

(iv) Work cooperatively with PSROs in the State.

* * * * *

3. Section 478.102 is amended by revising paragraph (a)(3) to read as follows:

§ 478.102 Membership.

(a) *Composition, terms and qualifications.* * * *

(3) The membership of each Advisory Group shall consist of representatives of health care practitioners (other than physicians of hospitals and of other health care facilities which provide within the State health care services for which payment, in whole or in part, may be made under Title XVIII of the Act and who are knowledgeable about the types of health care services being reviewed in the State. In addition, the membership of each Advisory Group shall meet the following requirements:

(i) *Representatives of health care practitioners (other than physicians).* At least one-half of the members of each Advisory Group shall be representatives of health care practitioners (other than physicians), including at least one registered professional nurse and at least one doctor of dental surgery or dental medicine. For purposes of this subpart, health care practitioners (other than physicians) are those health professionals who do not hold a Doctor of Medicine or Doctor of Osteopathy degree, meet all applicable State or Federal requirements for practice of their profession, and are actively involved in the delivery of patient care or services which are directly or indirectly paid for under Titles V, XVIII and/or XIX of the Act. Each such representative shall practice his or her profession in the State.

(ii) *Representatives of hospitals.* One or more members of each Advisory Group shall be representatives of hospitals. Each such representative shall be actively involved in the administration of or provision of services in a hospital which is located in the State and which has in effect arrangements for reimbursement for services under Title XVIII of the Act.

(iii) *Representatives of other health care facilities.* One or more members of each Advisory Group shall be representatives of health care facilities other than hospitals. At least one such member shall be a representative of a skilled nursing facility (as defined in section 1861(j) of the Act). Each such representative shall be actively involved in the administration of or provision of, services in a health care facility other than a hospital which is located in the State and which has in effect arrangements for reimbursement for services under Title XVIII of the Act.

PART 480—ADVISORY GROUPS TO PSRO's

42 CFR Part 480 is removed.

(Sections 1102, 1152, 1153, 1154, 1155, 1158, 1159, 1162, 1168, 1902, and 1903 of the Social Security Act (42 U.S.C. 1302, 1320c-1, 1320c-2, 1320c-3, 1320c-4, 1320c-7, 1320c-8, 1320c-11, 1320c-17, 1396a, and 1396o))

Catalog of Federal Domestic Assistance Programs No. 13.714—Medical Assistance Programs; 13.773—Medicare Hospital Insurance; 13.774—Medicare Supplementary Medical Insurance.

Dated: September 15, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 22, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-28335 Filed 9-30-81; 8:45 am]

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federal register

Thursday
October 1, 1981

Part X

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment and Instruction of Inmates

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DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 512

Control, Custody, Care, Treatment and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: This document contains a final rule relating to the control, custody, care, treatment, and instruction of inmates. Included is the final rule on Research. The rule requires that a prospective researcher obtain approval from the Director, Bureau of Prisons prior to conducting research within the Bureau of Prisons. A research project must present no more than minimal risk to the subject, and must respect the rights, health, and human dignity of the individuals involved. This document is intended to provide the public with notice of the rule in this area, not just changes from prior policy.

EFFECTIVE DATE: November 1, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is publishing its final rule on Research. This subject was published in the **Federal Register** as a proposed rule January 12, 1979 (at 44 FR 2979 et seq.). Interested persons were invited to submit comments on the proposed rule and public comments were received from various sources. On the basis of these comments and internal staff review of Bureau policies, some changes have been made. Members of the public may submit further comments concerning this rule by writing the previously cited address. These comments will be considered but will receive no further response in the **Federal Register**.

The Bureau of Prisons has determined that this is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments

1. Section 512.10—The final rule is revised to clearly state that prospective researchers must obtain approval prior to conducting research within the Bureau of Prisons.

2. Section 512.11—Section 512.11(a) is expanded to recognize that program audits undertaken by employees for administrative purposes only are not defined as research projects. Section 512.11(d)(2) is new and adds as examples of non-routine proposals research conducted at the Regional Office or at two or more institutions within the same region. Proposed § 512.11(d)(2)–(d)(6) becomes final § 512.11(d)(3)–(d)(7). New subsections (d)(3) and (d)(4) add the language "at least two" as a characteristic of non-routine proposals. The word "Governmental" is added to final § 512.11(d)(4). Final § 512.11(d)(7) adds the word "and" in recognition that both financial and staff support may be required. Section 512.11(f) is expanded to acknowledge that a researcher must meet the qualifications of § 512.12. Section 512.11(g) is reworded but there is no change in substance. Section 512.11(h) is new and adopts a suggestion that the Bureau rule incorporate the Department of Health and Human Services (formerly HEW) definition of "minimal risk".

A comment objected to § 512.11(d)(5), that research projects may involve "follow-up" of an inmate after release from confinement. This is true, and is considered necessary, since such follow-up is often essential to learn of the project's effectiveness.

3. Section 512.12—Section 512.12(b) substitutes the word "project" for "research". Reference to Part 549, Subpart E is deleted from final § 512.12(c). Section 512.12(d) is new and states that the project must present no more than "minimal risk", and requires that the rights, health, and human dignity of individuals be respected. Proposed § 512.12(d)–(h) becomes final § 512.12(e)–(i). Final § 512.12(g) deletes the proposed rule language of "other than Bureau of Prisons research personnel", as only people involved in the research study may have access to this information.

We disagree with a comment that "the qualifications of a researcher noted in § 512.12(d) (proposed) is left undefined". The rule on research specifies controls on both projects and researchers. Subsection (d), now final subsection (e), is one aspect of the rule, and clearly states the expectation that the researcher have academic preparation or expertise in the area of the proposed research. A comment on proposed § 512.12(e), now final subsection (f), that the rule should specify the Bureau's liability for any person participating in a research project fails to recognize that the rule refers only to responsibility of the researcher, not to the responsibility or liability of the Bureau of Prisons. That is a separate issue and we do not agree that the Bureau of Prisons would be liable in all such instances.

4. Section 512.13—Subsection (a) identifies the term "subjects" to include both staff and inmates. The Bureau agrees with a comment that the researcher be required to provide further information on possible risks and discomforts. To this end, subsection (b) now requires that the researcher include a detailed description of all possible risks and discomforts and the likelihood of such occurring.

A commenter misreads § 512.13 as authorizing the Warden to approve research projects. Section 512.14 clearly states that only the Director may approve a research project.

5. Section 512.14—The first paragraph of § 512.14 is new. This paragraph provides further information on the processing of research proposals. The rule specifies that research proposals must be reviewed by at least one research committee, except as provided in new § 512.14(d), at either the institutional, Regional Office, or Central Office level.

A commenter who favored a "review board" (committee) suggested that the committee review various aspects of the proposal, including the risk involved, the scientific merit/necessity of the research, the procedures for selecting subjects, and the qualifications of the researchers. Section 512.13, Content of Research Proposal, is believed to adequately address these concerns. The commenter also suggested that committee membership include persons with no association with the Bureau of Prisons, a prisoner or prisoner rights advocate, and a person qualified to assess the scientific merit of, and need for the research. The commenter referenced Health and Human Services (HHS) guidelines on research. While the Bureau's internal staff instructions provide for such individuals to sit on a research committee, this procedure is not necessary for all research proposals, nor do HHS guidelines always require full committee review. Bureau policy prohibits any research that poses greater than minimal risk. Further, and contrary to the apparent thrust of a comment, the institution (or Regional Office) may not approve any research proposal. The reviewing committee at the institution and/or Regional Office level is not a decision-making body, but is to make recommendations on the merits of the research proposal, in accordance with the Bureau's rule on research. The Director of Research, Central Office, reviews research proposals and any recommendations prior to submission to the Director, Bureau of Prisons. Only the Director, Bureau of Prisons may approve a research proposal.

Proposed § 512.14(a) is deleted. Proposed § 512.14(a)(1) becomes final § 512.14(a) and specifies that routine proposals be first submitted to the research committee at the institutional level. New subsections (a)(1)–(a)(3) identify the responsibility of the Warden, Regional Director, and Director of Research, Central Office, in respect to routine research proposals. Proposed § 512.14(a)(2) is incorporated into final § 512.14(b) and (c) which expands the procedure for submitting and processing non-routine proposals. As revised, non-routine proposals for research conducted at a regional office or at two or more institutions within the same region are first submitted to the appropriate Regional Director, who will determine a review process. All other non-routine proposals are first submitted to the Director of Research, Central Office.

Final § 512.14(d) is new. It authorizes the Director of Research, Central Office to make a recommendation on a research project under an expedited review process. This subsection requires that the project be determined to meet the minimal risk standard, that it neither manipulate the subject's behavior nor involve unusual stress to the subject, that it does not involve a medical procedure, and that it is not of a sensitive nature. This provision adopts the intent of a recent rule (see 46 FR 8389, 8392) of the Department of Health and Human Services, and should allow an opportunity for a more efficient disposition of select proposals. While a committee may not formally review these proposals, internal instructions do provide that the Director of Research keep members of the Central Office Research Committee apprised of proposals considered under the expedited process.

Proposed § 512.14(b), now final § 512.14(e), is expanded to provide that the authority to approve or disapprove a research project may not be delegated. Proposed § 512.14(c), now final § 512.14(f), is revised to require that the Director, Bureau of Prisons notify, in writing, the involved institution(s), region(s), and prospective researcher of the final decision. Internal instructions to staff provide a suggested time frame for reviewing research proposals at each level (three weeks at the institution, two weeks at the Regional Office, and four weeks at the Central Office). Proposed § 512.14(d), now final § 512.14(g), is rewritten and states that staff response, either for approval or disapproval, to a preliminary proposal does not constitute a final decision. Deleted is the more restrictive proposed language stating that approval of a preliminary proposal does not constitute an authorization to conduct the research.

6. Section 512.15—Proposed § 512.19, now final § 512.15, is reworded. The intent is not changed.

7. Section 512.16—Proposed § 512.18, now final § 512.16, is reworded, although the intent is unchanged. Comments both supported and opposed the rule. Those opposed included one person who favored allowing an inmate to receive a mutually agreeable sum of money, and another who favored a more flexible strategy for incentives. A second commenter was concerned that the prohibition on incentives would prevent the conduct of "important and badly needed" correctional research. The Bureau of Prisons does not now believe it is wise to provide any incentives other than soft drinks and snacks given at the test setting. Participation in a research project is voluntary, and is not to be based on incentives. As written, the Bureau rule meets the intent of a Health and Human Services stipulation that incentives not be of such a magnitude as to affect the inmate's ability to clearly consider other aspects of the research.

8. Section 512.17—The final rule restates that the term "employees" includes "consultants". To meet the thrust of a comment, final § 512.17(a) inserts the limiting language "who are conducting authorized research projects." This language, and the deletion of the phrase "other than Bureau of Prisons research personnel" from § 512.12(g) ensures that research information is controlled. We agree, and believe provisions of the rule prohibit a researcher from revealing the identity of particular research subjects without consent of those persons. The revision to § 512.17(a) deletes the need to adopt a suggestion that the informed consent statement be revised to state that information gathered about inmates in the course of the research is available to employees without the inmate's consent. It is not the Bureau's intent to make this information available to all employees. It is to be available only to those involved in the authorized research project. The need for confidentiality of research records is recognized.

We disagree with a comment that objects to any research pertaining to information not available "to the public under the Freedom of Information or Privacy Act". Such a statement unnecessarily limits the conduct of research in worthwhile areas. Nor do we agree that any inmate involved "in research should have access to records which pertain to himself/herself and such research matters." The informed consent statement signed by the subject advises the subject that participation is voluntary. If at any time the subject is unable to receive desired information on the research project, the subject may elect to discontinue involvement in the research project without penalty or prejudice. Section 512.12(h) also requires that the researcher agree to adhere to the applicable provisions of the Privacy Act and regulations pursuant to this Act.

9. Section 512.18—Proposed §512.16 becomes final § 512.18. Proposed § 512.16(b) becomes final §512.18(a). The final rule requires the informed consent statement be in writing. Internal instructions adopt, at least in part, a suggestion that the consent process be composed of both an oral and written component. While both provisions are not mandated, internal instructions require that where a language or literacy problem prevents a person from understanding the informed consent statement, the statement must be read and explained to the subject. The statement itself clearly meets other concerns of the commenter that the person be aware of the opportunity to answer questions and that participation is voluntary.

In § 512.18(a) the word "project" is substituted for "activity". Based on this, the word "activity" is deleted from §512.18(a)(1). Proposed § 512.16(a) is now reflected in final § 512.18(a)(1). The final rule adds the phrase "without penalty or prejudice". Section 512.18(a)(2) is new and adopts a comment that the rule specify that participation in the research project has no effect on the participant's release date and parole eligibility. We see no merit to a suggestion that the rule specify that the U.S. Parole Commission not be informed of the inmate's involvement in any research program. No such notification is ordinarily made; however, occasions might exist; for example, an alleged injury incurred as part of the research participation, which would warrant reference in the inmate's file. We would note that the Parole Commission's presumptive parole concept does not ordinarily consider an inmate's institutional stay in determining a release date. Proposed § 512.16(b)(2)–(b)(6) becomes final § 512.18(a)(3)–(a)(7). Final § 512.18(a)(8) is new and adopts a suggestion that the informed consent statement give a statement of benefits reasonably to be expected. Proposed § 512.16(b)(7)–(b)(9) becomes final § 512.18(a)(9)–(a)(11). Final § 512.18(a)(10) substitutes the phrase "questions about the research project" for "any questions about procedures". Final § 512.18(a)(11) clarifies the proposed rule by specifying that the researcher provide "additional information as needed to describe adequately the nature and risks of the research". We see no need for the informed consent statement to state that an inmate may not receive financial remuneration for participation in a research project. Section 512.16 clearly expresses this intent.

Proposed § 512.16(c) is reworded and becomes final § 512.18(b). Proposed § 512.16(e) and (e)(1) are reworded and become final § 512.18(c) and (c)(1). Section 512.18(c)(2) authorizes the Director of Research, Central Office, to require a signed statement of informed consent upon a determination that the research project or data collection instrument is of a sensitive nature. Deleted is the phrase "if a record is prepared from which a subject is identifiable" (proposed § 512.16(e)(2)). The final rule ensures that an appropriate reviewing official assesses the need for a signed statement of informed consent. Proposed § 512.16(d), now final § 512.18(d), is expanded to require that the individual's signed statement of consent be submitted to the appropriate research committee.

Commenters objected to provisions authorizing different procedures for employees than non-employees in reference to when a signed informed consent statement is required. The commenters favored the same requirements applying to both. Another comment favored the requirement that a signed consent be required only if the research involves more than minimal risk. The Bureau considers its present policy, as revised, sufficient. The determination of whether a proposal entails more than a minimal risk is highly subjective, dependent on the situation and who makes the determination. The different standards for employees as opposed to non-employees acknowledges that the agency exerts a lesser span of control over non-employees and the appropriateness of holding non-employees to a higher standard of documentation.

A commenter suggested that the informed consent statement differentiate between different types of research, for example, between medical and psychological research. The commenter suggests that having to describe the purpose of a questionnaire may negate its research value and that virtually no risk is entailed in administering a questionnaire. While the Bureau might agree there is a difference between types of research, we disagree with the view that the informed consent statement be modified. The individual subject has a right, regardless of the nature of research, to be informed of any research in which the individual is a direct participant.

We disagree with a comment that a signed statement of consent always be obtained. The rule requires the researcher to give a participant a written informed consent statement and proceeds to specify when this must be signed. It is not always necessary to have the signed statement, for example, where the research is limited to responding to a questionnaire. The same commenter advocates that the informed consent statement contain an entry that the inmate waives no rights to seek redress for a potential tort inflicted upon him as a result of the subject's association with the research. Such an entry is not necessary, as the Bureau policy on tort claims clearly states when a tort claim may be filed.

10. Section 512.19—Proposed § 512.15, now final § 512.19, is retitled "Monitoring Approved Research Projects". Final § 512.19(a) clarifies the proposed rule procedure for obtaining approval of any major methodological changes. The rule requires the researcher to notify the appropriate research committee of all planned methodological changes. When this committee determines the change is significant, the committee will be responsible for obtaining written approval of the Director of Research, Central Office prior to authorizing implementation of the change. Final § 512.19 (b) and (c) expands proposed § 512.15 (b) and (c) by identifying committees responsible for monitoring approved research projects and for specifying who is to be notified of violations. Inasmuch as the Bureau of Prisons only authorizes research that poses a minimal risk, there is no significant need to require, as suggested by a comment, that the monitoring committee have a specific composition and expertise. If the reviewing committee has questions or concerns, that committee may refer the issue to the Regional or Central Office for their review. Proposed § 512.15(d), now final § 512.19(d), identifies to whom the phrase "prove detrimental" applies—"to the inmate population, to the staff, or to the orderly operation of the institution".

We disagree with a comment that "monitoring of any research project should be made under the supervision of the Chief Judge of the U.S. District Court's designee as same may violate Rule 30(A) Federal Rules of Civil Procedure". Rule 30(a) refers to an inmate deposition for use in court. Section 512.19 is unrelated to such involvement but discusses monitoring of research and the authority of the Director, Bureau of Prisons to suspend or terminate a research project. Projects are monitored through a research committee, to ensure that interests are represented and that no "substantial rights" of the inmate are infringed.

11. Section 512.20—The final rule requires the researcher to provide the Director of Research, at least once a year, with an original and five copies of a report on the progress of the research. The proposed rule required submission of this report, but did not specify the number of copies. These copies ensure that participating areas are kept officially informed of the status of the research. In a similar respect, the final rule requires copies of the report of findings also be provided to the Regional Research Administrator and the chairperson(s) of research committees at institutions which provided data or assistance.

We consider as impractical a suggestion that the researcher provide each subject with a report of findings. If a participant wishes a copy of the report, a request may be made directly to the researcher or filed under the Freedom of Information Act.

We do not agree with a suggestion that the researcher file immediate reports if a research study results in any injury to a subject, as the phrase "any injury" is overbroad. It is expected that any significant injury will be reported, if not by the researcher, certainly by the injured person.

12. Section 512.21—Section 512.21(a) and (a)(1) is reworded. Final § 512.21(b) requires the researcher to provide six copies, as opposed to "a copy", of the material accepted for publication to the Director of Research. The final rule adopts a comment that the phrase "for informational purposes only" be inserted to clearly express the purpose for submission.

13. Section 512.22—Final § 512.22(a) restates (from § 512.11(b)) that a consultant is considered an employee within the scope of this rule. In response

to comment, the Bureau is aware that scientific journals (not the researcher) hold the copyright when an article is published. To this end, the internal form signed by the researcher is limited to documents which the researcher copyrights. The stipulation that employees may not copyright a work prepared as part of his or her official duties is a requirement mandated by 17 U.S.C. 105, not by the Bureau of Prisons. The Bureau's rule is not intended to prohibit an employee from disseminating information.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 USC 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96 (t), 28 CFR Chapter V is amended as set forth. The effective date of these rules is November 1, 1981.

Dated: September 22, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

1. Subchapter A is amended by adding a new Part 512 to read as follows:

PART 512—RESEARCH

Subpart A—[Reserved]

Subpart B—Research

Sec.
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Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A—[Reserved]

Subpart B—Research

§ 512.10 Purpose and scope.

Prospective researchers must obtain approval as outlined in this rule before conducting research within the Bureau of Prisons. An individual who wishes to conduct a research project within the Bureau of Prisons shall submit a request to the Bureau providing specified information on the proposed research project. The Bureau of Prisons shall consider requests for authorization of routine and non-routine proposals as described in § 512.11(d) and (e).

§ 512.11 Definitions.

(a) For the purpose of this rule, a research project is the systematic collection of information about or from former or present inmates or employees, analysis of the information, and preparation of a report of findings. Routine statistical tabulations and program audits undertaken by employees for administrative purposes only are not defined as research projects.

(b) For the purpose of this rule, an employee is a member of the staff of the Bureau of Prisons or a consultant under contract to the Bureau of Prisons who performs duties in furtherance of an agency function under supervision provided by the Bureau.

(c) For the purpose of this rule, a non-employee is any person not defined as an employee under § 512.11(b).

(d) A non-routine proposal has one or more of the following characteristics.

(1) The proposed research will be conducted at the Central Office.

(2) The proposed research will be conducted at the Regional Office or at two or more institutions within the same region.

(3) Execution of the proposed research requires coordination between at least two regions of the Burearu of Prisons.

(4) Execution of the proposed research requires coordination between at least two divisions within a Governmental Department or between at least two Departments of the Federal Government.

(5) The proposal raises major issues of research policy.

(6) The proposed research involves follow-up of an inmate after release from confinement.

(7) Execution of the proposed research requires sizeable financial and/or staff support from the Bureau of Prisons.

(e) A routine proposal has none of the special characteristics which define a non-routine proposal.

(f) A researcher is a person who has met the qualifications of § 512.12 and has received written approval from the Director, Bureau of Prisons, to conduct a research project within the Bureau of Prisons.

(g) A subject is a current or former inmate or employee of the Bureau of Prisons about or from whom a researcher collects information during the conduct of a research project authorized under this rule.

(h) "Minimal risk" as defined by U.S. Department of Health and Human Services (see 45 CFR 46) means that the risks of harm anticipated in the proposed research are not greater, considering probability and magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or pyschological examinations or tests.

§ 512.12 Requirements for research projects and researchers.

The Director, Bureau of Prisons, may authorize a researcher to conduct a research project, subject to the following conditions:

(a) The project has an adequate research design.

(b) The project will contribute to the advancement of knowledge about corrections.

(c) The project is consistent with the Bureau of Prisons' rule on Medical Experimentation and Pharmaceutical Testing.

(d) The project must present no more than minimal risk, as defined in § 512.11(h), to the subject. The rights, health and human dignity of individuals involved will be respected.

(e) The researcher has academic preparation or experience in the area of study of the proposed research.

(f) The researcher assumes responsibility for actions of a non-employee engaged to participate in the research project.

(g) The researcher agrees not to provide research information which identifies a subject to any person without that subject's prior written consent to release the information.

(h) The researcher agrees to adhere to applicable provisions of the Privacy Act of 1974 and regulations pursuant to this Act.

(i) The researcher who is a non-employee shall sign a statement in which the researcher agrees to adhere to the provisions of this rule.

§ 512.13 Content of research proposal.

In submitting the research proposal, the applicant shall provide the following information:

(a) Summary statement which includes the name(s) and vitae of the researcher(s); the title of the project; an abstract of the project; duration of the project; number of subjects (staff/inmate) required, including amount of time required from each; and an indication of risk or discomfort involved as a result of participation.

(b) Comprehensive statement which includes a detailed description of all possible risks and discomforts and a discussion of the likelihood that these risks and discomforts will actually occur; information on the purpose of the study; methodology to be employed;

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anticipated results; their significance and perceived benefits; resources to be utilized; indication of whether Bureau of Prisons participation and cooperation are needed after completion of project; and appendices of all relevant research materials.

§ 512.14 Processing of proposals.

Except as specified in paragraph (d) of this section, all research proposals will be reviewed by at least one Research Committee at either the institutional, Regional Office, or Central Office level.

(a) Routine proposals are first submitted to the Research Committee at the institutional level.

(1) The Warden shall review the recommendations of the Research Committee, and shall submit institutional recommendations in writing to the appropriate Regional Director.

(2) The Regional Director shall review the recommendations submitted by the institution and shall, in turn, submit recommendations of the Regional Office in writing to the Director of Research in the Central Office.

(3) The Director of Research will coordinate materials for review by the Director of the Bureau of Prisons.

(b) Except as specified in paragraph (c) of this section, non-routine proposals are first submitted to the Director of Research, Central Office. The Director of Research shall determine a review process, to include, at a minimum, review by at least one appropriate Research Committee. The Director of Research shall review Research Committee and other recommendations made and shall submit them in writing to the Director, Bureau of Prisons.

(c) Non-routine proposals for research conducted at a Regional Office or at two or more institutions within the same region are first submitted to the appropriate Regional Director. The Regional Director or designee shall determine a review process, to include, at a minimum, review by a Research Committee and the Regional Research Administrator. The Regional Director shall review recommendations submitted and, in turn, shall submit the recommendations of the Regional Office to the Director of Research, Central Office. The Director of Research shall review recommendations made and shall submit them in writing to the Director, Bureau of Prisons.

(d) The Director of Research, Central Office, may exercise the authority of a required research committee and make a recommendation to the Director, Bureau of Prisons on a research proposal under an expedited review process when in the judgment of the Director of Research, Central Office, the research proposal is determined to meet the minimal risk standard and the research:

(1) Neither manipulates the subject's behavior nor involves stress to the subject;

(2) Does not involve a medical procedure; and

(3) Is not of a sensitive nature.

When the Director of Research, Central Office, determines that an expedited review process is appropriate, he/she shall document in writing the reasons for this determination.

(e) The Director, Bureau of Prisons, has final authority to approve or disapprove all research proposals. This authority may not be delegated.

(f) The Director, Bureau of Prisons shall notify in writing the involved region(s), institution(s), and the prospective researcher of the final decision on a research proposal.

(g) An applicant may submit a preliminary research proposal for review by staff. Staff response to the preliminary proposal does not constitute a final decision.

§ 512.15 Institution rules.

A researcher shall observe the rules of the institution or office in which the research is conducted. Staff of the responsible institution or office shall inform the researcher of the local rules.

§ 512.16 Incentives.

Incentives may be provided, but are restricted to soft drinks and snacks given at the test setting.

§ 512.17 Access to Bureau of Prisons records.

(a) Employees (includes consultants) of the Bureau of Prisons who are conducting authorized research projects shall have access to those records which relate to the subject and are necessary to purpose of the research project without having to obtain the subject's consent.

(b) A non-employee of the Bureau of Prisons is limited in access to information available under the Freedom of Information Act (5 U.S.C. 552).

§ 512.18 Informed consent.

(a) Before commencing a research project requiring participation by staff or inmates, the researcher shall give each participant a written Informed Consent Statement containing the following information:

(1) A statement that participation is completely voluntary and that the participant may withdraw consent and end participation in the project at any time without penalty or prejudice;

(2) A statement that participation in the research project will have no effect on the inmate participant's release date or parole eligibility;

(3) Identification of the researcher(s);

(4) Objectives of the research project;

(5) Procedures to be followed in the conduct of research;

(6) Purpose of each procedure;

(7) Anticipated uses of the results of the research;

(8) A statement of benefits reasonably to be expected;

(9) A declaration concerning discomfort and risk, including a description of anticipated discomfort and risk;

(10) An offer to answer questions about the research project; and

(11) Appropriate additional information as needed to describe adequately the nature and risks of the research.

(b) A researcher who is employee of the Bureau of Prisons shall add to the Informed Consent Statement a statement of the authority under which the research is conducted.

(c) A researcher who is an employee of the Bureau of Prisons shall obtain the subject's signature on the statement of informed consent in each of the following circumstances:

(1) If the activity of the subject requires something other than responding to a questionnaire or interview; or

(2) If the Director of Research determines the research project or data-collection instrument is of a sensitive nature.

(d) A researcher who is a non-employee of the Bureau of Prisons shall obtain the subject's signature on the statement of informed consent prior to initiation of the research activity. The signed statement shall be submitted to the appropriate research committee.

§ 512.19 Monitoring approved research projects.

(a) The researcher shall notify the appropriate Research Committee of all planned methodological changes in a research project. If the Research Committee considers the change to be significant, the Committee shall obtain written approval from the Director of Research, Central Office, prior to authorizing the implementation of the change.

(b) The Institution Research Committee shall monitor all research conducted at the institution and report any violations of research policy to the Warden, the Regional Director, and the Director of Research, Central Office.

(c) The Central Office Research Committee or, where appropriate, a Regional Office Research Committee shall (1) monitor all research projects which are not conducted at an institution, and/or (2) perform a coordinating function for other projects (e.g. research conducted between regions, or Bureau-wide). The Regional or Central Office Research Committee shall report any violations of research policy, through the Director of Research, Central Office, to the Director, Bureau of Prisons.

(d) The Director, Bureau of Prisons, may suspend or terminate a research project if it is believed that the project violates research policy or that its continuation may prove detrimental to the inmate population, to the staff, or to the orderly operation of the institution.

§ 512.20 Reports.

At least once a year, the researcher shall provide the Director of Research, Central Office, with an original and five copies of a report on the progress of the research.

Within 10 days after preparation of the report of findings, the researcher shall distribute at least one copy of the report of findings to each of the following: the Director of Research, Central Office; the Regional Director; the Regional Research Administrator, and the Warden(s) and chairperson(s) of the research committee at institutions which provided data or assistance. The researcher shall include an abstract in the report of findings.

§ 512.21 Publication of results of research project.

(a) A researcher may publish in book form and in professional journals the results of a research project conducted under this rule.

(1) On publication of results, the researcher shall acknowledge the Bureau of Prisons participation in the research project.

(2) The researcher shall expressly disclaim approval or endorsement of the published material as an expression of the policies or views of the Bureau of Prisons.

(b) Prior to publication of the results of a research project conducted under this rule, the researcher shall provide six copies of the material accepted for publication, for informational purposes only, to the Director of Research in the Central Office of the Bureau of Prisons.

§ 512.22 Copyright provisions.

(a) An employee (includes consultant) of the Bureau of Prisons may not copyright a work prepared as a part of his or her official duties.

(b) Subject to a royalty-free, non-exclusive and irrevocable license, which the Bureau of Prisons reserves, to reproduce, publish, and translate and otherwise to use and to authorize others to publish and use such materials, a non-employee may copyright original materials developed as a result of research conducted under this rule.

(c) As a precondition to the conduct of research under this rule, a non-employee shall grant in writing to the Bureau of Prisons a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, translate and otherwise to use and to authorize others to publish and use original materials developed as a result of research conducted under this rule.

[FR Doc. 81-28484 Filed 9-30-81; 8:45 am]

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Thursday
October 1, 1981

Part XI

Department of Health and Human Services

Office of the Secretary

Block Grant Programs; Final Rules on Implementation; Revocation of Categorical Health Grant Regulations; and Changes in Requirements

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Parts 16, 74, and 96

Block Grant Programs

AGENCY: Office of the Secretary, HHS.

ACTION: Interim Final Rules with Comment Period.

SUMMARY: These rules implement seven block grant programs established by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). The block grants replace a large number of programs now administered by the Federal Government, transfer primary responsibility for their administration to the States, and confer substantial discretion on the States as to use of the block grant funds.

DATE: Effective October 1, 1981.

ADDRESS: Comments on these rules should be submitted by November 30, 1981, to: Executive Secretariat, Attn: Charlotte Lewis, Department of Health and Human Services, Room 632–H, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: For information pertaining to the block grants generally, contact: Glenn Kamber, Deputy Executive Secretary (Regulations), Room 631–H, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 245–3160.

For information on particular block grants, contact the following individuals:

Community services and social services:
  Michio Suzuki, Deputy Director, Office of Program Coordination and Review, 200 Independence Avenue SW., Room 306E, Washington, D.C. 20201, (202) 245–7027.
Preventive health and health services:
  For technical assistance: Tom G. Ortiz, Assistant to the Director for Field Activities, Centers for Disease Control, 255 E. Paces Ferry Road NW., Room 2055, Atlanta, Georgia 30333, (404) 329–3850.
  For fiscal and grants management assistance: Leo A. Sanders, Chief, Grants Management Branch, Centers for Disease Control, 255 E. Paces Ferry Road NW., Room 107A, Atlanta, Georgia 30305, (404) 262–6575.
Alcohol and drug abuse and mental health services:
  Richard A. Millstein, Acting Associate Administrator for Program Planning and Coordination, 5600 Fishers Lane, Room 13–C–05, Rockville, Maryland 20857, (301) 443–4564.
Maternal and child health services and primary care:
  James Corrigan, Deputy Director, Bureau of Community Health Services, 5600 Fishers Lane, Room 7–05, Rockville, Maryland 20857, (301) 443–1363.
Low-income home energy assistance:
  Norman Thompson, Deputy Director, Energy Group, Office of Energy Assistance, P.O. Box 23367, L'Enfant Plaza, Washington, D.C. 20024, (202) 245–[illegible].

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) ("the Act") established seven block grant programs to be administered by the Secretary of Health and Human Services:

(1) The community service block grant is established by sections 671–683 of the Act and replaces the following programs now administered by the Community Services Administration under the Economic Opportunity Act of 1964:

Community Action/Local Initiative
Senior Opportunities and Services
Community Food and Nutrition

(2) Section 901 of the Act amends the Public Health Service Act by adding a new Title XIX, which contains three block grants. The preventive health and health services block grant established by section 901 replaces the following categorical grant programs:

Rodent Control
Fluoridation
High Blood Pressure
Health Incentive
Home Health
Emergency Medical Services
Risk Reduction/Health Education
Rape Crisis

(3) The second block grant established by section 901 is the alcohol and drug abuse and mental health services block grant, which replaces the following programs:

Alcoholism State Formula Grants
Alcohol Abuse and Alcoholism Project
  Grants and Contracts
Special Grants for Uniform Alcoholism
  Intoxication and Treatment Act
Drug Abuse State Formula Grants and
  Contracts
Drug Abuse Project Grants
Mental Health Services

(4) The third block grant established by section 901 is the primary care block grant, which replaces the following programs:

Community Health Centers
Primary Care Research and Demonstrations

(5) Section 2192 of the Act amends Title V of the Social Security Act to establish a maternal and child health services block grant. This block grant replaces the following programs:

Maternal and Child Health
Crippled Children Service
SSI Disabled Children
Hemophilia
Sudden Infant Death Syndrome
Lead-Based Paint Poisoning Prevention
Genetic Diseases
Adolescent Pregnancy

(6) Section 2352 of the Act amends Title XX of the Social Security Act to establish a social services block grant.

(7) A low-income home energy assistance program is authorized by sections 2601–2611 of the Act to replace the Home Energy Assistance Act of 1980.

The Secretary has determined that the Department should implement the block grant programs in a manner that is fully consistent with the congressional intent to enlarge the States' ability to control use of the funds involved. Accordingly, to the extent possible, we will not burden the States' administration of the programs with definitions of permissible and prohibited activities, procedural rules, paperwork and recordkeeping requirements, or other regulatory provisions. The States will, for the most part, be subject only to the statutory requirements, and the Department will carry out its functions with due regard for the limited nature of the role that Congress has assigned to us.

Transition to State Operation

Timing of Transition

States are eligible to receive funds under six of the seven block grants beginning October 1, 1981. The exception is the primary care block grant, which does not become effective until October 1, 1982.

Of the six block grants that become operative this year, four are subject to transition provisions that permit a State to initiate operation under the block grants on October 1, 1981, or at the beginning of any subsequent quarter (January 1, April 1, or July 1, 1982). The four block grant programs subject to these transition provisions are community services, preventive health and health services, alcohol and drug abuse and mental health services, and maternal and child health services. During the period that the State is not obtaining funds under the block grants, the Department will administer the existing programs. The transition period is fiscal year 1982 only; the Department has no authority to operate the existing programs replaced by these four block grants after September 30, 1982.

A State must assume operation of a block grant in its entirety. A State may not assume control over only a portion of the block grant while requesting the Department to operate some of the programs that Congress has replaced with that block grant.

The social services and low-income home energy assistance block grants are not subject to the transition provisions in section 1743 of the Act because they do not come within the provisions of section 1741(b) of the Act. That section limits application of the transition provisions to funds that previously went to local governments or other eligible entities and in the future will go directly to the States. Since the social services and low-income home energy assistance funds previously went directly to the States, no transition is provided for. The two programs become effective on October 1, 1981.

In order to receive funds for the quarter beginning October 1, 1981, a State's application and related submission (discussed below) must be received by the Department by September 30, 1981, in the case of the community services, preventive health and health services, and alcohol and drug abuse and mental health services block grants. The Department will promptly review and act on all applications. Section 2194(b)(1) of the Act requires that a State notify the Department by September 15, 1981, of its request for funds under the maternal and child health services block grant if the State desires to begin receiving funds for the quarter beginning October 1, 1981.

The Department has worked extensively with the States to facilitate transition and carry out the congressional intent that the States qualify for the block grant funds as soon as possible. Since passage of the Act, Department program officials have been providing technical assistance to the States so they can meet the deadlines and requirements in the law.

Section 682(b) of the Act requires States to notify the Department prior to October 1, 1981, if they do not intend to seek community services block grant funds for the quarter beginning October 1 but instead desire the Secretary to operate the programs. Similar notice is required 30 days prior to the beginning of each subsequent quarter. If a State does not notify the Department as to whether it desires to obtain block grant funds or to have the Department administer the program during the quarter, we will consider the State to have requested the Department to operate the programs. There is no indication in the Act or its legislative history that Congress intended the programs to terminate if a State failed to notify the Secretary as to its desires, and the Department will therefore continue to operate the programs until otherwise advised by the State.

Policies During Continued Federal Operation

With respect to the four block grants subject to the transition provisions, the Department will operate the programs replaced by each block grant generally in accordance with current policies until a State qualifies for the block grant. Renewal grants may be made to current grantees as their grants expire during the course of fiscal year 1982. If such grants are made, they will ordinarily cover the same period of the grantee's operation as is now the practice (but not to exceed one year) although the amount of the grant will normally be reduced because of the reduced funds available. The 30-day consultation and State review process set forth in Office of Management and Budget Circular A–95 (41 FR 2052) will continue to be used. All awards will be made from FY 1982 funds. Thus, even though a grantee may in the third quarter of FY 1982 be awarded sufficient funds for one year's operation, such funds would not reduce the allotment of FY 1983 funds available to the State. The Department will remain responsible for monitoring and auditing all awards made by it even after the State has begun receiving funds under the block grant involved.

Current regulations governing the programs replaced by the block grants, including regulations published by the Community Services Administration in the **Federal Register** on August 31, 1981 (46 FR 43690) as corrected on September 3, 1981 (46 FR 44189), will remain in effect for the transition period. A document published elsewhere in this issue of the **Federal Register** reduces Federal requirements with respect to some of these programs.

Application Process

Required Submissions

The Act requires a State to make an annual submission to the Secretary with respect to each block grant prior to receiving funds. The Secretary is not prescribing any particular format for the submission or elaborating its contents beyond what is specified in the Act. Each State should simply insure that its submission satisfies the statutory requirements.

For all but one of the block grants, the submission consists of an application containing specified assurances and (for the community services and low-income home energy assistance block grants) a plan describing how the State will carry out the assurances or (for the health-related block grants) a description of the intended uses of the funds. The social services block grant requires only a report on intended uses of the funds. The Department will review the submissions to determine that they are complete and in accordance with statutory requirements. Funds will be made available to any State filing a complete submission.

Section 1742(a) of the Act requires the States to prepare an annual report on the proposed use of three block grant funds that contains certain specified information. We interpret this section as identifying information that a State is to include in the plan required to be submitted with respect to the community services block grant and in the description of the intended uses of funds required with respect to the preventive health and health services and alcohol and drug abuse and mental health services block grants.

Public Participation

The Act requires the States to subject the various plans and descriptions of intended uses to public comment. The manner in which a State obtains public comment is at the State's discretion so long as statutory requirements are met. Public comment must be obtained before the plan or description is made final.

The Act also requires the States to conduct public hearings on the proposed use and distribution of funds under the community services, preventive health and health services, alcohol and drug abuse and mental health services, primary care, and low-income home energy assistance block grants. The hearings must be conducted by the State legislature, except that the hearings with respect to the low-income home energy assistance block grant may be conducted by any unit of the State government. The manner in which these hearings are conducted is in the State's discretion so long as statutory requirements are met.

No hearings are required for a State to receive its first year's allotments. Although section 1742(c) of the Act establishes a general requirement for public hearings during the first year for block grants, that provision is superseded by the specific provisions elsewhere in the Act exempting the first year from the requirement for a public hearing.

Funding Information

Allotments to States

The Department will determine the amount of funds to be allocated as block grants to each State in accordance with the formulas established in the Act. The Office of Management and Budget (OMB) has authority to apportion to the Department through the course of a year

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the congressional appropriation for the block grants. Consistent with OMB's apportionment of funds, the Department will assign allotments to the States through individual awards or a series of awards.

During the fiscal year beginning October 1, 1981, a special procedure will be followed. The size of the State allotments for this coming fiscal year cannot now be determined with certainty for several of the block grants because the allocation formulas are based on the amount of funds awarded for fiscal year 1981, which ends September 30, 1981. Thus, the correct amount of the allotments cannot be determined until after the end of the current fiscal year. Accordingly, on October 1, 1981, the Department may award each State that has qualified for a block grant a portion of its estimated total allotment under that block grant. After the precise allotments have been determined, a revision in the award would be made.

If a State does not assume operation of a block grant on October 1, 1981, but instead qualifies for the block grant at the beginning of a subsequent quarter, the amount of its allotment for fiscal year 1982 will be reduced. Any grants or contracts made in the State by the Department during the period of Federal administration will be taken from the State's allotment and will reduce the allotment accordingly. In addition, administrative expenses for operation of the community services block grant will be charged against the allotment. The Administration is seeking authority from Congress to deduct transition administrative expenses from allotments for the other block grants as well.

With respect to several of the block grants, the Act provides that allotments for which States do not qualify, or portions of allotments that are returned to the Department, are to be redistributed pro rata to the qualifying States. Except for the low-income home energy assistance program, funds subject to reallotment will be reallocated on September 1 of each year. Funds reallotted under the low-income home energy assistance program are included in the total funds available for allotment to States for the succeeding fiscal year.

Payments to States

Payments will be made through electronic funds transfer to those States capable of receiving funds in that manner. Letters of credit will be used in other cases. The procedures followed will be the same as with payments under other Departmental grants.

Under Federal law, the question of when a grantee may draw funds from the Treasury is a different matter from the issue of when the grant award is made. Thus, although the Department may award a State its entire annual allotment on the first day of a fiscal year, the State may not immediately withdraw the entire amount from the Treasury. Rather, payments are governed by the Intergovernmental Cooperation Act, 42 U.S.C. 4213, which provides in essence that a State must minimize the time elapsing between acquisition of Federal funds and disbursement of those funds by the State.

Use of Allotments

The permissible uses of the allotments to the States are clearly set forth in the Act. The Act establishes differing requirements with respect to the time period in which the funds may be used. The maternal and child health services block grant authorizes the States to obligate and to expend the funds under its allotment in a two-year period—the fiscal year in which the funds are awarded and in the following fiscal year. Three of the block grants allow the States two years to obligate funds but are silent as to expenditures. Two block grants permit two years to expend funds but do not expressly address the permissible period for obligation of funds. We interpret these provisions as allowing a two-year period for the obligation of funds. The low-income home energy assistance block grant allows funds to be held available for the following fiscal year, which we believe establishes a limit on the permissible period of obligation. In the case of the primary care and low-income home energy assistance block grants, the Act also establishes special conditions for use of funds after the first year.

Transferability of Funds

Funds for several of the block grants may be transferred by a State to be used for purposes under other block grants. We interpret the transferability provision in the social services block grant (section 2002(d) of the Social Security Act) as allowing a State to transfer funds to the preventive health and health services, alcohol and drug abuse and mental health services, primary care, maternal and child health services, and low-income home energy assistance block grants. In addition, social services block grant funds may be transferred to support health services, health promotion and disease prevention activities, and low-income home energy assistance under other Federal block grants, including block grants administered by other Federal Departments.

It should be noted that certain statutory provisions applicable to a State's basic allotment under a block grant may not apply to funds transferred for used under that block grant. For example, section 1915(c)(6) of the Public Health Service Act prescribes certain percentages for use of the State's basic allotment under the alcohol and drug abuse and mental health services block grant. These restrictions would not apply to transferred funds.

State and Federal Oversight

A basic purpose of the block grant legislation is to simplify State grant administration and minimize Federal involvement by placing far greater reliance on State government. Accordingly, the block grants will be exempt from the usual Departmental grant administration requirements found in 45 CFR Part 74. (Part 74 is based on OMB Circulars A–102, "Uniform Administrative Requirements for Grants to State and Local Governments" and A–87, "Cost Principles".) Because a Federal requirement for use of the Part 74 rules would be inappropriate for block grants, we are establishing a fiscal and administrative standard providing maximum discretion to the States and placing full reliance on State law and procedures. Under this standard, a State will not look to Part 74 for such matters as property or procurement standards, or what is an allowable or unallowable cost. Rather, the State's laws and procedures covering the expenditure of its own revenues will govern. Any expenditure in violation of the State's own laws and procedures would be unauthorized and subject to disallowance.

Audits

Under the Act, States are primarily responsible for conducting audits of the use of block grant funds. The Act also confers certain responsibilities on the Comptroller General with respect to evaluating the propriety of State expenditures and on the Secretary with respect to investigations into the use of funds. In fulfilling its responsibilities under the Act and other Federal statutes, the Department will rely on State audits if the audits have been conducted in accordance with the Comptroller General's standards for audits of governmental organizations, programs, activities, and functions. Any additional auditing by the Department would build upon the State's work.

The specific requirements pertaining to audits are set forth in the provisions of the Act pertaining to the individual block grants. An exception is the audit requirement applicable to the community services block grant. Although section 675(c)(9) indicates that an annual audit is required, that provision is overridden by section 1745(b), which permits audits every two years. A State may modify the certification required by section 675(c)(9) so as to reflect the provisions of section 1745(b).

Recordkeeping

Section 96.30 of the regulations establishes a requirement that States keep records sufficient to permit the preparation of reports required by statute and to permit the tracing of funds to a level of expenditure adequate to insure that funds have not been spent unlawfully. In addition, as explained below, a report is required with respect to use of funds under the low-income home energy assistance program. Except for these provisions, the Secretary is not prescribing any data collection requirements and is not prescribing the format or content of any information that the Act requires the State to collect.

Enforcement

The Act requires States to comply with their assurances and the statutory provisions and provides for repayment of improperly expended funds and for withholding of funds in certain circumstances. The block grant programs are intended to confer great discretion on the States, which by statute are the primary auditors of their own expenditures. The fundamental check on the State's use of block grant funds is the State's accountability to its citizens, which is implemented by public disclosure within the State of information concerning use of the funds. Accordingly, when an issue arises as to whether a State has complied with its assurances and the statutory provisions, the Department will ordinarily defer to the State's interpretation of its assurances and the statutory provisions. Unless the interpretation is clearly erroneous, State action based on that interpretation will not be challenged by the Department. The Department's position is not intended to preclude contrary action by the independent State audit agency in fulfillment of its statutory responsibilities. The Department will provide copies of complaints to the the State's auditors for their consideration. Since the auditors might review the State's action without deference to the State's interpretation, they may subsequently reach a conclusion different from that of the Department.

If a State expends block grant funds contrary to its plan or a description of intended uses of the funds, such action would require the repayment of those funds if the expenditure violated the State's assurances or the statutory provisions. Other expenditures that do not conform to the State's plan or description are improper only because the State has failed to file a revised plan or description. In such cases, repayment is not provided for by the Act, but in appropriate circumstances a State's failure to file a revised plan could lead to the withholding of funds until the revision is made.

The Act provides with respect to all of the block grants that the State must repay any funds that are determined to have been spent improperly. Under several of the block grants, a hearing before the Department is required before repayment may be ordered. The Department will provide a hearing before ordering repayment even where it is not required by statute, and a hearing procedure is provided in the regulations. Decisions resulting from the hearing may be appealed to the Department's Grant Appeals Board. New regulations governing the Board's procedures were published in the **Federal Register** on August 31, 1981 (46 FR 43816).

If a State refuses to repay funds as ordered, the Department may recover them by offsetting the amount against future block grant payments. The Act provides a State with another opportunity for a hearing under several of the block grants before an offset can be made. For those block grants, the repayment hearing procedures will also be used for offset questions. Further appeal, however, which would likely be dilatory, will not be allowed.

We have provided for a comparatively informal hearing procedure rather than a formal hearing before an administrative law judge. There is no evidence that Congress intended the required hearings to be trial-type on-the-record hearings, and the Secretary has concluded that such a procedure would frequently be less efficient than the procedure adopted. The flexible procedure adopted is designed to resolve questions in a fair and expeditious manner.

In appropriate circumstances the Act requires the Secretary to withhold funds under the block grants until the Secretary has reasonable assurance that a State that has violated statutory provisions or the certifications in its application will not repeat such actions. The hearing procedure established for repayment and offset issues would also be used prior to withholding funds. Decisions resulting from withholding hearings may be appealed. Any appeals would be handled by the Secretary or, in his discretion, the Grant Appeals Board. The Board would typically be used to hear appeals when the question underlying the proposed withholding involved disallowed expenditures and the like. The Secretary will retain authority to make the final decision on any withholding.

Special Provisions

Nondiscrimination

The Act contains specific provisions prohibiting discrimination with respect to all of the block grants except the social services block grant. Congress has made clear that States and their grantees have the responsibility to prohibit discrimination on the basis of race, color, national origin, age, and handicap. In addition, several of the block grants require that religious and sex discrimination be prohibited as well. The Secretary interprets existing laws against discrimination in Federally assisted programs as applying to the social services block grant.

Current regulations in 45 CFR Parts 80, 81, 84, and 90, which relate to discrimination on the basis of race, color, national origin, handicap, or age, apply by their terms to all recipients of Federal financial assistance and therefore apply to all the block grants. In particular, 45 CFR 80.4 and 84.5 require certain assurances to accompany applications for assistance. In lieu of the assurances required by Parts 80 and 84, the Secretary will accept the assurances required by the Act to be part of the applications for the preventive health and health services, alcohol and drug abuse and mental health services, maternal and child health services, and low-income home energy assistance block grants. Those assurances incorporate the nondiscrimination provisions pertinent to the block grants either specifically or as part of a general assurance that the applicant will comply with block grant requirements. For the community services, primary care, and social services block grants, the States should furnish the assurances required by 45 CFR 80.4 and 84.5.

Direct Funding of Indian Tribes and Tribal Organizations

Five of the block grant programs permit the Secretary to grant funds directly to requesting Indian tribes and tribal organizations that request such funds. The block grants involved are community services, preventive health and health services, alcohol and drug abuse and mental health services, primary care, and low-income home

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energy assistance. With respect to each of these block grants, the Act provides that direct funding is available if (1) the Indian tribe or tribal organization requests funds, and (2) the Secretary determines that the tribal members would be better served by direct Federal funding than by funding through the States.

The Act's provisions on direct funding were intended to continue the long-standing government-to-government relationship between the Federal government and the tribes. The provisions also implement a self-determination policy for Indian tribes and tribal organizations and seek to overcome jurisdictional problems between some States and their resident tribes regarding the provision of services.

The Secretary has determined that members of Indian tribes and tribal organizations would be better served by direct Federal funding than by funding through the States in every instance that the Indian tribe or tribal organization requests direct funding.

The tribes and tribal organizations are closer to their members than the State governments and are better able to ascertain their needs and to implement solutions. Our experience in the last five years has demonstrated that the performance of Indian tribal grantees is comparable to that of other grantees. A tribe or tribal organization may conclude that it is better served through the State government. The Secretary encourages Indian tribes and tribal organizations to work with the States and determine whether they might benefit from arrangements that could be developed. If a tribe or organization concludes that it would be better served by Federal funding, however, and therefore applies for a direct grant, the Secretary will concur with that assessment and will provide funds directly to the tribe or tribal organization. The fact that a tribe or organization is receiving direct Federal funds does not, however, disqualify its members from receiving services from the States.

Conditions of eligibility for block grant funds are defined in the Act and vary among the block grants. With respect to the Public Health Service block grants, the regulations make clear that certain current grantees that do not meet the definition of an Indian tribe or tribal organization will nevertheless be eligible for direct funding if they meet the definition by the time they apply.

No definition of an eligible Indian tribe or tribal organization is contained in the Act for the low-income home energy assistance program, and definitions similar to those established by statute for the other block grants have been adopted. With respect to the community services and low-income home energy assistance block grants, for which State-recognized tribes and organizations are eligible for funds, the regulations provide that the State must have expressly determined that the Indian group is a tribe or tribal organization in accordance with State procedures for making such determinations. This definition is intended to make clear, for example, that State actions incidentally referring to a group as a tribe do not constitute State recognition for the purposes of receiving block grant funds. Similarly, incorporation of a tribal organization under the laws of a State would not by itself constitute State recognition of the group as a tribal organization.

The regulations provide that Indian tribes and tribal organizations receiving direct funding have the same rights and obligations as States, unless otherwise provided or unless a State's rights and obligations have no relevance to an Indian tribe or tribal organization. Thus, for example, a tribe or tribal organization must submit an application containing the same information as that required from the States, except that the regulations permit the deletion of certain certifications that we have concluded are not appropriate for tribes and tribal organizations. Also, the statutory requirements for public participation and for an audit apply to tribes and tribal organizations, except that holding a hearing is not required to be part of the procedures. The regulations provide that the statutory audit must be conducted by an independent entity.

The Secretary does not have authority to reserve funds from a State's allotment for an Indian tribe or tribal organization unless the Secretary has received a request for such funds from the tribe or organization. Accordingly, an Indian tribe or tribal organization desiring funds for the fiscal year beginning October 1, 1981, must submit a request prior to the award of the total allotment to the State in which the tribe or organization is located. The request for funds does not have to be accompanied by the required application, but, with the exception of the low-income home energy assistance program, the complete application must be submitted within 75 days after the beginning of the quarter in which the State first receives funds under the pertinent block grant. An Indian tribe or tribal organization may submit a request for funds to preserve its choice and later choose not to submit an application. Applications for the low-income energy assistance block grant must be submitted by December 15, 1981.

If the members of a Indian tribe or tribal organization reside in more than one State, the source of the allotment to the Indians will depend on the nature of the allocation formula in the block grant. If the allotments to the States are based on population, the allotment to the tribe or tribal organization will be taken from the various States in which the eligible tribal members (or eligible households) reside in proportion to the number of eligible tribal members (or eligible households) to be served in each State. Allotments under the Public Health Service grants are, however, based on past grants. In those cases, therefore, the allotment to the tribe or tribal organization will come from the allotment of the State whose base year determination includes the relevant past grant to the tribe or tribal organization.

Social Services Block Grant

The regulations include two definitions specific to the social services block grant, which we have concluded should be issued to clarify congressional intent.

The Act contains a general prohibition on the use of funds to provide room and board or medical care but allows such use of the funds if the room and board or medical care is an "integral but subordinate" part of another State authorized service. The definition adopted makes clear that the statute prohibits the use of block grant funds to pay for room and board in foster care. Foster care is not a social service but is essentially a maintenance payment for room and board. (Moreover, we believe that Congress intended Federal funds for foster care to be made under the Title IV–E program.) Under our interpretation, the use of block grant funds for room and board is not precluded when part of temporary emergency shelter provided as a protective service, regardless of the type of facility the State uses for this purpose.

Also, "employees" as used in the social services block grant (section 2005(a)(5) of the Social Security Act) is defined to include staff, contractors, and other individuals who are under the direct supervision or professional direction of the institution. That provision of the statute prohibits the use of funds for social services provided in and by employees of certain institutions. The definition adopted in the block grant regulations, which is consistent with the current definitions under the present Title XX, makes clear that the prohibition applies to all individuals who occupy an employee-type role. We believe that Congress did not intend to permit the prohibition to be thwarted by institutions designating certain individuals as independent contractors or through similar devices.

Low-Income Home Energy Assistance Program

The low-income home energy assistance program establishes a specific procedure for reallotment of unused funds at the end of each fiscal year. In order to implement that requirement, the regulations specify a report to be submitted by recipients of the funds.

The regulations also require the submission of a report necessary to provide certain information to Congress, as required by the Act. States must annually report the number and income levels of households assisted under the program. This information may be reported in the form collected by the State.

Under section 2604(e) of the Act, a State may request the Secretary to make direct payments to Supplemental Security Income (SSI) recipients out of the State's allotment. Any such request must be submitted by November 2, 1981. The request may be withdrawn at any time. In future years, a State for which the Secretary is not making direct payments may request such action for any fiscal year by submitting a request by September 1 of the preceding fiscal year.

Although certain territories are eligible for funds under the low-income home energy assistance program, the Act does not otherwise define the rights and responsibilities of territories. The regulations establish that eligible territories will be treated the same as States unless otherwise provided.

Waiver of Notice and Comment Procedures

The block grant programs were enacted on August 13, 1981, and become effective on October 1, 1981. In light of the short time available, it is impossible to publish these rules for comment and nevertheless put them into effect by October 1. In any event, the rules being adopted for the most part simply implement clear statutory provisions. Accordingly, the Secretary has determined that it would be impracticable, unnecessary, and contrary to the public interest to use notice and comment procedures in issuing these regulations. All comments received by November 30, 1981, will be considered, however, and the rules will be revised if appropriate.

Impact Analysis

Executive Order 12291

E.O. 12291 requires that a regulatory impact analysis be prepared for major rules—defined in the Order as any rule that has an annual effect on the national economy of $100 million or more, or certain other specified effects. The Department concludes that the regulations implementing the block grant programs are not major rules within the meaning of the Executive Order, because they do not have an effect on the economy of $100 million or more or otherwise meet the threshold criteria. To the contrary, these regulations provide great latitude to the States and impose no significant burdens on the States. No lower cost alternatives exist. Indeed, by providing maximum flexibility and discretion to the States, these regulations will save millions of dollars compared to what States have spent on meeting Federal requirements under predecessor programs. Although levels of funding for the programs have been reduced, the reductions result from congressional action, not the terms of these regulations.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal Government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each proposed rule with a "significant economic impact on a substantial number of small entities" an initial analysis must be prepared describing the proposed rule's impact on small entities. Small entities are defined by the Act to include small businesses, small non-profit organizations, and small governmental entities.

The primary impact of these regulations is on the States, which are not "small entities" within the meaning of the Act. Actual delivery of services will, however, be performed in large part by proprietary, public, and not-for-profit organizations including day care centers, medical practitioners, neighborhood service centers, United Way agencies, and units of local government, as well as by State agencies. Because these regulations provide States with great authority to prescribe management, organization, funding, and eligibility practices for service delivery, they do not directly impact small entities, either favorably or adversely. Instead, impacts will depend on future State decisions.

Because we have no way to predict such decisions, and in any event have no reason to expect that they will impact small entities, the Secretary hereby certifies that an initial regulatory flexibility analysis is not required.

For the reasons set forth in the preamble, Title 45 of the Code of Federal Regulations is amended as follows:

1. Part 96 is added to 45 CFR Subtitle A to read as follows:

PART 96—BLOCK GRANTS

Subpart A—Introduction

Sec.
96.1 Scope.
96.2 Definitions.

Subpart B—General Procedures

96.10 Prerequisites to obtain block grant funds.
96.11 Basis of award to the States.
96.12 Grant payment.
96.13 Reallotments.
96.14 Time period for obligation of grant funds.
96.15 Waivers.

Subpart C—Financial Management

96.30 Fiscal and administrative requirements.

Subpart D—Direct Funding of Indian Tribes and Tribal Organizations

96.40 Scope.
96.41 General determination.
96.42 General procedures and requirements.
96.43 Procedures during FY 1982.
96.44 Community services.
96.45 Preventive health and health services.
96.46 Alcohol and drug abuse and mental health services.
96.47 Primary care.
96.48 Low-income home energy assistance.

Subpart E—Enforcement

96.50 Complaints.
96.51 Hearings.
96.52 Appeals.

Subpart F—Hearing Procedure

96.60 Scope.
96.61 Initiation of hearing.
96.62 Presiding officer.
96.63 Communications to presiding officer.
96.64 Intervention.
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96.66 Hearing procedure.
96.67 Right to counsel.
96.68 Administrative record of a hearing.

Subpart G—Social Services Block Grants

96.70 Scope.
96.71 Definitions.
96.72 Transferability of funds.

Subpart H—Low-Income Home Energy Assistance Program

96.80 Scope.
96.81 Reallotment report.
96.82 Required report.
96.83 Request for direct Federal payments to SSI recipients.
96.84 Territories.

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Subpart I—Community Services Block Grants

96.90 Scope.
96.91 Audit requirement.

Subpart J—Transition Provisions

96.100 Scope.
96.101 Continuation of pre-existing regulations.
96.102 Community services block grant.

Authority: Pub. L. 97-35, secs. 671-682, 901, 2191-94, 2351-55, 2601-11.

Subpart A—Introduction

§ 96.1 Scope.

This part applies to the following block grant programs:

(a) Community services (Pub. L. 97-35, secs. 671-682).

(b) Preventive health and health services (Pub. L. 97-35, sec. 901).

(c) Alcohol and drug abuse and mental health services (Pub. L. 97-35, sec. 901).

(d) Primary care (Pub. L. 97-35, sec. 901).

(e) Maternal and child health services (Pub. L. 97-35, secs. 2191-94).

(f) Social services (Pub. L. 97-35, secs. 2351-55).

(g) Low-income home energy assistance (Pub. L. 97-35, secs. 2601-11).

§ 96.2 Definitions.

(a) "Secretary" means the Secretary of Health and Human Services or his designee.

(b) "Department" means the Department of Health and Human Services.

(c) "Reconciliation Act" means the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35).

Subpart B—General Procedures

§ 96.10 Prerequisites to obtain block grant funds.

No particular form is required for a State's application or the related submission required by statute. The provisions in section 1742(a) of the Reconciliation Act relating to the contents of a report on proposed uses of funds must be satisfied; the specified information should be included in the plan required for the community services block grant (section 675(d) of the Reconciliation Act) and in the description of intended uses of funds required for the preventive health and health services, and alcohol and drug abuse and mental health services block grants (sections 1905(d) and 1915(d) of the Public Health Service Act (as amended by the Reconciliation Act) respectively).

§ 96.11 Basis of award to the States.

The Secretary will award the block grant funds allotted to the State in accordance with the apportionment of funds from the Office of Management and Budget. Such awards will reflect amounts reserved for Indian Tribes and Tribal Organizations and, in FY 1982, any amounts awarded by the Department under transition authorities. The grant award constitutes the authority to carry out the program and to draw and expend funds.

§ 96.12 Grant payment.

The Secretary will make payments at such times and in such amounts to each State from its awards in advance in accordance with section 203 of the Intergovernmental Cooperation Act (42 U.S.C. 4213) and Treasury Circular No. 1075 (31 CFR Part 205). When matching funds are involved, the Secretary shall take into account the ratio that such payment bears to such State's total expenditures under its awards.

§ 96.13 Reallotments.

The Secretary will re-allot to eligible States those funds available as of September 1 of each fiscal year under the reallotment provisions pertaining to the alcohol and drug abuse and mental health services, maternal and child health services, and preventive health and health services block grants. The reallotment procedure for the low-income home energy assistance block grant is specified in section 2607 of the Reconciliation Act and § 96.81 of this part.

§ 96.14 Time period for obligation of grant funds.

Amounts unobligated by the State at the end of a fiscal year shall remain available for obligation during the succeeding fiscal year for all block grants except:

(a) *Primary care.* Amounts are available only if the Secretary determines that the State acted in accordance with section 1926(a)(1) of the Public Health Service Act and there is good cause for funds remaining unobligated.

(b) *Low-income home energy assistance.* Amounts are available only in accordance with section 2607(b)(2) of the Reconciliation Act, which limits the amount to 25 percent of the amount allotted to the State for the prior fiscal year.

§ 96.15 Waivers.

Applications for waivers that are permitted by statute for the block grants should be submitted to the Assistant Secretary of Health in the case of the preventive health and health services, alcohol and drug abuse and mental health services, primary care, and maternal and child health services block grants; to the Assistant Secretary for Human Development Services in the case of the community services and social services block grants; and to the Associate Commissioner for Family Assistance in the case of the low-income home energy assistance program.

Subpart C—Financial Management

§ 96.30 Fiscal and administrative requirements.

Except where otherwise required by Federal law or regulation, a State shall expend block grant funds in accordance with the laws and procedures applicable to the expenditure of its own revenues. Fiscal control and accounting procedures must be sufficient to (a) permit preparation of reports required by the statute authorizing the block grant and (b) permit the tracing of funds to a level of expenditure adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of the statute authorizing the block grant.

Subpart D—Direct Funding of Indian Tribes and Tribal Organizations

§ 96.40 Scope.

This subpart applies to the community services, alcohol and drug abuse and mental health services, preventive health and health services, primary care, and low-income home energy assistance block grants.

§ 96.41 General determination.

The Secretary has determined that Indian tribes and tribal organizations would be better served by means of grants provided directly by the Secretary to such tribes and organizations out of the State's allotment of block grant funds than if the State were awarded its entire allotment. Accordingly, where provided for by statute, the Secretary will, upon request of an eligible Indian tribe or tribal organization, reserve a portion of a State's allotment and, upon receipt of the complete application and related submission that meets statutory requirements, grant it directly to the tribe or organization.

§ 96.42 General procedures and requirements.

(a) An Indian tribe or tribal organization applying for or receiving direct funding from the Secretary under a block grant program shall be subject to all statutory and regulatory requirements applicable to a State applying for or receiving block grant funds to the extent that such requirements are relevant to an Indian tribe or tribal organization except where otherwise provided by statute or in this Part.

(b) A tribal organization representing more than one Indian tribe will be eligible to receive block grant funds on behalf of a particular tribe only if the tribe has by resolution authorized the organization's action.

(c) If an Indian tribe or tribal organization whose service population resides in more than one State applies for block grant funds that, by statute, are apportioned on the basis of population, the allotment awarded to the tribe or organization shall be taken from the allotments of the various States in which the service population resides in proportion to the number of eligible members or households to be served in each State. If block grant funds are required to be apportioned on the basis of grants during a base year, the allotment to the Indian tribe or tribal organization shall be taken from the allotment of the State whose base year grants included the relevant grants to the tribe or organization.

(d) The audit required under the block grant programs shall be conducted by an entity that is independent of the Indian tribe or tribal organization receiving grant funds from the Secretary.

(e) Beginning with fiscal year 1983, any request by an Indian tribe or tribal organization for direct funding by the Secretary must be submitted to the Secretary, together with the required application and related materials, by September 1 preceding the Federal fiscal year for which funds are sought. A separate application is required for each block grant.

§ 96.43 Procedures during FY 1982.

(a) This section applies to the fiscal year beginning October 1, 1981.

(b) Except under the low-income home energy assistance program, an Indian tribe or tribal organization may receive direct funding from the Secretary only with respect to those block grants for which the State in which the tribe or organization is located has qualified for funds.

(c) A request for direct funding must be received by the Secretary before the Secretary has awarded all of the allotment to the State involved. The application and related submission may be submitted later but must be submitted within 75 days after the beginning of the quarter in which the state qualified for block grant funds, except that the application and related submission for the low-income home energy assistance program must be submitted by December 15, 1981. A separate request and application are required for each block grant.

§ 96.44 Community Services.

(a) This section applies to direct funding of Indian tribes and tribal organizations under the community services block grant.

(b) For purposes of section 674(c)(5) of the Reconciliation Act, an organized group of Indians is eligible for direct funding based on State recognition only if the State has expressly determined that the group is an Indian tribe or tribal organization in accordance with State procedures for making such determinations.

(c) For purposes of section 674(c)(2) of the Reconciliation Act, an "eligible Indian" means a member of an Indian tribe whose income is at or below the poverty line defined in section 673(2) of the Reconciliation Act. An "eligible individual" under section 674(c)(2) means a resident of the State whose income is at or below the poverty line.

(d) An Indian tribe or tribal organization is not required to comply with section 675(b) or to provide the certifications required by the following other provisions of the Reconciliation Act:

(1) Section 675(c)(2)(A);
(2) Section 675(c)(3); and
(3) Section 675(c)(4).

§ 96.45 Preventive health and health services.

(a) This section applies to direct funding of Indian tribes and tribal organizations under the preventive health and health services block grant.

(b) For the purposes of determining eligible applicants under section 1902(d) of the Public Health Service Act, a grantee that received a grant directly from the Secretary in FY 1981 under any of the programs replaced by the preventive health and health services block grant that was specifically targeted toward serving a particular Indian tribe or tribal organization will be considered eligible if the grantee is an Indian tribe or tribal organization at the time it requests funds under this part. Grantees that received funds under formula or Statewide grants, and subgrantees that received funds from any program replaced by the preventive health and health services block grant, are not eligible.

§ 96.46 Alcohol and drug abuse and mental health services.

(a) This section applies to direct funding of Indian tribes and tribal organizations under the alcohol and drug abuse and mental health services block grant.

(b) For the purpose of determining eligible applicants under section 1912(c) of the Public Health Service Act, an entity that received a treatment grant or contract directly from the Secretary in FY 1980 specifically targeted toward serving a particular Indian tribe or tribal organization will be considered eligible if the entity is an Indian tribe or tribal organization at the time it requests funds under this part. Entities that received funds under formula or statewide grants, and those grantees who had the responsibility for their treatment grant support transferred to the Indian Health Service, are not eligible.

(c) An Indian tribe or tribal organization is not required to comply with section 1915(b) or to provide the certifications required by section 1915 (c)(2) through (c)(8) of the Public Health Service Act. Also, the services identified in section 1914(a)(1) of the Public Health Service Act need not be provided by means of grants to community mental health centers.

§ 96.47 Primary care.

Applications for direct funding of Indian tribes and tribal organizations under the primary care block grant must comply with 42 CFR Part 51c (Grants for Community Health Services).

§ 96.48 Low-income home energy assistance.

(a) This section applies to direct funding of Indian tribes under the low-income home energy assistance program.

(b) The terms "Indian tribe" and "tribal organization" as used in the Reconciliation Act have the same meaning given such terms in section 4(b) and 4(c) of the Indian Self-Determination and Education Act (25 U.S.C. 450b), except that the terms shall also include organized groups of Indians that the State in which they reside has expressly determined are Indian tribes or tribal organizations in accordance with State procedures for making such determinations.

(c) The plan required by section 2604(c)(4) of the Reconciliation Act shall contain the certification and information required for States under section 2605 (b) and (c) of that Act. An Indian tribe or tribal organization is not required to

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comply with section 2605(a)(2) of the Act.

Subpart E—Enforcement

§ 96.50 Complaints.

(a) This section applies to any complaint that a State has failed to use its allotment under a block grant in accordance with the terms of the act establishing the block grant or the certifications and assurances made by the State pursuant to that act. The Secretary is not required to consider a complaint unless it is submitted as required by this section.

(b) Complaints with respect to the preventive health and health services, alcohol and drug abuse and mental health services, primary care, and maternal and child health services block grants shall be submitted in writing to the Assistant Secretary of Health. Complaints with respect to the community services and social services block grants shall be submitted in writing to the Assistant Secretary for Human Development Services. Complaints with respect to the low-income home energy assistance program shall be submitted to the Commissioner of Social Security. (The address in each case is 200 Independence Ave. SW., Washington, D.C. 20201.) The complaint must identify the provision of the act, assurance, or certification that was allegedly violated; must specify the basis for the violations it charges; and must include all relevant information known to the person submitting it.

(c) The Department shall promptly furnish a copy of any complaint to the affected State. Any comments received from the State within 60 days (or such longer period as may be agreed upon between the State and the Department) shall be considered by the Department in responding to the complaint. The Department will conduct an investigation of complaints where appropriate.

(d) The Department will provide a written response to complaints within 180 days after receipt. If a final resolution cannot be provided at that time, the response will state the reasons why additional time is necessary.

(e) In resolving any issue raised by a complaint or a Federal audit, the Department will defer to a State's interpretation of its assurances and of the provisions of the block grant statutes unless the interpretation is clearly erroneous. In any event, the Department will provide copies of complaints to the independent entity responsible for auditing the State's activities under the block grant program involved. Any determination by the Department that a State's interpretation is not clearly erroneous shall not preclude or otherwise prejudice the State auditors' consideration of the question.

§ 96.51 Hearings.

(a) The Department will order a State to repay amounts found not to have been expended in accordance with law or the certifications provided by the State only after the Department has provided the State an opportunity for a hearing. The hearing will be governed by Subpart F of this part and will be held in the State if required by statute.

(b) If a State refuses to repay amounts after a final decision that is not subject to further review in the Department, the amounts may be offset against payments to the State. If a statute requires an opportunity for a hearing before such an offset may be made, the hearing will be governed by Subpart F of this part and will be held in the State if required by statute.

(c) The Department will withhold funds from a State only if the Department has provided the State an opportunity for a hearing. The hearing will be governed by Subpart F of this part and will be held in the State if required by statute.

§ 96.52 Appeals.

(a) Decisions resulting from repayment hearings held pursuant to § 96.51(a) of this part may be appealed by either the State or the Department to the Grant Appeals Board.

(b) Decisions resulting from offset hearings held pursuant to § 96.51(b) of this part may not be appealed.

(c) Decisions resulting from withholding hearings held pursuant to § 96.51(c) of this part may be appealed to the Secretary by the State or the Department as follows:

(1) An application for appeal must be received by the Secretary no later than 60 days after the appealing party receives a copy of the presiding officer's decision. The application shall clearly identify the questions for which review is sought and shall explain fully the party's position with respect to those questions. A copy shall be furnished to the other party.

(2) The Secretary may permit the filing of opposing briefs, hold informal conferences, or take whatever other steps the Secretary finds appropriate to decide the appeal.

(3) The Secretary may refer an application for appeal to the Grant Appeals Board. Notwithstanding Part 16 of this title, in the event of such a referral, the Board shall issue a recommended decision that will not become final until affirmed, reversed, or modified by the Secretary.

(d) Any appeal to the Grant Appeals Board under this section shall be governed by Part 16 of this title except that the Board shall not hold a hearing. The Board shall accept any findings with respect to credibility of witnesses made by the presiding officer. The Board may otherwise review and supplement the record as provided for in Part 16 of this title and decide the issues raised.

Subpart F—Hearing Procedure

§ 96.60 Scope.

The procedures in this subpart apply when opportunity for a hearing is provided for by § 96.51 of this part.

§ 96.61 Initiation of hearing.

(a) A hearing is initiated by a notice of opportunity for hearing from the Department. The notice will:

(1) Be sent by mail, telegram, telex, personal delivery, or any other mode of written communication;

(2) Specify the facts and the action that are the subject of the opportunity for a hearing;

(3) State that the notice of opportunity for hearing and the hearing are governed by these rules; and

(4) State the time within which a hearing may be requested, and state the name, address, and telephone number of the Department employee to whom any request for hearing is to be addressed.

(b) A State offered an opportunity for a hearing has the amount of time specified in the notice, which may not be less than 10 days after receipt of the notice, within which to request a hearing. The request may be filed by mail, telegram, telex, personal delivery, or any other mode of written communication, addressed to the designated Department employee. If no response is filed within that time, the offer is deemed to have been refused and no hearing will be held.

(c) If a hearing is requested, the Department will designate a presiding officer, and (subject to § 96.51 of this part) the hearing will take place at a time and location agreed upon by the State requesting the hearing, the Department, and the presiding officer or, if agreement cannot be reached, at a reasonable time and location designated by the presiding officer.

§ 96.62 Presiding officer.

(a) A Department employee to whom the Secretary delegates such authority, or any other agency employee designated by an employee to whom such authority is delegated, may serve as the presiding officer and conduct a hearing under this subpart.

(b) The presiding officer is to be free from bias or prejudice and may not have participated in the investigation or action that is the subject of the hearing or be subordinate to a person, other than the Secretary, who has participated in such investigation or action.

(c) The Secretary is not precluded by this section from prior participation in the investigation or action that is the subject of the hearing.

(d) A different presiding officer may be substituted for the one originally designated under § 96.61 of this part without notice to the parties.

§ 96.63 Communications to presiding officer.

(a) Those persons who are directly involved in the investigation or presentation of the position of the Department or any party at a hearing that is subject to this subpart should avoid any off-the-record communication on the matter to the presiding officer or his advisers if the communication is inconsistent with the requirement of § 96.68 of this part that the administrative record be the exclusive record for decision. If any communication of this type occurs, it is to be reduced to writing and made part of the record, and the other party provided an opportunity to respond.

(b) A copy of any communications between a participant in the hearing and the presiding officer, e.g., a response by the presiding officer to a request for a change in the time of the hearing, is to be sent to all parties by the person initiating the communication.

§ 96.64 Intervention.

Participation as parties in the hearing by persons other than the State and the Department is not permitted.

§ 96.65 Discovery.

The use of interrogatories, depositions, and other forms of discovery shall not be allowed.

§ 96.66 Hearing procedure.

(a) A hearing is public, except when the Secretary or the presiding officer determines that all or part of a hearing should be closed to prevent a clearly unwarranted invasion of personal privacy, to prevent the disclosure of a trade secret or confidential commercial or financial information, or to protect investigatory records compiled for law enforcement purposes that are not available for public disclosure.

(b) A hearing wil be conducted by the presiding officer. Employees of the Department will first give a full and complete statement of the action which is the subject of the hearing, together with the information and reasons supporting it, and may present any oral or written information relevant to the hearing. The State may then present any oral or written information relevant to the hearing. Both parties may confront and conduct reasonable cross-examination of any person (except for the presiding officer and counsel for the parties) who makes any statement on the matter at the hearing.

(c) The hearing is informal in nature, and the rules of evidence do not apply. No motions or objections relating to the admissibility of information and views will be made or considered, but either party may comment upon or rebut all such data, information, and views.

(d) The presiding officer may order the hearing to be transcribed. The State may have the hearing transcribed, at the State's expense, in which case a copy of the transcript is to be furnished to the Department at the Department's expense.

(e) The presiding officer may, if appropriate, allow for the submission of post-hearing briefs. The presiding officer shall prepare a written decision, which shall be based on a preponderance of the evidence, shall include a statement of reasons for the decision, and shall be final unless appealed pursuant to § 96.52 of this part. If post-hearing briefs were not permitted, the parties to the hearing will be given the opportunity to review and comment on the presiding officer's decision prior to its being issued.

(f) The presiding officer shall include as part of the decision a finding on the credibility of witnesses (other than expert witnesses) whenever credibility is a material issue.

(g) The presiding officer shall furnish a copy of the decision to the parties.

(h) The presiding officer has the power to take such actions and make such rulings as are necessary or appropriate to maintain order and to conduct a fair, expeditious, and impartial hearing, and to enforce the requirements of this subpart concerning the conduct of hearings. The presiding officer may direct that the hearing be conducted in any suitable manner permitted by law and these regulations.

(i) The Secretary or the presiding officer has the power to suspend, modify, or waive any provision of this subpart.

§ 96.67 Right to counsel.

Any party to a hearing under this part has the right at all times to be advised and accompanied by counsel.

§ 96.68 Administrative record of a hearing.

(a) The exclusive administrative record of the hearing consists of the following:

(1) The notice of opportunity for hearing and the response.

(2) All written information and views submitted to the presiding officer at the hearing or after if specifically permitted by the presiding officer.

(3) Any transcript of the hearing.

(4) The presiding officer's decision and any briefs or comments on the decision under § 96.66(e) of this part.

(5) All letters or communications between participants and the presiding officer or the Secretary referred to in § 96.63 of this part.

(b) The record of the hearing is closed to the submission of information and views at the close of the hearing, unless the presiding officer specifically permits additional time for a further submission.

Subpart G—Social Services Block Grants

§ 96.70 Scope.

This subpart applies to the social services block grant.

§ 96.71 Definitions.

(a) Section 2005 (a)(2) and (a)(5) of the Social Security Act establishes prohibitions against the provision of room and board and medical care unless they are an "integral but subordinate" part of a State-authorized social service. "Integral but subordinate" means that the room and board or medical care is a minor but essential adjunct to the service of which it is a part and is necessary to achieve the objective of that service. Room and board shall not be considered an integral but subordinate part of a service when it is provided to an individual in a foster family home or other facility the primary purpose of which is to provide food, shelter, and care or supervision, except for temporary emergency shelter provided as a protective service.

(b) As used in section 2005(a)(5) of the Social Security Act with respect to the limitations governing the provision of services by employees of certain institutions, "employees" includes staff, contractors, or other individuals whose activities are under the professional direction or direct supervision of the institution.

§ 96.72 Transferability of funds.

Under section 2002(d) of the Social Security Act, funds may be transferred in accordance with the provisions of that section to the preventive health and health services, alcohol and drug abuse and mental health services, primary care, maternal and child health services, and low-income home energy assistance block grants. In addition, funds may be transferred to other Federal block grants

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for support of health services, health promotion and disease prevention activities, or low-income home energy assistance (or any combination of those activities).

Subpart H—Low-Income Home Energy Assistance Program

§ 96.80 Scope.

This subpart applies to the low-income home energy assistance program.

§ 96.81 Reallotment report.

As part of the reallotment procedure established by section 2607 of the Reconciliation Act, each recipient of funds must submit a report to the Secretary by August 1 of each year containing the following information:

(a) The amount of the State's original allotment that the State desires to remain available for expenditure in the succeeding fiscal year, not to exceed 25 percent of the original allotment; and

(b) The amount of funds, if any, to be subject to reallotment.

§ 96.82 Required report.

In accordance with the authority in section 2610(a) of the Reconciliation Act, each State receiving funds shall submit to the Department by October 31 of each year a report of the number and income levels of the households assisted by the funds.

§ 96.83 Request for direct Federal payments to SSI recipients.

A State that wants the Secretary to make direct payments from the State's allotment to recipients of Supplemental Security Income in accordance with section 2604(e) of the Reconciliation Act must submit such a request by November 2, 1981. Such a request may be withdrawn at any time. If such a request is not in effect, a State may request the Secretary to make direct payments in any fiscal year by submitting a request by September 1 of the preceding fiscal year.

§ 96.84 Territories.

Except as otherwise provided, a territory eligible for funds shall have the same rights and responsibilities as a State.

Subpart I—Community Services Block Grants

§ 96.90 Scope.

This subpart applies to the community services block grant.

§ 96.91 Audit requirement.

Pursuant to section 1745(b) of the Reconciliation Act, an audit is required with respect to the 2-year period beginning on October 1, 1981, and with respect to each 2-year period thereafter. In its application for funds, a State may modify the assurance required by section 675(c)(9) of the Reconciliation Act to conform to the requirements of section 1745(b).

Subpart J—Transition Provisions

§ 96.100 Scope.

Except as otherwise stated, this subpart applies to the community services, preventive health and health services, alcohol and drug abuse and mental health services, and maternal and child health services block grants for the fiscal year beginning October 1, 1981.

§ 96.101 Continuation of pre-existing regulations.

The regulations previously issued by the Department and the Community Services Administration to govern administration of the programs replaced by the block grants specified in § 96.1 of this part shall continue in effect, until revised, to govern administration of those programs by the Department in those circumstances in which States have not qualified for block grants.

§ 96.102 Community services block grant.

(a) For the fiscal year beginning October 1, 1981, only, a State may choose to operate programs under the community services block grant or, instead, have the Secretary operate the programs replaced by the block grant. If a State does not notify the Secretary in accordance with the statutory deadlines each quarter, it will be deemed to have requested the Secretary to operate the programs for the following quarter.

(b) For any quarter in which the Secretary administers the programs, the Department's administration costs will be deducted from the State's allotment. The Department's total administration costs for making grants during fiscal year 1982 and for any monitoring of these grants in fiscal year 1983 will be deducted from each State's allotment in proportion to the total amount of grants awarded from the allotment during the period of administration by the Department (but not to exceed 5 percent of the State's FY 1982 allotment).

PART 16—PROCEDURES OF THE DEPARTMENTAL GRANT APPEALS BOARD

2. Appendix A to Part 16 is amended by revising paragraph B. (a), introductory text, and adding paragraph B (a)(5) to read as follows:

Appendix A—What Disputes the Board Reviews

* * * * *

B. *Mandatory grant programs.*

(a) The Board reviews the following types of final written decisions in disputes arising in HHS programs authorizing the award of mandatory grants:

* * * * *

(5) Decisions relating to repayment and withholding under block grant programs as provided in 45 CFR 96.52.

* * * * *

PART 74—ADMINISTRATION OF GRANTS

3. Section 74.4(a) is amended by revising the first sentence to read as follows:

§ 74.4 Applicability of this part.

(a) *General.* Except where inconsistent with Federal statutes, regulations, or other terms of a grant, this part applies to all HHS grants, other than the block grant programs identified in 45 CFR 96.1. * * *

Dated: September 21, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc 81-28341 Filed 9-30-81; 8:45 am]

BILLING CODE 4110-12-M

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42 CFR Parts 50, 51, 51a, 51b, 51g, 54, 54a, 54b, 56a, 59, and 91

Block Grant Implementation; Revocation of Categorical Health Grant Regulations

AGENCY: Department of Health and Human Services.

ACTION: Final Rule.

SUMMARY: Following the one year period of transition to the block grants established by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), this rule revokes, effective October 1, 1982, regulations governing categorical health grants which are replaced by the preventive health and health services, alcohol and drug abuse and mental health services, and maternal and child health services block grants.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Spencer, Public Health Service Regulations Officer, 301/443-6330.

SUPPLEMENTARY INFORMATION: Published elsewhere in this issue of the Federal Register are regulations implementing the block grant programs administered by the Department. During the October 1, 1981–October 1, 1982, period of transition to full implementation of the block grants for preventive health and health services, alcohol and drug abuse and mental health services, and maternal and child health services the Department is responsible for administering categorical grants in those States that do not begin administering the block grant funds for those programs. Elsewhere in this issue of the **Federal Register**, the Department is also publishing interim rules setting forth the requirements that will apply to the Department's administration of the categorical health grants during the transition period.

This final rule revokes those categorical health grant regulations effective October 1, 1982, the date on which the block grant programs become fully effective and the transitional authority to administer the categorical grants expires.

Because this rule makes technical amendments removing superseded or obsolete regulations, the Secretary has determined that public participation in rulemaking is unnecessary and that an impact analysis is not required under the Regulatory Flexibility Act, Pub. L. 96–354 or Executive Order 12291.

Dated: September 21, 1981.

James F. Dickson,

Acting Assistant Secretary for Health.

Dated: September 24, 1981.

Richard S. Schweiker,

Secretary.

Effective October 1, 1982, Subchapter D, Chapter I of the Title 42 Code of Federal Regulations is amended as follows:

PART 50—POLICIES OF GENERAL APPLICABILITY

§§ 50.601–50.606 (Subpart F) [Removed]

42 CFR Part 50 is amended by removing Subpart F (§§ 50.601–50.606).

PART 51—GRANTS TO STATES FOR COMPREHENSIVE PUBLIC HEALTH SERVICES [REMOVED]

PART 51a—GRANTS FOR MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S SERVICES [REMOVED]

42 CFR Parts 51 and 51a are removed.

PART 51b—PROJECT GRANTS FOR PREVENTIVE HEALTH SERVICES

§§ 51b.301–51b.306 (Subpart C) and §§ 51b.701–51b.706 (Subpart G) [Removed]

42 CFR Part 51b is amended by removing Subpart C (§§ 51b.301–51b.306), and Subpart G (§§ 51b.701–51b.706).

PART 51g—GRANTS FOR HEALTH EDUCATION–RISK REDUCTION

42 CFR Part 51g is amended as follows:

1. The authority citation is revised to read as follows:

Authority: Sec. 215, 58 Stat. 690 (42 U.S.C. 216); sec. 1703(a), 90 Stat. 697 (42 U.S.C. 300u–2(a)).

§ 51g.1 [Amended]

2. Section 51g.1 is amended by removing the words "and grants to deter smoking and alcoholic beverage use among children and adolescents authorized under section 402(a)(2) of the Health Service and Centers Amendments of 1978, Pub. L. 95–626 (42 U.S.C. 247b–2)" and inserting in their place, a period.

§ 51g.4 [Amended]

3. Section 51g.4 is amended by removing paragraph (c)(2).

§ 51g.5 [Amended]

4. Section 51g.5 is amended as follows:

(i) In the first sentence of the undesignated paragraph, the words "and section 402(a)(2) of Pub. L. 95–626." are removed and a period is inserted in their place.

(ii) Paragraph (c) is removed.

PART 54—GRANTS FOR COMMUNITY MENTAL HEALTH CENTERS

42 CFR Part 54 is removed.

PART 54a—GRANTS FOR ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION SERVICES AND NATIONAL ALCOHOL RESEARCH CENTERS

42 CFR Part 54a is amended as follows:

Authority Citation [Amended]

1. The authority citation is amended by removing "Sec. 1743 of Pub. L. 97–35, 95 Stat. 763 (31 U.S.C. 1243 note)."

§§ 54a.101–54a.107 (Subpart A); §§ 54a.201–54a.206 (Subpart B); §§ 54a.301–54a.306 (Subpart C); and §§ 54a.401–54a.409 (Subpart D) [Removed]

2. Subpart A (§§ 54a.101–54a.107), Subpart B (§§ 54a.201–54a.206), Subpart C (§§ 54a.301–54a.306) and Subpart D (§§ 54a.401–54a.409) are removed.

PART 54b—GRANTS TO STATES FOR DRUG ABUSE PREVENTION FUNCTIONS [REMOVED]

42 CFR Part 54b is removed.

PART 56a—GRANTS FOR EMERGENCY MEDICAL SERVICES SYSTEMS [REMOVED]

42 CFR Part 56a is removed.

PART 59—GRANTS FOR FAMILY PLANNING SERVICES [REMOVED]

42 CFR Part 59 is amended by removing Subpart D.

PART 91—GRANTS FOR THE DETECTION, TREATMENT AND PREVENTION OF LEAD-BASED PAINT POISONING [REMOVED]

42 CFR Part 91 is removed.

[FR Doc. 81–28342 Filed 9–30–81; 8:45 am]

BILLING CODE 4110-85-M

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42 CFR Parts 50, 51, 51a, 51b, 51e, 54, 54a, 54b, 56a, 59, and 91

45 CFR Parts 260, 1391, 1393, 1395, and 1396

Changes in Requirements for Programs Replaced by Block Grants

AGENCY: Department of Health and Human Services.

ACTION: Interim Final Rule with Request for Comments.

SUMMARY: The Omnibus Budget Reconciliation Act of 1981 established seven block grants administered by the Department of Health and Human Services to replace a large number of existing programs. Accordingly, we are deleting existing regulations for programs replaced by those block grants that are fully effective on October 1, 1981. We are also revising the existing regulations for those programs replaced by those block grants that are subject to the one-year transition period under the Reconciliation Act. These revisions establish the rules under which the Department will administer the categorical programs replaced by the preventive health and health services, alcohol and drug abuse and mental health services, and maternal and child health services block grants. The amendments are intended to remove burdensome and unnecessary requirements to the extent consistent with applicable laws and sound program management.

DATES: These rules are effective October 1, 1981. Comments must be received on

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or before November 30, 1981. Any amendments suggested in those comments will be considered and any appropriate revisions will be made promptly.

ADDRESSES: Comments on these rules should be submitted to: Executive Secretariat, Attn: Charlotte Lewis, Department of Health and Human Services, Room 632–H, Humphrey Building, 200 Independence Avenue, SW, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

With respect to the Public Health Service Programs: Robert L. Spencer, Regulations Officer, Public Health Service, Parklawn Building, Room 17B–08, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–6330.

With respect to the social services program: Michio Suzuki, Deputy Director, Office of Program Coordination and Review, 200 Independence Avenue, SW, Room 306E, Washington, D.C. 20201, (202) 245–7027.

With respect to the low-income home energy assistant program: Deborah Chassman, Acting Director, Energy Group, Office of Family Assistance, 2100 2nd Street, SW, Room B815, Washington, D.C. 20201, (202) 245–2137.

SUPPLEMENTARY INFORMATION: Published elsewhere in this issue of the **Federal Register** are regulations implementing the block grant programs administered by the Department. Under three of the block grants, the Department will continue during fiscal year 1982 to administer the replaced categorical programs until the States qualify for block grant funds. In this document we are revising the existing regulations governing the affected categorical programs for the transition year and are removing those regulations that are no longer necessary.

Public Health Service Programs

The statutes governing the categorical programs replaced by the preventive health and health services and the alcohol and drug abuse and mental health services block grants were repealed by the Reconciliation Act effective October 1, 1981. Accordingly, the Department will continue to administer the replaced categorical programs during the transition period under the authority of section 1743 of the Reconciliation Act. Departmental administration of the programs replaced by the alcohol and drug abuse and mental health services block grant is, in addition, governed by the new section 1920 of the Public Health Service Act, which provides that grants made during the transition period must be made in accordance with paragraphs (6), (7), and (8) of section 1915(c) of that Act.

The transition provisions of the maternal and child health services block grant differ in that existing categorical program statutes remain in effect throughout fiscal year 1982 except in those States that qualify for the block grant. The Department will continue to operate the affected categorical programs under section 1743 of the Reconciliation Act and existing law.

The changes in existing Public Health Service regulations made in this document are intended to lessen the regulatory burdens on grantees and the Department that apply during the transition year. The Department has retained fundamental provisions of the programs and those regulatory requirements directed toward sound fiscal and administrative managment of projects in order to ensure that viable projects will be transferred to the States at the end of the transition period.

Social Services

The social services block grant applies to the 50 States, the District of Columbia, and the territories. Previously, the territories provided social services under titles I, IV–A, X, XIV, and XVI(AABD) of the Social Security Act, rather than under title XX. The various regulations applying to the territories under the prior programs are therefore being revised to reflect this change. 45 CFR Part 1391 (General Administration and State Plan Requirements) and Part 1393 (Service Programs under titles I, X, XIV, and XVI of the Act) are being deleted in their entirety. Part 1392 (Service Programs for Families and Children under title IV–A and B of the Act) is being retained until the Secretary issues revised regulations for the Child Welfare Program under title IV–B, as amended by Pub. L. 96–272, The Adoption Assistance and Child Welfare Act of 1980. References to titles I, X, XIV, and XVI are being deleted from the title of Subchapter J, so that it now refers to title IV only.

Regulations in 45 CFR Part 1395 (General Administration and State Plan Requirements), and Part 1396 (Social Services Programs for Individuals and Families under title XX) govern the old title XX program. These Parts are being deleted in their entirety.

Low-Income Home Energy Assistance

Since the Reconciliation Act repealed the Home Energy Assistance Act of 1980, the regulations issued in 45 CFR Part 260 to implement that act are being deleted.

Waiver of Notice and Comment Procedures and Delayed Effective Date

As noted above, the transition provisions of the Reconciliation Act are effective for the three Public Health Service Act block grants only for fiscal year 1982. The Secretary has determined that it is in the public interest to reduce regulatory burdens on grantees and the Department to the extent possible during this transition year. This determination is consistent with the intent of the conference committee report on the Reconciliation Act, which states that "In administering such transitional assistance, it is the intention of the conferees that a Federal agency shall minimize its own administrative expenses." (H.R. Rep. No. 97–208, 97th Cong., 1st Sess. 923.) It would be impractical and contrary to the public interest to utilize notice and comment procedures to develop these regulatory simplifications and reductions of regulatory burdens, since the time necessary to undertake those procedures would utilize much of the transition year. For the same reasons, the Secretary has determined that good cause exists for not postponing the effective date of these changes beyond October 1, 1981. Insofar as this document removes those regulations that are no longer needed because the underlying statutory authority has been repealed, public participation in the implementation is obviously unnecessary.

Impact Analysis

Economic Impact on Small Entities

The Secretary certifies that these rules will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96–354, because (1) the rules apply to a limited number of recipients of Federal financial assistance, many of which are not within the statutory definition of "small entity," and (2) the rules remove requirements that are considered burdensome. Thus, a regulatory flexibility analysis is not required.

Classification of Rule Under E.O. 12291

The Secretary has determined that this rule is not a "major rule" under Executive Order 12291 and thus a regulatory impact analysis is not required. The Secretary's determination is based on the finding that the rule will not:

(1) Have an annual effect on the economy of $100 million or more;

(2) Impose a major increase in costs or prices for consumers, individual

industries, Federal, State or local government agencies, or geographic regions; or

(3) Result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: September 24, 1981.

Richard D. Schweiker,

Secretary, Department of Health and Human Services.

Effective October 1, 1981, Subchapter D, Chapter I, Title 42 Code of Federal Regulations is amended as set forth below.

Title 42—Public Health

PART 50—POLICIES OF GENERAL APPLICABILITY

42 CFR Part 50 is amended as follows:

1. The authority citation for Part 50 is revised to read as follows:

Authority: Secs. 215, 1001, 1006 Public Health Service Act, as amended, 42 U.S.C. 216, 300, 300a–4; sec. 501 of Pub. L. 95–134, 91 Stat. 1164 (48 U.S.C. 1469a); sec. 1743 of Pub. L. 97–35, 95 Stat. 763 (31 U.S.C. 1243 note).

§§ 50.101–50.107 (Subpart A) [Removed and Reserved]

2. The title and sections (§§ 50.101–50.107) of Subpart A are removed and Subpart A is reserved.

PART 51—GRANTS TO STATES FOR COMPREHENSIVE PUBLIC HEALTH SERVICES

42 CFR Part 51 is amended as follows:

1. The authority citation for Part 51 is revised to read as follows:

Authority: Sec. 215 Public Health Service Act, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 1743 of Pub. L. 97–35, 95 Stat. 763 (31 U.S.C. 1243 note).

§ 51.101 [Amended]

2. Section 51.101 is amended by removing the words "as authorized by section 314(d) of the Public Health Service Act, as amended," and inserting, in their place, the words "as authorized to be continued by section 1743 of the Omnibus Budget Reconciliation Act of 1981 during the October 1, 1981–October 1, 1982 period of transition to the preventive health and health services block grant authorized by sections 1901–1909 of the Public Health Service Act."

§ 51.102 [Amended]

3. Section 51.102 is amended by removing and reserving paragraph (a).

4. Section 51.103 is revised to read as follows:

§ 51.103 Grants.

(a) From the sum allotted to a State under section 1902 of the Public Health Service Act, the Secretary will, if the State does not certify its readiness to administer the block grant funds as provided in section 1743 of the Omnibus Budget Reconciliation Act of 1981, and is eligible to receive a grant under section 314(d) of the Public Health Service Act as in effect on the date of enactment of the Omnibus Act, award a grant to carry out the purposes of section 314(d).

(b) The grant will—

(1) Be in an amount determined by the Secretary to be proportionate to the portion of the State's allotment attributable to the section 314(d) funds provided to the State and entities in the State for fiscal year 1981; and

(2) Be subject to the same terms and conditions as would have been applied to such a grant in fiscal year 1981, except to extent the Secretary determines this impractical.

§ 51.104 [Removed]

5. Section 51.104 is removed.

§ 51.105 [Redesignated]

6. Section 51.105 is redesignated § 51.104.

PART 51a—GRANTS FOR MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S SERVICES

42 CFR Part 51a is amended as follows:

§ 51a.309 [Amended]

1. The last sentence in the introductory paragraph of § 51a.309, and paragraphs (a) through (g) of that section, are removed.

PART 51b—PROJECT GRANTS FOR PREVENTIVE HEALTH SERVICES

42 CFR Part 51b is amended as follows:

1. The authority citation for Part 51b is revised to read as follows:

Authority: Secs. 317 and 318, Public Health Service Act (42 U.S.C. 247b and 247c); sec. 1743 of Pub. L. 97–35, 95 Stat. 763 (31 U.S.C. 1243 note).

§ 51b.304 [Amended]

2. Section 51b.304 is amended by removing and reserving paragraphs (b)(1), (b)(6), (c)(1), (c)(2), (c)(3) and (c)(5), and removing paragraph (d).

PART 51e—GRANTS FOR HOME HEALTH SERVICES AND TRAINING [REMOVED]

42 CFR Part 51e is removed.

PART 54—GRANTS FOR COMMUNITY MENTAL HEALTH CENTERS

42 CFR Part 54 is amended as follows:

1. The authority citation for Part 54 is revised to read as follows:

Authority: Sec. 1743 of Pub. L. 97–35, 95 Stat. 763 (31 U.S.C. 1243 note).

2. Section 54.101 is revised to read as follows:

§ 54.101 To whom do these regulations apply?

This subpart applies to the award and administration of grants to community mental health centers as authorized by section 1743 of the Omnibus Budget Reconciliation Act of 1981 during the October 1, 1981–October 1, 1982 period of transition to the alcohol and drug abuse and mental health services block grant authorized by section 1911–1920 of the Public Health Service Act.

3. Section 54.102 is amended by revising the definition for "Act" first paragraph to read as follows:

§ 54.102 Definitions.

* * * * *

"Act" means the Community Mental Health Centers Act (42 U.S.C. 2689 *et seq.*) other than Part D thereof as in effect before the date of enactment of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35.

* * * * *

§ 54.103 [Amended]

4. Section 54.103 is amended by removing paragraph (d)(2).

5. Section 54.104 is revised to read as follows:

§ 54.104 What State plan requirements apply?

A State plan approved under section 237 of the Act for fiscal year 1981 will remain in effect for fiscal year 1982, except to the extent the Secretary directs a modification or update of the plan or the State submits a modification which is approved by the Secretary.

§ 54.105 [Removed]

6. Section 54.105 is removed.

§ 54.106 [Amended]

7. Section 54.106 is amended by removing and reserving paragraph (f)(1) and removing paragraphs (c)(3), (g)(3) and the last sentence of the paragraph (g)(2) which reads "These requirements include those of Title XV of the Public Health Service Act and the implementing regulations 42 CFR Part 122, and Part I of Circular A–95 of the Office of Management and Budget."

8. Section 54.107 is amended by:

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Revising the introductory text to paragraph (a) to read as follows:

§ 54.107 What are some general requirements that apply to community mental health centers grants?

(a) *Service requirements.* The services to be provided include those required under section 201(b)(1) of the Act only as follows:

* * * * *

9. Section 54.107 is amended by removing and reserving paragraph (a)(10), (a)(11), (a)(12), (c) and removing (d)(3) and removing the words "governing body, director," from paragraphs (d)(1)(i) and (d)(1)(iv) and substituting "director".

§ 54.110 [Amended]

10. Section 54.110 is amended by removing paragraph (c)(2) and the words at the beginning of paragraph (c)(1), "Except as provided in paragraph (c)(2) of this section with respect to planning grants under section 202 of the Act, no, "and, by inserting, in the place of those words "No"

§§ 54.201–54.203 (Subpart B) [Removed]

11. Subpart B of Part 54 (§§ 54.201–54.203) is removed.

§ 54.301 [Amended]

12. Section 54.301 is amended by removing the words "under section 203 of the Act" and inserting, in their place, the words "as authorized by section 1743 of the Omnibus Budget Reconciliation Act of 1981 during the October 1, 1981–October 1, 1982 period of transition to the alcohol and drug abuse and mental health services block grant authorized by section 1911–1920 of the Public Health Service Act."

§ 54.302 [Amended]

13. Section 54.302 is amended by removing paragraphs (b)(2)(iv), (b)(2)(v), and (b)(3).

§ 54.401 [Amended]

14. Section 54.401 is amended by removing the words "under section 204 of the Act" and inserting in their place the words "as authorized by section 1743 of the Omnibus Budget Reconciliation Act of 1981 during the October 1, 1981–October 1, 1982 period of transition to the alcohol and drug abuse and mental health services block grant authorized by section 1911–1920 of the Public Health Service Act."

§§ 54.501–54.503 (Subpart E) [Removed]

15. Subpart E of Part 54 (§§ 54.501–54.503) is removed.

§ 54.601 [Amended]

16. Section 54.601 is amended by removing the words "under section 211 of the Act" and inserting in their place the words "as authorized by section 1743 of the Omnibus Budget Reconciliation Act of 1981 during the October 1, 1981–October 1, 1982 period of transition to the alcohol and drug abuse and mental health services block grant authorized by sections 1911–1920 of the Public Health Service Act."

PART 54a—GRANTS FOR ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION SERVICES AND NATIONAL ALCOHOL RESEARCH CENTERS

42 CFR Part 54a is amended as follows:

1. The authority citation for Part 54a is revised to read as follows:

Authority: Sec. 504, 90 Stat. 1035 (42 U.S.C. 4588); sec. 1743 of Pub. L. 97–35 Stat. 763 (31 U.S.C. 1243 note)

2. Section 54a.101 is revised to read as follows:

§ 54a.101 Applicability.

This subpart applies to: (a) Formula and special grants to assist States, respectively, in the development of more effective alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs, and in implementing the Uniform Alcoholism and Intoxication Treatment Act as those grants are authorized to be continued during fiscal year 1982 by section 1743 of the Omnibus Reconciliation Act of 1981; (b) Grants for alcohol abuse and alcoholism prevention and treatment projects as authorized to be continued during fiscal year 1982 by section 1743 of the Omnibus Budget Reconciliation Act of 1981; and (c) grant for National Alcohol Research Centers authorized by section 504 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act (42 U.S.C. 4588).

§ 54a.105 [Removed]

3. Section 54a.105 is removed.

4. Section 54a.201 is revised to read as follows:

§ 54a.201 Applicability.

This subpart applies to grants to assist States in planning, establishing, maintaining, coordinating, and evaluating projects and programs to deal with alcohol abuse and alcoholism as authorized to be continued by section 1743 of the Omnibus Budget Reconciliation Act of 1981 during the October 1, 1981–October 1, 1982 period of transition to the alcohol and drug abuse and mental health services block grant authorized by sections 1911–1920 of the Public Health Service Act.

5. Section 54a.203 is revised to read as follows:

§ 54a.203 Grants.

(a) From the sum allotted to a State under section 1912 of the Public Health Service Act, the Secretary will, if the State does not certify its readiness to administer the block grant funds as provided in section 1743 of the Omnibus Budget Reconciliation Act of 1981, and is eligible to receive a grant under these regulations and sections 301–303 of the Act as in effect on the date of enactment of the Omnibus Budget Reconciliation Act of 1981, award a grant to the State to carry out the purposes of sections 301–303.

(b) The grant will—

(1) Be in an amount determined by the Secretary to be proportionate to the portion of the State's allotment attributable to the section 301 funds provided to the State and entities in the State for fiscal year 1980; and

(2) Be subject to the requirements of these regulations.

§ 54.204 [Removed]

6. Section 54.204 is removed.

§ 54a.205 [Amended]

7. Section 54a.205 is amended by removing and reserving paragraph (b).

8. Section 54a.207 is revised to read as follows:

§ 54a.207 State plan; submission and review.

To receive a grant under these regulations a State must have an approved State plan for fiscal year 1981 which has been updated and modified as may be directed by the Secretary or which has been modified by the State with the approval of the Secretary.

§§ 54a.208–54a.215 [Removed]

9. Sections 54a.208, 54a.209, 54a.210, 54a.211, 54a.212, 54a.213, 54a.214 and 54a.215 are removed.

10. Subpart C of 42 CFR Part 54a is amended as follows:

(i) The authority citation for Subpart C is revised to read as follows:

Authority: Sec. 1743 of Pub. L. 97–35, 95 Stat. 763 (31 U.S.C. 1243 note)

§ 54a.301 [Amended]

(ii) Section 54a.301 is amended by:

(a) Removing the words "under section 310 of Act (42 U.S.C. 4576)."

(b) Removing the period after "standpoint" and inserting in its place "as authorized to be continued by section 1743 of the Omnibus Budget Reconciliation Act of 1981 during the October 1, 1981–October 1, 1982 period of transition to the alcohol and drug abuse and mental health services blocks grant authorized by sections, 1911–1920 of the Public Health Service Act."

§ 54a.303 [Amended]

(iii) Section 54a.303 is amended by removing from paragraph (a) the words "agency designated under section 303 of the Act."

(iv) Section 54a.305 is amended by revising paragraph (a) to read as follows:

§ 54a.305 How is the Uniform Act grant awarded?

(a) *Grant award* From the sum allotted to a State under section 1912 of the Public Health Service Act, the Secretary may award a grant to the State, if it does not certify its readiness to administer the block grant funds as provided in section 1743 of the Omnibus Budget Reconciliation Act of 1981, and meets the requirements of these regulations. The grant will be in an amount determined by the Secretary to be proportionate to the portion of the State's allotment attributable to the Uniform Act grant funds provided to the State for fiscal year 1980

* * * * *

11. Section 54a.401 is revised to read as follows:

§ 54a.401 Applicability.

This subpart applies to grants for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics as authorized to be continued during the period October 1, 1981–October 1, 1982 by section 1743 of the Omnibus Budget Reconciliation Act of 1981.

§ 54a.403 [Amended]

12. Section 54a.403 is amended by removing and revising paragraph (c)(2).

§ 54a.404 [Amended]

13. Section 54a.404 is amended by removing paragraphs (k)(1), (m), (n), (o), (q)(1), (q)(2), (r), (s), (t), and (u).

§ 54a.405 [Amended]

14. Section 54a.405 is amended by removing paragraphs (a)(4), (a)(5), (b), (c), and (d).

PART 54b—DRUG ABUSE GRANTS

42 CFR Part 54b is amended as follows:

1. The title of the Part is revised to read, "Drug Abuse Grants" as set forth above.

2. An authority citation is added to read as follows:

Authority: Sec. 1743 of Pub. L. 97–35, 95 Stat. 763 (31 U.S.C. 1243 note)

3. Section 54b.101 is revised to read as follows:

§ 54b.101 Applicability.

This part applies to drug abuse formula grants and drug abuse project grants as authorized to be continued by section 1743 of the Omnibus Budget Reconciliation Act of 1981 during the October 1, 1981–October 1, 1982 period of transition to the alcohol and drug abuse and mental health services block grant authorized by sections 1911–1920 of the Public Health Service Act.

4. Section 54b.102 is revised to read as follows:

§ 54b.102 Grants.

(a) From the sum allotted to a State under section 1912 of the Public Health Service Act, the Secretary will, if the State does not certify its readiness to administer the block grant funds as provided in section 1743 of the Omnibus Budget Reconciliation Act of 1981 and is eligible to receive a grant under section 409 or 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, or both, as in effect on the date of enactment of the Omnibus Act, award such a grant or grants. (The grants may be combined.)

(b) The grant or grants will—

(1) Be in amount or amounts determined by the Secretary to be proportionate to the portion of the State's allotment attributable to the section 409, section 410, or both, as the case may be, funds provided to the State and entities in the State for fiscal year 1980;

(2) Be subject to the same terms and conditions as would have been applied to such a grant or grants in fiscal year 1981, except to the extent the Secretary determines this is impractical.

PART 56a—GRANTS FOR EMERGENCY MEDICAL SERVICES SYSTEMS

42 CFR Part 56a is amended as follows:

1. The authority citation for Part 56a is revised to read as follows:

Authority: Sec. 1743 of Pub. L. 97–35, 95 Stat. 763 (31 U.S.C. 1243 note).

§§ 56a.201—56a.206 (Subpart B) [Removed and reserved]

2. Subpart B of Part 56a is removed and reserved.

§ 56a.302 [Amended]

3. Section 56a.302 is amended by removing paragraphs (a)(2), (b), and (c).

§ 56a.106 [Amended]

4. Section 56a.106 is amended by removing and reserving paragraphs (d) through (j).

§ 56a.303 [Amended]

5. Section 56a.303 is amended by removing and reserving paragraphs (c), (d), (e), (k)(1), (k)(2)(i) and (ii) and removing paragraphs (m) and (n).

§ 56a.304 [Amended]

6. Section 56a.304 is amended by removing and reserving paragraphs (b) and removing (d).

§ 56a.305 [Amended]

7. Section 56a.305 is amended by removing paragraphs (b)(4) through (b)(7).

§ 56a.306 [Amended]

8. Section 56a.306 is amended by removing and reserving paragraph (a).

§ 56a.403 [Amended]

9. Section 56a.403 is amended by removing paragraphs (a)(2), (b), and (c).

§ 56a.404 [Amended]

10. Section 56a.404 is amended by removing and reserving paragraphs (c), (d), (e), (h), (j), (1)(2)(i) and (ii), (m), and (n).

§ 56a.405 [Amended]

11. Section 56a.405 is amended by removing and reserving paragraphs (b) and removing paragraph (d).

§ 56a.406 [Amended]

12. Section 56a.406 is amended by removing paragraphs (b)(3) through (b)(6).

§ 56a.408 [Amended]

13. Section 56a.408 is amended by removing and reserving paragraph (a).

PART 59—GRANTS FOR FAMILY PLANNING SERVICES

42 CFR Part 59, Subpart D, is amended as follows:

§ 59.304 [Amended]

§ 59.304 is amended by removing and reserving paragraphs (a)(16) and (a)(17).

PART 91—GRANTS FOR THE DETECTION, TREATMENT AND PREVENTION OF LEAD-BASED PAINT POISONING

42 CFR Part 91 is amended as follows:

91.5 [Amended]

1. Section 91.5 (c), introductory text is amended by removing the phrase "to accomplish the objectives and a schedule for their accomplishment" from the first sentence of that paragraph.

2. Section 91.5 (c)(3) is revised to read as follows:

§ 91.5 What are the specific application requirements for grants for detection and reduction of lead-based paint poisoning?

* * * * *

(c) * * *

(3) An intensive community screening program to detect evidence of undue lead absorption and lead poisoning in children. Emphasis shall be placed on door-to-door efforts designed to reach the greatest number of children at risk. The use of clinics shall be encouraged for "walk-in" testing.

* * * * *

§ 91.5 [Amended]

3. Section 91.5 (c)(4)(i) is amended by removing the phrase "by washing, sanding, scraping, using a wire brush or other cleaning."

§ 91.5 [Amended]

4. Section 91.5 is amended by removing and reserving paragraph (c)(7) and removing paragraph (c)(10).

Title 45—Public Welfare

PART 260—LOW INCOME ENERGY ASSISTANCE PROGRAM [REMOVED]

45 CFR, Chapter II is amended by removing Part 260.

45 CFR, Chapter XIII is amended as follows:

1. The title of Subchapter J is revised to read as follows:

SUBCHAPTER J—SOCIAL SERVICES FOR INDIVIDUALS AND FAMILIES UNDER TITLE IV-A AND B OF THE SOCIAL SECURITY ACT.

PART 1391—GENERAL ADMINISTRATION AND STATE PLAN REQUIREMENTS. [REMOVED]

PART 1393—SERVICE PROGRAMS FOR AGED, BLIND, OR DISABLED PERSONS: TITLES I, X, XIV, AND XVI (AABD) OF THE SOCIAL SECURITY ACT. [REMOVED]

PART 1395—GENERAL ADMINISTRATION AND STATE PLAN REQUIREMENTS. [REMOVED]

PART 1396—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT. [REMOVED]

2. Parts 1391, 1393, 1395, and 1396 are removed.

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Thursday
October 1, 1981

Part XII

Department of Transportation

Federal Aviation Administration

Size of Registration Marks

V 46/190 OC 1 81 UMI

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 45

[Docket No. 20424; Amdt. No. 45-13]

Size of Registration Marks

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The amendments require the display of registration marks, N-numbers, at least 12 inches high on certain fixed-wing aircraft in place of the smaller marks previously allowed by Federal Aviation Regulations. The amendments are needed to provide better visual identification of those aircraft. The rule is intended to improve air traffic flow at airports, discourage violations, and improve enforcement of Federal Aviation Regulations regarding low-flying aircraft.

To avoid undue cost of compliance to aircraft owners and manufacturers, an aircraft displaying small marks before the effective date of the amendments and an aircraft manufactured after November 2, 1981, but before January 1, 1983, will be allowed to continue to display those marks until the aircraft is repainted or the marks are restored, repainted, or changed. These amendments do not change existing rules on the use of special marking procedures for: (1) Small aircraft used for exhibition purposes; (2) small aircraft built at least 30 years ago; (3) unusually configured aircraft; and (4) aircraft issued an experimental certificate for operating as either exhibition or amateur-built aircraft.

EFFECTIVE DATE: November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph A. Sirkis, Regulatory Projects Branch, AVS-24, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background

On December 31, 1960, the FAA began to require 12-inch-high registration marks, N-numbers, to be displayed on the sides of airplane fuselages. The use of these marks had been advocated by the U.S. Air Force and air traffic controllers. The Air Force advocated the side markings as a means of decreasing the collision hazard associated with air-to-air identification of aircraft. Air traffic controllers also advised that these marks facilitate visual identification of aircraft, which aids in safer aircraft traffic control at airports. At the same time, underwing marks were considered and rejected as being costly and ineffective.

In 1977, the size of N-numbers was reduced to 3 inches for small fixed-wing aircraft with speeds not greater than 180 knots. This was in response to a petition for rulemaking submitted by the Experimental Aircraft Association (EAA) to improve the aesthetic appearance of small general aviation aircraft. Based on the facts at hand and since there were no substantive objections from the Department of Defense, law enforcement agencies, or the public sector, the amendment was adopted.

After fixed-wing aircraft began to display 3-inch marks, the FAA began to receive complaints from private citizens, law enforcement agencies, the U.S. Customs Service, and the Department of Defense. Air Traffic Service reports and field inspectors' reports also began to show instances in which aircraft displaying these small marks could not be identified. These complaints established that operational efficiency has been affected by aircraft displaying small numbers and that positive and timely visual identification at busy general aviation airports has been compromised.

Because of these concerns, on July 24, 1980, Notice of Proposed Rulemaking No. 80-11 was issued (45 FR 50810; July 31, 1980), proposing reinstatement of the 12-inch marks on certain aircraft. The comment period was extended 60 days, to November 28, 1980, to allow participants ample time to submit comments.

Notice 80-11 also responded to the petition of Raven Industries, Inc., of Sioux Falls, South Dakota, which requested that the FAA reduce the 20-inch height requirement for nationality and registration marks on airships, spherical balloons, and nonspherical balloons.

Interested persons were given an opportunity to participate in the making of this rule, and due consideration was given to all information submitted. Except as discussed in this preamble, the revisions adopted by this amendment and the reasons for them are the same as those in Notice 80-11.

Need for Amendments

Civic organizations in California, Florida, New York, New Jersey, and Hawaii have submitted resolutions asking, and private citizens have requested, that the FAA impose regulations that require larger N-numbers to be displayed on all civil aircraft for better visual identification. The organizations have expressed concern about low-flying aircraft over citizen's homes that cause hazardous conditions and considerable noise. Further, citizens complain that aircraft cannot be identified positively because the identification marks are too small to see. Without accurate identification, appropriate action cannot be taken against violators of regulations.

The FAA has received reports and complaints that law enforcement activities have been hampered by 3-inch marks. Agencies on the Federal, State, and local levels have complained of an increase in cases involving aircraft in various illegal acts and operations. Some law enforcement agencies have asserted that it is virtually impossible to identify aircraft displaying small marks and that identification through registration marks is the important element in investigation and in prosecutions.

The Department of Defense (DOD) has recommended that 12-inch registation marks again be required on all civil aircraft. The recommendation was based on statistical data acquired from hazardous traffic reports. DOD indicated that large N-numbers would eliminate the need for military aircraft to closely approach civil aircraft displaying small marks to identify them. Accordingly, DOD has reconsidered and revised its 1976 decision regarding 3-inch marks.

Air traffic controller reports have indicated that even with mandatory radio communication between pilots and controllers and the aid of optics (binoculars, etc.), a high rate of aircraft traffic flow cannot be maintained safely without positive visual identification of aircraft, especially at airports with high general aviation activity. This air traffic problem is increased at complex airports with multiple runways and intersections, where it is difficult for transient pilots to know, or properly describe, their location on the airport. The frequent use of radio transmissions to ascertain an aircraft's exact location is time-consuming and detrimental to airport operation because control frequency congestion is also increased. This congestion of the control frequency leads to blocked or partially blocked radio transmissions that often result in misinterpreted clearances and unauthorized aircraft movements. Complicating the problem of safe and efficient aircraft control is the low level of experience of some pilots, which frequently makes it essential to identify quickly, and communicate with, an aircraft making an unauthorized movement.

For these reasons it is in the public interest to change the minimum height of aircraft registration marks from 2 inches and 3 inches to 12 inches on aircraft that have been involved in these problems.

Discussion of Comments

Comments from individuals on Notice 80–11 largely oppose the proposal. However, many commenters give no reasons for their opposition or specific suggestions that would resolve the problems posed by the old regulation. Many commenters indicate a misunderstanding of the notice or conclude that no one problem is important enough to require a rule change. For example, early comments indicate owners of excepted aircraft are not aware of the exceptions. Others are not aware of the minimal cost involved or of the provision for delayed compliance. Many are of the opinion that large numbers should not be required since the same size numbers are not used on other transportation vehicles, and cannot be seen at night, in bad weather, or when aircraft are out of visible range. Some objections minimize or dismiss out of hand the need for improving aircraft identification in favor of aesthetics. These issues are discussed in subsequent paragraphs with specific comments on the proposed rule.

Comments from those favoring the rule indicate general agreement with the notice as published. The requests and comments concerned with improving aircraft identification span a wide range of specific problems. For example, citizens and civic organizations from all across the United States cite as unacceptable hazardous low flying, the disregard of normal air traffic patterns, and the disregard of noise abatement procedures by unidentifiable aircraft. The problems also involve violations by aircraft that engage in sightseeing while flying low over congested areas, such as beaches, parks, or stadium events; agricultural aircraft improperly spraying toxic materials; as well as prohibited hunting, smuggling, and other illegal activities.

Because of smugglers using small aircraft, government agencies have requested the FAA to revert back to 12-inch-high marks. For example, the Western Caribbean/Central American Flight Safety Group, with U.S. participation that includes the Drug Enforcement Administration, the FAA, the Customs Service, and the National Transportation Safety Board, requested that the size of N-numbers on small aircraft be increased.

Further, FAA General Aviation District Offices have reported that investigations and enforcement actions have been hampered by the lack of positive aircraft identification. Since 3-inch marks were allowed, the number of reported low-flying violations has increased nearly 20 percent, yet the number of investigations completed dropped nearly 30 percent. Identification of aircraft by description instead of N-number is insufficient to locate alleged violators.

The analysis of over 2,000 comments submitted in response to the notice indicated that approximately 10 percent are in favor of the amendment, while 90 percent are opposed. The majority of the comments, those that oppose large numbers, include the views of organizations representing aircraft interests.

Nearly 60 percent state that N-numbers are not needed to identify aircraft or that 3-inch marks are adequate for visual identification. Over 40 percent contend that large numbers are costly, and nearly 40 percent state that large "ugly" numbers disfigure aircraft. Nearly 25 percent comment that the proposed amendments would discriminate against some small aircraft owners. Close to 25 percent indicate that the 1977 FAA decision to allow certain fixed-wing aircraft to display 3-inch marks was justified and that the decision should be maintained.

Need for Identification by N-Number

Over 1,100 comments contend that N-numbers are not needed to identify aircraft or that 3-inch numbers are adequate for visual identification. To support these views, the following comments were offered:

(1) When aircraft identification is needed, it is mostly done by color, type, and location only.

This comment is contradicted by the experience of FAA air traffic control and enforcement personnel. Abstract descriptions of aircraft using color, type, or location have been ineffective in enforcing regulations. Further, they do not meet the needs for safe and effective control of aircraft movements.

(2) Registration numbers are rarely used in controlling air carrier aircraft at large air carrier airports or military aircraft at military airports.

With regard to airline aircraft, while it is true that at large air carrier airports controllers handle airline aircraft without relying on N-numbers, the conditions at busy general aviation airports are different from those encountered at air carrier airports. Fewer air carrier aircraft are handled at any one time, and these are easily distinguished by unique airline color scheme and type of aircraft. In the case of general aviation aircraft, however, it is not uncommon to have many similar-looking aircraft with no distinguishing characteristics lined up on a taxiway.

Another important consideration is that of air terminals. Air carrier aircraft arrive at and depart quickly from gates near the tower where they are more easily seen. In contrast, the busiest general aviation parking and servicing areas are not usually near the tower, making visual confirmation of aircraft movements difficult. Small registration markings intensify the identification problem.

With regard to military base operations, the larger military aircraft are handled in the same manner as air carrier aircraft. Many smaller aircraft flights are formation flights, and control communications only involve the lead aircraft. At basic training bases, many flights are performed under a form of control where aircraft follow each other in a preset pattern, and no attempt is made to clear each aircraft to land or take off, as required for civil aircraft.

(3) To identify aircraft, conditions have to be favorable with respect to daylight, weather, obstructions, and aircraft position and range.

It is true that some conditions preclude aircraft identification by registration marks either for enforcement or air traffic control purposes. This is of course the case during IFR weather and at night; however, general aviation night or IFR operations are not an air traffic problem since activity is lower during the night and in IFR weather. In contrast, during VFR daylight hours, traffic counts of 275 to 300 operations per hour are not uncommon at the busiest airports.

It is true that aircraft are not always visible from the tower because hangars or other aircraft obstruct the view; however, once aircraft approach a controlled taxiway or runway, positive identification by the tower is mandatory. The method of identification will vary from one airport to another. When traffic is heavy, this is usually done by quick visual confirmation of the N-numbers and by radio contact as the aircraft enters a controlled portion of the airport. Aircraft that display small marks preclude fast traffic flow since quick visual confirmation is not possible.

(4) Identification numbers are rarely used in controlling private aircraft at large aviation events, such as the EAA Convention at Oshkosh, Wisconsin. Approximately 450 commenters cite the aircraft traffic control methods used at

various aviation conventions as proof that N-numbers are not needed on aircraft.

The handling of air traffic at large aviation events is accomplished in accordance with restrictive and highly specialized procedures. The specialized procedures are published in advance, and restrictions include closing designated runways and curtailing instrument approaches for the duration of the event. Regular airport operations do not lend themselves to these kinds of restrictions.

Cost of Application

Approximately 800 comments, including those the Aircraft Owners and Pilots Association, the Experimental Aircraft Association, the National Business Aircraft Association, and the General Aviation Manufacturers Association, contend that the cost of increasing the size of N-numbers would impose an undue burden on owners who would have to re-mark recently painted aircraft displaying 3-inch numbers.

It was apparent that many failed to note that the rule allows affected aircraft displaying small N-numbers before the effective date of this amendment to continue to display the numbers until the aircraft is repainted, or the numbers are repainted, restored, or changed.

The General Aviation Manufacturers Association (GAMA) comments that a member study of the cost associated with adopting the 12-inch numbers indicates that to process and apply these larger N-numbers on aircraft would cost approximately $50 more than the smaller numbers; that this significant cost would be passed on to owners; and that the burden of compliance and the associated financial strain would be extreme.

FAA information based on estimates obtained from aircraft painting companies indicates that there is no significant price difference for initial painting or repainting of an aircraft that required 3-inch or 12-inch N-numbers, since the cost of applying numbers is negligible when compared to the total cost of painting.

GAMA based its cost estimates on the difference between the cost of applying 3-inch decal numbers as opposed to painting 12-inch numbers on most aircraft. The FAA recognizes that decals have been applied on many new smooth-fuselage aircraft surfaces and by aircraft owners who apply their own numbers. These costs would reflect a lower cost compared with painting N-numbers. Professional aircraft painters on the other hand indicated that painting N-numbers was preferred to applying decals which have to be ordered or stocked for each application and are not cost-effective.

In either case the cost would be minimal. Even the maximum increase in cost of applying N-numbers, estimated at approximately $50 by GAMA, when compared with the estimated sales price of $25,000 to $100,000 for affected new aircraft, is not a significant enough burden to outweigh the need for larger numbers. When an aircraft is only re-marked, this incremental cost would not be significant compared to the operating costs of the aircraft during the period preceding re-marking.

Moreover, to avoid any undue cost burden on aircraft owners and manufacturers, the rule, as adopted, will allow an aircraft which displayed marks smaller than 12 inches high before the effective date of these amendments and a new aircraft manufactured after the effective date of the amendments, but before January 1, 1983, to display those marks until the aircraft is repainted or the marks are restored, repainted, or changed.

Aircraft Aesthetics

Approximately 700 commenters assert that the 12-inch N-numbers affect the aesthetics of aircraft and ruin their appearance. The FAA recognizes that this may be true; however, the safety benefits of providing for positive aircraft identification have been determined to outweigh aircraft aesthetics.

Discrimination

Approximately 400 commenters contend that the rule is discriminatory. Most comments regarding discrimination note that vehicles in other transportation systems such as automobiles, trucks, boats, and ships display small marks or marks that are proportionately smaller than the 12-inch marks required for aircraft.

The FAA recognizes the differences in the size of registration marks for vehicles in the different modes of transportation. However, there are vast differences in visual identification requirements imposed by the different operational environments. Since aircraft speeds are much greater than those of automobiles, trucks, boats, and ships and aircraft operations are not simply confined to roadways or waterways at ground and sea level, a comparison of requirements for visual identification is not appropriate.

Other commenters believe that it is unjust discrimination to allow aircraft certificated in the experimental category to display 3-inch marks while requiring those in the standard category to display 12-inch marks; however, the discrimination between categories which concerns these commenters has a reasonable basis. The exceptions to the 12-inch requirement for experimental exhibition, experimental amateur-built, and antique aircraft are supported by consideration of the operational limitations imposed on these aircraft and their limited number.

FAA recognized that the large marks would preclude antique aircraft owners from preserving authenticity and diminish the historical value of these aircraft.

Regarding the operation of experimental-exhibition and experimental amateur-built aircraft (certificated under § 21.191(d) and (g)), FAA has found that these aircraft have not created identification problems. They are required by § 91.42 to operate in limited, tightly controlled and monitored environments, which separate them from busy air traffic control operations. The limitations prescribe that unless authorized by the Administrator experimental aircraft cannot be operated over densely populated areas or congested airways and must operate in daylight hours. The operators also must notify the control tower of the experimental nature of the aircraft when operating into or out of airports with operating control towers. Finally, they must adhere to any other limitations prescribed by the Administrator.

Antique Aircraft

In Notice 80–11, the FAA pointed out that the original designs of many aircraft currently in service are approaching or exceed 30 years of age. This is causing a rapid increase in the number of aircraft eligible to display 2-inch-high marks. In addition, many newer aircraft that have the same external configuration as an aircraft built at least 30 years ago would also be able to display the 2-inch marks. The intent of § 45.22 was to permit the small number of owners exhibiting antique and amateur-built copies of antique aircraft to display 2-inch marks rather than the 12-inch identifications marks then required by § 45.29. The FAA recognized that the more visible large marks would detract from the authenticity and diminish the historical value of these small aircraft. The FAA did not anticipate that the rule would eventually permit large commercial aircraft, as well as an increasing number of commercially manufactured copies of older aircraft not in the experimental exhibition or experimental amateur-built category, to display the less-visible 2-inch marks. While the number of antique small aircraft is limited, there is an increasing number of commercially manufactured aircraft that look like them, and this is contributing to the identification and air traffic problems already discussed.

To remedy this problem, this rule will require aircraft not certificated as experimental exhibition or experimental amateur-built to display 12-inch marks, unless they are small aircraft built 30 years ago. These aircraft will no longer be able to display marks as small as 2 inches high, and a proliferation of new aircraft displaying these small marks is expected to cease.

Gliders, Airships, and Balloons

In response to the petition of Raven Industries, Inc., Notice 80–11 also proposed to allow airships, spherical balloons, and nonspherical balloons to display marks at least 3 inches high. Raven Industries asked that the height requirement for nationality and registration marks be reduced from the current requirement of 20 inches to 3 inches for airships, spherical balloons, and nonspherical balloons.

No adverse comments were submitted concerning the decrease in size of marks on gliders, airships, and balloons.

When compared to powered aircraft, there are a relatively small number of gliders (less than 4,000) in operation. Many gliders are not equipped with two-way radios and, thus, operate at uncontrolled airports and at airports with low levels of general aviation activity. These factors minimize radio communication and air traffic control problems associated with gliders displaying 3-inch marks. The lack of easily identifiable numbers has not created enforcement problems with these aircraft. For these reasons, the rule has maintained the 3-inch numbers for registration marks on gliders.

Because of the smaller number and individual characteristics of airships and balloons, they are more easily identified than other aircraft. In addition, balloons are not likely to be used in the conduct of illegal activities, as they would be readily identifiable by their individual characteristics. Their size and maneuvering capabilities facilitiate identification and apprehension. Accordingly, marks on airships, spherical balloons, and nonspherical balloons are being reduced from 20 inches to 3 inches.

Alternatives

Two alternatives were available to resolve the aircraft identification problems.

One solution would be to maintain the status quo but restrict the use of busy general aviation airports to aircraft displaying marks at least 12 inches high. This option would solve the identification problems at these airports but would be difficult to implement and enforce. Further, the current law enforcement problems would continue unresolved and would be compounded by new aircraft displaying small marks. The identification problems noted by DOD, drug enforcement agencies, and civic organizations would in effect be ignored by this option. Accordingly, this option was not considered realistic.

The second and only viable solution is to raise the marks on aircraft involved in the identification problems to a size that in the past has facilitated safe and efficient air traffic control as well as enforcement.

Marks 12 inches high can be identified from four times as far as 3-inch-high marks. The effectiveness of 12-inch marks has been confirmed by air traffic controllers and field inspectors under actual operating conditions. Moreover, with these 12-inch marks, the hazardous close manuevering now required by DOD amd the Drug Enforcement Administration to identify aircraft displaying 3-inch marks will be eliminated.

Regulatory Evaluation

The FAA conducted an economic study to determine the benefits and costs of the new registration marks requirements. This study is included in the rules docket for the final rule.

The costs are the incremental costs (costs that would not result unless the regulation is in effect) incurred in the application of 12-inch registration marks instead of 3-inch registration marks to all airplanes affected by the new amendments. By the FAA's not establishing a mandatory compliance date for owners of airplanes presently displaying 3-inch marks, owners will not have to display 12-inch marks until their aircraft are re-marked or repainted, which is done on approximately a 7-year cycle. The individual cost burden will be largely eliminated because the incremental cost attributable to painting 12-inch as opposed to 3-inch marks is a small percentage of the total cost of repainting an airplane.

The FAA found the estimated incremental cost to be highly judgmental. The FAA contacted several aircraft painting enterprises, and the price quoted to repaint an airplane was the same regardless of the size of the registration marks to be displayed. The incremental cost of applying N-numbers is only a small portion of the price to repaint an old airplane or the price of a new aircraft. For example, a price of $2,000 was quoted to repaint a medium-size general aviation airplane. The $46.50 incremental cost estimated by GAMA is 2.3 percent of the total repainting price. Further, assuming the price of a similar new general aviation airplane is approximately $50,000, the incremental cost of applying 12-inch instead of 3-inch marks would be only 0.1 percent of the total price of the airplane.

With respect to re-marking without repainting, the cost remains minimal. While the continued use of 3-inch marks may present a minimal saving as opposed to re-marking with 12-inch marks, the minor cost involved does not outweigh the considerations involved in the current identification problems. The FAA estimated the maximum costs for remarking N-numbers by assuming a 7-year cycle for repainting and even the maximum incremental cost of re-marking would not be significant compared to the cost of operating the airplane during that 7-year period.

The total cost of this final rule depends on the volume of future aircraft production. The FAA made 10-year cost estimates with the $46.50 incremental cost supplied by GAMA for low-demand, constant-demand, and high-demand scenarios for the approximately 240,000 present active airplane and those to be produced in the next 10 years. The scenario cost estimates are $13.8 million, $15.0 million, and $15.8 million, respectively. It must be emphasized that these are estimates of the maximum cost under each scenario condition. The FAA expects that the actual incremental outlay for compliance for each airplane involved will not be as much as $46.50 and, therefore, that the true total cost of compliance with the final rule under each scenario will be considerably less.

Adoption of the amendment

Accordingly, Part 45 of the Federal Aviation Regulations (14 CFR Part 45) is amended as follows, effective November 2, 1981:

PART 45—IDENTIFICATION AND REGISTRATION MARKING

1. By revising the introductory text of § 45.22(b) to read as follows:

§ 45.22 Exhibition, antique, and other aircraft: Special rules.

* * * * *

(b) A small U.S.-registered aircraft built at least 30 years ago or a U.S.-registered aircraft for which an experimental certificate has been issued under § 21.191(d) or 21.191(g) for operation as an exhibition aircraft or as an amateur-built aircraft and which has

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the same external configuration as an aircraft built at least 30 years ago may be operated without displaying marks in accordance with §§ 45.21 and 45.23 through 45.33 if:

* * * * *

2. By revising § 45.29(b) (1) and (2) to read as follows:

§ 45.29 Size of marks.

* * * * *

(b) *Height.* The character marks must be of equal height and on—

(1) Fixed-wing aircraft, must be at least 12 inches high, except that:

(i) An aircraft displaying marks at least 2 inches high before November 1, 1981 and an aircraft manufactured after November 2, 1981, but before January 1, 1983, may display those marks until the aircraft is repainted or the marks are repainted, restored, or changed;

(ii) Marks at least 3 inches high may be displayed on a glider;

(iii) Marks at least 3 inches high may be displayed on an aircraft for which an experimental certificate has been issued under § 21.191(d) or 21.191(g) for operating as an exhibition aircraft or as an amateur-built aircraft when the maximum cruising speed of the aircraft does not exceed 180 knots CAS; and

(iv) Marks may be displayed on an exhibition, antique, or other aircraft in accordance with § 45.22.

(2) Airships, spherical balloons, and nonspherical balloons, must be at least 3 inches high; and

* * * * *

(Secs. 307(c), 313(a), 501, and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(c), 1354(a), 1401, and 1421(a); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—Since this amendment will impose only a minimal increase in the costs associated with marking aircraft in the future and would not impose any other cost or other economic burden on aircraft owners and manufacturers, it has been determined that this is not a major regulation under Executive Order 12291 and that, under the criteria of the Regulatory Flexibility Act, it will not have a significant impact on a substantial number of small entities. In addition, the FAA has determined that this regulation is not considered to be significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on September 3, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-28606 Filed 9-30-81; 8:45 am]

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federal register

Thursday
October 1, 1981

Part XIII

Department of Labor

Employment and Training Administration

Department of Health and Human Services

Office of Human Development Services

Work Incentive Program for AFDC Recipients Under Title IV of the Social Security Act

DEPARTMENT OF LABOR

Employment and Training Administration

29 CFR Part 56

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 224

Work Incentive Program for AFDC Recipients Under Title IV of the Social Security Act

AGENCIES: Employment and Training Administration, Labor; and Office of Human Development Services, Health and Human Services.

ACTION: Interim Final rules with a 60-day comment period.

SUMMARY: The Secretary of Labor, and the Secretary of Health and Human Services, are jointly revising on an interim basis the regulations for the Work Incentive Program. These rules are made necessary by the Social Security Disability Amendments of 1980. Other necessary technical changes are also being made.

DATE: Effective October 1, 1981, except that sections 45 CFR 224.41 and 29 CFR 56.41 will not become effective until approval after that date by the Office of Management and Budget pursuant to provisions of Executive Order 12291. However, consideration will be given to comments received before November 2, 1981. These will be carefully considered, and any changes to these regulations or our reasons for not accepting recommendations for change will be published in the **Federal Register**.

ADDRESSES: Mail or deliver comments to the Executive Director, Work Incentive Program, Patrick Henry Building, Room 5102, 601 D Street NW., Washington, D.C. 20213. Agencies and organizations are requested to submit comments in duplicate. Beginning October 15, 1981, these comments shall be available for public review at the above address, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert Easley, (202) 376-7030.

SUPPLEMENTARY INFORMATION:

Backgound

The purpose of the WIN program is to utilize all available employment and social services, including those authorized under provisions of other laws, so that individuals receiving Aid to Families with Dependent Children (AFDC) under Part A of Title IV of the Social Security Act will be furnished incentives, opportunities, and necessary services for (1) the employment of such individuals in the regular economy, (2) the training of such individuals for work in the regular economy, and (3) the participation of such individuals in WIN public service employment, thus assisting the families of such individuals to achieve economic independence and to assume useful roles in their communities.

History of the WIN Program

Enactment of amendments to Title IV of the Social Security Act in 1967, authorizing the Work Incentive Program (Pub. L. 90-248), was a recognition of the need for an employment program directed to the special needs of public assistance recipients and their families. Earlier measures funded under the Manpower Development and Training Act of 1962 (Pub. L. 87-415) and the Economic Opportunity Act of 1964 (Pub. L. 88-452) provided some assistance to this group but did not address the multiple problems of the public assistance population, and had limited impact.

Under the 1967 legislation, registration in WIN was by referral of persons deemed by public welfare agencies to be appropriate for participation. An employment plan tailored to the specific needs and goals of each individual was developed jointly by the registrant and WIN staff. Emphasis tended to be on the provision of classroom training and other aids to employability development, rather than on immediate job placement.

Amendments to Title IV of the Social Security Act (Act) in December 1971 (Pub. L. 92-223) changed the administration and focus of the program. WIN registration was mandated for all persons at least 16 years of age receiving or applying for AFDC, unless legally exempt. Exemption were provided under Section 402(a)(19)(A) of the Act (42 U.S.C. 602(a)(19)(A)) for full-time students, the ill and disabled, persons too remote from WIN program sites, and certain persons needed to care for a family member in the home.

The emphasis was shifted from employability development to employment at the earliest point feasible in the registrant's WIN experience. Changes in regulations which became effective in 1976 further increased the emphasis on direct placement into unsubsidized employment. See, e.g., 41 FR 47700 (October 29, 1976).

Employment-related social services are arranged for or provided by separate administrative unit (SAU) staff who participate with WIN sponsor staff to develop individual employability plans with registrants. These services can include child care, remedial medical services, home management, counseling, family planning, and transportation to needed services.

Administration

The WIN program is administered by the National Coordinating Committee (NCC) at the National level (which is composed of the Assistant Secretary for Employment and Training, Department of Labor (DOL) and the Assistant Secretary for Human Development Services, Department of Health and Human Services (DHHS)) and the Regional Coordination Committees (RCCs) (which is composed of Regional Administrators from both Departments) in each Region. The RCC reviews and approves State WIN plans and oversees the operational and administrative procedures of state programs.

At the State level, the State WIN sponsor and the State welfare agency develop an annual State WIN plan for operation of the WIN program in the State and submit it to the appropriate Regional Coordination Committee for approval. The State WIN sponsor and State welfare agency also administer and supervise the administration of the WIN program in each State.

At the local level, there are three units involved—the income maintenance unit (IMU), the WIN sponsor, and the separate administration unit (SAU). The IMU determines AFDC eligibility and exemption status and refers suitable persons to the WIN program. The WIN sponsor (usually part of the State job service) registers referred individuals and provides work and training services. The WIN sponsor and the SAU appraise registrants and develop an employability plan for each registrant found suitable for participation in the program. The SAU furnishes social services to enable registrants to engage in employment, training, and employment-related activities.

Summary of the 1980 Amendments

Section 401 of the Social Security Disability Amendments of 1980 (Pub. L. 96-265) includes amendments to update and introduce changes to the WIN legislation to make the program more effective for WIN registrants.

The changes, as follow, also reflect WIN operational experience over the years, research findings, and the legislative intent to help welfare recipients to become employed:

(1) The 1980 amendments provide authority for requiring employment search activities for WIN registrants, including applicants; and authorize reimbursement of employment search expenses of all participants.

(2) The 1980 amendments authorize, for the first time, the provision of supportive services to applicants as well as recipients, when needed to support employment-related activities;

(3) The amendments also exempt AFDC applicants and recipients who work not less than 30 hours a week from registration. This will eliminate the WIN registration requirements for those working individuals and reduce paperwork requirements of local WIN staff;

(4) The amendments authorize the Secretaries of DOL and DHHS to define sanction periods in cases where individuals fail or refuse to participate in WIN, terminate or refuse to accept employment, or reduce earnings without good cause;

(5) The amendments eliminate the 60-day counseling period previously required for individuals refusing to participate without good cause;

(6) Other changes are designed to bring the public employment agencies and the public welfare agencies, which are respectively responsible for administering the employment-related and social services-related aspects of WIN, into closer cooperation and communication by encouraging the collocation of their local offices;

(7) The legislation provides that individuals not be referred to employment which does not meet the appropriate work criteria;

(8) In the past, a State's 10 percent match for social services expenditures had to be in cash. Under the new legislation, this share may also be "in-kind" which conforms to the State's employment and training expenditures match; and

(9) The 1980 amendments clarify that there is no disregard of income from WIN public service employment in the calculation of the standard of need for an AFDC grant.

Discussion of Amendments to WIN Regulations Implementing Section 401 of the 1980 Amendments (Pub. L. 96-265)

1. *Authorization of Employment-related Activities.*

a. *The Statute: Section 402(a)(19)(A) of the Social Security Act.*

Before the 1980 amendments, an AFDC applicant or recipient had to register under the WIN program for employment services, training, and employment.

The amendments now also authorize an AFDC applicant or recipient to participate in employment-related activities, including employment search. This new activity is supported by research and demonstration findings that the potential for registrants' success in obtaining employment is increased if registrants are exposed to jobs and job-finding skills as quickly as possible.

The Senate Finance Committee reported that:

> Despite growing success in placing AFDC recipients in employment, the committee believes that the present statutory requirements should be strengthened in such a way as to provide additional encouragement for welfare recipients to move into employment. The committee further believes that AFDC recipients who are able to work should be required to actively seek employment and that this should be made explicit in the law. The committee amendment therefore would amend Title IV-A to provide that AFDC recipients who are not excluded from WIN registration by law will be required, as a condition of continuing eligibility for AFDC, to participate in the full range of employment-related activities which are part of the WIN program, including employment search activities * * *. The committee anticipates that with such an employment search requirement, substantial numbers of AFDC recipients will find jobs and welfare costs will be reduced.
>
> [S. Rep. No. 96-408, 96th Cong., 1st Sess., 63 (1979).]

b. *The Rule: 29 CFR 56.41 and 45 CFR 224.41 of the regulations.*

The "intensive manpower services" (IMS) component previously established in 29 CFR 56.41 (1980) and 45 CFR 224.41 (1980) has been discontinued. IMS activities have been incorporated into the new "employment-related activities," which is an umbrella activity for WIN job-seeking, designed to enable staff to work with more registrants, including AFDC applicants.

This rule will enable a larger number of WIN registrants to engage in employment search supported by instruction, counseling, and guidance. WIN participants in employment-related activities will have access to the full range of WIN jobseeking services, and will be able to take part on a schedule developed for each individual on consecutive or intermittent days, based on the person's needs and goals.

States will have the flexibility to design the employment-related activities, and to establish the criteria for selection of WIN registrants and the level of services to be provided.

The 1980 amendments provide that employment search not exceed eight weeks each year. DHHS and DOL interpret eight weeks of employment search to mean 40 work days. This definition gives the flexibility needed at the local level to provide for individual registrants' differing needs and situations. The 40-day limit is on *required* employment search. Additional voluntary participation on the part of the WIN registrant is encouraged.

Although an AFDC applicant or recipient must register with the WIN program for employment services, training, employment, and other employment-related activities (including employment search), participation in employment-related activities is not required of all WIN registrants. Local WIN offices will select the registrants for this activity on an individual basis in accordance with established practices.

2. *Social Services for Employment-related Activities for AFDC Applicants and Recipients.*

a. *The Statute: Section 402(a)(19)(G)(ii)(II) of the Social Security Act.*

The 1980 amendments require that social services needed to support WIN registrants in employment-related activities be provided. The major change is the authorization that permits the extension of the provision of purchased social services to AFDC *applicants*, as well as recipients, to enable them to participate.

This change enables WIN to provide immediate services to WIN registrants, and in many cases, to assist them to obtain a job before they become AFDC recipients. Research findings show that the faster a WIN registrant is assisted the more likely he or she is to be successful in getting a job and become self-supporting. Research reports and the results of demonstrations have been made available to the States to enable them to incorporate the "immediate services" concept into program operations.

b. *The Rule: 29 CFR 56.22 and 45 CFR 224.22; and 29 CFR 56.30 and 45 CFR 224.30 of the regulations.*

Under the revision of the regulations WIN will now be enabled to pay for social services for AFDC *applicants* so that applicants can participate in employment-related activities. Applicants may be certified, or services can be arranged for or provided on an occasional basis without certification so that applicants can participate in employment-related activities. This flexibility enables local staff to assist appropriate individuals as soon as possible after registration.

Whether to certify an applicant or wait for eligibility determination before certification will be a local program

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decision. The issue is to plan what is in the best interest of the participant to successfully obtain employment, with or without services, as the individual case may require.

3. *Exemption from WIN Registration for Working AFDC Applicants and Recipients*

a. *The Statute: Section 402(a)(19)(A)(vii) of the Social Security Act.*

The amendments add another exemption from the WIN registration requirements for AFDC applicants and recipients who are working not less than 30 hours per week.

b. *The Rule: 29 CFR 56.20 and 45 CFR 224.20; and 29 CFR 56.21(a)(5) and 45 CFR 224.21(a)(5) of the regulations.*

In the revisions of the regulations, DHHS and DOL have interpreted this amendment to apply to only those persons working in unsubsidized employment. Subsidized employment is considered to be temporary in WIN, and individuals in such employment remain registrants so that services can be provided to assist them to obtain unsubsidized employment. This exemption is used only for employment expected to last at least 30 days since employment of less than 30 days is not regular full-time employment.

The WIN sponsor is required to include, as part of its notification to the Income Maintenance Unit (IMU) of a registrant's employment, the number of hours, and expected duration of employment.

The purpose of this is to assist the IMU to determine whether the employment is full-time, and to apply the appropriate exemption criterion.

Individuals in full-time unsubsidized employment will no longer lose their AFDC assistance payments for not being registered. They may volunteer to register for WIN or to stay in WIN if they choose.

This new exemption will result in the deregistration from WIN of mandatory registrants who are working substantially full-time.

This change will free staff, who now register employed applicants and recipients, to work with WIN registrants who are not already employed and are more in need of WIN services. In addition, working individuals will no longer have to take time away from their jobs to register.

4. *Determination of Sanction Periods*

a. *The Statute: Section 402(a)(19)(F) of the Social Security Act.*

The sanction period is the time during which an individual, deregistered for failure or refusal to participate, is not permitted to reregister for WIN and therefore is not eligible for the AFDC grant unless he or she is a voluntary WIN registrant.

The WIN regulations originally contained fixed sanction periods of three and six months respectively for the first and subsequent failures or refusals of a WIN registrant to participate in WIN without good cause. This was to assure compliance with the Congressional intent at the time the legislation was enacted that WIN registrants participate in the WIN program in order to be eligible to continue to receive an AFDC grant.

However, specific authority for the Secretaries of Labor and Health and Human Services to prescribe the sanction period(s) was not contained in the law. The law previously stated that the mandatory WIN registrant's portion of the AFDC grant be removed "for so long as" the individual failed or refused to participate in the WIN program without good cause. The Federal courts in *McLean* v. *Califano*, 456 F. Supp. 285 (S.D.N.Y. 1977); *Crosby* v. *Califano*, Civil Action No. 73 (S.D.Ill. 1979); and other cases nullified the section of the WIN regulations which prescribed fixed sanction periods. The courts found that fixed sanction periods did not comport with the law. To comply with these decisions and orders the WIN regulations were amended in April 1980 to provide for flexible sanctions based on the length of time that the individual failed or refused to participate without good cause. See 45 FR 27414 (April 22, 1980).

DHHS and DOL believe that Congress intended in the 1980 amendments to permit fixed sanction periods to be imposed for those individuals who without good cause fail or refuse to participate or terminate or refuse to accept employment or reduce earnings. The 1980 amendments to section 402 (a)(19)(F) of the Act (42 U.S.C. 602 (a)(19)(F) expressly permit sanction periods to be prescribed by joint regulations of the Secretaries of Labor and Health and Human Services. In accordance with section 402(a) (19) (F) of the Act, the sanctions also apply when an individual refuses to accept employment offered through the State public employment offices or a bona fide offer of employment from any source. The regulations make clear that terminating employment or reducing earnings without good cause invokes the sanctions, since such actions are, as a practical matter, equivalent to a refusal to accept employment.

b. *The Rule: 29 CFR 56.51 and 45 CFR 224.51 of the regulations.*

The revision to the regulations provides for a three "payment-month" sanction period when a registrant without good cause first fails or refuses to participate, terminates or refuses to accept employment, or reduces earnings and a six "payment-month" period for subsequent failures, refusals, terminations, or reductions. The three- and six-month sanction periods which applied before the court decisions were effective deterrents against individuals who tried to avoid participation in WIN while remaining on AFDC. A payment month is defined in 45 CFR 233.21 (b)(4) as the fiscal or calendar month for which an agency shall pay assistance.

Following an initial sanction period, the six "payment-month" suspension is an even greater deterrent for an individual who may again contemplate failing or refusing to participate or terminating or refusing to accept employment or reducing earnings. Previous experiences with more stringent sanctions show that they improve compliance with program requirements, standards and objectives.

The six "payment-month" sanction period also reflects the opinion of both Departments that individuals who again fail or refuse to participate, terminate or refuse to accept employment, or reduce earnings without good cause after having regained eligibility should receive a harsher sanction.

The use of "payment-month" periods will facilitate implementation of the grant adjustment, since most States' AFDC grant payments are paid on a "payment-month" basis. The sanction will become effective on the first day of the first payment month that the sanctioned individual's needs are removed from the grant.

5. *Elimination of the 60-Day Counseling Period*

a. *The Statute: Section 402(a)(19)(F) of the Social Security Act.*

Before the 1980 amendments, AFDC payments continued to be paid during a counseling period even though the recipient had failed to participate in a WIN program, or refused employment, without good cause.

The requirement for a 60-day counseling period has been stricken from the Act by the 1980 amendments. Elimination of the counseling streamlines case processing following an adverse determination or decision. It also emphasizes the importance of conciliating grievances and disputes informally, before positions become polarized, and before it becomes necessary for a registrant to request a hearing.

b. *The Rule: The provisions of 29 CFR 56.76 and 45 CFR 224.76 of the old regulations have been deleted.*

The revision to the regulations deletes the requirement for a 60-day counseling period.

6. *Collocation of Social Services Staff and Employment and Training Staff*

a. *The Statute: Section 402(a)(19)(G)(i) of the Social Security Act.*

The amendments provide that the local Separate Administrative Unit (SAU) staff and WIN employment and training staff be located in the same facility, "to the maximum extent feasible."

b. *The Rule: 29 CFR 56.30(a) and 45 CFR 224.30(a) of the regulations.*

It has been the policy of WIN to encourage local SAU staff and local WIN sponsor staff to be located in the same office for the convenience of the WIN registrant, and to improve the communication and working relationship between the staff of the two agencies. Although research has not been conclusive on this, the program administrators believe that proximity does foster more efficient working arrangements for jointly appraising and developing employability plans for individuals, and for providing other WIN services.

Under the revision of the regulations, collocation is not required, but will be encouraged to the maximum extent feasible. The WIN National Coordinating Committee will issue guidelines dealing with methods for accomplishing consolidation of staff offices and improving program performance.

7. *Prohibition of Referral to Jobs Known Not to Meet Appropriate Work Criteria*

a. *The Statute: Section 402(a)(19) (H) of the Social Security Act.*

This provision requires that individuals participating in employment search activities will not be referred to employment opportunities which do not meet the criteria for appropriate work.

b. *The Rule: 29 CFR 56.34 and 45 CFR 224.34 of the regulations.*

WIN registrants are not required to take jobs which do not meet established appropriate work criteria. This revision will prohibit WIN staff from referring registrants to jobs which are known not to meet the appropriate work criteria.

8. *Authorization of State In-Kind Match for Social Services*

a. *The Statute: Section 403(d)(1) of the Social Security Act.*

This authorization eliminates a disparity in matching provisions for Federal funds for the State welfare agency and the State WIN sponsor. In the past, the WIN sponsor was allowed an in-kind match under Section 435 of the Social Security Act, but the welfare agency was not.

b. *The Rule: 29 CFR 56.16 and 45 CFR 224.16 of the regulations.*

The revision to the regulations allows an in-kind match for social services and thereby brings conformity to the matching funds provisions for both the State welfare agency and the State WIN sponsor.

9. *Clarification of Treatment of WIN Public Service Employment (PSE) Income in the Calculation of AFDC Grants*

a. *The Statute: Section 402(a)(19)(D) of the Social Security Act.*

This provision specifies that incentive payments and allowances for transportation and other job related training costs paid to a family member participating in employment training will be disregarded in the calculation of an AFDC grant.

The 1980 amendments deleted the requirement that income derived from a special work project under the WIN public service employment program also be disregarded. This means that income from WIN public service employment must be counted.

b. *The Rule: 29 CFR 56.40 and 45 CFR 224.40 of the regulations.*

This clarifying amendment does not affect WIN regulations which already provide that the disregards are not available to registrants in WIN PSE.

Technical and Clarifying Changes to Definitions

29 CFR 56.1 and 45 CFR 224.1 of the regulations.

The definitions below have been revised, deleted, or added to explain, clarify, change, or redefine certain terms in the previous regulations which were affected by changes resulting from the 1980 amendments.

"*Component*" now identifies the WIN components such as on-the-job training and public service employment. However, employment-related activities and social services are not components.

"*Employability-related activities*" has been added. This term is defined as services to assist registrants in locating and securing unsubsidized employment.

"*Employment search*" has been added; this activity is now part of the new "*employment-related activities*" in which registrants are provided with group job seeking, job seeking skills, job development assistance, and referrals, and in which they actively contact employers in their effort to secure jobs.

"*Intensive manpower services (IMS)*" has been eliminated because the IMS component has been discontinued. (See the definition of the new "*employment-related activities*").

Justification for Dispensing With Prior Notice of Proposed Rulemaking and 30-Day Implementation Period

These regulations implement Section 401 of the Social Security Disability Amendments of 1980 (Pub. L. 96-265), by conforming the regulations to the statutes.

The terms of Section 401 are, for the most part, clear and do not permit the exercise of discretion by the Secretary. Accordingly, it is unnecessary to utilize notice and comment procedures with respect to those revisions in the regulations that simply incorporate the provisions of Section 401 and make conforming changes.

The only significant exercise of discretion embodied in these regulations is determination of the sanction periods authorized by Section 401. As described above, the sanction periods selected are the same periods as were established in the Department's regulations prior to the court cases that were overturned by the 1980 Amendments. These sanction periods were adopted through notice-and-comment procedures, and the Department has thus previously obtained and considered the views of the public on this matter. In light of this fact and the fact that Section 401 was effective on September 30, 1980, the Secretary has concluded that it would be contrary to the public interest further to delay the implementation of Section 401 through issuance of a notice of proposed rulemaking. However, the comments of the public are requested on these Interim Final Rules.

We will carefully consider all comments. We will then publish in the **Federal Register** a final regulation. The final regulation will include a summary of the comments, together with any revision of these regulations resulting from comments or our reasons for not accepting suggested revisions.

We are dispensing with the 30-day delay in effective date after publication. Both agencies have found that good cause exists for these regulations to become effective on October 1, 1981 since publication of these regulations has been delayed.

Regulatory Flexibility Act

The Secretaries certify in accordance with Section 603 of the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 603) that this regulation will not have a significant economic impact on a substantial number of small entities including small business, small organizational units and small governmental jurisdictions. Consequently, an initial regulatory

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flexibility analysis has not been prepared for this rule. Most of the provisions of the rule impose conditions for Federal financial participation on State agencies and do not impact on small entities.

Executive Order 12291

The Secretaries have also determined in accordance with Executive Order 12291 that the rule does not constitute a major rule requiring the preparation of a regulatory impact analysis. The regulation is not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in cost prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment and innovation.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, Pub. L. 96–511, all Departments are required to submit to the Office of Management and Budget for review and approval any reporting or recordkeeping requirements inherent in a proposed and final rule. This rule increases the Federal paperwork burden for WIN State agencies. 15 CFR 224.41 and 29 CFR 56.41 specify that each state WIN sponsor must establish a program of employment related activities in each WIN site to assist registrants to obtain employment. This requires the development of standards of participation which must be included in the State WIN plan. The Department will submit this section of the final regulation to OMB for review.

(Catalog of Federal Domestic Assistance Program No. 13.646, "Work Incentive Program (WIN)".)

(402 (a)(7), 402(a)(19), 430–444, 1102 of the Social Security Act, as amended. 49 Stat. 647 (42 U.S.C. 602(a)(7), 630–644, 1302))

Dated: August 14, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Approved: September 17, 1981.

Richard S. Schweiker,

Secretary, Health and Human Services.

Dated: September 23, 1981.

Albert Angrisani,

Assistant Secretary.

Approved: September 29, 1981.

Raymond J. Donovan,

Secretary, Department of Labor.

For reasons set out in the preamble, Part 56 of Title 29 of the Code of Federal Regulations is amended as set forth below:

Title 29—Labor

Subtitle A—Office of the Secretary

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart A—Purpose and Scope and Definitions

1. Section 56.1 is amended as follows:

§ 56.1 Definitions [Amended]

(a) By revising certain definitions as follows:

* * * * *

Certification means a written notice from the SAU that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, manpower services, or other employment-related activities, or that no supportive services are needed and that the individual is at that time ready for employment or training.

* * * * *

Component means a structured regularly scheduled program activity for certified registrants such as OJT, WIN PSE, institutional training, and work experience, but not employment-related activities or supportive services.

* * * * *

Exempt refers to an AFDC applicant or recipient who is not required by the Act to register for employment, training, or other employment-related activities under the WIN program as a condition of eligibility for AFDC.

* * * * *

Mandatory or Nonexempt Registrant means an AFDC applicant or recipient who is required by the Act to register for manpower services, training, employment, or other employment-related activities, as a condition of eligibility for AFDC.

* * * * *

Registrant means an AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, employment, and other employment-related activities.

* * * * *

State WIN Plan means the Statewide operational plan for WIN, covering AFDC applicants and recipients who register for employment, other employment-related activities, manpower services and training under WIN, developed by the WIN sponsor and SAU in each state and approved and supervised by the RCC under title IV, of the Act.

* * * * *

Supportive Services means those social services provided or arranged by the SAU, necessary to enable an individual to engage in employment, other employment-related activities, or training.

* * * * *

Volunteer means an AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, other employment-related activities, manpower services and training.

* * * * *

WIN Incentive Payment means a cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component.

* * * * *

Work Experience Training means a clearly defined, well-supervised assignment with a public or nonprofit private employer.

(b) By removing the term "Intensive Manpower Services Component";

(c) By adding the following two terms in proper alphabetical sequence:

* * * * *

Employment-related Activities means activities providing employment and training services to WIN registrants to assist them in locating and securing unsubsidized employment. Employment-related activities include employment search.

Employment Search is the part of employment-related activities where registrants are provided with job seeking skills, job development assistance and referrals, and actively contact employers in their effort to secure jobs.

* * * * *

Subpart B—Administration

2. In § 56.16 paragraph (b) is revised to read as follows:

§ 56.16 Non-Federal contribution.

* * * * *

(b) The State welfare agency shall assure a non-Federal cash or in-kind contribution of 10 percent of the cost of supportive services and related administrative expenses incurred by the SAU under Title IV–A of the Act.

* * * * *

Subpart C—Requirements and Procedures for Registration, for Appraisal and Certification

3. In § 56.20 paragraphs (a) and (c)(4) are revised and paragraph (b)(10) is added to read as follows:

§ 56.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

A State plan under Title IV–A of the Social Security Act must provide that:

(a) All applicants and recipients who are required to register by section 402(a)(19)(A) of the Act shall register for manpower services, training, employment, and other employment-related activities as a condition of eligibility for AFDC, except as otherwise provided under paragraph (b) of this section;

(b) * * *

(10) A person who is working not less than 30 hours per week in unsubsidized employment expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than 10 work days.

(c) * * *

(4) Exempt applicants and recipients in WIN project areas may choose to register voluntarily for manpower services, training employment, and employment-related activities, and may withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in a way which would require registration; and

* * * * *

4. In § 56.21, Paragraph (a)(5) is revised to read as follows:

§ 56.21 Registration procedures.

(a) * * *

(5) Notify the IMU of any employment or other change of status which may affect an individual's AFDC eligibility or the amount of the AFDC payment. Included in this notification will be the hours and expected duration of employment.

* * * * *

5. Section 56.22 is amended by revising paragraph (e), adding a new paragraph (f) and redesignating existing paragraphs (f) and (g) as (g) and (h) to read as follows:

§ 56.22 Appraisal and certification.

* * * * *

(e) The SAU shall certify in writing that the necessary immediate and ongoing supportive services have been provided or arranged, or that no such services are required for those individuals who have been selected for participation in a WIN component. The SAU shall also certify registrants who are recipients who are selected to participate in employment-related activities. When certified, the individual shall be placed in employment if appropriate work that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in employment-related activities, on-the-job training, public service employment, institutional training or in any other manpower program or activity.

(f) The SAU may provide or arrange for social services for AFDC applicants to enable them to participate in employment-related activities. Such applicants may be certified, or services may be provided or arranged on an occasional basis without certification.

* * * * *

Subpart D—Supportive and Manpower Services and Protective Provisions

6. Section 56.30 is amended by removing paragraph (b)(5) and by revising paragraphs (a), (b)(2), (b)(3), and (e) to read as follows:

§ 56.30 Supportive services; State plan requirements.

A State plan under Part A of title IV of the Act must provide that:

(a) Within the State agency there will be separate administrative units which will, to the maximum extent possible, perform functions only in connection with the WIN program. To the maximum extent feasible, local SAU staff and WIN employment and training staff should be located together to foster more efficient working arrangements for joint appraisals, the development of employability plans, and the provision of services to registrants.

(b) * * *

(2) Developing and supplying social services necessary to enable a registrant, to accept employment, training for employment, or other employment-related activities. Necessary services shall continue for a period of 30 days after the start of unsubsidized employment and may continue for a maximum of 90 days at the discretion of the SAU. Such services may be provided even after the AFDC grant has been discontinued due to employment. In an emergency such services may also be provided for a period of up to 30 days to enable a registrant to continue existing employment;

(3) Participating with the WIN sponsor in appraisal and certification, in the development of employability plans pursuant to § 56.22, and in efforts to resolve grievances and disputes informally.

* * * * *

(e) Supportive services may be provided for up to two weeks to a registrant between participation in WIN components or between participation in a component or employment-related activities and the start of employment in order to avoid interruption of the employability process.

7. In § 56.32 paragraphs (a) through (g) are redesignated as paragraphs (b) through (h); a new paragraph (a) is added; and paragraphs (b) and (h) are revised as follows:

§ 56.32 Pay and allowances for WIN registrants.

(a) An individual assigned to employment search shall receive an allowance for necessary expenses for participation.

(b) An individual assigned to a WIN institutional or work experience training component, in which no salary is paid, shall receive an allowance for necessary training related expenses. He shall also receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(c) Individuals placed in employment, OJT, or PSE shall be authorized training related expenses for not in excess of two WIN pay periods; or until they receive their first full paycheck or the cash from a grant adjustment reflecting new work related expenses, whichever occurs first.

(d) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to individuals for separate maintenance when in training facilities beyond daily commuting distance from their homes for each calender day within the training payment period during which they are participating in such training and are residing away from home.

(e) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(f) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(g) WIN sponsor offices may establish petty cash funds or another acceptable method to meet needs for cash for allowable expenditures for all registrants.

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(h) Registrants referred to employment may receive an allowance for necessary expenses.

8. In § 56.34 paragraph (a) is revised to read as follows:

§ 56.34 Appropriate work and training criteria.

(a) WIN registrants may not be referred to employment which is known not to meet the criteria of this paragraph. Certified recipients shall accept assignment to employment, WIN training or employment-related activities, as determined appropriate by the WIN sponsor or face deregistration action. The following standards must be met before any such individuals can be required to accept a work or training assignment including PSE and OJT:

* * * * *

Subpart E—The WIN Components and Activities

9. In § 56.41 the section heading is revised, paragraphs (a) and (b) are removed and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 56.41 Employment-related activities (EA).

(a) Each State WIN sponsor shall establish a program of employment-related activities in each WIN site to assist registrants, who are either AFDC applicants or recipients, to obtain employment. The State WIN sponsor shall develop standards of participation taking into account local conditions, including, but not limited to, geographic factors, availability of public transportation, and local labor market characteristics. These standards of participation shall be included in the State WIN plan.

(b) Employment-related activities shall provide employment search. Included may be group job seeking, job development, exposure to labor market information, referrals, and job placement, to assist individuals in obtaining unsubsidized employment.

(c) Participation in required employment search may not exceed a total of 40 work days in any calendar year for any individual.

(d) Assignment of registrants to employment-related activities shall occur only after appraisal and the development of an employability plan. Recipients must be certified prior to participation. AFDC applicants may be certified, but lacking certification must be provided any supportive services necessary to permit effective participation.

Subpart F—Deregistration and Sanctions

10. Section 56.50 is amended by revising paragraph (e) and adding a new paragraph (h) as follows:

§ 56.50 Deregistration.

* * * * *

(e) Any WIN recipient, except a volunteer, who is determined to have failed or refused without good cause to appear for appraisal; or any certified WIN recipient, except a volunteer, who has failed or refused to participate in the WIN program without good cause shall be deregistered from WIN and removed from the AFDC grant for failure to participate. Any individual who without good cause terminates or refuses to accept employment, or reduces earnings shall be deregistered and removed from the AFDC grant.

* * * * *

(h) The sanction in 29 CFR 56.51 shall become effective on the first day of the first payment-month that the sanctioned individual's needs are removed from the AFDC grant.

11. Section 56.51 is revised as follows:

§ 56.51 Sanctions.

A State plan under Title IV–A of the Act shall provide that:

(a) When an AFDC recipient, who is a mandatory registrant in the WIN program, has been found to have failed or refused without good cause to participate in the program, or has terminated employment or refused to accept employment, or reduced earnings without good cause, the following sanctions shall apply:

(1) For the first such occurrence the individual shall be deregistered for three payment-months.

(2) For the second and subsequent occurrences, the individual shall be deregistered for six payment-months.

(b) During the sanction period:

(1) If the individual is a caretaker relative receiving AFDC benefits, the State will not take into account his or her needs in determining the family's need for assistance, but the State will provide assistance in the form of protective or vendor payments or foster care for the remaining members of the assistance unit. When the State makes protective or vendor payments, the nonparticipating caretaker relative may not be the protective payee.

(2) If the individual is the only dependent child in the family, the State will deny assistance for the family.

(3) If the individual is one of several dependent children in the family, the State will deny assistance for the child and will not take into account the child's needs in determining the family's need for assistance.

(c) When the State finds that an AFDC recipient who is a voluntary registrant has failed or refused to participate in the WIN program without good cause, the State will deregister the individual for three or six payment-months depending on whether this was the first or a subsequent deregistration for failure or refusal to participate. However, the individual's AFDC grant shall not be affected.

(d) An individual may manifest failure or refusal to participate in the WIN program or may manifest termination of or refuses to accept employment or reduction in earnings either by an overt act (express) or by a de facto action.

(1) An overt (express) refusal is a written or oral statement by an individual that he or she will not participate in the WIN program.

(2) A de facto refusal is any current act or pattern of behavior consisting of a series of current events from which failure or refusal to participate can be implied. Where the failure or refusal to participate or termination of employment or refusal to accept employment or reduction in earnings is implied, the WIN sponsor shall send a notice setting an appointment for the individual to come to the WIN office and discuss the act or pattern of behavior in question. The notice shall explain the reasons for the appointment and the consequence of failure to keep the appointment.

(e) In the event a registrant is referred back to the IMU as having good cause for not continuing on a training plan or a job, the IMU shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

Subpart G—The WIN Adjudication System

12. Section 56.63 is amended by revising paragraph (a) and (b)(3); removing paragraph (b)(2) and redesignating paragraph (b)(3) as (b)(2); and redesignating the remaining paragraphs as (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) as follows:

§ 56.63 Requirement of conciliation and notice.

(a) The WIN staff must exhaust efforts toward conciliatory resolution of disputes between the WIN staff and the registrant before the WIN staff issues a "Notice of Intended Deregistration." This conciliation effort shall begin as soon as possible, but no later than 10 days following the date of failure or refusal to participate as determined under § 56.51(d) of this Part, and may continue for a period not to exceed 30 days. However, either the WIN staff, or the registrant upon written request, *may* terminate this period sooner when either believes that the dispute cannot be resolved by conciliation. The WIN staff shall advise the registrant of the right to terminate the conciliation effort and, where necessary, assist in preparing the written statement.

(b) * * *

(2) Notification of the registrant's right to a hearing if the registrant believes that the proposed action is incorrect, or the length of the sanction period is incorrect, provided a request for a hearing is filed as prescribed in § 56.64 of this Part;

(3) Notice that the proposed action will be implementated if a hearing request is not received within the prescribed time;

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) Notice that he may be represented at the hearing by counsel or other authorized representative appointed by him and that he and his representative will have the opportunity to confront and cross-examine opposing witnesses;

(7) Notice that he will be permitted to present material evidence and testimony at the hearing that is not already in the record.

* * * * *

§ 56.76 [Removed and Reserved]

13. Section 56.76 is removed and reserved.

For reasons set out in the preamble, Part 224 of Title 45 of the Code of Federal Regulations is amended as set forth below:

Title 45—Public Welfare

Subtitle B—Regulations Pertaining to Public Welfare

PART 224—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart A—Purpose of Scope and Definitions

1. Section 224.1 is amended as follows:

§ 224.1 Definitions [Amended]

(a) by revising certain definitions as follows:

* * * * *

Certification means a written notice from the SAU that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, manpower services, or other employment related activities, or that no supportive services are needed and that the individual is at that time ready for employment or training.

* * * * *

Component means a structured regularly scheduled program activity for certified registrants such as OJT, WIN, PSE, institutional training, and work experience, but not employment-related activities or supportive services.

* * * * *

Exempt refers to an AFDC applicant or recipient who is not required by the Act to register for employment, training, or other employment-related activities under the WIN program as a condition of eligibility for AFDC.

* * * * *

Mandatory or Nonexempt Registrant means an AFDC applicant or recipient who is required by the Act to register for manpower services training, employment, or other employment-related activities as a condition of eligibility for AFDC.

* * * * *

Registrant means an AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, employment, and other employment-related activities.

* * * * *

State WIN Plan means the Statewide operational plan for WIN, covering AFDC applicants and recipients who register for employment, other employment-related activities, manpower services and training under WIN, developed by the WIN sponsor and SAU in each state and approved and supervised by the RCC under title IV, of the Act.

* * * * *

Supportive Services means those social services provided or arranged by the SAU, necessary to enable an individual to engage in employment, other employment-related activities, or training.

* * * * *

Volunteer means an AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, other employment-related activities, manpower services and training.

* * * * *

WIN Incentive Payment means a cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component.

* * * * *

Work Experience Training means a clearly defined, well-supervised assignment with a public or nonprofit private employer.

(b) By removing the term "Intensive Manpower Services Component".

(c) By adding the following two terms in proper alphabetical sequence:

* * * * *

Employment-related Activities means activities providing employment and training services to WIN registrants to assist them in locating and securing unsubsidized employment. Employment-related activities include employment search.

Employment Search is the part of employment-related activities where registrants are provided with job seeking skills, job development assistance and referrals, and actively contact employers in their effort to secure jobs.

* * * * *

Subpart B—Administration

2. In § 224.16 paragraph (b) is revised to read as follows:

§ 224.16 Non-Federal contribution.

* * * * *

(b) The State welfare agency shall assure a non-Federal cash or in-kind contribution of 10 percent of the cost of supportive services and related administrative expenses incurred by the SAU under Title IV–A of the Act.

* * * * *

Subpart C—Requirements and Procedures for Registration, Appraisal and Certification

3. In § 224.20 paragraphs (a) and (c)(4) are revised and paragraph (b)(10) is added to read as follows:

§ 221.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

A State plan under Title IV–A of the Social Security Act must provide that:

(a) All applicants and recipients who are required to register by section 402(a)(19)(A) of the Act, shall register for manpower services, training, employment, and other employment-related activities as a condition of eligibility for AFDC, except as otherwise provided under paragraph (b) of this section:

(b) * * *

(10) A person who is working not less than 30 hours per week in unsubsidized employment expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in

full-time employment expected to last no longer than 10 work days.

(c) * * *

(4) Exempt applicants and recipients in WIN project areas may choose to register voluntarily for manpower services, training, employment, and employment-related activities, and may withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in a way which would require registration; and

* * * * *

4. In § 224.21, paragraph (a)(5) is amended to read as follows:

§ 224.21 Registration procedures.

(a) * * *

(5) Notify the IMU of any employment or other change of status which may affect an individual's AFDC eligibility or the amount of the AFDC payment. Included in this notification will be the hours and expected duration of employment.

* * * * *

5. Section 224.22 is amended by revising paragraph (e), adding a new paragraph (f) and redesignating existing paragraphs (f) and (g) as (g) and (h) to read as follows:

§ 224.22 Appraisal and certification.

* * * * *

(e) The SAU shall certify in writing that the necessary immediate and ongoing supportive services have been provided or arranged, or that no such services are required for those individuals who have been selected for participation in a WIN component. The SAU shall also certify registrants who are recipients who are selected to participate in employment-related activities. When certified, the individual shall be placed in employment if appropriate work that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in employment-related activities, on-the-job training, public service employment, institutional training or in any other manpower program or activity.

(f) The SAU may provide or arrange for social services for AFDC applicants to enable them to participate in employment-related activities. Such applicants may be certified, or services may be provided or arranged on an occasional basis without certification.

* * * * *

Subpart D—Supportive and Manpower Services and Protective Provisions

6. Section 224.30 is amended by removing paragraph (b)(5) and by revising paragraphs (a), (b)(2), (b)(3), and (e) to read as follows:

§ 224.30 Supportive services; State plan requirements.

A State plan under Part A of title IV of the Act must provide that:

(a) Within the State agency there will be separate administrative units which will, to the maximum extent possible, perform functions only in connection with the WIN program. To the maximum extent feasible, local SAU staff and WIN employment and training staff should be located together to foster more efficient working arrangements for joint appraisals, the development of employability plans, and the provision of services to registrants.

(b) * * *

(2) Developing and supplying social services necessary to enable a registrant to accept employment, training for employment, or other employment-related activities. Necessary services shall continue for a period of 30 days after the start of unsubsidized employment and may continue for a maximum of 90 days at the discretion of the SAU. Such services may be provided even after the AFDC grant has been discontinued due to employment. In an emergency such services may also be provided for a period of up to 30 days to enable a registrant to continue existing employment;

(3) Participating with the WIN sponsor in appraisal and certification, in the development of employability plans pursuant to § 224.22, and in efforts to resolve grievances and disputes informally.

* * * * *

(e) Supportive services may be provided for up to two weeks to a registrant between participation in WIN components or between participation in a component or employment-related activities and the start of employment in order to avoid interruption of the employability process.

7. In § 224.32 paragraphs (a) through (g) are redesignated as paragraphs (b) through (h); a new paragraph (a) is added; and paragraphs (b) and (h) are revised as follows:

§ 224.32 Pay and allowances for WIN registrants.

(a) An individual assigned to employment search shall receive an allowance for necessary expenses for participation.

(b) An individual assigned to a WIN institutional or work experience training component, in which no salary is paid, shall receive an allowance for necessary training related expenses. He shall also receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(c) Individuals placed in employment, OJT, or PSE shall be authorized training related expenses for not in excess of two WIN pay periods; or until they receive their first full paycheck or the cash from a grant adjustment reflecting new work related expenses, whichever occurs first.

(d) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to individuals for separate maintenance when in training facilities beyond daily commuting distance from their homes for each calendar day within the training payment period during which they are participating in such training and are residing away from home.

(e) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(f) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(g) WIN sponsor offices may establish petty cash funds or another acceptable method to meet needs for cash for allowable expenditures for all registrants.

(h) Registrants referred to employment may receive an allowance for necessary expenses.

8. In § 224.34 paragraph (a) is revised to read as follows:

§ 224.34 Appropriate work and training criteria.

(a) WIN registrants may not be referred to employment which is known not to meet the criteria of this paragraph. Certified recipients shall accept assignment to employment, WIN training or employment-related activities, as determined a appropriate by the WIN sponsor or face deregistration action. The following standards must be met before any such individuals can be required to accept a work or training assignment including PSE and OJT:

* * * * *

Subpart E—The WIN Components and Activities

9. In § 224.41 the section heading is revised, paragraphs (a) and (b) are removed and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 224.41 Employment-related activities (EA).

(a) Each State WIN sponsor shall establish a program of employment-related activities in each WIN site to assist registrants, who are either AFDC applicants or recipients, to obtain employment. The State WIN sponsor shall develop standards of participation taking into account local conditions, including, but not limited to, geographic factors, availability of public transportation, and local labor market characteristics. These standards of participation shall be included in the State WIN plan.

(b) Employment-related activities shall provide employment search. Included may be group job seeking, job development, exposure to labor market information, referrals, and job placement, to assist individuals in obtaining unsubsidized employment.

(c) Participation in required employment search may not exceed a total of 40 work days in any calendar year for any individual.

(d) Assignment of registrants to employment-related activities shall occur only after appraisal and the development of an employability plan. Recipients must be certified prior to participation. AFDC applicants may be certified, but lacking certification must be provided any supportive services necessary to permit effective participation.

Subpart F—Deregistration and Sanctions

10. Section 224.50 is amended by revising paragraph (e) and adding a new paragraph (h) as follows:

§ 224.50 Deregistration.

* * * * *

(e) Any WIN recipient, except a volunteer, who is determined to have failed or refused without good cause to appear for appraisal; or any certified WIN recipient, except a volunteer, who has failed or refused to participate in the WIN program without good cause shall be deregistered from WIN and removed from the AFDC grant for failure to participate Any individual who without good cause terminates or refuses to accept employment or reduces earnings shall be deregistered and removed from the AFDC grant.

* * * * *

(h) The sanction in 45 CFR 224.51 shall become effective on the first day of the first payment-month that the sanctioned individual's needs are removed from the AFDC grant.

11. Section 224.51 is revised as follows:

§ 224.51 Sanctions.

A State plan under Title IV–A of the Act shall provide that:

(a) When an AFDC recipient, who is a mandatory registrant in the WIN program, has been found to have failed or refused without good cause to participate in the program or has terminated employment, or has refused to accept employment or reduced earnings without good cause, the following sanctions shall apply:

(1) For the first such occurrence the individual shall be deregistered for three payment-months.

(2) For the second and subsequent occurrences, the individual shall be deregistered for six payment-months.

(b) During the sanction period:

(1) If the individual is a caretaker relative receiving AFDC benefits, the State will not take into account his or her needs in determining the family's need for assistance, but the State will provide assistance in the form of protective or vendor payments or foster care for the remaining members of the assistance unit. When the State makes protective or vendor payments, the non-participating caretaker relative may not be the protective payee.

(2) If the individual is the only dependent child in the family, the State will deny assistance for the family.

(3) If the individual is one of several dependent children in the family, the State will deny assistance for the child and will not take into account the child's needs in determining the family's need for assistance.

(c) When the State finds that an AFDC recipient who is a voluntary registrant has failed or refused to participate in the WIN program without good cause, the State will deregister the individual for three or six payment-months depending on whether this was the first or a subsequent deregistration for failure or refusal to participate. However, the individual's AFDC grant shall not be affected.

(d) An individual may manifest failure or refusal to participate in the WIN program or may manifest termination of employment or may refuse to accept employment or reduction in earnings either by an overt act (express) or by a de facto action.

(1) An overt (express) refusal is a written or oral statement by an individual that he or she will not participate in the WIN program.

(2) A de facto refusal is any current act or pattern of behavior consisting of a series of current events from which failure or refusal to participate can be implied. Where the failure or refusal to participate or termination of employment, or refusal to accept employment, or reduction in earnings is implied, the WIN sponsor shall send a notice setting an appointment for the individual to come to the WIN office and discuss the act or pattern of behavior in question. The notice shall explain the reasons for the appointment and the consequences of failure to keep the appointment.

(e) In the event a registrant is referred back to the IMU as having good cause for not continuing on a training plan or a job, the IMU shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

Subpart G—The WIN Adjudication System

12. Section 224.63 is amended by revising paragraphs (a) and (b)(3); removing paragraph (b)(2) and redesignating paragraph (b)(3) as (b)(2); and redesignating the remaining paragraphs as (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) as follows:

§ 224.63 Requirement of conciliation and notice.

(a) The WIN staff must exhaust efforts toward conciliatory resolution of disputes between the WIN staff and the registrant before the WIN staff issues a "Notice of Intended Deregistration." This conciliation effort shall begin as soon as possible, but no later than 10 days following the date of failure or refusal to participate as determined under § 224.51(d) of this Part, and may continue for a period not to exceed 30 days. However, either the WIN staff, or the registrant upon written request, *may* terminate this period sooner when either believes that the dispute cannot be resolved by conciliation. The WIN staff shall advise the registrant of the right to terminate the conciliation effort and, where necessary, assist in preparing the written statement.

(b) * * *

(2) Notification of the registrant's right to a hearing if the registrant believes that the proposed action is incorrect, or the length of the sanction period is incorrect, provided a request for a

hearing is filed as prescribed in § 224.64 of this part.

(3) Notice that the proposed action will be implemented if a hearing request is not received within the prescribed time;

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) Notice that he may be represented at the hearing by counsel or other authorized representative appointed by him and that he and his representative will have the opportunity to confront and cross-examine opposing witnesses;

(7) Notice that he will be permitted to present material evidence and testimony at the hearing that is not already in the record.

* * * * *

§ 224.76 [Removed and Reserved]

13. Section 224.76 is removed and reserved.

[FR Doc. 81-28801 Filed 9-30-81; 8:45 am]

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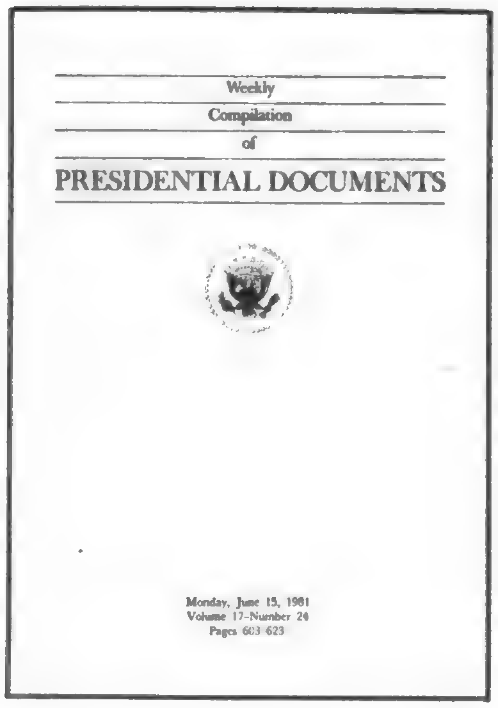

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Monday, June 15, 1981
Volume 17–Number 24
Pages 603-623

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federal register

Friday
October 2, 1981

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48631 **NOW Accounts** FDIC issues interpretation on eligibility regulations.

48710 **Advertising** FTC terminates rulemaking proceeding on children's television advertising.

48693 **Loan Programs—Housing** USDA/FmHA proposes to revise regulations on security servicing for multiple family housing loans.

48688 **Child Nutrition Programs** USDA/FNS withdraws proposal on meal pattern requirements for the National School Lunch, School Breakfast and Child Care Food Programs.

48644 **Aid to Families with Dependent Children** Labor/ETA and HHS/HDSO jointly revise regulations on the Work Incentive Program.

48637 **Securities** SEC announces issuance of "retail repurchase agreements" by banks and savings and loan associations proposing to raise short-term capital.

48640 SEC announces policy on Federal income tax status of certain variable annuity contracts.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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48623 **Equal Access to Justice Act** FLRA adopts interim regulations on awarding fees and expenses in adversary proceedings.

48629 **Acreage Allotments** USDA/ASCS allows reconstitution of farms comprised of land located in two or more counties.

48637 **Energy** Commerce/NOAA announces availability of technical guidance document on commercial ocean thermal energy conversion licensing.

48634 **Environmental Data** Commerce/NOAA revises regulations on operation of the Geostationary Operational Environmental Satellite Data Collection System.

48656 **Mineral Resources** Interior/GS removes regulations on administration of development operations.

48664 **Veterans Education** VA sets time limit for submission of mitigating circumstances surrounding withdrawal from course or receipt of nonpunitive grade.

48805 **Postal Service** PRC issues notice on Postal Service request for recommendation on changes in Express Mail forwarding and address correction services.

48840 **Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

48737 **Countervailing Duty** Commerce/ITA issues final results of administrative review on Michelin X-radial steel belted tires from Canada.

48884 **Consular Services** State revises fees schedule for consular services performed in the United States or in foreign countries. (Part III of this issue)

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48720 **Regulatory Flexibility Agenda** EEOC

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Federal Register
Vol. 46, No. 191
Friday, October 2, 1981

Presidential Documents

Title 3—

The President

Executive Order 12325 of September 30, 1981

Presidential Task Force on the Arts and Humanities

By the authority vested in me as President by the Constitution of the United States of America, and in order to extend the time for the Task Force to complete its work, Executive Order No. 12308 is hereby amended as follows:

Section 1. Section 1 is amended by deleting "No more than one member shall be a full-time Federal officer or employee. The remaining members shall not represent Executive agencies.".

Sec. 2. Section 4(b) is amended to read, "The Task Force shall terminate on October 31, 1981.".

Ronald Reagan

THE WHITE HOUSE,
September 30, 1981.

[FR Doc. 81-28658
Filed 10-1-81; 10:54 am]
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Rules and Regulations

Federal Register
Vol. 46, No. 191
Friday, October 2, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-4-AD; Amdt. 39-4233]

Airworthiness Directives; Beech Models 99, 99A, A99A, A99 and B99 Airplanes

AGENCY: Federal Aviation Administation (FAA), DOT.

ACTION: Extension of effective date of final rule.

SUMMARY: This amendment extends, by 60 days, the effective date of the airworthiness directive (AD) which concerns revised operating limitations in the FAA Approved Airplane Flight Manual (AAFM) for Beech Models 99, 99A, A99A, A99 and B99 airplanes.

DATE: Extends effective date of Amendment 39-4196, AD 81-18-08 to December 2, 1981.

FOR FURTHER INFORMATION CONTACT: Airworthiness Standards Program, Room 1639, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6942.

SUPPLEMENTARY INFORMATION: The FAA issued an airworthiness directive, Amendment 39-4196, AD 81-18-08, on August 17, 1981, effective October 3, 1981, applicable to Beech Models 99, 99A, A99A, A99 and B99 airplanes. The AD requires the deletion of the Minimum Equipment List (MEL) and Configuration Deviation List (CDL) from the FAA Approved Airplane Flight Manual (AAFM) and the insertion therein of a new document entitled Kinds of Operations Equipment List (KOEL) as operating limitations for these Beech model airplanes. This action was taken pursuant to a notice of proposed rulemaking and is necessary to preclude unsafe operation of the airplanes with certain inoperative equipment. Subsequent to issuance, it was brought to FAA's attention that some owners/operators may still misunderstand the KOEL and its relationship to the MMEL and the MEL being removed from the AFM, and that there may be some inaccuracies in the KOEL, as published. Accordingly, the FAA believes that it is in the public interest to extend the effective date of Amendment 39-4196 for 60 days in order to make any clarification deemed necessary and to correct any inaccuracies noted in the published KOEL. Any such revisions to the KOEL will be made by no later than November 2, 1981.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-4196, AD 81-18-08, as follows:

This amendment extends the effective date of Amendment 39-4196, AD 81-18-08 to December 2, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note: Since this document involves a change of effective date of a regulation which is not major, the FAA has determined that it is not major under Executive Order 12291, or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This regulatory action imposes no additional burden on any persons, and the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation. Issued in Kansas City, Missouri, on September 30, 1981.

John E. Shaw,
Acting Director, Central Region.

[FR Doc. 81-28879 Filed 10-1-81; 8:45 am]

BILLING CODE 4910-13-M

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Change in Merit Systems Protection Board Appeals Form

AGENCY: Merit Systems Protection Board.

ACTION: Notice of revised form for filing of appeals with MSPB.

SUMMARY: This notice announces publication of a new MSPB Appeals Form, Appendix I of 5 CFR Part 1201, which has been revised in format to facilitate the filing of appeals with the Board. The Board has arranged for supplies of the new form [Optional Form 283 (5/80)] to be made available to agencies through their normal procurement channels from the General Services Administration, for issuance to potential appellants before the MSPB. Since the revision effects no substantive change in content, the previous Appeals Form (MSPB 20) will remain valid for purposes of filing appeals with the Board, and agencies may continue to utilize the previous form until existing supplies are exhausted.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Secretary, Merit Systems Protection Board, 1717 H Street, NW., Washington, D.C. 20419, (202) 632-4525.

Ersa H. Poston,
Vice Chair.
September 24, 1981.

PART 1201—PRACTICES AND PROCEDURES

Accordingly, 5 CFR Part 1201, Appendix I, is revised as follows:

BILLING CODE 7400-01-M

UNITED STATES MERIT SYSTEMS PROTECTION BOARD

APPEAL

AGENCY USE ONLY

INSTRUCTIONS: The purpose of this form is to help you provide valuable information to the U.S. Merit Systems Protection Board ("The Board") when you file an appeal. You are not required to use this form, and you are not limited to answering the questions on the form if you feel there is other information you wish to provide. However, if you do not use the form, your appeal documents must comply with the Board's regulations. Your agency's personnel office will provide you with a copy of these regulations upon request and the Board advises you to review them.

All appellants who elect to use this form should complete Parts I through III. Only those who are appealing Reduction-in-Force (RIF) actions are required to complete Part IV. ALL APPELLANTS should also sign and date the form in the space provided at the end of Page 4 indicating approval of the contents of the entire form.

In filling out this form, wherever the space provided is insufficient you may add additional pages. If you do so, please put your name and Social Security Number at the top of the page, and indicate by number which question you are answering.

WHERE TO FILE—You or your representative are required to file one original and three copies of this form, together with its attachments with the Board's field office identified in the decision notice provided by the Agency. Filing must be made either by personal delivery during normal business hours to the appropriate Board field office or by mail addressed to that office. The Board recommends but does not require that you use certified mail.

PRIVACY ACT STATEMENT

This form requests personal information which is relevant and necessary to reach a decision in your appeal. The U.S. Merit Systems Protection Board collects this information in order to process appeals under its statutory and regulatory authority. Since your appeal is a voluntary action you are not required to provide any personal information in connection with it. However, failure to supply the U.S. Merit Systems Protection Board with all the information essential to reach a decision in your case could result in the rejection of your appeal.

You should know that the decisions of the U.S. Merit Systems Protection Board on appeal are final administrative decisions and, as such, are available to the public under the provisions of the Freedom of Information Act. Additionally, it is possible that information contained in your appeal file may be released as required by the Freedom of Information Act. Some information about your appeal will also be used in depersonalized form as a data base for program statistics.

PART I. APPELLANT IDENTIFICATION

1. NAME *(Last, first, middle)*

2. SOCIAL SECURITY NUMBER

3. PRESENT ADDRESS *(Number and street, city, state, and ZIP code)*

4. HOME PHONE *(Include area code)*

5. OFFICE PHONE *(Include area code)*

PART II. APPEALED ACTION

6. BRIEFLY DESCRIBE *AGENCY ACTION* YOU WISH TO APPEAL AND ATTACH ANY RELEVANT DOCUMENTS

7. NAME AND ADDRESS OF ACTING AGENCY *(Including Bureau, or other Division as well as street address, city, state, and ZIP code)*

8. APPELLANT'S POSITION TITLE AT TIME OF ACTION

9. GRADE AT TIME OF ACTION

10. SALARY AT TIME OF ACTION

$ PER

11. ARE YOU A VETERAN OR ENTITLED TO THE EMPLOYMENT RIGHTS OF A VETERAN?

☐ NO ☐ YES

12. TYPE OF APPOINTMENT

☐ Temporary ☐ Applicant
☐ Permanent ☐ Term

13. TYPE OF SERVICE

☐ Competitive
☐ Excepted

14. LENGTH OF GOVERNMENT SERVICE

15. LENGTH OF SERVICE WITH ACTING AGENCY

16. ARE YOU RETIRED?

☐ NO ☐ YES

16A. IF YES, DATE OF RETIREMENT *(Month, day, year)*

17. WERE YOU SERVING A PROBATIONARY OR TRIAL PERIOD AT TIME ACTION WAS TAKEN BY THE AGENCY?

☐ NO ☐ YES

18. DATE WRITTEN PROPOSED ACTION NOTICE RECEIVED *(Month, day, year) (Attach copy)*

19. DATE FINAL DECISION NOTICE RECEIVED *(Month, day, year)*

20. EFFECTIVE DATE OF ACTION *(Month, day, year)*

80283-101

NSN 7540-01-096-1230

OPTIONAL FORM 283 (5/80)
MERIT SYSTEMS PROTECTION BOARD
5 CFR 1201

21. WHY DO YOU THINK THE AGENCY WAS WRONG IN TAKING THIS ACTION? *(Explain briefly)*

22. WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE ON THIS CASE?

23. HAVE YOU, OR ANYONE ON YOUR BEHALF, FILED A FORMAL GRIEVANCE OR COMPLAINT, INCLUDING AN UNFAIR LABOR PRACTICE CHARGE, WITH YOUR AGENCY OR ANY OTHER AGENCY CONCERNING THIS MATTER?

☐ NO ☐ YES *(Attach copy)*

23A. IF YES, DATE FILED *(Month, day, year)*	23B. PLACE FILED *(Agency and location)*	23C. HAS DECISION BEEN ISSUED? ☐ NO ☐ YES
23D. IF YES, DATE ISSUED *(Month, day, year)*	23E. NAME OF ISSUING OFFICIAL	23F. TITLE OF ISSUING OFFICIAL

24. IF YOU BELIEVE YOU WERE DISCRIMINATED AGAINST BY THE AGENCY BECAUSE OF EITHER YOUR RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, MARITAL STATUS, POLITICAL AFFILIATION, HANDICAPPING CONDITION, OR AGE, INDICATE SO AND EXPLAIN WHY YOU BELIEVE IT TO BE TRUE. YOU MUST INDICATE, BY EXAMPLES, HOW YOU WERE DISCRIMINATED AGAINST.

25. HAVE YOU FILED A DISCRIMINATION COMPLAINT WITH YOUR AGENCY OR ANY OTHER AGENCY? ☐ NO ☐ YES *(Attach copy)*

25A. IF YES, DATE FILED *(Month, day, year)*	25B. PLACE FILED *(Agency and location)*	25C. HAS THERE BEEN A DECISION? ☐ NO ☐ YES

PART III. HEARING

26. YOU HAVE A RIGHT TO A HEARING ON THIS APPEAL. IF YOU DO NOT WANT A HEARING, THE BOARD WILL MAKE ITS DECISION ON THE BASIS OF THE DOCUMENTS YOU AND THE AGENCY SUBMIT. DO YOU WANT A HEARING?

☐ NO ☐ YES

IF YOU CHOOSE TO HAVE A HEARING, THE BOARD WILL NOTIFY YOU WHEN AND WHERE IT IS TO BE HELD.

27. YOU HAVE THE RIGHT TO DESIGNATE SOMEONE TO REPRESENT YOU ON THIS APPEAL IF HE/SHE AGREES TO DO SO. THIS PERSON DOES NOT HAVE TO BE AN ATTORNEY. THE AGENCY HAS A RIGHT TO CHALLENGE YOUR CHOICE OF A REPRESENTATIVE IF THERE IS A CONFLICT OF INTEREST OR POSITION. YOU MAY CHANGE YOUR DESIGNATION OF A REPRESENTATIVE AT A LATER DATE, IF YOU SO DESIRE, BUT MUST NOTIFY THE BOARD PROMPTLY OF ANY CHANGE.

27A. "I HEREBY DESIGNATE ______________________________ TO SERVE AS MY REPRESENTATIVE DURING THE COURSE OF THIS APPEAL. I UNDERSTAND THAT MY REPRESENTATIVE IS AUTHORIZED TO ACT ON MY BEHALF."

27B. YOUR SIGNATURE	27C. DATE	27D. REPRESENTATIVE'S SIGNATURE *(if any)*	27E. DATE

27F. REPRESENTATIVE'S ADDRESS	27G. REPRESENTATIVE'S EMPLOYER

28. YOU MAY BE PERMITTED TO CALL WITNESSES AT A HEARING UPON THE APPROVAL OF THE PRESIDING OFFICIAL. IF YOU INTEND TO DO SO, PROVIDE THEIR NAMES AND A BRIEF STATEMENT OF THEIR RELATIONSHIP TO THE CASE. YOU WILL BE PERMITTED TO REQUEST OTHER WITNESSES LATER IF YOU DO NOT LIST THEM NOW.

A. NAME	B. RELATIONSHIP TO CASE

PART IV. REDUCTION-IN-FORCE (RIF)

INSTRUCTIONS: **FILL OUT THIS PART ONLY IF YOU ARE APPEALING FROM A REDUCTION-IN-FORCE (RIF). YOUR AGENCY'S PERSONNEL OFFICE CAN FURNISH YOU MOST OF THE INFORMATION REQUESTED BELOW.**

29. TENURE OF SUB-GROUP	30. SERVICE COMPUTATION DATE	31. HAS YOUR AGENCY OFFERED YOU ANOTHER POSITION RATHER THAN SEPARATING YOU? ☐ NO ☐ YES
32. TITLE OF OFFERED POSITION	33. GRADE OF POSITION OFFERED	34. SALARY OF POSITION OFFERED $ PER

35. LOCATION OF OFFERED POSITION	36. DID YOU ACCEPT THIS POSITION? ☐ NO ☐ YES

37. EXPLAIN WHY YOU BELIEVE YOU SHOULD NOT HAVE BEEN AFFECTED BY THE REDUCTION-IN-FORCE. *(Explanations could include: You were placed in the wrong tenure subgroup; an error was made in the computation of your service computation date; competitive area was too narrow; improperly reached for separation from competitive level; an exception was made to the regular order of selection; full 30-day notice was not given; you believe you can "bump" a person in a lower tenure subgroup; or any other reasons. Please provide as much information as possible regarding each reason.)*

(Continue on the next page)

OPTIONAL FORM 283 (3/80) PAGE 3

37. *(Continued from Page 3.)*

ATTENTION—THIS APPEAL MUST BE SIGNED

I CERTIFY that all of the statements made in this Appeal are true, complete, and correct to the best of my knowledge and belief.	SIGNATURE OF APPELLANT	DATE SIGNED

☆ U.S. GOVERNMENT PRINTING OFFICE : 1981 O - 341-528 (8462)

OPTIONAL FORM 283 (3/80) PAGE 4

[FR Doc. 81-28396 Filed 10-1-81; 8:45 am]

BILLING CODE 7400-01-C

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2430

General Counsel of the Federal Labor Relations Authority; Equal Access to Justice Act; Implementation

AGENCY: Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority.

ACTION: Interim rules and regulations; request for comments.

SUMMARY: These interim rules and regulations are required by and designed to implement the Equal Access to Justice Act, 5 U.S.C. 504. As applied to the Federal Labor Relations Authority, the Act, which takes effect October 1, 1981, authorizes the award of fees and other expenses to eligible parties who prevail in defending against the General Counsel of the authority in adversary adjudications conducted by the Authority. An eligible prevailing party in such a situation would, upon application, be entitled to an award of allowable fees and expenses incurred in connection with the adversary adjudication, unless an adjudicative officer finds that the position of the General Counsel as a party to the proceeding was substantially justified or that special circumstances make an award unjust. These interim rules and regulations describe the eligibility criteria for a party to apply for an award of fees and other expenses in adversary proceedings of the Authority; identify the Authority proceedings covered by the Act; and set forth the procedures for the submission and consideration of an application for an award. The interim rules and regulations will expire no later than March 15, 1982.

DATES: Effective Date: October 1, 1981. Comment date: Written comments received by November 15, 1981, will be considered in promulgation of final rules and regulations on this subject.

ADDRESS: Comments should be mailed to James J. Shepard, Executive Director, Federal Labor Relations Authority, Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: Jerome P. Hardiman, Director, Office of Operations and Technical Assistance, Federal Labor Relations Authority, Washington, D.C. 20424, (202) 254-7362.

SUPPLEMENTARY INFORMATION: The Equal Access to Justice Act, 5 U.S.C. 504, effective October 1, 9181, provides that an agency which conducts an adversary adjudication shall award to an eligible party (other than the United States) that prevails against the agency in defending against or seeking review of the agency's action certain fees and other expenses incurred by that party in connection with the proceeding, unless the adjudicative officer of the agency finds that the position of the agency as a party to the proceeding was substantially justified or that special circumstances make an award unjust.

An adversary adjudication is an adjudication under section 554 of the Administrative Procedure Act, 5 U.S.C. 554, in which the position of the United States is represented by counsel or otherwise. The adversary adjudications of the Federal Labor Relations Authority that are covered by the Act are unfair labor practice proceedings pending on complaint against a labor organization at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final Authority action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Authority action occurs.

Applicants eligible to receive an award in connection with such an unfair labor practice proceeding conducted by the Authority are identified with specificity in the interim regulations at § 2430.2(b).

Fees and other expenses that may be awarded include the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the agency to be necessary for the preparation of the party's case, and reasonable attorney or agent fees.

Under the Act, an adjudicative officer is the deciding official who presided at the adversary proceeding upon which the application for an award of fees and other expenses is based. As applied to the Federal Labor Relations Authority, the adjudicative officer is the Administrative Law Judge who presided at the hearing on the unfair labor practice complaint against the labor organization involved. These interim regulations provide at § 2430.7 that in the event the Administrative Law Judge who presided at the proceeding is unavailable, or the proceeding was not heard by an Administrative Law Judge, an application for an award will be referred to the Chief Administrative Law Judge for designation of a Judge for consideration and decision on the application. The regulations also provide at § 2430.13 for the filing of exceptions to an Administrative Law Judge's decision with the Authority and a final decision on the matter by the Authority.

As already indicated, the Equal Access to Justice Act requires each agency to establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses. These interim rules and regulations, designed to implement the provisions of the Act, follow the model rules recommended by the Administrative Conference of the United States (46 FR 32900, June 25, 1981) which we understand have been submitted to the Office of Management and Budget in order to facilitate any review that may be warranted under the Paperwork Reduction Act.

In accordance with section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Authority and the General Counsel of the Authority have determined that these interim rules and regulations will not have a significant economic impact upon a substantial number of small entities and, therefore, preparation of a regulatory flexibility analysis is not required.

Accordingly, Chapter XIV of Title 5 of the Code of Federal Regulations is revised to add a new Part 2430 to read as follows:

PART 2430—AWARDS OF ATTORNEY FEES AND OTHER EXPENSES

Sec.
2430.1 Purpose.
2430.2 Proceedings affected; eligibility for award.
2430.3 Standards for awards.
2430.4 Allowable fees and expenses.
2430.5 Rulemaking on maximum rates for attorney fees.
2430.6 Contents of application; net worth exhibit; documentation of fees and expenses.
2430.7 When an application may be filed; referral to administrative law judge; stay of proceeding.
2430.8 Filing and service of documents.
2430.9 Answer to application; reply to answer; comments by other parties; extensions of time to file documents.
2430.10 Settlement.
2430.11 Further proceedings.
2430.12 Administrative Law Judge's decision; contents; service; transfer of case to the Authority; contents of record in case.
2430.13 Exceptions to administrative law judge's decision; briefs; action of Authority.
2430.14 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

§ 2430.1 Purpose.

The Equal Access to Justice Act, 5 U.S.C. 504, provides for the award of attorney, agent, or witness fees and other expenses to eligible individuals and entities who are parties to agency

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adversary adjudications. An eligible party may receive an award when it prevails over an agency, unless the agency's position in the proceeding was substantially justified, or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards, and the Authority proceeding that is covered. They also set forth the procedures for applying for such awards, and the procedures by which the Authority will rule on such applications.

§ 2430.2 Proceedings affected; eligibility for award.

(a) The provisions of this part apply to unfair labor practice proceedings pending on complaint against a labor organization at any time between October 1, 1981, and September 30, 1984. They apply to proceedings begun before October 1, 1981, if final Authority action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Authority action occurs.

(b) A respondent in an unfair labor proceeding which has prevailed in the proceeding, or in a significant and discrete portion of the proceeding, and who otherwise meets the eligibility requirements of this section, is eligible to apply for an award of attorneys fees and other expenses allowable under the provisions of § 2430.4 of these rules.

(1) Applicants eligible to receive an award in proceedings conducted by the Authority are any partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than five hundred (500) employees.

(2) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the complaint was issued.

(3) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(4) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 2430.3 Standards for awards.

(a) An eligible applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete portion of the proceeding, unless the position of the General Counsel over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible applicant is on the General Counsel, who may avoid an award by showing that its position in initiating the proceeding was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 2430.4 Allowable fees and expenses.

(a) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate which the Authority pays expert witnesses. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(b) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the following matters may be considered:

(1) If the attorney, agent or witness is in practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(c) The reasonable cost of any study, analysis, engineering report, test, project or similar matters prepared on behalf of an applicant may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 2430.5 Rulemaking on maximum rates for attorney fees.

Any person may file with the Authority a petition under § 2429.28 of these rules for rulemaking to increase the maximum rate for attorney fees. The petition should specify the rate the petitioner believes should be established and explain fully the reasons why the higher rate is warranted.

§ 2430.6 Contents of application; net worth exhibit; documentation of fees and expenses.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall state the particulars in which the applicant has prevailed and identify the positions of the General Counsel in the proceeding that the applicant alleges were not substantially justified. The application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall include a statement that the applicant's net worth does not exceed $5 million.

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Authority to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true.

(f) Each applicant must provide with its application a detailed exhibit showing the net worth of the applicant when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The Administrative Law Judge may require an applicant to file additional information to determine its eligibility for an award.

(g) The application shall be accompanied by full documentation of the fees and expenses for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Administrative Law Judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 2430.7 When an application may be filed; referral to Administrative Law Judge; stay of proceeding.

(a) An application may be filed after entry of the final order establishing that the applicant has prevailed in the proceeding, or in a significant and discrete substantive portion of the proceeding, but in no case later than thirty (30) days after the entry of the Authority's final order in the proceeding. The application for an award shall be filed with the Authority in Washington, D.C., in an original and four copies, and served on all parties to the unfair labor practice proceeding. Service of the application shall be in the same manner as prescribed in §§ 2429.22 and 2429.27. Upon filing, the application shall be referred by the Authority to the Administrative Law Judge who heard the proceeding upon which the application is based, or, in the event the proceeding had not previously been heard by an Administrative Law Judge, it shall be referred to the Chief Administrative Law Judge for designation of an Administrative Law Judge, to consider the application. When the Administrative Law Judge to whom the application has been referred is or becomes unavailable, the provisions of § 2423.20 shall be applicable.

(b) Proceedings for the award of fees and other expenses, but not the time limit of this section for filing an application for an award, shall be stayed pending final disposition of the case, in the event any persons seeks Authority reconsideration or court review of the Authority decision that forms the basis for the application for fees and expenses.

§ 2430.8 Filing and service of documents.

All pleadings or documents after the time the case is referred by the Authority to an Administative Law Judge, until the issuance of the Judge's decision, shall be filed in an original and four copies with the Administrative Law Judge and served on all parties to the proceeding. Service of such documents shall be in the same manner as prescribed in §§ 2429.22 and 2429.27.

§ 2430.9 Answer to application; reply to answer; comments by other parties; extensions of time to file documents.

(a) Within 30 days after service of an application, the General Counsel may file an answer to the application. The filing of a motion to dismiss the application shall stay the time for filing an answer to a date thirty (30) days after issuance of any order denying the motion.

(b) If the General Counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate toward a settlement. The filing of such a statement shall extend the time for filing an answer for an additional 30 days.

(c) The answer shall explain in detail any objections to the award requested, and identify the facts relied on in support of the General Counsel's position. If the answer is based on alleged facts not already in the record of the proceeding, supporting affidavits shall be provided or a request made for further proceedings under § 2430.11.

(d) Within fifteen (15) days after service of an answer, the applicant may file a reply. If the reply is based on alleged facts not already in the record of the proceeding, supporting affidavits shall be provided or a request made for further proceedings under § 2430.11.

(e) Any party to a proceeding other than the applicant and the General Counsel may file comments on an application within 30 days after it is served, or on an answer within 15 days after it is served. A commenting party may not participate further in the proceeding on the application unless the Administrative Law Judge determines that such participation is required in order to permit full exploration of matters raised in the comments.

(f) Motions for extensions of time to file documents permitted by this section or § 2430.11 shall be filed with the Administrative Law Judge not less than five (5) days before the due date of the document.

§ 2430.10 Settlement.

The applicant and the General Counsel may agree on a proposed settlement of the award before final action on the application. If an applicant and the General Counsel agree on a proposed settlement of an award before an application has been filed, the proposed settlement shall be filed with the application. All such settlements shall be subject to approval by the Authority.

§ 2430.11 Further proceedings.

(a) The determination of an award may be made on the basis of the documents in the record, or the Administrative Law Judge, upon request of either the applicant or the General Counsel, or on his or her own initiative, may order further proceedings. Such further proceedings may include, but shall not be limited to, an informal conference, oral argument, additional written submissions, or an evidentiary hearing.

(b) A request that the Administrative Law Judge order further proceedings under this section shall specifically identify the disputed issues and the evidence sought to be adduced, and shall explain why the additional proceedings are necessary to resolve the issues.

(c) An order of the Administrative Law Judge scheduling oral argument, additional written submissions, or an evidentiary hearing, shall specify the issues to be considered in such argument, submission, or hearing.

(d) Any evidentiary hearing held pursuant to this section shall be conducted not earlier than forty-five (45) days after the date on which the application is served. In all other respects, such hearing shall be conducted in accordance with §§ 2423.14, 2423.16, 2423.17, 2423.19 through 2423.21, 2423.23, and 2423.24, insofar as these sections are consistent with the provisions of this part.

§ 2430.12 Administrative Law Judge's decision; contents; service; transfer of case to the Authority; contents of record in case.

(a) Upon conclusion of proceedings under §§ 2430.6 to 2430.11, the Administrative Law Judge shall prepare a decision. The decision shall include written findings and conclusions on the applicant's status as a prevailing party and eligibility, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. The Administrative Law Judge shall cause the decision to be served promptly on all parties to the proceeding. Thereafter, the Administrative Law Judge shall transmit the case to the Authority, including the judge's decision and the record. Service of the Administrative Law Judge's decision and of the order transferring the case to the Board shall be complete upon mailing.

(b) The record in a proceeding on an application for an award of fees and expenses shall consist of the application for an award of fees and expenses and any amendments or attachments thereto, the net worth exhibit, the answer and any amendments or attachments thereto, any reply to the answer, any comments by other parties, motions, rulings, orders, stipulations, written submissions, the stenographic transcript of oral argument, the stenographic transcript of the hearing,

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exhibits and depositions, together with the Administrative Law Judge's decision, and the exceptions and briefs as provided in § 2430.13, and the record of the unfair labor practice proceeding upon which the application is based.

§ 2430.13 Exceptions to administrative law judge's decision; briefs; action of Authority.

Procedures before the Authority, including the filing of exceptions to the administrative law judge's decision rendered pursuant to § 2430.12, and action by the Authority, shall be in accordance with §§ 2423.26(c), 2423.27, and 2423.28 of these rules. The Authority's review of the matter shall be in accordance with § 2423.29(a).

§ 2430.14 Payment of award.

To obtain payment of an award made by the Authority the applicant shall submit to the Executive Director of the Authority a copy of the Authority's final decision granting the award, accompanied by a statement that the applicant will not seek court review of the decision. The amount awarded will then be paid unless judicial review of the award, or of the underlying decision, has been sought by the applicant or any other party to the proceeding.

Dated: September 30, 1981.

Ronald W. Haughton,
Chairman.

Henry B. Frazier III,
Member.

Leon B. Applewhaite,
Member.

H. Stephan Gordon,
General Counsel.

[FR Doc. 81–28878 Filed 10–1–81; 8:45 am]

BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Citrus Blackfly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document removes the citrus blackfly quarantine and regulations which imposed restrictions on the movement of regulated articles from portions of three counties in Florida and from two counties in Texas into or through other States, Territories, or Districts of the United States. The quarantine and regulations were established for the purpose of preventing economic damage to citrus crops. The quarantine and regulations are removed because it appears that they are no longer necessary for this purpose.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Gary E. Moorehead, Staff Officer, Pest Program Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 630 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8745.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Regulatory Flexibility Act

This final rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." The final rule removes the citrus blackfly quarantine and regulations and thereby removes restrictions on the movement of regulated articles from regulated areas in Florida and Texas. Based on information compiled by the Department, it has been determined that removal of such restrictions would have no significant effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It appears that the only alternative to this action is to retain the current Federal quarantine and regulations. Based on information compiled by the Department, it is estimated that the cost for effectively administering the Federal quarantine and regulations and corresponding State laws would be at least $4 million annually. The Federal cost would be at least $2 million annually; however, no funds have been appropriated for this purpose for fiscal year 1982. Parasites of citrus blackfly have proven to be effective to prevent economic damage to citrus crops. If the citrus blackfly were to spread interstate from Florida or Texas to other citrus producing areas in the United States, it is anticipated that parasites of the citrus blackfly would be released and established in such areas by affected States or political subdivisions thereof, and thereby prevent economic damage to citrus crops. Parasites could be made available at relatively low cost; however, should it become necessary to establish a parasite rearing and release program on a State-wide basis, it is estimated that this could be accomplished by a State or political subdivision thereof at the cost of approximately $100,000 per year for the period of operation. Further, once parasites become established, the parasite program could be discontinued since the parasites are self-perpetuating.

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that, under the circumstances explained above, it is anticipated that the removal of the citrus blackfly quarantine and regulations will not have a significant economic impact on a substantial number of small entities.

Background

In a document published in the **Federal Register** on August 17, 1981 (46 FR 41519–41520), the Department proposed to remove the citrus blackfly quarantine and regulations contained in 7 CFR 301.86 through 301.86–10. The quarantine and regulations imposed restrictions on the movement of regulated articles from portions of three counties in Florida and from two counties in Texas into or through other States, Territories or Districts of the United States. The document of August 17, 1981, provided that written comments were to be received on or before September 16, 1981. No comments were received in response to the proposal. Based on the reasons set forth in the proposal, it is necessary to remove the citrus blackfly quarantine and regulations.

The final rule relieves restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete the restrictions. Therefore, in accordance with the provisions of 5 U.S.C. 553 the final rule is made effective upon publication.

PART 301—DOMESTIC QUARANTINE NOTICES

§§ 301.86—301.86–10 (Subpart—"Citrus Blackfly") [Removed]

Accordingly, 7 CFR Part 301 is amended by removing "Subpart-Citrus Blackfly" (7 CFR 301.86 through 301.86–10).

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); sections 105 and 106, 71 Stat. 32, 71 Stat. 33 (7 U.S.C. 150dd, 150ee); 37 FR 28464, 28477, as amended; 45 FR 8564, 8565)

Done at Washington, D.C., this 25th day of September 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-28688 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-34-M

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7 CFR Part 301

Domestic Quarantine Notices: Gypsy Moth and Browntail Moth Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and notice of public hearing.

SUMMARY: This document amends the Gypsy Moth and Browntail Moth Quarantine and Regulations by quarantining the additional States of Arkansas, California, Nebraska, Oregon, Washington, and West Virginia, as an emergency measure because of the gypsy moth, and by designating a certain area within Arkansas as a high-risk area and by designating certain areas within California, Nebraska, Oregon, Washington, and West Virginia as low-risk areas. These amendments are necessary in order to help prevent the artificial spread of the gypsy moth. This document also gives notice of a request for public comments and a public hearing concerning this interim rule.

DATES: Effective date of the interim rule is October 2, 1981. Written comments concerning this interim rule must be received on or before December 1, 1981. A public hearing concerning this interim rule and final regulations to be promulgated under the Plant Quarantine Act and the Federal Plant Pest Act will be held on November 3, 1981.

ADDRESSES: Written comments concerning this interim rule should be submitted to: T. J. Lanier, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Federal Building, Room 635, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8:00 a.m and 4:30 p.m., Monday through Friday, except holidays. A public hearing concerning this interim rule will be held in Room 1612 Federal Building, 1520 Market Street, St. Louis, MO.

FOR FURTHER INFORMATION CONTACT: T. J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Federal Building, Room 635, Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information complied by the Department, the economic impact of this action will not be significant since there is only one nursery in the high-risk area in Arkansas, and the low-risk areas in the remaining quarantined States should have few regulated articles to be inspected. Regulated articles moving from low-risk areas only require inspection if in the inspector's judgment a significant risk of gypsy moth spread is present. It has been determined further that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic region; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this interim rule.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Due to the possibility that gypsy moth could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to prevent the artificial spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action are impracticable and contrary to the public interest; and good cause is found for making this emergency action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Certification Under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from specified areas in the States of Arkansas, California, Nebraska, Oregon, Washington, and West Virginia. There are thousands of small entities that move such articles interstate from those States and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the Department, it has been determined that fewer than 6 small entities move such articles interstate from the specified areas in those States. Further, this action will cause no significant economic impact on other types of small entities.

Sections 8 and 9 of the Plant Quarantine Act (7 U.S.C. 161, 162) contain authority to quarantine any State, Territory, or District of the United States, or any portion thereof, and to prohibit or restrict the interstate movement of articles from areas within such quarantined areas when the Secretary of Agriculture or his delegate determines, after a public hearing, that it is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States. Under sections 105 and 106 of the Federal Plant Pest Act (7 U.S.C. 150dd and 150ee) there is authority to take similar action for plant pests without a public hearing on an emergency basis until a quarantine can be established under the Plant Quarantine Act after a public hearing.

Because infestations of the gypsy moth have been found in areas subject to this rulemaking action, the quarantine and other restrictions imposed by this interim action are being taken pursuant to sections 105 and 106 of the Federal Plant Pest Act. The hearing scheduled to consider this interim rule and regulations is pursuant to sections 8 and 9 of the Plant Quarantine Act.

Public Hearing

The public hearing to consider this interim rule and final rules to be published under the Plant Quarantine Act and the Federal Plant Pest Act will

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be held at 10:00 a.m., on November 3, 1981, in Room 1612 Federal Building, 1520 Market Street, St. Louis, MO.

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. At the hearing, a representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of the rule. Any interested person may appear and be heard in person, by attorney, or other representative. Also, any interested person, his attorney, or other representative will be afforded an opportunity to ask relevant questions concerning the rule.

The hearing will commence at 10 a.m., and conclude at 5 p.m., local time, unless the presiding official otherwise specifies during the course of the hearing. Persons who wish to be heard are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 9 to 10 a.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to be heard or ask questions at the hearing will be afforded such opportunity, after the registered persons have presented their views. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may, if it becomes necessary, limit the time for each presentation in order to allow everyone wishing to present a statement the opportunity to be heard.

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a highly destructive pest of forest trees. The Gypsy Moth and Browntail Moth Quarantine and Regulations (7 CFR 301.45 *et seq.*) quarantines certain States because of the gypsy moth, and restricts the interstate movement from regulated areas of articles designated as regulated articles because of the gypsy moth. Such restrictions are necessary for the purpose of preventing the artificial spread of the gypsy moth.

Areas designated as gypsy moth regulated areas are areas in which a gypsy moth infestation has been found by an inspector, or areas which are necessary to regulate because of proximity to gypsy moth infestation or inseparability for quarantine enforcement purposes from infested localities. Regulated areas are divided into high-risk areas and low-risk areas. Under the regulations there is a basis for designating an area as a high-risk area when an inspector determines that regulated articles exist within or adjacent to an area where defoliation has occurred or where an inspector has reason to believe that 50 or more egg masses per acre of the gypsy moth are present. Low-risk areas are those portions of regulated areas that are not designated as high-risk areas.

Section 301.45(b)(1) lists articles which are regulated for the gypsy moth or browntail moth. Section 301.45-3 (a), (b), and (c) of the regulations imposes the following conditions on the movement of these regulated articles:

> "(a) A regulated article shall not be moved interstate from any high-risk area into or through any nonregulated area unless a certificate or permit has been issued and attached to such regulated article in accordance with §§ 301.45-4 and 301.45-7.
>
> "(b) A regulated article shall not be moved interstate from any low-risk area into or through any nonregulated area when it is determined by an inspector that any life stage of the gypsy moth or browntail moth is on the regulated article, and the person in possession thereof has been so notified by an inspector, unless a certificate or permit has been issued and attached to such regulated articles in accordance with §§ 301.45-4 and 301.45-7.
>
> "(c) A regulated article originating outside of any high-risk area, except any regulated article in any low-risk area determined by an inspector to present a hazard of spreading the gypsy moth or browntail moth pursuant to paragraph (b) of this section, may be moved interstate directly through any high-risk area without a certificate or permit, if the point of origin of the article is clearly indicated by shipping documents, their identity has been maintained, and they have been safeguarded against infestation while in any high-risk area."

These regulations are designed to restrict the interstate movement of regulated articles in those circumstances where there would be a significant risk of spread of the gypsy moth. A certificate or limited permit is authorized to be issued based on treatment of a regulated article or based on a determination that movement of a regulated article without treatment would not result in the spread of the gypsy moth.

As an emergency measure, the State of Arkansas is quarantined and a certain area, described below, which was a previously nonregulated area, is designated as a high-risk area because of the gypsy moth.

Based on recent surveys, inspectors have determined that there is reason to believe that 50 or more egg masses per acre of the gypsy moth are present and regulated articles exist within or adjacent to the area in Arkansas. Accordingly, there is a substantial risk of artificially spreading the gypsy moth by unrestricted interstate movement of such regulated articles, and as an emergency measure, it is necessary to designate such area as a high-risk area and impose restrictions on the interstate movement of regulated articles from the area in accordance with the regulations in order to prevent the artificial spread of the gypsy moth.

As an emergency measure, the States of California, Nebraska, Oregon, Washington, and West Virginia, are quarantined and certain areas, described below, which were previously nonregulated areas, are designated as low-risk areas because of the gypsy moth.

Based on recent surveys, inspectors have determined that infestations occur in the areas in those 5 States, but that these areas do not meet the criteria referred to above for high-risk areas. Also, as noted above, restrictions concerning the gypsy moth are imposed on movements of regulated articles from low-risk areas, only if it is determined by an inspector that any life stage of the gypsy moth is on the regulated article, and the person in possession thereof has been so notified by an inspector unless a certificate or permit has been subsequently issued and attached to such regulated article in accordance with §§ 301.45-4 and 301.45-7 of the regulations. In this connection, it is necessary to designate such areas as low-risk areas in order to advise persons of the likelihood that inspectors would conduct inspections in such areas and that based on their findings of life stages of gypsy moth, restrictions could apply to the movement of regulated articles from such areas.

PART 301—DOMESTIC QUARANTINE NOTICES

§ 301.45-2 [Amended]

Accordingly, §§ 301.45(a) and 301.45-2a of the regulations in "Subpart—Gypsy Moth and Browntail Moth," Chapter III, Title 7 of the Code of Federal Regulations (7 CFR 301.45(a) and 301.45-2a) are amended as follows:

1. In § 301.45(a) the following States are added to the list of States quarantined: Arkansas, California, Nebraska, Oregon, Washington, and West Virginia.

2. In Section 301.45-2a, the following areas are to be designated as high-risk or low-risk areas:

Arkansas

(1) *High-risk area. Fulton County.* Secs. 25, 26, 35, and 36, T. 20 N., R. 5 W.

(2) *Low-risk area.* None.

California

(1) *High-risk area.* None.

(2) *Low-risk area. Orange County.* That area within San Juan Capistrano bounded on the north by Ortega Highway, on the south by Calle Arroyo, on the east by Aveneda Siega, and on the west by Calle Del Campo.

Nebraska

(1) *High-risk area.* None.

(2) *Low-risk area. Lancaster County.* SE ¼ sec 1, E ½ sec 12, NE ¼ sec 13, T. 10 N., R. 5 E., and S ½ sec 6, sec 7, N ½ sec 18, T. 10 N., R. 6 E.

Oregon

(1) *High-risk area.* None.

(2) *Low-risk area. Marion County.* That portion of the county in the city of Salem beginning at a point where State Highway 99E and Delaney Road intersect; then westerly on Delaney Road to Sunnyside Road; then north on Sunnyside Road to Hylo Road; then west on Hylo Road to Rainbow Drive; then north on Rainbow Drive to Reese Road; then west on Reese Road to Powell Creek; then northeasterly along Powell Creek to Battle Creek; then easterly along Battle Creek to its intersection with State Highway 99E; then southerly on State Highway 99E to the point of beginning.

Washington

(1) *High-risk area.* None.

(2) *Low-risk area.*

King County. That area within the University District of the city of Seattle beginning at a point where Interstate 5 intersects N.E. 75th Street, then easterly on N.E. 75th Street to its intersection with N.E. 35th Avenue, then south on N.E. 35th Avenue to its end, then due south from the end of N.E. 35th Avenue on an imaginary line to Union Bay shoreline, then westerly along Union Bay shoreline to Portage Bay shoreline, then westerly along Portage Bay shoreline to its intersection with Interstate 5, then north on Interstate 5 to the point of beginning.

That area within the city of Mercer Island beginning at a point where Sunset Highway intersects Lake Washington shoreline at the Lacey V. Murrow Memorial Bridge, then northerly, easterly, and southerly along the Lake Washington shoreline to its intersection with S.E. 44th Street, then due west from said intersection along an imaginary line to Lake Washington shoreline on the west side of Mercer Island, then northerly along said shoreline to the point of beginning.

That area within the city of Seattle bounded by a line beginning at a point where State Highway 509 and State Highway 99 intersect, then south along State Highway 509 to its intersection with S.W. 105th Street, then due west along an imaginary line from said intersection to Puget Sound shoreline, then northerly along said shoreline to its intersection with SW Juneau Street, and east along SW Juneau Street to its intersection with 16th Avenue SW, then due east from said intersection along an imaginary line to State Highway 99, then south along State Highway 99 to the point of beginning.

Clark County. That area bounded by a line beginning at a point where Interstate 5 intersects N.W. 179th Street, then southerly along Interstate 5 to its intersection with N.W. 78th Street, then west on said street to its end, then due west along an imaginary line from the end of N.W. 78th Street to the Columbia River, then northerly along said river to an imaginary point which is due west from the intersection of N.W. 179th Street and N.W. 41st Avenue, and then due east from said imaginary point along an imaginary line to the intersection of N.W. 179th Street and N.W. 41st Avenue, then west along N.W. 179th Street to the point of beginning.

West Virginia

(1) *High-risk area.* None.

(2) *Low-risk area. Jefferson County.* That area bounded by a line beginning at the junction of the Potomac and Shenandoah Rivers; thence southwesterly along the Shenandoah River to its southernmost junction with the West Virginia/Virginia State line; thence southeasterly and northerly along said line to its junction with the Potomac River; thence west along the Potomac River to the point of beginning.

(Secs. 8 and 9, 37 Stat. 318, as amended, secs. 105 and 106, 71 Stat. 33; (7 U.S.C. 161, 162, 150dd, 150ee); 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 25th day of September 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81–[illegible] Filed 10–1–81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 719

[Amdt. 1]

Reconstitution of Farms, Allotments, Normal Crop Acreage and Preceding Year Planted Acreage

AGENCY: Agricultural Stabilization and Conservation Service Department of Agriculture.

ACTION: Interim rule.

SUMMARY: This interim rule amends the regulations at 7 CFR Part 719 to allow the reconstitution of a farm that is comprised of land located in two or more counties on which there is a quota or allotment subject to lease and transfer restrictions across county lines that was constituted as a single farming unit prior to the limitation on farm constitution imposed by 7 CFR 719.3(b)(3).

Reconstitutions may occur by dividing the tracts if the owner requests in writing that the tracts of land be reconstituted as separate farming units. This rule further provides that after reconstitution, the resulting farms would be administratively serviced by the county ASCS office serving the county in which the land is geographically located.

EFFECTIVE DATE: October 1, 1981. Written comments may be submitted no later than December 1, 1981.

ADDRESS: Interested persons are invited to send written comments to Director, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, Room 3630–S, Washington, D.C. 20013, (202) 447–3677.

FOR FURTHER INFORMATION CONTACT: Sue Rourk, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447–4541. The Final Impact Statement describing the options considered in developing this interim rule is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified "nonmajor" since it will not have an annual effect on the economy of $100 million or more.

The Catalog of Federal Domestic Assistance does not list titles and numbers for the Reconstitution of Farms, Allotments, Normal Crop Acreage and Preceding Year Planted Acreage. This program by itself is not financially oriented. However, the constitution of a farm does provide the basis for a producer being eligible for price support loans and purchases, as well as for earning payments, with respect to most of the programs administered by the Agricultural Stabilization and Conservation Service which are identified by program numbers 10.051 through 10.068 in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It is determined that the Regulatory Flexibility Act is not applicable to this rule since ASCS is not required by 5 U.S.C. § 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this interim rule.

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Since producers are presently engaging in changes in their farming operations which require the reconstitution of farms, Everett Rank, Administrator, Agricultural Stabilization and Conservation Service (ASCS), has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comments.

However, the public is invited to submit written comments with respect to this interim rule to the Director, Production Adjustment Division, ASCS. Comments must be received not later than December 1, 1981, in order to be assured of consideration. The change in the regulations made by this interim rule will be evaluated in view of the comments received and a final rule will be published in the **Federal Register** discussing the comments received and any further amendments to these regulations which may be deemed necessary.

Prior to 1978, the regulations governing reconstitutions (7 CFR Part 719) provided that a farm operator was required to combine all land owned and operated by one person as a single farming unit. This included all land which may have been owned and operated by one person even if located in more than one county. However, it was later determined that producers were using these regulations for the purpose of transferring allotments across county lines contrary to certain statutory restrictions. Sections 316 and 358 of the Agricultural Adjustment Act of 1938, as amended, provide generally that, except for Virginia fire-cured and Virginia sun-cured tobacco, tobacco and peanut allotments or quotas can be transferred only between farms located within the same county. Accordingly, the regulations at 7 CFR § 719.3 (43 FR 18159) were amended on April 28, 1978, to provide that land located in two or more counties having allotments or quotas could not be reconstituted across county lines as a single farming unit unless such land is owned and operated by one person and all such land is contiguous.

It has since come to our attention that certain reconstitutions, which were required to be made prior to 1978, have created certain inequities for producers with respect to their farming operation. This interim rule would permit producers who own and operate land located in two or more counties and who were required to constitute their land as a single farming unit prior to 1978 to reconstitute their farm by dividing the tracts which are located in different counties. The allotments or quotas applicable to these tracts of land would generally revert back to the same counties from which such allotment or quota had been derived.

It is recognized that forced reconstitution of an existing farm could disrupt established cropping practices. Therefore, an existing farm with allotments or quotas which has been properly constituted in accordance with the regulations applicable at the time of such constitution could remain so constituted as a single farming unit unless a reconstitution is otherwise required under 7 CFR § 719.3(d). Programs administered by the Agricultural Stabilization and Conservation Service (ASCS) with respect to any farm which is reconstituted in accordance with the provisions of this amendment to the regulations will be administratively serviced by the county ASCS office serving the county in which such land is geographically located.

Interim Rule

Accordingly, the regulations at 7 CFR Part 719.3 is amended by revising paragraph (b)(3) and by adding paragraph (d)(6) to read as follows:

§ 719.3 [Amended]

* * * * *

(3) Land across county lines when the allotments or quotas established for the land involved cannot be transferred from one county to another county by lease, sale, or transfer by owner. However, this paragraph shall not apply if all of the land is owned and operated by one person and all such land is contiguous.

(d) * * *

(6) An owner of a farm, constituted as a single farming unit prior to 1978, which is comprised of land located in two or more counties for which there is a quota or allotment established for such farm and such quota or allotment is subject to lease and transfer restrictions across county lines, requests in writing that the farm be reconstituted by dividing the tracts. The resulting farms shall be administratively serviced by the county office serving the county in which the land is geographically located.

Authority: Sec. 379, Pub. L. 75–430, 52 Stat. 66, as added Sec. 707, Pub. L. 89–321, 79 Stat. 1211, as amended Sec. 404(4), 605(2), Pub. L. 91–524, 84 Stat. 1366, 1378, (7 U.S.C. 1379); Sec. 316, Pub. L. 75–430, 52 Stat. 66, as added Pub. L. 87–200, 75 Stat. 469, as amended 1314(b); Sec. 358a, Pub. L. 75–430, 52 Stat. 66, as added Pub. L. 90–211, 81 Stat. 658, as amended (7 U.S.C. § 1358a).

Signed at Washington, D.C. on September 21, 1981.

Everett Rank,
Administrator.

[FR Doc. 81–28536 Filed 10–1–81; 8:45 am]

BILLING CODE 3410–05–M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 683]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period October 2–8, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on September 29, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 908.983 is added as follows:

§ 908.983 Valencia Orange Regulation 682.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period October 2, 1981, through October 8, 1981, are established as follows:

(a) District 1: 500,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 30, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–28639 Filed 10–1–81; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 910

[Lemon Regulation 326]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period October 4–10, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: October 4, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on September 29, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues slow.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone th effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Section 910.626 is added as follows:

§ 910.626 Lemon Regulation 326.

The quantity of lemons grown in California and Arizona which may be handled during the period October 4, 1981, through October 10, 1981, is established at 200,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 30, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–28690 Filed 10–1–81; 12:43 pm]

BILLING CODE 3410–02–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 329

NOW Account Eligibility

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final interpretation.

SUMMARY: The FDIC has issued an interpretation of Part 329 of its rules and regulations (12 CFR Part 329) to clarify the rules concerning the class of depositors eligible to maintain interest-bearing deposits subject to withdrawal by negotiable or transferable instruments (NOW accounts) at insured State nonmember banks. Under the interpretation, the class of depositors eligible to maintain NOW accounts will include: (1) All individuals, including sole proprietorships and trust or fiduciary accounts in which the entire beneficial interest is held by individuals; (2) nonprofit organizations that are described in Section 501(c)(3) through (13) and (19), and Section 528 of the Internal Revenue Code; and (3) governmental units, if the funds are in the name of and used for the purposes of schools, colleges, universities, libraries, hospitals or other medical facilities. However, partnerships, corporations, or other associations operated for a profit and most governmental units will not be permitted to maintain NOW accounts. Depositors that established NOW accounts prior to September 28, 1981, that were eligible under the eligibility

criteria existing at that time, may continue to maintain NOW accounts even if they would no longer be eligible under the revised rules for eligibility. The FDIC believes that the eligibility criteria for NOW accounts will be more understandable as a result of this action and will significantly reduce the need for individual eligibility determinations.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Counsel (202/389-4324), or Kathy A. Johnson, Attorney (202/389-4384), Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: The Consumer Checking Account Equity Act of 1980 (Title III of Pub. L. 96-221) ("Act") authorized depository institutions (except credit unions which are authorized to offer share draft accounts) nationwide effective December 31, 1980, to permit the owner of a deposit or account, on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties (12 U.S.C. 1832(a)(1)).

Under the statute, NOW accounts are available only to individuals and to qualifying organizations (12 U.S.C. 1832(a)(2)). Qualifying organizations must meet two separate tests of eligibility. First, they must be operated primarily for "religious, philanthropic, charitable, educational, or other similar purposes;"[1] second, they must not be operated for profit. The FDIC has advised insured nonmember banks that the class of depositors eligible to hold NOW accounts is virtually identical to the class of depositors eligible to hold savings deposits without limit (with the exception of governmental units).

Since the enactment of the Act, the FDIC has received a significant number of requests from banks and their customers for rulings and opinions concerning NOW account eligibility. In many instances these requests required the consideration of subtle distinctions that are not altogether practical for application on a uniform basis by a large number of depository institutions. In order to alleviate problems that have arisen among banks concerning the class of depositors eligible to hold NOW accounts, the FDIC on May 28, 1981 requested public comment (46 FR 28660) on a proposed interpretation of Section 329 to simplify and clarify the rules concerning NOW account eligibility.

Under this proposed interpretation, the class of depositors eligible to maintain NOW accounts at insured nonmember banks would have included: (1) Individuals, if the funds were not used primarily for business purposes; (2) nonprofit organizations that are described in Section 501(c)(3) through (13) and (19) and Section 528 of the Internal Revenue Code; and (3) governmental units, if the funds were in the name of and used for the purposes of schools, colleges, universities, libraries, hospitals, or other medical facilities. However, all businesses that are operated for profit, including sole proprietorships, partnerships, corporations, and other organizations, and most governmental units would not have been permitted to maintain NOW accounts. In addition, all NOW accounts that met the former NOW account eligibility criteria, but would not be eligible under the new criteria, would have been phased out by December 31, 1981.

The period for public comment on the NOW account proposal ended on June 29, 1981. Comments were received from 293 respondents, primarily insured nonmember banks. Overall, the comments did not indicate clear support of or opposition to the proposal with respect to the treatment of nonprofit organizations, governmental units, and the phaseout of existing NOW account holders that would no longer be eligible to maintain NOW accounts. However, the comments strongly opposed modifying the NOW account eligibility criteria to exclude the funds of individuals operating businesses as sole proprietors or individual farmers.

After consideration of the comments received from the public, the FDIC has adopted an interpretation concerning the eligibility of depositors to maintain NOW accounts at insured nonmember banks. The FDIC's interpretation is effective on September 28, 1981, and is discussed below.

The present interpretation of Section 329 provides that the funds of a sole proprietor may be held in a NOW account or an automatic transfer service (ATS) account. The comments on the proposal to change this interpretation repeatedly pointed to possible problems which would occur if sole proprietorships were prohibited from having NOW accounts. In light of these potential problems, the FDIC believes that the continuation of the original interpretation is appropriate. Consequently, both individuals and sole proprietorships will continue to be eligible to maintain NOW accounts. However, all other entities organized for profit, regardless of whether they are corporations, partnerships, or associations will continue to be excluded from the class of eligible NOW account holders.

The Act provides that NOW accounts may be offered to nonprofit organizations if they are operated primarily for religious, philanthropic, charitable, educational, or other similar purposes. Under the FDIC's interpretation, all organizations that are not operated for profit and are described in Section 501(c)(3) through (13) and (19) and Section 528 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) sections 501(c)(3) through (13), (19) and 528) will be eligible to maintain NOW accounts. The FDIC believes that virtually all nonprofit organizations described in these Internal Revenue Code sections can be regarded as being operated primarily for purposes that are similar to religious, philanthropic, charitable, or educational in nature, and that such provisions are comprehensive with respect to describing such organizations. It should be noted that actual documentation of nonprofit status by the Internal Revenue Service will not be required of depositors. However, those many depositors who do have documentation will need minimal eligibility review, allowing for more time to review the eligibility status of depositors without documentation. The FDIC believes that this interpretation will facilitate compliance by depository institutions and greatly reduce the need for individual rulings on NOW account eligibility.

Presently, governmental units operated primarily for charitable, educational or similar purposes are eligible to hold NOW accounts. This present interpretation requires that these be separately constituted independent governmental units. The FDIC's interpretation will eliminate the need for such determinations. Under the FDIC's interpretation, governmental units will be eligible to maintain NOW accounts if the funds are in the name of and are to be used exclusively by schools, libraries, colleges, universities, or hospitals and other medical facilities. Thus, if a governmental unit is organized for any one of these purposes or maintains an account exclusively for one of these purposes, such funds may be placed in a NOW account. All other governmental accounts will not be eligible for NOW accounts.

In order to avoid an excessive burden on insured nonmember banks, and to prevent hardship to current NOW account holders that qualify under existing eligibility criteria but that would no longer be eligible under the FDIC's interpretation, the FDIC has determined to grandfather existing NOW accounts that will not qualify under the revised eligibility criteria. All NOW accounts that meet the current NOW account eligibility criteria may continue in effect if they were established prior to September 28, 1981. Starting September 28, 1981, NOW accounts may be offered only to depositors who are eligible under the new interpretation. It should be noted that the FDIC has not changed the existing policy concerning eligibility for traditional passbook and statement savings accounts.

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[1] The statute omits fraternal organizations from the list of eligible NOW account depositors. Since the statutory provisions were based on the Federal Reserve Board's Regulation Q and Section 329 of the FDIC rules and regulations, it is believed that the omission of the term "fraternal" was unintentional and without significance. Thus fraternal organizations have been deemed eligible to hold NOW accounts.

Effective September 28, 1981, pursuant to its authority under Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819), the FDIC is amending Part 329 of its rules and regulations (12 CFR Part 329) by adding a new § 329.103. Since the section is issued merely to advise the public of the FDIC's construction of the Consumer Checking Account Equity Act, it is regarded as an interpretive rule. (*See*, Attorney General's Manual on the Administrative Procedure Act, p. 30 (1947)). Interpretive rules are exempted from the requirement of publication of a general notice of proposed rule making under the Administrative Procedure Act. (5 U.S.C. 553). Thus initial and final regulatory flexibility analyses are not necessary, since they are only required when notice of proposed rule making is mandated. (5 U.S.C. 603 and 604).

The Paperwork Reduction Act of 1980 does not apply to the final interpretation, since collection of information requirements are not involved. In fact the interpretation should alleviate the paperwork burden on banks in many cases, since the use of Internal Revenue Service documentation will avoid extensive inquiry into the eligibility of nonprofit organizations, and since it will no longer be necessary to determine if governmental units are independent and separately constituted.

The staff believes that any changes resulting from the final interpretation will be minimal and will have an insignificant effect on existing competitive structures. Additionally, it would appear that the final interpretation will not have a disproportionate effect on small banks. A cost-benefit analysis would be useless since the final interpretation merely clarifies the meaning of the statutory language and it would not be possible for the Board of Directors to actually change the eligibility requirements under the statute based upon a cost-benefit analysis.

In consideration of the foregoing, Part 329 of Title 12 of the Code of Federal Regulations is amended as follows:

PART 329—INTEREST ON DEPOSITS

1. The authority citation for Part 329 reads as follows:

Authority: Secs. 9 and 18, 64 Stat. 881, 891 (12 U.S.C. 1819, 1828); secs. 302(b) and 303, 94 Stat. 146 (12 U.S.C. 1828(g) and 1832(a))

2. In Part 329, § 329.103 is added and reads as follows:

§ 329.103 Eligibility for NOW Accounts.

The Board of Directors of the Federal Deposit Insurance Corporation (Board) has adopted the following position concerning eligibility requirements for NOW accounts.

(a) *Background.* (1) Effective December 31, 1980, the Consumer Checking Account Equity Act of 1980 (Title III of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96–221; 94 Stat. 145) authorized depository institutions nationwide to offer NOW accounts (interest-bearing accounts upon which negotiable orders of withdrawal may be written) to depositors where the "entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit." (12 U.S.C. 1832(a)(2)). The purpose of the Act was to extend the availability of NOW accounts throughout the Nation. Previously, as an experiment, NOW accounts were only authorized to be offered by depository institutions in New England, New York, and New Jersey.

(2) The NOW account experiment established by Congress in 1973 did not specify the types of customers that could maintain NOW accounts. In enacting the nationwide NOW account provision, Congress adopted virtually the same language concerning NOW account eligibility that previously had been adopted by the Board and the Board of Governors of the Federal Reserve System with regard to the types of customers permitted to maintain NOW accounts in institutions located in the NOW account experiment region. (12 CFR 329.1(e)(2) and 217.1(e)(3)). This definition was based upon long-standing regulatory provisions concerning eligibility criteria for savings deposits.

(3) The Board has determined to clarify the types of entities that may maintain NOW accounts at insured nonmember banks.

(b) *Individuals.* (1) Individuals (including sole proprietorships) may maintain NOW accounts whether the funds are used primarily for personal or business purposes. Deposits of an individual used in his/her business may be held in a NOW account since it is impracticable to distinguish between funds used by an individual in his or her business and funds used for personal purposes. However, other entities organized or operated to make a profit may not maintain NOW acccounts regardless of whether they are corporations, partnerships, associations, or other forms of organization.

(2) Funds held in a fiduciary capacity (either an individual fiduciary or a corporate fiduciary, such as a bank trust department) may be held in the form of NOW accounts, if all the beneficiaries are individuals.

(c) *Nonprofit Organizations.* Under the Act, a nonprofit organization that is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes may maintain a NOW account. The Board has determined that it is appropriate to regard all organizations that are not organized for profit and that are described in Section 501(c) (3) through (13) and (19) and Section 528 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) 501(c) (3) through (13), and (19), and 528) as being operated for religious, philanthropic, charitable, educational or other similar purposes. Accordingly, all such organizations that are not organized for profit may maintain NOW accounts. Actual Internal Revenue Service documentation of tax exempt status is not required to meet eligibility requirements; it is merely an aid in making eligibility determinations.

(d) *Governmental Units.* Under the Act, governmental units generally may not maintain NOW accounts. However, the Board believes that some governmental units are operated

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primarily for qualifying purposes under the Act. Consequently, a governmental unit, regardless of form of organization, may maintain a NOW account if the funds are in the name of and used solely for schools, universities, colleges, libraries, or hospitals and other medical facilities.

(e) *Grandfather Provision.* In order to avoid unduly disrupting account relationships, a NOW account, established at an insured nonmember bank prior to September 28, 1981, that represents funds of a nonqualifying entity that previously qualified to maintain a NOW account may continue to be maintained.

By order of the Board of Directors, September 28, 1981.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-28756 Filed 10-1-81; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 911

United States Geostationary Operational Environmental Satellite (GOES) Data Collection System (DCS)

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

SUMMARY: The GOES Data Collection System (DCS) has extra capacity which can be made available to non-NOAA users for the collection from remote locations of environmental data provided that NOAA, another Federal agency, or a State or local government also has an interest in or requirement for obtaining the data, and that no alternative commercial service exists. This revision of NOAA's regulations establishing a policy for operation of the GOES DCS is necessary for two reasons. In the first place, the revision clarifies that private users who want to collect environmental data that are useful or necessary for implementation of programs of the Federal Government or State or local governments may have access to the GOES DCS if they meet all other prerequisites for access to the GOES DCS. Secondly, the revision provides that in certain exceptional circumstances NOAA may agree to a private user's request for proprietary treatment of collected data, subject to subsequent review if challenged under the Freedom of Information Act.

DATES: Effective date: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: David S. Johnson, Assistant Administrator for Satellites, National Earth Satellite Service, National Oceanic and Atmospheric Administration, Room 3130, Main Commerce Building, Washington, D.C. 20230, Tel. No. (202) 377-1485.

SUPPLEMENTARY INFORMATION: The GOES DCS is a system for collecting and transmitting data from remote platforms via a government-owned geostationary satellite the primary purpose of which is the collection of environmental data, in particular meteorological, hydrological and oceanic data.

On June 30, 1980, NOAA published in the **Federal Register** a revision to its regulations on the administration and operation of a GOES DCS. (45 FR 43701, codified at 15 CFR Part 911.) That revision established the NOAA policy that the GOES DCS would be made available to non-NOAA users who owned or operated platforms for the collection of environmental data required by or desired for the implementation of Federal programs or required by State or local governments. All users had to agree to permit NOAA and other Federal agencies free and open use of the data collected. The regulations also established a priority order by which requests from non-NOAA users for access to DCS would be processed.

The regulations of June 30, 1980 did not clearly state whether private organizations could use the GOES DCS. NOAA has interpreted its regulations so that it has permitted private organizations to use the GOES DCS provided that they had a Federal agency or State or local government sponsor for the particular collection of data. These regulations now clarify this point by naming private organizations as eligible users of the GOES DCS provided that they meet all other conditions for access to the DCS.

Since the June 30, 1980 publication of the Part 911 interpretative regulations, NOAA has received requests from non-NOAA, private users who proposed to collect data that not only would further the implementation of NOAA's reponsibility for forecasting the weather and issuing severe storm warnings but also would further commercial interests of these prospective users. These users want to use the GOES DCS because no satisfactory commercial service is available for the real-time transmission of environmental data from remote locations. In addition, these users would be investing substantial sums of money in the deployment of data collection platforms and want some assurance that the data would not be made routinely available to their competitors.

NOAA has reviewed the basis for the existing policy of "free and open use of data" and has concluded that (1) no law pursuant to which the GOES DCS is operated requires the dissemination to the public of all environmental data collected from private users and (2) the existing policy would impede NOAA's ability to obtain valuable environmental data which NOAA otherwise would not be able to obtain. NOAA operates the GOES DCS pursuant to the general authority of the Secretary of Commerce (1) to provide warnings of and forecast weather and ocean conditions, including the collection and transmission of marine intelligence for the benefit of commerce and navigation; and (2) to participate in the development of an international basic meteorological reporting network, including the establishment, operation and maintenance of reporting stations on the high seas, in polar regions and in foreign countries. (15 U.S.C. 313, 49 U.S.C. 1463.) The Secretary of Commerce also is authorized to prepare studies and perform services within the authority of the Department of Commerce at the request of any person or organization, public or private, upon the payment of the actual or estimated cost of such work, and to cooperate with business organizations in the conduct of activities of the Department. (7 U.S.C. 450b; 15 U.S.C. 1525.) These laws do not mandate the disclosure of all information collected thereunder.

NOAA will continue to operate the GOES DCS under a general policy of free and open use of all data and will apply this policy to the collection and dissemination of environmental data required for warnings or forecasting. NOAA will, however, consider a request not to disseminate data collected from a private commercial user's platform that (1) NOAA deems to be commercial, confidential information or trade secrets; (2) and whose collection serves a public or Federal purpose. Data required for the protection of life and property will not be granted proprietary treatment. By amending its data policy in this limited way, NOAA and the public will be able to obtain valuable meteorological or other environmental data which would not otherwise be obtained and companies will be able to increase their productivity.

The NOAA Administrator has determined that the revised Part 911 regulations do not constitute a "major rule" within the meaning of Executive Order 12291. Preparation of a Regulatory Impact Analysis is therefore not required. The revisions impose no major costs on the economy within the terms of the Executive Order, nor are any major cost or price increases foreseen that will impact consumers, individual industries, Federal, state or local government agencies or geographic areas. Instead, the revisions will enable commercial users to operate more efficiently by gaining more knowledge of the environment in which they work, while, at the same time, allowing NOAA and other entities within the Federal Government to receive, at no cost to the Government, data valuable to the Public interest.

NOAA foresees no significant effects associated with the revisions to Part 911 that would adversely affect competition, employment, investment, productivity, innovation or the ability of U.S.-based enterprises to compete with foreign based enterprises in domestic or export markets.

This final rule is exempt from the requirements of the Paperwork Reduction Act of 1980 because, based on past experience, NOAA does not expect to receive ten or more requests per year from users who request proprietary treatment of data and have to respond to identical reporting requirements.

Signed at Washington, D.C., this 28 day of September 1981.

Francis J. Balint,

Acting Director, Office of Information and Management Services, National Oceanic and Atmospheric Administration.

Accordingly, 15 CFR Part 911 is revised to read as follows:

PART 911—THE UNITED STATES GEOSTATIONARY OPERATIONAL ENVIRONMENTAL SATELLITE (GOES) DATA COLLECTION SYSTEM (DCS)

Sec.
911.1 General Information.
911.2 Use of the GOES DCS.
911.3 Treatment of Data.
911.4 Continuation of GOES–DCS.
911.5 GOES–DCS Use Agreements.

Authority: 15 U.S.C. 313; 49 U.S.C. 1463; 15 U.S.C. 1525; 7 U.S.C. 450b; 5 U.S.C. 552.

§ 911.1 General information.

(a) The GOES Data Collection System (DCS) provides an effective method for obtaining environmental data from remote locations where conventional communications are either absent or inadequate. The use of the DCS is limited to the collection of environmental data in accordance with applicable International Telecommunication Union (ITU) regulations concerning use of the allocated frequency bands.

(b)(1) The DCS was established in 1974 to obtain from remote locations data required for the effective accomplishment of programs of the National Oceanic and Atmospheric Administration. The DCS capacity can more than provide for all of NOAA's present and near future domestic and international requirements. This makes it possible to offer to Federal and State agencies or local governments of the United States, and to those private users and foreign government agencies whose use of the system would support a program of a United States agency, the opportunity to make use of the DCS. Policy guidelines are set forth below.

(2) For purposes of this part, "user" refers to a private or governmental organization, whether for-profit or not for-profit, that owns or operates environmental data collection platforms for the purpose of collection and transmission of environmental data through the GOES DCS and for which a Federal agency or State or local government has a requirement for or interest in obtaining the data.

§ 911.2 Use of the GOES DCS.

(a) Use of the GOES DCS can be authorized only for the purpose of collecting environmental data. Environmental data as used here means observations and measurements of the physical, chemical or biological properties of the ocean, rivers, lakes, solid earth, and atmosphere (including space).

(b) The GOES DCS is not to be used for data collection where adequate private common carrier communications exist to provide the service. (Adequate is defined in terms of capacity, speed and reliability with respect to the particular use envisioned.) A user must document, with a request for use of the GOES DCS, why private common carrier communications are not adequate.

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(c) A user must identify the Federal agency or State or local government which will benefit from the proposed collection of data. NOAA will confirm with the sponsoring Federal agency, or State or local government, that the data are required by, in support of or in furtherance of, a program conducted by the sponsoring agency or State or local government.

(d) User agencies and organizations will be admitted to system use with priority status as follows:

(1) NOAA users or users whose data are required for implementation of NOAA programs.

(2) Users whose data are desired to support NOAA programs.

(3) Users whose data and/or use of the GOES DCS will further a program of an agency or department of the United States Government.

(4) Users whose data are required by a State or local government of the United States. No other users will be admitted to system use.

(e) All users of the GOES DCS must use a data collection platform radio set whose technical characteristics conform to specifications established by NOAA. The message format must be as specified by NOAA.

(f) All users are responsible for all costs associated with the procurement and operation of the platforms, any confidential treatment of data under § 911.3, and for the acquisition of the data from those platforms either directly from the satellite or from the NOAA GOES Data Collection Center at the World Weather Building in Suitland, Maryland.

(g) Design characteristics of the environmental data collection system on the spacecraft require that users conform to technical standards established by NOAA. See § 911.5 below.

(h) NOAA will make every effort to maintain the GOES DCS in full operation at all times subject to the availability of appropriations. NOAA will bear no responsibility for any losses as a result of the nonavailability of the DCS.

§ 911.3 Treatment of Data.

(a) All users of the GOES DCS must agree to permit NOAA and other agencies of the United States Government the free and open use of all data collected from their platforms, except as otherwise provided for in paragraphs (b)–(f) of this section, and to provide NOAA with the necessary information on data formats to facilitate such use.

(b) NOAA will consider a request from a user, who has otherwise met the criteria of § 911.2, for proprietary treatment by NOAA of all or a portion of the data collected from the platforms owned by the user. Each request for proprietary treatment must:

(1) Specifically identify the exact portion(s) of the data claimed to be confidential;

(2) State whether the data claimed to be confidential is commonly known within the user's industry or activity or is readily ascertainable by outside persons with a minimum of time and effort;

(3) State how release of the data would be likely to cause substantial harm to the user's competitive position;

(4) Identify the Federal agency or governmental program which would benefit by gaining access to the data to be collected;

(5) State whether the submitter is authorized to make claims of confidentiality on behalf of the person or organization concerned; and

(6) State when the confidential data may be made public.

(c)(1) NOAA may treat environmental data obtained by the GOES DCS as proprietary if the Assistant Administrator for Satellites, with the advice of the General Counsel and other interested Federal officers, finds that:

(i) The data are trade secrets or commercial information obtained from a user and privileged or confidential; and

(ii) Use of the GOES DCS for collection and proprietary treatment of such data is in the public interest. Proprietary treatment of data which are required to protect life or property will be deemed not to be in the public interest.

(2) All data for which the Assistant Administrator grants proprietary treatment shall not be publicly disclosed in individually identifiable form without the user's authorization, except in accordance with the procedures set forth in paragraph (f) of this section or pursuant to the order of a court of competent jurisdiction. Such data may be combined and publicly disclosed in such formats as general statistical studies, environmental warnings and forecasts, or aggregated reports or summaries in which the identity of the user(s) furnishing such information or the confidential portions of the data shall not be disclosed.

(d)(1) The assistant Administrator for Satellites shall notify the uses in writing whether all or a portion of the data will be treated as proprietary and shall state the reasons for the decision. The user may appeal the initial decision of the Assistant Administrator by filing a notice of appeal, including supporting information, with the Administrator of NOAA, Department of Commerce, Washington, D.C. 20230, within 30 days (excluding Saturdays, Sundays and legal holidays) of receipt of notice.

(2) The Administrator may decide the appeal on the basis of the information already submitted or may request additional information from the user. The decision of the Administrator shall state the reasons for the decision, and shall become effective upon issuance.

(e) The Assistant Administrator for Satellites, after consultation with other interested NOAA officers, shall institute a control system to protect the confidentiality of data that have been granted proprietary treatment under this section and are in the possession of NOAA. The control system will provide for safeguarding the data and ensuring that only authorized officers and employees have access to the data for official purposes.

(f) Data that have been accorded proprietary treatment for which NOAA or another Federal agency has no present requirement may be returned to the possession of the user and kept by the user until such time as NOAA or another Federal agency has a present requirement for the data at which time the data shall be made available to NOAA or to another Federal agency in accordance with the terms of a mutually acceptable agreement.

(g)(1) All requests from any person(s) for data granted proprietary treatment under this section shall be processed consistent with NOAA Freedom of Information Act (FOIA) Regulations (15 CFR Part 903), NOAA Directives Manual 21–25, Department of Commerce Administrative Orders 205–12 and 205–14 and 15 CFR Part 4.

(2) The user shall be notified within five days (excluding Saturdays, Sundays, and legal public holidays) of receipt by NOAA of an FOIA request for disclosure of data which otherwise have been granted proprietary treatment under this section. The user may submit written objections to release of the data, together with any supporting information, to the Assistant Administrator for Satellites, within five days (excluding Saturdays, Sundays and legal public holidays) of receipt of notice. The failure to object within the prescribed time limit will be considered an acknowledgment that the user does not wish to claim exempt status under the FOIA.

(3) If data which have been granted proprietary treatment under this section are found to be disclosable, in whole or in part, under the FOIA, the user submitting the data will be notified in writing and given five days (excluding Saturdays, Sundays, and legal holidays) from receipt of the notice to seek judicial relief.

§ 911.4 Continuation of GOES–DCS.

(a) NOAA expects to continue to operate a geostationary satellite data collection system while it operates GOES satellites, subject to the availability of future appropriations.

(b) As use of the system in support of NOAA programs increases, it eventually may be necessary to restrict the use by other users. If a use restriction should become necessary, or in the event that NOAA discontinues operation of GOES, NOAA will provide, to the maximum extent possible, advance notice to the affected users.

§ 911.5 GOES–DCS Use Agreements.

(a) Each user must have an agreement with NOAA to use the GOES DCS.

(b) These agreements will cover, but will not be limited to: (1) The period of time the agreement is valid and procedures for cancelling it, (2) conformance with ITU agreements and regulations, (3) required equipment standards, (4) standards of operation, (5) priorities for use, (6) reporting time and frequencies, (7) data formats, (8) data delivery systems and schedules, (9) user-borne costs, and (10) proprietary treatment of data under § 911.3.

(c) The representative of NOAA for evaluating use requests and concluding use agreements will be the Director of Data Services for the National Earth Satellite Service, except that in the case of agreements which involve foreign government agencies or requsts for proprietary treatment of data, the concurrence of the Assistant Administrator for Satellites will be obtained.

[FR Doc. 81–28725 Filed 10–1–81; 8:45 am]

BILLING CODE 3510–12–M

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15 CFR Part 981

Availability of Technical Guidance Document for Meeting Environmental Requirements of Commercial Ocean Thermal Energy Conversion (OTEC) Licensing Regulations

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Availability of Technical Guidance Document.

SUMMARY: The Ocean Thermal Energy Conversion Act of 1980 (Pub. L. 96–320; "the Act") is intended to provide a stable legal system and streamlined licensing process to facilitate development of ocean thermal energy conversion (OTEC) facilities and plantships. The National Oceanic and Atmospheric Administration (NOAA) has lead responsibility for implementing the Act, and has issued its final regulations, which were published at 46 FR 39388, July 31, 1981. Availability of NOAA's final environmental impact statement was announced at 46 FR 39214, July 31, 1981.

Among other things, the final regulations require an applicant for an OTEC license to prepare an environmental assessment of potential effects of OTEC operations (15 CFR 981.260). To assist OTEC license applicants in responding to this requirement, NOAA has developed a Technical Guidance Document (TGD), which is intended to provide guidance on the types of specific information and analyses an applicant might wish to provide. NOAA prepared a draft Technical Support Document (TSD) and announced its availability at 46 FR 27501, May 20, 1981. A 30-day public comment period was provided and a public workshop was held on Friday, June 12, 1981, in Washington, D.C. The draft TSD has been revised, taking into account comments received, and the final version is now available. Among other changes, the TSD is now referred to as the Technical Guidance Document (TGD). This notice announces the availability of the final TGD.

DATE: The Technical Guidance Document is available as of September 30, 1981.

ADDRESS: Requests for copies of the Technical Guidance Document should be directed to the Office of Ocean Minerals and Energy, NOAA, Page 1 Building, Room 410, 2001 Wisconsin Avenue NW., Washington, D.C. 20235 (telephone 202–254–3483).

FOR FURTHER INFORMATION CONTACT: Richard D. Norling or Edward P. Myers, Office of Ocean Minerals and Energy, NOAA, telephone 202–254–3483.

Francis J. Balint,

Acting Director, Office of Information and Management Systems.

September 25, 1981.

[FR Doc. 81–28667 Filed 10–1–81; 8:45 am]

BILLING CODE 3510–12–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231, 241, 261, and 271

[Release No. 33–6351; 34–18122; 39–658; IC–11958]

Issuance of "Retail Repurchase Agreements" by Banks and Savings and Loan Associations; Interpretations

AGENCY: Securities and Exchange Commission.

ACTION: Publication of interpretations.

SUMMARY: The Commission has authorized the issuance of two letters setting forth the enforcement positions of its Divisions of Corporation Finance, Investment Management and Market Regulation regarding the application of the registration provisions of the Securities Act of 1933 (15 U.S.C. 77a et seq.), the indenture qualification provisions of the Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.), the provisions of the Investment Company Act of 1940 (15 U.S.C. 80b–1 et seq.), and the broker-dealer registration provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), to the issuance of so-called "retail repurchase agreements" by banks and savings and loan associations. In addition, the Commission has briefly discussed more traditional repurchase agreements.

FOR FURTHER INFORMATION CONTACT: With respect to the Securities Act of 1933 ("1933 Act") and the Trust Indenture Act of 1939 ("1939 Act") positions, contact Peter J. Romeo, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2573.

With respect to the Investment Company Act of 1940 ("1940 Act") position, contact Stanley B. Judd, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2032.

With respect to the Securities Exchange Act of 1934 ("1934 Act") position, contact Jeffrey L. Steele, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2836.

SUPPLEMENTARY INFORMATION: The use of so-called "retail repurchase agreements" ("retail repos") as a means for banks and savings and loan associations to raise short-term capital is becoming increasingly widespread in the U.S. financial markets. These retail repos typically are, in economic reality, debt obligations of banks and savings and loan associations that are collateralized by an interest either in a security that is a direct obligation of, or

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is guaranteed as to principal and interest by, the United States or any agency thereof ("government security"), or a pool of such securities. Retail repos are issued to the general public in denominations of less than $100,000 and with maturities of less than 90 days.[1]

The staff of the Commission has received a number of requests from banks and savings and loan associations for guidance regarding the application of the federal securities laws to their proposed retail repo programs. In view of the growing interest in this area and the novel issues raised by retail repo transactions, the Commission has authorized its Division of Corporation Finance to issue the no-action letters which are set forth herein.

The Commission wishes to emphasize that, although its staff is taking a no-action position regarding the provisions of the federal securities laws mentioned in the letters, the antifraud provisions of such laws [2] would apply to transactions involving retail repos. The antifraud provisions prohibit fraudulent conduct, including the making of false or misleading representations, in connection with the offer, sale, and purchase of securities.[3] Accordingly, banks and savings and loan associations proposing to offer retail repos should take steps to assure that all documents used in connection with retail repo programs are accurate and contain no material misstatements or omit to state facts necessary in order to make the statements made not misleading. These documents would include, but not necessarily be limited to, media advertisements, written promotional materials, offering documents, reports of financial condition furnished to prospective purchasers, and the repurchase agreements themselves. In addition, such entities should take similar steps to assure that oral statements made by employees or agents to prospective customers are similarly accurate and not misleading.

With respect to disclosure practices to be utilized in connection with retail repo programs, banks and savings and loan associations may wish to give consideration to a report issued by the Commission in November 1979 that discussed various disclosure concerns which arose in connection with a particular offering of retail repurchase agreements.[4] In addition, such entities might review disclosure guidelines promulgated by the Federal Home Loan Bank Board and the Comptroller of the Currency with respect to retail repo programs offered by the institutions they regulate.[5]

The following statement by the Comptroller of the Currency would appear to have particular relevance to the adoption of sound disclosure practices in connection with retail repo programs:

> As a matter of safe and sound banking practice and in order to avoid potential liability under the securities laws, banks should fully disclose all material information regarding the Retail Repo offering. Disclosure should include, at a minimum, appropriate background information regarding the bank and its financial condition, and the nature and terms of the Retail Repo (including minimum investment denominations, interest rates, maturities and any prepayment fees). The customer should be given a detailed explanation of the transaction. The security underlying the transaction should be specifically and accurately identified. The customer should be advised (1) that the Retail Repo is an obligation of the issuing bank and that the underlying security serves as collateral; (2) that the bank will pay a fixed amount, including interest on the purchase price, regardless of any fluctuation in the market price of the underlying security; (3) that the interest rate paid is not that of the underlying security; and (4) that general banking assets will most likely be used to satisfy the bank's obligation under the Retail Repo rather than proceeds from the sale of the underlying security. In addition, the customer should be advised at the time of purchase of the actual or approximate market value of the underlying security interest and he should be clearly warned that the Retail Repo is not a deposit, is not FDIC insured, and is not guaranteed in any way by the U.S. Government or any agency thereof. Language generally associated with deposits must be avoided to prevent creating the impression that insured deposits are being offered. The customer must be informed that he may become an unsecured creditor of the bank to the extent the market value of his security interest falls below the amount of the funds invested.[6]

It should again be noted that the no-action letters set forth herein do not encompass the antifraud provisions previously referred to, since the application of such provisions depends on the facts and circumstances surrounding each individual transaction. In addition, the no-action positions contained in the letters do not apply to transactions in which the issuer of the retail repos holds itself out as offering an investment, as opposed to a collateral, interest in a government security or pool of such securities. Characterizing an arrangement as involving a bank's or savings and loan association's "money market fund" or otherwise implying that retail repos are investment interests in a government security or pool of such securities may therefore raise disclosure and other questions under the securities laws.

The no-action letters set forth herein deal solely with retail repos, which are a relatively recent phenomenon. The letters do not discuss more traditional repurchase agreements that have been in use for a number of years. These traditional repurchase agreements essentially are short-term contracts to sell and repurchase entire government securities in large denominations. While the primary purpose of this release is to address the application of the federal securities laws to retail repos, the Commission believes it also would be useful to indicate briefly its views on these other types of repos.

Traditional repurchase agreements differ from retail repos in several significant respects. For example, traditional repos usually have a shorter duration (one day is not untypical), involve larger amounts (one million dollars is not uncommon), are privately negotiated rather than mass marketed, and involve entire government securities which often are delivered directly to the purchaser, an event which rarely, if ever, occurs in a retail repo transaction.

The economic realities of traditional repurchase agreements suggest that such agreements are not themselves separate securities. For purposes of the federal securities laws, however, they are deemed to involve the purchase and sale of the U.S. Government securities to which they relate. As a result, the antifraud provisions of such laws would apply to the offer, sale and purchase of U.S. Government securities occurring in connection with traditional repurchase agreements.[7]

The text of the two no-action letters relating to retail repos follows:

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[1] *See e.g.*, Board of Governors of Federal Reserve System Regulations D and Q, 12 CFR 204.2(a)(1), 217.1(f)(2).

[2] *See* Section 17(a) of the 1933 Act, and Section 10(b) of the 1934 Act and Rule 10b–5 thereunder.

[3] Section 17(a) of the 1933 Act applies to the offer and sale of securities, while Section 10(b) of the 1934 Act and Rule 10b–5 thereunder apply to the purchase and sale of securities.

[4] *See* Release No. 34–16321 (November 5, 1979).

[5] Federal Home Loan Bank Board Memorandum No. R–51A (September 9, 1981), which superseded Memorandum No. R–51 (May 11, 1981), and Comptroller of the Currency Banking Circular No. 157 (May 14, 1981).

[6] Comptroller of the Currency, Banking Circular No. 157 (May 13, 1981), p. 3. The Federal Home Loan Bank Board expressed similar views in its memorandum No. R–51A (September 9, 1981), pp. 5–7.

[7] The registration provisions of the securities laws, however, would not apply because U.S. government securities are exempt from those provisions. *See* section 3(a)(2) of the 1933 Act and sections 3(a)(12) and 12(g)(1)(B) of the 1934 Act.

Ms. A,
ABC Savings and Loan Association ("ABC S&L")

Dear Ms. A: This is in response to your letters of April 16, 1980, June 17, 1980 and May 12, 1981 regarding the proposed issuance by ABC S&L of certain "retail repurchase agreements" ("Agreements") without compliance with the registration provisions of the Securities Act of 1933 ("1933 Act"), the indenture qualification provisions of the Trust Indenture Act of 1939 ("1939 Act") and the broker-dealer registration provisions of the Securities Exchange Act of 1934 ("1934 Act").

We understand the material facts, as more fully set forth in your letters, to be as follows: ABC S&L proposes to issue these Agreements to various investors pursuant to the authority contained in 12 CFR Sections 531.12 and 556.10, which have been adopted by the Federal Home Loan Bank Board. You state that the Agreements will be debt obligations of ABC S&L, which in effect are secured by the transfer to the purchaser of a limited undivided interest in a security which will be a direct obligation of, or guaranteed as to principal and interest by, the United States ("government security"). These Agreements will be issued in $100 increments from a minimum of $3,000 to a maximum of $50,000, and will mature in not more than 89 days. The Agreements are not transferable and the purchasers thereof will not acquire membership or voting rights in ABC S&L. Neither party will have the right to an automatic extension of the Agreement.

B Bank will be the record owner of the government security and will hold it as custodian for the benefit of the purchasers of the Agreements. ABC S&L will notify B Bank of the issuance and sale of each Agreement and B Bank will maintain a record of the purchasers and the respective maturity dates of the Agreements. At the maturity date of the Agreement, the purchaser's collateral interest in the government security will terminate and this interest will revert to ABC S&L. The government securities held by B Bank are subject to withdrawal by ABC S&L, although ABC S&L agrees not to withdraw the government securities prior to payment of the Agreement secured thereby. In the event of default under the Agreements, B Bank would become, in effect, a trustee for the benefit of the purchasers.

The Agreements will be sold by officers of ABC S&L who are regular full-time employees (the "officer-employees"). Activities relating to the sale of agreements will comprise only a small portion of the officer-employees' time and will be incidental to their regular employment responsibilities. The officer-employees will not receive, directly or indirectly, any additional compensation or payment of commission or other special remuneration based on sales of Agreements or other securities.

It is your opinion that the Agreements, to the extent they are securities, are securities of, and are issued by, ABC S&L, and therefore are exempt from registration under the 1933 Act pursuant to Section 3(a)(5) thereof, and from the indenture qualification provisions of the 1939 Act pursuant to Section 304(a)(4)(A) thereof. Further, it is your opinion that neither ABC S&L nor its officer-employees would be "brokers" or "dealers" within the meaning of Sections 3(a)(4) and 3(a)(5) of the 1934 Act.

In support of your view that the Agreements are securities of ABC S&L rather than pass-through certificates or actual participations in the underlying government security, you have stated that upon maturity, purchasers of Agreements will look solely to ABC S&L for payment of their principal and interest, and you have made the following representations: (1) the purchaser of the Agreement obtains none of the economic characteristics of ownership of the underlying government security, including no risk of loss or opportunity of gain from capital value fluctuations of the government security over the term of the Agreement; (2) the resale price of the Agreement to be paid by ABC S&L represents a return of the purchaser's initial purchase price and interest to be paid in consideration of the initial purchase price; (3) the interest to be paid by ABC S&L to the purchaser is not limited to, or dependent upon, the interest rate earned by the government security; and (4) the maturity of the government security is not coterminous (except coincidentally) with the maturity of the Agreement which is secured by a limited interest in the government security.

Based on the facts presented and the above representations, this Division will not recommend any enforcement action to the Commission if, in reliance upon your opinion that the exemptions in Section 3(a)(5) of the 1933 Act and Section 304(a)(4)(A) of the 1939 Act would be available, the Agreements are issued as proposed without registration under the 1933 Act and without qualification of an indenture under the 1939 Act.

In addition, on the basis of the representations made in your letters, we have been advised that the Division of Market Regulation will not recommend enforcement action to the Commission if the officer-employees of ABC S&L do not register with the Commission as broker-dealers pursuant to Section 15 of the 1934 Act, in the event ABC S&L issues and sells Agreements in the manner described above.

Finally, even though the registration provisions of the 1933 Act do not appear to be applicable to the proposed Agreements discussed above, ABC S&L should be aware that the antifraud provisions of the federal securities laws would apply to their offer and sale. In this regard, ABC S&L should note that the staff has not passed upon the adequacy of any of the disclosure documents to be issued in connection with the proposed offering of the Agreements, and ABC S&L is reminded of its responsibility to insure that full and accurate disclosure is made in connection with the marketing of these Agreements, including disclosure of all information material to the investment risk assumed by the investors. In this regard, you may wish to consider Release No. 34-16321 (November 5, 1979), which deals with this issue, as well as Federal Home Loan Bank Board Memorandum No. R-51A (September 9, 1981). Also, it should be understood that the positions in this letter relate solely to the application of the federal securities laws and therefore do not affect the application of other laws or regulations to the Agreements.

Sincerely,

Peter J. Romeo,
Chief Counsel.

* * * * *

Mr. X,
XYZ Bank

Dear Mr. X: This is in response to your letters of August 16, 1979, January 10, 1980, August 5, 1980 and June 10, 1981 regarding the proposed issuance by XYZ Bank of certain "retail repurchase agreements" ("Agreements") without compliance with the registration provisions of the Securities Act of 1933 ("1933 Act") and the provisions of the Investment Company Act of 1940 ("1940 Act").

We understand the material facts, as more fully set forth in your letters and in telephone conversations with members of the staff, to be as follows. XYZ Bank proposes to issue the Agreements to various investors in accordance with exemptions from interest rate limitations and reserve requirements set forth in 12 CFR Parts 204 and 217 adopted by the Board of Governors of the Federal Reserve System. You state that the Agreements will be debt obligations of XYZ Bank which will be secured by the transfer to the purchaser of an interest in a pool of U.S. government securities ("government securities"). You have advised the staff that these Agreements will be issued in various denominations and are not negotiable.

The market value of the government securities used to collateralize the Agreements will be maintained at no less than 105 percent of the face amount of the Agreements. These securities will not leave the Federal Reserve Bank, and, upon repayment of the principal and interest due under the Agreements, the purchaser's interest in the government securities will cease and revert back to XYZ Bank.

It is XYZ Bank's opinion that the Agreements will constitute debt instruments of XYZ Bank, and that registration of these Agreements under the 1933 Act is not required in view of the exemption contained in Section 3(a)(2) of that Act. In support of this opinion, you have represented that (1) the purchaser of the Agreement obtains none of the economic characteristics of ownership of the underlying government securities, including no risk of loss or opportunity of gain from the capital value fluctuations of the government securities over the term of the Agreement; (2) the resale price of the Agreement to be paid by XYZ Bank represents a return of the purchaser's initial purchase price and interest to be paid in consideration of the initial purchase price; (3) the interest rate paid by XYZ Bank to the purchaser is not limited to, or dependent upon, the interest rate earned by the pool of government securities; and (4) the maturities of the government securities in the pool are not coterminous with the maturities of the Agreements which are secured by interests in the pool.

Based on the facts presented and the above representations, this Division will not recommend any enforcement action to the Commission if the Agreements are issued as proposed without registration under the 1933 Act.

In addition, the Division of Investment Management has advised us that it will not recommend that the Commission take any action against XYZ Bank under the 1940 Act if it enters into the proposed secured lending transactions in the form of Agreements secured by an interest in a pool of government securities. When a bank enters into an agreement relating to an interest in a pool of government securities, the Division of Investment Management, unless there are factors present which would suggest otherwise, such as the holding out of the arrangement as the conveyance of an investor's interest in a government security or pool of government securities, would insofar as the 1940 Act is concerned, regard the transaction as the issuance of a debt obligation of the bank which is collateralized by an interest in the pool. Based on the above representations, XYZ Bank's proposed Agreements seem to possess these characteristics. Therefore, the Division of Investment Management would not, insofar as the 1940 Act is concerned, regard the pool as an issuer of securities separate from XYZ Bank.

Finally, even though the registration provision of the 1933 Act and the provisions of the 1940 Act do not appear to be applicable to the Bank's proposed Agreements, the Bank should be aware that the antifraud provisions of the federal securities laws would apply to their offer and sale. In this regard, XYZ Bank should note that the staff has not passed upon the adequacy of any of the disclosure documents to be used in connection with the proposed offering of the Agreements, and XYZ Bank is reminded of its responsibility to insure that full and accurate disclosure is made in connection with the marketing of these Agreements, including disclosure of all information material to the investment risk assumed by the investors. In this regard, you may wish to consider Release No. 34-16321 (November 5, 1979), which deals with this issue, as well as Comptroller of the Currency Banking Circular No. 157 (May 13, 1981). Also, it should be understood that the positions in this letter relate to the application of the federal securities laws and therefore do not affect the application of other laws or regulations to the Agreements.

Sincerely,

Peter J. Romeo,
Chief Counsel.

* * * * *

Accordingly, 17 CFR Parts 231, 241, 261 and 271 are amended by adding thereto reference to this release.

By the Commission.

George A. Fitzsimmons,
Secretary.

September 25, 1981.

[FR Doc. 81-28759 Filed 10-1-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Parts 231 and 271

[Release No. 33-6352 and IC-11960]

Effect of Revenue Ruling 81-225 on Issuers and Holders of Certain Variable Annuity Contracts

AGENCY: Securities and Exchange Commission.

ACTION: General statement of policy.

SUMMARY: The Securities and Exchange Commission announces a general statement of policy of its Division of Investment Management ("Division") concerning the effects and implications under the federal securities laws of an Internal Revenue Service revenue ruling that discusses the federal income tax status of earnings and/or gains derived from shares of one or more investment companies which constitute the funding media for certain variable annuity contracts offered through insurance company separate accounts organized and registered as unit investment trusts. This statement of policy expresses the views of the Division respecting certain disclosure requirements under the Securities Act of 1933 and certain matters relating to the Investment Company Act of 1940 which should be considered by the sponsors of such variable annuity separate accounts and the investment advisers and boards of directors of the underlying funding media.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: S. Elliott Cohan, Assistant Director (202-272-2060), or Mark J. Mackey, Special Counsel (202-272-2060), with respect to legal questions; Melville B. Cox, Jr., Branch Chief (202-272-2060), with respect to disclosure questions; or Lawrence A. Friend, Senior Accountant (202-272-2095), with respect to financial questions, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Pursuant to the Internal Revenue Code of 1954, as amended [26 U.S.C. 1 et seq.] (the "Code"), the Internal Revenue Service ("IRS") on September 25, 1981, issued a ruling (Revenue Ruling 81-225) describing certain variable annuity contracts and reaching certain conclusions as to whether earnings and/or gains derived from certain underlying funding media are currently includable in the contractowner's gross income under Section 61(a) of the Code [26 U.S.C. 61(a)]. Essentially, the ruling deals with variable annuity contracts funded through an insurance company separate account organized and registered as a unit investment trust, which invests in shares of one or more open-end management investment companies, whether such investment companies (hereinafter referred to as "mutual funds") are advised by the insurance company, an affiliate of the insurance company, or an outside investment adviser.

Impact of Revenue Ruling

This general statement of policy is meant to apprise insurance company sponsors of unit investment trusts registered under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.] (the "1940 Act") which fund variable annuity contracts, and advisers and directors of the mutual funds underlying such trusts, of the Division's views regarding some of the disclosure responsibilities under the federal securities laws that arise from the IRS ruling, and certain other matters. This statement is not intended to be exhaustive; the burden remains on the sponsors, investment advisers, directors and others involved to consider the ramifications of the ruling and to take appropriate steps to ensure compliance with the securities laws.

Termination of Sales

A prospectus relating to a security issued by a unit investment trust separate account shall not be deemed to meet the requirements of Section 10 [15 U.S.C. 77j] of the Securities Act of 1933 [15 U.S.C. 77a et seq.] (the "1933 Act") unless the information contained therein is complete and accurate in all material respects. In this regard, it is the view of the Division that a prospectus that does not fully describe all of the tax consequences arising out of a contractowner's participation in a variable annuity omits to state material facts required to be stated therein or necessary to make the statements therein not misleading. Therefore, the Division believes that the prospectuses of those variable annuity separate accounts, the interests of which are affected by Revenue Ruling 81-225, will be inaccurate and incomplete with respect to disclosures regarding federal income tax consequences until such prospectuses are amended to disclose the effect of the ruling. Accordingly, registrants should discontinue all sales of securities described in such prospectuses until appropriate disclosures are made. Initial purchase payments for affected variable annuity contracts received after the close of business on September 24, 1981, i.e., the day preceding the ruling date, must, until adequate disclosure is made, be returned to contract purchasers.

The Division believes that the acceptance of periodic purchase payments under existing variable annuity contracts and the reinvestment of dividends from the underlying mutual funds might constitute the sale of a security under the securities laws. However, the Division recognizes that the failure to accept and invest periodic purchase payments and reinvest dividends could impose hardships on affected contractowners. Therefore, if the registrant decides that such action is appropriate in light of the revenue ruling, the Division will not recommend that the Commission take any enforcement action against registrants who accept and invest periodic purchase payments or reinvest dividends from underlying mutual funds subsequent to the issuance of the ruling without appropriate disclosure. The Division's position is subject to the condition that, as soon as reasonably possible and in no event later than thirty days after the date of the ruling, the required disclosure to affected contractowners is made. This no-action assurance is limited to situations arising out of the extraordinary circumstances brought about by the IRS ruling and should not be considered applicable for any other purposes.

Combination Contracts

Some insurance company sponsors of variable annuity separate accounts sell interests in such accounts in a combination arrangement with the insurance company's fixed annuity funded through the general account. The purchaser receives only the variable annuity prospectus but is permitted to allocate purchase payments between the separate and general accounts. These insurance companies are advised to consider the appropriateness of offering new contracts involving payments into the general account for the purchase of the fixed annuity portion of the combination contract when the prospectus describing the variable portion of the annuity contract omits material information until that prospectus is properly amended to disclose the effects of the IRS ruling.

Disclosure

Issuers upon whom the obligation of disclosure falls may revise their prospectus disclosure in order to resume sales either by updating their current prospectus pursuant to rule 424(c) under the 1933 Act [17 CFR 230.424(c)] or by filing a post-effective amendment. The Division believes that, regardless of which form is used, prospectuses sent to existing contractowners should highlight the changes made.

It is the view of the Division that adequate disclosure must include a complete reference to the revenue ruling, the date of the ruling, the effects of the ruling on the tax treatment of earnings and/or gains attributable to purchase payments made before and after the ruling, the effects on any reinvestment of dividends, and a statement concerning any plans the insurance company might have to change, or to offer a substitute for, the variable annuity contract in the future. These suggested areas of disclosure should not be considered as all-inclusive. Additional disclosure may be appropriate depending on the circumstances.

Responsibility of Mutual Funds

As a result of the revenue ruling, some underlying mutual funds might decide to terminate sales of their securities to either public shareholders or variable annuity separate accounts. If such a decision is made, the investment adviser and board of directors of each such fund should consider whether such termination should be disclosed in the fund's prospectus together with the ramifications of such decision. Among other things, any effect on the level of advisory fees and the fund's expense ratio should be considered.

Other Matters

The Division recognizes that variable annuity separate accounts, the contractowners of which are affected by the ruling, may need to modify their methods of operation in order to continue to issue new variable annuity contracts and service existing contractowners. These modifications may result in the need for exemptive relief from certain provisions of the 1940 Act. In this regard, if appropriate, the Division will recommend that the Commission grant emergency temporary relief. Moreover, in order to avoid disruption of the investment plans of variable annuity contractowners or purchasers, the Division will expedite the processing of disclosure documents so that separate account issuers can resume sales as quickly as possible.

In accordance with the foregoing, 17 CFR Parts 231 and 271 are amended by adding reference to this release thereto.

By the Commission.

George A. Fitzsimmons,

Secretary.

September 28, 1981.

[FR Doc. 81-28760 Filed 10-1-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, and 548

New Animal Drugs, Change of Drug Labeler Code

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of drug labeler code for Wellcome Animal Health Division, Burroughs Wellcome Co.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 3, 1981 (46 FR 10463), FDA issued a document changing the sponsor of several NADA's held by two divisions of Burroughs Wellcome Co., Wellcome Veterinary Division, and Jensen-Salsbery Laboratories, to Wellcome Animal Health Division. The document inadvertently identified the labeler code of the parent firm as that of the new entity. This document provides the correct labeler code.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052, May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510, 520, 522, and 548 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended in paragraph (c)(1) in the entry "Welcome Animal Health Division" by removing drug labeler code "000081" and inserting in its place "017220", and in paragraph (c)(2) by removing the entry for "000081", and numerically adding a new entry "017220", to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

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Firm name and address	Drug labeler code
* * * * *	
Wellcome Animal Health Division, Burroughs Wellcome Co., Kansas City, MO 64108	017220
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
017220	Wellcome Animal Health Division, Burroughs Wellcome Co., Kansas City, MO 64108.
* * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. Part 520 is amended:

§ 520.82a [Amended]

a. In § 520.82a *Aminopropazine fumarate tablets,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 520.82b [Amended]

b. In § 520.82b *Aminopropazine fumarate, neomycin sulfate tablets,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 520.222 [Amended]

c. In § 520.222 *Bunamidine hydrochloride,* in paragraph (c) by removing "000081" and inserting in its place "017220".

§ 520.784 [Amended]

d. In § 520.784 *Doxylamine succinate tablets,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 520.863 [Amended]

e. In § 520.863 *Ethylisobutrazine hydrochloride tablets,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 520.1120a [Amended]

f. In § 520.1120a *Haloxon drench,* in paragraph (c) by removing "000081" and inserting in its place "017220".

§ 520.1120b [Amended]

g. In § 520.1120b *Haloxon boluses,* in paragraph (c) by removing "000081" and inserting in its place "017220".

§ 520.1720a [Amended]

h. In § 520.1720a *Phenylbutazone tablets and boluses,* in paragraph (b)(1) by removing "000081" and inserting in its place "017220".

§ 520.1720b [Amended]

i. In § 520.1720b *Phenylbutazone granules,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 520.2362 [Amended]

j. In § 520.2362 *Thenium closylate tablets,* in paragraph (c) by removing "000081" and inserting in its place "017220".

§ 520.2610 [Amended]

k. In § 520.2610 *Trimethoprim and sulfadiazine tablets,* in paragraph (b) by removing "000081" and inserting in its place "017220".

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

3. Part 522 is amended:

§ 522.82 [Amended]

a. In § 522.82 *Aminopropazine fumarate sterile solution injection,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 522.784 [Amended]

b. In § 522.784 *Doxylamine succinate injection,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 522.863 [Amended]

c. In § 522.863 *Ethylisobutrazine hydrochloride injection,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 522.1155 [Amended]

d. In § 522.1155 *Imidocarb dipropionate sterile powder,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 522.1720 [Amended]

e. In § 522.1720 *Phenylbutazone injection,* in paragraph (b)(1) by removing "000081" and inserting in its place "017220".

PART 548—CERTIFIABLE PEPTIDE ANTIBIOTIC DRUGS FOR ANIMAL USE

4. Part 548 is amended:

§ 548.314a [Amended]

a. In § 548.314a *Bacitracin, bacitracin zinc—neomycin sulfate—polymyin B sulfate ophthalmic ointment,* in paragraph (c)(2)(ii) by removing "000081" and inserting in its place "017220".

§ 548.314b [Amended]

b. In § 548.314b *Bacitracin zinc—polymyxin B sulfate—neomycin sulfate—hydrocortisone, hydrocortisone acetate ophthalmic ointment,* in paragraph (c)(2) by removing "000081" and inserting in its place "017220".

Effective date: October 2, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 25, 1981.

Edward J. Ballitch,

Acting Associate Director for Surveillance and Compliance, Bureau of Veterinary Medicine.

[FR Doc. 81-28682 Filed 10-1-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Tylosin Injection, Tylosin Tartrate for Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Products Co. providing revised labeling for use of tylosin injection for treating certain infections of cattle, swine, dogs, and cats. The supplemental NADA reflects the conclusions of the National Academy of Sciences/National Research Council (NAS/NRC) evaluation of the products. The regulations are further amended to increase the preslaughter withdrawal periods for cattle and swine.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV-125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1788.

SUPPLEMENTARY INFORMATION: Elanco Products Co., Division of Eli Lilly & Co., P.O. Box 1750, Indianapolis, IN 43206, is sponsor of several NADA'S for tylosin injection products which were the subject of the NAS/NRC evaluation published in the **Federal Register** of July 22, 1970 (35 FR 11714). The evaluation stated, and the agency concurred, that the products were probably effective for treating infections in cattle, swine, dogs, and cats when caused by pathogens sensitive to tylosin. The evaluation acknowledged tylosin's antimicrobial effect but required that each disease claim be properly qualified and that more information be collected on blood concentration levels to support the dosage schedule and claims.

Elanco responded to the NAS/NRC evaluation by submitting a supplemental NADA (12-965) for increasing the withdrawal period and dosage. The application provided data, information and revised labeling, specifically: (1) data qualifying each disease claim by specifying the causative organism, (2) data showing susceptibility of the causative organisms to tylosin, (3) published clinical investigations that support the effectiveness of tylosin against the disease conditions in cattle, swine, dogs, and cats, and (4) blood concentration studies, the results of which support a new dosage schedule.

Elanco's submission of revised labeling and supportive data and information supports upgrading the drug's NAS/NRC status from probably effective to effective. The supplemental NADA is approved and the regulation is amended to reflect the approval and to indicate the NAS/NRC approved conditions of use. This regulation also assigns the codification of the approved conditions of use to a new section in the Code of Federal Regulations.

The approval increases the slaughter withdrawal time from 8 to 21 days for cattle and 4 to 14 days for swine. The approval also increases the approved dosage of the drug.

In accordance with the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), the increases in withdrawal time and dosage correspond to a Category II supplemental change. Approval of this supplement will not result in increased exposure to residues of the drug because the drug has been regulated under conditions that result in greater, or at least comparable, exposure. Accordingly, approval has not required a full review of the underlying human safety data for tylosin before approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FROM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by redesignating § 522.2640 as § 522.2640a and revising it; and by adding new §§ 522.2640 and 522.2640b, to read as follows:

§ 522.2640 Tylosin injectable dosage forms.

§ 522.2640a Tylosin injection.

(a) *Specifications.* Each milliliter of sterile solution of 50 percent propylene glycol with 4 percent benzyl alcohol contains 50 or 200 milligrams of tylosin activity (as tylosin base).

(b) *Sponsor.* See No. 000986 in § 510.600(c) of this chapter.

(c) *NAS/NRC status.* These conditions of use are NAS/NRC reviewed and found effective. NADA's for these uses need not include effectiveness data as specified by § 514.111 of this chapter but may require bioequivalency and safety information.

(d) *Related tolerances.* See § 556.740 of this chapter.

(e) *Conditions of use*—(1) *Nonlactating cattle*—(i) *Amount.* 8 milligrams per pound of body weight once daily.

(ii) *Indications for use.* Treatment of bovine respiratory complex (shipping fever, pneumonia) usually associated with *Pasteurella multocida* and *Corynebacterium pyogenes;* foot rot (necrotic pododermatitis) and calf diphtheria caused by *Fusobacterium necrophorum* and metritis caused by *Corynebacterium pyogenes.*

(iii) *Limitations.* Administer intramuscularly for not more than 5 consecutive days. Continue treatment 24 hours after symptoms disappear. Do not inject more than 10 milliliters per site. Do not use in lactating dairy cattle. Use a 50-milligram-per-milliliter solution for nonlactating cattle weighing less than 200 pounds. Do not administer within 21 days of slaughter.

(2) *Swine*—(i) *Amount.* 4 milligrams per pound of body weight twice daily.

(ii) *Indications for use.* Treatment of swine arthritis caused by *Mycoplasma hyosynoviae;* swine pneumonia caused by *Pasteurella* spp.; swine erysipelas caused by *Erysipelothrix rhusiopathiae;* swine dysentery associated with *Treponema hyodysenteriae* when followed by appropriate medication in the drinking water and/or feed.

(iii) *Limitations.* Administer intramuscularly for not more than 3 consecutive days. Continue treatment 24 hours after symptoms disappear. Do not inject more than 5 milliliters per site. Use a 50-milligram-per-milliliter solution for treating swine weighing less than 200 pounds. Do not administer within 14 days of slaughter. If tylosin medicated drinking water is used as followup treatment for swine dysentery, the animal should thereafter receive feed containing 40 to 100 grams of tylosin per ton for 2 weeks to assure depletion of tissue residues.

(3) *Dogs and cats*—(i) *Amount.* 3 to 5 milligrams per pound of body weight at 12- to 24-hour intervals.

(ii) *Indications for use*—(*a*) *Dogs.* Treatment of upper respiratory infections such as bronchitis, tracheobronchitis, tracheitis, laryngitis, tonsillitis, and pneumonia caused by *Staphylococci* spp., hemolytic *Streptococci* spp., and *Pasteurella multocida.*

(*b*) *Cats.* Treatment of upper respiratory infections when caused by *Staphylococci* spp. and hemolytic *Streptococci* spp. and for feline pneumonitis when caused by tylosin susceptible organisms.

(iii) *Limitations.* For intramuscular use only. If there is no response to therapy in 5 days, diagnosis and treatment should be reassessed. Use a 50-milligram-per-milliliter solution only. Dogs and cats receiving a dose of less than 50 milligrams (1 milliliter) should be dosed with a tuberculin syringe. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 522.2640b Tylosin tartrate for injection.

(a) *Specifications.* The drug is a sterile powder containing a mixture of tylosin tartrate and sodium citrate which is reconstituted to provide 25 milligrams of tylosin activity per milliliter.

(b) *Sponsor.* See No. 000986 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.740 of this chapter.

(d) *Conditions of use*—(1) *Chickens*—(i) *Amount.* 25 milligrams per 2 pounds of body weight.

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(ii) *Indications for use.* As an aid in the control and treatment of chronic respiratory disease caused by *Mycoplasma gallisepticum* sensitive to tylosin.

(iii) *Limitations.* Not for use in laying chickens producing eggs for human consumption; inject under the loose skin of the neck behind the head; if no improvement is noted within 5 days, diagnosis should be reevaluated; do not treat within 3 days of slaughter.

(2) *Turkeys*—(i) *Amount.* 6.25 to 12.5 milligrams per sinus.

(ii) *Indications for use.* As an aid in the control and treatment of infectious sinusitis caused by *Mycoplasma gallisepticum* sensitive to tylosin.

(iii) *Limitations.* Do not use in laying turkeys producing eggs for human consumption; inject 6.25 milligrams to 12.5 milligrams per sinus depending on severity of condition; treatment may be repeated in 10 days if the swelling persists; do not treat within 5 days of slaughter; may be used in conjunction with tylosin in drinking water as indicated in § 520.2640(e)(2) of this chapter.

Effective date. October 2, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 25, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-28489 Filed 10-1-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

24 CFR Part 300

[Docket No. R-81-939]

Addition to List of Attorneys-in-Fact

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: November 12, 1981.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Linane, Office of General Counsel, on (202) 755-7186.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

PART 300—GENERAL

Paragraph (c) of § 300.11 is amended by adding the following name to the current list of attorneys-in-fact:

§ 300.11 Power of Attorney

* * * * *

(c) * * *

Name and Region

Robert J. Mahn, Washington, D.C.

* * * * *

(Sec. 309(d), National Housing Act, (12 U.S.C. 1723a(d)); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., September 17, 1981.

R. Frederick Taylor,

Executive Vice President, Government National Mortgage Association.

[FR Doc. 81-28788 Filed 10-1-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 290

[T.D. ATF-92]

Incorporations by Reference and Referenced Materials; Approval and Editorial Changes

Correction

In the FR Doc. 81-27654 appearing on page 46910 in the issue of Wednesday, September 23, 1981, make the following correction:

On page 46923, middle column, in the first line at the top of the page, the section heading now designated "§ 290.19 . . ." should have been designated "§ 290.129 . . .".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

29 CFR Part 56

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 224

Work Incentive Program for AFDC Recipients Under Title IV of the Social Security Act

Note.—This document originally appeared in the Federal Register for Thursday, October 1, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCIES: Employment and Training Administration, Labor; and Office of Human Development Services, Health and Human Services.

ACTION: Interim Final rules with a 60-day comment period.

SUMMARY: The Secretary of Labor, and the Secretary of Health and Human Services, are jointly revising on an interim basis the regulations for the Work Incentive Program. These rules are made necessary by the Social Security Disability Amendments of 1980. Other necessary technical changes are also being made.

DATE: Effective October 1, 1981, except that sections 45 CFR 224.41 and 29 CFR 56.41 will not become effective until approval after that date by the Office of Management and Budget pursuant to provisions of Executive Order 12291. However, consideration will be given to comments received before November 2, 1981. These will be carefully considered, and any changes to these regulations or our reasons for not accepting recommendations for change will be published in the Federal Register.

ADDRESSES: Mail or deliver comments to the Executive Director, Work Incentive Program, Patrick Henry Building, Room 5102, 601 D Street NW., Washington, D.C. 20213. Agencies and organizations are requested to submit comments in duplicate. Beginning October 15, 1981, these comments shall be available for public review at the above address, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert Easley, (202) 376-7030.

SUPPLEMENTARY INFORMATION:

Backgound

The purpose of the WIN program is to utilize all available employment and social services, including those authorized under provisions of other laws, so that individuals receiving Aid to Families with Dependent Children (AFDC) under Part A of Title IV of the Social Security Act will be furnished incentives, opportunities, and necessary services for (1) the employment of such individuals in the regular economy, (2) the training of such individuals for work in the regular economy, and (3) the participation of such individuals in WIN public service employment, thus assisting the families of such individuals to achieve economic independence and to assume useful roles in their communities.

History of the WIN Program

Enactment of amendments to Title IV of the Social Security Act in 1967, authorizing the Work Incentive Program (Pub. L. 90–248), was a recognition of the need for an employment program directed to the special needs of public assistance recipients and their families. Earlier measures funded under the Manpower Development and Training Act of 1962 (Pub. L. 87–415) and the Economic Opportunity Act of 1964 (Pub. L. 88–452) provided some assistance to this group but did not address the multiple problems of the public assistance population, and had limited impact.

Under the 1967 legislation, registration in WIN was by referral of persons deemed by public welfare agencies to be appropriate for participation. An employment plan tailored to the specific needs and goals of each individual was developed jointly by the registrant and WIN staff. Emphasis tended to be on the provision of classroom training and other aids to employability development, rather than on immediate job placement.

Amendments to Title IV of the Social Security Act (Act) in December 1971 (Pub. L. 92–223) changed the administration and focus of the program. WIN registration was mandated for all persons at least 16 years of age receiving or applying for AFDC, unless legally exempt. Exemption were provided under Section 402(a)(19)(A) of the Act (42 U.S.C. 602(a)(19)(A)) for full-time students, the ill and disabled, persons too remote from WIN program sites, and certain persons needed to care for a family member in the home.

The emphasis was shifted from employability development to employment at the earliest point feasible in the registrant's WIN experience. Changes in regulations which became effective in 1976 further increased the emphasis on direct placement into unsubsidized employment. See, e.g., 41 FR 47700 (October 29, 1976).

Employment-related social services are arranged for or provided by separate administrative unit (SAU) staff who participate with WIN sponsor staff to develop individual employability plans with registrants. These services can include child care, remedial medical services, home management, counseling, family planning, and transportation to needed services.

Administration

The WIN program is administered by the National Coordinating Committee (NCC) at the National level (which is composed of the Assistant Secretary for Employment and Training, Department of Labor (DOL) and the Assistant Secretary for Human Development Services, Department of Health and Human Services (DHHS)) and the Regional Coordination Committees (RCCs) (which is composed of Regional Administrators from both Departments) in each Region. The RCC reviews and approves State WIN plans and oversees the operational and administrative procedures of state programs.

At the State level, the State WIN sponsor and the State welfare agency develop an annual State WIN plan for operation of the WIN program in the State and submit it to the appropriate Regional Coordination Committee for approval. The State WIN sponsor and State welfare agency also administer and supervise the administration of the WIN program in each State.

At the local level, there are three units involved—the income maintenance unit (IMU), the WIN sponsor, and the separate administration unit (SAU). The IMU determines AFDC eligibility and exemption status and refers suitable persons to the WIN program. The WIN sponsor (usually part of the State job service) registers referred individuals and provides work and training services. The WIN sponsor and the SAU appraise registrants and develop an employability plan for each registrant found suitable for participation in the program. The SAU furnishes social services to enable registrants to engage in employment, training, and employment-related activities.

Summary of the 1980 Amendments

Section 401 of the Social Security Disability Amendments of 1980 (Pub. L. 96–265) includes amendments to update and introduce changes to the WIN legislation to make the program more effective for WIN registrants.

The changes, as follow, also reflect WIN operational experience over the years, research findings, and the legislative intent to help welfare recipients to become employed:

(1) The 1980 amendments provide authority for requiring employment search activities for WIN registrants, including applicants; and authorize reimbursement of employment search expenses of all participants.

(2) The 1980 amendments authorize, for the first time, the provision of supportive services to applicants as well as recipients, when needed to support employment-related activities;

(3) The amendments also exempt AFDC applicants and recipients who work not less than 30 hours a week from registration. This will eliminate the WIN registration requirements for those working individuals and reduce paperwork requirements of local WIN staff;

(4) The amendments authorize the Secretaries of DOL and DHHS to define sanction periods in cases where individuals fail or refuse to participate in WIN, terminate or refuse to accept employment, or reduce earnings without good cause;

(5) The amendments eliminate the 60-day counseling period previously required for individuals refusing to participate without good cause;

(6) Other changes are designed to bring the public employment agencies and the public welfare agencies, which are respectively responsible for administering the employment-related and social services-related aspects of WIN, into closer cooperation and communication by encouraging the collocation of their local offices;

(7) The legislation provides that individuals not be referred to employment which does not meet the appropriate work criteria;

(8) In the past, a State's 10 percent match for social services expenditures had to be in cash. Under the new legislation, this share may also be "in-kind" which conforms to the State's employment and training expenditures match; and

(9) The 1980 amendments clarify that there is no disregard of income from WIN public service employment in the calculation of the standard of need for an AFDC grant.

Discussion of Amendments to WIN Regulations Implementing Section 401 of the 1980 Amendments (Pub. L. 96–265)

1. *Authorization of Employment-related Activities.*

a. *The Statute: Section 402(a)(19)(A) of the Social Security Act.*

Before the 1980 amendments, an AFDC applicant or recipient had to register under the WIN program for employment services, training, and employment.

The amendments now also authorize an AFDC applicant or recipient to participate in employment-related activities, including employment search. This new activity is supported by research and demonstration findings that the potential for registrants' success in obtaining employment is increased if registrants are exposed to jobs and job-finding skills as quickly as possible.

The Senate Finance Committee reported that:

> Despite growing success in placing AFDC recipients in employment, the committee believes that the present statutory requirements should be strengthened in such a way as to provide additional encouragement for welfare recipients to move into employment. The committee further believes that AFDC recipients who are able to work should be required to actively seek employment and that this should be made explicit in the law. The committee amendment therefore would amend Title IV-A to provide that AFDC recipients who are not excluded from WIN registration by law will be required, as a condition of continuing eligibility for AFDC, to participate in the full range of employment-related activities which are part of the WIN program, including employment search activities * * *. The committee anticipates that with such an employment search requirement, substantial numbers of AFDC recipients will find jobs and welfare costs will be reduced.
>
> [S. Rep. No. 96-408, 96th Cong., 1st Sess., 63 (1979).]

b. *The Rule: 29 CFR 56.41 and 45 CFR 224.41 of the regulations.*

The "intensive manpower services" (IMS) component previously established in 29 CFR 56.41 (1980) and 45 CFR 224.41 (1980) has been discontinued. IMS activities have been incorporated into the new "employment-related activities," which is an umbrella activity for WIN job-seeking, designed to enable staff to work with more registrants, including AFDC applicants.

This rule will enable a larger number of WIN registrants to engage in employment search supported by instruction, counseling, and guidance. WIN participants in employment-related activities will have access to the full range of WIN jobseeking services, and will be able to take part on a schedule developed for each individual on consecutive or intermittent days, based on the person's needs and goals.

States will have the flexibility to design the employment-related activities, and to establish the criteria for selection of WIN registrants and the level of services to be provided.

The 1980 amendments provide that employment search not exceed eight weeks each year. DHHS and DOL interpret eight weeks of employment search to mean 40 work days. This definition gives the flexibility needed at the local level to provide for individual registrants' differing needs and situations. The 40-day limit is on *required* employment search. Additional voluntary participation on the part of the WIN registrant is encouraged.

Although an AFDC applicant or recipient must register with the WIN program for employment services, training, employment, and other employment-related activities (including employment search), participation in employment-related activities is not required of all WIN registrants. Local WIN offices will select the registrants for this activity on an individual basis in accordance with established practices.

2. *Social Services for Employment-related Activities for AFDC Applicants and Recipients.*

a. *The Statute: Section 402(a)(19)(G)(ii)(II) of the Social Security Act.*

The 1980 amendments require that social services needed to support WIN registrants in employment-related activities be provided. The major change is the authorization that permits the extension of the provision of purchased social services to AFDC *applicants*, as well as recipients, to enable them to participate.

This change enables WIN to provide immediate services to WIN registrants, and in many cases, to assist them to obtain a job before they become AFDC recipients. Research findings show that the faster a WIN registrant is assisted the more likely he or she is to be successful in getting a job and become self-supporting. Research reports and the results of demonstrations have been made available to the States to enable them to incorporate the "immediate services" concept into program operations.

b. *The Rule: 29 CFR 56.22 and 45 CFR 224.22; and 29 CFR 56.30 and 45 CFR 224.30 of the regulations.*

Under the revision of the regulations WIN will now be enabled to pay for social services for AFDC *applicants* so that applicants can participate in employment-related activities. Applicants may be certified, or services can be arranged for or provided on an occasional basis without certification so that applicants can participate in employment-related activities. This flexibility enables local staff to assist appropriate individuals as soon as possible after registration.

Whether to certify an applicant or wait for eligibility determination before certification will be a local program decision. The issue is to plan what is in the best interest of the participant to successfully obtain employment, with or without services, as the individual case may require.

3. *Exemption from WIN Registration for Working AFDC Applicants and Recipients*

a. *The Statute: Section 402(a)(19)(A)(vii) of the Social Security Act.*

The amendments add another exemption from the WIN registration requirements for AFDC applicants and recipients who are working not less than 30 hours per week.

b. *The Rule: 29 CFR 56.20 and 45 CFR 224.20; and 29 CFR 56.21(a)(5) and 45 CFR 224.21(a)(5) of the regulations.*

In the revisions of the regulations, DHHS and DOL have interpreted this amendment to apply to only those persons working in unsubsidized employment. Subsidized employment is considered to be temporary in WIN, and individuals in such employment remain registrants so that services can be provided to assist them to obtain unsubsidized employment. This exemption is used only for employment expected to last at least 30 days since employment of less than 30 days is not regular full-time employment.

The WIN sponsor is required to include, as part of its notification to the Income Maintenance Unit (IMU) of a registrant's employment, the number of hours, and expected duration of employment.

The purpose of this is to assist the IMU to determine whether the employment is full-time, and to apply the appropriate exemption criterion.

Individuals in full-time unsubsidized employment will no longer lose their AFDC assistance payments for not being registered. They may volunteer to register for WIN or to stay in WIN if they choose.

This new exemption will result in the deregistration from WIN of mandatory registrants who are working substantially full-time.

This change will free staff, who now register employed applicants and recipients, to work with WIN registrants who are not already employed and are more in need of WIN services. In addition, working individuals will no longer have to take time away from their jobs to register.

4. *Determination of Sanction Periods*

a. *The Statute: Section 402(a)(19)(F) of the Social Security Act.*

The sanction period is the time during which an individual, deregistered for failure or refusal to participate, is not permitted to reregister for WIN and therefore is not eligible for the AFDC grant unless he or she is a voluntary WIN registrant.

The WIN regulations originally contained fixed sanction periods of three and six months respectively for the first and subsequent failures or refusals of a WIN registrant to participate in WIN without good cause. This was to assure compliance with the Congressional intent at the time the legislation was enacted that WIN registrants participate in the WIN program in order to be eligible to continue to receive an AFDC grant.

However, specific authority for the Secretaries of Labor and Health and Human Services to prescribe the sanction period(s) was not contained in the law. The law previously stated that the mandatory WIN registrant's portion of the AFDC grant be removed "for so long as" the individual failed or refused to participate in the WIN program without good cause. The Federal courts in *McLean* v. *Califano*, 458 F. Supp. 285 (S.D.N.Y. 1977); *Crosby* v. *Califano*, Civil Action No. 73 (S.D.Ill. 1979); and other cases nullified the section of the WIN regulations which prescribed fixed sanction periods. The courts found that fixed sanction periods did not comport with the law. To comply with these decisions and orders the WIN regulations were amended in April 1980 to provide for flexible sanctions based on the length of time that the individual failed or refused to participate without good cause. See 45 FR 27414 (April 22, 1980).

DHHS and DOL believe that Congress intended in the 1980 amendments to permit fixed sanction periods to be imposed for those individuals who without good cause fail or refuse to participate or terminate or refuse to accept employment or reduce earnings. The 1980 amendments to section 402 (a)(19)(F) of the Act (42 U.S.C. 602 (a)(19)(F) expressly permit sanction periods to be prescribed by joint regulations of the Secretaries of Labor and Health and Human Services. In accordance with section 402(a) (19) (F) of the Act, the sanctions also apply when an individual refuses to accept employment offered through the State public employment offices or a bona fide offer of employment from any source. The regulations make clear that terminating employment or reducing earnings without good cause invokes the sanctions, since such actions are, as a practical matter, equivalent to a refusal to accept employment.

b. *The Rule: 29 CFR 56.51 and 45 CFR 224.51 of the regulations.*

The revision to the regulations provides for a three "payment-month" sanction period when a registrant without good cause first fails or refuses to participate, terminates or refuses to accept employment, or reduces earnings and a six "payment-month" period for subsequent failures, refusals, terminations, or reductions. The three- and six-month sanction periods which applied before the court decisions were effective deterrents against individuals who tried to avoid participation in WIN while remaining on AFDC. A payment month is defined in 45 CFR 233.21 (b)(4) as the fiscal or calendar month for which an agency shall pay assistance.

Following an initial sanction period, the six "payment-month" suspension is an even greater deterrent for an individual who may again contemplate failing or refusing to participate or terminating or refusing to accept employment or reducing earnings. Previous experiences with more stringent sanctions show that they improve compliance with program requirements, standards and objectives.

The six "payment-month" sanction period also reflects the opinion of both Departments that individuals who again fail or refuse to participate, terminate or refuse to accept employment, or reduce earnings without good cause after having regained eligibility should receive a harsher sanction.

The use of "payment-month" periods will facilitate implementation of the grant adjustment, since most States' AFDC grant payments are paid on a "payment-month" basis. The sanction will become effective on the first day of the first payment month that the sanctioned individual's needs are removed from the grant.

5. *Elimination of the 60-Day Counseling Period*

a. *The Statute: Section 402(a)(19)(F) of the Social Security Act.*

Before the 1980 amendments, AFDC payments continued to be paid during a counseling period even though the recipient had failed to participate in a WIN program, or refused employment, without good cause.

The requirement for a 60-day counseling period has been stricken from the Act by the 1980 amendments. Elimination of the counseling streamlines case processing following an adverse determination or decision. It also emphasizes the importance of conciliating grievances and disputes informally, before positions become polarized, and before it becomes necessary for a registrant to request a hearing.

b. *The Rule: The provisions of 29 CFR 56.76 and 45 CFR 224.76 of the old regulations have been deleted.*

The revision to the regulations deletes the requirement for a 60-day counseling period.

6. *Collocation of Social Services Staff and Employment and Training Staff*

a. *The Statute: Section 402(a)(19)(G)(i) of the Social Security Act.*

The amendments provide that the local Separate Administrative Unit (SAU) staff and WIN employment and training staff be located in the same facility, "to the maximum extent feasible."

b. *The Rule: 29 CFR 56.30(a) and 45 CFR 224.30(a) of the regulations.*

It has been the policy of WIN to encourage local SAU staff and local WIN sponsor staff to be located in the same office for the convenience of the WIN registrant, and to improve the communication and working relationship between the staff of the two agencies. Although research has not been conclusive on this, the program administrators believe that proximity does foster more efficient working arrangements for jointly appraising and developing employability plans for individuals, and for providing other WIN services.

Under the revision of the regulations, collocation is not required, but will be encouraged to the maximum extent feasible. The WIN National Coordinating Committee will issue guidelines dealing with methods for accomplishing consolidation of staff offices and improving program performance.

7. *Prohibition of Referral to Jobs Known Not to Meet Appropriate Work Criteria*

a. *The Statute: Section 402(a)(19) (H) of the Social Security Act.*

This provision requires that individuals participating in employment search activities will not be referred to employment opportunities which do not meet the criteria for appropriate work.

b. *The Rule: 29 CFR 56.34 and 45 CFR 224.34 of the regulations.*

WIN registrants are not required to take jobs which do not meet established appropriate work criteria. This revision will prohibit WIN staff from referring registrants to jobs which are known not to meet the appropriate work criteria.

8. *Authorization of State In-Kind Match for Social Services*

a. *The Statute: Section 403(d)(1) of the Social Security Act.*

This authorization eliminates a disparity in matching provisions for

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Federal funds for the State welfare agency and the State WIN sponsor. In the past, the WIN sponsor was allowed an in-kind match under Section 435 of the Social Security Act, but the welfare agency was not.

b. *The Rule: 29 CFR 56.16 and 45 CFR 224.16 of the regulations.*

The revision to the regulations allows an in-kind match for social services and thereby brings conformity to the matching funds provisions for both the State welfare agency and the State WIN sponsor.

9. *Clarification of Treatment of WIN Public Service Employment (PSE) Income in the Calculation of AFDC Grants*

a. *The Statute: Section 402(a)(19)(D) of the Social Security Act.*

This provision specifies that incentive payments and allowances for transportation and other job related training costs paid to a family member participating in employment training will be disregarded in the calculation of an AFDC grant.

The 1980 amendments deleted the requirement that income derived from a special work project under the WIN public service employment program also be disregarded. This means that income from WIN public service employment must be counted.

b. *The Rule: 29 CFR 56.40 and 45 CFR 224.40 of the regulations.*

This clarifying amendment does not affect WIN regulations which already provide that the disregards are not available to registrants in WIN PSE.

Technical and Clarifying Changes to Definitions

29 CFR 56.1 and 45 CFR 224.1 of the regulations.

The definitions below have been revised, deleted, or added to explain, clarify, change, or redefine certain terms in the previous regulations which were affected by changes resulting from the 1980 amendments.

"*Component*" now identifies the WIN components such as on-the-job training and public service employment. However, employment-related activities and social services are not components.

"*Employability-related activities*" has been added. This term is defined as services to assist registrants in locating and securing unsubsidized employment.

"*Employment search*" has been added; this activity is now part of the new "*employment-related activities*" in which registrants are provided with group job seeking, job seeking skills, job development assistance, and referrals, and in which they actively contact employers in their effort to secure jobs.

"*Intensive manpower services (IMS)*" has been eliminated because the IMS component has been discontinued. (See the definition of the new "*employment-related activities*").

Justification for Dispensing With Prior Notice of Proposed Rulemaking and 30-Day Implementation Period

These regulations implement Section 401 of the Social Security Disability Amendments of 1980 (Pub. L. 96–265), by conforming the regulations to the statutes.

The terms of Section 401 are, for the most part, clear and do not permit the exercise of discretion by the Secretary. Accordingly, it is unnecessary to utilize notice and comment procedures with respect to those revisions in the regulations that simply incorporate the provisions of Section 401 and make conforming changes.

The only significant exercise of discretion embodied in these regulations is determination of the sanction periods authorized by Section 401. As described above, the sanction periods selected are the same periods as were established in the Department's regulations prior to the court cases that were overturned by the 1980 Amendments. These sanction periods were adopted through notice-and-comment procedures, and the Department has thus previously obtained and considered the views of the public on this matter. In light of this fact and the fact that Section 401 was effective on September 30, 1980, the Secretary has concluded that it would be contrary to the public interest further to delay the implementation of Section 401 through issuance of a notice of proposed rulemaking. However, the comments of the public are requested on these Interim Final Rules.

We will carefully consider all comments. We will then publish in the **Federal Register** a final regulation. The final regulation will include a summary of the comments, together with any revision of these regulations resulting from comments or our reasons for not accepting suggested revisions.

We are dispensing with the 30-day delay in effective date after publication. Both agencies have found that good cause exists for these regulations to become effective on October 1, 1981 since publication of these regulations has been delayed.

Regulatory Flexibility Act

The Secretaries certify in accordance with Section 603 of the Regulatory Flexibiity Act, Pub. L. 96–354 (5 U.S.C. 603) that this regulation will not have a significant economic impact on a substantial number of small entities including small business, small organizational units and small governmental jurisdictions. Consequently, an initial regulatory flexibility analysis has not been prepared for this rule. Most of the provisions of the rule impose conditions for Federal financial participation on State agencies and do not impact on small entities.

Executive Order 12291

The Secretaries have also determined in accordance with Executive Order 12291 that the rule does not constitute a major rule requiring the preparation of a regulatory impact analysis. The regulation is not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in cost prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment and innovation.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, Pub. L. 96–511, all Departments are required to submit to the Office of Management and Budget for review and approval any reporting or recordkeeping requirements inherent in a proposed and final rule. This rule increases the Federal paperwork burden for WIN State agencies. 15 CFR 224.41 and 29 CFR 56.41 specify that each state WIN sponsor must establish a program of employment related activities in each WIN site to assist registrants to obtain employment. This requires the development of standards of participation which must be included in the State WIN plan. The Department will submit this section of the final regulation to OMB for review.

(Catalog of Federal Domestic Assistance Program No. 13.646, "Work Incentive Program (WIN)".)

(402 (a)(7), 402(a)(19), 430–444, 1102 of the Social Security Act, as amended. 49 Stat. 647 (42 U.S.C. 602(a)(7), 630–644, 1302))

Dated: August 14, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Approved: September 17, 1981.

Richard S. Schweiker,

Secretary, Health and Human Services.

Dated: September 23, 1981.

Albert Angrisani,

Assistant Secretary.

Approved: September 29, 1981.

Raymond J. Donovan,

Secretary, Department of Labor.

For reasons set out in the preamble, Part 56 of Title 29 of the Code of Federal Regulations is amended as set forth below:

Title 29—Labor

Subtitle A—Office of the Secretary

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart A—Purpose and Scope and Definitions

1. Section 56.1 is amended as follows:

§ 56.1 Definitions [Amended]

(a) By revising certain definitions as follows:

* * * * *

Certification means a written notice from the SAU that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, manpower services, or other employment-related activities, or that no supportive services are needed and that the individual is at that time ready for employment or training.

* * * * *

Component means a structured regularly scheduled program activity for certified registrants such as OJT, WIN PSE, institutional training, and work experience, but not employment-related activities or supportive services.

* * * * *

Exempt refers to an AFDC applicant or recipient who is not required by the Act to register for employment, training, or other employment-related activities under the WIN program as a condition of eligibility for AFDC.

* * * * *

Mandatory or Nonexempt Registrant means an AFDC applicant or recipient who is required by the Act to register for manpower services, training, employment, or other employment-related activities, as a condition of eligibility for AFDC.

* * * * *

Registrant means an AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, employment, and other employment-related activities.

* * * * *

State WIN Plan means the Statewide operational plan for WIN, covering AFDC applicants and recipients who register for employment, other employment-related activities, manpower services and training under WIN, developed by the WIN sponsor and SAU in each state and approved and supervised by the RCC under title IV, of the Act.

* * * * *

Supportive Services means those social services provided or arranged by the SAU, necessary to enable an individual to engage in employment, other employment-related activities, or training.

* * * * *

Volunteer means an AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, other employment-related activities, manpower services and training.

* * * * *

WIN Incentive Payment means a cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component.

* * * * *

Work Experience Training means a clearly defined, well-supervised assignment with a public or nonprofit private employer.

(b) By removing the term "Intensive Manpower Services Component";

(c) By adding the following two terms in proper alphabetical sequence:

* * * * *

Employment-related Activities means activities providing employment and training services to WIN registrants to assist them in locating and securing unsubsidized employment. Employment-related activities include employment search.

Employment Search is the part of employment-related activities where registrants are provided with job seeking skills, job development assistance and referrals, and actively contact employers in their effort to secure jobs.

* * * * *

Subpart B—Administration

2. In § 56.16 paragraph (b) is revised to read as follows:

§ 56.16 Non-Federal contribution.

* * * * *

(b) The State welfare agency shall assure a non-Federal cash or in-kind contribution of 10 percent of the cost of supportive services and related administrative expenses incurred by the SAU under Title IV-A of the Act.

* * * * *

Subpart C—Requirements and Procedures for Registration, for Appraisal and Certification

3. In § 56.20 paragraphs (a) and (c)(4) are revised and paragraph (b)(10) is added to read as follows:

§ 56.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

A State plan under Title IV-A of the Social Security Act must provide that:

(a) All applicants and recipients who are required to register by section 402(a)(19)(A) of the Act shall register for manpower services, training, employment, and other employment-related activities as a condition of eligibility for AFDC, except as otherwise provided under paragraph (b) of this section;

(b) * * *

(10) A person who is working not less than 30 hours per week in unsubsidized employment expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than 10 work days.

(c) * * *

(4) Exempt applicants and recipients in WIN project areas may choose to register voluntarily for manpower services, training employment, and employment-related activities, and may withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in a way which would require registration; and

* * * * *

4. In § 56.21, Paragraph (a)(5) is revised to read as follows:

§ 56.21 Registration procedures.

(a) * * *

(5) Notify the IMU of any employment or other change of status which may affect an individual's AFDC eligibility or the amount of the AFDC payment. Included in this notification will be the hours and expected duration of employment.

* * * * *

5. Section 56.22 is amended by revising paragraph (e), adding a new paragraph (f) and redesignating existing paragraphs (f) and (g) as (g) and (h) to read as follows:

§ 56.22 Appraisal and certification.

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(e) The SAU shall certify in writing that the necessary immediate and on-going supportive services have been provided or arranged, or that no such services are required for those individuals who have been selected for participation in a WIN component. The SAU shall also certify registrants who are recipients who are selected to participate in employment-related activities. When certified, the individual shall be placed in employment if appropriate work that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in employment-related activities, on-the-job training, public service employment, institutional training or in any other manpower program or activity.

(f) The SAU may provide or arrange for social services for AFDC applicants to enable them to participate in employment-related activities. Such applicants may be certified, or services may be provided or arranged on an occasional basis without certification.

* * * * *

Subpart D—Supportive and Manpower Services and Protective Provisions

6. Section 56.30 is amended by removing paragraph (b)(5) and by revising paragraphs (a), (b)(2), (b)(3), and (e) to read as follows:

§ 56.30 Supportive services; State plan requirements.

A State plan under Part A of title IV of the Act must provide that:

(a) Within the State agency there will be separate administrative units which will, to the maximum extent possible, perform functions only in connection with the WIN program. To the maximum extent feasible, local SAU staff and WIN employment and training staff should be located together to foster more efficient working arrangements for joint appraisals, the development of employability plans, and the provision of services to registrants.

(b) * * *

(2) Developing and supplying social services necessary to enable a registrant, to accept employment, training for employment, or other employment-related activities. Necessary services shall continue for a period of 30 days after the start of unsubsidized employment and may continue for a maximum of 90 days at the discretion of the SAU. Such services may be provided even after the AFDC grant has been discontinued due to employment. In an emergency such services may also be provided for a period of up to 30 days to enable a registrant to continue existing employment;

(3) Participating with the WIN sponsor in appraisal and certification, in the development of employability plans pursuant to § 56.22, and in efforts to resolve grievances and disputes informally.

* * * * *

(e) Supportive services may be provided for up to two weeks to a registrant between participation in WIN components or between participation in a component or employment-related activities and the start of employment in order to avoid interruption of the employability process.

7. In § 56.32 paragraphs (a) through (g) are redesignated as paragraphs (b) through (h); a new paragraph (a) is added; and paragraphs (b) and (h) are revised as follows:

§ 56.32 Pay and allowances for WIN registrants.

(a) An individual assigned to employment search shall receive an allowance for necessary expenses for participation.

(b) An individual assigned to a WIN institutional or work experience training component, in which no salary is paid, shall receive an allowance for necessary training related expenses. He shall also receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(c) Individuals placed in employment, OJT, or PSE shall be authorized training related expenses for not in excess of two WIN pay periods; or until they receive their first full paycheck or the cash from a grant adjustment reflecting new work related expenses, whichever occurs first.

(d) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to individuals for separate maintenance when in training facilities beyond daily commuting distance from their homes for each calender day within the training payment period during which they are participating in such training and are residing away from home.

(e) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(f) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(g) WIN sponsor offices may establish petty cash funds or another acceptable method to meet needs for cash for allowable expenditures for all registrants.

(h) Registrants referred to employment may receive an allowance for necessary expenses.

8. In § 56.34 paragraph (a) is revised to read as follows:

§ 56.34 Appropriate work and training criteria.

(a) WIN registrants may not be referred to employment which is known not to meet the criteria of this paragraph. Certified recipients shall accept assignment to employment, WIN training or employment-related activities, as determined appropriate by the WIN sponsor or face deregistration action. The following standards must be met before any such individuals can be required to accept a work or training assignment including PSE and OJT:

* * * * *

Subpart E—The WIN Components and Activities

9. In § 56.41 the section heading is revised, paragraphs (a) and (b) are removed and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 56.41 Employment-related activities (EA).

(a) Each State WIN sponsor shall establish a program of employment-related activities in each WIN site to assist registrants, who are either AFDC applicants or recipients, to obtain employment. The State WIN sponsor shall develop standards of participation taking into account local conditions, including, but not limited to, geographic factors, availability of public transportation, and local labor market characteristics. These standards of participation shall be included in the State WIN plan.

(b) Employment-related activities shall provide employment search. Included may be group job seeking, job development, exposure to labor market information, referrals, and job placement, to assist individuals in obtaining unsubsidized employment.

(c) Participation in required employment search may not exceed a total of 40 work days in any calendar year for any individual.

(d) Assignment of registrants to employment-related activities shall occur only after appraisal and the development of an employability plan. Recipients must be certified prior to participation. AFDC applicants may be certified, but lacking certification must be provided any supportive services necessary to permit effective participation.

Subpart F—Deregistration and Sanctions

10. Section 56.50 is amended by revising paragraph (e) and adding a new paragraph (h) as follows:

§ 56.50 Deregistration.

* * * * *

(e) Any WIN recipient, except a volunteer, who is determined to have failed or refused without good cause to appear for appraisal; or any certified WIN recipient, except a volunteer, who has failed or refused to participate in the WIN program without good cause shall be deregistered from WIN and removed from the AFDC grant for failure to participate. Any individual who without good cause terminates or refuses to accept employment, or reduces earnings shall be deregistered and removed from the AFDC grant.

* * * * *

(h) The sanction in 29 CFR 56.51 shall become effective on the first day of the first payment-month that the sanctioned individual's needs are removed from the AFDC grant.

11. Section 56.51 is revised as follows:

§ 56.51 Sanctions.

A State plan under Title IV-A of the Act shall provide that:

(a) When an AFDC recipient, who is a mandatory registrant in the WIN program, has been found to have failed or refused without good cause to participate in the program, or has terminated employment or refused to accept employment, or reduced earnings without good cause, the following sanctions shall apply:

(1) For the first such occurrence the individual shall be deregistered for three payment-months.

(2) For the second and subsequent occurrences, the individual shall be deregistered for six payment-months.

(b) During the sanction period:

(1) If the individual is a caretaker relative receiving AFDC benefits, the State will not take into account his or her needs in determining the family's need for assistance, but the State will provide assistance in the form of protective or vendor payments or foster care for the remaining members of the assistance unit. When the State makes protective or vendor payments, the nonparticipating caretaker relative may not be the protective payee.

(2) If the individual is the only dependent child in the family, the State will deny assistance for the family.

(3) If the individual is one of several dependent children in the family, the State will deny assistance for the child and will not take into account the child's needs in determining the family's need for assistance.

(c) When the State finds that an AFDC recipient who is a voluntary registrant has failed or refused to participate in the WIN program without good cause, the State will deregister the individual for three or six payment-months depending on whether this was the first or a subsequent deregistration for failure or refusal to participate. However, the individual's AFDC grant shall not be affected.

(d) An individual may manifest failure or refusal to participate in the WIN program or may manifest termination of or refuses to accept employment or reduction in earnings either by an overt act (express) or by a de facto action.

(1) An overt (express) refusal is a written or oral statement by an individual that he or she will not participate in the WIN program.

(2) A de facto refusal is any current act or pattern of behavior consisting of a series of current events from which failure or refusal to participate can be implied. Where the failure or refusal to participate or termination of employment or refusal to accept employment or reduction in earnings is implied, the WIN sponsor shall send a notice setting an appointment for the individual to come to the WIN office and discuss the act or pattern of behavior in question. The notice shall explain the reasons for the appointment and the consequence of failure to keep the appointment.

(e) In the event a registrant is referred back to the IMU as having good cause for not continuing on a training plan or a job, the IMU shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

Subpart G—The WIN Adjudication System

12. Section 56.63 is amended by revising paragraph (a) and (b)(3); removing paragraph (b)(2) and redesignating paragraph (b)(3) as (b)(2); and redesignating the remaining paragraphs as (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) as follows:

§ 56.63 Requirement of conciliation and notice.

(a) The WIN staff must exhaust efforts toward conciliatory resolution of disputes between the WIN staff and the registrant before the WIN staff issues a "Notice of Intended Deregistration." This conciliation effort shall begin as soon as possible, but no later than 10 days following the date of failure or refusal to participate as determined under § 56.51(d) of this Part, and may continue for a period not to exceed 30 days. However, either the WIN staff, or the regisrant upon written request, *may* terminate this period sooner when either believes that the dispute cannot be resolved by conciliation. The WIN staff shall advise the registrant of the right to terminate the conciliation effort and, where necessary, assist in preparing the written statement.

(b) * * *

(2) Notification of the registrant's right to a hearing if the registrant believes that the proposed action is incorrect, or the length of the sanction period is incorrect, provided a request for a hearing is filed as prescribed in § 56.64 of this Part;

(3) Notice that the proposed action will be implementated if a hearing request is not received within the prescribed time;

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) Notice that he may be represented at the hearing by counsel or other authorized representative appointed by him and that he and his representative will have the opportunity to confront and cross-examine opposing witnesses;

(7) Notice that he will be permitted to present material evidence and testimony at the hearing that is not already in the record.

* * * * *

§ 56.76 [Removed and Reserved]

13. Section 56.76 is removed and reserved.

For reasons set out in the preamble, Part 224 of Title 45 of the Code of Federal Regulations is amended as set forth below:

Title 45—Public Welfare

Subtitle B—Regulations Pertaining to Public Welfare

PART 224—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart A—Purpose of Scope and Definitions

1. Section 224.1 is amended as follows:

§ 224.1 Definitions [Amended]

(a) by revising certain definitions as follows:

* * * * *

Certification means a written notice from the SAU that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, manpower services, or other employment-related activities, or that no supportive services are needed and that the individual is at that time ready for employment or training.

* * * * *

Component means a structured regularly scheduled program activity for certified registrants such as OJT, WIN, PSE, institutional training, and work experience, but not employment-related activities or supportive services.

* * * * *

Exempt refers to an AFDC applicant or recipient who is not required by the Act to register for employment, training, or other employment-related activities under the WIN program as a condition of eligibility for AFDC.

* * * * *

Mandatory or Nonexempt Registrant means an AFDC applicant or recipient who is required by the Act to register for manpower services training, employment, or other employment-related activities as a condition of eligibility for AFDC.

* * * * *

Registrant means an AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, employment, and other employment-related activities.

* * * * *

State WIN Plan means the Statewide operational plan for WIN, covering AFDC applicants and recipients who register for employment, other employment-related activities, manpower services and training under WIN, developed by the WIN sponsor and SAU in each state and approved and supervised by the RCC under title IV, of the Act.

* * * * *

Supportive Services means those social services provided or arranged by the SAU, necessary to enable an individual to engage in employment, other employment-related activities, or training.

* * * * *

Volunteer means an AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, other employment-related activities, manpower services and training.

* * * * *

WIN Incentive Payment means a cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component.

* * * * *

Work Experience Training means a clearly defined, well-supervised assignment with a public or nonprofit private employer.

(b) By removing the term "Intensive Manpower Services Component".

(c) By adding the following two terms in proper alphabetical sequence:

* * * * *

Employment-related Activities means activities providing employment and training services to WIN registrants to assist them in locating and securing unsubsidized employment. Employment-related activities include employment search.

Employment Search is the part of employment-related activities where registrants are provided with job seeking skills, job development assistance and referrals, and actively contact employers in their effort to secure jobs.

* * * * *

Subpart B—Administration

2. In § 224.16 paragraph (b) is revised to read as follows:

§ 224.16 Non-Federal contribution.

* * * * *

(b) The State welfare agency shall assure a non-Federal cash or in-kind contribution of 10 percent of the cost of supportive services and related administrative expenses incurred by the SAU under Title IV–A of the Act.

* * * * *

Subpart C—Requirements and Procedures for Registration, Appraisal and Certification

3. In § 224.20 paragraphs (a) and (c)(4) are revised and paragraph (b)(10) is added to read as follows:

§ 221.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

A State plan under Title IV–A of the Social Security Act must provide that:

(a) All applicants and recipients who are required to register by section 402(a)(19)(A) of the Act, shall register for manpower services, training, employment, and other employment-related activities as a condition of eligibility for AFDC, except as otherwise provided under paragraph (b) of this section:

(b) * * *

(10) A person who is working not less than 30 hours per week in unsubsidized employment expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than 10 work days.

(c) * * *

(4) Exempt applicants and recipients in WIN project areas may choose to register voluntarily for manpower services, training, employment, and employment-related activities, and may withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in a way which would require registration; and

* * * * *

4. In § 224.21, paragraph (a)(5) is amended to read as follows:

§ 224.21 Registration procedures.

(a) * * *

(5) Notify the IMU of any employment or other change of status which may affect an individual's AFDC eligibility or the amount of the AFDC payment. Included in this notification will be the hours and expected duration of employment.

* * * * *

5. Section 224.22 is amended by revising paragraph (e), adding a new paragraph (f) and redesignating existing paragraphs (f) and (g) as (g) and (h) to read as follows:

§ 224.22 Appraisal and certification.

* * * * *

(e) The SAU shall certify in writing that the necessary immediate and on-going supportive services have been provided or arranged, or that no such services are required for those individuals who have been selected for participation in a WIN component. The SAU shall also certify registrants who are recipients who are selected to participate in employment-related activities. When certified, the individual shall be placed in employment if appropriate work that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in employment-related activities, on-the-job training, public service employment, institutional training or in any other manpower program or activity.

(f) The SAU may provide or arrange for social services for AFDC applicants to enable them to participate in employment-related activities. Such applicants may be certified, or services may be provided or arranged on an occasional basis without certification.

* * * * *

Subpart D—Supportive and Manpower Services and Protective Provisions

6. Section 224.30 is amended by removing paragraph (b)(5) and by revising paragraphs (a), (b)(2), (b)(3), and (e) to read as follows:

§ 224.30 Supportive services; State plan requirements.

A State plan under Part A of title IV of the Act must provide that:

(a) Within the State agency there will be separate administrative units which will, to the maximum extent possible, perform functions only in connection with the WIN program. To the maximum extent feasible, local SAU staff and WIN employment and training staff should be located together to foster more efficient working arrangements for joint appraisals, the development of employability plans, and the provision of services to registrants.

(b) * * *

(2) Developing and supplying social services necessary to enable a registrant to accept employment, training for employment, or other employment-related activities. Necessary services shall continue for a period of 30 days after the start of unsubsidized employment and may continue for a maximum of 90 days at the discretion of the SAU. Such services may be provided even after the AFDC grant has been discontinued due to employment. In an emergency such services may also be provided for a period of up to 30 days to enable a registrant to continue existing employment;

(3) Participating with the WIN sponsor in appraisal and certification, in the development of employability plans pursuant to § 224.22, and in efforts to resolve grievances and disputes informally.

* * * * *

(e) Supportive services may be provided for up to two weeks to a registrant between participation in WIN components or between participation in a component or employment-related activities and the start of employment in order to avoid interruption of the employability process.

7. In § 224.32 paragraphs (a) through (g) are redesignated as paragraphs (b) through (h); a new paragraph (a) is added; and paragraphs (b) and (h) are revised as follows:

§ 224.32 Pay and allowances for WIN registrants.

(a) An individual assigned to employment search shall receive an allowance for necessary expenses for participation.

(b) An individual assigned to a WIN institutional or work experience training component, in which no salary is paid, shall receive an allowance for necessary training related expenses. He shall also receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(c) Individuals placed in employment, OJT, or PSE shall be authorized training related expenses for not in excess of two WIN pay periods; or until they receive their first full paycheck or the cash from a grant adjustment reflecting new work related expenses, whichever occurs first.

(d) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to individuals for separate maintenance when in training facilities beyond daily commuting distance from their homes for each calendar day within the training payment period during which they are participating in such training and are residing away from home.

(e) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(f) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(g) WIN sponsor offices may establish petty cash funds or another acceptable method to meet needs for cash for allowable expenditures for all registrants.

(h) Registrants referred to employment may receive an allowance for necessary expenses.

8. In § 224.34 paragraph (a) is revised to read as follows:

§ 224.34 Appropriate work and training criteria.

(a) WIN registrants may not be referred to employment which is known not to meet the criteria of this paragraph. Certified recipients shall accept assignment to employment, WIN training or employment-related activities, as determined a appropriate by the WIN sponsor or face deregistration action. The following standards must be met before any such individuals can be required to accept a work or training assignment including PSE and OJT:

* * * * *

Subpart E—The WIN Components and Activities

9. In § 224.41 the section heading is revised, paragraphs (a) and (b) are removed and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 224.41 Employment-related activities (EA).

(a) Each State WIN sponsor shall establish a program of employment-related activities in each WIN site to assist registrants, who are either AFDC applicants or recipients, to obtain employment. The State WIN sponsor shall develop standards of participation taking into account local conditions, including, but not limited to, geographic factors, availability of public transportation, and local labor market characteristics. These standards of participation shall be included in the State WIN plan.

(b) Employment-related activities shall provide employment search. Included may be group job seeking, job development, exposure to labor market information, referrals, and job placement, to assist individuals in obtaining unsubsidized employment.

(c) Participation in required employment search may not exceed a total of 40 work days in any calendar year for any individual.

(d) Assignment of registrants to employment-related activities shall occur only after appraisal and the development of an employability plan. Recipients must be certified prior to participation. AFDC applicants may be certified, but lacking certification must be provided any supportive services necessary to permit effective participation.

Subpart F—Deregistration and Sanctions

10. Section 224.50 is amended by revising paragraph (e) and adding a new paragraph (h) as follows:

§ 224.50 Deregistration.

* * * * *

(e) Any WIN recipient, except a volunteer, who is determined to have failed or refused without good cause to appear for appraisal; or any certified WIN recipient, except a volunteer, who has failed or refused to participate in the WIN program without good cause shall be deregistered from WIN and removed from the AFDC grant for failure to participate Any individual who without good cause terminates or refuses to accept employment or reduces earnings

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shall be deregistered and removed from the AFDC grant.

* * * * *

(h) The sanction in 45 CFR 224.51 shall become effective on the first day of the first payment-month that the sanctioned individual's needs are removed from the AFDC grant.

11. Section 224.51 is revised as follows:

§ 224.51 Sanctions.

A State plan under Title IV-A of the Act shall provide that:

(a) When an AFDC recipient, who is a mandatory registrant in the WIN program, has been found to have failed or refused without good cause to participate in the program or has terminated employment, or has refused to accept employment or reduced earnings without good cause, the following sanctions shall apply:

(1) For the first such occurrence the individual shall be deregistered for three payment-months.

(2) For the second and subsequent occurrences, the individual shall be deregistered for six payment-months.

(b) During the sanction period:

(1) If the individual is a caretaker relative receiving AFDC benefits, the State will not take into account his or her needs in determining the family's need for assistance, but the State will provide assistance in the form of protective or vendor payments or foster care for the remaining members of the assistance unit. When the State makes protective or vendor payments, the non-participating caretaker relative may not be the protective payee.

(2) If the individual is the only dependent child in the family, the State will deny assistance for the family.

(3) If the individual is one of several dependent children in the family, the State will deny assistance for the child and will not take into account the child's needs in determining the family's need for assistance.

(c) When the State finds that an AFDC recipient who is a voluntary registrant has failed or refused to participate in the WIN program without good cause, the State will deregister the individual for three or six payment-months depending on whether this was the first or a subsequent deregistration for failure or refusal to participate. However, the individual's AFDC grant shall not be affected.

(d) An individual may manifest failure or refusal to participate in the WIN program or may manifest termination of employment or may refuse to accept employment or reduction in earnings either by an overt act (express) or by a de facto action.

(1) An overt (express) refusal is a written or oral statement by an individual that he or she will not participate in the WIN program.

(2) A de facto refusal is any current act or pattern of behavior consisting of a series of current events from which failure or refusal to participate can be implied. Where the failure or refusal to participate or termination of employment, or refusal to accept employment, or reduction in earnings is implied, the WIN sponsor shall send a notice setting an appointment for the individual to come to the WIN office and discuss the act or pattern of behavior in question. The notice shall explain the reasons for the appointment and the consequences of failure to keep the appointment.

(e) In the event a registrant is referred back to the IMU as having good cause for not continuing on a training plan or a job, the IMU shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

Subpart G—The WIN Adjudication System

12. Section 224.63 is amended by revising paragraphs (a) and (b)(3); removing paragraph (b)(2) and redesignating paragraph (b)(3) as (b)(2); and redesignating the remaining paragraphs as (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) as follows:

§ 224.63 Requirement of conciliation and notice.

(a) The WIN staff must exhaust efforts toward conciliatory resolution of disputes between the WIN staff and the registrant before the WIN staff issues a "Notice of Intended Deregistration." This conciliation effort shall begin as soon as possible, but no later than 10 days following the date of failure or refusal to participate as determined under § 224.51(d) of this Part, and may continue for a period not to exceed 30 days. However, either the WIN staff, or the registrant upon written request, *may* terminate this period sooner when either believes that the dispute cannot be resolved by conciliation. The WIN staff shall advise the registrant of the right to terminate the conciliation effort and, where necessary, assist in preparing the written statement.

(b) * * *

(2) Notification of the registrant's right to a hearing if the registrant believes that the proposed action is incorrect, or the length of the sanction period is incorrect, provided a request for a hearing is filed as prescribed in § 224.64 of this part.

(3) Notice that the proposed action will be implemented if a hearing request is not received within the prescribed time;

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) Notice that he may be represented at the hearing by counsel or other authorized representative appointed by him and that he and his representative will have the opportunity to confront and cross-examine opposing witnesses;

(7) Notice that he will be permitted to present material evidence and testimony at the hearing that is not already in the record.

* * * * *

§ 224.76 [Removed and Reserved]

13. Section 224.76 is removed and reserved.

[FR Doc. 81-28601 Filed 9-30-81; 8:45 am]

BILLING CODE 4510-30-M, 4110-92-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1625

Final Interpretations: Age Discrimination in Employment Act

Correction

In FR Doc. 81-28222, appearing at page 47724, in the issue of Tuesday, September 29, 1981, make the following change, on page 47726, in the second column, change the part heading to read,

PART 1625—AGE DISCRIMINATION IN EMPLOYMENT ACT

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004M]

Occupational Exposure to Lead, Notice of Grant of Interim Orders

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Grant of interim orders on variance applications.

SUMMARY: OSHA hereby gives notice of interim orders granted from certain provisions of the standard for Occupational Exposure to Lead. These interim orders are being granted to the companies who were granted conditional interim orders in the Federal

Register notice of July 23, 1981, 46 FR 37891. The conditions under which the interim orders were granted were that each company submit a variance application, certify that notice had been given to affected employees and submit written acceptance of the requirements of the terms of the interim orders. This notice lists the companies that have complied with these conditions.

DATES: The effective date of the interim orders was July 21, 1981. The last date for affected employers, employees and appropriate state authorities to request a hearing on the applications was September 30, 1981. Written comments must have been submitted by September 30, 1981.

ADDRESSES: Send written comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3662, Third Street and Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Concannon, Director, Office of Variance Determination, at the above address, telephone: (202) 523-7144.

SUPPLEMENTARY INFORMATION:

A. Background

On July 23, 1981, 46 FR 37891, OSHA denied petitions for stay of the new trigger levels for medical removal protection (MRP) under the lead standard for primary and secondary smelters and battery manufacturers. The petitions were based upon an assertion that the companies would be unable to fully comply with the MRP provisions because of the anticipated removal and resulting unavailability of certain employees under the 60/40 triggers for MRP. The petitions were denied because the data submitted by the industries involved did not support a conclusion that there was a general industry-wide inability to comply with the MRP provisions of the lead standard. Thus, the available evidence did not demonstrate a need for any industry-wide stays of the MRP triggers. However, OSHA did find that on a plant-by-plant basis, there were some feasibility problems. Thus, OSHA announced that the temporary variance mechanism, set out in section 6(b)(6)(A) of the OSHA Act and covered by regulations in 29 CFR Part 1905, would be used to afford relief to companies on a plant-by-plant basis, if warranted.

Therefore, in the July 23, 1981 **Federal Register** notice OSHA granted conditional interim orders to certain primary and secondary smelting and lead battery manufacturing companies. A list of those companies was included in that notice. The companies which were granted the conditional interim orders were required to submit the following:

(1) Application for a temporary variance and interim order for a particular plant; (2) written acceptance of the conditions and requirements of the interim order; (3) certification that affected employees had been notified of the variance application and of their right to petition the Assistant Secretary for a hearing. In addition, certain data was requested from the companies which would support each request for temporary variance.

Companies were given until August 3, 1981 to comply with the three enumerated conditions, in order to continue to receive interim relief from the MRP provisions of the lead standard. As of August 3, 1981, OSHA has received the required information from all but two of the companies which had been granted conditional interim orders. The two companies from which no information was received are New Castle Battery Co., New Castle, Pennsylvania, and Surrette Battery, Tilton, New Hampshire. The New Castle Battery Company informed OSHA that it was not longer in need of a variance since its employees' blood-leads are now below the 60 ug/100g removal trigger. Surrette Battery decided that it would prefer to comply with the lead standard and therefore did not want an interim order.

When OSHA published the list of companies which were granted conditional interim orders, Gulf Coast Lead Company was inadvertently not included in the listing. In order to correct this oversight and in view of the fact that Gulf Coast Lead has met the conditions imposed for the granting of the interim orders, OSHA is hereby including Gulf Coast Lead among the list of companies to whom an interim order has been granted.

OSHA hereby gives notice that the following plants are authorized to comply with the requirements of the Interim Order set forth in the **Federal Register** of July 23, 1981 at 46 FR 37891, in lieu of complying with the requirements of 29 CFR 1910.1025(k)(1)(i)(c) and 1910.1025(k)(1)(iii)(A)(3). Each plant must continue to comply with all of the remaining provisions of the lead standard which are unaffected by this grant of Interim Order. All of the companies listed below, who were granted conditional interim orders, have complied with the conditions that were imposed for the continuation of this interim relief.

Primary Smelters

Bunker Hill-Idaho Plant
St. Joe, Missouri Plant
ASARCO, Glover Plant
ASARCO, East Helena Plant
ASARCO, Omaha Plant

Secondary Smelters

Sanders Lead Company, Alabama
Tonolli Corp., Nesquehoning
Houston Lead Co., Texas
Chloride Metals—Tampa
Chloride Metals—Columbus
Chloride Metals—Florence
Gulf Coast Lead—Tampa

Battery Manufacturers

Mule Emergency Lighting, Inc., Cranston, RI
East Penn Manufacturing Co., Inc., Lyon Station, PA
Crown Battery Manufacturing Company, Fremont, OH
Miami Battery and Electric Corp., Miami, FL
Standard Industries, San Antonio, TX

Other Industries

Associated Lead, Inc., Philadelphia, PA
Associated Lead, Inc., Brooklyn, NY

The companies listed above shall give notice of this final grant of Interim Order to all affected employees by the same means required to be used to inform them of the applications for variance.

The Assistant Secretary may revoke this Interim Order at any time if the applicant does not comply with any requirement of the Order or the relevant standards, or if other information indicates that revocation of the Interim Order is warranted. Unless revoked, the Interim Order will remain in effect until a decision is made on the application for variance.

The period of time for the submission of written comments by all interested persons, including affected employers and employees remains open until September 30, 1981. Affected employers, employees and appropriate state authorities having jurisdiction over the plants listed in this notice also have until September 30, 1981, to request a hearing on the applications. All such information should be submitted to the Office of Variance Determination at the address given above.

Signed at Washington, D.C. this 29th day of September, 1981.

Thorne G. Auchter,
Assistant Secretary of Labor.

[FR Doc. 81-28602 Filed 10-1-81; 8:45 am]

BILLING CODE 4510-26-M

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DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Parts 211, 222, 231, and 241

Coal Mining Operating Regulations; Connally Act Regulations; Operating Regulations for Exploration, Development, and Production; and Acquisition and Leasing of Water Wells

AGENCY: Geological Survey, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will remove some U.S. Geological Survey regulations not considered necessary to the effective administration of mineral operations. This action is being taken to fulfill, in part, the policies contained in Executive Order 12291. The intended effect is to reduce reporting requirements, minimize duplication, and remove outdated regulations.

EFFECTIVE DATE: November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Cecil R. Feeney, (703) 860–6259, (FTS) 928–6259. Branch of Onshore Rules and Procedures, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

SUPPLEMENTARY INFORMATION: The principal author of this final rulemaking is Cecil R. Feeney, Branch of Rules and Procedures, Office of the Deputy Division Chief for Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, Reston, Virginia.

This final rulemaking is intended to remove regulations that the Department of the Interior has identified as unnecessary to the effective operation of mineral development. The Department has also determined that it is unnecessary, under 5 U.S.C. 553(b)(B), to require public comments on these changes through prior publication as a proposed rulemaking. The Department is reducing the regulatory burden to the public by deleting regulations which have become obsolete due to statutory amendments or changed conditions. Other deletions are related purely to matters which are internal and administrative in nature.

Paragraph (c) of § 211.1 states that the responsibility for enforcing the coal mine health and safety law and regulations is vested in the Mining Enforcement and Safety Administration, Department of the Interior. That Agency no longer exists, and the responsibility for coal mining health and safety has been transferred to the Department of Labor. Since the provision does not affect Geological Survey responsibilities, it is being removed.

Paragraph (d) of § 211.1 relates to conditions that were required to be met by existing or new operations either upon the effective date of the regulations or shortly thereafter. Since these events occurred many years ago, these regulations no longer require enforcement and are therefore excessive and are being removed.

Paragraph (a)(1)(vi) of § 211.3 requires a mining supervisor to make reports that are basically of an internal management nature and more appropriately controlled through Geological Survey manuals. Therefore, these regulations should not be contained in the Code of Federal Regulations and are being removed.

The regulations in Part 222 were promulgated pursuant to the Connally "Hot Oil" Act of February 22, 1935 (15 U.S.C. 715–715(c)), to reinforce State regulations to prevent excessive domestic oil production. Enforcement of the regulations was suspended on June 30, 1965, because of the increased capabilities of the States in enforcing their own oil conservation regulations. There has been no occasion to date to resume active enforcement of the regulations after their enforcement was suspended, and we do not anticipate any reason for reinstating them in the future. Accordingly, they are being removed.

Paragraph (b) of § 231.3 declares that the responsibility for health and safety inspections of mines is vested in the Bureau of Mines. Since the responsibilities for safety and health were transferred to the Secretary of Labor by the Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95–164, 30 U.S.C. 801 et seq., paragraph (b) is being removed.

Paragraph (g) of § 231.3 sets forth the persons to whom a Mining Supervisor is responsible. This regulation is internal in nature and belongs in a U.S. Geological Survey manual and is being removed.

The last 26 words of paragraph (a) in § 231.4 require a lessee or permittee to prevent injury to life or health and to provide for the health and welfare of employees. With the enactment of Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95–164, 30 U.S.C. 801 et seq., the requirements were transferred to the Secretary of Labor and are not the responsibility of the U.S. Geological Survey, thus the paragraph is being revised.

The requirements contained in §§ 231.42 and 231.43 concerning flammable gas and dust, and fire protection are responsibilities of the Mine Safety and Health Administration. Therefore, these sections are being removed.

Part 241 which prescribes procedures for the acquisition and leasing of water wells was promulgated in 1934. It has not been used for many years and now serves no useful purpose. Furthermore, there are internal administrative procedures to carry out the purposes of this part. The Department does intend to undertake rulemaking at a later date to establish the reasonable value of well casings purchased by the Department, however, such rules may be proposed for a more appropriate part of the Department's regulations. Therefore, it is being removed.

It is hereby determined that this final rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14. The Department has also certified that this rulemaking will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility analysis is not required.

Under the authority of 5 U.S.C. 301, the Act of February 25, 1920 (30 U.S.C. 189), and Executive Order 12291 (46 FR 13193), Parts 211, 222, 231, and 241, Chapter II, Title 30 of the Code of Federal Regulations are amended as set forth below.

Dated: September 11, 1981.

William P. Pendley,

Acting Assistant Secretary of the Interior.

PART 211—COAL MINING OPERATING REGULATIONS

§ 211.1 [Amended]

1. Section 211.1 is amended by removing paragraphs (c) and (d), and redesignating paragraphs (e) through (h) as (c) through (f), respectively.

§ 211.3 [Amended]

2. Section 211.3 is amended by removing paragraph (a)(1)(vi) and redesignating paragraphs (a)(1)(vii) through (a)(1)(x) as paragraphs (a)(1)(vi) through (a)(1)(ix), respectively.

PART 222—[REMOVED]

3. Chapter II is amended by removing Part 222.

PART 231—OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT, AND PRODUCTION

§ 231.3 [Amended]

4. Section 231.3 is amended by removing paragraphs (b) and (g), and redesignating paragraphs (c) through (f) as (b) through (e), respectively.

5. Section 231.4 is amended by revising paragraph (a) to read as follows:

§ 231.4 General obligations of lessees and permittees.

(a) Operations for the discovery, testing, development, mining, or processing of minerals shall conform to the provisions of applicable regulations, the terms and conditions of the lease or permit, the requirements of approved exploration or mining plans, and the orders and instructions issued by the Mining Supervisor or his subordinates under the regulations in this part. Lessees and permittees shall take precautions to prevent waste and damage to mineral-bearing formations.

* * * * *

§§ 231.42–231.43 [Removed]

6. Part 231 is amended by removing sections 231.42 and 231.43.

PART 241—[REMOVED]

7. Chapter II is amended by removing Part 241.

[FR Doc. 81–28693 Filed 10–1–81; 8:45 am]

BILLING CODE 4310–31–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 204

Pacific Ocean Between Point Sal and Point Conception, California, Danger Zone

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Army is amending the regulations which establish the danger zones in the Pacific Ocean near Vandenberg Air Force Base (VAFB) California. This amendment extends the period of use for the danger zones, combines all danger zones previously under 33 CFR 204.202a with 33 CFR 204.202, deletes 33 CFR 204.202a and makes editorial changes to reflect a recent reorganization and redesignation by the Air Force.

EFFECTIVE DATE: November 2, 1981.

ADDRESS: HQDA, DAEN–CWO–N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Roman Zawadski at (213) 688–5606 or Mr. Ralph T. Eppard at (202) 272–0200.

SUPPLEMENTARY INFORMATION: Proposed revisions were published in the Proposed Rules Section of the **Federal Register** on 24 February 1981 (46 FR 13733) and in a public notice, dated 4 March 1981, distributed by the Commander, Los Angeles District Corps of Engineers. No comments were received in response to the Notice of Proposed Rulemaking published in the **Federal Register.** The local public notice resulted in comments from the State of California, State Lands Commission and the Los Angeles County Natural History Museum concerning the extension of the review period from three years to ten years. In view of these comments, the Corps discussed the extended review period with the Air Force and decided that a lesser time would be acceptable to all involved. We are extending the review period from 3 years to 5 years in lieu of 10 years as proposed. A coordinate in Zone 10 is also corrected. Accordingly, we are amending 33 CFR 204.202 by adding new paragraphs (a)(2)(IX), (X), and (XI), correcting longitude in (X) from 129°28'10" to read 120°28'10", removing (b)(2), renumbering subsections in paragraph (b) and removing § 204.202a as set forth below. For clarity 204.202 is reprinted in its entirety.

Note.—This regulation is issued with respect to a military function of the Defense Department and the provisions of EO 12291 do not apply. The Department of the Army has determined that this regulation will not have a significant economic impact on a substantial number of entities and thus does not require preparation of a regulatory flexibility analysis.

PART 204—DANGER ZONE REGULATIONS

§ 204.202 Pacific Ocean, Western Space and Missile Center (WSMC), Vandenberg AFB, California; danger zones.

(a) *The area.* (1) The waters of the Pacific Ocean in an area extending seaward from the shoreline a distance of about three nautical miles and basically outlined as follows:

Station	Latitude	Longitude
Point Sal	34°54'00"	120°40'15"
1	34°54'00"	120°44'00"
2	34°52'48"	120°44'00"
3	34°50'00"	120°40'30"
4	34°44'50"	120°42'15"
5	34°41'50"	120°40'12"
6	34°35'12"	120°42'45"
7	34°33'00"	120°41'05"
8	34°30'40"	120°37'29"
9	34°30'40"	120°30'10"
10	34°20'40"	120°37'29"
11	34°24'18"	120°30'00"
12	34°23'34"	120°27'05"
13	34°24'21"	120°25'40"
14	34°27'20"	120°24'40"
Point Sal	34°54'00"	120°40'15"

(2) The danger area described in paragraph (a)(1) of this section will be divided into zones in order that certain firing tests and operations, whose characteristics as to range and reliability permit, may be conducted without requiring complete evacuation of the entire area. These zones are described as follows:

(i) *Zone 1.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°30'40", longitude 120°30'10" thence due west to latitude 34°30'40", longitude 120°37'29"; thence due north to the shoreline at latitude 34°33'15", longitude 120°37'29".

(ii) *Zone 2.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°33'15", longitude 120°37'29"; thence due south to latitude 34°30'40", longitude 120°37'29"; thence to latitude 34°33'00", longitude 120°41'05"; thence to latitude 34°34'32", longitude 120°42'30"; thence due east to the shoreline at latitude 34°34'32", longitude 120°39'03".

(iii) *Zone 3.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°34'32", longitude 120°39'03"; thence due west to latitude 34°34'32", longitude 120°42'15"; thence to latitude 34°35'12", longitude 120°42'45"; thence to latitude 34°37'15", longitude 120°41'55"; thence due east to the shoreline at latitude 34°37'15"; longitude 120°38'00".

(iv) *Zone 4.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°37'15", longitude 120°38'00"; thence due west to latitude 34°37'15", longitude 120°41'55"; thence to latitude 34°40'00"; longitude 120°40'50"; thence due east to the shoreline at latitude 34°40'00", longitude 120°36'45".

(v) *Zone 5.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°40'00", longitude 120°36'45"; thence due west to latitude 34°40'00"; longitude 120°40'50"; thence to latitude 34°41'50", longitude 120°40'12"; thence to latitude 34°44'50", longitude 120°42'15"; thence to latitude 34°45'28", longitude 120°42'05"; thence due east to the shoreline at Purisima Point latitude 34°45'28", longitude 120°38'15".

(vi) *Zone 6.* An area extending seaward about 3 nautical miles from the shoreline beginning at Purisima Point

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latitude 34°45'28", longitude 120°38'15"; thence due west to latitude 34°45'28", longitude 120°42'05"; thence to latitude 34°50'00", longitude 120°40'30" thence due east to the shoreline at latitude 34°50'00", longitude 120°36'30".

(vii) *Zone 7.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°50'00", longitude 120°36'30"; thence due west to latitude 34°50'00", longitude 120°40'30"; thence to latitude 34°52"48", longitude 120°44'00"; thence to latitude 34°54'08", longitude 120°44'00"; thence due east to Point Sal latitude 34°54'08", longitude 120°40'15".

(viii) *Zone 8.* An area extending seaward with a radius of 3 nautical miles centered at Purisima Point latitude 34°45'28", longitude 120°38'15".

(ix) *Zone 9.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°30'40", longitude 120°30'10"; then due west to latitude 34°30'40", longitude 120°37'29"; thence to latitude 34°26'56", longitude 120°33'06"; thence due east to the shoreline at latitude 34°26'56", longitude 120°28'10".

(x) *Zone 10.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°26'56", longitude 120°28'10"; thence due west to latitude 34°26'56", longitude 120°33'06"; thence to latitude 34°24'18", longitude 120°30'00"; thence to latitude 34°23'34", longitude 120°27'05"; thence shoreward to latitude 34°26'56", longitude 120°28'10".

(xi) *Zone 11.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°26'56", longitude 120°28'10"; thence seaward to latitude 34°23'34"; longitude 120°27'05"; thence to latitude 34°24'21", longitude 120°24'40"; thence due north to the shoreline at latitude 34°27'20", longitude 120°24'40".

(b) The regulations. (1) Except as prescribed in this section or in other regulations, danger zones will be open to fishing, location of fixed or movable oil drilling platforms and general navigation without restrictions.

(2) The impacting of missile debris from launch operations will take place in any one or any group of zones in the danger areas at frequent and irregular intervals throughout the year. The Commander, WSMC, will announce in advance, the closure of zones hazarded by missile debris impact. Such advance announcements will appear in the weekly "Notice to Mariners." For the benefit of fishermen, small craft operators and drilling platform operators, announcements will also be made on radio frequency 2182 kc, 2638 kc, VHF channel 6 (156.30 MHZ), VHF channel 12 (156.60 MHZ), and VHF channel 16 (156.80 MHZ) for daily announcements. Additionally, information will be posted on notice boards located outside Port Control Offices (Harbormasters) at Morro Bay, Port San Luis, Santa Barbara, Ventura, Channel Islands, and Port Hueneme Harbors, and any established harbor of refuge between Santa Barbara and Morro Bay.

(3) All fishing boats, other small craft, drilling platforms and shipping vessels with radios are requested to monitor radio frequency 2182 kc 2638 kc, VHF channel 6 (156.30 MHZ), channel 12 (156.60 MHZ), or channel 16 (156.80 MHZ) while in these zones for daily announcements of zone closures.

(4) When a scheduled launch operation is about to begin, radio broadcast notifications will be made periodically, starting at least 24 hours in advance. Additional contact may be made by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified, all vessels shall leave the specified zone or zones immediately by the shortest route.

(5) The Commander, WSMC, will extend full cooperation relating to the public use of the danger area and will consider every reasonable request for its use in light of requirements for national security and safety of persons and property.

(6) Where an established harbor of refuge exists, small craft may take shelter for the duration of zone closure.

(7) Fixed or movable oil drilling platforms located in zones identified as hazardous and closed in accordance with this regulation shall cease operations for the duration of the zone closure. The zones shall be closed continuously no longer than 72 hours at any one time. Such notice to evacuate personnel shall be accomplished in accordance with procedures as established between the Commander WSMC and the oil industry in the adjacent waters of the outer Continental Shelf.

(8) No seaplanes, other than those approved by the Commander, WSMC, may enter the danger zones during launch closure periods.

(9) The regulations in this section shall be enforced by personnel attached to WSMC and by such other agencies as may be designated by the Commander, WSMC.

(10) The regulations in this section shall be in effect until further notice. They shall be reveiwed again during September 1986.

§ 204.202a [Removed]

Section 204.202a Pacific Ocean, Space and Missile Test Center (SAMTEC) Vandenberg AFB, California: danger zone (Removed).

(33 U.S.C. 1, 3.)

Date: 28 September 1981

John O. Roach, II,

Department of the Army Liaison Officer with the Federal Register.

[FR Doc. 81-28309 Filed 10-1-81; 8:45 am]

BILLING CODE 3710-92-M

PANAMA CANAL COMMISSION

35 CFR Parts 9 and 10

Freedom of Information Act and Privacy Act of 1974; Organization, Functions and Availability of Records and Access to Information about Individuals

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to amend the Panama Canal Commission regulations implementing the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a).

The Executive Secretary of the Panama Canal Commission (the official vested with certain authority under the Acts) has been redesignated the Director, Office of Executive Administration, and the Office of Public Information has been redesignated the Office of Public Affairs. The regulations are being amended to reflect the change in name of these offices and in the title of the official vested with appeal authority for both Acts.

Further, the sections of Part 10 exempting systems of records from certain provisions of the Privacy Act are being amended to reflect revisions to the Commission's systems that are published in the **Federal Register** on December 24, 1980 (45 FR 85256). The revisions pertain to the deletion of systems that have been discontinued or transferred to other U.S. Government agencies, and changes to the alphanumerical designations and names of Commission systems of records.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Hazel M. Murdock, Assistant to the Secretary, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004 (Telephone: 202-724-0104).

SUPPLEMENTARY INFORMATION: In view of the fact that these changes are minor and administrative in nature, the Commission finds it unnecessary and impracticable to follow the notice and public procedures contained in 5 U.S.C. 553. For the same reasons, the rule is not considered to be a major rule under E.O. 12291 of February 19, 1981.

Dated: September 18, 1981.

D. P. McAuliffe,
Administrator, Panama Canal Commission.

Accordingly, the following amendments to Title 35, Code of Federal Regulations are adopted:

PART 9—ORGANIZATION, FUNCTION, AND AVAILABILITY OF RECORDS—PANAMA CANAL COMMISSION

1. Section 9.4 is revised to read as follows:

§ 9.4 How to request general information or publications.

The Commission has an Office of Public Affairs which is responsible for providing information about the agency to members of the public and the press. If you are interested in general information about the Commission's activities, or copies of its publications, you should write, visit, or call this office. Address letters to: Panama Canal Commission, Office of Public Affairs, APO Miami 34011 (or Balboa, Republic of Panama).

2. Section 9.8, paragraph (b)(1) is revised to read as follows:

§ 9.8 How to make an appeal under the Freedom of Information Act.

* * * * *

(b) * * *

(1) Write to the Panama Canal Commission, Director, Office of Executive Administration, APO Miami 34011 (or Balboa, Republic of Panama); and

* * * * *

3. Section 9.9, paragraphs (a) and (b) are revised to read as follows:

§ 9.9 How your Freedom of Information Act appeal will be handled.

(a) The official responsible for deciding whether to grant your appeal is the Director, Office of Executive Administration of the Panama Canal Commission. That official must make that decision and send you notification of it within 20 working days after receiving your appeal. In unusual circumstances, the Commission may extend the time for responding to your appeal. For details, see § 9.10 of this subpart.

(b) If the Director, Office of Executive Administration denies your appeal, in whole or in part, the letter sent to you to notify you of this decision must:

* * * * *

PART 10—ACCESS TO INFORMATION ABOUT INDIVIDUALS

4. Section 10.3, paragraph (c) is revised to read as follows:

§ 10.3 Definitions

* * * * *

(c) Director of Executive Administration means the Director, Office of Executive Administration of the Panama Canal Commission.

* * * * *

5. Section 10.14, paragraph (b)(1) is revised to read as follows:

§ 10.14 How to appeal a refusal to amend a record under the Privacy Act.

* * * * *

(b) * * *

(1) Write to the Panama Canal Commission, Director, Office of Executive Administration, APO Miami 34011 (or Balboa, Republic of Panama); and

* * * * *

6. Section 10.15, paragraph (a), introductory texts of paragraphs (b) and (c) are revised to read as follows:

§ 10.15 How your Privacy Act appeal will be handled.

(a) The official responsible for deciding whether to grant your appeal is the Director of Executive Administration of the Panama Canal Commission. The Director of Executive Administration will review the refusal to amend your record and will advise you of his decision within 30 working days or receipt of your appeal.

(b) If the Director of Executive Administration grants your appeal, in whole or in part:

* * * * *

(c) If the Director of Executive Administration denies your appeal, in whole or in part, the letter sent to notify you of this decision must:

* * * * *

7. In § 10.21, paragraphs (a)(1)—(16) are revised and paragraphs (a)(17)—(30) are removed to read as follows:

§ 10.21 General exemptions.

(a) * * *

(1) PCC/AEPR–1, Probation and Parole Unit Child Custody Reports;

(2) PCC/AEPR–2, Presentence and Pre-Parole Investigation Reports;

(3) PCC/AEPR–3, Probation and Parole Unit Statistical File;

(4) PCC/AMSE–2, Cardex File—Contraband Violations;

(5) PCC/GSCP–2, Canal Protection Division Activity Report Files;

(6) PCC/GSIS–1, Personnel Security Files;

(7) PCC/GSPL–1, Law Enforcement Case Report Files;

(8) PCC/GSPL–2, Police Headquarters Confidential File;

(9) PCC/GSPL–3, Detective Confidential Files;

(10) PCC/GSPL–4, Convict Files;

(11) PCC/GSPL–5, Prisoner Record Cards;

(12) PCC/GSPL–6, Police Photo Files;

(13) PCC/GSPL–7, Fingerprint File;

(14) PCC/GSPL–8, Pending Detective Investigation;

(15) PCC/GSPL–9, Informant Name File;

(16) PCC/GSPL–10, Master Name File;

(17)—(30) [Removed].

* * * * *

8. In § 10.22, paragraphs (a) (1)(i), (2)(i)—(xxvii), (4)(i), (5)(i)—(vi) and (6)(i)—(iv) are revised and paragraphs (a)(1)(ii)—(iv), (2)(xxviii)—(xli) and (5)(vii)—(x) are removed to read as follows:

§ 10.22 Specific exemptions.

(a) * * *

(1) * * *

(i) PCC/GSIS–1, Personnel Security Files.

(ii)—(iv) [Removed].

(2) * * *

(i) PCC/AEPR–1, Probation and Parole Unit Child Custody Reports;

(ii) PCC/AEPR–2, Presentence and Pre-Parole Investigation Reports;

(iii) PCC/AEPR–3, Probation and Parole Unit Statistical File;

(iv) PCC/AMSE–2, Cardex File—Contraband Violations;

(v) PCC–CZG/BRAE–1, Canal Zone Board of Registration for Architects and Professional Engineers Reference Files;

(vi) PCC/CZG/CALS–7, Driver's License Investigatory File;

(vii) PCC/CZG/CAPS–2, Case Investigations;

(viii) PCC/EO–2, Equal Employment Opportunity Complaint File;

(ix) PCC/FMAC–1, Embezzlements, Burglaries, and Cash Shortages;

(x) PCC/FMAK–1, Claims Files;

(xi) PCC/FMGA–1, Cash Audit Files;

(xii) PCC/GSCS–2, Housing Complaints File;

(xiii) PCC/GSCP–2, Canal Protection Division Activity Report Files;

(xiv) PCC/GSIS–1, Personnel Security Files;

(xv) PCC/GSPL–1, Law Enforcement Case Report Files;

(xvi) PCC/GSPL–2, Police Headquarters Confidential File;

(xvii) PCC/GSPL–3, Detective Confidential Files;

(xviii) PCC/GSPL–4, Convict Files;

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(xix) PCC/GSPL–5, Prisoner Record Cards;

(xx) PCC/GSPL–6, Police Photo Files;

(xxi) PCC/GSPL–7, Fingerprint File;

(xxii) PCC/GSPL–8, Pending Detective Investigation Records;

(xxiii) PCC/GSPL–9, Informant Name File;

(xxiv) PCC/GSPL–10, Master Name File;

(xxv) PCC/GSPL–12, Youth Unit Name Index File;

(xxvi) PCC/CZG/HL–2, Medical Administration System;

(xxvii) PCC/PB–3, Personnel Investigation Records;

(xxviii)—(xli) [Removed].

(3) * * *

(4) * * *

(i) PCC/PR–11, Minority Group Designator Records;

(5) * * *

(i) PCC/FMAC–1, Embezzlements, Burglaries, and Cash Shortages;

(ii) PCC/GSIS–1, Personnel Security Files;

(iii) PCC/PB–1, Merit System Recruiting, Examining, and Placement Records;

(iv) PCC/PB–2, Appeals, Grievances, Complaints, and Assistance Records;

(v) PCC/PB–3, Personnel Investigation Records;

(vi) PCC/PR–5, Recruiting and Placement Records;

(vii)—(x) [Removed].

(6) * * *

(i) PCC–CZG/BRAE–1, Canal Zone Board of Registration for Architects and Professional Engineers Reference Files;

(ii) PCC/MRBL–1, Marine License Files;

(iii) PCC/MRPA–1, Admeasurer Examination File;

(iv) PCC/PB–1, Merit System Recruiting, Examining, and Placement Records;

* * * * *

[FR Doc. 81–28594 Filed 10–1–81; 8:45 am]

BILLING CODE [illegible]

LIBRARY OF CONGRESS

36 CFR Parts 701, 702 and 703

Organization, Policies and Procedures

AGENCY: Library of Congress.

ACTION: Final rule.

SUMMARY: In the interest of providing members of the public and other interested parties with information reflecting current organization, policies, and procedures, the Library is revising the text of its regulations as published in Chapter VII, Title 36 of the Code of Federal Regulations.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Howard Blancheri, Executive Officer, Office of the Associate Librarian for Management (287–5560)

SUPPLEMENTARY INFORMATION: For reasons set out in the preamble, Chapter VII, Title 36 of the Code of Federal Regulations is amended as shown:

1. The table of contents for Part 701 is revised to read as follows:

PART 701—PROCEDURES AND SERVICES

Sec.

701.1 Application for employment.
701.2 Access to Library buildings.
701.3 Removal of materials from Library buildings.
701.4 Information about the Library.
701.5 The Library's reading rooms and public use thereof.
701.6 Service of the general collections.
701.7 Reference and bibliographic assistance.
701.8 Special study facilities.
701.9 Loans of library materials.
701.10 Loans of library materials for blind and other physically handicapped persons.
701.11 Lending of materials from the Library for exhibition.
701.12 Photoduplication service.
701.13 Service of African and Middle Eastern materials.
701.14 Service of Asian materials.
701.15 Service of European materials.
701.16 Service of folklife materials.
701.17 Service of Hispanic materials.
701.18 Service of legal materials.
701.19 Service of local history and genealogical materials.
701.20 Service of manuscript materials.
701.21 Service of maps.
701.22 Service of microfilmed materials.
701.23 Service of motion pictures and television materials.
701.24 Service of music materials.
701.25 Service of prints and photographs.
701.26 Service of rare books and special collections.
701.27 Service of scientific and technical materials and the National Referral Center.
701.28 Service of serial materials.
701.29 Service of sound recordings.
701.30 Cataloging distribution.
701.31 Library of Congress publications.
701.32 Offers of materials for purchase.
701.33 Acquisition of library materials by non-purchase means and disposition of surplus library materials.
701.34 Contracting officers.

Authority: Sec. 1, 29 Stat. 544, 546; 2 U.S.C. 136.

2. *Section 701.1* is revised to read as follows:

§ 701.1 Application for employment.

The Library of Congress is an Excepted Service Legislative Branch agency. As such, it has its own independent merit system, and applicants do not need Civil Service status to apply for its positions. The Library has a wide range of clerical, technical, and professional positions (the latter being primarily oriented to library operations such as processing, cataloging, and reference, but with some positions in non-librarian occupations such as computer, subject area and research analyst specialists). The Library's Employment Office is located in Room LM–107, James Madison Building, First Street and Independence Avenue, S.E., Washington, D.C. 20540. Information about current employment needs and the procedure for application may be obtained by either visiting this office (Monday–Friday, 8:30 a.m. to 4:30 p.m.), calling during these hours at (202) 287–JOBS, or writing to the above address. A 24-hour recording of general information is available at (202) 287–5295.

§ 701.2 [Amended]

3. *Section 701.2* is amended by removing the words "Director of the Administrative Department" and inserting, in their place, the words "Associate Librarian for Management".

§ 701.4 [Amended]

4. *Section 701.4* is amended by removing the words "Main Building" and inserting, in their place, the words "Thomas Jefferson Building".

5. *Section 701.5* is revised to read as follows:

§ 701.5 The Library's reading rooms and public use thereof.

Materials in the general classified collections of the Library are serviced in the Library's general reading rooms: the Main Reading Room (Thomas Jefferson Building) and the Thomas Jefferson Room (John Adams Building). Special collections, as explained further in subsequent sections, are serviced in the following reading rooms: Asian, European, Geography and Map, Law Library, Local History and Genealogy, Manuscript, Microform, Motion Pictures, Music, Newspaper and Current Periodical, Prints and Photographs, Rare Book and Special Collections, and Science and Technology. Investigators requiring materials from other collections in the Library for use with materials in the custody of a special division (such as Manuscript, Geography and Map, Music, etc.) may requisition and use such materials in the reading room of the special division insofar and on such conditions as they are available for use therein. (Special collections are also serviced in the Congressional Reading Room and in the

Law Library in the Capitol, but these are not open to the general public.) Access to all reading rooms is governed by regulations established by the Librarian of Congress. Persons under 16 years of age are not admitted to the reading rooms unless they are accompanied by an adult. High school students are not admitted regardless of age, but exceptions will be made, under specified conditions, when material cannot be obtained in other libraries.

§ 701.6 [Amended]

6. *Section 701.6* is amended by removing the words "Stack and Reader Division" and inserting, in their place, the words "Collection Management Division".

7. *Section 701.7* is amended by revising paragraph (b) to read as follows:

§ 701.7 Reference and bibliographic assistance.

* * * * *

(b) Readers requiring reference and bibliographic assistance in the general collections and aid in the use of the catalogs may request help from the staff on duty in the general reading rooms. Requests for such assistance in special collections are referred to the appropriate specialized division and reading rooms.

* * * * *

§ 701.8 [Amended]

8. *Section 701.8* is amended by removing the words "Stack and Reader Division" and inserting, in their place, the words "General Reading Rooms Division".

§ 701.9 [Amended]

9. *Section 701.9* is amended by removing the words "or the Director of the Reference Department" in the first sentence.

10. *In § 701.10 paragraph (a)* is amended by removing the words "Division for the Blind and Physically Handicapped" and inserting, in their place, the words "National Library Service for the Blind and Physically Handicapped" and by removing the words "the Division" and inserting, in their place, the words "The National Library Service"; *paragraph (c)* is amended by removing the words "or prospective readers" and inserting, in their place, the words "of prospective readers"; *paragraph (f)* is amended by removing the words "the Division" and inserting, in their place, the words "The National Library Service"; *paragraph (h)* is amended by removing the words "Chief, Division for the Blind and Physically Handicapped" and inserting, in their place, the words "Director, National Library Service for the Blind and Physically Handicapped"; and paragraphs (b)(2)(i), (d), and (e) are revised to read as follows:

§ 701.10 Loans of library materials for blind and other physically handicapped persons.

* * * * *

(b) * * *

(2) * * *

(i) In cases of blindness, visual disability, or physical limitations "competent authority" is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers, and superintendents). In the absence of any of these, certification may be made by professional librarians or by any persons whose competence under specific circumstances is acceptable to the Library of Congress.

* * * * *

(d) *National Collections.* The Librarian of Congress, through the National Library Service for the Blind and Physically Handicapped, defines regions and determines the need for new regional libraries in cooperation with other libraries or agencies whose activities are primarily concerned with the blind and physically handicapped. It serves as the center from which books, recordings, sound reproducers, and other specialized materials are lent to eligible blind and physically handicapped readers who may be temporarily domiciled outside the jurisdictions enumerated by the act. It maintains a special collection of books in raised characters and on sound reproduction recordings not housed in regional libraries and makes these materials available to eligible borrowers on interlibrary loan.

(e) *Institutions.* The reading materials and sound reproducers for the use of blind and physically handicapped persons may be loaned to individuals who qualify, to institutions such as nursing homes and hospitals, and to schools for the blind or physically handicapped for the use of such persons only. The reading materials and sound reproducers may also be used in public or private schools where handicapped students are enrolled; however, the students in public or private schools must be certified as eligible on an individual basis and must be the direct and only recipients of the materials and equipment.

* * * * *

§ 701.13 [Redesignated as § 701.28 and amended.]

11. *Section 701.13* is amended by removing the words "Serial Division" and inserting, in their place, the words "Serial and Government Publications Division" and is redesignated as § 701.28.

12. *Section 701.14* is redesignated as § 701.27 and revised to read as follows:

§ 701.27 Service of scientific and technical materials and the National Referral Center.

(a) Readers requesting reference and bibliographic assistance in science and technology may consult the staff on duty in the Science Reading Room. Inquiries are referred when necessary to subject specialists in the Science and Technology Division. A special collection of technical reports is available in the Science Reading Room. Materials on science in the Library's subject-classified collections are also served in either of the Library's general reading rooms.

(b) A referral service for persons seeking sources of scientific and technical information is provided by the National Referral Center. Functioning as an intermediary, the Center directs persons who have a need for information about a particular subject to organizations or individuals with specialized knowledges of that subject. In answer to requests for referral service, the Center provides names, addresses, telephone numbers, and brief descriptions of appropriate information resources, which may include professional societies, university research bureaus and institutes, Federal and State agencies, industrial laboratories, museums, testing stations, and individual experts as well as more traditional sources of information, such as technical libraries, information and document centers, and abstracting and indexing services. Inquiries concerning the widest possible spectrum of science and technology are handled, including those relating to the social sciences. The Center also publishes directories of selected information resources in the physical, biological, and social sciences, and engineering which are available from the Superintendent of Documents.

13. *Section 701.15* is redesignated as § 701.17 and revised to read as follows:

§ 701.17 Service of Hispanic materials.

Readers requesting reference and bibliographic assistance on Hispanic materials may consult the staff on duty in the general reading rooms. Inquiries are referred when necessary to specialists in the Hispanic Division who provide reference and bibliographic services for all materials pertaining to the cultural, political, social, and economic life of Spain, Portugal, Latin America, and the Caribbean, as well as for materials pertaining to the social and cultural life of Hispanics in the United States. Legal materials, prints and photographs, films, and recorded literature, maps, and music relating to Hispanic culture, and reference service thereon, are provided by the Law Library; Prints and Photographs Division; Motion Picture, Broadcasting, and Recorded Sound Division; Geography and Map Division; and Music Division, respectively. Reference service on Hispanic science and technology is provided by the Science and Technology Division.

§ 701.16 [Redesignated as § 701.20]

14. *Section 701.16* is redesignated as § 701.20.

§ 701.17 [Redesignated as § 701.21]

15. *Section 701.17* is redesignated as § 701.21.

16. *Section 701.18* is redesignated as § 701.24 and revised to read as follows:

§ 701.24 Service of music materials.

Service to readers in the Music Division's reading room is provided in accordance with prevailing regulations governing the use of materials in the Division's custody. Numerous catalogs, on cards and in bound volumes, afford access to the Division's holdings: a professional assistant is always on duty to give assistance and advice. The stacks of the Division are closed, but special permission granting access to them may be obtained from the Head, Reference Section.

17. *Section 701.19* is redesignated as § 701.29 and revised to read as follows:

§ 701.29 Service of sound recordings.

(a) Sound recordings of all kinds (except recordings for the blind) are in the custody of the Motion Picture, Broadcasting and Recorded Sound Division, and may be used only for serious research; permission to use them must be sought in advance by application to the Motion Picture, Broadcasting, and Recorded Sound Division. The Division also answers reference inquiries by correspondence.

(b) Reference and information pertaining to folk music and ethnomusicology are available from the Archive of Folk Song, American Folklife Center.

(c) A list of recordings of poetry and folk music issued by the Library of Congress and available for sale may be obtained from the Public Services Coordinator, Motion Picture, Broadcasting, and Recorded Sound Division, Library of Congress, Washington, D.C. 20540.

18. *Section 701.20* is redesignated as § 701.14 and revised to read as follows:

§ 701.14 Service of Asian materials.

(a) Services to readers in the Asian Division are provided in accordance with prescribed conditions of use of the materials in the custody of the Asian Division: materials written or printed in Bengali, Burmese, Chinese, Hindi, Indonesian, Japanese, Korean, Thai, Urdu, Vietnamese, etc.

(b) Readers requiring reference and bibliographic assistance in the general area of Asian cultures are assisted in the Asian Division. Asian legal materials, prints and photographs, maps, music, and reference service thereon are provided by the Law Library; the Prints and Photographs Division; the Geography and Map Division; and the Music Division, respectively. Reference service in Asian science is provided by the Science and Technology Division.

19. *Section 701.21* is redesignated as § 701.25 and revised to read as follows:

§ 701.25 Service of prints and photographs.

The Prints and Photographs Division provides reference services in person, by telephone, and by correspondence on its vast collection of fine and historical prints, drawings, photographs, posters, and architectural drawings and photographs. The collections which may be consulted in the Prints and Photographs Reading Room include artists' prints from the 15th through the 20th centuries, historical prints, original drawings by architects, artists, and illustrators, American graphic humor, posters of more then 70 countries, and master and documentary photographs, 1845 to the present, etc.

20. *Section 701.22* is redesignated as § 701.26 and revised to read as follows:

§ 701.26 Service of rare books and special collections.

(a) Service to readers in the Rare Book Reading Room are provided in accordance with prescribed conditions of registration and use of the materials in the custody of the Rare Book Division.

(b) Service to readers in the Law Library and the Music Division of the rare books in their custody are subject to similar regulations.

21. *Section 701.23* is redesignated as § 701.22 and revised to read as follows:

§ 701.22 Service of microfilmed materials.

(a) Service to readers in the Microform Reading Room is provided in accordance with prescribed conditions governing the use of microfilm and microprint material in the custody of the Microform Reading Room. Investigators may requisition inkprint materials from other collections of the Library for use in the Microform Reading Room, but such requests will be subject to limitations consistent with the care and service of the collections, and with regard for service to readers in other reading rooms.

(b) Other units have custody of microfilmed materials, such as manuscripts, newspapers, music, law, and orientalia, and render service on these materials.

22. *Section 701.24* is redesignated as § 701.15 and revised to read as follows:

§ 701.15 Service of European materials.

The professional staff of the European Division renders reference and bibliographic services pertaining to the cultural, political, social, and economic life of Albania, Austria, Belgium, Bulgaria, Cyprus, Czechoslovakia, Denmark, Estonia, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, The Netherlands, Norway, Poland, Romania, San Marino, the Soviet Union, Sweden, Switzerland, the Vatican City, and Yugoslavia. Public reference service and bibliographic assistance concerning European materials is provided by the Division's European Reading Room, which maintains a 9,000 volume reference collection and pertinent informational files.

23. *Section 701.25* is redesignated as § 701.19 and revised to read as follows:

§ 701.19 Service of local history and genealogical materials.

Readers requesting reference and bibliographic assistance on materials in local history and genealogy may consult the staff in the Local History and Genealogy Room.

24. *Section 701.26* is redesignated as § 701.18 and revised to read as follows:

§ 701.18 Service of legal materials.

(a) Legal materials are served in the reading room of the Law Library in the James Madison Building. Those volumes which are not on the open shelves may be obtained for reading room use by filling out and presenting to a reference assistant a slip provided for the purpose.

(b) The collections of the Law Library are available in part, for use outside the Library for a limited period, to authorized borrowers in Washington, D.C., and through interlibrary loan to the general public residing in other parts of the country, in conformity with Loan Division procedures. Books which are lent for use outside of the Law Library must be charged in the Law Library. Books which are lent for use outside the Library building must be charged in the Loan Division, where a formal charge is made and a door pass is issued.

25. *Section 701.27* is redesignated as § 701.30 and revised to read as follows:

§ 701.30 Cataloging distribution.

Cards are printed and supplied to the Library of Congress and other libraries by the Cataloging Distribution Service. The Service sells bibliographic data in the form of proofsheets, printed cards, machine-readable tapes (MARC), book catalogs, and technical publications to libraries, learned societies, professional institutions, government agencies, private institutions, and cooperative and commercial processing centers. Information may be obtained from the Cataloging Distribution Service, Library of Congress.

26. *Section 701.28* is redesignated as § 701.31 and revised to read as follows:

§ 701.31 Library of Congress publications.

Publications of the Library include guides to its collections and services, catalogs of materials in the Library of Congress and other libraries, lists and descriptions of serials and monographs received, registers of personal papers of American public figures, bibliographies, facsimiles of rare items in its collections, exhibit catalogs, annual reports, a quarterly journal, acquisitions reports, and various other issuances relating to the Library and its programs. Most of the Library's publications are sold by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. A complete list of available publications, *Library of Congress Publications in Print*, is distributed free by the Central Services Division, Library of Congress, Washington, D.C. 20540.

§ 701.29 [Redesignated as 701.32]

27. *Section 701.29* is redesignated as § 701.32.

28. *Section 701.30* is redesignated as § 701.34 and revised to read as follows:

§ 701.34 Contracting officers.

The following officers are authorized to procure materials and services on behalf of the Library of Congress and to execute contracts in the particular areas specified:

Officer	Area in which Officer has contract responsibility
The Librarian of Congress	All areas.
The Deputy Librarian of Congress	All areas.
The Associate Librarian of Congress	All areas.
Associate Librarian for Management	All areas except materials for the Library's collections.
Director, Congressional Research Service	Agreements for temporary/intermittent assistance of experts/consultants in specialized fields of knowledge.
Executive Director, The Center for the Book and Editor-in-Chief, *LC: The Journal of the Library of Congress.*	Exclusive agreements with authors for articles in *LC: The Journal of the Library of Congress.*
Chief, Procurement and Supply Division	All areas except materials for the Library's collections.
Director for Acquisitions and Overseas Operations	Agreements for bibliographic services.
Chief and Assistant Chief, Order Division	Materials for the Library's collections.
Chief and Assistant Chief, Exchange and Gift Division	Agreements involving all nonpurchase materials for the Library's collections (exchanges, gifts, deposits, etc.).
Chief, Financial Management Office	Interdepartmental charges and entertainment.
Exhibits Officer	Agreements involving loans of exhibits.
Chief, Manuscript Division	Agreements involving the Library's literature programs (non-appropriated funds)
Chief, Music Division	Agreements involving the Library's musical programs (non-appropriated funds).
Staff Training and Development Officer	Training agreements with educational institutions.
Other officers who are delegated specific procurement powers by The Librarian in specific situations.	As specifically delegated.

§ 701.31 [Redesignated as § 701.33]

29. *Section 701.31* is redesignated as § 701.33.

30. A new section *701.13* is added to read as follows:

§ 701.13 Service of African and Middle Eastern materials.

(a) Services to readers in the African and Middle Eastern Division are provided in accordance with prescribed conditions of use of the materials in the custody of the division: materials written or printed in Arabic, Hebrew, Persian, Turkish, Yiddish, etc.

(b) Readers requiring reference and bibliographic assistance in the general areas of African and Middle Eastern studies are assisted in the African and Middle Eastern Division. Legal materials, prints and photographs, films and recorded literature, maps, and music relating to Africa and the Middle East, and reference service thereon, are provided by the Law Library; Prints and Photographs Division; Motion Picture, Broadcasting, and Recorded Sound Division; Geography and Map Division; and Music Division, respectively. Reference service on African and Middle Eastern science and technology is provided by the Science and Technology Division.

31. A new § *701.16* is added to read as follows:

§ 701.16 Service of folklife materials.

(a) The American Folklife Center renders specialized reference, bibliographic and consulting services pertaining to "preserving and presenting" folk cultural traditions in the United States. The Center is not a grant-giving agency but concentrates on varied services to the field—coordination of folk cultural activities, local, state, federal and at the Library of Congress; field projects, technical and consultant services; research and archival service; and publications, exhibits and live presentations designed to disseminate ideas and materials pertaining to American folk culture.

(b) The Center's Archive of Folk Song provides reference and referral services concerning folklife and ethnomusicology by telephone, through correspondence, and directly to readers in the Archive's Reading Room on the Library's pertinent collection of books, periodicals, recordings, manuscripts, etc. Printed descriptions of the Archive's published reference and findings aids, recordings, intern program, and other services, are available from the Archive of Folk Song, Library of Congress, Washington, D.C. 20540.

32. A new § *701.23* is added to read as follows:

§ 701.23 Service of motion pictures and television materials.

The Motion Picture, Broadcasting and Recorded Sound Division provides reference services in person, by telephone, and by correspondence on its motion pictures dating from 1894. The collection includes videotapes. Tabletop viewing machines are available for research by qualified scholars.

PART 702—CONDUCT ON LIBRARY PREMISES

1. The *table of contents* is amended by (1) removing the words "Preservation of property" and inserting, in their place, the words "Protection of property" and (2) removing the words "Space for meeting" and inserting, in their place, the words "Space for meetings and special events."

§ 702.2 [Amended]

2. *Section 702.2* is amended by removing the words "Director of the Administrative Department" and

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inserting, in their place, the words "Associate Librarian for Management".

§ 702.6 [Amended]

3. *Section 702.6* is amended by removing the words "Director, Administrative Department" and inserting, in their place, the words "Associate Librarian for Management".

§ 702.10 [Amended]

4. The title of § *702.10* is amended by removing the words "Preservation of property" and inserting, in their place, the words "Protection of property".

5. *Section 702.12* is revised to read as follows:

§ 702.12 Space for meetings and special events.

The use of "meeting places" in the Library shall be limited to official staff functions, or functions sponsored by the Library. The Library's facilities are not available for meetings, performances or special events that: (a) involve any organization practicing or promoting discrimination based upon race, religion, color, sex, age, marital status, handicap, national origin, or political affiliation; (b) have a partisan political, sectarian, or similar nature or purpose; (c) are sponsored by profit-making organizations that promote commercial enterprises or commodities.

§ 702.13 [Amended]

6. *Section 702.13* is amended by removing the words "Director of the Administrative Department" and inserting, in their place, the words "Associate Librarian for Management".

PART 703—AVAILABILITY OF LIBRARY OF CONGRESS RECORDS

1. *Section 703.3(a)* is amended by revising paragraph (4) to read as follows:

§ 703.3 Exemptions.

(a) * * *

(4) Related to copyrights except as provided by 37 CFR 201.2, 203.4 and 203.5;

* * * * *

§ 703.4 [Amended]

2. *Section 703.4(a)* is amended by removing the words "and processed pursuant to the provisions of LCR 1014" and inserting, in their place, the words "for processing".

§ 703.6 [Amended]

3. *Section 703.6(a)(1)* is amended by (1) removing the words "fee of $5 per hour" and inserting, in their place, the words "fee of $7 per hour" and (2) removing the words "$8 per hour" and inserting, in their place, the words "$10 per hour".

4. *Section 703.6(a)(3)* is amended by removing the words "Assistant Director for Management Services, Administrative Department" and inserting, in their place, the words "Associate Librarian for Management".

5. *Section 703.6(b)* is amended by removing the words "Assistant Director for Management Services" and inserting, in their place, the words "Associate Librarian for Management".

(Sec. 1, 29 Stat. 544, 546; 2 U.S.C. 136)

Effective date.—The amendments set forth above are effective July 1, 1981.

Issued in Washington, D.C., September 21, 1981.

Glen A. Zimmerman,

Associate Librarian for Management, Library of Congress.

[FR Doc. 81-28551 Filed 10-1-81, 8:45 am]

BILLING CODE 1410-01-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Time Limit To Submit Mitigating Circumstances

AGENCY: Veterans Administration.

ACTION: Final Regulation.

SUMMARY: This regulation sets a time limit for a veteran to submit mitigating circumstances surrounding a withdrawal from a course or receipt of a nonpunitive grade which does not count toward meeting graduation requirements. The veteran must do this in order to receive educational assistance allowance for these courses. In assuring the orderly administration of benefits, the Veterans Administration may require a measure of diligence from the veteran. This regulation makes such a requirement.

EFFECTIVE DATE: September 10, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. (202-389-2092).

SUPPLEMENTARY INFORMATION: On pages 28679 and 28680 of the **Federal Register** of May 28, 1981 there was published a notice of intent to amend part 21 to put a time limit on reporting mitigating circumstances.

Interested persons were given 60 days in which to submit comments, suggestions or objections regarding the proposal. The Veterans Administration received no comments. Accordingly, the agency is adopting the proposal.

The Administrator hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this final rule therefore is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the rule will regulate only individual Veterans Administration benefit recipients. It will have no significant direct impact on small entities (i.e. small businesses, small private and nonprofit organizations, and small governmental jurisdictions).

The Veterans Administration has determined that this regulation is not a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. It will not result in major increases in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.111.

The proposed change to § 21.4136 is deemed proper and is hereby approved.

Approved: September 10, 1981.

Robert P. Nimmo,

Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

In § 21.4136, paragraph (k) is revised as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

* * * * *

(k) *Mitigating circumstances.* (1) The Veterans Administration will not pay benefits to any veteran for a course from which the veteran withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation unless—

(i) There are mitigating circumstances, and

(ii) The veteran submits the circumstances in writing to the Veterans Administration within 1 year from the date the veteran withdraws or the date he or she completes the course for which the nonpunitive grade is given.

(2) The following circumstances are representative of those which the Veterans Administration considers to be

mitigating provided they prevent the veteran or eligible person from pursuing the program of education continuously. This list is not all-inclusive.

(i) An illness of the veteran or other eligible person,

(ii) An illness or death in the veteran's or eligible person's family,

(iii) An unavoidable geographical transfer resulting from the veteran's or eligible person's employment,

(iv) An unavoidable change in the veteran's or eligible person's conditions of employment,

(v) Immediate family or financial obligations beyond the control of the veteran or eligible person which require him or her to suspend pursuit of the program of education to obtain employment,

(vi) Discontinuance of a course by the school,

(vii) Unanticipated active duty military service, including active duty for training.

(3) If the student fails to complete satisfactorily a course under subchapter V, chapter 34, title 38, United States Code, without fault, the Veterans Administration will consider the circumstances which caused the failure to be mitigating. This will be the case even if the circumstances were not so severe as to preclude continuous pursuit of a program of education. (38 U.S.C. 1780(a).)

[FR Doc. 81-28663 Filed 10-1-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 6E1872/R341; PH-FRL-1946-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Pyrethrins and Synergist Piperonyl Butoxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the insecticide pyrethrins resulting from postharvest use on stored sweet potatoes at 0.05 part per (ppm) and the insecticide synergist piperonyl butoxide resulting from postharvest use on stored sweet potatoes at 0.25 ppm. This regulation was requested by the Interregional Research Project No. 4 (IR-4). This regulation establishes the maximum permissible level for residues of the subject insecticide and synergist on sweet potatoes.

EFFECTIVE DATE: Effective on October 2, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of June 23, 1981 (46 FR 32457) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers Univesity, New Brunswick, NJ 08903, had sumitted pesticide petition number 6E1872 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of North Carolina.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the insecticide pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium*) resulting from post-harvest application to the raw agricultural commodity sweet potatoes at 0.05 ppm and the insecticide synergist piperonyl butoxide [(butyl carbityl) (6-propyl piperonyl) ether] at 0.25 ppm.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Therefore, it is concluded that the amendments to 40 CFR Part 180 will protect the public health, and they are established as set forth below.

Any person adversely affected by this regulation may, by November 2, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW., Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested,the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities.

A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on October 2, 1981.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: September 23, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, Subpart C of 40 CFR Part 180 is amended by revising §§ 180.127 and 180.128 to read as follows:

§ 180.127 Piperonyl butoxide; tolerances for residues.

Tolerances for residues of the insecticide piperonyl butoxide [(butyl carbityl) (6-propyl piperonyl)ether] are established in or on the following raw agricultural commodities:

Commodities	Parts per million
Almonds (post-H)	8
Apples (post-H)	8
Barley (post-H)	20
Beans (post-H)	[illegible]
Birdseed mixtures (post-H)	[illegible]
Blackberries (post-H)	8
Blueberries (huckleberries) (post-H)	8
Boysenberries (post-H)	8
Buckwheat (post-H)	20
Cattle, fat	0.1(N)
Cattle, mbyp	0.1(N)
Cattle, meat	0.1(N)
Cherries (post-H)	8
Cocoa beans (post-H)	[illegible]
Copra (post-H)	8
Corn (including popcorn) (post-H)	20
Cottonseed (post-H)	8
Crabapples (post-H)	8
Currants (post-H)	8
Dewberries (post-H)	[illegible]
Eggs	1
Figs (post-H)	[illegible]
Flaxseed (post-H)	[illegible]
Goats, fat	0.1(N)
Goats, mbyp	0.1(N)
Goats, meat	0.1(N)
Gooseberries (post-H)	[illegible]
Grain sorghum (post-H)	[illegible]
Grapes (post-H)	[illegible]
Guavas (post-H)	8
Hogs, fat	0.1(N)
Hogs, mbyp	0.1(N)
Hogs, meat	0.1(N)
Horses, fat	0.1(N)
Horses, mbyp	0.1(N)

Commodities	Parts per million
Horses, meat	0.1(N)
Loganberries (post-H)	[illegible]
Mangoes (post-H)	[illegible]
Milk fat (reflecting negligible residues in milk)	0.25
Muskmelons (post-H)	[illegible]
Oats (post-H)	[illegible]
Oranges (post-H)	8
Peaches (post-H)	[illegible]
Peanuts (with shell removed) (post-H)	8
Pears (post-H)	[illegible]
Peas (post-H)	[illegible]
Pineapples (post-H)	[illegible]
Plums (fresh prunes) (post-H)	[illegible]
Potatoes (post-H)	0.25
Poultry, fat	[illegible]
Poultry, mbyp	3
Poultry, meat	[illegible]
Raspberries (post-H)	[illegible]
Rice (post-H)	20
Rye (post-H)	20
Sheep, fat	0.1(N)
Sheep, mbyp	0.1(N)
Sheep, meat	0.1(N)
Sweet potatoes (post-H)	0.25
Tomatoes (post-H)	8
Walnuts (post-H)	[illegible]
Wheat (post-H)	20

§ 180.128 Pyrethrins; tolerances for residues.

Tolerances for residues of the insecticide pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium)* are established in or on following the raw agricultural commodities:

Commodities	Parts per million
Almonds (post-H)	1
Apples (post-H)	1
Barley (post-H)	[illegible]
Beans (post-H)	1
Birdseed mixtures (post-H)	[illegible]
Blackberries (post-H)	1
Blueberries (huckleberries) (post-H)	1
Boysenberries (post-H)	1
Buckwheat (post-H)	[illegible]
Cattle, fat	0.1(N)
Cattle, mbyp	0.1(N)
Cattle, meat	0.1(N)
Cherries (post-H)	1
Cocoa beans (post-H)	1
Copra (post-H)	1
Corn (including popcorn) (post-H)	3
Cottonseed (post-H)	1
Crabapples (post-H)	1
Currants (post-H)	1
Dewberries (post-H)	1
Eggs	0.1(N)
Figs (post-H)	1
Flaxseed (post-H)	1
Goats, fat	0.1(N)
Goats, mbyp	0.1(N)
Goats, meat	0.1(N)
Gooseberries (post-H)	1
Grain sorghum (post-H)	1
Grapes (post-H)	1
Guavas (post-H)	1
Hogs, fat	0.1(N)
Hogs, mbyp	0.1(N)
Hogs, meat	0.1(N)
Horses, fat	0.1(N)
Horses, mbyp	0.1(N)
Horses, meat	0.1(N)
Loganberries (post-H)	1
Mangoes (post-H)	1
Milk fat (reflecting negligible residues in milk)	0.5
Muskmelons (post-H)	1
Oats (post-H)	1
Oranges (post-H)	1
Peaches (post-H)	1
Peanuts (with shell removed) (post-H)	1
Pears (post-H)	1
Peas (post-H)	1
Pineapples (post-H)	1
Plums (fresh prunes) (post-H)	1
Potatoes (post-H)	0.05
Poultry, fat	0.2
Poultry, mbyp	0.2
Poultry, meat	0.2
Raspberries (post-H)	1
Rice (post-H)	3
Rye (post-H)	3
Sheep, fat	0.1(N)
Sheep, mbyp	0.1(N)
Sheep, meat	0.1(N)
Sweet potatoes (post-H)	0.05
Tomatoes (post-H)	1
Walnuts (post-H)	1
Wheat (post-H)	[illegible]

[FR Doc. 81-28757 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6021

[I-17255]

Idaho; Partial Revocation of Public Water Reserve No. 66

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive order that withdrew 200 acres as a public water reserve. Eighty acres will be restored to operation of the public land laws generally, including location for nonmetalliferous minerals under the mining laws. The remaining 120 acres are privately owned.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, 208-334-1597.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of August 15, 1919, creating Public Water Reserve No. 66, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

T. 2 S., R. 17 E.,
  Sec. 22, S½NE¼, NE¼NE¼;
  Sec. 15, SE¼SW¼, SW¼SE¼.

The area described contains 200 acres in Camas County of which 80 acres are public lands. The remaining 120 acres are privately owned.

2. At 10 a.m. on October 29, 1981, the S½NE¼ sec. 22 shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 29, 1981, the lands described in paragraph 2 will be open to location for nonmetalliferous minerals. The lands have been and continue to be open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Service, Bureau of Land Management, P.O. Box 042, Boise, Idaho 83724.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28714 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6020

[I-12546]

Idaho; Amends Public Land Order No. 5844

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will amend the land description, and aggregate acreage of Public Land Order No. 5844 of February 20, 1981.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Ed Puchalla, 202-343-6486.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

A description of lands in Public Land Order No. 5844 of February 20, 1981, in FR Doc. 81-2488 appearing at page 7346 in the issue of Friday, January 23, 1981, in the first column under T. 8 S., R. 13 E., the penultimate line reads "Sec. 12, W½NW¼." It should be amended to read: "Sec. 12, W½NW¼" and T. 8 S., Sec. 7, N½ of Lot 6, N½SW¼NE¼," containing in the aggregate 148.4 acres. The amended lands are being restored subject to Section 24 of the Federal Power Act of June 10, 1920, supra, and are hereby made expressly subject to all of the terms and conditions of Public Land Order No. 5844.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28715 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6005

[M-41524]

Montana; Revocation of Stock Driveway Withdrawal No. 142; Montana No. 6

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order which withdrew 3,848.69 acres of land for use as a stock driveway. Part of the lands (208.69 acres) remain withdrawn for Public Water Reserve No. 62. The remaining 3,640 acres will be opened to operation of public land laws; they have been and continue to be open to mining and mineral leasing.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior, by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated March 15, 1921, which withdrew the following described lands for a stock driveway is hereby revoked in its entirety:

Principal Meridian

T. 13 S., R. 6 W.,
  Sec. 11, W½;
  Sec. 14, W½;
  Sec. 15, S½;
  Sec. 19, lots 1 and 2, NE¼, E½NW¼;
  Sec. 20, N½;
  Sec. 21, N½N½;
  Sec. 22, N½NW¼.
T. 13, S., R. 7 W.,
  Sec. 8, E½SE¼, W½SE¼;
  Sec. 17, W½E½, E½W½;
  Sec. 20, NE¼, E½NW¼;
  Sec. 21, N½;
  Sec. 22, N½;
  Sec. 23, N½;
  Sec. 24, N½.

The area described aggregates 3,848.69 acres in Beaverhead County, Montana.

2. At 8 a.m. on October 29, 1981, the above described lands, excepting Lots 1 and 2, E½NW¼, sec. 19, T. 13 S., R. 6 W., and the NE¼NW¼, sec. 23, T. 13 S., R. 7 W., shall be open to operation of the public land law generally, subject to valid existing rights, the provision of existing withdrawals, and requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. The public lands described above, excepting lots 1 and 2, E½NW¼, sec. 19, T. 13 S., R. 6 W., and the NE¼NW¼, sec. 23, T. 13 S., R. 7 W., have been and continue to be open to location under the mining laws.

4. This action will not restore the following described lands to operation of the public land laws nor mining of nonmetalliferous minerals under the mining laws as they are withdrawn for Public Water Reserve No. 62:

Principal Meridian

T. 13 S., R. 6 W.,
  Sec. 19, lots 1 and 2, E½NW¼.
T. 13 S., R. 7 W.,
  Sec. 23, NE¼NW¼.

5. All the lands in Paragraph one have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28716 Filed 10-1-81. 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6019

[NM 42946]

New Mexico; Partial Revocation of Executive Order No. 6815

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes Public Water Reserve No. 156 New Mexico, as to 55.25 acres. This action will restore the lands to the operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order 6815 of August 10, 1934, which withdrew the following described public lands for use as a Public Water Reserve is hereby revoked insofar as it affects the following described land:

New Mexico Principal Meridian

T. 21 S., R. 1 W.,
  Sec. 5, Lots 3 and 5.

The area described contains 55.25 acres in Dona Ana County.

2. At 8:00 a.m. on October 29, 1981, the lands will be open to operation of the public land laws generally, the subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:00 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8:00 a.m. on October 29, 1981, the lands also will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28720 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6011

[NM-42917]

New Mexico; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive order and a Secretarial order affecting 157.48 acres of lands withdrawn as public water reserves. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Order of April 4, 1932, as Interpretation No. 160, is hereby revoked insofar as it affects the following described lands:

New Mexico Principal Meridian

T. 31 N., R. 9 W.,
  Sec. 25, lots 6 to 9, inclusive, (formerly SW¼).

The area described contains 157.48 acres in San Juan County.

2. At 8 a.m. on October 29, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisons of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8 a.m. on October 29, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28721 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6016

[NM-42911]

New Mexico; Revocation of Public Water Reserve No. 85

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order which withdrew public lands for a public water reserve. This action will restore the lands to the operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order dated November 27, 1922 which withdrew certain lands for public water reserve purposes, is hereby revoked in its entirety:

New Mexico Principal Meridian

Public Water Reserve No. 85

T. 16 N., R. 3 W.,
  Sec. 29, lots 3 and 4.

The area described contains 95.20 acres in Sandoval County.

2. At 8:00 a.m. on October 29, 1981, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:00 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8:00 a.m. on October 29, 1981, the lands also will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands shall be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28717 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6017

[NM-032564]

New Mexico; Revocation of Public Land Order No. 1581

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 1,680 acres as the San Luis (Rio Puerco) experimental watershed for use of the Bureau of Land Management. This action will restore 1,480 acres to the operation of the public land laws, including the mining and mineral leasing laws. The 200 acres of patented lands which reserved all minerals to the United States will be restored to the operation of the mining and mineral leasing laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1581 of February 5, 1958, which withdrew the following described lands for use as the San Luis (Rio Puerco) Experimental Watershed is hereby revoked in its entirety:

New Mexico Principal Meridian

T. 17 N., R. 2 W.,
  Sec. 4, N½N½NW¼;
  Sec. 5, N½N½N½;
  Sec. 6, NE¼NE¼.
T. 18 N., R. 2 W.,
  Sec. 28, SW¼;
  Sec. 29, S½SE¼;
  Sec. 31, E½;
  Sec 32;
  Sec. 33, W½.

The area described contains 1,680 acres in Sandoval County.

2. At 8 a.m. on October 29, 1981, all the lands, except the N½N½NW¼ Sec. 4, T. 17 N., R. 2 W., and the SW¼ Sec. 33 T. 18 N., R. 2 W., containing 200 acres which are patented, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. All of the public and patented lands will be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws, at 8 a.m. on October 29, 1981.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28718 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6018

[NM-42919]

New Mexico; Partial Revocation of Public Water Reserve No. 107, Interpretation No. 209

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order and a Secretarial order affecting 20 acres of land withdrawn for a public water reserve. The land is privately owned therefore, it will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Order of September 27, 1934, as Interpretation No. 209, is hereby revoked insofar as it affects the following described land.

New Mexico Principal Meridian

T. 9 N., R. 4 E.,
  Sec. 2, S½NE¼NE¼.

The area described contains 20 acres of privately owned land in Bernalillo County.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28719 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 5998

[OR-20267]

Oregon; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order in part as to 400 acres of land withdrawn for reclamation purposes. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of December 14, 1926, which withdrew certain lands for use by the Bureau of Reclamation for reclamation purposes in connection with the Vale Project, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Vale Project

T. 17 S., R. 44 E.,
  Sec. 14, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and N½SE¼.

The area described contains 400 acres in Malheur County.

2. At 10 a.m. on October 29, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 29, 1981, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28722 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6023

[U-41836]

Utah; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Commissioner's order which withdrew public lands for use of the Bureau of Reclamation in connection with the Bonneville Unit, Central Utah Project, and restores them to such disposition as may be made of national forest lands.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801-524-4245.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Commissioner's First Form Reclamation Withdrawal Order dated January 30, 1956, which withdrew lands for the Bonneville Unit, Central Utah Project, is hereby revoked as to the following described lands:

Uintah Meridian

T. 1 N., R. 8 W.,
  Sec. 4;
  Sec. 5, E½E½.
T. 2 N., R 8 W.,
  Sec. 34, S½S½,
  Sec. 35, S½.

Containing 1,277.62 acres in Duchesne County.

2. At 10 a.m. on October 29, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28723 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 5995

[W-75545]

Wyoming; Partial Revocation of National Forest Administrative Site Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order, as modified, which withdrew 30 acres of national forest land as a Forest Service administrative site. This action permits consummation of a pending Forest Service exchange.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 2278 of February 27, 1961, as modified by Public Land Order No. 4788 dated April 2, 1970, creating the Keystone Administrative Site, is hereby revoked insofar as it affects the following described lands:

V 46 / 191 OC 2 81 UMI

Sixth Principal Meridian

Medicine Bow National Forest

T. 14 N., R. 79 W.,
  Sec. 21, W½SW¼SE¼NE¼,
    S½SW¼NE¼, and E½SE¼SE¼NW¼.

The area described contains 30 acres in Albany County.

2. At 10 a.m. on October 29, 1981, the above described lands will be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28724 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

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43 CFR Public Land Order 6008

[A-13433]

Arizona; Partial Revocation of Public Water Reserve No. 24 (AR-3)

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes in part an Executive order which withdrew certain lands as a public water reserve. This action will restore the public lands to operation of the public land laws generally, except those in the Vermillion Cliffs Natural Area, which will remain segregated from operation of the public land laws, including the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION, CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of January 13, 1915, which withdrew certain lands in Arizona for public water reserve purposes, is hereby revoked so far as it affects the following described lands:

Gila and Salt River Meridian

T. 38 N., R. 5 E.,
  Sec. 6, lots 1, 2, 3, SW¼NE¼, SE¼NW¼,
    NE¼SW¼;
  Sec. 29, NW¼NW¼;
  Sec. 30, NE¼NE¼.

The areas described aggregate 320.90 acres in Coconino County, of which 200.72 acres are privately owned.

2. At 10 a.m. on October 29, 1981, the NE¼NE¼ sec. 30, T. 38 N., R. 5 E., shall be open to operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 29, 1981, the public land described in paragraph 2 shall be open to nonmetalliferous mineral location under the United States mining laws. The land has been and will continue to be open to metalliferous mineral location under the mining laws.

4. The public land described as lot 3, SE¼NW¼ sec. 6, T. 38 N., R. 5 E., has been designated as part of the Vermillion Cliffs Natural Area and remains closed to location, settlement or entry under the public land laws, including the mining laws.

5. The public lands described in this order have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the public lands should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28737 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

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43 CFR Public Land Order 6012

[CA 7089]

California; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive order and a Secretarial order affecting 40 acres of land withdrawn for public watering purposes. This action will restore the land to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Dianna Storey, California State Office, 916-484-4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Order of February 10, 1933, as Interpretation No. 176, is hereby revoked insofar as it affects the following described land:

San Bernardino Meridian

T. 14 S., R. 5 E.,
  Sec. 12, SE¼SW¼.

The area described contains 40 acres in San Diego County.

2. The land is wholly within a Wilderness Study Area, identification No. CA-060-024A, for management in accordance with Section 603(c) of the Federal Land Policy and Management Act of 1976, the Bureau of Land Management's Interim Management Policy and Guidelines for Lands Under Wilderness Review issued December 12, 1979, and mining regulations under 43 CFR 3802.

3. At 10 a.m. on October 29, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The land will be open to location for nonmetalliferous minerals under the United States mining laws at 10 a.m. on October 29, 1981. The land has been and continues to be open to location for metalliferous minerals under the United States mining laws, and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28735 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

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43 CFR Public Land Order 6013

[CA-7088]

California; Revocation of Public Water Reserve No. 151

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order and a public land order affecting 664.48 acres of public land withdrawn for public watering purposes. This action will restore the lands to operation of the public land laws

generally, and to nonmetalliferous mining under the United States mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Dianna Storey, California State Office, 916–484–4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 6116 of April 29, 1933, and Public Land Order No. 814 of April 1, 1952, which withdrew the following described lands for public water reserve purposes, are hereby revoked:

San Bernardino Meridian

Public Water Reserve No. 151

T. 5 S., R. 6 E.,
  Sec. 28, lots 12 and 14 (formerly the southern 10.04 acres of lot 5).
T. 6 S., R. 6 E.,
  Sec. 4, lots 1 and 2, S½NE¼, S½;
  Sec. 6, lot 7, E½SW¼, E½NW¼SW¼.

The area described aggregates 664.48 acres in Riverside County.

2. At 10 a.m. on October 29, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on October 29, 1981. The lands have been and will continue to be open to location for metalliferous minerals and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81–28742 Filed 10–1–81; 8:45 am]

BILLING CODE 4310–84–M

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43 CFR Public Land Order 6015

[SAC–024773]

California; Revocation of Recreation Withdrawal No. 24

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order affecting 40 acres of public land. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Celia Anderson, California State Office, 916–484–4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of July 15, 1929, which withdrew the following described land for Recreation Withdrawal No. 24, is hereby revoked in its entirety:

Mount Diablo Meridian

T. 24 N., R. 19 W.,
  Sec. 10, NW¼NW¼.

The area described contains 40 acres in Mendocino County.

2. At 10 a.m. on October 29, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 29, 1981, the land will be open to location under the United States mining laws. It has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Carrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81–28745 Filed 10–1–81; 8:45 am]

BILLING CODE 4310–84–M

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43 CFR Public Land Order 6002

[C–012310]

Colorado; Modification of Public Land Order Nos. 1272 and 5161; Withdrawal of Badger Wash Study Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order modifies Public Land Order Nos. 1272 and 5161 to allow surface occupancy for oil and gas exploration and development. Special stipulations to protect the watershed study area will be issued prior to surface disturbance.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303–837–2535.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1272 dated March 14, 1956, which withdrew the Badger Wash Study Area from all forms of appropriation under the public land laws, as modified by Public Land Order No. 5161 dated February 7, 1972, to permit mineral leasing under the Mineral Leasing Act of 1920, 41 Stat. 437; as amended and supplemented, 30 U.S.C. 181 et seq. (1976); but not allowing surface occupancy, in connection therewith, is hereby modified as follows:

The lands described below are hereby opened to surface occupancy for oil and gas exploration and development:

Sixth Principal Meridian

T. 8 S., R. 103 W.,
  Tract 56, lots 10, 11 (section 30), lot 12 (section 19);
  Sec. 19, lot 8;
  Sec. 30, lot 5;
  Sec. 31; lots 6 to 8, 10 to 15, inclusive.
T. 8 S., R. 104 W.,
  Sec. 24, NE¼, S½NW¼, NW¼SW¼, N½NE¼SW¼, N½SE¼, SW¼SE¼, NW¼SE¼SE¼;
  Sec. 25, W½NE¼NE¼, E½NW¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, E½NE¼SW¼, NW¼NE¼SW¼, E½SE¼SW¼, SW¼SE¼SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼;
  Sec. 26, SE¼NE¼, NW¼SE¼;
  Sec. 35, SE¼NE¼NE¼, W½NE¼NE¼, NW¼NE¼, S½NE¼, E½SW¼, SE¼;
  Sec. 36, NW¼NE¼NE¼, S½NE¼NE¼, NW¼NE¼, S½NE¼, E½NE¼NW¼, NW¼NE¼NW¼, S½NW¼, SW¼, W½NE¼SE¼, W½SE¼, SE¼SE¼.
T. 9 S., R. 103 W.,
  Sec. 6, lots 3 and 4.

Lands described aggregate approximately 2,435.19 acres in Mesa County.

2. The following described lands, which are within the watershed areas will require autorization from the Bureau of Land Management, Grand Junction Resource Area Manager, and issuance of special stipulations prior to surface disturbance:

Sixth Principal Meridian

T. 8 S., R. 103 W.,
  Sec. 19, lots 6 and 7;
  Sec. 30, lots 6 and 7;

Sec. 31, lot 5.
T. 8 S., R. 104 W.,
Sec. 24, E½SE¼SE¼, SW¼SE¼SE¼, S½NE¼SW¼, SE¼SW¼;
Sec. 25, E½NE¼NE¼, W½NW¼NE¼, NE¼NW¼, W½SW¼, SW¼NE¼SW¼, NW¼SE¼SW¼, S½SE¼SE¼;
Sec. 28, E½SE¼, SW¼SE¼;
Sec. 35, NE¼NE¼NE¼.
Sec. 36, NE¼NE¼NE¼, NW¼NW¼, SW¼NE¼NW¼, E½NE¼SE¼.

Lands described aggregate approximately 684.82 acres in Mesa County.

3. All valid applications and offers for oil and gas exploration and drilling as specified in paragraphs 1 and 2, received at or prior to 7:45 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands remain withdrawn from all other appropriation and will continue to operate as a scientific research study area.

Inquiries concerning these lands should be directed to the Chief, Branch of Adjudication, Bureau of Land Management, 2000 Arapahoe, Denver, Colorado 80205.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-28732 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6010

[Idaho 07135]

Idaho; Modification of Public Land Order No. 1450

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will provide for the modification of a withdrawal made by Public Land Order No. 1450 of July 30, 1957, for a period of 20 years. It has been determined that these lands will continue to be used as an administration site by the Bureau of Land Management for a minimum of 20 years.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Vincent S. Strobel, Idaho State Office, 208-334-1417.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The jurisdiction over and use of the administrative site granted to the Bureau of Land Management by Public Land Order No. 1450 of July 30, 1957, shall continue for an initial period of 20 years from the date of this order. The land is described as follows:

Boise Meridian

T. 2 N., R. 38 E.,
Sec. 8, That part of the S½SE¼ described as follows: Beginning at a point from which the South Quarter Corner of said Section 8 bears South, 41.5 feet and West, 897 feet; thence East, 224 feet along the Utah-Idaho Sugar Company right-of-way; thence North 28°17′East, 617 feet along the Idaho Irrigation District West right-of-way canal; thence South 69°08′ West, 566.7 feet; thence South 2°12′ East, 341.7 feet to the point of beginning.

The area described aggregates 3.50 acres in Bonneville County.

2. This withdrawal will be reviewed within 20 years of the date of this order, and at subsequent 20-year intervals, if appropriate, to ensure that the lands are still being used for the purpose for which they were originally dedicated.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28743 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6004

[I-16850, I-17257, I-17334]

Idaho; Partial Revocation of Public Water Reserve No. 107

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive order which withdrew 239.94 acres for public water reserve purposes. This action will open the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, 208-340-1597.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Interpretation No. 160 dated April 8, 1932, and Bureau of Land Management Orders dated July 8, 1959, and January 26, 1968, are hereby revoked insofar as they affect the following described lands:

Boise Meridian

T. 12 S., R. 21 E.,
Sec. 28, SW¼SE¼.
T. 12 N., R. 24 E.,
Sec. 5, lot 7, SE¼SW¼;
Sec. 17, NW¼NE¼, and SE¼NW¼.
T. 8 S., R. 38 E.,
Sec. 35, SE¼NE¼.

The areas described contain 239.94 acres in Caribou, Cassia and Custer Counties.

2. At 10 a.m. on October 29, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 29, 1981, the lands will be open to location for nonmetalliferous minerals. The lands have been and continue to be open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 042, Boise, Idaho 83724.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28738 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6007

[I-10278]

Idaho; Revocation of Reclamation Project Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will restore 1,360 acres of public lands withdrawn for the Jordan Valley Project. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, Idaho State Office, 208-334-1735.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Bureau of Reclamation Order dated May 5, 1949, concurred in by the

Bureau of Land Management on March 31, 1950, withdrawing lands for the Jordan Valley Reservoir Site, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

T. 6 S., R. 4 W.,
  Sec. 31, NW¼NE¼, NE¼NW¼.
T. 6 S., R. 5 W.,
  Sec. 21, SE¼SE¼;
  Sec. 22, S½SE¼;
  Sec. 23, SW¼SW¼;
  Sec. 24, NE¼SW¼, SW¼SW¼;
  Sec. 25, SW¼NE¼, E½NW¼;
  Sec. 26, NE¼NE¼, SW¼NE¼, NW¼, NE¼SW¼, N½SE¼;
  Sec. 27, E½NE¼, N½NW¼, NW¼SW¼;
  Sec. 28, E½E½, W½NE¼, NE¼NW¼, NW¼SE¼;
  Sec. 33, NE¼NE¼.

The area described contains 1,360 acres in Owyhee County.

2. At 8:00 a.m. on October 29, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:00 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8:00 a.m. on October 29, 1981, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Idaho State Office, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28741 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

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43 CFR Public Land Order 6003

[M-41522]

Montana; Revocation of Stock Driveway Withdrawal No. 23; Montana No. 4

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew lands for use as a stock driveway. This action will restore 951.58 acres to operation of the public land laws generally. A tract of 160 acres is privately owned. All the lands have been open to the mining and mineral leasing laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Branch of Lands and Minerals Operations, Montana State Office, 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated January 19, 1921, which withdrew the following described lands for a stock driveway is hereby revoked:

Principal Meridian

T. 7 S., R. 6 W.,
  Sec. 27, lot 16 (formerly lot 8).
T. 10 S., R. 6 W.,
  Sec. 31, SE¼NE¼, NE¼SE¼, and S½SE¼.
T. 11 S., R. 6 W.,
  Sec. 6, lots 1 and 2.
T. 8 S., R. 7 W.,
  Sec. 12, N½.
T. 12 S., R. 7 W.,
  Sec. 32, SE¼.
T. 13 S., R. 7 W.,
  Sec. 5, lots 1, 2 and 4, SW¼NW¼, and SW¼.
T. 6 S., R. 10 W.,
  Sec. 35, SE¼SW¼.

The areas described aggregate 1,111.58 acres in Madison and Beaverhead Counties.

2. At 8 a.m. on October 29, 1981, all the lands except the NE¼ sec. 12, T. 8 S., R. 7 W., which is privately owned, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been and continue to be open to location under the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28739 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

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43 CFR Public Land Order 6014

[NM-42939]

New Mexico; Revocation of Public Water Reserve No. 39, New Mexico No. 2

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order which withdrew public lands for a public water reserve. This action will restore the land to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order dated October 17, 1916 which withdrew certain lands for public water reserve purposes is hereby revoked in its entirety:

New Mexico Principal Meridian

Public Water Reserve No. 39, New Mexico No. 2

T. 28 S., R. 16 W.,
  Sec. 21, SW¼NE¼.

This area described contains 40.00 acres in Hidalgo County.

2. At 8:00 a.m. on October 29, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:00 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8:00 a.m. on October 29, 1981, the land will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the Unitd States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land

Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28734 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6009

[NM-36466-OKLA]

Oklahoma; Public Land Order No. 5861; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will correct two errors in the land description of Public Land Order No. 5861 of May 6, 1981.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Stella Gonzales, New Mexico State Office, 505-988-6122.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

A description of lands in Public Land Order No. 5861 of May 6, 1981, in FR Doc. 81-14174 appearing at page 26061 in the issue of Monday, May 11, 1981, in the second column under T. 2 N., R. 11 W., line 3 reads "Southwest." It is corrected to read "South." Line 4 reads "Northwest." It is corrected to read "North."

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28744 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 5999

[OR 19024]

Oregon; Powersite Restoration No. 735; Partial Revocation of Powersite Reserve No. 24

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order in part as to 680 acres of land withdrawn for a powersite reserve. This action will restore 160 acres of public land to operation of the public land laws generally. The remaining 520 acres are privately owned.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-562-Oregon, it is ordered as follows:

1. The Executive Order of July 2, 1910, which created Powersite Reserve No. 24, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 24

T. 8 S., R. 19 E.,
  Sec. 36, W½NE¼, SE¼NE¼, NW¼, and N½SE¼.
T. 8 S., R. 20 E.,
  Sec. 31, SE¼NW¼.
T. 9 S., R. 20 E.,
  Sec. 6, NE¼SE¼;
  Sec. 36, S½S½.
T. 9 S., R. 22 E.,
  Sec. 28, SW¼SE¼.
T. 9 S., R. 23 E.,
  Sec. 17, NW¼NW¼.

The areas described aggregate 680 acres in Jefferson, Wasco and Wheeler Counties.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. The lands in section 36, T. 8 S., R. 19 E., and in section 36, T. 9 S., R. 20 E., have been conveyed from United States ownership and are not open to operation of the public land laws, including the United States mining laws and mineral leasing laws.

4. At 10 a.m. on October 29, 1981, the lands described in paragraph 1, except as provided in paragraph 3, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. The lands described in paragraph 1, except as provided in paragraph 3, have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28733 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6022

[ORE-015563-A]

Oregon; Revocation of Public Land Order No. 3917

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Public Land Order which withdrew 200.17 acres of public lands for material sites. This action will restore the lands to operation of the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 3917 of January 18, 1966, which withdrew the following described public lands for use by the Bureau of Land Management as material sites is hereby revoked:

Willamette Meridian

Reconveyed Coos Bay Wagon Road Land
T. 28 S., R. 11 W.,
  Sec. 29, Lot 10 and W½NE¼.
Revested Oregon and California Railroad Grant Land
T. 31 S., R. 12 W.,
  Sec. 11, Lot 2;
  Sec. 17, S½NW¼NE¼, N½SW¼NE¼, and NE¼SE¼NW¼.

The areas described aggregate 200.17 acres in Coos County, Oregon.

2. At 10 a.m., on October 29, 1981, the public lands described above will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws and to such forms of disposition as may by law be made of Reconveyed Coos Bay Wagon Road Land and Revested Oregon and California Railroad Grant Land.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28746 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 5997

[OR-20354]

Oregon; Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial Order which withdrew 662.89 acres of lands for use as a stock driveway. The lands will not be restored to operation of the public land laws, including the mining laws, because they remain withdrawn for the Hart Mountain National Antelope Refuge.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of February 18, 1931, which withdrew the following described public lands for a stock driveway is hereby revoked:

Willamette Meridian

T. 35 S., R. 25 E.,
  Sec. 33, Lot 12;
  Sec. 34, Lots 1, 2, 7, 8, 9, 11, and 12, and NW¼SE¼;
  Sec. 35, N½NW¼.
T. 36 S., R. 25 E.,
  Sec. 4, Lots 1, 2, and 5, SW¼NE¼ and SE¼NW¼.

The areas described aggregate 662.89 acres in Lake County, Oregon.

2. The above described lands are withdrawn as part of the Hart Mountain National Antelope Refuge and remain segregated from operation of the public land laws, including the United States mining laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

September 23, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-28740 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6000

[OR-22116 (WASH)]

Washington; Revocation of Executive Order of Janaury 30, 1904

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order which withdrew approximately one acre of land for lighthouse purposes. This action will restore the land to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of January 30, 1904, which withdrew the following described land for use by the U.S. Coast Guard for lighthouse purposes is hereby revoked:

Willamette Meridian

T. 37 N., R. 2 W.,
  Sec. 14, unsurveyed island known as Jap Island situated in Fishing Bay (formerly Buck Bay) of East Sound and offshore from lots 2, 3, and 4 of said section 14.

The area described contains approximately one acre in San Juan County, Washington.

2. At 10 a.m. on October 29, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 29, 1981, the land will be open to location under the United States mining laws. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28736 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6001

[C-012673]

Colorado; Modification of Public Land Order 3026; Power Project No. 857

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order modifies a public land order by removing the restrictions of Section 24 of the Federal Power Act on portions of the lands in Power Project No. 857.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-837-2535.

By virtue of the authority vested in the Secretary of the Interior by the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, and in accordance with a letter from the Federal Energy Regulatory Commission of May 8, 1981, it is ordered as follows:

1. Public Land Order 3026 dated April 8, 1963, which revoked Power Project No. 857 and opened the lands to operation of the public land laws subject to Section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075; 16 U.S.C. 818, is hereby modified to remove the Section 24 restriction as to the following described lands:

New Mexico Principal Meridian

T. 47 N., R. 3 W.,
  Sec. 5, lot 4, S½NW¼, NE¼SW¼, W½SE¼;
  Sec. 8, W½E½, NE¼SE¼;
  Sec. 17, E½NE¼, NE¼SE¼.
T. 48 N., R. 3 W.,
  Sec. 7, lots 3 and 4;
  Sec. 18, lots 1 to 3, inclusive, E½SW¼, SW¼SE¼;
  Sec. 19, NE¼, NE¼SE¼;
  Sec. 20, SW¼NW¼, W½SW¼;
  Sec. 29, W½W½, SE¼SW¼;
  Sec. 32, W½.
T. 44 N., R. 4 W.,
  Sec. 11, lots 2, 4, and 7;
  Sec. 27, lot 5, NE¼NE¼;
  Sec. 32, lots 9 to 12, inclusive;
  Sec. 33, lots 1, 2, 6 to 10, inclusive, NE¼SW¼;
  Sec. 34, lots 4, 5, 9, and 10, SW¼SW¼.
T. 45 N., R. 4 W.,
  Sec. 1, SW¼NW¼;
  Sec. 2, SW¼NE¼;
  Sec. 26, W½NE¼, NW¼SE¼;
  Sec. 35, S½SE¼.
T. 48 N., R. 4 W.,
  Sec. 1, NW¼SW¼, S½SW¼;
  Sec. 2, lots 11, 12, 15, and 16, N½SE¼, SE¼SE¼;
  Sec. 3, lot 3;
  Sec. 12, NE¼, E½SE¼, NE¼NW¼.

The lands described aggregate approximately 3,302.31 acres.

V46/191 OC2 81 UMI

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28748 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6024

[I-8721]

Idaho; Revocation of Stock Driveway Withdrawal No. 86

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUBJECT: The order revokes two Secretarial orders, which withdrew 2,393.49 acres of lands as Stock Driveway Withdrawal No. 86. The lands will be restored to operation of the public land laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, Idaho State Office, 208-334-1735.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders of July 3, 1919, and February 16, 1924, creating Stock Driveway Withdrawal No. 86 are hereby revoked as far as they affect the following described lands:

Boise Meridian

T. 13 N., R. 41 E.,
  Sec. 23, SE¼SE¼;
  Sec. 24, S½.
T. 13 N., R. 42 E.,
  Sec. 8, lot 6, N½SE¼;
  Sec. 9, E½, N½SW¼, SE¼SW¼;
  Sec. 10, N½;
  Sec. 11, W½NE¼, NW¼;
  Sec. 17, NE¼, E½SE¼;
  Sec. 19, lots 3 and 4, E½SW¼, SE¼;
  Sec. 20, E½NE¼, S½.

The area described above contains 2,393.49 acres in Fremont County.

2. At 10 a.m. on October 29, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the mining laws.

Inquiries concerning the lands should be addressed to the State Director, Idaho State Office, Bureau of Land Management, Federal Building, 550 West Fort Street, Boise, Idaho 83724.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28747 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6006

[OR-19147]

Oregon; Powersite Restoration No. 726; Partial Revocation of Powersite Classification No. 171

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order in part as to 131.95 acres of land withdrawn for a powersite classification. This action will restore 60 acres of public lands to operation of the public land laws generally. The remaining 71.95 acres are privately owned.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-560-Oregon, it is ordered as follows:

1. The Secretarial Order of February 28, 1927, which created Powersite Classification No. 171, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Classification No. 171

T. 9 S., R. 10 W.,
  Sec. 26, SW¼NW¼;
Sec. 27, lot 12.
T. 10 S., R. 10 W.,
  Sec. 2, lot 20;
  Sec. 10, lots 7 and 8.

The areas described aggregate 131.95 acres in Lincoln County.

2. The following described lands have been conveyed from United States ownership and will therefore not be restored to operation of the public land laws generally, including the mining laws and mineral leasing laws:

Willamette Meridian

T. 9 S., R. 10 W.,
Sec. 27, lot 12.
T. 10 S., R. 10 W.,
  Sec. 10, lots 7 and 8.

The areas described aggregate 71.95 acres in Lincoln County.

3. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

4. At 10 a.m. on October 29, 1981, the lands described in paragraph one, except as provided in paragraph two, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. The lands described in paragraph one, except as provided in paragraph two, have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955, 69 Stat. 682; 30 U.S.C. 621.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28749 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 6150]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The effective date shown at the top right of the table or 30 days after the date of this **Federal Register** publication, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland. 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 or Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128).

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information or regarding the completed stages of engineering tasks in delineating the special flood hazard areas of the specified community. This rule imposes no new requirements or regulations on participating communities.

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

BILLING CODE 6718-03-M

EFFECTIVE DATE October 2, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 64.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 [illegible]	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
OH	390153	Village of Quaker City (Guernsey County)	0001B	I	FL	B	1	3	1	9/29/70	N/A	10	N/A	N/A	Harry Tarlton, Mayor Village Hall Fair Street Quaker City, OH 43773 614 - 679-2345
VA	510017	Bland County (Uninc. Area)	Index 0001A thru 0008A	I	FL	B	1	3	1	2/7/75	N/A	9 10 16	N/A	N/A	Sam Powers County Administratur County Courthouse Box 276 Bland, VA 24315 703 - 688-4361
WV	540149	Ohio County (Uninc. Area)	Index 0001A 0002A	I	FL	B	1	3	1	11/29/74	N/A	9 10 16	N/A	N/A	Tom Samol County Administrator Ohio County Courthouse Room 215 City County Building Wheeling, WV 26003 304 - 234-3628
FL	120406	City of Lake City, (Columbia County)	0005 C	I	FL	B	1	3	1	10/29/76 1/11/80 10/02/81	N/A	8 9 10	N/A	N/A	Mr. Joe Haltiwanger City Hall City of Lake City Lake City, Florida 32055
KY	210288	Larue County	0025 A 0050 A 0075 A 0100 A 0125 A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Judge Joseph Pearman Court House Hodgenville, Kentucky 42748
													EFFECTIVE DATE October 6, 1981		
UT	490232	Grand County Unincorporated Areas	0016A 0021A 2233A 0038A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Harvey W. Merrel Grand County Commissioner 125 East Center St. Moab, Utah 84532 (801) 259-6545

EFFECTIVE DATE October 9, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
WV	540190	City of Grafton (Taylor County)	0001B	I	FL	B	1	3	1	5/28/74 6/18/76	N/A	10	N/A	N/A	John D. Murry, Mayor City Building One West Main Street Grafton, WV 26354 304-265-1412
WV	540139	Monongalia County (Uninc. Area)	INDEX 0001A 0002A 0003A 0004A 0005A 0006A 0007A	I	FL	B	1	3	1	7/18/75	N/A	9 10 16	N/A	N/A	Barry Goldbery County Administrator County Courthouse Morgantown, WV 26505 304-291-7200 or 304-291-7257
WI	550607	Village of Whiting (Portage County)	0001A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Thomas M. Hagen Village President 323 Elm Street Stevens Point, WI 54481 715-344-3139

EFFECTIVE DATE: October 13, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
MO	290280	Perry County (Unincorporated Areas)	0001- 0009A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	The Honorable Louis W. Meyer Perry County Judge County Courthouse Perryville, MO 63775 (314) 547-4242
OR	410038	City of Rainier (Columbia County)	0001B	I	FL	B	1	3	1	5-24-74 1-2-76	N/A	8 10	N/A	N/A	The Honorable Elizabeth R. Vilhauer Mayor, City of Rainier P.O. Box A Rainier, OR 97048 (503) 566-7301

EFFECTIVE DATE October 16, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
MI	260720	Township of Victor (Clinton Co.)	INDEX 0001A 0002A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Robert Remus, Supervisor Township Hall Pratt & Shepardsville Rds. St. Johns, MI 48879 517-651-5302 Home
WV	540146	Nicholas County (Uninc. Area)	INDEX 0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A 0009A 0010 A 0011A	I	FL	B	1	3	1	7/25/75	N/A	9 10 16	N/A	N/A	Robert Odell President County Commissioners Nicholas County Courthouse Summersville, WV 26651 304-872-3630
WV	540211	Wirt County (Uninc. Area)	INDEX 0001A 0002A 0003A 0004A 0005A	I	FL	B	1	3	1	1/17/75	N/A	9 10 16	N/A	N/A	Roy Whited President County Commissioners Wirt County Courthouse Box 53 Elizabeth, WV 26143 304-275-4271 Courthouse 304-275-4445 Home

EFFECTIVE DATE October 20, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
CA	060284	San Diego County (Unincorporated Areas)	ID (1,2 & 3 of 3) 21,38,39, 55,56,58, 59,71,72, 74,75,86, 89,101, 102,104, 116-118, 130-132, 144,145, 158,162, 163,172, 173,176, 177,186, 191,200, 201,203-205,214, 215,217, 218,228-230,241-243,253 "B"	I & C	FL	B	1	3	1	7-19-77	N/A	8 9	N/A	N/A	Mr. Clifford W. Graves San Diego County Chief Administrative Officer County Courthouse 220 W. Broadway Street San Diego, CA 92101 (714) 236-3203
TX	480158	Crockett County (Unincorporated Areas)	ID, 1-29 "A"	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	The Honorable John R. Jones Crockett County Judge P.O. Drawer C Ozona, TX 76943 (915) 392-2021
													EFFECTIVE DATE		October 23, 1981
WV	$4008[illegible]	Lewis County (Uninc. Area)	INDEX 0001A Thru 0007A	I	FL	B	1	3	1	2/21/7[illegible]	N/A	9 10 16	N/A	N/A	Richard Bonnett County Commissioner Lewis County Commissioners P.O. Box 466 Weston, WV 26454 304-269-3474

EFFECTIVE DATE October 23, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
NJ	340559	Township of Montague (Sussex Co.)	01 A 02 A 03 A 05 A	I	FL	B	1	3	1	3/21/75	N/A	9	N/A	N/A	Township Committee RD 5 Box 572 Montague, New Jersey 07827
VA	510314	Amelia County (Uninc. Area)	INDEX 0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A	I	FL	B	1	3	1	7/25/75	N/A	9 10 16	N/A	N/A	John A. Anzivino County Administrator Amelia County Courthouse Amelia, VA 23002 804-561-3039
WV	540063	Jackson County (Uninc. Area)	INDEX 0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A 0009A	I	FL	B	1	3	1	1/17/75	N/A	9 10 16	N/A	N/A	H.S. Rawlings President County Commissioners Jackson County Courthouse Ripley, WV 25271 304-372-2011
WV	540130	City of Keyser (Mineral County)	0001B	I	FL	B	1	3	1	6/28/74 3/26/76	N/A	10	N/A	N/A	Irving T. Athey Mayor P.O. Box 70 Keyser, WV 26726 304-788-1511

EFFECTIVE DATE October 23, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
NJ	340492	Township of Oxford (Warren Co.)	01 C 02 C 03 C	I	FL	B	1	3	1	6/21/74 3/05/76 10/15/76	N/A	10	N/A	N/A	Mayor Leonard Becker Township of Oxford Wall Street Oxford, New Jersey 07863
NJ	340532	Township of Lafayette (Sussex Co.)	01 B 02 B 05 B 06 B 07 B	I	FL	B	1	3	1	12/20/74 5/21/76	N/A	9	N/A	N/A	Mayor John Nafziger Township of Lafayette Municipal Building P.O. Box 285 Lafayette, New Jersey 07848
NJ	340542	Borough of Andover (Sussex Co.)	01 B 02 B 03 B	I	FL	B	1	3	1	2/25/77	N/A	9	N/A	N/A	Mayor H. Francisco Borough of Andover P.O. Box 388 Andover, New Jersey 07821
TX	480937	Mitchell County	0025 A 0050 A 0075 A 0100 A 0125 A 0150 A 0175 A 0200 A 0225 A 0250 A 0275 A 0300 A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Mitchell County Mitchell County Court House 3rd and Oak Street Colorado City, Texas 79512 Att: Judge Bill Carter
NJ	340265	Township of Old Bridge (Middlesex Co.)	0005 B 0010 B 0015 B	I	FL	B	1	3	1	6/28/74 4/30/76	N/A	5 10	N/A	N/A	Township Hall Township of Old Bridge One Old Bridge Plaza Old Bridge, New Jersey 08857

EFFECTIVE DATE October 23, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 603 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
NC	370039	Caldwell County	0025 A 0050 A 0075 A 0100 A 0125 A 0150 A 0175 A 0200 A 0225 A 0250 A 0275 A	I	FL	B	1	3	1	4/28/78	N/A	10	N/A	N/A	County Planning Department P.O. Box 1078 Lenoir, North Carolina 28645 Att: Mr. Norman Shronce County Manager
OK	400493	Payne County	0025 A 0050 A 0075 A 0100 A 0125 A 0150 A 0175 A 0200 A 0225 A 0250 A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	City of Stillwater Payne County Seat County Office Building Room 101 Stillwater, Oklahoma 74074 Att: Ms. Karen Mullendore Chairperson
													EFFECTIVE DATE October 27, 1981		
TX	481558	City of Roscoe Nolan County	0001A	I	FL	B	1	3	1	7-16-76	N/A	10	N/A	N/A	Mayor Bedford P. Cain, III 115 Cypress Street P. O. Box 356 Roscoe, TX 79545 (915) 766-3871
													EFFECTIVE DATE October 30, 1981		
OH	390762	Belmont County Unincorporated Areas	0001B thru 0009B	I	FL	B	1	3	1	4-14-78	N/A	10	N/A	N/A	A. J. Sargus, Chairman County Commissioners Belmont County Courthouse Saint Clairsville, OH 43950 614-695-2121

BILLING CODE 6718-03-C

Community Map Actions

(Codes: Where no entry is necessary use N/A)

Column Code:
1. Two letter state designator.
2. FIA Community 6-digit identity number.
3. Community name
County(ies) name
4. Four digit number and suffix of each FIRM or FHBM panel printed.
5. INL/Coast:
I=Inland
C=Coastal
6. Hazard:
FL=Flood
MS=Mudslide
ER=Erosion
NF=Non Flood Prone
MF=Minimally Flood Prone
7. 60.3 Code:
A=Special Hazard not defined, no elevation data (No FHBM)
B=Special Hazard Designated, no elevation data (FHBM)
C=FIRM, No Floodway or Coastal High Hazard
*D=FIRM, Regulatory Floodway Designated
*E=FIRM, Coastal High Hazard
8. Program Status:
1=Emergency
2=Regular
3=Not Participating, No Map
4=Not Participating, With Map
5=Withdrew
6=Suspended
9. FHBM Status:
1=Never Mapped
2=Original
3=Revised
4=Rescinded
5=Superceded by Firm
9. Firm Status:
1=Never Mapped
2=Original
3=Revised
4=Rescinded
5=All Zone C—No Published Firm
6=All Zone A and C—No Elevations Determined
10. Dates of All Previous Maps.
11. Revision Codes:
1. 1916 BFE (Base Flood Elevation) Decrease
2. 1916 BFE Increase
3. 1916 SFHA (Special Flood Hazard Area) Change
4. Change of Zone Designation; revised FIRM
5. Curvilinear
6. 1914 Incorporation
7. 1914 Discorporation
8. 1914 Annexation
9. SFHA Reduction
10. Non-1916 SFHA Increase Without Numbered Zones
11. Non-1916 SFHA Increase With Numbered Zones
12. Drafting Correction; Printing Errors
13. Suffix Change ONLY
14. Change to Uniform Zone Designations (7/1/74)
15. Revisions Withdrawn
16. Refunds Possible
17. Letter of Map Amendment (1916)
18. Letter of Map Amendment (1916 without Federal Register publication)
19. Federal Register Omission
20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
21. Miscellaneous
13. List of Numbered Floodway Panels Printed.
14. Address of Community Map Repository.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 24, 1981.

James P. Dokken,
Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–28502 Filed 10–1–81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 64

[Docket No. FEMA 6151]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended effective the dates listed within this rule because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 287–0184 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, 500 C Street SW., Donohoe Building—Room 506, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

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*Dual entry is available.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Illinois:					
Dupage	Burr Ridge, village of	170071B	Feb. 24, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Mar. 15, 1974 and Aug. 15, 1975.	Oct. 15, 1981.
Lake	Park City, city of	[illegible]	Nov. 12, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Mar. 1, 1974 and Apr. 9, 1976	Do.
Adams	Quincy, city of	170003B	Mar. 25, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	May 24, 1974 and Aug. 15, 1975.	Do.
Winnebago	Rockton, village of	170774A	July 7, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Dec. 20, 1974	Do.
Indiana:					
Marshall	Bremen, town of	180153B	July 22, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Nov. 23, 1973 and Mar. 19, 1976.	Do.
Vanderburgh	Evansville, city of	180257B	June 25, 1971, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	June 14, 1974 and May 21, 1976.	Do.
Lake	Merrillville, town of	180138B	Feb. 16, 1973, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	July 19, 1974 and July 30, 1976.	Do.
Kansas: Sedgwick	Derby, city of	[illegible]	Jan. 17, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	June 28, 1974	Do.
Kentucky: Harrison	Cynthiana, city of	210107B	Feb. 28, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	June 7, 1974 and Feb. 20, 1976.	Do.
Maryland:					
Cecil	Chesapeake, town of	[illegible]	Dec. 5, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Sept. 13, 1974 and Feb. 20, 1976.	Do.
Dorchester	Unincorporated areas	240026A	Jan. 23, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Jan. 10, 1975	Do.
Cecil	North East, town of	240023A	July 24, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Feb. 7, 1975	Do.
New Jersey:					
Camden	Gibbsboro, borough of	340545A	July 23, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Apr. 4, 1975	Do.
Bergen	Haworth, borough of	[illegible]	Mar. 31, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Feb. 1, 1974 and Apr. 30, 1976.	Do.
Do	River Vale, township of	[illegible]	Jan. 7, 1972, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Apr. 20, 1973 and Feb. 18, 1977.	Do.
Mercer	Trenton, city of	[illegible]	Dec. 3, 1971, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	July 1, 1974 and Jan. 2, 1976	Do.
New York:					
Chenango	Afton, town of	361084A	Dec. 26, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Jan. 7, 1975	Do.
Do	Afton, village of	360979B	Mar. 13, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	June 7, 1974 and May 28, 1976.	Do.
Rockland	Grand View-On-Hudson, village of	360680B	July 7, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Oct. 18, 1974 and June 18, 1976.	Do.
Oswego	Mexico, town of	360664B	Mar. 30, 1976, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Nov. 15, 1974 and July 2, 1976.	Do.
Do	Sandy Creek, town of	360661B	Aug. 18, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	May 24, 1974 and Nov. 14, 1975.	Do.
Ohio: Montgomery	Moraine, city of	390414B	Sept. 5, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Mar. 1, 1974 and Aug. 27, 1976.	Do.
Pennsylvania:					
York	Chanceford, township of	422217A	Jan. 13, 1976, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Jan. 17, 1975	Do.
Lycoming	Hughesville, borough of	420641B	Jan. 21, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Jan. 23, 1974 and Oct. 1, 1976.	Do.
York	North Codorus, township of	422227A	Aug. 6, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Feb. 7, 1975	Do.
Westmoreland	Penn, township of	422183B	Feb. 7, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	July 29, 1977	Do.
York	Penn, township of	421025C	Jan. 16, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	May 17, 1974 and Jan. 30, 1976 and Aug. 15, 1980.	Do.
Luzerne	Wilkes-Barre, city of	420631C	Dec. 10, 1971, emergency, Oct. 15, 1981, regular, Oct. 15, 1981 suspended.	Apr. 12, 1974 and Nov. 14, 1975 and Sept. 30, 1977.	Do.
Chester	Willistown, township of	422262A	Oct. 17, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Dec. 27, 1974	Do.
Texas: Cook	Gainesville, city of	480154B	Dec. 13, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Feb. 15, 1974 and Nov. 19, 1976.	Do.
Vermont: Windsor	Cavendish, town of	500145B	Aug. 6, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Feb. 8, 1974 and July 30, 1976.	Do.
Wisconsin:					
Sheboygan	Cascade, village of	550425B	Jan. 20, 1976, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	May 3, 1974 and Apr. 15, 1977.	Do.
Dunn	Unincorporated areas	550119A	Mar. 26, 1971, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Jan. 3, 1975	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Ozaukee	Port Washington, city of	500316B	June 30, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	May 31, 1974 and June 11, 1976.	Do.

[1] Date certain Federal assistance No longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and support)

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Proposed Rules

Federal Register
Vol. 46, No. 191
Friday, October 2, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 220, and 226

National School Lunch, School Breakfast, and Child Care Food Programs; Meal Pattern Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: This notice announces the withdrawal of the notice of proposed rulemaking pertaining to meal pattern requirements published on September 4, 1981.

FOR FUTHER INFORMATION CONTACT: Margaret Glavin, Deputy Administrator, Special Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-5548.

SUPPLEMENTARY INFORMATION: On September 4, 1981, the Department published a notice of proposed rulemaking pertaining to meal pattern requirements for the National School Lunch, School Breakfast, and Child Care Food Programs (46 FR 44452).

The Department is withdrawing the proposed rulemaking for further review.

Mary C. Jarratt,
Assistant Secretary for Food and Consumer Services.

September 25, 1981.

[FR Doc 81-28619 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-30-M

Animal and Plant Health Inspection Service

7 CFR Part 360

Noxious Weeds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This document proposes to amend the noxious weed regulations in 7 CFR Part 360 by adding certain aquatic weeds, parasitic weeds, and terrestrial weeds to the list of noxious weeds. Listed noxious weeds may be moved into or through the United States only under a written permit and under conditions that would not involve a danger of dissemination of the weeds. This action appears to be necessary to update the regulations and prevent the artificial spread of the weeds into noninfested areas of the United States.

DATES: Written comments concerning this proposed rule must be received on or before December 1, 1981. Requests for a public hearing must be received on or before November 2, 1981.

ADDRESSES: Written comments and any requests for a public hearing should be submitted to T. J. Lanier, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: T. J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8249.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this proposed rule, if adopted, would have no significant effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It is proposed to amend the noxious weed regulations by adding certain aquatic weeds, parasitic weeds, and terrestrial weeds to the list of noxious weeds. A listed noxious weed may be moved into or through the United States only pursuant to a written permit. The regulations provide for the issuance of a written permit only upon a determination that the movement of the noxious weed would not involve a danger of dissemination of the noxious weed in the United States. It appears that the dissemination of any of the noxious weeds proposed to be added to the list could cause significant damage to interests of agriculture and that it is necessary to list them as noxious weeds in order to take action to prevent them from being disseminated in the United States. Further, it appears that there is no feasible alternative to consider concerning the requirement that agencies choose the alternative that maximizes net benefits to society at the lower net cost.

Certification under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. The proposed rule, if adopted, would impose restrictions on the movement into and through the United States of certain noxious weeds. Based on information compiled by the Department it has been determined that this action would not have a significant effect on any small entity because currently there is almost no movement of these weeds as such, and these weeds are rarely carried by other articles offered for importation into the United States.

Public Hearing

A public hearing will be held at a time and place specified in a later notice in the **Federal Register** if a request for such public hearing is made by an interested person on or before November 2, 1981.

Background

The noxious weed regulations (referred to below as the regulations) were established under authority of the Federal Noxious Weed Act of 1974 (referred to below as the Act) and are set forth in 7 CFR Part 360. They contain restrictions on the movement of listed noxious weeds into or through the United States, but do not affect the movement of listed noxious weeds that are moved solely interstate.

A listed noxious weed may be moved into or through the United States only pursuant to a written permit. The regulations provide for the issuance of a written permit only upon a determination that the movement of the noxious weed would not involve a danger of dissemination of the noxious weed in the United States.

The list of noxious weeds in the regulations is divided into aquatic weeds, parasitic weeds, and terrestrial weeds. This document proposes to add to the list of noxious weeds those aquatic weeds, parasitic weeds, and terrestrial weeds listed in the chart below.

Section 3(c) of the Act (7 U.S.C. 2802(c)) defines a noxious weed as "* * * any living stage (including, but not limited to, seeds and reproductive parts) of any parasitic or other plant of a kind, or subdivision of a kind, which is of foreign origin, is new to or not widely prevalent in the United States, and can directly or indirectly injure crops, other useful plants, livestock, or poultry or other interests of agriculture, including irrigation, or navigation or the fish or wildlife resources of the United States or the public health."

Based on Departmental expertise it has been determined that all of the aquatic weeds, parasitic weeds, and terrestrial weeds listed in the chart below are of foreign origin. Also, as indicated in the chart below, they are new to or not widely prevalent in the United States. In addition, as indicated in the chart below, it appears that all of these weeds "* * * can directly or indirectly injure crops, other useful plants, livestock, or poultry or other interests of agriculture, including irrigation or navigation of the fish or wildlife resources of the United States or the public health."

Based on information compiled by the Department it has been determined that currently there is almost no international movement into the United States of these weeds as such. However, these weeds could be carried by articles offered for importation into the United States. In order to advise persons of the intent of the Department to allow the movement of these weeds into or through the United States only subject to restrictions under the regulations, it is necessary to take action to add these weeds to the list of noxious weeds.

Under the circumstances referred to above, it is proposed to add the aquatic weeds, parasitic weeds, and terrestrial weeds in the following chart to the list of noxious weeds:

Weed	Places found in United States	Injury caused by weed
Aquatic Weeds		
Azolla pinnata R. Brown (mosquito fern, water velvet)	None	Forms dense mats which impede water flow, inhibit passage, and clog irrigation pumps.
Hygrophila polysperma T. Anderson (Miramar weed)	Florida	Forms dense mats which impede water flow, inhibit passage, and clog irrigation pumps.
Ipomoea aquatica Forsskal (water-spinach, swamp morning-glory)	Florida and Hawaii	Forms dense mats which impede water flow, inhibit passage, and clog irrigation pumps; and competes with and reduces yield of taro and sugarcane.
Limnophila sessiliflora (Vahl) Blume (ambulia)	Florida, Louisiana, and Texas	Forms dense mats which impede water flow, inhibit passage, and clog irrigation pumps; and is toxic to fish.
Sagittaria sagittifolia Linnaeus (arrowhead)	Hawaii	Impedes flow of irrigation water, and interferes with access to water; and competes with and reduces yield of rice.
Salvinia (giant salvinias), of the following species: *Salvinia auriculata* Aublet, *Salvinia biloba* Raddi, and *Salvinia herzogii* de la Sota.	None	Forms dense mats which impede water flow, inhibit passage, and clog irrigation pumps.
Parasitic Weeds		
Cuscuta spp. (dodders), other than the following species: *Cuscuta americana* Linnaeus, *Cuscuta applanata* Engelmann, *Cuscuta approximata* Babington, *Cuscuta attenuata* Waterfall, *Cuscuta boldinghii* Urban, *Cuscuta brachycalyx* (Yuncker) Yuncker, *Cuscuta californica* Hooker & Arnott, *Cuscuta campestris* Yuncker, *Cuscuta cassytoides* Nees ex Engelmann, *Cuscuta ceanothii* Behr, *Cuscuta cephalanthii* Engelmann, *Cuscuta compacta* Jussieu, *Cuscuta coryli* Engelmann, *Cuscuta cuspidata* Engelmann, *Cuscuta decipiens* Yuncker, *Cuscuta dentatasquamata* Yuncker, *Cuscuta denticulata* Engelmann, *Cuscuta epilinum* Weihe, *Cuscuta epithymum* (Linnaeus) Linnaeus, *Cuscuta erosa* Yuncker, *Cuscuta europaea* Linnaeus, *Cuscuta exalta* Engelmann, *Cuscuta fasciculata* Yuncker, *Cuscuta glabrior* (Engelmann) Yuncker, *Cuscuta globulosa* Bentham, *Cuscuta glomerata* Choisy, *Cuscuta gronovii* Willdenow, *Cuscuta harperi* Small, *Cuscuta howelliana* Rubtzoff, *Cuscuta indecora* Choisy, *Cuscuta jepsonii* Yuncker, *Cuscuta leptantha* Engelmann, *Cuscuta mitriformis* Engelmann, *Cuscuta nevadensis* I. M. Johnston, *Cuscuta obtusiflora* Humboldt, Bonpland, & Kunth, *Cuscuta occidentalis* Millspaugh ex Mill & Nuttall, *Cuscuta odontolepis* Engelmann, *Cuscuta pentagona* Engelmann, *Cuscuta planiflora* Tenore, *Cuscuta plattensis* A. Nelson, *Cuscuta polygonorum* Engelmann, *Cuscuta rostrata* Shuttleworth ex Engelmann, *Cuscuta runyonii* Yuncker, *Cuscuta salina* Engelmann, *Cuscuta sandwichiana* Choisy, *Cuscuta squamata* Engelmann, *Cuscuta suaveolens* Seringe, *Cuscuta suksdorfii* Yuncker,*Cuscuta tuberculata* Brandegee, *Cuscuta umbellata* Humboldt, Bonpland, & Kunth, *Cuscuta umbrosa* Beyrich ex Hooker, *Cuscuta vetchii* Brandegee, and *Cuscuta warneri* Yuncker.	None	Reduces vigor of dicots by extracting nutrients.
Orobanche spp. (broomrapes), other than the following species: *Orobanche bulbosa* (Gray) G. Beck, *Orobanche californica* Schlechtendal & Chamisso, *Orobanche cooperi* (Gray) Heller, *Orobanche corymbosa* (Rydberg) Ferris, *Orobanche dugesii* (S. Watson) Munz, *Orobanche fasciculata* Nuttall, *Orobanche ludoviciana* Nuttall, *Orobanche multicaulis* Brandegee, *Orobanche parishii* (Jepson) Heckard, *Orobanche pinorum* Geyer ex Hooker, *Orobanche uniflora* Linnaeus, *Orobanche valida* Jepson, and *Orobanche vallicola* (Jepson) Heckard.	California, Texas, and East Coast	Reduces vigor of dicots by extracting nutrients.
Terrestrial Weeds		
Ageratina adenophora (Sprengel) King & Robinson (crofton weed)	Hawaii	Competes with and reduces yield of forage plants and poisons livestock.
Alternanthera sessilis (Linnaeus) R. Brown ex de Candolle (sessile joyweed)	Hawaii	Competes with and reduces yield of rice and of forage plants in moist pastures.

Weed	Places found in United States	Injury caused by weed
Avena sterilis Linnaeus (including *Avena ludoviciana* Durieu) (animated oat, wild oat)	None	Competes with and reduces yield of small grains.
Borreria alata (Aublet) de Candolle	None	Competes with and reduces yields of perennial crops.
Chrysopogon aciculatus (Retzius) Trinius (pilipiliula)	Hawaii	Causes ulcerations to fur bearing animals.
Crupina vulgaris Cassini (common crupina)	California and Idaho	Competes with and reduces yield of forage grasses.
Digitaria velutina (Forsskal) Palisot de Beauvois (velvet fingergrass, annual conchgrass)	None	Competes with and reduces yield of seasonal and perennial crops.
Euphorbia prunifolia Jacquin (painted euphorbia)	Hawaii	Competes with and reduces yield of rice, cotton, peanuts, and corn.
Galega officinalis Linnaeus (goatsrue)	Utah	Competes with and reduces yield of forage plants in moist or irrigated pastures, and is poisonous to livestock.
Heracleum mantegazzianum Sommier & Levier (giant hogweed)	New England and New York	Causes large painful skin blisters on humans.
Imperata cylindrica (Linnaeus) Raeuschel (cogongrass)	Alabama, Florida, and Mississippi	Competes with and reduces yield of forage plants.
Ipomoea triloba Linnaeus (Little bell, aiea morning-glory)	Florida and Hawaii	Competes with, restricts growth, interferes with harvest, and reduces yield of a wide range of agricultural crops.
Mikania cordata (Burman f.) B. L. Robinson (mile-a-minute)	None	Competes with and reduces yield of a wide range of agricultural crops.
Mimosa invisa Martius (giant sensitive plant)	None	Competes with and reduces yield of a wide range of agricultural crops and pasture plants.
Pennisetum clandestinum Hochstetter ex Chiovenda (kikuyugrass)	California and Hawaii	Competes with and reduces yield of perennial crops and pastures.
Pennisetum pedicellatum	Florida	Competes with and reduces yield of forage plants in pastures and a wide range of agricultural crops.
Pennisetum polystachion (Linnaeus) Schultes (missiongrass, thin napiergrass)	None	Competes with and reduces yield of forage plants in pastures and a wide range of agricultural crops.
Prosopis, of the following species: *Prosopis alpataco* R. A. Philippi, *Prosopis argentina* Burkart, *Prosopis articulata* S. Watson, *Prosopis burkartii* Munoz, *Prosopis caldenia* Burkart, *Prosopis calingastana* Burkart, *Prosopis campestris* Grisebach, *Prosopis castellanosii* Burkart, *Prosopis denudans* Bentham, *Prosopis elata* (Burkart) Burkart, *Prosopis farcta* (Solander ex Russell) Macbride, *Prosopis ferox* Grisebach, *Prosopis fiebrigii* Harms, *Prosopis hassleri* Harms, *Prosopis humilis* Gillies ex Hooker & Arnott, *Prosopis kuntzei* Harms, *Prosopis pallida* (Humboldt & Bonpland ex Willdenow) Humboldt, Bonpland, & Kunth, *Prosopis palmeri* S. Watson, *Prosopis reptans* Bentham var. *reptans*, *Prosopis rojasiana* Burkart, *Prosopis ruizleali* Burkart, *Prosopis ruscifolia* Grisebach, *Prosopis sericantha* Gillies ex Hooker & Arnott, *Prosopis strombulifera* (Lamarck) Bentham, and *Prosopis torquata* (Cavanilles ex Lagasca y Segura) de Candolle.	Arizona and Hawaii	Forms spiny thickets that prevent use of rangeland for grazing.
Saccharum spontaneum Linnaeus (wild sugarcane)	Hawaii	Competes with and reduces yield of a wide range of agricultural crops.
Salsola vermiculata Linnaeus (wormleaf salsola)	California	Competes with and reduces yield of forage plants.
Solanum torvum Swartz (turkeyberry)	Florida	Forms thickets that prevent the use of rangeland for grazing.
Tridax procumbens Linnaeus (coat buttons)	Florida and Hawaii	Competes with and reduces yield of rice, corn, sugarcane, cotton, peanuts, soybeans, and pineapples.

As reflected in the chart above, it is proposed to add weeds of *Avena sterilis* Linnaeus to the list of terrestrial noxious weeds. *Avena sterilis* Linnaeus is intended to include weeds of *Avena ludoviciana* Durieu, which are currently listed as terrestrial noxious weeds. Previous researchers held weeds of *Avena ludoviciana* to be a species distinct from *Avena sterilis* Linnaeus. However, *Avena sterilis* Linnaeus is now considered to include weeds of *Avena ludoviciana* Durieu. Therefore, in order to avoid confusion, the listing for *Avena sterilis* Linnaeus states that this includes weeds of *Avena ludoviciana* Durieu.

It is proposed to add to the list of noxious weeds all species of *Orobanche* (broomrapes) except certain specified weeds which are native to the United States or widely prevalent in the United States. The five species of *Orobanche* currently listed (*Orobanche aegyptiaca* Persoon, *Orobanche cernua* Loeft., *Orobanche crenata* Forsk., *Orobanche lutea* Baumg., *Orobanche major* L.) are included in the proposed list of species of *Orobanche* even though they are not specifically stated.

One or more common names of weeds are given in parentheses after most scientific names to help to identify the weeds represented by such scientific names; however, a scientific name is intended to include all weeds within the genus or species represented by the scientific name, regardless of whether the common name or names are as comprehensive in scope as the scientific name. It is proposed to add a footnote to the list of noxious weeds to explain this use of the scientific names and the common names. Also, it should be noted that it would be impossible to list commn names for all of the weeds included by the scientific names, because some scientific names are given for which there are no known common names.

It is also proposed to amend scientific names of noxious weeds currently listed in the regulations to reflect nomenclature currently accepted by the scientific community, and to add common names in parentheses after scientific names for certain weeds to help identify such weeds. Accordingly, each entry in the left hand column of the following chart is proposed to be changed as set forth in the right hand column:

Aquatic Weeds

Eichornia azurea (Sw.) Kunth (anchored Waterhyacinth)	*Eichornia azurea* (Swartz) Kunth (anchored waterhyacinth, rooted waterhyacinth).
Hydrilla verticillata F. Muell. (hydrilla)	*Hydrilla verticillata* (Linnaeus f.) Royle (hydrilla).
Monochoria hastata (L.) Solms	*Monochoria Hastata* (Linnaeus) Solms-Laubach.

Monochoria vaginalis (Burm.f.) Presl	*Monochoria vaginalis* (Burman f.) C. Presl.
Salvinia Molesta D.S. Mitchell	*Salvina molesta* D.S. Mitchell (giant slavinia).
Sparganium erectum L.	4*Sparganium erectum* Linnaeus (exotic bur-reed).
Stratiotes aloides L.	*Stratiotes aloides* Linnaeus (water-aloe).
Parasitic Weeds	
Striga spp	*Striga* spp. (witchweeds).
Terrestrial Weeds	
Avena ludoviciana Dur	*Avena sterilis* Linnaeus (including *Avena ludoviciana* Durieu) (animated oat, wild oat).
Carthamus oxyacantha M. B.	*Carthamus oxyacantha* M. Bieberstein (wild safflower).
Commelina benghalensis L.	*Commelina benghalensis* Linnaeus (Benghal dayflower).
Digitaria scalarum (Schweinf.) Chiov	*Digitaria scalarum* (Schweinfurth) Chiovenda (African couchgrass, fingergrass).
Drymaria arenarioides H.B.K.	*Drymaria arenarioides* Humboldt and Bonpland ex Roemer and Schutes (lightning weed).
Imperata brasiliensis Trin.	*Imperata brasiliensis* Trinius.
Ischaemum rugosum Salisb	*Ischaemum rugosum* Salisbury (murainograss).
Leptochloa chinensis (L.) Nees	*Leptochloa chinensis* (Linnaeus) Nees (asian sprangletop).
Mikania micrantha Kunth	*Mikania micrantha* Humboldt, Bonpland, and Kunth.
Oryza longistaminata A. Chev. and Roehr.	*Oryza longistaminata* A. Chevalier and Roehrich (red rice).
Oryza punctata Kotschy ex. Steud.	*Oryza punctata* Kotschy ex Steudel (red rice).
Oryza rufipogon Griff.	*Oryza rufipogon* Griffith (red rice).
Rottboellia exaltata L.f. (itchgrass, raoulgrass)	*Rottboellia exaltata* Linnaeus f. (itchgrass, raoulgrass).

PART 360—NOXIOUS WEED REGULATIONS

Under the circumstances referred to above it is proposed to revise § 360.200 of the noxious weed regulations (7 CFR 360.200) to read as follows:

§ 360.200 Designation of noxious weeds.[1]

Pursuant to the provisions of section 10 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2809) the Secretary of Agriculture, after publication of the required notice of proposal and after public hearing on the proposal when requested by any interested person, has determined based upon the information received at any such hearing and other information available to the Secretary, that the following plants are within the definition of a "noxious weed" in section 3(c) of the Act (7 U.S.C. 2802(c)) and that their dissemination in the United States may reasonably be expected to have, to a serious degree, an effect specified in said section 3(c) of the Act:

(a) *Aquatic Weeds:*
  Azolla pinnata R. Brown (mosquito fern, water velvet)
  Eichornia azurea (Swartz) Kunth (anchored waterhyacinth, rooted waterhycinth)
  Hydrilla verticillate (Linneaus f.) Royle (hydrilla)
  Hygrophila polysperma T. Anderson (Miramar weed)
  Ipomoea aquatica Forsskal (water-spinach, swamp morning glory)
  Limnophila sessiliflora (Vahl) Blume (ambulia)
  Monochoria hastata (Linnaeus) Solms-Laubach
  Monochoria vaginalis (Burman f.) C. Presl
  Sagittaria sagittifolia Linnaeus (arrowhead)
  Salvinia auriculata Aublet (giant salvinia)
  Salvinia biloba Raddi (giant salvinia)
  Salvinia herzogii de la Sota (giant salvinia)
  Salvinia molesta D.S. Mitchell (giant salvinia)
  Sparganium erectum Linnaeus (exotic bur-reed)
  Stratiotes aloides Linnaeus (water-aloe)
(b) *Parasitic Weeds: Cuscuta* spp. (dodders), other than following species:
  Cuscuta americana Linnaeus
  Cuscuta applanata Engelmann
  Cuscuta approximata Babington
  Cuscuta attenuata Waterfall
  Cuscuta boldinghii Urban
  Cuscuta brachycalyx (Yuncker) Yuncker
  Cuscuta california Hooker & Arnott
  Cuscuta campestris Yuncker
  Cuscuta cassytoides Nees ex Engelmann
  Cuscuta ceanothii Behr
  Cuscuta cephalanthii Engelmann
  Cuscuta compacta Jussieu
  Cuscuta corylii Engelmann
  Cuscuta cuspidata Engelmann
  Cuscuta decipiens Yuncker
  Cuscuta dentatasquamata Yuncker
  Cuscuta denticulata Engelmann
  Cuscuta epilinum Weihe
  Cuscuta epithymum (Linnaeus) Linnaeus
  Cuscuta erosa Yuncker
  Cuscuta europaea Linnaeus
  Cuscuta exalta Engelmann
  Cuscuta fasciculata Yuncker
  Cuscuta glabrior (Engelmann) Yuncker
  Cuscuta globulosa Bentham
  Cuscuta glomerata Choisy
  Cuscuta gronovii Willdenow
  Cuscuta harperi Small
  Cuscuta howelliana Rubtzoff
  Cuscuta indecora Choisy
  Cuscuta jepsonii Yuncker
  Cuscuta leptantha Engelmann
  Cuscuta mitriformis Engelmann
  Cuscuta nevadensis I.M. Johnson
  Cuscuta obtusiflora Humboldt, Bonpland, & Kunth
  Cuscuta occidentalis Millspaugh ex Mill & Nuttall
  Cuscuta odontolepis Engelmann
  Cuscuta pentagona Engelmann
  Cuscuta planiflora Tenore
  Cuscuta plattensis A. Nelson
  Cuscuta polygonorum Engelmann
  Cuscuta rostrata Shuttleworth ex Engelmann
  Cuscuta runyonii Yuncker
  Cuscuta salina Engelmann
  Cuscuta sandwichiana Choisy
  Cuscuta squamata Engelmann
  Cuscuta suaveolens Seringe
  Cuscuta suksdorfii Yuncker
  Cuscuta tuberculata Brandegee
  Cuscuta umbellata Humboldt, Bonpland, & Kunth
  Cuscuta umbrosa Beyrich ex Hooker
  Cuscuta vetchii Brandegee
  Cuscuta warneri Yuncker
Orobanche spp. (broomrapes), other than the following species:
  Orobanche bulbosa (Gray) G. Beck
  Orobanche californica Schlechtendal & Chamisso
  Orobanche cooperi (Gray) Heller
  Orobanche corymbosa (Rydberg) Ferris
  Orobanche dugesii (S. Watson) Munz
  Orobanche fasciculata Nuttall
  Orobanche ludoviciana Nuttall
  Orobanche multicaulis Brandegee
  Orobanche parishii (Jepson) Heckard
  Orobanche Pinorum Geyer ex Hooker
  Orobanche uniflora Linnaeus
  Orobanche valida Jepson
  Orobanche vallicola (Jepson) Heckard
Striga spp. (witchweeds)
(c) *Terrestrial Weeds:*
  Ageratina adenophora (Sprengel) King & Robinson (crofton weed)
  Alternanthera sessilis (Linnaeus) R. Brown ex de Candolle (sessile joyweed)
  Avena sterilis Linnaeus (including *Avena ludoviciana* Durieu) (animated oat, wild oat)
  Borreria alata (Aublet) de Candolle
  Carthamus oxyacantha M. Bieberstein (wild safflower)
  Chrysopogon aciculatus (Retzius) Trinius (pilipiliula)
  Commelina benghalensis Linnaeus (Benghal dayflower)
  Crupina vulgaris Cassini (common crupina)
  Digitaria scalarum (Schweinfurth) Chiovenda (African couchgrass, fingergrass)
  Digitaria velutina (Forsskal) Palisot de Beauvois (velvet fingergrass, annual conchgrass)
  Drymaria arenarioides Humboldt & Bonpland ex Roemer & Schultes (lightning weed)
  Euphorbia prunifolia Jacquin (painted euphorbia)
  Galega officinalis Linnaeus (goatsrue)
  Heracleum mantegazzianum Sommier & Levier (giant hogweed)
  Imperata brasiliensis Trinius (Brazilian satintail)
  Imperata cylindrica (Linnaeus) Raeuschel (cogongrass)
  Ipomoea triloba Linnaeus (little bell, aiea morning-glory)

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[1] One or more common names of weeds are given in parentheses after most scientific names to help identify the weeds represented by such scientific names; however, a scientific name is intended to include all weeds within the genus or species represented by the scientific name, regardless of whether the common name or names are as comprehensive in scope as the scientific name.

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Ischaemum rugosum Salisbury (murainograss)
Leptochloa chinensis Linnaeus) Nees (asian sprangletop)
Mikania cordata (Burman f.) B. L. Robinson (mile-a-minute)
Mikania micrantha Humbolt, Bonpland, & Kunth
Mimosa invisa Martius (giant sensitive plant)
Oryza longistaminata A. Chevalier & Roehrich (red rice)
Oryza punctata Kotschy ex Steudel (red rice)
Oryza rufipogon Griffith (red rice)
Pennisetum clandestinum Hochstetter ex Chiovenda (kikuyugrass)
Pennisetum pedicellatum Trinius (kyasumagrass)
Pennisetum polystachion (Linnaeus) Schultes (missiongrass, thin napiergrass)
Prosopis alpataco R. A. Philippi
Prosopis argentina Burkart
Prosopis articulata S. Watson
Prosopis burkartii Munoz
Prosopis caldenia Burkart
Prosopis calingastana Burkart
Prosopis campestris Grisebach
Prosopis castellanosii Burkart
Prosopis denudans Bentham
Prosopis elata (Burkart) Burkart
Prosopis farcta (Solander ex Russell) Macbride
Prosopis ferox Grisebach
Prosopis fiebrigii Harms
Prosopis hassleri Harms
Prosopis humilis Gillies ex Hooper & Arnott
Prosopis kuntzei Harms
Prosopis pallida (Humboldt & Bonpland ex Willdenow) Humboldt, Bonpland, & Kunth
Prosopis palmeri S. Watson
Prosopis reptans Bentham var. *reptans*
Prosopis rojasiana Burkart
Prosopis ruizlealii Burkart
Prosopis ruscifolia Grisebach
Prosopis sericantha Gillies ex Hooker & Arnott
Prosopis strombulifera (Lamarck) Bentham
Prosopis torquata (Cavanilles ex Lagasca y Segura) de Candolle
Rottboellia exaltata Linnaeus f. (itchgrass, raoulgrass)
Saccharum spontaneum Linnaeus (wild sugarcane)
Salsola vermiculata Linnaeus (wormleaf salsola)
Solanum torvum Swartz (turkeyberry)
Tridax procumbens Linnaeus (coat buttons)

(Secs. 4, 10; 88 Stat. 2149, 2151; (7 U.S.C. 2803, 2809); 41 FR 4251, 45 FR 8564)

Done at Washington, D.C., this 28th day of September 1981.

H. L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-28799 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-34-M

Rural Electrification Administration

7 CFR Part 1701

Proposed Rescission of REA Bulletin 180-6:460-2, Selection of Depositories for Funds of REA Borrowers

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed Rule.

SUMMARY: REA hereby proposes to amend Appendix A—REA Bulletins to rescind Bulletin 180-6:460-2, Selection of Depositories for Funds of REA Borrowers. The requirements contained in this bulletin are contained in other REA Bulletins (i.e. 1-7, 26-1, 300-5 and 327-1) and the loan contract. Rescission of this bulletin will eliminate redundancies.

DATE: Public comments must be received by REA no later than: December 1, 1981.

ADDRESS: Submit comments to Sheldon Chazin, Director, Accounting and Auditing Division, Room 4063, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Sheldon Chazin, telephone number (202) 447-3105. The Draft Impact Analysis describing the options considered in the decision to rescind the bulletin and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby proposes to amend Appendix A—REA Bulletins to rescind REA Bulletin 180-6:460-2. This proposed action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major." This action is not subject to the requirements of the Regulatory Flexibility Act. REA Bulletin 180-6:460-2 is proposed for rescission because the policy set forth therein is well understood and followed by both the rural electric and rural telephone borrowers to which it is directed. In addition, the requirements of the bulletin are covered under other existing REA Bulletins (i.e. 1-7, 26-1, 300-5 and 327-1) and the loan contract. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above office. These programs are listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees, 10.851—Rural Telephone Loans and Loan Guarantees and 10.852—Rural Telephone Bank Loans.

Dated September 23, 1981.

Jack Van Mark,

Acting Administrator.

[FR Doc. 81-28652 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-15-M

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7 CFR Part 1701

Revision of REA Specification T-9

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to revise REA Specification T-9, "REA Specification—Single Pole Steel Structures Complete with Arms." The proposed revision will update and bring into conformance with national standards the original Specification T-9, dated December 1971.

DATE: Public comments must be received by REA no later than December 1, 1981.

ADDRESS: Submit written comments to the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Lee Belfore, telephone (202) 447-5117. A Draft Impact Analysis has been prepared and is available from the Director, Engineering Standards Division, at the above address.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Specification T-9, "REA Specification—Single Pole Steel Structures Complete with Arms." This proposal has been issued in conformance with Executive Order No. 12291, Federal Regulation. Since no significant effect on the economy will occur; since no significant increase in cost for consumers, industries or Government will result; and since no significant impact on economic conditions will be caused, this action has been determined to be "not major."

The Regulatory Flexibility Act (Pub. L. 96-354) is not applicable to this action, therefore, a Regulatory Flexibility Analysis will not be prepared.

This proposed action is intended to include reference to NEMA Publication No. TT-1, "Tapered Tubular Steel Structures," which had not been developed when the original specification was published in 1971.

All writtten submissions made pursuant to this action will be made available for public inspection during regular business hours at the above address. This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guaranteed.

Dated: September 18, 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81–28651 Filed 10–1–81; 8:45 am]

BILLING CODE 3410–15–M

Farmers Home Administration

7 CFR Parts 1861 and 1965

Security Servicing for Multiple Family Housing Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise, renumber, and update its regulations relating to security servicing for multiple family housing loans made by the Agency. This action is necessary to reflect changes which have previously occurred in the respective loan programs involving rural rental housing, farm labor housing, rural cooperative housing, and rural housing site loans. The proposed regulation prescribes the actions necessary to process security servicing actions including transfers, reamortizations, consolidations, and other servicing actions affecting the FmHA loan security. These regulations are intended to improve the response time by FmHA to requests from borrowers and for initiating servicing action by redelegating certain approval authorities to the field staff and establishing uniform procedures for processing these requests and the accompanying servicing actions.

DATE: Comments must be received on or before December 1, 1981.

ADDRESS: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6346, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Dean Greenwalt, Multiple Housing Servicing Officer, Multiple Family Housing Management and Servicing Division, Room 5321–S, Farmers Home Administration, 14th and Independence Avenue, SW., Washington, D.C. 20250. Telephone: (202) 382–1615.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be nonmajor. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This instruction does not directly affect any FmHA programs or projects which are subject to A–95 clearinghouse review.

CFDA numbers and titles: 10.405 Farm Labor Housing Loans and Grants, 10.411 Rural Housing Site Loans, 10.415 Rural Rental Housing Loans.

This action requires no change in recordkeeping requirements which have been previously established by each of the respective loan and grant programs and no increase in costs to the Government or the public. There is no impact on proposed budget levels, and funding allocations will not be affected because of this action. We have determined that this regulation maximizes net benefit to society at the lowest net cost.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements". It is the determination of FmHA that the proposed action does not constitute a Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 19–190, an Environmental Impact Statement is not required.

FmHA proposes to revise and redesignate its regulations on security servicing for multiple family housing loans from Subpart C of Part 1861 to a new Subpart B of Part 1965. The purpose of this proposed regulation is to consolidate the security servicing activities relating to the rural rental housing (RRH), rural cooperative housing (RCH), farm labor housing (LH), and rural housing site (RHS) loan programs and ot effect prescribed servicing actions not adequately addressed by the current Agency servicing procedures which have not been significantly revised since their issuance and do not coincide with program authorizations subsequently implemented.

Present regulations relative to security servicing for these loans were issued in 1965 and are inadequate, often requiring special authorization from the National Office for certain routine servicing functions. Furthermore, present FmHA security servicing regulations are not consistent with the reassignment of responsibility for these loans from the County Office to the District Office. FmHA loans will be serviced according to the security instruments of the loan in a manner which will assure that the long term loan objectives are met and are consistent with the respective loan program requirements. These regulations are also intended to improve the Agency's ability to assure the continued availability of the facilities financed under the FmHA multiple housing programs to eligible users.

The alternatives to issuance of the proposed regulations which were considered included not changing existing regulations, partial revision of selected portions of the current regulations, and allowing each FmHA State Office to establish procedures consistent with local practices. Each of these alternatives was rejected because it did not promote efficiency in Agency operations, assure long term compliance with the objectives for which the FmHA assistance was provided, and could lead to a proliferation of regulations and requirements more stringent than necessary and confusing to the public, especially borrowers with operations in more than one jurisdiction. On this basis, the Agency has determined that the chosen alternative maximized the net benefit to society at the lowest net cost.

These regulations as proposed include the following major changes:

1. Section 1965.55 expands the approval authority of the State Director for servicing actions to be consistent with the respective loan program authorizations.
2. Section 1965.58 describes the responsibilities of the State and District Directors to coincide with the expanded approval authorities.
3. Section 1965.62 describes the actions necessary for FmHA to approve borrower transfers of stock, or changes in membership or membership interests in an organization indebted to FmHA.
4. Section 1965.65 describes the actions necessary for FmHA to process and approve the transfer of real estate security and assumption of the FmHA loan.
5. Section 1965.68 incorporates provisions under which FmHA can process and approve the consolidation of certain loan accounts, to improve

borrower efficiency and reduce certain recordkeeping requirements.

6. Section 1965.70 describes the conditions under which FmHA can process and approve reamortization of existing FmHA loan accounts.

7. Section 1965.85 describes the servicing actions which may be taken by FmHA for loans in default and liquidation.

8. Section 1965.90 provides the actions to be taken by FmHA when accepting final payment on rural rental housing and farm labor housing loans and removes certain notification requirements which were previously imposed on FmHA borrowers.

9. Section 1965.94 requires prior approval by the FmHA National Office of any supplements to this regulation proposed by the respective FmHA State Offices.

PART 1861—ROUTINE

§§ 1861.41—1861.48 (Subpart C) [Redesignated as Subpart B of Part 1965 and Revised]

As proposed, Chapter XVIII of Title 7, Code of Federal Regulations is amended as follows: Subpart C of Part 1861 is revised and redesignated to a new Subpart B of Part 1965 which reads as follows:

PART 1965—REAL PROPERTY

Subpart B—Security Servicing for Multiple Housing Loans

Sec.
1965.51 General.
1965.52 Definition.
1965.53–1965.54 [Reserved]
1965.55 Authority of State Director.
1965.56–1965.57 [Reserved]
1965.58 Responsibilities.
1965.59–60 [Reserved]
1965.61 General loan servicing requirements.
1965.62 [Reserved]
1965.63 Issuance or transfer of stock, or change in membership or membership interest in organizations indebted to FmHA.
1965.64 [Reserved]
1965.65 Transfer of real estate security and assumption of loans.
1965.66–1965.67 [Reserved]
1965.68 Consolidation.
1965.69 [Reserved]
1965.70 Reamortization.
1965.71 [Reserved]
1965.72 Deceased borrower.
1965.73 Bankruptcy and insolvency.
1965.74 Divorce actions.
1965.75 Abandonment.
1965.76 [Reserved]
1965.77 Consent to sale or other disposition of security property.
1965.78 [Reserved]
1965.79 Subordinations.
1965.80 [Reserved]
1965.81 Severance agreements.
1965.82 [Reserved]
1965.83 Consent to junior liens.
1965.84 [Reserved]
1965.85 Default and liquidation.
1965.86 [Reserved]
1965.87 Miscellaneous security.
1965.88 [Reserved]
1965.89 Obtaining additional security for inadequately secured loans.
1965.90 Payment in full.
1965.91 Servicing loans in formerly eligible rural areas.
1965.92–1965.93 [Reserved]
1965.94 State Supplements.
1965.95 [Reserved]
1965.96 Nondiscrimination.
1965.97 Exception authority.
1965.98–1965.100 [Reserved]

Authorities: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

Subpart B—Security Servicing for Multiple Housing Loans

§ 1965.51 General.

This subpart prescribes the policies, procedures, and authorizations for servicing and liquidating all Farmers Home Administration (FmHA) multiple housing type loans and labor housing grants. These loans include Rural Rental Housing (RRH), Rural Cooperative Housing (RCH), Rural Housing Site (RHS), and Farm Labor Housing (LH). The servicing functions described in this subpart are for the purpose of assisting the borrower in meeting the objectives of the loan, repaying loans on schedule, complying with FmHA agreements and regulations, protecting the interest of FmHA, and maintaining the security property. Borrowers will be required to pay their debts to the FmHA and other creditors according to their agreements. Borrowers shall be required to operate their facilities according to FmHA regulations and applicable State and local laws and regulations. State Directors with the assistance of OGC should issue necessary State Supplements to assure compliance with State laws. After careful analysis, any borrower in default who does not evidence prospects of attaining successful operations within a reasonable time will have its loan liquidated according to authorizations contained in this subpart and Subpart A of Part 1955 of this chapter.

§ 1965.52 Definitions.

(a) *FmHA.* "FmHA" means the United States of America acting through the Farmers Home Administration; it also includes FmHA's predecessor agencies.

(b) *OGC.* "OGC" means the Regional Attorney or the Attorney in charge in the field office of the Office of the General Counsel of the United States Department of Agriculture.

(c) *Servicing.* "Servicing" includes the broad scope of activities undertaken by FmHA to see that the objectives of the loan are carried out; to assure compliance with the respective policies, procedures and authorizations set forth for each respective loan program; or to bring to a successful conclusion each loan or grant made by FmHA through transfer, sale, reamortization, payment or liquidation.

(d) *Borrowers.* "Borrowers" means all individuals, partnerships, cooperatives, trusts, public agencies, private or public corporations and other organizations which have received a loan or grant from FmHA for LH, RRH, RCH, or RHS purposes.

(e) *Governing body.* "Governing body" means those elected or appointed officials of an organization or public agency type borrower responsible for the operations of the project.

(f) *District Director.* For the purpose of this Subpart, the term also includes the Assistant District Director, and other qualified District Staff who may be delegated responsibilities under this subpart according to the provisions of Subpart F of Part 2006 (available in any FmHA office). In the case of Labor Housing loans still being serviced in the County Office, this definition also includes qualified County Office staff.

(g) *Note.* "Note" includes any note, bond, assumption agreement, or other evidence of indebtedness.

(h) *Mortgage.* "Mortgage" includes deeds of trust and similar real estate security instruments and where appropriate, chattel security instruments.

(i) *Case file.* "Case file" includes the total cumulative records concerning a borrower.

§§ 1965.53–1965.54 [Reserved]

§ 1965.55 Authority of State Director.

(a) Each State Director is authorized to perform the following functions upon determining that the action will not be to the financial detriment of FmHA:

(1) Require additional security when the State Director determines that existing security is inadequate in any case where the loan or security instruments contain the borrower's agreement to give additional security or in any case of default where additional security is acceptable in lieu of other servicing actions.

(2) Require borrowers to carry insurance of the types and amounts determined necessary on property mortgaged to the FmHA. Evidence of insurance is required for Multiple Housing Loans according to the

provisions of Subpart A of Part 1806 of this chapter (FmHA Instruction 426.1).

(3) Approve the issuance or transfer of stock, change or transfer of membership, admittance of new or substitute partners, or withdrawal of partners from a partnership, provided the State Director determines that the requirements of § 1965.63 of this subpart have been met, and that the change will not jeopardize the successful operation of the project, the soundness of the loan, or the eligibility of the borrower.

(4) Approve transfers with assumption of FmHA loan accounts when all development has been completed and the unpaid principal balance and accrued interest does not exceed the State Director's loan approval authority for the type of loan(s) involved. Transfers will be processed according to § 1965.65 of this subpart.

(5) Approve the reamortization of FmHA indebtedness that is within the State Director's loan approval authority for the type of loans involved according to the provisions of § 1965.70 of this subpart.

(6) Consent to the sale, exchange, or release of security property according to the applicable provisions of § 1965.77 of this subpart.

(7) Accept prepayment of RRH, RHC and LH loan subject to the provisions of § 1965.90 of this subpart.

(8) Approve subordination of FmHA lien position if the total debt against the security after the transaction is within the State Director's approval authority for the type of loan(s) involved according to the provisions of § 1965.79 of this subpart.

(9) Approve requests from borrowers for the creation of additional indebtedness. These approvals must take into account the provisions of loan resolutions or other agreements with FmHA and other existing creditors. If the proposed additional debt would make the total outstanding obligations of the borrower exceed the FmHA loan approval limit of the State Director, the borrower's request, complete documentation, and the State Director's recommendations must be sent to the National Office for prior review and authorization to approve.

(10) Renew existing security instruments after consulting with OGC.

(11) Approve, with the concurrence of OGC, changes in a borrower's legal organization including revisions to certifications of limited partnership, partnership agreements, articles of incorporation or charter, bylaws, or trust agreements when the changes proposed will promote better borrower organization and business operation, and will not adversely affect the repayment of the loan, impair the security rights of the FmHA, or make the borrower ineligible for FmHA loan assistance.

(12) Approve the borrower's execution, extension, renewal, modification, or cancellation of contracts of types not covered elsewhere in § 1965.55 when the State Director, with the legal advice of OGC, determines that the action is in the best interest of both the borrower and the FmHA; and, in the case of RRH, RCH, and LH projects, will not be detrimental to the tenants.

(13) Approve the extension or expansion of facilities and services when the action will best serve the interest of both the borrower and the FmHA, and will not be in conflict with the FmHA Regulation under which the loan was made.

(14) Approve the lease of security property according to § 1965.61(e) of this subpart.

(b) The State Director may reject any servicing request not in accordance with the guidelines of this subpart.

(c) Any borrower directly and adversely affected by action under this subpart will be granted the appropriate appeal rights according to Subpart B of Part 1900 of this chapter. Any authority not specifically delegated to the State Director may be requested from the National Office. The requests must be submitted in writing to the National Office for prior authorization and must be consistent with the intent and requirements of each respective loan program. The request will be accompanied by the complete docket and the State Director's specific recommendations.

§§ 1965.56–1965.57 [Reserved]

§ 1965.58 Responsibilities.

(a) District Directors are responsible for:

(1) Keeping sufficiently informed of the borrower's operations to know whether they are operating successfully and complying with their obligations to the FmHA.

(2) Furnishing borrowers with information, notices, reminders, advice and assistance, and taking other actions regarding the loan obligations and compliance therewith as considered necessary to determine whether borrowers are operating successfully are complying with their loan obligations, and are likely to continue with compliance.

(3) Promptly reporting to the State Director the failure of any borrower to comply with the terms and conditions of its agreements with FmHA after noncompliance has been brought to the attention of the borrower and recommended corrective action has not been taken.

(4) Furnishing training and technical guidance not readily available through other sources to borrwers to protect the FmHA's interests. This training and guidance may relate to business operations, project management, personnel training, membership activities, or any other phase which vitally affects the borrowers operations.

(5) Maintaining the Management System Card System according to Subpart A of Part 1905 of this chapter (available in any FmHA office) to assure prompt compliance by borrowers with FmHA requirements relating to repayments, budgets and reports, taxes, insurance and bond renewals, reports required by State law or regulations as indicated in State Supplements, security instrument expirations, and other items of loan and security servicing.

(6) Maintaining the official borrower case files according to the requirements of Subpart A of Part 2033 of this chapter (available in any FmHA office).

(7) Prompt collection of loan obligations to the FmHA and servicing security for those loans.

(b) State Directors are responsible for:

(1) Coordinating and directing loan servicing activities relating to borrowers and performing other functions as prescribed by this Subpart.

(2) Designating appropriate State staff member(s) responsible for loan servicing, appraising and for providing District Directors with technical guidance, training and follow-up supervision to service loans.

(3) Administrative follow-up to ascertain that District Directors carry out their responsibilities.

(4) Coordination with OGC.

(5) Maintaining necessary liaison with State and local officials.

§§ 1965.59—1965.60 [Reserved]

§ 1965.61 General loan servicing requirements.

(a) *Payments.* Payments will be handled according to the applicable provisions of Subparts A and B of Part 1951, and Subparts D and E of Part 1944 of this chapter.

(b) *Borrower reports, audits, and analyses of this chapter.* Borrower reports, audits, and analyses, including the approval or disapproval of annual operating budgets, requests for rent increases, and occupancy problems will be processed and handled according to Subpart C of Part 1930 of this chapter.

(c) *Maintenance.* Project maintenance is of utmost importance. All projects must be adequately maintained not only to protect the Government's interest, but also to attract potential clients (tenants for rental projects, purchasers for RHS). Maintenance should be reviewed during each supervisory visit and appropriate recommendations made to the borrower. The District Director will inspect the real estate security as required by Subpart C of Part 1930 of this chapter.

(d) *Actions by third parties affecting FmHA security.* Cases including third party action will be handled according to the provisions of § 1872.2(c) of Subpart A of Part 1872 of this Chapter (Paragraph II C of FmHA Instruction 465.1), except that references to the County Supervisor shall be construed to mean District Director when applied to multiple housing type programs.

(e) *Lease of security property.* The leasing of property (except to tenants for specific program purposes) serving as security for multiple housing loans and grants other than as indicated in this section is not authorized. Approval of leases by the State Director is authorized in the following cases:

(1) *Leases to public housing authorities.* RRH or RCH borrowers may be permitted to continue leasing all or part of the housing facilities to a housing authority with the benefits of the HUD Section 23 leasing program as the leases are renewed. No new leases will be entered into. The lease will be on a form provided by the housing authority and must be on terms that will enable the borrower to continue the objectives of the loan and make payments on schedule.

(2) *Lease of a portion of the security property.* When the RRH or RCH borrower will continue to operate the facilities for the purpose for which the loan or grant was made, the State Director may approve the leasing of related facilities such as laundries, commissary stores, recreational facilities and community buildings, subject to the applicable provisions of § 1944.212 of Subpart E of Part 1944 of this chapter and according to the following conditions:

(i) The lease is advantageous to the borrower and the tenants, and will not impair the Government's interest.

(ii) The amount of the consideration is adequate. The consideration must be sufficient to pay all prorated expenses and the prorated part of the loan amortization at the note rate of interest.

(iii) Consent to the lease shall not exceed one year at a time.

(iv) If foreclosure action has been approved, consent to lease and use of proceeds will be granted only under directions from OGC or the U.S. Attorney as appropriate.

(v) When another lienholder's mortgage requires consent of that lienholder to a lease, written consent will be obtained prior to FmHA approval of the lease.

(3) *Mineral leases.* Mineral leases will be handled according to § 1872.8(d) of Subpart A of Part 1872 of this chapter (Paragraph VIII D FmHA Instruction 465.1) except that all references to County Supervisor will be construed to mean District Director when applied to the Multiple Housing Programs.

(4) *Processing.* When a borrower requests consent to lease a portion of the security property or the District Director discovers that the borrower is leasing the security without consent, Form FmHA 465-1 "Application for Partial Release, Subordination or Consent" will be prepared.

(i) The form will show the terms of the proposed lease and will specify the use of proceeds, including any proceeds to be released to the borrower.

(ii) The form will be submitted to the State Director, along with a copy of the lease, official borrower case files, the District Director's comments and recommendations, and any other information pertinent to the transaction.

(iii) The State Director will review the material, obtain the guidance of OGC prior to indicating approval or disapproval on Form FmHA 465-1, and provide additional servicing instructions to the District Director.

(f) *Consent of lienholders.* Before FmHA consents to any transaction which affects its security or lien position, the written consent of any other lienholders must be obtained. The consent will include an agreement on the disposition of any funds resulting from the transaction and will be consistent with the respective loan program requirements.

§ 1965.62 [Reserved]

§ 1965.63 Issuance or transfer of stock, or change in membership or membership interest in organizations indebted to FmHA.

Organizations which may be indebted to FmHA include, but not limited to, public bodies, broadly-based nonprofit corporations, nonprofit organizations of farmworkers, nonprofit organizations that are not broadly-based, such as those receiving LH loans prior to June 10, 1973, or those indebted for RHS loans, associations of farmers, consumer cooperatives, profit and limited profit corporations, trusts, and profit and limited profit partnerships and limited partnerships. This section describes the policy of FmHA in approving changes of membership, membership interest, or transfer or issuance of stock in these organizations, to determine the continued eligibility of the borrower entity. It *does not* cover the sale or exchange of title to the security property.

(a) *Broadly-based nonprofit corporations or nonprofit organizations of farmworkers.* FmHA consent will not be required for broadly-based nonprofit corporations or nonprofit organizations of farmworkers indebted to FmHA to change or transfer membership. Each organization, however, must maintain the number and type of members required by its Article of Incorporation and Bylaws. Organizations not maintaining the required membership will be serviced according to § 1965.63(d) of this subpart.

(b) *Other organizations.* Other organizations indebted to FmHA may or may not issue stock. They are, however, required by the loan agreement or resolution to obtain prior FmHA consent to transfer stock, to transfer any interest or to change any interest in the borrower. Therefore, when organizations with an existing loan request FmHA consent to: Issue additional stock; transfer stock; change membership or membership interests; admit new or substitute general partners of any kind; withdraw partners of any kind; alter the beneficiary of the trust; or, when such a change has taken place without FmHA consent, the District Director shall process Form FmHA 465-1 for submission to the State Director. The State Director is authorized under § 1965.55(a) of this subpart to approve or disapprove these transfers or changes on Form FmHA 465-1. For approval, the State Director must determine that the following conditions will be met:

(1) The borrower shall provide a listing showing the name, address, and percent of ownership of each member, stockholder, partner, or beneficiary of a trust that will have an interest in the organization.

(2) All new or substitute general partners, members, or stockholders that will hold an interest in the organization in excess of 10 percent must submit a current, dated, and signed financial statement showing assets and liabilities, with information on the status and repayment schedule of each debt. All financial statements submitted must comply with the reporting requirements set forth in Exhibit A-6 to Subpart E of Part 1944 of this Chapter. A resumé must also be submitted, together with a statement setting forth any identity of interest as described in Exhibit A-6 to

Subpart E of Part 1944 of this chapter. The resumé should also explain the past performance, experience, qualifications, and abilities of the individual or organization except for limited partners in a limited partnership, who are obtaining an interest in the borrower organization.

(3) The borrower must be unable to provide the housing or other facilities from its own resources and must be unable to obtain the necessary credit from private or cooperative sources on terms and conditions that would enable the borrower to refinance the FmHA indebtedness and operate the project for amounts within the payment ability of those eligible to occupy the housing or benefit from the project. When tenants are benefiting from any FmHA or other Government subsidy program, the continued availability of the subsidy will be considered in making this decision. For profit and limited profit organizations, the assets of the individual general partners, members, or stockholders will also be considered.

(4) This type of change should be made on a cash basis, but terms may be permitted if the State Director determines that the terms will not adversely affect the operations of the project. Liens may not be taken against the security. Payments on any debt incurred for the purchase of the stock or interest in the organization will *not* be considered authorized debt payments and will not be included in project operations as a budgeted expense.

(5) In the case of the sale of the interest of a general partner, or the admission of a substitute general partner, in either a limited partnership or a general partnership, the new or substituted general partner must agree to assume the responsibilities and obligation of the withdrawing general partner under the terms of the FmHA promissory note, mortgage, and the borrower's partnership agreements. This includes the assumptions of the personal liability, if any, of the withdrawing general partner. To accomplish this, the new or substitute general partner must execute an agreement as follows:

Assumption of Withdrawing Partner's Obligations

In consideration for being approved by the Farmer's Home Administration (FmHA) for admission as a general partner into ———— (the partnership), the undersigned hereby assumes all responsibilities and obligations of ———— under the terms of the Partnership Agreement dated ————, the terms of (a) (all) note(s) or assumption agreement(s) dated ———— in the respective amount(s) of ————, and the terms of the FmHA security instrument(s) taken on the partnership property dated ———— and filed for record in the ———— office at ————, Document No. or Book and Page No. ————

Date ———— ————

Signature of New or Substitute Partner

(6) Any stockholder, member, or partner personally liable for the FmHA indebtedness will not be released of liability unless the new stockholder, member, or partner is made personally liable for the FmHA debt on an agreement approved by OGC, and the State Director determines that the assets and net worth of the new stockholder, member, or partner are substantially the same as or greater than that of the party to be released.

(7) The State Director must determine that approval of the transaction will not adversely affect the FmHA program in the area, that the objectives of the loan will not be changed, and that the successful operation of the project will not be jeopardized. In making this determination, the State Director must consider the past performance, experience, qualifications and abilities of any individual or organization obtaining an interest in the borrower organization, other than a limited partner in a limited partnership. However, the past performance, experience, qualifications and abilities of any, individual or organization will be considered when that individual or organization is obtaining the majority interest of the limited partners in a limited partnership.

(8) For LH loans made to an association of farmers, the new member (stockholder) or members must be eligible farmers as described in Subpart D of Part 1944 of this chapter.

(9) For loans made to a Trust, any changes in the beneficiary will be reviewed by OGC for compliance with program requirements before the State Director takes action on the borrower's request.

(c) *RCH consumer cooperatives.* Changes in the membership of RCH consumer cooperative borrowers will be processed according to the provisions of the Subscription Agreement and the Occupancy Agreement (Exhibits A and B to FmHA Instruction 444.7 (available in any FmHA National, State or County Office).

(d) *Changes in required membership number.* Should the minimum number of required members in any organization fall below that prescribed by their organizational documents, the following actions will be taken:

(1) The District Director will provide the State Director with a complete written report of the circumstances including the organization's plan for obtaining additional membership and the continued operation of the project. The District Director should submit this report only after he or she has personally met with the governing body and found that they will not be able or willing to comply with FmHA requirements. The report should be precise and include recommendations on further servicing actions.

(2) The State Director will review the report and evaluate the adverse effect the noncompliance will have on the loan. If it appears that the interest of the United States will be adversely affected, the State Director will forward the material together with appropriate comments and recommendations, to the Regional Attorney for review and guidance in the continued servicing or liquidation of the account as appropriate. The State Director will provide the District Director with instructions for servicing the account.

(e) *Unauthorized stock, partnership, or membership changes.* Unauthorized stock, partnership, or membership changes which the State Director cannot approve under the conditions of this section will be submitted to the National Office for handling if the State Director recommends approval.

§ 1965.64 [Reserved]

§ 1965.65 Transfer of real estate security and assumption of loans.

This section applies when there is an actual transfer of title to the security property and liability for the FmHA indebtedness is assumed by an organization or an individual who is not presently liable for the debt against the security property.

(a) *General.* Borrowers should be properly informed during loan processing that each applicant must have the ability and intention to own and operate the proposed housing project for the purposes for which the loan is made. Except for RHS loans, the loan approval official should make sure that loans are not approved or closed for applicants that plan to sell their projects within a short period of time.

(1) When the mortgage or deed of trust requires FmHA consent to the sale or other transfer of real estate security, the borrower should be advised of its provisions. Before firm agreements are reached between the borrower and the proposed purchaser or transferee, the District Director should be contacted relative to the proposed sale or transfer.

(2) Proposed transfers that do not benefit the tenant or the Government will not be approved. Any RRH borrower selling the project solely to

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obtain equity should be informed that it is unlikely that that borrower can be considered eligible for other loans under § 1944.211(a) of Subpart E of Part 1944 of this chapter.

(3) If a proposed sale will not result in the FmHA account being paid in full, the District Director will explain the transfer requirements of this section as they relate to the transaction.

(4) In all cases, especially when a transferor receives a substantial downpayment, the purchaser is required to provide evidence of its inability to obtain credit elsewhere on rates and terms that will not cause rental rates in excess of what low- and moderate-income tenants could afford.

(b) *State Director authority.* The State Director is authorized under § 1965.55(a)(4) of this subpart to approve initial and subsequent transfers to eligible and ineligible transferees with an appropriate assumption of the FmHA unpaid loan balance when the principal amount plus accrued interest is within the State Director's loan approval authority, subject to the following general conditions and requirements:

(1) Transfers to eligible applicants will receive preference over transfers to ineligible applicants, provided recovery to FmHA is not less than it would be if the transfer were to an ineligible applicant.

(i) Transfers to eligible applicants will generally be completed on the basis of same terms if the loan account is current or can be brought current when the transfer and assumption is closed.

(ii) Transfers to ineligible applicants, and eligible applicants assuming loans which are delinquent and cannot be brought current at the time of closing, will be transferred on the basis of new terms.

(2) The present borrower must be unable or unwilling to accomplish the objectives of the loan and the transfer must be in the best financial interests of the Government.

(3) If the authorized FmHA appraiser determines that the total secured FmHA debt(s) exceeds the present market value of the security, the transferee must assume an amount at least equal to the present market value less any prior liens. In those cases, the transferor will not be released from liability and the remaining debt will be processed according to the applicable provisions of Part 1864 of this chapter (FmHA Instruction 456.1). Otherwise, the transferee will assume the total FmHA secured debt(s). Security must be adequate for the FmHA indebtedness being assumed. Security will be upgraded if necessary to meet FmHA standards.

(4) The transferor should not receive any equity payment unless the total unpaid FmHA indebtedness is assumed, all real estate taxes are current, and the FmHA loan payment and reserve account is on schedule at the time of transfer, less any authorized withdrawals. Any equity payment due the transferor should be paid in cash at the time of transfer. Any equity payment on terms will not be authorized unless the reserve account is current or unless authorized by the National Office. If paid on terms, the terms and conditions must be documented in the file and the transferee must be able to meet the obligations from outside sources without jeopardizing the operation of the project. Any equity payment to be made on terms shall not be considered an authorized debt payment of the project. Furthermore, any equity payment which includes an unsecured note is not authorized unless the approval official determines:

(i) The transferee has sufficient resources to meet the terms of the note from other than project income.

(ii) There are no other available transferees with the ability to pay the equity in cash.

(iii) That to disallow the unsecured note would be adverse to the interests of the Government and/or the tenants if the transfer is not permitted to go forward in a timely manner.

(iv) No rental income will be used to make payments on the note.

(v) There also may be no aliens attached either to the secured property or to revenue from operation of the property.

(vi) An assignment of project income will be taken by FmHA as additional security with the advice and guidance of OGC.

(vii) A return to owner will not be allowed on any portion of equity being carried by the transferor in the form of a note.

(5) If a payment to the transferor is to be made in connection with the transfer, the total FmHA debt must be assumed unless the payment received by the transferor is applied on a prior lien or to the portion of the transferor's FmHA debt not assumed. When the full amount of the FmHA secured debt is assumed and other FmHA debts owed by the transferor are not adequately secured, the State Director may, as a condition of approving the transfer, require that all or a part of any equity payment be applied on those debts.

(6) There must be no lien, judgment, or other claims against the security being transferred other than those by FmHA and those authorized prior liens to which FmHA has previously agreed, unless prior written approval is obtained from the National Office.

(7) When the loan(s) is secured by both chattel and real estate, all chattel security must be transferred, sold, or liquidated by the time of closing the transfer of the real estate.

(8) The transferee must complete and submit Form HUD 935.2, "Affirmative Fair Housing Marketing Plan," for the State Director's approval or provide evidence of being a signatory to a voluntary affirmative marketing agreement approved by the Department of Housing and Urban Development in accordance with Subpart E of Part 1901 of this chapter.

(9) When the spouse of a deceased individual borrower is not currently liable for the indebtedness, a transfer and assumption to the spouse can be accomplished through the use of Form FmHA 460-9, "Assumption Agreement (Same Terms-Eligible Transferee)"; on the same rates and terms if the spouse is determined to be an eligible applicant according to the applicable provisions of the respective loan program and this subpart.

(10) In the case of borrowers with a loan agreement or resolution, the transfer must be completed with the advice and closing instructions of the OGC.

(11) The rents can be increased to the tenants only if the provisions of paragraph IX of Exhibit B, to Subpart C of Part 1930 of this chapter (FmHA Instruction 1930-C) are met. In considering any rent increase, the rents of comparable units in the community must be considered. In no case should the rents be higher than comparable rents in the area.

(12) The transferee will be required to submit monthly and annual reports according to § 1930.124 (a) and (b) of Subpart C of Part 1930 of this chapter.

(c) *Transfers to eligible applicants.* Transfers of security with an assumption of FmHA debts by transferees who are eligible applicants for the type of loan being assumed may be approved subject to the general conditions contained in § 1965.65(b) of this subpart and the following:

(1) An eligible transferee will be required to make an additional payment on the FmHA secured debts whenever financially able. When a payment is required, the transfer will not be closed nor the appropriate assumption agreement executed prior to receipt of the payment.

(2) If the full debt is assumed at the same interest rate and terms, Form FmHA 460-9 will be executed by the

transferee according to the Forms Manual Insert (FMI).

(3) The unpaid FmHA indebtedness being transferred should be current at the time of transfer. If this is not the case, the transfer may be authorized on new terms to remove any delinquency or to extend the existing loan repayment period to the extent possible, considering the remaining security. Transfers of rental property, on new terms may increase the interest rate to the current rate and extend the final due date to the maximum term authorized by the appropriate loan program. The new repayment period, however, cannot exceed the repayment period for a new loan of the type involved. To complete the transfer on new terms, the transferee may execute Form FmHA 460–5, "Assumption Agreement (New Terms)". (RRH loans being transferred on new terms may be consolidated under § 1965.68 of this subpart). The interest rate charged in those cases will be as follows:

(i) All loans except LH loans will be transferred at the current rate being charged for those loans, or the note rate of interest, whichever is greater.

(ii) LH loans will be transferred at the rate specified in the note, except that loans transferred to public bodies, nonprofit organizations of farmworkers, and broadly-based nonprofit corporations for LH purposes may be at a one percent interest rate regardless of the rate specified in the note if the State Director determines that the reduction is necessary in order to maintain rental rates at a level affordable to the tenants. When the State Director determines that a transfer at one percent is necessary for other types of LH transferees, the case should be submitted to the National Office, with the State Director's recommendations and justifications for consideration.

(iii) Loans for RRH and RCH projects which are amortized on an annual payment basis and are transferred on new terms through the use of Form FmHA 460–5, shall be converted to a monthly payment amortization. This may be accomplished by changing the date to be inserted for item 15 of the Forms Manual Insert for Form FmHA 460–5 to the date which is one month from the effective date of Form FmHA 460–5. Also, the words "each January 1" on the fifth line of payment alternative (a) on the reverse of Form FmHA 460–5 should be deleted. In their place should be the word "the" followed by the numerical day of the month in which Form FmHA 460–9 is effective (or 28th, whichever is less), and the words "day of the month".

(4) For rental projects, the transferor's project operating accounts, reserve account, any tenant security deposits, any balance remaining in the transferor's supervised bank account, and any equipment purchased with project funds, will be transferred to the transferee. Any RA payments not received by the transferor, will be assigned to the transferee. Every attempt should be made to have the funds in the reserve account at the scheduled level and transferred to the transferee at the time of transfer. If the RRH transferee wishes to convert to the loan agreement/resolution format of Form FmHA 1944–33, "Loan Agreement", 1944–34, "Loan Agreement", or 1944–35, "Loan Resolution", as appropriate, the transferee may accomplish this by amending the existing loan agreement/resolution with the advice of OGC according to § 1965.65(c)(10) of this subpart.

(5) Any excess development funds held in a supervised bank account must be refunded to the respective loan account upon receipt of the transfer request.

(6) A loan and/or grant may be made in connection with a transfer subject to the policies and procedures governing the kind of loan and/or grant being made. Loan and/or grant funds may *not* be used, however, to pay equity to a transferor.

(7) The transferee must prepare operating budgets, as required by the appropriate program regulations governing the kind of loan being transferred, covering the first partial year and the next full year's operation. The budgets must be realistic and reflect sufficient funds to pay operation and maintenance expenses, maintain any required reserve, and keep the FmHA account(s) current. The charges for the use of the facility or services must be within the payment ability of those it is intended to serve. A current utility allowance must also be prepared when required by program regulations.

(8) For transfers of RRH loan accounts, current executed Form FmHA 444–8, "Tenant Certification," must be provided for each tenant, as required by Paragraph VI E of Exhibit B to Subpart C of Part 1930 of this chapter, evidencing that the units are or will be occupied by eligible tenants when the transfer is closed.

(9) For transfers of RRH and LH loan accounts, all leases should also be assigned to the transferee no later than the date of closing.

(10) The proper type of loan agreement or loan resolution for the type of transferee involved must be in effect and secured by the mortgage or deed of trust at the time of transfer. If changes are needed in the existing loan agreement or loan resolution to accomplish this, amendments must be made to the existing loan agreement or resolution secured by the mortgage on the security property with the advice and approval of OGC or any other method acceptable to OGC.

(11) A limited profit RRH transferee's initial investment in the project will be considered the lesser of:

(i) The cash amount actually contributed to the project by the transferee (This may also be considered to mean the net cash value of any property being exchanged by the transferee); or,

(ii) The difference between the FmHA appraised value of the project and the amount of the unpaid FmHA loan balance at the time of transfer.

(12) The rate of return permitted on a limited profit RRH transferee's initial investment will not exceed the rate stated in the appropriate loan agreement or resolution for the type of borrower as set forth in § 1944.215 (e) of Subpart E of Part 1944 of this chapter when the transfer is approved.

(13) If the transfer involves an RRH or RCH loan using interest credit with a Form FmHA 444–7, "Interest Credit Agreement" or "Interest Credit and Rental Assistance Agreement" in effect, it will be cancelled as of the date of the transfer. If the transfer is to be made on a nonprofit or limited profit basis, the transferee may receive interest credit if the transferor was eligible for interest credit according to Exhibit B to Subpart 1944–E. A new Form FmHA 444–7 will be executed by the transferee, attached to Form FmHA 460–5 or 460–9, as appropriate and submitted (simultaneously with any interest credit cancellation for the transferor) to the Finance Office when the transfer is closed.

(14) A transferee may participate in the rental assistance program if the transferor's project is an eligible project and the transferee is an eligible borrower according to Exhibit C to Subpart E of Part 1944 of this chapter. If the transferor participates in the rental assistance program, the transferee may assume the remaining portion of the transferor's rental assistance agreement if the transferee is eligible. When the transferee is assuming the transferor's rental assistance agreement, the appropriate information concerning the transferor's rental assistance agreement will be shown in a memorandum to Finance Office which is submitted simultaneously with Form 460–5 or 460–

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9, and Form FmHA 444-7. If the transferee will not be assuming an existing Rental Assistance Agreement, the agreement will be cancelled and Finance Office notified of the cancellation.

(15) If a project operates under the HUD Section 8 program the HAP contract must also be assigned to the transferee with prior approval from HUD. This approval must be obtained so that the assignment of the HAP contract occurs no later than the closing of the transfer.

(16) The transferee must thoroughly understand all loan requirements including the tenant eligibility, the management, reserve account, audit, and reporting requirements of applicable FmHA regulations, and the loan agreement or loan resolution. Before the transfer is closed the District Director shall carefully review with the transferee Subparts E and L of Part 1944, Subpart C of Part 1930 of this chapter, and the loan agreement or resolution with the transferee.

(17) Release of liability will be considered according to the following:

(i) When all FmHA security is transferred and the total outstanding debt is assumed, the policy will be to release the transferor from liability.

(ii) In those cases where the value of the security transferred and debt assumed is less than the full amount of the FmHA debt, the transferor may be released from liability if the State Director determines that the transferor has no reasonable debt-paying ability considering assets and income at the time of the transfer, and certifies that the transferor has cooperated in good faith, has used due diligence to maintain the security property against loss, and has otherwise fulfilled the covenants incident to the loan to the best of the borrower's ability. The approval official must execute a memorandum containing the following statement for inclusion in the official case file:

(Transferor's name), in our opinion, does not have reasonable debt-paying ability to pay the balance of the debt not assumed after considering its assets and income at the time of the transfer. Transferors have cooperated in good faith, used due diligence to maintain the security against loss, and otherwise fulfilled the covenants incident to the loan to the best of its ability. Therefore, we recommend that the transferor be released of personal liability upon the transferee's assumption of that portion of the indebtedness equal to the present market value of the security property.

(18) When a loan has been made to a joint borrower, and one of the joint borrowers (including the jointly liable former spouse of a divorced borrower) withdraws from the operation and conveys his/her interest in the security property to the remaining borrower who desires to assume the total indebtedness, the assumption will be made on the basis of the existing note(s) if the remaining borrower is eligible by use of Form FmHA 460-9, or in case of an ineligible transferee, on terms applicable to ineligible applicants. Form FmHA 450-10, "Advice of Borrower's Change of Address or Name", will be submitted to the Finance Office when the account will be continued with the remaining borrower(s) under a different name. In either case, the former spouse or previous joint owner will be released of liability for the indebtedness if the conditions of this section are met, except when a divorce decree or other court action has awarded the security property to one joint borrower and provides that the other would be responsible for paying all or part of the mortgage payments.

(19) All transfers of RRH, RCH and LH loans approved prior to December 21, 1979 which are transferred to eligible applicants on new terms will become subject to the prepayment requirements of Section 502(c) of Title V, Housing Act of 1949, as amended. The appropriate restrictive language concerning prepayment set forth in § 1944.176(c)(2) of Subpart D of Part 1944 for LH loans or § 1944.236(b)(4) of Subpart E of Part 1944 of this chapter for RRH and RCH loans must be inserted in the Assumption Agreement and in the Loan Agreement or Resolution. For transfers on new terms the period will begin on the date the transfer and assumption is closed.

(d) *Transfers to ineligible applicants.* The transfer of an FmHA loan account to a transferee who is an ineligible applicant for the type of loan involved will be considered only when the transfer is needed as a method for servicing a problem case in which the objectives of the original loan cannot be realized and an eligible transferee is not available. Transfers will not be considered when they basically serve as a method for providing a means by which members of a borrower-organization can obtain an equity payment, or when they serve basically as a method of providing a source of credit for purchasers. The State Director is authorized to approve transfers to ineligible applicants, subject to the general conditions of § 1965.65(b) and the following:

(1) Each transferee is required to make as large a downpayment on the FmHA secured indebtedness as the transferee is financially able to make under the circumstances. However, transfers to ineligible applicants can only be approved when at least a 10 percent downpayment is made.

(2) The transferee must have the ability to pay the FmHA debt(s) according to the assumption agreement and must possess the legal capacity to enter into the contractual agreement.

(3) The balance of the FmHA indebtedness assumed must be scheduled for repayment in two years or less for RHS accounts, and usually 10 years or less for other types of multiple family loan accounts. If longer terms are needed for LH, RRH, or RCH projects with multiple unit structures, the State Director may authorize longer terms up to 20 years (Single family type structures may be sold on terms for 15 years or less). Amortized monthly or annual installments will be charged with interest to the transferee at the rate currently applicable to above-moderate RH loans, including insurance charges, or at the rate of interest specified in the note(s) being assumed, whichever is greater. Form FmHA 460-5 will be executed by the transferee.

(4) The State Directory may release the transferor from liability under the same provisions as stated in § 1965.65(c)(16) of this subpart only when all of the real estate security for a loan is transferred; the total outstanding indebtedness or that portion of the debt equal to the present market value of the security is assumed; and the debt assumed by the ineligible transferee is scheduled for repayment in five years or less from the date of the assumption agreement.

(5) When an ineligible transferee assumes an FmHA loan scheduled for repayment in more than 5 years from the date of the assumption agreement, the transferor must acknowledge their continued liability for the debt by signing an agreement as follows:

Continued Liability Agreement of Present Debtors

The undersigned hereby acknowledges the continued personal liability for the indebtedness owed to the FmHA and assumed by (assuming parties)———— under assumption agreement dated————.

Date ————————————————

(The original of the signed agreement will be attached to the original assumption agreement, a copy filed in the transferee's District Office case folder, and a copy provided the transferor.)

(6) Transfers to ineligible applicants of loans made on or after December 21, 1979, will not be authorized without the prior consent and authorization of the National Office. Authorization must be requested in writing and include all the

information required in § 1965.65(e) of this subpart.

(7) Those loans which are transferred to ineligible applicants will be classified as Other Real Estate (ORE) and serviced according to this Subpart to the extent possible. Those cases which cannot be serviced according to this Subpart will be forwarded to the National Office for advice and guidance.

(e) *Submission to National Office.* In those cases where the proposed transfer cannot be made in compliance with sections 1965.65 (a) and (b) or (c) of this subpart, the State Director may submit the entire proposal, complete with all the case files, the State Director's specific recommendations and justifications to the National Office for review, consideration, and any special instructions for handling the account(s). The State Director must have determined prior to submission, however, that it is in the best interest of the Government to permit the transfer before submitting the proposal for consideration. All transfers where the total indebtedness (principal and interest) exceed the State Director's approval authority must be submitted to the National Office for prior review and authorization to approve the transfer request.

(f) *Processing transfers.* (1) Form FmHA 465-5, "Transfer of Real Estate Security," must be completed to reflect the agreement between the transferor and transferee. The form will be prepared to show all agreements involved such as the prorating of taxes and insurance, title, legal and filing fees, equity and method of payment, assignment of project accounts and leases, and other appropriate items. The effective date of the transfer is the actual date the transfer is closed and Form FmHA 460-5 or 460-9, as appropriate, is executed. This is the date the loan account(s) is/are assumed by use of Form FmHA 460-5 or 460-9, as appropriate. The unpaid principal balance and accrued interest to be shown on Form FmHA 460-5 or 460-9 will be computed from Form FmHA 451-26, "Transaction Record," or Form FmHA 451-11, "Statement of Account." The transferee also will be advised of the total amount paid as of the closing date which has not been credited to the account, the payment required to place the account on schedule as of the previous installment due date, and any payments required to bring any monthly or annual payments current. If the loan account cannot be brought current the transfer will be closed on new terms at the note rate or current interest rate, whichever is greater.

(2) When the property transferred will continue to be used for the same or a similar purpose for which Federal financial assistance was extended, the transferee must sign Form FmHA 400-4, "Assurance Agreement."

(3) An FmHA official authorized to make the appropriate type of appraisal involved will supplement the present appraisal report by attaching information to the "Remarks" section as to the present market value of the property to be transferred if the last appraisal is less than one year old and the tranfer is within the State Director's approval authority. A new appraisal prepared according to program requirements is required in all other cases or whenever the Transfer Approval Official determines that a new appraisal report is needed.

(4) When the transfer docket forms are completed, the approval official must determine that:

(i) The proposed transfer conforms to the applicable procedural requirements,

(ii) Each form is prepared correctly according to the Forms Manual Insert or other appropriate regulations, and

(iii) Items such as names, addresses, and the amount of the indebtedness to be assumed are the same on all forms in which those items appear.

(5) The District Director will record in the Running Case Record or in memo form the pertinent information concerning the negotiations made by an eligible transferee and the discussion between FmHA personnel, the applicant's creditors, and other lenders concerning the availability of other credit. The investigation and availability of other credit for eligible transferees will be documented in the case file as required for the kind of loan being assumed. Any letters from lenders or other evidence which may have been obtained indicating that the applicant is unable to obtain credit elsewhere on rates and terms that would not cause rental rates to be in excess of what low- and moderate-income tenants could afford will be included in the docket.

(6) A compliance review should be conducted as required by Subpart E of Part 1901 of this chapter, if one has not recently been completed.

(7) The district Director will forward the transferee's application docket and the official case file, with any comments and recommendations to the State Office. The following table will be used as a guide in distributing the necessary forms for a transfer docket:

Form No.	Name of form or document	Total No. of copies	Signed by borrower	Number for loan docket	Copy for borrower
*AD-625	Application for Federal Assistance (Short Form).	3	1	2-O and 1C	1-O.
*HUD Form 2530	Previous Participation Certificate.	2	1	2-O and 1C	1-C.
	*Information to be submitted with Preapplication for Loan as required by program regulations specifically related to applicant eligibility.	2	O	1-O	1-C.
	*Letter of Application with applicable attachments as required in Subpart G of Part 1822 (FmHA Instruction 444.8) or Subpart D or E of Part 1944.	2	1	1-O	1-C.
	**Evidence of Legal Authority (Copies of citation of specific provisions of State constitution, statutory authority, etc.).	2	1	1-O	1-C.
	**Proof of Organization (certified copy of Charter, Articles of Incorporation, or Certificate of Limited Partnership, etc.).	2	1	1-O	1-C.
	**Certified copies of bylaws, partnership agreement, or regulations.	2	1	1-O	1-C.
	**List of names and addresses of officers, directors, and members, and ownership interest held by each.	2	1	1-O	1-C.
	A current financial statement from the transferee, and others, as required by appropriate program regulations.	2	1	1-O	1-C.
	*Credit Report(s)	1		1-O	
FmHA 465-5	Transfer of Real Estate Security[3].	3	1-O	1-O	1-C.

Form No.	Name of form or document	Total No. of copies	Signed by borrower	Number for loan docket	Copy for borrower
*FmHA 1930-7	Statement of Budget, Income, and Expense (excluding Depreciation) (Operating Budget-first year) (Operating Budget-typical year).	2	2-O and 1C	1-O	1-C.
HUD 935.2	Affirmative Fair Housing Marketing Plan, or evidence of being signatory to a HUD approved voluntary agreement.	2	1-O	1-O	1-C.
*FmHA 400-1	Equal Opportunity Agreement.	2	2-O and 1C	1-O	1-C.
*FmHA 400-4	Assurance Agreement	2	2-O and 1C	1-O	1-C.
FmHA 1940-1	Request for Obligation of Funds[3].	3	2-O and 1C	2-O and C	1-C.
FmHA 451-26	Transaction Record (most recent).	1		1	
*FmHA 451-16	Request for Statement of Account.	2		2-O and C (O to FO).	
*FmHA 451-11	Statement of Account	1		1	
*FmHA 451-25	Status of Account	2	O	2-O and C	
*FmHA 422-7	Appraisal Report For Multiunit Housing.	1		1-O	
*FmHA 422-8	Property Information and Appraisal Report—Rural Housing Nonfarm Tract (2 units or less).	1		1-O	
*FmHA 426-1	Valuation of Buildings	1		1-O	
*FmHA 424-1	Development Plan	2	1-O	2-O and C	1-C.
*FmHA 460-5	Assumption Agreement (New Terms).	4	1-O	1-O	1-C.
*FmHA 460-6	Assumption Agreement (Same Terms).	4	1-O	1-O	1-O.
*FmHA 465-8	Release from Personal Liability[2].	2		1-C	1-C.
*FmHA 440-8	Supplementary Payment[2]	3	1-O	2-O and C	1-C.
*FmHA 444-7	Interest Credit and Rental Assistance Agreement (RRH and RCH Loans)[1].	3	1-O	1(O to FO)	1-C.
*FmHA 444-27	Rental Assistance Agreement.	2	1-O	1-O	1-C.
	*Loan Agreement	2	1-O	1-O	1-C.

O—Original; C—Copy.

* When applicable.

** When applicant is an organization.

[1] The original Form will not be executed until date of closing the transfer.

[2] When requested, prepare an additional copy for delivery to transferor.

[3] Applicant must sign and date this form unless a similar certification is obtained on the application form. For ineligible transferees, delete the first sentence referring to other credit in item 34 of the form. The applicant must initial each deletion.

Other transfer docket items may include a mortgagee title policy, title evidence or report of lien search, foreclosure notice agreement, original or certified copy of deed to any property, purchase contract or other instrument of ownership, assignment of HUD Section 8 Housing Assistance Payments contract, and information on prior or junior mortgage(s). When less than the total amount of the indebtedness is assumed, the transferor's financial statement will be included. When an initial or subsequent loan is involved, include any additional forms required by the appropriate loan making instruction. (Subsequent loans will not be made to pay equity.)

(8) If the transfer is within the State Director's loan approval authority, the docket will be forwarded to OGC for review and necessary closing instructions. If the transfer is not within the State Director's loan approval authority, or all planned development is not complete, the complete transfer docket, borrower case file, OGC comments, and complete comments and recommendations of both the District and State Director will be forwarded to the National Office for review and approval authorization.

(9) During the period that a transfer is pending in the District Office, payments received by the Finance Office will continue to be applied to the transferor's account. Those payments include any downpayments made in connection with the transfer for reducing the amount of the debt to be assumed. Any payment on the account not included in the latest transaction record will be deducted from the total amount of principal and interest calculated from the latest information available before the assumption agreement is completed and signed.

(f) *Identification.* For payments received on the date of transfer, Form FmHA 451-2, "Schedule of Remittances," or Form FmHA 444-9, "Multiple Housing Certification and Payment Transmittal," as appropriate, will be prepared to show "Transfer in process for account owed by (borrower's name and case number) to be transferred to (name of transferee and case number, if known)." If the borrower number portion of the case number has not yet been assigned or a transferee, only the State and County portion of the case number will be shown. A statement for the information of the Finance Office will be attached to the assumption agreement showing the date of Form FmHA 451-2 or 444-9, and the amount paid.

(ii) *Payment.* When a payment is due on the assumption agreement shortly after the transfer is completed, the payment should, if possible, be collected at the time of transfer and remitted in the transferee's name.

(g) *Closing transfer cases.* (1) Title clearance and legal services will be obtained according to Part 1807 (FmHA Instruction 427.1) and when appropriate, OGC closing instructions.

(2) The parties to the transfer are responsible for obtaining legal services necessary to accomplish the transfer. A profit or limited profit organization transferee may use any designated attorney or title insurance company to close the transfer according to the applicable closing instructions if the attorney or the title insurance company and their principals or employees are not members, officers, directors, trustees, stockholders or partners of the transferee or transferor entity. Nonprofit organization transferees may use a designated attorney who is a member of their organization if the cost is reasonable and typical for the area, and is earned.

(3) The transferee will obtain insurance according to the appropriate program requirements for the outstanding loan(s) involved, unless the State Director requires additional insurance as a condition of approval. When insurance is required, it may be obtained either by transfer of the existing coverage by the Transferor or by acquisition of a new policy by the transferee. When the full amount of the FmHA debt is being assumed and an amount has been advanced for insurance premiums or any other purposes, the transfer will not be completed until the Finance Office has charged the advance to the transferor's account.

(4) The proper type of loan agreement or resolution for type of transferee involved must be in effect at the time of the transfer. If changes are needed in the existing loan agreement or resolution cited in the mortgage, the changes should be made by amending of the

existing loan agreement or resolution after obtaining the advice of OGC.

(5) The restrictive language contained in § 1944.176 (c)(1) of Subpart D of Part 1944 and § 1944.236 (b)(1) of Subpart E of Part 1944 of this Chapter must be inserted in the deed of conveyance or other instruments as required by OGC for RRH, RCH, and LH loans.

(h) *Transfer not completed.* If for any reason a transfer will not be completed after approval, the District Director will immediately notify the State Director. The State Director will notify the Finance Office. Servicing of the account will be resumed in the name of the borrower.

§ 1965.66–1965.67 [Reserved]

§ 1965.68 Consolidation.

(a) *General.* RRH and LH loans can be consolidated at FmHA's option upon request by the borrower as a servicing tool only when the loans are for security on the same or contiguous property and are being transferred under new terms to the transferee. Loan agreements can be consolidated to improve the effectiveness of borrower operations only when the loans described are for security on the same or contiguous property. These actions may be approved by the State Director only with the advice of OGC and if all the following conditions are met:

(1) The security offered is adequate for the total indebtedness.

(2) The total indebtedness of all loans being consolidated does not exceed the State Director's approval authority.

(3) The loans being consolidated are for the same purposes. Loans specifically made for senior citizen projects cannot be consolidated with loans for family projects.

(4) The consolidation will not cause rents to exceed the repayment ability of eligible occupants.

(5) For RRH loans, the transferee must agree to operate on a limited profit basis and Interest Credit Plan II must be implemented.

(6) FmHA's security position must not be lessened as a result of the consolidation.

(7) Consolidation of notes under a transfer on new terms will not cause the term of the loan to exceed the maximum time allowed by the respective loan programs.

(8) The notes to be consolidated must be current. Delinquent accounts can only be consolidated with prior National Office authorization

(b) *Processing.* All consolidations will be processed with the advice of OGC and assistance of the State Director.

(1) Loan consolidation with transfers on new terms will be processed as follows:

(i) Form FmHA 1940–16, "Promissory Note", will be prepared for notes or assumption agreements being consolidated according to the FMI. If the District Office does not have possession of the original note or assumption agreement, the District Director will ask the Finance Office to return the original form so it is in the District Office *before* Form FmHA 1940–16 is processed. Form FmHA 1951–4, "Change in Rates and Terms," will be completed and sent to the Finance Office according to the FMI.

(ii) The original and District Office copies of all notes or assumption agreements that are consolidated, will be stamped "Consolidated", by the District Office. The original instruments being consolidated will be filed with the borrower's new consolidated note and a copy will be filed in the borrower's case file. When the consolidated or rescheduled note has been paid in full or otherwise satisfied, it and all other instruments will be handled according to the provisions of § 1951.15 of Subpart A of Part 1951 of this chapter.

(iii) Revised loan agreements or resolutions will be provided to reflect current reporting requirements and the authorized initial investment attributable to the owner.

(iv) Consolidation of notes will only be accomplished with the guidance and assistance of OGC. Under no circumstances will promissory *notes* be consolidated if the security position of FmHA will be adversely affected.

(v) New security instruments which describe the consolidated note will be filed to perfect the FmHA lien position. If the new lien position taken is junior only to the previous lien position securing the loan being consolidated, the previous security instruments may be released with the guidance and assistance of OGC.

(2) Consolidation of loan agreements or loan resolutions may be used as a security tool to provide more effective management and supervision, as follows:

(i) All of the general requirements of § 1965.65 (a) of this subpart are met;

(ii) A revised loan agreement or loan resolution must be executed which accurately reflects the total indebtedness, reserve requirements, and return originally described in the individual agreements;

(iii) All of the loan agreements or loan resolutions being consolidated must be secured by a deed of trust describing all of the loans for the project;

(iv) Neither the terms nor the due dates of the loan(s) involved are altered, and other security instruments remain unchanged.

(v) The advice and assistance of OGC will be obtained when processing consolidation of loan agreements or loan resolutions.

§ 1965.69 [Reserved]

§ 1965.70 Reamortization.

(a) *General.* State Directors may approve the reamortization of RRH, RCH, and LH loan accounts within their approval authority for the type of loan involved. RHS loans will not be reamortized and will be serviced according to program requirements. If an RHS loan becomes seriously delinquent and efforts to sell the lots are not successful, the account will be liquidated according to Subpart A of Part 1955 of this chapter.

(b) *Conditions for reamortization.* The conditions under which a reamortization will be considered are:

(1) The borrower has made extra payments and/or refunds totaling 10 percent or more of the original loan amounts being reamortized (from sources other than the sale of units within the LH, RRH, or RCH project), and the State Director determines that the borrower and the tenants cannot reasonably be expected to meet their obligations unless the account is reamortized to reduce substantially the FmHA installments and rental rates; or,

(2) The borrower has a substantial delinquency which cannot be liquidated within one year; which was caused by circumstances beyond the ultimate control of the borrower, however, the borrower has acted in good faith and has complied with all applicable FmHA procedures and policies governing the particular program under which the loan is made; and,

(3) All of the following conditions exist and are adequately documented in the official case file and on Form FmHA 451–33, "Reamortization Request (Association Loan)", as appropriate:

(i) The reamortization will not operate to the financial detriment of the Government or impair the security rights of the Government.

(ii) The budget or plan of operations for the borrower provides reasonable assurance that the newly scheduled payments will be made according to the terms of the proposed reamortization, and that the charges for the use of the facility or service are within the payment ability of those it is intended to serve; are comparable to other units in the area; and, the rent increase procedures set forth in Exhibit C of Subpart C of Part 1930 of this chapter

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will be followed if any increase in rental rates is required.

(iii) The Board of Directors and membership will retain, or have definite plans for obtaining, membership and community support; and, will provide competent management for the continued operation of the borrower entity and the facility financed with the loan.

(iv) The State Director believes that reamortization will enable the borrower to operate successfully and carry out the purpose of the loan.

(v) The FmHA lien position remains unchanged.

(vi) The security must be adequate to protect the Government's interests. A current appraisal must be made and must reflect that the security is adequate for the principal and interest being reamortized.

(c) *Submission to National Office.* When the unpaid indebtedness of the borrower's account(s) to be reamortized exceeds the State Director's approval authority and the State Director determines that the conditions of § 1965.70(b) of this subpart can be met, the request for reamortization, official case file and all other pertinent information, along with complete comments and recommendations by both the State and District Directors, will be sent to the National Office. The State Director shall submit all subsequent reamortization requests to the National Office for prior authorization.

(d) *Processing reamortizations.* To reamortize the account, the following actions will be taken:

(1) Form FmHA 452-2, "Reamortization and/or Deferral Agreement" will be completed according to the FMI. (Only Item A will be used. Payments on Multiple Family Housing Loans cannot be deferred.)

(2) If the note or assumption agreement being reamortized is not held in the District Office, the District Director will obtain the promissory note and any assumption agreement from the Finance Office before processing the reamortization.

(3) On the back of the original of the note or assumption agreement (new terms), below all signatures and endorsements, the District will insert the following: "A reamortization agreement dated —— 19—, in the principal sum of $————, has been given to modify the payment schedule of this note."

(4) The end of the amortization period will be the final due date of the note being reamortized, unless the term is extended with the advice and guidance of OGC, it is permissable according to State and local Statutes, and the FmHA lien position is not altered. (Any extension of the final due date will not exceed the lesser of the remaining useful life of the security property or the maximum term authorized by the respective loan program authorizations.)

(5) The interest rate for the account will be unchanged, except when the final due date has been extended, the interest rate will be either the note rate or the current interest rate whichever is greater.

(6) The reamortization will be processed with the guidance of OGC.

(7) The prepayment provisions of Section 502(c) of Title V, Housing Act of 1949 will be applied to any reamortization which extends the final due date regardless of when the loan was originally approved. The appropriate restrictive language set forth in § 1944.176(c)(2) of Subpart D of Part 1944 for LH loans, or § 1944.236(b)(4) of Subpart E of Part 1944 of this chapter for RRH or RCH loans, will be inserted in the reamortization agreement and in the revised loan agreement or resolution which will be obtained to accurately reflect the revised terms.

§ 1965.71 [Reserved]

§ 1965.72 Deceased borrower.

Deceased borrower cases will be handled according to the policy outline in § 1962.46 of Subpart A of Part 1962 of this chapter except that all references to the County Supervisor are now construed to mean the District Director. The advice of OGC will be obtained as necessary.

§ 1965.73 Bankruptcy and insolvency.

Bankruptcy and insolvency cases will be handled according to the policy outlined in § 1962.47 of Subpart A of Part 1962 of this chapter except that all references to the County Supervisor now mean District Director. The handling of bankruptcy cases varies from state to state. Therefore, the State Director may issue State supplements providing more specific guidance to expedite the handling of those cases. The advice of OGC will be obtained as necessary.

§ 1965.74 Divorce actions.

When individual borrowers with loans are involved in a divorce action the District Director will review the case after the final divorce decree has been granted to determine future servicing of the account. The District Office file will be submitted to the State Director for advice if the District Director is uncertain of the servicing actions needed to protect the Government's interest or if continuation of the loan with the remaining borrower is not authorized. No subsequent loan will be made as a result of a divorce action.

§ 1965.75 Abandonment.

When the District Director believes that the borrower has abandoned a project, an immediate check with the appropriate sources (for example: Tenants, management agents, assessor's office, etc.) will be made to determine if the borrower has moved and, if so, whether a forwarding address can be determined so that further servicing actions can be taken.

(a) A property is considered abandoned when any of all of the following conditions exist:

(1) The borrower cannot be located after the District Director has made diligent efforts to contact the borrower. This condition also applies to those instances where the general partner(s) of a limited partnership cannot be located and the limited partners are unknown or also cannot be located.

(2) The project remains unoccupied for an extended period of time and the borrower makes no effort to maintain the security property and/or secure eligible occupants and comply with the objectives of the loan.

(b) If the property is not being maintained and the District Director determines that the borrower has abandoned the project, the District Director will attempt to contact any prior lienholders with a request that they take control of the property and make any emergency repairs necessary. If no prior lienholder is involved or the prior lienholder cannot immediately be contacted or refuses to make the emergency repairs, the District Director will immediately notify the State Director and request permission to take possession of the property pending liquidation, make emergency repairs to prevent further deterioration of the security, and to enter into a lease or caretaker's agreement on behalf of the borrower.

(c) A caretaker will normally be obtained when the borrower has abandoned the security property or has failed to maintain its operation and the State Director determines, with the advice of OGC, that the FmHA should take possession of the property and appoint a caretaker subject to the following:

(1) *Selection of a caretaker.* Persons or firms chosen as caretakers should have experience in operating and managing similar properties or have business background or experience which qualifies them to perform the needed services. The caretaker must be located near the property to provide

day-to-day supervision or appoint a qualified local person to meet this requirement.

(2) *Caretaker fees.* Form FHA 465–3, "Caretaker's Agreement," will indicate the fee to be paid the caretaker for the specified services. The amount of the fee should be no more than the typical rate for similar services in the area. The amount may be based on a percentage of the income from the property or a flat fee amount. The fees will be paid by processing Standard Form 1034, "Public Voucher for Purchases and Services Other than Personal", on a monthly basis.

(3) *Rental rates for housing projects under caretaker agreements.* Rental rates will normally remain the same for eligible occupants as when the project was under the control of the borrower. Rental rates may be revised, however, with the approval of the State Director under the following conditions:

(i) Any lease agreement between the borrower and tenant will permit changing the rates.

(ii) A change of rates is needed to provide income sufficient to pay operational and maintenance expenses, including the caretaker's fee, and to repay the loan on schedule.

(iii) Any increase will not result in rental rates above the payment ability of eligible occupants, unless the State Director has given the authority to rent units to ineligible occupants.

(d) All these actions shall be fully documented in the official case file. Liquidation will be instituted according to Subpart A of Part 1955 of this chapter.

§ 1965.76 [Reserved]

§ 1965.77 Consent to sale or other disposition of security property.

(a) *General policies.* The State Director may approve requests for and consent to:

(1) Use of the proceeds from the sale of a portion of or an interest in the security,

(2) Exchange of all or a part of the undeveloped security for other real estate, or

(3) Granting or conveyance of rights-of-way subject to the conditions and requirements of this section.

(b) *Processing requests.* These requests will be made on Form FmHA 465–1. The District Director will forward a properly completed and executed Form FmHA 465–1, the proposed deed, easement, or other forms of title conveyance, and the case file to the State Director with a memorandum containing additional information, as needed, to justify the approval or disapproval of the proposed transaction.

(c) *Conditions of approval.* The State Director may grant consent provided:

(1) The orderly repayment of the FmHA indebtedness will not be impaired. This requirement will not apply in condemnation cases after the final judgment or award has been granted and is not appealed.

(2) The transaction will not interfere with the successful operation of the multiple housing project or prevent the borrower from carrying out the purpose for which the loan was made. This requirement will not apply in the case of a condemnation action in which a final judgment or award has been made and is not appealed.

(3) The sale of individual units or developed portions of an RRH, RCH or LH project shall require the prior concurrence and authorization of the National Office.

(4) If property to be sold or exchanged is to be used for the same or similar purpose for which the FmHA loan or grant was made, the purchaser shall execute Form FmHA 400–4. The agreement will remain in effect as long as the property continues to be used for the same or similar purpose for which the FmHA loan or grant was made.

(5) The consideration is at least equal to the market value of the security property disposed of or the rights being granted. However, right-of-way easements may be granted or conveyed without consideration if the value of the security property will not be reduced, its suitability for the intended purpose will not be impaired, and the easement is granted for the borrower to develop additional lots or units which will be integrated into the project. A FmHA official authorized to appraise multi-unit housing properties shall either make a new appraisal if the current appraisal is more than one year old, or supplement the present appraisal report by inserting in or attaching to the "Remarks" section, information as to the market value of the security disposed. However, if the proceeds are to be used for development or enlargement, a new appraisal reflecting the market value of the security property as improved or enlarged will be made in all cases. The State Director may request an appraisal for any transaction involving security property whenever necessary.

(6) The remaining property is adequate security for the unpaid balance of the FmHA loan, or the transaction will not adversely affect FmHA's security position or interfere with the successful operation of the security property.

(7) The proceeds from the disposition of the security are used for one or more of the following purposes:

(i) To pay the customary incidental closing of costs such as title and recording fees appropriate to the transaction, including additional real estate tax the borrower is required to pay for the year for which arrangements to pay cannot otherwise be made.

(ii) To pay debts owed to any prior lienholders.

(iii) To make extra payments on the FmHA loan.

(iv) To pay costs necessary to determine the reasonableness of an offer or asking price, such as fees for appraisal of minerals, land, or timber where the necessary appraisal cannot be obtained without costs.

(v) To pay real estate brokers' commissions if a borrower can reasonably expect to obtain proceeds in an amount at least equal to the commission in excess of what could otherwise be obtained had the sale been made without the assistance of the real estate broker.

(vi) To develop or enlarge the borrower's facility for purposes for which a loan of the same type involved could be made, if the development or enlargement is necessary to improve the borrower's debt-paying ability, place the operation on a more sound basis, or otherwise further the objectives of the FmHA loan. Any proposed development will be planned and performed according to Subpart A of part 1924 of this chapter and funds to be used for development or enlargement will be handled according to Subpart A of Part 1902.

(vii) To purchase or acquire property to be used for purposes for which a loan of the same type involved is authorized, if the FmHA debt will be as well secured after the transaction as before. FmHA will obtain a lien on the acquired property, and will obtain title evidence according to Part 1807 (FmHA Instruction 427.1).

(viii) To pay any additional income tax which the borrower must pay for the year because of the capital gain or royalty tax attributable to the transactions. Funds for back taxes must be estimated and held in a supervised bank account until actual payment of the tax.

(8) FmHA liens are not released until receipt of the appropriate sales proceeds for application on the Government's claim.

(d) *Releasing security.* Security for FmHA loans addressed in this subpart will be released according to applicable program regulations and as follows:

(1) Borrowers will be held strictly accountable to the FmHA for all proceeds derived from the sale of

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mortgaged property which the FmHA is entitled to receive under its lien.

(2) Consent to disposition of part of, or an interest in, security property as authorized in this subpart may be given by approving a completed Form FmHA 465-1 or other forms approved by OGC or prescribed in State Supplements. Upon request for consent, the District Director will forward Form FmHA 465-1, the borrower's case folder, and any other pertinent information to the State Director.

(i) Chattel security may be released from a chattel mortgage by use of Form FmHA 460-1, "Partial Release," or other approved form, and from a security interest under the Uniform Commercial Code by use of Form FmHA 462-12, "Continuation or Termination Statement." Satisfaction or termination of chattel security instruments will be accomplished following the guidance of Subpart A of Part 1962 of this chapter.

(ii) Real estate security may be released by use of Form FmHA 460-1 or other form approved by OGC. Satisfaction or termination of real estate security instruments when the FmHA debt has been paid in full or satisfied by debt settlement action will be accomplished with the use of Form FmHA 460-4, "Satisfaction."

(iii) Any consent which would result in the FmHA loan account being paid in full will be subject to the prepayment provisions of § 1965.90 of this Subpart as applied to RRH, RCH, and LH loans.

§ 1965.78 [Reserved]

§ 1965.79 Subordination.

(a) *General policies.* The State Director is authorized to approve request for a subordination according to this section, if the total debt against the security after the transaction does not exceed the State Director's loan approval authority for the type of loan involved. Subordination requests exceeding this limit must be submitted to the National Office for prior authorization to approve. Each request for subordination will be made on Form FmHA 465-1. The District Director will forward a properly completed and executed copy of the form to the State Director with a memorandum containing any needed information to justify approval or disapproval of the request.

(b) *Conditions of approval.* The subordination must be for the purpose of permitting another creditor to refinance, extend, reamortize, or increase the amount of a prior lien, or place a lien ahead of the FmHA lien. When the prior lien is being increased by an amount which exceeds normal transaction costs or a new prior lien is being placed against the security, an FmHA official authorized to make appraisals for the type of project involved will supplement the present appraisal report by inserting in the "Remarks" section information as to the market value of the security after the transaction if the appraisal is less than one year old. If the appraisal is more than one year old, a new appraisal must be completed. The State Director may also request an appraisal at any time deemed appropriate. In all cases, the following conditions must be met:

(1) The transaction must either further the objectives for which the FmHA loan was made or improve the borrower's debt-paying ability and, in either case, must result in the FmHA's debt being adequately and at least as equally well secured as before the transaction.

(2) The borrower is unable to refinance the FmHA loan on terms which can reasonable be expected to be met yet still meet the original intent of the program.

(3) The terms and conditions of the prior lien will be such that the borrower can reasonably be expected to meet them as well as all other debts.

(4) The amount of the indebtedness against the security property, including the amount of the subordination, will not exceed its present market value.

(5) When an increase in the amount of the prior lien or a new prior lien is involved, subordination will be granted only when the funds will be used for the same purposes for which a loan of the same type is authorized. Except for LH loans on a farm tract, funds may not be used for making essential farm improvements.

(6) Any proposed development will be planned and performed according to Subpart A of Part 1924, of this chapter or in a manner directed by the other creditor which reasonably attains the objectives of Subpart A of Part 1924, of this chapter and is concurred with by the State Director.

(7) Funds to be used for development or enlargements will be handled as prescribed for loan funds in Subpart A of Part 1902 of this chapter except that, if the creditor will not permit the use of a supervised bank account, arrangements should be made to assure that funds will be spent for planned purposes and should be approved by the Distict Director before being released.

(8) In the case of land purchase, FmHA will obtain the best lien obtainable on the land purchased.

(9) Subordinations need not cover the entire site. If a subordination is requested to permit an interim lender to advance construction funds, only the portion of the site scheduled for construction will be subordinated.

(10) All subordination requests will be forwarded to OGC for review. The guidance of OGC should be obtained in the preparation of the documents necessary to effect the subordination.

(11) The subordination is for a specific amount.

(12) The proposed action will not so change the nature of the borrower's activities as to make it ineligible for appropriate loan program assistance.

§ 1965.80 [Reserved]

§ 1965.81 Severance agreements.

(a) *General policies.* Severance agreements or other instruments of similar effect under which a borrower may acquire through other credit, items such as laundry equipment, air conditioning units, and basic household furnishings that will not become part of real estate security, may be approved by the State Director; *Provided:*

(1) The transaction will not adversely affect the FmHA's security position and any additional obligations incurred will be within the borrower's repayment ability.

(2) The items covered by the severance agreement are needed in the successful operation of the security property.

(3) The financing arrangements are otherwise sound and proper.

(b) *Handling requests.* Requests will be made on Form FmHA 465-1. The District Director will forward to the State Director a properly completed and executed form FmHA 465-1, any proposed severance agreement, the case file and specific recommendations regarding the request.

(c) *Consent and approval.* The State Director will indicate approval or disapproval on Form FmHA 465-1. The OGC will be requested to prepare or approve the form of severance agreement and issue any special instructions when necessary.

§ 1965.82 [Reserved]

§ 1965.83 Consent to junior liens.

(a) *General policies.* Borrowers will be strongly discouraged from giving junior liens to other creditors on the FmHA security property. Each request for consent to junior liens will be made on Form FmHA 465-1.

(b) *Conditions of approval.* The State Director may approve a junior lien if the request for the lien is authorized prior to the lien being placed against the property under the following conditions:

(1) The junior lien will enable the borrower to obtain additional credit to make needed improvements or repairs on the security property for purposes for

which a loan of the same type involved could be made and funds in the reserve account have been depleted.

(2) The junior lien will improve the borrower's total financial condition or debt-paying ability as it relates to the multiple family housing project.

(3) The terms of the junior lien will not jeopardize the borrower's ability to repay the FmHA indebtedness and, in the case of RRH, RCH, and LH loans, will not result in increased rental rates for the project unless authorized according to Exhibit C to Subpart C of Part 1930 of this chapter.

(4) The junior creditor agrees in writing that foreclosure action under their lien will not be initiated before holding a discussion with the District Director and after giving a reasonable period of notice to FmHA, and any operating plans of the junior lien holder are consistant with FmHA requirements.

(5) Security for the junior lien must not include project income or revenue.

(6) No junior liens will be authorize in connection with a transfer of ownership.

(7) The total FmHA debt is within the State Director's approval authority. All other requests for consent to junior liens must be submitted to the National Office with complete comments and recommendations from both the District Director and State Director, and all of the borrower's case files.

(8) When a junior lien is placed on any property without the prior consent of FmHA, the account will be serviced for liquidation with the guidance of OGC according to the security instruments. However, the State Director may request permission to post approve the junior lien by submitting a formal request to the National Office provided he/she determines that all other conditions set forth in this section are met.

§ 1965.84 [Reserved]

§ 1965.85 Default and liquidation.

(a) *General.* Liquidation will be recommended only after all efforts by FmHA officials have failed to effect a satisfactory solution whereby the borrower will comply with its obligations under the note, mortgage, loan agreement or resolution, and all related security agreements and other instruments. Liquidation, whether by voluntary conveyance or foreclosure, will be handled in strict accordance with the provisions of Subpart A of Part 1955 of this chapter.

(b) *Servicing delinquent accounts.* Delinquent multiple housing accounts will be serviced according to the respective program requirements and the following:

(1) The District Director will service delinquent accounts with guidance and assistance as necessary from the State Director. Every delinquent borrower will be serviced according to a routine established for the particular loan type by the State Director. The following sequential steps should be taken for each delinquent account:

(i) Each quarterly delinquency report will be reviewed for accuracy by the District Director.

(ii) If the report is in error, the District Director will immediately contact the Finance Office and provide any information necessary to remove the account from the delinquent status. These communications with the Finance Office should be directed to the Multiple-Family Housing unit. Before contacting the Finance Office, the District Director must complete a field audit of the account to be submitted with the inquiry.

(iii) If the report is accurate and a delinquency indeed exists, the District Director will immediately contact the borrower to determine the reason for the delinquency and will attempt to collect either in a lump sum or in additional monthly payments over a short period of time, usually not to exceed one year. This should include foregoing any cash return until the account is current.

(iv) Within 30 days of receipt of the quarterly delinquency report, the District Director will submit to the State Director a detailed report and specific comments and recommendations for servicing each delinquent account. The State Director will assist the District Director in developing a realistic servicing plan for each delinquent account. Appropriate consideration should be given to reamortizing, transferring, conveying or foreclosing the account recognizing the willingness of the borrower to cooperate and comply with FmHA requirements and to meet the purposes for which the loan was made. Consideration should also be given to:

(A) Adequate budgeting.

(B) Improving management and outreach.

(C) Implementing interest credit and/or rental assistance if the borrower and project qualify.

(D) Participating in the HUD Section 8 program for existing housing through the local Public Housing Agency (PHA).

(E) Effecting a justified rent increase according to applicable program requirements.

(F) Obtaining an assignment of project income.

(2) District Directors should be firm in dealing with the borrower or the borrower's representative. However, the management agent is not the party ultimately responsible for the loan, and it is therefore imperative that the borrower fully understand the consequences of the default. Courtesy, cooperation and sound judgment must be involved. If the delinquent account cannot be brought current within a reasonable period, steps should be taken according to Subpart A of Part 1955 of this chapter to protect the Government's interest.

(c) *Failure to maintain reserves.* A borrower's failure to maintain adequate reserves should be treated in a manner similar to delinquent accounts. The District Director should carefully monitor the required transfers to the reserve account. Borrowers who fail to make the required transfers or use reserve funds without prior FmHA authorizations should be carefully counselled. Demand should be made upon borrowers willfully misusing the reserve account to promptly correct any deficiency. As appropriate, the District Director may request assistance from the State Director. As necessary to protect the Government's interests, assistance from OGC or OIG should be requested through the State Office.

(d) *Non-monetary defaults.* Attempts to resolve non-monetary defaults should be handled whenever possible at the District Office level with appropriate guidance and assistance from the State Office. The State Director should counsel with OGC, to determine the appropriate servicing actions in those cases where non-monetary defaults cannot be resolved at the District Office level. These actions may include liquidation of the account.

(e) *Liquidation.* Liquidation of all multiple-family type loans will be handled according to the applicable portions of Subpart A of Part 1955 of this chapter. In cases of forced liquidation where the acceleration notice has been delivered and the borrower has willfully failed to make the required loan payments, any outstanding interest credit agreement will be cancelled after the appeal period prescribed in Subpart B of Part 1900 of this chapter has expired; eligible tenants are not occupying the units; and/or the borrower is not collecting the approved rents or transmitting the required payments to FmHA. In all liquidation cases, the State Director will be responsible for the final decision to liquidate the account based upon an opinion from the OGC and the following information supplied by the District Director:

(1) The specific recommendations of the District Director on the method of carrying out the liquidation,

(2) The case file and any other pertinent information developed in support of the accusations,

(3) A summary of FmHA efforts to work out an acceptable solution short of liquidation,

(4) A current appraisal of the security property completed by an FmHA official authorized to make that particular type of appraisal and an estimate of the net amount that may be realized from the sale of the assets,

(5) A current balance sheet or financial statement from the borrower,

(6) A current statement of account from the Finance office, and

(7) A problem case report using Form FmHA 465-7, or Exhibit A to Subpart A of Part 1955 of this chapter as appropriate.

§ 1965.86 [Reserved]

§ 1965.87 Miscellaneous security.

(a) *Membership liability agreements.* As a loan approval requirement, some borrowers may have special agreements with members of the organization for the purchase of shares of stock or for the payment of a pro rata share of the loan in the event of default, or they may have instruments which are commonly referred to as individual liability agreements which are usually assigned to and held by the FmHA as additional security for the loan. In other cases the borrower's note may be endorsed by individuals. These security and liability instruments will be serviced in a manner indicated by the agreements to adequately protect the interest of the FmHA. The State Director will develop servicing actions with the assistance of OGC.

(b) *Other security.* Other security such as collateral assignments, assignments of rents, Housing Assistance Payments Contracts, and notices of lienholder interest will be serviced according to acceptable practices in the respective states. The State Director should develop any special servicing actions with the assistance of OGC to protect the interest of FmHA. Evidence of the security will be filed in the loan docket in the District Office. A notation will be made on the Management System Card showing that the security has been retained. When this other security is taken, a plan for servicing it should be developed by the approval official and included as an approval condition at the outset.

§ 1965.88 [Reserved]

§ 1965.89 Obtaining additional security for inadequately secured loans.

(a) *General policies.* As a general policy, additional security for multiple housing loans should not be needed or taken to protect the interest of FmHA. However, the State Director may authorize taking additional security in the form of real estate or other security as described in § 1965.87(b) of this subpart when the additional security will enhance the chances that the Government will not suffer a loss and any of the following conditions exist:

(1) The account is behind schedule.

(2) The property has not been properly managed or maintained.

(3) There is serious doubt that the borrower can carry out the objectives of the loan.

(b) *Conditions of approval.* In cases where the District Director determines that the conditions as stated in § 1965.89 (a) of this subpart exist, the borrower's case file will be forwarded to the State Director with a memorandum providing the following information:

(1) The facts which justify the taking of additional security.

(2) A conservative estimate of the market value of any real estate to be mortgaged; however, it will not be necessary to make a formal appraisal of the property to be mortgaged unless determined necessary by the State Director.

(3) A brief description of any existing liens on the additional security including the repayment terms and the unpaid balance.

(4) The name of the title holder and how title to the property is held. Title evidence need not be required.

(5) A plan for servicing the additional security to be taken.

(6) A description of the other servicing alternatives available to assure that the objectives of the loan will be met and to protect the Government from loss.

(c) *Processing.* The guidance and assistance of OGC will be obtained whenever additional security is taken. The highest quality security will be taken whenever additional security is considered.

§ 1965.90 Payment in full.

(a) *General.* Payment in full of a loan will be handled according to Part 1866 (FmHA Instruction 451.4), subject to any applicable prepayment provisions in the respective program regulations, loan agreements, or mortgages. For RRH, RCH, and LH loan prepayments, the borrower must submit a written request to prepay the loan(s) to the District Director at least 60 days prior to actually making the offer to prepay.

(b) *Prepayment of loans approved prior to December 21, 1979.* For any RRH, RCH, or LH loans approved prior to December 21, 1979, the District Director will accept prepayment or graduation when he/she can assure that conditions are met:

(1) The borrower has been advised that any valid existing leases must be honored until they expire or are terminated under the provisions of the lease.

(2) Upon acceptance of the offer to prepay, assure written notice of approval is given to each tenant. This notice should include a statement advising the tenants of their priority rights for occupancy in other FmHA financed projects if they are displaced or if the prepayment has caused them to experience rent overburden as defined in Paragraph XIII A 4 of Exhibit B to Subpart C of Part 1930 of this chapter. The tenants should be advised in the notice that they have six (6) months from the date of prepayment to exercise their priority right by applying for a letter of priority from the District Director. This information should be posted within the building(s) upon notification of approval. Exhibit A of this subpart is provided as guide for the District Director's use.

(3) Upon receiving an application submitted within six (6) months of the prepayment by a tenant displaced as a result of prepayment, provide to the affected tenant a letter of priority entitlement to all other FmHA RRH projects in the area. This area includes FmHA projects within a reasonable commuting distance of the affected project. The letter of priority entitlement should include a statement that the affected tenant has thirty (30) days to apply with other FmHA RRH projects in the area. The letter of priority entitlement will enable those tenants to move to the top of any waiting list in those projects. A list of FmHA RRH projects in the area will be included as part of the letter of priority entitlement. Eligible tenants in LH projects will also be advised of other available LH projects in the area.

(4) Provide the State Director with a detailed report in the format set forth in § 1965.90(d) of this subpart. This report must be provided upon acceptance of the offer to prepay.

(c) *Prepayment of loans approved on or after December 21, 1979.* For any RRH, RCH, or LH loan approved on or after December 21, 1979, or which has subsequently been made subject to the prepayment restrictions of Section 502 of Title V of the Housing Act of 1949, the District Director may accept prepayment or graduation with the prior concurrence of the State Director provided all of the following conditions are met:

(1) The written notice requirement set forth in § 1965.90(b) of this subpart is satisfied.

(2) A report is provided to the State Director with sufficient detailed information regarding occupancy and need so that the State Director can examine the offer and its likely consequences.

(3) The offer may be accepted with the State Director's concurrence unless the State Director determines:

(i) That due to a change in the use of the housing and related facilities, or to an increase in rental or other charges likely to occur as a result of prepayment, the low and moderate income and edlerly or handicapped tenants occupying the assisted housing at the time of the offer or request cannot reasonably be expected to remain in occupancy for that period. However, in spite of this determination, the offer or request to prepay may be processed only *if* affordable, decent, safe, sanitary, and nonassisted alternative housing, or vacant assisted units for which there is no waiting list, is available to the tenants who are likely to be displaced as a result of the change or increase, and

(ii) In the case of housing or related facilities containing more than 10 dwelling units, that the changes likely to occur as a result of the prepayment will have a substantial adverse effect on the supply of affordable, decent, safe, and sanitary housing available to low- and moderate-income and elderly or handicapped persons in the area in which the housing and related facilities are located.

(4) For transfers outside the program, if the State Director makes an affirmative determination under § 1965.90(c) (1) or (2) of this subpart then prepayment may be accepted only if the following clause is included in the deed or other document of conveyance:

> "The purchaser agrees that the housing located on this property will be used only as authorized under section 514 of the Housing Act of 1949 and FmHA regulations then extant until ——— (insert date, 15 years for unsubsidized or 20 years for subsidized loans from the date the last loan on the project was closed). A tenant may seek enforcement of this provision as well as the United States. No person occupying the housing shall be required to vacate during such period because of early repayment."

(5) That if the borrower wishes to prepay and operate the property within the objectives of the program or transfer the loan to a transferee that will keep the housing within the program, a document containing the restrictive language that appears below must be executed. In the case of transferees, the restrictive language will be inserted. In the case of borrowers prepaying but not transferring the property, the following restrictive language will be inserted in the deed of release and filed for record:

> "The borrower and any successors in interest agree to use the housing for the purpose of housing people eligible for occupancy as provided in Section 514 or 515 of Title V of the Housing Act of 1949 and FmHA regulations then extant during the ——— (15 years for unsubsidized and 20 years for subsidized loans) year period beginning ——— (the date the last loan on the project is closed). The borrower also agrees that no person occupying the housing shall be required to vacate prior to the close of such ——— (15 years for unsubsidized and 20 years for subsidized loans) year period because of early prepayment. The borrower will be released from these obligations only when the Government determines that there is no longer a need for the housing or that Federal or other financial assistance provided to the residents of such housing will no longer be provided."

(6) The District Director will provide the State Director with a detailed report in the format set forth in § 1965.90(d) of this subpart upon servicing information.

(d) *Prepayment report.* Immediately upon receiving information regarding the prepayment of any RRH, RCH, or LH loans the District Director will send a report on each prepayment case to the State Director for indefinite retention containing the following information:

(1) Date of initial loan approval.

(2) Type of borrower entity and plan of operation.

(3) The number of units in the project.

(4) The number of eligible tenants presently occupying the units.

(5) The estimated replacement cost per unit.

(6) The estimate of the number of households that will be displaced as a result of prepayment.

(7) The estimated relocation cost of the households being displaced.

(8) An indication of the displaced households' ability to pay relocation costs.

(9) The income range of the tenants presently in the project.

(10) The number of elderly tenants in the project.

(11) The present and projected rents.

(12) The number of Section 8 or RA units, and whether Section 8 will continue after prepayment.

(13) Any cause of displacement other than rent.

(14) The availability of other vacant units in the area.

(e) *Final payment and release.* Final payments and the release of security will be handled according to Subpart B of Part 1951 of this chapter, Subpart A of Part 1962, and Part 1866 of this chapter (FmHA Instruction 451.4), and appropriate program requirements and regulations. In all cases, references to County Supervisor shall be construed to mean District Director when applied to multiple family type borrowers. The District Director will notify the bonding company in writing that the government no longer has an interest in the fidelity bond and will release the FmHA's interest in insurance policies according to the applicable provisions of Subpart A of Part 1806 of this chapter (FmHA Instruction 426.1) FmHA's interest in any other security will also be released in the manner prescribed by the State Director with the assistance of OGC as necessary.

§ 1965.91 Servicing loans in formerly eligible areas.

All servicing actions contained in this subpart are authorized without regard to whether the area may no longer be defined as an eligible area.

§§ 1965.92–1965.93 [Reserved]

§ 1965.94 State Supplements.

State Supplements will be prepared with the advice of OGC as necessary to comply with State laws and to provide guidance to the District Director in the servicing actions required. All State Supplements must be submitted for prior National Office approval before implementation. Requests for approval must include complete justification, citations of State law, and appropriate legal opinions from the respective Regional Attorney.

§ 1965.95 [Reserved]

§ 1965.96 Nondiscrimination.

Each instrument of conveyance for any transfer or foreclosure sale of real property subject to Title VI of the Civil Rights Act of 1964 will contain the following covenant: "The property described herein was obtained or improved through Federal financial assistance. This property is subject to the provisions of Title IV of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973 and the regulations as issued pursuant thereto for so long as the property continues to be used for the same or similar purposes for which the Federal financial

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assistance was extended or for so long as the purchaser owns it, whichever is later."

§ 1965.97 Exception authority.

The Administrator of the Farmers Home Administration may, in individual cases, make an exception to any requirements of this subpart not inconsistent with the authorizing statute if the Administrator finds that application of the requirement would adversely affect: (a) The interest of the Government; or (b) the immediate health or safety of the tenants or the community. The Administrator will exercise the authority only at the request of the State Director. The State Director will submit the request supported by data which demonstrates the adverse impact, identifies the particular requirement involved, shows proper alternative courses of action, and identifies how the adverse impact will be eliminated.

§§ 1965.98–1965.100 [Reserved]

Exhibit A

Notice of Prepayment

TO: Tenants of ————

(Project Name)

On (Date) ————, Farmers Home Administration (FmHA) accepted payment in full of the loan which financed your rental unit. As a condition of acceptance, you are hereby advised that the new owners will be bound by the terms of your existing lease until it expires or is terminated in accordance with the provisions of such lease.

You are further advised that you may have priority rights for occupancy in other FmHA financed projects within a reasonable commuting distance from your present location if you are displaced without cause because any subsequent increase in rents causes you to experience rent overburden. You have six (6) months from the above date to exercise this priority right. You may do this by applying to my office for a letter of priority.

If you have any questions you may contact my office at:

____

____

____

____

(Signature)

Dated: September 21, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81-28812 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-07-M

Agricultural Marketing Service

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Orange Juice

Correction

In FR Doc. 81-26294 appearing at page 45357 in the issue of Friday, September 11, 1981, please make the following changes:

1. On page 45357, third column, in the SUMMARY paragraph, second line from bottom, "of color reduced" should be changed to read "of color of reduced".
2. On page 45358, middle column, second full paragraph, twelfth line, "pricing or orange" should be changed to read "pricing of orange".

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR 461

Children's Advertising

AGENCY: Federal Trade Commission.

ACTION: Termination of Rulemaking Proceeding.

SUMMARY: The Federal Trade Commission (FTC) has terminated its rulemaking concerning children's television advertising (TRR No. 215-60). 43 FR 17967 (April 27, 1978).

FOR FURTHER INFORMATION CONTACT: Wallace S. Snyder, Assistant Director or Judith P. Wilkenfeld, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 [Telephone (202) 724-1499 and (202) 724-1467 respectively].

SUPPLEMENTARY INFORMATION: This rulemaking proceeding was initiated in response to petitions filed in 1977 by Action for Children's Television (ACT) and Center for Science in the Public Interest (CSPI), and a third petition filed in 1978 by Consumers Union of the United States, Inc. (CU) and Committee on Children's Television, Inc. (CCT). The ACT and CSPI petitions requested rulemaking to regulate television advertising for candy and sugared food products directed to children. The CU and CCT petition sought rulemaking to regulate all television advertising oriented to young children.

In response to the petitions, staff conducted an investigation and, in February 1978, submitted a report to the Commission. That report concluded there was sufficient evidence to suggest that both (1) the televised advertising of any product directed to children too young to understand the selling purpose of, or otherwise comprehend or evaluate commercials and (2) the televised advertising of sugared products to children of all ages may be unfair and deceptive within the meaning of section 5 of the FTC Act, thus requiring an appropriate remedy.

On April 27, 1978, the Commission issued a Notice of Proposed Rulemaking (NPRM) declaring its intent to hold a comprehensive rulemaking proceeding addressing the problems posed by television advertising directed to children. The Notice did not propose a specific text of a rule. Instead, the Commission sought "comment on the advisability and manner of implementation of a rule which would include the following three elements" recommended at that point by the staff:

> * * * (a) Ban all televised advertising for any product which is directed to, or seen by, audiences composed of a significant proportion of children who are too young to understand the selling purpose of or otherwise comprehend or evaluate the advertising;
>
> (b) Ban televised advertising for sugared food products directed to, or seen by, audiences composed of a significant proportion of older children, the consumption of which products poses the most serious dental health risks;
>
> (c) Require televised advertising for sugared food products not included in Paragraph (b), which is directed to, or seen by, audiences composed of a significant proportion of older children, to be balanced by nutritional and/or health disclosures funded by advertisers. * * *

In addition, the Commission sought comment on all of the remedial possibilities enumerated in the Staff Report. In the request for these comments, the Commission made specific reference to the following four possibilities:

> * * * 1. Affirmative disclosures located in the body of advertisements for highly cariogenic products directed to children.
>
> 2. Affirmative disclosures and nutritional information contained in separate advertisements, funded by advertisers of highly cariogenic products advertised to children.
>
> 3. Limitations upon particular advertising messages used and/or techniques used to advertise to very young children, or to advertise highly cariogenic products to all children.
>
> 4. Limitations upon the number and frequency of advertisements directed at very young children; limitations upon the number and frequency of all advertisements of highly cariogenic products directed at all children. * * *

Finally, the Commission posed 16 general questions on issues of law and policy, summarized as follows:

(1) Is there a specific age group of affected children who do not understand the selling intent of, or otherwise adequately comprehend television advertisements?

(2) Is advertising directed to young children, unable to comprehend television advertising, unfair or deceptive and, if so, is it remediable?

(3) How should the Commission define advertising "directed to" or "seen by" children in order to identify the unfair or deceptive advertisement?

(4) Will a ban on television advertisements directed to young children affect the quality or quantity of children's television programming? What is the harm to young children of television advertising directed to them?

(5) Are there remedies other than a ban for the problems associated with child-oriented television advertising?

(6) Is there evidence that advertisements for highly sugared products lead children to consume such products and get tooth decay? Is a ban or some other form of restriction necessary to remedy this problem?

(7) What factors affect the cariogenicity of food and what is their relative magnitude? (*E.g.*, form and frequency of consumption.)

(8) Does between meal consumption of sugared products (snacking) have a greater negative effect on dental health than mealtime consumption, so as to warrant differentiation in any proposed rule?

(9) What evidence is there on the question of sugared consumption and nutrition related health problems?

(10) Do children know about the health, nutrition and dental consequences of the consumption of sugared products? Does advertising affect this awareness?

(11) How should the terms "directed to" or "seen by" be defined as regards advertising to older children?

(12) How could one best communicate to older children information about the risks of sugar consumption?

(13) Who should devise the measures for conveying such information to older children (*e.g.*, advertisers, outside organizations)? What is the Commission's role?

(14) Will the proposed remedies adversely affect the quality and quantity of children's programming?

(15) Are there specific claims regarding sugar which should be banned from children's advertisements?

(16) What are the constitutional implications of a ban remedy for either advertising directed to young children or advertising of highly sugared products?

In the Notice of Proposed Rulemaking, the Commission proposed that hearings be held in two stages, the first a public, legislative-type hearing, and the second an adjudicative-type hearing on certain disputed issues of specific fact. The Commission also proposed that issues for the adjudicative-type hearings be suggested by the parties and then designated by the Commission after completion of the legislative-type hearings.

The Commission appointed Morton Needelman, an Administrative Law Judge, to preside over the hearings and the proceeding in general. In response to the Commission's invitation for comments, hundreds of written statements were received and placed on the record. Approximately six weeks of legislative-type hearings were held in San Francisco and Washington, D.C. in January and March of 1979. During the legislative-type hearings all questioning was done by the Presiding Officer, although the parties were permitted to present to the Presiding Officer suggested questions for cross-examination of witnesses. The Presiding Officer thoroughly questioned all witnesses and informed the parties that disputed issues of material fact might be designated for later adjudicative-type hearings. During the course of the hearings and in the various submissions to the Presiding Officer, all factual issues and legal theories were vigorously debated and disputed by the parties to the proceeding.

All parties were requested to submit briefs and responses to the Presiding Officer proposing issues to be designated as disputed and necessary to resolve. Twenty-three parties to the proceeding submitted briefs listing issues to be designated as disputed, and in most cases listing those issues the parties believed were already resolved on the record. Most of these parties also filed responses to the disputed issues briefs. On July 30, 1979, the Presiding Officer issued Order No. 78 in which he concluded that there were disputed issues of material fact that were necessary to resolve at adjudicative-type hearings pursuant to section 18(c)(2)(B) of the FTC Act. He recommended that disputed issues hearings be held on the following three issues:

> 1. To what extent can children between the ages of 2 and 11 distinguish between children's commercials and children's programs to the point that they comprehend the selling purpose of television aimed at children?
>
> 2. To what extent can children between the ages of 2 and 11 defend against the persuasive techniques used in these commercials, such as fantasy or cartoon presenters, premiums, limited information, and various associated appeals?
>
> 3. What health effects, actual or potential, attach to any proven lack of understanding of selling intent or inability to defend against persuasive techniques?

In accordance with the schedule set by Presiding Officer Needelman, most parties, including Commission staff, filed responses to portions of Order No. 78. The Commission had not yet made a decision with regard to the proposed disputed issues when, in May 1980, Congress enacted the FTC Improvements Act of 1980 (hereinafter "Improvements Act"), which removed the Commission's authority to continue the rulemaking in its then current posture.

The Improvements Act suspended the children's advertising rulemaking proceeding and set forth certain conditions that would have to be met before the rulemaking could resume. Specifically, the Improvements Act provided that the rulemaking could resume only under a theory of deception, although it was initiated under theories of both deception and unfairness. In addition, the Act provided that the rulemaking could not be continued unless the Commission published "the text of the rule, including any alternatives, which the Commission proposes to promulgate," and allowed public comment on the text.*(1)*

In response to the requirements of the Improvements Act, the Commission issued an Order on June 18, 1980, instructing staff to prepare recommendations regarding:

> 1. What courses of action might be undertaken by the Commission, including further rulemaking proceedings; alternatives or complements to such proceedings; and an assessment of each course of action.
>
> 2. The text of a proposed rule, should the Commission determine that further rulemaking proceedings are appropriate.

The Commission gave the following additional instructions:

> * * * In making its recommendations regarding a rule, the staff should discuss the type of evidence needed to support a rule based on a deception theory as well as what the record shows concerning the prevalence of children's advertising that the staff would characterize as deceptive. The staff should also discuss the benefits and adverse economic effect of any proposed rule and alternative courses of action. Finally, if a rule is recommended, the staff should analyze any First Amendment considerations that may relate to the particular rule being suggested.* * *

Pursuant to that Order, staff initiated informal meetings with major parties to the proceeding to explore what courses of action other than a rulemaking might be undertaken. Those meetings required more time than initially had been anticipated by the Commission. Therefore, staff received an extension of time to February 15, 1981, in which to submit a status report on the progress of the meetings, as well as to suggest a date on which staff recommendations would be submitted. Staff's status report, placed on the public record on February 20, 1981, concluded that the discussions with regard to voluntary alternatives to a rulemaking had not been successful, and stated that a staff report, setting forth recommendations with regard to the rulemaking proceeding, would be submitted to the Commission on March 31, 1981. Staff, in its report of March 31, 1981 (hereinafter "Staff Report"), recommended that the proceeding be terminated. Staff concluded that the report developed thus far did not suggest viable solutions, which the Commission could implement through rulemaking, to the problems articulated during the proceeding.

With respect to the problem of television advertising directed to young children, staff concluded that children six years and under place indiscriminate trust in televised advertising messages and do not understand the persuasive bias inherent in advertising. Staff also concluded that the techniques, focus and themes used in child-oriented television advertising enhance the appeal of the advertising message and the advertised product to young children. Thus, staff concluded that the record established a legitimate cause for public concern. However, staff also found that the only effective remedy suggested by the record for these problems would be a ban on all advertisements oriented toward young children. Staff stated that such a ban, as a practical matter, could not be implemented because its coverage would be both over-inclusive and under inclusive.(*2*)

With respect to the effect of sugared product advertising on the nutritional attitudes of children under 12, staff concluded that the record evidence was inconclusive. Finally, with regard to dental health, staff found that the record did not reveal the existence of a scientific methodology for determining the cariogenicity of individual food products, which would be sufficiently valid and reliable to justify a government-mandated rule. Staff stated that the identification of such a methodology would be a threshold step in the implementation of any proposed rule. Therefore, staff concluded that the apparent lack of a methodology precluded regulation of child-oriented advertising for food products based on the theory that such products contribute to dental caries.

By notice in the **Federal Register** of April 8, 1981,(*3*) the Commission solicited public comment on the staff's recommendation that the rulemaking be terminated. Comments were to be submitted on or before June 8, 1981. Staff reviewed and analyzed the 95 comments submitted and forwarded its final recommendation to the Commission on September 1, 1981.

In making its final recommendation, staff reiterated its contention that the record compiled during the proceedings, while containing a voluminous amount of information on all sides of the many complex issues raised, does not provide an adequate basis for formulating a supportable and workable rule on children's television advertising. In addition, staff noted that the comments submitted in response to the Staff Report indicate that sufficient conflict remains about factual issues raised in this proceeding that any attempt to formulate a rule would require the commitment of substantial additional time, money and resources in order to explore further the difficult factual and policy issues raised. In conclusion, staff recommended that rulemaking should not be pursued.

Staff's recommendations as to the major issues were as follows:

1. Staff asserted that the record with respect to the issues of television advertising directed to young children is insufficient to justify proposing the text of a rule. It also stated that the appropriate age group to use in defining "young children" who would be the subject of such a rule is also subject to dispute.

The staff concluded in its Report that children six years and under are the group adversely affected by television advertising. However, other participants in the rulemaking suggested, both during the hearings and in comments on the Staff Report, that the age group should be defined as seven or eight years and under. In addition, ACT presented in its comments an argument that children aged eight to twelve years also have sufficient cognitive limitation to be considered in conjunction with "young children" for the purposes of defining the affected group.(*4*) This latter contention, however, was not presented during the hearings in any substantial fashion.

In contrast to these views, industry comments argued (1) that no age group is adversely affected by television advertising;(*5*) (2) that to conclude that children are captives of television ads ignores the major influence of parents and other adults on the developing child;(*6*) (3) that the record developed to date would not support any conclusion on this issue, particularly in light of criticisms developed in the academic community of the Piagetian theory of child development which was heavily relied upon by staff;(*7*) and (4) that to support a rule, the Commission would need to demonstrate that young children actually purchase items advertised on television or that a child's parents do so against their own inclination.(*8*)

Regardless of whether the exact age group is defined as six and under or eight and under, the conclusion reached by staff was that no effective remedy is supported by the present record. Staff stated that a ban remedy applied to advertising directed to or seen by young children would be both under- and over-inclusive. Staff asserted that whether further inquiry would assist in the identification of the appropriate age group or would help clarify the issue of whether an appropriate remedy could be formulated is speculative. Therefore, staff recommended to the Commission that no further commitment of resources be made in this rulemaking.

Consumer group commenters disagreed with staff's analysis, contending either that (1) a ban could be implemented(*9*) or (2) the inability to implement a ban is not a justifiable reason for abandoning alternative solutions to the concerns raised by children's advertising.(*10*) Numerous commenters made suggestions for alternatives to a ban, including such possibilities as public service announcements, affirmative disclosures, limiting advertisements for sugared products, restricting the techniques used in children's advertising and offering discount rates to companies advertising "healthy foods."(*11*) Consumer groups generally advocated continuation of rulemaking hearings to explore further these remedial issues.(*12*)

Industry commenters favoring termination of the rulemaking almost unanimously agreed with staff that neither a ban nor any other remedy could be implemented at this time.(*13*) However, the grounds these commenters cited in support for this conclusion were not restricted to those cited by staff and the staff was sharply criticized for recommending termination on unnecessarily narrow grounds.(*14*) Commenters argued that the record evidence developed to date was insufficient to prove the existence of a violation of the Federal Trade

Commission Act or the existence of public injury.(*15*) They added that implementation of a ban should be precluded by the First Amendment and economic considerations such as the effect of the ban on the quality and quantity of children's programming.(*16*) One commenter noted that there was an "Orwellian ring" about concluding on one hand that children cannot understand or evaluate advertising while concluding on the other hand that non-commercial advertising is an excellent educational medium.(*17*)

2. The Staff Report concluded that the record on the possible link between children's attitudes about nutrition and television advertising was inconclusive and therefore that it would be premature to formulate a rule on this subject. Staff argued that, as with the other issues presented, the Commission could expend additional resources in order to develop the record further. However, staff asserted that whether additional hearings or investigation would augment the record sufficiently to justify the formulation of a rule is speculative. Therefore, the staff recommended that the Commission not pursue this issue further in this rulemaking.

Consumer group commenters disagreed with staff's conclusion that the record developed to date is inconclusive concerning the link between children's advertising and nutrition.(*18*) ACT, for example, contended that because children cannot critically process and resist television advertising, it is deceptive to convey commercial messages to them without revealing the nutritional implications of sugar consumption.(*19*)

Many industry commenters agreed with staff that the record is inconclusive on this issue;(*20*) but some argued that the record demonstrates that children do *not* lack an awareness of basic principles of good nutrition and dental health.(*21*) Another commenter argued that at most, record evidence suggests the "possibility" of a link between advertising and nutritional attitudes and that this "possibility" could not justify further rulemaking proceedings.(*22*)

3. With respect to the issue of sugar and dental caries, the Staff Report concluded that the present record suggested no generally accepted scientific method for measuring the cariogenic potential of specific foods. Staff also concluded that identification of such a method would be a threshold step in the formulation of a workable rule and that absent such a methodology, the inclusion of specific products within a rule or exclusion of other products from that rule could not be justified. Therefore, staff recommended that proceedings in this area not be continued.(*23*)

Consumer groups disagreed with staff's conclusion that the unavailability of such a methodology barred further consideration of a rule. They argued that the evidence on the record is more than adequate to identify categories of sweet, sticky foods which greatly contribute to the formation of dental caries.(*24*)

Industry commenters generally agreed with staff's conclusion that no acceptable methodology exists, but urged the Commission to reject any implication that the development of a reliable methodology might justify reinstating this proceeding or a similar one.(*25*) One commenter emphasized that the precise measure of the cariogenicity of a food product is virtually meaningless without consideration of the manner in which the product is eaten.(*26*) Other commenters disagreed with the Staff Report's description of the etiology of caries, suggesting that even the scientific context for the development of a methodology is subject ot dispute.(*27*)

Commission Decision To Terminate the Rulemaking

The Commission has decided to terminate the children's advertising proceeding. The Commission has reviewed the rulemaking record, the March 31, 1981, staff report, the comments on that report and the staff's final recommendation. It is apparent from our review that resolution of the many factual issues essential to consideration of a trade regulation rule would involve lengthy and complex proceedings. It is also apparent that the ultimate, definitive resolution of these factual issues, assuming the Commission were to undertake such proceedings, is highly speculative. Even if the Commission were able to resolve these factual issues in a manner which would support promulgation of a trade regulation rule, substantial questions would still remain as to the Commission's ability to formulate an effective remedy which could be justified on both legal and policy grounds.

In short, the Commission's review of the rulemaking record developed thus far clearly indicates that a major commitment of the Commission's resources would be required to continue this proceeding, resources which would necessarily have to be diverted from other pressing enforcement priorities. In light of the possibility that even a protracted rulemaking would not culminate in a definitive resolution of the factual and remedial issues at stake in this proceeding, we cannot justify sacrificing other important enforcement priorities to its continuation.

The factual issues contested by the parties in this proceeding are numerous and complex. The parties have debated the validity of competing theories concerning the cognitive development of the child. They have disputed the interaction between the family infrastructure and the effect of television advertising on daily purchasing decisions and children's nutritional attitudes. The parties have questioned both the existence of a reliable methodology for measuring the cariogenicity of foods advertised to children and the significance of a product's cariogenicity (assuming it could be established) to children's dental health.

Following approximately six weeks of hearings, Presiding Officer Morton Needelman recommended the designation of disputed issues at stake in this proceeding as three far-ranging questions. His recommendations were immediately challenged by most of the parties to this proceeding and voluminous briefs were filed asking the Commission to modify Mr. Needelman's Order No. 78. At this point in the proceeding, Congress enacted amendments to the Federal Trade Commission Act requiring the Commission to suspend the rulemaking until the text of a proposed rule was published and directing that such a rule could be based only on a theory of deception.

To continue the rulemaking, therefore, the Commission would be compelled to formulate a proposed text of a rule on the basis of the rulemaking record developed to date. The Commission would then have to address the arguments raised by the parties in response to Order No. 78. Continued consideration of a rule must of course occur in the context of the procedures specified in Section 18 of the federal Trade Commission Act, and the Commission's Rules of Practice. In the case of this proceeding, these procedures would include submission of additional documentary evidence, adjudicative-type hearings with the opportunity for cross-examination, the submission of rebuttal comments, filing of staff and presiding officer's reports, and presumably oral presentation before the Commission at which selected interested parties are allowed to deliver final arguments on the advisability of promulgating a trade regulation rule. (See 15 U.S.C. Section 57a and 16 CFR 1.13.)

Even assuming that the Commission could formulate the text of a proposed

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rule at this stage of the proceedings, the Commission cannot be confident that the many factual issues remaining would be susceptible to satisfactory resolution after completion of full rulemaking proceedings.

In addition to our concern about the likelihood of resolving the factual issues necessary for consideration of a trade regulation rule, we question the availability of an effective remedy that can be justified on both legal and policy grounds. The staff has suggested that the only effective remedy for the problems allegedly posed by child-oriented television advertising would be a ban on all advertisements aimed at young children, but concludes that such a remedy could not be implemented as a practical matter since its coverage would be both over and under-inclusive. Some commenters have challenged the staff's conclusion arguing that the age group of children who are potentially deceived is sufficiently broad that a ban on children's advertising could be effectively implemented.

Without reaching a resolution of this debate over the practicality of implementing a total ban on children's advertising, the Commission is nevertheless aware of the substantial legal and policy issues involved in any consideration of the adoption of such a drastic regulatory remedy. We seriously doubt, given these legal and policy issues, whether a total ban should ever be imposed on children's advertising at the end of rulemaking proceedings.

Commenters have suggested other remedial alternatives, including affirmative disclosure requirements, limitations on child-oriented advertisements and public service announcements. however, the effectiveness of these alternatives in remedying any deception inherent in child-oriented advertising could be determined only after final resolution of the factual issues described above. In addition, the expenditure of further resources would be necessary to determine which remedies should apply either to advertising directed at very young children or advertising for cariogenic food to children of all ages and to gauge whether the benefits of such remedial alternatives would justify the costs they would impose.

In sum, should the Commission determine to continue this rulemaking, it would be committing substantial resources in money and personnel to a lengthy inquiry in an effort to resolve the complex factual and remedial issues posed by the rulemaking, recognizing that a satisfactory resolution of these issues is speculative. We are unwilling to make this commitment at the expense of more pressing enforcement priorities. We conclude, therefore, that it is not in the public interest to continue this proceeding and we hereby give notice of its termination.*(28)*

By direction of the Commission. Commissioner Pertschuk did not participate.

Carol M. Thomas,

Secretary.

Footnotes

1. FTC Improvements Act of 1980, Pub. L. No. 96–252, Sections 11(a)(1), 11(a)(3), 94 Stat. 374.

2. See Final Staff Report and Recommendation (March 31, 1981) at 36–47.

3. 46 FR 21,019 (1981).

4. ACT, S–55. All "S" citations refer to comments received in response to the April 8, 1981 Federal Register notice. These comments were filed in category S of the Rulemaking Record, in order of the date received. Ninety-five comments were received.

5. *See, e.g.,* Chocolate Manufacturer's Association (CMA), S–44; General Mills, S–58; Association of National Advertisers (ANA), S–71.

6. General Mills, S–58; National Association of Broadcasters (NAB), S–62.

7. General Mills, S–58; NAB, S–62; ANA, S–71.

8. CBS, S–45.

9. Stephanie Sheltz, S–2; Marlene Jones, S–15; Sandi Bryand, S–39; Stephaine Turner, S–80; Rebecca Bishop, S–84; Carrie Starner, S–91; ACT, S–55; CSPI, S–60; Vivienne Aronowitz, S–75; American Academy of Pediatrics, S–64.

10. Salley Steenland, S–13; Garth and Sandra Skouson, S–17; Schuyler Day Care Center, S–4; National Association of Pediatric Nurse Associates & Practitioners, S–10; Vivienne Aronowit, S–75.

11. Sally Steenland, S–13; Garth and Sandra Skouson, S–17; Janet L. Goodyear, S–29; Karen Gaff, S–47; Lesley Yu, S–83; Julie Copus, S–94; Schyler Day Care Center, S–4; Children's Rights, Inc., S–7 and S–89; Children's Learning Center, S–16; PTA, Fox Hills Elementary, S–93; National Association of Pediatric Nurse Associates and Practitioners, S–10; Laurie Devitt, R.D., S–18; Vivienne Aronowitz, S–75; Dental Health Section of American Public Health Association, S–82.

12. Sally Steenland, S–13; Janet L. Goodyear, S–29; Karen E. Lewis, S–87; Children's Learning Center, S–16; Commonwealth of Massachusetts Consumer Council, S–20; Children Threatre Association of America, S–24; National Extension Homemakers Council, Inc., S–26; Alpha Kappa Alpha Sorority, S–27; American Personnel and Guidance Assoc., S–37; International Reading Association, S–40; Committee for Children's Television Metro Detroit, S–42; Holt International Children's Services, Inc., S–51; ACT, S–55; Long Island Coalition for Fair Broadcasting, S–70; Aspira, Inc., S–88; Rochester Coalition for Children's Television, S–76; National Association of Pediatric Nurse Associates and Practitioners, S–10, Laurie Devitt, R.D., S–18; National Council of Community Mental Health Centers, S–33; The American Academy of Pediatrics, S–64; Roselyn Wilson, R.D.H., B.S., M.P.H., S–68; Joanne Ikeda, R.D., S–72; H. Horowitz, D.D.S., M.P.H. and A. Horowitz, R.D.H., M.A., S–86; Vivienne Aronowitz, S–75; Interfaith Center on Corporate Responsibilites, S–28.

13. *See, e.g.,* NBC, S–67; ANA, S–71; CBS, S–45.

14. *See, e.g.,* ANA, S–71; CBS, S–45.

15. William S. Marbourg, S–25; Association of Independent TV Stations (INTV), S–56; NAB, S–62; NBC, S–67; American Advertising Federation (AAF), S–21; American Association of Advertising Agencies (4A's), S–22; Ogilvy and Mather, S–57; ANA, S–71; Food Service and Lodging Institute, S–83; CMA, S–44; Kellogg Co., S–50; General Mills, S–58; Ralston Purina Company, S–63; Toy Manufacturers of America(TMA), S–54.

16. CBS, S–45; INTV, S–56; The Producers Association for Children's Television (PACT), S–65; Ogilvy and Mather, S–57; AAF, S–21; General Mills, S–58; TMA, S–54.

17. CMA, S–44.

18. ACT, S–55; CSPI, S–60.

19. ACT, S–55.

20. *See, e.g.,* ANA, S–71; PACT, S–65.

21. CMA, S–44; General Mills, S–58.

22. ANA, S–71, *See also,* CMA, S–44.

23. However, staff's recommendation that the Commission not proceed to regulate children's television advertising by promulgating a trade regulation rule should not be construed as a belief that other branches of government or governmental entities could not or should not consider further study or regulation in this field.

24. SCPI, S–60; ACT, S–55.

25. *See, e.g.,* Kellogg, S–50; General Mills, S–58.

26. Kellogg, S–50.

27. General Mills, S–58; NBC, S–67.

28. The Commission's decision to terminate this rulemaking proceeding does not rest upon the resolution of any disputed issues of fact that have been proffered or raised in this proceeding.

[FR Doc. 81–28790 Filed 10–1–81; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 436, 452, 455, and 555

[Docket No. 81N–0245]

Microbiological Turbidimetric Assay for Chloramphenicol and Troleandomycin

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the antibiotic drug regulations by revising the microbiological turbidimetric assay method for chloramphenicol and troleandomycin for

both human and veterinary use. This action would result in reducing assay costs for these antibiotic drugs.

DATES: Comments by December 1, 1981; request for an informal conference by November 2, 1981.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: The current regulations for the microbiological turbidimetric assay used to determine the potency of chloramphenicol and troleandomycin provide for buffer solutions as the diluent used for the standard and sample preparations of these antibiotic drugs. Studies performed by FDA's laboratory, the National Center for Antibiotics Analysis (NCAA), demonstrate that the assay results using distilled water as the diluent are equivalent to the current method. Because distilled water costs less to prepare than buffer solutions, the use of distilled water as the diluent in these assays would result in an overall reduction in assay costs. Therefore, FDA is proposing to revise the microbiological turbidimetric assay for chloramphenicol and troleandomycin by replacing buffer solutions with distilled water as the diluent for standard and sample preparation.

In addition, FDA is also proposing that the sample preparation for the microbiological turbidimetric potency assay of fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment be changed for a blending method to an extraction method. Based on a study performed by NCAA, the agency tentatively concludes that the extraction methods is more accurate than the existing method.

The data generated by FDA laboratories on which the agency relies in proposing these amendments to the antibiotic regulations are on public display in the Dockets Management Branch (address above).

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act (RFA) (Pub. L. 96-354; 94 Stat. 1164-1170), has considered the effect that this regulation would have on small entities. The agency has determined that the proposed regulation would provide for the use of a less costly testing reagent, thus reducing the overall cost of the test method for the manufacturers of these antibiotic drugs, and would refine an existing technical provision without imposing a more stringent requirement. Under section 605(b) of the RFA, the agency certifies that this rulemaking, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n), 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), it is proposed that Parts 436, 452, 455, and 555 be amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

§ 436.106 [Amended]

1. Part 436 is amended in § 436.106 *Microbiological turbidimetric assay,* in the table of paragraph (a), for the item "Chloramphenicol" by inserting "Distilled water" in the first diluent column and for the items "Chloramphenicol" and "Troleandomycin" by changing in the second diluent column the figure "1" to read "Distilled water."

PART 452—MACROLIDE ANTIBIOTIC DRUGS

2. Part 452 is amended:

a. In § 452.75, paragraph (b)(1)(ii) is revised to read as follows:

§ 452.75 Troleandomycin.

* * * * *

(b) * * *

(1) * * *

(ii) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 80 percent isopropyl alcohol solution (solution 15) to obtain a stock solution containing 1,000 micrograms per milliliter. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

* * * * *

b. In § 452.175a, paragraph (b)(1) is revised to read as follows:

§ 452.175a Troleandomycin capsules.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing sufficient 80 percent isopropyl alcohol solution (solution 15) to obtain a stock solution of 1,000 micrograms of troleandomycin per milliliter (estimated). Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

* * * * *

c. In § 452.175b, paragraph (b)(1) is revised to read as follows:

§ 452.175b Troleandomycin oral suspension.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with sufficient 80 percent isopropyl alcohol solution (solution 15) to obtain; a stock solution containing 1,000 micrograms of troleandomycin per milliliter (estimated). Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

* * * * *

d. In § 452.175c, paragraph (b)(1) is revised to read as follows:

§ 452.175c Troleandomycin oral suspension.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute the drug as directed in the labeling. Dilute an accurately measured representative portion of the sample with sufficient 80 percent isopropyl alcohol solution (solution 15) to obtain a stock solution containing 1,000 micrograms of troleandomycin per milliliter (estimated). Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of

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troleandomycin per milliliter (estimated).

* * * * *

e. In § 452.175d, paragraph (b)(1) is revised to read as follows:

§ 452.175d Troleandomycin chewable tablets.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 80 percent isopropyl alcohol solution to obtain a stock solution of 1,000 micrograms of troleandomycin per milliliter (estimated. Blend 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

* * * * *

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

3. Part 455 is amended:

a. In § 455.10, paragraph (b)(1)(i) is revised to read as follows:

§ 455.10 Chloramphenicol.

* * * * *

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 95 percent ethyl alcohol to obtain a solution containing 10,000 micrograms of chloramphenicol per milliliter (estimated). Add sufficient distilled water to obtain a concentration of 1,000 micrograms of the chloramphenicol per milliliter (estimated). Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

b. In § 455.10a, paragraph (b)(1)(i) is revised to read as follows:

§ 455.10a Sterile chloramphenicol.

* * * * *

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 95 percent ethyl alcohol to obtain a solution containing 10,000 micrograms of chloramphenicol per milliliter (estimated). Add sufficient distilled water to obtain a concentration of 1,000 micrograms of the chloramphenicol per milliliter (estimated). Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

c. In § 455.110, paragraph (b)(1) is revised to read as follows:

§ 45.110 Chloramphenicol capsules.

* * * * *

(b) * * *

(1) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a highspeed glass blender jar containing 100 milliliters of 95 percent ethyl alcohol. Blend for 2 minutes. Then add 400 milliliters of distilled water and blend again for 2 minutes. Remove an aliquot and further dilute with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

d. In § 455.210, paragraph (b)(1) is revised to read as follows:

§ 455.210 Chloramphenicol injection.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample in sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

e. In § 455.310a, paragraph (b)(1) is revised to read as follows:

§ 455.310a Chloramphenicol ophthalmic solution.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

f. In § 455.310b, paragraph (b)(1)(i) is revised to read as follows:

§ 455.310b Chloramphenicol ophthalmic.

* * * * *

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an accurately measured representative portion of the sample with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

g. In § 455.310c, paragraph (b)(1) (i) and (iii) is revised to read as follows:

§ 455.310c Chloramphenicol ointment (chloramphenicol cream).

* * * * *

(b) * * *

(1) * * *

(i) *If the ointment is water miscible.* Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter polysorbate 80 and sufficient distilled water to obtain a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *If the ointment is not water miscible.* Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of petroleum ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of distilled water and shake well. Allow the layers to separate. Remove the aqueous layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of distilled water. Combine the aqueous extractives in a suitable volumetric flask and dilute to volume with distilled water. Remove an aliquot and further dilute with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated). The potency of chloramphenicol ointment is satisfactory if it contains not less than 90 percent and not more than 130 percent of the number of milligrams of chloramphenicol that it is represented to contain.

* * * * *

h. In § 455.410, paragraph (b)(1) is revised to read as follows:

§ 455.410 Chloramphenicol otic.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

i. In § 455.510d, paragraph (b) is revised to read as follows:

§ 455.510d Fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment.

* * * * *

(b) *Tests and methods of assay; potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of petroleum ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of distilled water and shake well. Allow the layers to separate. Remove the aqueous layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of distilled water. Combine the aqueous extractives in a suitable volumetric flask and dilute to volume with distilled water. Remove an aliquot and further dilute with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

4. Part 555 is amended:

a. In § 555.110a, paragraph (b)(1)(i) is revised to read as follows:

§ 555.110a Chloramphenicol tablets.

* * * * *

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a highspeed glass blender jar containing 100 milliliters of 95 percent ethyl alcohol. Blend for 2 minutes. Add 400 milliliters of distilled water and blend again for 2 minutes. Remove an aliquot and futher dilute with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

b. In § 555.110c, paragraph (b)(1) is revised to read as follows:

§ 555.110c Chloramphenicol oral solution.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

c. In § 555.210, paragraph (b)(1) is revised to read as follows:

§ 555.210 Chloramphenicol injection.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

d. In § 555.310d, paragraph (b)(1)(i) is revised to read as follows:

§ 555.310d Chloramphenicol ophthalmic solution.

* * * * *

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample in distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

e. In § 555.310e, paragraph (b)(1) is revised to read as follows:

§ 555.310e Chloramphenicol-prednisolone-tetracaine-squalane topical suspension.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured portion of the sample into a separatory funnel containing 50 milliliters of petroleum ether. Shake the separatory funnel vigorously to bring about complete mixing of the sample and the petroleum ether. Add 20 milliliters of distilled water and shake well. Remove the aqueous layer and repeat the extraction with three additional 20-milliliter portions of distilled water. Combine the extractives and dilute to an appropriate volume with distilled water. Further dilute an aliquot with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

Interested persons may, on or before December 1, 1981, submit to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Interested persons may also, on or before November 2, 1981, submit to the Dockets Management Branch (address above) a request for an informal conference. If an informal conference is held, interested persons will have unitl December 1, 1981 or 30 days from the date of the conference, whichever is later, to submit their comments.

Dated: September 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc 81-28307 Filed 10-1-81; 8:45 am]

BILLING CODE 4110-03-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

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ACTION: Semiannual Regulatory Agenda.

SUMMARY: This semiannual regulatory agenda, issued pursuant to Executive Order 12291 (46 FR 13193, February 19, 1981), lists the following items: those EEOC guidelines that have been designated for review by the Presidential Task Force on Regulatory Relief under Section 3(i) of the Executive Order; proposed guidelines and regulations, or their amendments and revisions, that have been noticed in the Federal Register for public comment, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, and the status of items previously reported; a list of proposed guidelines and regulations, or their amendments and revisions, currently being developed or under consideration for development. An assessment of EEOC's regulations under review and development does not show that any of the proposed regulations or guidelines fall within the Executive Order's defihition of a major rule.

EFFECTIVE DATE: October 1981.

FOR FURTHER INFORMATION CONTACT: Frederick D. Dorsey, Director, or Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, D.C. 20506; (202) 634-7060.

SUPPLEMENTARY INFORMATION: Executive Order 12291 requires that a regulatory agenda of regulations under development and review be published in the Federal Register in April and October of each year.

Signed at Washington, D.C., this 25th day of September 1981.

For the Commission:

J. Clay Smith, Jr.,
Acting Chairman.

Title	Description	Authority	Status	Contact
		A. Guidelines to be reviewed pursuant to Executive Order 12291		
Uniform Guidelines on Employee Selection Procedures.	These guidelines, issued prusuant to Title VII of the Civil Rights Act of 1964, provide a uniform set of principles for all employers to assure that their selection procedures do not discriminate on the basis of race, color, religion, sex or national origin.	Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*	Final Guidelines were published in 43 FR 38290 on Aug. 25, 1978, and became effective on September 25, 1978. EEOC will be reviewing the recordkeeping requirements under the guidelines.	Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, Equal Employment Opportunity Commission ("EEOC"), 2401 E Street, N.W., Washington, D.C., 20506. (202) 634-7060
Guidelines on Discrimination Because of Sex; Sexual Harassment.	The guidelines re-affirm the Commission's view that sexual harassment in the workplace is an unlawful employment practice. The guidelines outline employers' responsibility for sexual harassment experienced by their employees.	Title VII of the Civil rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*	The guidelins on sexual harasement became final on Nov. 10, 1980, upon publication in 45 FR 74676. EEOC will be reviewing these guidelines for adequacy of guidance provided to employers as to what constitutes prohibited conduct.	Raj K. Gupta, Office of Policy Implementation, EEOC, (202) 634-7060.
		B. Proposed Regulations or Guidelines		
Employment Discrimination; Procedures for Handling Complaints.	These regulations, proposed by EEOC and Department of Justice, contemplate that most individual complaints of employment discrimination which are filed with Federal fund granting agencies under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and other federal laws will be referred to EEOC for processing..	Executive Order 12250, 45 FR 72995 (Nov. 4, 1980) and Executive Order 12067, 43 FR 28967 (June 30, 1978); Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*.	Notice of proposed rule was published in 46 FR 22395 on Apr. 17, 1981. The comment period ended on June 16, 1981.	Douglas Beilan, Acting Director, Office of Interagency Coordination, EEOC, (202) 634-6915. David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division, Department of Justice, Tenth Street and Pennsylvania Avenue, Washington, D.C. 20530, (202) 633-3831.
Recordkeeping Regulations	The Commission proposes to revise its recordkeeping regulations to require certain employers and labor unions to retain lists of applicants for employment for two years.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*	Notice of proposed revisions was published in 43 FR 32280 on July 25, 1978. Comment period ended Sept. 21, 1978, and a public hearing was held on Sept. 21, 1978.	Anthony DeMarco, Supervisory Attorney, Office of the General Counsel, EEOC, (202) 634-6595.
706 State and Local Agencies	A proposal to establish certification procedures for 706 deferral agencies.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*	Notice of proposed regulation published in 46 FR 37523 on July 21, 1981. Final regulations are contemplated in October 1981.	Nicholas M. Inzeo, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634-6595.
Non-Discrimination on the Basis of Handicap in Federally assisted Programs.	Proposed regulations setting forth procedures and policies to assure non-discrimination on the basis of handicap in employment and operations of programs receiving assistacne from the Equal Employment Opportunity Commission.	Section 504, Rehabilitation Act of 1973, Pub. L. 93-112, (29 U.S.C. 794) and Executive Order 11914, 41 FR 17871.	Proposed regulation published in 44 FR 68482 on Nov. 29, 1979. Comment period ended on Jan. 28, 1980. Approved by Commission and now in formal interagency coordination pursuant to Executive Order 12067.	Nicholas M. Inzeo, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634-6595.
Equal Employment Opportunity in the Federal Government; Complaints of Handicap Discrimination.	Amend the federal sector procedural regulations so that individuals complaining of handicap discrimination have available the same remedies, procedures and rights as are provided under Section 717 of Title VII; to make the Commission's regulations concerning the right to file a civil action (§§ 1613.281-1613.283) applicable to handicap discrimination complaints.	Sections 501 and 505 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791 and 794a, Reorganization Plan No. 1 of 1978 (43 FR 19807), and Executive Order 12106 (44 FR 1053).	Notice of proposed rulemaking published in 45 FR 43794, June 30, 1980; comment period ended August 29, 1980. Approved by Commission and now in the clearance process under E.O. 12291	Thomas L. Saltonstall, Director, Technical Guidance Division, Office of Field Services, EEOC, (202) 634-6855.
Collection of Applicant Data for Affirmative Action Purposes.	This amendment permits federal agencies to collect handicap information from applicants for employment in order to implement and evaluate special recruitment programs undertaken for affirmative action purposes.	EEO Management Directive 703; Reorg. Plan No. 1 of 1978; Section 501 of the Rehabilitation Act of 1973, as amended; Section 403 of the Vietnam Era Veterans' Readjustment Act of 1974.	Interim guidelines published in 46 FR 11285 became effective on Feb. 6, 1981. The period for written comments expired April 7, 1981.	Clayton J. Boyd, Division of Programs for Handicapped Individuals, Office of Government Employment, EEOC, Room 4208, Bailey's Crossroads, (703) 756-[illegible]

Title	Description	Authority	Status	Contact
Equal Employment Opportunity in the Federal Government; Remedial Relief under Sec. 717.	Proposed amendments provide that an agency or the Commission may award a complainant reasonable attorney's fees and costs and backpay when an allegation of discrimination prohibited by Section 717 is resolved in favor of the complainant.	Section 717 of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-16.	Interim regulations, effective Apr. 11, 1980, were published in 45 FR 24130 on Apr. 9, 1980. Final regulations have been approved by the Commission and are in interagency coordination pursuant to Executive Order 12067. Final regulations are contemplated by October 1981.	Nicholas M. Inzeo, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634-6595.
The Equal Pay Act; Interpretations	The Commission proposes interpretations with respect to the enforcement of the Equal Pay Act. These interpretations would replace those issued by the Department of Labor at 29 CFR Part 800.	Secs. 1-19, 52 Stat. 1060, as amended; Sec. 10, 61 Stat 84; Pub. L. 88-38, 77 Stat. 56 (29 U.S.C. 201 *et seq.*); Sec. 1, Reorg. Plan No. 1 of 1978, 43 FR 19807; E.O. No. 12144, 44 FR 37193.	Proposed regulations were published in 46 FR 43848 on Sept. 1, 1981; Comment period ends on Nov. 2, 1981.	Anthony J. DeMarco, Supervisory Attorney, (202) 634-6595 or Clement Hyland, (202) 653-5490, Office of General Counsel, Legal Counsel, Division, or Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, EEOC, (202) 634-7060
Procedures; Age Discrimination in Employment Act.	Proposed regulations advising the public as to the procedures which are to be followed in processing charges and issuing interpretations and opinions under the ADEA.	Sec. 9, 81 Stat. 605; (29 U.S.C. 628); Sec. 2 Reorg. Plan No. 1 of 1978 (43 FR 19807).	Proposed regulations were published on Jan. 30, 1981, 46 FR 9970. Comment period ended on Mar. 31, 1981. Commission vote on final regulation scheduled before end of 1981.	John J. Pagano, Legal Counsel Division, Office of General Counsel, EEOC, (202) 634-6595.
Proposed Interpretations of the Age Discrimination in Employment Act.	Commission interpretations of the proper construction of the ADEA; these interpretations rescind the interpretations issued by the Dept. [illegible] Labor.	Sec. 9, 81 Stat. 604; (29 U.S.C. 628); Sec. 2, Reorg. Plan No. 1 of 1978, 43 FR 19807.	Notice of proposed rulemaking was published in 44 FR 68858, Nov 30, 1979, and 45 FR 64212, Sept. 29, 1980. The interpretations originally proposed in November 1979 were approved in August 1981 by the Commission for publication in final form in the **Federal Register** Final interpretations are expected to be published by October 1981.	John J. Pagano, Office of General Counsel, Legal Counsel Division, EEOC, (202) 634-6595
Privacy Act of 1974; proposed Privacy Act System of Records.	The EEOC has proposed regulations that will establish a system of records which will contain information on individuals who file charges or complaints under the ADEA or EPA and exempting this system of records from certain provisions of the Privacy Act.	Privacy Act of 1974, 5 U.S.C. 301 and 552a; Equal Pay Act, 29 U.S.C. 206(d) *et seq.*; Age Discrimination in Employment Act, 29 U.S.C. 621 *et seq.*; 44 U.S.C. 396(a); Reorg. Plan No. 1 of 1978, 43 FR 19807; Executive Order 12144, 44 FR 37193 (June 26, 1979).	Notice of the proposed privacy act system of records was published in 46 Fr 21819 on April 14, 1981 The comment period ended on June 15, 1981.	Anthony J. DeMarco, (202) 634-6595 or Clement Hyland (202) 653-5490, Legal Counsel Division, Office of General Counsel, EEOC.
Privacy Act Regulations	The proposed rule exempts System EEOC-1, Age and Equal Pay Act Discrimination Case Files, from certain provisions of the Privacy Act.	29 U.S.C. 206(d); 29 U.S.C. 621 *et seq.*; Reorg. Plan No. 1 of 1978, 43 FR 19807, E.O. 12144, 44 FR 37193.	Proposed rule was published in 46 FR 21784 on April 14, 1981; the comment period ended on June 15, 1981.	Anthony J. DeMarco, Supervisory Attorney, (202) 634-6595 or Clement Hyland (202) 653-5490, Legal Counsel Division, EEOC.
C. Final Regulations				
Procedural Regulations on Filing and Deferral of Charges or Discrimination.	Revision of procedural regulations on the filing and deferral of charges of discrimination after the Supreme Court's decision in *Mahasco Corp.* v. *Silver,* 447 U.S. 807 (1980).	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*	Final rule became effective on August 28, 1981, upon publication in 46 FR 43037.	Anthony J. DeMarco, Supervisory Attorney, (202) 634-6595 or Thomas J. Schlageter, (202) 653-5490, Legal Counsel Division, EEOC.

D. Regulations currently under development or being considered for development

(1) Title VI regulations to establish procedures for organizations receiving Federal funds from EEOC and for persons who believe they have been discriminated against by organizations receiving Federal funds from EEOC. Section 601 *et seq.* of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d *et seq.*

(2) Interpretative regulations under the Age Discrimination in Employment Act. Section 1 *et seq.* of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.*; Reorganization Plan No. 1 of 1978 (43 FR 19807, May 9, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

(3) Amending 29 CFR 1611.1 *et seq.*, the Commission's Privacy Act regulations, to reflect EEOC's authority over Federal EEO records. Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a.

(4) Revise regulations for processing Title VII EEO complaints in the Federal sector. Section 717 of Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. 2000e-16; Reorganization Plan No. 1 of 1978 (43 FR 19807, May 9, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

(5) Regulations for processing charges of discrimination which arise in connection with a personnel action appealable to the Merit Systems Protection Board. Section 205 of the Civil Service Reform Act of 1978, 5 U.S.C. 7702.

(6) Regulations for EEOC review of a final decision on any matter involving discrimination that is not otherwise appealable to the Merit Systems Protection Board by a greivant. Section 701 of the Civil Service Reform Act of 1978, 5 U.S.C. 7122.

(7) Procedural regulations for the Federal sector under the Equal Pay Act of 1963. Sections 4(f) and 6(d) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 204(f) and 206(d); Reorganization Plan No. 1 of 1978 (43 FR 19807, May 9, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

E. Previous Agenda items that have been discontinued

The proposal to amend 29 CFR 1601.15 to coordinate subpoena enforcement under Title VII with that under the Equal Pay Act of 1963 has been discontinued. Because of statutory differences between the Equal Pay Act of 1963 and Title VII it was determined that this was not legally feasible. Instead, procedures for access to and production of evidence under the Equal Pay Act were included in the final recordkeeping and administrative regulations issued pursuant to the Equal Pay Act in 44 FR 4888 on January 19, 1981.

[FR Doc. 81-28448 Filed 10-1-81; 8:45 am]

BILLING CODE 6570-06-M

V46/191 OC2 81 UMI

29 CFR Ch. XIV

Semiannual Agenda of Regulatory Activity Affecting Small Entities

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: This agenda announces the pending proposed regulatory actions that are subject to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) The Commission's purpose in publishing this agenda is to allow interested small entities a meaningful and early opportunity to comment and participate in all stages of Commission regulatory development.

FOR FURTHER INFORMATION CONTACT: Frederick D. Dorsey, or Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506; Telephone 202-634-7060.

Signed at Washington, D.C., this 25th day of September 1981.

For the Commission.

J. Clay Smith, Jr.,
Acting Chairman.

Regulatory Flexibility Act of 1980

Regulatory Agenda

1. Amend Title VII recordkeeping regulations located at 29 CFR Part 1602 *et seq.* The proposed amendments were published for notice and comment in the **Federal Register** on July 25, 1978 (43 FR 32280). The proposed amendments were the subject of a public hearing held on September 21, 1978, and the Commission has received extensive public comment on them. The thrust of the amendments is to require all respondents subject to the Commission's annual reporting requirements to maintain and preserve applicant records for 2 years, or until the termination of a Commission or court proceeding. The Commission's review of the proposed amendments is expected to be completed by July 1983.

[FR Doc. 81-28440 Filed 10-1-81; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Cancellation of Public Hearing on Modified Portions of the Wyoming Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Cancellation of public hearing.

SUMMARY: OSM is announcing the cancellation of a public hearing on the adequacy of program modifications submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Wyoming permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice cancels the public hearing but does not alter the time and location at which the Wyoming program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

DATE: The following hearing is cancelled: The public hearing on the proposed modifications to the Wyoming program, October 6, 1981, at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hagen, Deputy Regional Director, Office of Surface Mining Reclamation and Enforcement, 1020 15th Street, Denver, Colorado 80202, Telephone: 303-837-5421.

SUPPLEMENTARY INFORMATION: On September 9, 1981, notice of opportunity for public hearing on the proposed modifications to the Wyoming program, was published in the **Federal Register** (46 FR 44995-44998). The proposed modifications are regulation changes required by the Secretary of the Interior in his conditional approval of the Wyoming program, along with three proposed program amendments submitted by the State.

The notice stated that any person interested in making an oral or written presentation at the hearing should contact Donald Crane by September 22, 1981, and that if no person contacted Mr. Crane to express an interest in participating in the hearing by the above date, the hearing would be cancelled.

Because no one expressed an interest in attending the hearing by September 22, 1981, the hearing has been cancelled.

While there is no public hearing, interested persons may still submit written comments on the proposed program elements. Written comments must be received on or before 4 p.m. on October 6, 1981, to be considered in the Secretary's decision on whether the proposed amendments satisfy the regulatory conditions imposed on the approval of the program and whether the additional proposed amendments meet requirements for approval.

Written comments should be mailed or hand-delivered to: Mr. Robert Hagen, Deputy Regional Director, Office of Surface Mining Reclamation and Enforcement, 1020 15th Street, Denver, Colorado 80202, Telephone: 803-837-5421.

Dated: September 28, 1981.

J. R. Harris,
Director, Office of Surface Mining.

[FR Doc. 81-28675 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 6E1760/6E1874/7E1929/9E2136/OE2309/OE2361/P182; PH-FRL-1947-5]

Benomyl; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This notice proposes that tolerances be established for the combined residues of the fungicide benomyl and its metabolites containing the benzimidazole moiety (calculated as benomyl). These proposals were submitted by the Interregional Research Project No. 4 (IR-4) and by the California Department of Food and Agriculture. This amendment will establish a maximum permissible level for the combined residues of benomyl and its metabolites at 0.2 part per million (ppm) in or on certain raw agricultural commodities.

DATE: Comments must be received on or before October 19, 1981.

ADDRESS: Written comments to: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions numbers 6E1760; 6E1874; 9E2136; OE2309; and OE2361 to the EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Florida (6E1760); Florida, Louisiana, Wisconsin, Michigan, New York, and Washington (6E1874); California, Maryland, New Jersey, and Virginia (9E2136); Arkansas, California, Oregon, Texas, and Washington (OE2309); and New Jersey (OE2361). These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the fungicide benomyl [methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate] and its metabolites containing the benzimidazole moiety (calculated as benomyl) at 0.2 ppm in or on the following raw agricultural commodities resulting from seed treatments: corn, fresh (including sweet, K+CWHR) and sweet corn, fodder and forage (6E1760); broccoli, brussels sprouts, cabbage, cauliflower, Chinese cabbage, collards, kale, kohlrabi, mustard greens, rutabagas, and turnips (tops and roots) (6E1874); and spinach (OE2309); 0.2 ppm in or on sweet potatoes resulting from transplant root dip treatment (9E2136); and 0.2 ppm in or on eggplants and peppers resulting from greenhouse application to bedding plants prior to transplant but not later than the 8-leaf stage (OE2361).

The California Department of Food and Agriculture, 1220 N St., Sacramento, CA 95814, has submitted pesticide petition 7E1929 requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of benomyl and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity garlic at 0.2 ppm from treatment of garlic seed (cloves).

A comprehensive review of the data available for the chemical was conducted in connection with the Rebuttable Presumption Against Registration (RPAR) for benomyl which was published in the **Federal Register** of December 6, 1977 (42 FR 61788).

This presumption was based on information indicating that benomyl posed the risks of mutagenicity (point mutation and non-disjunction), spermatogenic depression and teratogenic effects, acute toxicity to aquatic organisms and significant population reduction in nontarget organisms. In the **Federal Register** of August 30, 1979 (44 FR 51166), the agency issued a Preliminary Notice of Determination, which concluded that benomyl continued to pose the risks noted above with the exception of point mutations and significant population reductions in nontarget organisms. In this Notice and the accompanying Position Document 2/3, the agency weighed the risks and benefits of use together, and determined that certain modifications to the terms and conditions of use were necessary to reduce the risks of use to applicators.

Subsequent to these findings, data have been made available indicating that benomyl is oncogenic and additional teratogenic tests have been submitted. A re-review of the presently registered uses of benomyl in light of the oncogenic and teratogenic adverse effects are currently being performed.

Food residue studies on the crops for which tolerances are being proposed were submitted and evaluated for the petitions. These studies demonstrated that residues of benomyl in the crops will be less than the limits of sensitivity of analytical methodology, or less than 0.2 ppm. Thus, there will be minimal potential health risk to the general public since benomyl residues resulting from the proposed greenhouse and seed slurry treatments will be less than the sensitivity of the analytical method. These and all currently existing tolerances and registered uses will be reevaluated in a future RPAR position document.

The nature of the residues is adequately understood and adequate analytical methods (fluorometic or colorimetric) are available for enforcement purposes. Since no detectable residues have been found in treated crops, there will be no problem of secondary residues in meat, milk, poultry, and eggs. Even if small quantities of residues were to be found, in feed items, the established meat, milk, poultry, and egg tolerances would be adequate to cover residues from these uses.

Based on the above information considered by the agency, it is concluded that the amount of benomyl added to the diet from the proposed seed uses is too small to substantially increase the risk to humans. Thus, the proposed tolerances are considered to pose a negligible increment in risk and it is concluded that the tolerances established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register**, that this rulemaking proposal to referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. As provided for in the Administrative Procedures Act (5 U.S.C. 553(d)(3)), the comment period time is shortened to less than 30 days because of the necessity to expeditiously provide a means for control of *Phoma lingam* (blackleg disease) on broccoli, brussels sprouts, cabbage, and cauliflower. Comments must bear a notation indicating both the subject and the petition and document control number, "[PP6E1760/6E1874/6E1929/7E1929/9E2136/0E2309/0E2361/P182]." All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 1870.294 be revised to read as follows:

§ 180.294 Benomyl; tolerances for residues.

Tolerances are established for the combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidozole moiety (calculated as benomyl) in or on the following raw agricultural commodities:

Commodities	Parts per million
Almond hulls	1
Apples (pre- and post-H)	7
Apricots (pre- and post-H)	15
Avocados	1
Beans	2
Bean vine forage	50

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Commodities	Parts per million
Beets, sugar, roots	0.2
Beets, sugar, tops	15
Blackberries	7
Blueberries	7
Boysenberries	7
Bananas (pre- and post-H) (NMT 0.2 ppm (N) shal' be present in the pulp after peel is removed and discarded)	1
Broccoli	0.2
Brussels sprouts	0.2
Cabbage	0.2
Cauliflower	0.2
Cattle, fat	0.1
Cattle, meat	0.1
Cattle, mbyp	0.1
Celery	[illegible]
Cherries (pre- and post-H)	15
Chinese cabbage	0.2
Citrus fruit (pre- and post-H)	10
Collards	0.2
Corn, fresh (inc. sweet K + CWHR)	0.2
Corn, sweet, fodder and forage	0.2
Cucumbers	1
Dewberries	7
Eggplants	0.2
Eggs	0.1
Garlic	0.2
Goats, fat	0.1
Goats, meat	0.1
Goats, mbyp	0.1
Grapes	10
Hogs, fat	0.1
Hogs, meat	0.1
Hogs, mbyp	0.1
Horses, fat	0.1
Horses, meat	0.1
Horses, mbyp	0.1
Kale	0.2
Kohlrabi	0.2
Loganberries	7
Mangoes	3
Melons	1
Milk	0.1
Mushrooms (pre- and post-H)	10
Mustard greens	0.2
Nectarines (pre- and post-H)	15
Nuts	0.2(N)
Peaches (pre- and post-H)	15
Pears (pre- and post-H)	7
Peanuts	0.2
Peanut forage	15
Peanut hay	15
Peanut hulls	[illegible]
Peppers	0.2
Pineapples (post-H)	35
Plums (inc. fresh prunes) (pre- and post-H)	15
Poultry liver	0.2
Poultry, fat	0.1
Poultry, meat	0.1
Poultry, mbyp	0.1
Pumpkins	1
Raspberries	7
Rutabagas	0.2
Rice	5
Rice straw	15
Sheep, fat	0.1
Sheep, meat	0.1
Sheep, mbyp	0.1
Soybeans	0.2
Spinach	0.2
Squash, summer	1
Squash, winter	1
Strawberries	5
Sweet potatoes	0.2
Tomatoes	5
Turnips, roots	0.2
Turnips, tops	0.2

[FR Doc. 81-28758 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6152]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain mamagement requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribed how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

[illegible]	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Butler, Choctaw County	Wahalak Creek	Just upstream of South Mulberry Avenue	*105
		Wahalak Creek, Tributary 1	Just upstream of Smith Street	*150
		Brock Creek	Just downstream of South Mulberry Avenue	*101
			Just upstream of Riderwood Drive	*114
			Just upstream of Alabama Highway 10	*117
		Brock Creek, Tributary 2	Just upstream of Stevens Road	*122

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Pickett Creek	Just upstream of Alabama Highway 10 (Pushmataha Street).	*127
			Just upstream of Alabama Highway 17 (North Mulberry Street).	*143
		Pickett Creek, Tributary 5	Just upstream of Vanity Fair Avenue	[illegible]
			Just upstream of Alabama Highway 17	*144
		Pickett Creek, Tributary 4	Just upstream of Vanity Fair Avenue	*132
		Pickett Creek, Tributary 3	Just upstream of Woodley Avenue	*137
			Just upstream of Alabama Highway 10	*147

Maps available for inspection at City Clerk's Office, City Hall, 114 North Academy Street, Butler, Alabama 36904.

Send comments to Mayor Darryl C. Johnson, City Hall, P.O. Box 455, Butler, Alabama 36904.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Town of Heflin, Cleburne County	Cahulga Creek	Approximately 120 feet upstream at the confluence of Town Creek.	[illegible]
		Town Creek	Approximately 280 feet upstream from Town Creek Road.	*869
			Just upstream from Almon Street	[illegible]
			Approximately 150 feet upstream from Coleman Street	[illegible]

Maps available for inspection at Town Hall, 405 Ross Street, Heflin, Alabama 36254.

Send comments to Mayor Ewell Parker or Ms. Jane Shockley, Town Clerk, Town Hall, P.O. Box 128, Heflin, Alabama 36264.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Unincorporated Areas of Randolph County	Wehadkee Creek	Just upstream of Mark Head Road	[illegible]
			Just downstream of County Road 30	*777
		High Pine Creek	Just upstream of Dickert Road	[illegible]
			Just downstream of Connector Road	[illegible]
		Town Creek	Just downstream of City of Roanoke Corporate Limits	*715
		Wedowee Creek	Just upstream of U.S. Highway 431 (Main Street)	[illegible]
			Just downstream of County Road (Circle Drive)	[illegible]

Maps available for inspection at Randolph County Courthouse, Main Street, Wedowee, Alabama 36278

Send comments to Mr. Stell Benefield, Chairman, Randolph County Commission, Randolph County Courthouse, P.O. Box 249, Wedowee, Alabama 36278.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Roanoke, Randolph County	High Pine Creek	West Corporate Limits	*716
			North Corporate Limits	*724
		Town Creek	Just downstream of Lovina Street	*742
			Just downstream of Chestnut Street	*764

Maps available for inspection at City Hall, Main Street, Roanoke, Alabama 36274.

Send comments to Mayor Bonner or Olin Shepard, Court Clerk, City Hall, P.O. Box 432, Roanoke, Alabama 36274.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Unincorporated Areas of Walker County	Mulberry Fork (near Gorgas)	Just downstream of the confluence of Backer Creek	[illegible]
			Just upstream of State Highway 269	[illegible]
			Just downstream of upstream limit of detailed study	*273
		Mulberry Fork (near Cordova)	Just upstream of Southern Railway	*278
			Approximately 1,000 feet downstream of County Road [illegible]	[illegible]
			Just downstream of U.S. Highway 78	*286
		Lost Creek	Approximately 550 feet downstream of America Mine #7 Bridge.	*267
		Lost Creek (Near Carbon Hill)	Approximately 2,000 feet upstream of St. Louis San Francisco Railway.	[illegible]
		Wolf Creek	Approximately 500 feet downstream of upstream limit of detailed study.	[illegible]
		Blackwater Creek	Just upstream of State Highway 195	*457
			Just upstream of Harris Bridge	*473
			Just upstream of Staggs Bridge	*478
			Just downstream of County Highway 25	[illegible]
		Poley Creek	Approximately 250 feet upstream of State Highway 69	*372
			Approximately 300 feet upstream of Shererwood Drive	[illegible]
		Poley Creek, Tributary One	Just downstream of upstream limit of detailed study	*415
		Town Creek	Just upstream of Southern Railway	*293

Maps available for inspection at Walker County Courthouse, 18th Street and Third Avenue, Jasper, Alabama 35501.

Send comments to Mr. Grady Perry, Chairman, Walker County Commission or Frances Knight, County Administrator, County Courthouse, P.O. Box 1447, Jasper, Alabama 35501.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Town of Wedowee, Randolph County	Wedowee Creek	Just downstream of U.S. 431 (Main Street)	*785
			Just downstream of Circle Drive	[illegible]
		Frog Level Branch	Just downstream of Woodland Avenue	[illegible]
			Just downstream of U.S. 431 (Main Street)	*819

Maps available for inspection at Town Hall, Wedowee, Alabama 36278.

Send comments to Mayor W. C. Lumpkin or Ms. Algalene Sheppard, Town Clerk, Town Hall, P.O. Box 270, Wedowee, Alabama 36278.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kentucky	City of Greenup, Greenup County	Ohio River	Entire river bank	*543

Maps available for inspection at City Hall, Walnut Street, Greenup, Kentucky 41144.

Send comments to Mayor Jimmy Doran or Clifford Lowdenback, City Clerk, City Hall, 1011 East Main Street, Greenup, Kentucky 41144.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kentucky	City of Morehead, Rowan County	Triplett Creek	Just downstream of South Tolliber Road	[illegible]
			Just upstream of a Walkway Bridge	*730
			Just upstream of State Highway 519	*715
		North Fork Triplett Creek	Just downstream of Interstate Highway 64	*690
		Christy Creek	At mouth (Confluence with Triplett Creek)	*742

Maps available for inspection at City Hall, 168 East Main Street, Morehead, Kentucky 40351.

Send comments to Mayor Crayton Jackson or Mr. A. T McNeely, Building Inspector Engineer, City Hall, 168 East Main St., Morehead, Kentucky 40351

New Mexico	City of Grants, Valencia County	Rio San Jose	Approximately 125 feet downstream of U.S. Route 66 (Santa Fe Avenue).	*6415
			Approximately 270 feet downstream of Nimitz Drive	*6424
			Just downstream of State Highway 547 (First Street)	*6436
			Approximately 150 feet upstream of upstream crossing of Santa Fe Avenue (U.S. Route 66).	*6446
		Grants Canyon	Just downstream of Washington Avenue	*6434
			Approximately 125 feet downstream of Roosevelt Avenue.	*6445
			Approximately 500 feet upstream of confluence with Rio San Jose.	*6426
		Zuni Canyon	At I–40 culvert entrance	*6505

Maps available for inspection at Grants City Hall, 600 West Santa Fe, Grants, New Mexico 87020.

Send comments to Mayor Edward Wells, or David Martin, City Clerk, City Hall, P.O. Box 879, Grants, New Mexico 87020.

New Mexico	Village of Milan, Valencia County	Rio San Jose	Just downstream of Milan Street	*6513
			Just downstream of U.S. Highway 66	*6522
			Just downstream of Stanley Street	[illegible]
		Zuni Canyon	Approximately 670 feet upstream of Russell Avenue	[illegible]

Maps available for inspection at City Hall, 623 Uranrum Street, Milan, New Mexico 87021.

Send comments to Mayor Ed Jaramillo or Anges Lopez, City Clerk, City Hall, P.O. Box 2727, Milan, New Mexico 87021.

North Carolina	Town of Hot Springs, Madison County	French Board River	Just upstream of U.S. Highway 25 and 70	*1328
		Spring Creek	Just upstream of Bridge Street (State Highway 209)	*1333
			Just downstream of State Highway 209 at Station 120 miles above mouth.	*1361

Maps available for inspection at City Hall, Andrews Avenue, Hot Springs, North Carolina 28743.

Send comments to Mayor Swann Huff or Ms. Muriel Autry, Town Clerk, City Hall, P.O. Box 218, Hot Springs, North Carolina 28743.

North Carolina	Town of Kure Beach, New Hanover County	Atlantic Ocean	Approximately 175 feet East of Intersection of 2nd Avenue and F Avenue.	*13
			Approximately 200 feet East of Intersection of 2nd Avenue and I Avenue.	*13

Maps available for inspection at Town Hall, 115 North Third Street, Kure Beach, North Carolina 28449.

Send comments to Mayor S. C. Doty, Jr. or Ms. Frankie Jones, Town Clerk, Town Hall, P.O. Box 3, Kure Beach, North Carolina 28449

Texas	City of Amarillo, Potter and Randall Counties	West Amarillo Creek	Just downstream of West 9th Avenue	*3594
			Just upstream of Wallace Boulevard	*3636
		East Amarillo Creek	Approximately 100 feet upstream of Yucca Avenue	*3459
			Just upstream of Cliffside Avenue	[illegible]
			At Colorado Avenue	*3502
		Playa Lake #5	Entire Shoreline	[illegible]
		Playa Lake #6	Entire Shoreline	*3627
		Playa Lake #13	Entire Shoreline	*3624
		Playa Lake #14	Entire Shoreline	*3657
		Playa Lake #15	Entire Shoreline	*3623
		Playa Lake #16 (South Washington).	Entire Shoreline	*3625
		Playa Lake #17 (Bennett)	Entire Shoreline	*3642
		Playa Lake #19 (Santa Fe)	Entire Shoreline	*3633
		Playa Lake #20 (Gooch)	Entire Shoreline	*3674
		Playa Lake #21 (Tee-Anchor)	Entire Shoreline	*3612
		Playa Lake #22	Entire Shoreline	*3587
		Playa Lake #23 (Wild Horse)	Entire Shoreline	*3617
		Playa Lake #24	Entire Shoreline	*3627
		Playa Lake #26	Entire Shoreline	*3569
		Playa Lake #27	Entire Shoreline	*3543
		Playa Lake #28	Entire Shoreline	*3584

Maps available for inspection at City Hall, Planning Department, 507 East Ninth Street, Amarillo, Texas 79186.

Send comments to Mayor Richard Klein or Mr J O Smith, Chief of Planning Department, City Hall, P.O. Box 1971, Amarillo, Texas 79186

Texas	City of Belton, Bell County	Nolan Creek	Just upstream of Interstate Highway 35	*508
			Just downstream of Main Str. (State Highway 317)	*514
		Nolan Creek, Tributary 1	Just downstream of 2nd Avenue (FM 2748)	*533
			Just upstream of 2nd Avenue (FM 2748)	*550
		Nolan Creek, Tributary 2	Approximately 350 feet upstream of confluence with Nolan Creek Tributary 1	[illegible]
		Mitchell Branch	Just upstream of Loop 121	*587
			Just downstream of Interstate Highway 35	*611
		Leon River	Just downstream of Belton Railroad	*476
			Just upstream of Waco Road (FM 817)	[illegible]
			Just upstream of Main Street (State Highway 317)	*499

Maps available for inspection at City Hall, 333 East A Street, Belton, Texas 76513.

Send comments to Mayor Clyde Jones or Mr. Jeff Holberg, City Manager, City Hall, P.O. Box 120, Belton, Texas 76513.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 21, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28493 Filed 10-1-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6153]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: FEMA.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Apache County (unincorporated areas)	Little Colorado River at St. Johns	50 feet downstream of intersection of U.S. Highways 666 and 61 with Little Colorado River at St. Johns.	*5679
		Little Colorado River at Springerville.	50 feet upstream of intersection of Airport Road and Little Colorado River at Springerville	*6958
		San Francisco River	100 feet upstream of intersection of U.S. Highway 180 and San Francisco River	*7923
			100 feet upstream of intersection of U.S. Highway 666 (Coronado Trail) and San Francisco River	*7972

Maps available for inspection at Department of Planning and Zoning, Washington and Fifth, St. Johns, Arizona.

Send comments to the Honorable Louise Dennison, Box 428, St. Johns, Arizona 85936–428.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	San Luis Obispo County (unincorporated areas)	Braves Creek	200 feet upstream from center of U.S. Highway 101 (South Bound).	*775
		North Fork Paloma Creek	At confluence of North Fork Paloma Creek and Paloma Creek.	[illegible]
		Paloma Creek	175 feet upstream from center of the Southern Pacific Railroad.	[illegible]
			850 feet southwest of intersection of Southern Pacific Railroad and San Rafael Road.	*879
			650 feet southwest of confluence of Paloma Creek and South Fork Paloma Creek.	#1
		Salinas River	50 feet upstream from center of State Highway 46 (24th Street).	[illegible]
			60 feet upstream from center of Templeton Road	*762
			At confluence of Salinas River and Santa Margarita Creek	[illegible]
		Santa Marganta Creek	25 feet upstream from center of Southern Pacific Railroad.	*910
			25 feet upstream from center of Yerba Buena Avenue	*1002
		Shallow Flooding	At intersection of Oak Road and Chestnut Avenue	[illegible]
		Shallow Flooding	350 feet west of intersection of Oak Road and Walnut Avenue.	[illegible]
		South Branch Toad Creek	125 feet downstream from center of U.S. Highway 101	[illegible]
		Toad Creek (Main and North Branch).	70 feet upstream of the Southern Pacific Railroad	*749
			50 feet upstream from center of Florence Street	*789
		Shallow Flooding	200 feet west of intersection of Toad Creek and center of Southern Pacific Railroad.	*749
			350 feet east of the intersection of Ramada Drive and Main Street.	#2
		Unnamed Creek #1	25 feet upstream from center of River Road	*722
		Yerba Buena Creek	25 feet upstream of H Street	[illegible]
			At intersection of Margarita Avenue and I Street	#1

Maps available for inspection at Planning Department, 2156 Sierra Way, San Luis Obispo, California.

Send comments to the Honorable Steve Mac Elvaine, Administrative Offices, Room A-205, Courthouse Annex, San Luis Obispo, California 93408.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Colorado	Vail (town), Eagle County	Red Sandstone creek	25 feet downstream from center of Frontage Road	[illegible]
		Middle Creek	35 feet downstream from downstream and of interstate Highway to culvert.	*8174
		Spraddle Creek	20 feet downstream from center of West Meadow Drive.	*8145
		West Mill Creek	At upstream end of Gore Creek Drive culvert	*8165
		East Mill Creek	30 feet downstream from center of Gore Creek Road	[illegible]
		Booth Creek	10 feet downstream from downstream edge of Abandoned Bridge.	[illegible]
		Pitkin Creek	At downstream end of Interstate Highway 70 culvert	[illegible]
		Bighorn Creek	10 feet upstream from upstream edge of Spruce Drive	[illegible]
		Black Gore Creek	Confluence with Lower Gore Creek	*8574
		Gore Creek	At upstream edge of Glen Lyon Bridge	*8007
			75 feet upstream from center of Golf Course Entrance	*8214
			At upstream edge of Main Gore Drive	*8540
		Upper Gore Creek	100 feet upstream from confluence with Lower Gore Creek.	[illegible]
		Lower Gore Creek	Downstream edge of Black Gore Drive	[illegible]

Maps available for inspection at Community Development Division, 75 S. Frontage Road, Vail, Colorado.

Send comments to the Honorable Rod Slifer, 75 South Frontage Road, Vail, Colorado 81657.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	Cambridge (city), Middlesex County	Alewife Brook	100 feet upstream of Massachusetts Avenue	[illegible]
		Wellington Brook	100 feet downstream of Brighton Street	*12

Maps available for inspection at City Engineer, 147 Hampshire Street, Cambridge, Massachusetts.

Send comments to the Honorable Francis Duehay, 795 Massachusetts Avenue, Cambridge, Massachusetts 02139.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Montana	Drummond (town), Granite County	Edwards Gulch	30 feet upstream of the intersection of First Street and Edwards Gulch.	*3960
		Bergman Slough	Intersection of Old U.S. Highway 10A (Main Street) and Bergman Slough	*3949
		Clark Fork	100 feet south of intersection of Old U.S. Highway 10A (Main Street) and Chicago Milwaukee St. Paul and Pacific Railroad.	*3953

Maps available for inspection at Town Hall, Drummond, Montana.

Send comments to the Honorable Chester Ahlin, Town Hall, Drummond, Montana 59832.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Montana	Granite County (unincorporated areas)	Clark Fork (Downstream Segment)	Confluence with Gillespie Creek	*3605
		Clark Fork (upstream Segment)	100 feet upstream of the intersection of Old U.S. Highway 10A and Clark Fork	*3953
		Clark Fork Divided Flow	Upstream side of Chicago, Milwaukee, St. Paul and Pacific Railroad Bridge	[illegible]
		Bergman Slough	125 feet downstream of intersection of U.S. Highway 10A and Bergman Slough.	*3941
		Flint Creek	50 feet downstream of intersection of bridge on Gravel Road and Flint Creek	*4023
		Frost Creek	Centerline of Sansome Street over Frost Creek	*5290

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rock Creek	50 feet downstream of intersection of unnamed road and Rock Creek (2.74 miles above mouth).	*3592
			Confluence with Bear Gulch	*3887

Maps Available for inspection at Granite County Courthouse, Philipsburg, Montana.

Send comments to the Honorable Frank Waldbillig, P.O. Box B, Phillipsburg, Montana 59858.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Montana	Philipsburg (town), Granite County	Camp Creek	30 feet upstream of the intersection of Railroad Street and Camp Creek.	*5166
			Intersection of Footbridge and Camp Creek	*5270
		Frost Creek	Intersection of West Street and Frost Creek	*5255

Maps available for inspection at Town Hall, Philipsburg, Montana.

Send comments to the Honorable Zane Z. Murfitt, box 339, Philipsburg, Montana 58958.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Utah	Ogden (city), Weber County	Weber River	Downstream edge of 24th Street Viaduct	*4295
			Upstream edge of State Highway 79	*4319
		Ogden River	Approximately 150 feet upstream of center of Wall Avenue.	*4287
			Downstream edge of Valley Drive	*4407
		Burch Creek	Upstream edge of Shadow Valley Drive	[illegible]
		Beus Creek	Approximately 100 feet upstream of center of intersection of 4600 South and Old Post Road.	*4767
		Jumpoff Gulch	Upstream edge of Jackson Avenue	*4416

Maps available for inspection at Planning Department, 252 25th Street, Odgen, Utah.

Send comments to the Honorable Steven Dirks, P.O. Box 9699, Ogden, Utah 84409.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Utah	Weber County (Unincorporated Areas)	Ogden River	At confluence with Johnson Draw	[illegible]
		Burch Creek	220 feet downstream from center of 785 East Street	[illegible]
		Jumpoff Gulch	75 feet upstream of the Ogden-Bngham Aqueduct crossing.	*4740
		Coldwater Gulch	40 feet upstream from center of Fruitland Drive	*4448
		Weber River	75 feet upstream from center of 1900 West Street (State Highway 84).	[illegible]

Maps available for inspection at Planning department, Ben Lomond Hotel, 2nd Floor, Ogden, Utah.

Send comments to the Honorable Lee Holt, Ben Lomond Hotel, 2nd Floor, Ogden, Utah 84401.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Wolcott (town), New Haven County	Mad River	Downstream Corporate Limits	*462
			Approximately 180′ downstream of confluence with Finch Brook.	*473
			1st Dam (upstream)	[illegible]
			2nd Dam (upstream)	*532
			3rd Dam (upstream)	*574
			Approximately 1,250′ upstream of State Route 69 (first crossing).	*610
			Approximately 2,300′ upstream of State Route 69 (first crossing).	[illegible]
			Center Street (upstream)	[illegible]
			Approximately 1,270′ upstream of Mad River Hill Road	[illegible]
			Approximately 2,490′ upstream of Mad River Hill Road	*709
		Old Tannery Brook	Downstream Corporate Limits	*462
			Nutmeg Road (upstream)	*465
			Tosum Road (upstream)	[illegible]
			State Route 69 (upstream)	*512
			Approximately 740′ upstream of State Route 69	*518
			Approximately 2,185′ upstream of State Route 69	*527
			Approximately 3,925′ upstream of State Route 69	*540
			Approximately 4,885′ upstream of State Route 69	[illegible]
		Lindsley Brook	Confluence with Sceville Reservoir	*533
			Approximately 620′ upstream of Woodtick Road (first crossing).	*573
			approximately 40′ downstream of Ransom Hill Road	*628
			Woodtick Road (second crossing) (upstream)	*668
			Center Street (upstream)	*686
			Woodtick Road (fourth crossing) (upstream)	*719
			Lindsley Drive	*744

Maps available for inspection at the Planning and Zoning Department, Wolcott Town Hall, 10 Kenea Avenue, Wolcott, Connecticut.

Send comments to the Honorable W. Richard Fish, Mayor of the Town of Wolcott, 10 Kenea Avenue, Town Hall, Wolcott, Connecticut 06716.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Delaware	Dover (city), Kent County	St. Jones River	Downstream corporate limits	*9
			Upstream of Silver Lake Dam	*18
			Upstream corporate limits	*25
		Puncheon Branch	Confluence with St. Jones River	*9
			Approximately 50 feet upstream of U.S. Route 113A	*17
			Approximately 50 feet upstream of CONRAIL	*25
			Approximately 3,500 feet upstream of CONRAIL	[illegible]
		Maidstone Branch	Confluence with St. Jones River	*24
			Approximately 1,050′ upstream of CONRAIL	[illegible]
			Upstream corporate limits	[illegible]
		Cahoon Branch	Confluence with Maidstone Branch	*30
			Upstream corporate limits	*35

Maps available for inspection at the City Engineer's Office, City Hall Annex, Dover, Delaware.

Send comments to Honorable Joseph McDonough, Mayor of Dover, P.O. Box 475, Dover, Delaware 19901.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maryland	Gaithersburg, (city), Montgomery County	Muddy Branch	Downstream corporate limits	*316

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 80 feet upstream of confluence of Muddy Branch Tributary 1.	*330
			Upstream of Muddy Branch Road	*350
			Upstream of Bnghton West Storm Water Retention Structure.	*375
			Upstream of Interstate Route 270 culvert	*410
			Downstream of State Route 355	*435
		Whestone Run	Downstream corporate limits	*322
			124 feet upstream of confluence with Watkins Mill run	*330
			Downstream of Watkins Mill Road	*333
			Approximately 2,360 feet upstream of Watkins Mill Road.	*341
			Upstream of Goshen Road	*380
			Approximately 320 feet upstream of confluence with Left Branch Whetstone Run.	*390
			Upstream corporate limits	*426
		Muddy Branch Tributary 1	Confluence with Muddy Branch	*330
			Approximately 130 feet upstream of Muddy Branch Road.	*351
			Upstream corporate limits	*371
		Long Draught Branch	Downstream corporate limits	*358
			Approximately 80 feet upstream of Quince Orchard	*354
			Clusters II Water Retention Structure	
			Upstream of Clopper Road	*401
			Upstream of Quince Orchard Road	*422
			Downstream West Diamond Avenue	*429
		Left Branch Whetstone Run	Confluence with Whetstone Run	*356
			Upstream of Victory Farm Storm Water Retention Structure.	*434
			Approximately 2,690 feet upstream of Victory Farm Storm Retention Structure.	*452
Maps available for inspection at the Code Enforcement Office, City Hall, 31 South Summit Avenue, Gaithersburg, Maryland.				
Send comments to Honorable Sanford Daily, City Manager of Gaithersburg, 31 South Summit Avenue, Gaithersburg, Maryland 20760.				
Massachusetts	Carver (town), Plymouth County	Weweantic River	Downstream Corporate Limits	*64
			Rochester Road (upstream side)	*69
			Confluence of Rocky Meadow Brook and South Meadow Brook.	*77
		Rocky Meadow Brook	Confluence with Weweantic River	*77
			France Street (downstream side)	*80
			Upstream Corporate Limits	*85
		South Meadow Brook	Confuence with Weweantic River	*77
			Upstream of Holmes Street	*87
			Upstream side of Access Road above Pond Street	*90
		Crane Brook	Confluence with Weweantic River	*67
			Tremont Street (upstream side)	*74
			Cranberry Road (upstream side)	*77
			Upstream side of 5th access road upstream of Cranberry Road.	*84
			14 access road upstream of Cranberry Road (downstream side).	*101
Maps available for inspection at the Carver Town Hall, Main Street, Carver, Massachusetts.				
Send comments to Honorable Frank R. Mazzilli, Chairman of the Town of Carver Board of Selectmen, Town Hall, Main Street, Carver, Massachusetts 02330.				
Massachusetts	Chelsea (city), Suffolk County	Mill Creek	Confluence with Chelsea River	*11
			Upstream side of Broadway Avenue	*13
			Just downstream of the southeast exit ramps of U. S. Route 1 & Route 95.	*14
Maps available for inspection at the Chelsea City Hall, 500 Broadway, Chelsea, Massachusetts.				
Send comments to the Honorable Joel Pressman, Mayor of the City of Chelsea, City Hall, 500 Broadway, Chelsea, Massachusetts 02150.				
Massachusetts	Hopedale (town), Worcester County	Charles River	Approximately 3,800′ downstream of downstream Conrail Bridge.	*235
			Upstream side of downstream Conrail Bridge	*236
			Upstream Corporate Limits	*243
		Mill River	Downstream Corporate limits	*217
			Approximately 5,800′ upstream of Corporate Limits	*223
			Upstream side of Mill Street	*240
			Upstream side of Thwing Street	*241
			Upstream side of Freedom Street	*276
			Upstream Corporate Limits	*290
Maps available for inspection at the Hopedale Town Hall, Hopedale, Massachusetts.				
Send comments to the Honorable John A. Hayes, Chairman of the Town of Hopedale Board of Selectmen, P.O. Box 7, Hopedale, Massachusetts 01747.				
New Jersey	Egg Harbor (city), Atlantic County	Mullica River	Entire shoreline within Corporate Limits	*9
		Landing Creek	Approximately 2,860′ below conflence of Union Creek	*25
			Moss Mill Road (Upstream side)	*32
			Duerer Avenue (Upstream side)	*36
			Upstream Corporate Limits	*44
		Union Creek	Confluence with Landing Creek	*29
			Duerer Avenue (Downstream side)	*30
			Upstream Corporate Limits	*52
		Union Creek Tributary	Confluence with Union Creek	*47
			Upstream Corporate Limits	*56

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Office of the City Clerk, City Hall, 500 London Avenue, Egg Harbor, New Jersey.				
Send comments to Honorable Jack C. Woerner, Mayor of the City of Egg Harbor, City Hall, 500 London Avenue, Egg Harbor, New Jersey 08215.				
New Jersey	Fairview (borough), Beren County	Wolf Creek	Confluence with Bellmans Creek Tidal Barrier (Upstream Side) Upstream Corporate Limits.	
Maps available for inspection at the Municipal Building, 59 Anderson Avenue, Fairview, New Jersey.				
Send comments to Honorable Mario Schettino, Mayor of the Borough of Fairview, 59 Anderson Avenue, Fairview, New Jersey 01022.				
New York	Cornwall-on-the-Hudson (village), Orange County	Hudson River	Entire shoreline within the community	[illegible]
		Boulevard Creek	Confluence with Hudson River	[illegible]
			Bayview Avenue (upstream side)	*132
			Payson Road (upstream side)	*174
			Approximately 1,660 upstream of Payson Road	*201
		Moodna Creek	Confluence with Hudson River	*8
Maps available for inspection at the Village Hall, Three Riverhead Avenue, Cornwall-on-the-Hudson, New York.				
Send comments to Honorable Edward Moulton Mayor of the Village of Cornwall-on-the-Hudson, Village Hall, Three Riverhead Avenue, Cornwall-on-the-Hudson, New York 12520.				
New York	New Paltz (town), Ulster County	Wallkill River	Downstream Corporate Limits	*192
			State Route 299 bridge	*194
			Upstream Corporate Limits	*196
Maps available for inspection at the Meeting Room, Town Hall, One Veterans Drive, New Platz, New York.				
Send comments to Honorable William Yeaple, Supervisor of the Town of New Platz, Town Hall, One Veterans Drive, New Platz, New York 12561.				
New York	Orangetown (town), Rockland County	Hudson River	Entire shoreline within community	*8.0
		Pascack Brook	Downstream Corporate Limits	*203
			Upstream West Washington Avenue	*223
			Upstream Corporate Limits	*236
		Muddy Creek	Corporate Limits	*214
			Downstream Margaret Keahon Road	*237
			Upstream of Private Drive	[illegible]
		Neurausheun Brook	Confluence with Heckensack River	[illegible]
			Upstream of Private Drive	*72
			Downstream of Blauvelt Road	*100
			Downstream of Dam	*134
			Upstream of Dam	*144
			[illegible]	[illegible]
			Upstream of Town Line Road	[illegible]
		Sparkhill Creek	Corporate Limits	[illegible]
			Upstream of State Route 303	*34
			Upstream of Washington Street	*43
			Upstream of Conrail	[illegible]
			Orangeburg Road	*76
			Downstream of Spruce Street	[illegible]
			Upstream of Erie Street	*124
Maps available for inspection at the Department of Public Works, Route 303, Orangeburg, New York.				
Send comments to Honorable Joseph Collelo, Supervisor of the Town of Orangetown, Orangetown Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962				
Pennsylvania	Franklin (township), Snyder County	Middle Creek	Approximately 720′ downstream of the downstream Corporate Limits of Frnanklin Township and Borough of Middleburg.	*492
			Upstream Corporate Limits of Franklin Township and Borough of Middleburg.	[illegible]
			Confluence of Tributary No.1 Legislative Route 54049 (Upstream).	*501 *505
			Approximately 600′ upstream of Legislative Route 54032.	*514
		Stumps Run	Downstream Corporate Limits Private Road (downstream) (Approximately 3,070′ upstream of Corporate Limits).	*514 [illegible]
		Tributary No. 1	Confluence with Middle Creek U.S. Route 522 (Upstream) Private Road (Downstream) (Approximately 1,800′ downstream of Legislative Route 54033).	*501 *541 *581
			Legislative Route 54033 (Downstream)	*597
		Tributary No. 2	Confluence with Middle Creek Approximately 770′ upstream of Township Route 616.	*514 *540
			Approximately 180′ downstream of Township Route [illegible]	*562
Maps available for inspection at the residence of the Township Secretary, Mr. T. W. Erdley, Paxtonville, Pennsylvania.				
Send comments to Honorable Irvin Zechman, Chairman of the Franklin Board of Supervisors, R. D. 1, Middleburg, Pennsylvania 17842.				
Pennsylvania	Lower Mahanoy (township), Northumberland County	Susquehanna River	Confluence of Mahantango Creek	*404
			Confluence of Dalmatia Creek	*416
			Upstream corporate limits	*422
		Mahantango Creek	Confluence with Susquehanna River	*404
			Upstream Township Route 302	*420
			Upstream Township Route 303	*447
			Upstream Township Route 332	*453
			Upstream corporate Limits	*476
		Dalmatia Creek	Confluence with Susquehanna River	*416
			Approximately 990′ upstream of 5th Private Road	*440
			Approximately 5,650′ upstream of State Route 147	*475
		Fidler's Run	Downstream Corporate Limits	*461
			Upstream State Route 225 (1st crossing)	[illegible]

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PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Legislative Route 49006	[illegible]
			60' downstream of T-337	[illegible]
Maps available for inspection at the Township Building, Lower Mahanoy, Pennsylvania.				
Send comments to Honorable Kenneth Schlegel, Chairman of the Lower Mahanoy Board of Supervisors, R. D. 1, Dalmatia, Pennsylvania 17017.				
Pennsylvania	Middleburg (borough), Snyder County	Middle Creek	Downstream Corporate Limits	[illegible]
			Confluence of Stumps Run	*497
			Upstream Corporate Limits	[illegible]
		Stumps Run	Confluence of Middle Creek	*497
			Upstream of Private Road	[illegible]
			Upstream of 3rd upstream footbridge	*505
			Upstream Corporate Limits	*512
Maps available for inspection at the Borough Building, Middleburg, Pennsylvania.				
Send comments to Honorable Harold Walter, Mayor of Middleburg, 241 East Main Street, Middleburg, Pennsylvania 17842.				
Pennsylvania	Plunketts Creek (township), Lycoming County	Loyalsock Creek	Downstream corporate limits	*616
			Approximately 1.77 miles upstream of corporate limits	*640
			Approximately 2.52 miles upstream of corporate limits	[illegible]
			Approximately 3.58 miles upstream of corporate limits	[illegible]
			Confluence of Little Bear Creek	*673
			Approximately 1.38 miles upstream of Bar Bottom Hollow	[illegible]
			Approximately 2.83 miles upstream of Bar Bottom Hollow.	*707
			Legislative Route 41105 (upstream)	*740
			Confluence of Plunketts Creek	*746
			Approximately 0.7 mile upstream of confluence of Plunketts Creek.	*753
Maps available for inspection at the Township Building, Plunketts Creek, Pennsylvania.				
Send comments to Honorable Gary Abernatha, Chairman of the Plunketts Creek Board of Supervisors, Star Route, Trout Run, Pennsylvania 17771.				
Virginia	Stony Creek (town), Sussex County	Stony Creek	Downstream Corporate Limits	*75
			Upstream of Seaboard Coastline Railroad	*79
			Upstream Corporate Limits	[illegible]
Maps available for inspection at the Town Hall, Stony Creek, Virginia.				
Send comments to Honorable T. W. Baicy, Mayor of Stony Creek, Office of the Mayor, Stony Creek, Virginia 23802.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 21, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28492 Filed 10-1-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6154]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Alabama et al.

AGENCY: FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to quality or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a)).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determines, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Jacksonville, Calhoun County	Tallasseehatchee Creek	Just downstream of Southern Railway	*624
			Just upstream of Southern Railway	*628
			Just upstream of Forney Street	*644
			Just upstream of Alabama Highway 21	*670
		Tallasseehatchee Creek	Just upstream of Marbut Drive	[illegible]
		Tributary 1	Just downstream of Alabama Highway 21	*678
			Just upstream of Alabama Highway 21	*673
			Just upstream of Church Street	*677
		Tallasseehatchee Creek, Tributary II.	Approximately 300 feet upstream of Church Street	*685
		Tallasseehatchee Creek	Just upstream of Church Street	*676
		Tributary 3	Just upstream of 8th Avenue	*721
			Just downstream of Macon Drive	[illegible]
		Little Tallasseehatchee Creek	Approximately 300 feet upstream of Weaver Road	[illegible]

Maps available for inspection at Municipal Technical Advisor's Office and Mayor's Office, City Hall, 320 South Church St., Jacksonville, Alabama 36265.

Send comments to Mayor John Nisbet, or Mr. Jack Birkett, Municipal Technical Advisor, City Hall, 320 South Church St., Jacksonville, Alabama 36265.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	City of Magnolia, Columbia County	Nations Creek	Just upstream of Calhoun Road	*271
			Approximately 300 feet downstream of U.S. Highway 82.	*273
		Tanyard Branch	Approximately 100 feet downstream of Louisiana & Northwestern Railroad.	[illegible]
			Approximately 50 feet upstream of State Highway 19	*276
		Barlow Branch	Approximately 50 feet upstream of U.S. Highway 82 Bypass.	[illegible]
		Tributary to Barlow Branch	Approximately 140 feet upstream of U.S. Highway Bypass.	*273
			At U.S. highway 82 Business State Highway 19	*273
		Tributary to Big Creek	Approximately 150 feet upstream of North Height Street.	[illegible]

Maps available for inspection at City Hall, 306 North Jackson Street, Magnolia, Arkansas 72204.

Send comments to Mayor Harry Kolb or Ms. Dona Burns, City Secretary, City Hall, 306 North Jackson Street, Magnolia 72204.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Georgia	City of Hinesville, Liberty County	Peacock Creek	Just downstream of Sandy Run Road	*20
		Peacock Creek	Just downstream of Fraser Drive extended	*19
		Tributary 1	Approximately 70 feet downstream of U.S. Highway 82	*51
		Mill Creek	Approximately 150 feet downstream of Perkin Road	*76
		Mill Creek	Just upstream of State Highway 196	*77
		Tributary 2	Just upstream of Pineland Road	[illegible]

Maps available for inspection at City Hall, 115 East South Street, Hinesville, Georgia 31313.

Send comments to Mayor James Brown or Mr. Billy Edwards, City Administrator, City Hall, 115 East South Steet, Hinesville, Georgia 31313.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Georgia	City of Mountain Park, Fulton and Cherokee, Counties	Rocky Creek	At Mountain Park Road	*915

Maps available for inspection at City Hall, 100 Mountain Park Road, Roswell, Georgia 30075.

Send comments to Mayor Judy Ray or Patsy Hawkings, Mayor—Protem, City Hall, 100 Mountain Park Road, Roswell, Georgia 30075.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Mexico	Village of Ruidoso Downs, Lincoln County	Rio Ruidoso	Approximately 80 feet upstream of Bridge-front	*6,431
			Just upstream of Entrance Road	*6,335
		Turkey Spring Canyon	Just upstream of U.S. Highway 37-70	*6,434

Maps available for inspection at Village Hall, U.S. 70 Highway, Ruidoso Downs, New Mexico 88346.

Send comments to Mayor Norman Wheeler or Ms. Virgina Stall, Village Clerk, Village Hall, P.O. Box 348, Ruidoso Downs, New Mexico 88346.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Carolina	City of Chester, Chester County	Dry Fork Creek	At Chester Corporate Limits	*447
			Approximately 120 feet downstream of Center Street (U.S. Route 321).	[illegible]
		Tributary DF-1	Just downstream of Cushman Drive extended	*454
		Tanyard Branch	Just downstream of West End Street	*456
			Approximately 170 feet downstream of Crestwood Drive.	*472
		Tributary TB-1	Just upstream of Arch Street extended	*471

Maps available for inspection at City Hall, 100 West End Street, Chester, South Carolina 29706.

Send comments to Mayor Funderburk or Mr. W. Penn Colbin, City Manager, City Hall, 100 West End Street, Chester, South Carolina 29706.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Carolina	Unincorporated Areas of Fairfield County	Wateree Lake	Approximately 269 feet upstream from the County Boundary.	[illegible]

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)

Maps avialable for inspection at Fairfield County Council's Office, County Courthouse, Winnsboro, South Carolina 29180.

Send comments to Mr. Donald Reed, Fairfield County Administrator, County Courthouse, P.O. Box 216, Winnsboro, South Carolina 29180.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Carolina	City of Lancaster, Lancaster County	Cane Creek	Just upstream of Highway 9 (Rockhill Road)	*439
			Just upstream of State Highway 9 Bypass	*441
		Bear Creek	Approximately 100 feet upstream of State highway 9	*442
			Just upstream of Tenth Street extension	*452
		Gills Creek	Just downstream of Roddey Drive	*445
			Just downstream of U.S. Highway 521 Bypass	*453
		Hannahs Creek	Just downstream of East Barr Street	*455
			Just downstream of State Highway 9 Bypass (U.S. Highway 521 Bypass).	*461
		Camp Creek	Just upstream of County Road 56 (University Drive)	*446

Maps available for inspection at City Hall, 201 West Gay Street, Lancaster, South Carolina 29720.

Send comments to Mayor Joe Shaw or Mr. Paul Paskoff, City Administrator, City Hall, P.O. Box 190, Lancaster, South Carolina 29720.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tennessee	Town of Gallaway, Fayette County	Loosahatchie River	Just upstream of Gallaway Road	*276
		West Gallaway Branch	Just downstream of Brownville Road	*292
			Just upstream of U.S. Highway 70 and 79	*297
		Cane Creek	Just upstream of Brownville Road	*283
		Cane Creek Tributary	Just upstream of Louisville and Nashville Railroad	*285
			Just upstream of U.S. Highway 70 and 79	*295

Maps available for inspection at Town Hall, 609 Watson Drive, Gallaway, Tennessee 38036.

Send comments to Mayor Layton Watson or Ms. Elna Watson, Town Recorder, Town Hall, P.O. Box 168, Gallaway, Tennessee 38036.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tennessee	Town of Somerville, Fayette County	Loosahatchie River	Just upstream of State Highway 76 and 59	*343
			Just downstream of Old Mill Road	*346

Maps available for inspection at Town Hall, West North Street, Somerville, Tennessee 38068.

Send comments to Mayor Ted Davis or Mr. Jim Voss, Town Administrator, Town Hall, P.O. Box 216, Somerville, Tennessee 38068.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of South Lake, Tarrant and Denton Counties	Bear Creek	Just upstream of St. Louis Southwestern Railway	*575
			Just upstream of White Chapel Road	*595
			Just downstream of Oakwood Trail extended	*604
		Tributary BB6	Just downstream of the Dam	*577
			Just upstream of the Dam	*582
			Just upstream of Continental Boulevard	*594
		Tributary BB8	Just upstream of Continental Boulevard	*601
		Tributary BB9	Just upstream of FM 1709 (West South Lake Boulevard).	*644
		West Jones Branch	Just upstream of Shady Lane	*573
			Just upstream of Kimball Avenue	*582
		Dove Creek	Just upstream of East Dove Street	*574
			Just downstream of North Carroll Avenue	*593
			Just upstream of Northwest Parkway Southbound (State Highway 114)	*613
		South Fork Kirkwood Branch	Just upstream of North White Chapel Road	*570
			Approximately 100 feet downstream of Northwest Parkway North Bound (State Highway 114).	*593
			Just upstream of Dove Street	*608
		Higgins Branch	Approximately 100 feet at upstream of Dove Street	*601

Maps available for inspection at City Hall, 667 North Carroll Street, South Lake, Texas 76292.

Send comments to Mayor Sam Sparger or Ms. Sandra LeGrand, City Secretary, City Hall, P.O. Box 868, South Lake, Texas 76292.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Vermont	Richmond, Town, Chittenden County	Winooski River	Downstream Corporate Limits	*300
			Downstream Village Corporate Limits	*309
			Upstream Village Corporate Limits	*312
			Confluence of Huntington River	*323
			Upstream Corporate Limits	*325
		Huntington River	Confluence with Winooski River	*323
			Approximately 4,240′ upstream of Cochran Road	*343
			Approximately 9,220′ upstream of Cochran Road	*408
			Approximately 9,220′ downstream of Huntington Road	*472
			Approximately 4,700′ downstream of Huntington Road	[illegible]
			Approximately 140′ upstream of Huntington Road	*520
			Upstream Corporate Limits	*526

Map available for inspection at the Richmond Town Clerk's Office, Town Hall, Box 285, Richmond, Vermont.

Send comments to the Honorable Willard Conant, Chairman of the Town of Richmond Board of Selectmen, Town Hall, Richmond, Vermont 05477

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Vermont	Richmond, Village, Chittenden County	Winooski River	Downstream Corporate Limits	*309
			Upstream Corporate Limits	*312

Maps available for inspection at the Richmond Village Clerk's Office, Village Hall, Box 285, Richmond, Vermont 05477.

Send comments to the Honorable Thomas McHugh, President of the Richmond Village Board of Trustees, Box 285, Richmond, Vermont 05477

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 21, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28534 Filed 10-1-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 63 and 68

[CC Docket No. 80-53]

Bell System Procurement Practices; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Public Notice Regarding Notice of Inquiry; Extension of comment and reply comment period.

SUMMARY: This action extends the date for filing initial comments in CC Docket 80-53 concerning Bell System procurement practices. The extension has been granted to enable a greater number of persons to comment in the inquiry.

DATE: Comments are due October 15, 1981. Reply Comments are due by December 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Emily M. Williams, Common Carrier Bureau, (202) 632-6415.

SUPPLEMENTAL INFORMATION:

Adopted: September 22, 1981.

Released: September 23, 1981.

By the Chief, Common Carrier Bureau:

1. The Electronic Industries Association (EIA) has filed a motion to extend the time for submitting initial comments in the Bell System Procurement Practices inquiry (CC Docket No. 80-53) from October 1, 1981, to November 2, 1981.

2. EIA states that it plans to submit comments in this proceeding but, because of the complexity of the issues involved and the time necessary for coordinating an industry position, it will be unable to meet the Commission's announced filing date.

3. We believe that EIA has shown good cause for obtaining a partial extension of time. We recognize that the issues in this proceeding are extremely complex and the Commission has expressed its desire to get as much information and as many comments as possible on this subject. Nevertheless, we feel that a two-week extension should be sufficient for EIA.

4. Accordingly, it is ordered, pursuant to § 0.291 of the Commission's rules 47 CFR § 0.291, that the motion for extension of time to file comments in CC Docket 80-53 is granted to the extent set forth and otherwise denied. All interested parties shall file comments on or before October 15, 1981, and reply comments on or before December 1, 1981.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc 81-28544 Filed 10-1-81; 8:45 am]

BILLING CODE 6712-01-M

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Notices

Federal Register
Vol. 46, No. 191
Friday, October 2, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Salmon River Electric Cooperative, Inc.; Finding of No Significant Impact

The Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact in connection with the proposed financing assistance to Salmon River Electric Cooperative, Inc., of Challis, Idaho, for the construction of 26 km (16 mi) of 69 kV electric transmission line.

The 69 kV transmission line will tap the existing 24.9 kV electric transmission feeder line which originates from Challis Substation in Custer County, Idaho. Salmon River has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA to evaluate the environmental impacts.

The proposed line will cross wetlands associated with the Pahsimeroi Valley area. There is no practical alternative that would avoid crossing the wetland area and the impact on wetlands will be minimized to the extent practicable.

Alternatives to the proposed project included no action, alternative route, conservation and underground construction. After examining these alternatives, REA determined that the proposed 69 kV transmission line is the best available practical alternative for providing power for present and projected energy demands in the area.

REA's evaluation of the environmental effects concludes that the construction of this project does not represent a major Federal action significantly affecting the quality of the human environment. A Finding of No Significant Impact was reached by REA in accordance with REA Bulletin 20-21:320-21.

REA's Finding of No Significant Impact, the Environmental Assessment, and the Borrower's Environmental Report may be obtained from or reviewed at the office of the Director, Distribution Systems Division, Room 3304, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 447-4413, or at the office of the Salmon River Electric Cooperative, Inc., Main Street, Challis, Idaho 83226, telephone (202) 879-2283.

The program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 25th day of September, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-28791 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-15-M

Science and Education Administration

Joint Council on Food and Agricultural Sciences; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), Science and Education announces the following meeting:

Name: Joint Council on Food and Agricultural Sciences

Data: October 14, 15, 16, 1981

Time and place: Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Virginia, 22209; Wednesday, October 14—1:00-5:00 p.m.; Thursday, October 15—8:30 a.m.-5:00 p.m.; Friday, October 16—8:30 a.m.-noon

Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit

Comments: The public may file written comments before or after the meeting with the contact person below

Purpose: Assess accomplishments of the Joint Council and plan its future goals and activities; review the Council's international responsibilities; plan for reports required of the Council by the new Farm Bill; hear update from the Program Structure Study Group and report on the OTA Assessment of U.S. Food and Agriculture Research

Contact person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651

Done at Washington, D.C., this 22d day of September 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81-28694 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-03-M

Joint Council on Food and Agricultural Sciences Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), Science and Education announces the following meeting:

Name: Executive Committee of the Joint Council on Food and Agricultural Sciences

Date: October 14, 1981

Time and place: 8:30 a.m.-12:00 noon; Key Bridge Marriott Hotel, 1401 Lee Hwy., Arlington, Virginia 22209

Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit

Comments: The public may file written comments before or after the meeting with the contact person below

Purpose: Consider alternatives for reports required of the Joint Council by the new Farm Bill; review draft of 1981 Annual Report; consider other business appropriate to the Joint Council

Contact person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651

Done at Washington, D.C., this 22nd day of September 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81-28695 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-03-M

Soil Conservation Service

Lower Bayou Watershed, Oklahoma

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624-4360.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for three floodwater retarding structures and critical area treatment remaining to be installed in the Lower Bayou Watershed project, Love and Carter Counties, Oklahoma.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts to the human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The action will involve the construction of three floodwater retarding structures and installation of critical area treatment measures.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

Dated: September 23, 1981.

Roland R. Willis,

State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and project is applicable)

[FR Doc. 81-28768 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL RIGHTS COMMISSION

New Jersey Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 8:30 p.m., on October 29, 1981, at the Ramada Inn, New Brunswick, New Jersey. The purpose of this meeting is to discuss program planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clyde Allen, 620 Sheridan Ave., Plainfield, NJ 07060 212/572-7577, or the Eastern Regional Office, Jacob K. Javits Bldg., 26 Federal Plaza, Room 1639, New York, NY 10278, 212/264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 29, 1981.

John I. Brinkley,

Advisory Committee Management.

[FR Doc. 81-28614 Filed 10-1-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Precipitated Barium Carbonate From the Federal Republic of Germany; Early Determination of Antidumping Duty

AGENCY: International Trade Administration, Commerce.

ACTION: Early determination of antidumping duty.

SUMMARY: The Department of Commerce has conducted an early determination of the antidumping duty to be assessed upon imports of precipitated barium carbonate from the Federal Republic of Germany entered, or withdrawn from warehouse, for consumption from February 18 to June 24, 1981. This determination will also be the basis for the deposit of estimated antidumping duties on future entries of such merchandise.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Richard W. Moreland or David R. Chapman, Office of Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-4236/2657).

SUPPLEMENTARY INFORMATION:

Background

On June 25, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 32864) an antidumping duty order covering imports of precipitated barium carbonate from the Federal Republic of Germany ("West Germany"). In accordance with the order, Customs officers were directed to require a deposit of estimated antidumping duties on the merchandise pending liquidation.

On July 2, 1981, the only known manufacturer of the merchandise, Kali-Chemie AS ("Kali"), requested that we waive the deposit of estimated duties and make an early determination of duty. On July 24, 1981, we announced (46 FR 38113) that, in accordance with section 736(c) of the Tariff Act of 1930 ("the Tariff Act"), we were satisfied that we would be able to determine foreign market value and United States price for all entries by Kali from the date of our preliminary affirmative determination to the date of the International Trade Commission's final determination. Deposit of estimated duties was waived pending the early determination of duty.

Scope of the Investigation

We investigated all imports of West German precipitated barium carbonate entered, or withdrawn from warehouse, for consumption during the period from February 18 to June 24, 1981.

For the purpose of this notice, the term "precipitated barium carbonate" applies to a chemical compound ($BaCO_3$), currently classifiable under item 472.0600 of the Tariff Schedules of the United States Annotated (TSUSA).

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772(b) of the Tariff Act, since all sales of West German precipitated barium carbonate were to unrelated U.S. customers and were concluded before the merchandise was imported into the United States. We calculated purchase prices on the basis of C.I.F. prices to unrelated U.S. purchasers with deductions for foreign inland freight, ocean freight, insurance, U.S. duty and brokerage fees.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 773(a) of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on delivered price with adjustments for inland freight, insurance, discounts, rebates and differences in packing. A claim was made for a circumstance-of-sale adjustment for technical assistance, as defined in § 353.15 of the Commerce Regulations. We determined that only a part of the amount claimed bore a direct relationship to the sales under consideration. Accordingly, we decided to grant a circumstance-of-sale adjustment for technical assistance for that part in the amount of DM 0.20 per metric ton.

Analysis of Comments Received

Interested parties were given an opportunity to submit written and oral comments. Comments were submitted by the petitioners and the manufacturer. The petitioners suggested that the Department may have overlooked some transportation charges and used too small a packing differential in calculating the statutory prices. We deducted transportation charges and calculated packing differentials based upon Kali's verified data and no additional adjustment is warranted. Kali's oly comment was that the margins occurred because of shipping difficulties beyond the firm's control. The circumstances described by Kali are not of the type considered by the Department in calculating possible dumping margins.

Results of Early Determination

As a result of our comparison of United States price to foreign market value, we determine that the weighted-average margin for all sales is 0.9 percent.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all shipments entered, or withdrawn from warehouse, for consumption from February 18 to June 24, 1981. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions separately to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of 0.9 percent of the entered value shall be required on all shipments of West German precipitated barium carbonate entered, or withdrawn from warehouse, for consumption on or after the date of publication of these results.

This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of June 1983.

This notice is published pursuant to section 736(c)(3) of the Tariff Act (19 U.S.C. 1673(e)) and § 353.49 of the Commerce Regulations (19 CFR 353.49).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 28, 1981.

[FR Doc. 81-28684 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-25-M

[Orders No. 41-4 (Amdt. 2)]

Organization and Function Order; Assistant Secretary for Trade Administration

This order further amends ITA Organization and Function Order 41-4 of August 26, 1980 (45 FR 65003, 46 FR 31911) to reflect the field structure of the Compliance Division, Office of Export Administration.

Effective Date: August 18, 1981.

Part V, Section 2.05b is revised to read:

b. Special Agents-in-Charge, New York and San Francisco Field Offices, Compliance Division, Office of Export Administration

Part V, Section 4.04 is revised to read:

.04 The *Compliance Division,* in consultation with the Department's Office of General Counsel, shall enforce the Export Administration Regulations, except those relating to foreign boycotts against countries friendly to the United States. The division shall perform its assigned functions through the following subordinate elements:

a. The *Intelligence Branch* shall develop intelligence information regarding areas of possible export administration violations; and collect intelligence data on overseas firms and individuals in order to identify and evaluate their suitability and reliability as recipients of U.S. exports.

b. The *Investigations Branch* shall investigate suspected export administration violations; and, in consultation with the Department's Office of General Counsel, prepare cases on violations for referral for administrative proceedings by the Department and criminal prosecution by the Department of Justice.

c. The *Facilitation Branch* shall conduct on-site physical inspections of cargo for evidence of export administration violations; promote compliance with export clearance regulations; and maintain liaison with the U.S. Customs Service, Census Bureau, and postal authorities.

d. The *Field Offices* in New York, New York, and San Francisco, California, shall perform as appropriate the functions of the Investigations Branch and the Facilitation Branch.

Approved:

Lionel H. Olmer,

Under Secretary for International Trade.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

Bohdan Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 81-28776 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-25-M

[Order No. 41-5 (Amdt. 1); D.O.O. Reference 10-3, 40-1]

Organization and Function Order; Assistant Secretary for Trade Development

ITA Organization and Function Order 41-5 of January 16, 1981 (46 FR 19956), is amended to (1) establish and assign functions to the Deputy Assistant Secretary for Trade Development, (2) establish the Coal Export Staff in the Office of the Assistant Secretary, (3) reflect the transfer of responsibility for international expositions held in the United States from the Associate Deputy Secretary to the Deputy Assistant Secretary for Export Development, (4) consolidate branches in the Asia/Africa Division of the Office of Country Marketing, and (5) transfer Post Commercial Action Plan responsibilities from the Office of the Director of the Office of Export Planning and Evaluation to the Planning and Evaluation Division.

Effective date: August 17, 1981.

1. Section 3.04 of Part I is renumbered as Section 3.06. Section 3.03 is amended and new Sections 3.04 and 3.05 are added, to read as follows:

.03 The Office of the Assistant Secretary shall include the Deputy Assistant Secretary for Trade Development who shall serve as the principal deputy to the Assistant Secretary, perform such duties as the Assistant Secretary shall assign, and perform the functions of the Assistant Secretary in the latter's absence.

.04 The Office of the Assistant Secretary also shall include the Coal Export Staff headed by a Director who shall advise the Assistant Secretary in the latter's capacity as coordinator of the National Coal Export Program and shall serve as Executive Director of the Interagency Coal Export Working Group and the Commerce Department Coal Export Task Force, both chaired by the Assistant Secretary. The staff shall maintain liaison with members of the Working Group and the Task Force. The staff shall propose action programs and coordinate ITA programs dealing with coal exports; maintain liaison with the coal industry and other private sector and state and local government organizations concerned with coal exports; monitor trade and domestic economic situations which affect coal exports; and report periodically to the Assistant Secretary on the progress of Commerce's coal export programs and those of other agencies.

.05 The Assistant Secretary shall direct the activities of:

a. Deputy Assistant Secretary for Trade Development.

b. Deputy Assistant Secretary for Export Development.

c. Deputy Assistant Secretary for East-West Trade.

d. Deputy Assistant Secretary for the U.S. Commercial Service.

2. Subparagraphs .01h and .01i are added to Part II, Section 1 as follows:

h. The Act of May 27, 1970 (P.L. 91–269, 22 U.S.C. 2801 *et seq.*) relating to U.S. participation in international expositions.

i. The Act of December 29, 1979 (P.L. 96–169, 93 Stat. 1281) regarding U.S. participation in the International Energy Exposition to be held in Knoxville, Tennessee in 1982.

3. Paragraph .04 is added to Part II, Section 3 as follows:

.04 The Office of the DAS shall contain the *International Expositions Staff* which shall review applications for Federal recognition of international expositions to be held in the United States and prepare the report to the President for decision on such recognition; coordinate all Department activities involving the Bureau of International Expositions (BIE) in Paris and furnish official U.S. representation to it; prepare the plan required of the Secretary of Commerce by Section 3 of P.L. 91–269 for Federal participation in international expositions to be held in the United States; and carry out such plans and other responsibilities of the Department of Commerce for ensuring appropriate Federal participation in such expositions. The Staff also shall be responsible for supporting, as appropriate, the activities of any commissioner general appointed by the President or the Secretary for particular expositions. The appropriate relationship between the Staff and commissioner general shall be established for each exposition by agreement between the commissioner general and the Assistant Secretary for Trade Development.

4. Subparagraph .02c of Part II, Section 6 is amended to read:

c. *Asia/Africa Division*
East Asia Branch
ASEAN/Australasia Branch
Africa Branch

5. Part II, section 7.02 is deleted and sections 7.03, 7.04 and 7.05 are renumbered as 7.02, 7.03 and 7.04 respectively.

6. The new Section 7.02 is amended to read as follows:

.02 The *Planning and Evaluation Division* shall develop and manage a planning system which includes the setting of short and long term objectives, goals, and strategies; the development of program initiatives and priorities for export development activities; recommendation of the allocation of related resources; and provision of criteria for measuring and evaluating the performance of export development programs. The Division shall consult with other offices in development of this system. The Division shall make recommendations designed to improve the efficiency, effectiveness and responsiveness of programs which will enable the DAS to meet domestic/international market developments, exporter needs, and achieve export development objectives. It shall maintain a system to forecast quantitative accomplishments for these programs; prepare analyses of program performance; analyze implications of program results and accomplishments; develop criteria for measuring and evaluating program performance; direct and conduct value analysis, benefit/cost analyses and similar analyses; review and coordinate responses to program recommendations and monitor compliance with and implementation of the endorsed program recommendations. The Division shall also be responsible for developing the design and specifications for the Post Commercial Action Plans (PCAPs); reviewing and coordinating workload levels and clearances for PCAPs; participating in review of performances of the U.S. Foreign Commercial Service in carrying out PCAP and analyzing PCS post's resource utilization patters; and coordinating and monitoring Commerce contributions and clearance of policy and resource management papers (PARMs) within the National Security Council/Interdepartmental Group structure.

Approved:

Lionel H. Olmer,
Under Secretary for International Trade.

William H. Morris, Jr.,
Assistant Secretary for Trade Development.

[FR Doc. 81–28777 Filed 10–1–81; 8:45 am]

BILLING CODE 3510-25-M

Lamb Meat From New Zealand; Initiation of Countervailing Duty Investigation

Correction

In FR Doc. 81–27754 appearing at page 47106 in the issue for Thursday, September 24, 1981, please make the following correction:

On page 47107, in the first column; in the last paragraph, in the third line, the date "September 11, 1981" should read "December 11, 1981".

BILLING CODE 1505-01-M

Michelin X-Radial Steel Belted Tires From Canada; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration Department of Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On June 10, 1981, the Department of Commerce published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" with respect to Michelin X-radial steel belted tires from Canada. The review covered the period January 1, 1978 through December 31, 1979. The notice stated that the Department had preliminarily determined the amount of net subsidy to be 4.57 and 2.25 percent *ad valorem* for 1978 and 1979, respectively. Interested parties were invited to comment on these preliminary results. Upon review and analysis of all comments received and correction of clerical errors, the Department determines that countervailing duties in the amount of 2.91 and 1.60 percent of the f.o.b. invoice price shall be assessed on all entries made during 1978 and 1979, respectively. The Department further determines that a cash deposit of estimated countervailing duties of 1.60 percent of the f.o.b. invoice price of the merchandise shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Josephine A. Russo or Joseph A. Black, Office of Compliance, Room 2804, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1168 or 377–1774).

SUPPLEMENTARY INFORMATION:

Background

On January 8, 1973, a notice of "Final Countervailing Duty Determination", T.D. 73–10, was published in the **Federal Register** (38 FR 1018). The notice stated that the Department of the Treasury ("Treasury") had determined that exports of Michelin X-radial steel belted tires from Canada benefitted from bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On June 10, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review of the countervailing duty order regarding this merchandise (46 FR 30676). The Department has now completed that review.

Scope of Review

Imports covered by this review are X-radial steel belted tires manufactured in Canada by Michelin Tires (Canada), Limited. Such imports are currently classifiable under item number 772.51 of the Tariff Schedules of the United States.

The review covered the period January 1, 1978 through December 31, 1979 and is limited to the programs found countervailable in the final determination. Those programs are: (1) a preferential long-term loan from Industrial Estates Limited ("IEL"); (2) capital and training grants from the Federal Department of Regional Economic Expansion ("DREE") and IEL; and (3) a preferential property tax agreement.

Analysis of Comments Received

Interested parties were invited to comment on the preliminary results. As a result of our review of the comments received from interested parties, our analysis of some of the programs and the countervailing duty rates as set forth in our preliminary results have changed. The comments received and our analysis of them are discussed below.

I. General Issues

(1) Comment: Michelin states that the Department may not apply the Trade Agreements Act of 1979 ("TAA") retroactively to entries made prior to January 1, 1980.

Determination: As stated in our notice of preliminary results, the Department has applied the substantive law of the Tariff Act, as in effect prior to its amendment by the TAA, to entries made prior to January 1, 1980, the effective date of the TAA. However, the procedural aspects of the TAA apply to all administrative reviews and assessment determinations commenced on or after its effective date.

(2) Comment: Michelin argues that administrative *res judicata* binds the Department to Treasury's computational methodologies except to the extent changed circumstances mandate re-examination.

Determination: The Department does not agree with Michelin that *res judicata* applies to section 751 administrative reviews. Further, even if *res judicata* did apply, it clearly would be inapplicable to the issue of our front-end loading of grant allocations, which is the only specific determination challenged by Michelin on this basis. The issues are not identical because Treasury's methodology was based on allocating the grants over the life of the loan to which they were tied. When the pledge tying the grants to the loan's repayment was abrogated in 1972, there was a change in circumstances and the Department is now required to make a new determination about the method of allocating the grants. Michelin has admitted that *res judicata* does not apply when there has been a change in circumstances.

(3) Comment: Michelin claims that the Department's refusal to make an adjustment for the income tax consequences of the bounties and grants is improper. Michelin further states that Treasury proposed to consider such tax offsets in subsequent reviews.

Determination: The Department's action is consistent with the substantive provisions of the Tariff Act prior to amendment by the TAA and with established policy. At the time of the final determination, Treasury may have proposed to consider tax offsets during subsequent reviews. However, it did not do so, and later notified Michelin of its decision in another case not to consider the alleged government recapture, through taxes, of a bounty or grant. Consistent with that Treasury practice, the Department has determined that it is inappropriate to make an adjustment for tax offsets in calculating the final subsidy rates for 1978 and 1979, and has not done so.

II. Programs

The IEL Preferential Loan Agreement

(4) Comment: Michelin argues that the Department should calculate the subsidy on this program using the effective interest rate for the 1970 and 1972 loan agreements combined.

Determination: The Department has determined that an effective rate of interest for the two loan agreements combined is not an appropriate basis for calculating the interest differential. The 1970 and 1972 agreements provided for different rates of interest to be applied to two separate amounts of loan principal. The Department, therefore, has calculated the values of benefit for this program as stated in the preliminary notice, and the amounts of benefits for this program are 0.31 and 0.23 percent *ad valorem* for 1978 and 1979, respectively.

The Preferential Property Tax Agreement

(5) Comment: Michelin alleges that, absent changed circumstances, the Department may not deviate from Treasury's methodology and thus may not include the value of Michelin Canada's land in computing the property tax subsidy.

Determination: The value of property that Michelin submitted in response to our questionnaire did not include the value of its land. The preferential property tax agreement provided that approved enterprises, such as Michelin, would be liable for 1 percent of the actual costs of construction of a new structure or building or the purchase price of an existing building, plus the costs of any improvements. This clearly does not include the value of land. Normal appraisement for property tax purposes includes any land, in addition to buildings and structures situated on the land, and the value of any improvements, alterations, extensions, or additions. Absent the preferential agreement, Michelin would have been liable for the full property tax payment, a portion of which would have been based upon the value of the land. "Administrative consistency" does not require that the Department persist in calculating a subsidy utilizing Treasury's previously applied methodology if, upon further analysis by us, we discover inaccuracies in fact or assumption. Therefore, in the final results, the Department has included the value of land in its calculation of the property tax subsidy. The amounts of benefits for this program are 0.08 and 0.07 percent *ad valorem* for 1978 and 1979, respectively.

The Federal and Provincial Grants

(6) Comment: Michelin states that the IEL training grants should be amortized on the same basis as the capital grants since these grants were not actually tied to the training of employees.

Determination: As stated in our notice of preliminary results, the 1970 loan agreement contained a pledge which tied all grants received to the repayment of the loan. Treasury therefore allocated these grants over the same loan repayment schedule. Michelin informed the Department in September 1980, that the 1972 agreement abrogated that pledge. The Department has determined that, in light of this new information, it is no longer appropriate to amortize the training grants and, therefore, has applied the remaining balances of these grants to the first available year, 1978. The *ad valorem* rates of benefit for these grants are 1.04 percent for 1978 and 0 percent for 1979.

(7) Comment: Michelin argues that the training and capital grants should be amortized on a straight line basis over the full useful life of the assets.

Determination: We have explained our method of allocation of the training grants in our determination for respondent's comment number 6 above.

With regard to the capital grants, we have determined that using a straight-line method of allocation which relies on the full accounting or full physical useful life of an asset is not an appropriate method for measuring the benefit of a capital grant. Instead, the Department has allocated the grants, using a straight line basis, over half of the accounting useful life of the assets purchased with the grants. This action by the Department is consistent with the Congressional intent expressed in the House and Senate Reports to the Trade Agreements Act that subsidies such as capital grants be calculated as to reflect more accurately the real competitive benefit to the recipient. While the statutory authority to allocate such grants to reflect the much greater competitive benefits in the early years pre-existed the Trade Agreements Act, Congress made clear its intent that such authority be exercised, as it has been here.

We believe that our use here of half of the accounting useful life is a reasonable approach to meeting congressional intent and therefore have used this approach in setting the final rates for the years 1978 and 1979. The amounts of benefit for capital grants are 1.48 and 1.30 percent for 1978 and 1979, respectively.

At the same time, the Department recognizes that there may be other reasonable methods of measuring competitive benefit for our use in future reviews in this and other cases. The Department therefore wishes to invite comments from all interested parties, proposing other methods and describing, with particularity, means of implementation. We will allow submission of comments for 60 days from the date of publication of this notice and will reserve judgment on the possible future use of such other methods until those comments can be analyzed by the Department.

(8) Comment: Michelin further claims that, absent a showing of immediate competitive advantage, the Department may not apply an accelerated method of allocation.

Determination: The Department has determined that there is no requirement in the legislative history for a specific demonstration of competitive advantage in a particular case before we may apply front-loading methods of allocation. Rather, and in the absence of convincing evidence to the contrary, it is correct to presume that in instances where grants aid an enterprise in acquiring plant and equipment, using such accelerated methods better reflects the inherent competitive advantage conferred on the recipient.

(9) Comment: Michelin states that, in the calculation of the subsidy rates, the Department should allow offsets due to the cost of locating in an economically disadvantaged area.

Determination: The Department has concluded that, since Michelin did not provide sufficient or verified evidence of these costs, we therefore have not made adjustments to the subsidy rates for these offsets. Because Congress made clear in the legislative history to the TAA that offsets of this type are not permissible on or after January 1, 1980, the Department will not consider allowing these offsets in future reviews.

III. Value of Production

To obtain an *ad valorem* rate of subsidy for 1978 and 1979, we need to divide the total amount of the bounties and grants each year by the annual value of production by the subsidized facility. In our notice of preliminary results, we stated that Michelin failed to submit in a timely manner and in acceptable form figures for its 1978 and 1979 values of production and, further, Michelin failed to allow verification by the Department of any such values. Therefore, the Department calculated the subsidy rates using the value of Michelin's exports to the United States during those years as the best information otherwise available. Michelin claims that it provided, in a timely manner, acceptable figures for its total annual value of production and further that the Department does not have the authority to use "best evidence" in a section 751 review. As discussed more fully below, the Department disagrees with both arguments. Since Michelin's data was neither acceptable nor timely, the Department has used import statistics and a surrogate for Canadian consumption as the best information otherwise available of Michelin Canada's value of production.

(10) Comment: Michelin claims that the Department does not have authority by statute or regulation for requiring verification or for using the best information otherwise available in a section 751 administrative review.

Determination: The Department is not *required* by statute to verify *all* information relied upon by the Department in making final section 751 determinations. However, the Department must be able to support, on the record, its acceptance and use of information submitted by a respondent. If, in order to discharge properly its responsibilities under the law, the Department determines that an on-site verification is necessary to satisfy itself as to the accuracy of the information it relies upon and to defend its final section 751 determinations in any possible court challenge by interested parties, then the Department may require verification of such information. Because it is the Department which must satisfy itself as to the accuracy of information and defend challenges to its determinations, it, not the respondent, must determine what evidence is needed to support its determination.

The only way to insure cooperation with a request by us for verification is for us to refuse to use such information unless it is verified. If we exclude unverified information, a substitute must be found. We must then turn to the best information *otherwise* available. Although the statute and regulations discuss the use of best information otherwise available in the context of investigations, these provisions are intended to, and in fact do, apply to section 751 reviews as well.

We must resort to best information not only when a party refuses to allow verification but also when a party refuses to supply the proper information in a timely manner. Clearly Congress intended that the Department have authority to compel timely responses to Departmental requests for information. While the statute is silent on the explicit authority of the Department to verify and/or rely on best information in section 751 reviews, the logic in favor of implied authority is compelling. When reviewing an outstanding order, the Department is requesting and reviewing information from parties whose exports to the United States have been determined to be "dumped" or subsidized. Such parties have incentive to minimize in their submissions the magnitude of their dumping or subsidization.

We stress that our refusal to use Michelin's submitted information and our subsequent reliance on best information otherwise available was based first and foremost on Michelin's failure to supply timely acceptable information and not on Michelin's failure to allow verification. Until July 6, 1981, Michelin consistently refused to supply the Department with value of production information acceptable to the Department.

Only on July 6th did Michelin arguably submit value of production data in the proper form. This information, although claimed by Michelin to be timely submitted, in no way can be considered so. The Department must be able to use best information when a respondent, who is clearly in a position to cooperate and who knows the consequences of noncooperation, chooses not to provide requested information until a time so late in the review proceeding as to cause serious delay and expense to the Department and to other interested parties. Congress clearly did not intend that the Department should only have the power to compel timely cooperation during investigations. Congress was very dissatisfied with earlier delays in making assessments after the issuance of orders and therefore set up a procedure with time limits for the conduct of reviews of both antidumping and countervailing duty orders. Congress could not have intended the Department's ability to meet these deadlines to be completely thwarted by a respondent's refusal, as here, to submit required information in a timely manner. Accordingly, the Department has properly declined to take such information into account.

(11) Comment: The Department may not close the record nor refuse to consider new factual evidence presented at any point during the administrative review.

Determination: The Department, as administering authority of the countervailing duty laws, must have the authority to require the submission of information by respondents within a period which allows for adequate analysis and comment while still enabling the Department to meet its statutory deadlines. The fact that the Department has not published regulations which specify absolute time limits for the submission of information does not nullify its authority to refuse to accept Michelin's submission made after publication of the preliminary results. Clearly, any agency vested with responsibility for making a determination on a record must close that record at some time prior to its actual determination. Otherwise it would be impossible to take into account fully and properly all of the information in the record and to ensure a reasonable opportunity for comment by interested parties. Where, as here, an agency is to make a determination within a statutory time limit, the need is even greater to close the record after a reasonable opportunity for submission of information. Michelin had actual notice well before publication of the preliminary results of our decision to reject its information and so stated its understanding in several letters to the Department.

(12) Comment: Michelin states that the Department cannot rely on best information which does not account for sales of Michelin-Canada's tires in the Canadian market. Michelin has suggested alternative sources as evidence for those Canadian sales.

Determination: According to Michelin, alternative sources of best information for Canadian consumption of its tires are contained in the record of the Michelin Customs Court case or in the company's earlier submissions to the Department. Two of the suggested figures contained in the court record are much earlier time periods and therefore are not relevant to the present review.

The other suggested figures are based on unverified submissions by Michelin. Finally, the Department has not used these figures because we cannot allow a respondent who has forced us to use best information *otherwise* available to choose that latter information. Doing so would sanction, indeed reward noncooperation. Best information otherwise available is not the best information that a respondent is willing to produce.

In addition to considering Michelin's suggested alternative sources of information, we have conducted a thorough search of our own to ascertain the Canadian consumption of Michelin-Canada's tires. We have also requested that the United States Embassy in Canada locate such a number from independent Canadian sources but they were unable to do so. In addition, at Michelin's request, figures were submitted to us by Canadian Customs. We were unable through our discussions with Canadian Customs to determine the basis of these figures or that they were adequately verified and they, therefore, were not used.

Since we have not found any independent figures for Canadian consumption we have decided that the best information otherwise available is an estimate based on the ratio of Canadian passenger car registration in 1978 and 1979 to the sum of Canadian and United States passenger car registration in those years. These comparisions result in figures for Canadian consumption of 7.72 and 7.66 percent, respectively. We have increased our values of production by these percentages.

(13) Comment: The Department must include the value of the additional semi-finished products furnished on July 27, 1981, in Michelin-Canada's value of production.

Determination: The Department was able to corroborate independently the nature of the processes that Michelin performed in Nova Scotia to produce these products. Therefore, we accepted the value of such products in our calculations.

IV. Petitioner's Comments

1. Comment: The Rubber Manufacturers Association, Tire Division, the original petitioner in this proceeding, argues that the Department should recalculate the capital grants conferred, by taking into account the time value of money. Petitioner suggests that this be done by quantifying and capturing the "interest-related economic benefit" of the future stream of benefits.

Determination: We have considered and not adopted petitioner's comment and recommendations for quantifying this benefit. We consider the half-useful-life method the most appropriate method in valuing the grants for 1978 and 1979.

Final Results of the Review

As a result of our analysis of the comments received and our corrections of clerical errors, we determine that Michelin X-radial steel belted tires from Canada have benefitted from total net subsidies of 2.91 and 1.60 percent of the f.o.b. invoice prices for the years 1978 and 1979, respectively. Therefore, the Department will instruct the Customs Service to assess countervailing duties of 2.91 percent of the f.o.b. invoice price on all unliquidated shipments of Michelin X-radial steel belted tires from Canada entered, or withdrawn from warehouse, for consumption during 1978 and to assess countervailing duties of 1.60 percent of the f.o.b. invoice price on all unliquidated shipments entered, or withdrawn from warehouse, for consumption during 1979.

As provided by section 751(a)(1) of the Tariff Act, a cash deposit of estimated countervailing duties in the amount of 1.60 percent of the f.o.b. invoice price shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until the publication of the final results of the next administrative review. The Department intends to complete the next administrative review by the end of January, 1982. The amount of countervailing duties to be imposed on entries made during 1980 will be determined in the next administrative review. Consequently, the suspension of liquidation previously ordered will continue for all shipments entered, or withdrawn from warehouse, for consumption on or after January 1, 1980.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

September 30, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-28864 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate one San Francisco Region project for a twelve month period. The total cost of the project is $150,000.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grants and Cooperative Agreements Act of 1977, will be a grant.

Program Description: The Portfolio Growth Program is designed to focus consultant assistance on the most effective and immediate approach for increasing the growth of large size minority firms ($2 million or more). The emphasis of the program is primarily on doubling the sales of minority firms selected for the program within a three-year period. A three-year portfolio of a minimum of ten clients is prescribed, which requires a client firm's participation on a cost-sharing basis.

The project will operate in the states of California, Arizona, Hawaii, Nevada, Oregon and Washington at a cost not to exceed $150,000. The Project I.D. Number is 09-10-80027-01.

A pre-application conference will be held on October 14, 1981, at 450 Golden Gate Avenue, Room 13216C, San Francisco California, from 10:00 AM to 12:00 PM.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 450 Golden Gate Avenue, Box 36014, San Francisco, California 94102.

In requesting an application kit, the applicant must specify its profit status, i.e., State or local government, Federally recognized Indian tribal units, educational institution, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit. Questions regarding this announcement should be referred to the San Francisco Grants Administration Unit at (415) 556-3090.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated are included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of November 17, 1981.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

This program is not subject to the requirements of OMB Circular A-95.

R. V. Romero,

Regional Director.

[FR Doc. 81-28762 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-21-M

National Bureau of Standards

[FIPS Pub 29-1]

Interpretation Procedures; For Federal Information Processing Standard Programming Languages

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. In Federal Information Processing Standard Publication (FIPS PUB) 29, published by the National Bureau of Standards in June 1974, a set of procedures for requesting interpretations of the Federal Information Processing Standard Programming Language COBOL (FIPS PUB 21-1) and for providing responses to those requests was established.

The Secretary approved two additional Federal Information Processing Standard Programming Languages, FIPS PUB 68 for Minimal BASIC and FIPS PUB 69 for FORTRAN, each of which identifies the procedures of FIPS PUB 29 for the issuance of official interpretations. The purpose of this notice is to advise that FIPS PUB 29 has been revised editorially so as to clarify the scope of the interpretation procedures set out in FIPS PUB 29 as they apply to COBOL, Minimal BASIC and FORTRAN. Revised FIPS PUB 29 (FIPS PUB 29-1) is set forth below.

Effective Date. The effective date of the revision to FIPS PUB 29 is December 31, 1981.

Dated: September 29, 1981.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication 29-1

Interpretation Procedures for Federal Information Processing Standard Programming Languages

1. Purpose. The purpose of this Federal Information Processing Standards Publication (FIPS PUB) is to establish the procedures that will be followed in requesting an interpretation of any of the Federal Information Processing Standards (FIPS) Programming Languages and in providing a solution to the request.

2. Background. The FIPS Programming Languages define the elements of the programming languages and the rules for their use. During the use of the standards, whether implementing processors, validating processors, or writing source programs, questions arise as to the meaning of certain language specifications. It is desirable to provide solutions to these questions that can be used uniformly throughout the Federal Government. In order to achieve this objective, a Federal Interpretations Committee (FIC) is organized for each FIPS Programming Language. The mission of these committees is to assist the National Bureau of Standards in examining and resolving any questions of interpretation for the respective FIPS. The membership for a committee is solicited from Federal agencies. The members are selected on the basis of their knowledge and experience with the subject language and their outstanding technical and managerial abilities. The representatives to these committees from the Institute for Computer Sciences and Technology, National Bureau of Standards, and the Federal Compiler Testing Center, General Services Administration, are nonvoting members.

3. Applicability.

a. The provisions of this document apply to all Federal departments and agencies and to vendors of processors for FIPS Programming Languages in their dealings with the Federal Government.

b. Interpretations that are developed and approved as a result of employing these procedures apply to all processors for FIPS Programming Languages that are brought into the Federal inventory after the effective date that is specified with each interpretation.

4. Cross Index. a. FIPS PUB 21-1, COBOL; b. FIPS PUB 68, Minimal BASIC; c. FIPS PUB 69, FORTRAN; d. FPMR 101-32.1305.

5. Approving Authority of Interpretations. Director, National Bureau of Standards.

6. Maintenance Agency. U.S. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

7. Implementing Schedule. These procedures become effective 90 days after publication of this FIPS PUB in the **Federal Register.**

8. Procedures. (In the following procedure, each reference to "Federal Interpretation Committee" (FIC) should be construed to mean the specific interpretation committee

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responsible for the language to which the request applies.)

a. Requesting an Interpretation.

(1) Requests may be submitted by a vendor of a processor intended to conform to a FIPS Programming Language or by any department or agency of the Federal Government.

(2) A request will contain the following information:

(a) Name of organization submitting the request.

(b) Name of individual within the submitting organization who may be contacted by the FIC concerning the request.

(c) Date by which interpretation is desired.

(d) Appropriate references to FIPS Programming Language specifications that have a bearing on the problem cited in the request.

(e) A concise explanation of the problem requiring an interpretation.

(f) Any supporting documentation that will assist in understanding or describing the problem.

(g) Any recommendations the requesting organization would like to make concerning a possible interpretation, along with appropriate justification or comments.

(3) Requests for interpretation will be sent to the Chairperson of the FIC. See paragraph 9 for address.

b. Processing a Request for Interpretation.

(1) Upon receipt, all requests for interpretation will be distributed to all FIC members. A meeting of the FIC will normally be convened within 2 weeks of receipt of a request.

(2) Position papers on proposed solutions to a cited problem may be submitted by any FIC member for consideration by the FIC membership.

(3) The requestor of an interpretation may be invited to attend the meeting at which the request will be considered. The requestor will be encouraged to participate in the discussion of the problem identified by the request.

(4) A recommended interpretation consisting of the information specified in paragraph 8.c(2) below will be developed by the FIC and submitted to the National Bureau of Standards.

(5) Upon receipt of an FIC recommended interpretation, the National Bureau of Standards will:

(a) Arrange for publication of the recommended interpretation in the **Federal Register** and forward it to Federal agencies for the purpose of soliciting comments from Federal agencies, vendors, and private industry.

(b) Review, as deemed appropriate, the technical details of the recommended interpretation with pertinent voluntary standards bodies.

(c) Notify requestor of the recommended interpretation.

(6) Comments received as a result of publication and review of the recommended interpretation will be then reviewed by the FIC and a final recommended interpretation will be developed by the FIC and submitted to the National Bureau of Standards for approval.

c. Dissemination of an Approved Interpretation.

(1) The National Bureau of Standards will be responsible for the dissemination of interpretations for the FIPS Programming Language.

(2) The approved interpretation will consist of the following information:

(a) Definition of the problem being resolved.

(b) Discussion of the issues relevant to the problem.

(c) Discussion of the solution to the problem (interpretation).

(d) Any necessary clarification to the FIPS Programming Language to effect the resolution.

(e) Effective date of the interpretation.

(3) The approved interpretation will be disseminated in at least the following manner: publication in the **Federal Register**; letter to the Federal agencies; and letter to the requestor.

(4) The National Bureau of Standards will maintain a central register of approved interpretations for reference.

9. Points of Contact. The following addresses will be used:

a. For correspondence directed to a Chairperson of a Federal Interpretations Committee: Chairperson, Federal (insert pertinent language name) Interpretations Committee, Data Management and Programming Languages Division, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234.

b. For correspondence directed to the National Bureau of Standards: Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234.

[FR Doc. 81-28686 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Approval of the Florida Coastal Management Program by Office of Coastal Zone Management

Pursant to the authority contained in section 306(a) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1445(a)), notice is hereby given that the Assistant Administrator for Coastal Zone Management (on behalf of the Secretary of Commerce) on September 24, 1981 approved the Florida Coastal Management Program.

Approval activates Federal agency responsibility for being consistent with this program pursuant to the Federal consistency provisions of the Coastal Zone Management Act as of the date of approval. Further information on the responsibilities of affected Federal agencies in this regard may be found in 15 CFR Part 930, published in the Federal Register, at page 37142, on June 25, 1979.

A copy of the findings made by the Assistant Administrator in determining that this program meets the requirements of the Coastal Zone Management Act may be obtained upon request from the Office of Coastal Zone Management. Inquiries regarding the Florida Program should be addressed to: Ann Berger-Blundon, Gulf/Islands Regional Manager, Office of Coastal Zone Management, Page Building #1, Room 354, 3300 Whitehaven Street NW., Washington, D.C. 20235, (202) 254-7546.

Dated: September 28, 1981.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-28682 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-08-M

National Marine Fisheries Service; Receipt of Applications for General Permits

Notice is hereby given that the following applications have been received to make marine mammals incidental to the pursuit of commercial fishing operations within the U.S. fishery conservation zone during 1982 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

1. Japan Deep-Sea Trawlers Association, No. 601 Daito Building, 3-6, Kandaogawacho, Chiyoda-ku, Tokyo, Japan, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 20 phocid seals and 20 otariid seals in the Bering Sea/Gulf of Alaska and one seal and one cetacean in the North Atlantic.

2. The National Federation of Medium Trawlers, Toranomon Chuo Building VI, 1-16, Toranomon, 1-chome, Minatoku, Tokyo, Japan, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 10 otariid seals and 2 cetaceans in the Bering Sea and Aleutian Islands.

3. The North Pacific Longline-Gillnet Association, Zenkeiren Building, 2-7-2, Hirakawa-cho, Chiyoda-ku, Tokyo, Japan, has applied for a Category 5: "Other Gear" general permit to take marine mammals by harassment only.

The applications are available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Interested parties may submit written views on this application within 30 days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: September 25, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-28605 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981 Additions; Pallet, et al.

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1981 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: October 2, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: 1C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On July 17, 1981 and May 15, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 37069 and 46 FR 26806) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity and service are hereby added to Procurement List 1981:

Class 3990

Pallet, Material Handling, 3990-00-222-1051

SIC 7349

Janitorial/Custodial, Air Recovery and Rescue Squadron (Building 2036), SAC/MET Office (Building 2001B), Fairchild Air Force Base, Washington.

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81-28685 Filed 10-1-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981 Deletion; Paper Set

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletion from procurement list.

SUMMARY: This action deletes from Procurement List 1981 commodities produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: October 2, 1981.

ADDRESS: Committe for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145

SUPPLEMENTARY INFORMATION: On July 24, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 38119) of proposed deletion from Procurement List 9181, Novermber 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities are hereby deleted from Procurement List 1981:

Class 7530

Paper Set, Manifold and Carbon
7530-00-880-9154 (GSA Regions 1,2,3,5)
7530-00-401-6910 (GSA Regions 1,3,5)
7530-01-072-2536 (GSA Regions 1,2,3,5)
7530-01-072-2537 (GSA Regions 1,2,3,5)
7530-01-072-2538 (GSA Regions 1,2,3,5)
7530-01-072-2539 (GSA Regions 1,2,3,5)
7530-00-205-0511 (GSA Regions 1,2,3,5)

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81-28683 Filed 10-1-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981 Proposed Addition; Tube, Miling and Filing

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to Procurement List 1981 a commodity to be produced by workships for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 4, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 8110

Tube, Mailing and Filing
8110-00-412-4410

E. R. Alley, Jr.,

Acting Executive Director

[FR Doc. 81-28684 Filed 10-1-81. 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Navy

Naval Discharge Review Board; Hearing Locations

In November 1975, the Naval Discharge Review Board (NDRB) commenced to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C., area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographic area.

The following Naval Discharge Review Board itinerary for October 1981 through February 1982 has been approved, but remains subject to modification if required:

October 19 through October 30, 1981—San Diego, CA.

October 26 through November 6, 1981—Chicago, IL; Minneapolis, MN.

November 30 through December 11, 1981—Dallas, TX; Albuquerque, NM.

January 11 through January 22, 1982—Atlanta, GA; Tampa, FL.

February 22 through March 5, 1982—New Orleans, LA; St. Louis, MO.

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer to his or her residence, should file an application with the Naval

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Discharge Review Board, using DD Form 293. If a personal appearance is requested, the petitioner should enter on the application the hearing location which is preferred. Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and their representatives will be notified by mail of the date and place of hearing when personal appearance has been requested.

For further information concerning the Naval Discharge Review Board, contact: Captain James C. Price, U.S. Navy, Executive Secretary, Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203, telephone No. (202) 696-4881.

Dated: September 22, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 81-28726 Filed 10-1-81; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Defense Science Board Task Force on Defense Nuclear Agency Technology Base Program; Advisory Committee Meeting

The Defense Science Board Task Force on the Defense Nuclear Agency Technology Base Program (DNA TBP) will meet in closed session on 25–26 October 1981 at Headquarters, Defense Nuclear Agency, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At its meeting on 25–26 October 1981 the Task Force will continue its comprehensive review of the Defense Nuclear Agency NWE Technology Base Program including blast and shock, cratering, EMP, SGEMP, freefield environments, and the coupling effects and the response of generic systems to these effects.

In accordance with 5 U.S.C. App. 1 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 29, 1981.

[FR Doc. 81-28803 Filed 10-1-81; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Retention of Contractor Civilians on Critical Jobs Overseas During Hostilities

The Defense Science Board Task Force on Retention of Contractor Civilians on Critical Jobs Overseas During Hostilities will meet in closed session on 21 October 1981 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 21 October 1981, the Task Force will review the extent of contractor civilians in critical jobs overseas, the resulting impact if these critical civilians were not retained during hostilities, and assess the adequacy of existing statutes and regulations pertaining to retention of these critical civilian contractors.

In accordance with 5 U.S.C. App. 1 § 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in U.S.C. 552b (c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 29, 1981.

[FR Doc. 81-28804 Filed 10-1-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education; Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: October 28, 1981, 9:00 a.m. to 12:00 noon, Executive Committee meeting; 1:00 to 3:00 p.m., full Council meeting: October 29, 1981, 9:00 a.m. to 4:00 p.m., full Council meeting: October 30, 1981, 2:30 to 4:30 p.m., and October 31, 1981, 2:00 to 4:00 p.m., public hearings on the reauthorization of the Adult Education Act.

ADDRESS: Disneyland Hotel, 1150 West Cerritos, Anaheim, California.

FOR FURTHER INFORMATION CONTACT: Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th St., NW., Washington, D.C. 20004-1867 (202/376-8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is established to:

> Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.
>
> The Council shall review the administration and effectiveness of programs under this title, make recommndations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council is open to the public. The proposed agenda includes: 1980 Census Demography; 1981 Annual Report; Council Operational Budget; Reauthorization of the Federal Adult Education Act; Public Hearings.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 425 13th St., NW., Suite 323, Washington, D.C. 20004, from the hours of 8:00 a.m. to 4:30 p.m.

Signed at Washington, D.C., on September 28, 1981.

Gary A. Eyre,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 81-28697 Filed 10-1-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Committee on Environmental Conservation; Meeting

Notice is hereby given that the Committee on Environmental Conservation will meet in October 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Committee on Environmental Conservation meeting follows:

The Committee Environmental Conservation will hold its third meeting Thursday, October 29, 1981, starting at 10:00 a.m., in Executive Chambers I and II, The Madison Hotel, Fifteenth and M Streets, NW, Washington, D.C.

The tentative agenda for the meeting follows:

1. Review of the draft report on Environmental Conservation—The Oil and Gas Industries.
2. Discuss any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Committee on Environmental Conservation is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee on Environmental Conservation will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, and Shale Resources Development Division, Fossil Energy, 202/633-8395, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE-190, DOE, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 25, 1981.

September 25, 1981.

Jan W. Mares,

Assistant Secretary for Fossil Energy.

[FR Doc. 81-28674 Filed 10-1-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Hudson & Hudson; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Hudson & Hudson of Fort Worth, Texas.

This Proposed Remedial Order charged Hudson & Hudson with pricing violations in excess of $1 million in sales of domestic crude oil during the time period September 1, 1973 through November 30, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106-2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, D.C. 20461, in accordance with 10 CFR § 205.193.

Issued in Kansas City, Mo., on the 23d day of September 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-28673 Filed 10-1-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of September 4 Through September 11, 1981

During the week of September 4 through September 11, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

September 28, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of Sept. 4 through Sept. 11, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 8, 1981	Atlantic Richfield Company, Washington, D.C.	BRD-1452 and BRH-1452	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Atlantic Richfield Company in response to the Proposed Remedial Order (Case No. BRO-1452) issued to the firm.
Sept. 9, 1981	Petroleum Wholesale, Inc., Ardmore, Okla	BEE-1692	Exeception to the Reporting Requirements. If granted: Petroleum Wholesale, Inc. Would be granted and extension of time in which to file Form EIA-9A.
Do	Taylor Oil Company, Alexandria, Va	BRD-0130	Motion for Discovery. If granted: Discovery would be granted to Taylor Oil Company in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-1284) issued to Taylor Oil Company by the Office of Enforcement.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Sept. 4 through Sept. 11, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 10, 1981	Air Conditioning & Refrigeration Institute, Arlington Va	BEE-1691 and BES-1691	Exception from the Energy Conservation Program for Consumer Products Request for Stay. If granted: Air Conditioning & Refrigeration Institute would receive an exception from the provisions of 10 CFR Part 430 which would permit the firm to modify the energy efficiency test procedures applicable to air conditioning and refrigeration equipment. The firm would receive a stay of the provisions of 10 CFR 430 pending a final determination on its Application for Exception
Do	GAMA, Arlington, Va	BXE-1693	Exception from the Energy Conservation Program for Consumer Products. If granted: GAMA would not be required to perform energy efficiency tests of its vented home heating equipment as required under 10 CFR Part 430.
Sept. 11, 1981	Conoco, Inc., Houston, Tex	BRD-1455	Motion for Discovery. If granted: Discovery would be granted to Conoco, Inc. in connection with the Statement of Objections submitted in response to the June 8, 1981, Proposed Remedial Order (Case No. BRO-1455) issued to the firm by the Office of Special Counsel.
Do	OE/Arcone Oil Company, Inc., Washington, D.C.	BEF-0089	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the March 27, 1980, Consent Order issued to Arcone Oil Company, Inc.
Do	OE/Milam, M. C., Inc., Washington, D.C.	BEF-0090	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the July 24, 1979, Consent Order issued to Milam, M. C., Inc.
Do	OE/Partlow & Cochonour, Washington, D.C.	BEF-0091	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the September 27, 1979, Consent Order issued to Partlow & Cochonour.
Do	OE/Phoenix Resources Company, Washington, D.C.	BEF-0088	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the December 14, 1979, Consent Order issued to Phoenix Resources Company.
Do	Pioneer Refining, Inc., Washington, D.C.	BEN-0086	Request for Interim Order. If granted: Pioneer Refining, Inc. would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. BEE-1634).
Do	The Dallas Morning News, Dallas, Tex	BFA-0739	Appeal of an Information Request Denial. If granted: The September 3, 1981, Information Request Denial issued by James K. Wright would be rescinded and the Dallas Morning News would receive access to information regarding an audit concering the Strategic Petroleum Reserve's handling of the Naval exchange program.

[FR Doc. 81-[illegible] Filed 10-1-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of September 11, Through September 18, 1981

During the week of September 11 through September 18, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 28, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of Sept. 11, 1981 through Sept. 18, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 11, 1981	Berger & Montague, P.C., Philadelphia, Pa	BFA-0711	Appeal of Information Request Denial. If granted: The July 9, 1981, Information Request Denial issued by the Office of Oil and Gas, Energy Information Administration would be rescinded, and Berger & Montague, P.E. would receive access to certain DOE information.
Do	Placid Refining Company, Washington, D.C.	BES-0174	Request for Stay. If granted: Placid Refining Company would receive a stay of its entitlements purchase obligations for the period of January 1981.
Sept. 14, 1981	Mapco, Inc., Washington, D.C.	BEE-1696	Price Exception. If granted: Mapco, Inc. would be permitted to sell at upper tier ceiling prices the crude oil produced from the Yarhola Lease located in Creek County, Oklahoma.

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List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Sept. 11, 1981 through Sept. 18, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Do	Silver Eagle Refining Company, LaBarge, Wyo	BEE-1694	Exception to the Entitlements Program. If granted: Silver Eagle Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would modify the firm's entitlements purchase obligations.
Sept. 15, 1981	Emond Oil Company, Pawtucket, R.I	BED-0221 and BEH-0221	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted By Emond Oil Company in response to the Proposed Remedial Order issued to the firm.
Do	Leo Winstead's Inc., Raytown, Mo	BRR-0161	Request for Modification/Rescission. If granted: The August 3, 1981, Remedial Order (Case No. DRO-0232) issued to Leo Winstead's Inc. by the Office of Hearings and Appeals would be modified regarding the sales of petroleum products.
Sept. 16, 1981	Calumet Industries, Inc., Washington, D.C.	BFA-0742	Appeal of an Information Request Denial. If granted: The August 13, 1981, Information Request Denial issued by the Enforcement Information Division, ERA, would be rescinded, and Calumet Industries, Inc. would receive access to certain DOE information.
Do	Plateau, Inc., Washington, D.C.	BYR-0160	Request for Modification. If granted: The September 1, 1981, Decision and Order (Case No. BEX-0157) issued to Plateau, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
Do	Steptoe & Johnson (Perkins), Washington, D.C.	BFA-0740	Appeal of an Information Request Denial. If granted: The August 17, 1981, Information Request Denial issued by the Division of Freedom of Information and Privacy Acts Activities would be rescinded, and Steptoe & Johnson would receive access to certain DOE information.
Sept. 17, 1981	Locus Corporation, Washington, D.C.	BFA-0743	Appeal of an Information Request Denial. If granted: The August 14, 1981, Information Request Denial issued by the Office of Special Investigations Division of the Office of General Counsel would be rescinded, and Locus Corporation would receive access to certain DOE information.
Do	Texas Armada Refining Company, Washington, D.C.	BEE-1696	Exception from the Entitlements Program. If granted: Texas Armanda Refining Company would receive an exception from the provisions of 10 CFR 211.69 which would modify its entitlements purchase obligations for the periods prior to October 1980.
Sept. 18, 1981	Demetriou, Del Guercio, & Lovejoy, Los Angeles, Calif	BFA-0741	Appeals of Information Request Denial. If granted: The August 31, 1981, Information Request Denial issued by the Office of Special Counsel for Compliance would be rescinded, and Demetriou, Del Guercio, & Lovejoy would receive access to certain DOE information.
Do	Honeywell, Inc., Minneapolis, Minn	BFA-0744	Appeal of an Information Request Denial. If granted: The May 29, 1981, Information Request Denial issued by the DOE Albuquerque Operations Office would be rescinded, and the Honeywell, Inc. would receive access to certain DOE information.

[FR Doc. 81-28671 Filed 10-1-81; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $160,000 obtained by the DOE under the terms of a consent order entered into with Anderson Butane Service, Inc. The funds were provided by the firm in order to settle enforcement proceedings brought by the Office of Enforcement.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461. All comments should display conspicuously a reference to case number BEF-0066.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Acting Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR § 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to adversely affected parties a total of $160,000 obtained by the DOE under the terms of a consent order entered into with Anderson Butane Service, Inc. The funds were provided to the DOE by Anderson in order to settle all claims and disputes between the firm and the DOE regarding the first sales prices of propane and/or butane charged by the firm during the period between August 17, 1973 and November 30, 1974. In the consent order, the parties stipulated that the funds were to be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V.

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated in order to distribute the contents of the escrow accounts funded by Anderson. The DOE has tentatively decided that Applications for Refunds should be accepted from the initial purchases of propane or butane from Anderson during the covered period. In addition, the DOE determined that Applications for Refund also should be accepted from persons who bought products produced with or from the propane or butane sold by Anderson during the relevant time periods. The Proposed Decision and Order states that in order to be entitled to receive any portion of the settlement funds, a purchaser must furnish the DOE with evidence which demonstrates that the claimant was injured by the alleged unlawful prices for propane or butane charged by Anderson, including specific documentation concerning the date, place, price, and volume of product purchased, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered.

The Proposed Decision and Order also provides for the distribution of any funds remaining after all valid claims

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are paid. The Proposed Decision and Order states DOE's view that the remainder of the consent order funds should be distributed through the initial purchasers to persons or groups of persons who are likely to have been injured by the alleged unlawful sales price for propane or butane charged by Anderson. The DOE therefore invites those firms to develop and submit plans for distributing the funds to the parties who likely paid increased prices as a result of the alleged overcharges. The DOE also solicits proposals from other interested parties as well.

In the Proposed Decision and Order the DOE recognizes that in some cases a firm may not be inclined to spend the time and resources necessary to develop and implement an effective restitution plan. This is participlarly the case where the costs associated with developing and administering a restitution plan exceed the fund available for distribution. Therefore, the DOE is proposing that any remaining funds which would otherwise go undistributed be deposited in the Tresaury of the United States.

It should be pointed out that until final procedures are adopted, no claims for refunds will be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register** and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on September 28, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 28, 1981.

Memorandum For: Gordon W. Harvey, Director, Office of Enforcement, Economic Regulatory Administration.

From: George B. Breznay, Director, Office of Hearings and Appeals.

Subject: Special Refund Proceeding in the Matter of Anderson Butane Service, Inc., Case No. BEF-0066.

Attached is a copy of a Decision and Order recently issued to the Office of Enforcement by the Office of Hearings and Appeals. As set forth in the Decision and Order, the Office of Hearings and Appeals has proposed to establish special refund procedures to distribute $160,000 obtained by the DOE from Anderson Butane Service, Inc.

If you have any questions regarding this memorandum, please contact Thomas O. Mann at 653-3137.

Attachment.

September 28, 1981.

Proposed Decision and order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matter of Anderson Butane Service, Inc.

Date of Filing: June 25, 1981.

Case Numbers: BEF-0066

Under the regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) may request the Office of Hearings and Appeals (OHA) to formulate and implement procedures for distributing funds received as a result of an enforcement proceeding in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR, Part 205, Subpart V. In accordance with these regulatory provisions, the OE recently filed a Petition for the Implementation of Special Refund Procedures in connection with the consent order entered into with Anderson Butane Service, Inc. (Anderson). Pursuant to the consent order, Anderson agreed to refund $160,000 in settlement of enforcement proceedings concerning violations of the DOE price regulations it is alleged to have committed. The funds have been paid to the DOE and are now being held in an escrow account pending receipt of instructions from the OHA regarding their distribution.

I. *Background*

Anderson is a "gas plant operator" within the meaning of 10 CFR § 212.162. During the relevant time periods, the firm was therefore subject to the Mandatory Petroleum Price Regulations set forth in 6 CFR, Part 150, Subpart L, and 10 CFR, Part 212, Subparts E and K. Those regulations governed the maximum prices that could lawfully be charged in the first sales of propane and butane.

In its audit of Anderson, the OE found possible violations with respect to first sales of butane and propane during the period from August 1, 1973 through November 30, 1974. During that period Anderson sold its output of propane and butane to four firms: Scott Petroleum Corporation; Consolidated Aluminum Company; Sewanee Petroleum Company; and Meyers Propane Company. In order to settle all claims and disputes between the parties, Anderson agreed to pay $160,000 to the DOE. The parties further agreed that this amount would be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V. On June 13, 1979, the DOE published notice of the Anderson Consent Order in the **Federal Register** and requested that persons believing that they had a claim to all or a portion of the settlement fund file written notification of such claim with ERA within 30 days. 44 FR 33925 (1979). No claim was filed.

II. *Jurisdiction*

The procedural regulations of the Department of Energy set forth guidelines according which the Office of Hearings and Appeals may formulte and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR, Part 205, Subpart V. The Subpart V process is intended to be used in situations where the OE is unable to identify readily persons who are entitled to refunds or to ascertain readily the amounts that such persons are entitled to receive as a result of enforcement proceedings. 10 CFR § 205.280.

After reviewing the record developed in this proceeding, we have concluded that the implementation of Subpart V proceedings is appropriate. In the instant case, there is a significant degree of difficulty inherent in identifying the persons who were injured by the alleged overcharges. Moreover, even in cases where an injured person can be identified, it is difficult to ascertain the amounts that such persons should receive. Until recently, propane and butane were subject to a comprehensive price regulation scheme which could be used to channel refunds to ultimate consumers.

However, on January 28, 1981, President Reagan exempted crude oil and all refined petroleum products from the DOE regulatory program. Exec. Order No. 12287, 46 FR 9909 (1981). As a result, price rollbacks are now an ineffective means of making restitution to purchasers who may have been injured since there are currently no price ceilings against which price rollbacks can be measured. Moreover, to make refunds to the parties affected by the alleged overcharges, a determination must be made regarding the extent to which the higher costs were passed through to downstream customers. As a result, the persons entitled to refunds are not readily identifiable, and the amounts of the refunds that such persons should receive are not readily ascertainable. Under these circumstances, we believe that Subpart V provides the most useful mechanism to effect restitution to persons actually injured by alleged pricing violations. We have therefore decided to exercise jurisdiction over the funds received by the DOE in settlement of the enforcement proceeding underlying the Petition for Implementation of Special Refund Proceedings filed by the OE in this matter.

III. *Authority to Fashion Refund Procedures*

In several recent decision we have considered Petitions for the Implementation of Special Refund Procedures filed pursuant to 10 CFR, Part 205, Subpart V. *See, e.g., Office of Enforcement*, 8 DOE ¶ 82,597 (1981), 46 FR 38132 (July 24, 1981) (hereinafter referred to as *Vickers*); *Office of Enforcement*, No. BEF-0021 (March 13, 1981) (proposed decision), 36 FR 17639 (1981) (hereinafter referred to as *Alcoa*); *Office of Enforcement*, No. BEF-0030 (May 1, 1981), 46 FR 25535 (1981) (hereinafter referred to as *Fagadau*). The considerations that led us to conclude that special refund procedures should be implemented in *Vickers*, the most recent final determination issued by the Office of Hearings and Appeals establishing final procedures for the distribution of settlement funds received by the DOE under a consent order, are equally applicable to this case as well. Subpart V authorizes the OHA, upon request by the appropriate enforcement official, to fashion special procedures to distribute refunds obtained as part of settlement agreements. 10 CFR §§ 205.281, 205.282. The special refund procedures are part of an overall regulatory program and are intended to implement several different statutes. Congress provided for mandatory price controls on crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. section 751 (1976). Propane and butane are included within the definition of petroleum products and were therefore subject to the provisions of the DOE price regulations during the periods covered by the consent order. *Mobil Oil Corp.* v. *FEA*, 566 F. 2d 87 (Temp. Emer. Ct. App. 1977).

The authority to enforce the regulations governing the pricing of petroleum products such as propane and butane was first vested in the Cost of Living Council under the Economic Stabilization Act (ESA), 12 U.S.C. section 1904 note (1970), then delegated in turn to the Federal Energy Office, The Administrator of the Federal Energy Administration, and finally, in 1977, to the Secretary of Energy. Federal Energy Administration Act (FEAA) § 5, 15 U.S.C. section 765 (1974); Department of Energy Organization Act (DOE Act), section 301(a), 42 U.S.C. section 7151(a) (1979). To carry out these statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "remedial order").

As we have noted in previous Subpart V decision, restitution is designed to accomplish two purposes: disgorgement of the fruits of a regulatory violation from the wrongdoers, and compensation of persons injured by the regulatory violation. *Vickers; see Sauder v. DOE*, 648 F.2d 1341 (Temp. Emer. Ct. App. 1981). The latter objective—refunds to overcharged persons—furthers the specific goal in section 4(b)(1)(F) of the EPAA of providing for the "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users." 15 U.S.C. section 753(b)(1)(F)

III. *Proposed Refund Procedures*

To fulfill the objectives expressed in the statutes and regulations discussed above, and the consent order itself, the procedures to be implemented in this case should, to the maximum extent practicable, provide for the distribution of the refund amounts to the parties who bore the effects of the alleged overcharges.

As we have stated before, refunding moneys obtained by DOE enforcement proceedings is the primary focus of Subpart V. 10 CFR § 205.280; *see Alcoa, Vickers*. Subpart V provides an effective means of compensating many individuals who, because they either lack the resources or do not have a substantial financial stake in the outcome to institute their own private lawsuits under Section 210 of the ESA, have suffered injuries which would otherwise go unredressed. The Supbart V process is also an efficient administrative mechanism for returning overcharges to injured parties since it eliminates the need for long and costly court actions.

Based on our growing experience in implementing special refund procedures, we believe that the distribution of refunds should generally take place in two stages. In the first stage of the process, payment should be made to persons and firms who file applications for refund and demonstrate they should receive a portion of the funds obtained by the DOE. After meritorious claims are paid to firms and individuals in the first stage, a second stage may be necessary. In this second stage, there are a number of alternative procedures which may be adopted. For example, under one alternative, payments for the benefit of injured persons may be made to entities which are in a position to devise and implement measures which effectuate the restitutionary purposes discussed above. *Office of Enforcement*, No. BEF–0014 (May 22, 1981) (proposed decision), 46 FR 28929 (May 29, 1981) (herein after referred to as *Belridge); Fagadau*, slip op. at 6; *Alcoa*, slip op. at 6; *Vickers* at 85,397–99. As a second alternative, or in the event that implementation of the methods discussed above would not accomplish its intended objectives or fails to exhaust all of the settlement fund, § 205.288(c) provides thet "any remaining funds . . . shall be deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in § 205.282(c)." 10 CFR 205.287(c); *Office of Enforcement*, No. BEF–0049 (August 18, 1981) (proposed decision), 46 FR 42743 (August 24, 1981) (hereinafter referred to as *Worldwide*), at 42746; *Belridge*, slip op. at 11.

A. *Refunds to Claimants*. As a first stage in the refund process, the consent order funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by the alleged overcharges in sales of propane or butane by Anderson. To the extent that the first purchasers of propane or butane from Anderson can establish that they absorbed the alleged overcharges rather than passed them on to their own customers, they will receive a pro rata share of the consent order funds. To qualify for a refund a first purchaser will be required to demonstrate that during the period covered by the consent order it would have kept its prices at the same level had the alleged overcharges not occurred. While there are a variety of means by which a claimant can make this showing, generally a reseller must demonstrate that at the time it purchased covered products from its supplier it had unrecovered unrecovered product costs which were at least equal to the amount of the refund claimed, and that market conditions would not permit it to increase its prices to pass through additional costs. In addition, the firm must have maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices. The amount of the refund will be limited to the amount of unrecovered costs available to the claimant for recovery through price increases. If the initial purchasers are able to make this showing, the entire amount of the funds at issue in this proceeding may be disbursed to them. In the event they are unable to make a satisfactory showing, however, the next group of persons who may receive a portion of these funds are those firms and individuals who purchased propane or butane from the first purchasers.

In order to establish that it should receive a refund, a person claiming to be an injured party must satisfactorily demonstrate that it purchased, during the relevant time period, a specific quantity of propane, butane, or products which were produced with or from the propane or butane sold by Anderson. Privity with either Anderson or one of its first purchasers need not be established; evidence need only be presented that the products purchased by the claimants flowed through a chain of distribution leading back to Anderson. In addition, unless the purchaser is an ultimate consumer, it should generally be able to demonstrate that it did not pass through any cost increases resulting from the alleged overcharges to its own customers. For example, purchasers who resold the identified product should be prepared to show that market conditions did not permit them to raise prices charged to downstream customers, and that consequently they were forced to absorb the cost increases represented by the alleged overcharges. In the absence of that showing, we would generally conclude that the claimant was not injured in a monetary sense by the alleged overcharge. However, we noted in the *Vickers* decision that the nature of the showing required might be too burdensome for individuals and smaller firms who might otherwise be entitled to refunds. We also observed that many smaller purchasers might lack the type of records required to support such a showing. *Vickers* at 85,396. In that case, we therefore established a threshold level of purchases under which applicants, primarily smaller firms and individuals, were not required to make a detailed showing of injury. For those applicants who were claiming less than that level of purchases, we required only proof of the amount of products purchased by the applicant during the relevant audit period. However, the *Vickers* decision did require applicants whose purchases exceeded the threshold level to provide detailed information demonstrating that they did not pass through the price increases to their customers. *Id.* This proposed decision is being published in the **Federal Register** in order to give interested parties an opportunity to submit comments on this tentative distribution scheme. We will consider using the same type of treatment for smaller claimants in this proceeding, and we specifically request comments from the public on this issue.

Refunds to persons who establish that they should receive a refund will be made on a volumetric basis—*i.e.* based on the proportion of propane or butane purchased by the applicant to the total amount of those products sold by Anderson during the relevant audit period.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information necessary to establish a claim, including specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs, and the extent of any injury alleged. Detailed procedures for filing applications will be provided in a final Decision and Order. *See Vickers.* Before disposing of any of the funds received as a result of the consent order involved in this proceeding, we will widely publicize the distribution process and provide an opportunity for any affected party to file a claim. In addition the publishing notice in the **Federal Register**, notice will be provided in varied publications in the areas in which the first purchasers marketed their respective products during the period covered by the consent order. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers also will be considered. Such applicants will be evaluated on a case-by-case basis.

B. *Distribution of the Remainder of the Refund Amount.* After all of the claims of parties identifying themselves as adversely affected purchasers of the propane and butane sold by Anderson have been filed and the share of the settlement fund to which they are entitled has been determined, the settlement fund provided by Anderson, while diminished, may not be exhausted.

During the second stage of the refund process, the remainder of the funds should be distributed in accordance with the goals set forth in the DOE's enabling legislation and implementing regulations. In this Decision, we are proposing several alternatives for the second-stage refund procedure. However, we wish to emphasize that any consideration of the second-stage procedure at this point in time involves a number of uncertainties. As we noted in *Vickers:*

> * * * [Such] a step would be difficult to justify before the analysis and processing of Applications for Refund filed on the first stage of the distribution of the Consent Order funds to claimants, since the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second-stage distribution scheme.
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> * * *

Vickers at 85,400. As in that case; we intend to set forth a number of second-stage alternatives in this Proposed Decision, consider the comments received after publication in the **Federal Register**, and then issue a final Decision and Order establishing procedures for the first stage. In that Decision, we will summarize and address briefly the comments received concerning the proposed second-stage procedure, and solicit another round of comments on the distribution of the funds remaining after payment of claims in the first stage. In this way, we will have several opportunities to resolve the outstanding issues before reaching a final decision on the second stage.

Since restitution is the primary focus of Subpart V, we believe that the remaining funds should, if administratively and economically feasible, be distributed to groups of ultimate consumers who were likely to have borne a portion of the alleged unlawful prices charged by Anderson. In view of the relatively small sums of money likely to be involved in many ultimate consumer claims, and the improbability that members of this class will possess records sufficient to establish their claims, we anticipate that only a limited number of ultimate consumers who were actually injured by the alleged overcharges will be able to prove that they are entitled to refunds. *See Vickers.* The fact that claims to specific refunds may not have been proved, however, does not mean that injuries to ultimate conumers have not occurred. Rather, the absence of claims for the full amount of the settlements would tend to reflect the difficulty such parties encounter in establishing a valid claim for a portion of the consent order funds.

In *Alcoa, Fagadau,* and *Belridge* we observed that first purchasers of NGLs generally are in the best position to assist the DOE in identifying and distributing refunds to those persons who are likely to have been injured by the alleged overcharges. *Alcoa,* slip op. at 9; *Fagadau,* slip op. at 9; *Belridge,* slip op. at 9. In this case as well, we believe that the first purchasers of propane and butane from Anderson can most effectively assist the DOE in channeling the remaining consent order funds to persons who are most likely to have been injured by the alleged overcharges. Consequently, one alternative we propose is that after payments are made to successful claimants, any remaining funds be distributed through Anderson's first purchasers. We invite those firms to develop and submit to this Office a proposal which contains a plan for identifying those parties who actually paid increased prices as a result of the alleged overcharges and also provides for the return of these funds to the parties identified. Each firm should take into account its distribution and marketing system and its method of calculating prices during the relevant period. To the extent that product purchases from Anderson can be isolated in the appropriate distribution system, the plans should limit the proposed refunds to customers who were downstream purchasers of the propane or butane covered by the consent order. The plans should also be designed to exclude from participation in this stage of the refund proceeding any purchaser who recovered a portion of the consent order funds during the first-stage distribution. In developing the plans, first purchasers should give paramount consideration to the cost efficiency and administrative burden of any proposed refund plan. For example, to the extent that propane or butane used by agricultural producers, the plan may propose to distribute funds through agricultural cooperatives in the affected areas rather than to individuals. *See Belridge,* slip op. at 10; *Fagadau,* slip op. at 10; *Alcoa,* slip op at 9.

Although the primary aim of the Subpart V process is to distribute the consent order funds to the parties who were injured as a result of alleged overcharges, we recognize that in some cases a firm would not be inclined to spend the time or devote the resources necessary to develop and implement an effective restitutionary plan and consequently, in several instances injuries may go unredressed. For example, the funds to be distributed by a particular firm may be so small in relation to the number of parties entitled to share in the proceeds that the costs to the firm would outweigh the benefits of the plan. In this regard, we note that in *Belridge,* preliminary data supplied by the OE indicated that four of one firm's first purchasers would have available for distribution the folllowing amounts: $56.25, $43.75, $518.75, and $537.50. *Belridge,* slip op. at 10. With respect to these insubstantial amounts, it is apparent that the costs associated with administering a refund plan would be far out of proportion to the fund available for distribution. We would not expect a first purchaser with such a small claim to develop a restitutionary plan.

In view of these considerations, we propose that the portion of the settlement fund which, because of prohibitive administrative costs, would otherwise go undistributed, be deposited in the United States Treasury. We also propose as an alternative to the type of general downstream distribution scheme discussed above that any funds remaining after the completion of the first stage claims procedure be deposited directly into the United States Treasury. subpart V regulations specifically sanction this course of action, *see* 10 CFR 205.288(c), and direct payments to the Treasury may well be appropriate in those cases where other remedies would be ineffectual or administratively burdensome. *See Citronelle-Mobile Gathering, Inc.* v. *O'Leary,* 499 F. Supp. 871 (S.D. Ala. 1980); *Golden Eagle Oil Company,* 6 DOE ¶83,005 at 86,065 (1980); *cf. Chana's Auto Service Center,* 8 DOE ¶ 83,002 (1981). However, as noted above we will not be in a position to decide what should be done with any remaining funds until after the first-stage refund procedure is completed. Only then will we know the amount of money available for the second stage of the refund process. This factor, as noted above, will strongly influence the ultimate disposition selected for those funds.

Although we believe that Anderson's first purchasers are, in the present case, uniquely situated to develop and implement an effective plan for distributing the settlement funds to the parties who absorbed the overcharges, nothing contained herein should be interpreted to suggest that we are discouraging the submission by other parties of proposals containing alternative distribution schemes. We will fully consider any plan submitted and we encourage any party interested in submitting such a plan to do so.

it Is Therefore Ordered That;

The $160,000 refund amount supplied by Anderson Butane Service, Inc. will be distributed in accordance with the foregoing Decision.

[FR Doc. 81-28672 Filed 10-1-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1947-2]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISs) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of September 21, 1981 to September 25, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from October 2, 1981 and will end on November 16, 1981. The 30-day review period for final EISs as calculated from October 2, 1981 will end on November 2, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

Dated: September 29, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

FS: Final—Belknap-Foley Geothermal Area Leasing, Willamette and Deschutes National Forests, Lane, Linn, Deschutes, and Jefferson Counties, Oregon (EIS Order #810789).

Army Corps of Engineers

Draft—Hilo Harbor Area Small Craft and Deep Draft Navigation Improvement, Hawaii County, Hawaii (EIS Order #810793).

Draft Supplement—Cresent City Inner Harbor Basin and Entrance Channel, Del Norte County, California (EIS Order #810790).

Final Supplement—Tamaqua Local Flood Protection Plan, Schuylkill County, Pennsylvania (EIS Order #810791).

Report—Hahn/Marion Mall Regional Shopping Center, Marion County, California (EIS Order #810788).

Correction: Report—Pamlico and Beaufort Sound Waterway Maintenance, Carteret County, North Carolina—should have appeared in the September 25, 1981 FR (EIS Order #810754).

Department of Energy

Draft—Savannah River Plant, Defense Waste Processing Facility, Aiken County, Georgia; the review period for this EIS has been extended until November 30, 1981 (EIS Order #810799).

Department of Housing and Urban Development

Draft—Southdown Subdivision, Mortgage Insurance, Brazoria County, Texas (EIS Order #810792).

Department of the Interior

BLM: Final—Prairie Potholes Area, Vegetation Allocation, Montana (EIS Order #810795).

BLM: Final—Lakeview Grazing Management Plan, Harney, Lake and Klamath Counties, Oregon (EIS Order #810796).

Extension: BLM: Draft—Norton Sound OCS Oil and Lease Sale #57, Alaska—published FR June 26, 1981—the review period for this EIS has been extended until October 16, 1981 (EIS Order #810487).

Environmental Protection Agency

EPA6: Draft—Dolet Hills Power Plant, NPDES Permit, DeSoto Parish, Louisiana (EIS Order #810794).

Upper Mississippi River Basin Commission

Draft—Upper Mississippi River System Management Plan, Illinois, Iowa, Minnesota, Missouri and Wisconsin (EIS Order #810798).

Veterans Administration

Final—New York VA Medical Center Expansion, New York (EIS Order #810797).

[FR Doc. 81-28817 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-[illegible]-M

[ER-FRL-1947-3]

Design and Construction of Wastewater Treatment Facilities, Plymouth, Mass.; Intent To Prepare an Environmental Impact Statement; Meeting

AGENCY: Environmental Impact Office, Region I, Environmental Protection Agency.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (EIS).

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act, the EPA has identified a need to prepare an EIS and therefore publishes this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Mendoza, Environmental Impact Office, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203, 617/223-3190.

SUMMARY: The USEPA Region I has announced its intention to prepare an environmental impact statement on the approval of a facilities plan and the issuance of grant monies pursuant to Section 201 of the Clean Water Act for the design and construction of wastewater treatment facilities located in Plymouth, Massachusetts. Further information is available from the Project Officer identified above.

EPA estimates the Draft EIS will be available for public review around October 1983. All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the list to receive the draft EIS and related public notices.

SCOPING: EPA will hold meetings to determine the scope of the Draft EIS. The first meeting is scheduled for Thursday, October 22, 1981 at 7:30 pm in the Town Office Building, Plymouth, Massachusetts. A second meeting will be held on Monday, October 26, 1981 at 10:00 am in the JFK Federal Building, Boston, Massachusetts. Public notice will be given prior to all subsequent meetings.

Dated: September 29, 1981.

Thomas R. Sheckells,

Deputy Director, Office of Federal Activities (A-104).

[FR Doc. 81-28818 Filed 10-1-81; 8:45 am]

BILLING CODE [illegible]-37-M

[EN-10-FRL-1946-7]

Issuance of Prevention of Significant Deterioration (PSD) Permit to Harney Electric Cooperative, Inc.

Notice is hereby given that on August 14, 1981, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to The Harney Electric Cooperative, Inc. for approval to construct two wood/coal-fired boilers in conjunction with a steam-powered turbine facility at Hines, Oregon.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations, subject to certain conditions specified in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available *only* by the filing of a

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petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, M/S 521, Seattle, Washington 98101.

Dated: September 23, 1981.

L. Edwin Coate,

Acting Regional Administrator.

[FR Doc. 81-28753 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-26-M

[EN-10-FRL-1946-7]

Issuance of Prevention of Significant Deterioration (PSD) Permit to The Department of Energy (Idaho National Engineering Laboratory)

Notice is hereby given that on June 5, 1981, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to the Department of Energy for approval to construct two coal-fired boilers at the Idaho National Engineering Laboratory near Idaho Falls, Idaho.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations, subject to certain conditions specified in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, M/S 521, Seattle, Washington 98101.

Dated: September 23, 1981.

L. Edwin Coate,

Acting Regional Administrator.

[FR Doc. 81-28754 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-26-M

[TSH-FRL—1946-3; OPTS-51324]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of three PMN's and provides a summary of each.

DATES: PMN 81-480, 81-481, and 81-482; written comments by: November 26, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51324]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW, Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW, Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer of the PMN's received by EPA:

PMN 81-480

Close of Review Period. December 26, 1981.

Manufacturer's Identity. Buckman Laboratories, Inc., 1256 N. McLean Boulevard, Memphis, TN 38108.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Cationic acrylamide copolymer.

Use. The manufacturer states that the PMN substance will be used as a flocculent, a paper-making additive, and in sludge dewatering.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	20,000	80,000
2nd year	50,000	100,000
3rd year	75,000	150,000

Physical/Chemical Properties

pH—2.0 to 3.5.

Specific gravity—1.05 to 1.08.

Flash point—164° F.

Viscosity—4,000 to 20,000 cps.

Toxicity Data

Acute oral toxicity LC_{50} (rat)—6.49 Males; 7.52 Females.

Acute dermal toxicity LC_{50} (rat)—>8 g/kg.

Primary skin irritation (rabbit)—Non-irritating.

Primary eye irritation (rabbit)—Irritating.

Ames salmonella—Non-mutagenic.

Environmental Test Data

LD_{50} 24 hrs. (bluegill sunfish)—3.30 parts per million (ppm). 48 hrs.—2.05 ppm. 96 hrs.—1.75 ppm.

LD_{50} 24 hrs. (rainbow trout)—0.87 ppm.

48 hrs.—0.38 ppm. 96 hrs.—0.33 ppm.

Exposure. The manufacturer states that 256 workers may experience dermal exposure up to 12 hrs/day, up to 100 days/yr.

Environmental Release/Disposal. Disposal is to a publicly owned treatment works (POTW).

PMN 81-481

Close of Review Period. December 26, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of linear glycols, aliphatic dicarboxylic acid, and aromatic dicarboxylic acid.

Use. The manufacturer states that the PMN substance will be used as a plastic material for electrical installation.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	23,000	91,000
2d year	34,000	140,000
3d year	140,000	225,000

Physical/Chemical Properties

Appearance—Solid.

Specific gravity—1.200–1.250.

Melting point—75–105° C.

Viscosity @ 140° C—2,000–4,000 cps.

Acid value—20–25.

Hydroxyl value—25–40.

Particle size—1/16–1/4 in.

Molecular weight—M_N—1,100–1,400. M_N—2,000–3,000.

Volatile loss @ 150° C<1.5%.

Water extractables 0.6816%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 60 workers may experience dermal and inhalation exposure 18 hrs/day, 100 days/yr during cooling and grinding.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the the air and land. Disposal is to an approved landfull.

PMN 81-482

Close of Review Period. December 26, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of linear glycols, aliphatic dicarboxylic acid, and aromatic di-(tri-) carboxylic acids.

Use. The manufacturer states that the PMN substance will be used as a plastic material for electrical installation.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,500	25,000
2d year	5,000	40,000
3d year	[illegible]	[illegible]

Physical/Chemical Properties

Appearance—Solid.
Specific gravity—1,200–1,250.
Melting point—60–70° C.
Viscosity @ 140°—5,500–8,500 cps.
Acid value—20–25.
Hydroxyl value—20–40.
Particle size—1/16 3/4 in.
Molecular weight—M_N—880. M_W—1,500.
Volatile loss @ 150° C <1%.
Water extractables 0.1860%.

Toxicity Date. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 10 workers may experience dermal and inhalation exposure 9 hrs/day, 6 days/yr during cooling and grinding.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and land. Disposal is to an approved landfill.

Dated: September 28, 1981.

Woodson W. Bercaw,
Acting Director for Management Support Division.

[FR Doc. 81-28707 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-31-M

[TSH-FRL-1947-1; OPTS-51323]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of nine PMN's and provides a summary of each.

DATES: PMN 81-471, 81-472, 81-473, 81-474, 81-475, 81-476, 81-477, 81-478, and 81-479. Written comments by: November 22, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51323]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW, Washington, D.C. 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW, Washington, D.C. 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-471

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $10,000,000 and $99,999,999.

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—2899.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Urethane polymer.

Use. The manufacturer states that the PMN substance will be used in a contained use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	500	1,000
2d year	[illegible]	5,000
3d year	3,000	12,000

Physical/Chemical Properties

Viscosity—50,000 to 500,000 cps @ 20° C.
Solubility: water—Nil to 7% @ 20° C.
Density—1.0 to 1.1 gm/cc.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, and use a total of 47 workers may experience dermal exposure up to 8 hrs/day, up to 200 days/yr. Exposure may occur during formulation and application.

Environmental Release/Disposal. The manufacturer states that from 10 to 1,000 kg/yr may be released to land during the draining of the final product. Disposal is to an approved landfill.

PMN 81-472

Close of Review Period. December 22, 1981.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alicyclic alcohol.

Use. Claimed confidential business information.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	10	100
2d year	10	1,000
3d year	100	2,000

Physical/Chemical Properties

Appearance—Pale to light yellow w/ camphor-turpentine odor.
Specific gravity—0.933–0.935 @ 25° C.
Flash point—Above 100° F.
Solubility: water—Slightly soluble.
Refractive index—1.474–1.482 @ 25° C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—> 5.0 gm/kg.
Acute dermal toxicity LD_{50} (rat)—2.0 gm/kg.
Primary skin irritation (rabbit)—Not a primary irritant.
Primary eye irritation (rabbit)—Not a primary irritant.
Repeated insult patch test/photosensitization study in human subjects—Not a primary irritant.

Exposure. The importer states that during use 2 workers may experience exposure less than 1 hr/day, less than 20 days/yr during blending operations.

Environmental Release/Disposal. The importer states that less than 10 kg/yr

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may be released to the air less than 1 hr/day, less than 10 days/yr. No disposal problems are anticipated.

PMN 81-473

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Oxoarylpolyalkylbenzene alkanoic acid ester.

Use. The manufacturer states that the PMN substance will be used as a captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—58° F.

Solubility: Water—Insoluble. acetone—Soluble. ethanol—Soluble. ether—Soluble. DMSO—Soluble. dimethoxyethane—Soluble.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—400–500 mg/kg.

Acute dermal toxicity LD_{50} (rabbit)—0.2 ml/kg.

Primary skin irritation (rabbit)—Slightly irritating.

Primary eye irritation (rabbit)—Moderately irritating.

Skin sensitization (guinea pig)—Non-mutagenic.

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal and inhalation exposure 18 hrs/day, 90 days/yr during transfer of the product.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Vapors will be condensed; liquids will be destroyed by biological waste treatment or thermal oxidizer.

PMN 81-474

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyhaloalkylbenzene alkanoic acid ester.

Use. The manufacturer states that the PMN substance will be used as a captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—72–74° C @ 0.25 mm.

Solubility: water—Insoluble. acetone—Infinitely soluble. ethanol—Infinitely soluble. ether—Soluble. DMSO—Soluble. dimethoxyethane—Soluble.

Density—1.23 g/ml.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—> 5.0 mg/kg.

Primary skin irritation (rabbit)—Slight by irritating.

Primary eye irritation (rabbit)—Slight by irritating.

Environmental Test Data

Inhalation toxicity LC_{50} 1 hr (rat)—>3.19 mg/l actual.

Inhalation toxicity LD_{50} 4 hr (rat)—>0.24405 mg/l nominal.

Exposure. The manufacturer states that during manufacture workers may experience dermal and inhalation exposure 24 hrs/day, 33 days/yr during transfer of the product.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Vapor will be condensed; liquids will be destroyed by biological waste treatment or thermal oxidizer.

PMN 81-475

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Tris(substitutes alkyl) phosphate.

Use. The manufacturer states that the PMN substance will be used as a chemical intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	275,000	350,000
2d year	300,000	400,000
3d year	300,000	500,000

Physical/Chemical Properties

Boiling point—>200°C @ 760 mm/Hg.

Melting point—<10°>C.

Solubility: water—>10. octanol—<10.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>3,000 mg/kg.

Acute dermal toxicity LD_{50} (rat)—>20 mL/kg.

Skin irritation (rabbit)—Slight.

Eye irritation (rabbit)—Slight.

Repeated 10-day skin application—Moderate exacerbation of the irritative response.

Skin sensitization potential—Low.

Environmental Test Data

COD mg/1—1.43 g/g.

BOD_5—0.06 g/mL.

BOD_{20}—0.05 g/mL.

TOD—1.75 g/mL.

Secondary Waste Treatment Compatibility Study—A solution of 5.000 mg/L showed no effects.

Acute Effects on Five Aquatic Species—A solution of 100 μL/L showed no effects.

Germination Effects on Three Plant Species—A solution of 100 μL/L showed no effects.

Exposure. The manufacturer states that during manufacture and processing 28 workers may experience dermal and inhalation exposure up to 4 hrs/day, up to 46 days/yr.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Wastewater is treated in an activated sludge wastewater treatment system. Organic chemicals are oxidized and/or absorbed on the produced biological sludge. The sludge is dewatered and then burned.

PMN 81-476

Close of Review Period. December 22, 1981.

Importer's Identity. CIBA-GEIGY Corporation, Saw Mill River Road, Ardsley, NY 10502.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted mercaptophosphate.

Use. The importer states that the PMN substance will be used as an antioxidant for lubricants.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Yellowish liquid.

Solubility: alcohol—Soluble. ketones—Soluble. aliphatic hydrocarbons—Soluble.

Density—d 20/20=1.06.

Refractive index—n 20/20=1.49.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—3,300 mg/kg.

Acute dermal toxicity LD_{50} (rat)—3,000 mg/kg.

Skin irritation (rabbit) (Draize 3.8/8)—Moderate.

Eye irritation (rabbit)—None.

Exposure. The importer states that during processing and use exposure could occur when opening drums, when pouring and transferring the contents into the lubricant mixer and when drumming the lubricant.

Environmental Release/Disposal. The importer states that less than 10 kg/yr may be released to the environment. Byproducts would be sent to incineration facilities or lubricant regeneration facilities.

PMN 81–477

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Westinghouse Electric Corporation, 304 Hoover Street, Hampton, SC 29924.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Melamine-formaldehyde-polyethylene glycol resin.

Use. The manufacturer states that the PMN substance will be used in laminated plastics.

PRODUCTION ESTIMATES

	Kilograms per year (in millions)	
	Minimum	Maximum
1st year	[illegible]	10
2d year	3	14
3d year	[illegible]	16

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacture states that during manufacture and use 16 workers may experience exposure up to 3 hrs/day, up to 250 days/yr.

Environmental Release/Disposal. The manufacturer states that there will be no release to the environment. Since 100% of the material will be used on site, there will be no disposal.

PMN 81–478

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic modified epoxy-ester resin.

Use. The manufacturer states that the PMN substance will be used as an ingredient of coating for packaging.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	10,000
2d year	5,000	25,000
3d year	15,000	100,000

Physical/Chemical Properties

Appearance—Solid.

Acid value—50.

Molecular weight—>10,000.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 15 workers may experience dermal exposure up to 4 hrs/day, up to 200 days/yr. Exposure may occur during sampling and fill off.

Environmental Release/Disposal. The manufacture states that no materials are anticipated being released to the environment. Disposal is to an approved landfill.

PMN 81–479

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million.

Manufacturing site—Midwest region.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Unsaturated acyl ureaurethane diol prepolymer.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a raw material ingredient.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properities. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 12 workers may experience exposure during transfer operations up to 2 hrs/day, up to 120 days/yr. Workers will not be exposed to the polymer per se since manufacture and use are as a solution in an organic solvent.

Environmental Release/Disposal. The manufacturer states that the only release of material will be in solution form. Spills will be removed by a chemical absorbent which will be disposed of in an approved dump site.

Dated: September 28, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81–28711 Filed 10–1–81; 8:45 am]

BILLING CODE 6560-31-M

[PH–FRL–1948–1; PF–238]

Certain Pesticide Chemicals; Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed petitions proposing a food additive regulation and establishing tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "(PF–238)" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food additive and pesticide petitions have been submitted to the agency requesting establishment of a food additive regulation and tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

PP 1F2543. Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804. Proposes amending 40 CFR 180.328 by establishing a tolerance for the residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy)-propionamide in or on the raw agricultural commodities leafy vegetables and cucurbits at 0.1 part per million (ppm). The proposed analytical method for determining residues is gas-liquid chromatography using the

Coulson conductivity detector specific for nitrogen. (PM–25, Robert J. Taylor, 557–7066).

FAP 1H5316. Union Carbide Corp., P.O. Box 12014, T. W. Alexander Dr., Research Triangle Park, NC 27709. Proposes amending 21 CFR 193.15 by establishing a regulation permitting the combined residues of the insecticide/nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl)oxime and its cholinesterase-inhibiting metabolites aldicarb sulfoxide and aldicarb sulfone on the commodity sorghum bran at 1.0 ppm. (PM–12, Jay Ellenberger, 557–77024).

PP 1F2544. Dow Chemical Co., P.O. Box 1706, Midland, MI 48640. Proposes amending 40 CFR 180.342 by establishing tolerances for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl-*O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities corn, fodder and corn, forage at 10.0 parts per million (ppm). The proposed analytical method for determining residues is gas chromatography using electron capture detector. (PM–12, Jay Ellenberger, 557–7024).

PP 1F2537. Ciba-Geigy Corp. Agricultural Division, P.O. Box 11422, Greensboro, NC 27409. Proposes amending 40 CFR 180 by establishing tolerances for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)alamine methyl ester] and its metabolite containing the 2,6-dimethylaniline moiety, each expressed as metalaxyl in or on the raw agricultural commodity hops at 0.2 ppm. The proposed analytical method for determining residues is gas chromatography with flame ionization detector or mass spectrometry. (PM–21, Henry Jacoby, 557–7060).

PP 1F2540. American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540. Proposes amending 40 CFR 180.352 by establishing tolerances for the combined residues of the insecticide terbufos (*S*-[[(1,1-dimethyl)thio] methyl] *O,O*-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities sorghum forage and fodder and sorghum grain at 0.05 ppm. The proposed analytical method for determining residues is a gas chromatographic procedure equipped with a flame photometric detector in the phosphorus mode. (PM–16, William Miller, 557–7040).

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–28705 Filed 10–1–81; 8:45 am]

BILLING CODE 6560-32-M

[PH–FRL–1947–8; PP 5G1623/T320]

Amitraz; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for residues of the insecticide amitraz (*N*'-(2,4-Dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]-methyl]-*N*-methylmethanimidamide) and its metabolites *N*'-(2,4-dimethylphenyl-*N*-methylmethanimidamide) and *N*-(2,4-dimethylphenyl) formamide in or on the raw agricultural commodities grapefruits, lemons, oranges, and tangerines at 1.0 part per million (ppm); and meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm; and milk at 0.01 ppm.

DATES: These tolerances expire June 28, 1982.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 28, 1980 (45 FR 57539) that Upjohn Co., Agricultural R & D, Kalamazoo, MI 49001, had submitted pesticide petition 5G1623 to the EPA. The petition requested a renewal of temporary tolerances for residues of the insecticide amitraz (*N*'-(2,4-Dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]-methyl]-*N*-methylmethanimidamide) and its metabolites *N-(2,4-dimethylphenyl-N*-methylmethanimidamide) and *N*-(2,4-dimethylphenyl) formamide in or on the raw agricultural commodities grapefruits, lemons, oranges, and tangerines at 1.0 ppm; and meat, fat, and meat byproducts of cattle, hogs, horses, and sheep at 0.01 ppm; and milk at 0.01 ppm. These tolerances expired July 17, 1981.

The Upjohn Co. has requested 1-year extension of the tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 1023–EUP–35 which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that an extension of the temporary tolerances will protect the public health. Therefore, these temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.
2. Upjohn Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This extension expires June 28, 1982. Residues not in excess of the amounts authorized remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Mayor" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28703 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-1948-6; PP OG2290/T325]

Isobutyric Acid; Extension of an Exemption From Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended the exemption from the requirement of a tolerance for residues of the plant growth regulator isobutyric acid in or on the raw agricultural commodity grapes.

DATE: This temporary exemption from the requirement of a tolerance expires June 6, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25 Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, Va 22202, (703-557-7066)

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 18, 1980 (45 FR 48241) that a temporary exemption from the requirement of a tolerance had been established for residues of the herbicide isobutyric acid in or on the raw agricultural commodity grapes. This exemption from the requirement of a tolerance was extended in response to a pesticide petition (PP OG2290) submitted by DMB Packing Corp., Box 517, Newman, CA 95360. The company requested a 1-year extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 44544-EUP-1 which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the exemption from the requirement of a tolerance will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.
2. DMB Packing Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires June 6, 1982. Residues remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemption from the requirement of a tolerance. This temporary exemption from the requirement of a tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary exemption from the requirement of a tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary exemption from the requirement of a tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28709 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL 1947-6; PW-27]

Mobay Chemical Corp.; Withdrawal of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Mobay Chemical Corp. has withdrawn a pesticide petition for use of the nematocide ethyl 3-methyl-4-(methylthio)phenyl(1-methylethyl) phosphoramidate in or on certain raw agricultural commodities.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7060).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 15, 1980 (45 FR 54426) Mobay Chemical Corp., PO Box 4913, Hawthorn Road, Kansas City, MO 64120, submitted a pesticide petition (PP OF2385) proposing the establishment of tolerances for the combined residues for use of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramidate in or on the raw agricultural commodities corn, fresh (including sweet) at 0.01 ppm; corn grain (including field and popcorn); at 0.01 ppm; and corn forage and fodder at 0.5 ppm.

Mobay Chemical Corp. has withdrawn this petition without prejudice to further filing in accordance with the regulations.

(Sec. 408 of the Federal Food Drug, and Cosmetic Act (21 U.S.C. 346a(d)))

Dated: September 23, 1981.

Douglas D. Campt

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28710 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL—1948-2; PP 6G1667/T329]

Tebuthiuron Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for residues of the herbicide tebuthiuron (*N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N,N'*-dimethylurea) and its metabolites in or on the raw agricultural commodities pasture grasses and grass hay at 20 parts per million (ppm).

DATE: These tolerances expire July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 26, 1980 (45 FR 56912) that temporary tolerances had been renewed for residues of herbicide tebuthiuron (*N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N,N'*-dimethylurea) and its metabolites in or on the raw agricultural commodities pasture grasses and grass hay at 20 ppm. These tolerances were renewed in response to a pesticide petition (PP 6G1667) submitted by Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285. The company requested a 1-year extension of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit (1471-EUP-43) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the extension of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire July 23, 1982. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28706 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-1947-7; PP 6G1802/T330]

Oryzalin Renewal of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed a temporary tolerance for residues of the herbicide oryzalin [3,5-dinitro-N^4,N^4-dipropylsulfanilamide] in or on the raw agricultural commodity wheat at 0.1 part per million (ppm).

DATE: This temporary tolerance expires August 6, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 30, 1980 (45 FR 50653) that a temporary tolerance had been renewed for residues of the herbicide oryzalin [3,5-dinitro-N^4,N^4-dipropylsulfanilamide] in or on the raw agricultural commodity wheat at 0.1 ppm. This tolerance was renewed in response to a pesticide petition (PP 6G1802) submitted by Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285. The company requested a 1-year renewal of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permits (1471-EUP-58 and 1471-EUP-69) which are being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that a renewal of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been renewed on the condition that the pesticide be used in accordance with the experimental use permits with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permits.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires August 6, 1982. Residues not in excess of 0.1 ppm remaining in or on wheat after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28704 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-1948-4; PP 8G2129/T289A]

Bendiocarb; Renewal of Temporary Tolerances; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice amends a renewal of temporary tolerances for residues of the insecticide bendiocarb in or on certain raw agricultural commodities.

DATE: These temporary tolerances expire January 27, 1982.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400. CM 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of May 22, 1981 (46 FR 28003) that temporary tolerances had been renewed for residues of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate) and its metabolites in or on certain raw agricultural commodities. The renewal was requested by Fisons, Inc., Wilmington, DE 19805.

Fisons, Inc., has submitted an amendment to the renewal of temporary tolerances requesting that temporary tolerances be established separately for residues of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate) in or on the following raw agricultural commodities: corn, grain at 0.5 ppm; corn fodder at 0.5 ppm; and corn forage at 0.5 ppm.

Fisons, Inc., is requesting that temporary tolerances be established separately for the residues of the insecticide 2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate and its metabolites NC-7312 (2,2-dimethyl-1,3-benzodioxol-4-ol) and *N*-hydroxymethyl bendiocarb in or on the following raw agricultural commodities: milk at 0.05 ppm; fat, meat, and meat byproducts (except kidneys) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm; kidneys of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm; and eggs at 0.05 ppm.

All other provisions of the temporary tolerance remain the same.

(Sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j)))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28708 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

Temporary Commission on Financing Public Broadcasting Schedules Organizational Meeting

September 28, 1981.

The Temporary Commission on Alternative Financing for Public Telecommunications established by the Public Broadcasting Amendments Act of 1981 has scheduled its first meeting for October 2, 1982. F.C.C. Chairman Mark Fowler has designated F.C.C. Commissioner James H. Quello as chairman of the Temporary Commission.

Other members include the heads of the National Telecommunication and Information Administration, Corporation for Public Broadcasting, National Public Radio, and the National Association of Public Television Stations (or their designees). The remaining members are the Chairman and ranking minority member of the Committee on Commerce, Science, and Transpoation of the Senate, and the Chairman and ranking minority member of the Committee on Energy and Commerce of the House of Representatives (or committee members designated by them). The named members of the Temporary Commission will also select two additional members, one from a public radio station and one from a public television station.

The legislation requires that the Temporary Commission study alternative sources of revenue for public telecommunications, and report to Congress with legislative or other recommendations. Two studies are provided for in the new legislation. The Temporary Commission is required to study alternative sources of new revenue that would not alter the programming service of the stations and submit a report to Congress by July 1, 1982. The second provision allows the Temporary Commission, if it considers it appropriate, to implement a limited demonstration project with advertising on public stations, and report to Congress by October 1, 1983. If the Temporary commission does the advertising study, it will be limited to 18 months beginning on January 1, 1982, will be limited to no more than 20 stations, and will have other limits on the number and kind of ads that can be aired.

The October 2 meeting will be held pending approval by the General Services Administration of the charter of the Temporary Commission. Such approval is necessary under the Federal Advisory Committee Act. The charter of the Temporary Commission has been forwarded to the General Services Administration and to the United States Senate and House of Representatives. The meeting will be open to the public and will begin at 9:30 am in the Commission meeting room in Room 856 of the F.C.C. building at 1919 M Street, N.W. in Washington, D.C.

This announcement provides less than the required 15 days notice; however, the early deadlines imposed on the Temporary Commission by the statute requires expedited action. This exception has been reviewed and approved by the FCC advisory committee Management Officer.

For further information contact: John Kamp, Broadcast Bureau (202) 632-6302.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-28668 Filed 10-1-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL ELECTION COMMISSION

[Notice 1981-11]

Filing Dates For Connecticut Special Election

AGENCY: Federal Election Commission.

ACTION: Notice of Filing Dates For Connecticut Special Election.

SUMMARY: Committees required to file reports in connection with the Republican and Democratic conventions to be held in the 1st Congressional District of Connecticut on November 23, 1981, shall file a 12-day pre-convention report due on November 11, 1981. Committees required to file reports in connection with the special primary election to be held, if necessary, on December 15, 1981, shall file a 12-day pre-primary report due on December 3, 1981. Committees required to file reports in connection with the special general

election to be held on January 12, 1982, shall file a 12-day pre-general report due on December 31, 1981 and a 30-day post-general report due on February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Public Information Office, 1325 K Street, N.W., Washington, D.C. 20463 Tel: (202) 523-4068, Toll-free (800) 424-9530.

Notice of Filing Dates For Convention, Special Primary and Special General Elections, 1st Congressional District, Connecticut

All principal campaign committees of candidates in the Republican and Democratic conventions and all other political committees not filing monthly, which support candidates in the conventions, shall file a 12-day pre-convention report due on November 11, 1981. All principal campaign committees of candidates in the Special Primary Election and all other political committees not filing monthly, which support candidates in the Special Primary Election, shall file a 12-day pre-primary report due on December 3, 1981. All principal campaign committees of candidates in the Special General Election and all other political committees not filing monthly, which support candidates in the Special General Election, shall file a 12-day pre-general report due on December 31, 1981, and a 30-day post-general report due on February 11, 1982.

Dated: September 29, 1981.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 81-2879[illegible] Filed 10-1-81; 8:45 am]

BILLING CODE [illegible]715-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. 5600-42 and T-3982]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 5600-42, the Philippines North America Conference (PNAC) Agreement provides for, among other things, authorization of intermodal through and joint rates, charges and regulations from inland points in the Republic of the Philippines to ports or inland points in the U.S. and any of its districts, territories or possessions and Canada.

Agreement No. T-3982, between the Puerto Rico Ports Authority (Authority) and the Puerto Rico Line, Inc. (PRL), provides for preferential assignment by the Authority to PRL of 226,328.3 square feet of warehouse space, two berthing platforms and adjacent areas. The agreement also provides PRL exclusive use of an 895 square foot office located at Pier "D" in the Puerto Nuevo Area of San Juan. The term of the agreement is for three years, with an option for renewal for three more years.

The Findings of No Significant Impact (FONSI) will become final on or before October 22, 1981 unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-28815 Filed 10-1-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-58]

Maizena S.A. v. Flota Mercante Grancolombiana S.A.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Maizena, S.A. against Flota Mercante Grancolombiana S.A. was served September 24, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-28816 Filed 10-1-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. Section 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than October 22, 1981.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (consumer finance and insurance activities; Missouri and Illinois): To expand the activities and service area of an office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., located in Manchester, Missouri, and engaged in the following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissable under applicable state insurance laws and regulations; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The new activities in which the office proposes to engage *de novo* are: the originating of 1–4 family residential mortgage loans; and the direct sale of mortgage life and disability insurance, to the extent permissible under applicable state insurance laws and regulations. The service area of the office would be comprised of southern Illinois and the entire state of Missouri for all the aforementioned activities. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Commerce Bancshares, Inc., Kansas City, Missouri (insurance activities; Kansas and Missouri): To engage through its *de novo* subsidiary, Commerce Property and Casualty Agency, Inc., ("Agency") in the activities of acting as insurance agent or broker of the following kinds of property and casualty insurance which is directly related to extensions of credit or the provision of other financial services by the applicant's bank and nonbank subsidiaries and safekeeping insurance which is directly related to financial services offered by the applicant's bank subsidiaries: (1) Insurance protecting property used as collateral in connection with an extension of credit or the provision of other financial services including, but not limited to, dual and single interest physical damage insurance, fire and extended coverage insurance. Examples of the types of collateral to be insured are motor vehicles, recreational vehicles, boats, real estate, mobile homes, household contents, equipment and inventory. (2) Liability and comprehensive insurance written in connection with, or as part of an insurance package with, insurance protecting collateral. (3) Insurance covering securities, documents, jewelry, coins, and other valuables held for safekeeping. (4) Insurance covering valuables kept in a safe deposit box. The operational activities of Agency would be conducted at offices in Kansas City, Missouri; the proposed credit-related and financial service-related property and casualty insurance activities would be performed at the applicant's bank and nonbank subsidiary offices; and, the proposed financial service-related safekeeping insurance activities would be performed at offices of applicant's bank subsidiaries offices; and, the proposed financial service-related safekeeping insurance activities would be performed at offices of applicant's bank subsidiaries except the Eagle Rock, Missouri subsidiary. Applicant's subsidiary bank office locations include: Cassville, Eagle Rock, Kansas City, Bolivar, Bonne Terre, Desloge, Brunswick, Mendon, Columbia, Excelsior Springs, Fenton, Festus, Florissant, Grandview, Hannibal, Harrisonville, Independence, Joplin, Kahoka, Kirksville, Kirkwood, Lebanon, Lexington, St. Louis, Mexico, Moberly, St. Louis County, Pacific, Poplar Bluff, Qulin, St. Charles, St. Joseph, Springfield, Tipton, University City, Maryland Heights, and Willard, all in Missouri. Applicant's subsidiary nonbank offices are located in Kansas City, Missouri. The geographic areas to be served consist of the banking markets of the respective subsidiary banks and the states of Missouri and Kansas for the nonbank subsidiaries.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Correction

Bankamerica Corporation, San Francisco, California 94120 (financing and servicing activities; *de novo* offices; expansion of geographic scope): This notice corrects a previous Federal Register notice (FR Doc. 81-27292) published at page 46387 of the issue for Friday, September 18, 1981. The service areas for this application were incomplete and incorrect. The corrections and additions are as follows: The existing Kansas City, Kansas office will serve the entire state of Kansas, and all other states except Alaska, Hawaii, and the District of Columbia. The existing office in Tucker, Georgia will serve the entire state of Georgia, and the states of Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee.

D. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, September 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28678 Filed 10-1-81; 8:45 am]

BILLING CODE 6210-01-M

Southern California Bancorp; Formation of Bank Holding Company

Southern California Bancorp, Laguna Beach, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Laguna National Bank and Trust, Laguna Beach, California a *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governor of the Federal Reserve System, September 25, 1981.

D. Michael Manies

Assistant Secretary of the Board.

[FR Doc. 81-28676 Filed 10-1-81; 8:45 am]

BILLING CODE 6210-01-M

Sulphur Community Bancshares, Inc.; Formation of Bank Holding Company

Sulphur Community Bancshares, Inc., Sulphur, Oklahoma, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Sulphur Community Bank, Sulphur, Oklahoma. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be

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received not later than October 25, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 25, 1981.

D. Michael Manies

Assistant Secretary of the Board.

[FR Doc. 81-28[illegible]7 Filed 10-1-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Peroid of the Premerger Notification Rules; Reliance Group Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Reliance Group Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed aquisition of certain voting securities of E. H. Crump Cos. Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Reliance. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premeger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. §18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-28755 Filed 10-1-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Life Course Review Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of October 1981.

Life Course Review Committee

October 22–24; 9:00 a.m.

Shoreham Americana Hotel
Room E-630
2500 Calvert Street, N.W., Washington, D.C. [illegible]
Open—October 23; 9:30–10:30 a.m.
Closed—Otherwise
Contract: Ms. Dee Herman, Room 9C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-1367

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and/or activities in the fields of child, family, and aging, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:30–10:30 a.m., October 23, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C., 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact person listed above. Summary of the meeting and roster of Committee members may be obtained from Ms. Helen W. Garrett, Committee Management Officer, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-4333.

Dated: September 29, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-28633 Filed 10-1-81; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

[Docket No. 81N-0305]

Newport Pharmaceuticals International, Inc.; Isoprinosine; Opportunity for Hearing on Proposal To Refuse To Approve New Drug Application

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice proposes to refuse approval of new drug application 19-575 for Isoprinosine submitted by Newport Pharmaceuticals International, Inc., and offers an opportunity for a hearing on the proposal.

DATES: Hearing request due on or before November 2, 1981; data to support a hearing request due on or before December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Paul Leber, Bureau of Drugs (HFD-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3830.

SUPPLEMENTARY INFORMATION: On November 17, 1980, the Food and Drug Administration (FDA) received new drug application 18-575 for the preparation Isoprinosine for the treatment of subacute sclerosing panencephalitis (SSPE). SSPE is a degenerative disease of the central nervous system which occurs primarily after a measles virus infection in children and young adults. The application was submitted by Newport Pharmaceuticals International, Inc. 1590 Monrovia Ave., Newport Beach, CA 92660.

In a meeting on March 30, 1981, FDA's Peripheral and Central Nervous System Drugs Advisory Committee considered the effectiveness data in this new drug application (NDA). The committee also considered a statistical analysis by Newport's consultant that had been presented to FDA and the committee only shortly before the meeting. Based in large part on that statistical analysis, which analyzed not only the data in the application but also data not previously made available to FDA, the committee, with one dissent, concluded that Isoprinosine had been shown to have some effectiveness in prolonging survival of some patients with SSPE. The committee member voting against this recommendation was the committee's sole biostatistician. The committee also concluded that there was no substantial evidence for the claim that Isoprinosine improves the clinical state of patients with SSPE. On

May 21, 1981, the applicant made its final submission to the NDA of the new data which had been analyzed in the statistical report presented to the committee. Evaluation by FDA revealed that the statistical analysis presented to the committee was flawed and that the data submitted did not provide substantial evidence of effectiveness of Isoprinosine for either prolonging survival or improving the clinical state of patients with SSPE.

On July 31, 1981, FDA issued a letter informing Newport that its application. On August 4, 1981, Newport requested that its application be filed over protest under 21 CFR 314.110(d).

FDA has reevaluated new drug application 18–575 for Isoprinosine. Again it has found the application to be inadequate and not approvable. The applicant's analysis does not establish whether the reported difference in survival is due to a drug effect or to a bias in the selection of SSPE cases for study. This notice proposes to refuse to approve the new drug application on the grounds that the application fails to provide substantial evidence of effectiveness of the drug product for its intended use and, additionally, that the application fails to show that the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the product are adequate to preserve its identity, strength, quality and purity.

Because it is possible that publishing in the **Federal Register** a detailed description of certain of the inadequacies in manufacturing controls might constitute the revelation of trade secrets, the specific inadequacies in the application concerning manufacturing controls are not described in this notice. A detailed statement of these inadequacies is being served directly on the applicant by mail. FDA has waived the combination drug regulations (21 CFR 300.50) for Isoprinosine for the treatment of SSPE. Certain of the inadequacies in the clinical data submitted in support of the effectiveness of Isoprinosine for SSPE are described below.

Effectiveness Data

Newport submitted a number of published and unpublished reports on the effectiveness of Isoprinosine for SSPE as well as for various other indications. A reference list of the reports on the SSPE indication is provided below.

A number of the reports submitted on the effectiveness of Isoprinosine did not describe clinical investigations. Thus, two reports contained reviews of various types of viral diseases including SSPE (Booss (Ref. 2); Brooks et al. (Ref. 3)). Three submissions consisted of epidemiological reports on SSPE (Bellman and Dick (Ref. 1); Enders-Ruckle (Ref. 5); Jabbour et al. (Ref. 12)). One article presented a general description of the disease and attempts at treatment with Isoprinosine, and concluded that larger controlled trials are needed to establish the value of the drug (Editorial Comments—*British Medical Journal* (REf. 4)). These reports clearly do not describe adequate and well-controlled trials with Isoprinosine. (21 CFR 314.111(a)(5)(ii)(*a*) (*1–5*).)

A number of the studies submitted were uncontrolled, contrary to the requirement of 21 CFR 314.111(a)(5)(ii)(*a*)(*4*). Thus, six reports provided historical reviews of SSPE cases without any comparisons of test and control groups (Haddad et al. (Ref. 9); Risk and Haddad (Ref. 15); Risk et al. (Ref. 16); Van der Zwaag et al. (Ref. 19)). Six submissions presented reports of Isoprinosine-treated cases which also were not compared to a control (Flugel et al. (Ref. 6); Goetz and Peller (Ref. 7); Huttenlocher (Ref. 11); Mattson et al. (Ref. 14); Silverberg et al. (Ref. 17); Streletz and Cracco (Ref. 18)). Dyken and Swift's report on SSPE and Isoprinosine (Ref. 22) presented the authors' experience with 15 SSPE patients treated openly with Isoprinosine over a 5-year period. As with the previous studies, no control group was employed. It is clear that these uncontrolled studies do not provide substantial evidence of effectiveness of Isoprinosine consisting of adequate and well-controlled investigations. (21 CFR 314.111(a)(5)(ii)(*a*)(*4*).)

The study by Huttenlocher and Mattson (Refs. 10 and 20) was an open study of the effects of Isoprinosine in 15 nonrandomly selected patients. Comparisons were simply made between the incidence of remission in the group of 15 cases and the remission rates in a group of 99 untreated cases reported by Haddad, Risk, and Jabbour (Ref. 9). As the untreated cases included many with advanced disease and the treated cases were restricted to those with less advanced disease (stage 2 or less), there is no assurance that the groups are comparable. (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*).) The authors also did not attempt statistical comparison of remission rates because of a concern that their patients were not randomly selected.

The Haddad and Risk study (Refs. 8 and 21), entitled "Isoprinosine treatment in 18 patients with subacute sclerosing panencephalitis: A controlled study," was actually a report of the authors' experience with 18 cases treated openly for an average of three months. Course and outcome of the treated patients were compared to those observed with a group of 96 untreated historical controls. Improvement occurred in two treated cases 16 and 25 months after therapy with Isoprinosine had been discontinued. The authors concluded that the improvement in the treated patients was consistent with the natural history of the disease and not a result of the drug treatment. Also, the lack of reported patient data, particularly on the control group, prevents assurance that the test and control groups are comparable. (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*).)

The two-paragraph abstract by Jabbour et al (Ref. 13) on the "Comparative analysis of the therapeutic effect of Isoprinosine on the course of SSPE" describes an open clinical trial where 45 subjects were compared with 29 patients in an historical control group. As with the previous report, the lack of patient data prevents adequate assurance that the test and control groups are comparable. (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*).) Generally, the abstract lacks the detail to permit scientific evaluation. (21 CFR 314.111(a)(5)(ii)(*c*).)

Therefore, FDA finds that the above studies fail to provide substantial evidence of the effectiveness of Isoprinosine for SSPE. FDA notes that some of the above studies do suggest that the course of SSPE in untreated patients may be long, variable, or fluctuating (Risk and Haddad (Ref. 15); Enders-Ruckle (Ref. 5); Flugel (Ref. 6); Haddad et al. (Ref. 9); Jabbour et al. (Ref. 13); Risk et al. (Ref. 16). Observations that the natural history of untreated SSFE is not always rapid and unremitting give support for the need for controlled studies to demonstrate the effectiveness of Isoprinosine therapy.

As a pivotal work on the effectiveness of Isoprinosine for SSPE, Newport submitted a report identified as the "Multicenter Study" (Ref. 23). In it, data on 74 Isoprinosine-treated patients assembled from a number of physicians were compared with data on groups of untreated patients assembled from the records of several SSPE registries. Distinct comparisons were made between the Isoprinosine group and the following untreated groups used as controls: (1) 150 dead SSPE patients whose records had been obtained from among several hundred patients reported to the U.S. SSPE Registry; (2) 94 patients from the Lebanon SSPE Registry; and (3) 30 patients of Dr.

Jabbour (former head of the U.S. Registry) also taken from the U.S. Registry. A fourth comparison was made between a subset of 30 of the 74 Isoprinosine-treated cases and 30 cases from the U.S. Registry matched as to age, sex, and date of onset of SSPE.

The sponsor's method of analysis was to construct life tables using six-month intervals and then to compare, for each interval, the probabilities of surviving the interval for the Isoprinosine group and the control groups. In comparing the life tables of the Isoprinosine group to the controls, the sponsor found that the survival probabilities for the Isoprinosine patients were significantly larger ($p=0.05$) than those for the U.S. Registry untreated patients for every interval. The same results were obtained in the comparison of the Isoprinosine patients and the Lebanon Registry patients, and in the comparison of the 30 Isoprinosine patients and their matched U.S. Registry untreated patients. In the comparison between the Isoprinosine patients and Dr. Jabbour's patients, however, there was no significant difference in survival probabilities until the 42- to 48-month interval. At that interval and beyond, the comparisons favored Isoprinosine at $p=0.05$. The sponsor also compared these two groups with respect to the time until the entry of Stage 4 of the disease (vegetative). Except for the first 6-month interval, all of the comparisons favored Isoprinosine at $p=0.05$.

Despite the observed differences in results favoring the Isoprinosine group, this report fails to demonstrate the effectiveness of Isoprinosine because it does not provide sufficient evidence that the observed differences are attributable to the administration of the drug product. The applicant's analyses of the submitted data do not exclude the possibility that bias, particularly a time length sampling bias, may account for the observed differences in results between the patients who received Isoprinosine and those who did not.

Use of an historical control involves comparing present experience in treated patients with past experience historically derived from the adequately documented natural history of the disease or condition in comparable patients or populations with no treatment. (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)(*iv*).) The comparability of the treatment and control groups is an important requirement. If the groups are different at baseline in the distribution of important factors affecting survival, the administration of the drug cannot be identified as the isolated variable responsible for the observed differences in survival rates among the groups. In such a case, the other prognostic factors distinguishing the groups may account for the entire difference in observed survival rates. Thus, the presence of prognostically important factors (both known and unknown) unequally distributed among the treatment and control groups would create substantial bias in evaluating the effect of the drug.

This report fails to provide assurance that the test and control groups are comparable as to factors which could affect survival. (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*) and (*a*)(*4*)(*iv*).) The failure to provide such data as clinical history, clinical course, and diagnostic procedures for the control groups prevents assurance that they are comparable to the treated group. One possible source of bias is that the registry control groups may contain more rapidly progressive cases of SSPE because clinical cases with the classic pattern of a steadily progressive course are more likely to be diagnosed and reported to a registry. This type of bias can be seen in the U.S. Registry group which consisted of 150 patients, all of whom are dead. These cases were not selected randomly and represent a subgroup of a larger group whose course was not fully known. This set of control patients with SSPE is thus incomplete, and, since death is the critical factor, the probable result is a worst case analysis for the control group.

Another possible bias is related to the methods of retrospectively ascertaining onset dates for SSPE patients. Onset times are estimated by investigators from clinical history obtained either from case records (more likely in the case of registry patients) or from interviews with the patient's family (more likely among treated cases). It appears that the treated patients were cared for by physicians especially knowledgable about SSPE's clinical features who were more likely to obtain information from family interviews and estimate onset times for their treated cases on the basis of subtle changes. In contrast, the onset times for many registry patients were probably estimated, not by experts in the disease, but by the physicians who reported them. There is a greater chance that these physicians relied on more obvious and gross clinical features to date the onset. Consequently, as the survival intervals are defined as the period between onset and death, the survival times for the treated patients may be systematically inflated by the more subtle means used to ascertain their onset dates.

The existence of a definite selection bias affective entry into the Isoprinosine group was suggested by a correlation observed between the duration of a treated patient's survival and the length of the period between the onset of the patient's illness and the time of receiving treatment. Suprisingly, a longer survival appeared to correlate with a prolonged time to treatment with the drug. One explanation for this correlation lies in the apparently different ways in which patients were selected to be in the Isoprinosine group and the various registry control groups.

For the Isoprinosine group, patients were not selected at the onset of SSPE nor, in most cases, at the diagnosis. The patients had to have been found at some time during the course of their illness. Patients with short survival times tended not to have been included in the Isoprinosine group either because they died before they could be located and entered or because they had not yet been disgnosed as having SSPE. There was, therefore, a tendency to enter into the Isoprinosine group those patients who had had SSPE for longer periods of time. These patients tended to have longer survival times because (i) they had a built-in "guaranteed survival" i.e., the time from onset to start of treatment which was included in the total survival time, and (ii) the fact that they already had survived a longer period of time may indicate that they were patients with good prognoses who could have continued to survive relatively longer without any treatment intervention.

In contrast, the process of reporting patients to registries is not subject to a corresponding mechanism that tends to exclude those individuals with very short survival times. Patients can be reported to the registries at onset, during the course of the disease, or after death. Thus, the registry groups may be different from the treatment groups by the inclusion of patients with very short survivals. Accordingly, there is no assurance that the test and control groups are comparable. (21 CFR 314.111 (a)(5)(ii)(*a*)(*2*)(*iii*) and (*a*)(*4*)(*in*).) The existence of a selection bias affecting entry into the Isoprinosine group but not into the registry group may be responsible for the differences in results between the groups.

FDA further analyzed the existence of a selection bias and its possible effect on survival patterns by use of computer simulation study. Data were randomly generated for a population of 2,000 patients, and each patient received a survival time, a time from onset of SSPE to treatment, and a censoring time. Then 100 "treatment" and 100 "control"

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patients were randomly sampled from the generated population. As explained above, only those patients who were alive when recruitment began (i.e., whose survival time exceeded their time to treatment) could have been selected for the the Isoprinosine multicenter group. Therefore, in order to mimic the manner by which the Isoprinosine patients were selected, patients for the "treated" group in the simulation had to have survival times at least as large as their times to treatment. The comparison of the survival time to the censoring time determined which of the 100 patients were deaths and which were censored observations (i.e., still alive or lost to followup). Because there was no such restriction on the patients who were reported to the various registries, the "control" group in the simulation was randomly chosen without any restriction. The 100 "treatment" patients were found to have significantly longer survival than the 100 "registry" patients (p=0.01), even though both treatment groups were sampled from the same population and differed only in the manner by which the patients were selected into groups. This analysis indicates that the manner by which the patients were selected for the multicenter groups could severely bias the treatment comparisons.

The life-table analysis presented in the new drug application did not take into account the selection bias explained above and is therefore an inappropriate statistical method for comparing the distributions. (21 CFR 314.111(a)(5)(*ii*)(*a*)(*5*).) Such analyses also create a problem in choosing a significance level for testing each interval and for determining an overall significance level, and they can lead to a problem concerning what the correct inference should be if the groups are significantly different at some intervals but not at others. Furthermore, a number of alternative statistical procedures are available which are not based on arbitrary intervals and compare entire survival curves with only one statistical test. Indeed, the additional statistical review prepared at the request of Newport by Dr. Frank Stitt and submitted at the March 30, 1981 advisory committee meeting utilized alternative procedures because of similar concerns with the life/table analysis.

The statistical review of Dr. Stitt also recognized the need to consider the possible influence on survival of factors other than the administration of Isoprinosine, particularly a possible selection bias in which "only those cases which would have survived anyway are included in the treatment group" (Stitt report, p. 2). In his review of the data, Dr. Stitt also noted that the control group of Dr. Jabbour's patients appared to have better survival than the other control groups, and that the historical controls and treatment groups differed with respect to dates of onset of the disease (calendar dates). (See Stitt report, p. 2.)

In his analysis, Dr. Stitt used data from the original 74 Isoprinosine patients analyzed in the new drug application plus data from the 24 new Isoprinosine patients provided by Newport. For the historical control data, he used the 30 patients of Dr. Jabbour who had been included in the application, as well as 93 new patients from the Israel Registry. Dr. Stitt first analyzed the data using the Kaplan-Meier product-limit survival analysis method to estimate cumulative survival for all data groups and employing the Mantel-Cox test to compare groups. With this analysis the Isoprinosine groups had significantly better survival than either historical control group (the Israel Registry group and Dr. Jabbour's group).

Dr. Stitt then utilized various techniques to adjust for possible bias in the study. In his first attempt to adjust for bias, Dr. Stitt excluded the Isoprinosine patients who had a time from onset to treatment exceeding 12 months and performed the above analysis techniques using the Israel and Jabbour patients for comparison to the treated patients. For this analysis there was significant difference between the treated and Israel group ($p<0.05$) but no difference between the treated and Jabbour group.

Dr. Stitt next employed the Cox Regression technique with covariates in an attempt to adjust the treatment comparisons for the effects of other variables. He defined two sets of time-dependent and fixed covariates. The time-dependent covariates consisted of:

1. *Group,* set at zero for a subject until treatment and set equal to one after treatment starts, and
2. *Time-to-treatment,* set at zero before treatment and set equal to the time in months from onset to treatment after treatment starts.

The fixed covariates consisted of:

1. *Sex,*
2. *Age at onset* of SSPE,
3. *Epoch,* defined as months from January 1950 to onset (to adjust for changes in selection and concomitant treatment over time), and
4. *Treatment speed,* set at zero for control subjects and the reciprocal of the number of months from onset to treatment in the treated group.

Dr Stitt presented a number of analyses based on the Cox Regression technique. He first utilized a time-dependent analysis in which both the time-to-treatment and group variables were found to be significant (p=0.01). Sex, epoch, and age were not significant in this analysis.

A stepwise analysis with fixed covariates was then used, in which variables could be added or removed from the model depending on how much they contributed towards predicting survival. For this procedure, treatment speed was forced into the model and then other variables were allowed to enter in a stepwise fashion. When no further improvement could be obtained in the model, the significant variables were the Isoprinosine v. Israel contrast (which favored Isoprinosine), the Isoprinosine v. Jabbour contrast (which favored Isoprinosine) and the interaction between epoch and the Isoprinosine v. Israel contrast. Sex, epoch, and age at onset were not in the final model.

A nonstepwise analysis with fixed covariates was also presented. In this analysis, 10 variables were specified in the model. The variables included four main effects (sex, epoch, treatment speed, and age at onset); two treatment contrasts (treated v. Israel and treated v. Jabbour); and four interaction variables (two treatment contrasts with age and epoch each considered separately). Treatment speed ($p<0.001$) and the treated v. Israel contrast ($p<0.001$) were found to be significant. The treated v. Jabbour contrast was not significant, but a combined score test comparing the treatment to the controls for overall treatment effect was significant favoring the treatment group ($p<0.001$).

Using the model generated above, hazard values were computed for each patient. The treatment groups were then compared using a one-way analysis of variance on the hazards. This analysis demonstrated significantly lower hazard (i.e., risk of death) for the treated group than the Israel and Jabbour groups.

These statistical analyses are not appropriate to eliminate the effect of bias in the evaluation of treatment effect. (21 CFR 314.111(a)(5)(ii)(*a*)(*5*).) The first method used to adjust for the selection bias was to eliminate Isoprinosine patients whose time to treatment exceeded 12 months. The rationale for eliminating these patients with a long time to treatment was that these were the patients with the best prognosis whose continued survival may have been due to their good prognosis rather than to the introduction of Isoprinosine. However, one could also

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exclude control patients whose survival times were less than 4 months, on the basis that these were the patients with the poorest prognosis who probably died before they could be found for selection into the Isoprinosine study but who may have been reported to a registry. It can be seen that this method of trying to adjust for the selection bias by eliminating certain patients involves arbitrary procedures whose results depend on whether one eliminates patients from one or both ends of the time scale, and how one chooses the magnitude of the cutoff times. It also excludes valuable patient data from analysis. Accordingly, no definite conclusions can be shown from the resulting analysis, and the method is not appropriate to eliminate the effect of the suspected bias in the study.

The second method Dr. Stitt used to adjust the treatment comparisons for prognostic factors, particularly the selection bias, involved the Cox Regression technique. There are a number of flaws in the analyses based on this technique. The major problems relate to the meaningfulness of the treatment speed variable, the interpretation of the results of the analyses, and the differences among the historical control groups.

In the fixed covariate regression analysis, inadequate justification was provided for the use of the treatment speed variable, which was defined as the reciprocal of the time from onset to treatment. In this analysis, Dr. Stitt had to assign to the patients in the control groups a "pseudo" onset to treatment time because the time from onset to start of treatment was necessarily undefined for the untreated patients in the control groups. Dr. Stitt chose infinity for this variable. It can be seen, however, that was not a reasonable assignment and seriously flawed the analysis.

The purpose of trying to adjust the treatment comparisons for the time from onset to start of treatment is the concern that the apparent differences in survival were, to some unknown extent, due to a guaranteed survival process which affected the Isoprinosine patients but not the historical control patients. An adjustment which seeks to eliminate this bias ought to lessen the differences in the survival curves between the Isoprinosine group and the various control groups. Using infinity does not do this. In fact, when FDA compared the results from the Cox Regression analysis making no adjustment for the time from onset to start of treatment with the results using the infinity adjustment for the control patients, the differences in survival between the Isoprinosine group and both control groups substantially increased rather than decreased.

Further evidence that infinity was not a reasonable assignment is the logical inconsistency that results. With the onset to treatment times for the control groups set at infinity, all the patients in the Isoprinosine group had onset-to-treatment times that were *shorter* than their survival times, while all the patients in the control groups had infinite onset-to-treatment times that were necessarily *longer* than their survival times. The choice of infinity actually reversed the ordering of the time to treatment and survival time seen in the Isoprinosine group.

The documentation of Dr. Stitt's analyses is not adequate to permit proper evaluation and verification of the results. (21 CFR 314.111(a)(5)(ii)(*a*)(*5*).) In the time-dependent regression analysis Dr. Stitt found a time-to-treatment and group variable to be statistically significant. However, the interpretation of these results is not clear. Although these variables are positively correlated with each other, they have different signs in the regression (different signs for their corresponding regression coefficients). It is not clear if this represents an overfitting of the data (due to colinearity) or represents a correct adjustment by the technique. No steps in the analysis are supplied and so no diagnostics can be applied to help in the interpretation of these results. Also, it is not apparent how the significance of the group variable in this regression should be interpreted even if the above problem did not exist. Dr. Stitt mentions that a previous use of the time-dependent variables was by Crowley and Hu in a 1977 article in the *Journal of the American Statistical Association* (vol. 72, pp. 27–36). In that article the authors avoided deliberately applying significance tests to group variables in the presence of time-dependent variables. Dr. Stitt provided no rationale here for doing otherwise.

The fixed covariate, nonstepwise analysis is also insufficiently documented. No attempt was made to explain the significant treatment contrast (treated v. Israel) in the presence of a significant interaction (treated v. Israel and epoch). Also, in a score test the combined effect of "treatment interaction with epoch" was significant ($p<0.03$). Often the presence of significant interactions *does not* produce adjustments so that treatment effects can be examined. In fact, it may indicate that the examination of treatment effects is meaningless.

Uncertainty regarding the precise data used by Dr. Stitt also prevents verification of the analysis. The Israel data received from the sponsor consisted of 103 patients, of which 15 had received treatment (14 Isoprinosine and 1 Thymosin). Although the appropriate group should have consisted of the remaining 88 patients, Dr. Stitt used data from 93 Israel Registry patients. It was not possible to determine which 93 Israel Registry patients were actually used in the analysis.

Additionally, Dr. Stitt's analyses did not provide for the differences between the control groups. In the fixed covariate regression analysis, there is no indication of how the differences between the Israel and Jabbour groups were taken into account. The significant result in the score test used to assess the Isoprinosine group v. the historical controls may have been due solely to the presence of the Israel group in the control group. Additionally, Dr. Stitt's analysis failed to provide a contrast for the comparison of Dr. Jabbour's cases to the Israel cases.

For the reasons given above, Dr. Stitt's analyses cannot be considered appropriate to establish the effectiveness of Isoprinosine or to adjust for the selection bias in the multicenter groups. (21 CFR 314.111(a)(5)(ii)(*a*)(*5*).) The currently available analyses of the multicenter study thus fail to demonstrate that the reported difference in life span between the treated group and the control group is due to Isoprinosine; this difference may be due equally well to a selection bias in entering patients into the two groups.

Therefore, on the basis of all of the data and information available to him, the Director of the Bureau of Drugs cannot conclude that the clinical investigations, as reported and analyzed to date, demonstrate the effectiveness of the drug.

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Notice of Opportunity for Hearing

Therefore, notice is given to Newport Pharmaceuticals International, Inc., and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)), refusing to approve the new drug application on the grounds that (1) there is a lack of substantial evidence consisting of adequate and well-controlled investigations by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling, and (2) the application fails to show that the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the product are adequate to preserve its identity, strength, quality, and purity.

In accordance with section 505 of the act and the regulations promulgated under it (21 CFR Parts 310, 314), the applicant is given an opportunity for a hearing to show why approval of the new drug application should not be refused.

If the applicant decides to seek a hearing, it shall file, (1) on or before November 2, 1981, a written notice of appearance and request for hearing, and (2) on or before December 1, 1981, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. Procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, submission of data, information and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the applicant not to make use of the opportunity for a hearing, and the Director of the Bureau of Drugs will summarily enter a final order refusing to approve the application.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact that precludes the refusal to approve the application, or when the request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the applicant, making findings and conclusions, and denying a hearing.

All submissions under this notice must be filed in quintuplicate with the Dockets Management Branch, Food and Drug Administration (HFA-305), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this notice, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: September 25, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-28660 Filed 9-30-81; 10:47 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0268]

Witco Chemical Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Witco Chemical Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of alpha olefin sulfonate salts as emulsifiers and/or surface-active agents in the manufacture of articles or components of articles intended for food-contact applications.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1785 (21

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U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3567) has been filed by Witco Chemical Corp. proposing that § 178.3400 (21 CFR 178.3400) of the food additive regulations be amended to provide for the safe use of *alpha* olefin sulfonate (alkyl group is in the range of C_{10}–C_{18} with not less than 50 percent C_{14}–C_{16}), ammonium, calcium, magnesium, potassium, and sodium salts, as emulsifiers and/or surface-active agents in the manufacture of articles or components of articles intended for food-contact applications.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that document may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 24, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–2868[illegible] Filed 10–1–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 81D–0276]

Platelet Testing; Availability of Guidelines for Approval of New Procedures and Equipment

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of platelet testing guidelines for use in evaluating the effect of new procedures, equipment, and materials on platelet function. The guidelines are not intended for routine quality control testing required by 21 CFR 640.25(b).

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. A single copy of the guidelines may be obtained from the Bureau of Biologics (HFB–200), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205. In addition, a copy of the guidelines is on file for public display at the Dockets Management Branch.

FOR FURTHER INFORMATION CONTACT: Ellen Wiles, Bureau of Biologics (HFB–200), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–496–2577.

SUPPLEMENTARY INFORMATION: When significant procedural or equipment changes in collection, processing, or storage of platelets occur, platelet function must be reevaluated. Previously, the agency's Bureau of Biologics required bleeding time studies as the definitive demonstration of platelet efficacy. These studies have proven difficult to organize and to perform, and they have resulted in delayed testing and approval of new procedures and equipment.

To expedite the approval of new technologies, FDA is announcing the availability of platelet testing guidelines to be used in evaluating the effect of new procedures, equipment, and material on platelet function. These guidelines, prepared by the Bureau of Biologics (the Bureau), suggest that testing protocols be designed in three stages: (1) evaluation of functional integrity, (2) evaluation of survival in the circulation, and (3) evaluation of clinical hemostatic efficacy.

These guidelines are intended to apply to manufacturers involved in the preparation of platelet concentrates, including those proposing the use of new blood containers, blood cell processors, and any other platelet processing procedures that represent a significant departure from routine practice. The Bureau believes that the these guidelines reflect the current consensus for platelet testing within the relevant scientific community. The Bureau emphasizes that these guidelines suggest specialized testing procedures, and that they are not applicable to the routine quality control testing required by 21 CFR 640.25(b).

This notice is issued under § 10.90(b) (21 CFR 10.90b)), which provides for the use of guidelines to outline procedures or standards of general applicability that are acceptable to FDA for a subject matter that falls within the laws administered by FDA. Although these guidelines are not a legal requirement, a person may be assured that in following an agency guideline(s) the procedures and standards will be acceptable to FDA. A person may also choose to use alternative procedures or standards for which there is scientific rationale even though they are not provided for in the guideline(s). A person who chooses to use procedures or standards not in the guideline(s) may discuss the matter further with the agency to prevent an expenditure of money and effort on work that FDA may later determine to be unacceptable.

Copies of these guidelines have been distributed in response to individual requests. Further copies may be obtained from the Bureau of Biologics (address above). A copy of the guidelines is also on file for public display at the Dockets Management Branch (address above).

Interested persons may submit written comments on these guidelines to the Dockets Management Branch. Such comments will be considered in determining whether further amendments to or revisions of these guidelines are warranted. Two copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the Docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 24, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–28240 Filed 10–1–81; 8:45 am]

BILLING CODE 4110–03–M

Public Health Service

National Institute of Environmental Health Sciences, NIH; Conference

The National Institute of Environmental Health Sciences is sponsoring a two-day conference on October 27–28, 1981, on Research Needs for Evaluation of Health Effects of Toxic Chemical Waste Dumps. It is scheduled to be held in the new NIEHS facility on Alexander Drive in Research Triangle Park, North Carolina. The program is shown below.

Registration will be limited by the size of the conference room to about 200 persons. If you wish to attend, please submit your name to:

Mrs. Mary W. Hogan, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, N.C. 27709

Suggested Hotels in the area are:

Ramada Inn—Crabtree, Highway 70, Raleigh, N.C. 27612 (919) 782–7525

Howard Johnson's—Crabtree, US 70 at the Beltline, Raleigh, N.C. 27612 (919) 782–8718

Dated: September 28, 1981.

David P. Rall,

Director, National Institute of Environmental Health Sciences.

Research Needs for Evaluation of Health Effects of Toxic Chemical Waste Dumps

National Institute of Environmental Health Sciences and University-Based Centers for Environmental Health Sciences, South Campus Conference Center, Building 101, Research Triangle Park, North Carolina, October 27–28, 1981

Tuesday, October 27

9:00 a.m. Welcome and Opening Remarks—Dr. David P. Rall, Director, NIEHS

Session I

9:10–10:15 a.m.: Health Aspects of Chemical Waste Dumps, Statement of Problem—Chairpersons, Dr. Rall/Dr. Robert Goyer, NIEHS

Field Epidemiologic Studies of Populations Exposed to Waste Dumps—Speaker, Dr. Clark Heath, Centers for Disease Control (Atlanta)

Liver Dysfunction in Humans Who Chronically Ingested Water Contaminated by Organic Chemicals Leaching from a Chemical Dump—Speaker, Dr. Channing Meyer, University of Cincinnati Medical Center

Discussion

10:15–10:30 a.m.: Break

Psychosocial Impact of Toxic Chemical Waste Dumps—Speaker, Dr. Adeline Levine, SUNY (Buffaol, N.Y.)

10:30–11:30 a.m.: Legislative Aspects of Toxic Chemical Waste Dumps—Speaker to be announced.

Discussion

11:30 a.m.–1 p.m.: Lunch

Session II

1:00–3:20 p.m.: Methods for Assessing Reproductive Performance and Genotoxic Effects of Chemicals After Human Exposures to Chemicals from Toxic Chemical Waste Dumps—Chairperson, Dr. Earl Benditt, University of Washington (Seattle)

Problems and Prospects of Cytogenetic Analysis in the Evaluation of Health Effects of Toxic Chemical Waste Dumps—Speaker, Dr. Sheldon Wolff, University of California (San Francisco)

New Methods for Detection of Damage to Human DNA—Speaker, Dr. William Haseltine, Sidney Farber Cancer Institute, Harvard (Boston, Mass.)

Reproductive Effects of Toxic Substances in Females—Speaker, Dr. Donald R. Mattison, NICHHD/NIH (Bethesda, Md.)

Ways of Monitoring Toxic Agents on Human Sperm—Speaker, Dr. Andrew Wyrobek, University of California (Livermore)

Discussion

3:20–3:40 p.m.: Break

3:40–5:30 p.m.: *Methods for Assessing Neural, Hepatic and Renal Effects on Persons Exposed to Chemicals from Toxic Chemical Waste Dumps*—Chairpersons, Dr. Philip J. Landrigan, NIOSH (Cincinnati), and Dr. Jacob Brody, NIA/NIH (Bethesda)

Potential Neurotoxic Effects of Hazardous Waste Disposal—Speaker, Dr. Herbert H. Scaumburg, Albert Einstein College of Medicine (Bronx, N.Y.)

Clinical Evaluation of Liver Structure and Function in Humans Exposed to Environmental Chemicals—Speaker, Dr. Philip Guzelian, Medical College of Virginia (Richmond)

Toxic Wastes and Kidney Disease: Research Needs—Speaker Dr. Richard P. Wedeen, VA Medical Center (East Orange, N.J.)

Discussion

Wednesday, October 28

Session III

8:30–10:20 a.m.: *Measurement of Environmental Chemicals in People*—Chairperson, Dr. Renate D. Kimbrough, CDC (Atlanta)

Determining Exposure and Biochemical Effects in Human Population Studies—Speaker, Dr. Kimbrough

National Data Bases; Exposure of the General Population to Selected Pesticides—Speaker, Mr. Robert S. Murphy, National Center for Health Statistics (Hyattsville, Md.)

Usefulness of Halogenated Hydrocarbon Tissue Levels as Indicators of Body Burdens—Speaker, Dr. Mary Wolff, Mt. Sinai School of Medicine (New York, N.Y.)

Inter-laboratory Comparisons (Lead, Aromatic Halogenated Hydrocarbons, Multiple Chemicals)—Speaker, Dr. John A. Liddle, CDC (Atlanta)

Discussion

10:20–10:40 a.m.: Break

Session IV

10:40 a.m.–12:15 p.m.: *Clinical and Epidemiological Evaluation of Health Effects in Potentially Affected Populations*—Chairperson, Dr. David G. Hoel, NIEHS

Monitoring Breast Milk Contamination to Detect Hazards from Waste Disposal—Speaker, Dr. Walter J. Rogan, NIEHS

Epidemiological Approaches to Persons with Chemical Exposures—Speaker, Dr. Philip J. Landrigan, National Institute for Occupational Safety and Health (Cincinnati)

Roles for Epidemiology in Determining the Health Impact of Environmental Chemicals—Speaker, Dr. Raymond Neutra, California Department of Health Services (Berkeley)

Discussion

12:15–1:30 p.m.: Lunch

1:30–3:30 p.m.: *Clinical and Epidemiological Evaluation of Health Effects in Potentially Affected Populations*—Chairperson, Dr. Irving J. Selikoff, Mt. Sinai School of Medicine (New York, N.Y.)

Is it Possible to Obtain Direct Epidemiologic Evidence of Effects of Chemical Contamination of Public Water Supplies?—Speakers, Dr. E. Cuyler Hammond, Mt. Sinai School of Medicine; Dr. Long-de Wang and Dr. Wei-cheng You, Peking Institute for Cancer Research, China

Monitoring Chemical Waste Disposal Personnel as an Index of Environmental Health Effects—Speakers, Dr. Ruth Lilis, Mt. Sinai School of Medicine, and Dr. Donald Henry, At-Sea Incineration, Inc. (Greenwich, Conn.)

Monitoring for Low Level Environmental Health Effects from Cadmium, Lead and Mercury in Chemical Waste Disposal Areas—Speakers, Dr. Thomas Clarkson and Dr. Bernard Weiss, University of Rochester (Rochester, N.Y.)

Discussion

3:30–3:40 p.m.: Break

Session V

3:40–5:10 p.m.: *Evaluating the Toxicology of Mixtures*—Chairpersons, Dr. Gerald N. Wogan, Massachusetts Institute of Technology (Cambridge), and Dr. Robert A. Neal, Chemical Industry Institute of Toxicology (Research Triangle Park, N.C.)

A General Approach to the Biological Analysis of Complex Mixtures—Speaker, Dr. William G. Thilly, Massachusetts Institute of Technology (Cambridge)

A Protocol for Testing the Toxicity of Chemical Mixtures—Speaker, Dr. Neal

General Principles in the Assessment of Toxicity of Chemical Mixtures—Speaker, Dr. Sheldon D. Murphy, University of Texas Health Science Center (Houston)

Discussion

[FR Doc. 81-28680 Filed 10-1-81; 8:45 am]

BILLING CODE [illegible]

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, August—qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs).

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Acting Director, Office of Health Maintenance Organizations, Park Building, Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the Federal Register. The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

Preoperational Qualified Health Maintenance Organization: 42 CFR 110.603(c))

1. Inland Health Plan, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act) 22700 Cooley Drive, Colton, California 92324. Service area: The following portions of San Bernardino County, California:

Northern Boundary—From within the western San Bernardino County line east on Shadow Mountain Road intersecting at Helendale with National Trails Highway to Hodge Road, southeast to I-15, north to Sidewinder Road ending at Highway 247.

Eastern Boundary—From Highway 247 to Highway 18 and including the area within the San Bernardino National Forest line to the southern boundary of the San Bernardino County line.

Southern Boundary—The geographical area within the San Bernardino County line from the San Bernardino National Forest west.

Western Boundary—Includes the geographic area within the San Bernardino County line, north to Shadow Mountain Road.

Date of qualification: August 10, 1981.

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1. Health Services Medical Corporation of Central New York, Inc., (Medical Group Model, see Section 1310(b)(1) of the Public Health Service Act), 8280 Willett Parkway, Baldwinsville, New York 13027. Service area: Zip codes in the following counties:

Onondaga

13027
13029*
13031
13039
13041
13057
13060
13075
13078
13080
13088
13094
13108
13110
13112
13119-20
13135*
13137
13152-3
13164
13201-12
13214-5
13217
13219-21
13224-5

Oswego

13028
13029*
13036
13042
13044
13069
13076
13103
13107
13114
13131-2
13135*
13167
13302
13493

Cayuga

13033

Date of qualification: August 14, 1981.

*Zip code overlaps county boundary.

2. HealthCare of Broward, Inc., (Staff Model, see section 1310(b)(1) of the Public Health Service Act), 3075 West Oakland Park Boulevard, Suite 103, Ft. Lauderdale, Florida 33311. Service area: Broward County, Florida. Date of qualification: August 24, 1981. (Achieved preoperational qualification on July 31, 1981.)

3. AmeriPlan Health Services, Ltd., (Individual Practice Association Model, see section 1310(b)(2)(A) of the Public Health Service Act), 180 Interstate North, Suite 145, Atlanta, Georgia 30339. Service area: Fulton, DeKalb, Cobb, Clayton, Douglas, Rockdale, Gwinnett, and Henry Counties, Georgia. Date of qualification: August 31, 1981.

4. Health Plan Hawaii, (Individual Practice Association Model, see section 1310(b)(2)(A) of the Public Health Service Act), P.O. Box 860, Honolulu, Hawaii 96808. Service area: The following islands in the State of Hawaii: Oahu, Hawaii, Maui, and Kauai. Date of qualification: July 1, 1981. (Achieved preoperational qualification on June 1, 1981.)

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: September 23, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-28772 Filed 10-1-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-81-1091]

Application for State Certification

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of Application by the State of Arizona for State Certification.

SUMMARY: The Secretary gives public notice that the State of Arizona has applied for certification of its land sales program under 24 CFR 1710.502, published June 13, 1980. The purpose of giving this public notice is to give other states and interested parties the opportunity to review and comment on Arizona's application.

DATE: Comments should be submitted on or before December 1, 1981.

ADDRESSES: Send comments to Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Jacqueline Jackson, Program Analyst, Program Development and Control Division, Department of Housing and Urban Development, Room 4106, Washington, D.C. 20410. Telephone: (202) 755-6314 (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The amendments to the Interstate Land Sales Full Disclosure Act were signed into law by the President on December 21, 1979 (Pub. L. 96-153). On June 13, 1980, the Department published 24 CFR Parts 1710, 1715, 1720, and 1730 (Docket No. R-80-778) to implement the amendments. Section 1710.502 provides that a state may submit an application for certification of its land sales program to the Office of Interstate Land Sales Registration.

Once a State has been certified by the Secretary, developers may accomplish the Federal land registration requirements by filing with the Secretary materials designated by agreement with certified states in lieu of the Federal Statement of Record and Property Report. The State of Arizona has submitted an application which is under consideration. The States of California, Oregon and Minnesota have submitted applications. California's application has been approved, and a formal agreement signed on January 6, 1981. The State of Minnesota's application is in Departmental clearance and the State of Oregon's application is presently under negotiation.

Any person(s) interested in receiving the application materials prepared by the State of Arizona may request copies of them from the Office of Interstate Land Sales Registration from the address above.

After the 60 day public comment period ends, the Secretary's final determination to accept or reject Arizona's application for certification will be published in the **Federal Register**.

Issued at Washington, D.C. on September 28, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 81-28787 Filed 10-1-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14830-A]

Alaska Native Claims Selection

On November 14, 1974, Nerklikmute Native Corporation, for the Native village of Andreafsey (Andreafsky) filed selection application F-14830-A under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)), for the surface estate of certain lands in the vicinity of Andreafsky.

As to the lands described below, selection application F-14830-A, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 60,340 acres, is considered proper for acquisition by Nerklikmute Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 23 N., R. 74 W.,
Sec. 1, all;
Secs. 2 and 3, excluding East Fork Andreafsky River;
Secs. 4 to 7, inclusive, all;
Sec. 8, excluding Native allotment F-16520;
Sec. 9, excluding East Fork Andreafsky River and Native allotment F-16520;
Sec. 10, excluding East Fork Andreafsky River;
Secs. 11 to 14, inclusive, all;
Sec. 15, excluding East Fork Andreafsky River;
Secs. 16 and 17, excluding East Fork Andreafsky River and Native allotment F-16520;
Sec. 18, excluding East Fork Andreafsky River;
Sec. 19, excluding East Fork Andreafsky River and Native allotments F-18119 Parcels A and B and F-18120 Parcel B;
Sec. 20, excluding East Fork Andreafsky River and Native allotment F-18119 Parcel B;
Sec. 21, excluding East Fork Andreafsky River;
Secs. 22 to 28, inclusive, all;
Sec. 29, excluding Native allotment F-18119 Parcel B;
Sec. 30, excluding East Fork Andreafsky River and Native allotments F-18119 Parcel B and F-18120 Parcel B;
Secs. 31 to 36, inclusive, all.

Containing approximately 21,535 acres.

T. 21 N., R. 75 W.,
Secs. 3 to 8, inclusive, all;
Sec. 9, excluding Native allotment F-16695 Parcel B; -
Sec. 17, excluding Yukon River and Native allotment F-16675 Parcel B;
Sec. 18, excluding Yukon River.

Containing approximately 5,112 acres.

T. 22 N., R. 75 W.,
Sec. 1, all;
Secs. 2, 3, and 10, excluding East Fork Andreafsky River;
Secs. 11 to 15, inclusive, all;
Secs. 22, 23, 26, and 27, all;
Sec. 34, all;
Containing approximately 8,775 acres.

T. 23 N., R. 75 W.,
Secs. 1 and 2, all;
Sec. 3, excluding Andreafsky River;
Sec. 4, excluding Andreafsky River and Native allotment F-18117;
Sec. 5, excluding Andreafsky River and Native allotments F-16544 Parcel A, F-16547 Parcel C, and F-16606 Parcel C;
Sec. 6, all;
Sec. 7, excluding Andreafsky River and Native allotments F-18119 Parcel C, F-18120 Parcel C, and F-18407 Parcel B;
Sec. 8, excluding Andreafsky River and Native allotments F-18407 Parcel B and F-18745 Parcel B;
Sec. 9, excluding Andreafsky River;
Secs. 10 to 15, inclusive, all;
Sec. 16, excluding Andreafsky River;
Sec. 17, excluding Andreafsky River and Native allotment F-18407 Parcel B;
Sec. 18, excluding Andreafsky River and Native allotments F-18119 Parcel C, F-18120 Parcel C, F-18407 Parcel B, F-18656 Parcel A, and F-18769 Parcel A;
Sec. 19, excluding Andreafsky River;
Sec. 20, excluding Andreafsky River and Native allotments F-18119 Parcel D and F-18120 Parcel D;
Sec. 21, excluding Andreafsky River;
Secs. 22 and 23, all;
Sec. 24, excluding East Fork Andreafsky River and Native allotments F-18119 Parcel A and F-18120 Parcel A;
Sec. 25, excluding East Fork Andreafsky River;
Secs. 26, 27, and 28, all;
Sec. 29, excluding Andreafsky River;
Sec. 30, excluding Andreafsky River and East Fork Andreafsky River;
Sec. 31, excluding East Fork Andreafsky River;
Sec. 32, excluding Andreafsky River and East Fork Andreafsky River;
Secs. 33 and 34, all;
Secs. 35 and 36, excluding East Fork Andreafsky River.

Containing approximately 19,029 acres.

T. 23 N., R. 76 W.,
Secs. 3, 4, 9, and 10, all;
Secs. 15, 16, 21, and 22, all;
Sec. 27, excluding Andreafsky River, U.S. Survey No. 2984, U.S. Survey No. 5507, U.S. Survey No. 5929, and Native allotment F-031704;
Sec. 34, excluding Andreafsky River, Steamboat Slough, and U.S. Survey No. 5507.

Containing approximately 5,889 acres.

Aggregating approximately 60,340.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Section 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of

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December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification numbr (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14830-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 2 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from the southernmost part of Steamboat Slough in Sec. 36, T. 23 N., R. 76 W., Seward Meridian, southeasterly to Pilot Station village. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

b. (EIN 4 C3, D1) An easement sixty (60) feet in width for an existing road from St. Mary's village in Sec. 26, T. 23 N., R. 76 W., Seward Meridian, westerly to an existing road on State land in Sec. 30, T. 23 N., R. 76 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6 (g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

The village of Andreafsey (Andreafsky) is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 60,340 acres. The remaining entitlement of approximately 8,780 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Nerklikmute Native Corporation, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water bodies are considered to be navigable: Yukon River; Andreafsky River; East Fork Andreafsky River; Steamboat Slough.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in THE TUNDRA DRUMS.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until November 2, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Nerklikmute Native Corporation, Andreafsky, Alaska 99658
Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501
State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501

Ann Johnson,
Chief, Branch of ANCSA Adjudication.

[FR Doc. 81-28727 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial Number A-16548]

Arizona Realty Action, Non-Competitive Sale Public Land in Mohave County, Arizona

The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than fair market value shown.

Legal description: Lot 1, Section 12, T. 20 N., R. 16 W., Gila and Salt River Meridian, Mohave County, Arizona.

Acreage: 0.43.

Value: $2,200.00.

The above described land is being offered as a direct, noncompetitive sale to Waldemar and Marie Klimach, owners of the improvements on the sale tract. The land is bounded on two sides by private land owned by Dr. and Mrs. Klimach. The Klimach's own several structures on the land including a wellsite and a storge building. Since November 1979, the Klimach's have used the subject tract under a Temporary Use Permit pending a final resolution of their proposal to purchase the land. Disposal by direct sale, rather than competitive bidding, will protect their equity investment in the improvements on the land, and eliminate any undue hardship if they were compelled to remove or otherwise dispose of the improvements. The land is not required for any Federal purpose, and the public interest would be served by offering this land for sale. Since the Bureau of Land Management's planning has not been completed for this area, an Environmental Assessment was completed as required by 43 CFR Part 1600, specifically for this action.

The land will not be offered for at least sixty (60) days after the date of this notice.

Patent, when issued, will contain the following reservations:

1. All minerals in the land will be reserved to the United States in accordance with Section 209(a) of the Federal Land Policy and Management Act of 1976.

2. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

The Patent will also be subject to:

1. Those rights granted by oil and gas lease A-14360, granted May 1, 1981, pursuant to the Act of February 25, 1920 (30 U.S.C. 181 et seq.). This patent is issued, subject to the right of the prior permittee or lessee to use as much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of oil and gas lease A-14360 and any authorized extension of that lease. Upon termination or relinquishment of said lease, this reservation shall terminate.

Detailed information concerning this sale, including the environmental assessment, is available at the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona.

For a period of forty-five (45) days from the date of this notice, interested parties may submit comments to the Phoenix District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this Realty Action will become the final determination of the Department of the Interior and the required payment plus the cost of publishing this Notice will be requested of Dr. and Mrs. Klimach. Such payment in full is in accordance with 43 CFR 1822.1-2.

Dated: September 23, 1981.

W. K. Barker,

District Manager.

[FR Doc. 81-28730 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Craig District, Little Snake Resource Area, Colo.; Amendment to Management Framework Plan

In accordance with 43 CFR Part 1601 and Pub. L. 94-579, Section 603, the Bureau of Land Management, Craig District, Colorado, is beginning the process of amending the Williams Fork Management Framework Plan. The purpose of the MFP amendment is to identify areas of high to moderate coal development potential that are suitable for further consideration for competitive coal leasing. The effects of designating areas as suitable or unsuitable for further consideration for coal development will be assessed in an Environmental Assessment.

The study area for the Williams Fork MFP coal amendment will be approximately 5,400 acres of land in Routt County, Colorado within the Little Snake Resource Area. The study area lies approximately 20 miles southwest of Steamboat Springs, Colorado. Following is a legal description of the study area:

6th Principal Meridian

T. 5 N., R. 87 W.,
  Sec. 36, Lots 6, 7, 8, 9, 14 and 15; W½NW¼.

6th Principal Meridian

T. 4 N., R. 87 W.,
  Sec. 11, Lot 4; SW¼NW¼; SW¼;
  Sec. 12, Lots 1, 2 and 3; S½NE¼; SE¼NW¼; S½;
  Sec. 13, W½; W½NE¼; NE¼NE¼; NW¼SE¼;
  Sec. 14, All;
  Sec. 23, All;
  Sec. 24, All (excluding areas currently leased);
  Sec. 25, All;
  Sec. 26, All.

6th Principal Meridian

T. 4 N., R. 86 W.,
  Sec. 19, All (excluding areas currently leased);
  Sec. 30, All.

Issues

Issues to be addressed in the plan amendment include: cumulative impacts of energy development, effectiveness of reclamation, effects on air quality, water quantity and quality effects, effects on cultural resources, social and economic impacts, conflicts with oil and gas developments, wildlife effects and possible health effects.

Planning Criteria

The following planning criteria will be used in determining the coal development suitability for the Williams Fork MFP amendment (43 CFR 3420.2-3). The identification of areas containing coal resources suitable for further considerations for leasing are accomplished through four screening procedures during the planning process. Each screening procedure is applied only to those lands still identified as acceptable for further considerations for leasing following applications of the preceeding screen. The four screens in order of application are:

A. High or moderate coal development potential.

B. Unsuitability Critera:

1. Federal Lands Systems
2. Rights-of-way and Easements
3. Buffer Zones Along Rights-of-way and Adjacent to Communities and Buildings
4. Wilderness Study Areas
5. Scenic Areas
6. Lands Used for Scientific Studies
7. Historic Lands and Sites
8. Natural Areas
9. Federally Listed Endangered Species
10. State Listed Endangered Species
11. Bald and Golden Eagle Nests
12. Bald and Golden Eagle Roost and Concentration Areas
13. Falcon Cliff Nesting Site
14. Migratory Birds
15. State Resident Fish and Wildlife
16. Floodplains
17. Municipal Watersheds
18. National Resource Waters
19. Alluvial Valley Floors

C. Multiple Land Use Decisions.

D. Surface Owner Consultation.

Planning Team

The plan amendment will be prepared through the use of an interdisciplinary team with experience and knowledge in the following areas: lands, minerals, hydrology, soils, range, wildlife, recreation, cultural resources, visual resources, sociology, economics, vegetation and air quality.

Possible Alternatives

The following land use alternatives will be considered in the plan amendment and Environmental Assessment:

1. Area will be suitable for further consideration for coal development.
2. No action.

Public Involvement

All concerned publics are invited to participate during the planning and Environmental Assessment process by attending public meetings and hearings. News releases and use of the Craig District Advisory Council will supplement direct contact with interested publics.

At this time, the public is invited to submit written comments on issues to be addressed or planning criteria to be used in evaluating for coal unsuitability. In addition, the public is invited to submit any specific resource data or information about resource values in the study area that should be considered by BLM in evaluating suitability of the area for further consideration for coal development.

Public meetings will be held to identify additional issues to be addressed in the plan amendment, to obtain comments on the planning criteria to be used, and to determine the scope of the Environmental Assessment. These meetings have been scheduled as follows:

October 22, 1981—Craig, Colorado; Moffat County Courthouse Auditorium, 221 W. Victory Way; 7:00 p.m.

October 20, 1981—Denver, Colorado; Ramada Inn Foothills, 11595 W. 6th Avenue, Lakewood; 7:00 p.m.

October 26, 1981—Steamboat Springs, Colorado; Routt County Courthouse Court Room, 522 Lincoln Ave.; 7:00 p.m.

In addition to the comments received at these meetings, written comments may be submitted to the BLM contact identified below by November 1, 1981.

BLM Contract

Comments or requests for further information should be addressed to Duane Johnson, Team Leader, Little Snake Resource Area Office, P.O. Box 1136, Craig, Colorado 81626; or telephone (303) 824-4441.

Lee Carie,

District Manager.

[FR Doc. 81-28728 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Final Wilderness Study Areas

Notice of Appeals filed with the Interior Board of Land Appeals to the Colorado State Director's Final Intensive Wilderness Inventory Decision and Announcing Final Wilderness Study Areas.

Notice is hereby given in accordance with Pub. L. 94-579, section 603 of appeals to the BLM Colorado State Director's Final Intensive Wilderness Inventory decisions to the Interior Board of Land Appeals (IBLA), and announcing Final Wilderness Study Areas. Acreages listed reflect intensive inventory boundary adjustments.

The Colorado State Director of BLM announced his Final Intensive Wilderness Inventory Decision on November 14, 1980 and a 30-day protest period followed. Protested areas were announced in the **Federal Register**, Vol. 46, No. 2, January 5, 1981, pages 1033-1035. Seventy (70) protests were received by the Colorado State Director concerning Wilderness Study Areas identified by the November 14 decision. The Colorado State Director issued a written decision to each protestant by February 15, 1981. Each protestant was provided information concerning the right of formal appeal to the Department of the Interior Board of Land Appeals (IBLA) and advised of administrative procedures as described in the Code of Regulations under 43 CFR, Part 4. Subsequently, 13 units totaling 209,334 acres were appealed to IBLA. Resolution of these appeals is pending.

WILDERNESS INTENSIVE INVENTORY UNITS UNDER APPEAL TO IBLA

Unit No.	Acreage	Unit name
		Craig District
CO-010-00NME	4,100	Hell's Canyon.
CO-010-230	14,081	Cross Mountain.
UT-080-104[1]	4,650	Wild Mountain.
		Montrose District
CO-030-388	20,240	Gunnison Gorge.
		Canon City District
CO-050-016	26,150	Beaver Creek.
		Grand Junction District
CO-070-009	21,050	Demaree Canyon.
CO-070-031	28,880	South Shale Ridge.
CO-070-066	26,525	Little Bookcliffs, Wildhorse area.
CO-070-130	21,500	Bangs Canyon.
CO-070-132A[2]	3,120	Granite Creek.
CO-070-150A	11,600	Gunnison River.
CO-070-421	15,518	Pisgah Mountain.
CO-070-433	11,940	Castle Peak.

[1] Portions of unit UT-080-104 are located in the Colorado Craig District and the Utah Vernal District; only those acres of the unit in the Craig District are listed.

[2] Portions of this unit are located in the Colorado Grand Junction District and the Utah Moab District; only those acres of the unit in the Grand Junction District are listed.

Wilderness Intensive Inventory Units

The following 55 wilderness intensive inventory units, totaling 615,346 acres, are not under appeal to IBLA and represent BLM Wilderness Study Areas in Colorado. All other public lands under BLM administration in Colorado, except those units under appeal to IBLA and those units listed as Wilderness Study Areas, are released from further wilderness review.

Unit No.	Acreage	Unit name
		Craig District
CO-010-001[1]	11,777	Bull Canyon.
CO-010-002	3,366	Willow Creek.
CO-010-003	13,740	Skull Creek.
CO-010-007A	9,952	Black Mountain.
CO-010-007C	12,274	Windy Gulch.
CO-010-046	17,740	Oil Springs Mountain.
CO-010-155	8,250	Troublesome.
CO-010-209[1]	14,352	Cold Springs West.
CO-010-214[1]	21,480	Diamond Breaks.
CO-010-224	4,340	Adjacent to DMN[2]
CO-010-224A	1,320	Adjacent to DMN[2]
CO-010-226	4,080	Adjacent to DMN[2]
CO-010-228	5,280	Adjacent to DMN[2]
CO-010-229D	6,900	Adjacent to DMN[2]
		Montrose District
CO-030-085[1]	250	Bill Hare Gulch.
CO-030-086	880	Larson Creek.
CO-030-088/213[3]	1,840	Sparling Gulch/Friends Creek.
CO-030-208	38,100	Red Cloud Peak.
CO-030-211	1,840	Slumgullion Slide.
CO-030-217	9,400	American Flats.
CO-030-229A	5,760	West Needles contiguous.
CO-030-229B	4,200	Needle Creek.
CO-030-230B	5,840	Whitehead Gulch.
CO-030-236B	1,840	Weminuche contiguous.
CO-030-241	16,100	Handies Peak.
CO-030-251	7,360	Menefee Mountain.
CO-030-252	6,320	Weber Mountain.
CO-030-265[4]	8,440	Cross Canyon.
CO-030-265A[4]	4,680	Squaw/Papoose Canyon.
CO-030-265D	5,385	Cahone Canyon.
CO-030-280	21,900	McKenna Peak.
CO-030-290	25,560	Dolores River Canyon/Coyote Wash.
CO-030-300	7,270	Tabeguache Creek.
CO-030-310A[5]	1,850	Sewemup Mesa.
CO-030-353	10,900	Camel Back.
CO-030-363[6]	43,810	Dominguez Canyon.
CO-030-370B	10,580	Adobe Badlands.
		Canon City District
CO-050-002	6,614	Browns Canyon.
CO-050-012B	16,800	McIntyre Hills.
CO-050-014	11,220	Lower Grape Creek.
CO-050-017	10,200	Upper Grape Creek.
CO-050-131	2,300	Black Canyon.
CO-050-132B	870	South Piney Creek.
CO-050-135	1,644	Sand Castle.
CO-050-137	1,020	Papa Keal.
CO-050-139B	720	Zapata Creek.
CO-050-141	10,240	San Luis Hills.
		Grand Junction District
CO-070-113	18,150	Black Ridge Canyons.
CO-070-113A[7]	49,200	Black Ridge Canyons West.
CO-070-132	30,050	The Palisade.
CO-070-150[6]	31,990	Dominguez.
CO-070-176[5]	17,480	Sewemup Mesa.
CO-070-392	890	Eagle Mountain.
CO-070-425	9,36	Hack Lake.
CO-070-430	15,000	Bull Gulch.

[1] Portions of this unit are located in the Colorado Craig District and the Utah Vernal District; only those areas in the Craig unit are listed.

[2] Dinosaur National Monument (DNM).

[3] These units were combined into a single Wilderness Study Area.

[4] Portions of the unit are located in the Colorado Montrose District and the Utah Moab District; only those acres of the unit in the Montrose unit are listed.

[5] Crosses BLM resource administrative boundaries.

[6] Crosses BLM resource administrative boundaries.

[7] Portions of the unit are located in the Colorado Grand Junction District and the Utah Moab District; only those acres of the unit in the Grand Junction District are listed.

Dated: September 18, 1981.

Cecil Roberts,

Acting State Director, Colorado, Bureau of Land Management, Denver, Colorado.

[FR Doc. 81-28752 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District, Big Lost Management Plan and Environmental Impact Statement; Intent

Pursuant to 43 CFR 1601.3(g) the Idaho Falls District, Bureau of Land Management is developing a Management Framework Plan (MFP) and accompanying grazing environmental impact statement (EIS), covering approximately 160,000 acres of public land in eastern Idaho.

The Idaho Falls District invites members of the public, other Federal agencies, State and local governments and agencies, and Indian Tribes to identify resource management issues and opportunities to be considered during the preparation of the Big Lost MFP and associated planning documents.

Public involvement will be accomplished through individual interviews with the livestock operators; interagency coordination with Department of Energy, U.S. Fish and Wildlife Service, U.S. Forest Service, Soil Conservation Service, Idaho Department of Lands and Idaho Department of Fish and Game; meetings with affected County Commissioners, County Planning and Zoning Commissions; meetings with other affected interests such as the Advisory Council, Grazing Advisory Board, local wildlife and recreation groups, the academic community and local political and media representatives. An open house will be held in Arco to receive input from the general public. These meetings will be held in May and June 1982.

When the Area Manager has determined his management recommendations (MFP Step II) an interdisciplinary team will be formed to write the grazing EIS. The team will have members representing the following disciplines: Soils, vegetation, livestock grazing, wildlife and socioeconomics. In July 1982, that team with develop alternatives for rangeland management which will be published in subsequent **Federal Register** Notice.

Further information may be obtained from O'dell Frandsen, District Manager, Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401-2196. Telephone (208-529-1020).

As the planning is developed, documents will be available for review at the above address.

Dated: September 25, 1981.

Harold E. Isaacson,

Acting District Manager.

[FR Doc. 81-28751 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Las Cruces District Advisory Council; Meeting

AGENCY: Bureau of Land Management, (Las Cruces District), Interior.

ACTION: Notice of meeting.

SUMMARY: Agenda.

DATES: October 28-29, 1981.

ADDRESS: Big Hatchet Mountains, Hidalgo County.

FOR FURTHER INFORMATION CONTACT: Daniel C. B. Rathbun, District Manager, Las Cruces District, Bureau of Land Management, P. O. Box 1420, Las Cruces, NM 88004. Phone (505) 524-8551.

SUPPLEMENTARY INFORMATION:

Agenda

1. Approval of minutes.
2. Oil and gas leasing in Big Hatchet Mountains.
3. Bighorn sheep.

Beginning at 10:00 am, all interested persons are invited to meet at the Hachita, New Mexico Post Office. The tour will proceed to the Big Hatchet Ranch Headquarters and will include several miles of primitive roads on the west and south sides of the Big Hatchet Mountains terminating in the vicinity of the U-Bar headquarters at approximately 5:00 pm.

The meeting will reconvene at 10:00 am on October 29, 1981, approximately 10 miles southeast of the U-Bar Headquarters at Dog Springs Camp. Public participation will be accepted at any time during the field tour on 28 September. The entire meeting is open to the public.

Because of the terrain to be covered, it is recommended that persons come in pickup trucks or similar vehicles instead of passenger cars. Persons coming on the tour are advised to bring water and food. No lodging or commercial facilities are available.

Daniel C. B. Rathbun,

District Manager.

[FR Doc. 81-28750 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

[W-73126, W-73127, W-74730, W-14928, W-0317252, W-3889]

Wyoming; Proposed Withdrawal Continuations and Proposed Withdrawal and Reservation of Lands; Correction; Comment and Public Meeting Period Extended

The following four proposed withdrawal continuations and a proposed withdrawal and reservation of lands as listed below, published in the **Federal Register** as indicated, are hereby given an additional 60 days comment and public meeting period from the date of this publication (on or before December 1, 1981):

1. *W-73126 and W-73127,* Proposed Continuation of Withdrawals for Naval Petroleum Reserve No. 3, published in the **Federal Register** April 24, 1981, Vol. 46, No. 79, pages 23314 and 23315.
2. *W-74730,* Proposed Withdrawal and Reservation of lands for the Horsethief Cave area published in the **Federal Register,** May 14, 1981, Vol. 46, No. 93, page 26704.
3. W-14982, Wyoming Proposed Continuation of Withdrawal to Protect the Stratton Sagebrush Hydrology Study published in the **Federal Register** May 29, 1981, Vol. No. 46, No. 103, page 28955, and a correction of docket number from "(W-14982)" to read "(W-14928)" published in the **Federal Register** June 16, 1981, Vol. 46, No. 115, page 31521.
4. *W-0317252,* Proposed Continuation of Withdrawal for the Bureau of Land Management (Rawlins) Administrative Site published in the **Federal Register** June 9, 1981, Vol. 46, No. 110, page 30576.
5. *W-889,* Proposed Continuation of Withdrawal for the Pine Creek Public Recreation site published in the **Federal Register** June 24, 1981, Vol. 46, No. 121, page 32675; and a correction of docket number from "(W-889)" to read "(W-3889)" published in the **Federal Register** July 10, 1981, Vol. 46, No. 132, page 35795.

Comments, suggestions, or objections to the proposed withdrawal, and continuations must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management, on or before December 1, 1981.

Notice is hereby given that an opportunity for a public meeting is offered in connection with the proposed withdrawal and continuations. All interested persons who desire a public meeting on the proposals must submit a written request for the meeting to the undersigned, before the expiration of this additional 60-day period (December 1, 1981). Upon determination by the State Director, Bureau of Land Management, that a public meeting will be held, a notice will be published in the **Federal Register** giving the time and place of the meeting. Public meetings will be scheduled and conducted in accordance with 43 CFR 2310.3-1(c)(2).

No licenses, permits, cooperative agreements or discretionary land use authorizations of a temporary nature will be allowed on the lands in the proposed withdrawal for Horsethief Cave, W-74730, without the approval of an authorized officer of the Bureau of Land Management during the segregation period of the proposed withdrawal.

All communications in connection with the proposed withdrawal and continuations should be sent to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–28665 Filed 10–1–81; 8:45 am]

BILLING CODE 4310–84–M

[N–30767]

Nevada; Realty Action—Exchange of Public Lands in Clark & Washoe Counties

September 25, 1981.

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
  Sec. 25, NE¼NW¼NE¼, W½SE¼NE¼NE¼, E½SW¼NE¼NE¼.
  Comprising 20.0 acres of public land.

Since October 25, 1974, these lands have been identified as suitable for exchange under Section 8 of the Taylor Grazing Act (48 Stat. 1272, 43 U.S.C. 315g). The Federal Land Policy and Management Act of October 21, 1976 repealed BLM's exchange authority under section 8 of the Taylor Grazing Act. Consequently, the subject notice is provided as a means of identifying the above described lands as suitable for exchange under the new authority contained in section 206 of the Federal Land Policy and Management Act.

By Notice of Realty Action N–29349 issued on June 9, 1980, the following 45 acres of public land were identified as suitable for exchange under Section 206 of the Federal Land Policy and Management Act of 1976:

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
  Sec. 10, W½NE¼NE¼NE¼, E½NE¼SE¼NE¼, W½SW¼SE¼NE¼, E½NE¼NE¼NW¼, E½NE¼NW¼SW¼;
  Sec. 13, SE¼SW¼NE¼NE¼, NE¼SW¼NW¼NE¼, SW¼SE¼NW¼NE¼, NW¼NW¼SE¼NE¼, NE¼SE¼SE¼NE¼, SE¼NE¼NE¼NW¼, NW¼SE¼NE¼NW¼, NE¼NW¼NE¼SW¼.
  Comprising 45.0 acres of public land.

In exchange for all of the above described public lands (totaling 65 acres), the United States will acquire the following described private lands from Marian E. Durkee:

Mount Diablo Meridian, Nevada

T. 19 N., R. 18 E.,
  Sec. 13, a portion of the SW¼. (Noted on the map available for review in the Las Vegas District Office as parcel 54 and part of parcel 53.)
  Sec. 21, NE¼, a portion of the NW¼, a portion of the SE¼. (Noted on the map available for review in the Las Vegas District Office as parcels 1–8.)
  Sec. 23, E½, a portion of the NW¼, SW¼. (Noted on the map available for review in the Las Vegas District Office as parcels 23–26, parcels 42–49, parcels 56 and 57.)
  Sec. 24, a portion of the NE¼, a portion of the NW¼, SW¼, a portion of the SE¼. (Noted on the map available for review in the Las Vegas District Office as parcels 27–30, parcels 39–41, parcels 50–52, parcel 55 and part of parcel 53.)
  Sec. 26, N½. (Noted on the map available in the Las Vegas District Office as parcels 16–22 and part of parcel 15.)
  Sec. 27, NE¼, a portion of the NW¼, a portion of the SE¼. (Noted on the map available for review in the Las Vegas District Office as parcels 9–14 and part of parcel 15.)
T. 19 N., R. 19 E.,
  Sec. 19, a portion of the NE¼, NW¼, a portion of the SW¼. (Noted on the map available for review in the Las Vegas District Office as parcels 31, 36–38.)
  Comprising 2,147 acres.

The purpose of this exchange is to acquire the non-Federal lands within the Toiyabe National Forest which have public values for maintenance of wildlife habitat and would consolidate National Forest ownership thereby facilitating sound resource land management. In exchange, public lands would be transferred to other ownership to provide for the expansion of the Las Vegas, Nevada metropolitan area. Jurisdiction of the non-Federal lands to be acquired within the National Forest would be transferred to the U.S. Forest Service.

Even though the land within the Las Vegas, Nevada metropolitan area is defined by Public Law 96–586 (the Santini-Burton Act) which provides for sale of the public land within the area, disposal of these lands by exchange would facilitate land use planning in the area, enhance land use compatibility with adjoining private lands, and streamline administrative procedures in all phases of suburban development of this area in Clark County. The lands have potential for residential and commercial development. These elements are consistent with the Bureau of Land Management's planning objectives as well as State and local government plans, zoning, and applicable regulations. The public interest will be served by completing the subject exchange.

The values of the lands to be exchanged are approximately equal; full equalization of values will be achieved by adjusting the acreage to be exchanged and/or by payment to the United States by Marian E. Durkee.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. Reservations for road rights-of-way will be incorporated into the patent to accommodate the Clark County road network.

2. Exchange of these lands will be subject to all valid existing rights, easements, etc.

3. The patent will be subject to the terms and conditions of oil and gas leases N–20081 and N–20083 for the term of the leases.

Detailed information concerning the identification of these lands for exchange, including the associating documents and the record of public discussions, is available for review at the Las Vegas District Office, Post Office Bldg., 301 E. Stewart, Las Vegas, Nevada 89101.

For a period of 45 days from the date of this notice in the **Federal Register**, interested parties may submit comments to the State Director, BLM, Nevada State Office (N–943), P.O. Box 12000, Reno, Nevada 89520–0006.

Upon publication of this Notice of Realty Action in the **Federal Register**, the public lands will be segregated from all other forms of appropriation under the public land laws, except exchange, and the mining laws, but not the mineral leasing laws, for a period of two (2) years or upon issuance of patent or other documents of conveyance to such lands, whichever occurs first.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81–28773 Filed 10–1–81; 8:45 am]

BILLING CODE 4310–84–M

[NM 46172]

New Mexico; Application

September 23, 1981.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Matador Pipelines, Inc. has applied for one 4-inch crude oil pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 18 S., R. 32 E., N.M.P.M.
  Section 3: SW¼SE¼;

Section 10: NW¼NE¼;
Section 15: W½W½;
Section 22: W½W½;
Section 27: W½W½;
Section 34: W½W½;
T. 19 S., R. 32 E., N.M.P.M.
Section 3: Lot 4, SW¼NW¼, W½SW¼;
Section 4: NE¼SE¼, S½SE¼.

This pipeline will convey crude oil across 5.610 miles of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Phil Kirk,

Acting District Manager.

[FR Doc. 81-28763 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Oklahoma; Applications

AGENCY: Bureau of Land Management; Interior.

ACTION: Supplemental Information to **Federal Register** Notice, August 14, 1981, Vol. 46, No. 157, pp. 41218–41219, in which the Oklahoma Subregion of the Western Interior Coal Production Region was cancelled and opened to lease by application.

SUMMARY: Supplemental information to **Federal Register** Notice published August 14, 1981, advises the coal industry that coal lease applications submitted within sixty days of this notice, under 43 CFR 3425.1, will permit coal lease sales by September, 1982 or in some cases, earlier.

Applications submitted within areas where land use planning, tract delineation, and environmental assessments have been completed will be processed more rapidly. Applications submitted after sixty days of this notice will be processed in timeframes dependent on workload constraints of budget, personnel, and environmental analysis requirements.

FOR FURTHER INFORMATION CONTACT: Homer G. Meyer, (405) 231-4481, Bureau of Land Management, Oklahoma Resource Area Office, 200 NW Fifth Street, Room 548, Oklahoma city, Oklahoma 73102.

SUPPLEMENTARY INFORMATION: Federal Register Notice of August 14, 1981, opened federal coal reserves to lease by application under 43 CFR 3425.1 in the following Oklahoma Counties: Atoka, Coal, Haskell, Latimer, LeFlore, and Pittsburg.

In accordance with 43 CFR 3400, federal coal management regulations, a land use plan, tract delineation, and environmental assessments of typical mining operations has been completed on portions of the federal coal reserves. General legal descriptions of completed areas are as follows:

N½, T. 10 N., R. 21 E., Haskell County
NE¼, T. 8 N., R. 26 E., LeFlore County
SW¼, T. 8 N., R. 26 E., LeFlore County
N½, T. 6 N., R. 21 E., Latimer County
NW¼, T. 6 N., R. 22 E., Latimer County

Land use planning and tract delineation only have been completed on the following areas:

NE¼, T. 8 N., R. 24 E., LeFlore County
N½, T. 8 N., R. 25 E., LeFlore County
NW¼, T. N., R. 26 E., LeFlore County
S½, T. 9 N., R. 25 E., LeFlore County

This notice is to advise the coal industry that lease applications submitted within above described area will be more rapidly processed. Submission of applications within sixty days of this notice will permit lease sales to be held no later than September 1982, and in some cases, prior to that date.

Applications submitted after sixty days and outside completed planning-environmental assessment areas will be processed in timeframes dependent on workload constraints of budget, personnel, and environmental analysis requirements at the time of application.

Three copies of the application shall be filed in the New Mexico State Office of the BLM, P.O. Box 1449, Santa Fe, New Mexico 87501.

Supportive information on federal coal reserve areas is available for public inspection at the BLM Oklahoma Resource Area Office in Oklahoma City at the address provided above.

Gordon A. Frashier,

Acting District Manager.

[FR Doc. 81-28767 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board

Gulf of Mexico Regional Technical Working Group Committee; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463. A meeting of the Outer Continental Shelf Advisory Board's Gulf of Mexico Regional Technical Working Group will be held on November 19–20, 1981. The purpose of the meeting is to participate in scoping for the Gulf of Mexico regional environmental impact statement.

The meeting will be held in the Bureau of Land Management's New Orleans OCS Office, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130-3391. The session on November 19 will be from 8:30 a.m. to 3:30 p.m. and on November 20 from 8:30 a.m. to 11:00 a.m. The meeting is open to the public and interested persons may make oral or written presentations. Such requests should be made not later than November 13 to Syd Verinder at the above office address, telephone number (504) 589-6541.

A tape transcript and complete summary minutes of the meetings will be available for public inspection at the New Orleans OCS Office not later than 60 days after the meeting.

September 23, 1981.

John L. Rankin,

Manager, New Orleans Outer Continental Shelf Office.

[FR Doc. 81-28764 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Special Recreation Management Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Public notice—Identification of special recreation management areas.

SUMMARY: This notice, in accordance with 43 CFR 8372.1-2, identifies BLM administered lands in Utah as special areas for purposes of management.

The lands identified below are special areas for purposes of recreation management pursuant to 43 CFR 8372. Respective authorized officers may require permits for recreational uses in these areas for individuals, individual families, and groups as well as required for commercial, competitive, and off-road vehicle uses as defined in 43 CFR 8372. Such permits may require a fee of may be free use permits in accordance with existing regulations (43 CFR 8372) and permits can be obtained at the local BLM office having jurisdiction over the lands identified below.

Recreation designations and special management criteria have been published for the areas listed below and have been in effect since the dates listed in the respective **Federal Register** publications. These identified areas are also subject to applicable regulations as contained in 43 CFR 2070 and 8000.

V 46/191 OC 2 81 UMI

Area name	Date of publication(s)	Boundary description
Desolation and Gray Canyons-Green River	Nov. 24, 1968; Apr. 14, 1976; Sept. 5, 1979; Nov. 14, 1979; Aug. 14, 1980, Jan. 15, 1981.	BLM administered area from San Wash (Mile 96; T. 11 S., R. 18 E.) to Swasey Rapid (Mile 12; T. 20 S., R. 16 E.) One-fourth mile each side of center line of the river except that portion of the river corridor from Nine Mile Creek (Mile 94; T. 11 S., R. 18 E.) to Florence Creek (Mile 39; T. 16 S., R. 17 E.) where the special management area extends one mile each side of the river center line (designated National Historic Landmark).
Westwater Cyn. Colorado River	Jan. 3, 1975; Apr. 14, 1976; Sept. 5, 1979; Jan. 15, 1981	BLM administered area from Westwater Ranger Station (Mile 1054½; T. 20 S., R. 25 E.) to Rose Ranch (Mile 1037½; T. 21 S., R. 24 E.) one-fourth mile each side of center line of the river.
San Juan River	Apr. 14, 1976; Sept. 5, 1979; Mar. 3, 1980; Jan. 15, 1981	BLM administered area from Montezuma Creek (Mile 160; T. 40 S., R. 26 E.) to Clay Hills Crossing (Mile 57; T. 40 S., R. 14 E.) one-fourth mile each side of center line of the river.
Colorado River	Apr. 14, 1976; Jan. 15, 1981	BLM administered area from Rose Ranch (Mile 1037½; T. 21 S., R. 24 E.) to Castle Creek (Mile 1005; T. 24 S., R. 22 E.) one-fourth mile each side of center line of the river.
Dolores River	Jan. 3, 1975; Apr. 14, 1976; Sept. 5, 1979; Jan. 15, 1981	BLM administered area Utah-Colorado State line (Mile 22; T. 24 S., R. 26 E.) to its confluence with the Colorado River (Mile 1023; T. 23 S., R. 24 E.) one-fourth mile each side of center line of the river.
Green River below Flaming Gorge Dam	Apr. 14, 1976	BLM administered land from Flaming Gorge Dam (Mile 290; T. 2 N., R. 22 E) to Utah-Colorado State line (Mile 261; T. 1 N., R. 25 E.) one-fourth mile each side of center line of the river.
Grand Gulch Primitive Area	Sept. 27, 1970	BLM administered lands within the primitive area boundary of the river.
Dark Canyon Primitive Area	Dec. 2, 1970	BLM administered lands within the primitive area boundary.
Pana Primitive Area	Aug. 12, 1970	BLM administered lands within the designated primitive area boundary.
Phipps Death Hollow Outstanding Natural Area	Dec. 23, 1970	BLM administered lands within the designated natural area
North Escalante Cyn. Outstanding Natural Area	do	BLM administered lands within the designated natural area.
Escalante Cyns. Outstanding Natural Area	do	BLM administered lands within T. 39 S., R. 7 E., Sec. 13 N½.
The Gulch Outstanding Natural Area	do	BLM administered lands within the designated natural area.
Calf Creek Recreation Area	do	BLM administered lands within the designated recreation area.
Little Sahara Recreation Area	Apr. 13, 1976; Oct. 12, 1979	BLM administered lands within the designated recreation lands.

Unauthorized Use— Other than on developed recreation sites.

Failure to pay any fee, failure to obtain a permit, or operating with a suspended permit in any of the above special management areas required by Part 8000 of 43 CFR will make th person responsible under resource and land damages identified in 43 CFR 9268.3, and is punishable under 43 CFR 8372.0–7 and pursuant to the Federal Land Policy and Management Act of 1976, and other laws when applicable. Damages and penalties may be assessed for unauthorized uses as follows:

1. "Nonwillful violations" (commercial, non-commercial).

Amounts will be determined at the established rate for 100 user days or fraction thereof as charged by the Bureau of Land Management to commercial permittees in the applicable special management area plus any identifiable damages, repairs, and clean-up costs to the public lands and other property of the United States.

2. "Willful Violation" (Commercial, Non-Commercial).

Up to triple the fees as determined at the established rate for 100 user days or fraction thereof as charged by the Bureau of Land Management to commercial permittees in the applicable special management area plus any identifiable damages, repairs, and clean-up costs to the public lands and other property of the United States.

3. "Penalties."

Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733) provides: any person who knowingly and willfully violates any such regulation which is lawfully issued pursuant to this act shall be fined no more than $1,000 or imprisoned no more than twelve months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in Section 3401 of Title 18 of the United States Code.

FOR FURTHER INFORMATION CONTACT: Larry L. Lee, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111 (Phone: (801) 524–5326).

Dated: September 24, 1981.

Dean E. Stepanek,
Acting Utah State Director.

[FR Doc. 81–28786 Filed 10–1–81; 8:45 am]

BILLING CODE 4310–84–M

Yuma District Advisory Council Meeting

Tuesday, November 17, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Advisory Council Meeting.

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780, that a meeting of the Yuma District Advisory Council will be held Tueday, November 17, 1981 beginning at 8:00 a.m. M.S.T. at the Rodeway Inn, Empire Room 109, 245 Crystal Avenue, Lake Havasu City, Arizona 86403. The agenda will include:

1. A discussion of the status of the Parker Strip Recreation Management Plan.

2. A discussion of the issues which should be addressed in the Havasu Resource Area Resource Management Plan.

3. Inventory proposals related to the issues to be addressed in the Havasu Resource Area Resource Management Plan.

4. Close out and plans for future council activities.

The meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the Council's consideration prior to the meeting date. Anyone wishing to make an oral statement must notify the District Manager at the address below by November 10, 1981. Depending on the number of people wishing to make an oral statement, a time limit may be established.

Summary minutes of the Council meeting will be maintained in the Yuma District Office and will be available for public inspection and reproduction within 30 days following the meeting.

Further information is available at the Yuma District Office, 2450 Fourth Avenue, P.O. Box 5680, Yuma, Arizona 85364.

H. M. Bruce,
District Manager.

[FR Doc. 81–28779 Filed 10–1–81; 8:45 am]

BILLING CODE 4310–84–M

Winnemucca District Advisory Council Meeting

Notice is given in accordance with Pub. L. 92–463, that a meeting of the Winnemucca District Advisory Council will be held on November 13, 1981. The meeting will be from 10:00 a.m. to 5:00 p.m. in the Conference Room of the Winnemucca District Office, 705 East Fourth Street, Winnemucca, Nevada 89445

The agenda for the meeting will include: (1) New Rangeland Management Policy; (2) Tentative MFP III Land Use Decisions; (3) Public Comment Period; (4) 1982 Annual Work Plan; (5) Disposition of the Range Improvement Funds; (6) New Rangeland Improvement Policy; (7) Arrangements for next meeting and proposed agenda.

The meeting is open to the public. Interested persons may make oral statements to the Council at 11:00 a.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445 by November 2, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Council meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: September 25, 1981.

Frank C. Shields,

District Manager for State Director, Nevada.

[FR Doc. 81-28775 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

[Designation Order AZ-020-8101]

Phoenix District Interim Off-Road Vehicle Designations

AGENCY: Bureau of Land Management.

ACTION: Notice of Off-Road Vehicle Designation Decisions.

DECISION: Notice is hereby given that a decision regarding off-road vehicle interim designation has been made for two areas of public lands located approximately twenty miles N.W. of Kingman, Arizona. This decision has been made pursuant to the provisions of 43 CFR 8342.1, 8342.2, and 8342.3. The decision will become effective October 2, 1981. Under 43 CFR 4.21, an appeal may be filed within thirty (30) days with Interior Board of Land Appeals. The off-road vehicle interim designation decision applies to the following two areas: Sugarloaf Tank area (Located immediately to the west of Grasshopper Junction, Arizona and State Highway 92).

The legal description of this area is:

Gila and Salt River Meridian

T. 23 N., R. 19 W.,
  Section 1, that portion of the W½ that lies west of State Highway 93, except patent 827123;
  Section 2, that portion of Lot 1, lying west of State Highway 93, Lots 2, 3, 4, S½NW¼, S½;
  Section 3, Lots 1, 2, 3, 4, S½N½, N½SW¼, SE¼SW¼, SE¼;
  Section 4, Lots 1, 2, 3, 4, S½N½, S½;
  Section 5, Lots 2, 3, 4, S½N½, S½;
  Section 8, All;
  Section 9, All;
  Section 10, All;
  Section 11, All;
  Section 12, that portion of Lots 3, 4, that lies west of State Highway 93, that portion of the NW¼NE¼ that lies west of State Highway 93, SW¼, that portion of the W½SE¼ that lies west of State Highway 93;
  Section 13, Lots 1, 2, 3, 4, W½E½, W½;
  Section 14, All;
  Section 15, All;
  Section 17, All;
  Section 22, All;
  Section 23, All;
  Section 24, Lots 1, 2, 3, 4, W½E½, W½.
  Total: Approximately 10,605 acres.
  Big Wash Road Area (Located along Big Wash Road (BLM Road #2114) north of Chloride, Arizona).

The legal description of this area is:

Gila and Salt River Meridian

T. 24 N., R. 18 W.,
  Section 14, All;
  Section 15, All;
  Section 16, All;
  Section 17, All;
  Section 19, Lots 1, 2, 3, 4, E½, E½W½;
  Section 20, All;
  Section 21, All;
  Section 22, All;
  Section 23, All;
  Section 29, All;
  Section 30, Lots 1, 2, 3, 4, E½, E½W½;
  Section 31, Lots 1, 2, 3, 4, 5, 6, 7, NE ¼, E½, NW¼, NE¼SW¼, N½SE¼.
T. 24 N., R. 19 W., G&SRM, Mohave County, Arizona
  Section 24, All;
  Section 25, All;
  Section 36, N½N½.
  Total: Approximately 9,149 acres.

Both areas are designated as limited ORV use areas, wherein vehicle use will be permitted on roads and trails specifically posted as "Open to all vehicle use." Conversely, vehicle use will not be permitted on roads and trails specifically posted as "Closed to all vehicle use." Over land or "Cross-country" vehicle use will not be permitted within the two areas. Car-camping will be allowed along the "Open" roads within 50 feet of the roadside.

The objective of the interim "Limited" ORV designations for the two areas is to prevent further, and remedy existing, resource damage and user conflict problems.

Exceptions to "Closed road" or no Cross-country use restrictions within these two areas will be made for organized off-road vehicle (4 WD) events on a case-by-case basis.

ADDRESS: For maps and additional information about these designations, contact either of the following Bureau of Land Management Offices:

District Manager, Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

Area Manager, Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

Dated: September 25, 1981.

William K. Barker,

District Manager.

[FR Doc. 81-28856 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

[C-2705]

Colorado; Termination of Exchange Classification

1. Pursuant to authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, the Bureau of Land Management Notice of Classification of Lands published in the **Federal Register** on January 25, 1968 (Vol. 33, No. 17, p. 920), which classified lands for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), is hereby terminated as to the following described lands:

Sixth Principal Meridian

T. 12 S., R. 101 W.,
  Sec. 18, lot 7;
  Sec. 20, lots 11, 16, 17, 18, 19.
T. 13 S., R. 101 W.,
  Sec. 3, lot 3.
T. 14 S., R. 101 W.,
  Sec. 12, lots 1, 2, 3, 4, 5, S½;
  Sec. 13, lots 1 thru 7.
T. 11 S., R. 102 W.,
  Sec. 31, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, SW¼NE¼, SE¼NW¼, NE¼SW¼, SE¼SW¼;
  Sec. 32, lot 9.
T. 12 S., R. 102 W.,
  Sec. 4, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17;
  Sec. 5, lots 5, 6, 7, 8, 9, 11, 12, 14, 15, 18;
  Sec. 6, lots 8, 9, 10, 13, 14, 16, 17, SW¼NE¼; SE¼NW¼, W½SE¼, NE¼SW¼;
  Sec. 7, lots 5, 6, 9, 10, NW¼NE¼;
  Sec. 9, lot 1, NW¼NE¼;
  Sec. 14, lot 1;
  Sec. 20, lots 1, 3, E½SE¼;
  Sec. 21, SW¼SW¼;
  Sec. 22, lot 9, SE¼SE¼;
  Sec. 27, lot 1;
  Sec. 28, lots 2, 3, 4;

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Sec. 29, lot 1

containing 2,610.16 acres in Mesa County.

2. At 7:45 a.m. on November 2, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws.

3. The lands have been and continue to be open to the U.S. mining laws generally, and the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Withdrawal Section, Branch of Adjudication, Bureau of Land Management, 1037–20th Street, Denver, Colorado 80202.

Cecil Roberts,

Acting State Director, Colorado.

[FR Doc. 81-28809 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Hualapai-Aquarius/Lower Gila North Wilderness Management Proposal

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Intent to Prepare on Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM will prepare an Environmental Impact Statement on the recommendations of public land areas suitable and non-suitable for wilderness designation. These areas are in Mohave and Yavapai Counties, Arizona.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act of 1976 (FLPMA) requires the Secretary of the Interior to review areas of the public lands determined to have wilderness characteristics.

FLPMA has therefore made wilderness preservation a part of BLM's multiple-use mandate, with wilderness values recognized as a part of the spectrum of resource values and uses to be considered in the resource management planning process. To carry out the wilderness mandate of FLPMA, the Bureau of Land Management has developed a wilderness review process with three phases: inventory, study, and reporting to Congress. In the wilderness inventory, the BLM examined the public lands and, with extensive public participation, identified those areas that met the definition of wilderness established by Congress. These areas were identified as Wilderness Study Areas (WSAs). As a result of the wilderness inventory, eighteen WSAs, comprising approximately 643,000 acres, have been established (October 14, 1980—Hualapai/Aquarius, and November 14, 1980—Lower Gila North) in the EIS area.

The wilderness study phase consists of land-use planning and Environmental Impact Statement (EIS) development. Of the 18 WSAs, 11 have been recommended as suitable for wilderness designation in the land-use plans. The EIS will analyze this land-use management proposal as the Proposed Action. Other alternatives will also be analyzed and include:

(1) Continuation of present management (No Action);

(2) Designation of all WSAs as wilderness;

(3) Designation of *more* total wilderness acreage than the Proposed Action; and

(4) Designation of *less* total wilderness acreage than the Proposed Action.

These alternatives present a range of management for the wilderness resources from all to none. When the study has been completed, a report describing whether each wilderness study area is suitable or nonsuitable for designation as wilderness will be submitted through the Secretary of the Interior and the President to Congress. Reports on all wilderness study areas must reach the President no later than October 21, 1991, and reach Congress by October 21, 1993. Only Congress can designate an area as wilderness.

For information concerning the Environmental Impact Statement contact:

Jim Crisp, Team Leader, EIS Office, BLM, 2933 W. Indian School, Phoenix, Arizona 85017. Telephone: FTS—261–2852; Commercial 602/241–2852.

Bill Carter, Environmental Coordinator, Arizona State Office, BLM, 2400 Valley Bank Center, Phoenix, Arizona 85073. Telephone: FTS—261–4127; Commercial 602/261–4127.

Dated: September 21, 1981.

Clair M. Whitlock,

State Director.

[FR Doc. 81-28808 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; North and Mid-Atlantic Technical Working Groups; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. No. 92-463).

Name: North and Mid-Atlantic Technical Working Groups

Dates: 27–28 October 1981

Place: The World Trade Institute, Rooms 3 and 4 One World Trade Center, 55th Floor New York, New York

Times: 27 October—1:00 p.m. to 4:30 p.m. 28 October—9:00 a.m. to 4:30 p.m.

Committee membership consists of representatives from federal agencies, the coastal states of Maine through North Carolina, the petroleum industry, and other private interests.

Agenda: (27 October)—Overview of proposed changes to the OCS oil and gas leasing program; discussion of future roles of the Regional Technical Working Groups; discussion of scenarios, alternatives and significant issues to be considered for the Sale No. 76 DEIS (scoping).

(28 October)—Continue Sale No. 76 scoping; comments and discussion of the Sale No. 52 DEIS.

The meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee regarding matters on the agenda should contact Richard Barnett of the New York OCS Office (212–264–1061) by 20 October 1981. Written statements should be submitted by 4 November to the New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32–120, New York, New York 10278.

Minutes of the meeting will be available for public inspection and copying by 23 December 1981 at the above address.

Frank Basile,

Manager, New York OCS Office.

[FR Doc. 81-28810 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 20640 (Wash.); 2710 (943.1)]

Washington; Conveyance of Public Lands; Walla Walla County

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), the following described public land has now been sold by competitive sale at fair market value:

Willamette Meridian

T. 7 N., R. 31 E.,

Sec. 14, lots 2 and 5.

Lot 2 containing 5.08 acres has been conveyed to Joseph H. Lauby, 2306 Concord, Richland, Washington 99532, and Lot 5 containing 6.67 acres has been conveyed to W. H. Ketchersid, Box 714, Wallula, Washington 99363.

The purpose of this notice is to inform the public and interested state and local government officials of the issuance of the conveyance documents for this land.

Dated: September 22, 1981.

Frank A. Edwards,

Chief, Division of Technical Services.

[FR Doc. 81-28731 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur; Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Oxy Petroleum, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3196, Block 74, portion, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Land Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 23, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-28729 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Pennzoil Company, Unit Operator of the High Island Block A-351 Federal Unit Agreement No. 14-08-0001-16930, submitted on September 19, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the High Island Block A-351 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Date: September 24, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-28769 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 1180 and 2315, Blocks 9 and 287, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays, 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 25, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-28770 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the Grand Isle/CATCO Federal Unit Agreement No. 14-08-001-2021, submitted on September 17, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Grand Isle/CATCO Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to

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3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. [illegible]

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 24, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–28771 Filed 10–1–81; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

Appalachian National Scenic Trail; Relocations of Rights-of-Way

AGENCY: National Park Service, Interior.

ACTION: Notice of relocations.

SUMMARY: The proposed relocations set forth below are deemed necessary to preserve the purpose for which the Appalachian National Scenic Trail was established. As a part of the program to protect and establish an Appalachian Trail corridor, the Department of the Interior, in consultation with the Department of Agriculture, has determined that where the Trail is now along roads, close to houses or otherwise poorly located, the National Park Service, in consultation with the Forest Service, will seek an alternative location. When necessary, an alternative Trail route will be located outside the existing right-of-way pursuant to Section 7 of the National Trails System Act, which established a process for necessary relocations after publication of notice in the **Federal Register** and appropriate consultation.

DATES: Written comments, suggestions or objections will be accepted until November 2, 1981.

ADDRESS: Comments should be directed to: Project Manager, Appalachian Trail Project Office, Harpers Ferry, West Virginia 25425.

FOR FURTHER INFORMATION CONTACT: David Richie, Manager, Appalachian Trail Project, Telephone (304) 535–2346.

SUPPLEMENTARY INFORMATION:

Background

The National Trails System Act became law on October 2, 1968. The Act created a system to identify and establish a National Trails System. It also established the Pacific Crest Trail and the Appalachian Trail as the initial National Scenic Trails.

Section 7 of the National Trails System Act created a process for the administration and development of National Scenic Trails. This process included the responsibility to select an initial right-of-way for the National Scenic Trails and to publish notice of this right-of-way in the **Federal Register** together with appropriate maps and descriptions. In selecting this right-of-way, the Secretary was required to obtain the advice and assistance of the states, local governments, private organizations, and landowners and land users concerned. For a two-year period after selection, he was also required to with hold federal action and to encourage the states or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations and individuals to provide the necessary Trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the National Scenic Trail. These responsibilities for the Appalachian Trail have been completed. A preliminary right-of-way and Trail route was selected after compliance with the consultation requirements of the Act and published in the **Federal Register**, Vo. 36, No. 197, Saturday, October 9, 1971, and the states and local governments have subsequently had the opportunity to act to protect the Trail.

Changes in the Trail route within the previously established right-of-way are routinely made. Section 7 also established a process for necessary relocations of the right-of-way after publication of notice in the **Federal Register**. This process includes the responsibility to relocate segments of a National Scenic Trail right-of-way if such a relocation is necessary to preserve the purpose for which the Trail was established.

On March 21, 1978, Pub. L. 95–248 was enacted amending the original National Trails System Act. The thrust of this Amendment was to further the federal protection efforts under the original legislation, calling for an immediate federal land acquisition program. It also directed that this program be substantially completed within three years of September 30, 1978.

The original Act was further amended by Pub. L. 95–625 dated November 10, 1978. This Act eliminated the requirement for the federal Government to wait two years after notice of selection of the right-of-way before acquisition could be initiated. We are kept advised on any action by states or localities to protect the Trail where relocations are involved.

As a part of this program to protect and establish an Appalachian Trail corridor, the Department of the Interior, in consultation with the Department of Agriculture, has determined that where the Trail is now along roads, close to houses or otherwise poorly located, the National Park Service, in consultation with the Forest Service, will seek an alternative location, wherever possible, either pursuant to a change in Trail route, if feasible, within the existing right-of-way, or pursuant to the process outlined above by publishing a notice of right-of-way relocation in the **Federal Register** after appropriate consultation.

Consistent with this decision, the rights-of-way for the following sections of the Appalachian National Scenic Trail will be relocated outside of the originally designated rights-of-way to facilitate revised Trail routes that take advantage of the terrain and/or remove the Trail from roads so that these portions of the Trail meet the criteria and the purpose for which this Trail was established:

Beginning at White Rocks Mountain, Tennessee, continuing easterly along the crest of White Rocks Mountain to Big Pine Mountain, then turning south to Little Pine Mountain, then westerly to near Isaacs Cemetery, then south crossing US Route 19E one mile west of the Tennessee-North Carolina state line, then entering Wilder Mine Hollow and up a ridge, ending at Doll Flats, as indicated in panels 669A–672C.

Beginning at Bly Gap where the Appalachian Trail enters Georgia and the Chattahoochee National Forest from North Carolina, continuing southward to Dismal Mountain, then southwesterly over Tray Mountain to Red Clay Gap, continuing to Neels Gap and ascending Blood Mountain, following the Blue Ridge southwesterly to Black Mountain, then south and westerly through Cooper Gap and Hightower Gap, to ascend the Tennessee Valley Divide and the Summit of Springer Mountain, the southern terminus of the Appalachian Trail, as indicated in panels 780A–783A, 791A–794A, and 799A–807A.

Appropriate maps, as designated above, are provided as an appendix to this notice to indicate the revised rights-of-way and the Trail routes within those rights-of-way. These changes are in compliance with provisions of Section 7 of the National Trails System Act, as amended, as discussed above.

Public Participation

Affected landowners have been contacted and afforded an opportunity to provide their advice and assistance in selection of the revised rights-of-way and Trail routes within those rights-of-way. In addition, the rights-of-way and Trail routes have been selected in consultation with members of the Advisory Council for the Appalachian National Scenic Trail and with state and local officials.

The purpose of this notice is to request further public comment in the proposed relocation of the trail right-of-way and trail routes. Envrionmental assessment reports relating to each of these relocations are on file in the Supervisor's Office, Cherokee National Forest, 2321 N. Ocoee Street, NW, Cleveland, Tennessee 37311, and in the Supervisor's Office, Chattahoochee-Oconee National Forest, 601 Broad Street, SE, Gainesville, Georgia 30501, respectively. Comments concerning relocations may be provided to the Project Manager, Appalachian Trial Project Office, Harpers Ferry, West Virginia 25425, on or before November 2, 1981. Following review of comments on the environmental assessments and the relocations, a decision regarding findings of significant impact pertaining to these relocations, and the implementation of the relocations, will be published.

Russell E. Dickenson,

Director, National Park Service.

BILLING CODE 4310-70-M

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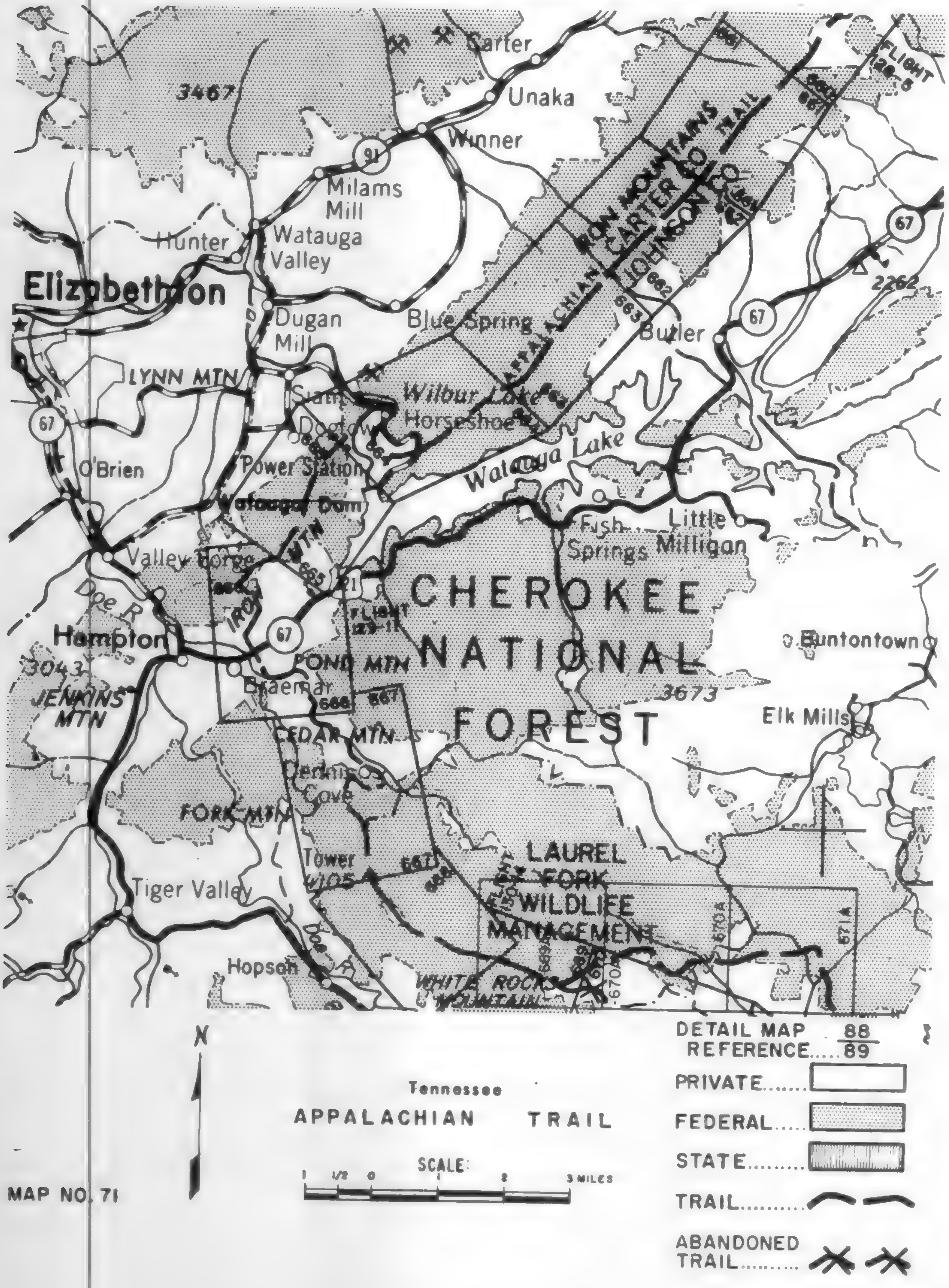
Carter
Unaka
Winner
3467
91
Milams Mill
Watauga Valley
Hunter
Elizabethton
Dugan Mill
Blue Spring
Butler
67
2262
FLIGHT 128-5
IRON MOUNTAINS
CARTER CO
JOHNSON CO
TRAIL
APPALACHIAN
662
663
LYNN MTN
Wilbur Lake
Horseshoe
Watauga Lake
O'Brien
Power Station
Watauga Dam
Fish Springs
Little Milligan
Valley Forge
Doe R
IRON MTN
665
FLIGHT 129-11
Hampton
3043
JENKINS MTN
Braemar
POND MTN
666
667
CEDAR MTN
CHEROKEE NATIONAL FOREST
Buntontown
3673
Elk Mills
Dennis Cove
FORK MTN
Tower 4105
LAUREL FORK WILDLIFE MANAGEMENT
Tiger Valley
Hopson
Doe R
WHITE ROCKS MOUNTAIN
670A
671A
N
Tennessee
APPALACHIAN TRAIL
SCALE
1 1/2 0 1 2 3 MILES
MAP NO. 71
DETAIL MAP REFERENCE 88/89
PRIVATE
FEDERAL
STATE
TRAIL
ABANDONED TRAIL

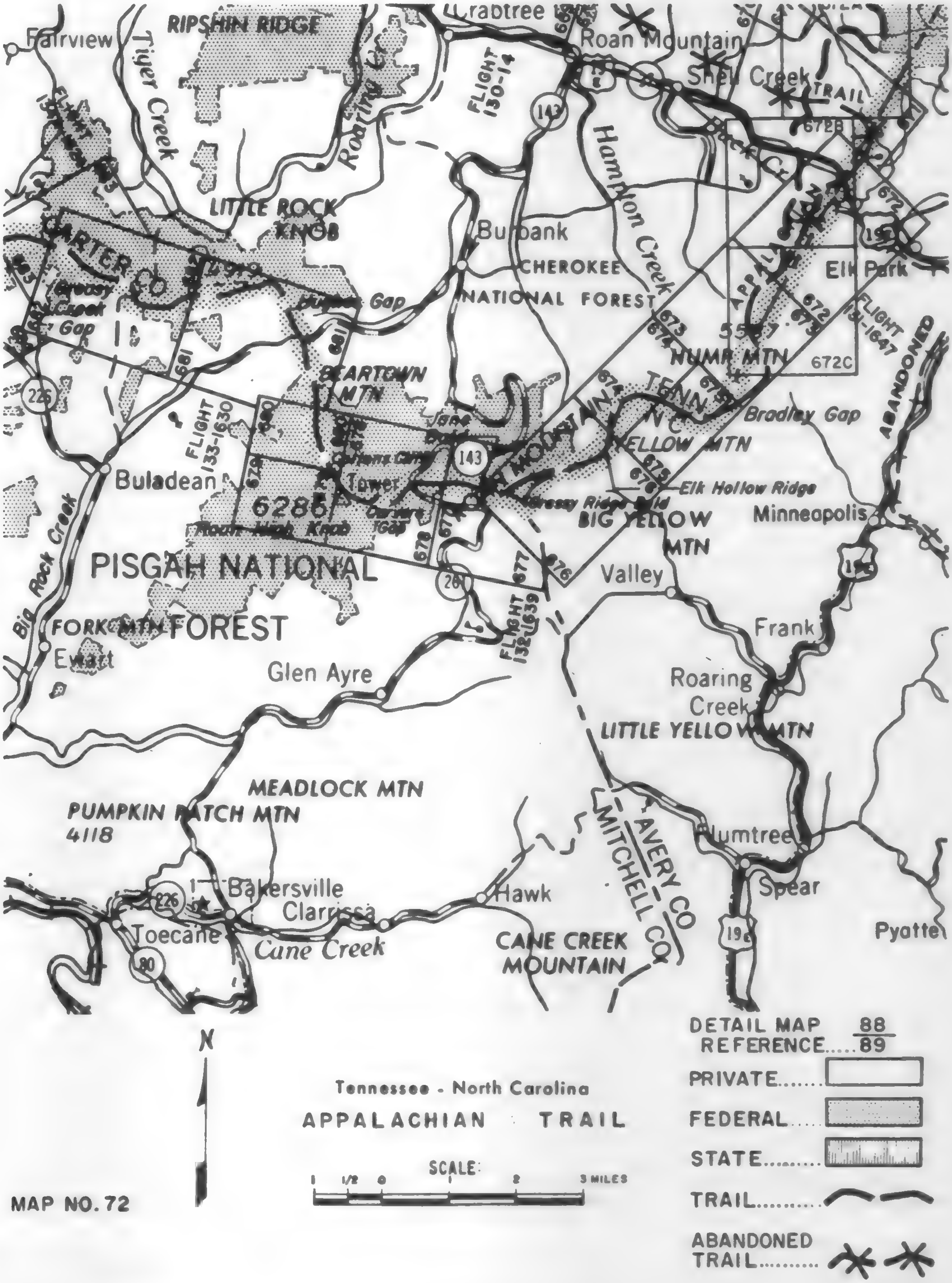
Crabtree
RIPSHIN RIDGE
Fairview
Tiger Creek
Roaring Cr.
FLIGHT 130-14
Roan Mountain
143
Shell Creek
TRAIL
672B
Hampton Creek
LITTLE ROCK KNOB
Burbank
CHEROKEE
NATIONAL FOREST
CARTER CO
Grassy Creek Gap
Hughes Gap
Elk Park
672
FLIGHT 131-1647
673
674
675
HUMP MTN
672C
ABANDONED
BEARTOWN MTN
TENN
N C
Bradley Gap
YELLOW MTN
226
FLIGHT 133-1630
681
680
679
Carvers Gap
Tower
Elk Hollow Ridge
Buladean
6285
Roan High Knob
Grassy Ridge Bald
BIG YELLOW MTN
Minneapolis
Big Rock Creek
PISGAH NATIONAL FOREST
678
677
676
261
Valley
19E
FORK MTN
Ewart
Glen Ayre
FLIGHT 132-1639
Frank
Roaring Creek
LITTLE YELLOW MTN
MEADLOCK MTN
PUMPKIN PATCH MTN
4118
AVERY CO
MITCHELL CO
Plumtree
Spear
Bakersville
Clarrissa
Hawk
Toecane
Cane Creek
80
CANE CREEK MOUNTAIN
Pyatte
N
SCALE:
1 1/2 0 1 2 3 MILES
DETAIL MAP REFERENCE 88/89
PRIVATE ......
FEDERAL ......
STATE ......
TRAIL ......
ABANDONED TRAIL ......

Tennessee - North Carolina

APPALACHIAN TRAIL

MAP NO. 72

V 46/191 OC 2 81 UMI

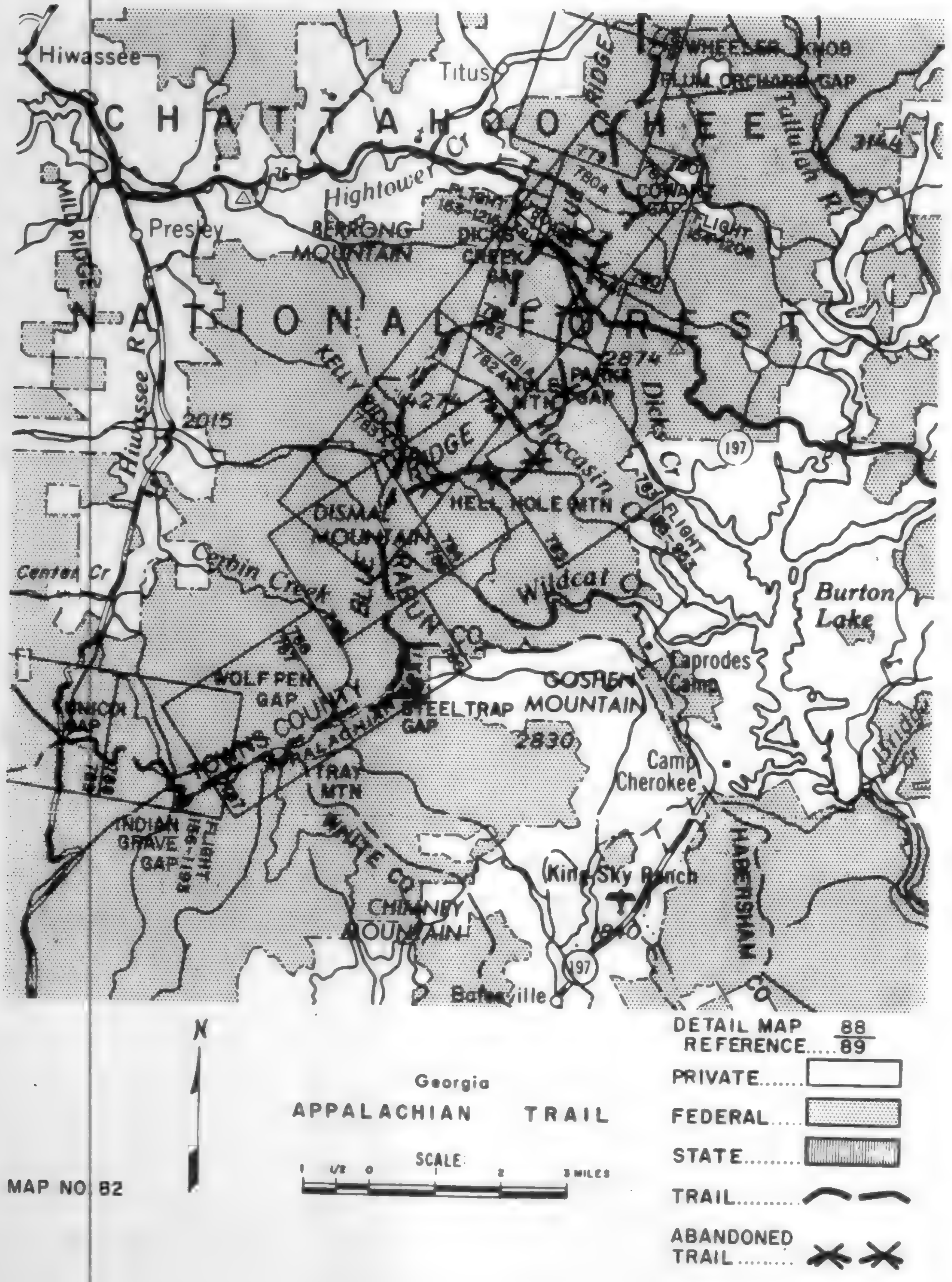
Hiwassee
Titus
CHATTAHOOCHEE
NATIONAL FOREST
WHEELER KNOB
PLUM ORCHARD GAP
Tallulah R
3144
76
Hightower Cr
BERRONG MOUNTAIN
FLIGHT 163-1216
DICKS CREEK GAP
779
780A
780
COWART GAP
FLIGHT 157-1206
Presley
MILL RIDGE
KELLY RIDGE
782
781A
782A
2874
HOLE MTN
PARKS GAP
Dicks Cr
197
Moccasin
2015
Hiwassee R
783
DISMAL MOUNTAIN
HELL HOLE MTN
Wildcat Cr
Burton Lake
Center Cr
Corbin Creek
RABUN CO
Laprades Camp
GOSHEN MOUNTAIN
STEELTRAP GAP
WOLF PEN GAP
UNICOI GAP
TOWNS COUNTY
APPALACHIAN
TRAY MTN
2830
Camp Cherokee
INDIAN GRAVE GAP
WHITE CO
CHIMNEY MOUNTAIN
King Sky Ranch
HABERSHAM CO
Batesville
N
Georgia
APPALACHIAN TRAIL
SCALE
1 1/2 0 1 2 3 MILES
MAP NO. 82
DETAIL MAP REFERENCE 88/89
PRIVATE .... ☐
FEDERAL .... ▨
STATE .... ▦
TRAIL ....
ABANDONED TRAIL ....

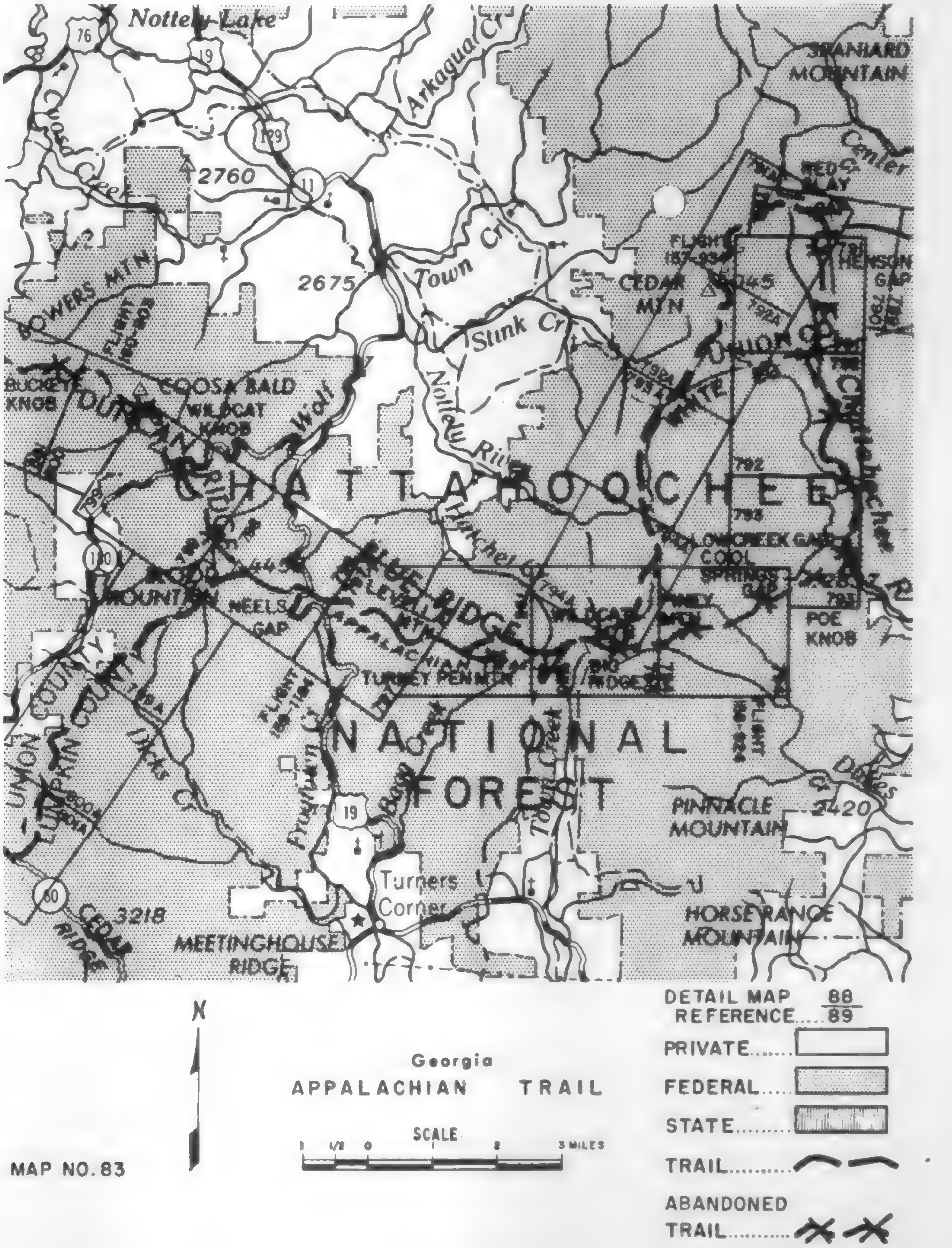
Nottely Lake
76
19
129
11
Arkaqua Cr
Coosa Creek
2760
2675
Town Cr
Stink Cr
Nottely River
SPANIARD MOUNTAIN
Center
RED CLAY GAP
HENSON GAP
CEDAR MTN
FLIGHT 157-934
BOWERS MTN
FLIGHT 180-808
BUCKEYE KNOB
COOSA BALD
WILDCAT KNOB
DUNCAN RIDGE
Wolf
CHATTAHOOCHEE
Chattahoochee
792
793
798A
798
180
SLAUGHTER CREEK GAP
COOL SPRINGS GAP
POE KNOB
MOUNTAIN
NEELS GAP
BLUE RIDGE
APPALACHIAN TRAIL
TURKEY PEN MTN
BIG RIDGE
WILDCAT
UNION COUNTY
LUMPKIN COUNTY
Dicks Cr
FLIGHT 150-156
NATIONAL
FOREST
Frogtown Cr
Boggs Cr
Town Creek
19
60
PINNACLE MOUNTAIN
2420
Turners Corner
HORSERANGE MOUNTAIN
3218
CEDAR RIDGE
MEETINGHOUSE RIDGE
N
DETAIL MAP REFERENCE..... 88/89
PRIVATE........
FEDERAL.....
STATE.........
TRAIL..........
ABANDONED TRAIL..........
SCALE
1 1/2 0 1 2 3 MILES

Georgia
APPALACHIAN TRAIL

MAP NO. 83

V 46/191 OC 2 81 UMI

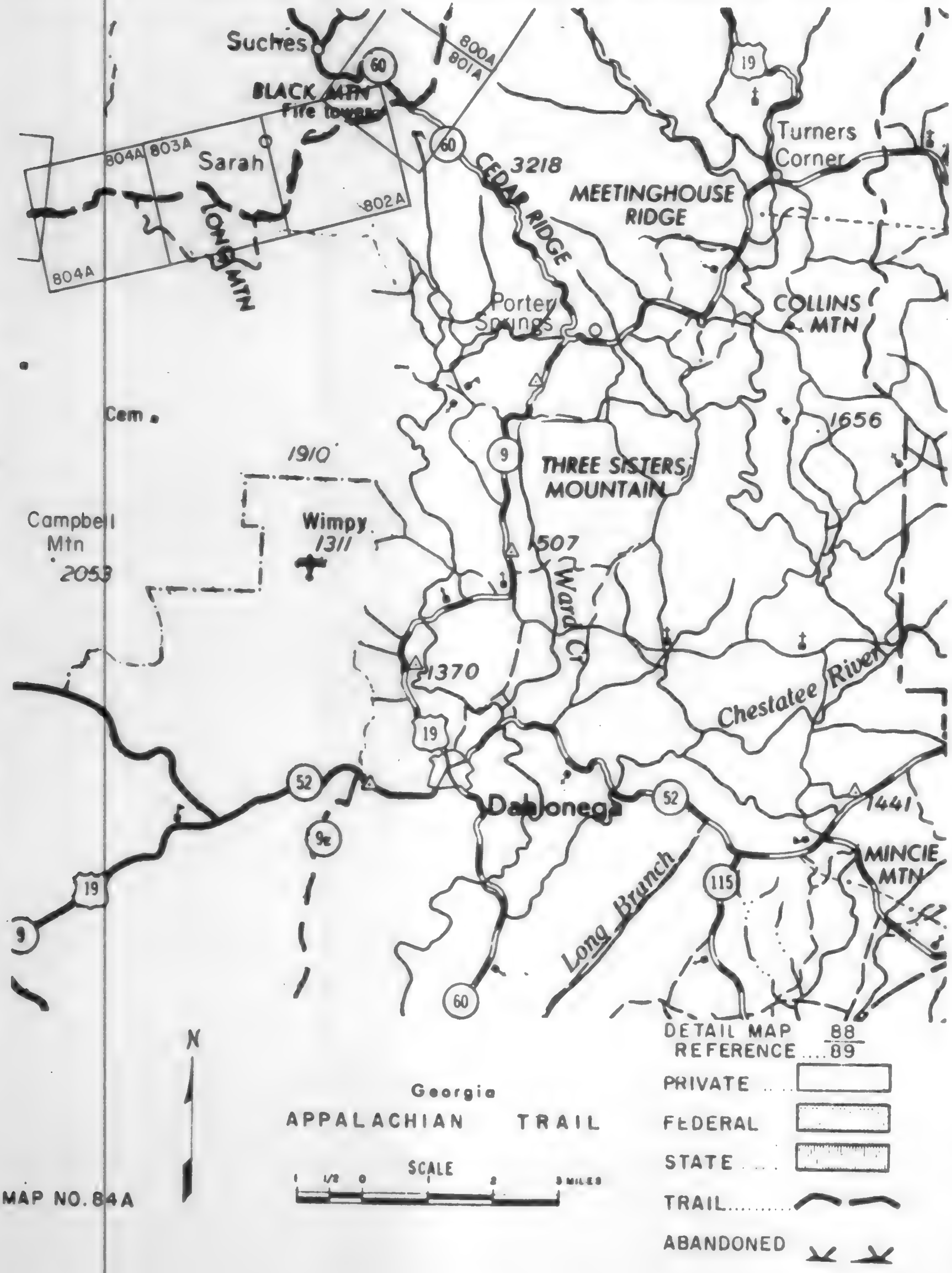
Suches
60
800A
801A
BLACK MTN
Fire tower
19
Turners Corner
60
CEDAR RIDGE
3218
804A
803A
Sarah
802A
LONG MTN
804A
MEETINGHOUSE RIDGE
Porter Springs
COLLINS MTN
Cem.
1656
1910
9
THREE SISTERS MOUNTAIN
Campbell Mtn
2053
Wimpy 1311
1507
Ward Cr
1370
Chestatee River
19
52
Dahlonega
52
1441
9E
MINCIE MTN
19
115
Long Branch
9
60
DETAIL MAP REFERENCE 88 89
PRIVATE
FEDERAL
STATE
TRAIL
ABANDONED
N
Georgia
APPALACHIAN TRAIL
SCALE
1 1/2 0 1 2 3 MILES
MAP NO. 84A

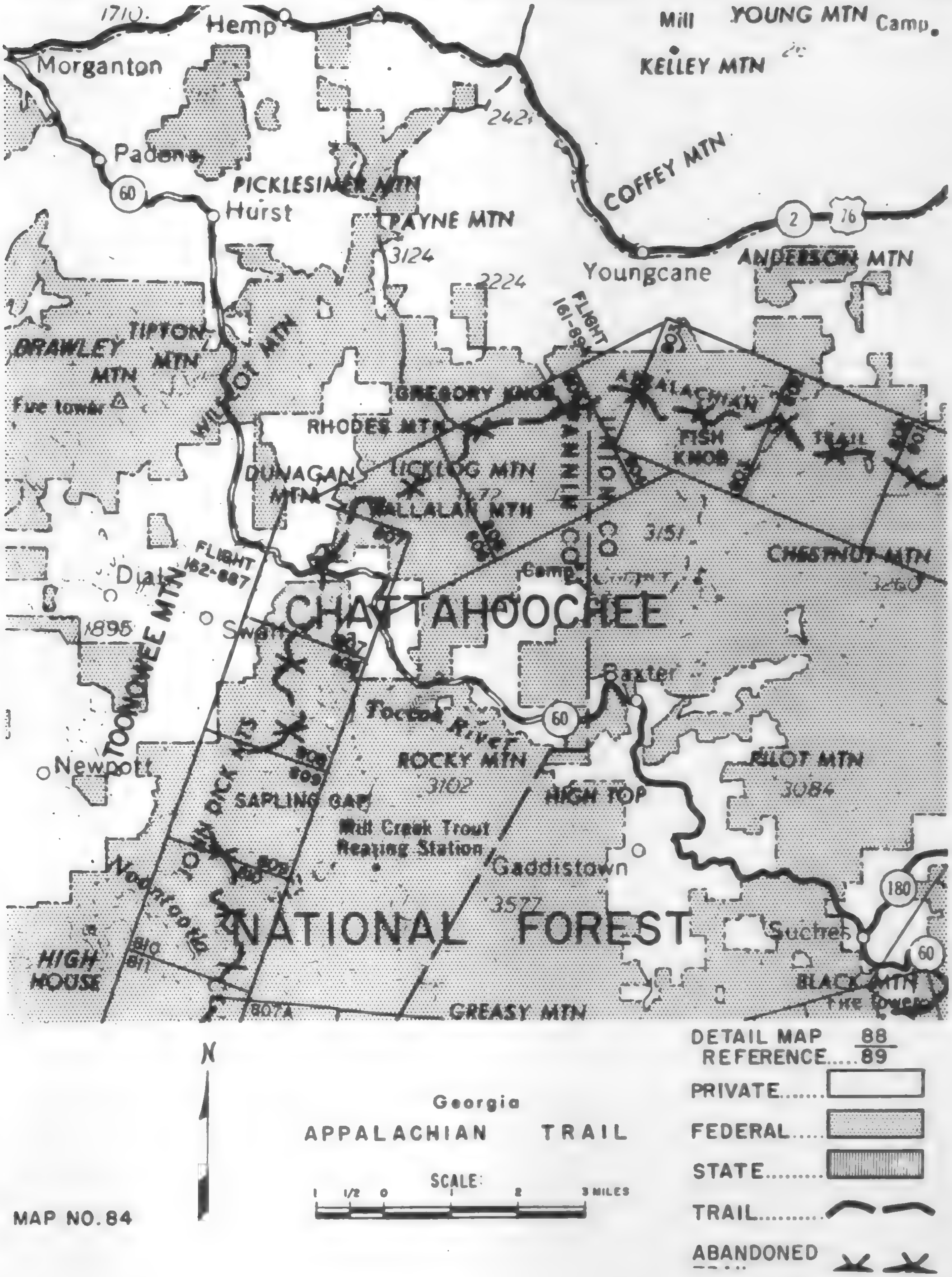
1710
Hemp
Morganton
Padena
60
Hurst
PICKLESIMER MTN
PAYNE MTN
3124
Mill
YOUNG MTN
Camp
KELLEY MTN
242
COFFEY MTN
2
76
Youngcane
ANDERSON MTN
2224
FLIGHT 161-89
DRAWLEY MTN
TIPTON MTN
WILLSCOT MTN
Fire tower
GREGORY KNOB
RHODES MTN
APPALACHIAN
FISH KNOB
TRAIL
DUNAGAN MTN
LICKLOG MTN
WALLALAH MTN
3151
CHESTNUT MTN
3260
Camp
FLIGHT 162-887
Dial
CHATTAHOOCHEE
1895
Swan
TOONOWEE MTN
Baxter
60
Toccoa River
Newport
ROCKY MTN
3102
PILOT MTN
3084
SAPLING GAP
HIGH TOP
Mill Creek Trout Rearing Station
Gaddistown
180
3577
NATIONAL FOREST
Suches
60
Noontootla
HIGH HOUSE
BLACK MTN
Fire tower
807A
GREASY MTN
N
Georgia
APPALACHIAN TRAIL
SCALE
1 1/2 0 1 2 3 MILES
MAP NO. 84
DETAIL MAP REFERENCE 88/89
PRIVATE
FEDERAL
STATE
TRAIL
ABANDONED TRAIL

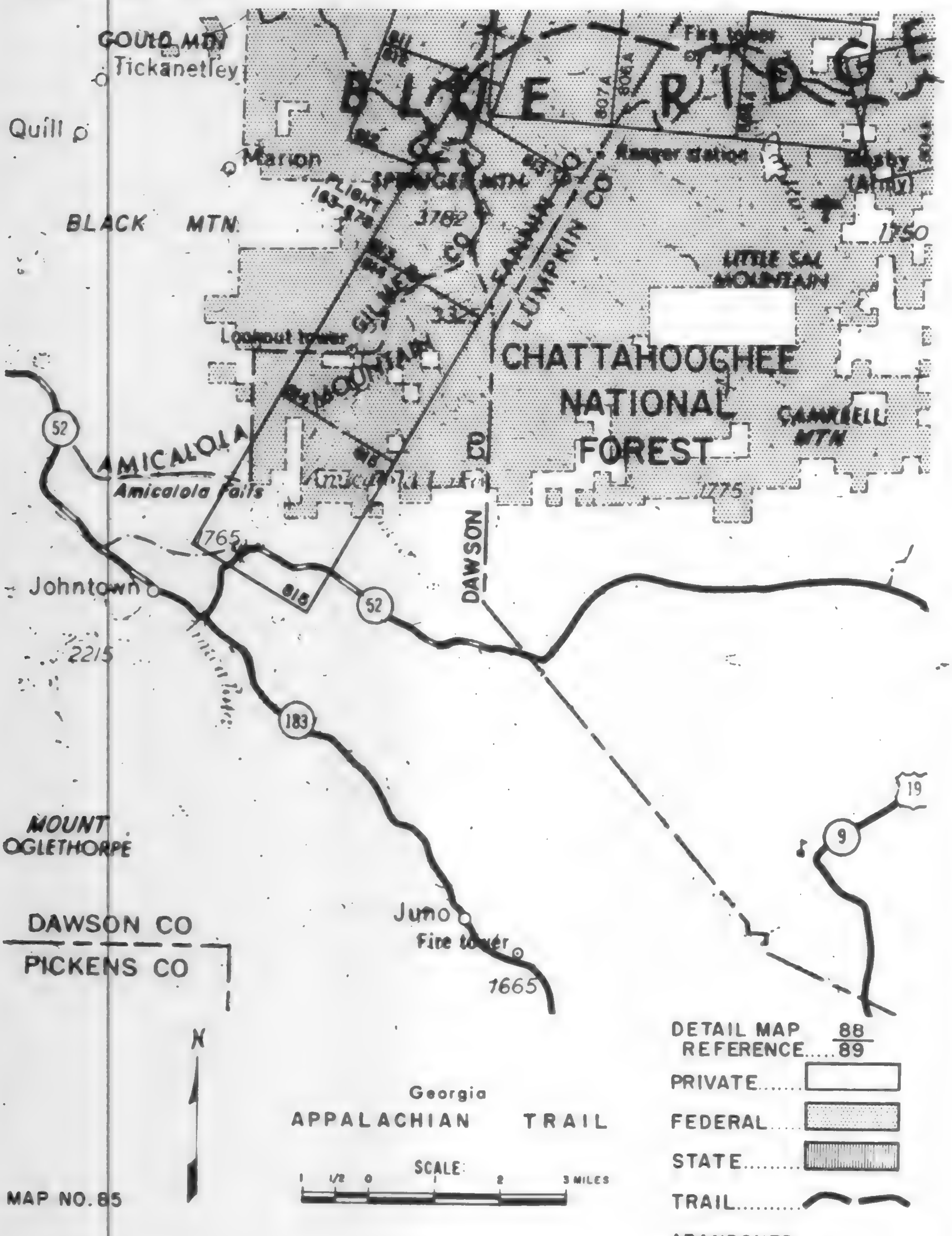
GOULD MTN
Tickanetley
Quill
Marion
BLACK MTN
BLUE RIDGE
Fire tower
Ranger station
SPRINGER MTN
3782
Mosby (Army)
1750
LITTLE SAL MOUNTAIN
FANNIN CO
LUMPKIN CO
GILMER CO
Lookout tower
CHATTAHOOCHEE NATIONAL FOREST
CAMPBELL MTN
AMICALOLA
Amicalola Falls
52
1765
1775
DAWSON CO
Johntown
2215
183
19
9
MOUNT OGLETHORPE
Juno
Fire tower
1665
DAWSON CO
PICKENS CO
N
Georgia
APPALACHIAN TRAIL
SCALE
1 1/2 0 1 2 3 MILES
MAP NO. 85
DETAIL MAP REFERENCE 88/89
PRIVATE
FEDERAL
STATE
TRAIL
ABANDONED TRAIL

[FR Doc. 81-25856 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-70-C

General Management Plan, Chattahoochee River National Recreation Area, Georgia; Availability of Draft Environmental Impact Statement and Public Meetings

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a Draft Environmental Impact Statement for the proposed General Management Plan for Chattahoochee River National Recreation Area (CRNRA). The proposal involves recommendations for management and use of lands authorized for inclusion in the CRNRA (6,300 acres) including daytime and river use activities, limited overnight use, and minimal interpretive opportunities. The two alternatives considered are: (1) Addition of 5,700 acres to the CRNRA and an additional 3,400 acres designated as a cooperative planning area with expanded recreational opportunities, daytime and river use activities, and extensive interpretive opportunities, and (2) no action (present management policies and recreational development would remain as they are now).

A limited number of copies will be available for review at the following locations:

Office of Public Affairs, National Park Service, U.S. Department of the Interior, 18th & C Streets NW., Washington, D.C. 20240, Telephone: (202) 343-6843

Southeast Regional Office, National Park Service, U.S. Department of the Interior, 75 Spring Street SW., Atlanta, Georgia 30303, Telephone: (404) 221-5835

Chattahoochee River National Recreation Area, 1905 Powers Ferry Road, Suite 150, Marietta, Georgia 30067, Telephone: (404) 952-6009.

In addition, public meetings will be held at the following locations:

November 9, 1981 (7:30 pm)—Riverwood High School, 5900 Heards Drive, Atlanta, Georgia 30328

November 10, 1981 (7:30 pm)—North Gwinnett High School, 20 Level Creek Road, Suwanee, Georgia 30174

November 12, 1981 (7:30 pm)—North Fulton County Annex—Auditorium, 7741 Roswell Road NE., Atlanta, Georgia 30338.

Comments on the Draft Environmental Impact Statement and the General Management Plan are invited from all interested parties and should be forwarded to the Regional Director, National Park Service, or the Superintendent, Chattahoochee River National Recreation Area, at the above addresses no later than December 12, 1981.

Dated: September 18, 1981.

C. W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 81-28696 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Corporation and address of its principal office: W. R. Grace & Co., Grace Plaza, 1114 Avenue of the Americas, New York, NY 10036.

2. Wholly-owned subsidiaries which are participating in the operations and their State(s) of incorporation:

(a) Ad Craft, Inc. (TX).
(b) Aeroline, Inc. (CA).
(c) Amargosa Pipeline Corporation (DE).
(d) American Carry Products Corp. (CA).
(e) Antilles Chemical Company (DE).
(f) A-1 Bit & Tool Company (TX).
(g) Arrow Inter-America Corporation (WV).
(h) Axial Basin Coal Corporation (DE).
(i) Beckett Golf Club, Inc. (NJ).
(j) Bellas Hess of Caguas, Inc. (DE).
(k) Bellas Hess of Carolina, Inc. (DE).
(l) Bellas Hess Shop of Aguadilla, Inc. (DE).
(m) Bellas Hess Shop of Ponce, Inc. (DE).
(n) Berman Catalog Sales, Inc. (MN).
(o) Berry Gas Company (OK).
(p) Bignall Dental Supply Co. (MI).
(q) Booker Drilling Company, Inc. (LA).
(r) The Boston Group, Inc. (DE).
(s) Camillus Acres, Inc. (NY).
(t) Chance Collar Company of Louisiana (LA).
(u) Cleary Land Company (OK).
(v) Coalgrace, Inc. (DE).
(w) Darex Puerto Rico, Inc. (DE).
(x) Davison Specialty Chemical Co. (DE).
(y) Daylin, Inc. (DE).
(z) Daylin-Summit, Inc. (NY).
(aa) DDI Realty, Inc. (DE).
(ab) Devcoa Incorporated (FL).
(ac) Dewey and Almy Company (MA).
(ad) DeZaan, Incorporated (NY).
(ae) Diner's Rendezvous, Inc. (MO).
(af) Diversified Restaurant Services, Inc. (DE).
(ag) Drillograph Company, Inc. (OK).
(ah) Drillscope, Inc. (TX).
(ai) Drys, Inc. (KS).
(aj) Ecarg, Inc. (NJ).
(ak) Ecotrol, Inc. (DE).
(al) The Elmex Corp. (OH).
(am) El Torito-La Fiesta Restaurants, Inc. (CA).
(an) El Torito/Milwaukee, Inc. (WI).
(ao) Emerson & Cuming, Inc. (DE).
(ap) Far West Services of Kansas, Inc. (KS).
(aq) First Twin Lakes Corp. (FL).
(ar) Fred P. Ott's/Madison, Inc. (WI).
(as) GI, Ltd. (DE).
(at) Gilbert/Robinson, Incorporated (DE).
(au) Gloucester New Communities Company, Inc. (NJ).
(av) GNCC Beckett Realty, Inc. (NJ).
(aw) Golding Industries, Inc. (SC).
(ax) GPC Marketing Company (DE).
(ay) Grace A-B Inc. (DE).
(az) Grace Communications, Inc. (DE).
(ba) Grace Consumer Products and Services (Europe), Inc. (DE).
(bb) Grace Corporation (DE).
(bc) Grace & Co. Central America (DE).
(bd) Grace de Gabon S.A. (DE).
(be) Grace Distribution Services, Inc. (DE).
(bf) Grace H-G, Inc. (DE).
(bg) Grace Industrial Chemicals, Inc. (DE).
(bh) Grace Natural Resources Corp. (DE).
(bi) Grace Oil Corporation (Canada) (DE).
(bj) Grace Oil Corporation (Italy) (DE).
(bk) Grace Ore & Mining Co. (DE).
(bl) Grace Oxo-Alcohols, Inc. (NJ).
(bm) Grace PAR Corporation (DE).
(bn) Grace Petrochemicals, Inc. (DE).
(bo) Grace Petroleum Corporation (DE).
(bp) Grace Petroleum China Incorporated (DE).
(bq) Grace Petroleum Libya Incorporated (DE).
(br) Grace REC Corp. (DE).
(bs) Grace Restaurant Company (CA).
(bt) Grace TEC Corporation (DE).
(bu) Gracoal, Inc. (DE).
(bv) Grappolo, Inc. (DE).
(bw) GraProp, Inc. (NY).
(bx) W. R. Grace Capital Corporation (NY).
(by) W. R. Grace Land Corporation (NY).
(bz) W. R. Grace Properties, Inc. (NY).
(ca) G/R Texas Enterprises, Inc. (TX).
(cb) G/R of Penn., Inc. (PA).
(cc) Hand Realty Corp. (TX).
(cd) Hand Realty Properties, Inc. (DE).
(ce) Handy Dan Hardware, Inc. (TX).

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(cf) Handy Dan Hardware, Inc.—Alabama (AL).

(cg) Handy Dan Hardware, Inc.—Denver (CO).

(ch) Handy Dan Hardware—Tulsa, Inc. (OK).

(ci) Handy Dan Home Improvement Centers, Inc.—Arkansas (AR).

(cj) Handy Dan Home Improvement Centers, Inc. (DE).

(ck) Handy Dan Home Improvement Centers, Inc.—Florida (FL).

(cl) Handy Dan Home Improvement Centers, Inc.—Iowa (IA).

(cm) Handy Dan Home Improvement Centers, Inc.—Kansas (KS).

(cn) Handy Dan Home Improvement Centers, Incorporated—Missouri (MO).

(co) Handy Dan Home Improvement Centers, Inc.—Nebraska (NE).

(cp) Handy Dan Realty Corp. (DE).

(cq) Handy Dan Hardware, Inc. (TX).

(cr) Hanover Square Corporation (DE).

(cs) Herman's of Illinois, Inc. (IL).

(ct) Homco International, Inc. (DE).

(cu) Houlihan's/Arizona, Inc. (AZ).

(cv) Houlihan's/Bergen County, Inc. (NJ).

(cw) Houlihan's/Boston, Inc. (MA).

(cx) Houlihan's/Cupertino, Inc. (CA).

(cy) Houlihan's/D.C., Inc. (DC).

(cz) Houlihan's/Encino, Inc. (CA).

(da) Houlihan's/Florida, Inc. (FL).

(db) Houlihan's Inc. (LA).

(dc) Houlihan's/Long Beach, Inc. (CA).

(dd) Houlihan's/Maryland, Inc. (MD).

(de) Houlihan's/Milwaukee, Inc. (WI).

(df) Houlihan's of California, Inc. (CA).

(dg) Houlihan's of Indianapolis, Inc. (IN).

(dh) Houlihan's/San Francisco, Inc. (CA).

(di) Intercontinental Advertising, Inc. (OH).

(dj) J. B. Robinson Jewelers, Incorporated (DE).

(dk) Jefferson 4740 Corporation (MO).

(dl) Joe Gilbert Restaurants, Inc. (MO).

(dm) jojos Restaurants, Inc. (CA).

(dn) jojos Restaurants of California, Inc. (CA).

(do) jojos Restaurants of Glendale, Inc. (CA).

(dp) jojos Restaurants of Indiana, Inc. (IN).

(dq) jojos Restaurants of Layton, Inc. (WI).

(dr) jojos Restaurant of Nevada, Inc. (NV).

(ds) jojos Restaurant of Wisconsin, Inc. (WI).

(dt) jojos Restaurant Inc. of Northridge (WI).

(du) K. C. Stadium Concessions, Inc. (MO).

(dv) Kinco, Inc. (TX).

(dw) Kinsel Industries, Inc. (TX).

(dx) Klein's Sporting Goods Co. (IL).

(dy) Lachman-Rose Company, Inc. (TX).

(dz) Leather Bottle No. 1, Inc. (MO).

(ea) Liquor Lounges, Inc. (MO).

(eb) LKS Enterprises, Inc. (CA).

(ec) May's Restaurants, Inc. (MO).

(ed) M-B Food Distribution Company, Inc. (CA).

(ee) Midwest Restaurants, Inc. (MO).

(ef) Minsur, Inc. (DE).

(eg) MSP Industries Corporation (DE).

(eh) New American Restaurant Corp. (DE).

(ei) NRG Eastern Coal Development, Inc. (DE).

(ej) Offshore Fisheries, Inc. (MA).

(ek) One Hundred West Corp. (MO).

(el) One Hundred West of St. Louis, Inc. (MO).

(em) Parker International Corporation (DE).

(en) Parker Industry Corporation (LA).

(eo) Penn 4743 Corp. (MO).

(ep) Petit IV, Ltd. (MO).

(eq) Plaza 3 Restaurants Corporation (MO).

(er) E. A. Polumbus, Jr. & Associates, Inc. (CO).

(es) Polumbus Division Signature Corporation (CO).

(et) Process Evaluation and Development Corporation (DE).

(eu) Process Evaluation and Technical Services Corporation (DE).

(ev) Red Steer, Inc. (MO).

(ew) Rent-It Inc. (TX).

(ex) Restaurant Supply, Inc. (MO).

(ey) Ridgewood Phosphate Corporation (DE).

(ez) Sam Wilson's/Kansas, Inc. (KS).

(fa) SEMC Dissolution Corp. (TX).

(fb) Scaffold Services, Inc. (TX).

(fc) S & B Supply Co. (CA).

(fd) S & H Beverage Co., Inc. (TX).

(fe) Support Terminal Services, Inc. (DE).

(ff) Seven Hanover Square Corp. (NY).

(fg) Sheplers, Inc. (KS).

(fh) Sourgasco II Corp. (DE).

(fi) Southern Oil, Resin & Fiberglass, Inc. (FL).

(fj) Southern Transmission Corporation (DE).

(fk) Standard TransPipe Corp. (DE).

(fl) Standard TransPipe (Virginia) Inc. (VA).

(fm) StanTrans, Inc. (DE).

(fn) Stopover Restaurants, Inc. (MO).

(fo) Thrift Builders Supply, Inc. (AZ).

(fp) TRG Drilling Corp. (DE).

(fq) Water Street Corporation (DE).

(fr) Woodward Chemicals Corporation (DE).

(fs) Woolwich Sewer Company, Inc. (NJ).

(ft) Woolwich Water Company, Inc. (NJ).

1. Parent Corporation: PCA International, Inc.—Incorporated in North Carolina, 801 Crestdale Avenue, Matthews, N.C. 28105.

2. Wholly-Owned Subsidiaries:

(i) PCA Japan, Ltd.—Incorporated in Japan, No. 25 Kowa Building, Sanbancho 8-7, Chiyoda-Ku, Tokyo, Japan.

(ii) PCA Photo Corporation of Canada, Ltd.—Incorporated in Canada, 2706 West Slough Street, Malton, Ontario, L4T1G3 Canada.

(iii) Photo Corporation of America—Incorporated in North Carolina, 801 Crestdale Avenue, Matthews, N.C. 28105.

(a) PCA National, Inc.—Incorporated in North Carolina, 801 Crestdale Avenue, Matthews, N.C. 28105.

(b) Tax Pro Services, Inc.—Incorporated in North Carolina, 801 Crestdale Avenue, Matthews, N.C. 28105.

1. Parent corporation: Riiser Oil Co., Inc., P.O. Box 246, 2009 W. Stewart Avenue, Wausau, WI 54401.

2. Subsidiary corporation: Riiser Transport, Inc., 2009 W. Stewart Avenue, Wausau, WI 54401.

State of incorporation: Wisconsin.

1. Parent corporation: Self Enterprises, Inc., 10315 Los Alamitos Boulevard, Los Alamitos, California 90720, A California corporation.

2. Wholly-owned subsidiaries: Self Refining Co., Inc. a.k.a. EkoTek, Inc., 1600 North 900 West, Salt Lake City, Utah 84116, A Utah corporation.

1. *Parent Company and Address of Principal Office:* Western Ventures, Inc., a Delaware Corporation, O'Hare Office Center, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

2. *Wholly-owned Companies Which Will Participate in the Operations, and State of Incorporation:*

(1) G. T. Motor Transport of Alabama, Inc., an Alabama corporation;

(2) GameTime, Inc., an Alabama corporation.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28699 Filed 10-1-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rules of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under

49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted probelms) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-270

Decided: September 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 531 (Sub-465), filed September 14, 1981. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd. P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant) (713) 748-0100. Transporting *commodities in bulk*, between points in the U.S.

MC 63390 (Sub-22), filed September 15, 1981. Applicant: CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, PA 19530. Representative: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312, (703) 750-1112. *Over regular routes*, transporting *passengers and their baggage*, in the same vehicle with passengers, (1) between Kutztown and Allentown, PA, over U.S. Hwy 222, (2) between Kutztown and Bethlehem, PA, from Kutztown over U.S. Hwy 222 to junction PA Hwy 309, then over PA Hwy 309 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction PA Hwy 378, then over PA Hwy 378 to Bethlehem, and return over the same route, and (3) between Philadelphia, PA, and Atlantic City, NJ, from Philadelphia over U.S. Hwy 76 to junction NJ Hwy 42, then over NJ Hwy 42 to the Atlantic City Expressway, then over the Atlantic City Expressway to Atlantic City, and return over the same route, serving all intermediate points and serving Philadelphia for purpose of joinder only with carrier's authorized regular routes between Allentown-Bethlehem and Philadelphia as authorized by Certificate in MC-63390 Sub-20, in connection with routes (1) through (3) above.

MC 88380 (Sub-43), filed September 15, 1981. Applicant: REB TRANSPORTATION, INC. 2400 Cold Springs Road, P.O. Box 4309, Fort Worth, TX 76106. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332-4415. Transporting *refractories and refractory products*, between the facilities of Harbison-Walker Refractories at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 110751 (Sub-3), filed September 14, 1981. Applicant: HOBGOOD TRANSPORT, INCORPORATED, P.O. Box 315, Wilmington, NC 28402. Representative: Neal A. Jackson, 1156 15th Street NW., Washington, DC 20005, (202) 223-6680. Transporting *petroleum, natural gas and their products*, between points in VA, on the one hand, and, on the other, points in NC. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance.

MC 115831 (Sub-20), filed September 17, 1981. Applicant: TIDEWATER TRANSIT CO., INC., P.O. Box 189, Kinston, NC 28501. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828-0731. Transporting *chemicals and related products*, between points in DE, GA, MD, NC, NJ, PA, SC, VA and WV.

Note.—To the extent that the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 126091 (Sub-15), filed September 10, 1981. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN 46173. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *metal products*, between Lake County, IL, on the one hand, and, on the other, points in the U.S.

MC 126091 (Sub-17), filed September 11, 1981. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (317) 846-6655. Transporting *metal products*, between points in Henry County, IN, on the one hand, and, on the other, points in IL, OH, KY, TN, MI, WV, WI, MO, KS, and MN.

MC 128031 (Sub-10), filed September 15, 1981. Applicant: GEORGE MCFARLAND d.b.a. MCFARLAND TRUCKING, P.O. Box 643, Austin, MN 55912. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402 (612)-333-1341. Transporting *metal products*, (1) between Minneapolis, MN, on the one hand, and, on the other, points in IA, MI, NE, ND, SD, WI, and points in IL on and north of U.S. Hwy 36; and (2) between Chicago, IL, on the one hand, and, on the other, points in IA, MI, MN, NE, ND, SD and WI.

MC 136540 (Sub-6), filed September 17, 1981. Applicant: REFINERS TRANSPORT SERVICE, INC., P.O. Box 742, Metairie, LA 70004. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205 (601) 948-5711. Transporting *general commodities* (except classes A and B explosives), between port cities in AL, FL, LA, MS, and TX, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN,

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KS, KY, LA, MS, MO, NE, NC, OH, OK, SC, TN, and TX.

MC 139021 (Sub-10), filed September 14, 1981. Applicant: INTERSTATE AUTO TRANSPORT; INC., P.O. Box 251, Michigan City, IN 46360. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204 (317) 635–2339. Transporting *motor vehicles*, between points in Wayne and Genessee Counties, MI, on the one hand, and, on the other, points in the U.S.

MC 141641 (Sub-17), filed September 10, 1981. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50396. Representative: Harold P. Simpsen, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S.

MC 143140 (Sub-6), filed September 16, 1981. Applicant: SYMOUR CHARTER BUS LINES, INC., Route #3, Maynardville, TN 37807. Representative: Lewis S. Witherspoon, Suite 100, 2455 North Star Rd., Columbus, OH 43221 (614) 244–2477. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, beginning and ending at points in Union, Jefferson, Blount, Anderson, Campbell, Claiborne, and Knox Counties, TN, and extending to those points in the U.S. in and west of MN, IA, MO, AR and LA.

MC 144591 (Sub-2), filed September 14, 1981. Applicant: H. P. LEASING, INC., 44 Chandler Drive, Somerset, MA 02726. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02042 (617) 749–6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Louis Hand, Division of Aberdeen Manufacturing Corp., of Fall River, MA; and (2) Acadia Co., Inc., of New York, NY.

MC 145191 (Sub-3), filed September 2, 1981. Applicant: O. E. PONDER d.b.a. PONDER FARM SUPPLY, P.O. Box 100, Bremen, AL 35033. Representative: James R. Knight, Griffin Bldg., Cullman, AL 35055 (205) 734–0453. Transporting *fertilizer*, between points in the U.S., under continuing contract(s) with Gold Kist, Inc., of Atlanta, GA.

MC 145240 (Sub-13), filed September 14, 1981. Applicant: L. D. BRINKMAN TRUCKING CORP., 520 N. Wildwood, Irving, TX 75060. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245 (214) 358–3341. Transporting *petroleum or coal products*, between points in the U.S., under continuing contract(s) with R. E. Dodson Oil Company, of Garland, TX.

MC 145481 (Sub-29), filed September 11, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Rd., Lebanon, IN 46052. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202 (303) 892–6700. Transporting *general commodities* (except classes A and B explosives), between the facilities used by W. R. Grace Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146730 (Sub-11), filed September 14, 1981. Applicant: L & W TRANSPORTATION, INC., Route 3, Box 214A, Sedalia, MO 65301. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101 (314) 635–4115, Transporting *lumber or wood products*, between points in AL, AZ, AR, CA, CO, GA, IL, ID, IN, IA, KS, KY, LA, MI, MS, MO, MT, NE, NY, NM, NC, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WI and WY.

MC 150281 (Sub-6), filed September 10, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Michigan Street, Topeka, IN 46571. Representative: Chandler L. van Orman, 1729 H Street, NW., Washington, D.C. 20006 (202) 337–6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Henry & Frick, Inc., of Dedham, MA.

MC 151471 (Sub-11), filed September 15, 1981. Applicant: STEINBECKER BROS., INC., P.O.Box 852, Greeley, CO 80632. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203, (303)–839–5856. Transporting (1) *food and related products*, between points in the U.S., under continuing contract(s) with Standard Liquor Corporation, of Wichita KS; and (2) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Delaware Valley Shippers' Association, Inc., of Bristol, PA.

MC 151981 (Sub-2), filed September 11, 1981. Applicant: JERRY L. ROBINETTE, d.b.a. JERRY L. ROBINETTE & SON TRUCKING, Route 1, Box 200–A, Whiteland, IN 46184. Representative: Robert W. Loser, II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Hoover Universal, Inc., of Georgetown, KY.

MC 153400, filed September 9, 1981. Applicant: C.S.I. TRUCKING, INC., 15430 58th Ave. North, Stillwater, MN 55082. Representative: Philip W. Getts, 10 South Fifth St., Suite 930, Minneapolis, MN 55401, (612)–339–7636. Transporting (1) *earth moving and construction equipment*, between points in CO, IA, KS, NM, MO, MT, ND, NE, MN, SD, WI and WY; and (2) *commodities in bulk*, between points in CO, IA, KS, MN, MO, MT, NE, ND, NM, SD, WI and WY.

MC 153721 (Sub-2), filed September 14, 1981. Applicant: RAF TRANSPORT, INC., R.R. 5, Seymour, IN 47274. Representative: Constance J. Goodwin, Suite 800, Circle Tower, Five East Market Street, Indianapolis, IN 46204, (317) 634–8133. Transporting (1) *animal and poultry feed supplements*, and (2) *chemicals and related products*, between points in Lake County, IL, and Marion County, IN, on the one hand, and, on the other, points in IL and IN.

Note.—To the extent that any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall expire 5 years from its date of issuance.

MC 154121 (Sub-16), filed September 15, 1981. Applicant: TRAILNER CORP., 5367 West 86th Street, Indianapolis, IN 46268. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *food and related products*, between the facilities used by Federated Industries, Inc., its subsidiaries, divisions, distributors, and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154331 (Sub-2), filed September 14, 1981. Applicant: BOB GALLANT TRUCKING, INC., 1935 Lombardy Drive, Rapid City, SD 57701. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709, (605) 342–7090. Transporting *beer and malt beverages*, between St. Louis, MO, on the one hand, and, on the other, points in Meade and Pennington Counties, SD.

MC 157020, filed September 14, 1981. Applicant: F & P CARTING, INC., P.O. Box 2344, Secaucus, NJ 07094. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *metal products and scrap metal*, between points in the U.S., under continuing contract(s) with North Brook Metals, Inc., of North Brook, IL.

MC 158170 (Sub-1), filed September 14, 1981. Applicant: RIEDEL INTERNATIONAL, INC., 4555 N. Channel Ave., Portland, OR 97208. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *waste materials and hazardous and toxic waste materials*, between points in the U.S. Condition: To the extent that the certificate in this proceeding authorizes the transportation of hazardous materials, it will expire 5 years from the date of issuance.

MC 158260, filed September 15, 1981. Applicant: R. WESLEY HOPKINS, d.b.a. HOPKINS TRUCKING, Rte. 12, RFD No. 1, Box 622, Plainfield, CT 06374. Representative: Hugh M. Joseloff, 410 Asylum St., Hartford, CT 06103 (203) 728–0700. Transporting *medical and cosmetic products*, between points in the U.S., under continuing contract(s) with National Patent Development Corp., Acme/Chaston Division, of Dayville, CT.

MC 158261, filed September 15, 1981. Applicant: EDNED TRANSPORTATION, INC., 38 Osborne Ave., Mt. Sinai, NY 11766. Representative: Edward William Sumpolec (same address as applicant), (516) 331–1077. Transporting *household goods*, between points in CT, DE, FL, GA, MA, ME, MD, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT and DC.

MC 158271, filed September 14, 1981. Applicant: HELEN HERTVIK VIP TOURS, 7620 Dresden Ave., Parma, OH 44129. Representative: Joseph Hertvik (same address as applicant), (216) 885–2939. As a *broker* of *passengers and their baggage*, between points in the U.S.

MC 158291, filed September 16, 1981. Applicant: NICHOLAS, INC., P.O. Box 1022, Rahway, NJ 07065. Representative: Herbert S. Zischkau, III, Suite 109, 7 Corporate Park Drive, White Plains, NY 10604, (914) 694–1414. Transporting (1) *commodities in bulk*, and (2) *petroleum products*, between points in MA, RI, CT, NY, PA, NJ, MD, DE, and DC, and points in Fairfax County, VA.

MC 158301, filed September 17, 1981. Applicant: ROAD RUNNER HOTSHOT SERVICE, INC., P.O. Box 1361, Glendive, MT 59330. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 252–4165. Transporting *machinery, equipment, tools and supplies* used in the refining of petroleum or natural gas, between those points in MT, in and east of Hill, Choteau, Fergus, Golden Valley, Yellowstone and Big Horn Counties, those in ND in and west of Bottineau, McHenry, Ward, McLean, Mercer, Oliver, Morton, Grant and Sioux Counties, and those in Sheridan, Big Horn, Washakie, Johnson, Campbell, Crook, Weston, Natrona, Converse and Niobrara Counties, WY.

Volume No. OPY–4–377

Decided: September 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 113567 (Sub-5), filed September 11, 1981. Applicant: LA CROSS AND WESTERN STAGES, INC., d.b.a. HIAWATHA COACHES, 2022 Oak St., La Crosse, WI 54601. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in WI, MN, IA, and IL, and extending to points in the U.S.

MC 127047 (Sub-48), filed September 11, 1981. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 265–2634. Transporting *mobile beverage dispensers*, between points in Sumner County, KS on the one hand, and, on the other points in the U.S.

MC 128097, (Sub-2), filed September 11, 1981. Applicant: LIZAK BUS SERVICE, INC., West Main Street, Warren, MA 01083. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at points in Hampden, Hampshire and Worcester Counties, MA and extending to points in the U.S.

MC 139587 (Sub-27), filed September 11, 1981. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 601, Carthage, MO 64836. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848–7946. Transporting *general commodities* (except classes A and B explosives), between the facilities of The Pillsbury Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 141367 (Sub-5), filed September 11, 1981. Applicant: PUBLIX TRANSPORT, INC., 11740 South LaPorte St., Worth, IL 60482. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *metal and metal products*, between points in IL, IN, MI, MN, IA, MO, NE, WI, OH, KS, OK, TX, AR, and TN.

MC 155017, filed September 11, 1981. Applicant: EVERETT C. FISHER d.b.a. FISHER DELIVERY COMPANY, Route 1, Box 158A, Hardy, VA 24101. Representative: Everett C. Fisher (same address as applicant), (703) 890–5020. Transporting *general commodities* between points in VA, on the one hand, and, on the other, points in GA, SC, NC, TN, WV, OH, PA, NY, NJ, and MD.

Volume No. OPY–4–381

Decided: September 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 126427 (Sub-16), filed September 14, 1981. Applicant: L. P. TRANSPORTATION, INC., Cross and Main Sts., Chester, NY 10918. Representative: John L. Alfano, 550 Manaroneck Ave., Harrison, NY 10528 (914) 835–4411. Transporting *commodities in bulk*, between points in CT, DE, ME, MA, MD, NJ, NH, NY, PA, RI, TN, VT, VA, and DC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of liquified petroleum gas it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 148987 (Sub-3), filed September 14, 1981. Applicant: W. C. CARRIERS, INC., 5229 N.W. 5th St. P.O. Box 519, Bethany, OK 73008. Representative: Ray K. Babb, Jr., 100 Classen Dr., Suite 221 Oklahoma City, OK 73103 (405) 521–0767. Transporting *plastic pails*, between points in OK, on the one hand, and, on the other, those points west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 149497 (Sub-15), filed September 10, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant) (715) 359–2907. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Jessco Incorporated, of Dowagiac, MI.

MC 150207, filed September 9, 1981. Applicant: WILLIAM FRANK SUMSTINE, 241 Youngs Lane, Roseburg, OR 97470. Representative: William Frank Sumstine (same address as applicant) (503) 672–2932. Transporting *automobiles* in driveaway service, between the facilities of Ford Motor Dealers in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150817 (Sub-2), filed September 14, 1981. Applicant: HOFFMAN &

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DAVIS, Route 6, Box 69, Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740 (301) 739-4860. Transporting *food and related products*, between points in Garrett County, MD, on the one hand, and, on the other, points in NJ, NY, PA, and DE.

MC 153557 (Sub-4), filed September 15, 1981. Applicant: MOTOR INDUSTRIES, INC., 1203 Audubon Parkway, Louisville, KY 40213. Representative: William L. Willis, Suite 708 McClure Bldg. Frankfort, KY 40601 (502) 227-7384. Transporting *general commodities* (except classes A and B explosives), between points in Jefferson County, KY, on the one hand, and, on the other, points in Allen, Barren, Logan, Simpson, and Warren Counties, KY.

MC 154667 (Sub-3), filed September 14, 1981. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr. (same address as applicant) (919) 228-2239. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with CIBA-GEIGY Corporation, of Ardsley, NY.

MC 155337, filed August 11, 1981, previously noticed in the **Federal Register** issue of August 28, 1981, and republished this issue. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Dr., Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant) (404) 928-0322. Transporting (1) *food and related products*, (2) *chemicals and related products*, (3) *printed matter*, (4) *alcholic beverages*, and (5) *rubber and plastic products*, between points in TN and GA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly state the territorial description.

MC 156987 (Sub-1), filed September 15, 1981. Applicant: T.R.T. SERVICE CORPORATION, Bldg. #9, 1 Jacobus Ave., South Kearny, NJ 07032. Representative: Thomas F. X. Foley, P.O. Box F, Colts Neck, NJ 07722 (201) 780-0300. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, CT, DE, FL, GA, IA, IL, IN, KY, LA, MA, MD, MO, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV, and DC.

Volume No. OPY-4-383

Decided: September 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 79687 (Sub-40), filed September 17, 1981. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Rd., Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471-1800. Transporting *building materials*, between points in Morgan County, OH, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, KS, AR, LA.

MC 124887 (Sub-135), filed September 18, 1981. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202 (904) 632-2300. Transporting *building and construction materials*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 128007 (Sub-169), filed September 16, 1981. Applicant: HOFER, INC., 20th and 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601 (913) 234-0565. Transporting *metal products and waste or scrap materials*, between points in the U.S., under continuing contract(s) with Metal Trading Services of Colorado, of Evergreen, CO.

MC 138197 (Sub-5), filed September 16, 1981. Applicant: L. SURRATT TRUCKING, INC., 7900 Old Rockside Rd., Cleveland, OH 44131. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215 (614) 224-3161. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Forest City Dillon Precast Systems, Inc., of Cuyahoga Falls, OH.

MC 139687 (Sub-8), filed September 11, 1981. Applicant: WAGONER TRANSPORTATION COMPANY, INC., P.O. Box 2975, South Bend, IN 46680. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048 (212) 466-0220. Transporting *such commodities* as are dealt in or used by food stores, restaurants, institutions, and fund raising organizations, between points in the U.S., under continuing contract(s) with Mrs. Clarks Foods, of Norwalk, IA, Clark Products, of Norwalk, IA, Nationwide Fund Raisers, Inc., of Tucker, GA, and Sar-A-Lee, Inc., of Cleveland, OH.

MC 142847 (Sub-3), filed September 17, 1981. Applicant: LESLIE OAKLEY and BARRY D. OAKLEY, d.b.a. OAKLEY BROTHERS TRUCKING, P.O.B. 338, Fairfield, MT 59436. Representative: William E. Seliski, 2 Commerce St. POB 8255, Missoula, MT 59807 (406) 543-8369. Transporting *such commodities as are dealt in or used by lumber yards and farm supply stores*, between points in ID, MT, OR, WA, CA and AZ on the one hand, and, on the other, points in AZ, CA, CO, IL, IA, KS, MN, NE, ND, SD, UT, WI, and WY.

MC 144907 (Sub-4), filed September 15, 1981. Applicant: WILSON'S MILK HAULING, INC., 4971 Pleasant Ave., Hamilton, OH 45014. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212 (614) 481-8821. Transporting *fertilizer and fertilizer materials*, between points in IN, KY, OH and the Lower Peninsula of MI.

MC 147047 (Sub-5), filed September 16, 1981. Applicant: CAPITAL WIRE & CABLE CORPORATION d.b.a. CWC TRUCKING COMPANY, 910 10th St., Plano, TX 75074. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062 (214) 255-6279. Transporting *such commodities as are dealt in by manufacturers or distributors of floor coverings*, between points in AR, CA, GA, MO, NJ, NY, PA, TN, TX, and UT, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, KS, LA, MO, NE, NV, NM, OK, TX, UT, and WY.

MC 147877 (Sub-1), filed September 17, 1981. Applicant: SANFORD M. HEDRICK d.b.a. HEDRICK TRUCKING CO., P.O. Box 769, Darlington, SC 29532. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687 (803) 244-9314. Transporting *general commodities* (except classes A and B explosives), between the facilities of American Can Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148387 (Sub-7), filed September 15, 1981. Applicant: S.M.P., INC., 166 Stigreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435-7140. Transporting *general commodities* (except classes A and B explosives), between the facilities of McWane, Inc., and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152187 (Sub-4), filed September 16, 1981. Applicant: GORDON TRUCKING, INC., 2205 Pacific Hwy E., Tacoma, WA 98424. Representative: Kenneth R. Mitchell 2317 Milwaukee, Wy, Tacoma, WA 98421 (206) 922-5822. Transporting *chemicals and related products*, between points in AZ, CA, ID, MT, NV, OR, UT, WA, and WY, on the one hand, and on the other, points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY.

MC 152657 (Sub-1), filed September 18, 1981. Applicant: ERIE EXPRESS COMPANY, 690 Nickel Plate Dr., Cleveland, OH 44115. Representative: Lewis S. Witherspoon, Suite 100, 2455 N. Star Rd., Columbus, OH 43221 (614) 486–0448. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Litton UHS Automove Systems, of Cleveland, OH

MC 154867 (Sub-4), filed September 15, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Dr., Randolph, WI 53956. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *food and related products* between points in WI, on the one hand, and, on the other, points in the U.S.

MC 155757, filed September 17, 1981. Applicant: PIEDMONT CAROLINA TRANSPORTATION, INC., P.O. Box 187, Randleman, NC 27317. Representative: Steven E. Davis (Same address as applicant), (919) 434–4346. Transporting *furniture and fixtures,* between points in Guilford and Randolph Counties, NC, on the one hand, and, on the other, points in FL and TX.

MC 156327 (Sub-2), filed September 14, 1981. Applicant: TRUCK ONE, INC., P.O. Box 49, Newcomerstown, OH 43832. Representative: A. Charles Tell, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in Madison and Will Counties, IL, Columbia County, AR, Jefferson County and St. Louis, MO, New London County, CT, Middlesex County, NJ, Whitfield County, GA, Hancock, Licking, Lawrence and Hamilton Counties, OH, on the one hand, and, on the other, points in the U.S. in and east of MT, WY, CO, and NM.

MC 157517, filed September 16, 1981. Applicant: WESTRUCK, INC., 1714 Pontiac Rd., Fairview Heights, IL 62208. Representative: Emery Waters (Same address as applicant) (618) 398–2144. Transporting *meats, meat products, meat byproducts,* and *articles distributed by meat-packing houses,* as described in Sections A, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between St. Louis, MO, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IA, IN, KY, MI, MS, MN, MO, NC, OH, OK, SC, TN, and WI.

MC 157607, filed September 14, 1981. Applicant: MILES K. BROWN d.b.a. BROWN'S LODGING AND LIMOUSINE SERVICE, 525 Armour Blvd., P.O. Box 19614, Kansas City, MO 64141. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *railroad train and engine crews and their baggage,* in limousines of not more than ten passengers not including the driver, between points in the U.S., under continuing contract(s) with Missouri-Kansas-Texas Railroad Company, of Parsons, KS.

MC 158067, filed September 14, 1981. Applicant: BEST DELIVERY SERVICE, INC., 500 North D Street, Post Office Box 6263, San Bernardino, CA 92412–6263. Representative: Welebir & Brunick, Cynthia Ludvigsen, 1839 Commercenter West, Post Office Box 6425, San Bernardino, CA 92412–6425. Transporting *printed greeting cards, gift wrap and such commodities as are dealt in by card and gift shops,* between points in CA, under continuing contract(s) with Hallmark Cards, Inc., of Liberty, MO.

MC 157747, filed September 10, 1981. Applicant: CASTAN TRUCKING, INC., 4524 S. 280th, Auburn, WA 98002. Representative: Kenneth R. Mitchell, 2317 Milwaukee Way, Tacoma, WA 98002 (206) 922–5822. Transporting *general commodities* (except classes A and B explosives), between points in CA, ID, MT, NV, OR, and WA.

MC 158237, filed September 8, 1981. Applicant: OATEY CO., 4700 W. 160th St., Cleveland, OH 44135. Representative: Tom Roche (same address as applicant) (216) 267–7100. Transporting *ground limestone, ground barytes, and ground clay,* between points in the U.S. continuing contract(s) with Thompson, Weinman, and Company, of Cartersville, GA, and Dar-Tech, Inc., of Cleveland, OH.

MC 158267, filed September 14, 1981. Applicant: GENERAL TRANSPORT SYSTEMS, LTD., 3540 So. Lawrence St., Philadelphia, PA 19148. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Amoroso's Baking Company, (2) Cramco, Inc., (3) F. W. Wollworth Co., (4) Gallagher's Warehouses, Inc., (5) Rozenco Coffee Co., Inc., (6) Sunmark Industries, a division of Sun Oil Co., of PA, (7) Waverly Company, all of Philadelphia, PA, (8) Fi-Con Corporation, of Burlington, NJ, (9) Stokes of Vincentown, of Vincentown, NJ, and (10) Pantry Pride Super Markets, of Miami, FL.

Volume No. OPY-4-385

Decided: September 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 99746 (Sub-4), September 18, 1981. Applicant: JEFFERSON TRUCK LINE, INC., 725 Girod St., New Orleans, LA 70130. Representative: J. G. Dail, Jr., P. O. Box 11, McLean, VA 22101, (703) 893–3050. Transporting *metal products,* between points in Bay County, FL, on the one hand, and, on the other, points in the U.S.

MC 143286 (Sub-4), filed September 18, 1981. Applicant: RAYMOND R. WITTROCK, INC., 14610 Woodstock, Waverly, NE 68462. Representative: Bradford E. Kistler, P. O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *machinery,* between points in the U.S., under continuing contract(s) with Manlift, Inc., of Selma, CA.

MC 143956 (Sub-30), filed September 18, 1981. Applicant: GARDNER TRUCKING CO., INC., P. O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, 3400 Peachtree Rd., N.E., Suite 1631, Atlanta, GA 30326, (404) 233–0001. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hamilton Enterprises, of San Jose, CA.

MC 150086 (Sub-3), filed September 16, 1981. Applicant: WADE TRUCK LINES, INC., Box 156, Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *such commodities* as are dealt in or used by grocery or department stores, between points in the U.S., under continuing contract(s) with Purex Corp., of St. Louis, MO.

MC 151666 (Sub-4), filed September 16, 1981. Applicant: BARR FREIGHT SYSTEM, INC., 4109 W. 52nd Pl., Chicago, IL 60632. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with LTL Shippers Association, of Los Angeles, CA.

MC 154766 (Sub-1), filed September 14, 1981. Applicant: JOHN A. VERIHA, d.b.a. PAPER RECLAIM, Route 1, Boc 271A, Porterfield, WI 54159. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting (1) *such commodities* as are dealt in or used by a manufacturer or distributor of fire protection products, between points in the U.S., under continuing contract(s) with The Ansul Company, of Marinette, WI, and (2) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Tufco Industries, Inc., of Green Bay, WI.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28702 Filed 10-1-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-271

Decided: September 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating in part.)

MC 126661 (Sub-4), filed September 11, 1981. Applicant: FREHNER TRUCKING SERVICE, INC., 124 West Brooks, North Las Vegas, NV 89030. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882-5649. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-3-179

Decided: September 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 153275, filed September 21, 1981. Applicant: RICK BROWN, d.b.a. BROWN BROS., Route 1, Rippey, IA 50235. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158324, filed September 18, 1981. Applicant: BILL WILLIQUETTE, 1206 Sunrise St., Kelso, WA 98626. Representative: (same as applicant), (206) 425-8469. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-4-378

Decided: September 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 158207, filed September 11, 1981. Applicant: MAASS TRANSPORTATION CO., INC., 5616 Snowdrop Ln., Lisle, IL 60532. Representative: Wilfred Maass (same address as applicant), (312) 971-0200. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-4-382

Decided: September 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 158227, filed September 14, 1981. Applicant: TRANSPORTATION ENTERPRISES, INC., 531 N. Portland Ave., Oklahoma City, OK 73147. Representative: Michael H. Lennox (same address as applicant), (405) 943-2772. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY-4-384

Decided: September 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 121457 (Sub-5), filed September 17, 1981. Applicant: MERCURY TRANSPORTATION, INC., 8502 Miller Rd. No. 3, Houston, TX 77049. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701, (601) 335-3576. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 158247, filed September 15, 1981. Applicant: NORMAN NUTTER TRUCKING CO., P.O. Box 106, Deerfield, NH 03037. Representative:

Norman Nutter (same address as applicant), (603) 463-7007. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158317, filed September 15, 1981. Applicant: COURIER DISPATCH, INC., P.O. Box 1096, Minneapolis, MN 55440. Representative: Richard L. Gill, 1805 American Nat'l Bank Bldg., St. Paul, MN 55101, (612) 224-9454. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY-4-386

Decided: September 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 158286 (Sub-1), filed September 17, 1981. Applicant: M. T. TRUCK LINES, INC., 111 W. Washington St., Chicago, IL 60602. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236-5944. Transporting *general commodities* (except classes A and B explosives), between Oconee, Vernon, Shoboneir, and Fairman, IL, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor common carrier for abandoned rail service.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28701 Filed 10-1-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 415]

Railroad Cost of Capital—1981

AGENCY: Interstate Commerce Commission.

ACTION: Extension of Time to File Statements.

SUMMARY: In the Federal Register of August 27, 1981 (46 FR 43320), the due date for opening statements of railroads was October 5, 1981. Statements of other interested parties were due 25 days thereafter and rebuttal statements were due 15 days later. The due dates for the opening railroad statements are extended to October 23, 1981 to allow the Association of American Railroads to compile data on non-railroad debt obligations of diversified railroad companies.

DATES: Statements of railroads due October 23, 1981. Statements of other interested parties are due November 17, 1981, and rebuttal statements by the railroads are due December 2, 1981.

ADDRESSES: Send the original and 15 copies of statements to: Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

Dated: September 29, 1981.

By the Commission, Charles L. Clapp, Acting Chairman.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28700 Filed 10-1-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Consent Decree To Enforce Compliance With Terms of a National Pollutant Discharge Elimination System Permit

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree to enforce the terms of a National Pollutant Discharge Elimination System permit, in *United States* v. *City of Sandpoint, Idaho, et al.*, Civil No. 78-2095 has been lodged with the United States District Court for the District of Idaho. The decree imposes on defendant City of Sandpoint certain requirements and compliance dates with respect to the operation of its municipal sewage treatment plant.

The Department of Justice will recieve for a period of thirty (30) days from the date of this notice, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *City of Sandpoint, Idaho, et al.*, D. J. Ref. 90-5-1-1-1114.

The proposed order may be examined at the office of the United States Attorney, District of Idaho, Room 693, Federal Building, 550 W. Fort Street, Boise, Idaho 83724, at the Region X office of the Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington, 98101, and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1252, Ninth Street and Pennsylvania Avenue, N.W. Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. There is a copying charge of $2.80 reflecting a rate of $.10 per page for the 28 page decree and attachment. Checks should be made payable to the Treasurer of the United States.

Anthony C. Liotta,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-28781 Filed 10-1-81; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Volunteer Specialty Company, Inc.*, Civil Action No. 80-2068, has been lodged with the United States District Court for the Western District of Pennsylvania. The proposed consent decree would require Volunteer Specialty to cease use of its conical (wigwam) woodwaste burner at its facility at Sparta, Tennessee, for the incineration of woodwaste or other materials and to pay a civil penalty for alleged prior violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.*

The Department of Justice will receive, for thirty (30) days from the date of publication of this notice, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and refer to *United States* v. *Volunteer Specialty Company, Inc.*, D.J. Ref. 90-5-2-1-211.

The proposed consent decree may be examined at the office of the United States Attorney, United States Courthouse Room 879, 801 Broadway, Nashville, Tennessee 37203; at the Region IV office of the United States Environmental Protection Agency, Enforcement Division, 345 Courtland Street, NE, Atlanta, Georgia 30308; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, Tenth and Pennsylvania Avenue, NW, Washington, D.C. 20530. A copy of the porposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section,

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Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-[illegible] Filed 10-1-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period September 21-25, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-12,293; Damon Creations, Inc., North Bergen, NJ

TA-W-11,223; Hobart Corp., Dayton Scale Div., Dayton, OH

TA-W-12,596; Gates & Fox Co., Inc., Naturita, CO

TA-W-12,282; Washington Shake Mill, Kelso, WA

TA-W-11,097; Rochester Gear, Inc., Rochester, MI

TA-W-12,085; Emenee Mfg. Corp., Catawissa, PA

TA-W-12,323; Hauser Engineering Corp., Minneapolis, MN

TA-W-11,144: Towmotor Corp., Mentor, OH

TA-W-10,411 & 10,412; Standard Alliance Industries, Inc., Transue & Williams Div., Forging Plant, Alliance, OH

TA-W-10,496; Bristol Brass Co., Div. of Bristol Industries, Corp., Bristol, CT

TA-W-11,615; Little Frocks, Inc., Little Falls, NY

TA-W-11,365; Dunn Steel Products, Plymouth, MI

TA-W-11,094; Paul Murphy Plastics Co., Roseville, MI

TA-W-11,559; Creative Foam Corp., Fenton, MI

TA-W-10,715; Acme Chain, Div. of Incom International, Inc., Holyoke, MA

TA-W-10,175; Simco Leather Corp., Johnstown, NY

TA-W-11,849 & 12,193; Sealed Power Corp., Sanford Street & Harvey Street Plants, Muskegon, MI and Rochester Sleeve Div., Rochester, IN

TA-W-11,692; Armco, Inc., Ashland Works, Ashland, KY

TA-W-11,318; Valcraft Div., Valeron Corp., East Tawas, MI

TA-W-9362, 9363, & 9364; McLouth Steel Corp., Trenton, MI, Gibraltar, MI, and Detroit, MI

TA-W-9979; Flamingo Fashions, Inc., Hialeah, FL.

In each of the following cases the investigation revealed that critierion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,993; Armour Handcrafts, Bucilla Div., Long Island City, NY

TA-W-12,653; Multi-phase Finishing Co., Warren, MI

TA-W-12,152; Kaijay Pants Co., Inc., Nesquehoning, PA

TA-W-12,837; National Steel Corp., Great Lakes Steel Div., Ecorse, MI

TA-W-12,358; Chrysler Corp., Trenton Engine Plant, Trenton, MI

TA-W-11,888; RCA Corp., Distributor and Special Products, Div., Deptford, NJ

TA-W-11,084; The Carborundum Co., Electro Minerals Div., Niagara Falls, NY

TA-W-12,360; D. Seidmann's and Sons, Inc., Philadelphia, PA

In each of the following cases the investigation revealed that criterion (3) has not been met for the reason(s) specified.

TA-W-12,140; AJD Cap Corp., Richmond, VA

Aggreate U.S. imports of men's caps did not increase as required for certification.

TA-W-11,145; Alco Metal Stamping Corp., Alco Butler Corp., Brooklyn, NY

Aggregate U.S. imports of handbag frames are negligible.

TA-W-10,701; Fownes Brothers and Co., Inc., Amsterdam and Gloversville, NY

Aggregate U.S. imports of dress gloves did not increase as required for certification.

TA-W-10,366; Strawsine Mfg., Co., Corunna, MI

Aggregate U.S. imports of ventilation equipment are negligible.

In each of the following cases the investigation revealed that the firm does not produce an article within the meaning of Section 222(3) of the Act.

TA-W-12,216; Lynch Chevrolet, Inc., Waukesha, WI

TA-W-12,762; Courtesy Auto Sales, Inc., Wilmington, DE

In the following case the investigation revealed that criterion (2) has not been met with respect to stainless steel pipe, tubing and fittings. With respect to fabricated steel platewalk, U.S. imports are negligible.

TA-W-12,679; Felker Brothers Corp., Marshfield, WI

Affirmative Determinations

TA-W-12,207; Sagninaw Shingle Co., Aberdeen, WA

A certification was issued covering all workers of the firm separated on or after January 23, 1980.

TA-W-10,427; Leo Paley, Inc., New York, NY

A certification was issued covering all workers of the firm separated on or after August 11, 1979.

TA-W-11,531; S.W. Evans and Sons, Philadelphia, PA

A certification was issued covering all workers of the firm separated on or after October 22, 1979.

TA-W-11,607, 11,607A, & 11,608; Garon's Knitting Mills, Inc., East Michigan Street, Duluth, MN, West First Street, Duluth, MN, and North 30th Ave., Duluth, MN

A certification was issued covering all workers of the firm's plants separated on or after October 27, 1979.

TA-W-12,025; Post Shake Co., Inc., Montesano, WA

A certification was issued covering all workers of the firm separated on or after December 26, 1979.

TA-W-12,109; Pacific Northwest Cedar Products, Inc., Forks, WA

A certification was issued covering all workers of the firm separated on or after December 31, 1979.

TA-W-11,772; Jones Shake and Logging Co., Rockport, WA

A certification was issued covering all workers of the firm engaged in the production of red cedar shakes separated on or after November 4, 1979. The investigation further revealed that with respect to workers producing softwood logs, criterion (3) has not been met. U.S. imports of softwood logs are negligible.

I hereby certify that the aforementioned determinations were isued during the period September 21–25, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, Employment and Training Administration, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 28, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–28799 Filed 10–1–81; 8:45 am]

BILLING CODE 4510-28-M

[TA–W–9544]

Industrial Fasteners Department, Bethlehem Steel Corporation, Vernon, Calif.; Affirmative Determination Regarding Application for Reconsideration

On June 12, 1981, the union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for former workers of the Industrial Fasteners Department of Bethlehem Steel's plant in Vernon, California. The determination was published in the **Federal Register** on May 22, 1981 (46 FR 28049).

The application for reconsideration claimed that the Industrial Fasteners Department at Bethlehem Steel's Corporation plant in Vernon, California shut down because of increased import purchases by its customers.

Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 21st day of September 1981.

Robert A. Schaerfl,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81–28800 Filed 10–1–81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are indentified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act and 29 CFR 90.12

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with article produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 28th day of September 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers of:)	Location	Date received	Date of petition	Petition number	Articles produced
Allied Chemical Co. (USWA)	Buffalo, N.Y	9/21/81	9/11/81	TA-W-12,996	Acid—sulphuric.
Allied Products Corp., South Bend Stamping Div. (UAW)	So. Bend, Ind	9/21/81	9/16/81	TA-W-12,997	Stampings—automotive.
Arno Moccasin Co. (UFLW)	Lewiston, Maine	9/21/81	9/16/81	TA-W-12,998	Footwear—men, women, & children.
ASARCO, Inc. (workers)	Casa Grande, Ariz	9/21/81	9/15/81	TA-W-12,999	Copper—mined, cleaned & refined.
Hefty Tractor Co., Inc. (workers)	Juneau, Wis	9/21/81	9/15/81	TA-W-13,000	Tractors—agricultural & nursery.
Lee Tire & Rubber Co. (URW)	Conshohocken, Pa	9/22/81	9/15/81	TA-W-13,001	Tires—bias-ply autos & trucks.
Malden Mills, Inc. (workers)	Lawrence, Mass	9/21/81	9/16/81	TA-W-13,002	Fabrics—high pile.
Schwartz Industries, Inc. (company)	Warren, Mich	9/21/81	9/16/81	TA-W-13,003	Parts—automotive prototype.
Matex Knitting Mill, Inc. (workers)	Spartanburg, S.C	9/18/81	9/14/81	TA-W-13,004	Fabrics—double knit.
Montgomery Traps, Inc. (workers)	Mahaffey, Pa	9/21/81	9/17/81	TA-W-13,005	Traps—animal steel.
WilWin Cedar Products, Inc. (workers)	Port Angeles, Wash	9/22/81	9/16/81	TA-W-13,006	Shakes, shingles—cedar.
Coos Head Timber Company, Bunker Hill Sawmill (International Woodworkers of America).	Coos Bay, Oreg	9/23/81	9/14/81	TA-W-13,007	Lumber.
Dee Sportswear, Inc. (ILGWU)	Newark, N.J	9/22/81	9/12/81	TA-W-13,008	Rainwear—women's.
Kokanee Cedar Sales, Inc. (workers)	Bonners Ferry, Idaho	9/23/81	9/15/81	TA-W-13,009	Shakes—western red cedar; lumber—western red cedar.
Lloyd Tool & Manufacturing Corp. (workers)	Burton, Mich	9/23/81	9/21/81	TA-W-13,010	Machines and fixtures.
National Packing Company (workers)	Ponce, P.R.	9/24/81	9/18/81	TA-W-13,011	Tuna—cannery.
Uniforms By Ostwald, Inc. (workers)	Staten Island, N.Y.	9/25/81	9/21/81	TA-W-13,012	Uniforms—school.

[FR Doc. 81–28797 Filed 10–1–81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13 the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 13, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C., this 21st day of September 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers of:)	Location	Date received	Date of petition	Petition number	Articles produced
Beaver Metal, Forest Products Div. (workers)	Beaver, Wash	9/14/81	9/5/81	TA-W-12,974	Shakes and shingles—cedar.
Beaverton Plastics, Inc. (workers)	Clare, Mich	9/16/81	9/4/81	TA-W-12,975	Sheet, plastic extruded.
Felix Play Time, Inc. (workers)	New York, N.Y	[illegible]	9/3/81	TA-W-12,976	Apparel—children's.
Grand Ford, Inc. (company)	Bronx, N.Y	9/16/81	9/1/81	TA-W-12,977	Dealership—autos, trucks, service.
ITT Corp., United Plastics Div. (workers)	Madison Heights, Mich	9/16/81	9/9/81	TA-W-12,978	Auto parts—plastic.
Munsingwear, Inc. (ACTWU)	Minneapolis, Minn	9/16/81	9/8/81	TA-W-12,979	Fabrics—make, cut, dye.
Oomphies, Inc. (company)	Lowell, Mass	9/15/81	9'3/81	TA-W-12,980	Footwear—slippers, casual, women.
Ray-O-Vac Corp. (IBEW)	South Williamsport, Pa	9/11/81	9/25/81	TA-W-12,981	Batteries—carbon pencil.
Singer Co., Controls Div. (AIW)	Wauwatosa, Wis	9/14/81	9/8/81	TA-W-12,982	Valve—compressor, relief.
Stride Rite Footwear, Inc. (workers)	Lawrence, Mass	9/14/81	9/8/81	TA-W-12,983	Shoes—children's.
Tobin-Hamilton Co., Inc. (ACTWU)	Mansfield, Mo	9/15/81	9/2/81	TA-W-12,984	Shoes—children's.
Tracey Fashions, Inc. (ILGWU)	Chambersburg, Pa	9/11/81	[illegible]	TA-W-12,985	Knitwear, dresses—ladies'.
Grand Transformers (workers)	Coloma, Mich	9/11/81	9/7/81	TA-W-12,986	Transformers.
Tru-Balance Corsets, Inc. (workers)	New York, N.Y	8/28/81	8/25/81	TA-W-12,987	Brassieres.
Uniroyal, Inc. (URW)	Eau Claire, Wis	9/14/81	9/11/81	TA-W-12,988	Tires—passenger, trucks, G.O.T.R. and Giant off the road.
Westminster Knit (ILGWU)	Westminster, Md	9/11/81	9/8/81	TA-W-12,989	Knitwear, dresses—ladies'.
Wharram Manufacturing, Inc. (workers)	Flint, Mich	9/10/81	9/26/81	TA-W-12,990	Parts—auto and truck.
Wirtz Manufacturing Co (workers)	Port Huron, Mich	9/15/81	[illegible]	TA-W-12,991	Machines that produce batteries parts—molded.
York Dress Company (ILGWU)	York, Pa	9/11/81	9/8/81	TA-W-12,992	Knitwear, dresses—ladies'.
Allis Chalmers, Tractor Div. (workers)	West Allis, Wis	9/16/81	9/8/81	TA-W-12,993	Tractors and parts.
Anamax Mining Co. (USWA)	Sahuarita, Ariz	9/17/81	9/14/81	TA-W-12,994	Copper—mine.
Cyprus Metallurgical Process Corp. (USWA)	Tucson, Ariz	9/17/81	9/14/81	TA-W-12,995	Research—copper.

[FR Doc. 81-28798 Filed 10-1-81; 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Meetings

Pursuant to section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, two meetings of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Tuesday, October 20, 1981, in Room N-3437D, U.S. Department of Labor, Third and Constitution Avenue, NW, Washington, D.C.

The purpose of the first meeting, which will begin at 9:30 a.m., is to discuss the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Department of Labor Progress Report,
2. Council Work Group Reports: Reporting, Disclosure and Recordkeeping/Communications—Joint Report; Communications,
3. Statements from the Public.

The purpose of the second meeting, which will begin at 1:30 p.m., is to discuss the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Council Work Group Reports: Prohibited Transactions, and Collective Bargaining.
2. Statements from the Public.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA, by submitting 30 copies on or before October 19, 1981, to the Administrator, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room S-4522, Third and Constitution Avenue, N.W., Washington, D.C. 20216.

Persons desiring to address the Council should notify Edward F. Lysczek, Executive Secretary of the Advisory Council, in care of the above address or by calling (202) 523-8753.

Signed at Washington, D.C., this 28th day of September 1981.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs.

[FR Doc. 81-28761 Filed 10-1-81; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by November 2, 1981. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the 7 June 1979 **Federal Register**. Additional information was published in the 13 August 1981 **Federal Register**, page 40951.

The application received is:

1. *Applicants*

Robert W. Risebrough and Alan M. Springer, Bodega Marine Laboratory, University of California, Bodega Bay, California 94923.

2. *Activities for Which Permit Requested*

	Number
a. Taking:	
Pygoscelis adeliae	30
P. antarctica	[illegible]
Oceanites oceanicus (Wilson's Storm Petrel)	20
Daption capensis	[illegible]
Fulmarus glacialoides	10

b. Import into U.S.A.

c. Enter Specially Protected Area (Litchfield Island).

The applicants are conducting a study of the distribution of hydrocarbons in food webs that are dependent upon krill. The specimens are needed for chemical analysis of hydrocarbons in the higher trophic levels of these food webs. The Wilson's Storm Petrels are not consumers of krill, but are required to obtain comparative data.

3. *Location*

Antarctic Peninsula

4. *Dates*

December 1, 1981 to March 31, 1982

Authority to publish this notice has been delegated by the Director, NSF to the Director, Division of Polar Programs.

Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 81-28806 Filed 10-1-81; 8:45 am]

BILLING CODE 7555-01-M

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under Antarctic Conservation Act of 1978, Pub. L. 95-541

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by November 2, 1981. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and disignation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interests. The regulations appeared in final form in the June 7, 1979 **Federal Register**. Additional information was published in the August 13, 1981 **Federal Register**, page 40951.

The application recieved is:

1. *Applicants:* Robert W. Risebrough and Alan M. Springer, Bodega Marine Laboratory, University of California, Bodega Bay, California 94923.

2. *Activities for Which Permit Requested:*

a. *Taking:*

Pygoscelis adeliae	[illegible]
P. antarctica	[illegible]
Oceanites oceanicus (Wilson's Storm Petrel)	[illegible]
Daption capensis	10
Fulmarus glacialoides	10

b. Import into U.S.A.

c. Enter Specially Protected Area (Litchfield Island).

The applicants are conducting a study off the distribution of hydrocarbons in food webs that are dependent upon krill. The specimens are needed for chemical analysis of hydrocarbons in the higher trophic levels of these food webs. The Wilson's Storm Petrels are not consumers of krill, but are required to obtain comparative data.

3. *Location:* Antarctic Peninsula.

4. *Dates:* December 1, 1981 to March 31, 1982.

Authority to publish this notice has been delegated by the Director, NSF To The Director, Division of Poloar Programs.

Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 81-28778 Filed 10-1-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-295]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-39, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Unit No. 1 (the facility) located in Zion, Illinois. The amendment is effective as of the date of issuance.

This amendment allows a temporary change to the Technical Specifications to permit reserve offsite power to be backfed through the station's main transformer in the event Unit No. 1 must be shutdown while the Unit No. 2 system auxiliary transformer is being repaired.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 25, 1981, (2) Amendment No. 68 to License No. DPR-39 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Documents Room, 1717 H Street NW., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of September, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-28792 Filed 10-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating Licensing No. NPF-9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina.

The amendment was authorized by telephone on August 28, 1981, and was confirmed by letter that same date. The amendment changes the Technical Specifications to prevent inadvertent actuation of the Upper Head Injection System during the performance of the Special Test Program. This amendment was issued on an expedited basis to permit completion of the Special Test Program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letter dated August 28, 1981, (2) Amendment No. 4 to Facility Operating License No. NPF-9 with Appendix A Technical Specification page change, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of Amendment No. 4 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of September 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing, NRR.

[FR Doc. 81-28798 Filed 10-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Amendment To Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised the Operating License and Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. This license amendment shall be effective upon acknowledgement by the NRC that it has received appropriate documentation from Pennsylvania Public Utilities Commission, State of New Jersey Department of Energy, Board of Public Utilities and Federal Energy Regulatory Commission which with this amendment would collectively authorize GPU Nuclear Corporation to operate TMI-1 in the manner described in this amendment to the license.

The amendment revises the Operating License and the Technical Specifications to reflect that GPU Nuclear Corporation is to replace Metropolitan Edison Company (Met Ed) as the licensee authorized to operate TMI-1. It should be noted that the license authorizing GPU Nuclear to operate TMI, Unit No. 1, is suspended pending the outcome of the TMI-1 restart proceeding. That proceeding will determine whether GPU Nuclear is qualified to operate the facility. Issuance of this amendment is not intended to influence or otherwise prejudice that proceeding.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the

Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 26, 1981, (2) Amendment No. 74 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of September 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 81-26794 Filed 10-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-514 CP and 50-515 CP]

Portland General Electric Co., et al. (Pebble Springs Nuclear Plant, Units 1 and 2); Prehearing Conference on Early Site Review Issues

September 28, 1981.

The Licensing Board's order of August 10, 1981, rescheduled the prehearing conference from October 8 to October 14 to avoid a conflict with a religious holiday. (46 FR 41235) This action was taken with concurrence of all parties.

The prehearing conference will commence at 9:30 a.m. (local time) on October 14, 1981 in Courtroom No. 2 (6th floor), U.S. Courthouse, 620 S.W. Main Street, Portland, Oregon. The issues to be considered are Portland General Electric's future plans for Pebble Springs and those issues appropriate for a possible early site review.

The public is invited to attent. No limited appearance statements will be heard at this prehearing conference.

Bethesda, Maryland, September 28, 1981.

It is so ordered.

For the Atomic Safety and Licensing Board.

Elizabeth S. Bowers,

Chairman, Administrative Judge.

[FR Doc. 81-26795 Filed 10-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-528A, STN 50-529A, and STN 50-530A]

Arizona Public Service Co.; et al.; Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Note.—This document was originally published in the issue of September 2, 1981. It is reprinted at the request of the Nuclear Regulatory Commission.

Arizona Public Service Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for antitrust review as required by 10 CFR Part 50, Appendix, L. This information concerns two proposed additional ownership participants, the Los Angeles Department of Water and Power and the Southern California Public Power Authority, for the Palo Verde Nuclear Generating Station. The current holders of the construction permits are Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company, and Public Service Company of New Mexico.

The information was filed in connection with the application submitted by the construction permit holders for operating licenses for three pressurized water reactors. Construction was authorized on May 25, 1976 at the Palo Verde site located in Maricopa County, Arizona.

The original application was docketed on October 7, 1974, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on October 22, 1974 (39 FR 37527). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Environmental Report; and the Notice of consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing was published in the **Federal Register** on July 11, 1980 (45 FR 46941). Subsequently, the Notice of Hearing was published in the **Federal Register** on April 22, 1981 (45 FR 23001).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona 85004.

Any person who wishes to have his views on the antitrust matters with respect to the Los Angeles Department of Water and Power and the Southern California Public Power Authority presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555. Attention: Chief, Utility Finance Branch Office of Nuclear Reactor Regulation, on or before November 9, 1981.

Dated at Bethesda, Maryland, this 28th day of August, 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-25482 Filed 10-1-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC81-5]

Mail Classification Schedule, 1981; Express Mail Forwarding and Address Correction Service

September 29, 1981.

Notice is hereby given that on September 25, 1981, the United States Postal Service ("Postal Service"), pursuant to Chapter 36 of Title 39, United States Code, filed a request with the Postal Rate Commission for a recommended decision on proposed changes in the forwarding service available for Express Mail and on the proposed establishment of address correction service for Express Mail. This filing has been assigned Docket No. MC81-5.

The Postal Service states that its filing contains such information and data which explain the nature, scope, significance and impact of the proposed changes.[1] The Postal Service proposes that the Domestic Mail Classification

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[1] The specific changes in the Domestic Mail Classification Schedule are set out in legislative format in Attachment A of the Postal Service's request.

V 46/191 OC 2 81 UMI

Schedule (DMCS) be amended to provide that undeliverable-as-addressed Express Mail be afforded nonlocal forwarding without additional charge. Currently, undeliverable-as-addressed Express Mail may be forwarded only to a local address; if the new delivery address is nonlocal, the Express Mail item is returned to the sender. The Postal Service asserts that its proposal will have no appreciable effect on Express Mail volumes or costs. According to Postal Service estimates, only 1,526 pieces of Express Mail would have been forwarded nonlocally in FY 1981 if the Postal Service's proposal had been in effect.

The Postal Service also proposes that address correction service be made available to users of Express Mail upon payment of the applicable fee. With address correction service, the Postal Service would notify users of that service of the forwarding address of the recipient of Express Mail. Address correction service is now available for all other classes of mail.

Hearings will be held on the proposal submtted by the Postal Service in Docket No. MC81-5. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before October 15, 1981, and must be in accordance with § 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing.[1] Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before October 15, 1981, file a written request for leave to be heard as a "limited participator," pursuant to section 19a of the Commission's rules of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to section 19b of the Commission's rules (39 CFR 3001.19b).

At the same time as it filed its Proposal, the Postal Service, pursuant to Commission rules 22 and 64(h)(3), filed a motion for waiver of rule 64(d), rule 64(e) and rule 64(h), except for rule 64(h)(2)(i) insofar as it requests the statement required by rules 54(q) and 54(r).

The Postal Service requests waiver of 64(h), to the extent described above, because it says the proposed changes do not significantly change the cost-revenue relationships referred to in 64(h)(1)(i)–(iv) and no change in rates or fees are proposed. The Postal Service requests that 64(d) be waived to the extent it requires development of costs and revenues in accordance with 54(h), 54(f), and 54(j). The Postal Service supports its request for waiver of the cost data required by 54 (h) and (f), by stating that it is not requesting any changes in rates or fees, and that the effect of the changes on costs attributed and assigned to Express Mail are minuscule and insignificant. With respect to 54(j), the Service refers to the testimony of witness Knowles that the volume of Express Mail and the volume of forwarded and returned Express Mail will not be affected by the proposed changes. The Postal Service says that 64(e) should be waived because the proposed revisions do not entail any interclass changes.

Parties who wish to address the Postal Service's motion should file their answers by October 15, 1981.

The Officer of the Commission (OOC) designated to represent the interest of the general public in this proceeding will be Gerald E. Cerasale. During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor such personnel will participate in or advise as to any Commission decision in this case. The OOC will supply, for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding, the OOC shall be separately served with three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice.

The request of the Postal Service for a recommended decision on changes in Express Mail forwarding and the establishment of address correction service for Express Mail, and the motion for waiver of certain filing provisions of the Commission's rules of practice and procedure are on file with the Commission and are available for public inspection during regular business hours.

By order of the Commission.

David F. Harris,

Secretary.

[FR Doc. 81-28607 Filed 10-1-81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2560]

Flintkote Co.; Application To Withdraw From Listing and Registration

September 28, 1981.

In the Matter of Flintkote Company 8¼% Sinking Fund Debentures (Due july 15, 1996).

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 (the "Act") and rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the New York Stock Exchange, Inc. ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The debentures of Flintkote Company ("Company") have been listed and registered on the NYSE since 1971. The Company has determined that because of the insufficient trading activity of the debentures since 1979, listing of the debentures is no longer justified. In addition, as of April 23, 1981, there were only 148 registered holders of the debentures.

2. This application relates solely to withdrawal of the debentures from listing and registration on the NYSE. The NYSE has posed no objection to this matter.

Any interested person may, on or before October 20, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

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[1] In this regard, parties who intend to participate actively in this proceeding are encouraged to inform the Postal Service informally and promptly of any desired preliminary clarification of the Postal Service's presentation wherever the participant believes such clarification will expedite this proceeding.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28712 Filed 10-1-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

American Bankers Association Advisory Committee; Establisment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463), the Secretary announces the establishment of an advisory committee entitled the "American Bankers Association Advisory Committee".

The purpose of the Committee is to provide information and advice to the Secretary on a broad range of domestic and international economic and financial issues. The Committee will provide a means of liaison and communication between Treasury and the financial community with respect to Treasury programs involving taxes, monetary policy, debt management and foreign exchange issues as well as other areas of concern.

It is in the public interest that the Secretary receive the views and recommendations of this Committee because of the large and critical role the financial community plays in the economic environment of this nation. Establishment of the Committee is necessary because there is at the present time a need for a mechanism to communicate to the Secretary—and through the Secretary to the nation's economic policymakers—the views of the financial community on questions of major economic consequence.

Membership on the Committee will be balanced in terms of the wide variety of viewpoints represented and the differing functions to be performed. The Committee is expected to meet with Treasury officials approximately four times a year at the invitation of the Secretary.

For further information please contact Mr. Gordon Eastburn, Acting Deputy Assistant Secretary for Capital Markets Policy, Room 3025, Main Treasury, 15th & Pennsylvania, Washington, D.C. 20220.

Beryl Sprinkel,

Under Secretary for Monetary Affairs.

[FR Doc. 81-28774 Filed 10-1-81; 8:45 am]

BILLING CODE 4810-25-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding Application of Certain International Agreements

This notice[1] modifies the determination published in the Federal Register of January 4, 1980 (45 FR 1181), as amended by determinations published at 45 FR 18547, 45 FR 36569, 45 FR 63402, 45 FR 85239, 46 FR 24059, 46 FR 40624 and 46 FR 46263.

Under Section 1-103(b) of Executive Order 12188 of January 2, 1980, the functions of the President under section 2(b) of the Trade Agreements Act of 1979 (the Act) and section 701(b) of the Tariff Act of 1930 as amended, are delegated to the United States Trade Representative (the Trade Representative), who shall exercise such authority with the advice of the Trade Policy Committee.

Now, therefore, I, William E. Brock, United States Trade Representative, in conformance with the provisions of section 2(b) of the Act, Section 701(b) of the Tariff Act of 1930 as amended, and section 1-103(b) of Executive Order 12188, do hereby determine, effective on the date of signature of this Notice, that:

With respect to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the Subsidies Code), Australia has accepted the obligations of the agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement.

In accordance with section 701(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1671(b)), as of September 28, 1981, Australia is a "country under the Agreement."

William E. Brock,

United States Trade Representative.

[FR Doc. 81-28692 Filed 10-1-81; 8:45 am]

BILLING CODE 3190-01-M

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[1] Inquiries concerning this notice should be addressed to Kathryn Flynn, Office of GATT Affairs, Office of the U.S. Trade Representative, Washington, D.C. 20506. (202) 395-3063.

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Sunshine Act Meetings

Federal Register
Vol. 46, No. 191
Friday, October 2, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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	Items
Federal Reserve System (Board of Governors)	1
Nuclear Regulatory Commission	2
Parole Commission	3
Tennessee Valley Authority	4
Uniformed Services University of the Health Sciences	5

1

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11 a.m., Wednesday, October 7, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda:

1. Proposed response to recommendations by the General Accounting Office concerning bank holding company inspections.
2. Proposal to add certain investment advisory activities to the list of activities that Edge Corporations may conduct in the United States.
3. Proposed revisions to and extension of Report of Officers' Checks and Deposits (FR 2019).

Discussion Agenda:

4. Consideration of policies proposed by the Federal Financial Institutions Examination Council regarding enforcement of the Equal Credit Opportunity and Fair Housing Acts.
5. Any items carried forward from a previously announced meeting.

Note.— This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202)452–3204.

Dated: September 29, 1981.

James McCafee,
Assistant Secretary of the Board.

[S–1498–81 Filed 9–30–81; 10:15 am]

BILLING CODE 6210-01-M

2

NUCLEAR REGULATORY COMMISSION.

DATE: Wednesday, September 30, 1981 (Revision #2).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:
Wednesday, September 30:

10:00 a.m.
1. Briefing on Status and Prioritization of NUREG–0737/0660 Developmental Items (Approx 1 hour) (public meeting) (as announced)
2. Briefing on Diablo Canyon—Incorrect Seismic Analysis (public meeting)

2:00 p.m.
1. Discussion of Congressional Testimony (closed meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,
Office of the Secretary.
September 29, 1981.

[S–1500–81 Filed 9–30–81; 3:51 pm]

BILLING CODE 7590-01-M

3

PAROLE COMMISSION.

Public Announcement

TIME AND DATE:
Tuesday, October 6, 1981, 3:30 p.m.–5:30 p.m.
Wednesday, October 7, 1981, 9:00 a.m.–5:30 p.m.

PLACE: Room 420–F; One North Park Building; 5550 Friendship Blvd.; Bethesda, Maryland 20015.

STATUS: Open.

CHANGES IN THE MEETING: On September 30, 1981, the Commission determined that the following agenda item be added to the meeting immediately following the guest speaker.

Emergency consideration of a proposal encompassing extreme budgetary restrictions for Fiscal Year 1982 expenditures just received from the Executive Office of the President through the Department of Justice. The above change is being announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Ms. Billie L. Richards, Acting Chairman's Office, (301) 492–5990.

[S–1499–81 Filed 9–30–81; 2:22 pm]

BILLING CODE 4410-01-M

4

TENNESSEE VALLEY AUTHORITY.

[Meeting No. 1276]

TIME AND DATE: 10:15 a.m. (EDT), Wednesday, October 7, 1981.

PLACE: Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

ACTION ITEMS:

Old Business Items:
1. Grant of permanent industrial easement to Inland Ports, Inc., and abandonment of certain flowage easement rights affecting Watts Bar Reservoir lands near Harriman Industrial Park in Harriman, Tennessee—Tract Nos. XWBR–693IE, WBR–1260F, WBR–1261F, and WBR–1263F.

A—Project Authorizations:
1. Project Authorization No. 3585—Installation of an automatic condenser tube cleaning system at Bull Run Steam Plant.
2. Project Authorization No. 3589—Installation of an automatic condenser tube cleaning system on Paradise Steam Plant unit 3.
3. Project Authorization No. 3503.1—Amendment to project authorization for preliminary studies for decomissioning the Edgemont, South Dakota, uranium mill.
4. Project Authorization No. 3573—Acquisition and exploration of coal land rights in Franklin County, Illinois.

B—Purchase Awards:
*1. Req. No. 38–193492—Installation of reheater elements and expansion joints for Paradise Fossil Plant unit 3.

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* Item approved by individual Board members. This would give formal ratification to the Board's action.

C—Power Items:
1. Form agreement covering TVA's commercial and industrial heat and cool storage demonstration project.
2. Renewal of power contract with Forked Deer Electric Cooperative.
3. Renewal of power contract with Chickasaw Electric Cooperative.

D—Personnel Item:
1. Proposed compensation adjustments for management and physician schedules.

E—Real Property Transactions:
1. Land exchange affecting approximately 19.6 acres of land on Nottely Reservoir previously transferred by TVA to the United States Forest Service and 76 acres of privately owned land in Union County, Georgia.
2. Filing of condemnation suits.

F—Unclassified:
1. Interim budget plan for fiscal year 1982.
2. Proposed sale of surplus property—Construction equipment at various locations.
*3. Agreement with Tombigbee River Valley Water Management District for TVA to conduct a water supply study in Lee County, Mississippi.
4. Supplement to memorandum of understanding between the National Institute for Occupational Safety and Health and TVA for research program concerning the effects of the production and conservation of energy on the health and safety of employees engaged in work related to production of electric energy.
*5. Supplement to letter agreement with Defense Mapping Agency Hydrographic/Topographic Center for TVA's assistance in an accelerated mapping program.
6. Memorandum of understanding with United States Department of Interior, Bureau of Reclamation, covering arrangements for TVA to supply equipment and personnel on a short-term, reimbursable basis.
*7. Agreement with Office of Surface Mining covering arrangements for TVA to evaluate, on a cost reimbursable basis, certain requirements developed under the Surface Mine Control and Reclamation Act involving hydrology and sedimentology of surfaced-mined lands.
*8. Memorandum of agreement with U.S. Army Engineer Division, Hunstville, covering arrangements for TVA to provide mapping and data base support on a cost reimbursable basis.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: September 30, 1981.

[S 1501-81 Filed 9-30-81; 4:06 pm]

BILLING CODE 8120-01-M

5

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Meeting

TIME AND DATE: 8 a.m., October 15, 1981.

PLACE: Uniformed Services University of the Health Sciences, Room D3-001, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

STATUS: Open.

MATTERS TO BE CONSIDERED:

8:00 a.m.—Meeting—Board of Regents

(1) Approval of Minutes, 23 May 1981; (2) Faculty Appointments—(a) Criteria for Academic Rank, (b) Faculty Appointment Titles; (3) Report—Associate Dean for Operations; (4) Report—Admissions; (5) Report—Chairman; (6) Report—President, USUHS—(a) USUHS Faculty and Staff Salary Approval, 1981-82, (b) Policy on Memorials (Committee), (c) Group Travel Accident Policy, (d) Summary—Students' Summer Programs, 1981, (e) Examination Results—Board of Medical Examiners, (f) Recommendations for Awards, (g) Report on Liaison Committee for Medical Education Limited Survey Visit

New Business

SCHEDULED MEETINGS: December 11, 1981.

CONTACT PERSON FOR MORE INFORMATION: Frank M. Reynolds, Executive Secretary of the Board, 202/295-3025.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 29, 1981.

[S 1497-81 Filed 9-29-81; 4:58 pm]

BILLING CODE 3810-01-M

V46/191 OC2 81 UMI

federal register

Friday
October 2, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

V 46 / 191 OC 2 81 UMI

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes, engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama: AL81-1284	Sept. 4, 1981.
[illegible]	
CO81-5145	Sept. 4, 1981.
CO81-5148	Sept. 4, 1981.
CO81-5146	Sept. 4, 1981.
CO81-5147	Sept. 4, 1981.
California: CA81-5132	July 10, 1981.
[illegible]	
FL81-1260	July 6, 1981.
FL81-1247	June 12, 1981.
Georgia:	
GA81-1191	Mar. 6, 1981.
GA81-1196	Mar. 20, 1981.
GA81-1233	May 22, 1981.
Idaho: ID81-5125	June 5, 1981.
Nevada: NV81-5102	Feb. 6, 1981.
New York:	
NY81-3018	Mar. 27, 1981
NY81-3022	Apr. 3, 1981.
Oklahoma:	
OK81-4056	July 17, 1981.
OK81-4051	July 10, 1981.
OK81-4054	July 10, 1981.
OK81-40[illegible]	Aug. 21, 1981.
OK81-4067	Aug. 21, 1981.
OK81-4069	Sept. 4, 1981.
OK81-4070	Sept. 4, 1981.
OK81-4071	Sept. 11, 1981.
OK81-4072	Sept. 4, 1981.
Pennsylvania:	
PA81-3058	Aug. 28, 1981.
PA81-3051	Sept. 4, 1981.
PA80-3060	Oct. 10, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The number of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decisions are in parentheses following the numbers of the decisions being superseded.

Kansas: KS81-4022 (KS81-4053)	Apr.10,1981.
Pennsylvania:	
PA80-3025 (PA81-3072)	Apr. 11, 1980.
PA80-3044 (PA81-3073)	July 25, 1980.
South Dakota: SD80-5118 (SD81-5155)	June 6, 1980.
Texas:	
TX81-4006 (TX81-4076)	Jan. 6, 1981.
TX81-4015 (TX81-4077)	Apr. 3, 1981.
TX81-4016 (TX81-4074)	Apr. 3, 1981.
TX81-4032 (TX81-4075)	May 8, 1981.
TX81-4045 (TX81-4078)	July 10, 1981.
TX81-4048 (TX81-4079)	July 10, 1981.
Utah: UT81-5117 (UT81-5156)	May 8, 1981.

Signed at Washington, D.C., this 25th Day of September 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

Decision No.: AL81-12[illegible]
Mod. # 1
(46-FR-44601 - September 4, 1981)
Colbert and Lauderdale Counties, Alabama
Building Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians:					
Electricians	$13.00	.65	3% +.70		
Cablesplicers	13.25	.65	3% +.70		

DECISION NO. CO81-5145 - Mod. #1
(46 FR 44602 - September 4, 1981)
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers; Stonemasons					
Eagle County	$13.79	.85	$1.10		.06
Remaining Counties	13.79	.85	1.10		.06
Electricians:					
Remaining Counties:					
Electricians	16.85	.85	3%+1.25		3/10%
Cable Splicers	17.10	.85	3%+1.25		3/10%
Ironworkers:					
Structural, Ornamental, and Reinforcing	14.35	1.19	1.35		.17
Millwrights	14.66	1.10	1.00		.29

DECISION NO. CO81-5148 - Mod. #1
(46 FR 44616 - September 4, 1981)
Las Animas, Otero, and Pueblo Counties, Colorado

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters	$12.22	$1.10	$1.00	$1.00	.10
Ironworkers:					
Structural, Ornamental, and Reinforcing	14.35	1.19	1.35		.17
Millwrights	14.66	1.14	1.00		.29

Modification Page 2

DECISION NO. CO81-5146 - Mod. #1
(46 FR 44607 - September 4, 1981)
El Paso County, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Zone 1: 0-40 miles from Post Office in Colorado Springs	$12.22	$1.10	$1.00	$1.00	.10
Zone 2: 40-75 miles from Post Office in Colorado Springs	12.72	1.10	1.00	1.00	.10
Zone 3: 75 miles and over	12.97	1.10	1.00	1.00	.10
Ironworkers:					
Structural, Ornamental, and Reinforcing	14.35	1.19	1.35		.17
Millwrights	14.66	1.10	1.00		.29

DECISION NO. CO81-5147 - Mod. #1
(46 FR 44611-September 4, 1981)
Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Post Office basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose:					
Zone 1: 0-40 miles from nearest basing point	12.22	1.10	1.00	1.00	.10
Zone 2: 40-75 miles from nearest basing point	12.72	1.10	1.00	1.00	.10
Zone 3: 75 miles and over from nearest basing point	12.97	1.10	1.00	1.00	.10
Ironworkers:					
Structural, Ornamental, and Reinforcing	14.35	1.19	1.35		.17
Millwrights	14.66	1.10	1.00		.29

Modification Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CA81-5132 - Mod. #3 (46 FR 35860 - July 10, 1981) Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, Calif.					
Change:					
Sheet Metal Workers:					
Area 7	$20.04	1.2[illegible]	2.90	2.50	.20

Modification Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. FL81-1260 - MOD. #5 (46 FR 34968 - July 6, 1981) Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, & Melabar Radar Sites in Brevard & Volusia Counties, Florida					
Change:					
Plumbers, Pipefitters & Steamfitters					
Commercial	$12.22	.70	.70		.10
Industrial	15.45	.70	.70		.10
DECISION NO. FL81-1247 - MOD. #1 (46 FR 31187 - June 12,1981) Volusia (except Cape Kennedy Space Flight Center & Cape Canaveral Air Force Station), Florida					
Change:					
Elevator Constructors:					
Mechanic	$11.56	1.345	1.35	a + b	.035
Helper	8.09	1.345	1.35	a + b	.035
Laborers:					
Air Tool Operators, Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay), Plasterers' Tenders	8.15	.25	.39		
Unskilled	8.00	.25	.39		
Painters:					
Brush & Roller	9.6[illegible]	.50	.50		.06
Paperhangers, Sandblasters & Spray	10.15	.50	.50		.06
Plumbers, Pipefitters & Steamfitters					
Commercial	12.22	.70	.70		.10
Industrial	15.45	.98	.99		.10
Roofers:					
Roofers	10.00	.40	.25		.05
Kettlemen	8.55	.40	.25		.05

Modification Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #GA81-1191 - Mod. #7 (46 FR 15645 - March 6, 1981) Clayton, DeKalb, & Fulton Counties, Georgia					
CHANGE:					
Asbestos workers	$13.35	.85	1.00		.10
Bricklayers & Stone masons	12.12	.85	.80		.10
Carpenters, Drywall hangers, & Resilient floor layers	12.50	.70	.55		.02
Cement masons	11.70	.60	.80		
Electricians:					
Wiremen	13.95	7%	13%		½ of 1%
Cable splicers	14.85	7%	13%		½ of 1%
Glaziers	13.05	1.00	.73		.11
Marble masons, Terrazzo workers, & Tile setters	12.12	.85	.80		.03
Piledrivermen	12.65	.70	.55		.02
Roofers	9.35	.35	.20		
DECISION #GA81-1196 - Mod. #4 (46 FR 17987 - March 20, 1981) DeKalb & Fulton Counties, Georgia					
CHANGE:					
Brick masons	$12.12	.85	.80		.10
Carpenters	12.50	.70	.55		.02
Cement masons/finishers	11.70	.60	.80		
Electricians	13.95	7%	13%		½ of 1%
Piledrivermen	12.65	.70	.55		.02
Waterproofers (Roofers)	9.35	.35	.20		
DECISION #GA81-1233 - Mod. #1 (46 FR 28101 - May 22, 1981) Chattahoochee & Muscogee Counties, Georgia					
CHANGE:					
Bricklayers	$ 9.65				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. ID81-5125 - Mod. #6 (46 FR 30250 - June 5, 1981) Statewide Idaho					
CHANGE:					
GLAZIERS:					
Area 1	$12.74	.84	1.00	b	
Area 2	13.70	.64	.70	b	.02
PLASTERERS:					
Area 1	14.93	1.00	1.75		.15
SOFT FLOOR LAYERS:					
Area 1	11.75	.69	1.10		
ADD:					
CARPENTERS:					
Area 2:					
Zone 1:					
Carpenters applying acoustical material; Lathers	12.10	1.25	1.30	1.00	.20
Zone 2:					
Carpenters applying acoustical material; Lathers	13.60	1.25	1.30	1.00	.20
Zone 3:					
Carpenters applying acoustical material; Lathers	13.85	1.25	1.30	1.00	.20
DECISION NO. NV81-5102 - Mod. #6 (46 FR 11482 - Feb. 6, 1981) Clark County (does not include the Navada Test Site), Nevada					
CHANGE:					
Laborers: Group 1	$12.75	$1.06	$1.58	.15	
Group 2	12.96	1.06	1.58	.15	
Group 3	13.06	1.06	1.58	.15	
Group 4	13.15	1.06	1.58	.15	
Group 5	13.25	1.06	1.58	.15	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. NY81-3018 - Mod. #3 (46 FR 19174 - March 27, 1981) Albany, Rensselaer, Saratoga & Schenectady Counties, New York					
Change:					
BRICKLAYERS					
SCHEDULES #1, #2, #3, & #4					
CLASS A	13.15	.80	1.40		.06
CLASS B	9.28	.80	1.40		.06
DECISION NO. NY81-3022 - Mod. #2 (46 FR 20437 - April 3, 1981) Onondaga County, New York					
CHANGE:					
BRICKLAYERS & STONE MASONS	13.39	.75	1.31		.01
CARPENTERS & SOFT FLOOR LAYERS Building	12.99	.85	1.20		.05
ELEVATOR CONSTRUCTORS	14.76	1.345	1.085		.035
ELEVATOR CONSTRUCTORS HELPERS	10.33	1.345	1.085		.035
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	7.38				
MARBLE, TILE & TERRAZZO WORKERS	12.11	.75	1.06		
ROOFERS	14.15	1.00	2.25		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #OK81-4056-Mod. #2 46FR37209 - July 17, 1981 Tulsa, Delaware, Creek, Craig, Ottawa, Mayes and Roger Counties, Oklahoma					
CHANGE:					
BRICKLAYERS-STONEMASONS:					
Tulsa, Delaware, Ottawa, Craig, Mayes and Roger Counties	$13.39	.90	.50	.50	.04
SPRINKLER FITTERS	14.68	.95	1.40		.08
DECISION #OK81-4051-Mod. #3 46FR35886 - July 10, 1981 Pittsburg County, Oklahoma					
CHANGE:					
Tile Setters	14.02	.90	.60		
Terrazzo workers	14.02	.90	.60		
Sprinkler fitters	14.68	.95	1.40		.08
DECISION #OK81-4058-Mod. #2 46FR35888 - July 10, 1981 Muskogee, Adair, Cherokee & Okmulgee Counties, Oklahoma					
CHANGE:					
Marble, tile and terrazzo workers	14.02	.90	.60		
Sprinkler fitters	14.68	.95	1.40		.08
DECISION #OK81-4066-Mod. #1 46FR42610 - August 21, 1981 Garfield County, Arkansas					
CHANGE:					
Bricklayers-Stonemasons	12.65				
Glaziers	12.47		.30		
Marble setters	15.04		.90		
Terrazzo workers	15.04		.90		
Tile layers	15.04		.90		
Sprinkler fitters	14.68	.95	1.40		.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #OK81-4067-Mod. #2 46FR42613-August 21, 1981 Oklahoma, Cleveland, Caddo, Canadian, Kingfisher, Lincoln, Logan, McClain, Grady Seminole & Pottawatomie Counties, Oklahoma					
CHANGE:					
Glaziers	$12.47		.30		
Marble setters	15.04		.90		
Terrazzo workers	15.04		.90		
Tile layers	15.04		.90		
DECISION #OK81-4069-Mod. #1 46FR44646-September 4, 1981 Wagoner County, Oklahoma					
CHANGE:					
Marble setters	15.04		.90		
Terrazzo workers	15.04		.90		
Tile layers	15.04		.90		
Sprinkler fitters	14.68	.95	1.40		.08
DECISION #OK81-4070-Mod. #1 46FR44651-September 4, 1981 Comanche County, Oklahoma					
CHANGE:					
Glaziers	12.47		.30		
Marble setters	15.04		.90		
Terrazzo workers	15.04		.90		
Tile layers	15.04		.90		
Sprinkler fitters	14.68	.95	1.40		.08
DECISION #OK81-4071-Mod. #1 46FR45535-September 11, 1981 McIntosh County, Oklahoma					
CHANGE:					
Sprinkler fitters	14.68	.95	1.40		.08
DECISION #OK81-4072-Mod. #1 46FR44648-September 4, 1981 Latimer, Leflore, Haskell, Sequoyah and Pushmataha Counties, Oklahoma					
CHANGE:					
Sprinkler fitters	14.68	.95	1.40		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3058 MOD. NO. 3 (46 FR 43596 - August 28, 1981) Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming & York Counties, Pennsylvania					
CHANGE:					
FOOTNOTE: a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Election Day; Thanksgiving Day and Christmas Day provided the employee works the day before and after the holiday.					
DECISION NO. PA81-3051 MOD. NO. 1 (46 FR 44653 - September 4, 1981) Luzerne County, Pennsylvania					
CHANGE:					
Elevator Constructors	$13.10	1.345	1.085	c+d	.035
Elevator Constructors Helpers	9.17	1.345	1.085	c+d	.035
Elevator Constructors Helpers (Prob.)	6.55				
DECISION NO. PA80-3060 MOD. NO. 7 (45 FR 67531 - October 10, 1980) Lycoming County, Pennsylvania					
CHANGE:					
Boilermakers	$16.67	1.275	1.00		.02
Elevator Constructors	12.84	1.345	1.085	b+c	.035
Elevator Constructors Helpers	70%JR	1.345	1.085	b+c	.035
Elevator Constructors Helpers (Prob.)	50%JR				
Millwrights	14.42	.70	.90		.05
Sheet Metal Workers	13.21	.80	.86		.04

STATE: Kansas COUNTY: Leavenworth
DECISION NUMBER: KS81-4053 DATE: Date of Publication
Supersedes Decision No. KS81-4032, dated April 10, 1981, in 46 FR 21568.
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.74	1.05	1.75		.06
BOILERMAKERS	14.97	1.375	1.15		.05
BRICKLAYERS, STONEMASONS	13.39	1.00	.95	1.50	
CARPENTERS:					
Carpenters, Millwrights, and Piledrivermen	14.05	.65	.75		.07
CEMENT MASONS	14.075	.80	.70		
ELECTRICIANS:					
Zone 1:					
Delaware, Kickapoo, High Prairie and Leavenworth Townships	16.28	.60	3%+.90	7%	.12
Zone 2:					
Remainder of County	14.50	.75	3%+.70		.10
ELEVATOR CONSTRUCTORS	14.135	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	9.89	1.195	.95	a	.035
GLAZIERS	12.35	.90	1.19	17.14%	.05
IRONWORKERS	13.85	.80	1.50	1.00	.05
LATHERS	14.05	.65	.75		.07
LINE CONSTRUCTION:					
Zone 1:					
Southwest 2/3 of Leavenworth County:					
Linemen	14.52	.45	3%		1/2%
Cable Splicers	15.26	.45	3%		1/2%
Groundmen	9.03	.45	3%		1/2%
Powdermen	12.03	.45	3%		1/2%
Line Truck and Equipment Operators	12.03	.45	3%		1/2%
Zone 2:					
Remainder of Leavenworth County:					
Linemen	17.33	.45	3%+.25		1/2%
Linemen Operators	16.13	.45	3%+.25		1/2%
Groundmen Powdermen	12.02	.45	3%+.25		1/2%
Groundmen	11.42	.45	3%+.25		1/2%
MARBLE AND TILE SETTERS	15.20	5%	5%		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush, Roller, Tapers	$12.19	.55	.70		.08
Spray	13.19	.55	.70		.08
Paperhangers	12.69	.55	.70		.08
PLASTERERS	15.80				
PIPEFITTERS	14.54	.72	1.60		.10
PLUMBERS	16.16	1.20	1.30		.15
ROOFERS	13.05	.75	.75		.14
SHEET METAL WORKERS	14.17	.75	1.44	1.25	.17
SOFT FLOOR LAYERS	11.26	.60	1.00	1.00	1%
SPRINKLER FITTERS	15.10	.95	1.40		.08
TERRAZZO WORKERS	14.31	5%	5%		
WELDERS: Receive rate prescribed for craft performing operation to which the welding is incidental.					

FOOTNOTE:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Also 7 paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, and Christmas Day.

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Building Construction):					
General Laborers	8.25	.60	.60	.50	.05
Power Tool Operators; Compactors; Concrete Breakers; Chipping Tools; Drilling Tools; Concrete Saws; Mechanically Operated Georgia Buggy	8.45	.60	.60	.50	.05
Mason Tenders; Plaster Tenders; Mortar Mixers for Plasterers, Masons and Cement Finishers; All Stocking Scaffold; Clean up for Masons (Building & Wrecking)	8.55	.60	.60	.50	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Building Construction (Cont'd):					
Sand and Concrete Gun Nozzlemen Powdermen	$ 8.65	.60	.60	.50	.05
LABORERS (Site Preparation and Grading):					
Group 1	7.80	.60	.60	.50	.05
Group 2	7.95	.60	.60	.50	.05
Group 3	8.05	.60	.60	.50	.05
Group 4	8.20	.60	.60	.50	.05

Group 1: Board Mat Weavers and Cable Tiers; Georgia Buggy, Manually Operated; Mixermen - No Skip Lift; Salamander Tenders; Track Men; Tractor Swampers; Truck Dumpers; Wire Mesh Setters; Water Pump up to 4 inches; and all other General Laborers.

Group 2: Air Tool Operators; Cement Handlers (Bulk); Chain Saw; Georgia Buggy (Mechanically Operated); Grade Men; Hot Mastic Kettlemen; Crusher Feeders; Joint Men; Jute Men; Mason Tenders; Material Batch Hopper and Scale Men; Mixer Men; Pier Hole Men Working 10 ft. deep; Pipelayer - Drainage (Concrete and/or Corrugated Metal); Signal Men (Crane); Truck Dumper--Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator.

Group 3: Asphalt Raker; Barco Tamper; Concrete Saw, Creosote Material--Handling and Applying; Nozzle Burner (Cutting Torch and Burning Bar).

Group 4: Conduit Pipe; Tile and Duct Line Setter; Form Setter and Liner on Concrete Paving; Powderman; Sandblasting and Gunnite Nozzleman; Sanitary Sewer Pipe Layer; Steel Plate Structure Erectors; Water and Gas Distrbution Lines.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Building Construction):					
Group 1	$14.11	$1.00	$1.40	$1.05	.20
Group 2	13.76	1.00	1.40	1.05	.20
Group 3	11.36	1.00	1.40	1.05	.20
Group 4	11.86	1.00	1.40	1.05	.20
Group 5	12.11	1.00	1.40	1.05	.20
Group 6	14.01	1.00	1.40	1.05	.20
Group 7	14.36	1.00	1.40	1.05	.20
Group 8	13.86	1.00	1.40	1.05	.20
Group 9	13.61	1.00	1.40	1.05	.20
Group 10	11.61	1.00	1.40	1.05	.20
Group 11	14.61	1.00	1.40	1.05	.20
Group 12	15.11	1.00	1.40	1.05	.20

Group 1: Asphalt Paver and Spreader; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Back Fillers; Backhoe, All Types; Barber-Green Loader (Similar Type); Blade--Power, All Types; Boats--Power; Boilers (2); Boring Machines (All Types); Cable Ways; Cherry Pickers (All Types); Chip Spreader; Clamshells; Combination Concrete Hoist and Mixer, Such As Mixermobile; Concrete Ready-Mixed Plant, Portable (Job Site); Concrete Mixer Paver; Crane--Overhead; Crane or Rigs (All Types); Crusher, Rock; Derricks and Derrick Cars (Power Operated); Ditching Machines; Dozers; Draglines; Dredges--Any Type Power; Forklift (All Types and Sizes Except Masonry); Gradeall--Similar Type; Hoist, Endless Chain--Power Operated with Power Travel; Loaders, All Types; Locomotives, All Types; Mechanics and Welders; Mucking Machines; Orange Peels; Pile Drivers (All Types); Pumps--Material-- All Types; Push Cats; Scoops (All Types); Self-Propelled Rotary Drill; Shovel; Power; Side Boom; Skimmer Scoop; Testhold Machine; Throttle Man.

POWER EQUIPMENT OPERATORS
(Building Construction)
(Cont'd.)

Group 2: Boilers (1); Brooms, Power Operated (All Types); Chip Spreader (Front Man); Clef Plane Operator; Compressor (1), 105 Ft. or Over; Compressors (2), 105 Ft. or Over, Not More Than 20 Ft. Apart; Compressors, Tandem (Any Size); Compressor, Single, Truck Mounted; Concrete Saws, self-Propelled; Crab--Power Operated: Curb Finishing Machine; Elevator; Finishing Machine; Fireman on Rigs; Flex Plane; Floating Machine; Form Grader; Greaser, Hoist, Endless Chain, Power Operated; Hopper, Power Operated; Hydra Hammer (All Types); Lad-A-Vator, Similar Type; Roller, All Types; Siphone, Jets and Jennies; Sub-grader; Tractors over 50 HP.

Group 3: Oiler.

Group 4: Fork Lift, Masonry; Oiler Driver, All Types.

Group 5: "A" Frame Trucks; Mixers (With Side Loaders); Pumps (With Well Points Dewatering Systems, Test and Pressure Pumps); Tractors (Except When Hauling Material), less than 50 HP.

Group 6: Hoists, Each Additional Drum Over 1 Drum.

Group 7: Clamshells, 80 Ft of Boom or Over (Including Jib); Crane or Rigs, 80 Ft. of Boom or Over (Including Jib) and Over 200 Feet; Draglines, 80 Ft. of Boom or Over (Including Jib); Pile Drivers, 80 Ft. of Boom or Over (Including Jib).

Group 8: Crane Operator.

Group 9: Loader Operator; Plant Man.

Group 10: Conveyor Operator.

Group 11. Crane, Tower or Climbing.

Group 12: Master Mechanic.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Site Preparation and Grading:					
Group 1	$13.10	$1.00	$1.25	$1.05	.20
Group 2	12.85	1.00	1.25	1.05	.20
Group 3	12.15	1.00	1.25	1.05	.20
Group 4	10.65	1.00	1.25	1.05	.20
Group 5	11.15	1.00	1.25	1.05	.20
Group 6	13.35	1.00	1.25	1.05	.20
Group 7	9.03	1.00	1.25	1.05	.20
Group 8	13.10	1.00	1.25	1.05	.20

Group 1: Asphalt Paver and Spreader; Asphalt Plant Console Operator; Auto Grader; Backhoe; Blade Operator, all types; Boilers (2); Booster Pump on Dredge; Boring Machine (truck or crane mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator, 2; Concrete Plant Operator, Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine, Rotary, self-propelled; High Loader-Fork Lift; Hoisting Engineer, 2 active drums; Locomotive Operators, standard gauge; Mechanics and Welders, field or shop; Maintenance Operator; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Pump, 2; Pushcat Operator; Quad-trac; Scoop Operator, all types; Scoops in Tandem; Self-propelled Rotary Drill (Leroy or equal, not air trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Slip-form Paver (CMI, REX, or equal); Throttle Man; Truck Crane; Welding Machine Maintenance Operator (2).

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POWER EQUIPMENT OPERATORS (Cont'd)
Site Preparation and Grading (Cont'd)

Group 2: A-Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Man; Asphalt Roller Operator; Backfiller Operator; Chip Spreader; Concrete Batch Plant, Dry, Power-Operated; Concrete Mixer Operator; Skiploader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser, Hoisting engine, 1 drum; LaTourneau Rooter; Multiple Compactor; Pavement Breaker, Self-propelled of the Hydra-hammer or similar type; Power shield; Pug Mill Operator; Stump Cutting Machine; Towboat Operator; Tractor Operator, over 50 HP.

Group 3: Boilers, 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator, 1; Concrete Saws, self-propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Pump; Pump Maintenance Operator, other than dredge; Roller Operator, other than high type asphalt; Screening and Washing Plant Operator; Self-propelled Street Broom or Sweeper; Siphons and Jets; Sub-grading Machine Operator; Tank Car Heater Operator combination Boiler and Booster; Tractor, 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator, 1.

Group 4: Mechanics' Helpers.

Group 5: Oiler Driver, all types.

Group 6: Clamshell, 3 yards capacity or over; Crane or Rigs; 80 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Piledriver, 80 ft. of boom or over (including jib); Shovels, 3 yds. capacity or over.

Group 7: Oiler.

Group 8: Hoists (each additional drum over 1 drum).

Men working in tunnels or shafts (not Air Shafts or Coffer Dams) of 25 feet or more in lenght or depth will be paid $0.50 per hour above the regular classification.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: Building Construction:					
Single Axle Trucks	$ 6.55	.75	$1.00		
Warehousemen - supply	9.925	.75	1.00		
Fork Lift - Supply	10.175	.75	1.00		
Tandem Axle Trucks	10.84	.75	1.00		
Warehousemen and Stock Men	10.925	.75	1.00		
Flat Bed Trucks; Pick-up Trucks; Dump Trucks (under 10 yards capacity)	10.975	.75	1.00		
Dump Trucks (10 yards capacity and over); Semi-truck; Steel Truck	11.05	.75	1.00		
Transit Mix (under 5 yards)	11.025	.75	1.00		
Oiler, Greaser and Mechanic Helpers; Distributor Driver and Operator	11.075	.75	1.00		
Transit Mix (5 yards and over)	11.125	.75	1.00		
Straddle Trucks; Wheel Tractors (when used for towing); Heavy hauling, A-frame and Winch Trucks; Fork Lift Trucks; Hydro Lift Trucks; Hydraulically operated Aerial Lift, heavy excavating; Double bottom units (20 ton capacity and over)	11.175	.75	1.00		
Transit Mix Tractor Trailer; Mechanics	11.275	.75	1.00		

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SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Adams & York

TRUCK DRIVERS: (Cont'd) Site Preparation and Grading	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$11.50	1.00	1.50	.75	
GROUP 2	11.70	1.00	1.50	.75	
GROUP 3	12.01	1.00	1.50	.75	
GROUP 4	12.16	1.00	1.50	.75	
GROUP 5	11.28	1.00	1.50	.75	

GROUP 1: One Team; Station Wagons; Pickup Trucks; Material trucks, single axle, Tank Wagon Drivers, single axle.

GROUP 2: Material Trucks, Tandem; Two teams; Semi-trailer; Winch Truck, Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon Drivers; single axle; Tank Wagon Drivers, Tandem or Semi-trailers; Insley Wagon; Dump Trucks; excavating, 5 cu. yds. and over, Dumpster, Half-tracks, Speedace, Euclids and other similar excavating equipment.

GROUP 3: A-Frame, Lowboy, and Boom Truck Drivers,

GROUP 4: Mechanics and Welders

GROUP 5: Mechanics' Helpers; Oilers and Greasers,

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Adams & York
DECISION NO.: PA81-3072 DATE: Date of Publication
Supersedeas Decision No. PA80-3025 dated April 11, 1980, in 45 FR 25015.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories). Excluding Sewage and Water Treatment Plant Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$14.01	1.12	.90		.02
Boilermakers	16.67	1.275	1.00		.02
Bricklayers & Stonemasons	11.05	.65	.55		
Carpenters (York County)	11.49	.85	.55		.03
Carpenters (Adams County)	12.72	.70	.90		.05
Cement Masons (Adams County)	11.33	.80	.80		
Cement Masons (York County)	9.94	.35	.25		.01
Electricians:					
Franklin, Carrol, Monoghan, and Fairview Townships in York County	13.56	.65	3%+.67		1/4%
Remainder of York County, and Adams County in its entirety	13.95	.55	3%+.25		.01
Elevator Constructors	12.84	1.345	1.085	a+b	.035
Elevator Constructors Helpers	8.99	1.345	1.085	a+b	.035
Elevator Constructors Helpers (Prob.)	6.42				
Glaziers	11.71	.70	.65		.01
Ironworkers	14.265	1.49	1.46		.045
Lathers	12.72	.70	.90		.05
Laborers:					
General Laborers	8.10	.50	.77		
Operator of jackhammer (etc.)	8.30	.50	.77		
Wagon drill operator	8.40	.50	.77		
Handling of all materials (etc.)	8.35	.50	.77		
Laborers assisting tile (etc.)	8.15	.50	.77		
Handling & using dynamite	8.43	.50	.77		
Caisson work (top mem)	8.35	.50	.77		
Caisson work (bottom men)	8.55	.50	.77		
Mixer man	8.50	.50	.77		
Line Construction:					
Linemen, cable splicers	14.23	.60	3%		3/8%
Winch truck operators	9.96	.60	3%		3/8%
Groundmen	8.54	.60	3%		3/8%
Marble, tile & terrazzo workers	9.84	.65	.55		
Millwrights (Adams County)	14.42	.70	.90		.05
Millwrights (York County)	11.99	.85	.55		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Brush	$9.60	.45	.15		
Structural Steel	10.35	.45	.15		
Spray	10.45	.45	.15		
Piledriverman	12.97	3.13	1.40	c	.13
Plasterers (York County)	8.60	.35	.25		.01
Plasterers (Adams County)	10.31	.80	.80		.01
Plumbers	13.30	1.02	1.00		.11
Roofers:					
Composition	11.50	.72	.55	.25	
Sheet Metal Workers	11.66	1.44	1.18		.14
Soft Floor Layers:					
Adams County	10.98	.70	.90		.05
York County	11.49	.85	.55		.03
Sprinkler Fitters	15.56	.95	1.40		.08
Steamfitters	13.30	1.02	1.00		.11
Truck Drivers:					
Pick-up, Dump, Service Trucks, Flat Truck to and including 2 License Highway Plates	8.67	d	e		
Transit Mix, Winch Trucks, Tractor Trailers, all types of Euclid, Ross Lumber Carriers, and Trucks over 2 Plates	8.72	d	e		
Welder - Receive rate for craft					

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

c. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day.

d. Employer shall contribute $71.37 per month to a Health & Welfare Fund.

e. Employer shall contribute $46.50 per month to a Pension Fund.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

DECISION NO. PA81-3072

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.27	10%	10.3%	a	1.3%
GROUP 2	13.98	10%	10.3%	a	1.3%
GROUP 3	13.11	10%	10.3%	a	1.3%
GROUP 4	12.34	10%	10.3%	a	1.3%
GROUP 5	11.87	10%	10.3%	a	1.3%
GROUP 6	10.96	10%	10.3%	a	1.3%
GROUP 7	14.52	10%	10.3%	a	1.3%
GROUP 7-A	14.77	10%	10.3%	a	1.3%
GROUP 7-B	15.01	10%	10.3%	a	1.3%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP [illegible] : All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type bachoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment) machines similar to above

GROUP 5: - Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (Including jib, masts, leads, etc): 100 ft. and over

GROUP 7-A: 150 ft. and over
GROUP 7-B: 200 ft. and over

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Northumberland
DECISION NO.: PA81-3073 DATE: Date of Publication
Supersedes Decision No. PA80-3044, dated July 25, 1980, in 45 FR 49839.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories.) Excluding Sewage and Water Treatment Plant Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$12.22[illegible]	.80	.90		.01
Boilermakers	16.67	1.275	1.00		.02
Bricklayers & Stonemasons	12.25	.55	.80		
Carpenters	12.72	.70	.90		.05
Cement Masons	12.45				.01
Electricians:					
Delaware, Lewis & Trubut	11.50	.65	3%+1.00	1.00	.02
Remainder of County	13.65	.60	3%+.40		.05
Glaziers:					
Edgewell, Ralph, Knulpmont, Coal, Marion Heights Twps:	9.19	.40	.40		.01
Remainder of County	11.71	.70	.65		.01
Ironworkers	14.265	1.49	1.46		.045
Laborers:					
North of Susquehanna River					
Unskilled laborers, scaffold builders, wrecking, window cleaners & demolition	[illegible].[illegible]5	.7[illegible]	.[illegible]		
Mason tenders, operators of jackhammers, paving breakers, vibrators & other pneumatic & mechanical tool coming under the jurisdiction of laborers, wagon drill operators, excavating for caisson, under pinning & pier holes (below 12"), non-metallic pipe layers, plasterer tenders, mortar men mixed by hand), handling & using cutting or burning torches in the wrecking of building	[illegible].50	.7[illegible]	.[illegible]0		

DECISION NO. PA81-3073

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D):					
South of Susequehanna River					
Group 1	$9.45	.60	.73		
Group 2	9.92	.60	.73		
Group 3	8.85	.60	.73		
Group 4	9.72	.60	.73		

Group 1 General Laborers: Air, fuel and electric tool operators and all other pneumatic and mechanical tools, including blowpipe and vacuum cleaners. Cassion workers (top men), pipelayers for all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same. Power-buggy, pre-cast slab placers & signal men, blaster helper, excavation of all foundation, digging of trenches, piers and manholes. Wrecking and moving of all structures. Underpinning & shoring, stripping, dismantling, oiling & moving of concrete forms, loading and carrying, of reinforcing steel, handling & distribution of lumber, and all other building materials to stock piles, unloading, carrying, distribution, and laying of precast concrete slabs and planks for flooring & roofing, general cleanup & removal of refuge, debris, and all scrap materials(s), vibrator operator (concrete placing - whose power is supplied by compressed air, electric, gasoline & any other means):

Group 2 Semi-Skilled: Caisson worker (bottom men), blasters, wagon air track and diamond point drill operators, burning torches, green cutting machine (nozzle men), and steam jenny. Plasterer & cement mason tenders, machine mixers, plasterer pump and scaffold builders (excluding masonry scaffolding). Sand blasting (nozzle man):

Group 3 Nursery Workers, window washers, floor scrubbers, and watchmen. Tenders of propane gas burners, salamander(s), smudge pots, tool room workers. Fire watch:

Group 4 Mason Tenders: (Brick & Block), machine mixers, motorized stockers, scaffold builders (masonry), motor pump, conveyors, mechanical cleaners and sandblasting for masonry and masonry equipment.

DECISION NO. PA81-3073

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers	$12.72	.70	.90		.05
LINE CONSTRUCTION:					
Linemen, dynamite man, heavy equipment operators	13.37	.55	3%		3/8%
Winch truck operators	9.38	.55	3%		3/8%
Groundman	8.97	.55	3%		3/8%
Marble & Tile Setters	12.25	.55	.80		
Millwrights	14.42	.70	.90		.05
Painters:					
Brush	10.85	.75	.60		.10
Tapers	11.51	.75	.60		.10
Hazardous	12.51	.75	.60		.10
Piledrivermen	12.97	3.13	1.40	a	.13
Roofers:					
Coal, East Cameron, Jackson, Jorden, Little Mahony, Lower Augusta, Upper Mahony, Point Rockfeller, Shamokin, Upper Mahony, Washington, West Cameron, Zerbe					
Composition	10.76	.80	.55		
Remainder of County					
Composition	11.15	.90	.85		
Plumbers	13.30	1.02	1.00		.11
Steamfitters	13.30	1.02	1.00		.11
Sprinkler Fitters	15.56	.95	1.40		.08
Sheet Metal Workers	13.21	.80	.86		.04
Soft Floor Layers	10.98	.70	.90		.05
Welders: Receive rate for craft					

FOOTNOTE:

a. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day and Thanksgiving Day.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))."

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.27	10%	10.3%	a	1.3%
GROUP 2	13.98	10%	10.3%	a	1.3%
GROUP 3	13.11	10%	10.3%	a	1.3%
GROUP 4	12.34	10%	10.3%	a	1.3%
GROUP 5	11.87	10%	10.3%	a	1.3%
GROUP 6	10.96	10%	10.3%	a	1.3%
GROUP 7	14.52	10%	10.3%	a	1.3%
GROUP 7-A	14.77	10%	10.3%	a	1.3%
GROUP 7-B	15.01	10%	10.3%	a	1.3%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2 : All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type bachoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment) machines similar to above

GROUP 5: - Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats); core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc): 100 ft. and over

GROUP 7-A: 150 ft. and over
GROUP 7-B: 200 ft. and over

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: SOUTH Dakota COUNTIES: Statewide
DECISION NUMBER: SD81-5155 DATE: DATE OF Publication
Supersedeas Decision No. SD80-5118 - dated June 6, 1980, in 45 FR 38248
DESCRIPTION OF WORK: Heavy and Highway Projects:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Finisher	$8.36				
Form Builder	8.36				
Form Builder Tender	6.86				
Form Setter	8.04				
LABORERS:					
Air Tool Operator	5.92				
Common Laborer	5.92				
Landscape Worker	5.92				
Manhole Builder	7.48				
Piledriver (Leadsman)	7.28				
Pipelayer (other than Culvert)	7.28				
Powderman (Blaster)	8.46				
PAINTERS	7.28				
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	7.04				
Asphalt Paving Machine	7.[illegible]				
Asphalt Paving Machine Tender	6.02				
Asphalt Plant Tender	6.66				
Asphalt Plant, stationary and traveling	8.46				
Auger Operator (truck type)	6.66				
Automatic Fine Grader Operator	8.06				
Broom (self-propelled)	6.66				
Bulldozer, 80 HP or less	7.18				
Bulldozer, over 80 HP	8.16				
Bullfloat Machine	7.58				
Concrete Batch Plant	8.16				
Concrete Mixer	6.90				
Concrete Paver	8.46				
Concrete Paving Cure Machine	7.[illegible]				
Concrete Paving Form Grader	8.06				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Concrete Paving Finishing Machine	$8.06				
Concrete Paving Joint Machine	7.80				
Concrete Paving Joint Sealer	7.00				
Concrete Paving Saw	7.58				
Concrete Paving Spreader	8.06				
Concrete Paving Subgrader	7.88				
Conveyor	6.22				
Cranes, Derricks, Draglines, Piledrivers, Backhoes, and Shovels, 1½ cu. yds. or less	7.88				
Cranes, Derricks, Draglines, Piledrivers, Backhoes, and Shovels over 1½ cu. yds.	8.66				
Crusher, including those with integral screening Plant	8.16				
Curb Machine	7.00				
Fireman (Boiler and Retort)	6.70				
Front End Loader, 1½ cu. yds. or less	6.90				
Front End Loader, 1½ cu. yds. to 3½ cu. yds.	7.58				
Front End Loader, over 3½ cu. yds.	8.08				
Mechanic, heavy duty	8.46				
Mechanic Tender	6.90				
Mechanic, maintenance	7.58				
Motor Grader, finish	8.46				
Motor Grader, rough	7.80				
Oiler and Greaser	7.58				
Roller, self-propelled (hot mix)	7.00				

DECISION NO. SD81-5155 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Roller, self-propelled (other)	$6.38				
Roller, Sheepfoot or 50 ton, pneumatic	7.00				
Scrapers	8.94				
Spreader (materials)	7.58				
Stationary Plant	7.50				
Tractor (Crawler or Pneumatic)	7.00				
Tractor (farm type with attachments including Loader)	6.02				
Tractor, Pusher	8.16				
Traveling Plant (Stabilization)	7.88				
Traveling Plant Tender	6.02				
Trenching Machine	7.58				
Wagon Drill, including Airtrac, Trac-drill, etc.	7.58				
TRUCK DRIVERS:					
Euclid or Dumptor	6.62				
Truck Cranes	6.48				
Truck, single axle	5.92				
Truck, Tandem or Semi-trailer	6.38				
WELDERS:					
Welder, certified	8.05				
Welder, general	7.58				

DECISION NO. SD81-5155 Page 4 SUPERSEDEAS DECISION

DECISION NO. SD81-5155 Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Group 1	$13.26	.45	4%		1/2%
Group 2	13.23	.45	4%		1/2%
Group 3	10.61	.45	4%		1/2%
Group 4	8.84	.45	4%		1/2%
Group 5	8.12	.45	4%		1/2%

Group 1: Journeyman Cable Splicer; Journey Lineman

Group 2: Tractor Dozer Operator, D-4 and larger; All Rigs erecting steel tower and "H" fixtures, also tension pulling Machines

Group 3: Groundman - operating special equipment, Hole Digging Machines; Aerial Baskets on energized circuits; Tractors, D-4 and larger, Transmission Line Pole hauling; All fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixtures erection

Group 4: Groundman - Truck or Tractor Driver with Winch; Operators of trucks up to and including 2½ tons; Tractor, including D-2 and smaller including wheel tractors and Crawler Tractors

Group 5: Groundman - Truck or Tractor Driver, without winch; Operators of truck, up to and including 2½ tons; Tractors, D-2 and smaller including Wheel Tractors and Crawler Tractors

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Brazos
DECISION NO.: TX81-4076 DATE: Date of Publication
Supersedes Decision No. TX81-4006, dated January 6, 1981, in 46 FR 1547.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.05	1.10	1.18		.08
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS	15.05	.94	1.05		.06
CARPENTERS:					
Carpenters	12.80				
Millwrights	15.285				
CEMENT MASONS	14.50	.73	1.07		.08
ELECTRICIANS	12.825	1.00	12%		.08
ELEVATOR CONSTRUCTORS:					
Mechanics	13.90	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Probationary)	50%JR				
GLAZIERS	13.39	.67	.875		.03
IRONWORKERS	14.76	.80	1.70		.10
LABORERS:					
Group 1	6.29	.47	.41		.02
Group 2	6.39	.47	.41		.02
Group 3	6.49	.47	.41		.02
Group 4	6.44	.47	.41		.02
Group 5	6.54	.47	.41		.02
Group 6	6.69	.47	.41		.02

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Construction labor, including excavation, concrete work, reinforcing, mason handler & wheeler (stock pile), asphalt ironer & raker, pipe layer (non-metallic), pump crete pipe (handling & laying) & all building construction labor excepting that hereinafter classified; carpenters tender, cement mason tender, vibrator operator, other mechanic tender (except as otherwise classified); dumper & spotter
GROUP 2 - Air tool operator
GROUP 3 - Well driller
GROUP 4 - Cutting torch man; mason tender; mason handler & wheelers handling from first stock pile; concrete pipe (handling & laying); sand blaster; power buggy operator; plasterer tender & hod carrier; lather tender; well driller tender
GROUP 5 - Tool room tender; mortar mixer (hoe or otherwise); blaster, powder man; gunnite worker
GROUP 6 - Gunnite nozzleman

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DECISION NO. TX81-4076 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen & cable splicers	$14.74	.60	3%		1/2%
Groundmen	8.55	.60	3%		1/2%
MARBLE MASONS	13.67	.89	.50		.11
PAINTERS:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	13.095	.765	.60	.40	.05
GROUP 2 - All spray painting, sandblasting, waterblasting	13.47	.765	.60	.40	.05
GROUP 3 - Tape, float & drywall	13.22	.765	.60	.40	.05
GROUP 4 - Steeple jack work hot materials	13.72	.765	.60	.40	.05
PIPEFITTERS	15.20	.95	1.00		.08
PLASTERERS	13.50	.92	.45		.02
PLUMBERS	15.12	.75	.80		.10
SHEET METAL WORKERS	15.26	3%+.525	.825	.42	.10
SOFT FLOOR LAYERS	14.00	.77	.65		.14
TERRAZZO WORKERS	13.67	.89	.50		.11
TILE SETTERS	13.67	.89	.50		.11
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:

a - 1st 6 months - none; 6 months to 5 years - 6% over 5 years - 8% of basic hourly rate

b - Paid Holidays A thru G

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))

DECISION NO. TX81-4076 Page 3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$13.34	.75	1.25		.07
GROUP 2	11.48	.75	1.25		.07
GROUP 3	10.85	.75	1.25		.07
GROUP 4	10.64	.75	1.25		.07

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader, self-propelled; bull clam; back filler; derrick-power operated (all types); clam shell; draglines; push cat operator; bull dozer & all types cat tractors; cable-way; backhoe; shovel; power operated; crane, power operated (all types); elevating grader, self-propelled; hoist, motor-driven, two drums or more; mix mobile; water well drilling machines, used on construction; building elevator, used on construction; tug boat operator, assigned to construction; winch truck; locomotive crane; concrete mixer, 14 cubic feet or more; paving mixer (all types); pile driver; scraper, heavy type, over 3 cubic yards; trenching machine (all sizes); gradall; high-lift; foundation boring machine; gasoline or diesel-driven welding machines, 7 or more; pumpcrete machine operator; turnapulls; DW-10 Caterpillar, S-18 euclid and similar tractors; asphalt plant mixer operator on job; crusher operator on job; scoopmobiles; forklift used on construction (not including warehousing); well point pump; concrete batch plant operator; pneumatic rollers, self-propelled;

GROUP 2 - Air compressors; blade grader, towed; flex plane; form grader; concrete mixer, less than 14 cubic feet; pumps; pulsometer; truck crane driver; gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); hoist, single drum; scraper, 3 cubic yards or less; wagon drill operator; conveyor; generator, gasoline or diesel driven, over 1500 watts; rubber tired farm tractor with attachments; a light equipment operator may run 1 or 2 105 cfm compressors

GROUP 3 - Fireman
GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Jefferson & Orange

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SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Jefferson & Orange
DECISION NO.: TX81-4077
DATE: Date of Publication
Supersedes Decision No. TX81-4015, dated April 3, 1981, in 46 FR 20448
DESCRIPTION OF WORK: Building (Including Residential) Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Jefferson County	$15.05	1.10	1.18		.08
Orange County	15.36	.825	1.23		.05
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS	13.65	.89	.80		.04
CARPENTERS:					
Carpenters:					
Commercial	14.37	.85	.60		.065
Residential construction of not more than 2 units & condominium townhouses of not more than 6 units excluding all apartment construction & multiple buildings for rental purposes	12.24	.55	.45		
Millwrights	14.625	.85	.60		.05
Piledrivermen	14.51	.85	.60		
CEMENT MASONS:					
North 1/2 of Jefferson Co. bounded on the south side by Nederland Ave.	12.70				
South 1/2 of Jefferson Co. & all of Orange Co.	12.62				
ELECTRICIANS	15.55	.90	3%+.285		.08
ELEVATOR CONSTRUCTORS:					
Mechanics	13.90	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Probationary)	50%JR				
GLAZIERS:					
Northern 1/2 of Jefferson Co.	12.92	.60			
Southern 1/2 of Jefferson Co. & all of Orange Co.:					
Commercial	12.10	.60			.05
Residential	11.95	.60			.05
IRONWORKERS	13.60	.80	1.7[illegible]		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GROUP 1 - Common laborer, asphalt ironer & raker; sandblaster exclusive of preparation for painters, dumper, spotter & wagon drill; powderman blaster; well driller	$ [illegible].20	.57	.60		.04
GROUP 2 - Carpenter tender	[illegible].25	.57	.60		.04
GROUP 3 - Cement masons tender; air tool operator (jackhammer-vibrator)	8.30	.57	.60		.04
GROUP 4 - Plaster & lather tender; pipe layers, nonmetallic pipe including handling & laying pumpcrete pipe	8.40	.57	.60		.04
GROUP [illegible] - Mortar mixers, hod carriers & mason tender	8.45	.57	.60		.04
LATHERS	13.485	.55			.01
LINE CONSTRUCTION:					
Linemen	16.14	.60	3%		1/2%
Groundmen	11.78	.60	3%		1/2%
PAINTERS:					
Southern 1/2 of Jefferson Co. & all of Orange Co.:					
GROUP 1 - Brush:					
Commercial	12.10	.60			.05
Residential	11.95	.60			.05
GROUP 2 - Paperhanger:					
Commercial	12.35	.60			.05
Residential	12.20	.60			.05
GROUP 3 - Spray:					
Commercial	12.[illegible]0	.60			.05
Residential	12.[illegible]7	.60			.05
GROUP 4 - Sandblaster, power cleaning:					
Commercial	12.42	.60			.05
Residential	12.21	.60			.05
GROUP 5 - Hot paint:					
Commercial	12.85	.60			.05

Twenty-five cents (25¢) per hour premium on all work from stage, chair, window jack or ledge in all classifications

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
Northern 1/2 of Jefferson Co.:					
GROUP 1 - Brush:					
Commercial	$12.80	.[illegible]2			
Residential	12.55	.[illegible]2			
GROUP 2 - Paper & vinyl hangers:					
Commercial	13.[illegible]5	.[illegible]2			
Residential	12.[illegible]0	.[illegible]2			
GROUP 3 - Brush, steel:					
Commercial	1[illegible].97	.8[illegible]			
GROUP 4 - Spray:					
Commercial	13.22	.[illegible]2			
Residential	12.97	.[illegible]2			
Twenty-five cents (25¢) per hour above the prevailing wage rate when working on window jacks or ledge, swing stage, bosun chair, cat walks, spider & skates in all classifications.					
PIPEFITTERS	14.62	.87	1.00		.15
PLASTERERS	13.50	.92	.45		.02
PLUMBERS	12.96	.95	.75		.03
ROOFERS:					
Composition	12.96	.57	.50	.35	.06
Slate and tile	13.71	.57	.50	.35	.06
Kettlemen	12.06	.57	.50	.35	.06
SHEET METAL WORKERS:					
Commercial	12.67	3%+.58	.55		.14
Work on a single family dwelling or multiple family housing unit less than 3 stories in height where each individual family apartment is individually conditioned by a separate & independent unit or system	8.24	3%+.58	.55		.14
SPRINKLER FITTERS	14.68	.95	1.40		.08
TILE SETTERS	12.14	.89	.80		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
GROUP 1 - Under 1-1/2 tons & wash, grease, tireman, fuel pump operators when used on construction	9.91	.5[illegible]			
GROUP 2 - 1-1/2 tons thru 2-1/2 tons, dump truck less than 7 yds.	10.50	.53			
GROUP 3 - Over 2-1/2 tons, farm tractors (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards & when used to transport material), floats, hydraulic tail gate lifts	10.69	.53			
GROUP 4 - Euclids (not self-loading)	10.79	.5[illegible]			
GROUP 5 - Warehousemen-material checker; town driver	10.[illegible]7	.5[illegible]			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS

a - 1st 6 mos. - none; 5 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate

b - Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

DECISION NO. TX81-4077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$13.485		.25		
GROUP 2	11.21		.25		
GROUP 3	10.39		.25		
GROUP 4	10.14		.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; Blade grade, self-propelled; Bull clam; Back filler; Derrick-power operated, all types; Dragline; Push cat; Bulldozer & all types of cat tractors; Cableway; Backhoe; Shovel; Crane-power operated, all types; Elevating grader, self-propelled; Hoist - motor driven, two drums or more; Mix mobile; Winch truck; Locomotive crane; Mixer, 14 cu. ft. or more; Paving mixer, all sizes; Piledrivers; Scraper-heavy type, over 3 cu. yds.; Trench machines, all sizes; Gradeall; High-lift; Foundation boring machines; Gasoline or diesel driven welding machines-7 to 12 machines; Pumpcrete machine; Drill operator - Water well; DW-10 euclid; Tournapulls; Asphalt Plants; Crushing machines and batch plants; Scoopmobiles; Fingerlift operator; Elevator when used to haul men or material on construction work; Well point system & operation of similar dewatering devices

GROUP 2 - Air compressor; Blade grade-towed; Flex plane; Form grader; Mixer, less than 14 cu. ft.; Pump, Pulsometer; Truck crane driver; Gasoline or diesel welding machines, 3 to 6 machines; Hoist-single drum; Scraper, 3 cu. yds. or less; Conveyors-power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Travis
DECISION NO.: TX81-4074 DATE: Date of Publication
Supersedes Decision No. TX81-4016, dated April 3, 1981, in 46 FR 20450

DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.70	.80	1.55		.08
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS	13.52	.70	.65		.05
CARPENTERS:					
Carpenters	13.56	.48	.70		.04
Millwrights	13.81	.48	.70		.04
CEMENT MASONS	12.69	.60	.55		
ELECTRICIANS & CABLE SPLICERS	13.8[illegible]	.8[illegible]	8%		.[illegible]
ELEVATOR CONSTRUCTORS:					
Mechanics	13.06	1.345	1.085	a+b	.035
Helpers	70%JR	1.345	1.085	a+b	.035
Helpers (Probationary)	50%JR				
GLAZIERS	10.26		.50		.01
IRONWORKERS	13.05	.55	1.45		.12
LABORERS:					
GROUP 1 - General laborer and pier hole men	[illegible].4[illegible]	.30	.40		.0[illegible]
GROUP 2 - Mason tender; Pipelayer (concrete & clay); Cement finisher tender; Scaffold builder; Gunnite & cement work mixer & power tool op.	[illegible].58	.30	.40		.0[illegible]
GROUP 3 - Plaster tender; hod carrier; Mortar mixer; Lather tender	[illegible].75[illegible]	.30	.40		.0[illegible]
GROUP 4 - Gunnite over 1-1/2" thick; Nozzlemen; Machine operator; Powderman & blaster	8.83	.30	.40		.02
LATHERS	11.52[illegible]				.01
LINE CONSTRUCTION:					
Linemen	14.50	.[illegible]0	3%		1/2%
Groundmen	7.90	.[illegible]0	3%		1/2%
MARBLE, TILE & TERRAZZO WORKERS	11.10	.70			.05
MARBLE, TILE & TERRAZZO FINISHERS:					
Marble, tile & terrazzo finisher	[illegible].62				
Terrazzo floor machine ops.	[illegible].82				
Terrazzo base machine ops.	[illegible].97				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Journeyman painters, taping & floating of sheetrock	$11.05				
GROUP 2 - Spray; sandblasting swing stage	11.55				
PLASTERERS	13.74	.60	.55		.01
PLUMBERS & PIPEFITTERS	14.40	.50	.50		.07
ROOFERS:					
Roofers; deckmen	9.24	.50			
Kettlemen	8.19	.50			
Waterproofers	8.69	.50			
SHEET METAL WORKERS	14.87	3%+.65	1.32		.12
SOFT FLOOR LAYERS	14.00	.77	.65		.14
SPRINKLER FITTERS	14.68	.95	1.40		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS

A-New Year's DAy; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS

a - 1st 6 months - none; 6 months to 5 years - 6%; over 5 years - 8% of basic hourly rate

b - Paid Holidays A thru G

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DECISION NO. TX81-4074

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$13.59		.65		.05
GROUP 2	12.52		.65		.05
GROUP 3	11.30		.65		.05
GROUP 4	11.19		.65		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader - self-propelled; Crawler dozers or loaders; derricks, power operated (all types); Dragline; cableway; backhoe; crane, power operated (all types); elevating grader, self-propelled; hoist, motor driven, two drums or more; mix mobile; high-lifts and loaders, over 1/3 cu. yd. capacity; winch truck; locomotive; mixer, 14 cu. ft. or over; paving mixer (all sizes); scraper; trenching machine (all sizes); gradall; foundation boring machine; scoopmobile; shovel, power operated; pump crete machine; rock crusher operated on job; well points including installations; riding compactor; forklift over 1500 lbs. capacity; flat wheel rollers (60" & over); Pneumatic rollers (10 tons & above)

GROUP 2 - Blade grader, towed; flex plane; form grader; mixer, less than 14 cu. ft.; pulsometer; conventional truck crane driver and oiler; combination man; hoist, single drum; pneumatic roller; high-lifts and loaders, 1/3 cu. yd. or less; forklift 1500 lbs. capacity or less

GROUP 3 - Fireman

GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Galveston & Harris
DECISION NO. TX81-4075 DATE: Date of Publication
Supersedes Decision No. TX81-4032, dated May 8, 1981, in 46 FR 25981.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current highway general wage determination for Paving & Utilities Incidental to Building Construction for Galveston (excluding Galveston Island) & Harris Counties).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.05	1.10	1.18		.08
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS	15.05	.94	1.05		.06
CARPENTERS:					
Carpenters & piledrivermen	14.90	1.00	.95		.07
Millwrights	15.285	1.00	.95		.07
CEMENT MASONS:					
Galveston County	14.50	.73	1.07		
Harris County	14.50	.73	1.07		.08
ELECTRICIANS:					
Galveston County	14.44	.90	3%+1.40		.08
Harris County	14.25	1.00	12%		.08
ELEVATOR CONSTRUCTORS:					
Mechanics	13.90	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	13.39	.67	.875		.03
IRONWORKERS	14.76	.80	1.70		.10
LABORERS:					
GROUP 1 - Common	10.95	.60	.91		.05
GROUP 2 - Air tool op. (jackhammer-vibrator); mason tenders; pipelayers (concrete & clay); sand blasterers; power buggy op.	11.115	.60	.91		.05
GROUP 3 - Lather tender; mortar mixers; plaster tenders & hod carriers	11.245	.60	.91		.05
GROUP 4 - Well driller	11.54	.60	.91		.05
GROUP 5 - Well driller tender	11.085	.60	.91		.05
GROUP 6 - Blaster, powderman	11.405	.60	.91		.05
LATHERS (Harris Co. only)	13.82	.70	.35		.03
LINE CONSTRUCTION:					
ZONE 1 - Galveston Co. & that part of Harris Co. from Loop 610 east to State Hwy. 59, north on State Hwy. 59, Hwy. 1960 west on Hwy. 1960 to Hwy. 6, south on Hwy. 6 to State Hwy. 59, southeast on State Hwy. 59 to Loop 610					

DECISION NO.: TX81-4075

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line construction (Cont'd): around Loop 610 to State Highway 59 North:					
Lineman & Cable Splicer	$16.45	.60	3%		½%
Groundman	9.54	.60	3%		½%
Zone 2 - Remainder of Harris Co:					
Lineman & Cable splicer	16.05	.60	3%		½%
Groundman	9.31	.60	3%		½%
MARBLE MASONS:					
Galveston County	13.76				
Harris County	13.67	.89	.50		.11
MARBLE MASONS' FINISHERS	9.70	.80	.25		
PAINTERS:					
East Harris County:					
GROUP 1 - All brush painting, hand rolling and all other work other than that below	14.98				
GROUP 2 - All pneumatic & electric tools & steam cleaning	15.335				
GROUP 3 - All tape and float on drywall	15.075				
GROUP 4 - All paper & vinyl hanging	15.23				
GROUP 5 - All spray painting, Sandblasting & waterblasting	15.375				
GROUP 6 - Steeple jack work, hot materials	15.84				
Remainder of Harris County:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	13.095	.765	.60	.40	.05
GROUP 2 - All spray painting, sandblasting, waterblasting	13.47	.765	.60	.40	.05
GROUP 3 - Tape, float & drywall	13.22	.765	.60	.40	.05
GROUP 4 - Steeple jack work, hot materials	13.72	.765	.60	.40	.05
Galveston County:					
GROUP 1 - Painters on new work	13.845	.95	.90	1.15	.05
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	13.895	.95	.90	1.15	.05

DECISION NO.: TX81-4075

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
GROUP 3 - Painters on rework & repaint	$12.89	.95	.90	1.15	.05
PIPEFITTERS	15.20	.95	1.00		.08
PLASTERERS	13.50	.92	.45		.02
PLUMBERS	15.12	.75	.80		.10
ROOFERS:					
Composition	12.96	.57	.50	.35	.06
Slate & tile	13.71	.57	.50	.35	.06
Kettlemen	12.06	.57	.50	.35	.06
SHEET METAL WORKERS	15.26	3%+.525	.825	.42	.10
SOFT FLOOR LAYERS	14.00	.77	.65		.14
SPRINKLER FITTERS	14.68	.95	1.40		.08
TERRAZZO WORKERS:					
Galveston County	13.76				
Harris County	13.67	.89	.50		.11
TERRAZZO WORKERS' FINISHERS:					
Terrazzo workers' finishers	9.70	.80	.25		
Terrazzo floor machinemen	9.85	.80	.25		
Terrazzo base machinemen	10.00	.80	.25		
TILE SETTERS:					
Galveston County	13.76				
Harris County	13.67	.89	.50		.11
TILE SETTERS' FINISHERS	9.70	.80	.25		
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons; wash grease, tireman, fuel pump operator when used on construction jobs	7.84				
GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds.	8.23				
GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats	8.45				
GROUP 4 - Euclids (not self-loading)	8.61				
GROUP 5 - Pickup drivers	9.14				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO.: TX81-4075

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$13.34	.75	1.25		.07
GROUP 2	11.48	.75	1.25		.07
GROUP 3	10.85	.75	1.25		.07
GROUP 4	10.64	.75	1.25		.07

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader, self-propelled; bull clam; back filler; derrick-power operated (all types); clam shell; draglines; push cat operator; bull dozer & all types cat tractors; cable-way; backhoe; shovel, power operated; crane, power operated (all types); elevating grader, self-propelled; hoist, motor-driven, two drums or more; mix mobile; water well drilling machines, used on construction; building elevator, used on construction; tug boat operator, assigned to construction; winch truck; locomotive crane; concrete mixer, 14 cubic feet or more; paving mixer (all types); pile driver; scraper, heavy type, over 3 cubic yards; trenching machine (all sizes); gradall; high-lift; foundation boring machine; gasoline or diesel-driven welding machines, 7 or more; pumpcrete machine operator; turnapulls; DW-10 Caterpillar, S-18 euclid and similar tractors; asphalt plant mixer operator on job; crusher operator on job; scoopmobiles; forklift used on construction (not including warehousing); well point pump; concrete batch plant operator; pneumatic rollers, self-propelled;

GROUP 2 - Air compressors; blade grader, towed; flex plane; form grader; concrete mixer, less than 14 cubic feet; pumps; pulsometer; truck crane driver; gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); hoist, single drum; scraper, 3 cubic yards or less; wagon drill operator; conveyor; generator gasoline or diesel driven, over 1500 watts; rubber tired farm tractor with attachments; a light equipment operator may run 1 or 2 105 cfm compressors

GROUP 3 - Fireman
GROUP 4 - Oiler

DECISION NO.: TX81-4075

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS

A New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day' F-the Friday after Thanksgiving Day; G-Christmas Day.

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. -6%, over 5 yrs. - 8%of basic hourly rates

b - Paid Holidays A thru G

SUPERSEDEAS DECISION

STATE: TEXAS COUNTY: Bexar

DECISION NO.: TX81-4078 DATE: Date of Publication

Supersedeas Decision No.: TX81-40[illegible]5, dated July 10, 1981, in 46 FR 35892.

DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to and including 4 stories). (Use current heavy & highway general wage determination for Paving & utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.70	.80	1.55		.08
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS	12.78	.67	.30	.25	.05
CARPENTERS:					
Carpenters	12.24	.45	.80	.40	.05
Millwrights	12.54	.45	.80	.40	.05
CEMENT MASONS	12.22	.45		.65	.05
ELECTRICIANS:					
Electricians	13.74	.60	5%		1%
Cable splicers	13.99	.60	5%		1%
ELEVATOR CONSTRUCTORS:					
Mechanics	13.43	1.345	1.085	a+b	.035
Helpers	70%JR	1.345	1.085	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	6.80				
IRONWORKERS	12.00	.55	1.45	.50	.12
LABORERS:					
GROUP 1 - General laborers	7.77	.57	.60		.05
GROUP 2 - All power tools & equipment operators; cutting torch man; power buggy op.; wagon drill op.; well driller; drilling rig tender; cement finisher tender; handling creosoted materials; scale man on batch plants asphalt raker; concrete & clay & all non-metallic pipe laying; plasterer tender; brick tender; lather tender	8.02	.57	.60		.05
GROUP 3 - Mortar mixer man; grout machines; pumpcrete machines; gunnite mixing machines; running sand dryer & loading; operating sand blaster; bell hole man; blaster, powderman; gunnite nozzleman	8.27	.57	.60		.05

DECISION NO. TX81-4078 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman	$14.63	.60	3%		½%
Cable splicer	14.88	.60	3%		½%
Groundman	8.05	.60	3%		½%
MARBLE SETTERS	11.62	.67	.30	.25	
MARBLE SETTERS' FINISHERS	8.62				
PAINTERS:					
Brush; paperhanger; taper & floater; hand roller	10.45		.50		.05
Brush on all structural steel; spray on any other surface other than steel	10.70		.50		.05
PLUMBERS & PIPEFITTERS	15.93	.75	.88		.10
ROOFERS:					
Roofers; deckman	9.24	.50			
Kettlemen	8.19	.50			
Waterproofers	8.69	.50			
SHEET METAL WORKERS	14.87	3%+.55	1.32		.12
SOFT FLOOR LAYERS	6.35				
SPRINKLER FITTERS	14.68	.95	1.40		.08
TERRAZZO WORKERS	11.62	.67	.30	.25	
TERRAZZO WORKERS' FINISHERS:					
Terrazzo finishers	8.62				
Floor machine operators	8.82				
Base machine operators	8.97				
TILE SETTERS	11.62	.67	.30	.25	
TILE SETTERS' FINISHERS	8.62				
TRUCK DRIVERS	3.64				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 years. - 6%; over 5 yrs. - 8% of basic hourly rate
b - Paid Holidays A thru G

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DECISION NO. TX81-4078

	Basic Hourly Rates	Fringe Benefit. Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$12.12	.75	1.25		
GROUP 2	10.79	.75	1.25		
GROUP 3	9.09	.75	1.25		
GROUP 4	8.72	.75	1.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All foundation drilling rigs; all rollers (5 tons or over); backfiller; backhoe; blade graders (self-propelled); bull clam; bulldozers; cableway; clamshell operator; crane (power operated, all types); derricks (power operated, all types); draglines; DW-10 caterpillar and similar tractors; elevating graders (self-propelled); euclid; fork lift used on construction; gasoline or diesel-driven welding machines (7 to 12); gradall; heavy duty mechanic; high lifts; hoist (two drums or more); locomotives; mixer (14 cu. ft. or over); mixmobile; paving mixers (all sizes); piledriver; pumpcrete machine operator; rock crusher operator on job; scoopmobile; scrapers; shovel (power operated); turnapulls; trenching machines (all sizes); winch truck

GROUP 2 - Air compressor (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); blade graders (towed); building elevator used on construction; flex planes; form graders; hoist (single drum); mixer (less than 14 cu. ft.); pneumatic roller; pulsometers; pump (2½ or larger shall require a light equipment operator); three to six welding machines or any three pieces or equipment of equal or similar nature

GROUP 3 - Fireman

GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: TEXAS

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX81-4079

DATE: Date of Publication

Supersedes Decision No. TX81-4048, dated July 10, 1981, in 46 FR 35903.

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to & including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls	$14.70	.80	1.55		.08
ZONE 2 - Bosque, Hill & McLennan	13.675	.835	1.20		.045
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS	12.80	.70	.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Cos.					
Carpenters	11.00				
Millwrights	11.25				
ZONE 2 - Bosque, Falls, Hill & McLennan;					
Carpenters	10.91	.42			
Millwrights	11.68	.42			
CEMENT MASONS	12.69	.60	.55		
ELECTRICIANS:					
ZONE 1 - Bell (that part which is nearer to Waco than Austin but excluding that part of Ft. Hood, the boundary which presently is located approx. 2 mile inside the Bell Co. line & the City of Killeen), Bosque, Coryell, (except that part of Ft. Hood south of Cowhouse Creek), Falls, Hill & McLennan Cos.					
Electricians	12.50	.80	3%		1/2%
Cable splicers	13.50	.80	3%		1/2%
ZONE 2 - Bell (that part which is nearer to Austin than Waco & not to exceed more than 2 miles into Bell Co. from the southeast boundary line of Coryell Co., Gray Field & the City of Killeen)					

DECISION NO. TX81-4079

Page 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS ZONE 2 CONT'D: & Coryell (that part south of Cowhouse Creek) Counties					
Electricians & Cable splicers	$13.80	.80	8%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	12.87	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	7.50				
IRONWORKERS	13.05	.55	1.45		.12
LABORERS:					
Unskilled	3.35				
Mason tenders & mortar mixers	3.55				
LATHERS	11.10			1.00	.05
LINE CONSTRUCTION:					
ZONE 1 - Bell (that portion which is nearer to Waco than Austin but excluding that part of Ft. Hood, the boundary which presently is located approx. 2 miles inside the Bell Co. line & the City of Killeen); Bosque, Coryell (portion except part of Ft. Hood south of Cowhouse, Creek),Falls, Hill & McLennan Counties:					
Linemen	12.06	.60	8%		½%
Cable splicers	13.27	.60	8%		½%
Groundman	8.44	.60	8%		½%
Operators	12.66	.60	8%		½%
ZONE 2 - Bell (that portion which is nearer to Austin than Waco) & Coryell (that portion south of Cowhouse Creek) Cos.:					
Linemen	13.80	.60	8%		½%
Cable splicers	15.18	.60	8%		½%
Groundmen	9.66	.60	8%		½%
Operators	14.49	.60	8%		½%

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Brush	$ 9.40				.04
GROUP 2 - Boiler Pipe & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	9.90				.04
GROUP 3 - Ames tools for dry wall	10.00				.04
GROUP 4 - Spray work & self-feeding rollers	10.15				.04
GROUP 5 - Steam cleaning, sandblasting & hazardous work	10.50				.04
PLASTERERS	13.74	.60	.55		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1- McLennan County Basic rate	12.15	.40	.55		.04
ZONE 2 - 20 to 45 miles from McLennan Court House including towns of Temple, Marlin, Clifton, Hillsboro & Belton	12.65	.40	.55		.04
ZONE 3 - All other areas	13.65	.40	.55		.04
ROOFERS:					
GROUP 1 - Slate, tile, asbestos, roofing & siding	6.95				.03
GROUP 2 - Composition, built-up damp & waterproofing	6.80				.03
GROUP 3 - Kettleman	5.10				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan Co. Court House	11.30	3%+.65	.72		.09
ZONE 2 - Over 20 miles up to & including 45 miles	11.78	3%+.65	.72		.09
ZONE 3 - Over 45 miles	12.75	3%+.65	.72		.09
SPRINKLER FITTERS	14.68	.95	1.40		.08
TRUCK DRIVERS	3.35				
welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6% over 5 yrs. - 8% of basic hourly rate
b - Paid Holidays A thru G

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS		H & W	Pensions	Vacation	Education and or Appr. Tr.
Group 1	$13.59		.65		.05
Group 2	12.52		.65		.05
Group 3	11.30		.65		.05
Group 4	11.19		.65		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
GROUP 1 - Heavy duty mechanic; Blade grader - self-propelled; Crawler dozers or loaders; Derricks, power operated (all types); Draglines; Cableway; Backhoe; Crane, power operated (all types); Elevating grader, self-propelled; Hoist, motor driven, two drums or more; Mix mobile; High-lifts and loaders, over 1/3 cu. yd. capacity; Winch truck; Locomotive; Mixer, 14 cu. ft. or over; Paving mixer (all sizes); Scraper; Trenching machine (all sizes); Gradall; Foundation boring machine; Scoopmobile; Shovel, power operated; Pump crete machine; Rock crusher operated on job; Well points including installations; Riding compactor; Forklift over 1500 lb. capacity; Flat wheel rollers (60" & over); Pneumatic rollers (10 tons & above)
GROUP 2 - Blade grader, towed; Flex plane; Form grader; Mixer, less than 14 cu. ft.; Pulsometer; Conventional truck crane driver and oiler; Combination man; Hoist, single drum; Pneumatic roller; High-lifts and loaders, 1/3 cu. yd. or less; Foklift, 1500 lb. capacity or less
GROUP 3 - Fireman
GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

DECISION NO. TX81-4079

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 4.50				
Asphalt Heaterman	5.15				
Asphalt Raker	5.65				
Batching Plant Scaleman	5.50				
Carpenter	6.50				
Carpenter Helper	4.00				
Concrete Finisher (Paving)	6.45				
Concrete Finisher Helper (Paving)	4.75				
Concrete Finisher (Structures)	6.00				
Concrete Finisher Helper (Structures)	4.00				
Electrician	10.00				
Form Builder (Structures)	4.75				
Form Builder Helper (Structures)	4.50				
Form Setter (Paving & Curb)	5.15				
Form Setter Helper (Paving & Curb)	4.10				
Form Setter (Structures)	5.55				
Form Setter Helper (Structures)	4.50				
Laborer, Common	4.00				
Laborer, Utility Man	4.00				
Mechanic	5.00				
Mechanic Helper	4.10				
Oiler	5.50				
Serviceman	4.50				
Pipelayer:					
Bosque, Falls, Hill & McLennan Cos.	5.00				
Pipelayer (Concrete & Clay) Bell & Coryell Cos.	5.00				
Pipelayer Helper:					
Bosque, Falls, Hill & McLennan Cos.	4.25				
Pipelayer Helper (Concrete & Clay):					
Bell & Coryell Cos.	4.25				

DECISION NO. TX81-4079

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers (Bell & Coryell):					
Zone 1 - 20 to 45 miles from McLennan Court House including towns of Temple & Belton	$12.65	.40	.55		.04
Zone 2 - all areas not including in Zone 1	13.65	.40	.55		.04
Powderman	5.50				
Reinforcing Steel Setter (Structures)	5.40				
Reinforcing Steel Setter Helper	4.20				
Sign Erector	4.65				
Spreader Box Man	5.00				
Swamper	4.90				
Power Equipment Operators:					
Asphalt Distributor	5.50				
Asphalt Paving Machine	5.55				
Broom or Sweeper Op.	4.80				
Bulldozer, 150 HP & Less	5.35				
Bulldozer, over 150 HP	6.00				
Concrete Paving Curing Machine	5.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	5.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	6.10				
Foundation Drill Operator (Truck Mounted)	[illegible].00				
Foundation Drill Op. Helper	4.50				
Front End Loader (2½ CY & Less)	5.00				
Front End Loader (Over 2½ CY)	[illegible].00				
Motor Grader Op., Fine Grade	7.35				
Motor Grader Operator	5.65				

DECISION NO. TX81-4079

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Power Equipment Op. (Cont'd):					
Roller, Steel Wheel (Plant-Mix Pavements)	$ 4.80				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.75				
Roller, Pneumatic (Self-Propelled)	4.10				
Scrapers (17 CY & Less)	5.00				
Scrapers (Over 17 CY)	5.60				
Tractor (Crawler Type) over 150 HP	4.60				
Tractor (Pneumatic) 80 HP & Less	4.75				
Tractor (Pneumatic) over 80 HP	5.00				
Traveling Mixer	4.50				
Truck Drivers:					
Single Axle, Light	4.45				
Tandem Axle or Semitrailer	4.85				
Lowboy-Float	4.50				
Welder	5.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Utah COUNTIES: Statewide
DECISION NUMBER: UT81-5158 DATE: Date of Publication
Supersedes Decision No. UT81-5117 dated May 8, 1981, in 46 FR 25981
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$16.11	.77	$1.52		
BOILERMAKERS	15.71	1.30	1.25	1.00	.04
BRICKLAYERS	13.50	.70	.63		.09
CARPENTERS:*					
Building Construction:					
Carpenters	12.90	.65	.65	.25	.03
Saw Operators; Carpenters handling creosote materials	13.15	.65	.65	.25	.03
Millwrights	13.75	.65	.65	.25	.03
Piledrivermen	14.58	.65	.65	.25	.03
Heavy and Highway Construction:*					
Zone 1:					
Carpenters	12.75	.80	.75	.25	.03
Saw Operators; Carpenters handling creosote materials	13.00	.80	.75	.25	.03
Millwrights	12.75	.80	.75	.25	.03
Piledrivermen	17.05	.80	.75	.25	.03
Zone 2:					
Carpenters	13.75	.80	.75	.25	.03
Saw Operators; Carpenters handling creosote materials	14.00	.80	.75	.25	.03
Millwrights	12.75	.80	.75	.25	.03
Piledrivermen	17.05	.80	.75	.25	.03
Zone 3:					
Carpenters	15.25	.80	.75	.25	.03
Saw Operators; Carpenters handling creosote materials	15.50	.80	.75	.25	.03
Millwrights	12.75	.80	.75	.25	.03
Piledrivermen	17.05	.80	.75	.25	.03
CEMENT MASONS:					
Building Construction:					
Cement Masons	12.54	.65	.65	.25	.10
Machine Operator; Mastic Floor Materials	12.79	.65	.65	.25	.10

*See ZONE DESCRIPTIONS - Page 3

DECISION NO. UT81-5156 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:* (Cont'd)					
Heavy and Highway Construction:					
Zone 1:					
Cement Masons	$12.14	.80	.75	.25	.10
Machine Operator; Mastic Floor Materials	12.39	.80	.75	.25	.10
Zone 2:					
Cement Masons	14.14	.80	.75	.25	.10
Machine Operator; Mastic Floor Materials	14.39	.80	.75	.25	.10
Zone 3:					
Cement Masons	14.54	.80	.75	.25	.10
Machine Operator; Mastic Floor Materials	14.79	.80	.75	.25	.10
DRYWALL INSTALLERS:					
Taping, finishing and texturing (hand or machine)	13.64	.51	.40		.03
ELECTRICIANS:*					
Area 1:					
Zone 1:					
Electricians; Technicians	15.00	.75	3%+1.00		8/10%
Cable Splicers	15.25	.75	3%+1.00		8/10%
Zone 2:					
Electricians; Technicians	15.75	.75	3%+1.00		8/10%
Cable Splicers	16.50	.75	3%+1.00		8/10%
Zone 3:					
Electricians; Technicians	16.50	.75	3%+1.00		8/10%
Cable Splicers	16.75	.75	3%+1.00		8/10%
Zone 3A:					
Electricians; Technicians	16.00	.75	3%+1.00		8/10%
Cable Splicers	16.25	.75	3%+1.00		8/10%
Zone 4:					
Electricians; Technicians	18.25	.75	3%+1.00		8/10%
Cable Splicers	18.50	.75	3%+1.00		8/10%

*See AREA and ZONE DESCRIPTIONS - Page 3

DECISION NO. UT81-5156 Page 3

AREA and ZONE DESCRIPTIONS

CARPENTERS:
Heavy and Highway Construction:
Zone 1: Area 0 to 40 road miles from the following Cities: Brigham City, Cedar City, Kanab, Logan, Moab, Monticello, Ogden, Price, Provo, Richfield, St. George, Salt Lake City, and Vernal
Zone 2: Area 40 to 60 road miles from the Cities listed in Zone 1
Zone 3: Area over 60 road miles from the Cities listed in Zone 1

CEMENT MASONS:
Heavy and Highway Construction:
Zone 1: Area 0 to 40 road miles from the following Cities: Brigham City, Cedar City, Kanab, Logan, Moab, Monticello, Ogden, Price, Provo, Richfield, St. George, Salt Lake City, and Vernal
Zone 2: Area 40 to 60 road miles from the Cities listed in Zone 1
Zone 3: Area over 60 road miles from the Cities listed in Zone 1

ELECTRICIANS:
Area 1: North section of Utah - Box Elder and Cache Counties; Davis County (north of 41st Parallel); Morgan, Rich, and Weber Counties:
Zone 1: That area 10 miles on either side of Interstate Highway #15, commencing on the south at the 41st Parallel in Davis County, continuing north to Highway #91 - Interstate #15 junction south of Brigham City; at this point go east and north through Logan and continue north to the 42nd Parallel in Cache County on Highway #91
Zone 2: That area not included in Zone 1 that lies east of 112°20' longitude in Box Elder County and that area lying west of 111°35', north of the 41st Parallel in Cache, Morgan, Weber Counties
Zone 3: That area lying east of 111°35' longitude and north of the 41st Parallel in Cache, Morgan, Rich, Weber Counties; also the area in Box Elder County lying west of 112°20' longitude and north and east of Utah Highway #83
Zone 3A: That area from a point 2 miles north of Center Street in Smithfield to the Utah-Idaho State Line and 10 miles east and west from Highway #91
Zone 4: All other area west of Zones 3 and 3A in Box Elder County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd) In Zones 2, 3, and 3A, on any job or project not exceeding $250,000.00 electrical, labor and material included, Zone 1 rate shall apply.					
Area 2:					
Zone 1:					
Zone 1A:					
Electricians; Technicians	$14.75	$1.00	3%+1.00		8/10%
Cable Splicers	15.25	1.00	3%+1.00		8/10%
Zone 1B:					
Electricians; Technicians	15.50	1.00	3%+1.00		8/10%
Cable Splicers	16.00	1.00	3%+1.00		8/10%
Zone 1C:					
Electricians; Technicians	16.25	1.00	3%+.75		8/10%
Cable Splicers	16.95	1.00	3%+.75		8/10%
Zone 2:					
Electricians; Technicians	18.75	1.00	3%+.75		8/10%
Cable Splicers	17.75	1.00	3%+.75		8/10%
ELEVATOR CONSTRUCTORS	14.045	1.345	1.085	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	9.83	1.345	1.085	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (Prob.)	7.02				
GLAZIERS:					
Area 1	19.23	.75	.40		.08
Area 2	13.20	.61	.70		
IRONWORKERS:					
Fence Erectors; Ornamental; Reinforcing; Structural	14.25	1.05	1.60		.10
LABORERS:*					
Building Construction:					
Group 1	9.12	.70	.35	.25	.04
Group 2	10.12	.70	.35	.25	.04
LATHERS	12.22	.55	.70		.01

*SEE AREA, ZONE, and GROUP DESCRIPTIONS - Page 5

AREA and ZONE DESCRIPTIONS

ELECTRICIANS: (Cont'd)

Area 2: South section of Utah (Remaining Counties):

Zone 1: Davis County (south of 41st Parallel); Salt Lake County; Tooele County (northeast corner beginning at a point where the township line between Township 3 south and Township 4 south, Salt Lake Base Meridian, intersects the east boundary line of Tooele County and thence west along said township line to the southwest corner of Section 32, Township 3 south, Range 4 west, Salt Lake Base Meridian, thence north to the northwest corner of Section 17 of Township 3 south, Range 4 west, thence west to longitude 112.5°, thence north along the line of longitude 112.5° to the north line of Tooele County); Utah County (north of 40th Parallel):

Zone 1A: Ten miles either direction (east or west) from Interstate Highway #15, bounded on the north by the 41st Parallel and on the south by the 40th Parallel

Zone 1B: The balance of Zone I that lies in Davis, Salt Lake, and Utah Counties

Zone 1C: That portion of the remainder of Zone I that lies in Tooele County

Zone 2: Remainder of Counties and all portions of Counties not included in Zone 1 of the south section of Utah

GLAZIERS:

Area 1: Iron and Washington Counties

Area 2: Remaining Counties

GROUP DESCRIPTIONS
FOR
LABORERS
Building Construction

Group 1: Laborers

Group 2: Powdermen and Drillers

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION WORKERS:					
Groundman	$10.83	.45	3%+.50		1/4%
Line Equipment Serviceman	12.98	.45	3%+.50		1/4%
Line Equipment Mechanic:					
Base Shop	12.98	.45	3%+.50		1/4%
Right-of-way	13.88	.45	3%+.50		1/4%
Line Equipment Operators	13.20	.45	3%+.50		1/4%
Linemen	14.67	.45	3%+.50		1/4%
Cable Splicers	16.17	.45	3%+.50		1/4%
MARBLE SETTERS	12.37	.60	.60		.04
MASON TENDERS	11.02	.50	.35		
PAINTERS:*					
Area 1:					
Brush; Roller	10.72	.51	.50		.05
Spray; Sandblast; Steeplejack; Brush, steel and bridge; Brush (swing stage;	10.97	.51	.50		.05
Spray (swing stage); Sandblaster (swing stage); Spray, steel and bridge	11.17	.51	.50		.05
Area 2:					
Brush; Roller	12.00	.61	.50		.02
Brush (swing stage); Brush (Steel and bridge); Spray Sandblaster, Steeplejack	12.30	.61	.50		.02
Spray (swing stage); Spray (Steel and bridge); Sandblaster (swing stage)	12.55	.61	.50		.02
Wallcovering Hanger	12.25	.61	.50		.02
PLASTERERS' TENDERS	12.10	.50	.35		
PLASTERERS	13.44	.55	.65		.10
PLUMBERS; Pipefitters	15.11	1.00	1.10		.06
REFRIGERATION and AIR CONDITIONING	12.60	.81	1.10		.06
ROOFERS	11.74	.62	.35		.05
SHEET METAL WORKERS	14.30	1.15	1.39		.12
SOFT FLOOR LAYERS	9.90	.51	.27		
SPRINKLER FITTERS	14.09	.95	1.40		.08
TERRAZZO WORKERS and TILE LAYERS	12.37	.60	.65		.04

*See AREA DESCRIPTIONS - Page 7

WELDERS: Receive rate prescribed for craft performing operation to which Welding is incidental.

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. 7 Paid Holidays: A through G.

b. Employees who have been employed for a period of 1 year shall have 3 weeks' vacation with pay. Should a holiday listed below occur within an employee's vacation period he shall be allotted an additional day's vacation. 8 Paid Holidays: A through F, President's Day and Pioneer Day.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day;
G-Friday after Thanksgiving

AREA DESCRIPTIONS

PAINTERS:

Area 1: Box Elder, Cache, and Rich Counties; and the following Counties north of an east-west line from the north boundary of Farmington: Davis, Morgan, Summit, Tooele, and Weber Counties

Area 2: Remainder of State

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	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:* Heavy and Highway Construction	AREA 1	AREA 2				
Group 1	$9.72	$11.72	.70	.35	.25	.04
Group 2	9.85	11.85	.70	.35	.25	.04
Group 3	9.97	11.97	.70	.35	.25	.04
Group 4	10.22	12.22	.70	.35	.25	.04
Group 5	10.72	12.72	.70	.35	.25	.04
Tunnel and Shaft Work:						
Group 1	9.87	11.87	.70	.35	.25	.04
Group 2	9.97	11.97	.70	.35	.25	.04
Group 3	10.17	12.17	.70	.35	.25	.04
Group 4	10.62	12.62	.70	.35	.25	.04

*See AREA DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: General Laborers

Group 2: Asphalt Raker; Sandblast Pot Tender; Gunite Nozzleman; Concrete Pump Head Hoseman; Signalman and Dumpman on concrete construction

Group 3: Work of all types using cutting torch; Operators of gasoline, electric or pneumatic tools (e.g., Compressor, Compactor, Jackhammer, Vibrator, Concrete Saw, Chain Saw and Concrete Cutting Torch); Pipelayer; Laser Instrument Operator; Refinery Tank and Vessel Cleaner; Sandblaster

Group 4: Air Track and similar Drills

Group 5: Powderman

Tunnel and Shaft Work

Group 1: Underground Laborers

Group 2: Brakeman; Chucktender; Dumpman; Powderman Tender; Puddler; Nipper; Tapman; Vibrator; Screedman

Group 3: Cutting Machine Operator; Drill Doctor; Finisher; Gunite Gunman; Miner; Powder Makeup Man; Spader and Tugger; Steelman; Gunite Groundman; Gunite Nozzleman; Gunite Rodman; Concrete Head Hoseman

Group 4: Shifter

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	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:* Building Construction	AREA 1	AREA 2				
Group 1	$10.78	$12.78	$1.33	$1.785	$1.00	.08
Group 2	11.17	13.17	1.33	1.785	1.00	.08
Group 3	11.37	13.37	1.33	1.785	1.00	.08
Group 4	11.48	13.48	1.33	1.785	1.00	.08
Group 5	11.99	13.99	1.33	1.785	1.00	.08
Group 6	12.16	14.16	1.33	1.785	1.00	.08
Group 7	12.28	14.28	1.33	1.785	1.00	.08
Group 8	12.61	14.61	1.33	1.785	1.00	.08
Group 9	12.68	14.68	1.33	1.785	1.00	.08
Group 10	12.84	14.84	1.33	1.785	1.00	.08
Group 11	13.02	15.02	1.33	1.785	1.00	.08
Group 12	13.51	15.51	1.33	1.785	1.00	.08
Group 13	14.47	16.47	1.33	1.785	1.00	.08
Group 14	14.96	16.96	1.33	1.785	1.00	.08
Group 15	15.24	17.24	1.33	1.785	1.00	.08

*See AREA DESCRIPTIONS - following TRUCK DRIVERS' classifications

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

Group 1: Assistant to Engineer; Elevator Operators; Hydraulic Monitor; Material Loader or Conveyor Operators

Grup 2: Air Compressor Operator; Concrete Mixer Operator (skip-type); Concrete Pump or Pumpcrete Gun Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Truck Crane Oiler

Group 3: Front End Loader (up to and including 1 cu. yds. struck M.R.C.); Hoist Operator - 1 drum; Slip Form Pumps

Group 4: Air Compressor Operator (2 or more compressors); Signalman; Small Rubber-tired Tractor; Small self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more); Concrete Conveyor, building site

Group 5: A-Frame Truck and Tugger Hoist; Fork Lift (construction job site); Kolman Loader and similar; Loader Operator (over 1 cu. yd. to and including 2 cu. yds. struck M.R.C.); McGinnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Ross Carrier or similar type; Small rubber-tired Tractor (with attachments, including Backhoe); Small rubber-tired Trenching Machine; Small Tractor with boom; Gradesetter

Group 6: Bridge Crane; Concrete Mixer Operator (paving or batch plant); Drilling Machine Operator (Well or Diamond); Dual Drum Mixers; Hoist Operator - 2 drums; Lull High-lift (40 ft. or similar); Roller Operator or self-propelled Compactors; Tractor Operator (Sheep's Foot and compacting equipment); Trenching Machine; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Self-propelled Compactor with or without Dozer

Group 7: Tractor Operator (Bulldozer or tractor-drawn Scraper or drag-type Shovel or boom attachment, up to and including D-7 or similar)

Group 8: Chicago Boom (including Stiff Leg and Sheer Pole); Concrete Batch Plant (multiple units); Loader Operator (over 2 cu. yds. up to and including 5 cu. yds. struck M.R.C.); Self-propelled boom type Lifting Device (center mount) (10 ton capacity or less M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
BUILDING CONSTRUCTION (Cont'd)

Group 9: Heavy Duty Repairman or Welder; Tractor Operator (Bulldozer or tractor-drawn Scraper or drag-type Shovel or boom attachment, larger than D-7 or similar)

Group 10: Motor Patrol

Group 11: Loader Operator (over 5 cu. yds. up to and including 12 cu. yds. struck M.R.C.); Universal Equipment Operator (Shovel, Backhoe, Dragline, Derrick, Derrick Barge, Clamshell, Crane, Grade-all, etc.)(up to and including 5 cu. yds. struck M.R.C.); Self-propelled boom type Lifting Device (center mount); Tower Crane (Linden type or similar designs and capacity)

Group 12: Remote Controlled (over 12 cu. yds. struck M.R.C. up to 18 cu. yds. M.R.C.)

Group 13: Loader Operator (over 12 cu. yds. struck M.R.C. up to 18 cu. yds. M.R.C.)

Group 14: Operator of Helicopter (when used in erection work)

Group 15: Cranes over 125 tons

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:* Heavy and Highway Construction	AREA 1	AREA 2				
Group 1	$12.51	$14.51	$1.38	$2.15	$1.32	.17
Group 2	12.85	14.86	1.38	2.15	1.32	.17
Group 3	13.04	15.04	1.38	2.15	1.32	.17
Group 4	13.15	15.15	1.38	2.15	1.32	.17
Group 5	13.61	15.61	1.38	2.15	1.32	.17
Group 6	13.76	15.76	1.38	2.15	1.32	.17
Group 6-A	13.87	15.87	1.38	2.15	1.32	.17
Group 7	14.17	16.17	1.38	2.15	1.32	.17
Group 7-A	14.32	16.32	1.38	2.15	1.32	.17
Group 8	14.29	16.29	1.38	2.15	1.32	.17
Group 9	14.45	16.45	1.38	2.15	1.32	.17
Group 10	14.89	16.89	1.38	2.15	1.32	.17
Group 10-A	15.85	17.85	1.38	2.15	1.32	.17
Group 10-B	16.30	18.30	1.38	2.15	1.32	.17
Group 11	16.46	18.46	1.38	2.15	1.32	.17

*See AREA DESCRIPTIONS - following TRUCK DRIVERS' classifications

Underground and Shaft Work:

Underground Work: Employees working underground shall receive $0.30 per hour in addition to their straight-time hourly wage rate.

Shaft Work: Employees working within Shafts, Stopes and Raises shall receive $0.50 per hour in addition to their straight-time hourly rates.

POWER EQUIPMENT OPERATORS
HEAVY and HIGHWAY CONSTRUCTION

Group 1: Assistant to Engineer; Brakeman - Locomotive; Elevator Operator; Fireman; Asphalt Plant Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - field; Repairman Tender - field

Group 2: Boxman, asphalt plant; Air Compressor Operator; Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinky Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Screedman; Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Truck Crane Oiler (Assistant to Engineer)

Group 3: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper - multiple purpose; Front End Loader (up to and including 1 cu. yd. struck M.R.C.); Hoist Operator - 1 drum Line Master; Slip Form Pumps

Group 4: Batch Operator (asphalt plant); Air Compressor Operator (2 or more compressors); Concrete Conveyor, building site; Lube and Service engineer (mobile and grease rack); Motorman; Pavement Breaker Operator (Emsco and similar type); Shuttlecar; Signalman; Slurry Seal Machine or similar; Small rubber-tired Tractor; Small self propelled pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)

Group 5: A-Frame Truck and Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals); Engineer - Locomotive; Forklift (construction jobsite); Gradesetter; Kolman Loader (and similar); McGinnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Power Jumbo Operator (setting slip forms, etc., in tunnels); Road Mixing Machine Operator; Ross Carrier or similar type; Small rubber-tired Trenching Machine; Small rubber-tired tractor (with attachments, including Backhoe); Small Tractor with boom; Surface Heater (self-propelled); Loader Operator (over 1 cu. yd. up to and including 2 cu. yds. "struck" M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction

Group 6: Bridge Crane; Chip Box Spreader (Flaherty type and similar); Concrete Conveyor or Concrete Pump, truck or equipment mounted, boom length to apply; Concrete Mixer Operator (paving or batch plant); Concrete Pipe Floater Operator; Deck Engineer (Marine); Drilling Machine Operator (Well or Diamond); Drilling and Boring Machinery, horizontal and vertical (not to apply to waterliners, wagon drills, or jack hammers); Dual Drum Mixers; Elevating Grader Operator; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as Quarry Master, Joy Drills or equal); Hoist Operator - 2 drums; Lull High-lift (40 ft or similar); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Mechanical Finisher Operator (asphalt or concrete); Mine or Shaft Hoist; No-joint Pipe Laying Machine; Pavement Breaker; Pavement Breaker with Compressor combination; Pavement Breaker, truck mounted, Compressor combination; Refrigeration Plant; Roller Operator or self-propelled Compactor; Self-propelled Compactor (with multiple-propulsion power units); Self-propelled Pipeline Wrapping Machine Perault, CRC, or similar types); Self-propelled Compactor with or without Dozer; Slusher Operator; Tractor Operator (Sheep's Foot and Compacting Equipment); Tractor Compressor Drill Combination; Trenching Machine

Group 6-A: Side Boom Operator; Tractor Operator (Bulldozer or Tractor-drawn Scraper or Drag-type Shovel or Boom attachment, up to and including D-7 or similar)

Group 7: Asphalt Plant Engineer; Chicago Boom (including Stiff Leg and Sheer Pole); Combination Backhoe and Loader (3/4 cu. yds. or over M.R.C.); Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Do-mor Loader and Adams Elegrader; Engineer, Crushing Plant; Euclid Loader and similar types; Loader Operator (over 2 cu. yds. up to and including 6 cu. yds. "struck" M.R.C.); Koehring Skooper (or similar)(up to 5 cu. yds. "struck" M.R.C.); Mechanical Trench Shield; Mucking Machine Operator Rubber-tired Scrapers (under 35 cu. yds. "struck" M.R.C.); Saurman type Dragline (under 5 cu. yds. "struck" M.R.C.); Self-propelled Boom-type lifting device (center mount)(10-ton capacity or less M.R.C.); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Tri Batch Paver; Tunnel Mole (or similar)

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction

Group 7-A: Heavy Duty Repairman or Welder; Tractor Operator (Bulldozer or Tractor-drawn Scraper or Drag-type Shovel or boom attachment, larger than D-7 or similar); Rubber-tired Dozer

Group 8: Combination Mixer and Compressor (gunite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity); D-10, Komatsu 455 and over

Group 9: DW-10, 20, etc. (Tandem Scrapers); Loader Operator (over 6 cu. yds. up to and including 12 cu. yds. "struck" M.R.C.); Highline Cableway Operator; Lift Slab Machine (Vagtborg and similar types); Locomotive (over 100 tons) (single or multiple units); Prestress Wire Wrapping Machine; Saurman-type Dragline (5 cu. yds. and over "struck" M.R.C.); Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tractor (Tandem Scrapers); Universal Equipment Operator (Shovel, Backhoe, Dragline, Derrick, Derrick Barge, Clamshell, Crane, Grade-all, etc)(up to and including 5 cu. yds. "struck" M.R.C.); Hydraulic Backhoe, tractor mounted, rubber tired, etc., 3/4 yd. and over

Group 10: Automatic Concrete Slip Form Paver; Koehring Skooper (or similar)(5 cu. yds. and over "struck" M.R.C.); Multiple-propulsion Power Unit Earthmovers (up to and including 75 cu. yd. "struck" M.R.C.); Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. "struck" M.R.C.); Remote-controlled Cranes and Derricks; Rubber-tired Scrapers (35 cu. yds. and over "struck" M.R.C.); Self-propelled Boom-type lifting device (center mount)(over 25 tons M.R.C.); Slip Form Paver (concrete or asphalt); Sub-grader (automatic Sub-grader - Fine Grader, CMI or similar); Tandem Tractors; Tower Cranes Mobile

Group 10-A: Loader Operator (over 12 cu. yds. "struck" M.R.C. up to 18 cu. yds. M.R.C.); Multi -purpose Earthmoving Machines (2 or more scrapers)(over 75 cu. yds. "struck" M.R.C); Power Shovels and Draglines (over 7 cu. yds. "struck" M.R.C.); Holland Loader (60" belt)

Group 10-B: Operator of Helicopter (when used in erection work); Loader (18 cu. yds. and over)

Group 11: Cranes over 115 tons

POWER EQUIPMENT OPERATORS: Steel Erection	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.70	$1.38	$2.15	$1.22	.17
Group 2	14.15	1.38	2.15	1.22	.17
Group 3	14.38	1.38	2.15	1.22	.17
Group 4	15.55	1.38	2.15	1.22	.17
Group 4-A	15.92	1.38	2.15	1.22	.17
Group 5	16.52	1.38	2.15	1.22	.17
Group 6	17.04	1.38	2.15	1.22	.17
Group 7	17.40	1.38	2.15	1.22	.17
Group 8	17.75	1.38	2.15	1.22	.17
Group 9	19.01	1.38	2.15	1.22	.17
Piledriving					
Group 1	13.13	1.38	2.15	1.22	.17
Group 1-A	13.54	1.38	2.15	1.22	.17
Group 1-B	13.79	1.38	2.15	1.22	.17
Group 2-A	13.79	1.38	2.15	1.22	.17
Group 2-B	14.44	1.38	2.15	1.22	.17
Group 2-C	14.69	1.38	2.15	1.22	.17
Group 2-D	14.87	1.38	2.15	1.22	.17
Group 3	15.05	1.38	2.15	1.22	.17
Group 3-A	15.57	1.38	2.15	1.22	.17
Group 4	16.23	1.38	2.15	1.22	.17
Group 5	16.44	1.38	2.15	1.22	.17
Group 6	17.81	1.38	2.15	1.22	.17

UNDERGROUND and SHAFT WORK:

Underground Work: Employees working underground shall receive $0.30 per hour in addition to their straight-time hourly rate.

Shaft Work: Employees working within Shafts, Stopes and Raises shall receive $0.50 per hour in addition to their straight-time hourly rate.

POWER EQUIPMENT OPERATORS
Steel Erection

Group 1: Assistant to Engineer (Oiler)

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 KW or over)(structural steel or tank erection only); Assistant to Engineer (Truck Crane Oiler)

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6)(structural steel or tank erection only); Deck Engineer; Forklift; Instrumentman; Signalman (using mechanical equipment)

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy Duty Repairman - Welder

Group 5: Dual purpose A-frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons M.R.C. or less); Single drum Hoist; Self-propelled Boom-type lifting device (center mount)(10 ton capacity or less M.R.C.); Tugger Hoist; Overhead Cranes (15 tons M.R.C. or less)

Group 6: Crawler Cranes and Truck Cranes (over 15 tons M.R.C.); Cary Lift, Campbell or similar; Derricks; Gantry Rider (or similar equipment); Highline Cableway; Two or more drum Hoist; Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tower Cranes Mobile (including rail mounted); Universal Liebher and Tower Cranes (and similar types); Overhead Cranes (over 15 tons M.R.C.)

Group 7: Self-propelled Boom-type Lifting Device (center mount) (over 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

POWER EQUIPMENT OPERATORS (Cont'd)
Piledriving

Group 1: Deckhand; Fireman; Oiler

Group 1-A: Compressor Operator

Group 1-B: Truck crane Oiler (Assistant to Engineer)

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Forklift Operator

Group 2-C: Compressor Operator (over 2); Generators; Pumps; Welding Machine (powered other than by electricity)

Group 2-D: A-Frames

Group 3: Deck Engineer; Self-propelled boom-type lifting device (center mount) (10-ton capacity or less M.R.C.)

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operator of Piledriving Rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler)(up to and including 1 cu. yd. rating); Truck Crane Operator (up to and including 25 tons) (hoisting material only); Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler)(over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work) Self-propelled Boom-type Lifting Device (center mount) (over 25 tons)

Group 6: Cranes (over 125 tons)

TRUCK DRIVERS:*	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Dump Trucks - water level capacity (bottom, end, and side)(including Dumpster Truck, Turnawagons, Turnarockers and Dumpcrete):						
Less than 8 cu. yds.	$12.20	$14.20	$1.31	$1.25	$1.00	.10
8 cu. yds. and less than 14 cu. yds.	12.35	14.35	1.31	1.25	1.00	.10
14 cu. yds. and less than 35 cu. yds.	12.50	14.50	1.31	1.25	1.00	.10
35 cu. yds. and less than 55 cu. yds.	12.70	14.70	1.31	1.25	1.00	.10
55 cu. yds. and less than 75 cu. yds.	12.90	14.90	1.31	1.25	1.00	.10
75 cu. yds. and less than 95 cu. yds.	13.10	15.10	1.31	1.25	1.00	.10
95 cu. yds. and less than 105 cu. yds.	13.30	15.30	1.31	1.25	1.00	.10
105 cu. yds. and less than 130 cu. yds.	13.42	15.42	1.31	1.25	1.00	.10
All 130 cu. yds. and over to be paid one-half cent ($0.005) per cu. yd. capacity per hour in addition to rate for 105 yds. and less than 130 yds.						
Flat Rack Trucks, Bulk Cement Trucks, Transport Trucks, Semi-trailer (carrying capacity):						
Pickup	12.025	14.025	1.31	1.25	1.00	.10
Less than 10 tons	12.10	14.10	1.31	1.25	1.00	.10
10 tons and less than 15 tons	12.25	14.25	1.31	1.25	1.00	.10
15 tons and less than 20 tons	12.35	14.35	1.31	1.25	1.00	.10
20 tons and over	12.50	14.50	1.31	1.25	1.00	.10

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA I	AREA II				
Transit Mix Trucks:						
Less than 8 cu. yds.	$12.425	$14.425	$1.31	$1.25	$1.00	.10
Over 8 to 14 cu. yds.	12.525	14.525	1.31	1.25	1.00	.10
Concrete Pumping Trucks	12.425	14.425	1.31	1.25	1.00	.10
Water, Fuel and Oil Trucks:						
Less than 1200 gallons	12.075	14.075	1.31	1.25	1.00	.10
1200 gallons to less than 2500 gallons	12.20	14.20	1.31	1.25	1.00	.10
2500 gallons to less than 4000 gallons	12.35	14.35	1.31	1.25	1.00	.10
4000 gallons to less than 6000 gallons	12.65	14.65	1.31	1.25	1.00	.10
6000 gallons to less than 10,000 gallons	12.90	14.90	1.31	1.25	1.00	.10
10,000 gallons to less than 15,000 gallons	13.15	15.15	1.31	1.25	1.00	.10
15,000 gallons to less than 20,000 gallons	13.40	15.40	1.31	1.25	1.00	.10
20,000 gallons to less than 25,000 gallons	13.65	15.65	1.31	1.25	1.00	.10
25,000 gallons and over	13.90	15.90	1.31	1.25	1.00	.10
Oiler Spreader Operator (on single Man operation where Boot Man is not required)	12.90	14.90	1.31	1.25	1.00	.10
Fork Lift, Straddle Truck	12.40	14.40	1.31	1.25	1.00	.10

*See AREA DESCRIPTIONS - following Pages

AREA DESCRIPTIONS
Laborers
(Heavy and Highway Construction)

Power Equipment Operators

Truck Drivers

AREA 1: All area included in the description defined below which is based upon township and range lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah/Nevada border and the Southerly line of township 35 south;
Thence easterly to the S.E. corner of township 35 south, range 17 west;
Thence northerly to the S.E. corner of township 34 south, range 17 west;
Thence easterly to the S.E. corner of township 34 south, range 16 west;
Thence northerly to the S.E. corner of township 30 south, range 16 west;
Thence easterly to the S.E. corner of township 30 south, range 15 west;
Thence northerly to the S.E. corner of township 25 south, range 15 west;
Thence easterly to the S.E. corner of township 25 south, range 14 west;
Thence northerly to the S.E. corner of township 24, south, range 14 west;
Thence easterly to the S.E. corner of township 24 south, range 13 west;
Thence northerly to the S.E. corner of township 23 south, range 13 west;
Thence easterly to the S.E. corner of township 23 south, range 12 west;
Thence northerly to the S.E. corner of township 18 south, range 12 west;
Thence easterly to the S.E. corner of township 18 south, range 11 west;
Thence northerly to the S.E. corner of township 16 south, range 11 west;
Thence easterly to the S.E. corner of township 16 south, range 10 west;
Thence northerly to the S.E. corner of township 15 south, range 10 west;
Thence easterly to the S.E. corner of township 15 south, range 9 west;
Thence northerly to the S.E. corner of township 14 south, range 9 west;

AREA DEFINITIONS (Cont'd)

AREA 1: (Cont'd)

Thence easterly to the S.E. corner of township 14 south, range 8 west;
Thence northerly along the easterly line of range 8 west, crossing the Salt Lake Base Line to the intersection of the easterly line of range 8 west and the northerly border of Utah;
Thence easterly along the northerly border of Utah crossing the Salt Lake Meridian to the Utah/Idaho/Wyoming border;
Thence southerly along the Utah/Wyoming border;
Thence easterly along the Utah/Wyoming border to the intersection of the Utah/Wyoming border and Longitude 111 degrees west;
Thence southerly along Longitude 111 degrees west crossing the Salt Lake Base Line to the intersection of Longitude 111 degrees west and the southerly line of township 4 south;
Thence easterly along the southerly line of township 4 south to the S.E. corner of township 4 south, range 17 east;
Thence northerly to the S.E. corner of township 1 south, range 17 east;
Thence easterly along the southerly line of township 1 south to the intersection of the Utah/Colorado border;
Thence southerly along the Utah/Colorado border to the intersection of the Utah/Colorado border and the southerly line of township 7 south;
Thence westerly along the southerly line of township 7 south to the S.W. corner of township 7 south, range 20 east;
Thence southerly to the S.E. corner of township 8 south, range 19 east;
Thence westerly along the southerly line of township 8 south to the S.E. corner of township 8 south, range 12 east;
Thence southerly along the easterly line of range 12 east to the S.E. corner of township 20 south, range 12 east;
Thence westerly along the southerly line of township 20 south to the S.E. corner of township 20 south, range 3 east;
Thence southerly along the easterly line of range 3 east to the S.E. corner of township 27 south, range 3 east;
Thence westerly to the intersection of the southerly line of township 27 south and the Salt Lake Meridian, thence southerly along the Salt Lake Meridian to the intersection of the Salt Lake Meridian and the southerly line of township 39 south;
Thence westerly crossing the Salt Lake Meridian to the S.E. corner of township 39 south, range 2 west;

AREA DEFINITIONS (Cont'd)

AREA 1: (Cont'd)

Thence southerly to the S.E. corner of township 41 south, range 2 west;
Thence westerly to the S.E. corner of township 41 south, range 3 west;
Thence southerly along the easterly line of range 3 west to the Utah/Arizona border;
Thence westerly along the Utah/Arizona border to the Utah/Arizona/Nevada border;
Thence northerly along the Utah/Nevada border to the point of beginning. Commencing at the intersection of the Utah/Colorado border and the southerly line of township 34 south;
Thence westerly to the S.W. corner of township 34 south, range 21 east;
Thence northerly to the S.W. corner of township 29 south, range 21 east;
Thence westerly to the S.W. corner of township 29 south, range 19 east;
Thence northerly to the N.W. corner of township 23 south, range 19 east;
Thence easterly to the N.W. corner of township 23 south, range 22 east;
Thence northerly to the N.W. corner of township 21 south, range 22 east;
Thence easterly to the N.E. corner of township 21 south, range 24 east;
Thence southerly to the N.E. corner of township 31 south, range 24 east;
Thence easterly along the northerly line of township 31 south, to the Utah/Colorado border;
Thence southerly along the Utah/Colorado border to the point of beginning.

AREA 2: All areas not included in Area 1 as defined.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

[FR Doc. 81-28416 Filed 10-1-81; 8:45 am]

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federal register

Friday
October 2, 1981

Part III

Department of State

Change in Fees for Consular Services

DEPARTMENT OF STATE

22 CFR Part 22

[Docket No. SD-172]

Change in Fees for Consular Services

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes a revised Schedule of Fees for consular services performed in the United States or in foreign countries. The principal changes in the Schedule are to clarify certain descriptions of services and to present requirements for: (a) surcharges related to fee services, and (b) collections for transportation and other expenses when appropriate and necessary.

DATES: Comments must be submitted on or before November 2, 1981. The proposed effective date is November 12, 1981.

ADDRESS: Send comments to Mr. Ronald K. Somerville, Executive Director, Bureau of Consular Affairs, Department of State, 2201 C Street NW., Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Charles Ellison (202) 632-3528.

SUPPLEMENTARY INFORMATION: This revision supplements the rule effective and published on February 12, 1981 (46 FR 11966). The Schedule of Fees is being changed in accordance with a Department study of policies, costs and fees for consular services, and with the user charge principle, as prescribed by the Congress and applied by the Department in keeping with guidelines of the Office of Management and Budget. The Schedule lists charges for services which provide special benefits to individuals, organizations, or groups. It also identifies various services to be rendered without fee.

Accordingly, Part 22 of Title 22 of the Code of Federal Regulations would be amended as set forth below.

Dated: September 12, 1981.

Richard T. Kennedy,

Under Secretary for Management.

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

The authority citation for 22 CFR Part 22 reads as follows:

Authority: Secs. 3, 4, 63 Stat. 111, as amended (22 U.S.C. 811a; 2658; 22 U.S.C. 2651; 5 U.S.C. 438a; 22 U.S.C. 1201); E.O. 10718, 22 FR 4632; 3 CFR, 1954–1958 Comp. page 382.

§ 22.1 Schedule of fees. [Amended]

1. In § 22.1, "DO", representing DITTO in the Fee column on the right, is changed to "No fee" wherever it appears.

2. Item No. 13(b) of § 22.1 is amended to read as follows:

Item No. and passport and citizenship services	Fee
* * * * *	
13(b) "Certificate of Witness to Marriage", in quadruplicate. (Exempt from charges of Item 93 and Item 94)	$55.00
* * * *	

3. The bracketed statement after Item No. 13(d) of section 22.1 is revised to read as follows:

* * * * *

[Certified copies of above documents concerning Passport and Citizenship Services may be obtained from Passport Services, Correspondence Branch, Department of State, Washington, D.C. 20524, $4.00 a copy.]	$4.00

* * * * *

4. The bracketed statement, which follows "(Item Nos. 18 and 19 vacant)", on Surcharges is removed and the subsection heading is revised as follows:

Item No. and visa services for aliens	Fee
* * * * *	

5. Item No. 22 of § 22.1 is revised to read as follows:

* * * * *

22. Furnishing and verification of application and issuance of nonimmigrant visa. (Fees prescribed in Appendices B, C, and E, Part IV, FAM, Vol. 9 of Department of State, as amended from time to time)	Reciprocal
23. * * *	

6. Item Nos. 24 and 25 of section 22.1 are revised to read as follows:

* * * * *

24. Visa or supplemental visa of alien crew list. (If Item 93 is applicable, only one surcharge shall be applied per group served on the same visit):	
(a) Up to 40 crew members	$35.00
(b) 41 to 100 crew members	$60.00
(c) 101 to 200 crew members	$86.00
(d) Over 200 crew members	$152.00
25. Revalidation or transfer of a nonimmigrant visa.	Reciprocal

* * * * *

7. The bracketed statement, which follows "(Item nos. 26 through 29 vacant)" the above Item of this section, on Surcharges is removed and a new subsection heading is added as follows:

Item No. and overseas citizens services	Fee
SERVICES RELATING TO VESSELS AND SEAMEN	
* * * * *	

8. Item No. 33 of § 22.1 is revised as follows:

* * * * *

33. Shipment or discharge of seamen on undocumented vessel, each seaman. (If Item 93 is applicable, only one surcharge shall be applied per group served on the same visit)	$15.00

* * * * *

9. The bracketed statement, which follows "(Item nos. 37 through 44 vacant)" of § 22.1 on Surcharges is removed.

10. Item No. 50 of § 22.1 is revised as follows:

* * * * *

50. Administering an oath and certificate thereof to petition for immediate relative, nonimmigrant finance(e), temporary worker, nonimmigrant intracompany transferree, or preference immigrant status	$4.00

* * * * *

11. Item No. 58 of § 22.1 is amended by revising the introductory text and paragraph (a) as follows:

* * * * *

58. Services under the heading, "Notarial Services and Authentications", when rendered:	
(a) In connection with execution of forms or documents (except those related to applications for passports or immigrant visas) required by and to be presented to any department or agency of the Federal Government.	No fee

* * * * *

12. The bracketed entry, which follows "(Item no. 68 vacant)" of this section, on Surcharges is removed.

13. Item No. 69 of § 22.1 is revised as follows:

* * * * *

69. In taking depositions or executing commissions to take testimony:	
(a) For the services of a diplomatic or consuler officer, per hour or fraction thereof	$90.00
(b) For the services, if required of a staff member of the Foreign Service as interpreter, stenographer or typist, per hour or fraction thereof	$35.00

[Services of 69(a) and 69(b) above are exempt from charges of Item 93, but not of Item 94.] * *

14. The bracketed statement, which follows Item 69 of § 22.1 on transportation and incidental expenses is removed.

15. Item No. 72 of § 22.1 is revised to read as follows:

* * * * *

72. For placing or removing seal on estates of decedents; for disbursing funds supplied by relatives and others; for forwarding to legal representative or other authorized person of securities and other instruments not negotiated (or not negotiable) by the consular officer, or evidence of bank deposits of the decedent; or for releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal to the legal representative or other authorized person in the country, of personal property taken into nominal possession for the explicit purpose of transfer of custody	No fee

* * * * *

16. Item No. 76 of § 22.1 is revised to read as follows:

* * * * *

76. For photocopying or otherwise duplicating a document, per copy per page. [This fee does not apply to such customary activities as issuance of copies of records: (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the post's library or the library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.]	$0.20

* * * * *

17. Item No. 82 of § 22.1 is revised to read as follows:

* * * * *

82. Supervising or proctoring an examination at the request of an agency or instrumentality of the Federal or a State Government by a consular or other officer, including completion of a certificate without seal—for each hour or fraction thereof, unless the cost is reimbursable to the Department of State by an agency or instrumentality of the Federal or a State Government. (Service is exempt from charges of Item 93, but not of Item 94.)	[redacted]

* * * * *

18. Item No. 84 of § 22.1 is revised to read as follows:

84. Preparing and sending Interested Party Messages for the primary benefit of nongovernment individuals, organizations or groups:	
(a) From a Foreign Service post to the Department of State	$15.00
(b) From the Department of State to a Foreign Service post	$15.00
(c) From a Foreign Service post to another Foreign Service post	$15.00

19. The description of service and the fee for Item No. 85 of § 22.1 are removed and the following description and entry in the Fee column are substituted:

* * * * *

85. Making an Interested Party toll telephone call. (See bracketed statement on collections under Item 94.)	Cost

* * * * *

20. Item No. 93 of § 22.1 and the subsection heading are revised to read as follows:

Item No. and surcharges	Fee
93. Surcharges for services rendered away from office or after duty hours in the United States or in a foreign country are required for all "Fee" services listed above when performed at the request of an interested party unless specifically exempted, but are not required for "No fee" services nor for instances of common disaster (i.e., ship wrecks, air crashes, etc.) or evacuations. However, whether employees can be made available to perform duties away from office or after duty hours will be determined by the Consul General, the supervising consular officer, or the Passport Agency Director after considering workload priorities for the staff concerned. The following surcharges, when required, are added to the regular fee:	
(1) American employee	[redacted]
(2) Foreign Service National employee	$10.00

21. In § 22.1, the bracketed paragraph under Item No. 93 is removed. A new subsection heading, a new Item No. 94 and a paragraph in brackets are added to read as follows:

Item No. and transportation and other expenses	Fee
94. Transportation and other expenses necessarily being incurred by officers or other employees of U.S. Passport Agencies or American consular posts in foreign countries shall be collected on an estimated cost basis from the persons requesting the performance of "Fee" services listed above unless specifically exempted. Transportation and other expenses may also be collected for "No fee" or any other consular services when the Consul General, the supervising consular officer, or the Passport Agency Director concerned determines that collections for these purposes are appropriate and necessary. For example: the services of assisting in the recovery of lost or stolen vehicles, boats or planes may call for coverage of such expenses; or special estate settlement, handling or disposition services requested by the next of kin or legal representative of the decedent may require unusual travel or other special expenses.	
[Collections under Item 85 and Item 94 shall not be considered as part of the official fees but shall be recorded as refunds to the post allotment and accounted for as such. If there is uncertainty as to the extent of expenses entailed, a trust account, per Item 92 above, may be established with payment(s) made as performance of the service progresses.]	

22. Paragraph (a) of § 22.2 is revised to read as follows:

§ 22.2 Requests for services in the United States.

(a) *Requests for records.* Requests by the file subject of the individual's authorized agent for services involving U.S. passport applications and related records, including consular birth, marriage and death records and authentication of other passport file documents, shall be addressed to Passport Services, Correspondence Branch, Department of State, Washington, D.C. 20524. Requests for consular birth records should specify if a Consular Report of Birth (Form FS 240, or long form) or Certification of Birth (Form DS 1350, or short form) is desired. Advance remittance of the exact fee is required for each service.

* * * * *

23. Paragraph (a) of § 22.3 is revised to read as follows:

§ 22.3 Remittances in the United States.

(a) *Type of Remittance.* Remittances shall be in the form of: (1) check or bank draft drawn on a bank in the United States; (2) money order—postal, international or bank; or (3) U.S. currency. Remittances shall be made payable to the order of the Department of State. The Department will assume no responsiblity for cash which is lost in the mail.

* * * * *

24. Section 22.7 is revised to read as follows:

§ 22.7 Collection and return of fees.

No fees or collections other than those prescribed in the Schedule of Fees, § 22.1, or by or pursuant to an act of Congress, shall be charged or collected by officers of the Foreign Service for official services performed abroad (22 U.S.C. 1201). All fees received by an officer of the Foreign Service for services rendered in connection with the duties of office or as a consular officer shall be accounted for and paid into the Treasury of the United States (22 U.S.C. 99 and 812). For receipt, registry, and numbering provisions, see § 22.5(b). Collections for transportation and other expenses necessary for performance of services or for Interested Party toll telephone calls shall be refunded to post allotment accounts and made available for meeting such expenses.

25. Section 22.8 is revised to read as follows:

§ 22.8 Effective date.

The changes in descriptions of services and fees became effective upon publication of the final rule.

[FR Doc. 81-28713 Filed 10-1-81; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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federal register

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Presidential Documents

Title 3—

The President

Presidential Determination No. 81-13 of September 28, 1981

Assistance for the Multinational Force and Observers

Memorandum for the Honorable Alexander M. Haig, Jr., the Secretary of State

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, as amended (the Act), I hereby:

(1) determine that it is necessary for the purposes of the Act that $9,000,000 appropriated under the authority of Chapter 4 of Part II of the Act in FY 1981 be transferred to, and consolidated with, appropriations made under Chapter 6 of Part II of the Act for use by the Multinational Force and Observers, established by the Protocol between Egypt and Israel, signed August 4, 1981;

(2) determine that it is important to the security interests of the United States that such funds, and $1,000,000 appropriated under Chapter 6 of Part II of the Act in FY 1981 and furnished to the Multinational Force and Observers, be obligated without regard to the statutory limitation on the expenditure of appropriated funds during the last month of their availability;

(3) authorize the furnishing of $10,000,000 of assistance to the Multinational Force and Observers.

You are requested to report this determination to the Congress immediately, and none of the assistance provided for herein shall be furnished until after such report has been made.

This determination shall be published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
Washington, September 28, 1981.

[FR Doc. 81-29049
Filed 10-1-81; 4:27 pm]
Billing code 3195-01-M

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Presidential Documents

Executive Order 12326 of September 30, 1981

Central Intelligence Agency Retirement and Disability System

By the authority vested in me as President of the United States of America by Section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), and in order to conform further the Central Intelligence Agency Retirement and Disability System to certain amendments in the Civil Service Retirement and Disability System, it is hereby ordered as follows:

Section 1. Section 221(b)(1) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, shall be deemed to be amended by inserting the following after the last sentence of that paragraph:

"Any written notification (or designation) by any participant under this section shall not be considered valid unless the participant establishes to the satisfaction of the Director (a) that the spouse has been notified of the loss of or reduction in survivor benefits or (b) that the participant has complied with such notification requirements as the Director shall, by regulation, prescribe.".

Sec. 2. Section 231(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, shall be deemed to be amended by deleting the first sentence thereof, and inserting in lieu thereof the following:

"Any participant who has five years of service credit toward retirement under the system, excluding military or naval service that is credited in accordance with provisions of section 251 or 252(a)(2) and who has become disabled shall, upon his own application or upon order of the Director, be retired on an annuity computed as prescribed in section 221. A participant shall be considered to be disabled only if the participant is found by the Director to be unable, because of disease or injury, to render useful and efficient service in the participant's position and is not qualified for reassignment, under procedures prescribed by the Director, to a vacant position which is in the Agency at the same grade or level and in which the participant would be able to render useful and efficient service.".

Sec. 3. Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, shall be deemed to be amended by inserting after subsection (l) thereof the following new subsection:

"(m) If a participant retiring under section 231 of this Act is receiving retired pay or retainer pay for military service (except that specified in section 252(e)) or Veterans Administration pension or compensation in lieu of such retired or retainer pay, the annuity of that participant shall be computed under subsection (a) of this section, excluding credit for such military service from that computation. If the amount of the annuity so computed, plus the retired or retainer pay which is received, or which would be received but for the application of the limitation in Section 5532 of Title 5 of the United States Code, or the Veterans Administration pension or compensation in lieu of such retired or retainer pay, is less than the annuity that would otherwise be payable under Section 231, an amount equal to the difference shall be added to the annuity payable under subsection (a) of this Section.".

Sec. 4. Section 291 (a) and (b)(1) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, shall be deemed to be amended to read as follows:

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"(a) On the basis of determination made by the Director pertaining to per centum change in the Price Index, the following adjustments shall be made:

"(1) Except as provided in subsection (b) of this Section, effective March 1 of each year each annuity payable from the Fund having a commencing date not later than such March 1 shall be increased by the percent change in the Price Index published for December of the preceding year, adjusted to the nearest one-tenth of one percent.

"(b) Eligibility for an annuity increase under this Section shall be governed by the commencing date of each annuity payable from the Fund as of the effective date of an increase, except as follows:

"(1) The first cost-of-living increase (if any) made under subsection (a) of this Section to an annuity which is payable from the Fund to a participant who retires or to the widow or widower of a deceased participant whose annuity has not been increased under this subsection or subsection (a) of this Section, shall be equal to the product (adjusted to the nearest one-tenth of one percent) of—

(A) one-twelfth of the applicable percent change computed under subsection (a) of this Section, multiplied by

(B) the number of months (counting any portion of a month as a month)—

(i) for which the annuity was payable from the Fund before the effective date of the increase, or

(ii) in the case of a widow or widower of a deceased annuitant whose annuity was first payable to the deceased annuitant.".

Sec. 5. For the purpose of ensuring the accuracy of information used in the administration of the Central Intelligence Agency Retirement and Disability System, the Director of Central Intelligence may request, from the Secretary of State and the Administrator of Veterans Affairs such information as the Director deems necessary. To the extent permitted by law:

(a) The Secretary of Defense shall provide information on retired or retainer pay provided under Title 10 of the United States Code; and

(b) The Administrator of Veterans Affairs shall provide information on pensions or compensation provided under Title 38 of the United States Code.

The Director, in consultation with the officials from whom information is requested, shall ensure that information made available under this Section is used only for the purposes authorized.

Sec. 6. Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, shall be deemed to be amended by adding thereto a new subsection (e) as follows:

"(e)(1) The Director shall, in accordance with this subsection, enter into an agreement with any State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Director shall withhold State income tax in the case of the monthly annuity of any annuitant who voluntarily requests, in writing, such withholding. The amounts withheld during any calendar quarter shall be held in the Fund and disbursed to the States during the month following that calendar quarter.

"(2) An annuitant may have in effect at any time only one request for withholding under this subsection, and an annuitant may not have more than two such requests in effect during any one calendar year.

"(3) Subject to paragraph (2) of this subsection, an annuitant may change the State designated by that annuitant for purposes of having withholdings made, and may request that the withholdings be remitted in accordance with such change. An annuitant also may revoke any request of that annuitant for withholding. Any change in the State designated or revocation is effective on the first day of the month after the month in which the request or the revocation is processed by the Director, but in no event later than on the first day of the second month beginning after the day on which such request or revocation is received by the Director.

"(4) This subsection does not give the consent of the United States to the application of a statute which imposes more burdensome requirements on the United States than on employers generally, or which subjects the United States or any annuitant to a penalty or liability because of this subsection. The Director may not accept pay from a State for services performed in withholding State income taxes from annuities. Any amount erroneously withheld from an annuity and paid to a State by the Director shall be repaid by the State in accordance with regulations issued by the Director.

"(5) For the purpose of this subsection, 'State' means a State, the District of Columbia, or any territory or possession of the United States.".

Sec. 7. The amendments made by Sections 1, 2, 3, 4, 5, and 6 of this Order shall be effective as follows:

(a) Section 1 shall be effective as of January 5, 1981;

(b) Section 2 shall be effective as of March 5, 1981;

(c) Section 3 shall be effective as of this date for all participants who retire under Section 231 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended, on or after December 5, 1980.

(d) Section 4 shall be effective as of the date of this Order.

(e) Section 5 shall be effective as of August 13, 1981, and shall apply to annuities which commence before, on, or after such date.

(f) Section 6 shall be effective as of October 1, 1981.

Ronald Reagan

THE WHITE HOUSE,
September 30, 1981.

[FR Doc. 81-29084
Filed 10-2-81; 8:45 am]
Billing code 3195-01-M

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[FR
File
Bill

Presidential Documents

Executive Order 12327 of October 1, 1981

Exemption for Fort Allen

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 313 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323), Section 118 of the Clean Air Act, as amended (42 U.S.C. 7418), Section 4 of the Noise Control Act of 1972 (42 U.S.C. 4903), and Section 6001 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6961), and in order to provide for the immediate relocation and temporary housing of Haitian nationals, who are located in the State of Florida and presently in the custody of the United States, at a Federal facility known as Fort Allen, located in the Commonwealth of Puerto Rico, and having determined it to be in the paramount interest of the United States to exempt Fort Allen from all the requirements otherwise imposed on it by the said statutes, it is hereby ordered as follows:

1–101. Consistent with the provisions of subsection (a) of Section 313 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)), each and every effluent source located at Fort Allen is exempted from compliance with the provisions of that Act; except that no exemption is hereby granted from Sections 306 and 307 of that Act (33 U.S.C. 1316 and 1317).

1–102. Consistent with the provisions of subsection (b) of Section 118 of the Clean Air Act, as amended (42 U.S.C. 7418(b)), each and every particular emission source located at Fort Allen is exempted from compliance with the provisions of that Act; except that no exemption is hereby granted from Section 111 and 112 of that Act (42 U.S.C. 7411 and 7412).

1–103. Consistent with the provisions of subsection 4(b) of the Noise Control Act of 1972, as amended (42 U.S.C. 4903(b)), each and every single activity or facility, including noise emission sources or classes thereof, located at Fort Allen, are exempted from compliance with the provisions of that Act; except that no exemption is hereby granted from Sections 6, 17 and 18 of that Act (42 U.S.C. 4906, 4916 and 4917).

1–104. Consistent with the provisions of Section 6001 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6961), each and every solid waste management facility located at Fort Allen is exempted from compliance with the provisions of that Act.

1–105. The exemptions granted by this Order shall be for the one-year period beginning October 2, 1981, and ending October 1, 1982.

Ronald Reagan

THE WHITE HOUSE,
October 1, 1981.

[FR Doc. 81–29085
Filed 10–2–81; 8:46 am]
Billing code 3195–01–M

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Presidential Documents

Proclamation 4866 of October 2, 1981

American Enterprise Day

By the President of the United States of America

A Proclamation

One of America's great strengths is its private enterprise system. The personal and economic freedom enjoyed by our people turned our fledgling nation, in a few short years, into an economic dynamo that astounded the world.

Today, the unique blend of individual opportunity, incentive and reward that is the free enterprise system provides Americans with an unparalleled standard of living.

As the foundation of our economic life, free enterprise depends on and serves every American. It is the enemy of poverty. It permits Americans to be the most compassionate of people, at home and to those in need abroad.

Through their insistence on the free enterprise system, our forefathers unleashed the creative energies of a people, built the foundation of our unparalleled political and economic freedom, and brought forth a vital force in the world.

In recognition of the importance of our free enterprise system, the Congress has, in Senate Joint Resolution 78, designated October 2, 1981, as American Enterprise Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 2, 1981, as American Enterprise Day. I urge all Americans to observe this occasion with appropriate activities, and in particular to encourage in our youth an appreciation and enthusiasm for the role of free enterprise in our nation's life.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-29127
Filed 10-2-81; 12:05 pm]
Billing code 3195-01-M

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Presidential Documents

Proclamation 4867 of October 2, 1981

National Port Week

By the President of the United States of America

A Proclamation

Much of our history as a nation has been shaped by the ports of our sea coasts and inland waterways. Our early harbors fostered industry and trade and helped build many of America's great cities.

Today, our ports are an important resource in the Nation's economy. In 1980, the port industry handled almost two billion short tons of waterborne commerce in foreign and domestic trade. This commerce contributed over $35 billion to the gross national product and generated an additional $1.5 billion in services sold to users.

Recognizing their vital importance to America's economic health, State and local port authorities and private industry have continued to invest financial resources to improve port facilities to meet ever-increasing needs.

The growing demand for coal and other energy sources to fuel the economic growth of the United States and the rest of the industrialized world has presented the ports of this Nation with a unique challenge.

Many port authorities have begun and others have plans for the construction or expansion of harbor facilities. Some 70 million tons of annual capacity now under construction will result in a 50 percent increase over current capacity. By 1985 total investment in new or expanded facilities is expected to meet the projected demand of our industrial trading partners and to decrease our dependence on foreign oil.

In recognition of the importance of our ports to the Nation's economy, the Congress has, by Senate Joint Resolution 103, designated the week beginning October 4, 1981, as National Port Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the seven calendar days beginning October 4, 1981, as National Port Week. I invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-29128
Filed 10-2-81; 12:06 pm]
Billing code 3195-01-M

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Rules and Regulations

Federal Register

Vol. 46, No. 192

Monday, October 5, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

U.S. Type 31 Burley Tobacco; Sales of Burley Tobacco in Untied Form

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: For the 1981–82 and succeeding marketing seasons Official Standard Grades will be applied to unlimited quantities of Burley Tobacco, U.S. Type 31, when it is marketed tied in hands or untied in bales. Burley tobacco is grown primarily in Kentucky, Tennessee, Ohio, Indiana, Virginia, North Carolina, West Virginia, and Missouri. Prior to the 1978–79 season, burley tobacco was eligible for all official grades only when marketed tied in hands.

EFFECTIVE DATE: October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Paul T. Donovan, Acting Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2567.

SUPPLEMENTARY INFORMATION: Notice was given June 24, 1981 (46 FR 32590) that the Department proposes to amend the regulations governing the Official Standard Grades for Burley Tobacco, U.S. Type 31, adopted for the 1980–81 season (45 FR 62972, September 23, 1980). The proposal provided that during the 1981–82 and succeeding seasons that hand-tied, as well as unlimited quantities of untied, baled burley tobacco would be eligible for any of the official standard grades for which it meets applicable specifications. The authority for these regulations is contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 *et seq.*).

Following the completion of the 1980–81 season, the Department collected pertinent project data on relevant aspects of the experiment. As in the earlier experiments, the Universities of Kentucky and Tennessee supplied much of the data. At the request of the Agricultural Marketing Service, studies were made and reports were complied by the Economics and Statistics Service which analyzed, interpreted, and summarized all available data on the experiment. Copies of the report may be obtained from Information Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. Briefly, the reports conclude:

- Sales of baled tobacco increased from 5.1 percent of the crop in 1979–80 to 12.2 percent in 1980–81.
- Because burley tobacco was in such short supply, mixed grades, baled, and hand-tied burley sold at essentially the same price, compared to an average of 1.7 cents lower per pound in 1979–80.
- Baled burley tobacco prices were not discounted and the grade distribution of baled and tied tobacco differed slightly more than in 1979–80.
- Although some growers achieved savings slightly higher, the average cost savings in 1980–81 was 5.2 cents per pound, compared to 5 cents per pound in 1979–80.
- Again, because of the short supply of burley tobacco in 1980–81, it was difficult to evaluate important issues, such as effects on hired-worker incomes, warehouse operators' costs, and the effects of a substantially larger volume of baled sales.

The reports were reviewed by officials of the Agricultural Marketing Service, Agricultural Stabilization and Conservation Service, and Economics and Statistics Service. Experimental sales of baled burley tobacco have now been conducted for three seasons, gaining increased interest and participation each succeeding season and such sales have caused no apparent disruption to the marketing system. Based on such sales data as well as the conclusions drawn from the aforementioned reports and all other relevant data, the Department is hereby amending the regulations to allow untied baled burley tobacco to be eligible for official grading during the 1981–82 and succeeding seasons on the same basis as burley tobacco marketed in the traditional hand-tied bundles.

The final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and has been determined to be a non-major rule. Initial review of the regulations contained in 7 CFR Part 29, for need, currency, clarity, and effectiveness will be made within the next 5 years.

Additionally, in conformance with the provisions of Pub. L. 92–354, Regulatory Flexibility Act, consideration has been given to the potential economic impact upon small business. Tobacco warehousemen and producers fall within the confines of "small business," as defined in the Regulatory Flexibility Act. It has been determined that the economic impact upon small entities would not be adverse and would in no way affect normal competition in the marketplace.

One hundred forty-one comments were received on the proposal. The majority of these comments favored the amendment as proposed. The major points made by the commentors were that: (1) Untied sales result in substantial savings in farmers' labor requirements and (2) the untied marketing concept is a progressive step for the burley tobacco industry.

One commentor recommended that the term "nested" in § 29.3039 be redefined to accomodate both baled and hand-tied tobacco. It has been determined that this recommendation has merit and with appropriate conforming changes to the regulations, the term "nested" shall be redefined.

The major objection to the amendment voiced by several commentors was quality deterioration and its adverse impact upon domestic and export trade. As in the past, this is of great concern to the Department, and we will, as has been done in previous years, stress the importance of quality maintenance in advance educational programs given prior to the opening of the season by land-grant colleges.

Several commentors, while receptive to the untied baled burley packaging concept, strongly recommended the inclusion of sheeting of loose leaf burley tobacco as an alternative marketing package. Neither the Council for Burley Tobacco nor the in-depth report by ESS recommends inclusion of this recommendation at this time. Accordingly, the Department will not provide for "sheeting" as an alternative packaging method for the 1981–82 season. However, consideration will be given to this packaging method for future marketing seasons.

One commentor criticized the Department's "support of a product (tobacco) that is unclean and harmful" and "a threat to human life and health." The concerns of this commentor do not enter into the appropriateness of the Department's proposed rulemaking; nevertheless we have incorporated the comment into the official record.

After due consideration of all aspects and in the interests of promoting and maintaining orderly marketing conditions in the burley tobacco industry, the Department hereby adopts the proposal to apply Official Standard Grades to unlimited quantities of burley tobacco when it is tied in hands or untied in bales for the 1981–82 and succeeding seasons.

Prior to the 1978–79 season, the definition of "rework," § 29.3050, of the regulations provided that tobacco not tied in hands be graded NoG (no grade), a non-price-supported designation applied to tobacco classified as nested, off-type, semicured, damaged 20 percent or more, abnormally dirty, containing foreign matter or material, and/or having an odor foreign to the type.

Based on the Department's evaluation of the 1978–81 experiments, the definition of "rework" in § 29.3050, is amended to allow burley tobacco, untied in bales, to qualify for any of the official standard grades for which it meets the specifications, providing that the leaves in said bale are not tied in hands, are packed straight, and that the bales are approximately 1x2x3 feet in size.

Responsibilities imposed upon warehousemen and producers, respectively, by the adoption of this proposal include:

1. That it is the responsibility of the operator of the warehouse to open the particular bale in the lot of tobacco chosen by a grader for inspection and to reseal that bale after inspection; and
2. That the producer is responsible for certifying that the bale inspected by the grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and that the bales are not nested.

The Department's instructions to graders will conform to these understandings.

PART 29—TOBACCO INSPECTION

Section 29.3039 is revised to read as follows:

§ 29.3039 Nested.

Any tobacco which has been loaded, packed or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes:

(a) Any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged;

(b) Any lot of tobacco which contains foreign matter in the inner portions of the hands or bales, or which contains foreign matter in the heads under the tie leaves of hands;

(c) Any lot of tobacco in which the leaves on the outside of the hands or bales are placed or arranged to conceal inferior quality leaves on the inside of the hands or bales, or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves of hands or in the interior of bales; and

(d) Any lot of tobacco which consists of distinctly different grades, qualities or conditions and which is stacked or arranged with the same kinds together so that the tobacco in the lower layer or layers of hands or in the lower bales is distinctly inferior in grade, quality or condition from the tobacco in the top or upper layers of hands or in the top of upper bales.

Section 29.3050 of the regulations is revised as follows:

§ 29.3050 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (b) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market: *Provided*, That beginning with the 1981–82 marketing season burley tobacco which is offered for sale in bales shall not be considered to require rework if the tobacco in said bale is approximately 1x2x3 feet. *Provided further*, That: (1) The operator of any warehouse at which baled burley tobacco is offered for sale shall open the particular bale, in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection; and (2) the producer, by offering untied, baled burley tobacco for sale, certifies that the bale inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and are not nested.

(Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.))

Dated: September 22, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81–28830 Filed 10–2–81; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1464

United Tobacco of 1981 and Subsequent Crops, Packed in Bales; Availability of Price Support

[Price Support Regs.; Amdt. 3]

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Commodity Credit Corporation (CCC) will make price support available on eligible untied tobacco of the 1981 and subsequent crops which is packed in bales. Marketing untied burley tobacco in bales has proved to be a cost-effective means of marketing that kind of tobacco. Price Support will continue to be available on eligible burley tobacco tied in hands.

DATE: October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, Price Support and Loan Division, ASCS, Room 3754 South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–6733. The Final Regulatory Impact Analysis describing the options considered in developing this rule and the impact of implementing each option is available on request from Mr. Tarczy.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified as "not major." This final rule has been classified as "not major" since the implementation of this rule will not have an annual effect on the economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The title and number of the Federal Assistance Program that this final rule applies to is: (1) Title—Commodity Loans and Purchases; (2) Number—10.051 as found in the Catalog of Domestic Federal Assistance.

This action will not have a significant impact on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local Government are informed of this action.

On June 24, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 32591) announcing that CCC was preparing to amend the price support regulations for the 1981 and subsequent crops of burley tobacco to make price support available for each entire crop of burley tobacco which is packed in bales. The public was afforded 30 days to submit written comments on the proposal.

Discussion of Comments

Comments were received from 227 persons and organizations by the close of the comment period, July 24, 1981. The proposal to offer price support on the entire crop of burley tobacco marketed in bales was favored by 185 persons, 17 farm organizations, 1 warehouse association, and 1 grower association. The proposal was opposed by 2 warehousemen and 4 members of the trade.

In addition, 16 comments were received from persons who either gave no specific recommendations or were opposed to the tobacco program.

The major thrust of the comments in favor of the proposal cited the cost savings attributed to baling. Several commentators objected to the program itself. Such comments were beyond the scope of the proposal and were not considered in the promulgation of the final rule. Several commentators requested that tobacco marketed in loose-leaf form be eligible for price support. There is not enough time to implement such a program for the 1981 marketing year. Price support for burley tobacco marketed in loose-leaf form will be considered for the 1982 marketing year.

Some commentators who favored the overall program objected to the provision in the proposed rule which would allow a discount in price support for baled tobacco if markets so warranted. It has been determined that it is not necessary to provide a price support differential between based and tied tobacco.

Those opposed to price support on untied baled tobacco cited the additional costs incurred in handling burley tobacco in both tied and untied form. For the next several years, burley tobacco will most likely be marketed untied packed in bales and tied in hands. It is unreasonable to expect a mass change in marketing to occur instantaneously.

After considering all comments, it has been determined that price support will be available on all untied burley tobacco which is packed in bales. Sufficient evidence has been presented to establish that it is cost effective to market untied burley tobacco packed in bales.

PART 1464—TOBACCO

Accordingly, the regulations at 7 CFR Part 1464 are amended by revising §§ 1464.2(b)(5) and 1464.7(d) to read as follows:

Final Rule

§ 1464.2 Availability of price support.

* * * * *

(b) * * *

(5) Beginning with the 1981 crop, eligible producers may obtain price support on untied burley tobacco packed in bales subject to the following conditions:

(i) The quality and condition of the tobacco contained in each bale delivered for price support as a single lot will be representative of the quality and condition of the tobacco contained in all other such bales of the same lot.

(ii) The tobacco in each bale will be stalk-cured.

(iii) The bales will not contain foreign matter or conceal inferior tobacco.

(iv) Specification of bales:

(A) Bales must be approximately 1x2x3 feet in size.

(B) The leaves in bales must be untied and oriented.

(C) Each bale in the lot shall be properly identified by a uniform identification tag 1⅝ inches wide by 3¼ inches long attached with a wire tag to the end of the bale showing at least the following information: (*1*) Warehouse registration number, (*2*) basket ticket number, and (*3*) number of bales in the lot.

* * * * *

§ 1464.7 Eligible producers.

* * * * *

(d) The producer has complied with any certification the producer may have executed with respect to any untied burley tobacco packed in bales which is delivered for price support.

(Secs. 4, 5, 62 Stat. 1020, as amended, (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, (7 U.S.C. 1441, 1425, 1421, 1423))

Signed at Washington, D.C., on September 29, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-28831 Filed 10-2-81; 8:45 am]

BILLING CODE 3410-05-M

Food Safety and Inspection Service[1]

9 CFR Parts 318 and 381

[Docket No. 77-765]

Hog Scald Agents, Poultry Scald Agents, Denuding Agents

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Federal meat inspection regulations to permit the use of specified substances for scalding hog carcasses and denuding beef and lamb tripe. It also amends the Federal poultry products inspection regulations to permit the use of specified substances for scalding poultry carcasses. The rule revises the chemical names for some of the substances currently authorized in the regulations. In addition, the rule makes the poultry products inspection regulations consistent with the Federal meat inspection regulations by requiring the containers of any of those substances permitted to be used in the poultry scalding process to bear labels showing the substance's name, and the concentration of the substance to be used in the process. This rule also amends the Federal meat and poultry products inspection regulations to require the container labels to show use directions reflecting any limitations on substances contained in the preparation. These regulations are intended to reduce the possibility of misuse of scald water or tripe denuding preparations.

EFFECTIVE DATE: November 4, 1981.

FOR FURTHER INFORMATION CONTACT: Donald D. Derr, Deputy Director, Food Ingredient Assessment Division, Science Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7680.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined in accordance with Executive Order 12291 that this final rule is not a "major rule". This rule will permit the industry to use a greater selection of chemicals for use as scalding and denuding agents. To the extent it affects costs to manufacturers and consumers, it should reduce costs due to the increase in choices being provided users of the substances. Its implementation would not: cause an annual economic effect greater than $100 million; result in a major increase in consumer, industry or government costs or prices; or cause adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises in domestic or export markets.

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[1] Pursuant to the reorganizational plans outlined in USDA Secretary's Memo 1000-1, issued June 17, 1981, the Food Safety and Quality Service has become the Food Safety and Inspection Service. A notice detailing the Agency's reorganization is now being drafted for later publication.

Background

The Proposal

On July 15, 1977, the Food Safety and Inspection Service (FSIS), formerly the Food Safety and Quality Service, published in the **Federal Register** (42 FR 36474–36476) a proposal to amend §§ 318.1 and 318.7 of the Federal meat inspection regulations (9 CFR 318.1 and 318.7) and §§ 381.145 and 381.147 of the Federal poultry products inspection regulations (9 CFR 381.145 and 381.147). This action was initiated in response to industry petitions for additions to the list of approved substances permitted for use in hog scalding, poultry scalding, and cooling and retort water treatment.

The proposal was published to accomplish five specific goals. First, in order to provide industry with a greater selection of substances, the proposal would add several substances to the table of hog scald agents in § 318.7(c)(4) of the Federal meat inspection regulations.

Second, the Agency would add a new category of substances permitted to be used as poultry scald agents to the table in § 381.147(f)(3) of the Federal poultry products inspection regulations. The Agency has not previously had such a category of substances approved for use to defeather poultry carcasses. However, pursuant to the authority contained in § 381.147(f)(1) of the Federal poultry products inspection regulations, the Administrator has approved, in specific cases, a number of substances for poultry scalding. Accordingly, it was proposed that the regulations be amended specifically to list the substances approved for use in poultry scalding.

Third, in order to provide industry with a greater selection of cooling and retort water treatment agents, the Agency proposed to add several substances to the table of approved cooling and retort water treatment compounds in § 318.7(c)(4) of the Federal meat inspection regulations and to the table of approved cooling and retort water treatment compounds in § 381.147(f)(3) of the Federal poultry products inspection regulations.

Fourth, the proposed amendment would change the listing of the substance "Lime" in the table in § 318.7(c)(4) of the Federal meat inspection regulations to read "Lime (calcium oxide; calcium hydroxide)." The amendment would also change the names of two substances listed under the category "Cooling and retort water treatment agents" in both the table in § 318.7(c)(4) of the Federal meat inspection regulations and the table in § 381.147(f)(3) of the Federal poultry products inspection regulations. In each of these listings "Disodium ethylenediaminetetraacetate" and "Ethylenediaminetetraacetic acid" would be amended to read "Ethylenediaminetetraacetic acid (sodium salts)." These are merely name changes in keeping with modern chemical nomenclature.

Fifth, a new paragraph (h) would be added to § 381.145 of the Federal poultry products inspection regulations to make these regulations consistent with § 318.1(d) of the Federal meat inspection regulations. Under these provisions, containers of substances permitted for use in cooling or retort water, in hog scalding water, in denuding of tripe, or in poultry scald water, which enter official establishments, would be required to bear labels showing the contents of the containers. In addition, any preparation containing any of the substances which are specifically limited by regulation, § 318.1(d) of the Federal meat inspection regulations and § 381.145(h) of the Federal poultry products inspection regulations, would also be required to bear labels showing the percentage of substances present in any preparation used, together with the directions on how to dilute the product to obtain the maximum allowable use concentration of the preparation. This requirement would reduce the probability of misuse of scald water, cooling water, retort water, or tripe denuding preparations which contain substances that are specifically limited as to amounts permitted to be used.

Food Additive Status

During the rulemaking process, the question arose whether the additional substances proposed for use in the preparation of the products would render the products adulterated within the meaning of section 1(m) of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601(m)) or section 4(g) of the Poultry Products Inspection Act (PPIA) (21 U.S.C. 453(g)).

Section 1(m)(2)(c) of the FMIA (21 U.S.C. 601(m)(2)(c)) and section 4(g)(2)(c) of the PPIA (21 U.S.C. 453(g)(2)(c)) define the term "adulterated" to apply to meat or meat food product or poultry product "if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act" (21 U.S.C. 348). The determination whether a product is adulterated pursuant to this section requires a determination: (1) whether it bears or contains a food additive, and (2) whether that food additive is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act. A joint Food and Drug Administration (FDA)/FSIS technical review committee was established to review the status of each substance being proposed for use. The committee reported its findings to FSIS in two 1979 letters from Mr. Sherwin Gardner, Acting Commissioner of FDA.

In the August 22, 1979, letter to FSIS, Mr. Gardner stated that FDA "will consider compounds that USDA approved for denuding or scalding operations before 1958 as prior-sanctioned food ingredients." The letter further states that FDA considers compounds approved by USDA during the period from 1958 to the present "presumptive GRAS substances" (Generally Recognized as Safe). Section 201(s) of the FFDCA (21 U.S.C. 321(s)) provides that the term "food additive" does not apply to any substance generally recognized as safe or any substance used in accordance with a sanction or approval granted prior to September 6, 1958, pursuant to the FFDCA, FMIA or PPIA. The letter also states that "any new compounds considered for use as scalding or defeathering agents must be evaluated and regulated through a food additive petition."

Accordingly, all of the substances in the final rule are either those substances believed by FSIS to be prior sanctioned or approved, generally recognized as safe by FDA, or presumptive GRAS (on the FDA unofficial GRAS list).

The proposal also included four poultry scald agents (potassium carbonate, potassium bicarbonate, sodium metaphosphate, and sodium acid pyrophosphate). FSIS has determined that there is no evidence of their use as poultry scald agents prior to 1958 nor any record of USDA approval since 1958. Therefore, these substances have been deleted from the final rule.

The proposal further included cooling and retort water treatment agents in addition to scalding and denuding agents. However, in the September 5, 1979, letter to FSIS, Mr. Gardner stated that FDA does not consider the use of substances in cooling and retort water a "food additive situation" since "the substances would not reasonably be expected to become components of food" within the meaning of section 201(s) of the FFDCA (21 U.S.C. 321(s)). Therefore, the portion of the proposal concerning cooling and retort water agents has been deleted from this final rule.

The Final Rule

After reviewing the conclusions of the joint FDA/FSIS technical review committee on the food additive status of the proposed substances, the Agency determined that the provisions of the proposal should be adopted with the exception of the following two areas. First, the four poultry scald agents, mentioned above, have been deleted from the final rule. Second, the proposed agents for cooling and retort water treatment have been deleted from the final rule on the basis of the Committee's finding that the agents are not food additives when used in accordance with their intended use.

The final rule (1) amends the Federal meat inspection regulations to permit the use of additional substances specified for scalding hog carcasses and denuding beef and lamb tripe; (2) amends the poultry products inspection regulations to permit the use of specified substances for scalding poultry carcasses; (3) updates the chemical names for some of the present substances in the Federal meat and poultry products inspection regulations; and (4) requires scald water or tripe denuding preparations containing substances which are permitted to be used only in limited amounts to bear container labels showing the percentage of such substances and dilution directions on how to obtain the maximum allowable use concentration of the preparation.

Since the initial publication of the proposal, USDA and FDA have been involved in extensive examination of the proposed substances in order to assure adequate consumer protection. During this period of examination and study, there have been no significant changes in the circumstances surrounding this action other than those previously discussed. Therefore, the Administrator has determined that publication of a new proposal on hog and poultry scalding and denuding agents is not necessary, and that the final rule should be promulgated.

Comments

Only one comment was received in response to the proposed rule and that commenter endorsed the proposal without reservation.

For the sake of clarity, the affected portions of the chart in section 318.7(c)(4) of the Federal meat inspection regulations (9 CFR 318.7(c)(4)) and the table in section 381.147(f)(3) of the Federal poultry products inspection regulations (9 CFR 381.147(f)(3)) are being republished with the new substances integrated in alphabetical order.

Nonsubstantive changes are also being made to clarify the wording of § 318.7 of the Federal meat inspection regulations (9 CFR 318.7) and § 381.145 of the Federal poultry products inspection regulations (9 CFR 381.145).

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

1. The authority citation for Part 318 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 21 U.S.C. 71 *et seq.*, 601 *et seq.*

Therefore, the Federal meat inspection regulations (9 CFR Part 318) are amended as follows:

2. Section 318.1(d) of the Federal meat inspection regulations (9 CFR 318.1(d)) is revised to read:

§ 318.1 Products and other articles entering official establishments.

* * * * *

(d) Containers with substances approved for use in the preparation of products in § 318.7(c)(4) of this subchapter which enter any official establishment for use in cooling or retort water, in hog scalding water, or in denuding of tripe shall, at all times, while they are in such establishment, bear labels showing the chemical names of the substances in such preparations. In the case of preparations containing any substances which may be used under § 318.7(c)(4) only in specified amounts, the container labels shall also show the percentage of each such substance in the preparation and shall provide dilution directions which prescribe the maximum allowable use concentration of the preparation.

* * * * *

§ 318.7 [Amended]

3. In the chart listing the substances approved for use in the preparation of products in § 318.7(c)(4) of the Federal meat inspection regulations (9 CFR 318.7(c)(4)), the "class of substance" titled "Denuding agents; may be used in combination. Must be removed from tripe by rinsing with potable water" is revised to read as follows:

Class of substance	Substance	Purpose	Products	Amount
*	*	*	*	*
Denuding agents; may be used in combination. Must be removed from tripe by rinsing with potable water	Lime (calcium oxide, calcium hydroxide).	To denude mucous membranes	Tripe	Sufficient for purpose.
	Sodium carbonate	do	do	Do.
	Sodium gluconate	do	do	Do.
	Sodium hydroxide	do	do	Do
	Sodium persulfate	do	do	Do.
	Sodium silicates (ortho, meta, and sesqui).	do	do	Do
	Trisodium phosphate	do	do	Do
*	*	*	*	*

4. In the chart listing the substances approved for use in the preparation of products in § 318.7(c)(4) of the Federal meat inspection regulations (9 CFR 318.7(c)(4)), the "class of substance" titled "Hog scald agents; must be removed by subsequent cleaning operations" is revised to read as follows:

Class of substance	Substance	Purpose	Products	Amount
*	*	*	*	*
Hog scald agents; must be removed by subsequent cleaning operations	Caustic soda	To remove hair	Hog carcasses	Do.
	Dimethylpolysiloxane	do	do	Do.
	Dioctyl sodium sulfosuccinate	do	do	Do.
	Disodium-calcium ethylene-diamine-tetraacetate	do	do	Do.
	Disodium phosphate	do	do	Do.
	Ethylenediamine-tetraacetic acid (sodium salts)	do	do	Do.

Class of substance	[illegible]	Purpose	Products	Amount
	Lime (calcium oxide, calcium hydroxide).	......do	......do	Do.
	Propylene glycol	......do	......do	Do.
	Soap (prepared by the reaction of calcium, potassium, or sodium with rosin or fatty acids of natural fats and oils).	......do	......do	Do.
	Sodium acid pyrophosphate	......do	......do	Do.
	Sodium carbonate	......do	......do	Do.
	Sodium dodecylbenzene sulfonate.	......do	......do	Do.
	Sodium gluconate	......do	......do	Do.
	Sodium hexametaphosphate	......do	......do	Do.
	Sodium lauryl sulfate	......do	......do	Do.
	Sodium mono and dimethylnaphthalene sulfonate (molecular weight 245–260).	......do	......do	Do.
	Sodium n-alkylbenzene sulfonate (alkyl group predominantly C_{12} and C_{13} and not less than 95 percent C_{10} and C_{14}).	......do	......do	Do.
	Sodium pyrophosphate	......do	......do	Do.
	Sodium silicates (ortho, meta, and sesqui).	......do	......do	Do.
	Sodium sulfate	......do	......do	Do.
	Sodium tripolyphosphate	......do	......do	Do.
	Sucrose	......do	......do	Do.
	Triethanolamine dodecylbenzene sulfonate.	......do	......do	Do.
	Trisodium phosphate	......do	......do	Do.

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PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

5. The authority citation for Part 381 reads as follows:

Authority: 71 Stat. 441, as amended, 21 U.S.C. 451 *et seq.*

The Federal poultry products inspection regulations are amended as follows:

6. Section 381.145 of the Federal poultry products inspection regulations (9 CFR 381.145) is amended by adding a new paragraph (h) to read:

§ 381.145 Poultry products and other articles entering or at official establishments; examination and other requirements.

* * * * *

(h) Containers with substances approved for use in the processing of products in § 381.147(f)(3) of this subchapter which enter any official establishment for use in poultry scald water shall, at all times, while they are in such establishment, bear labels showing the chemical names of the substances in such preparations. In the case of preparations containing substances which may be used under § 381.147(f)(3) only in limited amounts, the container labels shall also show the percentage of each such substance in the preparation and shall provide dilution directions which prescribe the maximum allowable use concentration of the preparation.

§ 381.147 [Amended]

7. The table listing the restrictions on the use of substances in poultry products in § 381.147(f)(3) of the Federal poultry products inspection regulations (9 CFR 381.147(f)(3)) is revised by adding a new "class of substance" titled "Poultry scald agents must be removed by subsequent cleaning operations" immediately after the "class of substance" titled "Phosphates" as follows:

Class of substance	Substance	Purpose	Products	Amount
*	*	*	*	*
Poultry scald agents; must be removed by subsequent cleaning operations.	Alpha-hydro-omega-hydroxy-poly (oxyethylene) poly (oxypropylene) (minimum 15 moles) poly (oxyethylene) block copolymer (polyoxamer).	To remove feathers	Poultry carcasses.	Not to exceed 0.05% by weight in scald water.
	Dimethylpolysiloxane	......do	......do	Sufficient for purpose.
	Dioctyl sodium sulfosuccinate	......do	......do	Do.
	Dipotassium phosphate	......do	......do	Do.
	Ethylenediamine-tetraacetic acid (sodium salts).	......do	......do	Do.
	Lime (calcium oxide, calcium hydroxide).	......do	......do	Do.
	Polyoxyethylene (20) sorbitan [illegible]	......do	......do	Not to exceed 0.0175% in scald water.
	Potassium hydroxide	......do	......do	Do.
	Propylene glycol	......do	......do	Do
	Sodium acid phosphate	......do	......do	Do.
	Sodium bicarbonate	......do	......do	Do.
	Sodium carbonate	......do	......do	Do.

Class of substance	Substance	Purpose	Products	Amount
	Sodium dodecylbenzene-sulfonate.	do	do	Do.
	Sodium-2-ethylhexyl sulfate	do	do	Do.
	Sodium hexametaphosphate	do	do	Do.
	Sodium hydroxide	do	do	Do.
	Sodium lauryl sulfate	do	do	Do.
	Sodium phosphate (mono-, di-, tribasic).	do	do	Do.
	Sodium pyrophosphate	do	do	Do.
	Sodium sesquicarbonate	do	do	Do
	Sodium sulfate	do	do	Do.
	Sodium tripolyphosphate	do	do	Do.
	Tetrasodium pyrophosphate	do	do	Do

* * * * * * *

Done at Washington, D.C., on September 18, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81–28857 Filed 10–2–81; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81–CE–4–AD; Amdt. 39–4233]

Airworthiness Directives; Beech Models 99, 99A, A99A, A99, and B99 Airplanes

Note.—This document originally appeared in the **Federal Register** for Friday, October 2, 1981. It is reprinted in this issue to meet requirements for publication on the Monday–Thursday schedule assigned to the Federal Aviation Administration, DOT.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of effective date of final rule.

SUMMARY: This amendment extends, by 60 days, the effective date of the airworthiness directive (AD) which concerns revised operating limitations in the FAA Approved Airplane Flight Manual (AAFM) for Beech Models 99, 99A, A99A, A99 and B99 airplanes.

DATES: Extends effective date of Amendment 39–4196, AD 81–18–08 to December 2, 1981.

FOR FURTHER INFORMATION CONTACT: Airworthiness Standards Program, Room 1639, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–6942.

SUPPLEMENTARY INFORMATION: The FAA issued an airworthiness directive, Amendment 39–4196, AD 81–18–08, on August 17, 1981, effective October 3, 1981, applicable to Beech Models 99, 99A, A99A, A99 and B99 airplanes. The AD requires the deletion of the Minimum Equipment List (MEL) and Configuration Deviation List (CDL) from the FAA Approved Airplane Flight Manual (AAFM) and the insertion therein of a new document entitled Kinds of Operations Equipment List (KOEL) as operating limitations for these Beech model airplanes. This action was taken pursuant to a notice of proposed rulemaking and is necessary to preclude unsafe operation of the airplanes with certain inoperative equipment. Subsequent to issuance, it was brought to FAA's attention that some owners/operators may still misunderstand the KOEL and its relationship to the MMEL and the MEL being removed from the AFM, and that there may be some inaccuracies in the KOEL, as published. Accordingly, the FAA believes that it is in the public interest to extend the effective date of Amendment 39–4196 for 60 days in order to make any clarification deemed necessary and to correct any inaccuracies noted in the published KOEL. Any such revisions to the KOEL will be made by no later than November 2, 1981.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39–4196, AD 81–18–08, as follows:

This amendment extends the effective date of Amendment 39–4196, AD 81–18–08 to December 2, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note.—Since this document involves a change of effective date of a regulation which is not major, the FAA has determined that it is not major under Executive Order 12291, or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This regulatory action imposes no additional burden on any persons, and the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on September 30, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–28879 Filed 10–1–81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81–ACE–3]

Designation of Transition Area; Seward, Nebr.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700-foot transition area at Seward, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Seward Municipal Airport, Seward, Nebraska, utilizing the Seward Non-Directional Radio Beacon (NDB) as a navigational aid.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Don A. Peterson, Airspace Specialist, Airspace and Procedures Section, Operations, Airspace and Procedures Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure to the Seward Municipal Airport, Seward, Nebraska, is being established utilizing the Seward NDB as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Seward, Nebraska, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 37278 and 37279 of the Federal Register dated July 20, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Seward, Nebraska.

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Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 G.m.t. November 26, 1981, by adding the following new transition area:

Seward, Nebraska

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Seward Municipal Airport, Seward, Nebraska (latitude 40°51'46"N, longitude 97°06'32"W), and 3 miles either side of the 344° bearing of the Seward NDB (latitude 40°51'36"N, longitude 97°06'18"W) extending from 6.5 miles to 8.5 miles northwest of the NDB; excluding that airspace overlying the Lincoln, Nebraska, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri on September 23, 1981.

James O. Robinson,

Acting Director, Central Region.

[FR Doc. 81-28691 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 22050; SFAR No. 44-2; SFAR No. 44-1]

Special Federal Aviation Regulation; Air Traffic Control System Interim Operations Plan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment to Special Federal Aviation Regulation (SFAR) No. 44-1 establishes certain procedures for the operation of the National Air Traffic Control System, including procedures to be utilized in reducing carrier operations, as necessary, to provide for the safe and efficient operation of the air traffic system in a situation of reduced air traffic control capacity. The Administrator has determined that a situation still exists which requires reduced air traffic control capacity and that the continuation of the current special air traffic control provisions established under SFAR No. 44-1, as modified by this amendment, is necessary to provide for the efficient and safe movement of air traffic. This amendment makes adjustments to the air traffic procedures established by SFAR 44-1 to correct imbalance in the system which have developed since issuance of SFAR 44-1 and to provide the FAA with flexibility in making adjustments to the schedules of certain air traffic facilities.

EFFECTIVE DATES: September 29, 1981.

Comments are invited on this Interim Operations Plan so long as it remains in force or until June 1, 1982, whichever date is later.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-204), Docket No. 22050, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Harvey Safeer, Office of Aviation Policy and Plans (Telephone: (202) 426-3331), *or*

John R. Ryan, Operations Division, Air Traffic Service (Telephone: (202) 426-8310), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

SUPPLEMENTARY INFORMATION:

Comments Invited

Although this amendment is in the form of an emergency final rule which concerns immediate flight safety throughout the United States, and, thus, is not preceded by notice and public procedure, comments are invited on this Interim Operations Plan which will remain in effect until further notice. The need for immediate regulatory response and background material is stated at 46 FR 39606, *et seq.* Comments on the rule should be submitted to the address indicated above. Comments are specifically invited on any aspects of the operation of the Air Traffic Control system under this amendment that suggest a need to modify the regulation, or which should be considered should the occasion arise in the future to operate the Air Traffic Control system under emergency conditions. Comments received will be reviewed on a continuing basis and this amendment and the Interim Operations Plan may be changed in the light of comments received. Commenters wishing the FAA to acknowledge receipt of their comments in response to this rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22050." The postcard will be date/time stamped and returned to the commenter.

Air Traffic Control System Interim Operations

The actions of certain members of the Professional Air Traffic Controllers Organization (PATCO) have significantly reduced the number of air traffic controllers who are available to operate the Air Traffic Control (ATC) system. This has resulted in the need to reduce the level of services that the FAA provides at various ATC facilities.

This has been accomplished by the operation of the ATC system under normal air traffic control procedures with the aid of "flow control" measures that result in a reduction of user demands on the system (SFAR No. 44 (46 FR 39606; August 3, 1981) and SFAR No. 44-1 (46 FR 44424; September 4, 1981 and 46 FR 44740; September 8, 1981)).

This amendment outlines the schedule and approval cycle which the FAA plans to utilize until further notice. These changes are being made as a result of a review of operations under the Interim Operations Plan. Comments made during a public hearing on September 24, 1981, were considered. The plan outlined herein is designed to benefit all concerned—passengers, air carriers, other system users and the FAA, and should result in a more equitable system of obtaining operational authority. More lead time in confirmation of requested flight operations will permit all carriers greater efficiency in equipment and crew scheduling. Improved reliability in flight authorization will also allow FAA to assure that individual carriers are conforming to operation limits set forth under the Interim Operations Plan.

Many members of the public and industry have urged the FAA to develop a plan which will be in effect for a finite period of time to allow air carriers to plan schedules, make decisions involving staffing and equipment and which would allow the public to make plans. Many commenters have argued that from a scheduling standpoint, stability is the most important factor to be considered. The most important consideration in amending the existing procedures is that this revised plan while providing flexibility in establishing schedules, will provide a constant schedule over a calendar period. This degree of stability is absolutely critical as we approach the more difficult winter weather.

This procedure utilizes the air carriers' schedules submitted to the Official Airline Guide (OAG) for allocating the reduced flight operations at airports irrespective of IFR or VFR operations. Use of the OAG eliminates the need for duplicate information to be submitted to the FAA and provides the industry and the public with a usable schedule. Since use of OAG has worked well, it will continue to be used. The procedures have permitted the safe and efficient operation of the ATC system based upon the air traffic work force available at each ATC facility within the system. The reduction in user demand necessary because of the reduced work force has been accomplished while allowing the air carriers the maximum possible control over their operations. In addition, it permits adjustments to the system to provide for many of the seasonal and other changes in air carrier schedules that routinely occur. The procedures also permit normal flight planning and fuel conservation techniques by users. They further provide some flexibility to accommodate new or additional services that may occur at an airport as air carrier operations and the ATC work force at that airport change. In addition, the Plan provides ATC service to meet as many other aviation needs as can be accomodated with the available work force.

Accordingly, the Administrator has determined that the National Air Traffic Control system should continue to operate under the Interim Operations Plan, as modified by this amendment, until further notice. While the agency will closely monitor the operation of these procedures and will make changes if necessary, to provide for system stability, the procedures contained in this amendment will not be significantly modified until it is determined that these reduced levels are no longer necessary. The airports at which schedule reductions will be needed after December 1, 1981, will be determined after submission of proposed schedules for that period. For that reason the SFAR no longer lists airports. Schedule reductions may also be imposed at airports other than those listed in SFAR No. 44–1 if any changes in the current status of an airport cannot be safely and efficiently handled by the controller work force at the ATC facilities involved. If conditions change substantially at any airport, the FAA will attempt to make that information available.

Strict adherence to operations limits contained in this amendment and related NOTAM's is essential to a continuation of a safe and efficient airspace. The Administrator will take whatever action is necessary to ensure adherence with the operations limits.

As a first step in ensuring compliance with SFAR 44–1 operations limits, the Associate Administrator for Policy and International Aviation, API–1, will review all schedule authorizations. API–1 will issue and receive all direct communications between the air carriers and the FAA regarding schedules and authorizations. All requests should be sent to the Associate Administrator for Policy and International Aviation, API–1, 800 Independence Avenue, S.W., Washington, D.C. 20591; Telephone No.: (202) 426–3030; Telex No.: 892562 FAA WSH (for API–1) and ARINC No.: DCAYAXD (for API–1). Except for emergencies, all of these requests must be submitted in writing. Emergency ferry, pilot training, and mechanical repair checkout flight requests can be submitted directly, orally or in writing to the FAA Central Flow Control Facility, FAA Headquarters, Washington, D.C. 20591.

For the schedule period October 25 to November 30, 1981, air carriers requesting flights in addition to daily limits submitted to the OAG for that period, must submit a written request to the Associate Administrator for Policy and International Aviation by September 28. No other submission must be made for this scheduling period. FAA expects the number of such requests made of this type will be reasonable and limited. The FAA Headquarters task force will analyze these proposals with respect to system capacity and by October 1, 1981, API–1 will notify each carrier requesting additional authority of the percentage of its proposed October–November schedule arrivals which must be adjusted or deleted. Air carriers may then request rescheduling of deleted flights to nonpeak hours. Such requests must be submitted in writing to API–1 by October 5. API–1 will then notify air carriers of their final approved October 25 to November 30 schedule about October 8. An OAG supplement reflecting this guidance will be published on or about November 1.

The number of daily operations an air carrier may submit to OAG for its schedule at an airport after November 30, 1981, shall not exceed the number of operations for that airport submitted by that air carrier on or before July 24 to the OAG for the September 1–15 period, for the day of September 1, 1981. The schedules submitted at each airport shall not exceed the September 1 limitation and should reflect the full schedule the air carrier intends to operate.

The requests should include nonscheduled flights such as charters and training and ferry operations to the extent they are known. Scheduled cargo and charter flights will be treated the same as scheduled flights by air carriers. Other nonscheduled operations will be provided for at a time as close to the departure as possible, subject to ATC capacity. Submission of information on nonscheduled operations will assist in the FAA's analysis of future demands on the system.

Schedules for flights to be operated after November 30 will be approved for 1-month periods beginning on the first day and ending on the last day of the month. For the initial period (beginning December 1981) incumbent air carrier shall provide the OAG with a proposed schedule by September 29, 1981. Incumbents requesting flights above the number of daily flights as shown in the schedule submitted to OAG on or before July 24 for the September 1–15 period, for the day of September 1, 1981, and air carriers requesting flights at airports which they did not serve prior to the September 1–15 schedule submission, and new entrants requesting flights must separately identify and submit their requests in writing to API–1 by September 29. Again, FAA expects the number of such requests of this type to be reasonable and limited. The OAG will provide ATCCC Jacksonville with a computer tape data base of proposed December flights about October 5. The FAA Headquarters Interim Operations Plan task force will analyze the OAG submission with respect to system capacity to determine what level of additional service can be allowed at each airport. If additional capacity is available, then approval for the operations will be given. If capacity is not available to handle all flights requested, all carriers, including new entrants who filed, but not operating, for Civil Aeronautics Board (CAB) authority on or after August 3, 1981, will receive consideration based upon the order in which the request is received. New entrants that had an application for operating authority on file with the CAB prior to August 3, 1981, will receive special consideration for access. Every effort will be made to give new entrants who have filed with the CAB on or after August 3 some authorization to operate although they may likely receive a lesser number of operations than requested—less desirable arrival times or operations at alternate airports. In connection with comments that the September 1 date will be a problem for "seasonal" operations by air carriers (particularly those serving north-south routes), it must be noted that currently operations at most of the airports involved in such service are under capacity and the air traffic system should be able to accommodate "seasonal" adjustments. By October 9, API-1 will notify each carrier of the percentage of proposed December schedule operations which must be adjusted or deleted. Air carrriers may then request rescheduling of deleted flights to nonpeak hours. Such requests must be submitted in writing to API-1 by October 14. API-1 will then notify carriers of their final approved December schedule about October 20. Carriers should then provide OAG with their final approved schedule.

Thus, 42 days will be available to complete fleet and crew preparations for December.

For the January and subsequent monthly schedules, the hourly scheduled operation at each airport submitted to OAG by an air carrier shall not exceed the hourly operations authorized by API-1 for the preceding month. Air carriers may provide a list of requested changes or additions to the prior month's approved schedule 70 days before the start of the schedule period. New entrants with flights authorized by the FAA in December or thereafter, should follow the same procedure as an incumbent, except that their requests should not exceed their initial entry level authorized by API-1.

The FAA Interim Operations Plan task force will analyze the requests with respect to system capacity and API-1 will notify each carrier of the adjustments required. Air carriers will be given an opportunity to reschedule deleted flights in nonpeak hours. API-1 will then notify carriers of their approved schedule for the month no later than 45 days prior to the schedule period.

It is important to note that the number of changes submitted must be limited; requests for more than a limited number of changes will not receive consideration due to time and manpower constraints.

Notices of cancellations of approved flights shall be sent to API-1.

A new air carrier that had an application for operating authority on file with the CAB prior to August 3, 1981, will receive approval for some operations. Other new entrants may be authorized to operate at the designated airports only if the then current capacity permits. Comments are specifically invited on the issue of how to provide service for new entrants.

Unscheduled flights by air carriers such as charters, training, extra sections, etc., into a designated airport must, to the extent possible, be submitted to API. General aviation and military operations will continue to be accommodated through the flow control procedures that result in a reduction in user demands on the system, when needed, and will be processed basically on a first-come first-serve basis. International flights will continue to be processed in accordance with the current procedures established for international flights.

This amendment does not change the present authority of the Director of Air Traffic Service to restrict, prohibit or permit VFR and/or IFR operations at any airport, TCA or other terminal and enroute airspace; to give priority at any airport to flights that are military necessities, medical emergency flights, Presidential flights, and flights transporting critical FAA employees; and to implement flow control management procedures, including reduction of flight operations, at any airport or within enroute airspace. Under the current conditions in the ATC system, the FAA's Air Traffic Control Command Center has the ability to maintain an efficient flow of air traffic within a framework of predetermined levels of system capacity. Therefore, it does not appear that it will be necesssary to activate the more restrictive National Air Traffic Control Contingency Plan (Phase III). However, the Director of Air Traffic Service continues to be authorized to activate that Contingency Plan if conditions develop that require its use in order to provide for the safe and efficient movement of air traffic.

The basic rules and orders necessary for operation under the Interim Operations Plan will continue to be disseminated, in accordance with § 91.100 of the Federal Aviation Regulations, by Notices to Airmen (NOTAM).

The continued operation of the National Air Traffic Control System in a safe and efficient manner requires the immediate adoption of this regulation in the public interest. Therefore, I find that further notice and public procedure thereon are impracticable and contrary to the public interest. I further find that good cause exists for making this regulation effective in less than 30 days after its publication in the **Federal Register.**

Adoption of the Rule

Accordingly, the Interim Operations Plan contained in Special Federal Aviation Regulation No. 44-1 is amended to read as follows, effective September 29, 1981:

Special Federal Aviation Regulation No. 44-2

1. Each person shall, before conducting any operation under the Federal Aviation Regulations (14 CFR Chapter I), familiarize himself with all Notices to Airmen issued under § 91.100; when activated, with the provisions of the National Air Traffic Control Contingency Plan (FAA Order 7110.86), available for inspection at operating air traffic facilities and regional air traffic division offices; and with all other available information concerning that operation.

2. Notwithstanding any provision of the Federal Aviation Regulations to the contrary, no person may operate an aircraft in the airspace under the jurisdiction of the United States—

(a) Contrary to any restriction, prohibition, procedure or other action specified in this Special Federal Aviation Regulation or specified by the Director of Air Traffic Service pursuant to paragraph 3 of this regulation and announced in a Notice to Airmen pursuant to § 91.100 of the Federal Aviation Regulations, or

(b) If the National Air Traffic Control Contingency Plan is activated pursuant to paragraph 5 of this regulation, except in accordance with the pertinent provisions of the Contingency Plan (FAA Order 7110.86, dated February 27, 1981, as amended by Errata Change issued March 10, 1981, Errata Change No. 2 issued March 18, 1981, and Errata Change No. 3 issued June 19, 1981).

3. As conditions warrant or until activation of the National Air Traffic Control Contingency Plan (Phase III), the Director of Air Traffic Service is authorized to—

(a) Restrict, prohibit or permit VFR and/or IFR operations at any airport, Terminal Control Area or other terminal and enroute airspace (subject to any restrictions and limitations imposed under paragraph 4 of this regulation);

(b) Give priority at any airport to flights that are military necessities, medical emergency flights, Presidential flights, and flights transporting critical Federal Aviation Administration employees; and

(c) Implement at any airport or within enroute airspace flow control management procedures, including reduction of flight operations. Reduction of flight operations shall to the extent feasible be made pro rata among and between air carrier, commercial operator, military and general aviation operations.

4. As conditions warrant or until activation of the National Air Traffic Control Contingency Plan (Phase III), the Associate Administrator for Policy and International Affairs is authorized to implement reductions in air carrier schedules in accordance with the Appendix to this regulation as air traffic capacity requires if operations at an airport cannot be safely and efficiently handled by the controller work force at the air traffic control facilities involved: and limit the number of daily and hourly operations of an air carrier at any airport based on that air carrier's submittal to the Official Airline Guide.

5. If the actions taken in accordance with paragraph 3 and 4 of this regulation do not provide for the orderly movement of air traffic, the Director of Air Traffic Service may activate the National Air Traffic Control Contingency Plan (Phase III).

6. Upon activation of the National Air Traffic Control Contingency Plan (Phase III) and notwithstanding any provision of the Federal Aviation Regulations to the contrary, the Director of Air Traffic Service is authorized to suspend or modify any airspace designation (or chart).

7. All restrictions, prohibitions, and procedures established, and other actions taken by the Director of Air Traffic Service under this regulation with respect to the operation of the Air Traffic Control system will be announced in Notices to Airmen issued pursuant to § 91.100 of the Federal Aviation Regulations.

8. The Director of Air Traffic Service may delegate his authority under this regulation to the extent he considers necessary for the safe and efficient operation of the National Air Traffic Control System.

Appendix.—Reduction Schedule for Designated Airports

1. For operations during the month of December, 1981,—

(a) Each air carrier shall submit a schedule (including nonscheduled flights such as charters and training and ferry operations to the extent they are known) to the Official Airline Guide (OAG) by September 29, 1981. The number of daily arrival operations an air carrier may submit to the OAG at each airport shall not exceed the daily operations at that airport, submitted to the OAG on or before July 24 by the air carrier for the schedule period September 1–15, 1981, for the day of September 1, 1981.

(b) Each air carrier seeking authority for flights in excess of its September 1 levels, new entrants, and requests by an air carrier to initiate service must be separately identified and submitted in writing to the Associate Administrator for Policy and International Aviation, API–1, 800 Independence Avenue S.W., Washington, D.C. 20591; Telephone No.: (202) 426–3030; Telex No.: 892562 FAA WSH (for API–1) and ARINC No. DCAYAXD (for API–1) by September 29, 1981. If additional capacity is available, then authority for these operations will be given. If capacity is not available for all such requests, then priority consideration will be given to new entrants that had an application for operating authority on file with the CAB and not operating before August 3, 1981. All other carriers, including new entrants filing for CAB authority on or after August 3, 1981, will receive authority based upon the order in which the request was received by API–1. API–1 will notify each air carrier of the percentage of proposed operations which must be adjusted or deleted. Air carriers then may request rescheduling of deleted flights to nonpeak hours by October 9, 1981. Such requests must be submitted in writing to API–1. API–1 will then notify carriers of their final approved schedule.

2. For operations after December 31, 1981—

(a) Each air carrier shall submit a schedule (including nonscheduled flights such as charters and training and ferry operations to the extent they are known) to the OAG at least 70 days before the start of the schedule period. The number of hourly arrival operations an air carrier may submit to the OAG at each airport shall not exceed the hourly operations at that airport submitted to the OAG by the air carrier for the previous month.

(b) Each air carrier seeking authority for flights in excess of the number flown in the previous scheduling month, new entrants, and requests by an air carrier to initiate service must be separately identified and submitted in writing to API–1. If additional capacity is available, then authority for these operations will be given. If capacity is not available for all such requests, then priority consideration will be given to new entrants that had an application for operating authority on file with the CAB and not operating before August 3, 1981. All other carriers, including new entrants filing for CAB authority on or after August 3, 1981, will receive authority based upon the order in which the request was received by API–1. API–1 will notify each carrier of the percentage of proposed previous month's schedule arrivals which must be adjusted or deleted. Air carriers may then request rescheduling of deleted flights to nonpeak hours. Such requests must be submitted in writing to API–1 by the time period contained in the API notification. API–1 will then notify air carriers of their final approved monthly schedule.

3. Emergency ferry, pilot training, and mechanical repair checkout flight requests may be obtained from the FAA Central Flow Control Facility.

4. No person shall operate an air carrier flight unless approval for the operation has been received prior to the flight by API–1 as part of the particular air carrier's approved schedule or under paragraph 1 or 2 of this appendix, or in accordance with paragraph 3 of this appendix.

5. The Director of Air Traffic Service is authorized to—

(a) Make revisions and additions to the operations schedule established by an air carrier pursuant to paragraph 1 of this appendix to the extent the controller work force at the air traffic control facilities involved can accommodate those changes.

(b) Establish schedule reductions for any hour not specified in paragraph 1 of this appendix (nonpeak-operation hours) if excessive flights are rescheduled for any of those hours.

(c) Approve new or additional service into a designated airport. A new air carrier that had its application for an operating certificate on file with the CAB prior to August 3, 1981, will receive approval for some operations. Adjustments to other air carrier operations schedules may be made by the Director of Air Traffic Service to accommodate new air carriers. Other new entrants may be authorized to operate at the designated airports only if the then current capacity permits.

(Secs. 307 (a) and (c), 313(a), and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348 (a) and (c), 1354(a), and 1421(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this rule is an emergency regulation under the provisions of Section 8 of Executive Order 12291 and the Department's Regulatory Policies and Procedures (44 FR 11034;

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February 26, 1979). It is impracticable for the FAA to follow the procedures of Executive Order 12291 applicable to regulations not issued in response to emergency situations because the safety and efficiency of the national air transportation system require immediate implementation of the rule. Voluntary compliance with this regulation is expected. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the persons identified under the caption "FOR FURTHER INFORMATION CONTACT."

This is a final rule of the Administrator issued in accordance with the Federal Aviation Act of 1958, as amended. Thus, in accordance with § 1006 of the Act (49 U.S.C. 1486), it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on September 29, 1981.

J. Lynn Helms,
Administrator.

[FR Doc. 81-28994 Filed 10-2-81; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Parts 1 and 3

Rules Governing Recovery of Awards Under the Equal Access to Justice Act

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: These rules implement the Equal Access to Justice Act ("Act") and are promulgated under the authority of Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)) and 5 U.S.C. 553(b). The Act takes effect October 1, 1981, and provides attorney fees and other expenses to eligible parties who prevail over the federal government in certain administrative and court proceedings. These rules reflect the Commission's adoption of the model rules developed by the Administrative Conference of the United States with modifications intended to harmonize the model rules with standard Commission procedure.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Jerold D. Cummins, Deputy Assistant General Counsel, (202) 523-1926, or Kay Kiner James, Staff Attorney, (202) 523-3431, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: The Act becomes effective on October 1, 1981, and will apply to adjudicative proceedings pending on that day. The Act directs agencies to establish uniform procedures for the award of fees in their administrative proceedings, after consultation with the Chairman of the Administrative Conference. To aid agencies in this process, the Administrative Conference published and requested public comment on draft model regulations for federal agency implementation of the Act (46 FR 15895, March 10, 1981). Based on comments received, the Administrative Conference revised the model rules and the Chairman issued final model regulations (46 FR 32900, June 25, 1981).

ACUS' primary purpose in issuing the model rules was to promote uniformity of procedures among the agencies in implementing the Act. The Commission supports that objective and its own rules are designed to adopt the procedures established by the model rules. The Commission's rules contain some changes from the model rules which were adopted to harmonize the model rules with established Commission adjudicative procedure and terminology.

Commission Modification of the Model Rules

These rules will appear as Subpart I under Part 3 of the Commission's rules of practice (16 CFR Ch. I). The section designations used in the Administrative Conference's model rules have been replaced with the proper designations for the position of these rules in the FTC rules of practice. The Commission made the following changes in the model rules:

1. Some sections of the model rules were deleted because they covered types or forms of proceedings which the Commission does not conduct.

2. Several model rule sections were changed, as suggested by the Chairman of the Administrative Conference, by referring to other sections of the Commission's rules of practice which covered the described procedures or proceedings.

3. To avoid the need for future amendments of the rule, the Commission chose to modify the section on allowable fees to state that expert witnesses could not be compensated at a rate exceeding the highest rate which the Commission currently pays expert witnesses for similar services. The model rules had specified the now current rate of $24.09 per hour.

4. Finally, the Commission made a change in the wording of two sections which specify when an applicant may receive an award after "prevailing" on less than the entire proceeding (3.81(e), 3.82(d)). Under the model rules an applicant could receive an award if it prevailed on a "significant and discrete substantive portion of the proceeding." The Commission rules provide that the applicant must have prevailed on a "substantive issue in the proceeding that is sufficiently significant and discrete to merit treatment as a separate unit." Both the language in the model rules and the Commission's language are meant to carry out Congress' intent in defining "prevailing," as that intent was expressed in the legislative history of the Act. H. Rep. 96-1434, Conference Report on H.R. 5612, Sept. 30, 1980, at 21-22. However, the Commission believes that its phrasing explicates the congressional intent more precisely.

The Commission amends its Rules of Practice as follows:

PART 1—GENERAL PROCEDURES

Subpart C—Rules and Rulemaking

1. Section 1.21 is revised to read as follows:

§ 1.21 Scope of the rules in this subpart.

The rules in this subpart apply to and govern procedures for the promulgation of rules, including quantity limit rules, rules authorized under the Wool Products Labeling Act of 1939, the Fur Products Labeling Act, the Textile Fiber Products Identification Act, 5 U.S.C. 504(b)(1)(A)(i) of the Equal Access to Justice Act, see § 3.81(g), and rules under the Fair Packaging and Labeling Act except to the extent that objections to orders relating to the issuance, amendment, or repeal of rules under the latter Act are required by statute to be determined on the record after opportunity for an agency hearing. The rules in this subpart do not apply to the promulgation of industry guides, general statements of policy, or rules of agency organization, procedure, or practice, or rules governed by the procedures of Subpart B of this part.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

2. Subpart I is added to Part 3 of the Rules of Practice as follows:

Subpart I—Recovery of Awards Under the Equal Access to Justice Act in Commission Proceedings

Sec.
3.81 General provisions.
3.82 Information required from applicants.
3.83 Procedures for considering applicants.

Authority: Sec. (a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1) and 5 U.S.C. 553(b)).

Subpart I—Recovery of Awards Under the Equal Access to Justice Act in Commission Proceedings

§ 3.81 General provisions.

(a) *Purpose of these rules.* The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to adjudicative proceedings under this Part 3 of the Rules of Practice. An eligible party may receive an award when it prevails in the adjudicative proceeding, unless the Commission's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards, how to apply for awards, and the procedures and standards that the Commission will use to make them.

(b) *When the Act applies.* The Act applies to any adjudicative proceeding pending before the Commission at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final Commission action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Commission action occurs.

(c) *Proceedings covered.* (1) The Act applies to all adjudicative proceedings under this Part 3 of the rules of practice as defined in Rule 3.2, except hearings relating to the promulgation, amendment, or repeal of rules under the Fair Packaging and Labeling Act.

(d) *Eligibility of applicants.* (1) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adjudicative proceeding in which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart.

(2) The types of eligible applicants are as follows:

(i) An individual with a net worth of not more than $1 million;

(ii) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(iii) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (25 U.S.C. 501(c)(3)) with not more than 500 employees;

(iv) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(v) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(3) For the purpose of eligibility, the new worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(4) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(5) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(6) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the Administrative Law Judge determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the Administrative Law Judge may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(7) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

(e) *Standards for awards.* (1) A prevailing applicant may receive an award for fees and expenses incurred in connection with an entire proceeding, or on a substantive portion of the proceeding that is sufficiently significant and discrete to merit treatment as a separate unit unless the position of the agency over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on complaint counsel, which may avoid an award by showing that its position had a reasonable basis in law and fact.

(2) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

(f) *Allowable fees and expenses.* (1) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(2) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Commission paid expert witnesses for similiar services at the time the fees were incurred. The appropriate rate may be obtained from the Office of the Executive Director. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(3) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the Administrative Law Judge shall consider the following:

(i) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(ii) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(iii) The time actually spent in the representation of the applicant;

(iv) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(v) Such other factors as may bear on the value of the services provided.

(4) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

(g) *Rulemaking on maximum rates for attorney fees.* If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), this agency may, upon its own initiative or on petition of any interested person

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or group, adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. Rulemaking under this provision will be in accordance with Rules of Practice Part 1, Subpart C of this chapter.

§ 3.82 Information required from applicants.

(a) *Contents of application.* An application for an award of fees and expenses under the Act shall contain the following:

(1) Identity of the applicant and the proceeding for which the award is sought;

(2) A showing that the applicant has prevailed;

(3) Identification of the Commission position(s) that applicant alleges was (were) not substantially justified;

(4) A brief description of the type and purpose of the organization or business (unless the applicant is an individual);

(5) A statement of how the applicant meets the criteria of § 3.81(d);

(6) The amount of fees and expenses sought;

(7) Any other matters the applicant wishes the Commission to consider in determining whether and in what amount an award should be made;

(8) A written verification under oath or under penalty or perjury that the information provided is true and correct accompanied by the signature of the applicant or an authorized officer or attorney.

(b) *Net worth exhibit.* (1) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the application and any affiliates (as defined in § 3.81(d)(6)) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The Administrative Law Judge may require an applicant to file additional information to determine its eligibility for an award.

(2) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the Administrative Law Judge in a sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b) (1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on complaint counsel but need not be served on any other party to the proceeding. If the Administrative Law Judge finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with Rule 4.11.

(c) *Documentation of fees and expenses.* The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Administrative Law Judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

(d) *When an application may be filed.* (1) An application may be filed whenever the applicant has prevailed in the entire proceeding or on a substantive portion of the proceeding that is sufficiently significant and discrete to merit treatment as a separate unit, but in no case later than 30 days after the Commission's final disposition of the proceeding.

(2) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(3) For purposes of this rule, final disposition means the later of (i) the date on which the initial decision of the Administrative Law Judge becomes the decision of the Commission pursuant to § 3.51(a); (ii) issuance of an order disposing of any petitions for reconsideration of the Commission's final order in the proceeding; (iii) if no petition for reconsideration is filed, the last date on which such petition could have been filed pursuant to § 3.55; or (iv) issuance of a final order or any other final resolution of a proceeding, such as a consent agreement, settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

§ 3.83 Procedures for considering applicants.

(a) *Filing and service of documents.* Any application for an award or other pleading or document related to an application shall be filed and served on all parties as specified in §§ 4.2 and 4.4(b), except as provided in § 3.82(b)(2) for confidential financial information.

(b) *Answer to application.* (1) Within 30 days after service of an application, complaint counsel may file an answer to the application. Unless complaint counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b)(2) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(2) If complaint counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the Administrative Law Judge upon request by complaint counsel and the applicant.

(3) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of complaint counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, complaint counsel shall include with the answer either supporting affidavits or a request for further proceedings under paragraph (f) of this section.

(c) *Reply.* Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under paragraph (f) of this section.

(d) *Comments by other parties.* Any party to a proceeding other than the applicant and complaint counsel may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the Administrative Law Judge determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

(e) *Settlement.* The applicant and complaint counsel may agree on a proposed settlement of the award before final action on the application. A proposed award settlement entered into in connection with a consent agreement covering the underlying proceeding will be considered in accordance with § 3.25. The Commission may request findings of fact or recommendations on the award settlement from the Administrative Law Judge. A proposed award settlement entered into after the underlying proceeding has been concluded will be considered and may be approved or disapproved by the Administrative Law Judge subject to Commission review under paragraph (h) of this section. If a prevailing party and complaint counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

(f) *Further proceedings.* (1) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or complaint counsel, or on his or her own initiative, the Administrative Law Judge may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(2) A request that the Administrative Law Judge order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

(g) *Decision.* The Administrative Law Judge shall issue an initial decision on the application within 30 days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust.

(h) *Agency review.* Either the applicant or complaint counsel may seek review of the initial decision on the fee application, or the Commission may decide to review the decision on its own initiative, in accordance with § 3.53. If neither the applicant nor complaint counsel seeks review and the Commission does not take review on its own initiative, the initial decision on the application shall become a final decision of the Commission 30 days after it is issued. Whether to review a decision is a matter within the discretion of the Commission. If review is taken, the Commission will issue a final decision on the application or remand the application to the Administrative Law Judge for further proceedings.

(i) *Judical review.* Judicial review of final Commission decisions on awards may be sought as provided in 5 U.S.C. 503(c)(2).

(j) *Payment of award.* An applicant seeking payment of an award shall submit to the Secretary of the Commission a copy of the Commission's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. Subject to the funding provisions of the Act, the agency will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adjudicative proceeding has been sought by the applicant or any other party to the proceeding.

By direction of the Commission dated September 29, 1981.

Carol M. Thomas,

Secretary.

Certificate of no Effect Under the Regulatory Flexibility Act

This is to certify that the Commission has concluded that the rules adopted here today will not have a significant economic impact on a substantial number of small entities, within the meaning of The Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980, 94 Stat. 1164).

While the Equal Access to Justice Act was intended by Congress to have a beneficial economic impact on small entities, the rules which the Commission has adopted at the Act's direction merely implement the provisions of the Act and do not themselves impose significant economic burdens or benefits.

By direction of the Commission dated September 29, 1981.

David A. Clanton,

Acting Chairman.

[FR Doc. 81–28895 Filed 10–1–81; 11:25 am]

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16 CFR Part 13

[Docket No. 8934]

Exxon Corp., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Dismissal order.

SUMMARY: This order, among other things, dismisses without prejudice the Commission's July 18, 1973, complaint charging eight major oil companies with maintaining and reenforcing a noncompetitive market structure in the refining of crude oil into petroleum products. Upon agreement between complaint counsel and respondents that the matter cannot be resolved in the foreseeable future, the Commission concluded that pending proceedings were not in the public interest. The order also vacates the ALJ's January 5, 1977, Protective Order, as modified by the ALJ's Orders of April and June 5, 1979; and bars the Commission from disclosing documents and information protected by these orders to any unauthorized party, or pursuant to an FOIA request. Upon dismissal of the complaint, the agency is additionally required to place respondents' documents, received pursuant to discovery in Docket 8934, in the physical possession of a designated custodian to be accorded the protections provided by Section 21 of the FTCA.

DATES: Complaint issued July 18, 1973. Final order issued September 16, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS–4, Ronald B. Rowe, Washington, D.C. 20580, (202) 724–1441.

SUPPLEMENTARY INFORMATION: In the matter of Exxon Corporation, et al., a corporation.

The Order is as follows:

I

On April 24, 1981, the Commission issued an order requesting that the parties brief four specific issues relevant to the status of this case.[2] The order also

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[1] Copies of the Complaint, Final Order and Separate Statement of Commissioner Pertschuk filed with the original document.

[2] The parties were requested to: (1) provide a proposed schedule setting forth dates for the conclusion of all additional discovery, the filing of

Continued

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stayed all proceedings in this matter pending further order by the Commission.

On June 23, 1981, complaint counsel and respondents simultaneously filed initial memoranda in response to the Commission's April 24, 1981, Order. Responsive pleadings were subsequently filed by complaint counsel on July 9, 1981, and by respondents on July 23, 1981.

II

On July 18, 1973, the Commission issued the complaint in this matter pursuant to Section 5, of the Federal Trade Commission Act (15 U.S.C. 45).

On October 31, 1980, complaint counsel filed their "First Statement of Issues, Factual Contentions and Proof," pursuant to a March 12, 1980, Order by Administrative Law Judge James P. Timony. In the interim, the Commission denied motions by respondents to withdraw this matter from adjudication pending the filing of complaint counsel's pleading. *See* June 30, 1980, Order. After reviewing complaint counsel's statement, ALJ Timony concluded in a January 23, 1981, Order that "* * * no issues have been eliminated from the Pretrial Discovery Statement of February 22, 1974, and the Order Stating Issues of January 9, 1976." Thereafter, on February 2, 1981, respondent Texaco Inc. moved that the Commission dismiss this proceeding in light of ALJ Timony's January 23, 1981, Order.

The Commission's April 24, 1981, Order specifically raised its concern that the issues of fact and law in this case did not appear to have been sufficiently narrowed to accomplish a timely and meaningful resolution of this matter. None of the memoranda filed by the parties pursuant to this Order, however, has presented any evidence to assuage the Commission's initial concerns regarding the status of this matter. Complaint counsel's "best case" model contemplates the filing by each party of three additional Statements of Contentions and Proof over the next thirty-three months and a potential target of approximately three years before trial would commence. (Complaint Counsel's Response at 26–31.) Moreover, complaint counsel state that any further narrowing of the issues at this time would be "arbitrar[y]" and "irresponsible." (Complaint Counsel's Response at 39.) Finally, complaint counsel predict that "* * * it [is] unlikely that continuation of the *Exxon* case can accomplish 'a timely and meaningful resolution' of the violations described in Complaint Counsel's First Statement. Complaint counsel therefore recommend that this matter be dismissed, without prejudice * * *." (Complaint Counsel's Response at 6.)

Respondents, while specifically declining to address the first three requests of the Commission's April 24, 1981, Order, assert that the proceeding is not in the public interest and therefore should be terminated. (Respondents' Joint Submission at 1–4.) Respondents state that "* * * only a fraction of the discovery that will be necessary to prepare this case for trial has been completed" (Respondents' Joint Submission at 40) and that a "realistic assessment suggests that the case is far closer to its beginning than to its end." (Respondents' Joint Submission at 39.) Respondents conclude that "Docket 8934 should be dismissed." (Respondents' Joint Submission at 49.)

Thus, both complaint counsel and respondents agree that completion of discovery is at least several years away, that this matter cannot be resolved in the foreseeable future and that the complaint should be dismissed. In addition, the parties have agreed that the ALJ's January 5, 1977, Protective Order, as modified by the ALJ's Orders of April 23 and June 5, 1979, be vacated. This order requires that the documents, obtained during discovery and designated as confidential, be returned at the conclusion of the proceeding.[3]

III

The Commission has considered the briefs of the parties, submitted in response to its April 24, 1981, Order, together with other filings in this proceeding, submitted or referred to by the parties, specifically including Complaint Counsel's First Statement of Issues, Factual Contentions and Proof, dated October 31, 1980, and the Counterstatements of Respondents, dated March 30, 1981, and has concluded that further proceedings in Docket No. 8934 are not in the public interest. While the length or complexity of litigation does not, in itself, constitute a basis for dismissal, the circumstances of this proceeding, including the limited progress of the litigation, call for this result. This case has been in pre-trial for eight years and unless the issues are substantially narrowed it may be well over three years before trial commences. While the Commission has the authority to remove this matter from adjudication and narrow the issues on its own initiative, such action would be impracticable under the circumstances. Therefore, without reaching the merits of this case, we believe the proper course for the Commission is to dismiss the pending proceedings and to preserve the option of addressing any anticompetitive problems in this industry in more focused proceedings. Accordingly, it is ordered that this matter be dismissed, without prejudice.

It is further ordered, that the Agreement Between the Parties, filed with the Commission on June 23, 1981, is approved by the Commission and that pursuant thereto, the ALJ's Protective Order of January 5, 1977, as modified by the ALJ's Orders of April 23 and June 5, 1979, is vacated. The documents and information covered by these orders will be treated as follows:

1. Except as permitted or authorized by the Federal Trade Commission Act, as amended by the Federal Trade Commission Improvements Act of 1980 (Pub. L. No. 96–252), and the Commission's implementing rules, the Commission shall not disclose documents in the possession of the Commission which were received from respondents, or information contained therein, to any person who is not an employee of the Commission. The Commission shall obtain suitable assurances from all employees afforded access to respondents' documents not to

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all pretrial motions, the filing of all pretrial briefs, and the commencement and conclusion of trial; (2) discuss any procedures by which these proceedings may be expedited and/or resolved, in whole or in part; (3) discuss the extent to which the allegations of liability can be further narrowed or consolidated, in whole or in part; and (4) discuss whether there are any other factors bearing on the public interest which the Commission should now address in connection with the status of these proceedings.

[3] In an Agreement Between the Parties, filed with the Commission on June 23, 1981, respondents waive the ALJ's January 5, 1977, Protective Order, as modified, provided that the Commission dismisses the complaint and that the Commission's order of dismissal contains the following assurances of confidentiality: (1) except as permitted or authorized by the FTC Act, as amended, the Commission shall not disclose documents received from respondents, or information contained therein, to any person who is not an employee of the Commission; (2) the Commission shall not disclose the documents or information pursuant to any request under the Freedom of Information Act; and (3) upon dismissal of the complaint, the Commission shall designate a custodian who will maintain physical possession of the documents, all of which shall be treated as if they had been designated confidential by respondents at the time of submission and as if they had been duly subpoenaed subject to applicable provisions of the FTC Improvements Act, and the documents shall be protected as provided by Section 21 of the FTC Act and the Commission's implementing Rules of Practice. The agreement also states that respondents do not waive "any restriction imposed by law on the Commission's use or disclosure of [the] * * * documents or information, * * * the right to seek the return of any or all of such documents, or the right to seek additional protection for * * * [the] documents, or information." The documents and information subject to the agreement are exempt from mandatory public disclosure under applicable statutes and case law. See 5 U.S.C. 552.

disclose such documents or the information contained therein, except as authorized.

2. The Commission shall not disclose the documents or information contained therein pursuant to any request under the Freedom of Information Act.

3. Upon dismissal of the complaint, the Commission shall designate a custodian pursuant to Section 21 of the Federal Trade Commission Act, as added by Section 13 of the Federal Trade Commission Improvements Act of 1980. The documents in the possession of the Commission which were received from respondents pursuant to discovery in Docket 8934 shall be placed in the physical possession of the custodian, and shall be treated as if they had been designated confidential by respondents at the time of submission and as if duly subpoenaed subject to provisions of the Improvements Act, and shall thereafter be protected as provided by Section 21 and pursuant to the regulations implementing the Act promulgated by the Commission.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–28875 Filed 10–2–81; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 3, and 140

Withdrawal From Registration; Delegation of Authority

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is establishing a procedure whereby any person who is registered with the Commission under the Commodity Exchange Act may seek to withdraw from registration prior to the scheduled expiration date of such registration. The withdrawal procedure is intended to relieve registrants who are exempt from registration, or who are not engaged in activities which require registration, from certain regulatory requirements that would otherwise be applicable to those persons as Commission registrants. A person who desires to withdraw from registration using this procedure must file a written request to that effect with the Commission. No Commission form will be developed for submitting withdrawal requests. A letter from the registrant containing the requisite information will suffice. Unless postponed, conditioned, or denied by the Commission, withdrawal becomes effective 30 days after the receipt of such request. The Commission is delegating authority to specified members of its staff to review and to act upon withdrawal requests, and is making minor conforming changes to certain of its registration regulations.

EFFECTIVE DATES: October 5, 1981; except, effective July 1, 1982, § 1.10f is redesignated § 3.33 and § 1.9 is redesignated § 3.2.

FOR FURTHER INFORMATION CONTACT: Robert P. Shiner, Assistant Director for Registration, or Suzanne W. Ryder, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581, Telephone: (202) 254–9703 or 254–8955, respectively.

SUPPLEMENTARY INFORMATION:

A. Withdrawal From Registration

The Commission periodically receives requests from registrants for permission to withdraw their registrations in one or more capacities prior to the expiration dates set by the Commodity Exchange Act, as amended, ("Act") or the regulations thereunder.[1] The procedure the Commission is adopting in § 1.10f is intended to provide an expeditious process for withdrawal from registration for registrants for whom continued registration may be unnecessary.

The Commission has determined that in the absence of pending proceedings against a registrant or other public interest considerations, withdrawal from registration should be available to registrants who have ceased engaging in the activities for which they were initially registered or who, subsequent to being registered, have decided not to begin conducting the activities for which they had earlier sought registration. Similarly, the Commission believes that withdrawal from registration should be available where a registrant is either excluded from the persons or classes of persons for whom registration is required by the Act[2] or is eligible for an exemption from registration.[3] The Commission believes that a registrant who requests withdrawal and makes a proper showing of eligibility to withdraw should not be required to continue performing the various ongoing obligations imposed upon registrants by the Act and the regulations thereunder.[4] These duties, which vary with the capacity in which a person is registered, may include financial, reporting, disclosure, and recordkeeping requirements, many of which have as their principal purposes the protection of customers and the commodity markets.[5] Where, however, a registrant is not engaged in activities for which registration is required, or becomes excluded or exempt from a registration requirement during a registration period, continued compliance with many of these requirements may no longer be necessary to achieve these purposes.[6]

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[1] For example, Section 4f(1) of the Act provides, in general, that the registration of a futures commission merchant ("FCM") or floor broker expires on December 31 of the year for which it is issued. 7 U.S.C. 6f(1). Section 4n(2) of the Act generally provides that the registration of a commodity pool operator ("CPO") or a commodity trading advisor ("CTA") expires on June 30 of the year for which it is issued. 7 U.S.C. 6n(2). Effective July 1, 1982, the present requirement for the biennial renewal of registration of associated persons ("APs") will be eliminated, and by regulation, a registration period coextensive with, and conditioned upon, an AP's association with a "sponsoring" FCM will be established. 45 FR 80485, 80493 (December 5, 1980); 46 FR 24940, 24941 (May 4, 1981).

[2] For example, Section 2(a)(1) of the Act, 7 U.S.C. 2, specifically excludes from the definition of commodity trading advisor:

* * * (i) any bank or trust company, (ii) any newspaper reporter, newspaper columnist, newspaper editor, lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation including their employees, [and] (v) any contract market * * * *Provided*, That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession.

Section 2(a)(1) also excludes from the definitions of CTA and CPO such persons who are not within the intent of the definitions of those terms as the Commission may specify by rule, regulation, or order.

[3] *See, e.g.*, Section 4m of the Act, 7 U.S.C. 6m (exemption from registration for certain CTAs); Commission Rule 1.7, 17 CFR 1.7 (exemption from registration for certain FCMs); Commission Rule 4.13, 46 FR 26004, 26014–15 (May 8, 1981) (exemption from registration for certain CPOs); Commission Rule 4.14, 46 FR 26004, 26015 (May 8, 1981) (exemption from registration for certain CTAs).

[4] Similarly, permitting withdrawal from registration in appropriate cases will relieve the Commission's staff of the responsibility to process and review the information required to be submitted by registrants.

[5] *See, e.g.*, Commission Rule 1.17, 17 CFR 1.17, *as amended by* 45 FR 79416, 79422–25 (December 1, 1980) (minimum financial requirements for FCMs); Commission Rule 1.12, 17 CFR 1.12, *as amended by* 45 FR 79416, 79422 (December 1, 1980) (filing of certain notices and reports when an FCM is within the "early warning system") and Commission Rule 1.10(b), 17 CFR 1.10(b) (filing of certain financial reports by FCMs); Commission Rule 4.21(a), 46 FR 26004, 26015–18 (May 8, 1981) (distribution of risk disclosure statement to prospective commodity pool participants); Commission Rules 4.23 and 4.32, 46 FR 26004, 26020 and 26023 (May 8, 1981) (recordkeeping requirements for CPOs and CTAs, respectively).

[6] A registrant's withdrawal from registration in any one capacity (e.g., as a commodity pool operator) does not, by itself, constitute the withdrawal of that person's registration in any other capacity (*e.g.*, as a commodity trading advisor).

Continued

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The Commission, therefore, is permitting registrants to submit a request to the Commission to withdraw from registration in any capacity in which they are then registered.

Rule 1.10f provides that a request for withdrawal must contain information which is intended to inform the Commission of the status of the registrant making the withdrawal request, to substantiate the registrant's eligibility to withdraw from registration, and to enumerate any outstanding claims of its customers.[7]

Withdrawal of a registration under § 1.10f will become effective 30 days after the receipt by the Registration Unit of the Commission's Division of Trading and Markets of a properly completed request.[8] The purpose of the 30-day period is to give the Commission time to review the information provided by the registrant to determine if there is any reason why withdrawal should not be allowed.

Withdrawal from registration is, therefore, essentially a self-executing procedure. The Commission may, however, deny a request if withdrawal would be contrary to the requirements of the Act or of any rule, regulation or order thereunder or if withdrawal would not be in the public interest. Furthermore, § 1.10f(f)(1) makes a registrant ineligible to use this prodedure if the Commission has begun proceedings to suspend or revoke that person's registration before the request for withdrawal is made. In addition, withdrawal will not be allowed where the Commission commences such a proceeding within the 30-day period or notifies the registrant that he is currently the subject of an investigation.[9]

Where the Commission determines that the information provided by the registrant is insufficient, the Commission may request that additional information be supplied to the Commission.[10] In addition, the Commission may impose, or give notice of its intention to impose, terms and conditions upon a withdrawal becoming effective.[11]

Withdrawal from registration under the procedures established herein would not, of course, relieve the registrant from liability for any violation of the Act or any rule, regulation or order thereunder, nor would it relieve former registrants of the necessity of maintaining books and records in accordance with Commission Rule 1.31.[12] The Commission wishes to further caution registrants who intend to avail themselves of the procedures established in § 1.10f that a request for withdrawal from registration cannot be rescinded after it is received by the Commission. If the Commission does not postpone, condition, deny or otherwise withhold withdrawal, such registrant will have withdrawn from registration on the 30th day after receipt by the Commission of its withdrawal request.

B. Related Matters

Under Commisison Rule 1.14,[13] certain deficiencies, inaccuracies and changes in a registrant's application for registration and related materials must be reported to the Commission. In developing the withdrawal procedure set out above, the Commission has determined that a request for withdrawal from registration subbmitted under § 1.10f will satisfy a registrant's obligation to file under § 1.14 if its withdrawal becomes effective.[14]

In order to facilitate the processing of requests to withdraw from registration, the Commission has delegated its authority under § 1.10f to certain members of its staff. Under the delegation of authority contained in § 140.95(a), the Director of the Division of Trading and Markets and his designees are authorized to review, postpone, condition, deny, or otherwise act upon requests for withdrawal from registration.

The Commission finds that Sections 1.10f and 140.95 are rules which pertain solely to agency organization, procedure, and practice. Moreover, § 1.10f relieves a restriction by permitting early termination of registrations. Neither § 1.10f nor § 140.95 impose any additional obligations upon Commission registrants, thus notice and opportunity for public comment are unnecessary under the Administrative Procedure Act.[15] In addition to the new rules announced herein, the Commission is making certain conforming, non-substantive changes to Rules 1.7 [16] and 1.9.[17] Prior notice of these changes is also unnecessary.

In adopting these rules, the Commission has taken into consideration the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.

C. Regulatory Flexibility Act

The Commission has not published a prior general notice of proposed rulemaking because §§ 1.10f and 140.95 are procedural in nature. Sections 1.10f and 140.95, therefore, are not "rules" as that term is defined in Section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1165 (5 U.S.C. 601(2)). Accordingly, the analysis or certification specified in that Act is not required.

D. Paperwork Reduction Act

Rule 1.10f has been submitted to the Office of Management and Budget ("OMB") for approval of its information collection provisions and for assignment of a control number pursuant to the Paperwork Reduction Act of 1980 ("PRA").[18] Approval from OMB of § 1.10f has been obtained and OMB control number 3038-0008 has been assigned to § 1.10f.[19]

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in

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Section 1.10f(g). (Of course, a person who wished to withdraw from registration in more than one capacity could combine its requests and would not have to file a separate request for each such capacity. *See* §1.10f(a)).

Where, however, a person is presently exempt from registration in one capacity (*e.g.*, as an associated person) because of his registration in some other capacity (*e.g.*, as a floor brokér), withdrawal from registration may necessitate registration in a capacity for which that person was formerly exempt.

Unless it otherwise specifies, the Commission intends this rule to apply to registration categories which may be established in the future. *See, e.g.*, 46 FR 23469, 23485 (April 27, 1981) (proposed registration of dealer option grantors).

[7] As used in § 1.10f, the term "customer" includes the customers of FCMs and the clients of CTAs, as well as the customers of any category of registrant which may be established in the future. Section 1.10f also refers to "commodity pool participants"—*i.e.*, those persons who have a direct financial interest in a commodity pool. *See* § 4.10(c) 46 FR 26004, 26014 (May 8, 1981).

[8] A request will be considered to be "received" when it is delivered to the address specified in the rule.

[9] Sections 1.10f(f)(2)(i) and 1.10f(f)(2)(iii), respectively.

[10] Section 1.10f(f)(2)(iv).

[11] Section 1.10f(f)(2)(ii).

[12] 17 CFR 1.31.

[13] 17 CFR 1.14.

[14] Effective July 1, 1982, § 1.14 will be superseded by Commission Rule 3.31. 45 FR 80485, 80496-97 (December 5, 1980) and 46 FR 24940, 24943 (May 4, 1981). The Commission will similarly regard a request for withdrawal from registration as satisfying the requirements of § 3.31.

[15] 5 U.S.C. 553(b).

[16] 17 CFR 1.7.

[17] 17 CFR 1.9.

[18] Sections 3507(a) and 3507(f), Pub. L. No. 96-511, 94 Stat. 2812, 2819-20 and 2821 (44 U.S.C. 3507(a) and 3507(f)).

[19] Sec. 3507(f) of the PRA, *supra* note 22, provides that no information collection request may be made without first obtaining from OMB a control number to be displayed upon such a request. As the information requested by the Commission in § 1.10f will be obtained without the use of a Commission form, OMB has informed the Commission that publication of the assigned control number constitutes compliance with this requirement of the PRA.

particular Sections 2(a)(11) and 8a thereof, 7 U.S.C. 4a(j) and 12a, the Commission hereby amends Parts 1, 3, and 140 of Chapter I, Title 17 of the Code of Federal Regulations by revising § 1.7, § 1.9 (§ 1.9 subsequently to be redesignated § 3.2), adding §§ 1.10f (subsequently to be redesignated § 3.33) and 140.95, as follows:

PART I—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. By revising § 1.7 to read as follows:

§ 1.7 Registration required of futures commission merchants.

No person shall engage as futures commission merchant in the solicitation or acceptance of orders for the purchase or sale of any commodity for future delivery, on or subject to the rules of any contract market, unless the Commission has registered such person as a futures commission merchant under the Act and such registration has not expired, been withdrawn, and is not under suspension or revocation: *Provided, however,* That a person trading solely for proprietary accounts within the meaning of § 1.3(y) shall not be required to register as a futures commission merchant; such a person trading solely for proprietary accounts as defined, shall otherwise be subject to all provisions of the Act and of the rules, regulations and orders thereunder.

2. By revising § 1.9, effective date of publication, to read as follows:

§ 1.9 Registration as one type of person not included in registration as any other type of person.

Registration as one type of person subject to regulation under the Act shall not include registration as any other type of person subject to regulation under the Act, except that a natural person who is registered as a futures commission merchant or as a floor broker (and such registration is not withdrawn, suspended or revoked) need not also register as an associated person.

§ 1.9 [Redesignated as § 3.2]

3. Effective on July 1, 1982, § 1.9 is redesignated as § 3.2.

4. By adding a new § 1.10f to read as follows:

§ 1.10f Withdrawal from registration.

(a) A registrant may request that its registration in one or more capacities be withdrawn prior to expiration in accordance with the requirements of this section if:

(1) The registrant has ceased, or has not commenced, engaging in activities requiring registration in such capacity;

(2) The registrant is exempt from registration in such capacity; or

(3) The registrant is excluded from the persons or any class of persons required to be registered in such capacity: *Provided,* That the Commission may consider separately each capacity for which withdrawal is requested in acting upon such a request.

(b) A request for withdrawal from registration under this section must be made by the sole proprietor if the registrant is a sole proprietorship, by a general partner if the registrant is a partnership, or by the president or chief executive officer if the registrant is a corporation, and must specify:

(1) The name of the registrant for which withdrawal is being requested;

(2) The registration capacities for which withdrawal is being requested;

(3) The name and relationship to the registrant of the individual making the request and, in the case of a corporation, a certified copy of a resolution of the board of directors authorizing such individual to make the withdrawal request;

(4) The name, address, and telephone number of the person who will have custody of the books and records of the registrant; the address where such books and records will be located; and a statement that such person is authorized to make them available in accordance with the requirements of § 1.31 of this chapter;

(5) The applicable basis under paragraph (a) of this section for requesting withdrawal for each capacity for which withdrawal is requested.

(6) If withdrawal is requested under paragraph (a)(2) or (a)(3) of this section, then, with respect to each capacity for which withdrawal is requested, the section of the Act, regulations, or other authority permitting the exemption or exclusion, and the circumstances which entitle the registrant to claim such exemption or exclusion.

(7) If a basis for withdrawal from registration under paragraph (a)(1) of this section is that the registrant has ceased engaging in activities requiring registration, then, with respect to each capacity for which the registrant has ceased such activities:

(i) That all customer agreements, if any, have been terminated;

(ii) That all customer positions, if any, have been transferred on behalf of customers or closed;

(iii) That all customer cash balances, securities or other property, if any, have been transferred on behalf of customers or returned, and that there are no obligations to customers outstanding;

(iv) In the case of a commodity pool operator, that all interests in, and assets of, any commodity pool have been redeemed, distributed, or transferred, on behalf of the participants therein, and that there are no obligations to such participants outstanding; and

(v) The nature and extent of any pending customer or commodity pool participant claims against the registrant, and, to the best of the registrant's knowledge and belief, the nature and extent of any anticipated or threatened customer or commodity pool participant claims against the registrant.

(c) Where a futures commisssion merchant is requesting withdrawal from registration in that capacity and the basis for withdrawal under paragraph (a)(1) of this section is that it has ceased engaging in activities requiring registration, the request for withdrawal must be accompanied by a Form 1–FR which contains the information specified in § 1.10(d)(1) as of a date not more than 30 days prior to the date of the withdrawal request.

(d) A request for withdrawal from registration must be in writing and must contain a signed oath or affirmation that, to the best of the knowledge and belief of the signatory, the information contained in the request is accurate and complete.

(e) A request for withdrawal from registration must be sent to the Commodity Futures Trading Commission at its Washington, D.C. Office (Registration Unit, Division of Trading and Markets, 2033 K Street N.W., Washington, D.C. 20581).

(f) A request for withdrawal from registration will become effective on the thirtieth day after receipt at the address specified in paragraph (e) of this section unless:

(1) The request for withdrawal is received subsequent to the issuance by the Commission of an order instituting a proceeding to suspend or revoke such registration; or

(2) Prior to the effective date:

(i) The Commission institutes a proceeding to suspend or revoke such registration;

(ii) The Commission imposes, or gives notice that it intends to impose, terms or conditions upon such withdrawal from registration;

(iii) The registrant is notified that it is currently the subject of an investigation to determine, among other things, whether such registrant has violated, is violating, or is about to violate the Act, rules, regulations or orders adopted thereunder;

(iv) The Commission requests from the registrant further information pertaining to its request for withdrawal from registration; or

(v) The Commission determines that it would be contrary to the requirements of the Act, or of any rule, regulation or order thereunder, or to the public interest to permit such withdrawal from registration.

(g) Withdrawal from registration in one capacity does not constitute withdrawal from registration in any other capacity.

(h) Withdrawal from registration does not constitute a release from liability for any violation of the Act or of any rule, regulation, or order thereunder.

§ 1.10f [Redesignated as § 3.33]

5. Effective on July 1, 1982, § 1.10f is redesignated as § 3.33.

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

6. By adding a new § 140.95 to read as follows:

§ 140.95 Delegation of authority with respect to withdrawals from registration.

(a) The Commission hereby delegates, until such time as the Commission orders otherwise, to the Director of the Division of Trading and Markets and to such members of the Commission's staff acting under his direction as he may designate, the authority to review, postpone, condition, deny, or otherwise act upon a request for withdrawal from registration.

(b) The Director of the Division of Trading and Markets may submit any matter which has been delegated to him under paragraph (a) of this section to the Commission for its consideration.

(c) Nothing in this section shall prohibit the Commission, at its election, from exercising the authority delegated to the Director of the Division of Trading and Markets under paragraph (a) of this section.

Issued in Washington, D.C. on July 27, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-28860 Filed 10-2-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1306

Transfer of Prescription Information for Schedules III, IV, and V Controlled Substances

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This rule amends Part 1306 of Title 21 of the Code of Federal Regulations to permit the transfer of prescription information between two pharmacies for controlled substance prescriptions which are lawfully refillable. This action was initiated upon request from various pharmacy professionals and organizations including the National Association of Boards of Pharmacy, National Association of Chain Drug Stores, National Association of Retail Druggists, American Pharmaceutical Association and the American Society of Consultant Pharmacists. These various professional groups brought to DEA's attention that the duplication of prescriptions is a potential diversion problem and by allowing the transfer of prescription information, the number of duplicate prescriptions would be substantially reduced, resulting in a corresponding decrease in the number of prescriptions available for diversion or misuse.

It is anticipated that this rule would reduce the health care costs to patients by providing a mechanism for a patient to request the transfer of a prescription from one pharmacy to another thereby eliminating the need for a new prescription to be issued. This amendment would also serve to provide a means by which patients can transfer prescriptions to a more geographically convenient pharmacy as the need arises. It is deemed that this amendment would serve to benefit the general public in obtaining needed medication under certain circumstances and at the same time ensure adequate controls to prevent the diversion of controlled substances.

EFFECTIVE DATE: October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald W. Buzzeo, Chief, Compliance Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 I Street, Northwest, Washington, D.C. 20537, telephone number (202) 633-1321.

SUPPLEMENTARY INFORMATION: On March 26, 1980, the Administrator of the Drug Enforcement Administration issued a Notice of Proposed Rulemaking (45 FR 21652, April 2, 1980) which would permit the transfer of prescription refill information for Schedules III, IV and V controlled substances between two pharmacies where acceptable under state law.

The Notice requested that responsive comments and objections be submitted to DEA on or before June 2, 1980.

This proposal has resulted in the submission of an unusually large number of comments, both for and against. A number of commentors indicate by the substance of their submission a lack of understanding of the proposed amendment and the type of drugs which are involved. For clarification purposes, it must be emphasized that this proposed amendment pertains to those substances or drugs which are controlled under the Controlled Substances Act of 1970 and specifically in Schedules III, IV and V. A majority of the commentors supported the proposed amendment and expressed the need for this regulation as a convenient means to aid patients in acquiring needed medications in generally three situations: (1) to obtain medication from a pharmacy closer to an individual's residence; (2) to take advantage of more competitive prices for medication at another pharmacy; and (3) to obtain medication while the patient is temporarily away from his/her permanent residence (i.e. medication has been lost, forgotten or if patient experiences an inadequate supply).

The American Pharmaceutical Association submitted written comment expressing support for the proposed amendment and stated that although they preferred transfers on a more liberal basis than proposed, they felt that the amendment is reasonable and would be in the interest of facilitating pharmaceutical service to patients in situations which may require a prescription transfer.

A number of commentors submitted objections to the proposed amendment stating several factors in support of their opposition. Three state authorities which include the Rhode Island Department of Health, the Commonwealth of Massachusetts Board of Registration of Pharmacy, and the State of Wisconsin Department of Regulation and Licensing, objected to the proposed amendment.

The objections set forth by these authorities included: (1) the regulation would be contrary to their state law in that copies of prescriptions or other evidence of an existing prescription would be considered invalid and not refillable; (2) it would place unnecessary burdens upon state regulatory and law enforcement personnel to detect fraud or determine that the transfer was in good faith; and (3) there would be no guarantee that the proposed amendment would reduce the number of multiple prescriptions.

The DEA carefully considered the objections submitted by these state authorities. The DEA does not intend to burden the effectiveness of existing state regulations which have been established to monitor the prescribing and dispensing of controlled substances. In all cases, the more stringent law or regulation is applicable. Consequently, the DEA does not feel that the implementation of this proposed amendment would hinder or reduce the effectiveness of state regulations. The DEA feels that any additional burdens placed upon state regulatory or law enforcement personnel would be minimal and that the overall benefits of this proposal would far outweigh any negative aspects. Additionally, the DEA is confident that the number of multiple prescriptions now written by practitioners would be reduced when these same practitioners as well as pharmacists become knowledgeable to the fact that a new prescription need not be issued and that transfer procedures could be utilized.

Additional commentors in support of their objections to the proposed amendment feel that the amendment: (1) would not be in the best interest of good control or prudent medical practice; (2) would result in inaccurate information being transferred, thus producing prescription errors; and (3) the requirements would be confusing to the pharmacist. Understandably, the DEA is concerned with maintaining adequate controls both from the standpoint of proper dispensing of controlled substances and prudent medical practice. The DEA is of the opinion that since pharmaceutical professionals receive oral prescription orders from physicians on a routine basis there is no reason to believe that the transfer which is executed between two pharmacists would not be effected in a less than professional and prudent manner. The DEA feels that the possibilities of additional diversion are minimal. The controls established to effect the transfer and the one time transfer limitation would be sufficient to discourage diversion.

Two commentors submitted suggestions which DEA considered and accepted in part. These commentors suggested: (1) the transferring pharmacy should also record the DEA registration number of the pharmacy to which the prescription information was transferred; (2) dates of all previous refills should be transmitted to and recorded by the transferee pharmacist; (3) requirements for the address of the pharmacy and the name of the pharmacist receiving the prescription information under paragraph (a)(1)(ii) be deleted; (4) the name of the pharmacist transferring the information as set forth in paragraph (a)(1)(iii) be deleted; (5) eliminating the requirements under paragraphs (b)(2) (ii) and (iii) requiring the original number of refills authorized and date of original dispensing to be recorded; and (6) eliminating the pharmacy's name and the name of transferor pharmacist as proposed under paragraphs (b)(2) (v) and (vi).

The DEA accepted suggestion (1) and suggestion (2) in part and has incorporated them into this final rule. Suggestions (3) through (6) were rejected as it was deemed that these requirements were necessary to maintain and ensure adequate controls over the transfer procedures particularly in instances of Federal or state investigative review. In furtherance of maintaining adequate controls and to reduce any additional enforcement burdens in monitoring these transfer procedures, the original section permitting the retransfer of prescription information as set forth in the proposal under § 1306.26(d) has been deleted from the Final Rule.

No further comments or objections were received, nor were there any requests for a hearing.

PART 1306—PRESCRIPTIONS

Therefore, pursuant to the authority vested in the Attorney General by 21 U.S.C. 821 and 871(b) as delegated by 28 CFR 0.100 to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that Part 1306 of Title 21 of the Code of Federal Regulations be amended by adding a new section as follows:

§ 1306.26 Transfer between pharmacies of prescription information for schedules III, IV, and V controlled substances for refill purposes.

(a) The transfer of original prescription information for a controlled substance listed in Schedules III, IV or V for the purpose of refill dispensing is permissible between pharmacies on a one time basis subject to the following requirements:

(1) The transfer is communicated directly between two licensed pharmacists and the transferring pharmacist records the following information:

(i) Write the word "VOID" on the face of the invalidated prescription.

(ii) Record on the reverse of the invalidated prescription the name, address and DEA registration number of the pharmacy to which it was transferred and the name of the pharmacist receiving the prescription information.

(iii) Record the date of the transfer and the name of the pharmacist transferring the information.

(b) The pharmacist receiving the transferred prescription information shall reduce to writing the following:

(1) Write the word "transfer" on the face of the transferred prescription.

(2) Provide all information required to be on a prescription pursuant to 21 CFR 1306.05 and include:

(i) Date of issuance of original prescription;

(ii) Original number of refills authorized on original prescription;

(iii) Date of original dispensing;

(iv) Number of valid refills remaining and date of last refill;

(v) Pharmacy's name, address, DEA registration number and original prescription number from which the prescription information was transferred;

(vi) Name of transferor pharmacist.

(3) Both the original and transferred prescription must be maintained for a period of two years from the date of last refill.

(c) Pharmacies electronically accessing the same prescription record must satisfy all information requirements of a manual mode for prescription transferral.

(d) The procedure allowing the transfer of prescription information for refill purposes is permissible only if allowable under existing state or other applicable law.

Pursuant to sections 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

Note.—This regulation will impact primarily upon pharmacies, most of which can be presumed to be "small entities" within the meaning given that term by the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* However, as indicated above, this action was initiated as a result of requests made by pharmacists and their professional and trade associations. It is anticipated that the additional recordkeeping requirements imposed by this regulation will be nominal and will be more than compensated for by the advantages to be realized by both the affected entities and the consuming public. Accordingly, the Acting Administrator certifies that this action will have no significant impact upon small entities.

Dated: September 11, 1981.

Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-28819 Filed 10-2-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 15A

[T.D. 7786]

Temporary Income Tax Regulations; Installment Sales; Amendments to T.D. 7768

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains amendments to § 15A.453-1 temporary regulations providing general rules relating to installment sales. The amendments change the effective dates of two provisions contained in the temporary regulations which were published in the **Federal Register** February 4, 1981. These amendments will affect all taxpayers who entered into wraparound mortgage transactions and all taxpayers who had selling expenses in an installment sale.

EFFECTIVE DATES: The wraparound mortgage provisions generally shall be effective for installment sales after March 4, 1981. If the seller is subject to a written binding obligation executed on or before March 4, 1981, the wraparound mortgage provisions shall be effective for installment sales after June 1, 1981. The selling expense provisions shall be effective for installment sales which take place in a taxable year which ends after October 19, 1980.

FOR FURTHER INFORMATION CONTACT: Phoebe A. Mix of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202-566-3297, not a toll-free call.

Selling Expenses

Prior to the adoption of the temporary regulations published February 4, 1981 providing general rules for reporting installment obligations, the Internal Revenue Service's position had been that selling expenses were subtracted from the selling price when determining the gross profit ratio. The gross profit ratio is a fraction, the numerator of which is the gross profit (selling price less adjusted basis) and the denominator of which is the contract price (selling price reduced by the portion of any qualifying indebtedness assumed, or taken subject to, which does not exceed the seller's basis). The temporary regulations published February 4, 1981 changed the treatment of selling expenses by providing that selling expenses are added to the seller's basis where determining the gross profit ratio. The effective date of those temporary regulations is generally October 19, 1980, the date the Installment Sales Revision Act was signed.

Before adoption of the Installment Sales Revision Act, a taxpayer could report an installment sale on the installment method only if no more than 30 percent of the selling price was received in the year of sale. The rule that selling expenses reduced the selling price often operated to disqualify a transaction from installment method reporting. The Installment Sales Revision Act removed the requirement that no more than 30 percent of the selling price be received in the year of sale retroactively for any installment sale in a taxable year that ends after October 19, 1980. Therefore, the new rule for the treatment of selling expenses is given the same effective date.

The temporary regulations issued February 4, 1981 explicitly stated the Service's longstanding position that "wrap-around" mortgages and similar transactions do not shield an underlying indebtedness from the rules relating to the assumption, or taking subject to, of an indebtedness encumbering a property. Those temporary regulations generally are effective for installment sales after October 19, 1980. Several people have requested that the effective date for wrap-around arrangements be changed because neither the Installment Sales Revision Act nor the legislative history indicated that this change would take place and because some case law appeared to support such arrangements even though the Service has had a long-standing position to the contrary. Therefore, this amendment to the temporary regulations issued February 4, 1981 provides that the rule relating to wrap-around mortgages is generally effective for installment sales entered into after March 4, 1981, unless the installment sale was completed before June 1, 1981 pursuant to a written obligation binding on the seller that was executed on or before March 4, 1981.

Although the position taken in the temporary regulations issued February 4, 1981 is consistent with the Service's longstanding position on wrap-around mortgages, it was decided to make the provisions of the temporary regulation and their presumption of validity prospective only. This decision does not represent any change in the Service's position on wrap-around mortgages with respect to installment sales entered into prior to March 5, 1981 (or June 1, 1981, if a written obligation binding on the seller was executed before March 5, 1981).

Waiver of Procedural Requirements of Treasury Directive

The expeditious adoption of the provisions contained in this document is necessary because of the need for immediate guidance to taxpayers who are reporting casual installment sales on tax returns for 1980. For this reason Roscoe L. Egger, Jr., Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of Treasury Directive, 43 FR 52120, must be waived.

Drafting Information

The principal author of this regulation is Phoebe A. Mix of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue and Treasury Department participated in developing the regulation, both on matters of substance and style.

Amendments to the regulations

Accordingly, the following amendments are made to T.D. 7768, 46 FR 10708, February 4, 1981 which provided temporary income tax regulations relating to installment method reporting for sales of real property and casual sales of personal property:

PART 15A—TEMPORARY INCOME TAX REGULATIONS UNDER THE INSTALLMENT SALES REVISION ACT

Paragraph 1. Paragraph (b)(1) (ii), (iii) and (v) and (3)(ii) and examples (1) and (5) of paragraph (b)(5) of § 15A.453-1 are revised to read as follows:

§ 15A.453-1 Installment method reporting for sales of real property and casual sales of personal property.

* * * * *

(b) *Installment sale defined*—(1) *In general.* * * *

(ii) *Selling price defined.* The term "selling price" means the gross selling price without reduction to reflect any existing mortgage or other encumbrance on the property (whether assumed or taken subject to by the buyer) and, for installment sales in taxable years ending after October 19, 1980, without reduction to reflect any selling expenses. Neither interest, whether stated or unstated, nor original issue discount is considered to be a part of the selling price. See paragraph (c) of this section for rules describing installment method reporting of contingent payment sales.

(iii) *Contract price defined.* The term "contract price" means the total contract price equal to selling price reduced by that portion of any qualifying indebtedness (as defined in paragraph (b)(2)(iv) of this section), assumed or taken subject to by the buyer, which does not exceed the seller's basis in the property (adjusted, for installment sales in taxable years ending after October 19, 1980, to reflect commissions and other selling expenses as provided in paragraph (b)(2)(v) of this section). See paragraph (c) of this section for rules describing installment method reporting of contingent payment sales.

* * * * *

(v) *Gross profit defined.* The term "gross profit" means the selling price less the adjusted basis as defined in section 1011 and the regulations thereunder. For sales in taxable years ending after October 19, 1980, in the case of sales of real property by a person other than a dealer and casual sales of personal property, commissions and other selling expenses shall be added to basis for purposes of determining the proportion of payments which is gross profit attributable to the disposition. Such additions to basis will not be deemed to affect the taxpayer's holding period in the transferred property.

* * * * *

(3) *Payment*— * * *

(ii) *Wrap-around mortgage.* This paragraph (b)(3)(ii) shall apply generally to any installment sale after March 4, 1981 unless the installment sale was completed before June 1, 1981 pursuant to a written obligation binding on the seller that was executed on or before March 4, 1981. A "wrap-around mortgage" means an agreement in which the buyer initially does not assume and purportedly does not take subject to part or all of the mortgage or other indebtedness encumbering the property ("wrapped indebtedness") and, instead, the buyer issues to the seller an installment obligation the principal amount of which reflects such wrapped indebtedness. Ordinarily, the seller will use payments received on the installment obligation to service the wrapped indebtedness. The wrapped indebtedness shall be deemed to have been taken subject to even though title to the property has not passed in the year of sale and even though the seller remains liable for payments on the wrapped indebtedness. In the hands of the seller, the wrap-around installment obligation shall have a basis equal to the seller's basis in the property which was the subject of the installment sale, increased by the amount of gain recognized in the year of sale, and decreased by the amount of cash and the fair market value of other nonqualifying property received in the year of sale. For purposes of this paragraph (b)(3)(ii), the amount of any indebtedness assumed or taken subject to by the buyer (other than wrapped indebtedness) is to be treated as cash received by the seller in the year of sale. Therefore, except as otherwise required by section 483 or 1232, the gross profit ratio with respect to the wrap-around installment obligation is a fraction, the numerator of which is the face value of the obligation less the taxpayer's basis in the obligation and the denominator of which is the face value of the obligation.

* * * * *

(5) *Examples.* The following examples illustrate installment method reporting under this section:

Example (1). In 1980, A, a calendar year taxpayer, sells Blackacre, an unencumbered capital asset in A's hands, to B for $100,000: $10,000 down and the remainder payable in equal annual installments over the next 9 years, together with adequate stated interest. A's basis in Blackacre, exclusive of selling expenses, is $38,000. Selling expenses paid by A are $2,000. Therefore, the gross profit is $60,000 ($100,000 selling price—$40,000 basis inclusive of selling expenses). The gross profit ratio is ⅗ (gross profit of $60,000 divided by $100,000 contract price). Accordingly, $6,000 ⅗ of $10,000) of each $10,000 payment received is gain attributable to the sale and $4,000 ($10,000—$6,000) is recovery of basis. The interest received in addition to principal is ordinary income to A.

* * * * *

Example (5). In 1982, G sells to H Blackacre, which is encumbered by a first mortgage with a principal amount of $500,000 and a second mortgage with a principal amount of $400,000, for a selling price of $2 million. G's basis in Blackacre is $700,000. Under the agreement between G and H, passage of title is deferred and H does not assume and purportedly does not take subject to either mortgage in the year of sale. H pays G $200,000 in cash and issues a wrap-around mortgage note with a principal amount of $1,800,000 bearing adequate stated interest. H is deemed to have acquired Blackacre subject to the first and second mortgages (wrapped indebtedness) totalling $900,000. The contract price is $1,300,000 (selling price of $2 million less $700,000 mortgages within the seller's basis assumed or taken subject to). Gross profit is also $1,300,000 (selling price of $2 million less $700,000 basis). Accordingly in the year of sale, the gross profit ratio is 1 ($1,300,000/$1,300,000). Payment in the year of sale is $400,000 ($200,000 cash received plus $200,000 mortgage in excess of basis ($900,000—$700,000)). Therefore, G recognizes $400,000 gain in the year of sale ($400,000×1). In the hands of G the wrap-around installment obligation has a basis of $900,000, equal to G's basis in Blackacre ($700,000) increased by the gain recognized by G in the year of sale ($400,000) reduced by the cash received by G in the year of sale ($200,000). G's gross profit with respect to the note is $900,000 ($1,800,000 face amount less $900,000 basis in the note) and G's contract price with respect to the note is its face amount of $1,800,000. Therefore, the gross profit ratio with respect to the note is ½ ($900,000/$1,800,000).

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it would be impractical to first issue a notice of proposed rulemaking under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitations of subsection (d) of that section.

(Sec. 453(j) and 7805 of the Internal Revenue Code of 1954 (94 Stat. 2247, 68A Stat. 917; 26 U.S.C. 453(j), 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: September 28, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81-28893 Filed 9-30-81; 3:42 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Office of Legal Policy

28 CFR Part 24

[Order No. 958-81]

Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings

ACTION: Interim rule with request for public comment.

SUMMARY: The Department of Justice is publishing for public comment interim regulations to implement section 504 of title 5, United States Code, as amended by section 203(a)(1) of the Equal Access to Justice Act (Title 2 of Pub. L. 96-481, 94 Stat. 2325). This Act provides that in certain federal agency adversary adjudications pending between October 1, 1981 and September 30, 1984 the agency that conducts the proceeding shall award attorneys' fees and other expenses to qualified parties who prevail against the agency, unless (1) the position of the agency as a party to the proceeding was substantially justified, or (2) special circumstances make an award unjust, or (3) the prevailing party

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engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy. These interim regulations, which would be added to 28 CFR as a new Part 24, establish procedures for the submission and consideration of applications for award.

DATES: 1. Effective date: These regulations are being published as interim regulations effective October 1, 1981, simultaneously with the effective date of the Equal Access to Justice Act in order that guidance will be available at that time to potential applicants for awards under the Act.

2. Comments: Written comments received on or before November 4, 1981 will be considered in the promulgation of the final regulations.

ADDRESS: All written comments should be submitted to the Office of Legal Policy, Department of Justice, Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: Helen Lessin Shaw, Office of Legal Policy, Department of Justice, Rm. 4245, Washington, D.C. 20530; telephone 202/633–2034.

SUPPLEMENTARY INFORMATION: Under section 203 of the Equal Access to Justice Act, each affected agency is to establish by rule uniform procedures for the submission and consideration of applications for an award of fees and other expenses. The procedures proposed herein would apply whenever components of the Department of Justice conduct "adversary adjudications" within the meaning of 5 U.S.C. 504(b)(1)(C).

While these interim rules follow in format the counterpart sections of the model rules issued by the Administrative Conference of the United States on June 25, 1981 (46 FR 32900), they differ from the Administrative Conference's model rules in two important respects. First, they focus on matters purely procedural. Second, the language more closely tracks that of the statute.

The interim rules are divided into three subparts. The general provisions (Subpart A) set out the purpose of the rules, define terms used, proceedings covered, applicability to Department of Justice proceedings, eligibility of applicants, standards for awards and allowable fees and other expenses. The term "Department," wherever it is used throughout the interim rules, refers to the relevant departmental component conducting the adversary adjudication. We have identified the following components of the Department of Justice which conduct adversary adjudications required by statute to be conducted under 5 U.S.C. 554. These are: Drug Enforcement Administration, Office of Justice Assistance, Research and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration. Handicap discrimination hearings and title VI civil rights hearings are also required by statute to be conducted under 5 U.S.C. 554.

Hearings conducted by the Immigration and Naturalization Service pursuant to 8 U.S.C. 1226 (exclusion) and 8 U.S.C. 1252 (deportation) are exempt from the requirements of the Administrative Procedure Act, *Marcello* v. *Bonds* 349 U.S. 757 (1955). Therefore, the Act does not apply.

Subpart B of the interim regulations sets out the information required as part of the application for award. With regard to the signing of the application, we point out that § 24.201(f) states that the application must be signed both by the applicant with respect to eligibility and by the attorney of the applicant with respect to fees and expenses sought.

The last subpart sets out the procedures for consideration of applications, review of decisions on fee applications, and payment of awards. We agree as a matter of policy with the Administrative Conference of the United States that there should be administrative review of the fee determination recommended by the adjudicative officer. There is a serious question as to the permissible scope of that review under the law as presently written. The language of the interim regulations calls for review to the extent permitted by law.

Finally, the interim regulations provide that awards will be paid by the relevant departmental component.

The proposed rule does not constitute a "major" rule as defined by Executive Order 12291 because it does not result in: (a) an effect on the economy of $100 million or more, (b) a major increase in any costs or prices, or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

The interim regulations will not have a "significant" economic impact on a substantial number of small "entities," as defined by the Regulatory Flexibility Act (Pub. L. 96–354).

The Department of Justice amends Title 28 of the Code of Federal Regulations by adding a new Part 24 as set forth below.

Dated: September 30, 1981.

William French Smith,

Attorney General.

PART 24—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Subpart A—General Provisions

Sec.

24.101 Purpose of these rules.
24.102 Definitions.
24.103 Proceedings covered.
24.104 Applicability to Department of Justice proceedings.
24.105 Eligibility of applicants.
24.106 Standards for awards.
24.107 Allowable fees and other expenses.

Subpart B—Information Required From Applicants

24.201 Contents of application.
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24.203 Documentation of fees and expenses.
24.204 Time for submission of application.

Subpart C—Procedures for Considering Applications

24.301 Filing and service of documents.
24.302 Answer to application.
24.303 Comments by other parties.
24.304 Settlement.
24.305 Extensions of time and further proceedings.
24.306 Decision on application.
24.307 Department review.
24.308 Judicial review.
24.309 Payment of award.

Authority: Sec. 504 of Title 5, U.S.C., as amended by Sec. 203(a)(1) of the Equal Access to Justice Act (Title 2 of Pub. L 96–481, 94 Stat. 2325).

Subpart A—General Provisions

§ 24.101 Purpose of these rules.

These rules are adopted by the Department of Justice pursuant to section 504 of title 5, United States Code, as amended by section 203(a)(1) of the Equal Access to Justice Act, Pub. L. No. 96–481. Under the Act, an eligible party may receive an award for attorney fees and other expenses when it prevails over the Department in an adversary adjudication under 5 U.S.C. 554 before the Department, unless the Department's position as a party to the proceeding was substantially justified or special circumstances make an award unjust. The purpose of these rules is to establish procedures for the submission and consideration of applications for awards against the Department.

§ 24.102 Definitions.

As used in this part:

(a) "The Act" means section 504 of title 5, United States Code, as amended by section 203(a)(1) of the Equal Access to Justice Act, Pub. L. No. 96–481.

(b) "Adversary adjudication" means an adjudication under 5 U.S.C. 554 in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license.

(c) "Adjudicative officer" means the official, without regard to whether the official is designated as an administrative law judge, a hearing officer or examiner, or otherwise, who presided at the adversary adjudication.

(d) "Department" refers to the relevant departmental component which is conducting the adversary adjudication (e.g., Drug Enforcement Administration or Office of Justice Assistance, Research, and Statistics).

(e) "Proceeding" means an adversary adjudication as defined in § 24.102(b) above.

§ 24.103 Proceedings covered.

(a) These rules apply to adversary adjudications required by statute to be conducted by the Department under 5 U.S.C. 554. Specifically, the proceedings conducted by the Department to which these rules apply are:

(1) Hearings conducted by the Drug Enforcement Administration (DEA) in connection with suspension or revocation of registration of manufacturers, distributors, and dispensers of controlled substances under 21 U.S.C. 824(c) and 21 CFR 1301.51; suspension or revocation of import and export registrations pursuant to 21 U.S.C. 958 and 21 CFR 1311.51;

(2) Hearings conducted by DEA in connection with the scheduling of drugs pursuant to 21 U.S.C. 811(a) and 21 CFR 1308.41;

(3) Handicap discrimination hearings conducted by the Department under 29 U.S.C. 794a(a) and 28 CFR 42.109(d);

(4) Title VI civil rights hearings conducted by the Department under 42 U.S.C. 2000d–1 and 28 CFR 42.109(d);

(5) Grant denial and grant termination hearings conducted by the Office of Justice Assistance, Research, and Statistics (OJARS), the National Institute of Justice (NIJ), the Bureau of Justice Statistics (BJS) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), or the Law Enforcement Assistance Administration (LEAA) under 42 U.S.C. 3783 and 28 CFR Part 18; and

(6) Civil rights hearings conducted by OJARS under 42 U.S.C. 3789d and 28 CFR 42.214–15.

(b) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 24.104 Applicability to Department of Justice proceedings.

The Act applies to an adversary adjudication pending before the Department at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final Department action has not been taken before that date, and proceedings pending on September 30, 1984.

§ 24.105 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a prevailing party in the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in Subpart B of this part.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the adversary adjudication was initiated.

§ 24.106 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding unless the position of the Department as a party to the proceeding was substantially justified or if special circumstances make the award sought unjust. No presumption arises that the agency's position was not substantially justified simply because the agency did not prevail.

(b) An award will be reduced or denied if the applicant has unduly or unreasonable protracted the proceeding.

§ 24.107 Allowable fees and other expenses.

(a) The following fees and other expenses are allowable under the Act:

(1) Reasonable expenses of expert witnesses;

(2) Reasonable cost of any study, analysis, engineering report, test, or project which the Department finds necessary for the preparation of the party's case;

(3) Reasonable attorney or agent fees;

(b) The amount of fees awarded will be based upon the prevailing market rates for the kind and quality of services furnished, except that

(1) Compensation for an expert witness will not exceed the highest rate paid by the Department for expert witnesses; and

(2) Attorney or agent fees will not be in excess of $75 per hour.

Subpart B—Information Required From Applicants

§ 24.201 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the Department in the proceeding that the applicant alleges was not substantially justified.

(b) The application shall include a statement that the applicant's net worth as of the time the proceeding was initiated did not exceed $1 million if the applicant is an individual (other that a sole owner of an unincorporated business seeking an award in that capacity) or $5 million in the case of all other applicants. An applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and is exempt from taxation under section 501(a) of the Code or, in the case of such an organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under section 501(c)(3) of the Code; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

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(c) If the applicant is a partnership, corporation, association, or organization, or a sole owner of an unincorporated business, the application shall state that it did not have more than 500 employees at the time the proceeding was initiated, giving the number of its employees and describing briefly the type and purpose of its organization or business.

(d) The application shall itemize the amount of fees and expenses for which an award is sought.

(e) The application may include any other matters that the applicant believes should be considered in determining whether and in what amount an award should be made.

(f) The application shall be signed by the applicant with respect to the eligibility of the applicant and by the attorney of the applicant with respect to fees and expenses sought. The application shall contain or be accompanied by a written verification under oath or affirmation under penalty of perjury that the information provided in the application and all accompanying material is true and complete to the best of the signer's information and belief.

§ 24.202 Net worth exhibit.

(a) Each applicant except a qualified tax exempt organization or a qualified cooperative must submit with its application a detailed exhibit showing its net worth at the time the proceeding was initiated. If any individual, corporation, or other entity directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or if the applicant directly or indirectly owns or controls a majority of the voting shares or other interest of any corporation or other entity, the exhibit must include a showing of the net worth of all such affiliates or of the applicant including the affiliates. The exhibit may be in any form convenient to the applicant, provided that it makes full disclosure of the applicant's and any affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards of 5 U.S.C. 504(b)(1)(B)(i). The adjudicative officer may require an applicant to file additional information to determine the applicant's eligibility for an award.

(b) The net worth exhibit shall describe any transfers of assets from, or obligations incurred by, the applicant or any affiliate, occurring in the one year period prior to the date on which the proceeding was initiated, that reduced the net worth of the applicant and its affililates below the applicable net worth ceiling. If there were no such transactions, the applicant shall so state.

(c) The net worth exhibit shall be included in the public record of the proceeding.

§ 24.203 Documentation of fees and expenses.

(a) The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, engineering report, test, or project, for which an award is sought.

(b) The documentation shall include an affidavit from any attorney, agent, or expert witness representing or appearing in behalf of the party, stating the actual time expended and the rate at which fees and other expenses were computed and describing the specific services performed.

(1) The affidavit shall itemize in detail the services performed by the date, number of hours per date and the services performed during those hours. In order to establish the hourly rate, the affidavit shall state the hourly rate which is billed and paid by the majority of clients during the relevant time periods.

(2) If no hourly rate is paid by the majority of clients because, for instance, the attorney or agent represents most clients on a contingency basis, the attorney or agent shall provide affidavits from two attorneys or agents with similar experience, who perform similar work, stating the hourly rate which they bill and are paid by the majority of their clients during a comparable time period.

(c) The documentation shall also include a description of any expenses for which reimbursement is sought and a statement of the amounts paid and payable by the applicant or by any other person or entity for the services provided.

(d) The adjudicative officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 24.204 Time for submission of application.

(a) An application must be filed no later than 30 days after final disposition of the proceeding. If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(b) Final disposition means the later of (1) the date on which the final agency decision is issued, (2) the date on which a petition for rehearing or reconsideration is disposed of, or (3) the date of final resolution of the proceeding, such as settlement or voluntary dismissal, which is not subject to a petition for rehearing or reconsideration.

Subpart C—Procedures for Considering Applications

§ 24.301 Filing and service of documents.

An application for an award and any other pleading or document related to the application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding.

§ 24.302 Answer to application.

(a) Within 30 calendar days after service of the application, Department counsel may file an answer. If Department counsel fails to answer or otherwise fails to contest or settle the application, the adjudicative officer may upon a satisfactory showing of entitlement by the applicant make an award for the applicant's fees and other expenses under 5 U.S.C. 504.

(b) If Department counsel and the applicant believe that they can reach a settlement concerning the award, Department counsel may file a statement of intent to negotiate. The filing of such a statement shall extend the time for filing an answer an additional 30 days.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on to support the objection. If the answer is based on any alleged facts not already reflected in the record of the proceeding, Department counsel shall include with the answer either a supporting affidavit or affidavits or request for further proceedings.

§ 24.303 Comments by other parties.

Any party to a proceeding other than the applicant and Department counsel may file comments on an application within 30 calendar days after it is served or on an answer within 15 calendar days after it is served.

§ 24.304 Settlement.

A prevailing party and Department counsel may agree on a proposed settlement of an award before final action on the application, either in connection with a settlement of the underlying proceeding or after the underlying proceeding has been concluded. If the party and Department counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 24.305 Extensions of time and further proceedings.

(a) The adjudicative officer may on motion and for good cause shown grant extensions of time other than for filing an application for fees and expenses after final disposition in the adversary adjudication.

(b) Ordinarily, the determination of an award will be made on the basis of the written record of the underlying proceeding and the filings required or permitted by the foregoing sections of these rules. However, the adjudicative officer may *sua sponte* or on motion of any party to the proceedings require or permit further proceedings, such as an informal conference, oral argument, additional written submissions, or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application and shall be conducted as promptly as possible. A motion for further proceedings shall specifically identify the information sought on the disputed issues and shall explain why the further proceedings are necessary to resolve the issues.

§ 24.306 Decision on application.

The adjudicative officer shall issue a decision on the application which shall include proposed written findings and conclusions on such of the following as are relevant to the decision: (a) The applicant's status as a prevailing party; (b) the applicant's qualification as a "party" under 5 U.S.C. 504(b)(1)(B); (c) whether the Department's position as a party to the proceeding was substantially justified; (d) whether special circumstances make an award unjust; (e) whether the applicant during the course of the proceedings engaged in conduct that unduly and unreasonably protracted the final resolution of the matter in controversy; and (f) the amounts, if any, awarded for fees and other expenses, with reasons for any difference between the amount requested and the amount awarded.

§ 24.307 Department review.

The decision of the adjudicative officer will be reviewed to the extent permitted by law by the Department in accordance with the Department's procedures for the type of proceeding involved. The Department will issue the final decision on the application.

§ 24.308 Judicial review.

Judicial review of final Department decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 24.309 Payment of award.

An applicant seeking payment of an award shall submit a copy of the final decision granting the award to the Department's Accounting Office for processing. A statement that review of the underlying decision is not being sought in the United States courts, or that the process for seeking review of the award has been completed, must also be included.

[FR Doc. 81-28899 Filed 10-2-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Surface Coal Mining and Reclamation Programs for Alabama, Illinois, Indiana, Kentucky, Ohio, and Tennessee; General Statement of Policy; Correction

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: General statement of policy; correction.

SUMMARY: This document corrects a date contained in a general statement of policy on revised schedules for resubmission of State regulatory programs by Alabama, Illinois, Indiana, Kentucky, Ohio and Tennessee which was published August 26, 1981 (46 FR 43041). For the State of Tennessee, the date on which the resubmission period will begin running, unless the injunction restraining the State from resubmitting its program is lifted earlier, was inadvertently given as October 10, 1981. That date is one year from the date of the Secretary's initial decision on the Tennessee program. The correct date is actually one year following the date the injunction was issued, or December 5, 1981. The incorrect date appeared for the first time in the August 26, 1981, notice on page 43041 under "General Background", for the second time on page 43042 under "Discussion of Public Comments", and then for a third time on page 43043 under "Final Suspension Determinations."

Dated: September 29, 1981.

Dean Hunt,

Acting Director, Office of Surface Mining.

[FR Doc. 81-28936 Filed 10-2-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD2 81-01]

Safety Zone; Upper Mississippi River, Mile 633.7 to 636.7

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This is an amendment to the Coast Guard's Safety Zone Regulations which designated the vicinity of the Marquette-Joliet Highway 18 Bridge near Prairie Du Chien, Wisconsin, as a Safety Zone. Changing conditions relating to the evolution of bridge repairs, along with ongoing review of the imposed restrictions have resulted in a need to amend the Safety Zone Regulations. This amendment modifies prior restrictions placed on certain vessels transiting the bridge area.

EFFECTIVE DATE: This amendment becomes effective at 4:12 p.m. (CDST) on August 14, 1981.

ADDRESSES: Comments should be mailed to Commander(m), Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri 63103. The comments and other material related to this amendment will be available for inspection or copying at the Office of Commander, Second Coast Guard District, Room 310, 1430 Olive Street, St. Louis, Missouri. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except holidays. Comments may be mailed or hand delivered to this office.

FOR FURTHER INFORMATION CONTACT: Commander L. Z. Katcharian, Project Officer, c/o Marine Safety Office, P.O. Box 3428, St. Paul, MN, telephone (612) 725-7452.

SUPPLEMENTARY INFORMATION: This is an amendment to the Coast Guard's Safety Zone Regulations. On March 23, 1981 the Captain of the Port, Minneapolis/St. Paul, MN, under the authority of the Ports and Waterways Safety Act, as amended, established a Safety Zone (33 CFR 165.211) from Mile 633.7 to Mile 636.7, Upper Mississippi River (UMR) including the Marquette-Joliet Highway 18 Bridge at Mile 634.7, UMR, near Prairie Du Chien, Wisconsin. Notification was published at 46 FR 26055, May 11, 1981. The requirements of the Safety Zone were amended on June 18 and 24, 1981, and published at 46 FR 41494, August 17, 1981. The effect of the Safety Zone, as amended, was to place certain navigational restrictions on all tows while transiting the Safety Zone.

Effective at 4:12 p.m. (CDST) on August 14, 1981, the Safety Zone was amended. Generally, the amendment involves modifications to the existing restrictions by reducing the flow rate measurement at Lock and Dam 9 which conditions entry into the Safety Zone without specific approval from 75,000 cubic feet per second to 60,000 cubic feet per second, reducing the allowable number of barges in a tow to avoid invoking the provisions for assistance by a helper boat from nine to six, eliminating the requirement that tows containing a loaded anhydrous ammonia barge receive positive clearance prior to entering the Safety Zone, and eliminating the one way traffic requirement when a tow containing a loaded anhydrous ammonia barge is present in the Safety Zone.

This amendment is issued without publication of a Notice of Proposed Rulemaking and is effective in less than 30 days from the date of publication because public procedures on this amendment are impractical due to the immediate and present hazard posed by the structural condition of the Marquette-Joliet Highway 18 Bridge. These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major. This amendment has been determined to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5-22-80).

Drafting Information

The principal persons involved in drafting this amendment are Commander Charles G. Hill, USCG, and Lieutenant Commander Richard A. Knee, USCG, Project Attorney, c/o Commander Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri.

Comments

Although this Safety Zone, as amended, is published as a final rule without prior notice, public comment is nevertheless desirable to ensure that the regulation is both workable and reasonable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "Addresses" in this preamble. Commenters should include their names and addresses, identify the docket number, and give reasons for their comments. Based upon comments received and experience gained under the rule, the amendment may be changed. Any persons desiring acknowledgment of their written comments should include a self-addressed stamped postcard or envelope. No written comments were received following the original creation of or amendments to the Safety Zone.

Final Regulations

PART 165—SAFETY ZONES

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by revising paragraphs (b)(1)(iv) and (b)(2) and by removing and reserving paragraphs (b)(3)(ii) and (b)(4) of § 165.211 to read as follows:

§ 165.211 Upper Mississippi River, mile 633.7 to 636.7.

* * * * *

(b) * * *

(1) * * *

(iv) No person shall navigate a tow within the Safety Zone when the Upper Mississippi River flow rate measured at Lock and Dam 9 is greater than 60,000 cubic feet per second without the express permission of the Captain of the Port or his on scene representative. The Lock and Dam 9 Lockmaster should be contacted for current flow information.

* * * * *

(2) All tows having dimensions exceeding both 70 feet wide and 600 feet long and/or tows larger than six standard barges (35 feet wide by 195 feet long) must comply with the following regulations when transiting the Safety Zone.

* * * * *

(3) * * *

(ii) [Reserved]

* * * * *

(4) [Reserved]

(92 Stat. 1475 (33 U.S.C. 1225); 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46(n)(4))

Dated: September 8, 1981.

L. Z. Katcharian,

Commander, U.S. Coast Guard, Captain of the Port, Minneapolis/St. Paul, MN.

[FR Doc. 81-28666 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 19

National Security Information; Handling Classified Information

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues these regulations to establish the policy of the U.S. Department of Education regarding the handling of national security information. These regulations are promulgated in response to Executive Order No. 12065, entitled National Security Information. Executive Order 12065 is intended to increase openness in government by limiting classification and accelerating declassification, but at the same time providing protection against unauthorized disclosure of information that requires such protection in the interest of national security. These regulations prescribe procedures the agency must follow when the agency: (1) Processes downgrading and declassification requests, (2) handles and safeguards classified data, (3) reproduces classified data, (4) stores classified data, and (5) informs Department of Education employees about these procedures.

EFFECTIVE DATE: These regulations are effective October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John P. Higgins, Jr., telephone: (202) 245-0175.

SUPPLEMENTARY INFORMATION:

Background

On June 25, 1978, the President issued Executive Order No. 12065, National Security Information, which requires agencies that handle classified information to make information available to the public, as possible without threatening national security. Agencies handling classified documents must adopt regulations to identify the information to be protected, to prescribe classification, downgrading, declassification, and safeguarding procedures, and to establish a monitoring system to ensure compliance.

Education Department Role With Classified Data

The Education Department neither classifies nor declassifies data since it is a non-classifying agency. However, this regulation contains agency procedures for handling classified data obtained from other agencies. The Office of Inspector General is required by this regulation to: (1) Refer downgrading and declassification requests to the agency or original classifier, (2) control reproduction of classified data, (3) designate certain Departmental officials as custodians of all classified data received from other agencies by the Education Department, and (4) develop and direct a Department-wide monitoring system and an employee education and awareness program dealing with the safeguarding of classified information.

Publication of this document as a proposed rule for public comment is unnecessary since the regulation relates only to agency procedures.

(Catalog of Federal Domestic Assistance number not applicable)

Dated: September 29, 1981.

T. H. Bell,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by adding a new Part 19 to read as follows:

PART 19—NATIONAL SECURITY INFORMATION PROCEDURES

Subpart A—Who Is Responsible for Oversight of National Security Information Procedures?

Sec.
19.1 Responsibility for oversight.

Subpart B—What Procedures Are Used for Handling National Security Information?

19.11 Safeguarding information.
19.12 Reproduction controls.
19.13 Storage.
19.14 Declassification request.
19.15 Employee education.

Authority: Executive Order 12065.

Subpart A—Who Is Responsible for Oversight of National Security Information Procedures?

§ 19.1 Responsibility for oversight.

The Office of Inspector General is responsible for conducting an oversight program that will ensure effective implementation of Executive Order (EO) 12065. Specifically the Assistant Inspector General for Investigation will ensure that the oversight program provides for—

(a) Issuing departmental directives ensuring that classified information is processed, used, reproduced, stored, destroyed, and transmitted only under conditions that provide adequate protection and prevent unauthorized persons from gaining access.

(b) Directing Department-wide security training and educational programs in personnel security and document security.

(c) Recommending administrative action to correct violations of any provisions of these regulations, including notification by warning letters, formal reprimand, and, to the extent permitted by law, suspension without pay and removal.

(d) Receiving questions, suggestions, and complaints regarding all elements of this program.

(e) Designating the Office of Inspector General as having sole responsibility for changes to the program and for assuring that the program is consistent with EO 12065.

(f) Designating the Department's official contact for declassification requests submitted under provisions of EO 12065, the Freedom of Information Act (5 U.S.C. 552), and the Privacy Act of 1974 (5 U.S.C. 552a).

Subpart B—What Procedures Are Used for Handling National Security Information?

§ 19.11 Safeguarding information.

(a) All classified data that is marked "Top Secret," "Secret," and "Confidential" under the terms of EO 12065 will be delivered immediately upon receipt to the Assistant Inspector General for Investigation or designees.

(b) The Assistant Inspector General for Investigation or designees informs departmental recipients of classified data of current designees and alternate offices to which the data referred to in paragraph (a) of this section is to be delivered.

(c) Access to classified material is restricted to those individuals with an authorized security clearance and a need to know.

§ 19.12 Reproduction controls.

(a) Reproduction of classified material within the Department of Education must be in compliance with EO 12065, Section 4–4.

(b) If copies of data are reproduced, the same controls imposed on the original document will apply to the reproductions.

(c) The Assistant Inspector General for Investigation or designees will maintain—

(1) Records showing the number and distribution of copies; and

(2) A log stored with the original documents.

§ 19.13 Storage.

(a) All classified documents must be stored in security containers approved by the General Services Administration and located in the Office of Inspector General's security office or other approved area.

(b) If access to the security container is controlled by a combination lock—

(1) The combination must be changed as required by the Information Security Oversight Office's (ISOO) Directive No. 1, Section IV F 5a;

(2) Only the Assistant Inspector General for Investigation or designees who hold proper security clearances shall know the combination; and

(3) The combination must be afforded the same classification as the material stored within the security container.

§ 19.14 Declassification request.

(a)(1) The Assistant Inspector General for Investigation or designees shall handle all declassification requests made by members of the public, by Government employees, or by an agency.

(2) Under no circumstances may anyone refuse to confirm the existence or non-existence of a document under the Freedom of Information Act unless the fact of its existence or non-existence would itself be classified under EO 12065.

(b) Because the Department of Education is a non-classifying agency without authority to either classify or declassify data, all requests for declassification directed to the Department must be referred to the agency of origin.

(c) A person or agency making a request for declassification must be notified that the Department of Education has referred the request to the originating agency and that further inquiries and appeals must be made directly to the other agency.

§ 19.15 Employee education.

(a) The employee education program concerning document security must be provided to every Department of Education employee who has or may require access to classified material in the performance of his or her duties and who possesses the appropriate security clearance.

(b) Each employee having an access clearance is briefed by the Assistant Inspector General for Investigation or designees concerning personal responsibilities for classified material under EO 12065 and appropriate ISOO directives.

(c) Each employee who receives a briefing shall sign a statement to certify that the briefing was accomplished.

[FR Doc. 81-28859 Filed 10-2-81; 8:45 am]
BILLING CODE 4001-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-3-FRL 1929-2]

Designation of Areas for Air Quality Planning Purposes; Approval of Redesignation of Attainment Status for the District of Columbia

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The District of Columbia has revised its designation of attainment status with respect to total suspended particulates (TSP), and requested that EPA review and approve the change. If approved, the entire District would be designated as "better than national standards." This request supplements a similar request submitted by the District of Columbia one year earlier. The District has submitted information demonstrating attainment of the national ambient air quality standards for TSP during calendar years 1979 and 1980. Therefore, EPA approves the District's request for redesignation.

EFFECTIVE DATE: This action will be effective on December 4, 1981 unless notice is received on or before November 4, 1981, that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the associated support materials are available for public inspection during normal business hours at the following locations:

District of Columbia Department of Environmental Services, Bureau of Air and Water Quality, 5010 Overlook Avenue, S.W., Washington, D.C. 20032, ATTN: V. Ramadass

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th & Walnut Streets, Philadelphia, PA 19106

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

All comments should be addressed to: Mr. Henry J. Sokolowski, P.E. (3AH12), Chief, MD-DE-DC Metro Section, U.S. Environmental Protection Agency, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford (3AH12), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, Phone: 215/597-8392, ATTN: 107DC-2

SUPPLEMENTARY INFORMATION:

TSP Redesignation

On April 1, 1981, the District of Columbia submitted to the Administrator, Environmental Protection Agency, a revised designation of attainment status, pursuant to Section 107 of the Clean Air Act, with respect to total suspended particulates (TSP). The District requested that those portions of the District currently designated either "does not meet primary standards" or "does not meet secondary standards," 43 FR 40502 (1978), be reclassified as "better than national standards." The District of Columbia's Department of Environmental Services (DES) submitted information showing that no violations of either the primary or secondary TSP standards were recorded at any of the District's high volume samplers during the calendar years 1979 and 1980. The network has been extensively revised and only two of the currently existing high volume samplers (West End Library and Catholic University) were operating during both 1979 and 1980. Two additional monitoring sites which did not operate in 1980 (Sharpe School and the 4th District Police Headquarters) showed no valid violations of the national TSP standards in 1979. The Sharpe School monitor did record a "violation" of the 24-hour secondary TSP, but the District's Department of Environmental Services (DES) maintained that these data should be considered invalid according to criteria set forth in the EPA publication "Quality Assurance Handbook for Air Pollution Measurement Systems," Volume I—Principles, EPA 600/9-76-005 (March 1976):

> * * * due to unusual conditions of measurement, e.g., a TSP concentration which is abnormally large due to local environmental conditions during the time of sample collection. Such observations would not be indicative of the average concentration of TSP, and may be eliminated depending upon the use of this data.

EPA agreed with this conclusion as it pertained to the Sharpe School and judged the air quality "violation" to be invalid for TSP designation purposes. For further information, see 46 FR 24214 (1981). Nevertheless, the two monitoring sites that did operate during 1979 and 1980 (West End Library and Catholic University) and which had recorded the TSP violations prior to 1979, have shown significant reductions in TSP concentration levels. This demonstration is sufficient to warrant the redesignations for TSP. The West End monitor represents the area generally corresponding to the District's central business district (CBD), which is currently designated as "does not meet primary TSP standards." EPA had recently proposed that the District's CBD should be redesignated "does not meet secondary standards" based on the fact that no primary violations, but one secondary violation, were recorded during calendar year 1978, 46 FR 24214 (1981). On the basis of 1979 and 1980 air quality data recently submitted by the District, EPA in this action approves the redesignation of the CBD to "better than national standards." Similarly, a large area of the District, including the area represented by the Catholic University monitor, is currently designated as "does not meet secondary TSP standards" for TSP. However, EPA approves the redesignation of this area to "better than national standards" based on the fact that no TSP violations have been recorded at any of the TSP monitors situated in this area during either 1979 or 1980. The public is hereby served notice that the District of Columbia has attained both primary and secondary TSP standards prior to the December 31, 1982 deadline for attainment provided by Section 172(a)(1) of the Clean Air Act.

The public is advised that this action will be effective December 4, 1981. However, if notice is received on or before November 4, 1981 that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that redesignations under Section 107 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action constitutes a SIP redesignation under Section 107 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before December 4, 1981.

(Sections 107(d), 171(2), 301(a), of the Clean Air Act as amended (42 U.S.C. 7407(d), 7501(2), 7601(a)))

Dated: September 29, 1981.

Anne M. Gorsuch,
Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended by revising the table entitled "District of Columbia—TSP" in § 81.309 to read as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.309 District of Columbia.

DISTRICT OF COLUMBIA—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
1. Area bounded by: East Capitol Street S.E., District Line (Southern Avenue S.E.), Eastern Shore of Potomac River and Eastern Shore of Anacostia River.				X
2. Area bounded by: Francis Scott Key Bridge, M Street, N.W., 23rd Street N.W., Florida Avenue N.W., U Street N.W., Florida Avenue N.W.–N.E., 4th Street N.E.–S.E. Southeast-Southwest Freeway (I295, I395), 15th Street S.W.–N.W., Constitution Avenue N.W., Theodore Roosevelt Memorial Bridge, Potomac River.				X
3. Remainder of the District of Columbia portion of the National Capital Interstate AQCR.				X

* * * * * * *

[FR Doc. 81–28900 Filed 10–2–81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-7-FRL 1933-3]

Revision to Attainment Status Designation: Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking

SUMMARY: On April 3, 1981, EPA proposed in the **Federal Register** to approve the redesignation of a portion of the City of Dubuque from attainment to nonattainment with respect to the carbon monoxide (CO) ambient air quality standards. It also proposed reclassification of Keokuk from secondary nonattainment to unclassifiable with respect to total suspended particulates (TSP). Finally it proposed reclassifcation for portions of Dubuque from nonattainment to attainment with respect to sulfur dioxide (SO_2) air quality standards. No comments were received as a result of that proposal. EPA is taking final action today to approve two of these redesignations. Final action on the proposal to redesignate Dubuque to attainment for SO_2 will be taken when modeling data becomes available.

DATES: These designations are effective November 4, 1981.

ADDRESSES: Copies of the state submission are available at the following locations: Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460; and the Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa.

FOR FURTHER INFORMATION CONTACT: Taun L. Novak at (816) 374–3791 FTS 758–3791.

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act required all areas of the nation to be designated as attaining the National Ambient Air Quality standards (NAAQS), as not attaining the NAAQS or as being unclassifiable with respect to attainment for the pollutants listed in that section. Attainment/nonattainment designations are recommended by the state and approved or revised as necessary by the Environmental Protection Agency (EPA). Areas that are designated attainment or unclassifiable will not need nonattainment plans.

The original designation for the State of Iowa were published in the Federal Register of March 3, 1978 (43 FR 8962) and were codified in the Code of Federal Regulation, at 40 CFR 81.316.

On December 22, 1980, the Iowa Department of Environmental Quality (IDEQ) submitted a redesignation request recommending several redesignations of attainment status. The following designations are only summarized in this action. For a more detailed discussion, the reader is referred to the proposed rulemaking published April 3, 1981 at 46 FR 20235. EPA received no comments in response to the proposed rulemaking and is taking final action to approve two of the requests.

The state's request for redesignation for a portion of Dubuque from attainment to nonattainment for CO is based on monitoring data for an area around a monitor showing ten violations of the eight hour standard during the first quarter of 1980. A full description of the proposed CO nonattainment area is contained in the state submission which is available for public inspection at the address given in this notice. For the reasons stated in the proposed rulemaking, EPA is taking final action to redesignate the area nonattainment, as requested by the state.

Newly designated nonattainment areas are subject to the same time intervals set forth in Part D as were the initial 1979 plan revisions. This allows 12 months from the nonattainment designation for preparation and submittal of a plan, 6 additional months for EPA action on the plan, and no more than 3½ years from the date of plan approval to attain the applicable standard.

Keokuk is being redesignated from secondary nonattainment to unclassifiable with respect to TSP for reasons discussed in the proposed rulemaking. Since EPA criteria have been met for redesignation, EPA is taking final action to approve this redesignation.

Final action on the third area, concerning the Dubuque redesignation to attainment for SO_2, will be taken at a later time. In the April 3 proposal, EPA proposed to redesignate the area from nonattainment to attainment, and specified that final action would be taken after evaluating the results of the modeling study presently underway by the state. This data has not yet become available, therefore, final action will be deferred until such analysis is complete.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it only approves State actions and imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached attainment status redesignations under

V 46/192 OC 5 81 UMI

Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Secs. 107 and 301 of the Clean Air Act as amended (42 U.S.C. 7407 and 7601))

Dated: September 30, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Title 40 Part 81 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.316 [Amended]

Section 81.316 is amended by revising the tables as follows:

1. The table "Iowa—TSP" is revised by moving the "X" in the designated area listed as "An area in and near Keokuk" from "Does not meet Secondary Standards" to the column "Cannot be Classified" as follows:

IOWA—TSP

Designations	Does not meet secondary standards	Cannot be classified
* * *	*	*
An area in and near Keokuk		X.
* * *	*	*

2. The table "Iowa—CO" is revised by inserting below "Remainder of Polk County" the following:

IOWA—CO

Designations	Does not meet primary standards	Cannot be classified or better than national standards
* * *	*	*
City of Dubuque (partial)	X	
Remainder of Dubuque County		X.
* * *	*	*

[FR Doc. 81–28898 Filed 10–2–81; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PH-FRL-1949-1; PP 7E1887/R353]

Chlorothalonil; Establishment of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the fungicide chlorothalonil and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile. This regulation was requested by the Interregional Research Project No. 4 (IR-4). This regulation establishes a maximum permissible level for residues of the fungicide in or on parsnips (root) at 1.0 part per million (ppm).

EFFECTIVE DATE: Effective on October 5, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 7, 1981 (46 FR 40220) that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number 7E1887 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Florida, North Carolina, and South Carolina.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodity parsnips (root) at 1 ppm.

The data submitted in the petition and all other relevant material have been evaluated. Based on the information considered by the agency, it is concluded that tolerance established by amending 40 CFR Part 180 would protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may on or before November 4, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the

Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective date: October 5, 1981.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: September 25, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.275 is amended by alphabetically inserting the raw agricultural commodity "parsnips (root)" to read as follows:

§ 180.275 Chlorothalonil; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Parsnips (root)	1
* * * * *	

[FR Doc. 81-28897 Filed 10-2-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PH-FRL-1948-8; PP OE2397/R356]

Hexakis; Establishment of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide hexakis (2-methyl-2-phenylpropyl)distannoxane and its organotin metabolites in or on papayas at 2 parts per million (ppm). This regulation was requested by the Interregional Research Project No. 4 (IR-4). This regulation will establish a maximum permissible level for the combined residues of the subject insecticide in or on papayas at 2 ppm.

EFFECTIVE DATE: October 5, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of August 20, 1981 (46 FR 42299) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number OE2397 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide hexakis (2-methyl-2-phenylpropyl)distannoxane and its organotin metabolites calculated as the parent compound in or on the raw agricultural commodity papayas at 2 ppm.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought.

Based on the information considered by the agency, it is concluded that the tolerance established by amending 40 CFR Part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before November 4, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: September 25, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.362 is amended by alphabetically inserting the raw agricultural commodity "papayas" to read as follows:

§ 180.362 Hexakis (2-methyl-2-phenylpropyl)distannoxane; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Papayas	2
* * * * *	

[FR Doc. 81-28896 Filed 10-2-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270. Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for floodplain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Snowflake (Town), Navajo County, FEMA-6061	Silver Creek	220 feet downstream from center of Lundquist Lane	*5,576
			100 feet upstream from center of Cooper Lane	*5,583
			100 feet upstream from center of Apache Railroad bridge.	*5,593
			300 feet upstream from center of Savage Lane	*5,606
		Cottonwood Wash	Confluence with Silver Creek	*5,575
			100 feet upstream from center of Ramsey Avenue	*5,580
			150 feet upstream from center of Apache Railroad bridge.	*5,593
Maps available for inspection at Department of Public Works, 1st West & 1st South, Snowflake, Arizona.				
Idaho	Kootenai County (Unincorporated Areas) FEMA-6061	Spokane River	Upstream side of intersection of Chicago, Milwaukee, St. Paul & Pacific Railroad and channel.	*2,039
			Intersection of Spokane Avenue and the channel	*2,126
			Intersection of Spokane River and Lake Coeur d'Alene	*2,136
		Wolf Lodge Creek	Upstream side of the intersection of U.S. Interstate 90 and channel.	*2,136
			Upstream side of intersection of Meyer Hill Road and channel.	*2,248
		Coeur d'Alene River	Black Lake	*2,136
			Killarney Lake	*2,137
			Rose Lake	*2,139
			Intersection of Dudley Road and Fourth of July Creek Bridge.	*2,142
			Downstream side of intersection of U.S. Interstate 90 and channel.	*2,146
		Latour Creek	The upstream side of intersection of Dudley Road and channel.	*2,146
Maps available for inspection at Planning & Zoning Department, Kootenai County Courthouse, 501 Government Way, Coeur d'Alene, Idaho.				
Illinois	(C) Elgin, Cook and Kane Counties (Docket No. FEMA-6074).	Fox River	At downstream corporate limits	*706
			Just upstream of Elgin Dam	*713
			About 0.5 mile upstream of Interstate 90	*716
		Tyler Creek	At confluence with Fox River	*715
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*757
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*765
			About 500 feet upstream of Eagle Road	*793
			Just downstream of Randall Road	*815
		Tyler Creek Tributary	About 0.4 mile downstream of Highland Avenue	*796
			About 400 feet upstream of Highland Avenue	*804
			Just upstream of Randall Road	*822
		Poplar Creek	Just upstream of Raymond Street	*708
			About 800 feet downstream of Bluff City Boulevard	*712
			Just upstream of U.S. Route 20 Bypass	*718
			Just upstream of Villa Street	*725
			Just upstream of Campus Drive	*737
			About 0.4 mile upstream of Irving Park Road	*749
		Willow Creek	At mouth	*718
			About 800 feet upstream of Laurel Street	*726
Maps available for inspection at the Clerk's Office, Civic Center, 150 Dexter Court, Elgin, Illinois.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(Uninc.) Kane County (Docket No. FEMA-6074)	Jelkes Creek	Mouth at Fox River	*716
			Just upstream of State Route 31	*718
			About 4,000 feet upstream of Boncosky Road	*741
		Sleepy Creek	Mouth at Fox River	*717
			Just downstream of Locust Street	*733
		McKee Road Tributary	Mouth at Mill Creek	*699
			Just downstream of Skyline Drive	*700
			Just upstream of Skyline Drive	*705
			About 2,700 feet upstream of Fabyan Parkway	*709
			About 4,700 feet upstream of Fabyan Parkway	*717
		Mill Creek	Mouth at Fox River	*652
			Just upstream of State Route 31	*660
			Just downstream of Mooseheart Road	*673
			Just upstream of Mooseheart Road	*684
			Just downstream of Randall Road	*689
			Just upstream of Wenmath Road	*701
			At Kaneville Road	*712
		Blackberry Creek	Just upstream of Baseline Road	*659
			Just upstream of Forrest Preserve Road (upstream crossing)	*690
			Just upstream of Scott Road	*706
			Just upstream of Hughes Road	*746
			Just downstream of Keslinger Road	*797
			Just upstream of Chicago and North Western Railroad	*810
		Blackberry Creek Tributary A	Mouth at Blackberry Creek	*673
			Just downstream of East-West Tollway	*678
		Blackberry Creek Tributary B	Mouth at Blackberry Creek	*675
			Just upstream of State Route 56	*684
			About 1.2 miles upstream of Seavey Road	*710
		Blackberry Creek Tributary C	Mouth at Blackberry Creek	*706
			About 1.7 miles upstream of Seavey Road	*721
		Blackberry Creek Tributary D	Mouth at Blackberry Creek	*739
			Just downstream of Keslinger Road	*807
		Ferson Creek	Mouth at Fox River	*692
			Just downstream of Bolcum Road	*753
		Waubansee Creek	About 3,000 feet downstream of Elgin, Joliet and Eastern Railroad	*665
			About 3,600 feet upstream of Farnsworth Avenue	*670
		Mahoney Creek	Just downstream of Burlington Northern railroad	*673
			About 350 feet upstream of Pine Street	*694
		Hampshire Creek Tributary	Mouth at Hampshire Creek	*868
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*876
			About 0.26 mile upstream of Terwilliger Avenue	[illegible]
		Indian Creek	About 1,100 feet downstream of Sheffer Road	[illegible]
			Just upstream of Sheffer Road	[illegible]
			About 1,000 feet upstream of Bilter Road	*725
		Norton Creek	Mouth at Fox River	*693
			Just downstream of State Route 25	*698
			Just downstream of Dunham Road	*739
			About 2,500 feet upstream of Dunham Road	*741
		Norton Creek Tributary	Mouth at Norton Creek	*741
		Brewster Creek	Mouth at Fox River	*697
			About 600 feet upstream of Private Nursery Road	*711
		North Arm Brewster Creek	Mouth at Brewster Creek	[illegible]
			About 510 feet upstream of mouth at Brewster Creek	[illegible]
		Tyler Creek	About 200 feet downstream of Eagle Road	*791
			About 2,400 feet upstream of confluence of Tyler Creek Tributary	*801
			Just upstream of Randall Road	*815
			About 100 feet downstream of Big Timber Road	[illegible]
		Tyler Creek Tributary	Mouth at Tyler Creek	*796
			About 400 feet upstream of Highland Avenue	[illegible]
			About 1,100 feet upstream of Randall Road	*827
		Poplar Creek	Mouth at Fox River	*706
			About 400 feet upstream of St. Charles Street	*710
		Fox River	About 3,00 feet downstream of Indian Trails Road	[illegible]
			About 4,000 feet upstream of Indian Trails Road	*641
			About 3,400 feet downstream of confluence of Mill Creek	*651
			About 2,400 feet upstream of South Batavia Dam	*660
			At confluence of Ferson Creek	*692
			About 2,00 feet upstream of Illinois Central Gulf Railroad	*698
			About 800 feet upstream of confluence of Poplar Creek.	*707
			Just downstream of Interstate 90	*715
			About 3,750 feet upstream of confluence of Jelkes Creek.	*718
			Upstream county boundary	*733

Maps available for inspection at the Kane County Government Center, Department of Planning and Zoning, 719 Batavia Avenue, Geneva, Illinois.

Illinois	(V) Roscoe Winnebago County (Docket No. FEMA-6074)	Rock River	About 750 feet downstream of Roscoe Road	*720
			About 200 feet upstream of confluence of North Kinnikinnick Creek	*721

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		South Kinnikinnick Creek	Confluence with Rock River	*721
			About 350 feet upstream of Main Street	*725
			About 0.64 mile upstream of Main Street	*736
		North Kinnikinnick Creek	Confluence with Rock River	*721
			About 200 feet upstream of Elevator Road	*726
			About 0.28 mile upstream of Elevator Road	*729
			About 0.71 mile upstream of Elevator Road	*738
		McDonald Creek	Just upstream of Swanson Road	*750
			About 2,050 feet upstream of Swanson Road	*756
Maps available for inspection at the Village Hall, 10595 Main Street, Roscoe, Illinois.				
Louisiana	City of Kaplan, Vermillion Parish FEMA 6079	Tributary 4 Coulee DeJohn Canal	At the lower corporate limits	*13
		Ponding Area	At intersection of North Cushing Avenue and 11th Street.	*13
			At intersection of North Morvant Avenue and 4th Street.	*13
Maps available for inspection at City Clerk's Office, City Hall, 511 North Cushing Avenue, Kaplan, Louisiana 70548.				
Michigan	(C) Alma Gratiot County (Docket No. FEMA-6061)	Pine River	At downstream corporate limits	*725
			Just downstream of Superior Street	*730
			About 1.0 mile upstream of State Street Dam	*735
Maps available for inspection at the City Hall, 525 East Superior Street, Alma, Michigan.				
Michigan	(V) Concord Jackson County (Docket No. FEMA-6074)	North Branch Kalamazoo River	Just upstream of Spring Arbor Road	*977
			Just downstream of Main Street	*979
			Just upstream of Main Street	*988
			About 2,200 feet upstream of Conrail	*988
Maps available for inspection at the Village Hall, 110 Hanover Street, Concord, Michigan.				
Michigan	(C) Owosso Shiawassee County (Docket No. FEMA-6061)	Shiawassee River	At downstream corporate limits	*719
			About 600 feet upstream of Shiawassee Street	*727
			About 800 feet upstream of Main Street	*729
			About 400 feet upstream of Washington Street	*732
			About 3,000 feet upstream of Gould Street	*734
Maps available for inspection at the Clerk's Office, City Hall, 301 to 307 West Main Street, Owosso, Michigan.				
Minnesota	(C) Brooklyn Park Hennepin County (Docket No. FEMA-6061).	Mississippi River	At downstream corporate limits	*818
			Just downstream of Coon Rapids Dam	*827
			Just upstream of Coon Rapids Dam	*832
			At upstream corporate limits	*834
		Eagle Creek	Within corporate limits	*875
		Shingle Creek	At downstream corporate limits	*846
			Just downstream of Noble Avenue	*853
			Just downstream of 74th Avenue North	*859
			About 500 feet upstream of 77th Avenue North (near Brunswich Avenue North).	*868
			About 150 feet downstream of U.S. Highway 52	*870
			Just downstream of Boone Avenue	*875
		Bass Creek	At confluence of Eagle Creek	*875
			Just upstream of Park Road	*881
			Just downstream of 62nd Avenue North	*882
Maps available for inspection at the City Hall, 5800 85th Avenue, North, Brooklyn Park, Minnesota.				
New Jersey	Florence, Township Burlington County (Docket No. FEMA-6061).	Delaware River	Downstream Corporate Limits	*11
		Bustleton Creek	Upstream Corporate Limits at confluence with Crafts Creek.	*13
			U.S. Route 130 (Upstream side)	*30
		Crafts Creek	At confluence with Delaware River	*13
			Conrail (Upstream side)	*17
			U.S. Route 130	*17
Maps available for inspection at the Office of the Township Administrator, 1350 Hornburger Avenue, Roebling, New Jersey.				
New Jersey	Haddon, Township Camden County (Docket No. FEMA-6061.	Cooper River-Eastern Section of Township.	Downstream Corporate Limits	*13
			Upstream Corporate Limits	*14
		Newton Creek- Western Section of township.	Entire Shoreline	*10
		South Branch Newton Creek-Western Section of Township.	Entire Shoreline	*10
		Newton Creek-Eastern Section of Township.	Downstream Corporate Limits	*11
			West Park Boulevard (Upstream side)	*26
			Upstream Corporate Limits	*44
Maps available for inspection at the Office of the Township Clerk, Municipal Building, Hadden and Reeve Avenue, Westmont, New Jersey.				
New Jersey	Holmdel, Township Monmouth County (Docket No. FEMA-6027).	Willow Brook	Confluence with Swimming River	38*
			2,400 feet upstream of Willow Brook Road	*48
			1,450 feet downstream of South Street	[illegible]
			1,360 feet downstream of State Route 34	[illegible]
			150 feet downstream of Pleasant Valley Road	*78
			2,230 feet upstream of Pleasant Valley Road	[illegible]
			4,000 feet upstream of Pleasant Valley Road	[illegible]
			5,300 feet upstream of Pleasant Valley Road	*107

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		East Branch of Willow Creek	Confluence with Willow Brook	*78
			2,370 feet upstream of Pleasant Valley Road	[illegible]
			3,450 feet upstream of Pleasant Valley Road	[illegible]
			4,530 feet upstream of Pleasant Valley Road	*108
		Ramanessin Brook	Confluence with Willow Brook	*41
			3,850 feet upstream of Willow Brook Road	*51
			Downstream of Newman Springs Road	*60
			730 feet downstream of Access Road	*70
			2,120 feet upstream of Access Road	*80
			Downstream of Roberts Road	*102
			750 feet downstream of Roberts Road	*100
			1,900 feet upstream of Roberts Road	*110
			4,030 feet upstream of Roberts Road	*120
			4,970 feet upstream of Roberts Road	*129
		Waackaack Creek	Downstream corporate limits	*10
			1,500 feet downstream of upstream corporate limits	*18
			Upstream corporate limits	*22
		Mahoras Brook	Confluence with Waackaack Creek	*18
			1,080 feet downstream of State Route 35	*28
			Upstream corporate limits	*38
			970 feet upstream of upstream corporate limits	*40

Maps available for inspection at the Construction Office, Municipal Building, Holmdel, New Jersey.

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
New Jersey	Mullica, Township Atlantic County (Docket No. FEMA-6033).	Mullica River	Downstream State Route 542	*11
		Great Bay	Mullica River shoreline from downstream Corporate Limits to approximately 3,050 feet downstream of State Route 542 (tidal flooding).	*9

Maps available for inspection at the office of the Township Clerk, White Horse Pike, Elwood, New Jersey.

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
New York	Williamsville, Village Erie County (Docket No. FEMA-6061)	Ellicott Creek	Approximately 900 feet downstream of downstream Corporate Limits.	*607
			Downstream Corporate Limits	*609
			First crossing of upstream Corporate Limits	*675
			Upstream of Wehrle Drive	*679
			Upstream Corporate Limits	*685

Maps available for inspection at the Office of the Village Clerk, Village Hall, 5583 Main Street, Williamsville, New York.

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
North Carolina	Unincorporated Areas of Henderson County (FEMA-6073)	Franch Wood River	Just downstream of Fanning Bridge Road	*2,059
			Just upstream of Kings Road (State Highway 191)	*2,065
			Just upstream of Johnson Road	*2,071
			Approximately 500 feet upstream of Etowah School Rd.	*2,083
		McDowell Creek	Just upstream of State Highway 191	*2,115
		Cane Creek	Just upstream of Southern Railway	*2,071
			Just upstream of Mills Gap Road (First Crossing)	*2,085
		Hoopers Creek	Just upstream of Jackson Road	*2,099
			Just upstream of Southern Leveston Road	*2,107
			Approximately 250 feet upstream of Hoopers Creek Road	*2,132
		Mud Creek	Just upstream of U.S. Highway 25	*2,064
			Just upstream of Balfour Road	*2,078
			Downstream of Crail Farm Rd.	*2,109
			Just downstream of Little River Rd.	*2,120
		Clear Creek	Just downstream of Interstate Highway 26	*2,081
			Just upstream of Fruitland Road	*2,107
		Devils Fork	Just upstream of Interstate 26	*2,093
			Approximately 130 feet upstream of Howard Gap Road	*2,109
			Just upstream of Dana Road	*2,129
		Bat Fork Creek	At New Hope Road	*2,081
		Mill Pond Creek	Just upstream of an unnamed county road	*2,076
		Boylston Creek	Just downstream of Banner Farm Rd.	*2,073

Maps available for inspection at Henderson County Commissioners Building, 244 Second Avenue East, Hendersonville, North Caroline 28739.

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Oregon	Dundee (City) Yamhill County FEMA-6073	Williamette River	Eastern corporate limits along shoreline	*100

Maps available for inspection at City Recorder's Office, 675 Highway 99, Dundee, Oregon.

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Oregon	Newberg (City) Yamhill County FEMA-6073	Hess Creek	Intersection of Southern Pacific Railroad tracks and the channel	*158
		Chehalem Creek	Approximately 430 feet downstream of the intersection of First Street with the channel.	*105

Maps available for inspection at Planning Department, 414 East 1st Street, Newberg, Oregon.

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Oregon	Sweet Home (City) Linn County FEMA-6073	South Santiam River	At intersection of upstream side of Pleasant Valley Road and South Santiam River.	*492
		Ames Creek	At intersection of 14th Avenue and Ames Creek	*543

Maps available for inspection at City Hall, 1140 12th Avenue, Sweet Home, Oregon.

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Oregon	Tigard (City) Washington County FEMA-6073	Tualatin River Fanno Creek	At south end of SW 92nd Avenue	*126
			100 feet upsteam from center of SW Bonita Road	*137
		Summer Creek	300 feet upstream from center of Southwest 121st Street.	*169
		Ash Creek	50 feet downstream from center of Shade Avenue	*161

Maps available for inspection at Engineering Department, City Hall, 12420 SW Main Street, Tigard, Oregon.

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oregon	Yamhill (City) Yamhill County FEMA-6073	Yamhill Creek	At intersection of downstream side of Tualatin Valley Highway (State Highway 47) and Yamhill Creek.	*151
Maps available for inspection at City Hall, 205 S. Maple, Yamhill, Oregon.				
Pennsylvania	Luzerne, Township, Fayette County (Docket No. FEMA-6033).	Monongahela River	Downstream Corporate Limits	*773
			Maxwell Lock and Dam (upstream)	*776
			Upstream Corporate Limits	*787
		Dunlap Creek	Township Route 561 (upstream)	*943
			State Route 166 (upstream)	*951
			Upstream Corporate Limits	*954
Maps available for inspection at the Luzerne Municipal Building, 415 Hopewell Road, Brownsville, Pennsylvania.				
Pennsylvania	Skippack, Township Montgomery County (Docket No. FEMA-6027).	Perkiomen Creek	Downstream Corporate Limits	*123
			Upstream Grateford Road	*130
			Confluence of East Branch Perkiomen Creek	*138
		East Branch Perkiomen Creek	Confluence with Perkiomen Creek	*138
			Approximately 4,200 feet upstream of confluence with Perkiomen Creek.	*145
			Upstream Corporate Limits	*154
		Zacharias Creek	Stump Hill Road	*158
			Upstream Corporate Limits	*166
		Tributary 1 to Skippack Creek	Approximately 250 feet downstream of Old Evansburg Road.	*162
			Upsteam of Collegeville Road	*182
			Private Road approximately 2,200 feet upstream of Collegeville Road.	*193
			State Route 73	*208
Maps available for inspection at the Township Municipal Building, Skippack, Pennsylvania.				
Rhode Island	Exeter, Town, Washington County (Docket No. FEMA-6027).	Queens Fort Brook	120 feet upstream of confluence with Queen River	*130
			2,460 feed downstream of Ladd School Drive No. 2 (Dawley Road).	*140
			Upstream of Ladd School Drive No. 2 (Dawley Road)	*150
			Upstream of Slocumville Road	*158
			620 feet upstream of Slocumville Road	*159
		Chipuxet River	Downstream Corporate Limits	*100
			2,100 feet downstram of Yawgoo Valley Road	*105
			Upstream of Yawgoo Valley Road	*111
			1,470 feet upstream of Yawgoo Valley Road	*112
Maps available for inspection at the Exeter Town Hall, 10 Rod Road, Exeter, Rhose Island.				
Texas	City of Richmond, Fort Bend County (FEMA 6073)	Brazos River	Just upstream of Jackson Street extended	*85
			Just downstream of Hillcrest Drive extended	*83
Maps available for inspection at City Hall, 402 Morton Street, Richmond, Texas 77469.				
Texas	City of Stafford, Ford Bend and Harris Counties (FEMA) 6080).	Stafford Run	Just upstream of dirt road	*80
			Just upstream of Avenue E	*77
Maps available for inspection at City Hall, 2610 South Main, Stafford, Texas 77477.				
Texas	City of Sugarland, Ford Bend County (FEMA 6073)	Oyster Creek	Just downstream of Southern Pacific Railroad	*75
			Just upstream of Oyster Creek Drive	*74
		Brazos River	Just south of the intersection of Route 6 and the levee (Southwest of Char Lake).	*75
Maps available for inspection at City Hall, 255 Guenther Street, Sugarland, Texas 77478.				
Texas	City of Taylor, Williamson County (FEMA 6073)	Mustang Creek	Just downstream of Missouri Kansas Texas Railroad	*514
			Just downstream of South Main Street (State Highway 75).	*517
			Just downstream of North Bound Carlos Parker Loop (U.S. Highway 79).	*533
		Bull Branch	Just upstream of East Third Street	*522
			Just upstream of Burkett Street	*537
			Just downstream of Davis Street	*569
		Mustang Creek Tributary 1	Just upstream of Missouri Pacific Railroad	*551
			Just upstream of Lake Drive	*587
		Gravel Pit Draw	Just downstream of Missouri Pacific Railroad	*524
			Just downstream of U.S. Highway 79	*551
		Railroad Lake Draw	Just downstream of Missouri Pacific Railroad	*533
			Just upstream of Missouri Pacific Railroad	*557
			Just upstream of U.S. Highway 79	*558
Maps available for inspection at City Hall, 400 Main Street, Taylor, Texas 76574.				
Utah	Centerville (City) Davis County FEMA-6073	Parrish Creek	Intersection of Creek View Road and 400 West Street	#1
		Deuel Creek	Approximately 50 feet south of the intersection of Parrish Lane and Frontage Road.	#1
			Upstream side of the upstream crossing of 100 South Street over the channel.	*4,545
		Stone Creek	Intersection of the southern corporate limits and the channel.	*4,254
		Barnard Creek	Approximately 500 feet west of intersection of Chase Lane and State Highway 106.	#1
		Ricks Creek	200 West Street over the channel	*4,270
			Upstream side of State Highway 106 over the channel	*4,316
Maps available for inspection at City Recorder's Office, 521 N. 400 West, Centerville, Utah.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Utah	Davis County (Unincorporated Areas) FEMA-6073	Hooper Canyon Creek	Upstream edge of 3350 South	*4,645
		North Canyon Creek	Upstream edge of Davis Boulevard	*4,677
		Davis Creek	Upstream edge of Frontage Road	*4,249
		Steed Creek	Upstream edge of Frontage Road	*4,252
		Haight Creek	Upstream edge of Union Pacific Railroad	*4,278
		Baer Creek	125 feet downstream from center of Union Pacific Railroad.	*4,280
		Holmes Creek	50 feet upstream from center of Fairfield Road	*4,378
		North Fork Holmes Creek	Approximately 1,250 feet east of center of intersection of State Highway 106 and 700 South.	*4,329
		Kays Creek	Downstream edge of 1200 West	*4,267
		Snow Creek	Center of Adamswood Road	*4,420
		Rudd Creek	At eastern corporate limits of the City of Farmington	*4,704
		Barton Creek	Center of 1800 North	*4,224
Maps available for inspection at Surveyor's Office, Davis County Courthouse, Farmington, Utah.				
Utah	Kaysville (City) Davis County FEMA-6061	Holmes Creek	100 feet upstream from center of Union Pacific Railroad.	*4,292
			Intersection of Holmes Creek and center of Thornfield Drive.	*4,647
			Intersection of Holmes Creek and center of U.S. Highway 89	*4,787
			Intersection of Crestwood Road and U.S. Highway 89	#1
		Holmes Creek Tributary	Intersection of 200 North Avenue and 1st East Street	#2
			150 feet upstream from center of 1st East Street	*4,389
		North Fork Holmes Creek	200 feet upstream from center of Interstate Highway 15.	*4,311
		Baer Creek	80 feet downstream from center of State Highway 273	*4,390
Maps available for inspection at City Administrators Office, 44 North Main Street, Kaysville, Utah.				
Utah	South Ogden (City), Weber County, FEMA-6073.	Burch Creek	Upstream side of Country Club Drive over channel	*4,420
			Downstream side of Harrison Boulevard over the channel	*4,756
Maps available for inspection at City Building Inspector's Office, 525 39th Street, South Ogden, Utah.				
Vermont	Colchester, Town, Chittenden County (Docket No FEMA-6061).	Winooski River	Confluence with Lake Champlain	*102
			City of Winooski Corporate Limits (1st crossing)	*113
			City of Winooski Corporate Limits (2nd crossing)	[illegible]
			Upstream of Dam	*204
			Upstream Corporate Limits	*214
		Lamoille River	Confluence with Lake Champlain	*102
			Upstream Corporate Limits	*108
		Lake Champlain	Entire shoreline within community	*102
Maps available for inspection at the Colchester Municipal Office of Zoning and Administration, Blakely Road, Colchester, Vermont.				
Washington	Wilkeson (Town), Pierce County, FEMA-6061	Wilkeson Creek	75 feet upstream from intersection of Burlington Northern Railroad and Wilkeson Creek.	*796
Maps available for inspection at Town Hall, Wilkeson, Washington				
Wisconsin	(C) Milwaukee Milwaukee and Washington Counties (Docket No. FEMA-6073)	Lake Michigan	At shoreline within community	[illegible]
		Menomonee River	Mouth at Milwaukee River	[illegible]
			About 0.7 mile upstream of North 16th Street	[illegible]
			About 300 feet downstream of North 27th Street	[illegible]
			About 100 feet upstream of North 27th Street	*597
			About 600 feet upstream of West Wisconsin Avenue	[illegible]
			Just upstream of U.S. Highway 41	[illegible]
			Just downstream of West Burleigh Street	[illegible]
			Just downstream of North 124th Street	*710
			Just upstream of West Mill Road	*732
			About 0.75 mile upstream of West Good Hope Road (at county boundary).	*742
		Little Menomonee River	Mouth at Menomonee River	[illegible]
			Just downstream of West County Line Road	*720
		Kinnickinnic River	Mouth at Milwaukee River	[illegible]
			Just downstream of Interstate 94	[illegible]
			About 150 feet upstream of South 20th Street	[illegible]
			Just upstream of South 43rd Street	[illegible]
			About 100 feet upstream of confluence of Lyons Park Creek.	*688
		Wilson Park Creek	Mouth at Kinnickinnic River	[illegible]
			About 0.3 mile upstream of mouth	[illegible]
			About 500 feet downstream of West Lakefield Drive	[illegible]
			Just downstream of West Layton Avenue	[illegible]
		Lyons Park Creek	Mouth at Kinnickinnic River	[illegible]
			About 700 feet upstream of South 55th Street	[illegible]
		Milwaukee River	Mouth at Lake Michigan	*584
			Just downstream of North Avenue Dam	*585
			Just upstream of North Avenue Dam	*600
			Just downstream of East Capitol Drive	[illegible]
			Just downstream of West Silver Spring Drive	[illegible]

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Lincoln Creek	Mouth at Milwaukee River	*622
			Just downstream of West Silver Spring Drive	*669
		Shallow Flooding (Overflow From Lincoln Creek).	Area bordered by North Sercombe Road, North 40th Street, West Capitol Drive and North 30th Street.	#2
		Honey Creek	Just downstream of Blue Mount Road	*682
			Just upstream of West Blue Mount Road	*685
			About 500 feet upstream of South 84th Street	*694
			Just upstream of West Oklahoma Avenue	*731
			Just downstream of West Cold Spring Road	*751

Maps available for inspection at the Office of the Building Inspector, Room 1007, Municipal Building, 841 North Broadway Street, Milwaukee, Wisconsin.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 16, 1981.

John Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-2850[illegible] Filed 10-2-81; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1034

Rerouting of Traffic—Appointment of Agents

AGENCY: Interstate Commerce Commission.

ACTION: Second revised service order No. 1344.

SUMMARY: Second Revised Service Order No. 1344 revises the appointment of agents of the Commission, vested with the authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines.

EFFECTIVE DATE: 12:01 a.m., October 1, 1981, continuing in effect until 11:59 p.m., May 18, 1982.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: September 29, 1981.

When, for any reason, carrier by railroad, subject to Section 10501 of the Recodified Interstate Commerce Act, is unable to transport traffic offered, car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to reroute and divert such traffic. Notice and public procedure are impracticable and contrary to the public interest, and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered:

§ 1034.1344 Second revised service order No. 1344.

*(a) *Rerouting of traffic—appointment of agents.* J. Warren McFarland, Director, and Robert S. Turkington, Associate Director, Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

*(c) *Effective date.* This order shall become effective at 12:01 a.m., October 1, 1981.

(d) *Expiration date.* This order shall expire 11:59 p.m., May 18, 1982, unless otherwise modified, amended or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and 11124.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28850 Filed 10-2-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1102

[Ex Parte No. 290 (Sub-2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Clarification of Decision on Railroad Cost Recovery Procedures.

SUMMARY: The Commission clarifies its interpretation of section 206 of the Staggers Rail Act of 1980 to recognize the right of individual carriers to preclude changes to joint rates to which they are a party. Use of index adopted in prior decision is affirmed.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall (202) 275-7693.

SUPPLEMENTARY INFORMATION: By decision served April 17, 1981 (46 FR 22594, April 20, 1981), the Commission issued final rules adopting a cost recovery index in accord with section 203 of the Staggers Rail Act of 1980. (49 U.S.C. 10707a). The effect of this decision was to modify existing rules and procedures for the filing of general rail rate increases. Contemporaneously,

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*Change in agent and effective date.

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the Commission declined to exercise its discretionary authority under section 206 of the Staggers Act (49 U.S.C. 10712). In noting that increases under section 206 become effective automatically unless carriers notify the Commission that they wish to exclude rates from possible section 206 increases, the Commission noted the awkward procedures apparently required by that section to maintain previous rate levels, stating: *"Since all parties to a joint rate must join in such a notice of exclusion,* section 206 is a less efficient means of cost recoupment than the section 203." *Railroad Cost Recovery Procedures,* 364 ICC 841, 842 (1981), (italics added).

By petition filed May 6, 1981, Southern Railway, with whom several other parties join in support, requests the correction of the emphasized portion of above-quoted statement, alleging that this language attempts to change the right of independant action by single carriers to prevent changes to joint rates.

Contrary to the assertions of petitioners, we intended no change in the right of a single carrier individually not to adopt, for its account, changes to joint rates in which it participates. We do not believe that section 206 of the Staggers Act altered the traditional right of independent action by a carrier to prevent changes in its joint rates, nor did we intend so to infer.

Accordingly, the last sentence in the second full paragraph on page 842 (2nd full paragraph, column 1, 46 FR 22595) will be stricken and replaced with "This is a less flexible approach, and given the alternative in Section 203, we choose not to adopt it now." (But see 49 U.S.C. 10705a).

Also on April 23, 1981, a petition to reopen and reconsider the prior decision was filed on behalf of several coal consuming electric power generating companies. Petitoners criticize the adoption of the modified AAR index because it measures prices and not costs. Use of this index is alleged to overstate expenses and to be incompatible with the intent of Congress in enacting section 203 of the Staggers Act. This criticism was thoroughly discussed in the prior decision, 364 ICC at 842 to 844. We need not consider this issue further. Otherwise, the petition fails to show material error or to present new evidence to warrant reopening this proceeding. The petition to reopen is denied.

This decision will not significantly affect the human environment or conservation of energy resources.

The prior decision is clarified and amended as noted above and the petition to reopen of April 23, 1981 is denied.

(49 U.S.C. 1032, 10701a, 5 U.S.C. 553)

Decided: September 23, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam. Chairman Taylor concurred with a separate expression.

James H. Bayne,

Acting Secretary.

Chairman Taylor, Concurring

Because of the short statutory deadline contained in section 203 of the Staggers Rail Act, it appears that the adoption of the AAR index, as supplemented by the Producers Price Index, was necessitated for reasons of expediency. A cost index designed to measure output would have been considerably more difficult to develop. Nevertheless, while section 203 does not explicitly preclude adoption of the AAR index, and by inference the anticipated AAR all-inclusive index, I have reservations as to whether this is the type of index envisioned by the statute.

[FR Doc. 81-28851 Filed 10-2-81; 8:45 am]

BILLING CODE 7035-01-M

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Proposed Rules

Federal Register
Vol. 46, No. 192
Monday, October 5, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Accounting Manual for Federal Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rules.

SUMMARY: The NCUA is proposing an amendment to its material which is incorporated by reference that would remove the Accounting Manual for Federal Credit Unions for the list of incorporated material. The Board is proposing the removal because of the increasing divergence in the operations of Federal Credit unions which may necessitate the use of accounting methods and procedures that are not the same as, or are not discussed in the accounting manual. Since the accounting manual is instructional and is intended to be used for guidance, the Board does not feel that it should carry the weight of a regulation, it is therefore being removed.

The Board is also proposing to remove § 701.14, which basically duplicates the list of incorporated material.

DATE: Comments must be received on or before November 27, 1981.

ADDRESS: Send comments to Regulatory Development Coordinator, Robert Monheit, National Credit Union Administration, 1776 G Street, NW, Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Harry E. Moore, Accounting Officer or Joseph Visconti, Surveillance Officer, Office of Examination and Insurance, Telephone: (202) 357-1065.

SUPPLEMENTARY INFORMATION: The Accounting Manual has recently undergone extensive revision. Sections 1000, 3000, 4000, 5000, 6000 and 7000 provide guidance and offer suggestions to Federal credit unions for accounting in all areas of operations. The accounting principles and standards that Federal credit unions are expected to follow in maintaining financial records and preparing financial statements are contained in Section 2000.

The NCUA Board recognizes that the increasing divergence in the operations of Federal credit unions may necessitate accounting methods and procedures that are not the same as, or not included in, the methods discussed by the Accounting Manual, but result in accurate recordkeeping and comply with the accounting principles and standards specified in Section 2000. Because the Accounting Manual is instructional in nature and is for the purpose of providing guidance in accounting in Federal credit unions, the NCUA Board is of the opinion that it should not carry the weight of regulation.

The NCUA Board requests public comment on the proposed deregulation because of the substantial number of groups and organizations that make use of credit union financial statements.

Removal of 12 CFR 701.14 is a housekeeping measure. The section duplicates 12 CFR 701.2 by incorporating by reference, the *Accounting Manual for Federal Credit Unions*, the *Federal Credit Union Bylaws* and *Data Processing Guidelines for Federal Credit Unions* into the NCUA Rules and Regulations. This section also states the manuals are for the purposes of assisting Federal credit union officials in carrying out their duties. As each publication clearly states its purpose and function, there is no need to restate part of the purpose of those manuals in the NCUA Rules and Regulations.

As previously stated, the Accounting Manual has been extensively revised. In a companion action to this proposed rule making, the National Credit Union Administration Board has issued a proposed Interpretative Ruling and Policy Statement (IRPS) which indicates that credit unions that adhere to the principles and standards in Section 2000 of the revised Accounting Manual will be deemed to be in compliance with the full and fair disclosure requirements of Part 702 of the National Credit Union Administration Rules and Regulations. Credit union officials are cautioned that, until final action is taken on this proposed rule and the companion IRPS, the provisions of the Accounting Manual (except for those provisions identified in the list of changes attached to the IRPS) continue to be incorporated by reference in the National Credit Union Administration Rules and Regulations.

A copy of the revised Accounting Manual is being provided to each Federal credit union and single copies are available to the public upon request from: The National Credit Union Administration, 1776 G Street, NW, Washington, D.C. 20456.

Regulatory Flexibility Analysis

The proposed rule, if adopted, will not have a significant economic impact on a substantial number of small credit unions because the proposed rule removes most of the procedures in the Accounting Manual from having the force of regulation and, therefore, provides wider latitude in the accounting operations in all Federal credit unions. Therefore, a Regulatory Flexibility Analysis is not required.

Rosemary Brady,
Secretary of the NCUA Board.
September 24, 1981.

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

1. Accordingly, 12 CFR 701.2 is proposed to be revised to read as follows:

§ 701.2 Incorporation by reference.

(a) The publications used by Federal credit unions, which are identified in this chapter, are hereby incorporated by reference pursuant to 5 U.S.C. 552(a)(1) and the regulation issued thereunder.

(b) Copies of the publications prescribed in this chapter may be obtained on request addressed to National Credit Union Administration, Washington, D.C. 20456.

(c) Revisions or amendments of the publications may be issued from time to time by the National Credit Union Administration. An historic file or such amendments or revisions is maintained and made available for inspection at the National Credit Union Administration, Washington, D.C. 20456.

(d) The publications listed below are hereby incorporated by reference:

(1) Federal Credit Union Bylaws,

(2) Data Processing Guidelines for Federal Credit Unions.

(e) Copies of these publications are on file with the Director, Office of the Federal Register, National Archives and Records Service, General Services

Administration, Washington, D.C. 20408. The text of any changes in said publications will be filed with the Director, Office of the Federal Register, and a notice thereof will be periodically published in the **Federal Register**.

§ 701.14 [Removed]

2. Accordingly, 12 CFR 701.14 is proposed to be removed.

(12 U.S.C. 1789(11))

[FR Doc. 81-28820 Filed 10-2-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-43]

Airworthiness Directives; Costruzioni Aeronautiche Giovanni Agusta, Model A109A Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require replacement of the engine mount central legs with improved design legs on Agusta Model A109A helicopters. This action is needed to prevent engine mount leg failure during operation which could result in possible loss of engine support.

DATES: Comments must be received on or before November 5, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, attention Airworthiness Docket No. 81-ASW-43, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.

The applicable service bulletin may be obtained from: Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or J. H. Major, Helicopter Policy and Procedures Staff, ASW-211, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of the adoption of the proposed rule is requested. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available before and after the closing date for comments for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of the proposed AD will be filed in the Rules Docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to: Federal Aviation Administration, Southwest Region, Office of the Regional Counsel, Attention: Airworthiness Docket No. 81-ASW-43, P.O. Box 1689, Fort Worth, Texas 76101.

Discussion of Proposed Rule

There have been several reports of engine mount central leg failures and loss of engine support while in operation. Improved legs have been developed to prevent the mount failures that have occurred in operation. The present central legs must be replaced with the improved legs within 200 hours' time in service. The manufacturer required installation before June 30, 1981.

It is estimated that 19 helicopters will be affected by this AD, that it will take approximately 35 man-hours per helicopter to accomplish the required actions, and that the average labor cost will be $30 per man-hour. Repair parts are estimated at $1,100 per helicopter. The total cost impact is estimated to be $132,050. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Costruzioni Aeronautiche Giovanni Agusta: Applies to Model A109A series helicopters through serial number 7169 equipped with engine mount central legs, P/N 109-0605-06 and 109-0605-07, certificated in all categories (Airworthiness Docket No. 81-ASW-43).

Compliance is required within 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the engine mount central leg and loss of engine support, accomplish the following:

(a) Remove the engine mount central legs, P/N 109-0605-06-13, 109-0605-06-14, 109-0605-07-13, 109-0605-07-14.

(b) Install engine mount central leg assemblies, P/N 109-0640-84-1 and -2, and P/N 109-0640-85-1 and -2 as described in Section 71-20-00 of the A109A maintenance manual.

(c) Install engines and check engine to transmission alignment as described in Section 71-00-00 of the A109A maintenance manual.

(d) If an equivalent means of compliance is used in complying with this AD, that equivalency must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium.

Compliance with Agusta Technical Bulletin No. 109-25, dated August 29, 1980, constitutes compliance with this AD.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.85))

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 for the reasons stated earlier. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact." In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Fort Worth, Texas, on September 18, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-28690 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NE-16]

Airworthiness Directives; General Electric Co. CF6-45 and CF6-50 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that

requires replacement of certain titanium high pressure compressor (HPC) parts found on CF6–45 and CF6–50 series engines. High vibration or rotor unbalance causing severe rubbing of titanium high pressure compressor components has resulted in engine fires.

DATES: Comments must be received on or before December 30, 1981.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, New England Region, Office of Regional Counsel, Attn: Rules Docket (ANE–7), Docket No. 81–NE–16, 12 New England Executive Park, Burlington, Massachusetts 01803.

Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

The applicable service bulletins may be obtained from: General Electric Company, Neumann Way, Cincinnati, Ohio 45215.

A copy of the service bulletins are contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Part, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Henry A. Jackson, Engine Projects Section (ANE–214E), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7347.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 81–NE–16". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMS

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW, Washington, DC 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

Need for Rulemaking

There have been 32 titanium fires in CF6–50 engines. Testing and analysis have shown that the substitution of steel high pressure compressor components for titanium in critical areas has eliminated titanium fires. It is the intent of the proposed AD to require the replacement of the titanium forward high pressure compressor case, inlet and first and second stage vanes, and stage 6–9 blades with steel parts. Configuration changes are simultaneously required on the titanium 3–9 spool and stages 3–5 blades.

Compliance Date

The requirements of the AD shall be incorporated in installed engines prior to December 31, 1982.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

General Electric Company. Applies to CF6–45 and CF6–50 series engines. Unless already accomplished to preclude the possibility of uncontained titanium fires, replace as follows, prior to December 31, 1982:

(a) Compressor stator assembly including the compressor case and stage 6 vanes:

Name	Remove P/N	Install P/N
Compressor stator assembly	[illegible]	[illegible]
Compressor stator case	[illegible]	[illegible]
Vane - stage 6	[illegible]	K600P13–18

and associated parts in accordance with General Electric CF6–45 and CF6–50 Service Bulletin 72–549, Revision 1, dated July 5, 1979, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

(b) Compressor stator assembly vanes:

Name	Remove P/N	Install P/N
Vane—inlet	K001P07	[illegible]
Vane—stage 1	K172P01	[illegible]
Vane—stage 2	[illegible]	[illegible]

and associated parts in accordance with General Electric CF6–45 and CF6–50 Service Bulletin 72–550, Revision 1, dated July 5, 1979, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

(c) High pressure compressor rotor parts:

Name	Remove P/N	Install P/N
Compressor rotor assembly	9213M37G01	[illegible]
Blade—stage 3	K1281P01–4	K129P05–8
Blade—stage 4	K110P05–8	K146P09–12
Blade—stage 5	K111P05–8	K147P09–12
Blade—stage 6	K112P05–8	K134P09–12
Blade—stage 7	K113P05–8	K140P09–12
Blade—stage 8	[illegible]	K142P13–16
Blade—stage 9	[illegible]	[illegible]
Spool—stage 3–9	[illegible]	[illegible]
or	9185M60G04,3	[illegible]

and associated parts in accordance with General Electric CF6–45 and CF6–50 Service Bulletin 72–550, Revision 6, dated September 3, 1980, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

Note.—For engines installed on McDonnell Douglas DC10–30 aircraft, incorporation of Douglas Aircraft Company Service Bulletins 71–91 which modifies engine mounted brackets and 54–60 which modifies the pylon for increased strength are required concurrently with the installation of engines incorporating the requirements of the proposed AD. For engineers installed on Airbus Industrie A300 Aircraft, concurrent incorporation of A/I Service Bulletin 71–028 which modified engine mounted brackets is required.

The manufacturer's service bulletins identified and described in this proposed directive are filed as part of the original document. All persons affected by this proposed directive who have not already received these documents from the manufacturer may obtain copies upon request to General Electric Company, Neumann Way, Cincinnati, Ohio 45215. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

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Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves engines used on only a few aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under, the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Burlington, Mass., on September 10, 1981.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 81-28698 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 240, and 249

[Release Nos. 33-6350; 34-18121; 35-22204; IC-11957; File No. S7-906]

Instructions for the Presentation and Preparation of Pro Forma Financial Information and Financial Statements of Companies Acquired or to be Acquired

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is proposing uniform instructions for the presentation and preparation of pro forma financial information in Commission filings. In general, the proposed rules codify existing administrative practices; the proposals also include an alternative presentation which would include a financial forecast. The proposed rules are not intended to significantly modify the various situations for which pro forma financial presentations are now required or alter the specific disclosures required by existing accounting literature. In addition, the proposed rules would consolidate existing requirements for including financial statements of companies acquired or to be acquired in registration statements. In conjunction with the proposed rules, the Commission also proposes to relocate the content, with certain minor modifications, of Article 11 of Regulation S-X and to delete Article 11A of Regulation S-X.

DATE: Comments should be received on or before December 18, 1981.

ADDRESSES: Comments should be addressed in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capital Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-906. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: David F. Martin (202-272-2130), or Eugene W. Green, Jr. (202-272-2130), Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is proposing rules which, if adopted, would incorporate in Regulation S-X ("S-X") its administrative policies and practices applicable to the presentation and preparation of pro forma financial information in proxy statements and other filings with the Commission. The proposed rules are intended to simplify and improve the registration and reporting process by codifying current policies developed on an ad hoc basis by the Commission's Division of Corporation Finance through the comment process as well as those practices generally followed by registrants when presenting pro forma financial information in Commission filings. The presentation of pro forma financial information would be modified from existing practice to more clearly distinguish between the one-time impact and on-going impact of the transaction. The proposed rules are not intended to change or expand the various reporting situations for which pro forma financial information has been presented in the past.

As part of the Commission's effort to encourage presentation of projected financial information, the proposed rules would permit an alternative presentation which would include a financial forecast.

The proposed rules would also bring together Commission requirements relating to historical financial statements of businesses acquired or to be acquired.

As part of the reorganization of certain portions of S-X which will be necessary if the proposed rules are adopted, the Commission is proposing to relocate the content, with certain minor modifications, of Article 11, Content of Statements of Other Stockholders' Equity, and to delete Article 11A, Statement of Source and Application of Funds, because the information required by that Article is also required by generally accepted accounting principles.

The Commission is also requesting comments on whether presentation of pro forma financial information should be required for consummated transactions in filings on Form 8-K.

Background

Pro forma financial information is principally used to show the effect of (a) significant planned or consummated transactions or other events which occur after the date of the historical financial statements or (b) certain significant transactions which have occurred during the year. Pro forma financial information is frequently presented in proxy statements and other filings made with the Commission. In order to clarify and conform the disclosure requirements applicable to pro forma financial information, the Commission proposes to incorporate its administrative policies (which are generally followed but are not presently set forth as Commission rules) into its regulations under S-X. The proposed rules have been stated in general terms to provide the necessary flexibility for tailoring disclosures to particular facts and circumstances.

Need for Codification

Pro forma financial information is required in a number of circumstances under generally accepted accounting principles and is required in certain proxy statements and other filings with the Commission to facilitate investor understanding of proposed transactions. Notwithstanding this frequent use, guidance about the presentation and preparation of pro forma financial information is limited and as a result the form and content of these disclosures vary significantly.

Commission requirements for pro forma financial statements are currently in Rules 3-07 and 3-08 of S-X (§§ 210.3-07 and 210.3-08) and in Regulation 14A of the proxy rules. These rules are brief and pertain generally to situations where business combinations are planned or have occurred. Rule 170 of the Securities Act Rules (17 CFR 230.170) prohibits the use of pro forma statements which give effect to the use of cash proceeds in offerings which are underwritten on a best efforts basis. This rule, which has been incorporated into the proposed rules,[1] is intended to prevent the presentation of pro forma statements which could be misleading should only a portion of the offered

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[1] Rule 170 has not been rescinded because Regulation S-X does not apply to Regulation A or Form S-18 filings.

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securities be sold. Rule 15c1–9 (17 CFR 240.15c1–9) of the Exchange Act Rules provides that all assumptions on which adjustments are based must be stated.

Problems encountered in specific filings have been resolved by the Commission's staff on a case-by-case basis. As a consequence, informal policies and practices have developed which are not incorporated into Commission rules or regulations. The Commission believes that its administrative policies and practices should be set forth as formal regulations so that registrants planning to file registration statements or prepare proxy statements know when and what pro forma financial information is required. For this reason, the Commission is proposing to amend S–X to establish uniform instructions for the presentation and preparation of pro forma financial information.

Discussion

The remainder of this release will summarize the proposed rules and alternatives which were considered. Existing Rules 3–07 and 3–08 address when registrants are to present pro forma financial information and historical financial statements of businesses acquired or to be acquired. The proposed rules consider these topics individually by proposing revisions to Rules 3–07 and 3–08 insofar as they relate to historical financial statement requirements and a new Article 11 [2] in S–X which will address all aspects of pro forma financial information.

Financial Statements of Businesses Acquired or To Be Acquired

Proposed Rules 3–07 and 3–08 include rules currently specified in existing Rules 3–07 and 3–08 and Securities Act Release No. 4950.[3] Proposed Rule 3–07 would retain the requirement for filing audited income statements for a business acquired before the most recent balance sheet date when the acquired business has major significance relative to the registrant and proposed Rule 3–08 would retain the requirement for filing audited financial statements of a significant business acquired after the most recent balance sheet date or for a business to be acquired. Both rules would contain procedures for requesting a waiver of the audit requirement in unusual circumstances.

The Commission considered reducing the disclosures required by these rules to a summarized or condensed level but determined not to propose changing the existing requirements. In the case of Rule 3–07 an escalating threshold for disclosure is provided so that the disclosures are required only where an acquisition could have a highly significant impact on the registrant's operations. In these situations, the Commission believes a complete income statement should be presented to enable a better understanding of the past transaction.

For Rule 3–08 situation, the fact that the transaction is imminent or just recently completed calls for complete financial statements so that investors can assess the full impact of the transaction.

Pro Forma Financial Information Presentation Requirements

The instructions in existing Rules 3–07 and 3–08 of S–X, insofar as they relate to pro forma financial information, are of a general nature and pertain only to those situations where successions to other businesses have occurred or are planned. Proposed Article 11 would also cover significant dispositions and other events or circumstances for which pro forma financial information should be presented in filings with the Commission.

The proposed rules applicable to business combinations substantially incorproate requirements for pro forma financial information contained in existing Rules 3–07 and 3–08. Therefore, the requirements for presenting pro forma financial information for business combinations are essentially unchanged from existing rules.

A recurring problem in deciding whether to present pro forma financial information for business combinations has been determining if a "business" has been acquired. Is a line of business a "business"? Is a product line a "business"? Is a division a "business"? Are significant amounts of related assets a "business"? The answers to these questions may very well depend on the facts and circumstances of the situation. For purposes of this release the term "business" has not been defined. Commentators are specifically requested to indicate whether they believe that a definition of "business" would be helpful or whether additional criteria should be supplied to better delineate when pro forma financial information is required and to make suggestions about any such definition or criteria.

The proposed rules would articulate the Commission's policy that if an acquisition is planned to take place in two stages pro forma financial information must be presented in a registration statement for the first stage as though the second stage had been completed. For example, a two-stage acquisition might involve selling securities and then using the proceeds to make the acquisition. Pro forma financial information presented in the filing for the sale of the securities should reflect the acquisition to be made with the proceeds. Of course, pro forma financial information could be supplied only if the target company had been identified at the time of filing the first stage registration statement.

The proposed rules applicable to dispositions primarily involve divestitures which have not been consummated. These rules would establish requirements to present pro forma financial information where the registrant plans to dispose of a significant part of its business or assets. They also formalize those practices generally followed by registrants in initial filings wheer the issuer or an acquired business was previously a non-autonomous part of an existing business entity.

In addition to business combinations and dispositions, entities sometimes enter into other types of significant transactions for which pro forma financial information should be presented. Such transactions might include reorganizations, unusual asset exchanges and restructuring of existing indebtedness. It is not possible to anticipate all of the situations for which pro forma financial information should be presented, so a comprehensive listing of situations has not been incorporated in the proposed rules. Registrants must exercise judgment in determining whether pro forma financial information will be meaningful in light of the particular facts and circumstances of the transaction. Commentators are requested to comment on this area and to specifically suggest additional criteria which they believe would be useful in determining those situations for which pro forma financial information should be presented.

Many times a registration statement is filed at a time when management is considering a transaction which is unrelated to the reason for which the registration statement is being filed. In these situations a question arises about whether pro forma financial information reflecting the unrelated transaction should be included in the filing. The proposed rules would state that pro forma financial information is required for "planned" transactions and define planned as the point in time when it seems probable that the transaction will be consummated. Generally, that point is reached when an agreement in principle has been reached or the Board of Directors has reached agreement on the transaction even though the transaction is subject to shareholder approval.

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[2] This release proposes to renumber existing Rule 3–06 as Rule 3–03 and move the substance of existing Article 11 to Rule 3–04. Securities Act Release No. 6316 (May 11, 1981) (46 FR 27344) proposed to rescind Rules 3–03, 3–04 and 3–05. Rules 3–05 and 3–06 would be reserved for future use.

[3] Securities Act Release No. 4950 (February 20, 1969) (34 FR 4866), General Requirements for Certified Financial Statements of Companies Acquired or to be Acquired.

Proposed Article 11 would establish a test for the presentation of pro forma financial information. In essence, this test would provide that pro forma financial information need not be furnished where the change in selected financial items for the latest year, compared to those on a pro forma basis giving effect to the planned or consummated transaction, is less than 10%. This threshold of disclosure would be established to limit the presentation of pro forma financial information to those events which have a significant impact on the entity.

The Commission recognizes that there may occasionally be highly unusual circumstances which would cause pro forma financial information to be misleading or meaningless. Accordingly, the proposed rules would provide that in these limited situations the registrant could request that appropriate information be substituted or that pro forma financial information be omitted. The Commission's intention is that the request for waiver would be used sparingly and that a waiver would be granted only in highly unusual circumstances.

Securities Act Rule 170 prohibits the use of pro forma statements which give effect to the use of cash proceeds in offerings which are underwritten on a best efforts basis. The Commission continues to believe that pro forma financial information would be misleading if presented in these circumstances. Accordingly, the content of Rule 170 has been included in the proposed rules.

Preparation Requirements

The proposed amendments would establish rules and instructions for the preparation of pro forma financial information. Specifically, this proposed section would be divided into three parts covering (1) the objective of pro forma financial information; (2) the form and content of such information; and (3) the periods for which such information is to be presented.

The proposed rules largely incorporate existing practices and administrative policies which are generally followed in connection with business combinations using the purchase method of accounting and so-called "carve-out" transactions whereby a non-autonomous part of a business entity is separated from the existing entity. These rules have been drafted in a broad fashion since flexibility is necessary to tailor pro forma disclosures to particular events and circumstances. Although there will certainly be circumstances which are not covered, the proposed rules provide guidance for the majority of situations in which controversial issues occur. Because of the multiplicity of situations which can occur, a comprehensive rule is not practicable and registrants will be urged to comply with the overall "spirit" established by the proposed rules when specific guidance is lacking and, of course, will be encouraged to consult with the Commission staff in those instances where unique or other special circumstances exist.

1. Objective

The first part of the preparation section states the objective of pro forma financial information. This provision may be the most significant of the proposed rules since it would form the basis for the other proposed rules. In particular, it would specify that the purpose of pro forma financial information is to illustrate the impact on the historical financial statements of a planned or consummated transaction had it occurred earlier. The objective would be to provide shareholders and investors with information which would enable them to better understand the impact on the registrant of a past or proposed transaction or event by showing the effect it might have had on historical financial statements.

2. Form and Content

The second part of the preparation section, the form and content or pro forma financial information, would establish uniform requirements governing the information to be presented, instructions as to its preparation, and the extent of detail deemed necessary for sufficient disclosure. The Commisison thinks that pro forma financial information is most useful when certain information is disaggregated so that investors can clearly distinguish between the one-time and continuing impacts of a transaction. To this end, portions of this section would modify existing practice by separating the two types of impacts.

The financial information to be presented, in most circumstances, would consist of a condensed pro forma balance sheet, condensed pro forma statements of income, a table of nonrecurring charges and credits, and accompanying explanatory notes. Consistent with past practice, a pro forma statement of changes in financial position would not be required. The proposed rules would prescribe the format these disclosures should take and allow condensed pro forma financial statements to be predented in the same degree of detail as the latest Form 10–Q filed with the Commisison. They also would require that the condensed pro forma financial statements be accompanied by a general description of the assumptions underlying the presentation and explanations of the pro forma adjustments made to the condensed historical financial statements in arriving at the condensed pro forma financial statements.

The major problem in the preparation of pro forma financial information is determining what changes should be reflected in the statements. It is difficult to determine that all changes have been identified and considered. The rules proposed herein would require the application of adjustments to reflect all significant changes directly attributable to the transaction or event which created the need for the pro forma financial information. Adjustments would be reflected only for changes which are reasonably certain to occur.

Under the proposed rules certain adjustments which apply to the balance sheet would not be applicable to the income statement. Adjustments which reflect the nonrecurring aspects of an event would not be reflected in the condensed pro forma statement of income whereas the related asset or liability would be reflected in the condensed pro forma balance sheet. For instance, the gain or loss on the disposition of a significant portion of a business would not be reflected as a pro forma adjustment in the condensed pro forma income statement for the continuing entity but would be reflected as a pro forma adjustment of retained earnings in the condensed pro forma balance sheet.

The rule proposals would add a table of nonrecurring charges and credits to existing pro forma disclosures. This table would be prepared on a basis consistent with the condensed pro forma financial statements and presented below the condensed pro forma statement of income. The purpose of the table would be to summarize the one time cost or benefit of the transaction to the registrant so that the user of the pro forma information would be able to better understand the impact of the transaction on current year earnings. Pro forma adjustments for the

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nonrecurring aspects of an event, such as the gain or loss on the transaction, would be reflected in this table as well as costs specifically identified with and directly related to the transaction, such as fees for legal, accounting, printing and financial advisory services incurred because of the transaction.

An example of a pro forma adjustment which might be made to reflect the recurring aspects of an event in the condensed pro forma statement of income is an adjustment for lower costs resulting from a combination of businesses which reflects a reasonably certain reduction in compensation expense for specifically identified individual employees whose employment will be terminated and whose principal duties will be abolished or assumed by others. However, the severance or termination pay to be incurred because of the reduction in employees would not be reflected in the condensed pro forma income statement since it is a one-time charge and will not have a continuing impact on operations. The liability for such severance pay would be a pro forma adjustment reflected in the condensed pro forma balance sheet and the charge for such severance pay would be reflected in the table of nonrecurring charges and credits.

For registrants that present "income from continuing operations" in accordance with Accounting Principles Board Opinion No. 30, "Reporting the Results of Operations" or an appropriately modified caption as described in footnote 3 of AC § 2012.08,[4] a significant change from past practice is contained in the proposed rules. The historical income statement, used as the basic starting point in arriving at the condensed pro forma income statement, would report information only through income from continuing operations thus excluding from the determiantion of pro forma operating results such items as previously discontinued operations, extraordinary items and cumulative effects of accounting changes. This format would permit the investor to focus directly on the impact of the transaction on the registrant's continuing operations rather that be confused with unusual transactions which have occurred previously.

As indicated in the above discussion, the presentation of pro forma financial information as prescribed in the proposed rules would be designed to direct the reader's attention to the continuing impact of the transaction on the company. Commentators are requested to address the appropriateness of this approach and provide specific suggestions as to any changes therein.

3. Periods To Be Presented

The third part of the preparation section would specify the periods to be covered by pro forma financial information in proxy statements and other filings with the Commission. The proposed rules would require a condensed pro forma balance sheet for the most recent fiscal yearend or the end of the most recent subsequent interim period, whichever is more current, and condensed pro forma income statements for the most recent fiscal year and any subsequent interim period. The Commission believes that presentation of comparative interim period condensed pro forma income statements is not necessary but would not object if a pro forma income statement for the comparable interim period from the preceding year was presented. When consummated transactions are already reflected in the historical balance sheet, only condensed pro forma income statements would be required.

When a planned business combination will be accounted for as a pooling of interests, the pro forma income statments would be a restatement of the historical income statements as if the combination had been consummated. Such pro forma income statements would be required for all periods for which historical income statements are required in lieu of the proposed requirements discussed in the preceding paragraph.

Financial Forecasts

The Commission has encouraged disclosure of financial projections in the past.[5] In furtherance of the Commission's goal of encouraging the disclosure of projections, the proposed rules contain an option which would permit registrants to file a financial forecast in lieu of the pro forma condensed statements of income.

The financial forecast would be required to be presented in accordance with the guidelines established by Statement of Position 75-4, Presentation and Disclosure of Financial Forecasts, issued by the Auditing Standards Division of the American Institute of Certified Public Accountants in August 1975. The proposed rules would also provide that the forecast cover at least 12 months from the latest of (1) the effective date of the filing or (2) the consummation date or planned consummation date of the transaction. The degree of detail to be presented in the forecast would be the same as that required for pro forma financial information. When the forecast option is elected, disclosure of condensed historical information of the registrant and the business acquired or to be acquired, if any, would be required to facilitate an investor's comparison of the information.

A pro forma condensed balance sheet and table of nonrecurring charges and credits would be required under this option to provide investors with information about the immediate impact of the transaction. Additionally, the proposed rules would not permit the substitution of forecast information for pro forma information required by generally accepted accounting principles.

The proposed rules do not require the association of an independent auditor with a financial forecast. Commentators are requested to address the usefulness of an independent accountant's review and to comment on whether the Commission should require such a review when a forecast is presented in lieu of certain pro forma financial information.

Regulation 14A, Schedule 14A, Item 14

The present instructions for the inclusion of pro forma financial information in proxy statements are contained in Schedule 14A of Regulation 14 under the Securities Exchange Act of 1934. Specifically, Item 14(b)(6) of Schedule 14A pertains to planned transactions and provides that a combined pro forma summary of earnings, as appropriate in the circumstances, be presented if shareholder approval is sought on a merger, consolidation, or acquisition of assets. In practice, however, the disclosures included in proxy or information statements frequently include a pro forma balance sheet and an abbreviated pro forma income statement substituted for the required summary.

The proposed revisions to Regulation 14A recognize that summaries of earnings are no longer required and are designed to codify accepted practices involving pro forma financial disclosures and to attain uniformity where such information is presented in proxy and information statements. The principal changes would delete the existing requirement for the pro forma summary of earnings and refer instead to the newly established instructions in

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[4] AICPA Professional Standards, Volume 3 AC Section 2012.08.

[5] See Securities Act Release No. 5992 (November 7, 1978) (43 FR 53246), Guides for Disclosure of Projections of Future Economic Performance and Securities Act Release No. 6084 (June 25, 1979) (44 FR 38810), Safe Harbor Rule for Projections.

Regulation S-X, thereby resulting in a single disclosure requirement applicable to the preparation of pro forma financial information. Additionally, several technical amendments are proposed to clarify and improve the requirements in the existing proxy rules.

Other Commission Rules Possibly Affected

While the Commission is not proposing at this time to revise Form 8-K, comment is specifically invited about whether pro forma financial information for consummated transactions should be required in this form in light of the enhanced role this Exchange Act report plays in the integrated disclosure system, particularly in the context of proposed Forms S-2 and S-3.[6] In addition, the Commission expects to modify provisions of proposed Forms S-2 and S-3 to include references to proposed Article 11 at such time as the proposals in this release are adopted. This modification would permit pro forma financial information contained in Exchange Act filings to be incorporated by reference in a prospectus where the form so allows.

The Commission intends to revisit the disclosure requirements of Rules 13e-3 and 13e-4 as well as those of Schedules 13E-3 (17 CFR 240.13e-100) and 13E-4 (17 CFR 240.13e-100) in connection with a planned re-examination of its regulations pertaining generally to disclosures in the context of negotiated business combinations including mergers and tender offers. At such time, the Commission will address the applicability of the rules proposed herein to those disclosure requirements.

Proposed Deletion of Article 11A of S-X

In conjunction with the rules proposed on pro forma financial information, the Commission plans to reorganize certain sections of S-X to make the sequence of rules more logical. This process includes deleting disclosure requirements which are no longer necessary. The information required by Article 11A of S-X, Statement of Source and Application of Funds, is substantially the same as the information required by Accounting Principles Board Opinion No. 19, Reporting Changes in Financial Position. Therefore, the Commission believes that it is no longer necessary for the Commission to maintain the requirements in Article 11A and is proposing to delete this Article.

In accordance with the foregoing, it is proposed to amend 17 CFR Chapter II as follows:

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

§ 210.3-06 [Redesignated as § 210.3-03]

1. By redesignating § 210.3-06 as § 210.3-03.

2. By removing §§ 210.11-01 and 210.11-02 (Article 11) and combining their substance in a new § 210.3-04 to read as follows:

§ 210.3-04 Contents of statements of other stockholders' equity.

(a) This rule prescribes the content of the statements of other stockholders' equity specified in §§ 210.5-02.31, 210.6-22.26, 210.7-03.22, 210.7a-03.24 and 210.9-02-22.

(b) A reconciliation shall be given for each class of other stockholders' equity set forth in the related balance sheet as follows:

(1) *Balance at beginning of period.* State separately the adjustments to the balance at the beginning of the first period of the report for items which were retroactively applied to periods prior to that period.

(2) *Net income or loss from income statement.*

(3) *Dividends.* For each class of shares state the amount per share and in the aggregate.

(4) *Other.* Specify.

(5) *Balance at end of period.* The balance at the end of the most recent period shall agree with the related balance sheet caption.

3. By revising §§ 210.3-07 and 210.3-08 to read as follows:

§ 210.3-07 Requirements for income statements of businesses acquired before the date of the most recent balance sheet.

(a) If, before the date of the most recent balance sheet filed pursuant to § 210.3-01, the registrant has acquired by the purchase method of accounting a business or an interest in a business, the investment in which is accounted for by the equity method, and such business or investment was significant to the registrant as described below, audited income statements for such business shall be filed for such periods prior to the transaction date as may be necessary when added to the time, if any, for which audited income statements after the transaction date are filed to cover the equivalent of the periods specified in § 210.3-02, or such fewer periods as the business may have been in existence. A business or investment is significant based on the tests used in the definition of "significant subsidiary" in § 210.1-02. The test shall be made for the latest annual consolidated financial statements of the registrant with substituted percentages to be used as follows:

(1) If the transaction was consummated during the last fiscal year or during a subsequent interim period, no substitution.

(2) If the transaction was consummated during the penultimate fiscal year, 25 percent.

(3) If the transaction was consummated prior to the penultimate fiscal year, 45 percent.

If financial statements of an acquired business are not required in the year of acquisition, they would not be required subsequently.

(b) If more than one business has been acquired or more than one investment has been made, the required income statements may be presented on a combined basis, if appropriate.

(c) The Commission may, upon the written request of the registrant and where consistent with the protection of investors, waive the audit requirement of one or more of the income statements required herein or permit the filing in substitution therefor of appropriate statements of comparable character if the required audited income statements are not reasonably available to the registrant because the obtaining thereof would involve unreasonable effort, expense or practical difficulties. See § 210.3-08(c) for procedures to follow in these circumstances.

§ 210.3-08 Requirements for financial statements of businesses acquired after the date of the most recent balance sheet or of businesses to be acquired.

(a) If, after the date of the most recent balance sheet filed pursuant to § 210.3-01, the registrant has succeeded to or plans (as defined in § 210.11-01(b)) to succeed to a business or has acquired or plans to acquire an investment in a business which is to be accounted for by the equity method, and the business or investment is significant to the registrant as described below, financial statements shall be filed for such business in accordance with §§ 210.3-01 and 210.3-02 or such fewer periods as the business has been in existence. A business or investment is significant based on the tests used in the definition of "significant subsidiary" in § 210.1–02.

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[6] Proposed Forms S-2 and S-3, which require pro forma financial information, permit certain information about material changes to be incorporated by reference from a previously filed report. See Item 11 of proposed Form S-2 and Item 11 of proposed Form S-3. Securities Act Release No. 6331 (August 6, 1981) (46 FR 41902).

(b) If more than one business has been acquired or is to be acquired or more than one investment has been made or is to be made, the required financial statements may be presented on a combined basis, if appropriate.

(c) The Commission may, upon the written request of the registrant and where consistent with the protection of investors, waive the audit requirement of one or more of the financial statements required herein or permit the filing in substitution therefor of appropriate statements of comparable character if the required audited financial statements are not reasonably available to the registrant because the obtaining thereof would involve unreasonable effort, expense or practical difficulties. A written request for such relief should be submitted to the Chief Accountant of the Division of Corporation Finance.

(1) The request shall set forth the following information:

(i) The reason(s) for the unavailability of the audited financial statements;

(ii) The estimated costs of the audit;

(iii) An explanation of any practical auditing problems;

(iv) A letter from the registrant's independent accountants confirming the above representations; and

(v) A tabular presentation for the latest fiscal year of the following items of information, comparing the acquired business(es) with the registrant on a consolidated basis (excluding the acquired business(es)):

(A) Gross sales and operating revenues;

(B) Net income;

(C) Total assets;

(D) Total stockholders' equity; and

(E) Total purchase price compared to total assets of registrant.

(2) Provided that the informaton presented in response to paragraphs (c)(1)(i) to (iv) of this section is satisfactory, the tabular information will be evaluated using the following guidelines:

(i) If none of the items exceed 10 percent, audited financial statements will not be required;

(ii) If any of the items exceed 10 percent but none exceed 25 percent, an audited balance sheet and an audited statement of income for at least six months, or such shorter period as the business has been in existence, will be required;

(iii) If any of the items exceed 25 percent but none exceed 45 percent, an audited balance sheet and an audited statement of income for at least 12 months, or such shorter period as the business has been in existence, will be required;

(iv) If any of the items exceed 45 percent, an audited balance sheet and audited statements of income for three years, or such fewer periods as the business has been in existence, will be required.

(3) No relief from the three-year audit requirement for financial statements of a company to be acquired will be available when the securities to be registered are to be offered to the security holders of that company in exchange for their securities or when the proceeds from the offered securities will be used directly or indirectly to purchase such company.

4. By adding §§ 210.11–01, 210.11–02, and 210.11–03 (new Article 11) to read as follows:

Pro Forma Financial Information

§ 210.11–01 Presentation requirements.

(a) Pro forma financial information shall be furnished when any of the following conditions exist:

(1) During the most recent fiscal year or during a subsequent interim period, the registrant has purchased a business or acquired an interest in a business the investment in which is accounted for by the equity method;

(2) After the date of the most recent balance sheet filed pursuant to § 210.3–01, the registrant by purchase or by pooling of interests has acquired or plans to acquire a business or has acquired or plans to acquire an interest in a business the investment in which will be accounted for by the equity method;

(3) Securities being registered by the registrant are to be offered to the security holders of a business to be acquired or the proceeds from the offered securities will be applied directly or indirectly to the purchase of a specific business;

(4) The registrant previously was a part of another entity (e.g., the registrant has succeeded to the business of a corporate division, subsidiary, etc.) and such presentation is necessary to reflect operations and financial position of the registrant as an autonomous entity;

(5) After the date of the most recent balance sheet filed pursuant to § 210.3–01, the registrant plans to dispose of a significant portion of its business either by sale or abandonment or otherwise plans a distribution of a significant portion of its business to shareholders by means of a spin-off, split-up, or split-off; or

(6) After the date of the most recent balance sheet filed pursuant to § 210.3–01, other events or transactions occur or are planned for which disclosure of such information would be meaningful in the particular circumstances. Such events or transactions may include, but are not limited to, a business reorganization, an issuance of debt or equity securities to refinance outstanding securities, an unusual asset exchange or other restructuring of existing indebtedness, or a disposition of a significant amount of assets.

(b) For purposes of this rule a transaction is planned when discussions have reached such a point that consummation of the transaction seems probable. Generally, that point is reached when an agreement in principle has been reached or when the board of directors has reached agreement on the transaction even though the transaction is subject to shareholder approval. Disclosure more limited than that provided for by this Article may be appropriate in filings which occur at an earlier point in the discussions (i.e., where consummation of the transaction is reasonably possible, but not probable).

(c) Pro forma financial information is required when the difference between any of the following items exceeds 10 percent of the item on a historical consolidated basis for the latest fiscal year for paragraphs (a) (1) and (2) of this section, and for the end of the latest fiscal year for paragraphs (a) (3) and (4) of this section:

(1) Net income (income from continuing operations where appropriate) compared to pro forma income before nonrecurring charges or credits;

(2) Earnings per share (for continuing operations where appropriate) compared to pro forma earnings per share before nonrecurring charges or credits;

(3) Total assets compared to pro forma total assets; and

(4) Total shareholders' equity compared to pro forma shareholders' equity.

When a transaction has been consummated and is reflected in the latest historical balance sheet presented, the test for paragraphs (a) (3) and (4) of this section shall not apply. When more than one transaction is planned or consummated during a fiscal year, the above 10 percent tests shall also be applied to the cumulative effect of those transactions.

(d) The Commission may, upon the written request of the registrant and where consistent with the protection of investors, permit the omission of a portion or all of the pro forma financial information or the filing in substitution therefor of appropriate information, if the registrant can demonstrate that pro forma financial information would be misleading or meaningless in the circumstances. A written request for such relief should be submitted to the Chief Accountant of the Division of Corporation Finance and should set forth all of the pertinent information relative to the request.

(e) Pro forma financial information which gives effect to the receipt and application of proceeds from the sale of securities for cash shall not be presented unless such securities are to be offered through underwriters and the underwriting arrangements are such that the underwriters are or will be committed to take and pay for all of the securities, if any are taken, prior to or within a reasonable time after commencement of the public offering, or if the securities are not so taken to refund to all subscribers the full amount of all subscription payments made for the securities. Escrow arrangements which have the same effect may be used in lieu of underwriters.

(f) This rule does not apply to transactions between a parent company and its totally-held subsidiary.

§ 210.11-02 Preparation requirements.

(a) *Objective.* Pro forma financial information should provide investors with information about the continuing impact of a particular planned or consummated transaction by showing how it might have affected historical financial statements had the transaction been consummated at an earlier time. Such statements should assist investors in analyzing the future prospects of the registrant because they illustrate the possible scope of the change in the registrant's historical financial position and results of operations caused by the transaction.

(b) *Form and content.* (1) Pro forma financial information shall consist of a pro forma condensed balance sheet, pro forma condensed statements of income, a table of non-recurring charges and credits, and accompanying explanatory notes.

(2) The pro forma financial information shall be accompanied by an introductory paragraph which briefly sets forth (i) a description of the transaction, (ii) the entities involved in the transaction, (iii) the periods for which the pro forma financial information is presented, and (iv) the purpose of the pro forma financial information presentation.

(3) The degree of detail in the pro forma financial information need not be greater than the detail in the condensed statements filed on the most recent Form 10-Q pursuant to §§ 210.3-01 and 210.3-02 or in the case of a new registrant the detail which would have been filed had a Form 10-Q been required. Pro forma financial information need not be accompanied by footnotes except as provided below.

(4) Pro forma statements shall ordinarily be in columnar form showing condensed historical statements, pro forma adjustments, and the pro forma results.

(5) Primary and fully diluted earnings per share (for continuing operations where appropriate) and resulting primary and fully diluted pro forma earnings per share before nonrecurring charges or credits reflecting consummation of the transaction shall be presented on the face of the pro forma condensed income statement. The number of shares to be used in the calculation of pro forma earnings per share should be based on the weighted average number of shares outstanding during the period adjusted to give effect to shares subsequently issued or assumed to be issued had the particular transaction or event taken place at the beginning of the period presented. If a convertible security is being issued in the transaction, consideration should be given to the possible dilution of earnings per share on a fully diluted pro forma basis assuming conversion of the security. The number of shares used to compute per share data shall be stated on the face of the statement.

(6) The table of nonrecurring charges and credits shall be presented below the pro forma income statement and shall reflect only nonrecurring charges and credits which are directly attributable to the transaction.

(7) Pro forma adjustments shall include all material adjustments which give effect to events directly attributable to the transaction. Pro forma adjustments should be made only for those events which are reasonably certain to occur.

(8) An explanatory note shall be presented for each assumption and shall be referenced to the adjustments shown in the adjustment column of the statements.

(9) If the transaction is structured in such a manner that significantly different results may occur, additional pro forma presentations shall be made which give effect to the range of possible results.

(10) When an additional significant transaction is planned which will have a material effect on the pro forma results presented, the pro forma financial information shall be supplemented with an additional pro forma financial presentation which gives effect to both transactions. If several additional transactions are planned, pro forma financial information shall be presented which reflects all of these transactions and a note shall be presented which explains the various transactions and sets forth the maximum variances in pro forma financial position and pro forma income which would occur for any of the possible combinations.

Instructions. 1. The historical statement of income used in the pro forma financial information shall not report operations of a segment that has been discontinued, extraordinary items, or the cumulative effects of accounting changes. If the historical statement of income includes such items, only the portion of the income statement through "income from continuing operations" (or the appropriate modification thereof) should be used in preparing pro forma results.

2. The pro forma condensed income statement shall disclose income (loss) before nonrecurring charges or credits. Accordingly, adjustments should be reflected in the pro forma condensed statement of income only when the event giving rise to the adjustment is of a continuing nature.

For example, in a business combination, lower costs resulting from a permanent reduction in specifically identified individual employees may be shown in the pro forma statement of income, but not the related severance pay associated with such reduction. The charge for the severance pay must be shown in the table of nonrecurring charges and credits and the related liability for the severance pay must be shown in the pro forma condensed balance sheet.

3. The table of nonrecurring charges and credits shall include entries for any gain or loss on the transaction and nonrecurring charges and credits which relate to changes in the business resulting from the transaction or which are caused by the transaction (e.g., legal, accounting, printing, financial advisory services, etc.).

4. For a purchase transaction, pro forma adjustments shall include adjustments for amortization and depreciation expense based on the allocated purchase price of the net assets acquired and incremental interest expense on new indebtedness associated with the purchase transaction.

5. For a disposition transaction, pro forma adjustments shall include adjustments of interest expense arising from revised debt structures and expenses which will be or have been incurred on behalf of the newly-created entity, such as advertising costs, executive salaries and other costs which were previously included in fees for corporate overhead.

The pro forma financial information for such situations shall begin with the historical financial statements of the existing entity and show the deletion of the newly created entity along with the pro forma adjustments necessary to arrive at the remainder of the existing entity.

6. (i) For entities which were previously a portion of another entity, adjustments to the historical financial statements may be

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required to conform those financial statements to generally accepted accounting principles and to permit an independent accountant to express an unqualified opinion on them. Adjustments may be required when charges for corporate overhead, interest, or income taxes have been allocated to the entity on a basis other than one deemed reasonable by management.

(ii) For such entities, pro forma adjustments shall include adjustments similar in nature to those referred to in 5. above.

7. Tax effects, if any, of pro forma adjustments should be calculated at the current statutory rate and be reflected as a separate pro forma adjustment.

(c) *Periods to be presented.* (1) A pro forma condensed balance sheet shall be filed as of the end of the most recent period for which a balance sheet is required by § 210.3–01. When a consummated transaction is reflected in the latest balance sheet required by § 210.3–01, a pro forma condensed balance sheet is not required.

(2)(i) Pro forma condensed statements of income shall be filed only for the most recent fiscal year and for the period from the most recent fiscal year end to the most recent interim date for which a Form 10–Q has been filed. A pro forma condensed statement of income shall not be filed when the historical income statement reflects the transaction for the entire period.

(ii) When a planned business combination will be accounted for as a pooling of interests, the pro forma income statements filed shall be a restatement of the historical income statements as if the combination had been consummated. Such pro forma income statements shall be filed for all periods for which historical income statements are required in lieu of the requirement in the preceding paragraph.

(3) When the entities involved have different fiscal year ends, the pro forma condensed statement of income shall be filed for the registrant's fiscal year end. If the most recent fiscal year end of the other entity differs from the registrant's most recent fiscal year end by more than 93 days, the other entity's income statement shall be brought up to within 93 days of the registrant's most recent fiscal year end by adding subsequent interim period results to the most recent fiscal year end information and deducting the comparable preceding year interim period results.

(4) Whenever unusual events enter into the determination of the results shown for the most recently completed fiscal year, consideration should be given to presenting a pro forma condensed income statement for the latest twelve month period in addition to those required in paragraph (c)(2) of this section.

§ 210.11–03 Presentation of financial forecast.

(a) A financial forecast may be filed in lieu of the pro forma condensed statements of income required by § 210.11–02(b)(1).

(1) The financial forecast shall cover a period of at least 12 months from the latest of (i) the effective date of the filing or (ii) the consummation date or planned consummation date of the transaction.

(2) The forecasted statement of income shall be presented in the same degree of detail as required by § 210.11–02(b)(3).

(3) Historical condensed financial information of the registrant and the business acquired or to be acquired, if any, shall be presented in parallel columns with the financial forecast.

(b) Such financial forecast shall be presented in accordance with the guidelines established by Statement of Position 75–4, Presentation and Disclosure of Financial Forecasts, issued by the Accounting Standards Division of the American Institute of Certified Public Accountants in August 1975.

(c) Forecasted earnings per share data shall be substituted for pro forma earnings per share data when a financial forecast is filed in lieu of pro forma condensed statements of income.

(d) This rule does not permit the filing of a financial forecast in lieu of pro forma information required by generally accepted accounting principles.

§ 210.11A–01 and 210.11A–02 [Removed]

5. By removing §§ 210.11A–01 and 210.11A–02 (Article 11A).

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

6. By revising paragraph (b)(1) of § 240.14a–3 to read as follows:

§ 240.14a–3 Information to be furnished to security holders.

* * * * *

(b) * * *

(1) The report shall include, for the registrant and its subsidiaries consolidated, audited balance sheets as of the end of the two most recent fiscal years and audited statements of income and changes in financial position for each of the three most recent fiscal years prepared in accordance with Regulation S–X (Part 210 of this chapter), except that the provisions of Article 3, other than §§ 210.3–03(e) and 210.3–04, and Article 11 shall not apply and only substantial compliance with Articles 6, 7, 7A, and 9 is required. Any financial statement schedules or exhibits or separate financial statements which may otherwise be required in filings with the Commission may be omitted. Investment companies registered under the Investment Company Act of 1940 need include financial statements only for the last fiscal year except for statements of changes in net assets which are to be filed for the two most recent fiscal years. If the financial statements of the registrant and its subsidiaries consolidated in the annual report filed or to be filed with the Commission are not required to be audited, the financial statements required by this paragraph may be unaudited.

* * * * *

7. By revising paragraphs (b)(5), (b)(6), and (b)(7) of Item 14 of § 240.14a–101 and the instructions to paragraph (b) to read as follows:

§ 240.14a–101 Schedule 14A. Information required in proxy statement.

* * * * *

Item 14. * * *

(b) * * *

(5) Furnish selected financial data pursuant to Item 301 of Regulation S–K (17 CFR 229.300) and book value per common share as of the end of the most recent period for which a balance sheet is required by § 210.3–01.

(6) Furnish the pro forma financial information pursuant to Article 11 of Regulation S–X, if required, and pro forma book value per common share as of the end of the most recent period for which a balance sheet is required by § 210.3–01.

(7) Furnish the equivalent share information specified in the instructions below for exchange transactions.

* * * * *

Instructions. 1. The historical and pro forma income (loss) per share (from continuing operations where appropriate); cash dividends declared per common share; and book value per common share presented in response to paragraphs (b)(5) and (6) and equivalent share data pursuant to (b)(7) where appropriate shall be set forth in comparative columnar form.

2. Equivalent share amounts of the acquired company shall be calculated by multiplying the pro forma earnings per share, pro forma book value per share, and the historical dividends per share of the acquiring company by the exchange ratio so that the per share amounts are equated to the respective values for one share of the company being acquired. In situations where the fiscal year-ends of the companies involved are different, additional historical information should be presented so that equivalent share amounts may be compared for equivalent periods. If the impact of the planned exchange transaction is immaterial to the registrant, all equivalent share amounts furnished should be determined on the basis of the historical per share amounts of the registrant.

3. Paragraph (b) shall not apply if the plan described in answer to paragraph (a)

involves only the issuer and one or more of its totally-held subsidiaries.

* * * * *

8. By revising paragraph (a)(1) of § 240.14c–3 to read as follows:

§ 240.14c–3 Annual report to be furnished security holders.

(a) * * *

(1) The report shall include, for the registrant and its subsidiaries consolidated, audited balance sheets as of the end of each of the two most recent fiscal years and audited statements of income and changes in financial position for each of the three most recent fiscal years prepared in accordance with Regulation S–X (Part 210 of this chapter), except that the provisions of Article 3, other than §§ 210.3–03(e) and 210.3–04, and Article 11 shall not apply and only substantial compliance with Articles 6, 7, 7A and 9 is required. Any financial statement schedules or exhibits or separate financial statements which may otherwise be required in filings with the Commission may be omitted. Investment companies registered under the Investment Company Act of 1940 need include financial statements only for the last fiscal year except for statements of changes in net assets which are to be filed for the two most recent fiscal years. If the financial statements of the registrant and its subsidiaries consolidated in the annual report filed or to be filed with the Commission are not required to be audited, the financial statements required by this paragraph may be unaudited.

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

9. By revising the first paragraph of Item 8 of § 249.310 to read as follows:

§ 249.310 Form 10–K, annual report pursuant to sections 13 or 15(d) of the Securities Exchange Act of 1934.

* * * * *

Item 8. Financial Statements and Supplementary Data.

Financial statements meeting the requirements of Regulation S–X (17 CFR 210), except §§ 210.3–07 and 210.3–08 and Article 11, and the supplementary financial information required by Item 302 of Regulation S–K (17 CFR 229.300) shall be filed. Financial statements of the registrant and its subsidiaries consolidated (as required by Rule 14a–3(b)) shall be filed under this Item. Other financial statements and schedules required under Regulation S–X may be filed as "Financial Statement Schedules" pursuant to Item 13, Exhibits, Financial Statement Schedules, and Reports on Form 8–K, of this form.

* * * * *

The amendments are proposed to be adopted pursuant to authority in sections 7 and 19a of the Securities Act, 15 U.S.C. 77g, 77s(a), 77aa(25)(26); sections 12, 13, 14, 15(d), and 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78*l*, 78m, 78n, 78o(d), 78w(a), sections 5(b), 10(a), 14, 20(a) of the Public Utility Holding Company Act, 15 U.S.C. 79e(a), 79n, 79t(a); sections 8, 20, 30, 31(c), 38(a) of the Investment Company Act of 1940, 15 U.S.C. 80a–8, 80a–20, 80a–29, 80a–30(c), 80a–37(a).

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these proposals on competition and is not aware at this time of any burden that such rule amendments, if adopted, would impose on competition. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

In addition, the Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the adoption of the proposals published herein.

By the Commission.

George A. Fitzsimmons,

Secretary.

September 24, 1981.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed rules for presentation and preparation of pro forma financial information set forth in Securities Act Release No. 6350, if promulgated, will not have a significant economic impact on any entity subject to its provisions and therefore will not have a significant economic impact on a substantial number of small entities. The reasons for this certification are that the proposed rules generally codify existing practice and are limited to specific situations which do not occur regularly for any company.

Dated: September 24, 1981.

John S. R. Shad,

Chairman.

[FR Doc. 81–28858 Filed 10–2–81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Outer Continental Shelf; Oil and Gas and Sulphur Operations

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed rule involves the information contained in Environmental Reports (ER's) which are submitted in conjunction with exploration plans and development and production plans filed by lessees operating on the Outer Continental Shelf (OCS). The proposed rule authorizes the tiering of environmental reports and is necessary in order to reduce the information reporting requirements imposed upon OCS lessees. It eliminates the requirement for ER's where the associated plan is not required. The effect of this rule will be to substantially reduce the volume of information that a lessee must submit in many environmental reports.

DATES: Written comments and recommendations on this proposal to amend 30 CFR 250.34 must be received on or before the close of business November 4, 1981.

ADDRESSES: Comments and recommendations may be mailed to: Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092, (703) 860–7395.

SUPPLEMENTARY INFORMATION:

Background

As part of a larger effort by Department of the Interior (DOI), this proposed rulemaking is the result of a review of existing regulatory requirements in order to identify and subsequently eliminate or modify those requirements found unnecessary, burdensome, or counterproductive. Comments and recommendations are secifically solicited with respect to the proposed rule, and are welcome with respect to any other requirements of 30 CFR 250.34.

This rulemaking does not propose to eliminate any requirements that are

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necessary for the administration of DOI responsibilities under the OCS Lands Act and other applicable statutes.

Discussion of Changes

It is proposed to amend the rules concerning ER's to reflect the concept of tiering, thereby eliminating repetition and redundancy to the extent possible. Section 250.34-3 requires submission of an ER with every exploration plan and development and production plan. It is recognized that some environmental issues may already have been addressed, particularly in a presale Environmental Impact Statement (EIS). In lieu of repeating information from any prior document, the proposed rules specifically allow for incorporation by reference. In order to carry out its responsibility to evaluate the submitted plans, much of the environmental information the Department needs is necessarily more site-specific than the information contained in an areawide EIS. For this reason, the plan cannot be evaluated solely from EIS information.

Section 250.34-3(b)(1)(iv) is proposed for deletion in keeping with the previous revisions to [illegible] CFR 250.34-1 and 250.34-2, that proposed elimination of development and production plans in the western Gulf of Mexico.

Authors

David Nystrom, Jane Roberts, and David Schuenke, Geological Survey, U.S. Department of the Interior, (703) 860-6461, 7541, and 7395, respectively.

Environmental Impact, Regulatory Impact Analysis, and Impact on Small Entities

The Department of the Interior has determined that these proposed amendments to the regulations in 30 § 250.34 do not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. The Department has also determined that promulgation of these proposed amendments is not a major action and does not require the preparation of a regulatory impact analysis under Executive Order 12291. Finally, the Department has determined that these proposed amendments will not have a significant effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

June 9, 1981.

William P. Pendley,

Deputy Assistant Secretary of the Interior.

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

For the reasons stated above, it is proposed to amend 30 CFR 250.34-3 as follows:

1. Section 250.34-3 is amended by revising the introductory text of (a) and the introductory text of (b) to read as follows:

§ 250.34-3 Environmental Reports.

(a) Environmental Report (Exploration). At the same time the lessee submits an exploration plan to the Director, an Environmental Report (Exploration) shall be submitted, except as provided for in § 250.34-1(a)(2)(ii). The report shall identify the name of the lessee or operator and the lease(s) involved. The report should be in summary form and shall include information available at the time the related exploration plan is submitted. Information and data which are site-specific or which are developed subsequent to the most recent environmental impact statement or other environmental impact statements and analyses in the immediate area shall be specifically considered. In order to eliminate the repetition of information and data discussed in the related plan, a broader presale environmental impact statement, other Environmental Reports, environmental analyses or impact statements prepared for the geographic area, the lessee shall summarize the information, data, and issues in the other documents and concentrate on the issues specific to the site(s) of exploration activity. Discussion contained in the other documents shall be incorporated by reference when incorporation will cause a decrease in bulk without impeding review of the issues. The material being incorporated shall be cited and described briefly in the Environmental Report (Exploration), and include a statement of where the material is available for inspection. Any material based on proprietary data which is not itself available for inspection shall not be incorporated by reference. The Environmental Report (Exploration) shall include the following:

(1) * * *

* * * * *

(b) Environmental Report (Development/Production). At the same time the lessee submits a development and production plan to the Director, an Environmental Report (Development/Production) shall be submitted, except as provided for in § 250.34-2(a)(2)(ii). The report shall identify the name of the lessee or operator and the lease(s) involved. The report shall be as detailed as necessary to enable identification and evaluation of the environmental consequences of the proposed activities and shall include information available at the time the related plan is submitted. Information and data which are site-specific or which are developed subsequent to the most recent environmental impact statement or other enviromental impact statements and analyses in the immediate area shall be specifically considered. In order to eliminate the repetition of information and data discussed in the related plan, a broader presale environmental impact statement, other Environmental Reports, environmental analyses or impact statements prepared for the geographic area, the lessee shall summarize the information, data, and issues in the other documents and concentrate on the issues specific to the site(s) of development and production activity. Discussions contained in the other documents shall be incorporated by reference when incorporation will cause a decrease in bulk without impeding review of the issues. The material referred to shall be cited and described briefly in the Environmental Report (Development/Production), and include a statement of where the material is available for inspection. Any material based on proprietary data which is not itself available for inspection shall not be incorporated by reference. The Environmental Report (Development/Production) shall include the following:

(1) * * *

* * * * *

§ 250.34-3 [Amended]

2. Section 250.34-3(b)(1) is amended by removing (iv).

(43 U.S.C. 1346)

[FR Doc. 81-28933 Filed 10-2-81; 8:45 am]

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30 CFR Parts 250, 251, and 252

Reimbursement to Lessees and Permittees

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed rule would modify existing Department of the Interior (DOI) practices and procedures related to the reimbursement of lessees and permittees for data and information submitted to and retained by the Director. These proposed amendments are required by section 26 of the Outer Continental Shelf (OCS) Lands Act as amended in 1978 and as interpreted by the Solicitor of the DOI. The effect of this action will be to reduce the cost imposed on a permittee or lessee to collect information and data needed by DOI to perform its evaluation functions as the lessor.

DATES: Written comments and recommendations on this proposal must be received on or before close of business November 4, 1981.

ADDRESSES: Comments and recommendations may be mailed to: Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092, (703) 860–7395.

SUPPLEMENTARY INFORMATION:

Background

This proposed rulemaking is undertaken as a part of a larger effort by DOI to review existing regulatory requirements with a view to the identification and subsequent elimination or modification of those requirements that are found to be unnecessary, burdensome, or counterproductive. Comments and recommendations are specifically solicited with respect to the proposed rule. Comments and recommendations regarding other regulatory requirements contained in existing provisions of 30 CFR Parts 250, 251, and 252 concerning reimbursement are also welcome.

Discussion of Changes

Prior to the OCS Lands Act Amendments of 1978, there was no statutory authority to reimburse a permittee or lessee for the costs incurred in providing the data and information to the Director required under the pertinent laws and regulations. The 1978 amendments specify certain costs that will be reimbursed to the parties submitting the required data and information. The proposed regulations would implement the requirement established by Congress. The costs to reproduce any geological or geophysical data or information submitted to and retained by the Director will be reimbursed whether the material is submitted by a permittee or a lessee.

Costs will also be reimbursed for certain processing required by the Director to generate geophysical information. Reimbursement would not be authorized for analyzing geological data to generate geological information, collecting geological or geophysical data, or interpreting geological and geophysical information. The terms lessee, permittee, data, information, geological information and data, geophysical information and data, analyzed geological information, processed geophysical information, interpreted geological information, and interpreted geophysical information are all defined in 30 CFR 250.2, 30 CFR 251.2, and 30 CFR 252.2.

The amendments provide that a permittee or a lessee will be reimbursed for the reasonable costs of processing geophysical information when such processing is in a form or manner required by the Director and not used by the permittee or lessee in the normal conduct of its business.

The amendments further provide that the reimbursement of the reasonable costs of processing geophysical information at the lowest rate available in a form or manner normally used by the firm will be allowed only for permittees, not for lessees.

Authors

Dan Palubniak, Jane Roberts, Platte Clark, and David Schuenke, Geological Survey, U.S. Department of the Interior (703/860–6461, 7541, 7396, and 7395, respectively).

Environmental Impact, Regulatory Impact Analysis, and Impact on Small Entities

The Department of the Interior has determined that these proposed amendments to the regulations in 30 CFR Parts 250, 251 and 252 do not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. The Department has also determined that promulgation of these proposed amendments is not a major action and does not require the preparation of a regulatory impact analysis under Executive Order 12291. Finally, the Department has determined that these proposed amendments will not have a significant economic effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

William P. Pendley,

Deputy Assistant Secretary of the Interior.

May 27, 1981.

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

For the reasons stated in the preamble, it is proposed that 30 CFR Part 250 be amended as set forth below:

1. Section 250.2 is amended by adding two new definitions, (mmm) and (nnn) to read as follows:

§ 250.2 Definitions

* * * * *

(mmm) Geological information and data means information and data obtained from a well bore drilled into the subsurface. For the purposes of this Part, such information and data would include, but is not limited to, well logs, drill cuttings, cores, and data on samples of formation fluids. Velocity surveys, whose main purpose is to obtain data on the acoustic properties of subsurface rock, are not considered geological information and data.

(nnn) Geophysical information and data means information and data obtained from remote sensing of the earth's crust by physical techniques. For the purposes of this Part, such information and data would include, but is not limited to, that gathered by common-depth-point seismic reflection, high-resolution seismic reflection, seismic refraction, gravity, magnetics, electrical, and radiation methods. Velocity surveys are considered geophysical information and data.

2. Section 250.12 is amended by adding a new sentence to (d)(1) immediately preceding the last sentence as follows:

§ 250.12 Suspension of operation and lease cancellation.

* * * * *

(d)(1) * * * other than the lessee. The lessee may be reimbursed for the costs of the study as otherwise authorized in this Part of the regulations. The Director shall make such results available * * *.

* * * * *

3. Section 250.34–1 paragraph (k) is amended by revising the last sentence to read as follows:

§ 250.34–1 Exploration plan.

* * * * *

(k) * * * The lessee shall provide the Director, upon request, copies of any data or information obtained as a result of those surveys.

* * * * *

4. Section 250.34–2 paragraph (n) is amended by revising the last sentence to read as follows:

§ 250.34–2 Development and production plan.

* * * * *

(n) * * * The lessee shall give the Director, upon request, copies of any data or information obtained as a result of the surveys.

* * * * *

§ 250.39 [Amended]

5. Section 250.39 paragraph (a) is amended by removing the phrase "* * * and without cost to the lessor, * * *"

6. A new § 250.58 is added to read as follows:

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§ 250.58 Reimbursement to lessees.

(a) After the delivery of geological data, analyzed geological information, interpreted geological information, geophysical data, processed geophysical information, reprocessed geophysical information, and interpreted geophysical information selected and retained by the Director, and upon receipt of a request for reimbursement and a determination by the Director that the requested reimbursement is proper, the lessee or third party shall be reimbursed for the reasonable costs of reproducing the selected information and data at the lessee's or third party's lowest rate, or at the lowest commercial rate established in the area, whichever is less.

(b) After the delivery of processed or reprocessed geophysical information selected and retained by the Director, and upon receipt of a request for reimbursement and a determination by the Director that the requested reimbursement is proper, the lessee or third party shall be reimbursed for the reasonable costs attributable to processing and reprocessing such information (as distinguished from the cost of data acquisition), but only if the processing or reprocessing was other than that used in the normal conduct of the lessee's business at the request of the director.

(c) Requests for reimbursement shall identify processing and reprocessing costs separate from acquisition costs.

(d) The lessee shall not be reimbursed for the costs of analyzing geological information or for interpreting geological or geophysical information.

PART 251—GEOLOGICAL AND GEOPHYSICAL (G&G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

For the reasons stated in the preamble, it is proposed that 30 CFR 251 be amended as set forth below:

1. Section 251.2 is amended by adding two new definitions (pp) and (qq) to read as follows:

§ 251.2 Definitions.

* * * * *

(pp) Geological information and data means information and data obtained from a well bore drilled into the subsurface. For the purposes of this Part, such information and data would include, but is not limited to, well logs, drill cuttings, cores, and data on samples of formation fluids. Velocity surveys, whose main purpose is to obtain data on the acoustic properties of subsurface rock, are not considered geological information and data.

(qq) Geophysical information and data means information and data obtained from remote sensing of the earth's crust by physical techniques. For the purposes of this Part, such information and data would include, but is not limited to, that gathered by common-depth-point seismic reflection, high-resolution seismic reflection, seismic refraction, gravity, magnetics, electrical, and radiation methods. Velocity surveys are considered geophysical information and data.

2. Section 251.13 is revised to read as follows:

§ 251.13 Reimbursement to permittees.

(a) After the delivery of geological data, analyzed geological information, interpreted geological information, geophysical data, processed geophysical information, reprocessed geophysical information, and interpreted geophysical information selected and retained by the Director in accordance with § 251.11 or § 251.12 of this Part, and upon receipt of a request for reimbursement and a determination by the Director that the requested reimbursement is proper, the permittee or third party shall be reimbursed for the reasonable costs of reproducing the selected information and data at the permittee's or third party's lowest rate or at the lowest commercial rate established in the area, whichever is less.

(b) After the delivery of processed or reprocessed geophysical information selected and retained by the Director in accordance with § 251.12(b) of this Part, and upon receipt of a request for reimbursement and a determination by the Director that the requested reimbursement is proper, the permittee or third party shall be reimbursed for the reasonable costs attributable to processing and reprocessing such information (as distinguished from the cost of data acquisition) as follows: (1) If the processing or reprocessing was in the form and manner which is used by the permittee in the normal conduct of business, the Director shall pay the reasonable costs at the lowest rate at which the processed or reprocessed information is made available to any party; or (2) if the processing or reprocessing was other than that used in the normal conduct of the permittee's business at the Director's request, the Director shall pay the reasonable costs of processing and reprocessing such data.

(c) Requests for reimbursement shall identify processing and reprocessing costs separate from acquisition costs.

(d) The permittee or third party shall not be reimbursed for the costs of analyzing geological information or interpreting geological or geophysical information.

PART 252—OUTER CONTINENTAL SHELF (OCS) OIL AND GAS INFORMATION PROGRAM

For the reasons stated in the preamble, it is proposed that 30 CFR Part 252 be amended as set forth below:

1. Section 252.2 is amended by adding two new definitions (u) and (v) to read as follows:

§ 252.2 Definitions.

* * * * *

(u) Geological information and data means information and data obtained from a well bore drilled into the subsurface. For the purposes of this part, such information and data would include, but is not limited to, well logs, drill cuttings, cores, and data on samples of formation fluids. Velocity surveys, whose main purpose is to obtain data on the acoustic properties of subsurface rock, are not considered geological information and data.

(v) Geophysical information and data means information and data obtained from remote sensing of the earth's crust by physical techniques. For the purposes of this Part, such information and data would include, but is not limited to, that gathered by common-depth-point seismic reflection, high-resolution seismic reflection, seismic refraction, gravity, magnetics, electrical, and radiation methods. Velocity surveys are considered geophysical information and data.

(43 USC 1352)

[FR Doc. 81-28932 Filed 10-2-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 81-061]

Drawbridge Operation Regulations; Amite River, Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development, the Coast Guard is considering changing the regulations governing the State Route 42 swing span bridge across the Amite River, mile 32.0, at Port Vincent, Louisiana. The bridge now is required to open on signal. The proposed change would require the bridge to open on at least 48 hours advance notice. This proposal is being made because of the limited number of

requests for opening the draw. The action should relieve the bridge owner of the burden of having a person constantly available to open the draw, while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before November 4, 1981.

ADDRESS: Comments should be submitted to and are available for examination from 9 a.m. to 3 p.m., Monday through Friday, at the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, at the address given above (504) 589-2965.

SUPPLEMENTARY INFORMATION: Interested parties are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identifying the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of the Proposed Regulation

Data submitted by the Louisiana Department of Transportation and Development indicate that for the period 1974 through 1980, the bridge averaged 3.29 openings per year. The need to provide 48 hours advance notice is not anticipated to have a significant economic impact on the operators of the vessels that now use the waterway, or any other vessels that may use the waterway. Based on these data, the Coast Guard feels that the proposed regulation would provide relief to the bridge owner while still meeting the reasonable needs of navigation.

The two bridges downstream from this bridge operate under special regulations:

1. State Route 16 bridge at mile 21.4 opens on 48 hours advance notice, the same regulation as that being proposed herein for the subject bridge at mile 32.0.
2. State Route 22 bridge at mile 6.0 opens on signal between 5 a.m. and 9 p.m., and on 12 hours advance notice between 9 p.m. and 5 a.m.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since the impact is expected to be minimal for the reasons discussed above. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising paragraph (i)(25) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(25) Amite River, LA; State Highway 16 bridge, mile 21.4, near French Settlement, and State Highway 42 bridge, mile 32.0, at Port Vincent. At least 48 hours advance notice required.

* * * * *

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2), 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: August 4, 1981.

W. H. Stewart,

Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 81-28882 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[W-6-FRL 1950-4]

New Mexico Oil Conservation Division; Underground Injection Control; Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) the Environmental Protection Agency (EPA) has received a complete application from the New Mexico Oil Conservation Division requesting primary enforcement responsibility for the Underground Injection Control program; (2) the application is available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

This notice is required by the Safe Drinking Water Act as a part of the response to the States complying with the statutory requirement that there be an Underground Injection Control program in designated States.

The proposed comment period and public hearing will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part the application from the New Mexico Oil Conservation Division to regulate oil and natural gas related injection wells.

DATES: Requests to present oral testimony should be filed by October 19, 1981; the public hearing will be held on November 5, 1981, in two sessions, one beginning at 10:00 a.m. and the other beginning at 7:00 p.m. The public comment period closes November 12, 1981. Comments must be received by that date.

ADDRESSES: Comments and requests to testify should be mailed to Julie Coston, Ground Water Protection Section, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270. Copies of the application and pertinent material are available between 8:30 a.m. and 4:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region 6, Library, 28th Floor, 1201 Elm Street, Dallas, Texas 75270 (214) 767-7341

New Mexico Oil Conservation Division, State Land Office Building, 310 Old

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Santa Fe Trail, Santa Fe, New Mexico 87501 (505) 827-2533

The hearing will be held in Room 339 at the Round House, State Capitol Building, at the intersection of Old Santa Fe Trail and Paseo de Peralta, Santa Fe, New Mexico.

FOR FURTHER INFORMATION CONTACT: Julie Coston, Ground Water Protection Section, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2774.

SUPPLEMENTARY INFORMATION: This application from the New Mexico Oil Conservation Division is for the regulation of all oil and natural gas related injection wells in the State. The application includes a description of the State Underground Injection Control program, copies of all applicable rules and forms, a statement of legal authority and a memorandum of agreement between the New Mexico Oil Conservation Division and the Region 6, Environmental Protection Agency.

Merna Hurd,

Acting Assistant Administrator for Water.

[FR Doc. 81-29037 Filed 10-2-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6155]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a)).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations precribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V) Mt. Prospect, Cook County	Weller Creek	About 600 feet downstream of George Street	*652
			Just upstream of Lincoln Drive	*665
		McDonald Creek	Just upstream of Kensington Road	*634
			About 1,700 feet upstream of the intersection of Euclid Avenue and Wolf Road.	*647
		Des Plaines River	About 1.1 miles upstream of Euclid Avenue	*637
			About 1.3 miles upstream of Euclid Avenue	*637
		Feehanville Ditch	Just upstream of Wolf Road	*645
			About 3,000 feet upstream of Bentswood Lane	*649
Maps available for inspection at the Clerk's Office, Village Hall, 100 South Emerson Street, Mount Prospect, Illinois.				
Send comments to Honorable Carolyn Krause, Mayor, Village of Mount Prospect, Village Hall, 100 South Emerson Street, Mount Prospect, Illinois 60056.				
Iowa	(C) Center Point, Linn County	Apple Creek	About 300 feet downstream of Confluence of Tributary A.	*790
			About 1,500 feet upstream of Chicago, Rock Island and Pacific Railroad.	*820
		Tributary A	About 150 feet upstream of confluence with Apple Creek.	*791
			Just downstream of Franklin Street	*794

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)

Maps available for inspection at the City Hall, 1508 Franklin, Center Point, Iowa.

Send comments to Honorable Robert L. Peppin, Mayor, City of Center Point, City Hall, 1508 Franklin, Center Point, Iowa 52213.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(C) Marion, Linn County	Indian Creek	About 2,000 feet upstream of 29th Street (at southern corporate limit).	*762
			About 1.3 miles upstream of 10th Street	*797
		Dry Creek	At mouth	*786
			About 1.8 miles upstream of mouth (at western corporate limit)	*795
		Squaw Creek	About 0.8 mile downstream of Chicago, Milwaukee, St Paul and Pacific Railroad	*784
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*792
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*799
			Just downstream of U.S. Highway 151	*801
		West Fork Squaw Creek	At mouth	*799
			Just downstream of U.S. Highway 151	*800
			Just upstream of U.S. Highway 151	*806

Maps available for inspection at the Community Development Department, City Hall, 1100 8th Avenue, Marion, Iowa.

Send comments to Honorable William J. Grundy, Jr., Mayor, City of Marion, City Hall, 1100 8th Avenue, Marion, Iowa 52302.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(C) Robins, Linn County	Dry Creek	About 1.6 miles downstream of Main Street	*832
			About 500 feet upstream of Main Street	*842
			About 2,500 feet upstream of Mentzer Road	*847

Maps available for inspection at the Robins Community Building, 95 Front Street, Robins, Iowa

Send comments to Honorable Joseph N. LeGrand, Mayor, City of Robins, Robins Community Building, 95 Front Street, Robins, Iowa 52328.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kansas	(C) Arkansas City, Cowley County	Arkansas River	Just upstream of Atchison, Topeka and Santa Fe Railway	*1,071
			Just upstream of U.S. Highway 77	*1,073
			About 2,900 feet upstream of Chestnut Avenue	*1,082
		Walnut River	At Confluence of Mill Canal	*1,070
			Just upstream of of Chestnut Avenue	*1,072
			Just downstream of Kansas Avenue	*1,075
		"C" Street Canal	Just upstream of U.S. Highway 77	*1,087
			About 100 feet downstream of Hickory Avenue	*1,101
			Just upstream of 8th Street	*1,108
			About 0.76 mile upstream of 8th Street (at upstream corporate limits).	*1,125
		North Creek	At downstream corporate limits	*1,083
			About 200 feet downstream of northern corporate limits.	*1,091
		Shallow Flooding (Ponding From Rainfall).	About 200 feet northwest of intersection of F Street and Hickory Avenue, just south of Warren Way	*1,077
			North of Arkansas River and south of Tyler Avenue, east of Atchison, Topeka and Santa Fe Railway	*1,070
		Shallow Flooding (Overflow From "C" Street Canal)	North of Kansas Avenue and south of Osage Avenue, just east of U.S. Highway 77 and west of "C" Street	#1
			North of Kansas Avenue and south of Virginia Avenue, just west of Atchison, Topeka and Santa Fe Railway and east of "C" Street	#2

Maps available for inspection at the City Hall, 1st and Central, Arkansas City, Kansas

Send comments to Honorable Karl Smykil, Mayor, City of Arkansas City, City Hall, 1st and Central, Arkansas City, Kansas 67005

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(V) Clinton, Lenawee County	River Raisin	Approximately 1.5 miles downstream of West Michigan Avenue.	*794
			Approximately 1,000 feet downstream of West Michigan Avenue	*801
			Approximately 1,900 feet upstream of West Michigan Avenue.	*806
		Mill Race Channel	At the confluence with the River Raisin	*800
			Approximately 200 feet downstream of the divergence from the River Raisin	*801

Maps available for inspection at the Village Hall, 119, East Michigan Avenue, Clinton, Michigan.

Send comments to Honorable George Bowman, Village President, Village of Clinton, Village Hall, 119 East Michigan Avenue, Clinton, Michigan 49236.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Neosho, Newton County	Hickory Creek	About 1,600 feet downstream of College Street	*992
			Just upstream of College Street	*995
			About 200 feet upstream of Wood Street	*1,006
			Just upstream of Kansas City Southern Railroad	*1,012
			About 200 feet upstream of State Highway 86	*1,026
			About 1,500 feet upstream of confluence of Shartel Branch	*1,039
		High School Branch	About 400 feet upstream of mouth	*994
			Just upstream of the Kansas City Southern Railroad	*1,004
			About 200 feet upstream of Lincoln Street	*1,023
			Just upstream of McCord Street Culvert	*1,036
			Just upstream of Spring Street	*1,043
			Just upstream of Hill Street	*1,061
			Just upstream of Walnut Drive	*1,079
			Just upstream of South Street	*1,093
			Just upstream of Service Road	*1,107
		Hatchery Branch	At mouth	*1,013

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PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 150 feet downstream of McKinney Street	*1,024
			Just upstream of Park Street	*1,042
			About 450 feet upstream of Park Street (just upstream of Kansas City Southern Railroad).	*1,048
			About 400 feet upstream of Fain Street	*1,069
			Just upstream of Kansas City Southern Railroad	*1,088
			Just upstream of Daughtery Road	*1,109
		West High School Branch	At mouth	*1,044
			Just upstream of Hillcrest Drive	*1,065
			Just downstream of U.S. Highway 71 Culvert	*1,070
			Just upstream of U.S. Highway 71	*1,076
		Shartel Branch	About 250 feet downstream of Stratford Place	*1,034
			Just downstream of South Street	*1,050
		Buffalo Creek	About 2,000 feet downstream of Lyon Drive	*1,157
			Just downstream of Lyon Drive	*1,160
			Just upstream of Lyon Drive	*1,171
			Just downstream of Howard Bush Drive	*1,211
			About 100 feet upstream of Howard Bush Drive	*1,218
			Just upstream of Kansas City Southern Railroad	*1,220
Maps available for inspection at the City Hall, 221 North College, Neosho, Missouri.				
Send comments to Honorable John Clement, Mayor, City of Neosho, City Hall, 221 North College, Neosho, Missouri 64850.				
Ohio	(C) Alliance, Stark and Mahoning Counties	Tributary No. 1 to Mahoning River	About 140 feet upstream of Vine Street	*1,060
			Just upstream of North Rockhill Avenue	*1,069
			Just upstream of Johnson Avenue	*1,088
			Just upstream of Buckeye Avenue	*1,092
			Just upstream of Klinger Avenue	*1,098
Maps available for inspection at the City Engineer's Office, City Hall, 470 East Market Street, Alliance, Ohio.				
Send comments to Honorable James P. Puckett, Mayor, City of Alliance, City Hall, 470 East Market Street, Alliance, Ohio 44601.				
Ohio	(V) Canal Fulton, Stark County	Tuscarawas River	About 150 feet downstream of downstream corporate limit.	*944
			About 4,250 feet upstream of Market Street	*947
		Plum Creek	At mouth	*946
			About 400 feet downstream of Manchester Road	*955
			About 1,500 feet upstream of Strauser Street	*967
Maps available for inspection at the Engineer's Office, Town Hall, 155 East Market Street, Canal Fulton, Ohio.				
Send comments to Honorable Eugene M. Sellmeth, Mayor, Village of Canal Fulton, Town Hall, 155 East Market Street, Canal Fulton, Ohio 44614.				
Ohio	(V) Navarre, Stark County	Tuscarawas River	About 1,100 feet upstream of Wooster Street	*924
			About 650 feet downstream of Blough Avenue	*919
Maps available for inspection at the Mayor's Office, Town Hall, 27 West Canal Street, Navarre, Ohio.				
Send comments to Honorable Miles Hay, Jr., Mayor, Village of Navarre, Town Hall, 27 West Canal Street, Navarre, Ohio 44662				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 21, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–28500 Filed 10–2–81; 8:45 am]

BILLING CODE 47[illegible]-03-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 581

[Docket No. 73–19; Notice 28]

Bumper Standard; Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces plans for a public meeting to discuss the National Highway Traffic Safety Administration's proposed amendments to the Part 581, Bumper Standard. The meeting will provide an opportunity for all interested persons to present data, views, and arguments concerning the agency's proposals.

DATES AND TIMES: The public meeting will be divided into two sessions, the first of which will be held on October 22, and if necessary October 23, 1981, and the second November 12, 1981, and if necessary November 13, 1981. The meeting will last from 10 a.m. until 5 p.m. each day, or such earlier time at which all scheduled business has been completed. Persons wishing to make oral presentations should notify the agency by October 12, 1981, for the first session of the meeting and November 2, 1981, for the second session of the meeting.

ADDRESSES: The public meeting will be held in the Federal Aviation Administration auditorium, located on the third floor of Building FOB–10A, 800 Independence Avenue, S.W., Washington, D.C. Persons wishing to make an oral presentation should contact Steven Zaidman, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, N.W., Washington, D.C. 20590, 202–426–1740.

FOR FURTHER INFORMATION CONTACT: Steven Zaidman, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh

Street, S.W., Washington, D.C. 20590, 202–426–1740.

SUPPLEMENTARY INFORMATION: On September 25, 1981, the National Highway Traffic Safety Administration (NHTSA) issued a notice of proposed rulemaking (46 FR 48262; October 1, 1981) proposing several alternative amendments to the Part 581, Bumper Standard (49 CFR Part 581). Pursuant to Section 102(e)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1912(e)(1)), that notice stated that a public meeting on the proposal would be held at a date to be announced. This notice establishes the dates, times and location of that public meeting.

The first session of the public meeting will be held on October 22 and 23, 1981, and is principally intended to provide an opportunity for interested persons to address legal, technical and economic issues raised by NHTSA's proposed rulemaking action. With the very wide range of alternatives to be considered in the course of this rulemaking action, the agency seeks to narrow the issues through these public hearings. In the first hearing we are seeking technical and economic data that will help focus the debate. Data presented at the hearing will be made available for evaluation by other parties. The second session will then provide an opportunity for follow-up comments on matters discussed at the first session, and for presentations on any other issues relevant to this rulemaking.

All interested persons are invited to attend the public meeting and to present oral or written data, views, and arguments. Persons making oral comments are encouraged to submit their comments in written form either at the meeting or by mail to the docket. All written comments are subject to the deadlines and page limitations stated in the notice of proposed rulemaking.

Persons who desire to make an oral statement at the first session of the public meeting should contact Mr. Steven Zaidman of NHTSA's Office of Automotive Ratings, at the address and phone number stated above, by October 12, 1981, so that time limitations, if necessary, and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. Persons desiring to make an oral statement at the second session of the meeting should contact Mr. Zaidman by November 2, 1981. If possible, a general outline of each planned oral presentation should also be submitted to Mr. Zaidman by these dates. A schedule of the persons making oral presentations at each session of the meeting will be available on the date of the session.

Persons whose presentations include slides, motion pictures, or any other visual aids should plan to submit copies of them for the record at the meeting. Persons making oral presentations are requested but not required to submit 25 written copies of the full text of their presentation to Mr. Zaidman no later than the beginning of the session at which the presentation will be made.

No opportunity will be afforded for persons to question other participants. However, the presiding officials reserve the right to ask questions of all persons making presentations.

A transcript of the meeting will be made and will be available for examination, along with any written comments submitted, in the NHTSA Docket Section, as soon as possible after the meeting.

(Sec. 102, Pub. L. 92–513, 86 Stat. 947 (15 U.S.C. 1912); Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on September 30, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–28865 Filed 9–30–81; 2:22 pm]

BILLING CODE 4910–59–M

V 46/192 OC 5 81 UMI

Notices

Federal Register
Vol. 46, No. 192
Monday, October 5, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Land and Resource Management Plans; Revision of Notices of Intent To Prepare Environmental Impact Statements on 12 National Forests in the Eastern Region

Pursuant to the National Environmental Policy Act of 1969, notices of intent to prepare environmental impact statements on proposed Land and Resource Managements Plans for twelve National Forests in the Eastern Region were published in the **Federal Register**. The dates for release of the draft environmental impact statements (DEISs) and final environmental impact statements (FEISs) are hereby revised in this notice. The National Forests, along with the **Federal Register** citation in which the original notice of intent appears, are as follows:

Allegheny National Forest, Vol. 26, No. 12, P. 5029, Monday, January 19, 1981
Chequamegon National Forest, Vol. 44, No. 198, p. 58769, Thursday, October 11, 1979
Chippewa National Forest, Vol. 45, No. 109, p. 37711, Wednesday, June 4, 1980
Green Mountain National Forest, Vol. 46, No. 34, p. 13246, Friday, February 20, 1981
Hoosier National Forest, Vol. 45, No. 186, p. 63022, Tuesday, September 23, 1980
Huron-Manistee National Forests, Vol. 44, No. 239, p. 71441, Tuesday, December 11, 1979
Mark Twain National Forest, Vol. 45, No. 41, p. 13165, Thursday, February 28, 1980
Monongahela National Forest, Vol. 46, No. 34, p. 13246, Friday, February 20, 1981
Ottawa National Forest, Vol. 45, No. 42, p. 13490, Friday, February 29, 1980
Shawnee National Forest, Vol. 45, No. 141, p. 48680, Monday, July 21, 1980
Superior National Forest, Vol. 44, No. 16, p. ——, Tuesday, January 23, 1979
White Mountain National Forest, Vol. 45, No. 64, p. 21322, Tuesday, April 1, 1980

The original and revised dates for release of the draft environmental impact statements and final environmental impact statements for these National Forests are listed below:

Name of Forest	Original dates published for		Revised dates for	
	DEIS	FEIS	DEIS	FEIS
Allegheny NF	4/83	12/83	12/82	7/83
Chequamegon NF	12/81	None	1/83	8/83
Chippewa NF	2/82	12/82	4/83	12/83
Green Mountain NF	6/82	12/82	3/83	10/83
Hoosier NF	7/81	1/82	12/81	6/82
Huron-Manistee NFs	6/82	2/83	[illegible]	10/83
Mark Twain NF	1/82	9/82	[illegible]	9/83
Monongahela NF	1/83	[illegible]	1/83	[illegible]
Ottawa NF	12/82	10/83	10/82	5/83
Shawnee NF	1/82	8/82	12/82	7/83
Superior NF	10/79	4/80	12/81	6/82
White Mountain NF	4/82	12/82	8/82	12/82

All other conditions of the original notices of intent remain the same.

Further information about the planning process can be obtained by calling or writing the representative listed in the original Notice of Intent.

James H. Freeman,
Director, Planning, Programming and Budgeting.

September 17, 1981.

[FR Doc. 81-28824 Filed 10-2-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket No. 40051]

Air One Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., September 29, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 81-28868 Filed 10-2-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 33068]

Transpacific Low-Fare Route Investigation (Japan Phase); Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., September 28, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 81-28867 Filed 10-2-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Foreign Trade Statistics; Automated Data Transmission by Exporting Carriers, Freight Forwarders, and Brokers

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice.

Notice is hereby given that the Bureau of the Census, pursuant to 15 CFR 30.39, will now accept applications from exporting carriers, freight forwarders and brokers, for permission to report export statistical information by electronic means directly to the Bureau in lieu of filing a Shipper's Export Declaration for each shipment.

FOR FURTHER INFORMATION CONTACT: Emanuel A. Lipscomb, Chief, Foreign Trade Division, Bureau of the Census, Washington, D.C. 20233, (301) 763-5342.

Daniel B. Levine,
Acting Director, Bureau of the Census.

[FR Doc. 81-28863 Filed 10-2-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Advisory Committee on East-West Trade; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Advisory Committee on East-West Trade was initially established on February 11, 1974, and rechartered on December 5, 1980 in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. (1976). The Committee advises the Department of Commerce on ways to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries.

Time and place

October 20, 1981, at 9:30 A.M. The Public Portion of the meeting will be held in Conference Room "B", Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N.W., Washington, D.C.

Agenda

General Session (9:30 A.M.–11:45 A.M.)

(1) Welcome and Opening Remarks by the Chairman.

(2) Review of U.S. Legislation on Market Disruption by Communist Countries.

(3) Review of Developments in East-West Trade.

(4) Report on P.R.C. Contract Cancellations.

Executive Session (1:15 P.M.–3:30 P.M.)

(5) Committee Views on U.S. Policy on Trade with the U.S.S.R. and Eastern Europe.

Public participation

The General Session of the meeting will be open to the public. Approximately 50 seats will be available (including 5 seats reserved for media representatives) on a first-come first-served basis. A period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments may be submitted in writing at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 28, 1981 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters in 5 U.S.C. 552b (c)(1) and (9)(B); i.e., material specifically authorized under criteria established by Executive Order 12065 (3 CFR 190 (1979)) to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to such Executive Order; and whose premature public disclosure would be likely to significantly frustrate implementation of a proposed agency action. A copy of the Notice of Determination to close the aforementioned portion of the October 20, 1981 meeting is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5312, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: (202) 377–4217. Summary minutes of the General Session will be available 30 days after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Ronald G. Oechsler, Committee Control Officer, Office of East-West Policy and Planning, International Trade Administration, Room 4816, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–5896.

Dated: September 28, 1981.

Roger D. Severance,

Acting Deputy Assistant Secretary for East-West Trade.

[FR Doc. 81–28876 Filed 10–2–81; 8:45 am]

BILLING CODE 3510-25-M

Southeastern Specialty and Manufacturing Co., et al.; Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Southeastern Specialty and Manufacturing Company, P.O. Drawer 2048, Anniston, Alabama 36202, producer of soil pipe fittings (iron castings), (accepted September 10, 1981); (2) Knotty Pine Dairy, Inc., P.O. Box 266, Zearing, Iowa 50278, producer of cheese (accepted September 10, 1981); (3) Jaxton Manufacturing Corporation, 41 Cooper Street, Glens Falls, New York 12801, producer of wood cheeseboards, carving boards, wine racks, clocks and bookcases (accepted September 14, 1981); (4) Ampower Semiconductor Corporation, 375 Kings Highway, Smithtown, New York 11787, producer of power semiconductors (accepted September 15, 1981); (5) Sunbird Corporation, 6949 Washington Avenue South, Minneapolis, Minnesota 55435, producer of electronic games and power factor controllers (accepted September 15, 1981); (6) AMI Medical Electronics, Inc., P.O. Box 148, Ronkonkoma, New York 11779, producer of electronic moisture and fever thermometers (accepted September 17, 1981); (7) Bon-Art Industries, Inc., 20–21 Wagaraw Road, Fair Lawn, New Jersey 07410, producer of lamp bases, statuary and giftware (accepted September 17, 1981); (8) American Wicker, Inc., Route 3, Church Road, Box 541–C, Boone, North Carolina 28607, producer of baskets, trays, other giftware and furniture (accepted September 17, 1981); (9) United Speaker Systems, Inc., 101 North Park Street, East Orange, New Jersey 07017, producer of loudspeakers (accepted September 23, 1981); (10) H & R Hats and Novelties, Inc., 200 Varick Street, New York, New York 10014, producer of headwear (accepted September 25, 1981); (11) Semtech Corporation, 652 Mitchell Road, Newbury Park, California 91320, producer of silicon rectifiers, capacitors and other electronic components (accepted September 28, 1981); (12) Ratner Corporation, 730 13th Street, San Diego, California 92101, producer of men's suits, coats, slacks, and vests (accepted September 28, 1981); and (13) Masterlite Products, Inc., P.O. Box 10117, Caparra Heights, Toa Baja, Puerto Rico 00922, producer of table tops, furniture and bathtubs (accepted September 29, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and §315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partical separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submited is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Charles L. Smith,

Acting Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 81-28871 Filed 10–2–81; 8:45 am]

BILLING CODE 3510-24-M

V46/192 OC 5 81 UMI

[A-435-007-001]

Pig Iron From Czechoslovakia; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final Results of administrative review of antidumping finding.

SUMMARY: On August 13, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on pig iron from Czechoslovakia. The review covered the only known exporter of this merchandise to the United States, Ferromet, and the period October 3, 1978 through September 30, 1980. Interested parties were given an opportunity to submit oral or written comments on these preliminary results. The Department received no comments.

EFFECTIVE DATE: October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3814/5289).

SUPPLEMENTARY INFORMATION:

Procedural Background

On October 29, 1968, a dumping finding with respect to pig iron from Czechoslovakia was published in the Federal Register as Treasury Decision 68-262 (33 FR 15904). On August 13, 1981, the Department of Commerce ("the Department") published in **Federal Register** a notice of the preliminary results of its administrative review of that finding (46 FR 40909). The Department has now completed that administrative review.

Scope of the Review

Imports covered by this review are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron castings such as pipe, automobile castings, and machinery parts. Pig iron is currently classifiable under items 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only one exporter of pig iron from Czechoslovakia to the United States, Ferromet. The review covers the period October 3, 1978 through September 30, 1980. The Treasury Department reviewed all prior periods.

Final Results of the Review

There is no evidence of any importations of this merchandise during the period of review and there are no known unliquidated entries.

The Department received no comments on the preliminary results of its administrative review. Therefore, the final results are the same as the preliminary results.

Since the exporter has neither requested revocation nor provided the written agreement required by § 353.54(e) of the Commerce Regulations, we will not further consider the tentative revocation published by the Treasury Department.

As provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 70 percent, based on the margin calculated during the original fair value investigation, shall be required on all shipments of pig iron from Czechoslovakia entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of October 1982.

(Section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).)

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 29, 1981.

[FR Doc. 81-28635 Filed 10-2-81; 8:45 am]

BILLING CODE 3510-25-M

Unrefined Montan Wax From the German Democratic Republic; Allowance of Security in Lieu of Estimated Duty Pending Early Determination of Antidumping Duty

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of allowance of security in lieu of estimated duty pending early determination of antidumping duty.

SUMMARY: The Department of Commerce has determined that, on the basis of information received from the only manufacturer currently subject to the antidumping duty order on unrefined montan wax from the German Democratic Republic, VEB Braunkohlenkombinat "Gustav Sobottka", the Department has sufficient basis to begin an expedited review of this order. The Department shall determine the foreign market value and United States price within 90 days from the date of publication of the order. The posting of bond or other security in lieu of the deposit of estimated dumping duties will be permitted for merchandise from this one manufacturer entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and before December 9, 1981.

EFFECTIVE DATE: October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe or John Nolan, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4697/4347).

SUPPLEMENTARY INFORMATION: On September 10, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 45177) an antidumping duty order relating to unrefined montan wax from the German Democratic Republic ("GDR"). The Department announced in the notice that, pursuant to section 736 of the Tariff Act of 1930 ("the Tariff Act"), Customs officers were to require, along with deposits of estimated normal customs duties on the merchandise, a deposit of estimated antidumping duties pending liquidation for all entries, or withdrawals from warehouse, for consumption.

On August 18, 1981, a manufacturer of the merchandise, VEB Braunkohlenkombinat "Gustav Sobottka" ("BKK"), requested that the Department waive the deposit of estimated duties and make an early determination of duty. Section 736(c) of the Tariff Act provides that under certain conditions the Department may permit, for not more than 90 days after the date of publication of an order, the posting of bond or other security in lieu of the deposit of estimated antidumping duties. Before granting such a waiver, we must be satisfied that, based upon the information presented, we will be able to determine, within 90 days after the date of the publication of the order, the foreign market value and the United States price for all unrefined montan wax manufactured by BKK entered, or withdrawn from warehouse, for consumption on or after the date of publication of the affirmative preliminary determination, under section 733(b) of the Tariff Act, and before the date of publication of the affirmative final determination by the International Trade Commission, under section 735(b) of the Tariff Act.

After reviewing the information submitted by BKK, the Department is satisfied that it will be able to determine foreign market value and United States price for all of the merchandise entered during the relevant time period. Accordingly, the Department is instructing the Customs Service to waive deposit of estimated duty and accept the posting of a bond or other security for all entries of unrefined montan wax manufactured by BKK entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. A deposit of estimated antidumping duty shall continue to be collected on entries of unrefined montan wax manufactured by any other manufacturer or producer in the GDR, in accordance with the order. Interested parties may submit written comments on or before November 4, 1981 and may request disclosure and/or a hearing on or before October 20, 1981. Any request for an administrative protective order must be made no later than October 13, 1981. The Department will publish a notice in the **Federal Register** of the result of this determination of foreign market value and United States price before December 9, 1981, including the results of its analysis of any such comments or hearing.

(Section 736(c)(2)(A) of the Tariff Act (19 U.S.C. 1675(c)(2)(A)).)

Gary N. Horlick,

Deputy Assistant Secretary, Import Administration.

September 29, 1981.

[FR Doc. 81-28834 Filed 10-2-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Portfolio Growth Company Program; Financial Assistance Application Announcement

The Minority Business Development Agency (MBDA) announces that it is seeking applications under its Portfolio Growth Company program to operate one project for a twelve month period, beginning February 1, 1982. The total cost of the project will not exceed $150,000.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: The Minority Business Development Agency is seeking a management consulting firm to develop a portfolio of, and provide services to, clients selected from a pre-identified listing of large minority businesses. MBDA is offering a competitive grant to consulting firms which are capable of providing such services as:

Assessing resources and capabilities of firms

Provision of in depth marketing and acquisition, mergers and joint venture services

Developing strategic growth and profit-oriented business plans

and a broad range of other business services, excluding legal services.

Applications are invited for the following project: One grant for a management and technical assistance project to operate the Portfolio Growth Company (PGC) program in the southeastern region. This will include supplying specialized consultant services. The Project will operate at a cost not to exceed $150,000, and the Project Number is 04-10-80018-01.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Pre-application Conference: A Pre-application Conference for this project will be held on October 15, 1981 at 2 p.m. at the following address: U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street, NE, Suite 505, Atlanta, Georgia 30309.

Application Materials: An application kit for this project may be requested in writing only from the following address: U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street, NE, Suite 505, Atlanta, Georgia 30309.

In requesting an application kit, the applicant must specify its profit status; i.e., State or Local Government, federally recognized Indian tribal units, educational institutions, hospitals, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of October 30, 1981.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance). (This program is not subject to the requirements of OMB Circular A-95))

Dated: September 24, 1981.

Gordon M. Anderson,

Contract/Grant Specialist.

[FR Doc. 81-28885 Filed 10-2-81; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Receipt of Application for General Marine Mammal Permit

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. fishery conservation zone during 1982 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

Association Nacional de Armadores de Buques Congeladores de Pesquerias Varias (ANAVAR), Puerto Pesquero, Edificio Vendores, Of. 1A6, Apartado de Correos, 1078, Vigo, Spain, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 20 cetaceans and 20 phocid seals in the North Atlantic Ocean.

The application is available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Interested parties may submit written comments on this application on or before November 4, 1981 of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: September 29, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-28912 Filed 10-2-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changes in the textile category system

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Changes in the Textile Category System.

SUMMARY: The CORRELATION: Textile and Apparel Categories with the Tariff Schedules of the United States, Annotated, provides for placement of Tariff Schedules of the United States, Annotated (T.S.U.S.A.) numbers in the

Textile Category System. Amendments to Schedule 3, part 6, of the T.S.U.S.A. under Presidential Proclamation 4707 of December 1979 and certain administrative changes require amendments to the CORRELATION. These changes are cited on the list which follows this notice.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Claire McDermott, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212)

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

January 1, 1982 Changes to the Correlation

Category and type of change:

613 Change 338.5053 to 338.3053, 338.5054 to 338.3054, 338.5055 to 338.3055
333 Add 379.0205, 379.0210, 379.3910, 379.3915
Change 380.0041 to 379.0605, 380.0042 to 379.0610
Fold 380.0940 and 380.0960 into 379.4320
Change 380.1235 to 379.4620, 380.1245 to 379.4630, 380.1265 to 379.3925
Delete 380.3941
Change 380.5104 to 379.6904
Retain 791.7412
334 Retain 376-5408
Change 380.0002 to 379.3915, 380.0609 to 379.3905, 380.0612 to 379.3925, 380.0045 to 379.0615, 380.0915 to 379.4310
Fold 380.0980 and 380.0990 into 379.4330
Change 380.1210 to 379.4610, 380.1220 to 379.4615, 380.1280 to 379.4650, 380.1285 to 379.4660, 380.1295 to 379.4670
Delete 380.3948
Change 380.5108 to 379.6908
Retain 791.7418
335 Retain 376-5412
Change 382.0007 to 383.0240 and 383.0250, 382.0617 to 383.2810, 382.0619, to 383.2805 and 383.2815
Fold 382.0054 and 382.0055 into 383.0520
Add 383.0605 (coats and jackets imported as parts of suits)
Change 382.0900 to 383.3200, 382.1202 to 383.3405, 382.1204 to 383.3410, 382.1206 to 383.3415, 382.1208 to 383.3420, 382.1210 to 383.3425, 382.1212 to 383.3430, 382.1214 to 383.3435, 382.1216 to 383.3440, 382.1217 to 383.3445, 382.1219 to 383.3446, 382.1220 to 383.3455, 382.1222 to 383.3460, 382.1223 to 383.3465, 382.3313 to 383.5005, 382.4208 to 383.5308, 382.1225 to 383.3466
Add 383.4715
Retain 791.7415
336 Change 382.0012 to 383.0305, 382.0014 to 383.0306, 382.0635 to 383.2910, 382.0640 to 383.2920, 382.3908 to 383.5208, 382.6908 to 383.7708, 382.0057 to 383.0805, 382.0059 to 383.0815, 382.0061 to 383.0810, 382.3314 to 383.4814, 382.3316 to 383.4816, 382.3318 to 383.4818, 382.3320 to 383.4820, 382.3321 to 383.4821, 382.3323 to 383.4823, 382.3325 to 383.4825, 382.4212 to 383.5312, 382.7208 to 383.7708
337 Change 380.0015 to 379.0405, 380.0630 to 379.4130, 382.0020 to 383.0335, 382.0655 to 383.3030, 380.0058 to 379.0825, 380.3911 to 379.6420, 380.3914 to 379.6430, 382.0073 to 383.0830, 382.0075 to 383.0835, 382.3329 to 383.5036, 382.3330 to 383.5040, 382.3331 to 383.5045, 382.3332 to 383.5050
338 Fold 380.0018 and 380.0021 into 379.0220
Change 380.0028 to 379.0230, 380.0029 to 379.0240, 380.0640 to 379.4020, 380.0645 to 379.4030, 380.0651 to 379.4040, 380.0652 to 379.4050
339 Change 382.0003 to 383.0205, 382.0004 to 383.0206, 382.0005 to 383.0210, 382.0006 to 383.0211, 382.0022 to 383.0215, 382.0024 to 383.0218, 382.0026 to 383.0221, 382.0031 to 383.0225, 382.0606 to 383.2706, 382.0607 to 383.2707, 382.0608 to 383.2708, 382.0609 to 383.2709, 382.0660 to 383.2720, 382.0665 to 383.2725, 382.0669 to 383.2730, 382.0671 to 383.2731, 382.0684 to 383.3050, 382.3904 to 383.5204, 382.6904 to 383.7704
340 Change 380.0060 to 379.0620, 380.2743 to 379.5510, 380.2745 to 379.5520, 380.2753 to 379.5525, 380.2755 to 379.5530, 380.2770 to 379.5535, 380.2782 to 379.5540, 380.2785 to 379.5545, 380.2787 to 379.5550, 380.2792 to 379.5555, 380.2794 to 379.5560, 380.2796 to 379.5565, 380.5112 to 379.6912, 382.0077 to 383.0570, 382.3368 to 383.4715, 382.3370 to 383.4718
341 Change 382.0039 to 383.0505, 382.0045 to 383.0506, 382.3302 to 383.4702, 382.3304 to 383.4704, 382.3305 to 383.4705, 382.3307 to 383.4707, 382.3309 to 383.4709, 382.3311 to 383.4711, 382.4204 to 383.5304, 382.7204 to 383.7804
342 Change 382.0028 to 383.0340, 382.0675 to 383.3040, 382.3912 to 383.5212, 382.0080 to 383.0840, 382.0082 to 383.0845, 382.3334 to 383.5055, 382.3335 to 383.5056, 382.3336 to 383.5060, 382.3337 to 383.5061, 382.3338 to 383.5065, 382.3340 to 383.5066, 382.3341 to 383.5070, 382.3343 to 383.5071, 382.4216 to 383.5316
345 Change 380.0030 to 379.0250, 380.0030 to 379.0233, 380.0658 to 379.4060, 380.0659 to 379.4070, 382.0681 to 383.2750, 382.0683 to 383.2751, 382.3916 to 383.5216, 382.6912 to 383.7712
347 Change 380.0033 to 379.0260, 380.0662 to 379.3930, 380.0665 to 379.3940, 380.0071 to 379.0630, 380.0072 to 379.0640 and 379.0645, 380.3920 to 379.6210, 380.3921 to 379.6220, 380.3923 to 379.6230, 380.3926 to 379.6250, 380.3928 to 379.6260, 380.3930 to 379.6270, 380.5124 to 379.6924, 380.3924 to 379.6240
Retain 791.7418
348 Change 382.0032 to 383.0260, 382.0673 to 383.2820, 382.0687 to 383.2830, 382.0689 to 383.2835, 382.0691 to 383.2836, 382.3922 to 383.5222, 382.6916 to 383.7716, 382.0079 to 383.0620, 382.0085 to 383.0610 and 383.0615, 382.0087 to 383.0611 and 383.0616, 382.3333 to 383.4720, 382.3347 to 383.4747, 382.3349 to 383.4749, 382.3353 to 383.4753, 382.3355 to 383.4755, 382.3357 to 383.4757, 382.3359 to 383.4759, 382.3361 to 383.4761, 382.3363 to 383.4763, 382.4226 to 383.5326, 382.7218 to 383.7818
Retain 791.7420
350 Change 380.0009 to 379.0405, 380.0620 to 379.4110, 382.0016 to 383.0320, 382.0645 to 383.3010, 380.0049 to 379.0810, 380.1520 to 379.4810, 380.1540 to 379.4820, 380.1820 to 379.4910, 380.1840 to 379.4920, 382.0070 to 383.0820, 382.1500 to 383.3600, 382.1820 to 383.3710, 382.1870 to 383.3770, 382.7212 to 383.7812
351 Change 380.0011 to 379.0410, 380.0625 to 379.4120, 382.0018 to 383.0330, 382.0650 to 383.3020, 380.0050 to 379.0820, 380.2100 to 379.5100, 380.2405 to 379.5210, 380.2410 to 379.5220, 380.3915 to 379.6440, 382.0072 to 383.0825, 382.2100 to 383.3900, 382.2410 to 383.4010, 382.2415 to 383.4015, 382.3326 to 383.5020, 382.3327 to 383.5030, 382.7214 to 383.7814
352 Retain 378.0540, 378.0550, 378.0561, 378.0571, 378.1030, 378.1035, 378.1520, 378.1530, 378.1535, 378.1540
Change 380.0635 to 379.4010
Retain 378.2011, 378.203, 378.2510, 378.2530
353 Change 748.4542 to 748.4541 and 748.4543
354 Change 748.4544 to 748.4545, 748.4547 and 748.4549
359 Retain 372.1010
Change 380.0037 to 379.0270 and 379.0490
Add 383.0290
Change 382.0036 to 383.0350, 382.0037 to 383.0390, 382.0509 to 383.2505
Retain 372.1520, 372.1000
Change 380.0696 to 379.4140, 380.4505 to 379.6605, 380.7205 to 379.8605, 382.0696 to 383.2850 and 383.3060, 382.0697 to 383.3090, 382.3926 to 383.5226, 382.6922 to 383.7722
Retain 702.0600, 791.7402, 372.1040
Change 380.0073 to 379.0650, 380.0078 to 379.0830, 380.0080 to 379.0840, 380.0531 to 379.3510, 382.0088 to 383.0630
Add 383.0640
Change 382.0092 to 383.0850, 382.0095 to 383.0855, 382.0096 to 383.0860, 382.0554 to 383.2550
Retain 372.1540, 372.1560
Change 380.3000 to 379.5600, 380.3300 to 379.5700
Add 379.6280
Change 380.3908 to 379.6410, 380.3982 to 379.6300, 380.3989 to 379.6470, 380.5129 to 379.6929, 380.7505 to 379.8705, 380.9005 to 379.9805
Retain 702.1200, 791.7426, 376.5420
Change 382.2700 to 383.4200, 382.3000 to 383.4300
Add 383.4770, 383.4825
Change 382.3328 to 383.5035, 382.3383 to 383.4900, 382.3388 to 383.5075, 382.3396 to 383.5090, 382.4222 to 383.5322, 382.4232 to 383.5332, 382.7222 to 383.7822, 382.8705 to 383.9505
433 Change 380.0240 to 379.1710, 380.5134 to 379.6934, 380.6310 to 379.7810, 380.6611 to 379.8311, 380.6612 to 379.8312
434 Change 380.0245 to 379.1720, 380.5136 to 379.6936, 380.5137 to 379.6937
Fold 380.6322 and 380.6324 into 379.7820
Change 380.6615 to 379.8315
Fold 380.6618 and 380.6619 into 379.8318
Change 380.6110 to 379.7510 Add 379.1200
435 Change 382.5820 to 383.6200, 382.0255 to 383.1510, 382.4238 to 383.5338, 382.6014 to 383.6520, 382.6315 to 383.7205, 382.6320 to 383.7210
Add 383.5700, 383.1200
436 Change 382.5420 to 383.5820, 382.0210 to 383.1310, 382.3938 to 383.5238, 382.5830 to 383.6330, 382.6928 to 383.7728, 382.4242 to 383.5342, 382.6025 to 383.6610, 382.6325 to 383.7510, 382.7228 to 383.7828

438 Change 382.5410 to 383.5810, 380.0205 to 379.1510, 382.0205 to 383.1305, 380.6120 to 379.7605, 382.3934 to 383.5234, 382.5810 to 383.6310, 382.6924 to 383.7724
440 Change 380.0255 to 379.1730, 380.5142 to 379.6942, 380.6340 to 379.7830, 380.6640 to 379.8340, 382.0250 to 383.1505, 382.4234 to 383.5334, 382.6010 to 383.6510, 382.6310 to 383.6800, 382.7224 to 383.7824
442 Change 382.0215 to 383.1315, 382.3942 to 383.5242, 382.5425 to 383.5825, 382.5840 to 383.6340, 382.0265 to 383.1610, 382.4246 to 383.5346, 382.6035 to 383.6630, 382.6335 to 383.7540
443 Change 380.0260 to 379.1740, 380.5146 to 379.6946, 380.6350 to 379.7840, 380.6651 to 379.8351, 380.6652 to 379.8342
Fold 380.6653 and 380.6654 into 379.8355
444 Change 382.0235 to 383.1335
Fold 382.5846 and 382.5847 into 383.6345
Change 382.0266 to 383.1615, 382.4252 to 383.5352, 382.6040 to 383.6640, 382.6340 to 383.7550
445 Fold 380.5730 and 380.5740 into 379.7240
Change 380.5730 to 379.7250, 380.0209 to 379.1520, 380.5900 to 379.7400, 380.6130 to 379.7610, 380.6140 to 379.7620, 380.6145 to 379.7630, 380.6155 to 379.7640
4643 Change 382.5431 to 383.5830, 382.0129 to 383.1320, 382.3946 to 383.5246, 382.5600 to 383.6000, 382.5850 to 383.6350, 382.5860 to 383.6360, 382.5871 to 383.6371, 382.5972 to 383.6372, 282.6932 to 383.7732
447 Change 380.0265 to 379.1750, 380.5154 to 379.6954, 380.6360 to 379.7850, 380.6660 to 379.8360
448 Change 382.3952 to 383.5252, 382.5885 to 383.6385, 382.6936 to 383.7736, 382.4256 to 383.5356, 382.6045 to 383.6650, 382.6333 to 383.7530, 382.6346 to 383.7560, 382.7238 to 383.7838
459 Retain 372.1020, 372.2500, 372.3000. 372.3500, 373.1500, 378.3510, 378.3530
Change 380.0225 to 379.3520, 380.4515 to 379.6615, 380.5795 to 379.7100
Add 379.7295
Change 380.6160 to 379.7530 and 379.7650, 380.7215 to 379.8615, 382.0240 to 383.1340, 382.0518 to 383.2510, 382.3956 to 383.5256, 382.4800 to 383.5500, 382.5445 to 383.5845, 382.5895 to 383.6395, 382.6942 to 383.7742
Retain 791.7430, 372.1050, 372.4000, 372.4500, 378.4000, 378.4500
Change 380.0250 to 379.2010, 380.0270 to 379.2020, 380.0533 to 379.3520, 380.5158 to 379.6958
Fold 380.6330 and 380.6390 into 379.7900
Change 380.6630 to 379.8410, 380.6690 to 379.8420, 380.7515 to 379.8715, 380.9015 to 379.9815, 382.0260 to 383.1605, 382.0275 to 383.1620, 382.0563 to 383.2560, 382.4262 to 383.5362, 382.6030 to 383.6620, 382.6090 to 383.6690, 382.6330 to 383.7520, 382.6390 to 383.7590, 382.7232 to 383.7832, 382.7234 to 383.7834, 382.7242 to 383.7842, 382.8715 to 383.9515
Retain 702.5400, 702.5600, 702.6000, 702.6500, 702.7000, 702.7500, 702.8000, 791.7440, 700.7510, 700.7520, 700.7530, 700.7540, 700.7550, 700.7560
632 Change 382.9425 to 383.2030, 382.7837 to 383.8640
Retain 374.3530, 374.3550, 374.6020, 374.6040
633 Change 380.0402 to 379.2310, 380.8104 to 379.8904, 380.8105 to 379.8905
Retain 791.7459
Change 380.0443 to 379.3110, 380.5264 to 379.6964, 380.8411 to 379.9510, 380.8412 to 379.9515
Retain 791.7470
634 Change 380.0405 to 379.2320
Fold 380.8101 and 380.8109 into 379.8910
Change 380.8106 to 379.8906, 380.8112 to 379.8910
Retain 791.7460
Change 380.0445 to 379.3120, 380.8410 to 379.9505, 380.8416 to 379.9520, 380.8418 to 379.9525, 380.8419 to 379.9530
Retain 376.5609, 791.7471
Fold 380.5167 and 380.5169 into 379.6968
635 Retain 376.5612
Change 382.0407 to 383.1905, 382.0408 to 383.1910, 382.7807 to 383.8105, 382.7813 to 383.8110, 382.7823 to 383.8115, 382.7828 to 383.8116
Retain 791.7461
Change 382.0462 to 383.2220, 382.0464 to 383.2225, 382.4268 to 383.5368, 382.8145 to 383.9035, 382.8154 to 383.9036, 382.8159 to 383.9040, 382.8160 to 383.9041, 382.8163 to 383.9050, 382.8165 to 383.9051
Retain 791.7473
636 Change 382.0413 to 383.2013, 382.0414 to 383.2014, 382.0416 to 383.2016
Add 383.2520
Change 382.7832 to 383.8620, 382.7833 to 383.8621, 382.7834 to 383.8622, 382.3968 to 383.5268, 382.6948 to 383.7748, 382.0466 to 383.2305, 382.0467 to 383.2310, 382.0469 to 383.2315, 382.4272 to 383.5372, 382.7248 to 383.7848, 382.8173 to 383.9220, 382.8174 to 383.9225, 382.8175 to 383.9230
Add 382.2575
637 Change 380.0414 to 379.2830, 380.8127 to 379.9220, 382.0437 to 383.2035, 382.7841 to 383.8645, 380.8422 to 379.9610, 380.8424 to 379.9615, 382.0473 to 383.2330, 382.0474 to 383.2335, 382.8168 to 383.9211
Fold 382.8171 and 382.8172 into 383.9215
638 Fold 380.0416 and 380.0417 into 379.2610
Change 380.0418 to 379.2620, 380.0419 to 379.2630, 380.8133 to 379.9015, 380.8135 to 379.9020, 380.8138 to 379.9025, 380.8131 to 379.9010, 380.8140 to 379.9030
639 Change 382.0402 to 383.1802, 382.0403 to 383.1803, 382.0404 to 383.1807, 382.0405 to 383.1808, 382.0439 to 383.1820, 382.0441 to 383.1841, 382.0442 to 383.1842, 382.0455 to 383.1925, 382.3964 to 383.5264, 382.6944 to 383.7744, 382.7802 to 383.8002, 382.7803 to 383.8003, 382.7804 to 383.8004
Add 383.2515, 382.7805 to 383.8005, 382.7843 to 383.8043, 382.7844 to 383.8044, 382.7845 to 383.8045, 382.7847 to 383.8047, 382.7879 to 383.8135
640 Change 380.0455 to 379.3130, 380.0458 to 379.3150, 380.0461 to 379.3140, 380.5172 to 379.6972, 380.8431 to 379.9535, 380.8433 to 379.9540, 380.8440 to 379.9545, 380.8441 to 379.9550, 380.8443 to 379.9555
641 Change 382.0459 to 383.2205, 382.0460 to 383.2210, 382.0461 to 383.2215, 382.7244 to 383.7844, 382.4264 to 383.6364, 382.8133 to 383.9010, 382.8137 to 383.9015, 382.8139 to 383.9030, 382.8143 to 383.9020, 382.8144 to 383.9025
Add 383.2570
642 Change 382.0446 to 383.2040, 382.3972 to 383.5272, 382.7831 to 383.8610, 382.7861 to 383.8660, 382.7863 to 383.8661, 382.0476 to 383.2340, 382.4276 to 383.5376, 382.8183 to 383.9245, 382.8184 to 383.9246
643 Change 380.0420 to 379.2330, 380.8145 to 379.8920, 380.8148 to 379.8925, 380.0464 to 379.3160, 380.5176 to 379.6976, 380.8451 to 379.9560, 380.8452 to 379.9565
644 Change 382.0447 to 383.1915, 382.7866 to 383.8125, 382.7868 to 383.8126, 382.0478 to 383.2230, 382.4282 to 383.5382, 382.8187 to 383.9066
645 Change 380.0422 to 379.2640, 380.0426 to 379.2650, 380.8152 to 379.9035, 380.8153 to 379.9040
Retain 791.7454
646 Change 382.0427 to 383.1857, 382.0430 to 383.1860, 382.3976 to 383.5276, 382.6952 to 383.7752, 382.7870 to 383.8070, 382.7873 to 383.8073
Retain 791.7455
647 Retain 376.5618
Change 380.0435 to 379.2350, 380.0436 to 379.2360, 380.8142 to 379.8915, 380.8164 to 379.8930, 380.8168 to 379.8935, 380.8169 to 379.8940, 380.0468 to 379.3180, 380.0469 to 379.3190, 380.5184 to 379.6984, 380.8449 to 379.9585, 380.8456 to 379.9575, 380.8457 to 379.9580
Retain 791.7480
648 Retain 376.5623
Change 382.0444 to 383.1930, 382.0450 to 383.1935, 382.0452 to 383.1940, 382.3982 to 383.5282, 382.6956 to 383.7756, 382.7857 to 383.8160, 382.7889 to 383.8140, 382.7892 to 383.8145, 382.7893 to 383.8146
Retain 791.7458
Change 382.0475 to 383.2240, 382.0481 to 383.2245, 382.0483 to 383.2250, 382.4286 to 383.5386, 382.7258 to 383.7858, 382.8182 to 383.9065, 382.8189 to 383.9070, 382.8190 to 383.9071
Retain 791.7481
650 Change 380.0408 to 379.2810, 380.8117 to 379.9205, 382.0417 to 383.2020, 382.7835 to 383.8630, 380.0449 to 379.3310, 380.8425 to 379.9620, 382.0470 to 383.2320, 382.7252 to 383.7852, 382.8178 to 383.9235
651 Change 380.0411 to 379.2820, 380.8123 to 379.9210, 382.0423 to 383.2025, 382.7836 to 383.8635, 380.0452 to 379.3320, 380.8428 to 379.9625, 380.8429 to 379.9630, 382.0472 to 383.2325, 382.7254 to 383.7854, 382.8180 to 383.9240
653 Change 748.4554 to 748.4553 and 748.4555
654 Change 748.4562 to 748.4563, 748.4565 and 748.4570
659 Retain 372.1030,372.7000 373.2500
Fold 380.0407 and 380.0439 into 379.2840
Change 380.0429 to 379.2340, 380.4525 to 379.6625, 380.7225 to 379.8625
Fold 380.8113 and 380.8192 into 379.9250
Change 380.8163 to 379.9100, 382.0406 to 383.1815, 382.0409 to 383.2005, 382.0449 to 383.1920, 382.0456 to 383.2050, 382.0458 to 383.2060, 382.0527 to 383.2525, 382.3986 to 383.5286, 382.6962 to 383.7762, 382.7806 to 383.8006, 382.7829 to 383.8605, 382.7877 to 383.8300 and 383.8400, 382.7894 to 383.8650, 382.7895 to 383.8670
Retain 703,100, 791.7464, 372.1060, 372.7520, 372.7540, 373.2700, 376.1600, 376.5630
Change 380.0466 to 379.3170, 380.0472 to 379.3330, 380.0475 to 379.3340, 380.0536 to 379.3530, [illegible] to [illegible], 380.7525 to 379.8725, 380.8421 to 379.9605, 380.8453 to

379.9570, 380.8460 to 379.9635, 380.8488 to 379.9645, 380.9025 to 379.9825, 380.0479 to 383.2235

Add 383.2260

Change 382.0484 to 383.2345, 382.0487 to 383.2350, 382.0488 to 383.2355, 382.0572 to 383.2560, 382.4292 to 383.5392, 382.7262 to 383.7862, 382.8191 to 383.9255, 382.8192 to 383.9260, 382.8167 to 383.9210, 382.8193 to 383.9265, 382.8199 to 383.9290, 382.8725 to 383.9525

Retain 703.0500, 703.1515, 791.7484

669 Add 706.2700, 706.2840, 706.2850

Note.—There are no changes in T.S.U.S.A. numbers for categories not listed.

[FR Doc. 81-28872 Filed 10-2-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Rippowam River Basin Study; Connecticut and New York; Cancellation of Intent To Prepare Draft Environmental Impact Statement

AGENCY: Corps of Engineers, DOD.

ACTION: Cancellation of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The U.S. Army Corps of Engineers, New England Division, has cancelled its intent to prepare a draft environmental impact statement for a proposed flood protection plan for the lower Rippowam River Basin. Coordination with local interests revealed that the Corps should continue its evaluation and impact assessment on the bypass tunnel alternative. Scoping with Federal, State and local agencies indicated that impacts associated with this alternative would not be of a significant or controversial nature and would not warrant the processing of an environmental impact statement. Any water quality impacts which may be evident in the tunnel after flooding would be mitigated by the construction of appropriate project features at the inlet structure that would allow a flow of water through the tunnel between flood conditions.

2. An Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) will be prepared. The environmental assessment will address the environmental parameters based on the bypass tunnel plan, the alternative methods of disposal of the tunnel materials considered during project planning, and surviving alternatives and their environmental impacts. A preliminary draft EA and FONSI is scheduled to be completed and available for review in October 1981.

3. This cancellation supersedes the previous Notice of Intent to prepare a DEIS for this proposed action which was published on August 14, 1980, Thursday, 45 FR 54123.

Dated: September 24, 1981.

C. E. Edgar III,

Colonel, Corps of Engineers, Division Engineer.

[FR Doc. 81-28827 Filed 10-2-81; 8:45 am]

BILLING CODE 3710-24-M

DEPARTMENT OF ENERGY

Office of the Secretary

European Atomic Energy Community; Proposed Subsequent Arrangement; France

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the shipment of 50 kilograms of irradiated enriched uranium fuel from the Siloe research reactor in France to the Department of Energy Savannah River facility for reprocessing and storage.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. This arrangement for returning U.S. origin highly enriched uranium (HEU) to the U.S. is consistent with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: September 30, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-28902 Filed 10-2-81; 8:45 am]

BILLING CODE 6450-01-M

European Atomic Energy Community; Proposed Subsequent Arrangement; Sweden

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the retransfer of 5,000 kilograms of uranium, containing 175 kilograms of U-235 (3.5% enrichment) from the Federal Republic of Germany to Sweden for fabrication of power reactor fuel. This material was previously transferred from Sweden to the Federal Republic of Germany as scrap for purification on retransfer document RTD/EU(SW)-58.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the retransfer of this material designated as RTD/SW(EU)-120 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: September 30, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-28901 Filed 10-2-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5057-001]

Town of Amherst, Mass.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

September 28, 1981.

Take notice that on September 8, 1981, the Town of Amherst (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 5057 would be located on the Mill River in the Town of Amherst, Hampshire County, Massachusetts. Correspondence with the Applicant should be directed to: Peter Westover, Director of

Conservation Services, Town Hall, Amherst, Massachusetts 01002.

Project Description—The proposed project would consist of: (1) an existing 110-foot long, 32.5-foot high masonry and concrete dam; (2) a reservoir with a storage capacity of 80 acre-feet; (3) a new 105-foot long, 30-inch diameter steel penstock; (4) a new powerhouse containing two turbine-generators with a total rated capacity of 52 kW; and (5) appurtenant facilities.

Purpose of Project—Energy produced at the project would be sold to Western Massachusetts Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Massachusetts Division of Fisheries and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identifed in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before November 13, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirments of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 13, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION", "PROTESTS," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28951 Filed 10-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5310-000]

Eastern Sierra Energy Development; Application for Preliminary Permit

September 28, 1981.

Take notice that Eastern Sierra Energy Development (Applicant) filed on September 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5310 to be known as the Cottonwood Creek #2 Water Power Project located on Cottonwood Creek near the town of Lone Pine in Inyo County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. K. Thomas Miller, President, Fluid Energy Systems, Inc., 2210 Wilshire Blvd., #699, Santa Monica, California 90403.

Project Description—The proposed project would consist of: (1) a 20 to 50-foot high earthfilled/concrete diversion dam across Cottonwood Creek forming; (2) a reservoir with a surface area of approximately 10 acres at elevation 5,600 feet m.s.l.; (3) a 7,500-foot long, 3 to 4-foot diameter penstock; (4) a powerhouse containing two generating units with total rated capacity of 4,050 kW; and (5) a 13,000-foot long transmission line connecting the powerhouse with an existing transmission line west of the powerhouse.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that: (a) no new roads would be required for conducting the studies; and (b) the ground surface affected, by test borings (total of 6 holes) and trenchings (two 4-foot by 12-foot trenches), would be reconditioned to the extent possible. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the applicant to be $500,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice

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and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATIONS," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28940 Filed 10-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5263-000]

Eastern Sierra Energy Department; Application for Preliminary Permit

September 28, 1981.

Take notice that Eastern Energy Department (Applicant) filed on August 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5263 to be known as the Independence Hydroelectric Project located on Independence Creek in Inyo County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: K. Thomas Miller, President, Fluid Energy Systems Inc., 2210 Wilshire, Blvd. #699, Santa Monica California 90403.

Project Description—The proposed project with two developments would consist of: (A) (1) a 1100-foot long, 20-foot to 50-foot high diversion dam on Independence Creek; (2) a 5-foot to 6-foot diameter, 12,500-foot long diversion conduit; (3) a 300-foot triple pipe penstock; (4) a powerhouse with a total rated capacity of 9,900 kW; and (5) a 100-foot long transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 64.75 million kWh.

(B) (1) a 1100-foot long, 200-foot high concrete arch dam on Independence Creek; (2) a 5-foot to 6-foot diameter, 18,600-foot long diversion conduit; (3) a 3,000-foot long, double pipe penstock; (4) a powerhouse with a total rated capacity of 7,100 kW; and (5) a 7,500-foot long transmission line from the powerhouse to an an existing transmission line. The Applicant estimates that the average channel energy production would be 43.50 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental, and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these license application. The Applicant estimates that the cost of undertaking these studies would be $150,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptance competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this Notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28941 Filed 10-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2895-001]

Kimberly-Clark Corp.; Application for Short-Form License (Minor)

September 28, 1981.

Take Notice that Kimberly-Clark Corporation (Applicant) filed on August 27, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the construction and operation of a water power project to be known as Appleton Upper Dam Project No. 2895. The project would be located on the Fox River in Outagamie County, Wisconsin. Correspondence with the Applicant should be directed to: Kimberly-Clark Corporation, 401 North Lake Street, Neenah, Wisconsin 54956.

Project Description—The proposed project would consist of: (1) an existing powerhouse with two proposed generating units rated at 450 kW each for a total installed capacity of 900 kW; (2) an existing 600-foot long power canal; (3) existing transmission lines; and (4) appurtenant facilities. The estimated average annual energy output of the proposed project is 5,137,000 kWh.

The Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers.

Purpose of Project—The energy produced at the project would be utilized by the Applicant's Atlas Mill with the excess sold to Wisconsin Electric Power Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than the time specified in § 4.33(c). A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard of to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest or petition to intervene must be filed on or before November 13, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–28942 Filed 10–2–81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81–457–000 and EL81–13–000]

Louisiana Power & Light Co.; Order Denying Rehearing and Alternative Interim Rate Request

September 28, 1981.

Background

On August 7, 1981, Louisiana Power and Light Company (LP&L) filed an application for rehearing of a Commission order issued on July 10, 1981, which, *inter alia*, suspended and set for hearing an interconnection agreement proposed by LP&L for service to the City of Winnfield, Louisiana.[1] The facts have been set forth completely in the previous order. However, to put the present application for rehearing in context, we shall briefly summarize the relevant events.

On April 10, 1981, the City of Winnfield, Louisiana, filed a complaint [2] with the Commission seeking relief from an anticipated change in service by its full requirements supplier, LP&L. Winnfield expressed its concern that, upon expiration of an existing full requirements contract, LP&L might discontinue service or begin charging the city at incremental rates under LP&L's standard interchange agreement. The city asserted that rates based upon incremental costs would be inappropriate for full requirements service and that service to Winnfield under LP&L's standard interchange agreement would be unjust and unreasonable. On May 12, 1981, LP&L tendered for filing an unexecuted copy of its standard interchange agreement [3] for service to Winnfield. Winnfield responded on June 8, 1981, requesting that it be allowed to intervene and further requesting a hearing and a five month suspension of the proposed rates.

By order issued on July 10, 1981, the Commission accepted for filing and suspended the effectiveness of LP&L's proposed rates for five months. The Commission also directed that an expedited hearing be conducted during the suspension period to determine the appropriate form of service Winnfield. Furthermore, LP&L was directed to continue serving Winnfield under its effective filed rate schedule until that rate schedule is superseded in conformity with the Federal Power Act and to refund amounts already collected under the company's increased rates.

Application for Rehearing

In its application for rehearing, LP&L requests that the Commission declare its order of July 10, 1981, to be a nullity. The company asserts that the order is void because the Commission violated the "Government in the Sunshine Act," 5 U.S.C. 552 *et seq.*, by issuing the order without having first discussed the matter at an open meeting. LP&L therefore concludes that pursuant to section 205(d) of the Federal Power Act, absent valid Commission action on its tendered rate schedule within the statutory sixty day notice period, its interconnection agreement for service to Winnfield became effective, without suspension, as of July 12, 1981.[4]

In the alternative, the company asks that the Commission shorten the suspension period applicable to the proposed interconnection agreement to one day. As a further alternative, LP&L requests that it be permitted to charge Winnfield based upon the rates proposed in its most recent rate case, Docket No. ER77–533, during the ordered five month suspension period.[5]

Discussions

As noted, LP&L asserts that the order of July 10, 1981, was approved in contravention of the Government in the Sunshine Act. The Sunshine Act establishes "the policy of the United States that the public is entitled to the fullest practicable information regarding the decisionmaking processes of the Federal Government." [6] Section 552b(b) provides that:

> Members shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in subsection (c), every portion of every meeting of an agency shall be open to public observation.

LP&L notes that the members of the Commission employed notational voting procedures to approve the earlier order. Notational voting, according to LP&L,

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[1] Order Accepting for Filing and Suspending Revised Rates, Denying Motion to Reject, Denying Waiver of Notice, Requiring Refunds, Consolidating Dockets, and Establishing Price Squeeze and Hearing Procedures, Docket Nos. ER81–457–000 *et al.* (July 10, 1981).

[2] Designated as Docket No. EL81–13–000.

[3] Designated as Docket No. ER81–457–000.

[4] Under LP&L's rationale, the company would not be obligated to refund amounts collected in excess of the just and reasonable charges for service to Winnfield.

[5] *See, Louisiana Power and Light Company,* Opinion No. 110, Docket No. ER77–533 (January 28, 1981); Opinion No. 110–A (June 24, 1981).

[6] Pub. L. No. 94–409, § 2, 90 Stat. 1241 (1976).

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violates the Sunshine Act in the case of controversial actions and renders the resultant order void.

For the following reasons, we hold that the Commission's reliance on notational voting in this case did not impugn the validity of the underlying order. The Sunshine Act is intended to open to public view meetings of agencies headed by collegial bodies. Open meetings, however, are not required in every instance. Congress provided for the closing of particular meetings because of adverse impact on the public interest. 5 U.S.C. 552b(c). Similarly, Congress did not intend the Act to impede the efficient handling of the burgeoning load of administrative agencies.[7] While the Act itself is silent with respect to the handling of administrative matters by notational voting, the legislative history of the Act clearly contemplates the use of such procedures to expedite the handling of agency business. The conference Committee Report states:

> The conference substitute provided that members shall not jointly conduct or dispose of agency business in a meeting other than in accordance with new section 552b. *This prohibition does not prevent agency members from considering individually business that is circulated to them sequentially in writing.* (italics added)

H.R. Rep. No. 94-1441, S. Rep. No. 94-1178, 94th Cong., 2d Sess. 11 (1976), U.S. Cong. & Ad. News (1976) 2183, 2247.

The United States Court of Appeals for the District of Columbia Circuit has upheld the use of ntational voting as consistent with the requirements of the Sunshine Act. In *Communications System, Inc.* v. *FCC,* 595, F.2d 797, 800 (D.C. Cir. 1978), in upholding the FCC's use of notational voting to refuse a radio station's petition to change its license class, the court stated "[i]t thus clearly appears from the legislative history that Congress intended to permit agency members to act on agency business that is circulated to them 'sequentially in writing'" The court continued its endorsement of this mode of consideration, stating:

> This interpretation of the Sunshine Act is consistent with Congress' desire to open up the federal decision-making process while protecting * * * the ability of the Government to carry out its responsibilities. Notation voting enables Government agencies to expedite consideration of less controversial cases without formal meetings and following the other strictures of the Act. If all agency actions required meetings, then the entire administrative process would be slowed-perhaps to a standstill. Certainly requiring an agency to meet and discuss every trival item on its agenda would delay consideration of the more serious issues that require joint face-to-face deliberation. Clearly Congress did not intend such a result. We accordingly affirm the action of the Commission. (footnotes omitted) 592 F.2d at 800, 801.

It appears clear to us that Congress recognized the need for flexibility and the need to avoid impairment of the efficient functioning of government. This needed flexibility is achieved by individual consideration of matters by notational voting. As such, individual consideration does not require a meeting to take place.

Typically, when feasible, the Commission conducts its business through open meetings. It is important to note, however, that certain decisions of the Commission must be made within a statutory time limit. Such is the case here, where under section 205(d) of the Federal Power Act, it was incumbent upon the Commission to act on LP&L's filing by July 12, 1981, at the risk of sacrificing the suspension authority by inaction. Had LP&L's rates become effective without suspension or a refund obligation, Winnfield would have been denied potentially necessary protection following hearing. LP&L notes that its filing was identified as an item to be considered at the Commission meeting initially scheduled for July 9, 1981. However that meeting was cancelled. Accordingly, the circumstances of Winnfield's allegations of irreparable harm emanating from the imposition of incremental rates and the statutory deadline combined to require that the order be circulated seriatim for review by the individual Commissioners.

Although, the Act and its legislative history clearly permit the use of notational voting, LP&L focuses on the language in *Communications, Systems, supra,* to argue that the validity of the Commission's order is determined by the controversial nature of the action considered. Assuming, *arguendo,* the validity of LP&L's assertion, we do not construe the order in question as a controversial action. While there might be a great deal of "controversy" involved in a contested rate filing, particularly where anticompetitive issues or impairment of service are expressed concerns, the Commission's initial hearing order does not typically resolve such matters.[8] Rather, the Commission evaluates the proposed rates and the pleadings to determine whether suspension is necessary and whether issues have been raised to warrant a hearing. In this sense, the establishment of hearing procedures is a preliminary step taken to preserve the *status quo* pending disposition of the controversy. In setting LP&L's proposed rates for hearing, the Commission took no final action on the issues raised in the pleadings. The order, instead, established a procedure which allows for the parties to fully and completely air their positions.

Under the Commission's articulated policy, electric rate schedule filings are generally suspended for a five month period absent particular circumstances which would warrant a shorter suspension period. *See, e.g., Carolina Power & Light Company,* Order Denying Rehearing, Docket No. ER80-344 (August 8, 1980). Moreover, the decision to suspend proposed rates is committed to non-reviewable agency discretion. *Municipal Light Boards* v. *FPC,* 450 F.2d 1341, 1352 (D.C. Cir. 1971) *cert. denied* 405 U.S. 989 (1972); *Connecticut Light & Power Company* v. *FERC,* 627 F.2d 467, 471 (D.C. Cir. 1981). The decision to suspend the effectiveness of LP&L's rate for five months, therefore, did not require public debate and does not constitute a controversial matter significantly affecting Commission policy. As a result, we do not believe that the Commission's action thus far in this docket rises to the level of a "substantial, controversial issue" which would trigger the need for an open meeting even under LP&L's rationale.

LP&L also requests that the Commission reconsider its decision to suspend the proposed rate for five months. LP&L argues that its existing rate is inadequate to compensate for the costs of serving Winnfield. The company, therefore, requests that if the proposed rate must be suspended, the suspension period be limited to one day.

It is the Commission's responsibility under the Federal Power Act to determine rates appropriate to recover the legitimate costs incurred in providing service to Winnfield as well as the appropriate form of service to that city. As stated in the order of July 10, 1981, the Commission's preliminary analysis indicated that the proposed interchange service and rates have not been shown to be just and reasonable and that they may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Furthermore, we were not pursuaded that the circumstances justified a suspension for less than the full statutory period. In light of Winnfield's allegations that the proposed interchange tariff would impair the viability of the city's electric system, the Commission undertook to expedite the proceeding so that a final decision could be issued prior to the expiration of the suspension period and to maintain the *status quo ante* in the interim. The application for rehearing contains no new facts or arguments that would cause us to modify these conclusions and we shall therefore deny LP&L's request for rehearing on the suspension question.

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[7] Joint Explanatory Statement of the Committee of Congress, H.R. Rep. No. 94-1441, S. Rep. No. 94-1178, 94th Cong., 2d Sess. 11 (1976), U.S. Code Cong. & Ad. News 2183, 2245 (1976).

[8] There are, of course, exceptions such as where summary disposition of particular issues is granted because no material questions of law or fact are presented.

Finally, LP&L requests that it be permitted to collect the rates proposed in a previous filing, Docket No. ER77–533, during the suspension period in the current dockets. LP&L argues that continuation of service at its existing filed rate will inadequately compensate the company for providing service to Winnfield.

Section 35.17(c) of our regulations prohibits changes in rate schedules, continued in effect during the suspension of a proposed rate schedule change, absent Commission permission for good cause shown. The policy underlying this prohibition, as expressed in section 2.4(f) of our regulations, provides that during suspension, the prior existing rate schedule continues in effect and should not be changed. Thus, it is the intention of this Commission to maintain the *status quo* during suspension to allow for an investigation into proposed rate changes which may not meet the statutory requirements of the Federal Power Act. However, upon a showing of good cause, the Commission may in its discretion allow the collection of rates on an interim basis.

In its filing in this docket, LP&L could have proposed to collect the rates requested in Docket No. ER77–533. Instead, the company elected to file higher interchange rates and sought to amend its form of service to Winnfield. Now, on rehearing, without requesting waiver of section 35.17(c), LP&L seeks to impose a charge based upon its Docket No. ER77–533 filing on an interim basis. The company's evident dissatisfaction with the suspension period imposed in this docket does not justify substitution of a rate which LP&L could have applied to Winnfield at the expiration of its fixed rate contract but chose not to apply in favor of seeking a higher rate. LP&L's retrospective request to collect an increased rate during the suspension period lacks the showing of good cause required to waive section 35.17(c) and, therefore, its request will be denied.

The Commission orders

(A) LP&L's August 7, 1981 application for rehearing is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–28943 Filed 10–2–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5145–000]

Mac Hydro-Power Co. Inc.; Application for Preliminary Permit

September 28, 1981.

Take notice that Mac Hydro-Power Company, Inc. (Applicant) filed on July 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5145 to be known as the Mule Creek Power Project located on Mule Creek in Trinity County, Califorina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: H. L. Pete Childers, President, Mac Hydro-Power Company, Inc., 2515 Grass Valley Highway, P.O. Box 5193, Auburn, California 95603.

Project Description—The project would consist of: (1) a 5-foot high, 20-foot long diversion structure; (2) a 36-inch diameter, 3500-foot long diversion conduit; (3) a 36-inch diameter, 2000-foot long penstock; (4) a powerhouse containing a total installed capacity of 816 kW; and (5) a 500-foot long, 12.5 kV transmission line from the powerhouse to an eisting Gas & Electric Company transmission line. The Applicant estimates that the average annual energy output would be 7.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $60,000.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before December 7, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in §4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–28944 Filed 10–2–81: 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5259–000]

Modesto Irrigation District; Application for Preliminary Permit

September 28, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5259 to be known as the Cold Creek

Glenn Power Project located on Cold Creek in Glenn County, near the Town of Elk Creek, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of 5 facilities. The Upper Facility would consist of: (1) a 5-foot high 140-foot long diversion structure; (2) a 6,800-foot long, 60-inch diameter water conduit; (3) a 600-foot long, 40-inch diameter steel penstock; (4) a powerhouse with an installed capacity of 4.6 MW; and (5) a 16-mile long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company transmission line. The 2nd Facility would consist of: (1) a 5-foot high by 180-foot long diversion structure; (2) a 3,800-foot long, 66-inch diameter water conduit; (3) a 450-foot long, 80-inch diameter steel penstock; (4) a powerhouse with an installed capacity of 4.5 MW; and (5) a one-mile long, 12-kV transmission line to connect to the Upper Facility. The 3rd Facility would consist of: (1) a 5-foot high by 120-foot long diversion structure; (2) a 5,500-foot long, 56-inch diameter water conduit; (3) a 1,560-foot long, 41-inch diameter penstock; (4) a powerhouse with an installed capacity of 5.8 MW; and (5) a one-mile long, 12-kV transmission line to connect to the 2nd Facility. The 4th Facility would consist of: (1) a 6-foot high by 140-foot long diversion structure; (2) a 5,300-foot long, 60-inch diameter water conduit; (3) an 800-foot long, 39-inch diameter penstock; (4) a powerhouse with an installed capacity of 5.75 MW; and (5) a one-mile long, 12-kV transmission line to connect to the 3rd Facility. The 5th Facility would consist of: (1) a 5-foot high by 190-foot long diversion structure; (2) a 2,250-foot long, 67-inch diameter water conduit; (3) a 950-foot long, 52-inch diameter steel penstock; (4) a powerhouse with an installed capacity of 5.7 MW; and (5) a 0.5-mile long, 12-kV transmission line to connect to the 4th Facility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (a copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 3, 1981.

Competing Applications—This application was filed as a competing application to the Cold Creek Glenn Power Project No. 4415 filed on March 25, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28945 Filed 10-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5254-000]

Modesto Irrigation District; Application for Preliminary Permit

September 28, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—835(r)] for Project No. 5254 to be known as the Kill Dry Creek Project located on Kill Dry Creek in Glenn County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 6-foot high natural fill and concrete diversion structure; (2) a 48-inch diameter, 7,700-foot long conduit; (3) a 37-inch diameter, 1,000-foot long steel penstock; (4) a powerhouse containing a generating unit with a rated capacity of 3,500 kW; and (5) a 15-mile long, 12.0-kV transmission line. The Applicant estimates that the average annual energy output would be 30.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $45,000.

Competing Applications—This application was filed as a competing application to Kill Dry Creek, Glenn Project No. 4343 filed on March 16, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 3, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28946 Filed 10-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5292-000]

Robert M. Moore; Application for Preliminary Permit

September 28, 1981.

Take notice that Robert M. Moore (Applicant) filed on August 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)] for Project No. 5292 known as the Moore Power Project located on Halls Gulch in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert M. Moore, Rt. 1, Box 205, Cottonwood, California 96022.

Project Description—The proposed project would consist of: (1) a 50-foot long, 5-foot high diversion structure on Halls Gulch Stream; (2) a 36-inch diameter, 1,850-foot long penstock; (3) a powerhouse with a total rated capacity of 400 kW; and (4) a 3.5-mile long 12 kV transmission line from the powerhouse to an existing Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 3.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 7, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28947 Filed 10-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4889-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

September 28, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on June 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4889 to be known as the Wells Creek Project located on Wells Creek near Glacier in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice-President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The project would consist of: (1) a 25-foot high, 200-foot long concrete gravity dam; (2) a 2600-foot long low pressure pipe and a 3,800-foot long unlined tunnel; (3) a 1,500-foot long, 66-inch diameter steel penstock; (4) a powerhouse with total installed capacity of 7300 kW and (5) a 2600-foot long transmission line which would connect the powerhouse to an existing Nooksack Power Plant Substation. The Applicant estimates that the average annual energy production would be 28.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $250,000.

Competing Applications—This application was filed as a competing application to the Wells Creek Water Power Project No. 4628 filed on May 4, 1981, by Dennis V. McGrew & Associates under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before October 28, 1981.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS," "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28948 Filed 10-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5299-000]

Surprise Valley Electrification Corp.; Application for Preliminary Permit

September 28, 1981.

Take notice that Sruprise Valley Electrification Corporation (Applicant) filed on August 31, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5299 to be known as the Ana Springs Dam Hydroelectric Project located on Ana River in Lake County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: N. W. Matthews, General Manager, Surprise Valley Electrification Corporation, P.O. Box 691, Alturas, California 96101.

Project Description—The proposed project would consist of: (1) a 400-foot long, 48-inch diameter penstock; (2) a powerhouse with a total installed capacity of 350 kW; and (3) a 0.5-mile long transmission line from the powerhouse to an existing 14.4-kV Surprise Valley Electrification Corporation transmission line. The Applicant estimates that the average annual energy production would be 2.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 4, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28949 Filed 10-2-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5300-000]

Surprise Valley Electrification Corp.; Application for Preliminary Permit

September 28, 1981.

Take notice that Surprise Valley Electrification Corporation (Applicant) filed on August 31, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5300 to be known as the Big Sage Hydroelectric Project located on Rattlesnake Creek in Modoc County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: N. W. Matthews, General Manager, Surprise Valley Electrification Corporation, P.O. Box 691, Alturas, California 96101.

Project Description—The proposed project would consist of: (1) a 1,900-foot long diversion channel; (2) a 36-inch diameter, 1,600-foot long penstock; (3) a powerhouse with a total installed capacity of 1,500 kW; and (4) a 2-mile long 7.2-kV transmission line from the powerhouse to an existing Surprise Valley Electrification Corporation transmission line. The Applicant estimates that the average annual energy production would be 4.4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $275,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-28850 Filed 10-2-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1948-7]

Anafuel Unlimited; Grant of Application for a Fuel Waiver

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to section 211(f) of the Clean Air Act (Act), the Administrator of EPA is conditionally granting the waiver requested by Anafuel Unlimited (Anafuel), for a proprietary fuel known as "Petrocoal" which consists of up to 12 percent, by volume, methanol, up to six percent, by volume, of certain four-carbon alcohols, in the presence of a proprietary inhibitor of not less than 0.023 grams per gallon (gpg) and not more than 0.033 gpg in unleaded gasoline. The waiver is being granted based on the Administrator's determination that Petrocoal will not cause or contribute to a failure of any 1975 or subsequent model year vehicle or engine to comply with the emission standards with respect to which it was certified under section 206 of the Act.

PUBLIC DOCKET: Copies of all public information on this waiver application are available for inspection in public docket EN-81-8 at the Central Docket Section (A-130) of the Environmental Protection Agency, Gallery I-West Tower, 401 M Street, SW., Washington, D.C. 20460, (202) 755-0245, between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Chief, Fuels Section, Field Operations and Support Division (EN-397), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-2635.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 211(f)(1) of the Clean Air Act (Act), 42 U.S.C. 7545(f)(1), states that effective upon March 31, 1977, it shall be unlawful for any manufacturer of any fuel or fuel additive to first introduce into commerce, or to increase the concentration in use of, any fuel or fuel additive for general use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar [1] to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act.[2] Section 211(f)(4) of the Act, 42 U.S.C. 7545(f)(4), provides that the Administrator of the EPA, upon application of any manufacturer of any fuel or fuel additive, may waive the prohibitions established under section 211(f)(1),[3] if the Administrator determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, or the emission products of such fuel or additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny an application within 180 days of receipt of the application, the waiver authorized by section 211(f)(4) shall be treated as granted.

Anafuel submitted an application for a waiver for a proprietary fuel known as "Petrocoal" on February 20, 1981. A **Federal Register** notice was published April 13, 1981, 46 FR 21695, acknowledging receipt of the application and soliciting comments. The 180-day review period provided by section 211(f)(4), scheduled to expire on August 19, 1981, was initially extended by thirty days until September 18, 1981 with the consent of Anafuel and EPA pursuant to a request from the Office of Management and Budget (OMB) for additional time to review EPA's proposed action under Executive Order 12291 and was subsequently extended an additional ten days until September 28, 1981 by the consent of Anafuel and EPA.[4]

Anafuel stated in its application that Petrocoal consists of up to 12 percent, by volume, methanol, up to 6 percent, by volume, certain four-carbon alcohols in the presence of a proprietary inhibitor of not less than 0.023 grams per gallon (gpg) and not more than 0.033 gpg in unleaded gasoline.[5] The actual C–4 alcohols utilized and the chemical composition of the inhibitor have been made available to EPA but are not publicly available pursuant to the business confidentiality provisions at 40 CFR Part 2.

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[1] The revised definition of "substantially similar" was published in the **Federal Register** on July 28, 1981, 46 FR 38582.

[2] Section 206 of the Act sets forth the certification requirement which vehicle manufacturers must comply with in order to introduce into commerce new model year motor vehicles.

[3] The Administrator may also waive the prohibitions or limitations contained in sections 211(f) (2) and (3).

[4] See **Federal Register** notices 46 FR 43062, August 26, 1981, and 46 FR 47299, September 25, 1981.

In making a determination on an application, EPA endeavors to gather as much information as possible about a fuel or fuel additive. Thus, it is preferred that the chemical composition of the fuel or fuel additive be made public allowing other interested parties the opportunity to test and comment on the emissions impact of the fuel or fuel additive. When the applicant has a legitimate business confidentiality claim, EPA will honor such claim, but insists that the applicant make the fuel or fuel additive available for testing by interested parties subject to appropriate confidentiality agreements.

Anafuel asserted a claim of business confidentiality over the particular C–4 alcohols utilized, the chemical composition of the inhibitor, and the exact formulation respecting the ratio of alcohols and inhibitor in any particular blend of fuel. The procedure for maintaining confidentiality and providing sample test fuel outlined above was followed. Two parties, General Motors and EPA, obtained Petrocoal samples from Anafuel and each conducted a series of tests.

Anafuel supplied test data with its waiver application. Anafuel concluded that that data would demonstrate that Petrocoal would not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act.

II. Summary of the Decision

I have determined that Anafuel has met the burden established under section 211(f)(4) necessary to obtain a waiver for Petrocoal provided the concentration of methanol in the finished fuel does not exceed 12 percent, by volume, the concentration of total alcohols in the fuel does not exceed 15 percent, by volume, the ratio of methanol to four-carbon alcohols in the finished fuel does not exceed 6.5 to 1, by volume and the finished fuel is blended such that it meets the American Society for Testing and Materials (ASTM) fuel volatility specifications for the area and time of year in which it is sold. In reaching this decision, I have considered all the available information and data including that provided by persons other than the applicant.

III. Method of Review

In order to obtain a waiver for a fuel or fuel additive (hereinafter, fuel or fuel additive will be collectively referred to as "fuel") the applicant must establish that the fuel and its emission products will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. This burden, which Congress has imposed on the applicant, if interpreted literally, is virtually impossible to meet as it requires the proof of a negative proposition, i.e., that no vehicle will fail to meet emission standards with respect to which it has been certified. Taken literally, it would require the testing of every vehicle. Recognizing that Congress contemplated a workable waiver provision, mitigation of this stringent burden was deemed necessary. For purposes of the waiver provision, EPA has previously indicated that reliable statistical sampling and fleet testing protocols may be used to demonstrate that a fuel under consideration would not cause or contribute to a significant failure of emission standards by vehicles in the national fleet (see, Waiver Decision on Tertiary Butyl Alcohol (TBA), 44 FR 10530 (1979)).

Emission data submitted with respect to a waiver request are analyzed by appropriate statistical methods in order to characterize the effect that a fuel will have on emission. Which tests are appropriate to characterize the emission effects of a fuel depends on whether the fuel is predicted to have instantaneous effect or a long-term deteriorative effect on emissions or both. If the fuel is predicted to have only an instantaneous effect, i.e., the fuel causes an instantaneous incremental shift in the emission levels relative to a base fuel and that shift remains constant throughout the useful life of the vehicle, then "back-to-back" emission testing will suffice.[6] If, however, a long-term deteriorative effect is predicted, then 50,000-mile durability testing would be required.[7]

The statistical tests applied to emissions data provided with respect to a waiver request for a fuel expected to have an instantaneous emission effect are: a Paired Difference Test, a Sign of Difference Test, and a Deteriorated Emissions Test (a test which compares the deteriorated emissions with the emission standards in lieu of actually having 50,000-mile emissions data). These statistical tests are described in Appendix A to this decision.

An alternative to providing the amount of data necessary to meet the statistical requirements, is to make judgments based upon a reasonable theory regarding emission effects supported by confirmatory testing. If there exists a reasonable theory which predicts the emission effects of a fuel, an applicant may only need to conduct a sufficient amount of testing to demonstrate the validity of such theory. This theory and confirmatory testing then form the basis from which the Administrator may exercise his judgment on whether the additive will cause or contribute to a significant failure of any emission control device or system which results in a failure by the vehicle to achieve compliance with emission standards. In addition to emission data, EPA also reviews data on materials compatibility, driveabilitiy, fuel composition, and specifications. This information is necessary to fully characterize a fuel, and to determine whether such additive will cause or contribute to a significant failure of vehicles to comply with appropriate emission standards.

Such failure could result from any of the above factors. For example, driveability problems such as lean misfire and repeated stalling lead to increased emissions. Materials compatibility problems could lead to failure of fuel systems which are designed to precise tolerances. Deviations beyond the tolerances could result in greater emissions. Volatility specifications could demonstrate a tendency for high evaporative losses.

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[5] Petrocoal as defined in this application is not "substantially similar" to any fuel utilized in certification under section 206 of the Act as that term is defined. [illegible]

[6] Back-to-back emission testing involves testing a vehicle on a base fuel, then testing that same vehicle on the waiver fuel. The difference in emission levels is attributed to the waiver fuel.

[7] 50,000-mile durability testing involves operating a matched set of vehicles for 50,000 miles and testing each vehicle for its emissions at 50,000-mile intervals. This is essentially the same testing pattern which each automobile manufacturer must do for new motor vehicle certification under section 206 of the Act.

Analysis

A. *Exhaust Emission Data.* Experience with other oxygenated hydrocarbon additives similar to the alcohols contained in Petrocoal has led EPA to believe that only an instantaneous emission effect should be observed with Petrocoal. [8] Thus, the emission data were analyzed presuming Petrocoal exhibited only instantaneous emission effects. In reviewing future waiver applications for fuels containing high percentages of methanol without the presence of cosolvents and special inhibitors some long-term durability testing may be [9]

Exhaust emission data were available on 16 vehicles tested on Petrocoal and a base unleaded gasoline. [10] Numerical results of the statistical tests are summarized in Appendix B. The Paired Difference Test (Test 1) and the Sign of Difference Test (Test 2) are used to test the directional effect and the magnitude of the effect which Petrocoal has on emissions and could be used to determine if it contributes to a failure of vehicles to meet emission standards. The Deteriorated Emissions Test (Test 3) is used in lieu of 50,000-mile durability test results and could be used to determine if Petrocoal will cause a failure of vehicles to meet emission standards over their useful like.

The results from the Paired Difference Test (Test 1) and the Sign of Difference Test (Test 2) indicate that exhaust hydrocarbons (HC) do not increase, carbon monoxide (CO) emissions decrease, and oxides of nitrogen (NO_x) likely increase, although the amount of the increase is modest. The Deteriorated Emissions Test (Test 3) indicates that there would not be any significant failure of vehicles to meet HC, CO, or NO_x standards.

The conclusion of these statistical tests is that Petrocoal reduces CO emissions and has essentially no effect on HC emissions. While it does cause NO_x emissions to increase modestly, it is not likely to cause a significant failure of vehicles to meet NO_x emission standards (see Appendix B and discussion of the Energy and Environmental Analysis, Inc. (EEA) report).

B. *Evaporative Emissions.* Anafuel asserted that evaporative emissions are directly related to fuel volatility characteristics, primarily the Front End Volatility Index (FEVI). [11] This relationship has been clearly established when the fuel is composed entirely of hydrocarbon components. It has also been demonstrated to apply when the fuel contains some relatively small percentages of the oxygenated hydrocarbons tertiary butyl alcohol (TBA), methyl tertiary butyl ether (MTBE), and a mixture of TBA and methanol (Oxinol). [12] While the data available on Petrocoal at the higher percentages of alcohols are not complete, the relationship appears to hald also as evidenced by data in the record of Petrocoal's FEVI and the evaporative emission data. Thus, controlling the volatility of Petrocoal within ASTM volatility specifications should adequately control evaporative emissions and they should be no worse than those of commercially available fuels.

It would be disciminatory to require the applicant's fuel to meet a more stringent volatility limit in order to control evaporative emissions then is characteristic of commercially available fuels. [13] The volatility of commercially available gasoline varies over a substantial range, and indeed must be blended with the correct volatility for the particular geographic area and time of year. Therefore, I conclude that Petrocoal will not cause or contribute to the failure of vehicles to meet evaporative emission standards provided it is blended to meet the ASTM volatility specifications appropriate for the area and the time of year as provided in this waiver.

C. *Other Technical Issues—Materials Compatibility.* Materials compatibility is an important factor when reviewing a waiver request. Materials incompatibility can contribute or cause the failure of vehicles to meet either their exhaust or evaporative emission standards. This can occur because a fuel or additive may cause changes in the components in carburetors or fuel systems which exceed the tolerances specified by the manufacturer. Such changes can impair the performance of the vehicle to the point that emissions are adversely affected. Unfortunately, materials compatibility data are not as easily subjected to quantitative analysis as are emission data.

Anafuel was cognizant of this concern about materials compatibility and added a special corrosion inhibitor to ameliorate these problems. Anafuel also performed testing to demonstrate the lack of materials compatibility problems with Petrocoal.

Anafuel performed immersion tests on several metallic parts and elastomeric parts commonly found in carburetors and fuel systems. The results from Anafuel's testing indicated that the corrosion of metallic parts due to Petrocoal would be no worse than that of gasoline. The results for the elastomeric parts indicated that while some components changed in characteristics such changes were not significantly different than for those with gasoline.

Based on these data and our judgement, I conclude that Petrocoal containing the methanol and total alcohols specified and in the presence of the proprietary inhibitor in the conditions of this waiver does not present a materials compatibility problem affecting emissions with the fuel systems currently in use.

2. *Driveability.* Driveability is also an important criterion in judging a waiver application, but is also difficult to objectively quantify. Driveability information is important because poor driveability can directly result in increased emissions due to constant misfires and repeated stalling, and possibly lead to tampering with the emission controls of the vehicle.

The information developed by Anafuel, EPA, and other commenters on driveability, in conjunction with market demands placed on a fuel manufacturer for an acceptable fuel, lead me to conclude that driveability is not a significant problem with Petrocoal.

IV. Findings and Conclusion

I have determined that Anafuel has established that Petrocoal will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act.

I am conditioning this waiver to maintenance of a maximum ratio of methanol to four-carbon alcohols of 6.5 to 1.

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[8] See Waiver Decisions for TBA, 44 FR 10530; MTBE, 44 FR 12242; and Oxinol, 44 FR 37074.

[9] General Motors (GM), in its comments on this application (Docket EN-81-8, Document I-D-6), contends that 50,000-mile durability testing should be required before any waiver could be granted. EPA does not fully embrace this position. This does not mean that in the appropriate circumstances long-term durability testing would not be required. Such a decision would have to be made on a case-by-case basis.

[10] For a more detailed list see the Characterization Report—Anafuel Unlimited (Docket EN-81-8). A fifth vehicle was tested by EPA but was not included in this analysis because the results were not available for public comment and would not have altered the results.

[11] FEVI is equal to the Reid Vapor Pressure (partial pressure at 155° F, ASTM D439-78) plus 0.13 times the numerical percentage of fuel evaporated at 158° F.

[12] See Waiver Decisions for TBA, 44 FR 10530; MTBE, 44 FR 12242; and Oxinol, 44 FR 37074.

[13] See Waiver Decision for Oxinol, 44 FR 37074.

I hereby grant the waiver requested by Anafuel for its proprietary fuel Petrocoal provided the following conditions are met:

1. The proprietary fuel is blended such that the concentration of methanol in the finished fuel does not exceed 12 percent, by volume, and the concentration of total alcohols in the finished fuel does not exceed 15 percent, by volume; and

2. The proprietary fuel is blended such that the ratio of methanol to the four-carbon alcohols in the finished fuel does not exceed 6.5 to 1, by volume; and

3. The proprietary fuel is blended such that it meets the American Society for Testing and Materials (ASTM) fuel volatility specifications for the area and time of year in which it is marketed; and

4. The proprietary fuel is subject to all of the regulations applicable to unleaded gasoline in Title 40 of the Code of Federal Regulations Parts 79 and 80. This fuel may also be offered at retail in lieu of unleaded gasoline as required by the above regulations.

This action was submitted to the Office of Management and Budget (OMB) for review pursuant to Executive Order 12291.

This action is not a "rule" as defined in 5 U.S.C. 601(2) because EPA is not required to undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

This is final Agency action of national applicability. Jurisdiction to review this action lies exclusively in the U.S. Court of Appeals for the District of Columbia Circuit. Under section 307(b)(1) of the Clean Air Act judicial review of this action is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of (the date of publication). Under section 307(b)(2), today's action may not be challenged later in a separate judicial proceeding brought by the Agency to enforce the statutory prohibitions.

Dated: September 28, 1981.

John W. Hernandez,

Acting Administrator.

Appendix A—Statistical Criteria

The following is a brief description of the statistical tests used to characterize the emission effects of a fuel or fuel additive:

(1) *The Paired Difference Test*—For each vehicle tested on a base fuel and on the waiver fuel or fuel additive, the difference between the waiver fuel or fuel additive emissions and the base fuel emissions is calculated. A 90% confidence interval is constructed for the mean differences. If the resulting interval lies entirely below zero it is indicative of no adverse effect from this waiver fuel or fuel additive. If the entire interval is above zero, it is indicative of an adverse effect from the waiver fuel or fuel additive. If the interval contains zero, there is arguably no difference between the base fuel and the waiver fuel or fuel additive with regard to emissions provided the confidence interval is small.

(2) *The Sign of Difference Test*—For each vehicle tested with a base fuel and the waiver fuel or fuel additive, the sign of the emission difference between the waiver fuel or fuel additive emissions and the base fuel emissions is ascertained. This test is designed to determine whether the number of vehicles demonstrating an increase (+) in emissions with the waiver fuel or fuel additive significantly (at a 90 percent confidence level) exceeded those showing a decrease (−) in emissions with the waiver fuel or fuel additive.

(3) *The Deteriorated Emissions Test*—For each vehicle, the effect the waiver fuel or fuel additive had on emissions is determined. This incremental effect, either positive or negative, is added to the 50,000-mile certification emission value of the certification emission vehicle which the test vehicle represented. This incremented 50,000-mile emission value is compared to emissions standards to determine if it did or did not exceed the standards. Either a pass or fail is assigned accordingly. The pass/fail results are analyzed using a one-sided sign test.

The first two methods of analysis are designed to determine whether the waiver fuel or fuel additive has an adverse effect on emissions as compared to the base fuel. Each characterizes a different aspect of adverse effect. The Paired Difference Test determines the mean difference in emissions between the base fuel and the waiver fuel or fuel additive. The Sign of Difference Test assesses the number of vehicles indicating an increase or decrease in emissions. The two tests are considered together in evaluating whether an adverse effect exists to assure that a mean difference determination is not unduly influenced by very high or very low emission results from only a few vehicles.

The Deteriorated Emissions Test analysis indicates whether the waiver fuel or fuel additive causes a vehicle to fail to meet emission standards. This test examines each vehicle's emission performance as compared to each pollutant standard. It is useful to perform this analysis even if the first two analyses indicate the waiver fuel or fuel additive has no adverse effect. The analysis indicates whether the emissions from any particular type of vehicles or special emission control technologies are uniquely sensitive to the waiver fuel or fuel additive, thus causing vehicles to fail to meet emission standards. This effect could be masked in the previous analyses which consider the emissions results as a group without distinguishing the emissions impact on subgroups.

Appendix B—Numerical Results of the Data

The results of the statistical tests described above are summarized here:

(1) *The Paired Difference Test*—The 90 percent confidence intervals around the mean difference between the base fuel and Petrocoal for each pollutant are:

Hydrocarbon (HC)	−0.11 to +0.05
Carbon Monoxide (CO)	−2.60 to −0.78
Oxides of Nitrogen (NO_x)	+0.01 to +0.16

(2) *Sign of Difference Test*—We list the confidence that Petrocoal will cause an increase in emissions over the base fuel based on the observed increases out of the total vehicles tested:

CONFIDENCE OF INCREASE

		Percent
HC	9 out of 16	60
CO	3 out of 16	
NO_x	13 out of 16	[illegible]

(3) *Deteriorated Emissions Test*—The number of vehicles whose incremented 50,000-mile emission values exceed applicable standards is:

HC	1 out of 16.
CO	1 out of 16.
NO_x	2 out of 16.

The statistical Deteriorated Emissions Test is designed to provide a 90 percent probability of failure of the Test if 25 percent or more of the vehicle fleet would fail to meet emission standards using the applicant's fuel or fuel additive. For a 16-vehicle sample, the Test dictates that one vehicle failure constitutes a pass, two or more constitute a failure. In this case, Petrocoal just fails (by one vehicle) this Test for NO_x. Nevertheless, because the failure was borderline, i.e., small changes to the test criteria would result in a pass, coupled with the small increase in NO_x emissions found in Test 1, I conclude that this problem is not significant enough to warrant a disapproval of the waiver request. In reaching this conclusion, I considered all the information before me including the EEA report submitted by Anafuel.

[FR Doc. 81-28861 Filed 10-2-81; 8:45 am]

BILLING CODE 6560-33-M

[OPTS-51325; TSH-FRL-1949-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of five PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-483, 81-484, 81-485, 81-486, and 81-487—November 27, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51325]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-483

Close of Review Period. December 27, 1981.

Manufacturer's Identity. Day-Glo Color Corporation, 4732 St. Clair Avenue, Cleveland, OH 44103.

Specific Chemical Identity. 4(2'-aminophenyl thio) 1,8-naphthalic anhydride.

Use. The manufacturer states that the PMN substance will be used as a dye intermediate.

IMPORT/PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	10	1,000
2d year	1,000	5,000
3d year	2,000	10,000

Physical/Chemical Properties

Appearance, Yellow powder
Melting point, 200–201°C
Solubility:
  Water, Insoluble
  Alcohol, Very slightly soluble
  Esters, Slightly soluble

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 4 workers may experience dermal exposure up to 8 hrs/day, up to 20 days/yr during transfer operations.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Solvent recovery is through conventional distillation apparatus.

PMN-81-484

Close of Review Period. December 27, 1981.

Importer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million
Manufacturing site—Middle Atlantic
Standard Industrial Classification Code—2865

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aromatic diazo dye.

Use. The importer states that the PMN substance will be used as a dye for leather.

IMPORT ESTIMATES

	Kilogram per year	
	Minimum	Minimum
1st year	1,200	[illegible]
2d year	1,500	2,500
3d year	3,000	[illegible]

Physical/Chemical Properties

Appearance, Red powder with characteristic odor
pH, 6–8
Solubility: water @ 20°C, 30 g/l
Biodegradability (static method) 50–100%
Decomposition temperature > 260°C

Toxicity Data

Acute oral toxicity LD_{50} (rat), > 5 g/kg
Skin irritation (rabbit), Slightly irritating
Eye irritation (rabbit), Non-irritating
Ames salmonella, Non-mutagenic

Exposure. The importer states that during processing 2 workers may experience dermal and inhalation exposure 2 hrs/day, 100 days/yr.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to the air and water up to 2 hrs/day, 100 days/yr. Disposal is to an approved landfill.

PMN 81-485

Close of Review Period. December 27, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—Mid-Atlantic
  Standard Industrial Classification Code—285;e

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of a substituted alkanediol, a carbomonocyclic anhydride and a substituted alkanoic ester.

Use. The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	0	[illegible]
2d year	20,000	100,000
3d year	100,000	[illegible]

Physical/Chemical Properties

Viscosity, 184 cps
Density, 1.067 gm/cm^3
Acid value, 13.4 (mgKOH/g)
Color (Gardner), 1
Percent solids, @ 105° C 84.0; @ 150° C 76.1

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 114 workers may experience dermal and occular exposure up to 8 hrs/day, up to 157 days/yr during testing, filtration, and testing.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and water and 100-1,000 kg/yr will be released to land. Solvent is used to clean the equipment and is reclaimed by distillation. Sludge is incinerated.

PMN 81–486

Close of Review Period. December 27, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million
Manufacturing site—East North Central
Standard Industrial Classification
Code—28

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyhaloalkylbenzene.

Use. The manufacturer states that the PMN substance will be used as an intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point @ 0.5 mm, 74°C
Solubility:
Water, Insoluble
Acetone, Infinitely soluble
Ethanol, Infinitely soluble
Ether, Infinitely soluble
DMSO, Soluble
Dimethoxyethane, Soluble
Density, 1.43 g/ml

Toxicity Data

Acute oral toxicity LD_{50} (rat), 0.5 ml/kg
Skin irritation (rabbit), Highly irritating
Eye irritation (rabbit), Moderately irritating
Ames salmonella, Non-mutagenic

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal and ocular exposure 16 hrs/day, 60 days/yr.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Vapors will be collected by condensation or adsorption; liquids will be burned or bio-treated.

PMN 81–487

Close of Review Period. December 27, 1981.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aliphatic ester.

Use. Claimed confidential business information.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	10	100
2d year	[illegible]	1,000
3d year	100	2,000

Physical/Chemical Properties

Appearance, Liquid
Specific gravity @ 25°C, 0.851–0.871
Flash point, Above 100°F
Solubility:
Water, Slightly soluble
Refractive index, 1.401–1.417
Color, pale to light yellow

Toxicity Date

Acute oral toxicity LD_{50} (rat), 5.0 g/kg
Acute dermal toxicity LD_{50} (rabbit), 2.0 g/kg
Skin irritation (rabbit), Mildly irritating
Eye irritation (rabbit), Mildly irritating
Ames salmonella, Non-mutagenic

Exposure. The importer states that during use 2 workers may experience inhalation exposure less than 1 hr/day, less than 20 days/yr.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to the air less than 1 hr/day, less than 20 days/yr. No disposal problems are anticipated.

Dated: September 27, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81–28862 Filed 10–2–81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL MARITIME COMMISSION

[Docket No. 81–59]

General Transpac System; Order of Investigation and Hearing

Based upon information furnished by the Bureau of Hearings and Field Operations it appears that General Transpac System (General Transpac) may have carried out a cooperative working arrangement with Transpacific Freighting Corporation (Transpacific) without having first filed the agreement and obtained approval from the Commission pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814).

The Commission's Bureau of Hearings and Field Operations asserted a claim for a civil penalty against General Transpac for carrying out an unfiled cooperative working arrangement with Transpacific during the period from April 30, 1976 through August 15, 1977. General Transpac and Transpacific were both non-vessel operating common carriers though Transpacific is no longer in business. Under the agreement General Transpac acted as an agent for Transpacific and received part of the net profit as an agency fee. General Transpac has rejected the claim.

Now Therefore it is ordered, that pursuant to sections 15, 22, 32, and 44 (46 U.S.C. 814, 821, 831 and 841(b)) of the Shipping Act, 1916, a proceeding is hereby instituted to determine:

1. Whether General Transpac System violated section 15, Shipping Act, 1916 by carrying out an unfiled cooperative working arrangement with Transpacific Freight Corporation subject to section 15 of the Shipping Act, 1916; and

2. Whether civil penalties should be assessed against General Transpac System pursuant to 46 U.S.C. 831(e), for violations of section 15 of the Shipping Act, 1916, and, if so, the amount of any such penalty which should be imposed, taking into consideration factors in possible mitigation of such a penalty.

It is further ordered, that General Transpac System be named Respondent in this proceeding.

It is further ordered, that a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than 180 days after service of this order.

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examiniation are necessary for the development of an adequate record;

It if futher ordered, that in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Hearings and Field Operations shall be a party to this proceeding;

It is further ordered, that this Order be published in the **Federal Register**, and a copy be served upon all parties of record.

It is further ordered, that any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, that all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, that, all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-28916 Filed 10-2-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1206]

Jar Freight Forwarders; Order of Revocation

On September 15, 1981, James A. Riley, III d.b.a. Jar Freight Forwarders, 13843 Redskin Drive, Herndon, VA 22070, surrendered his Independent Ocean Freight Forwarder License No. 1201 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1206 issued to James A. Riley, III d.b.a. Jar Freight Forwarders be revoked effective September 15, 1981.

It is further ordered, that a copy of this Order by published in the **Federal Register** and served upon James A. Riley, III d.b.a. Jar Freight Forwarders.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-28915 Filed 10-2-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2239]

Lion Forwarding Co.; Order of Revocation

On August 31, 1981, Larry La Gorio, d.b.a. Lion Forwarding Co., 7131 Owensmouth Avenue, Suite 70B, Canoga Park, CA 91303, surrendered his Independent Ocean Freight Forwarder License No. 2239 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 2239 issued to Larry La Gorio, d.b.a. Lion Forwarding Co. be revoked effective August 31, 1981.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Larry La Gorio, d.b.a. Lion Forwarding Co.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-28914 Filed 10-2-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bradford Bancorp, Inc.; Formation of Bank Holding Company

Bradford Bancorp, Inc., Bradford, Illinois, has applied for the Board's approval under section 3(a)(1) if the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Bradford Banking Company, Bradford, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28840 Filed 10-2-81; 8:45 am]

BILLING CODE 6210-01-M

First Deposit Bancshares, Inc.; Formation of Bank Holding Company

First Deposit Bancshares, Inc., Tompkinsville, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94 percent or more of the voting shares of Deposit Bank of Monroe County, Tompkinsville, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28841 Filed 10-2-81; 8:45 am]

BILLING CODE 6210-01-M

Heritage Bancorp; Formation of Bank Holding Company

Heritage Bancorp, Anaheim, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Heritage Bank, Anaheim, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28842 Filed 10-2-81; 8:45 am]

BILLING CODE 6210-01-M

Pioneer American Bancorporation; Formation of Bank Holding Company

Pioneer American Bancorporation, Pendleton, Oregon, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Pendleton Banking Company, Pendleton, Oregon. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28843 Filed 10-2-81; 8:45 am]

BILLING CODE 6210-01-M

Rawlins Bancshares, Inc.; Formation of Bank Holding Company

Rawlins Bancshares, Inc., Atwood, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90.7 percent or more of the voting shares of Farmers Bank & Trust, Atwood, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28844 Filed 10-2-81; 8:45 am]

BILLING CODE 6210-01-M

Sterling Bancorp; Formation of Bank Holding Company

Sterling Bancorp, Johnson, Vermont, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of Sterling Trust Company, Johnson, Vermont. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28845 Filed 10-2-81; 8:45 am]

BILLING CODE 6210-01-M

Texas Commerce Bancshares, Inc.; Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of The Hillcrest State Bank, University Park, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28846 Filed 10-2-81; 8:45 am]

BILLING CODE 6210-01-M

Texas Commerce Bancshares, Inc.; Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Texas Commerce Bank—Barton Creek, National Association, Austin, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 28, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-28847 Filed 10-2-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Physician Agreements To Control Medical Prepayment Plans

AGENCY: Federal Trade Commission.

ACTION: Adoption and publication of enforcement policy with respect to physician agreements to control medical prepayment plans.

SUMMARY: The Federal Trade Commission has adopted, and is publishing with this notice, a statement of enforcement policy with respect to physician agreements to control medical prepayment plans. The statement sets forth the general approach the Commission intends to use in its case-

by-case enforcement program for evaluating physician agreements to form, operate, or control such plans and for evaluating the practices of plans that are controlled by a group of physicians.

FOR FURTHER INFORMATION CONTACT: Walter T. Winslow, Jr., Assistant Director, or David A. Giacalone, Attorney, Bureau of Competition, Federal Trade Commission, Washington, D.C. 20580 (telephone: (202) 724–1062).

SUPPLEMENTARY INFORMATION: The following is a summary of the analysis and conclusions contained in the statement:

After a substantial, industrywide investigation, including the receipt and review of extensive public comment, the Federal Trade Commission has decided to proceed on a case-by-case basis in addressing the antitrust concerns which may be raised by physician agreements to form, operate, or control medical prepayment plans ("plans"). This Statement of Enforcement Policy sets forth the general approach the Commission intends to use in its enforcement program to evaluate such agreements, as well as the practices of plans that are controlled by a physician group, in order to determine whether they raise serious antitrust concerns which warrant Commission action. The Statement is intended to facilitate voluntary compliance with the antitrust laws by physician groups and plans, by summarizing the Commission's goals, analysis, and enforcement intentions in this area.

If competitive forces are to be permitted to help provide better and less expensive health care services, it is important that there be competition among the sellers of health care financing and among the providers of health care. Medical prepayment plans have the potential to enhance both kinds of competition. Therefore, the Commission is concerned when agreements or concerted actions by physicians injure or threaten such competition. Indeed, such agreements or combinations among physicians, and any resultant concerted activity, are illegal if they unreasonably restrain trade. Antitrust law considers the actions and decisions of an organization or enterprise controlled by a group of competitors to be the joint action of the group's members. Therefore, the actions of a medical society or other organization comprised of competing physicians, and the actions of a plan controlled by a group of competing physicians, are treated as the concerted activity of the physician group.

In evaluating physician group agreements relating to plans, the Commission will view "control" by a physician group as meaning effective overall authority over plan policies and actions. A plan is "physician controlled," then, when a physician group has the formal or informal ability to set overall plan policies by dominating its decisionmaking processes. Such overall control is likely to exist when a physician group selects a majority of the voting members of the plan's governing body. It appears unlikely that a group selecting less than one-fourth of the seats on a plan's governing body would be found to control the plan, without additional evidence that the group dominates the plan's decisionmaking process by other means. Absent such overall physician control, a plan is treated as a single entity that is separate from the physician group.

The Statement characterizes physician-controlled plans as either "merged" or "partially integrated." A plan is "merged" when the controlling physicians have fully merged or integrated their medical practices and therefore are no longer in competition with each other. Plans are characterized as "partially integrated" when the controlling physicians still compete with each other for patients in independent medical practices and have either (1) partially integrated their practices through the plan, or (2) made a substantial financial contribution to support the establishment or operation of the plan. Traditional merger law analysis will be applied to the formation of merged plans, which may often take the form of group or staff model health maintenance organizations. Absent any anticompetitive purpose, the formation of a merged plan by a reasonably small portion of the physicians practicing in an area normally will not raise antitrust concerns. In an unconcentrated market, for example, such antitrust concerns are unlikely to arise if less than thirty percent of area practicing physicians are involved. Since physicians who control or operate a merged plan are no longer competitors once the plan is formed, the actions of a merged plan are treated as those of a single business entity. A merged plan therefore is subject to the same antitrust standards as any plan that is not controlled by competing providers.

In most cases where a physician group has created a partially integrated plan, concerted action by the physicians relating to the plan, and the policies and practices of the controlled plan, will properly be analyzed under the rule of reason. The rule of reason seeks to determine whether an act or practice is, on balance, significantly anticompetitive and therefore unlawful. Under this standard of legality, the purpose and effects of concerted activity are examined to determine whether the activity unreasonably restrains trade.

The Commission's primary enforcement focus with regard to partially integrated plans will be upon the operation rather than the formation of such plans. Enforcement action may be warranted at the formation stage, however, where either (1) the controlling physician group appears to have established the plan for an anticompetitive purpose, or (2) the plan's formation eliminated (or is likely to eliminate) substantial potential competition from other plans. The loss of potential competition appears most likely when the controlling physician group consists of a substantial majority (*e.g.,* two-thirds or more) of area practicing physicians or of any widely-used medical specialties.

Commission enforcement action regarding the operation of partially integrated plans may be warranted in cases involving anticompetitive effects resulting from either (1) agreements by the controlling physician group relating to the plan's operation, or (2) the policies and practices of the plan itself. The Commission ordinarily would apply the rule of reason in analyzing the operation of partially integrated plans. In assessing the overall competitive effect of a challenged practice, the Commission normally will consider the market power of the plan and, where relevant, that of the physician group. In general, the greater the market power possessed by a plan, the greater the probability that a restraint resulting from operation of the plan could have significant anticompetitive effects. The Commission will also take into account any relevant integration of the physicians' medical practices that has been achieved through the plan, and the extent to which a challenged practice is necessary to obtain potential competitive benefits from the integration. In sum, absent anticompetitive purpose, the practices of a partially integrated plan will not violate the antitrust laws unless on balance they have or are likely to have a significant anticompetitive effect.

In an enforcement action, the Commission will take into account any procompetitive effects of a challenged practice and will consider the purpose or business justification for the practice in order to evaluate its overall competitive impact. The respondent(s) would be permitted to show any legitimate business justification for, and procompetitive effects of, the challenged practice(s). The appropriate remedy would depend upon the facts of each case, and might often be conduct-oriented (*e.g.*, prohibiting the specific practice) rather than structural (*e.g.*, severing the control relationship between the physician group and the plan).

Statement of Enforcement Policy

1. Introduction

Public alarm over rising medical costs and dissatisfaction with government regulation have led in recent years to increased interest in permitting competitive forces to help provide a more efficient and less expensive health care system. Effective competition cannot, however, be taken for granted in the health care field, despite the existence of a large and increasing number of physicians and other providers of health care services. Existing governmental and professional restrictions on the provision of health care can blunt competitive forces. More importantly, the prevalence of third-party payment for health care costs appears to reduce consumer and provider concern about the cost of health care at the point of purchase or treatment. Consequently, for market forces to be effective in helping to achieve cost control, it is important that there be competition among sellers of prepaid health care financing and services. In a competitive market such firms should have considerable incentive to contain costs in order to attract and retain subscribers through lower premiums. Thus, the competitiveness of the health care system depends on the existence of competition among both the sellers of health care financing and the providers of health care services.

Medical prepayment plans[1] have the potential to create such competition in the financing and in the provision of health care. A plan can enhance competition in the health care financing market by offering consumers price or coverage options not otherwise available. To the extent that the plan competes for subscribers on the basis of price (its premiums) or the efficient delivery of health care services, this competition in the health care financing market may also have procompetitive effects in the health care services market. Competing sellers of prepaid health coverage would have an incentive to control fee and utilization levels in the health care services market in order match the plan's premiums.

A plan may also create competition among physicians when it limits the panel[2] of physicians that its subscribers may use to obtain covered, non-emergency care. A prospective subscriber must in effect make a choice between panel and non-panel physicians in deciding whether to join such a plan. The smaller the plan's panel, the more competitively significant that choice may be.

Concern with preserving and encouraging competition in the health care system led the Commission to investigate the extent and effects of agreements by groups of physicians to form, control, operate, or otherwise seek to influence medical prepayment plans. Physician groups may form plans for a variety of reasons, including the provision of better and more efficient care to their patients. However, antitrust concerns can arise when physicians act jointly with regard to such plans, because the plans make decisions that can significantly affect competition among providers of health care services.[3] For example, plans decide how much to pay physicians, what cost containment measures to use to control the price and utilization of health care services, and whether or on what terms to reimburse providers of health care who are not physicians. When a plan is controlled by a physician group,[4] such decisions might be made with the intent or effect of lessening the competition faced by the physicians, and thus could result in higher prices, the unreasonable exclusion of competing providers of health care, or other anticompetitive effects.

After a substantial investigation, including receipt and review of extensive public comments in this matter, the Commission has decided to proceed on a case-by-case basis in addressing the antitrust implications of physician agreements concerning medical prepayment plans rather than to propose an industry-wide rule as had been considered earlier.[5] Concern that an across the board rule could not readily take into account a variety of important factors, and might in some instances have the effect of preventing the development of procompetitive plans, weighed heavily in the Commission's decision. Case-by-case analysis and law enforcement appears to be the best method for preventing anticompetitive agreements without discouraging the formation of procompetitive plans.

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[1] As used in this Statement, a *medical prepayment plan ("plan")* is an organization or entity which, in return for advance, periodic payments made by or on behalf of persons enrolled as "subscribers," accepts contractual responsibility to provide, arrange for, or pay, in full or in part, for a specified range of health services for those subscribers. The covered services are usually, though not necessarily, comprehensive in scope. Plans may be either for-profit or not-for-profit entities. Various types of plans exist, and they differ in their ownership, structure, size, and mode of operation. Health maintenance organizations (HMOs) and Blue Shield plans are two of the best-known types of medical prepayment plans.

[2] As used in this Statement, a plan's *"panel"* consists of those physicians whom the plan will pay for providing non-emergency services to plan subscribers. In order to join a plan's panel and keep or gain access to its subscribers as patients, physicians usually must agree to abide by a variety of restrictions imposed by the plan on both the medical and business aspects of their practices.

[3] This Statement is concerned with agreements that may unreasonably lessen competition. Such anticompetitive agreements can occur when persons or businesses, especially competitors, act as a group—when two or more persons agree on a particular course of action or agree to let a representative act on their behalf. Therefore, this Statement focuses on the actions and agreements of physician groups with respect to plans, not on individual physicians acting in their individual capacities rather than in combination with or as representatives of other physicians. The 1979 Bureau of Competition Staff Report, "Medical Participation in Control of Blue Shield and Certain Other Open-Panel Medical Prepayment Plans," raised the possibility that participation on the governing board of a plan by physicians serving in their individual capacities, rather than as members of a physician organization, might also raise antitrust concerns and constitute an "unfair method of competition." The Commission has rejected such an application of Section 5 of the Federal Trade Commission Act. *See* Advance Notice of Proposed Rulemaking, 45 FR 17,019, 17,022–23 n.2 (1980).

For the purposes of this Statement, a *"physician group"* is any combination of physicians, some or all of whom are in competition with each other, who act jointly. The term includes any organization primarily comprised of physicians that has the authority to act on behalf of the member physicians. The group may be large or small. It may be *ad hoc*, existing for a limited purpose and a limited time, or may be a formal, continuing organization. It may have some members who are not physicians. The term physician group includes (among other groups): medical societies and medical specialty and subspecialty societies; individual practice associations, medical service bureaus, and other associations of physicians who participate in a plan; foundations for medical care; and medical clinics, hospital medical staffs, and some group practices. Whether an agreement or combination exists for antitrust purposes, so that the physicians in question can be said to be acting jointly as a group, will be a question of fact in each particular case.

[4] As used in this Statement, a physician group has *"control"* of a plan when it has overall power or authority over plan policies and actions—the practical ability to determine plan decisions and actions through formal or informal dominance of its decision-making process. *"Physician control"* refers to such control of a plan by a physician group. A *"controlled plan"* is a plan whose overall operations are controlled by a physician group. The Commission's general approach in determining the existence of physician control is discussed below.

[5] *See* Advance Notice of Proposed Rulemaking, 45 FR 17,019 (1980); Notice of initiation of case-by-case law enforcement program, 46 FR 27,768 (May 21, 1981). Having received and considered extensive public comment on the relevant factual and legal issues, the Commission is issuing this Statement without requesting additional public comment.

This Statement sets forth the general approach the Commission intends to use in its enforcement program to determine which physician agreements to control a plan, and which practices of a controlled plan, raise serious antitrust concerns.[6] It is designed to assist physician groups and plans in understanding the Commission's goals, analysis, and enforcement intentions, and thus to facilitate voluntary compliance with the requirements of the antitrust laws. Whether particular conduct raises serious antitrust concerns will often depend upon a number of interrelated factors peculiar to the particular plan, physician group, and market. Therefore, as with most other facets of antitrust law, very few precise or hard and fast rules can be given in this area, because such rules usually cannot take into account the many variables that may affect a practice's competitive impact. Nonetheless, the Commission has attempted to be as specific as possible in this Statement, in order to give practical guidance to the industry and the public. Where possible, illustrative examples are given to help identify the practices or market situations in which antitrust concerns are most likely to arise.

The legal analysis and enforcement intentions and priorities indicated in this Statement are based on the Commission's current understanding of relevant legal, factual, economic, and policy factors. If those factors change or increased experience with physician-plan relationships alters any of the conclusions drawn herein, the Commission may make appropriate changes in its enforcement policy. If further explanation is desired, industry members or the public may contact the staff of the Bureau of Competition. With regard to future or contemplated activities, industry members may seek a formal or informal opinion from the Bureau staff or a formal Advisory Opinion from the Commission.[7]

II. General Antitrust Principles Relating to Physician-Plan Agreements

The antitrust standards discussed in this Statement have evolved from the application of the antitrust laws to groups of competitors throughout our economy, including professionals and competitors in the health care field.[8] Section 5 of the Federal Trade Commission Act[9] prohibits "unfair methods of competition." It encompasses practices that violate federal antitrust policy as set forth in the letter and the spirit of the Sherman and Clayton Antitrust Acts.[10] The antitrust principle most directly applicable to the issues addressed in this Statement is the fundamental declaration that agreements among competitors, and any resultant concerted activity, are illegal if they unreasonably restrain trade. This Statement expresses the Commission's interpretation of the manner in which Section 5's prohibition of unfair methods of competition generally applies to physician groups which agree to form, operate, or control plans, and to the operation of such controlled plans.

A. *Concerted Activity*—Antitrust law focuses upon agreements and combinations of competitors because such concerted activity can distort market forces and cause significant injury to competition. Concerted activity can be found not only when competitors have expressly or implicitly agreed to a particular course of action, but also when a group of competitors is ultimately responsible for an act or practice—when an action is taken with the general authorization of the competitors, at their behest, or by their agent.[11]

Therefore, when a business,[12] trade association,[13] or any other similar organization is controlled by a group of competitors, its actions are scrutinized under the antitrust laws as the concerted activity of competitors, without having to trace the activity directly back to a specific agreement or directive of the controlling group. Antitrust law treats the controlled entity, in effect, as the agent of the group of competitors, and its actions are attributed to the group.[14]

This attribution principle has two important applications in the physician-plan context. First, a decision by a medical society or other organization comprised of competing physicians to form or control a plan, or to operate it in a particular way, is treated under the antitrust laws as joint action by the competing physicians, even if the members did not specifically vote for, or otherwise explicity agree upon, the organization's action. The attrubution of

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[6] The antitrust issues addressed in this Statement involve physician agreements that may lessen competition in the health care services market. The Commission believes that such restraints on competition in the health care services market do not constitute the "business of insurance" under the McCarran-Ferguson Act, 15 U.S.C. 1011 *et seq.*, even though the agreements may be implemented through control of a plan. While the Supreme Court has not addressed the specific issues directly, the Court's reasoning as to the McCarran-Ferguson Act's purposes and the limits of the antitrust exemption established by that Act indicate that concerted action by groups of physicians is not the business of insurance. *See* Group Life and Health Ins. Co. v. Royal Drug Co., 440 U.S. 205 (1979). *See also* Virginia Academy of Clinical Psychologists v. Blue Shield of Va., 624 F.2d 476 (4th Cir. 1980), *cert. denied,* 450 U.S. —— (Feb. 23, 1981) (No. 80–930) ("*Va. Academy*"). In its case-by-case law enforcement program, however, the Commission will consider whether particular practices or relationships constitute the business of insurance and, if so, whether they are exempt from the FTC Act under the McCarran-Ferguson Act.

Under Section 4 of the FTC Act, 15 U.S.C. 44, the Commission has jurisdiction over non-profit entities only when they operate in substantial part for the pecuniary benefit of their members. *See* American Medical Ass'n, 94 FTC 701 (1979), *aff'd as modified,* 638 F.2d 443 (2d Cir. 1980), *cert. granted,* 452 over U.S. —— (June 22, 1981) (No. 80–1690) ("*AMA*"); National Commission on Egg Nutrition, 88 FTC 89, 175–79 (1976), *aff'd,* 570 F.2d 157 (7th Cir. 1977), *cert. denied,* 439 U.S. 821 (1978); *see also* Federal Trade Commission v. National Commission on Egg Nutrition, 517 F.2d 485, 487–88 (7th Cir. 1975); Ohio Christian College, 80 FTC 815 (1972). The Commission will therefore determine on a case-by-case basis whether it has jurisdiction over particular not-for-profit plans or physician groups. Similarly, a practice may be immunized from antitrust liability under the doctrine of Parker V. Brown, 317 U.S. 341 (1943), if it embodies a clearly articulated and affirmatively expressed state policy to displace competition and is actively supervised by the State itself. California Retail Liquor Dealers Ass'n v. Midcal Aluminum, Inc., 445 U.S. 97 (1980). The Commission will therefore consider the applicability of the *Parker* doctrine in deciding whether to challenge the particular acts or practices of a plan or group of physicians.

[7] Federal Trade Commission, Organization, Procedures, Rules of Practice, and Standards of Conduct, 16 CFR 1.1–1.4.

[8] The first important case applying the federal antitrust laws to groups of professionals was American Medical Ass'n v. United States, 317 U.S. 519 (1943), in which the AMA and the District of Columbia Medical Society were convicted of a criminal conspiracy to obstruct the development of an HMO. More recent Supreme Court cases have made it clear that the antitrust laws are fully applicable to concerted action by professionals. National Soc'y of Prof. Eng'rs v. United States, 435 U.S. 679 (1978) ("*Prof. Eng'rs*"); Goldfarb v. Virginia State Bar, 421 U.S. 773 (1975). Recent cases applying the antitrust laws in the health care field include National Gerimedical Hospital and Gerontology Center v. Blue Cross of Kansas City, —— U.S. —— (June 15, 1981); Group Life and Health Ins. Co. v. Royal Drug Co., *supra; Va. Academy, supra; AMA, supra.*

[9] 15 U.S.C. 45.

[10] 15 U.S.C. 1–7 (Sherman Act); 15 U.S.C. 12–27 and 29 U.S.C. 52 (Clayton Act).

[11] *See* United States v. Sealy, Inc., 388 U.S. 350 (1967); Silver v. New York Stock Exchange, 373 U.S. 341, 348 n. 5 (1963); United States v. Masonite Corp., 316 U.S. 265 (1942).

[12] *See, e.g.* United States v. Sealy, Inc., *supra; Va. Academy, supra.*

[13] *See, e.g., AMA, supra;* Marrese v. American Academy of Orthopaedic Surgeons, 1980–81 Trade Cas. ¶63,759 (N.D. Ill. 1980); McCreery Angus Farms v. American Angus Ass's, 379 F. Supp. 1008, 1017 (S.D. Ill.), *aff'd by unpub'd order,* 506 F. 2d 1404 (7th Cir. 1974).

[14] While this attribution to the group of competitors makes it appropriate to treat the actions of the controlled entity as concerted action, each of the individual members of the group may not be liable under Section 5 of the Federal Trade Commission Act for every act of the controlled entity. Such individual liability would depend upon the facts in each case.

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the decision or action to the members is appropriate so long as the organization had the general authority to take such an action. Second, a plan that is controlled by a group of competing physicians [15] is treated as the agent of the physician group, and the plan's practices and policies are scrutinized under the antitrust laws as concerted activity, even without evidence that the members of the group specifically agreed upon the particular action or decision of the plan.[16]

B. *Rule of Reason*—Agreements and concerted activities are illegal only if they unreasonably restrain trade.[17] Under this "rule of reason," there must be an examination of the purpose for which the parties have entered into the agreement or course of conduct and of the effects that have resulted or are likely to result from their concerted activity. Any procompetitive effects are weighed against anticompetitive effects in determining whether the restraint, on balance, is unreasonable. This standard permits consideration of factors which are unique to a particular industry or profession, and it permits justifications that relate not merely to price competition, but also to competition based on quality and convenience. As the Supreme Court recently made clear, however, antitrust law does not recognize proffered justifications for a restraint which argue that competition would be harmful in a particular market.[18] Instead, it assesses whether the restraint will on balance benefit competition in that market (*e.g.*, by creating efficiencies that permit less expensive or higher quality services to be offered). Thus, the focus of the inquiry "is whether the restraint imposed is such as merely regulates and perhaps thereby promotes competition or whether it is such as may suppress or even destroy competition."[19]

The Commission and the courts have also developed rules of *per se* unreasonableness. The *per se* rules are applicable only to

> Agreements or practices which because of their pernicious effect on competition and lack of any redeeming virtue are conclusively presumed to be unreasonable and therefore illegal without elaborate inquiry as to precise harm they have caused or the business excuse for their use.[20]

As is discussed below, the Commission believes that agreements among physicians to form a plan, or to control or operate a plan that they have formed, will ordinarily be analyzed under the rule of reason.

C. *Determining the Existence of Physician Control*—As explained above, a finding that a plan is physician controlled will subject the plan's actions and policies to the antitrust standards applicable to concerted activity by competitors. In determining whether such control exists, the Commission intends to analyze the relationship between the plan and the physician group to ascertain whether the group has effective, overall power over plan policies and actions. Such control may be either formal or *de facto*.

The analysis of control is a practical one, asking whether the plan's lines of authority give the physician group the ability (either "on paper" or in practice) to make overall plan policy.[21] The existence of control will be clearest when a physician group owns the plan. It is also likely when a group selects [22] a majority of the voting members of the plan's governing body. When neither of these conditions is present, *de facto* control may nevertheless exist.[23] For example, a physician group may be able to dominate a plan's decisionmaking processes through the selection of a minority of members of a plan's governing body. The larger and more cohesive or influential that minority representation is, especially in relation to other interests on the board, the more likely it may be that the physician group effectively controls the plan without selecting a majority of board seats. Based upon the Commission's current knowledge, however, it appears unlikely that a group selecting less than one-fourth of the seats on a plan's governing body would be found to control the plan, without additional evidence of dominance over the plan's decisionmaking processes.[24]

The Commission will consider whether physician control exists on a case-by-case basis. It will consider, for example, applicable state statutory or regulatory provisions relating to plan structure and organization.[25] As with factual issues in other areas of antitrust enforcement, substance will govern over form in determining whether control exists.[26]

D. *Agreements in the Absence of Control*—This Statement focuses on physician control of a plan, because such control means that the actions of a plan are attributed to the controlling group of physicians. Physician agreements relating to a plan can also exist in the absence of overall control of a plan's decision-making processes by the physician group. These situations are briefly discussed below in order to distinguish them from the physician control relationships that are the subject of this Statement. In situations where physician control does not exist, the plan's operations are not in themselves concerted action and therefore do not raise the antitrust concerns that are discussed in Section III. Even absent physician control of a plan, however, an agreement between a group of physicians and a plan could unreasonably restrain trade. In some cases, the *per se* rule may be applicable to such agreements.[27]

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[15] As is discussed below, if the physicians forming a plan have fully merged their medical practices, they are no longer competitors and the plan's actions are treated as those of a single entity, not as those of a combination of competitors.

[16] *See Va. Academy, supra*, 624 F. 2d at 481. See footnote 4, above, for the definitions of "control" and "physician control.".

[17] *Prof. Eng'rs, supra*, 435 U.S. at 687–92.

[18] *Id.* at 689–90.

[19] Chicago Bd. of Trade v. United States, 246 U.S. 231, 238 (1918), *quoted in Prof. Eng'rs, supra*, 435 U.S. at 691.

[20] Northern Pacific Ry. Co. v. United States, 356 U.S. 1, 5 (1958). Examples of such agreements are those to fix prices, divide markets, or boycott competitors.

[21] *See Va. Academy, supra*, 624 F. 2d at 479–81 (sufficient physician control to establish collective nature of Blue Shield plan's actions was found on basis of plan bylaws requiring that majority of its board be physicians, and that one-third of plan's board be chosen from candidates nominated by state medical society sponsoring the plan).

[22] The Commission will ordinarily consider a plan governing body member to be "selected" by a physician group if the group elected, approved, or otherwise appointed the governing body member. In some cases, a governing body member nominated by a physician group could be found to have been selected by the group.

[23] *See* Human Resources Institute v. Blue Cross of Virginia, 498 F. Supp. 63 (E.D. Va. 1980) (subscriber majority on Blue Cross plan board does not necessarily preclude possibility of plan control by member hospitals, but control not established from mere "structural factor" that one-third of board consists of hospital representatives, absent direct evidence that structure allowed provider control).

[24] Where a physician group has less than a majority of seats of a plan's governing body, the ability of the group's representatives to influence key plan decisions will be a central factor in determining the existence of control. The existence of some or all of the following factors may warrant a finding by the Commission that physician control exists: power to vote on plan reimbursement or coverage proposals; representation on (or selection of) key plan policy-making committees (especially those dealing with reimbursement and coverage decisions); delegated authority, including veto or approval power, over plan policies and decisions; power to appoint or approve plan officers of executives; financing of plan operations (including capital contributions); directors, officers, or executives common to both the plan and the affiliated physician group; and the absence of other strong interest groups on the plan governing body whose influence is likely to preclude a physician group minority from exerting effective control over the plan. In assessing such factors, the Commission will focus on whether the physician group has, in practice, the ability to set *overall* plan policies by dominating its decision-making processes.

[25] *See Va. Academy, supra*, 624 F.2d at 478.

[26] *Id.* at 481.

[27] In the three general situations discussed in this subsection (unlike those analyzed in Section III), the physician group does not control the plan and

Continued

1. *Participation in Overall Plan Decision-Making.* When a physician group plays a formal role in the overall decision-making processes of a plan (*e.g.*, by selecting one or more of the plan's directors) but does not have effective control of the plan, the Commission will not consider the plan to be "controlled" by the physician group. The actions of the plan are therefore not treated for antitrust purposes as the concerted action of the competing physicians. This situation arises, for example, when the physician group selects a non-controlling share of the plan's board of directors and does not otherwise dominate the plan's decision-making processes. In such situations, the plan and the physician group will be treated as independent entities. Therefore, the operations or practices of such a non-controlled plan do not raise antitrust concerns as agreements in restraint of trade. However, agreements by the physician group will be treated as concerted activity subject to the usual restrictions of the antitrust laws.

2. *Power Over Discrete Plan Functions.* A plan that is not controlled by any physician group may nonetheless give a group decision-making authority over discrete functions or policy areas. For example, a physician group may be given veto power over plan decisions involving reimbursement levels. Under antitrust standards, such formal or informal delegation of decision-making authority by a plan to a physician group amounts to a combination or agreement between the plan and the group. Plan actions or policies resulting from the delegation, as well as physician group activities in exercise of its delegated authority, will be analyzed as concerted conduct and will therefore be unlawful if they unreasonably restrain trade. Their lawfulness will depend upon their purpose and/or their effects.

3. *Agreements Made Outside the Plan's Formal Decisionmaking Process.* Physician groups can also influence, or try to influence, the policies or actions of a plan even when they have no formal role in the plan's decisionmaking processes. Such physician group actions can range from coercive group boycotts by the group's members to the mere submission to a plan of suggestions that the physician group urges the plan to adopt. Attempts by groups of physicians to influence a plan by collective boycotts will raise serious antitrust concerns, and in some cases may be *per se* unlawful.[28] However, antitrust law does not automatically bar a physician group from presenting its recommendations to a plan.[29] Particularly serious concerns would arise if proposals were made concerning future fee levels or were made in a coercive manner. The lawfulness of the group action will depend upon its purpose and/or effects. The plan may also be liable for any resultant restraint of trade if it enters into an agreement with the physician group to implement the group's proposals or demands.

III. Enforcement Policy Concerning the Formation and Operation of Plans Controlled by Physician Groups

Agreements by a physician group to establish, control, or operate a plan, and the practices and policies of a controlled plan, are treated under the antitrust laws as the concerted action of the competing physicians. The lawfulness of such concerted action depends upon its purpose and/or its effects. This section sets forth the general analysis which the Commission intends to use to determine when the operation or formation of a controlled plan raises antitrust concern warranting enforcement action.

A. *General Analysis of Purpose and Effects*—1. *Purpose.* If competing physicians enter into an agreement with the primary intent to reduce the competition which they face (either from each other or from outsiders), their purpose is anticompetitive and the agreement is unlawful, even without direct evidence of anticompetitive effects.[30] The law assumes that joint action aimed at lessening competition is likely to succeed. It will not allow an intentionally anticompetitive arrangement to continue merely because the perpetrators assert their inability to achieve their own goal.

The existence of anticompetitive purpose in a particular situation is a question of fact. A finding of an unlawful anticompetitive purpose would be warranted where the facts demonstrated that the group was acting principally to reduce or prevent competition, rather than to meet or create competition.[31] In some instances, the statements or actions of the participants, or the nature of their joint enterprise, may leave no doubt that an agreement was made in order to reduce or the eliminate competition. In most instances, however, the motives of the group of competitors will be mixed or ambiguous and therefore more difficult to characterize, and in such cases the effects of the group's actions may be useful evidence in analyzing the purpose of those actions.[32] When dealing with physician agreements relating to the formation or operation of plans, the Commission will examine all relevant evidence to determine whether, on balance, the primary purpose of the agreement or the joint action was to compete more effectively or to stifle competition.[33] If the group's primary purpose is not anticompetitive, and no rule of *per se* illegality is applicable, the actual or likely effects of the agreement must be assessed to determine the lawfulness of the concerted arrangement.

2. *Competitive Effects.* A number of factors may be relevant in measuring the actual or likely effects of an agreement to control a plan. In addition to weighing any direct evidence that competition has been injured, the Commission may often find it useful to

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cannot be said to have created a new entity in the health care financing or health care services market that requires its members to make joint pricing or coverage decisions. Therefore, restraints resulting from the agreements discussed in this section may frequently be "naked restraints" in that they may not be ancillary to cooperative productive activity or necessary to the operation of the plan. In such situations, the plan is an independent entity that can operate without dealing with the physicians as a group, and the physicians are outsiders with no right to dictate terms to the plan. As naked restraints, they may be judged under *per se* standards when they involve agreements to fix prices, divide markets, or exclude competitors.

[28] *See* American Medical Ass'n v. United States, 317 U.S. 519 (1943); Group Health Cooperative v. King County Medical Society, 237 P. 2d 737, 1952–1953 Trade Cas. ¶67,201 (Wash. Sup. Ct. 1951).

[29] *See Va. Academy, supra*, 624 F. 2d at 483.

[30] *See* United States v. United States Gypsum Co., 438 U.S. 422, 436 n.13 (1978); United States v. Container Corp., 393 U.S. 333, 337, 341 (1969); United States v. Socony-Vacuum Oil Co., Inc., 310 U.S. 150, 224–26 n.60 (1940). *See also* Sullivan, *Antitrust* 166 (1977); Bork, *The Rule of Reason and the Per Se Concept: Price Fixing and Market Division*, 75 Yale L.J. 373, 389 (1966).

[31] For example, a physician group's purpose is not anticompetitive merely because it seeks to gain a competitive advantage for its members or to maintain their competitive position. The competing physicians must, however, seek to achieve those goals through competition on the merits—*e.g.*, by forming a plan that offers patients the services, prices or coverage they desire—and not simply by reducing competition among the group's members or impending competition offered by other providers of health care services or financing.

[32] *See* E. I. du Pont de Nemours & Co., 96 F.T.C. 653 (1980), where the Commission examined the relationship of conduct to intent in the single-firm context. The intent of a group of competitors can be as ambiguous as that of a single firm that is trying to maintain or enhance its market position if, for example, the group is forming or operating a joint venture. In the other hand, the intent of a group is sometimes clear, especially when the agreement relates to no legitimate, procompetitive business activity but only serves to restrain trade. *See*, for example, *AMA, supra*.

[33] If only a few members of the group appear to be acting with anticompetitive intent, a finding of violation based upon purpose alone normally will not be warranted. Where only a few members are acting with anticompetitive incentives, an important factor in assessing intent would be whether those few participants were leaders of the group or active in the operation of the plan.

consider the purpose or objectives of the controlling physicians, since the evidence of intent may help the Commission to interpret the facts surrounding such an agreement and to predict its consequences.[34] The Commission will normally also consider two other important factors in measuring the actual or likely effects of an agreement: (1) The market power of the plan and, where relevant, of the physician group; and (2) the degree of integration achieved by the physicians through the agreement.

"Market power" is the ability to affect market prices or exclude competitors from the market. It is the ability to affect or shape competitive forces in the marketplace. The acts of a group or an enterprise are unlikely to have significant effects on competition absent market power. On the other hand, a group or enterprise that possesses market power has the ability to injure competition substantially, even if its purposes are not primarily anticompetitive. The existence of market power is, therefore, often relevant in assessing antitrust liability under the rule of reason, which focuses upon the competitive effects of concerted activity.

In general, the greater the market power possessed by a controlled plan, the greater the probability that a restraint of trade resulting from the actions of the plan will have significant anticompetitive effects.[35] For example, a physician group controlling a plan may wish to pay its members higher fees for their services than are currently available from third-party payers in the local market. To do so, they might have to raise the premiums of the controlled plan. The more market power possessed by the plan, the higher its premiums could be raised above competitive levels without losing a substantial number of subscribers, and the more the controlling physicians could increase reimbursement levels for physician services.

The Commission will use traditional economic and antitrust concepts in analyzing a plan's power in the health care financing market. As in other areas of antitrust enforcement, the Commission will define market power within the relevant product market(s)[36] and relevant geographic market(s).[37] In addition to any evidence pointing to the exercise of market power, the Commission will normally consider the "structural" factors traditionally used by the Commission and the courts in identifying and measuring market power. These include entry barriers,[38] the size and number of competitors, and plan market share.[39]

"Integration" is the joining together or coordination of functions (*e.g.*, production, promotion, management, distribution, financing, debt collection) normally performed separately by discrete business entities. Integration is relevant to the effects that are likely to flow from an agreement among competitors because (1) any procompetitive economic efficiency achieved by the joint enterprise will primarily be the result of the integration of functions, and (2) the competitors will generally reduce or may even cease competitive rivalry with regard to any functions that are integrated. Thus, integration can facilitate both a procompetitive increase in efficiency and an anticompetitive decrease in competition.

3. *Categorization of Plans Controlled by a Physician Group.* In fashioning the legal standard to apply in determining whether an agreement unreasonably restrains trade, antitrust law has traditionally made distinctions based on the degree of integration achieved through the concerted arrangement. Thus, varying legal standards are applied to mergers (which represent the total integration of functions by formerly separate business entities), joint ventures (which represent a significant but partial integration of functions or a significant financial contributions by the group to the existence of the venture), and cartels (which represent a combination of competitors that serves anticompetitive purposes and has achieved no significant operational integration).

Plans controlled by a physician group or organization are analyzed in this Statement either as *merged plans* or as

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[34] Chicago Bd. of Trade v. United States, *supra*, 246 U.S. at 238–39. Thus, even if the group's primary purpose is not found to be unlawful, the existence of some anticompetitive intent on the part of the group or some of its members may be probative in determining whether the effects of the agreement are likely to be anticompetitive. It is reasonable to assume that "[t]he actors in the marketplace will often be themselves the best judges of what they are capable of achieving." Sullivan, *supra*, at 195. In addition, the group members who are acting with anticompetitive intent may be able to shape an agreement or practive to achieve their ends.

[35] A finding of plan market power would not be necessary to a finding of significant anticompetitive effects where the challenged restraint was not implemented solely through the actions of the plan, but depended upon the joint or collective action of the controlling physicians for its effectiveness. Thus, if the controlling physicians agreed to make their plan's policy on reimbursements the yardstick they would use for deciding how to deal with all other third-party payers, the effects of their agreement would depend more on the power of the physician group than the power of the plan. Indeed, the *per se* rule of illegality might apply in this situation, since the physicians' agreement goes beyond how their plan would be operated and instead seems to be the attempt of a cartel to impose its will upon independent third-party payers. The rule of reason would not automatically apply merely because a controlled plan plays some role in the challenged restraint. The legal standard used and the relevance of the plan's market power will depend on the substance and purpose of the physician agreement, not merely on the presence of a physician control relationship.

[36] The relevant product market for measuring a plan's market power will depend upon the facts in each particular case. As the Supreme Court has noted, "no more definite rule can be declared than that commodities reasonably interchangeable by consumers for the same purposes" make up a relevant product market for antitrust purposes. United States v. E.I. du Pont de Nemours & Co., 351 U.S. 377, 395 (1956). The Commission believes that one or both of the following product markets will usually be relevant in assessing the presence and magnitude of market power in the context of the issues addressed in this Statement: (1) the market for the sale of health care financing and (2) the market for the sale of health care services. The precise product market(s) will depend upon the individual fact situation and the issues being analyzed. In some cases, there may be one or more relevant product "submarkets," such as the physician services market or a portion thereof, within which it is also important to assess market power.

[37] The relevant geographic market will also depend upon the facts in each particular case. In general, it will comprise the geographic area in which the relevant sellers operate and to which the relevant buyers of health care financing and/or health care services can "practicably turn" to make purchases. *See* United States v. Philadelphia National Bank, 374 U.S. 321, 359 (1963), *quoting from* Tampa Elec. Co. v. Nashville Coal Co., 365 U.S. 320, 327 (1961). In many cases the relevant geographic market may consist of the "service area" within which a plan enrolls subscribers and contracts with participating physicians. In other cases, the appropriate relevant market may consist of a broader region. However, in each instance the Commission will also consider whether there are discrete, relevant geographic "submarkets" in which measurement of a plan's power may be necessary. For example, these may consist of a city, county, or "Standard Metropolitan Statistical Area."

[38] Examples of entry barriers in the plan context might include: product differentiation barriers, including a well-established and commercially significant trademark; laws or regulations limiting entry or giving advantages only to certain types of plans, including smaller reserve requirements or less stringent rate increase review; unwillingness of area physicans to affilitate with new plans; the existence of a "hospital discount" or other purchasing allowance not available to all plans; medical profession sponsorship, endorsement, or "approval" of one or more plans already in the market; tax advantages, including lower income, premium, or property taxes, that are not available to all plans; capital barriers and "start up" costs; and control by plans already in the market over access to health care facilities of competitive significance to new plans.

[39] The manner in which the Commission ascertains a plan's market share as a seller of prepaid health care financing may vary depending upon the information available and the issues to which market power appears relevant. Where appropriate and available, the Commission may utilize the plan's percentage of the total dollar amount of premiums paid to all private (non-governmental) sellers of health care financing. Other measures may also be used in some circumstances. For example, it may be appropriate for the Commission to utilize the plan's percentage of the total dollar payments made to physicians in the relevant geographic market (directly by patients and indirectly by sellers of health care financing).

partially integrated plans. A plan is "merged" when the physicians who control the plan have fully merged or integrated their medical practices and therefore do not compete with each other in separate medical practices.[40] A plan is "partially integrated" when the controlling physicians still compete with each other for patients in independent medical practices and have either (1) partially integrated their practices into the plan or (2) made a substantial financial contribution to support the establishment or operation of the plan.[41]

"Cartel analysis"[42] does not appear applicable to physician agreements to form a merged or partially integrated plan or to control or operate a plan formed by the physician group.[43] The Commission believes, however, that traditional merger analysis under the FTC, Sherman, and Clayton Acts is directly applicable when evaluating the antitrust concerns that can arise from the formation or operation of a merged plan by a group of physicians.

Partially integrated plans (*e.g.,* Blue Shield plans, IPA-type HMOs) cannot be so readily categorized for purposes of antitrust analysis. Unlike in a merger situation, the controlling physicians retain their independent medical practices and therefore at least in part continue to compete with each other for patients in solo or group practices. The formation and operation of a partially integrated plan therefore may present many of the same antitrust implications as a traditional joint business venture—*i.e.,* procompetitive effects may result from the creation of a new business entity or from operational efficiencies achieved by the group, but the integration and cooperation by competitors may also reduce competition among them or otherwise restrain trade. Therefore, joint venture cases may often provide useful guidance in analyzing the formation or operation of partially integrated plans. But the great variation in the degree and type of integraton achieved by such plans, the unique structural relationship between the health care financing and health care services markets, and the unusual economic dynamics of the health care industry counsel against automatically applying to all partially integrated plans antitrust principles that are still evolving in industrial joint venture cases.[44]

Therefore, while the Commission intends to look to prior cases involving integration by competitors for useful guidance in assessing the competitive impact of physician agreements relating to partially integrated plans, it will normally use a straightforward rule of reason approach in making this assessment.[45] Under that standard, the likely procompetitive and anticompetitive effects of the particular arrangement or practice are balanced in order to assess its overall competitive impact.[46] That process will, of course, take into account the existence of any market power, as well as the type and degree of integration achieved by the physician group and the extent to which the challenged restraint is necessary to gain potential competitive benefits from that integration. Despite the existence of partial integration and the creation of a new joint enterprise, an agreement or practice based on an anticompetitive purpose could be found to be illegal without explicitly weighing its effects.[47]

B. *Commission Enforcement Policy*—While plans have the potential to enhance competition in the health care services market, antitrust concerns can arise when a relatively large number of physicians join together to control a plan, when a controlled plan has market power, or when a physician group of any size forms or operates a plan to effectuate an anticompetitive purpose. Based on its current understanding of the legal, economic, and policy factors involved, the Commission will apply the following analysis to agreements by a

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[40] Physicians who have formed or joined a merged plan (*e.g.,* a group model HMO) will normally only have patients who are plan subscribers. If their *joint* medical practice also includes a fee-for-service clinic or group practice, they will also have non-plan patients within that joint practice. In addition, the Commission recognizes that physicians affiliated with merged plans may also have their own "outside" patients during the period when the plan is just beginning operation, phasing out such non-plan patients as the plan enrolls more subscribers. There may also be some other exceptional circumstance in which a plan would be considered "merged" even though a small portion of its controlling physicians have not fully integrated their practices.

[41] The "financial contribution" may be in the form of a traditional equity or capital contribution to the plan by the group or may entail an "indirect" financial contribution to the plan's existence or operation through an agreement that the group will be financially at risk for adverse financial results caused by unexpectedly high costs or utilization.

[42] "Cartel analysis" treats an agreement among competitors as merely the "naked" conspiracy of a cartel when competitors agree to restrict competition relating to such factors as price, output, or marketing without achieving any significant operational integration or creating either new productive capacity or a new business enterprise. *See* Brunswick Corp., 94 FTC 1174, 1265–66 (1979), *modified as to relief,* 96 FTC 151 (1980), *aff'd as modified sub nom.* Brunswick Corp. v. FTC, No. 80–1913, and Yamaha Motor Co., Ltd. v. FTC, No. 80–1760 (8th Cir. July 29, 1981). Thus, cartel agreements that amount to price fixing, market division, or refusals to deal with competitors are treated as *per se* illegal, because the agreements are not related to any integration or activity that could arguably have procompetitive effects to be assessed under the rule of reason. The restraints are deemed to be "naked" because they are not related or "ancillary" to any arguably legitimate business venture or practice; their sole aim is to restrict competition.

[43] *See* Brunswick Corp., *supra,* 94 FTC at 1265–66. *Cf.* Broadcast Music, Inc. v. CBS, 441 U.S. 1, 23 (1979).

[44] Some partially integrated plans apparently entail substantial operational integration of the medical practices of the controlling physicians and therefore coincide with the conventional notion of a true joint venture among competitors. But other plans may be integrated in significantly different ways, such as a centralization of billing and debt collection functions or the sharing of some of the financial risks for adverse financial results caused by unexpectedly high costs or utilization. These differences in integration make it difficult to generalize about the competitive effects of the formation or operation of such plans.

[45] Rule of reason analysis appears appropriate when dealing with the formation and general operation of a partially integrated plan becuase, in forming the plan, the controlling physicians have created a new entity that has the potential to enhance competition. That situation is distinguishable from the apparent arrangement in Arizona v. Maricopa County Medical Society, 643 F.2d 553 (9th Cir. 1980), *cert. granted,* 450 U.S. —— (March 9, 1981) (No. 80–419). In *Maricopa,* the defendant physician organizations allegedly attempted to fix maximum fee levels for care given to covered subscribers, although the health care coverage was offered and underwritten by independent insurance companies, not by the physician organizations. The physician groups apparently did not form or create the plans (having taken no business risk) and apparently have got created any significant productive integration through the plan that requires price fixing by the physician groups. Thus, instead of creating a physician controlled plan to compete against other third-party payers, the physicians seem merely to have agreed upon maximum payment levels for insurers that wish to offer a plan approved by the physician groups. Therefore, the *per se* rule against price fixing may well be the appropriate antitrust standard in *Maricopa.* However, should the Supreme Court agree with the Ninth Circuit that rule of reason analysis is warranted in that case, use of the rule of reason standard would clearly also be appropriate in the case of physician agreements relating to partially integrated plans which they have formed and control.

[46] The same legal standards would apply whether the controlling physician group is composed of the plan's participating physicians or some broader group, such as a state or local medical society. The plan-related agreements of medical societies and other such groups, however, may be subject to greater scrutiny to determine whether the agreements have the purpose or effect of unreasonably restraining trade. A plan's physician panel may favor plan policies that promote competition by the plan, because they may benefit from the plan's success. On the other hand, a broader group such as a medical society, whose membership includes many non-participating physicians, may be more likely to oppose plan activities that would exert competitive pressure on physicians throughout the area. Moreover, the Commission's Bureau of Economics, in its study of medical control of Blue Shield plans, found the strongest association with higher fees to occur when a plan was controlled by a medical society or other formally organized group of physicians. *See* K. Anderson, D. Kass, P. Pautler, *Physician Control of Blue Shield Plans: A Further Discussion of the Issues* (January, 1981).

[47] United States v. Sealy, Inc., 388 U.S. 350 (1967); Timken Roller Bearing Co. v. United States, 341 U.S. 593 (1951); United States v. Columbia Pictures Industries, Inc., 507 F. Supp. 412 (S.D.N.Y. 1980), *aff'd without pub'd op., Dkt. 81–6003 (2d Cir. April 7, 1981).*

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physician group to control a plan and to the policies and practices of controlled plans.

1. *Merged Plans*—a. *Formation.* When members of a physician group fully integrate their practices into a prepayment plan, they have merged their formerly competing businesses; thus, the lawfulness of their action will be judged using traditional antitrust analysis under Section 7 of the Clayton Act and Section 5 of the FTC Act. Merger analysis takes into account the history, structure, and dynamics of each industry and market. A merger violates the antitrust laws when its effect may be to substantially lessen competition or tend to create a monopoly. The ultimate issue is whether the merger changes the structure of the particular industry or market in such a way that competition may be affected adversely and substantially. Because merged plans usually involve only a small portion of physicians practicing in an area, and the integration is likely to facilitate gains in efficiency, their formation would not normally warrant antitrust concern or Commission action, in the absence of an anticompetitive purpose.

Since most physicians practice in small groups or solo practices, the formation of a typical merged plan normally would not raise fears of overconcentration leading to oligopolistic interdependence or the increased probability of collusion. More important, the formation of a merged prepayment plan may change the structure of an atomistic physician services market in a procompetitive manner. Like any merger, the formation of a joint medical practice may create efficiencies not achieveable by the individual physicians. In addition, because their plan provides both health care services and financing, the controlling physicians may have the financial incentive to provide those medical services as efficiently as possible, so as to keep their premiums at a competitive level. In their prior roles an individual fee-for-service practitioners receiving payment from third-party payers, the controlling physicians may have faced less pressure to provide efficient, low-cost services.

A precise market share guideline cannot be given in this area, because local market factors and other considerations must be taken into account in a particular case. It seems unlikely, however, that antitrust concerns would arise when physicians totally merge their practices to form such a plan in an unconcentrated market, except in the unusual case where a very substantial percentage of area practicing physicians—*i.e.*, 30% or more is involved.[48] Even in that range, the characteristics of the specific market would have to be studied to determine whether the particular merger was anticompetitive.[49]

b. *Operation.* The operation of a merged plan is also unlikely to raise the types of antitrust concerns that prompted the Commission to investigate physician control of medical prepayment plans. The physicians forming or operating a merged plan are, for the most part, no longer competitors (since they do not customarily have outside practices in competition with each other). Therefore, the actions of a merged plan are treated as those of a single business entity, not as those of a combination of competitors, and the applicable antitrust standards are no different than for any plan that is not provider controlled. Except to the extent that an exemption may be available under the McCarran-Ferguson Act, such plans would violate the antitrust laws if, for example, they engaged in monopolization or attempts to monopolize, took part in an anticompetitive merger with another plan, or joined in anticompetitive conspiracies or combinations with outside persons or businesses (*e.g.*, market division, fixing premium levels). But, like any non-controlled plan,[50] their unilateral operational decisions do not usually raise antitrust concerns. For example, a merged plan may unilaterally refuse to deal with any provider without its conduct being considered an illegal group boycott (although such a plan may not use refusals to deal in an attempt to monopolize). Similarly, a merged plan may unilaterally set reimbursement levels without engaging in unlawful concerted price fixing.

2. *Partially Integrated Plans*—A different antitrust analysis will apply when a group or organization of physicians has established a plan without fully merging their practices into the plan. In this circumstance, the physicians controlling the plan retain their independent medical practices and are thus still competitors. Although strict "cartel analysis" does not seem appropriate where the physician group has created the plan,[51] antitrust enforcement action would nonetheless be warranted when the physician agreements or the actions of a controlled plan unreasonably restrain trade. Serious antitrust concerns are most likely to arise from the formation or operation of a partially integrated plan for an anticompetitive purpose and from the operation of a plan that has market power.

a. *Formation.* A plan's competitive impact in the health care services market will not depend merely on the fact that it is controlled by a group of physicians. Rather, its impact will usually depend upon the policies and practices that the plan adopts, and on any market power possessed by the plan. Therefore, Commission enforcement action will not normally be warranted at the formation stage of a partially integrated plan unless (1) the plan is created by the controlling physician group for an anticompetitive purpose, or (2) the evidence indicates that the plan's formation is reasonably likely to eliminate substantial potential competition in the local health care services and/or health care financing markets.

Serious antitrust concerns would arise if a group of physicians establishing a partially integrated plan were acting to achieve an anticompetitive purpose. Such an unlawful purpose would include the intent to stabilize or raise physician fees, to prevent the formation of another plan or eliminate an existing plan, or to create a plan that would dominate the health financing market and exercise market power for the group's benefit. If such a purpose were found, Commission enforcement action would be warranted.

Serious antitrust concerns might also arise if the formation of a plan appeared to eliminate a significant amount of "potential competition"—competition or competitive discipline stemming from entities that have not yet entered a market but are likely, or appear likely, to do so. Therefore, if the formation of a plan by a physician group prevents or makes impracticable the formation of other plans that would otherwise be likely to enter the market, potential competition from those plans may be eliminated and antitrust enforcement action may be warranted. Whether significant potential competition has been eliminated by the formation of a plan will depend upon conditions in the particular market.

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[48] As in other industries, if particular markets are already concentrated to tending toward concentration, antitrust concerns may arise when a smaller percentage of competitors merge. *See* United States v. Phillipsburgh Nat'l Bank & Trust Co., 399 U.S. 350 (1970); United States v. Von's Grocery Co., 384 U.S. 270 (1966). In such cases, as with any merger, the antitrust analysis will take into account any likely procompetitive effects from the merger, as well as any tendency to reduce competition.

[49] In addition, where appropriate, the Commission would consider whether the relatively small physician population in a particular area necessitated merging a large portion of practicing physicians in order to create a viable plan.

[50] *See, e.g.*, Quality Auto Body, Inc. v. Allstate Ins. Co., 1980–2 Trade Cas. ¶ 63,507 (N.D. Ill. 1980); Blue Cross and Blue Shield of Michigan v. Michigan Ass'n of Psychotherapy Clinics, 1980–2 Trade Cas. ¶ 63,351 (E.D. Mich. 1980); Chick's Auto Body v. State Farm Mutual Automobile Insurance, 401 A. 2d 722, 1979–1 Trade Cas. ¶ 62,642 (N.J. Super. 1979).

[51] *See* footnotes 42–43, *supra*.

The formation of a partially integrated plan would not raise serious antitrust issues relating to potential competition unless the evidence indicated that the plan's purpose or its structure and operation are likely to foreclose other meaningful competitive options. The issue would be a question of fact in each case and would depend upon the marketplace realities of each situation, rather than the automatic application of particular market share figures or other such rules-of-thumb. It appears, however, that these concerns over the loss of potential competition may be most likely to arise when the physician group forming a plan comprises a substantial majority (*e.g.*, two-thirds or more) of area practicing physicians or of any significant physician specialty.[52] When so many physicians control or participate in a plan, their combination in the plan could effectively eliminate the only pool of physicians from which another new plan could recruit a competitive medical panel. If such a large percentage of area physicians is involved, and if there is additional evidence that potential new entrants are effectively precluded from recruiting a competitive physician panel—either because the plan is designed to accomplish that objective or because there are ancillary agreement or other plan features that inhibit new entry—then Commission enforcement action may be warranted.

b. *Operation.* Antitrust concerns warranting Commission enforcement action may be more likely to arise from agreements by the controlling physician group relating to the operation of a partially integrated plan and from the policies and practices of the plan itself. Beyond their basic agreement to form and control a plan, the controlling physicians may additionally agree to operate the plan in specific ways, or to have the plan adopt particular policies or practices. When such agreements are made for an anticompetitive purpose—*e.g.*, an agreement to change the plan's reimbursement system in order to raise physician fees above market levels, or an agreement to harm a group of competitors by denying them reimbursement for covered services—serious antitrust concerns arise. On the other hand, if the group agrees to operate a plan in a specific manner in an attempt to carry out the legitimate business functions of the plan, and not for an anticompetitive purpose, it would raise serious antitrust concerns only if it caused, or were likely to cause, significant anticompetitive effects.

The Commission will usually apply the rule of reason in analyzing the operations of a partially integrated plan. The *per se* rules against concerted price fixing or boycotts do not generally appear to be applicable to a plan's reimbursement and coverage decisions, because such decisions are not "naked" restraints. The everyday decisions and practices of the plan are "ancillary" to the agreement of the physicians to control and operate the plan—the plan cannot operate without making such decisions. Therefore, the rule of reason is ordinarily used to determine the legality of such plan practices.

In general, therefore, the practices of a partially integrated plan that is controlled by a physician group will not violate the antitrust laws unless they have, or are likely to have, a significant anticompetitive effect. Since some degree of market power is usually necessary for an act or practice to have a significant marketplace effect, the practices and policies of plans without market power will usually not violate the antitrust laws, in the absence of an unlawful purpose.

On the other hand, the activities of plans with market power would raise serious antitrust concerns, and might warrant commission enforcement action, if they appeared to unreasonably limit competition among the participating physicians or to unreasonably injure competing providers or plans. Such concerns would arise, for example, if a controlled plan with market power appeared to reduce the existing market incentives for price competition among its participating physicians by such practices as adopting a reimbursement policy or mechanism that had the tendency to increase physician fees above market levels. Likewise, a plan with market power would raise serious antitrust concerns if it unreasonably excluded from coverage providers of health care who competed with its controlling group, when such exclusion seriously disadvantaged the other providers.[53] Antitrust concern would also arise if a partially integrated plan required its participating physicians to sign contracts that effectively barred them from participating in any other prepayment plan, and so many physicians were signed up that it was difficult for other plans to recruit a sufficient physician panel.[54]

In the analysis of the effects of a physician group's control of a plan that has market power, it might be reasonable to infer (1) that the market power is exercised for the benefit of the controlling physician group, and (2) that this concerted exercise of market power has anticompetitive effects. If these inferences were warranted, evidence that a controlled plan has market power would constitute evidence that concerted behavior is resulting in anticompetitive effects, and such evidence—if not counterbalanced by sufficient evidence of procompetitive effects—could provide a sufficient basis for finding an antitrust violation. However, the Commission does not intend to adopt that general approach in its immediate enforcement program, because it wants to have greater experience with the market dynamics of the health care industry and the physician-plan relationship before determining whether these general inferences of anticompetitive conduct and effects are warranted. If empirical studies or future investigations or cases indicate that physician control combined with market power customarily leads to higher physician fees, the unreasonable exclusion of competitors, the loss of potential competition, or other significant anticompetitive effects, the Commission will consider appropriate enforcement action based solely on market power and physician control. Until that time, the Commission's general policy will be

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[52] *See* Malcolm and Ellwood, "Competitive Approach May Ease Problems in Delivery Systems," Hospitals (August 16, 1979), at 68 ("IPAs that involve more than 60 percent of the physicians in any given community can be seen as major obstacles to the formation of competing plans"); McClure, "On Broadening the Definition of and Removing Barriers to a Competitive Health Care System," 3 Journal of Health Politics, Policy and Law 303 (1978).

[53] *See Va. Academy, supra;* Ballard v. Blue Shield of Southern West Virginia, 543 F.2d 1075 (4th Cir. 1976). *See also* Associated Press v. United States, 326 U.S. 1 (1945); United States v. Realty Multi-List, Inc., 629 F.2d 1351 (5th Cir. 1980).

[54] A substantial lessening of competition in violation of the antitrust laws can be found where such participation agreements, akin to exclusive dealing arrangements, injure existing or potential competitors by forceclosing them from a substantial share of the practicing physicians in the area. *See* Tampa Elec. Co. v. Nashville Coal Co., 365 U.S. 320 (1961); Standard Oil Co. of Cal. v. United States, 337 U.S. 293 (1949). Indeed, if a plan imposing such a requirement has almost universal participation by physicians in its marketing area, in the absence of a strong factual justification, the requirement could constitute strong evidence of an anticompetitive intent to obstruct the development of new prepayment plans in the market. *See* Medical Service Corp. of Spokane County, 88 F.T.C. 906 (1976) (consent order).

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to take action only when there is evidence of an unlawful purpose or when there is evidence that plan practices are causing or will likely cause significant anticompetitive effects.[55]

In considering the need for enforcement action, as well as in any proceedings after the issuance of a complaint, the Commission will take into account any procompetitive effects of a challenged practice and will consider the purpose or business justification for the practice in order to evaluate its overall competitive impact. If a practice is found to unreasonably restrain trade, the appropriate remedy will depend upon the circumstances in the case. It may be conduct-oriented (*e.g.*, prohibiting the specific anticompetitive practice) or structural (*e.g.*, severing the control relationship).[56]

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-28667 Filed 10-2-81; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 140]

Philadelphia Electric Co.; Pennsylvania Public Utility Commission; Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration (GSA) seeks to intervene in a proceeding before the Pennsylvania Public Utility Commission concerning the application of the Philadelphia Electric Company for an increase in electric rates. GSA represents the interests of the executive agencies of the United States Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Albert A. Vicchiolla, Assistant General Counsel, Transportation and Public Utilities Division, General Services Administration, 425 I Street, N.W., Room 3001, Washington, D.C. (mailing address: General Services Administration (LT), Chester A. Arthur Building, Washington, D.C. 20406), 202-275-6101, on or before November 4, 1981 and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act. 40 U.S.C. 481(a)(4))

Dated: September 23, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-28674 Filed 10-2-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-81-1092]

Florida; Request for State Certification

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of application by the States of Florida for State certification.

SUMMARY: The Secretary gives public notice that the State of Florida has applied for certification of its land sales program under 24 CFR 1710.502, published June 13, 1980. The purpose of giving this public notice is to give other states and interested parties the opportunity to review and comment on Florida's application.

DATE: Comments should be submitted no later than December 4, 1981.

ADDRESS: Send comments to Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Roger Henderson, Director, Program Development and Control Division, Department of HUD, Room 4108, Washington, D.C. 20410. Telephone: (202) 755-5618. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The amendments to the Interstate Land Sales Full Disclosure Act were signed into law by the President on December 21, 1979 (Pub. L. 96-153). On June 13, 1980, the Department published 24 CFR Parts 1710, 1715, 1720, and 1730 (Docket No. R-80-778) to implement the amendments. Section 1710.502 provides that a state may submit an application for certification of its land sales program to the Office of Interstate Land Sales Registration.

Once a State has been certified by the Secretary, developers may accomplish the Federal land registration requirements by filing with the Secretary materials designated by agreement with certified states in lieu of the Federal Statement of Record and Property Report. The State of Florida has submitted an application which is under consideration. The States of California, Oregon, Minnesota and Arizona have submitted applications. California's application had been approved, and a formal agreement signed on January 6, 1981. The Oregon, Minnesota and Arizona applications are presently under negotiation.

Any person(s) interested in receiving the application materials prepared by the State of Florida may request copies of them from the Office of Interstate Land Sales Registration from the address above. After the 60 day public comment period ends (December 4, 1981), the Secretary's final determination to accept or reject Florida's application for certification will be published in the **Federal Register**.

Issued at Washington, D.C. on September 29, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 28661 Filed 10-2-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Emergency Exemption; Take (Capture) of Wild-Released Whooping Crane

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: a required **Federal Register** notice on the receipt of an Endangered

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[55] Empirical studies can be useful evidence but they are not the only means of establishing the existence or nonexistence of anticompetitive effects. For example, an empirical study of the effects of fee reimbursement policies would not be necessary to determine whether a particular policy has adverse price effects. Such price effects might be shown in a number of other ways, including the use of (1) evidence that the physicians involved intended to raise or stabilize prices or that individual physicians actually changed their pricing patterns in a manner that lessened price competition, or (2) expert testimony on the likely effects of a reimbursement decision. Moreover, concerted action can be anticompetitive without having demonstrable pricing effects—when, for example, it eliminates options available to consumers.

[56] Thus, a conduct remedy may be appropriate if prohibiting a particular practice will remove and undo its anticompetitive effects. On the other hand, an actual severing of control may be appropriate if the Commission concludes that the controlling physician group is operating the plan with an overall anticompetitive purpose. Such a conclusion could be based on a finding that the plan had engaged in a large number of anticompetitive practices, or on more direct evidence of anticompetitive purpose. Structural relief might also be appropriate if a conduct remedy would require the Commission to engage in unduly intrusive oversight of the plan's day-to-day decisions.

Species permit application for soliciting public comment has been waived for emergency actions.

FOR FURTHER INFORMATION CONTACT: Steve Funderburk, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240; Telephone: 703/235–1903.

SUPPLEMENTARY INFORMATION: On September 28, 1981, a memorandum waiving the 30 day public comment period required prior to issuance of an Endangered Species permit was issued to Dr. Scott Derrickson, Patuxent Wildlife Research Center, USFWS, authorizing emergency actions to enhance the survival of one captive bred female Whooping crane (*Grus americana*), which was released to the wild at the Grays Lake National Wildlife Refuge, Idaho. This waiver was granted to allow for the capture of the bird, which did not assimilate to the wild population, to assure its survival for another attempt at release to the wild during the 1982 breeding season. The bird, which will not migrate south with the wild population, would probably die of exposure if left in the wild at the Grays Lake Refuge, which normally encounters harsh winters.

It was determined by the U.S. Fish and Wildlife Service that an emergency does in fact exist and that the health and well being of this bird is threatened, and that no reasonable alternative to the proposed action is available to the applicant. This emergency waiver is provided in accordance with Section 10(c) of the Endangered Species Act of 1973, as amended by Pub. L. 95–632 (92 Stat. 3751).

The issued permit was assigned the following number: PRT 2–8158. The permit, memorandum of waiver, and other relative documents and information concerning this permit are available to the public during normal business at the above address.

Dated: September 30, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–28935 Filed 10–2–81; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Mobil Oil Exploration and Producing Southeast Inc.; Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Development and Production Plans

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration and Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 3596 and 3597, Blocks 20 and 21, Grand Isle Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 28, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81–28873 Filed 10–2–81; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

[OR 19177]

Oregon; Order Providing for Opening of Land

Correction

In FR Doc. 81–24649 appearing on page 42920 in the issue for Tuesday, August 25, 1981, make the following correction:

On page 42920, in the second column, under "Willamette National Forest", under "T. 21 S., R. 3.", in the fourth line, "Sec. 35, Lot SE¼SE¼" should have read "Sec. 35, SE¼SE¼".

BILLING CODE 1505–01–M

[U–49772]

Salt Lake District, Utah Realty Action—Public Land Sale

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following described land has been identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) at no less than the fair market value shown.

T. 5 N., R. 4 E., SLM

Section 24, Lot 3, Containing 33.25 acres. Appraised Value $5,000.00.

DATE: The sale will be made on December 1, 1981, at 1:00 p.m., 13th floor–BLM Conference Room, 136 East South Temple, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale, including the planning documents, environmental assessment and the record of public involvement, is available for review at the Salt Lake District, Bureau of Land Management Office, 2370 South 2300 West, Salt Lake City, Utah 84119.

SUPPLEMENTARY INFORMATION: The purpose of the proposed public land sale is to dispose of public land which because of its location and other characteristics is difficult and uneconomical to manage. The public interest will be well served by offering these lands for sale.

Said lands will be sold at public auction through competitive bidding.

Bids may be made by a principal or duly qualified agent. All bidders must qualify pursuant to 43 CFR 2711.26.

Sealed bids shall be considered only if received at the place of sale, BLM, 136 East South Temple, Salt Lake City, Utah 84111, prior to 12:00 noon the day of the sale and for at least the appraised value. Each bid shall be accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount of bid and shall be enclosed in a sealed envelope clearly marked "Bid for Public Land Sale U–49772, Morgan County." If two or more bids for the same amount are received, the apparent high bidder shall be determined by drawing pursuant to 43 CFR 2711.3–1(C).

The sealed bids shall be opened and publicly declared at the beginning of the sale. Oral bids will then be entertained. The oral bids must be made in increments of $500 or more. A maximum of three minutes will be allowed between oral bids for the submission of a higher bid. After oral bids are entertained, the apparent high bidder will be declared. The person declared to have entered the apparent high qualifying oral bid shall submit payment by cash, personal check, bank draft, money order or any combination; thereof, any additional amount necessary to bring the amount tendered with their sealed bids up to one-fifth of the amount of the oral bid, immediately following the close of the sale.

The acceptance or rejection of any offer to purchase shall be in writing no later than 30 days after receipt of such offer.

The terms and conditions applicable to the sale are:

1. The apparent high bidder shall submit the remainder of the full bid price within 30 days from the date of sale. Failure to submit the full bid price prior to, but not including the 30th day following the sale, shall result in cancellation of the sale of the above described lands and the deposit shall be forfeited.

2. The authorized officer may reject the highest qualified bid and release the bidder from his obligation and withdraw the tract for sale, if he determines that consummation of the sale would be inconsistent with the provisions of any existing law or collusive or other activities have hindered or restrained free and open bidding or consummation of the sale would encourage or promote speculation in public lands.

3. The patent will contain a reservation for ditches and canals and be subject to all valid existing rights.

4. The sale is for surface estate only. All minerals will be reserved to the United States.

For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, BLM, 136 East South Temple, Salt Lake City, UT 84111. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination.

Martha Burbidge,

Acting District Manager.

[FR Doc. 81-28765 Filed 10-2-81; 8:45 am]

BILLING CODE 4310-84-M

[M 45991 (SD)]

South Dakota; Noncompetitive Sale of Public Lands; Correction

September 24, 1981.

In FR Doc. 81-26801 appearing on pages 45819 and 45820, September 15, 1981, the legal description should read Sec. 12, Lots 2 and 3 instead of Sec. 2.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-28828 Filed 10-2-81; 8:45 am]

BILLING CODE 4310-84-M

[W-69981; W-73096]

Wyoming; Coal Lease Offerings by Sealed Bid

September 24, 1981.

U.S. Department of the Interior, Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001. Notice is hereby given that at 2:00 p.m., October 28, 1981, certain coal resources in the lands hereinafter described in Carbon and Sheridan Counties, Wyoming, will be offered for competitive lease by sealed bid of $25.00 per acre or more (and possibly followed by oral auction) to the qualified bidder submitting the highest bonus bid in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). However, no bid will be accepted for less than fair market value as determined by the authorized officer.

The sale will be held in the third floor Conference Room, 2515 Warren Avenue, Cheyenne, Wyoming. No bids received after 1:00 p.m., October 28, 1981, will be considered.

For lease offering W-69981, the coal resources to be offered consists of all coal recoverable from the following lands:

6th Principal Meridian, Wyoming

T. 57 N., R. 84 W.,
  Sec. 14, SW¼NE¼;
  Sec. 23, S½NE¼;
  Sec. 24, W½W½;
  Sec. 25, W½NW¼.
  Containing 360.00 acres.

The estimated total strippable reserves are 27.8 million tons. The coal quality is as follows: BTU—8,200 to 9,400/lb; Sulfur—0.5 to 1.8 percent; Ash—4.0 to 14.0 percent. The coal classifies as subbituminous C rank when calculated on an ash free basis. The track lies within the Powder River known recoverable coal resource area in Sheridan County, Wyoming and contains seven minable coal beds averaging between 7.4 and 24.1 feet in thickness. The U.S. Geological Survey Report (dated May 15, 1981) indicating demonstrated in-place and recoverable reserves by coal seam is available for public review in case file W-69981 at the above address.

For lease offering W-73096, the coal resource to be offered consists of all the coal recoverable by surface mining methods in the following lands located approximately 25 miles southwest of Rawlins, Wyoming:

6th Principal Meridian, Wyoming

T. 17 N., R. 91 W.,
  Sec. 4, lots 1, 2, 3, 4, S½N½;
  Sec. 6, lots 1, 2, 3, 4, N½SE¼NE¼.
T. 18 N., R 91 W.,
  Sec. 2, lots 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20;
  Sec. 10, All;
  Sec. 12, lots 1 through 16 (All);
  Sec. 14, All;
  Sec. 22, All;
  Sec. 28, All;
  Sec. 32, All;
  Sec. 34, All.
T. 19 N., R. 91 W.,
  Sec. 34, All.
  Containing 5,974.09 acres.

The estimated total in-place reserves are 73.8 million tons and the estimated recoverable reserves are 62.73 million tons. The in-place reserves were calculated using a 10:1 mining ratio (feet of overburden: feet of coal), a maximum highwall of 200 feet, a minimum coal thickness of 4 feet, and a density of 1,770 tons/acre-foot. The recoverable reserves were determined by the application of an estimated 85% recovery rate. The coal quality is as follows: BTU—8,800/lb; Sulphur—.56 percent; Ash—7.35 percent; Moisture—25.57 percent. This tract lies within the Rawlins Little Snake known recoverable coal resource area (KRCRA), Carbon County, Wyoming.

The leases issued as a result of these offerings will provide for payment of an annual rental of $3.00 per acre or fraction thereof and a royalty payable to the United States.

Notice of Availability: Bidding instructions are included in the Detailed Statements of of the Lease Sale. Copies of the Statements and of the proposed coal leases are available at the Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001. All case file documents and written comments submitted by the public on Fair Market Value or royalty rates, except those portions identified as proprietary by the commentor and meeting exemptions stated in the Freedom of Information Act, are available for public inspection at the above address on the fourth floor.

Maxwell T. Lieuranco,

State Director.

[FR Doc. 81-28823 Filed 10-2-81; 8:45 am]

BILLING CODE 4310-84-M

[W-8427]

Wyoming; Termination of Classification

September 22, 1981.

1. The following described lands were classified pursuant to the Small Tract Act of June 1, 1938 (43 U.S.C. 682a; 43 CFR 2411.1-1) by classification document dated March 11, 1968, and as amended October 8, 1970, for conditional leases for residential purposes. The classification document limited the issuance of the leases to owners and successors in interest to owners of habitable improvements in Gebo, Wyoming.

Sixth Principal Meridian, Wyoming

T. 44 N., R. 95 W.,
  Sec. 11, S½SW¼, SW¼SE¼;
  Sec. 12, NE¼NW¼.

The area described contains 160 acres in Hot Springs County, Wyoming.

2. The classification segregated the above lands from all appropriations under the public land laws, including location under the mining laws, except as to applications under the Mineral Leasing Laws and the Small Tract Act.

3. The Small Tract Act was repealed by Section 702 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701), accordingly the classification is no longer applicable. Therefore, pursuant to the authority contained in 43 CFR 2400.04 and the authority delegated by Bureau of Land Management Order 701 the classification is hereby terminated.

4. At 7:45 a.m. on November 6, 1981 the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter, shall be considered in the order of filing.

5. The lands will be open to location under the United States mining laws at 7:45 a.m. on November 6, 1981. They have been and will continue to be open to application and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-28825 Filed 10-2-81; 8:45 am]

BILLING CODE 4310-84-M

[W-76944]

Wyoming; Invitation for Coal Exploration License; Kerr-McGee Coal Corp.

September 24, 1981.

Kerr-McGee Coal Corporation hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying the following-described land in Campbell County, Wyoming:

Sixth Principal Meridian, Wyoming

T. 43 N., R. 70 W.,
  Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;
  Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
  Sec. 8, All;
  Sec. 9, All.
T. 44 N., R. 70 W.,
  Sec. 28, All;
  Sec. 29, All;
  Sec. 32, All;
  Sec. 33, All.
  Containing 4,168.43 acres.

All of the coal in the above lands consists of unleased Federal coal within the Powder River Basin Known Recoverable Coal Resource Area. The purpose of the exploration program is to provide geologic data to define quantity, quality and mineability of coal within the boundaries of the above-described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number W-76944): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001, and the Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601.

This notice of invitation will be published in the newspaper once each week for two (2) consecutive weeks beginning the week of October 12, 1981, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Kerr-McGee Coal Corporation no later than November 4, 1981. The written notices should be sent to the following addresses:

Kerr-McGee Coal Corporation, Attention: Mr. James R. Nielsen, Staff Engineer, P.O. Box 25861, Oklahoma City, Oklahoma 73125, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register**, pursuant to Title 43 of the Code of Federal Regulations, § 3410.2-1(d)(1).

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-28877 Filed 10-2-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contact Negotiations for Utah International Inc.; Navajo Unit, Colorado River Storage Project, New Mexico; Intent To Negotiate Amendatory Water Service Contract

The Department of the Interior, through the Bureau of Reclamation (Bureau), intends to initiate negotiations for an amendatory water service contract with Utah International, Inc. (UII), a Delaware corporation with its principal office located in San Francisco, California. Under the origianl contract, municipal and industrial water was to be furnished for beneficial use by UII in mining, processing, and utilizing coal deposits from its surface mining operation on the Navajo Indian Reservation near Farmington, New Mexico. The amendatory water service contract will be negotiated under authority of the Act of April 11, 1956 (70 Stat. 105).

The Bureau and UII will negotiate for certain amendments to the company's existing water service contract, dated April 11, 1968, amended June 11, 1975. The 1975 amendatory contract establishes that the contract may be terminated as to water not put to beneficial use by January 1, 1982, in the coal gasification project proposed by UII. Plans have not progressed to the point that the water can be put to beneficial use before the amendatory contract expires. A new beneficial use date will be negotiated. The proposed amendatory contract will include updated Bureau policies, including those for water marketing and pricing, wherever appropriate.

The proposed amendatory contract would continue to limit UII's annual consumptive use to 35,300 acre-feet annually. No more than 44,000 acre-feet of water will be released annually from Navajo Reservoir for withdrawal from UII's point of diversion.

All meetings scheduled by the Bureau with UII for the purpose of discussing terms and conditions of the proposed amendatory contract will be open to the

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general public as observers. Advance notice of meetings will be furnished only to those parties who have submitted a written request for notification at least 1 week prior to such meetings. Requests should be addressed to the Regional Director, Bureau of Reclamation, Attn: UC-440, P.O. Box 11568, Salt Lake City, Utah 84147. All written correspondence concerning the proposed amendatory contract will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed amendatory contract for a 30-day period after the completed contract draft is made available to the public. However, in the event little or no public interest is evidenced in response to this notice and local news releases, the availability of the contract draft may not be published through the **Federal Register** or other media.

For further information on the contract negotiations, contact Ms. Deborah Linke, Chief, Repayment Staff, at the above address, or telephone (801) 524-5435 or Mr. Richard Gjere (303) 247-0247.

Dated: September 29, 1981.

Darrell D. Mach,

Acting Assistant Commissioner of Reclamation.

[FR Doc. 81-28868 Filed 10-2-81; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations With Cedar Bluff Irrigation District No. 6; Intent To Begin Contract Amendment Negotiations for Deferment of the 1981 Construction Charge and Its Subsequent Repayment

The Department of the Interior, through the Regional Director of the Lower Missouri Region of the Bureau of Reclamation (Bureau), intends to begin negotiations with the Cedar Bluff Irrigation District (district) for deferment of the 1981 construction charge and its subsequent repayment. The deferment is being negotiated in compliance with the Act of September 21, 1959 (73 Stat. 584), Pub. L. 86-308.

The district, located in central Kansas near the town of Ellis, has experienced an extremely low storage condition in the Cedar Bluff Reservoir during the 1979 and 1980 irrigation seasons. Because of the undue economic burden imposed on the irrigators in 1980, the Cedar Bluff Irrigation District is seeking a deferment of the $18,267 annual construction charge due in 1981 and is proposing to repay the deferment in equal annual payments of $553.50 over the remaining 33 years of the existing contract.

All meetings scheduled by the Bureau with the district for the purpose of discussing terms and conditions of the proposed contracts shall be open to the general public as observers. Advance notice of the meetings shall be furnished to those parties having previously furnished a written request for such notice at least 1 week prior to the meeting.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared to be available to the public. In the event that little or no public interest is stimulated by this notice or local publicity, the availability of the proposed contract for public review and comment will not be publicized further through the **Federal Register** or other media.

Written comments and requests for information should be directed to Mr. Robert D. Kutz, Project Manager, Bureau of Reclamation, P.O. Box 1607, Grand Island, Nebraska 68801, telephone (308) 382-3660. All written correspondence made available in response to public requests will be governed by the Freedom of Information Act, as amended.

Dated: September 29, 1981.

Darrell D. Mach,

Acting Assistant Commissioner of Reclamation.

[FR Doc. 81-28869 Filed 10-2-81; 8:45 am]

BILLING CODE 4310-09-M

Municipal Water Service Contract Negotiations; Boysen Unit, Pick-Sloan Missouri Basin Program, Wyoming; Intent To Negotiate for Municipal Water Service

The Department of the Interior, through the Bureau of Reclamation (Bureau) intends to begin negotiations with officials of the city of Riverton, Wyoming, for an exchange agreement for a water allocation from Boysen Reservoir storage. The proposed contract will be drafted pursuant to section 9(c) of the Reclamation Project Act of August 4, 1939 (53 Stat. 1186). The city has a population of about 10,000. With current growth trends, city officials have estimated the population could exceed 18,000 by year 2020. Officials have requested water service arrangements be discussed. Water supplies ranging from 1,000 to 4,000 acre-feet annually, are needed to supplement the city's existing water rights which have a late priority date.

City officials have requested that the Bureau allocate water from Boysen Reservoir storage for a future municipal water supply. The city has a Wyoming water permit to divert water through the LeClair Canal to its treatment plant but because of the late priority date may need supplemental water during times of drought.

All meetings and/or negotiation sessions scheduled by the Bureau with the city of Riverton for the purpose of discussing terms and conditions of the proposed contract will be furnished to those parties having submitted a written request for a meeting scheduled at least 1 week prior to any meeting.

Requests should be addressed to Regional Director, Bureau of Reclamation, Attention Code UM-440, P.O. Box 2553, Billings, Montana 59103. All written correspondence concerning the proposed contract will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared to be available to the public. In the event little or no public interest is evidenced in the negotiations as gauged by the response to this notice and local news releases or announcement, the availability of the proposed form of contract for public review and comment will not be further publicized through the **Federal Register** or other media.

For further information on scheduled contract negotiating sessions and copies of the proposed contract form, please contract Mr. William Crosby, Chief, Economics and Repayment Branch, Division of Water and Land, at the above address or by telephone (406) 657-6413.

Darrell D. Mach,

Dated: September 29, 1981.

Acting Assistant Commissioner of Reclamation.

[FR Doc. 81-28870 Filed 10-2-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 22]

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by

Special Rule 245 of the Commission's general rules of practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Montana Docket No. T-5881, filed August 7, 1981. Applicant: LEE YORK, P.O. Box 134, Wisdom, MT 59761. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Passengers and general freight, Class A, over Highways 115, 43 and 278, serving the points of Butte, Divide, Dewey, Wise River, Wisdon and Jackson, Montana. Intrastate, interstate and foreign commerce authority sought. Hearing: September 15, 1981, Wisdom, Montana. Request for procedural information should be addressed to Montana Public Service Commission, 1227 11th Ave., Helena, Montana 59620, and should be directed to the Interstate Commerce Commission.

New York Docket No. T-1538, filed August 25, 1981. Applicant: KILLIAN BULK TRANSPORT INC., 100 Katherine Street, Buffalo, NY 14210. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between Niagara County on the one hand, and, on the other, the Counties of: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Genesee, Monroe, Niagara, Onondaga, Ontario, Oswego, Orleans, Seneca, Steuben, Tompkins, Wayne and Yates. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to New York Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-3487, filed September 1, 1981. Applicant: E. YOUNG'S EXPRESS, INC., 1200 Bradley Street Road, Watertown, NY 13601. Representative: Herbert M. Canter, and Benjamin D. Levine, 305 Montgomery Street, Syracuse, NY 13202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities, as defined in Section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York: Between all points in a territory consisting of Cayuga, Clinton, Franklin, Jefferson, Lewis, Oneida, Onondaga, Oswego and St. Lawrence Counties and the Village of Lake Placid (Essex County), New York. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-9390, filed August 11, 1981. Applicant: MAJESTIC MESSENGER SERVICE, INC., 160 Eileen Way, Syosset, NY 11791. Representative: Anthony Mastroianni, Esq., 343 Maple Ave., Westbury, NY 11590. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities in messenger service in packages not to exceed 100 pounds, to be delivered within 4 to 6 hours of time of tender. Between the Counties of Suffolk, Nassau, Rockland, Westchester, Putnam, Dutchess, Orange, Albany, Sullivan, Ulster, Tioga, Chemung, Schoharie, Rensselaer, Columbia, Greene, Montgomery, Schenectady, Alleghany, Broome, Cattaraugus, Cayuga, Chautauque, Chenango, Clinton, Cortland, Delaware, Erie, Essex, Franklin, Fulton, Genesse, Hamilton, Hermika, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Ostego, Richmond, St. Lawrence, Saratoga, Schuyler, Seneca, Steuben, Suffern, Washington, Wayne, Wyoming, Yates, Tompkins, and New York City. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28848 Filed 10-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: September 29, 1981.

In our recent decisions, an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 17.7 percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 3.0-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 2.0-percent surcharge for United parcel Service, or the 6.6-percent surcharge for bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m., October 2, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

James H. Bayne,

Acting Secretary.

September 28, 1981.

APPENDIX.—*Fuel Surcharge*

Base date and price per gallon, including cents (including tax)

January 1, 1979	63.5

Date of current price measurement and price per gallon (including tax)

September 28, 1981	130.2

	Transportation performed by—			
	Owner-operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	17.7	3.0	6.6	[3] 2.8
Percent surcharge allowed	18.0	3.0	6.6	[4] 2.0

[1] Apply to all truckload rated traffic.

[2] Including less-than-truckload traffic.

[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-28853 Filed 10-2-81; 8:45 am]

BILLING CODE 7035-01-M

V46/192 OC5 81 UMI

[Permanent Authority Decisions Volume No. 175]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 28, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

James H. Bayne,

Acting Secretary.

MC 21455 (Sub-51)X, filed September 14, 1981. Applicant: GENE MITCHELL CO., West Liberty, IA. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Applicant seeks to remove restrictions in its Sub-Nos. 19, 25, 31, 34, 44, 45, 49F, and 50F certificates to (1) broaden commodity descriptions in each to "food and related products" from soy flour, soy protein and soy flour products in Sub-Nos. 19, 31, 34, 45, and 49, from meats, meat products and byproducts, and articles distributed by meat packinghouses as described in the Descriptions case, 61 M.C.C. 209 and 766 in Sub-No. 25, and from wheat products and wheat gluten in Sub-Nos. 44 and 50; (2) remove restrictions excluding transportation of "soybean meal," "commodities in bulk," and "hides" in Sub-Nos. 19, 25, 31, 34, and 45; (3) remove restrictions prohibiting service in AK and HI in Sub-Nos. 19 and 44; (4) remove restrictions limiting service to that originating at a plantsite and named points in Sub-Nos. 25 and 44; (5) broaden facilities and named points to countywide authority as follows: Sub-No. 25, Marshall County, IA (facilities near Marshalltown, IA); Sub-No. 31, Linn and Muscatine Counties, IA (Cedar Rapids and Muscatine, IA); Sub-No. 34, Floyd and Macon Counties, IL (Gibson City and Decatur, IL); Sub-No. 45, Buchanan County, MO (St. Joseph, MO); Sub-No. 49, Blue Earth, Nicollet and Le Sueur Counties, MN (Mankato, MN); and Sub-No. 50, Lee County, IA and Clark County, MO (Keokuk, IA); and (6) change one-way service to radial service in each certificate.

MC 22254 (Sub-86)X, filed September 22, 1981. Applicant: TRANSAMERICAN VAN SERVICE, INC., P.O. Box 12608, Fort Worth, TX 76116. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-Nos. 59, 75, and 77 certificates to broaden the commodity descriptions to (1) in Sub-No. 59 "furniture and fixtures" from furniture; (2) in Sub-No. 75 "furniture and fixtures, and lumber and wood products" from store fixtures and wood products, related to store fixtures; (3) in Sub-No. 77 "rubber and plastic products and instruments and photographic goods" from hydrotherapeutic pools, uncrated; (4) in Sub-Nos. 59 and 77 certificates replace one-way with radial authority; in Sub-Nos. 59 and 75 certificates replace city-wide with countywide authority to (5) in Sub-No. 59 Cochise County from Benson (6) in Sub-No. 75 Weber County from Ogden; and (7) in Sub-No. 77 remove the except AK and HI restriction.

MC 24583 (Sub-47)X, filed September 21, 1981. Applicant: FRED STEWART COMPANY, P.O. Box 340, El Dorado, AR 71730. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. Applicant seeks to remove restrictions in its Sub-Nos. 35, 37, and 38 certificates to (1) broaden the commodity description to (a) "chemicals and related products" from sodium hydrosulfide in Sub-No. 35; (b) "petroleum and related products" from waste petroleum refinery sulfide in Sub-No. 35; (c) "chemicals and related products" from bromine chloride in Sub-No. 37; (d) "chemicals and related products" from ethylene in Sub-No. 38; (2) remove in containers restriction in Sub-No. 37 and in bulk, in tank vehicles restriction in Sub-No. 38; (3) remove named facilities restrictions in Sub-Nos. 37 and 38; (4) replace one-way authority with radial authority in Sub-No. 35; and (5) remove except AK and HI restriction in Sub-No. 37.

MC 30530 (Sub-14)X, filed September 14, 1981. Applicant: NORTH EASTERN MOTOR FREIGHT, INC., 5601 Holly Street, Commerce City, CO 80022. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, and 12 certificates to (1) broaden the commodity descriptions for general commodities, with exceptions, to "general commodities (except classes A and B explosives)" in each certificate; (2) authorize service to all intermediate points in each certificate; (3) change city to county-wide from Laporte, CO, and points within three miles of Laporte to Larimer County, CO, in Sub-No. 6; and (4) remove the restriction "serving points in the oil and gas fields known as the Adena and Little Beaver Fields and the Yenter Field" to allow off-route service at all points in the counties in the lead; and remove the joinder only restriction in Sub-No. 8.

MC 30618 (Sub-23)X, filed September 17, 1981. Applicant: HENRY V. RABOUIN, INC., P.O. Box 204, Pittsfield, MA 01201. Representative: Sherwood Guernsey II, 57 Wendell Ave., Pittsfield, MA 01201. Applicant seeks to remove restrictions in its lead certificate to broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in its regular and irregular route authority to serve northeastern States.

MC 33566 (Sub-5)X, filed September 22, 1981. Applicant: BAY STATE TRANSFER & STORAGE CO., INC., 60 Haynes Circle, Chicopee, MA 01020. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F and 4F certificates to broaden the commodity description (1) from household goods to "household goods and furniture and fixtures".

MC 34767 (Sub-44)X, filed August 12, 1981, previously noticed in the **Federal Register** of September 4, 1981, republished as follows. Applicant: GOOD'S TRANSFER, INC., 234 Charles Street, Harrisonburg, VA 22801. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW, Washington, DC 20005. Applicant seeks to remove restrictions in its lead and Sub-No. 42 certificates to (1) broaden certain commodity descriptions to: (a) "farm products" from alfalfa meal, livestock and hay; (b) "food and related products" from butter and dressed poultry, food products, meats, packinghouse products, and frozen foods, dressed poultry, frozen foods, canned foods, poultry and eggs, eggs (other than frozen), fresh fruits, fresh fruits and vegetables, apples and peaches, apples, ingredients for animal and poultry food and meat scrap, feeds, feed materials, feed materials and seeds, cottonseed meal, corn, wheat, flour, flour and mixed feed, coffee and tea, malt beverages, feathers, offal of fowls and animals and oils, greases and solids therefrom, feather meal in bulk and in bags, feathers in bags, dressed poultry fresh or frozen, and poultry plant and packinghouse waste products; (c) remove all exceptions in the general commodities authority "except classes A and B explosives"; (d) "petroleum, natural gas and their products" from oils and greases, and inedible oil and grease; (e) "pulp, paper and related products, and rubber and plastic products" from bags, empty containers for feathers, and empty bags; (f) "farm products and food and related products" from farm and dairy products (other than frozen); (g) "lumber and wood products, pulp, paper and related products, rubber and plastic products", from egg cases and chicken coops; (h) "lumber and wood products, and food and related products" from egg crates and fresh fruits; (i) "chemicals and related products, and food and related products" from fertilizer and wholesale grocery products; (j) "chemicals and related products" from fertilizer and fertilizer materials, and fungicides and insecticides; (k) and related products, and machinery" from feed and feed materials, hardware and wholesale food products; (l) "clay, concrete, glass or stone products" from bottles, and marble and marble products; (m) "machinery" from bottle washing machine parts and fittings, and dairy and refrigeration equipment; (n) "petroleum, natural gas and their products, and machinery" from oils, greases, and filling station equipment; (o) "lumber and wood products" from lumber, and empty barrels; (p) "building materials" from roofing; (q) "metal products" from small castings, empty containers used in the transportation of the commodities specified on sheet 10, para 8: (r) "furniture and fixtures" from pianos; (s) "coal and coal products" from coal; (t) "containers" from empty malt beverage containers; and (u) "commodities in bulk" from offal of fowl in bulk or in barrels, in the lead certificate; and in Sub-No. 42, "food and related products" from animal and poultry feed ingredients and supplements; (2) broaden regular-route authorities in the lead certificate to: authorize service at all intermediate points; remove restrictions limiting service to "delivery only" or "pickup only," and specifying "other than Timberville, VA and points within 10 miles thereof" on service from Rockingham County (sheet 6, para 3); and change one-way service to authorize two-way authority; (3) broaden off-route points in the lead certificate to county-wide authority as follows: Shenandoah, Rockingham, Augusta and Page Counties, VA (Lantz Hills, Broadway, Timberville, Weyers Cave, Elkton, Bridgewater, Luray, and Stanley, VA): Albemarle, Augusta, Greene, Madison, Page, Rockingham and Shenandoah Counties, VA (points within 25 miles of Harrisonburg, VA): and Page, Rockingham and Warren Counties, VA (Shenandoah, Elkton, Luray, Stanley, Dayton, Front Royal, and Riverton, VA); (4) broaden irregular-route authorities in the lead and Sub-No. 42 certificates to substitute radial authority in place of one-way service; and broaden named points to county-wide authority as indicated: lead certificate, Rockingham County, VA (Broadway, VA and points within 2 miles thereof): Frederick County, VA (Alma, VA and points within 2 miles of Alma): Albemarle County, VA (Crozet and Greenwood, VA): Shenandoah County, VA (New Market, VA and points within 4 miles thereof): Augusta County, VA (Stuarts Draft, VA and points within 4 miles thereof): Pendleton County, WV (Brandywine, WV): Hardy County, WV (Moorefield, WV): Shenandoah County, VA (Strasburg, Edinburg, Woodstock, and Mt. Jackson, VA): Page County, VA (Luray, Shenandoah, and Stanley, VA): Frederick County, VA (Stephens City, VA): Pulaski County, KY (Somerset, KY): Grant and Hardy Counties, WV (Moorefield, WV and points in WV within 12 miles thereof): Washington County, MD (Hagerstown, MD): Frederick County, MD (Knoxville and Frederick, MD): Gloucester County, NJ (Pitman, NJ): Montgomery County, PA (Schwenckville, PA): Orange County, VA (Orange, VA): Warren County, VA

(Front Royal, VA): Fauquier County, VA (Marshall and Warrenton, VA): Rockingham County, VA (Bridgewater, Broadway, Elkton, Timberville, Cross Keys, Lantz Mills, Mt. Crawford, and Linville, VA): Page, Rockingham and Shenandoah Counties, VA (Timberville, VA and points in VA within 10 miles thereof): Augusta County, VA (Fishersville, Crimora, Weyers Cave, Mt. Solon, and Fort Defiance, VA): Albermarle, Augusta, Greene, Page, Rockingham and Shenandoah Counties, VA (points in Virginia within 20 miles of Harrisonburg, VA): Adams County, PA (Gettysburg, PA): Berkeley County, WV (Martinsburg, WV): Hampshire County, WV (Romney, WV): Newport News, VA (Denbigh, VA): Jefferson County, WV (Charles Town and Shepherdstown, WV): Essex County, NJ (Irvington, NJ): Hudson County, NJ (Harrison, NJ): Sussex County, NJ (Newton, NJ): Howard County, MD (Ellicott City, MD): Botetourt County, VA (Cloverdale, VA): Rockbridge County, VA (Raphine, VA): Culpeper County, VA (Culpeper, VA): Anne Arundel County, MD (Camp Meade, MD): Kershaw County, SC (Kershaw and Camden, SC): Lee County, SC (Bishopville, SC): Lancaster County, SC (Lancaster, SC): Darlington County, SC (Hartsville, SC): Wake County, NC (Raleigh, NC): Cabarrus County, NC (Concord, NC): Gaston County, NC (Gastonia, NC): Forsyth, Davidson, Davie and Yadkin Counties, NC (Winston-Salem, NC): Randolph and Guilford Counties, NC (High Point, NC): Stokes and Rockingham Counties, NC (Pine Hall, NC): Chester County, SC (Lando, SC): York County, SC (Rock Hill, SC): Chesterfield County, SC (Pageland, SC): Fairfield County, SC (Winnsboro, SC): Albermarle, Augusta, Greene, Madison, Page, Rockingham and Shenandoah Counties, VA (points in Virginia within 25 miles of Harrisonburg, VA): Rockingham County, NC (Reidsville, NC): Guilford County, NC (Greensboro, NC): York County, PA (York and Clay, PA): Lancaster County, PA (Lancaster, PA): Philadelphia and Delaware Counties, PA (Lester, PA): Schuylkill County, PA (Pottsville and Tower City, PA): Dauphin County, PA (Lykens and Williamstown, PA): Allegany County, MD and Mineral County, WV (Cumberland, MD): Berks County, PA (Reading, PA): Rockingham County, PA (points on a described highway between Broadway and Timberville, VA): and Jessamine County, NY (Nicholasville, KY): and Bergen, Essex, Hudson, Passaic, and Union Counties, NJ and Brooklyn, Manhattan, Queens and Staten Islands Boroughs, KY (Kearney, NJ); and Middlesex County, NJ and Bronx Borough, NY (Jersey City, NJ); and in Sub-No. 42, Rockingham County, VA (Linnville, VA). The purpose of this republication is to correct certain omissions of broadened territories.

MC 53965 (Sub-198)X, filed September 14, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Avenue, 26th Floor, Detroit, MI 48226. Applicant seeks to remove restrictions in its Sub-Nos. 156 and 173F certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-Nos. 156 and 173F; and (2) allow service at all intermediate points on regular routes in the midwest and south in both Sub-Nos.

MC 55847 (Sub-14)X, filed September 17, 1981. Applicant: TRP, INC., 3320 S. Third Street, Philadelphia, PA 19148. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Applicant seeks to remove restrictions in its Sub-Nos. 10F, 11F, and 13 permits to: (1) broaden commodity description to (a) "pulp, paper and related products" from part (1) unprinted paper and part (2) materials equipment and supplies used in the manufacture thereof, (except commodities in bulk), in Sub-No. 10F; (b) "food and related products" from part (1) foodstuffs and pet foods and part (2) materials, equipment and supplies used in the manufacture and distribution thereof (except commodities in bulk), in Sub-No. 11F, and (c) "food and related products" from frozen bakery goods, and mechanically refrigerated equipment, and dressed poultry, iced and frozen, in Sub-No. 13; (2) broaden territorial scope to between points in the United States under continuing contract(s) (a) with named shippers in Sub-Nos. 10F, 11F, and 13; (b) with unnamed shippers in Sub-No. 13.

MC 67866 (Sub-42)X, filed September 14, 1981. Applicant: FILM TRANSIT, INC., 3931 Homewood Road, Memphis, TN 38118. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Popular Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-No. 39F certificate which authorizes the transportation of general commodities (except classes A and B explosives) between points in New Madrid County, MO, points in LA, AR, MS and specified portions of TN, KY, AL, FL, OK and KS to remove the size and weight restrictions as follows: (1) any package or article weighing more than 100 pounds, or exceeding 110 inches in length or 150 inches in length and girth combined and (2) packages or articles weighing in the aggregate more than 500 pounds from one consignee on any one day.

MC 73533 (Sub-21)X, filed July 29, 1981, and previously noticed in the **Federal Register** of August 24, 1981, and September 21, 1981, republished as corrected this issue. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8F, 9F, 10F, 11, 12F, and 13 certificates and MC–146656 Sub-Nos., 5F, 6F, 9F, 59F, 60F,and 61F permits as previously noticed and, in addition, to replace city-wide with county-wide authority, Albany, NY with Albany, Schenectady, Saratoga, and Rensselaer Counties, NY. The purpose of this republication is to correct the inadvertent omission of Saratoga County.

MC 104104 (Sub-28)X, filed September 21, 1981. Applicant: GEORGE A. FETZER, INC., Newton-Sussex Road, P.O. Box 68, Augusta, NJ 07822. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Applicant seeks to remove restrictions in its Sub-No. 25F certificate to (1) broaden the commodity description from plastic articles, insulating materials and scrap to "plastic articles, building materials, and scraps "; (2) replace one-way with radial authority; and (3) remove except commodities in bulk in its authority to serve the eastern U.S.

MC 111676 (Sub-6)X, filed September 9, 1981. Applicant: CROWDER'S TRANSFER & STORAGE COMPANY, INC., 1219 First Street, Alexandria, VA 22314. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Applicant seeks to remove restrictions in its Sub-No. 4 certificate to broaden the commodity description from household goods, as defined by the Commission, to "household goods and furniture and fixtures and materials, equipment, and supplies used in the manufacture, sale and distribution of funiture and fixtures.

MC 112304 (Sub-262)X, filed September 21, 1981. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: A. Charles Tell, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in No. MC–112304 (Sub-No. 64) to (1) broaden the commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives)"; and (2) authorize service at all intermediate points along its regular route between Carlyle, IL and St. Louis, MO.

MC 125329 (Sub-1)X, filed September 21, 1981. Applicant: APEX TRUCKING CO., INC., 120 Seaview Drive, Secaucus, NJ 07094. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Applicant seeks to remove restrictions from its MC–117184 and Sub-Nos. 7 and 9 permits to authorize service between points in the U.S. under continuing contract(s) with named shippers.

MC 127005 (Sub-3)X, filed September 21, 1981. Applicant: CENTRAL STORAGE & VAN COMPANY, 828 South 17th Street, Omaha, NE 68108. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity descriptions from meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and foodstuffs to "food and related products"; (2) remove the following restrictions, (a) in vehicles equipped with mechanical refrigeration, (b) except commodities in bulk, and (c) against the transportation of confectionary products to points in IA south of IA Hwy 92; and (3) change its one-way authority to radial authority.

MC 133037 (Sub-8)X, filed August 17, 1981, previously noticed in the **Federal Register** of September 3, 1981, republished as corrected this issue. Applicant: MILE-HI EXPRESS, INC., 1335 E. 40th St., Denver, CO 80205. Representative: Jack B. Wolfe, 1600 Sherman St. #665, Denver, CO 80203. Applicant seeks to remove restrictions in its Sub-Nos. 2, 5F, and 6F certificates to (1) broaden its commodity description in all Subs to "Food and related products" from foodstuffs and meat, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B and C of Appendix I to the Report in the Descriptions case, 61 M.C.C. 209 and 766; (2) remove the restriction prohibiting the transportation (a) of specified commodities in vehicles equipped with mechanical refrigeration, and (b) traffic destined to a named point in Sub-No. 2; (3) replace city-wide authority with county-wide authority: Denver, CO in all Subs, with Denver, Adams, Arapahoe, Jefferson, Douglas and Boulder Counties, CO; and (4) expand one-way authority to radial authority between points in 3 western States, in all Subs. The purpose of this republication is to correct the scope of the territorial authority sought to more closely represent that requested by the applicant.

MC 133132 (Sub-1)X, filed September 24, 1981. Applicant: DON R. FRUCHEY, INC., 5609 Maumee Road, Ft. Wayne, IN 46803. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description to "building materials" from precast and prestressed concrete, (2) replace one-way authority with radial authority, (3) remove a restriction which limits transportation to only when moving at the same time and in the same vehicle with precast and prestressed concrete and (4) broaden the territorial description by substituting county-wide authority facilities as follows: Dekalb, Allen and Kosciusko Counties, IN (for facilities at Auburn, North Webster and Fort Wayne, IN).

MC 133591 (Sub-148)X, filed September 21, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-No. 97 certificate to (1) broaden the commodity description from alcoholic liquors and materials, equipment, and supplies used in their manufacture and distribution to "food and related products and materials, equipment, and supplies used in the manufacture and distribution thereof"; (2) remove the facilities limitation; (3) replace city-wide with county-wide authority as follows: Fort Smith with Sebastian and Crawford Counties, AR, Plainfield with Will County, IL, and Louisville with Jefferson, Clark and Floyd Counties, KY; and (4) remove the except in bulk, in tank vehicles and except AK and HI restrictions.

MC 138635 (Sub-P132)X, filed September 14, 1981. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005. Applicant seeks to remove restrictions in its MC–136464 Sub-No. 22 permit to (a) broaden the commodity description from hosiery, apparel and materials and supplies to "textile mill products and materials and supplies used in the manufacture thereof"; and (b) expand the territorial descriptions to between points in the U.S. under continuing contract(s) with a named shipper.

MC 140553 (Sub-19)X, filed September 14, 1981. Applicant: ROGERS TRUCK LINE, INC., 3325 Highway 24 East, Logansport, IN 46947. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 6F, 7, 9F, 10F, 15 and 16 (issued under MC–140569 Sub-No. 2F) certificates to (1) broaden the commodity descriptions to "food and related products" from meats, meat products and meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carriers Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), in the lead and Sub-Nos. 2, 4, 6F, 9F, and 10F; wine and liquors (except in bulk), in Sub-No. 15 and malt beverages, in Sub-No. 16; to "rubber and plastic products" from plastic resin and scrap plastic, in Sub-No. 7, (2) replace one-way authority with radial authority in the lead and all subs, (3) broaden the territorial description by substituting county-wide authority and city-wide authority for city-wide authority and facilities as follows: Buena Vista and Cherokee Counties, IA (for facilities at Storm Lake and Cherokee, IA), in Sub-No. 2; Polk, Mills, Marshall and Woodbury Counties, IA (for facilities at Des Moines, Glenwood, Marshalltown and Sioux City, IA), Douglas and Hall Counties, NE (for facilities at Omaha and Grand Bland, NE) in Sub-No. 4; Emmet County, IA (for facilities at Estherville, IA), Minnehaha County, SD (for facilities at Sioux Falls, SD), and Sioux City, IA (for facilities at Sioux City, IA), in Sub-No. 6F; Trenton, NJ (for facilities at Trenton, NJ), in Sub-No. 7; Cass County, IN (for facilities at Logansport, IN), Will County, IL (for Plainfield, IL), in Sub-No. 9F; Cass County, IN (for facilities at Logansport, IN), Sub-No. 10F; New York, NY, and Jersey City, NJ (for facilities at New York, NY and Jersey City, NJ), in Sub-No. 15 and Trenton, NJ, and Norfolk, VA (for facilities at Trenton, NJ and Norfolk, VA), in Sub-No. 16; (4) remove the originating at and deszined to restrictions, in Sub-Nos. 2, 4, 6, 7, 9F, 10F, and 15, and (5) remove the restriction against the transportation of commodities in bulk in Sub-No. 7.

MC 141034 (Sub-10)X, filed September 21, 1981. Applicant: MARGIN LEASING, INC., 21 Baltic Road, Worcester, MA 01613. Representative: Ronald I. Shapps, 450 Seventh Avenue, New York, NY 10123. Applicant seeks to remove restrictions in its Sub-No. 9X permit to broaden the commodity description from beverages and beverage containers to "food and related products".

MC 144029 (Sub-8)X, filed September 14, 1981. Applicant: CUMBERLAND TRANSPORTATION CORP., 5950 Fisher Road, P.O. Box 487, East Syracuse, NY 13057. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 3 and 4 permits to (1) broaden the territorial description to between points in the U.S., under continuing contracts with named shippers; (2) broaden the commodity description in the lead and Sub-No. 3F from part (1) pulpboard and pulpboard products, (except commodities in bulk), to "printed matter, pulp, paper and related products."

MC 145252 (Sub-9)X, filed September 16, 1981. Applicant: HENRY ANDERSON, INC., P.O. Box 75, King George, VA 22485. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005. Applicant seeks to remove restrictions from its Sub-Nos. 1, 5 and 6 certificates to (1) broaden the commodity description to "metal products, lumber and wood products, and clay, concrete, glass or stone products", form chimney assemblies, gas vents, and doors, in Sub-No. 1; to "textile mill products, clay, concrete, glass or stone products, and waste or scrap materials", from glass fiber, glass fiber rovings, yarn, fabric, strand, mats, matting, and waste, in Sub-No. 5; and to "food and related products" from meats, meat products, meat by-products, etc., in Sub-No. 6, (2) replace one-way authority with radial authority, in all subs, (3) remove the Alaska, Hawaii and Virginia exceptions, in Sub-No. 1, (4) remove the "except hides and commodities in bulk" restriction, in Sub-No. 6, (5) broaden the territorial description by substituting county-wide authority for city-wide authority and facilities as follows: Cleveland and Davidson Counties, NC (for facilities at West Shelby and South Lexington, NC), in Sub-No. 5, and Lincoln and Minnehaha Counties, SD and Lyon County, IA (for facilities at Sioux Falls, SD); Dickinson and Emmet Counties, IA (for facilities at Esterville, IA); Plymouth and Woodbury Counties, IA and Dakota County, NE (for Sioux City, IA); and Nobles County, MN (for facilities at Worthington, MN), in Sub-No. 6 and (6) remove the originating at and/or destined to restrictions, in Sub-Nos. 5 and 6.

MC 145810 (Sub-1)X, filed September 21, 1981. Applicant: THREE L CORPORATION, Second & Seigel Streets, Tama, IA 52339. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk) to "food and related products;" and (2) broaden the territorial authority to between points in the United States, under continuing contract(s) with a named shipper.

MC 145990 (Sub-6)X, filed September 17, 1981. Applicant: LAWRENCEBURG TRUCKING, INC., 21 Catalpa Avenue, Lawrenceburg, IN 47025. Representative: John R. Bagileo, 918 16th St. NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to broaden the commodity descriptions from alcoholic beverages to "food and related products" in its authority to serve 8 midwestern States.

MC 146516 (Sub-8)X, filed September 14, 1981. Applicant: ALEXANDER TRUCKING CO., INC., 1209 S. Woodland Dr., Dothan, AL 36302. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden the commodity description to "food and related products" from bananas, (2) broaden city to county-wide authority from Gulfport, MS, to Harrison County, MS and (3) change one-way to radial authority.

MC 146796 (Sub-3)X, filed September 16, 1981. Applicant: ROBERT HANSEN, d.b.a. HANSEN TRUCKING, 121 W. 4th St. (Tilton), Danville, IL 61832. Representative: Robert Hansen (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodities description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) remove the vehicle restriction; and (3) remove a restriction requiring traffic to have a prior or subsequent movement by rail.

MC 149137 (Sub-11)X, filed September 18, 1981. Applicant: MASTER TRANSPORT SERVICES, INC., 5000 Wyoming, Suite 203, Dearborn, MI 48126. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its Sub-Nos. 4F and 5F certificates to (1) broaden the commodity descriptions to "chemicals and related products" from cleaning compounds, fabric softeners, shoe dressings, toilet preparations, and dyes in Sub-No. 4F and industrial cleaning compounds, lubricants, and disinfectants in Sub-No. 5F; (2) eliminate the facilities limitation in Sub-No. 4F; (3) change its one-way to radial authority and expand Jamaica, NY to New York, NY and its commercial zone in Sub-No. 4F; and (4) remove the except AK, HI, and NY restriction in Sub-No. 4F.

MC 149219 (Sub-3)X, filed September 21, 1981. Applicant: GERALD TRANSPORT CHAMBLY, INC., 1155 Brunelle Boulevard, Carignan, Quebec J3L 4A7, Canada. Representative: W. Norman Charles, P.O. Box 724, Glen Falls, NY 12801. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" (part 1), and from marine containers to "containers" (part 2); (2) remove the restriction limiting service to transportation in marine containers; and (3) remove the restriction limiting transportation to traffic having a prior or subsequent movement by water.

MC 149365 (Sub-4)X, filed September 24, 1981. Applicant: WOOD DALE LEASING & TRUCKING CO. INC., 212 Frederick Place, Wood Dale, IL 60191. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restriction from its Sub-No. 2F certificate to (1) remove the "in bulk" restriction; (2) broaden the commodity description from scrap wire, cable, telephone equipment and metals and processed scrap, molten aluminum and aluminum ingots to "metal products and machinery"; (3) remove facilities limitation at Chicago, IL; and (4) replace one-way with radial authority.

MC 149546 (Sub-24)X, filed September 14, 1981. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its lead and Sub-No. 2F certificates to (1) broaden the commodity description from meats, meat products, meat byproducts, and articles distributed by meat-packing houses to "food and related products" in the lead; and (2) remove the restrictions (a) "except hides and commodities in bulk" in the lead; and (b) "except AK and HI" in Sub-No. 2F.

[FR Doc. 81-28854 Filed 10-2-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29451 (Sub-1)]

Royal-Manson Shippers' Association—Purchase (Portion)—Chicago, Rock Island, and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) Between Royal and Manson, Iowa

AGENCY: Interstate Commerce Commission.

ACTION: Proceedings scheduled.

SUMMARY: The Commission is setting a procedural schedule for supplementing this application, and for the filing of comments and evidence.

DATES:

1. On or before October 15, 1981, applicant shall file information supplementing its application.
2. On or before October 26, 1981, verified statement supporting or opposing this proposal must be filed.
3. On or before October 30, 1981, verified statements in reply must be filed.

ADDRESSES: The original and 10 copies of each submission should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, 12th & Constitution Ave., N.W., Washington, D.C. 20423, Attn: RITEA Acquisitions.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275-7245, or Elaine Sehrt (202) 275-7899

SUPPLEMENTARY INFORMATION: By application filed September 12, 1980, the Royal Manson Shippers' Association (RMSA) sought approval of its purchase of Chicago, Rock Island, and Pacific Railroad Company (Rock Island) trackage between Royal and Manson, IA. The proposed purchase was filed under Section 17(b) of the Milwaukee Railroad Restructuring Act (MRRA), Pub. L. No. 96-101 (1979). The Gateway Railroad Corporation also filed an application to acquire this line segment in Finance Docket No. 29459 (Sub-No. 1); furthermore, the Chicago and North Western Transportation Company has announced its desire to acquire this segment.

By decision served December 18, 1980, the Commission determined that RMSA's application was incomplete. The Commission treated the RMSA application as a purchase offer and stated that this offer would be handled expeditiously as an application when the pertinent information was provided.

On June 23, 1981, RSMA and the Trustee of the Rock Island entered into an agreement for the sale of the line. On June 30, 1981 the Bankruptcy Court issued its order (No. 361) granting preliminary approval of the agreement. The court also directed the Federal Railroad Administration (FRA) to notify the court of its ruling on the funding application by September 1, 1981. RMSA supplemented its application on September 3, 1981 by filing the contract for sale.

The criteria the Commission considers in proposals of this kind is the extent to which the proposal has been demonstrated to be viable and the ability of the applicant to implement the proposal. See *Continental Group, Inc.—Pur.—Chicago, R. I. & P. R. Co.*, 363 ICC 822 (1980). The record, as supplemented, is still insuffcient for the Commission to render a meaningful decision. For example, RSMA has not demonstrated that FRA funding has been made available. Moreover, since the original application was filed over one year ago, applicant should update its original responses with the best information currently available to it.

To meet its responsibility to report back to the court quickly, the Commission has adopted the timetable set forth above for the final submission by the applicant and other interested parties.

Decided: September 30, 1981.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-29038 Filed 10-2-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-183

Decided: September 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 158052, filed September 2, 1981. Applicant: J & E TRANSPORT, INC., 106 Meadowlane, Hot Springs, AR 71913. Representative: JoAnn Sheets (same address as applicant), 501-624-1628. Transporting *general commodities*, between Primrose and Lutherville, GA, Cardwell, Arbyrd, Hornersville, Edna, Lewistown, Hurdland, and Ewing, MO, McHenry, ND, Narcisso, Russellville, Roaring Springs, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe, and Allison, TX, Raymond, Oakley, Adams, and Myles, MS, Snyder and Hamburg, AR, Holly Springs and Stokedale, NC, Radcliff, Ellsworth, and Lawn Hill, IA, Henry and Clark, SD, Esmond, Astoria, Teheran, Biggs, Easton, and Richmond, IL, Shell Lake, Cumberland, Gillett, Green Valley, Lake Geneva, and Genoa City, WI, Elgin, NE, Benton and Barlow, LA, Center, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville, Edgoten, and Lewisburg, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia, and Riverside, TN, Reydon, Cheyenne, Strong City, Hammon, and Butler, OK, McDonald, OH, and Paris Crossing and Paris, IN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor-carrier for abandoned rail-carrier service.

MC 158232, filed September 15, 1981. Applicant: RIMINI EXPRESS, INC., 170 Main St., Holyoke, MA 01040. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413-781-8205. As a *broker of general commodities* (except household goods), between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2379.

Volume No. OPY-4-389

Decided: September 28, 1981.

By the Commission, Review Board No. 2, Members Charleton, Fisher, and Williams.

MC 61166 (Sub-5), filed September 22, 1981. Applicant: PEARSON TRUCKING & RIGGING, INC., 13105 Lakeland Rd., Santa Fe Springs, CA 90670. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, (213) 945-3002. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 119546 (Sub-1), filed September 21, 1981. Applicant: CONTINENTAL TRUCK & TOWING CO., INC., 2021 E. 25th St., Los Angeles, CA 90058. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882-5649. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 135326 (Sub-31), filed September 18, 1981. Applicant: SOUTHERN GULF TRANSPORT, INC., 4277 North Market St., P.O. Box 7959, Shreveport, LA 71107, (318) 222-8106. Representative: Fredrick S. Wetzel, III, 2500 McCain Blvd., Suite 103, North Little Rock, AR 72116, (501) 758-1058. Transporting *general commodities* (except classes A and B explosives), between Hosston, Good Roads Spurs, Gilliam, and Belcher, LA, on the one hand, and, on the other points in the U.S.

MC 146856 (Sub-2), filed September 22, 1981. Applicant: EUGENE P. SCHREINDL, 40849 Sundale Dr., Fremont, CA 94538. Representative: Eugene P. Schreindl (same address as applicant), (415) 656-2802. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle, between points in the U.S.

MC 158366F, filed September 21, 1981. Applicant: GUY A. GRANGER, doing business as GRANGER TRUCKING CO., 10203 64th Ave. So., Seattle, WA 98178. Representative: Guy A. Granger (same address as applicant), (206) 725-0554. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *Agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158377, filed September 21, 1981. Applicant: BILL & GEORGE GILL TRUCKING, 2420 N. Hwy 1247, Somerset, KY 42501. Representative: Bill Gill (same address as applicant), (606) 679-7295. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158396F, filed September 22, 1981. Applicant: PEARSON TRUCKING &

RIGGING, INC., 13105 Lakeland Rd., Santa Fe Springs, CA 90670. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY-5-168

Decided: September 25, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 35858 (Sub-2), filed September 17, 1981. Applicant: ARC TRUCKING & MESSENGER CORP., 415 West Street, New York, NY 10014. Representative: Michael R. Werner, 423 Edgewood Ave., Teaneck, NJ 07666, (201) 575-7700. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 142059 (Sub-171), filed May 8, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant), (815) 729-3808. Transporting *general commodities*, between Fallbrook, CA, Alexander, IA, Dexter and Sedan, KS, Roaring Springs, TX, and Lake Kapowsin, WA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

Volume No. OPY-5-170

Decided: September 28, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 156088, filed September 22, 1981. Applicant: R & S TRUCK LEASING, INC., 1651 Walker Rd., Muskegon, MI 49442. Representative: D. Richard Black, Jr., 7610 Cottonwood Drive, P.O. Box 294, Jenison, MI 49428, (616) 457-9290. Transporting for and on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materals, and sensitive weapons and munitions), between points in the U.S.

MC 158309, filed September 17, 1981. Applicant: JIMRICK TRUCKING COMPANY, 1416 Irby Street, Greenville, MS 38701. Representative: Richard B. Tubertini, P.O. Drawer G T, Mississippi State, MS 39762, (601) 325-6863. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158339, filed September 21, 1981. Applicant: RONALD D. GEDDES and MELINDA E. GEDDES, d.b.a. R & M GEDDES TRUCKING, P.O. Box 1372, Glendora, CA 91740. Representative: Ronald D. Geddes (same address as applicant), (213) 966-1429. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S.

MC 158379, filed September 21, 1981. Applicant: JOE SANCHEZ, 1819 N. Broadway, Shawnee, OK 74801. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers*, and *other soil conditioners* by the owner of the motor vehicle, in such vehicle, between points in the U.S.

MC 158369, filed September 21, 1981. Applicant: D & D TRANSPORT, INC., Rural Route 1, Forest, IL 61741. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. As a *broker of general commodities* (except household goods) between points in the U.S.

James H. Bayne,
Acting Secretary.

[FR Doc. 81-28849 Filed 10-2-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

with the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-184

Decided: September 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 52793 (Sub-83), filed September 8, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher

V46/192 OC5 81 UMI

(same address as applicant), 312–547–2184. Transporting *household goods*, between points in the U.S., under continuing contract(s) with The Atchison, Topeka and Santa Fe Railway Co., of Chicago.

MC 52793 (Sub-84), filed September 8, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312–547–2184. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Northern Telecom, Inc., of Nashville, TN.

MC 52793 (Sub-85), filed September 14, 1981. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312–547–2184. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Gulf & Western, of Southfield, MI.

MC 124032 (Sub-16), filed September 15, 1981. Applicant: REED'S FUEL COMPANY, 4080 Commercial Ave., Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting (1) *lumber and wood products*, and (2) *pulp, paper and related products*, between points in OR, WA, CA, NV, ID, UT and AZ.

MC 146463 (Sub-3), filed September 15, 1981. Applicant: SLACK TRANSPORT, LIMITED Box 579, Caledonia, Ontario, Canada NOA 1AO. Representative: William J. Hirsch, 1124 Convention Tower, 43 Court ST., Buffalo. NY 14202, 716–853–0200. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Slack Lumber & Supply Ltd., of Caledonia, Ontario, Canada.

MC 147702 (Sub-3), filed September 16, 1981. Applicant: DOUBLE AA PARKING & TRUCKING, INC., 462 W Second St., Calexico, CA 92231. Representive: Arturo Rioseco (same address as applicant), (714) 357–2244. Transporting *Rubber and plastic products, and machinery, supplies, and plastic pellet molds*, between points in the U.S. under a continuing contract(s) with Poliespuma, S.A. Mexicali, B.C.

MC 150783 (Sub-19), filed September 14, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: James H. Berry, P.O. Box 32, Wesley, AR 72773, 501–456–2453. Transporting *such commodities* as are dealt in or used by wholesale, retail, discount, variety, and department stores, between points in Pulaski County, AR, on the one hand, and, on the other, points in the U.S.

MC 155732, filed September 14, 1981. Applicant: HEAD INTERSTATE TRANSPORT, INC., P.O. Box 629, Longview, TX 75606. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, 214–358–3341. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of earthenware, between the facilities of Marshall Pottery Company, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 48632 (Sub-17)(correction), filed August 25, 1981, published in the **Federal Register** issue of September 22, 1981, and corrected as published this issue. Applicant: WILLIG FREIGHT LINES, 123 Loomis St., San Francisco, CA 94124. Representative: Robert L. La Vine, 415 Nearst Bldg., San Francisco, CA 94103, 415–981–6677. (1) Route (5) line four should read "Dayton, NV" instead of "Payton, NV"; and (2) Routes (13 thru 17) should be excluded from the publication. The purpose of this correction is to correct the spelling of a city and remove routes that were inadvertently included in the previous publication. The remainder of the publication of September 22, 1981 shall remain the same.

Volume No. OPY–2–185

Decided: September 28, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 94992 (Sub-4), filed September 21, 1981. Applicant: AUSTIN VERITY & SON, INC., 3685 Merrick Road, Seaford, NY 11783. Representative: Kenneth M. Piken, Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374, (212) 275–1000. Transporting *household goods* between points in NY, NJ, CT, MA, RI, PA, DE, MD and DC, on the one hand, and, on the other, points in the U.S.

MC 115022 (Sub-34), filed September 16, 1981. Applicant: CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 64 East Main St., Thomaston, CT 06787. Representative: Bernard J. Hasson, Jr., 1600 South Joyce St., Arlington, VA 22202, (703) 521–3435. Transporting *trailers, mobilehomes, buildings, and buildings in sections*, between points in the U.S.

MC 134612 (Sub-10), filed September 17, 1981. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, IL 60513. Representative: Albert A. Andrin, 180 North LaSalle St., Chicago, IL 60601 (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with John F. Cunco Co., of Melrose Park, IL.

MC 136012 (Sub-13), filed September 21, 1981. Applicant: UNITED STATES TRANSPORTATION, INC., 4963 Provident Drive, Cincinnati, OH 45246. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43228 (614) 228–8575. Transporting *commodities in bulk* between points in the U.S., under a continuing contract(s) with Ashland Chemical Company, Division of Ashland Oil, Inc., of Dublin, OH.

MC 139323 (Sub-7), filed September 17, 1981. Applicant: KARS TRANSPORT, INC., 3333 NW 116th St., Miami, FL 33167. Representative: Robert L. Cope, Suite 501, 1730 M St., NW, Washington, D.C. 20036 (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in FL, AL, CA, GA, LA, MS, and TX.

MC 141932 (Sub-48), filed September 9, 1981. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant) (617) 871–2550. Transporting (1) *agricultural and grain products*, (2) *such commodities* dealt in by chain discount, grocery, and brokerage houses, and (3) *food and related products*, between points in the U.S.

MC 151383 (Sub-9), filed September 22, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103 (918) 445–0138. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Ozark Engineering Co. of Joplin, MO.

MC 156003 (Sub-2), filed September 18, 1981. Applicant: BARRY FREIGHTWAYS, INC. Box 14786, Minneapolis, MN 55414. Representative: Ronald B. Sieloff, Ninth Floor Commerce Bldg., St. Paul, MN 55101 (612) 291–8044. Transporting *such commodities* as are dealt in by department stores, between points in the U.S.

MC 156512, filed September 18, 1981. Applicant: BUFFALO WOOD, INC., P.O. Box 307, Crosby, MS 39633. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205 (601) 948–882. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Georgia Pacific Corporation, of Crossett, AR.

MC 156513, filed September 14, 1981. Applicant: TOWNSEND TRUCKING

CO., Gen. Del., Leeco, KY 41343. Representative: George W. Townsend (same address as applicant) (606) 464-8281. Transporting *chemicals and elated products,* between Atlanta, Winder, and Columbus, GA, Hammond, IN, and points in Lee County, KY. Condition: To the extent any certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 158152F filed September 8, 1981. Applicant: BAXLEY TRUCKING CO., INC., Route 1, Box 13, Hemingway, SC 29554. Representative: C. Bradley Ruffin, Jr., P.O. Box 218, Hemingway, SC 29554. Transporting *Rubber and Plastic Products, Textile Mill Products, and Machinery* between points in SC, on the one hand, and, on the other, points in the U.S.

MC 158372, filed September 21, 1981. Applicant: METAL HAULERS, INC., 7345 Milnor St., Philadelphia, PA 19136. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (717) 344–8030. Transporting *scrap metals* between points in MD, DE, CT, MA, RI, PA, NH and NY.

Volume No. OPY–2–186

Decided: September 28, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 18202 (Sub-13), filed September 9, 1981. Applicant: R. C. BARSTOW TRUCKING CO., INC., 102 Middle St., Hadley, MA 01035. Representative: Norman C. Barstow, Sr., (same address as applicant) (413) 584–2523. Transporting *general commodities* (except classes A and B explosives, between points in MA, MD, NJ, and NY, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV and DC.

MC 66143 (Sub-5), filed September 9, 1981. Applicant: JJL DISTRIBUTION SYSTEMS, INC., 557 Brook St., Garden City, NY 11530. Representative: Piken & Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374, 212–275–1000. Transporting *sound recordings, sound recording jackets, discs and tapes,* between New York, NY, and points in Suffolk County, NY, and Lackawanna County, PA, on the one hand, and, on the other, points in NY, NJ, and CT.

MC 71652 (Sub-54), filed September 8, 1981. Applicant: BYRNE TRUCKING, INC., P.O. Box 280, Medford, OR 97501. Representative: James C. Hardy (same address as applicant) 503–779–8151. Transporting (1) *lumber and wood products,* (2) *metal products,* and (3) *rubber and plastic products,* between points in Washington County, OR, and Greene County, AR, on the one hand, and, on the other, points in the U.S.

MC 73533 (Sub-24), filed September 10, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 South Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli (same address as applicant) (301) 327–5800. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S., under continuing contract(s) with K-Mart Corporation, of Troy, MI.

MC 107012 (Sub-740), filed September 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) (219) 429–2110. Transporting *direct printing plates,* between points in San Diego County, CA, on the one hand, and, on the other, points in the U.S.

MC 111432 (Sub-20), filed September 14, 1981. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with FMC Corporation of Chicago, IL.

MC 126642 (Sub-7), filed September 11, 1981. Applicant: BLACK HILLS MOVERS, INC., 610 E. Omaha, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701 (605) 343–4036. Transporting *used household goods* as defined by the Commission, between those points in the U.S. in and west of MN, IA, MO, AR, and TX.

MC 127012 (Sub-5), filed September 10, 1981. Applicant: WILLIAM B. HUFF, R.F.D. #1 Box 361, Spanish Fork, UT 84660. Representative: William B. Huff (same address as applicant) (801) 489–9441. Transporting *chemicals and related products* between points in UT, NV, CA, and AZ. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of liquified petroleum gas, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 128302 (Sub-24), filed September 18, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *commodities in bulk,* between points in the U.S., under continuing contract(s) with Calgon Corporation, of Pittsburgh, PA. Condition: To the extent any permit issued in this proceeding authorizes the transportation of hazardous materials, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 142603 (Sub-54), filed September 17, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Tami L. Quinlan (same address as applicant) 413–732–6283. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of sound recordings, between points in the U.S., under continuing contract(s) with CBS Division of CBS, Inc., of New York, NY.

MC 144572 (Sub-61), filed September 14, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632.Representative: Steven K. Kuhlmann, 2600 Energy Center, 717–17th St., Denver, CO 80202, 303–892–6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Inter State Express, Inc., of Brooklyn, NY.

MC 145102 (Sub-81), filed September 18, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 South Union Ave., Bakersfield, CA 93307. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting *such commodities* as are dealt in or used by retail stores and grocery stores, between points in the U.S., under continuing contract(s) with Smitty's Super Valu, Inc., of Phoenix, AZ.

MC 146792 (Sub-4), filed September 17, 1981. Applicant: OASIS LINES, INC., 805 N. Cage St., Pharr, TX 78577. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112, 817–457–0804. Transporting *food and related products,* between points in the U.S.

MC 147402 (Sub-8), filed September 18, 1981. Applicant: WACO DRIVERS SERVICE, INC., 138 Atando Ave., Charlotte, NC 28206. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345 (404) 321–1765. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Charlotte Freight Association, Incorporated, of Charlotte, NC.

MC 147632 (Sub-9), filed September 14, 1981. Applicant: M & M FARM

LINES, INC., Route 1, Bertrand, MO 63823. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440 (216) 652–2789. Transporting *glass, glass products, wood, wood products, and building materials*, between the facilities used by General Glass International, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149472 (Sub-10), filed September 11, 1981. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Rd., Lincoln Park, NJ 07035. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110 (215) 561–1030. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Harley Corporation, of Spartanburg, SC.

MC 154513 (Sub-2), filed September 11, 1981. Applicant: EAGLE LINES, INC., 1523 Maryland, Ave., Bluefield, WV 24701. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004 (202) 737–1030. Transporting *malt beverages and wine*, between points in Mercer, Raleigh, and McDowell Counties, WV, on the one hand, and, on the other, Cincinnati, OH, Baltimore, MD, points in Seneca County, OH, Campbell County, KY, Forsyth and Rockingham Counties, NC, and Vanderburgh County, IN.

MC 155232, filed September 11, 1981. Applicant INTERNATIONAL TRUCKING & RIGGINIG, CO., INC., 5950 NW 77th Ct., Miami, FL 33166. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St. Miami, FL 33166 (305) 592–0036. Transporting *telephone equipment, and materials, equipment, and supplies* used in the construction and maintenance of telephone systems, between points in the U.S., under continuing contracts with Western Electric Co., Inc., of Atlanta, GA

MC 158082, filed September 4, 1981. Applicant: ROBERT BELL d.b.a. B & B DELIVERY, 3930 Summit Valley, Houston, TX 77082. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024, 713–827–1407. Transporting *dated real estate mutiple listing books*, between points in Harris County, TX, on the one hand, and, on the other, St. Louis, MO, Wichita, KS, Oklahoma City, OK, Chattanooga and Memphis, TN, Shreveport, LA, Gulf Port, MS, and Montgomery, Mobile, and Birmingham, AL.

MC 158312, filed September 17, 1981. Applicant: ESPINOSA CARTAGE COMPANY, [illegible]01 Nikanda, NE, Albuquerque, NM 87107. Representative; Edward J. Kiley, 1730 M St. NW., Suite 501, Washington, DC 20036–4579, 202–296–2900. Transporting *general commodities* (except classes A and B explosives), between Albuquerque, NM, on the one hand, and, on the other, points in NM.

Volume No. OPY-3-178

Decided: September 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 1745 (Sub-15), filed September 16, 1981. Applicant: INTERSTATE VAN LINES, INC., 5801 Rolling Rd., West Springfield, VA 22152. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006, (202) 466–3778. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with AEM, Inc., of Springfield, VA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 3, Room 2158.

Note.—The permit in this proceeding to the extent it authorized the transportation of classes A and B explosives shall expire 5 years from the date of issuance.

MC 43685 (Sub-31), filed September 18, 1981. Applicant: MERCER TRUCKING COMPANY, INC., P.O. Box 11585, Spokane, WA 99211. Representative: Dwight Dively (same address as applicant), (509) 535–3597. Transporting *general commodities* (except classes A and B explosives), between points in CA, ID, MT, NV, OR, UT, WA, and WY, on the one hand, and, on the other, those points in the U.s. in and west of MI, IN, IL, MO, AR, and LA.

MC 97394 (Sub-37), filed September 11, 1981. Applicant: BOWLING GREEN EXPRESS, INC., 4449 Orange Ave., Louisville, KY 40213. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 415 13th St., NW., Washington, DC 20004, (202) 347–8862. Transporting (A) over regular routes, *general commodities* (except classes A and B explosives), (1) between Nashville, TN and Evansville, IN: from Nashville over Interstate Hwy 24 to junction U.S. Hwy 41 near Hopkinsville, KY, then over U.S. Hwy 41 to Evansville; (2) between Henderson, KY, and Lexington, KY: from Henderson over U.S. Hwy 60 to Louisville, then over Interstate Hwy 64 to Lexington, KY; (3) between Louisville, KY, and Nashville, TN: From Louisville over Interstate Hwy 65 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction U.S. Hwy 31W at or near Bowling Green, then over U.S. Hwy 31W to Nashville; (4) between Cincinnati, OH, and Williamsburg, KY, over Interstate Hwy 75; (5) between Bowling Green, KY, and Williamsburg, KY: from Bowling Green over KY Hwy 80 to junction KY Hwy 90, then over KY Hwy 90 to junction KY Hwy 92, then over KY Hwy 92 to Williamsburg; (6) between Nashville, TN and Morgantown, KY: (a) from Nashville over U.S. Hwy 41 to Springfield, TN, then over U.S. Hwy 431 to Russellville, KY, then over KY Hwy 79 to junction U.S. Hwy 231, then over KY Hwy 231 to Morgantown; and (b) from Nashville over U.S. Hwy 31 to Bowling Green, then over U.S. Hwy 231 to Morgantown; (7) between Nashville, TN and Lexington, KY: from Lexington over U.S. Hwy 27 to Somerset, then over Ky Hwy 80 to junction Interstate Hwy 65, then over Interstate Hwy 656 to Nashville; (8) between Morgantown, KY and Petroleum, KY, over U.S. Hwy 231; (9) between Bowling Green, KY and London, Ky, over KY Hwy 80; (10) between Ressell Springs, KY and Burkesville, KY: from Russell Springs over U.S. Hwy 127 to junction KY Hwy 90, then over KY Hwy 90 to Burkesville; (11) between junction Interstate Hwy 75 and U.S. Hwy 25W and junction U.S. Hwy 27 and KY Hwy 92: from junction Interstate Hwy 75 and U.S. Hwy 25W near Corbin, over U.S. Hwy 25W to junction KY Hwy 90, then over KY Hwy 90 to junction U.S. Hwy 27, then over U.S. Hwy 27 to junction KY Hwy 92 near Stearns, KY; (12) between Somerset and Monticello, KY: from Somerset over U.S. Hwy 27 to junction KY Hwy 90, then over KY Hwy 90 to Monticello; (13) between Bowling Green and Russell Springs, KY: from Bowling Green over Interstate Hwy 65 to junction Cumberland Parkway, then over Cumberland Parkway to Russell Springs; (14) between Beach Grove, KY and Hardinsburg, KY: from Beach Grove over KY Hwy 56 to junction KY Hwy 54, then over KY Hwy 54 to junction KY Hwy 261, then over KY Hwy 261 to Hardinsburg; serving in (A) above points in Daviess and Wayne Counties, KY and Rutherford County, TN as off-route points; and (B) over irregular routes, transporting (1) *clay, concrete, glass or stone products*, between Nashville, TN and Detroit, MI; (2) *textile mill products*, between points in Warren County, KY, on the one hand, and, on the other, Dayton, OH; (3) *transportation equipment*, between points in Warren County, KY, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, MS, NC, OH, SC, TN, VA, and WV;

and (4) *general commodities* (except classes A and B explosives), (a) between Nashville, TN, on the one hand, and, on the other, points in IL, IN, and OH; (b) between Nashville, TN and points in Warren County, KY, on the one hand, and, on the other, points in IN; (c) between Nashville, TN and Cincinnati, OH, on the one hand, and, on the other, points in KY; and (d) between cincinnati, OH, and Louisville, KY, and points in Warren County, KY, on the one hand, and, on the other, points in TN.

Note.—Applicant states that the sole purpose of this application is to consolidate existing certificates and remove restrictions.

MC 110325 (Sub-182), filed September 17, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105, (816) 221–1464. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Omaha, NE and Noyes, MN, from Omaha over Interstate Hwy 680 to junction Interstate Hwy 29, then over Interstate 29 to junction U.S. Hwy 75, then over U.S. Hwy 75 to Noyes, and return over the same route, (2) between Quincy, IL and International Falls, MN, from Quincy over U.S. Hwy 24 to junction U.S. Hwy 61, then over U.S. Hwy 61 to LaCrosse, WI, then over U.S. Hwy 53 to International Falls, and return over the same route, (3) between Moorhead, MN and Manitowoc, WI, over U.S. Hwy 10, (4) between Duluth, MN and Kansas City, MO, over Interstate Hwy 35, (5) between Moorhead, MN and Milwaukee, WI, over Interstate Hwy 94, (6) between Sioux City, IA and Rockford, IL, over Interstate Hwy 94, (7) between junction U.S. Hwys 75 and 18 and Madison, WI, over U.S. Hwy 18, (8) between junction Interstate Hwy 90 and U.S. Hwy 75 and Chicago, IL over Interstate Hwy 90, (9) between Council Bluffs, IA and Galesburg, IL, from Council Bluffs over U.S. Hwy 275 to junction U.S. Hwy 34, then over U.S. Hwy 34 to Galesburg, and return over the same route, (10) between Green Bay and Madison, WI, from Green Bay over U.S. Hwy 41 to junction U.S. Hwy 151, then over U.S. Hwy 151 to Madison, and return over the same route, (11) between Omaha, NE and Moline, IL, over U.S. Hwy 6, (12) between Keokuk, IA and Austin, MN over U.S. Hwy 218, (13) between Bettendorf, IA and Rochester, MN, from Bettendorf over U.S. Hwy 67 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Rochester, and return over the same route, (14) between Lake Benton, MN and LaCrosse, WI, over U.S. Hwy 14, (15) between Wausau and Madison, WI, from Wausau over U.S. Hwy 51 to junction U.S. Hwy 151, then over U.S. Hwy 151 to Madison, and return over the same route, (16) between Manitowoc, WI and Rockford, IL, from Manitowoc over U.S. Hwy 141 to junction Interstate Hwy 43, then over Interstate Hwy 43 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction Interstate Hwy 894, then over Interstate HWY 894 to junction WI Hwy 15, then over WI Hwy 15 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Rockford, and return over the same route, serving all intermediate points in connection with (1) through (16), and all points in IA, MN, and WI as offroute points.

MC 140054 (Sub-3), filed September 18, 1981. Applicant: Z & S CONSTRUCTION CO., INC., P.O. Box 310, Kimball, NE 69145. Representative: Charles M. Williams, 1600 Sherman, #665, Denver, CO 80203, (303) 839–5856. Transporting (1) *petroleum, natural gas and their products* and (2) *Mercer commodities*, between points in NE, CO and WY.

MC 145595 (Sub-7), September 21, 1981. Applicant: WARREN G. GORMLEY, d.b.a. GORMLEY TRUCKING, 1607 West Swan, P.O. Box 47, Springfield, MO 65805. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *chemicals and related products*, between points in Eddy County, NM, and Newton, Jasper, and Greene Counties, MO, on the one hand, and, on the other, points in Muskogee County, OK.

MC 145815 (Sub-3), filed September 21, 1981. Applicant: COBRA TRUCKING, INC., 132 Hwy 80 West, P.O. Box 2137, Clinton, MS 39056. Representative: John A. Crawford, 17th Fl. Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *glass heads, glass spheres and thermal plastic marking materials*, between points in Rankin County, MS and points in AL, AZ, AR, CA, CO, FL, GA, ID, IA, KS, LA, MN, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, WA, WY, and DC.

MC 145984 (Sub-4), filed September 21, 1981. Applicant: A. T. BYRUM & SON, INC., Rt. 4, P.O. Box 85, Ahoskie, NC 27910. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, (212) 941–9291. Transporting *lumber and lumber products*, between points in the U.S., under continuing contract(s) with Ramsey Lumber Co., Inc. of Suffolk, VA, Ramsey Lumber Co. of Ahoskie, Inc. of Ahoskie, NC, and Quality Forest Products, Inc. of Enfield, NC.

MC 146035 (Sub-7), filed September 21, 1981. Applicant: SOUTHERN DRAYAGE, INC., 4223 Space Center Dr., P.O. Box 1983, Jackson, MS 39205. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *such commodities* as are dealt in or used by department, discount and variety stores, between points in AL, AR, CA, CT, DE, FL, GA, IL, IN, KS, KY, LA, MA, ME, MD, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, VT, WV, WI, and DC.

MC 150554 (Sub-1), filed September 18, 1981. Applicant: KELLY TRUCKING, INC., 74 N. Westmoor, Columbus, OH 43204. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *chemicals and related products*, between points in Franklin County, OH, on the one hand, and, on the other, points in the U.S.

MC 150645 (Sub-5), filed September 17, 1981. Applicant: TILEWAYS, INC., 7834 C. F. Hawn Freeway, Dallas, TX 75217. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *steel strapping and related products and accessories*, between points in the U.S., under continuing contract(s) with Total Packaging Systems & Supplies, Inc. of Dallas, TX.

MC 150645 (Sub-6), filed September 18, 1981. Applicant: TILEWAYS, INC., 7834 C. F. Hawn Freeway, Dallas, TX 75217. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *food and related products*, between points in the U.S, under continuing contract(s) with Cullum Company of Dallas, TX.

MC 151655 (Sub-11), filed September 18, 1981. Applicant: FRANK BROS. TRUCKING CO., P.O. Box 241, 349 Abbott Ave., Hillsboro, TX 76645. Representative: Charles E. Munson, 500 W. Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *gypsum and gypsum products, paper and paper products, metal products and building materials*, (a) between points in TX, OK LA, AR, NM and (b) between points in TX, OK, LA, AR, NM, on the one hand, and, on the other, points in GA, AL, TN, MS, MO, IL, KS, ND, SD, NE, CO, WY, UT and AZ.

MC 152935 (Sub-4), filed September 21, 1981. Applicant: HILL-ROM COMPANY, INC., Hwy 46, Batesville, IN 47006. Representative: Steve A. Oldham (same address as applicant), (812) 934–7169. Transporting *furniture and fixtures and metal products*, between points in the U.S., under continuing contract(s)

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with Filex Products, Inc. of Ossining, NY.

MC 156764 (Sub-1), filed September 10, 1981. Applicant: WELCH TRUCKING, INC., 1105 South Boulder, Portales, NM 88130. Representative: John R. Welch (same address as applicant), (505) 356–8548. Transporting *lumber and wood products*, between points in TX, AZ, NM, NV, UT, CA, WA, OR, MT, ID, WY, CO, LA, OK and AR.

MC 158275, filed September 15, 1981. Applicant: MATHIS ENTERPRISES, INC., P.O. Box 2111, Cypress, CA 90630. Representative: Jerry Mathis (same address as applicant), (714) 761–4504. Transporting (1) *liquid nitrogen converter systems*, and (2) *machinery*, between points in the U.S., under continuing contract(s) with CRYOMEC, Inc., of Anaheim, CA.

Note.—The permit in this proceeding to the extent it authorizes the transportation of classes A and B explosives shall expire 5 years from the date of issuance.

MC 158284, filed September 16, 1981. Applicant: SALVATORE MARESCA, d.b.a. BART TRUCKING CO., 94 E. 19th St., Bayonne, NJ 07002. Representative: Kenneth M. Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Container Transport International, American President Lines, Ltd., Barber Steamship Lines, Inc., Hapag-Lloyd, A.G. all of New York, NY.

MC 158345, filed September 18, 1981. Applicant: BOGDANOVICH & SCHROEDER, d.b.a. LANDWEHR MOVING & STORAGE, 515 23rd Ave. No., St. Cloud, MN 56301. Representative: Lee E. Lucero, 445 Capitol Life Center, E. 16th Ave. at Grant, Denver, CO 80203–1670, (303) 861–8046. Transporting *household goods*, between points in Benton, Sherburne and Stearns Counties, MN, on the one hand, and, on the other, points in CO, IL, IN, IA, KS, MI, MO, MT, NE, ND, SD, WI and WY.

MC 87855 (Sub-4), filed July 24, 1981, previously noticed in the **Federal Register** on August 11, 1981. Applicant: J. V. MOTOR LINES, INC., 69 Thomas St., East Hartford, CT 06108. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 241–8296. Transporting *general commodities* (except classes A and B explosives), between points in MA, CT, RI, ME, VT, NH, NJ, and NY.

Note.—This republication corrects the territorial description to show *non-radial*, instead of *radial authority*.

Volume No. OPY–4–387

Decided: September 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fishers and Williams.

MC 30867 (Sub-223), filed September 17, 1981. Applicant: CENTRAL FREIGHT LINES, INC., 5601 West Waco Dr., Waco, TX 76703. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768, (515) 476–6391. Over regular routes, transporting *general commodities*, between 66 specified south TX points generally between Houston, Austin, San Antonio, Laredo, McAllen, and Brownsville.

Note.—The purpose of this application is to remove the restriction imposed in the Decision served September 15, 1981 in MC 30867 (Sub-222), in paragraph 244, restriction (3) which reads as follows: "(3) transporting shipments, from or between any of the following Texas points: Alamo, Alvin, Angleton, Arcola, Barreda, Bay City, Beasley, Bishop, Blessing, Bonney, Brownsville, Chemcel, Clute, Danevang, Donna, Driscoll, East Columbia, Edcouch, Edinburg, El Campo, Elmaton, Elsa, Freeport, Fresno, Harlingen, Hidalgo, Hillje, Hungerford, Jones Creek, Kendleton, Kingsville, LaFeria, Lake Jackson, Lane City, Laredo, LaVilla, Lon Hill, Los Fresnos, Louise, Mackay, Markham, Matagorda, McAllen, Mercedes, Midfield, Mission, Old Ocean, Olmito, Palacious, Pharr, Pierce, Port Isabel, Ricardo, Riviera, Rosharon, San Benito, San Carlos, Sandy Point, San Juan, Santa Rosa, Sweeny, Van Vleck, Wadsworth, Weslaco, West Columbia, and Wharton."

Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 139467 (Sub-3), filed September 18, 1981. Applicant: LONG TRANSPORT, INC., P.O. Box 96, Rusk, TX 75785. Representative: Timothy Mashbburn, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. Transporting (1) *farm products*, (2) *food and related products*, (3) *chemcials and related products*, (4) *such commodities* as are dealt in or used by grocery business houses, and (5) *machinery*, between points in TX, on the one hand, and, on the other, points in the U.S.

MC 141297 (Sub-6), filed September 18, 1981. Applicant: UNITED INDUSTRIES, INC., 487 Parrish St., P.O. Box 231, Houston, MS 38851. Representative: W. DeWayne Griffin (same address as applicant), (601) 456–3734. Transporting *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Franklin Mfg. Company, of Houston, MS.

MC 142467 (Sub-1), filed September 18, 1981. Applicant: DIXIE FREIGHT LINE, INC., 3291 Hwy 82 East, Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Over (1) regular routes, transporting *general commodities* (except classes A and B explosives), (a) Between Memphis, TN and Rolling Fork, MS, over U.S. Hwy 61, serving all intermediate points, (b) Between Leland and Greenville, MS, over U.S. Hwy 82, serving all intermediate points, (c) Between Rolling Fork, MS and junction of U.S. Hwy 49 and 61, serving all intermediate points: From Rolling Fork over MS Hwy 14 to junction MS Hwy 1, then over MS Hwy 1 to junction U.S. Hwy 49, then over U.S. Hwy 49 to junction U.S. Hwy 61, and return over the same route, and (d) Serving all points in Bolivar, Coahoma, DeSoto, Issaquena, Sharkey, Tunica and Washington Counties, MS, as off-route points in connection with carrier's otherwise authorized regular route service, and (2) over irregular routes, transporting *such commodities* as are dealt in or used in the manufacture, repair and servicing of vessels and watercraft, between points in AL, AR, DE, FL, GA, KS, KY, IA, IL, IN, LA, MI, MN, MO, MS, NC, OH, OK, PA, SC, TN, TX, VA, WI, and WV.

MC 143127 (Sub-82), filed September 17, 1981. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Catherine Jablonski (same address as applicant), (716) 924–9951. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Xerox Corporation, of Rochester, NY.

MC 154677, filed September 18, 1981. Applicant: THREE R TRANSPORTATION, INC., Padelford St., Berkley, MA 02780. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting (1) *hazardous materials*, and (2) *waste or scrap materials*, between points in CT, ME, MA, NH, RI, and VT, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

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Decided: September 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 66746 (Sub-29), filed September 21, 1981. Applicant: SHIPPERS EXPRESS, INC., 1681 Kerr Dr., P.O. Box 8906, Jackson, MS 39204. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711.

Transporting *powered outdoor lawn and garden equipment and accessories,* between points in the U.S., under continuing contract(s) with Yazoo Manufacturing Co., of Jackson, MS.

MC 129026 (Sub-11), filed September 17, 1981. Applicant: J.C.D. TRANSPORTATION CORP., 5950 Fisher Rd., P.O. Box 487, East Syracuse, NY 13057. Representative: Michael R. Werner, 423 Edgewood Ave., Teaneck, NJ 07666, (201) 575–7700. Transporting *containers,* between points in the U.S., under continuing contract(s) with Thatcher Glass Manufacturing Inc., of Elmira, NY.

MC 134286 (Sub-173), filed September 22, 1981. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles J. Kimball, 1600 Sherman St., #663, Denver, CO 80220, (303) 839–5856. Transporting *such commodities* as are dealt in or used by grocery and food business houses and food service companies, between points in the U.S.

MC 138146 (Sub-2), filed September 23, 1981. Applicant: OLYMPIA TRAILS BUS COMPANY, INC., 50 So. 20th St., Irvington, NJ 07111. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., N.W., Washington, DC 20005, (202) 347–9332. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Union and Essex Counties, NJ, and extending to points in the U.S.

MC 139006 (Sub-34), filed September 23, 1981. Applicant: RAPIER SMITH, R.R. 5, Loretto Rd., Bardstown, KY 40004. Representative: William P. Whitney, Jr. (same address as applicant), (502) 348–5159. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of agricultural chemicals and related products, between points in the U.S. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 143346 (Sub-8), filed September 17, 1981. Applicant: BILLY JACK HOLLINGSWORTH, d.b.a. HOLLINGSWORTH GRAIN & TRUCKING, P.O. Box 384, Sanger, TX 76266. Representative: Timothy Mashburn, 1806 Rio Grande, P.O. Box 2207, Austin, TX 78768, (512) 476–6391. Transporting (1) *farm products,* (2) *food and related products,* (3) *chemicals and related products,* (4) *such commodities* as are dealt in or used by grocery business houses, and (5) *machinery,* between points in TX, on the one hand, and, on the other, points in the U.S.

MC 144566 (Sub-2), filed September 17, 1981. Applicant: BROCIOUS TRUCKING, INC., P.O. Box 261, Brockway, PA 15824. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting (1) *clay, concrete, glass or stone products,* (2) *rubber and plastic products,* (3) *pulp, paper and related products,* and (4) *metal products,* between the facilities of Brockway Glass Company, Inc., at those points in the U.S. in and east of MN, IA, MO, AR, and LA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 148676 (Sub-4), filed September 23, 1981. Applicant: R. F. PETERSON, INC., 3525 Walnut, Denver, CO 80205. Representative: James P. Beck, 717 17th St., Ste. 2600, Denver, CO 80202, (303) 892–6700. Transporting (1) *alcoholic liquors and beverages,* and (2) *such commodities as are dealt in or used by wholesale, retail and chain grocery and food business houses,* between points in AR, CO, IL, LA, MN, MT, NE, ND, TX and WY on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NY, ND, OH, OK, OR, PA, SD, TX, UT, VA, WA, WV, WI and WY.

MC 149216 (Sub-4), filed September 10, 1981. Applicant: WELLINGTON TRANSPORTATION, INC., 67 Andrew St., Newton Highlands, MA 02161. Representative: James E. Mahoney, 148 State St., Boston, MA 02109, (617) 523–2660. Transporting *such commodities* as are dealt in or distributed by a manufacturer of (1) plastic products, (2) food and related products, (3) textile mill products, and (4) shoe products, between points in the U.S., under continuing contract(s) with Chelsea Industries, Inc., of Boston, MA.

MC 149486 (Sub-1), filed September 23, 1981. Applicant: RANGEN TRANSPORTATION, INC., P.O. Box 706, Buhl, ID 83316. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting *food or kindered products, chemicals and related products, farm products, hatchert supplies, and animal and fish feed ingredients,* between points in the U.S. in and west of MT, WY, CO, and NM. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from the date of issue.

MC 149497 (Sub-16), filed September 17, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant), (715) 359–2907. Transporting *general commodities,* between points in the U.S., under continuing contract(s) with TNS. Incorporated, of Jonesboro, TN. Condition: To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 155086, filed September 21, 1981. Applicant: RICHMOND TRUCKING, INC., Box 66, Glen Morgan, WV 25847. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526, (304) 562–3460. Transporting *mining equipment,* and *machinery,* between points in the U.S., under continuing contract(s) with A. L. Lee Corporation, of Lester, WV, Fan Systems, Inc., of Beckley, WV, R & F Machinery Company, of Glen White, WV, CWS, Inc., of Beckley, WV, The Dosco Corporation, of Beckley, WV, and Simmons Mine Supply, of Mabscott, WV.

MC 157737, filed September 21, 1981. Applicant: WOODFIN BROTHERS, INC., 9916 Jefferson Davis Hwy, Richmond, VA 23234. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235, (804) 745–0446. Transporting *motor vehicles,* and *trailers,* in truckaway service between points in VA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 158056, filed September 3, 1981. Applicant: G AND G TOURS, 5563 W. 79th St., Los Angeles, CA 90045. Representative: Walter J. Garrison (same address as applicant) (213) 645–6394. Transporting *passengers and their baggage,* in charter and special operations, between points in CA and NV.

MC 158306F, filed September 22, 1981. Applicant: RICHARD J. WARREN, doing business as WARREN TRANSPORT, 10031 McGee Rd., Box 57, McBain, MI 49657. Representative: Richard J. Warren (same as applicant), (616) 825–2192. Transporting *vacuum cleaners,* between points in Wexford County, MI and Alameda County, CA.

MC 158336, filed September 18, 1981. Applicant: CROWN TRANSPORT SYSTEMS, INC., 3420 New Cummings Rd., Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant), (615) 821–1000.

Transporting *such commodities* as are dealt in or used by food distribution centers, grocery stores, fast food outlets, and discount stores, between points in the U.S.

MC 158367, filed September 21, 1981. Applicant: ODIS L. HILL, d.b.a. H & M TRUCKING, Rt. #2, Box 392, Decherd, TN 37324. Representative: Odis L. Hill (same address as applicant), (615) 967-6280. Transporting *textile mill products*, between points in Franklin County, TN on the one hand, and, on the other, New York, NY, Los Angeles, CA and points in San Joaquin County, CA, Ware County, GA and Sampson County, NC.

MC 158387, filed September 21, 1981. Applicant: LEONARD KRANZ, d.b.a. LENCO TRANSPORT, P.O. Box 1251, Aurora, IL 60507. Representative: Leonard D. Kranz (same address as applicant), (312) 851–9250. Transporting *general commodities* (except classes A and B explosives), between points in IL, on the one hand, and, on the other, points in IN, MI, IA, KY, OH, MO, and WI.

MC 158397, filed September 22, 1981. Applicant: J. F. MORAN COMPANY, INC., 10 Jefferson Blvd., Warwick, RI [illegible]. Representative: Robert A. Mega, 25 Esten Ave., Pawtucket, RI 02860, (401) 724–1200. Transporting *general commodities* (except classes A and B explosives), between points in RI, on the one hand, and, on the other, Boston, MA.

MC 158406, filed September 22, 1981. Applicant: COMPU-TRANSPORT, INC., 5800 Corporate Way, West Palm Beach, FL 33407. Representative: H. Nathan Yagoda, 75 Anderson Dr., Wayne, NJ 07040, (201) 595–5177. Transporting (1) *traffic control machinery*, (2) *equipment*, and (3) *transportation equipment*, between points in the U.S.

Volume No. OPY–4–390

Decided: September 28, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 120737 (Sub-98), filed September 21, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, Il 60602, (312) 236–5944. Transporting *metal products*, between Peoria and Chicago, IL, Santa Clara, CA, Sherman, TX, and points in Montgomery County, IN, on the [illegible] hand, and, on the other, points in the U.S.

MC 129827 (Sub-5), filed September 21, 1981. Applicant: BLAIR MOTOR SERVICE, INC., 1531 E. 14th St., St. Louis, MO 63106. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *boots and shoes*, between St. Louis, and points in Franklin, Gasconade, Pulaski, Phelps, Crawford, Washington, Wright, Texas, Iron, Madison, Cape Girardeau, Reynolds, Wayne, Stoddard, Mississippi, Pemiscot, Scott, and New Madrid Counties, MO, on the one hand, and, on the other, points in Lake, Obion, Dyer, Gibson, Carroll, Madison, Henderson, Hardin, McNairy, and Shelby Counties, TN.

MC 134197 (Sub-21), filed August 7, 1981, previously noticed in the **Federal Register** of August 28, 1981. Applicant: JACKSON AND JOHNSON, INC., P.O. Box 327, Savannah, NY 13146. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting *plastic products*, between points in the U.S.

Note.—The purpose of this republication is to delete the plantsite restriction reflected in the prior notice.

MC 144757 (Sub-16), filed September 21, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 3104 E. St. Patrick, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting *general commodities* (except classes A and B explosives), between points in CA, CO, ID, MT, NV, OR, UT, WA, and WY, on the one hand, and, on the other, points in the U.S.

MC 144927 (Sub-37), filed September 22, 1981. Applicant: REMINGTON FREIGHT LNES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (same address as applicant), (219) 261–3461. Transporting *malt beverages and related advertising materials*, between points in Jefferson County, CO, on the one hand, and, on the other, points in AZ, AR, CA, IA, LA, MS, MO, NE, TN, and TX.

MC 145627 (Sub-1), filed September 21, 1981. Applicant: M & T TRUCKING, INC., 4290 State Rt. #7, New Waterford, OH 44445. Representative: Joseph F. Mullins, Jr., 1700 K St., NW, Washington, D.C. 20006, (202) 833–8884. Transporting *coal*, between points in Columbiana County, OH, on the one hand, and, on the other, points in Marshall County, WV.

MC 146876 (Sub-6), filed September 21, 1981. Applicant: WILLIAM W. EGGERS, d.b.a. CEDAR VALLEY TRANSPORT, Box 309, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *such commodities* as are dealt in by grocery stores, between points in IA, on the one hand, and, on the other, points in MO, IL, WI, MN, KS, and CO.

MC 147877 (Sub-2), filed September 21, 1981. Applicant: SANFORD M. HEDRICK, JR., d.b.a. HEDRICK TRUCKING CO., P.O. Box 769, Darlington, SC 29532. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting (1) *lumber and wood products*, between points in Darlington County, SC, on the one hand, and, on the other, points in the U.S. and (2) *pulp, paper and related products*, between points in Florence County, SC on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 151457, filed September 21, 1981. Applicant: BOMBARDO CORPORATION, d.b.a. FAIRFIELD FREIGHT LINES, 411 Main St., Ridgefield, CT 06877. Representative: ALEXANDER J. HOLLAND, ESQ, c/o DUEL AND HOLLAND, 283 Greenwich Ave., Greenwich, CT 06830. Transporting *textile mill products*, between points in Los Angeles County, CA, Ogle County, IL, Dallas and Tarrant Counties, TX, Baltimore, MD, Berks County, PA, Norfolk and Middlesex Counties, MA, Clinton County, NY, Passaic County, NJ, New London County, CT, Providence County, RI, Roane County, TN, Catawba County, NC and Whitfield County, GA.

MC 151607 (Sub-2), filed September 21, 1981. Applicant: TRANS-OVERLAND XPRESS, INC., 297 County Line Road, Midlothian, TX 76065. Representative: Doris Hughes, P.O. Box 47861, Dallas, TX 75247–0861, (214) 721–0360. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Shippers Warehouse Co., of Dallas, TX, RSR Corporation, of Dallas, TX, Dr Pepper Company, of Dallas, TX and J.C. Penny Co. of New York, NY.

MC 152987, filed September 22, 1981. Applicant: MAGANN EQUIPMENT, INCORPORATED, P.O. Box 1694, Highway 17–A North, Summerville, SC 29483. Representative: W. F. Magann, (same address as applicant), (803) 881–0811. Transporting (1) *metal products*, between points in Richmond County, GA, Berkeley, Charleston, Georgetown, Dorchester, Calhoun, Richland, Horry, Lexington, Chester, Fairfield, Orangeburg, and Aiken Counties, SC, on the one hand, and, on the other, points in the U.S., and (2) *construction equipment, materials and supplies*, between points in Berkeley, Charleston, Dorchester, Calhoun, Georgetown, Richland, Horry, Lexington, Chester,

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Fairfield, Orangeburg, and Aiken Counties, SC, on the one hand, and, on the other, points in GA, FL, AL, NC, SC, VA, LA, MS, and KY.

MC 154907 (Sub-3), filed September 22, 1981. Applicant: THE BUCK COMPANY, 631 W. Cherry St., Wayland, MI 49348. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503 (616) 459-6121. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with the Peavey Company, of Minneapolis, MN.

MC 155687, filed September 21, 1981. Applicant: COASTLINE TRUCKING, INC., 401 North Seventh Street, Post Office Box 2464, Lake City, FL 32055. Representative: Felix A. Johnston, Jr., 1030 E. Lafayette Street, Suite 112, Tallahassee, FL 32301 (904) 877-7191. Transporting *fertilizer and dolomite products, road building and construction aggregates* between points in Jefferson, Taylor, and Alachua Counties, FL and points in Grady, Thomas, Decatur, Clinch, Appling, Atkinson, Bacon, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Calhoun, Camden, Charlton, Chatham, Chattahoochee, Colquit, Coffee, Cook, Crawford, Dodge, Dooly, Doughtery, Early, Echols, Evans, Glynn, Houston, Irwin, Jeff Davis, Lanier, Laurens, Lee, Liberty, Long, Lowndes, Macon, Marion, Miller, Mitchell, Montgomery, McIntosh, Peach, Pierce, Pulaski, Quitman, Randolph, Schley, Seminole, Sumter, Stewart, Talbot, Tattnall, Taylor, Telfair, Terrell, Tift, Truetlen, Turner, Toombs, Twiggs, Ware, Wayne, Webster, Wheeler, Wilcox, and Worth Counties, GA.

MC 157497 (Sub-1), filed September 21, 1981. Applicant: IVAN HABECK, Rte. 1, Box M-8, Ipswich, SD 57451. Representative: John T. Wirth, 717—17th St., Ste. 2600, Denver, CO 80202 (303) 892-6700. Transporting *such commodities as are dealt in or used by manufacture and distributors of metal products, machinery and transportation equipment,* between points in the U.S., under continuing contract(s) with Pearson Construction Company of Othello, WA; Specialty Manufacturing Co., Inc. of Bath, SD; and Dakota Manufacturing Company of Mitchell, SD.

MC 158337, filed September 18, 1981. Applicant: TOWN & COUNTRY TRAVEL BUREAU, INC., 9153 Roosevelt Blvd., Philadelphia, PA 19115. Representative: David M. Weinfield (same address as applicant) (215) 568-1200. To operate as a *broker,* at Philadelphia, PA, in arranging for the transportation of *passengers and their baggage,* in special and charter operations, between Philadelphia, PA, on the one hand, and, on the other, points in the U.S.

MC 158376, filed September 21, 1981. Applicant: WILLIAMS TRUCKING, 8394 LeSourdsville Rd., West Chester, OH 45069. Representative: Martin Williams, 4220 Cornell Rd., Sharonville, OH 45241 (513) 769-5736. Transporting *those commodities* which because of their size and weight require the use of special handling or equipment, between points in OH, on the one hand, and, on the other, points in IN and KY.

Volume No. OPY-S-165

Decided: September 24, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 140119 (Sub-7), filed September 15, 1981. Applicant: RAYMOND J. GALLAHER, P.O. Box 185, Irvona, PA 16656. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219 (412) 281-9494. Transporting *metal products,* between points in Centre County, PA, on the one hand, and, on the other, points in CA.

MC 143648 (Sub-8), filed September 4, 1981. Applicant: CORALVILLE TRANSPORT, INC., Rural Route #1, Lamont, IA 50650. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244-2329. Transporting *gasoline and fuel oil,* between points in Dubuque and Scott Counties, IA, on the one hand, and, on the other, points in WI, IL, and MN.

MC 151339 (Sub-3), filed September 11, 1981. Applicant: LOCK TRUCK LEASING, INC., P.O. Box 274, Irving, TX 75060. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, 214-358-3341. Transporting *floor coverings,* between the facilities used by L. D. Brinkman Corporation at points in Pulaski County, AR; Maricopa County, AZ; Wyandotte and Sedgwick Counties, KS; Denver County, CO; Orleans and Caddo Parish, LA; Hinds County, MS; Tulsa and Oklahoma Counties, OK; Salt Lake County, UT; and Bexar, Harris, Dallas, Travis, Nueces, Lubbock and El Paso Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 151998, filed September 15, 1981. Applicant: AMERICAN WAY TRANSPORT, INC. 315 W. Victoria, Gardena, CA 90248. Representative: W. G. Reese III, P.O. Box 7000-438, Redondo Beach, CA 90277 (213) 375-4678. Transporting textile products, between points in Passaic County, NJ, Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in NC and SC.

MC 154108 (Sub-2), filed September 16, 1981. Applicant: CALHOUN TRANSPORTATION SERVICE, INC., Old Route 11, P.O. Box 10, Calhoun, TN 37309. Representative: M. C. Ellis, Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402 (615) 756-3620. Transporting *paper and paper products,* between the facilities of Westvaco Corporation, its divisions and subsidiaries, at points in the U.S., in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 156138, filed September 1, 1981. Applicant: STONEWALL TRANSPORT, INC., 3010 Knight St., Suite 300, Shreveport, LA 71105. Representative: Thomas P. Brown (same address as applicant), (318) 869-3084. Transporting (1) *petroleum, natural gas, and their products,* (a) between points in LA, AR, OK, and TX, on the one hand, and, on the other, points in AR, KS, LA, MS, MO, OK, TN, and TX, (b) between points in AL and FL, on the one hand, and, on the other, points in FL, (c) between points in IL, on the one hand, and, on the other, points in IL and MO, (d) between points in Cape Girardeau County, MO, on the one hand, and, on the other, points in TN and KY, and (e) between points in Daviess County, KY, on the one hand, and, on the other, points in IN, IL, KY, and TN; and (2) *chemicals,* between points in LA, on the one hand, and, on the other, Chicago, IL, Trenton, NJ, Atlanta, GA, and points in TX, OK, MS, and LA.

MC 156358, filed September 9, 1981. Applicant: PHIL TERESE, d.b.a. PHIL TERESE CARTAGE, 7800 W. 99th Place, Palos Hills, IL 60465. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602, (312) 236-8225. Transporting (1) *trailers and chassis with containers,* between points in Rock County, WI, on the one hand, and, on the other, points in MN, WI, IL, MI, IN, and IA, (2) in foreign commerce, *general commodities* (except classes A and B explosives), between points in IL, IA, IN, OH, MI, MN, and WI, and (3) *trailers,* between points in IL, IN, and WI.

James H. Bayne,
Acting Secretary.

[FR Doc. 81-28852 Filed 10-2-81; 8:45 am]

BILLING CODE 7035-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-471]

Boston Edison Company, et al. (Pilgrim Nuclear Power Station, Unit 2), Order Granting Motion to Continue

September 28, 1981.

At the request of Counsel for Applicant, Boston Edison Company, to continue this matter generally in view of the decision of Applicant's Board of Directors to cancel the Pilgrim II project, it is ordered that the Prehearing Conference and further hearings presently scheduled in this matter be cancelled pending final action by this Board on Applicant's further motions.

Dated at Bethesda, Maryland, this 28th day of September, 1981.

For the Atomic Safety and Licensing Board.

Andrew C. Goodhope,

Chairman, Administrative Judge.

[FR Doc. 81-28953 Filed 10-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-325 and 50-324]

Carolina Power & Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 40 and 63 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the Technical Specifications for operation of the Brunswick Steam Electric Plant, Units Nos. 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to delete one sample station from the Radiological Environmental Monitoring Program.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commmission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated May 13, 1981, (2) Amendment Nos. 40 and 63 to License Nos. DPR-71 and DPR-62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of September 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-28954 Filed 10-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment, Facility Operating License No. NPF-9

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. NPF-9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina. This amendment corrects the setpoint associated with the reactor trip initiated by a turbine trip. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letter dated September 21, 1981, (2) Amendment No. 5 to Facility Operating License No. NPF-9 with Appendix A Technical Specification page change, and (3) the Commission's related Safety Evalutation.

All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of items 2 and 3 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of September 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing, NRR.

[FR Doc. 81-28956 Filed 10-2-81, 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications (TSs) for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida.

The amendment revises the Technical Specifications to authorize a delay of three days in the monthly operational tests of the control rods.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 24, 1981, (2) Amendment No. 43 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida: A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of September 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-28956 Filed 10-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-376]

Puerto Rico Electric Power Authority (North Coast Nuclear Plant, Unit 1); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Stephen F. Eilperin

Dated: September 29, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-28957 Filed 10-2-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413 A and 50-414A]

Duke Power Co.; Receipt of Antitrust Information Accompanying Operating License Application

Note.—This document was originally published in the issue of September 21, 1981. It is reprinted at the request of the NRC.

The Duke Power Company has submitted antitrust information in connection with the owner's plans to operate two pressurized water reactors located in York County, South Carolina. The reactors have been designated as Catawba Nuclear Station, Units 1 and 2. The data submitted contain antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the **Federal Register** notice. The results of any reevaluation that is requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina 29730.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensee's activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before November 20, 1981.

Dated at Bethesda, Md., this 31st day of August 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Branch Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-27452 Filed 10-1-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANGEMENT AND BUDGET

Agency Forms Under Review

September 28, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available)
The office of the agency issuing this form
The title of the form
The agency form number, if applicable
How often the form must be filled out
Who will be required or asked to report
The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected
Whether small businesses or organizations are affected
A description of the Federal budget functional category that covers the information collection

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An estimate of the number of responses
An estimate of the total number of hours needed to fill out the form
An estimate of the cost to the Federal Government
An estimate of the cost to the Public
The number of forms in the request for approval
An indication of whether section 3504(h) of Pub. L. 96–511 applies
The name and telephone number of the person or office responsible for OMB review and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**. But occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

- Agricultural Marketing Service
South Texas Onion—Marketing Order No. 959
On occasion, annually
Farms/businesses or other institutions
Onion handlers in the production area
SIC: 515
Small businesses or organizations
Agricultural research and services: 802 responses; 31 hours; $508 Federal cost; 5 forms; $117 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The south Texas onion committee forms are used to ensure compliance by handlers who wish to be exempted from grade, size, pack or container requirements of the order.

- Food and Nutrition Service
Child Care Food Program Evaluation Child Impact Study
Nonrecurring
Individuals or households/businesses or other institutions, child care food program sponsors, day care centers, etc.
SIC: 948
Food and nutrition assistance: 2,015 responses; 559 hours; $494,176 Federal cost; 6 forms; $3,000 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The information is vital for estimating the effects of targeting and the net impact on participation of changes in reimbursement. It will provide a data base that can be used to decide how to allocate resources within and across programs. It will help to identify strengths and weaknesses in the program, to streamline requirements and guidelines and to determine if multiple participation is desirable.

- Agricultural Marketing Service
California Tokay Grapes—Marketing Order No. 926
On occasion
Businesses or other institutions
California tokay grape handlers under marketing order 916
SIC: 515 017
Small businesses or organizations
Agricultural research and services: 96 responses; 29 hours; $500 Federal cost; 1 form; $134 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The industry committee form is used to obtain information from handlers relating to shipment date, mode of transport, number of packages, and city and State destination for tokay grapes.

- Agricultural Marketing Service
South Texas Melons—Marketing Order No. 979
On occasion, annually
Farms/businesses or other institutions
Melon handlers in the production area
SIC: 515 016
Small businesses or organizations
Agricultural research and services: 78 responses; 2 hours; $500 Federal cost; 2 forms; $14 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

South Texas melon committee forms are used by the committee to ensure compliancy by handlers who wish to be exempted from grade and container requirements of the order.

- Agricultural Marketing Service
Domestic dates produced or packed in Riverside County, California—Marketing Order No. 987
On occasion—Monthly—Annually
Businesses or other institutions
Affects 29 date handlers in Riverside County, California
SIC: 203,206
Agricultural research and services: 504 responses; 227 hours; $755 Federal cost; 14 forms; $1,364 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The 14 committee forms used by date handlers enable the date administrative committee to determine acquisitions, productions and inventory information, and disposition of marketable dates, exempt dates, date products, substandard grade dates, and restricted dates.

- Farmers Home Administration
Request for moratorium on payments
FmHA 1951–22
On occasion
Individuals or households
Persons living in rural areas with populations of 10,000 or less
Mortgage credit and thrift insurance: 4,750 responses; 2,375 hours; $18,570 Federal cost; $14,250 public cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Section 502 of the Housing Act of 1949, as amended, authorizes FmHA county offices to obtain formal requests from borrowers seeking a moratorium and principal and interest payment of their sections 502–504 rural housing accounts.

DEPARTMENT OF COMMERCE

Agency Clearance Officer, Edward Michals, 202–377–3627

New

- Bureau of the Census

1982 Census of service industries
See attachment A
Nonrecurring
Businesses or other institutions
Service establishments
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 945,000 responses; 1 hour; $67,000,000 Federal cost; 43 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The 1982 economic censuses, conducted under the provision of Title 13, constitute the primary source of facts about the structure and functioning of a large segment of the economy, and as such, provide essential information for government, business, and the general public. They furnish an important part of the framework for the national accounts and serve as benchmarks for key economic indicators.

- Bureau of the Census

Auxiliary establishment report
ES–9200
Nonrecurring
Businesses or other institutions
Auxiliary establishments of multiestablishment companies
SIC: Multiple
Other advancement and regulation of commerce: 40,000 responses; 20,000 hours; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The 1982 economic censuses constitute the primary source of facts about the structure and functioning of a large segment of the economy. They provide essential information for government, business, and the general public. These censuses furnish an important part of the framework for the national accounts and serve as benchmarks for key economic indicators.

- Bureau of the Census

Enterprise summary report
ES–9100
Nonrecurring
Businesses or other institutions
Large companies with 500 or more employees
SIC: Multiple
Other advancement and regulation of commerce: 1 response; 1 hour; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The 1982 economic censuses constitute the primary source of facts about the structure and functioning of a large segment of the economy. They provide essential information for government, business, and the general public. These censuses furnish an important part of the framework for the national accounts and serve as benchmarks for key economic indicators.

Revisions

- Bureau of the Census

Annual wholesale trade survey
E–450, B–451
Annually
Businesses or other institutions
Form will be mailed to a sample of merchandise wholesalers, etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 6,500 responses; 1,950 hours; $310,000 Federal cost; 2 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The annual wholesale trade survey is the only continual source of annual wholesale sales and inventory data. Also, it is the only complete sample providing data about the method of inventory valuation for wholesale firms.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

- Office of Postsecondary Education

Program announcement—Minority institutions
Science improvement program
ED 0007
Annually
Businesses or other institutions
Minority institutions non-profit science organizations
SIC: 822
Higher education: 150 responses; 6,450 hours; $8,000 Federal cost; $8,000 public cost; 1 form; not applicable under 3504(h)

Federal Education Data Acquisition Council, 202–426–5030

This is a grant application for competitive awards.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

- Social Security Administration

Employer classification updates
SSA–L378 (4–81)
On occasion
Individuals or households/state or local governments/farms/businesses or other institutions
New employers having supplied insufficient information on SS–4
SIC: All
Small businesses or organizations
General retirement and disability insurance: 75,000 responses; 3,750 hours; $112,500 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

This form is used to further clarify employer information as completed on form SS–4. The employer responses are translated into various statistical codes for use in maintaining SSA's employer coding file, the continuous work history sample and other research projects.

Revisions

- Health Care Financing Administration

Preprinted state plans in place as of September 1981, and "transmittal and notice of approval of state plan material" (HCFA–179)
HCFA–179
On occasion
State or local governments
State medicaid agencies
SIC: 919
Health: 108 responses; 966 hours; $6,000 Federal cost; $2,700 public cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

The Reconciliation Act of 1981 revised Title XIX of the Social Security Act. This revision changed the provisions of the medicaid medically needy program. The medically needy section of the medicaid state plan preprint must also be revised.

- Health Care Financing Administration

End-stage renal disease demonstration project-cost report HCFA–48T HCFA–49T HCFA–9734A through C
Annually
Businesses or other institutions
24 ESRD hospital and nonhospital facilities
SIC: 808
Small businesses or organizations
Health: 24 responses; 1,200 hours; $18,000 Federal cost; $12,000 public cost; 3 forms; not applicable under 3504 (h)
Richard Eisinger, 202–396–6880

The cost report, used by HCFA's office of direct reimbursement, ensures proper and timely payments to the facilities.

- Social Security Administration

Statement of care and responsibility for beneficiary
SSA–788
On occasion
Individuals or households
Individuals or institutions having custody of beneficiary
General retirement and disability insurance: 130,000 responses; 21,667 hours; $78,714 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

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Section 205(j) of the Social Security Act provides for certification of payment to be made either to the applicant or to a relative or some other person acting on the applicant's behalf. This form is used to ensure payment to the proper representative payee when the beneficiary is in custody of that payee.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

Extensions (No Change)

- United States Fish and Wildlife Service

Fish applications for stocking purposes
3–1688
On occasion
Individuals or households
Individuals who have waters suitable for fish populations
Recreational resources: 30,000 responses; 5,000 hours; $8,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

The information obtained from the fish stocking application is needed to determine the eligibility of applicants who wish to obtain fish for stocking and the suitability of applicant's locations for maintaining a fish population. The information requested provides the service with the necessary data to prepare statistical analysis of fish populations.

Reinstatements

- Bureau of Land Management

Special recreation application and permit (long form)
8370–1
On occasion
Individuals or households/businesses of other institutions Commercial recreation operators
SIC: 799
Conservation and land management: 1,500 responses; 750 hours; $10,500 Federal cost; 1 form; not applicable under 3504 (h)
Robert Shelton, 202–395–7340

This form is an application and a permit for authorizing special recreation uses of the public lands administered by the Bureau of Land Management.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

Extensions (No Change)

- Office of Justice Assistance, Research and statistics

Exemplary and promising projects recommendation
COARS 2300/6
Annually
State or local governments
State and local criminal justice agencies
SIC: 922
Criminal justice assistance: 100 responses; 800 hours; $11,958 Federal cost; $8,000 public cost; 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

The exemplary projects program is a system of identifying outstanding criminal justice programs throughout the country, then publicizing and sharing successful experiences. This form is used to recommend such a program.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

Revisions

- Employment and Training Administration

Monthly determinations, allowance activities and employability services under the Trade Act
ETA 563
Monthly
State or local governments
Reports prepared by state employment security agencies
SIC: 944
Unemployment compensation: 42,000 responses; 5,040 hours; $43,000 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

To provide information on determinations, allowance payments, employment services and training under the Trade Adjustment Assistance Amendments of 1981. The report identifies key workload data on the delivery of TAA benefits to adversely affected workers.

- Employment and Training Administration

PSE participant outcome and termination data
ETA–RC40, ETA–RC40A
Monthly—Other—See SF83
State or local governments
State and local governments
SIC: 944
Training and employment: 13,811 responses; 3,448 hours; $23,886 Federal cost; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Data are needed to effectively monitor and manage the phaseout of public service employment and to provide management assistance to sponsors experiencing difficulty in transitioning participants into unsubsidized employment or training.

- Bureau of Labor Statistics

International price program—U.S. import product information
BLS 3007B, 3007C, 3008
Quarterly
Businesses or other institutions
Importers
SIC: All
Small businesses or organizations
Other labor services: 43,860 responses; 5,017 hours; $3,000,000 Federal cost; 3 forms; not applicable under 3504(h)
Statistical policy branch, 202–395–7313

In order to produce accurate measures of price change for U.S. imports and exports.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

- Internal Revenue Service

Tax shelter questionnaire master recordings
DIR–DET 4–292
On occasion
Individuals or households/businesses or other institutions
All taxpayers who invest in a master recording tax shelter
SIC: All
Small businesses or organizations
Central fiscal operations: 1,500 responses; 1,125 hours; $62,347 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880.

The questionnaire has been devised with district counsel to properly develop each tax shelter case. Without this questionnaire, Internal Revenue Service may overlook pertinent areas of examination and will be unable to determine the taxpayer's intent for investing in the shelter.

- Internal Revenue Service

VITA Test (English)
6744
Annually
Individuals or Households
Gen. Vol., include col. students, mbrs of exis. retirmt, etc.
Central fiscal operations: 36,615 responses; 73,230 hours; $9,500 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie 202–395–6880
As part of the training program, all volunteers are requested to take a test at the end of the VITA/TCE course to insure that students have been adequately trained. It is a pass/fail system.

- Internal Revenue Service

CP notice 23 corrections to estimated tax and arithmetic (form 4602)

CP 23 4602
On occasion
Individuals or households
All individual taxpayers who filed estimated tax payments
Central fiscal operations: 407,000 responses; 135,531 hours; $2,429,659 Federal cost; 1 form; not applicable under 3504 (h) Irene Montie, 202–395–6880

Form 4602 is used to advise the taxpayer that there is a discrepency between the amount of estimated payments claimed on the income tax return and the amount we have credited to his account.

- Comptroller of the Currency

Adjustable-rate mortgages
Nonrecurring
Businesses or other institutions
National banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 20 responses; 80 hours; $4,140 Federal cost; 1 form not applicable under 3504 (h)
Irene Montie, 202–395–6880

The office's arm regulation—12 CFR Part 29—permits the offering on non-conforming payment-capped arms subject to office review. The submitted documents are reviewed to evaluate the bank's program protections against extreme payment volatility, provisions for timely repayment of the loan, and the adequacy of the accompanying disclosure documents.

- Internal Revenue Service

Request for wage information from employer after report to IRS from SSA
Letter 99C, 99SC, 99SC/SP
On occasion
Individuals or households/farms/businesses or other institutions
All employers paying wages subject to FICA tax
SIC: All
Small businesses or organizations
Central fiscal operations: 2,372 responses; 1,186 hours; $10,638 Federal cost; 3 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

Tax law requires employers to pay social security tax on certain wage payments made to employees. When the Social Security Administration advises the Internal Revenue Service that such payments have not been reported, this letter is sent to the employer. The information is used to determine whether wage payments were made, the amount of such payments, and whether tax is due.

- Internal Revenue Service

Availability statement for revenue agent positions
RCMW 1–727
Nonrecurring
Individuals or households
Applicants for Federal employment
Central fiscal operations: 1,800 responses; 144 hours; $1,822 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

The form is used to ascertain the applicant's geographic preference for appointment location. This facilitates certification to the appropriate appointing office.

- Internal Revenue Service

Explanation of income tax adjustments on employer's Federal tax return
4234
On occasion
Individuals or households/state or local governments/farms/businesses or other institutions
All employers required to withhold income taxes
SIC: All
Small businesses or organizations
Central fiscal operations: 135,000 responses; 67,500 hours; $744,197 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

An employer is allowed to use his/her current tax return to adjust the amount of income tax withheld in prior periods. Form 4234 allows us to break out the adjustment amount by tax period, and explains the reasons for the adjustments.

- Internal Revenue Service

Employer's statement to support claim under Federal Insurance Contributions Act
On occasion
Individuals or households/state or local governments/farms/businesses or other institutions
All employers
SIC: All
Small businesses or organizations
Central fiscal operations: 7,500 responses; 1,500 hours; $41,363 Federal cost; 2 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

An employer is required to ensure that the employee's share of FICA tax is properly accounted for prior to claiming a refund. When the refund claim does not contain an indication that this requirement has been met, we provide Form 5071 to the employer to obtain this certification.

- Internal Revenue Service

Special examining unit (SEU) recruitment form
MSC RM–27
On occasion
Individuals or households
Individuals taking civil service written examinations
Central fiscal operations: 6,000 responses; 1,998 hours; $2,243 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

NSC Form RM–27 is completed (in part) by individuals taking written civil service examinations. Since IRS uses it as a registration and control card, it asks for identifying information from the applicants. Examiners enter other information. MSC form RM–27 also gathers information to determine the best advertising media for employment opportunities.

- Internal Revenue Service

Pattern paragraph for group exemption letters
Annually
Businesses or other institutions
Tax-exempt organizations
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 2,700 responses; 1,350 hours; $6,503 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Parent organizations to whom a group exemption letter is issued must annually update the list of affiliates covered by the letter. Information regarding covered affiliates would otherwise have to be provided by them. For affiliates to be added, significantly less information is required than if those affiliates submitted separate applications for themselves.

- Internal Revenue Service

Caveat for conditional letters of exemption
1591(P)
Nonrecurring
Businesses or other institutions
Organizations seeking tax-exempt status
SIC: multiple
Small businesses or organizations
Central fiscal operations: 1,980 responses; 7,920 hours; $8,648 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Generally, organizations with faulty organizational documents are not recognized as exempt unless and until they properly amend their faulty governing instruments. In exceptional cases, IRS will recognize the exempt status of an organization with a faulty governing instrument if the organization otherwise qualifies for exemption and

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agrees to correct its governing instrument promptly. Letter 1591(p) is used for this purpose.

• Internal Revenue Service
Request for information to establish status as minister, member of religious group or Christian Science practitioner
B–01–b–04
Nonrecurring
Individuals or households
Ministers, members of religious orders
Central fiscal operations: 450 responses; 187 hours; $2,630 Federal cost; 2 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

The information is needed to determine whether a minister, member of a religious group or a Christian Science practitioner qualifies for exemption from self-employment tax. Data is used to determine if the exemption should be granted.

• Bureau of Government Financial Operations
Request for refund from banks (reclamations)
TFS 6536
Nonrecurring
Businesses or other institutions
Commercial and stock savings banks, mutual savings banks
SIC: 602, 603
Small businesses or organizations
Central fiscal operations: 209,128 responses; 104,564 hours; $86,420 Federal costs; $69,842 public cost; ,1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Request of refund from the presenting bank in the amount of the paid check when a forged, or otherwise unauthorized endorsement is determined to exist.

• Internal Revenue Service
Public affairs film transmittal notice
506–6–17 (Rev. 8–81)
On occasion
Businesses or other institutions
Civic clubs, church groups, schools and universities
SIC: 821, 822, 832, 839, 862, 864
Small businesses or organizations
Central fiscal operations: 25 responses; 4 hours; $269 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

The form is used to advise users of certain IRS films when such films are to be returned. It also requests information on the number of viewers of the films. The service needs the information to determine the effectiveness and audience reach of the films.

• Internal Revenue Service
Royalty owner's credit for overpaid windfall profit tax
6249–A
Annually
Individuals or households, farms/businesses or other institutions
Individuals who qualify for the royalty owner credit
SIC: All
Small businesses or organizations
Central fiscal operations: 50,000 responses; 2,720 hours; $31,068 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 6249–A is used by qualified royalty owners to claim a credit or refund of overpaid windfall profit tax. The IRS uses form 6249–A to verify if the roylty owner qualifies for the credit and that the amount is correctly computed.

• Internal Revenue Service
Request for information to determine if a worker is an employee for employment tax and income tax withholding purposes
A–03, A–04, A–08
On occasion
Individuals or households/farms/businesses or other institutions
Employers and workers
SIC: All
Small businesses or organizations
Central fiscal operations: 1,500 responses; 713 hours; $10,025 Federal cost; 3 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

The information is used to supplement the information received on Form SS–8 for the IRS to determine whether a worker is an employee. The data is used to make this determination and assure that the employer is paying the correct amount of employment tax and withholding the correct amount of inome tax.

• Internal Revenue Service
Request for information to comply with the requirements of section 6110 of the code
5751
Nonrecurring
Individuals or households/businesses or other institutions
Taxpayers that request a letter ruling from IRS
SIC: All
Small businesses or organizations
Central fiscal operations: 825 responses; 210 hours; $3,030 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

The Information is needed to determine what deletions are to be made from a ruling request in order for it to be made available to the public under section 6110 of the code. Data is used to enable the IRS to make the ruling available to the public.

Revisions

• Internal Revenue Service
Information return with respect to controlled foreign corporations
2952
Annually
Businesses or other institutions/individuals or houeholds
Any U.S. per. (indiv. or bus.) who cont. a foreign corp.
SIC: All
Small businesses or organizations
Central fiscal operations: 37,000 responses; 25,530 hours; $380,359 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 2952 is required by the regulations under IRC secton 6038. It identifies a foreign corporation that is controlled by a U.S. person. Form 2952 is filed as an attachment to the U.S. persons income tax return. Form 2952 is used by IRS to identify the U.S. person and show transactions between the U.S. person and the corporation. 1.6038–2(a) of the regulations.

• Internal Revenue Service
Summary and transmittal of windfall profit tax information
6248T
Annually
Businesses or other institutions
Taxpayers who file form 6248
SIC: 131, 621, 651, 679, 492, 461
Small businesses or organizations
Central fiscal operations: 21,000 responses; 3,494 hours; $18,906 Federal cost; 1 form not applicable under 3504(h)
Irene Montie, 202–395–6880

This form is used to transmit forms 6348, annual information return of windfall profit tax—1980, to the IRS. (IRC Section 4997.) The information obtained in used to reconcile and total forms 6248.

• Internal Revenue Service
Depreciation
4562
Annually
Businesses or other institutions/individuals or households/farms
Taxpayers claiming a deduction for depreciation
SIC: All
Small businesses or organizations
Central fiscal operation: 5,00,000 responses; 4,086,000 hours; $248,592 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie 202–395–6880

Form 4562 is used to report the depreciation deduction and to elect additional first-year depreciation. The data is used to verify that the proper deduction has been taken.

- Internal Revenue Service

Computation of minimum tax-corporations and fiduciaries
4626
Annually
Farms/businesses or other institutions of tax pref.
SIC: All
Small businesses or organizations
Central fiscal operations: 5,000 responses; 3,325 hours; $80,581 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie 202–395–6880

Form 4626 is used by corporations and fiduciaries (trusts or estates) to calculate the minimum tax on items of tax preference that total $10,000 or more. The information collected is used to determine whether the correct minimum tax has been paid.

Extensions (Burden Change)

- Internal Revenue Service

Employer's annual Federal unemployment tax return
940, 940PR
Annually
Individuals or households/farms/businesses or other institutions (other than tax exem. or State and local government, etc.
SIC: All
Small businesses or organizations
Central fiscal operations: 4,829,000 responses; 10,105,556 hours; $13,915,087 Federal cost; 2 forms; not applicable under 3504(h)
Irene Montie 202–395–6880

Internal Revenue Code section 3301 imposes a tax on most employers based on the first $6,000 of annual wages paid to each employee. IRS uses the information to ensure that employers have reported and computed the correct FUTA (Federal Unemployment Tax Act) wages and FUTA tax.

- Internal Revenue Service

Statement for recipients of total distributions from profit-sharing, retirement plans and individual retirement arrangements
1099R
Annually
State or local governments/businesses or other institutions
Ent., such as insur. agen., banks, agents for pension, etc.
SIC: All
Small businesses or organizations
Central fiscal operations: 3,264,000 responses; 2,197,000 hours; $261,048 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie 202–395–6880

Form 1099R is used to report total distributions from profit-sharing, retirement plans, or individual retirement arrangements (IRC sections 402, 408, and 6047). This information helps the IRS verify income reporting compliance on the part of the recipient.

- Internal Revenue Service

Statement for recipients of interest income
1099–INT and 1087–INT
Annually
Individuals or households/businesses or other institutions
Banking, saving and loans, investment offices
SIC: 602, 603, 605, 612, 614, 672
Small businesses or organizations
Central fiscal operations: 256,255,000 responses; 24,124,000 hours; $3,698,444 Federal cost; 1 form not applicable under 3504(h)
Irene Montie 202–395–6880

The forms are used to report interest income paid, as required by IRC Section 6049. Form 1087–INT is used to report interest received as a nominess on behalf of another person. It tells the IRS who is responsible for reporting the income. Both are used to verify compliance on the part of the recipient.

Extensions (No Change)

- Bureau of Alcohol, Tobacco and Firearms

Airlines withdrawing stock from customs custody—copy of requisition.
ATF Rec 5620/2 plan
Other—See SF83
Businesses of other institutions
Commercial airlines
SIC: 592
Small businesses or organizations
Federal law enforcement activities: 6,500 responses; 1,083 hours; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Audit trail, accounting tool, protection of the revenue. Provides a record of amounts withdrawn used for export (nontax).

- Bureau of Alcohol, Tobacco and Firearms

Vinegar plants (records of wine received) records of daily operations
ATF Rec 5510/1
On occasion
Businesses or other institutions
Producers of vinegar
SIC: 209
Small businesses or organizations
Federal law enforcement activities: 190 responses; 47 hours; $50 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Records of wine received, for and used in production of vinegar, all vinegar produced and disposed. These records of daily operation include receipts of vinegar produced and removed, quantity of low wines produced the quantity of distilling material used.

- Bureau of Alcohol, Tobacco and Firearms

Manufacturers of nonbeverage products (verification of records)
ATF Rec 5530/2
On occasion
Businesses or other institutions
Manufacturers of nonbeverage products
SIC: 289
Small businesses or organizations
Federal law enforcement activities: 107,550 responses; 10,755 hours; $100 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Accounting tool, audit trail, protection of revenue, ensure appropriate tax has been paid and supporting documents verify records reflecting the distilled spirits.

- Internal Revenue Service

Claim of income tax return preparers
6118
On occasion
Businesses or other institutions
Income tax return preparers
SIC: 729
Small businesses or organizations
Central fiscal operations: 10,000 responses; 8,000 hours; $8,931 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 6118 is used to file for refund of penalties overpaid by preparers. The information enables the service to process the claim and have the refund issued to the tax return preparers.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–287–0793

New

- Data collection for the economic analysis of a nationwide urban runoff program

Nonrecurring
State or local governments/businesses or other institutions
NURP project staff, private consultants, and others
SIC: 739
Small businesses or organizations
Pollution control and abatement: 200 responses; 615 hours; $235,000 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

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Survey of public and business agencies in 10 urban areas to identify methods and costs of controlling urban stormwater runoff. This survey is conducted under authority of sections 208 and 211 of the Clean Water Act and the results will be incorporated into the 1983 report to Congress of the nationwide urban runoff program (NURP).

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shilkey—202–254–8515

New

- Certificate of labor standards compliance

FEMA 85–28
On occasion
State of local governments
State and local emergency management organizations
SIC: 919
Defense-related activities: 800 responses; 800 hours; $400 Federal cost; 800 forms; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form is needed and used to assure compliance by contractors and subcontractors under FEMA project grants with Federal labor standards where construction costs are in excess of $2,000.

- Applicant insurance certificate

HUD 9968
On occasion
Individuals or households
Victims of declared disasters
Disaster relief and insurance: 3,000 responses; 750 hours; $30,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

This form is used to provide the agency with information concerning the extent of insurance coverage for temporary living expenses.

- Damage assessment for temporary housing assistance

FEMA 90–56
On occasion
State or local governments
Damage assessments
SIC: 919
Disaster relief and insurance: 3,000 responses; 3,000 hours; $60,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

A damage assessment must be performed to determine the eligibility of each applicant.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202–377–6025

Revisions

- Beneficial ownership and proposed acquisitions under the Securities Exchange Act of 1934

Nonrecurring—on occasion annually
Businesses or other instutitions
Savings and loan associations
SIC: All
Mortgage credit and thrift insurance: 1,500 responses; 4,500 hours; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

15 U.S.C. S781(i) requires FHLBB to adopt "substantially similar regulations to those of the "Sec under SS1, M, N(a), (c), (d) and (f), and p of 15 U.S.C. S78 as regards securities of associations the accounts of which are insured by FSLIC. 15 U.S.C. S78B sets forth the necessity for regulation. In general, these provisions require appropriate public disclosure regarding the beneficial ownership of publicly held stock associations and in connection with proposed.

- Minority background survey questionnaire 79–2

OPM 1386
Nonrecurring
Individuals or households
Federal job applicants
Mortgage credit and thrift insurance: 1,000 responses; 167 hours; $556 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

This form is used to collect minority group data from applicants so that we can assess the effectiveness of recruitment efforts and the impact of selection procedures.

Extensions (Burden Change)

- Request for a service corp activity

Nonrecurring
Businesses or other institutions
Savings and loan industry
SIC: 999
Mortgage credit and thrift insurance: 2 responses; 4 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

12 CFR 543.1 and 544.2 require a Federal association to obtain bank board approval of any change in its charter which is not preapproved by regulation. The purpose of the charter amendment application is to evaluate whether there is a necessity for the proposed charter amendment, and whether the change could be accomplished under existing statutes, regulations and board policy.

- Request to amend Assoc charter

Nonrecurring
Businesses or other institutions
Savings and loan industry
SIC: 999
Mortgage credit and thrift insurance: 202 responses; 404 hours;
1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880.

12 CFR 543.1 and 544.2 requires federal associations to obtain bank board approval of any change in its charter which is not preapproved by regulation. The purpose of the charter amendment application is to evaluate whether there is a necessity for the proposed charter amendment, and whether the change could be accomplished under existing statutes, regulations and Board policy.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202–452–2983

Extensions (No Change)

- Application for municipal securities principal or municipal securities representative associated with a bank municipal securities dealer

FR MSD–4
Nonrecurring
Individuals or households/businesses or other institutions
Banks and per. desig. as municipal Sec. Prin. and repre., etc.
SIC: 602
General government: 103 responses; 309 hours; $3,500 Federal cost; $6,180 public cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Filing application required of person associated with municipal securities dealer (MSD) bank and MSD prior to such person functioning in professional capacity. Verify compliance with municipal securities rulemaking board rules and related securities and banking laws. Source document for entry into interagency computer system of records.

NATIONAL CREDIT UNION ADMINISTRATION

Agency Clearance Officer—Mr. Troy Robinson—202–357–1202

New

- Insurance and group purchasing activities

FCU 2000
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance: 3,100 responses; 5,500 hours; $120,000

Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

This regulation governs Federal credit union insurance and group purchasing activities. It represents a substantial deregulation permitting considerably greater latitude in the group purchasing area, some new requirements have been provided to assure reasonable protection of member interests. We estimate zero or minimum costs to Federal credit unions since all of the expenses a credit union may incur are reimbursable.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

Extensions (No Change)

- Statement of authority to act for employee

SI–10
On occasion
Individuals or households/businesses or other institutions
Applicants, personal physicians
SIC: 801
Small businesses or organizations
Multiple functions: 500 responses; 42 hours; $6,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Under Section 5 of the Railroad Unemployment Insurance Act, if an individual awarded sickness benefits is incapable of signing documents and transacting business, payments shall be made on his behalf to a qualified individual. The application will obtain information needed for the board to select the individual who will serve in the best interest of the employee.

- Application for accrued benefits unpaid at death

UI–63
On occasion
Individuals or households
Claimants for accrued benefits under RUIA
Multiple functions: 600 responses; 70 hours; $7,300 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Section 2 of the RUIA provides for payment of unemployment benefits accrued but not paid at the death of the employee to the same individual(s) who are entitled to the benefits paid under Section 6 of the RRA without further claim. The application will obtain information needed for paying the individual(s) entitled to the benefits are due under the RRA.

- Claim for sickness benefits due employee but not paid at death

SI–62
On occasion
Individuals or households
Claimants for accrued sickness benefits under RUIA
Multiple functions: 3,000 responses; 500 hours; $72,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Section 2 of the RUIA provides for payment of sickness benefits accrued but not paid at the death of the employee to the same individual(s) who are entitled to the benefits paid under Section 6 of the RRA without further claim. The application will obtain information needed for paying the individual(s) entitled to the benefits when no benefits are due under the RRA.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George B. Kundahl—202–272–2142

Extensions (No Change)

- Form 13F, report of institutional investment managers pursuant to Section 13(f) of the Securities Exchange Act of 1934

1685
Quarterly—Annually
Businesses or other institution
Certain institutional investment managers
SIC: Multiple
Other advancement and regulation of commerce: 3,200 responses; 99,000 hours; $12,002 Federal cost; $1,760,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 13(f) is made necessary by the statutory obligation of Section 13(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(f) and Rule 13f–1 thereunder (17 CFR 24C.13F–1)).

Arnold Strasser,
Acting Chief, Reports Management Branch.

[FR Doc. 81–28913 Filed 10–2–81; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies proposed public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained

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from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

Reinstatements

- Farmers Home Administration

National rural community facilities assessment study
Nonrecurring
State or local governments
Providers of community services and local officials
SIC: 494, 495, 922, 951, 963, 919
Area and regional development: 1,572 responses; 1,258 hours; $1,000,000 Federal cost; $237,643 public cost; 3 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Study is a sample survey of the condition and cost to bring all rural community facilities up to national standards.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

Revisions

- National Oceanic and Atmospheric Administration

Sea grant budget
NOAA 90-4
Annually
Businesses or other institutions
Colleges and other grantees
SIC: 822, 892
Other natural resources: 450 responses; 200 hours; $6,125 Federal cost; $2,000 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Information is needed to determine cost of each project of a multiproject proposal and to determine allowability of matching costs offered. Also, used in negotiating costs and administrative control of expenditures by both grantee and grantors. (Required by Pub. L. 94-461)

Extensions (Burden Change)

- National Oceanic and Atmospheric Administration

Application for commission in the NOAA corps
NOAA 56-42, 42A, 42C, and 42D
On occasion
Individuals or households
Individuals applying for commissions
Other natural resources: 200 responses; 200 hours; $15,000 Federal cost; $1,400 public cost; 4 forms; not applicable under 3504(h)
William T. Adams, 202-395-4814

Required in recruiting of officers for the NOAA corps. Applicants selected become commissioned officers of a uniformed service not civil service.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

New

- Department of the Army

Invitation for bids/proposals for leasing real property of the United States
Nonrecurring
Individuals or households/farms/businesses or other institutions
Indiv. and sml bus. leasing prop. for agri. and graz. pur. etc.
SIC: 021, 027, 029
Small businesses or organizations
Recreational resources: 12,000 responses; 3,000 hours; $300,000 Federal cost; 1 form; not applicable under 3504(h)
Andy Uscher, 202-395-4814

The bids and proposals furnished enable the Corps of Engineers to determine the highest bidder on a lease of government-owned real estate or the highest qualified purposes. Lease award is based on this determination.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

- Office of Elementary and Secondary Education

Education consolidated grant application
ED 1000
Annually
State or local governments
State education agency
SIC: 821, 941
Elementary, secondary, and vocational education: 57 responses; 114 hours; $100,000 Federal cost; $1,140 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Each eligible jurisdiction must submit an annual application to the secretary as a precondition to receiving the authorized funds.

- Office of Educational Research and Improvement

High school and beyond first follow-up survey
ED (NCES) 2409-30A, B, C, 2409-33
Nonrecurring
Individuals or households/businesses or other institutions
Sopho and subsample of senios of 1980 who were elect., etc.
SIC: 821
Research and general education aids: 39,800 responses; 34,008 hours; $4,060,000 Federal cost; $145,371 public cost; forms; not applicable under 3504 (h)
Federal Education Data Acquisition Council, 202-426-5030

Data will be needed by various agencies within and outside of Department of Education in policy-related analyses in such areas as school effectiveness/excellence, quality of instruction, quality of educational opportunity, access to postsecondary education, student financial aid needs, vocational education, bilingual education, education for the handicapped, and relationships between education and career patterns.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202-633-9770

New

- Economic Regulatory Administration

Annual compilation of proposed and final list of utilities covered by PURPA and NECPA
ERA-750

Annually
State or local governments
State Regulatory authorities
SIC: 919
Energy information, policy, and regulation: 53 responses; 212 hours; $14,641 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

DOE publishes a list in the **Federal Register** of utilities to which Titles I, III of PURPA and Titles II, VII of NECPA apply. The information determines the accuracy of proposed list and is supporting evidence of those electric and gas utilities exeeding thresholds in PURPA and NECPA. Collection begins in October 1981.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

New

- Immigration and Naturalization Service

Supplemental qualifications statement immigration inspector, GS-5
G-777
On occasion
Individuals or households
Non-status candidated for entry level inspector positions
Federal law enforcement activities: 4,000 responses; 4,000 hours; $113,500 Federal cost; $40,000 public cost; 1 form; not applicable under 3504(h)
Andy Uscher, 202-395-4814

Office of Personnel Management has requested INS to conduct the competitive examinations for GS-5 immigration inspectors positions. Non-status candidates for these positions will be required to take this exam in lieu of the Pace exam.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

Revisions

- Bureau of Labor Statistics

International price program—U.S. export product
Information
BLS 2894A, 2894B, 2894C, 2894D, 3008
Quarterly
Businesses or other institutions
Exporters
SIC: All
Small businesses or organizations
Other labor services: 41,280 responses; 4,816 hours; $3,000,000 Federal cost; 5 forms; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

In order to produce accurate measures of price change for U.S. imports and exports.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

New

- Internal Revenue Service

U.S. Mutual Insurance Company income tax return
1120M
Annually
Businesses or other institutions
Mutual insurance companies other than life insurance
SIC: 632, 633, 635, 637, 639
Small businesses or organizations
Central fiscal operations: 1,200 responses; 13,004 hours; $31,629 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

A mutual insurance company (other than a life insurance company and other than a fire, flood, or marine insurance company), uses this form to report its income and figure and pay tax. The data is used to verify that the income is properly reported and the correct tax is paid.

Revisions

- Internal Revenue Service

U.S. fiduciary income tax return and schs. on cap. gains and losses, trust alloc. of accum. dist., beneficiary share of inc. etc.
1041 sch D (1041) sch J (1041)
Annually
Businesses or other institutions/individuals or households
Fiduciaries for estates and trusts
SIC: 673
Central fiscal operations: 5,941,984 responses; 9,962,521 hours; $5,369,206 Federal cost; 4 forms; not applicable under 3504(h)
Irene Montie, 202-395-6880

IRC Section 6012 requires that an annual income tax return be filed for estates and trusts. Section 6041 requires a return be filed reporting payments to recipients. The data is used to determine that the estates, trusts, and beneficiaries filed the proper returns and paid the correct tax.

- Internal Revenue Service

U.S. life insurance company income tax return
Insurance Co income tax return
1120L
Annually
Businesses or other institutions
Life insurance companies
SIC: 631, 632, 637
Small businesses or organizations
Central fiscal operations: 1,800 responses; 33,153 hours; $106,387 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Life insurance companies are required to file an annual return of income and comute and pay any tax due. The data is used to ensure that companies have correctly reported taxable income and paid the correct tax.

1120L) is used to compute this alternative tax. The information

- Bureau of Government Financial Operations

List of states and other areas licensed to transact Surety Business on application date
TFS 2208A
On occasion
Businesses or other institutions
Comp. hldg cert. of auth. as accep. sureties on Fed. bonds
SIC: 616, 635, 639, 641, 671
Small businesses or organizations
Central fiscal operations: 20 responses; 2 hours; $359 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

This list is used to show the states in which a new insurance company is licensed to write surety bonds.

- Internal Revenue Service

U.S. Small Business Corporation Income Tax Return Capital Gains and Losses, and Shareholder's Share of Undistributed Taxable Income, Etc.—1981
Form 1120S, Sch. D (Form 1120S), Sch. K-1 (Form 1120S)
Annually
Farms/businesses or other institutions
Corp. that have elected to be a subchapter S corp, etc.
SIC: All
Small businesses or organizations
Central fiscal operations: 1,780,200 responses; 5,386,183 hours; $2,229,927 Federal cost; 3 forms; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 1120S, schedule D (form 1120S), and schedule K-1 (form 1120S) are used by a subchapter S corporation to figure its taxable income, undistributed taxable income, and other tax-related information. Copy B of schedule K-1 (form 1120S) is given to shareholders of the corporation to assist them in preparing their separate income tax returns. IRS uses the information to determine the correct tax.

Extensions (Burden Change)

- Bureau of Government Financial Operations

Federal Process Agent Appointments
TFS 6312
Annually
Businesses or other institutions

Cos. holding certificates of authority as accep. sureties
SIC: 616, 635, 639, 641, 671
Small businesses or organizations
Central fiscal operations: 300 responses; 30 hours; $11,494 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

This form is used by insurance companies to report the different U.S. judicial districts in which Federal process agents have been appointed.

- Bureau of Alcohol, Tobacco and Firearms

Application for Tax-Exempt Transfer of Firearm and Registration to Special Occupational Taxpayer
ATF F 3 (7560.3)
ATF F 4
On occasion
Businesses or other institutions
Taxpayers wishing to receive approval of NFA firearms regs.
SIC: 594
Small businesses or organizations
Federal law enforcement activities: 8,630 responses; 4,315 hours; $84,946 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

NFA requires a special taxpayer to submit this form and receive the approved copy prior to any disposition of a NFA firearm to another special taxpayer. Action transfers the firearm from the transferor to the transferee.

- Bureau of Alcohol, Tobacco and Firearms

Notice of Firearms Manufactured or Imported
ATF F 2 (7560.2)
On occasion
Businesses or other institutions
NFA licensed importers and manufacturers
SIC: 348, 504
Small businesses or organizations
Federal law enforcement activities: 1,890 responses; 945 hours; $37,452 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

NFA requires licensed importers and manufacturers to notify ATF on a daily basis when NFA firearms are imported or manufactured. This action registers the firearms in the NFRTR.

- Bureau of Alcohol, Tobacco and Firearms

Application for Tax-Paid Transfer and Registration of a Firearm
On occasion
Individuals or households/businesses or other institutions
Firearms dealers
SIC: 594
Small businesses or organizations
Federal law enforcement activities: 3,200 responses; 12,800 hours; $80,342 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

NFA requires this form to be submitted for the tax-paid transfer of a NFA firearm. Approval of the form transfers registration from the seller to the buyer (transferee).

- Bureau of Alcohol, Tobacco and Firearms
- Application and Permit for Permanent Exportation of Firearms

AFT Form 9 (7560.9)
On occasion
Businesses or other institutions
Firearms exporters
SIC: 504
Small businesses or organizations
Federal law enforcement activities: 130 responses; 455 hours; $3,984 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Form is submitted by a business entity that exports a firearm. When approved and satisfactory proof of exportation is supplied to ATF, the exporter is exempt from the $200 transfer tax on each firearm exported. Also, it serves to amend the records in the NFRTR to reflect the exportation.

- Bureau of Alcohol, Tobacco and Firearms

Application for Tax-Exempt Transfer and Registration of Firearms
ATF F 5 (7560.5)
On occasion
Individuals or households/State or local governments/businesses or other institutions
Firearms dealers or private citizens
SIC: 965
Federal law enforcement activities: 3,580 responses; 10,740 hours; $55,472 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

NFA requires this form to be submitted for the tax-exempt transfer of a NFA firearm. Approval of the form amends the records in the NFRTR to show the transferee as the registered owner.

- Internal Revenue Service

United States Estate Tax Return
Form 706
Nonrecurring
Individuals or households/businesses or other institutions
Estates of decedents who were U.S. citizens or residents
SIC: 601 602 603 604 605 611
Small businesses or organizations
Central fiscal operations: 151,000 responses; 4,236,909 hours; $2,145,450 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Form 706 is used to report and compute the fFderal estate tax imposed by IRC sections 2001–2057. The form is required by code section 6018.

IRS uses the information to enforce this tax by verifying that the tax has been properly computed.

Extensions (No Change)

- Bureau of Alcohol, Tobacco and Firearms

Quarterly Firearms Manufacturing and Exportation Report
ATF F 4483–A (5300.11)
Quarterly
Businesses or other institutions
Firearms manufacturers/exporters
SIC: 348
Small businesses or organizations
Federal law enforcement activities: 2,000 responses; 2,000 hours; $2,745 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Used to collect statistics on the domestic manufacture and exportation of firearms. Form is the only vehicle which provides the Government with an accurate total of firearms manufactured in the U.S.

- Bureau of Government Financial Operations

Form Letter for Confirmation of Time Deposit Accounts, Demand Deposit, and Treasury General Account Balances
None
Annually
Businesses or other institutions
Banks and institutions closely related to banking
SIC: 602, 603, 605, 612, 614
Small businesses or organizations
Central fiscal operations: 530 responses; 233 hours; $4,386 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

This computer-produced form letter is used to obtain confirmation of certain account balances maintained by depositaries covered by Treasury Department circular No. 176.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202–634–6983

Extensions (Burden Change)

- Recordkeeping Requirements Under the Equal Pay Act

On occasion
Businesses or other institutions/State or local governments/farms
Employers covered by Fair Labor Standards Act of 1938
SIC: Multiple
Federal law enforcement activities: 1 response; 0 hour; $0 Federal cost; 1 form; not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

Required by Equal Pay Act of 1963 and enacted as subsection 6 (D) of the Fair Labor Standards Act of 1938, as amended. Employers, employment agencies, and labor organizations which are subject to the act are required to maintain certain records. The data are needed in order that the EEOC may enforce the provisions of the Equal Pay Act.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—202–389–4481

Extensions (Burden Change)

- Certified Statement

6420/07, 6420/11, 6420/10, 6400/01
Semiannually
Businesses or other institutions
All FDIC insured commercial and mutual savings banks.
SIC: 602, 603
Small businesses or organizations
Mortgage credit and thrift insurance: 29,500 responses; 14,750 hours; $38,785 Federal cost; 1 form; $147,500 public cost; not applicable under 3504 (h)
Irene Montie, 202–395–6880

These forms are the vehicles for the computation and collection of assessments due from all FDIC insured banks for the deposit insurance protection given each depositor.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–254–8515

New

- Post Construction Elevation Certificate/Floodproofing Certificate

On occasion
State or local governments
State or local government
SIC: 919
Disaster relief and insurance: 18,000 responses; 3,000 hours; $3,750 Federal cost; 1 form; not applicable under 3504 (h)
Robert Veeder, 202–395–4814

The National Flood Insurance program regulations require the elevation of floodproofing of structures to the designated flood elevation.

FEDERAL HOME LOAN BANK BOARD

Agency Clearance Officer—Frank J. Crowne—202–377–6025

Revisions

- Thrice-Monthly Survey of Deposit Balances by Type

Other—See SF 83
Businesses or other institutions
FSLIC-Insured Savings and Loan Associations
SIC: 612
Mortgage credit and thrift insurance: 8,640 responses; 5,789 hours; $20,752 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Only means of monitoring volume and structure of deposit flows at associations between monthly reports. Used for determining and projecting deposit trends that may require changes in FHLBB credit and regulatory policy. Used by FRB for preliminary estimates of the monetary aggregates used in establishing monetary policy.

Extensions (burden change)

- Consumer Complaints

On occasion
Individuals or households/businesses or other institutions insured Sav. & Loan Assoc. Indiv. Comp.
SIC: 612
Mortgage credit and thrift insurance: 10,000 responses; 20,000 hours; $19,000 Federal cost; 1 form; $200,000 public cost; not applicable under 3504 (h)
Irene Montie, 202–395–6880

Investigation of consumer complaints based entirely on the consumer's request for assistance. Bank board requests and institutions provide information and in turn, bank board responds to consumer. (Consumers infrequently use the bank board's complaint form per se)

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202–452–2983

Extensions (burden change)

- Community Reinvestment Act Questionnaire

FR–1283
On occasion
Businesses or other institutions
State member banks
SIC: 602
Small businesses or organizations
General government: 883 responses; 662 hours; $2,015 Federal cost; 1 form; $16,550 public cost; not applicable under 3504 (h)
Irene Montie, 202–395–6880

As part of a compliance examination an officer of the State member bank is asked to complete this questionnaire regarding the bank's efforts to serve the credit needs of its local community. This is used by examiners to assess and rate the bank's performance relative to the Community Reinvestment Act.

- Officer's Questionnaire

FR 410–OQ CA 12/78(R)
On occasion
Businesses or other institutions
State member banks
SIC: 602
Small businesses or organizations
General government: 883 responses; 88 hours; $15 Federal cost; 1 form; $2,200 public cost; not applicable under 3504 (h)
Irene Montie, 202–395–6880

As part of a compliance examination, an officer of the State member bank is asked to fill out and sign this questionnaire regarding past, present or potential lawsuits (including out-of-court settlements) the bank has been involved in regarding consumer credit protection laws or regulations.

NATIONAL FOUNDATION ON THE ARTS

Agency Clearance Officer—D. Keith Stephens—202–634–6160

New

- Basic State Grant Application Narrative Format

Annually, biennially
State or local governments
State arts agencies
SIC: 919
Research and general education aids; 36 responses; 576 hours; $2,008 Federal cost; 1 form; not applicable under 3504 (h)
Diane Wimberly, 202–395–6880

Requested information is needed to enable the endowment to determine whether applicants meet eligibility requirements and criteria for funding, to enable the endowment to determine whether applicants should be funded on a multi-year basis, and to provide basic information about State arts agencies necessary for the normal functioning of the endowment.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7737

Revisions

- PATC—LOB Spring 1982 Survey

BLS 3111A thru 3111E
Annually
Businesses or other institutions
Private businesses with over 100 employees
SIC: MVL 152, 161, 162, 171, 393, 411, 581, 541, 531

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Small businesses or organizations
Central personnel management: 1,500 responses; 3,750 hours; $1,000,000 Federal cost; 5 forms; not applicable under 3504(h)
Robert Veeder, 202-395-4814

This questionnaire is part of OPM's program to develop a total compensation comparability system in support of the "Federal Pay Comparability Reform Act of 1981." The survey results will be used to make total compensation adjustments for Federal employees in the following year if proposed legislation is enacted.

Extensions (burden change)

- Notify us if Your Child is Unable to Quality for Survivor Benefits

BRI 49-235A
On occasion
Individuals or households
Survivor annuitants (students)
Federal employee retirement and disability: 2,000 responses; 167 hours; $33,060 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

This form is used to inform OPM of changes in a child's status which would make him or her ineligible for annuity payments in order to avoid an overpayment of annuity and the resulting recovery actions.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

- Form SR, Sales of Securities and Use of Proceeds Therefrom

Sec 1809
On occasion
Businesses or other institutions
Iss. offering sec. to the pub. pursuant to a regist., etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 529 responses; 3,174 hours; $8,187 Federal cost; 1 form; $163,990 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form SR elicit information from first-time issuers concerning the progress of their offering and the use of proceeds therefrom in order that the Commission may monitor compliance with prospectus delivery and updating requirements and investors and the Commission may determine whether the proceeds are used in the manner described in the prospectus.

- Family of Form U-1, Amend. Thereto, (17 CFR 259.101, 17 CFR 250.20(C)), Filings Containing Data Following U-1 (17 CFR 259.501), Req. for hearings

1476
Other-see SF83
Businesses or other institutions
Util Hldg Cos. subj to Pub Util Hldg Co. Act and Elec., etc.
SIC: 491 492 493
Other advancement and regulation of commerce: 300 responses; 78,300 hours; $597,000 Federal cost; 1 form; $2,803,424 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

This family of information requests is needed to meet statutory filing requirements and to provide a legally required record upon which determinations under the Holding Company Act can be made. Included in this family is an "Information Request" which permits companies to claim exemption from rules while a filing is pending.

- Reports of

Authorized Under the Act
Monthly
Businesses or other institutions
Cos. their subsidiaries and other persons, etc.
SIC: 491 492
Other advancement and regulation of commerce: 420 responses; 500 hours; $2,010 Federal cost; 1 form; $7,250 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 24 requires certification to the commission within 10 days or such other time period as specified by order, after the consummation of any authorized transaction that such transaction has been carried out in accordance with the terms and conditions of the Order. This submittal ensures that the commission's order has been complied with.

- Non-Disclosure of Information Filed With the Commission and With any Exchange (17 CFR 240.24B02)

Rule No. 17 CFR 240.24B2
On occasion
Businesses or other institutions
Any person who files a document pursuant to the act and req. etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 165 responses; 83 hours; $2,785 Federal cost; 1 form; $4,125 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Under 24 of the Securities Exchange Act of 1934 (The "Act"), it is unlawful for the Commission to release information in contravention of the Freedom of Information Act (5 U.S.C. 552) or the Commission's rules thereunder. Rule 24B-2, adopted in 1976, is designed to provide the Commission with information necessary to enable it to determine whether information filed in various documents should be withheld from disclosure.

- Application for Extension of Unlisted Trading Privileges

Rules 12F-1 (17 CFR 240.12F-1)
Rule No. 17 CFR 240.12F-1
On occasion
Businesses or other institutions
National Securities Exchanges
SIC: 623
Small businesses or organizations
Other advancement and regulation of commerce: 670 responses; 670 hours; $11,390 Federal cost; 1 form; $27,470 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Under Section 12(F) of the Securities Exchange Act of 1934 ("Act") a National Securities Exchange may apply to the Commission for unlisted trading privileges in a security. The information required by rule 12F-1, adopted in 1934, is designed to provide the Commission with information necessary for it to make the required statutory findings in order to approve the application.

- Initial Fees for SECO Broker-Dealers and Associated Persons (17 CFR 240.15B9-1 (A) and (B), and Form SECO-5 (17 CFR 249.505)

Rule No. 17 CFR 240.15B9-1(A) and SECO-5
Nonrecurring
Businesses or other institutions
Securities brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 125 responses; 42 hours; $4,200 Federal cost; 1 form; $875 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 15B9-1, adopted in 1967, requires broker-dealers not members of a securities association to register as SECO firms with the Commission by filing form SECO-5 (adopted in 1966) and paying the prescribed fee.

- Notice of Non-Compliance With Turnaround Standard (17 CFR 240.17AD-2 (C), (D) and (H) Rule No. 17 CFR 240.17AD-2 (C), (D), and (H)

Monthly
Businesses or other institutions
Registered Transfer Agents
SIC: 628
Small businesses or organizations
Other advancement and regulation of Commerce: 7 responses; 4 hours; $480

Federal cost; $105 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

A notice filed under rule 17AD02 (c), (d) and (h) adopted June 16, 1977, is needed to inform the appropriate regulatory agencies ("ARA's") (see 3(a)(34)(b) of the Exchange Act) of the failure to meet the minimum performance standards of the Commission's rules. The notice is used (1) to alert the ARA of the need to monitor the situation and (2) to allow an ARA to take appropriate remedial action, if necessary.

- Records of Non-Resident Brokers and Dealers. Rule 17A–7

(17 CFR 240.17A–79)
Rule No. 17 CFR 240.17A–7
Nonrecurring
Businesses or other institutions
Non-resi. broker-dealers reg. with the Comm., etc.
SIC: 621
Other advancement and regulation of Commerce: 1 response; 1 hour; $70 Federal cost; $70 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 17A–7 was adopted in 1956 and requires foreign broker-dealers registering or registered with the Commission to maintain copies of their books and records in the United States or to file an undertaking agreeing to make them available upon request.

- General Requirements as to Form and Content of Application

Statements and reports under the Trust Identure Act of 1939
17 CFR 260.7A–15–260.7A–37
On occasion
Businesses or other institutions
Iss. of debt sec in pub ofrg & ident trustees for sec hldrs
SIC: Multiple
Other advancement and regulation of Commerce: 1 response; 1 hour; $1,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The rules set forth the general requirements relating to the applications, statements and reports that must be filed under the 1939 act by issuers and trustees qualifying indentures under the 1939 act for offerings of debt securities.

Revisions

Voluntary Survey of Private Noninsured Pension Plans
1266 R–4A
Quarterly
Businesses or other institutions
Private noninsured pension funds
SIC: 602
Other advancement and regulation of Commerce: 400 responses; 1,600 hours; $20,655 Federal cost; $25,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

These data are used to estimate the quarterly assets and common stock transactions of private noninsured pension funds, an important group of institutional investors. Such data are unavailable from alternative sources, but are necessary for analysis of trends in institutional investment and the flow of funds in the economy.

Arnold Strasser,
Acting Chief, Reports Management.

[FR Doc. 81–28964 Filed 10–2–81; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18129; SR–CBOE–81–7]

Chicago Board Options Exchange, Incorp.; Order Approving Proposed Rule Change

September 29, 1981.

On April 27, 1981, the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60606, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b–4 thereunder, a proposed rule change to increase position and exercise limits for options on Government National Mortgage Association pass-through securities ("GNMAs")[1] from 1,000 to 2,000 contracts.[2]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exhange Act Release No. 17768 (May 4, 1981)) and by publication in the **Federal Register** (46 FR 26209 (May 11, 1981)).[3] No comments were received directly by the Commission with respect to the proposed rule change, although the CBOE forwarded to the Commission a letter received from a prominent dealer in the GNMA cash market suggesting that, while a 1,000 contract limit may be adequate to enable mortgage bankers to hedge the risks associated with the production of GNMA pools, the ceiling is too low to accommodate the hedging needs of many institutional investors and as a consequence would discourage institutional participation.[4] In addition, several commentators in responding to the CBOE's initial position and exercise limit proposals indicated that 1,000 contracts may be too restrictive for certain market participants.[5]

The Commission views position and exercise limit rules principally as regulatory devices designed to minimize the manipulative potential inherent in large options positions and to diminish the possibility that options trading activity could cause dislocation in the underlying market. At the same time, the Commission is cognizant that the viability of an options market, particularly a market for debt security options, may be contingent upon attracting sufficient institutional and professional participation.

Since the CBOE has not yet commenced trading in GNMA options, actual trading experience is not available as a basis for projecting the prospective impact of the proposed position and exercise limits.[6] The Commission believes, however, that given the size of the underlying GNMA cash market relative to the proportion of that market potentially could be controlled by a single options market participant, the proposed increase would not contribute materially to the potential for manipulative abuse of the GNMA options market or to the possibility of price dislocation in the GNMA cash market.[7] Moreover, there appears to be a significant likelihood that the proposed increases would contribute to market liquidity. Accordingly, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

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[1] The CBOE's rules governing its GNMA options program including the position and exercise limit rules were approved by the Commission in Securities Exchange Act Release No. 17577 (February 26, 1981), 46 FR 15242 (March 4, 1981). CBOE has not yet begun trading in GNMA options.

[2] CBOE Rule 20.3 currently provides that no member of the exchange shall enter into a GNMA options transaction for its own account, for an account in which it has an interest, or for the account of a customer, if the member has reason to believe that it or the customer, acting alone or in concert with others, as a result of the transaction would have an aggregate position in puts and calls on the same side of the market in excess of 1,000 contracts. CBOE Rule 20.4 imposes a comparable prohibition against the exercise of more than 1,000 contracts in either GNMA put or call options within a period of five consecutive business days.

[3] The proposed rule change also includes a change in the text of CBOE Rule 20.4 relating to exercise limits to clarify that puts and calls are *not* aggregated for exercise limit purposes (*i.e.*, up to 2,000 put option contracts and 2,000 call option contracts can be exercised within the span of five consecutive business days). *See* letter to Gene E. Carasick, Assistant Director, Division of Market Regulation, from Anne Taylor, Secretary and Associate General Counsel, CBOE (July 29, 1981).

[4] Letter to Walter Auch, Chairman, CBOE, from Richard G. Rosenthal, General Partner, Salomon Brothers (April 15, 1981).

[5] *See, e.g.*, letter to George A. Fitzsimmons, Secretary, SEC, from Robert L. Shomaker, Vice Chairman, Mortgage-Backed Securities Division, Public Securities Association (November 5, 1980); letter to Douglas Scarff, Director, Division of Market Regulation, SEC, from Stephen H. Axilrod, Staff Director for Monetary and Financial Policy, Board of Governors of the Federal Reserve System (November 5, 1980).

[6] Of course, once GNMA options trading commences, the Commission in conjunction with the CBOE intends to monitor trading activity closely and, if necessary, will take the necessary measures to modify the position and exercise limits accordingly.

It Is Therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28889 Filed 10-2-81; 8:45 am]

BILLING CODE [illegible]0-01-M

[Release No. 11962; 812-4816]

Fidelity Fund, Inc., et al.; Filing of Application

September 29, 1981.

In the Matter of Fidelity Fund, Inc., Fidelity Puritan Fund, Inc., Fidelity Trend Fund, Inc., Fidelity Equity-Income Fund, Inc., Fidelity Contrafund, Inc., Fidelity Congress Street Fund, Inc., Fidelity Magellan Fund, Inc., Fidelity Destiny Fund, Inc., Fidelity Corporate Bond Fund, Inc., Fidelity Daily Income Trust, Fidelity Thrift Trust, Fidelity High Income Fund, Fidelity Asset Investment Trust, Fidelity Money Market Trust, Fidelity Cash Reserves, Fidelity Triad Fund, Inc., Fidelity Exchange Fund, Fidelity Municipal Bond Fund, Inc., Fidelity Limited Term Municipals, Fidelity High Yield Municipals, Fidelity Tax-Exempt Money Market Trust, Fidelity Government Securities Fund, Ltd., Fidelity Qualified Dividend Fund, Fidelity Select Portfolios and Fidelity Ready Cash Fund and Fidelity Management & Research Company.

Notice is hereby given that Fidelity Fund, Inc., Fidelity Puritan Fund, Inc., Fidelity Trend Fund, Inc., Fidelity Equity-Income Fund, Inc., Fidelity Contrafund, Inc., Fidelity Congress Street Fund, Inc., Fidelity Magellan Fund, Inc., Fidelity Destiny Fund, Inc., Fidelity Corporate Bond Fund, Inc., Fidelity Daily Income Trust, Fidelity Thrift Trust, Fidelity High Income Fund, Fidelity Asset Investment Trust, Fidelity Money Market Trust, Fidelity Cash Reserves, Fidelity Triad Fund, Inc., Fidelity Exchange Fund, Fidelity Municipal Bond Fund, Inc., Fidelity Limited Term Municipals, Fidelity High Yield Municipals, Fidelity Tax-Exempt Money Market Trust, Fidelity Government Securities Fund, Ltd., Fidelity Qualified Dividend Fund, Fidelity Select Portfolios and Fidelity Ready Cash Fund ("Funds"), 82 Devonshire St. Boston, Massachusetts 02109 each of which is registered under the Investment Company Act of 1940 ("Act") as an open-end, management investment company, and Fidelity Management & Research Company ("FMR"), the Funds' investment adviser (collectively, "Applicants"), filed an application on February 2, 1981, and amendments thereto on June 18, 1981, and July 27, 1981, requesting an order of the Commission pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder permitting the arrangement hereinafter described. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Funds comprise the funds of the Fidelity Group of Funds, and that those Funds which presently invest in repurchase agreements (which are all of the Funds in the Fedility Group of Funds except those Funds which invest in tax-exempt securities and Fidelity Government Securities Fund, Ltd., which invests only in securities issued by the U.S. Government, its agencies or instrumentalities or commitments to purchase such securities on a "when-issued" basis) had as of May 31, 1981, total net assets of $8,928,200,662. Applicants state that those Funds which do not presently invest in repurchase agreements are joining in this Application in anticipation that they may wish to do so in the future and that, in this regard, statements with respect to the practices and wishes of the Funds should be read to include only those Funds which presently invest in repurchase agreements where the context so requires. Applicants state that all of the Funds have currently effecive registration statments under the Act, although not all of the Funds are currently offering their shares for sale to the public. In addition, each of the Funds has entered into an Advisory and Service Contract with FMR pursuant to which FMR provides investment advice and management services to the Fund.

Applicants state that each of the Funds, has, or may be expected to have, uninvested cash balances at the end of each trading day which in the normal course are or would be invested in overnight repurchase agreements with a bank or major brokerage house in order to earn additional income for the Fund. Applicants are seeking permission to deposit these cash balances, which are presently invested daily in individual repurchase agreements, into a single joint account the daily balance in which would be used to enter into one or more large repurchase agreements in a total amount equal to the aggregate daily balance in the account.

According to the Application, the repurchase desk operated by FMR on behalf of the Funds currently begins at 8:45 a.m. negotiating the interest rate for repurchase agreements for that day and lining up the U.S. government obligations required as collateral, the estimated amount of the required collateral being based on the figures for repurchase agreements entered into on the previous trading day. Through continuous communication with the portfolio managers of the various Funds, the trading desk is in a position to start placing definitive East coast orders between 10:30 a.m. and 12:30 p.m. Since any one of the Funds may engage in portfolio trades up to the close of business in the securities markets in which securities in which it invests are traded, it is usually necessary to enter into West coast repurchase agreements on a daily basis which are available up to 3:00 p.m. Occasionally, in unusual circumstances, an East coast repurchase agreement may be entered into as late as 3:00 p.m.

Each repurchase agreement is made by calling a bank, a non-bank government securities dealer or a major brokerge house and indicating the rate of interest and size of the desired repurchase agreement. Particular U.S. government obligations are then identified and the Fund custodian is notified. The securities are either wired to the account of the Fund custodian at the Boston Federal Reserve Bank, transferred to a sub-custodian account of the Fund at the particular bank entering into the repurchase agreement if that bank is a non-Boston bank or segregated on the records of the bank if it is the custodian bank of the Fund entering into the repurchase agreement. The procedure occurs on almost every trading day for each of the nineteen Funds which presently enter into repurchase agreements. Applicants state that the usual administrative charge (which is a processing fee only and not related to the size of the transaction) by a custodian bank for processing a repurchase agreement is approximately $12.00 per transaction, that during the twelve months ended October 31, 1980, there were 247 business days on which the Funds invested in an aggregate of 5704 repurchase agreements with total transaction charges of $68,436, and that during this same period the average total amount invested daily in repurchase agreements by all Funds approximated $215,000,000. Applicants further state that if the proposed joint account had been in place and assuming that daily balances in the account were invested in an average of four repurchase agreements per business day, the total transaction cost would have amounted to $11,856, an aggregate saving of $56,580.

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[7] As of the end of 1980, the aggregate principal amount of GNMA certificates outstanding was $91.6 billion, an increase of $17.1 billion over the end of 1979 and $38.9 billion over 1978. *Federal Reserve Bulletin*, Table A39 (June 1981). On this basis, position and exercise limits of 2,000 contracts would permit a single market participant to control or acquire only approximately 0.2 percent of the GNMA certificates outstanding. Even assuming that a substantial portion of the deliverable supply is unavaflable or economically unsuitable for delivery, the maximum attainable position in GNMA options would not be excessive.

Applicants state the proposed joint account would operate as follows:

a. A separate custodian cash account, or where necessary because the bank holding the account would not be acting as custodian for a particular Fund, a sub-custodian cash account, would be established into which each Fund would cause its daily net cash balances to be deposited daily. Each Fund which has as custodian a bank other than the bank at which the proposed joint account would be maintained would appoint the later bank as a sub-custodian for the limited purpose of receiving cash for deposit into the proposed joint account.

b. Cash in the joint account would be invested solely in repurchase agreements collateralized by U.S. government obligations, i.e., obligations issued or guaranteed as to principal and interest by the government of the U.S. or by any of its agencies or instrumentalities ("U.S. Government Obligations").

c. All investments held by the joint account would be valued on an amortized cost basis.

d. Each Fund subject to an exemptive order permitting valuation of portfolio securities on the basis on the amortized cost valuation method would use the average maturity of the joint account for the purpose of computing the Fund's average portfolio maturity.

e. In order to assure that there would be no opportunity for one Fund to use any part of a balance of the joint account credited to another Fund, no Fund would be allowed to create a negative balance in the joint account for any reason, although it would be permitted to draw down its entire balance at any time.

f. Each Fund would participate in the income earned or accured in the joint account on the basis of the percentage of the total amount in the account on any day represented by its share of the account.

g. FMR would administer the investment of the cash balances in and operation of the joint account as part of its duties under its exiting or future Advisory and Service Contract with each Fund and the administration of the joint account would be within the fidelity bond coverage required by Section 17(g) of the Act.

Section 17(d) of the Act and Rule 17d–1 taken together provide, among other things, that it shall be unlawful for any affiliated person of or principal underwriter for a registered investment company or any affiliated person of such a person or principal underwriter, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company, or a company controlled by such registered company, is a participant unless an application relating thereto has been granted by an order of the Commission. In passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than that of other participants.

Applicants state that each Fund, by participating in the proposed joint account, and FMR, by managing the proposed joint account, could be deemed to be "a joint participant" "in a transaction" within the meaning of Section 17(d)(1) of the Act and that the proposed account could be deemed to be a "joint enterprise or other joint arrangement" within the meaning of Rule 17d-1 under the Act. Although each Fund does not believe that it is an "affiliated person" of any other Fund, since FMR is the investment adviser of each Fund and the same persons are directors, trustees or managing partners, as the case may be, and principal officers of each Fund, each Fund might be deemed an "affiliated person" of each other Fund under the definition set forth in Section 2(a)(3) of the Act. In addition, while FRM asserts that it does not believe that it would be participating as a principal in a "joint enterprise or other joint arrangement" in effecting transactions on behalf of the Funds in Connection with operation of the proposed joint account, under the circumstances the Funds and FMR state that they believe it is appropriate to file the Application in order to eliminate any doubts as to the legality of their participation in the proposed joint trading account.

Applicants state that the proposed joint trading account would not be distinguishable from any other custodian cash or securities account maintained by a Fund, except that monies from the Fund could be deposited in it on a commingled basis, so that it would not have any separate existence which would have indicia of a separate legal entity. Applicants further state that each Fund would automatically transfer its uninvested cash remaining after the conclusion of its daily trading activity into the account, and that the sole function of this account would be to provide a convenient way of aggregating what otherwise would be the one or more individual daily transactions for each Fund necessary to manage the daily univested cash balances of the Fund.

Applicants state that it is difficult to predict (i) the average size of the joint account, since the daily needs of each Fund will fluctuate (as indicated above, during the twelve months ended October 31, 1980, the average total daily amount invested by all of the Funds in repurchase agreements amounted to approximately $215,000,000), (ii) the average percent of the joint account which any single Fund's participation would represent, since fluctuations in both the size of the joint account and a particular Fund's needs are both likely to be substantial on any given day or (iii) the average percent of any single Fund's assets which might be deposited in the joint account, since the funds remaining uninvested on any given day can fluctuate widely as the result of, for example, sales of portfolio securities required by unexpectedly large redemptions, failure of a sizeable purchase transaction to settle at the anticipated time or scarcity of appropriate portfolio securities for investment on any given day.

Applicants assert that the existence and operation of the proposed joint account would not be inconsistent with the "Findings and Declaration of Policy" set forth in Section 1 of the Act. Applicants point out that each Fund would participate in the joint trading account on the same basis as every other Fund, and that FMR would have no monetary participation in the joint account, but would be responsible for investing amounts in the account, establishing accounting and control procedures and ensuring the equal treatment of each Fund.

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Applicants further state that they believe that the proposed joint trading account would have the following benefits for the Funds:

(a) The Funds would collectively save approximately $56,000 in yearly transaction fees by the substitution of relatively few transactions for the approximately 5700 yearly transactions which are necessary currently.

(b) Experience has shown that normally on any given day and under most market conditions it is possible to negotiate a rate of return on large repurchase agreements which is greater than the rate of return which can be negotiated on smaller repurchase agreements.

(c) By reducing the number of trade tickets which each non-bank government securities dealer or major brokerage house will have to write and by reducing from three to one the number of custodian banks involved, repurchase transactions will be simplified for those organizations with whom repurchase agreements are entered into, with a concomitant reduction in the opportunities for errors, which may result in the Funds having the first opportunity to consider the rate offered by such organizations on any given day.

(d) Each Fund will have the opportunity to benefit from the fact that an institution entering into a very large repurchase agreement is almost always able and willing to increase the amount covered by such agreement near the end of a day, which possibility generally does not exist with smaller repurchase agreements where the institution may have already committed its securities eligible for repurchase agreements by early afternoon. This opportunity could benefit a Fund which unexpectedly had funds made available to it so late in the day that the repurchase agreement departments of the institutions with which it normally enters into such agreements would be unable to accommodate the Fund. Thus, flexibility in the management of the cash balances of the Funds would be enhanced and the possibility that any given Fund might have a cash balance uninvested overnight would be reduced.

The Funds point out that their respective governing bodies have considered the relative benefits to each of them and to FMR to be derived from the proposed arrangement and determined that use of the proposed joint account would be beneficial to each Fund that engages in repurchase transactions, that there is no basis on which to predicate greater benefit to any one Fund than to another under the proposed joint account, and that while FMR will benefit from use of the proposed joint account in possibly reduced clerical costs and added administrative convenience the primary beneficiaries of such account will be the Funds. It was also determined that the proposed method of operating the joint account will not result in any conflicts of interest between any of the Funds or between a Fund and FMR. On the basis of its consideration, the governing body of each Fund has determined that the operation of the proposed joint account will be free of any inherent bias favoring one Fund over another; the qualitative benefits to the Funds of the proposed joint account outweigh the inevitable quantitative disparities in the allocation of economic benefits among such Funds; and the anticipated benefits flowing to each Fund under the proposed joint account will fall within an acceptable range of fairness. They further determined that future participation in such joint trading account by one or more Funds which do no presently exist or, if existing, have not entered into an Advisory and Service Contract with FMR, would not alter their conclusions with respect to participation by the present Funds and that it would be desirable to permit such future participation without the necessity of applying for an amended order.

Applicants state that the Directors, Trustees, or Managing General Partners, as the case may be, of the individual Funds having considered the requirements of Section 2(a)(41) of the Act and Rule 2a-4 under the Act, and having due regard for the pronouncements of the Commission in Investment Company Act Release No. 9786 with respect to the inappropriateness of using the amortized cost valuation method in valuing assets of "money market" funds and other registered open-end investment companies that hold a significant amount of debt securities in their portfolios, have determined that, since the proposed joint account will invest only in repurchase agreements which (1) have, with rare exceptions, an overnight or over-the-weekend duration, and in no event will have a duration of more than seven days, (2) by their nature are held to maturity and (3) have no trading market, the value of the joint account would be best reflected by use of the amortized cost method of valuation.

In considering the establishment of this joint account the Directors, Trustees or Managing General Partners, as the case may be, have sought and received advice both from Fund legal counsel and from legal counsel to the Directors, Trustees and Managing General Partners, as the case may be, who are not interested persons of each Fund, which legal counsel is retained by each Fund on their behalf on a continuing basis. On the basis of the determinations of the Board of Directors, Trustees and Managing General Partners, as the case may be, of all the Funds, Applicants submit that the criteria of Rule 17d-1 for issuance of an order under Section 17(d) of the Act and Rule 17d-1 to allow the Funds to use the proposed joint trading account are met. Specifically, Applicants assert that participation in the proposed joint account by each Fund would not be on a basis less advantageous than that of other Fund participants, and that the participation by FMR is such account would be ministerial only.

Notice is further given that any interested person may, not later than October 26, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Security and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with he request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-28891 Filed 10-2-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22208; 70-6640]

Middle South Utilities; Proposal To Issue and Sell Common Stock

September 29, 1981.

Middle South Utilities ("Middle South"), 225 Baronne Street, New Orleans, Louisiana, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder. Middle South proposes to issue and sell, subject to competitive bidding, not more than 10,000,000 authorized but unissued shares of its common stock, $5 par value ("Additional Common Stock"), to underwriters or investment bankers who will agree promptly to make a public offering thereof. Middle South believes that the sale of the Additional Common Stock may require the assistance of underwriters if market conditions at the time of the offering of the securities are unfavorable. Accordingly, Middle South may amend this declaration to seek an exemption from the competitive bidding requirements of Rule 50. Middle South will reserve the right to reduce the number of shares which shall constitute the Additional Common Stock to less than 10,000,000 shares. The net proceeds, estimated at $120,000,000, to be derived from the sale of the Additional Common Stock will be applied toward the reduction of the then outstanding bank loans and for other corporate purposes.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 20, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28890 Filed 10-2-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11963; 812-4936]

Newton Income Fund, Inc.; Filing of Application for Exemptions

September 29, 1981.

Notice is hereby given that Newton Income Fund, Inc. ("Applicant"), 733 North Van Buren Street, Milwaukee, Wisconsin 53202, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on August 3, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to compute the net asset value per share of the class of its shares designated as Newton Money Market Fund (the "Money Market Portfolio") according to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that it is incorporated under the laws of Maryland, and that its investment adviser is Heritage Investment Advisors, Inc., 733 North Van Buren Street, Milwaukee, Wisconsin. Applicant states that it is presently offering one class of shares of its $1.00 par value capital stock designated as Newton Income Fund which has an investment objective of achieving above-average current income consistent with preservation of capital. Its assets are invested in a diversified portfolio of investment grade bonds and common stocks. On October 28, 1980, Applicant's stockholders adopted an amendment to its Articles of Incorporation authorizing it to issue two additional classes of shares, one of which constitutes the Money Market Portfolio. Applicant has no plans at the present time to issue shares of the remaining class of its capital stock. The assets attributable to each class of Applicant's capital stock are maintained separately and are invested in accordance with the investment objectives and policies applicable to the particular class. Applicant has not yet commenced a public distribution of shares of its Money Market Portfolio.

According to the application, the investment objective of Applicant's Money Market Portfolio is to provide stability of principal and as high a rate of current income as is consistent with preservation of capital and liquidity. In order to achieve this objective, the assets of the Money Market Portfolio will be invested in high quality money market instruments having maturities of one year or less consisting of: (a) obligations issued by or guaranteed as to principal and interest by the U.S. Government or its agencies or instrumentalities; (b) obligations (including certificates of deposit, letters of credit and bankers' acceptances) of banks or other financial institutions organized under the laws of the United States, or any state or territory thereof, that are members of the Federal Reserve System, the Federal Deposit Insurance Corporation (the "FDIC") or the Federal Savings and Loan Insurance Corporation (the "FSLIC") (including obligations of foreign branches of such members) if either (i) the principal amount of the obligation is insured in full by the FDIC or the FSLIC or (ii) the issuer of the obligation has capital, surplus and individual profits in excess of $100 million or total assets of $1 billion; (c) commercial paper or variable amount master notes issued by corporations which at the time of purchase (i) are rated "A-1" or "A-2" by Standard & Poor's Corporation or "Prime-1" or "Prime-2" by Moody's Investors Service, Inc., or (ii) if not rated, are issued by a corporation, which at the date of purchase, has an outstanding debt issue rated at least "A" by Standard & Poor's or by Moody's and as to which Applicant's Board of Directors has made an independent determination that the instrument presents minimal credit risks and is of "high quality"; (d) corporate bonds and debentures which at the time of purchase have a rating of at least "AA" by Standard & Poor's or "Aa" by Moody's and which mature in one year or less at the time of purchase; and (e) certain repurchase agreements with respect to obligations which, without regard to maturities, the Money Market Portfolio is authorized to invest. In no event may the Money Market Portfolio's investment portfolio contain any securities maturing more than one year from the date of acquisition.

Applicant seeks an order of the Commission pursuant to Section 6(c) of the Act exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent

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necessary to permit the Money Market Portfolio to value its portfolio securities by means of the amortized cost valuation method. Under the amortized cost valuation method, portfolio instruments are valued at their cost as of the date of acquisition and thereafter assuming a constant rate of amortization to maturity of any discount or premium, regardless of the impact of fluctuating interest rates on the market value of such instruments.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provision of the Act or of any rule or regulation there under, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes farily intended by the policy and provisions of the Act.

Applicant states that its use of the amortized cost method of valuation for the assets of the Money Market Portfolio will assist the Money Market Portfolio's shareholders in easily determining the value of their holdings by allowing the Money Market Portfolio to maintain a constant net asset value per share (preferably at $1.00 per share) and to pay dividends which do not fluctuate due to daily changes in the value of the Money Market Portfolio's portfolio securities. In light of the perceived desires of potential shareholders of the Money Market Portfolio and in light of competitive conditions in the marketplace, Applicant asserts that the valuation of the Money Market Portfolio's investment securities on the amortized cost basis will benefit its shareholders by enabling the Money Market Portfolio to more effectively maintain its net asset value per share at $1.00, while providing shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than would be the case under procedures whereby its daily dividend would be adjusted by all realized and unrealized gains and losses on its portfolio securities. Applicant's board of directors has determined that the amortized cost method of calculating the net asset value per share of the Money Market Portfolio under such circumstances is appropriate and in the best interests of that Portfolio's stockholders.

As a condition to the granting of its requested exemptions Applicant has agreed that the following conditions may be contained in any order issued on its Application:

1. In supervising the operations of the Money Market Portfolio and delegating special responsibilities involving portfolio management to the Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within its overall duty of care owed to the Money Market Portfolio's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Money Market Portfolio's investment objectives, to stabilize the Money Market Portfolio's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by Applicant's board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the Money Market Portfolio's net asset value per share as determined by using available market quotations from the Money Market Portfolio's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the Money Markep Portfolio's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes that the extent of any deviation from the Money Market Portfolio's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Money Market Portfolio's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Money Market Portfolio will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Money Market Portfolio will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

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[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, the Money Market Portfolio will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(b) of the Act.

5. The Money Market Portfolio will limit its portfolio investments, including repurchase agreement, if any, to those U.S. dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursant to condition 2(c) was taken during the preceding calendar quarter, and, if any action was taken, will describe the nature and circumstances of such action.

On the basis of the foregoing, Applicant requests an order of the Commission exempting its Money Market Portfolio from the provisions of Section 2(a) (41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value the portfolio securities of its Money Market Portfolio using the amortized cost method of valuation. Applicant submits that such order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 26, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28892 Filed 10-2-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-074]

Port Access Route Study

AGENCY: Coast Guard, DOT.

ACTION: Notice of Study Results.

The purpose of this notice is to publish results of the Port Access Route study announced on April 16, 1979, in the **Federal Register** (44 FR 22543) and modified on January 31, 1980 (45 FR 7026). Only the results for study areas 5, 5a, and 6 are published in this notice. Generally, these areas include New York and Delaware Bay approaches and Long Island Sound. Results for areas 13 to 20 (coast of South Carolina, Georgia, Florida) were published in 46 FR 48376, October 1, 1981. Results for the remaining study areas (1 to 4 in New England, 7 to 12 for Maryland, Virginia and North Carolina, and 21 to 32, including the Gulf Coast, West Coast and Alaska) will be published in a future **Federal Register.**

The Port Access Route study was mandated by the Ports and Waterways Safety Act (PWSA) (Pub. L. No. 95-474; 92 Stat. 1472; 33 U.S.C. 1223) to determine any need for routing measures for vessels using U.S. ports. The study has been performed in accordance with standards contained in sections 4 and 5 of the Act. Final study results are to be published as a notice in the **Federal Register.** However, areas may be restudied in the future as conditions warrant.

The Third Coast Guard District performed the study for areas 5, 5a and 6. Geographically, these areas extend from the coast on a line bearing 180°T from Watch Hill Light (41°18.2′N; 71°51.5′W) to 40°40.0′N, latitude; thence a line bearing 090°T to 69°57.0′W longitude; thence a line bearing 180°T to 39°44.5′N latitude; thence a line bearing 234°T to 38°31.4′N latitude, 72°07.0′W longitude; thence a line bearing 230°T to 37°38.6′N latitude, 73°28.1′W longitude; thence a line bearing 302°T to Fenwick Island Light (38°27.1′N, 75°03.3′W).

The findings and conclusions of the Third Coast Guard District Port Access Study are as follows:

Findings

(a) An analysis of exploratory activity thus far, indicates a maximum of 9 exploratory rigs operating on the Atlantic Outer Continental Shelf (OCS) since exploration began in March 1978. Since that time, on the average, only four rigs have been operating at any given time.

(b) No economically retrievable oil or gas finds have been made to date and significant production efforts in BLM lease areas 40, 42 and 49 are considered doubtful. According to the Department of Interior: Sale area 42 has not yet had a well drilled although there is considerable industry interest. Sale area 40 has been found to contain significant amounts of hydrocarbons and only further delineation drilling can determine if the resource is commercially recoverable.

(c) Available data does not indicate clearly defined vessel routes through the OCS.

(d) The risks to vessels, associated with the initial phases of offshore development, seem very low.

(e) While the establishment of a regulatory access system may reduce the already low risk of vessel/structure collision, it would probably increase the risk of vessel/vessel collision due to concentration of traffic within designated routes.

(f) Concentration of traffic into designated routes is likely to impact negatively on commercial fishing, by interfering with the movement of fishing vessels in or across such routes.

Conclusions

(a) Further regulation of the shipping, oil and fishing industries by vessel routing measures in areas 5, 5a and 6 is

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not warranted by the current or projected levels of activity on the OCS.

(b) Current procedures for making and lighting structures, and publishing their locations in the Local Notice to Mariners are appropriate alternatives that will be continued.

(c) The Third Coast Guard District will continue to monitor OCS activity for its impact on vessel traffic. If economically retrievable oil or gas is found, or a significant increase in OCS exploration activity occurs, the affected area or areas will be restudied.

(d) It is expected that any future port access routes, if they become necessary in areas 5, 5a and 6, will utilize existing voluntary Traffic Separation Schemes extended to the 1800 meter contour (approximately 1,000 fathoms).

Summary

Based on available data and the first two and a half years of exploratory OCS activity in the region, it seems unnecessary to pursue further routing systems at this time in study areas 5, 5a and 6. Mandatory port access routes are not now required in these areas, nor does it appear that they will be in the foreseeable future. If a significant increase in OCS activity is detected, the affected areas will be restudied.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Young, Office of Marine Environment and Systems (G-WWM-2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-4958 between 7:30 a.m. and 4:30 p.m. Monday through Thursday, except holidays.

Dated: September 24, 1981.

W. E. Caldwell,

Chief, Office of Marine Environment and Systems.

[FR Doc. 81-28883 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Realigning of Regional Organizations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of regional organization.

Notice is hereby given that on October 1, 1981, the Federal Aviation Administration's regional organizational structure and geographic boundaries are reconfigured from the present 11 regions to 9.

a. The existing Northwest and Rocky Mountain (except North and South Dakota) Regions are combined. Regional headquarters of the new Northwest Mountain Region will be in Seattle, Washington.

b. The existing Pacific-Asia and Western Regions are combined. Regional headquarters of the new Western-Pacific Region will be in Los Angeles, California.

c. The existing Great Lakes Region will include the States of North and South Dakota previously in Rocky Mountain Region.

d. The existing New England, Eastern, Southern, Southwest, Central and Alaskan Regions remain unchanged.

The new regional configurations become operational on October 1, 1981. On that date, the Regional directors for Northwest Mountain, Western-Pacific and Great Lakes Regions (for the States of North and South Dakota), will assume all responsibility for actions within the reconfigured regions, including, for example, personnel, regulatory and enforcement actions. These responsibilities may be delegated by the Regional Directors for the reconfigured regions.

(Secs. 301, 302, 313, Federal Aviation Act of 1958, as amended (49 U.S.C. 1341, 1342, 1343 and 1354); and the Administrative Procedure Act, as amended (5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on September 30, 1981.

J. Lynn Helms,

Administrator.

[FR Doc. 81-29023 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-13-M

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-643; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held from, October 26 at 1 p.m. through October 30 at 1 p.m., at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from. Mr. L. Lane Speck, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Avenue, Washington, D.C. 20591, telephone (202) 426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on September 28, 1981.

L. Lane Speck,

Executive Director, ATPAC.

[FR Doc. 81-28650 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-09-M

Effectiveness of Aircraft Noise Abatement Procedures; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The Federal Aviation Administration (FAA) hereby announces that the rsults of the evaluation of the effectiveness of aircraft noise abatement procedures will be discussed as a major topic of the Transport Airplane Takeoff Performance Requirements Conference.

DATE: The conference will be held November 16-20, 1981, beginning at 8:30 a.m. and adjourning at 5:00 p.m. each day.

ADDRESS: The conference will be held at the Seattle Hilton, Sixth and University, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Mr. Charles H. Huettner, Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone (202) 426-8166.

SUPPLEMENTARY INFORMATION:

Background

The Federal Aviation Administration (FAA) is currently evaluating the effectiveness of aircraft noise abatement procedures at John Wayne Airport, Santa Ana, California, during September and October.

The 8-week study involves noise measurement readings of actual takeoff operations as well as FAA in-flight monitoring of noise reduction procedures. The study includes a survey response on possible benefits of the different procedures on the local community, as well as an analysis of airport noise complaints.

The takeoff procedures will utilize various thrust reduction procedures at different altitudes designed to reduce the overall impact of aircraft takeoff noise.

John Wayne Airport in Orange County was chosen for the study because of the interest expressed by the local community and the noise monitoring system already in place on the airport.

The results will be presented at the Tranport Airplane Takeoff Performance Requirements Conference announced in the **Federal Register** on August 3, 1981 (46 FR 39558). Discussion of these results will be limited to the takeoff performance aspects of the various thrust reduction procedures which were used, insofar as such procedures affect overal takeoff performance.

Conference Procedures

Persons interested in attending the conference should contact Ms Brenda Courtney, Regulatory Review Branch, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 755-8714.

An agenda of discussion areas will be developed and published in the **Federal Register** as soon as details are obtained.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 22, 1981.

Walter S. Luffsey,

Associate Administrator for Aviation Standards.

[FR Doc. 81-28648 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-06-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 137—Airborne Area Navigation Systems; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 137 on Airborne Area Navigation Systems to be held on October 27-29, 1981 in RTCA Conference Room 267, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Sixth Meeting Held on June 29-30 and July 1, 1981; (3) Review of Comments Received on Fifth Draft of Minimum Operational Performance Standards for Airborne Area Navigation Systems; and (4) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on September 28, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-28649 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-09-M

[Summary Notice No. PE-81-27]

Summary of Petitions Received and Dispositions of Petitions Issued; Petitions for Exemption

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: October 26, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on September 25, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
21880	International Air Associates, Inc	14 CFR 91.31(e)(3)	To permit petitioner the use of 5 percent increased zero fuel and landing weight in all cargo operations.
22118	British Aerospace	14 CFR 145.73(a)	To permit petitioner's FAA-approved foreign repair station to work on U.S.-registered aircraft which are not operating wholly or partly outside the United States.
21903	Mr. Dale Logsdon	14 CFR 65.91(c)(1)	To permit petitioner to become eligible for an Inspection Authorization without meeting the three year waiting period requirement after aquiring an airframe and powerplant ratings.
20416	Ransome Airlines, Inc	14 CFR 135.429	Extension of Exemption No. 3166 which permits petitioner to continue using certain foreign repair facilities to repair and inspect parts for its Nord-262 aircraft.
22143	Airwest Offshore, Inc	14 CFR 43.3(h)	To permit petitioners pilot's to remove, check, and reinstall magnetic chip detector plugs on Allison 250C series engines used on Bell 206 helicopters.
22129	Chaparral Airlines	14 CFR 121.61(a)	To permit Mr. Frank Eddy to serve as Director of Operations without the required 3 years of experience as pilot in command of a large aircraft or as Directory of Operations of an operation using large aircraft.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
21916	[illegible] & Company	14 CFR 91.45	To permit petitioner's Pilots to perform ferry flights with one engine inoperative from time to time as the necessity arises without obtaining a ferry permit for each flight.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21801	Valley Todeco	14 CFR 21.303(a)	To allow petitioner temporary relief from the Parts Manufacturer Approval requirements for certain replacement and modification parts they manufacture and sell for installation on type certificated aircraft or engines. *Withdrawn 9/17/81.*
21882	China Airlines Limited	Portions of 14 CFR Parts 21, 61, 63 and 91	To permit petitioner to operate a leased, U.S.-registered, Boeing B-747SP aircraft, N4508H, using an FAA-approved master minimum equipment list and an FAA-approved continuous airworthiness maintenance program. *Granted 9/16/81.*
21610	Acme Aircraft Co.	14 CFR 145.35(a) and 145.37(b)	To permit petitioner to acquire a repair station rating for Convair series aircraft although they are unable to completely house the aircraft being worked on. *Denied 9/14/81.*
21884	Mr. Al[illegible]n W. Markahm	14 CFR 121.291(a)(1)	To permit petitioner to commence initial passenger service in DC-8-52 series aircraft in a seating configuration of not more than 186 passenger seats without first conducting a full-scale evacuation demonstration. *Considered withdrawn 9/15/81.*
21982	Wright Air Lines, Inc	14 CFR 121.291(a)(2)(i)	To allow petitioner to increase the seating capacity of its Convair 600 series aircraft from 44 to 48 passenger seats without first conducting an emergency evacuation demonstration of the full passenger-seating capacity. *Granted 9/22/81.*
21711	Sun A[illegible] Inc	14 CFR 121.292(a)	To permit petitioner to introduce its DC-9-15F series aircraft into passenger-carrying service in a 85-seat configuration using two flight attendants without first conducting a full-seating capacity emergency evacuation demonstration. *Granted 9/22/81.*
21810	Alaska International Air	14 CFR 65.53	To permit petitioner to be eligible for an aircraft dispatcher certificate prior to his attaining 23 years of age. *Denied 9/22/81.*
21508	Peninsula Airways, Inc	14 CFR 135.243(d)(2)	To permit Mr. Tibbetts to act as pilot in command on an airplane engaged in part 135 operations without holding an instrument rating. *Partial grant 9/18/81.*

[FR Doc. 81-28647 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

National Highway Safety Advisory Committee; Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App. I), notice is hereby given of meetings of the National Highway Safety Advisory Committee to be held on October 26-28, 1981.

The agenda will consist of briefings by Department staff on: (1) Administrative Adjudication of Traffic Violations, (2) Driver Education, and, (3) Market Demand for Auto Safety, and also discussion of routine Committee business.

All meetings will be held in the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C. starting at 9:00 a.m. On the 26th and 27th the meeting will be held in room 4234 and on the 28th the meeting will be held in room 8334. Attendance is open to the interested public, but limited to the space available. Members of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretariat, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on September 30, 1981.

Robert E. Doherty,

Executive Secretary.

[FR Doc. 81-28934 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-59-M

Urban Mass Transportation Administration

[Docket No. 81-B]

Elimination of Advanced Design Bus Specification

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation is announcing its intent to rescind the policy of making the Urban Mass Transportation Administration's (UMTA) Baseline Advanced Design Transit Coach Specification ("White Book") mandatory for its grantees. This change would become effective on October on October 1, 1982. Current DOT policy is that grantees must use the "White Book" specification when purchasing Advanced Design Buses (ADB's). The purpose of this Notice is to give all affected parties a fair opportunity to comment on the proposed change in policy.

DATE: Comments must be received on or before January 4, 1982.

ADDRESS: Comments must be submitted to UMTA Docket No. 81-B, 400 Seventh Street, SW, Washington, D.C. 20590. All comments will be available for examination in Room 9320 at the above address between 8:30 a.m. and 5:00 p.m. local time Mondy through Friday. Receipt of comments will be acknowleged by UMTA if a self-addressed, stamped postcard is included with the comment.

FOR FURTHER INFORMATION CONTACT: Wilbur Hare, Office of Program Management, UMTA, Room 9306, 400 Seventh Street, SW, Washington, D.C. 20590, 202/426-1428.

SUPPLEMENTARY INFORMATION: All comments received before the expiration of the comment period will be considered before final action is taken. Comments received after the expiration of the comment period will be considered to the extent feasible.

Background Information

Since its introduction in 1959, the "New Look" bus has dominated the transit bus industry. In 1968, a report by the National Academy of Engineering urged the building of a more reliable, easier to board, more attractive bus to attempt to halt the decline in public transit ridership. This report was followed, in 1971, by DOT's award of a contract to Booz, Allen and Hamilton, Inc. to design such a bus. Each of the three major transitbus manufacturers contracted to develop prototypes of a bus to meet the objectives of the research program. (The new bus was to be known as Transbus.) The Transbus prototypes were delivered for testing in 1974. General Motors Corporation (GMC), concurrent with its obligations under this contract, was working on a new bus model of its own which was to become the RTS–II.

In January 1975, the UMTA Administrator announced that although UMTA expected to mandate Transbus in the near future, manufacturers were free to offer new models of their own in the interim. In mid 1975, after GMC introduced its interim bus, the RTS–II, UMTA concurred in specifications developed by a consortium of six grantees led by Houston, Texas to solicit bids for this type of coach. These specifications received UMTA concurrence only after several changes had been made, at the request of the manufactuers, to prevent their being restrictive. At that time, the Flxible, which later became the Grumman Flxible Corporation (Flxible), was also preparing to introduce a new coach using some of the Transbus technology. The specifications prevented the "New Look" bus from being bid, leading AM General Corporation, the remaining manufacturer of "New Look" buses, to file suit. The ruling in the suit (*AM General Corp.* v. *Department of Transportation,* 433 F. Supp. 1166 (D.D.C. 1977)) upheld the consortium's action in excluding the "New Look" bus. Subsequently, GMC was the sole bidder on the Houston Consortium purchase. Following this procurement, Flxible introduced the 870 coach as its ADB in competition with the RTS-II. Although the two buses were both part of a new generation of buses, there were marked differences in the basic design philosophy of the two buses which resulted in two substantially different vehicles. UMTA concluded that a method had to be found that would permit them to be bid against each other competitively to meet the requirements of the UMT Act of 1964.

In order to make competition between the two manufacturers possible, the "White Book" specification was prepared in performance terms with the participation and agreement of the bus manufacturers, the operating properties represented by the American Public Transit Association Bus Technology Committee, and UMTA. The policy that this specification be used to purchase ADBs was published in the **Federal Register** on March 14, 1977 (42 FR 13816). The "White Book" specification is a dynamic document that is periodically revised to reflect product improvements offered by manufacturers and desired by transit operators, to eliminate those items found not to be cost effective, and to correct deficiencies or to improve the wording in the specification.

However, there has been a great deal of criticism and dissatisfaction recently with this process by UMTA recipients and UMTA believes that the "White Book" specification has outlived its purpose of fostering competition in the bus industry. There are at least three manufacturers currently bidding ADBs, and it is UMTA's position that a mandatory "White Book" specification is no longer needed to insure competition. It is also believed that rescission of the policy of mandating the "White Book" specification may encourage greater innovation in transit bus design, and will give transit operators greater flexibility in specifying buses which meet their particular operating needs. This action is also consistent with the President's policy of eliminating unnecessary Federal intervention in local and State decision-making. In a separate action, UMTA has deleted the price offsets and weight incentive provision from the "White Book" specification.

Discussion

Making the "White Book" specification optional may have some significant effects on the industry. Several of these possible effect are listed below, and specific comments are requested on these effects. Interested parties are, of course, also invited to comment on any other possible effects of the proposed action.

1. Effect on Protests.

Rescission of the policy that use of the "White Book" specification be mandatory may cause an increase in the number of protests to UMTA, based on allegations that specifications are exclusionary or discriminatory. If so, UMTA proposes to deal with them in accordance with the review standards set forth in Office of Management and Budget (OMB) Circular A–102, Attachment "O." Under these standards UMTA will review protests only after the protester has exhausted all administrative remedies at the grantee level. Further, UMTA will only review protests which involve a violation of Federal law or regulations, as opposed to local or State law, *or* a violation of the grantee's own protest procedures. When the basis of the protest is that a recipient utilized a discriminatory or exclusionary specification, UMTA prosposes to review the protest only to the extent necessary to ensure that the recipient has justified its requirement for the particular item through a "needs analysis," and that such justification is reasonable and does not arbitrarily or capriciously disqualify or exclude an otherwise qualified bidder. Further, where a recipient chooses to use the "White Book" specification, UMTA intends that protests alleging that such specifications are exclusionary or discriminatory would not be accepted. UMTA proposes to accept only protests related to particular items which differ from or are in addition to the "White Book" specification.

2. Effect on Competition.

It is possible that if grantees develop their own ADB specifications, there may be some attempt, at least in the short term, to reduce competitiveness of the procurements. On the other hand, there is the possibility that, in the long term, elimination of mandatory "White Book" specifications would allow for greater competition due to greater flexibility in designing specifications as well as increased ability of manufacturers to offer innovative features. UMTA solicits comments on possible ways to balance the potential loss of competition with the needs of transit operators to specify particular features.

3. Effect on the Life-Cycle Cost Process.

UMTA is required by the 1980 and 1981 Appropriations Acts (Pub. L. 96–131 and Pub. L. 96–400) to provide assistance to grantees in setting up procedures to comply with the life-cycle cost requirement. The "White Book" specification with the price offsets and weight incentive provision was a mandatory method of assuring compliance with the life-cycle cost requirement until July 24, 1981, when the price offsets and weight incentive provision were deleted. Since recipients will still be required to certify that they have considered life-cycle costs in procurements of rolling stock, recipients will have to assure that the specifications which they ultimately utilize, whether they are similar to the "White Book" or not, take this into account. New procurement techniques may have to be developed by recipients to adequately address life-cycle costs when the "White Book" specification is no longer mandatory.

UMTA is particularly interested in knowing how transit operators intend to implement the requirement, and what manner of assistance might be required from UMTA.

4. Effect on Standardization and Performance.

Grantees are required to consider standardization and performance in the purchase of buses. These requirements have been met in the "White Book" specification. It is expected that recipients will develop specifications which consider these factors. UMTA is interested in knowing how transit operators intend to implement the requirement, and what manner of assistance, if any, might be required from UMTA.

5. Effect on Bus Prices.

There is a possibility that without the mandatory "White Book" specification, prices for ADB's could be higher, at least in the short term. The principal cause of a price increase could be that manufacturers might be required to make changes in their standard products and might charge not only for optional equipment but also for increased costs due to loss of standardization. It is possible that in the long term, however, bus prices could decrease due to increased competition resulting from the ability of new manufacturers to bid on less rigid specifications.

6. Effect of Methods of procurement.

The rescission of the policy of mandatory use of the "White Book" specification could give rise to variations in the method of procurement, such as the two-step formally advertised method. UMTA solicits comments on whether and what types of variations in the competitive sealed bid method of procurement might be appropriate.

7. Effect of Voluntary Retention.

Comments are specifically requested on whether the "White Book" specification should be retained on a voluntary basis or totally eliminated. If the "White Book" is retained on a voluntary basis, UMTA believes that the following considerations are relevant and solicits comment on these and any other considerations pertinent to voluntary retention of the "White Book."

a. It might serve as a standard for possible new firms desiring to enter the industry.

b. It might aid smaller grantees that do not have the staff expertise to develop their own specifications.

c. It might aid smaller grantees in complying with the life-cycle cost, performance and standardization requirements.

d. If the "White Book" specification is retained for use on a voluntary basis, it will be necessary to update, modify, and provide for changes to the specification. Appropriate methods and procedures will be required to implement this activity. Comments are requested regarding how this activity should be accomplished, by whom, and whether UMTA should play any role in such a process.

Dated: September 30, 1981.

Andrew L. Lewis, Jr.,

Secretary, Department of Transportation.

[FR Doc. 81-28880 Filed 10-2-81; 8:45 am]

BILLING CODE 4910-57-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 192
Monday, October 5, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Civil Aeronautics Board 1, 2
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1

CIVIL AERONAUTICS BOARD.

[M-333 Amdt. 1, September 28, 1981]

Notice of addition and deletion of items for the October 1, 1981 board meeting.

TIME AND DATE: 9:30 a.m., October 1, 1981.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: Deletion:

2. Rules on Government Travel Fares: Draft order to show cause why tariffs containing the "YCA" fare designator by carriers which do not have government contracts should not be cancelled. (Memo 791, BCCP, BDA, OGC)

Addition:

19a. Docket 39000—Final rule classifying and exempting Canadian charter air taxi operators from certain requirements of the Act and adopting a simple registration procedure to grant them operating authority. (Memo 086-A, BIA, OGC)

STATUS: 1-28 (open)—29 (closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1507-81 Filed 10-1-81; 3:24 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD.

[M-333 Amdt. 2, September 30, 1981]

Notice of Addition of Items to the October 1, 1981 Board Meeting

TIME AND DATE: 9:30 am., October 1, 1981.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: Addition:

17a. Dockets 36244, 35390, 38279, Petition of Air U.S. for Reconsideration of Order 81-8-49; Application of Pioneer Airways, Inc. for adjustment of interim rate. (BDA)

30. Docket 39831, Finalization of Show-Cause Order 81-7-160, which suspended and investigated tariffs of Air India. (BIA)

STATUS: 1-28 (open)—29 and 30 (closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1508-81 Filed 10-1-81; 3:24 pm]

BILLING CODE 6320-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1460-81.

TIME AND DATE: 10 a.m. (eastern time), Friday, September 25, 1981.

CHANGE IN THE MEETING: The following item was added to the agenda:

"Delegation of Authority"

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

The vote was as follows:

In favor of change:
J. Clay Smith, Jr., Acting Chairman
Daniel E. Leach, Vice Chairman
Armando M. Rodriguez, Commissioner
Opposed: None

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued September 25, 1981.

[S-1509-81 Filed 10-1-81; 7:14 pm]

BILLING CODE 6570-06-M

4

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda items from September 30th open meeting.

The following items have been deleted at the request of the Office of the Chairman from the list of agenda items scheduled for consideration at the September 30, 1981, Open Meeting and previously listed in the Commission's Notice of September 23, 1981.

Agenda, Item No., and Subject

Television—1—*Title:* Application for Review and request for stay filed by Video 44 (WSNS-TV, Chicago) directed against Broadcast Bureau grant of minor change application of WFBN(TV), Joliet, Illinois. *Summary:* The Commission considers the application for review and request for stay filed by licensee of STV Station WSNS(TV), Chicago, against Broadcast Bureau's grant of application to change transmitting facilitites of STV Station WFBN(TV) from Sears Building in Chicago to Hancock Center, also in Chicago. Question is whether grant of original application for CP for new station can be vacated and application designated for hearing on *de facto* reallocation issue.

Issued: September 28, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1502-81 Filed 10-1-81; 10:27 am]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

Additional item to be considered at open meeting, Wednesday, September 30th

The Federal Communications Commission will consider an additional item on the subject listed below at the Open Meeting scheduled for 9:30 a.m., Wednesday, September 30, 1981 at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Common Carrier—8—*Title:* Application of Teleglobe Canada for a license to land and operate in the United States on the Island of Oahu, Hawaii, a submarine cable system between Australia and Canada. File No. S-C-L-52. *Summary:* The item considers whether a grant of a license to land two submarine cables in Hawaii is part of an integrated cable between Australia and Canada (ANZCAN) is in the public itnerest.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Action by the Commission September 29, 1981. Commissioners Folwer, (Chairman), Quello, Washburn, Fogarty' Dawson and Rivera voting to consider this additional item; Commissioner Jones concurring.

Additional information concerning this meeting may be obtained from the FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 29, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1503-81 Filed 10-1-81; 10:27 am]

BILLING CODE 6712-01-M

6

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda items from September 30th open meeting.

The following items have been deleted at the request of the Office of the General Counsel from the list of agenda items scheduled for consideration at the September 30, 1981, Open Meeting and previously listed in the Commission's Notice of September 23, 1981.

Agenda, Item No., and Subject

Private Radio—3—Title: Memorandum Opinion and Order concerning application for review, filed by John Fabick Tractor Company, of Private Radio Bureau action denying its request for rule waivers and dismissing its applications for authority to use a VHF band Forestry Conservation Radio Service frequency in the Business Radio Service. *Summary:* The FCC will consider whether to grant or deny the application for review, filed by John Fabick Tractor Company, of Private Radio Bureau action which denied Fabick's request for waivers of Sections 90.25(b) and 90.75(b) of the rules to permit its use of a VHF band frequency allocated to the Forestry Conservation Radio Service for a wide area land mobile radio system in portions of Illinois and Missouri in the Business Radio Service.

Private Radio—6—Title: Amendment of Subpart H of Part 90 of the Commission's Rules and Regulations for Broader Interservice Sharing of Private Land Mobile Frequency Assignments. *Summary:* The Commission will consider the adoption of final rules to establish a procedure to accommodate broader interservice sharing of private land mobile radio service frequencies on a coordinated basis and to avoid having to act either by waiver or through rule making each time such a request for interservice sharing is received.

Additional information concerning these items may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 29, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1504-81 Filed 10-1-81; 10:27 am]

BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from September 30th closed meeting

The following item has been deleted at the request of the Office of the General Counsel from the list of agenda items scheduled for consideration at the September 30, 1981 Closed Meeting, which is scheduled to follow the Open Meeting, in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—2—Application for Review of a Memorandum Opinion and Order by the Chief, Mobile Services Division, Common Carrier Bureau, which designated for hearing the application of AAA Anserphone Inc.—Jackson for a new paging frequency at Brookhaven, Mississippi (CC Docket No. 81-342).

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 29, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1505-81 Filed 10-1-81; 10:27 am]

BILLING CODE 6712-01-M

8

FEDERAL COMMUNICATIONS COMMISSION.

Additional item to be considered at, closed meeting, Wednesday, September 30th

The Federal Communications Commission will consider an additional item on the subject listed below at the Closed Meeting, scheduled to follow the Open Meeting, which will commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—2—Subpoenas by A.T. & T. in connection with *United States* v. *American Telephone and Telegraph Company, et al.*

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 29, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1506-81 Filed 10-1-81; 10:27 am]

BILLING CODE 6712-01-M

federal register

Monday
October 5, 1981

Part II

Department of Agriculture

Federal Grain Inspection Service

United States Standards for Beans; Proposed Revisions

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service [1]

7 CFR Part 68

Proposed Revisions to United States Standards for Beans

AGENCY: Federal Grain Inspection Service,[1] USDA.

ACTION: Proposed rule.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) has reviewed and is proposing changes to the U.S. Standards for Beans. In the interest of clarity, to promote a better understanding of the standards, and to facilitate the marketing of dry beans, FGIS proposes to change the format of the grade tables in the U.S. Standards for Beans and eliminate the special and premium grades in all classes of beans except the class Pea beans. This proposed action replaces a previous proposal made in the October 28, 1980 **Federal Register** (45 FR 71486). The previous proposal is hereby withdrawn.

DATE: Written comments must be submitted on or before December 4, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditor's Building, 1400 Independence Avenue, SW., Washington, DC 20250; Telephone (202) 447–3910. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 447–3910.

SUPPLEMENTARY INFORMATION: The U.S. Standards for Beans were established under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*; the Act). This proposed action has been issued in conformance with Executive Order 12291 and because the proposed changes are revisions in format to clarify the standards and delete certain special and premium grades, the action has been determined to be nonmajor. Kenneth A. Gilles, FGIS Administrator, has determined that the proposed action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*) because this action applies only to FGIS and those limited number of States which have entered into cooperative agreements with FGIS to perform inspection services under the Act. Further, the proposed changes will not have a significant economic impact on the industry because the proposal involves format changes of a non-substantive nature and deletion of certain special and premium grades which more closely reflect current trading practices.

This review included a determination of the continued need for the standards; a review of changes in marketing factors and functions affecting the standards; a review of changes in technology and economic conditions in the area affected by the standards; and a determination of the potential for improving the standards and their application through the incorporation of grading factors or tests which better indicate end-use properties. The objective was to assure that the standards continued to serve the needs of the market to the greatest possible extent. Although changes are being proposed at this time, FGIS will continue to study and evaluate the standards to meet the future needs of the industry.

On October 28, 1980, a proposed rule to review the format of the grade tables in the U.S. Standards for Beans (7 CFR 68.101 *et seq.*) was published in the **Federal Register** (45 FR 71486). A majority of the comments objected to the proposed revision of the grade tables on the basis that the tables included the "Choice handpicked" and "Handpicked" special grades for beans. The comments indicated that the handpicked grades should be deleted in the grade table revision for the following reasons:

1. The term "Handpicked" is misleading because beans are now mechanically or electronically sorted rather than handpicked.
2. Premiums are not paid for handpicked grades.
3. Handpicked grades are confusing. U.S. No. 1 should be the highest quality.
4. Handpicked grades complicate transactions involving letters of credit.
5. Canners do not utilize handpicked grades to obtain canning quality beans.
6. Buyers and sellers are satisfied with trading on a U.S. No. 1 basis.

Further, recommendations made by representatives of the National Dry Bean Council in a February 6, 1981 meeting with FGIS indicated that the U.S. Standards for beans should be changed to delete the special or premium grades of "Choice handpicked", "Handpicked", and "Extra No. 1" in their respective classes of beans except for the class Pea beans. National Dry Bean Council representatives from the State of Michigan, which produces over 90 percent of the U.S. production of Pea beans, wished to retain the premium grades "Choice handpicked" and "Prime handpicked" for the class Pea beans. These premium grades for Pea beans have been a part of the grade tables since August 1, 1969, and are effectively utilized by the Pea bean industry.

Based upon the above, the proposed rule as published in 45 FR 71486 is hereby withdrawn. The present proposal as stated below reflects the comments received as a result of the withdrawn proposal.

In summary, it is proposed that:

Section 68.133, *Grades and grade requirements for the class Pea beans*, be revised by changing the format of the table and incorporating information previously shown in footnotes. The heading for § 68.133 is changed to read *Grades, grade requirements, special grades and special grade requirements for the class Pea beans.*

Section 68.134, *Grades and grade requirements for the classes Blackeye, Cranberry, Yelloweye, Pinto, Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, Mung, and Miscellaneous beans*, be revised to apply only to the class Blackeye beans and by changing the format of the table and incorporating information previously shown in footnotes into the body of the table. Further, the grades and grade requirements for the remaining classes of beans which appear in the current § 68.134 are revised and redesignated as §§ 68.135 through 68.138 as listed below, by changing the format of the tables, and incorporating information previously shown in the footnotes into the body of the tables:

Section 68.135, *Grades and Grade Requirements for the Classes Yelloweye Beans and Cranberry Beans*, § 68.136, *Grades and Grade Requirements for the Class Pinto Beans*, § 68.137, *Grades and Grade Requirements for the Classes Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, and Miscellaneous Beans*, and § 68.138, *Grades and Grade Requirements for the Class Mung Beans.*

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[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621–1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

Current § 68.135, *Grades and grade requirements for the class Large Lima beans,* and § 68.136, *Grades and grade requirements for the class Baby Lima beans, and for the classes of Miscellaneous Lima beans,* be redesignated as §§ 68.139 and 68.140 respectively and revised by deleting the premium grades of "Extra No. 1", changing the format of the tables, and incorporating information previously shown in the footnotes into the body of the tables.

Current § 68.137, *Grade Designations,* be redesignated as § 68.141 and that the designation for the grade "U.S. Substandard" be amended by deleting the requirement that the percentages of splits, damaged beans, contrasting classes and foreign material be shown as part of the grade designation. This factor information is shown elsewhere on the certificate if an official determination is made during the course of inspection.

Current § 68.138, *Special grades, special grade requirements, and special grade designation for all classes of beans,* be redesignated as § 68.142, *Special Grade Designations,* and be revised by deleting the grade "Handpicked" from all applicable classes of beans and the grade "Choice handpicked" from all classes except Pea beans. The current premium grades "Choice handpicked" and "Prime handpicked" for the class Pea beans are designated as special grades in the proposed revision.

In addition to the above, § 68.119, *Good Natural Color,* would be removed because it is only applicable to the premium grade "Extra No. 1" which would be eliminated under this proposal. The § 68.119 would be reserved for future use. Further, § 68.103, *Grades,* would be amended to delete the term "premium" as that term is no longer necessary in view of the proposed revisions to the regulations.

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Accordingly, it is proposed that § 68.103 be revised, § 68.119 be removed and reserved, §§ 68.133 through 68.138 of the United States Standards for Beans be revised, and §§ 68.139 through 68.142 be added to read as follows:

Subpart B—U.S. Standards for Beans [1]

§ 68.103 Grades.

Grades shall be the numerical grades, substandard grades, sample grades, and special grades provided for in §§ 68.133–68.142.

§ 68.119 [Reserved]

BILLING CODE 3410-EN-M

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[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal Laws.

Grades, Grade Requirements, Grade Designations, Special Grades and Special Grade Requirements

§ 68.133 Grades, grade requirements, special grades and special grade requirements for the class Pea beans.

SPECIAL GRADE and GRADE	GENERAL APPEARANCE	PERCENT MAXIMUM LIMITS OF -						
		MOISTURE 1./	TOTAL DEFECTS (Total damaged, Total foreign material, Contrasting classes, Splits)	BADLY DAMAGED	FOREIGN MATERIAL: TOTAL (includes Stones)	FOREIGN MATERIAL: STONES	CONTRASTING CLASSES 2./	CLASSES THAT BLEND 3./
U.S. Choice Handpicked	SHALL NOT GRADE OFF-COLOR	18.0	1.5	0.3	0.01	0.01	0.01	2.0
U.S. Prime Handpicked		18.0	3.0	0.3	0.01	0.01	0.01	2.0
U.S. No. 1		18.0	2.0	2.0	0.4	0.2	0.5	4.0
U.S. No. 2	THE SPECIAL GRADE OFF-COLOR MAY BE APPLIED AFTER THE REMOVAL OF TOTAL DEFECTS	18.0	3.0	3.0	0.8	0.4	1.0	4.0
U.S. Substandard		18.0	U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. Choice Handpicked through U.S. No. 2 or U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.					
U.S. Sample grade		18.0	U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.					

1./ Beans with more than 18.0 percent moisture are graded High moisture.
2./ Beans with more than 2.0 percent contrasting classes are classed Mixed beans.
3./ Beans with more than 15.0 percent classes that blend are classed Mixed beans.

§ 68.134 Grades and grade requirements for the class Blackeye beans.

GRADE	GENERAL APPEARANCE	PERCENT MAXIMUM LIMITS OF ---							
		MOISTURE 1./	TOTAL DEFECTS (Total damaged, Total foreign material, Contrasting classes, Splits)	TOTAL DAMAGED	CLEAN CUT WEEVIL BORED 2./	FOREIGN MATERIAL: TOTAL (includes Stones)	FOREIGN MATERIAL: STONES	CONTRASTING CLASSES 3./	CLASSES THAT BLEND 4./
U.S. No. 1	THE SPECIAL GRADE OFF-COLOR MAY BE APPLIED AFTER REMOVAL OF TOTAL DEFECTS	18.0	4.0	2.0	0.0	0.5	0.2	0.5	5.0
U.S. No. 2		18.0	6.0	4.0	0.2	1.0	0.4	1.0	10.0
U.S. No. 3		18.0	8.0	6.0	0.5	1.5	0.6	2.0	15.0
U.S. Substandard		18.0	U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. No. 1 through U.S. No. 3 or U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.						
U.S. Sample grade		18.0	U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered or weevily; which have any commercially objectionable odor; which contain insect webbing, or filth, animal filth, or any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.						

1./ Beans with more than 18.0 percent moisture are graded High moisture.
2./ Beans with more than 0.5 percent clean cut weevil bored beans are graded U.S. Sample grade.
3./ Beans with more than 2.0 percent contrasting classes are graded Mixed beans.
4./ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

§ 68.135 Grades and grade requirements for the classes Yelloweye beans and Cranberry beans.

GRADE	GENERAL APPEAR-ANCE	PERCENT MAXIMUM LIMITS OF ---						
		MOISTURE 1./	TOTAL DEFECTS (Total damaged, Total foreign material, Contrasting classes, Splits)	TOTAL DAMAGED	FOREIGN MATERIAL		CONTRASTING CLASSES 2./	CLASSES THAT BLEND 3./
					TOTAL (includes Stones)	STONES		
U.S. No. 1	THE SPECIAL GRADE OFF-COLOR MAY BE APPLIED AFTER REMOVAL OF TOTAL DEFECTS	18.0	2.0	2.0	0.5	0.2	0.5	5.0
U.S. No. 2		18.0	4.0	4.0	1.0	0.4	1.0	10.0
U.S. No. 3		18.0	6.0	6.0	1.5	0.6	2.0	15.0
U.S. Substandard		18.0	U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. No. 1 through U.S. No. 3 or Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.					
U.S. Sample grade		18.0	U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass or metal fragments; or which are otherwise of distinctly low quality.					

1./ Beans with more than 18.0 percent moisture are graded High moisture.
2./ Beans with more than 2.0 percent contrasting classes are graded Mixed beans.
3./ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

§ 68.136 Grades and grade requirements for the class Pinto beans.

GRADE	GENERAL APPEAR-ANCE	PERCENT MAXIMUM LIMITS OF ---							
		MOISTURE 1./	TOTAL DEFECTS (Total damaged, Total foreign material, Contrasting classes, Splits)	TOTAL DAMAGED	CLEAN-CUT WEEVIL BORED 2./	FOREIGN MATERIAL		CONTRASTING CLASSES 3./	CLASSES THAT BLEND 4./
						TOTAL (includes Stones)	STONES		
U.S. No. 1	THE SPECIAL GRADE OFF-COLOR MAY BE APPLIED AFTER REMOVAL OF TOTAL DEFECTS	18.0	2.0	2.0	0.1	0.5	0.2	0.5	5.0
U.S. No. 2		18.0	4.0	4.0	0.2	1.0	0.4	1.0	10.0
U.S. No. 3		18.0	6.0	6.0	0.5	1.5	0.6	2.0	15.0
U.S. Substandard		18.0	U.S. Substandard shall be beans which do not meet the grade requirements for the grades U.S. No. 1 through U.S. No. 3 or U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.						
U.S. Sample grade		18.0	U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass or metal fragments or are otherwise of distinctly low quality.						

1./ Beans with more than 18.0 percent moisture are graded High moisture.
2./ Beans with more than 0.5 percent clean cut weevil bored beans are graded U.S. Sample grade.
3./ Beans with more than 2.0 percent contrasting classes are graded Mixed beans.
4./ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

§ 68.137 Grades and grade requirements for the classes Marrow, Great Northern, Small White, Flat Small White, White Kidney, Light Red Kidney, Dark Red Kidney, Small Red, Pink, Black Turtle Soup, and Miscellaneous beans.

GRADE	GENERAL APPEARANCE	PERCENT MAXIMUM LIMITS OF ---							
		MOISTURE 1./	TOTAL DEFECTS (Total damage, Total foreign material, Contrasting classes, Splits)	TOTAL DAMAGE	FOREIGN MATERIAL		CONTRASTING CLASSES 2./	CLASSES THAT BLEND 3./	IN ADDITION TO CLASSES THAT BLEND, WHITE BEANS SIMILAR IN SIZE AND SHAPE IN THE CLASS YELLOWEYE BEANS
					TOTAL (includes Stones)	STONES			
U.S. No. 1	THE SPECIAL GRADE OFF-COLOR MAY BE APPLIED AFTER REMOVAL OF TOTAL DEFECTS	18.0	4.0	2.0	0.5	0.2	0.5	5.0	5.0
U.S. No. 2		18.0	6.0	4.0	1.0	0.4	1.0	10.0	5.0
U.S. No. 3		18.0	8.0	6.0	1.5	0.6	2.0	15.0	---
U.S. Substandard		18.0	U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. No. 1 through U.S. No. 3, or U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.						
U.S. Sample grade		18.0	U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass or metal fragments; or which are otherwise of distinctly low quality.						

1./ Beans with more than 18.0 percent moisture are graded High moisture.
2./ Beans with more than 2.0 percent contrasting classes are graded Mixed beans.
3./ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

§ 68.138 Grades and grade requirements for the class Mung beans.

GRADE	GENERAL APPEARANCE	PERCENT MAXIMUM LIMITS OF ---						
		MOISTURE 1./	TOTAL DEFECTS (Total damaged, Total foreign material Contrasting classes, Splits)	TOTAL DAMAGE	FOREIGN MATERIAL		CONTRASTING CLASSES 2./	CLASSES THAT BLEND 3./
					TOTAL (includes Stones)	STONES		
U.S. No. 1	THE SPECIAL GRADE OFF-COLOR MAY BE APPLIED AFTER REMOVAL OF TOTAL DEFECTS	18.0	3.0	3.0	0.5	0.2	0.5	5.0
U.S. No. 2		18.0	5.0	5.0	1.0	0.4	1.0	10.0
U.S. No. 3		18.0	7.0	7.0	1.5	0.6	2.0	15.0
U.S. Substandard		18.0	U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. No. 1 through U.S. No. 3 and U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.					
U.S. Sample grade		18.0	U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.					

1./ Beans with more than 18.0 percent moisture are graded High moisture.
2./ Beans with more than 2.0 percent contrasting classes are graded Mixed beans.
3./ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

§ 68.139 Grades and grade requirements for the class Large Lima beans.

GRADE	GENERAL APPEARANCE	PERCENT MAXIMUM LIMITS OF --- MOISTURE 1./	TOTAL BLISTERED WRINKLED AND DEFECTS (Blistered, wrinkled, Total damage, Total foreign material, Contrasting classes, Splits)	DAMAGED BEANS		FOREIGN MATERIAL		[illegible] CLASSES 2./	[illegible]	BROKENS	CLASSES THAT [illegible] 3./	BEANS THROUGH A SIEVE	
				TOTAL	[illegible] DAMAGED	TOTAL (includes Stones)	STONES					28/64"	24/64"
U.S. No. 1	THE SPECIAL GRADE OFF-COLOR MAY BE APPLIED AFTER REMOVAL OF TOTAL DEFECTS	18.0	6.0	2.0	0.5	0.5	0.2	0.5	3.0	5.0	5.0	25	5
U.S. No. 2		18.0	9.0	3.0	1.0	1.0	0.3	1.0	5.0	5.0	10.0	40	5
U.S. Substandard		18.0	U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. No. 1 through U.S. No. 2 or U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.										
U.S. Sample Grade		18.0	U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor: which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass or metal fragments; or which are otherwise of distinctly low quality.										

1./ Beans with more than 18.0 percent moisture are graded High moisture.
2./ Beans with more than 2.0 percent contrasting classes are graded Mixed beans.
3./ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

§ 68.140 Grades and grade requirements for the classes Baby Lima and Miscellaneous Lima beans.

GRADE	GENERAL APPEARANCE	PERCENT MAXIMUM LIMITS OF --- MOISTURE 1./	TOTAL DEFECTS (Total damage, Total foreign material, Contrasting classes)	BADLY DAMAGED	FOREIGN [illegible]		CONTRASTING CLASSES 2./	BLISTERED WRINKLED AND/OR [illegible]	SPLITS	CLASSES THAT [illegible] 3./
					TOTAL (includes Stones)	STONES				
U.S. No. 1	THE SPECIAL GRADE OFF-COLOR MAY BE APPLIED AFTER REMOVAL OF TOTAL DEFECTS	18.0	2.0	1.0	0.5	0.2	0.5	3.0	3.0	5.0
U.S. No. 2		18.0	3.0	1.5	1.0	0.3	1.0	5.0	5.0	10.0
U.S. No. 3		18.0	5.0	2.0	1.5	0.6	2.0	8.0	8.0	15.0
U.S. Substandard		18.0	U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. No. 1 through U.S. No. 3 and U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.							
U.S. Sample grade		18.0	U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass or metal fragments; or which are otherwise of distinctly low quality.							

1./ Beans with more than 18.0 percent moisture are graded High moisture.
2./ Beans with more than 2.0 percent contrasting classes are graded Mixed beans.
3./ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

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§ 68.141 Grade designations.

The grade designation for all classes of beans shall include in the following order: (a) The letters "U.S."; (b) the name or number of the grade or the name of any applicable special grade designation as appears in Section 68.142 (a) and (b); (c) the class, and in the case of Mixed beans, the name and percentage of each class in the mixture; and (d) the special grade designations, if applicable, as appears in § 68.142 (c) and (d). In addition, the designation for the grade "U.S. Substandard" shall include the percentage of sound beans. Mixed beans shall be graded according to the grade requirements of the class of beans which predominates in the mixture. The factors of contrasting classes, classes that blend and sieve size requirements in the class Large Lima beans shall be disregarded in Mixed beans.

§ 68.142 Special grade designations.

(a) *Choice handpicked.* The special grade designation "Choice handpicked" shall be applicable only to the class Pea beans. The "Choice handpicked" designation shall include in the following order: (1) The letters "U.S."; (2) the words "Choice handpicked"; and (3) "Pea beans."

(b) *Prime handpicked.* The special grade designation "Prime handpicked" is applicable only to the class Pea beans. The "Prime handpicked" designation shall include in the following order: (1) The letters "U.S."; (2) the words "Prime handpicked"; and (3) "Pea beans."

(c) *High moisture.* The special grade designation "High moisture" is applicable to all classes of beans containing over 18.0 percent moisture. The words "High moisture" and the percentage of moisture shall follow the class name.

(d) *Off-color.* The special grade designation "Off-color" shall be applicable to all classes of beans that, upon the removal of total defects, are distinctly off-color due to age or any other natural cause but are not materially weathered. The words "Off-color" shall follow the name of the class. The special grades "Choice Handpicked", "Prime Handpicked", and the grade "U.S. No. 1", in the class Pea beans shall not be applied if the beans are determined to be off-color.

(Secs. 203, 205, 60 Stat 1087, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: September 18, 1981.

K. A. Gilles,

Administrator.

[FR Doc. 81-28813 Filed 10-2-81; 8:45 am]

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federal register

Monday
October 5, 1981

Part III

Department of Agriculture

Federal Grain Inspection Service

Official Designation of the New York State Department of Agriculture and Markets and Assignment of Geographic Area

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DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Designation of the New York State Department of Agriculture and Markets and Assignment of Geographic Area

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces the designation of the New York State Department of Agriculture and Markets as the official agency responsible for providing grain inspection services under the U.S. Grain Standards Act (7 U.S.C. 71, *et seq.*) (Act) at all locations within the State of New York, except for export port locations, which will continue to be serviced by the Federal Grainl Inspection Service.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, Chief, Regulatory Branch, Compliance Division, FGIS, U.S. Department of Agriculture, Washington, DC 20250; (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The December 17, 1980, issue of the **Federal Register** (45 FR 83187) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that A. E. Herron, Pittsford, New York, had requested voluntary cancellation of its designation as an official agency under the Act and requesting applications for designation as the official agency to provide official inspection and weighing services in Pittsford Township, New York, and the remainder of the State of New York, excluding export port locations. The notice also requested comments on the need for a replacement agency and for official inspection and weighing services in the remainder of the State of New York. Applications and comments were to be postmarked by February 17, 1981.

The New York State Department of Agriculture and Markets (New York State) proposed to establish a new official agency and applied for designation for the entire State, excluding export port locations. It was determined from comments and other information received that official grain inspection services are needed in the entire State of New York. It was further determined that there is no need for official weighing services at this time; however, FGIS will review the situation in the future if the need should arise.

FGIS announced the name of New York State as the only applicant and requested comments on New York State in the May 6, 1981, issue of the **Federal Register** (46 FR 25330). Comments were to be postmarked by June 10, 1981. Four comments were received regarding the request for comments on the designation of New York State as the official agency in the entire State of New York, excluding export port locations. Two commentors recommended New York State as the official agency; the other two commentors submitted comments that were not relevant to the specific request for comments on New York State.

After considering all available information in relation to the criteria for designation in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), it has been determined that New York State is able to provide official services in the geographic area for which it has been designated. This assigned geographic area is the entire State of New York, excluding export port locations, which will continue to be serviced by FGIS.

Effective October 1, 1981, the responsibility for providing official inspection services in its geographic area as described above will be assigned to New York State. The Agency's designation will terminate October 31, 1984.

A specified service point for the purpose of this Notice is a city, town, or other location specified by an agency for the conduct of official inspection and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the agencies will provide official inspection services not requiring a licensed inspector to all other areas within their geographic area.

Interested persons may obtain a list of the specified service points by contacting the agency at the following address: New York State Department of Agriculture and Markets, Building 8, State Campus, Albany, New York 12235.

Interested persons may also contact the Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250; 202 447-8525, to obtain this information.

(Sec. 8, Pub. L. 94-582, Stat. 2870 (7 U.S.C. 79))

Dated: September 29, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81-28838 Filed 10-2-81; 8:45 am]

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federal register

Monday
October 5, 1981

Part IV

Department of Transportation

Coast Guard

Ocean Thermal Energy Conversion Facility and Plantship Requirements; Proposed Rule

V 46/192 OC 5 81 UMI

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 50, 66, 106, and 110

[CGD 80-161]

Ocean Thermal Energy Conversion Facility and Plantship Requirements

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to issue regulations implementing its responsibilities under the Ocean Thermal Energy Conversion Act of 1980. The Act requires the Coast Guard to prescribe rules for ocean thermal energy conversion (OTEC) facilities and plantships for the purpose of protecting the marine environment and promoting the safety of life and property at sea.

DATE: Comments must be received on or before November 23, 1981.

ADDRESS: Comments may be mailed to the Commandant (G-CMC/44) (CGD 80-161), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 2nd St., S.W., Washington, D.C. (202) 426-1477 between the hours of 7:00 A.M. and 5:00 P.M. Monday through Thursday, except holidays. Also available for examination is a draft evaluation which addresses specific issues considered during the development of this rulemaking. Copies of written comments received will be furnished to interested persons upon request and payment of the fees prescribed in 49 CFR 7.95.

FOR FURTHER INFORMATION CONTACT: Lt. Thomas M. Curelli, Office of Merchant Marine Safety, Room 1302, U.S. Coast Guard Headquarters, 2100 2nd St. S.W., Washington, D.C. 20593 (202-426-2197). Frank A. Martin Jr., Office of Marine Environment and Systems, Room 2110, U.S. Coast Guard Headquarters, 2100 2nd St. S.W., Washington, D.C. 20593 (202-472-5052).

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person submitting them, identify this notice (CGD 80-161) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If an acknowledgement is desired, a stamped, addressed postcard should be enclosed. All comments received before the expiration of the comment period will be considered before fianl action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial.

Drafting Information

The principal persons involved in this rulemaking are LT Thomas M. Curelli, Office of Merchant Marine Safety, Mr. Frank A. Martin, Jr., Office of Marine Environment and Systems, and LT Michael Tagg, Office of the Chief Counsel.

Background

The Ocean Thermal Energy Conversion Act of 1980 (Act) (Pub. L. 96-320; 94 Stat. 974; 42 U.S.C. 9101) was enacted on August 3, 1980. The main purpose of this new law is the establishment of a legal regime which will permit and encourage domestic development of OTEC as a commercial energy technology. The development is to occur with due regard for other uses of the coastal waters and high seas in a manner which protects the marine environment and promotes the safety of life and property at sea.

Title I of the Act, "Regulation of Ocean Thermal Energy Conversion Facilities and Plantships," sets forth a federal licensing scheme and attendant procedures for authorizing the ownership, construction, and operation of OTEC facilities and plantships. The Coast Guard, through the Secretary of Transportation, is directed to prescribe and enforce regulations to (1) promote the safety of life and property at sea, (2) prevent pollution of the marine environment, (3) clean up any pollutants which may be discharged, and (4) otherwise prevent or minimize any adverse impact from the construction and operation of OTEC facilities and plantships licensed under the Act. The Coast Guard is also directed to prescribe regulations for the movement and navigation of licensed OTEC plantships to prevent interference by the thermal plumes of plantships with other OTEC facilities or with the jurisdictional areas of other nations. Additionally, Title I directs the Coast Guard to develop technical regulations concerning documentation, design, construction, alteration, equipment, repair, maintenance, inspection, certification, and manning of OTEC facilities and plantships licensed under the Act as is shown to be necessary for ocean thermal energy conversion development.

This rulemaking complements the National Oceanic and Atmospheric Administration rulemaking under the Act. NOAA's regulations under the Act addressed in detail the specific information required in an OTEC license application including the procedures and criteria by which NOAA conducts the license application review. The Act and NOAA's implementing regulations make provision for a coordinated federal, state, and local governmental agency review of each individual OTEC license application. Within NOAA's final rules are the Coast Guard requirements which an applicant needs to consider at the time of preparing an application. These rules require an applicant to address and submit information relative to the following items:

(a) Pollution prevention, abatement and cleanup for operational and accidental discharges, including a requirement for an emergency discharge contingency plan.

(b) Recommended ships' routing measures considered necessary or appropriate for the protection of OTEC facilities.

(c) A description of navigational lighting on OTEC plantships.

(d) A description of communications systems employed in the operation of OTEC facilities to communicate with transient shipping for safety at sea.

(e) A description of navigation safety equipment required for plantships.

(f) Aids to navigation employed on OTEC facilities.

In view of the many OTEC facility and plantship configurations under consideration by industry, the Coast Guard believes specific regulations might have the undesirable effect of constraining rather than encouraging OTEC development. Therefore, general performance standards are proposed where established regulations are not applicable, and existing regulations are made applicable with only slight modifications where needed to minimize any regulatory burdon on the developing technology. As OTEC technology and the related industry emerge, the Coast Guard may propose future rulemaking applicable to other specific OTEC matters impacting on the safety of life and property at sea and marine environmental protection. The Coast Guard's position on specific regulatory issues authorized under the Act but not addressed in this rulemaking is discussed in the draft evaluation prepared for this project.

Discussion

The purpose of this rulemaking is to prescribe the requirements for safety of life and property at sea and marine environmental protection applicable to the construction, location, and operation of OTEC facilities and plantships. The regulations resulting from this rulemaking will affect prospective OTEC licensees and related private industry support interests. Vessel marking requirements in this rulemaking will also affect general navigation interests.

This rulemaking establishes the minimal rules necessary to fulfill the Coast Guard's regulatory mandates under the Act. This rulemaking also minimizes the costs of developing new regulations by directly referencing, where possible, existing regulations based on safety standards developed for similar marine operations. Moreover, to allow an absolute maximum of flexibility, the Coast Guard will examine innovative or unique designs that do not meet these existing requirements on an individual basis. If future developments show that there is a need for more specific regulations as the industry emerges, the Coast Guard may propose additional rules. However, our initial effort is to propose regulations that will promote rather than discourage OTEC development. To effect this, authority citations and applicability statements have been revised as needed. A new part of 46 CFR is proposed to reference existing rules determined applicable to OTEC technology, and contains new requirements unique to OTEC facilities. Details of the proposed rulemaking are addressed in the following discussion.

Pollution Prevention

OTEC discharges may include pollutants other than heat from their thermal plume, such as accidental discharges of oil or ammonia (or other working fluid), operational discharges of chlorine (or other biocides) and other waste products from facility or plantship operations.

In view of the regulatory authority contained in section 108(a) of the Act, the Coast Guard has determined after discussions with interested agencies that the term "pollutants" means oil of any kind or in any form, including, but not limited to petroleum, fuel oil, sludge, oil refuse, oil mixed with water, and hazardous substances designated as such under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Pub. L. 96–510). Discharge of pollutants from OTEC facilities or plantships is partially addressed in the Coast Guard comments on NOAA's licensing requirements.

As effected, NOAA's rules will require an OTEC license applicant to address pollution prevention and response to accidental discharges. Additionally, the applicant must provide an emergency discharge contingency plan to minimize the impact of, and outline the response to, an accidental discharge of a pollutant. The operational discharges from OTEC systems will also be addressed by the Environmental Protection Agency under its National Pollutant Discharge Elimination System (NPDES) program. Additional specific Coast Guard measures to minimize the risk of pollution from OTEC development are discussed below.

At present, 33 CFR Parts 154, 155, and 156 prescribe oil pollution prevention regulations for marine oil transfer facilities, vessels, and transfer operations involving vessels. The Coast Guard proposes to make these regulations applicable to the operation of OTEC facilities by cross-referencing the existing oil pollution prevention regulations to § 106.005 of proposed Part 106 of 46 CFR. It is intended that both OTEC facilities and plantships will fall within the applicability of these regulations.

Navigation Safety

Section 108(b) (42 U.S.C. 9118(b)) of the Act authorizes regulations "with respect to lights and other warning devices . . . on any (OTEC) facility or plantship. . .". The Coast Guard proposes to implement this statutory provision by applying the following existing regulations:

a. 33 CFR Part 64, which addresses marking requirements for sunken vessels or other obstructions.

b. 33 CFR Part 66, which prescribes requirements for private aids to navigation, particularly the § 66.01–35 provisions for the marking of structures and floating obstructions, which will apply to an OTEC facility of either the fixed bottom-founded type or one of the fixed floating type which is permanently moored at one location during operation.

c. 33 CFR Part 87, Appendix A (the International Regulations for Prevention of Collisions at Sea, 1972) which will apply to OTEC plantships.

The Coast Guard proposes to apply the above to OTEC technology as follows:

a. Require an applicant for an OTEC license to address how his proposed OTEC facility or plantship will meet the requirements listed above. This requirement exists as part of the NOAA's license application requirements.

b. Establish §§ 106.009 and 106.011 in the new Part 106 in 46 CFR which specifically state that the requirements of 33 CFR Parts 64, 66, and 87 apply to OTEC facilities and plantships; and

c. Under separate rulemaking (CGD 78–156), already initiated to amend 33 CFR Part 64, by adding a paragraph to emphasize that Part 64 applies to and includes fixed bottom founded and fixed floating OTEC facilities.

Section 108(b) of the Act also authorizes regulations "with respect to . . . safety equipment." In the area of navigation safety there exist several regulations which will be appropriately made available to OTEC units. The vessel bridge-to-bridge radiotelephone regulations (33 CFR Part 26) will apply to all OTEC facilities and plantships located within the navigable waters of the United States (46 CFR Part 7). If similar regulations are internationally adopted, suitable radio equipment and watch requirements will be imposed on OTEC facilities and plantships located beyond the navigable waters.

It is proposed that all plantships comply with the appropriate sections of the Navigation Safety Regulations (33 CFR Part 164) as applicable to the OTEC facility configuration.

Documentation, Design, and Manning

Section 108(e)(2) of the Act requires that regulations be promulgated which require that any OTEC facility or plantship:

(1) Be documented;

(2) Comply with minimum design, construction, alteration, and repair standards; and

(3) Be manned or crewed by U.S. citizens or "resident aliens."

In order that OTEC plantships and facilities be entitled to documentation, a revision of 46 CFR 66.03–5 and addition of 46 CFR 66.03–21 and 66.03–23 is proposed. This will encompass all OTEC configurations which are based seaward of the highwater mark. The Coast Guard does not intend to document or require standards of design on facilities which are land based or constructed on the landward side of the highwater mark. Excluded also from Coast Guard design and documentation requirements are any appurtenances which extend seaward of the highwater mark from a land based facility.

The general areas of safety for OTEC facilities are similar to those for any vessel or platform operations in the marine environment. Accordingly, the cross-referencing of Subchapter I–A, Mobile Offshore Drilling Units, requirements was determined by the Coast Guard to be the most suitable way to prescribe many of the rules for OTEC facilities and plantships. The safety requirements drawn from Subchapter I–A have been modified as necessary for the identified peculiarities of OTEC facilities and plantships.

Design and construction requirements are specified within the proposed Part 106. Subpart B—Inspection and Certification, adopts by reference the corresponding requirements of Subchapter I–A, Mobile Offshore Drilling Units. Proposed 46 CFR 106.105 addresses the requirements for special examinations in lieu of drydocking. This section specifies the examination requirements for fixed facilities, floating facilities and plantships.

The Coast Guard intends that the primary means of inspection of the submerged portions of the facility or plantship be by drydocking. However, it is recognized that by nature of the design and operation of the OTEC facility or plantship, there will be situations where drydocking for inspection will not be feasible and provisions for special examinations have been made. Mooring systems are considered as integral and essential components with regard to the safety of floating facilities. Inspection of the mooring system will be required on the same periodic schedule as the OTEC facility.

Proposed § 106.107 prescribes procedures for plan approval by referencing the corresponding requirements from Subchapter I–A. Additional information is specified and provisions are made for the uniqueness of many designs.

Proposed Subpart C specifies construction and arrangement requirements for OTEC facilities and plantships. Accommodation arrangements should be similar for all OTEC facilities and appropriate sections of Subchapter I–A, Rules for Mobile Offshore Drilling Units, are considered applicable. Structural requirements are specified in § 106.203. Construction in compliance with the standards of the American Bureau of Shipping for the appropriate type of facility or plantship will be acceptable. As fixed facility (platform) construction has previously been subject to only limited Coast Guard standards, the Coast Guard proposes to use ABS guidelines when reviewing fixed facility designs. The proposed rules provide for examining innovative or unique designs on an individual basis.

Proposed § 106.209—Marine and Electrical Engineering Requirements requires that all installations comply with Subchapters F and J of 46 CFR. Industrial systems and components will be reviewed for comparability and equivalent level of safety to similar subsystems described within these subchapters. When sufficient experience has been gained, and should conditions warrant, the Coast Guard may consider devleopment of specific regulations for OTEC industrial systems.

In the interim, review will be conducted as described in § 106.209 (c) and (d). For example, any automatically controlled burner unit and associated fuel piping will be expected to have a level of safety comparable to § 56.50–65 for fuel oil piping and 46 CFR Part 63 for burner controls. National standards will be used when the marine and electrical engineering regulations are not applicable but a suitable national standard is available. It will-generally be necessary to adopt these standards to marine use. There are several examples of this in existing marine regulations. The ASME boiler and pressure vessel code has been adapted in 46 CFR Parts 52, 53, 54, and 57; the power piping code ANSI B31.1 has been adapted in Part 56; and the refinery piping code has been adapted in § 58.60–7 and by the addition of § 58.60–9.

Experience with early OTEC's, MODU's, and other such industrial vessels has shown that it is essential that designers consult with the Commandant as soon as conceptual design is firmly established and prior to detailed design or ordering of long lead time components. Once agreement has been reached as to the applicability of regulations, codes, standards, and other requirements, detailed design and formal plan review can then be conducted. Agreement may also be reached for a certification program by a registered professional engineer for compliance with accepted standards for certain industrial systems or their components.

Proposed Subpart D—Hazardous Materials, prescribes the level of safety to be maintained for a safe environment for personnel. It appears that the working fluids of OTEC facilities and plantships could be hazardous to the personnel employed aboard these facilities. These personnel must be protected during the transportation, transfer and operations with those materials. They are afforded protection by two means: (1) Passively, through the design, construction, and operation of systems and components, and (2) actively, through the use of personnel protection equipment and safety procedures prescribed by this subpart. It is proposed that the owner or operator present a plan for personnel safety in the event of accidental leakage of hazardous materials. Plans will be reviewed and approved on an individual basis.

Proposed Subpart K—Operations, directly adopts Part 109 of Subchapter I–A with the exceptions noted in § 106.1001. An operating manual as prescribed by Part 109 is not required for the OTEC facility or plantship.

Proposed Subpart L—Manning, restates those requirements mandated by the OTEC Act of 1980. Established regulations for manning of vessels will apply to all OTEC facilities and plantships.

Regulatory Evaluation

These proposed regulations are considered non-significant and a draft evaluation has been prepared and placed in the public docket as required by the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The Order requires that the draft evaluation contain an economic analysis which quantifies the estimated costs of the regulations to the private sector, consumers, and governments, as well as the anticipated benefits and impacts of the regulations. These regulations will impose no unanticipated costs on the OTEC industry since they largely incorporate existing regulations which apply to similar vessels. The regulations establish a framework within which the emerging OTEC industry may develop. This will permit the rapid and orderly development of a vital alternative energy resource.

The regulations have also been found to be non-major under Executive Order 12291. The proposed regulations are designed to facilitate OTEC development through a minimum of regulatory control. The ocean thermal energy conversion system will produce usable energy at a minimal societal cost, and by doing so will maximize the benefits to be received by all. The exact costs of compliance cannot be determined at this stage of OTEC technology development. The estimated costs of regulatory compliance should not constitute more than 2½ percent of the total costs of the OTEC facility.

This estimation is based on experience with similar regulations concerning marine facilities. These costs should not significantly increase consumer prices due to the competitive nature of the energy industry. The approval of OTEC facility design and equipment will be carried out with a view towards allowing designs which maximize flexibility and are consistent with the needs of safety and environmental protection. This minimizing of regulatory control and cooperation with the OTEC industry should produce maximum benefits for all parties, and by fostering an emerging industry productivity, innovation and employment of United States industries should be enhanced.

The proposed regulations have also been determined to have no significant economic impact on a substantial number of small entities as required by the Regulatory Flexibility Act (94 Stat. 1164, 5 U.S.C. 601). No more than twenty OTEC facilities are anticipated and the cost of each facility will be such as to preclude participation by all but the major energy companies and consortiums. While the number of entities involved will be small, the relative economic size of those entities is unlikely to be within the scope of the small business activities envisioned by the Act. Since small entities are not involved, it is certified that the regulations will not have a significant economic impact on a substantial number of small entities.

The Coast Guard has concluded that the environmental impact of these particular proposals will be minimal. Coast Guard actions performed under statutory authority for documentation and inspection of vessels are not normally actions with significant effect on the environment and do not require an Environment Assessment, Findings of No Significant Impact, or Environmental Impact Statement (EIS). Thus, a detailed EIS is not being prepared for this rulemaking.

(Ocean Thermal Energy Conversion Act of 1980, Pub. L. 96–320; 94 Stat. 974; (42 U.S.C. 9118, 9119(c), 9127, 9153(a), (b); 49 CFR 1.46(ee).))

Accordingly, it is proposed that Chapter I of Title 46 of the Code of Federal Regulations be amended as follows:

PART 50—GENERAL PROVISIONS

1. Paragraph (k) is added to § 50.01–1 to read as follows:

§ 50.01–1 Authority for regulations.

* * * * *

(k) OTEC facilities and plantships. The citation regarding authority to prescribe requirements for OTEC facilities and plantships is in Part 106 of this Chapter.

2. Paragraph (c) is added to § 50.05–15 to read as follows:

§ 50.05–15 Vessels subject to regulations in this subchapter.

* * * * *

(c) The provisions in this subchapter apply to OTEC facilities and plantships licensed under the Ocean Thermal Energy Conversion Act of 1980 (46 U.S.C. 1901).

PART 66—GENERAL PROVISIONS

3. By revising § 66.03–5 to read as follows:

§ 66.03–5 Vessel.

The word "vessel" includes the following:

(a) Every description of watercraft or other contrivance used or capable of being used as a means of transportation on water, but does not include aircraft.

(b) An ocean thermal energy conversion facility as defined in § 66.03–21 of this part and an ocean thermal energy conversion plantship as defined in § 66.03–23 of this part.

4. By adding new §§ 66.03–21 and 66.03–23 to read as follows:

§ 66.03–21 Ocean thermal energy conversion facility.

"Ocean thermal energy conversion facility" means any facility which is standing or moored in or beyond the territorial sea of the United States and which is designed to use temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work.

§ 66.03–23 Ocean thermal energy conversion plantship.

"Ocean thermal energy conversion plantship" means any vessel which is designed to use temperature differences in ocean water while floating unmoored or moving through such water to produce electricity or another form of energy capable of being used directly to perform work.

5. By adding a new Part 106 to read as follows:

PART 106—OCEAN THERMAL ENERGY CONVERSION FACILITIES AND PLANTSHIPS

Subpart A—General

Sec.
106.001 Purpose.
106.003 Applicability.
106.005 Definitions of terms used in this part.
106.007 Pollution prevention.
106.009 Lights and warning devices.
106.011 Navigation rules for plantships.
106.013 Radiotelephone requirements.
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Subpart B—Inspection and Certification

106.100 Application.
106.103 Special examination in lieu of drydocking.
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Sec.
106.200 General.
106.203 Structural standards.
106.205 General fire protection.
106.207 Structural fire protection.
106.209 Marine and electrical engineering requirements.
106.211 Means of escape.
106.213 Ventilation.
106.215 Accommodation spaces.
106.217 Rails.
106.219 Helicopter facilities.

Subpart D—Hazardous Materials

106.300 Purpose.
106.303 Designation of materials.
106.305 Safety.

Subpart E—Stability

106.400 Application.
106.403 Tension tendon tethered facility stability.
106.405 Stability test.

Subpart F—Fire Extinguishing System

106.501 Application.

Subpart G—Lifesaving Equipment

106.601 Application.

Subpart H—Cranes and Power Operated Industrial Trucks

106.701 Application.

Subpart I—Equipment Markings and Instructions

106.801 Application.

Subpart J—Miscellaneous Equipment

106.901 Application.

Subpart K—Operations

106.1001 Application.

Subpart L—Manning

106.1101 Requirements.

Authority: Pub. L. 96–320, 94 Stat. 974, (42 U.S.C. 9118, 9119(c), 9153(a), (b)); 49 C.F.R. 1.46(ee).

Subpart A—General

106.001 Purpose.

This part states the requirements for the promotion of safety of life and property on ocean thermal energy conversion facilities and plantships, protection of the marine environment from adverse impact resulting from OTEC activities, and implementation of the requirements of § 108 of the Ocean Thermal Energy Conversion Act of 1980.

106.003 Applicability.

The part applies to facilities, plantships, vessels, and persons engaged in the production of energy from seawater temperature differences and licensed under the provisions of the Ocean Thermal Energy Conversion Act of 1980.

§ 106.005 Definition of terms used in this part.

As used in this Part:

"Ocean Thermal Energy Conversion Facility (OTEC Facility)" means any facility which is standing or moored in

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or beyond the territorial sea of the United States and which is designed to use temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such facility to use this electricity or other form of energy to produce, process, refine or manufacture a product, and all other associated equipment and appurtenances of the facility to the extent they are located seaward of the high water mark.

"Ocean Thermal Energy Conversion Plantship (Plantship)" means any vessel which is designed to use temperature differences in ocean water while floating unmoored or moving through such water, to produce electricity or another form of energy capable of being used directly to perform work, and includes any equipment installed on such vessel to use this electricity or other form of energy to produce, process, refine, or manufacture a product, and any equipment used to transfer the product to other vessels for transportation to users, and all other associated equipment and appurtenances of such vessels.

"OTEC" means ocean thermal energy conversion.

"Fixed Bottom Founded OTEC Facility (fixed facility)" means any facility which is permanently fixed to the ocean floor and does not use liquid buoyancy as a means of support.

"Floating OTEC Facility (floating facility)" means any buoyant facility securely and substantially moored to the ocean floor so that it cannot be moved without a special effort.

"Person" means any individual (whether or not a citizen of the United States), any corporation, partnership, association, or other entity organized or existing under the laws of any nation, and any federal, state, local or foreign government or any entity of any such government.

§ 106.007 Pollution prevention.

OTEC facilities and plantships are subject to the oil pollution regulations of 33 CFR Parts 154, 155, and 156.

§ 106.009 Lights and warning devices.

OTEC facilities are subject to the provisions of 33 CFR Part 64, concerning the marking of sunken vessels and other obstructions and 33 CFR Part 66, concerning private aids to navigation.

§ 106.011 Navigation rules for plantships.

The navigation and marking of OTEC plantships shall be in compliance with 33 CFR Part 87.

§ 106.013 Radiotelephone requirements.

The owner or operator of an OTEC facility or plantship shall comply with the radiotelephone requirements of 33 CFR Part 26.

§ 106.015 Navigation safety requirements.

The owner of an OTEC plantship shall ensure that the plantship is in compliance with the navigation safety regulations of 33 CFR Part 164.

Subpart B—Inspection and Certification

§ 106.100 Application.

Each OTEC facility shall meet Part 107, Subpart B—Inspection and Certification of this chapter, except that reference will be made to Subpart C of this part for the requirements of § 107.231(a)(1).

§ 106.103 Special examination in lieu of drydocking.

(a) Each fixed facility must be examined at intervals not to exceed 24 months. This examination must be in accordance with paragraph (c) of this section.

(b) Plantships and floating facilities may be specially examined in lieu of the drydocking required by § 107.261 when approved by the Commandant and in accordance with a plan—

(1) Submitted in accordance with paragraph (c) of this section; and

(2) Accepted by the Commandant.

(c) To meet the requirements in paragraphs (a) and (b), the owner of the OTEC facility or plantship must submit a plan to the cognizant OCMI that describes the methods used to determine the condition of the hull and mooring system or supporting structure for fixed facilities. The plans must contain the following information:

(1) The planned location where the facility or plantship is to be examined.

(2) The draft at which a hull is to be examined, or the depth of supporting structure.

(3) The names of the divers or diving company selected for the examination.

(4) The method of visual presentation for the examination.

(5) The method used to clean the underwater portion of the hull or structure.

(6) The method and location of gauging the underwater portion of the hull or structure.

(7) The number of underwater hull fittings and number of compartments to be opened.

(8) The underwater high stress areas and the welds in those areas to be examined.

(9) The method used to examine the intake and discharge pipes and joints.

§ 106.105 Plan approval.

(a) The list of required plans is general in character, but includes all plans which normally show construction and safety features coming under the cognizance of the Coast Guard. In the case of a particular vessel, all of the plans listed may not be applicable, and it is intended that only those plans and specifications be submitted as will clearly show the vessel's arrangement, construction, and required equipment.

(b) Plans must be submitted in accordance with the requirements of Subchapter I-A, §§ 107.305, 107.309 and 107.317 of this Chapter.

(c) An operating manual is not required for OTEC facilities.

(d) Plans required in addition to those of § 107.305 of this Chapter are:

(1) Outboard profile showing entire mooring and cold water pipe schemes.

(2) Cold water, warm water, and discharge pipe arrangements and details.

(3) Structural calculations and plans showing special structural features.

(4) Bottom attachment details and calculations for fixed structures.

(5) Support structure details and calculations for fixed structures.

(6) The hazardous material plan required by § 106.305 of this part.

Subpart C—Construction and Arrangement

§ 106.200 General.

(a) To use the rules of a classification society other than the American Bureau of Shipping in meeting the requirements of this Section, the owner or operator must request approval from the Commandant. The relevant rules must be submitted with the request.

(b) Substitutes for fittings, materials, apparatus, equipment, arrangements, calculations and tests required in this section are accepted by the Commandant if the substitute provides an equivalent level of safety.

(c) Where the use of any particular equipment, apparatus, arrangement, or test is impracticable, the Commandant may permit the use of alternate methods that maintain a degree of safety consistent with the minimum standards set forth in this section.

(d) Each item of lifesaving and firefighting equipment maintained in addition to those required by this Subpart must meet the requirements of this Part for that item of equipment. Use of nonapproved fire detection systems may be acceptable as excess equipment provided that they do not endanger the vessel or crew in any way.

§ 106.203 Structural standards.

(a) Except as provided for in § 106.200(b) of this chapter, each OTEC facility or plantship must meet the structural standards of the American Bureau of Shipping for the most appropriate vessel or structural configuration.

(b) Appliances for watertight and weathertight integrity must meet the requirements of § 108.114 of this chapter.

(c) If a plantship or floating facility is equipped with sliding watertight doors, each sliding watertight door must be approved under Subpart 163.001 of this chapter.

§ 106.205 General fire protection.

OTEC facilities and plantships must meet the requirements of §§ 108.123 and 108.127 of this chapter.

§ 106.207 Structural fire protection.

OTEC facilities and plantships must meet §§ 108.131 through 108.147 of this chapter.

§ 106.209 Marine and electrical engineering requirements.

(a) Except as noted in paragraphs (b) and (c) of this section, all installations must comply with the marine and electrical engineering requirements of Subchapters F and J of this chapter.

(b) Where unusual design or equipment needs make compliance impractical, alternative proposals that provide an equivalent level of safety may be accepted, as provided by §§ 50.20–30, 106.200(c), and 110.20–1 of this chapter.

(c) Detailed design and operating requirements for marine and electrical engineering aspects of OTEC industrial systems have not been fully developed. The general system or design concepts will comply with Subchapters F and J of this chapter where practicable.

(d) If a unique aspect of an installation is not covered by these regulations and is regarded as potentially hazardous to the vessel or personnel or to the marine environment, the proposed design and operating standards will be compared to applicable national or industry standards, adapted for marine applications as necessary. Where no national or industry standards exist, the installation will be reviewed for a level of safety consistent with that required by the marine and electrical engineering regulations.

(e) Conceptual diagrams or schematics including general requirements for materials and a written description of system operation must be submitted to the Commandant for evaluation and determination of applicable standards and requirements. Upon completion of conceptual review, detailed plan review will be conducted by a designated merchant marine technical field office using the requirements and standards established by the Commandant.

(f) The Commandant may accept certification of compliance with accepted standards, by a registered professional engineer, for certain industrial systems and their components in lieu of plan review and inspection by the Coast Guard.

§ 106.211 Means of escape.

OTEC facilities and plantships must meet §§ 108.151 through 108.167 of this chapter.

§ 106.213 Ventilation.

OTEC facilities and plantships must meet § 108.181 of this chapter.

§ 106.215 Accommodation spaces.

(a) OTEC facilities and plantships must meet § 108.193 and §§ 108.197 through 108.215 of this chapter.

(b) No section of the accommodation spaces deck shall be below the level of the deepest loadline.

(c) The elevation of the accommodation spaces deck of a fixed facility shall provide adequate clearance above the crest of the design wave.

(d) Each OTEC facility with accommodations for 12 or more persons shall have a hospital space as provided for in §§ 108.209 or 108.210 of this chapter.

§ 106.217 Rails.

(a) Except as permitted in paragraph (b) of this section, OTEC facilities and plantships must meet §§ 108.217 through 108.223 of this chapter.

(b) Fixed facilities need not comply with the requirements of § 108.221 (b) and (c) of this chapter.

§ 106.219 Helicopter facilities.

OTEC facilities must meet §§ 108.231 through 108.241 of this chapter.

Subpart D—Hazardous Materials

§ 106.300 Purpose.

This subpart defines those materials considered hazardous to personnel employed aboard an OTEC facility or plantship and prescribes a level of safety in their use onboard as working materials and during their transfer between vessels engaged in OTEC operations.

§ 106.303 Designation of materials.

(a) Hazardous material means any liquid material or substance which is:

(1) Flammable or combustible;

(2) Designated a hazardous substance under section 311(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321); or

(3) Designated a hazardous material under section 104 of the Hazardous Material Transportation Act (49 U.S.C. 1803).

(b) Materials which are incompatible due to reactivity shall be provided segregation in compliance with Part 150 of this chapter, or 49 CFR Part 176.

§ 106.305 Safety.

(a) The total complement of personnel must be protected in the event of accidental leakage, spillage, or combustion of hazardous materials through the use of facility or plantship arrangement, design and construction, and portable protective devices.

(b) Plans, procedures, and specifications for safety and protection measures are approved on an individual facility basis by the Commandant.

Subpart E—Stability

§ 106.400 Application.

(a) Plantships and floating facilities must meet Part 108, Subpart C—Stability, of this chapter, as modified by paragraph (b) of this section.

(b) "Normal operating condition" means a condition of the plantship or facility when loaded and arranged for producing energy or when in ocean transit.

§ 106.403 Tension tendon tethered facility stability.

Each OTEC facility of the tension tendon configuration must be designed so that it continually maintains a tension on each tendon when subjected to the forces described in § 108.311 of this chapter.

§ 106.405 Stability test.

A stability test is not required for a floating facility or plantship if it is shown to the satisfaction of the Commandant that, because of its configuration, testing of the facility is not practicable and the facility has inherent adequate stability by design.

Subpart F—Fire Extinguishing Systems

§ 106.501 Application.

OTEC facilities and plantships must meet Part 108, Subpart D—Fire Extinguishing Systems, of this chapter.

Subpart G—Lifesaving Equipment

§ 106.601 Application.

OTEC facilities and plantships must meet Part 108, Subpart E—Lifesaving Equipment, of this chapter.

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Subpart H—Cranes and Power Operated Industrial Trucks

§ 106.701 Application.

OTEC facilities and plantships must meet Part 108, Subpart F—Cranes and Power Operated Industrial Trucks, of this chapter.

Subpart I—Equipment Markings and Instructions

§ 106.801 Application.

OTEC facilities and plantships must meet Part 108, Subpart G—Equipment Markings and Instructions, of this chapter.

Subpart J—Miscellaneous Equipment

§ 106.901 Application.

OTEC facilities and plantships must meet Part [illegible], Subpart H—Miscellaneous Equipment, of this chapter.

Subpart K—Operations

§ 106.1001 Application.

OTEC facilities and plantships must meet Part 109—Operations, of this chapter, except for §§ 109.103, 109.121 and 109.583(c).

Subpart L—Manning

§ 106.1101 Requirements.

(a) OTEC facilities and plantships must be manned or crewed by United States citizens or aliens lawfully admitted to the United States for permanent residence, unless—

(1) There is not a sufficient number of United States citizens, or aliens lawfully admitted to the United States for permanent residence, qualified and available for such work, or

(2) The President makes a specific finding with respect to the particular OTEC facility or plantship that application of this requirement would not be consistent with the national interest.

(b) Manning requirements for floating facilities and plantships are contained Subchapter P—Manning of Vessels, of this chapter. The application of these regulations is in the same manner and to the same extent as they are applied to conventional vessels.

PART 110—GENERAL PROVISIONS

6. A new paragraph (h) is added to § 110.01-10 to read as follows:

§ 110.01-10 Authority for regulations.

* * * * *

(h) *OTEC facilities and plantships.* The citation regarding authority to prescribe requirements for OTEC facilities and plantships is in Part 106 of this chapter.

7. A new paragraph (b) is added to § 110.05-1 to read as follows:

§ 110.05-1 Vessels subject to the requirements of this subchapter.

* * * * *

(b) The provisions in this Subchapter apply to OTEC facilities and plantships licensed under the Ocean Thermal Energy Conversion Act of 1980 (42 USC 9101 *et seq).*

Dated: September 29, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

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federal register

Monday
October 5, 1981

Part V

National Aeronautics and Space Administration

Privacy Act of 1974; Annual Publication of Systems of Records

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81-68]

Privacy Act of 1974; Systems of Records

In accordance with 5 U.S.C. 552a(e)(4) of the Privacy Act of 1974 (Pub. L. 93-579), the National Aeronautics and Space Administration hereby publishes the systems of record currently maintained by the agency.

Ann P. Bradley,

Deputy Associate Administrator for Management Operations.

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NASA 10ACMQ

System name: Aircraft Crewmembers Qualifications and Performance Records - NASA

System location: Locations 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Crewmembers of NASA aircraft.

Categories of records in the system: System contains: (1) record of qualification, experience, and currency, e.g., flight hours (day, night, and instrument), types of approaches and landings, crew position, type aircraft, flight check ratings and related examination results, training performed and medical records; (2) flight itineraries and passenger manifests; and (3) biographical information.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for; evaluation of crewmember performance by supervisory flight operations personnel and staff; by the individuals whose records are maintained; on occasion by flight operations and safety survey teams; and by the NASA Aircraft Office. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) In cases of accident investigations, access to this system of records may be granted to federal or local agencies such as Department of Defense, Federal Aviation Administration, National Transportation Safety Board, or foreign governments; (2) To other agencies, companies, or governments requesting qualifications of crewmembers prior to authorization to participate in their flight programs; or to other agencies, companies, or governments whose crewmembers may participate in NASA's flight programs; (3) With prior approval by the individual - publicity or press releases; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, charts, punched cards, computer printouts.

Retrievability: Records are indexed by name or aircraft number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Chief, NASA Aircraft Office, Location 1.

Subsystem Managers: Chief, Aircraft Operations Division, Location 2; Director, Flight Operations, Location 3; Chief, Aircraft Operations Division, Location 5; Chief, Aircraft Operations Section, Location 6; Chief, Operations Branch, Flight Research Division, Location 7; Chief, Aircraft Operations Branch, Location 8; Chief, Aircraft Operations, Location 9; Chief Contract Management, Location 10; Data Acquisition Manager, Earth Resources Laboratory, Location 11; Chief, Aeronautical Programs Branch, Location 12 (Locations are set forth in Appendix A).

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individuals, training schools or instructors, medical units or doctors.

NASA 10BRPA

System name: Biographical Records for Public Affairs - NASA

System location: Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Principal and prominent management and staff officials, program and project managers, scientists, engineers, speakers, other selected employees involved in newsworthy activities, and other participants in agency program.

Categories of records in the system: Current biographical information about the individual with a recent photograph when available. Data items are those generally required by NASA or the news media in preparing news or feature stories about the individual and/or his activity with NASA.

Authority for maintenance of the system: 42 U.S.C 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is compiled, updated, and maintained at NASA installations for ready reference material and for immediate availability when required by the news media for news stories about the individual generally involving his participation in a major NASA activity.

The data serves as background information about the individual and is used within NASA to prepare public appearance announcements of key officials, speaking engagements, special appointments, participation in professional societies, etc.; to write news stories about special achievements, awards, participation in major NASA activities, programs, etc.; and to prepare responses to inquiries submitted to the Office of Public Affairs from the news media.

Users are the staff members of the public information office within each office of Public Affairs.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: these records are made available to professional societies, civic clubs, industrial and other organizations, news media representatives, researchers, authors, Congress, other agencies and other members of the public in connection with NASA public affairs activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Since the records are a matter of public information, no safeguard requirements are necessary.

Retention and disposal: Records are maintained as long as there is potential public interest in them and are disposed of when no longer required.

System manager(s) and address: Head, Public Information Section, Location 1.

Subsystem Managers: The Public Affairs Officer at Locations 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Notification procedure: An individual desiring to find out if a Biographical System of Records contains a record pertaining to him

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should call, write, or visit the Office of Public Affairs at the appropriate NASA location.

Record access procedures: An individual may request access to his record by calling, writing, or visiting the Office of Public Affairs at the appropriate NASA locations. Individuals may examine or obtain a copy of their biographical record at any time.

Contesting record procedures: The information in the record was provided voluntarily by the individual with the understanding that the information will be used for public release. The individual is at liberty at any time to revise, update, add, or delete information in his biographical record to his own satifaction.

Record source categories: Information in the biography of an individual in the system of records is provided volutarily by the individual generally with the aid of a form questionnaire.

NASA 10EEOR

System name: Equal Opportunity Records - NASA

System location: Locations 1 through 9 inclusive and Locations 11 and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Complainants and applicants.

Categories of records in the system: (1) Complaints and (2) applications..

Authority for maintenance of the system: 42 U. S. C. 2473; 44 U. S. C. 3101; Executive Order 11478, dated August 8, 1969; EEOC Regulations; 29 C.F.R Part 1613; MSPB Regulations; 5 C.F.R. Parts 1200 - 1202; Equal Opportunity Act 1972, as amended (P.L. 92-261); Section 15 of the Age Discrimination in Employment Act of 1967, as amended (P.L. 93-259).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to process complaints of alleged discrimination, including investigations, hearings, and appeals; to maintain active discrimination complaints files; to retain inactive discrimination complaints files; to analyze Headquarters workforce; to track the status of the Equal Opportunity programs; to provide Equal Employment Opportunity Commission and Merit Systems Protection Board with budget outlays for the Civil Rights Activity Report; to refer applicants (minorities and females); and to determine contractors' compliance with Executive Orders 11246 and 11375 as amended.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Equal Employment Opportunity Commission and the Merit Systems Protection Board to facilitate their processing of discrimination complaints, including investigations, hearings and reviews on appeals; (2) Responses to other Federal agencies and other organizations having legal and administrative responsibilities related to the NASA Equal Employment Opportunity Programs and to individuals in the record; (3) Disclosures may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by any combination of name, birthdate, social security number, ethnic groups, grades, topics, statistics.

Safeguards: Records are located in locked metal file cabinets, or in metal file cabinets in secured rooms with access limited to those whose official duties require access and are locked during non duty hours.

Retention and disposal: Complaint casefiles for cases resolved within the agency, by EEOC, or by U.S. Court, are destroyed four years after resolution of the case. Other routine office records are reviewed periodically, and are retained or destroyed as appropriate.

System manager(s) and address: Director of Equal Opportunity Programs, Location 1.

Subsystem managers: Equal Employment Opportunity Officer at Locations 1, 3, and 8; Chief, Equal Employment Opportunity Programs Office at Location 2; Head, Equal Opportunity Programs Office at Location 4; Equal Employment Opportunity Programs Officer at Location 5; Equal Opportunity Officer at Location 6; Head, Equal Opportunity Programs Office at Location 7; Director, Equal Employment Opportunity Office at Location 9; Equal Opportunity Officer at Location 11; Equal Opportunity Officer at Location 12. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address. as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employees, applicants, installation EEO officers, complainants, EEO counselors, EEO investigators, EEOC complaints examiners, MSPB officials, complaints coordinators, Director of Equal Opportunity Programs.

NASA 10ERMS

System name: Executive Resources Management System - NASA

System location: Location 1, as set forth in Appendix A.

Categories of individuals covered by the system: Approximately 2,000 individuals with experience and education unique to the NASA mission in the technical and administrative fields who are considered to be candidates for key positions within NASA.

Categories of records in the system: Biographical data, education, training, work experience, career interests.

Authority for maintenance of the system: 42 U.S.C. 2473, 44 U.S.C. 3101, 5 U.S.C. 4103; 5 U.S.C. 3396..

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the identification of replacement candidates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures may be made to organizations or individuals having contract, legal, administrative or cooperative relationships with NASA, including labor unions, academic organizations, governmental organizations, non-profit organizations, and contractors; and to organizations or individuals seeking or having available a service or other benefit or advantage. The purpose of such disclosures is to satisfy a need or needs, further cooperative relationships, offer information, or respond to a request; (2) Statistical or data presentations may be made to governmental or other organizations or individuals having need of information about individuals in the records; (3) Responses may be made to other federal agencies, and other organizations having legal or administrative responsibilities related to programs and individuals in the records; (4) Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B may also apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, lists, forms, index cards, microfilm, microfiche, and/or various computer storage devices such as discs, magnetic tapes and punched cards.

Retrievability: The records are indexed by social security number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained for varying periods of time depending on the need for use of the files and are destroyed or otherwise disposed of when no longer needed.

System manager(s) and address: Director, Office of Development, Location 1.

Subsystem Managers: None.

Notification procedure: Information may be obtained from the System Manager only.

Record access procedures: Requests from individuals should be addressed to the same address stated in the notification section above.

Contesting record procedures: The NASA regulations pertaining to access to records and for contesting contents and appealing initial determinations by the individual concerned are set forth in 14 C.F.R. Part 1212.

Record source categories: Individuals to whom the records pertain, NASA employees, other Federal employees, other oranizations and individual, and NASA personnel records.

NASA 10GMVP

System name: Government Motor Vehicle Operators Permit Records - NASA

System location: Locations 1 through 15 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: NASA employees, contractor employees, other federal and state government employees.

Categories of records in the system: Name, home address, Social Security Number, physical description of individual, physical condition of individual, traffic record.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; Federal Personnel Management Manual, Chapter 930; Federal Property Management Regulations Subpart 101-39.601; NASA Management Issuance 6720.1A.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the purpose of identifying and checking record of applicant and issuing permits for operation of Government vehicles. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) National Driver Register, Department of Transportation, where Form 1047 is received for check and (2) Standard routine uses 1 through 4 inclusive, as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Indexed by name.

Safeguards: Records are kept in a locked metal file cabinet with access limited to those whose official duties require access. Room is locked during non-duty hours.

Retention and disposal: Records are maintained for a period of three years when permit expires or until permit holder leaves the Agency or requests cancellation. Records are destroyed when no longer required.

System manager(s) and address: Chief, Budget and Support Branch, Location 1.

Subsystem Managers: Chief, Security Branch, Location 2; Transportation Officer, Location 3; Chief, Logistics Management Division, Location 4; Chief, Transportation Branch, Location 5; Chief of Transportation, Location 6; Chief, Management Support Division, Location 7; Head, General Services Section, Location 8; Director, Logistics Office, Location 9; Chief Contract Management, Location 10; Chief Installation Operations, Location 11; Director of Administration, Location 12; Contract and Property Specialist, Location 13; Chief, Maintenance and Administration Office, Location 14; Chief of Facilities, Location 15. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual NASA employees and individual contractor employees.

NASA 10HABC

System name: History Archives Biographical Collection-NASA

System location: Locations 1 and 5 as set forth in Appendix A.

Categories of individuals covered by the system: Individuals who are of historical significance in aeronautics, astronautics, space science, and other concerns of NASA.

Categories of records in the system: Biographical data; speeches and articles by the individual.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for researching and writing official histories and answering queries from various NASA offices. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: Disclosure to scholars (historians and other disciplines), or any other interested individuals for research and writing dissertations, articles, and books, for government, commercial and non-profit publication.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are stored in file folders.

Retrievability: The records are indexed by name.

Safeguards: Because these records are archive material and therefore a matter of public information, there are no special safeguard procedures required.

Retention and disposal: Most biographical files are retained indefinitely, either in the archives or retired to the appropriate Federal Records Center.

System manager(s) and address: Director, History Office, Code LH, Location 1.

Subsystems Managers: Historian, Code BE-4, Location 5 (Locations are set forth in Appendix A).

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Press releases, newspapers, journals, and the individuals themselves.

NASA 10HERD

System name: Human Experimental and Research Data Records - NASA

System location: Locations 2, 3, 5, 6, 9, and 13 as stated in Appendix A.

Categories of individuals covered by the system: Individuals who have been involved in space flight, aeronautical research flight, and/or participated in NASA tests or experimental or research programs; Civil Service employees, military, employees of other government agencies, contractor employees, students, human subjects (volunteer or paid), and other volunteers on whom information is collected as part of an experiment or study.

Categories of records in the system: Data obtained in the course of an experiment, test, or research medical data from inflight records; other information collected in connection with an experiment, test, or research.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used by NASA for the purposes of evaluating new analytical techniques, equipment, and re-examining flight data for alternative interpretations, developing applications of experimental techniques or equipment, reviewing and improving operational procedures with respect to experimental protocols (both inflight and ground), life support systems operating procedures, determining human engineering requirements, and carrying out other research.

In addition to the internal use of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to other individuals or organizations, including Federal, State, or local agencies, and nonprofit, educational, or private entities, who are participating in NASA programs or are otherwise furthering the understanding or application of biological, physiological, and behavioral phenomena as reflected in the data contained in this system of records; and (2) the standard routine use 4 as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in file folders; on punch cards, magnetic tapes, or discs; on microfilm, microfiche, still photographs, or motion picture film; and on various medical recordings such as electrocardiographic tapes, stripcharts, and x-rays.

Retrievability: By name, experiment or test; arbitrary experimental subject number; flight designation; or crew member designation on a particular space or aeronautical flight.

Safeguards: Access is limited to Government personnel requiring access in the discharge of their duties, and to appropriate support contractor employees on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations set forth in 14 C.F.R. Part 1212.

Retention and disposal: Astronaut records are retained indefinitely. Ground test and research data are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed, except that significant medical data will be handled in accordance with CSC regulations and NASA Control Schedule 11.

System manager(s) and address: Chief, NASA Occupational Health Office, Location 1.

Subsystem Managers: Research Assistant to the Director, Location 2; Director of Man/Systems Integration Division, Location 3; Assistant Director for Life Sciences, Space and Life Sciences Directorate, Location 5; Director, Biomedical Office, Location 6; Director, Management Services Office, Location 9; Manager, White Sands Test Facility, Location 13. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the system or subsystem manager named above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Experimental test subjects, physicians, principal investigators and other researchers, and previous experimental test or research records.

NASA 10IGIC

System name: Inspector General Investigations Case Files - NASA

System location: National Aeronautics and Space Administration, Washington, DC 20546.

Subsystem Locations: Locations 2, 5, 6, 7, 8, 9 and 10 as set forth in Appendix A.

Categories of individuals covered by the system: Current and former employees of NASA, contractors and sub-contractors, and others whose actions have affected NASA.

Categories of records in the system: Case files pertaining to matters including, but not limited to, the following classifications of cases: (1) Fraud against the Government, (2) Theft of Government property, (3) Bribery, (4) Lost or stolen lunar samples, (5) Misuse of Government property, (6) Conflict of interest, (7) Waiver of claim for overpayment of pay, (8) Leaks of Source Evaluation Board information, (9) Improper personal conduct, (10) Irregularities in awarding contracts.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 28 U.S.C. 535 (b); 5 U.S.C. App. I; 4 C.F.R. 91; Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for: (1) Providing management with information which will serve as a possible basis for appropriate administrative action or the establishment of NASA policy; (2) Providing the Administrator of NASA (or the Comptroller General, as appropriate) sufficient information to provide a basis for decision concerning a request for waiver of claim in the case of an erroneous payment of pay.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Responding to the White House regarding matters inquired of; (2) Disclosure to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; (3) Providing data to Federal intelligence elements; (4) Providing data to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested; (5) Providing personal identifying data to Federal, State, local or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (6) Disclosing, as necessary, to a contractor, subcontractor, or grantee firm or institution to the extent that the disclosure is in NASA's interest and is relevant and necessary in order that the contractor/subcontractor/grantee is able to take administrative or corrective action; (7) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored in file folders, index cards and on computer tapes and disks.

Retrievability: Information is retrieved by name of individual.

Safeguards: Information is kept in locked metal file cabinets, and in secured vault and secured computer rooms. Access is limited to Inspector General Division personnel.

Retention and disposal: Special interest case files are reviewed for destruction or further retention 10 years after case is closed and routine interest case files are destroyed 5 years after case is closed. Case is not closed until all judical and administration avenues and considerations have been finally exhausted. (Special interest files are those investigative files which the Assistant Inspector General for Investigations determines should be retained because of especially significant, sensitive, or historical content. All other files are routine interest files.)

System manager(s) and address: Assistant Inspector General for Investigations, Location 1.

Subsystem Managers: Director of Investigations, Western Regional Inspector General Office, Location 2; Acting Director of Investigations, Eastern Regional Inspector General Office, Location 4; Investigations Manager, Johnson Investigations Office, Location 5; Investigations Manager, Kennedy Investigations Office, Location 6; Inspector in Charge, Langley Investigations Office, Location 7; Inspector in Charge, Lewis Investigations Office, Location 8; Acting Director of Investigations, Southern Regional Inspector General Office, Location 9; Investigations Manager, JPL Investigations Office, Location 10. Locations are as set forth in Appendix A.

Notification procedure: None. System is exempt. See below.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Exempt.

Systems exempted from certain provisions of the act: The Inspector General Investigations Case Files system of records is exempt from all sections of the Privacy Act of 1974 (5 U.S.C. 552a), EXCEPT the following:

(b) relating to conditions of disclosure; (c)(1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4)(A) through (F) relating to publishing an annual system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e)(6), (7), (9), (10) and (11) relating to agency requirements for maintaining systems; and (i) relating to criminal penalties.

The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(j) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212, for the reason that the Office of Inspector General, NASA, is a component of NASA which performs as its principal function activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2).

NASA 10PAYS

System name: Payroll Systems - NASA

System location: Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Present and former NASA employees.

Categories of records in the system: The data´contained in this system of records includes payroll, employee leave, insurance, labor and manpower distribution and overtime information.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 5 U.S.C. 5501 et seq.; 5 U.S.C. 6301 et seq.; General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 6; Treasury Fiscal Requirements Manual, Part III; Federal Personnel Manual; and NASA Financial Management Manual, Sections 9300 and 9600.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for maintaining the payroll records and related areas.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish to a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions and insurance data with carriers and collection agents; (3) To report to the Office of Personnel Management (a) withholdings of premiums for life insurance, health benefits and retirement, and (b) separated employees subject to retirement; (4) To furnish the U. S. Treasury magnetic tape reports on net pay, net savings allotments and bond transmittal pertaining to each employee; (5) To provide the Internal Revenue Service with detail of wages taxable under the Federal Insurance Contributions Act and to furnish a magnetic tape listing on Federal tax withholdings; (6) To furnish various financial institutions itemized listings of employee's pay and savings allotments transmitted to the institutions in accordance with employee requests; (7) To provide various Federal, state, and local taxing authorities itemized listing of withholdings for individual income taxes; (8) To respond to requests by State employment security agencies and the U.S. Department of Labor for employment, wage, and separation data on former employees for the purpose of determining eligibility for unemployment compensation; (9) To report to various Combined Federal Campaign offices total contributions withheld from employee wages; (10) To furnish leave balances and activity to the Office of Personnel Management upon request; (11) To furnish data to labor organizations in accordance with negotiated agreements; (12) To furnish pay data to the Department of State for certain NASA employees located outside the United States; and (13) Standard routine uses 1 through 4 inclusive as set forth in Apprndix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and microfilm.

Retrievability: Records are indexed by name and/or social security number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained for audit by the General Accounting Office and are transferred to the National Personnel Records Center, St. Louis, Missouri, anywhere from one to three years. Records are retained and destroyed in accordance with the policies and procedures outlined in NASA Records Disposition Handbook - NHB 1441.1A.

System manager(s) and address: Director, Financial Management Division, Office of the Comptroller, Location 1.

Subsystem Managers: Chief, Financial Management Division, Locations 2, 4, 5, and 7; Financial Management Officer, Locations 3; Chief, Financial Management Office, Location 6; Director of Resources Management, Location 8; Director, Financial Management Office, Location 9; Chief, Resources and Financial Management Office, Location 11; and Head, Financial Management Branch, Location 12. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained, personnel office, and the individual's supervisor.

NASA 10SCCF

System name: Standards of Conduct Counselling Case Files - NASA

System location: National Aeronautics and Space Administration, Washington, DC 20546.

Categories of individuals covered by the system: Current, former, and prospective NASA employees, who have sought advice or have been counselled regarding conflict of interest requirements for government employees.

Categories of records in the system: Depending upon the nature of the problem, information collected may include employment history, financial data, and information concerning family members.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C 3101; 18 U.S.C. 201, 203, 205, 207-209; 5 U.S.C. 7324-7327; Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in the system of records is used within NASA for the purpose of counseling employees regarding conflict of interest problems. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Office of Personnel Management and Merit Systems Protection Board: for investigation of possible violations of standards of conduct which the agencies directly oversee; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are documentary and maintained in loose leaf binders or file folders.

Retrievability: By name of individual.

Safeguards: Restricted access to a few authorized persons; stored in combination lock safe.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Assistant General Counsel for General Law, Code GG, NASA Headquarters, Washington, DC 20546.

Notification procedure: Information may be obtained from the System Manager.

Record access procedures: Requests from individuals should be addressed to the System Manager and must include employee's full name and NASA installation where employed.

Contesting record procedures: The NASA regulations and procedures for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Information collected directly from individual and from his official employment record.

NASA 10SECR

System name: Security Records System - NASA.

System location: Locations 1 through 9 inclusive and Location 11, 12, 13, and 15 as set forth in Appendix A.

Categories of individuals covered by the system: Employees, applicants, NASA committee members, NASA consultants, NASA experts, NASA Resident Research Associates, guest workers, contractor employees, detailees, visitors, correspondents (written and telephonic), Faculty Fellows, sources of information.

Categories of records in the system: Personnel Security Records, Criminal Matter Records, Traffic Management Records.

Authority for maintenance of the system: National Aeronautics and Space Act, P.L. 85-568; Espionage and Information Control Statutes, 18 U.S.C. 793 through 799; Sabotage Statutes, 18 U.S.C. 2151 through 2157; Conspiracy Statute, 18 U.S.C. 371; 18 U.S.C. 202-208 and 3056; Internal Security Act of 1950, 5 U.S.C. 781 through 798; Atomic Energy Act of 1954, P.L. 703; Executive Order 11653, Classification and Declassification of National Security Information and Material; Executive Order 10865, Safeguarding Classified Information Within Industry; Executive Order 10450, Security Requirements for Government Employees; P.L. 81-733; Executive Order 11490, Assigning Emergency Preparedness Functions to Federal Departments and Agencies; Federal Property Management Regulation, 41 C.F.R. Subpart 101-11; Federal Personnel Manual, Chapters 732 and 736; 14 C.F.R. Part 1203a; 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel Security Records: The information contained in this category of records is used within NASA for the purpose of granting security clearances; for determining qualifications, suitability, and loyalty to the United States Government; for determining qualifications for access to classified information, security areas, and NASA installations, and for determining qualifications to travel to Communist controlled areas.

In addition to the internal uses of the information contained in this category of records, the following are routine uses outside of NASA: (1) To determine eligibility to perform classified visits to other Federal agencies and contractor facilities; (2) To provide data to Federal intelligence elements; (3) To provide data to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested; (4) To provide a basis for determining preliminary visa eligibility; (5) To respond to White House inquiries; (6) Disclosures may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; (7) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (8) Disclosure to a NASA contractor, subcontractor, grantee, or other government organization information developed in an investigation or administrative inquiry concerning a violation of a Federal or State statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, grantee, or other government organization; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Criminal Matter Records: The information contained in this category of records is used within NASA for providing management with information which will serve as a possible basis for administrative action. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA

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are: (1) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (2) To provide a NASA contractor, subcontractor, grantee, or other government organization information developed in an investigation or administrative inquiry concerning a violation of a Federal or State statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, grantee, or other government organization; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Traffic Management Records: The information contained in this category of records is used within NASA to provide designated officials and employees with data concerning vehicle ownership, traffic accidents, violation of traffic laws, suspension of driving privileges, traffic control, vehicle parking, and car pools. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are: (1) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (2) To provide a NASA contractor, subcontractor, grantee, or other government organization information developed in an investigation or administrative inquiry concerning a violation of a Federal or State statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, grantee, or other government organization; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, punch cards, microfilm, and film.

Retrievability: Records are indexed by name, file number, organization, place of origin, badge number, decal number, date of event, space number, payroll number, and social security number.

Safeguards: Access to Personnel Security Records is controlled by Government personnel exclusively. Access to Criminal Matter Records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. After presenting proper identification and requesting a file or record, a person with a need-to-know and, if appropriate, a proper clearance may have access to a file or record only after it has been retrieved and approved for release by a NASA security representative. These records are secured in security storage equipment.

Traffic Management Records: Access to these records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. Access to these records is permitted after a determination has been made that the requestor has an official interest. These records are stored in locked containers.

Retention and disposal: Records, depending upon type, are retained from 6 months to 30 years before being destroyed. When current immediate need no longer exists, records are either transferred to the appropriate Federal Records Center or destroyed in accordance with records disposal instructions.

System manager(s) and address: Chief, NASA Security Office, Location 1.

Subsystem Managers: Chief, Security Branch, Locations 2, 4, and 5; Security Officer, Location 3; Chief, Security Office, Location 6; Security Officer, Locations 7, 8, 11, and 12; Chief, Security Division, Location 9; Privacy Officer at Location 13; Safety and Security Officer at Location 15. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above. Requests must contain the following identifying data concerning the requestor: first, middle, and last name; date of birth; social security number; period and place of employment with NASA, if applicable.

Record access procedures: Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information have been exempted by the Administrator under 5 U.S.C. 522a (k) (5) from the access provisions of the Act.

Criminal Matter Records compiled for civil or criminal law enforcement purposes have been exempted by the Administrator under 5 U.S.C. 552a (k) (2) from the access provisions of the Act.

Traffic Management Records: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: For Personnel Security Records and Criminal Matters Records see Access, above. For Traffic Management Records, the NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Personnel Security Records: Exempt

Criminal Matter Records: Exempt

Traffic Management Records: Employees, civil investigative agencies, civil law enforcement agencies, Federal and local judicial systems, medical records.

Systems exempted from certain provisions of the act: Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a confidential source, are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (5) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

Criminal Matter Records to the extent they constitute investigatory material compiled for law enforcement purposes are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (2) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

Records subject to the provisions of 5 U.S.C. 552 (b) (1) (required by Executive order to be kept secret in the interest of national defense or foreign policy) are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to the access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552A (k) (1) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

NASA 10OMEH&S

System name: System OF Occupational Medicine, Environmental Health Offices and Safety Records - NASA

System location: In Medical Clinics/Units, Environmental Health Offices and Safety Offices at locations 1 through 15 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: NASA Civil Service employees & applicants; other Agency civil service & military employees working at NASA; visitors to field installations; on-site contractor personnel who receive job related examinations, have mishaps or accidents, or come to clinic for emergency or first aid treatment; space flight personnel and their families.

Categories of records in the system: General medical records of first aid, emergency treatment, examinations, exposures, and consultations, and safety records.

Information resulting from physical examinations, laboratory and other tests, and medical history forms; treatment records; screening examination results; immunization records; administration of medications prescribed by private/personal physicians; statistical records; examination schedules; daily log of patients; correspondence; chemical, physical, and radiation exposure records; other environmental helth data, alcohol/drug patient information; consultation records; and safety and abatement data.

Astronauts and their families - more detailed and complex physical examinations.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; OMB Circular A-72; Public Law 92-255; Public Law 79-658.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the following purposes: Reference by examining physicians in conduct of physical examinations; review by physicians in consideration of fitness for duty; evaluation for physical disability retirement; statistical data development; patient recall; in-space medical evaluation for astronauts; exposure data for radiation/toxic exposure limits, compliance and examinations; consultations; evaluation of employees, applicants, and contractor employees for specialized or hazardous duties for determining reliability pursuant to the Space Transportation System--Personnel Reliability Program (14 CFR 1214.5, NASA Management Instruction (8610.13), and for safety purposes.

Alcohol/drug patient case files (Employee Assistance Program Records) to be maintained separate from medical record, kept to an absolute minimum and handled with extreme privacy in accordance with Section 408 of Public Law 92-255. Disclosure of these records beyond officals of the Office having a bona fide need for them or to the person to whom they pertain, is not to be made. Disclosures of informations pertaining to an individual with a history of alcohol or drug abuse must be limited in compliance with the restrictions of the confidentiality of Alcohol and Drug Abuse Patient Records Regulations, 42 CFR Part 2.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Referral to private physicians designated by the individual when requested in writing; (2) Patient referrals; (3) Referral to OPM, OSHA and other Federal agencies as required in accordance with these special program responsibilities; (4) Referral of information to a non-NASA individual's employer; (5) Evaluation by medical consultants; (6) Disclosure to the employer of non-NASA personnel, information affecting the reliability of such office or employee for purposes of the Space Transportation System; and (7) Standard routine use 4 as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in file folders, punch cards, electrocardiographic tapes and x-rays, and computer discs and tapes. They are handled between NASA installations by telecommunications.

Retrievability: By name, date of birth and social security number.

Safeguards: Access limited to concerned medical environmental health and safety personnel on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: In accordance with CSC regulations and NASA Control Schedule II. Records on astronauts are retained permanently.

System manager(s) and address: Chief, NASA Occupational Health Office, Location 1

Subsystem Managers: Medical Director or Medical Administrator at Locations 1 through 15 inclusive as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: Individuals, physicians and previous medical records of individuals.

NASA 10SPER

System name: Special Personnel Records - NASA

System location: Locations 1 through 9 inclusive and Locations 11 and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Candidates for and recipients of awards or NASA training; civilian and active duty military detailees to NASA; participants in enrollee programs; Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; NASA contract and grant awardees and their associates having access to NASA premises and records; individuals with interest in NASA matters including Advisory Committee Members; NASA employees and family members, prospective employees and former employees.

Categories of records in the system: Special Program Files including: (1) Alien Scientist files; (2) Award files; (3) Counseling files, life and health insurance, retirement, upward mobility, and work injury counseling files; (4) Military and Civilian Detailee files; (5) Personnel Development files such as nominations for and records of training or education, Upward Mobility Program files, Intern Program files, Apprentice files, and Enrollee Program files; (6) Special Employment files such as Federal Junior Fellowship Program files, Stay-in-School Program files, Summer Employment files, Worker-Trainee Opportunity Program files, NASA Executive Position files, Expert and Consultant files, and Cooperative Education Program files; and (7) Supervisory appraisals under Competitive Placement Plan.

Correspondence and related information including: (1) Claims correspondence and records about insurance such as life, health, and travel; (2) Congressional and other Special Interest correspondence, including employment inquiries; (3) Correspondence and records concerning travel related to permanent change of station; (4) Debt complaint correspondence; (5) Employment interview records; (6) Information related to outside employment and activities of NASA employees; (7) Placement follow-ups; (8) Pre-employment inquiries and reference checks; (9) Preliminary records related to possible adverse actions; (10) Records related to reductions-in-force; (11) Records under agency as well as negotiated grievance procedures; (12) Separation information including exit interview records, death certificates and other information concerning deaths, retirement records, and other information pertaining to separated employees; (13)Special planning, analysis, and administrative information; (14) Work performance records; (15) Working papers for prospective or pending retirements.

Special Records and Rosters including: (1) Locator files; (2) Ranking lists of employees; (3) Repromotion candidate lists; (4) Retired military employee records; (5) Retiree records.

Agencywide and installation automated personnel information.

Rosters, applications, recommendations, assignment information and evaluations of Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; also, information about NASA contract and grant awardees and their associates having access to NASA premises and records.

Information about members of advisory committees and similar organizations.

All NASA-maintained information of the same types as, but not limited to, that information required in systems of records for which the Office of Personnel Management and other Federal personnel-related agencies publish governmentwide Privacy Act Notices in the Federal Register.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used by officials and employees within NASA for preview, planning, review and management decisions regarding personnel and activities related to the records.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosures may be made to organizations or individuals having contract, legal, administrative or cooperative relationships with NASA, including labor unions, academic organizations, governmental organizations, non-profit organizations, and contractors; and to organizations or individuals seeking or having available a service or other benefit or advantage. The purpose of such disclosures is to satisfy a need or needs, further cooperative relationships, offer information, or respond to a request; (2) Statistical or data presentations may be made to governmental or other organizations or individuals having need of information about individuals in the records; (3) Responses may be made to other Federal agencies, and other organizations having legal or administrative responsibilities related to programs and individuals in the records; (4) Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B may also apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, lists, forms, index cards, microfilm, microfiche, and/or various computer storage devices such as discs, magnetic tapes and punched cards.

Retrievability: Records are indexed by any one or a combination of name, birthdate, social security number, or identification number.

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Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed.

System manager(s) and address: Director, Personnel Programs Division, Location 1

Subsystem Managers: Director, Headquarters Personnel Division, Location 1; Director of Personnel, Locations 2, 3, 4, 5, 6, 7, 8, 9, and 12; Chief, Personnel Office, Location 11. Locations are as set forth in Appendix A.

Notification procedure: Apply to the System or Subsystem Manager at the appropriate location above. In addition to personal identification (name, social security number, etc.), indicate the specific type of record, the appropriate date or period of time, and the specific kind of individual applying (e.g., employee, former employee, contractor employee, etc.).

Record access procedures: Same as notification procedures above.

Contesting record procedures: The NASA regulations pertaining to access to records and for contesting contents and appealing initial determinations by the individual concerned are set forth in 14 C.F.R. Part 1212.

Record source categories: Individuals to whom the records pertain, NASA employees, other Federal employees, other organizations and individuals.

NASA 10XROI

System name: Exchange Records on Individuals - NASA

Security classification: Locations 6, 7, 8, 9, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Present and former employees of, and applicants for employment with, NASA Exchanges, Recreational Associations, and Employees' Clubs at NASA installations. Individuals with active loans or charge accounts at one or more of the several organizations.

Categories of records in the system: Exchange Employees' personnel and payroll records, including injury claims, unemployment claims, biographical data, performance evaluations, annual and sick leave records, and all other employee records. Credit records on NASA employees with active accounts.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for (1) maintaining exchange employees' payroll, leave, and other records; (2) determining pay adjustment eligibility; (3) determining Federal, State, and City tax withholdings; (4) determining leave eligibility; (5) determining person to notify in emergency; (6) certification of unemployment or injury claims; (7) determining eligibility for employment and promotion; and (8) determining credit standing.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions for insurance data with carriers and collection agents; (3) To provide various Federal, State, and local taxing authorities itemized listing of withholdings for individual income taxes; (4) To respond to State employment compensation requests for wage and separation data on former employees; (5) To report previous job injuries to workmen's compensation organizations; (6) For emergency notice to person designated by employee; (7) To report unemployment record to appropriate State and local authorities; (8) When requested, provide other employers with work record; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. part 1212.

Retention and disposal: Exchange personnel records are permanent.

System manager(s) and address: Associate Administrator - NASA Comptroller, Location 1.

Subsystem Managers: Chairman, Exchange Council, Locations 6 and 7; Treasurer, NASA Exchange, Location 8; Exchange Operations Manager, Location 9; Head, Administrative Management Branch, Location 12. Locations are as set forth in Appendix A.

Notification procedure: Individuals may obtain information from the cognizant subsystem managers listed above.

Record access procedures: Requests from individuals should be directed to the same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual on whom the record is maintained and the individual's supervisor.

NASA 22ORER

System name: LeRC Occupational Radiation Exposure Records - NASA.

System location: Locations 8 and 14, as set forth in Appendix A.

Categories of individuals covered by the system: Present and former LeRC employees and contractor personnel who may be exposed to radiation.

Categories of records in the system: Name, date of birth, exposure history, name of license holder, Social Security Number, employment and training history.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C 3101; 42 U.S.C. 2021, 2073, 2093, 2095, 2111, 2133, 2134, 2201; Title 10 Code of Federal Regulations, Part 20.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to inform individuals of their radiation dosage.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Standard routine uses 1 through 4 inclusive as set forth in Appendix B and (2) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night.

Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Chief, Office of Environmental Health, location 8.

Subsystem manager: Manager, Plum Brook Reactor Facility, Location 14. Locations are set forth in Appendix A.

Notification procedure: Individuals may obtain information from the System cognizent Manager or subsystem manager listed above.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual is sole source.

NASA 51RSCR

System name: GSFC Radiation Safety Committee Records - NASA

System location: Goddard Space Flight Center, National Aeronautics and Space Administration, Greenbelt, Maryland 20771.

Categories of individuals covered by the system: Radiation users and custodians under GSFC cognizance.

Categories of records in the system: Employment and training history.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; USNRC License and GHB 1860.1, 'Radiation Safety Handbook'; GHB 1860.2 'Radiation Safety Radio-Frequency'; GHB 1860.3 'Radiation Safety Laser'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this sytem of records is used within NASA for review and approval of custodians and users of ionizing and non-ionizing radiation by the Radiation Safety Committee. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources; (2) Occupational Safety and Health Administration (Federal and State) may inspect records pursuant to fulfilling their responsibilities under the Occupational Safety and Health laws. (3) The Environmental Protection Agency may inspect records pursuant to fulfilling their responsibilities under the Environmental Protection laws and executive order; (4) The Food and Drug Administration, DHEW, may inspect records pursuant to fulfilling their responsibilities respecting use of lasers and x-rays; (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name only.

Safeguards: Records are located in locked metal file cabinet in locked room with access limited to those whose official duties require access.

Retention and disposal: Records are kept for two years. If employee does not wish to be renewed for position at the end of 2-year period, his record is removed and placed in inactive file.

System manager(s) and address: Chief, Health, and Safety, and Security Office; address same as shown for system location.

Notification procedure: Individuals may obtain information from the system manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employees

NASA 53BHTR

System name: Wallops Flight Center Base Housing Tenant Record - NASA.

System location: Wallops Flight Center, National Aeronautics and Space Administration, Wallops Island, Virginia 23337

Categories of individuals covered by the system: Tenants of Wallops Housing area.

Categories of records in the system: Housing Rental Agreements, records of rent receipts and records of dormitory occupants.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for control of family housing and dormitory facilities. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) To furnish to a third party a verification of an employee's tenant status upon a written request of tenant; (2) To furnish verification of residency to various Federal, State, and local authorities; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and card files.

Retrievability: Records are indexed by name and/or room number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained and destroyed in accordance with the policies and procedures outlined in NASA Records Disposition Handbook, NHB 1441.1A.

System manager(s) and address: Head, Administrative Management Branch, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Tenants and dormitory occupants and Administrative Management records.

NASA 62FHAP

System name: MSFC Federal Housing Administration (FHA) 809 Housing Program - NASA.

System location: George C. Marshall Space Flight Center, National Aeronautics and Space Administration, Marshall Space Flight Center, Alabama 35812.

Categories of individuals covered by the system: MSFC Civil Service and contractor personnel who have applied for FHA 809 housing.

Categories of records in the system: Contains personal (name, home address, home phone, age, marital status), realtor/mortgage and employment data. Contains certification by employee, MSFC, and FHA.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; and 12 U.S.C. 1748h-1 (Section 809, National Housing Act).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for identification of employees who have applied for and received or not received FHA 809 certificates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Federal Housing Administration to facilitate their issuing or denying 809 housing certificates; (2) Disclosures to realtors and builders to facilitate their activities with respect to the real estate transaction; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and index cards.

Retrievability: Records are indexed by certificate number and person's name.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

System manager(s) and address: Director, Personnel Office, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained.

NASA 72XOPR

System name: JSC Exchange Activities Records - NASA.

System location: Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Houston, Texas 77058.

Categories of individuals covered by the system: Employees and past employees of JSC Exchange Operations, applicants under the JSC Exchange Scholarship Program, and JSC employees or JSC contractor employees participating in sports or special activities sponsored by the Exchange.

Categories of records in the system: For present and past employees of the JSC Exchange Operations, the system includes a variety of records relating to personnel actions and determinations made about an individual while employed by the NASA Exchange-JSC. These records contain information about an individual relating to birth date; social security number; home address and telephone number; marital status; references; veteran preference, tenure, handicap; position description, past and present salaries, payroll deductions, leave; letters of commendation and reprimand; adverse actions, charges and decisions on charges; notice of reduction-in-force; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer and separation; minority group; records relating to life insurance, health and retirement benefits; designation

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of beneficiary; training; performance ratings; physical examinations; criminal matters; data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

For successful applicants under the JSC Exchange Scholarship Program, the system contains information supplied by individual Center employees who have applied for an Exchange Scholarship for their son or daughter and includes, but is not limited to, education, financial transactions or holdings, employment history, medical data and other related information.

For participants in social or sports activities sponsored by the Exchange, information includes employees' or contractors' employee identification number, organization, location, telephone number, and other information directly related to status or interest in participation in such activities.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; NASA Management Issuance 9050.6; Treasury Fiscal Requirement Manual, Part III, Payroll Deductions and Withholdings; Federal Personnel Manual; JSCM 31712A, Exchange Activities Manual, dated May 1980.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the following purposes: (1) With respect to past or present employees of the JSC Exchange Operations, information in the system is used to: (a) pay employees and advise employees through Leave and Earnings Statements; (b) provide for promotion opportunities, disciplinary actions, staffing controls, budget requirements, employee fringe benefits, and other related personnel managerial purposes, and (c) submit reports in accordance with legal or policy directives and regulations to center management and NASA Headquarters; (2) With respect to successful applicants under the JSC Scholarship Program, the information in the system is used to award scholarships to the sons and daughters of NASA-JSC employees; and (3) With respect to participants in the social or sports activities sponsored by the Exchange, the information maintained in the system is used to facilitate participation in such activities.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA for information maintained on JSC Exchange Operations employees only: (1) Provide information in accordance with legal or policy directives and regulations to the Internal Revenue Service, Department of Labor, Department of Commerce, Texas State Government Agencies, labor unions; (2) Provide information to insurance carriers with regard to workman's compensation, health and accident, and retirement insurance coverages; (3) Provide employment or credit information to other parties as requested by a current or former employee of the JSC Exchange Operations; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: For Exchange employees, records are maintained by name and filed as current or past employee. For Scholarship applicants, records are maintained by name. For participants in social or sports activities, records are maintained by name.

Safeguards: Records are located in locked metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: For employees of JSC Exchange Operations, Personnel Records are retained indefinitely to satisfy payroll, reemployment, unemployment compensation, tax and employee retirement purposes.

For successful applicants under the JSC Exchange Scholarship Program, records are maintained until completion of awarded scholarship and then destroyed. Records pertaining to unsuccessful applicants are returned to them.

For participants in social or sports activities, records are maintained for a stated participation period, and are then destroyed.

System manager(s) and address: Manager, Exchange Operations, NASA Exchange - JSC, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: For employees of the JSC Exchange Operations, information is obtained from the individual employee, the employee references, insurance carriers, JSC Health Services Division, JSC Security, employment agencies, Texas Unemployment Commission, credit bureaus, and creditors.

With respect to the JSC Exchange Scholarship Program, the information is obtained from the parents or guardians of the scholarship participants.

For JSC employees and JSC contractor employees participating in social or sports activities sponsored by the Exchange, information is obtained from the individual participant.

NASA 73FHAP

System name: WSTF Federal Housing Administration (FHA) 809 Housing Program - NASA.

System location: JSC White Sands Test Facility, National Aeronautics and Space Administration, P. O. Drawer MM, Las Cruces, New Mexico 88001.

Categories of individuals covered by the system: WSTF Civil Service and contractor personnel who have applied for FHA 809 housing.

Categories of records in the system: Contains personal (name, home address, home phone, age, marital status), realtor/mortgage and employment data. Contains certification by employee, WSTF, and FHA.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; and 12 U.S.C. 1748h-1 (Section 809, National Housing Act).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for identification of employees who have applied for and received or not received FHA 809 certificates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Federal Housing Administration to facilitate their issuing or denying 809 housing certificates; (2) Disclosures to realtors and builders to facilitate their activities with respect to the real estate transaction; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and index cards.

Retrievability: Records are indexed by certificate number and person's name.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

System manager(s) and address: Chief, Administration Office, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained.

NASA 76RTES

System name: KSC Radiation Training and Experience Summary - NASA

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: Custodians and/or users of sources radiation (ionizing and non-ionizing). Applicable to all users or custodians at KSC and NASA or NASA contractor personnel at Cape Canaveral Air Force Station, Florida, or Vandenberg Air Force Base, California.

Categories of records in the system: Individuals name and radiation related training and experience.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 42 U.S.C. 2021, 2111, 2201, 2232, 2233, Title 10 Code of Federal Regulations, Part 33 for Federal Licensee, and Florida Administrative Code, Chapter 10 D-56 for State Licensee.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to determine the suitability of individuals for specific assignments dealing with radiation and to preclude unnecessary exposure to self and others.

In addition to the internal uses of the information contained in this system of records, routine uses outside of NASA include: (1) Disclosure to Air Force Radiation Protection Officers at Eastern Space and Missile Center, Patrick Air Force Base, Florida, and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using sources of radiation to facilitate protection of the individual and the public; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways Occupational Medicine and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

Retrievability: Records are indexed by name, program/project title. Use authorization number and/or license number as applicable.

Safeguards: Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the applicable NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: KSC Radiation Protection Officer; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the system manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

NASA 76STCS

System name: KSC Shuttle Training Certification System (YC 04)

System location: John F. Kenndey Space Center Systems Training and Employee Development Branch Kenndey Space Center, FL 32899

Categories of individuals covered by the system: KSC Civil Service, KSC contractor, and DOD personnel who have received systems, skills, or safety training in support of KSC or Space Shuttle Operations.

Categories of records in the system: Records of training attendance and certifications, including certifications of physical ability to perform hazardous tasks.

Authority for maintenance of the system: 42 U.S.C. 2473, 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to determine training needs, and the operational readiness of the work force, to provide data for badging and access control to hazardous areas or critical operations, to determine the size of individual protective equipment and to identify personnel with needed skill combinations. In addition to the internal uses the information contained in this systems of records, the following are routine uses outside of NASA: (1) Disclosure is made of information on employees of KSC contractors to those contractor organizations and to the Computer Sciences Corporation to facilitate the performance of the contracts. These disclosures are made by Boeing Services International which compiles these training records for KSC; (2) Standard routine uses 1-4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained for KSC by Computer Sciences Corporation on computer tape with printouts made periodically as required. Complete printouts are filed in the KSC Systems Training and Employee Development Branch, and The Boeing Services International Training Office. Records containing raw data on course attendance and trainee statistics are maintained by Boeing Services International for KSC.

Retrievability: Indexed by name, organization, and skill.

Safeguards: These listings are automated systems, skills, and safety training records maintained under administrative control of responsible organizations in areas that are locked when not in use. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Outdated records are destroyed.

System manager(s) and address: Chief, Systems Training and Employee Development Branch, Kennedy Space Center, FL 32899

Notification procedure: Individuals may obtain information from the Systems Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and for appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Information is obtained from class rosters, operational records, reports of physical examination completions and actions of certification boards.

NASA 76XRAD

System name: KSC USNRC Occupational External Radiation Exposure History for Nuclear Regulatory Commission Licenses - NASA.

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: KSC civil servants and KSC contractor personnel who have received radiation exposure.

Categories of records in the system: Name, date of birth, exposure history, name of license holder, social security number.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 42 U.S.C. 2021, 2073, 2093, 2095, 2111, 2133, 2134, and 2201; 10 C.F.R., Part 20 for Federal Licensee; and Florida Administrative Code, Chapter 10 D-56 for State Licensee.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to record exposure and to inform individuals of their approaching or exceeding radiation dose limits.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosure to Air Force Radiation Protection Offices at Eastern Space and Missile Center, Patrick Air Force Base, Florida and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using radioactive materials or ionizing radiation producing devices, to facilitate the protection of individuals; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways Occupational Medicine and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

Retrievability: Records are indexed by name in personnel dosimetry files.

Safeguards: Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: KSC Radiation Protection Officer; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

APPENDIX A.

LOCATION NUMBERS AND MAILING ADDRESSES OF NASA INSTALLATIONS AT WHICH RECORDS ARE LOCATED.

Location 1.

National Aeronautics and Space Administration
Washington, DC 20546

Location 2

V 46 / 192 OC 5 81 UMI

Ames Research Center
National Aeronautics and Space Administration
Moffett Field, CA 94035
Location 3
Hugh L. Dryden Flight Research Center
National Aeronautics and Space Administration
P. O. Box 273
Edwards, CA 93523
Location 4
Goddard Space Flight Center
National Aeronautics and Space Administration
Greenbelt, MD 20771
Location 5
Lyndon B. Johnson Space Center
National Aeronautics and Space Administration
Houston, TX 77058
Location 6
John F. Kennedy Space Center
National Aeronautics and Space Administration
Kennedy Space Center, FL 32899
Location 7
Langley Research Center
National Aeronautics and Space Administration
Langley Station
Hampton, VA 23665
Location 8
Lewis Research Center
National Aeronautics and Space Administration
21000 Brookpark Road
Cleveland, OH 44135
Location 9
George C. Marshall Space Flight Center
National Aeronautics and Space Administration
Marshall Space Flight Center, AL 35812
Location 10
NASA Resident Office-JPL
National Aeronautics and Space Administration
4800 Oak Grove Drive
Pasadena, CA 91103
Location 11
National Space Technology Laboratories
National Aeronautics and Space Administration
NSTL Station, MS 39529
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Wallops Flight Center
National Aeronautics and Space Administration
Wallops Island, VA 23337
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JSC White Sands Test Facility
National Aeronautics and Space Administration
P.O. Drawer MM
Las Cruces, NM 88001
Location 14
LeRC Plum Brook Station
National Aeronautics and Space Administration
Sandusky, OH 44870
Location 15
Michoud Assembly Facility
National Aeronautics and Space Administration
P.O. Box 29300
New Orleans, LA 70129

APPENDIX B

STANDARD ROUTINE USES - NASA

The following routine uses of information contained in systems of records subject to the Privacy Act of 1974 are standard for many NASA systems. They are cited by reference in the paragraph 'Routine uses of records maintained in the system, including categories of users and the purpose of such uses' of the FEDERAL REGISTER notice on those systems to which they apply.

Standard Routine Use No. 1 - LAW ENFORCEMENT - In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Standard Routine Use No. 2 - DISCLOSURE WHEN REQUESTING INFORMATION - A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Standard Routine Use No. 3 - DISCLOSURE OF REQUESTED INFORMATION - A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Standard Routine Use No. 4 - COURT PROCEEDINGS - In the event there is a pending court or formal administrative proceeding, any records which are relevant to the proceeding may be disclosed to the Department of Justice or other agency for purposes of representing the Government, or in the course of presenting evidence, or they may be produced to parties or counsel involved in the proceeding in the course of pre-trial discovery.

[FR Doc. 81-28655; Filed 10-2-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/OPM		DOT/FHWA	USDA/OPM
DOT/FRA	LABOR		DOT/FRA	USDA/LABOR
DOT/MA	HHS/FDA		DOT/MA	MSPB/FDA
DOT/NHTSA			DOT/NHTSA	
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

List of Public Laws

Last Listing September 30, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 2903 / Pub. L. 97–47 To extend by one year the expiration date of the Defense Production Act of 1950. (Sept. 30, 1981; 95 Stat. 954) Price: $1.50.

H.J. Res. 266 / Pub. L. 97–48 To provide for a temporary increase in the public debt limit. (Sept. 30, 1981; 95 Stat. 955) Price: $1.50.

H.J. Res. 265 / Pub. L. 97–49 To provide for a temporary increase in the public debt limit. (Sept. 30, 1981; 95 Stat. 956) Price: $1.50.

S. 1475 / Pub. L. 97–50 To extend the expiration date section 252 of the Energy Policy and Conservation Act. (Sept. 30, 1981; 95 Stat. 957) Price: $1.50.

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NEW PUBLICATION NOW AVAILABLE

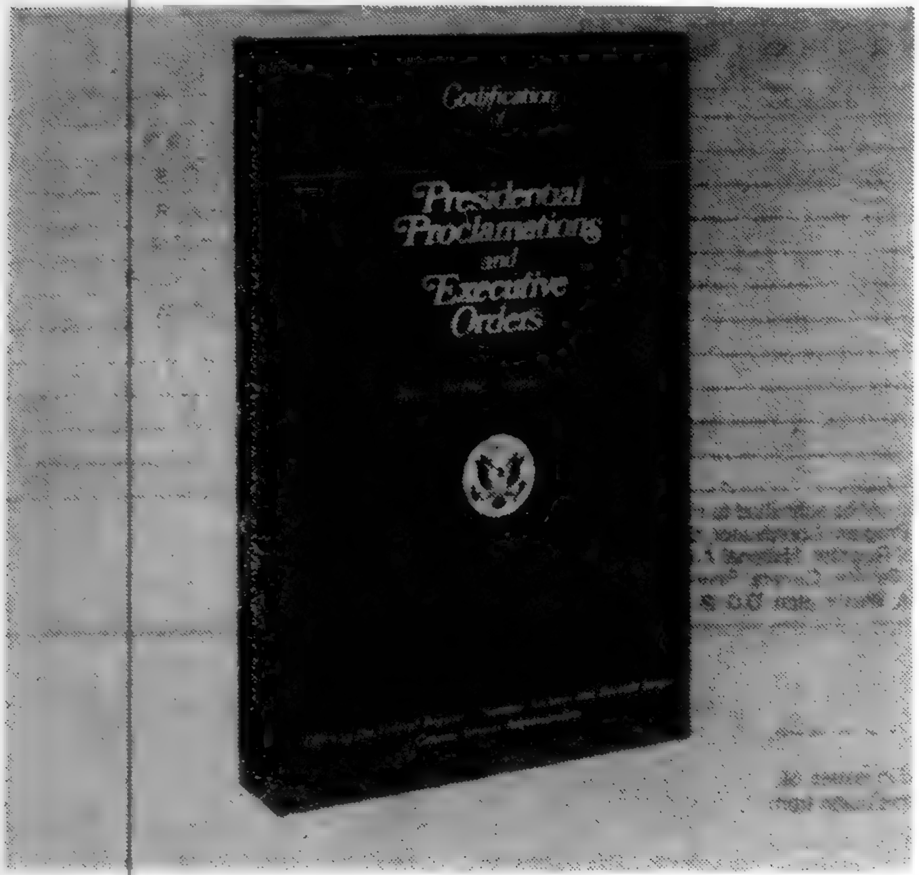

For those of you who must keep informed about Presidential proclamations and Executive orders, there is now a convenient reference source that will make researching certain of these documents much easier.

Arranged by subject matter, this first edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period January 20, 1961, through January 20, 1977, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1961–1977 period, along with any amendments, an indication of its current status, and, where applicable, its location in this volume.

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Vol. 46—No. 193
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Pages
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federal register

Book 1 of 2 Books
Tuesday, October 6, 1981

Highlights

49099 **National Employ the Handicapped Week, 1981** Presidential proclamation.

49107 **Banks, Banking** NCUA publishes final rule on dividend ceilings for share, share draft and share certificate accounts.

49135 FHLBB considers authorizing Federally-chartered savings and loan associations to engage in certain forms of consumer leasing.

49137 DIDC proposes to establish new category of time deposit.

49105 FHLBB raises limit on advances Federal Home Loan Banks can make to individual member institutions.

49106 FHLBB allows payment of interest on demand deposits held by Federal Home Loan Banks.

49104 FFIEC reduces crime reporting requirements.

49260, 49518 **Savings Bonds and Notes** Treasury/FS amends offering circulars for Series E Savings Bonds and United States Saving Notes. (2 documents) (Parts II and V of this issue)

49498, 49506 Treasury/FS revises offering circulars for Series EE and HH Savings Bonds. (2 documents) (Parts III and IV of this issue)

49140 **Consumer Protection** CPSC extends period in which it must rule on safety of wall insulation made from urea-formaldehyde foam.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

49108 **Petroleum** Commerce/ITA removes restrictions on export of all refined products.

49126 **Medicare** HHS/HCFA wihdraws rule on reimbursement for services furnished by hospital-based physicians.

49209 **Grant Programs—Health** HHS/PHS announces acceptance of fiscal year 1982 applications for Residency Training in General Internal Medicine or General Pediatrics program.

49206 HHS/FDA announces availability of fiscal year 1982 funds for cooperative agreements to support studies of marketed drugs effects.

49114 **Securities** SEC rescinds third market trading reporting requirements.

49546 **Equal Employment Opportunity** DOE proposes to implement age discrimination regulations for programs receiving Federal financial assistance. (Part VII of this issue)

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Title 3—

The President

Proclamation 4868 of October 2, 1981

National Employ the Handicapped Week, 1981

By the President of the United States of America

A Proclamation

Communities across the land have formed partnerships—between disabled and non-disabled, labor and industry, employers and employees—to assure that disabled people might share fully in the American dream. There is a real need for such partnerships, and for these ties to continue and expand.

Employers throughout the country are opening their doors to qualified disabled workers. This is happening not just because of existing laws, but because disabled men and women have been establishing such fine work records. Yet not all employers have opened their doors equally wide. We must therefore continue our efforts to find more and better jobs for people with disabilities.

Gains have also been made in education, training, housing, transportation and accessibility. We need to make the 1980s years in which disabled individuals achieve the greatest possible access to our society, maximum independence, and full opportunity to develop and use their capabilities.

The Congress, by joint resolution of August 11, 1945, as amended (36 U.S.C. 155), has called for the designation of the first full week in October each year as National Employ the Handicapped Week. Recognition of this special week presents the opportunity to dedicate ourselves to meeting the goal of expanded opportunity for disabled Americans.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the week beginning October 4, 1981, as National Employ the Handicapped Week. I urge all Governors, Mayors, other public officials, leaders in business and labor, and private citizens to help meet the challenge of the future in which all disabled Americans will participate fully in our country's many opportunities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-29175
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 906, 910, 917, 926, 927, 929, 931, 932, and 966

Expenses and Rates of Assessment for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the committees functioning under certain Marketing Orders. Funds to administer these programs are derived from assessments on handlers of the agricultural commodities regulated under the orders.

EFFECTIVE DATES: March 1, 1981–February 28, 1982 (§ 917.231); April 1, 1981–March 31, 1982 (§ 926.221); July 1, 1981–June 30, 1982 (§§ 927.221, 931.216); August 1, 1981–July 31, 1982 (§§ 906.221, 210.219, 966.218); September 1, 1981–August 31, 1982 (§§ 929.222, 932.216).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by each committee, established under the respective marketing order, and upon other information. It is found that expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the rate of assessment for a particular fiscal period shall apply to all assessable fruits and vegetables handled from the beginning of such period. To enable the committee to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting and recordkeeping) under these parts are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, new §§ 906.221 (M.O. 906), 910.219 (M.O. 910), 917.231 (M.O. 917), 926.221 (M.O. 926), 927.221 (M.O. 927), 929.222 (M.O. 929), 931.216 (M.O. 931), 932.216 (M.O. 932), and 966.218 (M.O. 966) are added to read as follows: (The following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations).

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

§ 906.221 Expenses and assessment rate.

Expenses of $1,000,600 by the Texas Valley Citrus Committee are authorized, and an assessment rate of $0.05 per 7/10 bushel carton of oranges or grapefruit is established for the fiscal year ending July 31, 1982.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

§ 910.219 Expenses and assessment rate.

Expenses of $515,655 by the Lemon Administrative Committee are authorized, and an assessment rate of $0.04 per carton of lemons is established for the fiscal year ending July 31, 1982; and $10,000 of unexpended assessment funds from the fiscal year ended July 31, 1981, shall be carried over into the reserve.

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

§ 917.231 Expenses and assessment rate.

Expenses of $703,874 by the Pear Commodity Committee are authorized, and an assessment rate of $0.14 per No. 29B special lug box of pears is established for the fiscal year ending February 28, 1982. Unexpended funds may be carried over as a reserve.

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

§ 926.221 Expenses and assessment rate.

Expenses of $193,945 by the Industry Committee are authorized, and an assessment rate of $0.11 per 23-pound lug of grapes is established for the fiscal year ending March 31, 1982. Unexpended funds may be carried over as a reserve.

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

§ 927.221 Expenses and assessment rate.

Expenses of $190,123 by the Control Committee are authorized, and an assessment rate of $0.02 per standard western pear box of pears is established for the fiscal year ending June 30, 1982. Unexpended funds may be carried over as a reserve.

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PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

§ 929.222 Expenses and assessment rate.

Expenses of $91,140 by the Cranberry Marketing Committee are authorized, and an assessment rate of $0.036 per barrel (100 pounds) of cranberries is established for the fiscal year ending August 31, 1982. Unexpended funds may be carried over as a reserve.

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

§ 931.216 Expenses and assessment rate.

Expenses of $35,665 by the Northwest Fresh Bartlett Pear Marketing Committee are authorized, and an assessment rate of $0.0125 per standard western pear box of pears is established for the fiscal year ending June 30, 1982.

PART 932—OLIVES GROWN IN CALIFORNIA

§ 932.216 Expenses and assessment rate.

Expenses of $1,056,630 by the Olive Administrative Committee are authorized, and an assessment rate of $28.26 per ton of olives is established for the fiscal year ending August 31, 1982.

PART 966—TOMATOES GROWN IN FLORIDA

§ 966.218 Expenses and assessment rate.

Expenses of $165,000 by the Florida Tomato Committee are authorized, and an assessment rate of $0.0025 per 30-pound container of tomatoes is established for the fiscal period ending July 31, 1982. Unexpended funds may be carried over as a reserve.

(Secs. 1–19, 48 Stat. 31, as amended: (7 U.S.C. 601–674))

Dated: September 29, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-2909[illegible] Filed 10-5-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1004

[Milk Order No. 4]

Milk in the Middle Atlantic Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends for September 1981–February 1982 an order provision affecting the regulatory status of distributing plants under the Middle Atlantic Federal milk order. The suspension makes inoperative the requirement that a distributing plant must use at least 40 percent of its milk receipts for bottling purposes before the plant is eligible to have all of its milk pooled and priced under the order. The suspension is in response to a request for emergency action made at a public hearing held on September 15, 1981, in Philadelphia, Pennsylvania, to consider proposed amendments that would relax the pooling provisions of the order. The action will enable producers who have been regularly associated with the fluid milk market to continue to have their milk pooled and priced under the order pending a decision on the proposed order amendments that were considered at the hearing.

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Hearing: Issued August 18, 1981; published August 21, 1981 (46 FR 42486).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

This action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers who supply milk for the area will have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Middle Atlantic marketing area.

It is hereby found and determined that for the months of September 1981 through February 1982 the following provision of the order does not tend to effectuate the declared policy of the Act:

In the first sentence of § 1004.7(a) the words "not less than 40 percent".

Statement of Consideration

This action, based on evidence received at a public hearing held on September 15, 1981, at Philadelphia, Pennsylvania, is requested by Michaels Dairies, Inc., a proprietary handler under the order. It suspends for September 1981 through February 1982 the requirement that at least 40 percent of the receipts of milk at a pool distributing plant be disposed of as Class I milk while retaining the requirement that at least 15 percent of such receipts be disposed of as route disposition in the marketing area.

At the hearing, a proposed amendment was considered that would reduce the pool distributing plant 40 percent Class I disposition performance standard. The proponent testified that the amendment is necessary to accommodate the pooling of the milk received from his 75 producers which historically have been associated with the market. Proponent requested that the 40 percent requirement be suspended pending completion of the hearing proceeding. No opposition to the request was expressed at the hearing. Subsequent to the hearing, briefs in support of the suspension request were filed by certain cooperatives in the market.

Certain pooling provisions of the order have been suspended since March 1981. Because of the time needed to complete any amendatory action, proponent requested the suspension action be continued until a final decision is reached on the proposed amendments. This action will extend relaxation of the pooling standards. The need for the suspension stems from a continuing downward trend in Class I sales for the market during a period in which milk production has been steadily increasing. As a result of these trends, the percentage of Class I utilization for the market has declined from 53 percent for the first 8 months of 1979 to 47 percent for the same period in 1981.

Whether or not the pooling provisions should be relaxed on a permanent basis by amendment is a matter to be determined after the hearing record and posthearing briefs have been fully reviewed. In the interim, suspension through February 1982 is warranted, as it will tend to assure orderly marketing pending the outcome of the hearing proceeding.

Without emergency suspension action certain handlers would undoubtedly have to engage in uneconomic movements of milk, such as transferring milk among distributing plants, to meet the 40 percent Class I disposition pooling standard. As an indication of this, proponent's projected Class I route disposition is 32 to 34 percent of its total milk receipts for the September 1981 through February 1982 period. Consequently, to attain a 40 percent Class I utilization this handler would have to transfer Class I milk to other handlers' plants or discontinue receiving milk from several of its producers. Under current milk supply and demand conditions in this market it is unlikely that any pool distributing plant has need for milk from other than its present milk procurement source. Thus, it would tend to encourage the disruption of normal and efficient marketing practices to require that all pool distributing plants maintain a 40 percent Class I utilization percentage under current conditions in the market. It is unlikely that continued relaxation of the pooling provisions by suspension through February 1982 will have any appreciable effect on the availability of milk for distributing plants in the market. This action, however, will eliminate the possibility that producers who are regular suppliers of milk for the fluid market would lose their producer status because of the present pooling provisions and thus not have their milk priced under the order. Accordingly, this temporary suspension will permit the orderly disposal of the market's reserve milk supplies pending the completion of the hearing proceeding.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that substantial quantities of milk of producers who regularly supply the market otherwise could be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The marketing problems that provide the basis for this suspension action were fully reviewed at a public hearing held on September 15, 1981, where all interested parties had the opportunity to be heard on proposals to relax the pooling provisions of the order.

Therefore, good cause exists for making this order effective October 6, 1981.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of September 1981 through February 1982.

Effective Date: October 6, 1981.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Signed at Washington, D.C., on September 30, 1981.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-29026 Filed 10-5-81; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

Oats Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1421.270–1421.274 (1980 Crop Oats Loan and Purchase Program). Provisions setting forth the availability, maturity of loans, warehouse charges, and loan schedules for oats eligible for price support have been published annually in the **Federal Register** and later codifed in the Code of Federal Regulations. These program provisions enable eligible oats producers to receive loans and purchases with respect to their eligible crop of oats. In order to avoid amending the Code of Federal Regulations each year, the annual crop year data will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop oats. The provisions setting forth the loan and purchase rates, premiums, and discounts will be published annually as a notice in the **Federal Register**. The provisions under the Oats Loan and Purchase Program relating to availability, maturity of loans, and warehouse charges are being deleted from 7 CFR 1421.271–1421.273 and will be added by a separate document to the general regulations governing the oats program appearing at 7 CFR 1421.245–1421.253.

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT: Celestine Ware, (202) 447–7923.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum 1521–1 and has been classified as "nonmajor." This final rule has been classified as "nonmajor" since it will not have an annual effect on the economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this rule.

Previously, provisions setting forth the availability, maturity of loans, warehouse changes, and loan schedules were published annually in the **Federal Register** as final rules. The same data was later codified in the Code of Federal Regulations. Effective with the 1981 crop of oats, loan and purchase rates, premiums, and discounts will be published annually as a notice in the **Federal Register**. Also, provisions relating to loan availability, loan maturity dates, and warehouse charges will be codified by a separate document in the general provisions governing the Oats Loan and Purchase Program. Since this rule makes no substantive change but merely deletes certain provisions from the Code of Federal Regulations, it has been determined that no further public rulemaking is required. The provisions previously appearing at 7 CFR 1421.270–1421.274 shall remain applicable to the respective crop years.

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Final Rule

§§ 1421.270–1421.274 [Removed]

Accordingly, the regulations at 7 CFR 1421.270 to 1421.274 (1980-Crop Oats Loan and Purchase Program) are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, Pub. L. 80–89, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 105A, 401, Pub. L. 81–439, 63 Stat. 1051, as amended (7 U.S.C. 1444c, 1421))

Signed at Washington, D.C. on September 29, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-29036 Filed 10-5-81; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

12 CFR Parts 21, 216, 326 and 563a

Joint Notice of Elimination of External Crime Reports Required Under Regulations Implementing the Bank Protection Act

AGENCIES: The Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the Office of the Comptroller of the Currency.

ACTION: Final rule.

SUMMARY: These amendments revise 12 CFR 21.5, 216.5, 326.5 and 563a.5 by deleting the requirement for submission of external crime reports and by replacing it with a record to be prepared by each institution after each attempted or completed external crime and to be filed and maintained in a central location at the main office of the institution. Currently, the five regulatory agencies represented on the Examination Council have regulations which require financial institutions to submit a form report within a reasonable time after the commission or the attempted commission of certain external crimes against those institutions. These form regulations are contained in 12 CFR 21.5(c) (Comptroller of the Currency Form CC-9030-02); 12 CFR 216.5(b) (Federal Reserve Board Form P-2); 12 CFR 326.5(c) (Federal Deposit Insurance Corporation Form P-2); 12 CFR 563a.5(b) (Federal Home Loan Bank Board Form P-2); and 12 CFR 748.5(b) (National Credit Union Administration Form, Appendix to Part 748). All these agencies, excluding the National Credit Union Administration, are now eliminating these forms. The National Credit Union Administration agrees with the rationale for these amendments, but will publish a separate amendment at a later time.

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT: Board of Governors of the Federal Reserve System, Stephen M. Lovette, 202-452-3622; Federal Deposit Insurance Corporation, Jesse G. Snyder, 202-389-4415; Federal Home Loan Bank Board, Edward Talbert, 202-377-6527; Office of the Comptroller of the Currency, Peggy L. Shriner, 202-447-1165.

SUPPLEMENTARY INFORMATION: The agencies represented on the Examination Council have reviewed the reporting requirements imposed on financial institutions under the above regulations. These regulations (except for those imposed by the National Credit Union Administration) were originally adopted pursuant to the Bank Protection Act (12 U.S.C. 1881-84). The agencies have determined that certain of these reporting requirements impose unnecessary reporting burdens upon the financial institutions. Accordingly, in keeping with the objective of removing regulations that are no longer justified, all the agencies except the National Credit Union Administration are deleting the requirement that the institution file a "Report of Crime" after the commission or the attempted commission of robberies, burglaries or nonbank employee larcenies. In its place the agencies are imposing the requirement that the victimized institution maintain an informal, internal record of each external crime and file all such records in the main office of the institution. These records will then be available for inspection upon examination of the institution.

The agencies unanimously agree that the Report of Crime can be eliminated with no appreciable detraction from the agencies' ability to supervise the institutions. Since the implementation of the Bank Protection Act regulations in 1969, information on external crimes has been collected by the agencies via the Reports of Crime. The purpose of requiring these reports was to collect data useful in deterring external crimes and to assist in the apprehension of perpetrators; however, the agencies believe that the value of the collected data in establishing methods to deter external crime and to apprehend perpetrators of these crimes has not been sufficient to justify continuing this reporting requirement. Moreover, information on such crimes maintained by the Federal Bureau of Investigation is available to the agencies.

By substituting the informal recordkeeping requirements for the requirement that institutions file a formal Report of Crime, the agencies will lessen an administrative burden on their respective institutions. The institution will simply maintain an informal record of each external crime, file all such records at the main office of the institution and make the records available upon the examination of the institution. It is contemplated that the records will be sufficient for the institution to respond to inquiries as to where, when and what type of crime was committed or attempted; the amount of loss, if any; and whether security measures were appropriate. These records may incorporate, for example, reports prepared by or for others. They will be used by the agency examiners to evaluate the effectiveness of the institution's security devices and procedures.

Regarding matters which may be considered "catastrophic," the agencies will request that the institution notify them by phone or mail of such occurrences; no forms are necessary for this purpose.

Because these amendments delete a reporting requirement and replace it by an informal recordkeeping process, their implementation will have no adverse effect upon banking institutions. To the extent that they will have an effect, the amendments will shorten the time required by bank officers to record the particulars of an external crime. The changes will have no effect on the competitive status of banking institutions. In this light, the agencies have concluded that a cost-benefit analysis (including a small-bank impact statement) regarding the changes is unnecessary. A Regulatory Flexibility analysis is unnecessary because the amendments will have no significant economic impact on small entities. Also, because the amendments lessen the reporting burden on banking institutions and do not mandate specified records, they are in furtherance of and in compliance with the Paperwork Reduction Act of 1980 without Office of Management and Budget clearance. Complete elimination of all recordkeeping requirements relative to external crimes is not feasible because records maintained by the Federal Bureau of Investigation are currently insufficient to pinpoint highly vulnerable individual banking offices in a timely and efficient manner.

Inasmuch as these amendments will benefit banking institutions by deleting reporting requirements and adoption of these amendments will not affect the public at large, the agencies have determined, in accordance with 5 U.S.C. 553, that public procedure requirements and delayed effectiveness are unnecessary and that good cause exists for waiver of the 30-day deferral of the amendments' effective date.

The notices of individual agency actions to amend their respective regulations follow.

Adoption of Amendments:

Office of the Comptroller of the Currency

12 CFR Part 21

12 CFR Part 21 is amended as follows:

V 46 / 193 OC 6 81 UMI

PART 21—MINIMUM SECURITY DEVICES AND PROCEDURES FOR NATIONAL AND DISTRICT BANKS

1. The authority citation for Part 21 is as follows:

Authority: 12 U.S.C. 1881–1884.

2. Section 21.5 is amended by changing its heading and by revising paragraph (c) to read as follows:

§ 21.5 Filing by banks of reports and maintenance of records

* * * * *

(c) *Records of external crime.* After a robbery, burglary or nonemployee larceny is committed or attempted at a banking office of a bank, the bank shall keep a record of the incident at its main office. The record may be a copy of a police, insurance or similar report of the incident. Alternatively, the bank may wish to develop its own record indicating the office at which the incident occurred, the type of crime, when the crime occurred and the amount of any loss; whether operational or mechanical deficiencies might have contributed to the crime; and what has been or will be done to correct any deficiencies.

Board of Governors of the Federal Reserve System

12 CFR Part 216

12 CFR Part 216 is amended as follows:

PART 216—MINIMUM SECURITY DEVICES AND PROCEDURES FOR FEDERAL RESERVE BANKS AND STATE MEMBER BANKS

1. The authority citation for Part 216 is as follows:

Authority: 12 U.S.C. 1881–1884.

2. Section 216.5 is amended by changing its heading and by revising paragraph (b) to read as follows:

§ 216.5 Reports and records.

* * * * *

(b) *Records of external crime.* After a robbery, burglary or nonemployee larceny is committed or attempted at a banking office of a State member bank, the bank shall keep a record of the incident at its main office. The record may be a copy of a police, insurance or similar report of the incident. Alternatively, the bank may wish to develop its own record indicating the office at which the incident occurred, the type of crime, when the crime occurred and the amount of any loss; whether operational or mechanical deficiencies might have contributed to the crime; and what has been or will be done to correct any deficiencies.

Federal Deposit Insurance Corporation

12 CFR Part 326

12 CFR Part 326 is amended as follows:

PART 326—MINIMUM SECURITY DEVICES AND PROCEDURES FOR INSURED NONMEMBER BANKS

1. The authority citation for Part 326 is as follows:

Authority: 12 U.S.C. 1881–1884.

2. Section 326.5 is amended by changing its heading and by revising paragraph (c) to read as follows:

§ 326.5 Reports and records.

* * * * *

(c) *Records of external crime.* After a robbery, burglary or nonemployee larceny is committed or attempted at a banking office of an insured State nonmember bank, the bank shall keep a record of the incident at its main office. The record may be a copy of a police, insurance or similar report of the incident. Alternatively, the bank may wish to develop its own record indicating the office at which the incident occurred, the type of crime, when the crime occurred and the amount of any loss; whether operational or mechanical deficiencies might have contributed to the crime; and what has been or will be done to correct any deficiencies.

Federal Home Loan Bank Board

12 CFR Part 563a

12 CFR Part 563a is amended as follows:

PART 563—OPERATIONS

1. The authority citation for Part 563a is as follows:

Authority: 12 U.S.C. 1881–1884.

2. Section 563a.5 is amended by changing its heading and revising paragraph (b) to read as follows:

§ 563a.5 Reports and records.

* * * * *

(b) *Records of external crime.* After a robbery, burglary or nonemployee larceny is committed or attempted at an office operated by an insured institution, the institution shall keep a record of the incident at its main office. The record may be a copy of a police, insurance or similar report of the incident. Alternatively, the institution may wish to develop its own record indicating the office at which the incident occurred, the type of crime, when the crime occurred and the amount of any loss; whether operational or mechanical deficiencies might have contributed to the crime; and what has been or will be done to correct the deficiencies.

Dated: September 18, 1981.

William W. Wiles,

Secretary, Board of Governors of the Federal Reserve System.

Dated: August 17, 1981.

Hoyle L. Robinson,

Executive Secretary, Federal Deposit Insurance Corporation.

Dated: September 18, 1981.

J. J. Finn,

Secretary to the Board, Federal Home Loan Bank Board.

Dated: September 17, 1981.

Charles E. Lord,

Acting Comptroller of the Currency, Office of the Comptroller of the Currency.

[FR Doc. 81-28989 Filed 10-5-81; 8:45 am]

BILLING CODE 6722-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 521 and 525

[No. 81-582]

Federal Home Loan Bank Advances

September 30, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board has raised the limit on total advances that Federal Home Loan Banks can make to individual member institutions. The change will increase the funds available to members.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Office of General Counsel ((202) 377-6457), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Under current regulations, aggregate advances by the Federal Home Loan Banks to member institutions may not exceed the lesser of: (1) The maximum amount for which the member can legally obligate itself; (2) 50 percent of net assets; or (3) 50 percent of the member's liability for shares and deposits. 12 CFR 525.1 (1980). The Board has determined to amend the regulation to make the limit on advances the same as that for borrowing by insured institutions; *i.e.*, the lesser of: (1) the amount by which the member can legally obligate itself; or (2) 50 percent of assets. The Board is also deleting the § 521.8 definition of "net assets" which becomes unnecessary with this amendment.

V46/193 OC 6 81 UMI

The change conforms § 525.1 with the limits on borrowing adopted by the Board in May of 1980. *See* 45 FR 36361 (May 30, 1980). The Board believes that the proposed change will enhance the ability of institutions to raise capital for home mortgages and ensure that the Federal Home Loan Banks remain a primary source of funds for the housing finance community.

Because there is a present need to increase funds available to members and because the amendments would reduce a regulatory burden, the Board has determined that the notice and public comment procedures of 5 U.S.C. 552(b) and 12 CFR 508.11 and the 30-day delayed effective date imposed by 5 U.S.C. 552(d) and 12 CFR 508.14 are unnecessary and not in the public interest and the amendments will therefore take effect as provided above.

Accordingly, the Board hereby amends Parts 521 and 525, Subchapter B, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 521—DEFINITIONS

§ 521.8 [Removed]

1. Remove § 521.8

PART 525—ADVANCES

2. Revise § 525.1 to read as follows:

§ 525.1 Limitations on advances.

A Bank shall not, unless the Board otherwise authorizes, make advances to any member in excess of the limits set forth in § 563.8(b) of this chapter.

(Section 17 of the Federal Home Loan Bank Act, as amended, 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp.))

J. J. Finn,
Secretary.

[FR Doc. 81-29047 Filed 10-5-81; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Part 524

[No. 81-583]

Payment of Interest on Member Deposits

September 30, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board amends the regulations for the Federal Home Loan Bank System to allow the payment of interest on demand deposits held by the Federal Home Loan Banks. The amendment will contribute to the acceptability of Federal Home Loan Bank processing programs and will allow member institutions to make their funds more productive.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: James C. Stewart ((202) 377-6457), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: By Resolution No. 81-389 (July 9, 1981), the Federal Home Loan Bank Board proposed to amend § 524.4(a) of the regulations for the Federal Home Loan Bank System (12 CFR 524.4(a)) to allow the direct payment of interest on demand deposits held by the Federal Home Loan Banks. *See* Payment of Interest on Member Deposits, 46 FR 37056 (July 17, 1981). The current version of § 524.4 allows the Federal Home Loan Banks to accept demand deposits but prohibits them from paying interest on these accounts.

The regulatory change was requested by a number of FHL Banks in order to enhance their ability to serve the thrift industry. Demand deposit accounts traditionally have been offered to member institutions to facilitate the payment of advances and the processing of negotiable instruments. Demand deposit programs will take on added importance as the Federal Home Loan Banks implement their authority to process and settle negotiable instruments. The ability to pay interest on these accounts will contribute to the acceptability of these new programs. Payment of interest will also allow member institutions to make their funds more productive.

The prohibition against the payment of interest on demand deposits is not dictated by statute. The Federal Home Loan Bank Act generally authorizes the Board to determine the conditions on which the Federal Home Loan Banks may accept deposits. 12 U.S.C.A. 1431(e)(1) (West Supp. 1981). The restriction imposed by § 524.4(a) is similar to limitations on commercial banks.

See Federal Reserve Act section 19, 12 U.S.C.A. 371a (West Supp. 1981). Even this prohibition, however, has been severely eroded with the recent authorization of automatic transfer systems and NOW accounts. *See* Consumer Checking Equity Act, title III, Pub. L. No. 96-221, 94 Stat. 145 (1980). Removal of the existing regulatory prohibition will better enable the Federal Home Loan Banks to carry out their statutory responsibilities and enhance their viability as depositories for thrift institutions.

Twenty-three comments were received in response to the proposal. Nineteen were submitted by savings and loan associations that are members of the Federal Home Loan Bank system. Comment letters were received from two savings and loan trade associations and a commercial bank trade association. One commercial bank commented on its own behalf.

The savings and loan respondents uniformly supported the proposed amendment, as did the savings and loan trade associations. Most of these commenters welcomed the opportunity to realize a return on their demand funds, and it was often suggested that Federal Home Loan Bank processing services would not be competitive unless the Banks could offset service costs in the same manner that commercial banks offer earnings credits to their correspondent customers.

The commercial bank commenter and the commercial bank trade association opposed the amendment, interpreting it to give the Federal Home Loan Banks an unfair advantage over commercial banks offering the same demand deposit services. The bank complained that it cannot pay interest on demand balances deposited by savings and loan associations and that it does not receive interest for money it deposits at its Federal Reserve Bank.

Board Response. The Board is not persuaded to alter the proposal by the objections expressed. The Board questions whether the amendment would upset any competitive balance between the Federal Home Loan Banks and commercial banks in offering services. Under the Board's pricing regulations, the Banks must take into account all indirect costs such as interest in setting fees for processing. 12 CFR 534. Since the final cost of services to members will be in line with the costs of similar services from commercial sources, the payment of interest on demand deposits does not create an unfair advantage. The proposed change primarily serves to lower the operating costs of the Federal Home Loan Banks.

It is true that the amendment will authorize payment of interest on demand balances not connected with processing. The Board, however, does not interpret this application of the rule as creating undue advantage. In order to obtain money for advances, the Federal Home Loan Banks must compete with other investments for available funds. The proposal merely removes one disincentive to leaving deposits at the Banks.

In light of the considerations discussed above, the Board has therefore decided to adopt the amendment as proposed. The Board has previously certified that the proposed rule will not have a significant economic impact on a substantial number of small entities and adheres to that finding.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 524, Subchapter B, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 524—OPERATIONS OF THE BANKS

Revise § 524.4 to read as follows:

§ 524.4 Deposits from members.

Banks may accept demand and time deposits from members, reserving the right to require notice of intention to withdraw any part of time deposits. Rates of interest paid on all deposits shall be set by the Bank's board of directors (or, between regular meetings thereof, by a committee of directors selected by the board) or by the Bank President, if so authorized by the board. Unless otherwise specified by the board, a Bank President may delegate to any officer or employee of the Bank any authority he possesses under this section.

Section 17 of the Federal Home Loan Bank Act, as amended, 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp))

J. J. Finn,

Secretary.

[FR Doc. 81-29046 Filed 10-5-81; 8:45 am]

BILLING CODE 6720-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Share, Share Draft and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration Board has increased the dividend ceiling on regular share and share draft accounts of 12%. The floor on the dividend ceiling for share certificates has also been increased to 12%. The Board has removed the dividend ceiling on IRA/Keogh accounts and permitted penalty free transfers from existing accounts into IRA/Keogh accounts. In addition, the Board has established a dividend ceiling on money market certificates of the higher of 25 basis points above the current 26 week Treasury bill rate or 25 basis points above an average of the rate on 26 week Treasury bills for the previous four weeks.

DATES: The increase in the dividend ceiling on regular shares and share drafts and the increase in the floor on the dividend ceiling for share certificates are effective October 1, 1981. The new ceiling on money market certificates and the deregulation of IRA/Keogh accounts are effective November 1, 1981.

ADDRESS: National Credit Union Administration, 1776 G St., NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dan Gordon, Senior Financial Economist, Office of Policy Analysis, or Robert Fenner, Deputy General Counsel, Office of General Counsel, at the above address or telephone (202) 357-1090 (Mr. Gordon) or (202) 357-1030 (Mr. Fenner).

SUPPLEMENTARY INFORMATION: At its June 29, 1981, meeting the National Credit Union Administration Board proposed changes in the regulations governing share and share certificate accounts. (46 FR 36862, July 16, 1981.) Among those changes the Board proposed to permit Federal credit unions to pay a dividend on regular share accounts of up to 12% and establish a dividend rate on money market certificates up to the higher of 25 basis points above the current 26 week Treasury bill rate or 25 basis points above an eight week moving average of the 26 week rate. At that time it also considered but deferred action on deregulation of IRA/Keogh accounts.

Summary of Comments

Comments on the proposal to increase the ceiling rate on regular shares and share drafts from 7% to 12% were received from thirty-six respondents. Most of the comments supported the proposal. In general, the commenters indicated that this revision would provide Federal credit union boards of directors greater flexibility in establishing the rates on regular share accounts. Some respondents indicated the revised regulation would enable some credit unions to retain and attract funds at lower costs by inducing individuals to hold regular share accounts rather than higher cost certificates. Other commenters, while supporting the change, suggested that NCUA remove all ceilings on these accounts.

The responses to the proposed rule to establish a dividend ceiling on money market certificates based upon the higher of 25 basis points above the current 26 week Treasury bill rate or 25 basis points above an eight week moving average of this rate were strongly favorable. The respondents indicated that this revision would improve the competitive relationship of share certificates to money market funds and should aid credit unions in retaining interest sensitive funds.

Fourteen comments were received on the proposal to deregulate IRA/Keogh accounts. Almost all supported the deregulation, indicating it would provide maximum flexibility for the credit union's board of directors to establish the appropriate terms on these accounts.

Discussion

The final rule, § 701.35(h)(1), increasing the dividend ceiling on regular share and share draft accounts to 12%, will provide Federal credit unions with the opportunity to induce interest sensitive funds from higher cost, but more restrictive, share certificates into regular accounts reducing the cost of funds. It may also encourage small savers to maintain their existing share accounts.

This increase in the dividend ceiling, however, should not be considered a directive by the National Credit Union Administration to Federal credit unions to increase the dividend on regular shares and share draft accounts. Federal credit unions considering this change should carefully analyze the effect of such a policy upon the credit union's net earnings. Some credit unions may not have sufficient net earnings to justify paying higher dividends on these accounts. Failure to use this authority responsibly may constitute an unsafe and unsound practice.

Under previous rules, Federal credit unions were permitted to pay the greater of 9½ or the average 2½ year yield for United States Treasury securities on share certificates. If the regulations had not been revised, credit unions would have been limited to 9½% on share certificates in the event the average 2½ year Treasury yield fell below 9½%, while authorized to pay 12% on regular shares. Therefore, to preserve symmetry in the regulations, the NCUA Board has revised the regulations to permit Federal credit unions to pay the greater of 12% or the average 2½ year yield for United States Treasury securities on share certificates. This change is reflected throughout § 701.35(h)(2).

The Board has also adopted a final rule (Section 701.35(h)(4)) which will permit credit unions to pay on money market certificates the greater of 25 basis points above the current auction rate on the 26-week Treasury bills or 25

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basis points above an average of the rate on 26 week Treasury bills for the previous four weeks. This action is consistent with recent actions of the Depository Institutions Deregulation Committee and will permit credit unions to be more competitive in periods of declining interest rates.

The Board has also removed all dividend ceilings and the 14 day minimum maturity on IRA/Keogh accounts (Section 701.35(h)(6)). Additionally, the NCUA Board has authorized Federal credit unions to permit transfers from existing accounts into these new accounts without penalty. This will provide credit unions the flexibility to design IRA/Keogh accounts which best meet their needs and the needs of their customers. Federal credit unions should note that in order to avoid treatment of an account as a "demand deposit" under Federal Reserve Regulation D (with attendant reserve requirements) the account should carry an original maturity or required notice period of at least 14 days, or the credit union should reserve the right to require at least 14 days written notice of intended withdrawal.

Regulatory Flexibility Act

The NCUA Board certifies that these rules will not have a significant economic impact on a substantial number of small credit unions because the rules will increase management flexibility and enhance their competitive position. Therefore, a regulatory flexibility analysis is not required pursuant to 5 U.S.C. 605(b).

Effective Date

The final rule increasing the dividend ceiling on regular shares and share drafts and increasing the floor on the dividend ceiling for share certificates are made effective in less than 30 days because it relieves a restriction, 5 U.S.C. 553(d)(1).

Accordingly, 12 CFR 701.35(h) is amended as set forth below.

Dated: September 30, 1981.

(12 U.S.C. 1757(6), 1766(a))

Rosemary Brady,
Secretary of the Board.

1. Section 701.35(h) is amended by revising paragraphs (1), (2), and (4) and by adding paragraph (6) as set forth below:

§ 701.35 [Amended]

* * * * *

(h) *Maximum Dividend Rate.*

* * * * *

(1) 12% on a share or share draft account.

(2) On a share certificate account, the following schedule shall apply:

(i) Effective October 1, 1981, the maximum dividend rate shall equal the greater of 12% or the average 2½ year yield for United States Treasury securities as most recently announced prior to the date of issuance of the certificate. Effective August 1, 1981, there shall be no dividend ceiling for share certificates with a qualifying period of 4 years or more;

(ii) Effective August 1, 1982, there shall be no dividend ceiling on share certificates with qualifying periods of 3 years or more. For share certificates with qualifying periods of less than 3 years, the maximum dividend rate shall equal the greater of 12% or the average 2 year yield for United States Treasury securities as most recently announced prior to the date of issuance of the certificate;

(iii) Effective August 1, 1983, there shall be no dividend ceiling on share certificates with qualifying period of 2 years or more. For share certificates with qualifying periods of less than 2 years, the maximum dividend rate shall equal the greater of 12% or the rate on 52 week United States Treasury bills as most recently announced prior to the date of issuance of the certificate;

(iv) Effective August 1, 1984, there shall be no dividend ceiling on share certificates with qualifying periods of 1 year or more. For share certificates with qualifying periods of less than 1 year, the maximum dividend rate shall equal the greater of 12% or the rate on 13 week United States Treasury bills as most recently announced prior to the date of issuance of the certificate;

(v) Effective August 1, 1985, there shall be no dividend ceiling on share certificates.

* * * * *

(4) To the extent that paragraph (h) (2) of this section would impose a lower maximum dividend rate, a Federal credit union may pay, on share certificates of $10,000 or more having a fixed term of 26 weeks or more, up to a rate equaling the higher of one quarter per cent above the rate on 26 week United States Treasury bills as most recently announced prior to the date of issuance of the certificate or one quarter percent above the average rate on 26 week Treasury bills over the four weeks prior to the date of issuance of the certificate. In the case of a rate determined pursuant this subsection, however, compounding of dividends is not permitted and the dividend rate may be rounded off only by rounding down.

* * * * *

(6) On an Individual Retirement Account or Keogh Plan share account or share certificate representing an investment of retirement funds pursuant to § 724.1, a rate determined by money market conditions. In the case of a share certificate, the maximum 14 day qualifying period limitation set forth in § 701.35(d)(1) does not apply. For the purpose of permitting members to transfer their funds to these accounts from other share certificates existing as of November 1, 1981, Federal credit unions may waive the mandatory penalty provision of subsection (e)(2).

[FR Doc. 81-28994 Filed 10-5-81; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371, 372, 376, 377 and 399

Elimination of Quantitative Limitations on Exports of Refined Petroleum Products

AGENCY: Office of Industrial Resource Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule removes quantitative restrictions on the export of all refined petroleum products. It has been determined that foreign demand will not have a serious inflationary impact on the domestic economy, and quantity limitations are no longer necessary to protect domestic supply from excessive drain of materials. Validated licensing requirements continue in effect for all refined petroleum products.

EFFECTIVE DATE: Effective date of action: October 2, 1981. (4 pm)

FOR FURTHER INFORMATION CONTACT: Robert F. Kan, Manager, Short Supply Program, Resource Assessment Division, Office of Industrial Resource Administration, U.S. Department of Commerce, P.O. Box 7138, Washington, D.C. 20044 (Telephone: 202-377-3795).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

In connection with various rulemaking requirements, the Department of Commerce has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. App. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose any new information collection burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* It is estimated that the elimination of quantitative restrictions on the export of refined petroleum products will result in a *decrease* of 2,250 reporting hours for affected exporting firms.

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation." As provided for in Section 8(b) of the Executive Order, an exemption to the requirement for the preparation of a Regulatory Impact Analysis was obtained from the Director, Office of Management and Budget on October 1, 1981.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

Background

On December 13, 1973 the Department announced (38 FR 34442) that validated export licenses would be required for the export of crude petroleum, gasoline, kerosene, jet fuel, distillate and residual fuel oils, butane, propane and natural gas liquids. That Notice also advised exporters that in order to be eligible to receive shares of the quotas to be established on commodities other than crude petroleum, statements of past participation in exports were to be submitted in a manner specified.

On January 23, 1974 (39 FR 3672, January 29, 1974) the Department expanded upon the procedures for issuing export licenses for quota and nonquota petroleum products and included carbon-black feedstock oil among the products subject to validated licensing. Since petroleum and petroleum products became subject to strict quantitative control, minimal changes have been made to the program; however, at all times exports of refined petroleum products continued to be authorized along historic lines to maintain normal relations with our trading partners. From the start of the program of controls, the export of crude oil was embargoed. Various refinements have been made to the Regulations over the years to reflect changes in the statutes, but these changes have not affected the embargo status of crude oil.

Restrictions on the exports of crude and refined petroleum products were renewed on a quarterly basis until July 1977 when the Department announced that controls would be maintained without quarterly renewals until specifically modified or rescinded.

Regulatory Changes

In line with the President's action on January 28, 1981 to lift the remaining price and allocation controls on crude oil, gasoline and propane, the Secretary of Commerce has adopted the recommendations of an interagency Task Force that quantitative export limitations on refined petroleum products are no longer warranted.

The consensus of the "Task Force on Export Control of Refined Petroleum Products" chaired by the Department of Commerce, and participated in by the Departments of State, Treasury, Labor and Energy, and the U.S. Special Trade Representative, is that the lifting of quantitative export restrictions on all refined petroleum products will be in the national interest. It was further determined that the domestic economy is no longer threatened by an excessive drain of scarce petroleum supplies and that foreign demand will not cause a serious inflationary impact on the economy. Furthermore, it has been determined that with an adequate supply of crude petroleum and U.S. refineries operating below normal capacity, U.S. consumers will benefit directly from the export of petroleum products because exports will permit U.S. refiners greater flexibility in product output. The task force also advised that it anticipates the potential export market generally would be limited to spot situations resulting in increased U.S. refinery efficiency.

Free trade will benefit the balance of payments, take advantage of transportation efficiencies and allow the U.S. to respond quickly to its potential international responsibilities.

Therefore, quantitative export restrictions are no longer required for the following refined petroleum products: Aviation gasoline, gasoline, jet fuel, keosene, distillate fuel oil, residual fuel oil, butane, propane, butane-propane mix, and naphthas. This relaxation of controls does not apply to other foreign policy or national security controls which may affect these products.

Validated license requirements on carbon-black feedstock and asphalt are being removed. Licensing of these products were originally imposed because of their possible energy end-use.

Carbon-black feedstock oil as a petrochemical feedstock in the manufacture of carbon black may now be exported under a general license, *G–NNR.* If this product is exported as residual fuel oil, the validated licensing requirement applies. Asphalt, which was placed under validated licensing control on April 1, 1977, to guarantee non-energy only exports, may now be exported using General License *G–NNR.* If, however, the product, either alone or blended, is to be exported for fuel usage, as residual fuel oil, it will require a validated export license prior to shipment.

On September 29, 1975, short supply controls were extended to cover manufactured gas and synthetic natural gas in view of a potential domestic natural gas shortage and the possibility of substitution for natural gas or liquefied petroleum gas or natural gas liquids. In view of the impracticability of this happening, and the availability of natural gas, artificial gases may now be exported using General License *G–NNR.*

As required by section 7(e) of the Export Administration Act of 1979, a validated export license will be required prior to the export of refined petroleum products. Requirements for the filing of applications for such licenses are listed below.

Licenses may be issued for shipments to all destinations with which the U.S. has normal trading relations. These changes have been made in recognition of the need to provide maximum flexibility to U.S. industry in re-entering the world petroleum product trade. Applications for 250,000 bbls or more of any refined petroleum product in any fiscal year will require Congressional review necessitating a 30-day delay in processing, as required by section 7(e) of the Act. Exporters will be notified upon making application if their request to export will be subject to the statutory 30-day.

As a result of these changes General License *G–PCC* is no longer necessary, and thus has been removed.

This rule does not alter the general restriction on the export of crude petroleum. This regulation simply restructures the existing regulatory language without substantive change and places in regulatory format the existing provisions of section 7(d) of the Export Administration Act of 1979 concerning Alaskan North Slope Crude Oil.

Exporters are advised that license applications will be reviewed on a case-by-case basis and will be acted upon

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favorably barring any overriding national interest considerations. Also, exporters are placed on notice that if there is an interruption in the international supply of crude oil or other action resulting in a drastic change in the U.S. or world petroleum supply situation, quantitative restrictions *may be* re-imposed.

Accordingly, the *Export Administration Regulations* (15 CFR Parts 368–399) are amended as follows:

PART 371—GENERAL LICENSES

1. Section 371.2(c)(10) is revised to read as follows:

§ 371.2 General Provisions.

* * * * *

(c) * * *

(10) The commodity is listed in a Supplement to Part 377 as being under short supply control, unless the export is authorized under the provisions of General Licenses *G–NNR, GLV, SHIP STORES, PLANE STORES, RCS, G–FTZ* or *GUS;*

* * * * *

§ 371.8 [Reserved]

2. Section 371.8 is removed and reserved.

3. Section 371.9(b) is revised to read as follows:

§ 371.9 General License SHIP STORES.

* * * * *

(b) *Restrictions on exports of petroleum and petroleum products.* Crude petroleum and blends of unrefined crude petroleum with petroleum products may not be exported under this general license. Export of any petroleum product listed in Supplement No. 3 to part 377 may be made under this general license provided the exporter, prior to the export of such commodity, has assembled documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(2), or it may consist of other documentation establising the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.13(e), and is put on notice that in appropriate cases, audits of exporters' files may be conducted to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377 that was made under General License *SHIP STORES.* Any petroleum commodity identified in Supplement No. 3 to Part 377 which does not meet the conditions for export under General License *SHIP STORES* may be exported only under a validated license issued pursuant to § 377.6(d)(3). Crude petroleum may be exported only under a validated license issued pursuant to § 377.6(d)(1).

4. Section 371.10(b)(2) is revised to read as follows:

§ 371.10 General License PLANE STORES.

* * * * *

(b)(1) *Restrictions on Petroleum and Petroleum Products for Use on Aircraft.* [Reserved]

(2) No export of any petroleum product listed in Supplement No. 3 to Part 377 may be made under this general license unless the exporter, prior to the export of such commodity, has assembled documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(2), or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.13(e), and is put on notice that in appropriate cases, audits of exporters' files may be conducted to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377, that was made under General License *PLANE STORES.*

5. Section 371.12(e) is revised to read as follows:

§ 371.12 General License RCS; Shipments to U.S. or Canadian Vessels, Planes and Airline Installations or Agents.

* * * * *

(e) *Restrictions on petroluem and petroleum products.* Crude petroleum and blends of unrefined crude petroleum with petroleum products may not be exported under this general license. Export of any petroleum product listed in Supplement No. 3 to Part 377 may be made under this general license provided the exporter, prior to the export of such commodity, has assembled documentary evidence establishing that the commodity was not produced or derived from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(2), or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.13(e), and is put on notice that in appropriate cases, audits of exporters' files may be conducted to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377, that was made under General License *RCS.* Any other petroleum commodity listed in Supplement No. 3 to Part 377, which does not meet the conditions for export under General License *RCS,* may be exported only under a validated license issued pursuant to § 377.6(d)(3). Crude petroleum may be exported only under a validated license issued pursuant to § 377.6(d)(1).

6. Section 371.13 is amended by adding a new paragraph (c) to read as follows:

§ 371.13 General License GUS; Shipments to Personnel and Agencies of the U.S. Government.

* * * * *

(c) *Petroleum exports.* The provisions of this § 371.13 do not apply to the products listed in Supplement No. 3 to Part 377 unless, in addition to meeting the other requirements of § 371.13, the exporter, prior to exporting such products, has assembled the documentary evidence described in § 371.16 establishing that the product was not derived from a Naval Petroleum Reserve. Crude petroleum may be exported only under a validated license issued pursuant to § 377.6(d)(1).

7. Section 371.16(b) is revised to read as follows:

§ 371.16 General License G–NNR; Shipments of Certain Non-Naval Reserve Petroleum Commodities.

* * * * *

(b) Prior to the export of a commodity under this General License *G–NNR,* the exporter must have assembled documentary evidence establishing that the commodity was not produced from a Naval Petroleum Reserve. Such documentary evidence may take the form of the affidavit prescribed in § 377.6(e)(2), or it may consist of other documentation establishing the factual data to be covered in such affidavit. The exporter shall retain such documentary evidence in his files for the period prescribed in § 387.13(e), and is put on notice that in appropriate cases, audits may be conducted of exporters' records to determine that such documentary evidence is available covering each export of a commodity listed in Supplement No. 3 to Part 377, that was made under General License *G–NNR.* Any commodity listed in Petroleum Commodity Group Q which does not meet the conditions for export under General License *G–NNR, GLV, SHIP STORES, PLANE STORES, RCS* or *GUS* may be exported only under a validated license issued pursuant to § 377.6(d)(3).

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

8. Section 372.9(d)(3) is revised to read as follows:

§ 372.9 Issuance of validated licenses.

* * * * *

(d) * * *

(3) *Special provisions.* If special provisions for any commodity include terms regarding the validity period of an individual export license, these will be found in Part 376.

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

9. Section 376.9(c)(5) is revised to read as follows:

§ 376.9 Ship stores, plane stores, supplies, and equipment.

* * * * *

(c) * * *

(5) *Additional information.* State the reasons why a general license is inapplicable to the proposed export unless the reasons are already indicated elsewhere on the application or on an attachment. If additional space is required, an attachment may be used. Also state the gross registered tonnage (GRT), type of main engines and rated horsepower, daily fuel consumption rate, total fuel capacity, and fuel supply on board, indicating specifically the number of days running supply from the port where additional supplies are requested. In the case of aircraft, state make and model. In addition, the affidavit required by § 377.6(e)(2) must accompany the application.

PART 377—SHORT SUPPLY CONTROLS AND MONITORING

10. Section 377.6 is revised to read as follows:

§ 377.6 Petroleum and petroleum products.

The following provisions supplement the regular requirements for submitting an export license application (see Part 372).

(a) *Consignee in country of ultimate destination.* Where shipments are contemplated to be made to consignees in more than one country, the phrase "Various—see attached list" shall be entered in Item 7 of Form ITA–622P (Rev. 7–81).

(b) [Reserved].

(c) [Reserved].

(d) *Issuance of export licenses.* Petroleum Commodity Groups, as identified in the following paragraphs, are defined in Supplement No. 2 to Part 377. Submit each application for a validated license to export a commodity from one of these groups to the Office of Export Administration, Attn: Short Supply Program, Resource Assessment Division, U.S. Department of Commerce, P.O. Box 7138, Washington, D.C. 20044. Include with each license application the documentation required by § 377.6(e). Applications will be considered subject to the appropriate provisions of this section.

(1) *Group A.* The export from the United States of crude petroleum and partly refined petroleum is permitted only as provided in this paragraph. Applications to export Group A commodities shall include evidence of an order as described in § 372.6, and the documentation described in § 377.6(e) (1) and (2). Different situations exist depending upon the source of the crude oil and the nature of the proposed export transaction. Applications will be approved if it is established to the satisfaction of the Department of Commerce that the export is consistent with the national interest and the purposes of the Energy Policy and Conservation Act *and one* of the following conditions is met:

(i) *Alaskan North Slope Crude.* Pursuant to section 7(d) of the Export Administration Act of 1979, Alaskan North Slope Crude Petroleum may be exported to an adjacent foreign country to be refined and consumed therein in exchange for the same quantity of crude oil being exported from that country to the U.S., provided:

(A) Such exchange will result, through convenience or increased efficiency of transportation, in lower prices for consumers of petroleum products in the U.S.;

(B) Within 3 months following the initiation of such exchange, the transaction results in (*1*) acquisition costs to the refiners which purchase the imported crude oil being lower than the acquisition costs such refiners would have to pay for the domestically produced oil in the absence of such an exchange, and (*2*) not less than 75 percent of such savings in costs must be reflected in wholesale and retail prices of products refined from such imported crude oil.

Note.—Paragraphs 377.6(d)(1) (ii) through (vii) below apply to all crude oil, including Alaskan North Slope Crude oil.

(ii) *Temporary exports.* The Group A commodity is being exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state, and shall re-enter the United States in the same form.

(iii) *Equivalent importation.* The export will result directly in the importation into the United States of an equal or greater quantity of that same commodity. This kind of transaction is carried out for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state.

(iv) *Naval Petroleum Reserve Origin.* The Group A commodity to be exported meets the following conditions:

(A) The commodity was produced from a Naval Petroleum Reserve;

(B) The commodity has not been and will not be transported by pipeline over a Federal right-of-way granted pursuant to Section 28(u) of the Mineral Leasing Act of 1920; *and*

(C) The President makes and publishes an express finding that the export—

(*1*) Will not diminish the total quantity or quality of petroleum available to the United States;

(*2*) Is in the national interest; *and*

(*3*) Is in accord with the Export Administration Act of 1979.

(v) *Transported over rights-of-way granted under the Mineral Leasing Act.* The Group A commodity has been or will be transported by pipeline over rights-of-way granted under Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), and the President—

(A) Makes and publishes an express finding that the export—

(*1*) Will not diminish *the total quantity or quality* of petroleum available to the United States;

(*2*) Will have a positive effect on consumer oil prices by decreasing the average crude oil acquisition costs of refiners;

(*3*) Will be made only under contracts that may be terminated if the petroleum supplies of the United States are interrupted or seriously threatened; and

(*4*) Is in the national interest and in accordance with the provisions of the Export Administration Act; *and*

(B) Reports the finding described in (A) above to the Congress as an energy action as defined in Section 551 of the Energy Policy and Conservation Act (42 U.S.C. 6421) and either—

(*1*) A 60-calendar day period during which both Houses of Congress are in continuous session, as defined in Section 551 of that Act, has elapsed and neither House has passed a resolution disapproving the findings; or

(*2*) Each House of Congress has passed a resolution approving such finding or affirmatively stating in

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substance, that such House does not object to such findings.

(vi) *Corresponding importation of the same commodity.* The Group A commodity was not produced from the Naval Petroleum Reserves and was not and will not be transported by pipeline over rights-of-way granted pursuant to Section 28(u) of the Mineral Leasing Act of 1920, and the export is part of an overall transaction which—

(A) Will result directly in the importation into the United States of an equal or greater quantity and an equal or better quality of the same commodity;

(B) Will have a positive effect on consumer oil prices by decreasing the average crude oil acquisition costs to refiners;

(C) Will take place only under contracts that may be terminated if the petroleum supplies of the United States are interrupted or seriously threatened;

(D) Will be in the national interest;

(E) Will be in accordance with the Export Administration Act and the purposes of the Energy Policy and Conservation Act;

(F) For compelling economic or technological reasons that are beyond the control of the applicant, the commodity cannot reasonably be processed within the United States; and

(G) The Group A commodity to be imported into the United States would not be available for import if the export had not taken place.

(vii) *Corresponding importation of refined commodities.* The Group A commodity was not produced from the Naval Petroleum Reserves, and was not and will not be transported by pipeline over rights-of-way granted under Section 28 of the Mineral Leasing Act of 1920, and will be exported as part of an overall transaction which—

(A) Will result directly in the importation into the United States of a quantity and quality from other Petroleum Commodity Groups that is not less than the quantity and quality of commodities that would be derived from the refining of the commodity for which an export license is sought;

(B) The commodities imported into the United States will be sold at prices no higher than the lowest price at which they could have been sold if the export had not taken place and the Group A commodities had been refined at the nearest U.S. refinery capable of processing it within a reasonable period of time; and

(C) For compelling economic or technological reasons that are beyond the control of the applicant, the Group A commodity cannot reasonably be processed within the United States.

(2) *Groups B, C, D, E, F, G, K, L, M and N.* An application for a validated license to export a commodity from Petroleum Commodity Groups B, C, D, E, F, G, K, L and M shall include evidence of an order as described in § 372.6 and the documentation described in § 377.6(e)(2). An application for a validated license to export a commodity from Petroleum Commodity Group N must be submitted with evidence of an order, as described in § 372.6, and the documentation required by § 377.6(e)(2) and (3). Applications will be considered on individual merits and be acted upon favorably barring any overriding national interest considerations.

(3) *Petroleum and petroleum products produced from the Naval Petroleum Reserves or which have been exchanged therefor.* (i) The export of those commodities listed in Supplement No. 3 to Part 377 which were produced or derived from the Naval Petroleum Reserves or which became available for export as a result of an exchange of a Naval Petroleum Reserves-produced or derived commodity, is prohibited pursuant to the provisions of 10 U.S.C. 7430(e) as provided in § 377.6(d)(1).

(ii) Applications for a validated license to export those commodities listed in Supplement No. 3 to Part 377 which were produced or derived from the Naval Petroleum Reserves, or which became available for export as a result of an exchange for a Naval Petroleum Reserves-produced or derived commodity, other than a commodity belonging to Petroleum Commodity Group A which is subject to the provisions of § 377.6(d)(1), will be considered under the provisions of this paragraph if submitted with evidence of an order, as described in § 372.6, and the supporting documentation described in § 377.6(e) (4) and (5). A validated license to export such a commodity may be issued only if it is demonstrated to the satisfaction of the Department of Commerce[1]:

(A) That the commodity will be exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, *or*

(B) That the commodity is being exported temporarily for convenience or increased efficiency of transportation across parts of an adjacent foreign state and will re-enter the United States, *or if*

(C) The President has made and published an express finding that such export will not diminish the total quality or quantity of petroleum available to the United States and that such export is in the national interest and is in accord with the Export Administration Act of 1979.

(e) *Documentation.* An application for a validated license to export petroleum and petroleum products must be submitted on Form ITA-622P, Application for Export License. The exporter *must submit* with the application, documentary evidence of an order as described in § 372.6(a) (1) and (2), and one or more to the following documents, as required by the appropriate paragraph of § 377.6(d).

(1) A sworn affidavit, signed by an authorized representative of the exporter, which demonstrates (in conjunction with such supporting evidence as may be required by the Department of Commerce) that the applicable criteria of § 377.6(d)(1) are satisfied;

(2) A sworn affidavit, signed by an authorized representative of the exporter, reading as follows (insert paragraph (a) or (b), as appropriate, and paragraphs (c) and (d)):

Affidavit

"I, (Name) ______, (Title) ______ of
(Company) ______ hereby certify that the
(Quantity) ______ bbls. of (Commodity)
______

(a) I propose to export from the United States were *not* nor will not be produced from a Naval Petroleum Reserve nor were they derived from any crude oil, gases of all kinds (including natural gas, hydrogen, carbon dioxide, helium, etc.), natural gasoline, and other related hydrocarbons (tar sands, asphalt, propane, butane, etc.) or oil shale produced from a Naval Petroleum Reserve.

OR

(b) I propose to export from the United States, if they are the product of a refinery or petrochemical plant utilizing as raw material any resource produced from a Naval Petroleum Reserve, the quantity of the products from that refinery or petrochemical plant which are to be exported, do *not* and will not exceed that portion of the total products of that refinery or petrochemical plant attributable to the non-Naval Petroleum Reserve raw materials used in that plant.

(c) The petroleum commodities that I propose to export did not become available for export as a result of an exchange for a Naval Petroleum Reserves-produced resource or a product(s) derived therefrom.

(d) To the extent that I do not have personal knowledge of the foregoing, I have addressed appropriate inquiries to the refiner or producer of the commodity(ies) to be exported, and have been assured by that person that these statements are correct.[1]

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[1] Natural gas and liquefied natural gas (L.N.G.), and synthetic natural gas commingled with natural gas require export authorization from the U.S. Department of Energy. See § 370.10(g).

The individual who made these representations to me is:

(Name) ———, (Title) ——— of (Company) ———, and he communicated these assurances to me on (Date) ——— (Signature) ———"

(3)(i) An end-use statement by the applicant in affidavit format indicating the name, location and type of business of the end-user, and the nature of the end-use; and

(ii) A published technical data sheet (unless one has previously been submitted) or independent inspector's certificate of analysis of the product to be exported which clearly indicates that the commodity is properly classifiable under Petroleum Commodity Group N.

(4) A sworn affidavit, signed by the exporter or his authorized representative, together with such supporting evidence as may be appropriate, setting forth either—

(i) The facts necessary to establish that the conditions prescribed in § 377.6(d)(3)(ii)(A) or (B) have been met; *or*

(ii) The reasons why the exporter believes that the President should be asked to make and publish an express finding that the proposed export will not diminish the total quantity or quality of petroleum available to the United States, and that such export is in the national interest and is in accordance with the Export Administration Act of 1979.

(5) If the Export Control Commodity Number preceding the commodity description in the Commodity Control List (Supplement No. 1 to § 399.1) is followed by the code letter "A," include the documentation required by Part 375 of these regulations for the country of ultimate destination.

(f) [Reserved].

(g) *Validity period.* A license issued pursuant to this § 377.6 is subject to the same validity period limitations as other individual validated licenses (see § 372.9 (d)).

(h) *Confidentiality.* Any documentation required from the exporter under this section will be treated as confidential information under Section 12(c) of the Export Administration Act of 1979.

(i) *Congressional Review.* Applications to export more than 250,000 barrels of any refined petroleum product to any destination in a single fiscal year will be subject to a 30-day processing delay. Applications *not* subject to this reporting requirement include:

(1) Foreign origin products which are in-transit through the United States, and have not been entered for consumption.

(2) Temporary exports where the product will move in-transit or to temporary storage outside the United States and will be returned to the U.S.

(3) Product exchanges in equal quantity for efficiencies of transportation.

(4) Processing of products (including fractionation) with all the products to be returned to the United States.

Supplement No. 2 to Part 377 [Amended]

11. Supplement No. 2 to Part 377 is amended as follows:

a. By revising the heading "Petroleum Products Subject to Validated Licensing and Historical Quotas" to read "Petroleum Products Subject to Validated Licensing in Accordance with § 377.6(d) (2) and (3).

b. By removing the heading "Petroleum Products Subject to Validated Licensing But Not Quotas."

c. By removing Petroleum Commodity Groups H, J, and R.

d. By removing Petroleum Commodity Groups N–1, N–2, and N–3, and inserting in lieu thereof the following:

GROUP N

431.0290	Naphthas, but excluding specialty naphthas which are packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container and which will be exported in such drums or containers.	Bbl.
475.3500		
475.6781		

e. By revising the heading prior to Petroleum Commodity Group Q to read "Petroleum Products Subject to Provisions of Either § 371.16 or § 377.6(d)(3)", and inserting 475.1505 above entry 475.1515 and inserting in numerical order by Schedule B Numbers, the following entries:

475.1505	Synthetic natural gas[5]	M Cu. Ft.
*	* * * * *	*
475.1570	Gas, manufactured	M Cu. Ft.
475.6710	Carbon black feedstock oil	[illegible]
511.2500	Petroleum asphalt	S. Ton.
521.1120	Paving mixtures, bituminous, based on asphalt and petroleum	$ Value.

[5] Natural gas and liquefied natural gas (L.N.G.), and synthetic natural gas commingled with natural gas, require export authorization from the U.S. Department of Energy. See § 370.10(g).

f. By removing the paragraphs entitled "Quantities", "Base Periods" and "Submission Dates" and that portion of Supplement No. 2 entitled "Quarterly Country Quotas".

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Supplement No. 1 to § 399.1 [Amended]

12. Entry No. 1702A of the Commodity Control List, Supplement No. 1 to § 399.1 is amended by revising the parenthetical sentences to read as follows:

* * * * * * *

1702A Hydraulic fluids........ Bbl .... PQSTVWYZ........ 500 MG........ 1

* * * * * * *

(See § 377.6(d)(3) and §§ 377.6(e) (4) and (5) for special documentation requirements. Also see § 371.5(d) for special provisions regarding shipments under General License *GLV*.)

* * * * * * *

(Secs. 5, 7, 13, 15, Export Administration Act of 1979, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*); sec. 103, Pub. L. 94–163 (42 U.S.C. 6212); sec. 101 Pub. L. 93–153 amending (30 U.S.C. 185); sec. 201 (10), Pub. L. 94–258, 90 Stat. 309, amending 10 U.S.C. 7430; E.O. 12214, (45 FR 29783, May 6, 1980); Department Organization Order 10–3, (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

Dated: September 30, 1981.

Bo Denysyk,

Deputy Assistant Secretary for Export Administration, International Trade Administration.

[FR Doc. 81–29043 Filed 10–5–81; 8:45 am]

BILLING CODE 3510–25–M

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[1] This information may be submitted immediately after the export has taken place, if not known at time of application.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240, 249

[Release No. 34-18101]

Rescission of Third Market Trading Reporting Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission today is rescinding a rule and related forms under the Securities Exchange Act of 1934 ("Act") which require broker-dealers making markets over-the-counter in exchange-listed securities ("third market making") to file notices of when third market making in a security is begun and ended, and require information on the extent of third market making. The Commission has determined that, in view of the availability of information on the third market from other sources, the rule and forms are unnecessary and overly burdensome. The Commission is also deleting reference to the rule from another Commission rule under the Act.

EFFECTIVE DATE: Effective October 6, 1981.

FOR FURTHER INFORMATION CONTACT: Robert Colby, 202-272-2888, Division of Market Regulation, Room 390, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Rule 17a-9 ("Rule") and related Forms X-17A-9 (1), (2) and (3) ("Forms") were adopted on November 4, 1964,[1] to provide the Commission with information about over-the-counter trading of exchange-listed securities ("third market trading"). The Rule requires broker-dealers to notify the Commission when they commence and cease third market making in a security. Third market makers are also required to report quarterly the extent of their over-the-counter trading in New York Stock Exchange, Inc. ("NYSE") listed common stocks as well as the extent of their exchange transactions in NYSE-listed common stocks in which they are third market makers. In addition, non-third market makers are required to report over-the-counter trades in NYSE-listed common stocks in which they functioned as the sole broker-dealer intermediary and which had a value of $25,000 or more.

Rule 17a-9 was adopted in 1964 at a time when little information on third market trading was available to the Commission. Since that time other more efficient methods of obtaining data on the third market have been developed. In particular, the NASD collects and submits to the Commission information on third market trading similar to that derived from Rule 17a-9 reports. This information is provided in the form of a computer tape which is easily reprocessed by the Commission's data processing facility, and use of this data has wholly superseded use of information obtained from reports pursuant to Rule 17a-9. However, Rule 17a-9 continues to require reports to be filed, imposing substantial burdens upon third market makers. In order to remove these unnecessary regulatory burdens the Commission has decided to rescind Rule 17a-9 and attendant Forms X-17A-9 (1), (2), and (3).

The Commission finds, in accordance with Section 4(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), that notice and opportunity for public comment are unnecessary because the rescission of the Rule relieves a reporting restriction on broker-dealers without impairing any protection to investors. Pursuant to Section 4(c) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Commission has determined to make the rescission effective immediately since it relieves restrictions that are currently imposed by Rule 17a-9 and Forms X-17A-9 (1), (2), and (3).[2]

Accordingly, the Commission is amending Chapter II of Title 17 of the Code of Federal Regulations by removing § 240.17a-9 and §§ 249.917 (1), (2), and (3). In addition, the Commission is amending § 240.10a-1(e)(12) to delete a reference to Form X-17A-9(1) from its definition of third market maker, and to conform this definition to the definition of third market maker used in Rule 11Ac1-1 under the Act.

Amendments

In accordance with the foregoing, 17 CFR Chapter II is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

§ 240.17a-9 [Removed]

1. By removing § 240.17a-9.

2. By revising paragraph (e)(12) of § 240.10a-1 to read as follows:

§ 240.10a-1 Short sales.

* * * * *

(e) * * *

(12) For the purposes of paragraph (e)(8) of this section, a depositary receipt of a security shall be deemed to be the same security as the security represented by such receipt. For the purposes of paragraphs (e) (3), (4) and (5) of this section, the term "third market maker" shall mean any broker or dealer who holds itself out as being willing to buy and sell a reported security for its own account on a regular and continuous basis otherwise than on an exchange in amounts of less than block size.

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

§§ 249.917(1), 249.917(2) and 249.917(3) [Removed]

1. By removing §§ 249.917(1), 249.917(2), and 249.917(3).

By the Commission.

George A. Fitzsimmons,
Secretary.

September 21, 1981.

[FR Doc. 81-29001 Filed 10-5-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. 76F-0096]

Food Additives Permitted in Feed and Drinking Water of Animals; Fermented Ammoniated Condensed Whey

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to reflect approval of a petition (MF-3655) filed by Calor Agriculture Research, Inc., for safe use of fermented ammoniated condensed whey as a liquid feed supplement for cattle.

DATES: Effective October 6, 1981; objections by November 5, 1981.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William D. Price, Bureau of Veterinary Medicine (HFV-123), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

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[1] Securities Exchange Act Release No. 7474 (November 4, 1964) 29 FR 16245.

[2] The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, is inapplicable to this rescission, since that Act is applicable only if a proposed action is subject to public notice and comment.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 25, 1980 (45 FR 78229), FDA announced that a food additive petition (MF-3655) had been filed by Calor Agriculture Research, Inc., 207 Fourth St., P.O. Box 190, Luxemburg, WI 54217, proposing that § 573.450 *Fermented ammoniated condensed whey* be amended to provide for the safe use of the additive in free-choice liquid feed supplements for cattle.

The agency evaluated the data in the petition and other relevant material and concluded that fermented ammoniated condensed whey is safe for use as a free-choice liquid feed supplement for cattle. The food additive regulations are amended accordingly.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(iv)) may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1, see 46 FR 26052; May 11, 1981)), Part 573 is amended in § 573.450 by revising paragraph (d) to read as follows:

§ 573.450 Fermented ammoniated condensed whey.

* * * * *

(d) *Limitations.* (1) Store in a closed vented tank equipped for agitation. Agitate 5 minutes before using. Do not store at temperature above 110° F (43° C).

(2) The maximum level of use of fermented ammoniated condensed whey and equivalent crude protein from all other added forms of nonprotein nitrogen shall not exceed 30 percent of the dietary crude protein.

(3) The additive may be used as follows:

(i) Mixed with grain, roughage, or grain and roughage prior to feeding.

(ii) As a component of free-choice liquid feeds, used to supplement the diets of cattle fed other sources of nutrients, fermented ammoniated condensed whey shall not exceed 80 percent of the free-choice liquid feed.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before November 5, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. October 6, 1981.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: September 29, 1981.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-28979 Filed 10-5-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 573

[Docket No. 81F-0145]

Food Additives Permitted in Feed and Drinking Water of Animals; Selenium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to reflect approval of a petition (FAP 2186) filed by the American Feed Manufacturers Association, Inc., providing for safe use of selenium as a nutrient in duck feeds at a level not to exceed 0.1 part per million in complete feeds.

DATES: Effective October 6, 1981; objections by November 5, 1981.

ADDRESS: Written objections to Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 15, 1981 (46 FR 26868), FDA announced that a food additive petition (FAP 2186) had been filed by the American Feed Manufacturers Association, Inc., 1701 N. Ft. Meyer Dr., Arlington, VA 22209, proposing that § 573.920 *Selenium* (21 CFR 573.920) be amended to provide for the safe use of 0.1 part per million selenium as a nutrient in complete duck feeds.

The agency evaluated the data in the petition and other relevant material and concluded that selenium is safe for use as a nutrient in duck feeds. The food additive regulations are amended accordingly.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(iv)) may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052, May 11, 1981)), Part 573 is amended in § 573.920 by adding new paragraph

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(b)(7) and revising paragraph (c)(1) to read as follows:

§ 573.920 Selenium.

* * * * *

(b) * * *

(7) Ducks: In complete feed (total ration) at a level not to exceed 0.1 part per million.

(c) * * *

(1) It shall be incorporated into each ton of the complete feed of chickens, swine, sheep, beef cattle, dairy cattle, and ducks by a premix containing no more than 90.8 milligrams of added selenium and weighing not less than 1 pound.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before November 5, 1981 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective October 6, 1981.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: September 29, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–28978 Filed 10–5–81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Approval of Supplements to the Indiana State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This notice approves various supplements to the Indiana State Plan including: Amendments to the Indiana Occupational Safety and Health Act; regulations for public sector coverage; rules of procedure for on-site consultation; regulations for inspections, safety orders, and proposed penalties; regulations for recording and reporting occupational injuries and illnesses; regulations for variances; rules of procedure for the Board of Safety Review; minimum qualifications for State safety and health compliance staff; and establishment of the State management information system. The above supplements were made available for public comment on December 23, 1977 (42 FR 64373). In addition, this notice approves plan changes addressing: inspector training; staffing requirements; operations manuals for the safety and health programs; and elimination of coverage of the longshoring and maritime issues.

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT: Dennis J. Lubow, Project Officer, Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523–6021.

SUPPLEMENTARY INFORMATION:

Background

Part 1953 of Title 29, Code of Federal Regulations provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On March 6, 1974, notice was published in the **Federal Register** (39 FR 8611) of approval of the Indiana Plan and the adoption of Subpart Z of 1952 containing the decision and describing the plan. On December 23, 1977, a notice was published in the **Federal Register** (42 FR 64373) inviting public comments on various supplements to the approved Indiana State plan. The Supplements were: The State's management information system; rules for on-site consultation; procedures for informal hearings with employers on safety orders (citations); rules of procedure for the Board of Safety Review; regulations for inspections, safety orders, and proposed penalties; regulations for recording and reporting occupational injuries and illnesses; regulations for variances; regulations for the public sector, and amendments to the enabling legislation. Subsequently, in response to Federal review, the State submitted further amendments and clarifications to these documents on May 12, 1981, May 18, 1981, June 15, 1981, August 7, 1981, August 26, 1981, and September 5, 1981. The State of Indiana submitted additional State-initiated and developmental change supplements addressing: inspector training; staffing requirements; operations manuals for the safety and health programs; and elimination of coverage of the longshoring and maritime issues.

Following regional review, the supplements were forwarded to the Assistant Secretary for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) for approval.

Description of Plan Supplements

1. *Amendments to the Indiana Occupational Safety and Health Act (IOSH Act) (I.C. 22–8–1.1).* In accordance with the requirements of 29 CFR 1952.323(a), the State amended its Act in 1975 to provide specific authority for an on-site consultation program. On December 6, 1976, the State of Indiana submitted an additional supplement to its plan amending the IOSH Act. These amendments (1) broadened the definition of the term "employment" to extend coverage to certain non-paid employees; (2) provided that the Commissioner of Labor or his designee may enter without delay to inspect places of employment; (3) required that an inspector consult with a reasonable number of employees where there is no authorized employee representative; (4) required the Commissioner to issue a notice of failure to correct a violation in cases where a previously cited standards violation has not been abated.

To address other concerns raised by OSHA at time of plan approval, the State offered the following assurances: That product standards would be adopted only if justified by compelling local conditions (on January 3, 1977, by letter from Carl Younts, Chairman of Indiana State Standards Commission);

that the Standards Commission may adopt the same standards as those promulgated by the Secretary of Labor as long as it follows the procedures in the State's Administrative Procedures Act (on November 30, 1976, by letter from David Kreider, Assistant Attorney General); that a request from the Commissioner of Labor to the Attorney General is sufficient authority for initiation of suits for collection of penalities; and that the designee has subpoena powers equivalent to that under the Federal program (on November 30, 1976, by letter from David Kreider, Assistant Attorney General). In addition, the State addressed the following areas by regulation: the State included a provision for interim orders in its temporary variance regulations, and provided for mandatory application of the civil monetary penalty provision for failure to post the State poster, safety orders and the annual injury/illness summary.

The IOSH Act was amended further in 1978. These amendments were made to conform the Act to the State's comprehensive criminal code of 1977. The State, by a letter dated August 7, 1981 (from James F. Schmidt, Deputy Attorney General) explained that a: Class B misdemeanor carries a penalty of up to $1,000 and six months imprisonment; that a Class C felony carries a penalty of up to $10,000 and up to five years imprisonment with an additional three years for aggravating circumstrances and a reduction of three years for mitigating circumstances; and that a Class D felony carries a penalty up to $10,000 and up to two years imprisonment with an additional two years for aggravating circumstances. In addition, the letter clarified that a Class B misdemeanor is being applied to false statements, and that a Class C or D felony or Class A or B misdemeanor is applied when there is a criminal violation resulting in death depending on the circumstances surrounding the violation.

2. *Refresher Course for Inspectors.* In accordance with the requirements of 29 CFR 1952.323(b), on May 19, 1975 and May 4, 1981, the State submitted documentation outlining the training (including referesher courses) undertaken by the Indiana safety and health compliance officers and supervisors.

3. *Staffing Requirements.* In accordance with the requirement of 29 CFR 1952.323(c), on May 4, 1981, the State of Indiana submitted documentation as to its current staffing allocation of 70 safety and 14 health compliance officers. In light of current budgetary constraints and the available supply of trained professionals, these numbers substantially conform with the requirements of this developmental step.

4. *Public Employee Program.* In accordance with the requirements of 29 CFR 1952.323(d), the State of Indiana submitted by letter dated August 25, 1975, from William H. Lanam to Thomas E. Levenhagen a supplement providing for an occupational safety and health program for public employees. In addition, the State submitted regulations, effective April 11, 1977, for administration and enforcement of standards for public employees. The program included provisions for State agencies and political subdivisions to establish self-inspection programs subject to the approval of the Commissioner of Labor. In addition, no monetary penalties were to be assessed in the public sector. In response to OSHA's concerns over the self-inspection program, the State chose to revise its public employee program to modify and limit the self-inspection concept. Under IOSHA's revised program, all the private sector rules and regulations will be applied to all public employers, except in those State and local government agencies where a full-time professional Safety Director is employed. In those agencies, the Safety Director will investigate complaints, conduct general scheduled inspections, and perform follow-up visits to ensure abatement of hazards identified during the other inspections. In addition, the State will conduct general schedule inspections, perform monitoring visits to ensure compliance with the program, and investigatge fatalities and catastrophes. Also, if an employee is dissatisfied with the agency Safety Director's handling of a complaint, the State will investigate and conduct an inspection if appropriate.

The State submitted documentation on August 7, 1981 and September 5, 1981 showing that it has revised its public sector rules and regulations (610 IAC 4–2) to make clear that the statute and all promulgated standards, rules and regulations are applicable to Public Sector as well as Private Sector employers. In addition to the limited self-inspection program, the public sector program differs from the private sector program in that no monetary penalties will be assessed in the public sector, and that where a public employer has not complied with an abatement order, enforcement will be sought administratively with the ultimate potential for injunctive action. The State also revised its regulations to include special recordkeeping and reporting procedures for the public sector.

5. *On-Site Consultation Rules (610 IAC.4–1).* In accordance with the requirements of 29 CFR 1952.323(e), the designee promulgated rules on March 7, 1975, providing for on-site consultation to employers upon request. After review by OSHA, the State on September 5, 1981, amended the rules to: ensure that enforcement personnel are not used to perform consultation visits; provide that where an employer does not immediately abate an imminent danger situation it will be referred to enforcement for injunctive action; establish procedures for ensuring that all violations discovered during a consultation visit are abated, with follow-up visits on serious violations and referral for enforcement action if unabated; ensure that an on-site consultation visit does not take place after an IOSHA inspection, until the contest period is over or until any contested citations have become final orders; give first priority to small employers and high hazard industries; and clarify the extent of employees participation.

6. *Compliance Manuals.* By a letter dated August 7, 1975, the State of Indiana submitted a supplement to its plan containing the State's compliance operations manual. The State resubmitted a revised compliance manual in 1978 and again on June 4, 1980. The revised 1980 Manual reflects the Federal Field Operations Manual guidelines in effect in 1980. The State formally notified OSHA that it has adopted the revised 1979 Federal Industrial Hygiene Field Operations Manual (IHFOM) on May 4, 1981, for use by its industrial hygiene staff. The State submitted a revised IHFOM on July 15, 1981, which is identical to the Federal except for references to Indiana State officials and procedures.

7. *Regulations for Inspections, Safety Orders and Proposed Penalties.* The State adopted regulations on January 18, 1977, with amendments on July 29, 1977, for Inspections, Safety Orders and Proposed Penalties (610 IAC 4–3). These regulations parallel the Federal regulations at 29 CFR Part 1903. In addition, the State promulgated rules for conducting informal hearings on June 25, 1976. Upon review by OSHA, a number of problems were identified. Those problems dealt with: the State's authority to seek ex parte warrants and to obtain warrants prior to a denial of entry; the specific time frames for handling complaints, proposing penalties, and the conduct of informal

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hearings as part of the State's unique two-tier contest procedure.

More specifically, it was determined that the regulations did not afford employees the opportunity or encourage them to participate in informal hearings, but rather left employee participation to the discretion of the Commissioner of Labor. In response to OSHA's concerns, the State repealed its rules of procedure for conducting informal hearings, and amended its § 1903.19 regulation to reflect the corresponding Federal regulation. The State has assured OSHA, by a letter dated May 18, 1981, that it will encourage employee representation at all informal hearings.

On May 12, 1981, the State submitted a revised § 1903.4 regulation setting out its authority to seek ex parte warrants and to obtain warrants prior to a denial of entry. On September 5, 1981, the State promulgated a revised § 1903.12 regulation, setting out the time frame for handling complaints, a revised § 1903.15 regulation, setting out the time frame for the holding of informal conferences, and clarifying the two-tier contest procedure as follow: an employer or employee may file a notice of contest within 15 days from receipt of the citation and on notice of penalty being contested. Upon receipt of a notice of contest, the Commissioner of Labor has five days in which to affirm, modify, alter, or dismiss the safety order, penalty, or notice of failure to correct violation. An informal conference or hearing may be held during this five day period. An employer or employee may elect to file a further contest within 15 days of the Commissioner's issuance of an order modifying, affirming, altering of dismissing the safety order, penalty, or notice. The Commissioner then certifies the dispute to the Review Board.

8. *Regulations for Recording and Reporting Occupational Injuries and Illnesses.* On April 7, 1972, the State adopted regulations (private and public sector) for Recording and Reporting Occupational Injuries and Illnesses. On January 18, 1977, the State promulgated new regulations for the private sector (610 IAC 4-4) that paralleled the Federal 29 CFR Part 1904. Upon review by OSHA, it was determined that the regulation did not include provisions for worker access to records. On September 10, 1979, the State promulgated revised private sector regulations which did include these provisions and other appropriate modifications to reflect Federal changes. On January 18, 1977, the State promulgated new public sector recording and reporting regulations (610 IAC 4-2). On June 15, 1981, the State submitted revised regulations which included a provision for public employee access to the log of occupational injuries and illness as well as other appropriate modifications. This regulation was promulgated on September 5, 1981.

9. *Rules of Practice for Variances, Limitations, Variations, Tolerances and Exemptions Under IC 22-8-1.1.* By a letter dated December 17, 1976, the State submitted the Rules of Practice for Variances, Limitations, Variations, Tolerances, and Exemptions (620 IAC 1-2) (parallel to Federal 29 CFR Part 1905). These regulations were amended June 3, 1977. Upon review by OSHA, a number of problems were found. Those problems dealt with review of temporary variances, action on applications, and multi-State variances.

On September 5, 1981, the State promulgated revised regulations incorporating the following changes: A new paragraph was added to § 1905.11 addressing renewal of temporary variances, § 1905.12 regarding notice of denial of an application was modified to parallel its Federal counterpart; and a provision was added to §§ 1905.8, 1905.9, and 1905.11 setting forth the procedures to be followed for multi-state variances and establishing that any Federal action taken with regard to a variance with multi-state applicability will be deemed an authoritative interpretation of an employer's compliance responsibilities in the State.

10. *Board of Safety Review.* On September 19, 1976, Indiana adopted Rules of Procedures for the Board of Safety Review (615 IAC 1-1), which were subsequently amended on September 5, 1981. Among other things, these amendments address the Board's authority to hear PMA's, the procedure for handling PMA's, the two-step contest procedure, posting and service requirements for notices of contest and of hearing, and definitions of parties and intervenors.

11. *Deletion of Maritime, Longshoring Coverage.* By letter dated June 9, 1981, the State indicated that it will no longer cover maritime issues under its plan. On September 5, 1981, the State submitted a replacement page to its plan setting out the fact that it will not enforce Federal longshoring (29 CFR Part 1918), shipbreaking (29 CFR Part 1917), shipbuilding (29 CFR Part 1916), or ship repairing (29 CFR Part 1915) standards and that jurisdiction over all on-shore and off-shore maritime and longshoring activities will remain a Federal responsibility.

12. *Management Information System.* By letter dated April 2, 1976, the State of Indiana submitted a supplement concerning its management information system. Since May 20, 1974, the system has been accumulating IOSHA inspection and violation data. The system is fully operational and automated.

Location of the Plan and its Supplements for Inspection and Copying

A copy of the State's plan and the supplements may be inspected and copied during normal business hours at the following locations: Directorate of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N-3613, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3263, 230 South Dearborn Street, Chicago, Ill. 60604; Indiana Division of Labor, 1013 State Office Building, Indianapolis, Ind., 46204.

Public Participation

On December 23, 1977, the Assistant Secretary sought public comment on the following supplements: The State's management information system; rules for on-site consultation; procedures for informal hearings with employers on safety orders (citations); rules of procedure for the Board of Safety Review; minimum qualifications for State safety and health compliance staff; regulations for inspections, safety orders, and proposed penalties; regulations for recording and reporting occupational injuries and illnesses; regulations for variances, limitations, variations, tolerances and exemptions; regulations for the public sector, and amendments to the enabling legislation.

The AFL-CIO submitted comments in response to the December 23, 1977 **Federal Register** notice addressing the State regulations for on-site consultation, procedures for informal hearings, minimum qualifications for IOSHA inspectors, regulations for variances, limitations, variations and exemptions, and amendments to the enabling legislation.

More specifically, the AFL-CIO faulted the Indiana on-site consultation program for failing to contain provisions set out in 29 CFR Part 1908 (7(c)(1) on-site consultation agreements) for the conduct of a consultative visit. In addition, the AFL-CIO faulted the program for prohibiting employees from participating in the consultation process unless their participation was requested by the employer. However, upon review of the State's consultation regulations, the Assistant Secretary finds that the State's revised regulations conform to the current on-site consultation requirements for State plan States. In addition, the State has amended its consultation regulations to allow for a greater degree of employee participation.

The AFL-CIO criticized the State's informal hearing procedures for their failure to include employee participation. The State has amended its § 1903.19 regulation to parallel the Federal requirement for employee participation. In addition, in response to CPL 2.23a, the State has indicated its intent to encourage employee participation in informal conferences.

The AFL-CIO was concerned that Indiana was unable to attract qualified industrial hygienists. However, the State is currently staffed at 93% (13 of 14) of its allocated level for industrial hygienists.

With regard to temporary variances, the AFL-CIO commented that the State had not adopted the 180 day limitation for renewal of temporary variances that is set out in the Federal Act. The Assistant Secretary has found that due to the limited duration of temporary variances and the fact that they are seldom requested, that the State's different time frame does not adversely impact on the effectiveness of the State program.

Upon review of documentation submitted by the State addressing these areas, the Assistant Secretary finds that the issues raised by the AFL-CIO have been adequately addressed by the State and are in accord with existing Federal policy.

In addition to the supplements put out for public comment, the State of Indiana submitted State-initiated and developmental change supplements addressing: inspector training; staffing requirements; operations manuals for the safety and health programs; and elimination of coverage of the longshoring and maritime issues. Under 29 CFR 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that these plan supplements are consistent with commitments contained in the approved plan and supplements which were previously put out for public comment and accordingly that further notice and public comment is not necessary.

Decision

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

After careful consideration, the Indiana plan supplements outlined above are approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, 29 CFR 1952.324 is amended to reflect the completion of developmental steps by adding paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m) to the list of completed developmental steps as follows:

§ 1952.324 Completed developmental steps.

* * * * *

(b) In accordance with 29 CFR 1952.323(a), Indiana amended the Indiana Occupational Safety and Health Act (I.C. 22-8-1.1) in 1975, 1977, and 1978. These amendments were approved by the Assistant Secretary on September 24, 1981.

(c) In accordance with 29 CFR 1952.323(b), Indiana submitted documentation outlining training and refresher courses for its compliance staff on May 19, 1975 and May 4, 1981. This supplement was approved by the Assistant Secretary on September 24, 1981.

(d) In accordace with 29 CFR 1952.323(c), Indiana submitted documentation on May 4, 1981, showing that it has substantially met its compliance staffing commitments by providing for 14 health and 70 safety compliance officers. This supplement was approved by the Assistant Secretary on September 24, 1981.

(e) In accordance with 29 CFR 1952.323(d), Indiana developed an occupational safety and health program for public employees on August 25, 1975, and resubmitted a revised program with implementing regulations on September 5, 1981. These were approved by the Assistant Secretary on September 24, 1981.

(f) In accordance with 29 CFR 1952.323(e), Indiana promulgated rules for on-site consultation on March 7, 1975, which were amended on September 5, 1981. These regulations were approved by the Assistant Secretary on September 24, 1981.

(g) Indiana submitted its compliance operations manual on August 7, 1975, which was subsequently revised in 1978 and again on June 4, 1980. The State submitted a revised Industrial Hygiene manual on July 15, 1981. These manuals, which reflect changes in the Federal program through 1980 were approved by the Assistant Secretary on September 24, 1981.

(h) Indiana promulgated regulations for inspections, safety orders, and proposed penalties parallel to 29 CFR Part 1903 on January 18, 1977 with amendments dated July 29, 1977 and September 5, 1981. These regulations were approved by the Assistant Secretary on September 24, 1981.

(i) Indiana promulgated regulations for recordkeeping and reporting of occupational injuries and illnesses parallel to 29 CFR Part 1904 on January 18, 1977, which were amended on September 10, 1979. The State also revised its recordkeeping and reporting provisions for the public sector on September 5, 1981. These regulations were approved by the Assistant Secretary on September 24, 1981.

(j) Indiana promulgated rules for variances, limitations, variations, tolerances, and exemptions, parallel to 29 CFR Part 1905 on December 17, 1976, which were revised June 3, 1977 and September 5, 1981. These regulations were approved by the Assistant Secretary on September 24, 1981.

(k) Indiana adopted rules of procedure for the Board of Safety Review on September 19, 1976, which were subsequently amended on September 5, 1981. These regulations were approved by the Assistant Secretary on September 24, 1981.

(l) Indiana deleted coverage of the maritime and longshoring issues from its plan on June 9, 1981. This supplement was approved by the Assistant Secretary on September 24, 1981.

(m) Indiana submitted documentation on establishment of its Management Information System on May 20, 1974. This supplement was approved by the Assistant Secretary on September 24, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 667))

Signed at Indianapolis, Indiana this 24th day of September 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-29093 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Part 1952

Certification of Completion of Development Steps for Indiana State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: Indiana, on or before February 25, 1977, submitted documentation attesting to the completion of all structural, developmental aspects of its approved State plan. After extensive review and opportunity for State correction, all

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developmental plan supplements have now been approved. This notice certifies this completion and the beginning of the final evaluation phase of State plan development. This certification attests only to the fact that Indiana now has in place those structural components necessary for an effective program. It does not render judgment, either positively or negatively, on the adequacy of the State's actual performance. In addition, although State plan commitments on staffing and resources have been met, these initial commitments may not be interpreted as meeting the ultimate requirements of the Occupational Safety and Health Act of 1970 for "sufficient staff" as redefined by the U.S. Court of Appeals decision in "AFL-CIO v. Marshall", 570 F. 2d 1030 (1978).

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT: Dennis J. Lebow, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N-3613, Washington, D.C. 20210, (202) 523-6021.

SUPPLEMENTARY INFORMATION:

Background

Section 18 of the Occupational Safety and Health Act of 1970 (the "Act", 29 U.S.C. 667) provides that States which desire to assume responsibility for the development and enforcement of occupational safety and health standards shall submit for Federal approval a State plan for such development and enforcement. Part 1902 of Title 29, Code of Federal Regulations, sets forth procedures under which the Assistant Secretary of Labor for Occupational Safety and Health ("Assistant Secretary") shall approve such plans. Under the Act and regulations, plan approval is essentially a two-step procedure. First, a State must submit its plan for an initial determination under section 18(b) of the Act. If the Assistant Secretary, after reviewing the State's submission, determines that the plan satisfies or will satisfy within a maximum of a three year developmental period the criteria set forth in section 18(c) of the Act, a decision of "initial approval" is issued and the State may begin enforcement of its safety and health standards in accordance with the plan and with the maintenance of concurrent enforcement authority by the Occupational Safety and Health Administration (OSHA).

A State plan may receive initial approval even though at the time of submission not all essential components of the plan are in place. As provided at 29 CFR 1902.2(b), the Assistant Secretary may initially approve the submission as a "developmental plan," and a schedule within which the State must complete specified "developmental steps" is issued as part of the initial approval decision.

When the Assistant Secretary finds that the State has completed all developmental steps specified in the initial approval decision, a notice of such completion is published in the Federal Register (see 29 CFR 1902.34 and 1902.35). Certification of completion of developmental steps initiates a thorough evaluation of the State plan by the Assistant Secretary to determine, on the basis of actual operations, whether the plan adequately provides safety and health protection to the employees in the State. Certification does not render judgment as to the adequacy of State performance.

The second step of the approval process is final approval of the plan under section 18(e) of the Act and 29 CFR Part 1902. Final approval may not be granted until at least three years after initial approval and until one year after certification of completion of developmental steps. Thereafter, when the Assistant Secretary determines on the basis of actual performance under the plan that the Act's criteria are being met, a decision of final approval may be granted. This decision is based on a thorough evaluation of the State plan under section 18(e) of the Act and reflects a determination that on the basis of actual operations, the plan adequately protects the safety and health of the State's workers. In making this evaluation under section 18(e), the Assistant Secretary must monitor the continuing development of the State program applying criteria which assure that the State will have an at least as effective program for achieving the goals of the Act, except with respect to staffing and funding levels, which must reflect a fully effective program pursuant to "AFL-CIO v. Marshall", 570 F. 2d 1030 (1978).

On March 6, 1974, a notice was published in the Federal Register (39 FR 8611) initially approving the developmental Indiana plan and adopting Subpart Z of Part 1952 containing the decision, a description of the plan and the developmental schedule. During the three year period ending February 25, 1977, following commencement of State operations, the Commissioner of the Indiana Division of Labor submitted documentation attesting to the completion of each State developmental commitment for review and approval as provided in 29 CFR Part 1953. Following Agency review, opportunity for public comment and subsequent modification of the State's submissions in response to Federal comment, the Assistant Secretary has approved the completion of all individual Indiana developmental steps.

Completion of Developmental Steps

All developmental steps specified in the March 6, 1974 notice of initial approval have been completed as follows:

(a) In accordance with the requirements of 29 CFR 1952.10, the Indiana poster was approved by the Assistant Secretary on March 2, 1976. (41 FR 10063, March 9, 1976)

(b) In accordance with 29 CFR 1952.323(a), Indiana amended the IOSH Act in 1975, 1977, and 1978. These amendments were approved by the Assistant Secretary on September 24, 1981, as set out elsewhere in this issue.

(c) In accordance with 29 CFR 1952.323(b), Indiana submitted documentation outlining training and refresher courses for its compliance staff on May 19, 1975 and May 4, 1981. This supplement was approved by the Assistant Secretary on September 24, 1981, as set out elsewhere in this issue.

(d) In accordance with 29 CFR 1952.323(c), Indiana submitted documentation on May 4, 1981, showing that it has substantially met its compliance staffing commitments by providing for 14 health and 70 safety compliance officers. This supplement was approved by the Assistant Secretary on September 24, 1981, as set out elsewhere in this issue.

(e) In accordance with 29 CFR 1952.323(d), Indiana developed an occupational safety and health program for public employees on August 25, 1975, and resubmitted a new program with implementing regulations on September 5, 1981. These regulations were approved by the Assistant Secretary on September 24, 1981, as set out elsewhere in this issue.

(f) In accordance with 29 CFR 1952.323(e), Indiana promulgated rules for on-site consultation on March 7, 1975, which were amended on September 5, 1981. These regulations were approved by the Assistant Secretary on September 24, 1981, as set out elsewhere in this issue.

(g) Indiana submitted its compliance operations manual on August 7, 1975, which was subsequently revised in 1978 and again on June 4, 1980. The State submitted a revised Industrial Hygiene manual on July 15, 1981. These manuals which reflect changes made in the Federal program through 1980 were approved by the Assistant Secretary on September 24, 1981 as set out elsewhere in this issue.

(h) Indiana promulgated regulations for inspections, safety orders and proposed penalties parallel to 29 CFR Part 1903 on January 18, 1977, with amendments dated July 29, 1977 and September 5, 1981. Theses regulations were approved by the Assistant Secretary on September 24, 1981, as set out elsewhere in this issue.

(i) Indiana promulgated regulations for recordkeeping and reporting of occupational injuries and illnesses parallel to 29 CFR Part 1904 on January 18, 1977, which were amended on September 10, 1979. The State also revised its recordkeeping and reporting provisions for the public sector on September 5, 1981. These regulations were approved by the Assistant Secretary on September 24, 1981, as set out elsewhere in this issue.

(j) Indiana promulgated rules for variances, limitations, variations, tolerances, and exemptions, parallel to 29 CFR Part 1905, on December 17, 1976, which were revised June 3, 1977 and September 5, 1981. These regulations were approved by the Assistant Secretary on September 24, 1981, as set out elsewhere in this issue.

(k) Indiana adopted rules of procedure for the Board of Safety Review on September 19, 1976, which were subsequently amended on September 5, 1981. These regulations were approved by the Assistant Secretary on September 24, 1981, as set out elsewhere in this issue.

(l) Indiana deleted coverage of the maritime and longshoring issues from its plan on June 9, 1981. This supplement was approved by the Assistant Secretary on September 24, 1981, as set out elsewhere in this issue.

(m) Indiana submitted documentation on completion of its Management Information System on May 20, 1974. This supplement was approved by the Assistant Secretary on September 24, 1981, as set out elsewhere in this issue.

(n) Indiana occupational safety and health standards identical to Federal standards have been promulgated, subsequently amended to reflect changes in and additions to Federal standards, and approved by the Regional Administrator on April 6, 1974 (39 FR 8611), December 10, 1976 (41 FR 54038), March 25, 1977 (42 FR 16197), February 7, 1978 (43 FR 5083), April 6, 1979 (44 FR 20812), and August 21, 1981 (46 FR 42545).

(o) The personnel operations of the Indiana Division of Labor and the servicing merit system were reviewed by the United States Office of Personnel Management on January 23, 1981 and found to be acceptable. In addition, an Indiana Department of Labor affirmative action plan to promote equal employment opportunity dated May 1, 1979 has been reviewed by the U.S. Office of Personnel Management and OSHA has judged it to be acceptable.

This certification covers all occupational safety and health issues covered under the Federal program except for longshoring and maritime standards found in 29 CFR Parts 1915, 1916, 1917 and 1918 (longshoring, ship repairing, shipbuilding, and ship breaking), which are excluded from coverage under the plan. This certification also covers the State's program covering State and local government employees.

Location of the Plan and Its Supplements for Inspection and Copying

Copies of the supplements, along with the approved plan, may be inspected and copied during normal busines hours at the following locations:

Office of the Director of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N-3613, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210

Office of the Regional Administrator, Occupational Safety and Health Administration, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

Indiana Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204

Effect of Certification

The Indiana plan is certified effective October 6, 1981 as having completed all developmental steps on or before February 25, 1977. This certification attests to structural completion, but does not render judgment on adequacy of performance.

The Indiana occupational health and safety program will be monitored and evaluated for a period of not less than one year after publication of this certification to determine whether the State program in operation provides for an effective program.

Level of Federal Enforcement

In accordance with 29 CFR 1902.35, Federal enforcement authority under sections 5(a)(2), 8, 9, 10, 13 and 17 of the Act (29 U.S.C. 654(a)(2), 657, 658, 659, 662, and 666) and Federal standards authority under section 6 of the Act (29 U.S.C. 655) will not be relinquished during the evaluation period. This authority is currently exercised on a limited basis only. The exercise of this authority will be reevaluated by the Assistant Secretary from time to time.

However, Federal OSHA will enforce all maritime standards including 29 CFR Parts 1915 through 1918, as they relate to jurisdiction over all on-shore and off-shore maritime and longshoring activity in the State of Indiana.

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

In accordance with this certification, 29 CFR 1952.324 is hereby amended to reflect the successful completion of the developmental period by changing the title of the section and by adding a paragraph (n) as follows:

§ 1952.324 Completion of developmental steps and certification.

* * * * *

(n) In accordance with § 1902.34 of this chapter, the Indiana occupational safety and health plan was certified, effective October 16, 1981 as having completed all developmental steps specified in the plan as approved on February 25, 1974 on or before February 25, 1977. This certification attests to structural completion, but does not render judgment on adequacy of performance.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Indianapolis, Indiana this 24th day of September 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-29094 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Navigation; COLREGS Compliance Exemption; USNS APACHE

Corrections

In FR Doc. 81-27139 appearing on page 46323 in the issue of Friday, September 18, 1981; on page 46324, first column, in the third and fifth lines of the note numbered 18, "* * * displaced * * *" should read "* * * displayed * * *".

BILLING CODE 1505-01-M

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1933-1]

Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is taking final action in this notice to approve State Implementation Plan (SIP) revisions in Nebraska to comply with 40 CFR 58.20. The plan revisions submitted June 19, 1981, provide for the implementation of a statewide network for ambient air quality monitoring and data reporting, as required by sections 110(a)(2)(C) and 319 of the Clean Air Act, as amended (hereafter referred to as "the Act"). This action will be effective on December 7, 1981 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

EFFECTIVE DATE: This action is effective December 7, 1981.

ADDRESSES: Comments should be directed to Eloise Reed, Air, Noise and Radiation Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

The submitted SIP revision is available for review during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, Room 2922, 401 M Street, S.W., Washington, D.C. 20460.
Air, Noise and Radiation Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106
Nebraska Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509
Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Eloise Reed, Air Planning and Development Section, Air, Noise and Radiation Branch, Air and Hazardous Materials Division, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 734-3791, FTS: 758-3791.

SUPPLEMENTARY INFORMATION: Section 110(a)(2)(C) of the Act requires SIPs to contain provisions for ambient air quality monitoring and data reporting. Section 319 of the Act requires EPA to establish monitoring criteria to be followed uniformly across the nation. EPA promulgated regulations to implement Section 319 in the May 10, 1979, **Federal Register** (44 FR 27558).

The May 10 rulemaking established Part 58 of Title 40 of the Code of Federal Regulations, entitled "Ambient Air Quality Surveillance."

Requirements for Air Quality Surveillance Networks

Section 58.20 of Part 58 requires the states to adopt and submit to the Administrator of EPA a plan revision which will:

(a) Provide for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as State and Local Air Monitoring Stations (SLAMS) which measure ambient concentrations of those pollutants for which standards have been established in Part 50 of Title 40 of the Code of Federal Regulations.

(b) Provide for meeting the requirements of Appendices A, C, D, and E to Part 58, relating to quality assurance, methodology, design, and siting of monitoring stations.

(c) Provide for the operation of at least one SLAMS per pollutant during any stage of air pollution episode as defined in the contingency plan.

(d) Provide for the review of the air quality surveillance system on an annual basis to determine if the system meets the monitoring objectives defined in Appendix D to Part 58. Such review must identify needed modifications to the network such as termination or relocation of unnecessary stations or establishment of new stations which are necessary.

(e) Provide for having a SLAMS network description available for public inspection and submission to the Administrator upon request. The network description must be available at the time of plan revision submittal and must contain the following information for each SLAMS:

(1) The SAROAD site identification form for existing stations.

(2) The proposed location for scheduled stations.

(3) The sampling and analysis method.

(4) The operating schedule.

(5) The monitoring objective and spatial scale of representativeness as defined in Appendix D to Part 58.

(6) A schedule for:

(i) locating, placing into operation, and making available the SAROAD site identification form for each SLAMS which is not located and operating at the time of plan revision submittal,

(ii) implementing quality assurance procedures of Appendix A to Part 58 for each SLAMS for which such procedures are not implemented at the time of plan revision submittal, and

(iii) resiting each SLAMS which does not meet the requirements of Appendix E to Part 58 at the time of plan revision submittal.

Nebraska Air Quality Surveillance Network

On June 19, 1981, the State of Nebraska submitted a SIP revision for an air quality surveillance network to comply with 40 CFR 58.20. The established network is consistent with the existing monitoring provisions of the original SIP submitted to and approved by EPA in 1972.

EPA has determined that the SIP revision for the Nebraska air quality surveillance network meets all of the criteria listed above. Each station in the SIP network is designated as a SLAMS and measures ambient air quality levels of criteria pollutants for which National Ambient Air Quality Standards have been established.

The state commits in the SIP to follow the guidelines for SLAMS in Appendices A, C, D, and E to Part 58. Appendix A deals with quality assurance requirements for SLAMS; Appendix C covers ambient air quality monitoring methodology; Appendix D specifies network design for SLAMS; and Appendix E covers probe siting criteria.

The SIP provides that at least one episode station will be operated per pollutant in Omaha and Lincoln consistent with the Emergency Episode Contingency Plan, which was previously approved by EPA as part of the original SIP.

The SIP provides that the Nebraska Department of Environmental Control will review the air quality surveillance network beginning March 1 of each year to determine whether there is a SLAMS in every location for which there is a need for ambient air quality data and whether all the stations in the SLAMS network are necessary. A report of the findings will be submitted to EPA, Region VII by July 1 of each year, along with a schedule to modify the network if necessary. The determination of the need to add, relocate or delete stations will be based on the network design criteria in Appendix D to Part 58, or references therein.

As required by 40 CFR 58.20(e), a full description of the monitoring network containing the required information referenced above was on file and available for public review at the time of SIP submittal.

Action

EPA approves the SIP revision for the Nebraska Air Quality Surveillance Network and incorporates it into the existing plan.

EPA believes that the Nebraska monitoring SIP submittal is noncontroversial and routine, and is today taking final action to approve the submittal without prior proposal. The public should be advised that this action will be effective December 7, 1981. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the subject SIP approval will not have a significant economic impact on a substantial number of small entities. The reason for this determination is that it imposes no additional burden on sources.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This rule is not "major" because it imposes no additional substantive requirements which are not currently applicable under State law. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2), the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This notice of final rulemaking is issued under the authority of sections 110 and 319 of the Clean Air Act, as amended.

Dated: September 29, 1981.

Note.—Incorporation by reference of the State Implementation Plan for the State of Nebraska was approved by the Director of the Federal Register on July 1, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

40 CFR Part 52 is amended by adding § 52.1420(c)(21) to read as follows:

Subpart CC—Nebraska

§ 52.1420 Identification of Plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(21) A plan revision to meet the requirements of 40 CFR 58.20, dealing with statewide air quality monitoring and data reporting, was submitted by the Governor on June 19, 1981.

[FR Doc. 81-29052 Filed 10-5-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1931-3]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice revises the sulfur dioxide (SO_2) emission limitations in the federally promulgated Ohio State Implementation Plan (SIP) for the Portsmouth Gaseous Diffusion Plant in Pike County and discusses the results of EPA's analysis of the emission limits in Delaware and Wayne Counties. A notice of proposed rulemaking was published in the January 22, 1981 Federal Register (46 FR 7008). EPA is taking this action in response to a remand by the United States Court of Appeals for the Sixth Circuit in "Northern Ohio Lung Association v. EPA." 572 F.2d 1182 (1978). The Court held that the federally promulgated plan did not include specific provisions for Secondary Ambient Air Quality Standards for sulfur dioxide. Following the remand, EPA reviewed the secondary standard modeling analyses it had performed in developing the plan. This modeling showed that EPA had evaluated and set emission limits to protect the secondary standards in apparently all but four counties: Delaware, Pike, Wayne, and Gallia Counties. Further analysis, however, indicated that the current limits protect the secondary standards in Delaware County and Wayne County. This analysis is discussed below. Accordingly, EPA is not revising the plan for those two counties since it is adequate to protect the secondary standard. EPA will propose rulemaking on Gallia County in a separate Notice of Proposed Rulemaking.

EFFECTIVE DATE: November 5, 1981.

ADDRESSES: The docket for this revision (#5A-80-16) is on file and may be inspected and copied during normal business hours at the Central Docket Section, Environmental Protection Agency, West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460 and by appointment at the Air Programs Branch Docket Room 11th floor at the Region V address given below.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-0065.

SUPPLEMENTARY INFORMATION: Section 110(a)(1) of the Clean Air Act (Act) requires each State to adopt and submit to EPA a plan which provides for attainment and maintenance of the primary and secondary national ambient air quality standards. The plan for achieving the secondary standard may be submitted as part of a State's plan for achieving the primary standard or as a separate plan. The primary standard plan must provide for attainment no later than three years from plan approval. Attainment of the secondary standard must be within a reasonable time.

Under section 110(c) of the Act, EPA promulgated its substitute sulfur dioxide plan for the State of Ohio on August 27, 1976 and set emission limitations for Ohio sources to attain and maintain the national ambient air quality standards for sulfur dioxide. See 41 FR 36324, 41 FR 52455, and 42 FR 27588. As explained in EPA's Final Technical Support Document, the federal plan was designed to insure attainment of both the primary and secondary sulfur dioxide standards within three years of plan approval.

On February 9, 1978, the U.S. Court of Appeals for the Sixth Circuit remanded to EPA for its further consideration two aspects of the plan. *Northern Ohio Lung Association v. EPA,* 572 F.2d 1182 (6th Cir. 1978). The Court held that the plan did not comply with the requirements of Section 110(a)(2)(F) of the Act and did not include specific provisions for meeting the secondary ambient air quality standards for SO_2. This notice addresses the secondary standard portion of the remand.

Following the remand, EPA reviewed the secondary standard modeling analyses it had performed in developing the sulfur dioxide plan. This review established that EPA had evaluated and set emission limits to protect the secondary standard in all but four counties: Gallia, Delaware, Pike and Wayne Counties. In Gallia County, EPA had not analyzed the secondary standard for Ohio Valley Electric Company's Kyger Creek power plant and Ohio Power Company's Gavin power plant. EPA is remodeling the

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Gavin and Kyger Creek power plants to evaluate the secondary standards. Once the remodeling is completed, EPA will publish the results and, if necessary, will revise the emission limitations. In Delaware, Pike and Wayne Counties, EPA had evaluated the secondary standard, but had overlooked secondary standard violations and had not set emission limitations adequate to protect the secondary standard for sources in those three counties.

In all three counties, however, EPA found that the emissions inventories used in the original EPA modeling were outdated. Based on updated emissions data submitted by Ohio EPA, EPA reanalyzed the emission limits for each county. Each county is discussed separately below.

Delaware County

The updated inventory for Delaware County showed two substantial changes to the original EPA inventory. Further discussion of these inventory changes can be found in the Technical Support Document in the docket. EPA conducted a modeling analysis of the updated inventory with the current emission limitation for Delaware County. The results indicated that the secondary standard is being protected with the current emission limitation. Therefore, as discussed in the notice of proposed rulemaking, no revision to the Delaware County regulation is required.

Wayne County

During the public comment period, Ohio EPA submitted a modeling analysis for the Orrville Municipal Power Plant using recent emissions data. This modeling demonstrated that the existing emission limitation of 7.00 lbs./MMBTU is adequate to protect the secondary standard. Since the modeling indicated that the secondary standard is being protected with the current emission limitation, EPA is withdrawing the Notice of Proposed Rulemaking of January 22, 1981 (46 FR 7008) as it applies to the Orrville Municipal Power Plant in Wayne County. No revision to the Wayne County regulation is required.

Pike County

The current Ohio EPA emission inventory for Pike County consists of two sources: the Portsmouth Gaseous Diffusion Plant (previously ERDA) and Southern Wood Piedmont. The previous inventory used by EPA in its SIP development for Pike County included only the Portsmouth Gaseous Diffusion Plant. Although the original emission limit of 7.00 lbs. SO$_2$/MMBTU was specified for all of Pike County in the federal regulation, it was only intended for the Portsmouth Gaseous Diffusion Plant since it was the only source in the inventory at that time. The addition of Southern Wood Piedmont to the inventory and the effect of the secondary standard remand on both sources are discussed below.

EPA's previous CRSTER modeling analysis for Pike County shows that the highest, second high 3-hour base year concentration due to the Portsmouth Gaseous Diffusion Plant facility is 1102 ug/m^3. Using the background concentration employed in the original modeling of 25 ug/m^3, it was determined that a 15.6% increase above the base year level of 2293.0 nanograms of sulfur dioxide per joule (ng/J) (5.33 lbs. SO$_2$/MMBTU) will protect both the primary and secondary NAAQS. Therefore, on January 22, 1981 EPA proposed to revise the Plant's emission limitation to 2650.1 mg/J (6.16 lbs. SO$_2$)/MMBTU.

As for Southern Wood Piedmont, an EPA screening analysis using current emissions data indicated that an emission limitation greater than 10 lbs./MMBTU for the Southern Wood Piedmont plant is sufficient to protect both primary and secondary NAAQS. An emission limit of such magnitude implies that no problems are posed by this source. Therefore, no emission limitation needs to be promulgated for the Southern Wood Piedmont facility. Therefore, EPA's final action on Pike County consists only of revising the emission limitation for the Portsmouth Gaseous Diffusion Plant from 3011.5 ng/J (7.00 lbs SO$_2$/MMBTU) to 2650.1 ng/J (6.16 lbs. SO$_2$/MMBTU).

The emission limitation promulgated today for the Portsmouth Gaseous Diffusion Plant in Pike County will be in addition to and not in lieu of existing SIP regulations.

The present emission control regulation will remain applicable and enforceable to prevent the source from operating without controls, or under less stringent controls while it is moving toward compliance with the new regulations; or if it chooses, challenging the new regulations.

The present Federally approved SIP will remain applicable and enforceable until the source is in compliance with the newly promulgated and federally approved regulations. Failure of the source to meet applicable pre-existing regulations will result in enforcement action including, assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of entities. This action only applies to one source.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation since it merely revises emission limitations for one source. This action is in response to the U.S. Court of Appeals for the Sixth Circuit remand which is cited above.

This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This Notice of Final Rulemaking is issued under the authority of section 110 of the Clean Air Act, as amended (42 U.S.C. 7410).

Dated: September 29, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

1. Section 52.1875 is amended by revising footnote "f" to the table in § 52.1875 *Attainment Dates for National Standards* paragraph (a) as follows.

§ 52.1875 [Amended]

(a) * * *

f. August 27, 1979, except for the companies listed in (1) which are subject to an attainment date of June 17, 1980, the Ashland Oil Company which is subject to an attainment date of September 14, 1982, the companies in Summit County listed in (2) which are subject to an attainment date of January 4, 1983, PPG Industries, Inc. (boilers only) in Summit County, Ohio which is subject to an attainment date of August 25, 1983, the utilities listed in (3) which are subject to an attainment date of June 19, 1983, and the Portsmouth Gaseous Diffusion Plant in Pike County which is subject to an attainment date of (3 years from the effective date of promulgation).

2. Section 52.1881(b)(52) is revised as follows:

§ 52.1881 Control strategy: sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

* * * * *

(52) The Portsmouth Gaseous Diffusion Plant in Pike County or any subsequent owner or operator of its fossil fuel-fired steam generating unit shall not cause or permit the emission of sulfur dioxide from any stack in excess of 2650.1 nanograms of sulfur dioxide per joule (6.16 lbs. SO_2/MMBTU).

* * * * *

3. Section 52.1882 is amended by adding paragraph (j) as follows:

§ 52.1882 Compliance schedules.

* * * * *

(j) The Federal compliance schedule for the Portsmouth Gaseous Diffusion Plant in Pike County is set forth in § 52.1882(b) except that all references to June 17, 1977 are changed to (the effective date of promulgation).

[FR Doc. 81-29053 Filed 10-5-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1932-3; Docket No. AH031VA]

Approval and Promulgation of Implementation Plans; Approval of Revision to the Commonwealth of Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision to the Virginia State Implementation Plan (SIP). This revision includes regulation amendments to provisions concerning new source review public participation procedures in Section 2.33 and malfunctions in Section 2.34.

EFFECTIVE DATE: November 5, 1981.

ADDRESSES: Copies of the amendment and associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, 6th and Walnut Streets, Philadelphia, PA 19106, Attn.: Patricia Sheridan

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, VA 23219, Attn.: William Meyer, Executive Director

Public Information Reference Unit, EPA Library, Room 2922, Waterside Mall, 401 M Street, SW, Washington, DC 20460

The Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, DC 20408

FOR FURTHER INFORMATION CONTACT: Carol D. Peters (3AH13) at the address for EPA Region III above or telephone 215/597-9139.

SUPPLEMENTARY INFORMATION: On February 19, 1981 the Commonwealth of Virginia submitted a revision to the Virginia State Implementation Plan (SIP). The revision includes regulation amendments to existing provisions concerning new source review public participation procedures of Section 2.33 and malfunctions in Section 2.34.

The existing Section 2.33(a)(5) has been deleted and a new regulation added. The new Section 2.33(a)(5) specifies which categories of stationary sources will be subject to a public comment period prior to the board's decision on the permit application. In addition permit applications for stationary sources which have potential for public interest would also be subject to a public comment period. The changes, as written in Section 2.33 (a)(5), are approved.

Section 2.34, Facility and Control Equipment Maintenance or Malfunction, is revised by adding subsection (i). This subsection will allow the Board to reduce the level of operation or shut down a facility, if necessary, to prevent a violation of the primary ambient air quality standard. Section 2.34(i) is approved as written in this revision.

This revision was proposed for approval in the **Federal Register** on June 23, 1981 (46 FR 32456). At the same time, the public was invited to comment on the revision and the proposal. EPA received comments from Robert R. Jacobsen, Superintendent, Shenandoah National Park, Luray, Virginia.

Mr. Jacobsen expressed concern that no public notice, no public input period, and no public meetings would occur for any new sources or modifications which are not considered to be major, hazardous or controversial. Mr. Jacobsen contends that minor sources, either singly or in aggregate, may have the potential to impair visibility in Class I areas, such as the Shenandoah National Park. He believes that without a notification process of some type, the permitting process for these new sources or modifications may escape the attention of responsible land managers and be completed before the land managers may comment.

The Clean Air Act does not govern permitting of minor sources. Therefore, the Commonwealth may limit the public comment period, notification system and public meetings to the new sources and modifications it has outlined in the regulations, i.e., major stationary sources, stationary sources of hazardous air pollutants, and stationary sources which have the potential for public interest. The Commonwealth agreed, by letter to Mr. Jacobsen, to inform the Shenandoah National Park Service of any permitting activity that may impact the Park.

In view of the above evaluation, the Administrator approves the above described amendments to Sections 2.33(a)(5) and 2.34(i) of the Virginia State Implementation Plan. In conjunction with the Administrator's approval, 40 CFR 52.2420 (Identification of Plan) of Subpart VV (Virginia) is revised to incorporate these amendments.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I certify that the SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. §§ 7401-642)

Dated: September 29, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of

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Virginia was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart VV—Virginia

1. In § 52.2420 *Identification of Plan*, paragraph (c)(50) is added to read:

* * * * *

(c) * * *

* * * * *

(50) Amendments to Part II (General Provisions), Section 2.33(a)(5) and 2.34(i) submitted on February 19, 1981, by the Secretary of Commerce and Resources.

[FR Doc. 81-29061 Filed 10-5-81; 8:45 am]

BILLING CODE 6560-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Reimbursement for Hospital-Based Physicians

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Withdrawal of final rule.

SUMMARY: This Notice withdraws the Notice that HCFA published in the **Federal Register** on March 11, 1980 (45 FR 15550), which explained our policy respecting Medicare reimbursement for services furnished by hospital-based physicians.

We are withdrawing the Notice in order to reassess our policy and to develop any appropriate changes in the rules governing reimbursement for hospital-based physicians.

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT: Leonard Peshkin, Health Care Financing Administration, 1-C-4 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, 301-594-1115.

SUPPLEMENTARY INFORMATION: In 1966, regulations were promulgated which provided that a service furnished by a physician to an entitled Medicare hospital patient would be reimbursed on a reasonable charge basis under Part B only if it is an identifiable professional service to the patient that requires performance by a physician in person, and contributes to the diagnosis or treatment of the patient. 42 CFR 405.482(a), 405.483(a) (31 FR 13456, October 18, 1966). All other services performed for hospital inpatients by hospital-based physicians were to be reimbursed to the hospital under the Hospital Insurance Program (Part A) on a reasonable cost basis. During the 1970s, however, Medicare carriers in some parts of the country reimbursed all laboratory services performed in hospitals on the basis of reasonable charges without regard to the requirements set forth in the 1966 regulations. By a Notice dated March 11, 1980 HCFA expressed its intention that such reimbursement practices no longer be permitted and that effective July 1, 1980, the regulations would be applied uniformly in accordance with this policy.

The College of American Pathologists, along with other groups and individuals filed a lawsuit in the U.S. District Court for the Eastern District of Arkansas challenging the legal effect of the March 11, 1980 Notice. On June 4, 1980, the court entered a preliminary injunction against HHS preventing implementation of the Notice until the issues raised in the lawsuit were decided. (See 45 FR 41635 (June 20, 1980).) The lawsuit is still pending in Federal District Court, and the March 11, 1980 Notice has therefore never been implemented. Because HCFA has decided to reevaluate the policy expressed in the Notice and to initiate a rulemaking proceeding in the near future, we hereby withdraw it effective immediately.

(Secs. 1102, 1832, 1833, 1861, 1866 and 1871 of the Social Security Act (42 U.S.C. 1302, 1395k, 1395*l*, 1395x, 1395cc, and 1395hh))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance, and No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: October 1, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 81-29116 Filed 10-5-81; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the Regular Program of the National Flood Insurance Program. The communities' participation in the program authorizes the sale of the second layer of flood insurance to owners and lessees of real property located in the communities.

EFFECTIVE DATE: September 16, 1981.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker servicing the eligible community or from the National Flood Insurance Program at P.O. Box 34294, Bethesda, Maryland 20034, phone (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The City of Wenatchee and Chelan County, Washington are converted to the Regular Program on September 16, 1981. Final base flood elevation determinations were issued for these communities on August 4, 1980. However, the effective date for the communities' conversion was delayed pursuant to a stipulation in the United States District Court, Eastern District of Washington on February 11, 1981 in the case of *City of Wenatchee and Chelan County v. United States of America and Federal Emergency Management Agency.* The District Court has now made final its decision in the case and removed the need for further delay in the communities' conversion. The Flood Insurance Rate Maps dated February 4, 1981 will be used to convert the City of Wenatchee and Chelan County, Washington.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968) effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 28, 1981.

John E. Dickey,

Acting Associate Director State and Local Programs and Support.

[FR Doc. 81-29086 Filed 10-5-81; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amdt. No. 7 to Service Order No. 1493]

Escanaba and Lake Superior Railroad Company Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 7 to Service Order No. 1493.

SUMMARY: Amendment No. 7 extends the expiration date of Service Order No. 1493, which authorizes Escanaba and Lake Superior Railroad Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee) (MILW). The MILW Trustee has indicated that sufficient progress has been made in negotiations on compensation and that he concurs with this extension.

EFFECTIVE: 11:59 p.m., September 30, 1981, and continuing in effect until 11:59 p.m., October 30, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: September 30, 1981.

Upon further consideration of Service Order No. 1493 (46 FR 10742, 14896, 19822 and 25311, 34593, 39148 and 44190), and good cause appearing therefor:

It is ordered, § 1033.1493 *Escanaba and Lake Superior Railroad Company Authorized To Use Tracks and/or Facilities of the Chicago, Milwaukee, St. Paul and Pacific, Debtor, (Richard B. Ogilvie, Trustee).*

Service Order No. 1493 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

(n) *Expiration date.* The provisions of this order are extended to permit an additional (30) thirty days for the Escanaba and Lake Superior Railroad Company to complete compensation negotiations, and shall expire at 11:59 p.m., October 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1981.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Pub. L. 96-254.

This amendment shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28965 Filed 10-5-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 258

The Fishermen's Protective Act Procedures; Provisions for Fees

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final Rulemaking.

SUMMARY: Section 7 of the Fishermen's Protective Act (22 U.S.C. 1971–1980) authorizes the fees paid by vessel owners entering into agreements under Section 7. These fees are used to carry out a vessel seizure indemnification program under Section 7. If the Program is extended beyond September 30, 1981, this amendment will establish fees for the agreement year October 1, 1981, through September 30, 1982.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235, Telephone Number: (202) 634-7496.

SUPPLEMENTARY INFORMATION: Section 7 indemnifies against certain losses resulting from a foreign country's seizure of a United States vessel based on territorial oceanic rights which are either not recognized by the United States or (a) Are unrelated to fishery conservation and management, (b) fail to consider traditional fishing practices of U.S. vessels, (c) are more onerous than those applied by the United States to foreign fishing vessels, or (d) fail to allow U.S. fishing vessels equitable access to foreign fishery zones.

Section 7 regulations have annually established fees based on prior and anticipated experience. The Section 7 Program expires on September 30, 1981. Different bills to extend the program are, however, before the Congress. If a bill to extend the program is enacted, this notice will establish the new fee schedule for the agreement year which will begin on October 1, 1981. If a bill is not enacted before September 30, 1981, the Section 7 Program will expire, and there will be no agreements for the year beginning October 1, 1981.

All holders of agreements for the present agreement year ending September 30, 1981, who wish them extended through September 30, 1982, by amendment (rather than entering into an entirely new agreement) must submit their fees required by the following amendment. Failure to do so will result in agreement termination October 1, 1981.

Program fee-setting policy has always been to have fees defray all administrative costs and at least 50 percent of claims historically paid (this is true even though the statute established only a *minimum* at least equal to 25 percent of claims). Fiscal year 1980 claim activity (most of which was paid in fiscal year 1981) was the highest in the Program's history. Fiscal year 1981 claim activity also promises to be substantial. A $1.5 million supplemental appropriation had to be obtained in fiscal year 1981 in order to pay claims. What this means is that the fiscal year 1982 fee must be substantially increased in order to keep fee contributions at an historical level equal to 50 percent of past and prospective claims through fiscal year 1982. Based on past claim activity from fiscal year 1969, through fiscal year 1980, actual claim activity thus far in fiscal year 1981, and a projected claim of $1.5 million for fiscal year 1982 (the latter is the average of claim activity during fiscal years 1978, 1979, and 1980), the fiscal year 1982 fee will have to be $16 per gross vessel ton in order to maintain the standard that fees defray at least 50 percent of all claims.

The agency has reviewed this final rulemaking in accordance with the specifications of Executive Order 12291, "Federal Regulation", and determined that it is not a major rule since it has no effect on the economy, costs, prices, and no impact on competition, employment, investment, or productivity. Accordingly, no regulatory impact analysis is required. Because this final rulemaking relates to benefits, it is exempt from the notice and comment provisions of the Administrative Procedure Act and, thus from the Regulatory Flexibility Act requirement of regulatory flexibility analysis. The

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collection of information from applicants for guarantee agreements has been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980. This rule does not require the collection of any additional information and does not increase the Federal paperwork burden for individuals, small businesses, or other persons under the Paperwork Reduction Act of 1980.

The Administrator of the National Oceanic and Atmospheric Administration has certified that this rule will not have a significant economic impact on a substantial number of small entities. The Assistant Administrator has also determined that this rulemaking does not require the preparation of an environmental impact statement under the National Environmental Policy Act.

Dated: September 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Accordingly, § 258.5 of the Fishermen's Protective Act Procedures (50 CFR Part 258) is revised to read as follows:

§ 258.5 Fees.

(a) Fees must pay administrative costs and a minimum of at least 25 percent of estimated claim payments. Fees are based on prior and anticipated experience. Fees may be adjusted by amending this part. Fund experience requires the following higher fees:

(b) Fees to be paid by an applicant for guarantee agreements for the agreement year October 1, 1981, through September 30, 1982, shall be $16.00 per gross vessel ton as listed on the vessel's document. Fractions of a ton shall not be included.

(c) No fees will be returned after a guarantee agreement is executed by the Secretary.

(d) A guarantee agreement may, with the Secretary's consent, be assigned to a new owner of a vessel if the vessel is transferred during the period in which the agreement is in force.

(e) All holders of agreements for the present agreement year ending September 30, 1981 who wish them extended through September 30, 1982 by amendment (rather than entering into an entirely new agreement) must submit their fees not later than November 1, 1981. Those not submitting fees by November 1, 1981, will be required to enter a new agreement which will be effective only from the date the fees are received.

[FR Doc. 81-28983 Filed 10-5-81; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 611

Groundfish of the Gulf of Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues a final rule implementing Amendment 9 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska. This amendment replaces the six Kodiak Gear Areas, which are closed to foreign trawling August 10 to June 1, with a single large Kodiak Gear area. The new area is closed to foreign trawling from two days before the start of the Kodiak king crab season (about September 15) until February 16. This action is taken to eliminate the loss of domestic crab gear and the preemption of domestic crab fishing grounds by foreign trawlers. Amendment 9 will have the attendant effect of spreading domestic fishing for king crab over a larger area but should not have a significant impact on foreign fishermen.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone (907) 586-7221.

SUPPLEMENTARY INFORMATION:

Background

On February 24, 1978, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) approved the FMP for the Groundfish of the Gulf of Alaska. The FMP governs foreign and domestic fishing for a number of finfish, commonly known as groundfish. Most of the fishery is conducted with on-bottom and off-bottom trawls, longlines, and pots (or traps) at numerous fishing grounds throughout the Gulf of Alaska; the foreign trawl fishery takes place primarily along the 200-meter depth contour. The FMP was originally published on pages 17242–17327 of the Federal Register on April 21, 1978. Since then it has been amended eight times with the last amendment being published on November 5, 1980 (45 FR 73486).

Amendment 9 to the FMP establishes the "Kodiak Gear Area" and closes that area to foreign trawling during the domestic king crab season in the Kodiak District. Six small areas around Kodiak Island (the "Kodiak Gear Areas") have been closed to foreign trawling from August 10 to June 1 of each year since 1978 to protect domestic king crab fishermen fishing with fixed gear from gear damage and loss caused by foreign trawlers.

The justification of Amendment 9 was discussed thoroughly in the preamble to proposed rules (46 FR 35536). Public comments received have been considered and are responded to below. After considering the comments, the Assistant Administrator has decided to give final approval to Amendment 9.

Public Comments

One letter was received commenting on the proposed rule. A summary of its comments and NOAA's response appear below:

1. Amendment 9 is the latest in a series of management measures which have caused wastage of Gulf of Alaska groundfish resources.
2. This and prior restrictions have prevented and will increasingly prevent harvest of the available groundfish resources in the Gulf.
3. Amendment 9 does not respond to any legitimate need of any sector of the domestic fishing industry.
4. Amendment 9 and similar restrictions on foreign trawl activities are contrary to the purposes and policies of the Magnuson Act and the National Standards set out in the Act.
5. Amendment 9 and similar restrictions on foreign trawl activities unlawfully discriminate against foreign fishing operations in violation of both the Magnuson Act and the United States Constitution.

Response to Comments

Comments one and two appear to address the same issue—full utilization of the groundfish resource—and a combined response is given.

Response to Comments 1 and 2: Amendment 9 by itself does not impose a new measure that will cause wastage or prevent the harvest of available groundfish. Although the new single Kodiak Gear Area is somewhat larger than the present six smaller Kodiak Gear Areas it will replace, the duration of the closure (about September 15–February 16) is about 5 weeks less than the duration of the existing closure (August 10–February 16) in the six smaller Kodiak Gear Areas. The added 5 weeks of fishing time should allow fuller utilization of the resource. The preamble to the proposed rules points out that most foreign trawling in the Gulf of Alaska occurs along the 200-meter depth contour and that the new Kodiak Gear

Area will reduce the foreign fishing area by about 165 linear miles, or about nine percent of the 200-mile contour. It is likely foreign nations could take advantage of the additional weeks of fishing time to compensate for the nine percent loss of their fishing area during the time the Kodiak Gear Area will be closed.

It is recognized that trawling by some nations in the Gulf of Alaska usually ceases between December 1 and May 31 when traditional bottom trawls are prohibited—this has been an operational decision by those foreign nations. Conversely, some foreign nations successfully use pelagic trawls during the winter months in the Gulf of Alaska and catch a large portion of their annual allocations during that period. Foreign nations are encouraged to utilize proven effective pelagic trawls to expand their fishing time and thus harvest more of their annual allocations.

Current restrictions are not increasingly preventing the harvests of available groundfish. On the contrary, the total foreign catch in the Gulf of Alaska increased from 165,095 mt in 1978 to 209,800 metric tons in 1980. Japan, which is the major harvester in the Gulf of Alaska, increased her catch by 63 percent during those years—from 66,270 metric tons in 1978 to 108,000 in 1980. For the reasons stated above, Amendment 9 is not expected to significantly impede the foreign fishery.

Response to Comment 3: According to testimony from the domestic fishing industry, Amendment 9 responds well to its legitimate needs as explained in the preamble to the proposed rules. U.S. king crab fishermen will (1) lose no more gear to foreign trawlers in the Kodiak Gear Area, (2) lose no more fishing time and fuel searching for lost gear, (3) will be relieved of the burden of applying for reimbursements for lost gear and fishing time, and (4) will not be preempted from fishing grounds. The U.S. catching and processing industry will benefit because domestic crab fishing will spread over a larger area, reducing the harvest on some heavily fished stocks in and adjacent to present gear areas and increasing and harvest of underutilized stocks outside those areas. Public testimony at the May 1980 North Pacific Fishery Management Council meeting reported the 1980 U.S. king crab harvest shortfall, because of ground preemption by foreign vessels to be about 4.1 million pounds.

Response to Comment 4: Amendment 9, which will protect and promote United States fishermen's interests, and similar restrictions are entirely consistent with purposes, policies, and National Standards of the Magnuson Act.

Response to Comment 5: It was the intent of Congress when it passed the Magnuson Act to implement certain management measures that promote the interests of United States fishermen over those of foreign fishermen. Amendment 9 is clearly within that intent as are other restrictions favorable to United States fishermen that have already been implemented by law. It is thus a congressionally supported preference for U.S. fishermen over foreigners in furtherance of a statutorily defined national interest.

Classification

The Assistant Administrator has determined that this amendment to the FMP is necessary and appropriate for conservation and management of fisheries resources in the Gulf of Alaska and that it is consistent with the Magnuson Fishery Conservation and Management Act, as amended, and other applicable law. The amendment has been initially approved and proposed regulations are issued under the terms of sections 304 and 305 of the Magnuson Act. An environmental impact statement is not required under the National Environmental Policy Act because the Assistant Administrator has determined that this action will not have a significant impact on the quality of the human environment. An environmental assessment is on file with the Environmental Protection Agency. Regulations will be implemented in a manner that is, to the maximum extent practicable, consistent with the Alaska Coastal Management Program.

On the basis of criteria set forth in Executive Order 12291 (E.O. 12291), the Administrator, NOAA, has determined that this amendment does not constitute a "major rule" requiring the preparation of a regulatory impact analysis. This rulemaking will not result in an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individuals, industries, Federal, State, or local government agencies or geographic regions; and it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of domestic-based enterprises to compete with foreign-based enterprises in domestic export of markets. The Administrator further determined (1) that the implementation of Amendment 9 will adversely affect foreign interests exclusively and (2) that it will not have a significant adverse economic impact on a substantial number of small domestic entities; thus it does not require the preparation of a regulatory flexibility analysis (5 U.S.C. 600 *et seq.*). Finally, this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Because the Kodiak king crab fishery began on September 15, because the public has had 45 days to review and comment on the proposed regulations, and because these regulations are identical to the proposed regulations, the Acting Administrator for Fisheries, NOAA, finds good cause that it is impractical and contrary to the public interest to delay for 30 days the effective date of these final regulations (Administrative Procedure Act, Section 553(d)). Vessels of foreign nations affected by this closure will be given notice before it is implemented.

Dated: September 30, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Part 611 is amended as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In Part 611, § 611.92 paragraph (e)(2)(iii) is revised to read as follows:

§ 611.92 Gulf of Alaska groundfish fishery.

* * * * *

(e) * * *

(2) * * *

(iii) The "Kodiak Gear Area" from two days prior to the opening of the king crab season (in Registration Area K of State of Alaska commercial king crab fishing regulations) through February 15.

The Regional Director shall notify the designated representatives of each foreign nation of the opening date of the king crab season at least 4 days before that opening. This area is bounded by straight lines connecting points on shore to the following coordinates in the order listed:

North latitude	West longitude
57°25.2' (shoreline, north side Wide Bay, Alaska Peninsula)	156°19'
55°11'	156°19'
55°40'	155°17'
56°03'	153°45'
[illegible]	153°00'
56°46'	152°20'
57°11'	151°14'
57°19'	150°57'
58°00'	150°00'
59°39.3' (shoreline, Harris Bay, Kenai Peninsula)	[illegible]

[FR Doc. 81-29044 Filed 10-2-81; 8:47 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 193
Tuesday, October 6, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1006, 1012, and 1013

[Docket Nos. AO-356-A17, AO-347-A20, AO-286-A25]

Milk in the Upper Florida, Tampa Bay, and Southeastern Florida Marketing Areas; Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This final decision provides certain changes in the Upper Florida, Tampa Bay, and Southeastern Florida milk orders based on industry proposals considered at a public hearing in July 1981. Under each of the orders the classification of eggnog is changed from Class I milk to the lower priced Class II milk. This change in the Florida orders provides more uniform classification of eggnog among Federal milk orders and is necessary to insure orderly marketing in the marketing areas covered by the orders.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447-6273).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued June 25, 1981; published June 30, 1981 (46 FR 33529).

Recommended Decision: Issued August 28, 1981; published September 2, 1981 (46 FR 43995).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. There are only 26 handlers regulated under the Florida orders and this action pertains to less than 2 percent of the sales of regulated handlers in only two months of the year. Moreover, the action removes an intermarket competitive disadvantage faced by Florida handlers.

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Orlando, Florida, on July 14, 1981, pursuant to notice thereof issued on June 25, 1981 (46 FR 33529).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Marketing Program Operations, on August 28, 1981, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issue on the record of the hearing relates to the classification of eggnog under the three Florida orders.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Classification of eggnog. Skim milk and butterfat in eggnog disposed of by handlers should be classified as Class II use under each of the Florida orders. The Florida orders now classify eggnog in Class I. Reclassification to Class II will provide greater uniformity in classification of eggnog on an intermarket basis and, thus, will provide for more orderly marketing conditions for handlers regulated under the Florida orders.

The lower priced Class II classification of eggnog was proposed by a regulated handler that operates pool distributing plants in each of the Florida markets. In support of the proposal proponent witness pointed out that a number of out-of-State processors distribute eggnog in Florida. He contended that such processors are procuring their raw milk ingredients at prices comparable to the Class II prices under the Florida orders. Proponent claimed that he is thus disadvantaged under the Florida orders with respect to his sales of eggnog as a Class I use. Proponent urged that eggnog be classified under the Florida orders in a manner comparable to the classification of eggnog now prevailing under Federal orders for out-of-State markets.

At the hearing another handler who operates pool distributing plants in each of the Florida markets also testified in support of the proposed Class II classification of eggnog. The witness for this handler pointed out that one of the plants his firm operates at Jacksonville, Florida, has extensive milk and milk product sales competition with handlers regulated under the Georgia Federal order which classifies eggnog in Class II use. The proposal was not opposed by interested parties. A witness for cooperative associations in the Florida markets noted that although the proposal would mean a reduction in the minimum order price for skim milk and butterfat disposed of in eggnog, he recognized that it would be desirable to provide uniform classification on an intermarket basis under Federal milk orders.

It is in the interest of orderly marketing that eggnog be classified as Class II in each of the Florida orders. Such classification will place Florida handlers on a comparable basis with handlers in other regulated markets as to their cost under the orders for skim milk and butterfat disposed of as eggnog. None of the Federal orders except the Florida orders provides for Class I classification of eggnog. Florida handlers are in sales competition with out-of-State handlers, particularly handlers regualted under the Georgia order which classifies eggnog in an intermediate Class II classification.

Milk processors with plants in Albany, Atlanta, Columbus, and Waycross, Georgia, have sales routes in the Upper Florida marketing area. Also, a plant in Opelika, Alabama, has sales routes in the Upper Florida market. In turn, the sales routes of some Upper Florida regualted handlers extend into Georgia and Alabama. Moreover, there is intermarket sales competition among handlers in each of the Florida order markets. Upper Florida area handlers distribute eggnog in the Tampa Bay and Southeastern Florida order marketing areas. Handlers regulated under the other Florida orders distribute eggnog in the Upper Florida marketing area.

The Class I classification of eggnog under the Florida orders places handlers at about a 6-cent per quart disadvantage in the cost of raw milk ingredients compared to their out-of-State competitiors who are faced with the lower priced Class II classification of eggnog. A Class II classification for eggnog under the Florida orders would provide comparable pricing of skim milk and butterfat disposed of in eggnog on an intermarket basis in competition with out-of-State handlers. The Class II price under the Florida orders is 15 cents per hundredweight over the basic formula price (Minnesota-Wisconsin price). The same basic formula price plus 10 cents per hundredweight has been the pricing formula generally used for Class II pricing in other Federal order markets.

Eggnog sales in Florida are made only during the months of November and December. In 1980 eggnog sales by Florida regulated handlers amounted to 797,487 pounds in November and 3,277,332 pounds in December. These sales represented 0.5 percent of the total Class I sales of regulated handlers in November and 1.9 percent of regulated handlers' Class I sales in December. Classifying eggnog in Class II, rather than in Class I, thus will have a very limited impact on returns to producers in the Florida markets.

A number of changes in each of the Florida orders are required to implement the new classification of eggnog. Under the amendments adopted herein, eggnog is deleted from the "fluid milk product" definition. It should be noted, however, that flavored milk drinks (including eggnog flavor) would continue to be classified in Class I. As stated by proponent, only eggnog that meets the standards of identity issued by the Food and Drug Administration, United States Department of Health and Human Services, would be changed to a Class II classification.

In the other source milk definition, receipts of eggnog would be treated as a receipt of other source milk. This would be so irrespective of whether the product is received from other pool plants, other Federal order plants, or unregulated plants. No handler obligation would apply to such receipts of eggnog. Such receipts would be allocated directly to the handler's Class II utilization.

Eggnog disposed of from a pool plant would be classified as a Class II product, irrespective of whether it is distributed on routes or transferred to another plant. No change need be made in the transfer provisions with respect to the classification of eggnog since it is not likely that it would be used in other than a Class II use. Inventory of eggnog at the end of the month would be included in Class II. The ending Class II inventory, as Class II inventory on hand at the beginning of the following month, would be allocated in such following month directly to the handler's Class II utilization.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

None were received.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a MARKETING AGREEMENT regulating the handling of milk, and an ORDER amending the orders regulating the handling of milk in the aforesaid specified marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register.** The regulatory provisions of the marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

August 1981 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the respective marketing areas.

Signed at Washington, D.C., on October 1, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

Order[1] amending the orders, regulating the handling of milk in the Upper

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Southeastern Florida marketing area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreements and order amending each of the specified orders contained in the recommended decision issued by the Deputy Administrator, Marketing Program Operations, on August 28, 1981, and published in the **Federal Register** on September 2, 1981 (46 FR 43995) shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein.

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. In § 1006.14 paragraph (b) is revised to read as follows:

§ 1006.14 Other source milk.

* * * * *

(b) Receipts of packaged fluid cream products and eggnog from other plants;

* * * * *

2. Section 1006.15 is revised to read as follows:

§ 1006.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, flavored milk drinks (including milkshake mix), filled milk, and concentrated milk.

3. In § 1006.40 paragraphs (b)(1–a) and (4) are revised to read as follows:

§ 1006.40 Classes of utilization.

* * * * *

(b) * * *

(1–a) Skim milk and butterfat disposed of in eggnog and in the form of a fluid cream product;

* * * * *

(4) Skim milk and butterfat in inventory of eggnog, fluid cream products, and bulk fluid milk products at the end of the month;

* * * * *

4. In § 1006.44 paragraph (a)(2–c) is revised to read as follows:

§ 1006.44 Classification of producer milk.

* * * * *

(a) * * *

(2–c) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in each of the following:

(i) Inventory of eggnog at the beginning of the month; and

(ii) Inventory of packaged fluid cream products at the beginning of the month;

* * * * *

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. In § 1012.14 paragraph (b) is revised to read as follows:

§ 1012.14 Other source milk.

* * * * *

(b) Receipts of packaged fluid cream products and eggnog from other plants;

* * * * *

2. Section 1012.15 is revised to read as follows:

§ 1012.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, flavored milk drinks (including milkshake mix), filled milk, and concentrated milk.

3. In § 1012.40 paragraphs (b)(1–a) and (4) are revised to read as follows:

§ 1012.40 Classes of utilization.

* * * * *

(b) * * *

(1–a) Skim milk and butterfat disposed of in eggnog and in the form of a fluid cream product;

* * * * *

(4) Skim milk and butterfat in inventory of eggnog, fluid cream products, and bulk fluid milk products at the end of the month;

* * * * *

4. In § 1012.44 paragraph (a)(2–c) is revised to read as follows:

§ 1012.44 Classification of producer milk.

* * * * *

(a) * * *

(2–c) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in each of the following:

(i) Inventory of eggnog at the beginning of the month; and

(ii) Inventory of packaged fluid cream products at the beginning of the month;

* * * * *

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.14 paragraph (b) is revised to read as follows:

§ 1013.14 Other source milk.

* * * * *

(b) Receipts of packaged fluid cream products and eggnog from other plants;

* * * * *

2. Section 1013.15 is revised to read as follows:

§ 1012.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, flavored milk drinks (including milkshake mix), filled milk, and concentrated milk.

3. In § 1013.40 paragraphs (b)(1–a) and (4) are revised to read as follows:

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§ 1013.40 Classes of utilization.

* * * * *

(b) * * *

(1–a) Skim milk and butterfat disposed of in eggnog and in the form of a fluid-cream product;

* * * * *

(4) Skim milk and butterfat in inventory of eggnog, fluid cream products, and bulk fluid milk products at the end of the month;

* * * * *

4. In § 1013.44 paragraph (a)(2–c) is revised to read as follows:

§ 1013.44 Classification of producer milk.

* * * * *

(a) * * *

(2–c) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in each of the following:

(i) Inventory of eggnog at the beginning of the month; and

(ii) Inventory of packaged fluid cream products at the beginning of the month;

* * * * *

[FR Doc. 81–29095 Filed 10–5–81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Integrated Operational Experience Reporting System

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Because the Institute of Nuclear Power Operations (INPO) has indicated that it will assume responsibility for management of the Nuclear Plant Reliability Data System (NPRDS); the Commission has decided to defer rulemaking that would have established an Integrated Operational Experience Reporting System (IOERS). Instead, the Commission will develop a proposed rule which will modify and codify the existing Licensee Event Report (LER) system [1] and, will assure that those requirements are consistent with Commission regulations covering the immediate reporting of significant events. The NRC is seeking general comments on the scope and content of LER reporting requirements, particularly in light of anticipated improvements in the NPRDS.

DATES: Comment period expires November 17, 1981. Comments received after November 17, 1981, will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before that date.

ADDRESS: Interested persons are invited to submit written comments and suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch.

FOR FURTHER INFORMATION CONTACT: Frederick J. Hebdon, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 492–4730.

SUPPLEMENTARY INFORMATION:

Background

In December 1980, the Commission determined that the current system for the reporting of operational experience data needed major revision and approved the development of an Integrated Operational Experience Reporting (IOER) System. The IOER System would have combined, modified, and made mandatory the existing Licensee Event Report (LER) System and the Nuclear Plant Reliability Data (NPRD) System. SECY 80–507 [2] discusses the IOER System and relevant facts concerning the reporting of operational data.

As a result of the Commission approval of the concept of an IOER System, an Advanced Notice of Proposed Rulemaking (ANPRM) was published in the **Federal Register** on January 15, 1981 (46 FR 3541).[2] That ANPRM explained why the NRC needed operational experience data and described the deficiencies in the existing LER and NPRD systems.

Discussion

The accident at Three Mile Island Unit No. 2 (TMI) focused attention on the importance of an effective understanding of operating experience feedback. Studies of the TMI accident (e.g., Rogovin, Kemeny) emphasized the importance of collecting and evaluating operational experience data. In addition, other studies, particularly a study by the NRC Advisory Committee on Reactor Safeguards (NUREG–0572, Review of Licensee Event Reports),[2] Identified weaknesses in the existing program and recommended corrective actions.

Accordingly, the Commission considered a number of options for obtaining the needed improvements in the reporting of operational experience data, particularly the reporting of reliability data. For example, in June 1980, the Commission's staff explored the possibility of having the Institute of Nuclear Power Operations (INPO) assume responsibility for the management and technical direction of the NPRDS. Although INPO appeared interested in this option, they indicated an inability to assume responsibility for this activity or predict when it might be possible because INPO was still in the process of being established and staffed. Based on an assessment of the options at that time, the Commission decided that the only viable option that would bring about the required and timely improvements in the receipt of operational data was the development of an IOERS.

The IOERS concept would have included two principal features: (1) the collection of detailed technical descriptions of significant events and (2) the collection of component reliability data. While the Commission still believes that both types of data are essential to the NRC mission, recent events indicate that the NRC may now be able to obtain the needed reliability data without assuming direct responsibility for its collection. On June 8, 1981, the INPO Board of Directors decided that because of its role as an active user of NPRDS data, INPO was willing to assume responsibility for management and funding of NRPDS. In addition, INPO will develop criteria that will be used in management audits of member utilities to assess the adequacy of NPRDS participation.

The two principal deficiencies that had previously made the NPRDS an inadequate source of reliability data were the inability of a committee management structure to provide the necessary technical direction and a low level of participation by utilities. The recent commitments and action by INPO provide a basis for confidence that these two deficiencies will be corrected. For example, centralizing the management and funding of NPRDS within INPO should overcome the previous difficulties associated with management by a committee and funding from serveral independent organizations. Further, with INPO focusing upon a utility's participation in NPRDS as a specific evaluation parameter during routine management and plant audit activities, the level of utility participation, and therefore, the quality and quantity of NPRDS data, should significantly increase. Finally, the Commission will continue to take an active role in the development of an effective NPRDS by participating in a planned NPRDS Advisory Committee, by periodically assessing the quality and quantity of information produced by the NPRDS, and by assuring that information becomes available to the Commission in a timely manner. Therefore, rather than preempt the INPO activities by proceeding with the IOERS rulemaking, the Commission believes it is appropriate at this time to proceed to modify and codify the existing LER system in a separate rulemaking and hold the IOERS rulemaking in abeyance. If in the future it becomes clear that essential reliability data are not forthcoming from NPRDS, the Commission would consider specific alternatives at that time. These alternatives could include resumption of the IOERS rulemaking to make the reporting of reliability data mandatory.

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[1] Described in NRC Regulatory Guide 1.16, "Reporting of Operating Information—Appendix A Technical Specifications," and NUREG–0161, "Instructions for Preparing Licensee Event Reports," available from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

[2] Copies are available for public inspection and copying at the NRC Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555.

In summary, since there is a reasonable likelihood that the NPRDS under INPO management can meet the NRC's need for reliability data in the future, there is no longer a need to proceed with development of an IOERS in order to collect reliability data. Consequently, the collection of detailed technical descriptions of significant events will be addressed in a separate rulemaking to modify and codify the existing LER system in a manner which assures consistency with 10 CFR 50.72 which covers the immediate reporting of significant events.

Dated at Washington, D.C., this 30th day of September, 1981.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-28962 Filed 10-5-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 541, 545 and 561

[No. 81-584]

Consumer Leasing

September 30, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed regulations.

SUMMARY: The Federal Home Loan Bank Board is proposing regulations to authorize Federally-chartered savings and loan association to engage in personal property leasing that may be considered the functional equivalent of lending that Federal associations are otherwise permitted to do. The proposal would thereby enable Federal associations to more fully utilize their lending powers.

DATE: Comments must be received by: December 6, 1981.

ADDRESS: Please send comments to the Public Information Officer, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Office of General Counsel, telephone number (202) 377-6457, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board is proposing regulations to authorize Federally-chartered savings and loan associations to engage in certain forms of consumer leasing. Although the terms "lease" is used, these transactions are functionally indistinguishable from a loan of money and are therefore a proper incident to the consumer lending authority contained in the Depository Institutions Deregulation and Monetary Control Act 401, Pub. L. No. 96-221, 94 Stat. 153 (to be codified at 12 U.S.C. 1464(c)(2)) and the Board's implementing regulations at 12 CFR 545.7-10.

Lease-financing provides an alternative means for consumers to "purchase" personal property. Rather than borrowing money to actually purchase such property outright, a consumer may arrange for a financial institution to acquire the property and lease it to him under terms that will facilitate his use of the property on a long-time basis. In cases involving national bank leasing, although the bank takes title, the lessee assumes the incidents of ownership, such as the obligation to maintain and insure the property. At the end of the lease, the lessee typically has the option of purchasing the property for its residual value.

In *M&M Leasing Corp. v. Seattle First National Bank*, 563 F.2d 1377, 1382 (9th Cir. 1977), *cert. denied*, 436 U.S. 956 (1978), it was held that lease financing was equivalent to a loan of money secured by the leased property and was similarly incidental to the express authority of national banks to make loans on personal security. A principal basis of the *M&M* decision was, *inter alia*, the court's finding that a properly structured lease could be functionally interchangeable with a loan of money. *Id.* at 1383. When a lender takes title to property and leases it, but does not assume the burdens usually associated with ownership, such as maintainence of the property and assumption of the risk of loss, the lease bears fundamental indicia of a financing transaction. In addition, when the lessor's return on its investment plus profit does not primarily depend on the value of the property leased, but is derived from the lessee's agreement to make payments and/or a guaranteed residual value, the court concluded that, regardless of what it is called, the lease may truly be viewed as a financing transaction that is the functional equivalent of a loan of money. In addition, the *M&M* court stressed that, given current financing practices, leasing should be considered an innovative financing technique that is clearly within the parameters of modern banking as it had evolved at that time. *Id. at* 1382.

When the Board originally adopted its consumer lending regulations, it did not authorize lease financing because it was not felt that the powers granted by the Home Owners' Loan Act authorized such incidental acitivity. *See* 45 FR 76,105-06 (Nov. 18, 1980). The Board, however, has reconsidered its prior decision in light of the *M&M* decision and the changes in the law effectuated by the DIDMCA, and has concluded that Federal association have the power to engage in lease financing that is the functional equivalent of the types of lending authorized to Federals by statute or regulation.

The express investment authorities of Federal associations are contained in Section 5 of the Home Owners' Loan Act which also gives the Board broad authority to prescribe regulations for the operation of such associations. 12 U.S.C. 1464. *See People v. Coast Federal Savings and Loan Ass'n*, 98 F. Supp. 311, 318, (S.D. Cal. 1951). Moreover, although the power to engage in lease financing has never been explicitly stated in the Home Owners' Loan Act, the statute was amended last year by section 401 of the Depository Institutions Deregulation and Monetary Control Act to allow Federals to invest up to 20 percent of assets in secured or unsecured loans for personal, family, or household purposes. Pub. L. No. 96-221, 94 Stat. 151 (1980) (to be codified at 12 U.S.C. 1464(c)(2)). This type of lending would include loans to consumers secured by articles of personal property such as cars, boats, and even airplanes, as long as the proceeds of the loan were for personal use. Therefore, it should also include leasing for similar purposes under comparable terms. Based on this grant of authority and Federal associations' ability to own personal property, the Board has determined that Congress vested Federal associations with the power to lease personal property for consumer purposes under terms that essentially replicate financing transactions.[1]

In addition, the Board's determination is supported by case law dealing with the general incidental authority of Federal associations notwithstanding the absence of an "incidental powers" section in the Home Owners' Loan Act similar to that contained in the National Bank Act at 12 U.S.C. 24 (Seventh). Pursuant to its broad plenary authority under the Home Owners' Loan Act, the Board has provided comparable incidental powers to Federal associations through their charters. *See* 12 CFR 544.1, 552.3. Accordingly, it has been determined that Federal associations have a valid source of general incidental authority, and the courts have not questioned their right to exercise those powers subject to the approval of the Board. *Century Federal Savings and Loan Assn. v. Sullivan*, 116 N.Y.S. 2d 323, 327 (Sup. Ct. 1953); *Goodman v. Perpetual Building Ass'n*, 320 F. Supp. 20, 27–28 (D.D.C. 1970); *Kerrigan v. United Savings Ass'n*, 317 NE 2d 39, 42 (Ill. 1974). Moreoever, the common law of corporations has long endowed all business entities with powers that are incidental to their express authority. *See e.g., Jacksonville, Mayport, Pablo Ry. and Nav. Co. v. Hooper*, 160 U.S. 514, 523–26 (1896); W. Cary, *Cases and Materials on Corporations* 50–63 (1969); W. Fletcher, *Cyclopedia of the Law of Private Corporations* 2486 (Rev. Perm. Ed. 1979). Accordingly, whether viewed as the functional equivalent of their express consumer lending power or incidential to their general powers of lending, authority exists for Federals to engage in consumer leasing.

The Board's proposed leasing regulations are substantially similar to the regulations of the Office of the Comptroller of the Currency (OCC) and the Federal Reserve Board (FRB) governing leasing activities. *See* 12 CFR 7.3400 and 225.4(a)(6). Like the rules of those agencies, the proposal would permit Federal associations to enter into full payout net leases. A full payout lease provides that over the term of the lease, the lessor will recoup its investment in the leased property plus the cost of financing. This return is attributable to the rental paid by the lessee, estimated tax benefits such as depreciation and investment credits, and the estimated residual value of the property. The FRB allows a residual value of only 20% of the acquisition cost, unless the lease term is less than seven years and the value is guaranteed by a financially capable party. The OCC limits unguaranteed estimated residual values to 25% of original cost, but permits higher guaranteed residual values that are reasonable under the circumstances. The Board specifically requests comments on these limitations and any others that may be appropriate.

It is the Board's opinion that if adopted, the net and full payout restrictions of the proposed regulation will ensure that appropriately structured leases can be considered the functional equivalent of a credit extension. The limits on unguaranteed residual value estimates will prevent lenders from using speculative estimates to unrealistically lower the costs of financing or overstate their anticipated returns. The Board proposes to include the OCC's 25% limit in its regulation along with a provision allowing higher estimates when the value is guaranteed by a party or parties with sufficient financial resources to meet the guarantee. In all cases, however, the estimated residual value must be reasonable in light of the attendant circumstances.

The net lease requirement, which the Board also proposes to adopt, similarly assures that authorized leasing activities will be the functional equivalent of the loan of money secured by property. Under a net or non-operating lease, the lessee assumes the normal burdens of ownership. In concrete terms, this means that the leasing association may not agree to repair or maintain the leased property, purchase parts and accessories for leased items, provide for substitute property during repairs of leased items, or insure or register the property on behalf of the lessee, unless such action is clearly necessary to protect the association's financial interest in the tranaction.

The proposed regulations contain several other important restrictions designed to limit permissible leasing transactions to financing equivalents. Accordingly, Federal associations may advertise the availability of leasing as they do other types of financing, but may not rent cars and other property from pre-purchased inventories. In addition, the lease obligation must not be cancelable at the option of the lessee, since a basic trait of a full pay-out financing lease is that the lessor will recoup its costs and receive a return over the term of the lease. If the lessee could cancel the lease agreement at any time, the lease would be more akin to a retail, rental agreement. Finally, the leased property must be disposed of as soon as practicable by the institution after the end of the lease term.

The leasing activities that the proposal would authorize would be subject to the general limitations on consumer lending. Therefore, leases authorized under this rule would be limited to those entered into for personal, family, or household purposes, and a Federal association's total investment in consumer loans, leases, commercial paper, and corporate debt securities could not exceed 20 percent of assets. Delinquent consumer leases would be classified as slow consumer credit or a loss in accordance with 12 CFR 561.16a and 561.16b. Finally, consumer leases will be subject to restrictions imposed by other statutes and regulations such as the Consumer Leasing section of Regulation Z, 12 CFR 226.15.

The benefits of leasing will be greatly affected by applicable provisions of the Internal Revenue Code and the significance of the transaction on the books of associations. Therefore, the Board specifically requests comment on any special tax or accounting treatment applicable to the leasing activities of Federal associations, or problems that may be raised by the proposal. Although the Board agrees with the Comptroller of the Currency that leases should not be subject to usury laws, comment is also requested on the effect that usury laws may have on leasing activities of Federal associations.

Regulatory Flexibility. The Board has determined that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. The rule is not in the nature of a regulatory restriction that might impose new costs on doing business. Rather, it will enable large and small Federal associations to exercise their consumer lending authority in a more flexible manner.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Subchapters C and D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

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[1] Indeed, Congress must have been aware of the broad meaning of the term "loan" in financial contexts when it conferred consumer lending authority on Federal associations, since the regulatory debates and court challenges concerning the equivalency of lending and lease financing were settled by the time the DIDMCA was passed by Congress. *See M&M Leasing v. Seattle First Nat'l Bank*, 563 F.2d 1377 (9th Cir. 1977), *cert. denied*, 436 U.S. 956 (1978); 12 CFR 7.3400; *Cannon v. University of Chicago*, 441 U.S. 677, 696–97 (1979) (Congress may be presumed to be presumed to be aware of previous judicial construction of statutory language).

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 541—DEFINITIONS

§541.25 Consumer loan. [Amended]

1. Revise § 541.25 by adding after the word "loan" in the first line:

* * * * *

"(or a lease meeting the requirements of § 545.7–10a of this Subchapter)"

* * * * *

PART 545—OPERATIONS

2. Add a new § 545.7–10a, to read as follows:

§ 545.7–10a Consumer leasing.

(a) *General.* Within the limitations of § 545.7–10 of this Part, a Federal association may:

(1) Become the legal or beneficial owner and lessor of specific personal property or otherwise acquire such property at the request of the lessee who wishes to lease it from the association; or

(2) Become the owner and lessor of personal property by purchasing the property from another lessor in connection with its purchase of the related lease; and

(3) Incur obligations incidental to its position as the legal or beneficial owner and lessor of the leased property; if the lease is a net, full-payout lease representing a noncancelable obligation of the lessee, notwithstanding the possible early termination of that lease, and at the expiration of the lease all interest in the property shall be either liquidated or released on a net basis as soon as practicable.

(b) *Definitions.* For the purposes of this section:

(1) *a* "net lease" is a lease under which the association will not, directly or indirectly, provide or be obligated to provide for:

(i) The servicing, repair or maintenance of the leased property during the lease term;

(ii) The purchasing of parts and accessories for the leased property: *provided,* however, that improvements and additions to the leased property may be leased to the lessee upon its request in accordance with the full-payout requirements of this section;

(iii) The loan of replacement or substitute property while the leased property is being serviced;

(iv) The purchasing of insurance for the lessee, except where the lessee has failed in its contractual obligation to purchase or maintain the required insurance;

(v) The renewal of any license or registration for the property unless such action by the association is necessary to protect its interest as an owner of financer of the property.

(2) A "full-payout" lease is one from which the lessor can reasonably expect to realize a return of its full investment in the leased property plus the estimated cost of financing the property over the term of the lease derived from:

(i) Rentals;

(ii) Estimated tax benefits; and

(iii) The estimated residual value of the property at the expiration of the initial term of the lease, which shall not exceed 25 percent of the acquisition cost of the property to the lessor *unless* the estimated residual value is guaranteed by a manufacturer, the lessee, or a third party not an affiliate of the association and the association makes the determination that the guarantor has the resources to meet the guarantee. In all cases, however, both the estimated residual value of the property and that portion of the estimated residual value relied upon by the lessor to satisfy the requirements of a full-payout lease must be reasonable in light of the nature of the leased property and all relevant circumstances so that realization of the lessor's full investment plus the cost of financing the property primarily depends on the creditworthiness of the lessee and any guarantor of the residual value, and not on the residual market value of the leased item.

(c) *Salvage powers.* If, in good faith, an association believes that there has been an unanticipated change in conditions which threatens its financial position by significantly increasing its exposure to loss, the provisions of paragraphs (a) and (b) of this section shall not prevent the association:

(1) As the owner and lessor under a net, full-payout lease, from taking reasonable and appropriate action to salvage or protect the value of the property or its interests arising under the lease; or

(2) As the assignee of a lessor's interest in a lease, from becoming the owner and lessor of the leased property pursuant to its contractual right, or from taking any reasonable and appropriate action to salvage or protect the value of the property or its interests arising under the lease.

(3) *Additional terms.* The provisions of paragraphs (a) and (b) of this section do not prohibit an association from including any provisions in a lease, or from making any additional agreements, to protect its financial position or investment in the circumstances set forth in subparagraphs (c)(1) and (2) of this paragraph.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

3. Revise § 561.38 by adding the following language to the first sentence after the word "mobile homes" and before the first colon:

§ 561.38 Consumer credit.

* * * * *

"and leases of personal property to consumers that may be considered the functional equivalent of loans on personal security"

* * * * *

(Section 401 of the Depository Institutions Deregulation and Monetary Control Act, Pub. L. No. 96–221, 94 Stat 151, 12 U.S.C. 1464(d); Sections 402, 403, and 407 of the National Housing Act, 12 U.S.C. 1725, 1726, and 1730. Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp.))

J. J. Finn,
Secretary.

[FR Doc. 81–29050 Filed 10–5–81; 8:45 am]

BILLING CODE 6720–01–M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D–0022]

Time Deposits of Less Than $100,000 With Original Maturities of 3½ Years or More

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Proposed rulemaking.

SUMMARY: The Depository Institutions Deregulation Committee (the "Committee") is considering amending its rules to establish a new category of time deposit that could be offered by federally-insured commercial banks, mutual savings banks, and savings and loan associations. The Committee requests comment on an account that would have the following principal characteristics: (1) Minimum original maturity of 3½ years of more; (2) no interest rate limitation; (3) permitting additional deposits to be made during the first year of the account without extending its maturity; and (4) a minimum denomination of $250. The Committee also requests comments on a schedule that would each year reduce the minimum maturity of this new deposit category by one year, and the creation of two additional new despoit categories to be effective in 1984 and 1985, respectively.

V46/193 OC6 81 UMI

DATE: Comments must be received by November 6, 1981.

ADDRESS: Interested parties are invited to submit written data, views, or arguments concerning the proposed rules to Steven L. Skancke, Executive Secretary, Depository Institutions Deregulation Committee, Room 1054, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220. All material submitted should include the Docket Number D-0022 and will be available for inspection and copying upon request, except as provided in § 1202.5 of the Committee's Rules Regarding Availability of Information (12 CFR 1202.5).

FOR FURTHER INFORMATION CONTACT: Paul S. Pilecki, Senior Attorney, Board of Governors of the Federal Reserve System (202/452-3281); Allan Schott, Attorney-Adviser, Treasury Department (202/566-2914); F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4261); Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6446); or David Ansell, Attorney, Office of the Comptroller of the Currency (202/447-1880).

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96-221; 12 U.S.C. 3501 *et seq.*) ("Act") was enacted to provide for the orderly phaseout and the utimate elimination of the limitations on the maximum rates of interest and dividends that may be paid on deposit accounts by depository institutions. In adopting the Act, Congress determined that rate ceilings have: (1) Discouraged savings; (2) created inequities for depositors; (3) impeded competition among depository institutions; and (4) not provided an even flow of funds for home mortgage lending. The Congress also found that all depositors, particularly those with modest savings, are entitled to receive a market rate-of-return as soon as it is economically feasible for institutions to pay such rates.

Under the Act, authority to administer deposit rate ceilings has been given to the Committee. The Act also provides that the Committee can phase out rate ceilings by *any* or all of the following methods:

(1) Gradually increase ceilings applicable to *all* account categories (however when increasing rates on *all* existing accounts, the DIDC may not exceed market rates);

(2) Complete elimination of limitations applicable to particular account categories;

(3) Creation of new account categories subject to limits or with limits set at current market rates;

(4) By any combination of the above methods; and

(5) By any other method.

In accordance with its responsiblities, the Committee is requesting public comment on a proposal to meet the objectives of the Act. The Committee proposes to create a new category of time deposit that would not be subject to an interest rate ceiling. The new category (1) would require a minimum maturity of 3½ years or more, (2) would permit additional deposits to be made during the first year of the life of the deposit without extending the maturity date of the account, (3) could be issued in negotiable or nonnegotiable form, (4) could be discounted, (5) would be issued in a minimum denomination of $250, and (6) would be subject to an early withdrawal penalty of at least nine months' forfeiture of interest. In addition, all other provisions of the Committee's rules and the rules of the other agencies would continue to apply.

The Committee and the agencies have taken actions in the past that have been regarded as the establishment of *new* categories of deposit accounts. These accounts include 26-week money market time deposits (MMCs), small saver certificates (SSCs), and the 3-year time deposit available only to IRA and Keogh Plan depositors. These accounts have been regarded as new accounts by virtue of particular characteristics such as maturity, method of determination of ceiling rates, and availability limited to certain classes of depositors. The Committee believes that the proposed 3½ year or more time deposit would be a new category of deposit account for purposes of both the Act and Pub. L. 94-200.[1]

The Committee expects that the new 3½-year time deposits could be offered by depository institutions on a fixed or variable rate basis. For variable rate time deposits, it is expected that the method of determining how the rate would fluctuate would be readily ascertainable and disclosed in writing at the opening of the deposit contract. For example, the rate could be pegged to the rate based on the yield for a particular category of U.S. Treasury securities or any other market based or independently determined yield.

The Committee also requests comment on a proposed schedule under which each year the minimum maturity of the new deposit category would be reduced by one year. Under the schedule, the maturity range and method of determining the rate ceiling of the small saver certificate category of time deposit also would be modified in 1982 and 1983. In addition, the schedule would establish two new time deposit categories without a differential in 1984 and 1985, respectively. This schedule would be as follows:

APPLICABLE RATE CEILING FOR

Original maturity	Commercial banks	MSBs and S&Ls
Effective Feb. 1, 1982:		
(1) 3½ years or more.	No limit	No limit.
(2) 2½ years to less than 3½ years.	Avg. yield for 2½ year Treasury securities less ¼ point.	Avg. yield for 2½ year Treasury securities.
Effective Feb. 1, 1983:		
(1) 2½ years or more.	No limit	No limit.
(2) 1½ years to less than 2½ years.	Avg. yield for 1½ year Treasury securities less ¼ point.	Avg. yield for 1½ year Treasury securities.
Effective Feb. 1, 1984:		
(1) 1½ years or more.	No limit	No limit.
(2) 6 months to 1½ years (new deposit category).	26-week Bill rate	26-week Bill rate.
Effective Feb. 1, 1985:		
(1) 6 months or more.	No limit	No limit.
(2) 14 days to 6 months (new deposit category).	13-week Bill rate	13-week Bill rate.
Effective Feb. 1, 1986:		
All time deposits	No limit	No limit.

The Committee has considered the potential impact on small entities of the proposal to establish a new 3½-year time deposit category and the proposed schedule, as required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). In this regard, the Committee's action would not impose any new regulatory burden, or increase any existing or impose any new reporting or recordkeeping requirements. Consistent with the Committee's statutory mandate to eliminate deposit interest rate ceilings, this proposal would enable depository institutions to pay interest on certain time deposits with maturities of 3½ years or more without regard to interest rate limitations. Thus, small entities that are depositors generally could benefit from the Committee's proposal, since they would be able to earn higher rates of interest on their time deposits. Small entities that are depository institutions could have increased costs as a result of this action, because it is likely that they will be paying higher interest rates on certain time deposits; however, their competitive position *vis-a-vis* nondepository institution competitors should be enhanced by their ability to offer higher rates on time deposits. The proposed new deposit category could be offered by all federally insured commercial banks, mutual savings banks and savings and loan associations.

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[1] Pub. L. 94-200 provides that the differential between thrift institution and commercial bank interest rate ceilings on any category of account in existence on December 10, 1975, cannot be reduced or eliminated without Congressional approval.

In particular, the Committee requests comments on the following specific aspects of the proposal.

(1) *Maturity.* The appropriateness of a minimum maturity period of 3½ years or more.

Should the minimum maturity on the proposed deposit category be reduced each year by one year?

(2) *Additional deposits during first year.* It is appropriate to allow additions to such accounts during the first year without requiring an extension of the maturity?

Should this be a required feature or should it be optional for depository institutions?

(3) *Minimum denomination.* Should the proposed instrument have a minimum denomination of $250, or some other amount?

(4) *Early withdrawal penalty.* Should the proposed 3½ year instrument be subject to a minimum early withdrawal penalty of nine month's forfeiture of interest or the current six month penalty?

As alternatives for this account, should the minimum early withdrawal penalty be:

(1) Three months' loss of interest for each year or part thereof of the original maturity of the time deposit (a 3½ year time deposit would have a twelve month early withdrawal penalty); or

(2) Three months' loss of interest for each year or part thereof remaining to maturity of the time deposit?

(5) *Other features.* The Committee requests comment on whether the proposed deposit category should allow negotiable certificates of deposits, whether issuance of such deposits on a discount basis should be permitted, or whether any other or different characteristics should apply to such accounts.

(6) *New account categories to be introduced in 1984 and 1985.* Should the proposed two new account categories have characteristics similar to the proposed 3½ year category?

(7) *Other comments.* The Committee also requests comments on any other aspect of the proposal that is relevant, including, but not limited to, the effect of the proposed new deposit category on the competitive position and safety and soundness of depository institutions and the effect of the proposal on small entities.

The Committee has determined to shorten the length of the comment period normally provided to the public so that it can consider this issue at its meeting tentatively scheduled for December 16, 1981. Accordingly, all comments must be received by November 6, 1981.

PART 1204—INTEREST ON DEPOSITS

Pursuant to its authority under section 203(a) of the Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96–221; 12 U.S.C. 3502(a)), the Committee proposes to amend 12 CFR Part 1204:

1. Effective February 1, 1982 by adding a new § 1204.119 that would read as follows:

§ 1204.119 Time deposits of less than $100,000 with original maturities of 3½ years or more.

(a) A commercial bank, mutual savings bank, or savings and loan association may pay interest without limit on any time deposit of $250 or more with an original maturity of 3½ years or more.

(b) Any time deposit issued pursuant to this section may provide by contract that additional deposits may be made to the account for a period of one year from the date that is is established without extending the original maturity date of the account. Deposits made to the account more than one year after the date that it is established shall extend the maturity of the entire account for a period at least equal to the original term of the account, or such additional deposit shall be regarded as a separate account.

(c) Where a time deposit issued pursuant to this section is paid before maturity, a depositor shall forfeit an amount at least equal to nine months of interest earned, or that could have been earned, on the amount withdrawn at the nominal (simple interest) rate paid on the deposit, regardless of the length of time the funds withdrawn have remained on deposit.

(d) A depository institution may issue time deposits pursuant to this section with any of the following characteristics:

(1) Such time deposits may be represented by a negotiable or nonnegotiable instrument, or may be in book-entry form; or

(2) Such time deposits may be issued on a discount basis.

(e) Effective February 1, 1983, this section is amended by striking the term "3½ years" wherever it appears and inserting in its place the term "2½ years".

(f) Effective February 1, 1984, this section is amended by striking the term "2½ years" wherever it appears and inserting in its place the term "1½ years".

(g) Effective February 1, 1985, this section is amended by striking the term "1½ years" wherever it appears and inserting in its place "6 months".

(h) Effective February 1, 1986, this section is amended by striking the term "6 months" wherever it appears and inserting in its place "14 days".

2. Effective February 1, 1982, § 1204.106 would be amended by adding a new paragraph (c) as follows:

§ 1204.106 Time deposit of less than $100,000 with maturities of 2½ years to 4 years.

* * * * *

(c)(1) Effective February 1, 1982, this section is amended by striking the term "2½ years to less than 4 years" wherever it appears and inserting in its place "2½ years to less than 3½ years".

(2) Effective February 1, 1983, this section is amended by striking the term "2½ years to less than 3½ years" wherever it appears and inserting in its place "1½ years to less than 2½ years".

3. Effective February 1, 1984, by adding a new § 1204.120 that would read as follows:

§ 1204.120 Time deposits of less than $100,000 with original maturities of 6 months to 1½ years.

Commercial banks, mutual savings banks, and savings and loan associations may pay interest on any time deposit of $250 or more with an original maturity 6 months or more but less than 1½ years at a rate not to exceed the rate established and announced (auction average on a discount basis) for U.S. Treasury bills with maturities of 26 weeks at the auction held immediately prior to the date of deposit. Rounding rates to the next higher rate is not permitted. Time deposits issued under this section shall also be subject to paragraphs (b), (c), and (d) of § 1204.119. This section shall expire on February 1, 1985.

4. Effective February 1, 1985, by adding a new § 1204.121 that would read as follows:

§ 1204.121 Time deposits of less than $100,000 with original maturities of less than 6 months.

Commercial banks, mutual savings banks, and savings and loan associations may pay interest on any time deposit of $250 or more with an original maturity of 14 days or more but less than 6 months at a rate not to exceed the rate established and announced (auction average on a discount basis) for U.S. Treasury bills with maturities of 13 weeks at the auction held immediately prior to the date of deposit. Rounding rates to the next higher rate is not permitted. Time deposits issued under this section shall also be subject to paragraph (d) of § 1204.119.

By order of the Committee, September 25, 1981.

Stevens L. Skancke,

Executive Secretary.

[FR Doc. 81-28998 10-5-81; 8:45 am]

BILLING CODE 4[illegible]0-25-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1306

Urea-Formaldehyde Foam Insulation; Extension of Time for Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time for promulgation of rule.

SUMMARY: The Commission extends for 130 days, from October 6, 1981 to February 15, 1982, the time in which it must issue a consumer product safety rule to declare that urea-formaldehyde (U.F.) foam insulation is a banned hazardous product under section 8 of the Consumer Product Safety Act (CPSA) or withdraw the rule proposed on February 5, 1981. This extension is necessary to enable the Commission to analyze the many complex comments received in response to the proposal. The extension will also allow the Commission to obtain and evaluate data from several ongoing projects, which data will provide a firmer basis for considering final action on the proposal.

DATE: The Commission extends the time for issuance of a final rule or withdrawal of the proposal from October 6, 1981 to February 15, 1982.

ADDRESS: All the information that the Commission has that is relevant to this proceeding may be examined in the Office of the Secretary, Consumer Product Safety Commission (CPSC), 1111 18th St., NW., Third floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Harry Cohen, Program Manager, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6453.

SUPPLEMENTARY INFORMATION: On February 5, 1981, the Commission proposed a ban under section 8 of the Consumer Product Safety Act (CPSA) of urea-formaldehyde (U.F.) foam insulation. (See 46 FR 11188.) Based on information discussed in the proposal, the Commission preliminarily concluded that U.F. foam insulation presents and unreasonable risk of injury because of the release of formaldehyde gas from the product after it is installed. Formaldehyde gas released from U.F. foam insulation can cause illness from acute toxicity as well as result in an increased risk of cancer to consumers who are exposed to the gas. The Commission also preliminarily concluded that no feasible standard, including labeling or information disclosure, would adequately protect the public from the risk of injury associated with U.F. foam insulation.

The proposed ban specified that written comments should be submitted on or before April 6, 1981. Because of the complexity of the issues in the rulemaking and the resulting need to provide a 60-day comment period, the Commission, for good cause, extended in the proposal document the time for issuing a final rule for 180 days after the close of the comment period.[1] Thus, this time currently expires on October 6, 1981.

The Commission has received approximately 270 comments in response to the proposed ban. Many of the comments criticize the proposal and raise complex scientific and technical issues which must be addressed by Commission staff before final action can be taken on the proposal. The Commission believes that the need to fully analyze these detailed comments requires that the time for issuance of a final rule or withdrawal of the proposed be extended several months beyond the October 6, 1981 date.

Furthermore, the Commission has contracted with the U.S. Department of Energy to conduct testing at the Oak Ridge National Laboratory to measure the offgassing of formaldehyde from certain Franklin Research Center panels. These panels designed to simulate actual walls treated with U.F. foam insulation were originally tested for offgassing in a Franklin Research Center study discussed in the proposal. (Franklin Research Center, *Final Report*, Urea-Formaldehyde Foam Insulation Study, F-C5316-01, January, 1981). Evaluation of the panels is continuing in order to obtain measurements simulating the offgassing that might occur 16 months after the installation of U.F. foam insulation. This work, which is expected to be completed in a few weeks, will address some of the public comments concerning the lack of data on release of formaldehyde once the insulation has been in place for a period of time. In addition to the Oak Ridge work, Commission staff are conducting tests at the CPSC laboratory measuring the offgassing of formaldehyde from the original Franklin panels which were not sent to Oak Ridge.

Data from this most recent work on the Franklin panels will be used in the preparation of a revised risk assessment predicting the risk of cancer to the consumer from exposure to formaldehyde gas released from U.F. foam insulation. The revised risk assessment will also differ from the original assessment discussed in the proposal in that it will use more measurements from complaint homes as well as measurements from non-complaint U.F. foam insulated homes and non-U.F. foam homes as baseline data.

Commission staff are also conducting a telephone survey of insulation installers to supplement the economic information presented in the proposal. Data from this survey as well as from the revised risk assessment will be used in the preparation of a revised economic assessment; the revised economic assessment will be reviewed by the Commission in considering what final action to take on the proposed ban.

The Commission expects that the results of the work at Oak Ridge and the CPSC laboratory as well as a summary of the revised risk assessment and revised economic assessment will be published in the **Federal Register** for a 30-day comment period before any final action will be taken on the proposed ban.

It should also be noted that the Commission has received a petition from the Formaldehyde Institute (CP 81-5) requesting the Commission to withdraw the proposed ban U.F. foam insulation and initiate a standard development proceeding for the product. Since the petition raises the same complex issues that have been raised by the public comments on the proposed ban, the Commission plans to consider the petition at the same time as it decides what action to take on the proposal.

Therefore, in view of the need to analyze the detailed and voluminous public comments on the proposal and the need to obtain data from several ongoing formaldehyde projects and to publish the results in the **Federal**

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[1] The CPSA provides that within 60 days after the publication of a proposed ban the Commission must either issue a final ban or withdraw the proposal, unless the Commission, for good cause, extends this period.

Register for comment, the Commission, in accordance with section 9(a)(1) of the CPSA (15 U.S.C. 2058(a)), finds that good cause exists to extend the period within which it must issue a consumer product safety rule or withdraw the proposal for 130 days, until February 15, 1982.[2] This period may be further extended for good cause by notice published in the Federal Register.

Dated: October 2, 1981.

Sheldon D. Butts,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 81-29106 Filed 10-5-81; 8:45 am]

BILLING CODE 6355-01-M

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[2] Section 9 of the CPSA was amended on August 13, 1981 by the Consumer Product Safety Amendments of 1981, Pub. L. 97–35. However, section 1215(b) of the Amendments provides that the amendments shall apply to section 9 rules proposed after August 14, 1981. Therefore, the Amendments do not apply to the present proceeding since the proposed ban was issued before August 14, 1981.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2 and 35

[Docket No. RM81-38]

Inclusion of Construction Work in Progress for Public Utilities; Further Extension of Time for Comment and for Notices of Intent to Participate and Rescheduling Oral Presentations

September 25, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice further extending the time for comment and for notices of intent to participate and rescheduling oral presentations.

SUMMARY: On July 27, 1981, the Commission issued a Notice of Proposed Rulemaking to amend its regulations regarding the inclusion of construction work in progress (CWIP) in the rate base of public utilities to relieve severe financial difficulty (46 FR 39445, August 3, 1981). After once extending the relevant deadlines, requests continue to be received by the Commission to extend the comment periods. These requestrs are granted to the extent set forth in the Notice.

DATES: Notices of intent to file written comments are due on or before October 16, 1981. Initial comments are due not later than October 30, 1981. Reply comments are due not later than November 25, 1981. Oral presentations are rescheduled for December 7 and December 8, 1981. Requests to participate in the oral presentations are due by October 16, 1981.

ADDRESSES: All filings should reference Docket No. RM81-38 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: James Hoecker, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-9342.

SUPPLEMENTARY INFORMATION: The Commission continues to receive requests that more time be provided for preparation and submittal of initial and reply comments on the proposed rule in this docket, beyond the additional time provided in the Secretary's Notice of September 4, 1981. (46 FR 45624, September 14, 1981)

The Edison Electric Institute (EEI), the American Public Power Association (APPA), and several public utilities [1] petition the Commission to extend the time periods set forth by the Secretary. In light of the complexity of the issues presented by the proposed rule and the general topic of construction work in progress and the Commission's request for empirical studies of the subject, the initial and reply comment deadlines are extended, as set forth below, in accordance with the requests of EEI and other parties. As a result, the oral presentations will also be rescheduled.

The Commission also extends the period for filing with the Secretary a notice of intent to file written comments. Pursuant to the filing of such notice the Secretary will compile a list of participants designated to receive copies of initial and reply comments. The Secretary will supply each participant with this service list so as to facilitate the exchange of initial and reply comments among all commenters. The deadline for requesting to make oral presentation is likewise extended, as indicated.

All other rules of participation in this rulemaking proceeding remain as announced in prior notices.

Initial comments are due not later than October 30, 1981. Commenters should serve their comments on all other participants by that date. Reply comments are due not later than November 25, 1981. Oral presentations will be held at the Commission's offices on Monday, December 7, and Tuesday, December 8, 1981, in Washington, D.C., at a time to be announced.

Persons wishing to comment must submit a notice of intent to file written comments on or before October 16, 1981. Persons wishing to make an oral presentation must request to do so on or before October 16, 1981.

All filings and requests must be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and reference Docket No. RM81-38.

Kenneth F. Plumb.

Secretary.

[FR Doc. 81–[illegible] Filed 10-5-81; 8:45 am]

BILLING CODE 6450-85-M

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[1] Appalachian Power Company, Boston Edison Company, Columbus & Southern Ohio Electric Company, Commonwealth Edison Company, Indiana and Michigan Electric Company, Kentucky Power Company, Kingsport Power Company, Michigan Power Company, New England Power Company, Northeast Utilities Service Company, Ohio Power Company, Pennsylvania Power & Light Company, Wheeling Electric Company.

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18 CFR Part 271

[Docket No. RM79-76 (Utah-3)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

Correction

In FR Doc. 81-28613 appearing at page 48234 in the issue of Thursday, October 1, 1981, third column, seventh line from the bottom, insert "not" after "may".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Abandoned Mine Lands Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: On July 28, 1981, the State of North Dakota submitted to OSM its proposed abandoned mine land reclamation plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State plan.

DATES: Written comments on the plan must be received on or before 5:00 p.m., November 5, 1981.

ADDRESSES: Copies of the full text of the proposed North Dakota Abandoned Mine Reclamation plan are available for

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review during business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region V, 1020 15th Street, Brooks Towers, Denver, Colorado 80202.
Division of Reclamation, Public Service Commission of North Dakota, Capitol Building, Bismarck, North Dakota 58505

Written comments must be mailed or hand carried to: Regional Director, Office of Surface Mining Reclamation and Enforcement, 1020 15th Street, Brooks Towers, Denver, Colorado 80202.

Comments received after 5:00 pm November 5, 1981 will not be considered or included in the administrative record for this rulemaking.

The Administrative Record will be available for public review at the OSM Region V office above, on Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Hugh Montgomery, Assistant Regional Director, AML, Office of Surface Mining Reclamation and Enforcement, 1020 15th Street, Brooks Towers, Denver, Colorado 80202, Telephone (615) 837–5918.

SUPPLEMENTARY INFORMATION: Title IV of the Office of Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the provisions of the approved program.

On July 28, 1981, OSM received a proposed abandoned mine reclamation plan from the State of North Dakota. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's Abandoned Mine Lands (AML) Reclamation Program (30 CFR Chapter VII, Subchapter R) as published in the Federal Register (FR) on October 25, 1978, 43 FR 49932–49952.

This notice describes the proposed program and sets forth information concerning public participation in the Director's determination of whether or not the submitted plan may be approved. The public participation requirements for the consideration of a State AML Reclamation Plan are found in 30 CFR 884.13 and 884.14 (43 FR 49948 (1978)). Additional information may be found under corresponding sections of the preamble to OSM's AML Reclamation Program Final Rules (43 FR 49932–49940 (1978)).

The receipt of the North Dakota Reclamation Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in North Dakota.

By submitting a proposed plan, North Dakota has indicated that it wishes to be primarily responsible for this program. If the submission is approved by the Director of OSM, the State will have primary responsibility for the reclamation of abandoned mine lands in North Dakota. If the program is disapproved and the State does not choose to revise the plan, a Federal AML program will be implemented and OSM will have primary responsibility for these activities.

The Regional Director has determined that the public was provided adequate notice and opportunity to be heard on the plan and that the record does not reflect any major unresolved controversies. Therefore, a public hearing will not be held.

Representatives of the Regional Director's Office will be available to meet Monday through Friday, excluding holidays, between 8:00 a.m. and 4:00 p.m. in the Regional Director's office at the request of members of the public to receive their advice and recommendations concerning the proposed State AML reclamation program.

Persons wishing to meet with representatives of the Regional Director's Offcie during this time period may place such request with Ronald Bertram, telephone 615/837–5918 at the Regional Director's Office above.

The Department intends to continue to discuss the State's plan with representatives of the State throughout the review process. All contacts between Departmental personnel and representatives of the State will be conducted in accordance with OSM's guidelines on contacts with States published September 19, 1979 at 44 FR 54444.

The Office of Surface Mining has examined this proposed rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981), and determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying the determination on the North Dakota Reclamation Plan are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions;

2. Approval will not have adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs, and aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the North Dakota Abandoned Mine Relcamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Reclamation Plan. Therefore, under the Department of Interior Manual 5162.3(A)(1), the Office's decision on the North Dakota Plan is categorically excluded from the National Environmental Policy Act process. As a result no Environmental Assessment or Environmental Impact Statement (EIS) has been prepared on this action. It should be noted that a programmative EIS was prepared by OSM in conjunction with approval of the Pub. L. 95–87 Title IV abandoned mine land regulations. Moreover, an environmental analysis or an environmental impact statement will be prepared for the approval of grants for the abandoned mine lands reclamation projects under 30 CFR Part 886.

The North Dakota Reclamation Plan for Abandoned Mine Lands can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The State has the legal authority, policies and administrative structure to carry out the plan.

4. The plan meets all the requirements of the OSM, AML Reclamation Program Provisions.

5. The State has an approved Regulatory Program, and

6. It is determined that the plan is in compliance with all applicable State and Federal laws and regulations.

The following constitutes a summary of the contents of the North Dakota Reclamation Plan submission:

The North Dakota Public Service Commission has been designated by the Governor of the State of North Dakota to implement and enforce the Abandoned Mine Lands Program in accordance with SMCRA (Pub. L. 95–87). The Department has developed State regulations to carry out the State mandate. Contents of the State Plan submission include:

(a) Designation of authorized State Agency to administer the program.

(b) State's Chief Legal Officer's opinion of designated Agency to operate the program.

(c) Description of the policies and procedures to be followed in conducting the program including:

(1) Goals and objectives

(2) Project ranking and selection procedures

(3) Coordination with other reclamation programs

(4) Land acquisition, management and disposal

(5) Reclamation on private land

(6) Rights of Entry

(7) Public participation in the program

(d) Description of the Administrative and Management structure to be used in the program including:

(1) Description of the organization of the designated agency and its relationship to other organizations that will participate in the program.

(2) Personnel staffing policies.

(3) Purchasing and procurement systems and policies.

(4) Description of the accounting system including specific procedures for operation of the reclamation fund.

(e) Description of the public's participation in preparation of the plan.

(f) A general description of activities to be conducted under the reclamation plan including.

(1) Known or suspected eligible lands and water requiring reclamation, including a map.

(2) General description of the problems identified and how the plan proposes to deal with them.

(3) General description of how the lands to be reclaimed and proposed reclamation relate to the surrounding lands and land uses.

(4) A table summarizing the quantities of land and water affected and an estimate of the quantities to be reclaimed during each year covered by the plan.

(5) General description of the social, economic, and environmental conditions in the different geographic areas where reclamation is planned, including:

(i) The economic base.

(ii) Sociologic and demographic characteristics.

(iii) Significant aesthetic, historic or cultural, and recreational values.

(iv) Hydrology including water quality and quantity problems associated with past mining.

(v) Flora and fauna including endangered or threatened species and their habitat.

(vi) Underlying or adjacent coal beds and other minerals and projected methods of extraction.

(vii) Anticipated benefits from reclamation.

Dated: September 11, 1981.

J. S. Griles,

Director.

Dated: September 23, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary—Energy and Minerals.

[FR Doc. 81–28981 Filed 10–5–81; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 936

Abandoned Mine Lands Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: On July 30, 1981, the State of Oklahoma submitted to OSM its proposed abandoned mine land reclamation plan under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State plan.

DATES: Written comments on the plan must be received on or before 5:00 p.m., November 5, 1981.

ADDRESSES: Copies of the full text of the proposed Oklahoma Abandoned Mine Reclamation plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation
and Enforcement, Region IV, 818
Grand Avenue, Kansas City, Missouri
64106.

Oklahoma Conservation Commission, 10
State Capitol Building, Oklahoma
City, Ohlahoma 73105.

Written comments must be mailed or hand carried to: Regional Director, Office of Surface Mining Reclamation and Enforcement, 818 Grand Avenue, Kansas City, Missouri 64106.

Comments received after 5:00 pm (November 5, 1981) will not be considered or included in the administrative record for this rulemaking.

The Administrative Record will be available for public review at the OSM Region IV office above, on Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Dan Jones, Assistant Regional Director, AML, Office of Surface Mining Reclamation and Enforcement, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone (816) 374–5109.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land program for the purposes of reclaiming and restoring land and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the provisions of the approved program.

On July 30, 1981, OSM received a proposed abandoned mine reclamation plan from the State of Oklahoma. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's

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Abandoned Mine Lands (AML) Reclamation Program (30 CFR Chapter VII, Subchapter R) as published in the Federal Register (FR) on October 25, 1978, 43 FR 49932–49952.

This notice describes the proposed program and set forth information concerning public participation in the Director's determination of whether or not the submitted plan may be approved. The public participation requirements for the consideration of a State AML Reclamation Plan are found in 30 CFR 884.13 and 884.14 (43 FR 49948 (1978)). Additional information may be found under corresponding sections of the preamble to OSM's AML Reclamation Program Final Rules (43 FR 49932–49940 (1978)).

The receipt of the Oklahoma Reclamation Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Oklahoma.

By submitting a proposed plan, Oklahoma has indicated that it wishes to be primarily responsible for this program. If the submission is approved by the Director of OSM, the State will have primary responsibility for the reclamation of abandoned mine lands in Oklahoma. If the program is disapproved and the State does not choose to revise the plan, a Federal AML program will be implemented and OSM will have primary responsibility for these activities.

The Regional Director has determined that the public was provided adequate notice and opportunity to be heard on the plan and that the record does not reflect any major unresolved controversies. Therefore, a public hearing will not be held.

Representatives of the Regional Director's Office will be available to meet Monday through Friday, excluding holidays, between 8:00 a.m. and 4:00 p.m. in the Regional Director's Office at the request of members of the public to receive their advice and recommendations concerning the proposed State AML reclamation program.

Persons wishing to meet with representatives of the Regional Director's Office during this time period may place such request with Ralph Zampogna, telephone 816/374–5109 at the Regional Director's Office above.

The Department intends to continue to discuss the State's plan with representatives of the State throughout the review process. All contacts between Departmental personnel and representatives of the State will be conducted in accordance with OSM's guidelines on contacts with States published September 19, 1979 at 44 FR 54444.

The Office of Surface Mining has examined this proposed rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981), and determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying the determination on the Oklahoma Reclamation Plan are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government, agencies, or geographic region;

2. Approval will not have adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs, and aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Oklahoma Abandoned Mine Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Reclamation Plan. Therefore, under the Department of Interior Manual 5162.3(A)(1), the Office's decision on the Oklahoma Plan is categorically excluded from the National Environmental Policy Act process. As a result no Environmental Assessment or Environmental Impact Statement (EIS) has been prepared on this action. It should be noted that a programmative EIS was prepared by OSM in conjunction with approval of the Pub. L. 95–87 Title IV abandoned mine land regulations. Moreover, an environmental analysis or an environmental impact statement will be prepared for the approval of grants for the abandoned mine lands reclamation projects under 30 CFR Part 886.

The Oklahoma Reclamation Plan for Abandoned Mine Lands can be approved if:

1. The Director finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The State has legal authority, policies and administrative structure to carry out the plan.

4. The plan meets all the requirements of the OSM, AML Reclamation Program Provisions.

5. The State has an approved Regulatory Program, and

6. It is determined that the plan is in compliance with all applicable State and Federal laws and regulations.

The following constitutes a summary of the contents of the Oklahoma Reclamation Plan submission:

The Oklahoma Conservation Commission has been designated by the Governor of the State of Oklahoma to implement and enforce the Abandoned Mine Lands Program in accordance with SMCRA (Pub. L. 95–87). The Department has developed State regulations to carry out the State mandate. Contents of the State Plan submission include:

(a) Designation of authorized State Agency to administer the program.

(b) State's Chief Legal Officer's opinion of designated Agency to operate the program.

(c) Description of the policies and procedures to be followed in conducting the program including:

(1) Goals and objectives

(2) Project ranking and selection procedures

(3) Coordination with other reclamation programs

(4) Land acquisition, management and disposal

(5) Reclamation on private land

(6) Rights of Entry

(7) Public participation in the program

(d) Description of the Administrative and Management structure to be used in the program including:

(1) Description of the organization of the designated agency and its relationship to other organizations that will participate in the program.

(2) Personnel staffing policies.

(3) Purchasing and procurement systems and policies.

(4) Description of the accounting system including specific procedures for operation of the reclamation fund.

(e) Description of the public's participation in preparation of the plan.

(f) A general description of activities to be conducted under the reclamation plan including:

(1) Known or suspected eligible lands and water requiring reclamation, including a map.

(2) General description of the problems identified and how the plan proposes to deal with them.

(3) General description of how the lands to be reclaimed and proposed reclamation relate to the surrounding lands and land uses.

(4) A table summarizing the quantities of land and water affected and an estimate of the quantities to be reclaimed during each year covered by the plan.

(5) General description of the social, economic, and environmental conditions in the different geographic areas where reclamation is planned, including:

(i) The economic base.

(ii) Sociologic and demographic characteristics.

(iii) Significant aesthetic, historic or cultural, and recreational values.

(iv) Hydrology including water quality and quantity problems associated with past mining.

(v) Flora and fauna including endangered or threatened species and their habitat.

(vi) Underlying or adjacent coal beds and other minerals and projected methods of extraction.

(vii) Anticipated benefits from reclamation.

Dated: September 11, 1981.

J. S. Griles,

Director.

Dated: September 23, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

[FR Doc. 81-28980 Filed 10-5-81; 8:45 am]

BILLING CODE 4310-05-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket RM77-17]

Registration of Claims to Renewal of Copyright

AGENCY: Copyright Office, Library of Congress.

ACTION: Proposed rule.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is considering adoption of a new regulation with respect to renewal registration practices and procedures under section 304(a) of the Copyright Act of 1976, title 17 of the United States Code. That section pertains to claims to renewal copyright in works for which first term copyright subsisted on January 1, 1978. The effect of the proposed regulation is to prescribe conditions for the registration of such claims to renewal copyright.

DATE: Written comments should be received on or before November 6, 1981.

ADDRESSES: Ten copies of written comments should be addressed, if sent by mail to: Office of the General Counsel, C.O., Library of Congress, Department D.S., Washington, D.C. 20540; or by hand to: Office of the General Counsel, Copyright Office, Room LM-407, Madison Building, Independence Avenue, S.E., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, (202) 287-8380.

SUPPLEMENTARY INFORMATION: Section 304(a) of the Copyright Act of 1976 [Act of October 19, 1976, 90 Stat. 2541], provides generally that "any copyright, the first term of which is subsisting on January 1, 1978," endures for 28 years from the date it was originally secured, and that a second term of copyright, lasting 47 years, can be secured by certain designated claimants if an application for renewal is made to the Copyright Office "within one year prior to the expiration of the original term of copyright." [1] With one exception, this provision is essentially a reenactment of the renewal provision in effect before 1978; the exception involves the lengthening of the second (renewal) term from 28 years to 47 years. It applies to works originally copyrighted between January 1, 1950, and December 31, 1977.

On January 5, 1978, the Copyright Office published in the **Federal Register** (43 FR 964) a regulation revising § 202.17 of the regulations of the Copyright Office. This regulation was issued on an interim basis in order to allow persons to apply for and secure renewal registration immediately upon and after the effective date of the new Copyright Act. In addition, the Copyright Office invited comments from the public on the interim regulation in general and specific comments on:

(i) The necessity for original registration as a basis for renewal registration in the case of foreign works protected under the Universal Copyright Convention; and

(ii) The correct renewal claimant and statement of claim in cases where the author has no surviving widow, widower, or children and left a will naming executors, but the executors have been discharged.

Three comments were received in response to the rulemaking. After a careful review of these comments, as well as the relevant case law and legislative history concerning the renewal provision, the Copyright Office has reached some tentative conclusions as to what our regulation should provide. Also, the comments have led us to propose several changes in the interim regulation. A discussion of the major substantive comments and proposed changes follows.

1. *Failure to apply timely for renewal registration.* Paragraph (a)(1) of the interim regulation concerns the consequences which may result from a failure to apply timely for renewal registration. The third sentence of this provision states:

> Unless the required application and fee are received in the Copyright Office during the prescribed period before the first term of copyright expires, *copyright protection is lost permanently and the work enters the public domain.* (Emphasis added.)

One comment received on behalf of a copyright owner objected to the necessity for, and correctness of, the emphasized portion of the regulation. The commentator believed that this sentence could mislead the public since an unrenewed "new version" no longer protected by copyright may contain preexisting works still subject to statutory copyright.

It is a well established principle in copyright law that although the new material in a derivative work may enter the public domain through failure to renew that version, the old matter contained therein which is still covered by a separate statutory copyright is not dedicated to the public. *G. Ricordi & Co. v. Paramount Pictures, Inc.*, 187 F.2d 469 (2d Cir.), cert. denied, 342 U.S. 849 (1957); *Filmvideo Releasing Corp. v. Hastings*, 426 F. Supp. 690 (S.D.N.Y. 1976); *Grove Press, Inc. v. Greenleaf Publishing Co.*, 247 F. Supp. 518 (E.D.N.Y. 1965); *Russell v. Price*, 612 F.2d 1123 (9th Cir. 1979).

There was certainly no intention on the part of the Office when the interim regulation was written to depart in any way from the *Ricordi* principle. Nevertheless, it is possible that the interim regulation as written could cause confusion among users as to the manner in which works in the public

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[1] Under section 305 of the Act, "[a]ll terms of copyright provided by sections 302 through 304 run to the end of the calendar year in which they would otherwise expire." Section 305 thus makes a material change regarding the renewal period for works in which copyright subsists on January 1, 1978. Under the former law, title 17 U.S.C., in effect on December 31, 1977, the renewal period was the 28th year of the original term rather than the calendar year in which the term expires.

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domain may be utilized. The Office believes, however, that copyright owners should be alerted to the consequences of expiration which results from a failure to apply timely for renewal registration.

In the interest of clarification, the Office would delete the emphasized portion of the interim regulation and in its place would insert a paraphrased part of section 304(a) of the Act. The sentence as contained in the proposed regulation reads as follows:

> Unless the required application and fee are received in the Copyright Office during the prescribed period before the first term of copyright expires, *the copyright in the unrenewed work terminates at the expiration of twenty-eight years from the end of the calendar year in which copyright was originally secured.*

2. *Original registration.* Article III(1) of the Universal Copyright Convention (U.C.C.) exempts, under certain conditions, foreign authors who are nationals of a U.C.C. country, or who first publish their works in a U.C.C. country, from formalities which constitute a condition of copyright protection in the country where protection is sought. When the United States joined the Universal Copyright Convention, effective in September, 1955, we amended our Copyright Act to implement this provision. Section 9(c) of the former Act (title 17 U.S.C., in effect on December 31, 1977) exempted U.C.C. works from the obligatory deposit and registration requirements set forth in the first sentence of section 13 of the former law. The fifth paragraph of Article III of the U.C.C., however, permits the United States to continue its formalities with respect to the renewal term of copyright.[2]

As part of this rulemaking, the Copyright Office sought specific comments on:

> The necessity of original registration as a basis for renewal registration in the case of foreign works protected under the Universal Copyright Convention. (43 FR 965).

In response to this inquiry, the Office received one comment from the Authors League of America, Inc. which contended that an original registration should not be required as a condition of renewal copyright in these cases.

Although the Office believes that an original registration provides several advantages under the statute and can be legally required as a condition precedent to renewal,[3] the history of the U.C.C. and the spirit underlying its formation have led us to propose alternatives to original registration for U.C.C. claimants. Where original registration for a work has not been made, however, the Office has concluded that it is appropriate and necessary to obtain documentation relating to the work's eligibility under the U.C.C. and to the subsistence of a copyright under U.S. law.

For these reasons, paragraph (d)(2) of the regulation requires a U.C.C. renewal claimant in the case of an unregistered work to accompany his or her claim with a "Renewal Affidavit for a U.C.C. Work," specifying the date and place of first publication and the citizenship and domicile of the author on the date of first publication. In order to assure that the notice requirements of the Convention, as implemented in U.S. law, were met at the time of first publication, the regulation further requires a claimant to accompany his or her claim and "Renewal Affidavit" with a submission relating to the form and position of the copyright notice. Although the best evidence of compliance with the notice requirements would be the submission of one complete copy of the work as first published, the Office recognizes the practical difficulties that this may entail. Accordingly, paragraph (d)(2)(ii) establishes alternative submission requirements in descending order of preference.

In its comments, the Authors League also suggested that U.S. authors and foreign authors of works not protected by the U.C.C. be relieved from the obligation of making an original term registration as a condition for renewal registration. The Office has not adopted this suggestion.

At least since 1909, it has been the position of the Copyright Office that renewal registration will not be made unless registration has first or simultaneously been made for the original term. Section 304(a) provides that the renewal claim must be "duly registered" in order to extend the term of copyrights in the original term on January 1, 1978. Under section 410(a), the Office has a duty to examine a claim and determine that the "legal and formal requirements" of the Act have prima facie been met before a certificate is issued. It seems clear that these statutory obligations cannot be carried out in the case of claims to renewal copyright unless original term registration has been made, or the equivalent documentary evidence has been submitted to substantiate the legal sufficiency of the claim. Without such evidence, spurious renewal claims would be entered and the integrity and usefulness of the public record would suffer. A work that had been rejected for original term registration might be submitted and registered for the renewal term. False claimants might apply for renewal registration.

While it might be theoretically possible to specify alternative submissions equivalent to original term registration for both U.C.C. and non-U.C.C. works, the Office sees no public benefit in such a cumbersome procedure for non-U.C.C. works. In any event, the Office believes that original term registration remains mandatory for pre-1978 published works not protected under the U.C.C. Except for U.C.C. works, section 13 of the former law required deposit of copies following publication with notice, "accompanied in each case by a claim of copyright."

3. *Posthumous works.* Section 304(a) of the current Act provides, and section 24 of the former act provided that, "in the case of any posthumous work * * * the proprietor of such copyright shall be entitled to a renewal." The question of what is a "posthumous work" for renewal purposes has been the subject of controvery. The term commonly refers to a work first published after the death of the author. Its importance in terms of who is a proper renewal claimant, however, has led to further refinement. The issue was considered in *Bartok* v. *Boosey & Hawkes, Inc.*, 523 F. 2d 941 (2d Cir. 1975). In this case, the U.S. Court of Appeals for the Second Circuit decided that, despite the fact that a work may be

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[2] The U.C.C. text is as follows:

"If a Contracting State grants protection for more than one term of copyright and the first term is for a period longer than one of the minimum periods prescribed in Article IV [25 years ordinarily] such State shall not be required to comply with the provisions of paragraph 1 of this Article [which make the U.C.C. notice the sole formality] in respect of the second or any subsequent term of copyright."

It is the view of the Copyright Office that this text clearly permits the United States to require renewal registration for U.C.C. works, if it so chooses. We satisfy the U.C.C. obligation by providing 28 years of protection during the first term. Neither section 304(a) of the Copyright Act not any other relevant provision exempt U.C.C. claimants from the renewal registration formality.

[3] In the case of non-U.C.C. works, it has been the long-established position of the Copyright Office that registration for the original term of copyright is a condition precedent to renewal registration. Although the United States could not, consistent with its U.C.C. obligations, require original term registration as a condition of protection for the first 28 years of the copyright for U.C.C. works, nothing in the text of the U.C.C. prohibits the United States from requiring original term registration simultaneous with renewal registration *solely* as a condition of protection from the 29th year of the copyright onward. That the original term registration would be made before the start of the 29th year seems immaterial if it is clear that protection during the first term is not conditioned on such registration. For policy reasons, however, the Copyright Office has not proposed that registration for the original term be required for U.C.C. works as a condition precedent to renewal registration.

first published after the death of the author, it will not be considered posthumous for purposes of the renewal provision if copyright in the work has been assigned during the author's lifetime.

In discussing the meaning of the term "posthumous work" in relation to section 304(a), the Report of the Judiciary Committee of the House of Representatives (H.R. REP. NO. 94–1476, 94th Cong., 2d. Sess. at 139) states:

> Although the bill preserves the language of the present renewal provision without any change in substance, the Committee intends that the reference to a "posthumous work" in this section has the meaning given to it in *Bartok* v. *Boosey & Hawkes, Inc.,* * * * one as to which no copyright assignment or other contract for exploitation of the work has occurred during an author's lifetime, rather than one which is simply first published after the author's death.

This definiton has been adopted in paragraph (b) of the proposed regulation.

The discussion on posthumous works in the Report of the Judiciary Committee of the Senate, however, is narrower in its scope (S. REP. NO. 94–473, 94th Cong., 1st Sess. at 123):

> The reference to a "posthumous work" in this section means one as to which no assignment has occurred during the author's lifetime, rather than one which is simply first published after the author's death.

It may be argued that these two references to a "posthumous work" are inconsistent in cases where a contract for exploitation of the work, but no copyright "assignment" of the work, has been executed during the author's lifetime.

It is the practice of the Copyright Office, under the "rule of doubt," to resolve doubtful claims in favor of registration where a reasonable argument can be made that a court would sustain the claim. Because of the possibly conflicting interpretations of "posthumous work," paragraph (f)(2) of the regulation permits the filing of a renewal claim by the proprietor of the work, in addition to the natural claimant, where a contract for exploitation of the work has been executed during the author's lifetime even if no "assignment" of the copyright was made. However, the regulation makes clear that registration by the Copyright Office of the proprietor's renewal claim "should not be interpreted as evidencing the validity of the claim."

4. *Duplicate renewal registration.* On occasion, the Copyright Office receives more than one application for renewal on behalf of the same renewal claimant. This situation arises most often in cases where an author and his or her publisher both file renewal claims on the author's behalf. It has been the practice of the Copyright Office in these cases (Part 11.9.2. I of the Compendium of Copyright Office Practices) to reject the second "duplicate" renewal application once renewal registration has been made. We have decided to propose that this practice be specifically stated in paragraph (e)(3) of the regulation. The clarity of the public record may be confused and in any event is not improved by duplicate registrations.

5. *Renewal claimants.* The general structure of the renewal provision creates the renewal interest as a separate estate, distinct from the original term of copyright. Eligibility to claim renewal is determined with reference to the statute, and one must come within its specified categories to claim the second term of statutory copyright. These categories of renewal claimants are set forth in paragraph (f)(1) of the regulation. If the author is alive, *only* he or she may claim renewal copyright; if the author is deceased, and there is a surviving spouse or child(ren), *only* the widow(er) and the child(ren) may claim; if there is no surviving widow(er) or child, and the author left a will, then *only* the author's executor may claim; and finally, the next of kin may claim, *in the absence of a will,* under the strict statutory language.

As part of this rulemaking, the Copyright Office sought specific comments on:

> The correct renewal claimant and statement of claim in cases where the author has no surviving widow, widower or children and left a will naming executors, but the executors have been discharged. (43 FR 965).

We received one comment relating to this question. It was suggested that the regulation permit the author's legatees to apply for the renewal directly where the author leaves a will but no executor is able or willing to act.

What legislative history exists on the subject, suggests that, in designating the executor as the proper renewal claimant for testate authors, rather than have the legatees claim in their own right, the Congress was most concerned with the efficient administration of the author's estate. The executor, who is responsible for the administration of the author's testamentary estate, was given special power with respect to renewal copyrights (which are not part of the testamentary estate). It was believed that the special fiduciary obligations of the executor placed him or her in a position to carry out the will of the testator. The apparent and ultimate motivation of Congress was to allow authors who were not survived by a widow(er) or children to choose who shall own the copyright renewal.

However, in practice, it has not clearly been established how the wishes of the testator can be given effect in three specific instances: (1) Where the author has left a will which names no executor; (2) where the author has left a will which names an executor who cannot or will not serve in that capacity; or (3) where the author has left a will which names an executor who has been discharged upon settlement of the estate or removed before the estate has been completely administered.

The dilemma posed by the first situation was resolved in *Gibran v. Alfred A. Knopf Inc.,* 153 F. Supp. 854 (S.D.N.Y., 1957), aff'd *Gibran v. National Committee of Gibran,* 255 F.2d 121 (2d Cir. 1958, cert. denied, 358 U.S. 828 (1958). This case held that where an author has left a will which names no executor, a court-appointed administrator cum testamento annexo (administrator c.t.a.) in existence at the time of renewal stands in the shoes of the executor and, as such, is entitled to renew the copyright. The Copyright Office has applied this decision (Part 11.7.4 of the Compendium of Copyright Office Practices) by accepting renewal claims in the name of an existing administrator c.t.a. [or an administrator de bonis non cum testamento annexo (administrator d.b.n.c.t.a.)] in cases where the author has left a will which names no executor.

We have decided to propose that this practice be incorporated in paragraph (f)(3) of the regulation. Furthermore, we have followed the spirit of the *Gibran* decision by extending the practice of accepting renewal claims in the name of an adminisrator c.t.a. or an administrator d.b.n.c.t.a., as the case may be, to the two remaining instances noted above. However, because of the continuing doubt surrounding claims in these two instances, the Copyright Office also will accept conflicting claims to renewal in the name of the next of kin. In this regard, the regulation makes clear that registration by the Copyright Office of the conflicting renewal claims "should not be interpreted as evidencing the validity of either claim."

We have also decided that there is no basis for renewal in the names of the legatees since Congress in 1909 deliberately excluded the author's heirs from the list of statutory successors.

6. *Application by telephone.* Under the interim regulation, the Copyright Office will, under certain circumstances, accept information required to effect renewal registration by telephone. This

practice started under the former law where first term copyrights expired throughout the year, based on the exact date the copyright was originally secured. Experience with this practice under the current Act has led us to propose that we will not accept applications by telephone. Under the current Act, *all* copyrights expire on December 31 of a given year. The result has been that the Copyright Office is inundated with telephone applications in December of each year, and many calls that are placed are not answered. We have a major administrative problem, and chance plays a large role in determining whether renewal is effected. We are proposing to dispense with the telephone method of applying for renewal. We will accept telegraphic or other written forms of communication.

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

In consideration of the foregoing, we propose to amend Part 202 of 37 CFR, Chapter II by adding a new §202.17 to read as follows:

§ 202.17 Renewals.

(a) *General.* This section prescribes rules pertaining to the application for renewal copyright under section 304(a) of title 17 of the United States Code, as amended by Pub. L. 94–553.

(b) *Definition.* For purposes of this section, the term "posthumous work" means a work that was unpublished on the date of the death of the author and with respect to which no copyright assignment or other contract for exploitation of the work occurred during the author's lifetime.

(c) *Renewal Time-Limits.* (1) For works originally copyrighted between January 1, 1950 and December 31, 1977, claims to renewal copyright must be registered within the last year of the original copyright term, which begins on December 31 of the 27th year of the copyright, and runs through December 31 of the 28th year of the copyright. The original copyright term for a published work is computed from the date of first publication; the term for a work originally registered in unpublished form is computed from the date of registration in the Copyright Office. Unless the required application and fee are received in the Copyright Office during the prescribed period before the first term of copyright expires, the copyright in the unrenewed work terminates at the expiration of twenty-eight years from the end of the calendar year in which copyright was originally secured. The Copyright Office has no discretion to extend the renewal time limits.

(2) The provisions of paragraph (c)(1) of this section are subject to the following qualification: In any case where the year date in the notice on copies distributed by authority of the copyright owner is earlier than the year of first publication, claims to renewal copyright must be registered within the last year of the original copyright term, which begins on December 31 of the 27th year from the year contained in the notice, and runs through December 31 of the 28th year from the year contained in the notice.

(3) Whenever a renewal applicant has cause to believe that a formal application for renewal (Form RE), and in the case of works under paragraph (d)(2) of this section, an accompanying affidavit and submission relating to the subsistence of first-term copyright, if sent to the Copyright Office by mail, might not be received in the Copyright Office before expiration of the time limits provided by 17 U.S.C., section 304(a), he or she may apply for renewal registration by telegraphic or similar unsigned written communication. An application made by this method only will be accepted if: (i) The message is received in the Copyright Office within the specified time limits; (ii) the applicant adequately identifies the work involved, the date of first publication or original registration, the name and address of the renewal claimant, and the statutory basis of the renewal claim; (iii) the fee for renewal registration, if not already on deposit, is received in the Copyright Office before the time for renewal registration has expired; and (iv) a formal application for renewal (Form RE), and in the case of works under paragraph (d)(2) of this section, an accompanying affidavit and submission relating to subsistence of the first-term copyright are also received in the Copyright Office before February 1 of the following year.

(d) *Original Registration.* (1) Except as provided by paragraph (d)(2) of this section, copyright in a work will not be registered for a renewal term unless an original registration for the work has been made in the Copyright Office.

(2) An original registration in the Copyright Office is not a condition precedent for renewal registration in the case of a work in which United States copyright subsists by virtue of section 9(c) of title 17 of the United States Code, in effect on December 31, 1977 (which implemented the Universal Copyright Convention) provided, however, that the application for renewal registration is accompanied by:

(i) An affidavit identified as "Renewal Affidavit for a U.C.C. Work" and containing the following information:

(A) The date of first publication of the work;

(B) The place of first publication of the work;

(C) The citizenship of the author on the date of first publication of the work;

(D) The domicile of the author on the date of first publication of the work;

(E) An averment that, at the time of first publication, all the copies of the work published under the authority of the author or other copyright proprietor bore the symbol © accompanied by the name of the copyright proprietor and the year of first publication, and that United States copyright subsists in the work;

(F) The handwritten signature of the renewal claimant or the duly authorized agent of the renewal claimant. The signature shall (*1*) be accompanied by the printed or typewritten name of the person signing the affidavit and by the date of the signature; and (*2*) shall be immediately preceded by the following printed or typewritten statement in accordance with section 1746 of title 28 of the United States Code:

> I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

(ii) A submission relating to the notice of copyright and copyrightable content which shall be, in descending order of preference, comprised of:

(A) One complete copy of the work as first published; or

(B) (*1*) A photocopy of the title page on the work as first published, and

(*2*) A photocopy of the page of the work as first published bearing the copyright notice, and

(*3*) A specification as to the location, relative to each other, of the title and notice pages of the work as first published, if the pages are different, and

(*4*) A brief description of the copyrightable content of the work, and

(*5*) An explanation of the inability to submit one complete copy of the work as first published; or

(C) A statement describing the position and contents of the copyright notice as it appeared on the work as first published, and a brief description of the copyrightable content. The statement shall be made and signed in accordance with paragraph (d)(2)(i)(F) of this section and shall also include an explanation of the inability to submit either one complete copy of the work as first published or photocopies of the title and notice pages of the work as first published.

(e) *Application for Renewal Registration.* (1) Each application for renewal registration submitted on or after January 1, 1978 shall be furnished on Form RE. Copies of Form RE are available free upon request to the Public Information Office, United States Copyright Office, Library of Congress, Washington, D.C. 20559.

(2)(i) An application for renewal registration may be submitted by any eligible renewal claimant as specified in paragraph (f) of this section or by the duly authorized agent of any such claimant.

(ii) An application for renewal registration shall be accompanied by a fee of $6. The application shall contain the information required by the form and its accompanying instructions, and shall include a certification. The certification shall consist of: (A) A designation of whether the applicant is the renewal claimant, or the duly authorized agent of such claimant (whose identity shall also be given); (B) the handwritten signature of such claimant or agent, accompanied by the typewritten or printed name of that person; (C) a declaration that the statements made in the application are correct to the best of that person's knowledge; and (D) the date of certification.

(iii) In the case of an application for renewal registration for a foreign work protected under the U.C.C. which has not been the subject of an original copyright registration, the application shall be accompanied by a "Renewal Affidavit for a U.C.C. Work" and a submission relating to the notice of copyright and the copyrightable content in accordance with paragraph (d)(2) of this section.

(3) Once a renewal registration has been made, the Copyright Office will not accept a duplicate application for renewal registration on behalf of the same renewal claimant.

(f) *Renewal Claimants.* (1) Except as otherwise provided by paragraphs (f)(2) and (3) of this section, renewal claims may be registered only in the name(s) of the eligible person(s) falling within one of the following classes of renewal claimants specified in section 304(a) of the copyright law. If the work was a new version of a previous work, renewal may be claimed only in the new matter.

(i) In the case of any posthumous work or of any peridical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, the renewal claim may be registered in the name of the proprietor;

(ii) In the case of any work copyrighted by a corporate body (otherwise than as assignees or licensees of the individual author) or by an employer for whom such work is made for hire, the renewal claim may be registered in the name of the proprietor; and

(iii) In the case of any other coprighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work, the renewal claim may be registered in the name(s) of the following person(s) in decending order of eligibility:

(A) The author of the work, if still living;

(B) The widow, widower, or children of the author, if the author is not living;

(C) The author's executors, if there is a will and neither the author nor any widow, widower, or child of the author is living;

(D) The author's next of kin, in the absence of a will and if neither the author nor any widow, widower, or child of the author is living.

(2) The provisions of paragraph (f)(1) are subject to the following qualification: Notwithstanding the definition of "posthumous work" in paragraph (b) of this section, a renewal claim may be registered in the name of the proprietor of the work, as well as in the name of the appropriate claimant under paragraph (f)(1)(iii), in any case where a contract for exploitation of the work but no copyright assignment in the work has occurred during the author's lifetime. However, registration by the Copyright Office in this case should not be interpreted as evidencing the validity of the claim.

(3) The provisions of paragraphs (f)(1)(iii)(C) and (D) of this section are subject to the following qualifications:

(i) In any case where: (A) The author has left a will which names no executor; (B) the author has left a will which names an executor who cannot or will not serve in that capacity; or (C) the author has left a will which names an executor who has been discharged upon settlement of the estate or removed before the estate has been completely administered, the renewal claim may be registered either in the name of an administrator cum testamento annexo (administrator c.t.a.) or an administrator de bonis non cum testamento annexo (administrator d.b.n.c.t.a.) so appointed by a court of competent jurisdiction;

(ii) In any case described in paragraph (f)(3)(i) of this section, except in the case where the author has left a will without naming an executor and a court appointed administrator c.t.a. or administrator d.b.n.c.t.a. is in existence at the time of renewal registration, the renewal claim also may be registered in the name of the author's next of kin. However, registration by the Copyright Office of the conflicting renewal claims in these cases should not be interpreted as evidencing the validity of either claim.

(17 U.S.C. 304, 306, 702, 708)

Dated: September 25, 1981.

David Ladd,

Register of Copyrights.

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 81-29025 Filed 10-5-81; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5701]

Proposed Flood Elevation Determinations; National Flood Insurance Program; South Dakota

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Madison, South Dakota.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 56970 on October 3, 1979 and in the *Madison Daily Leader,* published on or about September 21, 1979, and September 28, 1979, and hence supersedes those previously published rules for the areas cited below.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 116 West Center, Madison, South Dakota.

Send comments to: the Honorable Wilmer Mette, 116 West Center, Madison, South Dakota 57042.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Madison, South Dakota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L.

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93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Park Creek	20 feet upstream from center of 4th Street	*1,669
	20 feet upstream from center of 1st Street	*1,668
	40 Feet upstream from center of Egan Street	*1,679
	80 feet upstream from center of Ninth Street Northwest	*1,684
Park Creek Tributary	Center of Josephine Avenue	*1,680
	Center of Highland Avenue	*1,690
Silver Creek	Center of Frank Street	*1,657
	Center of Egan Avenue	*1,663
	Center of Highland Avenue	*1,668

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 22, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–28967 Filed 10–5–81; 8:45 am]

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44 CFR Part 67

[Docket No. FEMA–5966]

Proposed Flood Elevation Determinations; National Flood Insurance Program; Oregon

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Jackson County, Oregon.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 45 FR 85119 and 85120 on December 24, 1980 and in the *Medford Mail Tribune*, published on or about December 4, 1980, and December 11, 1980, and hence supersedes those previously published rules for the areas cited below.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at Jackson County Courthouse, Medford, Oregon.

Send comments to: the Honorable Don Schofield, Jackson County Courthouse, County Commissioner's Office, Medford, Oregon 97501.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Jackson County, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to quality or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliances with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself is has no economic impact.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Coleman Creek	Intersection of Creek and center of U.S. Highway 99	*1,488
Clay Creek	Intersection of Creek and center of East Main Street	*1,905
Bear Creek	10 feet upstream from center of Kirtland Road	*1,168
	200 feet upstream from center of Fern Valley Road	*1,472
	2,760 feet upstream from center of Fern Valley View	*1,483
	Intersection of Valley View Road and North Main Street U.S. Highway 99	*1,659

(National Flood Insuance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 21, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28986 Filed 10-3-81; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1057

[Ex Parte No. MC-43 (Sub-13)]

Lease and Interchange of Vehicles; Extension of Comment Period

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: At 46 FR 44013, September 2, 1981, the Commission proposed to modify its existing leasing regulations set forth at 49 CFR Part 1057 to enable owner-operators to be free to negotiate contracts which prevent regulated carriers from taking unfair advantage when using their services. Comments of interested persons were scheduled as due 45 days from the date of publication of the notice, or by October 19, 1981. This notice grants an extension to that comment due date.

DATES: Comments in this proceeding are due on or before November 9, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne W. Miller, (202) 633-6981.

SUPPLEMENTARY INFORMATION: The American Trucking Associations, Inc. (ATA) and other parties have requested an extension of the date for filing comments until November 9, 1981, stating that the extension is necessitated by the fact that between October 18 and 22, 1981, the ATA will hold its annual convention. If the requested extension is granted, the governing bodies of the ATA, its conferences, and individual participants will be able to meet in conjunction with the convention to consider the proposed rule changes and to formulate responsible positions toward each proposal. A grant of the extension would eliminate the need for each of the conferences, as well as the ATA, to convene special meetings of the boards solely for the purpose of addressing this rulemaking. It would also permit individuals attending the convention to structure their comments in light of the discussions. The requested extension appears warranted. Such a limited extension does not appear to prejudice other prospective parties to this proceeding. Accordingly, the time for filing comments will be extended to November 9, 1981.

Decided: September 29, 1981 By the Commission, Reese H. Taylor, Chairman.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-29046 Filed 10-5-81; 8:45 am]

BILLING CODE 7035-01-M

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Notices

Federal Register
Vol. 46, No. 193
Tuesday, October 6, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981-Crop Barley Loan and Purchase Rates

Corrections

In FR Doc. 81-28520 appearing on page 45383 in the issue of Friday, September 11, 1981, the tables on pages 45386 and 45387, should be corrected as set forth below:

County	Rate per bushel
CALIFORNIA	
* * * * *	
Alpine	2.17
* * * * *	
Colusa	2.29
* * * * *	
ILLINOIS	
* * * * *	
All Other Counties	1.89
LOUISANA	
* * * * *	
MONTANA	
* * * * *	
Dawson	1.73
* * * * *	
Ravalli	1.93
* * * * *	
NORTH DAKOTA	
* * * * *	
Richland	1.84
* * * * *	
PENNSYLVANIA	
* * * * *	
Philadelphia	2.11
* * * * *	
SOUTH DAKOTA	
* * * * *	
Faulk	[illegible]

County	Rate per bushel
* * * * *	
Minnehaha	1.85
* * * * *	

BILLING CODE 1505-01-M

1981-Crop Corn Loan and Purchase Rates

Corrections

In FR Doc. 81-28519 appearing on page 45388 in the issue of Friday, September 11, 1981, make the following changes:

1. On pages 45390, 45392 and 45393, the tables should be corrected as set forth below:

County	Rate per bushel
KANSAS	
* * * * *	
Atchison	2.49
* * * * *	
OKLAHOMA	
* * * * *	
Wght. State Avg	2.53
OREGON	
All counties	[illegible]
SOUTH DAKOTA	
* * * * *	
Hanson	[illegible]
* * * * *	
TEXAS	
* * * * *	
WISCONSIN	
* * * * *	
Calumet	2.39
* * * * *	
Columbia	2.41
* * * * *	
Lafayette	2.42
* * * * *	
Pierce	2.34
* * * * *	
Waukesha	2.44
* * * * *	

2. On page 45393, second column, fourth line from the bottom "quanlity" should read "quantities"; and in the third column, fourth line from the top of the page, "quantity" should read "quantities", and in the second line of the authority cite, "* * * secs. 105a * * *" should read "* * * secs. 105A * * *".

BILLING CODE 1505-01-M

1981-Crop Oats Loan and Purchase Rates

Corrections

In FR Doc. 81-26517 appearing on page 45393 in the issue of Friday, September 11, 1981, make the following changes:

1. On page 45393, third column, fourth line of the SUMMARY, "barley. * * *" should read "oats. * * *".

2. On pages 45394 and 45395, the tables should be corrected as set forth below:

County	Rate per bushel
ILLINOIS	
* * * * *	
Vermilion	1.29
* * * * *	
IOWA	
* * * * *	
Des Moines	1.20
* * * * *	
Monroe	1.35
* * * * *	
Warren	1.25
* * * * *	
MASSACHUSETTS	
* * * * *	
MICHIGAN	
* * * * *	
Leelanau	1.32
* * * * *	

BILLING CODE 1505-01-M

1981-Crop Rye Loan and Purchase Rates

Corrections

In FR Doc. 81-28516 appearing on page 45398 in the issue of September 11, 1981, the table on page 45398 should be corrected as set forth below:

County	Rate per bushel
ILLINOIS	
* * * * *	
All other Counties	2.07
* * * * *	
IOWA	
* * * * *	
Pottawattamie	[illegible]
* * * * *	

BILLING CODE 1505-01-M

1981-Crop Soybeans Loan and Purchase Rates

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determination of 1981-Crop Soybeans Loan and Purchase Rates.

SUMMARY: This notice of determination sets forth the county loan and purchase rates applicable to the 1981 crop of soybeans. The county loan and purchase rates have been determined in order to make price support available with respect to eligible producers of 1981-crop soybeans in accordance with the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act").

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Fink, (202) 447-7923.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291 and has been classified as "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title: Commodity Loan and Purchases; Number: 10.051, as found in the Catalog of Federal Domestic Assistance. This action will not have a signficant impact specifically on area and community development.

Therefore, review as established by Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Price support for soybeans is made available each year by CCC through county Agricultural Stabilization and Conservation Service (ASCS) offices. Price support for each crop of soybeans is mandatory at a level which is determined in accordance with the formula prescribed by Section 201 of the Act. Section 201 of the Act provides that the level of support for 1981 crop of soybeans shall be supported through loans and purchases at such levels as the Secretary determines appropriate in relation to competing commodities and taking into consideration domestic and foreign supply and demand factor.

Section 403 of the Act provides, in part, as follows:

> "Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis on the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act* * *"

The Secretary has determined that the 1981-crop soybeans loan and purchase rate will be $5.02 per bushel and has announced such rate in the Federal Register (46 FR 31451). The county loan and purchase rates determined herein reflect the level of support determined for the 1981 crop of soybeans.

This notice of determination also sets forth the premiums and discounts applicable to the 1981 crop of soybeans.

Accordingly, the individual county loan and purchase rates and premiums and discount for the 1981 crop of soybeans are as follows:

Determinations

(a) *Basic loan and purchase rates (counties).*

County	Rate per bushel
ALABAMA	
All Counties	[illegible]
ARIZONA	
All Counties	[illegible]
ARKANSAS	
Arkansas	[illegible]
Ashley	[illegible]
Baxter	5.04
Benton	[illegible]
Boone	5.01
Bradley	5.06
Calhoun	5.06
Carroll	5.00
Chicot	[illegible]
Clark	5.04
Clay	5.08
Cleburne	5.05
Cleveland	[illegible]
Columbia	5.04
Conway	5.05
Craighead	5.07
Crawford	5.01
Crittenden	5.09
Cross	[illegible]
Dallas	[illegible]
Desha	[illegible]
Drew	[illegible]
Faulkner	5.06
Franklin	[illegible]
Fulton	5.05
Garland	[illegible]
Grant	[illegible]
Greene	[illegible]
Hempstead	5.01
Hot Spring	[illegible]
Howard	5.00
Independence	[illegible]
Izard	5.05
Jackson	5.07
Jefferson	5.07
Johnson	5.03
Lafayette	5.01
Lawrence	5.07
Lee	[illegible]
Lincoln	5.08
Little River	5.01
Logan	5.02
Lonoke	[illegible]
Madison	5.00
Marion	5.03
Miller	5.01
Mississippi	5.09
Monroe	[illegible]
Montgomery	5.01
Nevada	[illegible]
Newton	5.01
Ouachita	5.05
Perry	[illegible]
Phillips	5.09
Pike	5.01
Poinsett	5.07
Polk	5.01
Pope	5.04
Prairie	[illegible]
Pulaski	[illegible]
Randolph	5.07
St. Francis	5.09
Saline	5.05
Scott	5.01
Searcy	5.03
Sebastian	5.01
Sevier	5.00
Sharp	5.07
Stone	5.05
Union	5.06
Van Buren	5.04
Washington	[illegible]
White	[illegible]
Woodruff	[illegible]
Yell	[illegible]
Wght. State Avg	5.06
CALIFORNIA	
All Counties	[illegible]
COLORADO	
All Counties	4.91
DELAWARE	
All Counties	[illegible]
FLORIDA	
All Counties	5.02
GEORGIA	
All Counties	[illegible]
ILLINOIS	
Adams	5.07
Alexander	5.07
Bond	5.09
Boone	[illegible]
Brown	5.08

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County	Rate per bushel
Bureau	5.06
Calhoun	5.07
Carroll	5.04
Cass	5.09
Champaign	5.10
Christian	5.10
Clark	5.09
Clay	5.08
Clinton	5.07
Coles	5.09
Cook	5.10
Crawford	5.08
Cumberland	5.09
De Kalb	5.06
De Witt	5.10
Douglas	5.09
Du Page	5.10
Edgar	[illegible]
Edwards	5.03
Effingham	5.09
Fayette	5.09
Ford	5.10
Franklin	5.05
Fulton	5.06
Gallatin	5.02
Greene	5.08
Grundy	5.10
Hamilton	5.03
Hancock	5.07
Hardin	5.02
Henderson	5.06
Henry	5.06
Iroquois	5.10
Jackson	5.07
Jasper	5.09
Jefferson	5.04
Jersey	5.07
Jo Daviess	5.04
Johnson	5.05
Kane	5.08
Kankakee	5.10
Kendall	5.08
Knox	5.06
Lake	5.08
La Salle	5.08
Lawrence	5.06
Lee	5.06
Livingston	5.10
Logan	5.10
McDonough	5.08
McHenry	5.07
McLean	5.10
Macon	5.10
Macoupin	5.09
Madison	5.08
Marion	5.08
Marshall	5.10
Mason	5.09
Massac	5.01
Menard	5.09
Mercer	5.05
Monroe	5.07
Montgomery	5.09
Morgan	5.08
Moultrie	5.09
Ogle	5.06
Peoria	5.09
Perry	5.06
Piatt	5.10
Pike	5.07
Pope	5.02
Pulaski	5.05
Putnam	5.08
Randolph	5.07
Richland	5.07
Rock Island	5.04
St. Clair	5.07
Saline	5.07
Sangamon	5.10
Schuyler	5.06
Scott	5.09
Shelby	5.09
Stark	5.09
Stephenson	5.04
Tazewell	5.10
Union	5.07
Vermilion	5.10
Wabash	5.03
Warren	5.06
Washington	5.07
Wayne	5.04
White	5.02
Whiteside	5.04
Will	5.10
Williamson	5.05
Winnebago	5.06
Woodford	5.10
Wght. State Avg	5.08
INDIANA	
Adams	5.05
Allen	5.05
Bartholomew	5.04
Benton	5.09
Blackford	5.04
Boone	5.05
Brown	5.04
Carroll	5.05
Cass	5.05
Clark	5.04
Clay	5.06
Clinton	5.05
Crawford	5.05
Daviess	5.04
Dearborn	5.05
Decatur	5.04
De Kalb	5.05
Delaware	5.04
Dubois	5.04
Elkhart	5.04
Fayette	5.04
Floyd	5.04
Fountain	5.09
Franklin	5.05
Fulton	5.05
Gibson	5.04
Grant	5.04
Greene	5.05
Hamilton	5.05
Hancock	5.04
Harrison	5.05
Hendricks	5.04
Henry	5.04
Howard	5.05
Huntington	5.04
Jackson	5.04
Jasper	5.08
Jay	5.05
Jefferson	5.04
Jennings	5.04
Johnson	5.04
Knox	5.04
Kosciusko	5.04
Lagrange	5.04
Lake	5.10
La Porte	5.07
Lawrence	5.04
Madison	5.04
Marion	5.05
Marshall	5.05
Martin	5.04
Miami	5.05
Monroe	5.04
Montgomery	5.06
Morgan	5.04
Newton	5.09
Noble	5.04
Ohio	5.05
Orange	5.04
Owen	5.05
Parke	5.07
Perry	5.05
Pike	5.04
Porter	5.09
Posey	5.05
Pulaski	5.07
Putnam	5.06
Randolph	5.05
Ripley	5.04
Rush	5.04
St. Joseph	5.08
Scott	5.04
Shelby	5.04
Spencer	5.05
Starke	5.07
Steuben	5.06
Sullivan	5.06
Switzerland	5.05
Tippecanoe	5.07
Tipton	5.05
Union	5.05
Vanderburgh	5.05
Vermillion	5.06
Vigo	5.06
Wabash	5.04
Warren	5.09
Warrick	5.05
Washington	5.04
Wayne	5.05
Wells	5.04
White	5.07
Whitely	5.04
Wght. State Avg	5.05
IOWA	
Adair	4.97
Adams	4.97
Allamakee	4.98
Appanoose	5.00
Audubon	4.96
Benton	5.01
Black Hawk	4.98
Boone	4.98
Bremer	4.97
Buchanan	4.99
Buena Vista	4.96
Butler	4.97
Calhoun	4.96
Carroll	4.96
Cass	4.97
Cedar	5.02
Cerro Gordo	4.97
Cherokee	4.95
Chickasaw	4.97
Clarke	4.99
Clay	4.96
Clayton	4.99
Clinton	5.03
Crawford	4.98
Dallas	4.98
Davis	5.02
Decatur	4.99
Delaware	4.99
Des Moines	5.05
Dickinson	4.95
Dubuque	5.00
Emmet	4.96
Fayette	4.98
Floyd	4.98
Franklin	4.98
Fremont	4.96
Greene	4.96
Grundy	4.99
Guthrie	4.96
Hamilton	4.98
Hancock	4.97
Hardin	4.98
Harrison	4.96
Henry	5.04
Howard	4.97
Humboldt	4.97
Ida	4.96
Iowa	5.01
Jackson	5.03
Jasper	5.00
Jefferson	5.03
Johnson	5.01
Jones	5.02
Keokuk	5.03
Kossuth	4.97
Lee	5.05
Linn	5.01
Louisa	5.04
Lucas	5.00
Lyon	4.95
Madison	4.98
Mahaska	5.02
Marion	5.00
Marshall	5.00
Mills	4.96
Mitchell	4.95
Monona	4.95
Monroe	5.00
Montgomery	4.96
Muscatine	5.03
O'Brien	4.96
Osceola	4.95
Page	4.96
Palo Alto	4.96
Plymouth	4.95
Pocahontas	4.96
Polk	4.99
Pottawattamie	4.96
Poweshiek	5.01

County	Rate per bushel
Ringgold	[illegible]
Sac	[illegible]
Scott	[illegible]
Shelby	[illegible]
Sioux	[illegible]
Story	[illegible]
Tama	5.01
Taylor	4.97
Union	[illegible]
Van Buren	5.04
Wapello	5.02
Warren	[illegible]
Washington	5.04
Wayne	5.00
Webster	[illegible]
Winnebago	4.97
Winneshiek	[illegible]
Woodbury	4.95
Worth	4.97
Wright	4.97
Wght. State Avg	[illegible]
KANSAS	
All Counties	4.94
KENTUCKY	
All Counties	[illegible]
LOUISIANA	
All Counties	[illegible]
MARYLAND	
All Counties	[illegible]
MICHIGAN	
Allegan	4.95
Arenac	4.95
Barry	4.95
Bay	4.95
Berrien	5.01
Branch	5.01
Calhoun	4.97
Cass	5.00
Clinton	[illegible]
Eaton	[illegible]
Genesee	4.95
Gladwin	[illegible]
Gratiot	4.95
Hillsdale	5.02
Huron	[illegible]
Ingham	[illegible]
Ionia	4.95
Isabella	4.95
Jackson	[illegible]
Kalamazoo	4.97
Lapeer	4.95
Lenawee	[illegible]
Livingston	[illegible]
Macomb	[illegible]
Midland	4.95
Monroe	[illegible]
Montcalm	[illegible]
Oakland	[illegible]
Saginaw	[illegible]
St. Clair	4.95
St. Joseph	5.00
Sanilac	[illegible]
Shiawassee	4.95
Tuscola	[illegible]
Van Buren	4.97
Washtenaw	[illegible]
Wayne	[illegible]
All other Counties	[illegible]
Wght. State Avg	[illegible]
MINNESOTA	
Aitkin	4.89
Anoka	[illegible]
Becker	[illegible]
Beltrami	[illegible]
Benton	4.93
Big Stone	4.93
Blue Earth	[illegible]
Brown	4.97
Carlton	[illegible]
Carver	4.98
Cass	[illegible]
Chippewa	[illegible]
Chisago	[illegible]
Clay	4.90
Clearwater	4.89
Cottonwood	[illegible]
Crow Wing	[illegible]
Dakota	[illegible]
Dodge	[illegible]
Douglas	[illegible]
Faribault	4.97
Fillmore	[illegible]
Freeborn	4.97
Goodhue	[illegible]
Grant	4.92
Hennepin	4.96
Houston	4.96
Hubbard	[illegible]
Isanti	4.93
Itasca	4.89
Jackson	[illegible]
Kanabec	[illegible]
Kandiyohi	4.94
Kittson	[illegible]
Koochiching	[illegible]
Lac qui Parle	4.95
Lake of the Woods	[illegible]
Le Sueur	4.98
Lincoln	4.92
Lyon	[illegible]
McLeod	4.97
Mahnomen	4.89
Marshall	[illegible]
Martin	[illegible]
Meeker	[illegible]
Miller Lacs	4.91
Morrison	[illegible]
Mower	[illegible]
Murray	4.93
Nicollet	[illegible]
Nobles	[illegible]
Norman	[illegible]
Olmsted	[illegible]
Otter Tail	4.90
Pennington	[illegible]
Pine	[illegible]
Pipestone	[illegible]
Polk	[illegible]
Pope	[illegible]
Ramsey	4.96
Red Lake	4.88
Redwood	4.94
Renville	4.95
Rice	4.97
Rock	[illegible]
Roseau	[illegible]
Scott	4.98
Sherburne	[illegible]
Sibley	[illegible]
Stearns	[illegible]
Steele	[illegible]
Stevens	[illegible]
Swift	4.93
Todd	[illegible]
Traverse	4.92
Wabasha	[illegible]
Wadena	[illegible]
Waseca	4.97
Washington	4.96
Watonwan	[illegible]
Wilkin	4.90
Winona	[illegible]
Wright	[illegible]
Yellow Medicine	4.96
Wght. State Avg	[illegible]
MISSISSIPPI	
All Counties	[illegible]
MISSOURI	
Adair	5.01
Andrew	4.97
Atchison	4.97
Audrain	5.03
Barry	4.97
Barton	4.96
Bates	4.96
Benton	4.97
Bollinger	5.05
Boone	5.00
Buchanan	4.97
Butler	5.05
Caldwell	[illegible]
Callaway	5.00
Camden	[illegible]
Cape Girardeau	[illegible]
Carroll	[illegible]
Carter	5.01
Cass	4.96
Cedar	4.95
Chariton	5.00
Christian	[illegible]
Clark	5.05
Clay	[illegible]
Clinton	4.97
Cole	[illegible]
Cooper	[illegible]
Crawford	5.01
Dade	[illegible]
Dallas	4.97
Daviess	[illegible]
De Kalb	4.97
Dent	5.01
Douglas	4.97
Dunklin	[illegible]
Franklin	[illegible]
Gasconade	5.01
Gentry	4.97
Greene	[illegible]
Grundy	[illegible]
Harrison	4.97
Henry	[illegible]
Hickory	4.97
Holt	4.97
Howard	[illegible]
Howell	5.01
Iron	5.03
Jackson	[illegible]
Jasper	[illegible]
Jefferson	5.05
Johnson	[illegible]
Knox	[illegible]
Laclede	4.97
Lafayette	[illegible]
Lawrence	[illegible]
Lewis	[illegible]
Lincoln	5.04
Linn	[illegible]
Livingston	[illegible]
McDonald	[illegible]
Macon	5.01
Madison	5.03
Maries	4.99
Marion	5.05
Mercer	4.99
Miller	4.98
Mississippi	[illegible]
Moniteau	[illegible]
Monroe	5.03
Montgomery	5.01
Morgan	[illegible]
New Madrid	[illegible]
Newton	[illegible]
Nodaway	4.97
Oregon	5.02
Osage	[illegible]
Ozark	[illegible]
Pemiscot	[illegible]
Perry	[illegible]
Pettis	[illegible]
Phelps	[illegible]
Pike	5.05
Platte	4.97
Polk	4.97
Pulaski	[illegible]
Putnam	5.00
Ralls	[illegible]
Randolph	[illegible]
Ray	4.97
Reynolds	5.01
Ripley	5.03
St. Charles	[illegible]
St. Clair	[illegible]
St. Francois	[illegible]
Ste. Genevieve	5.05
St. Louis	[illegible]
Saline	[illegible]
Schuyler	[illegible]
Scotland	[illegible]
Scott	[illegible]
Shannon	[illegible]
Shelby	5.03

County	Rate per bushel
Stoddard	5.05
Stone	4.97
Sullivan	5.00
Taney	4.96
Texas	4.99
Vernon	4.95
Warren	5.02
Washington	5.03
Wayne	5.03
Webster	4.97
Worth	4.97
Wright	4.97
Wght. State Avg	5.01
MONTANA	
All Counties	[illegible]
NEBRASKA	
All Counties	4.92
NEW JERSEY	
All Counties	5.00
NEW MEXICO	
All Counties	4.96
NEW YORK	
All Counties	4.97
NORTH CAROLINA	
All Counties	5.02
NORTH DAKOTA	
All Counties	[illegible]
OHIO	
Allen	5.07
Ashtabula	5.04
Auglaize	5.07
Carroll	5.04
Clark	5.05
Columbiana	5.04
Coshocton	5.04
Cuyahoga	5.04
Darke	5.05
Delaware	5.05
Franklin	6.05
Fulton	5.08
Geauga	5.04
Greene	5.05
Hancock	5.07
Hardin	5.08
Harrison	5.04
Henry	5.08
Holmes	5.04
Jefferson	5.04
Knox	5.04
Lake	5.04
Licking	5.04
Logan	5.07
Lucas	5.09
Madison	5.05
Mahoning	5.04
Marion	5.07
Miami	5.05
Montgomery	5.05
Ottawa	5.07
Portage	5.04
Preble	5.05
Putnam	5.07
Sandusky	5.07
Seneca	5.07
Stark	5.04
Summit	5.04
Trumbull	5.04
Tuscarawas	5.04
Union	5.05
Wayne	5.04
Wood	5.08
Wyandot	5.07
All other Counties	5.06
Wght. State Avg	5.06
OKLAHOMA	
All Counties	4.91
PENNSYLVANIA	
All Counties	[illegible]
SOUTH CAROLINA	
All Counties	5.02
SOUTH DAKOTA	
All Counties	4.91
TENNESSEE	
All Counties	5.02
TEXAS	
All Counties	4.91
VERMONT	
All Counties	4.91
VIRGINIA	
All Counties	5.02
WEST VIRGINIA	
All Counties	5.00
WISCONSIN	
All Counties	4.97

(b) Schedule of premiums and discounts.

	Cents per bushel
(1) Premiums—moisture (percent):	
(i) 12.2 or less	+7.0
(ii) 12.3 through 12.7	+3.5
(iii) 12.8 through 13.0	0
(2) Discounts:	
(i) Class:	
(A) Black	−25
(B) Brown	−25
(C) Mixed	−25
(ii) Moisture (percent):	
(A) 13.1 through 13.5	−3.5
(B) 13.6 through 14.0	−7.0
(iii) Test weight per bushel (pounds):	
(A) 53.9 to 53.0	−0.5
(B) 52.9 to 52.0	−1.0
(C) 51.9 to 51.0	−1.5
(D) 50.9 to 50.0	−2.0
(E) 49.9 to 49.0	−2.5
(iv) Splits:	
(A) 20.1 to 25.0	−0.25
(B) 25.1 to 30.0	−0.50
(C) 30.1 to 35.0	−0.75
(D) 35.1 to 40.0	−1.00
(v) Damaged Kernels:	
(A) Heat Damage (percent):	
(*1*) 0.6 to 1.0	−1.0
(*2*) 1.1 to 1.5	−2.0
(*3*) 1.6 to 2.0	−3.0
(*4*) 2.1 to 2.5	−4.0
(*5*) 2.6 to 3.0	−5.0
(B) Total Damage (percent):	
(*1*) 2.1 to 3.0	−1.0
(*2*) 3.1 to 4.0	−2.0
(*3*) 4.1 to 5.0	−3.0
(*4*) 5.1 to 6.0	−5.0
(*5*) 6.1 to 7.0	−7.0
(*6*) 7.1 to 8.0	−9.0
(vi) Black, brown and/or bicolored soybeans in yellow or green soybeans (percent):	
(A) 1.1 to 2.0	−0.5
(B) 2.1 to 5.0	−1.5
(C) 5.1 to 10.0	−3.5
(vii) Special factors:	
(A) Materially weathered	−5.0
(B) Stained	−2.0
(C) Purple mottled	−2.0
(D) Weed control laws (where required by § 1421.25)	−10.0

(c) Other factors. Soybeans exceeding limits shown in this schedule or soybeans containing in excess of 14.0 percent moisture are not eligible for loan. In the event quantities of soybeans exceeding limits shown are delivered in satisfaction of loan obligations, such quantities will be discounted on the basis of the schedule of discounts as provided by the ASCS Kansas City Commodity Office for settlement purposes. That schedule will also provide discounts for certain quality factors not specified above which affect the value of soybeans, e.g., musty, sour, heating, etc. Such discounts will be established prior to loan maturity and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain the schedule of such factors, discounts and adjustments at county ASCS offices prior to their loan maturity date or as soon thereafter as practicable.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 201, 401, 63 Stat. 1051, as amended (7 U.S.C. 1446, 1421))

Signed at Washington, D.C. on September 25, 1981.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-28837 Filed 10-5-81; 8:45 am]

BILLING CODE 3410-05-M

1981-Crop Wheat Loan and Purchase Rates

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determination of 1981-Crop Wheat Loan and Purchase Rates.

SUMMARY: This notice of determination sets forth the county loan and purchase rates applicable to the 1981 crop of wheat. The county loan and purchase rates have been determined in order to make price support available with respect to eligible producers of 1981-crop wheat in accordance with the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act").

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT: W. W. Beesley, (202) 447-7923.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified as "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title: Commodity Loan and Purchases; Number: 10.051, as found in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development.

Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Price support for wheat is made available each year by CCC through county Agricultural Stabilization and Conservation Service (ASCS) offices. Price support for each crop of wheat is mandatory at a level which is determined in accordance with the formula prescribed by Section 107A of the Act. Section 107A of the Act provides that loans and purchases shall be made available to producers of 1981-crop wheat at such level not less than $3.00 per bushel nor in excess of 100 percentum of parity, as the Secretary determines will maintain its competitive relationship to other grains in domestic and export markets.

Section 403 of the Act provides, in part, as follows:

> Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so for as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act * * *

The Secretary has determined that the 1981-crop wheat loan and purchase rate will be $3.20 per bushel and has announced such rate in the **Federal Register** (46 FR 31451). The county loan and purchase rates determined herein reflect the level of support determined for the 1981 crop of wheat.

This notice of determination also sets forth the premiums and discounts applicable to the 1981 crop of wheat.

Accordingly, the individual county loan and pruchase rates and premiums and discounts for the 1981 crop of wheat are as follows:

Determinations

(a) Basic loan and purchase rates (counties).

County	[redacted] per bushel
ALABAMA	
Mobile	[redacted]
All other Counties	3.14
Wght. State Avg	3.14
ARIZONA	
All Counties	3.23
ARKANSAS	
All Counties	3.14
CALIFORNIA	
Alameda	3.42
Alpine	3.24
Amador	3.37
Butte	3.31
Calaveras	3.37
Colusa	[redacted]
Contra Costa	3.37
El Dorado	[redacted]
Fresno	3.32
Glenn	[redacted]
[redacted]	[redacted]
Imperial	3.34
Inyo	3.30
Kern	[redacted]
Kings	[redacted]
Lake	[redacted]
Lassen	[redacted]
Los Angeles	[redacted]
Madera	[redacted]
[redacted]	3.35
Mariposa	3.35
Mendocino	[redacted]
Merced	[redacted]
Modoc	3.19
Monterey	3.32
[redacted]	[redacted]
Orange	3.42
Placer	[redacted]
Plumas	3.19
Riverside	3.34
Sacramento	3.42
San Benito	3.35
San Bernardino	3.43
San Diego	[redacted]
San Francisco	[redacted]
San Joaquin	3.42
San Luis Obispo	3.31
San Mateo	3.42
Santa Barbara	[redacted]
Santa Clara	[redacted]
Santa Cruz	3.37
Shasta	[redacted]
Sierra	[redacted]
Siskiyou	[redacted]
Solano	[redacted]
Sonoma	[redacted]
Stanislaus	3.39
Sutter	3.36
Tehama	[redacted]
Tulare	[redacted]
[redacted]	3.35
[redacted]	[redacted]
Yolo	3.37
Yuba	[redacted]
Wght. State Avg	3.35

County	[redacted]
COLORADO	
Adams	3.04
Alamosa	3.00
Arapahoe	[redacted]
Archuleta	[redacted]
Baca	[redacted]
Bent	3.03
Boulder	[redacted]
Chaffee	[redacted]
Cheyenne	3.04
Conejos	[redacted]
Costilla	3.00
Crowley	[redacted]
Custer	3.02
Delta	[redacted]
Denver	[redacted]
Dolores	[redacted]
Douglas	[redacted]
Eagle	[redacted]
[redacted]	[redacted]
El Paso	3.03
Fremont	[redacted]
Garfield	[redacted]
Grand	3.00
Huerfano	[redacted]
Jackson	[redacted]
Jefferson	[redacted]
Kiowa	[redacted]
Kit Carson	[redacted]
La Plata	[redacted]
Larimer	3.03
Las Animas	3.06
Lincoln	[redacted]
Logan	3.03
Mesa	[redacted]
Moffat	[redacted]
Montezuma	2.94
Montrose	2.94
Morgan	[redacted]
Otero	[redacted]
Ouray	[redacted]
Phillips	3.03
Pitkin	[redacted]
Prowers	3.05
Pueblo	[redacted]
Rio Blanco	[redacted]
Rio Grande	3.00
Routt	3.00
Saguache	[redacted]
San Miguel	2.94
[redacted]	[redacted]
Summit	[redacted]
Teller	[redacted]
Washington	[redacted]
Weld	3.03
Yuma	[redacted]
Wght. State Ave	3.03
CONNECTICUT	
All Counties	[redacted]
[redacted]	
All Counties	[redacted]
FLORIDA	
All Counties	3.13
GEORGIA	
All Counties	3.13
[redacted]	
Ada	3.17
Adams	3.17
[redacted]	3.15
Bear Lake	3.13
Benewah	3.27
Bingham	3.13
Blaine	3.13
Boise	3.17
Bonner	[redacted]
[redacted]	3.12
Boundary	[redacted]
Butte	3.12
Camas	3.14
Canyon	3.17

IDAHO—Continued

County	Rate per bushel
Caribou	3.14
Cassia	3.16
Clark	3.10
Clearwater	3.26
Custer	3.12
Elmore	3.16
Franklin	3.16
Fremont	3.11
Gem	3.17
Gooding	3.17
Idaho	3.25
Jefferson	3.12
Jerome	3.17
Kootenai	3.25
Latah	3.28
Lemhi	3.12
Lewis	3.27
Lincoln	3.16
Madison	3.12
Minidoka	3.16
Nez Perce	[illegible]
Oneida	3.16
Owyhee	3.16
Payette	3.17
Power	3.16
Shoshone	3.26
Teton	3.11
Twin Falls	3.17
Valley	3.16
Washington	3.17
Wght. State Avg	3.18

ILLINOIS

County	Rate per bushel
Adams	3.17
Alexander	3.20
Bond	3.23
Boone	3.25
Brown	3.17
Bureau	3.23
Calhoun	3.24
Carroll	3.22
Cass	3.19
Champaign	3.23
Christian	3.21
Clark	3.19
Clay	3.19
Clinton	3.23
Coles	3.19
Cook	[illegible]
Crawford	3.18
Cumberland	3.19
De Kalb	3.25
DeWitt	[illegible]
Douglas	[illegible]
Du Page	[illegible]
Edgar	3.21
Edwards	3.19
Effingham	3.21
Fayette	3.22
Ford	3.23
Franklin	[illegible]
Fulton	3.21
Gallatin	3.16
Greene	[illegible]
Grundy	[illegible]
Hamilton	3.17
Hancock	3.17
Hardin	3.16
Henderson	3.19
Henry	[illegible]
Iroquois	[illegible]
Jackson	[illegible]
Jasper	3.18
Jefferson	[illegible]
Jersey	3.24
Jo Daviess	3.22
Johnson	3.20
Kane	3.25
Kankakee	3.25
Kendall	3.25
Knox	3.21
Lake	3.25
La Salle	3.25
Lawrence	3.18
Lee	3.24
Livingston	3.24
Logan	3.19
Mc Donough	3.19
McHenry	3.25
McLean	3.21

ILLINOIS—Continued

County	Rate per bushel
Macon	3.19
Macoupin	[illegible]
Madison	3.24
Marion	3.23
Marshall	3.22
Mason	3.17
Massac	3.19
Menard	3.17
Mercer	3.21
Monroe	3.24
Montgomery	3.23
Morgan	3.21
Moultrie	3.20
Ogle	[illegible]
Peoria	3.21
Perry	3.23
Piatt	3.19
Pike	3.18
Pope	3.17
Pulaski	3.20
Putnam	3.22
Randolph	3.24
Richland	3.18
Rock Island	3.22
St. Clair	3.24
Saline	3.17
Sangamon	3.21
Schuyler	3.17
Scott	3.19
Shelby	3.21
Stark	3.21
Stephenson	3.24
Tazewell	3.19
Union	3.20
Vermillion	3.24
Wabash	3.18
Warren	3.21
Washington	3.23
Wayne	3.19
White	3.16
Whiteside	[illegible]
Will	3.25
Williamson	3.21
Winnebago	3.24
Woodford	3.21
Wght. State Avg	3.21

INDIANA

County	Rate per bushel
Adams	3.18
Allen	3.18
Bartholomew	3.18
Benton	3.23
Blackford	3.18
Boone	3.17
Brown	3.18
Carroll	3.21
Cass	3.21
Clark	3.23
Clay	3.19
Clinton	3.17
Crawford	3.23
Daviess	3.19
Dearborn	3.18
Decatur	3.18
De Kalb	3.18
Delaware	3.18
Dubois	3.20
Elkhart	[illegible]
Fayette	3.18
Floyd	3.23
Fountain	3.21
Franklin	3.18
Fulton	3.21
Gibson	3.18
Grant	3.17
Greene	3.19
Hamilton	3.18
Hancock	3.16
Harrison	[illegible]
Hendricks	3.17
Henry	3.18
Howard	3.17
Huntington	3.17
Jackson	3.19
Jasper	3.24
Jay	3.18
Jefferson	3.21
Jennings	[illegible]
Johnson	3.17
Knox	[illegible]

INDIANA—Continued

County	Rate per bushel
Kosciusko	3.21
Lagrange	3.17
Lake	3.25
La Porte	3.25
Lawrence	3.19
Madison	3.18
Marion	3.18
Marshall	3.21
Martin	3.19
Miami	3.17
Monroe	3.18
Montgomery	3.19
Morgan	3.17
Newton	3.24
Noble	3.18
Ohio	3.18
Orange	3.21
Owen	3.18
Parke	3.21
Perry	3.19
Pike	3.19
Porter	3.25
Posey	3.16
Pulaski	3.24
Putnam	3.17
Randolph	3.18
Ripley	3.18
Rush	3.18
St. Joseph	3.23
Scott	3.21
Shelby	3.18
Spencer	3.19
Starke	3.24
Steuben	3.18
Sullivan	3.19
Switzerland	3.19
Tippecanoe	3.20
Tipton	3.17
Union	3.18
Vanderburgh	3.18
Vermillion	3.21
Vigo	3.20
Wabash	3.17
Warren	3.23
Warrick	3.19
Washington	3.21
Wayne	3.18
Wells	3.18
White	3.23
Whitley	3.17
Wght. State Avg	3.19

IOWA

County	Rate per bushel
Pottawattamie	3.27
All other Counties	3.16
Wght. State Avg	3.16

KANSAS

County	Rate per bushel
Allen	3.22
Anderson	3.25
Atchison	3.27
Barber	3.11
Barton	3.11
Bourbon	3.23
Brown	3.25
Butler	3.15
Chase	3.18
Chautauqua	3.18
Cherokee	3.20
Cheyenne	3.04
Clark	[illegible]
Clay	3.16
Cloud	3.16
Coffey	[illegible]
Comanche	[illegible]
Cowley	3.15
Crawford	3.21
Decatur	[illegible]
Dickinson	3.15
Doniphan	3.25
Douglas	[illegible]
Edwards	3.11
Elk	3.18
Ellis	3.11
Ellsworth	3.14
Finney	[illegible]
Ford	[illegible]
Franklin	[illegible]
Geary	3.18

KANSAS—Continued

County	Rate per bushel
Gove	3.08
Graham	3.10
Grant	3.06
Gray	3.08
Greeley	3.04
Greenwood	3.18
Hamilton	3.05
Harper	3.13
Harvey	3.14
Haskell	3.07
Hodgeman	3.10
Jackson	3.24
Jefferson	3.26
Jewell	3.15
Johnson	3.27
Kearny	3.06
Kingman	3.14
Kiowa	3.11
Labette	3.20
Lane	3.04
Leavenworth	3.27
Lincoln	3.14
Linn	3.25
Logan	3.05
Lyon	3.20
McPherson	3.14
Marion	3.14
Marshall	3.20
Meade	[illegible]
Miami	3.26
Mitchell	3.14
Montgomery	3.20
Morris	3.18
Morton	3.07
Nemaha	3.22
Neosho	3.21
Ness	3.10
Norton	3.10
Osage	3.23
Osborne	3.14
Ottawa	3.15
Pawnee	3.11
Phillips	3.11
Pottawatomie	3.22
Pratt	3.11
Rawlins	[illegible]
Reno	3.14
Republic	3.16
Rice	3.14
Riley	3.20
Rooks	3.12
Rush	3.11
Russell	3.12
Saline	3.15
Scott	3.06
Sedgwick	3.14
Seward	3.07
Shawnee	3.24
Sheridan	[illegible]
Sherman	3.04
Smith	3.14
Stafford	3.11
Stanton	3.05
Stevens	3.07
Sumner	3.14
Thomas	[illegible]
Trego	3.10
Wabaunsee	3.21
Wallace	3.04
Washington	3.18
Wichita	3.05
Wilson	3.20
Woodson	3.21
Wyandotte	3.27
Wght. State Avg	3.12

KENTUCKY

County	Rate per bushel
Jefferson	3.24
All other Counties	3.16
Wght. State Avg	3.16

LOUISIANA

County	Rate per bushel
East Baton Rouge	3.33
Jefferson	3.33
Orleans	3.33
St. Charles	[illegible]
West Baton Rouge	[illegible]
All other Counties	[illegible]

LOUISIANA—Continued

County	Rate per bushel
Wght. State Avg	3.18

MAINE

County	Rate per bushel
All Counties	3.13

MARYLAND

County	Rate per bushel
Baltimore	3.32
All other Counties	3.19
Wght. State Avg	3.19

MASSACHUSETTS

County	Rate per bushel
All Counties	3.15

MICHIGAN

County	Rate per bushel
Alcona	[illegible]
Alger	[illegible]
Allegan	3.17
Alpena	[illegible]
Antrim	3.05
Arenac	[illegible]
Baraga	[illegible]
Barry	3.16
Bay	3.13
Benzie	[illegible]
Berrien	3.21
Branch	3.18
Calhoun	3.17
Cass	3.18
Charlevoix	3.04
Cheboygan	[illegible]
Chippewa	3.09
Clare	3.11
Clinton	3.14
Crawford	[illegible]
Delta	[illegible]
Dickinson	[illegible]
Eaton	3.16
Emmet	3.02
Genesee	3.16
Gladwin	3.11
Gogebic	[illegible]
Grand Traverse	[illegible]
Gratiot	3.14
Hillsdale	3.19
Houghton	[illegible]
Huron	3.15
Ingham	3.16
Ionia	3.14
Iosco	[illegible]
Iron	[illegible]
Isabella	3.13
Jackson	3.17
Kalamazoo	3.17
Kalkaska	3.08
Kent	3.14
Keweenaw	[illegible]
Lake	3.10
Lapeer	3.16
Leelanau	3.07
Lenawee	3.20
Livingston	3.17
Luce	[illegible]
Mackinac	[illegible]
Macomb	3.19
Manistee	[illegible]
Marquette	[illegible]
Mason	3.12
Mecosta	3.13
Menominee	[illegible]
Midland	3.13
Missaukee	[illegible]
Monroe	3.22
Montcalm	3.14
Montmorency	3.05
Muskegon	3.14
Newaygo	3.12
Oakland	3.19
Oceana	3.12
Ogemaw	3.09
Ontonagon	[illegible]
Osceola	3.10
Oscoda	3.08
Otsego	3.05
Ottawa	3.14
Presque Isle	[illegible]
Roscommon	3.08
Saginaw	[illegible]

MICHIGAN—Continued

County	Rate per bushel
St. Clair	[illegible]
St. Joseph	[illegible]
Sanilac	[illegible]
Schoolcraft	[illegible]
Shiawassee	3.16
Tuscola	3.16
Van Buren	3.17
Washtenaw	[illegible]
Wayne	[illegible]
Wexford	[illegible]
Wght. State Avg	[illegible]

MINNESOTA

County	Rate per bushel
Aitkin	3.39
Anoka	3.39
Becker	3.29
Beltrami	[illegible]
Benton	[illegible]
Big Stone	3.30
Blue Earth	3.37
Brown	3.37
Carlton	[illegible]
Carver	3.39
Cass	3.35
Chippewa	3.33
Chisago	3.39
Clay	3.27
Clearwater	3.31
Cottonwood	3.34
Crow Wing	3.37
Dakota	3.39
Dodge	3.39
Douglas	3.34
Faribault	3.36
Fillmore	3.35
Freeborn	3.35
Goodhue	3.39
Grant	3.32
Hennepin	3.39
Houston	3.32
Hubbard	3.32
Isanti	3.39
Itasca	3.37
Jackson	3.33
Kanabec	3.38
Kandiyohi	3.37
Kittson	3.23
Koochiching	3.33
Lac qui Parle	3.31
Lake of the Woods	3.27
Le Sueur	3.39
Lincoln	3.29
Lyon	3.32
McLeod	3.39
Mahnomen	3.29
Marshall	3.26
Martin	3.35
Meeker	3.39
Mille Lacs	3.38
Morrison	3.37
Mower	3.37
Murray	3.32
Nicollet	3.39
Nobles	3.31
Norman	3.27
Olmsted	3.37
Otter Tail	3.32
Pennington	3.28
Pine	3.38
Pipestone	3.29
Polk	3.28
Pope	3.35
Ramsey	3.39
Red lake	3.28
[illegible]	3.35
[illegible]	3.37
Rice	[illegible]
Rock	3.29
Roseau	3.24
St. Louis	3.39
Scott	3.39
Sherburne	3.39
Sibley	3.39
Stearns	3.37
[illegible]	3.37
Stevens	3.33
Swift	3.33
Todd	3.35
Traverse	3.29
[illegible]	3.38

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MINNESOTA—Continued

County	Rate per bushel
Wadena	3.33
Waseca	3.34
Washington	3.39
Watonwan	3.36
Wilkin	3.29
Winona	3.34
Wright	3.39
Yellow Medicine	3.33
Wght. State Avg	[illegible]

MISSISSIPPI

County	Rate per bushel
Harrison*	3.34
Jackson	3.34
All other Counties	3.15
Wght. State Avg	3.15

MISSOURI

County	Rate per bushel
Adair	3.13
Andrew	3.25
Atchison	3.20
Audrain	3.18
Barry	3.15
Barton	3.19
Bates	3.23
Benton	3.19
Bollinger	3.18
Boone	3.15
Buchanan	3.27
Butler	3.17
Caldwell	3.24
Callaway	3.19
Camden	3.15
Cape Girardeau	3.19
Carroll	3.22
Carter	3.15
Cass	3.25
Cedar	3.18
Chariton	3.19
Christian	3.12
Clark	3.14
Clay	3.25
Clinton	3.25
Cole	3.16
Cooper	3.16
Crawford	3.18
Dade	3.17
Dallas	3.14
Daviess	3.22
De Kalb	3.24
Dent	3.16
Douglas	3.11
Dunklin	3.18
Franklin	3.22
Gasconade	3.20
Gentry	3.21
Greene	3.14
Grundy	3.19
Harrison	3.21
Henry	3.22
Hickory	3.19
Holt	3.23
Howard	3.18
Howell	3.15
Iron	3.18
Jackson	3.27
Jasper	3.18
Jefferson	3.21
Johnson	3.20
Knox	3.13
Laclede	3.13
Lafayette	3.25
Lawrence	3.15
Lewis	3.15
Lincoln	3.22
Linn	3.19
Livingston	3.21
McDonald	3.15
Macon	3.16
Madison	3.18
Maries	3.19
Marion	3.17
Mercer	3.18
Miller	3.15
Mississippi	3.20
Moniteau	3.18
Monroe	3.17
Montgomery	3.20
Morgan	3.17
New Madrid	3.15

MISSOURI—Continued

County	Rate per bushel
Newton	3.15
Nodaway	3.23
Oregon	3.13
Osage	3.17
Ozark	3.10
Pemiscot	3.18
Perry	3.19
Pettis	3.19
Phelps	3.16
Pike	3.20
Platte	3.25
Polk	3.17
Pulaski	3.14
Putnam	3.15
Ralls	3.18
Randolph	3.16
Ray	3.25
Reynolds	3.16
Ripley	3.15
St. Charles	3.23
St. Clair	3.20
St. Francois	3.19
Ste. Genevieve	3.21
St. Louis	3.23
Saline	3.20
Schuyler	3.11
Scotland	3.11
Scott	3.20
Shannon	3.13
Shelby	3.15
Stoddard	3.19
Stone	3.15
Sullivan	3.16
Taney	3.12
Texas	3.12
Vernon	3.21
Warren	3.22
Washington	3.19
Wayne	3.17
Webster	3.13
Worth	3.21
Wright	3.13
Wght. State Avg	3.20

MONTANA

County	Rate per bushel
Beaverhead	3.09
Big Horn	3.10
Blaine	3.11
Broadwater	3.15
Carbon	3.11
Carter	3.11
Cascade	3.14
Chouteau	3.14
Custer	3.10
Daniels	3.09
Dawson	3.11
Deer Lodge	3.16
Fallon	3.12
Fergus	3.13
Flathead	3.17
Gallatin	3.16
Garfield	3.09
Glacier	3.14
Golden Valley	3.13
Granite	3.16
Hill	3.12
Jefferson	3.16
Judith Basin	3.13
Lake	3.16
Lewis and Clark	3.14
Liberty	3.13
Lincoln	3.17
McCone	3.10
Madison	3.16
Meagher	3.14
Mineral	3.16
Missoula	3.16
Musselshell	3.11
Park	3.15
Petroleum	3.11
Phillips	3.10
Pondera	3.14
Powder River	3.10
Powell	3.16
Prairie	3.11
Ravalli	3.14
Richland	3.11
Roosevelt	3.10
Rosebud	3.09
Sanders	3.16

MONTANA—Continued

County	Rate per bushel
Sheridan	3.10
Silver Bow	3.16
Stillwater	3.13
Sweet Grass	3.14
Teton	3.14
Toole	3.13
Treasure	3.10
Valley	3.09
Wheatland	3.14
Wibaux	3.12
Yellowstone	3.11
Wght. State Avg	3.12

NEBRASKA

County	Rate per bushel
Adams	3.14
Antelope	3.22
Arthur	3.05
Banner	3.02
Blaine	3.12
Bonne	3.22
Box Butte	3.02
Boyd	3.19
Brown	3.12
Buffalo	3.15
Burt	3.27
Butler	3.24
Cass	3.26
Cedar	3.23
Chase	3.04
Cherry	3.08
Cheyenne	3.02
Clay	3.15
Colfax	3.24
Cuming	3.24
Custer	3.12
Dakota	3.26
Dawes	3.02
Dawson	3.14
Deuel	3.03
Dixon	3.23
Dodge	3.26
Douglas	3.27
Dundy	3.04
Fillmore	3.17
Franklin	3.12
Frontier	3.07
Furnas	3.10
Gage	3.20
Garden	3.03
Garfield	3.16
Gosper	3.10
Grant	3.05
Greeley	3.18
Hall	3.16
Hamilton	3.18
Harlan	3.11
Hayes	3.06
Hitchcock	3.06
Holt	3.19
Hooker	3.06
Howard	3.16
Jefferson	3.19
Johnson	3.20
Kearney	3.12
Keith	3.05
Keya Paha	3.14
Kimball	3.02
Knox	3.22
Lancaster	3.23
Lincoln	3.09
Logan	3.09
Loup	3.12
McPherson	3.08
Madison	3.22
Merrick	3.19
Morrill	3.02
Nance	3.20
Nemaha	3.20
Nuckolls	3.14
Otoe	3.23
Pawnee	3.22
Perkins	3.04
Phelps	3.11
Pierce	3.22
Platte	3.22
Polk	3.21
Red Willow	3.07
Richardson	3.23
Rock	3.15
Saline	3.19

NEBRASKA—Continued

County	Rate per bushel
Sarpy	3.27
Saunders	[illegible]
Scotts Bluff	[illegible]
Seward	[illegible]
Sheridan	[illegible]
Sherman	3.15
Sioux	[illegible]
Stanton	3.24
Thayer	3.17
Thomas	3.09
Thurston	[illegible]
Valley	3.15
Washington	3.27
Wayne	3.23
Webster	3.14
Wheeler	3.18
York	3.19
Wght. State Avg	[illegible]

NEVADA

County	Rate per bushel
All Counties	3.17

NEW HAMPSHIRE

County	Rate per bushel
All Counties	3.15

NEW JERSEY

County	Rate per bushel
All Counties	3.19

NEW MEXICO

County	Rate per bushel
All Counties	3.20

NEW YORK

County	Rate per bushel
Albany	[illegible]
New York City	3.32
All other Counties	3.17
Wght. State Avg	3.17

NORTH CAROLINA

County	Rate per bushel
All Counties	[illegible]

NORTH DAKOTA

County	Rate per bushel
Adams	[illegible]
Barnes	[illegible]
Benson	[illegible]
Billings	[illegible]
Bottineau	3.10
Bowman	[illegible]
Burke	[illegible]
Burleigh	3.14
Cass	3.25
Cavalier	3.17
Dickey	3.23
Divide	3.07
Dunn	3.10
Eddy	3.19
Emmons	3.17
Foster	[illegible]
Golden Valley	[illegible]
Grand Forks	[illegible]
Grant	3.12
Griggs	[illegible]
Hettinger	3.10
Kidder	3.17
La Moure	3.21
Logan	3.19
McHenry	3.11
McIntosh	3.19
McKenzie	[illegible]
McLean	3.10
Mercer	3.10
Morton	3.13
Mountrail	[illegible]
Nelson	[illegible]
Oliver	3.11
Pembina	3.21
Pierce	3.13
Ramsey	3.18
Ransom	3.26
Renville	3.10
Richland	3.27
Rolette	3.13
Sargent	[illegible]
Sheridan	3.13
Sioux	3.12
Slope	3.10
Stark	3.10

NORTH DAKOTA—Continued

County	Rate per bushel
Steele	[illegible]
Stutsman	3.21
Towner	3.14
Traill	3.24
Walsh	3.23
Ward	[illegible]
Wells	3.17
Williams	[illegible]
Wght. State Avg	3.16

OHIO

County	Rate per bushel
Adams	3.19
Allen	[illegible]
Ashland	[illegible]
Ashtabula	3.25
Athens	3.22
Auglaize	[illegible]
Belmont	3.23
Brown	[illegible]
Butler	3.19
Carroll	[illegible]
Champaign	[illegible]
Clark	3.19
Clermont	3.19
Clinton	3.19
Columbiana	3.24
Coshocton	3.23
Crawford	3.22
Cuyahoga	[illegible]
Darke	3.19
Defiance	3.19
Delaware	3.22
Erie	[illegible]
Fairfield	3.22
Fayette	3.19
Franklin	[illegible]
Fulton	3.21
Gallia	3.19
Geauga	[illegible]
Greene	3.19
Guernsey	[illegible]
Hamilton	[illegible]
Hancock	[illegible]
Hardin	3.22
Harrison	[illegible]
Henry	3.21
Highland	3.19
Hocking	3.22
Holmes	3.23
Huron	[illegible]
Jackson	[illegible]
Jefferson	[illegible]
Knox	3.23
Lake	3.25
Lawrence	3.19
Licking	[illegible]
Logan	3.19
Lorain	[illegible]
Lucas	[illegible]
Madison	3.19
Mahoning	3.25
Marion	[illegible]
Medina	3.23
Meigs	3.19
Mercer	3.19
Miami	3.19
Monroe	3.23
Montgomery	[illegible]
Morgan	[illegible]
Morrow	[illegible]
Muskingum	3.23
Noble	3.23
Ottawa	3.22
Paulding	3.19
Perry	3.22
Pickaway	[illegible]
Pike	[illegible]
Portage	3.23
Preble	[illegible]
Putnam	[illegible]
Richland	3.23
Ross	3.22
Sandusky	[illegible]
Scioto	[illegible]
Seneca	3.22
Shelby	[illegible]
Stark	[illegible]
Summit	3.23
Trumbull	3.25
Tuscarawas	[illegible]

OHIO—Continued

County	Rate per bushel
Union	3.22
Van Wert	[illegible]
Vinton	[illegible]
Warren	[illegible]
Washington	3.23
Wayne	3.23
Williams	3.19
Wood	[illegible]
Wyandot	[illegible]
Wght. State Avg	3.21

OKLAHOMA

County	Rate per bushel
Adair	3.21
Alfalfa	[illegible]
Beaver	3.13
Beckham	[illegible]
Blaine	3.22
Cherokee	3.21
Cimarron	[illegible]
Craig	[illegible]
Creek	3.22
Custer	[illegible]
Delaware	3.21
Dewey	3.21
Ellis	[illegible]
Garfield	[illegible]
Grant	[illegible]
Harper	[illegible]
Kay	[illegible]
Kingfisher	3.22
Logan	[illegible]
Major	[illegible]
Mayes	3.21
Noble	[illegible]
Nowata	[illegible]
Osage	[illegible]
Ottawa	[illegible]
Pawnee	[illegible]
Payne	[illegible]
Roger Mills	3.20
Rogers	[illegible]
Texas	[illegible]
Tulsa	[illegible]
Wagoner	[illegible]
Washington	[illegible]
Washita	[illegible]
Woods	[illegible]
Woodward	[illegible]
All other Counties	[illegible]
Wght. State Avg	[illegible]

OREGON

County	Rate per bushel
Baker	3.28
Benton	[illegible]
Clackamas	[illegible]
Clatsop	[illegible]
Columbia	[illegible]
Coos	3.15
Crook	[illegible]
Curry	3.14
Deschutes	[illegible]
Douglas	[illegible]
Gilliam	[illegible]
Grant	[illegible]
Harney	[illegible]
Hood River	[illegible]
Jackson	[illegible]
Jefferson	[illegible]
Josephine	[illegible]
Klamath	[illegible]
Lake	[illegible]
Lane	3.33
Lincoln	[illegible]
Linn	[illegible]
Malheur	[illegible]
Marion	[illegible]
Morrow	[illegible]
Multnomah	[illegible]
Polk	[illegible]
Sherman	3.38
Tillamook	3.42
Umatilla	3.35
Union	[illegible]
Wallowa	[illegible]
Wasco	[illegible]
Washington	[illegible]
Wheeler	[illegible]
Yamhill	3.40

OREGON—Continued

County	Rate per bushel
Wght. State Avg	[illegible]

PENNSYLVANIA

County	Rate per bushel
Philadelphia	3.32
All other Counties	3.17
Wght. State Avg	3.17

RHODE ISLAND

County	Rate per bushel
All Counties	3.16

SOUTH CAROLINA

County	Rate per bushel
Charleston	[illegible]
All other Counties	3.13
Wght. State Avg	3.13

SOUTH DAKOTA

County	Rate per bushel
Aurora	3.23
Beadle	3.22
Bennett	3.10
Bon Homme	3.24
Brookings	3.26
Brown	3.22
Brule	[illegible]
Buffalo	3.20
Butte	[illegible]
Campbell	3.15
Charles Mix	3.30
Clark	3.22
Clay	3.26
Codington	3.26
Corson	3.12
Custer	3.02
Davison	3.26
Day	3.26
Deuel	3.29
Dewey	3.12
Douglas	3.22
Edmunds	3.19
Fall River	3.00
Faulk	3.21
Grant	3.29
Gregory	3.17
Haakon	3.15
Hamlin	3.25
Hand	3.22
Hanson	3.23
Harding	3.06
Hughes	3.18
Hutchinson	3.25
Hyde3	3.20
Jackson	3.14
Jerauld	3.23
Jones	3.16
Kingsbury	3.23
Lake	3.25
Lawrence	3.28
Lincoln	3.28
Lyman	3.17
McCook	3.20
McPherson	3.19
Marshall	3.26
Meade	3.09
Mellette	3.15
Miner	3.24
Minnehaha	3.27
Moody	3.27
Pennington	3.05
Perkins	3.09
Potter	3.17
Roberts	3.28
Sanborn	3.23
Shannon	3.07
Spink	3.22
Stanley	3.16
Sully	3.17
Todd	3.12
Tripp	3.15
Turner	3.27
Union	3.20
Walworth	3.17
Yankton	3.24
Ziebach	3.10
Wght. State Avg	3.19

TENNESSEE

County	Rate per bushel
Shelby	3.25

TENNESSEE—Continued

County	Rate per bushel
All other Counties	3.14
Wght. State Avg	3.14

TEXAS

County	Rate per bushel
Anderson	3.35
Andrews	3.21
Archer	3.26
Armstrong	3.21
Atascosa	3.35
Bailey	3.21
Bandera	3.31
Bastrop	3.35
Baylor	3.25
Bee	3.45
Bell	3.35
Bexar	3.35
Blanco	[illegible]
Borden	3.21
Bosque	3.32
Bowie	3.28
Brazos	3.40
Briscoe	3.21
Brown	3.29
Burleson	3.40
Burnet	3.33
Caldwell	3.35
Calhoun	3.35
Callahan	3.25
Camp	3.28
Carson	3.21
Cass	3.28
Castro	3.21
Chambers	3.45
Cherokee	3.37
Childress	3.23
Clay	3.27
Cochran	3.21
Coke	3.22
Coleman	3.28
Collin	3.31
Collingsworth	3.21
Comal	3.35
Comanche	3.30
Concho	3.27
Cooke	3.28
Coryell	3.34
Cottle	3.21
Crockett	3.22
Crosby	3.21
Culberson	3.21
Dallam	3.18
Dallas	3.32
Dawson	3.21
Deaf Smith	3.21
Delta	3.31
Denton	3.30
DeWitt	3.37
Dickens	3.21
Dimmit	3.29
Donley	3.21
Eastland	3.25
Edwards	3.25
Ellis	3.32
El Paso	3.21
Erath	3.31
Falls	3.34
Fannin	3.29
Fisher	3.22
Floyd	3.21
Foard	3.25
Franklin	3.28
Frio	3.33
Gaines	3.21
Galveston	3.46
Garza	3.21
Gillespie	3.29
Glasscock	3.21
Goliad	3.39
Gonzales	3.37
Gray	3.21
Grayson	3.28
Grimes	3.40
Guadalupe	3.36
Hale	3.21
Hall	3.21
Hamilton	3.32
Hansford	3.18
Hardeman	3.23
Harris	3.45
Hartley	3.18

TEXAS—Continued

County	Rate per bushel
Haskell	3.23
Hays	3.35
Hemphill	3.18
Henderson	3.33
Hill	3.32
Hockley	3.21
Hood	3.29
Hopkins	3.31
Houston	3.37
Howard	3.21
Hudspeth	3.21
Hunt	3.31
Hutchinson	3.18
Irion	3.21
Jack	3.27
Jackson	3.35
Jeff Davis	3.21
Jefferson	3.41
Johnson	3.31
Jones	3.23
Karnes	3.39
Kaufman	3.33
Kendall	3.33
Kent	3.21
Kerr	3.29
Kimble	3.27
King	3.21
Kinney	3.25
Knox	3.23
Lamar	3.28
Lamb	3.21
Lampasas	3.34
Limestone	3.34
Lipscomb	3.18
Live Oak	3.41
Llano	3.31
Loving	3.21
Lubbock	3.21
Lynn	3.21
McCulloch	3.29
McLennan	3.34
Martin	3.21
Mason	3.29
Maverick	3.25
Medina	3.31
Menard	3.27
Midland	3.21
Milam	3.36
Mills	3.30
Mitchell	3.22
Montague	3.27
Moore	3.18
Morris	[illegible]
Motley	3.21
Navarro	3.33
Nolan	3.22
Nueces	3.45
Ochiltree	3.18
Oldham	3.21
Palo Pinto	3.27
Parker	3.29
Parmer	3.21
Pecos	3.21
Potter	3.21
Presidio	3.21
Rains	3.31
Randall	3.21
Reagan	3.22
Real	3.27
Red River	3.28
Reeves	3.21
Refugio	3.42
Roberts	3.18
Robertson	3.37
Rockwall	3.31
Runnels	3.25
San Patricio	3.45
San Saba	3.30
Schleicher	[illegible]
Scurry	3.22
Shackelford	3.25
Sherman	3.18
Somervell	3.29
Stephens	[illegible]
Sterling	3.21
Stonewall	3.21
Sutton	3.22
Swisher	3.21
Tarrant	3.32
Taylor	3.23
Terry	3.21

TEXAS—Continued	
County	Rate per bushel
Throckmorton	3.25
Titus	3.28
Tom Green	3.34
Travis	3.35
Upton	3.22
Uvalde	3.28
Van Zandt	3.32
Victoria	3.38
Waller	3.40
Ward	3.21
Wharton	3.40
Wheeler	3.21
Wichita	3.25
Wilbarger	3.25
Williamson	3.35
Wilson	3.37
Wise	3.20
Wood	3.31
Yoakum	3.21
Young	3.26
Zavala	3.28
Wght. State Avg	3.25

UTAH	
All Counties	3.17

Vermont	
All Counties	3.15

VIRGINIA	
Chesapeake (Norfolk)	3.32
All other Counties	3.17
Wght. State Avg	3.17

WASHINGTON	
Adams	3.33
Asotin	3.32
Benton	3.35
Chelan	3.38
Clallam	3.28
Clark	3.49
Columbia	3.34
Cowlitz	3.49
Douglas	3.34
Ferry	3.26
Franklin	3.35
Garfield	3.34
Grant	3.34
Grays Harbor	3.41
Island	3.30
Jefferson	3.30
King	3.49
Kitsap	3.31
Kittitas	3.38
Klickitat	3.40
Lewis	3.44
Lincoln	3.31
Mason	3.38
Okanogan	3.31
Pacific	3.41
Pend Oreille	3.21
Pierce	3.49
San Juan	3.30
Skagit	3.38
Skamania	3.44
Snohomish	3.43
Spokane	3.30
Stevens	3.26
Thurston	3.43
Wahkiakum	3.43
Walla Walla	3.35
Whatcom	3.35
Whitman	3.33
Yakima	3.36
Wght. State Avg	3.33

West Virginia	
All Counties	3.18

WISCONSIN	
Douglas	3.35
All other Counties	3.13
Wght. State Avg	3.13

WYOMING	
County	Rate per bushel
All Counties	3.04

(b) Schedule of premiums and discounts.

	Cents per bushel
(1) Class of premiums and discounts:	
(i) Premiums—Hard Amber Durum, No. 3 or better	+7½
(ii) Discounts:	
(A) Durum	−10
(B) Mixed wheat (mixes of classes other than contrasting classes)	−3
(C) Mixed wheat (mixtures of contrasting classes)	−10
(iii) Unclassed wheat, which includes Red Durum, ineligible for loan:	
(2) Grade discounts:	
(i) Grade discounts:	
(A) No. 2	−2
(B) No. 3	−4
(C) No. 4	−6
(D) No. 5	−9
(E) Sample—on the factors of test weight and total damage plus additional discounts for test weight and total damaged kernels	−11

(*1*) Sample on Account of Test Weight.

Hard Red Spring White Club		All other classes	
Test weight	Cents per bushel	Test weight	Cents per bushel
49	−2	[illegible]	−2
48	−4	49	−4
47	−6	48	−6
46	−8	47	−8
45	−10	46	−10
44	−13	45	−12
43	−16	44	−15
42	−19	43	−18
41	−22	42	−21
40	−25	41	−24
		40	−27

(*2*) Sample on Account of Total Damaged Kernels.

Percent—Total damaged kernel	Cents per bushel
15.1–16	−2
16.1–17	−4
17.1–18	−6
18.1–19	−8
19.1–20	−10
20.1–21	−12
21.1–22	−14
22.1–23	−16
23.1–24	−18
24.1–25	−20
25.1–26	−22
26.1–27	−24
27.1–28	−26
28.1–29	−28
29.1–30	−30
Each percent over 30	−3

(ii) Special grade discounts:	
(A) Light Smutty	−6
(B) Smutty	−12
(C) Light Garlicky	−15
(D) Garlicky	−40
(3) Weed control discount (where required by § 1421.24)	−15

(4) Premiums or protein content—Applicable to wheat grading No. 5 or better of the classes Hard Red Winter and Hard Red Spring.

Percent protein	Cents per bushel
(i) Hard Red Winter:	
10.50 to 10.99	0
11.00 to 11.49	+½
11.50 to 11.99	+1
12.00 to 12.49	+2
12.50 to 12.99	+3
13.00 to 13.49	+4½
13.50 to 13.99	+6
14.00 to 14.49	+8
14.50 to 14.99	+10
15.00 and over	+12

Percent protein	Cents per bushel
(ii) Hard Red Spring:	
11.50 to 11.99	0
12.00 to 12.49	+1
12.50 to 12.99	+2
13.00 to 13.49	+4
13.50 to 13.99	+6
14.00 to 14.49	+9
14.50 to 14.99	+12
15.00 to 15.49	+16
15.50 to 15.99	+20
16.00 to 16.49	+25
16.50 to 16.99	+30
17.00 and over	+36

(5) Other factors. Wheat with quality factors exceeding limits shown in foregoing schedule or wheat that (1) contains in excess of 13.5 percent moisture, (2) is weevily, (3) is musty, or (4) is sour, and heating shall not be eligible for loan. In the event quantities of wheat exceeding limits shown are delivered in satisfaction of loan obligations, such quantities will be discontinued on the basis of the schedule of discounts as provided by Kansas City Commodity Office for settlement purposes. Such discounts will be established not later than the time delivery of wheat to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedule of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.

(Secs. 4 and 5, 6 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs 107A, 401, 63 Stat. 1051, as amended (7 U.S.C. 1445b, 1421))

Signed at Washington, D.C. on September 25, 1981.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81–28836 Filed 10–5–81; 8:45 am]

BILLING CODE 3410-05-M

Office of the Secretary

Price-Undercutting of Domestic Swiss Cheese by Imported Swiss Cheese Produced in Finland

On August 31, 1981, the U.S. Department of Agriculture received a complaint alleging price-undercutting of domestic Swiss cheese by imported Swiss cheese produced in Finland. Under Section 702 of the Trade Agreements Act of 1979 (Pub. L. 96-39), the Secretary of Agriculture must conduct a price-undercutting investigation and make a determination as to the validity of the allegation no later than 30 days after receiving a complaint.

Based on the investigation of the Director of the Dairy, Livestock and Poultry Division, Foreign Agricultural Service, pursuant to the regulations at 7 CFR 6.40-46, I have determined that the duty-paid wholesale price of Grade A imported Swiss cheese produced in Finland is $1.63 per pound, and that the domestic wholesale market price of Grade A U.S. produced Swiss cheese is $1.68 per pound. I have further determined that the duty-paid wholesale price of Grade D imported Swiss cheese produced in Finland is $1.38 per pound, and that the domestic wholesale market price of Grade D U.S. produced Swiss cheese is $1.33 per pound. I, therefore, have determined that there is price-undercutting of Grade A U.S. produced Swiss cheese by Grade A imported Swiss cheese produced in Finland.

Done at Washington, D.C., this 30th day of September 1981.

John R. Block,

Secretary.

[FR Doc. 81-2902 Filed 10-5-81; 8:45 am]

BILLING CODE 3410-10-M

Rural Electrification Administration

Tri-State Generation and Transmission, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with the proposed financing assistance by REA for Tri-State Generation and Transmission, Inc. (Tri-State), of Denver, Colorado. The proposed financing will assist Tri-State in constructing 34 km (21.1 miles) of 115 kV transmission line.

The 115 kV transmission line will be built between the Ogallala Switching Station in Keith County, Nebraska, and the Grant Substation located in Perkins County, Nebraska. Tri-State has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmland, cultural resources,wetlands, floodplains and other potential impact of the project are adequately considered in Tri-State's Borrower's Environmental Report and REA's Environmental Assessment.

Various alternatives to the proposed transmission line were reviewed by Tri-State and REA. The alternatives included no action, new generation, load management and conservation, different line voltages, double circuting, underground construction and alternate routes. The proposed project is the most viable alternative to deliver power to all existing and projected loads of Tri-State in Keith and Perkins Counties, Nebraska.

REA's independent evelaution of the proposed project leads to the conclusion that its proposed financing assistance for this project does not represent a major Federal Action that will significantly affect the quality of the human environment.

Based on this independent evaluation, REA's Environmental Assessment, and Tri-State Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20-21:320-21, Part I.

Copies of REA's Finding of No Significant Impact and supporting documents may be reviewed at or obtained from the Office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington D.C. 20250, and at the office of Tri-State Generation and Transmission, Inc., 12076 Grant Street, Denver, Colorado 80233.

(Catalog of Federal Domestic Assistance, 10.850—Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C. this 30th day of September, 1981.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-29087 Filed 10-5-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Order 81-9-168; Docket 35084, et al.]

United Airlines, et al.; Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of September 1981.

In the matter of the application of United Air Lines, Inc. for an exemption pursuant to section 403 of the Federal Aviation Act of 1958, Docket 35084; application of Transamerica Airlines, Inc. for an emergency exemption from sections 401 and 403 of the Act, Docket 39715; Emergency Air Transportation Requirements, Docket 39722; application of Trans World Airlines, Inc. for an exemption pursuant to section 416(b) of the Act, Docket 39872.

By Order 81-9-20, September 3, 1981, we clarified and amended the exemption authority that we had previously granted to relieve carriers from certain service requirements during the service cutbacks resulting from the job action by the Professional Air Traffic Controllers Organization (PATCO).[1] In that order we also extended the effectiveness of the exemption authority until October 1, 1981. Finally, we extended the period of time in which we would accept comments from persons requesting modification or curtailment of these exemptions or commenting on the desirability of extending this authority beyond October 1, 1981.

Summary of Comments

We have received comments from 12 interested carriers and civic groups.[2] The Air Transport Association of America (ATA) requests that we grant a total exemption from our denied boarding rules, or at least continue our partial exemption. The ATA and American urge us to relieve carriers of all denied boarding compensation requirements where operational requirements imposed by the FAA make it necessary to off-load passengers in order to carry adequate fuel to insure nonstop operations to the destination. Transamerica requests that we continue the current denied boarding compensation exemption.

The ATA also requests a total exemption from our smoking rules, preferring to rely on the marketplace to determine the carriers' behavior. Transamerica urges us to continue our exemption until the final rule—which is identical to our exemption—is effective.[3]

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[1] *See also* Orders 81-8-22, August 6, 1981; 81-6-148, June 19, 1981.

[2] We received these comments from Air Oregon, the Air Transport Association of America, American Airlines, Cascade Airways, the Commuter Airline Association of America, the Mississippi Airport Managers Association, the Greater Meridian Chamber of Commerce, the Meridian Municipal Authority, the New Hampshire Aeronautics Commission, Ozark Air Lines, Republic Airlines and Transamerica Airlines.

The ATA's response to Order 81–9–20 also asks that we affirmatively state our policies for enforcing Regulation Z during the PATCO job action. ATA proposes that we go beyond the assurance in Order 81–8–86 that our Bureau of Compliance and Consumer Protection (BCCP) will take into consideration in deciding whether to prosecute the unusual circumstances created by the air traffic control emergency and carriers' good faith efforts to make prompt refunds. It contends that we should expressly state that an enforcement action will not be undertaken where the airlines have sought to meet their obligations in good faith. ATA also suggests that the airlines' already strained resources should not be further taxed by investigative demands.

Finally, the ATA requests intercarrier discussion authority "to discuss jointly the possibility of formulating measures to respond to the problems created during this extraordinary situation by passengers ticket cancellations and no-shows at departure times." [4]

With regard to our essential air service exemptions, Ozark joins the ATA in its request that we permit again a one daily round-trip minimum.[5] Republic suggests that we require two daily round trips on weekdays only. On the other hand, the Mississippi civic parties agree with our decision to restore the two daily round-trip minimum, and also urge us to require service to a designated hub rather than to any hub, as our current exemption permits.

In the context of compensating nonsubsidized essential air service carriers that are suffering from cash flow problems during the PATCO emergency, Cascade urges us to authorize the payment of subsidy for PATCO-related losses dating back to the commencement of the job action, August 3rd, regardless of when the notice requesting subsidy is filed.[6]

The Commuter Airline Association of America (CAAA) requests that we include general and administrative expenses in computing the amount of hold-in subsidy to which carriers will be entitled as a result of the PATCO job action. In addition, CAAA suggests that if a carrier filed a PATCO-related notice, making it eligible for immediate hold-in compensation, and then amended its notice to terminate service permanently, the statutory 30-day notice period should not have to begin anew (without compensation) "because of the unusual circumstances causing the services to become non-self supporting." [6a]

Virtually all of the carriers and carrier associations request continuation of our current exemption authority for the duration of the FAA's service cutbacks (*i.e.*, mid-April 1982). The civic groups protest any extensions, and urge at least a month-by-month determination of whether to continue the exemption authority.

Disposition

The FAA has published its interim plan for the operation of the national air transportation system. This plan will remain in effect until approximately June 1, 1982.[7] Although the disruption caused by the PATCO walkout is not over, the FAA's operating plans are available and should restore a greater degree of predictability to airline scheduling and operations. Therefore, we no longer believe that the best way to deal with the remaining carrier problems is nationwide exemption relief. Consequently, we have decided to rescind our exemptions from the requirements of the denied boarding rules, the tariff rules, the smoking rule, the notice provisions of sections 401(j) and 419 and the essential air service provisions. In addition, we will not accept new filings for compensation for PATCO-related losses after October 1, 1981.

In view of the increasing certainty of operations, we find no reason to broaden our current denied boarding compensation exemption. To the contrary, we have received no information that indicates that a continued exemption is necessary. Therefore, we will terminate our exemption authority from Part 250 of our Economic Regulations on October 26, 1981.

We will not exempt carriers from our denied boarding rules to permit them to off-load passengers with impunity in order to compensate for increased fuel requirements. Despite American's allegation that "during the months of August, [it] was forced to off-load and pay denied boarding compensation to more than 100 passengers on 14 flights because of fuel restrictions," neither American nor the ATA has given us sufficiently detailed information to convince us that such an exemption is justified.

The exemption from our smoking rules allows carriers to deny passengers seats in a no-smoking section if they fail to check in at the gate on time or if they do not hold a confirmed reservation. This exemption is virtually identical to the final rule on smoking which will become effective on October 16, 1981.[8] Consequently, our exemption will be redundant and we will terminate it on that day.

We will deny the ATA's request that we explicitly state that we will forego enforcement action where the airlines have sought to meet their obligations in good faith under Regulation Z. As we have stated on numerous occasions in the past, air carriers must maintain sufficient staff, procedures, and facilities to assure that even under unusual circumstances fully documented consumer credit refund requests are processed under the time requirements of Regulation Z.[9] While BCCP will take care in exercising its prosecutorial descretion during this adjustment period, we can provide no assurance that an enforcement action will not be brought. Certainly, we cannot say that there will not even be an investigation when one seems warranted; to do so would prevent us from verifying a carrier's efforts to comply with the requirements imposed upon it by law.

We have also decided to deny the ATA's request for intercarrier discussion authority. The request is framed too vaguely for us to understand precisely what the ATA proposes the scope of the discussions to be and the problems which the requested authority would help to alleviate. Consequently, we cannot find that it is in the public interest under section 412 to grant the discussion authority sought by the ATA.

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[3] Part 252, Smoking Aboard Aircraft; ER–1245, adopted September 2, 1981, effective October 16, 1981.

[4] The ATA also requests that we grant an explicit exemption from Part 231 of our Regulations (requiring the filing of mail schedules), apparently relying on our reference in Order 81–8–11, footnote 4, to a proposed order which would have exempted carriers providing essential air service "from their duty to maintain certain schedules." That provision would have applied to the operation of schedules and not to the filing of schedules. In any event, since no such exemption was granted, the ATA's exemption request is not relevant here.

[5] By Order 81–8–86, August 13, 1981, we permitted carriers to fly a minimum of one instead of two daily round trips at essential air service points. By Order 81–9–20, September 3, 1981, we amended our previous order to require a minimum of two daily round trips once again.

[6] By the terms of Order 81–9–20, we authorized the payment of this subsidy from the date of the filing of the notice.

[6a] On September 24, the CAAA filed further comments, with a motion for leave to file that we will grant. CAAA urges us to continue the exemptions until April 24, 1982, and to reconsider our decision not to provide hold-in subsidy retroactive to August 3, 1981.

[7] 46 FR 44740 (September 8, 1981).

[8] Part 252, Smoking Aboard Aircraft; ER–1245, adopted September 2, 1981.

[9] *See* Orders 81–5–25, May 6, 1981; 81–5–24, may 6, 1981; 81–437, April 6, 1981; 81–3121, March 24, 1981; 81–211, February 4, 1981; 81–1–98, January 21, 1981; 80–11–63, November 13, 1980.

We find that with the establishment of the FAA's interim operating plan, the carriers will have enough stability to plan their schedules for the long term. We are also aware that, in general, traffic levels have begun to return to normal. Consequently, we have decided to terminate our nationwide exemptions from the essential air service provisions of the Act on October 26, 1981. In addition, we will terminate our exemptions to the notice requirements of sections 401(j) and 419 on that date. Furthermore we will not accept the filing of emergency hold-in subsidy notices from nonsubsidized essential air service carriers after October 1, 1981.[9a] We will continue until October 26, 1981 to pay compensation for PATCO-related losses to carriers that have filed notices and this compensation will continue to be computed from the time of the filing of the notice. We will consider the extension of subsidy in individual cases, and carriers with extended problems should file for individual relief from essential air service and notice requirements.

CAAA has asked that we include general and administrative expenses in our computation of immediate hold-in payments. We will not make a general ruling on this question, but will leave it to each individual case. If these payments are warranted, we will include them in the compensation award. Specific requests for the inclusion of general and administrative expenses should be included in the documents supporting the PATCO-related subsidy notice.

CAAA also asked that we not withhold continuing subsidy to carriers that have filed for immediate PATCO-related compensation and have also filed a notice to terminate service permanently at the same essential air service point.[10] To the extent that the 30- or 90-day notice period for the permanent suspension or termination falls beyond October 26, 1981, such a gap will exist. We intend to pay carriers PATCO-related compensation up until that time. If the 401(j) or 419 notice period has not run, we will wait until it has before paying normal compensation for losses.

In Order 81–8–86, August 13, 1981, we permitted the revision of 419 subsidy rate formulas so that 40 percent of each rate will be paid on a lump-sum basis while the remaining 60 percent will be paid on the basis of actual operations.[11] We revised the subsidy formula in this manner in order to assume coverage of at least a portion of the fixed expenses incurred by subsidized essential air service carriers. Since we are revoking our exemption authority with regard to all essential air service matters on October 26, 1981, because we consider the air traffic system to be returning to some level of normalcy, we will also revoke this revised rate formula and return to our normal method of computing compensation, effective for the rate periods commencing after October 26, 1981.

As a final matter, we will extend the authority delegated to the Director, Bureau of Domestic Aviation, in ordering paragraph 1 of Order 81–9–20 to the extent necessary to complete processing of PATCO-related subsidy requests. We also expect that some carriers will file requests for exemptions from the essential air service requirements of section 419 of the Act which will require action on short notice. We will, therefore, delegate authority to the Director, BDA, to exempt individual carriers from these essential air service requirements for PATCO-related reasons.

Accordingly,

1. We revoke our award of exemption authority from Part 250 of our Economic Regulations granted in Orders 81–8–22 and 81–8–86, effective October 26, 1981;

2. We revoke our award of exemption authority from Part 252 of our Economic Regulations granted in Order 81–8–22, effective October 16, 1981;

3. We revoke our award of exemption authority from section 403 of the Act and Part 221 of our Economic Regulations granted in Orders 81–6–148, 81–7–158 and 81–8–22, effective October 26, 1981;

4. We revoke our award of exemption authority from the essential air service requirements of section 419 of the Act and relevant Board orders granted in Orders 81–6–148, 81–8–22, 81–8–86 and 81–9–20, effective October 26, 1981;

5. We revoke our award of exemption authority from the notice provisions of sections 401(j) and 419 of the Act and section 37(c) of the Airline Deregulation Act granted in Orders 81–6–148, 81–8–22, 81–8–86 and 81–9–20, effective October 26, 1981;

6. We revoke our revision and authorization of payment of the section 419 subsidy rate formulas as described in ordering paragraphs 4 and 5 of Order 81–8–86, effective for the rate periods commencing after October 26, 1981;

7. We deny the ATA's request for intercarrier discussion authority under section 412 of the Act;

8. We delegate authority to the Director, Bureau of Domestic Aviation, to authorize the payment of immediate hold-in subsidy under section 419(a)(7) to carriers currently providing nonsubsidized essential air service that have by October 1, 1981 filed notices under sections 401(j) and 419(a)(3) of the Act under the circumstances described in Order 81–9–20; this delegated authority shall remain in effect to the extent necessary to process the compensation requests;

9. We delegate authority to the Director, Bureau of Domestic Aviation, to exempt carriers from the 30/90 day notice provisions of section 419(a)(3) to the extent necessary to process the compensation requests;

10. We delegate authority to the Director, Bureau of Domestic Aviation, to exempt individual carriers from the essential air service requirements of section 419 of the Act and relevant Board orders; this delegated authority shall remain in effect until further order of the Board;

11. To the extent not granted or extended here, we revoke all exemption authority awarded in Orders 81–6–148, 81–7–158, 81–8–22, 81–8–86 and 81–9–20, effective October 26, 1981;

12. We grant CAAA's motion to file; and

13. We will serve a copy of this order on all U.S. certificated and foreign carriers, all commuter air carriers, the Department of Transportation, the Federal Emergency Management Agency, the Federal Aviation Administration, the Professional Air Traffic Controllers Organization, the Postmaster General, the Department of Defense, the Aviation Consumer Action Project, the Air Transport Association of America, the aviation agency of each State, Territory and possession of the United States, and all eligible points with effective essential air service determinations.

A copy of this order will be published in the **Federal Register**.

[9a] The hold-in subsidy was meant to guard against carrier collapse at a time when the effects of the PATCO action were very unclear. It was not meant to make carriers whole. It does not clearly appear that the PATCO action has led to a spate of carrier bankruptcies or to the general prospect to them. We will therefore take no more hold-in requests after October 1 and we will not provide subsidy retroactive to the date of the PATCO action.

[10] Contrary to CAAA's hypothetical example described in its comments, we do not accept amended notices.

[11] In Order 81–9–59, September 10, 1981, we issued revised rate formulas pursuant to Order 81–8–86. Attachment A to this order contains additional revised subsidy rate formulas not included in that order.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-29086 Filed 10-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-9-170]

Fitness Determination of Mid-South Aviation, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81-9-170, order to show cause.

SUMMARY: The Board is proposing to find that Mid-South Aviation, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it is capable of providing reliable essential air service; that it is fit, willing and able to provide scheduled air transportation under its existing 401(d)(5) dormant route certificate; and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 20, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Mr. Patrick V. Murphy, Jr., Chief, Essential Air Services Division, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-9-170.

FOR FURTHER INFORMATION CONTACT: Susan H. Fishbein, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5380.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-9-170 is available from the Distribution Section, Room 100, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-9-170 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 30, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-29079 Filed 10-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-10-1]

Fitness Determination of Pennsylvania Aviation, Inc., d.b.a. Wings Airways

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81-10-1, order to show cause.

SUMMARY: The Board is proposing to find that Pennsylvania Aviation, Inc. d.b.a. Wings Airways is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 20, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washinton, D.C. 20428, and with all persons listed in Attachment A of Order 81-10-1.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-10-1 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-10-1 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 1, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-29081 Filed 10-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-10-2]

Fitness Determination of Pompano Air Taxi, Inc., d.b.a. Pompano Airways

AGENCY: Civil Aeronautics Board.

ACTION: Notice of communter air carrier fitness determination—Order 81-10-2, order to show cause.

SUMMARY: The Board is proposing to find that Pompano Air Taxi, Inc. d.b.a. Pompano Airways is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than October 20, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-10-2.

FOR FURTHER INFORMATION CONTRACT: Mr. John McCamant, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW, Washington, D.C. 20428, (202) 673-5082.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-10-2 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW, Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-10-2 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 1, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-29082 Filed 10-5-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-10-11; Docket 40091]

Order Proposing To Grant Route Authority at Orange County, California

Order 81-10-11, October 1, 1981, Docket 40091, directs all interested persons to show cause why the Board should not adopt its tentative conclusion to award unrestricted authority at Orange County to Aspen, Braniff, Northwest, Ozark, Texas International, USAir and World.

Copies of this order are available from the Civil Aeronautics Board Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

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By the Civil Aeronautics Board: October 1, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-29080 Filed 10-5-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Cordage From Cuba; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On July 15, 1981 the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on cordage from Cuba. The review covered the period January 1, 1980 through December 31, 1980. Interested parties were given an opportunity to submit written or oral comments. We received no comments; therefore, as described in our preliminary results, we have determined to continue the countervailing duty rate established by the Department of the Treasury.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Black, Office of Compliance, Room 2803, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-1774).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 23, 1954, the Department of the Treasury published a notice in the **Federal Register**, T.D. 53534 (19 FR 4560), imposing countervailing duties on dutiable cordage from Cuba. This order was subsequently modified by T.D. 54650, published in the Federal Register on August 2, 1958 (23 FR 5873), limiting the imposition of countervailing duties to cordage which the Cuban government considered "baler twine" or "binder twine". Normally, these two types of twine as defined in the Tariff Schedules of the United States (TSUS) are free of duty and would have been excluded from countervailing duties under section 303 of the Tariff Act of 1930 ("the Tariff Act"); however, not all the Cuban product meets the description for "binder twine and baler twine" contained in headnote 1(e) of Schedule 3, Part 2 of the TSUS. Therefore, T.D. 54650 limits the countervailing duty order to cordage considered by the Cuban government to be baler or binder twine, but which does not meet the definition for "binder twine and baler twine" in the TSUS.

On July 15, 1981 the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review of the countervailing duty order on cordage from Cuba. The Department has now completed its administrative review of that countervailing duty order.

Scope of the Review

Merchandise covered by this review is cordage which the Cuban government considers "binder twine and baler twine," but which does not meet the definition contained in the TSUS. Normally, binder twine and baler twine, as defined by the TSUS, enter under item number 315.20 of the TSUS. The merchandise under consideration here is currently classifiable under number 315.25 of the TSUS. The review covered the period January 1, 1980 through December 31, 1980.

Final Results of the Review

Since we have received no comments, the final results of our review are the same as those presented in the preliminary results of the review. There are no known entries of this merchandise during this period and no known unliquidated entries prior to that date. The merchandise has not been imported into the United States since 1962. This merchandise is covered by the embargo on all trade with Cuba in effect since February 1962 (27 FR 1085). Therefore, we determine to continue the countervailing duty rate of 2.488¢ per pound established by T.D. 53534 for future entries of this merchandise. As provided by section 751 (a)(1) of the Tariff Act, the Customs Service shall collect a cash deposit of estimated countervailing duties at this rate on future entries of this merchandise if the embargo on trade with Cuba is terminated. This deposit requirement shall remain in effect until the publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of August 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 1, 1981.

[FR Doc. 81-29015 Filed 10-5-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Message Format for Computer Based Message Systems; Proposed Federal Information Processing Standard

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform automatic data processing standards.

A notice published in the **Federal Register** on February 13, 1981 (46 FR 12223) announced the availability of a preliminary draft Specification of Message Format for Computer Based Message Systems for informal technical review. That review has been completed and a revised Specification of Message Format for Computer Based Message Systems has been prepared. The purpose of this notice is to announce a proposed Federal Information Processing Standard, Message Format for Computer Based Message Systems.

Prior to submission of this proposed standard to the Secretary for approval as a Federal Information Processing Standard, it is essential to assure that proper consideration is given to the needs and views of the public, State and local governments, and manufacturers. It is appropriate at this time to solicit such views.

The proposed Federal Information Processing Standard contains two basic sections: (1) An announcement section which provides information concerning the applicability and implementation of the standard, and (2) a specification section which defines the technical parameters of the standard. Only the announcement section is provided in this notice.

Interested parties may obtain a copy of the specification section of this proposed standard from the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, ATTN: MFCBMS, Washington, D.C. 20234.

Written comments on this proposed standard should be submitted to the Director, Institute for Computer Sciences and Technology at the above address. Comments to be considered must be received on or before January 4, 1982.

Persons desiring further information about this proposed standard may contact Dr. John F. Heafner, Systems and Network Architecture Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921–3537.

Dated: September 29, 1981.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication———

(Date)———————————

Announcing the Standard for Message Format for Computer Based Message Systems

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section III(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Message Format for Computer Based Message Systems (FIPS PUB ———————).

Category of Standard. Software Standard; Subcategory: Interchange Codes, Media and Data Files.

Explanation. This standard separates information so that a Computer Based Message System can locate and operate on that information (which is found in the fields of messages). This is the first of a family of standards which will ensure information interchange among Computer Based Message Systems.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. Not Applicable.

Related Documents.

a. American National Standard Code for Information Interchange (ASCII), X3.4–1977, FIPS PUBS 1–1.

b. American National Standard Code Extension Techniques for Use with the 7-bit Coded Character Set of American National Standard Code (ASCII) for Information Interchange, X3.41–1974, FIPS PUB 35.

Applicability. This message format standard applies to Federal departments and agencies in their acquisition and use of computer-based message systems (CBMS) and services in networked systems, except for certain single-processor systems. Specifically, the standard does not apply to a CBMS if it is a stand-alone system which is not interconnected with any other CBMS; nevertheless, conformance with the standard is recommended under these circumstances particularly if there is a possibility that use of another central processing unit, or interconnection with another system, will be required in the future. Where a new CBMS node is incorporated into an existing network, the standard applies at the interface between CBMS's. In this instance, previously existing nodes may accomodate the standard either through retrofit or by the use of a translator.

Special Information. Certain characteristics distinguish a CBMS from other systems for sending messages. Originators and recipients may be terminal users or processes (discrete software). A system in which the originator addresses a particular terminal device rather than a particular recipient is not considered to be a CBMS. The recipient's system need not be available when the originator sends a message. The message can be stored in the originator's system or at an intermediate node in the network until the recipient's system becomes available. In addition, a CBMS offers both message creation and message processing facilities as part of the system. A CBMS offers text editing facilities to assist the user in the preparation of a message. The recipient CBMS stores the message until the recipient chooses to read it. Message systems which do not provide these minimum functions are not considered CBMS's.

The intent of the message format standard is to allow users of different computer based message systems to send messages to each other. The standard does not make demands on the message transfer system except that it transports messages transparently. The standard makes some simple demands on the CBMS. The CBMS must recognize fields within the message, process fields in predetermined ways, create messages in the correct form, and recognize and create data elements of messages in the correct format. The standard does not dictate or constrain the services that the CBMS provides for users, or the way that messages are stored, represented, manipulated, or presented to the user by the CBMS.

The standard does constrain the format of the message at the interface between systems. This guarantees that, whatever the source of the message, it arrives at the receiving system in the standard format. The message format standard separates information into fields so that the CBMS can locate and operate on that information. The message is converted from the format used within the originator's CBMS to the standard format (if different) on leaving the originator's CBMS. The message is converted from the standard format to the format used within the recipient's CBMS (if different) on entering the recipient's CBMS.

Specifications. Federal Information Processing Standard (FIPS), Message Format for Computer Base Message Systems, (affixed).

Qualifications. None.

Implementation Schedule. All applicable equipment or services ordered on or after 18 months from the date of issuance of this FIPS PUB, and all CBMS development initiated inhouse on or after 30 days from the date of issuance of this FIPS PUB must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below. An exception to this standard is made when procurement actions are into the solicitation phase on the date of issuance of this FIPS PUB.

Waivers. Heads of agencies may request that the requirements of this standard be waived in instances where it can be clearly demonstrated that there are appreciable performance or cost advantages to be gained and that the overall interests of the Federal Government are best served by granting the requested waiver. Such waiver requests will be reviewed by and are subject to the approval of the Secretary of Commerce. The waiver request must address the criteria stated above as the justification for the waiver.

Forty-five days should be allowed for review and response by the Secretary of Commerce. Waiver requests shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for a Waiver to a Federal Information Processing Standard. No agency shall take any action to deviate from the standard prior to the receipt of a waiver approval from the Secretary of Commerce. No agency shall begin any process of implementation or acquisition of non-conforming equipment unless it has already obtained such approval.

Where to Obtain Copies. Either paper or microfiche copies of this Federal Information Processing Standard, including technical specifications may be purchased from the National Technical Information Service (NTIS) by ordering Federal Information Processing Standard Publication (NBS–FIPS–PUB–———), Message Format for Computer Based Message Systems. Ordering information, including prices and delivery alternatives, may be obtained by contacting the National Technical Information Service (NTIS), U.S. Department of Commerce, Sprinfgield, Virginia 22161, telephone number (703) 487–4650.

[FR Doc. 81–28687 Filed 10–5–81; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established a Scientific and Statistical Committee which will meet to discuss surf clams and ocean quahogs, as well as other fishery-related matters.

DATES: The public meeting will convene on Wednesday, November 4, 1981, at approximately 10 a.m., and will adjourn at approximately 3:30 p.m. The meeting agenda may be rearranged or changed depending upon progress of the same.

ADDRESS: The meeting will take place at the Best Western Airport Inn,

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Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Federal Building—Room 2115, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: October 1, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-29092 Filed 10-5-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Certain Cotton Textile Products from Republic of the Philippines; Additional Import Controls

September 30, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling cotton dresses in Category 336 pt. (all T.S.U.S.A. numbers in the category except 382.0014, 382.0059, 382.0640, 382.3316, 382.3320 and 382.3323), produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1981, at a level of 25,329 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: Under the terms of the Bilaterial Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, the United States Government has decided to control imports of cotton textile products in Category 336 (pt.) (all T.S.U.S.A. numbers in the category except 382.0014, 382.0059, 382.0640, 382.3316, 382.3320 and 382.3323) produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1981, in addition to those categories previously designated.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85498) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. Under the terms of the bilateral agreement, the United States Government has decided also to control imports of cotton textile products in Category 336pt. (all T.S.U.S.A. numbers in the category except 382.0014, 382.0059, 382.0640, 382.3316, 382.3320 and 382.3323) during the same period. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 336pt. (all T.S.U.S.A. number in the category except 382.0014, 382.0059, 382.0640, 382.3316, 382.3320 and 382.3323) in excess of 25,329 dozen. The level of restraint has not been adjusted to reflect any imports after December 31, 1980. Imports in that portion of the category affected by this directive have amounted to 15,932 dozen during the January–July 1981 period and will be charged. As the data become available further charges will be made to account for the period which began on August 1, 1981 and extends to the effective date of this action.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

September 30, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 7, 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 336p5., produced or manufactured in the Philippines, in excess of the following level of restraint:

Category	12-Mo level of restraint [1]
336 pt.[2]	25,329 dozen.

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980. Imports during the period January–July 1981 have amounted to 15,932 dozen.

[2] In Category 336, all T.S.U.S.A. numbers except T.S.U.S.A. 382.0014, 382.0059, 382.0640, 382.3316, 382.3320 and 382.3323.

Cotton textile products in Category 336 pt.[2] which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Cotton textile products in Category 336 pt.[2] which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-29013 Filed 10-5-81; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Membership of the Commission's Performance Review Board

In accordance with Office of Personnel Management guidance under the Civil Service Reform Act, the Commodity Futures Trading Commission is publishing the following list of its officials who will henceforth serve as the members of the Commission's Performance Review Board.

Chairperson: Susan Ward Wagner, Executive Director

James A. Culver, Chief Economist and Director, Division of Economics and Education

Dennis A. Dutterer, General Counsel-Designate

Thomas J. Loughran, Director, Division of Enforcement

John L. Manley, Director, Division of Trading and Markets

Donald L. Tendick, Deputy Executive Director

Issued by the Commission in Washington, D.C. on October 1, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81–28980 Filed 10–5–81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Amendment to System Notices

AGENCY: Defense Logistics Agency, DOD.

ACTION: Amendment to system notices.

SUMMARY: The Defense Logistics Agency proposes to amend two system notices for systems of records subject to the Privacy Act of 1974. The specific amendments to each system notice followed by the system notices as amended are set forth below.

DATES: These systems will become effective on November 5, 1981, unless public comment is received which results in a contrary determination.

ADDRESS: Send any comments to the system managers named in the system notices.

FOR FURTHER INFORMATION CONTACT: Preston B. Speed, Headquarters Defense Logistics Agency (Attn.: DLA–XPM), Cameron Station, Alexandria, VA 22314. Telephone (703) 274–6234.

SUPPLEMENTAL INFORMATION: The Defense Logistics Agency inventory of systems of records as prescribed by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93–579; 88 Stat. 1896, *et seq.*) was published in the **Federal Register** at:

[FR Doc. 81897 (46 FR 6698) January 21, 1981

Altered system reports as required by 5 U.S.C. 552a(o) were submitted on September 12, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

September 30, 1981.

AMENDMENTS

S339.50 DSAO–S

System Name:

S339.50 DSAC, Staff Information File.

Changes:

Delete 'S339.50 DSAO–S" and Insert "S339.50 DSAC, Staff Information File".

Categories of Individuals Covered by the System:

Delete "DSAO" and Insert "DSAC".

Categories of Records in the System:

Delete "and step (of grade); Social Security Number".

Insert "Minority Group Designator.

Authority for Maintenance of the System:

Delete current entry and insert: "Pursuant to the authority contained in Title 10, United States Code Section 133, the Secretary of Defense has issued DoD Directive 5105.22 (32 CFR 359) establishing the Defense Logistics Agency as a separate agency of the Department of Defense under his direction and therein has charged the agency's Director with the responsiblity for the maintenance of necessary and appropriate records."

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

Delete "DSAO" and Insert "DSAC" wherever used.

Delete "to forward congratulatory messages on the anniversary of individual's birth".

Storage:

Delete current entry and insert "Magnetic disk storage media and hard copy printouts."

Retrievability:

Delete "Social Security number and name" and insert "Individual information is retrieved by Employee Account Number."

System Manager(s) and Address:

Delete current entry and insert; "Commander, DLA Systems Automation Center, P.O. Box P1605; Columbus, Ohio 43216".

Notification Procedure:

Delete "Social Security Number" and insert "Employee Account Number".

Delete "DSAO" and insert "DSAC".

Delete "Management Support Office" and insert "Office of Planning & Management."

S434.87 DLA–C

System Name:

Debt Records for Individuals' Changes.

Categories of Individuals Covered by the System:

Delete entire entry and insert "Individuals, including members of the general public, current and former civilian and military personnel who are indebted to the U.S. Government."

Retrievability:

Delete "employee."

Record Source Categories:

Delete entire entry and insert "Primary level field activities, civilian and military personnel offices, other Federal agencies, financial institutions, and members of the general public."

S339.50 DSAC–L

SYSTEM NAME:

S339.50 DSAC, Staff Information File.

SYSTEM LOCATION:

DLA, Systems Automation Center, P.O. Box P1605, Columbus, Ohio 43216.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DSAC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel type information concerning each staff member, including name, home address, grade, sex, job class, position title, home and office telephone numbers, birth date, service computation date, subsidiary cost code, office symbol, position code, supervisory code, employee account number, minority group designator, War Emergency Support Plan assignment, and AUTOVON approval.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority contained in Title 10, United States Code Section 133, the Secretary of Defense has issued DoD Directive 5105.22 (32 CFR 359)

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establishing the Defense Logistics Agency as a separate agency of the Department of Defense under his direction therein has charged the agency's Director with the responsibility for the maintenance of necessary and appropriate records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is maintained to provide readily accessible data about staff which are required for day-to-day operations and which would be impractical to organize and use on a manual basis or from other records. Information is used by officials of the DSAC and the Defense Construction Supply Center (DCSC): As a reference report to determine or verify data concerning each staff member in the process of day-to-day operations; to provide the operations Control Center the capability to contact individuals during non-duty hours for providing assistance to system users; to determine staff members eligible for retirement in the next five years and develop plans as necessary for replacement of personnel who could retire; to provide a complete list by organization assignment and to identify location of each staff member, account for vacancies and encumbered positions and determine progress toward average grade level goal(s); for accounting purposes in submitting jobs to the computer center; to provide a list of the identifying numbers assigned to each staff position for use in various personnel actions; to provide a list of subsidiary cost codes assigned to each individual, to determine that correct code is assigned, for use on various personnel actions; to assign parking spaces; to identify individuals assigned responsibility under the War Emergency Support Plan (WESP); to identify individuals eligible to authorize AUTOVAN calls during non-duty hours; to verify and/or modify the Profile Data Analysis Report concerning minority and female employees and to produce a telephone list for DSAC staff use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk storage media and hard copy printouts.

RETRIEVABILITY:

Individual information is retrievable by Employee Account Number.

SAFEGUARDS:

Information is disclosed only to agency officials on a need-to-know basis.

RETENTION AND DISPOSAL:

Reports are destroyed when superseded by new reports.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, DLA Systems Automation Center, P.O. Box P1605, Columbus, Ohio 43216.

NOTIFICATION PROCEDURE:

Requests should be addressed to the SYSMANAGER. Individual must provide full name and Employee Account Number. Personal visits may be made to the Office of Planning and Management, DSAC-L. Individual must provide identification card/badge or other Federal Government-issued identification.

RECORD ACCESS PROCEDURES:

Procedures are the same as for notification.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Individual personnel actions, DSAC Name and Address Change Notice, and other similar documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

S434.87

SYSTEM NAME:

434.87, Debt Records for Individuals.

SYSTEM LOCATION:

Primary System—Accounting and Finance Division, Finance Systems Branch, Headquarters, Defense Logistics Agency (HQ DLA). Secondary system—DLA Primary Level Field Activities (PLFAs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, including members of the general public, current and former civilian and military personnel, who are indebted to the U.S. Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Administrative reports with supporting documentation; employee's financial condition; personnel actions, and requests for waiver.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 USC 951-953 (Federal Claims Collection Action of 1966); Public Law 92-453.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to collect monies owed the U.S. Government. Information is maintained to support case files; financial statements provide an understanding of individuals' financial condition with respect to request for deferment of payments. When debts are uncollectible, case files are forwarded to U.S. General Accounting Office for further collection action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Records are maintained in areas accessible only to office personnel.

RETENTION AND DISPOSAL:

Records are destroyed ten years after all aspects of the case are closed. Collected in full claims are retained for six months and then destroyed. Claims terminated, compromised, or waived are retained for three years and subsequently retired to Federal Records Center, held for remaining years and destroyed. Claims settled by U.S. General Accounting Office retained one year after settlement and retired to Federal Records Center, held for remaining years and retired.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Finance Systems Branch, Accounting and Finance Division, Office of the Comptroller, HQ DLA.

NOTIFICATION PROCEDURE:

Written or personal requests for information may be directed to the SYSMANAGER.

RECORD ACCESS PROCEDURES:

Official mailing address is in the DoD Directory in the appendix to the DLA systems notice. Written requests from individuals should contain their full name, current address and telephone number. For personal visits, the individual should be able to provide acceptable identification, such as an employee badge or driver's license, etc.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Primary Level Field Activities, civilian and military personnel offices, other Federal Agencies, financial institutions, and members of the general public.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-28991 Filed 10-5-81; 8:45 am]

BILLING CODE 3820-01-M

Department of the Navy

Privacy Act of 1974; Amendment and Deletion of System Notices

AGENCY: Department of the Navy, DOD.

ACTION: Amendment and deletion of system notices.

SUMMARY: The Department of the Navy proposes to amend two system notices and delete eight system notices for systems of records subject to the Privacy Act of 1974. The changes followed by the systems as amended and the identifies of the systems to be deleted are set forth below.

DATES: This action will be effective without further notice on November 5, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Address all comments to the system managers identified in the system notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone 202/694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records as prescribed by the Privacy Act of 1974, Title 5 United States Code, Section 552a (Pub. L. 93-579, 88 Stat. 1896, *et seq.*) was published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6696) January 21, 1981
FR Doc. 81-3277 (46 FR 9693) January 29, 1981
FR Doc. 81-10892 (46 FR 21226) April 9, 1981
FR Doc. 81-13603 (46 FR 25337) May 6, 1981
FR Doc. 81-14976 (46 FR 27370) May 19, 1981
FR Doc. 81-16065 (46 FR 28893) May 29, 1981
FR Doc. 81-17204 (46 FR 30680) June 10, 1981
FR Doc. 81-19041 (46 FR 33070) June 26, 1981
FR Doc. 81-20655 (46 FR 36730) July 15, 1981
FR Doc. 81-22903 (46 FR 40067) August 6, 1981
FR Doc. 81-23257 (46 FR 40557) August 10, 1981

Altered system reports for the two amended systems were made in accordance with 5 U.S.C. 552a(o) August 24, 1981.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
September 30, 1981.

CHANGES

N96021-02

System name:

Supervisors Report of Potential to Perform and Reference Check Records system (46 FR 6799), January 21, 1981.

Reason:

This system has been incorporated into OPM/GOVT 1 and 5.

N96021-16

System name:

Recruitment, Employment and Internal Placement (46 FR 6803), January 21, 1981.

Reason:

This system has been incorporated into OPM/GOVT 1.

N96021-261

System name:

Appraisals of Performance Record System (46 FR 6803), January 21, 1981.

Reason:

This system has been incorporated into OPM/GOVT 1.

N96021-263

System name:

Tests and Examinations Record Systems (46 FR 6804), January 21, 1981.

Reason:

This system has been incorporated into OPM/GOVT 1.

N96021-434

System name:

Suggestions and Awards Record System (46 FR 6807), January 21, 1981.

Reason:

This system has been incorporated into OPM/GOVT 1.

N96021-51

System name:

Job Evaluation, Position Classification, Job Grading, Position Management, etc. (46 FR 6809) January 21, 1981.

Reason:

This system has been incorporated into OPM/GOVT 9.

N96021-53

System name:

Health Programs, Insurance and Annuities (46 FR 6809), January 21, 1981.

Reason:

This system has been incorporated into OPM/GOVT 1.

N96021-23

System name:

Training and Employee Development Record system (46 FR 6813), January 21, 1981.

Reason:

This system has been incorporated into OPM/GOVT 1.

Amendments

N00034 NFC RET PAY

System name:

Retired Pay System (46 FR 6746) January 21, 1981.

Changes:

Categories of individuals covered by the system:

Delete the entire entry and substitute with the following: "Former members of the Navy and Reservists receiving Retired or Retainer Pay; Survivors of members or reservists requesting Survivor Benefit Plan, Retired Serviceman's Family Protection Plan or Minimum Income Widow payments; Individuals eligible for National Oceanic and Atmospheric Administration retirement payments."

Categories of records in the system:

Delete the entire entry and substitute with the following: "Individual retired pay and annuity pay records, statements of service, retirement orders, survivor benefit plan elections, W-4 and W-2 data, allotment data, death certificates, applications for annuities, correspondence from or to the member or annuitants or third parties relating to an individual account, documentation of mass changes, e.g., cost of living increase, due to legislative change."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entire entry and substitute with the following: "Records in this system are used by officials and employees, military and civilian, of the Department of the Navy or the

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Department of Defense in the performance of their official duties relating to the computation of retirement and annuity payments and to investigate and reconcile any underpayments, overpayments or claims.

Data in this system is used for fiscal reports and the extraction and compilation of statistical analyses and reports for management studies for use internally or externally required by Department of Defense, Department of Labor, Department of Commerce or by other government agencies. Records may be released to the Comptroller General or any of his authorized representatives in the course of the performance of duties of the Comptroller General; the General Accounting Office for audits and determinations relating to military pay entitlements expenditures and accounting procedures; the Department of the Treasury in connection with check or Electronic Fund Transfer (EFT) payment issuance; the Veterans Administration in regard to Disability and Severance Pay; the Internal Revenue Service and state and local taxing authorities for computing or resolving tax liability; the Federal Reserve Banks for the distribution of payments made through the Direct Deposit System, to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts, and federal, state, or local government agencies when payments received through the Retired Pay system impact payments or benefits issued by those agencies. To designated beneficiaries of deceased members. To the American Red Cross, Navy Relief Society, or U.S.O. personnel for assistance to the member or annuitant."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Delete the last two words "file folders" and substitute with the following phrase: "* * *disc files, microfilm and file folders."

Safeguards:

Delete the entire entry and substitute with the following: "The on-line system contains the following safeguards:

a. Physical access to CRT data entry terminals is under supervisory control.

b. Access to central computer mainframe, other peripheral equipment and tape and disc storage is strictly controlled. Individuals must sign in and be authorized admittance before access.

c. Individual user identification codes and passwords are used to control access to automated records.

d. Reports are issued that are used to help monitor individuals accessing the system.

Access to microfiche and microfiche readers and the respective data are maintained by supervisory control. During non-working hours, offices where records are stored are locked.

Retention and disposal:

Delete the entire entry and substitute with the following: "Records are retained for ten years after death of retiree or annuitant then shipped to a Federal Records storage facility. NOAA accounts are dropped upon retirees death."

Record source categories:

Delete the entire entry and substitute with the following: "Field disbursing offices, Navy Military Personnel Command, Navy Reserve Personnel Center, individual members, annuitants, financial organizations, designated guardians and conservators of retirees or annuitants, Veterans Administration, Social Security Administration, Office of Personnel Management, Internal Revenue Service, and federal, state, and local courts."

N0003401

System name:

Joint Uniform Military Pay system (JUMPS) (46 FR 6749) January 21, 1981.

Changes:

System location:

Delete the entire entry and substitute with the following: (Decentralized) Navy and Marine Corps disbursing offices, i.e., Personnel Support Activities, Personnel Support Detachments, disbursing officers afloat; and the Navy Finance Center. Specific activities are identified in Appendix B of Volume IV, Navy Comptroller Manual and addresses are contained in the directory of Department of the Navy mailing addresses.

Categories of individuals covered by the system:

After the last word in the entry, add the following phrase: "* * * and individual recipients of allotments of Navy personnel (active duty and retired)."

Categories of records covered in the system:

Delete the entry in its entirety and substitute with the following: "Individual Leave and Earnings Statements, Personnel Financial Records, substantiating documentation submitted via OCR documents, tape input or direct on-line CRT entry which authorize credits and deductions of pay entitlements and withholding of Federal income tax, Federal Insurance Contribution Act (FICA) payments, and Servicemen's Group Life Insurance, state and local taxes, or other deductions. Other records include Internal Revenue Form W-2's, money lists, pay receipts, check and distribution lists, allotment authorizations and associated files, absentee and deserter lists, miscellaneous correspondence requesting or providing pay information, Commanding Officer Leave Lists and microfilm and microfiche records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entire entry and substitute with the following: "Records in this system are used by officials and employees, military and civilian, of the Department of the Navy or the Department of Defense in the performance of their official duties relating to the maintenance and distribution of Leave and Earnings Statements and the determination and audit of pay entitlements or deductions, computing, paying, and reporting payments, determining budgets and appropriation requirements, commencing and terminating allotments, determining amounts subject to fines, forfeitures or detentions of pay in connection with non-judicial punishment and courts martial and distribution of payments.

"Data from this system may also be provided to the Comptroller General or the General Accounting Office in the audit and determinations relating to military pay entitlements, expenditures and accounting procedures; the Department of the Treasury in connection with check or Electronic Fund Transfer (EFT) payment issuance; the Veterans Administration in regard to Disability and Severance Pay and Educational benefits; the Social Security Administration for FICA Wage reporting; Internal resolving tax liability; the Federal Reserve Banks for the distribution of their procesing agents authorized by individuals to receive and deposit payments received through the JUMPS system impact payments or benefits issued by those agencies or when a specific matching program has been requested by the agency and approved by the Office of Management and budget. To the American Red Cross, Navy Relief Society, or U.S.O. for personal service to the member or allotment recipient. When payments received through the JUMPS system impact payments or benefits issued by those agencies or when a specific matching program has been reqtiested by the agency and approved by the Office of Management and Budget. To the American Red Cross, Navy Relief Society, or U.S.O. or personal service to the member or allotment recipient."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retrievability:

Delete the phrase "* * * while locally maintained records and documents are retrieved by last name * * *," and substitute with the following sentence: "* * * Documents are retrieved by SSN or by an assigned internal document control number."

Storage:

Delete the last sentence and substitute with the following: "During non-working hours, offices where the above-mentioned records are stored are locked.

The safeguards in the on-line automated system include the following controls:

a. Physical access to CRT data entry terminals is under supervisory control.

b. Access to central computer main frame, other peripheral equipment and tape and disc storage is strictly controlled. Individuals must sign in and be authorized admittance before access.

c. Individual user identification codes and passwords are used to control access to automated records.

d. Reports are issued that are used to help monitor individuals accessing the system.

Access to microfiche and microfiche readers and the respective data are maintained by supervisory control.

Retention and disposal:

Delete the entire entry and substitute with the following: "Personal Financial Records containing the 12 most recent Leave and Earnings Statements are retained by the Personnel Support Detachment or disbursing office serving the Command to which the member is assigned. Copies of originating documents are retained by the local command for one year after submission and then destoryed. A central automated file is maintained for all active duty Navy personnel at the Navy Finance Center, Cleveland. Following a member's separation or retirement from the Navy, the member's Personal Financial Record is forwarded to the central site—Navy Finance Center, Cleveland, where it is retained for approximately two months pending individual claims and is then forwarded to the Federal Records Center. The member's Master Pay Account is retained at the central site for six months following a member's separation or retirement at which time it is purged from the computer file, microfilmed, and forwarded to the Federal Records Center. Substantiating documents are microfilmed and retained at the central site for one year and then forwarded to the Federal Records Center."

System manager(s) and address:

Delete the last phrase beginning with the words: "* * * Commanding Officer of Navy Regional Finance Center, Officers in Charge of Navy Finance Offices and Commanding Officers of Activities with Disbursing Officers."

Notification procedures:

Delate the phrase: "* * * local command disbursing officers * * *" in the first sentence and substitute with the phrase: "* * * Personnel Support Detachment servicing the Command * * *".

Records access categories:

Delete the entire entry and substitute with the following: "Local Personnel Support Detachments and other disbursing and personnel offices, the Veterans Administration, the Navy Military Personnel Command, various taxing agencies, individual members and recipients of allotments and various Navy procedures and entitlements manuals.

N00034 NFC RET PAY

SYSTEM NAME:

Retired Pay System.

SYSTEM LOCATION:

Commanding Officer Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former members of the Navy and Reservists receiving Retired or Retainer Pay; Survivors of members or reservists requesting Survivor Benefit Plan, Retired Serviceman's Family Protection Plan or Minimum Income Widow payments; Retirees eligible for National Oceanic and Atmospheric Administration retirement payments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual retired pay and annuity pay records, statements of service, retirement orders, survivor benefit plan elections, W-4 and W-2 data, allotment data, death certificates, applications for annuities, correspondence from or to the member or annuitant or third parties relating to an individual account, documentation of mass changes, e.g., cost of living increase, due to legislative change.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Subtitle C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system are used by officials and employees, military and civilian, of the Department of the Navy or the Department of Defense in the performance of their official duties relating to the computation of retirement and annuity payments and to investigate and reconcile any underpayments, overpayments or claims.

Data in this system is used for fiscal reports and the extraction and compilation of statistical analyses and reports for management studies for use internally or externally required by Department of Defense, Department of Labor, Department of Commerce or by other government agencies. Records may be released to the Comptroller General or any of his authorized representatives in the course of the performance of duties of the Comptroller General; the General Accounting Office for audits and determinations relating to military pay entitlements expenditures and accounting procedures; the Department of the Treasury in connection with check or Electronic Fund Transfer (EFT) payment issuance; the Veterans Administration in regard to Disability and Severance Pay; the Internal Revenue Service and state and local taxing authorities for computing or resolving tax liability; the Federal Reserve Banks for the distribution of payments made through the Direct Deposit System, to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts, and federal, state, or local government agencies when payments received through the Retired Pay system impact payments or benefits issued by those agencies. To designated beneficiaries of deceased members. To the American Red Cross, Navy Relief Society, or U.S.O. personnel for assistance to the member or annuitant.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and disc files, microfilm, and file folders.

RETRIEVABILITY:

By social security number and/or name.

SAFEGUARDS:

The on-line system contains the following safeguards:

a. Physical access to CRT data entry terminals is under supervisory control.

b. Access to central computer mainframe, other peripheral equipment and tape and disc storage is strictly controlled. Individuals must sign in and be authorized admittance before access.

c. Individual user identification codes and passwords are used to control access to automated records.

d. Reports are issued that are used to help monitor individuals accessing the system.

Access to microfiche and microfiche readers and the respective data are maintained by supervisory control. During non-working hours, offices where records are stored are locked.

RETENTION AND DISPOSAL:

Records are retained for ten years after death of retiree or annuitant then shipped to a Federal Records storage facility. NOAA accounts are dropped upon retiree's death.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Building, Cleveland, Ohio 44199.

NOTIFICATION PROCEDURES:

Individuals may write to system manager at the above address. Information request must contain Navy member's full name and social security number.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manger.

RECORD SOURCE CATEGORIES:

Field disbursing offices, Navy Military Personnel Command, Navy Reserve Personnel Center, individual members, annuitants, financial organizations, designated guardians and conservators of retirees or annuitants, Veterans Administration, Social Security Administration, Office of Personnel Management, Internal Revenue Service, and federal, state, and local courts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N0003404

SYSTEM NAME:

Joint Uniform Miltary Pay System.

SYSTEM LOCATION:

(Decentralized) Navy and Marine Corps disbursing offices, i.e., Personnel Support Activities, Personnel Support Detachments, disbursing officers afloat; and the Navy Finance Center. Specific activities are identified in Appendix B of Volume IV, Navy Comptroller Manual and addresses are contained in the directory of Department of the Navy mailing addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy personnel on active duty and individual recipients of allotments of Navy personnel (active duty and retired).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Leave and Earnings Statements, Personnel Financial Records, substantiating documentation submitted via OCR documents, tape input or direct on-line CRT entry which authorize credits and deductions of pay entitlements and withholding of Federal income tax, Federal Insurance Contribution Act (FICA) payments, and Servicemen's Group Life Insurance, state and local taxes, or other deductions. Other records include Internal Revenue Form W-2's, money lists, pay receipts, check and distribution lists, allotment authorizations and associated files, absentee and deserter lists, miscellaneous correspondence requesting or providing pay information, Commanding Officer Leave Lists and microfilm and microfiche records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Titles 10 U.S.C. and 37 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system are used by officials and employees, military and civilian, of the Department of the Navy or the Department of Defense in the performance of their official duties relating to the maintenance and distribution of Leave and Earnings Statements and the determination and audit of pay entitlements or deductions, computing, paying, and reporting payments, determining budgets and appropriation requirements, commencing and terminating allotments, determining amounts subject to fines, forfeitures or detentions of pay in connection with non-judicial punishment and courts martial and distribution of payments.

Data from this system may also be provided to the Comptroller General or any of his authorized representatives in the course of the performance of duties of the Comptroller General or the General Accounting Office in the audit and determinations relatng to military pay entitlements expenditures and accounting procedures; the Department of the Treasury in connection with check or Electronic Fund Transfer (EFT) payment issuance; the Veterans Administration in regard to Disability and severance pay and educational benefits; the Social Security Administration for FICA Wage reporting; Internal Revenue Service and state and local taxing authorities for computing or resolving tax liability; the Federal Reserve Banks for the distribution of payments made through the Direct Deposit System, to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts, and federal, state, or local government agencies when payments received through the JUMPS system impact payments or benefits issued by those agencies or when a specific matching program has been requested by the agency and approved by the Office of Management and Budget. To the American Red Cross, Navy Relief Society, or U.S.O. or personal service to the member or allotment recipient.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Personal Financial containing Leave and Earnings Statements, which are paper records, are stored in wooden or metal boxes or cabinets. Copies of Leave and Earnings statements and supporting documents are stored in file folders and cabinets or in microfilm or microfiche. Automated records are stored on magnetic tapes, discs, and punch cards.

RETRIEVABILITY:

Automated records are normally retrieved by Social Security Number and/or name. Documents are retrieved by Social Security Number or by an assigned internal document control number.

SAFEGUARDS:

Outside of normal working hours, Personal Financial Records with Leave and Earnings Statements are secured in safes, vaults, or locked cabinets. Substantiating documents and microfilmed records are retained in unlocked cabinets. During non-working hours, offices where the above-mentioned records are stored are locked.

The safeguards in the on-line automated system include the following controls:

a. Physical access to CRT data entry terminals is under supervisory control.

b. Access to central computer main frame, other peripheral equipment and tape and disc storage is strictly controlled. Individuals must sign in and be authorized admittance before access.

c. Individual user identification codes and passwords are used to control access to automated records.

d. Reports are issued that are used to help monitor individuals accessing the system.

Access to microfiche and microfiche readers and the respective data are maintained by supervisory control.

RETENTION AND DISPOSAL:

Personal Financial Records containing the 12 most recent Leave and Earnings Statements are retained by the Personnel Support Detachment or disbursing office serving the Command to which the member is assigned. Copies of originating documents are retained by the local command for one year after submission and then destroyed. A central automated file is maintained for all active duty Navy personnel at the Navy Finance Center, Cleveland. Following a member's separation or retirement from the Navy, the member's Personal Financial Record is forwarded to the central site; Navy Finance Center, Cleveland, where it is retained for approximately two months pending individual claims and is then forwarded to the Federal Records Center. The member's Master Pay Account is retained at the central site for six months following a member's separation or retirement at which time it is purged from the computer file, microfilmed, and forwarded to the Federal Records Center. Substantiating documents are microfilmed and retained at the central site for one year and then forwarded to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Navy, Chief of Naval Personnel, Commander, Navy Accounting and Finance Center, Commanding Officer, Navy Finance Center.

NOTIFICATION PROCEDURES:

Individuals can be informed of any records maintained within the system by identifying themselves to the Personnel Support Detachment servicing that command. The member may identify himself by presenting his military identification card. Former members may request information from the Navy Finance Center, Cleveland.

RECORD ACCESS PROCEDURES:

Individuals, properly identified, may request any information pertaining to their own pay through their Personnel Support Detachment. If the requested information is not available locally, the disbursing office will obtain the information from other sources, i.e., member's previous duty stations or the Navy Finance Center, Cleveland.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Local Personnel Support Detachments and other disbursing and personnel offices, the Veterans Administration, the Navy Military Personnel Command, various taxing agencies, individual members and recipients of allotments and various Navy procedures and entitlements manuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-28993 Filed 10-5-81; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

Privacy Act of 1974; Notice of System of Records: Altered System

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of an amended system of records notice.

SUMMARY: The Office of the Secretary of Defense proposes to amend the notice for a system of records subject to the Privacy Act of 1974. The system notice as amended is set forth below, followed by the amended system notice in its entirety.

DATES: This shall be effective without further notice on November 5, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, DC 20301. Telephone: 202/695-0970.

SUPPLEMENTARY INFORMATION: The office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 18, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-10722 (46 FR 21228) April 9, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-12892 (46 FR 23967) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981
FR Doc. 81-14226 (46 FR 26365) May 12, 1981
FR Doc. 81-14406 (46 FR 26676) May 14, 1981
FR Doc. 81-14909 (46 FR 27373) May 19, 1981
FR Doc. 81-14975 (46 FR 27373) May 19, 1981
FR Doc. 81-15770 (46 FR 28470) May 27, 1981
FR Doc. 81-17763 (46 FR 31306) June 15, 1981
FR Doc. 81-19042 (46 FR 33074) June 26, 1981
FR Doc. 81-20404 (46 FR 35963) July 13, 1981
FR Doc. 81-21228 (46 FR 37306) July 20, 1981
FR Doc. 81-21496 (46 FR 37751) July 22, 1981

The proposed altered system is within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of new or altered system reports and a report was submitted on August 21, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 30, 1981.

Amendments

DMRA&L 02.0

System name:

Teacher Application Files (46 FR 6427, January 21, 1981).

Changes:

System name:

Delete the word "Teacher" in the above system name, and insert: "Educator".

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System location:

Delete the entry under the above heading, and insert:

"Manual and automated records are maintained at the Teacher Recruitment Section, Personnel Division, Department of Defense Dependents Schools (DoDDS), Hoffman Building I, 2461 Eisenhower Avenue, Alexandria, Virginia 22331 and manual records at the six DoDDS regional personnel offices. A terminal is located in the Hoffman Building complex. Automated records are maintained at the main computer site which is operated by the Service Bureau Company (SBC) located in Columbus, Ohio.".

Categories of individuals covered by the system:

Delete the entry under the above heading, and insert:

"Prospective teachers applying for positions within the DoDDS system and current DoDDS teachers and educators applying for either interregional transfers or positions in the DoDDS Educator Career Program.".

Categories of records in the system:

Delete the entry under the above heading, and insert:

"Prospective Teachers: Files contain all papers and forms relating to the individual's application for employment to include Personal Qualification Statement (SF 171), Supplemental Application of Employment with DoDDS (DS Form 5010), Professional Evaluation, DoDDS (DS Form 5011), DoDDS-Application Index (DS Form 5012), interviewer's worksheets, official college transcripts, copy of teaching certificates, copy of birth certificate, and correspondence to or concerning the applicant.

Interregional Transfer Applicants: Files contain all papers and forms relating to the individual's application. A coded worksheet developed by the regional staff is provided to the central personnel office for processing (remainder of material retained at the region). Also included are miscellaneous worksheets and corrrespondence relating to the application.

Educator Career Program Applicants: Files contain all paper and forms relating to the individual's application to include: DoDDS Educator Career Program Application (DS Form 5080), DoDDS Assessment of Potential (DS Form 5081), DoDDS Educator Career Program Rating Sheet (DS Form 5082), and miscellaneous worksheets and correspondence relating to the application.".

Authority for maintenance of the system:

Delete the entry under the above heading, and insert:

20 U.S.C. § 901 and 20 U.S.C. § 920

Routine uses of records maintained in the system, including categories of users, and purposes of such uses:

Delete the entry under the above heading, and insert:

"Internal users, uses, and purposes:

Teacher Recruitment Section and Regional Offices: To determine qualifications and make selections of candidates for vacant positions within the DoDDS system (including new teachers, interregional transfers, and Educator Career Program positions), to review types of experience, educational background, evaluation of previous employers, professional credentials, interviewers' ratings.

Department of the Army, Air Force, and Navy Staff Agencies and Commands: To complete processing of hired individuals, to obtain Office of Personnel Management National Agency Check, medical examination, passports; to arrange transportation and shipment/storage of household goods; and to provide gaining Civilian Personnel Offices necessary documentation for placing individual on rolls.

Any individual records in a system of records might be transferred to any Component of the Department of Defense having a need to know in the performance of official business.

External users, uses, and purposes:

The SBC which operates the automated system.

Records may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.".

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Delete the entry under the above heading, and insert:

"Storage:

Paper records in file folders are stored at the DoDDS personnel office or regional offices; some files are supported by automated files which are maintained on disks and/or tapes at the central computer site.

Retrievability:

The manual files are filed alphabetically by name. The automated records are indexed by name or system assigned number (assigned chronologically upon input). Also, any combination of data in the automated file can be used to select individual records. Only authorized individuals (i.e., personnel staffing specialists) are provided user identification numbers and passwords to access the system via terminal.

Safeguards:

Paper records are maintained in files which are accessible only to authorized personnel.

a. Description of automated process.

Current hardcopy records of information and disks are maintained in the DoDDS personnel office where access can be controlled. The office is locked after normal duty hours and building is secured by a private security force. Hardcopy records of interregional transfer applicants and a portion of the Career Educator applicants are maintained in the regional offices in locked cabinets and/or locked offices where access can be controlled and which are locked after normal duty hours. Approved special requests for data can be supported by ad hoc inquiry. Any combination of data can be used to select individual records for special processing.

b. Physical safeguards.

A high-speed remote batch terminal, used for this system, is located in the DoDDS personnel office. The office is secured after normal duty hours to preclude unauthorized access. Access to the personnel terminal and all hardcopy records are controlled by office personnel. Access to automated data files by terminal is controlled by the use of a user ID and password system. The central computer site is owned and operated by the SBC which has a complex security system. The site is guarded 24 hours a day, year-round, and employs a system of electronic locks, alarm systems, closed-circuit television, and intercom devices to preclude access by unauthorized personnel. All visitors are registered, escorted, and accounted for at all times. SBC has a back-up power supply so that the system will remain on-line during power shortages. Back-up tapes are run daily, weekly, and monthly and stored in fireproof vaults. A second copy of monthly tapes is stored in an off-site vault with 24-hour security.

c. Remote terminal access.

Access to the terminal is controlled by the use of user identification numbers and passwords. The passwords are initially assigned by SBC; however, the user is immediately instructed to change it to something only known to him/her. Only through a complex internal checking system, can authorized SBC personnel access the password in the event it is lost or forgotten by the user. The password can be changed as frequently as desired and is now changed every 6 months or upon the departure of employee which has knowledge of it.

d. Storage media.

Hardcopy files are stored in the personnel office or in regional offices. Disks used in the personnel office are also stored there. Data retained by SBC is on disks and magnetic tape.

e. Risk analysis.

The main computer site is adequately secure for storage of personal information. SBC is bound to uphold all provisions of the Privacy Act in accordance with GSA contract procedures. The terminal is protected so that unauthorized access to information can be prevented.

Retention and disposal:

Prospective Teachers: Records are retained for recruitment period (no more than 1 year). For nonselected applicants, portions are returned to applicant for future use and portions are destroyed unless the applicant has indicated a desire to reapply in which case portions of the file are retained until the next recruitment period. Records of selected applicants are forwarded to the Departments of the Army, Air Force, and Navy as appropriate for processing.

Interregional Transfer Applicants: File is retained for 1 year and destroyed.

Career Educator Program Applicants: Applications are retained for 2 years (unless updated by applicant) and destroyed.

Automated Records: Back-up tapes after release by user are degaussed. When released by user, all bytes used for data which are on disk are automatically reset to 0 before anyone may use the storage space. Disks used on the terminal in the personnel office are erased when no longer needed and reused (i.e., never leave the office and are never used by another system).".

System manager(s) and address:

Delete the entry under the above heading, and insert:

"Ms. Marilee Sprenkle, Chief, Teacher Recruitment Section, Office of Dependents Schools, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, telephone (202) 325–0885.".

Notification procedure:

Delete the entry under the above heading, and insert:

"Information may be obtained from: Chief, Teacher Recruitment, DoD Dependents Schools, Room 120, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, telephone: (202) 325–0885".

Record access procedures:

Delete the entry under the above heading, and insert:

"Requests from individuals for their own files should be sent to the address indicated in 'Notification Procedure' section above. Written requests for information should contain the full name and address of the individual and a notarized signature.".

Contesting record procedures:

Delete the last two lines under the above heading, and insert: "are contained in 32 CFR, Part 286b, and OSD Administrative Instruction No. 81.".

Record source categories:

Delete the entry under the above heading, and insert:

"Information is obtained from the individuals concerned, current and past employers, and educational institutions.".

DMRA&L 02.0

SYSTEM NAME:

Educator Application Files.

SYSTEM LOCATION:

Manual and automated records are maintained at the Teacher Recruitment Section, Personnel Division, Department of Defense Dependents Schools (DoDDS), Hoffman Building I, 2461 Eisenhower Avenue, Alexandria, Virginia 22331 and manual records at the six DoDDS regional personnel offices. A terminal is located in the Hoffman Building complex. Automated records are maintained at the main computer site which is operated by the Service Bureau Company (SBC) located in Columbus, Ohio.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective teachers applying for positions within the DoDDS system and current DoDDS teachers and educators applying for either interregional transfers or positions in the DoDDS Educator Career Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Prospective Teachers: Files contain all papers and forms relating to the individual's application for employment to include Personal Qualification Statement (SF 171), Supplemental Application of Employment with DoDDS (DS Form 5010), Professional Evaluation, DoDDS (DS Form 5011), DoDDS-Application Index (DS Form 5012), interviewer's worksheets, official college transcripts, copy of teaching certificates, copy of birth certificate, and correspondence to or concerning the applicant.

Interregional Transfer Applicants: Files contain all papers and forms relating to the individual's application. A coded worksheet developed by the regional staff is provided to the central personnel office for processing (remainder of material retained at the region). Also included are miscellaneous worksheets and correspondence relating to the application.

Educator Career Program Applicants: Files contain all paper and forms relating to the individual's application to include: DoDDS Educator Career Program Application (DS Form 5060), DoDDS Assessment of Potential (DS Form 5061), DoDDS Educator Career Program Rating Sheet (DS Form 5062), and miscellaneous worksheets and correspondence relating to the application.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 U.S.C. § 901 and 20 U.S.C. § 920.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

Teacher Recruitment Section and Regional Offices: To determine qualifications and make selections of candidates for vacant positions within the DoDDS system (including new teachers, interregional transfers, and Educator Career Program positions), to review types of experience, educational background, evaluation of previous employers, professional credentials, interviewers' ratings.

Department of the Army, Air Force, and Navy Staff Agencies and Commands: To complete processing of hired individuals, to obtain Office of Personnel Management National Agency Check, medical examination, passports; to arrange transportation and shipment/storage of household goods; and to provide gaining Civilian Personnel Offices necessary documentation for placing individual on rolls.

Any individual's records in a system of records might be transferred to any Component of the Department of Defense having a need to know in the performance of official business.

External users, uses, and purposes:

The SBC which operates the automated system.

Records may be disclosed to law enforcement or investigatory authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders are stored at the DoDDS personnel office or regional offices; some files are supported by automated files which are maintained on disks and/or tapes at the central computer site.

RETRIEVABILITY:

The manual files are filed alphabetically by name. The automated records are indexed by name or system assigned number (assigned choronologically upon input). Also, any combination of data in the automated file can be used to select individual records. Only authorized individuals (i.e., personnel staffing specialists) are provided user identification numbers and passwords to access the system via terminal.

SAFEGUARDS:

Paper records are maintained in files which are accessible only to authorized personnel.

a. Description of automated process.

Current hardcopy records of information and disks are maintained in the DoDDS personnel office where access can be controlled. The office is locked after normal duty houus and building is secured by a private security force. Hardcopy records of interregional transfer applicants and a portion of the Career-Educator applicants are maintained in the regional offices in locked cabinets and/or locked offices where access can be controlled and which are locked after normal duty hours. Approved special requests for data can be supported by ad hoc inquiry. Any combination of data can be used to select individual records for special processing.

b. Physical safeguards.

A high-speed remote batch terminal, used for this system, is located in the DoDDS personnel office. The office is secured after normal duty hours to preclude unauthorized access. Access to the personnel terminal and all hardcopy records are controlled by office personnel. Access to automated data files by terminal is controlled by the use of a user ID and password system. The central computer site is owned and operated by the SBC which has a complex security system. The site is guarded 24 hours a day, year-round, and employs a system of electronic locks, alarm systems, closed-circuit television, and intercom devices to perclude access by unauthorized personnel. All visitors are registered, escorted, and accounted for at all times. SBC has a back-up power supply so that the system will remain on-line during power shortages. Back-up tapes are run daily, weekly, and monthly and stored in fireproof vaults. A second copy of monthly tapes is stored in an off-site vault with 24-hour security.

c. Remote terminal access.

Access to the terminal is controlled by the use of user identification numbers and passwords. The passwords are initially assigned by SBC; however, the user is immediately instructed to change it to something only known to him/her. Only through a complex internal checking system, can authorized SBC personnel access the password in the event it is lost or forgotten by the user. The password can be changed as frequently as desired and is now changed every 6 months or upon the departure of employee which has knowledge of it.

d. Storage Media.

Hardcopy files are stored in the personnel office or in regional offices. Disks used in the personnel office are also stored there. Data retained by SBC is on disks and magnetic tape.

e. Risk analysis.

The main computer site is adequately secure for storage of personal information. SBC is bound to uphold all provisions of the Privacy Act in accordance with GSA contract procedures. The terminal is protected so that unauthorized access to information can be prevented.

RETENTION AND DISPOSAL:

Prospective Teachers: Records are retained for recruitment period (no more than 1 year). For nonselected applicants, portions are returned to applicant for future use and portions are destroyed unless the applicant has indicated a desire to reapply in which case portions of the file are retained until the next recruitment period. Records of selected applicants are forwarded to the Departments of the Army, Air Force, and Navy as appropriate for processing.

Interregional Transfer Applicants: File is retained for 1 year and destroyed.

Career Educator Program Applicants: Applicants are retained for 2 years (unless updated by applicant) and destroyed.

Automated Records: Back-up tapes at SBC are erased every 6 months via complete overwriting. Archive tapes after release by user are degaussed. When released by user, all bytes used for data which are on disk are automatically reset to 0 before anyone may use the storage space. Disks used on the terminal in the personnel office are erased when no longer needed and reused (i.e., never leave the office and are never used by another system.)

SYSTEM MANAGER(S) AND ADDRESS:

Ms. Marilee Sprenkle, Chief, Teacher Recruitment Section, Office of Dependents Schools, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, telephone (202) 325-0885.

NOTIFICATION PROCEDURES:

Information may be obtained from: Chief, Teacher Recruitment, DoD Dependents Schools, Room 120, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, Telephone: (202) 325-0885.

RECORD ACCESS PROCEDURES:

Requests from individuals for their own files should be sent to the address indicated in "Notification Procedure" section, above. Written requests for information should contain the full name and address of the individual and a notarized signature.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals concerned, current and past employers, and educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-28992 Filed 10-5-81; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session on November 24, 1981 at the Palisades Institute for Research Services, Inc., 201 Varick Street, New York, New York, 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c) (1976), and that accordingly, this meeting will be closed to the public.

October 1, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-29003 Filed 10-5-81; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Working Group A (Mainly Microwave Devices) Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on November 9–10, 1981 at the Palisades Institute for Research Services, AGED, 1925 N. Lynn St., Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advance Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Oct. 1, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81-29002 Filed 10-5-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Regionwide Weatherization Program; Finding of No Significant Impact

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Finding of no significant impact (FONSI); proposed BPA regionwide weatherization program.

SUMMARY: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Act), requires the Bonneville Power Administration to implement cost-effective conservation measures. As part of its effort to meet this Regional Act mandate, BPA proposes a 10-year program to encourage the weatherization of electrically heated homes in the Pacific Northwest. Two financial incentives would be offered: (1) no-interest loans to finance weatherization according to program procedures specified by BPA, or (2) rebates to utilites for energy saved through utility-designed and administered programs.

BPA would offer the following measures for all homes eligible for weatherization under the program: ceiling and attic insulation, floor insulation, insulation of unfinished walls, sealing of air ducts, vapor barriers, water pipe insulation, dehumidifiers, and clock thermostats.

In addition, air infiltration-reducing measures (caulking, weatherstripping, storm windows, storm doors, and outlet and switchbox gaskets) would be offered for certain specified residences.

Effects identified for the program alternatives include: adverse effects of increased air emissions from the production of materials used in the program; beneficial effects of reduced air emissions, water releases, and land use due to reduced generation of energy by conventional generators; possible adverse effects, such as respiratory irritation and lung cancer, due to increased exposure to indoor air pollutants in weatherized homes.

In the revised environmental assessment (EA) for this proposed program, the principal adverse effect identified for the program alternatives is the possible human health impact of inceased concentrations of indoor air pollutants due to reduced air infiltration in weatherized homes.

The preferred alternative is designed to avoid any adverse effects on indoor air quality as a result of installing weatherization measures in program residences by restricting the use of air infiltration-reducing measures to certain cases. The air infiltration-reducing measures include: caulking, weatherstripping, storm windows, storm doors, and outlet and switchbox gaskets.

It is the determination of the United States Department of Energy (DOE) that the proposed regionwide weatherizaton program is not a major Federal action significantly affecting the quality of the human environment and an Enviromental Impact Statement (EIS) will not be prepared.

SUPPLEMENTARY INFORMATION: In the revised environmental assessment (EA) for this proposed program, the principal adverse effect identified from the program alternatives is the possible human health impact of increased concentrations of indoor air pollutants, principally radon and formaldehyde, due to reduced air infiltration in weatherized homes (see Appendix A of EA).

The program will not result in significant impacts on the quality of the human environment for the following reasons:

1. The preferred alternative is designed to avoid any adverse effects on indoor air quality as a result of installing weatherization measures in program residences by restricting the use of air infiltration-reducing measures to certain cases.

These cases define, within the limits of present knowledge, those homes in which major sources of indoor air pollutants are minimized. The following criteria will be used for identifying these homes: (1) A full crawl space with cross ventilation (as per the Uniform Building Code), with a ground cover vapor barrier and floor insulation with a vapor barrier, which may be provided under the program; (2) No woodstoves or unvented combustion appliances, such as gas stoves or kerosene heaters; (3) A municipal water supply or surface water source for domestic supply; (4) Wood frame construction; (5) No foam insulation. Specifications for these criteria are detailed in Appendix E of the EA.

Venting crawl spaces and installing vapor barriers will prevent radon from entering the residences from the ground, while the requirement for municipal water supply or surface water source for domestic supply would insure that radon would not enter the residences via household water supplies. In addition, the requirement of wood frame construction would avoid potential radon emissions from masonry or concrete blocks (see p. 17 of EA).

2. Pacific Northwest climate permits natural ventilation of homes during spring, summer, or fall months, preventing the accumulation of indoor pollutants during those times, as would occur elsewhere in the United States in climates which require more heating or cooling; thus the total exposure of the program population is likely to be less (see Appendix A of EA, p. A–5).

3. All participants in the program will be provided with brochures including information about indoor air pollution, the effect of weatherization on indoor air quality, and actions which homeowners can take to reduce indoor air pollution.

For these reasons, it is the determination of the DOE that the proposed regionwide weatherization program is not a major Federal action significantly affecting the quality of the human environment and an EIS will not be prepared.

The action which is subject to this finding has precedent in the DOE Residential Conservation Service (RCS) program. Although there are differences between the RCS program and BPA's proposed program, because of the similarities between the two programs, and because an EIS was prepared for the RCS program, a finding on BPA's program was made available to the public for 30 days before DOE made the final determination not to prepare an EIS (see CFR 1501.4 (e)(2)). This finding will be made available to the public through the following agencies or groups:

Federal agency headquarters and regional offices;

State clearinghouses and historic preservation offices;

Regional clearinghouses and counties in the States of Idaho, Montana, Oregon, Washington, and Wyoming;

Interest groups in the States of Idaho, Montana, Oregon, and Washington; and

Environmental organizations.

In addition, copies will be set to all BPA customers and to number of interested private citizens on BPA's mailing list.

Copies of the Revised Environmental Assessment of the Proposed BPA Regionwide Weaterization Program are available for distribution by contacting BPA's Public Involvement office or the BPA Areas and District offices mentioned below.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, Extension 4261. BPA maintains toll-fee lines for the use of persons within the region. Oregon callers outside of the Portland area may use the toll-free line, 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California: 800–547–6048. Messages received after normal business hours (after 4:30 p.m. and before 7:30 a.m.) may be recorded on the toll-free lines. Information is also available from:

Mr. John H. Jones, Lower Columbia Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503–234–3361, Extension 4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–345–0311.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202.

Mr. Ronald K. Rodewald, District Manager, Suite 117, 23 South Wenatchee, Wenatchee, Washington 98801, 509–662–4377, Extension 379.

Mr. Randall W. Hardy, Puget Sound Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.

Mr. Roy Nishi, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, Extension 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

Dated: September 25, 1981.

Barton R. House,

Acting Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81–29039 Filed 10–5–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 5129–000]

Central California Irrigation District; Application for Preliminary Permit

September 30, 1981.

Take notice that Central California Irrigation District (Applicant) filed on July 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5129 to be known as the Wolfsen By-Pass Water Power Project located on CCID Outside Canal and USBR Delta-Mendota Canal near Los Banos in Merced County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herman H. Willis, Chairman, Board of Directors, Central California Irrigation District, P.O. Box 1231, Los Banos, California 93635.

Project Description—The project involves enlargement of the existing Wolfsen By-Pass and would consist of: (1) A 5-foot high, 100-foot long diversion structure on the USBR Delta-Mendota Canal; (2) a 30-foot long, 78-inch diameter penstock; (3) a powerhouse with a total installed capacity of 750 kW; (4) a 700-foot long, 16-foot wide open channel from the powerhouse to the CCID Outside Canal; and (5) a 100-foot long transmission line from the powerhouse to an existing 12-kV Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy production would be 2.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $18,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 7, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29061 Filed 10-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5128-000]

Central California Irrigation District; Application for Preliminary Permit

September 30, 1981.

Take notice that Central California Irrigation District (Applicant) filed on July 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5128 to be known as the San Luis By-Pass Water Power Project located on CCID Outside Canal and Main Canal near Los Banos in Merced County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herman H. Willis, Chairman, Board of Directors, Central California Irrigation District, P.O. Box 1231, Los Banos, California 93635.

Project Description—The project involves enlargement of the existing San Luis By-Pass and would consist of: (1) A 5-foot high, 30-foot long diversion structure on the CCID Outside Canal; (2) a 840-foot long, 60-inch diameter penstock; (3) a powerhouse with a total installed capacity of 600 kW; (4) a 840-foot long, 10-foot wide open channel from the powerhouse to the CCID Main Canal; and (5) a 100-foot long transmission line from the powerhouse to an existing 12-kV Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy production would be 1.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $18,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 7, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTESTS," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29062 Filed 10-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-504-000 and ER80-363]

Delmarva Power & Light Co.; Order Denying Rehearing

Issued: September 28, 1981.

On May 29, 1981, Delmarva Power and Light Company (Delmarva) tendered for filing in Docket No. ER81-504-000, revised rates for its wholesale customers. By order issued July 28, 1981, the Commission accepted the rates for filing, suspended them for five months, to become effective on December 29, 1981, subject to refund, and established hearing and price squeeze procedures.

On August 27, 1981, applications for rehearing of the July 28 order were filed by: (1) Old Dominion Electric Cooperative and three of its member cooperatives (Cooperatives); (2) the Cities of Newark, Seaford and Milford, Delaware, the Towns of Smyrna and Clayton, Delaware, the Board of Public Works of the City of Lewes, Delaware, the Mayor and Council of the City of New Castle, Delaware, and the Mayor and Council of the City of Middletown, Delaware (Municipalities); and (3) Delmarva. The Cooperatives and the Municipalities ask the Commission to reconsider its decision to accept for filing the revised rates submitted in this docket. Delmarva requests clarification or vacation of portions of the Commission's order declaring that issues relating to Delmarva's Phase II rates in Docket No. ER80–363 are moot and that Delmarva must justify its specification of different rates proposed for individual customers.

On September 2, 1981, the Municipalities filed a motion for leave to respond and a response to Delmarva's application for rehearing. Since the Commission's regulations do not provide for such a response, the Municipalities' motion will be denied.

Discussion

The Cooperatives and the Municipalities argue that Delmarva's filing should have been rejected under § 35.17 of the Commission's regulations because it was submitted prior to the date on which Delmarva's previously filed Phase II rates in Docket No. ER80–363 are to become effective.[1] As we stated in our order of July 28, 1981, the current rate proposals were not filed within the prior "period of suspension" under § 35.17 because the date from which the Phase II suspension was to run had not yet been reached. The intervenors have raised no facts or arguments which would cause us to reconsider our prior interpretation of the regulations.

Additionally, the Municipalities argue that the filing should have been rejected because it is unduly discriminatory. The Municipalities base this argument on a settlement agreement between Delmarva and 11 of its 15 wholesale customers in Docket No. ER80–363.[2] That settlement agreement contains a rate moratorium provision which would preclude an effective date before December 1, 1981, for revised rates to the settling customers. The Municipalities argue that the instant filing itself is unduly discriminatory with respect to the non-settling customers because the company proposed an effective date of July 28, 1981. However, they acknowledge that suspension until December 29, 1981, alleviates the discriminatory impact in regard to timing. Whether or not the company's proposed effective date would have engendered discriminatory consequences, we continue to believe that this issue has been rendered moot by virtue of the fact that the revised rates cannot become effective for any of Delmarva's customers until December 29, 1981. To the extent that other questions of discrimination remain, they are appropriately the subject of an evidentiary hearing, not a basis for rejecting Delmarva's submittal.

Delmarva contends that the Commission has exceeded its authority in declaring the earlier Phase II rates moot since the Court of Appeals for the District of Columbia Circuit now has jurisdiction over the issue[3] and may find that Delmarva is entitled to collect its Phase II rates on or about the date that Salem No. 2 becomes operational. While Delmarva is correct that a reversal of our earlier orders by the court might require further Commission action with regard to the Phase II rates, for our present purposes, the order which is subject to judicial review represents final Commission action. Thus, the suspension period imposed for Delmarva's superseding rates in Docket No. ER81–504–000 precludes the need to litigate Phase II rate issues at this time.[4]

Delmarva further asserts that the Commission erred in the July 28 order in stating that Delmarva must "demonstrate why it is no longer reasonable to specify rates applicable to classes of customers having substantially similar load and service characteristics taking substantially the same service." According to the company, the Commission made no reference to facts which support a presumption of substantial similarity of load and service characteristics among its wholesale customers. However, we note that in the past Delmarva has consistently designed its rates using a cost of service approach for customer classes which is based on such a presumption of similarity.[5] Now, in Docket No. ER81–504–000, Delmarva has chosen to revise its rate design and to file separate rate schedules for each of its wholesale customers. This change, in turn, has been challenged as unduly discriminatory by Delmarva's customers. Thus, as we stated in our order of July 28, 1981, the burden of supporting this change in rate design rests on Delmarva and the company will be expected to demonstrate why it is no longer reasonable to specify rates applicable to classes of customers previously characterized by the company as having substantially similar load and service characteristics. In addition, Delmarva must prove that factual differences justify different rates for different customers and that those distinctions justify the specific differences in its rate proposals.

Upon consideration of the requests for rehearing, the Commission finds that no basis exists to warrant reconsideration of its earlier order.

The Commission orders:

(A) The applications for rehearing are hereby denied.

(B) The Municipalities' September 2, 1981 motion for leave to respond is hereby denied.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–28963 Filed 10–5–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–768–000]

Duke Power Co.; Filing

September 30, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on September 21, 1981 a supplement to the Company's Electric Power Contract with Rutherford Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 139.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for a designated demand of 3,000 KW for Delivery Point No. 15 which has been converted from temporary to a permanent delivery point.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately proceding and for the twelve months immediately successing the effective date. Duke Power proposes an effective date of November 17, 1981.

According to Duke Power, copies of this filing were mailed to Rutherford

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[1] By order issued June 30, 1980, in Docket No. ER80–363, the Phase II rates were suspended until five months after the commercial operation date of Delmarva's new Salem Unit No. 2. According to Delmarva, Salem No. 2 is expected to be operational in September of 1981.

[2] This settlement was approved by order issued September 10, 1981.

[3] *Delmarva Power & Light Co.* v. *FERC,* Docket Nos. 80–2102 and 80–2585.

[4] In the event that the Commission should be reversed, we would entertain a petition to re-open the portion of the proceeding in Docket No. ER80–363 involving Delmarva's Phase II rates.

[5] *See,* Delmarva's Period II Statement P accompanying its preceding rate filing in *Delmarva Power & Light Company,* Docket No. ER78–414, filed May 31, 1978.

Electric Membership Corporation and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29064 Filed 10-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-206]

Florida Power Corp.; Refund Report

September 30, 1981.

The filing company submits the following:

Take notice that on September 4, 1981, Florida Power Corporation (FPC) filed a refund report in accordance with the Commission's order, issued July 20, 1981, which approved the settlement agreement in Docket No. ER80-206.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capital Street, NE, Washington, D.C. 20426, on or before October 20, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29065 Filed 10-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-278-000]

Florida Public Utilities Co.; Compliance Filing

September 30, 1981.

Take notice that on September 16, 1981, Florida Public Utilities Company (FPUC) tendered for filing the Second Revised Sheet No. 40.1, Second Revised Sheet No. 40.2 and First Revised Sheet No. 40.3 to its Rate Schedule No. 1 pursuant to the Commission's letter order of September 9, 1981 which approved an uncontested settlement in Gulf Power Company (Gulf Power), Docket No. ER80-536. FPUC states that it purchases its power supply from Gulf Power. FPUC also states that the instant filing reflects the effect of the reduced Gulf Power rates on FPUC's rates for sales to the City of Blountstown, Florida.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 19, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29066 Filed 10-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-766-000]

GPU Service Corp.; Filing

September 30, 1981.

The filing Company submits the following:

Take notice that on September 16, 1981, the GPU Service Corporation (GPU) tendered for filing Schedule 1 Revision 1, Schedule 2 Revision 1, and Schedule 3 Revision 12 to the 115 kv Seward-Conemaugh Interconnection Agreement (Agreement) among Pennsylvania Electric Company (Penelac) and the Conemaugh Station owners, i.e., Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power and Light Company, Metropolitan Edison Company, Pennsylvania Power and Light Company, Philadelphia Electric Company, Potomac Electric Power Company, Public Service Electric and Gas Company, and the United Gas Improvement Company (referred to collectively as "Owners"), dated March 2, 1970.

GPU states that the addition of a second 115 kv breaker at Seward as covered in section 1.02 of revised Schedule 1 allows the Seward-Conemaugh 115 kv line to provide start-up capability for the Conemaugh generation station from either the North or South bus at Seward Generation Station. The owners and Penelec agreed that the breaker installation was of such importance that the work should go forward before agreement was reached on the method of calculation and allocation of cost of installation among the Owners. The circuit breaker was placed in service during March 1981.

Schedule 3.02 provides the method of calculating the monthly charges made by Penelac to the Owners for the breaker installation. The monthly charge shall be allocated among the Owners in proportion to the Owners's percentage of undivided ownership in the station as set forth in section 4.1 of the agreement.

Revision 1 of Schedule 2 updates the Summary of substation facilities owned by the Conemaugh Station owners. Section 2.02 reports the addition in 1978 of a second 22.4 MVA start-up transformer and appurtenances, and section 2.03 reports the addition of a third 22.4 MVA start-up transformer presently under construction. The capital costs of these installations, and the associated operation and maintenance expenses are shared among the Owners in the same proportion as their ownership in the generating station.

GPU requests waiver of the Commission's notice requirements and therefore requests an effective date of April 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 16, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29067 Filed 10-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5293-000]

Hydro Resource Co.; Application for Preliminary Permit

September 30, 1981.

Take notice that Hydro Resource Company (Applicant) filed on August 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5293 known as the Smith Creek Project located on Cowlitz River in Lewis County, Washington. The application is on file with the

Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Jerry L. Johnson, P.O. Box 485, Lynden, Washington, 98264.

Project Description—The proposed project would consist of: (1) A 40-foot long, 6-foot high diversion structure on Smith Creek; (2) a 14,000-foot long, 36-inch diameter penstock; (3) a powerhouse with a total installed capacity of 5,900 kW; and (4) a 2,000-foot long 69 kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 40 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $150,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 11, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 11, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this Notice. Any of the above named documents must be filed by providing the original and those copies requried by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kennth F. Plumb,

Secretary.

[FR Doc. 81-29068 Filed 10-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-774-000]

Indiana & Michigan Electric Co.; Filing

September 30, 1981.

The filing company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on September 22, 1981 tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (I & M), Modification No. 18, dated September 15, 1981 to the Interconnection Agreement dated November 27, 1961, between Illinois Power Company and Indiana & Michigan Electric Company, I & M's Rate Schedule FERC No. 23.

Sections 1 and 2 of Modification No. 18 provide for an increase in the demand charge for Short Term and Limited Term Power to $1.25 per kilowatt per week and $6.50 per kilowatt per month respectively. Both schedules are proposed to become effective January 1, 1982.

AEP requests waiver of the Commission's notice requirements to allow for an effective date of January 1, 1982.

Copies of the filing were served upon Illinois Power Company, the Public Service Commission of Indiana, the Michigan Public Service Commission and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29069 Filed 10-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CS81-116-000, et al.]

Harold K. Johnson, et al.; Applications for "Small Producer" Certificates[1]

September 30, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the

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[1] This notice does not provide for consoldiation for hearing of the several matters covered herein.

Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commisison on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No.	Date filed	Applicant
CS81-116-000..	8/28/81	Harold K. Johnson, 643 Montezuma Court, Walnut Creek, California [illegible]
CS81-117-000..	[illegible]	Capitol Oil & Gas Co. Ltd. PTSHP, P.O. Box 787, Richmond, Kentucky 40475.
CS81-118-000..	9/8/81	G. & N. Company, Post Office Box 398, Smackover, Arkansas 71762.
CS81-119-000..	[illegible]	Wolsey Oil, Inc., P.O. Box 67, Bowie, Texas 76230.
CS81-120-000..	[illegible]	Ensource Inc., Denver Tech Center, 5575 DTC Parkway, Suite 200, Englewood, Colorado 80111.
CS81-121-000..	[illegible]	Ingram Exploration Company, 4100 One Shell Square, New Orleans, Louisiana 70139.
CS81-122-000..	[illegible]	Pacific Petroleums, Inc., P.O. Box 2644, Calgary, Alberta, Canada T2P 3E3.

[FR Doc. 81-29070 Filed 10-5-81; 8:45 am]

BILLING CODE [illegible]

[Docket Nos. ER81-645-000 and ER81-646-000]

New England Power Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Motion To Reject, Granting Summary Dispositions, Granting Interventions, Consolidating Proceedings, and Establishing Procedures

Issued: September 29, 1981.

On July 31, 1981, in Docket No. ER81-645-000, New England Power Company (NEP) tendered for filing revised rates (W-4) for its primary wholesale customers which would increase NEP's revenues by approximately $69.8 million (8.54%) based on a calendar year 1982 test period.[1] NEP requests that the W-4 rates be made effective on October 1, 1981, and that they be suspended for not more than three months to January 1, 1982, so that the effective date will coincide with the beginning of the test year.

Also on July 31, 1981, in Docket No. ER81-646-000, NEP submitted an annual revision to its integrated facilities agreement with its affiliate and full requirements customer, the Naragansett Electric Company (Naragansett). Under the terms of the agreement, Naragansett's generation and transmission facilities are made available to NEP and are paid for in the form of a monthly credit (G&T credit) on the purchased power bill that NEP renders to Naragansett. As with the W-4 rate, NEP requests an effective date for the amended G&T agreement of October 1, 1981, with a suspension period no longer than three months. NEP also requests that the Commission consolidate Docket Nos. ER81-645-000 and ER81-646-000.

Public notices of the amendment to the Naragansett G&T agreement and the W-4 rate filing were issued on August 7, and August 10, 1981, respectively, with protests or petitions to intervene due on or before August 28, 1981. On August 21, 1981, Green Mountain Power Corporation filed a petition to intervene in the proceeding but did not raise any substantive issues. On August 28, 1981, Manchester Electric Company filed a petition to intervene which requested that NEP's W-4 rates be suspended for a minimum of three months and that the matter be set for hearing.

Also on August 28, 1981, the Attorney General of the State of Rhode Island and the Rhode Island Division of Public Utilities and Carriers (Rhode Island) filed a petition to intervene, motion to reject the filing, request for a five month suspension of the rates, and motion for summary disposition of certain issues. Rhode Island contends that NEP's rate filing should be rejected for failure to comply with certain filing requirements of § 35.13 of the Commission's regulations.[2] In the event that the Commission does not reject the filing, Rhode Island requests summary disposition with respect to the following issues: (1) NEP's inclusion of accumulated deferred investment tax credits (ADITC) in the common equity component of its capitalization; (2) NEP's treatment of ADITC in computing a federal income tax allowance; (3) NEP's inclusion in rate base of the unamortized amounts associated with the cancellation of NEES Unit Nos. 1 and 2, Montague Unit Nos. 1 and 2, and Pilgrim Unit No. 2; and (4) NEP's proposed attrition allowance. In support of its request for a five month suspension, Rhode Island raises a number of rate of return and cost of service issues.

On September 4, 1981, Public Service Company of New Hampshire (PSNH) submitted an untimely petition to intervene. In accordance with the terms of a settlement in principle reached in a prior rate proceeding, *Public Service Company of New Hampshire,* Docket No. ER80-140, PSNH requests that the Commission suspend NEP's proposed rates for one day and establish procedures to determine if the rates are just and reasonable.

On September 11, 1981, NEP and Narragansett jointly filed a response to Rhode Island's pleading. The response states that NEP's submittal complies with the Commission's filing requirements and that even if the alleged deficiencies were substantial, they would not warrant rejection of the entire filing.[3] NEP takes the position that the requested summary dispositions are inappropriate,[4] and emphasizes the importance to NEP of receiving a three month suspension.

Finally, on September 14, 1981, the Town of Merrimac, Massachusetts (Merrimac) submitted an untimely petition to intervene which did not raise any substantive issues. Merrimac states that it has previously joined with other municipalities in intervening in prior analogous proceedings and that it was unable to determine the appropriate method for participating in this proceeding. Merrimac further submits that it will not be adequately represented by any other party and may be bound or adversely affected by the Commission's action in this proceeding.

Discussion

Initially, we find that participation in this proceeding by each of the petitioners is in the public interest and that good cause exists to allow PSNH and Merrimac to intervene out of time. Accordingly, we shall grant the petitions to intervene.

With respect to Rhode Island's motion to reject NEP's filing, we find that the submittal substantially complies with the Commission's filing requirements.[5]

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[1] *See* Attachment A for rate schedule designations.

[2] Specifically, Rhode Island asserts the NEP's filing does not contain adequate workpapers or explanations with respect to: (1) NEP's projection of Period II property taxes for Massachusetts property; (2) NEP's calculation of unfunded future tax liability; and (3) NEP's adjustment to its cost of service to account for its recently approved oil conservation adjustment clause. *See* 18CFR 35.13(d)(5).

[3] *See* note 2, *supra.*

[4] *See* note 7, *infra,* and accompanying text.

[5] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC,* 450 F.2d 1341 (D.C. Cir. 1971).

Therefore, we shall deny the motion to reject.

In prior NEP rate proceedings,[6] the Commission has summarily disposed of the following issues: (1) NEP's inclusion of ADITC in the common equity component of its capitalization; (2) NEP's exclusion of ADITC from rate base in computing a federal income tax allowance; and (3) NEP's inclusion in rate base of the unamortized investment in abandoned nuclear projects, NEES Unit Nos. 1 and 2. NEP states that it does not seek to relitigate these issues but has included these items again in its cost of service solely for the purpose of preserving its position pending judicial review.[7] Consistent with the action taken in NEP's prior rate proceedings, and for the reasons there stated, the Commission will summarily dispose of these issues and order NEP to revise its cost of service and refile its rates accordingly.

We further note that NEP has included in rate base the unamortized losses it has incurred or expects to incur with respect to the cancellation of two additional nuclear projects, *i.e.*, Northeast Utilities' Montague Unit Nos. 1 and 2,[8] and Boston Edison's Pilgrim Unit No. 2.[9] In prior NEP rate proceedings,[10] the Commission has clearly stated that it is improper to include in rate base the unamortized investment in abandoned generating projects. For the reasons previously stated, and consistent with the Commission's action with respect to NEP's treatment of NEES Unit Nos. 1 and 2, we shall summarily dispose of NEP's inclusion in rate base of the unamortized investment in Montague Unit Nos. 1 and 2 and Pilgrim Unit No. 2. NEP shall adjust its cost of service and refile its rates to reflect this conclusion.

In addition, NEP has included as an expense item in its cost of service an attrition allowance of $11.8 million which is equivalent to two-twelfths of the proposed rate increase. NEP states that the adjustment is intended to recover revenues that would be lost if the Commission suspends the proposed rates for five months (*i.e.*, two months into the test period) rather than three months as NEP has requested.[11] Inasmuch as both the filing date of the proposed rate increase and the test period were voluntarily selected by NEP, no reasonable basis exists for allowing the proposed attrition allowance. Furthermore, such an allowance would circumvent the Commission's suspension powers under section 205(e) of the Federal Power Act. Accordingly, we shall summarily reject the proposed attrition allowance and require NEP, in refiling its rates, to reflect this adjustment as well.

Our analysis indicates that NEP's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or perferential, or otherwise unlawful. Accordingly, we shall accept the W–4 rates and Narragansett G&T rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In an number of suspension orders,[12] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Accordingly, we shall suspend the rates for a period of five months permitting the rates to take effect subject to refund thereafter on March 1, 1982.

Inasmuch as the G&T credits allowed to Narragansett represent an item in NEP's cost of service supporting the W–4 rates, we fined that common questions of law and fact are presented in Docket Nos. ER81–645–000 and ER81–646–000. Accordingly, we shall consolidate these dockets for purposes of hearing and decision.

The Commission orders:

(A) Rhode Island's motion to reject the filing is hereby denied.

(B) The motions for summary disposition are hereby granted as specified in the body of this order. Within thirty (30) days of the date of this order, NEP shall refile its rates and cost support to reflect summary disposition with respect to NEP's treatment of ADITC for capitalization and income tax purposes; NEP's inclusion in rate base of its unamortized investment in NEES Unit Nos. 1 and 2, Montague Unit Nos. 1 and 2, and Pilgrim Unit No. 2; and NEP's inclusion in its cost of service of an attrition allowance.

(C) NEP's revised W–4 rates and Narragansett G&T agreement, as refiled to comply with the Commission's summary dispositions, are hereby accepted for filing and suspended for five months, to become effective on March 1, 1982, subject to refund pending the outcome of a hearing.

(D) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure, and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of NEP's rates and the Narragansett G&T credits.

(E) The petitions to intervene are hereby granted subject to rules and regulations of the Commission: *Provided however*, that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further*, that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) The Commission staff shall serve top sheets in this proceeding within 30 days after the Commission accepts a revised filing by NEP in compliance with the summary dispositions granted in this order.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for the Commission's Rules of Practice and Procedure.

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[6] *See New England Power Company*, Docket Nos. ER81–70–000, *et al.* (December 30, 1980); *New England Power Company*, Docket Nos. ER80–66, *et al.* (December 31, 1979). *See also New England Power Company*, Opinion No. 49, Docket Nos. ER76–304, *et al.* (July 19, 1979) mimeo at 29–31.

[7] NEP's appeal of the Commission rulings regarding these issues is currently before the United States Court of Appeals for the District of Columbia Circuit in *NEPCO Municipal Rate Committee* v. *FERC*, Nos. 80–1343, *et al.*

[8] Northeast Utilities, the lead owner of the proposed Montague Unit Nos. 1 and 2, has announced plans to abandon these units. NEP had a 13% ownership interest in those units and proposes to amortize the loss over five years.

[9] NEP has an 11% ownership interest in the proposed Pilgrim Unit No. 2. While Boston Edison Company has not yet announced the abandonment of this unit, NEP states its belief that such abandonment is imminent.

[10] *See* note 6 *supra*.

[11] NEP states that it will refile its rates to eliminate the attrition adjustment in the event that the Commission suspends the rates for only three months.

[12] *E.g., Boston Edison Co.*, Docket No. ER80–508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80–506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80–488 (August 22, 1980) (one day suspension).

(H) Docket Nos. ER81–645–000 and ER81–646–000 are hereby consolidated for purposes of hearing and decision.

(I) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

New England Power Company

Docket Nos. ER81–645–000 and ER81–646–000; Rate Schedule Designations

Designation	Description
(1) 21st Revised Sheet No. 1 and 22nd Revised Sheet No. 2 of Schedule II–A under FPC Electric Tariff, Original Volume No. 1 (Supersedes 20th Revised Sheet No. 1 and 21st Revised Sheet No. 2).	Rate W–4 Primary Customers.
(2) Supplement to Service Agreement under FPC Electric Tariff, Original Volume No. 1 (Supersedes Supplement to Service Agreement dated October 23, 1980).	Amendment with Narragansett.
(3) 12th Revised Sheet No. 4 under (2) above (Supersedes 11th Revised Sheet No. 4).	Generation and Transmission Credits for Narragansett.
NARRAGANSETT ELECTRIC COMPANY	
(4) Supplement No. 13 to Rate Schedule FPC No. 38 (Supersedes Supplement No. 12) (Concurs in (2) and (3) above).	Certificate of Concurrence.

[FR Doc. 81–29071 Filed 10–5–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–769–000

Southern California Edison Co.; Filing

September 30, 1981.

The filing company submits the following:

Take notice that on September 21, 1981, Southern California Edison Company ("SCE") tendered for filing an energy exchange agreement with Puget Sound Power & Light Company ("Puget").

Under the terms and conditions of the agreement, SCE and Puget will exchange energy made available by Puget to SCE from April through September for energy made available by SCE to Puget from October through March.

SCE states that transactions have occurred, under the agreement and, therefore, requests waiver of the Commission's prior notice requirement and an effective date of August 1, 1981, for the new rate schedule.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Puget Sound Power & Light Company.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–29072 Filed 10–5–81; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 5352–000]

Tehama County Flood Control & Water Conservation District; Application for Preliminary Permit

September 30, 1981.

Take notice that Tehama County Flood Control & Water Conservation District (Applicant) filed on September 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5352 to be known as the Antelope Creek Project located on Antelope Creek in the County of Tehama near Red Bluff, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence A. Coleman, Director of Water Resources, Route 1, Box 4, Gerber, California 96305.

Project Description—The proposed project would consist of two developments. Site 1 development would consist of: (1) Two diversion structures each 8 feet high by 25 feet long each located on the North Fork and South Fork of Antelope Creek; (2) two 20,000-foot long diversion conduits; (3) a 39-inch diameter, 1120-foot long steel penstock; (4) a powerhouse to contain one impulse-type, turbine-generating unit with a rated capacity of 4.7 MW; and (5) a 5-mile long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company line. Site 2 development would consist of: (1) A 10-foot high by 35-foot long diversion structure, to be located four miles downstream of Site 1 development; (2) a 53,000-foot long water conduit; (3) a 540-foot long, 42-inch diameter penstock; (4) a powerhouse to contain one impulse-type, turbine-generating unit with a rated capacity of 2.38 MW; and(5) a 6-mile long, 12-kV transmission line to connect to an existing Pacific Gas and Electric Company line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month preliminary permit to study the feasibility of constructing and operating the proposed project. No new road would be constructed to conduct the studies.

Competing Applications—This application was filed as a competing application to the Antelope Creek Power Project No. 4552 filed on April 20, 1981, by North Valley Land Corporation, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb,

V 46/193 OC 6 81 UMI

Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29073 Filed 10-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5305-000]

Western Power Inc.; Application for Preliminary Permit

September 30, 1981.

Take notice that Western Power Incorporated (Applicant) filed on August 31, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5305 to be known as the Storm Ridge Power Project located on North Fork Skykomish River in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas R. Childs, Western Power Inc., 2136 James Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) A 5-foot high diversion structure on North Folk Skykomish River; (2) a 5000-foot long, 72-inch diameter diversion conduct; (3) a 2400-foot long, 60-inch diameter penstock; (4) a powerhouse with a total rated capacity of 16,100 kW; and (5) and 16-mile long 69 kV transmission line from the powerhouse to an existing 345 kV Bonneville Power Administration transmission line. The Applicant estimates that the average annual energy production would be 87.44 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studes would be $275,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 7, 1981, either the competing application itself [See 18 CFR 4.33(b) and (c) (1980)] or a notice of intent [See 18 CFR 4.33(a) and (d) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Application.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 7, 1981.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-29074 Filed 10-5-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of September 7 through September 11, 1981

During the week of September 7 through September 11, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Request for Modification and or Rescission

Exxon Company, U.S.A., 9/11/81, BMR-0051

Exxon Company U.S.A. filed an Applications for Modification or Rescission in which the firm sought to be relieved of an obligation to supply Service Oil Company with an additional 100,000 gallons of motor gasoline per month for a five month period. Exxon sought to overturn a Decision and Order which denied its Appeal from a tentative Assignment Order which created the supply obligation. After considering Exxon's request, the DOE noted that the elimination of price and allocation controls on crude oil and refined petroleum products rendered the supply obligation moot as far as future deliveries are concerned. The DOE noted further that restitution of product previously supplied was unnecessary because Exxon never actually delivered any gasoline to Service Oil Company in compliance with the tentative Assignment Order. Therefore, the DOE concluded that Exxon had not been injured by the assignment and dismissed the firm's application.

Request for Exception

Tricentennial Energy Corporation, 9/11/81, BEE-1662

Tricentennial Energy Corporation filed an Application for Exception from the reporting requirements of EIA-9A, No. 2 Distillate Price Monitoring Report. In its Application, Tricentennial alleged that the reporting requirements imposed a serious hardship and requested that it be relieved of the requirement to submit the Form. The firm also asserted that due to its small size, any information it submitted would be insignificant. In considering the firm's request the DOE found that Tricentennial had failed to demonstrate that it was suffering a serious hardship or gross inequity. Furthermore, the DOE noted that in order to generate a sample that is not biased, it is necessary to collect data from firms of all sizes.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 28, 1981.

[FR Doc. 81-29040 Filed 10-5-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-3-FRL 1943-5]

Memorandum of Understanding for the Prevention of Significant Deterioration of Air Quality

AGENCY: Environmental Protection Agency.

ACTION: Information notice.

SUMMARY: EPA Region III and Allegheny County, Pennsylvania have developed a Memorandum of Understanding (MOU) which provides for interagency cooperation in implementing the PSD program. Through the MOU, Allegheny County will receive and process PSD permits; however, EPA Region III will retain full authority and responsibility to issue or deny PSD permits.

EFFECTIVE DATE: October 6, 1981.

The Regional Administrator finds good cause for making this MOU effective immediately in that it is an administrative change and not one of substantive content.

ADDRESSES: Copies of the MOU and related documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Robert J. Blaszczak (3AH13), 215/597-8186 or FTS 597-8186

Allegheny County Health Department, Bureau of Air Pollution Control, 301 39th Street, Pittsburgh, Pennsylvania 15201, Attn: Ronald J. Chleboski

FOR FURTHER INFORMATION CONTACT: Robert J. Blaszczak at the address indicated above. (215) 597-8186.

SUPPLEMENTARY INFORMATION: The Regional Administrator, EPA Region III, and the Director of the Allegheny County Department of Health have signed a Memorandum of Understanding (MOU), which provides for interagency cooperation in the implementation of the PSD program. As of the effective date, all PSD permit applications for sources locating in Allegheny County, Pennsylvania will be submitted directly to Allegheny County for processing. Aside from these processing activities, EPA Region III will retain full authority and responsibility for the PSD program in Allegheny County, Pennsylvania. Processing activities include applicability/completeness evaluations and BACT, air quality and other impact analyses. EPA Region III retains full authority and responsibility to issue and/or deny PSD permits.

The MOU will become effective as of the publication date of this notice. The Regional Administrator finds good cause for making the MOU effective immediately in that it is an administrative change and not one of substantive content.

Under Executive Order 12291, EPA must also judge whether a publication is "major" and therefore subject to the requirement of a regulatory impact analysis. This MOU is not "major." This action only provides for the implementation of an administrative change in PSD permit processing, and does not change any existing regulatory requirement.

This MOU was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effective immediately, all applications and other information pursuant to 40 CFR 52.21 from sources locating in Allegheny County, Pennsylvania should be submitted to the Allegheny County agency at the following address: Allegheny County Department of Health, Bureau of Air Pollution Control, 301 39th Street, Pittsburgh, Pennsylvania 15201.

(42 U.S.C. 7601(a)(1))

Dated: September 16, 1981.

A. R. Morris,

Acting Regional Administrator.

[FR Doc. 81-29016 Filed 10-5-81; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59061A; TSH-FRL 1950-2]

Carbocyclic Diisocyanate; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-30) under section 5 of the Toxic Substances Control Act (TSCA) on August 25, 1981. Notice of receipt of the application was published in the **Federal Register** of September 2, 1981 (46 FR 44042). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on September 29, 1981.

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M St. SW., Washington, D.C. 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemicals substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this dispostion in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On August 25, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-30. The manufacturer claimed its identity confidential along with the specific chemical identity. The chemical is identified by its generic name carbocyclic diisocyanate, and the substance will be used in polyurethane systems and as an intermediate limited to company sites. A maximum of 10,000 kilograms (kg) will be manufactured for test marketing purposes, and will be provided to approximately 10-20 companies during a test marketing period not to exceed six months. A notice published in the **Federal Register** of September 2, 1981 (46 FR 37964) announced receipt of this application

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and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

The PMN substance is a potential pulmonary sensitizer; tests indicate that it is a moderate skin irritant and is mildly irritating to the eye. Nevertheless, EPA has established that the test marketing of the substance described in TM-81-30, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment. The substance will be prepared in an essentially closed system. Close technical supervision, and support with appropriate analytical monitoring methods, will be maintained to ensure safe handling of the substance. Efficient exhaust systems will be used at points of potential exposure during manufacture to minimize exposure of personnel to the material. If monitoring methods indicate any potential exposure, protective clothing and respirators will be used as required. Because of the very low vapor pressure of the material, minimal exposure of the worker is anticipated.

Furthermore, test marketing evaluation of the substance will be restricted to customers that are highly experienced and well equipped to handle materials of this kind. There will not be consumer exposure to the TME substance in its final form and no environmental release of the substance is expected.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customer(s) specified in the application, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 10,000 kg described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a period of six months commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: September 29, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-29018 Filed 10-5-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-53028; TSH-FRL 1949-8]

Chemical Substances; Premanufacture Notices; Monthly Status Report for July 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the Federal Register at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for July 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Envirionmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, D.C. 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; (d) chemical substances for which EPA has received a notice of commencement to manufacture; and (e) PMN's for which the review period has been suspended. Therefore, EPA is publishing the July 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., S.W., Washington, D.C. 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-53028]" and the specific PMN number. Nonconfidential portions of the PMN's, written comments received on individual PMN's, and other documents in public record may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: October 1, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

PREMANUFACTURE NOTICES MONTHLY STATUS REPORT, JULY 1981

I. PREMANUFACTURE NOTICES, RECEIVED DURING THE MONTH

PMN No.	Identity/generic name	FEDERAL REGISTER Citation	Expiration date
81-313	Generic name: Chromophore substituted poly(oxyalkylene)	46 FR 37324 (7/20/81)	Sept. 24, 1981
81-314	Generic name: Adduct of anhydride and a polyester	46 FR 37324 (7/20/81)	Do.
81-315	Propoxylated hydrazines	46 FR 44048 (9/2/81)	Do.
81-316	Generic name: Quaternary ammonium derivative of unsaturated amide	46 FR 37325 (7/20/81)	Sept. 28, 1981
81-317	Generic name: Copolymer of an unsaturated amide with quaternary ammonium derivative of an unsaturated amide.	46 FR 37325 (7/20/81)	Do.
81-318	Generic name: Modified phenolic novolak resin	46 FR 37325 (7/20/81)	Do.
81-319	2,4-dimethyl-4 phenyltetrahydrofuran	46 FR 45996 (9/16/81)	Sept. 27, 1981.
81-320	Generic name: 1,1-Methylenebis[4-isocyanato-cyclohexane], polymer with 1,3-benzene-dicarboxylic acid, polymer with substituted alkane, and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.	46 FR 37968 (7/23/81)	Sept. 30, 1981.
81-321	Generic name: 1,3-Benzenedicarboxylic acid, polymer with substituted alkane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.	46 FR 37968 (7/23/81)	Do.
81-322	Generic name: 1,3-Benzenedicarboxylic acid, polymer with 2,2'-[1,2-ethanediethyl bis (oxy)]bis(ethanol), 1,6-hexanedioic acid, and substituted alkane.	46 FR 37969 (7/23/81)	Do.
81-323	Generic name: 2-Hydroxyethylpropenoate, polymer with 1,1-methylenebis[4-isocyanato-cyclohexane] and 1,3-benzenedicarboxylic acid, polymer with substituted alkanes.	46 FR 37969 (7/23/81)	Do
81-324	Generic name: Modified polyester based on carbomonocyclic anhydride and alkane diols.	46 FR 37969 (7/23/81)	Do.
81-325	Starch, diethylaminoethyl ether hydrochloride, 2 sulfo-2-carboxyethyl ether, calcium salt.	46 FR 38578 (7/28/81)	Do.
81-326	Generic name: Alkyl sulfonic acid, organic-inorganic salt	46 FR 38578 (7/28/81)	Do.
81-327	Generic name: Polymer of an alkanedioic acid, an alkanediol and a substituted alkanoic ester.	46 FR 38579 (7/28/81)	Oct. 5, 1981.
81-328	Generic name: Isocyanate modified polyester	46 FR 38579 (7/28/81)	Do.
81-329	do	46 FR 38579 (7/28/81)	Do.
81-330	Generic name: Acrylic modified alkyd resin	46 FR 38580 (7/28/81)	Do.
81-331	do	46 FR 38580 (7/28/81)	Do.
81-332	Generic name: High solids polyester resin derived from a mixture of phthalic acids and monobasic acids.	46 FR 38580 (7/28/81)	Do.
81-333	1(3H)-isobenzofuranone, 3-[4-(diethylamino)-2-hydroxy-phenyl]-3-[2-ethoxy-5-(phenylamino)phenyl]-.	46 FR 38580 (7/28/81)	Oct. 7, 1981.
81-334	Spiro[isobenzofuran-1(3H), 9'-9[H]xathen]-3-one, 6'-(diethylamino)-2'-(phenylamino).	46 FR 38581 (7/28/81)	Do.
81-335	Generic name: Heteromonocycle modified maleated resin and tall oil fractions	46 FR 38581 (7/28/82)	Do.
81-336	Generic name: Ester of hydrozamic acid	46 FR [illegible] (8/5/81)	Do.
81-337	Expoxy resin modified with substituted organic acid	46 FR [illegible] (8/5/81)	Oct. 11, 1981.
81-338	Generic name: Modified phenolic novolak resin	46 FR [illegible] (8/5/81)	Sept. 22, 1981.
81-339	do	46 FR [illegible] (8/5/81)	Do.
81-340	do	46 FR [illegible] (8/5/81)	Do.
81-341	Diethylenetriamine, phenol, formaldehyde polymer	46 FR [illegible] (8/5/81)	Oct. 10, 1981.
81-342	Generic name: Benzene dicarboxylic acid, disubstituted	46 FR [illegible] (8/5/81)	Oct. 11, 1981.
81-343	do	46 FR [illegible] (8/5/81)	Do.
81-344	Generic name: Polymer of: bis-benzene derivative, mixed alkene diols, aliphatic triol, and aromatic diisocyanate.	46 FR [illegible] (8/5/81)	Oct. 12, 1981
81-345	Generic name: Amine terminated epoxy curing agent	46 FR 39891 (8/5/81)	Do
81-346	Polymer of acrylic acid, acrylonitrile, butyl acrylate, 2-hydroxyethyl acrylate, methylacrylate, and 2-ethylhexyl acrylate.	46 FR 39891 (8/5/81)	Do
81-347	Polymer of: methyl methacrylate, hydroxy propyl methacrylate, 2-ethyl hexyl acrylate, isobutoxy methyl acrylamide.	46 FR 39892 (8/5/81)	Do.
81-348	Generic name: Substituted unsaturated alkene, isomer mix	46 FR 39892 (8/5/81)	Oct. 14, 1981
81-349	2-naphthalenesulfonic acid, 7-amino-4-hydroxy-3-((4-((2-sulfooxyethyl) sulfonyl)2-hydroxyphenyl)azo.	46 FR 39886 (8/5/81)	Oct. 15, 1981.
81-350	Generic name: Oxalamide derivative	46 FR 39886 (8/5/81)	Do.
81-351	Dimethyl ester, 1,4-benzenedicarboxylix acid polymer with 2,2-dimethyl-1,3-propanediol, 1,2-propanediol and hexanedioic acid.	46 FR 39886 (8/5/81)	Do.
81-352	Generic name: Epoxy urethane copolymer	46 FR 39886 (8/5/81)	Do.
81-353	Generic name: Mixed alkali metal and substituted amine salt of acid substituted sulfoheterocycle azo sulfocarbocycle azo substituted heterocycle sulfinin acid.	46 FR 39887 (8/5/81)	Oct. 19, 1981.
81-354	Generic name: Mixed alkali metal and substituted amine salt of substituted sulfocarbocycle azo sulfocarbocycle azo substituted carbocyclesulfonic acid.	46 FR 39887 (8/5/81)	Do.
81-355	Generic name: Condensation polymer of aromatic sulfonic acid and urea/ [illegible]	46 FR 39887 (8/5/81)	Do.
81-356	Urea, 1-(3,4-dichlorophenyl)-2-thio	46 FR 39887 (8/5/81)	Do.
81-357	2-benzothiazolamine, 6-nitro-sulfate	46 FR 39888 (8/5/81)	Do.
81-358	Polymer of tetrabromophthalic anhydnde, isopnthalic acid, neopentyl glycol, propylene glycol, dipropylene glycol and maleic anhydnde.	46 FR 39888 (8/5(81)	Do.
81-359	Copper para-toluenesulfonate hydrate	46 FR 39888 (8/5/81)	Do
81-360	Phosphonic acid, [(dimethlamino)-methylene] bis-, monoammonium salt	46 FR 39892 (8/5/81)	Oct. 22, 1981.
81-361	Generic name: Aliphatic carbamate ester	46 FR 39893 (8/5/81)	Do.
81-362	Naphthalene sulfonic acid, diisononyl-, compound with 2,2',2''-nitrilotris[ethanol] (1:1).	46 FR 39889 (8/5/81)	Oct. 25, 1981.
81-363	Generic name: Aliphatic acid ester	46 FR [illegible] (8/7/81)	Do.
81-364	Generic name: Cycloaliphatic furan, tetrahydro	46 FR [illegible] (8/7/81)	Do
81-365	2-nitronaphthalene-4,8-disulfonic acid, diammonium salt	46 FR [illegible] (8/5/81)	Do.
81-366	Generic name: Sulfo phenyl azo naphthalenol, 2,2',2''-nitrilotris [ethanol]salt	46 FR 40324 (8/7/81)	Do.
81-367	Generic name: Polymer of an alkoxy methyl amino resin	46 FR [illegible] (8/7/81)	Oct. 26, 1981
81-368	Generic name: Metallic beta diketonate	46 FR [illegible] (8/7/81)	Do.
81-369	Generic name: Aliphatic polyamide	46 FR [illegible] (8/12/81)	Do.
81-370	Generic name: Amine modified epoxy resin	46 FR [illegible] (8/12/81)	Do.
81-371	Generic name: Polyester diol of halogenated compound and polyethylene glycol	46 FR 40326 (8/7/81)	Do.
81-[illegible]	Generic name: C.I. Direct Black 173	46 FR 40326 (8/7/81)	Do.

II. PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH

PMN No.	Identity/generic name	FEDERAL REGISTER Citation	Expiration date
81-[illegible]	Generic name: Amine derivative	46 FR 34489 (7/1/81)	Aug. 31, 1981.
81-[illegible]	Generic name: [illegible]	46 FR 35347 (7/8/81)	Do.
81-[illegible]	Generic name: Polyurethane millable gum	46 FR 35347 (7/8/81)	Do.

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PREMANUFACTURE NOTICES MONTHLY STATUS REPORT, JULY 1981—Continued

PMN No.	Identity/generic name	Federal Register citation	Expiration date
81-264	Generic name: Pyridine derivative	46 FR 34409 (7/1/81)	Do.
81-265	Adipic acid, diethylenetriamine, tall oil fatty condensate, acetic acid salt	46 FR 34409 (7/1/81)	Do.
81-266	Generic name: Polymer of alkanedioic acid epoxy ester	46 FR 34409 (7/1/81)	Do.
81-267	Generic name: Urethane polymer	46 FR 34409 (7/1/81)	Sept. 2, 1981.
81-268	Polymer of 1,4-cyclohexanedimethanol; 1,6-hexanedioic acid, 1,9-nonanedioic acid; 1,4-butanediol; and 4,4-methylenebis (phenyl isocyanate).	46 FR 34409 (7/1/81)	Do.
81-269	Alcohols, C16–C22; tertiary butylether	46 FR 35347 (7/8/81)	Do.
81-270	Azacyclotridecan -2-one, homopolymer with (oxy-1,4-butanediyl), alpha-hydro-omega- hydroxy-, copolymer.	46 FR 35347 (7/8/81)	Do.
81-271	Azacyclotridecan-2-one, polymer with hexahydro-2Hazepin-2-one, block copolymer with poly [oxy(methyl-1,2-ethanediyl)]; alpha-hydro-omega-hydroxy.	46 FR 35347 (7/8/81)	Do.
81-272	Generic name: Polyester resin	46 FR 34409 (7/1/81)	Do.
81-273	Poly[imino(1-oxo-1,6-hexanediyl)] with poly (oxy-1,2-ethanediyl), alpha-hydro-omega-hydroxy-, copolymer.	46 FR 35347 (7/8/81)	Do.
81-274	Poly[imino(1-,6-hexanediyl)] with poly (oxy-(methyl-1,2-ethanediyl)], alpha-hydro-omega-hydroxy-, copolymer.	46 FR 35347 (7/8/81)	Do.
81-275	Generic name: Lower alkyl ester of an alkyl propionic acid	46 FR 35344 (7/8/81)	Sept. 7, 1981.
81-276	Generic name: Sulfur containing polyamid	46 FR 35344 (7/8/81)	Do.
81-277	1,2-Ethanediol; 2,5-furanedione; linseed fatty acides, and 1,1'-[(1-methylethylidene)bis (4,1-phenyleneoxy)] bis-2-propanol polymer.	46 FR 35344 (7/8/81)	Sept. 9, 1981.
81-278	Generic name: Compound from alkenoic acids, carbomonocyclic anhydride, and substituted alkanediols.	46 FR 36239 (7/14/81)	Sept. 11, 1981.
81-279	Generic name: Adduct of a substituted alkanol and a silicate	46 FR 36239 (7/14/81)	Sept. 9, 1981.
81-280	Generic name: Polyester polyurethane	46 FR 36239 (7/14/81)	Do.
81-281	Generic name: Polyester from substituted alkanediol and alkanoic acides	46 FR [illegible] (7/14/81)	Do.
81-282	Generic name: Modified olefin/carboxylic acid copolymer	46 FR [illegible] (7/8/81)	Do.
81-283	Generic name: Chromophore substituted poly (oxyethylene)	46 FR 35347 (7/8/81)	Do.
81-284	Generic name: Chromophore substituted poly (oxyalkylene)	46 FR 35347 (7/8/81)	Do.
81-285	Generic name: Amino carboxylic acid structural copolymer	46 FR 35339 (7/8/81)	Do.
81-286	Generic name: Waterborne polyurethane dispersion	46 FR [illegible] (7/14/81)	Do.
81-287	Generic name: Nitrogen-modified, hydorgenated diene/styrene copolymer	46 FR [illegible] (7/8/81)	Do
81-288	Generic name: High solids mixed with phthalkic monobasic acid alkyd resin	46 FR [illegible] (7/8/81)	Sept. 10, 1981.
81-289	Generic name: Benzenediazonium, 4-(((substitutedphenyl)amio)carbonyl)-sulfate (2:1).	46 FR 35339 (7/8/81)	Sept. 9, 1981.
81-290	Generic name: Aliphatic dicarboxylate	46 FR 36339 (7/8/81)	Do.
81-291	Generic name: Polyol, mixture of carboxylic acids polymer	46 FR 35239 (7/14/81)	Do.
81-292	Generic name: Silylated organic sulfonic acid, soduim salt	46 FR 35339 (7/8/81)	Do.
81-293	Generic name: Silylated organic sulfonic acid	46 FR 35339 (7/8/81)	Sept. 10, 1981
81-294	Generic name: Mixture of varying molecular weight polyesters not defined	46 FR 36241 (7/14/81)	Do
81-295	Generic name: Acrylontrile polymer with alkenoic acid alkyl esters; 2-propenoic acid, 2-methyl.	46 FR 36241 (7/14/81)	Do.
81-296	Generic name: Bis dihydrogeneated ether of halogenated aryl sulfone	46 FR 36241 (7/14/81)	Sep. 9, 1981.
81-297	6-Hydroxy-2, 3, 7-trimethylquinoxaline	46 FR 36243 (7/14/81)	Sept. 15, 1981.
81-298	Generic name: Copolymer of styrene, alkyl acrylates, alkyl methacrylate, methacrylic acid with substituted acrylamide.	46 FR 36243 (7/14/81)	Do.
81-299	Generic name: Metal resinate	46 FR 36243 (7/14/81)	Do.
81-300	Generic name: Alkylate cyclohexane	46 FR 37064 (7/17/81)	Do.
81-301	Generic name: Substituted benzene sulfide sulfonic acid	46 FR 37064 (7/17/81)	Do.
81-302	Generic name: Substituted benzenesulfonamide	In preparation	Sept. 16, 1981.
81-304	Generic name: 4-Substituted amino-substituted-phenylazo-benzothiazole sulfonic acid salt.	46 FR 37966 (7/23/81)	Do.
81-305	Generic name: 4-(Dialkylamino) styryldinitrile	In preparation	Do.
81-306	Generic name: Complex of 4,4'-dihydroxyphenyl sulfone and an alkylamine	46 FR 37966 (7/23/81)	Sept. 22, 1981.
81-307	Alkylphenol formaldehyde tackifying resin	In preparation	Do.
81-308	Generic name: Complex of mixture of 4,4'-dihydroxyphenyl sulfone and 2,4-dihydroxyphenol sulfone and an alkylamine.	46 FR 37966 (7/23/81)	Sept. 16, 1981.
81-309	Generic name: Adduct of a substituted alkanediol and a silicate	46 FR 37966 (7/23/81)	Do.
81-310	Generic name: Modified phenolic novalak resin	46 FR 37966 (7/23/81)	Do.
81-311	Maleic acid, monoisooctylamide, diethanolamine salt	In preparation	Sept. 22, 1981
81-312	Generic name: Alkenylated cyclohexane	46 FR 37966 (7/23/81)	Sept. 16, 1981

III. PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY.)

PMN No.	Identity/generic name	Federal Register citation	Expiration date
81-153	Generic name: Substituted alkadienal	46 FR 24681 (5/1/81)	July 1, 1981
81-154	Generic name: Alkyl epoxide, reaction products with organic acid	46 FR 24681 (5/1/81)	Do.
81-155	Generic name: Urethane oligomer	46 FR 24681 (5/1/81)	Do.
81-156	Generic name: Neutralized polymer of styrene, an alkeneoic acid, and an alkenoic ester.	46 FR 24681 (5/1/81)	Do.
81-157	Vegetable oil fatty acid ester	46 FR 24988 (5/4/81)	July 5, 1981
81-158	Generic name: Ethylene interpolymer	46 FR 24990 (5/4/81)	July 6, 1981
81-159	do	46 FR 24990 (5/4/81)	Do.
81-160	do	46 FR 25693 (5/8/81)	Do.
81-161	Generic name: Polyacrylate	46 FR 24988 (5/4/81)	Do.
81-162	Generic name: Hydroxy-alkoxy alkyl alkane	46 FR 24990 (5/4/81)	Do.
81-163	Generic name: Acrylated alkoxylated aliphatic glycol	46 FR 25693 (5/8/81)	Do.
81-164	Generic name: Allylglycidyl ether polyol resin	46 FR 25693 (5/8/81)	Do.
81-165	Generic name: Siliconized alkyd resin	46 FR 24990 (5/4/81)	Do.
81-166	2-Naphthalenesulfonyl chloride, 2-acetamino	46 FR 24990 (5/4/81)	Do.
81-167	Ethanol, 2-(6-acetaminonaphth-2-yl sulfonyl)	46 FR 24990 (5/4/81)	Do.
81-168	pChlorophenol-resorcinol-formaldehyde polymer end blocked with carbanil	46 FR 24990 (5/4/81)	July 7, 1981
81-169	Generic name: Copolymer of styrene and mixed alkyl acrylates	46 FR 25693 (5/8/81)	July 8, 1981
81-170	Generic name: (Oxy-1,2-ethanediyl-alpha-acyl-omega-alkyl)	46 FR 25693 (5/8/81)	Do.
81-171	1,3-Isobenzofurandione, polymer with 2,2-dimethyl-1, 3-propanediol, 1,2-ethanediol, 2-hydroxymethyl-1,3-propanediol, and tall oil acids.	46 FR 24988 (5/4/81)	Do.
81-172	Generic name: Poly(amide-ester) resin X2-821	46 FR 25693 (5/8/81)	Do.
81-173	Adipic acid, isophthalic acid, trimethylolpropane, 2,2,4-trimethyl-1,3-pentanediol, trimellitic anhydride polymer.	46 FR 24988 (5/4/81)	Do.
81-174	Generic name: Disubstitutednaphthalenol	46 FR 24988 (5/4/81)	Do.
81-175	Generic name: Disubstitutednaphthalenol	46 FR 24988 (5/4/81)	July 8, 1981.
81-176	Do.	46 FR 26683 (5/15/81)	Do.
81-177	Generic name: Chloroalkyl alkoxysilane	46 FR 25693 (5/8/81)	July 12, 1981.

PREMANUFACTURE NOTICES MONTHLY STATUS REPORT, JULY 1981—Continued

PMN No.	Identity/generic name	Federal Register Citation	Expiration date
81-178	Generic name: Chloroalkylchlorosilane	46 FR [illegible] (5/8/81)	Do.
81-179	Generic name: Derivatized fatty alcohols	46 FR [illegible] (5/8/81)	Do.
81-180	Generic name: Alkadiene	46 FR 27170 (5/18/81)	July 14, 1981.
81-181	Generic name: Polymer of alkene and diene	46 FR 27170 (5/18/81)	Do.
81-182	Generic name: Alkadiene	46 FR 27170 (5/18/81)	Do.
81-183	Generic name: Isocyanate modified polyester/polyether	46 FR 27170 (5/18/81)	Do.
81-184	Generic name: Silicone plyol	46 FR 27170 (5/18/81)	Do.
81-185	Generic name: Polymer of alkanediol, carbomonocylic anhydride, and substituted alkanoic ester.	46 FR 27170 (5/18/81)	Do.
81-186	Generic name: Polyester polyurethane	46 FR 27170 (5/18/81)	Do.
81-187	Generic name: Cycloaliphatic polyester modified with a polyether glycol	46 FR 28004 (5/22/81)	Do.
81-188	Hexahydropyrimidine-1,3,diacetonitrile	46 FR 28505 (5/27/81)	Do.
81-189	Generic name: Unsaturated polyester	46 FR 28004 (5/22/81)	July 21, 1981.
81-190	Generic name: Unsaturated polyester resin	46 FR 28505 (5/27/81)	Do.
81-191	Acrylic acid, bispheonol A-epichlorohydrin resin, ethyl acrylate, methyl methacrylate, polyvinyl butyral resin, styrene polymer.	46 FR 28004 (5/22/81)	July 16, 1981.
81-192	Generic name: Trisubstituted silylalkanolacetate	46 FR 28505 (5/27/81)	July 21, 1981
81-193	Generic name: Poly(oxyalkyldisubstituted silane) aroyl, alkoxy terminated	46 FR 28505 (5/27/81)	Do.
81-194	Oligomers from 1,6-dimethylnaphthyl sulfonic acid, sodium salt, and formaldehyde.	46 FR 28503 (5/27/81)	Do.
81-195	2,4,6-Tributylphenol, ethoxylated, acetate	46 FR 28503 (5/27/81)	Do.
81-196	Polymer from propylene oxide and ethylene oxide acetylated	46 FR 28503 (5/27/81)	Do.
81-197	Monylphenol, ethoxylated, acetate	46 FR 28503 (5/27/81)	Do.
81-198	Polymer of: *N*-vinyl-*N*-methylacetamide and maleic acid, diisooctyl ester	46 FR 28503 (5/27/81)	Do.
81-199	Polymer of: Vinyl acetate, butyl acetate, neodecanoic acid, vinyl ester, and vinyl sulfonic acid, sodium salt.	46 FR 28503 (5/27/81)	Do.
81-200	Generic name: Trisubstitutedbenzene	46 FR 28004 (5/22/81)	July 23, 1981.
81-201	Generic name: Polymer of substitutedacrylic acid derivative and substitutedstyrene.	46 FR 28004 (5/22/81)	Do.
81-202	Generic name: Polyether alkenyl alkanyl esters	46 FR 29524 (6/2/81)	July 26, 1981.
81-203	Generic name: Substituted alkyl cyanoacrylate	46 FR 29524 (6/2/81)	Do.
81-204	Generic name: Aliphatic alcohol	46 FR 29524 (6/2/81)	July 28, 1981.
81-205	Generic name: Aliphatic alcohol ester	46 FR 29524 (6/2/81)	Do.
81-206	Generic name: Substitutedthiol salt	46 FR 29527 (6/2/81)	July 26, 1981.
81-207	Generic name: Halogenated alkylated titanium mixed aluminum magnesium oxide.	46 FR 29524 (6/2/81)	July 28, 1981.
81-208	Generic name: Alkenyltri (substituted alkoxy) silane	46 FR 29524 (6/2/81)	Do.
81-209	Generic name: Polymer of: Adipic acid, isophthalic acid, trimethylol propane, neopentyl glycol, and silicone.	46 FR 29524 (6/2/81)	Do.
81-210	Generic name: Aromatic diazo dye	46 FR 29527 (6/2/81)	Do.
81-211	do	46 FR 29527 (6/2/81)	Do.
81-212	do	46 FR 29527 (6/2/81)	Do.
81-213	do	46 FR 29527 (6/2/81)	Do.
81-214	do	46 FR 29527 (6/2/81)	Do.
81-215	do	46 FR 29527 (6/2/81)	Do.
81-216	do	46 FR 29527 (6/2/81)	Do.
81-217	Generic name: Amide functional silane	46 FR 29524 (6/2/81)	July 29, 1981.

IV. CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICE OF COMMENCEMENT TO MANUFACTURE

PMN No.	Submitter	Chemical identification	Federal Register citation
80-195	Uniroyal	Generic name: Substituted alkyl oxamide	45 FR 58195 (9/2/80)
80-224	Confidential	Isophthalic acid, tall oil fatty acid, trimelletic anhydride, terephthalic acid, neopentyl glycol, and trimethylol propane.	45 FR 61820 (9/15/80).
80-226	Inmont Corporation	Dimethyl 1,4-cyclohexanedicarboxylate, maleic anhydride, neopentyl glycol, phthalic anhydride,trimethylol ethane polymer.	45 FR 61823 (9/15/80).
[illegible]	Uniroyal	Benzene propanoic acid, 3,5-bis(1,1-dimethylethyl)bis(amino-2,1 ethanediyl) ester.	45 FR 62195 (9/19/80).
80-253	Confidential	Coconut fatty acids, benzoic acid, isophthalic acid, neopentyl glycol, propylene glycol.	45 FR 67451 (10/10/80)
[illegible]	do	Generic name: Fatty acids esters with polyols	45 FR 71419 (10/28/80).
80-367	do	Generic name: Vegetable fatty acid modified polyester	46 FR 11356 (2/6/81)
80-378	do	Generic name: N-(substituted)-N-(substituted) acetamide	46 FR 12313 (2/13/81).
80-383	do	Ammonium dilinoleate	46 FR 11350 (2/6/81).
81-4	do	Polymer of maleic anhydride, phthalic anhydride, dicyclopentadiene, diethylene glycol, and adipic acid.	46 FR 12314 (2/13/81)
81-27	do	Generic name: Alkyd resin	46 FR 16121 (3/11/81)
81-28	do	do	46 FR 16121 (3/11/81)
81-53	do	Generic name: Ester of salicyclic acid	46 FR [illegible] (3/12/81).
81-58	do	Generic name: Phenolic novolak resin	46 FR 16935 (3/16/81).
81-59	do	do	46 FR [illegible] (3/16/81).
81-74	do	Generic name: Tetrasubstitutedphenol	46 FR 19306 (3/30/81).
81-76	do	Soya bean oil and polymer of bisphenol A, p-tert-butylphenol, formaldehyde.	46 FR [illegible] (3/30/81).
81-77	do	Generic name: Tetrasubstitutedphenol	46 FR 19308 (3/30/81)
81-85	do	Generic name: Trisubstitutedphenol	46 FR 19311 (3/30/81).
81-96	do	Generic name: Oxidized soy isolate	46 FR 19304 (3/30/81).
81-98	Andrews Paper and Chemical Company	Generic name: Epoxy resin/substituted amine adduct	46 FR 20764 (4/7/81).
81-132	Confidential	Generic name: Maleic anhydride-based unsaturated polyester resin modified with mixed phthalic acids.	46 FR [illegible]
81-147	do	Poly(oxy-1,4-butanediyl) alpha-hydroomega-hydroxy, polymer with 1,1-methylene bis(4-isocyanatobenzene) and 2-hydroxyethyl-2-methyl-2-propenoate.	46 FR 24666 (5/1/81).
81-161	Dupont	Generic name: Copolymer of styrene and mixed alkyl acrylates.	46 FR [illegible]
81-169	do	do	46 FR [illegible]

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PREMANUFACTURE NOTICES MONTHLY STATUS REPORT, JULY 1981—Continued

PMN No.	Submitter	Chemical identification	FEDERAL REGISTER citation
81-171	Confidential	1,3-Isobenzofurandione, polymer with 2,2-dimethyl-1,3-propanediol 1,2-ethanediol, 2-hydroxymethyl-1,3-propanediol, and tall oil acids.	46 FR 24989 (5/4/81).

PMN No.	Identity-generic name	FEDERAL REGISTER citation	Date suspended
	V. PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED		
80-137	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/89)	Sept. 22, 1980.
80-138	do	45 FR 48243 (7/18/80)	Do.
80-146	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt.	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters.	45 FR 49153 (7/23/89)	Do.
80-182	Generic name: Alkanedioic acids mixed alkanolamine salt	45 FR 54425 (8/15/80)	Oct. 30, 1980.
80-238	Glycerine, 1-alkanoate, 3-substituted alkanoate	45 FR 65662 (10/3/80)	Nov. 7, 1980.
80-264	Generic name: Benzeneamine, [*N*-(1-methyl-hexylidene)N-(1-methyl butylidene)-4,4'-methylene bis].	45 FR 73127 (11/4/80	Dec. 24, 1980.
81-228	Ethylthiosulfuric acid, 2-(((1,1,2,2-tetra-hydroperfluorooctyl)oxy)carbonyl) amino-sodium salt	46 FR 31940 (6/18/81)	July 6, 1981.
81-255	Di(2-propenyl)3,4,5,6-tetra - bromo - 1,2-benzenedicarboxylate	46 FR 35346 (7/8/81)	June 30, 1981

[FR Doc. 81-29029 Filed 10-5-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59062A TSH-FRL 1950-3]

Polymer of Disubstitutedbenezene, Disubstitutedbenzene, and Substitutedacrylic Acid; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-32) under section 5 of the Toxic Substances Control Act (TSCA) on September 2, 1981. Notice of receipt of the application was published in the **Federal Register** of September 16, 1981 (46 FR 46000). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on September 29, 1981.

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, D.C. 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances complied by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On September 2, 1981, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-32. The manufacturer claimed its identity confidential along with the specific chemical identity, and use. The chemical is identified by its generic name as polymer of disubstitutedbenzene, disubstitutedbenzene, and substitutedacrylic acid. A maximum of 50 kilograms (kg) will be manufactured for test marketing purposes, and will be processed into a test article only by the submitter during a test marketing period not to exceed four months. During manufacture and processing, 15 workers may be exposed to the TME substance for a maximum of 0.5 hour/day for up to ten days during the entire test marketing period. A notice published in the **Federal Register** of September 16, 1981 (46 FR 46000) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-81-32 under the conditions set out in the application will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance. The product will be manufactured in a closed system. There will be no consumer exposure to the TME substance in its final form, and no environmental release of the substance is expected.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customer(s) specified in the application, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 50 kg described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a period of four months commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: September 29, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-29017 Filed 10-5-81: 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51326; TSH-FRL 1950-1]

Polymer of Vinyl Acetate, Substituted Acrylic Acid Ester, Substituted Acrylic Acid Ester, and Substituted Acrylic Acid; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATES: Written comments by: December 27, 1981 (PMN 81-488).

ADDRESS: Written comments, identified by the document control number "[OPTS-51326]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, D.C. 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 81-488

Close of Review Period. December 27, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of vinyl acetate, substituted acrylic acid ester, substituted acrylic acid ester, and substituted acrylic acid.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be incorporated as a minor constituent of an article for commercial and consumer use.

PRODUCTION ESTIMATES

	Kilograms per year [illegible]
1st year	[illegible]
2d year	7,000
3d year	[illegible]

Physical/Chemical Properties

Solubility: water—<0.1%; octanol—<0.1%.

Glass transition temperature—69° C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>3,000 mg/kg.

Acute dermal toxicity LD_{50} (rat)—>1,000 mg/kg.

Skin irritation (rabbit)—Slight.

Eye irritation (rabbit)—Slight.

Exposure. The manufacturer states that during manufacture and processing 20 workers may experience dermal exposure for a maximum of 2 hrs/day, for up to 5 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that during operation 0-0.3 kg/day is expected to be released to water up to 16 days/yr. Aqueous wastes generated during manufacture and processing will be treated in a biological treatment system. The insolubles removed from the system will be incinerated.

Dated: October 1, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-29019 Filed 10-5-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Statement of Policy on Retail Repurchase Agreements

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Statement of Policy.

SUMMARY: This Statement of Policy alerts insured nonmember banks to legal and safety and soundness issues involved in the issuance of retail repurchase agreements ("retail repos"). This action is necessary to provide guidance to agency staff and to the public on the policy FDIC is following.

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT: On interest rate questions, F. Douglas Birdzell, Counsel, (202) 389-[illegible]; on disclosure questions, Gerald J. Gervino, Senior Attorney, (202) 389-4422; or Carol Galbraith, Attorney, (202) 389-4422, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: A retail repo evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof that the bank is obligated to repurchase, and is in denominations of less than $100,000, matures in less than 90 days, and cannot be automatically renewed or extended.

The number of banks and other financial institutions marketing retail repos has been increasing. These retail repo offerings raise a number of issues involving banking and securities laws. This Policy Statement is intended to assist banks to operate retail repo programs properly. The Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354) does not apply to general statements of policy; therefore, no regulatory-flexibility analysis is required. The Policy Statement does not entail any specified reporting or recordkeeping requirements within the ambit of the Paperwork Reduction Act of 1980 (Pub. L. No. 96-511). Because this is a Statement of Policy, it is not subject to Sections 553(b) through (d) of the Administrative Procedure Act and may

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be issued in final form without having been issued as a proposal.

FDIC Statement of Policy on Retail Repurchase Agreements

I. Introduction

The purpose of this Policy Statement is to alert insured nonmember banks to legal and safety and soundness issues involved in the issuance of retail repurchase agreements ("retail repos").

A retail repo evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof ["federal securities"] that the bank is obligated to repurchase, and is in denominations of less than $100,000, matures in less than 90 days, and cannot be automatically renewed or extended.

For analytical purposes, a retail repo may be viewed as a bank's borrowing that is collateralized by U.S. Government or agency obligations.

II. Advisability of Seeking Legal Counsel

Prior to initiating (advertising or issuing) its retail repo program, a bank should consult legal counsel that is competent in the field of securities law as to whether the program complies with 12 CFR 329.10(b)(2), applicable provisions of the Uniform Commercial Code, and state and federal securities laws, particularly the Investment Company Act of 1940 and the antifraud provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934. Each bank should obtain and maintain in its files, a current legal opinion that the retail repo program complies with applicable law.

III. "Transfer" of Securities

Section 329.10(b)(2) of FDIC Regulations (12 CFR 329.10(b)(2)) exempts from Part 329 ("Interest on Deposits") any nondeposit obligation of an insured nonmember bank that (a) evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any any agency thereof that the bank is obligated to repurchase, (b) is in denominations of less than $100,000, (c) matures in less than 90 days, and (d) cannot be automatically renewed or extended.

The transfer should be sufficient to identify the retail repo customer's interest in the underlying federal security. Although "transfer" does not require transfer of title of the federal security that collateralizes the retail repo, FDIC recommends that banks perfect the customer's security interest when it is possible to do so under state law. Banks are alerted that insufficient identification of a retail repo with the underlying federal security may create the appearance of a fund or "pool," for which registration under the Investment Company Act of 1940 might be required. Advertising and disclosure must not be misleading as to the nature of the interest transferred.

Banks may not issue retail repos unless the underlying federal security is fully guaranteed as a principal and interest by the United States or any agency thereof. Thus, for example, certain federal agency obligations such as Small Business Administration obligations that are less than fully guaranteed, do not qualify for the exemption stated in § 329.10(b)(2). State or local securities are not federal securities and do not qualify for the exemption.

IV. Investment Company Act Implications

The Investment Company Act of 1940 (15 U.S.C. 80a-1, *et. seq.*) requires registration with the Securities and Exchange Commission ("SEC") of any investment company, as defined in the Act. Pooled investment funds may be viewed as investment companies under the Investment Company Act, and thus be required to register.

In order to reduce the possibility that the underlying federal securities transferred pursuant to a retail repo program would be classified as an investment company, each federal security should be specifically earmarked as the federal security for a specific obligation or obligations of the issuing bank. Further, the bank must own the underlying federal securities at the time the retail repo interest is sold.

V. Borrowing Limits

If States regard retail repos as borrowings, then banks should comply with any applicable state law limiting borrowing by banks.

VI. Purchase of Own Retail Repos

A bank's trust department should not buy retail repos from the bank's own commercial department or from its affiliates and should not sell retail repos to its trust accounts.

VII. Disclosure

To avoid potential liability under the securities laws and to exercise safe and sound banking practices, banks should fully disclose all material information regarding the retail ropo offering.

At minimum, the face of the retail repurchase agreement should state conspicuously and in bold-face type:

This Obligation is Not a Deposit and is Not Insured by the Federal Deposit Insurance Corporation

The face of the retail repo should also state conspicuously and in bold-face type either (1) that the customer's interest in the underlying federal security is not perfected and that in the event of insolvency, the customer may only be able to look to the general assets of the bank and not to the underlying federal security; or (2) that the customer's interest in the underlying federal security is perfected.

If the agreement does not include all material disclosures, the face of the agreement should make specific reference to the Offering Memorandum (the agreement or disclosure statement) containing all other material disclosures.

Banks should obtain legal advice on what disclosures are necessary for their particular retail repo programs. At minimum, material disclosure includes disclosure that

1. The retail repo is not a deposit and is not insured by FDIC [this disclosure is in addition to the disclosures required to be on the face of the agreement];
2. The retail repo is not guaranteed by the U.S. government or any agency thereof;
3. The customer may be only a general creditor of the bank in the event of insolvency, unless the bank succeeds in perfecting the security interest in the underlying federal security; without perfection, the customer may look only to the general assets of the bank and not to the underlying federal security; if the bank has perfected the security interest, the method by which it has done so;
4. Even if the bank has perfected the security interest, the customer may become an unsecured creditor to the extent that the market value of the federal security falls below the amount invested at issuance of the retail repo; and
5. The nature and terms of the retail repo agreement, including a clear delineation of the rights and liabilities of the parties, including the following:
   a. The nature of the interest being sold;
   b. Identification of the underlying federal security;
   c. Explanation that the retail repo is an obligation of the bank and that the underlying federal security serves as collateral;
   d. The rate and method of computing interest;

e. The interest rate on the retail repo is not that of the underlying security, if that is the case;

f. The market value of the federal security equals or exceeds the face value of the retail repo at time of issuance;

g. Whether the customer is receiving an interest in all, or part, of an underlying federal security; customers must be informed if they are receiving only a fractional interest; and

h. If there are any conditions, such as penalties or fees, governing payment before maturity.

VIII. Advertising and Solicitation

Part 328 of FDIC Regulations (12 CFR Part 328), which applies to all insured banks, prescribes use of advertisement of a bank's FDIC-membership. Section 328.2(c) lists types of advertisements which do not require the official advertising statement. To avoid misleading the investing public, banks that find their retail repo advertisements to be "advertisements relating to securities business or securities department services" [See § 328.2(c)(18)] may delete the official advertising statement. When there is no exception in Part 328 for deletion of the official statement, advertisements should clearly and prominently state that the retail repo is not a deposit and is not insured by the FDIC.

Any advertisement for retail repos should state that they are not deposits and are not insured by the Federal Deposit Insurance Corporation.

Because of potential confusion about which banking services are insured by FDIC, banks should not advertise retail repo programs (in connection with which use of the official advertising statement may be misleading) in combination with advertisements for other bank services for which use of the official statement is mandatory.

To avoid misleading the investing public, it is recommended that banks separate their retail repo transactions from their deposit-taking functions; for example, retail repos should not be sold at teller windows or at areas designated for opening retail deposit accounts, to the extent permitted by the bank's physical facilities. Also, officers and employees should be thoroughly schooled in the nature of retail repo transactions, so that they will not misguide the public.

While the underlying federal security is fully guaranteed by the United States or an agency thereof, the retail repo is not. Hence, advertisements that mention the underlying federal security must disclose other facts sufficiently to avoid misleading the public. It is false and misleading to state that income earned from retail repos is exempt from state taxation.

IX. Safety and Soundness Issues

The market value of the underlying federal security should equal or exceed the amount of the retail repo at time of issuance.

Banks engaging in retail repurchase agreement programs should carefully evaluate their interest rate risk exposure and formulate policy objectives in light of the institution's entire asset and liability mix. Net interest sensitive positions at each maturity level should be analyzed and written policies and procedures adopted to control mismatches between the maturities of assets and liabilities. Also, liquidity management policies and practices need to be reviewed considering the bank's activity in these programs.

By order of the Board of Directors dated September 28, 1981.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81–28628 Filed 10–5–81; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–647–DR]

Marshall Islands; Trust Territory of the Pacific Islands Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Marshall Islands of the Trust Territory of the Pacific Islands (FEMA–647–DR), dated September 29, 1981, and related determinations.

DATED: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0520.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of September 29, 1981, the President declared a major disaster as follows:

> I have determined that the damage in certain areas of the Marshall Islands of the Trust Territory of the Pacific Islands resulting from a major fire on August 24, 1981, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the Marshall Islands, Trust Territory.
>
> In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.
>
> Consistent with the requirements that Federal assistance be supplemental, the Federal funds under Pub. L. 93–288 will be limited to 75 percent of all eligible public assistance in designated areas except for technical assistance which will be funded at 100 percent.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority. I hereby appoint Mr. Tommie C. Hamner of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Marshall Islands of the Trust Territory to have been affected adversely by this declared major disaster.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance. Billing Code 6718–02.)

Majuro Atoll for Public Assistance.

John E. Dickey,

Acting Associates Director, State and Local Programs and Support.

[FR Doc. 81–28661 Filed 10–5–81; 8:45 am]

BILLING CODE 6210–25–M

FEDERAL MARITIME COMMISSION

[Docket No. 81–55]

E. I. Du Pont De Nemours and Co. v. South African Marine Corporation, Ltd.; Filing of Complaint and Assignment

Notice is given that a complaint filed by E. I. Du Pont de Nemours and Company against South African Marine Corporation, Ltd. was served September 3, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18 of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge John E. Cograve. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 81-29027 Filed 10-5-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are is dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than October 29, 1981.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Continental Illinois Corporation, Chicago, Illinois (trust company and investment advisory activities; Florida): To engage through its subsidiaries, Continental Illinois Trust Company of Florida, N.A., and Continental Illinois Trust Company of Sarasota, N.A., in activities that may be carried on by a trust company, including activities of a fiduciary, investment advisory, agency or custodian nature. These activities would be conducted from an office of Continental Illinois Trust Company of Florida, N.A. in Boca Raton, Florida, serving Palm Beach County, Florida, and from an office of Continental Illinois Trust Company of Sarasota, N.A., Sarasota, Florida, serving Sarasota County, Florida.

2. SJV Corporation, Elkhart, Indiana (data processing activities: Illinois): To engage through its subsidiary, SJV Illinois Data Service, Inc., in providing financial or banking data support and transmission services to the financial industry. Such activities will be conducted from an office in Decatur, Illinois, serving Macon County, Illinois, and adjacent counties. Comments on this application must be received not later than October 23, 1981.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Affiliated Bancshares of Colorado, Inc., Boulder, Colorado (reinsuring activities; Colorado): To expand its authority to underwrite credit life and credit disability insurance through its subsidiary, First Colorado Bancshares Insurance Company, to include the following recently acquired banks: First National Bank of Center, Center; The Moffat County State Bank, Craig; The Colorado Bank and Trust Company, Delta; Fruita State Bank, Fruita; Montrose State Bank, Montrose; Chaffee County Bank, Salida; First National Bank, Westminister; and, First Colorado Bank, N.A., Colorado Springs, all located in Colorado.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (commercial financing, leasing and servicing activities, United States): To engage, through its subsidiary Security Pacific Finance Corp., in making or acquiring for its own account or for the account of others, asset based business loans and other commercial or industrial loans and extensions of credit such as would be made by a factoring, rediscount, or commercial finance company, and leasing and servicing activities with respect to personal property and equipment and real property. These activities would be conducted from an office of the subsidiary in Dallas, Texas, serving the United States.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, September 30, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-29059 Filed 10-5-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than October 29, 1981.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33

Liberty Street, New York, New York 10045:

1. The Chase Manhattan Corporation, New York, New York (finance, servicing, and leasing activities, northwestern United States): To engage through its indirect subsidiary, Chase Commercial Corporation, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a commercial finance, equipment finance or factoring company, including factoring accounts receivable, making advances and over-advances on receivables and inventory and business installment lending as well as unsecured commercial loans; servicing loans and other extensions of credit; leasing personal property on a full payout basis and in accordance with the Board's Regulation Y, or acting as agent, broker or advisor in so leasing such property, including the leasing of motor vehicles. These activities would be conducted from an office on Bellevue, Washington, serving the states of Idaho, Montana, Oregon, and Washington.

2. Manufacturers Hanover Corporation, New York, New York (mortgage banking; Florida): To engage, through its subsidiary Manufacturers Hanover Mortgage Corporation, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company, and servicing any such loans and other extensions of credit for any person. These activities would be conducted from *de novo* office of Manufacturers Hanover Mortgage Corporation to be located at 2300 Palm Beach Lake Boulevard, West Palm Beach, Florida 33409 and serving western Palm Beach County.

3. Manufacturers Hanover Corporation, New York, New York (mortgage banking; Maryland): To engage, through its subsidiary Manufacturers Hanover Mortgage Corporation, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company, and servicing any such loans and other extensions of credit for any person. These activities would be conducted from a *de novo* office of Manufacturers Hanover Mortgage Corporation to be located at Maryland Trade Center, 7500 Greenway Center Drive, Lanham, Maryland 20770, and serving Montgomery and Prince George's Counties.

4. J.P. Morgan & Co. Incorporated, New York, New York (trust company and investment advisory activities: Florida): To engage through its subsidiary, Morgan Trust Company of Florida, N.A., in activities that may be performed by a trust company, including activities of a fiduciary, in vestment advisory, agency, or custodial nature. Such activities will be conducted from an office located in Palm Beach, Florida, serving Palm Beach County.

5. U.S. Trust Corporation, New York, New York (trust company activities; Florida): To engage through its subsidiary, U.S. Trust Company of Florida, in operating a non-deposit trust company as authorized by Florida law, including the performance of fiduciary services as executor, trustee, guardian, and conservator, and the furnishing of investment advisory, custody, and agency services. These services will be conducted from an office at 125 Worth Avenue, Palm Beach, Florida 33480, serving customers in Palm Beach, Florida and the surrounding area.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, September 30, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-29060 Filed 10-5-81; 8:45 am]

BILLING CODE 6210-01-M

Elk County Bancshares, Inc.; Formation of Bank Holding Company

Elk County Bancshares, Inc., Howard, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96.5 percent or more of the voting shares of The Howard State Bank, Howard, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 30, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-29054 Filed 10-5-81; 8:45 am]

BILLING CODE 6210-01-M

Mangum Bancshares, Inc.; Formation of Bank Holding Company

Mangum Bancshares, Inc., Mangum, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.1 per cent or more of the voting shares of First Mangum Corp., Mangum, Oklahoma, and thereby gain indirect ownership of The First National Bank of Mangum, Mangum, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 30, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-29055 Filed 10-5-81; 8:45 am]

BILLING CODE 6210-01-M

United Bank Corporation of New York; Acquisition of Bank

United Bank Corporation of New York, New York, New York has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of The Oneida National Bank and Trust Company of Central New York, Utica, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of

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Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 30, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-29056 Filed 10-5-81; 8:45 am]

BILLING CODE 6210-01-M

West Coast Bancorp; Formation of Bank Holding Company

West Coast Bancorp, Encino, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of West Coast Bank, Encino, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the Application should submit views in writing to the Reserve Bank, to be received not later than October 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 30, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-29057 Filed 10-5-81; 8:45 am]

BILLING CODE 6210-01-M

Wynnewood Bancshares, Inc.; Formation of Bank Holding Company

Wynnewood Bancshares, Inc., Wynnewood, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The State Bank of Wynnewood, Wynnewood, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 30, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-29058 Filed 10-5-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81N-0288; DESI 8319]

Butazolidin Alka Capsules; Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of those parts of a new drug application (NDA 8-319) pertaining to Butazolidin alka Capsules, containing phenybutazone, aluminum hydroxide gel, and magnesium trisilicate. The basis of the withdrawal is that the product lacks substantial evidence of effectiveness for its labeled indications. The drug product has been used in the treatment of inflammatory disorders, but is no longer marketed.

EFFECTIVE DATE: October 16, 1980.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 8319 and directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jean Peeler, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In notice of opportunity for hearing published in the **Federal Register** of February 2, 1973 (33 FR 3209) (Docket No. FDC-D-573, now Docket No. 81N-0288), the Commissioner of Food and Drugs proposed to withdraw approval of pertinent parts of the following new drug application based on a lack of substantial evidence that the drug is effective as fixed combination and that each component of the combination makes a contribution to the claimed effects. In response to the notice, Geigy Pharmaceuticals requested a hearing, but later withdrew the request. Approval of parts of the following new drug application is now being withdrawn.

NDA 8-319; those parts of the NDA pertaining to Butazolidin alka Capsules, containing phenylbutazone, aluminum hydroxide gel, and magnesium trisilicate; Geigy Pharmaceuticals, Division of Ciba-Geigy Chemical Corp., Saw Mill River Road, Ardsley, NY 10502.

Any drug product that is identical, related, or similar to the drug product named above and that is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance at the address given above.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053 as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82) finds that, on the basis of new information before him with respect to the product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the combination drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Therefore, pursuant to the foregoing finding, approval of those parts of NDA 8-319 providing for the drug product named above and all amendments and supplements thereto is withdrawn effective October 16, 1981.

Shipment in interstate commerce of the above product or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: September 23, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-28821 Filed 10-5-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 78N-0341]

Combination Otic Solution Containing Neomycin Sulfate, Polymyxin B Sulfate, Hydrocortisone, Antipyrine, and Dibucaine Hydrochloride; Termination of Postponement of Date for Ceasing To Release

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice terminates the postponement of the date for ceasing to release Otocort Ear Drops (NDA 60-730) containing neomycin sulfate, polymyxin B sulfate, hydrocortisone, antipyrine, and dibucaine hydrochloride. The effect of the action is that this formulation of Otocort Ear Drops may no longer be marketed because it lacks substantial evidence of effectiveness.

EFFECTIVE DATE: October 16, 1981.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 30, 1979 (44 FR 5879), the Director of the Bureau of Drugs classified certain antibiotic-containing combination otic drug products as lacking substantial evidence of effectiveness. The Director revoked provisions for their certification or release and offered any person adversely affected by the action an opportunity to file objections and request a hearing.

In response to the revocation, Lemmon Pharmacal Co. requested a hearing concerning Otocort Ear Drops, a drug product that had been released pending a final determination on its effectiveness.

Accordingly, in the **Federal Register** of March 16, 1979 (44 FR 16006), to allow time to review the hearing request, the Director postponed the date after which FDA would stop releasing Otocort Ear Drops. Later, Lemmon reformulated Otocort to an effective otic product covered by an existing certification regulation, received FDA's approval of the new formulation, discontinued marketing the old formulation, and withdrew it hearing request. The reformulated product is not affected by this notice.

Therefore, the postponement of the date for ceasing to release Otocort Ear Drops as previously formulated to contain neomycin sulfate, polymyxin B sulfate, hydrocortisone, antipyrine, and dibucaine hydrochloride (NDA 60-730), and formerly marketed by Lemmon Pharmacal Co., P.O. Box, Sellerville, PA 18960, is hereby terminated; effective October 16, 1981.

(Federal Food, Drug, and Comestic Act (secs. 502, 507, 52 Stat. 1050-1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10, formerly § 5.1; see 46 FR 26052, May 11, 1981) and redelegated to the Director of the Bureau of Drugs (21 CFR 5.78)).

Dated: September 22, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81-28822 Filed 10-5-81; 8:45 am]

BILLING CODE 4110-03-M

Request for Nominations for a Representative of Industry Interests on a Public Advisory Panel

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for an industry representative to serve on the Dental Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel of the Bureau of Medical Devices. FDA has a special interest in ensuring that women, minority groups, the physically handicapped, and small businesses are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates, and nominations from small businesses that manufacture medical devices subject to the regulations.

DATE: Nominations should be received by November 20, 1981.

ADDRESS: All nominations and curricula vitae must be submitted in writing to Kay A. Levin, Bureau of Medical Devices (HFK-50), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Mary Jo Lyons, Bureau of Medical Devices (HFK-401), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for a member representing industry interests for the Dental Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel.

The functions of the medical devices section are to (1) review and evaluate available data concerning the safety and effectiveness of devices currently in use; (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories; (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; (4) advise on any possible risks to health associated with the use of devices; (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category; (6) review classification of devices to recommend changes in classification as appropriate; (7) recommend exemption to certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; (8) advise on the necessity to ban a device; and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Industry Representation

Section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) provides that each medical device panel include as a member one representative of interests of the device manufacturing industry. Each section will also have a representative of industry interests. This representative will be a nonvoting member.

Nomination Procedure

Any organization in the medical device manufacturing industry ("industry interests") wishing to participate in the selection of an appropriate member of a particular committee, panel, or section may nominate one or more qualified persons to represent industry interests. Persons who nominate themselves as industrial representatives will be considered but will not participate in the selection process. Therefore, it is recommended that all nominations be made by an organization or firm. Nominations shall include a complete curriculum vitae of each nominee and shall state that the nominee is aware of the nomination and is willing to serve as a member. The term of office is approximately 3 years.

Selection Procedure.

A letter will be sent to each organization or firm that has made a nomination, and to those organizations or firms indicating an interest in participating in the selection process, together with a complete list of all such organizations, firms, and nominees. This letter will state that it is the responsibility of each nominator to consult with the others in selecting a single member representing industry interests for the section to present to FDA within 60 days after receipt of the letter.

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(Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees)

Dated: September 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-28398 Filed 10-5-81; 8:45 am]

BILLING CODE 41[illegible]-03-M

[Docket No. 77N-0086]

Revision of Guideline for Adding Heparin to Empty Containers for Heparinized Source Plasma (Human)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a revised guideline for adding heparin to empty containers to be used for collecting heparinized Source Plasma (Human).

ADDRESS: Written comments and requests for a copy of the revised guideline (identified with the docket number found in the brackets above) to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 17, 1977 (42 FR 25381), the agency announced the availability of several guidelines for Source Plasma (Human), including a guideline for adding heparin to empty blood containers.

Heparinized Source Plasma (Human) is used only for the preparation of noninjectable products (e.g., reagents for coagulation tests). The guideline permitted individual blood collection centers to add heparin solution aseptically to empty blood containers immediately before collection of Source Plasma (Human). This practice was approved because commercially prepared blood containers with heparin were not available at that time. The guideline contains a provisional statement that commercially prepared containers with heparin must be used when available.

FDA's Bureau of Biologics, in reviewing the guideline, has noted that commercially prepared heparinized blood bags are not widely available, and that commercially prepared heparinized blood bags may no longer be available in the near future. In addition, there have been no known instances where heparinized blood containers prepared by individual blood collection centers have presented problems affecting safety or product effectiveness.

Consequently, the agency has amended the guideline by deleting the following sentence: "Acceptance of amendment to add heparin to containers is provisional and as soon as commercially prepared containers with solution are available, these must be used." In addition, the word "application" in Section 3 has been changed to "product license application" for clarity.

Single copies of the revised guideline are available from the Dockets Management Branch, at the address above.

Interested persons may submit written comments on the guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Such comments will be considered in determining whether further amendments to or revisions of this guideline are warranted. Two copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-28975 Filed 10-5-81; 8:45 am]

BILLING CODE 4110-03-M

[FDA 225-81-4002]

Telecommunications Equipment; Memorandum of Understanding With the Alaska Department of Environmental Conservation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration has executed a memorandum of understanding with the Alaska Department of Environmental Conservation. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented TELEX telecommunications equipment located in Juneau and Anchorage, Alaska.

DATE: The memorandum of understanding became effective July 29, 1981.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Interagency and Industry Affairs Staff (HFC-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1583.

SUPPLEMENTARY INFORMATION: FDA's policy is to publish in the **Federal Register** all agreements and memoranda of understanding between FDA and others (21 CFR 20.108(c)). Therefore, the agency is publishing the following memorandum of understanding:

Memorandum of Understanding Between the Alaska Department of Environmental Conservation and the Food and Drug Administration

I. Purpose.

The purpose of this Memorandum of Understanding (MOU) is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented TELEX Telecommunication Equipment located at the following addresses:

Department of Environmental
Conservation, Commissioner's Office,
Annex Bldg., 3½ Mile—Egan
Expressway, Juneau, AK 99811.

Department of Environmental
Conservation Office, Post Office Mall
Bldg., Rm. 33, Fourth and C Sts.,
Anchorage, AK 99510

II. Background

The Food and Drug Administration (FDA) has installed telecommunication transmission and receiving terminals at State agencies that regulate foods and drugs. These terminals are generally placed at the agency that has the primary responsibility for regulating foods and drugs in that State. However, there may be a number of other agencies in each State that also have regulatory responsibilities in this area. The Alaska Department of Environmental Conservation (ADEC), as the agency receiving the terminals, agrees to share the use of the terminals with other regulatory agencies in Alaska having responsibilities for the regulation of foods and drugs. In addition to terminal sharing, our two agencies must assure proper security, proper operation, and necessary support for the equipment.

III. Substance of Agreement

A. The Food and Drug Administration agrees:

1. To pay the cost of initial installation of the equipment and the relocation installation costs if the relocation is in

conjunction with a move of ADEC to a new address.

2. To pay the monthly rental cost directly to GSA and ALASCOM, Inc.

3. To identify for ADEC those agencies in Alaska which must be included in the terminal-sharing plan.

4. To make arrangements with ALASCOM, Inc. for the training of terminal operators.

5. Provide an Operator's Instruction Manual.

B. The Alaska Department of Environmental Conservation agrees:

1. To provide suitable physical locations with adequate security for the equipment.

2. To provide and pay for electric power to operate the terminals (110 volts).

3. To provide paper, tape, and other material necessary for the operation of the equipment.

4. To develop with other agencies in Alaska a terminal-sharing plan that is acceptable to FDA.

5. To share the terminal with other Food and Drug agencies in the State according to a terminal-sharing plan agreed to by each potential user.

6. To forward promptly all messages received for the other addresses on the terminal-sharing plan. To transmit promptly messages to FDA received from the agencies on the terminal-sharing plan.

7. To submit a monthly traffic log to the FDA Regional Office (Form to be furnished by FDA).

8. To maintain operator coverage for the terminal during the normal working hours of ADEC.

9. To notify vendor (Western Union) of any breakdown of the equipment or other need for maintenance.

10. To notify FDA (Region X or Headquarters) of periods that the equipment is out-of-service.

11. To use the system only for communications between ADEC and FDA (Regional, District, or Headquarters Office).

IV. Name and Address of Participating Agencies

Alaska Department of Environmental Conservation, 3½ Mile—Egan Expressway, Mail Pouch O, Juneau, AK 99811

Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

V. Liaison Officers

For Alaska Department of Environmental Conservation:
Commissioner, Department of Environmental Conservation, (Currently Ernst W. Mueller), Annex Bldg., 3½ Mile—Egan Expressway, Juneau, AK 99811, 907-465-2600

For Food and Drug Administration:
Federal-State Liaison Officer, Region X, Food and Drug Administration, (Currently Allen H. Schurr), 909 1st Ave., Rm. 5003, Seattle, WA 98174, 206-442-0520

VI. Period of Agreement

This agreement, when accepted by both parties, will be effective until terminated. It may be modified by mutual consent or may be terminated by either party upon a 30-day advance written notice to the other.

Approved and accepted for the Alaska Department of Environmental Conservation.

Ernst W. Mueller,

Commissioner, Alaska Department of Environmental Conservation.

Dated: July 29, 1981.

Approved and accepted for the Food and Drug Administration.

James W. Swanson,

Regional Food and Drug Director

Dated: July 24, 1981.

Effective date. This memorandum of understanding became effective July 29, 1981.

Dated: September 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-28976 Filed 10-5-81; 8:45 am]

BILLING CODE 4110-03-M

[Project No. 81D-0274]

Topical Corticosteroids; Class Labeling Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a class labeling guideline for the professional labeling of topical corticosteroids. Class labeling is appropriate for these products because they are all closely related in chemical structure, pharmacology, therapeutic activity, and adverse reactions. The guideline is intended to promote the use of identical professional labeling for each member of the topical corticosteroids drug class.

DATE: Effective October 6, 1981, a person may adopt the class labeling guideline for topical corticosteroid drug products and rely on it to meet the prescription drug labeling requirements.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:
Misoon Y. Chun, Bureau of Drugs (HFD-177), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6004.

SUPPLEMENTARY INFORMATION: FDA has prepared a guideline for the professional labeling of topical corticosteriod drug products. The labeling guideline can be used for each product within the drug class because all drugs in the class are closely related in chemical structure, pharmacology, therapeutic activity, and adverse reactions. Use of the guideline constitutes compliance with §§ 201.56, 201.57, and 201.100 (21 CFR 201.56, 201.57, and 201.100) of the agency's regulations for the content and format of professional labeling for human prescription drugs.

The professional labeling of prescription drugs is required to contain the information and be in the format specified by §§ 201.56 and 201.57. The application of those regulations to drug products is proceeding under the schedule established in § 201.59 (21 CFR 201.59, published in the **Federal Register** of May 16, 1980; 45 FR 32550). As described more fully in § 201.59, the regulations apply to topical corticosteroid drug products as follows: (1) On April 10, 1981, to drug products that are not subject to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), (2) on December 1, 1982, to drug products that on December 26, 1979, were subject to an approved new drug application under section 505 of the act (21 U.S.C. 355), and duplicates of those products, and (3) as of December 26, 1979, to other topical corticosteroid drug products for which marketing approval under section 505 of the act is sought from FDA. The agency recognizes that manufacturers and distributors of drugs in the first category have already revised their drugs' labeling to comply with the regulations. The agency nonetheless encourages those persons to adopt the agency's class labeling guideline for topical corticosteroids when practicable.

Class labeling guidelines should enhance the agency's regulatory program for prescription drugs. The guidelines will promote consistency in labeling among various drugs of the same drug class and help the agency review proposed labeling for new drugs and antibiotics. They will also help drug manufacturers prepare labeling for drugs they propose to market that is in compliance with legal requirements. Finally, class labeling will be most

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helpful to health care professionals who prescribe and dispense prescription drug products. Prescribers and dispensers must now compare the labeling for members of a drug class to determine the similarities and differences among the products in the class. Class labeling, which contains information about each member of the drug class, will eliminate the need for such comparisons.

The guideline that is the subject of this notice is intended to provide class labeling for the topical corticosteroid drug class. This guideline is appropriate as the basis for labeling for the following drugs in the topical corticosteroid drug class in the route of administration identified:

Betamethasone, Topical
Betamethasone, benzoate, Topical
Betamethasone, dipropionate, Topical
Betamethasone, valerate, Topical
Desonide, Topical
Desoximethasone , Topical
Dexamethasone, Topical
Diflorasone diacetate, Topical
Flumethasone pivalate, Topical
Fluocinolone acetonide, Topical
Fluocinonide, Topical
Fluorometholone, Topical
Flurandrenolide, Topical
Halcinonide, Topical
Hydrocortisone, Topical
Hydrocortisone acetate, Topical
Hydrocortisone valerate, Topical
Methylprednisolone acetate, Topical
Prednisolone, Topical
Triamcinolone acetonide, Topical

This is the third guideline FDA has made available as part of an effort to develop guideline professional labeling for 32 classes of prescription drug products. The first to be made available was the class labeling guideline for single-entity barbiturates, which appeared in the **Federal Register** of November 18, 1980 (45 FR 76356). That guideline was followed by the guideline for androgen drug products, for which a notice of availability was published in the **Federal Register** of July 10, 1981 (46 FR 35787). The agency's justification and rationale for developing class labeling guidelines as well as a description of the procedures followed in developing the text of the labeling was described in the November 18, 1980 notice. In the future, FDA intends to develop and make available a class labeling guideline for the following drug classes:

Aminoglycosides
Anesthetics—local
Anorectics—nonamphetamines
Anticoagulants—oral
Anticholinergics—centrally active
Anticholinergics—synthetic
Antidepressants
Antihistamines
Antipsychotics
Benzodiazepines
Cardiac glycosides
Cephalosporins
Diagnostic intravenous radiopaques
Diagnostic oral radiopaques
Erythromycins
Glucocorticoids
Insulins
Narcotic analgesics
Neuromuscular blocking drugs
Penicillins—G&V
Penicillins—semisynthetic
Potassium preparations
Quinidine salts
Rauwolfia alkaloids
Sulfonamides
Tetracyclines
Thiazides
Thyroides

This notice is issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to establish procedures of general applicability that are not legal requirements, but are acceptable to the agency. A person who follows this guideline is assured that his or her conduct is acceptable to the agency. The agency advises that the class labeling guideline for topical corticosteroid drug products complies with the prescription drug labeling regulations in §§ 201.56, 201.57, and 201.100 and can be relied upon by any person to meet these requirements. Under the provisions of § 314.8(d) (21 CFR 314.8(d)), the guideline labeling may be used before approval of a supplement to a new drug application. A person may choose to use alternative labeling statements that are not provided for in the guideline. If a person chooses to depart from the guideline, he or she may discuss the matter further with the agency to prevent expenditure of money and effort for labeling that the agency may later determine to be unacceptable.

Effective October 6, 1981, a person may adopt the class labeling guideline for topical corticosteroid prescription drug labeling requirements. Interested persons may submit written comments on the guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Comments will be considered in determining whether future amendments to or revisions of the guideline are warranted. Comments should be in two copies except that individuals may submit single copies, identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Persons interested in obtaining copies of the guideline should contact Misoon Y. Chun (address above).

Dated: September 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-28974 Filed 10-5-81; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 81N-0257]

Studies of Effects of Marketed Drugs; Cooperative Agreements

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of funds for fiscal year 1982 for Cooperative Agreements to support studies of the effects of marketed drugs. The purpose of these agreements is to provide financial assistance to support research on drug use and possible adverse effects of marketed drugs. FDA anticipates making 2 or more awards averaging $300,000 to $400,000 each. Support for research on drug-induced illnesses will be limited to a maximum of 3 years.

DATE: Prospective applicants are requested to submit letters of intent by October 30, 1981. Applications must be received by 3 p.m., November 30, 1981. The earliest beginning date for awards is February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Judith K. Jones, Bureau of Drugs (HFD-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4580.

SUPPLEMENTARY INFORMATION: FDA's authority to fund research projects is under section 301 of the Public Health Service Act (42 U.S.C. 241). Cooperative Agreements are authorized under Pub. L. 95-224. FDA's research program is described in the Catalog of Federal Domestic Assistance, No. 13.103.

I. Background

New drugs are required to undergo pharmaceutical, toxicological, and clinical testing before marketing. With the submission of adequate data on a drug's safety and efficacy, companies are granted a new drug application (NDA) which permits them to market their drug product in the United States. Although the information provided prior to marketing is sufficient to reach a justifying benefit to risk judgment, it is not adequate to anticipate all effects of drugs once a drug comes into general use and possible new risk to benefit ratios. Therefore, FDA finds it necessary to provide financial assistance to support research on drug use and possible adverse effects of marketed drugs.

This request for application (RFA) is intended to encourage the development of research projects in the area of drug-induced illness. These include spontaneous reports directly from the practicing physician, from the literature or from the manufacturer.

II. Research Goals and Objectives

The specific goals for these Cooperative Agreements will be to provide financial assistance to investigators conducting research on the effects of marketed drugs and the association between selected drugs and illness. Specifically:

1. To investigate unsuspected adverse effects of drug exposures.

2. To investigate and quantitate the occurrence of previously known or suspected drug-associated risk (i.e., adverse reaction rates or relative risks) in defined populations using cost effective methods (e.g., computer linkage or specially designed medical records). These include:

a. Estimates of adverse reaction rates in hospitalized adult medical and surgical patients.

b. Estimates of adverse reaction rates in hospitalized pediatric patients.

c. Estimates of adverse reaction rates for drugs used in the outpatient setting.

3. To assess possible associations between specific drug exposure and specific diagnoses, taking into account alternative explanations for any findings (e.g., nondrug etiology and confounding factors). These include:

a. Tabulation of the more common drugs associated with significant suspected drug-induced events occurring in pediatric and adult medical, obstetrical, and surgical patients.

b. Tabulation of the more common significant diseases or outcomes associated with suspected drugs in the above populations particularly in the acute hospital setting.

c. Studies of associations of drugs in chronic use with specific conditions such as cancer or birth defects where drugs may be causes.

4. To estimate in selected cases, if relevant, drug usage in defined populations.

5. To explore new methodologies and data bases in drug epidemiology.

The drugs and events to be studied should reflect concentration on areas of drug-associated disease where some or all of the following criteria may apply:

a. Where information is often lacking (such as latent effects not often detected by other postmarketing methods) in other postmarketing surveillance resources such as spontaneous reports, registries or totally automated drug-disease linkage systems (e.g., Medicaid).

b. Where a significant public health problem may exist due to widespread exposure to the drug.

c. Where the results of such a study can provide a relatively clear basis for corrective action and/or changes in medical use of a drug.

d. Where the uniqueness of a molecular entity or its setting of use may suggest the likelihood of a number of anticipated effects.

In addition, FDA is interested in innovative approaches to studying drug-event associations in specific populations or conditions; for example, for newly marketed drugs and drug use in pregnant, pediatric, and geriatric populations.

FDA anticipates that most studies will be nonexperimental studies and of the case-control and/or cohort study design. A case-control study is one in which patients are selected with a particular condition suspected to be associated with the drug (for example thromboembolism) and one of more control patient groups are obtained. The information studied concerns prior drug exposure to other etiological factors. Of special interest to FDA would be the ability to conduct case-control studies related to delayed effects, such as cancer and birth defects.

The cohort study, in which patients both exposed and not exposed to a drug of interest are identified, measures the rate of occurrence of untoward events (e.g., death from liver disease) in these patients after drug exposure.

Information on drug exposures could relate to either inhospital or outpatient exposure, and event(s) of interest could relate to acute or chronic effects. A list of examples of significant conditions often associated with drugs is provided in Appendix I. A list of widely used, established drugs is provided as guidance in Appendix II, and a list of new molecular entities approved by FDA since 1976 is in Appendix III.

For both case-control and cohort studies, the size of the study in relation to its ability to detect specific risks is critical and dependent upon population size and composition, extent of exposure to study drug, and rate of occurrence of the event in the population. It is expected that any application reflect recognition of these limits with respect to usefulness and validity of data to be obtained. Presentation of the quantity of diagnoses and drug exposures in the population and the quality and validity of this data is desired.

III. Reporting Requirements

Progress reports will be required quarterly. These reports will be due within 30 days from the last day of each quarter. Financial status reports will be required on an annual basis, to be submitted within 90 days from the last day of the budget period.

IV. Mechanism of Support

A. Award Instrument

Support for this program will be in the form of Cooperative Agreement awards. These awards will be subject to all policies and requirements which govern the grant programs of the Public Health Service including the provisions of 45 CFR Part 74 and requirements for cost sharing.

B. Eligibility

These Cooperative Agreements are available to any public or private nonprofit organizations and institutions and State and local units of government.

C. Length of Support

Support for research in drug-induced illnesses will be limited to a maximum of 3 years. Although this represents an ongoing effort, support of an individual institution or investigator beyond 3 years is subject to the grantee's performance, the competitive review process, and the availability of funds. The earliest beginning date for awards under this RFA is February 1, 1982.

D. Funding Plan

FDA anticipates making 2 or more awards averaging $300,000 to $400,000 each. The actual number of institutions and projects funded will depend upon the quality of the applications received. The total amount of funds available for fiscal year 1982 is anticipated to be approximately $1 million.

V. Delineation of Substantive Involvement

Inherent in the Cooperative Agreement award is substantive involvement by the awarding agency. Accordingly, FDA will have a substantive involvement in the programmatic activities of all the projects funded under this RFA. Substantive involvement includes, but is not limited to the following. Involvement may be modified to fit the unique characteristics of each application.

1. FDA will appoint project officers who will actively monitor the FDA-supported program under each award. During monitoring FDA may direct or redirect the selection of drugs to be investigated.

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2. FDA will establish a Postmarketing Surveillance Advisory Group which will provide guidance and direction to the programs, in particular, with regard to the drugs and events to be investigated. In some cases, FDA scientists will collaborate with grantees in determining the methodological approaches to be used.

3. Other FDA Scientists (e.g., epidemiologists and statisticians) will collaborate with the grantee on selection of projects. This collaboration will include data analysis, interpretation of findings, and where appropriate, co-author publications.

4. The investigator will periodically furnish information to FDA on the quantity of diagnoses and drug exposures which are available for exploring questions which arise.

5. The drug exposures and/or conditions to be focused on will be jointly agreed upon by the investigator and FDA.

VI. Review Procedure and Criteria

A. Review Method

Applications will undergo initial review by a review committee of experts in the field of drug epidemiology. This committee will review and evaluate each application based on its scientific merit. The applications will be subject to a second-level review by the FDA Postmarketing Surveillance Policy Group. This group will evaluate the applications based on their responsiveness to the RFA.

B. Review Criteria

Applications must be responsive to this RFA. Those applications judged not to be responsive to the FRA will be referred to the Division of Research Grants, National Institutes of Health for review and consideration as an unsolicited application. Applications that are judged to be unresponsive will not be considered for funding under this RFA. Applications will be reviewed according to the following criteria:

1. Responsiveness to the RFA.

2. Scientific merit of the research proposal. This will include:

a. The size and appropriateness of the study populations to conduct either case-control or cohort studies.

b. The proposed methods of approach to specific problems, including considerations of data validation (e.g., hospital vs. community controls) and data accuracy (e.g., completeness of automated data and training of data collectors).

c. The explicit recognition and description of criteria for selection of drugs and events proposed for study and the quality of the rationale used. This evaluation will be facilitated by the applicant's provision of a tabulation of the top 50 diagnoses and drug exposures in the population with definition of these tabulations and groupings (e.g., terminology classification such as ICD-9-CM).

Special consideration will be given to methodology which is cost effective (e.g., well-structured medical records and/or record linkage), if otherwise scientifically acceptable.

3. The plans for complying with regulations for protection of human subjects as applicable to the proposed study.

4. The research, experience, training, and competence of the principal investigator and the support staff. Special consideration will be given investigators with knowledge and previous experience in postmarketing surveillance and drug epidemiology, but applicants with strong acute and chronic disease epidemiologic background are encouraged to apply.

VII. Method of Application

A. Letter of Intent

Prospective applicants are requested to submit a brief 1-page letter of intent, which should include a short synopsis of the proposed research plan. This letter should be received no later than October 30, 1981, to the following address: Judith K. Jones, Director, Division of Drug Experience, Office of Biometrics and Epidemiology, Bureau of Drugs (HFD-210), Food and Drug Administration, PHS, HHS, 5600 Fishers Lane, Rm. 15B-23, Rockville, MD 20857, 301-443-4580.

FDA requests letters of intent only to provide an indication of the number and scope of applications to be received. It is not binding and it will not enter into the review of any proposal subsequently submitted. A letter of intent is not a necessary requirement for application.

B. Format for Application

Applications must be submitted on form PHS 398, Public Health Service Grant Application. The face page of the application must reflect the number of this RFA. The original and 6 copies of the completed application should be delivered to the address below. Application kits are also available from this source: Helen M. Crown, State Contracts and Assistance Agreements Branch (HFA-520), Food and Drug Administration, Rm. 12A-27, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6170.

Label the outside of the mailing package and the top of the application face page "RESPONSE TO RFA-FDA-BD-DDE-81-1".

Applications must be received by 3 p.m. on November 30, 1981. Applications received after that time will be forwarded to the Division of Research Grants at the National Institutes of Health to be considered as an unsolicited application. Late applications will not be considered for funding under this RFA.

Dated: October 1, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Appendix I—Some Important Suspected Drug-Induced Diseases/Conditions (a) = acute (<7 days); (b) = subacute (>7 days — 1 year); (c) = latent (>1 year) after exposure

I. Cardiovascular

Myocardial infarction (b)
Arrhythmia (a,b)
Myocarditis, pericarditis (b,c)
Cerebrovascular accident (b,?c)
Hypertension (a,b)

II. Malignancies

Carcinoma (c) e.g., breast, colon, pancreas
Lymphoma/leukemias (c)

III. Renal Disease

Renal failure—acute (a,b)—chronic (c)
Nephritis (b)
Nephrotic syndrome (a,b)
Calculi (b,c)

IV. Hepatic Disease

Acute hepatocellular/obstructive (b)
Chronic hepatocellular/obstructing fibrosing (b,c)

V. Gastrointestinal

Upper GI bleeding, ulceration (a,b)
Lower GI bleeding, irritation (a,b)
Lower GI chronic, severe (e.g., Crohn's Disease) (c)
Cholecystitis/cholelithiasis (b,c)
Pancreatitis (b,?c)

VI. Hematological

Bone marrow depression (a,b)
Agranulocytosis (a,b)
Thrombocytopenia (a,b)
Thrombosis (b,?c)

VII. Endocrine

Thyroid disease (b,c)
Pituitary Disease (b,?c)
Gonadal dysfunction (b,c)
Diabetes mellitus (b)
Parathyroid abnormalities (b) and bone disorders (b,c)

VIII. Collagen Disorders

Lupus erythematosis (b)
Allergic vasculities (b)

IX Neurological Disorders

Psychosis (a,b)
Seizures (a,b)
Peripheral neuropathies (b,c)
Degenerative CNS disorders (c)
Acute/chronic brain syndromes (a,b)
Behavioral (i.e., accidents, suicide) (a,b)

X. Special Sense Disorders

Eye-retinal, optic nerve, lens, glaucoma (a,b)
Ear-8th N, vestibular (a,b)

XI. Fibrosis

Retroperitoneal fibrosis (b,c)
Pulmonary fibrosis (c)

XII. Maternal/Fetal Problems

Birth defects (b)
Abnormal pregnancy/delivery (a,b)

XIII. Pediatric Problems

Pediatric neonatal disorders (a,b)
Developmental abnormalities (c)

XIV. Allergic/Hypersensitivity

Anaphylactoid reactions (a,b)
Severe skin reactions (a,b)

XV. Miscellaneous

Accidents/fractures (b,c)
Drug abuse/suicide (b)

APPENDIX II.—SELECTED, WIDELY USED GENERIC DRUGS AND INDIVIDUAL PRODUCTS

	Chronic use	Both	Acute
Hydrochlorothiazide	X		
Codeine		X	
Oral Contraceptives	X		
Diazepam	X		
Erythromycin			X.
Penicillin VK			X.
Ampicillin			X.
Tetracycline		X	
Propoxyphene		X	
Propranolol	X		
Digoxin	X		
Triamterene	X		
Furosemide	X		
Methyldopa	X		
Chlordiazepoxide		X	
Amoxicillin			X.
Reserpine	X		
Flurazepam		X	
Theophylline	X		
Potassium Chloride	X		
Belladonna alk		X	
Cephalexin			X
Chlorthalidone	X		
*Sulindac	X		
*Ibuprofen	X		
Tylenol/codeine		X	
Dimetapp®			X.
Actifed®			X.
Indocin®	X		
*Tagamet®		X	
Emp/codeine		X	
Premarin®	X		
Benadryl®		X	
Prednisone Oral		X	
Dilantin®	X		
Isordil®	X		
Elavil®	X		
Fiorinal®		X	
Synthroid®	X		
Phenobarbital	X		
Lomotil®			X.
Mycolog®			X.

APPENDIX II.—SELECTED, WIDELY USED GENERIC DRUGS AND INDIVIDUAL PRODUCTS—Continued

	Chronic use	Both	Acute
Tranxene®	X		
Diabinese®	X		
Antivert®		X	
Percodan®		X	

*New Molecular Entities.

Common OTC Drugs

aspirin
acetaminophen
phenylpropanolamine
ephedrine
neosynephrine
diphenhydramine
chlorpheniramine
brompheniramine
docusate
nonoxynol
hydrocortisone topical

APPENDIX III.—1-A, 1-B, 1-C NDA's APPROVED 1976–1980

1A	1B	1C
Year 1976: NaI^{131}, somatotropin, vidarabine, protirelin.	Ytterbium^{169}, Lactulose, gallium, beclomethasone, danazol (tetrafilcon), prazosin, I^{125} fibrinogen, amikacin, sincalide.	Naproxen, fenoprofen, tolmetin, lomustine, etidocaine, chloroprocaine, ticarcillin, Na fluorescein, prazepam, loperamide.
1977: Cimetidine	Probucol, colestipol, dinoprostone, cyclobenzaprine, disopyramide, [illegible], baclofen, (dimefilcon), thallous Cl.	[illegible], desoxymethasone, clemastine, carmustine (BCNU), azatadine [illegible], [illegible], diflorasone, lorazepam, quinestrol, tamoxifen.
1978: DMSO, bromocriptine, calcitrol, timolol, natamycin (opth).	Desmopressin, valproic acid, dobutamine, bretylium, metoprolol, metrizamide, cefamandole, cefoxitin, cisplatin.	[illegible], cefadroxil, seractide, TC^{99} [illegible], difenoxin/ atropine, butorphanol, (etafilcon A), sulindac.
1979: Metoclopramide, ticrynafen, metyrosine, minoxidil, isoflurane, daunorubicin.	Carboprost, cefaclor, nalbuphine.	IV fat emulsion, trimipramine, cyclacillin, amcinonide, nadolol.
1980: Oxamniquine, ritodrine.	Trifluridine, zomepirac.	Meclocycline cream, cinoxacine, meclofenamate, [illegible], [illegible], [illegible], Ca^{++} heparin, becampicillin.

1 = NME
A = important
B = moderate
C = little
() = lens.

[FR Doc. 81-28977 Filed 10-5-81; 8:45 am]

BILLING CODE 4110-03-M

Health Resources Administration

Application Announcement for Grants for Residency Training in General Internal Medicine or General Pediatrics

The Bureau of Health Professions, Health Resources Administration, announces that applications for Fiscal Year 1982, Grants for Residency Training in General Internal Medicine or General Pediatrics, are now being accepted under the authority of section 784, Title VII, of the Public Health Service Act, as recently amended by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35.

Section 784 authorizes the award of grants to schools of medicine and osteopathy, public and private nonprofit hospitals or any other entities for planning, developing and operating approved residency training programs which emphasize the training of residents for the practice of general internal medicine or general pediatrics. In addition, section 784 authorizes assistance in meeting the cost of supporting residents who are participants in any such program and who plan to specialize or work in the practice of general internal medicine or general pediatrics. While Pub. L. 97–35 also added authority under section 784 to assist in planning, developing and operating programs to train physicians who plan to teach in general internal medicine or general pediatrics training programs, this component of the provision is not being implemented at this time.

To receive support, programs must meet the requirements of final regulations published in the **Federal Register** on August 1, 1980, Vol. 45, No. 150.

Eligible applicants are public or private nonprofit schools of medicine or osteopathy, public and private nonprofit hospitals or any other public or nonprofit entity. We wish to highlight that for Fiscal Year 1982, eligibility for application has been broadened. Under the original authority of section 784, eligiblity was limited to public or private nonprofit schools of medicine or osteopathy. Pub. L. 97–35 broadens the criteria to include public and private nonprofit hospitals or other entities.

In the funding of approved applications, preference will be given to projects in which:

(1) Subtantial training experiences are provided in settings where physician assistance or nurse practitioners, or both, are used as part of a health care team.

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(2) Administrative and educational resources are coordinated for the use of a program of general internal medicine and a program of general pediatrics which are both to be conducted within a single project.

(3) Substantial portions of a project are conducted in a primary medical care manpower shortage area(s) designated under section 332 of the Public Health Service Act and in particular, one which is located in a Standard Metropolitan Statistical Area, as defined by the Office of Federal Statistical Policy and Standards, Department of Commerce; or in an area health education center funded, at least in part, under section 781 of the Act.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D-28), Bureau of Health Professions, Health Resources Administration, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301)436-6564.

Should additional programmatic information be requested, please contact: Primary Care Graduate, Medical Education Branch, Division of Medicine, Bureau of Health Professions, Health Resources Administration, Center Building, Room 3-44, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301)436-6581.

The deadline date for receipt of applications is November 30, 1981.

Fiscal Year 1982 materials are being made available without final action on the Fiscal Year 1982 budget. Therefore, adjustments and other changes may be necessary at a later date.

This program is listed at 13.884 in the Catalog of Federal Domestic Assistance. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A-95.

Applicants for Fiscal Year 1982 support, will not be subject to the HSA review requirement provided for under Title XV of the Public Health Service Act unless specifically requested to do so by that agency.

Dated: September 24, 1981.

Robert Graham,

Acting Administrator.

[FR Doc. 81-29009 Filed 10-5-81; 8:45 am]

BILLING CODE 41[illegible]

National Institutes of Health

Breast Cancer Task Force Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Task Force Committee, National Cancer Institute, October 28-29, 1981, National Naval Medical Center, Amphitheater, 2nd Floor, Bethesda, Maryland 20814. The entire meeting will be open to the public on October 28 from 8:30 a.m. to 5:00 p.m. and on October 29 from 8:30 a.m. to adjournment. On October 28 from 8:30 a.m. to 12:30 p.m. a scientific session on Interactions of Risk Factors in Breast Cancer will be held. Continuing on October 28 from 1:30 p.m. to adjournment and on Octobr 29 from 8:30 a.m. to adjournment, the work of this Advisory Committee will be conducted. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. D. Jane Taylor, Executive Secretary, Breast Cancer Task Force Committee, National Cancer Institute, Landow Building, Room 8C09D, National Institutes of Health, Bethesda, Maryland 20205 (301/496-6718) will furnish substantive program information.

Dated: September 25, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-29008 Filed 10-5-81; 8:45 am]

BILLING CODE 4110-08-M

General Clinical Research Centers Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Divisions of Research Resources, December 1-2, 1981, Conference Room 4, Building 31-A, 9000 Rockville Pike, Bethesda, Maryland 20205.

The meeting will be open to the public on December 1, 1981 from 9:00 a.m. to approximately 12:00 noon, to discuss administrative matters and program plans. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 1, 1981, from approximately 1:00 p.m. to recess, and on December 2 from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B-12, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Room 5B51, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6595, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clinical Research, National Institutes of Health)

NIH programs are not covered by OMP Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: September 25, 1981.

Thomas E. Malone,

Acting Director, National Institutes of Health.

[FR Doc. 81-29007 Filed 10-5-81; 8:45 am]

BILLING CODE 4110-08-M

National Heart, Lung, and Blood Advisory Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, November 23-24, 1981, from 9 a.m. to 5 p.m. at the National Institutes of Health, Building 1, Wilson Hall, Bethesda, Maryland 20205.

This meeting will be open to the public from 9 a.m. on November 23 to approximately 3 p.m. on November 24 for the discussion of program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on November 24 from approximately 3 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide summaries of the meeting and rosters of the Council members.

Dr. Jerome G. Green, Director of Extramural Affairs, NHLBI, Westwood Building, Room 7A–17, (301) 496–7416, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

[FR Doc. 81–29009 Filed 10–5–81; 8:45 am]

BILLING CODE 4110–08–M

Pharmacological Sciences Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Pharmacological Sciences Review Committee, National Institute of General Medical Sciences, National Institutes of Health, November 16 and 17, 1981, Building 31A, Conference Room 4, Bethesda, Maryland.

This meeting will be open to the public on November 16 from 8:45 a.m. to 10:00 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for approximately 12 hours for the review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on November 16, from approximately 10:00 a.m. to 5:00 p.m. and on November 17, from 9:00 a.m. to adjournment. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A10, Bethesda, Maryland 20205, Telephone: 301, 496–7301, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Anthony Demsey, Executive Secretary, Pharmacological Sciences Review Committee, Westwood Building, Room 950, Bethesda, Maryland, Telephone: 301, 496–7125.

(Catalog of Federal Domestic Assistance Program 13–859, Pharmacology-Toxicology Research, National Institute of General Medical Sciences, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: September 25, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–29008 Filed 10–5–81; 8:45 am]

BILLING CODE 4110–08–M

Office of the Secretary

Statement of Organization, Functions and Delegations of Authority; Office of Community Services

The Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services is amended to reflect the establishment of a new Operating Division—The Office of Community Services. This change is made to implement certain statutory provisions contained in the Omnibus Reconciliation Act of 1981, as interpreted by the United States District Court for the District of Columbia, pursuant to a Memorandum Order filed on September 22, 1981 (Civil Action No. 81–2267).

The following change is made to the Statement of Organization, Functions and Delegations:

Establish a new Part C, to read as follows:

Section C.00 MISSION

Within the Department of Health and Human Services, there is established the Office of Community Services. The Office of Community Services shall have the status of an Operating Division, and shall be responsible for administering: (1) the Community Services block grant and discretionary grant programs established by Sections 672 and 681 of the Omnibus Reconciliation Act of 1981 (Pub. L. 97–35); (2) the Community Services transition project grants authorized by Section 682 of the Omnibus Reconciliation Act for implementation during Fiscal Year (FY) 1982, at the discretion of State governments not electing to administer Community Services Block Grants in FY 1982; and (3) the programmatic close-out functions related to funds awarded by the Community Services Administration (CSA) in FY 1981 and prior years. These programmatic close-out functions are among the CSA close-out functions assigned to the Director of the Office of Management and Budget by Section 682(e) of the Omnibus Reconciliation Act and he has subsequently reassigned them to the Secretary of Health and Human Services.

Section C.10 ORGANIZATION

The Office of Community Services is under the leadership and direction of a Director who is directly responsible to the Secretary of Health and Human Services. The Office of Community Services consists of:

Office of the Director
Office of State and Project Assistance
Division of of Block Grants
Division of Discretionary Grants
Office of Special Grant Programs
Division of Grants Management
Division of Grants Administration
Office of Management Services
Office of Policy and Planning
Office of External Affairs
Office of the Inspector General
Legal Advisory Staff
Regional Offices

Section C.30 FUNCTIONS

Office of the Director

This Office provides executive direction and leadership to the Office of Community Services (OCS). The Director is assisted by a Deputy Director who assumes all of the Director's responsibilities in the Director's absence. In addition, the Deputy Director directs and oversees the operations of all the regional offices of OCS.

Office of State and Project Assistance

This Office is responsible for administering Community Action Block Grants and Discretionary Grants as defined under Sections 672 and 681 of the Omnibus Reconciliation Act of 1981.

Division of Block Grants

This Division is responsible for administering community action block grants to ameliorate the causes of poverty in communities within the States. This division also administers grants to Indian Tribes or Tribal organizations where it is determined that the members of tribal organizations would be better served by such grants.

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Divison of Discretionary Grants

This Division administers either through grants, loans, contracts, or jointly financed cooperative arrangements, monies for: (1) Ongoing of national or regional significance, with special emphasis on assistance to private, locally initiated community development programs for employment and business development opportunities for low-income residents, and; (2) Rural Development Loan Fund loans and guarantees and; (3) Community development credit union programs, and; (4) Technical assistance and training programs in rural housing and community facilities development, and; (5) Assistance for migrants and seasonal framworkers, and; (6) Recreational activities for low-income youth.

Office of Special Grant Programs

The Office of Community Grant Programs conducts financial, administrative, and grants management activities necessary to service, oversee, and close out community service grants which were either awarded previously by the Community Services Administration or are authorized to be awarded under the transition program provisions of Section 6823 of the Omnibus Reconciliation Act of 1981.

Division of Grants Management

The Division of Grants Management conducts the financial, administrative, and grants management activities necessary to service, oversee, and close out those grants established for community services under the transition provision (Section 682) of the Omnibus Reconciliation Act of 1981. The Division is responsible for the grant award, financial accounting, grants management, audit resolution, debt collection, and grants close-out activities related to these transition grants. The Division coordinates with the regional offices in the managment and close out of various grant awards.

Division of Grants Adminstration

The Division of Grants Administration conducts the financial management activities, administrative activities, and grant management activities necessary to service, oversee, and close out funds awarded by the Community Services Administration (CSA) in FY 1981 or prior years. The Division is responsible for funds disbursement control, financial accounting, grants management, audit resolution, debt collection and grants close-out services for those CSA grants under the Division's purview. The Division coordinates with the Regional Offices in monitoring and closing out those CSA grants administered by the Regional Offices.

Office of Management Services

The Office of Management Services provides administrative management support services to all components of the Office of Community Services (OCS) including personnel management, labor-management relations, procurement and contract services, property management, telecommunications, management analysis, correspondence control and paperwork and printing management, internal financial management and budget services, and computer operations. The Office of Management Services provides liaison between the OCS and components of the Office of Secretary which provide additional administrative management support services. The Office of Management Services also develops and implements the Equal Employment Opportunity and Affirmative Action programs of the Office of Community Services (OSC).

Office of Program Policy and Planning

The Office of Program Policy and Planning develops program policies and planning strategies through analysis and evaluation of issues and concerns affecting the programs of the Office of Community Services. The Office provides advice and assistance to the Director, OCS, and other OCS officials on program plans and policies.

Office of External Affairs

The Office of External Affairs carries out all public information activities of the Office of Community Services, including coordination of all responses to public inquiries. The Office, under the direction of the Assistant Secretary for Legislation, also conducts Congressional liaison activities related to the Divisions' programs. The Office of External Affairs also conducts day-to-day work necessary to implement the Freedom of Information Act and the Privacy Act within the Office of Community Services.

Office of the Inspector General for the Office of Community Services

This Office conducts audit review and investigative work associated with the administration of funds awarded by the Community Services Administration (CSA) in Fiscal Year 1981 and in prior fiscal years. The Inspector General's Office is located within the Office of Community Services for administrative and logistical purposes only. The Inspector General for the Office of Community Services himself receives substantive supervision from, and makes his substantive reports to, the Secretary of Health and Human Services.

Legal Advisory Staff

The Legal Advisory Staff provides legal advice to all elements of the Office of Community Services. On matters of litigation and potential litigation, the Staff coordinates its action with, and takes direction from, the General Counsel of the Department of Health and Human Services.

Regional Offices

Under the direction of the Deputy Director of the Office of Community Services, the Regional Offices carry out the operational activities necessary to implement headquarters policies and conduct the administrative oversight activities necessary to service and monitor the block grant, discretionary grant, and transition grant programs established by the Omnibus Reconciliation Act; and to monitor and close out the grants awarded in FY 1981 and prior years by the Community Services Administration.

Dated: September 30, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-28962 Filed 10-1-81; 10:16 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska National Petroleum Reserve; Tentative Parcel Selection for First Oil and Gas Lease Sale; Correction

October 1, 1981.

In Federal Register Document 81-26412 appearing on page 45202, in the issue of Tuesday, September 10, 1981, the land description for Parcel No. 08, Section 8 only is corrected to read as follows:

08, Section 18, T. 2 S., R. 4 W., Umiat Meridian,
Sec. 18, NE¼, W½, NE¼SE¼, W½SE¼.

Ed Hastey,

Associate Director.

[FR Doc. 81-29022 Filed 10-5-81; 8:45 am]

BILLING CODE 4310-84-M

Albuquerque District Advisory Council; Meeting

The Bureau of Land Management, Albuquerque District Advisory Council will meet October 22 in Santa Fe, in the El Gancho Restaurant meeting room, Old Las Vegas Highway, from 9 a.m. to 3 p.m.

The public is welcome to attend all portions of the District Advisory Council meeting, the agenda for which will include: explanation of the Chaco/San Juan land use decisions; the process by which the Preference Right Lease Applications will be dealt with in the Regional Coal Environmental Impact Statement and by which the District decision on the Ute Mountain Land Exchange will be deferred until the New Mexico Generating Station EIS is completed; a briefing on the new BLM director's policies regarding public lands; and a report on consultations with grazing permit holders in the Rio Puerco Resource Area.

Statements by the public may be made to the Council at 1 p.m. A time limit may be imposed or each statement depending on the number of people wishing to speak. Minutes of the meeting will be available for review within 30 days following the meeting.

Gordon A. Frashier,

Acting District Manager.

September 28, 1981.

[FR Doc. 81-29031 Filed 10-5-81; 8:45 am]

BILLING CODE 4310-84-M

Fairbanks District Advisory Council; Meeting

The Fairbanks District of the Bureau of Land Management will conduct a general meeting of the Fairbanks District Advisory Council on Thursday, November 5, 1981. The meeting of the Council will commence at 8:00 a.m. and adjourn at 5:00 p.m. with a noon lunch break. Public comment will be received concerning agenda topics from 1:00 p.m. to 2:00 p.m. Public comment may be limited by time constraints and therefore written comment is encouraged. Location of the meeting will be at the BLM offices at Fort Wainwright, Gaffney and Marks Road, in the second floor training facility.

The Council will discuss the Steese National Conservation Area and the White Mountain National Recreation Area, both formed under the Alaska National Interest Lands Conservation Act. Discussion will include Fairbanks' BLM plans and activities for the future of the areas and seek Council recommendation on the formulation of public involvement plans for the area.

The Council will also hear updates on current district activities and progress on previous Council recommendations.

Further information may be obtained from the Fairbanks District Office of Public Affairs, P.O. Box 1150, Fairbanks, Alaska 99707, or by calling (907) 356-2345.

James S. Murray,

Acting District Manager.

[FR Doc. 81-29034 Filed 10-5-81; 8:45 am]

BILLING CODE 4310-84-M

Montana and North Dakota; Regional Coal Team Meeting and Request for Public Comment on Potential Lease Tracts for Fort Union Federal Coal Production Region

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Regional Coal Team Meeting and a request for public comment on ranking factors and potential lease tracts.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR 3400, the Montana State Office is issuing this notice to announce a Fort Union Regional Coal Team meeting from November 2 through November 4 in the large Conference Room (6th floor) of Granite Tower, 222 North 32nd Street, Billings, Montana. On November 2, the meeting will begin at 10:00 a.m. and on November 3 and 4 at 8:15 a.m.

The Fort Union Coal Team agenda includes: (1) review and discuss the site specific analysis and public comments for the potential lease tracts and; (2) discuss the issues to be addressed in the regional lease sale environmental impact statement (EIS); (3) discussion of preliminary ranking of potential lease tracts; and (4) discussion of the array of potential lease tracts to be analyzed as alternatives in the regional EIS. Comments from the public on the tracts that have been identified and factors that may be considered by the Regional Coal Team in the tract ranking process are requested.

FOR FURTHER INFORMATION CONTACT: Bill Frey, Assistant Project Manager, Bureau of Land Management, Montana State Office, P.O. Box 30157, Billings, Montana, 59107, (406) 657-6632/FTS 585-6632.

SUPPLEMENTARY INFORMATION:

Tract Ranking Discussion

Twenty-four preliminary lease tracts have been identified in the Fort Union Federal Coal Production Region. The preliminary lease tracts which have been delineated, are being analyzed on a site specific basis, and will be ranked and considered for possible lease sales beginning in June 1983. The regional coal team may modify tract boundaries being ranked. The acreages in the tract analysis include all federal, state and private lands included within the delineated boundary.

The Regional Coal Team will discuss the ranking of tracts on the basis of high, medium and low desirability for leasing using three categories. These categories are coal economics, impacts on the natural environment, and social and economic impacts that could result if the tracts are leased and mined. These major categories have been further subdivided by the team into subcategories of subfactors such as tons of coal that could be mined, effect on air quality, population increases, etc. For use in the ranking process, the Regional Coal Team will determine the emphasis to be placed on, and the degree of importance of, each of the categories and subcategories. The tract ranking subfactors being considered for use by the Regional Coal Team follow:

I. Coal Economics
  A. Coal Quality
  B. Coal Quantity
  C. Coal Conservation and Maintenance
  D. Energy Production
II. Impacts to the Natural Environment
  A. Air Quality
  B. Minerals Other than Coal
  C. Water
  D. Wildlife
  E. Cultural Features
  F. Amenity Values
  G. Special Management Areas/Unique Resource Impacts
  H. Other Land Use and Transportation
  I. Reclamation Potential
  J. Unsuitability Criteria
III. Social and Economic
  A. Economic Changes
  B. Community Service Assessment
  C. Public Attitudes
  D. Lifestyle and Social Structure
  E. Agricultural Operations
  F. Consistency with Other Plans and Policies

In ranking the tracts, the Regional Coal Team will use tract profile data (tract delineation report), and site specific environemntal analysis report. The team will also use information obtained as a result of consultations with federal and state agencies, the views of the public as voiced at the EIS scoping meetings, comments received in response to this notice, and other considerations such as guidance provided by the Department of the Interior and the Bureau of Land Management.

The boundaries of the tracts may be modified by the Regional Coal Team based on the analyses contained in the tract profiles. The public is invited to comment on these potential lease tracts being considered by the Regional Coal Team. The Comments should be addressed to the Fort Union Project

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Manager, Mr. David Darby, Bureau of Land, P.O. Box 30157, Billings, Montana 59107. Comments must be received by the Fort Union Coal Project Manager by the close of business October 23, 1981. At the November meeting the Regional Coal Team will review the comments received in response to this notice before bidding discussions on tract ranking and discussions of the array of potential lease tracts to be analyzed as alternatives in the regional EIS.

Maps of the 24 tracts are contained in the publication "Fort Union Coal: Tract Summaries" available on request from the Office of Public Affairs, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, (406) 657-6561.

Michael J. Penfold,

State Director.

September 28, 1981.

[FR Doc. 81-29033 Filed 10-5-81; 8:45 am]

BILLING CODE 4310-84-M

Oil and Gas Leasing Within the National Petroleum Reserve in Alaska; Recent Decisions Regarding

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of recent decisions regarding oil and gas leasing within the national petroleum reserve in Alaska.

FOR FURTHER INFORMATION CONTACT:

Lee Barkow, Washington, D.C. (202) 343-6511

Jerry Wickstrom, Anchorage, Alaska (907) 271-3632.

SUPPLEMENTARY INFORMATION: This notice describes decisions relating to the first three oil and gas lease sales within the National Petroleum Reserve in Alaska (NPR-A).

The final environmental assessment (EA) for the 5.8 million-acre study area within NPR-A was signed on October 1, 1981, by the Bureau of Land Management's (BLM) Alaska State Director. The EA showed that 4.5 million acres are suitable for leasing without any further environmental review while 1.3 million acres will require an environmental impact statement (EIS) prior to further consideration. The EA is available through BLM offices in Anchorage, Alaska, and Washington, D.C.

The second oil and gas lease sale for NPR-A (Sale #822) is scheduled for May 26, 1982. The amount of acreage to be offered will be 500,000 acres plus an amount equal to that not leased at the first sale (Sale #821 on December 16, 1981.) Acreage for NPR-A Sale #822 will be selected from study areas, C, D, E, and G as described in the final EA. All acreage offered will be other than that previously offered.

The date for the third NPR-A sale will be announced in January 1982.

Ed Hastey,

Associate Director.

October 1, 1981.

[FR Doc. 81-29021 Filed 10-5-81; 8:45 am]

BILLING CODE 4310-84-M

Worland District Grazing Advisory Board; Meeting

September 28, 1981.

Notice is hereby given, in accordance with the Federal Advisory Committee Act (Pub. L. 92-463), that a meeting of the Worland District Grazing Advisory Board will be held at 9:00 a.m., November 9, 1981, in the conference room of the BLM office in Worland, Wyoming.

The agenda for this meeting includes: (1) Discussion and recommendations for additional 1982 fiscal year range improvement projects, (2) Discussion of annual work plan directives, (3) Discussion of new range improvement (RI-8100) policy, and (4) Opportunity for public comment.

The meeting will be open to the public. Interested persons who wish to make oral statements to the board, or file written statements must notify the District Manager, Bureau of Land Management, 1700 Robertson, Worland, Wyoming 82401, by November 5, 1981.

Paul M. Andrews,

Acting District Manager.

[FR Doc. 81-29032 Filed 10-5-81; 8:45 am]

BILLING CODE 4310-84-M

[CA-977]

California; Termination of Proposed Withdrawal and Reservation of Land

September 28, 1981.

Notice of the Forest Service, U.S. Department of Agriculture, application CA-977 for withdrawal and reservation of the following described land from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2), was published as FR Doc. 74-27885 on page 41557 of the issue of November 29, 1974, and republished as FR Doc. 77-17648 on pages 31497 and 31498 of the issue of June 21, 1977. The applicant has cancelled its application in its entirety.

Mount Diablo Meridian

T. 20 N., R. 11 W.,

Beginning at a point of the East line of Sec. 1, T. 20 N., R. 11 W., M.D.M., which point lies approximately 3,500 feet North of the Southeast corner of Sec. 1, thence westerly through Lot 7 of said Sec. 1 to a point on the West line of Lot 7, which point lies approximately N. 38°30′ E., 4,040 feet from the Southwest corner of Sec. 1. (Parcel 1)

Beginning at a point on the South line of Lot 5 of Sec. 1, T. 20 N., R. 11 W., M.D.M., which point lies approximately N. 23°00′ E., 4,050 feet from the Southwest corner of Sec. 1, thence northerly through Lot 5 of said section to a point on the South line of Lot 3, which point lies approximately S. 77°30′ E., 2,000 feet from the Northwest corner of Sec. 1, thence northwesterly through said Lot 3 to a point on the North line, which point lies approximately East, 1,750 feet from the Northwest corner of said section (Parcel 2).

The area aggregates 6 acres in Mendocino County, California.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), these lands shall at 10 a.m. on November 5, 1981, be relieved of the segregative effect of the aforementioned application.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-29035 Filed 10-5-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Diamond Fork Power System; Bonneville Unit; Central Utah Project; Intent To Prepare Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare a Draft Environmental Statement for the Diamond Fork Power System, Bonneville Unit, Central Utah Project, Utah. The draft is expected to be available for public review the fall of 1983. In addition, this process will insure compliance with Executive Orders relating to Floodplain Management (11988) and Protection of Wetlands (11990).

The project was authorized for construction as part of the Bonneville Unit by the Colorado River Storage Project Act of April 11, 1956 (70 Stat. 105). This unit, currently about 25 percent complete, would develop water in the Uinta Basin for local use and transfer to the Bonneville Basin where it would be used for power production, irrigation, and municipal and industrial purposes.

The Diamond Fork Power System is one of the six potentially interrelated systems of the Bonneville Unit. It is located in Wasatch and Utah Counties of Central Utah and would impact Fifth and Sixth Water Creeks and Diamond

Fork and Spanish Fork Rivers. It would facilitate the transbasin diversion and develop the hydroelectric power potential of the water supply for marketing throughout the Colorado River Storage Projects System. Proposed facilities would consist of a series of powerplants, reservoirs, tunnels, aqueducts, and pipelines. To date, there are three major alternatives which have been considered.

(1) The 1964 Definite Plan Report (DPR) Alternative was described in the Bonneville Unit 1964 DPR and the 1973 Environmental Impact Statement (INT FES 73–42). This impact statement was programmatic in nature, covering only the Strawberry Collection System and Starvation Complex, and committed the Bureau to preparation of impact statements for the remaining 4 systems. A Final Environmental Statement (INT FES 79–550 for the Municipal and Industrial System was filed with the Environmental Protection Agency in October 1979.

The DPR Alternative would consist of a gravity flow system and be composed of three reservoirs, three powerplants, and a variety of tunnels, aqueducts, and pipelines.

(2) The Sixth Water Pumped Storage Alternative would have similar features and alignment as the DPR Alternative, but it would be a combination pumped storage and gravity flow system. The largest reservoir under this plan would be moved about 8 miles upstream on the Diamond Fork River to function as an afterbay for one of the powerplants.

(3) The Fifth Water Pumped Storage Alternative is also a combination gravity flow and pumped storage system, but with a large underground powerplant and associated forebay reservoir at the upper end of the system on Fifth Water Creek. In addition, both this and the previous alternative incorporate an 8-mile pipeline below the lowest reservoir to assist in removing excesive flow from the the Diamond Fork River in order to enhance the existing fishery resource.

EIS scoping will be carried out to receive public input to the Draft Environmental Statement from interested organizations and individuals. This information will assist in determining the scope of the Draft Environmental Statement by identifying and prioritizing significant issues. A scoping meeting will be held during the fall of 1981. The time and place will be published at a later date.

Anyone interested in this project and/or Draft Environmental Statement should direct inquiries to Mr. Jay Franson, Bureau of Reclamation, 160 North 200 West, Provo, Utah 84601, telephone (801) 374–8610.

Dated: September 30, 1981.

Darrell D. Mach,

Acting Assistant Commissioner.

[FR Doc. 81–29086 Filed 10–5–81; 8:45 am]

BILLING CODE 4310–09–M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 24, 1981. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by October 21, 1981.

Carol Shull,

Acting Keeper of the National Register.

MICHIGAN

Houghton County

Lake Linden, *Lake Linden Village Hall and Fire Station,* 401 Calumet Ave.

Macomb County

Mount Clemens, *Grand Trunk Western Railroad, Mount Clemens Station,* 198 Grand St.

Monroe County

Monroe, *Weis Manufacturing Company,* Union and 7th Sts.

Schoolcraft County

Manistique, *Manistique Pumping Station,* Deer St.

Washtenaw County

Ypsilanti, *Ypsilanti Water Works Stand Pipe,* Summit and Cross Sts.

Wayne County

Detroit, *Lee Plaza Hotel,* 2240 W. Grand Blvd.

Wexford County

Cadillac, *Shay Locomotive,* Cass St.

[FR Doc. 81–28689 Filed 10–5–81; 8:45 am]

BILLING CODE 4310–70–M

Assateague Island National Seashore; Draft General Management Plan

AGENCY: National Park Service, Assateague Island National Seashore.

ACTION: Publication of the draft general management plan for Assateague Island National Seashore and solicitation of comments.

SUMMARY: This plan is a result of four years of planning and ultimately will provide for the future management and development of the National Seashore. The plan has been developed from the Preferred Alternative (published in the **Federal Register** in August 1979) and provides for moderate development. Comments will be incorporated into the Final General Management Plan.

Review period: This draft plan will be on review from October 15 to December 15 at Assateague Island National Seashore headquarters and at the Mid-Atlantic Regional Office, 143 So. Third Street, Room 310, Philadelphia, PA 19106. Copies will also be sent to all citizens presently on the mailing list.

FOR FURTHER INFORMATION CONTACT: Superintendent, Assateague Island National Seashore, Route 2, Box 294, Berlin, Maryland 21811. Comments should be sent to the Superintendent at the same address.

Dated: September 23, 1981.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 81–28996 Filed 10–5–81; 8:45 am]

BILLING CODE 4310–70–M

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 P.M. (PST) on Wednesday, October 28, 1981, at the Golden Gate National Recreation Area, Headquarters, Building 201, Fort Mason.

The Advisory Commission was established by Pub. L. 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyers, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margo Patterson Doss
Mr. Jerry Friedman
Ms Daphne Greene
Ms. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Duane "Doc" Mattison
Mr. John Mitchell
Mr. Merritt Robinson

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Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda items for this meeting will be staff briefings, a review of the Permittee Agreement for the Fort Mason Center, a non-profit organization operating within the Golden Gate National Recreation Area, and a review of the Headlands Foundation Report and National Park Service staff report on proposed activities and programs for the Marin Headlands Unit of the Golden Gate National Recreation Area as recommended by the General Management Plan.

The meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact William J. Whalen, General Superintendent of the Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123; telephone (415) 556–2920.

Minutes of the meeting will be available for public inspection by November 28, 1981 in the Office of the Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: September 28, 1981.

John H. Davis,

Acting Regional Director, Western Region.

[FR Doc. 81–28997 Filed 10–5–81; 8:45 am]

BILLING CODE 4310–70–M

Redwood National Park; Addition

Pub. L. 90–545, establishing Redwood National Park, in Sec. 2(a) authorizes the Secretary of the Interior, in order to assure the preservation of the scenery within the original boundaries of the Park, to modify the Park boundaries by giving notice of such modification in the Federal Register and by filing the revision with certain officers of Del Norte and Humboldt Counties. Accordingly, notice is hereby given of the inclusion by the Secretary of the Interior within the boundaries of Redwood National Park of the 49.23 acre Klamath Air Force Station Z–33. Maps depicting the area hereby included within the boundaries of Redwood National Park are designated SACR–3–0008, Segments 1–3, and are on file at National Park Service offices in San Francisco and Crescent City, California, and in Washington, D.C., as well as in the office of the Recorder of both Del Norte and Humboldt Counties, California.

John H. Davis,

Acting Regional Director, Western Region, National Park Service.

[FR Doc. 81–28995 Filed 10–5–81; 8:45 am]

BILLING CODE 4310–10–M

INTERSTATE COMMERCE COMMISSION

[Volume No. OP5–99]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.252 addressing specifically the issue(s) indicated as the purpose for republication.

James H. Bayne,

Acting Secretary.

MC 142319 (Sub-3) (Republication), filed January 2, 1981, published in the Federal Register issue of February 5, 1981, and republished this issue. Applicant: STRAUSS TRUCKING, LTD., A Corporation, P.O. Box 316, Bloomsbury, NJ 08804. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048. A Decision of the Commission, Division 1, decided August 6, 1981, and served August 12, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, in the transportation of (1) store, office, and restaurant fixtures, equipment, and supplies, and (2) materials, equipment, and supplies used in the manufacture of the commodities in (1) above, between points in the United States, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 81–28969 Filed 10–5–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decision; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectivenss of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

James H. Bayne,
Acting Secretary.

Volume No. OP1–274

Decided: September 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 158130, filed September 8, 1981. Applicant: LIGHTNING TRANSPORTATION, INC., 185 West McLemore Ave., Memphis, TN 38106. Representative: Harold D. Miller, Jr., 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205 (601) 948–5711. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Note.—This application is directly related to No. MC–F–14691 and published in this same **Federal Register** issue.

Volume No. OPY–5–166

Decided: September 25, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–F–14693, filed September 8, 1981. ANDREW A. CORADO, an individual (Corrado) (1617 Warren Ave., Niles, OH 44446)—CONTINUANCE IN CONTROL—REGAL TRANSPORTATION, INC. (Regal) (P.O. Box 310, Niles, OH 44446). Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Corrado, an individual, seeks to continue in control of Regal upon the institution by Regal of operations, in interstate or foreign commerce, as a motor common carrier. Corrado, also controls Harshman Industrial Cartage Co., Inc., a motor common carrier authorized in certificates No. MC 119599 and subs thereunder. Impediment: The operating rights of Harshman Industrial Cartage Co., Inc. duplicate the operating rights of Regal Transportation, Inc. Approval, and authorization of this transaction is, therefore, conditioned upon applicants setting forth all duplications and a plan for the elimination of such duplications, or reasons why duplicate operating rights under common control should be permitted to continue.

Note.—Regal has filed as a directly related application its intital common carrier application. This application, docketed No. MC 158129 is published in this same **Federal Register** issue.

MC 158129, filed September 8, 1981. Applicant: REGAL TRANSPORTATION, INC., P.O. Box 310, Niles, OH 44446. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between the facilities of United States Gypsum Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—This application is directly related to MC–F–14693 published in the same **Federal Register** issue.

[FR Doc. 81–28966 Filed 10–5–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP1–273]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: September 29, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

James H. Baynes,
Acting Secretary.

MC-F-14691, filed September 8, 1981. MCCLAIN GORDON, R. GORDON

BLACK AND A. WAKEFIELD GORDON, II, Individuals, (Gordons)—CONTINUANCE IN CONTROL—LIGHTNING TRANSPORTATION, INC., (Lightning) (Both of 185 W. McLemore Avenue, Memphis, TN 38106). Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, PO Box 22567, Jackson, MS 39205, (601) 948-5711. Gordons seeks to continue in control of Lightning upon the institution by Lightning of operations, in interstate or foreign commerce, as a motor common carrier. Gordons also controls Gordon Industries Inc., a noncarrier who controls Gordons Transports, Inc., through 95% stock ownership. Gordons Transports, Inc., operates as a motor common carrier pursuant to certificates issued in MC-11220. Impediment: The operating rights of Lightning Transportation, Inc., duplicate the operations authorized in Gordons transports, Inc. certificates. In compliance with the Commission's regulations set forth in 49 CFR 1134.51 approval and authorization of this transaction is conditioned upon applicant's cancelling all duplications or submitting a plan for the elimination of such duplications.

Note.—Lightning has filed a directly related application as its initial common carrier application docketed MC-158130 and published in this same **Federal Register** issue.

[FR Doc. 81-28970 Filed 10-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the approprite statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the services proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

James H. Bayne,
Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-276

Decided: September 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 143390 (Sub-3), filed September 18, 1981. Applicant: NORTHWEST TRANSPORT, INC., 932 Yorkshire Ave., Rice Lake, WI 5468. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting *general commodities* (except classes A and B explosives), between Shell Lake, Barronett, Cumberland, Comstock, Clayton, Clear Lake, Deer Park, Boardman, and Burkhardt, WI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 158191, filed September 14, 1981. Applicant: OZARK TRUCK BROKERS, INC., P.O. Box 429, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702 (501) 521-8121. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 158370, filed September 21, 1981. Applicant: 5 D TRUCK LEASING, INC., 8360 Fifth St., N.E., Spring Lake Park, MN 55432. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 158380, filed September 22, 1981. Applicant: F. T. S., INC., 5749 S.W. 120th Avenue, Ft. Lauderdale, FL 33330. Representative: Richard B. Austin, 320 Rockester Bldg., 8390 N.W. 53rd Street, Miami, FL 33166 (305) 592-0036. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY-3-181

Decided: September 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.)

MC 158344, filed September 18, 1981. Applicant: ROGER E. BOONE d.b.a. BOONE TRUCKING, 1171 Delameter Road, Castle Rock, WA 98611. Representative: (same as above) (206) 274-4658. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158385, filed September 22, 1981. Applicant: EDWARD CARTAGENA d.b.a. E & A TRUCK RENTAL & LEASING COMPANY, 2021 Tulane St., Federal Heights, CO 80221. Representative Edward Cartagena (same address as applicant) (303) 472–0538. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-28971 Filed 10-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-272]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: September 29, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the services proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issueance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

James H. Baynes,

Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 149440 (Sub-5), (Republication) filed January 29, 1981, previously noticed in the **Federal Register** issue of March 2, 1981. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First St., Fort Recovery, OH 45846. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *rubber and plastic products,* between Irving, TX, on the one hand, and, on the other, those points in the U.S. in and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

Note.—The purpose of this republication is to indicate Irving, TX as the origin point, in lieu of Dallas County, TX.

[FR Doc. 81-28972 Filed 10-5-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, a 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor carrier in interstate or

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foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–275

Decided: September 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Mc 7840 (Sub-45) filed September 14, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper St., Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLaughlin Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001, (202) 628–9243. Transporting *machinery, transportation equipment,* and *such commodities* as are used in the operation and maintenance of snowmobiles, between points in Franklin County, NY, and Washington County, VT, on the one hand, and, on the other, points in the U.S.

MC 105501 (Sub-55), filed September 21, 1981. Applicant: TERMINAL TRANSPORT, INC., 1851 Raddison Rd, NE, Blaine, MN 55434. Representative: Joseph J. Dudley, W–1260 First National Bank Bldg., St. Paul, MN 55101 (612)–291–1717. Transporting *batteries and battery parts,* between points in IA, IL, KS, MN, MO, MT, ND, NE, SD, WI and WY.

MC 108811 (Sub-8), filed September 22, 1981. Applicant: THOMAS MOTOR TOURS, INC., 5047 Solomon's Island Rd., Glen Burnie, MD 20820. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW, Washington, D.C. 20005 Transporting *passengers and their baggage,* in special operations, between points in Prince George's, Anne Arundel, and Charles Counties, MD, on the one hand, and, on the other, Atlantic City, NJ.

MC 115441 (Sub-2), filed September 18, 1981. Applicant: ELMER R. JOHNSON and MARVIN W. JOHNSON d.b.a. JOHNSON BROS., P.O. Box 351, Miles, IA 52064. Representative: Carl E. Munson, 469 Fischer Bldg., Bubuque, IA 52001 (319)–557–1320. Transporting *malt beverage,* between Memphis, TN, and Clinton, IA.

MC 116280 (Sub-29), filed September 18, 1981. Applicant: W. C. McQUAIDE, INC., 153 Macridge Ave., Johnstown, PA 15904. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101–1295 (717)–236–9318. Transporting (1) *printed matter;* and (2) *pulp, paper and related products, between the facilities used by Moore Business Forms, Inc., at points in IN, OH, PA, WV, MD, NY, NJ, DE and VA, on the one hand, and, on the other, points in IN, OH, PA, WV, MD, NY, NJ, DE and VA.*

MC 123980 (Sub-8), filed September 15, 1981. Applicant: MANDUS R. OLSON, 2148 Bunker Lake Blvd. NW, Anoka, MN 55303. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55002 (612) 227–7731. Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, New York, NY, and Greensburg, PA, and points in IL, IN, IA, KY, MI, MN, MO, NE, ND, OH, SD, and WI.

MC 134730 (Sub-34), filed September 8, 1981. Applicant: METALS TRANSPORT, INC., 528 South 108th Street, West Allis, WI 53214. Representative: M. H. Dawes (same address as applicant) (414) 258–9998. Transporting *boats,* between points in WI, on the one hand, and, on the other, points in the U.S.

MC 135381 (Sub-12), filed September 18, 1981. Applicant: DRUM TRANSPORTATION COMPANY, R. D. #1, Montgomery, PA 17752. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101 (703) 893–3050. Transporting *lumber and wood products,* between points in the U.S., under continuing contract(s) with Koppers Company, Inc., of Pittsburgh, PA.

MC 136391 (Sub-6), filed September 14, 1981. Applicant: BILL'S MOVING, INC., d.b.a. A–1 PIONEER MOVING & STORAGE, 471 W. 5th S., Salt Lake City, UT 84101. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111 (801) 531–3100. Transporting *new furniture, new office, commercial, and institutional fixtures, new household fixtures and appliances, new household and office furnishings, pianos, and piano benches, between points in UT.* Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its Certificate of Registration in MC–136391 Sub 2.

Note.—The purpose of this application is to convert applicant's Certificate of Registration in MC–136391 Sub 2, to a Certificate of Public Convenience and Necessity.

MC 139571 (Sub-6), filed September 17, 1981. Applicant: A. S. MASON, INC., 3110 Gibson Street, Bakersfield, CA 93308. Representative: Michael J. Stecher, 256 Montgomery Street, Fifth Floor, San Francisco, CA 94104, (415) 421–6743. Transporting (1) *Oil well drilling rigs and machinery,* and (2) *equipment, materials and supplies* used in the drilling and development of oil wells, between points in CA, TX, NV, OK, AZ, NM, UT, CO and WY.

MC 142941 (Sub-81), filed September 18, 1981. Applicant: SCARBOROUGH TRUCK LINES, INC., P.O. Box 6716, Phoenix, AZ 85005. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, Co 80202 (303) 892–6700. Transporting (1) *food and related products,* and (2) *such commodities* as are dealt in or used by wholesale and retail department stores and discount houses, between points in the U.S.

MC 143681 (Sub-5), filed September 14, 1981. Applicant: S & S CONTRACT CARRIERS, INC., P.O. Box 497, Royse City, TX 75089. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103 (817) 332–4718. Transporting *clay, concrete, glass or stone products, metal products, rubber and plastic products, material handling equipment and warehouse equipment,* between points in the U.S., under continuing contract(s) with S. Riekes & Sons, Inc., of Omaha, NE, and its subsidiaries Riekes Equipment Co., Riekes Container Co., and Riekes Crisa Corporation, all of Omaha, NE.

MC 145070 (Sub-8), filed September 16, 1981. Applicant: PROGRESSIVE PRODUCE CO., d.b.a. PATHFINDER TRUCKING, 1206 E. 6th St., Los Angeles, CA 90021. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211 (213) 655–3573. Transporting *food and related products,* between points in Los Angeles, Orange, Santa Clara and San Diego Counties, CA, on the one hand, and, on the other, points in the U.S.

MC 146820 (Sub-18), filed September 16, 1981. Applicant: B & G TRUCKING, INC., 579 High St., Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hoover Universal, Inc., of Georgetown, KY.

MC 150511 (Sub-2), filed September 22, 1981. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566–5639. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Abraham & Straus, Division of Federal Stores, of Brooklyn, NY.

MC 151660 (Sub-9), filed September 15, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same address as applicant) (214) 438–2851. Transporting *general commodities* (except classes A and B explosives), between the facilities used by CIBA-GEIGY Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154761, filed September 21, 1981. Applicant: WALT WILSON TRUCKING, INC., 2307 East Carson St., Carson, NV 90810. Representative: Gary W. Wigand, 13031 San Antonio Dr., Suite 214, Norwalk, CA 90650 (213)–863–8818. Transporting *general commodities* (except classes A and B explosives), between the ports of San Diego, Los Angeles, San Jose, Oakland, and San Francisco, CA, Seattle, WA, and Portland, OR, and on the one hand, and, on the other, points in CA, WA, and OR.

MC 155040 (Sub-2), filed September 21, 1981. Applicant: FRANK A. KAISER, III, and LENA D. KAISER d.b.a. L & D TRANSPORT, 10383 Ave. 408, Dinuba, CA 93618. Representative: Dwight L. Koerber, Jr., 110 N 2nd St., P.O. Box 1320, Clearfield, PA 16830 (814)–765–2860. Transporting *chemicals and related products,* between points in Tuscarawas County, OH, on the one hand, and, on the other, points in the U.S.

Note.—To the extent the certificate granted in this proceeding authorizes the transpertation of classes A and B explosives, it will expire 5 years from the date of issuance.

MC 155170 (Sub-1), filed September 21, 1981. Applicant: PEACH STATE TRUCK BROKERS, INC., P.O. Box 2937, Gainesville, GA 30503. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338 (404) 451–0401. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of electrical products, between points in Hall County, GA, on the one hand, and, on the other, points in the U.S.

MC 155491, filed September 9, 1981. Applicant: AGRICULTURAL TRANSPORT, INC., Route 1, Box 74–B, Ellerslie, GA 31807. Representative: F. Lee Champion, III, P.O. Box 2525, 1030–2nd Ave., Columbus, GA 31902 (404) 324–4477. Transporting (1) *agricultural lime, lime materials, lime granulars, dolomite, limestone, fertilizer and fertilizer materials,* and *land plaster,* between points in Escambia, Levy, Taylor, Hamilton, Jackson, Marion, Hillsborough, LaFayette, and Suwannee Counties, FL, on the one hand, and, on the other, points in GA and AL, (2) *slag,* between points in Jefferson County, AL, on the one hand, and, on the other, points in GA, and AL, (3) *agricultural lime, lime materials and lime granulars, fertilizer and fertilizer materials,* between points in Lee, Shelby and Bibb Counties, AL, on the one hand, and, on the other, points in GA, and FL, and (4) *fertilizer and fertilizer materials* between points in Chatham, Clarke, Columbia, Colquitt, Crisp, Dougherty, Effingham, Glynn, Muscogee, Richmond and Sumter Counties, GA, and Houston County, AL, on the one hand, and, on the other, points in AL and FL.

MC 157431, filed September 17, 1981. Applicant: ARTHUR EARL BROWN, d.b.a. ART'S MOBILE HOME SERVICE, 104 East 46th St., Boise, ID 83704. Representative: Arthur Earl Brown (same address as applicant) (208) 375–7120. Transporting *buildings, volumetric modulars* when transported on wheeled undercarriages, *trailers, mobile homes, camp coaches, truck campers, mobile home frames and undercarriages,* and *appliances, furniture, and personal effects* used in trailers designed to be drawn by passenger automobiles, between points in WA, OR, CA, NV, WY, MT, ID, and UT.

MC 158231, filed September 15, 1981. Applicant: TOURS BY US, P.O. Box 953, Merrimack, NH 03054. Representative: Lee Hamer, 12 Cummings Road, Merrimack, HN 03054 (603) 424–4525. As a *broker,* at Merrimack, NH, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in NH and extending to points in CT, RI, MA, UT, NH, and ME.

MC 158320, filed September 18, 1981. Applicant: TARA TRANSPORATION, INC., 383 East 16th Street, Chicago Heights, IL 60411. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603 (312) 236–9375. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Par Steel Products and Services, Inc., of Chicago Heights, IL.

Volume No. OPY–3–180

Decided: September 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Williams not participating.

MC 19945 (Sub-75), filed September 21, 1981. Applicant BEHKEN TRUCK SERVICE, INC., Rt. 13, New Athens, IL 62264. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006 (202) 466–3778. Transporting *chemicals and related products,* between points in Jefferson County, MO, on the one hand, and, on the other, points in AR, IN, IA, KY, MI, TN and WI.

MC 53965 (Sub-199), filed September 21, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Ave. 26th Floor, Detroit, MI 48226 (313) 965–2577. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, Wichita and Kansas City, KS.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 53965 (Sub-200), filed September 21, 1981. Applicant GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Ave. 26th Fl., Detroit, MI 48226 (313) 965–2577. Over *regular routes,* transporting *general commodities* (except classes A and B explosives), (1) between junction of U.S. Hwy 26 and Interstate Hwy 80 and Henry, NE, over U.S. Hwy 26, serving off-route points in Deuel, Garden, Morrill, Box Butte, Scotts Bluff, Banner, Kimball and Cheyenne Counties, NE, (2) between McCook, NE and North Platte, NE, over U.S. Hwy 83, and (3) between junction of U.S. Hwy 6 and U.S. Hwy 281 and McCook, NE, over U.S. Hwy 6.

MC 97894 (Sub-2), filed September 15, 1981. Applicant: PLANTE'S MOTOR TRANSPORT, INC., 51 Parker St., Woonsocket, RI 02895. Representative: Paul E. Plante (same address as applicant) (401) 769–4020. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Woonsocket, RI and Worcester, MA, from Woonsocket over RI Hwy 122 to RI/MA State line, then over MA Hwy 122 to Worcester, and return over the same route, and (2) Between Woonsocket, RI and Fall River, MA, from Woonsocket over RI Hwy 122 to junction RI Hwy 146, then over RKI Hwy 146 to junction Interstate Hwy 195, and then over Interstate Hwy 195 to Fall River, and return over the same route, serving Rehobeth, MA, as an off-route point.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 112805 (Sub-5), filed September 21, 1981. Applicant: ST. CLOUD CHARTER SERVICE, INC., 427 Lincoln Ave., N.E., St. Cloud, MN 56301. Representative: Jeffrey W. Kohlman, Fifth Floor, Lenox Towers, S, 3390 Peachtree Rd., N.E. Atlanta, GA 30326 (404) 262–7855. Transporting *passengers and their baggage,* in charter operations, between points in the U.S., under a continuing contract(s) with Green Giant Division of Pillsbury Company, Inc., of Glencoe, MN.

MC 133494 (Sub-22), filed September 18, 1981. Applicant: E. W. BELCHER

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TRUCKING, INC., Route 1, Box 757–M, Sanger, TX 76266. Representative: Timonthy Mashburn, P.O. Box 2207, Austin, TX 78768 (512) 476–6391. Transporting (1) *farm products,* (2) *food and related products,* (3) *chemicals and related products,* (4) *such commodities* as are dealt in or used by wholesale grocery business houses, and (5) *machinery,* between points in TX, on the one hand, and, on the other, points in the U.S.

MC 135185 (Sub-65) filed September 21, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203 (303) 839–5856. Transporting (1) *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Thermtron Products, Inc., of Ft. Wayne, IN, and (2) *machinery,* between points in the U.S., under continuing contract(s) with True Sales Company, of O'Fallon, MO.

MC 141094 (Sub-8), filed September 22, 1981. Applicant: ACME TRUCKING, INC., 109 E. Main St., Newark, OH 43055. Representative: Frank L. Calvary, 3066 No. Star Rd., Columbus, OH 43221 (614) 459–4248. Transporting *general commodities* (except classes A and B explosives), between the facilities utilized by Owens-Corning Fiberglas Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 142064 (Sub-6), filed September 21, 1981. Applicant: CAROLINA CARPET CARRIERS, INC., P.O. Box 6, Williamston, SD 29697. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SD 29606 (803) 288–6000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) International Paper Co., of New York, NY, (2) Parke-Davis & Co. of Greenwood, SC, (3) Stokely-Van Camp, Inc., of Indianapolis, IN, and (4) United Metal Services, Inc. of Greenville, SC.

MC 144115 (Sub-32), filed September 21, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 6670 11th Ave., SW, Rochester, MN 55901. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901 (608) 742–3579. Transporting *food and related products,* between points in Coffee, Morgan and Limestone Counties, AL, Stanislaus and Alameda Counties, CA, Hillsboro and Duval Counties, FL, Richmond and Whitfield Counties, GA, Randolph, St. Clair and Madison Counties, IL, Scott County, IA, Wyandotte County, KS, Lincoln County, LA, Hennepin and Ramsey Counties, MN, Jackson, Platte, Macon, Saline, Carrol, Sullivan and Phelps Counties, MO, Cascade County, MT, Douglas and Dodge Counties, NE, York and Northampton Counties, PA, Knox County, TN, and Grayson County, TX, on the one hand, and, on the other, points in the U.S.

MC 146855 (Sub-4), filed September 21, 1981. Applicant: JOEL WEHRMAN, Route 4, Box 4173, Selah, WA 98942. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055 (206) 235–4730. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with H. J. Stoll & Sons, Inc., of Portland, OR.

MC 146995 (Sub-4), filed September 21, 1981. Applicant: WINEBRENNER TRANSFER INC., 316 Woodhaven Drive, Hagerstown, MD 21740. Representative: Ronald E. Winebrenner (same address as applicant) (301) 797–7353. Transporting *building materials,* between points in MD, PA, NY, NJ, DE, VA, WV, OH, and DC.

MC 147475 (Sub-6), filed September 21, 1981. Applicant: WHITE TOP TRANSPORT, INC., P.O.B. 675, McMinnville, OR 97128. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210 (503) 226–3755. Transporting (1) *building materials* and (2) *lumber and wood products,* between points in OR, WA, CA, ID and MT, on the one hand, and, on the other, points in OR, WA, MT, ID, CA, NV, UT, AZ, WY, CO, TX and NM.

MC 148234 (Sub-2), filed September 21, 1981. Applicant: LAWRENCE TRUCKING, INC., 14230 Dalewood Ave., Baldwin Park, CA 91706. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306 (805) 872–1106. Transporting (1) *chemicals and related products,* (2) *rubber and plastic products,* between points in Fresno and Ventura Counties, CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NM, NV, OR, UT, WA and WY, and (3) *furniture and fixtures,* between points in Fresno County, CA, on the one hand, and, on the other, points in AZ, CO, NM, OR, UT and WA.

MC 148355 Sub-3, filed June 2, 1981, previously noticed in the **Federal Register** on June 16, 1981. Applicant: A–1 DISPOSAL CORPORATION, P.O. Box 301, 400 Broad St., Plainwell, MI 49080. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503 (616) 459–6121. Transporting *hazardous waste materials* (except nuclear waste and explosives), between the facilities of General Electric Co., on the one hand, and, on the other, points in the U.S.

Notice.—This republication corrects the territorial description.

MC 155774 (Sub-1), filed September 18, 1981. Applicant: G.M.C. MOTOR TRUCK SALES, INC.—LAND OVER TRANSPORTATION DIVISION, P.O. Box 693, Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 156004 (Sub-1), filed September 18, 1981. Applicant: HARLAN ERDAHL TRUCKING, INC., 1901 Erdahl Road, Stoughton, WI 53589. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719 (608) 273–1003. Transporting *transportation equipment,* between points in the U.S., under a continuing contract(s) with Gilomen Truck & Equipment, Inc. and Gilomen Trailer Sales, Inc., both of Madison, WI.

MC 157075, filed September 21, 1981. Applicant: HALVOR JOHN McCABE, d.b.a. H. M. TRANSPORT, 6422 Lyndhurst Lane, Rockford, IL 61109. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603 9312) 236–0548. Transporting *general commodities* except classes A and B explosives), between points in IL, IN, IA, MI, MN, and WI, on the one hand, and, on the other, points in the U.S.

MC 158374, filed September 21, 1981. Applicant: IRON HORSE EQUIPMENT CORPORATION, 17909 Adelanto Rd., Adelánto, CA 92301. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017–4581, (213) 483–4700. Transporting *non-metallic minerals, clay, concrete, glass or stone products,* between points in Kern, San Bernardino, Riverside, Los Angeles, Orange, San Diego, Santa Clara, Fresno and Imperial Counties, CA, on the one hand, and, on the other, points in OR, WA, UT, NV, AZ, and NM.

MC 158375, filed September 21, 1981. Applicant: DAVID I. PRUITT AND NORMA L. PRUITT d.b.a. D & J TRUCKING, 1475 Ocean Blvd., Coos Bay, OR 97420. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258 (503) 227–1681. Transporting *building materials,* between points in OR, WA, ID, NV, CA, MT, CO, AZ, NM, UT and WY.

MC 158384, filed September 22, 1981. Applicant: P & H TRANSPORTATION, INC., Box 394, Bradford, VT 05033. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103 (413) 781–8205. Transporting

Petroleum, natural gas and their products, between points in CT, ME, MA, NH, NJ, NY, and VT.

MC 158395, filed September 21, 1981. Applicant: GSS TRAVEL, 6809 Torresdale Ave., Philadelphia, PA 19135. Representative: John Pierron (same address as applicant), (215) 338–7575. As a *broker,* at Philadelphia, PA, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* beginning and ending at points in PA, NJ, DE, and MD, and extending to points in the U.S.

MC 158405, filed September 21, 1981. Applicant: C.P.G.S. Inc., d.b.a. COURTESY TRUCKING, 3641 N.W. St. Helens Rd., P.O. Box 3631, Portland, OR 97208. Representative: Richard Van Hyning (same address as applicant), (503) 223–7514. Transporting *general commodities,* between points in NV, OR, and WA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 3, Room 2158.

Note.—The certificate in this proceeding to the extent it authorizes the transportation of classes A and B explosives shall expire 5 years from the date of issuance.

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Decided: September 25, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 5888 (Sub-71), filed September 18, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th St., Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Modern Merchandising, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 5888 (Sub-72), filed September 18, 1981. Applicant: MID-AMERICAN LINES, INC., 127 West 10th St., Kansas City, MO 64105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *plastic products* between points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing regular route authority at Cleveland, OH, to provide service on its regular routes in IL, IN, IA, KS, MI, MN, MO, NE, OH, and WI.

MC 113678 (Sub-914), filed September 18, 1981. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner, (same address as applicant), 303–289–6181. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 124159 (Sub-17), filed September 17, 1981. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dacotah Paper Co., of Fargo, ND.

MC 143568 (Sub-6), filed September 18, 1981. Applicant: SIMMONS TRUCKING, INC., Glenwood, P.O Box 71, MO 63541. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105; 816–221–1464. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with So-Good Potato Chip Co., of St. Louis, MO.

MC 143699 (Sub-5), filed September 15, 1981. Applicant: QUALITY CONTRACT CARRIERS, INC., 1009 West Edgewood Ave., Indianapolis, IN 46217. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (317) 632–3721. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 144359 (Sub-3), filed September 15, 1981. Applicant: STANLEY G. DUNIGAN, d.b.a. DUNIGAN TRUCKING COMPANY, 1875 Bunty Station Rd., Delaware, OH 43015. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 146108 (Sub-4), filed September 18, 1981. Applicant: BIG T TRANSFER, INC., P.O. Box 287, 2614 Jacobs Ave., New Albany, IN 47150. Representative: Harold C. Jolliff, 3242 Beach Dr., Columbus, IN 47201, 812–379–2556. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Airco Carbide, a Division of Airco, Inc., of Louisville, KY.

MC 147008 (Sub-4), filed September 18, 1981. Applicant: ALBERT NEAL WEBBER, JR., d.b.a. A. N. WEBBER, P.O. Box 95, Chebanse, IL 60922. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603, (312) 236–9375. Transporting *metal products and machinery,* between points in the U.S.

MC 147348 (Sub-17), filed September 21, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. Second, Suite 411, Little Rock, AR 72201, 501–375–3022. Transporting *such commodities* as are dealt in or used by wholesale, retail, discount, variety and department stores, between points in Pulaski County, AR, on the one hand, and, on the other, points in the U.S.

MC 150939 (Sub-23), filed September 17, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15219. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with American Hardware Supply Company, of Butler, PA.

MC 151788 (Sub-9), filed September 21, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, 913–234–0565. Transporting *metal products,* and *furniture,* between points in Kaufman County, TX, on the one hand, and, on the other, points in the U.S.

MC 154208 (Sub-1), filed September 15, 1981. Appliant: CISCO TRUCKING COMPANY, P.O. Box 75, Carlinville, IL 62626. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603, (312) 236–9375. Transporting *lumber and wood products,* between points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, NC, OH, PA, SC, TN, and WI.

MC 156718, filed September 14, 1981. Applicant: JOHN SNYDER TRUCKING, INC., R.R. #2, Walker, IA 52352. Representative: John Snyder (same address as applicant), (319) 474–2503. Transporting *malt beverages,* between Milwaukee, WI, and points in Peoria County, IL, on the one hand, and, on the other, points in Webster County, IA.

MC 157108 (Sub-1), filed September 16, 1981. Applicant: REVCO, INC., Rt. 1, Box 366–A, Amory, MS 38821. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103,

(901) 527–2482. Transporting (1) *lumber and wood products,* between points in Marion County, AL, on the one hand, and, on the other, points in IA, (2) *sawmill machinery,* between points in Leflore County, MS, and Isabella County, MI, on the one hand, and, on the other, points in MI, PA, and WI, and (3) *metal products,* between points in Lee County, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MI, OH, PA, TN, and TX.

MC 158308, filed September 17, 1981. Applicant: ALL SOUTH FREIGHT SYSTEMS, INC., 1014 Sampler Way, East Point, GA 30344. Representative: J.L. Fant, P.O. Box 577, Jonesboro, GA 30237 (404) 477–1525. Transporting *general commodites* (except classes A and B explosives), between points in Clayton, Cobb, DeKalb, Fulton and Gwinnett Counties, GA, on the one hand, and, on the other, points in FL.

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Decided: September 28, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF 569, filed September 17, 1981. Applicant: GOLDEN COAST FORWARDING, LTD., 3600 S. Western Ave., Chicago, IL 60609. Representative: H. Barney Firestone, 10 S. LaSalle St., Chicago, IL 60603, (312) 263–1600. As a *freight forwarder* of *general commodities* (except classes A and B explosives), between points in CA, OR, and WA on the one hand, and, on the other, points in NC, SC, GA, FL, OH, MI, IN, IL, IA, TN, MO, and WI.

MC 105159 (Sub-45), filed September 17, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1800 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 224–8267. Transporting *such commodities* as are dealt in or used by distributors of tires, tubes and automotive parts, between points in IA, IL, MN, MT, ND, SD, WI, and the Upper Peninsula of MI, on the one hand, and, on the other, points in the U.S.

MC 115648 (Sub-40), filed September 22, 1981. Applicant: LOCK TRUCKING, INC., P.O. Box 278, Wheatland, WY 82001. Representative: Ward A. White, P.O. Box 568, Cheyenne, WY 82001, (307) 634–2184. Transporting *lumber and building materials* (1) between points in Humboldt County, CA, on the one hand, and, on the other, Denver, CO, and points in Arapahoe County, CO, and Albany, Natrona, and Laramie Counties, WY, and (2) between points in Lincoln County, WY, on the one hand, and, on the other, Denver, CO.

MC 124408 (Sub-23), filed September 22, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *such commodities* as are dealt in or used by dealers, distributors, and manufacturers of cosmetics and skin care products, between points in the U.S., under continuing contract(s) with Mary Kay Cosmetics, Inc., of Dallas, TX.

MC 126899 (Sub-145), filed September 18, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., Paducah, KY 42001. Representative: George M. Catlett, Suite 708 McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *chemicals and petroleum products,* between points in GA, IL, IN, KY, MO, OH, and TN.

MC 139858 (Sub-43), filed September 22, 1981. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. van Orman, 1729 H St., NW., Washington, DC 20006, (202) 337–6500. Transporting *coatings and sealers,* between points in the U.S., under continuing contract(s) with Studebaker Chemical Company of Avon, OH.

MC 144449 (Sub-10), filed September 18, 1981. Applicant: A & A MOVING & STORAGE CO., d.b.a. A & A CONTRACT CARRIERS, 414 Blue Smoke Court West, Fort Worth, TX 76105. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103, (817) 332–4718. Transporting *radio broadcast transmitters,* between points in the U.S., under continuing contract(s) with Continental Electronics Mfg. Co., of Dallas, TX.

MC 144989 (Sub-24), filed September 18, 1981. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Court, Charlotte, NC 28205, (704) 847–6981. Transporting *textile mill products,* between points in Augusta County, VA, and Whitfield County, GA, on the one hand, and, on the other, points in the U.S.

MC 150568 (Sub-5), filed September 21, 1981. Applicant: CASE CARRIAGE CO., 715 S. Sugar St., Celina, OH 45822. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *food and related products,* between the facilities used by Swift Independent Packing Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155959, filed September 18, 1981. Applicant: ROSEBUD FREIGHT LINE CO., INC., 505 South Washington, Aberdeen, SD 57401. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603, (312) 262–2306. Transporting *such commodities* as are used in the construction, installation and dismantling of railroad lines and pipelines, between points in CO, IL, IA, KY, MN, MT, NE, ND, SD, WI, and WY.

MC 156619, filed September 21, 1981. Applicant: JOE MONSON, d.b.a. QUALITY LUMBER CO., P.O. Box 190, Ulysses, KS 67880. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *drilling mud* and *chemicals,* between points in the U.S., under continuing contract(s) with Davis Mud & Chemicals, Inc., of Great Bend, KS.

MC 156829, filed September 21, 1981. Applicant: AMHOF TRUCKING, a division of AMHOF FARMS, INC., RR #3, Davenport, IA 52804. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001, (319) 557–1320. Transporting (1) *machinery,* between points in Rock Island County, IL, on the one hand, and, on the other, points in the U.S., (2) (a) *air cooling and heating equipment,* (b) *accessories* for the commodities in (a), and (c) *batteries,* between Chicago, IL, and points in Fountain County, IN, Lee County, NC, Yamhill County, OR, Clermont County, OH, and Waukesha County, WI, on the one hand, and, on the other, points in IL and IA, and (3) *insulation and roofing materials,* between Minneapolis, MN, Kansas City, MO, points in McPherson County, KS, Jasper and Newton Counties, MO, and Defiance County, OH, and points in IL, on the one hand, and, on the other, points in IL and IA.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–28973 Filed 10–5–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 176]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: September 30, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

James H. Bayne,

Acting Secretary.

MC 17764 (Sub-5)X, filed September 17, 1981. Applicant: BOLDUC-GOULET EXPRESS, INC., Old Worcester Road, Webster, MA 01570. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its lead and Sub-No. 4 certificates to (1) broaden the commodity description from general commodities with exceptions to "general commodities (except Classes A and B explosives)" in both authorities; steel wire to "metal products" in the lead; paper, paper products to "pulp, paper and related products", woolen cloth to "textile mill products", dyeing supplies to "chemicals and related products", pipe couplings and supplies to "metal products", asbestos products to "clay, concrete, glass or stone products and ores and minerals" in Sub-No. 4; (4) expand off-route point of Oxford, MA to Worcester County, MA, in the lead; (5) expand the off-route points in Rhode Island within 5 miles of Providence, RI, to Providence, Bristol, and Kent Counties, RI; (6) expand Moosup and Putnam, CT to Windham County, CT in the lead; (7) expand the City of Lowell, MA to Middlesex County, MA in the lead; (8) expand the City of Worcester, MA to Worcester County, MA, in the lead; (9) expand Woodstock, Thompson, Eastford, Pomfret, Killingly, and Brooklyn, CT to Windham County, CT in the lead; (10) expand the off-route points of Warren, West Warren, North Brookfield, New Braintree, Hardwick, and Enfield, MA to Worcester, Hampden, Hampshire, and Franklin Counties, MA, in Sub-No. 4; (11) expand Brookfield, MA and points in MA within 10 miles of Brookfield to Worcester and Hampden Counties, MA, in Sub-No. 4; (12) remove the service limitation restrictions of performance of a retail delivery service in the lead.

MC 30803 (Sub-9)X, filed September 18, 1981. Applicant: WALSH BROS., INC., 33 Brill Street, Newark, NJ 07105. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its Sub-Nos. 4F, 5F, 7F, and 8, certificates to (1) broaden the commodity description in Sub-No. 4F from iron and steel articles, metal roofs, metal sidings, floor deckings and materials and supplies used in the installation of the afore-named commodities in Sub-No. 5F, from steel and steel machinery in Sub-No. 7F, from iron and steel products in Sub-No. 8, from heavy machinery and equipment and steel to "commodities which because of size or weight require the use of special equipment; (2) in Sub-No. 4F broaden South Plainfield, NJ, to Middlesex County, NJ; (3) in Sub-No. 7F delete shipper's facilities restriction; (4) in Sub-No. 4F, delete restriction at named origin and destination points; (5) in Sub-No. 4F, delete restrictions against "in bulk" and "size and weight" commodities.

MC 72423 (Sub-13)X, filed September 21, 1981. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 East Chestnut St., P.O. Box 1007, Sterling, CA 80751. Representative: Lee E. Lucero, 445 Capitol Life Center, East 16th Ave. at Grant St., Denver, CO 80203-1670. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7 and 9 certificates to (1) broaden the commodity description to "hardware and machinery" from hardware and machinery parts in part (1) of the lead certificate and to "machinery and machinery parts" from farm machinery and farm machinery parts in part 2 of the lead; to "general commodities (except classes A and B explosives)" from general commodities with exceptions in Sub-Nos. 7 and 9; (2) authorize radial authority in place of existing one-way authority in parts (1) and (2) of the lead certificate; (3) replace Brush, CO with Morgan County, CO; Hastings, NE with Adams County, NE; and Snyder, CO and points within 50 miles thereof with Adams, Logan, Washington, and Weld Counties, CO in the lead; (4) remove the restriction limiting service to traffic originating at or destined to points in the described CO territory in the lead.

MC 116400 (Sub-9)X, filed August 26, 1981, previously noticed in the **Federal Register** of September 15, 1981, republished as corrected this issue. Applicant: LAWRENCE TRANSFER & STORAGE CORPORATION, 2727 Hollins Road, NE, P.O. Box 13025, Roanoke, VA 24030. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4G and 7F certificates to (1) broaden the commodity description from household goods to "household goods and furniture and fixtures" between points in 35 states and DC. The purpose of the republication is to correct errors of omission of the lead and Sub-No. 4G and 10 states plus DC in the original **Federal Register** publication of September 15, 1981.

MC 124174 (Sub-184)X, filed August 14, 1981, previously noticed in the **Federal Register** of September 4, 1981, and September 17, 1981, republished as corrected this issue. Applicant: MOMSEN TRUCKING CO., 2405 Hiway Boulevard, Spencer, IA 51301. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its lead and Sub-No. 182 certificate as previously noticed, and, in addition, (1) in the lead, (a) broaden the commodity description contained in B(13) from automobile parts, supplies, and accessories, refrigerators, paints, and such merchandise as is dealt in by wholesale and retail hardware business houses to read "transportation equipment, machinery, chemicals and related products, and such merchandise as is dealt in by wholesale and retail hardware business houses"; (b) broaden authority contained in B(14) from automobile supplies and such merchandise as is dealt in by wholesale and retail hardware business houses to read "such merchandise as is dealt in by hardware and automotive business houses or manufacturing plants"; (c) broaden authority contained in B(36) from hardware, building materials, fencing and nails to read "such commodities as are dealt in by wholesale and retail hardware stores, lumber and lumber products, metal products, and building materials"; (2) in Sub-No. 182, broaden off-route points in part (5) from Kansas City and Waterville, KS, to Wyandotte, Johnson, and Marshall Counties, KS. The purpose of the republication is to correct inadvertent omissions.

MC 144939 (Sub-8)X, filed September 15, 1981. Applicant: LARRY A.

HOUSEHOLDER, d.b.a. HOUSEHOLDER TRUCKING, R. R. #1, Fenton, IA 50539. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 6F, and 7F certificates to (1) eliminate the "facilities of" restriction in Sub-Nos. 2F, 6F, and 7F; (2) authorize radial authority to replace existing one-way authority in Sub-Nos. 2F, 6F, and 7F; (3) broaden the commodity descriptions from meat scraps, bone meal, and blood meal (Sub-No. 2F), hides and pelts (Sub-No. 6F), and meat scraps, meat meal, blood meal, bone scraps, bone meal, and meat byproducts (Sub-No. 7F) to "food and related products"; and (4) replace authority to serve named points with county-wide authority as follows: Emmet County, IA, for Estherville, IA in Sub-No. 2F; Emmet County, IA, for Estherville, IA, and Minnehaha and Lincoln Counties, SD, for Sioux Falls, SD, in Sub-No. 6F; and Minnehaha and Lincoln Counties, DS, for Sioux Falls, SD, In Sub-No. 7F.

MC 146310 (Sub-2)X, filed September 14, 1981. Applicant: RAINBOW TRANSPORT, INC., 941 Fairmont Ave., Elizabeth, NJ 07201. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except class A and B explosives); (2) remove restriction to intermodal containers; and (3) remove restriction requiring a prior or subsequent movement by water.

MC 146926 (Sub-1)X, filed September 21, 1981. Applicant: FURNAL TRUCK LINE, INC., 300 1st Street South, Carlisle, IA 50047. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodities descriptions from dry soybean meal, in bulk, and soybean meal to "farm products" in parts (1) and (2), and from defluorinated phosphate to "chemicals and related products" in part (3); (2) broaden the territorial description to "between points in the United States" under continuing contract(s) with named shippers; and (3) remove the in bulk or in tank vehicles and liquid commodities in bulk restrictions.

MC 147712 (Sub-38)X, filed September 16, 1981, Applicant: MID-WESTERN TRANSPORT, INC., 10506 S. Shoemaker Avenue, Santa Fe Springs, CA 70670. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., Suite 1600. Chicago, IL 60603. Applicant seeks to remove restrictions in its MC-142686 and Sub-Nos. 4, 5, 7, 13, 18, 19, 20, 26, 39, 40, 44, 45, 47, 48, 49, 50, and 52 permits and Sub-Nos. 21 and 51 certificates to: (1) broaden commodity descriptions as follows: (a) in lead and Sub-Nos. 44 and 45 permits and Sub-No. 51 certificate, from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; (b) in lead, from lubricants to "petroleum or coal products"; (c) from specialty steel in Sub-No. 4 and from steel products in Sub-No. 40 to "metal products"; (d) in Sub-No. 13, from foodstuffs and food products to "food and related products"; (e) in (part 1) Sub-Nos. 18 and 19, from air conditioning equipment to "machinery and metal products"; (f) in Sub-No. 20, from brass, bronze, copper, and nickel rods, and copper sheets and tubing to "metal products"; (g) in Sub-No. 21, from floor maintenance equipment, chemicals, floor polishing and scrubbing machines, power sweepers, vacuum sweepers, hand, cleaners, floor sealers, and decorative brick facing to "machinery, chemicals and related products, and clay, concrete, glass or stone products"; (h) in Sub-No. 26, from mixing machines and cement pumps to "machinery"; (i) in Sub-No. 39, from refrigeration equipment, to "metal products and machinery"; (j) in Sub-No. 47, welding equipment and medical equipment to "machinery and medical equipment"; (k) from vinly siding, and plastic products used in installation thereof in Sub-No. 48 and from plastic and plastic articles in Sub-No. 49 to "rubber and plastic products"; (l) in Sub-No. 50, from prefabricated metals and plastic articles, to "metal products and rubber and plastic products"; (m) in Sub-No. 52, from insecticides and pet supplies, in containers, to "chemicals and related products and food and related products"; and (n) in Sub-Nos. 5 and 7, by removing restrictions against transportation of commodities in bulk; (2) in lead and Sub-Nos. 4, 5, 7, 13, 18, 19, 20, 26, 39, 40, 44, 45, 47, 48, 49, 50, and 52 permits, broaden the territorial description in each permit to authorize service between points in the U.S., under contract(s) with named shippers; (3) remove restrictions prohibiting interline service in Sub-No. 51 certificate to authorize radial service between the facilities of Elixir Industries at points in the United States, on the one hand, and, on the other, points in the United States and service to HI and AK in Sub-No. 21 certificate.

MC 148245 (Sub-3)X, filed September 16, 1981, Applicant: HENRY ANDERSEN OF TEXAS, INC., P.O. Box 1129, Stratford, TX 79084. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (1) broaden the commodity description to "food and related products" from meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), in the lead certificate, and from "meats, and meat products, meat by-products, and articles distributed by meat packinghouses" in Sub-No. 1; (2) remove facilities limitations and substitute Armstrong, Carson, Potter and Randall Counties, TX, for Amarillo, TX; El Paso County, TX and Dona Ana and Otero Counties, NM, for El Paso, TX; Hockley, Lubbock and Lynn Counties, TX, for Lubbock, TX; Bossier, Caddo and DeSoto Parishes, LA, for Shreveport, LA; Fayette, Shelby, and Tipton Counties, TN; DeSoto, Marshall and Tunica Counties, MS; and Crittenden, Lee, and St. Francis Counties, AR, for Memphis, TN; and Monroe Madison, and St. Clair Counties, IL, and St. Charles, St. Louis, and Jefferson Counties, MO, and St. Louis, MO, for East St. Louis, IL, in its lead, and Seward County, KS, and Beaver and Texas Counties, OK, for Liberal, KS, in Sub-No. 1; (3) replace one-way with radial authority; and (4) remove originating at restrictions in both certificates; and (5) remove the exception of AK and HI in Sub-No. 1.

MC 148552 (Sub-2)X, filed September 23, 1981, Applicant: MOTOR HOME TRANSPORT, INC., 3401 Etiwanda, Space No. 941, Mira Loma, CA 91752. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St. N.W., Washington, DC 20005. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from motor homes to "transportation equipment", and (2) eliminate the restriction prohibiting service to HI.

MC 151974 (Sub-2)X, filed September 21, 1981, Applicant: LOREL TRANSPORT, INC., 1507 Aldrin Way, Placentia, CA 92670. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from bananas to "food and related products"; (2) replace city wide (Wilmington, CA) with county wide (Los Angeles County, CA) authority and (3) replace one way with radial authority.

[FR Doc. 81-28968 Filed 10-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 51)]

Burlington Northern, Inc.; Exemption for Contract Tariff ICC-BN-C-0007 and Supplement 1

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). Its previously filed contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Burlington Northern has filed contract ICC-BN-C-0007 scheduled to become effective October 7, 1981. The tariff was originally mailed first class by Burlington Northern on September 7, 1981. The tariff was not received by this Commission. On September 18, 1981, Burlington refiled the tariff, along with a Supplement 1 which postpones the effective date to October 15, 1981.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 or more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 19762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition will be granted. Sales and shipping arrangements have already been made in accordance with the contract provisions and will result in adverse conditions and expenses unless the contract is allowed to become effective on the original effective date of October 7, 1981. In these circumstances, authorization of a provisional exemption is warranted, and Burlington Northern's contract tariff ICC-BN-C-0007 may become effective as of October 7, 1981.

We will apply the following conditions which have been imposed in similar exemption proceedings.

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: September 30, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commissioner Taylor did not participate.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28963 Filed 10-5-81; 8:45 am]

BILLING CODE 7035-01-M

[F.D. No. 29430 (Sub-No. 1) and related dockets]

NWS Enterprises, Inc.—Control—Norfolk and Western Railway Company and Southern Railway Company

AGENCY: Interstate Commerce Commission (ICC), Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Notice of availability of addendum to the environmental assessment previously prepared for above-entitled proceeding.

SUMMARY: On August 4, 1981 all parties of record to the above-entitled proceeding were served with a copy of a document which analyzed the environmental impacts of the proposed consolidation between the Norfolk and Western Railway Company and Southern Railway Company. The availability of the document was announced at 46 FR 39690, August 4, 1981. Interested parties were invited to file comments on the environmental assessment. By way of responding to comments received, the ICC's Energy and Environmental Branch has now prepared an addendum to the environmental assessment. Interested members of the public may request a copy of the addendum by contacting: David Rector; Energy and Environment Branch, Room 5380, Interstate Commerce Commission, 12th and Constitution Ave., NW., Washington, DC 20423, Tel. (202) 275-7916.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28964 Filed 10-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29734]

Seaboard Coast Line Railroad Co.—Merger—Durham and Southern Railway Co.; Exemption

September 30, 1981.

The Seaboard Coast Line Railroad Company (SCL) and its wholly owned subsidiary Durham and Southern Railway Company (D&S), have notified the Commission that they will merge, with SCL emerging as the surviving railroad. The transaction is merely a "corporate simplification" which comes within the exemption described at 49 CFR 1111.5(c)(3). It will not result in any change in service levels, operations, or the competitive balance with carriers outside the corporate family. D&S is now operated as part of SCL's Raleigh and Rocky Mount Subdivision and will continue as such after the merger.

As a condition to use of the exemption, any D&S employees affected by the merger shall be protected pursuant to *New York Dock Ry.—Control—Brookly Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Gary J. Edles, Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28967 Filed 10-5-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

A.I.D. Research Advisory Committee; Meeting

Pursuant to Executive Order 11769 and the Provisions of Section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on November 17-18, 1981 at the Pan American Health Organization Building, Conference Room 'C' to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning projects proposed for A.I.D. research funding in the areas of food

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and nutrition, health and population, and economics.

The meeting will begin at 9:00 a.m. and adjourn at 5:30 p.m. each day. The meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee and to the extent the time available for the meeting permits. Dr. Miloslav Rechcigl, Chief of Research and Methodology Division, Bureau for Science and Technology, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Rechcigl, 1601 N. Kent Street, Arlington, Virginia 22209 or call area code (703) 235–9011.

Date September 22, 1981.

Miloslav Rechcigl,

A.I.D. Representative, Research Advisory Committee.

FR Doc. 81–29028 Filed 10–5–81; 8:45 am]

BILLING CODE 4710–02–M

DEPARTMENT OF JUSTICE

Attorney General

[Order No. 959–81]

Order Regarding Prehearing Motions In the Matter of the Application of the Seattle Times Company and the Hearst Corporation for Approval of a Joint Operating Arrangement

I. Applications for Intervention

In accordance with the appropriate Department of Justice regulations, 28 CFR 48.11, I have received applications for intervention in the hearing on the application of the Seattle Times Company and the Hearst Corporation for approval of a joint operating arrangement. (*See* Attorney General Order No. 953–81, 46 FR 41230).

The first such application was received from four groups of Seattle individuals and organizations who request participation in the hearing through one collective representative. The groups seeking collective representation include the Committee for an Independent P–I (CIPI); People Opposed to a One Newspaper Town (PO1NT); the Committee for a Free Press (CFP); and a group of suburban Seattle newspaper publishers, the Longview Publishing Company, Robinson Newspapers, Fournier Newspapers and the Northshore Citizen (suburban publishers). These groups represent a number of distinctly local Seattle interests not adequately represented by the applicants or by the Antitrust Division. The interest represented by the proposed intervenors include those local journalists, advertisers and consumers (PO1NT and CFP); Post-Intelligencer employees (CIPI); and suburban newspapers which may be directly affected by the proposed joint operating arrangement.

It is unclear from the application of the four groups whether they seek to intervene as distinct parties or as a single party. I would not be disposed to grant each applicant group status as a distinct party to these expedited proceedings. (*See* Attorney General Order No. 953–81 at 2–3. I find, however, that these groups have demonstrated sufficient commonality of interest to act as a single party and I therefore grant their application to intervene on that basis.

Accordingly, I hereby direct the administrative law judge to permit the collective participation of CIPI, PO1NT, CFP and the suburban publishers through a single legal representative and to treat them as one party for purposes of controlling the length and scope of the hearing pursuant to 28 CFR § 48.10. The need for expedition in this proceeding requires strict adherence to these conditions.

A second application for intervention was filed by the Pacific Northwest Newspaper Guild Local No. 82, which requests leave only to file a brief at the close of the hearing record. In view of the expressed interest of the Guild and the extremely narrow form of intervention requested, I hereby grant that application.

Finally, I have received a letter from Mr. Jack Jett, a Seattle citizen, who seeks to make a brief statement at the hearing. Having considered Mr. Jett's statement of interest and the nature of his requested participation, I must deny his request to intervene, though he is free to observe the hearings and to submit proposed findings in writing to the administrative law judge.

II. Motion To Modify Order Instituting Hearing

The collective representative of the CIPI, CFR, PO1NT and suburban newspaper groups has also petitioned for an order which would remove the limits set forth in the August 7, 1981 order instituting a hearing in this matter. (Attorney General Order No. 953–81). The time limits imposed are designed to prevent unnecessary delays in the hearing process which could prove exceedingly costly to the applicants and to the Seattle community. There exists no evidence at this time that an adequate hearing record cannot be develped by diligent litigants within the allotted time. Moreover, as emphasized in Order 953–81, a substantial portion of the factual record has already been developed through the applicant's cooperative submission of documents to the Antitrust Division, and that public record has been available to interested persons for some four months. Accordingly, the instant petition to modify the order instituting a hearing in this matter is hereby denied.

Dated: September 30, 1980.

William French Smith,

Attorey General.

[FR Doc. 81–29012 Filed 10–5–81; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–12,396]

Cascadian Sportswear, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 9, 1981 in response to a worker petition received on February 27, 1981 which was filed on behalf of workers at Cascadian Sportswear, Inc., Everett, Washington.

Cascadian Sportswear, Inc., ceased operations on November 16, 1979; the company remained closed until May 1, 1981 at which time the company reopened. All workers were originally separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition.

Due to the short term of operation of Cascadian Sportswear, Inc., since its reopening on May 1, 1981 and to the seasonality of the apparel industry, there is not sufficient information in this case upon which to base a determination. In addition, worker qualifying requirements in Section 231 of the Act may not be met at this time; consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 28th day of September 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–28908 Filed 10–5–81; 8:45 am]

BILLING CODE 4510–28–M

[TA-W-12,826 and 12,826A]

Compo Industries, Inc., I.V.C. Mold Division; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 13, 1981 in response to a worker petition received on June 30, 1981 which was filed on behalf of workers at Compo Industries, Inc., I.V.C. Mold Div., Waltham, Massachusetts and Conway, New Hampshire.

An active certification covering the petitioning group of workers remains in effect (TA-W-60602 and TA-W-6062A). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 28th day of September 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-28906 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,187]

Farnam Manufacturing Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation (TA-W-12,187) was initiated on January 30, 1981 in response to a petition received on January 27, 1981 which was filed on behalf of workers at Farnam Manufacturing Company, Asheville, North Carolina. The workers produce hair dryer heating elements.

The petitioner has requested that the petition be withdrawn. Consequently, futher investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this 28th day of September 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-28911 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,868]

IPM Development Engineering Group; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 31, 1981 in response to a worker petition received on July 14, 1981 which was filed on behalf of workers at IPM Development Engineering Group, St. Joseph, Michigan.

An active certification covering the petitioning group of workers remains in effect (TA-W-7580). Consequently further investigation in this case would serve no purposes; and the investigation has been terminated.

Signed at Washington, D.C. this 28th day of September 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-28905 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,205]

Northwest Pattern Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 30, 1981 in response to a worker petition received on January 28, 1981 which was filed on behalf of the workers at Northwest Pattern Company, Farmington, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 28th day of September 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-28910 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,328]

St. Thomas, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 23, 1981 in response to a worker petition received on February 18, 1981 which was filed on behalf of the workers at St. Thomas, Incorporated, Gloversville, New York.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 28th day of September 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-28909 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,780]

Vera Industries; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 22, 1981 in response to a petition received on June 21, 1981 which was filed on behalf of the workers at Vera Industries, New York, New York. The investigation revealed that the petitioning workers were employed at the Secaucus, New Jersey warehouse of Vera Industries.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-12,281). Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 28th day of September 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-28907 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-28-M

Employment Transfer and Business Competition Determinations; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect to the new facility upon the local labor market with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: David O. Williams, Administrator, U.S. Employment Service, Room 8000 Patrick Henry Building, Employment & Training Administration, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 1st day of October 1981.

J. Terrell Whitsitt,

Director, Office of Program Services.

APPLICATIONS RECEIVED DURING THE WEEK ENDING OCTOBER 3, 1981.

Name of applicant and location of enterprise	Principal product or activity
Tubular Corporation of America, Inc., Muskogee, Oklahoma.	Manufacture of Oil country tubular goods—includes casing, tubing, and drill pipe.
Health Care and [redacted] Corporation of America, Kingwood, [redacted] County, [redacted]	Long term nursing home.
[redacted] Enterprises, Inc., Tarboro, North [redacted]	Manufacture of toys, seasonal decorative items and [redacted]

[FR Doc. 81-290[illegible]8 Filed 10-5-81; 8:45 am]

[redacted]

Mine Safety and Health Administration

[Docket No. M-81-28-M]

American Gilsonite Co.; Petition for Modification of Application of Mandatory Safety Standard

American Gilsonite Company, P.O. Box 28, Bonanza, Utah 84008 has filed a petition to modify the application of 30 CFR 57.4-61A (ventilation doors) to its Bonanza Operations located in Uintah County, Utah.The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fire ventilation doors be installed in the mine.

2. Floors and shaft landings are constructed at 30 foot intervals for access to the working face which is a 40-45° angle slope which extends through the working block.

3. As an alternative method which provides the same degree of safety to the miners affected as that afforded by the standard, petitioner states that:

a. No wallrock is mined during mining operations;

b. No electrical, diesel, or gasoline-powered equipment is used in the ore extraction process;

c. All work is performed using pneumatic equipment;

d. No welding is permitted underground;

e. Adequate training in mine emergency procedures is provided.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981.

Patricia W. Silvey.

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28928 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-54-M]

Bunker Hill Co.; Petition for Modification of Application of Mandatory Safety Standard

The Bunker Hill Company, P.O. Box 29, Kellogg, Idaho 83837 has filed a petition to modify the application of 30 CFR 57.9-99 (man trips requirements) to its Crescent Mine located in Shoshone County, Idaho. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that man trips be operated independently of ore and supply trips.

2. As an alternative method, petitioner proposes to use a small mancoach on its ore train.

3. In support of this proposed alternative method, petitioner states that the coach will be positioned immediately behind the locomotive in view of the operator of the train. Petitioner further states that such use of the coach is the safest means of travel for unscheduled travelers, who are typically supervisors, technical staff and visitors. Occasionally an unscheduled trip is required by mechanical or electrical maintenance personnel to make repairs or to travel to surface repair shops.

4. Petitioner states that this proposed alternative method provides the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28923 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-55-M]

Cargill, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Cargill, Inc., P.O. Box 339, Patterson, Louisiana 70392 has filed a petition to modify the application of 30 CFR 57.4-61A (ventilation doors) to its Belle Isle Mine located in St. Mary Parish, Louisiana. The Petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that ventilation doors be installed at or near shafts.

2. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because in a single intake and single exhaust shaft mine, such as Belle Isle Mine, installing ventilation doors on the upcast shaft (exhaust shaft) would subject miners to the hazards of smoke and gas-contaminated air. This would greatly reduce the chance of survival in the event of a fire or other emergency.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28925 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-47-M]

Climax Molybdenum Co.; Petition for Modification of Application of Mandatory Safety Standard

Climax Molybdenum Co., 13949 W. Colfax Ave., Bldg. No. 1, Golden, Colorado 80401 has filed a petition to modify the application of 30 CFR 57.4-43 (buildings; construction requirements) to its Mt. Emmons Project located in Gunnison County, Colorado. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that buildings within one hundred feet of intake air openings of undeground mines meet certain fire-resistance specifications.

2. The petitioner is engaged in a molybdenum expoloration project at an old non-active lead zinc mine.

3. The old mine's office, shop and dry change facilities are located within one hundred feet of one of the mine's intake air openings.

4. These buildings are equipped with seven smoke detectors and one heat sensor. The buildings will be removed once new surface buildings are completed.

5. As an alternative method, the petitioner proposes to prevent fire or smoke from entering the mine in the event any of the surface buildings catches on fire. In case of fire, automatic fire doors would close off the intake air opening located adjacent to the buildings.

6. Under this alternative method, access to the mine is maintained at another portal. In addition, the main exhaust fan is located more than one hundred feet from the buildings and can be reversed to intake fresh air into the mine.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at the address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28917 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-179-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Maitland Mine located in McDowell County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Due to poor roof conditions and bottom hooving the petitioner is unable to inspect areas of designated return airways at its mine as required.

2. Rehabilitation of these areas is neither practical nor feasible.

3. The affected return airways are not designated escapeways.

4. As an alternative method, the petitioner proposes to establish four air quality monitoring stations at locations specified in the petition.

5. The following procedures would be followed in conjunction with these stations:

a. Air measurements would be taken on a daily basis. In the event of a specific methane concentration increase or of a specified reduction in air flow, immediate investigation of the affected airway would be made.

b. The date, time and results of these measurements would be recorded in a book provided at each station and in a book kept on the surface. This data would be made available to all interested parties.

c. The stations and approaches to them would be maintained in safe condition at all times.

6. The petitioner states that this alternative will provide miners with no less the same degree of protection than the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28922 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-178-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvanis 15241 has filed a petition to modify the application of 30 CFR 75.312 (air passing through abandoned, inaccessible, or robbed area) to its Ireland Mine located in Marshall County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns a prohibition against using air that passes through an abandoned area or an area inaccessible or unsafe for inspection to ventilate working places.

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2. The relevant entries of the petitioner's mine have deteriorated to the extent that the entries are hazardous to travel and examine.

3. The petitioner states that rehabilitation or sealing of these entries is neither practical nor feasible. In addition, rehabilitation efforts would expose miners to hazardous working conditions.

4. About eleven percent of the total intake air quantity for affected active sections comes from the deteriorated entries.

5. As an alternative method, the petitioner, proposes to establish seven checkpoints at designated areas. Weekly measurements will be taken at these checkpoints to assure that methane levels of the intake air passing through the deteriorated entries remain within designated limits.

6. The petitioner states that this alternative method will provide no less protection for miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmaked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28930 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-185-C]

Eastover Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Eastover Mining Company, General Offices, Brookside, Kentucky 40801 has filed a petition to modify the application of 30 CFR 49.5(b) (mine rescue equipment; storage) to its Bell County No. 1 Mine located in Bell County, Kentucky, its Virginia No. 1 Mine located in Wise County, Virginia and its Straight Creek No. 1, Darby No. 4, Harlan No. 1, Darby No. 2, Brookside No. 3 and Bailey's Creek No. 1 Mines, all located in Harlan County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that mine rescue stations provide a centralized storage location for rescue equipment.

2. As an alternative method, petitioner proposes to maintain four mine rescue teams and sufficient equipment to maintain the teams at four storage locations. Three of the teams and storage locations are within 120 minutes of all the affected mines. This arrangement provides maximum efficiency for the equipment during training the mine rescue teams and in case of an emergency. One oxygen pump is maintained at the Highsplint storage station which is within 120 minutes of the above mines.

3. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28927 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-51-M]

Georgia-Pacific Corp.; Petition for Modification of Application of Mandatory Safety Standard

Georgia-Pacific Corporation, 2228 Butterworth Road, SW., Grand Rapids, Michigan 49504 has filed a petition to modify the application of 30 CFR 57.4-61B (fire doors) to its Kentwood Mine located in Kent County, Michigan. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fire doors be installed in underground shops.

2. As an alternative method, petitioner proposes to install approved ventilation doors. The non-flammable nature of gypsum should provide adequate fire containment and the approved ventilation doors will effectively contain any smoke or fumes resulting from a fire in the shop. The proposed ventilation doors will be constructed out of ⅛ inch steel, framed with light angle iron and mounted in an opening in a concrete block wall. The doors will be located approximately 40 feet from any working area in the shop.

3. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28920 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-121-C]

Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Jim Walter Resources, Inc., P.O. Box 149, Brookwood, Alabama 35444 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Mine No. 4 located in Tuscaloosa County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms, or other devices used to transport persons in shafts or slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency and that such catches be tested at least once every two months.

2. The mine's bunker is 28 feet in diameter and lined with high strength concrete blocks. Built into the bunker lining is a spiral down which the coal

flows. The wearing surface of the spiral is lined with basalt tiles.

3. As an alternate method, petitioner proposes to inspect the tiled surface every two to four weeks from an inspection platform 73 inches wide by 27 feet long with the end outriggers in the open position for inspecting. The platform would be suspend through a swivel by a DYFORM one inch diameter flexible wire rope constructed of 18 strands and core strand—19 wires, having a nonminal breaking strain of 51 tons.

4. The hoist used to raise and lower the platform is a properly designed personnel riding hoist equipped with a dual braking system, a depth indicator, overspeed and overwind protection and fail-safe brakes.

5. The conveyance is used solely for inspection and/or repair to the bunker lining, not for the regular conveyance of personnel.

6. Petitioner states that the procedures outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28921 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-194-C]

Jones & Laughlin Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

Jones and Laughlin Steel Corporation, 3 Gateway Center, Pittsburgh, Pennsylvania 15263 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Vesta No. 5 Mine located in Washington County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return entries be examined for hazardous conditions on a weekly basis.

2. The return entries between 41–42 Face and 45–46 Face have deteriorated, making weekly examinations of these return entries dangerous and hazardous for the miners affected.

3. As an alternative method, petitioner proposes to establish and maintain specified air measuring stations to measure ventilation and to detect methane in the returns. Results of daily examinations will be recorded on a date board at each location.

4. Petitioner states that the proposed alternative method will provide the same degree of safety to the miners affected as that offered by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28924 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-53-M]

New Jersey Zinc Co.; Petition for Modification of Application of Mandatory Safety Standard

The New Jersey Zinc Company, Gilman, Colorado 81634 has filed a petition to modify the application of 30 CFR 57.19-83 (electric hoist; equipment requirement) to its Eagle Mine located in Eagle County, Colorado. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirements that a manually operated device be installed on each electric hoist that will allow the conveyance or counterbalance to be removed from an overtravel position.

2. As an alternative method, which will provide the same degree of safety for the miners affected as that afforded by the standard, petitioner proposes to use a hoist "back out" procedure to correct overtravel occurrences as follows:

a. The operator sets the manual brake, and resets the overtravel and counterweighted devices. The operator then energizes the electric power and since the overtraveled conveyances are on level track, obtains assistance to physically move the conveyance to the knuckle of the shaft for service;

b. During the physical "backing out" of the conveyances, the hoist operator applies coordinated brake releases and controller power sufficient only to allow movement of the conveyances, hoisting rope and hoist drum in the proper direction.

3. The entire "back out" procedure takes place directly in front (30 to 60 feet) of the operator, at the same approximate elevation, and with only minimum applications of power with a controller which is directly oriented with the direction of the conveyance.

4. Should overtravel occur when the conveyance or conveyances are at the botton of the incline, the device cuts power to the hoist and activates the counterweighted braking device.

5. Petitioner further states that modifying the hoist to comply with the standard would not contribute to improve safety of the operation.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28926 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-171-C]

North American Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

North American Coal Corporation, Seward, Pennsylvania 15954, has filed a petition to modify the application of 30 CFR 75.1100-2(e)(2) (quantity and location of fire-fighting equipment) to its Homer City Mine, Florence No. 1 Mine—Blacklick Portal and Robinson Portal, Florence No. 2 Mine, Conenaugh Mine and Josephine No. 2 Mine, all located in Indiana County, Pennsylvania. The

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petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that one portable fire extinguisher and 240 pounds of rock dust be provided at each temporary electrical installation.

2. As an alternative method, petitioner proposes to provide two portable fire extinguishers or one extinguisher having at least twice the minimum capacity.

3. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28919 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-170-C]

North American Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

North American Coal Corporation, Seward, Pennsylvania 15954 has filed a petition to modify the application of 30 CFR 49.6 (equipment and maintenance requirements; mine rescue teams) to its Homer City Mine, Florence No. 1—Blacklick Portal and Robinson Portal, Florence No. 2 Mine, Conenaugh Mine and Josephine No. 2 Mine, all located in Indiana County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that mine rescue stations be equipped with an oxygen pump or a cascading system compatible with the supplied breathing apparatus.

2. Mine rescue teams are currently available to the petitioner's mines under a cooperative arrangement through which two mine rescue teams are made available to all of the subject mines. Both of these teams are within one hours travel time from all of the subject mines.

3. As an alternative method to maintaining an oxygen pump or cascading system in its mine rescue station, petitioner proposes to:

a. Continue its agreement with National Mine Service Company (NMS) under which NMS is responsible for refilling and recharging all of the petitioner's emergency oxygen equipment. The NMS oxygen pump and related supplies are compatible with the petitioner's equipment and are located within one hour travel time to all of the subject mines and the mine rescue station.

b. Use, in the event of an emergency, the State of Pennsylvania Department of Environmental Resources mobile emergency van containing an oxygen pump and related equipment located within two hours travel time of the mines.

4. Petitioner states that the alternate method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at the address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28929 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-48-M]

Occidental Oil Shale, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Occidental Oil Shale, Inc., P.O. Box 2687, Grand Junction, Colorado 81501 has filed a petition to modify the application of 30 CFR 57.4-53 (use of liquefied petroleum gas) to its Logan Wash Site located in Garfield County, Colorado. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the use of liquid petroleum gases be limited to maintenance work.

2. Petitioner is under contract with the Department of Energy (DOE) for engineering development and technical feasibility demonstration of a vertical modified in situ oil shale retorting process (MIS process) at the mine.

3. As an alternative method, petitioner proposes to use propane to fuel a heater assembly necessary for controlling curing of refractory material, using a number of safeguards, including ventilation proposals, monitoring for various gases, rescue equipment and training, and evacuation and contingency plans.

4. Based on extensive experience over the years, petitioner states that all anticipated relevant factors have been taken into account to guarantee the greatest degree of safety during retort operations and these will provide miners the same degree of safety as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28918 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-49-M]

Sunshine Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Sunshine Mining Company, P.O. Box 1080, Kellogg, Idaho 83837 has filed a petition to modify the application of 30 CFR 57.19-22 (wire rope; requirements) to its Sunshine Mine located in Shoshone County, Idaho. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the end of wire hoist ropes make at least one full turn on the drum shaft or spoke of the drum and be fastened securely by means of rope clips or clamps.

2. The wire rope for the petitioner's hoist is 1½ inches in diameter. Bending this rope to fasten it as required is difficult and poses a risk of injury to the petitioner's mechanics.

3. As an alternative, the petitioner intends to fasten the ropes by means of friction blocks that are carefully manufactured and securely bolted in place. This system designed by the manufacturer does not necessitate sharp bending of the wire rope.

4. The petitioner states that this method will provide no less protection for its miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 5, 1981. Copies of the petition are available for inspection at that address.

Dated: September 25, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-28931 Filed 10-5-81; 8:45 am]

BILLING CODE 4510-43-M

MERIT SYSTEMS PROTECTION BOARD

Reorganization and Relocation of Publications Division, Office of the Secretary

AGENCY: Merit Systems Protection Board.

ACTION: Reorganization and relocation of publications division.

SUMMARY: The Publications Division, Office of the Secretary, Merit Systems Protection Board has been renamed, reorganized, and relocated to Falls Church, Virginia.

EFFECTIVE DATE: September 20, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Secretary, Merit Systems Protection Board, Room 350, 1717 H Street, NW., Washington, D.C. 20419, 202-632-4525.

SUPPLEMENTARY INFORMATION: The Publications Division, Office of the Secretary has been renamed the Legal Publications Division and reorganized to include two branches: the Legal Services and Review Branch and the Editorial Services Branch. The Legal Services and Review Branch is responsible for providing legal and indexing of Board decisions in preparation of their publication. The Editorial Services Branch is responsible for managing the Board's publication and issuance system, including publication of the volumes of Board decisions and indexes, the monthly Digest, and initial decisions (and indexes) issued by the Board's regional offices.

The Legal Publications Division maintains the files of initial decisions and the order books containing copies of all Board orders. These order books, which were formerly available for public inspection at the Board's central office, are now available at the Division's new location: Skyline Plaza 1, Suite 1404, 5205 Leesburg Pike, Falls Church, Virginia 22041, (703) 756-6388.

Dated: September 29, 1981.

Merit Systems Protection Board.

Ersa H. Poston,

Vice Chair.

[FR Doc. 81-29184 Filed 10-5-81; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-70)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the forthcoming meeting of the NASA Advisory Council, Informal Ad Hoc Solar System Exploration Committee.

DATE AND TIME: October 26-27, 1981, 8:30 a.m. to 4:30 p.m., each day.

ADDRESS: Director's Conference Room (3501), National Air and Space Museum, Washington, DC 20560.

FOR FURTHER INFORMATION CONTACT: Mrs. Diane M. Mangel, National Aeronautics and Space Administration, Code SL-4, Washington, DC 20546 (202/755-3728).

SUPPLEMENTARY INFORMATION: The Informal Ad Hoc Solar System Exploration Committee was established under the NASA Advisory Council to translate the scientific strategy developed by the Committee on Planetary Exploration (COMPLEX) into a realistic, technically sound sequence of missions consistent with that strategy and with resources expected to be available for solar system exploration. The committee will report its findings to the Council and to NASA. The committee is chaired by Dr. John E. Naugle and is composed of four other members of the Council and its standing committees, who will meet with about 9 other invited participants and certain NASA personnel.

The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons, including committee members and invited meeting participants). Visitors will be requested to sign a visitor's register.

Type of meeting: Open

Agenda:

October 26, 1981

8:30 a.m.—Office of Space Science Status and Solar System Exploration Division Status
1 p.m.—Review of Activity Since Solar System Exploration Committee Summer Study
4:30 p.m.—Adjourn

October 27, 1981

8:30 a.m.—Advanced Programs Plans at Jet Propulsion Laboratory and NASA Ames Research Center Solar System Exploration Committee Involvement
1 p.m.—Solar System Exploration Committee Activity During Fiscal Year 1982
4.30 p.m.—Adjourn

Russell Ritchie,

Deputy Associate Administrator for External Relations.

September 30, 1981.

[FR Doc. 81-29004 Filed 10-5-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice (81-71)]

NASA Advisory Council; Renewal

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of renewal.

SUMMARY: Pursuant to Section 14(b)(1) of the Federal Advisory Committee Act, Pub. L. 92-463, and after consultation with the Committee Management Secretariat, General Services Administration, the National Aeronautics and Space Administration has determined that renewal of the following NASA advisory committees is in each case in the public interest in connection with the performance of duties imposed upon NASA by law:

NASA Advisory Council (NAC);
NAC Aeronautics Advisory Committee;

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NAC Aeronautics Advisory Committee, Subcommittee on Aviation Safety Reporting System;
NAC History Advisory Committee;
NAC Life Sciences Advisory Committee;
NAC Space and Terrestrial Applications Advisory Committee;
NAC Space Science Advisory Committee;
NAC Space Systems and Technology Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, National Aeronautics and Space Administration, Code LB-4, Washington, DC 20546 (202/755-8383).

SUPPLEMENTARY INFORMATION: The function of the Council is to consult with and advise the NASA Administrator or designee with respect to plans for, work in progress on, and accomplishments of NASA's aeronautics and space programs.

Russell Ritchie,
Deputy Associate Administrator for External Relations.
September 30, 1981.
[FR Doc. 81-29005 Filed 10-5-81; 8:45 am]
BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Engineering Advisory Committee; Subcommittee on Electrical, Computer, and Systems Engineering; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Electrical, Computer, and Systems Engineering of the Advisory Committee for Engineering.
Place: Room 1141, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Date: Thursday, October 22, 1981 and Friday, October 23, 1981.
Time: 9:30 a.m.-8:00 p.m.—Thursday, October 22, 8:00 a.m.-3:00 p.m.—Friday, October 23.
Type of meeting: Part Open—October 22, 9:30 a.m.-12:30 p.m. (Closed), 12:30 p.m.-5:00 p.m. (Open). October 23, 8:30 a.m.-9:30 a.m. (Open), 9:30 a.m.-11:30 a.m. (Closed), 11:30 a.m.-3:00 p.m. (Open).
Contact person: Dr. Stephen Kahne, Director, Division of Electrical, Computer, and Systems Engineering, Room 1101, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-9618.
Summary of minutes: May be obtained from Dr. Stephen Kahne, Director, Division of Electrical, Computer, and Systems Engineering, Room 1101, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-9618.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in the area of Electrical, Computer, and Systems Engineering.
Agenda:

Thursday, October 22, 1981

9:30 a.m.-12:30 p.m.—Closed session—Discussion, as necessary, concerning the review and comparison of accepted and declined proposals (and supporting documentation) with successful awards under the Electrical, Computer, and Systems Engineering Programs, including review of peer review materials and other privileged material.
12:30 p.m.-1:30 p.m.—Open—Plenary Lunch.
1:30 p.m.-5:00 p.m.—Open—Plenary—Topical Discussions, Discussion of potential future technical developments in program areas of the Division.

Friday, October 23, 1981

8:00 a.m.-9:30 a.m.—Open—Presentation of Oral Reports Summary reports by selected members of the Subcommittee concerning these seven program areas which comprise the Division.
9:30 a.m.-11:30 a.m.—Closed session—Continuation of closed session of October 22.
11:30 a.m.-3:00 p.m.—Open—Plenary (lunch), Long range plans for the Division.

Reason for closing: The Subcommittee will be reviewing grants and/or declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. These sessions will also include a review of the peer review of documentation pertaining to applicants. These matters are within exemptions (4) and (6) of the 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
October 1, 1981.
[FR Doc. 81-29010 Filed 10-5-81; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on October 22 and 23, 1981, Argonne National Laboratory, Building 208, Room C-234, Argonne, IL to continue discussion on safety criteria and philosophy. Notice of this meeting was published September 23.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday and Friday—October 22 and 23, 1981, 8:30 a.m. until the conclusion of business each day

The Subcommittee and its consultants will discuss possible design considerations, issues, or criteria for future commercial advanced reactors and plan to prepare a report to submit to the ACRS.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: October 1, 1981.

John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 81-29075 Filed 10-5-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-201]

Nuclear Fuel Services, Inc. and New York State Energy Research and Development Authority (Western New York Nuclear Service Center); Issuance of Amendment to Facility License No. CSF-1

Nuclear Fuel Services, Inc. and New York State Energy Research and Development Authority (as successor to the New York State Atomic and Space Development Authority) hold Provisional Operating License No. CSF-1. The license, issued under section 104b of the Atomic Energy Act, authorizes operation of a spent nuclear fuel reprocessing and radioactive waste disposal facility at the Western New York Nuclear Service Center in West Valley, New York (the Center).

Under the West Valley Demonstration Project Act, Pub. L. 96-368, (the West Valley Act), the Department of Energy has been authorized to carry out a high level radioactive waste management demonstration project at the Center for the purpose of demonstrating solidification techniques which can be used for preparing high level liquid radioactive waste for disposal.

On August 19, 1981 the Commission received an application for amendment of Facility License No. CSF-1 to authorize transfer of the facility to the Department of Energy. As provided by the West Valley Act, the application was submitted by the New York State Energy Research and Development Authority, joined by the Department of Energy. Notice of receipt of the application was published in the **Federal Register** on September 2, 1981 (46 FR 44110).

In accordance with 10 CFR 2.106, notice is hereby given that the Commission has today issued an amendment to License No. CSF-1 authorizing the co-licensees, as their respective interests under the license appear, to transfer the facility to the Department of Energy in accordance with the West Valley Act. The Commission has determined that the application for the amendment complies with the requirements of the Atomic Energy Act and the regulations of the Commmission (10 CFR Chapter I). The Commission has determined that this amendment involves no significant hazards consideration. Copies of the amendment the license and the NRC staff's safety evaluation are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Local Public Document Rooms maintained at the Buffalo and Erie County Public Library, Lafayette Square, Buffalo, New York; and the Town of Concord Public Library, 23 North Buffalo Street, Springville, New York.

Dated at Silver Spring, Maryland, this 30th day of September, 1981.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 81-29076 Filed 10-5-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-266]

Wisconsin Electric Power Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR-24 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit No. 1 (the facility) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendment is effective as of the date of issuance.

The amendment allows a one-time relaxation of the requirements for monthly functional tests of the turbine stop and governor valves until the start of the ninth refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 19, 1981, (2) Amendment No. 54 to License No. DPR-24, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of September 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-29077 Filed 10-5-81; 8:45 am]

BILLING CODE 7590-01-M

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

Public Meeting

Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committees Act, that the thirteenth meeting of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research will be held at the Wye Plantation, Queenstown, Maryland, from 9:00 a.m. to 9:30 p.m. on Thursday, October 22, 1981, from 9:00 a.m. to 9:30 p.m. on Friday, October 23, 1981 and from 8:30 a.m. to 3 p.m. on Saturday, October 23, 1981.

The meeting will be open to the public, subject to limitations of available space. The agenda for Thursday, October 22 will include among other things testimony concerning ethical issues in the distribution of health care and the liberty of patients and health care providers. The agenda for Friday, October 23, and Saturday, October 24, will include among other things an examination of the unifying themes and principles underlying the Commission's statutory mandate, and review of draft portions of the Commission's Biennial Report on the Protection of Human Subjects.

During Thursday afternoon, fifteen minutes will be devoted to comments from the floor on the subject of any of the agenda items, limited to three minutes per comment. Written suggestions and comments will be accepted for the record from those who are unable to speak because of the constraints of time and from those unable to attend the meeting.

Records shall be kept on all Commission proceedings and will be available for public inspection at the Commission's office, located in Suite

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555, 2000 K Street, N.W., Washington, D.C. 20006.

For further information, contact Andrew Burness, Public Information Officer, at (202) 653–8051.

Alexander M. Capron,

Executive Director.

[FR Doc. 81–29011 Filed 10–5–81; 8:45 am]

BILLING CODE 6820-AV-M

POSTAL RATE COMMISSION

[Docket No. MC 78–3]

Electronic Mail Classification Proposal, 1978 (Remand)

September 30, 1981.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Rescheduling Prehearing Conference", dated September 30, 1981, the second Prehearing Conference previously scheduled to be held on October 6, 1981, at 10:00 a.m., is rescheduled for Wednesday, October 7, 1981, at 2:00 p.m., Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C. 20268.

David F. Harris,

Secretary.

[FR Doc. 81–28962 Filed 10–5–81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11961; 812–1678]

FKF, Inc.; Filing of Application

September 25, 1981.

In the matter of FKF, Inc., United Central Bank Building, Locust at Sixth Avenue, Des Moines, Iowa 50309 (812–1678)

Notice is hereby given that FKF, Inc. ("Applicant"), a face-amount certificate company registered under the Investment Company Act of 1940 ("Act"), filed an application on July 6, 1981, and an amendment thereto on September 16, 1981, for an order pursuant to Section 28(c) of the Act approving an amendment to a depositary agreement ("Depositary Agreement") to appoint the Brenton National Bank of Des Moines Iowa ("Brenton National Bank"), as successor depositary to Union National Bank of Wichita, Kansas ("Union National"), and extending the provisions thereof to Applicant's Series 27A certificate, an outstanding face-amount certificate of the annuity type. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on June 2, 1964, the Commission issued an order (Investment Company Act Release No. 3985) approving the Depositary Agreement between Union National and Applicant's original predecessor, Namoco Mortgage Company, Inc. ("Namoco"), a mortgage banking company that had been organized under Kansas law. Applicant further states that pursuant to the Depositary Agreement, Namoco was required to deposit and maintain with Union National qualified assets having an aggregate value equal to the certificate reserves required by Section 28 of the Act with respect to Namoco's installment-type certificates.

Applicant represents that in April, 1967, Namoco changed its name to First Home Investment Corporation of Kansas, Inc. ("FHI"). It is further stated that on May 19, 1972, the Commission issued an order pursuant to Section 28(c) of the Act approving an amendment to the Depositary Agreement extending the provisions thereof to a new annuity series face-amount certificate, Series 20LA, and providing for the deposit and maintenance in a Special Share Reserve with Union National of shares of FHI common stock purchased from FHI by holders of such certificates (Investment Company Act Release No. 7186). Applicant also states that in October, 1972, FHI issued a second annuity series certificate, Series 27A, a single payment certificate which, like the Series 20LA annuity certificate, required FHI to deposit all shares of its common stock purchased by Series 27A certificate holders pursuant to the terms of their certificates, in the Special Share Reserve with Union National.

On April 24, 1973, Applicant states, FHI filed a voluntary petition for reorganization pursuant to Chapter X of the Bankruptcy Act in the United States District Court for the District of Kansas. It is stated further that for the following three years, FHI was operated by a court-appointed trustee under the jurisdiction of the district court. Applicant states that on April 26, 1976, the reorganization court approved a plan or reorganization which, among other things, changed FHI's name to First Kansas Financial, Inc. ("First Kansas"). Applicant represents that on May 17, 1977, in accordance with the plan of reorganization, First Kansas formed FKF as a wholly-owned subsidiary to assume the obligations of First Kansas to its face-amount certificate holders, and that on May 31, 1977, FKF registered as an investment company under the Act. Applicant states that on August 11, 1977, First Kansas was merged with and into Central National Bancshares, Inc., a bank holding company organized under the laws of the State of Iowa, and that on August 24, 1977, in accordance with such merger, the Commission issued an order pursuant to Section 8(f) of the Act, declaring that the merged corporation had ceased to be an investment company, and terminating the registration of First Kansas under the Act (Investment Company Act Release No. 9905). Applicant states, in addition, that immediately prior to consummation of the merger, First Kansas had transferred to FKF assets and certificate reserves in an amount in excess of its face-amount certificate liabilities, and that FKF had assumed all liabilities of First Kansas to its face-amount certificate holders. Thus, Applicant states, FKF exists solely for the purpose of performing the duties which First Kansas would have other wise been obligated to perform with respect to the outstanding face-amount certificates of First Kansas and its predecessors.

Applicant states that Central National Bancshares, Inc., which subsequent to its merger with First Kansas has changed its name to United Central Bancshares, Inc. ("United Central"), is a registered multi-bank holding company with principal offices in Des Moines. It is represented that United Central operates eleven banks, a mortgage investment company, a data processing company, and a leasing company.

Applicant states that on March 31, 1973, FHI ceased issuing face-amount certificates and that no face-amount certificates have been issued by FHI, First Kansas, or FKF since that date. Applicant represents that it does not intend to issue any face-amount certificates and will be liquidated when all of its currently outstanding certificates are paid. It is further stated that as of December 31, 1980, the surrender value of Applicant's remaining outstanding face-amount certificates was $2,395,898, and that the certificates were held by 3,470 persons. It is also stated that on December 31, 1980, there were 37, 232 shares of United Central common stock held under the Depositary Agreement in the Special Share Reserve, beneficially owned by 438 persons holding outstanding annuity series face-amount certificates of FKF.

Applicant states that Article 14 of the Depositary Agreement reads in pertinent part, as follows:

> Article 14. The Depositary may resign by written notice to the Company at any time, but such resignation shall not become effective and the Depositary shall continue to perform its duties and exercise its powers hereunder until its successor shall have been

> appointed and qualified as herein provided. Upon receipt of such resignation the Company shall, within six (6) months, in writing, designate a successor depositary and furnish an acceptance of the appointment of such successor. In the event the Company shall fail so to designate and furnish the acceptance of the successor depositary within six (6) months after the receipt of such resignation, the Depositary may apply to any court of competent jurisdiction for the appointment of a successor depositary.

Applicant represents that on January 12, 1981, it received notice from Union National that Union National intended to exercise its right under Article 14 of the Depositary Agreement to resign as depositary, such resignation to become effective on June 12, 1981, six months from the date of such notification. Applicant further represents that Union National consented to continue as depositary until a successor could be appointed and qualified.

Applicant states that in June, 1981, it contacted Brenton National Bank, a national banking association having its principal place of business in Des Moines, and that Brenton National Bank has agreed to act as successor depositary under the Depositary Agreement pursuant to a Supplement Number Two to the Depositary Agreement, for which Commission approval is sought herein. Applicant states that it is also requesting that the Commission approve the incorporation of its annuity Series 27A face-amount certificate under the terms of the Depositary Agreement. It is stated that under the terms of the Depositary Agreement Applicant is required to deposit and maintain with Brenton National Bank shares of United Central common stock purchased by holders of its Series 27A certificates.

Section 28(c) provides, among other things, that the Commission shall by rule, regulation, or order, in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, upon such terms and conditions as the Commission shall prescribe and as are appropriate for the protection of investors, with one or more institutions having the qualifications required by Section 26(a)(1) of the Act for a trustee of a unit investment trust, or any part of the investments maintained by such company as certificate reserves required by the provisions of Section 28(b) of the Act. Section 26(a)(1) of the Act requires, in part, that the trustee or custodian of a unit investment trust be a bank having at all times an aggregate capital, surplus, and undivided profits of not less than $500,000. "Bank" is defined in Section 2(a)(5) of the Act, in pertinent part, as a national banking institution organized under the laws of the United States.

Applicant asserts that Brenton National Bank meets the qualifications of Section 26(a)(1) by reason of its status as a national banking association having, as of December 31, 1980, a capital account of $1,858,000, a surplus account of $1,750,000, and an undivided profits and reserves account of $607,000. Applicant therefore requests that the Commission issue an order approving the Depositary Agreement, as amended by Supplement Number Two, appointing the Brenton National Bank as successor to Union National as depositary for the assets maintained by Applicant as certificate reserves required by the provisions of Section 28(b) of the Act, and extending the provisions of the Depositary Agreement to Applicant's Series 27A face-amount certificate.

Notice is further given that any interested person may, not later than October 20, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29000 Filed 10-5-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11260]

Nabisco Brands, Inc.; Application and Opportunity for Hearing

Notice is hereby given that Nabisco Brands, Inc., a Delaware corporation ("NBI"), has filed an application (the "Application") under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "1939 Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Morgan Guaranty Trust Company of New York, a New York trust company (the "Bank"), under six indentures, five of which are qualified under the 1939 Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under more than one of said indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicing interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

NBI alleges that:

1. The Bank, as Trustee, entered into each of the Indentures listed herein (the "Standard Brands Indentures") with Standard Brands Incorporated, a Delaware corporation ("Standard Brands") and pursuant to each indenture Standard Brands issued debentures in the aggregate principal amount stated below. The Standard Brands Indentures were qualified under the 1939 Act and are described as follows:

A. 6¾% Sinking Fund Debentures due June 1, 1993. Indenture dated as of June

1, 1968. Aggregate principal amount issued—$70,000,000.

B. 7¾% Sinking Fund Debentures due May 1, 2001. Indenture dated as of May 1, 1971. Aggregate principal amount issued—$50,000,000.

C. 9½% Sinking Fund Debentures due December 15, 2004. Indenture dated as of December 15, 1974. Aggregate principal amount issued—$50,000,000.

2. The Bank, as Trustee, entered into each of the Indentures listed herein (the "Nabisco Indentures") with Nabisco, Inc., a New Jersey corporation ("Nabisco") and pursuant to each such Indenture Nabisco issued debentures in the aggregate principal amount stated below. The Nabisco Indentures were qualified under the 1939 Act and are described as follows:

A. 7¾% Sinking Fund Debentures, due May 1, 2001. Indenture dated as of May 1, 1971. Aggregated principal amount issued—$50,000,000.

B. 7¾% Sinking Fund Debentures due November 1, 2003. Indenture dated as of November 1, 1973. Aggregate principal amount issued—$75,000,000.

3. The Bank, as Trustee, entered into an Indenture, dated as of October 1, 1967 (the "1967 Indenture") with Nabisco International Finance Company, a Delaware corporation ("International") and Nabisco. Pursuant to a supplemental indenture dated as of April 1, 1978 among International, Nabisco and the Bank, Nabisco assumed the obligations of International under the 1967 Indenture. Pursuant to the 1967 Indenture, International issued $20,000,000 aggregate principal amount of its 6½% Guaranteed Debentures due 1982. On September 14, 1967 the Commission issued its no-action letter relating to the offering and sale of the 6½% Debentures issued under the 1967 Indenture without registration under the Securities Act of 1933 or qualification under the 1939 Act. Section 7.08 of each Nabisco Indenture specifically excludes the 1967 Indenture from the operation of Section 310(b)(1) of the 1939 Act.

4. NBI, Standard Brands and Nabisco entered into a Plan and Agreement of Reorganization dated April 22, 1981, as amended, pursuant to which Standard Brands and Nabisco became wholly-owned subsidiaries of NBI. The reorganization contemplated by the said Plan and Agreement was completed on July 6, 1981.

5. NBI, the Bank and Standard Brands entered into a First Supplemental Indenture dated as of July 1, 1981 in respect of each of the Standard Brands Indentures pursuant to which NBI assumed the reporting requirements of Standard Brands and, jointly and severally with Standard Brands, the payment obligations of Standard Brands under each Standard Brands Indenture.

6. NBI, the Bank and Nabisco entered into a First Supplemental Indenture dated as of July 1, 1981 in respect of each of the Nabisco Indentures pursuant to which NBI assumed the reporting requirements of Nabisco and, jointly and severally with Nabisco, the payment obligations of Nabisco under each Nabisco Indenture.

7. NBI, the Bank and Nabisco entered into a Second Supplemental Indenture dated as of July 1, 1981 pursuant to which NBI assumed jointly and severally with Nabisco the payment obligations of Nabisco under the 1967 Indenture.

8. Each of the Six Supplemental Indentures referred to in paragraphs 5, 6 and 7 above provided that they would become effective on the completion of the Plan and Agreement of Reorganization. Therefore, as of July 6, 1981, NBI became an obligor with regard to the Standard Brands Indentures, the Nabisco Indentures and the 1967 Indenture under each of which the Bank is trustee.

9. Under Section 310(b)(1)(ii) of the 1939 Act, a trustee shall not be deemed to have a conflicting interest by reason of acting as trustee under more than one indenture under which obligations of the same obligor are outstanding if such obligor sustains the burden of proving, in application to the Commission and after opportunity for hearing thereon, that the trusteeships under such indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one or more of such indentures.

10. NBI's obligations under the Standard Brands Indentures, the Nabisco Indentures and the 1967 Indenture are wholly unsecured and rank *pari passu*. Such differences as do exist between each of the said Indentures would in no way inhibit or discourage the Bank's actions with respect to any such Indenture or present the Bank with any possible conflict of interest.

11. There is no event of default under, and there exists no event which with notice of lapse of time or both, would constitute a default under any of the said Indentures.

NBI has waived (a) notice of hearing, (b) hearings on the issues raised by the Application and (c) all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice.

For a more detailed account of the matters of facts and law asserted, all persons are referred to the Application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than October 28, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desired to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors, unless a hearing is ordered by the Commission.

For the Commission by the Division of Corporation Finance, pursuant to delegated authority.

George Fitzsimmons,

Secretary.

[FR Doc. 81-28999 Filed 10-5-81; 8:45 am]

BILLING CODE 8010-01-M

VETERANS ADMINISTRATION

Rehabilitative Engineering Research and Development Program Evaluation; Availability of Report

Notice is hereby given that the program evaluation of the Veterans Administration's Rehabilitative Engineering Research and Development Program has been completed.

Single copies of the Rehabilitative Engineering Research and Development Report are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: September 29, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-29014 Filed 10-5-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 193
Tuesday, October 6, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION.

Special Closed Commission Meeting, Tuesday, October 13, 1981

The Commission will hold a Special Closed Meeting on the subject listed below on Tuesday, October 13, 1981, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—FY 1982 Budget Allocations

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: October 1, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1516-81 Filed 10-2-81; 2:10 pm]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of Agenda Item From October 1st Open Meeting

The following item has been deleted at the request of the Broadcast Bureau from the list of agenda items scheduled for consideration at the October 1, 1981 Open Meeting and previously listed in the Commission's Notice of September 23, 1981.

Agenda, Item No., and Subject

Broadcast—1—*Title:* Memorandum Opinion and Order, BC Docket No. 78-253. *Summary:* The Commission considers several petitions for reconsideration and clarification of its Apirl 9, 1981 Order discontinuing acceptance of TV translator and low-power applications.

Issued: September 30, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1517-81 Filed 10-2-81; 2:11 pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

Special Open Commission Meeting, Wednesday, October 7, 1981

The Federal Communications Commission will hold a Special Open Meeting on the subjects listed below on Wednesday, October 7, 1981, which is scheduled to commence at 9:30 A.M., in Room 856 at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Common Carrier—1—*Title:* In the Matter of Graphnet Systems Inc., Revision to Tarriff FCC No. 1, Transmittal No. 27. *Summary:* The Commission considers an application for review filed by Western Union Telegraph Company of an order of the Chief of the Common Carrier Bureau allowing tariff revisions of Graphnet Systems Inc. providing for interconnection with ITT World Communications to become effective.

Common Carrier—2—*Title:* In the Matters of ITT World Communications Inc. Required Rate of Return, CC Docket No. 80-633, and ITT World Communications Inc. Investigation into Rate Base and Expenses, File No. ENF-80-6. *Summary:* The international record carriers and other interested parties seek reconsideration or modification of the Commission's order, 82 FCC 2d 282 (1980), designating an evidentiary hearing into ITT World Communications Inc's. required rate of return and a fact-finding investigation into its rate base and expenses. Among the issues to be considered are whether to go forward with such a proceeding and the scope and kind of procedures to be followed.

Common Carriers—3—*Title:* Amendment of the Uniform System of Accounts to Increase the Dollar Limit for Expensing Minor Items. *Summary:* GTE filed a Petition for Rulemaking on November 7, 1980, requesting that the current $50 limit for the expensing of minor items be raised. GTE cited inflationary trends since the previous increase in 1974 in support of its request. These minor items include such items as tools, test sets, and furniture. This Commission released a Notice of Proposed Rulemaking on May 1, 1981, requesting comments primarily on what the new limit should be; whether the limit should be a fixed limit or raised to a predetermined amount in predetermined steps; and, whether the carriers should be allowed to amortize the embedded investment between the current $50 limit and the new limit over a reasonable period.

Common Carrier—4—*Title:* Stay of Acceptance Date for Applications in the Domestic Public Cellular Radio Telecommunications Service. *Summary:* The Commission will consider whether to stay the date—November 23, 1981—it has established to begin accepting cellular radio applications. This would allow the Commmission staff time to act on petitions for reconsideration of our policies in the cellular radio proceeding.

Common Carrier—5—*Title:* Applications for authority under Titles II and III of the Communications Act (1) to extend U.S. domestic satellite programming and data services to foreign points and (2) to receive programming and data transmissions from Canadian domestic satellites. *Summary:* The Commission will consider 13 applications by various common carriers and earth station licensees to provide transborder programming and data services over U.S. and Canadian domestic satellite facilities.

Common Carrier—6—*Title:* CC Docket No. 79-63, American Telephone and Telegraph Co., Reconsideration of Petition for Modification of Prescribed Rate of Return. *Summary:* The Commission will reconsider its May 7, 1981 Order whereby AT&T's allowed rate of return was raised from the interim level of 10.5 percent to 12.75 percent. As a result of the Commission's May decision, AT&T was permitted to file tariffs which rasied its rate of return for interstate services from 10 to 16 percent. The Commission will reconsider its Decision in light of filed comments and any subsequent developments.

Common Carrier—7—*Title:* Revision of the Uniform System of Accounts (USOA) and Financial Reporting Requirements for Telephone Companies (Parts 31, 33, 42 and 43 of the FCC's Rules). *Summary:* The Commission will consider whether to adopt a Second Supplemental Notice of Proposed Rulemaking and Order modifying its approach to USOA revision and establishing an industry advisory committee to assist in the design and implementation of the new system.

Common Carrier—8—*Title:* In the matter of Amendment of Section 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry). Docket No. 20828. *Summary:* The Commission will consider petitions for clarification and further reconsideration concerning the deregulation of customer-premises equipment and enhanced services.

Common Carrier—9—*Title:* Motions of Cincinnati Bell Inc. and Southern New England Telephone Company for Declaratory Ruling to Remove Uncertainty of Their Status Under the Commission's decisions in the Second Computer Inquiry (Docket 20828). *Summary:* Commission will consider whether to adopt staff proposal concerning the applicability of the Computer II separate subsidairy requirements for the two Bell telephone companies in which AT&T holds a minority interest.

Common Carrier—10—AT&T Petition for Waiver of Section 64.702 ofd the Commission's Rules to Permit Bell Operating Companies to Offer Custom Calling Services II Directly to the Public. The Commission will consider a Petition for Waiver of the rules adopted in the Second Computer Inquiry to enable Bell Operating Companies to offer three enhanced services: call anwering, advance calling and remote access; without begin subject to structural separation requirements.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affiars Office, telephone number (202) 254–7674.

Issued: September 29, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–1518–81 Filed 10–[illegible]–81; 2:11 pm]

BILLING CODE 6712–01–M

4

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Friday, October 9, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility lending rate.
2. Central Liquidity Facility FY 1981 Fourth Quarter Dividend.
3. Reports of actions taken under delegations of authority.
4. Applications for charters, amendments to charters, bylaw amendments, mergers that may be pending at that time.

RECESS: 10 a.m.

* * * * *

TIME AND DATE: 10:15 a.m., Friday, October 9, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed modification to delegated authority to increase loan assistance under Section 208(a)(1) of the Federal Credit Union Act. Closed pursuant to exemption (8).
2. Proposed Settlement of Liquidation Claim. Closed pursuant to exemptions (8), (9)(B) and (10).
3. Administrative Adjudication. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
4. Proposed Merger. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–1510–81 10–2–81; Filed 9:24 am]

BILLING CODE 7535–01–M

5

NATIONAL MUSEUM SERVICES BOARD

DATE AND TIME: October 9, 1981, 9 a.m. to 4 p.m.

PLACE: Finley Conference Room, first floor, National Portrait Gallery, F Street at 8th, NW., Washington, D.C. 20560.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. Introduction: George Seybolt, Chairman 9:00 a.m. to 9:20 a.m.
2. Minutes 9:20 a.m. to 9:30 a.m.
3. Discussion of placement of IMS with Theodore Sky, Office of General Counsel, ED 9:30 a.m. to 10:00 a.m.
4. Legislative Report, incl. FY 82 Appropriations 10:00 a.m. to 10:15 a.m.
5. Grants Program Report incl. final FY 1981 grant statistics 10:15 a.m. to 11:30 a.m.
6. Administration Report, incl. Personnel and Budget 11:30 a.m. to 12:00 p.m.
7. Lunch 12:00 p.m. to 1:00 p.m.
8. Report of Grants Review Committee, incl. Emergency Grants and Special Projects 1:00 p.m. to 3:30 p.m.
9. Future Board meeting schedule 3:30 p.m. to 3:45 p.m.

CONTACT PERSON FOR MORE INFORMATION: Kate Merlino, Executive Assistant to NMSB; Telepnone: 202/426–6577.

Dated: September 30, 1981.

Kate Merlino,

Executive Assistant, National Museum Services Board.

[S–1515–81 Filed 10–2–81; 1:32 pm]

BILLING CODE 4000–01–M

6

NATIONAL SCIENCE BOARD

DATE AND TIME:

October 15, 1981—9:00 a.m. Open Session

October 16, 1981—8:30 a.m. Open Session; 10:00 a.m. Closed Session

PLACE: National Science Foundation, 1800 G Street, N.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS: Thursday, October 15, 9 a.m.:

1. Minutes—Open Session—229th Meeting
2. Chairman's Items
3. Director's Report
   a. Report on Grant and Contract Activity—9/17/–10/14/81
   b. Organizational and Staff Changes
   c. Congressional and Legislative Matters
   d. NSFG Budget for Fiscal Year 1982
   e. Status of Board Policy Statements on Social and Behaviorial Sciences and Science and Engineering Education
   f. NSF Advisory Council
   g. Industrial Support of University Research Activities
4. Program Review—Polar Sciences

Friday, October 16, 8:30 a.m. (Conclusion of Open Session)

5. Reports on Meetings of Board Committees
6. NSF Advisory Groups—Representation at Future Events
7. Proposed Changes in NSF Patent Policy
8. Proposed Revisions to NSF Conflict of Interest Regulations
9. Other Business
10. Next Meeting—National Science Board—November 19–20, 1981

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION: Friday, October 16, 10 a.m.:

A. Minutes—Closed Session—229th Meeting
B. Grants, Contracts, and Programs
C. NSF Budget Requests for Fiscal Year 1983 and Subsequent Years
D. NSB Annual Reports
E. Draft Report of Congressional Research Service, Library of Congress, to House Committee on Science and Technology
F. NSB and NSF Staff Nominees
G. Alan T. Waterman Award Committee

CONTACT PERSON FOR MORE INFORMATION: Miss Catherine Flynn, NSB Staff Assistant, (202) 357–9582.

[S–1511–81 Filed 10–2–81; 1:28 pm]

BILLING CODE 7555–01–M

7

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on October 29, 1981.

V 46/193 OC 6 81 UMI

PLACE: Room 1101, 1825 K Street, NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634-4015.

Dated: October 1, 1981.

[S-1512-81 Filed 10-2-81; 1:32 pm]

BILLING CODE 7600-01-M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on October 15, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634-4015.

Dated: October 1, 1981.

[S-1513-81 Filed 10-2-81; 1:32 pm]

BILLING CODE 7600-01-M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on October 22, 1981

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634-4015.

Dated: October 1, 1981.

[S-1514-81 Filed 10-2-81; 1:32 pm]

BILLING CODE 7600-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/OPM		DOT/FHWA	USDA/OPM
DOT/FRA	LABOR		DOT/FRA	USDA/LABOR
DOT/MA	HHS/FDA		DOT/MA	MSPB/FDA
DOT/NHTSA			DOT/NHTSA	
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Last Listing October 5, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.J. Res. 325 / Pub. L. 97-51 Making continuing appropriations for the fiscal year 1982, and for other purposes (Oct. 1, 1981; 95 Stat. 958) Price $1.75.

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For an advance "look" at the Federal Register, try our information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the Federal Register.

Washington: **202-523-5022**

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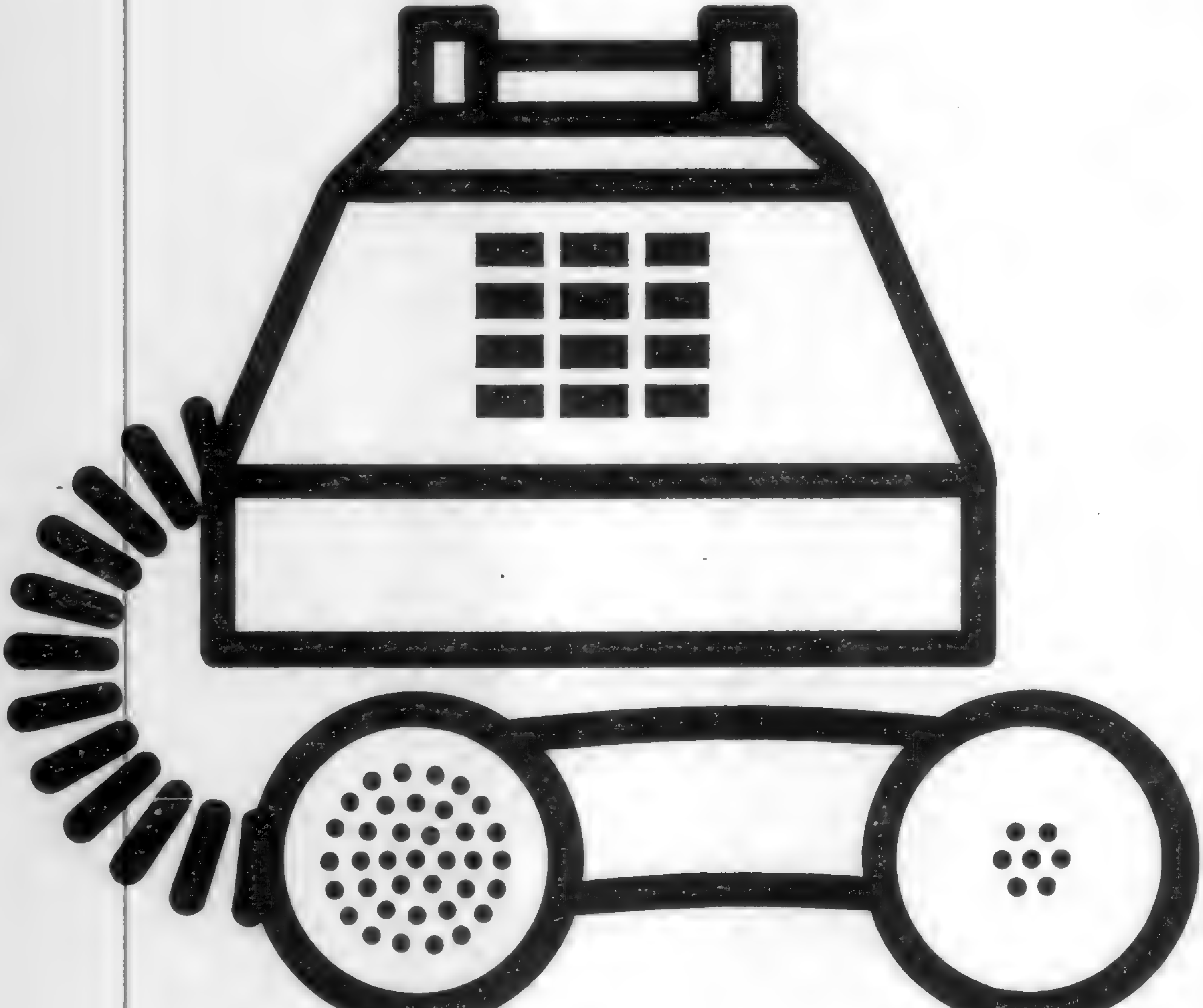

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federal register

Book 2 of 2 Books
Tuesday, October 6, 1981

49260 Part II—Treasury/FS, Bureau of Public Debt: Offering of U.S. Savings Bonds, Series E—Dept. Circular No. 653, 10th Revision, First Amendment

49498 Part III—Treasury/FS, Bureau of Public Debt: Offering of United States Savings Bonds, Series E—Dept. Circular, Public Debt Series No. 1-80, First Revision

49506 Part IV—Treasury/FS, Bureau of Public Debt: Offering of United States Savings Bonds; Series HH—Dept. Circular, Public Debt Series No. 2-80, First Revision

49518 Part V—Treasury/FS, Bureau of Public Debt: Offering of United States Savings Notes, Dept. Circular, Public Debt Series No. 3-67, Revised, 4th Amendment

49542 Part VI—Labor/Sec'y, WCPO, ETA, OSHA: Subpoenas Served on Departmental Employees: Procedures to be Followed; Final Rules

49546 Part VII—DOE: Nondiscrimination on the Basis of Age

49554 Part VIII—Interior/GS: Outer Continental Shelf; Oil and Gas Leasing in the Western Gulf of Mexico; Proposed Rule and Notice to Lessees

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federal register

Tuesday
October 6, 1981

Part II

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Offering of U.S. Savings Bonds, Series E

Department Circular No. 653, 10th Revision, First Amendment

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 316

Offering of United States Savings Bonds, Series E

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This amendment of the offering circular for United States Savings Bonds of Series E, *i.e.*, Treasury Circular No. 653, Tenth Revision (31 CFR, Part 316), is being issued to reflect the latest improvements in the investment yield of these bonds.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376–0636.

SUPPLEMENTARY INFORMATION: This amendment of the offering circular for Series E bonds effectuates two further improvements in their investment yield. On October 6, 1980, the Secretary announced that the investment yield of all outstanding Series E bonds would be improved by 1 percent per annum, compounded semiannually, effective November 1, 1980. On April 29, 1981, the Secretary announced that their investment yield would be further increased by an additional 1 percent per annum, compounded semiannually, effective May 1, 1981. These improvements in yield will be applied as follows:

Series E bonds bearing issue dates of May 1, 1941, to April 1, 1976, which were either in an extended maturity period on November 1, 1980, or entered their first extension within 6 months of that date, earn interest at the rate of 7½ percent per annum, compounded semiannually, during the first semiannual interest accrual period starting on or after November 1, 1981, and 8½ percent per annum, compounded semiannually, in the ensuing semiannual accrual periods to their next maturity date. (Note: The second increase to 8.5 percent will not be effective with respect to bonds bearing issue dates of May 1, 1941, to October 1, 1941, as they reach final maturity prior to November 1, 1981.

Series E bonds bearing issue dates of May 1, 1976 to October 1, 1976, will have their yields increased by 1 percent per annum, compounded semiannually for the last semiannual interest accrual period during their original maturity period and will earn interest at the rate of 8.5 percent per annum, compounded semiannually, during their first extended maturity.

Series E bonds bearing issue dates of November 1, 1976, to June 1, 1980, will have their yield improved by 1 percent per annum, compounded semiannually, effective with the first semiannual anniversary of their issue date occurring on or after November 1, 1980, and by an additional 1 percent per annum, compounded semiannually, effective with the first semiannual anniversary of their issue date occurring on or after May 1, 1981.

Additionally, Series E bonds that have not reached final maturity before January 1, 1991, will continue to be eligible for the ½ of 1 percent bonus provision specified in Section 316.8(b)(4) of the offering.

This revision is effected under authority of Section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

Dated: September 11, 1981.

Paul H. Taylor,

Fiscal Assistant Secretary.

Accordingly, Department of the Treasury Circular No. 653, Tenth Revision, dated April 2, 1980, (31 CFR, Part 316), is hereby amended by the removal of § 316.8(b) and Tables 1 to 176a and the addition of new § 316.8(b) and new Tables 1 to 245, as follows.

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

§ 316.8 Extended terms and improved yields for outstanding bonds.

* * * * *

(b) *Improved yields—outstanding bonds.* The investment yields on E bonds are increased, as follows:

(1) *Bonds with issue dates from May 1, 1941, through April 1, 1976.* For the period to the next extended maturity dates, yields are increased by: 1 percent per annum, compounded semiannually, effective with the first full semiannual interest accrual period beginning on or after November 1, 1980, and by an additional 1 percent per annum, compounded semiannually, effective with the first full semiannual interest accrual period beginning on or after May 1, 1981. The bonds will earn 8½ percent per annum, compounded semiannually, from the applicable effective date of the second increase to their next extended maturity dates. Bonds reaching final maturity prior to November 1, 1981, are not affected by the second 1 percent increase.

(2) *Bonds with issue dates from May 1, 1976, through October 1, 1976.* For the last semiannual interest accrual period of original maturity, yields are increased by 1 percent per annum, compounded semiannually, and for the period of the first extension, beginning on or after May 1, 1981, yields are increased to 8½ percent per annum, compounded semiannually.

(3) *Bonds with issue dates from November 1, 1976, through June 1, 1980.* For the remaining period to original maturity, yields are increased by: 1 percent per annum, compounded semiannually, effective with the first semiannual anniversary of the issue date occurring on or after November 1, 1980, and by an additional 1 percent per annum, compounded semiannually, effective with the first semiannual anniversary of the issue date occurring on or after May 1, 1981. The effect of these two increases in the yield to original maturity is reflected in the redemption tables appended to this Circular.

(4) *Future extensions.* The investment yield for any bonds entering an authorized extension period on or after May 1, 1981, will be at the rate of 8½ percent per annum, compounded semiannually, unless such rate is changed prior to the commencement of the future extension period.

(5) *11-year bonus.* In addition to the improved yields specified above, a bonus of ½ of 1 percent per annum, compounded semiannually, will be paid for the 11-year period from the first semiannual interest accrual period beginning on or after January 1, 1980, to the first semiannual interest accrual period beginning on or after January 1, 1991, on all bonds which have not been redeemed or reached final maturity prior to completion of the 11-year period. Payment of the bonus will be made as part of the redemption value.

* * * * *

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TABLE 1

BONDS BEARING ISSUE DATE NOV. 1, 1941

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/(5/1/81)	$89.07	$178.14	$356.28	$1781.40	$3562.80	6.00	8.51	8.51
10-0 2/ (11/1/81)	92.86	185.72	371.44	1857.20	3714.40	6.12 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1941 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.04 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 2

BONDS BEARING ISSUE DATES FROM DEC. 1, 1941 THROUGH APR. 1, 1942

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/(6/1/81)	$90.52	$181.04	$362.08	$1810.40	$3620.80	6.05	8.46	8.46
10-0 2/ (12/1/81)	94.35	188.70	377.40	1887.00	3774.00	6.17 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1941 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.08 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 3

BONDS BEARING ISSUE DATE MAY 1, 1942

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$375.00 500.00	$750.00 1000.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/(5/1/81)	$88.33	$176.66	$353.32	$1766.60	$3533.20	6.03	8.49	8.50
9-6 TO10-0 (11/1/81)	92.08	184.16	368.32	1841.60	3683.20	6.16	8.51	8.51
10-0 2/ (5/1/82)	96.00	192.00	384.00	1920.00	3840.00	6.27 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1942 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.12 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 4

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH OCT. 1, 1942

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$375.00 500.00	$750.00 1000.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/(6/1/81)	$89.67	$179.34	$358.68	$1793.40	$3586.80	6.08	8.50	8.50
9-6 TO10-0 (12/1/81)	93.48	186.96	373.92	1869.60	3739.20	6.21	8.49	8.49
10-0 2/ (6/1/82)	97.45	194.90	389.80	1949.00	3898.00	6.32 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1942 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.16 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 5

BONDS BEARING ISSUE DATE NOV. 1, 1942

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/(5/1/81)	$86.85	$173.70	$347.40	$1737.00	$3474.00	6.06	8.50	8.50
9-0 TO 9-6 (11/1/81)	90.54	181.08	362.16	1810.80	3621.60	6.19	8.50	8.50
9-6 TO10-0 (5/1/82)	94.39	188.78	377.56	1887.80	3775.60	6.31	8.50	8.50
10-0 2/ (11/1/82)	98.40	196.80	393.60	1968.00	3936.00	6.42 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1942 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.19 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 6

BONDS BEARING ISSUE DATES FROM DEC. 1, 1942 THROUGH APR. 1, 1943

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/(6/1/81)	$88.22	$176.44	$352.88	$1764.40	$3528.80	6.12	8.50	8.50
9-0 TO 9-6 (12/1/81)	91.97	183.94	367.88	1839.40	3678.80	6.25	8.50	8.50
9-6 TO10-0 (6/1/82)	95.88	191.76	383.52	1917.60	3835.20	6.37	8.49	8.49
10-0 2/ (12/1/82)	99.95	199.90	399.80	1999.00	3998.00	6.47 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1942 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.23 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

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TABLE 7

BONDS BEARING ISSUE DATE MAY 1, 1943

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(5/1/81)	$85.44	$170.88	$341.76	$1708.80	$3417.60	6.09	8.50	8.50
8-6 TO 9-0 (11/1/81)	89.07	178.14	356.28	1781.40	3562.80	6.23	8.51	8.50
9-0 TO 9-6 (5/1/82)	92.86	185.72	371.44	1857.20	3714.40	6.36	8.51	8.49
9-6 TO10-0 (11/1/82)	96.81	193.62	387.24	1936.20	3872.40	6.47	8.47	8.47
10-0 2/ (5/1/83)	100.91	201.82	403.64	2018.20	4036.40	6.57 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1943 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.25 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 8

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH OCT. 1, 1943

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(6/1/81)	$86.77	$173.54	$347.08	$1735.40	$3470.80	6.16	8.51	8.50
8-6 TO 9-0 (12/1/81)	90.46	180.92	361.84	1809.20	3618.40	6.29	8.47	8.49
9-0 TO 9-6 (6/1/82)	94.29	188.58	377.16	1885.80	3771.60	6.41	8.53	8.51
9-6 TO10-0 (12/1/82)	98.31	196.62	393.24	1966.20	3932.40	6.52	8.48	8.48
10-0 2/ (6/1/83)	102.48	204.96	409.92	2049.60	4099.20	6.62 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1943 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.29 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 9

TABLE 9

BONDS BEARING ISSUE DATE NOV. 1, 1943

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(5/1/81)	$84.03	$168.06	$336.12	$1680.60	$3361.20	6.13	8.52	8.50
8-0 TO 8-6 (11/1/81)	87.61	175.22	350.44	1752.20	3504.40	6.28	8.49	8.50
8-6 TO 9-0 (5/1/82)	91.33	182.66	365.32	1826.60	3653.20	6.41	8.50	8.50
9-0 TO 9-6 (11/1/82)	95.21	190.42	380.84	1904.20	3808.40	6.53	8.51	8.51
9-6 TO10-0 (5/1/83)	99.26	198.52	397.04	1985.20	3970.40	6.63	8.50	8.50
10-0 2/ (11/1/83)	103.48	206.96	413.92	2069.60	4139.20	6.72 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1943 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.32 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 10

BONDS BEARING ISSUE DATES FROM DEC. 1, 1943 THROUGH APR. 1, 1944

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(6/1/81)	$85.34	$170.68	$341.36	$1706.80	$3413.60	6.20	8.51	8.50
8-0 TO 8-6 (12/1/81)	88.97	177.94	355.88	1779.40	3558.80	6.34	8.50	8.50
8-6 TO 9-0 (6/1/82)	92.75	185.50	371.00	1855.00	3710.00	6.47	8.47	8.50
9-0 TO 9-6 (12/1/82)	96.68	193.36	386.72	1933.60	3867.20	6.58	8.52	8.52
9-6 TO10-0 (6/1/83)	100.80	201.60	403.20	2016.00	4032.00	6.68	8.51	8.51
10-0 2/ (12/1/83)	105.09	210.18	420.36	2101.80	4203.60	6.77 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1943 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.36 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 11

BONDS BEARING ISSUE DATE MAY 1, 1944

ISSUE PRICE	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD					(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(5/1/81)	$82.66	$165.32	$330.64	$1653.20	$3306.40	6.18	8.47	8.50
7-6 TO 8-0 (11/1/81)	86.16	172.32	344.64	1723.20	3446.40	6.33	8.52	8.51
8-0 TO 8-6 (5/1/82)	89.83	179.66	359.32	1796.60	3593.20	6.47	8.50	8.50
8-6 TO 9-0 (11/1/82)	93.65	187.30	374.60	1873.00	3746.00	6.59	8.50	8.50
9-0 TO 9-6 (5/1/83)	97.63	195.26	390.52	1952.60	3905.20	6.69	8.50	8.51
9-6 TO10-0 (11/1/83)	101.78	203.56	407.12	2035.60	4071.20	6.79	8.51	8.51
10-0 2/ (5/1/84)	106.11	212.22	424.44	2122.20	4244.40	6.87 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1944 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.38 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 12

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH OCT. 1, 1944

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
							PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(6/1/81)	$33.56	$83.90	$167.80	$335.60	$1678.00	$3356.00	6.21	8.51	8.50
7-6 TO 8-0 (12/1/81)	34.99	87.47	174.94	349.88	1749.40	3498.80	6.37	8.48	8.50
8-0 TO 8-6 (6/1/82)	36.47	91.18	182.36	364.72	1823.60	3647.20	6.50	8.51	8.50
8-6 TO 9-0 (12/1/82)	38.02	95.06	190.12	380.24	1901.20	3802.40	6.62	8.50	8.50
9-0 TO 9-6 (6/1/83)	39.64	99.10	198.20	396.40	1982.00	3964.00	6.72	8.50	8.50
9-6 TO10-0 (12/1/83)	41.32	103.31	206.62	413.24	2066.20	4132.40	6.81	8.50	8.50
10-0 2/ (6/1/84)	43.08	107.70	215.40	430.80	2154.00	4308.00	6.90 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1944 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.42 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 13

BONDS BEARING ISSUE DATE NOV. 1, 1944

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
							PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/(5/1/81)	$32.50	$81.26	$162.52	$325.04	$1625.20	$3250.40	6.19	8.52	8.50
7-0 TO 7-6 (11/1/81)	33.89	84.72	169.44	338.88	1694.40	3388.80	6.36	8.50	8.50
7-6 TO 8-0 (5/1/82)	35.33	88.32	176.64	353.28	1766.40	3532.80	6.50	8.49	8.50
8-0 TO 8-6 (11/1/82)	36.83	92.07	184.14	368.28	1841.40	3682.80	6.62	8.52	8.50
8-6 TO 9-0 (5/1/83)	38.40	95.99	191.98	383.96	1919.80	3839.60	6.73	8.48	8.50
9-0 TO 9-6 (11/1/83)	40.02	100.06	200.12	400.24	2001.20	4002.40	6.83	8.51	8.50
9-6 TO10-0 (5/1/84)	41.73	104.32	208.64	417.28	2086.40	4172.80	6.92	8.49	8.49
10-0 2/ (11/1/84)	43.50	108.75	217.50	435.00	2175.00	4350.00	7.00 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1944 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.44 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 14

BONDS BEARING ISSUE DATES FROM DEC. 1, 1944 THROUGH APR. 1, 1945

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
							PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/(6/1/81)	$33.02	$82.54	$165.08	$330.16	$1650.80	$3301.60	6.23	8.48	8.50
7-0 TO 7-6 (12/1/81)	34.42	86.04	172.08	344.16	1720.80	3441.60	6.39	8.53	8.51
7-6 TO 8-0 (6/1/82)	35.88	89.71	179.42	358.84	1794.20	3588.40	6.53	8.49	8.50
8-0 TO 8-6 (12/1/82)	37.41	93.52	187.04	374.08	1870.40	3740.80	6.65	8.51	8.50
8-6 TO 9-0 (6/1/83)	39.00	97.50	195.00	390.00	1950.00	3900.00	6.76	8.47	8.50
9-0 TO 9-6 (12/1/83)	40.65	101.63	203.26	406.52	2032.60	4065.20	6.86	8.50	8.52
9-6 TO10-0 (6/1/84)	42.38	105.95	211.90	423.80	2119.00	4238.00	6.94	8.53	8.53
10-0 2/ (12/1/84)	44.19	110.47	220.94	441.88	2209.40	4418.80	7.02 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1944 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.48 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 15

* BONDS BEARING ISSUE DATE MAY 1, 1945

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
							PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/(5/1/81)	$31.98	$79.95	$159.90	$319.80	$1599.00	$3198.00	6.21	8.48	8.50
6-6 TO 7-0 (11/1/81)	33.34	83.34	166.68	333.36	1666.80	3333.60	6.38	8.50	8.50
7-0 TO 7-6 (5/1/82)	34.75	86.88	173.76	347.52	1737.60	3475.20	6.53	8.52	8.50
7-6 TO 8-0 (11/1/82)	36.23	90.58	181.16	362.32	1811.60	3623.20	6.66	8.50	8.50
8-0 TO 8-6 (5/1/83)	37.77	94.43	188.86	377.72	1888.60	3777.20	6.78	8.51	8.50
8-6 TO 9-0 (11/1/83)	39.38	98.45	196.90	393.80	1969.00	3938.00	6.88	8.49	8.50
9-0 TO 9-6 (5/1/84)	41.05	102.63	205.26	410.52	2052.60	4105.20	6.97	8.48	8.50
9-6 TO10-0 (11/1/84)	42.79	106.98	213.96	427.92	2139.60	4279.20	7.05	8.52	8.52
10-0 2/ (5/1/85)	44.62	111.54	223.08	446.16	2230.80	4461.60	7.12 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1945 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.51 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 16

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH OCT. 1, 1945

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/(6/1/81)	$32.49	$81.23	$162.46	$324.92	$649.84	$1624.60	$3249.20	6.25	8.49	8.50
6-6 TO 7-0 (12/1/81)	33.87	84.68	169.36	338.72	677.44	1693.60	3387.20	6.42	8.50	8.50
7-0 TO 7-6 (6/1/82)	35.31	88.28	176.56	353.12	706.24	1765.60	3531.20	6.57	8.52	8.50
7-6 TO 8-0 (12/1/82)	36.82	92.04	184.08	368.16	736.32	1840.80	3681.60	6.70	8.50	8.50
8-0 TO 8-6 (6/1/83)	38.38	95.95	191.90	383.80	767.60	1919.00	3838.00	6.81	8.50	8.50
8-6 TO 9-0 (12/1/83)	40.01	100.03	200.06	400.12	800.24	2000.60	4001.20	6.91	8.48	8.50
9-0 TO 9-6 (6/1/84)	41.71	104.27	208.54	417.08	834.16	2085.40	4170.80	7.00	8.50	8.51
9-6 TO10-0 (12/1/84)	43.48	108.70	217.40	434.80	869.60	2174.00	4348.00	7.08	8.52	8.52
10-0 2/ (6/1/85)	45.33	113.33	226.66	453.32	906.64	2266.60	4533.20	7.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1945 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.55 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 17

BONDS BEARING ISSUE DATE NOV. 1, 1945

ISSUE PRICE		$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/	(5/1/81)	$31.47	$78.67	$157.34	$314.68	$629.36	$1573.40	$3146.80	6.23	8.49	8.50
6-0 TO 6-6	(11/1/81)	32.80	82.01	164.02	328.04	656.08	1640.20	3280.40	6.41	8.51	8.50
6-6 TO 7-0	(5/1/82)	34.20	85.50	171.00	342.00	684.00	1710.00	3420.00	6.57	8.51	8.50
7-0 TO 7-6	(11/1/82)	35.66	89.14	178.28	356.56	713.12	1782.80	3565.60	6.71	8.50	8.50
7-6 TO 8-0	(5/1/83)	37.17	92.93	185.86	371.72	743.44	1858.60	3717.20	6.83	8.48	8.50
8-0 TO 8-6	(11/1/83)	38.75	96.87	193.74	387.48	774.96	1937.40	3874.80	6.93	8.51	8.51
8-6 TO 9-0	(5/1/84)	40.40	100.99	201.98	403.96	807.92	2019.80	4039.60	7.03	8.50	8.51
9-0 TO 9-6	(11/1/84)	42.11	105.29	210.56	421.12	842.24	2105.60	4211.20	7.11	8.49	8.51
9-6 TO10-0	(5/1/85)	43.90	109.75	219.50	439.00	878.00	2195.00	4390.00	7.18	8.53	8.53
10-0 2/	(11/1/85)	45.77	114.43	228.86	457.72	915.44	2288.60	4577.20	7.25 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1945 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.57 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 18.

BONDS BEARING ISSUE DATES FROM DEC. 1, 1945 THROUGH APR. 1, 1946

ISSUE PRICE		$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/	(6/1/81)	$32.26	$80.64	$161.28	$322.56	$645.12	$1612.80	$3225.60	6.27	8.46	8.50
6-0 TO 6-6	(12/1/81)	33.62	84.05	168.10	336.20	672.40	1681.00	3362.00	6.46	8.54	8.50
6-6 TO 7-0	(6/1/82)	35.06	87.64	175.28	350.56	701.12	1752.80	3505.60	6.62	8.49	8.50
7-0 TO 7-6	(12/1/82)	36.54	91.36	182.72	365.44	730.88	1827.20	3654.40	6.75	8.49	8.50
7-6 TO 8-0	(6/1/83)	38.10	95.24	190.48	380.96	761.92	1904.80	3809.60	6.86	8.50	8.50
8-0 TO 8-6	(12/1/83)	39.72	99.29	198.58	397.16	794.32	1985.80	3971.60	6.97	8.48	8.50
8-6 TO 9-0	(6/1/84)	41.40	103.50	207.00	414.00	828.00	2070.00	4140.00	7.06	8.52	8.51
9-0 TO 9-6	(12/1/84)	43.16	107.91	215.82	431.64	863.28	2158.20	4316.40	7.14	8.49	8.50
9-6 TO10-0	(6/1/85)	45.00	112.49	224.98	449.96	899.92	2249.80	4499.60	7.21	8.52	8.52
10-0 2/	(12/1/85)	46.91	117.28	234.56	469.12	938.24	2345.60	4691.20	7.27 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1945 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.84 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 19

BONDS BEARING ISSUE DATE MAY 1, 1946

ISSUE PRICE . . . . . . DENOMINATION	$7.50 10.00	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/(5/1/81)	$31.24	$78.10	$156.20	$312.40	$624.80	$1562.00	$3124.00	6.25	8.50	8.50
5-6 TO 6-0 (11/1/81)	32.57	81.42	162.84	325.68	651.36	1628.40	3256.80	6.45	8.47	8.50
6-0 TO 6-6 (5/1/82)	33.95	84.87	169.74	339.48	678.96	1697.40	3394.80	6.62	8.53	8.50
6-6 TO 7-0 (11/1/82)	35.40	88.49	176.98	353.96	707.92	1769.80	3539.60	6.77	8.50	8.50
7-0 TO 7-6 (5/1/83)	36.90	92.25	184.50	369.00	738.00	1845.00	3690.00	6.89	8.48	8.50
7-6 TO 8-0 (11/1/83)	38.46	96.16	192.32	384.64	769.28	1923.20	3846.40	7.00	8.51	8.50
8-0 TO 8-6 (5/1/84)	40.10	100.25	200.50	401.00	802.00	2005.00	4010.00	7.09	8.50	8.50
8-6 TO 9-0 (11/1/84)	41.80	104.51	209.02	418.04	836.08	2090.20	4180.40	7.17	8.50	8.50
9-0 TO 9-6 (5/1/85)	43.58	108.95	217.90	435.80	871.60	2179.00	4358.00	7.25	8.50	8.50
9-6 TO10-0 (11/1/85)	45.43	113.58	227.16	454.32	908.64	2271.60	4543.20	7.31	8.51	8.51
10-0 2/ (5/1/86)	47.36	118.41	236.82	473.64	947.28	2368.20	4736.40	7.37 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1946 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.66 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 20

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH OCT. 1, 1946

ISSUE PRICE . . . . . . DENOMINATION	$7.50 10.00	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/(6/1/81)	$31.72	$79.31	$158.62	$317.24	$634.48	$1586.20	$3172.40	6.30	8.50	8.50
5-6 TO 6-0 (12/1/81)	33.07	82.68	165.36	330.72	661.44	1653.60	3307.20	6.50	8.49	8.50
6-0 TO 6-6 (6/1/82)	34.48	86.19	172.38	344.76	689.52	1723.80	3447.60	6.66	8.54	8.50
6-6 TO 7-0 (12/1/82)	35.95	89.87	179.74	359.48	718.96	1797.40	3594.80	6.81	8.46	8.50
7-0 TO 7-6 (6/1/83)	37.47	93.67	187.34	374.68	749.36	1873.40	3746.80	6.93	8.52	8.50
7-6 TO 8-0 (12/1/83)	39.06	97.66	195.32	390.64	781.28	1953.20	3906.40	7.03	8.50	8.50
8-0 TO 8-6 (6/1/84)	40.72	101.81	203.62	407.24	814.48	2036.20	4072.40	7.12	8.49	8.50
8-6 TO 9-0 (12/1/84)	42.45	106.13	212.26	424.52	849.04	2122.60	4245.20	7.20	8.50	8.50
9-0 TO 9-6 (6/1/85)	44.26	110.64	221.28	442.56	885.12	2212.80	4425.60	7.27	8.51	8.50
9-6 TO10-0 (12/1/85)	46.14	115.35	230.70	461.40	922.80	2307.00	4614.00	7.34	8.50	8.50
10-0 2/ (6/1/86)	48.10	120.25	240.50	481.00	962.00	2405.00	4810.00	7.40 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1946 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.70 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 21

BONDS BEARING ISSUE DATE NOV. 1, 1946

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) (2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
ISSUE PRICE		$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00			
DENOMINATION		10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
									PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/	(5/1/81)	$30.72	$76.81	$153.62	$307.24	$614.48	$1536.20	$3072.40	6.28	8.51	8.50
5-0 TO 5-6	(11/1/81)	32.03	80.08	160.16	320.32	640.64	1601.60	3203.20	6.50	8.49	8.50
5-6 TO 6-0	(5/1/82)	33.39	83.48	166.96	333.92	667.84	1669.60	3339.20	6.68	8.51	8.50
6-0 TO 6-6	(11/1/82)	34.81	87.03	174.06	348.12	696.24	1740.60	3481.20	6.83	8.50	8.50
6-6 TO 7-0	(5/1/83)	36.29	90.73	181.46	362.92	725.84	1814.60	3629.20	6.96	8.51	8.50
7-0 TO 7-6	(11/1/83)	37.84	94.59	189.18	378.36	756.72	1891.80	3783.60	7.07	8.50	8.50
7-6 TO 8-0	(5/1/84)	39.44	98.61	197.22	394.44	788.88	1972.20	3944.40	7.17	8.50	8.50
8-0 TO 8-6	(11/1/84)	41.12	102.80	205.60	411.20	822.40	2056.00	4112.00	7.25	8.48	8.50
8-6 TO 9-0	(5/1/85)	42.86	107.16	214.32	428.64	857.28	2143.20	4286.40	7.32	8.51	8.50
9-0 TO 9-6	(11/1/85)	44.69	111.72	223.44	446.88	893.76	2234.40	4468.80	7.39	8.50	8.50
9-6 TO10-0	(5/1/86)	46.59	116.47	232.94	465.88	931.76	2329.40	4658.80	7.45	8.50	8.50
10-0 2/	(11/1/86)	48.57	121.42	242.84	485.68	971.36	2428.40	4856.80	7.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1946 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.73 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 22

BONDS BEARING ISSUE DATES FROM DEC. 1, 1946 THROUGH APR. 1, 1947

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) (2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
ISSUE PRICE		$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00			
DENOMINATION		10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
									PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/	(6/1/81)	$31.22	$78.06	$156.12	$312.24	$624.48	$1561.20	$3122.40	6.33	8.48	8.50
5-0 TO 5-6	(12/1/81)	32.55	81.37	162.74	325.48	650.96	1627.40	3254.80	6.55	8.50	8.50
5-6 TO 6-0	(6/1/82)	33.93	84.83	169.66	339.32	678.64	1696.60	3393.20	6.72	8.51	8.50
6-0 TO 6-6	(12/1/82)	35.38	88.44	176.88	353.76	707.52	1768.80	3537.60	6.87	8.50	8.50
6-6 TO 7-0	(6/1/83)	36.88	92.20	184.40	368.80	737.60	1844.00	3688.00	7.00	8.49	8.50
7-0 TO 7-6	(12/1/83)	38.44	96.11	192.22	384.44	768.88	1922.20	3844.40	7.10	8.51	8.50
7-6 TO 8-0	(6/1/84)	40.08	100.20	200.40	400.80	801.60	2004.00	4008.00	7.20	8.50	8.50
8-0 TO 8-6	(12/1/84)	41.78	104.46	208.92	417.84	835.68	2089.20	4178.40	7.28	8.50	8.50
8-6 TO 9-0	(6/1/85)	43.56	108.90	217.80	435.60	871.20	2178.00	4356.00	7.35	8.50	8.50
9-0 TO 9-6	(12/1/85)	45.41	113.53	227.06	454.12	908.24	2270.60	4541.20	7.41	8.49	8.50
9-6 TO10-0	(6/1/86)	47.34	118.35	236.70	473.40	946.80	2367.00	4734.00	7.47	8.50	8.50
10-0 2/	(12/1/86)	49.35	123.38	246.76	493.52	987.04	2467.60	4935.20	7.52 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1946 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.77 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

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TABLE 23

BONDS BEARING ISSUE DATE MAY 1, 1947

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
ISSUE PRICE		$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
									PERCENT	PERCENT	PERCENT
4-0 TO 4-6	1/(5/1/81)	$30.24	$75.59	$151.18	$302.36	$604.72	$1511.80	$3023.60	6.31	8.52	8.50
4-6 TO 5-0	(11/1/81)	31.52	78.81	157.62	315.24	630.48	1576.20	3152.40	6.55	8.50	8.50
5-0 TO 5-6	(5/1/82)	32.86	82.16	164.32	328.64	657.28	1643.20	3286.40	6.75	8.52	8.50
5-6 TO 6-0	(11/1/82)	34.26	85.66	171.32	342.64	685.28	1713.20	3426.40	6.91	8.48	8.50
6-0 TO 6-6	(5/1/83)	35.72	89.29	178.58	357.16	714.32	1785.80	3571.60	7.04	8.51	8.50
6-6 TO 7-0	(11/1/83)	37.24	93.09	186.18	372.36	744.72	1861.80	3723.60	7.15	8.51	8.50
7-0 TO 7-6	(5/1/84)	38.82	97.05	194.10	388.20	776.40	1941.00	3882.00	7.25	8.49	8.50
7-6 TO 8-0	(11/1/84)	40.47	101.17	202.34	404.68	809.36	2023.40	4046.80	7.33	8.50	8.50
8-0 TO 8-6	(5/1/85)	42.19	105.47	210.94	421.88	843.76	2109.40	4218.80	7.40	8.51	8.50
8-6 TO 9-0	(11/1/85)	43.98	109.96	219.92	439.84	879.68	2199.20	4398.40	7.47	8.48	8.49
9-0 TO 9-6	(5/1/86)	45.85	114.62	229.24	458.48	916.96	2292.40	4584.80	7.52	8.48	8.50
9-6 TO10-0	(11/1/86)	47.79	119.48	238.96	477.92	955.84	2389.60	4779.20	7.57	8.52	8.52
10-0 2/	(5/1/87)	49.83	124.57	249.14	498.28	996.56	2491.40	4982.80	7.62 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1947 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.79 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 24

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH OCT. 1, 1947

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
ISSUE PRICE		$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
									PERCENT	PERCENT	PERCENT
4-0 TO 4-6	1/(6/1/81)	$30.72	$76.81	$153.62	$307.24	$614.48	$1536.20	$3072.40	6.37	8.49	8.50
4-6 TO 5-0	(12/1/81)	32.03	80.07	160.14	320.28	640.56	1601.40	3202.80	6.61	8.52	8.50
5-0 TO 5-6	(6/1/82)	33.39	83.48	166.96	333.92	667.84	1669.60	3339.20	6.80	8.51	8.50
5-6 TO 6-0	(12/1/82)	34.81	87.03	174.06	348.12	696.24	1740.60	3481.20	6.95	8.48	8.50
6-0 TO 6-6	(6/1/83)	36.29	90.72	181.44	362.88	725.76	1814.40	3628.80	7.08	8.51	8.50
6-6 TO 7-0	(12/1/83)	37.83	94.58	189.16	378.32	756.64	1891.60	3783.20	7.19	8.50	8.50
7-0 TO 7-6	(6/1/84)	39.44	98.60	197.20	394.40	788.80	1972.00	3944.00	7.28	8.50	8.50
7-6 TO 8-0	(12/1/84)	41.12	102.79	205.58	411.16	822.32	2055.80	4111.60	7.36	8.50	8.50
8-0 TO 8-6	(6/1/85)	42.86	107.16	214.32	428.64	857.28	2143.20	4286.40	7.43	8.51	8.50
8-6 TO 9-0	(12/1/85)	44.69	111.72	223.44	446.88	893.76	2234.40	4468.80	7.50	8.49	8.50
9-0 TO 9-6	(6/1/86)	46.58	116.46	232.92	465.84	931.68	2329.20	4658.40	7.55	8.50	8.50
9-6 TO10-0	(12/1/86)	48.56	121.41	242.82	485.64	971.28	2428.20	4856.40	7.60	8.50	8.50
10-0 2/	(6/1/87)	50.63	126.57	253.14	506.28	1012.56	2531.40	5062.80	7.65 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1947 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.83 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 25

BONDS BEARING ISSUE DATE NOV. 1, 1947

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(5/1/81)	$29.76	$74.39	$148.78	$297.56	$595.12	$1487.80	$2975.60	6.36	8.50	8.50
4-0 TO 4-6 (11/1/81)	31.02	77.55	155.10	310.20	620.40	1551.00	3102.00	6.62	8.49	8.50
4-6 TO 5-0 (5/1/82)	32.34	80.84	161.68	323.36	646.72	1616.80	3233.60	6.83	8.54	8.50
5-0 TO 5-6 (11/1/82)	33.72	84.29	168.58	337.16	674.32	1685.80	3371.60	7.00	8.49	8.50
5-6 TO 6-0 (5/1/83)	35.15	87.87	175.74	351.48	702.96	1757.40	3514.80	7.13	8.49	8.50
6-0 TO 6-6 (11/1/83)	36.64	91.60	183.20	366.40	732.80	1832.00	3664.00	7.25	8.49	8.50
6-6 TO 7-0 (5/1/84)	38.20	95.49	190.98	381.96	763.92	1909.80	3819.60	7.34	8.50	8.50
7-0 TO 7-6 (11/1/84)	39.82	99.55	199.10	398.20	796.40	1991.00	3982.00	7.42	8.52	8.50
7-6 TO 8-0 (5/1/85)	41.52	103.79	207.58	415.16	830.32	2075.80	4151.60	7.50	8.50	8.50
8-0 TO 8-6 (11/1/85)	43.28	108.20	216.40	432.80	865.60	2164.00	4328.00	7.56	8.48	8.50
8-6 TO 9-0 (5/1/86)	45.12	112.79	225.58	451.16	902.32	2255.80	4511.60	7.61	8.51	8.50
9-0 TO 9-6 (11/1/86)	47.04	117.59	235.18	470.36	940.72	2351.80	4703.60	7.66	8.49	8.49
9-6 TO10-0 (5/1/87)	49.03	122.58	245.16	490.32	980.64	2451.60	4903.20	7.71	8.50	8.50
10-0 2/ (11/1/87)	51.12	127.79	255.58	511.16	1022.32	2555.80	5111.60	7.75 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1947 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.86 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 26

BONDS BEARING ISSUE DATES FROM DEC. 1, 1947 THROUGH APR. 1, 1948

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(6/1/81)	$30.23	$75.57	$151.14	$302.28	$604.56	$1511.40	$3022.80	6.43	8.52	8.50
4-0 TO 4-6 (12/1/81)	31.52	78.79	157.58	315.16	630.32	1575.80	3151.60	6.69	8.50	8.50
4-6 TO 5-0 (6/1/82)	32.86	82.14	164.28	328.56	657.12	1642.80	3285.60	6.89	8.52	8.50
5-0 TO 5-6 (12/1/82)	34.26	85.64	171.28	342.56	685.12	1712.80	3425.60	7.05	8.48	8.50
5-6 TO 6-0 (6/1/83)	35.71	89.27	178.54	357.08	714.16	1785.40	3570.80	7.18	8.49	8.50
6-0 TO 6-6 (12/1/83)	37.22	93.06	186.12	372.24	744.48	1861.20	3722.40	7.29	8.49	8.50
6-6 TO 7-0 (6/1/84)	38.80	97.01	194.02	388.04	776.08	1940.20	3880.40	7.39	8.51	8.50
7-0 TO 7-6 (12/1/84)	40.46	101.14	202.28	404.56	809.12	2022.80	4045.60	7.46	8.50	8.50
7-6 TO 8-0 (6/1/85)	42.18	105.44	210.88	421.76	843.52	2108.80	4217.60	7.53	8.48	8.50
8-0 TO 8-6 (12/1/85)	43.96	109.91	219.82	439.64	879.28	2198.20	4396.40	7.59	8.52	8.51
8-6 TO 9-0 (6/1/86)	45.84	114.59	229.18	458.36	916.72	2291.80	4583.60	7.65	8.49	8.51
9-0 TO 9-6 (12/1/86)	47.79	119.45	238.90	477.80	955.60	2389.00	4778.00	7.69	8.52	8.52
9-6 TO10-0 (6/1/87)	49.82	124.54	249.08	498.16	996.32	2490.80	4981.60	7.74	8.51	8.51
10-0 2/ (12/1/87)	51.94	129.84	259.68	519.36	1038.72	2596.80	5193.60	7.77 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1947 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.90 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 27

BONDS BEARING ISSUE DATE MAY 1, 1948

ISSUE PRICE		$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
3-0 TO 3-6	1/(5/1/81)	$29.28	$73.19	$146.38	$292.76	$585.52	$1463.80	$2927.60	6.41	8.53	8.50
3-6 TO 4-0	(11/1/81)	30.52	76.31	152.62	305.24	610.48	1526.20	3052.40	6.72	8.49	8.50
4-0 TO 4-6	(5/1/82)	31.82	79.55	159.10	318.20	636.40	1591.00	3182.00	6.94	8.50	8.50
4-6 TO 5-0	(11/1/82)	33.17	82.93	165.86	331.72	663.44	1658.60	3317.20	7.11	8.51	8.50
5-0 TO 5-6	(5/1/83)	34.58	86.46	172.92	345.84	691.68	1729.20	3458.40	7.25	8.49	8.50
5-6 TO 6-0	(11/1/83)	36.05	90.13	180.26	360.52	721.04	1802.60	3605.20	7.36	8.50	8.50
6-0 TO 6-6	(5/1/84)	37.58	93.96	187.92	375.84	751.68	1879.20	3758.40	7.46	8.49	8.50
6-6 TO 7-0	(11/1/84)	39.18	97.95	195.90	391.80	783.60	1959.00	3918.00	7.54	8.49	8.50
7-0 TO 7-6	(5/1/85)	40.84	102.11	204.22	408.44	816.88	2042.20	4084.40	7.60	8.52	8.50
7-6 TO 8-0	(11/1/85)	42.58	106.46	212.92	425.84	851.68	2129.20	4258.40	7.67	8.49	8.50
8-0 TO 8-6	(5/1/86)	44.39	110.98	221.96	443.92	887.84	2219.60	4439.20	7.72	8.51	8.50
8-6 TO 9-0	(11/1/86)	46.28	115.70	231.40	462.80	925.60	2314.00	4628.00	7.76	8.49	8.50
9-0 TO 9-6	(5/1/87)	48.24	120.61	241.22	482.44	964.88	2412.20	4824.40	7.80	8.51	8.51
9-6 TO10-0	(11/1/87)	50.30	125.74	251.48	502.96	1005.92	2514.80	5029.60	7.84	8.51	8.51
10-0 2/	(5/1/88)	52.44	131.09	262.18	524.36	1048.72	2621.80	5243.60	7.87 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1948 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.92 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 28

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH OCT. 1, 1948

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/(6/1/81)	$29.76	$74.39	$148.78	$297.56	$595.12	$1487.80	$2975.60	6.50	8.50	8.50
3-6 TO 4-0 (12/1/81)	31.02	77.55	155.10	310.20	620.40	1551.00	3102.00	6.78	8.48	8.50
4-0 TO 4-6 (6/1/82)	32.34	80.84	161.68	323.36	646.72	1616.80	3233.60	7.00	8.54	8.50
4-6 TO 5-0 (12/1/82)	33.72	84.29	168.58	337.16	674.32	1685.80	3371.60	7.17	8.47	8.50
5-0 TO 5-6 (6/1/83)	35.14	87.86	175.72	351.44	702.88	1757.20	3514.40	7.30	8.51	8.50
5-6 TO 6-0 (12/1/83)	36.64	91.60	183.20	366.40	732.80	1832.00	3664.00	7.41	8.49	8.50
6-0 TO 6-6 (6/1/84)	38.20	95.49	190.98	381.96	763.92	1909.80	3819.60	7.50	8.50	8.50
6-6 TO 7-0 (12/1/84)	39.82	99.55	199.10	398.20	796.40	1991.00	3982.00	7.57	8.52	8.50
7-0 TO 7-6 (6/1/85)	41.52	103.79	207.58	415.16	830.32	2075.80	4151.60	7.64	8.48	8.50
7-6 TO 8-0 (12/1/85)	43.28	108.19	216.38	432.76	865.52	2163.80	4327.60	7.70	8.49	8.50
8-0 TO 8-6 (6/1/86)	45.11	112.78	225.56	451.12	902.24	2255.60	4511.20	7.75	8.51	8.50
8-6 TO 9-0 (12/1/86)	47.03	117.58	235.16	470.32	940.64	2351.60	4703.20	7.79	8.49	8.50
9-0 TO 9-6 (6/1/87)	49.03	122.57	245.14	490.28	980.56	2451.40	4902.80	7.83	8.52	8.51
9-6 TO10-0 (12/1/87)	51.12	127.79	255.58	511.16	1022.32	2555.80	5111.60	7.87	8.50	8.50
10-0 2/ (6/1/88)	53.29	133.22	266.44	532.88	1065.76	2664.40	5328.80	7.90 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1948 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.96 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 29

BONDS BEARING ISSUE DATE NOV. 1, 1948

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/(5/1/81)	$28.82	$72.05	$144.10	$288.20	$576.40	$1441.00	$2882.00	6.50	8.49	8.50
3-0 TO 3-6 (11/1/81)	30.04	75.11	150.22	300.44	600.88	1502.20	3004.40	6.83	8.52	8.50
3-6 TO 4-0 (5/1/82)	31.32	78.31	156.62	313.24	626.48	1566.20	3132.40	7.07	8.48	8.50
4-0 TO 4-6 (11/1/82)	32.65	81.63	163.26	326.52	653.04	1632.60	3265.20	7.25	8.50	8.50
4-6 TO 5-0 (5/1/83)	34.04	85.10	170.20	340.40	680.80	1702.00	3404.00	7.39	8.48	8.50
5-0 TO 5-6 (11/1/83)	35.48	88.71	177.42	354.84	709.68	1774.20	3548.40	7.50	8.52	8.50
5-6 TO 6-0 (5/1/84)	37.00	92.49	184.98	369.96	739.92	1849.80	3699.60	7.59	8.48	8.50
6-0 TO 6-6 (11/1/84)	38.56	96.41	192.82	385.64	771.28	1928.20	3856.40	7.66	8.53	8.50
6-6 TO 7-0 (5/1/85)	40.21	100.52	201.04	402.08	804.16	2010.40	4020.80	7.73	8.50	8.50
7-0 TO 7-6 (11/1/85)	41.92	104.79	209.58	419.16	838.32	2095.80	4191.60	7.78	8.49	8.50
7-6 TO 8-0 (5/1/86)	43.70	109.24	218.48	436.96	873.92	2184.80	4369.60	7.83	8.50	8.50
8-0 TO 8-6 (11/1/86)	45.55	113.88	227.76	455.52	911.04	2277.60	4555.20	7.87	8.50	8.50
8-6 TO 9-0 (5/1/87)	47.49	118.72	237.44	474.88	949.76	2374.40	4748.80	7.91	8.49	8.50
9-0 TO 9-6 (11/1/87)	49.50	123.76	247.52	495.04	990.08	2475.20	4950.40	7.94	8.52	8.51
9-6 TO10-0 (5/1/88)	51.61	129.03	258.06	516.12	1032.24	2580.60	5161.20	7.97	8.49	8.49
10-0 2/ (11/1/88)	53.80	134.51	269.02	538.04	1076.08	2690.20	5380.40	8.00 3/	---	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1948 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 4.99 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 30

BONDS BEARING ISSUE DATES FROM DEC. 1, 1948 THROUGH APR. 1, 1949

ISSUE PRICE . . . . . . DENOMINATION		$7.50 10.00	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/	(6/1/81)	$29.28	$73.21	$146.42	$292.84	$585.68	$1464.20	$2928.40	6.60	8.52	8.50
3-0 TO 3-6	(12/1/81)	30.53	76.33	152.66	305.32	610.64	1526.60	3053.20	6.92	8.46	8.50
3-6 TO 4-0	(6/1/82)	31.82	79.56	159.12	318.24	636.48	1591.20	3182.40	7.14	8.52	8.50
4-0 TO 4-6	(12/1/82)	33.18	82.95	165.90	331.80	663.60	1659.00	3318.00	7.31	8.49	8.50
4-6 TO 5-0	(6/1/83)	34.59	86.47	172.94	345.88	691.76	1729.40	3458.80	7.44	8.49	8.50
5-0 TO 5-6	(12/1/83)	36.06	90.14	180.28	360.56	721.12	1802.80	3605.60	7.55	8.52	8.50
5-6 TO 6-0	(6/1/84)	37.59	93.98	187.96	375.92	751.84	1879.60	3759.20	7.63	8.49	8.50
6-0 TO 6-6	(12/1/84)	39.19	97.97	195.94	391.88	783.76	1959.40	3918.80	7.71	8.49	8.50
6-6 TO 7-0	(6/1/85)	40.85	102.13	204.26	408.52	817.04	2042.60	4085.20	7.77	8.52	8.50
7-0 TO 7-6	(12/1/85)	42.59	106.48	212.96	425.92	851.84	2129.60	4259.20	7.82	8.51	8.50
7-6 TO 8-0	(6/1/86)	44.40	111.01	222.02	444.04	888.08	2220.20	4440.40	7.87	8.49	8.50
8-0 TO 8-6	(12/1/86)	46.29	115.72	231.44	462.88	925.76	2314.40	4628.80	7.90	8.50	8.50
8-6 TO 9-0	(6/1/87)	48.26	120.64	241.28	482.56	965.12	2412.80	4825.60	7.94	8.50	8.50
9-0 TO 9-6	(12/1/87)	50.31	125.77	251.54	503.08	1006.16	2515.40	5030.80	7.97	8.49	8.50
9-6 TO 10-0	(6/1/88)	52.44	131.11	262.22	524.44	1048.88	2622.20	5244.40	8.00	8.51	8.51
10-0 2/	(12/1/88)	54.68	136.69	273.38	546.76	1093.52	2733.80	5467.60	8.02 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1948 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 5.03 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 31

BONDS BEARING ISSUE DATE MAY 1, 1949

ISSUE PRICE		$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
2-0 TO 2-6	1/(5/1/81)	$28.36	$70.91	$141.82	$283.64	$567.28	$1418.20	$2836.40	6.63	8.49	8.50
2-6 TO 3-0	(11/1/81)	29.57	73.92	147.84	295.68	591.36	1478.40	2956.80	7.00	8.52	8.50
3-0 TO 3-6	(5/1/82)	30.83	77.07	154.14	308.28	616.56	1541.40	3082.80	7.25	8.49	8.50
3-6 TO 4-0	(11/1/82)	32.14	80.34	160.68	321.36	642.72	1606.80	3213.60	7.43	8.51	8.50
4-0 TO 4-6	(5/1/83)	33.50	83.76	167.52	335.04	670.08	1675.20	3350.40	7.56	8.48	8.50
4-6 TO 5-0	(11/1/83)	34.92	87.31	174.62	349.24	698.48	1746.20	3492.40	7.66	8.50	8.50
5-0 TO 5-6	(5/1/84)	36.41	91.02	182.04	364.08	728.16	1820.40	3640.80	7.75	8.50	8.50
5-6 TO 6-0	(11/1/84)	37.96	94.89	189.78	379.56	759.12	1897.80	3795.60	7.82	8.49	8.50
6-0 TO 6-6	(5/1/85)	39.57	98.92	197.84	395.68	791.36	1978.40	3956.80	7.87	8.51	8.50
6-6 TO 7-0	(11/1/85)	41.25	103.13	206.26	412.52	825.04	2062.60	4125.20	7.92	8.49	8.50
7-0 TO 7-6	(5/1/86)	43.00	107.51	215.02	430.04	860.08	2150.20	4300.40	7.96	8.50	8.50
7-6 TO 8-0	(11/1/86)	44.83	112.08	224.16	448.32	896.64	2241.60	4483.20	8.00	8.49	8.50
8-0 TO 8-6	(5/1/87)	46.74	116.84	233.68	467.36	934.72	2336.80	4673.60	8.03	8.51	8.51
8-6 TO 9-0	(11/1/87)	48.72	121.81	243.62	487.24	974.48	2436.20	4872.40	8.06	8.51	8.50
9-0 TO 9-6	(5/1/88)	50.80	126.99	253.98	507.96	1015.92	2539.80	5079.60	8.08	8.49	8.50
9-6 TO10-0	(11/1/88)	52.95	132.38	264.76	529.52	1059.04	2647.60	5295.20	8.10	8.52	8.52
10-0 2/	(5/1/89)	55.21	138.02	276.04	552.08	1104.16	2760.40	5520.80	8.12 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1949 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 5.05 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 32

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH OCT. 1, 1949

ISSUE PRICE	$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/(6/1/81)	$29.56	$73.90	$147.80	$295.60	$591.20	$1478.00	$2956.00	6.75	8.50	8.50
2-6 TO 3-0 (12/1/81)	30.82	77.04	154.08	308.16	616.32	1540.80	3081.60	7.10	8.49	8.50
3-0 TO 3-6 (6/1/82)	32.12	80.31	160.62	321.24	642.48	1606.20	3212.40	7.33	8.52	8.50
3-6 TO 4-0 (12/1/82)	33.49	83.73	167.46	334.92	669.84	1674.60	3349.20	7.50	8.48	8.50
4-0 TO 4-6 (6/1/83)	34.91	87.28	174.56	349.12	698.24	1745.60	3491.20	7.62	8.50	8.50
4-6 TO 5-0 (12/1/83)	36.40	90.99	181.98	363.96	727.92	1819.80	3639.60	7.72	8.51	8.50
5-0 TO 5-6 (6/1/84)	37.94	94.86	189.72	379.44	758.88	1897.20	3794.40	7.80	8.48	8.50
5-6 TO 6-0 (12/1/84)	39.55	98.88	197.76	395.52	791.04	1977.60	3955.20	7.86	8.52	8.50
6-0 TO 6-6 (6/1/85)	41.24	103.09	206.18	412.36	824.72	2061.80	4123.60	7.91	8.50	8.50
6-6 TO 7-0 (12/1/85)	42.99	107.47	214.94	429.88	859.76	2149.40	4298.80	7.96	8.52	8.50
7-0 TO 7-6 (6/1/86)	44.82	112.05	224.10	448.20	896.40	2241.00	4482.00	8.00	8.50	8.50
7-6 TO 8-0 (12/1/86)	46.72	116.81	233.62	467.24	934.48	2336.20	4672.40	8.03	8.51	8.50
8-0 TO 8-6 (6/1/87)	48.71	121.78	243.56	487.12	974.24	2435.60	4871.20	8.06	8.49	8.50
8-6 TO 9-0 (12/1/87)	50.78	126.95	253.90	507.80	1015.60	2539.00	5078.00	8.09	8.49	8.50
9-0 TO 9-6 (6/1/88)	52.94	132.34	264.68	529.36	1058.72	2646.80	5293.60	8.11	8.51	8.50
9-6 TO10-0 (12/1/88)	55.19	137.97	275.94	551.88	1103.76	2759.40	5518.80	8.13	8.49	8.49
10-0 2/ (6/1/89)	57.53	143.83	287.66	575.32	1150.64	2876.60	5753.20	8.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1949 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 5.16 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 33

BONDS BEARING ISSUE DATE NOV. 1, 1949

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) (2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
ISSUE PRICE		$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00			
DENOMINATION		10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
									PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/	(5/1/81)	$28.63	$71.57	$143.14	$286.28	$572.56	$1431.40	$2862.80	6.83	8.50	8.50
2-0 TO 2-6	(11/1/81)	29.84	74.61	149.22	298.44	596.88	1492.20	2984.40	7.25	8.50	8.50
2-6 TO 3-0	(5/1/82)	31.11	77.78	155.56	311.12	622.24	1555.60	3111.20	7.50	8.51	8.50
3-0 TO 3-6	(11/1/82)	32.44	81.09	162.18	324.36	648.72	1621.80	3243.60	7.66	8.51	8.50
3-6 TO 4-0	(5/1/83)	33.82	84.54	169.08	338.16	676.32	1690.80	3381.60	7.79	8.49	8.50
4-0 TO 4-6	(11/1/83)	35.25	88.13	176.26	352.52	705.04	1762.60	3525.20	7.87	8.49	8.50
4-6 TO 5-0	(5/1/84)	36.75	91.87	183.74	367.48	734.96	1837.40	3674.80	7.94	8.51	8.50
5-0 TO 5-6	(11/1/84)	38.31	95.78	191.56	383.12	766.24	1915.60	3831.20	8.00	8.50	8.50
5-6 TO 6-0	(5/1/85)	39.94	99.85	199.70	399.40	798.80	1997.00	3994.00	8.04	8.49	8.50
6-0 TO 6-6	(11/1/85)	41.64	104.09	208.18	416.36	832.72	2081.80	4163.60	8.08	8.49	8.50
6-6 TO 7-0	(5/1/86)	43.40	108.51	217.02	434.04	868.08	2170.20	4340.40	8.11	8.52	8.50
7-0 TO 7-6	(11/1/86)	45.25	113.13	226.26	452.52	905.04	2262.60	4525.20	8.14	8.50	8.50
7-6 TO 8-0	(5/1/87)	47.18	117.94	235.88	471.76	943.52	2358.80	4717.60	8.17	8.50	8.50
8-0 TO 8-6	(11/1/87)	49.18	122.95	245.90	491.80	983.60	2459.00	4918.00	8.19	8.51	8.50
8-6 TO 9-0	(5/1/88)	51.27	128.18	256.36	512.72	1025.44	2563.60	5127.20	8.21	8.50	8.50
9-0 TO 9-6	(11/1/88)	53.45	133.63	267.26	534.52	1069.04	2672.60	5345.20	8.22	8.49	8.50
9-6 TO10-0	(5/1/89)	55.72	139.30	278.60	557.20	1114.40	2786.00	5572.00	8.24	8.51	8.51
10-0 2/	(11/1/89)	58.09	145.23	290.46	580.92	1161.84	2904.60	5809.20	8.25 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1949 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 5.18 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 34

BONDS BEARING ISSUE DATES FROM DEC. 1, 1949 THROUGH APR. 1, 1950

ISSUE PRICE		$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
1-6 TO 2-0	1/(6/1/81)	$28.99	$72.48	$144.96	$289.92	$579.84	$1449.60	$2899.20	6.83	8.47	8.50
2-0 TO 2-6	(12/1/81)	30.22	75.55	151.10	302.20	604.40	1511.00	3022.00	7.24	8.50	8.50
2-6 TO 3-0	(6/1/82)	31.50	78.76	157.52	315.04	630.08	1575.20	3150.40	7.49	8.53	8.50
3-0 TO 3-6	(12/1/82)	32.85	82.12	164.24	328.48	656.96	1642.40	3284.80	7.67	8.48	8.50
3-6 TO 4-0	(6/1/83)	34.24	85.60	171.20	342.40	684.80	1712.00	3424.00	7.78	8.53	8.50
4-0 TO 4-6	(12/1/83)	35.70	89.25	178.50	357.00	714.00	1785.00	3570.00	7.87	8.52	8.50
4-6 TO 5-0	(6/1/84)	37.22	93.05	186.10	372.20	744.40	1861.00	3722.00	7.95	8.49	8.50
5-0 TO 5-6	(12/1/84)	38.80	97.00	194.00	388.00	776.00	1940.00	3880.00	8.00	8.49	8.50
5-6 TO 6-0	(6/1/85)	40.45	101.12	202.24	404.48	808.96	2022.40	4044.80	8.04	8.48	8.50
6-0 TO 6-6	(12/1/85)	42.16	105.41	210.82	421.64	843.28	2108.20	4216.40	8.08	8.50	8.50
6-6 TO 7-0	(6/1/86)	43.96	109.89	219.78	439.56	879.12	2197.80	4395.60	8.11	8.50	8.50
7-0 TO 7-6	(12/1/86)	45.82	114.56	229.12	458.24	916.48	2291.20	4582.40	8.14	8.48	8.50
7-6 TO 8-0	(6/1/87)	47.77	119.42	238.84	477.68	955.36	2388.40	4776.80	8.16	8.52	8.50
8-0 TO 8-6	(12/1/87)	49.80	124.51	249.02	498.04	996.08	2490.20	4980.40	8.19	8.50	8.50
8-6 TO 9-0	(6/1/88)	51.92	129.80	259.60	519.20	1038.40	2596.00	5192.00	8.20	8.52	8.50
9-0 TO 9-6	(12/1/88)	54.13	135.33	270.66	541.32	1082.64	2706.60	5413.20	8.22	8.47	8.49
9-6 TO10-0	(6/1/89)	56.42	141.06	282.12	564.24	1128.48	2821.20	5642.40	8.24	8.51	8.51
10-0 2/	(12/1/89)	58.82	147.06	294.12	588.24	1176.48	2941.20	5882.40	8.25 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1949 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 5.[illegible]2 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 35

BONDS BEARING ISSUE DATE MAY 1, 1950

ISSUE PRICE		$7.50	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		10.00	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
		THIRD EXTENDED MATURITY PERIOD									
									PERCENT	PERCENT	PERCENT
1-0 TO 1-6	1/(5/1/81)	$28.08	$70.20	$140.40	$280.80	$561.60	$1404.00	$2808.00	7.00	8.49	8.50
1-6 TO 2-0	(11/1/81)	29.27	73.18	146.36	292.72	585.44	1463.60	2927.20	7.50	8.50	8.50
2-0 TO 2-6	(5/1/82)	30.52	76.29	152.58	305.16	610.32	1525.80	3051.60	7.75	8.49	8.50
2-6 TO 3-0	(11/1/82)	31.81	79.53	159.06	318.12	636.24	1590.60	3181.20	7.90	8.50	8.50
3-0 TO 3-6	(5/1/83)	33.16	82.91	165.82	331.64	663.28	1658.20	3316.40	8.00	8.49	8.50
3-6 TO 4-0	(11/1/83)	34.57	86.43	172.86	345.72	691.44	1728.60	3457.20	8.07	8.52	8.50
4-0 TO 4-6	(5/1/84)	36.04	90.11	180.22	360.44	720.88	1802.20	3604.40	8.12	8.50	8.50
4-6 TO 5-0	(11/1/84)	37.58	93.94	187.88	375.76	751.52	1878.80	3757.60	8.17	8.52	8.50
5-0 TO 5-6	(5/1/85)	39.18	97.94	195.88	391.76	783.52	1958.80	3917.60	8.20	8.47	8.50
5-6 TO 6-0	(11/1/85)	40.84	102.09	204.18	408.36	816.72	2041.80	4083.60	8.23	8.52	8.50
6-0 TO 6-6	(5/1/86)	42.58	106.44	212.88	425.76	851.52	2128.80	4257.60	8.25	8.49	8.50
6-6 TO 7-0	(11/1/86)	44.38	110.96	221.92	443.84	887.68	2219.20	4438.40	8.27	8.49	8.50
7-0 TO 7-6	(5/1/87)	46.27	115.67	231.34	462.68	925.36	2313.40	4626.80	8.28	8.51	8.50
7-6 TO 8-0	(11/1/87)	48.24	120.59	241.18	482.36	964.72	2411.80	4823.60	8.30	8.51	8.50
8-0 TO 8-6	(5/1/88)	50.29	125.72	251.44	502.88	1005.76	2514.40	5028.80	8.31	8.50	8.50
8-6 TO 9-0	(11/1/88)	52.42	131.06	262.12	524.24	1048.48	2621.20	5242.40	8.32	8.50	8.50
9-0 TO 9-6	(5/1/89)	54.65	136.63	273.26	546.52	1093.04	2732.60	5465.20	8.33	8.49	8.50
9-6 TO10-0	(11/1/89)	56.97	142.43	284.86	569.72	1139.44	2848.60	5697.20	8.34	8.50	8.49
10-0 2/	(5/1/90)	59.39	148.48	296.96	593.92	1187.84	2969.60	5939.20	8.35 3/	----	8.50

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1950 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 5.24 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 36

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH OCT. 1, 1950

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD						(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
							PERCENT	PERCENT	PERCENT
1-0 TO 1-6 1/(6/1/81)	$71.16	$142.32	$284.64	$569.28	$1423.20	$2846.40	7.00	8.52	8.50
1-6 TO 2-0 (12/1/81)	74.19	148.38	296.76	593.52	1483.80	2967.60	7.50	8.49	8.50
2-0 TO 2-6 (6/1/82)	77.34	154.68	309.36	618.72	1546.80	3093.60	7.75	8.48	8.50
2-6 TO 3-0 (12/1/82)	80.62	161.24	322.48	644.96	1612.40	3224.80	7.90	8.51	8.50
3-0 TO 3-6 (6/1/83)	84.05	168.10	336.20	672.40	1681.00	3362.00	8.00	8.49	8.50
3-6 TO 4-0 (12/1/83)	87.62	175.24	350.48	700.96	1752.40	3504.80	8.07	8.51	8.50
4-0 TO 4-6 (6/1/84)	91.35	182.70	365.40	730.80	1827.00	3654.00	8.12	8.49	8.50
4-6 TO 5-0 (12/1/84)	95.23	190.46	380.92	761.84	1904.60	3809.20	8.17	8.51	8.50
5-0 TO 5-6 (6/1/85)	99.28	198.56	397.12	794.24	1985.60	3971.20	8.20	8.48	8.50
5-6 TO 6-0 (12/1/85)	103.49	206.98	413.96	827.92	2069.80	4139.60	8.23	8.50	8.50
6-0 TO 6-6 (6/1/86)	107.89	215.78	431.56	863.12	2157.80	4315.60	8.25	8.51	8.50
6-6 TO 7-0 (12/1/86)	112.48	224.96	449.92	899.84	2249.60	4499.20	8.27	8.50	8.50
7-0 TO 7-6 (6/1/87)	117.26	234.52	469.04	938.08	2345.20	4690.40	8.28	8.51	8.50
7-6 TO 8-0 (12/1/87)	122.25	244.50	489.00	978.00	2445.00	4890.00	8.30	8.51	8.50
8-0 TO 8-6 (6/1/88)	127.45	254.90	509.80	1019.60	2549.00	5098.00	8.31	8.47	8.50
8-6 TO 9-0 (12/1/88)	132.85	265.70	531.40	1062.80	2657.00	5314.00	8.32	8.51	8.51
9-0 TO 9-6 (6/1/89)	138.50	277.00	554.00	1108.00	2770.00	5540.00	8.33	8.51	8.51
9-6 TO10-0 (12/1/89)	144.39	288.78	577.56	1155.12	2887.80	5775.60	8.34	8.50	8.50
10-0 2/ (6/1/90)	150.53	301.06	602.12	1204.24	3010.60	6021.20	8.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1950 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 5.28 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 37

BONDS BEARING ISSUE DATE NOV. 1, 1950

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
	THIRD EXTENDED MATURITY PERIOD								
							PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/(5/1/81)	$68.92	$137.84	$275.68	$551.36	$1378.40	$2756.80	7.50	8.50	8.50
1-0 TO 1-6 (11/1/81)	71.85	143.70	287.40	574.80	1437.00	2874.00	8.00	8.52	8.50
1-6 TO 2-0 (5/1/82)	74.91	149.82	299.64	599.28	1498.20	2996.40	8.17	8.49	8.50
2-0 TO 2-6 (11/1/82)	78.09	156.18	312.36	624.72	1561.80	3123.60	8.25	8.50	8.50
2-6 TO 3-0 (5/1/83)	81.41	162.82	325.64	651.28	1628.20	3256.40	8.30	8.50	8.50
3-0 TO 3-6 (11/1/83)	84.87	169.74	339.48	678.96	1697.40	3394.80	8.33	8.51	8.50
3-6 TO 4-0 (5/1/84)	88.48	176.96	353.92	707.84	1769.60	3539.20	8.36	8.48	8.50
4-0 TO 4-6 (11/1/84)	92.23	184.46	368.92	737.84	1844.60	3689.20	8.37	8.52	8.50
4-6 TO 5-0 (5/1/85)	96.16	192.32	384.64	769.28	1923.20	3846.40	8.39	8.49	8.50
5-0 TO 5-6 (11/1/85)	100.24	200.48	400.96	801.92	2004.80	4009.60	8.40	8.48	8.50
5-6 TO 6-0 (5/1/86)	104.49	208.98	417.96	835.92	2089.80	4179.60	8.41	8.52	8.50
6-0 TO 6-6 (11/1/86)	108.94	217.88	435.76	871.52	2178.80	4357.60	8.42	8.52	8.50
6-6 TO 7-0 (5/1/87)	113.58	227.16	454.32	908.64	2271.60	4543.20	8.42	8.47	8.50
7-0 TO 7-6 (11/1/87)	118.39	236.79	473.56	947.12	2367.80	4735.60	8.43	8.51	8.50
7-6 TO 8-0 (5/1/88)	123.43	246.86	493.72	987.44	2468.60	4937.20	8.43	8.51	8.50
8-0 TO 8-6 (11/1/88)	128.68	257.36	514.72	1029.44	2573.60	5147.20	8.44	8.49	8.50
8-6 TO 9-0 (5/1/89)	134.14	268.28	536.56	1073.12	2682.80	5365.60	8.44	8.51	8.50
9-0 TO 9-6 (11/1/89)	139.85	279.70	559.40	1118.80	2797.00	5594.00	8.44	8.51	8.50
9-6 TO10-0 (5/1/90)	145.80	291.60	583.20	1166.40	2916.00	5832.00	8.45	8.49	8.49
10-0 2/ (11/1/90)	151.99	303.98	607.96	1215.92	3039.80	6079.60	8.45 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1950 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 5.30 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 38

BONDS BEARING ISSUE DATE DEC. 1, 1950

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO 3RD EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/	(6/1/81)	$69.95	$139.90	$279.80	$559.60	$1399.00	$2798.00	7.51	8.49	8.50
1-0 TO 1-6	(12/1/81)	72.92	145.84	291.68	583.36	1458.40	2916.80	8.00	8.50	8.50
1-6 TO 2-0	(6/1/82)	76.02	152.04	304.08	608.16	1520.40	3040.80	8.17	8.47	8.50
2-0 TO 2-6	(12/1/82)	79.24	158.48	316.96	633.92	1584.80	3169.60	8.24	8.51	8.50
2-6 TO 3-0	(6/1/83)	82.61	165.22	330.44	660.88	1652.20	3304.40	8.29	8.52	8.50
3-0 TO 3-6	(12/1/83)	86.13	172.26	344.52	689.04	1722.60	3445.20	8.33	8.50	8.50
3-6 TO 4-0	(6/1/84)	89.79	179.58	359.16	718.32	1795.80	3591.60	8.36	8.51	8.50
4-0 TO 4-6	(12/1/84)	93.61	187.22	374.44	748.88	1872.20	3744.40	8.38	8.50	8.50
4-6 TO 5-0	(6/1/85)	97.59	195.18	390.36	780.72	1951.80	3903.60	8.39	8.48	8.50
5-0 TO 5-6	(12/1/85)	101.73	203.46	406.92	813.84	2034.60	4069.20	8.40	8.51	8.50
5-6 TO 6-0	(6/1/86)	106.06	212.12	424.24	848.48	2121.20	4242.40	8.41	8.50	8.50
6-0 TO 6-6	(12/1/86)	110.57	221.14	442.28	884.56	2211.40	4422.80	8.42	8.48	8.50
6-6 TO 7-0	(6/1/87)	115.26	230.52	461.04	922.08	2305.20	4610.40	8.42	8.50	8.50
7-0 TO 7-6	(12/1/87)	120.16	240.32	480.64	961.28	2403.20	4806.40	8.43	8.51	8.50
7-6 TO 8-0	(6/1/88)	125.27	250.54	501.08	1002.16	2505.40	5010.80	8.43	8.51	8.50
8-0 TO 8-6	(12/1/88)	130.60	261.20	522.40	1044.80	2612.00	5224.00	8.44	8.48	8.50
8-6 TO 9-0	(6/1/89)	136.14	272.28	544.56	1089.12	2722.80	5445.60	8.44	8.51	8.51
9-0 TO 9-6	(12/1/89)	141.93	283.86	567.72	1135.44	2838.60	5677.20	8.44	8.50	8.51
9-6 TO10-0	(6/1/90)	147.96	295.92	591.84	1183.68	2959.20	5918.40	8.45	8.52	8.52
10-0 2/	(12/1/90)	154.26	308.52	617.04	1234.08	3085.20	6170.40	8.45 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1950 ENTER EACH PERIOD.
2/ THIRD EXTENDED MATURITY VALUE IS REACHED AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO THIRD EXTENDED MATURITY IS 5.34 PERCENT.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 39

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1951

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
							PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/(7/1/81)	$69.95	$139.90	$279.80	$559.60	$1399.00	$2798.00	7.51	8.49	9.08
1-0 TO 1-6 (1/1/82)	72.92	145.84	291.68	583.36	1458.40	2916.80	8.00	8.50	9.11
1-6 TO 2-0 (7/1/82)	76.02	152.04	304.08	608.16	1520.40	3040.80	8.17	8.47	9.15
2-0 TO 2-6 (1/1/83)	79.24	158.48	316.96	633.92	1584.80	3169.60	8.24	8.51	9.19
2-6 TO 3-0 (7/1/83)	92.61	165.22	330.44	660.88	1652.20	3304.40	8.29	8.52	9.24
3-0 TO 3-6 (1/1/84)	86.13	172.26	344.52	689.04	1722.60	3445.20	8.33	8.50	9.29
3-6 TO 4-0 (7/1/84)	89.79	179.58	359.16	718.32	1795.80	3591.60	8.36	8.51	9.35
4-0 TO 4-6 (1/1/85)	93.61	187.22	374.44	748.88	1872.20	3744.40	8.38	8.50	9.42
4-6 TO 5-0 (7/1/85)	97.59	195.18	390.36	780.72	1951.80	3903.60	8.39	8.48	9.50
5-0 TO 5-6 (1/1/86)	101.73	203.46	406.92	813.84	2034.60	4069.20	8.40	8.51	9.60
5-6 TO 6-0 (7/1/86)	106.06	212.12	424.24	848.48	2121.20	4242.40	8.41	8.50	9.72
6-0 TO 6-6 (1/1/87)	110.57	221.14	442.28	884.56	2211.40	4422.80	8.42	8.48	9.88
6-6 TO 7-0 (7/1/87)	115.26	230.52	461.04	922.08	2305.20	4610.40	8.42	8.50	10.08
7-0 TO 7-6 (1/1/88)	120.16	240.32	480.64	961.28	2403.20	4806.40	8.43	8.51	10.34
7-6 TO 8-0 (7/1/88)	125.27	250.54	501.08	1002.16	2505.40	5010.80	8.43	8.51	10.71
8-0 TO 8-6 (1/1/89)	130.60	261.20	522.40	1044.80	2612.00	5224.00	8.44	8.48	11.26
8-6 TO 9-0 (7/1/89)	136.14	272.28	544.56	1089.12	2722.80	5445.60	8.44	8.51	12.20
9-0 TO 9-6 (1/1/90)	141.93	283.86	567.72	1135.44	2838.60	5677.20	8.44	8.50	14.07
9-6 TO10-0 (7/1/90)	147.96	295.92	591.84	1183.68	2959.20	5918.40	8.45	19.79	19.79
10-) 2/ (1/1/91)	162.60	325.20	650.40	1300.80	3252.00	6504.00	9.00 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1951 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ BONUS PAYMENT IS MADE AT 40 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 5.47 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 40

BONDS BEARING ISSUE DATE MAY 1, 1951

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* THIRD EXTENDED MATURITY PERIOD						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/	(5/1/81)	$67.75	$135.50	$271.00	$542.00	$1355.00	$2710.00	----	8.50	9.05
0-6 TO 1-0	(11/1/81)	70.63	141.26	282.52	565.04	1412.60	2825.20	8.50	8.49	9.08
1-0 TO 1-6	(5/1/82)	73.63	147.26	294.52	589.04	1472.60	2945.20	8.50	8.50	9.11
1-6 TO 2-0	(11/1/82)	76.76	153.52	307.04	614.08	1535.20	3070.40	8.50	8.49	9.15
2-0 TO 2-6	(5/1/83)	80.02	160.04	320.08	640.16	1600.40	3200.80	8.50	8.50	9.19
2-6 TO 3-0	(11/1/83)	83.42	166.84	333.68	667.36	1668.40	3336.80	8.50	8.51	9.23
3-0 TO 3-6	(5/1/84)	86.97	173.94	347.88	695.76	1739.40	3478.80	8.50	8.49	9.28
3-6 TO 4-0	(11/1/84)	90.66	181.32	362.64	725.28	1813.20	3626.40	8.50	8.52	9.35
4-0 TO 4-6	(5/1/85)	94.52	189.04	378.08	756.16	1890.40	3780.80	8.50	8.48	9.42
4-6 TO 5-0	(11/1/85)	98.53	197.06	394.12	788.24	1970.60	3941.20	8.50	8.51	9.50
5-0 TO 5-6	(5/1/86)	102.72	205.44	410.88	821.76	2054.40	4108.80	8.50	8.51	9.60
5-6 TO 6-0	(11/1/86)	107.09	214.18	428.36	856.72	2141.80	4283.60	8.50	8.50	9.72
6-0 TO 6-6	(5/1/87)	111.64	223.28	446.56	893.12	2232.80	4465.60	8.50	8.49	9.88
6-6 TO 7-0	(11/1/87)	116.38	232.76	465.52	931.04	2327.60	4655.20	8.50	8.51	10.07
7-0 TO 7-6	(5/1/88)	121.33	242.66	485.32	970.64	2426.60	4853.20	8.50	8.51	10.34
7-6 TO 8-0	(11/1/88)	126.49	252.98	505.96	1011.92	2529.80	5059.60	8.50	8.49	10.70
8-0 TO 8-6	(5/1/89)	131.86	263.72	527.44	1054.88	2637.20	5274.40	8.50	8.51	11.26
8-6 TO 9-0	(11/1/89)	137.47	274.94	549.88	1099.76	2749.40	5498.80	8.50	8.50	12.19
9-0 TO 9-6	(5/1/90)	143.31	286.62	573.24	1146.48	2866.20	5732.40	8.50	8.50	14.06
9-6 TO10-0	(11/1/90)	149.40	298.80	597.60	1195.20	2988.00	5976.00	8.50	19.76	19.76
10-0 2/	(5/1/91)	164.16	328.32	656.64	1313.28	3283.20	6566.40	9.05 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1951 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 5.50 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 41

BONDS BEARING ISSUE DATE JUNE 1, 1951

PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*						APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00			
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00			
		THIRD EXTENDED MATURITY PERIOD						(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/	(6/1/81)	$68.75	$137.50	$275.00	$550.00	$1375.00	$2750.00	----	8.49	9.05
0-6 TO 1-0	(12/1/81)	71.67	143.34	286.68	573.36	1433.40	2866.80	8.49	8.48	9.08
1-0 TO 1-6	(6/1/82)	74.71	149.42	298.84	597.68	1494.20	2988.40	8.49	8.54	9.11
1-6 TO 2-0	(12/1/82)	77.90	155.80	311.60	623.20	1558.00	3116.00	8.51	8.50	9.15
2-0 TO 2-6	(6/1/83)	81.21	162.42	324.84	649.68	1624.20	3248.40	8.50	8.47	9.19
2-6 TO 3-0	(12/1/83)	84.65	169.30	338.60	677.20	1693.00	3386.00	8.50	8.51	9.24
3-0 TO 3-6	(6/1/84)	88.25	176.50	353.00	706.00	1765.00	3530.00	8.50	8.50	9.29
3-6 TO 4-0	(12/1/84)	92.00	184.00	368.00	736.00	1840.00	3680.00	8.50	8.50	9.35
4-0 TO 4-6	(6/1/85)	95.91	191.82	383.64	767.28	1918.20	3836.40	8.50	8.51	9.42
4-6 TO 5-0	(12/1/85)	99.99	199.98	399.96	799.92	1999.80	3999.60	8.50	8.50	9.50
5-0 TO 5-6	(6/1/86)	104.24	208.48	416.96	833.92	2084.80	4169.60	8.50	8.50	9.60
5-6 TO 6-0	(12/1/86)	108.67	217.34	434.68	869.36	2173.40	4346.80	8.50	8.50	9.73
6-0 TO 6-6	(6/1/87)	113.29	226.58	453.16	906.32	2265.80	4531.60	8.50	8.51	9.88
6-6 TO 7-0	(12/1/87)	118.11	236.22	472.44	944.88	2362.20	4724.40	8.50	8.48	10.08
7-0 TO 7-6	(6/1/88)	123.12	246.24	492.48	984.96	2462.40	4924.80	8.50	8.50	10.34
7-6 TO 8-0	(12/1/88)	128.35	256.70	513.40	1026.80	2567.00	5134.00	8.50	8.51	10.71
8-0 TO 8-6	(6/1/89)	133.81	267.62	535.24	1070.48	2676.20	5352.40	8.50	8.50	11.27
8-6 TO 9-0	(12/1/89)	139.50	279.00	558.00	1116.00	2790.00	5580.00	8.50	8.50	12.20
9-0 TO 9-6	(6/1/90)	145.43	290.86	581.72	1163.44	2908.60	5817.20	8.50	8.49	14.07
9-6 TO10-0	(12/1/90)	151.60	303.20	606.40	1212.80	3032.00	6064.00	8.50	19.80	19.80
10-0 2/	(6/1/91)	166.61	333.22	666.44	1332.88	3332.20	6664.40	9.05 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1951 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 40 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 5.54 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 42

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1951

TABLE 42

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1951

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER SECOND EXTENDED MATURITY AT 30 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
	THIRD EXTENDED MATURITY PERIOD								
							PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/(7/1/81)	$68.75	$137.50	$275.00	$550.00	$1375.00	$2750.00	----	8.49	9.08
0-6 TO 1-0 (1/1/82)	71.67	143.34	286.68	573.36	1433.40	2866.80	8.49	8.48	9.11
1-0 TO 1-6 (7/1/82)	74.71	149.42	298.84	597.68	1494.20	2988.40	8.49	8.54	9.15
1-6 TO 2-0 (1/1/83)	77.90	155.80	311.60	623.20	1558.00	3116.00	8.51	8.50	9.19
2-0 TO 2-6 (7/1/83)	81.21	162.42	324.84	649.68	1624.20	3248.40	8.50	8.47	9.23
2-6 TO 3-0 (1/1/84)	84.65	169.30	338.60	677.20	1693.00	3386.00	8.50	8.51	9.29
3-0 TO 3-6 (7/1/84)	88.25	176.50	353.00	706.00	1765.00	3530.00	8.50	8.50	9.35
3-6 TO 4-0 (1/1/85)	92.00	184.00	368.00	736.00	1840.00	3680.00	8.50	8.50	9.42
4-0 TO 4-6 (7/1/85)	95.91	191.82	383.64	767.28	1918.20	3836.40	8.50	8.51	9.50
4-6 TO 5-0 (1/1/86)	99.99	199.98	399.96	799.92	1999.80	3999.60	8.50	8.50	9.60
5-0 TO 5-6 (7/1/86)	104.24	208.48	416.96	833.92	2084.80	4169.60	8.50	8.50	9.72
5-6 TO 6-0 (1/1/87)	108.67	217.34	434.68	869.36	2173.40	4346.80	8.50	8.50	9.88
6-0 TO 6-6 (7/1/87)	113.29	226.58	453.16	906.32	2265.80	4531.60	8.50	8.51	10.08
6-6 TO 7-0 (1/1/88)	118.11	236.22	472.44	944.88	2362.20	4724.40	8.50	8.48	10.34
7-0 TO 7-6 (7/1/88)	123.12	246.24	492.48	984.96	2462.40	4924.80	8.50	8.50	10.71
7-6 TO 8-0 (1/1/89)	128.35	256.70	513.40	1026.80	2567.00	5134.00	8.50	8.51	11.27
8-0 TO 8-6 (7/1/89)	133.81	267.62	535.24	1070.48	2676.20	5352.40	8.50	8.50	12.19
8-6 TO 9-0 (1/1/90)	139.50	279.00	558.00	1116.00	2790.00	5580.00	8.50	8.50	14.06
9-0 TO 9-6 (7/1/90)	145.43	290.86	581.72	1163.44	2908.60	5817.20	8.50	19.78	19.78
9-6 2/ (1/1/91)	159.81	319.62	639.24	1278.48	3196.20	6392.40	9.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1951 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ BONUS PAYMENT IS MADE AT 39 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 5.50 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 43

BONDS BEARING ISSUE DATE NOV. 1, 1951

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
							PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/(5/1/81)	$66.58	$133.16	$266.32	$532.64	$1331.60	$2663.20	6.00	8.50	8.50
10-0 2/ (11/1/81)	69.41	138.82	277.64	555.28	1388.20	2776.40	6.12 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/81)	$69.41	$138.82	$277.64	$555.28	$1388.20	$2776.40	----	8.50	9.08
0-6 TO 1-0 (5/1/82)	72.36	144.72	289.44	578.88	1447.20	2894.40	8.50	8.51	9.11
1-0 TO 1-6 (11/1/82)	75.44	150.88	301.76	603.52	1508.80	3017.60	8.51	8.48	9.15
1-6 TO 2-0 (5/1/83)	78.64	157.28	314.56	629.12	1572.80	3145.60	8.50	8.49	9.19
2-0 TO 2-6 (11/1/83)	81.98	163.96	327.92	655.84	1639.60	3279.20	8.50	8.51	9.24
2-6 TO 3-0 (5/1/84)	85.47	170.94	341.88	683.76	1709.40	3418.80	8.50	8.49	9.29
3-0 TO 3-6 (11/1/84)	89.10	178.20	356.40	712.80	1782.00	3564.00	8.50	8.51	9.35
3-6 TO 4-0 (5/1/85)	92.89	185.78	371.56	743.12	1857.80	3715.60	8.50	8.48	9.42
4-0 TO 4-6 (11/1/85)	96.83	193.66	387.32	774.64	1936.60	3873.20	8.50	8.51	9.51
4-6 TO 5-0 (5/1/86)	100.95	201.90	403.80	807.60	2019.00	4038.00	8.50	8.50	9.61
5-0 TO 5-6 (11/1/86)	105.24	210.48	420.96	841.92	2104.80	4209.60	8.50	8.49	9.73
5-6 TO 6-0 (5/1/87)	109.71	219.42	438.84	877.68	2194.20	4388.40	8.50	8.51	9.88
6-0 TO 6-6 (11/1/87)	114.38	228.76	457.52	915.04	2287.60	4575.20	8.50	8.50	10.08
6-6 TO 7-0 (5/1/88)	119.24	238.48	476.96	953.92	2384.80	4769.60	8.50	8.49	10.34
7-0 TO 7-6 (11/1/88)	124.30	248.60	497.20	994.40	2486.00	4972.00	8.50	8.51	10.72
7-6 TO 8-0 (5/1/89)	129.59	259.18	518.36	1036.72	2591.80	5183.60	8.50	8.49	11.27
8-0 TO 8-6 (11/1/89)	135.09	270.18	540.36	1080.72	2701.80	5403.60	8.50	8.51	12.21
8-6 TO 9-0 (5/1/90)	140.84	281.68	563.36	1126.72	2816.80	5633.60	8.50	8.49	14.08
9-0 TO 9-6 (11/1/90)	146.82	293.64	587.28	1174.56	2936.40	5872.80	8.50	19.82	19.82
9-6 4/ (5/1/91)	161.37	322.74	645.48	1290.96	3227.40	6454.80	9.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1951 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.41 PERCENT; TO DATE OF BONUS PAYMENT IS 5.52 PERCENT.
4/ BONUS IS PAID AT 39 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 44.

BONDS BEARING ISSUE DATE DEC. 1, 1951

TABLE 44

BONDS BEARING ISSUE DATE DEC. 1, 1951

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNIND OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD								
							PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/(6/1/81)	$67.55	$135.10	$270.20	$540.40	$1351.00	$2702.00	6.05	8.50	8.50
10-0 2/ (12/1/81)	70.42	140.84	281.68	563.36	1408.40	2816.80	6.17 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/81)	$70.42	$140.84	$281.68	$563.36	$1408.40	$2816.80	----	8.49	9.08
0-6 TO 1-0 (6/1/82)	73.41	146.82	293.64	587.28	1468.20	2936.40	8.49	8.50	9.11
1-0 TO 1-6 (12/1/82)	76.53	153.06	306.12	612.24	1530.60	3061.20	8.50	8.52	9.15
1-6 TO 2-0 (6/1/83)	79.79	159.58	319.16	638.32	1595.80	3191.60	8.50	8.50	9.19
2-0 TO 2-6 (12/1/83)	83.18	166.36	332.72	665.44	1663.60	3327.20	8.50	8.49	9.23
2-6 TO 3-0 (6/1/84)	86.71	173.42	346.84	693.68	1734.20	3468.40	8.50	8.51	9.29
3-0 TO 3-6 (12/1/84)	90.40	180.80	361.60	723.20	1808.00	3616.00	8.50	8.50	9.35
3-6 TO 4-0 (6/1/85)	94.24	188.48	376.96	753.92	1884.80	3769.60	8.50	8.49	9.42
4-0 TO 4-6 (12/1/85)	98.24	196.48	392.96	785.92	1964.80	3929.60	8.50	8.51	9.50
4-6 TO 5-0 (6/1/86)	102.42	204.84	409.68	819.36	2048.40	4096.80	8.50	8.49	9.60
5-0 TO 5-6 (12/1/86)	106.77	213.54	427.08	854.16	2135.40	4270.80	8.50	8.50	9.72
5-6 TO 6-0 (6/1/87)	111.31	222.62	445.24	890.48	2226.20	4452.40	8.50	8.50	9.88
6-0 TO 6-6 (12/1/87)	116.04	232.08	464.16	928.32	2320.80	4641.60	8.50	8.50	10.08
6-6 TO 7-0 (6/1/88)	120.97	241.94	483.88	967.76	2419.40	4838.80	8.50	8.50	10.34
7-0 TO 7-6 (12/1/88)	126.11	252.22	504.44	1008.88	2522.20	5044.40	8.50	8.50	10.71
7-6 TO 8-0 (6/1/89)	131.47	262.94	525.88	1051.76	2629.40	5258.80	8.50	8.50	11.27
8-0 TO 8-6 (12/1/89)	137.06	274.12	548.24	1096.48	2741.20	5482.40	8.50	8.51	12.19
8-6 TO 9-0 (6/1/90)	142.89	285.78	571.56	1143.12	2857.80	5715.60	8.50	8.50	14.06
9-0 TO 9-6 (12/1/90)	148.96	297.92	595.84	1191.68	2979.20	5958.40	8.50	19.78	19.78
9-6 4/ (6/1/91)	163.69	327.38	654.76	1309.52	3273.80	6547.60	9.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1951 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.46 PERCENT; TO DATE OF BONUS PAYMENT IS 5.56 PERCENT.
4/ BONUS IS PAID AT 39 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 45

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1952

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 20 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD						(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
							PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/(7/1/81)	$67.55	$135.10	$270.20	$540.40	$1351.00	$2702.00	6.05	8.50	8.50
10-0 2/ (1/1/82)	70.42	140.84	281.68	563.36	1408.40	2816.80	6.17 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**								(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/82)	$70.42	$140.84	$281.68	$563.36	$1408.40	$2816.80	----	8.49	9.11
0-6 TO 1-0 (7/1/82)	73.41	146.82	293.64	587.28	1468.20	2936.40	8.49	8.50	9.15
1-0 TO 1-6 (1/1/83)	76.53	153.06	306.12	612.24	1530.60	3061.20	8.50	8.52	9.19
1-6 TO 2-0 (7/1/83)	79.79	159.58	319.16	638.32	1595.80	3191.60	8.50	8.50	9.23
2-0 TO 2-6 (1/1/84)	83.18	166.36	332.72	665.44	1663.60	3327.20	8.50	8.49	9.29
2-6 TO 3-0 (7/1/84)	86.71	173.42	346.84	693.68	1734.20	3468.40	8.50	8.51	9.35
3-0 TO 3-6 (1/1/85)	90.40	180.80	361.60	723.20	1808.00	3616.00	8.50	8.50	9.42
3-6 TO 4-0 (7/1/85)	94.24	188.48	376.96	753.92	1884.80	3769.60	8.50	8.49	9.50
4-0 TO 4-6 (1/1/86)	98.24	196.48	392.96	785.92	1964.80	3929.60	8.50	8.51	9.60
4-6 TO 5-0 (7/1/86)	102.42	204.84	409.68	819.36	2048.40	4096.80	8.50	8.49	9.73
5-0 TO 5-6 (1/1/87)	106.77	213.54	427.08	854.16	2135.40	4270.80	8.50	8.50	9.88
5-6 TO 6-0 (7/1/87)	111.31	222.62	445.24	890.48	2226.20	4452.40	8.50	8.50	10.08
6-0 TO 6-6 (1/1/88)	116.04	232.08	464.16	928.32	2320.80	4641.60	8.50	8.50	10.34
6-6 TO 7-0 (7/1/88)	120.97	241.94	483.88	967.76	2419.40	4838.80	8.50	8.50	10.71
7-0 TO 7-6 (1/1/89)	126.11	252.22	504.44	1008.88	2522.20	5044.40	8.50	8.50	11.27
7-6 TO 8-0 (7/1/89)	131.47	262.94	525.88	1051.76	2629.40	5258.80	8.50	8.50	12.20
8-0 TO 8-6 (1/1/90)	137.06	274.12	548.24	1096.48	2741.20	5482.40	8.50	8.51	14.07
8-6 TO 9-0 (7/1/90)	142.89	285.78	571.56	1143.12	2857.80	5715.60	8.50	19.79	19.79
9-0 4/ (1/1/91)	157.03	314.06	628.12	1256.24	3140.60	6281.20	9.11 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1952 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 30 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.46 PERCENT; TO DATE OF BONUS PAYMENT IS 5.52 PERCENT.

4/ BONUS IS PAID AT 39 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 46

BONDS BEARING ISSUE DATE MAY 1, 1952

TABLE 46

BONDS BEARING ISSUE DATE MAY 1, 1952

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/	(7/1/81)	$ 67.28	$134.56	$269.12	$538.24	$1345.60	$2691.20	$26912.	6.05	8.53	8.53
10-0 2/	(1/1/82)	70.15	140.30	280.60	561.20	1403.00	2806.00	28060.	6.17 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/82)	$ 70.15	$140.30	$280.60	$561.20	$1403.00	$2806.00	$28060.	----	8.50	9.11
0-6 TO 1-0	(7/1/82)	73.13	146.26	292.52	585.04	1462.60	2925.20	29252.	8.50	8.51	9.15
1-0 TO 1-6	(1/1/83)	76.24	152.48	304.96	609.92	1524.80	3049.60	30496.	8.50	8.50	9.19
1-6 TO 2-0	(7/1/83)	79.48	158.96	317.92	635.84	1589.60	3179.20	31792.	8.50	8.51	9.23
2-0 TO 2-6	(1/1/84)	82.86	165.72	331.44	662.88	1657.20	3314.40	33144.	8.50	8.50	9.29
2-6 TO 3-0	(7/1/84)	86.38	172.76	345.52	691.04	1727.60	3455.20	34552.	8.50	8.50	9.35
3-0 TO 3-6	(1/1/85)	90.05	180.10	360.20	720.40	1801.00	3602.00	36020.	8.50	8.51	9.42
3-6 TO 4-0	(7/1/85)	93.88	187.76	375.52	751.04	1877.60	3755.20	37552.	8.50	8.50	9.50
4-0 TO 4-6	(1/1/86)	97.87	195.74	391.48	782.96	1957.40	3914.80	39148.	8.50	8.50	9.60
4-6 TO 5-0	(7/1/86)	102.03	204.06	408.12	816.24	2040.60	4081.20	40812.	8.50	8.49	9.72
5-0 TO 5-6	(1/1/87)	106.36	212.72	425.44	850.88	2127.20	4254.40	42544.	8.50	8.50	9.88
5-6 TO 6-0	(7/1/87)	110.88	221.76	443.52	887.04	2217.60	4435.20	44352.	8.50	8.51	10.08
6-0 TO 6-6	(1/1/88)	115.60	231.20	462.40	924.80	2312.00	4624.00	46240.	8.50	8.49	10.34
6-6 TO 7-0	(7/1/88)	120.51	241.02	482.04	964.08	2410.20	4820.40	48204.	8.50	8.50	10.71
7-0 TO 7-6	(1/1/89)	125.63	251.26	502.52	1005.04	2512.60	5025.20	50252.	8.50	8.50	11.27
7-6 TO 8-0	(7/1/89)	130.97	261.94	523.88	1047.76	2619.40	5238.80	52388.	8.50	8.51	12.20
8-0 TO 8-6	(1/1/90)	136.54	273.08	546.16	1092.32	2730.80	5461.60	54616.	8.50	8.50	14.07
8-6 TO 9-0	(7/1/90)	142.34	284.68	569.36	1138.72	2846.80	5693.60	56936.	8.50	19.78	19.78
9-0 4/	(1/1/91)	156.42	312.84	625.68	1251.36	3128.40	6256.80	62568.	9.11 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1952 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.50 PERCENT; TO DATE OF BONUS PAYMENT IS 5.56 PERCENT.
4/ BONUS IS PAID AT 38 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 47

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1952

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
9-6 TO 10-0 1/ (8/1/81)	$ 67.45	$134.90	$269.80	$539.60	$1349.00	$2698.00	$26980.	6.05	8.48	8.48
10-0 2/ (2/1/82)	70.31	140.62	281.24	562.48	1406.20	2812.40	28124.	6.17 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/ (2/1/82)	$ 70.31	$140.62	$281.24	$562.48	$1406.20	$2812.40	$28124.	----	8.51	9.11
0-6 TO 1-0 (8/1/82)	73.30	146.60	293.20	586.40	1466.00	2932.00	29320.	8.51	8.49	9.15
1-0 TO 1-6 (2/1/83)	76.41	152.82	305.64	611.28	1528.20	3056.40	30564.	8.50	8.51	9.19
1-6 TO 2-0 (8/1/83)	79.66	159.32	318.64	637.28	1593.20	3186.40	31864.	8.50	8.51	9.23
2-0 TO 2-6 (2/1/84)	83.05	166.10	332.20	664.40	1661.00	3322.00	33220.	8.50	8.50	9.29
2-6 TO 3-0 (8/1/84)	86.58	173.16	346.32	692.64	1731.60	3463.20	34632.	8.50	8.50	9.35
3-0 TO 3-6 (2/1/85)	90.26	180.52	361.04	722.08	1805.20	3610.40	36104.	8.50	8.49	9.42
3-6 TO 4-0 (8/1/85)	94.09	188.18	376.36	752.72	1881.80	3763.60	37636.	8.50	8.50	9.50
4-0 TO 4-6 (2/1/86)	98.09	196.18	392.36	784.72	1961.80	3923.60	39236.	8.50	8.50	9.60
4-6 TO 5-0 (8/1/86)	102.26	204.52	409.04	818.08	2045.20	4090.40	40904.	8.50	8.51	9.73
5-0 TO 5-6 (2/1/87)	106.61	213.22	426.44	852.88	2132.20	4264.40	42644.	8.50	8.50	9.88
5-6 TO 6-0 (8/1/87)	111.14	222.28	444.56	889.12	2222.80	4445.60	44456.	8.50	8.49	10.08
6-0 TO 6-6 (2/1/88)	115.86	231.72	463.44	926.88	2317.20	4634.40	46344.	8.50	8.49	10.34
6-6 TO 7-0 (8/1/88)	120.78	241.56	483.12	966.24	2415.60	4831.20	48312.	8.50	8.51	10.71
7-0 TO 7-6 (2/1/89)	125.92	251.84	503.68	1007.36	2518.40	5036.80	50368.	8.50	8.50	11.27
7-6 TO 8-0 (8/1/89)	131.27	262.54	525.08	1050.16	2625.40	5250.80	52508.	8.50	8.50	12.20
8-0 TO 8-6 (2/1/90)	136.85	273.70	547.40	1094.80	2737.00	5474.00	54740.	8.50	8.49	14.07
8-6 TO 9-0 (8/1/90)	142.66	285.32	570.64	1141.28	2853.20	5706.40	57064.	8.50	19.80	19.80
9-0 4/ (2/1/91)	156.78	313.56	627.12	1254.24	3135.60	6271.20	62712.	9.11 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1952 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.51 PERCENT; TO DATE OF BONUS PAYMENT IS 5.57 PERCENT.

4/ BONUS IS PAID AT 38 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 48

BONDS BEARING ISSUE DATE SEP. 1, 1952

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/(5/1/81)	$ 65.32	$130.64	$261.28	$522.56	$1306.40	$2612.80	$26128.	6.03	8.51	8.50
9-6 TO10-0 (11/1/81)	68.10	136.20	272.40	544.80	1362.00	2724.00	27240.	6.16	8.49	8.49
10-0 2/ (5/1/82)	70.99	141.98	283.96	567.92	1419.80	2839.60	28396.	6.27 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/82)	$ 70.99	$141.98	$283.95	$567.92	$1419.80	$2839.60	$28396.	----	8.51	9.11
0-6 TO 1-0 (11/1/82)	74.01	148.02	296.04	592.08	1480.20	2960.40	29604.	8.51	8.49	9.15
1-0 TO 1-6 (5/1/83)	77.15	154.30	308.60	617.20	1543.00	3086.00	30860.	8.50	8.50	9.19
1-6 TO 2-0 (11/1/83)	80.43	160.86	321.72	643.44	1608.60	3217.20	32172.	8.50	8.50	9.23
2-0 TO 2-6 (5/1/84)	83.85	167.70	335.40	670.80	1677.00	3354.00	33540.	8.50	8.49	9.29
2-6 TO 3-0 (11/1/84)	87.41	174.82	349.64	699.28	1748.20	3496.40	34964.	8.50	8.51	9.35
3-0 TO 3-6 (5/1/85)	91.13	182.26	364.52	729.04	1822.60	3645.20	36452.	8.50	8.49	9.42
3-6 TO 4-0 (11/1/85)	95.00	190.00	380.00	760.00	1900.00	3800.00	38000.	8.50	8.51	9.50
4-0 TO 4-6 (5/1/86)	99.04	198.08	396.16	792.32	1980.80	3961.60	39616.	8.50	8.50	9.60
4-6 TO 5-0 (11/1/86)	103.25	206.50	413.00	826.00	2065.00	4130.00	41300.	8.50	8.50	9.73
5-0 TO 5-6 (5/1/87)	107.64	215.28	430.56	861.12	2152.80	4305.60	43056.	8.50	8.49	9.88
5-6 TO 6-0 (11/1/87)	112.21	224.42	448.84	897.68	2244.20	4488.40	44884.	8.50	8.50	10.08
6-0 TO 6-6 (5/1/88)	116.98	233.96	467.92	935.84	2339.60	4679.20	46792.	8.50	8.50	10.34
6-6 TO 7-0 (11/1/88)	121.95	243.90	487.80	975.60	2439.00	4878.00	48780.	8.50	8.50	10.71
7-0 TO 7-6 (5/1/89)	127.13	254.26	508.52	1017.04	2542.60	5085.20	50852.	8.50	8.51	11.27
7-6 TO 8-0 (11/1/89)	132.54	265.08	530.16	1060.32	2650.80	5301.60	53016.	8.50	8.50	12.20
8-0 TO 8-6 (5/1/90)	138.17	276.34	552.68	1105.36	2763.40	5526.80	55268.	8.50	8.50	14.07
8-6 TO 9-0 (11/1/90)	144.04	288.08	576.16	1152.32	2880.80	5761.60	57616.	8.50	19.80	19.80
9-0 4/ (5/1/91)	158.30	316.60	633.20	1266.40	3166.00	6332.00	63320.	9.11 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1952 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.54 PERCENT; TO DATE OF BONUS PAYMENT IS 5.59 PERCENT.
4/ BONUS IS PAID AT 38 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 49

BONDS BEARING ISSUE DATE OCT. 1, 1952

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/(6/1/81)	$ 66.14	$132.28	$264.56	$529.12	$1322.80	$2645.60	$26456.	6.08	8.50	8.50
9-6 TO10-0 (12/1/81)	68.95	137.90	275.80	551.60	1379.00	2758.00	27580.	6.21	8.50	8.50
10-0 2/ (6/1/82)	71.88	143.76	287.52	575.04	1437.60	2875.20	28752.	6.32 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(6/1/82)	$ 71.88	$143.76	$287.52	$575.04	$1437.60	$2875.20	$28752.	----	8.49	9.11
0-6 TO 1-0 (12/1/82)	74.93	149.86	299.72	599.44	1498.60	2997.20	29972.	8.49	8.51	9.15
1-0 TO 1-6 (6/1/83)	78.12	156.24	312.48	624.96	1562.40	3124.80	31248.	8.50	8.50	9.19
1-6 TO 2-0 (12/1/83)	81.44	162.88	325.76	651.52	1628.80	3257.60	32576.	8.50	8.50	9.24
2-0 TO 2-6 (6/1/84)	84.90	169.80	339.60	679.20	1698.00	3396.00	33960.	8.50	8.50	9.29
2-6 TO 3-0 (12/1/84)	88.51	177.02	354.04	708.08	1770.20	3540.40	35404.	8.50	8.50	9.35
3-0 TO 3-6 (6/1/85)	92.27	184.54	369.08	738.16	1845.40	3690.80	36908.	8.50	8.50	9.42
3-6 TO 4-0 (12/1/85)	96.19	192.38	384.76	769.52	1923.80	3847.60	38476.	8.50	8.50	9.50
4-0 TO 4-6 (6/1/86)	100.28	200.56	401.12	802.24	2005.60	4011.20	40112.	8.50	8.50	9.61
4-6 TO 5-0 (12/1/86)	104.54	209.08	418.16	836.32	2090.80	4181.60	41816.	8.50	8.51	9.73
5-0 TO 5-6 (6/1/87)	108.99	217.98	435.96	871.92	2179.80	4359.60	43596.	8.50	8.50	9.88
5-6 TO 6-0 (12/1/87)	113.62	227.24	454.48	908.96	2272.40	4544.80	45448.	8.50	8.50	10.08
6-0 TO 6-6 (6/1/88)	118.45	236.90	473.80	947.60	2369.00	4738.00	47380.	8.50	8.49	10.34
6-6 TO 7-0 (12/1/88)	123.48	246.96	493.92	987.84	2469.60	4939.20	49392.	8.50	8.50	10.72
7-0 TO 7-6 (6/1/89)	128.73	257.46	514.92	1029.84	2574.60	5149.20	51492.	8.50	8.50	11.27
7-6 TO 8-0 (12/1/89)	134.20	268.40	536.80	1073.60	2684.00	5368.00	53680.	8.50	8.49	12.21
8-0 TO 8-6 (6/1/90)	139.90	279.80	559.60	1119.20	2798.00	5596.00	55960.	8.50	8.51	14.09
8-6 TO 9-0 (12/1/90)	145.85	291.70	583.40	1166.80	2917.00	5834.00	58340.	8.50	19.81	19.81
9-0 4/ (6/1/91)	160.30	320.60	641.20	1282.40	3206.00	6412.00	64120.	9.11 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1952 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.58 PERCENT; TO DATE OF BONUS PAYMENT IS 5.63 PERCENT.
4/ BONUS IS PAID AT 38 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 50

BONDS BEARING ISSUE DATE NOV. 1, 1952

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/(7/1/81)	$ 66.14	$132.28	$264.56	$529.12	$1322.80	$2645.60	$26456.	6.08	8.50	8.50
9-6 TO10-0 (1/1/82)	68.95	137.90	275.80	551.60	1379.00	2758.00	27580.	6.21	8.50	8.50
10-0 2/ (7/1/82)	71.88	143.76	287.52	575.04	1437.60	2875.20	28752.	6.32 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/82)	$ 71.88	$143.76	$287.52	$575.04	$1437.60	$2875.20	$28752.	----	8.49	9.15
0-6 TO 1-0 (1/1/83)	74.93	149.86	299.72	599.44	1498.60	2997.20	29972.	8.49	8.51	9.19
1-0 TO 1-6 (7/1/83)	78.12	156.24	312.48	624.96	1562.40	3124.80	31248.	8.50	8.50	9.23
1-6 TO 2-0 (1/1/84)	81.44	162.88	325.76	651.52	1628.80	3257.60	32576.	8.50	8.50	9.29
2-0 TO 2-6 (7/1/84)	84.90	169.80	339.60	679.20	1698.00	3396.00	33960.	8.50	8.50	9.35
2-6 TO 3-0 (1/1/85)	88.51	177.02	354.04	708.08	1770.20	3540.40	35404.	8.50	8.50	9.42
3-0 TO 3-6 (7/1/85)	92.27	184.54	369.08	738.16	1845.40	3690.80	36908.	8.50	8.50	9.50
3-6 TO 4-0 (1/1/86)	96.19	192.38	384.76	769.52	1923.80	3847.60	38476.	8.50	8.50	9.60
4-0 TO 4-6 (7/1/86)	100.28	200.56	401.12	802.24	2005.60	4011.20	40112.	8.50	8.50	9.72
4-6 TO 5-0 (1/1/87)	104.54	209.08	418.16	836.32	2090.80	4181.60	41816.	8.50	8.51	9.88
5-0 TO 5-6 (7/1/87)	108.99	217.98	435.96	871.92	2179.80	4359.60	43596.	8.50	8.50	10.07
5-6 TO 6-0 (1/1/88)	113.62	227.24	454.48	908.96	2272.40	4544.80	45448.	8.50	8.50	10.34
6-0 TO 6-6 (7/1/88)	118.45	236.90	473.80	947.60	2369.00	4738.00	47380.	8.50	8.49	10.71
6-6 TO 7-0 (1/1/89)	123.48	246.96	493.92	987.84	2469.60	4939.20	49392.	8.50	8.50	11.27
7-0 TO 7-6 (7/1/89)	128.73	257.46	514.92	1029.84	2574.60	5149.20	51492.	8.50	8.50	12.19
7-6 TO 8-0 (1/1/90)	134.20	268.40	536.80	1073.60	2684.00	5368.00	53680.	8.50	8.49	14.07
8-0 TO 8-6 (7/1/90)	139.90	279.80	559.60	1119.20	2798.00	5596.00	55960.	8.50	19.79	19.79
8-6 4/ (1/1/91)	153.74	307.48	614.96	1229.92	3074.80	6149.60	61496.	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1952 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.58 PERCENT; TO DATE OF BONUS PAYMENT IS 5.59 PERCENT.

4/ BONUS IS PAID AT 38 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 51

BONDS BEARING ISSUE DATES FROM DEC. 1, 1952 THROUGH FEB. 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/(8/1/81)	$ 66.32	$132.64	$265.28	$530.56	$1326.40	$2652.80	$26528.	6.08	8.47	8.49
9-6 TO10-0 (2/1/82)	69.13	138.26	276.52	553.04	1382.60	2765.20	27652.	6.21	8.51	8.51
10-0 2/ (8/1/82)	72.07	144.14	288.28	576.56	1441.40	2882.80	28828.	6.32 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(8/1/82)	$ 72.07	$144.14	$288.28	$576.56	$1441.40	$2882.80	$28828.	----	8.49	9.15
0-6 TO 1-0 (2/1/83)	75.13	150.26	300.52	601.04	1502.60	3005.20	30052.	8.49	8.52	9.19
1-0 TO 1-6 (8/1/83)	78.33	156.66	313.32	626.64	1566.60	3133.20	31332.	8.51	8.48	9.23
1-6 TO 2-0 (2/1/84)	81.65	163.30	326.60	653.20	1633.00	3266.00	32660.	8.50	8.52	9.29
2-0 TO 2-6 (8/1/84)	85.13	170.26	340.52	681.04	1702.60	3405.20	34052.	8.50	8.48	9.35
2-6 TO 3-0 (2/1/85)	88.74	177.48	354.96	709.92	1774.80	3549.60	35496.	8.50	8.50	9.42
3-0 TO 3-6 (8/1/85)	92.51	185.02	370.04	740.08	1850.20	3700.40	37004.	8.50	8.52	9.50
3-6 TO 4-0 (2/1/86)	96.45	192.90	385.80	771.60	1929.00	3858.00	38580.	8.50	8.50	9.60
4-0 TO 4-6 (8/1/86)	100.55	201.10	402.20	804.40	2011.00	4022.00	40220.	8.50	8.49	9.73
4-6 TO 5-0 (2/1/87)	104.82	209.64	419.28	838.56	2096.40	4192.80	41928.	8.50	8.49	9.88
5-0 TO 5-6 (8/1/87)	109.27	218.54	437.08	874.16	2185.40	4370.80	43708.	8.50	8.51	10.08
5-6 TO 6-0 (2/1/88)	113.92	227.84	455.68	911.36	2278.40	4556.80	45568.	8.50	8.50	10.34
6-0 TO 6-6 (8/1/88)	118.76	237.52	475.04	950.08	2375.20	4750.40	47504.	8.50	8.50	10.71
6-6 TO 7-0 (2/1/89)	123.81	247.62	495.24	990.48	2476.20	4952.40	49524.	8.50	8.50	11.27
7-0 TO 7-6 (8/1/89)	129.07	258.14	516.28	1032.56	2581.40	5162.80	51628.	8.50	8.49	12.20
7-6 TO 8-0 (2/1/90)	134.55	269.10	538.20	1076.40	2691.00	5382.00	53820.	8.50	8.50	14.08
[illegible]-0 TO 8-6 (8/1/90)	140.27	280.54	561.08	1122.16	2805.40	5610.80	56108.	8.50	19.80	19.80
8-6 4/ (2/1/91)	154.16	308.32	616.64	1233.28	3083.20	6166.40	61664.	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1952 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.59 PERCENT; TO DATE OF BONUS PAYMENT IS 5.60 PERCENT.

4/ BONUS IS PAID AT 38 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 52

BONDS BEARING ISSUE DATE MAR. 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/(5/1/81)	$ 64.23	$128.46	$256.92	$513.84	$1284.60	$2569.20	$25692.	6.06	8.50	8.49
9-0 TO 9-6 (11/1/81)	66.96	133.92	267.84	535.68	1339.20	2678.40	26784.	6.19	8.48	8.48
9-6 TO10-0 (5/1/82)	69.80	139.60	279.20	558.40	1396.00	2792.00	27920.	6.31	8.48	8.48
10-0 2/ (11/1/82)	72.76	145.52	291.04	582.08	1455.20	2910.40	29104.	6.42 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/82)	$ 72.76	$145.52	$291.04	$582.08	$1455.20	$2910.40	$29104.	----	8.49	9.15
0-6 TO 1-0 (5/1/83)	75.85	151.70	303.40	606.80	1517.00	3034.00	30340.	8.49	8.52	9.19
1-0 TO 1-6 (11/1/83)	79.08	158.16	316.32	632.64	1581.60	3163.20	31632.	8.51	8.50	9.24
1-6 TO 2-0 (5/1/84)	82.44	164.88	329.76	659.52	1648.80	3297.60	32976.	8.50	8.49	9.29
2-0 TO 2-6 (11/1/84)	85.94	171.88	343.76	687.52	1718.80	3437.60	34376.	8.50	8.49	9.35
2-6 TO 3-0 (5/1/85)	89.59	179.18	358.36	716.72	1791.80	3583.60	35836.	8.50	8.51	9.42
3-0 TO 3-6 (11/1/85)	93.40	186.80	373.60	747.20	1868.00	3736.00	37360.	8.50	8.50	9.50
3-6 TO 4-0 (5/1/86)	97.37	194.74	389.48	778.96	1947.40	3894.80	38948.	8.50	8.50	9.61
4-0 TO 4-6 (11/1/86)	101.51	203.02	406.04	812.08	2030.20	4060.40	40604.	8.50	8.49	9.73
4-6 TO 5-0 (5/1/87)	105.82	211.64	423.28	846.56	2116.40	4232.80	42328.	8.50	8.51	9.88
5-0 TO 5-6 (11/1/87)	110.32	220.64	441.28	882.56	2206.40	4412.80	44128.	8.50	8.50	10.08
5-6 TO 6-0 (5/1/88)	115.01	230.02	460.04	920.08	2300.20	4600.40	46004.	8.50	8.50	10.35
6-0 TO 6-6 (11/1/88)	119.90	239.80	479.60	959.20	2398.00	4796.00	47960.	8.50	8.49	10.72
6-6 TO 7-0 (5/1/89)	124.99	249.98	499.96	999.92	2499.80	4999.60	49996.	8.50	8.50	11.28
7-0 TO 7-6 (11/1/89)	130.30	260.60	521.20	1042.40	2606.00	5212.00	52120.	8.50	8.50	12.21
7-6 TO 8-0 (5/1/90)	135.84	271.68	543.36	1086.72	2716.80	5433.60	54336.	8.50	8.51	14.09
8-0 TO 8-6 (11/1/90)	141.62	283.24	566.48	1132.96	2832.40	5664.80	56648.	8.50	19.81	19.81
8-6 4/ (5/1/91)	155.65	311.30	622.60	1245.20	3113.00	6226.00	62260.	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1953 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.62 PERCENT; TO DATE OF BONUS PAYMENT IS 5.62 PERCENT.

4/ BONUS IS PAID AT 38 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 53

BONDS BEARING ISSUE DATE APR. 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/(6/1/81)	$ 65.01	$130.02	$260.04	$520.08	$1300.20	$2600.40	$26004.	6.12	8.52	8.50
9-0 TO 9-6 (12/1/81)	67.78	135.56	271.12	542.24	1355.60	2711.20	27112.	6.25	8.50	8.49
9-6 TO10-0 (6/1/82)	70.66	141.32	282.64	565.28	1413.20	2826.40	28264.	6.37	8.49	8.49
10-0 2/ (12/1/82)	73.66	147.32	294.64	589.28	1473.20	2946.40	29464.	6.47 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/82)	$ 73.66	$147.32	$294.64	$589.28	$1473.20	$2946.40	$29464.	----	8.50	9.15
0-6 TO 1-0 (6/1/83)	76.79	153.58	307.16	614.32	1535.80	3071.60	30716.	8.50	8.49	9.19
1-0 TO 1-6 (12/1/83)	80.05	160.10	320.20	640.40	1601.00	3202.00	32020.	8.49	8.52	9.24
1-6 TO 2-0 (6/1/84)	83.46	166.92	333.84	667.68	1669.20	3338.40	33384.	8.50	8.48	9.29
2-0 TO 2-6 (12/1/84)	87.00	174.00	348.00	696.00	1740.00	3480.00	34800.	8.50	8.51	9.35
2-6 TO 3-0 (6/1/85)	90.70	181.40	362.80	725.60	1814.00	3628.00	36280.	8.50	8.51	9.42
3-0 TO 3-6 (12/1/85)	94.56	189.12	378.24	756.48	1891.20	3782.40	37824.	8.50	8.48	9.50
3-6 TO 4-0 (6/1/86)	98.57	197.14	394.28	788.56	1971.40	3942.80	39428.	8.50	8.50	9.60
4-0 TO 4-6 (12/1/86)	102.76	205.52	411.04	822.08	2055.20	4110.40	41104.	8.50	8.51	9.73
4-6 TO 5-0 (6/1/87)	107.13	214.26	428.52	857.04	2142.60	4285.20	42852.	8.50	8.49	9.88
5-0 TO 5-6 (12/1/87)	111.68	223.36	446.72	893.44	2233.60	4467.20	44672.	8.50	8.51	10.08
5-6 TO 6-0 (6/1/88)	116.43	232.86	465.72	931.44	2328.60	4657.20	46572.	8.50	8.50	10.34
6-0 TO 6-6 (12/1/88)	121.38	242.76	485.52	971.04	2427.60	4855.20	48552.	8.50	8.50	10.71
6-6 TO 7-0 (6/1/89)	126.54	253.08	506.16	1012.32	2530.80	5061.60	50616.	8.50	8.50	11.27
7-0 TO 7-6 (12/1/89)	131.92	263.84	527.68	1055.36	2638.40	5276.80	52768.	8.50	8.49	12.20
7-6 TO 8-0 (6/1/90)	137.52	275.04	550.08	1100.16	2750.40	5500.80	55008.	8.50	8.51	14.08
8-0 TO 8-6 (12/1/90)	143.37	286.74	573.48	1146.96	2867.40	5734.80	57348.	8.50	19.79	19.79
8-6 4/ (6/1/91)	157.56	315.12	630.24	1260.48	3151.20	6302.40	63024.	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1953 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.67 PERCENT; TO DATE OF BONUS PAYMENT IS 5.66 PERCENT.
4/ BONUS IS PAID AT 38 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 54

BONDS BEARING ISSUE DATE MAY 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/(7/1/81)	$ 65.01	$130.02	$260.04	$520.08	$1300.20	$2600.40	$26004.	6.12	8.52	8.50
9-0 TO 9-6 (1/1/82)	67.78	135.56	271.12	542.24	1355.60	2711.20	27112.	6.25	8.50	8.49
9-6 TO10-0 (7/1/82)	70.66	141.32	282.64	565.28	1413.20	2826.40	28264.	6.37	8.49	8.49
10-0 2/ (1/1/83)	73.66	147.32	294.64	589.28	1473.20	2946.40	29464.	6.47 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/83)	$ 73.66	$147.32	$294.64	$589.28	$1473.20	$2946.40	$29464.	----	8.50	9.19
0-6 TO 1-0 (7/1/83)	76.79	153.58	307.16	614.32	1535.80	3071.60	30716.	8.50	8.49	9.24
1-0 TO 1-6 (1/1/84)	80.05	160.10	320.20	640.40	1601.00	3202.00	32020.	8.49	8.52	9.29
1-6 TO 2-0 (7/1/84)	83.46	166.92	333.84	667.68	1669.20	3338.40	33384.	8.50	8.48	9.35
2-0 TO 2-6 (1/1/85)	87.00	174.00	348.00	696.00	1740.00	3480.00	34800.	8.50	8.51	9.42
2-6 TO 3-0 (7/1/85)	90.70	181.40	362.80	725.60	1814.00	3628.00	36280.	8.50	8.51	9.50
3-0 TO 3-6 (1/1/86)	94.56	189.12	378.24	756.48	1891.20	3782.40	37824.	8.50	8.48	9.60
3-6 TO 4-0 (7/1/86)	98.57	197.14	394.28	788.56	1971.40	3942.80	39428.	8.50	8.50	9.73
4-0 TO 4-6 (1/1/87)	102.76	205.52	411.04	822.08	2055.20	4110.40	41104.	8.50	8.51	9.88
4-6 TO 5-0 (7/1/87)	107.13	214.26	428.52	857.04	2142.60	4285.20	42852.	8.50	8.49	10.08
5-0 TO 5-6 (1/1/88)	111.68	223.36	446.72	893.44	2233.60	4467.20	44672.	8.50	8.51	10.34
5-6 TO 6-0 (7/1/88)	116.43	232.86	465.72	931.44	2328.60	4657.20	46572.	8.50	8.50	10.71
6-0 TO 6-6 (1/1/89)	121.38	242.76	485.52	971.04	2427.60	4855.20	48552.	8.50	8.50	11.27
6-6 TO 7-0 (7/1/89)	126.54	253.08	506.16	1012.32	2530.80	5061.60	50616.	8.50	8.50	12.20
7-0 TO 7-6 (1/1/90)	131.92	263.84	527.68	1055.36	2638.40	5276.80	52768.	8.50	8.49	14.07
7-6 TO 8-0 (7/1/90)	137.52	275.04	550.08	1100.16	2750.40	5500.80	55008.	8.50	19.81	19.81
8-0 4/ (1/1/91)	151.14	302.28	604.56	1209.12	3022.80	6045.60	60456.	9.19 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1953 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.67 PERCENT; TO DATE OF BONUS PAYMENT IS 5.62 PERCENT.

4/ BONUS IS PAID AT 37 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 55

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
9-6 TO 9-0 1/(8/1/81)	$ 65.17	$130.34	$260.68	$521.36	$1303.40	$2606.80	$26068.	6.12	8.53	8.50
9-0 TO 9-6 (2/1/82)	67.95	135.90	271.80	543.60	1359.00	2718.00	27180.	6.25	8.48	8.49
9-6 TO10-0 (8/1/82)	70.83	141.66	283.32	566.64	1416.60	2833.20	28332.	6.37	8.50	8.50
10-0 2/ (2/1/83)	73.84	147.68	295.36	590.72	1476.80	2953.60	29536.	6.47 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(2/1/83)	$ 73.84	$147.68	$295.36	$590.72	$1476.80	$2953.60	$29536.	----	8.50	9.19
0-6 TO 1-0 (8/1/83)	76.98	153.96	307.92	615.84	1539.60	3079.20	30792.	8.50	8.50	9.23
1-0 TO 1-6 (2/1/84)	80.25	160.50	321.00	642.00	1605.00	3210.00	32100.	8.50	8.50	9.29
1-6 TO 2-0 (8/1/84)	83.66	167.32	334.64	669.28	1673.20	3346.40	33464.	8.50	8.51	9.35
2-0 TO 2-6 (2/1/85)	87.22	174.44	348.88	697.76	1744.40	3488.80	34888.	8.50	8.48	9.42
2-6 TO 3-0 (8/1/85)	90.92	181.84	363.68	727.36	1818.40	3636.80	36368.	8.50	8.51	9.50
3-0 TO 3-6 (2/1/86)	94.79	189.58	379.16	758.32	1895.80	3791.60	37916.	8.50	8.50	9.60
3-6 TO 4-0 (8/1/86)	98.82	197.64	395.28	790.56	1976.40	3952.80	39528.	8.50	8.48	9.72
4-0 TO 4-6 (2/1/87)	103.01	206.02	412.04	824.08	2060.20	4120.40	41204.	8.50	8.50	9.88
4-6 TO 5-0 (8/1/87)	107.39	214.78	429.56	859.12	2147.80	4295.60	42956.	8.50	8.51	10.08
5-0 TO 5-6 (2/1/88)	111.96	223.92	447.84	895.68	2239.20	4478.40	44784.	8.50	8.50	10.34
5-6 TO 6-0 (8/1/88)	116.72	233.44	466.88	933.76	2334.40	4668.80	46688.	8.50	8.50	10.71
6-0 TO 6-6 (2/1/89)	121.68	243.36	486.72	973.44	2433.60	4867.20	48672.	8.50	8.50	11.27
6-6 TO 7-0 (8/1/89)	126.85	253.70	507.40	1014.80	2537.00	5074.00	50740.	8.50	8.50	12.20
7-0 TO 7-6 (2/1/90)	132.24	264.48	528.96	1057.92	2644.80	5289.60	52896.	8.50	8.50	14.07
7-6 TO 8-0 (8/1/90)	137.86	275.72	551.44	1102.88	2757.20	5514.40	55144.	8.50	19.79	19.79
8-0 4/ (2/1/91)	151.50	303.00	606.00	1212.00	3030.00	6060.00	60600.	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1953 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.67 PERCENT; TO DATE OF BONUS PAYMENT IS 5.62 PERCENT.

4/ BONUS IS PAID AT 37 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 56

BONDS BEARING ISSUE DATE SEP. 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(5/1/81)	$ 63.12	$126.24	$252.48	$504.96	$1262.40	$2524.80	$25248.	6.09	8.52	8.50
8-6 TO 9-0 (11/1/81)	65.81	131.62	263.24	526.48	1316.20	2632.40	26324.	6.24	8.51	8.50
9-0 TO 9-6 (5/1/82)	68.61	137.22	274.44	548.88	1372.20	2744.40	27444.	6.36	8.45	8.49
9-6 TO10-0 (11/1/82)	71.51	143.02	286.04	572.08	1430.20	2860.40	28604.	6.47	8.53	8.53
10-0 2/ (5/1/83)	74.56	149.12	298.24	596.48	1491.20	2982.40	29824.	6.57 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/83)	$ 74.56	$149.12	$298.24	$596.48	$1491.20	$2982.40	$29824.	----	8.50	9.19
0-6 TO 1-0 (11/1/83)	77.73	155.46	310.92	621.84	1554.60	3109.20	31092.	8.50	8.49	9.23
1-0 TO 1-6 (5/1/84)	81.03	162.06	324.12	648.24	1620.60	3241.20	32412.	8.50	8.52	9.29
1-6 TO 2-0 (11/1/84)	84.48	168.96	337.92	675.84	1689.60	3379.20	33792.	8.50	8.50	9.35
2-0 TO 2-6 (5/1/85)	88.07	176.14	352.28	704.56	1761.40	3522.80	35228.	8.50	8.49	9.42
2-6 TO 3-0 (11/1/85)	91.81	183.62	367.24	734.48	1836.20	3672.40	36724.	8.50	8.50	9.50
3-0 TO 3-6 (5/1/86)	95.71	191.42	382.84	765.68	1914.20	3828.40	38284.	8.50	8.50	9.60
3-6 TO 4-0 (11/1/86)	99.78	199.56	399.12	798.24	1995.60	3991.20	39912.	8.50	8.50	9.72
4-0 TO 4-6 (5/1/87)	104.02	208.04	416.08	832.16	2080.40	4160.80	41608.	8.50	8.50	9.88
4-6 TO 5-0 (11/1/87)	108.44	216.88	433.76	867.52	2168.80	4337.60	43376.	8.50	8.50	10.08
5-0 TO 5-6 (5/1/88)	113.05	226.10	452.20	904.40	2261.00	4522.00	45220.	8.50	8.49	10.34
5-6 TO 6-0 (11/1/88)	117.85	235.70	471.40	942.80	2357.00	4714.00	47140.	8.50	8.50	10.71
6-0 TO 6-6 (5/1/89)	122.86	245.72	491.44	982.88	2457.20	4914.40	49144.	8.50	8.50	11.27
6-6 TO 7-0 (11/1/89)	128.08	256.16	512.32	1024.64	2561.60	5123.20	51232.	8.50	8.51	12.20
7-0 TO 7-6 (5/1/90)	133.53	267.06	534.12	1068.24	2670.60	5341.20	53412.	8.50	8.49	14.06
7-6 TO 8-0 (11/1/90)	139.20	278.40	556.80	1113.60	2784.00	5568.00	55680.	8.50	19.78	19.78
8-0 4/ (5/1/91)	152.97	305.94	611.88	1223.76	3059.40	6118.80	61188.	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1953 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.71 PERCENT; TO DATE OF BONUS PAYMENT IS 5.65 PERCENT.

4/ BONUS IS PAID AT 37 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 57

BONDS BEARING ISSUE DATE OCT. 1, 1953

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/	(6/1/81)	$ 63.92	$127.84	$255.68	$511.36	$1278.40	$25 .80	$25568.	6.16	8.51	8.50
8-6 TO 9-0	(12/1/81)	66.64	133.28	266.56	533.12	1332.80	2665.60	26656.	6.29	8.46	8.50
9-0 TO 9-6	(6/1/82)	69.46	138.92	277.84	555.68	1389.20	27 8.40	27784.	6.41	8.52	8.51
9-6 TO 10-0	(12/1/82)	72.42	144.84	289.68	579.36	1448.40	2896.80	28968.	6.53	8.51	8.51
10-0 2/	(6/1/83)	75.50	151.00	302.00	604.00	1510.00	3020.00	30200.	6.62 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/83)	$ 75.50	$151.00	$302.00	$604.00	$1510.00	$3020.00	$30200.	----	8.50	9.19
0-6 TO 1-0	(12/1/83)	78.71	157.42	314.84	629.68	1574.20	3148.40	31484.	8.50	8.49	9.23
1-0 TO 1-6	(6/1/84)	82.05	164.10	328.20	656.40	1641.00	3282.00	32820.	8.50	8.51	9.29
1-6 TO 2-0	(12/1/84)	85.54	171.08	342.16	684.32	1710.80	3421.60	34216.	8.50	8.51	9.35
2-0 TO 2-6	(6/1/85)	89.18	178.36	356.72	713.44	1783.60	3567.20	35672.	8.50	8.50	9.42
2-6 TO 3-0	(12/1/85)	92.97	185.94	371.88	743.76	1859.40	3718.80	37188.	8.50	8.50	9.50
3-0 TO 3-6	(6/1/86)	96.92	193.84	387.68	775.36	1938.40	3876.80	38768.	8.50	8.50	9.60
3-6 TO 4-0	(12/1/86)	101.04	202.08	404.16	808.32	2020.80	4041.60	40416.	8.50	8.49	9.72
4-0 TO 4-6	(6/1/87)	105.33	210.66	421.32	842.64	2106.60	4213.20	42132.	8.50	8.51	9.88
4-6 TO 5-0	(12/1/87)	109.81	219.62	439.24	878.48	2196.20	4392.40	43924.	8.50	8.49	10.07
5-0 TO 5-6	(6/1/88)	114.47	228.94	457.88	915.76	2289.40	4578.80	45788.	8.50	8.51	10.34
5-6 TO 6-0	(12/1/88)	119.34	238.68	477.36	954.72	2386.80	4773.60	47736.	8.50	8.50	10.71
6-0 TO 6-6	(6/1/89)	124.41	248.82	497.64	995.28	2488.20	4976.40	49764.	8.50	8.50	11.26
6-6 TO 7-0	(12/1/89)	129.70	259.40	518.80	1037.60	2594.00	5188.00	51880.	8.50	8.50	12.19
7-0 TO 7-6	(6/1/90)	135.21	270.42	540.84	1081.68	2704.20	5408.40	54084.	8.50	8.51	14.06
7-6 TO 8-0	(12/1/90)	140.96	281.92	563.84	1127.68	2819.20	5638.40	56384.	8.50	19.76	19.76
8-0 4/	(6/1/91)	154.89	309.78	619.56	1239.12	3097.80	6195.60	61956.	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1953 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.75 PERCENT; TO DATE OF BONUS PAYMENT IS 5.69 PERCENT.

4/ BONUS IS PAID AT 37 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 58

BONDS BEARING ISSUE DATE NOV. 1, 1953

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(7/1/81)	$ 63.92	$127.84	$255.68	$511.36	$1278.40	$2556.80	$25568.	6.16	8.51	8.50
8-6 TO 9-0 (1/1/82)	66.64	133.28	266.56	533.12	1332.80	2665.60	26656.	6.29	8.46	8.50
9-0 TO 9-6 (7/1/82)	69.46	138.92	277.84	555.68	1389.20	2778.40	27784.	6.41	8.52	8.51
9-6 TO10-0 (1/1/83)	72.42	144.84	289.68	579.36	1448.40	2896.80	28968.	6.53	8.51	8.51
10-0 2/ (7/1/83)	75.50	151.00	302.00	604.00	1510.00	3020.00	30200.	6.62 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/83)	$ 75.50	$151.00	$302.00	$604.00	$1510.00	$3020.00	$30200.	----	8.50	9.23
0-6 TO 1-0 (1/1/84)	78.71	157.42	314.84	629.68	1574.20	3148.40	31484.	8.50	8.49	9.29
1-0 TO 1-6 (7/1/84)	82.05	164.10	328.20	656.40	1641.00	3282.00	32820.	8.50	8.51	9.35
1-6 TO 2-0 (1/1/85)	85.54	171.08	342.16	684.32	1710.80	3421.60	34216.	8.50	8.51	9.42
2-0 TO 2-6 (7/1/85)	89.18	178.36	356.72	713.44	1783.60	3567.20	35672.	8.50	8.50	9.50
2-6 TO 3-0 (1/1/86)	92.97	185.94	371.88	743.76	1859.40	3718.80	37188.	8.50	8.50	9.60
3-0 TO 3-6 (7/1/86)	96.92	193.84	387.68	775.36	1938.40	3876.80	38768.	8.50	8.50	9.72
3-6 TO 4-0 (1/1/87)	101.04	202.08	404.16	808.32	2020.80	4041.60	40416.	8.50	8.49	9.88
4-0 TO 4-6 (7/1/87)	105.33	210.66	421.32	842.64	2106.60	4213.20	42132.	8.50	8.51	10.07
4-6 TO 5-0 (1/1/88)	109.81	219.62	439.24	878.48	2196.20	4392.40	43924.	8.50	8.49	10.34
5-0 TO 5-6 (7/1/88)	114.47	228.94	457.88	915.76	2289.40	4578.80	45788.	8.50	8.51	10.71
5-6 TO 6-0 (1/1/89)	119.34	238.68	477.36	954.72	2386.80	4773.60	47736.	8.50	8.50	11.26
6-0 TO 6-6 (7/1/89)	124.41	248.82	497.64	995.28	2488.20	4976.40	49764.	8.50	8.50	12.19
6-6 TO 7-0 (1/1/90)	129.70	259.40	518.80	1037.60	2594.00	5188.00	51880.	8.50	8.50	14.06
7-0 TO 7-6 (7/1/90)	135.21	270.42	540.84	1081.68	2704.20	5408.40	54084.	8.50	19.78	19.78
7-6 4/ (1/1/91)	148.58	297.16	594.32	1188.64	2971.60	5943.20	59432.	9.23 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1953 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.75 PERCENT; TO DATE OF BONUS PAYMENT IS 5.65 PERCENT.
4/ BONUS IS PAID AT 37 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 59

BONDS BEARING ISSUE DATES FROM DEC. 1, 1953 THROUGH FEB. 1, 1954

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(8/1/81)	$ 64.09	$128.18	$256.36	$512.72	$1281.80	$2563.60	$25636.	6.16	8.49	8.49
8-6 TO 9-0 (2/1/82)	66.81	133.62	267.24	534.48	1336.20	2672.40	26724.	6.29	8.50	8.50
9-0 TO 9-6 (8/1/82)	69.65	139.30	278.60	557.20	1393.00	2786.00	27860.	6.41	8.50	8.49
9-6 TO10-0 (2/1/83)	72.61	145.22	290.44	580.88	1452.20	2904.40	29044.	6.52	8.48	8.48
10-0 2/ (8/1/83)	75.69	151.38	302.76	605.52	1513.80	3027.60	30276.	6.62 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(8/1/83)	$ 75.69	$151.38	$302.76	$605.52	$1513.80	$3027.60	$30276.	----	8.51	9.23
0-6 TO 1-0 (2/1/84)	78.91	157.82	315.64	631.28	1578.20	3156.40	31564.	8.51	8.49	9.29
1-0 TO 1-6 (8/1/84)	82.26	164.52	329.04	658.08	1645.20	3290.40	32904.	8.50	8.51	9.35
1-6 TO 2-0 (2/1/85)	85.76	171.52	343.04	686.08	1715.20	3430.40	34304.	8.50	8.49	9.42
2-0 TO 2-6 (8/1/85)	89.40	178.80	357.60	715.20	1788.00	3576.00	35760.	8.50	8.50	9.50
2-6 TO 3-0 (2/1/86)	93.20	186.40	372.80	745.60	1864.00	3728.00	37280.	8.50	8.50	9.60
3-0 TO 3-6 (8/1/86)	97.16	194.32	388.64	777.28	1943.20	3886.40	38864.	8.50	8.50	9.73
3-6 TO 4-0 (2/1/87)	101.29	202.58	405.16	810.32	2025.80	4051.60	40516.	8.50	8.51	9.88
4-0 TO 4-6 (8/1/87)	105.60	211.20	422.40	844.80	2112.00	4224.00	42240.	8.50	8.48	10.07
4-6 TO 5-0 (2/1/88)	110.08	220.16	440.32	880.64	2201.60	4403.20	44032.	8.50	8.50	10.34
5-0 TO 5-6 (8/1/88)	114.76	229.52	459.04	918.08	2295.20	4590.40	45904.	8.50	8.50	10.71
5-6 TO 6-0 (2/1/89)	119.64	239.28	478.56	957.12	2392.80	4785.60	47856.	8.50	8.49	11.27
6-0 TO 6-6 (8/1/89)	124.72	249.44	498.88	997.76	2494.40	4988.80	49888.	8.50	8.52	12.20
6-6 TO 7-0 (2/1/90)	130.03	260.06	520.12	1040.24	2600.60	5201.20	52012.	8.50	8.49	14.06
7-0 TO 7-6 (8/1/90)	135.55	271.10	542.20	1084.40	2711.00	5422.00	54220.	8.50	19.79	19.79
7-6 4/ (2/1/91)	148.96	297.92	595.84	1191.68	2979.20	5958.40	59584.	9.23 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1953 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.76 PERCENT; TO DATE OF BONUS PAYMENT IS 5.65 PERCENT.

4/ BONUS IS PAID AT 37 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 60

BONDS BEARING ISSUE DATE MAR. 1, 1954

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(5/1/81)	$ 62.07	$124.14	$248.28	$496.56	$1241.40	$2482.80	$24828.	6.13	8.51	8.50
8-0 TO 8-6 (11/1/81)	64.71	129.42	258.84	517.68	1294.20	2588.40	25884.	6.28	8.50	8.50
8-6 TO 9-0 (5/1/82)	67.46	134.92	269.84	539.68	1349.20	2698.40	26984.	6.41	8.51	8.50
9-0 TO 9-6 (11/1/82)	70.33	140.66	281.32	562.64	1406.60	2813.20	28132.	6.53	8.50	8.49
9-6 TO10-0 (5/1/83)	73.32	146.64	293.28	586.56	1466.40	2932.80	29328.	6.63	8.48	8.48
10-0 2/ (11/1/83)	76.43	152.86	305.72	611.44	1528.60	3057.20	30572.	6.72 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/83)	$ 76.43	$152.86	$305.72	$611.44	$1528.60	$3057.20	$30572.	----	8.50	9.23
0-6 TO 1-0 (5/1/84)	79.68	159.36	318.72	637.44	1593.60	3187.20	31872.	8.50	8.48	9.28
1-0 TO 1-6 (11/1/84)	83.06	166.12	332.24	664.48	1661.20	3322.40	33224.	8.49	8.50	9.35
1-6 TO 2-0 (5/1/85)	86.59	173.18	346.36	692.72	1731.80	3463.60	34636.	8.50	8.52	9.42
2-0 TO 2-6 (11/1/85)	90.28	180.56	361.12	722.24	1805.60	3611.20	36112.	8.50	8.48	9.50
2-6 TO 3-0 (5/1/86)	94.11	188.22	376.44	752.88	1882.20	3764.40	37644.	8.50	8.50	9.60
3-0 TO 3-6 (11/1/86)	98.11	196.22	392.44	784.88	1962.20	3924.40	39244.	8.50	8.50	9.72
3-6 TO 4-0 (5/1/87)	102.28	204.56	409.12	818.24	2045.60	4091.20	40912.	8.50	8.51	9.88
4-0 TO 4-6 (11/1/87)	106.63	213.26	426.52	853.04	2132.60	4265.20	42652.	8.50	8.50	10.07
4-6 TO 5-0 (5/1/88)	111.16	222.32	444.64	889.28	2223.20	4446.40	44464.	8.50	8.49	10.34
5-0 TO 5-6 (11/1/88)	115.88	231.76	463.52	927.04	2317.60	4635.20	46352.	8.50	8.51	10.71
5-6 TO 6-0 (5/1/89)	120.81	241.62	483.24	966.48	2416.20	4832.40	48324.	8.50	8.49	11.26
6-0 TO 6-6 (11/1/89)	125.94	251.88	503.76	1007.52	2518.80	5037.60	50376.	8.50	8.51	12.19
6-6 TO 7-0 (5/1/90)	131.30	262.60	525.20	1050.40	2626.00	5252.00	52520.	8.50	8.50	14.05
7-0 TO 7-6 (11/1/90)	136.88	273.76	547.52	1095.04	2737.60	5475.20	54752.	8.50	19.75	19.75
7-6 4/ (5/1/91)	150.40	300.80	601.60	1203.20	3008.00	6016.00	60160.	9.23 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1954 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.79 PERCENT; TO DATE OF BONUS PAYMENT IS 5.68 PERCENT.

4/ BONUS IS PAID AT 37 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 61

BONDS BEARING ISSUE DATE APR. 1, 1954

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(6/1/81)	$ 62.86	$125.72	$251.44	$502.88	$1257.20	$2514.40	$25144.	6.20	8.53	8.50
8-0 TO 8-6 (12/1/81)	65.54	131.08	262.16	524.32	1310.80	2621.60	26216.	6.34	8.48	8.50
8-6 TO 9-0 (6/1/82)	68.32	136.64	273.28	546.56	1366.40	2732.80	27328.	6.47	8.49	8.50
9-0 TO 9-6 (12/1/82)	71.22	142.44	284.88	569.76	1424.40	2848.80	28488.	6.58	8.51	8.51
9-6 TO10-0 (6/1/83)	74.25	148.50	297.00	594.00	1485.00	2970.00	29700.	6.68	8.51	8.51
10-0 2/ (12/1/83)	77.41	154.82	309.64	619.28	1548.20	3096.40	30964.	6.77 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/83)	$ 77.41	$154.82	$309.64	$619.28	$1548.20	$3096.40	$30964.	----	8.50	9.23
0-6 TO 1-0 (6/1/84)	80.70	161.40	322.80	645.60	1614.00	3228.00	32280.	8.50	8.50	9.29
1-0 TO 1-6 (12/1/84)	84.13	168.26	336.52	673.04	1682.60	3365.20	33652.	8.50	8.51	9.35
1-6 TO 2-0 (6/1/85)	87.71	175.42	350.84	701.68	1754.20	3508.40	35084.	8.50	8.48	9.42
2-0 TO 2-6 (12/1/85)	91.43	182.86	365.72	731.44	1828.60	3657.20	36572.	8.50	8.51	9.50
2-6 TO 3-0 (6/1/86)	95.32	190.64	381.28	762.56	1906.40	3812.80	38128.	8.50	8.50	9.60
3-0 TO 3-6 (12/1/86)	99.37	198.74	397.48	794.96	1987.40	3974.80	39748.	8.50	8.49	9.73
3-6 TO 4-0 (6/1/87)	103.59	207.18	414.36	828.72	2071.80	4143.60	41436.	8.50	8.51	9.88
4-0 TO 4-6 (12/1/87)	108.00	216.00	432.00	864.00	2160.00	4320.00	43200.	8.50	8.50	10.08
4-6 TO 5-0 (6/1/88)	112.59	225.18	450.36	900.72	2251.80	4503.60	45036.	8.50	8.49	10.34
5-0 TO 5-6 (12/1/88)	117.37	234.74	469.48	938.96	2347.40	4694.80	46948.	8.50	8.50	10.71
5-6 TO 6-0 (6/1/89)	122.36	244.72	489.44	978.88	2447.20	4894.40	48944.	8.50	8.50	11.27
6-0 TO 6-6 (12/1/89)	127.56	255.12	510.24	1020.48	2551.20	5102.40	51024.	8.50	8.50	12.20
6-6 TO 7-0 (6/1/90)	132.98	265.96	531.92	1063.84	2659.60	5319.20	53192.	8.50	8.50	14.07
7-0 TO 7-6 (12/1/90)	138.63	277.26	554.52	1109.04	2772.60	5545.20	55452.	8.50	19.79	19.79
7-6 4/ (6/1/91)	152.35	304.70	609.40	1218.80	3047.00	6094.00	60940.	9.23 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1954 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.84 PERCENT; TO DATE OF BONUS PAYMENT IS 5.72 PERCENT.
4/ BONUS IS PAID AT 37 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 62

BONDS BEARING ISSUE DATE MAY 1, 1954

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD -(ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(7/1/81)	$ 62.86	$125.72	$251.44	$502.88	$1257.20	$2514.40	$25144.	6.20	8.53	8.50
8-0 TO 8-6 (1/1/82)	65.54	131.08	262.16	524.32	1310.80	2621.60	26216.	6.34	8.48	8.50
8-6 TO 9-0 (7/1/82)	68.32	136.64	273.28	546.56	1366.40	2732.80	27328.	6.47	8.49	8.50
9-0 TO 9-6 (1/1/83)	71.22	142.44	284.88	569.76	1424.40	2848.80	28488.	6.58	8.51	8.51
9-6 TO10-0 (7/1/83)	74.25	148.50	297.00	594.00	1485.00	2970.00	29700.	6.68	8.51	8.51
10-0 2/ (1/1/84)	77.41	154.82	309.64	619.28	1548.20	3096.40	30964.	6.77 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/84)	$ 77.41	$154.82	$309.64	$619.28	$1548.20	$3096.40	$30964.	----	8.50	9.29
0-6 TO 1-0 (7/1/84)	80.70	161.40	322.80	645.60	1614.00	3228.00	32280.	8.50	8.50	9.35
1-0 TO 1-6 (1/1/85)	84.13	168.26	336.52	673.04	1682.60	3365.20	33652.	8.50	8.51	9.42
1-6 TO 2-0 (7/1/85)	87.71	175.42	350.84	701.68	1754.20	3508.40	35084.	8.50	8.48	9.50
2-0 TO 2-6 (1/1/86)	91.43	182.86	365.72	731.44	1828.60	3657.20	36572.	8.50	8.51	9.60
2-6 TO 3-0 (7/1/86)	95.32	190.64	381.28	762.56	1906.40	3812.80	38128.	8.50	8.50	9.73
3-0 TO 3-6 (1/1/87)	99.37	198.74	397.48	794.96	1987.40	3974.80	39748.	8.50	8.49	9.88
3-6 TO 4-0 (7/1/87)	103.59	207.18	414.36	828.72	2071.80	4143.60	41436.	8.50	8.51	10.08
4-0 TO 4-6 (1/1/88)	108.00	216.00	432.00	864.00	2160.00	4320.00	43200.	8.50	8.50	10.34
4-6 TO 5-0 (7/1/88)	112.59	225.18	450.36	900.72	2251.80	4503.60	45036.	8.50	8.49	10.71
5-0 TO 5-6 (1/1/89)	117.37	234.74	469.48	938.96	2347.40	4694.80	46948.	8.50	8.50	11.27
5-6 TO 6-0 (7/1/89)	122.36	244.72	489.44	978.88	2447.20	4894.40	48944.	8.50	8.50	12.20
6-0 TO 6-6 (1/1/90)	127.56	255.12	510.24	1020.48	2551.20	5102.40	51024.	8.50	8.50	14.07
6-6 TO 7-0 (7/1/90)	132.98	265.96	531.92	1063.84	2659.60	5319.20	53192.	8.50	19.79	19.79
7-0 4/ (1/1/91)	146.14	292.28	584.56	1169.12	2922.80	5845.60	58456.	9.29 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1954 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.84 PERCENT; TO DATE OF BONUS PAYMENT IS 5.68 PERCENT.

4/ BONUS IS PAID AT 36 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 63

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1954

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(8/1/81)	$ 63.02	$126.04	$252.08	$504.16	$1260.40	$2520.80	$25208.	6.20	8.54	8.50
8-0 TO 8-6 (2/1/82)	65.71	131.42	262.84	525.68	1314.20	2628.40	26284.	6.34	8.52	8.49
8-6 TO 9-0 (8/1/82)	68.51	137.02	274.04	548.08	1370.20	2740.40	27404.	6.47	8.47	8.48
9-0 TO 9-6 (2/1/83)	71.41	142.82	285.64	571.28	1428.20	2856.40	28564.	6.58	8.49	8.49
9-6 TO10-0 (8/1/83)	74.44	148.88	297.76	595.52	1488.80	2977.60	29776.	6.68	8.49	8.49
10-0 2/ (2/1/84)	77.60	155.20	310.40	620.80	1552.00	3104.00	31040.	6.77 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(2/1/84)	$ 77.60	$155.20	$310.40	$620.80	$1552.00	$3104.00	$31040.	----	8.51	9.29
0-6 TO 1-0 (8/1/84)	80.90	161.80	323.60	647.20	1618.00	3236.00	32360.	8.51	8.50	9.35
1-0 TO 1-6 (2/1/85)	84.34	168.68	337.36	674.72	1686.80	3373.60	33736.	8.50	8.49	9.42
1-6 TO 2-0 (8/1/85)	87.92	175.84	351.68	703.36	1758.40	3516.80	35168.	8.50	8.51	9.50
2-0 TO 2-6 (2/1/86)	91.66	183.32	366.64	733.28	1833.20	3666.40	36664.	8.50	8.49	9.60
2-6 TO 3-0 (8/1/86)	95.55	191.10	382.20	764.40	1911.00	3822.00	38220.	8.50	8.50	9.73
3-0 TO 3-6 (2/1/87)	99.61	199.22	398.44	796.88	1992.20	3984.40	39844.	8.50	8.51	9.88
3-6 TO 4-0 (8/1/87)	103.85	207.70	415.40	830.80	2077.00	4154.00	41540.	8.50	8.49	10.08
4-0 TO 4-6 (2/1/88)	108.26	216.52	433.04	866.08	2165.20	4330.40	43304.	8.50	8.50	10.34
4-6 TO 5-0 (8/1/88)	112.86	225.72	451.44	902.88	2257.20	4514.40	45144.	8.50	8.51	10.71
5-0 TO 5-6 (2/1/89)	117.66	235.32	470.64	941.28	2353.20	4706.40	47064.	8.50	8.50	11.27
5-6 TO 6-0 (8/1/89)	122.66	245.32	490.64	981.28	2453.20	4906.40	49064.	8.50	8.50	12.20
6-0 TO 6-6 (2/1/90)	127.87	255.74	511.48	1022.96	2557.40	5114.80	51148.	8.50	8.51	14.08
6-6 TO 7-0 (8/1/90)	133.31	266.62	533.24	1066.48	2666.20	5332.40	53324.	8.50	19.80	19.80
7-0 4/ (2/1/91)	146.51	293.02	586.04	1172.08	2930.20	5860.40	58604.	9.29 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1954 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.85 PERCENT; TO DATE OF BONUS PAYMENT IS 5.69 PERCENT.

4/ BONUS IS PAID AT 36 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 64

BONDS BEARING ISSUE DATE SEP. 1, 1954

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(5/1/81)	$ 61.04	$122.08	$244.16	$488.32	$1220.80	$2441.60	$24416.	6.18	8.52	8.50
7-6 TO 8-0 (11/1/81)	63.64	127.28	254.56	509.12	1272.80	2545.60	25456.	6.33	8.49	8.50
8-0 TO 8-6 (5/1/82)	66.34	132.68	265.36	530.72	1326.80	2653.60	26536.	6.47	8.50	8.50
8-6 TO 9-0 (11/1/82)	69.16	139.32	276.64	553.28	1383.20	2766.40	27664.	6.59	8.50	8.50
9-0 TO 9-6 (5/1/83)	72.10	144.20	288.40	576.80	1442.00	2884.00	28840.	6.69	8.52	8.50
9-6 TO10-0 (11/1/83)	75.17	150.34	300.68	601.36	1503.40	3006.80	30068.	6.79	8.49	8.49
10-0 2/ (5/1/84)	78.36	156.72	313.44	626.88	1567.20	3134.40	31344.	6.87 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/84)	$ 78.36	$156.72	$313.44	$626.88	$1567.20	$3134.40	$31344.	----	8.50	9.29
0-6 TO 1-0 (11/1/84)	81.69	163.38	326.76	653.52	1633.80	3267.60	32676.	8.50	8.50	9.35
1-0 TO 1-6 (5/1/85)	85.16	170.32	340.64	681.28	1703.20	3406.40	34064.	8.50	8.50	9.42
1-6 TO 2-0 (11/1/85)	88.78	177.56	355.12	710.24	1775.60	3551.20	35512.	8.50	8.49	9.50
2-0 TO 2-6 (5/1/86)	92.55	185.10	370.20	740.40	1851.00	3702.00	37020.	8.50	8.51	9.60
2-6 TO 3-0 (11/1/86)	96.49	192.98	385.96	771.92	1929.80	3859.60	38596.	8.50	8.50	9.72
3-0 TO 3-6 (5/1/87)	100.59	201.18	402.36	804.72	2011.80	4023.60	40236.	8.50	8.49	9.88
3-6 TO 4-0 (11/1/87)	104.86	209.72	419.44	838.88	2097.20	4194.40	41944.	8.50	8.51	10.08
4-0 TO 4-6 (5/1/88)	109.32	218.64	437.28	874.56	2186.40	4372.80	43728.	8.50	8.51	10.34
4-6 TO 5-0 (11/1/88)	113.97	227.94	455.88	911.76	2279.40	4558.80	45588.	8.50	8.49	10.71
5-0 TO 5-6 (5/1/89)	118.81	237.62	475.24	950.48	2376.20	4752.40	47524.	8.50	8.50	11.26
5-6 TO 6-0 (11/1/89)	123.86	247.72	495.44	990.88	2477.20	4954.40	49544.	8.50	8.49	12.19
6-0 TO 6-6 (5/1/90)	129.12	258.24	516.48	1032.96	2582.40	5164.80	51648.	8.50	8.50	14.07
6-6 TO 7-0 (11/1/90)	134.61	269.22	538.44	1076.88	2692.20	5384.40	53844.	8.50	19.78	19.78
7-0 4/ (5/1/91)	147.92	295.84	591.68	1183.36	2958.40	5916.80	59168.	9.29 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1954 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.88 PERCENT; TO DATE OF BONUS PAYMENT IS 5.71 PERCENT.
4/ BONUS IS PAID AT 36 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 65

BONDS BEARING ISSUE DATE OCT. 1, 1954

									APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
		SECOND EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/	(6/1/81)	$ 61.86	$123.72	$247.44	$494.88	$1237.20	$2474.40	$24744.	6.21	8.50	8.51
7-6 TO 8-0	(12/1/81)	64.49	128.98	257.96	515.92	1289.80	2579.60	25796.	6.36	8.50	8.51
8-0 TO 8-6	(6/1/82)	67.23	134.46	268.92	537.84	1344.60	2689.20	26892.	6.50	8.48	8.51
8-6 TO 9-0	(12/1/82)	70.08	140.16	280.32	560.64	1401.60	2803.20	28032.	6.61	8.50	8.52
9-0 TO 9-6	(6/1/83)	73.06	146.12	292.24	584.48	1461.20	2922.40	29224.	6.72	8.51	8.52
9-6 TO10-0.	(12/1/83)	76.17	152.34	304.68	609.36	1523.40	3046.80	30468.	6.81	8.53	8.53
10-0 2/	(6/1/84)	79.42	158.84	317.68	635.36	1588.40	3176.80	31768.	6.90 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/84)	$ 79.42	$158.84	$317.68	$635.36	$1588.40	$3176.80	$317[illegible].	----	8.51	9.29
0-6 TO 1-0	(12/1/84)	82.80	165.60	331.20	662.40	1656.00	3312.00	33120.	8.51	8.48	9.35
1-0 TO 1-6	(6/1/85)	86.31	172.62	345.24	690.48	1726.20	3452.40	34524.	8.49	8.50	9.42
1-6 TO 2-0	(12/1/85)	89.98	179.96	359.92	719.84	1799.60	3599.20	35992.	8.50	8.51	9.50
2-0 TO 2-6	(6/1/86)	93.81	187.62	375.24	750.48	1876.20	3752.40	37524.	8.50	8.49	9.60
2-6 TO 3-0	(12/1/86)	97.79	195.58	391.16	782.32	1955.80	3911.60	39116.	8.50	8.51	9.72
3-0 TO 3-6	(6/1/87)	101.95	203.90	407.80	815.60	2039.00	4078.00	40780.	8.50	8.49	9.88
3-6 TO 4-0	(12/1/87)	106.28	212.56	425.12	850.24	2125.60	4251.20	42512.	8.50	8.51	10.07
4-0 TO 4-6	(6/1/88)	110.80	221.60	443.20	886.40	2216.00	4432.00	44320.	8.50	8.50	10.34
4-6 TO 5-0	(12/1/88)	115.51	231.02	462.04	924.08	2310.20	4620.40	46204.	8.50	8.50	10.71
5-0 TO 5-6	(6/1/89)	120.42	240.84	481.68	963.36	2408.40	4816.80	48168.	8.50	8.50	11.26
5-6 TO 6-0	(12/1/89)	125.54	251.08	502.16	1004.32	2510.80	5021.60	50216.	8.50	8.49	12.19
6-0 TO 6-6	(6/1/90)	130.87	261.74	523.48	1046.96	2617.40	5234.80	52348.	8.50	8.50	14.05
6-6 TO 7-0	(12/1/90)	136.43	272.86	545.72	1091.44	2728.60	5457.20	54572.	8.50	19.78	19.78
7-0 4/	(6/1/91)	149.92	299.84	599.68	1199.36	2998.40	5996.80	59968.	9.29 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1954 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.93 PERCENT; T(ATE OF BONUS PAYMENT IS 5.75 PERCENT.
4/ BONUS IS PAID AT 36 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUA 'E ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR ' 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE ' N BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 66

BONDS BEARING ISSUE DATE NOV. 1, 1954

TABLE 66

BONDS BEARING ISSUE DATE NOV. 1, 1954

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(7/1/81)	$ 61.86	$123.72	$247.44	$494.88	$1237.20	$2474.40	$24744.	6.21	8.50	8.51
7-6 TO 8-0 (1/1/82)	64.49	128.98	257.96	515.92	1289.80	2579.60	25796.	6.36	8.50	8.51
8-0 TO 8-6 (7/1/82)	67.23	134.46	268.92	537.84	1344.60	2689.20	26892.	6.50	8.48	8.51
8-6 TO 9-0 (1/1/83)	70.08	140.16	280.32	560.64	1401.60	2803.20	28032.	6.61	8.50	8.52
9-0 TO 9-6 (7/1/83)	73.06	146.12	292.24	584.48	1461.20	2922.40	29224.	6.72	8.51	8.52
9-6 TO10-0 (1/1/84)	76.17	152.34	304.68	609.36	1523.40	3046.80	30468.	6.81	8.53	8.53
10-0 2/ (7/1/84)	79.42	158.84	317.68	635.36	1588.40	3176.80	31768.	6.90 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/84)	$ 79.42	$158.84	$317.68	$635.36	$1588.40	$3176.80	$31768.	----	8.51	9.35
0-6 TO 1-0 (1/1/85)	82.80	165.60	331.20	662.40	1656.00	3312.00	33120.	8.51	8.48	9.42
1-0 TO 1-6 (7/1/85)	86.31	172.62	345.24	690.48	1726.20	3452.40	34524.	8.49	8.50	9.50
1-6 TO 2-0 (1/1/86)	89.98	179.96	359.92	719.84	1799.60	3599.20	35992.	8.50	8.51	9.60
2-0 TO 2-6 (7/1/86)	93.81	187.62	375.24	750.48	1876.20	3752.40	37524.	8.50	8.49	9.72
2-6 TO 3-0 (1/1/87)	97.79	195.58	391.16	782.32	1955.80	3911.60	39116.	8.50	8.51	9.88
3-0 TO 3-6 (7/1/87)	101.95	203.90	407.80	815.60	2039.00	4078.00	40780.	8.50	8.49	10.07
3-6 TO 4-0 (1/1/88)	106.28	212.56	425.12	850.24	2125.60	4251.20	42512.	8.50	8.51	10.34
4-0 TO 4-6 (7/1/88)	110.80	221.60	443.20	886.40	2216.00	4432.00	44320.	8.50	8.50	10.71
4-6 TO 5-0 (1/1/89)	115.51	231.02	462.04	924.08	2310.20	4620.40	46204.	8.50	8.50	11.26
5-0 TO 5-6 (7/1/89)	120.42	240.84	481.68	963.36	2408.40	4816.80	48168.	8.50	8.50	12.19
5-6 TO 6-0 (1/1/90)	125.54	251.08	502.16	1004.32	2510.80	5021.60	50216.	8.50	8.49	14.06
6-0 TO 6-6 (7/1/90)	130.87	261.74	523.48	1046.96	2617.40	5234.80	52348.	8.50	19.78	19.78
6-6 4/ (1/1/91)	143.81	287.62	575.24	1150.48	2876.20	5752.40	57524.	9.35 4/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1954 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.93 PERCENT; TO DATE OF BONUS PAYMENT IS 5.71 PERCENT.

4/ BONUS IS PAID AT 36 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 67

BONDS BEARING ISSUE DATES FROM DEC. 1, 1954 THROUGH FEB. 1, 1955

ISSUE PRICE . . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
		SECOND EXTENDED MATURITY PERIOD									
									PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/	(8/1/81)	$ 62.00	$124.00	$248.00	$496.00	$1240.00	$2480.00	$24800.	6.21	8.48	8.50
7-6 TO 8-0	(2/1/82)	64.63	129.26	258.52	517.04	1292.60	2585.20	25852.	6.36	8.48	8.50
8-0 TO 8-6	(8/1/82)	67.37	134.74	269.48	538.96	1347.40	2694.80	26948.	6.50	8.55	8.50
8-6 TO 9-0	(2/1/83)	70.25	140.50	281.00	562.00	1405.00	2810.00	28100.	6.62	8.46	8.49
9-0 TO 9-6	(8/1/83)	73.22	146.44	292.88	585.76	1464.40	2928.80	29288.	6.72	8.52	8.51
9-6 TO10-0	(2/1/84)	76.34	152.68	305.36	610.72	1526.80	3053.60	30536.	6.81	8.49	8.49
10-0 2/	(8/1/84)	79.58	159.16	318.32	636.64	1591.60	3183.20	31832.	6.90 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(8/1/84)	$ 79.58	$159.16	$318.32	$636.64	$1591.60	$3183.20	$31832.	----	8.49	9.35
0-6 TO 1-0	(2/1/85)	82.96	165.92	331.84	663.68	1659.20	3318.40	33184.	8.49	8.51	9.42
1-0 TO 1-6	(8/1/85)	86.49	172.98	345.96	691.92	1729.80	3459.60	34596.	8.50	8.49	9.50
1-6 TO 2-0	(2/1/86)	90.16	180.32	360.64	721.28	1803.20	3606.40	36064.	8.50	8.52	9.60
2-0 TO 2-6	(8/1/86)	94.00	188.00	376.00	752.00	1880.00	3760.00	37600.	8.50	8.49	9.73
2-6 TO 3-0	(2/1/87)	97.99	195.98	391.96	783.92	1959.80	3919.60	39196.	8.50	8.51	9.88
3-0 TO 3-6	(8/1/87)	102.16	204.32	408.64	817.28	2043.20	4086.40	40864.	8.50	8.50	10.08
3-6 TO 4-0	(2/1/88)	106.50	213.00	426.00	852.00	2130.00	4260.00	42600.	8.50	8.49	10.34
4-0 TO 4-6	(8/1/88)	111.02	222.04	444.08	888.16	2220.40	4440.80	44408.	8.50	8.50	10.71
4-6 TO 5-0	(2/1/89)	115.74	231.48	462.96	925.92	2314.80	4629.60	46296.	8.50	8.50	11.27
5-0 TO 5-6	(8/1/89)	120.66	241.32	482.64	965.28	2413.20	4826.40	48264.	8.50	8.50	12.20
5-6 TO 6-0	(2/1/90)	125.79	251.58	503.16	1006.32	2515.80	5031.60	50316.	8.50	8.49	14.08
6-0 TO 6-6	(8/1/90)	131.13	262.26	524.52	1049.04	2622.60	5245.20	52452.	8.50	19.81	19.81
6-6 4/	(2/1/91)	144.12	288.24	576.48	1152.96	2882.40	5764.80	57648.	9.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1954 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.93 PERCENT; TO DATE OF BONUS PAYMENT IS 5.72 PERCENT.

4/ BONUS IS PAID AT 36 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 68

BONDS BEARING ISSUE DATE MAR. 1, 1955

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/(5/1/81)	$ 60.05	$120.10	$240.20	$480.40	$1201.00	$2402.00	$24020.	6.19	8.49	8.50
7-0 TO 7-6 (11/1/81)	62.60	125.20	250.40	500.80	1252.00	2504.00	25040.	6.36	8.47	8.50
7-6 TO 8-0 (5/1/82)	65.25	130.50	261.00	522.00	1305.00	2610.00	26100.	6.50	8.49	8.51
8-0 TO 8-6 (11/1/82)	68.02	136.04	272.08	544.16	1360.40	2720.80	27208.	6.62	8.53	8.51
8-6 TO 9-0 (5/1/83)	70.92	141.84	283.68	567.36	1418.40	2836.80	28368.	6.73	8.52	8.51
9-0 TO 9-6 (11/1/83)	73.94	147.88	295.76	591.52	1478.80	2957.60	29576.	6.83	8.49	8.50
9-6 TO10-0 (5/1/84)	77.08	154.16	308.32	616.64	1541.60	3083.20	30832.	6.92	8.51	8.51
10-0 2/ (11/1/84)	80.36	160.72	321.44	642.88	1607.20	3214.40	32144.	7.00 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/84)	$ 80.36	$160.72	$321.44	$642.88	$1607.20	$3214.40	$32144.	----	8.51	9.35
0-6 TO 1-0 (5/1/85)	83.78	167.56	335.12	670.24	1675.60	3351.20	33512.	8.51	8.50	9.42
1-0 TO 1-6 (11/1/85)	87.34	174.68	349.36	698.72	1746.80	3493.60	34936.	8.51	8.50	9.50
1-6 TO 2-0 (5/1/86)	91.05	182.10	364.20	728.40	1821.00	3642.00	36420.	8.50	8.50	9.60
2-0 TO 2-6 (11/1/86)	94.92	189.84	379.68	759.36	1898.40	3796.80	37968.	8.50	8.49	9.72
2-6 TO 3-0 (5/1/87)	98.95	197.90	395.80	791.60	1979.00	3958.00	39580.	8.50	8.51	9.88
3-0 TO 3-6 (11/1/87)	103.16	206.32	412.64	825.28	2063.20	4126.40	41264.	8.50	8.49	10.07
3-6 TO 4-0 (5/1/88)	107.54	215.08	430.16	860.32	2150.80	4301.60	43016.	8.50	8.50	10.34
4-0 TO 4-6 (11/1/88)	112.11	224.22	448.44	896.88	2242.20	4484.40	44844.	8.50	8.51	10.71
4-6 TO 5-0 (5/1/89)	116.88	233.76	467.52	935.04	2337.60	4675.20	46752.	8.50	8.49	11.26
5-0 TO 5-6 (11/1/89)	121.84	243.68	487.36	974.72	2436.80	4873.60	48736.	8.50	8.50	12.19
5-6 TO 6-0 (5/1/90)	127.02	254.04	508.08	1016.16	2540.40	5080.80	50808.	8.50	8.50	14.06
6-0 TO 6-6 (11/1/90)	132.42	264.84	529.68	1059.36	2648.40	5296.80	52968.	8.50	19.77	19.77
6-6 4/ (5/1/91)	145.51	291.02	582.04	1164.08	2910.20	5820.40	58204.	9.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1955 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 4.97 PERCENT; TO DATE OF BONUS PAYMENT IS 5.75 PERCENT.
4/ BONUS IS PAID AT 36 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 69

BONDS BEARING ISSUE DATE APR. 1, 1955

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/(6/1/81)	$ 60.82	$121.64	$243.28	$486.56	$1216.40	$2432.80	$24328.	6.23	8.52	8.50
7-0 TO 7-6 (12/1/81)	63.41	126.82	253.64	507.28	1268.20	2536.40	25364.	6.39	8.48	8.50
7-6 TO 8-0 (6/1/82)	66.10	132.20	264.40	528.80	1322.00	2644.00	26440.	6.53	8.50	8.50
8-0 TO 8-6 (12/1/82)	68.91	137.82	275.64	551.28	1378.20	2756.40	27564.	6.65	8.50	8.50
8-6 TO 9-0 (6/1/83)	71.84	143.68	287.36	574.72	1436.80	2873.60	28736.	6.76	8.52	8.50
9-0 TO 9-6 (12/1/83)	74.90	149.80	299.60	599.20	1498.00	2996.00	29960.	6.86	8.46	8.48
9-6 TO10-0 (6/1/84)	78.07	156.14	312.28	624.56	1561.40	3122.80	31228.	6.94	8.51	8.51
10-0 2/ (12/1/84)	81.39	162.78	325.56	651.12	1627.80	3255.60	32556.	7.02 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/84)	$ 81.39	$162.78	$325.56	$651.12	$1627.80	$3255.60	$32556.	----	8.50	9.35
0-6 TO 1-0 (6/1/85)	84.85	169.70	339.40	678.80	1697.00	3394.00	33940.	8.50	8.51	9.42
1-0 TO 1-6 (12/1/85)	88.46	176.92	353.84	707.68	1769.20	3538.40	35384.	8.51	8.48	9.50
1-6 TO 2-0 (6/1/86)	92.21	184.42	368.84	737.68	1844.20	3688.40	36884.	8.50	8.50	9.61
2-0 TO 2-6 (12/1/86)	96.13	192.26	384.52	769.04	1922.60	3845.20	38452.	8.50	8.51	9.73
2-6 TO 3-0 (6/1/87)	100.22	200.44	400.88	801.76	2004.40	4008.80	40088.	8.50	8.50	9.88
3-0 TO 3-6 (12/1/87)	104.48	208.96	417.92	835.84	2089.60	4179.20	41792.	8.50	8.50	10.08
3-6 TO 4-0 (6/1/88)	108.92	217.84	435.68	871.36	2178.40	4356.80	43568.	8.50	8.50	10.34
4-0 TO 4-6 (12/1/88)	113.55	227.10	454.20	908.40	2271.00	4542.00	45420.	8.50	8.49	10.71
4-6 TO 5-0 (6/1/89)	118.37	236.74	473.48	946.96	2367.40	4734.80	47348.	8.50	8.50	11.27
5-0 TO 5-6 (12/1/89)	123.40	246.80	493.60	987.20	2468.00	4936.00	49360.	8.50	8.51	12.21
5-6 TO 6-0 (6/1/90)	128.65	257.30	514.60	1029.20	2573.00	5146.00	51460.	8.50	8.50	14.08
6-0 TO 6-6 (12/1/90)	134.12	268.24	536.48	1072.96	2682.40	5364.80	53648.	8.50	19.80	19.80
6-6 4/ (6/1/91)	147.40	294.80	589.60	1179.20	2948.00	5896.00	58960.	9.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1955 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.01 PERCENT; TO DATE OF BONUS PAYMENT IS 5.78 PERCENT.

4/ BONUS IS PAID AT 36 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 7D

BONDS BEARING ISSUE DATE MAY 1, 1955

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)		ISSUE PRICE $18.75 DENOMINATION 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) (2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/	(7/1/81)	$ 60.82	$121.64	$243.28	$486.56	$1216.40	$2432.80	$24328.	6.23	8.52	8.50
7-0 TO 7-6	(1/1/82)	63.41	126.82	253.64	507.28	1268.20	2536.40	25364.	6.39	8.48	8.50
7-6 TO 8-0	(7/1/82)	66.10	132.20	264.40	528.80	1322.00	2644.00	26440.	6.53	8.50	8.50
8-0 TO 8-6	(1/1/83)	68.91	137.82	275.64	551.28	1378.20	2756.40	27564.	6.65	8.50	8.50
8-6 TO 9-0	(7/1/83)	71.84	143.68	287.36	574.72	1436.80	2873.60	28736.	6.76	8.52	8.50
9-0 TO 9-6	(1/1/84)	74.90	149.80	299.60	599.20	1498.00	2996.00	29960.	6.86	8.46	8.48
9-6 TO10-0	(7/1/84)	78.07	156.14	312.28	624.56	1561.40	3122.80	31228.	6.94	8.51	8.51
10-0 2/	(1/1/85)	81.39	162.78	325.56	651.12	1627.80	3255.60	32556.	7.02 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/85)	$ 81.39	$162.78	$325.56	$651.12	$1627.80	$3255.60	$32556.	----	8.50	9.42
0-6 TO 1-0	(7/1/85)	84.85	169.70	339.40	678.80	1697.00	3394.00	33940.	8.50	8.51	9.50
1-0 TO 1-6	(1/1/86)	88.46	176.92	353.84	707.68	1769.20	3538.40	35384.	8.51	8.48	9.60
1-6 TO 2-0	(7/1/86)	92.21	184.42	368.84	737.68	1844.20	3688.40	36884.	8.50	8.50	9.73
2-0 TO 2-6	(1/1/87)	96.13	192.26	384.52	769.04	1922.60	3845.20	38452.	8.50	8.51	9.88
2-6 TO 3-0	(7/1/87)	100.22	200.44	400.88	801.76	2004.40	4008.80	40088.	8.50	8.50	10.08
3-0 TO 3-6	(1/1/88)	104.48	208.96	417.92	835.84	2089.60	4179.20	41792.	8.50	8.50	10.34
3-6 TO 4-0	(7/1/88)	108.92	217.84	435.68	871.36	2178.40	4356.80	43568.	8.50	8.50	10.71
4-0 TO 4-6	(1/1/89)	113.55	227.10	454.20	908.40	2271.00	4542.00	45420.	8.50	8.49	11.27
4-6 TO 5-0	(7/1/89)	118.37	236.74	473.48	946.96	2367.40	4734.80	47348.	8.50	8.50	12.21
5-0 TO 5-6	(1/1/90)	123.40	246.80	493.60	987.20	2468.00	4936.00	49360.	8.50	8.51	14.08
5-6 TO 6-0	(7/1/90)	128.65	257.30	514.60	1029.20	2573.00	5146.00	51460.	8.50	19.81	19.81
6-0 4/	(1/1/91)	141.39	282.78	565.56	1131.12	2827.80	5655.60	56556.	9.42 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1955 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.01 PERCENT; TO DATE OF BONUS PAYMENT IS 5.75 PERCENT.
4/ BONUS IS PAID AT 35 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 71

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1955

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/	(8/1/81)	$ 60.98	$121.96	$243.92	$487.84	$1219.60	$2439.20	$24392.	6.23	8.49	8.50
7-0 TO 7-6	(2/1/82)	63.57	127.14	254.28	508.56	1271.40	2542.80	25428.	6.39	8.49	8.50
7-6 TO 8-0	(8/1/82)	66.27	132.54	265.08	530.16	1325.40	2650.80	26508.	6.53	8.51	8.50
8-0 TO 8-6	(2/1/83)	69.09	138.18	276.36	552.72	1381.80	2763.60	27636.	6.65	8.51	8.50
8-6 TO 9-0	(8/1/83)	72.03	144.06	288.12	576.24	1440.60	2881.20	28812.	6.76	8.47	8.50
9-0 TO 9-6	(2/1/84)	75.08	150.16	300.32	600.64	1501.60	3003.20	30032.	6.86	8.55	8.52
9-6 TO10-0	(8/1/84)	78.29	156.58	313.16	626.32	1565.80	3131.60	31316.	6.94	8.48	8.48
10-0 2/	(2/1/85)	81.61	163.22	326.44	652.88	1632.20	3264.40	32644.	7.02 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(2/1/85)	$ 81.61	$163.22	$326.44	$652.88	$1632.20	$3264.40	$32644.	----	8.50	9.42
0-6 TO 1-0	(8/1/85)	85.08	170.16	340.32	680.64	1701.60	3403.20	34032.	8.50	8.49	9.50
1-0 TO 1-6	(2/1/86)	88.69	177.38	354.76	709.52	1773.80	3547.60	35476.	8.49	8.50	9.60
1-6 TO 2-0	(8/1/86)	92.46	184.92	369.84	739.68	1849.20	3698.40	36984.	8.50	8.50	9.73
2-0 TO 2-6	(2/1/87)	96.39	192.78	385.56	771.12	1927.80	3855.60	38556.	8.50	8.51	9.86
2-6 TO 3-0	(8/1/87)	100.49	200.98	401.96	803.92	2009.80	4019.60	40196.	8.50	8.50	10.08
3-0 TO 3-6	(2/1/88)	104.76	209.52	419.04	838.08	2095.20	4190.40	41904.	8.50	8.50	10.34
3-6 TO 4-0	(8/1/88)	109.21	218.42	436.84	873.68	2184.20	4368.40	43684.	8.50	8.50	10.71
4-0 TO 4-6	(2/1/89)	113.85	227.70	455.40	910.80	2277.00	4554.00	45540.	8.50	8.50	11.27
4-6 TO 5-0	(8/1/89)	118.69	237.38	474.76	949.52	2373.80	4747.60	47476.	8.50	8.51	12.20
5-0 TO 5-6	(2/1/90)	123.74	247.48	494.96	989.92	2474.80	4949.60	49496.	8.50	8.50	14.07
5-6 TO 6-0	(8/1/90)	129.00	258.00	516.00	1032.00	2580.00	5160.00	51600.	8.50	19.78	19.78
6-0 4/	(2/1/91)	141.76	283.52	567.04	1134.08	2835.20	5670.40	56704.	9.42 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1955 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.02 PERCENT; TO DATE OF BONUS PAYMENT IS 5.75 PERCENT.

4/ BONUS IS PAID AT 35 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 72

BONDS BEARING ISSUE DATE SEP. 1, 1955

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/(5/1/81)	$ 59.06	$118.12	$236.24	$472.48	$1181.20	$2362.40	$23624.	6.21	8.53	8.50
6-6 TO 7-0 (11/1/81)	61.58	123.16	246.32	492.64	1231.60	2463.20	24632.	6.38	8.44	8.50
7-0 TO 7-6 (5/1/82)	64.18	128.36	256.72	513.44	1283.60	2567.20	25672.	6.53	8.54	8.51
7-6 TO 8-0 (11/1/82)	66.92	133.84	267.68	535.36	1338.40	2676.80	26768.	6.66	8.49	8.50
8-0 TO 8-6 (5/1/83)	69.76	139.52	279.04	558.08	1395.20	2790.40	27904.	6.78	8.51	8.50
8-6 TO 9-0 (11/1/83)	72.73	145.46	290.92	581.84	1454.60	2909.20	29092.	6.88	8.50	8.50
9-0 TO 9-6 (5/1/84)	75.82	151.64	303.28	606.56	1516.40	3032.80	30328.	6.97	8.52	8.50
9-6 TO10-0 (11/1/84)	79.05	158.10	316.20	632.40	1581.00	3162.00	31620.	7.05	8.48	8.48
10-0 2/ (5/1/85)	82.40	164.80	329.60	659.20	1648.00	3296.00	32960.	7.12 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/85)	$ 82.40	$164.80	$329.60	$659.20	$1648.00	$3296.00	$32960.	----	8.50	9.42
0-6 TO 1-0 (11/1/85)	85.90	171.80	343.60	687.20	1718.00	3436.00	34360.	8.50	8.50	9.50
1-0 TO 1-6 (5/1/86)	89.55	179.10	358.20	716.40	1791.00	3582.00	35820.	8.50	8.51	9.60
1-6 TO 2-0 (11/1/86)	93.36	186.72	373.44	746.88	1867.20	3734.40	37344.	8.50	8.50	9.73
2-0 TO 2-6 (5/1/87)	97.33	194.66	389.32	778.64	1946.60	3893.20	38932.	8.50	8.49	9.88
2-6 TO 3-0 (11/1/87)	101.46	202.92	405.84	811.68	2029.20	4058.40	40584.	8.50	8.52	10.08
3-0 TO 3-6 (5/1/88)	105.78	211.56	423.12	846.24	2115.60	4231.20	42312.	8.50	8.49	10.34
3-6 TO 4-0 (11/1/88)	110.27	220.54	441.08	882.16	2205.40	4410.80	44108.	8.50	8.51	10.71
4-0 TO 4-6 (5/1/89)	114.96	229.92	459.84	919.68	2299.20	4598.40	45984.	8.50	8.49	11.27
4-6 TO 5-0 (11/1/89)	119.84	239.68	479.36	958.72	2396.80	4793.60	47936.	8.50	8.51	12.20
5-0 TO 5-6 (5/1/90)	124.94	249.88	499.76	999.52	2498.80	4997.60	49976.	8.50	8.50	14.07
5-6 TO 6-0 (11/1/90)	130.25	260.50	521.00	1042.00	2605.00	5210.00	52100.	8.50	19.79	19.79
6-0 4/ (5/1/91)	143.14	286.28	572.56	1145.12	2862.80	5725.60	57256.	9.42 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1955 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.05 PERCENT; TO DATE OF BONUS PAYMENT IS 5.78 PERCENT.

4/ BONUS IS PAID AT 35 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 73

BONDS BEARING ISSUE DATE OCT. 1, 1955

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/	(6/1/81)	$ 59.86	$119.72	$239.44	$478.88	$1197.20	$2394.40	$23944.	6.25	8.52	8.50
6-6 TO 7-0	(12/1/81)	62.41	124.82	249.64	499.28	1248.20	2496.40	24964.	6.42	8.49	8.50
7-0 TO 7-6	(6/1/82)	65.06	130.12	260.24	520.48	1301.20	2602.40	26024.	6.57	8.48	8.50
7-6 TO 8-0	(12/1/82)	67.82	135.64	271.28	542.56	1356.40	2712.80	27128.	6.70	8.52	8.50
8-0 TO 8-6	(6/1/83)	70.71	141.42	282.84	565.68	1414.20	2828.40	28284.	6.81	8.49	8.49
8-6 TO 9-0	(12/1/83)	73.71	147.42	294.84	589.68	1474.20	2948.40	29484.	6.91	8.52	8.50
9-0 TO 9-6	(6/1/84)	76.85	153.70	307.40	614.80	1537.00	3074.00	30740.	7.00	8.48	8.49
9-6 TO10-0	(12/1/84)	80.11	160.22	320.44	640.88	1602.20	3204.40	32044.	7.08	8.49	8.49
10-0 2/	(6/1/85)	83.51	167.02	334.04	668.08	1670.20	3340.40	33404.	7.15 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/85)	$ 83.51	$167.02	$334.04	$668.08	$1670.20	$3340.40	$33404.	----	8.50	9.42
0-6 TO 1-0	(12/1/85)	87.06	174.12	348.24	696.48	1741.20	3482.40	34824.	8.50	8.50	9.50
1-0 TO 1-6	(6/1/86)	90.76	181.52	363.04	726.08	1815.20	3630.40	36304.	8.50	8.51	9.60
1-6 TO 2-0	(12/1/86)	94.62	189.24	378.48	756.96	1892.40	3784.80	37848.	8.50	8.50	9.72
2-0 TO 2-6	(6/1/87)	98.64	197.28	394.56	789.12	1972.80	3945.60	39456.	8.50	8.50	9.88
2-6 TO 3-0	(12/1/87)	102.83	205.66	411.32	822.64	2056.60	4113.20	41132.	8.50	8.50	10.07
3-0 TO 3-6	(6/1/88)	107.20	214.40	428.80	857.60	2144.00	4288.00	42880.	8.50	8.51	10.34
3-6 TO 4-0	(12/1/88)	111.76	223.52	447.04	894.08	2235.20	4470.40	44704.	8.50	8.50	10.71
4-0 TO 4-6	(6/1/89)	116.51	233.02	466.04	932.08	2330.20	4660.40	46604.	8.50	8.50	11.26
4-6 TO 5-0	(12/1/89)	121.46	242.92	485.84	971.68	2429.20	4858.40	48584.	8.50	8.50	12.19
5-0 TO 5-6	(6/1/90)	126.62	253.24	506.48	1012.96	2532.40	5064.80	50648.	8.50	8.50	14.06
5-6 TO 6-0	(12/1/90)	132.00	264.00	528.00	1056.00	2640.00	5280.00	52800.	8.50	19.77	19.77
6-0 4/	(6/1/91)	145.05	290.10	580.20	1160.40	2901.00	5802.00	58020.	9.42 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1955 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.10 PERCENT; TO DATE OF BONUS PAYMENT IS 5.82 PERCENT.
4/ BONUS IS PAID AT 35 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 74

BONDS BEARING ISSUE DATE NOV. 1, 1955

TABLE 74

BONDS BEARING ISSUE DATE NOV. 1, 1955

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/	(7/1/81)	$ 59.86	$119.72	$239.44	$478.88	$1197.20	$2394.40	$23944.	6.25	8.52	8.50
6-6 TO 7-0	(1/1/82)	62.41	124.82	249.64	499.28	1248.20	2496.40	24964.	6.42	8.49	8.50
7-0 TO 7-6	(7/1/82)	65.06	130.12	260.24	520.48	1301.20	2602.40	26024.	6.57	8.48	8.50
7-6 TO 8-0	(1/1/83)	67.82	135.64	271.28	542.56	1356.40	2712.80	27128.	6.70	8.52	8.50
8-0 TO 8-6	(7/1/83)	70.71	141.42	282.84	565.68	1414.20	2828.40	28284.	6.81	8.49	8.49
8-6 TO 9-0	(1/1/84)	73.71	147.42	294.84	589.68	1474.20	2948.40	29484.	6.91	8.52	8.50
9-0 TO 9-6	(7/1/84)	76.85	153.70	307.40	614.80	1537.00	3074.00	30740.	7.00	8.48	8.49
9-6 TO10-0	(1/1/85)	80.11	160.22	320.44	640.88	1602.20	3204.40	32044.	7.08	8.49	8.49
10-0 2/	(7/1/85)	83.51	167.02	334.04	668.08	1670.20	3340.40	33404.	7.15 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/85)	$ 83.51	$167.02	$334.04	$668.08	$1670.20	$3340.40	$33404.	----	8.50	9.50
0-6 TO 1-0	(1/1/86)	87.06	174.12	348.24	696.48	1741.20	3482.40	34824.	8.50	8.50	9.60
1-0 TO 1-6	(7/1/86)	90.76	181.52	363.04	726.08	1815.20	3630.40	36304.	8.50	8.51	9.72
1-6 TO 2-0	(1/1/87)	94.62	189.24	378.48	756.96	1892.40	3784.80	37848.	8.50	8.50	9.88
2-0 TO 2-6	(7/1/87)	98.64	197.28	394.56	789.12	1972.80	3945.60	39456.	8.50	8.50	10.07
2-6 TO 3-0	(1/1/88)	102.83	205.66	411.32	822.64	2056.60	4113.20	41132.	8.50	8.50	10.34
3-0 TO 3-6	(7/1/88)	107.20	214.40	428.80	857.60	2144.00	4288.00	42880.	8.50	8.51	10.71
3-6 TO 4-0	(1/1/89)	111.76	223.52	447.04	894.08	2235.20	4470.40	44704.	8.50	8.50	11.26
4-0 TO 4-6	(7/1/89)	116.51	233.02	466.04	932.08	2330.20	4660.40	46604.	8.50	8.50	12.19
4-6 TO 5-0	(1/1/90)	121.46	242.92	485.84	971.68	2429.20	4858.40	48584.	8.50	8.50	14.06
5-0 TO 5-6	(7/1/90)	126.62	253.24	506.48	1012.96	2532.40	5064.80	50648.	8.50	19.78	19.78
5-6 4/	(1/1/91)	139.14	278.28	556.56	1113.12	2782.80	5565.60	55656.	9.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1955 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.10 PERCENT; TO DATE OF BONUS PAYMENT IS 5.78 PERCENT.

4/ BONUS IS PAID AT 35 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.0[illegible]%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 75

BONDS BEARING ISSUE DATES FROM DEC. 1, 1955 THROUGH FEB. 1, 1956

ISSUE PRICE . . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/	(8/1/81)	$ 60.01	$120.02	$240.04	$480.08	$1200.20	$2400.40	$24004.	6.25	8.50	8.50
6-6 TO 7-0	(2/1/82)	62.56	125.12	250.24	500.48	1251.20	2502.40	25024.	6.42	8.50	8.50
7-0 TO 7-6	(8/1/82)	65.22	130.44	260.88	521.76	1304.40	2608.80	26088.	6.57	8.49	8.50
7-6 TO 8-0	(2/1/83)	67.99	135.98	271.96	543.92	1359.80	2719.60	27196.	6.70	8.50	8.51
8-0 TO 8-6	(8/1/83)	70.88	141.76	283.52	567.04	1417.60	2835.20	28352.	6.81	8.52	8.51
8-6 TO 9-0	(2/1/84)	73.90	147.80	295.60	591.20	1478.00	2956.00	29560.	6.91	8.50	8.50
9-0 TO 9-6	(8/1/84)	77.04	154.08	308.16	616.32	1540.80	3081.60	30816.	7.00	8.49	8.50
9-6 TO10-0	(2/1/85)	80.31	160.62	321.24	642.48	1606.20	3212.40	32124.	7.08	8.52	8.52
10-0 2/	(8/1/85)	83.73	167.46	334.92	669.84	1674.60	3349.20	33492.	7.15 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(8/1/85)	$ 83.73	$167.46	$334.92	$669.84	$1674.60	$3349.20	$33492.	----	8.50	9.50
0-6 TO 1-0	(2/1/86)	87.29	174.58	349.16	698.32	1745.80	3491.60	34916.	8.50	8.50	9.60
1-0 TO 1-6	(8/1/86)	91.00	182.00	364.00	728.00	1820.00	3640.00	36400.	8.50	8.51	9.72
1-6 TO 2-0	(2/1/87)	94.87	189.74	379.48	758.96	1897.40	3794.80	37948.	8.50	8.50	9.88
2-0 TO 2-6	(8/1/87)	98.90	197.80	395.60	791.20	1978.00	3956.00	39560.	8.50	8.49	10.07
2-6 TO 3-0	(2/1/88)	103.10	206.20	412.40	824.80	2062.00	4124.00	41240.	8.50	8.50	10.34
3-0 TO 3-6	(8/1/88)	107.48	214.96	429.92	859.84	2149.60	4299.20	42992.	8.50	8.50	10.71
3-6 TO 4-0	(2/1/89)	112.05	224.10	448.20	896.40	2241.00	4482.00	44820.	8.50	8.50	11.27
4-0 TO 4-6	(8/1/89)	116.81	233.62	467.24	934.48	2336.20	4672.40	46724.	8.50	8.51	12.20
4-6 TO 5-0	(2/1/90)	121.78	243.56	487.12	974.24	2435.60	4871.20	48712.	8.50	8.49	14.06
5-0 TO 5-6	(8/1/90)	126.95	253.90	507.80	1015.60	2539.00	5078.00	50780.	8.50	19.79	19.79
5-6 4/	(2/1/91)	139.51	279.02	558.04	1116.08	2790.20	5580.40	55804.	9.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1955 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.11 PERCENT; TO DATE OF BONUS PAYMENT IS 5.79 PERCENT.

4/ BONUS IS PAID AT 35 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 76

BONDS BEARING ISSUE DATE MAR. 1, 1956

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/	(5/1/81)	$ 58.12	$116.24	$232.48	$464.96	$1162.40	$2324.80	$23248.	6.23	8.50	8.50
6-0 TO 6-6	(11/1/81)	60.59	121.18	242.36	484.72	1211.80	2423.60	24236.	6.42	8.48	8.50
6-6 TO 7-0	(5/1/82)	63.16	126.32	252.64	505.28	1263.20	2526.40	25264.	6.57	8.52	8.51
7-0 TO 7-6	(11/1/82)	65.85	131.70	263.40	526.80	1317.00	2634.00	26340.	6.71	8.53	8.50
7-6 TO 8-0	(5/1/83)	68.66	137.32	274.64	549.28	1373.20	2746.40	27464.	6.83	8.48	8.50
8-0 TO 8-6	(11/1/83)	71.57	143.14	286.28	572.56	1431.40	2862.80	28628.	6.94	8.50	8.50
8-6 TO 9-0	(5/1/84)	74.61	149.22	298.44	596.88	1492.20	2984.40	29844.	7.03	8.50	8.51
9-0 TO 9-6	(11/1/84)	77.78	155.56	311.12	622.24	1555.60	3111.20	31112.	7.11	8.51	8.51
9-6 TO10-0	(5/1/85)	81.09	162.18	324.36	648.72	1621.80	3243.60	32436.	7.18	8.51	8.51
10-0 2/	(11/1/85)	84.54	169.08	338.16	676.32	1690.80	3381.60	33816.	7.25 3/	---	---
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(11/1/85)	$ 84.54	$169.08	$338.16	$676.32	$1690.80	$3381.60	$33816.	---	8.49	9.50
0-6 TO 1-0	(5/1/86)	88.13	176.26	352.52	705.04	1762.60	3525.20	35252.	8.49	8.51	9.60
1-0 TO 1-6	(11/1/86)	91.88	183.76	367.52	735.04	1837.60	3675.20	36752.	8.50	8.49	9.72
1-6 TO 2-0	(5/1/87)	95.78	191.56	383.12	766.24	1915.60	3831.20	38312.	8.50	8.50	9.88
2-0 TO 2-6	(11/1/87)	99.85	199.70	399.40	798.80	1997.00	3994.00	39940.	8.50	8.51	10.08
2-6 TO 3-0	(5/1/88)	104.10	208.20	416.40	832.80	2082.00	4164.00	41640.	8.50	8.49	10.34
3-0 TO 3-6	(11/1/88)	108.52	217.04	434.08	868.16	2170.40	4340.80	43408.	8.50	8.50	10.71
3-6 TO 4-0	(5/1/89)	113.13	226.26	452.52	905.04	2262.60	4525.20	45252.	8.50	8.50	11.27
4-0 TO 4-6	(11/1/89)	117.94	235.88	471.76	943.52	2358.80	4717.60	47176.	8.50	8.51	12.20
4-6 TO 5-0	(5/1/90)	122.96	245.92	491.84	983.68	2459.20	4918.40	49184.	8.50	8.49	14.06
5-0 TO 5-6	(11/1/90)	128.18	256.36	512.72	1025.44	2563.60	5127.20	51272.	8.50	19.78	19.78
5-6 4/	(5/1/91)	140.86	281.72	563.44	1126.88	2817.20	5634.40	56344.	9.50 3/	---	---

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1956 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.14 PERCENT; TO DATE OF BONUS PAYMENT IS 5.82 PERCENT.

4/ BONUS IS PAID AT 35 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 77

BONDS BEARING ISSUE DATE APR. 1, 1956

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/(6/1/81)	$ 59.75	$119.50	$239.00	$478.00	$1195.00	$2390.00	$23900.	6.27	8.50	8.50
6-0 TO 6-6 (12/1/81)	62.29	124.58	249.16	498.32	1245.80	2491.60	24916.	6.46	8.51	8.50
6-6 TO 7-0 (6/1/82)	64.94	129.88	259.76	519.52	1298.80	2597.60	25976.	6.62	8.50	8.49
7-0 TO 7-6 (12/1/82)	67.70	135.40	270.80	541.60	1354.00	2708.00	27080.	6.75	8.48	8.49
7-6 TO 8-0 (6/1/83)	70.57	141.14	282.28	564.56	1411.40	2822.80	28228.	6.86	8.50	8.50
8-0 TO 8-6 (12/1/83)	73.57	147.14	294.28	588.56	1471.40	2942.80	29428.	6.97	8.51	8.50
8-6 TO 9-0 (6/1/84)	76.70	153.40	306.80	613.60	1534.00	3068.00	30680.	7.06	8.50	8.49
9-0 TO 9-6 (12/1/84)	79.96	159.92	319.84	639.68	1599.20	3198.40	31984.	7.14	8.50	8.49
9-6 TO10-0 (6/1/85)	83.36	166.72	333.44	666.88	1667.20	3334.40	33344.	7.21	8.47	8.47
10-0 2/ (12/1/85)	86.89	173.78	347.56	695.12	1737.80	3475.60	34756.	7.27 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/85)	$ 86.89	$173.78	$347.56	$695.12	$1737.80	$3475.60	$34756.	---	8.49	9.50
0-6 TO 1-0 (6/1/86)	90.58	181.16	362.32	724.64	1811.60	3623.20	36232.	49	8.50	9.61
1-0 TO 1-6 (12/1/86)	94.43	188.86	377.72	755.44	1888.60	3777.20	37772.	.50	8.51	9.73
1-6 TO 2-0 (6/1/87)	98.45	196.90	393.80	787.60	[illegible]	3938.00	39380.	.50	8.49	9.88
2-0 TO 2-6 (12/1/87)	102.63	205.26	410.52	821.04	2052.60	4105.20	41052.	50	8.50	10.08
2-6 TO 3-0 (6/1/88)	106.99	213.98	427.96	855.92	2139.80	4279.60	42796.	50	8.51	10.35
3-0 TO 3-6 (12/1/88)	111.54	223.08	446.16	892.32	2230.80	4461.60	44616.	.50	8.50	10.72
3-6 TO 4-0 (6/1/89)	116.28	232.56	465.12	930.24	2325.60	4651.20	46512.	8.50	8.50	11.27
4-0 TO 4-6 (12/1/89)	121.22	242.44	484.88	969.76	2424.40	4848.80	48488.	8.50	8.50	12.21
4-6 TO 5-0 (6/1/90)	126.37	252.74	505.48	1010.96	2527.40	5054.80	50548.	8.50	8.50	14.09
5-0 TO 5-6 (12/1/90)	131.74	263.48	526.96	1053.92	2634.80	5269.60	52696.	8.50	19.83	19.83
5-6 4/ (6/1/91)	144.80	289.60	579.20	1158.40	2896.00	5792.00	57920	9.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1956 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.24 PERCENT; TO DATE OF BONUS PAYMENT IS 5.90 PERCENT.

4/ BONUS IS PAID AT 35 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 78

BONDS BEARING ISSUE DATE MAY 1, 1956

TABLE 78

BONDS BEARING ISSUE DATE MAY 1, 1956

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/(7/1/81)	$ 59.75	$119.50	$239.00	$478.00	$1195.00	$2390.00	$23900.	6.27	8.50	8.50
6-0 TO 6-6 (1/1/82)	62.29	124.58	249.16	498.32	1245.80	2491.60	24916.	6.46	8.51	8.50
6-6 TO 7-0 (7/1/82)	64.94	129.88	259.76	519.52	1298.80	2597.60	25976.	6.62	8.50	8.49
7-0 TO 7-6 (1/1/83)	67.70	135.40	270.80	541.60	1354.00	2708.00	27080.	6.75	8.48	8.49
7-6 TO 8-0 (7/1/83)	70.57	141.14	282.28	564.56	1411.40	2822.80	28228.	6.86	8.50	8.50
8-0 TO 8-6 (1/1/84)	73.57	147.14	294.28	588.56	1471.40	2942.80	29428.	6.97	8.51	8.50
8-6 TO 9-0 (7/1/84)	76.70	153.40	306.80	613.60	1534.00	3068.00	30680.	7.06	8.50	8.49
9-0 TO 9-6 (1/1/85)	79.96	159.92	319.84	639.68	1599.20	3198.40	31984.	7.14	8.50	8.49
9-6 TO10-0 (7/1/85)	83.36	166.72	333.44	666.88	1667.20	3334.40	33344.	7.21	8.47	8.47
10-0 2/ (1/1/86)	86.89	173.78	347.56	695.12	1737.80	3475.60	34756.	7.27 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/86)	$ 86.89	$173.78	$347.56	$695.12	$1737.80	$3475.60	$34756.	----	8.49	9.60
0-6 TO 1-0 (7/1/86)	90.58	181.16	362.32	724.64	1811.60	3623.20	36232.	8.49	8.50	9.73
1-0 TO 1-6 (1/1/87)	94.43	188.86	377.72	755.44	1888.60	3777.20	37772.	8.50	8.51	9.88
1-6 TO 2-0 (7/1/87)	98.45	196.90	393.80	787.60	1969.00	3938.00	39380.	8.50	8.49	10.08
2-0 TO 2-6 (1/1/88)	102.63	205.26	410.52	821.04	2052.60	4105.20	41052.	8.50	8.50	10.34
2-6 TO 3-0 (7/1/88)	106.99	213.98	427.96	855.92	2139.80	4279.60	42796.	8.50	8.51	10.71
3-0 TO 3-6 (1/1/89)	111.54	223.08	446.16	892.32	2230.80	4461.60	44616.	8.50	8.50	11.27
3-6 TO 4-0 (7/1/89)	116.28	232.56	465.12	930.24	2325.60	4651.20	46512.	8.50	8.50	12.20
4-0 TO 4-6 (1/1/90)	121.22	242.44	484.88	969.76	2424.40	4848.80	48488.	8.50	8.50	14.07
4-6 TO 5-0 (7/1/90)	126.37	252.74	505.48	1010.96	2527.40	5054.80	50548.	9.50	19.80	19.80
5-0 4/ (1/1/91)	138.88	277.76	555.52	1111.04	2777.60	5555.20	55552.	9.60 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1956 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.24 PERCENT; TO DATE OF BONUS PAYMENT IS 5.86 PERCENT.

4/ BONUS IS PAID AT 34 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 79

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH AUG. 1, 1956

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/(8/1/81)	$ 59.89	$119.78	$239.56	$479.12	$1197.80	$2395.60	$23956.	6.27	8.48	8.50
6-0 TO 6-6 (2/1/82)	62.43	124.86	249.72	499.44	1248.60	2497.20	24972.	6.46	8.49	8.50
6-6 TO 7-0 (8/1/82)	65.08	130.16	260.32	520.64	1301.60	2603.20	26032.	6.61	8.51	8.50
7-0 TO 7-6 (2/1/83)	67.85	135.70	271.40	542.80	1357.00	2714.00	27140.	6.75	8.52	8.50
7-6 TO 8-0 (8/1/83)	70.74	141.48	282.96	565.92	1414.80	2829.60	28296.	6.86	8.48	8.50
8-0 TO 8-6 (2/1/84)	73.74	147.48	294.96	589.92	1474.80	2949.60	29496.	6.97	8.49	8.50
8-6 TO 9-0 (8/1/84)	76.87	153.74	307.48	614.96	1537.40	3074.80	30748.	7.05	8.51	8.51
9-0 TO 9-6 (2/1/85)	80.14	160.28	320.56	641.12	1602.80	3205.60	32056.	7.14	8.49	8.50
9-6 TO10-0 (8/1/85)	83.54	167.08	334.16	668.32	1670.80	3341.60	33416.	7.21	8.52	8.52
10-0 2/ (2/1/86)	87.10	174.20	348.40	696.80	1742.00	3484.00	34840.	7.27 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(2/1/86)	$ 87.10	$174.20	$348.40	$696.80	$1742.00	$3484.00	$34840.	----	8.50	9.60
0-6 TO 1-0 (8/1/86)	90.80	181.60	363.20	726.40	1816.00	3632.00	36320.	8.50	8.50	9.73
1-0 TO 1-6 (2/1/87)	94.66	189.32	378.64	757.28	1893.20	3786.40	37864.	8.50	8.49	9.88
1-6 TO 2-0 (8/1/87)	98.68	197.36	394.72	789.44	1973.60	3947.20	39472.	8.50	8.51	10.08
2-0 TO 2-6 (2/1/88)	102.88	205.76	411.52	823.04	2057.60	4115.20	41152.	8.50	8.50	10.34
2-6 TO 3-0 (8/1/88)	107.25	214.50	429.00	858.00	2145.00	4290.00	42900.	8.50	8.50	10.71
3-0 TO 3-6 (2/1/89)	111.81	223.62	447.24	894.48	2236.20	4472.40	44724.	8.50	8.50	11.27
3-6 TO 4-0 (8/1/89)	116.56	233.12	466.24	932.48	2331.20	4662.40	46624.	8.50	8.49	12.20
4-0 TO 4-6 (2/1/90)	121.51	243.02	486.04	972.08	2430.20	4860.40	48604.	8.50	8.51	14.08
4-6 TO 5-0 (8/1/90)	126.68	253.36	506.72	1013.44	2533.60	5067.20	50672.	8.50	19.80	19.80
5-0 4/ (2/1/91)	139.22	278.44	556.88	1113.76	2784.40	5568.80	55688.	9.60 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1956 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.24 PERCENT; TO DATE OF BONUS PAYMENT IS 5.87 PERCENT.

4/ BONUS IS PAID AT 34 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 80

TABLE 80

BONDS BEARING ISSUE DATE SEP. 1, 1956

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/(5/1/81)	$ 58.00	$116.00	$232.00	$464.00	$1160.00	$2320.00	$23200.	6.25	8.52	8.50
5-6 TO 6-0 (11/1/81)	60.47	120.94	241.88	483.76	1209.40	2418.80	24188.	6.45	8.47	8.50
6-0 TO 6-6 (5/1/82)	63.03	126.06	252.12	504.24	1260.60	2521.20	25212.	6.62	8.50	8.50
6-6 TO 7-0 (11/1/82)	65.71	131.42	262.84	525.68	1314.20	2628.40	26284.	6.77	8.49	8.50
7-0 TO 7-6 (5/1/83)	68.50	137.00	274.00	548.00	1370.00	2740.00	27400.	6.89	8.53	8.51
7-6 TO 8-0 (11/1/83)	71.42	142.84	285.68	571.36	1428.40	2856.80	28568.	7.00	8.51	8.50
8-0 TO 8-6 (5/1/84)	74.46	148.92	297.84	595.68	1489.20	2978.40	29784.	7.09	8.46	8.50
8-6 TO 9-0 (11/1/84)	77.61	155.22	310.44	620.88	1552.20	3104.40	31044.	7.17	8.50	8.51
9-0 TO 9-6 (5/1/85)	80.91	161.82	323.64	647.28	1618.20	3236.40	32364.	7.25	8.50	8.52
9-6 TO10-0 (11/1/85)	84.35	168.70	337.40	674.80	1687.[illegible]0	3374.00	33740.	7.31	8.54	8.54
10-0 2/ (5/1/86)	87.95	175.90	351.80	703.60	1759.00	3518.00	35180.	7.37 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/86)	$ 87.95	$175.90	$351.80	$703.60	$1759.00	$3518.00	$35180.	----	8.50	9.60
0-6 TO 1-0 (11/1/86)	91.69	183.38	366.76	733.52	1833.80	3667.60	36676.	8.50	8.49	9.72
1-0 TO 1-6 (5/1/87)	95.58	191.16	382.32	764.64	1911.60	3823.20	38232.	8.49	8.52	9.88
1-6 TO 2-0 (11/1/87)	99.65	199.30	398.60	797.20	1993.00	3986.00	39860.	8.50	8.49	10.07
2-0 TO 2-6 (5/1/88)	103.88	207.76	415.52	831.04	2077.60	4155.20	41552.	8.50	8.51	10.34
2-6 TO 3-0 (11/1/88)	108.30	216.60	433.20	866.40	2166.00	4332.00	43320.	8.50	8.49	10.71
3-0 TO 3-6 (5/1/89)	112.90	225.80	451.60	903.20	2258.00	4516.00	45160.	8.50	8.50	11.26
3-6 TO 4-0 (11/1/89)	117.70	235.40	470.80	941.60	2354.00	4708.00	47080.	8.50	8.50	12.19
4-0 TO 4-6 (5/1/90)	122.70	245.40	490.80	981.60	2454.00	4908.00	49080.	8.50	8.49	14.06
4-6 TO 5-0 (11/1/90)	127.91	255.82	511.64	1023.28	2558.20	5116.40	51164.	8.50	19.78	19.78
5-0 4/ (5/1/91)	140.56	281.12	562.24	1124.48	2811.20	5622.40	56224.	9.60 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1956 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 2[illegible] YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.28 PERCENT; TO DATE OF BONUS PAYMENT IS 5.90 PERCENT.
4/ BONUS IS PAID AT 34 YEARS AND [illegible] MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/[illegible]1 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 81

BONDS BEARING ISSUE DATE OCT. 1, 1956

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/(6/1/81)	$ 58.67	$117.34	$234.68	$469.36	$1173.40	$2346.80	$23468.	6.30	8.52	8.50
5-6 TO 6-0 (12/1/81)	61.17	122.34	244.68	489.36	1223.40	2446.80	24468.	6.50	8.50	8.50
6-0 TO 6-6 (6/1/82)	63.77	127.54	255.08	510.16	1275.40	2550.80	25508.	6.67	8.47	8.50
6-6 TO 7-0 (12/1/82)	66.47	132.94	265.88	531.76	1329.40	2658.80	26588.	6.80	8.52	8.51
7-0 TO 7-6 (6/1/83)	69.30	138.60	277.20	554.40	1386.00	2772.00	27720.	6.93	8.54	8.50
7-6 TO 8-0 (12/1/83)	72.26	144.52	289.04	578.08	1445.20	2890.40	28904.	7.03	8.44	8.50
8-0 TO 8-6 (6/1/84)	75.31	150.62	301.24	602.48	1506.20	3012.40	30124.	7.12	8.52	8.51
8-6 TO 9-0 (12/1/84)	78.52	157.04	314.08	628.16	1570.40	3140.80	31408.	7.20	8.51	8.51
9-0 TO 9-6 (6/1/85)	81.86	163.72	327.44	654.88	1637.20	3274.40	32744.	7.27	8.48	8.50
9-6 TO10-0 (12/1/85)	85.33	170.66	341.32	682.64	1706.80	3413.20	34132.	7.34	8.53	8.53
10-0 2/ (6/1/86)	88.97	177.94	355.88	711.76	1779.40	3558.80	35588.	7.40 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(6/1/86)	$ 88.97	$177.94	$355.88	$711.76	$1779.40	$3558.80	$35588.	----	8.50	9.60
0-6 TO 1-0 (12/1/86)	92.75	185.50	371.00	742.00	1855.00	3710.00	37100.	8.50	8.50	9.72
1-0 TO 1-6 (6/1/87)	96.69	193.38	386.76	773.52	1933.80	3867.60	38676.	8.50	8.50	9.88
1-6 TO 2-0 (12/1/87)	100.80	201.60	403.20	806.40	2016.00	4032.00	40320.	8.50	8.51	10.07
2-0 TO 2-6 (6/1/88)	105.09	210.18	420.36	840.72	2101.80	4203.60	42036.	8.50	8.49	10.33
2-6 TO 3-0 (12/1/88)	109.55	219.10	438.20	876.40	2191.00	4382.00	43820.	8.50	8.51	10.71
3-0 TO 3-6 (6/1/89)	114.21	228.42	456.84	913.68	2284.20	4568.40	45684.	8.50	8.49	11.26
3-6 TO 4-0 (12/1/89)	119.06	238.12	476.24	952.48	2381.20	4762.40	47624.	8.50	8.50	12.19
4-0 TO 4-6 (6/1/90)	124.12	248.24	496.48	992.96	2482.40	4964.80	49648.	8.50	8.51	14.06
4-6 TO 5-0 (12/1/90)	129.40	258.80	517.60	1035.20	2588.00	5176.00	51760.	8.50	19.75	19.75
5-0 4/ (6/1/91)	142.18	284.36	568.72	1137.44	2843.60	5687.20	56872.	9.60 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1956 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.32 PERCENT; TO DATE OF BONUS PAYMENT IS 5.93 PERCENT.
4/ BONUS IS PAID AT 34 YEARS AND 8 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 82

BONDS BEARING ISSUE DATE NOV. 1, 1956

TABLE 82

BONDS BEARING ISSUE DATE NOV. 1, 1956

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/(7/1/81)	$ 58.67	$117.34	$234.68	$469.36	$1173.40	$2346.80	$23468.	6.30	8.52	8.50
5-6 TO 6-0 (1/1/82)	61.17	122.34	244.68	489.36	1223.40	2446.80	24468.	6.50	8.50	8.50
6-0 TO 6-6 (7/1/82)	63.77	127.54	255.08	510.16	1275.40	2550.80	25508.	6.67	8.47	8.50
6-6 TO 7-0 (1/1/83)	66.47	132.94	265.88	531.76	1329.40	2658.80	26588.	6.80	8.52	8.51
7-0 TO 7-6 (7/1/83)	69.30	138.60	277.20	554.40	1386.00	2772.00	27720.	6.93	8.54	8.50
7-6 TO 8-0 (1/1/84)	72.26	144.52	289.04	578.08	1445.20	2890.40	28904.	7.03	8.44	8.50
8-0 TO 8-6 (7/1/84)	75.31	150.62	301.24	602.48	1506.20	3012.40	30124.	7.12	8.52	8.51
8-6 TO 9-0 (1/1/85)	78.52	157.04	314.08	628.16	1570.40	3140.80	31408.	7.20	8.51	8.51
9-0 TO 9-6 (7/1/85)	81.86	163.72	327.44	654.88	1637.20	3274.40	32744.	7.27	8.48	8.50
9-6 TO10-0 (1/1/86)	85.33	170.66	341.32	682.64	1706.60	3413.20	34132.	7.34	8.53	8.53
10-0 2/ (7/1/86)	88.97	177.94	355.88	711.76	1779.40	3558.80	35588.	7.40 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/86)	$ 88.97	$177.94	$355.88	$711.76	$1779.40	$3558.80	$35588.	----	8.50	9.72
0-6 TO 1-0 (1/1/87)	92.75	185.50	371.00	742.00	1855.00	3710.00	37100.	8.50	8.50	9.88
1-0 TO 1-6 (7/1/87)	96.69	193.38	386.76	773.52	1933.80	3867.60	38676.	8.50	8.50	10.08
1-6 TO 2-0 (1/1/88)	100.80	201.60	403.20	806.40	2016.00	4032.00	40320.	8.50	8.51	10.34
2-0 TO 2-6 (7/1/88)	105.09	210.18	420.36	840.72	2101.80	4203.60	42036.	8.50	8.49	10.71
2-6 TO 3-0 (1/1/89)	109.55	219.10	438.20	876.40	2191.00	4382.00	43820.	8.50	8.51	11.27
3-0 TO 3-6 (7/1/89)	114.21	228.42	456.84	913.68	2284.20	4568.40	45684.	8.50	8.49	12.19
3-6 TO 4-0 (1/1/90)	119.06	238.12	476.24	952.48	2381.20	4762.40	47624.	8.50	8.50	14.07
4-0 TO 4-6 (7/1/90)	124.12	248.24	496.48	992.96	2482.40	4964.80	49648.	8.50	19.79	19.79
4-6 4/ (1/1/91)	136.40	272.80	545.60	1091.20	2728.00	5456.00	54560.	9.72 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1956 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.32 PERCENT; TO DATE OF BONUS PAYMENT IS 5.89 PERCENT.
4/ BONUS IS PAID AT 34 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 83

BONDS BEARING ISSUE DATE DEC. 1, 1956 OR JAN. 1, 1957

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 19 YEARS 8 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/	(8/1/81)	$ 59.00	$118.00	$236.00	$472.00	$1180.00	$2360.00	$23600.	6.30	8.51	8.50
5-6 TO 6-0	(2/1/82)	61.51	123.02	246.04	492.08	1230.20	2460.40	24604.	6.50	8.49	8.50
6-0 TO 6-6	(8/1/82)	64.12	128.24	256.48	512.96	1282.40	2564.80	25648.	6.66	8.55	8.50
6-6 TO 7-0	(2/1/83)	66.86	133.72	267.44	534.88	1337.20	2674.40	26744.	6.81	8.50	8.50
7-0 TO 7-6	(8/1/83)	69.70	139.40	278.80	557.60	1394.00	2788.00	27880.	6.93	8.49	8.50
7-6 TO 8-0	(2/1/84)	72.66	145.32	290.64	581.28	1453.20	2906.40	29064.	7.03	8.48	8.50
8-0 TO 8-6	(8/1/84)	75.74	151.48	302.96	605.92	1514.80	3029.60	30296.	7.12	8.50	8.50
8-6 TO 9-0	(2/1/85)	78.96	157.92	315.84	631.68	1579.20	3158.40	31584.	7.20	8.51	8.50
9-0 TO 9-6	(8/1/85)	82.32	164.64	329.28	658.56	1646.40	3292.80	32928.	7.28	8.50	8.49
9-6 TO10-0	(2/1/86)	85.82	171.64	343.28	686.56	1716.40	3432.80	34328.	7.34	8.48	8.48
10-0 2/	(8/1/86)	89.46	178.92	357.84	715.68	1789.20	3578.40	35784.	7.40 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(8/1/86)	$ 89.46	$178.92	$357.84	$715.68	$1789.20	$3578.40	$35784.	----	8.50	9.73
0-6 TO 1-0	(2/1/87)	93.26	186.52	373.04	746.08	1865.20	3730.40	37304.	8.50	8.51	9.88
1-0 TO 1-6	(8/1/87)	97.23	194.46	388.92	777.84	1944.60	3889.20	38892.	8.50	8.50	10.08
1-6 TO 2-0	(2/1/88)	101.36	202.72	405.44	810.88	2027.20	4054.40	40544.	8.50	8.50	10.34
2-0 TO 2-6	(8/1/88)	105.67	211.34	422.68	845.36	2113.40	4226.80	42268.	8.50	8.50	10.71
2-6 TO 3-0	(2/1/89)	110.16	220.32	440.64	881.28	2203.20	4406.40	44064.	8.50	8.50	11.27
3-0 TO 3-6	(8/1/89)	114.84	229.68	459.36	918.72	2296.80	4593.60	45936.	8.50	8.50	12.20
3-6 TO 4-0	(2/1/90)	119.72	239.44	478.88	957.76	2394.40	4788.80	47888.	8.50	8.50	14.07
4-0 TO 4-6	(8/1/90)	124.81	249.62	499.24	998.48	2496.20	4992.40	49924.	8.50	19.79	19.79
4-6 4/	(2/1/91)	137.16	274.32	548.64	1097.28	2743.20	5486.40	54864.	9.73 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1956 ENTER EACH PERIOD. FOR ISSUES OF JAN. 1, 1957, ADD ONE MONTH.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 29 YEARS AND 8 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.34 PERCENT; TO DATE OF BONUS PAYMENT IS 5.91 PERCENT.

4/ BONUS IS PAID AT 34 YEARS AND 2 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 84

BONDS BEARING ISSUE DATES FROM FEB. 1 THROUGH MAY 1, 1957

TABLE 84

BONDS BEARING ISSUE DATES FROM FEB. 1 THROUGH MAY 1, 1957

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/(7/1/81)	$ 59.82	$119.64	$239.28	$478.56	$1196.40	$2392.80	$23928.	6.27	8.49	8.50
6-0 TO 6-6 (1/1/82)	62.36	124.72	249.44	498.88	1247.20	2494.40	24944.	6.46	8.50	8.50
6-6 TO 7-0 (7/1/82)	65.01	130.02	260.04	520.08	1300.20	2600.40	26004.	6.61	8.49	8.50
7-0 TO 7-6 (1/1/83)	67.77	135.54	271.08	542.16	1355.40	2710.80	27108.	6.75	8.50	8.50
7-6 TO 8-0 (7/1/83)	70.65	141.30	282.60	565.20	1413.00	2826.00	28260.	6.86	8.49	8.50
8-0 TO 8-6 (1/1/84)	73.65	147.30	294.60	589.20	1473.00	2946.00	29460.	6.96	8.50	8.50
8-6 TO 9-0 (7/1/84)	76.78	153.56	307.12	614.24	1535.60	3071.20	30712.	7.05	8.52	8.50
9-0 TO 9-6 (1/1/85)	80.05	160.10	320.20	640.40	1601.00	3202.00	32020.	7.14	8.52	8.49
9-6 TO10-0 (7/1/85)	83.46	166.92	333.84	667.68	1669.20	3338.40	33384.	7.21	8.46	8.46
10-0 2/ (1/1/86)	86.99	173.98	347.96	695.92	1739.80	3479.60	34796.	7.27 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/86)	$ 86.99	$173.98	$347.96	$695.92	$1739.80	$3479.60	$34796.	----	8.51	9.60
0-6 TO 1-0 (7/1/86)	90.69	181.38	362.76	725.52	1813.80	3627.60	36276.	8.51	8.49	9.72
1-0 TO 1-6 (1/1/87)	94.54	189.08	378.16	756.32	1890.80	3781.60	37816.	8.50	8.50	9.88
1-6 TO 2-0 (7/1/87)	98.56	197.12	394.24	788.48	1971.20	3942.40	39424.	8.50	8.50	10.08
2-0 TO 2-6 (1/1/88)	102.75	205.50	411.00	822.00	2055.00	4110.00	41100.	8.50	8.49	10.34
2-6 TO 3-0 (7/1/88)	107.11	214.22	428.44	856.88	2142.20	4284.40	42844.	8.50	8.51	10.71
3-0 TO 3-6 (1/1/89)	111.67	223.34	446.68	893.36	2233.40	4466.80	44668.	8.50	8.49	11.27
3-6 TO 4-0 (7/1/89)	116.41	232.82	465.64	931.28	2328.20	4656.40	46564.	8.50	8.50	12.20
4-0 TO 4-6 (1/1/90)	121.36	242.72	485.44	970.88	2427.20	4854.40	48544.	8.50	8.50	14.07
4-6 TO 5-0 (7/1/90)	126.52	253.04	506.08	1012.16	2530.40	5060.80	50608.	8.50	19.79	19.79
5-0 4/ (1/1/91)	139.04	278.08	556.16	1112.32	2780.80	5561.60	55616.	9.60 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1957 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.38 PERCENT; TO DATE OF BONUS PAYMENT IS 6.00 PERCENT.

4/ BONUS IS PAID AT 33 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 85

BONDS BEARING ISSUE DATE JUNE 1, 1957

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/(5/1/81)	$ 58.19	$116.38	$232.76	$465.52	$1163.80	$2327.60	$23276.	6.25	8.49	8.50
5-6 TO 6-0 (11/1/81)	60.66	121.32	242.64	485.28	1213.20	2426.40	24264.	6.45	8.51	8.50
6-0 TO 6-6 (5/1/82)	63.24	126.48	252.96	505.92	1264.80	2529.60	25296.	6.62	8.48	8.50
6-6 TO 7-0 (11/1/82)	65.92	131.84	263.68	527.36	1318.40	2636.80	26368.	6.76	8.53	8.50
7-0 TO 7-6 (5/1/83)	68.73	137.46	274.92	549.84	1374.60	2749.20	27492.	6.89	8.50	8.50
7-6 TO 8-0 (11/1/83)	71.65	143.30	286.60	573.20	1433.00	2866.00	28660.	7.00	8.49	8.50
8-0 TO 8-6 (5/1/84)	74.69	149.38	298.76	597.52	1493.80	2987.60	29876.	7.09	8.52	8.50
8-6 TO 9-0 (11/1/84)	77.87	155.74	311.48	622.96	1557.40	3114.80	31148.	7.17	8.48	8.49
9-0 TO 9-6 (5/1/85)	81.17	162.34	324.68	649.36	1623.40	3246.80	32468.	7.24	8.50	8.50
9-6 TO10-0 (11/1/85)	84.62	169.24	338.48	676.96	1692.40	3384.80	33848.	7.31	8.51	8.51
10-0 2/ (5/1/86)	88.22	176.44	352.88	705.76	1764.40	3528.80	35288.	7.37 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/86)	$ 88.22	$176.44	$352.88	$705.76	$1764.40	$3528.80	$35288.	----	8.50	9.60
0-6 TO 1-0 (11/1/86)	91.97	183.94	367.88	735.76	1839.40	3678.80	36788.	8.50	8.50	9.72
1-0 TO 1-6 (5/1/87)	95.88	191.76	383.52	767.04	1917.60	3835.20	38352.	8.50	8.49	9.88
1-6 TO 2-0 (11/1/87)	99.95	199.90	399.80	799.60	1999.00	3998.00	39980.	8.50	8.50	10.08
2-0 TO 2-6 (5/1/88)	104.20	208.40	416.80	833.60	2084.00	4168.00	41680.	8.50	8.50	10.34
2-6 TO 3-0 (11/1/88)	108.63	217.26	434.52	869.04	2172.60	4345.20	43452.	8.50	8.51	10.71
3-0 TO 3-6 (5/1/89)	113.25	226.50	453.00	906.00	2265.00	4530.00	45300.	8.50	8.49	11.26
3-6 TO 4-0 (11/1/89)	118.06	236.12	472.24	944.48	2361.20	4722.40	47224.	8.50	8.50	12.20
4-0 TO 4-6 (5/1/90)	123.08	246.16	492.32	984.64	2461.60	4923.20	49232.	8.50	8.50	14.07
4-6 TO 5-0 (11/1/90)	128.31	256.62	513.24	1026.48	2566.20	5132.40	51324.	8.50	19.78	19.78
5-0 4/ (5/1/91)	141.00	282.00	564.00	1128.00	2820.00	5640.00	56400.	9.60 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1957 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.43 PERCENT; TO DATE OF BONUS PAYMENT IS 6.04 PERCENT.

4/ BONUS IS PAID AT 33 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 86

BONDS BEARING ISSUE DATE JUL. 1, 1957

TABLE 86

BONDS BEARING ISSUE DATE JUL. 1, 1957

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/(6/1/81)	$ 58.85	$117.70	$235.40	$470.80	$1177.00	$2354.00	$23540.	6.30	8.53	8.50
5-6 TO 6-0 (12/1/81)	61.36	122.72	245.44	490.88	1227.20	2454.40	24544.	6.50	8.47	8.50
6-0 TO 6-6 (6/1/82)	63.96	127.92	255.84	511.68	1279.20	2558.40	25584.	6.66	8.51	8.50
6-6 TO 7-0 (12/1/82)	66.68	133.36	266.72	533.44	1333.60	2667.20	26672.	6.81	8.52	8.50
7-0 TO 7-6 (6/1/83)	69.52	139.04	278.08	556.16	1390.40	2780.80	27808.	6.93	8.49	8.50
7-6 TO 8-0 (12/1/83)	72.47	144.94	289.88	579.76	1449.40	2898.80	28988.	7.03	8.53	8.50
8-0 TO 8-6 (6/1/84)	75.56	151.12	302.24	604.48	1511.20	3022.40	30224.	7.12	8.50	8.50
8-6 TO 9-0 (12/1/84)	78.77	157.54	315.08	630.16	1575.40	3150.80	31508.	7.20	8.48	8.50
9-0 TO 9-6 (6/1/85)	82.11	164.22	328.44	656.88	1642.20	3284.40	32844.	7.28	8.53	8.50
9-6 TO10-0 (12/1/85)	85.61	171.22	342.44	684.88	1712.20	3424.40	34244.	7.34	8.49	8.48
10-0 2/ (6/1/86)	89.24	178.48	356.96	713.92	1784.80	3569.60	35696.	7.40 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(6/1/86)	$ 89.24	$178.48	$356.96	$713.92	$1784.80	$3569.60	$35696.	----	8.49	9.60
0-6 TO 1-0 (12/1/86)	93.03	186.06	372.12	744.24	1860.60	3721.20	37212.	8.49	8.51	9.73
1-0 TO 1-6 (6/1/87)	96.99	193.98	387.96	775.92	1939.80	3879.60	38796.	8.50	8.50	9.88
1-6 TO 2-0 (12/1/87)	101.11	202.22	404.44	808.88	2022.20	4044.40	40444.	8.50	8.51	10.08
2-0 TO 2-6 (6/1/88)	105.41	210.82	421.64	843.28	2108.20	4216.40	42164.	8.50	8.50	10.34
2-6 TO 3-0 (12/1/88)	109.89	219.78	439.56	879.12	2197.80	4395.60	43956.	8.50	8.50	10.71
3-0 TO 3-6 (6/1/89)	114.56	229.12	458.24	916.48	2291.20	4582.40	45824.	8.50	8.48	11.26
3-6 TO 4-0 (12/1/89)	119.42	238.84	477.68	955.36	2388.40	4776.80	47768.	8.50	8.51	12.20
4-0 TO 4-6 (6/1/90)	124.50	249.00	498.00	996.00	2490.00	4980.00	49800.	8.50	8.50	14.07
4-6 TO 5-0 (12/1/90)	129.79	259.58	519.16	1038.32	2595.80	5191.60	51916.	8.50	19.79	19.79
5-0 4/ (6/1/91)	142.63	285.26	570.52	1141.04	2852.60	5705.20	57052.	9.60 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1957 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.47 PERCENT; TO DATE OF BONUS PAYMENT IS 6.07 PERCENT.

4/ BONUS IS PAID AT 33 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 87

BONDS BEARING ISSUE DATES FROM AUG. 1 THROUGH NOV. 1, 1957

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
		SECOND EXTENDED MATURITY PERIOD									
									PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/	(7/1/81)	$ 58.85	$117.70	$235.40	$470.80	$1177.00	$2354.00	$23540.	6.30	8.53	8.50
5-6 TO 6-0	(1/1/82)	61.36	122.72	245.44	490.88	1227.20	2454.40	24544.	6.50	8.47	8.50
6-0 TO 6-6	(7/1/82)	63.96	127.92	255.84	511.68	1279.20	2558.40	25584.	6.66	8.51	8.50
6-6 TO 7-0	(1/1/83)	66.68	133.36	266.72	533.44	1333.60	2667.20	26672.	6.81	8.52	8.50
7-0 TO 7-6	(7/1/83)	69.52	139.04	278.08	556.16	1390.40	2780.80	27808.	6.93	8.49	8.50
7-6 TO 8-0	(1/1/84)	72.47	144.94	289.88	579.76	1449.40	2898.80	28988.	7.03	8.53	8.50
8-0 TO 8-6	(7/1/84)	75.56	151.12	302.24	604.48	1511.20	3022.40	30224.	7.12	8.50	8.50
8-6 TO 9-0	(1/1/85)	78.77	157.54	315.08	630.16	1575.40	3150.80	31508.	7.20	8.48	8.50
9-0 TO 9-6	(7/1/85)	82.11	164.22	328.44	656.88	1642.20	3284.40	32844.	7.28	8.53	8.50
9-6 TO10-0	(1/1/86)	85.61	171.22	342.44	684.88	1712.20	3424.40	34244.	7.34	8.48	8.48
10-0 2/	(7/1/86)	89.24	178.48	356.96	713.92	1784.80	3569.60	35696.	7.40 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/86)	$ 89.24	$178.48	$356.96	$713.92	$1784.80	$3569.60	$35696.	----	8.49	9.73
0-6 TO 1-0	(1/1/87)	93.03	186.06	372.12	744.24	1860.60	3721.20	37212.	8.49	8.51	9.88
1-0 TO 1-6	(7/1/87)	96.99	193.98	387.96	775.92	1939.80	3879.60	38796.	8.50	8.50	10.08
1-6 TO 2-0	(1/1/98)	101.11	202.22	404.44	808.88	2022.20	4044.40	40444.	8.50	8.51	10.34
2-0 TO 2-6	(7/1/88)	105.41	210.82	421.64	843.28	2108.20	4216.40	42164.	8.50	8.50	10.71
2-6 TO 3-0	(1/1/89)	109.89	219.78	439.56	879.12	2197.80	4395.60	43956.	8.50	8.50	11.27
3-0 TO 3-6	(7/1/89)	114.56	229.12	458.24	916.48	2291.20	4582.40	45824.	8.50	8.48	12.20
3-6 TO 4-0	(1/1/90)	119.42	238.84	477.68	955.36	2388.40	4776.80	47768.	8.50	8.51	14.08
4-0 TO 4-6	(7/1/90)	124.50	249.00	498.00	996.00	2490.00	4980.00	49800.	8.50	19.81	19.81
4-6 4/	(1/1/91)	136.83	273.66	547.32	1094.64	2736.60	5473.20	54732.	9.73 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1957 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.47 PERCENT; TO DATE OF BONUS PAYMENT IS 6.04 PERCENT.

4/ BONUS IS PAID AT 33 YEARS AND 5 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 88

BONDS BEARING ISSUE DATE DEC. 1, 1957

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
		SECOND EXTENDED MATURITY PERIOD									
									PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/	(5/1/81)	$ 57.25	$114.50	$229.00	$458.00	$1145.00	$2290.00	$22900.	6.28	8.49	8.50
5-0 TO 5-6	(11/1/81)	59.68	119.36	238.72	477.44	1193.60	2387.20	23872.	6.50	8.55	8.50
5-6 TO 6-0	(5/1/82)	62.23	124.46	248.92	497.84	1244.60	2489.20	24892.	6.68	8.45	8.49
6-0 TO 6-6	(11/1/82)	64.86	129.72	259.44	518.88	1297.20	2594.40	25944.	6.83	8.51	8.50
6-6 TO 7-0	(5/1/83)	67.62	135.24	270.48	540.96	1352.40	2704.80	27048.	6.96	8.49	8.50
7-0 TO 7-6	(11/1/83)	70.49	140.98	281.96	563.92	1409.80	2819.60	28196.	7.07	8.48	8.50
7-6 TO 8-0	(5/1/84)	73.48	146.96	293.92	587.84	1469.60	2939.20	29392.	7.16	8.55	8.50
8-0 TO 8-6	(11/1/84)	76.62	153.24	306.48	612.96	1532.40	3064.80	30648.	7.25	8.46	8.49
8-6 TO 9-0	(5/1/85)	79.86	159.72	319.44	638.88	1597.20	3194.40	31944.	7.32	8.54	8.50
9-0 TO 9-6	(11/1/85)	83.27	166.54	333.08	666.16	1665.40	3330.80	33308.	7.39	8.45	8.48
9-6 TO10-0	(5/1/86)	86.79	173.58	347.16	694.32	1735.80	3471.60	34716.	7.44	8.50	8.50
10-0 2/	(11/1/86)	90.48	180.96	361.92	723.84	1809.60	3619.20	36192.	7.50 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(11/1/86)	$ 90.48	$180.96	$361.92	$723.84	$1809.60	$3619.20	$36192.	----	8.51	9.73
0-6 TO 1-0	(5/1/87)	94.33	188.66	377.32	754.64	1886.60	3773.20	37732.	8.51	8.48	9.88
1-0 TO 1-6	(11/1/87)	98.33	196.66	393.32	786.64	1966.60	3933.20	39332.	8.50	8.50	10.08
1-6 TO 2-0	(5/1/88)	102.51	205.02	410.04	820.08	2050.20	4100.40	41004.	8.50	8.51	10.34
2-0 TO 2-6	(11/1/88)	106.87	213.74	427.48	854.96	2137.40	4274.80	42748.	8.50	8.50	10.71
2-6 TO 3-0	(5/1/89)	111.41	222.82	445.64	891.28	2228.20	4456.40	44564.	8.50	8.51	11.27
3-0 TO 3-6	(11/1/89)	116.15	232.30	464.60	929.20	2323.00	4646.00	46460.	8.50	8.49	12.20
3-6 TO 4-0	(5/1/90)	121.08	242.16	484.32	968.64	2421.60	4843.20	48432.	8.50	8.51	14.08
4-0 TO 4-6	(11/1/90)	126.23	252.46	504.92	1009.84	2524.60	5049.20	50492.	8.50	19.81	19.81
4-6 4/	(5/1/91)	138.73	277.46	554.92	1109.84	2774.60	5549.20	55492.	9.73 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1957 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.52 PERCENT; TO DATE OF BONUS PAYMENT IS 6.08 PERCENT.

4/ BONUS IS PAID AT 33 YEARS AND 5 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 89

BONDS BEARING ISSUE DATE JAN. 1, 1958

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
4-6 TO 5-0	1/(6/1/81)	$ 57.92	$115.84	$231.68	$463.36	$1158.40	$2316.80	$23168.	6.33	8.53	8.50
5-0 TO 5-6	(12/1/81)	60.39	120.78	241.56	483.12	1207.80	2415.60	24156.	6.55	8.48	8.50
5-6 TO 6-0	(6/1/82)	62.95	125.90	251.80	503.60	1259.00	2518.00	25180.	6.73	8.51	8.50
6-0 TO 6-6	(12/1/82)	65.63	131.26	262.52	525.04	1312.60	2625.20	26252.	6.87	8.47	8.50
6-6 TO 7-0	(6/1/83)	68.41	136.82	273.64	547.28	1368.20	2736.40	27364.	7.00	8.51	8.50
7-0 TO 7-6	(12/1/83)	71.32	142.64	285.28	570.56	1426.40	2852.80	28528.	7.10	8.50	8.50
7-6 TO 8-0	(6/1/84)	74.35	148.70	297.40	594.80	1487.00	2974.00	29740.	7.20	8.53	8.50
8-0 TO 8-6	(12/1/84)	77.52	155.04	310.08	620.16	1550.40	3100.80	31008.	7.28	8.49	8.50
8-6 TO 9-0	(6/1/85)	80.81	161.62	323.24	646.48	1616.20	3232.40	32324.	7.35	8.49	8.50
9-0 TO 9-6	(12/1/85)	84.24	168.48	336.96	673.92	1684.80	3369.60	33696.	7.41	8.50	8.51
9-6 TO10-0	(6/1/86)	87.82	175.64	351.28	702.56	1756.40	3512.80	35128.	7.47	8.52	8.52
10-0 2/	(12/1/86)	91.56	183.12	366.24	732.48	1831.20	3662.40	36624.	7.52 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(12/1/86).	$ 91.56	$183.12	$366.24	$732.48	$1831.20	$3662.40	$36624.	----	8.50	9.72
0-6 TO 1-0	(6/1/87)	95.45	190.90	381.80	763.60	1909.00	3818.00	38180.	8.50	8.51	9.87
1-0 TO 1-6	(12/1/87)	99.51	199.02	398.04	796.08	1990.20	3980.40	39804.	8.50	8.50	10.07
1-6 TO 2-0	(6/1/88)	103.74	207.48	414.96	829.92	2074.80	4149.60	41496.	8.50	8.50	10.33
2-0 TO 2-6	(12/1/88)	108.15	216.30	432.60	865.20	2163.00	4326.00	43260.	8.50	8.49	10.70
2-6 TO 3-0	(6/1/89)	112.74	225.48	450.96	901.92	2254.80	4509.60	45096.	8.50	8.50	11.26
3-0 TO 3-6	(12/1/89)	117.53	235.06	470.12	940.24	2350.60	4701.20	47012.	8.50	8.51	12.19
3-6 TO 4-0	(6/1/90)	122.53	245.06	490.12	980.24	2450.60	4901.20	49012.	8.50	8.50	14.05
4-0 TO 4-6	(12/1/90)	127.74	255.48	510.96	1021.92	2554.80	5109.60	51096.	8.50	19.74	19.74
4-6 4/	(6/1/91)	140.35	280.70	561.40	1122.80	2807.00	5614.00	56140.	9.72 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1958 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.56 PERCENT; TO DATE OF BONUS PAYMENT IS 6.12 PERCENT.

4/ BONUS IS PAID AT 33 YEARS AND 5 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 90

BONDS BEARING ISSUE DATES FROM FEB. 1 THROUGH MAY 1, 1958

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/(7/1/81)	$ 57.92	$115.84	$231.68	$463.36	$1158.40	$2316.80	$23168.	6.33	8.53	8.50
5-0 TO 5-6 (1/1/82)	60.39	120.78	241.56	483.12	1207.80	2415.60	24156.	6.55	8.48	8.50
5-6 TO 6-0 (7/1/82)	62.95	125.90	251.80	503.60	1259.00	2518.00	25180.	6.73	8.51	8.50
6-0 TO 6-6 (1/1/83)	65.63	131.26	262.52	525.04	1312.60	2625.20	26252.	6.87	8.47	8.50
6-6 TO 7-0 (7/1/83)	68.41	136.82	273.64	547.28	1368.20	2736.40	27364.	7.00	8.51	8.50
7-0 TO 7-6 (1/1/84)	71.32	142.64	285.28	570.56	1426.40	2852.80	28528.	7.10	8.50	8.50
7-6 TO 8-0 (7/1/84)	74.35	148.70	297.40	594.80	1487.00	2974.00	29740.	7.20	8.53	8.50
8-0 TO 8-6 (1/1/85)	77.52	155.04	310.08	620.16	1550.40	3100.80	31008.	7.28	8.49	8.50
8-6 TO 9-0 (7/1/85)	80.81	161.62	323.24	646.48	1616.20	3232.40	32324.	7.35	8.49	8.50
9-0 TO 9-6 (1/1/86)	84.24	168.48	336.96	673.92	1684.80	3369.60	33696.	7.41	8.50	8.51
9-6 TO10-0 (7/1/86)	87.82	175.64	351.28	702.56	1756.40	3512.80	35128.	7.47	8.52	8.52
10-0 2/ (1/1/87)	91.56	183.12	366.24	732.48	1831.20	3662.40	36624.	7.52 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/87)	$ 91.56	$183.12	$366.24	$732.48	$1831.20	$3662.40	$36624.	----	8.50	9.88
0-6 TO 1-0 (7/1/87)	95.45	190.90	381.80	763.60	1909.00	3818.00	38180.	8.50	8.51	10.07
1-0 TO 1-6 (1/1/88)	99.51	199.02	398.04	796.08	1990.20	3980.40	39804.	8.50	8.50	10.34
1-6 TO 2-0 (7/1/88)	103.74	207.48	414.96	829.92	2074.80	4149.60	41496.	8.50	8.50	10.71
2-0 TO 2-6 (1/1/89)	108.15	216.30	432.60	865.20	2163.00	4326.00	43260.	8.50	8.49	11.26
2-6 TO 3-0 (7/1/89)	112.74	225.48	450.96	901.92	2254.80	4509.60	45096.	8.50	8.50	12.19
3-0 TO 3-6 (1/1/90)	117.53	235.06	470.12	940.24	2350.60	4701.20	47012.	8.50	8.51	14.06
3-6 TO 4-0 (7/1/90)	122.53	245.06	490.12	980.24	2450.60	4901.20	49012.	8.50	19.77	19.77
4-0 4/ (1/1/91)	134.64	269.28	538.56	1077.12	2692.80	5385.60	53856.	9.88 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1958 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.56 PERCENT; TO DATE OF BONUS PAYMENT IS 6.08 PERCENT.

4/ BONUS IS PAID AT 32 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 91

BONDS BEARING ISSUE DATE JUNE 1, 1958

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/(5/1/81)	$ 56.34	$112.68	$225.36	$450.72	$1126.80	$2253.60	$22536.	6.31	8.48	8.50
4-6 TO 5-0 (11/1/81)	58.73	117.46	234.92	469.84	1174.60	2349.20	23492.	6.55	8.51	8.50
5-0 TO 5-6 (5/1/82)	61.23	122.46	244.92	489.84	1224.60	2449.20	24492.	6.75	8.49	8.50
5-6 TO 6-0 (11/1/82)	63.83	127.66	255.32	510.64	1276.60	2553.20	25532.	6.91	8.52	8.50
6-0 TO 6-6 (5/1/83)	66.55	133.10	266.20	532.40	1331.00	2662.00	26620.	7.04	8.47	8.50
6-6 TO 7-0 (11/1/83)	69.37	138.74	277.48	554.96	1387.40	2774.80	27748.	7.15	8.53	8.50
7-0 TO 7-6 (5/1/84)	72.33	144.66	289.32	578.64	1446.60	2893.20	28932.	7.25	8.49	8.49
7-6 TO 8-0 (11/1/84)	75.40	150.80	301.60	603.20	1508.00	3016.00	30160.	7.33	8.51	8.49
8-0 TO 8-6 (5/1/85)	78.61	157.22	314.44	628.88	1572.20	3144.40	31444.	7.40	8.47	8.49
8-6 TO 9-0 (11/1/85)	81.94	163.88	327.76	655.52	1638.80	3277.60	32776.	7.47	8.49	8.49
9-0 TO 9-6 (5/1/86)	85.42	170.84	341.68	683.36	1708.40	3416.80	34168.	7.52	8.52	8.49
9-6 TO10-0 (11/1/86)	89.06	178.12	356.24	712.48	1781.20	3562.40	35624.	7.58	8.47	8.47
10-0 2/ (5/1/87)	92.83	185.66	371.32	742.64	1856.60	3713.20	37132.	7.62 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/87)	$ 92.83	$185.66	$371.32	$742.64	$1856.60	$3713.20	$37132.	----	8.51	9.88
0-6 TO 1-0 (11/1/87)	96.78	193.56	387.12	774.24	1935.60	3871.20	38712.	8.51	8.49	10.08
1-0 TO 1-6 (5/1/88)	100.89	201.78	403.56	807.12	2017.80	4035.60	40356.	8.50	8.50	10.35
1-6 TO 2-0 (11/1/88)	105.18	210.36	420.72	841.44	2103.60	4207.20	42072.	8.50	8.50	10.72
2-0 TO 2-6 (5/1/89)	109.65	219.30	438.60	877.20	2193.00	4386.00	43860.	8.50	8.50	11.28
2-6 TO 3-0 (11/1/89)	114.31	228.62	457.24	914.48	2286.20	4572.40	45724.	8.50	8.49	12.21
3-0 TO 3-6 (5/1/90)	119.16	238.32	476.64	953.28	2383.20	4766.40	47664.	8.50	8.51	14.10
3-6 TO 4-0 (11/1/90)	124.23	248.46	496.92	993.84	2484.60	4969.20	49692.	8.50	19.83	19.83
4-0 4/ (5/1/91)	136.55	273.10	546.20	1092.40	2731.00	5462.00	54620.	9.88 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1958 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.61 PERCENT; TO DATE OF BONUS PAYMENT IS 6.12 PERCENT.
4/ BONUS IS PAID AT 32 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 92

BONDS BEARING ISSUE DATE JUL. 1, 1958

TABLE 92

BONDS BEARING ISSUE DATE JUL. 1, 1958

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/	(6/1/81)	$ 56.99	$113.98	$227.96	$455.92	$1139.80	$2279.60	$22796.	6.37	8.49	8.50
4-6 TO 5-0	(12/1/81)	59.41	118.82	237.64	475.28	1188.20	2376.40	23764.	6.61	8.52	8.50
5-0 TO 5-6	(6/1/82)	61.94	123.88	247.76	495.52	1238.80	2477.60	24776.	6.80	8.49	8.50
5-6 TO 6-0	(12/1/82)	64.57	129.14	258.28	516.56	1291.40	2582.80	25828.	6.95	8.52	8.50
6-0 TO 6-6	(6/1/83)	67.32	134.64	269.28	538.56	1346.40	2692.80	26928.	7.08	8.53	8.50
6-6 TO 7-0	(12/1/83)	70.19	140.38	280.76	561.52	1403.80	2807.60	28076.	7.19	8.46	8.50
7-0 TO 7-6	(6/1/84)	73.16	146.32	292.64	585.28	1463.20	2926.40	29264.	7.28	8.50	8.51
7-6 TO 8-0	(12/1/84)	76.27	152.54	305.08	610.16	1525.40	3050.80	30508.	7.36	8.52	8.51
8-0 TO 8-6	(6/1/85)	79.52	159.04	318.08	636.16	1590.40	3180.80	31808.	7.44	8.48	8.50
8-6 TO 9-0	(12/1/85)	82.89	165.78	331.56	663.12	1657.80	3315.60	33156.	7.50	8.52	8.51
9-0 TO 9-6	(6/1/86)	86.42	172.84	345.68	691.36	1728.40	3456.80	34568.	7.55	8.49	8.51
9-6 TO10-0	(12/1/86)	90.09	180.18	360.36	720.72	1801.80	3603.60	36036.	7.60	8.52	8.52
10-0 2/	(6/1/87)	93.93	187.86	375.72	751.44	1878.60	3757.20	37572.	7.65 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/87)	$ 93.93	$187.86	$375.72	$751.44	$1878.60	$3757.20	$37572.	----	8.50	9.88
0-6 TO 1-0	(12/1/87)	97.92	195.84	391.68	783.36	1958.40	3916.80	39168.	8.50	8.50	10.08
1-0 TO 1-6	(6/1/88)	102.08	204.16	408.32	816.64	2041.60	4083.20	40832.	8.50	8.50	10.34
1-6 TO 2-0	(12/1/88)	106.42	212.84	425.68	851.36	2128.40	4256.80	42568.	8.50	8.51	10.71
2-0 TO 2-6	(6/1/89)	110.95	221.90	443.80	887.60	2219.00	4438.00	44380.	8.50	8.49	11.26
2-6 TO 3-0	(12/1/89)	115.66	231.32	462.64	925.28	2313.20	4626.40	46264.	8.50	8.51	12.19
3-0 TO 3-6	(6/1/90)	120.58	241.16	482.32	964.64	2411.60	4823.20	48232.	8.50	8.49	14.06
3-6 TO 4-0	(12/1/90)	125.70	251.40	502.80	1005.60	2514.00	5028.00	50280.	8.50	19.78	19.78
4-0 4/	(6/1/91)	138.13	276.26	552.52	1105.04	2762.60	5525.20	55252.	9.88 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1958 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.65 PERCENT; TO DATE OF BONUS PAYMENT IS 6.16 PERCENT.

4/ BONUS IS PAID AT 32 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER - 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 93

BONDS BEARING ISSUE DATES FROM AUG. 1 THROUGH NOV. 1, 1958

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/(7/1/81)	$ 56.99	$113.98	$227.96	$455.92	$1139.80	$2279.60	$22796.	6.37	8.49	8.50
4-6 TO 5-0 (1/1/82)	59.41	118.82	237.64	475.28	1188.20	2376.40	23764.	6.61	8.52	8.50
5-0 TO 5-6 (7/1/82)	61.94	123.88	247.76	495.52	1238.80	2477.60	24776.	6.80	8.49	8.50
5-6 TO 6-0 (1/1/83)	64.57	129.14	258.28	516.56	1291.40	2582.80	25828.	6.95	8.52	8.50
6-0 TO 6-6 (7/1/83)	67.32	134.64	269.28	538.56	1346.40	2692.80	26928.	7.08	8.53	8.50
6-6 TO 7-0 (1/1/84)	70.19	140.38	280.76	561.52	1403.80	2807.60	28076.	7.19	8.46	8.50
7-0 TO 7-6 (7/1/84)	73.16	146.32	292.64	585.28	1463.20	2926.40	29264.	7.28	8.50	8.51
7-6 TO 8-0 (1/1/85)	76.27	152.54	305.08	610.16	1525.40	3050.80	30508.	7.36	8.52	8.51
8-0 TO 8-6 (7/1/85)	79.52	159.04	318.08	636.16	1590.40	3180.80	31808.	7.44	8.48	8.50
8-6 TO 9-0 (1/1/86)	82.89	165.78	331.56	663.12	1657.80	3315.60	33156.	7.50	8.52	8.51
9-0 TO 9-6 (7/1/86)	86.42	172.84	345.68	691.36	1728.40	3456.80	34568.	7.55	8.49	8.51
9-6 TO10-0 (1/1/87)	90.09	180.18	360.36	720.72	1801.80	3603.60	36036.	7.60	8.52	8.52
10-0 2/ (7/1/87)	93.93	187.86	375.72	751.44	1878.60	3757.20	37572.	7.65 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/87)	$ 93.93	$187.86	$375.72	$751.44	$1878.60	$3757.20	$37572.	----	8.50	10.07
0-6 TO 1-0 (1/1/88)	97.92	195.84	391.68	783.36	1958.40	3916.80	39168.	8.50	8.50	10.34
1-0 TO 1-6 (7/1/88)	102.08	204.16	408.32	816.64	2041.60	4083.20	40832.	8.50	8.50	10.71
1-6 TO 2-0 (1/1/89)	106.42	212.84	425.68	851.36	2128.40	4256.80	42568.	8.50	8.51	11.26
2-0 TO 2-6 (7/1/89)	110.95	221.90	443.80	887.60	2219.00	4438.00	44380.	8.50	8.49	12.19
2-6 TO 3-0 (1/1/90)	115.66	231.32	462.64	925.28	2313.20	4626.40	46264.	8.50	8.51	14.06
3-0 TO 3-6 (7/1/90)	120.58	241.16	482.32	964.64	2411.60	4823.20	48232.	8.50	19.75	19.75
3-6 4/ (1/1/91)	132.49	264.98	529.96	1059.92	2649.80	5299.60	52996.	10.07 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1958 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.65 PERCENT; TO DATE OF BONUS PAYMENT IS 6.12 PERCENT.

4/ BONUS IS PAID AT 32 YEARS AND 5 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 94

BONDS BEARING ISSUE DATE DEC. 1, 1958

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(5/1/81)	$ 55.45	$110.90	$221.80	$443.60	$1109.00	$2218.00	$22180.	6.36	8.48	8.50
4-0 TO 4-6 (11/1/81)	57.80	115.60	231.20	462.40	1156.00	2312.00	23120.	6.62	8.51	8.50
4-6 TO 5-0 (5/1/82)	60.26	120.52	241.04	482.08	1205.20	2410.40	24104.	6.83	8.46	8.50
5-0 TO 5-6 (11/1/82)	62.81	125.62	251.24	502.48	1256.20	2512.40	25124.	6.99	8.53	8.50
5-6 TO 6-0 (5/1/83)	65.49	130.98	261.96	523.92	1309.80	2619.60	26196.	7.13	8.49	8.50
6-0 TO 6-6 (11/1/83)	68.27	136.54	273.08	546.16	1365.40	2730.80	27308.	7.25	8.50	8.50
6-6 TO 7-0 (5/1/84)	71.17	142.34	284.68	569.36	1423.40	2846.80	28468.	7.34	8.51	8.50
7-0 TO 7-6 (11/1/84)	74.20	148.40	296.80	593.60	1484.00	2968.00	29680.	7.43	8.52	8.50
7-6 TO 8-0 (5/1/85)	77.36	154.72	309.44	618.88	1547.20	3094.40	30944.	7.50	8.45	8.50
8-0 TO 8-6 (11/1/85)	80.63	161.26	322.52	645.04	1612.60	3225.20	32252.	7.56	8.53	8.51
8-6 TO 9-0 (5/1/86)	84.07	168.14	336.28	672.56	1681.40	3362.80	33628.	7.62	8.47	8.50
9-0 TO 9-6 (11/1/86)	87.63	175.26	350.52	701.04	1752.60	3505.20	35052.	7.66	8.51	8.51
9-6 TO10-0 (5/1/87)	91.36	182.72	365.44	730.88	1827.20	3654.40	36544.	7.71	8.52	8.52
10-0 2/ (11/1/87)	95.25	190.50	381.00	762.00	1905.00	3810.00	38100.	7.75 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/87)	$ 95.25	$190.50	$381.00	$762.00	$1905.00	$3810.00	$38100.	----	8.50	10.08
0-6 TO 1-0 (5/1/88)	99.30	198.60	397.20	794.40	1986.00	3972.00	39720.	8.50	8.50	10.34
1-0 TO 1-6 (11/1/88)	103.52	207.04	414.08	828.16	2070.40	4140.80	41408.	8.50	8.50	10.71
1-6 TO 2-0 (5/1/89)	107.92	215.84	431.68	863.36	2158.40	4316.80	43168.	8.50	8.49	11.27
2-0 TO 2-6 (11/1/89)	112.50	225.00	450.00	900.00	2250.00	4500.00	45000.	8.50	8.52	12.20
2-6 TO 3-0 (5/1/90)	117.29	234.58	469.16	938.32	2345.80	4691.60	46916.	8.50	8.49	14.07
3-0 TO 3-6 (11/1/90)	122.27	244.54	489.08	978.16	2445.40	4890.80	48908.	8.50	19.79	19.79
3-6 4/ (5/1/91)	134.37	268.74	537.48	1074.96	2687.40	5374.80	53748.	10.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1958 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.70 PERCENT; TO DATE OF BONUS PAYMENT IS 6.17 PERCENT.

4/ BONUS IS PAID AT 32 YEARS AND 5 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 95

BONDS BEARING ISSUE DATE JAN. 1, 1959

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(6/1/81)	$ 56.09	$112.18	$224.36	$448.72	$1121.80	$2243.60	$22436.	6.43	8.52	8.50
4-0 TO 4-6 (12/1/81)	58.48	116.96	233.92	467.84	1169.60	2339.20	23392.	6.69	8.48	8.50
4-6 TO 5-0 (6/1/82)	60.96	121.92	243.84	487.68	1219.20	2438.40	24384.	6.89	8.53	8.50
5-0 TO 5-6 (12/1/82)	63.56	127.12	254.24	508.48	1271.20	2542.40	25424.	7.05	8.46	8.50
5-6 TO 6-0 (6/1/83)	66.25	132.50	265.00	530.00	1325.00	2650.00	26500.	7.18	8.51	8.50
6-0 TO 6-6 (12/1/83)	69.07	138.14	276.28	552.56	1381.40	2762.80	27628.	7.29	8.51	8.50
6-6 TO 7-0 (6/1/84)	72.01	144.02	288.04	576.08	1440.20	2880.40	28804.	7.38	8.47	8.50
7-0 TO 7-6 (12/1/84)	75.06	150.12	300.24	600.48	1501.20	3002.40	30024.	7.46	8.50	8.50
7-6 TO 8-0 (6/1/85)	78.25	156.50	313.00	626.00	1565.00	3130.00	31300.	7.53	8.49	8.50
8-0 TO 8-6 (12/1/85)	81.57	163.14	326.28	652.56	1631.40	3262.80	32628.	7.59	8.51	8.51
8-6 TO 9-0 (6/1/86)	85.04	170.08	340.16	680.32	1700.80	3401.60	34016.	7.64	8.54	8.51
9-0 TO 9-6 (12/1/86)	88.67	177.34	354.68	709.36	1773.40	3546.80	35468.	7.69	8.48	8.49
9-6 TO10-0 (6/1/87)	92.43	184.86	369.72	739.44	1848.60	3697.20	36972.	7.73	8.50	8.50
10-0 2/ (12/1/87)	96.36	192.72	385.44	770.88	1927.20	3854.40	38544.	7.77 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B) TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/87)	$ 96.36	$192.72	$385.44	$770.88	$1927.20	$3854.40	$38544.	----	8.51	10.08
0-6 TO 1-0 (6/1/88)	100.46	200.92	401.84	803.68	2009.20	4018.40	40184.	8.51	8.48	10.34
1-0 TO 1-6 (12/1/88)	104.72	209.44	418.88	837.76	2094.40	4188.80	41888.	8.50	8.52	10.71
1-6 TO 2-0 (6/1/89)	109.18	218.36	436.72	873.44	2183.60	4367.20	43672.	8.50	8.50	11.26
2-0 TO 2-6 (12/1/89)	113.82	227.64	455.28	910.56	2276.40	4552.80	45528.	8.50	8.49	12.19
2-6 TO 3-0 (6/1/90)	118.65	237.30	474.60	949.20	2373.00	4746.00	47460.	8.50	8.51	14.07
3-0 TO 3-6 (12/1/90)	123.70	247.40	494.80	989.60	2474.00	4948.00	49480.	8.50	19.77	19.77
3-6 4/ (6/1/91)	135.93	271.86	543.72	1087.44	2718.60	5437.20	54372.	10.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1959 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.74 PERCENT; TO DATE OF BONUS PAYMENT IS 6.21 PERCENT.

4/ BONUS IS PAID AT 32 YEARS AND 5 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 96

BONDS BEARING ISSUE DATES FROM FEB. 1 THROUGH MAY 1, 1959

									APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 18 YEARS 11 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/	(7/1/81)	$ 56.09	$112.18	$224.36	$448.72	$1121.80	$2243.60	$22436.	6.43	8.52	8.50
4-0 TO 4-6	(1/1/82)	58.48	116.96	233.92	467.84	1169.60	2339.20	23392.	6.69	8.48	8.50
4-6 TO 5-0	(7/1/82)	60.96	121.92	243.84	487.68	1219.20	2438.40	24384.	6.89	8.53	8.50
5-0 TO 5-6	(1/1/83)	63.56	127.12	254.24	508.48	1271.20	2542.40	25424.	7.05	8.46	8.50
5-6 TO 6-0	(7/1/83)	66.25	132.50	265.00	530.00	1325.00	2650.00	26500.	7.18	8.51	8.50
6-0 TO 6-6	(1/1/84)	69.07	138.14	276.28	552.56	1381.40	2762.80	27628.	7.29	8.51	8.50
6-6 TO 7-0	(7/1/84)	72.01	144.02	288.04	576.08	1440.20	2880.40	28804.	7.38	8.47	8.50
7-0 TO 7-6	(1/1/85)	75.06	150.12	300.24	600.48	1501.20	3002.40	30024.	7.46	8.50	8.50
7-6 TO 8-0	(7/1/85)	78.25	156.50	313.00	626.00	1565.00	3130.00	31300.	7.53	8.49	8.50
8-0 TO 8-6	(1/1/86)	81.57	163.14	326.28	652.56	1631.40	3262.80	32628.	7.59	8.51	8.51
8-6 TO 9-0	(7/1/86)	85.04	170.08	340.16	680.32	1700.80	3401.60	34016.	7.64	8.54	8.51
9-0 TO 9-6	(1/1/87)	88.67	177.34	354.68	709.36	1773.40	3546.80	35468.	7.69	8.48	8.49
9-6 TO10-0	(7/1/87)	92.43	184.86	369.72	739.44	1848.60	3697.20	36972.	7.73	8.50	8.50
10-0 2/	(1/1/88)	96.36	192.72	385.44	770.88	1927.20	3854.40	38544.	7.77 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/88)	$ 96.36	$192.72	$385.44	$770.88	$1927.20	$3854.40	$38544.	----	8.51	10.34
0-6 TO 1-0	(7/1/88)	100.46	200.92	401.84	803.68	2009.20	4018.40	40184.	8.51	8.48	10.71
1-0 TO 1-6	(1/1/89)	104.72	209.44	418.88	837.76	2094.40	4188.80	41888.	8.50	8.52	11.27
1-6 TO 2-0	(7/1/89)	109.18	218.36	436.72	873.44	2183.60	4367.20	43672.	8.50	8.50	12.20
2-0 TO 2-6	(1/1/90)	113.82	227.64	455.28	910.56	2276.40	4552.80	45528.	8.50	8.49	14.07
2-6 TO 3-0	(7/1/90)	118.65	237.30	474.60	949.20	2373.00	4746.00	47460.	8.50	19.81	19.81
3-0 4/	(1/1/91)	130.40	260.80	521.60	1043.20	2608.00	5216.00	52160.	10.34 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1959 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 28 YEARS AND 11 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.74 PERCENT; TO DATE OF BONUS PAYMENT IS 6.17 PERCENT.

4/ BONUS IS PAID AT 31 YEARS AND 11 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 97

BONDS BEARING ISSUE DATE JUNE 1 OR JUL. 1, 1959

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/(9/1/81)	$ 55.93	$111.86	$223.72	$447.44	$1118.60	$2237.20	$22372.	6.33	8.51	8.50
5-0 TO 5-6 (3/1/82)	58.31	116.62	233.24	466.48	1166.20	2332.40	23324.	6.55	8.51	8.50
5-6 TO 6-0 (9/1/82)	60.79	121.58	243.16	486.32	1215.80	2431.60	24316.	6.73	8.52	8.50
6-0 TO 6-6 (3/1/83)	63.38	126.76	253.52	507.04	1267.60	2535.20	25352.	6.87	8.49	8.50
6-6 TO 7-0 (9/1/83)	66.07	132.14	264.28	528.56	1321.40	2642.80	26428.	7.00	8.51	8.50
7-0 TO 7-6 (3/1/84)	68.88	137.76	275.52	551.04	1377.60	2755.20	27552.	7.11	8.48	8.50
7-6 TO 8-0 (9/1/84)	71.80	143.60	287.20	574.40	1436.00	2872.00	28720.	7.20	8.50	8.50
8-0 TO 8-6 (3/1/85)	74.85	149.70	299.40	598.80	1497.00	2994.00	29940.	7.28	8.52	8.50
8-6 TO 9-0 (9/1/85)	78.04	156.08	312.16	624.32	1560.80	3121.60	31216.	7.35	8.46	8.49
9-0 TO 9-6 (3/1/86)	81.34	162.68	325.36	650.72	1626.80	3253.60	32536.	7.41	8.51	8.51
9-6 TO10-0 (9/1/86)	84.80	169.60	339.20	678.40	1696.00	3392.00	33920.	7.47	8.51	8.51
10-0 2/ (3/1/87)	88.41	176.82	353.64	707.28	1768.20	3536.40	35364.	7.52 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(3/1/87)	$ 88.41	$176.82	$353.64	$707.28	$1768.20	$3536.40	$35364.	----	8.51	9.88
0-6 TO 1-0 (9/1/87)	92.17	184.34	368.68	737.36	1843.40	3686.80	36868.	8.51	8.48	10.08
1-0 TO 1-6 (3/1/88)	96.08	192.16	384.32	768.64	1921.60	3843.20	38432.	8.50	8.51	10.35
1-6 TO 2-0 (9/1/88)	100.17	200.34	400.68	801.36	2003.40	4006.80	40068.	8.50	8.51	10.72
2-0 TO 2-6 (3/1/89)	104.43	208.86	417.72	835.44	2088.60	4177.20	41772.	8.50	8.48	11.27
2-6 TO 3-0 (9/1/89)	108.86	217.72	435.44	870.88	2177.20	4354.40	43544.	8.50	8.51	12.21
3-0 TO 3-6 (3/1/90)	113.49	226.98	453.96	907.92	2269.80	4539.60	45396.	8.50	8.49	14.09
3-6 TO 4-0 (9/1/90)	118.31	236.62	473.24	946.48	2366.20	4732.40	47324.	8.50	19.83	19.83
4-0 4/ (3/1/91)	130.04	260.08	520.16	1040.32	2600.80	5201.60	52016.	9.88 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1959 ENTER EACH PERIOD. FOR ISSUES OF JUL. 1, 1959, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.67 PERCENT; TO DATE OF BONUS PAYMENT IS 6.19 PERCENT.
4/ BONUS IS PAID AT 31 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 98

BONDS BEARING ISSUE DATE AUG. 1, 1959

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/(5/1/81)	$ 54.17	$108.34	$216.68	$433.36	$1083.40	$2166.80	$21668.	6.31	8.49	8.50
4-6 TO 5-0 (11/1/81)	56.47	112.94	225.88	451.76	1129.40	2258.80	22588.	6.55	8.50	8.50
5-0 TO 5-6 (5/1/82)	58.87	117.74	235.48	470.96	1177.40	2354.80	23548.	6.75	8.53	8.50
5-6 TO 6-0 (11/1/82)	61.38	122.76	245.52	491.04	1227.60	2455.20	24552.	6.91	8.50	8.50
6-0 TO 6-6 (5/1/83)	63.99	127.98	255.96	511.92	1279.80	2559.60	25596.	7.04	8.47	8.50
6-6 TO 7-0 (11/1/83)	66.70	133.40	266.80	533.60	1334.00	2668.00	26680.	7.15	8.55	8.50
7-0 TO 7-6 (5/1/84)	69.55	139.10	278.20	556.40	1391.00	2782.00	27820.	7.25	8.48	8.50
7-6 TO 8-0 (11/1/84)	72.50	145.00	290.00	580.00	1450.00	2900.00	29000.	7.33	8.47	8.50
8-0 TO 8-6 (5/1/85)	75.57	151.14	302.28	604.56	1511.40	3022.80	30228.	7.40	8.55	8.51
8-6 TO 9-0 (11/1/85)	78.80	157.60	315.20	630.40	1576.00	3152.00	31520.	7.47	8.48	8.49
9-0 TO 9-6 (5/1/86)	82.14	164.28	328.56	657.12	1642.80	3285.60	32856.	7.53	8.47	8.50
9-6 TO10-0 (11/1/86)	85.62	171.24	342.48	684.96	1712.40	3424.80	34248.	7.57	8.53	8.53
10-0 2/ (5/1/87)	89.27	178.54	357.08	714.16	1785.40	3570.80	35708.	7.62 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/87)	$ 89.27	$178.54	$357.08	$714.16	$1785.40	$3570.80	$35708.	----	8.49	9.88
0-6 TO 1-0 (11/1/87)	93.06	186.12	372.24	744.48	1861.20	3722.40	37224.	8.49	8.51	10.08
1-0 TO 1-6 (5/1/88)	97.02	194.04	388.08	776.16	1940.40	3880.80	38808.	8.50	8.49	10.34
1-6 TO 2-0 (11/1/88)	101.14	202.28	404.56	809.12	2022.80	4045.60	40456.	8.50	8.50	10.72
2-0 TO 2-6 (5/1/89)	105.44	210.88	421.76	843.52	2108.80	4217.60	42176.	8.50	8.50	11.27
2-6 TO 3-0 (11/1/89)	109.92	219.84	439.68	879.36	2198.40	4396.80	43968.	8.50	8.50	12.21
3-0 TO 3-6 (5/1/90)	114.59	229.18	458.36	916.72	2291.80	4583.60	45836.	8.50	8.50	14.09
3-6 TO 4-0 (11/1/90)	119.46	238.92	477.84	955.68	2389.20	4778.40	47784.	8.50	19.82	19.82
4-0 4/ (5/1/91)	131.30	262.60	525.20	1050.40	2626.00	5252.00	52520.	9.88 [illegible]/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1959 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.70 PERCENT; TO DATE OF BONUS PAYMENT IS 6.22 PERCENT.

4/ BONUS IS PAID AT 31 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 99

BONDS BEARING ISSUE DATE SEP. 1, 1959

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/(6/1/81)	$ 54.78	$109.56	$219.12	$438.24	$1095.60	$2191.20	$21912.	6.37	8.51	8.50
4-6 TO 5-0 (12/1/81)	57.11	114.22	228.44	456.88	1142.20	2284.40	22844.	6.61	8.51	8.50
5-0 TO 5-6 (6/1/82)	59.54	119.08	238.16	476.32	1190.80	2381.60	23816.	6.80	8.50	8.50
5-6 TO 6-0 (12/1/82)	62.07	124.14	248.28	496.56	1241.40	2482.80	24828.	6.95	8.47	8.50
6-0 TO 6-6 (6/1/83)	64.70	129.40	258.80	517.60	1294.00	2588.00	25880.	7.08	8.50	8.50
6-6 TO 7-0 (12/1/83)	67.45	134.90	269.80	539.60	1349.00	2698.00	26980.	7.19	8.51	8.50
7-0 TO 7-6 (6/1/84)	70.32	140.64	281.28	562.56	1406.40	2812.80	28128.	7.28	8.53	8.50
7-6 TO 8-0 (12/1/84)	73.32	146.64	293.28	586.56	1466.40	2932.80	29328.	7.37	8.46	8.50
8-0 TO 8-6 (6/1/85)	76.42	152.84	305.68	611.36	1528.40	3056.80	30568.	7.43	8.51	8.49
8-6 TO 9-0 (12/1/85)	79.67	159.34	318.68	637.36	1593.40	3186.80	31868.	7.50	8.51	8.50
9-0 TO 9-6 (6/1/86)	83.06	166.12	332.24	664.48	1661.20	3322.40	33224.	7.55	8.50	8.50
9-6 TO10-0 (12/1/86)	86.59	173.18	346.36	692.72	1731.80	3463.60	34636.	7.60	8.50	8.50
10-0 2/ (6/1/87)	90.27	180.54	361.08	722.16	1805.40	3610.80	36108.	7.65 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(6/1/87)	$ 90.27	$180.54	$361.08	$722.16	$1805.40	$3610.80	$36108.	----	8.51	9.88
0-6 TO 1-0 (12/1/87)	94.11	188.22	376.44	752.88	1882.20	3764.40	37644.	8.51	8.50	10.08
1-0 TO 1-6 (6/1/88)	98.11	196.22	392.44	784.88	1962.20	3924.40	39244.	8.50	8.50	10.34
1-6 TO 2-0 (12/1/88)	102.28	204.56	409.12	818.24	2045.60	4091.20	40912.	8.50	8.49	10.71
2-0 TO 2-6 (6/1/89)	106.62	213.24	426.48	852.96	2132.40	4264.80	42648.	8.50	8.50	11.27
2-6 TO 3-0 (12/1/89)	111.15	222.30	444.60	889.20	2223.00	4446.00	44460.	8.50	8.51	12.20
3-0 TO 3-6 (6/1/90)	115.88	231.76	463.52	927.04	2317.60	4635.20	46352.	8.50	8.49	14.07
3-6 TO 4-0 (12/1/90)	120.80	241.60	483.20	966.40	2416.00	4832.00	48320.	8.50	19.80	19.80
4-0 4/ (6/1/91)	132.76	265.52	531.04	1062.08	2655.20	5310.40	53104.	9.88 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1959 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.74 PERCENT; TO DATE OF BONUS PAYMENT IS 6.26 PERCENT.

4/ BONUS IS PAID AT 31 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 100

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1959

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/(7/1/81)	$ 54.78	$109.56	$219.12	$438.24	$1095.60	$2191.20	$21912.	6.37	8.51	8.50
4-6 TO 5-0 (1/1/82)	57.11	114.22	228.44	456.88	1142.20	2284.40	22844.	6.61	8.51	8.50
5-0 TO 5-6 (7/1/82)	59.54	119.08	238.16	476.32	1190.80	2381.60	23816.	6.80	8.50	8.50
5-6 TO 6-0 (1/1/83)	62.07	124.14	248.28	496.56	1241.40	2482.80	24828.	6.95	8.47	8.50
6-0 TO 6-6 (7/1/83)	64.70	129.40	258.80	517.60	1294.00	2588.00	25880.	7.08	8.50	8.50
6-6 TO 7-0 (1/1/84)	67.45	134.90	269.80	539.60	1349.00	2698.00	26980.	7.19	8.51	8.50
7-0 TO 7-6 (7/1/84)	70.32	140.64	281.28	562.56	1406.40	2812.80	28128.	7.28	8.53	8.50
7-6 TO 8-0 (1/1/85)	73.32	146.64	293.28	586.56	1466.40	2932.80	29328.	7.37	8.46	8.49
8-0 TO 8-6 (7/1/85)	76.42	152.84	305.68	611.36	1528.40	3056.80	30568.	7.43	8.51	8.50
8-6 TO 9-0 (1/1/86)	79.67	159.34	318.68	637.36	1593.40	3186.80	31868.	7.50	8.51	8.50
9-0 TO 9-6 (7/1/86)	83.06	166.12	332.24	664.48	1661.20	3322.40	33224.	7.55	8.50	8.50
9-6 TO 10-0 (1/1/87)	86.59	173.18	346.36	692.72	1731.80	3463.60	34636.	7.60	8.50	8.50
10-0 2/ (7/1/87)	90.27	180.54	361.08	722.16	1805.40	3610.80	36108.	7.65 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/87)	$ 90.27	$180.54	$361.08	$722.16	$1805.40	$3610.80	$36108.	----	8.51	10.08
0-6 TO 1-0 (1/1/88)	94.11	188.22	376.44	752.88	1882.20	3764.40	37644.	8.51	8.50	10.34
1-0 TO 1-6 (7/1/88)	98.11	196.22	392.44	784.88	1962.20	3924.40	39244.	8.50	8.50	10.71
1-6 TO 2-0 (1/1/89)	102.28	204.56	409.12	818.24	2045.60	4091.20	40912.	8.50	8.49	11.26
2-0 TO 2-6 (7/1/89)	106.62	213.24	426.48	852.96	2132.40	4264.80	42648.	8.50	8.50	12.20
2-6 TO 3-0 (1/1/90)	111.15	222.30	444.60	889.20	2223.00	4446.00	44460.	8.50	8.51	14.07
3-0 TO 3-6 (7/1/90)	115.88	231.76	463.52	927.04	2317.60	4635.20	46352.	8.50	19.78	19.78
3-6 4/ (1/1/91)	127.34	254.68	509.36	1018.72	2546.80	5093.60	50936.	10.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1959 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1959, ADD ONE MONTH.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.74 PERCENT; TO DATE OF BONUS PAYMENT IS 6.23 PERCENT.

4/ BONUS IS PAID AT 31 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 101

BONDS BEARING ISSUE DATE DEC. 1, 1959 OR JAN. 1, 1960

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/(9/1/81)	$ 54.90	$109.80	$219.60	$439.20	$1098.00	$2196.00	$21960.	6.37	8.52	8.50
4-6 TO 5-0 (3/1/82)	57.24	114.48	228.96	457.92	1144.80	2289.60	22896.	6.61	8.49	8.50
5-0 TO 5-6 (9/1/82)	59.67	119.34	238.68	477.36	1193.40	2386.80	23868.	6.80	8.48	8.50
5-6 TO 6-0 (3/1/83)	62.20	124.40	248.80	497.60	1244.00	2488.00	24880.	6.95	8.55	8.50
6-0 TO 6-6 (9/1/83)	64.86	129.72	259.44	518.88	1297.20	2594.40	25944.	7.08	8.51	8.50
6-6 TO 7-0 (3/1/84)	67.62	135.24	270.48	540.96	1352.40	2704.80	27048.	7.19	8.46	8.50
7-0 TO 7-6 (9/1/84)	70.48	140.96	281.92	563.84	1409.60	2819.20	28192.	7.28	8.48	8.50
7-6 TO 8-0 (3/1/85)	73.47	146.94	293.88	587.76	1469.40	2938.80	29388.	7.36	8.52	8.51
8-0 TO 8-6 (9/1/85)	76.60	153.20	306.40	612.80	1532.00	3064.00	30640.	7.43	8.51	8.50
8-6 TO 9-0 (3/1/86)	79.86	159.72	319.44	638.88	1597.20	3194.40	31944.	7.50	8.51	8.50
9-0 TO 9-6 (9/1/86)	83.26	166.52	333.04	666.08	1665.20	3330.40	33304.	7.55	8.48	8.49
9-6 TO10-0 (3/1/87)	86.79	173.58	347.16	694.32	1735.80	3471.60	34716.	7.60	8.50	8.50
10-0 2/ (9/1/87)	90.48	180.96	361.92	723.84	1809.60	3619.20	36192.	7.65 3/	—	—
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(9/1/87)	$ 90.48	$180.96	$361.92	$723.84	$1809.60	$3619.20	$36192.	—	8.51	10.07
0-6 TO 1-0 (3/1/88)	94.33	188.66	377.32	754.64	1886.60	3773.20	37732.	8.51	8.48	10.34
1-0 TO 1-6 (9/1/88)	98.33	196.66	393.32	786.64	1966.60	3933.20	39332.	8.50	8.50	10.71
1-6 TO 2-0 (3/1/89)	102.51	205.02	410.04	820.08	2050.20	4100.40	41004.	8.50	8.51	11.26
2-0 TO 2-6 (9/1/89)	106.87	213.74	427.48	854.96	2137.40	4274.80	42748.	8.50	8.50	12.19
2-6 TO 3-0 (3/1/90)	111.41	222.82	445.64	891.28	2228.20	4456.40	44564.	8.50	8.51	14.06
3-0 TO 3-6 (9/1/90)	116.15	232.30	464.60	929.20	2323.00	4646.00	46460.	8.50	19.77	19.77
3-6 4/ (3/1/91)	127.63	255.26	510.52	1021.04	2552.60	5105.20	51052.	10.07 3/	—	—

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1959 ENTER EACH PERIOD. FOR ISSUES OF JAN. 1, 1960, ADD ONE MONTH.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.75 PERCENT; TO DATE OF BONUS PAYMENT IS 6.23 PERCENT.

4/ BONUS IS PAID AT 31 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 102

BONDS BEARING ISSUE DATE FEB. 1, 1960

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
3-6 TO 4-0	1/(5/1/81)	$ 53.18	$106.36	$212.72	$425.44	$1063.60	$2127.20	$21272.	6.36	8.50	8.50
4-0 TO 4-6	(11/1/81)	55.44	110.88	221.76	443.52	1108.80	2217.60	22176.	6.62	8.48	8.50
4-6 TO 5-0	(5/1/82)	57.79	115.58	231.16	462.32	1155.80	2311.60	23116.	6.83	8.51	8.50
5-0 TO 5-6	(11/1/82)	60.25	120.50	241.00	482.00	1205.00	2410.00	24100.	7.00	8.50	8.50
5-6 TO 6-0	(5/1/83)	62.81	125.62	251.24	502.48	1256.20	2512.40	25124.	7.13	8.53	8.50
6-0 TO 6-6	(11/1/83)	65.49	130.98	261.96	523.92	1309.80	2619.60	26196.	7.25	8.49	8.50
6-6 TO 7-0	(5/1/84)	68.27	136.54	273.08	546.16	1365.40	2730.80	27308.	7.34	8.50	8.50
7-0 TO 7-6	(11/1/84)	71.17	142.34	284.68	569.36	1423.40	2846.80	28468.	7.43	8.49	8.50
7-6 TO 8-0	(5/1/85)	74.19	148.38	296.76	593.52	1483.80	2967.60	29676.	7.50	8.46	8.50
8-0 TO 8-6	(11/1/85)	77.33	154.66	309.32	618.64	1546.60	3093.20	30932.	7.56	8.53	8.51
8-6 TO 9-0	(5/1/86)	80.63	161.26	322.52	645.04	1612.60	3225.20	32252.	7.61	8.51	8.50
9-0 TO 9-6	(11/1/86)	84.06	168.12	336.24	672.48	1681.20	3362.40	33624.	7.66	8.47	8.49
9-6 TO10-0	(5/1/87)	87.62	175.24	350.48	700.96	1752.40	3504.80	35048.	7.71	8.51	8.51
10-0 2/	(11/1/87)	91.35	182.70	365.40	730.80	1827.00	3654.00	36540.	7.75 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(11/1/87)	$ 91.35	$182.70	$365.40	$730.80	$1827.00	$3654.00	$36540.	----	8.49	10.08
0-6 TO 1-0	(5/1/88)	95.23	190.46	380.92	761.84	1904.60	3809.20	38092.	8.49	8.51	10.34
1-0 TO 1-6	(11/1/88)	99.28	198.56	397.12	794.24	1985.60	3971.20	39712.	8.50	8.50	10.71
1-6 TO 2-0	(5/1/89)	103.50	207.00	414.00	828.00	2070.00	4140.00	41400.	8.50	8.50	11.27
2-0 TO 2-6	(11/1/89)	107.90	215.80	431.60	863.20	2158.00	4316.00	43160.	8.50	8.49	12.20
2-6 TO 3-0	(5/1/90)	112.48	224.96	449.92	899.84	2249.60	4499.20	44992.	8.50	8.50	14.08
3-0 TO 3-6	(11/1/90)	117.26	234.52	469.04	938.08	2345.20	4690.40	46904.	8.50	19.82	19.82
3-6 4/	(5/1/91)	128.88	257.76	515.52	1031.04	2577.60	5155.20	51552.	10.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1960 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.79 PERCENT; TO DATE OF BONUS PAYMENT IS 6.26 PERCENT.

4/ BONUS IS PAID AT 31 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 103

BONDS BEARING ISSUE DATE MAR. 1, 1960

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
3-6 TO 4-0	1/(6/1/81)	$ 53.79	$107.58	$215.16	$430.32	$1075.80	$2151.60	$21516.	6.43	8.51	8.50
4-0 TO 4-6	(12/1/81)	56.08	112.16	224.32	448.64	1121.60	2243.20	22432.	6.69	8.45	8.50
4-6 TO 5-0	(6/1/82)	58.45	116.90	233.80	467.60	1169.00	2338.00	23380.	6.89	8.52	8.50
5-0 TO 5-6	(12/1/82)	60.94	121.88	243.76	487.52	1218.80	2437.60	24376.	7.05	8.50	8.50
5-6 TO 6-0	(6/1/83)	63.53	127.06	254.12	508.24	1270.60	2541.20	25412.	7.18	8.50	8.50
6-0 TO 6-6	(12/1/83)	66.23	132.46	264.92	529.84	1324.60	2649.20	26492.	7.29	8.49	8.50
6-6 TO 7-0	(6/1/84)	69.04	138.08	276.16	552.32	1380.80	2761.60	27616.	7.38	8.52	8.50
7-0 TO 7-6	(12/1/84)	71.98	143.96	287.92	575.84	1439.60	2879.20	28792.	7.46	8.50	8.50
7-6 TO 8-0	(6/1/85)	75.04	150.08	300.16	600.32	1500.80	3001.60	30016.	7.53	8.48	8.50
8-0 TO 8-6	(12/1/85)	78.22	156.44	312.88	625.76	1564.40	3128.80	31288.	7.59	8.51	8.51
8-6 TO 9-0	(6/1/86)	81.55	163.10	326.20	652.40	1631.00	3262.00	32620.	7.64	8.51	8.50
9-0 TO 9-6	(12/1/86)	85.02	170.04	340.08	680.16	1700.40	3400.80	34008.	7.69	8.49	8.50
9-6 TO10-0	(6/1/87)	88.63	177.26	354.52	709.04	1772.60	3545.20	35452.	7.73	8.51	8.51
10-0 2/	(12/1/87)	92.40	184.80	369.60	739.20	1848.00	3696.00	36960.	7.77 3/	——	——
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(12/1/87)	$ 92.40	$184.80	$369.60	$739.20	$1848.00	$3696.00	$36960.	——	8.51	10.07
0-6 TO 1-0	(6/1/88)	96.33	192.66	385.32	770.64	1926.60	3853.20	38532.	8.51	8.49	10.34
1-0 TO 1-6	(12/1/88)	100.42	200.84	401.68	803.36	2008.40	4016.80	40168.	8.50	8.50	10.71
1-6 TO 2-0	(6/1/89)	104.69	209.38	418.76	837.52	2093.80	4187.60	41876.	8.50	8.50	11.26
2-0 TO 2-6	(12/1/89)	109.14	218.28	436.56	873.12	2182.80	4365.60	43656.	8.50	8.50	12.19
2-6 TO 3-0	(6/1/90)	113.78	227.56	455.12	910.24	2275.60	4551.20	45512.	8.50	8.49	14.06
3-0 TO 3-6	(12/1/90)	118.61	237.22	474.44	948.88	2372.20	4744.40	47444.	8.50	19.78	19.78
3-6 4/	(6/1/91)	130.34	260.68	521.36	1042.72	2606.80	5213.60	52136.	10.07 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1960 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.83 PERCENT; TO DATE OF BONUS PAYMENT IS 6.30 PERCENT.
4/ BONUS IS PAID AT 31 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 104

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1960

TABLE 104

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1960

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(7/1/81)	$ 53.79	$107.58	$215.16	$430.32	$1075.80	$2151.60	$21516.	6.43	8.51	8.50
4-0 TO 4-6 (1/1/82)	56.08	112.16	224.32	448.64	1121.60	2243.20	22432.	6.69	8.45	8.50
4-6 TO 5-0 (7/1/82)	58.45	116.90	233.80	467.60	1169.00	2338.00	23380.	6.89	8.52	8.50
5-0 TO 5-6 (1/1/83)	60.94	121.88	243.76	487.52	1218.80	2437.60	24376.	7.05	8.50	8.50
5-6 TO 6-0 (7/1/83)	63.53	127.06	254.12	508.24	1270.60	2541.20	25412.	7.18	8.50	8.50
6-0 TO 6-6 (1/1/84)	66.23	132.46	264.92	529.84	1324.60	2649.20	26492.	7.29	8.49	8.50
6-6 TO 7-0 (7/1/84)	69.04	138.08	276.16	552.32	1380.80	2761.60	27616.	7.38	8.52	8.50
7-0 TO 7-6 (1/1/85)	71.98	143.96	287.92	575.84	1439.60	2879.20	28792.	7.46	8.50	8.50
7-6 TO 8-0 (7/1/85)	75.04	150.08	300.16	600.32	1500.80	3001.60	30016.	7.53	8.48	8.50
8-0 TO 8-6 (1/1/86)	78.22	156.44	312.88	625.76	1564.40	3128.80	31288.	7.59	8.51	8.51
8-6 TO 9-0 (7/1/86)	81.55	163.10	326.20	652.40	1631.00	3262.00	32620.	7.64	8.51	8.50
9-0 TO 9-6 (1/1/87)	85.02	170.04	340.08	680.16	1700.40	3400.80	34008.	7.69	8.49	8.50
9-6 TO10-0 (7/1/87)	88.63	177.26	354.52	709.04	1772.60	3545.20	35452.	7.73	8.51	8.51
10-0 2/ (1/1/88)	92.40	184.80	369.60	739.20	1848.00	3696.00	36960.	7.77 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/88)	$ 92.40	$184.80	$369.60	$739.20	$1848.00	$3696.00	$36960.	----	8.51	10.34
0-6 TO 1-0 (7/1/88)	96.33	192.66	385.32	770.64	1926.60	3853.20	38532.	8.51	8.49	10.71
1-0 TO 1-6 (1/1/89)	100.42	200.84	401.68	803.36	2008.40	4016.80	40168.	8.50	8.50	11.27
1-6 TO 2-0 (7/1/89)	104.69	209.38	418.76	837.52	2093.80	4187.60	41876.	8.50	8.50	12.20
2-0 TO 2-6 (1/1/90)	109.14	218.28	436.56	873.12	2182.80	4365.60	43656.	8.50	8.50	14.07
2-6 TO 3-0 (7/1/90)	113.78	227.56	455.12	910.24	2275.60	4551.20	45512.	8.50	19.79	19.79
3-0 4/ (1/1/91)	125.04	250.08	500.16	1000.32	2500.80	5001.60	50016.	10.34 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1960 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1960, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.83 PERCENT; TO DATE OF BONUS PAYMENT IS 6.27 PERCENT.
4/ BONUS IS PAID AT 30 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 105

BONDS BEARING ISSUE DATE JUNE 1 OR JUL. 1, 1960

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(9/1/81)	$ 53.88	$107.76	$215.52	$431.04	$1077.60	$2155.20	$21552.	6.43	8.50	8.50
4-0 TO 4-6 (3/1/82)	56.17	112.34	224.68	449.36	1123.40	2246.80	22468.	6.68	8.47	8.50
4-6 TO 5-0 (9/1/82)	58.55	117.10	234.20	468.40	1171.00	2342.00	23420.	6.88	8.51	8.50
5-0 TO 5-6 (3/1/83)	61.04	122.08	244.16	488.32	1220.80	2441.60	24416.	7.04	8.52	8.50
5-6 TO 6-0 (9/1/83)	63.64	127.28	254.56	509.12	1272.80	2545.60	25456.	7.18	8.52	8.50
6-0 TO 6-6 (3/1/84)	66.35	132.70	265.40	530.80	1327.00	2654.00	26540.	7.29	8.47	8.50
6-6 TO 7-0 (9/1/84)	69.16	138.32	276.64	553.28	1383.20	2766.40	27664.	7.38	8.50	8.50
7-0 TO 7-6 (3/1/85)	72.10	144.20	288.40	576.80	1442.00	2884.00	28840.	7.46	8.52	8.50
7-6 TO 8-0 (9/1/85)	75.17	150.34	300.68	601.36	1503.40	3006.80	30068.	7.53	8.49	8.50
8-0 TO 8-6 (3/1/86)	78.36	156.72	313.44	626.88	1567.20	3134.40	31344.	7.59	8.50	8.50
8-6 TO 9-0 (9/1/86)	81.69	163.38	326.76	653.52	1633.80	3267.60	32676.	7.64	8.52	8.50
9-0 TO 9-6 (3/1/87)	85.17	170.34	340.68	681.36	1703.40	3406.80	34068.	7.69	8.48	8.50
9-6 TO10-0 (9/1/87)	88.78	177.56	355.12	710.24	1775.60	3551.20	35512.	7.73	8.52	8.52
10-0 2/ (3/1/88)	92.56	185.12	370.24	740.48	1851.20	3702.40	37024.	7.77 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(3/1/88)	$ 92.56	$185.12	$370.24	$740.48	$1851.20	$3702.40	$37024.	----	8.49	10.33
0-6 TO 1-0 (9/1/88)	96.49	192.98	385.96	771.92	1929.80	3859.60	38596.	8.49	8.50	10.71
1-0 TO 1-6 (3/1/89)	100.59	201.18	402.36	804.72	2011.80	4023.60	40236.	8.50	8.51	11.26
1-6 TO 2-0 (9/1/89)	104.87	209.74	419.48	838.96	2097.40	4194.80	41948.	8.50	8.51	12.19
2-0 TO 2-6 (3/1/90)	109.33	218.66	437.32	874.64	2186.60	4373.20	43732.	8.50	8.49	14.05
2-6 TO 3-0 (9/1/90)	113.97	227.94	455.88	911.76	2279.40	4558.80	45588.	8.50	19.76	19.76
3-0 4/ (3/1/91)	125.23	250.46	500.92	1001.84	2504.60	5009.20	50092.	10.33 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1960 ENTER EACH PERIOD. FOR ISSUES OF JUL. 1, 1960, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.84 PERCENT; TO DATE OF BONUS PAYMENT IS 6.27 PERCENT.
4/ BONUS IS PAID AT 30 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 106

BONDS BEARING ISSUE DATE AUG. 1, 1960

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/(5/1/81)	$ 52.18	$104.36	$208.72	$417.44	$1043.60	$2087.20	$20872.	6.41	8.51	8.50
3-6 TO 4-0 (11/1/81)	54.40	108.80	217.60	435.20	1088.00	2176.00	21760.	6.71	8.49	8.50
4-0 TO 4-6 (5/1/82)	56.71	113.42	226.84	453.68	1134.20	2268.40	22684.	6.93	8.53	8.50
4-6 TO 5-0 (11/1/82)	59.13	118.26	236.52	473.04	1182.60	2365.20	23652.	7.11	8.46	8.50
5-0 TO 5-6 (5/1/83)	61.63	123.26	246.52	493.04	1232.60	2465.20	24652.	7.24	8.53	8.50
5-6 TO 6-0 (11/1/83)	64.26	128.52	257.04	514.08	1285.20	2570.40	25704.	7.36	8.47	8.50
6-0 TO 6-6 (5/1/84)	66.98	133.96	267.92	535.84	1339.60	2679.20	26792.	7.45	8.51	8.50
6-6 TO 7-0 (11/1/84)	69.83	139.66	279.32	558.64	1396.60	2793.20	27932.	7.53	8.51	8.50
7-0 TO 7-6 (5/1/85)	72.80	145.60	291.20	582.40	1456.00	2912.00	29120.	7.60	8.49	8.50
7-6 TO 8-0 (11/1/85)	75.89	151.78	303.56	607.12	1517.80	3035.60	30356.	7.66	8.49	8.50
8-0 TO 8-6 (5/1/86)	79.11	158.22	316.44	632.88	1582.20	3164.40	31644.	7.71	8.55	8.51
8-6 TO 9-0 (11/1/86)	82.49	164.98	329.96	659.92	1649.80	3299.60	32996.	7.76	8.49	8.49
9-0 TO 9-6 (5/1/87)	85.99	171.98	343.96	687.92	1719.80	3439.60	34396.	7.80	8.49	8.50
9-6 TO10-0 (11/1/87)	89.64	179.28	358.56	717.12	1792.80	3585.60	35856.	7.84	8.50	8.50
10-0 2/ (5/1/88)	93.45	186.90	373.80	747.60	1869.00	3738.00	37380.	7.87 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/88)	$ 93.45	$186.90	$373.80	$747.60	$1869.00	$3738.00	$37380.	----	8.50	10.34
0-6 TO 1-0 (11/1/88)	97.42	194.84	389.68	779.36	1948.40	3896.80	38968.	8.50	8.50	10.71
1-0 TO 1-6 (5/1/89)	101.56	203.12	406.24	812.48	2031.20	4062.40	40624.	8.50	8.51	11.27
1-6 TO 2-0 (11/1/89)	105.88	211.76	423.52	847.04	2117.60	4235.20	42352.	8.50	8.50	12.19
2-0 TO 2-6 (5/1/90)	110.38	220.76	441.52	883.04	2207.60	4415.20	44152.	8.50	8.50	14.06
2-6 TO 3-0 (11/1/90)	115.07	230.14	460.28	920.56	2301.40	4602.80	46028.	8.50	19.78	19.78
3-0 4/ (5/1/91)	126.45	252.90	505.80	1011.60	2529.00	5058.00	50580.	10.34 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1960 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.87 PERCENT; TO DATE OF BONUS PAYMENT IS 6.30 PERCENT.

4/ BONUS IS PAID AT 30 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 107

BONDS BEARING ISSUE DATE SEP. 1, 1960

								(2)	(3)	(4)
ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/(6/1/81)	$ 52.78	$105.56	$211.12	$422.24	$1055.60	$2111.20	$21112.	6.50	8.53	8.50
3-6 TO 4-0 (12/1/81)	55.03	110.06	220.12	440.24	1100.60	2201.20	22012.	6.78	8.50	8.50
4-0 TO 4-6 (6/1/82)	57.37	114.74	229.48	458.96	1147.40	2294.80	22948.	7.00	8.51	8.50
4-6 TO 5-0 (12/1/82)	59.81	119.62	239.24	478.48	1196.20	2392.40	23924.	7.17	8.49	8.50
5-0 TO 5-6 (6/1/83)	62.35	124.70	249.40	498.80	1247.00	2494.00	24940.	7.30	8.47	8.50
5-6 TO 6-0 (12/1/83)	64.99	129.98	259.96	519.92	1299.80	2599.60	25996.	7.40	8.52	8.50
6-0 TO 6-6 (6/1/84)	67.76	135.52	271.04	542.08	1355.20	2710.40	27104.	7.50	8.50	8.50
6-6 TO 7-0 (12/1/84)	70.64	141.28	282.56	565.12	1412.80	2825.60	28256.	7.57	8.47	8.50
7-0 TO 7-6 (6/1/85)	73.63	147.26	294.52	589.04	1472.60	2945.20	29452.	7.64	8.53	8.50
7-6 TO 8-0 (12/1/85)	76.77	153.54	307.08	614.16	1535.40	3070.80	30708.	7.70	8.52	8.50
8-0 TO 8-6 (6/1/86)	80.04	160.08	320.16	640.32	1600.80	3201.60	32016.	7.75	8.50	8.49
8-6 TO 9-0 (12/1/86)	83.44	166.88	333.76	667.52	1668.80	3337.60	33376.	7.79	8.49	8.49
9-0 TO 9-6 (6/1/87)	86.98	173.96	347.92	695.84	1739.60	3479.20	34792.	7.83	8.48	8.50
9-6 TO10-0 (12/1/87)	90.67	181.34	362.68	725.36	1813.40	3626.80	36268.	7.86	8.51	8.51
10-0 2/ (6/1/88)	94.53	189.06	378.12	756.24	1890.60	3781.20	37812.	7.90 3/	——	——
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(6/1/88)	$ 94.53	$189.06	$378.12	$756.24	$1890.60	$3781.20	$37812.	——	8.51	10.34
0-6 TO 1-0 (12/1/88)	98.55	197.10	394.20	788.40	1971.00	3942.00	39420.	8.51	8.50	10.71
1-0 TO 1-6 (6/1/89)	102.74	205.48	410.96	821.92	2054.80	4109.60	41096.	8.50	8.49	11.26
1-6 TO 2-0 (12/1/89)	107.10	214.20	428.40	856.80	2142.00	4284.00	42840.	8.50	8.50	12.19
2-0 TO 2-6 (6/1/90)	111.65	223.30	446.60	893.20	2233.00	4466.00	44660.	8.50	8.51	14.07
2-6 TO 3-0 (12/1/90)	116.40	232.80	465.60	931.20	2328.00	4656.00	46560.	8.50	19.78	19.78
3-0 4/ (6/1/91)	127.91	255.82	511.64	1023.28	2558.20	5116.40	51164.	10.34 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1960 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.92 PERCENT; TO DATE OF BONUS PAYMENT IS 6.34 PERCENT.
4/ BONUS IS PAID AT 30 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 108

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1960

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/(7/1/81)	$ 52.78	$105.56	$211.12	$422.24	$1055.60	$2111.20	$21112.	6.50	8.53	8.50
3-6 TO 4-0 (1/1/82)	55.03	110.06	220.12	440.24	1100.60	2201.20	22012.	6.78	8.50	8.50
4-0 TO 4-6 (7/1/82)	57.37	114.74	229.48	458.96	1147.40	2294.80	22948.	7.00	8.51	8.50
4-6 TO 5-0 (1/1/83)	59.81	119.62	239.24	478.48	1196.20	2392.40	23924.	7.17	8.49	8.50
5-0 TO 5-6 (7/1/83)	62.35	124.70	249.40	498.80	1247.00	2494.00	24940.	7.30	8.47	8.50
5-6 TO 6-0 (1/1/84)	64.99	129.98	259.96	519.92	1299.80	2599.60	25996.	7.40	8.52	8.50
6-0 TO 6-6 (7/1/84)	67.76	135.52	271.04	542.08	1355.20	2710.40	27104.	7.50	8.50	8.50
6-6 TO 7-0 (1/1/85)	70.64	141.28	282.56	565.12	1412.80	2825.60	28256.	7.57	8.47	8.50
7-0 TO 7-6 (7/1/85)	73.63	147.26	294.52	589.04	1472.60	2945.20	29452.	7.64	8.53	8.50
7-6 TO 8-0 (1/1/86)	76.77	153.54	307.08	614.16	1535.40	3070.80	30708.	7.70	8.52	8.50
8-0 TO 8-6 (7/1/86)	80.04	160.08	320.16	640.32	1600.80	3201.60	32016.	7.75	8.50	8.49
8-6 TO 9-0 (1/1/87)	83.44	166.88	333.76	667.52	1668.80	3337.60	33376.	7.79	8.49	8.49
9-0 TO 9-6 (7/1/87)	86.98	173.96	347.92	695.84	1739.60	3479.20	34792.	7.83	8.48	8.50
9-6 TO10-0 (1/1/88)	90.67	181.34	362.68	725.36	1813.40	3626.80	36268.	7.86	8.51	8.51
10-0 2/ (7/1/88)	94.53	189.06	378.12	756.24	1890.60	3781.20	37812.	7.90 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/88)	$ 94.53	$189.06	$378.12	$756.24	$1890.60	$3781.20	$37812.	----	8.51	10.71
0-6 TO 1-0 (1/1/89)	98.55	197.10	394.20	788.40	1971.00	3942.00	39420.	8.51	8.50	11.26
1-0 TO 1-6 (7/1/89)	102.74	205.48	410.96	821.92	2054.80	4109.60	41096.	8.50	8.49	12.19
1-6 TO 2-0 (1/1/90)	107.10	214.20	428.40	856.80	2142.00	4284.00	42840.	8.50	8.50	14.06
2-0 TO 2-6 (7/1/90)	111.65	223.30	446.60	893.20	2233.00	4466.00	44660.	8.50	19.78	19.78
2-6 4/ (1/1/91)	122.69	245.38	490.76	981.52	2453.80	4907.60	49076.	10.71 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1960 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1960, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.92 PERCENT; TO DATE OF BONUS PAYMENT IS 6.31 PERCENT.
4/ BONUS IS PAID AT 30 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 109

BONDS BEARING ISSUE DATE DEC. 1, 1960 OR JAN. 1, 1961

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/(9/1/81)	$ 52.88	$105.76	$211.52	$423.04	$1057.60	$2115.20	$21152.	6.50	8.51	8.50
3-6 TO 4-0 (3/1/82)	55.13	110.26	220.52	441.04	1102.60	2205.20	22052.	6.78	8.53	8.50
4-0 TO 4-6 (9/1/82)	57.48	114.96	229.92	459.84	1149.60	2299.20	22992.	7.00	8.49	8.50
4-6 TO 5-0 (3/1/83)	59.92	119.84	239.68	479.36	1198.40	2396.80	23968.	7.17	8.48	8.50
5-0 TO 5-6 (9/1/83)	62.46	124.92	249.84	499.68	1249.20	2498.40	24984.	7.30	8.55	8.50
5-6 TO 6-0 (3/1/84)	65.13	130.26	260.52	521.04	1302.60	2605.20	26052.	7.41	8.44	8.50
6-0 TO 6-6 (9/1/84)	67.88	135.76	271.52	543.04	1357.60	2715.20	27152.	7.50	8.52	8.51
6-6 TO 7-0 (3/1/85)	70.77	141.54	283.08	566.16	1415.40	2830.80	28308.	7.57	8.51	8.50
7-0 TO 7-6 (9/1/85)	73.78	147.56	295.12	590.24	1475.60	2951.20	29512.	7.64	8.51	8.50
7-6 TO 8-0 (3/1/86)	76.92	153.84	307.68	615.36	1538.40	3076.80	30768.	7.70	8.50	8.50
8-0 TO 8-6 (9/1/86)	80.19	160.38	320.76	641.52	1603.80	3207.60	32076.	7.75	8.50	8.50
8-6 TO 9-0 (3/1/87)	83.60	167.20	334.40	668.80	1672.00	3344.00	33440.	7.79	8.49	8.50
9-0 TO 9-6 (9/1/87)	87.15	174.30	348.60	697.20	1743.00	3486.00	34860.	7.83	8.47	8.51
9-6 TO10-0 (3/1/88)	90.84	181.68	363.36	726.72	1816.80	3633.60	36336.	7.87	8.54	8.54
10-0 2/ (9/1/88)	94.72	189.44	378.88	757.76	1894.40	3788.80	37888.	7.90 3/	——	——
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(9/1/88)	$ 94.72	$189.44	$378.88	$757.76	$1894.40	$3788.80	$37888.	——	8.51	10.71
0-6 TO 1-0 (3/1/89)	98.75	197.50	395.00	790.00	1975.00	3950.00	39500.	8.51	8.49	11.26
1-0 TO 1-6 (9/1/89)	102.94	205.88	411.76	823.52	2058.80	4117.60	41176.	8.50	8.51	12.19
1-6 TO 2-0 (3/1/90)	107.32	214.64	429.28	858.56	2146.40	4292.80	42928.	8.50	8.50	14.06
2-0 TO 2-6 (9/1/90)	111.88	223.76	447.52	895.04	2237.60	4475.20	44752.	8.50	19.77	19.77
2-6 4/ (3/1/91)	122.94	245.88	491.76	983.52	2458.80	4917.60	49176.	10.71 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1960 ENTER EACH PERIOD. FOR ISSUES OF JAN. 1, 1961, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.92 PERCENT; TO DATE OF BONUS PAYMENT IS 6.31 PERCENT.
4/ BONUS IS PAID AT 30 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 110

BONDS BEARING ISSUE DATE FEB. 1, 1961

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/(5/1/81)	$ 51.22	$102.44	$204.88	$409.76	$1024.40	$2048.80	$20488.	6.50	8.51	8.50
3-0 TO 3-6 (11/1/81)	53.40	106.80	213.60	427.20	1068.00	2136.00	21360.	6.83	8.46	8.50
3-6 TO 4-0 (5/1/82)	55.66	111.32	222.64	445.28	1113.20	2226.40	22264.	7.07	8.52	8.50
4-0 TO 4-6 (11/1/82)	58.03	116.06	232.12	464.24	1160.60	2321.20	23212.	7.25	8.51	8.50
4-6 TO 5-0 (5/1/83)	60.50	121.00	242.00	484.00	1210.00	2420.00	24200.	7.39	8.50	8.50
5-0 TO 5-6 (11/1/83)	63.07	126.14	252.28	504.56	1261.40	2522.80	25228.	7.50	8.50	8.50
5-6 TO 6-0 (5/1/84)	65.75	131.50	263.00	526.00	1315.00	2630.00	26300.	7.59	8.49	8.50
6-0 TO 6-6 (11/1/84)	68.54	137.08	274.16	548.32	1370.80	2741.60	27416.	7.66	8.55	8.50
6-6 TO 7-0 (5/1/85)	71.47	142.94	285.88	571.76	1429.40	2858.80	28588.	7.73	8.45	8.50
7-0 TO 7-6 (11/1/85)	74.49	148.98	297.96	595.92	1489.80	2979.60	29796.	7.78	8.54	8.50
7-6 TO 8-0 (5/1/86)	77.67	155.34	310.68	621.36	1553.40	3106.80	31068.	7.83	8.50	8.50
8-0 TO 8-6 (11/1/86)	80.97	161.94	323.88	647.76	1619.40	3238.80	32388.	7.87	8.47	8.50
8-6 TO 9-0 (5/1/87)	84.40	168.80	337.60	675.20	1688.00	3376.00	33760.	7.91	8.51	8.50
9-0 TO 9-6 (11/1/87)	87.99	175.98	351.96	703.92	1759.80	3519.60	35196.	7.94	8.48	8.50
9-6 TO10-0 (5/1/88)	91.72	183.44	366.88	733.76	1834.40	3668.80	36688.	7.97	8.53	8.53
10-0 2/ (11/1/88)	95.63	191.26	382.52	765.04	1912.60	3825.20	38252.	8.00 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/88)	$ 95.63	$191.26	$382.52	$765.04	$1912.60	$3825.20	$38252.	----	8.49	10.71
0-6 TO 1-0 (5/1/89)	99.69	199.38	398.76	797.52	1993.80	3987.60	39876.	8.49	8.51	11.27
1-0 TO 1-6 (11/1/89)	103.93	207.86	415.72	831.44	2078.60	4157.20	41572.	8.50	8.51	12.20
1-6 TO 2-0 (5/1/90)	108.35	216.70	433.40	866.80	2167.00	4334.00	43340.	8.50	8.49	14.07
2-0 TO 2-6 (11/1/90)	112.95	225.90	451.80	903.60	2259.00	4518.00	45180.	8.50	19.80	19.80
2-6 4/ (5/1/91)	124.13	248.26	496.52	993.04	2482.60	4965.20	49652.	10.71 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1961 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 5.96 PERCENT; TO DATE OF BONUS PAYMENT IS 6.35 PERCENT.

4/ BONUS IS PAID AT 30 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 111

BONDS BEARING ISSUE DATE MAR. 1, 1961

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/(6/1/81)	$ 51.81	$103.62	$207.24	$414.48	$1036.20	$2072.40	$20724.	6.60	8.53	8.50
3-0 TO 3-6 (12/1/81)	54.02	108.04	216.08	432.16	1080.40	2160.80	21608.	6.92	8.48	8.50
3-6 TO 4-0 (6/1/82)	56.31	112.62	225.24	450.48	1126.20	2252.40	22524.	7.14	8.49	8.50
4-0 TO 4-6 (12/1/82)	58.70	117.40	234.80	469.60	1174.00	2348.00	23480.	7.31	8.52	8.50
4-6 TO 5-0 (6/1/83)	61.20	122.40	244.80	489.60	1224.00	2448.00	24480.	7.44	8.50	8.50
5-0 TO 5-6 (12/1/83)	63.80	127.60	255.20	510.40	1276.00	2552.00	25520.	7.55	8.50	8.50
5-6 TO 6-0 (6/1/84)	66.51	133.02	266.04	532.08	1330.20	2660.40	26604.	7.63	8.48	8.50
6-0 TO 6-6 (12/1/84)	69.33	138.66	277.32	554.64	1386.60	2773.20	27732.	7.70	8.54	8.50
6-6 TO 7-0 (6/1/85)	72.29	144.58	289.16	578.32	1445.80	2891.60	28916.	7.77	8.47	8.50
7-0 TO 7-6 (12/1/85)	75.35	150.70	301.40	602.80	1507.00	3014.00	30140.	7.82	8.52	8.50
7-6 TO 8-0 (6/1/86)	78.56	157.12	314.24	628.48	1571.20	3142.40	31424.	7.86	8.48	8.50
8-0 TO 8-6 (12/1/86)	81.89	163.78	327.56	655.12	1637.80	3275.60	32756.	7.90	8.52	8.50
8-6 TO 9-0 (6/1/87)	85.38	170.76	341.52	683.04	1707.60	3415.20	34152.	7.94	8.48	8.50
9-0 TO 9-6 (12/1/87)	89.00	178.00	356.00	712.00	1780.00	3560.00	35600.	7.97	8.49	8.50
9-6 TO10-0 (6/1/88)	92.78	185.56	371.12	742.24	1855.60	3711.20	37112.	8.00	8.51	8.51
10-0 2/ (12/1/88)	96.73	193.46	386.92	773.84	1934.60	3869.20	38692.	8.02 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/88)	$ 96.73	$193.46	$386.92	$773.84	$1934.60	$3869.20	$38692.	----	8.50	10.71
0-6 TO 1-0 (6/1/89)	100.84	201.68	403.36	806.72	2016.80	4033.60	40336.	8.50	8.51	11.27
1-0 TO 1-6 (12/1/89)	105.13	210.26	420.52	841.04	2102.60	4205.20	42052.	8.50	8.48	12.20
1-6 TO 2-0 (6/1/90)	109.59	219.18	438.36	876.72	2191.80	4383.60	43836.	8.50	8.50	14.08
2-0 TO 2-6 (12/1/90)	114.25	228.50	457.00	914.00	2285.00	4570.00	45700.	8.50	19.80	19.80
2-6 4/ (6/1/91)	125.56	251.12	502.24	1004.48	2511.20	5022.40	50224.	10.71 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1961 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.00 PERCENT; TO DATE OF BONUS PAYMENT IS 6.39 PERCENT.

4/ BONUS IS PAID AT 30 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 112

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1961

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/(7/1/81)	$ 51.81	$103.62	$207.24	$414.48	$1036.20	$2072.40	$20724.	6.60	8.53	8.50
3-0 TO 3-6 (1/1/82)	54.02	108.04	216.08	432.16	1080.40	2160.80	21608.	6.92	8.48	8.50
3-6 TO 4-0 (7/1/82)	56.31	112.62	225.24	450.48	1126.20	2252.40	22524.	7.14	8.49	8.50
4-0 TO 4-6 (1/1/83)	58.70	117.40	234.80	469.60	1174.00	2348.00	23480.	7.31	8.52	8.50
4-6 TO 5-0 (7/1/83)	61.20	122.40	244.80	489.60	1224.00	2448.00	24480.	7.44	8.50	8.50
5-0 TO 5-6 (1/1/84)	63.80	127.60	255.20	510.40	1276.00	2552.00	25520.	7.55	8.50	8.50
5-6 TO 6-0 (7/1/84)	66.51	133.02	266.04	532.08	1330.20	2660.40	26604.	7.63	8.48	8.50
6-0 TO 6-6 (1/1/85)	69.33	138.66	277.32	554.64	1386.60	2773.20	27732.	7.70	8.54	8.50
6-6 TO 7-0 (7/1/85)	72.29	144.58	289.16	578.32	1445.80	2891.60	28916.	7.77	8.47	8.50
7-0 TO 7-6 (1/1/86)	75.35	150.70	301.40	602.80	1507.00	3014.00	30140.	7.82	8.52	8.50
7-6 TO 8-0 (7/1/86)	78.56	157.12	314.24	628.48	1571.20	3142.40	31424.	7.86	8.48	8.50
8-0 TO 8-6 (1/1/87)	81.89	163.78	327.56	655.12	1637.80	3275.60	32756.	7.90	8.52	8.50
8-6 TO 9-0 (7/1/87)	85.38	170.76	341.52	683.04	1707.60	3415.20	34152.	7.94	8.48	8.50
9-0 TO 9-6 (1/1/88)	89.00	178.00	356.00	712.00	1780.00	3560.00	35600.	7.97	8.49	8.50
9-6 TO10-0 (7/1/88)	92.78	185.56	371.12	742.24	1855.60	3711.20	37112.	8.00	8.51	8.51
10-0 2/ (1/1/89)	96.73	193.46	386.92	773.84	1934.60	3869.20	38692.	8.02 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/89)	$ 96.73	$193.46	$386.92	$773.84	$1934.60	$3869.20	$38692.	----	8.50	11.27
0-6 TO 1-0 (7/1/89)	100.84	201.68	403.36	806.72	2016.80	4033.60	40336.	8.50	8.51	12.20
1-0 TO 1-6 (1/1/90)	105.13	210.26	420.52	841.04	2102.60	4205.20	42052.	8.50	8.48	14.07
1-6 TO 2-0 (7/1/90)	109.59	219.18	438.36	876.72	2191.80	4383.60	43836.	8.50	19.80	19.80
2-0 4/ (1/1/91)	120.44	240.88	481.76	963.52	2408.80	4817.60	48176.	11.27 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1961 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1961, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.00 PERCENT; TO DATE OF BONUS PAYMENT IS 6.35 PERCENT.
4/ BONUS IS PAID AT 29 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 113

BONDS BEARING ISSUE DATE JUNE 1 OR JUL. 1, 1961

ISSUE PRICE . . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
		SECOND EXTENDED MATURITY PERIOD									
									PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/	(9/1/81)	$ 51.96	$103.92	$207.84	$415.68	$1039.20	$2078.40	$20784.	6.60	8.51	8.50
3-0 TO 3-6	(3/1/82)	54.17	108.34	216.68	433.36	1083.40	2166.80	21668.	6.92	8.49	8.50
3-6 TO 4-0	(9/1/82)	56.47	112.94	225.88	451.76	1129.40	2258.80	22588.	7.14	8.50	8.50
4-0 TO 4-6	(3/1/83)	58.87	117.74	235.48	470.96	1177.40	2354.80	23548.	7.31	8.53	8.50
4-6 TO 5-0	(9/1/83)	61.38	122.76	245.52	491.04	1227.60	2455.20	24552.	7.45	8.47	8.50
5-0 TO 5-6	(3/1/84)	63.98	127.96	255.92	511.84	1279.60	2559.20	25592.	7.55	8.50	8.50
5-6 TO 6-0	(9/1/84)	66.70	133.40	266.80	533.60	1334.00	2668.00	26680.	7.64	8.49	8.50
6-0 TO 6-6	(3/1/85)	69.53	139.06	278.12	556.24	1390.60	2781.20	27812.	7.71	8.54	8.50
6-6 TO 7-0	(9/1/85)	72.50	145.00	290.00	580.00	1450.00	2900.00	29000.	7.77	8.47	8.50
7-0 TO 7-6	(3/1/86)	75.57	151.14	302.28	604.56	1511.40	3022.80	30228.	7.82	8.52	8.50
7-6 TO 8-0	(9/1/86)	78.79	157.58	315.16	630.32	1575.80	3151.60	31516.	7.87	8.48	8.50
8-0 TO 8-6	(3/1/87)	82.13	164.26	328.52	657.04	1642.60	3285.20	32852.	7.91	8.50	8.50
8-6 TO 9-0	(9/1/87)	85.62	171.24	342.48	684.96	1712.40	3424.80	34248.	7.94	8.50	8.50
9-0 TO 9-6	(3/1/88)	89.26	178.52	357.04	714.08	1785.20	3570.40	35704.	7.97	8.51	8.50
9-6 TO10-0	(9/1/88)	93.06	186.12	372.24	744.48	1861.20	3722.40	37224.	8.00	8.49	8.49
10-0 2/	(3/1/89)	97.01	194.02	388.04	776.08	1940.20	3880.40	38804.	8.02 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(3/1/89)	$ 97.01	$194.02	$388.04	$776.08	$1940.20	$3880.40	$38804.	----	8.49	11.27
0-6 TO 1-0	(9/1/89)	101.13	202.26	404.52	809.04	2022.60	4045.20	40452.	8.49	8.50	12.20
1-0 TO 1-6	(3/1/90)	105.43	210.86	421.72	843.44	2108.60	4217.20	42172.	8.50	8.50	14.07
1-6 TO 2-0	(9/1/90)	109.91	219.82	439.64	879.28	2198.20	4396.40	43964.	8.50	19.80	19.80
2-0 4/	(3/1/91)	120.79	241.58	483.16	966.32	2415.80	4831.60	48316.	11.27 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1961 ENTER EACH PERIOD. FOR ISSUES OF JUL. 1, 1961, ADD ONE MONTH.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.01 PERCENT; TO DATE OF BONUS PAYMENT IS 6.36 PERCENT.

4/ BONUS IS PAID AT 29 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 114

BONDS BEARING ISSUE DATE AUG. 1, 1961

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/(5/1/81)	$ 50.32	$100.64	$201.28	$402.56	$1006.40	$2012.80	$20128.	6.63	8.51	8.50
2-6 TO 3-0 (11/1/81)	52.46	104.92	209.84	419.68	1049.20	2098.40	20984.	7.00	8.50	8.50
3-0 TO 3-6 (5/1/82)	54.69	109.38	218.76	437.52	1093.80	2187.60	21876.	7.25	8.56	8.50
3-6 TO 4-0 (11/1/82)	57.03	114.06	228.12	456.24	1140.60	2281.20	22812.	7.44	8.45	8.50
4-0 TO 4-6 (5/1/83)	59.44	118.88	237.76	475.52	1188.80	2377.60	23776.	7.56	8.51	8.50
4-6 TO 5-0 (11/1/83)	61.97	123.94	247.88	495.76	1239.40	2478.80	24788.	7.67	8.52	8.50
5-0 TO 5-6 (5/1/84)	64.61	129.22	258.44	516.88	1292.20	2584.40	25844.	7.75	8.48	8.50
5-6 TO 6-0 (11/1/84)	67.35	134.70	269.40	538.80	1347.00	2694.00	26940.	7.82	8.46	8.50
6-0 TO 6-6 (5/1/85)	70.20	140.40	280.80	561.60	1404.00	2808.00	28080.	7.87	8.55	8.50
6-6 TO 7-0 (11/1/85)	73.20	146.40	292.80	585.60	1464.00	2928.00	29280.	7.92	8.47	8.50
7-0 TO 7-6 (5/1/86)	76.30	152.60	305.20	610.40	1526.00	3052.00	30520.	7.96	8.52	8.50
7-6 TO 8-0 (11/1/86)	79.55	159.10	318.20	636.40	1591.00	3182.00	31820.	8.00	8.47	8.50
8-0 TO 8-6 (5/1/87)	82.92	165.84	331.68	663.36	1658.40	3316.80	33168.	8.03	8.51	8.50
8-6 TO 9-0 (11/1/87)	86.45	172.90	345.80	691.60	1729.00	3458.00	34580.	8.06	8.51	8.50
9-0 TO 9-6 (5/1/88)	90.13	180.26	360.52	721.04	1802.60	3605.20	36052.	8.08	8.50	8.50
9-6 TO10-0 (11/1/88)	93.96	187.92	375.84	751.68	1879.20	3758.40	37584.	8.11	8.49	8.49
10-0 2/ (5/1/89)	97.95	195.90	391.80	783.60	1959.00	3918.00	39180.	8.12 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/89)	$ 97.95	$195.90	$391.80	$783.60	$1959.00	$3918.00	$39180.	----	8.49	11.26
0-6 TO 1-0 (11/1/89)	102.11	204.22	408.44	816.88	2042.20	4084.40	40844.	8.49	8.50	12.19
1-0 TO 1-6 (5/1/90)	106.45	212.90	425.80	851.60	2129.00	4258.00	42580.	8.50	8.51	14.07
1-6 TO 2-0 (11/1/90)	110.98	221.96	443.92	887.84	2219.60	4439.20	44392.	8.50	19.77	19.77
2-0 4/ (5/1/91)	121.95	243.90	487.80	975.60	2439.00	4878.00	48780.	11.26 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1961 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.05 PERCENT; TO DATE OF BONUS PAYMENT IS 6.39 PERCENT.
4/ BONUS IS PAID AT 29 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 115

BONDS BEARING ISSUE DATE SEP. 1, 1961

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) (2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
		SECOND EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/	(6/1/81)	$ 50.89	$101.78	$203.56	$407.12	$1017.80	$2035.60	$20356.	6.75	8.49	8.50
2-6 TO 3-0	(12/1/81)	53.05	106.10	212.20	424.40	1061.00	2122.00	21220.	7.10	8.52	8.50
3-0 TO 3-6	(6/1/82)	55.31	110.62	221.24	442.48	1106.20	2212.40	22124.	7.34	8.50	8.50
3-6 TO 4-0	(12/1/82)	57.66	115.32	230.64	461.28	1153.20	2306.40	23064.	7.50	8.46	8.50
4-0 TO 4-6	(6/1/83)	60.10	120.20	240.40	480.80	1202.00	2404.00	24040.	7.62	8.52	8.50
4-6 TO 5-0	(12/1/83)	62.66	125.32	250.64	501.28	1253.20	2506.40	25064.	7.72	8.49	8.50
5-0 TO 5-6	(6/1/84)	65.32	130.64	261.28	522.56	1306.40	2612.80	26128.	7.80	8.51	8.50
5-6 TO 6-0	(12/1/84)	68.10	136.20	272.40	544.80	1362.00	2724.00	27240.	7.86	8.52	8.50
6-0 TO 6-6	(6/1/85)	71.00	142.00	284.00	568.00	1420.00	2840.00	28400.	7.92	8.45	8.50
6-6 TO 7-0	(12/1/85)	74.00	148.00	296.00	592.00	1480.00	2960.00	29600.	7.96	8.54	8.50
7-0 TO 7-6	(6/1/86)	77.16	154.32	308.64	617.28	1543.20	3086.40	30864.	8.00	8.48	8.50
7-6 TO 8-0	(12/1/86)	80.43	160.86	321.72	643.44	1608.60	3217.20	32172.	8.03	8.50	8.50
8-0 TO 8-6	(6/1/87)	83.85	167.70	335.40	670.80	1677.00	3354.00	33540.	8.06	8.52	8.50
8-6 TO 9-0	(12/1/87)	87.42	174.84	349.68	699.36	1748.40	3496.80	34968.	8.09	8.49	8.50
9-0 TO 9-6	(6/1/88)	91.13	182.26	364.52	729.04	1822.60	3645.20	36452.	8.11	8.52	8.50
9-6 TO10-0	(12/1/88)	95.01	190.02	380.04	760.08	1900.20	3800.40	38004.	8.13	8.48	8.48
10-0 2/	(6/1/89)	99.04	198.08	396.16	792.32	1980.80	3961.60	39616.	8.15 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/89)	$ 99.04	$198.08	$396.16	$792.32	$1990.80	$3961.60	$39616.	----	8.50	11.27
0-6 TO 1-0	(12/1/89)	103.25	206.50	413.00	826.00	2065.00	4130.00	41300.	8.50	8.50	12.20
1-0 TO 1-6	(6/1/90)	107.64	215.28	430.56	861.12	2152.80	4305.60	43056.	8.50	8.49	14.07
1-6 TO 2-0	(12/1/90)	112.21	224.42	448.84	897.68	2244.20	4488.40	44884.	8.50	19.80	19.80
2-0 4/	(6/1/91)	123.32	246.64	493.28	986.56	2466.40	4932.80	49328.	11.27 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1961 ENTER EACH PERIOD.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.09 PERCENT; TO DATE OF BONUS PAYMENT IS 6.43 PERCENT.
4/ BONUS IS PAID AT 29 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 116

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1961

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/	(7/1/81)	$50.89	$101.78	$203.56	$407.12	$1017.80	$2035.60	$20356.	6.75	8.49	8.50
2-6 TO 3-0	(1/1/82)	53.05	106.10	212.20	424.40	1061.00	2122.00	21220.	7.10	8.52	8.50
3-0 TO 3-6	(7/1/82)	55.31	110.62	221.24	442.48	1106.20	2212.40	22124.	7.34	8.50	8.50
3-6 TO 4-0	(1/1/83)	57.66	115.32	230.64	461.28	1153.20	2306.40	23064.	7.50	8.46	8.50
4-0 TO 4-6	(7/1/83)	60.10	120.20	240.40	480.80	1202.00	2404.00	24040.	7.62	8.52	8.50
4-6 TO 5-0	(1/1/84)	62.66	125.32	250.64	501.28	1253.20	2506.40	25064.	7.72	8.49	8.50
5-0 TO 5-6	(7/1/84)	65.32	130.64	261.28	522.56	1306.40	2612.80	26128.	7.80	8.51	8.50
5-6 TO 6-0	(1/1/85)	68.10	136.20	272.40	544.80	1362.00	2724.00	27240.	7.86	8.52	8.50
6-0 TO 6-6	(7/1/85)	71.00	142.00	284.00	568.00	1420.00	2840.00	28400.	7.92	8.45	8.50
6-6 TO 7-0	(1/1/86)	74.00	148.00	296.00	592.00	1480.00	2960.00	29600.	7.96	8.54	8.50
7-0 TO 7-6	(7/1/86)	77.16	154.32	308.64	617.28	1543.20	3086.40	30864.	8.00	8.48	8.50
7-6 TO 8-0	(1/1/87)	80.43	160.86	321.72	643.44	1608.60	3217.20	32172.	8.03	8.50	8.50
8-0 TO 8-6	(7/1/87)	83.85	167.70	335.40	670.80	1677.00	3354.00	33540.	8.06	8.52	8.50
8-6 TO 9-0	(1/1/88)	87.42	174.84	349.68	699.36	1748.40	3496.80	34968.	8.09	8.49	8.50
9-0 TO 9-6	(7/1/88)	91.13	182.26	364.52	729.04	1822.60	3645.20	36452.	8.11	8.52	8.50
9-6 TO 10-0	(1/1/89)	95.01	190.02	380.04	760.08	1900.20	3800.40	38004.	8.13	8.48	8.48
10-0 2/	(7/1/89)	99.04	198.08	396.16	792.32	1980.80	3961.60	39616.	8.15 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B) TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/89)	$99.04	$198.08	$396.16	$792.32	$1980.80	$3961.60	$39616.	----	8.50	12.20
0-6 TO 1-0	(1/1/90)	103.25	206.50	413.00	826.00	2065.00	4130.00	41300.	8.50	8.50	14.07
1-0 TO 1-6	(7/1/90)	107.64	215.28	430.56	861.12	2152.80	4305.60	43056.	8.50	19.79	19.79
1-6 4/	(1/1/91)	118.29	236.58	473.16	946.32	2365.80	4731.60	47316.	12.20 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1961 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1961, ADD ONE MONTH.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.09 PERCENT; TO DATE OF BONUS PAYMENT IS 6.40 PERCENT.

4/ BONUS IS PAID AT 29 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 117

BONDS BEARING ISSUE DATE DEC. 1, 1961 OR JAN. 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/(9/1/81)	$ 51.04	$102.08	$204.16	$408.32	$1020.80	$2041.60	$20416.	6.75	8.50	8.50
2-6 TO 3-0 (3/1/82)	53.21	106.42	212.84	425.68	1064.20	2128.40	21284.	7.10	8.46	8.50
3-0 TO 3-6 (9/1/82)	55.46	110.92	221.84	443.68	1109.20	2218.40	22184.	7.33	8.51	8.50
3-6 TO 4-0 (3/1/83)	57.82	115.64	231.28	462.56	1156.40	2312.80	23128.	7.50	8.51	8.50
4-0 TO 4-6 (9/1/83)	60.28	120.56	241.12	482.24	1205.60	2411.20	24112.	7.62	8.49	8.50
4-6 TO 5-0 (3/1/84)	62.84	125.68	251.36	502.72	1256.80	2513.60	25136.	7.72	8.50	8.50
5-0 TO 5-6 (9/1/84)	65.51	131.02	262.04	524.08	1310.20	2620.40	26204.	7.80	8.49	8.50
5-6 TO 6-0 (3/1/85)	68.29	136.58	273.16	546.32	1365.80	2731.60	27316.	7.86	8.55	8.50
6-0 TO 6-6 (9/1/85)	71.21	142.42	284.84	569.68	1424.20	2848.40	28484.	7.92	8.45	8.49
6-6 TO 7-0 (3/1/86)	74.22	148.44	296.88	593.76	1484.40	2968.80	29688.	7.96	8.52	8.50
7-0 TO 7-6 (9/1/86)	77.38	154.76	309.52	619.04	1547.60	3095.20	30952.	8.00	8.50	8.50
7-6 TO 8-0 (3/1/87)	80.67	161.34	322.68	645.36	1613.40	3226.80	32268.	8.03	8.48	8.49
8-0 TO 8-6 (9/1/87)	84.09	168.18	336.36	672.72	1681.80	3363.60	33636.	8.06	8.51	8.50
8-6 TO 9-0 (3/1/88)	87.67	175.34	350.68	701.36	1753.40	3506.80	35068.	8.09	8.51	8.49
9-0 TO 9-6 (9/1/88)	91.40	182.80	365.60	731.20	1828.00	3656.00	36560.	8.11	8.49	8.49
9-6 TO10-0 (3/1/89)	95.28	190.56	381.12	762.24	1905.60	3811.20	38112.	8.13	8.48	8.48
10-0 2/ (9/1/89)	99.32	198.64	397.28	794.56	1986.40	3972.80	39728.	8.15 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(9/1/89)	$ 99.32	$198.64	$397.28	$794.56	$1986.40	$3972.80	$39728.	----	8.50	12.20
0-6 TO 1-0 (3/1/90)	103.54	207.08	414.16	828.32	2070.80	4141.60	41416.	8.50	8.50	14.08
1-0 TO 1-6 (9/1/90)	107.94	215.88	431.76	863.52	2158.80	4317.60	43176.	8.50	19.81	19.81
1-6 4/ (3/1/91)	118.63	237.26	474.52	949.04	2372.60	4745.20	47452.	12.20 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1961 ENTER EACH PERIOD. FOR ISSUES OF JAN. 1, 1962, ADD ONE MONTH.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.10 PERCENT; TO DATE OF BONUS PAYMENT IS 6.41 PERCENT.

4/ BONUS IS PAID AT 29 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 118

BONDS BEARING ISSUE DATE FEB. 1, 1962

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/(5/1/81)	$ 49.43	$ 98.86	$197.72	$395.44	$ 988.60	$1977.20	$19772.	6.83	8.50	8.50
2-0 TO 2-6 (11/1/81)	51.53	103.06	206.12	412.24	1030.60	2061.20	20612.	7.25	8.50	8.50
2-6 TO 3-0 (5/1/82)	53.72	107.44	214.88	429.76	1074.40	2148.80	21488.	7.50	8.49	8.50
3-0 TO 3-6 (11/1/82)	56.00	112.00	224.00	448.00	1120.00	2240.00	22400.	7.66	8.50	8.50
3-6 TO 4-0 (5/1/83)	58.38	116.76	233.52	467.04	1167.60	2335.20	23352.	7.78	8.53	8.50
4-0 TO 4-6 (11/1/83)	60.87	121.74	243.48	486.96	1217.40	2434.80	24348.	7.88	8.48	8.50
4-6 TO 5-0 (5/1/84)	63.45	126.90	253.80	507.60	1269.00	2538.00	25380.	7.94	8.48	8.50
5-0 TO 5-6 (11/1/84)	66.14	132.28	264.56	529.12	1322.80	2645.60	26456.	8.00	8.50	8.50
5-6 TO 6-0 (5/1/85)	68.95	137.90	275.80	551.60	1379.00	2758.00	27580.	8.04	8.53	8.50
6-0 TO 6-6 (11/1/85)	71.89	143.78	287.56	575.12	1437.80	2875.60	28756.	8.08	8.51	8.50
6-6 TO 7-0 (5/1/86)	74.95	149.90	299.80	599.60	1499.00	2998.00	29980.	8.12	8.46	8.50
7-0 TO 7-6 (11/1/86)	78.12	156.24	312.48	624.96	1562.40	3124.80	31248.	8.14	8.53	8.50
7-6 TO 8-0 (5/1/87)	81.45	162.90	325.80	651.60	1629.00	3258.00	32580.	8.17	8.50	8.50
8-0 TO 8-6 (11/1/87)	84.91	169.82	339.64	679.28	1698.20	3396.40	33964.	8.19	8.48	8.50
8-6 TO 9-0 (5/1/88)	88.51	177.02	354.04	708.08	1770.20	3540.40	35404.	8.20	8.54	8.51
9-0 TO 9-6 (11/1/88)	92.29	184.58	369.16	738.32	1845.80	3691.60	36916.	8.22	8.47	8.49
9-6 TO10-0 (5/1/89)	96.20	192.40	384.80	769.60	1924.00	3848.00	38480.	8.24	8.50	8.50
10-0 2/ (11/1/89)	100.29	200.58	401.16	802.32	2005.80	4011.60	40116.	8.25 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/89)	$100.29	$200.58	$401.16	$802.32	$2005.80	$4011.60	$40116.	----	8.50	12.19
0-6 TO 1-0 (5/1/90)	104.55	209.10	418.20	836.40	2091.00	4182.00	41820.	8.50	8.51	14.06
1-0 TO 1-6 (11/1/90)	109.00	218.00	436.00	872.00	2180.00	4360.00	43600.	8.50	19.76	19.76
1-6 4/ (5/1/91)	119.77	239.54	479.08	958.16	2395.40	4790.80	47908.	12.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1962 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.13 PERCENT; TO DATE OF BONUS PAYMENT IS 6.44 PERCENT.

4/ BONUS IS PAID AT 29 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 119

BONDS BEARING ISSUE DATE MAR. 1, 1962

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/	(6/1/81)	$ 49.78	$ 99.56	$199.12	$398.24	$ 995.60	$1991.20	$19912.	6.83	8.52	8.50
2-0 TO 2-6	(12/1/81)	51.90	103.80	207.60	415.20	1038.00	2076.00	20760.	7.25	8.52	8.50
2-6 TO 3-0	(6/1/82)	54.11	108.22	216.44	432.88	1082.20	2164.40	21644.	7.50	8.46	8.50
3-0 TO 3-6	(12/1/82)	56.40	112.80	225.60	451.20	1128.00	2256.00	22560.	7.66	8.51	8.50
3-6 TO 4-0	(6/1/83)	58.80	117.60	235.20	470.40	1176.00	2352.00	23520.	7.78	8.50	8.50
4-0 TO 4-6	(12/1/83)	61.30	122.60	245.20	490.40	1226.00	2452.00	24520.	7.87	8.48	8.50
4-6 TO 5-0	(6/1/84)	63.90	127.80	255.60	511.20	1278.00	2556.00	25560.	7.94	8.48	8.50
5-0 TO 5-6	(12/1/84)	66.61	133.22	266.44	532.88	1332.20	2664.40	26644.	8.00	8.53	8.50
5-6 TO 6-0	(6/1/85)	69.45	138.90	277.80	555.60	1389.00	2778.00	27780.	8.04	8.52	8.50
6-0 TO 6-6	(12/1/85)	72.41	144.82	289.64	579.28	1448.20	2896.40	28964.	8.08	8.45	8.50
6-6 TO 7-0	(6/1/86)	75.47	150.94	301.88	603.76	1509.40	3018.80	30188.	8.11	8.51	8.50
7-0 TO 7-6	(12/1/86)	78.68	157.36	314.72	629.44	1573.60	3147.20	31472.	8.14	8.52	8.50
7-6 TO 8-0	(6/1/87)	82.03	164.06	328.12	656.24	1640.60	3281.20	32812.	8.16	8.48	8.50
8-0 TO 8-6	(12/1/87)	85.51	171.02	342.04	684.08	1710.20	3420.40	34204.	8.18	8.51	8.51
8-6 TO 9-0	(6/1/88)	89.15	178.30	356.60	713.20	1783.00	3566.00	35660.	8.20	8.50	8.50
9-0 TO 9-6	(12/1/88)	92.94	185.88	371.76	743.52	1858.80	3717.60	37176.	8.22	8.50	8.50
9-6 TO10-0	(6/1/89)	96.89	193.78	387.56	775.12	1937.80	3875.60	38756.	8.24	8.50	8.50
10-0 2/	(12/1/89)	101.01	202.02	404.04	808.08	2020.20	4040.40	40404.	8.25 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(12/1/89)	$101.01	$202.02	$404.04	$808.08	$2020.20	$4040.40	$40404.	----	8.49	12.19
0-6 TO 1-0	(6/1/90)	105.30	210.60	421.20	842.40	2106.00	4212.00	42120.	8.49	8.51	14.06
1-0 TO 1-6	(12/1/90)	109.78	219.56	439.12	878.24	2195.60	4391.20	43912.	8.50	19.77	19.77
1-6 4/	(6/1/91)	120.63	241.26	482.52	965.04	2412.60	4825.20	48252.	12.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1962 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 8.16 PERCENT; TO DATE OF BONUS PAYMENT IS 6.47 PERCENT.

4/ BONUS IS PAID AT 29 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 120

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1962

TABLE 120

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1962

ISSUE PRICE . . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
		SECOND EXTENDED MATURITY PERIOD									
									PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/	(7/1/81)	$ 49.78	$ 99.56	$199.12	$398.24	$ 995.60	$1991.20	$19912.	6.83	8.52	8.50
2-0 TO 2-6	(1/1/82)	51.90	103.80	207.60	415.20	1038.00	2076.00	20760.	7.25	8.52	8.50
2-6 TO 3-0	(7/1/82)	54.11	108.22	216.44	432.88	1082.20	2164.40	21644.	7.50	8.46	8.50
3-0 TO 3-6	(1/1/83)	56.40	112.80	225.60	451.20	1128.00	2256.00	22560.	7.66	8.51	8.50
3-6 TO 4-0	(7/1/83)	58.80	117.60	235.20	470.40	1176.00	2352.00	23520.	7.78	8.50	8.50
4-0 TO 4-6	(1/1/84)	61.30	122.60	245.20	490.40	1226.00	2452.00	24520.	7.87	8.48	8.50
4-6 TO 5-0	(7/1/84)	63.90	127.80	255.60	511.20	1278.00	2556.00	25560.	7.94	8.48	8.50
5-0 TO 5-6	(1/1/85)	66.61	133.22	266.44	532.88	1332.20	2664.40	26644.	8.00	8.53	8.50
5-6 TO 6-0	(7/1/85)	69.45	138.90	277.80	555.60	1389.00	2778.00	27780.	8.04	8.52	8.50
6-0 TO 6-6	(1/1/86)	72.41	144.82	289.64	579.28	1448.20	2896.40	28964.	8.08	8.45	8.50
6-6 TO 7-0	(7/1/86)	75.47	150.94	301.88	603.76	1509.40	3018.80	30188.	8.11	8.51	8.50
7-0 TO 7-6	(1/1/87)	78.68	157.36	314.72	629.44	1573.60	3147.20	31472.	8.14	8.52	8.50
7-6 TO 8-0	(7/1/87)	82.03	164.06	328.12	656.24	1640.60	3281.20	32812.	8.16	8.48	8.50
8-0 TO 8-6	(1/1/88)	85.51	171.02	342.04	684.08	1710.20	3420.40	34204.	8.18	8.51	8.51
8-6 TO 9-0	(7/1/88)	89.15	178.30	356.60	713.20	1783.00	3566.00	35660.	8.20	8.50	8.50
9-0 TO 9-6	(1/1/89)	92.94	185.88	371.76	743.52	1858.80	3717.60	37176.	8.22	8.50	8.50
9-6 TO10-0	(7/1/89)	96.89	193.78	387.56	775.12	1937.80	3875.60	38756.	8.24	8.50	8.50
10-0 2/	(1/1/90)	101.01	202.02	404.04	808.08	2020.20	4040.40	40404.	8.25 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/90)	$101.01	$202.02	$404.04	$808.08	$2020.20	$4040.40	$40404.	----	8.49	14.08
0-6 TO 1-0	(7/1/90)	105.30	210.60	421.20	842.40	2106.00	4212.00	42120.	8.49	19.81	19.81
1-0 4/	(1/1/91)	115.73	231.46	462.92	925.84	2314.60	4629.20	46292.	14.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1962 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1962, ADD ONE MONTH.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.16 PERCENT; TO DATE OF BONUS PAYMENT IS 6.43 PERCENT.

4/ BONUS IS PAID AT 28 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 121

BONDS BEARING ISSUE DATE JUNE 1 OR JUL. 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/(9/1/81)	$ 49.90	$ 99.80	$199.60	$399.20	$ 998.00	$1996.00	$19960.	6.83	8.54	8.50
2-0 TO 2-6 (3/1/82)	52.03	104.06	208.12	416.24	1040.60	2081.20	20812.	7.25	8.46	8.50
2-6 TO 3-0 (9/1/82)	54.23	108.46	216.92	433.84	1084.60	2169.20	21692.	7.49	8.56	8.50
3-0 TO 3-6 (3/1/83)	56.55	113.10	226.20	452.40	1131.00	2262.00	22620.	7.67	8.45	8.50
3-6 TO 4-0 (9/1/83)	58.94	117.88	235.76	471.52	1178.80	2357.60	23576.	7.78	8.52	8.50
4-0 TO 4-6 (3/1/84)	61.45	122.90	245.80	491.60	1229.00	2458.00	24580.	7.87	8.49	8.50
4-6 TO 5-0 (9/1/84)	64.06	128.12	256.24	512.48	1281.20	2562.40	25624.	7.94	8.52	8.50
5-0 TO 5-6 (3/1/85)	66.79	133.58	267.16	534.32	1335.80	2671.60	26716.	8.00	8.47	8.50
5-6 TO 6-0 (9/1/85)	69.62	139.24	278.48	556.96	1392.40	2784.80	27848.	8.04	8.50	8.50
6-0 TO 6-6 (3/1/86)	72.58	145.16	290.32	580.64	1451.60	2903.20	29032.	8.08	8.49	8.50
6-6 TO 7-0 (9/1/86)	75.66	151.32	302.64	605.28	1513.20	3026.40	30264.	8.11	8.49	8.50
7-0 TO 7-6 (3/1/87)	78.87	157.74	315.48	630.96	1577.40	3154.80	31548.	8.14	8.55	8.51
7-6 TO 8-0 (9/1/87)	82.24	164.48	328.96	657.92	1644.80	3289.60	32896.	8.17	8.49	8.50
8-0 TO 8-6 (3/1/88)	85.73	171.46	342.92	685.84	1714.60	3429.20	34292.	8.19	8.49	8.50
8-6 TO 9-0 (9/1/88)	89.37	178.74	357.48	714.96	1787.40	3574.80	35748.	8.20	8.50	8.50
9-0 TO 9-6 (3/1/89)	93.17	186.34	372.68	745.36	1863.40	3726.80	37268.	8.22	8.50	8.50
9-6 TO10-0 (9/1/89)	97.13	194.26	388.52	777.04	1942.60	3885.20	38852.	8.24	8.50	8.50
10-0 2/ (3/1/90)	101.26	202.52	405.04	810.08	2025.20	4050.40	40504.	8.25 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(3/1/90)	$101.26	$202.52	$405.04	$810.08	$2025.20	$4050.40	$40504.	----	8.49	14.06
0-6 TO 1-0 (9/1/90)	105.56	211.12	422.24	844.48	2111.20	4222.40	42224.	8.49	19.78	19.78
1-0 4/ (3/1/91)	116.00	232.00	464.00	928.00	2320.00	4640.00	46400.	14.06 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1962 ENTER EACH PERIOD. FOR ISSUES OF JUL. 1, 1962, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.17 PERCENT; TO DATE OF BONUS PAYMENT IS 6.44 PERCENT.
4/ BONUS IS PAID AT 28 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 122

BONDS BEARING ISSUE DATE AUG. 1, 1962

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT.
1-0 TO 1-6 1/(5/1/81)	$ 48.33	$ 96.66	$193.32	$386.64	$ 966.60	$1933.20	$19332.	6.99	8.48	8.50
1-6 TO 2-0 (11/1/81)	50.38	100.76	201.52	403.04	1007.60	2015.20	20152.	7.49	8.54	8.50
2-0 TO 2-6 (5/1/82)	52.53	105.06	210.12	420.24	1050.60	2101.20	21012.	7.75	8.45	8.50
2-6 TO 3-0 (11/1/82)	54.75	109.50	219.00	438.00	1095.00	2190.00	21900.	7.89	8.58	8.50
3-0 TO 3-6 (5/1/83)	57.10	114.20	228.40	456.80	1142.00	2284.00	22840.	8.01	8.44	8.50
3-6 TO 4-0 (11/1/83)	59.51	119.02	238.04	476.08	1190.20	2380.40	23804.	8.07	8.50	8.50
4-0 TO 4-6 (5/1/84)	62.04	124.08	248.16	496.32	1240.80	2481.60	24816.	8.12	8.51	8.50
4-6 TO 5-0 (11/1/84)	64.68	129.36	258.72	517.44	1293.60	2587.20	25872.	8.17	8.50	8.50
5-0 TO 5-6 (5/1/85)	67.43	134.86	269.72	539.44	1348.60	2697.20	26972.	8.20	8.48	8.50
5-6 TO 6-0 (11/1/85)	70.29	140.58	281.16	562.32	1405.80	2811.60	28116.	8.22	8.51	8.50
6-0 TO 6-6 (5/1/86)	73.28	146.56	293.12	586.24	1465.60	2931.20	29312.	8.25	8.52	8.50
6-6 TO 7-0 (11/1/86)	76.40	152.80	305.60	611.20	1528.00	3056.00	30560.	8.27	8.48	8.50
7-0 TO 7-6 (5/1/87)	79.64	159.28	318.56	637.12	1592.80	3185.60	31856.	8.28	8.51	8.50
7-6 TO 8-0 (11/1/87)	83.03	166.06	332.12	664.24	1660.60	3321.20	33212.	8.30	8.50	8.50
8-0 TO 8-6 (5/1/88)	86.56	173.12	346.24	692.48	1731.20	3462.40	34624.	8.31	8.48	8.50
8-6 TO 9-0 (11/1/88)	90.23	180.46	360.92	721.84	1804.60	3609.20	36092.	8.32	8.53	8.51
9-0 TO 9-6 (5/1/89)	94.08	188.16	376.32	752.64	1881.60	3763.20	37632.	8.33	8.50	8.49
9-6 TO10-0 (11/1/89)	98.08	196.16	392.32	784.64	1961.60	3923.20	39232.	8.34	8.48	8.48
10-0 2/ (5/1/90)	102.24	204.48	408.96	817.92	2044.80	4089.60	40896.	8.35 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/90)	$102.24	$204.48	$408.96	$817.92	$2044.80	$4089.60	$40896.	----	8.51	14.06
0-6 TO 1-0 (11/1/90)	106.59	213.18	426.36	852.72	2131.80	4263.60	42636.	8.51	19.76	19.76
1-0 4/ (5/1/91)	117.12	234.24	468.48	936.96	2342.40	4684.80	46848.	14.06 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1962 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.21 PERCENT; TO DATE OF BONUS PAYMENT IS 6.47 PERCENT.

4/ BONUS IS PAID AT 28 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 123

BONDS BEARING ISSUE DATE SEP. 1, 1962

PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) (2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
	SECOND EXTENDED MATURITY PERIOD							PERCENT	PERCENT	PERCENT
1-0 TO 1-6 1/(6/1/81)	$ 48.67	$ 97.34	$194.68	$389.36	$ 973.40	$1946.80	$19468.	6.99	8.55	8.50
1-6 TO 2-0 (12/1/81)	50.75	101.50	203.00	406.00	1015.00	2030.00	20300.	7.51	8.47	8.50
2-0 TO 2-6 (6/1/82)	52.90	105.80	211.60	423.20	1058.00	2116.00	21160.	7.75	8.51	8.50
2-6 TO 3-0 (12/1/82)	55.15	110.30	220.60	441.20	1103.00	2206.00	22060.	7.90	8.52	8.50
3-0 TO 3-6 (6/1/83)	57.50	115.00	230.00	460.00	1150.00	2300.00	23000.	8.00	8.45	8.50
3-6 TO 4-0 (12/1/83)	59.93	119.86	239.72	479.44	1198.60	2397.20	23972.	8.07	8.54	8.50
4-0 TO 4-6 (6/1/84)	62.49	124.98	249.96	499.92	1249.80	2499.60	24996.	8.13	8.51	8.50
4-6 TO 5-0 (12/1/84)	65.15	130.30	260.60	521.20	1303.00	2606.00	26060.	8.17	8.47	8.50
5-0 TO 5-6 (6/1/85)	67.91	135.82	271.64	543.28	1358.20	2716.40	27164.	8.20	8.51	8.50
5-6 TO 6-0 (12/1/85)	70.80	141.60	283.20	566.40	1416.00	2832.00	28320.	8.23	8.47	8.50
6-0 TO 6-6 (6/1/86)	73.80	147.60	295.20	590.40	1476.00	2952.00	29520.	8.25	8.51	8.50
6-6 TO 7-0 (12/1/86)	76.94	153.88	307.76	615.52	1538.80	3077.60	30776.	8.27	8.50	8.50
7-0 TO 7-6 (6/1/87)	80.21	160.42	320.84	641.68	1604.20	3208.40	32084.	8.28	8.53	8.50
7-6 TO 8-0 (12/1/87)	83.63	167.26	334.52	669.04	1672.60	3345.20	33452.	8.30	8.47	8.50
8-0 TO 8-6 (6/1/88)	87.17	174.34	348.68	697.36	1743.40	3486.80	34868.	8.31	8.51	8.50
8-6 TO 9-0 (12/1/88)	90.88	181.76	363.52	727.04	1817.60	3635.20	36352.	8.32	8.49	8.50
9-0 TO 9-6 (6/1/89)	94.74	189.48	378.96	757.92	1894.80	3789.60	37896.	8.33	8.51	8.51
9-6 TO10-0 (12/1/89)	98.77	197.54	395.08	790.16	1975.40	3950.80	39508.	8.34	8.50	8.50
10-0 2/ (6/1/90)	102.97	205.94	411.88	823.76	2059.40	4118.80	41188.	8.35 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(6/1/90)	$102.97	$205.94	$411.88	$823.76	$2059.40	$4118.80	$41188.	----	8.51	14.06
0-6 TO 1-0 (12/1/90)	107.35	214.70	429.40	858.80	2147.00	4294.00	42940.	8.51	19.77	19.77
1-0 4/ (6/1/91)	117.96	235.92	471.84	943.68	2359.20	4718.40	47184.	14.06 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1962 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.23 PERCENT; TO DATE OF BONUS PAYMENT IS 6.50 PERCENT.

4/ BONUS IS PAID AT 28 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 124

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1962

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
1-0 TO 1-6 1/	(7/1/81)	$ 48.67	$ 97.34	$194.68	$389.36	$ 973.40	$1946.80	$19468.	6.99	8.55	8.50
1-6 TO 2-0	(1/1/82)	50.75	101.50	203.00	406.00	1015.00	2030.00	20300.	7.51	8.47	8.50
2-0 TO 2-6	(7/1/82)	52.90	105.80	211.60	423.20	1058.00	2116.00	21160.	7.75	8.51	8.50
2-6 TO 3-0	(1/1/83)	55.15	110.30	220.60	441.20	1103.00	2206.00	22060.	7.90	8.52	8.50
3-0 TO 3-6	(7/1/83)	57.50	115.00	230.00	460.00	1150.00	2300.00	23000.	8.00	8.45	8.50
3-6 TO 4-0	(1/1/84)	59.93	119.86	239.72	479.44	1198.60	2397.20	23972.	8.07	8.54	8.50
4-0 TO 4-6	(7/1/84)	62.49	124.98	249.96	499.92	1249.80	2499.60	24996.	8.13	8.51	8.50
4-6 TO 5-0	(1/1/85)	65.15	130.30	260.60	521.20	1303.00	2606.00	26060.	8.17	8.47	8.50
5-0 TO 5-6	(7/1/85)	67.91	135.82	271.64	543.28	1358.20	2716.40	27164.	8.20	8.51	8.50
5-6 TO 6-0	(1/1/86)	70.80	141.60	283.20	566.40	1416.00	2832.00	28320.	8.23	8.47	8.50
6-0 TO 6-6	(7/1/86)	73.80	147.60	295.20	590.40	1476.00	2952.00	29520.	8.25	8.51	8.50
6-6 TO 7-0	(1/1/87)	76.94	153.88	307.76	615.52	1538.80	3077.60	30776.	8.27	8.50	8.50
7-0 TO 7-6	(7/1/87)	80.21	160.42	320.84	641.68	1604.20	3208.40	32084.	8.28	8.53	8.50
7-6 TO 8-0	(1/1/88)	83.63	167.26	334.52	669.04	1672.60	3345.20	33452.	8.30	8.47	8.50
8-0 TO 8-6	(7/1/88)	87.17	174.34	348.68	697.36	1743.40	3486.80	34868.	8.31	8.51	8.50
8-6 TO 9-0	(1/1/89)	90.88	181.76	363.52	727.04	1817.60	3635.20	36352.	8.32	8.49	8.50
9-0 TO 9-6	(7/1/89)	94.74	189.48	378.96	757.92	1894.80	3789.60	37896.	8.33	8.51	8.51
9-6 TO10-0	(1/1/90)	98.77	197.54	395.08	790.16	1975.40	3950.80	39508.	8.34	8.50	8.50
10-0 2/	(7/1/90)	102.97	205.94	411.88	823.76	2059.40	4118.80	41188.	8.35 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/90)	$102.97	$205.94	$411.88	$823.76	$2059.40	$4118.80	$41188.	----	19.77	19.77
0-6 4/	(1/1/91)	113.15	226.30	452.60	905.20	2263.00	4526.00	45260.	19.77 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1962 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1962, ADD ONE MONTH.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.23 PERCENT; TO DATE OF BONUS PAYMENT IS 6.47 PERCENT.

4/ BONUS IS PAID AT 28 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 125

BONDS BEARING ISSUE DATE DEC. 1, 1962 OR JAN. 1, 1963

ISSUE PRICE . . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
	SECOND EXTENDED MATURITY PERIOD									
								PERCENT	PERCENT	PERCENT
1-0 TO 1-6 1/(9/1/81)	$ 48.88	$ 97.76	$195.52	$391.04	$ 977.60	$1955.20	$19552.	7.00	8.51	8.50
1-6 TO 2-0 (3/1/82)	50.96	101.92	203.84	407.68	1019.20	2038.40	20384.	7.50	8.52	8.50
2-0 TO 2-6 (9/1/82)	53.13	106.26	212.52	425.04	1062.60	2125.20	21252.	7.76	8.43	8.50
2-6 TO 3-0 (3/1/83)	55.37	110.74	221.48	442.96	1107.40	2214.80	22148.	7.89	8.52	8.50
3-0 TO 3-6 (9/1/83)	57.73	115.46	230.92	461.84	1154.60	2309.20	23092.	8.00	8.52	8.50
3-6 TO 4-0 (3/1/84)	60.19	120.38	240.76	481.52	1203.80	2407.60	24076.	8.07	8.47	8.50
4-0 TO 4-6 (9/1/84)	62.74	125.48	250.96	501.92	1254.80	2509.60	25096.	8.12	8.51	8.50
4-6 TO 5-0 (3/1/85)	65.41	130.82	261.64	523.28	1308.20	2616.40	26164.	8.16	8.50	8.50
5-0 TO 5-6 (9/1/85)	68.19	136.38	272.76	545.52	1363.80	2727.60	27276.	8.20	8.51	8.50
5-6 TO 6-0 (3/1/86)	71.09	142.18	284.36	568.72	1421.80	2843.60	28436.	8.23	8.52	8.50
6-0 TO 6-6 (9/1/86)	74.12	148.24	296.48	592.96	1482.40	2964.80	29648.	8.25	8.47	8.50
6-6 TO 7-0 (3/1/87)	77.26	154.52	309.04	618.08	1545.20	3090.40	30904.	8.27	8.52	8.50
7-0 TO 7-6 (9/1/87)	80.55	161.10	322.20	644.40	1611.00	3222.00	32220.	8.29	8.49	8.50
7-6 TO 8-0 (3/1/88)	83.97	167.94	335.88	671.76	1679.40	3358.80	33588.	8.30	8.50	8.50
8-0 TO 8-6 (9/1/88)	87.54	175.08	350.16	700.32	1750.80	3501.60	35016.	8.31	8.50	8.50
8-6 TO 9-0 (3/1/89)	91.26	182.52	365.04	730.08	1825.20	3650.40	36504.	8.32	8.50	8.50
9-0 TO 9-6 (9/1/89)	95.14	190.28	380.56	761.12	1902.80	3805.60	38056.	8.33	8.47	8.50
9-6 TO10-0 (3/1/90)	99.17	198.34	396.68	793.36	1983.40	3966.80	39668.	8.34	8.53	8.53
10-0 2/ (9/1/90)	103.40	206.80	413.60	827.20	2068.00	4136.00	41360.	8.35 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(9/1/90)	$103.40	$206.80	$413.60	$827.20	$2068.00	$4136.00	$41360.	----	19.77	19.77
0-6 4/ (3/1/91)	113.62	227.24	454.48	908.96	2272.40	4544.80	45448.	19.77 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1962 ENTER EACH PERIOD. FOR ISSUES OF JAN. 1, 1963, ADD ONE MONTH.
2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.25 PERCENT; TO DATE OF BONUS PAYMENT IS 6.48 PERCENT.
4/ BONUS IS PAID AT 28 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 126

BONDS BEARING ISSUE DATE FEB. 1, 1963

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
								PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/(5/1/81)	$ 47.34	$ 94.68	$189.36	$378.72	$ 946.80	$1893.60	$18936.	7.50	8.49	8.50
1-0 TO 1-6 (11/1/81)	49.35	98.70	197.40	394.80	987.00	1974.00	19740.	7.99	8.51	8.50
1-6 TO 2-0 (5/1/82)	51.45	102.90	205.80	411.60	1029.00	2058.00	20580.	8.17	8.51	8.50
2-0 TO 2-6 (11/1/82)	53.64	107.28	214.56	429.12	1072.80	2145.60	21456.	8.25	8.50	8.50
2-6 TO 3-0 (5/1/83)	55.92	111.84	223.68	447.36	1118.40	2236.80	22368.	8.30	8.48	8.50
3-0 TO 3-6 (11/1/83)	58.29	116.58	233.16	466.32	1165.80	2331.60	23316.	8.33	8.51	8.50
3-6 TO 4-0 (5/1/84)	60.77	121.54	243.08	486.16	1215.40	2430.80	24308.	8.36	8.49	8.50
4-0 TO 4-6 (11/1/84)	63.35	126.70	253.40	506.80	1267.00	2534.00	25340.	8.37	8.49	8.50
4-6 TO 5-0 (5/1/85)	66.04	132.08	264.16	528.32	1320.80	2641.60	26416.	8.39	8.54	8.50
5-0 TO 5-6 (11/1/85)	68.86	137.72	275.44	550.88	1377.20	2754.40	27544.	8.40	8.48	8.50
5-6 TO 6-0 (5/1/86)	71.78	143.56	287.12	574.24	1435.60	2871.20	28712.	8.41	8.50	8.50
6-0 TO 6-6 (11/1/86)	74.83	149.66	299.32	598.64	1496.60	2993.20	29932.	8.42	8.47	8.50
6-6 TO 7-0 (5/1/87)	78.00	156.00	312.00	624.00	1560.00	3120.00	31200.	8.42	8.54	8.51
7-0 TO 7-6 (11/1/87)	81.33	162.66	325.32	650.64	1626.60	3253.20	32532.	8.43	8.48	8.50
7-6 TO 8-0 (5/1/88)	84.78	169.56	339.12	678.24	1695.60	3391.20	33912.	8.43	8.52	8.50
8-0 TO 8-6 (11/1/88)	88.39	176.78	353.56	707.12	1767.80	3535.60	35356.	8.44	8.49	8.50
8-6 TO 9-0 (5/1/89)	92.14	184.28	368.56	737.12	1842.80	3685.60	36856.	8.44	8.51	8.50
9-0 TO 9-6 (11/1/89)	96.06	192.12	384.24	768.48	1921.20	3842.40	38424.	8.44	8.47	8.50
9-6 TO10-0 (5/1/90)	100.13	200.26	400.52	801.04	2002.60	4005.20	40052.	8.45	8.53	8.53
10-0 2/ (11/1/90)	104.40	208.80	417.60	835.20	2088.00	4176.00	41760.	8.45 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)	THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/90)	$104.40	$208.80	$417.60	$835.20	$2088.00	$4176.00	$41760.	----	19.77	19.77
0-6 4/ (5/1/91)	114.72	229.44	458.88	917.76	2294.40	4588.80	45888.	19.77 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1963 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 8.28 PERCENT; TO DATE OF BONUS PAYMENT IS 6.52 PERCENT.

4/ BONUS IS PAID AT 28 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 127

BONDS BEARING ISSUE DATE MAR. 1, 1963

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 2ND EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/	(6/1/81)	$ 47.56	$ 95.12	$190.24	$380.48	$ 951.20	$1902.40	$19024.	7.50	8.49	8.50
1-0 TO 1-6	(12/1/81)	49.58	99.16	198.32	396.64	991.60	1983.20	19832.	8.00	8.51	8.50
1-6 TO 2-0	(6/1/82)	51.69	103.38	206.76	413.52	1033.80	2067.60	20676.	8.17	8.51	8.50
2-0 TO 2-6	(12/1/82)	53.89	107.78	215.56	431.12	1077.80	2155.60	21556.	8.26	8.50	8.50
2-6 TO 3-0	(6/1/83)	56.18	112.36	224.72	449.44	1123.60	2247.20	22472.	8.30	8.47	8.50
3-0 TO 3-6.	(12/1/83)	58.56	117.12	234.24	468.48	1171.20	2342.40	23424.	8.33	8.50	8.50
3-6 TO 4-0	(6/1/84)	61.05	122.10	244.20	488.40	1221.00	2442.00	24420.	8.36	8.52	8.50
4-0 TO 4-6	(12/1/84)	63.65	127.30	254.60	509.20	1273.00	2546.00	25460.	8.38	8.48	8.50
4-6 TO 5-0	(6/1/85)	66.35	132.70	265.40	530.80	1327.00	2654.00	26540.	8.39	8.50	8.50
5-0 TO 5-6	(12/1/85)	69.17	138.34	276.68	553.36	1383.40	2766.80	27668.	8.40	8.53	8.50
5-6 TO 6-0	(6/1/86)	72.12	144.24	288.48	576.96	1442.40	2884.80	28848.	8.41	8.49	8.50
6-0 TO 6-6	(12/1/86)	75.18	150.36	300.72	601.44	1503.60	3007.20	30072.	8.42	8.46	8.50
6-6 TO 7-0	(6/1/87)	78.36	156.72	313.44	626.88	1567.20	3134.40	31344.	8.42	8.52	8.51
7-0 TO 7-6	(12/1/87)	81.70	163.40	326.80	653.60	1634.00	3268.00	32680.	8.43	8.49	8.50
7-6 TO 8-0	(6/1/88)	85.17	170.34	340.68	681.36	1703.40	3406.80	34068.	8.43	8.52	8.51
8-0 TO 8-6	(12/1/88)	88.80	177.60	355.20	710.40	1776.00	3552.00	35520.	8.44	8.47	8.50
8-6 TO 9-0	(6/1/89)	92.56	185.12	370.24	740.48	1851.20	3702.40	37024.	8.44	8.51	8.51
9-0 TO 9-6	(12/1/89)	96.50	193.00	386.00	772.00	1930.00	3860.00	38600.	8.44	8.50	8.51
9-6 TO10-0	(6/1/90)	100.60	201.20	402.40	804.80	2012.00	4024.00	40240.	8.45	8.53	8.53
10-0 2/	(12/1/90)	104.89	209.78	419.56	839.12	2097.80	4195.60	41956.	8.45 3/	----	----
(YEARS AND MONTHS AFTER 2ND EXTENDED MATURITY DATE)		THIRD EXTENDED MATURITY PERIOD**									(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(12/1/90)	$104.89	$209.78	$419.56	$839.12	$2097.80	$4195.60	$41956.	----	19.77	19.77
0-6 4/	(6/1/91)	115.26	230.52	461.04	922.08	2305.20	4610.40	46104.	19.77 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1963 ENTER EACH PERIOD.

2/ SECOND EXTENDED MATURITY VALUE IS REACHED AT 27 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 2ND EXTENDED MATURITY DATE IS 6.30 PERCENT; TO DATE OF BONUS PAYMENT IS 6.53 PERCENT.

4/ BONUS IS PAID AT 28 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 12B

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1963

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/	(7/1/81)	$ 47.56	$ 95.12	$190.24	$380.48	$ 951.20	$1902.40	$19024.	7.50	8.49	9.08
1-0 TO 1-6	(1/1/82)	49.58	99.16	198.32	396.64	991.60	1983.20	19832.	8.00	8.51	9.11
1-6 TO 2-0	(7/1/82)	51.69	103.38	206.76	413.52	1033.80	2067.60	20676.	8.17	8.51	9.15
2-0 TO 2-6	(1/1/83)	53.89	107.78	215.56	431.12	1077.80	2155.60	21556.	8.26	8.50	9.19
2-6 TO 3-0	(7/1/83)	56.18	112.36	224.72	449.44	1123.60	2247.20	22472.	8.30	8.47	9.23
3-0 TO 3-6	(1/1/84)	58.56	117.12	234.24	468.48	1171.20	2342.40	23424.	8.33	8.50	9.29
3-6 TO 4-0	(7/1/84)	61.05	122.10	244.20	488.40	1221.00	2442.00	24420.	8.36	8.52	9.35
4-0 TO 4-6	(1/1/85)	63.65	127.30	254.60	509.20	1273.00	2546.00	25460.	8.38	8.48	9.42
4-6 TO 5-0	(7/1/85)	66.35	132.70	265.40	530.80	1327.00	2654.00	26540.	8.39	8.50	9.50
5-0 TO 5-6	(1/1/86)	69.17	138.34	276.68	553.36	1383.40	2766.80	27668.	8.40	8.53	9.60
5-6 TO 6-0	(7/1/86)	72.12	144.24	288.48	576.96	1442.40	2884.80	28848.	8.41	8.49	9.72
6-0 TO 6-6	(1/1/87)	75.18	150.36	300.72	601.44	1503.60	3007.20	30072.	8.42	8.46	9.88
6-6 TO 7-0	(7/1/87)	78.36	156.72	313.44	626.88	1567.20	3134.40	31344.	8.42	8.52	10.08
7-0 TO 7-6	(1/1/88)	81.70	163.40	326.80	653.60	1634.00	3268.00	32680.	8.43	8.49	10.34
7-6 TO 8-0	(7/1/88)	85.17	170.34	340.68	681.36	1703.40	3406.80	34068.	8.43	8.52	10.71
8-0 TO 8-6	(1/1/89)	88.80	177.60	355.20	710.40	1776.00	3552.00	35520.	8.44	8.47	11.26
8-6 TO 9-0	(7/1/89)	92.56	185.12	370.24	740.48	1851.20	3702.40	37024.	8.44	8.51	12.20
9-0 TO 9-6	(1/1/90)	96.50	193.00	386.00	772.00	1930.00	3860.00	38600.	8.44	8.50	14.07
9-6 TO10-0	(7/1/90)	100.60	201.20	402.40	804.80	2012.00	4024.00	40240.	8.45	19.80	19.80
10-0 2/	(1/1/91)	110.56	221.12	442.24	884.48	2211.20	4422.40	44224.	9.00 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1963 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1963, ADD ONE MONTH.
2/ BONUS PAYMENT IS MADE AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.50 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 129

BONDS BEARING ISSUE DATE JUNE 1 OR JUL. 1, 1963

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
								PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/(9/1/81)	$ 47.92	$ 95.84	$191.68	$383.36	$ 958.40	$1916.80	$19168.	7.49	8.51	9.08
1-0 TO 1-6 (3/1/82)	49.96	99.92	199.84	399.68	999.20	1998.40	19984.	8.00	8.49	9.11
1-6 TO 2-0 (9/1/82)	52.08	104.16	208.32	416.64	1041.60	2083.20	20832.	8.16	8.49	9.15
2-0 TO 2-6 (3/1/83)	54.29	108.58	217.16	434.32	1085.80	2171.60	21716.	8.24	8.55	9.19
2-6 TO 3-0 (9/1/83)	56.61	113.22	226.44	452.88	1132.20	2264.40	22644.	8.30	8.48	9.23
3-0 TO 3-6 (3/1/84)	59.01	118.02	236.04	472.08	1180.20	2360.40	23604.	8.33	8.51	9.29
3-6 TO 4-0 (9/1/84)	61.52	123.04	246.08	492.16	1230.40	2460.80	24608.	8.36	8.49	9.35
4-0 TO 4-6 (3/1/85)	64.13	128.26	256.52	513.04	1282.60	2565.20	25652.	8.37	8.51	9.42
4-6 TO 5-0 (9/1/85)	66.86	133.72	267.44	534.88	1337.20	2674.40	26744.	8.39	8.50	9.50
5-0 TO 5-6 (3/1/86)	69.70	139.40	278.80	557.60	1394.00	2788.00	27880.	8.40	8.49	9.60
5-6 TO 6-0 (9/1/86)	72.66	145.32	290.64	581.28	1453.20	2906.40	29064.	8.41	8.51	9.73
6-0 TO 6-6 (3/1/87)	75.75	151.50	303.00	606.00	1515.00	3030.00	30300.	8.42	8.50	9.88
6-6 TO 7-0 (9/1/87)	78.97	157.94	315.88	631.76	1579.40	3158.80	31588.	8.42	8.51	10.08
7-0 TO 7-6 (3/1/88)	82.33	164.66	329.32	658.64	1646.60	3293.20	32932.	8.43	8.50	10.34
7-6 TO 8-0 (9/1/88)	85.83	171.66	343.32	686.64	1716.60	3433.20	34332.	8.43	8.46	10.71
8-0 TO 8-6 (3/1/89)	89.46	178.92	357.84	715.68	1789.20	3578.40	35784.	8.44	8.54	11.27
8-6 TO 9-0 (9/1/89)	93.28	186.56	373.12	746.24	1865.60	3731.20	37312.	8.44	8.47	12.19
9-0 TO 9-6 (3/1/90)	97.23	194.46	388.92	777.84	1944.60	3889.20	38892.	8.44	8.50	14.08
9-6 TO10-0 (9/1/90)	101.36	202.72	405.44	810.88	2027.20	4054.40	40544.	8.45	19.81	19.81
10-0 2/ (3/1/91)	111.40	222.80	445.60	891.20	2228.00	4456.00	44560.	9.00 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1963 ENTER EACH PERIOD. FOR ISSUES OF JUL. 1, 1963, ADD ONE MONTH.
2/ BONUS PAYMENT IS MADE AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.53 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 130

BONDS BEARING ISSUE DATE AUG. 1, 1963

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/(5/1/81)	$ 46.41	$ 92.82	$185.64	$371.28	$ 928.20	$1856.40	$18564.	----	8.49	9.05
0-6 TO 1-0 (11/1/81)	48.38	96.76	193.52	387.04	967.60	1935.20	19352.	8.49	8.52	9.08
1-0 TO 1-6 (5/1/82)	50.44	100.88	201.76	403.52	1008.80	2017.60	20176.	8.50	8.49	9.11
1-6 TO 2-0 (11/1/82)	52.58	105.16	210.32	420.64	1051.60	2103.20	21032.	8.50	8.48	9.15
2-0 TO 2-6 (5/1/83)	54.81	109.62	219.24	438.48	1096.20	2192.40	21924.	8.49	8.54	9.19
2-6 TO 3-0 (11/1/83)	57.15	114.30	228.60	457.20	1143.00	2286.00	22860.	8.50	8.47	9.24
3-0 TO 3-6 (5/1/84)	59.57	119.14	238.28	476.56	1191.40	2382.80	23828.	8.50	8.53	9.29
3-6 TO 4-0 (11/1/84)	62.11	124.22	248.44	496.88	1242.20	2484.40	24844.	8.50	8.47	9.35
4-0 TO 4-6 (5/1/85)	64.74	129.48	258.96	517.92	1294.80	2589.60	25896.	8.50	8.53	9.42
4-6 TO 5-0 (11/1/85)	67.50	135.00	270.00	540.00	1350.00	2700.00	27000.	8.50	8.47	9.51
5-0 TO 5-6 (5/1/86)	70.36	140.72	281.44	562.88	1407.20	2814.40	28144.	8.50	8.53	9.61
5-6 TO 6-0 (11/1/86)	73.36	146.72	293.44	586.88	1467.20	2934.40	29344.	8.50	8.51	9.73
6-0 TO 6-6 (5/1/87)	76.48	152.96	305.92	611.84	1529.60	3059.20	30592.	8.50	8.50	9.88
6-6 TO 7-0 (11/1/87)	79.73	159.46	318.92	637.84	1594.60	3189.20	31892.	8.50	8.48	10.08
7-0 TO 7-6 (5/1/88)	83.11	166.22	332.44	664.88	1662.20	3324.40	33244.	8.50	8.52	10.35
7-6 TO 8-0 (11/1/88)	86.65	173.30	346.60	693.20	1733.00	3466.00	34660.	8.50	8.49	10.72
8-0 TO 8-6 (5/1/89)	90.33	180.66	361.32	722.64	1806.60	3613.20	36132.	8.50	8.50	11.28
8-6 TO 9-0 (11/1/89)	94.17	188.34	376.68	753.36	1883.40	3766.80	37668.	8.50	8.50	12.21
9-0 TO 9-6 (5/1/90)	98.17	196.34	392.68	785.36	1963.40	3926.80	39268.	8.50	8.50	14.09
9-6 TO10-0 (11/1/90)	102.34	204.68	409.36	818.72	2046.80	4093.60	40936.	8.50	19.84	19.84
10-0 2/ (5/1/91)	112.49	224.98	449.96	899.92	2249.80	4499.60	44996.	9.05 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1963 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.56 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 131

BONDS BEARING ISSUE DATE SEP. 1, 1963

ISSUE PRICE	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
								PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/(6/1/81)	$ 46.63	$ 93.26	$186.52	$373.04	$ 932.60	$1865.20	$18652.	----	8.49	9.05
0-6 TO 1-0 (12/1/81)	48.61	97.22	194.44	388.88	972.20	1944.40	19444.	8.49	8.48	9.08
1-0 TO 1-6 (6/1/82)	50.67	101.34	202.68	405.36	1013.40	2026.80	20268.	8.48	8.57	9.12
1-6 TO 2-0 (12/1/82)	52.84	105.68	211.36	422.72	1056.80	2113.60	21136.	8.51	8.48	9.15
2-0 TO 2-6 (6/1/83)	55.08	110.16	220.32	440.64	1101.60	2203.20	22032.	8.50	8.46	9.19
2-6 TO 3-0 (12/1/83)	57.41	114.82	229.64	459.28	1148.20	2296.40	22964.	8.49	8.54	9.24
3-0 TO 3-6 (6/1/84)	59.86	119.72	239.44	478.88	1197.20	2394.40	23944.	8.50	8.52	9.29
3-6 TO 4-0 (12/1/84)	62.41	124.82	249.64	499.28	1248.20	2496.40	24964.	8.50	8.46	9.35
4-0 TO 4-6 (6/1/85)	65.05	130.10	260.20	520.40	1301.00	2602.00	26020.	8.50	8.52	9.42
4-6 TO 5-0 (12/1/85)	67.82	135.64	271.28	542.56	1356.40	2712.80	27128.	8.50	8.49	9.51
5-0 TO 5-6 (6/1/86)	70.70	141.40	282.80	565.60	1414.00	2828.00	28280.	8.50	8.51	9.61
5-6 TO 6-0 (12/1/86)	73.71	147.42	294.84	589.68	1474.20	2948.40	29484.	8.50	8.49	9.73
6-0 TO 6-6 (6/1/87)	76.84	153.68	307.36	614.72	1536.80	3073.60	30736.	8.50	8.49	9.88
6-6 TO 7-0 (12/1/87)	80.10	160.20	320.40	640.80	1602.00	3204.00	32040.	8.50	8.51	10.09
7-0 TO 7-6 (6/1/88)	83.51	167.02	334.04	668.08	1670.20	3340.40	33404.	8.50	8.50	10.35
7-6 TO 8-0 (12/1/88)	87.06	174.12	348.24	696.48	1741.20	3482.40	34824.	8.50	8.50	10.72
8-0 TO 8-6 (6/1/89)	90.76	181.52	363.04	726.08	1815.20	3630.40	36304.	8.50	8.51	11.28
8-6 TO 9-0 (12/1/89)	94.62	189.24	378.48	756.96	1892.40	3784.80	37848.	8.50	8.50	12.21
9-0 TO 9-6 (6/1/90)	98.64	197.28	394.56	789.12	1972.80	3945.60	39456.	8.50	8.50	14.09
9-6 TO10-0 (12/1/90)	102.83	205.66	411.32	822.64	2056.60	4113.20	41132.	8.50	19.84	19.84
10-0 2/ (6/1/91)	113.03	226.06	452.12	904.24	2260.60	4521.20	45212.	9.05 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1963 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 27 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.58 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 132

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1963

ISSUE PRICE		$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD							(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0-0 TO 0-6	1/(7/1/81)	$ 46.63	$ 93.26	$186.52	$373.04	$ 932.60	$1865.20	$18652.	----	8.49	9.08
0-6 TO 1-0	(1/1/82)	48.61	97.22	194.44	388.88	972.20	1944.40	19444.	8.49	8.48	9.11
1-0 TO 1-6	(7/1/82)	50.67	101.34	202.68	405.36	1013.40	2026.80	20268.	8.48	8.57	9.15
1-6 TO 2-0	(1/1/83)	52.84	105.68	211.36	422.72	1056.80	2113.60	21136.	8.51	8.48	9.19
2-0 TO 2-6	(7/1/83)	55.08	110.16	220.32	440.64	1101.60	2203.20	22032.	8.50	8.46	9.24
2-6 TO 3-0	(1/1/84)	57.41	114.82	229.64	459.28	1148.20	2296.40	22964.	8.49	8.54	9.29
3-0 TO 3-6	(7/1/84)	59.86	119.72	239.44	478.88	1197.20	2394.40	23944.	8.50	8.52	9.35
3-6 TO 4-0	(1/1/85)	62.41	124.82	249.64	499.28	1248.20	2496.40	24964.	8.50	8.46	9.42
4-0 TO 4-6	(7/1/85)	65.05	130.10	260.20	520.40	1301.00	2602.00	26020.	8.50	8.52	9.51
4-6 TO 5-0	(1/1/86)	67.82	135.64	271.28	542.56	1356.40	2712.80	27128.	8.50	8.49	9.61
5-0 TO 5-6	(7/1/86)	70.70	141.40	282.80	565.60	1414.00	2828.00	28280.	8.50	8.51	9.73
5-6 TO 6-0	(1/1/87)	73.71	147.42	294.84	589.68	1474.20	2948.40	29484.	8.50	8.49	9.88
6-0 TO 6-6	(7/1/87)	76.84	153.68	307.36	614.72	1536.80	3073.60	30736.	8.50	8.49	10.08
6-6 TO 7-0	(1/1/88)	80.10	160.20	320.40	640.80	1602.00	3204.00	32040.	8.50	8.51	10.35
7-0 TO 7-6	(7/1/88)	83.51	167.02	334.04	668.08	1670.20	3340.40	33404.	8.50	8.50	10.72
7-6 TO 8-0	(1/1/89)	87.06	174.12	348.24	696.48	1741.20	3482.40	34824.	8.50	8.50	11.28
8-0 TO 8-6	(7/1/89)	90.76	181.52	363.04	726.08	1815.20	3630.40	36304.	8.50	8.51	12.21
8-6 TO 9-0	(1/1/90)	94.62	189.24	378.48	756.96	1892.40	3784.80	37848.	8.50	8.50	14.09
9-0 TO 9-6	(7/1/90)	98.64	197.28	394.56	789.12	1972.80	3945.60	39456.	8.50	19.83	19.83
9-6 2/	(1/1/91)	108.42	216.84	433.68	867.36	2168.40	4336.80	43368.	9.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1963 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1963, ADD ONE MONTH.
2/ BONUS PAYMENT IS MADE AT 27 YEARS AND 3 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.54 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

V46/193 OC 6 81 UMI

TABLE 133

BONDS BEARING ISSUE DATE DEC. 1, 1963 OR JAN. 1, 1964

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER FIRST EXTENDED MATURITY AT 17 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* SECOND EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
									PERCENT	PERCENT	PERCENT
0-0 TO 0-6 1/(9/1/81)	$46.93	$ 93.86	$140.79	$187.72	$375.44	$ 938.60	$1877.20	$18772.	----	8.48	9.08
0-6 TO 1-0 (3/1/82)	48.92	97.84	146.76	195.68	391.36	978.40	1956.80	19568.	8.48	8.54	9.11
1-0 TO 1-6 (9/1/82)	51.01	102.02	153.03	204.04	408.08	1020.20	2040.40	20404.	8.51	8.47	9.15
1-6 TO 2-0 (3/1/83)	53.17	106.34	159.51	212.68	425.36	1063.40	2126.80	21268.	8.50	8.54	9.19
2-0 TO 2-6 (9/1/83)	55.44	110.88	166.32	221.76	443.52	1108.80	2217.60	22176.	8.51	8.44	9.23
2-6 TO 3-0 (3/1/84)	57.78	115.56	173.34	231.12	462.24	1155.60	2311.20	23112.	8.49	8.52	9.29
3-0 TO 3-6 (9/1/84)	60.24	120.48	180.72	240.96	481.92	1204.80	2409.60	24096.	8.50	8.50	9.35
3-6 TO 4-0 (3/1/85)	62.80	125.60	188.40	251.20	502.40	1256.00	2512.00	25120.	8.50	8.50	9.42
4-0 TO 4-6 (9/1/85)	65.47	130.94	196.41	261.88	523.76	1309.40	2618.80	26188.	8.50	8.49	9.50
4-6 TO 5-0 (3/1/86)	68.25	136.50	204.75	273.00	546.00	1365.00	2730.00	27300.	8.50	8.53	9.60
5-0 TO 5-6 (9/1/86)	71.16	142.32	213.48	284.64	569.28	1423.20	2846.40	28464.	8.50	8.49	9.72
5-6 TO 6-0 (3/1/87)	74.18	148.36	222.54	296.72	593.44	1483.60	2967.20	29672.	8.50	8.52	9.88
6-0 TO 6-6 (9/1/87)	77.34	154.68	232.02	309.36	618.72	1546.80	3093.60	30936.	8.50	8.46	10.07
6-6 TO 7-0 (3/1/88)	80.61	161.22	241.83	322.44	644.88	1612.20	3224.40	32244.	8.50	8.51	10.34
7-0 TO 7-6 (9/1/88)	84.04	168.08	252.12	336.16	672.32	1680.80	3361.60	33616.	8.50	8.52	10.71
7-6 TO 8-0 (3/1/89)	87.62	175.24	262.86	350.48	700.96	1752.40	3504.80	35048.	8.50	8.49	11.26
8-0 TO 8-6 (9/1/89)	91.34	182.68	274.02	365.36	730.72	1826.80	3653.60	36536.	8.50	8.50	12.20
8-6 TO 9-0 (3/1/90)	95.22	190.44	285.66	380.88	761.76	1904.40	3808.80	38088.	8.50	8.51	14.07
9-0 TO 9-6 (9/1/90)	99.27	198.54	297.81	397.08	794.16	1985.40	3970.80	39708.	8.50	19.78	19.78
9-6 2/ (3/1/91)	109.09	218.18	327.27	436.36	872.72	2181.80	4363.60	43636.	9.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1963 ENTER EACH PERIOD. FOR ISSUES OF JAN. 1, 1964, ADD ONE MONTH.
2/ BONUS PAYMENT IS MADE AT 27 YEARS AND 3 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 6.57 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 134

BONDS BEARING ISSUE DATE FEB. 1, 1964

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD								PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/	(5/1/81)	$45.45	$ 90.90	$136.35	$181.80	$363.60	$ 909.00	$1818.00	$18180.	6.00	8.49	8.49
10-0 2/	(11/1/81)	47.38	94.76	142.14	189.52	379.04	947.60	1895.20	18952.	6.12 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(11/1/81)	$47.38	$ 94.76	$142.14	$189.52	$379.04	$ 947.60	$1895.20	$18952.	----	8.48	9.08
0-6 TO 1-0	(5/1/82)	49.39	98.78	148.17	197.56	395.12	987.80	1975.60	19756.	8.48	8.50	9.11
1-0 TO 1-6	(11/1/82)	51.49	102.98	154.47	205.96	411.92	1029.80	2059.60	20596.	8.49	8.51	9.15
1-6 TO 2-0	(5/1/83)	53.68	107.36	161.04	214.72	429.44	1073.60	2147.20	21472.	8.50	8.49	9.19
2-0 TO 2-6	(11/1/83)	55.96	111.92	167.88	223.84	447.68	1119.20	2238.40	22384.	8.50	8.51	9.24
2-6 TO 3-0	(5/1/84)	58.34	116.68	175.02	233.36	466.72	1166.80	2333.60	23336.	8.50	8.50	9.29
3-0 TO 3-6	(11/1/84)	60.82	121.64	182.46	243.28	486.56	1216.40	2432.80	24328.	8.50	8.52	9.35
3-6 TO 4-0	(5/1/85)	63.41	126.82	190.23	253.64	507.28	1268.20	2536.40	25364.	8.50	8.48	9.42
4-0 TO 4-6	(11/1/85)	66.10	132.20	198.30	264.40	528.80	1322.00	2644.00	26440.	8.50	8.50	9.50
4-6 TO 5-0	(5/1/86)	68.91	137.82	206.73	275.64	551.28	1378.20	2756.40	27564.	8.50	8.50	9.60
5-0 TO 5-6	(11/1/86)	71.84	143.68	215.52	287.36	574.72	1436.80	2873.60	28736.	8.50	8.49	9.72
5-6 TO 6-0	(5/1/87)	74.89	149.78	224.67	299.56	599.12	1497.80	2995.60	29956.	8.50	8.49	9.88
6-0 TO 6-6	(11/1/87)	78.07	156.14	234.21	312.28	624.56	1561.40	3122.80	31228.	8.50	8.51	10.08
6-6 TO 7-0	(5/1/88)	81.39	162.78	244.17	325.56	651.12	1627.80	3255.60	32556.	8.50	8.50	10.34
7-0 TO 7-6	(11/1/88)	84.85	169.70	254.55	339.40	678.80	1697.00	3394.00	33940.	8.50	8.51	10.71
7-6 TO 8-0	(5/1/89)	88.46	176.92	265.38	353.84	707.68	1769.20	3538.40	35384.	8.50	8.50	11.27
8-0 TO 8-6	(11/1/89)	92.22	184.44	276.66	368.88	737.76	1844.40	3688.80	36888.	8.50	8.50	12.20
8-6 TO 9-0	(5/1/90)	96.14	192.28	288.42	384.56	769.12	1922.80	3845.60	38456.	8.50	8.49	14.07
9-0 TO 9-6	(11/1/90)	100.22	200.44	300.66	400.88	801.76	2004.40	4008.80	40088.	8.50	19.80	19.80
9-6 4/	(5/1/91)	110.14	220.28	330.42	440.56	881.12	2202.80	4405.60	44056.	9.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1964 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.29 PERCENT; TO DATE OF BONUS PAYMENT IS 6.60 PERCENT.

4/ BONUS PAYMENT IS MADE AT 27 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 135

BONDS BEARING ISSUE DATE MAR. 1, 1964

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/	(6/1/81)	$45.67	$ 91.34	$137.01	$182.68	$365.36	$ 913.40	$1826.80	$18268.	6.05	8.50	8.50
10-0 2/	(12/1/81)	47.61	95.22	142.83	190.44	380.88	952.20	1904.40	19044.	6.17 3/	—	—
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(12/1/81)	$47.61	$ 95.22	$142.83	$190.44	$380.88	$ 952.20	$1904.40	$19044.	—	8.49	9.08
0-6 TO 1-0	(6/1/82)	49.63	99.26	148.89	198.52	397.04	992.60	1985.20	19852.	8.49	8.50	9.11
1-0 TO 1-6	(12/1/82)	51.74	103.48	155.22	206.96	413.92	1034.80	2069.60	20696.	8.49	8.50	9.15
1-6 TO 2-0	(6/1/83)	53.94	107.88	161.82	215.76	431.52	1078.80	2157.60	21576.	8.50	8.49	9.19
2-0 TO 2-6	(12/1/83)	56.23	112.46	168.69	224.92	449.84	1124.60	2249.20	22492.	8.50	8.50	9.23
2-6 TO 3-0	(6/1/84)	58.62	117.24	175.86	234.48	468.96	1172.40	2344.80	23448.	8.50	8.53	9.29
3-0 TO 3-6	(12/1/84)	61.12	122.24	183.36	244.48	488.96	1222.40	2444.80	24448.	8.50	8.48	9.35
3-6 TO 4-0	(6/1/85)	63.71	127.42	191.13	254.84	509.68	1274.20	2548.40	25484.	8.50	8.51	9.42
4-0 TO 4-6	(12/1/85)	66.42	132.84	199.26	265.68	531.36	1328.40	2656.80	26568.	8.50	8.49	9.50
4-6 TO 5-0	(6/1/86)	69.24	138.48	207.72	276.96	553.92	1384.80	2769.60	27696.	8.50	8.52	9.60
5-0 TO 5-6	(12/1/86)	72.19	144.38	216.57	288.76	577.52	1443.80	2887.60	28876.	8.50	8.48	9.72
5-6 TO 6-0	(6/1/87)	75.25	150.50	225.75	301.00	602.00	1505.00	3010.00	30100.	8.50	8.50	9.88
6-0 TO 6-6	(12/1/87)	78.45	156.90	235.35	313.80	627.60	1569.00	3138.00	31380.	8.50	8.51	10.08
6-6 TO 7-0	(6/1/88)	81.79	163.58	245.37	327.16	654.32	1635.80	3271.60	32716.	8.50	8.49	10.34
7-0 TO 7-6	(12/1/88)	85.26	170.52	255.78	341.04	682.08	1705.20	3410.40	34104.	8.50	8.52	10.71
7-6 TO 8-0	(6/1/89)	88.89	177.78	266.67	355.56	711.12	1777.80	3555.60	35556.	8.50	8.48	11.26
8-0 TO 8-6	(12/1/89)	92.66	185.32	277.98	370.64	741.28	1853.20	3706.40	37064.	8.50	8.50	12.20
8-6 TO 9-0	(6/1/90)	96.60	193.20	289.80	386.40	772.80	1932.00	3864.00	38640.	8.50	8.51	14.07
9-0 TO 9-6	(12/1/90)	100.71	201.42	302.13	402.84	805.68	2014.20	4028.40	40284.	8.50	19.78	19.78
9-6 4/	(6/1/91)	110.67	221.34	332.01	442.68	885.36	2213.40	4426.80	44268.	9.08 3/	—	—

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1964 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.32 PERCENT; TO DATE OF BONUS PAYMENT IS 6.62 PERCENT.

4/ BONUS PAYMENT IS MADE AT 27 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 136

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1964

TABLE 136

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1964

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/	(7/1/81)	$45.67	$ 91.34	$137.01	$182.68	$365.36	$ 913.40	$1826.80	$18268.	6.05	8.50	8.50
10-0 2/	(1/1/82)	47.61	95.22	142.83	190.44	380.88	952.20	1904.40	19044.	6.17 3/	---	---
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/82)	$47.61	$ 95.22	$142.83	$190.44	$380.88	$ 952.20	$1904.40	$19044.	---	8.49	9.11
0-6 TO 1-0	(7/1/82)	49.63	99.26	148.89	198.52	397.04	992.60	1985.20	19852.	8.49	8.50	9.15
1-0 TO 1-6	(1/1/83)	51.74	103.48	155.22	206.96	413.92	1034.80	2069.60	20696.	8.49	8.50	9.19
1-6 TO 2-0	(7/1/83)	53.94	107.88	161.82	215.76	431.52	1078.80	2157.60	21576.	8.50	8.49	9.23
2-0 TO 2-6	(1/1/84)	56.23	112.46	168.69	224.92	449.84	1124.60	2249.20	22492.	8.50	8.50	9.29
2-6 TO 3-0	(7/1/84)	58.62	117.24	175.86	234.48	468.96	1172.40	2344.80	23448.	8.50	8.53	9.35
3-0 TO 3-6	(1/1/85)	61.12	122.24	183.36	244.48	488.96	1222.40	2444.80	24448.	8.50	8.48	9.42
3-6 TO 4-0	(7/1/85)	63.71	127.42	191.13	254.84	509.68	1274.20	2548.40	25484.	8.50	8.51	9.50
4-0 TO 4-6	(1/1/86)	66.42	132.84	199.26	265.68	531.36	1328.40	2656.80	26568.	8.50	8.49	9.60
4-6 TO 5-0	(7/1/86)	69.24	138.48	207.72	276.96	553.92	1384.80	2769.60	27696.	8.50	8.52	9.72
5-0 TO 5-6	(1/1/87)	72.19	144.38	216.57	288.76	577.52	1443.80	2887.60	28876.	8.50	8.48	9.87
5-6 TO 6-0	(7/1/87)	75.25	150.50	225.75	301.00	602.00	1505.00	3010.00	30100.	8.50	8.50	10.08
6-0 TO 6-6	(1/1/88)	78.45	156.90	235.35	313.80	627.60	1569.00	3138.00	31380.	8.50	8.51	10.34
6-6 TO 7-0	(7/1/88)	81.79	163.58	245.37	327.16	654.32	1635.80	3271.60	32716.	8.50	8.49	10.70
7-0 TO 7-6	(1/1/89)	85.26	170.52	255.78	341.04	682.08	1705.20	3410.40	34104.	8.50	8.52	11.26
7-6 TO 8-0	(7/1/89)	88.89	177.78	266.67	355.56	711.12	1777.80	3555.60	35556.	8.50	8.48	12.19
8-0 TO 8-6	(1/1/90)	92.66	185.32	277.98	370.64	741.28	1853.20	3706.40	37064.	8.50	8.50	14.06
8-6 TO 9-0	(7/1/90)	96.60	193.20	289.80	386.40	772.80	1932.00	3864.00	38640.	8.50	19.77	19.77
9-0 4/	(1/1/91)	106.15	212.30	318.45	424.60	849.20	2123.00	4246.00	42460.	9.11 3/	---	---

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1964 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1964, ADD ONE MONTH.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.32 PERCENT; TO DATE OF BONUS PAYMENT IS 6.59 PERCENT.

4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 137

BONDS BEARING ISSUE DATE JUNE 1 OR JUL. 1, 1964

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/	(9/1/81)	$45.96	$ 91.92	$137.88	$183.84	$367.68	$ 919.20	$1838.40	$18384.	6.05	8.53	8.53
10-0 2/	(3/1/82)	47.92	95.84	143.76	191.68	383.36	958.40	1916.80	19168.	6.17 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(3/1/82)	$47.92	$ 95.84	$143.76	$191.68	$383.36	$ 958.40	$1916.80	$19168.	----	8.51	9.11
0-6 TO 1-0	(9/1/82)	49.96	99.92	149.88	199.84	399.68	999.20	1998.40	19984.	8.51	8.49	9.15
1-0 TO 1-6	(3/1/83)	52.08	104.16	156.24	208.32	416.64	1041.60	2083.20	20832.	8.50	8.49	9.19
1-6 TO 2-0	(9/1/83)	54.29	108.58	162.87	217.16	434.32	1085.80	2171.60	21716.	8.50	8.51	9.23
2-0 TO 2-6	(3/1/84)	56.60	113.20	169.80	226.40	452.80	1132.00	2264.00	22640.	8.50	8.52	9.29
2-6 TO 3-0	(9/1/84)	59.01	118.02	177.03	236.04	472.08	1180.20	2360.40	23604.	8.50	8.47	9.35
3-0 TO 3-6	(3/1/85)	61.51	123.02	184.53	246.04	492.08	1230.20	2460.40	24604.	8.50	8.52	9.42
3-6 TO 4-0	(9/1/85)	64.13	128.26	192.39	256.52	513.04	1282.60	2565.20	25652.	8.50	8.48	9.50
4-0 TO 4-6	(3/1/86)	66.85	133.70	200.55	267.40	534.80	1337.00	2674.00	26740.	8.50	8.50	9.60
4-6 TO 5-0	(9/1/86)	69.69	139.38	209.07	278.76	557.52	1393.80	2787.60	27876.	8.50	8.52	9.73
5-0 TO 5-6	(3/1/87)	72.66	145.32	217.98	290.64	581.28	1453.20	2906.40	29064.	8.50	8.48	9.88
5-6 TO 6-0	(9/1/87)	75.74	151.48	227.22	302.96	605.92	1514.80	3029.60	30296.	8.50	8.50	10.08
6-0 TO 6-6	(3/1/88)	78.96	157.92	236.88	315.84	631.68	1579.20	3158.40	31584.	8.50	8.51	10.34
6-6 TO 7-0	(9/1/88)	82.32	164.64	246.96	329.28	658.56	1646.40	3292.80	32928.	8.50	8.50	10.71
7-0 TO 7-6	(3/1/89)	85.82	171.64	257.46	343.28	686.56	1716.40	3432.80	34328.	8.50	8.51	11.26
7-6 TO 8-0	(9/1/89)	89.47	178.94	268.41	357.88	715.76	1789.40	3578.80	35788.	8.50	8.49	12.19
8-0 TO 8-6	(3/1/90)	93.27	186.54	279.81	373.08	746.16	1865.40	3730.80	37308.	8.50	8.49	14.07
8-6 TO 9-0	(9/1/90)	97.23	194.46	291.69	388.92	777.84	1944.60	3889.20	38892.	8.50	19.79	19.79
9-0 4/	(3/1/91)	106.85	213.70	320.55	427.40	854.80	2137.00	4274.00	42740.	9.11 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1964 ENTER EACH PERIOD. FOR ISSUES OF JUL. 1, 1964, ADD ONE MONTH.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.36 PERCENT; TO DATE OF BONUS PAYMENT IS 6.61 PERCENT.

4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 138

BONDS BEARING ISSUE DATE AUG. 1, 1964

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/	(5/1/81)	$44.51	$ 89.02	$133.53	$178.04	$356.08	$ 890.20	$1780.40	$17804.	6.02	8.49	8.51
9-6 TO10-0	(11/1/81)	46.40	92.80	139.20	185.60	371.20	928.00	1856.00	18560.	6.15	8.53	8.53
10-0 2/	(5/1/82)	48.38	96.76	145.14	193.52	387.04	967.60	1935.20	19352.	6.27 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(5/1/82)	$48.38	$ 96.76	$145.14	$193.52	$387.04	$ 967.60	$1935.20	$19352.	----	8.52	9.11
0-6 TO 1-0	(11/1/82)	50.44	100.88	151.32	201.76	403.52	1008.80	2017.60	20176.	8.52	8.49	9.15
1-0 TO 1-6	(5/1/83)	52.58	105.16	157.74	210.32	420.64	1051.60	2103.20	21032.	8.50	8.48	9.19
1-6 TO 2-0	(11/1/83)	54.81	109.62	164.43	219.24	438.48	1096.20	2192.40	21924.	8.49	8.50	9.24
2-0 TO 2-6	(5/1/84)	57.14	114.28	171.42	228.56	457.12	1142.80	2285.60	22856.	8.50	8.51	9.29
2-6 TO 3-0	(11/1/84)	59.57	119.14	178.71	238.28	476.56	1191.40	2382.80	23828.	8.50	8.49	9.35
3-0 TO 3-6	(5/1/85)	62.10	124.20	186.30	248.40	496.80	1242.00	2484.00	24840.	8.50	8.50	9.42
3-6 TO 4-0	(11/1/85)	64.74	129.48	194.22	258.96	517.92	1294.80	2589.60	25896.	8.50	8.53	9.51
4-0 TO 4-6	(5/1/86)	67.50	135.00	202.50	270.00	540.00	1350.00	2700.00	27000.	8.50	8.47	9.60
4-6 TO 5-0	(11/1/86)	70.36	140.72	211.08	281.44	562.88	1407.20	2814.40	28144.	8.50	8.50	9.73
5-0 TO 5-6	(5/1/87)	73.35	146.70	220.05	293.40	586.80	1467.00	2934.00	29340.	8.50	8.51	9.88
5-6 TO 6-0	(11/1/87)	76.47	152.94	229.41	305.88	611.76	1529.40	3058.80	30588.	8.50	8.50	10.08
6-0 TO 6-6	(5/1/88)	79.72	159.44	239.16	318.88	637.76	1594.40	3188.80	31888.	8.50	8.50	10.35
6-6 TO 7-0	(11/1/88)	83.11	166.22	249.33	332.44	664.88	1662.20	3324.40	33244.	8.50	8.49	10.72
7-0 TO 7-6	(5/1/89)	86.64	173.28	259.92	346.56	693.12	1732.80	3465.60	34656.	8.50	8.49	11.27
7-6 TO 8-0	(11/1/89)	90.32	180.64	270.96	361.28	722.56	1806.40	3612.80	36128.	8.50	8.50	12.21
8-0 TO 8-6	(5/1/90)	94.16	188.32	282.48	376.64	753.28	1883.20	3766.40	37664.	8.50	8.52	14.09
8-6 TO 9-0	(11/1/90)	98.17	196.34	294.51	392.68	785.36	1963.40	3926.80	39268.	8.50	19.80	19.80
9-0 4/	(5/1/91)	107.89	215.78	323.67	431.56	863.12	2157.80	4315.60	43156.	9.11 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1964 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.41 PERCENT; TO DATE OF BONUS PAYMENT IS 6.65 PERCENT.
4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 139

BONDS BEARING ISSUE DATE SEP. 1, 1964

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/	(6/1/81)	$44.74	$ 89.48	$134.22	$178.96	$357.92	$ 894.80	$1789.60	$17896.	6.08	8.45	8.49
9-6 TO10-0	(12/1/81)	46.63	93.26	139.89	186.52	373.04	932.60	1865.20	18652.	6.21	8.54	8.54
10-0 2/	(6/1/82)	48.62	97.24	145.86	194.48	388.96	972.40	1944.80	19448.	6.32 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/82)	$48.62	$ 97.24	$145.86	$194.48	$388.96	$ 972.40	$1944.80	$19448.	----	8.52	9.11
0-6 TO 1-0	(12/1/82)	50.69	101.38	152.07	202.76	405.52	1013.80	2027.60	20276.	8.52	8.48	9.15
1-0 TO 1-6	(6/1/83)	52.84	105.68	158.52	211.36	422.72	1056.80	2113.60	21136.	8.50	8.52	9.19
1-6 TO 2-0	(12/1/83)	55.09	110.18	165.27	220.36	440.72	1101.80	2203.60	22036.	8.50	8.50	9.23
2-0 TO 2-6	(6/1/84)	57.43	114.86	172.29	229.72	459.44	1148.60	2297.20	22972.	8.50	8.50	9.28
2-6 TO 3-0	(12/1/84)	59.87	119.74	179.61	239.48	478.96	1197.40	2394.80	23948.	8.50	8.49	9.34
3-0 TO 3-6	(6/1/85)	62.41	124.82	187.23	249.64	499.28	1248.20	2496.40	24964.	8.50	8.49	9.42
3-6 TO 4-0	(12/1/85)	65.06	130.12	195.18	260.24	520.48	1301.20	2602.40	26024.	8.50	8.52	9.50
4-0 TO 4-6	(6/1/86)	67.83	135.66	203.49	271.32	542.64	1356.60	2713.20	27132.	8.50	8.49	9.60
4-6 TO 5-0	(12/1/86)	70.71	141.42	212.13	282.84	565.68	1414.20	2828.40	28284.	8.50	8.51	9.72
5-0 TO 5-6	(6/1/87)	73.72	147.44	221.16	294.88	589.76	1474.40	2948.80	29488.	8.50	8.49	9.87
5-6 TO 6-0	(12/1/87)	76.85	153.70	230.55	307.40	614.80	1537.00	3074.00	30740.	8.50	8.51	10.07
6-0 TO 6-6	(6/1/88)	80.12	160.24	240.36	320.48	640.96	1602.40	3204.80	32048.	8.50	8.49	10.33
6-6 TO 7-0	(12/1/88)	83.52	167.04	250.56	334.08	668.16	1670.40	3340.80	33408.	8.50	8.50	10.71
7-0 TO 7-6	(6/1/89)	87.07	174.14	261.21	348.28	696.56	1741.40	3482.80	34828.	8.50	8.50	11.26
7-6 TO 8-0	(12/1/89)	90.77	181.54	272.31	363.08	726.16	1815.40	3630.80	36308.	8.50	8.51	12.19
8-0 TO 8-6	(6/1/90)	94.63	189.26	283.89	378.52	757.04	1892.60	3785.20	37852.	8.50	8.50	14.06
8-6 TO 9-0	(12/1/90)	98.65	197.30	295.95	394.60	789.20	1973.00	3946.00	39460.	8.50	19.77	19.77
9-0 4/	(6/1/91)	108.40	216.80	325.20	433.60	867.20	2168.00	4336.00	43360.	9.11 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1964 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.44 PERCENT; TO DATE OF BONUS PAYMENT IS 6.67 PERCENT.

4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 140

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1964

TABLE 140

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1964

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/	(7/1/81)	$44.74	$ 89.48	$134.22	$178.96	$357.92	$ 894.80	$1789.60	$17896.	6.08	8.45	8.49
9-6 TO10-0	(1/1/82)	46.63	93.26	139.89	186.52	373.04	932.60	1865.20	18652.	6.21	8.54	8.54
10-0 2/	(7/1/82)	48.62	97.24	145.86	194.48	388.96	972.40	1944.80	19448.	6.32 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/82)	$48.62	$ 97.24	$145.86	$194.48	$388.96	$ 972.40	$1944.80	$19448.	----	8.52	9.15
0-6 TO 1-0	(1/1/83)	50.69	101.38	152.07	202.76	405.52	1013.80	2027.60	20276.	8.52	8.48	9.19
1-0 TO 1-6	(7/1/83)	52.84	105.68	158.52	211.36	422.72	1056.80	2113.60	21136.	8.50	8.52	9.23
1-6 TO 2-0	(1/1/84)	55.09	110.18	165.27	220.36	440.72	1101.80	2203.60	22036.	8.50	8.50	9.28
2-0 TO 2-6	(7/1/84)	57.43	114.86	172.29	229.72	459.44	1148.60	2297.20	22972.	8.50	8.50	9.34
2-6 TO 3-0	(1/1/85)	59.87	119.74	179.61	239.48	478.96	1197.40	2394.80	23948.	8.50	8.49	9.42
3-0 TO 3-6	(7/1/85)	62.41	124.82	187.23	249.64	499.28	1248.20	2496.40	24964.	8.50	8.49	9.50
3-6 TO 4-0	(1/1/86)	65.06	130.12	195.18	260.24	520.48	1301.20	2602.40	26024.	8.50	8.52	9.60
4-0 TO 4-6	(7/1/86)	67.83	135.66	203.49	271.32	542.64	1356.60	2713.20	27132.	8.50	8.49	9.72
4-6 TO 5-0	(1/1/87)	70.71	141.42	212.13	282.84	565.68	1414.20	2828.40	28284.	8.50	8.51	9.88
5-0 TO 5-6	(7/1/87)	73.72	147.44	221.16	294.88	589.76	1474.40	2948.80	29488.	8.50	8.49	10.07
5-6 TO 6-0	(1/1/88)	76.85	153.70	230.55	307.40	614.80	1537.00	3074.00	30740.	8.50	8.51	10.34
6-0 TO 6-6	(7/1/88)	80.12	160.24	240.36	320.48	640.96	1602.40	3204.80	32048.	8.50	8.49	10.70
6-6 TO 7-0	(1/1/89)	83.52	167.04	250.56	334.08	668.16	1670.40	3340.80	33408.	8.50	8.50	11.26
7-0 TO 7-6	(7/1/89)	87.07	174.14	261.21	348.28	696.56	1741.40	3482.80	34828.	8.50	8.50	12.19
7-6 TO 8-0	(1/1/90)	90.77	181.54	272.31	363.08	726.16	1815.40	3630.80	36308.	8.50	8.51	14.06
8-0 TO 8-6	(7/1/90)	94.63	189.26	283.89	378.52	757.04	1892.60	3785.20	37852.	8.50	19.76	19.76
8-6 4/	(1/1/91)	103.98	207.96	311.94	415.92	831.84	2079.60	4159.20	41592.	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1964 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1964, ADD ONE MONTH.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.44 PERCENT; TO DATE OF BONUS PAYMENT IS 6.63 PERCENT.

4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 141

BONDS BEARING ISSUE DATE DEC. 1, 1964 OR JAN. 1, 1965

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/(9/1/81)	$45.02	$ 90.04	$135.06	$180.08	$360.16	$ 900.40	$1800.80	$18008.	6.08	8.53	8.50
9-6 TO10-0 (3/1/82)	46.94	93.88	140.82	187.76	375.52	938.80	1877.60	18776.	6.21	8.48	8.48
10-0 2/ (9/1/82)	48.93	97.86	146.79	195.72	391.44	978.60	1957.20	19572.	6.33 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(9/1/82)	$48.93	$ 97.86	$146.79	$195.72	$391.44	$ 978.60	$1957.20	$19572.	----	8.50	9.15
0-6 TO 1-0 (3/1/83)	51.01	102.02	153.03	204.04	408.08	1020.20	2040.40	20404.	8.50	8.51	9.19
1-0 TO 1-6 (9/1/83)	53.18	106.36	159.54	212.72	425.44	1063.60	2127.20	21272.	8.51	8.50	9.23
1-6 TO 2-0 (3/1/84)	55.44	110.88	166.32	221.76	443.52	1108.80	2217.60	22176.	8.50	8.48	9.29
2-0 TO 2-6 (9/1/84)	57.79	115.58	173.37	231.16	462.32	1155.80	2311.60	23116.	8.50	8.51	9.35
2-6 TO 3-0 (3/1/85)	60.25	120.50	180.75	241.00	482.00	1205.00	2410.00	24100.	8.50	8.50	9.42
3-0 TO 3-6 (9/1/85)	62.81	125.62	188.43	251.24	502.48	1256.20	2512.40	25124.	8.50	8.50	9.50
3-6 TO 4-0 (3/1/86)	65.48	130.96	196.44	261.92	523.84	1309.60	2619.20	26192.	8.50	8.49	9.60
4-0 TO 4-6 (9/1/86)	68.26	136.52	204.78	273.04	546.08	1365.20	2730.40	27304.	8.50	8.50	9.72
4-6 TO 5-0 (3/1/87)	71.16	142.32	213.48	284.64	569.28	1423.20	2846.40	28464.	8.50	8.52	9.88
5-0 TO 5-6 (9/1/87)	74.19	148.38	222.57	296.76	593.52	1483.80	2967.60	29676.	8.50	8.49	10.07
5-6 TO 6-0 (3/1/88)	77.34	154.68	232.02	309.36	618.72	1546.80	3093.60	30936.	8.50	8.51	10.34
6-0 TO 6-6 (9/1/88)	80.63	161.26	241.89	322.52	645.04	1612.60	3225.20	32252.	8.50	8.51	10.71
6-6 TO 7-0 (3/1/89)	84.06	168.12	252.18	336.24	672.48	1681.20	3362.40	33624.	8.50	8.49	11.26
7-0 TO 7-6 (9/1/89)	87.63	175.26	262.89	350.52	701.04	1752.60	3505.20	35052.	8.50	8.49	12.19
7-6 TO 8-0 (3/1/90)	91.35	182.70	274.05	365.40	730.80	1827.00	3654.00	36540.	8.50	8.49	14.06
8-0 TO 8-6 (9/1/90)	95.23	190.46	285.69	380.92	761.84	1904.60	3809.20	38092.	8.50	19.78	19.78
8-6 4/ (3/1/91)	104.65	209.30	313.95	418.60	837.20	2093.00	4186.00	41860.	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1964 ENTER EACH PERIOD. FOR ISSUES OF JAN. 1, 1965, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.48 PERCENT; TO DATE OF BONUS PAYMENT IS 6.66 PERCENT.
4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 142

BONDS BEARING ISSUE DATE FEB. 1, 1965

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
8-6 TO 9-0	1/(5/1/81)	$43.60	$ 87.20	$130.80	$174.40	$348.80	$ 872.00	$1744.00	$17440.	6.06	8.49	8.50
9-0 TO 9-6	(11/1/81)	45.45	90.90	136.35	181.80	363.60	909.00	1818.00	18180.	6.19	8.54	8.51
9-6 TO10-0	(5/1/82)	47.39	94.78	142.17	189.56	379.12	947.80	1895.60	18956.	6.32	8.48	8.48
10-0 2/	(11/1/82)	49.40	98.80	148.20	197.60	395.20	988.00	1976.00	19760.	6.42 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(11/1/82)	$49.40	$ 98.80	$148.20	$197.60	$395.20	$ 988.00	$1976.00	$19760.	----	8.50	9.15
0-6 TO 1-0	(5/1/83)	51.50	103.00	154.50	206.00	412.00	1030.00	2060.00	20600.	8.50	8.50	9.19
1-0 TO 1-6	(11/1/83)	53.69	107.38	161.07	214.76	429.52	1073.80	2147.60	21476.	8.50	8.49	9.23
1-6 TO 2-0	(5/1/84)	55.97	111.94	167.91	223.88	447.76	1119.40	2238.80	22388.	8.50	8.50	9.29
2-0 TO 2-6	(11/1/84)	58.35	116.70	175.05	233.40	466.80	1167.00	2334.00	23340.	8.50	8.50	9.35
2-6 TO 3-0	(5/1/85)	60.83	121.66	182.49	243.32	486.64	1216.60	2433.20	24332.	8.50	8.48	9.42
3-0 TO 3-6	(11/1/85)	63.41	126.82	190.23	253.64	507.28	1268.20	2536.40	25364.	8.50	8.52	9.50
3-6 TO 4-0	(5/1/86)	66.11	132.22	198.33	264.44	528.88	1322.20	2644.40	26444.	8.50	8.50	9.60
4-0 TO 4-6	(11/1/86)	68.92	137.84	206.76	275.68	551.36	1378.40	2756.80	27568.	8.50	8.50	9.72
4-6 TO 5-0	(5/1/87)	71.85	143.70	215.55	287.40	574.80	1437.00	2874.00	28740.	8.50	8.49	9.88
5-0 TO 5-6	(11/1/87)	74.90	149.80	224.70	299.60	599.20	1498.00	2996.00	29960.	8.50	8.49	10.08
5-6 TO 6-0	(5/1/88)	78.08	156.16	234.24	312.32	624.64	1561.60	3123.20	31232.	8.50	8.50	10.34
6-0 TO 6-6	(11/1/88)	81.40	162.80	244.20	325.60	651.20	1628.00	3256.00	32560.	8.50	8.50	10.71
6-6 TO 7-0	(5/1/89)	84.86	169.72	254.58	339.44	678.88	1697.20	3394.40	33944.	8.50	8.51	11.27
7-0 TO 7-6	(11/1/89)	88.47	176.94	265.41	353.88	707.76	1769.40	3538.80	35388.	8.50	8.50	12.19
7-6 TO 8-0	(5/1/90)	92.23	184.46	276.69	368.92	737.84	1844.60	3689.20	36892.	8.50	8.50	14.07
8-0 TO 8-6	(11/1/90)	96.15	192.30	288.45	384.60	769.20	1923.00	3846.00	38460.	8.50	19.78	19.78
8-6 4/	(5/1/91)	105.66	211.32	316.98	422.64	845.28	2113.20	4226.40	42264.	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1965 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.53 PERCENT; TO DATE OF BONUS PAYMENT IS 6.70 PERCENT.

4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 143

BONDS BEARING ISSUE DATE MAR. 1, 1965

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED·MATURITY
										PERCENT	PERCENT	PERCENT
8-6 TO 9-0	1/(6/1/81)	$43.81	$ 87.62	$131.43	$175.24	$350.48	$ 876.20	$1752.40	$17524.	6.12	8.49	8.50
9-0 TO 9-6	(12/1/81)	45.67	91.34	137.01	182.68	365.36	913.40	1826.80	18268.	6.25	8.50	8.51
9-6 TO10-0	(6/1/82)	47.61	95.22	142.83	190.44	380.88	952.20	1904.40	19044.	6.37	8.53	8.53
10-0 2/	(12/1/82)	49.64	99.28	148.92	198.56	397.12	992.80	1985.60	19856.	6.47 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(12/1/82)	$49.64	$ 99.28	$148.92	$198.56	$397.12	$ 992.80	$1985.60	$19856.	----	8.50	9.15
0-6 TO 1-0	(6/1/83)	51.75	103.50	155.25	207.00	414.00	1035.00	2070.00	20700.	8.50	8.50	9.19
1-0 TO 1-6	(12/1/83)	53.95	107.90	161.85	215.80	431.60	1079.00	2158.00	21580.	8.50	8.49	9.23
1-6 TO 2-0	(6/1/84)	56.24	112.48	168.72	224.96	449.92	1124.80	2249.60	22496.	8.50	8.50	9.29
2-0 TO 2-6	(12/1/84)	58.63	117.26	175.89	234.52	469.04	1172.60	2345.20	23452.	8.50	8.49	9.35
2-6 TO 3-0	(6/1/85)	61.12	122.24	183.36	244.48	488.96	1222.40	2444.80	24448.	8.50	8.51	9.42
3-0 TO 3-6	(12/1/85)	63.72	127.44	191.16	254.88	509.76	1274.40	2548.80	25488.	8.50	8.51	9.50
3-6 TO 4-0	(6/1/86)	66.43	132.86	199.29	265.72	531.44	1328.60	2657.20	26572.	8.50	8.49	9.60
4-0 TO 4-6	(12/1/86)	69.25	138.50	207.75	277.00	554.00	1385.00	2770.00	27700.	8.50	8.52	9.73
4-6 TO 5-0	(6/1/87)	72.20	144.40	216.60	288.80	577.60	1444.00	2888.00	28880.	8.50	8.48	9.88
5-0 TO 5-6	(12/1/87)	75.26	150.52	225.78	301.04	602.08	1505.20	3010.40	30104.	8.50	8.50	10.08
5-6 TO 6-0	(6/1/88)	78.46	156.92	235.38	313.84	627.68	1569.20	3138.40	31384.	8.50	8.51	10.34
6-0 TO 6-6	(12/1/88)	81.80	163.60	245.40	327.20	654.40	1636.00	3272.00	32720.	8.50	8.48	10.71
6-6 TO 7-0	(6/1/89)	85.27	170.54	255.81	341.08	682.16	1705.40	3410.80	34108.	8.50	8.51	11.27
7-0 TO 7-6	(12/1/89)	88.90	177.80	266.70	355.60	711.20	1778.00	3556.00	35560.	8.50	8.50	12.19
7-6 TO 8-0	(6/1/90)	92.68	185.36	278.04	370.72	741.44	1853.60	3707.20	37072.	8.50	8.50	14.06
8-0 TO 8-6	(12/1/90)	96.62	193.24	289.86	386.48	772.96	1932.40	3864.80	38648.	8.50	19.77	19.77
8-6 4/	(6/1/91)	106.17	212.34	318.51	424.68	849.36	2123.40	4246.80	42468.	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1965 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.56 PERCENT; TO DATE OF BONUS PAYMENT IS 6.72 PERCENT.

4/ BONUS PAYMENT IS MADE AT 26 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 144

TABLE 144

BONDS BEARING ISSUE DATE APR. 1 OR MAY 1, 1965

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/	(7/1/81)	$43.81	$ 87.62	$131.43	$175.24	$350.48	$ 876.20	$1752.40	$17524.	6.12	8.49	8.50
9-0 TO 9-6	(1/1/82)	45.67	91.34	137.01	182.68	365.36	913.40	1826.80	18268.	6.25	8.50	8.51
9-6 TO 10-0	(7/1/82)	47.61	95.22	142.83	190.44	380.88	952.20	1904.40	19044.	6.37	8.53	8.53
10-0 2/	(1/1/83)	49.64	99.28	148.92	198.56	397.12	992.80	1985.60	19856.	6.47 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/83)	$49.64	$ 99.28	$148.92	$198.56	$397.12	$ 992.80	$1985.60	$19856.	----	8.50	9.19
0-6 TO 1-0	(7/1/83)	51.75	103.50	155.25	207.00	414.00	1035.00	2070.00	20700.	8.50	8.50	9.23
1-0 TO 1-6	(1/1/84)	53.95	107.90	161.85	215.80	431.60	1079.00	2158.00	21580.	8.50	8.49	9.29
1-6 TO 2-0	(7/1/84)	56.24	112.48	168.72	224.96	449.92	1124.80	2249.60	22496.	8.50	8.50	9.35
2-0 TO 2-6	(1/1/85)	58.63	117.26	175.89	234.52	469.04	1172.60	2345.20	23452.	8.50	8.49	9.42
2-6 TO 3-0	(7/1/85)	61.12	122.24	183.36	244.48	488.96	1222.40	2444.80	24448.	8.50	8.51	9.50
3-0 TO 3-6	(1/1/86)	63.72	127.44	191.16	254.88	509.76	1274.40	2548.80	25488.	8.50	8.51	9.60
3-6 TO 4-0	(7/1/86)	66.43	132.86	199.29	265.72	531.44	1328.60	2657.20	26572.	8.50	8.49	9.72
4-0 TO 4-6	(1/1/87)	69.25	138.50	207.75	277.00	554.00	1385.00	2770.00	27700.	8.50	8.52	9.88
4-6 TO 5-0	(7/1/87)	72.20	144.40	216.60	288.80	577.60	1444.00	2888.00	28880.	8.50	8.48	10.07
5-0 TO 5-6	(1/1/88)	75.26	150.52	225.78	301.04	602.08	1505.20	3010.40	30104.	8.50	8.50	10.34
5-6 TO 6-0	(7/1/88)	78.46	156.92	235.38	313.84	627.68	1569.20	3138.40	31384.	8.50	8.51	10.71
6-0 TO 6-6	(1/1/89)	81.80	163.60	245.40	327.20	654.40	1636.00	3272.00	32720.	8.50	8.48	11.26
6-6 TO 7-0	(7/1/89)	85.27	170.54	255.81	341.08	682.16	1705.40	3410.80	34108.	8.50	8.51	12.20
7-0 TO 7-6	(1/1/90)	88.90	177.80	266.70	355.60	711.20	1778.00	3556.00	35560.	8.50	8.50	14.06
7-6 TO 8-0	(7/1/90)	92.68	185.36	278.04	370.72	741.44	1853.60	3707.20	37072.	8.50	19.77	19.77
8-0 4/	(1/1/91)	101.84	203.68	305.52	407.36	814.72	2036.80	4073.60	40736.	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF APR. 1, 1965 ENTER EACH PERIOD. FOR ISSUES OF MAY 1, 1965, ADD ONE MONTH.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.56 PERCENT; TO DATE OF BONUS PAYMENT IS 6.68 PERCENT.

4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

V 46/193 OC 6 81 UMI

TABLE 145

BONDS BEARING ISSUE DATE JUNE 1 OR JUL. 1, 1965

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD										
										PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/	(9/1/81)	$44.06	$ 88.12	$132.18	$176.24	$352.48	$ 881.20	$1762.40	$17624.	6.12	8.49	8.49
9-0 TO 9-6	(3/1/82)	45.93	91.86	137.79	183.72	367.44	918.60	1837.20	18372.	6.25	8.49	8.49
9-6 TO10-0	(9/1/82)	47.88	95.76	143.64	191.52	383.04	957.60	1915.20	19152.	6.37	8.48	8.48
10-0 2/	(3/1/83)	49.91	99.82	149.73	199.64	399.28	998.20	1996.40	19964.	6.47 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(3/1/83)	$49.91	$ 99.82	$149.73	$199.64	$399.28	$ 998.20	$1996.40	$19964.	----	8.50	9.19
0-6 TO 1-0	(9/1/83)	52.03	104.06	156.09	208.12	416.24	1040.60	2081.20	20812.	8.50	8.50	9.24
1-0 TO 1-6	(3/1/84)	54.24	108.48	162.72	216.96	433.92	1084.80	2169.60	21696.	8.50	8.52	9.29
1-6 TO 2-0	(9/1/84)	56.55	113.10	169.65	226.20	452.40	1131.00	2262.00	22620.	8.50	8.49	9.35
2-0 TO 2-6	(3/1/85)	58.95	117.90	176.85	235.80	471.60	1179.00	2358.00	23580.	8.50	8.52	9.42
2-6 TO 3-0	(9/1/85)	61.46	122.92	184.38	245.84	491.68	1229.20	2458.40	24584.	8.50	8.49	9.50
3-0 TO 3-6	(3/1/86)	64.07	128.14	192.21	256.28	512.56	1281.40	2562.80	25628.	8.50	8.49	9.61
3-6 TO 4-0	(9/1/86)	66.79	133.58	200.37	267.16	534.32	1335.80	2671.60	26716.	8.50	8.50	9.73
4-0 TO 4-6	(3/1/87)	69.63	139.26	208.89	278.52	557.04	1392.60	2785.20	27852.	8.50	8.50	9.88
4-6 TO 5-0	(9/1/87)	72.59	145.18	217.77	290.36	580.72	1451.80	2903.60	29036.	8.50	8.49	10.08
5-0 TO 5-6	(3/1/88)	75.67	151.34	227.01	302.68	605.36	1513.40	3026.80	30268.	8.50	8.51	10.35
5-6 TO 6-0	(9/1/88)	78.89	157.78	236.67	315.56	631.12	1577.80	3155.60	31556.	8.50	8.49	10.72
6-0 TO 6-6	(3/1/89)	82.24	164.48	246.72	328.96	657.92	1644.80	3289.60	32896.	8.50	8.51	11.28
6-6 TO 7-0	(9/1/89)	85.74	171.48	257.22	342.96	685.92	1714.80	3429.60	34296.	8.50	8.49	12.21
7-0 TO 7-6	(3/1/90)	89.38	178.76	268.14	357.52	715.04	1787.60	3575.20	35752.	8.50	8.50	14.09
7-6 TO 8-0	(9/1/90)	93.18	186.36	279.54	372.72	745.44	1863.60	3727.20	37272.	8.50	19.83	19.83
8-0 4/	(3/1/91)	102.42	204.84	307.26	409.68	819.36	2048.40	4096.80	40968.	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1965 ENTER EACH PERIOD. FOR ISSUES OF JUL. 1, 1965, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.59 PERCENT; TO DATE OF BONUS PAYMENT IS 6.70 PERCENT.
4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 146

BONDS BEARING ISSUE DATE AUG. 1, 1965

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD										
										PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/	(5/1/81)	$42.68	$ 85.36	$128.04	$170.72	$341.44	$ 853.60	$1707.20	$17072.	6.10	8.48	8.49
8-6 TO 9-0	(11/1/81)	44.49	88.98	133.47	177.96	355.92	889.80	1779.60	17796.	6.24	8.45	8.49
9-0 TO 9-6	(5/1/82)	46.37	92.74	139.11	185.48	370.96	927.40	1854.80	18548.	6.36	8.50	8.51
9-6 TO10-0	(11/1/82)	48.34	96.68	145.02	193.36	386.72	966.80	1933.60	19336.	6.47	8.52	8.52
10-0 2/	(5/1/83)	50.40	100.80	151.20	201.60	403.20	1008.00	2016.00	20160.	6.57 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(5/1/83)	$50.40	$100.80	$151.20	$201.60	$403.20	$1008.00	$2016.00	$20160.	----	8.49	9.19
0-6 TO 1-0	(11/1/83)	52.54	105.08	157.62	210.16	420.32	1050.80	2101.60	21016.	8.49	8.53	9.24
1-0 TO 1-6	(5/1/84)	54.78	109.56	164.34	219.12	438.24	1095.60	2191.20	21912.	8.51	8.47	9.29
1-6 TO 2-0	(11/1/84)	57.10	114.20	171.30	228.40	456.80	1142.00	2284.00	22840.	8.50	8.51	9.35
2-0 TO 2-6	(5/1/85)	59.53	119.06	178.59	238.12	476.24	1190.60	2381.20	23812.	8.50	8.50	9.42
2-6 TO 3-0	(11/1/85)	62.06	124.12	186.18	248.24	496.48	1241.20	2482.40	24824.	8.50	8.51	9.50
3-0 TO 3-6	(5/1/86)	64.70	129.40	194.10	258.80	517.60	1294.00	2588.00	25880.	8.50	8.50	9.60
3-6 TO 4-0	(11/1/86)	67.45	134.90	202.35	269.80	539.60	1349.00	2698.00	26980.	8.50	8.48	9.72
4-0 TO 4-6	(5/1/87)	70.31	140.62	210.93	281.24	562.48	1406.20	2812.40	28124.	8.50	8.51	9.88
4-6 TO 5-0	(11/1/87)	73.30	146.60	219.90	293.20	586.40	1466.00	2932.00	29320.	8.50	8.51	10.08
5-0 TO 5-6	(5/1/88)	76.42	152.84	229.26	305.68	611.36	1528.40	3056.80	30568.	8.50	8.48	10.34
5-6 TO 6-0	(11/1/88)	79.66	159.32	238.98	318.64	637.28	1593.20	3186.40	31864.	8.50	8.51	10.71
6-0 TO 6-6	(5/1/89)	83.05	166.10	249.15	332.20	664.40	1661.00	3322.00	33220.	8.50	8.50	11.27
6-6 TO 7-0	(11/1/89)	86.58	173.16	259.74	346.32	692.64	1731.60	3463.20	34632.	8.50	8.50	12.20
7-0 TO 7-6	(5/1/90)	90.26	180.52	270.78	361.04	722.08	1805.20	3610.40	36104.	8.50	8.51	14.07
7-6 TO 8-0	(11/1/90)	94.10	188.20	282.30	376.40	752.80	1882.00	3764.00	37640.	8.50	19.79	19.79
8-0 4/	(5/1/91)	103.41	206.82	310.23	413.64	827.28	2068.20	4136.40	41364.	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1965 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.65 PERCENT; TO DATE OF BONUS PAYMENT IS 6.74 PERCENT.

4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

V 46 / 193 OC 6 81 UMI

TABLE 147

BONDS BEARING ISSUE DATE SEP. 1, 1965

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(6/1/81)	$42.88	$ 85.76	$128.64	$171.52	$343.04	$ 857.60	$1715.20	$17152.	6.16	8.49	8.50
8-6 TO 9-0 (12/1/81)	44.70	89.40	134.10	178.80	357.60	894.00	1788.00	17880.	6.29	8.50	8.51
9-0 TO 9-6 (6/1/82)	46.60	93.20	139.80	186.40	372.80	932.00	1864.00	18640.	6.41	8.54	8.51
9-6 TO10-0 (12/1/82)	48.59	97.18	145.77	194.36	388.72	971.80	1943.60	19436.	6.53	8.48	8.48
10-0 2/ (6/1/83)	50.65	101.30	151.95	202.60	405.20	1013.00	2026.00	20260.	6.62 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(6/1/83)	$50.65	$101.30	$151.95	$202.60	$405.20	$1013.00	$2026.00	$20260.	----	8.49	9.19
0-6 TO 1-0 (12/1/83)	52.80	105.60	158.40	211.20	422.40	1056.00	2112.00	21120.	8.49	8.52	9.24
1-0 TO 1-6 (6/1/84)	55.05	110.10	165.15	220.20	440.40	1101.00	2202.00	22020.	8.51	8.50	9.29
1-6 TO 2-0 (12/1/84)	57.39	114.78	172.17	229.56	459.12	1147.80	2295.60	22956.	8.50	8.50	9.35
2-0 TO 2-6 (6/1/85)	59.83	119.66	179.49	239.32	478.64	1196.60	2393.20	23932.	8.50	8.49	9.42
2-6 TO 3-0 (12/1/85)	62.37	124.74	187.11	249.48	498.96	1247.40	2494.80	24948.	8.50	8.50	9.50
3-0 TO 3-6 (6/1/86)	65.02	130.04	195.06	260.08	520.16	1300.40	2600.80	26008.	8.50	8.49	9.60
3-6 TO 4-0 (12/1/86)	67.78	135.56	203.34	271.12	542.24	1355.60	2711.20	27112.	8.50	8.50	9.73
4-0 TO 4-6 (6/1/87)	70.66	141.32	211.98	282.64	565.28	1413.20	2826.40	28264.	8.50	8.52	9.88
4-6 TO 5-0 (12/1/87)	73.67	147.34	221.01	294.68	589.36	1473.40	2946.80	29468.	8.50	8.50	10.07
5-0 TO 5-6 (6/1/88)	76.80	153.60	230.40	307.20	614.40	1536.00	3072.00	30720.	8.50	8.49	10.34
5-6 TO 6-0 (12/1/88)	80.06	160.12	240.18	320.24	640.48	1601.20	3202.40	32024.	8.50	8.49	10.71
6-0 TO 6-6 (6/1/89)	83.46	166.92	250.38	333.84	667.68	1669.20	3338.40	33384.	8.50	8.51	11.27
6-6 TO 7-0 (12/1/89)	87.01	174.02	261.03	348.04	696.08	1740.20	3480.40	34804.	8.50	8.50	12.20
7-0 TO 7-6 (6/1/90)	90.71	181.42	272.13	362.84	725.68	1814.20	3628.40	36284.	8.50	8.49	14.07
7-6 TO 8-0 (12/1/90)	94.56	189.12	283.68	378.24	756.48	1891.20	3782.40	37824.	8.50	19.80	19.80
8-0 4/ (6/1/91)	103.92	207.84	311.76	415.68	831.36	2078.40	4156.80	41568.	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1965 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.68 PERCENT; TO DATE OF BONUS PAYMENT IS 6.76 PERCENT.

4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 9 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 148

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1965

TABLE 14B

BONDS BEARING ISSUE DATE OCT. 1 OR NOV. 1, 1965

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 9 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/	(7/1/81)	$42.88	$ 85.76	$128.64	$171.52	$343.04	$ 857.60	$1715.20	$17152.	6.16	8.49	8.50
8-6 TO 9-0	(1/1/82)	44.70	89.40	134.10	178.80	357.60	894.00	1788.00	17880.	6.29	8.50	8.51
9-0 TO 9-6	(7/1/82)	46.60	93.20	139.80	186.40	372.80	932.00	1864.00	18640.	6.41	8.54	8.51
9-6 TO10-0	(1/1/83)	48.59	97.18	145.77	194.36	388.72	971.80	1943.60	19436.	6.53	8.48	8.48
10-0 2/	(7/1/83)	50.65	101.30	151.95	202.60	405.20	1013.00	2026.00	20260.	6.62 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/83)	$50.65	$101.30	$151.95	$202.60	$405.20	$1013.00	$2026.00	$20260.	----	8.49	9.23
0-6 TO 1-0	(1/1/84)	52.80	105.60	158.40	211.20	422.40	1056.00	2112.00	21120.	8.49	8.52	9.29
1-0 TO 1-6	(7/1/84)	55.05	110.10	165.15	220.20	440.40	1101.00	2202.00	22020.	8.51	8.50	9.35
1-6 TO 2-0	(1/1/85)	57.39	114.78	172.17	229.56	459.12	1147.80	2295.60	22956.	8.50	8.50	9.42
2-0 TO 2-6	(7/1/85)	59.83	119.66	179.49	239.32	478.64	1196.60	2393.20	23932.	8.50	8.49	9.50
2-6 TO 3-0	(1/1/86)	62.37	124.74	187.11	249.48	498.96	1247.40	2494.80	24948.	8.50	8.50	9.60
3-0 TO 3-6	(7/1/86)	65.02	130.04	195.06	260.08	520.16	1300.40	2600.80	26008.	8.50	8.49	9.72
3-6 TO 4-0	(1/1/87)	67.78	135.56	203.34	271.12	542.24	1355.60	2711.20	27112.	8.50	8.50	9.88
4-0 TO 4-6	(7/1/87)	70.66	141.32	211.98	282.64	565.28	1413.20	2826.40	28264.	8.50	8.52	10.08
4-6 TO 5-0	(1/1/88)	73.67	147.34	221.01	294.68	589.36	1473.40	2946.80	29468.	8.50	8.50	10.34
5-0 TO 5-6	(7/1/88)	76.80	153.60	230.40	307.20	614.40	1536.00	3072.00	30720.	8.50	8.49	10.71
5-6 TO 6-0	(1/1/89)	80.06	160.12	240.18	320.24	640.48	1601.20	3202.40	32024.	8.50	8.49	11.27
6-0 TO 6-6	(7/1/89)	83.46	166.92	250.38	333.84	667.68	1669.20	3338.40	33384.	8.50	8.51	12.20
6-6 TO 7-0	(1/1/90)	87.01	174.02	261.03	348.04	696.08	1740.20	3480.40	34804.	8.50	8.50	14.07
7-0 TO 7-6	(7/1/90)	90.71	181.42	272.13	362.84	725.68	1814.20	3628.40	36284.	8.50	19.78	19.78
7-6 4/	(1/1/91)	99.68	199.36	299.04	398.72	797.44	1993.60	3987.20	39872.	9.23 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF OCT. 1, 1965 ENTER EACH PERIOD. FOR ISSUES OF NOV. 1, 1965, ADD ONE MONTH.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 9 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.68 PERCENT; TO DATE OF BONUS PAYMENT IS 6.73 PERCENT.
4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 3 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

V 46/193 OC 6 81 UMI

TABLE 149

BONDS BEARING ISSUE DATE DEC. 1, 1965

										APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/	(6/1/81)	$43.02	$ 86.04	$129.06	$172.08	$344.16	$ 860.40	$1720.80	$17208.	6.12	8.51	8.50
9-0 TO 9-6	(12/1/81)	44.85	89.70	134.55	179.40	358.80	897.00	1794.00	17940.	6.25	8.52	8.49
9-6 TO10-0	(6/1/82)	46.76	93.52	140.28	187.04	374.08	935.20	1870.40	18704.	6.37	8.47	8.47
10-0 2/	(12/1/82)	48.74	97.48	146.22	194.96	389.92	974.80	1949.60	19496.	6.47 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(12/1/82)	$48.74	$ 97.48	$146.22	$194.96	$389.92	$ 974.80	$1949.60	$19496.	----	8.49	9.15
0-6 TO 1-0	(6/1/83)	50.81	101.62	152.43	203.24	406.48	1016.20	2032.40	20324.	8.49	8.50	9.19
1-0 TO 1-6	(12/1/83)	52.97	105.94	158.91	211.88	423.76	1059.40	2118.80	21188.	8.50	8.50	9.23
1-6 TO 2-0	(6/1/84)	55.22	110.44	165.66	220.88	441.76	1104.40	2208.80	22088.	8.50	8.51	9.29
2-0 TO 2-6	(12/1/84)	57.57	115.14	172.71	230.28	460.56	1151.40	2302.80	23028.	8.50	8.51	9.35
2-6 TO 3-0	(6/1/85)	60.02	120.04	180.06	240.08	480.16	1200.40	2400.80	24008.	8.50	8.50	9.42
3-0 TO 3-6	(12/1/85)	62.57	125.14	187.71	250.28	500.56	1251.40	2502.80	25028.	8.50	8.50	9.50
3-6 TO 4-0	(6/1/86)	65.23	130.46	195.69	260.92	521.84	1304.60	2609.20	26092.	8.50	8.49	9.60
4-0 TO 4-6	(12/1/86)	68.00	136.00	204.00	272.00	544.00	1360.00	2720.00	27200.	8.50	8.50	9.72
4-6 TO 5-0	(6/1/87)	70.89	141.78	212.67	283.56	567.12	1417.80	2835.60	28356.	8.50	8.49	9.88
5-0 TO 5-6	(12/1/87)	73.90	147.80	221.70	295.60	591.20	1478.00	2956.00	29560.	8.50	8.50	10.08
5-6 TO 6-0	(6/1/88)	77.04	154.08	231.12	308.16	616.32	1540.80	3081.60	30816.	8.50	8.52	10.34
6-0 TO 6-6	(12/1/88)	80.32	160.64	240.96	321.28	642.56	1606.40	3212.80	32128.	8.50	8.49	10.71
6-6 TO 7-0	(6/1/89)	83.73	167.46	251.19	334.92	669.84	1674.60	3349.20	33492.	8.50	8.50	11.27
7-0 TO 7-6	(12/1/89)	87.29	174.58	261.87	349.16	698.32	1745.80	3491.60	34916.	8.50	8.50	12.19
7-6 TO 8-0	(6/1/90)	91.00	182.00	273.00	364.00	728.00	1820.00	3640.00	36400.	8.50	8.48	14.07
8-0 TO 8-6	(12/1/90)	94.86	189.72	284.58	379.44	758.88	1897.20	3794.40	37944.	8.50	19.80	19.80
8-6 4/	(6/1/91)	104.25	208.50	312.75	417.00	834.00	2085.00	4170.00	41700.	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1965 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.70 PERCENT; TO DATE OF BONUS PAYMENT IS 6.84 PERCENT.
4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 150

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1966

TABLE 150

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1966

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/	(7/1/81)	$43.02	$ 86.04	$129.06	$172.08	$344.16	$ 860.40	$1720.80	$17208.	6.12	8.51	8.50
9-0 TO 9-6	(1/1/82)	44.85	89.70	134.55	179.40	358.80	897.00	1794.00	17940.	6.25	8.52	8.49
9-6 TO10-0	(7/1/82)	46.76	93.52	140.28	187.04	374.08	935.20	1870.40	18704.	6.37	8.47	8.47
10-0 2/	(1/1/83)	48.74	97.48	146.22	194.96	389.92	974.80	1949.60	19496.	6.47 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/83)	$48.74	$ 97.48	$146.22	$194.96	$389.92	$ 974.80	$1949.60	$19496.	----	8.49	9.19
0-6 TO 1-0	(7/1/83)	50.81	101.62	152.43	203.24	406.48	1016.20	2032.40	20324.	8.49	8.50	9.23
1-0 TO 1-6	(1/1/84)	52.97	105.94	158.91	211.88	423.76	1059.40	2118.80	21188.	8.50	8.50	9.29
1-6 TO 2-0	(7/1/84)	55.22	110.44	165.66	220.88	441.76	1104.40	2208.80	22088.	8.50	8.51	9.35
2-0 TO 2-6	(1/1/85)	57.57	115.14	172.71	230.28	460.56	1151.40	2302.80	23028.	8.50	8.51	9.42
2-6 TO 3-0	(7/1/85)	60.02	120.04	180.06	240.08	480.16	1200.40	2400.80	24008.	8.50	8.50	9.50
3-0 TO 3-6	(1/1/86)	62.57	125.14	187.71	250.28	500.56	1251.40	2502.80	25028.	8.50	8.50	9.60
3-6 TO 4-0	(7/1/86)	65.23	130.46	195.69	260.92	521.84	1304.60	2609.20	26092.	8.50	8.49	9.72
4-0 TO 4-6	(1/1/87)	68.00	136.00	204.00	272.00	544.00	1360.00	2720.00	27200.	8.50	8.50	9.88
4-6 TO 5-0	(7/1/87)	70.89	141.78	212.67	283.56	567.12	1417.80	2835.60	28356.	8.50	8.49	10.08
5-0 TO 5-6	(1/1/88)	73.90	147.80	221.70	295.60	591.20	1478.00	2956.00	29560.	8.50	8.50	10.34
5-6 TO 6-0	(7/1/88)	77.04	154.08	231.12	308.16	616.32	1540.80	3081.60	30816.	8.50	8.52	10.71
6-0 TO 6-6	(1/1/89)	80.32	160.64	240.96	321.28	642.56	1606.40	3212.80	32128.	8.50	8.49	11.26
6-6 TO 7-0	(7/1/89)	83.73	167.46	251.19	334.92	669.84	1674.60	3349.20	33492.	8.50	8.50	12.20
7-0 TO 7-6	(1/1/90)	87.29	174.58	261.87	349.16	698.32	1745.80	3491.60	34916.	8.50	8.50	14.07
7-6 TO 8-0	(7/1/90)	91.00	182.00	273.00	364.00	728.00	1820.00	3640.00	36400.	8.50	19.78	19.78
8-0 4/	(1/1/91)	100.00	200.00	300.00	400.00	800.00	2000.00	4000.00	40000.	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1966 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.70 PERCENT; TO DATE OF BONUS PAYMENT IS 6.81 PERCENT.

4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 151

BONDS BEARING ISSUE DATE MAY 1, 1966

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(5/1/81)	$41.66	$ 83.32	$124.98	$166.64	$333.28	$ 833.20	$1666.40	$16664.	6.09	8.55	8.50
8-6 TO 9-0 (11/1/81)	43.44	86.88	130.32	173.76	347.52	868.80	1737.60	17376.	6.23	8.47	8.49
9-0 TO 9-6 (5/1/82)	45.28	90.56	135.84	181.12	362.24	905.60	1811.20	18112.	6.36	8.52	8.50
9-6 TO10-0 (11/1/82)	47.21	94.42	141.63	188.84	377.68	944.20	1888.40	18884.	6.47	8.47	8.47
10-0 2/ (5/1/83)	49.21	98.42	147.63	196.84	393.68	984.20	1968.40	19684.	6.57 3/	---	---
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/83)	$49.21	$ 98.42	$147.63	$196.84	$393.68	$ 984.20	$1968.40	$19684.	---	8.49	9.19
0-6 TO 1-0 (11/1/83)	51.30	102.60	153.90	205.20	410.40	1026.00	2052.00	20520.	8.49	8.50	9.23
1-0 TO 1-6 (5/1/84)	53.48	106.96	160.44	213.92	427.84	1069.60	2139.20	21392.	8.50	8.49	9.29
1-6 TO 2-0 (11/1/84)	55.75	111.50	167.25	223.00	446.00	1115.00	2230.00	22300.	8.49	8.50	9.35
2-0 TO 2-6 (5/1/85)	58.12	116.24	174.36	232.48	464.96	1162.40	2324.80	23248.	8.50	8.50	9.42
2-6 TO 3-0 (11/1/85)	60.59	121.18	181.77	242.36	484.72	1211.80	2423.60	24236.	8.50	8.52	9.50
3-0 TO 3-6 (5/1/86)	63.17	126.34	189.51	252.68	505.36	1263.40	2526.80	25268.	8.50	8.49	9.60
3-6 TO 4-0 (11/1/86)	65.85	131.70	197.55	263.40	526.80	1317.00	2634.00	26340.	8.50	8.50	9.73
4-0 TO 4-6 (5/1/87)	68.65	137.30	205.95	274.60	549.20	1373.00	2746.00	27460.	8.50	8.51	9.88
4-6 TO 5-0 (11/1/87)	71.57	143.14	214.71	286.28	572.56	1431.40	2862.80	28628.	8.50	8.50	10.08
5-0 TO 5-6 (5/1/88)	74.61	149.22	223.83	298.44	596.88	1492.20	2984.40	29844.	8.50	8.50	10.34
5-6 TO 6-0 (11/1/88)	77.78	155.56	233.34	311.12	622.24	1555.60	3111.20	31112.	8.50	8.51	10.71
6-0 TO 6-6 (5/1/89)	81.09	162.18	243.27	324.36	648.72	1621.80	3243.60	32436.	8.50	8.51	11.26
6-6 TO 7-0 (11/1/89)	84.54	169.08	253.62	338.16	676.32	1690.80	3381.60	33816.	8.50	8.49	12.19
7-0 TO 7-6 (5/1/90)	88.13	176.26	264.39	352.52	705.04	1762.60	3525.20	35252.	8.50	8.49	14.06
7-6 TO 8-0 (11/1/90)	91.87	183.74	275.61	367.48	734.96	1837.40	3674.80	36748.	8.50	19.79	19.79
8-0 4/ (5/1/91)	100.96	201.92	302.88	403.84	807.68	2019.20	4038.40	40384.	9.19 3/	---	---

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1966 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.76 PERCENT; TO DATE OF BONUS PAYMENT IS 6.85 PERCENT.
4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER, 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 152

BONDS BEARING ISSUE DATE JUNE 1, 1966

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/	(6/1/81)	$42.09	$ 84.18	$126.27	$168.36	$336.72	$ 841.80	$1683.60	$16836.	6.15	8.51	8.51
8-6 TO 9-0	(12/1/81)	43.88	87.76	131.64	175.52	351.04	877.60	1755.20	17552.	6.29	8.52	8.51
9-0 TO 9-6	(6/1/82)	45.75	91.50	137.25	183.00	366.00	915.00	1830.00	18300.	6.41	8.48	8.50
9-6 TO10-0	(12/1/82)	47.69	95.38	143.07	190.76	381.52	953.80	1907.60	19076.	6.52	8.51	8.51
10-0 2/	(6/1/83)	49.72	99.44	149.16	198.88	397.76	994.40	1988.80	19888.	6.62 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/83)	$49.72	$ 99.44	$149.16	$198.88	$397.76	$ 994.40	$1988.80	$19888.	----	8.49	9.19
0-6 TO 1-0	(12/1/83)	51.83	103.66	155.49	207.32	414.64	1036.60	2073.20	20732.	8.49	8.53	9.23
1-0 TO 1-6	(6/1/84)	54.04	108.08	162.12	216.16	432.32	1080.80	2161.60	21616.	8.51	8.48	9.29
1-6 TO 2-0	(12/1/84)	56.33	112.66	168.99	225.32	450.64	1126.60	2253.20	22532.	8.50	8.52	9.35
2-0 TO 2-6	(6/1/85)	58.73	117.46	176.19	234.92	469.84	1174.60	2349.20	23492.	8.50	8.48	9.42
2-6 TO 3-0	(12/1/85)	61.22	122.44	183.66	244.88	489.76	1224.40	2448.80	24488.	8.50	8.49	9.50
3-0 TO 3-6	(6/1/86)	63.82	127.64	191.46	255.28	510.56	1276.40	2552.80	25528.	8.50	8.52	9.60
3-6 TO 4-0	(12/1/86)	66.54	133.08	199.62	266.16	532.32	1330.80	2661.60	26616.	8.50	8.48	9.72
4-0 TO 4-6	(6/1/87)	69.36	138.72	208.08	277.44	554.88	1387.20	2774.40	27744.	8.50	8.51	9.88
4-6 TO 5-0	(12/1/87)	72.31	144.62	216.93	289.24	578.48	1446.20	2892.40	28924.	8.50	8.52	10.08
5-0 TO 5-6	(6/1/88)	75.39	150.78	226.17	301.56	603.12	1507.80	3015.60	30156.	8.50	8.49	10.34
5-6 TO 6-0	(12/1/88)	78.59	157.18	235.77	314.36	628.72	1571.80	3143.60	31436.	8.50	8.50	10.71
6-0 TO 6-6	(6/1/89)	81.93	163.86	245.79	327.72	655.44	1638.60	3277.20	32772.	8.50	8.50	11.27
6-6 TO 7-0	(12/1/89)	85.41	170.82	256.23	341.64	683.28	1708.20	3416.40	34164.	8.50	8.50	12.20
7-0 TO 7-6	(6/1/90)	89.04	178.08	267.12	356.16	712.32	1780.80	3561.60	35616.	8.50	8.51	14.07
7-6 TO 8-0	(12/1/90)	92.83	185.66	278.49	371.32	742.64	1856.60	3713.20	37132.	8.50	19.78	19.78
8-0 4/	(6/1/91)	102.01	204.02	306.03	408.04	816.08	2040.20	4080.40	40804.	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1966 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.82 PERCENT; TO DATE OF BONUS PAYMENT IS 6.89 PERCENT.
4/ BONUS PAYMENT IS MADE AT 25 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 153

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1966

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/	(7/1/81)	$42.09	$ 84.18	$126.27	$168.36	$336.72	$ 841.80	$1683.60	$16836.	6.15	8.51	8.51
8-6 TO 9-0	(1/1/82)	43.88	87.76	131.64	175.52	351.04	877.60	1755.20	17552.	6.29	8.52	8.51
9-0 TO 9-6	(7/1/82)	45.75	91.50	137.25	183.00	366.00	915.00	1830.00	18300.	6.41	8.48	8.50
9-6 TO10-0	(1/1/83)	47.69	95.38	143.07	190.76	381.52	953.80	1907.60	19076.	6.52	8.51	8.51
10-0 2/	(7/1/83)	49.72	99.44	149.16	198.88	397.76	994.40	1988.80	19888.	6.62 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/83)	$49.72	$ 99.44	$149.16	$198.88	$397.76	$ 994.40	$1988.80	$19888.	----	8.49	9.24
0-6 TO 1-0	(1/1/84)	51.83	103.66	155.49	207.32	414.64	1036.60	2073.20	20732.	8.49	8.53	9.29
1-0 TO 1-6	(7/1/84)	54.04	108.08	162.12	216.16	432.32	1080.80	2161.60	21616.	8.51	8.48	9.35
1-6 TO 2-0	(1/1/85)	56.33	112.66	168.99	225.32	450.64	1126.60	2253.20	22532.	8.50	8.52	9.42
2-0 TO 2-6	(7/1/85)	58.73	117.46	176.19	234.92	469.84	1174.60	2349.20	23492.	8.50	8.48	9.50
2-6 TO 3-0	(1/1/86)	61.22	122.44	183.66	244.88	489.76	1224.40	2448.80	24488.	8.50	8.49	9.60
3-0 TO 3-6	(7/1/86)	63.82	127.64	191.46	255.28	510.56	1276.40	2552.80	25528.	8.50	8.52	9.73
3-6 TO 4-0	(1/1/87)	66.54	133.08	199.62	266.16	532.32	1330.80	2661.60	26616.	8.50	8.48	9.88
4-0 TO 4-6	(7/1/87)	69.36	138.72	208.08	277.44	554.88	1387.20	2774.40	27744.	8.50	8.51	10.08
4-6 TO 5-0	(1/1/88)	72.31	144.62	216.93	289.24	578.48	1446.20	2892.40	28924.	8.50	8.52	10.34
5-0 TO 5-6	(7/1/88)	75.39	150.78	226.17	301.56	603.12	1507.80	3015.60	30156.	8.50	8.49	10.71
5-6 TO 6-0	(1/1/89)	78.59	157.18	235.77	314.36	628.72	1571.80	3143.60	31436.	8.50	8.49	11.27
6-0 TO 6-6	(7/1/89)	81.93	163.86	245.79	327.72	655.44	1638.60	3277.20	32772.	8.50	8.50	12.20
6-6 TO 7-0	(1/1/90)	85.41	170.82	256.23	341.64	683.28	1708.20	3416.40	34164.	8.50	8.50	14.08
7-0 TO 7-6	(7/1/90)	89.04	178.08	267.12	356.16	712.32	1780.80	3561.60	35616.	8.50	19.81	19.81
7-6 4/	(1/1/91)	97.86	195.72	293.58	391.44	782.88	1957.20	3914.40	39144.	9.24 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1966 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.82 PERCENT; TO DATE OF BONUS PAYMENT IS 6.86 PERCENT.

4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 154

TABLE 154

BONDS BEARING ISSUE DATE NOV. 1, 1966

ISSUE PRICE . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(5/1/81)	$40.77	$ 81.54	$122.31	$163.08	$326.16	$ 815.40	$1630.80	$16308.	6.13	8.49	8.50
8-0 TO 8-6 (11/1/81)	42.50	85.00	127.50	170.00	340.00	850.00	1700.00	17000.	6.28	8.47	8.50
8-6 TO 9-0 (5/1/82)	44.30	88.60	132.90	177.20	354.40	886.00	1772.00	17720.	6.41	8.53	8.51
9-0 TO 9-6 (11/1/82)	46.19	92.38	138.57	184.76	369.52	923.80	1847.60	18476.	6.52	8.53	8.50
9-6 TO10-0 (5/1/83)	48.16	96.32	144.48	192.64	385.28	963.20	1926.40	19264.	6.63	8.47	8.47
10-0 2/ (11/1/83)	50.20	100.40	150.60	200.80	401.60	1004.00	2008.00	20080.	6.72 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/83)	$50.20	$100.40	$150.60	$200.80	$401.60	$1004.00	$2008.00	$20080.	----	8.49	9.24
0-6 TO 1-0 (5/1/84)	52.33	104.66	156.99	209.32	418.64	1046.60	2093.20	20932.	8.49	8.52	9.29
1-0 TO 1-6 (11/1/84)	54.56	109.12	163.68	218.24	436.48	1091.20	2182.40	21824.	8.50	8.50	9.35
1-6 TO 2-0 (5/1/85)	56.88	113.76	170.64	227.52	455.04	1137.60	2275.20	22752.	8.50	8.47	9.42
2-0 TO 2-6 (11/1/85)	59.29	118.58	177.87	237.16	474.32	1185.80	2371.60	23716.	8.50	8.50	9.51
2-6 TO 3-0 (5/1/86)	61.81	123.62	185.43	247.24	494.48	1236.20	2472.40	24724.	8.50	8.51	9.61
3-0 TO 3-6 (11/1/86)	64.44	128.88	193.32	257.76	515.52	1288.80	2577.60	25776.	8.50	8.50	9.73
3-6 TO 4-0 (5/1/87)	67.18	134.36	201.54	268.72	537.44	1343.60	2687.20	26872.	8.50	8.48	9.88
4-0 TO 4-6 (11/1/87)	70.03	140.06	210.09	280.12	560.24	1400.60	2801.20	28012.	8.50	8.51	10.08
4-6 TO 5-0 (5/1/88)	73.01	146.02	219.03	292.04	584.08	1460.20	2920.40	29204.	8.50	8.49	10.35
5-0 TO 5-6 (11/1/88)	76.11	152.22	228.33	304.44	608.88	1522.20	3044.40	30444.	8.50	8.51	10.72
5-6 TO 6-0 (5/1/89)	79.35	158.70	238.05	317.40	634.80	1587.00	3174.00	31740.	8.50	8.49	11.27
6-0 TO 6-6 (11/1/89)	82.72	165.44	248.16	330.88	661.76	1654.40	3308.80	33088.	8.50	8.51	12.21
6-6 TO 7-0 (5/1/90)	86.24	172.48	258.72	344.96	689.92	1724.80	3449.60	34496.	8.50	8.49	14.08
7-0 TO 7-6 (11/1/90)	89.90	179.80	269.70	359.60	719.20	1798.00	3596.00	35960.	8.50	19.82	19.82
7-6 4/ (5/1/91)	98.81	197.62	296.43	395.24	790.48	1976.20	3952.40	39524.	9.24 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1966 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.88 PERCENT; TO DATE OF BONUS PAYMENT IS 6.90 PERCENT.
4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 155

BONDS BEARING ISSUE DATE DEC. 1, 1966

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(6/1/81)	$41.22	$ 82.44	$123.66	$164.88	$329.76	$ 824.40	$1648.80	$16488.	6.20	8.49	8.50
8-0 TO 8-6 (12/1/81)	42.97	85.94	128.91	171.88	343.76	859.40	1718.80	17188.	6.35	8.47	8.51
8-6 TO 9-0 (6/1/82)	44.79	89.58	134.37	179.16	358.32	895.80	1791.60	17916.	6.47	8.53	8.52
9-0 TO 9-6 (12/1/82)	46.70	93.40	140.10	186.80	373.60	934.00	1868.00	18680.	6.58	8.48	8.51
9-6 TO10-0 (6/1/83)	48.68	97.36	146.04	194.72	389.44	973.60	1947.20	19472.	6.68	8.55	8.55
10-0 2/ (12/1/83)	50.76	101.52	152.28	203.04	406.08	1015.20	2030.40	20304.	6.78 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/83)	$50.76	$101.52	$152.28	$203.04	$406.08	$1015.20	$2030.40	$20304.	----	8.51	9.23
0-6 TO 1-0 (6/1/84)	52.92	105.84	158.76	211.68	423.36	1058.40	2116.80	21168.	8.51	8.50	9.28
1-0 TO 1-6 (12/1/84)	55.17	110.34	165.51	220.68	441.36	1103.40	2206.80	22068.	8.51	8.48	9.34
1-6 TO 2-0 (6/1/85)	57.51	115.02	172.53	230.04	460.08	1150.20	2300.40	23004.	8.50	8.52	9.41
2-0 TO 2-6 (12/1/85)	59.96	119.92	179.88	239.84	479.68	1199.20	2398.40	23984.	8.50	8.47	9.49
2-6 TO 3-0 (6/1/86)	62.50	125.00	187.50	250.00	500.00	1250.00	2500.00	25000.	8.50	8.51	9.60
3-0 TO 3-6 (12/1/86)	65.16	130.32	195.48	260.64	521.28	1303.20	2606.40	26064.	8.50	8.50	9.72
3-6 TO 4-0 (6/1/87)	67.93	135.86	203.79	271.72	543.44	1358.60	2717.20	27172.	8.50	8.51	9.87
4-0 TO 4-6 (12/1/87)	70.82	141.64	212.46	283.28	566.56	1416.40	2832.80	28328.	8.50	8.50	10.07
4-6 TO 5-0 (6/1/88)	73.83	147.66	221.49	295.32	590.64	1476.60	2953.20	29532.	8.50	8.48	10.33
5-0 TO 5-6 (12/1/88)	76.96	153.92	230.88	307.84	615.68	1539.20	3078.40	30784.	8.50	8.50	10.70
5-6 TO 6-0 (6/1/89)	80.23	160.46	240.69	320.92	641.84	1604.60	3209.20	32092.	8.50	8.50	11.25
6-0 TO 6-6 (12/1/89)	83.64	167.28	250.92	334.56	669.12	1672.80	3345.60	33456.	8.50	8.51	12.18
6-6 TO 7-0 (6/1/90)	87.20	174.40	261.60	348.80	697.60	1744.00	3488.00	34880.	8.50	8.49	14.04
7-0 TO 7-6 (12/1/90)	90.90	181.80	272.70	363.60	727.20	1818.00	3636.00	36360.	8.50	19.74	19.74
7-6 4/ (6/1/91)	99.87	199.74	299.61	399.48	798.96	1997.40	3994.80	39948.	9.23 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1966 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.94 PERCENT; TO DATE OF BONUS PAYMENT IS 6.95 PERCENT.
4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 156

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1967

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/	(7/1/81)	$41.22	$ 82.44	$123.66	$164.88	$329.76	$ 824.40	$1648.80	$16488.	6.20	8.49	8.50
8-0 TO 8-6	(1/1/82)	42.97	85.94	128.91	171.88	343.76	859.40	1718.80	17188.	6.35	8.47	8.51
8-6 TO 9-0	(7/1/82)	44.79	89.58	134.37	179.16	358.32	895.80	1791.60	17916.	6.47	8.53	8.52
9-0 TO 9-6	(1/1/83)	46.70	93.40	140.10	186.80	373.60	934.00	1868.00	18680.	6.58	8.48	8.51
9-6 TO10-0	(7/1/83)	48.68	97.36	146.04	194.72	389.44	973.60	1947.20	19472.	6.68	8.55	8.55
10-0 2/	(1/1/84)	50.76	101.52	152.28	203.04	406.08	1015.20	2030.40	20304.	6.78 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/84)	$50.76	$101.52	$152.28	$203.04	$406.08	$1015.20	$2030.40	$20304.	----	8.51	9.28
0-6 TO 1-0	(7/1/84)	52.92	105.84	158.76	211.68	423.36	1058.40	2116.80	21168.	8.51	8.50	9.34
1-0 TO 1-6	(1/1/85)	55.17	110.34	165.51	220.68	441.36	1103.40	2206.80	22068.	8.51	8.48	9.41
1-6 TO 2-0	(7/1/85)	57.51	115.02	172.53	230.04	460.08	1150.20	2300.40	23004.	8.50	8.52	9.50
2-0 TO 2-6	(1/1/86)	59.96	119.92	179.88	239.84	479.68	1199.20	2398.40	23984.	8.50	8.47	9.59
2-6 TO 3-0	(7/1/86)	62.50	125.00	187.50	250.00	500.00	1250.00	2500.00	25000.	8.50	8.51	9.72
3-0 TO 3-6	(1/1/87)	65.16	130.32	195.48	260.64	521.28	1303.20	2606.40	26064.	8.50	8.50	9.87
3-6 TO 4-0	(7/1/87)	67.93	135.86	203.79	271.72	543.44	1358.60	2717.20	27172.	8.50	8.51	10.07
4-0 TO 4-6	(1/1/88)	70.82	141.64	212.46	283.28	566.56	1416.40	2832.80	28328.	8.50	8.50	10.33
4-6 TO 5-0	(7/1/88)	73.83	147.66	221.49	295.32	590.64	1476.60	2953.20	29532.	8.50	8.48	10.70
5-0 TO 5-6	(1/1/89)	76.96	153.92	230.88	307.84	615.68	1539.20	3078.40	30784.	8.50	8.50	11.25
5-6 TO 6-0	(7/1/89)	80.23	160.46	240.69	320.92	641.84	1604.60	3209.20	32092.	8.50	8.50	12.18
6-0 TO 6-6	(1/1/90)	83.64	167.28	250.92	334.56	669.12	1672.80	3345.60	33456.	8.50	8.51	14.05
6-6 TO 7-0	(7/1/90)	87.20	174.40	261.60	348.80	697.60	1744.00	3488.00	34880.	8.50	19.72	19.72
7-0 4/	(1/1/91)	95.80	191.60	287.40	383.20	766.40	1916.00	3832.00	38320.	9.28 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1967 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.94 PERCENT; TO DATE OF BONUS PAYMENT IS 6.91 PERCENT.

4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 157

BONDS BEARING ISSUE DATE MAY 1, 1967

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
7-0 TO 7-6	1/(5/1/81)	$39.91	$ 79.82	$119.73	$159.64	$319.28	$ 798.20	$1596.40	$15964.	6.18	8.57	8.51
7-6 TO 8-0	(11/1/81)	41.62	83.24	124.86	166.48	332.96	832.40	1664.80	16648.	6.34	8.51	8.50
8-0 TO 8-6	(5/1/82)	43.39	86.78	130.17	173.56	347.12	867.80	1735.60	17356.	6.47	8.44	8.50
8-6 TO 9-0	(11/1/82)	45.22	90.44	135.66	180.88	361.76	904.40	1808.80	18088.	6.59	8.54	8.52
9-0 TO 9-6	(5/1/83)	47.15	94.30	141.45	188.60	377.20	943.00	1886.00	18860.	6.69	8.48	8.51
9-6 TO10-0	(11/1/83)	49.15	98.30	147.45	196.60	393.20	983.00	1966.00	19660.	6.79	8.55	8.55
10-0 2/	(5/1/84)	51.25	102.50	153.75	205.00	410.00	1025.00	2050.00	20500.	6.87 3/	---	---
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(5/1/84)	$51.25	$102.50	$153.75	$205.00	$410.00	$1025.00	$2050.00	$20500.	---	8.51	9.28
0-6 TO 1-0	(11/1/84)	53.43	106.86	160.29	213.72	427.44	1068.60	2137.20	21372.	8.51	8.50	9.34
1-0 TO 1-6	(5/1/85)	55.70	111.40	167.10	222.80	445.60	1114.00	2228.00	22280.	8.50	8.51	9.42
1-6 TO 2-0	(11/1/85)	58.07	116.14	174.21	232.28	464.56	1161.40	2322.80	23228.	8.50	8.47	9.50
2-0 TO 2-6	(5/1/86)	60.53	121.06	181.59	242.12	484.24	1210.60	2421.20	24212.	8.50	8.52	9.60
2-6 TO 3-0	(11/1/86)	63.11	126.22	189.33	252.44	504.88	1262.20	2524.40	25244.	8.50	8.49	9.72
3-0 TO 3-6	(5/1/87)	65.79	131.58	197.37	263.16	526.32	1315.80	2631.60	26316.	8.50	8.48	9.88
3-6 TO 4-0	(11/1/87)	68.58	137.16	205.74	274.32	548.64	1371.60	2743.20	27432.	8.50	8.52	10.07
4-0 TO 4-6	(5/1/88)	71.50	143.00	214.50	286.00	572.00	1430.00	2860.00	28600.	8.50	8.50	10.34
4-6 TO 5-0	(11/1/88)	74.54	149.08	223.62	298.16	596.32	1490.80	2981.60	29816.	8.50	8.51	10.70
5-0 TO 5-6	(5/1/89)	77.71	155.42	233.13	310.84	621.68	1554.20	3108.40	31084.	8.50	8.49	11.26
5-6 TO 6-0	(11/1/89)	81.01	162.02	243.03	324.04	648.08	1620.20	3240.40	32404.	8.50	8.49	12.19
6-0 TO 6-6	(5/1/90)	84.45	168.90	253.35	337.80	675.60	1689.00	3378.00	33780.	8.50	8.50	14.06
6-6 TO 7-0	(11/1/90)	88.04	176.08	264.12	352.16	704.32	1760.80	3521.60	35216.	8.50	19.76	19.76
7-0 4/	(5/1/91)	96.74	193.48	290.22	386.96	773.92	1934.80	3869.60	38696.	9.28 3/	---	---

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1967 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.00 PERCENT; TO DATE OF BONUS PAYMENT IS 6.96 PERCENT.

4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 158

BONDS BEARING ISSUE DATE JUNE 1, 1967

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD										
										PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/	(6/1/81)	$40.36	$ 80.72	$121.08	$161.44	$322.88	$ 807.20	$1614.40	$16144.	6.21	8.52	8.50
7-6 TO 8-0	(12/1/81)	42.08	84.16	126.24	168.32	336.64	841.60	1683.20	16832.	6.37	8.56	8.50
8-0 TO 8-6	(6/1/82)	43.88	87.76	131.64	175.52	351.04	877.60	1755.20	17552.	6.50	8.43	8.48
8-6 TO 9-0	(12/1/82)	45.73	91.46	137.19	182.92	365.84	914.60	1829.20	18292.	6.62	8.57	8.50
9-0 TO 9-6	(6/1/83)	47.69	95.38	143.07	190.76	381.52	953.80	1907.60	19076.	6.72	8.47	8.46
9-6 TO10-0	(12/1/83)	49.71	99.42	149.13	198.84	397.68	994.20	1988.40	19884.	6.81	8.45	8.45
10-0 2/	(6/1/84)	51.81	103.62	155.43	207.24	414.48	1036.20	2072.40	20724.	6.90 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/84)	$51.81	$103.62	$155.43	$207.24	$414.48	$1036.20	$2072.40	$20724.	----	8.49	9.29
0-6 TO 1-0	(12/1/84)	54.01	108.02	162.03	216.04	432.08	1080.20	2160.40	21604.	8.49	8.52	9.35
1-0 TO 1-6	(6/1/85)	56.31	112.62	168.93	225.24	450.48	1126.20	2252.40	22524.	8.50	8.49	9.42
1-6 TO 2-0	(12/1/85)	58.70	117.40	176.10	234.80	469.60	1174.00	2348.00	23480.	8.50	8.52	9.51
2-0 TO 2-6	(6/1/86)	61.20	122.40	183.60	244.80	489.60	1224.00	2448.00	24480.	8.50	8.50	9.61
2-6 TO 3-0	(12/1/86)	63.80	127.60	191.40	255.20	510.40	1276.00	2552.00	25520.	8.50	8.50	9.73
3-0 TO 3-6	(6/1/87)	66.51	133.02	199.53	266.04	532.08	1330.20	2660.40	26604.	8.50	8.48	9.89
3-6 TO 4-0	(12/1/87)	69.33	138.66	207.99	277.32	554.64	1386.60	2773.20	27732.	8.50	8.51	10.09
4-0 TO 4-6	(6/1/88)	72.28	144.56	216.84	289.12	578.24	1445.60	2891.20	28912.	8.50	8.49	10.36
4-6 TO 5-0	(12/1/88)	75.35	150.70	226.05	301.40	602.80	1507.00	3014.00	30140.	8.50	8.52	10.73
5-0 TO 5-6	(6/1/89)	78.56	157.12	235.68	314.24	628.48	1571.20	3142.40	31424.	8.50	8.48	11.29
5-6 TO 6-0	(12/1/89)	81.89	163.78	245.67	327.56	655.12	1637.80	3275.60	32756.	8.50	8.50	12.23
6-0 TO 6-6	(6/1/90)	85.37	170.74	256.11	341.48	682.96	1707.40	3414.80	34148.	8.50	8.50	14.12
6-6 TO 7-0	(12/1/90)	89.00	178.00	267.00	356.00	712.00	1780.00	3560.00	35600.	8.50	19.89	19.89
7-0 4/	(6/1/91)	97.85	195.70	293.55	391.40	782.80	1957.00	3914.00	39140.	9.29 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1967 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.07 PERCENT; TO DATE OF BONUS PAYMENT IS 7.00 PERCENT.
4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 159

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1967

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/	(7/1/81)	$40.36	$ 80.72	$121.08	$161.44	$322.88	$ 807.20	$1614.40	$16144.	6.21	8.52	8.50
7-6 TO 8-0	(1/1/82)	42.08	84.16	126.24	168.32	336.64	841.60	1683.20	16832.	6.37	8.56	8.50
8-0 TO 8-6	(7/1/82)	43.88	87.76	131.64	175.52	351.04	877.60	1755.20	17552.	6.50	8.43	8.48
8-6 TO 9-0	(1/1/83)	45.73	91.46	137.19	182.92	365.84	914.60	1829.20	18292.	6.62	8.57	8.50
9-0 TO 9-6	(7/1/83)	47.69	95.38	143.07	190.76	381.52	953.80	1907.60	19076.	6.72	8.47	8.46
9-6 TO10-0	(1/1/84)	49.71	99.42	149.13	198.84	397.68	994.20	1988.40	19884.	6.81	8.45	8.45
10-0 2/	(7/1/84)	51.81	103.62	155.43	207.24	414.48	1036.20	2072.40	20724.	6.90 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/84)	$51.81	$103.62	$155.43	$207.24	$414.48	$1036.20	$2072.40	$20724.	----	8.49	9.35
0-6 TO 1-0	(1/1/85)	54.01	108.02	162.03	216.04	432.08	1080.20	2160.40	21604.	8.49	8.52	9.42
1-0 TO 1-6	(7/1/85)	56.31	112.62	168.93	225.24	450.48	1126.20	2252.40	22524.	8.50	8.49	9.50
1-6 TO 2-0	(1/1/86)	58.70	117.40	176.10	234.80	469.60	1174.00	2348.00	23480.	8.50	8.52	9.61
2-0 TO 2-6	(7/1/86)	61.20	122.40	183.60	244.80	489.60	1224.00	2448.00	24480.	8.50	8.50	9.73
2-6 TO 3-0	(1/1/87)	63.80	127.60	191.40	255.20	510.40	1276.00	2552.00	25520.	8.50	8.50	9.88
3-0 TO 3-6	(7/1/87)	66.51	133.02	199.53	266.04	532.08	1330.20	2660.40	26604.	8.50	8.48	10.08
3-6 TO 4-0	(1/1/88)	69.33	138.66	207.99	277.32	554.64	1386.60	2773.20	27732.	8.50	8.51	10.35
4-0 TO 4-6	(7/1/88)	72.28	144.56	216.84	289.12	578.24	1445.60	2891.20	28912.	8.50	8.49	10.72
4-6 TO 5-0	(1/1/89)	75.35	150.70	226.05	301.40	602.80	1507.00	3014.00	30140.	8.50	8.52	11.28
5-0 TO 5-6	(7/1/89)	78.56	157.12	235.68	314.24	628.48	1571.20	3142.40	31424.	8.50	8.48	12.21
5-6 TO 6-0	(1/1/90)	81.89	163.78	245.67	327.56	655.12	1637.80	3275.60	32756.	8.50	8.50	14.10
6-0 TO 6-6	(7/1/90)	85.37	170.74	256.11	341.48	682.96	1707.40	3414.80	34148.	8.50	19.84	19.84
6-6 4/	(1/1/91)	93.84	187.68	281.52	375.36	750.72	1876.80	3753.60	37536.	9.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1967 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.07 PERCENT; TO DATE OF BONUS PAYMENT IS 6.97 PERCENT.

4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 160

BONDS BEARING ISSUE DATE NOV. 1, 1967

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/	(5/1/81)	$39.10	$ 78.20	$117.30	$156.40	$312.80	$ 782.00	$1564.00	$15640.	6.19	8.49	8.50
7-0 TO 7-6	(11/1/81)	40.76	81.52	122.28	163.04	326.08	815.20	1630.40	16304.	6.36	8.54	8.50
7-6 TO 8-0	(5/1/82)	42.50	85.00	127.50	170.00	340.00	850.00	1700.00	17000.	6.50	8.47	8.49
8-0 TO 8-6	(11/1/82)	44.30	88.60	132.90	177.20	354.40	886.00	1772.00	17720.	6.63	8.49	8.50
8-6 TO 9-0	(5/1/83)	46.18	92.36	138.54	184.72	369.44	923.60	1847.20	18472.	6.73	8.49	8.50
9-0 TO 9-6	(11/1/83)	48.14	96.28	144.42	192.56	385.12	962.80	1925.60	19256.	6.83	8.52	8.50
9-6 TO10-0	(5/1/84)	50.19	100.38	150.57	200.76	401.52	1003.80	2007.60	20076.	6.92	8.49	8.49
10-0 2/	(11/1/84)	52.32	104.64	156.96	209.28	418.56	1046.40	2092.80	20928.	7.00 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(11/1/84)	$52.32	$104.64	$156.96	$209.28	$418.56	$1046.40	$2092.80	$20928.	----	8.49	9.35
0-6 TO 1-0	(5/1/85)	54.54	109.08	163.62	218.16	436.32	1090.80	2181.60	21816.	8.49	8.51	9.42
1-0 TO 1-6	(11/1/85)	56.86	113.72	170.58	227.44	454.88	1137.20	2274.40	22744.	8.50	8.51	9.50
1-6 TO 2-0	(5/1/86)	59.28	118.56	177.84	237.12	474.24	1185.60	2371.20	23712.	8.50	8.50	9.60
2-0 TO 2-6	(11/1/86)	61.80	123.60	185.40	247.20	494.40	1236.00	2472.00	24720.	8.50	8.48	9.73
2-6 TO 3-0	(5/1/87)	64.42	128.84	193.26	257.68	515.36	1288.40	2576.80	25768.	8.50	8.51	9.88
3-0 TO 3-6	(11/1/87)	67.16	134.32	201.48	268.64	537.28	1343.20	2686.40	26864.	8.50	8.52	10.08
3-6 TO 4-0	(5/1/88)	70.02	140.04	210.06	280.08	560.16	1400.40	2800.80	28008.	8.50	8.48	10.34
4-0 TO 4-6	(11/1/88)	72.99	145.98	218.97	291.96	583.92	1459.80	2919.60	29196.	8.50	8.49	10.71
4-6 TO 5-0	(5/1/89)	76.09	152.18	228.27	304.36	608.72	1521.80	3043.60	30436.	8.50	8.52	11.27
5-0 TO 5-6	(11/1/89)	79.33	158.66	237.99	317.32	634.64	1586.60	3173.20	31732.	8.50	8.50	12.20
5-6 TO 6-0	(5/1/90)	82.70	165.40	248.10	330.80	661.60	1654.00	3308.00	33080.	8.50	8.49	14.08
6-0 TO 6-6	(11/1/90)	86.21	172.42	258.63	344.84	689.68	1724.20	3448.40	34484.	8.50	19.81	19.81
6-6 4/	(5/1/91)	94.75	189.50	284.25	379.00	758.00	1895.00	3790.00	37900.	9.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1967 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.13 PERCENT; TO DATE OF BONUS PAYMENT IS 7.01 PERCENT.

4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 161

BONDS BEARING ISSUE DATE DEC. 1, 1967

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
6-6 TO 7-0	1/(6/1/81)	$39.57	$ 79.14	$118.71	$158.28	$316.56	$ 791.40	$1582.80	$15828.	6.23	8.49	8.50
7-0 TO 7-6	(12/1/81)	41.25	82.50	123.75	165.00	330.00	825.00	1650.00	16500.	6.39	8.48	8.50
7-6 TO 8-0	(6/1/82)	43.00	86.00	129.00	172.00	344.00	860.00	1720.00	17200.	6.53	8.51	8.50
8-0 TO 8-6	(12/1/82)	44.83	89.66	134.49	179.32	358.64	896.60	1793.20	17932.	6.65	8.48	8.50
8-6 TO 9-0	(6/1/83)	46.73	93.46	140.19	186.92	373.84	934.60	1869.20	18692.	6.76	8.56	8.51
9-0 TO 9-6	(12/1/83)	48.73	97.46	146.19	194.92	389.84	974.60	1949.20	19492.	6.86	8.45	8.48
9-6 TO10-0	(6/1/84)	50.79	101.58	152.37	203.16	406.32	1015.80	2031.60	20316.	6.94	8.51	8.51
10-0 2/	(12/1/84)	52.95	105.90	158.85	211.80	423.60	1059.00	2118.00	21180.	7.02 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(12/1/84)	$52.95	$105.90	$158.85	$211.80	$423.60	$1059.00	$2118.00	$21180.	----	8.50	9.35
0-6 TO 1-0	(6/1/85)	55.20	110.40	165.60	220.80	441.60	1104.00	2208.00	22080.	8.50	8.51	9.42
1-0 TO 1-6	(12/1/85)	57.55	115.10	172.65	230.20	460.40	1151.00	2302.00	23020.	8.51	8.48	9.50
1-6 TO 2-0	(6/1/86)	59.99	119.98	179.97	239.96	479.92	1199.80	2399.60	23996.	8.50	8.50	9.61
2-0 TO 2-6	(12/1/86)	62.54	125.08	187.62	250.16	500.32	1250.80	2501.60	25016.	8.50	8.51	9.73
2-6 TO 3-0	(6/1/87)	65.20	130.40	195.60	260.80	521.60	1304.00	2608.00	26080.	8.50	8.50	9.88
3-0 TO 3-6	(12/1/87)	67.97	135.94	203.91	271.88	543.76	1359.40	2718.80	27188.	8.50	8.50	10.08
3-6 TO 4-0	(6/1/88)	70.86	141.72	212.58	283.44	566.88	1417.20	2834.40	28344.	8.50	8.50	10.35
4-0 TO 4-6	(12/1/88)	73.87	147.74	221.61	295.48	590.96	1477.40	2954.80	29548.	8.50	8.50	10.72
4-6 TO 5-0	(6/1/89)	77.01	154.02	231.03	308.04	616.08	1540.20	3080.40	30804.	8.50	8.49	11.27
5-0 TO 5-6	(12/1/89)	80.28	160.56	240.84	321.12	642.24	1605.60	3211.20	32112.	8.50	8.52	12.21
5-6 TO 6-0	(6/1/90)	83.70	167.40	251.10	334.80	669.60	1674.00	3348.00	33480.	8.50	8.48	14.08
6-0 TO 6-6	(12/1/90)	87.25	174.50	261.75	349.00	698.00	1745.00	3490.00	34900.	8.50	19.83	19.83
6-6 4/	(6/1/91)	95.90	191.80	287.70	383.60	767.20	1918.00	3836.00	38360.	9.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1967 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.20 PERCENT; TO DATE OF BONUS PAYMENT IS 7.07 PERCENT.

4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 162

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1968

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD										
										PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/	(7/1/81)	$39.57	$ 79.14	$118.71	$158.28	$316.56	$ 791.40	$1582.80	$15828.	6.23	8.49	8.50
7-0 TO 7-6	(1/1/82)	41.25	82.50	123.75	165.00	330.00	825.00	1650.00	16500.	6.39	8.48	8.50
7-6 TO 8-0	(7/1/82)	43.00	86.00	129.00	172.00	344.00	860.00	1720.00	17200.	6.53	8.51	8.50
8-0 TO 8-6	(1/1/83)	44.83	89.66	134.49	179.32	358.64	896.60	1793.20	17932.	6.65	8.48	8.50
8-6 TO 9-0	(7/1/83)	46.73	93.46	140.19	186.92	373.84	934.60	1869.20	18692.	6.76	8.56	8.51
9-0 TO 9-6	(1/1/84)	48.73	97.46	146.19	194.92	389.84	974.60	1949.20	19492.	6.86	8.45	8.48
9-6 TO10-0	(7/1/84)	50.79	101.58	152.37	203.16	406.32	1015.80	2031.60	20316.	6.94	8.51	8.51
10-0 2/	(1/1/85)	52.95	105.90	158.85	211.80	423.60	1059.00	2118.00	21180.	7.02 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/85)	$52.95	$105.90	$158.85	$211.80	$423.60	$1059.00	$2118.00	$21180.	----	8.50	9.42
0-6 TO 1-0	(7/1/85)	55.20	110.40	165.60	220.80	441.60	1104.00	2208.00	22080.	8.50	8.51	9.51
1-0 TO 1-6	(1/1/86)	57.55	115.10	172.65	230.20	460.40	1151.00	2302.00	23020.	8.51	8.48	9.61
1-6 TO 2-0	(7/1/86)	59.99	119.98	179.97	239.96	479.92	1199.80	2399.60	23996.	8.50	8.50	9.73
2-0 TO 2-6	(1/1/87)	62.54	125.08	187.62	250.16	500.32	1250.80	2501.60	25016.	8.50	8.51	9.89
2-6 TO 3-0	(7/1/87)	65.20	130.40	195.60	260.80	521.60	1304.00	2608.00	26080.	8.50	8.50	10.08
3-0 TO 3-6	(1/1/88)	67.97	135.94	203.91	271.88	543.76	1359.40	2718.80	27188.	8.50	8.50	10.35
3-6 TO 4-0	(7/1/88)	70.86	141.72	212.58	283.44	566.88	1417.20	2834.40	28344.	8.50	8.50	10.72
4-0 TO 4-6	(1/1/89)	73.87	147.74	221.61	295.48	590.96	1477.40	2954.80	29548.	8.50	8.50	11.28
4-6 TO 5-0	(7/1/89)	77.01	154.02	231.03	308.04	616.08	1540.20	3080.40	30804.	8.50	8.49	12.22
5-0 TO 5-6	(1/1/90)	80.28	160.56	240.84	321.12	642.24	1605.60	3211.20	32112.	8.50	8.52	14.10
5-6 TO [illegible]-0	(7/1/90)	83.70	167.40	251.10	334.80	669.60	1674.00	3348.00	33480.	8.50	19.83	19.83
6-0 4/	(1/1/91)	92.00	184.00	276.00	368.00	736.00	1840.00	3680.00	36800.	9.42 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1968 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.20 PERCENT; TO DATE OF BONUS PAYMENT IS 7.04 PERCENT.

4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/[illegible]1 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.0[illegible]%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 163

BONDS BEARING ISSUE DATE MAY 1, 1968

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/	(5/1/81)	$38.32	$ 76.64	$114.95	$153.28	$306.56	$ 766.40	$1532.80	$15328.	6.20	8.51	8.50
6-6 TO 7-0	(11/1/81)	39.95	79.90	119.85	159.80	319.60	799.00	1598.00	15980.	6.38	8.51	8.50
7-0 TO 7-6	(5/1/82)	41.65	83.30	124.95	166.60	333.20	833.00	1666.00	16660.	6.53	8.50	8.50
7-6 TO 8-0	(11/1/82)	43.42	86.84	130.26	173.68	347.36	868.40	1736.80	17368.	6.66	8.48	8.50
8-0 TO 8-6	(5/1/83)	45.26	90.52	135.78	181.04	362.08	905.20	1810.40	18104.	6.77	8.53	8.51
8-6 TO 9-0	(11/1/83)	47.19	94.38	141.57	188.76	377.52	943.80	1887.60	18876.	6.88	8.52	8.51
9-0 TO 9-6	(5/1/84)	49.20	98.40	147.60	196.80	393.60	984.00	1968.00	19680.	6.97	8.50	8.50
9-6 TO10-0	(11/1/84)	51.29	102.58	153.87	205.16	410.32	1025.80	2051.60	20516.	7.05	8.50	8.50
10-0 2/	(5/1/85)	53.47	106.94	160.41	213.88	427.76	1069.40	2138.80	21388.	7.12 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(5/1/85)	$53.47	$106.94	$160.41	$213.88	$427.76	$1069.40	$2138.80	$21388.	----	8.49	9.42
0-6 TO 1-0	(11/1/85)	55.74	111.48	167.22	222.96	445.92	1114.80	2229.60	22296.	8.49	8.50	9.50
1-0 TO 1-6	(5/1/86)	58.11	116.22	174.33	232.44	464.88	1162.20	2324.40	23244.	8.50	8.50	9.60
1-6 TO 2-0	(11/1/86)	60.58	121.16	181.74	242.32	484.64	1211.60	2423.20	24232.	8.50	8.52	9.73
2-0 TO 2-6	(5/1/87)	63.16	126.32	189.48	252.64	505.28	1263.20	2526.40	25264.	8.50	8.49	9.88
2-6 TO 3-0	(11/1/87)	65.84	131.68	197.52	263.36	526.72	1316.80	2633.60	26336.	8.50	8.51	10.08
3-0 TO 3-6	(5/1/88)	68.64	137.28	205.92	274.56	549.12	1372.80	2745.60	27456.	8.50	8.51	10.34
3-6 TO 4-0	(11/1/88)	71.56	143.12	214.68	286.24	572.48	1431.20	2862.40	28624.	8.50	8.50	10.71
4-0 TO 4-6	(5/1/89)	74.60	149.20	223.80	298.40	596.80	1492.00	2984.00	29840.	8.50	8.50	11.26
4-6 TO 5-0	(11/1/89)	77.77	155.54	233.31	311.08	622.16	1555.40	3110.80	31108.	8.50	8.49	12.19
5-0 TO 5-6	(5/1/90)	81.07	162.14	243.21	324.28	648.56	1621.40	3242.80	32428.	8.50	8.51	14.07
5-6 TO 6-0	(11/1/90)	84.52	169.04	253.56	338.08	676.16	1690.40	3380.80	33808.	8.50	19.78	19.78
6-0 4/	(5/1/91)	92.88	185.76	278.64	371.52	743.04	1857.60	3715.20	37152.	9.42 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1968 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.26 PERCENT; TO DATE OF BONUS PAYMENT IS 7.08 PERCENT.
4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 164

BONDS BEARING ISSUE DATE JUNE 1, 1968

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD										
										PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/	(6/1/81)	$38.78	$ 77.56	$116.34	$155.12	$310.24	$ 775.60	$1551.20	$15512.	6.25	8.51	8.50
6-6 TO 7-0	(12/1/81)	40.43	80.86	121.29	161.72	323.44	808.60	1617.20	16172.	6.42	8.46	8.50
7-0 TO 7-6	(6/1/82)	42.14	84.28	126.42	168.56	337.12	842.80	1685.60	16856.	6.57	8.54	8.51
7-6 TO 8-0	(12/1/82)	43.94	87.88	131.82	175.76	351.52	878.80	1757.60	17576.	6.70	8.47	8.50
8-0 TO 8-6	(6/1/83)	45.80	91.60	137.40	183.20	366.40	916.00	1832.00	18320.	6.81	8.52	8.51
8-6 TO 9-0	(12/1/83)	47.75	95.50	143.25	191.00	382.00	955.00	1910.00	19100.	6.91	8.54	8.51
9-0 TO 9-6	(6/1/84)	49.79	99.58	149.37	199.16	398.32	995.80	1991.60	19916.	7.00	8.48	8.50
9-6 TO10-0	(12/1/84)	51.90	103.80	155.70	207.60	415.20	1038.00	2076.00	20760.	7.08	8.52	8.52
10-0 2/	(6/1/85)	54.11	108.22	162.33	216.44	432.88	1082.20	2164.40	21644.	7.15 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/85)	$54.11	$108.22	$162.33	$216.44	$432.88	$1082.20	$2164.40	$21644.	----	8.50	9.42
0-6 TO 1-0	(12/1/85)	56.41	112.82	169.23	225.64	451.28	1128.20	2256.40	22564.	8.50	8.51	9.50
1-0 TO 1-6	(6/1/86)	58.81	117.62	176.43	235.24	470.48	1176.20	2352.40	23524.	8.51	8.50	9.60
1-6 TO 2-0	(12/1/86)	61.31	122.62	183.93	245.24	490.48	1226.20	2452.40	24524.	8.50	8.48	9.72
2-0 TO 2-6	(6/1/87)	63.91	127.82	191.73	255.64	511.28	1278.20	2556.40	25564.	8.50	8.51	9.88
2-6 TO 3-0	(12/1/87)	66.63	133.26	199.89	266.52	533.04	1332.60	2665.20	26652.	8.50	8.49	10.07
3-0 TO 3-6	(6/1/88)	69.46	138.92	208.38	277.84	555.68	1389.20	2778.40	27784.	8.50	8.49	10.34
3-6 TO 4-0	(12/1/88)	72.41	144.82	217.23	289.64	579.28	1448.20	2896.40	28964.	8.50	8.51	10.71
4-0 TO 4-6	(6/1/89)	75.49	150.98	226.47	301.96	603.92	1509.80	3019.60	30196.	8.50	8.50	11.26
4-6 TO 5-0	(12/1/89)	78.70	157.40	236.10	314.80	629.60	1574.00	3148.00	31480.	8.50	8.49	12.19
5-0 TO 5-6	(6/1/90)	82.04	164.08	246.12	328.16	656.32	1640.80	3281.60	32816.	8.50	8.51	14.06
5-6 TO 6-0	(12/1/90)	85.53	171.06	256.59	342.12	684.24	1710.60	3421.20	34212.	8.50	19.76	19.76
6-0 4/	(6/1/91)	93.98	187.96	281.94	375.92	751.84	1879.60	3759.20	37592.	9.42 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1968 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.33 PERCENT; TO DATE OF BONUS PAYMENT IS 7.13 PERCENT.

4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

V 46 / 193 OC 6 81 UMI

TABLE 165

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1968

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) (2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
		FIRST EXTENDED MATURITY PERIOD								PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/	(7/1/81)	$38.78	$ 77.56	$116.34	$155.12	$310.24	$ 775.60	$1551.20	$15512.	6.25	8.51	8.50
6-6 TO 7-0	(1/1/82)	40.43	80.86	121.29	161.72	323.44	808.60	1617.20	16172.	6.42	8.46	8.50
7-0 TO 7-6	(7/1/82)	42.14	84.28	126.42	168.56	337.12	842.80	1685.60	16856.	6.57	8.54	8.51
7-6 TO 8-0	(1/1/83)	43.94	87.88	131.82	175.76	351.52	878.80	1757.60	17576.	6.70	8.47	8.50
8-0 TO 8-6	(7/1/83)	45.80	91.60	137.40	183.20	366.40	916.00	1832.00	18320.	6.81	8.52	8.51
8-6 TO 9-0	(1/1/84)	47.75	95.50	143.25	191.00	382.00	955.00	1910.00	19100.	6.91	8.54	8.51
9-0 TO 9-6	(7/1/84)	49.79	99.58	149.37	199.16	398.32	995.80	1991.60	19916.	7.00	8.48	8.50
9-6 TO10-0.	(1/1/85)	51.90	103.80	155.70	207.60	415.20	1038.00	2076.00	20760.	7.08	8.52	8.52
10-0 2/	(7/1/85)	54.11	108.22	162.33	216.44	432.88	1082.20	2164.40	21644.	7.15 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/85)	$54.11	$108.22	$162.33	$216.44	$432.88	$1082.20	$2164.40	$21644.	----	8.50	9.50
0-6 TO 1-0	(1/1/86)	56.41	112.82	169.23	225.64	451.28	1128.20	2256.40	22564.	8.50	8.51	9.60
1-0 TO 1-6	(7/1/86)	58.81	117.62	176.43	235.24	470.48	1176.20	2352.40	23524.	8.51	8.50	9.72
1-6 TO 2-0	(1/1/87)	61.31	122.62	183.93	245.24	490.48	1226.20	2452.40	24524.	8.50	8.48	9.87
2-0 TO 2-6	(7/1/87)	63.91	127.82	191.73	255.64	511.28	1278.20	2556.40	25564.	8.50	8.51	10.07
2-6 TO 3-0	(1/1/88)	66.63	133.26	199.89	266.52	533.04	1332.60	2665.20	26652.	8.50	8.49	10.34
3-0 TO 3-6	(7/1/88)	69.46	138.92	208.38	277.84	555.68	1389.20	2778.40	27784.	8.50	8.49	10.71
3-6 TO 4-0	(1/1/89)	72.41	144.82	217.23	289.64	579.28	1448.20	2896.40	28964.	8.50	8.51	11.26
4-0 TO 4-6	(7/1/89)	75.49	150.98	226.47	301.96	603.92	1509.80	3019.60	30196.	8.50	8.50	12.19
4-6 TO 5-0	(1/1/90)	78.70	157.40	236.10	314.80	629.60	1574.00	3148.00	31480.	8.50	8.49	14.06
5-0 TO 5-6	(7/1/90)	82.04	164.08	246.12	328.16	656.32	1640.80	3281.60	32816.	8.50	19.77	19.77
5-6 4/	(1/1/91)	90.15	180.30	270.45	360.60	721.20	1803.00	3606.00	36060.	9.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1968 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.33 PERCENT; TO DATE OF BONUS PAYMENT IS 7.10 PERCENT.

4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 168

BONDS BEARING ISSUE DATE NOV. 1, 1968

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
5-6 TO 6-0	1/(5/1/81)	$37.56	$ 75.12	$112.68	$150.24	$300.48	$ 751.20	$1502.40	$15024.	6.23	8.47	8.50
6-0 TO 6-6	(11/1/81)	39.15	78.30	117.45	156.60	313.20	783.00	1566.00	15660.	6.41	8.53	8.51
6-6 TO 7-0	(5/1/82)	40.82	81.64	122.46	163.28	326.56	816.40	1632.80	16328.	6.57	8.48	8.50
7-0 TO 7-6	(11/1/82)	42.55	85.10	127.65	170.20	340.40	851.00	1702.00	17020.	6.71	8.55	8.51
7-6 TO 8-0	(5/1/83)	44.37	88.74	133.11	177.48	354.96	887.40	1774.80	17748.	6.83	8.47	8.50
8-0 TO 8-6	(11/1/83)	46.25	92.50	138.75	185.00	370.00	925.00	1850.00	18500.	6.93	8.52	8.50
8-6 TO 9-0	(5/1/84)	48.22	96.44	144.66	192.88	385.76	964.40	1928.80	19288.	7.03	8.46	8.50
9-0 TO 9-6	(11/1/84)	50.26	100.52	150.78	201.04	402.08	1005.20	2010.40	20104.	7.11	8.56	8.51
9-6 TO10-0	(5/1/85)	52.41	104.82	157.23	209.64	419.28	1048.20	2096.40	20964.	7.18	8.47	8.47
10-0 2/	(11/1/85)	54.63	109.26	163.89	218.52	437.04	1092.60	2185.20	21852.	7.25 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(11/1/85)	$54.63	$109.26	$163.89	$218.52	$437.04	$1092.60	$2185.20	$21852.	----	8.49	9.50
0-6 TO 1-0	(5/1/86)	56.95	113.90	170.85	227.80	455.60	1139.00	2278.00	22780.	8.49	8.50	9.60
1-0 TO 1-6	(11/1/86)	59.37	118.74	178.11	237.48	474.96	1187.40	2374.80	23748.	8.50	8.52	9.72
1-6 TO 2-0	(5/1/87)	61.90	123.80	185.70	247.60	495.20	1238.00	2476.00	24760.	8.51	8.50	9.88
2-0 TO 2-6	(11/1/87)	64.53	129.06	193.59	258.12	516.24	1290.60	2581.20	25812.	8.50	8.49	10.07
2-6 TO 3-0	(5/1/88)	67.27	134.54	201.81	269.08	538.16	1345.40	2690.80	26908.	8.50	8.50	10.34
3-0 TO 3-6	(11/1/88)	70.13	140.26	210.39	280.52	561.04	1402.60	2805.20	28052.	8.50	8.50	10.71
3-6 TO 4-0	(5/1/89)	73.11	146.22	219.33	292.44	584.88	1462.20	2924.40	29244.	8.50	8.48	11.26
4-0 TO 4-6	(11/1/89)	76.21	152.42	228.63	304.84	609.68	1524.20	3048.40	30484.	8.50	8.50	12.20
4-6 TO 5-0	(5/1/90)	79.45	158.90	238.35	317.80	635.60	1589.00	3178.00	31780.	8.50	8.51	14.07
5-0 TO 5-6	(11/1/90)	82.83	165.66	248.49	331.32	662.64	1656.60	3313.20	33132.	8.50	19.78	19.78
5-6 4/	(5/1/91)	91.02	182.04	273.06	364.08	728.16	1820.40	3640.80	36408.	9.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1968 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.39 PERCENT; TO DATE OF BONUS PAYMENT IS 7.15 PERCENT.

4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 167

BONDS BEARING ISSUE DATE DEC. 1, 1968

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) (2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
		FIRST EXTENDED MATURITY PERIOD								PERCENT	PERCENT	. PERCENT
5-6 TO 6-0 1/	(6/1/81)	$38.07	$ 76.14	$114.21	$152.28	$304.56	$ 761.40	$1522.80	$15228.	6.27	8.51	8.50
6-0 TO 6-6	(12/1/81)	39.69	79.38	119.07	158.76	317.52	793.80	1587.60	15876.	6.46	8.52	8.50
6-6 TO 7-0	(6/1/82)	41.38	82.76	124.14	165.52	331.04	827.60	1655.20	16552.	6.61	8.51	8.50
7-0 TO 7-6	(12/1/82)	43.14	86.28	129.42	172.56	345.12	862.80	1725.60	17256.	6.75	8.48	8.50
7-6 TO 8-0	(6/1/83)	44.97	89.94	134.91	179.88	359.76	899.40	1798.80	17988.	6.86	8.49	8.50
8-0 TO 8-6	(12/1/83)	46.88	93.76	140.64	187.52	375.04	937.60	1875.20	18752.	6.96	8.53	8.50
8-6 TO 9-0	(6/1/84)	48.88	97.76	146.64	195.52	391.04	977.60	1955.20	19552.	7.06	8.51	8.49
9-0 TO 9-6	(12/1/84)	50.96	101.92	152.88	203.84	407.68	1019.20	2038.40	20384.	7.14	8.44	8.47
9-6 TO10-0	(6/1/85)	53.11	106.22	159.33	212.44	424.88	1062.20	2124.40	21244.	7.21	8.51	8.51
10-0 2/	(12/1/85)	55.37	110.74	166.11	221.48	442.96	1107.40	2214.80	22148.	7.27 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(12/1/85)	$55.37	$110.74	$166.11	$221.48	$442.96	$1107.40	$2214.80	$22148.	----	8.49	9.51
0-6 TO 1-0	(6/1/86)	57.72	115.44	173.16	230.88	461.76	1154.40	2308.80	23088.	8.49	8.52	9.61
1-0 TO 1-6	(12/1/86)	60.18	120.36	180.54	240.72	481.44	1203.60	2407.20	24072.	8.51	8.47	9.73
1-6 TO 2-0	(6/1/87)	62.73	125.46	188.19	250.92	501.84	1254.60	2509.20	25092.	8.50	8.51	9.89
2-0 TO 2-6	(12/1/87)	65.40	130.80	196.20	261.60	523.20	1308.00	2616.00	26160.	8.50	8.50	10.08
2-6 TO 3-0	(6/1/88)	68.18	136.36	204.54	272.72	545.44	1363.60	2727.20	27272.	8.50	8.51	10.35
3-0 TO 3-6	(12/1/88)	71.08	142.16	213.24	284.32	568.64	1421.60	2843.20	28432.	8.50	8.50	10.72
3-6 TO 4-0	(6/1/89)	74.10	148.20	222.30	296.40	592.80	1482.00	2964.00	29640.	8.50	8.50	11.28
4-0 TO 4-6	(12/1/89)	77.25	154.50	231.75	309.00	618.00	1545.00	3090.00	30900.	8.50	8.49	12.21
4-6 TO 5-0	(6/1/90)	80.53	161.06	241.59	322.12	644.24	1610.60	3221.20	32212.	8.50	8.49	14.09
5-0 TO 5-6	(12/1/90)	83.95	167.90	251.85	335.80	671.60	1679.00	3358.00	33580.	8.50	19.85	19.85
5-6 4/	(6/1/91)	92.28	184.56	276.84	369.12	738.24	1845.60	3691.20	36912.	9.51 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1968 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.47 PERCENT; TO DATE OF BONUS PAYMENT IS 7.21 PERCENT.

4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 168

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1969

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		ISSUE PRICE . . . . . $18.75 DENOMINATION 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE): (2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — FIRST EXTENDED MATURITY PERIOD								PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/	(7/1/81)	$38.07	$ 76.14	$114.21	$152.28	$304.56	$ 761.40	$1522.80	$15228.	6.27	8.51	8.50
6-0 TO 6-6	(1/1/82)	39.69	79.38	119.07	158.76	317.52	793.80	1587.60	15876.	6.46	8.52	8.50
6-6 TO 7-0	(7/1/82)	41.38	82.76	124.14	165.52	331.04	827.60	1655.20	16552.	6.61	8.51	8.50
7-0 TO 7-6	(1/1/83)	43.14	86.28	129.42	172.56	345.12	862.80	1725.60	17256.	6.75	8.48	8.50
7-6 TO 8-0	(7/1/83)	44.97	89.94	134.91	179.88	359.76	899.40	1798.80	17988.	6.86	8.49	8.50
8-0 TO 8-6	(1/1/84)	46.88	93.76	140.64	187.52	375.04	937.60	1875.20	18752.	6.96	8.53	8.50
8-6 TO 9-0	(7/1/84)	48.88	97.76	146.64	195.52	391.04	977.60	1955.20	19552.	7.06	8.51	8.49
9-0 TO 9-6	(1/1/85)	50.96	101.92	152.88	203.84	407.68	1019.20	2038.40	20384.	7.14	8.44	8.47
9-6 TO10-0	(7/1/85)	53.11	106.22	159.33	212.44	424.88	1062.20	2124.40	21244.	7.21	8.51	8.51
10-0 2/	(1/1/86)	55.37	110.74	166.11	221.48	442.96	1107.40	2214.80	22148.	7.27 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/86)	$55.37	$110.74	$166.11	$221.48	$442.96	$1107.40	$2214.80	$22148.	----	8.49	9.60
0-6 TO 1-0	(7/1/86)	57.72	115.44	173.16	230.88	461.76	1154.40	2308.80	23088.	8.49	8.52	9.72
1-0 TO 1-6	(1/1/87)	60.18	120.36	180.54	240.72	481.44	1203.60	2407.20	24072.	8.51	8.47	9.87
1-6 TO 2-0	(7/1/87)	62.73	125.46	188.19	250.92	501.84	1254.60	2509.20	25092.	8.50	8.51	10.08
2-0 TO 2-6	(1/1/88)	65.40	130.80	196.20	261.60	523.20	1308.00	2616.00	26160.	8.50	8.50	10.34
2-6 TO 3-0	(7/1/88)	68.18	136.36	204.54	272.72	545.44	1363.60	2727.20	27272.	8.50	8.51	10.71
3-0 TO 3-6	(1/1/89)	71.08	142.16	213.24	284.32	568.64	1421.60	2843.20	28432.	8.50	8.50	11.26
3-6 TO 4-0	(7/1/89)	74.10	148.20	222.30	296.40	592.80	1482.00	2964.00	29640.	8.50	8.50	12.19
4-0 TO 4-6	(1/1/90)	77.25	154.50	231.75	309.00	618.00	1545.00	3090.00	30900.	8.50	8.49	14.06
4-6 TO 5-0	(7/1/90)	80.53	161.06	241.59	322.12	644.24	1610.60	3221.20	32212.	8.50	19.77	19.77
5-0 4/	(1/1/91)	88.49	176.98	265.47	353.96	707.92	1769.80	3539.60	35396.	9.60 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1969 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.47 PERCENT; TO DATE OF BONUS PAYMENT IS 7.18 PERCENT.

4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

V 46/193 OC 6 81 UMI

TABLE 169

BONDS BEARING ISSUE DATE MAY 1, 1969

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 7 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD										
										PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/	(5/1/81)	$36.88	$ 73.76	$110.64	$147.52	$295.04	$ 737.60	$1475.20	$14752.	6.25	8.46	8.50
5-6 TO 6-0	(11/1/81)	38.44	76.88	115.32	153.76	307.52	768.80	1537.60	15376.	6.45	8.48	8.50
6-0 TO 6-6	(5/1/82)	40.07	80.14	120.21	160.28	320.56	801.40	1602.80	16028.	6.62	8.54	8.50
6-6 TO 7-0	(11/1/82)	41.78	83.56	125.34	167.12	334.24	835.60	1671.20	16712.	6.77	8.52	8.50
7-0 TO 7-6	(5/1/83)	43.56	87.12	130.68	174.24	348.48	871.20	1742.40	17424.	6.89	8.49	8.50
7-6 TO 8-0	(11/1/83)	45.41	90.82	136.23	181.64	363.28	908.20	1816.40	18164.	7.00	8.50	8.50
8-0 TO 8-6	(5/1/84)	47.34	94.68	142.02	189.36	378.72	946.80	1893.60	18936.	7.09	8.49	8.49
8-6 TO 9-0	(11/1/84)	49.35	98.70	148.05	197.40	394.80	987.00	1974.00	19740.	7.17	8.51	8.50
9-0 TO 9-6	(5/1/85)	51.45	102.90	154.35	205.80	411.60	1029.00	2058.00	20580.	7.25	8.47	8.49
9-6 TO10-0	(11/1/85)	53.63	107.26	160.89	214.52	429.04	1072.60	2145.20	21452.	7.31	8.50	8.50
10-0 2/	(5/1/86)	55.91	111.82	167.73	223.64	447.28	1118.20	2236.40	22364.	7.37 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(5/1/86)	$55.91	$111.82	$167.73	$223.64	$447.28	$1118.20	$2236.40	$22364.	----	8.51	9.60
0-6 TO 1-0	(11/1/86)	58.29	116.58	174.87	233.16	466.32	1165.80	2331.60	23316.	8.51	8.47	9.72
1-0 TO 1-6	(5/1/87)	60.76	121.52	182.28	243.04	486.08	1215.20	2430.40	24304.	8.49	8.53	9.88
1-6 TO 2-0	(11/1/87)	63.35	126.70	190.05	253.40	506.80	1267.00	2534.00	25340.	8.50	8.49	10.07
2-0 TO 2-6	(5/1/88)	66.04	132.08	198.12	264.16	528.32	1320.80	2641.60	26416.	8.50	8.48	10.33
2-6 TO 3-0	(11/1/88)	68.84	137.68	206.52	275.36	550.72	1376.80	2753.60	27536.	8.50	8.51	10.71
3-0 TO 3-6	(5/1/89)	71.77	143.54	215.31	287.08	574.16	1435.40	2870.80	28708.	8.50	8.50	11.26
3-6 TO 4-0	(11/1/89)	74.82	149.64	224.46	299.28	598.56	1496.40	2992.80	29928.	8.50	8.50	12.19
4-0 TO 4-6	(5/1/90)	78.00	156.00	234.00	312.00	624.00	1560.00	3120.00	31200.	8.50	8.51	14.06
4-6 TO 5-0	(11/1/90)	81.32	162.64	243.96	325.28	650.56	1626.40	3252.80	32528.	8.50	19.75	19.75
5-0 4/	(5/1/91)	89.35	178.70	268.05	357.40	714.80	1787.00	3574.00	35740.	9.60 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1969 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 17 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.53 PERCENT; TO DATE OF BONUS PAYMENT IS 7.22 PERCENT.
4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 170

BONDS BEARING ISSUE DATE JUNE 1, 1969

TABLE 170

BONDS BEARING ISSUE DATE JUNE 1, 1969

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
6-6 TO 7-0	1/(10/1/81)	$38.40	$ 76.80	$115.20	$153.60	$307.20	$ 768.00	$1536.00	$15360.	6.23	8.44	8.50
7-0 TO 7-6	(4/1/82)	40.02	80.04	120.06	160.08	320.16	800.40	1600.80	16008.	6.39	8.50	8.50
7-6 TO 8-0	(10/1/82)	41.72	83.44	125.16	166.88	333.76	834.40	1668.80	16688.	6.53	8.53	8.51
8-0 TO 8-6	(4/1/83)	43.50	87.00	130.50	174.00	348.00	870.00	1740.00	17400.	6.65	8.46	8.50
8-6 TO 9-0	(10/1/83)	45.34	90.68	136.02	181.36	362.72	906.80	1813.60	18136.	6.76	8.51	8.51
9-0 TO 9-6	(4/1/84)	47.27	94.54	141.81	189.08	378.16	945.40	1890.80	18908.	6.86	8.50	8.51
9-6 TO10-0	(10/1/84)	49.28	98.56	147.84	197.12	394.24	985.60	1971.20	19712.	6.94	8.52	8.52
10-0 2/	(4/1/85)	51.38	102.76	154.14	205.52	411.04	1027.60	2055.20	20552.	7.02 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(4/1/85)	$51.38	$102.76	$154.14	$205.52	$411.04	$1027.60	$2055.20	$20552.	----	8.49	9.42
0-6 TO 1-0	(10/1/85)	53.56	107.12	160.68	214.24	428.48	1071.20	2142.40	21424.	8.49	8.51	9.50
1-0 TO 1-6	(4/1/86)	55.84	111.68	167.52	223.36	446.72	1116.80	2233.60	22336.	8.50	8.49	9.60
1-6 TO 2-0	(10/1/86)	58.21	116.42	174.63	232.84	465.68	1164.20	2328.40	23284.	8.50	8.52	9.72
2-0 TO 2-6	(4/1/87)	60.69	121.38	182.07	242.76	485.52	1213.80	2427.60	24276.	8.50	8.50	9.87
2-6 TO 3-0	(10/1/87)	63.27	126.54	189.81	253.08	506.16	1265.40	2530.80	25308.	8.50	8.50	10.07
3-0 TO 3-6	(4/1/88)	65.96	131.92	197.88	263.84	527.68	1319.20	2638.40	26384.	8.50	8.49	10.33
3-6 TO 4-0	(10/1/88)	68.76	137.52	206.28	275.04	550.08	1375.20	2750.40	27504.	8.50	8.49	10.70
4-0 TO 4-6	(4/1/89)	71.68	143.36	215.04	286.72	573.44	1433.60	2867.20	28672.	8.50	8.51	11.26
4-6 TO 5-0	(10/1/89)	74.73	149.46	224.19	298.92	597.84	1494.60	2989.20	29892.	8.50	8.48	12.19
5-0 TO 5-6	(4/1/90)	77.90	155.80	233.70	311.60	623.20	1558.00	3116.00	31160.	8.50	8.50	14.06
5-6 TO 6-0	(10/1/90)	81.21	162.42	243.63	324.84	649.68	1624.20	3248.40	32484.	8.50	19.78	19.78
6-0 4/	1/(4/1/91)	89.24	178.48	267.72	356.96	713.92	1784.80	3569.60	35696.	9.42 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1969 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.47 PERCENT; TO DATE OF BONUS PAYMENT IS 7.27 PERCENT.

4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 171

BONDS BEARING ISSUE DATE JUL. 1, 1969

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/	(5/1/81)	$37.19	$ 74.38	$111.57	$148.76	$297.52	$ 743.80	$1487.60	$14876.	6.21	8.50	8.50
6-6 TO 7-0	(11/1/81)	38.77	77.54	116.31	155.08	310.16	775.40	1550.80	15508.	6.38	8.51	8.50
7-0 TO 7-6	(5/1/82)	40.42	80.84	121.26	161.68	323.36	808.40	1616.80	16168.	6.53	8.41	8.50
7-6 TO 8-0	(11/1/82)	42.12	84.24	126.36	168.48	336.96	842.40	1684.80	16848.	6.66	8.59	8.51
8-0 TO 8-6	(5/1/83)	43.93	87.86	131.79	175.72	351.44	878.60	1757.20	17572.	6.78	8.47	8.49
8-6 TO 9-0	(11/1/83)	45.79	91.58	137.37	183.16	366.32	915.80	1831.60	18316.	6.88	8.47	8.50
9-0 TO 9-6	(5/1/84)	47.73	95.46	143.19	190.92	381.84	954.60	1909.20	19092.	6.97	8.51	8.51
9-6 TO10-0	(11/1/84)	49.76	99.52	149.28	199.04	398.08	995.20	1990.40	19904.	7.05	8.52	8.52
10-0 2/	(5/1/85)	51.88	103.76	155.64	207.52	415.04	1037.60	2075.20	20752.	7.12 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(5/1/85)	$51.88	$103.76	$155.64	$207.52	$415.04	$1037.60	$2075.20	$20752.	----	8.48	9.42
0-6 TO 1-0	(11/1/85)	54.08	108.16	162.24	216.32	432.64	1081.60	2163.20	21632.	8.48	8.51	9.50
1-0 TO 1-6	(5/1/86)	56.38	112.76	169.14	225.52	451.04	1127.60	2255.20	22552.	8.49	8.51	9.60
1-6 TO 2-0	(11/1/86)	58.78	117.56	176.34	235.12	470.24	1175.60	2351.20	23512.	8.50	8.51	9.72
2-0 TO 2-6	(5/1/87)	61.28	122.56	183.84	245.12	490.24	1225.60	2451.20	24512.	8.50	8.49	9.88
2-6 TO 3-0	(11/1/87)	63.88	127.76	191.64	255.52	511.04	1277.60	2555.20	25552.	8.50	8.52	10.07
3-0 TO 3-6	(5/1/88)	66.60	133.20	199.80	266.40	532.80	1332.00	2664.00	26640.	8.50	8.50	10.34
3-6 TO 4-0	(11/1/88)	69.43	138.86	208.29	277.72	555.44	1388.60	2777.20	27772.	8.50	8.50	10.71
4-0 TO 4-6	(5/1/89)	72.38	144.76	217.14	289.52	579.04	1447.60	2895.20	28952.	8.50	8.48	11.26
4-6 TO 5-0	(11/1/89)	75.45	150.90	226.35	301.80	603.60	1509.00	3018.00	30180.	8.50	8.51	12.19
5-0 TO 5-6	(5/1/90)	78.66	157.32	235.98	314.64	629.28	1573.20	3146.40	31464.	8.50	8.49	14.06
5-6 TO 6-0	(11/1/90)	82.00	164.00	246.00	328.00	656.00	1640.00	3280.00	32800.	8.50	19.78	19.78
6-0 4/	(5/1/91)	90.11	180.22	270.33	360.44	720.88	1802.20	3604.40	36044.	9.42 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1969 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.53 PERCENT; TO DATE OF BONUS PAYMENT IS 7.32 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 172

BONDS BEARING ISSUE DATE AUG. 1, 1969

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/	(6/1/81)	$37.27	$ 74.54	$111.81	$149.08	$298.16	$ 745.40	$1490.80	$14908.	6.25	8.53	8.50
6-6 TO 7-0	(12/1/81)	38.86	77.72	116.58	155.44	310.88	777.20	1554.40	15544.	6.42	8.49	8.50
7-0 TO 7-6	(6/1/82)	40.51	81.02	121.53	162.04	324.08	810.20	1620.40	16204.	6.57	8.49	8.50
7-6 TO 8-0	(12/1/82)	42.23	84.46	126.69	168.92	337.84	844.60	1689.20	16892.	6.70	8.52	8.50
8-0 TO 8-6	(6/1/83)	44.03	88.06	132.09	176.12	352.24	880.60	1761.20	17612.	6.81	8.49	8.49
8-6 TO 9-0	(12/1/83)	45.90	91.80	137.70	183.60	367.20	918.00	1836.00	18360.	6.91	8.50	8.49
9-0 TO 9-6	(6/1/84)	47.85	95.70	143.55	191.40	382.80	957.00	1914.00	19140.	7.00	8.48	8.49
9-6 TO10-0	(12/1/84)	49.88	99.76	149.64	199.52	399.04	997.60	1995.20	19952.	7.07	8.50	8.50
10-0 2/	(6/1/85)	52.00	104.00	156.00	208.00	416.00	1040.00	2080.00	20800.	7.14 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/85)	$52.00	$104.00	$156.00	$208.00	$416.00	$1040.00	$2080.00	$20800.	----	8.50	9.42
0-6 TO 1-0	(12/1/85)	54.21	108.42	162.63	216.84	433.68	1084.20	2168.40	21684.	8.50	8.49	9.50
1-0 TO 1-6	(6/1/86)	56.51	113.02	169.53	226.04	452.08	1130.20	2260.40	22604.	8.49	8.53	9.61
1-6 TO 2-0	(12/1/86)	58.92	117.84	176.76	235.68	471.36	1178.40	2356.80	23568.	8.50	8.49	9.73
2-0 TO 2-6	(6/1/87)	61.42	122.84	184.26	245.68	491.36	1228.40	2456.80	24568.	8.50	8.50	9.88
2-6 TO 3-0	(12/1/87)	64.03	128.06	192.09	256.12	512.24	1280.60	2561.20	25612.	8.50	8.50	10.08
3-0 TO 3-6	(6/1/88)	66.75	133.50	200.25	267.00	534.00	1335.00	2670.00	26700.	8.50	8.51	10.35
3-6 TO 4-0	(12/1/88)	69.59	139.18	208.77	278.36	556.72	1391.80	2783.60	27836.	8.50	8.51	10.72
4-0 TO 4-6	(6/1/89)	72.55	145.10	217.65	290.20	580.40	1451.00	2902.00	29020.	8.50	8.49	11.27
4-6 TO 5-0	(12/1/89)	75.63	151.26	226.89	302.52	605.04	1512.60	3025.20	30252.	8.50	8.49	12.21
5-0 TO 5-6	(6/1/90)	78.84	157.68	236.52	315.36	630.72	1576.80	3153.60	31536.	8.50	8.50	14.09
5-6 TO 6-0	(12/1/90)	82.19	164.38	246.57	328.76	657.52	1643.80	3287.60	32876.	8.50	19.83	19.83
6-0 4/	(6/1/91)	90.34	180.68	271.02	361.36	722.72	1806.80	3613.60	36136.	9.42 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1969 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.55 PERCENT; TO DATE OF BONUS PAYMENT IS 7.33 PERCENT.

4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 173

BONDS BEARING ISSUE DATES FROM SEP. 1 THROUGH NOV. 1, 1969

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/(7/1/81)	$37.27	$ 74.54	$111.81	$149.08	$298.16	$ 745.40	$1490.80	$14908.	6.25	8.53	8.50
6-6 TO 7-0 (1/1/82)	38.86	77.72	116.58	155.44	310.88	777.20	1554.40	15544.	6.42	8.49	8.50
7-0 TO 7-6 (7/1/82)	40.51	81.02	121.53	162.04	324.08	810.20	1620.40	16204.	6.57	8.49	8.50
7-6 TO 8-0 (1/1/83)	42.23	84.46	126.69	168.92	337.84	844.60	1689.20	16892.	6.70	8.52	8.50
8-0 TO 8-6 (7/1/83)	44.03	88.06	132.09	176.12	352.24	880.60	1761.20	17612.	6.81	8.49	8.49
8-6 TO 9-0 (1/1/84)	45.90	91.80	137.70	183.60	367.20	918.00	1836.00	18360.	6.91	8.50	8.49
9-0 TO 9-6 (7/1/84)	47.85	95.70	143.55	191.40	382.80	957.00	1914.00	19140.	7.00	8.48	8.49
9-6 TO10-0 (1/1/85)	49.88	99.76	149.64	199.52	399.04	997.60	1995.20	19952.	7.07	8.50	8.50
10-0 2/ (7/1/85)	52.00	104.00	156.00	208.00	416.00	1040.00	2080.00	20800.	7.14 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/85)	$52.00	$104.00	$156.00	$208.00	$416.00	$1040.00	$2080.00	$20800.	----	8.50	9.50
0-6 TO 1-0 (1/1/86)	54.21	108.42	162.63	216.84	433.68	1084.20	2168.40	21684.	8.50	8.49	9.60
1-0 TO 1-6 (7/1/86)	56.51	113.02	169.53	226.04	452.08	1130.20	2260.40	22604.	8.49	8.53	9.73
1-6 TO 2-0 (1/1/87)	58.92	117.84	176.76	235.68	471.36	1178.40	2356.80	23568.	8.50	8.49	9.88
2-0 TO 2-6 (7/1/87)	61.42	122.84	184.26	245.68	491.36	1228.40	2456.80	24568.	8.50	8.50	10.07
2-6 TO 3-0 (1/1/88)	64.03	128.06	192.09	256.12	512.24	1280.60	2561.20	25612.	8.50	8.50	10.34
3-0 TO 3-6 (7/1/88)	66.75	133.50	200.25	267.00	534.00	1335.00	2670.00	26700.	8.50	8.51	10.71
3-6 TO 4-0 (1/1/89)	69.59	139.18	208.77	278.36	556.72	1391.80	2783.60	27836.	8.50	8.51	11.26
4-0 TO 4-6 (7/1/89)	72.55	145.10	217.65	290.20	580.40	1451.00	2902.00	29020.	8.50	8.49	12.19
4-6 TO 5-0 (1/1/90)	75.63	151.26	226.89	302.52	605.04	1512.60	3025.20	30252.	8.50	8.49	14.06
5-0 TO 5-6 (7/1/90)	78.84	157.68	236.52	315.36	630.72	1576.80	3153.60	31536.	8.50	19.79	19.79
5-6 4/ (1/1/91)	86.64	173.28	259.92	346.56	693.12	1732.80	3465.60	34656.	9.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1969 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.55 PERCENT; TO DATE OF BONUS PAYMENT IS 7.30 PERCENT.

4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 174

BONDS BEARING ISSUE DATE DEC. 1, 1969

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD										
										PERCENT	PERCENT	PERCENT
6-0 TO 6-6 1/	(10/1/81)	$37.47	$ 74.94	$112.41	$149.88	$299.76	$ 749.40	$1498.80	$14988.	6.25	8.49	8.50
6-6 TO 7-0	(4/1/82)	39.06	78.12	117.18	156.24	312.48	781.20	1562.40	15624.	6.42	8.50	8.50
7-0 TO 7-6	(10/1/82)	40.72	81.44	122.16	162.88	325.76	814.40	1628.80	16288.	6.57	8.50	8.50
7-6 TO 8-0	(4/1/83)	42.45	84.90	127.35	169.80	339.60	849.00	1698.00	16980.	6.70	8.53	8.50
8-0 TO 8-6	(10/1/83)	44.26	88.52	132.78	177.04	354.08	885.20	1770.40	17704.	6.81	8.50	8.49
8-6 TO 9-0	(4/1/84)	46.14	92.28	138.42	184.56	369.12	922.80	1845.60	18456.	6.91	8.50	8.49
9-0 TO 9-6	(10/1/84)	48.10	96.20	144.30	192.40	384.80	962.00	1924.00	19240.	7.00	8.48	8.49
9-6 TO10-0	(4/1/85)	50.14	100.28	150.42	200.56	401.12	1002.80	2005.60	20056.	7.08	8.50	8.50
10-0 2/	(10/1/85)	52.27	104.54	156.81	209.08	418.16	1045.40	2090.80	20908.	7.15 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(10/1/85)	$52.27	$104.54	$156.81	$209.08	$418.16	$1045.40	$2090.80	$20908.	----	8.49	9.51
0-6 TO 1-0	(4/1/86)	54.49	108.98	163.47	217.96	435.92	1089.80	2179.60	21796.	8.49	8.52	9.61
1-0 TO 1-6	(10/1/86)	56.81	113.62	170.43	227.24	454.48	1136.20	2272.40	22724.	8.50	8.48	9.73
1-6 TO 2-0	(4/1/87)	59.22	118.44	177.66	236.88	473.76	1184.40	2368.80	23688.	8.50	8.51	9.88
2-0 TO 2-6	(10/1/87)	61.74	123.48	185.22	246.96	493.92	1234.80	2469.60	24696.	8.50	8.49	10.08
2-6 TO 3-0	(4/1/88)	64.36	128.72	193.08	257.44	514.88	1287.20	2574.40	25744.	8.50	8.51	10.35
3-0 TO 3-6	(10/1/88)	67.10	134.20	201.30	268.40	536.80	1342.00	2684.00	26840.	8.50	8.49	10.72
3-6 TO 4-0	(4/1/89)	69.95	139.90	209.85	279.80	559.60	1399.00	2798.00	27980.	8.50	8.49	11.28
4-0 TO 4-6	(10/1/89)	72.92	145.84	218.76	291.68	583.36	1458.40	2916.80	29168.	8.50	8.50	12.21
4-6 TO 5-0	(4/1/90)	76.02	152.04	228.06	304.08	608.16	1520.40	3040.80	30408.	8.50	8.50	14.09
5-0 TO 5-6	(10/1/90)	79.25	158.50	237.75	317.00	634.00	1585.00	3170.00	31700.	8.50	19.84	19.84
5-6 4/	(4/1/91)	87.11	174.22	261.33	348.44	696.88	1742.20	3484.40	34844.	9.51 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1969 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.58 PERCENT; TO DATE OF BONUS PAYMENT IS 7.33 PERCENT.

4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 175

BONDS BEARING ISSUE DATE JAN. 1, 1970

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/	(5/1/81)	$36.28	$ 72.56	$108.84	$145.12	$290.24	$ 725.60	$1451.20	$14512.	6.22	8.54	8.50
6-0 TO 6-6	(11/1/81)	37.83	75.66	113.49	151.32	302.64	756.60	1513.20	15132.	6.42	8.51	8.50
6-6 TO 7-0	(5/1/82)	39.44	78.88	118.32	157.76	315.52	788.80	1577.60	15776.	6.58	8.52	8.49
7-0 TO 7-6	(11/1/82)	41.12	82.24	123.36	164.48	328.96	822.40	1644.80	16448.	6.71	8.46	8.49
7-6 TO 8-0	(5/1/83)	42.86	85.72	128.58	171.44	342.88	857.20	1714.40	17144.	6.83	8.54	8.50
8-0 TO 8-6	(11/1/83)	44.69	89.38	134.07	178.76	357.52	893.80	1787.60	17876.	6.94	8.41	8.48
8-6 TO 9-0	(5/1/84)	46.57	93.14	139.71	186.28	372.56	931.40	1862.80	18628.	7.02	8.59	8.51
9-0 TO 9-6	(11/1/84)	48.57	97.14	145.71	194.28	388.56	971.40	1942.80	19428.	7.11	8.44	8.47
9-6 TO10-0	(5/1/85)	50.62	101.24	151.86	202.48	404.96	1012.40	2024.80	20248.	7.18	8.49	8.49
10-0 2/	(11/1/85)	52.77	105.54	158.31	211.08	422.16	1055.40	2110.80	21108.	7.25 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(11/1/85)	$52.77	$105.54	$158.31	$211.08	$422.16	$1055.40	$2110.80	$21108.	----	8.49	9.51
0-6 TO 1-0	(5/1/86)	55.01	110.02	165.03	220.04	440.08	1100.20	2200.40	22004.	8.49	8.51	9.61
1-0 TO 1-6	(11/1/86)	57.35	114.70	172.05	229.40	458.80	1147.00	2294.00	22940.	8.50	8.51	9.73
1-6 TO 2-0	(5/1/87)	59.79	119.58	179.37	239.16	478.32	1195.80	2391.60	23916.	8.50	8.50	9.88
2-0 TO 2-6	(11/1/87)	62.33	124.66	186.99	249.32	498.64	1246.60	2493.20	24932.	8.50	8.50	10.08
2-6 TO 3-0	(5/1/88)	64.98	129.96	194.94	259.92	519.84	1299.60	2599.20	25992.	8.50	8.49	10.35
3-0 TO 3-6	(11/1/88)	67.74	135.48	203.22	270.96	541.92	1354.80	2709.60	27096.	8.50	8.50	10.72
3-6 TO 4-0	(5/1/89)	70.62	141.24	211.86	282.48	564.96	1412.40	2824.80	28248.	8.50	8.50	11.28
4-0 TO 4-6	(11/1/89)	73.62	147.24	220.86	294.48	588.96	1472.40	2944.80	29448.	8.50	8.50	12.22
4-6 TO 5-0	(5/1/90)	76.75	153.50	230.25	307.00	614.00	1535.00	3070.00	30700.	8.50	8.50	14.10
5-0 TO 5-6	(11/1/90)	80.01	160.02	240.03	320.04	640.08	1600.20	3200.40	32004.	8.50	19.85	19.85
5-6 4/	(5/1/91)	87.95	175.90	263.85	351.80	703.60	1759.00	3518.00	35180.	9.51 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1970 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.64 PERCENT; TO DATE OF BONUS PAYMENT IS 7.38 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 176

BONDS BEARING ISSUE DATE FEB. 1, 1970

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/	(6/1/81)	$36.38	$ 72.76	$109.14	$145.52	$291.04	$ 727.60	$1455.20	$14552.	6.27	8.41	8.50
6-0 TO 6-6	(12/1/81)	37.91	75.82	113.73	151.64	303.28	758.20	1516.40	15164.	6.45	8.55	8.51
6-6 TO 7-0	(6/1/82)	39.53	79.06	118.59	158.12	316.24	790.60	1581.20	15812.	6.61	8.50	8.50
7-0 TO 7-6	(12/1/82)	41.21	82.42	123.63	164.84	329.68	824.20	1648.40	16484.	6.75	8.54	8.50
7-6 TO 8-0	(6/1/83)	42.97	85.94	128.91	171.88	343.76	859.40	1718.80	17188.	6.87	8.42	8.49
8-0 TO 8-6	(12/1/83)	44.78	89.56	134.34	179.12	358.24	895.60	1791.20	17912.	6.96	8.53	8.51
8-6 TO 9-0	(6/1/84)	46.69	93.38	140.07	186.76	373.52	933.80	1867.60	18676.	7.05	8.48	8.50
9-0 TO 9-6	(12/1/84)	48.67	97.34	146.01	194.68	389.36	973.40	1946.80	19468.	7.13	8.51	8.51
9-6 TO10-0	(6/1/85)	50.74	101.48	152.22	202.96	405.92	1014.80	2029.60	20296.	7.21	8.51	8.51
10-0 2/	(12/1/85)	52.90	105.80	158.70	211.60	423.20	1058.00	2116.00	21160.	7.27 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(12/1/85)	$52.90	$105.80	$158.70	$211.60	$423.20	$1058.00	$2116.00	$211.60.	----	8.51	9.50
0-6 TO 1-0	(6/1/86)	55.15	110.30	165.45	220.60	441.20	1103.00	2206.00	22060.	8.51	8.49	9.60
1-0 TO 1-6	(12/1/86)	57.49	114.98	172.47	229.96	459.92	1149.80	2299.60	22996.	8.50	8.52	9.72
1-6 TO 2-0	(6/1/87)	59.94	119.88	179.82	239.76	479.52	1198.80	2397.60	23976.	8.51	8.48	9.88
2-0 TO 2-6	(12/1/87)	62.48	124.96	187.44	249.92	499.84	1249.60	2499.20	24992.	8.50	8.51	10.08
2-6 TO 3-0	(6/1/88)	65.14	130.28	195.42	260.56	521.12	1302.80	2605.60	26056.	8.50	8.50	10.34
3-0 TO 3-6	(12/1/88)	67.91	135.82	203.73	271.64	543.28	1358.20	2716.40	27164.	8.50	8.48	10.71
3-6 TO 4-0	(6/1/89)	70.79	141.58	212.37	283.16	566.32	1415.80	2831.60	28316.	8.50	8.50	11.27
4-0 TO 4-6	(12/1/89)	73.80	147.60	221.40	295.20	590.40	1476.00	2952.00	29520.	8.50	8.51	12.20
4-6 TO 5-0	(6/1/90)	76.94	153.88	230.82	307.76	615.52	1538.80	3077.60	30776.	8.50	8.50	14.06
5-0 TO 5-6	(12/1/90)	80.21	160.42	240.63	320.84	641.68	1604.20	3208.40	32084.	8.50	19.77	19.77
5-6 4/	(6/1/91)	88.14	176.28	264.42	352.56	705.12	1762.80	3525.60	35256.	9.50 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1970 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.66 PERCENT; TO DATE OF BONUS PAYMENT IS 7.39 PERCENT.

4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 177

BONDS BEARING ISSUE DATES FROM MAR. 1 THROUGH MAY 1, 1970

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
5-6 TO 6-0	1/(7/1/81)	$36.38	$ 72.76	$109.14	$145.52	$291.04	$ 727.60	$1455.20	$14552.	6.27	8.41	8.50
6-0 TO 6-6	(1/1/82)	37.91	75.82	113.73	151.64	303.28	758.20	1516.40	15164.	6.45	8.55	8.51
6-6 TO 7-0	(7/1/82)	39.53	79.06	118.59	158.12	316.24	790.60	1581.20	15812.	6.61	8.50	8.50
7-0 TO 7-6	(1/1/83)	41.21	82.42	123.63	164.84	329.68	824.20	1648.40	16484.	6.75	8.54	8.50
7-6 TO 8-0	(7/1/83)	42.97	85.94	128.91	171.88	343.76	859.40	1718.80	17188.	6.87	8.42	8.49
8-0 TO 8-6	(1/1/84)	44.78	89.56	134.34	179.12	358.24	895.60	1791.20	17912.	6.96	8.53	8.51
8-6 TO 9-0	(7/1/84)	46.69	93.38	140.07	186.76	373.52	933.80	1867.60	18676.	7.05	8.48	8.50
9-0 TO 9-6	(1/1/85)	48.67	97.34	146.01	194.68	389.36	973.40	1946.80	19468.	7.13	8.51	8.51
9-6 TO10-0	(7/1/85)	50.74	101.48	152.22	202.96	405.92	1014.80	2029.60	20296.	7.21	8.51	8.51
10-0 2/	(1/1/86)	52.90	105.80	158.70	211.60	423.20	1058.00	2116.00	21160.	7.27 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(1/1/86)	$52.90	$105.80	$158.70	$211.60	$423.20	$1058.00	$2116.00	$21160.	----	8.51	9.60
0-6 TO 1-0	(7/1/86)	55.15	110.30	165.45	220.60	441.20	1103.00	2206.00	22060.	8.51	8.49	9.73
1-0 TO 1-6	(1/1/87)	57.49	114.98	172.47	229.96	459.92	1149.80	2299.60	22996.	8.50	8.52	9.88
1-6 TO 2-0	(7/1/87)	59.94	119.88	179.82	239.76	479.52	1198.80	2397.60	23976.	8.51	8.48	10.08
2-0 TO 2-6	(1/1/88)	62.48	124.96	187.44	249.92	499.84	1249.60	2499.20	24992.	8.50	8.51	10.35
2-6 TO 3-0	(7/1/88)	65.14	130.28	195.42	260.56	521.12	1302.80	2605.60	26056.	8.50	8.50	10.71
3-0 TO 3-6	(1/1/89)	67.91	135.82	203.73	271.64	543.28	1358.20	2716.40	27164.	8.50	8.48	11.27
3-6 TO 4-0	(7/1/89)	70.79	141.58	212.37	283.16	566.32	1415.80	2831.60	28316.	8.50	8.50	12.21
4-0 TO 4-6	(1/1/90)	73.80	147.60	221.40	295.20	590.40	1476.00	2952.00	29520.	8.50	8.51	14.08
4-6 TO 5-0	(7/1/90)	76.94	153.88	230.82	307.76	615.52	1538.80	3077.60	30776.	8.50	19.81	19.81
5-0 4/	(1/1/91)	84.56	169.12	253.68	338.24	676.48	1691.20	3382.40	33824.	9.60 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1970 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.66 PERCENT; TO DATE OF BONUS PAYMENT IS 7.36 PERCENT.

4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 178

BONDS BEARING ISSUE DATE JUNE 1, 1970

										APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
5-6 TO 6-0 1/	(10/1/81)	$36.55	$ 73.10	$109.65	$146.20	$292.40	$ 731.00	$1462.00	$14620.	6.27	8.43	8.50
6-0 TO 6-6	(4/1/82)	38.09	76.18	114.27	152.36	304.72	761.80	1523.60	15236.	6.45	8.56	8.51
6-6 TO 7-0	(10/1/82)	39.72	79.44	119.16	158.88	317.76	794.40	1588.80	15888.	6.61	8.46	8.50
7-0 TO 7-6	(4/1/83)	41.40	82.80	124.20	165.60	331.20	828.00	1656.00	16560.	6.75	8.50	8.50
7-6 TO 8-0	(10/1/83)	43.16	86.32	129.48	172.64	345.28	863.20	1726.40	17264.	6.86	8.48	8.50
8-0 TO 8-6	(4/1/84)	44.99	89.98	134.97	179.96	359.92	899.80	1799.60	17996.	6.96	8.54	8.51
8-6 TO 9-0	(10/1/84)	46.91	93.82	140.73	187.64	375.28	938.20	1876.40	18764.	7.06	8.48	8.50
9-0 TO 9-6	(4/1/85)	48.90	97.80	146.70	195.60	391.20	978.00	1956.00	19560.	7.13	8.51	8.51
9-6 TO10-0	(10/1/85)	50.98	101.96	152.94	203.92	407.84	1019.60	2039.20	20392.	7.21	8.51	8.51
10-0 2/	(4/1/86)	53.15	106.30	159.45	212.60	425.20	1063.00	2126.00	21260.	7.27 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(4/1/86)	$53.15	$106.30	$159.45	$212.60	$425.20	$1063.00	$2126.00	$21260.	----	8.50	9.60
0-6 TO 1-0	(10/1/86)	55.41	110.82	166.23	221.64	443.28	1108.20	2216.40	22164.	8.50	8.48	9.72
1-0 TO 1-6	(4/1/87)	57.76	115.52	173.28	231.04	462.08	1155.20	2310.40	23104.	8.49	8.52	9.88
1-6 TO 2-0	(10/1/87)	60.22	120.44	180.66	240.88	481.76	1204.40	2408.80	24088.	8.50	8.50	10.08
2-0 TO 2-6	(4/1/88)	62.78	125.56	188.34	251.12	502.24	1255.60	2511.20	25112.	8.50	8.51	10.34
2-6 TO 3-0	(10/1/88)	65.45	130.90	196.35	261.80	523.60	1309.00	2618.00	26180.	8.50	8.50	10.71
3-0 TO 3-6	(4/1/89)	68.23	136.46	204.69	272.92	545.84	1364.60	2729.20	27292.	8.50	8.50	11.26
3-6 TO 4-0	(10/1/89)	71.13	142.26	213.39	284.52	569.04	1422.60	2845.20	28452.	8.50	8.49	12.19
4-0 TO 4-6	(4/1/90)	74.15	148.30	222.45	296.60	593.20	1483.00	2966.00	29660.	8.50	8.50	14.07
4-6 TO 5-0	(10/1/90)	77.30	154.60	231.90	309.20	618.40	1546.00	3092.00	30920.	8.50	19.79	19.79
5-0 4/	(4/1/91)	84.95	169.90	254.85	339.80	679.60	1699.00	3398.00	33980.	9.60 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1970 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.69 PERCENT; TO DATE OF BONUS PAYMENT IS 7.39 PERCENT.

4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 179

BONDS BEARING ISSUE DATE JUL. 1, 1970

										APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
5-0 TO 5-6	1/(5/1/81)	$35.39	$ 70.78	$106.17	$141.56	$283.12	$ 707.80	$1415.60	$14156.	6.25	8.53	8.50
5-6 TO 6-0	(11/1/81)	36.90	73.80	110.70	147.60	295.20	738.00	1476.00	14760.	6.45	8.51	8.50
6-0 TO 6-6	(5/1/82)	38.47	76.94	115.41	153.88	307.76	769.40	1538.80	15388.	6.62	8.47	8.50
6-6 TO 7-0	(11/1/82)	40.10	80.20	120.30	160.40	320.80	802.00	1604.00	16040.	6.77	8.53	8.50
7-0 TO 7-6	(5/1/83)	41.81	83.62	125.43	167.24	334.48	836.20	1672.40	16724.	6.89	8.51	8.50
7-6 TO 8-0	(11/1/83)	43.59	87.18	130.77	174.36	348.72	871.80	1743.60	17436.	7.00	8.44	8.50
8-0 TO 8-6	(5/1/84)	45.43	90.86	136.29	181.72	363.44	908.60	1817.20	18172.	7.09	8.54	8.51
8-6 TO 9-0	(11/1/84)	47.37	94.74	142.11	189.48	378.96	947.40	1894.80	18948.	7.17	8.44	8.50
9-0 TO 9-6	(5/1/85)	49.37	98.74	148.11	197.48	394.96	987.40	1974.80	19748.	7.24	8.51	8.53
9-6 TO10-0	(11/1/85)	51.47	102.94	154.41	205.88	411.76	1029.40	2058.80	20588.	7.31	8.55	8.55
10-0 2/	(5/1/86)	53.67	107.34	161.01	214.68	429.36	1073.40	2146.80	21468.	7.37 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(5/1/86)	$53.67	$107.34	$161.01	$214.68	$429.36	$1073.40	$2146.80	$21468.	----	8.50	9.60
0-6 TO 1-0	(11/1/86)	55.95	111.90	167.85	223.80	447.60	1119.00	2238.00	22380.	8.50	8.51	9.72
1-0 TO 1-6	(5/1/87)	58.33	116.66	174.99	233.32	466.64	1166.60	2333.20	23332.	8.50	8.50	9.87
1-6 TO 2-0	(11/1/87)	60.81	121.62	182.43	243.24	486.48	1216.20	2432.40	24324.	8.50	8.49	10.07
2-0 TO 2-6	(5/1/88)	63.39	126.78	190.17	253.56	507.12	1267.80	2535.60	25356.	8.50	8.52	10.34
2-6 TO 3-0	(11/1/88)	66.09	132.18	198.27	264.36	528.72	1321.80	2643.60	26436.	8.50	8.50	10.70
3-0 TO 3-6	(5/1/89)	68.90	137.80	206.70	275.60	551.20	1378.00	2756.00	27560.	8.50	8.48	11.26
3-6 TO 4-0	(11/1/89)	71.82	143.64	215.46	287.28	574.56	1436.40	2872.80	28728.	8.50	8.52	12.19
4-0 TO 4-6	(5/1/90)	74.88	149.76	224.64	299.52	599.04	1497.60	2995.20	29952.	8.50	8.49	14.05
4-6 TO 5-0	(11/1/90)	78.06	156.12	234.18	312.24	624.48	1561.20	3122.40	31224.	8.50	19.75	19.75
5-0 4/	(5/1/91)	85.77	171.54	257.31	343.08	686.16	1715.40	3430.80	34308.	9.60 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1970 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.75 PERCENT; TO DATE OF BONUS PAYMENT IS 7.43 PERCENT.
4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 1[illegible]

BONDS BEARING ISSUE DATE AUG. 1, 1970

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/	(6/1/81)	$35.48	$ 70.96	$106.44	$141.92	$283.84	$ 709.60	$1419.20	$14192.	6.30	8.51	8.50
5-6 TO 6-0	(12/1/81)	36.99	73.98	110.97	147.96	295.92	739.80	1479.60	14796.	6.50	8.49	8.50
6-0 TO 6-6	(6/1/82)	38.56	77.12	115.68	154.24	308.48	771.20	1542.40	15424.	6.66	8.56	8.50
6-6 TO 7-0	(12/1/82)	40.21	80.42	120.63	160.84	321.68	804.20	1608.40	16084.	6.81	8.46	8.49
7-0 TO 7-6	(6/1/83)	41.91	83.82	125.73	167.64	335.28	838.20	1676.40	16764.	6.93	8.49	8.50
7-6 TO 8-0	(12/1/83)	43.69	87.38	131.07	174.76	349.52	873.80	1747.60	17476.	7.03	8.51	8.50
8-0 TO 8-6	(6/1/84)	45.55	91.10	136.65	182.20	364.40	911.00	1822.00	18220.	7.12	8.47	8.50
8-6 TO 9-0	(12/1/84)	47.48	94.96	142.44	189.92	379.84	949.60	1899.20	18992.	7.20	8.55	8.51
9-0 TO 9-6	(6/1/85)	49.51	99.02	148.53	198.04	396.08	990.20	1980.40	19804.	7.28	8.48	8.48
9-6 TO10-0	(12/1/85)	51.61	103.22	154.83	206.44	412.88	1032.20	2064.40	20644.	7.34	8.49	8.49
10-0 2/	(6/1/86)	53.80	107.60	161.40	215.20	430.40	1076.00	2152.00	21520.	7.40 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/86)	$53.80	$107.60	$161.40	$215.20	$430.40	$1076.00	$2152.00	$21520.	----	8.51	9.60
0-6 TO 1-0	(12/1/86)	56.09	112.18	168.27	224.36	448.72	1121.80	2243.60	22436.	8.51	8.49	9.72
1-0 TO 1-6	(6/1/87)	58.47	116.94	175.41	233.88	467.76	1169.40	2338.80	23388.	8.50	8.52	9.88
1-6 TO 2-0	(12/1/87)	60.96	121.92	182.88	243.84	487.68	1219.20	2438.40	24384.	8.51	8.50	10.07
2-0 TO 2-6	(6/1/88)	63.55	127.10	190.65	254.20	508.40	1271.00	2542.00	25420.	8.50	8.50	10.33
2-6 TO 3-0	(12/1/88)	66.25	132.50	198.75	265.00	530.00	1325.00	2650.00	26500.	8.50	8.48	10.70
3-0 TO 3-6	(6/1/89)	69.06	138.12	207.18	276.24	552.48	1381.20	2762.40	27624.	8.50	8.51	11.26
3-6 TO 4-0	(12/1/89)	72.00	144.00	216.00	288.00	576.00	1440.00	2880.00	28800.	8.50	8.50	12.19
4-0 TO 4-6	(6/1/90)	75.06	150.12	225.18	300.24	600.48	1501.20	3002.40	30024.	8.50	8.50	14.05
4-6 TO 5-0	(12/1/90)	78.25	156.50	234.75	313.00	626.00	1565.00	3130.00	31300.	8.50	19.76	19.76
5-0 4/	(6/1/91)	85.98	171.96	257.94	343.92	687.84	1719.60	3439.20	34392.	9.60 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1970 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.77 PERCENT; TO DATE OF BONUS PAYMENT IS 7.45 PERCENT.

4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 181

BONDS BEARING ISSUE DATES FROM SEP. 1 THROUGH NOV. 1, 1970

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
5-0 TO 5-6	1/(7/1/81)	$35.48	$ 70.96	$106.44	$141.92	$283.84	$ 709.60	$1419.20	$14192.	6.30	8.51	8.50
5-6 TO 6-0	(1/1/82)	36.99	73.98	110.97	147.96	295.92	739.80	1479.60	14796.	6.50	8.49	8.50
6-0 TO 6-6	(7/1/82)	38.56	77.12	115.68	154.24	308.48	771.20	1542.40	15424.	6.66	8.56	8.50
6-6 TO 7-0	(1/1/83)	40.21	80.42	120.63	160.84	321.68	804.20	1608.40	16084.	6.81	8.46	8.49
7-0 TO 7-6	(7/1/83)	41.91	83.82	125.73	167.64	335.28	838.20	1676.40	16764.	6.93	8.49	8.50
7-6 TO 8-0	(1/1/84)	43.69	87.38	131.07	174.76	349.52	873.80	1747.60	17476.	7.03	8.51	8.50
8-0 TO 8-6	(7/1/84)	45.55	91.10	136.65	182.20	364.40	911.00	1822.00	18220.	7.12	8.47	8.50
8-6 TO 9-0	(1/1/85)	47.48	94.96	142.44	189.92	379.84	949.60	1899.20	18992.	7.20	8.55	8.51
9-0 TO 9-6	(7/1/85)	49.51	99.02	148.53	198.04	396.08	990.20	1980.40	19804.	7.28	8.48	8.48
9-6 TO10-0	(1/1/86)	51.61	103.22	154.83	206.44	412.88	1032.20	2064.40	20644.	7.34	8.49	8.49
10-0 2/	(7/1/86)	53.80	107.60	161.40	215.20	430.40	1076.00	2152.00	21520.	7.40 3/	———	———
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(7/1/86)	$53.80	$107.60	$161.40	$215.20	$430.40	$1076.00	$2152.00	$21520.	———	8.51	9.72
0-6 TO 1-0	(1/1/87)	56.09	112.18	168.27	224.36	448.72	1121.80	2243.60	22436.	8.51	8.49	9.88
1-0 TO 1-6	(7/1/87)	58.47	116.94	175.41	233.88	467.76	1169.40	2338.80	23388.	8.50	8.52	10.08
1-6 TO 2-0	(1/1/88)	60.96	121.92	182.88	243.84	487.68	1219.20	2438.40	24384.	8.51	8.50	10.34
2-0 TO 2-6	(7/1/88)	63.55	127.10	190.65	254.20	508.40	1271.00	2542.00	25420.	8.50	8.50	10.71
2-6 TO 3-0	(1/1/89)	66.25	132.50	198.75	265.00	530.00	1325.00	2650.00	26500.	8.50	8.48	11.26
3-0 TO 3-6	(7/1/89)	69.06	138.12	207.18	276.24	552.48	1381.20	2762.40	27624.	8.50	8.51	12.20
3-6 TO 4-0	(1/1/90)	72.00	144.00	216.00	288.00	576.00	1440.00	2880.00	28800.	8.50	8.50	14.06
4-0 TO 4-6	(7/1/90)	75.06	150.12	225.18	300.24	600.48	1501.20	3002.40	30024.	8.50	19.77	19.77
4-6 4/	(1/1/91)	82.48	164.96	247.44	329.92	659.84	1649.60	3299.20	32992.	9.72 3/	———	———

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1970 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.77 PERCENT; TO DATE OF BONUS PAYMENT IS 7.42 PERCENT.

4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 182

BONDS BEARING ISSUE DATE DEC. 1, 1970

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
5-0 TO 5-6 1/	(10/1/81)	$35.56	$ 71.12	$106.68	$142.24	$284.48	$ 711.20	$1422.40	$14224.	6.30	8.49	8.50
5-6 TO 6-0	(4/1/82)	37.07	74.14	111.21	148.28	296.56	741.40	1482.80	14828.	6.50	8.52	8.50
6-0 TO 6-6	(10/1/82)	38.65	77.30	115.95	154.60	309.20	773.00	1546.00	15460.	6.66	8.49	8.50
6-6 TO 7-0	(4/1/83)	40.29	80.58	120.87	161.16	322.32	805.80	1611.60	16116.	6.80	8.49	8.50
7-0 TO 7-6	(10/1/83)	42.00	84.00	126.00	168.00	336.00	840.00	1680.00	16800.	6.92	8.52	8.50
7-6 TO 8-0	(4/1/84)	43.79	87.58	131.37	175.16	350.32	875.80	1751.60	17516.	7.03	8.50	8.50
8-0 TO 8-6	(10/1/84)	45.65	91.30	136.95	182.60	365.20	913.00	1826.00	18260.	7.12	8.46	8.50
8-6 TO 9-0	(4/1/85)	47.58	95.16	142.74	190.32	380.64	951.60	1903.20	19032.	7.20	8.53	8.52
9-0 TO 9-6	(10/1/85)	49.61	99.22	148.83	198.44	396.88	992.20	1984.40	19844.	7.27	8.51	8.51
9-6 TO10-0	(4/1/86)	51.72	103.44	155.16	206.88	413.76	1034.40	2068.80	20688.	7.34	8.51	8.51
10-0 2/	(10/1/86)	53.92	107.84	161.76	215.68	431.36	1078.40	2156.80	21568.	7.40 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(10/1/86)	$53.92	$107.84	$161.76	$215.68	$431.36	$1078.40	$2156.80	$21568.	----	8.49	9.72
0-6 TO 1-0	(4/1/87)	56.21	112.42	168.63	224.84	449.68	1124.20	2248.40	22484.	8.49	8.50	9.88
1-0 TO 1-6	(10/1/87)	58.60	117.20	175.80	234.40	468.80	1172.00	2344.00	23440.	8.50	8.50	10.07
1-6 TO 2-0	(4/1/88)	61.09	122.18	183.27	244.36	488.72	1221.80	2443.60	24436.	8.50	8.51	10.34
2-0 TO 2-6	(10/1/88)	63.69	127.38	191.07	254.76	509.52	1273.80	2547.60	25476.	8.50	8.48	10.70
2-6 TO 3-0	(4/1/89)	66.39	132.78	199.17	265.56	531.12	1327.80	2655.60	26556.	8.50	8.53	11.27
3-0 TO 3-6	(10/1/89)	69.22	138.44	207.66	276.88	553.76	1384.40	2768.80	27688.	8.50	8.49	12.19
3-6 TO 4-0	(4/1/90)	72.16	144.32	216.48	288.64	577.28	1443.20	2886.40	28864.	8.50	8.48	14.06
4-0 TO 4-6	(10/1/90)	75.22	150.44	225.66	300.88	601.76	1504.40	3008.80	30088.	8.50	19.78	19.78
4-6 4/	(4/1/91)	82.66	165.32	247.98	330.64	661.28	1653.20	3306.40	33064.	9.72 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1970 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.78 PERCENT; TO DATE OF BONUS PAYMENT IS 7.43 PERCENT.
4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 183

BONDS BEARING ISSUE DATE JAN. 1, 1971

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/	(5/1/81)	$34.45	$ 68.90	$103.35	$137.80	$275.60	$ 689.00	$1378.00	$13780.	6.28	8.42	8.50
5-0 TO 5-6	(11/1/81)	35.90	71.80	107.70	143.60	287.20	718.00	1436.00	14360.	6.49	8.52	8.50
5-6 TO 6-0	(5/1/82)	37.43	74.86	112.29	149.72	299.44	748.60	1497.20	14972.	6.68	8.55	8.50
6-0 TO 6-6	(11/1/82)	39.03	78.06	117.09	156.12	312.24	780.60	1561.20	15612.	6.83	8.40	8.49
6-6 TO 7-0	(5/1/83)	40.67	81.34	122.01	162.68	325.36	813.40	1626.80	16268.	6.95	8.56	8.51
7-0 TO 7-6	(11/1/83)	42.41	84.82	127.23	169.64	339.28	848.20	1696.40	16964.	7.07	8.54	8.50
7-6 TO 8-0	(5/1/84)	44.22	88.44	132.66	176.88	353.76	884.40	1768.80	17688.	7.17	8.50	8.49
8-0 TO 8-6	(11/1/84)	46.10	92.20	138.30	184.40	368.80	922.00	1844.00	18440.	7.25	8.46	8.49
8-6 TO 9-0	(5/1/85)	48.05	96.10	144.15	192.20	384.40	961.00	1922.00	19220.	7.32	8.49	8.50
9-0 TO 9-6	(11/1/85)	50.09	100.18	150.27	200.36	400.72	1001.80	2003.60	20036.	7.38	8.50	8.50
9-6 TO10-0	(5/1/86)	52.22	104.44	156.66	208.88	417.76	1044.40	2088.80	20888.	7.44	8.50	8.50
10-0 2/	(11/1/86)	54.44	108.88	163.32	217.76	435.52	1088.80	2177.60	21776.	7.50 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(11/1/86)	$54.44	$108.88	$163.32	$217.76	$435.52	$1088.80	$2177.60	$21776.	----	8.49	9.72
0-6 TO 1-0	(5/1/87)	56.75	113.50	170.25	227.00	454.00	1135.00	2270.00	22700.	8.49	8.53	9.88
1-0 TO 1-6	(11/1/87)	59.17	118.34	177.51	236.68	473.36	1183.40	2366.80	23668.	8.51	8.48	10.07
1-6 TO 2-0	(5/1/88)	61.68	123.36	185.04	246.72	493.44	1233.60	2467.20	24672.	8.50	8.50	10.34
2-0 TO 2-6	(11/1/88)	64.30	128.60	192.90	257.20	514.40	1286.00	2572.00	25720.	8.50	8.49	10.71
2-6 TO 3-0	(5/1/89)	67.03	134.06	201.09	268.12	536.24	1340.60	2681.20	26812.	8.50	8.50	11.27
3-0 TO 3-6	(11/1/89)	69.88	139.76	209.64	279.52	559.04	1397.60	2795.20	27952.	8.50	8.50	12.20
3-6 TO 4-0	(5/1/90)	72.85	145.70	218.55	291.40	582.80	1457.00	2914.00	29140.	8.50	8.51	14.07
4-0 TO 4-6	(11/1/90)	75.95	151.90	227.85	303.80	607.60	1519.00	3038.00	30380.	8.50	19.78	19.78
4-6 4/	(5/1/91)	83.46	166.92	250.38	333.84	667.68	1669.20	3338.40	33384.	9.72 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1971 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.85 PERCENT; TO DATE OF BONUS PAYMENT IS 7.48 PERCENT.

4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 184

BONDS BEARING ISSUE DATE FEB. 1, 1971

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
4-6 TO 5-0	1/(6/1/81)	$34.53	$ 69.06	$103.59	$138.12	$276.24	$ 690.60	$1381.20	$13812.	6.34	8.40	8.49
5-0 TO 5-6	(12/1/81)	35.98	71.96	107.94	143.92	287.84	719.60	1439.20	14392.	6.54	8.56	8.50
5-6 TO 6-0	(6/1/82)	37.52	75.04	112.56	150.08	300.16	750.40	1500.80	15008.	6.72	8.53	8.50
6-0 TO 6-6	(12/1/82)	39.12	78.24	117.36	156.48	312.96	782.40	1564.80	15648.	6.87	8.44	8.49
6-6 TO 7-0	(6/1/83)	40.77	81.54	122.31	163.08	326.16	815.40	1630.80	16308.	6.99	8.54	8.50
7-0 TO 7-6	(12/1/83)	42.51	85.02	127.53	170.04	340.08	850.20	1700.40	17004.	7.10	8.47	8.49
7-6 TO 8-0	(6/1/84)	44.31	88.62	132.93	177.24	354.48	886.20	1772.40	17724.	7.19	8.53	8.50
8-0 TO 8-6	(12/1/84)	46.20	92.40	138.60	184.80	369.60	924.00	1848.00	18480.	7.28	8.48	8.49
8-6 TO 9-0	(6/1/85)	48.16	96.32	144.48	192.64	385.28	963.20	1926.40	19264.	7.35	8.55	8.49
9-0 TO 9-6	(12/1/85)	50.22	100.44	150.66	200.88	401.76	1004.40	2008.80	20088.	7.41	8.44	8.46
9-6 TO10-0	(6/1/86)	52.34	104.68	157.02	209.36	418.72	1046.80	2093.60	20936.	7.47	8.48	8.48
10-0 2/	(12/1/86)	54.56	109.12	163.68	218.24	436.48	1091.20	2182.40	21824.	7.52 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(12/1/86)	$54.56	$109.12	$163.68	$218.24	$436.48	$1091.20	$2182.40	$21824.	----	8.50	9.73
0-6 TO 1-0	(6/1/87)	56.88	113.76	170.64	227.52	455.04	1137.60	2275.20	22752.	8.50	8.51	9.88
1-0 TO 1-6	(12/1/87)	59.30	118.60	177.90	237.20	474.40	1186.00	2372.00	23720.	8.51	8.50	10.08
1-6 TO 2-0	(6/1/88)	61.82	123.64	185.46	247.28	494.56	1236.40	2472.80	24728.	8.50	8.48	10.35
2-0 TO 2-6	(12/1/88)	64.44	128.88	193.32	257.76	515.52	1288.80	2577.60	25776.	8.50	8.50	10.72
2-6 TO 3-0	(6/1/89)	67.18	134.36	201.54	268.72	537.44	1343.60	2687.20	26872.	8.50	8.51	11.28
3-0 TO 3-6	(12/1/89)	70.04	140.08	210.12	280.16	560.32	1400.80	2801.60	28016.	8.50	8.48	12.21
3-6 TO 4-0	(6/1/90)	73.01	146.02	219.03	292.04	584.08	1460.20	2920.40	29204.	8.50	8.52	14.10
4-0 TO 4-6	(12/1/90)	76.12	152.24	228.36	304.48	608.96	1522.40	3044.80	30448.	8.50	19.84	19.84
4-6 4/	(6/1/91)	83.67	167.34	251.01	334.68	669.36	1673.40	3346.80	33468.	9.73 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1971 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.86 PERCENT; TO DATE OF BONUS PAYMENT IS 7.49 PERCENT.

4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 185

BONDS BEARING ISSUE DATES FROM MAR. 1 THROUGH MAY 1, 1971

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/	(7/1/81)	$34.53	$ 69.06	$103.59	$138.12	$276.24	$ 690.60	$1381.20	$13812.	6.34	8.40	8.49
5-0 TO 5-6	(1/1/82)	35.98	71.96	107.94	143.92	287.84	719.60	1439.20	14392.	6.54	8.56	8.50
5-6 TO 6-0	(7/1/82)	37.52	75.04	112.56	150.08	300.16	750.40	1500.80	15008.	6.72	8.53	8.50
6-0 TO 6-6	(1/1/83)	39.12	78.24	117.36	156.48	312.96	782.40	1564.80	15648.	6.87	8.44	8.49
6-6 TO 7-0	(7/1/83)	40.77	81.54	122.31	163.08	326.16	815.40	1630.80	16308.	6.99	8.54	8.50
7-0 TO 7-6	(1/1/84)	42.51	85.02	127.53	170.04	340.08	850.20	1700.40	17004.	7.10	8.47	8.49
7-6 TO 8-0	(7/1/84)	44.31	88.62	132.93	177.24	354.48	886.20	1772.40	17724.	7.19	8.53	8.50
8-0 TO 8-6	(1/1/85)	46.20	92.40	138.60	184.80	369.60	924.00	1848.00	18480.	7.28	8.48	8.49
8-6 TO 9-0	(7/1/85)	48.16	96.32	144.48	192.64	385.28	963.20	1926.40	19264.	7.35	8.55	8.49
9-0 TO 9-6	(1/1/86)	50.22	100.44	150.66	200.88	401.76	1004.40	2008.80	20088.	7.41	8.44	8.46
9-6 TO10-0	(7/1/86)	52.34	104.68	157.02	209.36	418.72	1046.80	2093.60	20936.	7.47	8.48	8.48
10-0 2/	(1/1/87)	54.56	109.12	163.68	218.24	436.48	1091.20	2182.40	21824.	7.52 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/87)	$54.56	$109.12	$163.68	$218.24	$436.48	$1091.20	$2182.40	$21824.	----	8.50	9.88
0-6 TO 1-0	(7/1/87)	56.88	113.76	170.64	227.52	455.04	1137.60	2275.20	22752.	8.50	8.51	10.08
1-0 TO 1-6	(1/1/88)	59.30	118.60	177.90	237.20	474.40	1186.00	2372.00	23720.	8.51	8.50	10.34
1-6 TO 2-0	(7/1/88)	61.82	123.64	185.46	247.28	494.56	1236.40	2472.80	24728.	8.50	8.48	10.71
2-0 TO 2-6	(1/1/89)	64.44	128.88	193.32	257.76	515.52	1288.80	2577.60	25776.	8.50	8.50	11.28
2-6 TO 3-0	(7/1/89)	67.18	134.36	201.54	268.72	537.44	1343.60	2687.20	26872.	8.50	8.51	12.21
3-0 TO 3-6	(1/1/90)	70.04	140.08	210.12	280.16	560.32	1400.80	2801.60	28016.	8.50	8.48	14.08
3-6 TO 4-0	(7/1/90)	73.01	146.02	219.03	292.04	584.08	1460.20	2920.40	29204.	8.50	19.83	19.83
4-0 4/	(1/1/91)	80.25	160.50	240.75	321.00	642.00	1605.00	3210.00	32100.	9.88 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1971 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.86 PERCENT; TO DATE OF BONUS PAYMENT IS 7.47 PERCENT.

4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 186

BONDS BEARING ISSUE DATE JUNE 1, 1971

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
4-6 TO 5-0	1/(10/1/81)	$34.63	$ 69.26	$103.89	$138.52	$277.04	$ 692.60	$1385.20	$13852.	6.34	8.49	8.50
5-0 TO 5-6	(4/1/82)	36.10	72.20	108.30	144.40	288.80	722.00	1444.00	14440.	6.55	8.48	8.50
5-6 TO 6-0	(10/1/82)	37.63	75.26	112.89	150.52	301.04	752.60	1505.20	15052.	6.73	8.50	8.50
6-0 TO 6-6	(4/1/83)	39.23	78.46	117.69	156.92	313.84	784.60	1569.20	15692.	6.88	8.51	8.50
6-6 TO 7-0	(10/1/83)	40.90	81.80	122.70	163.60	327.20	818.00	1636.00	16360.	7.00	8.46	8.50
7-0 TO 7-6	(4/1/84)	42.63	85.26	127.89	170.52	341.04	852.60	1705.20	17052.	7.10	8.54	8.50
7-6 TO 8-0	(10/1/84)	44.45	88.90	133.35	177.80	355.60	889.00	1778.00	17780.	7.20	8.46	8.50
8-0 TO 8-6	(4/1/85)	46.33	92.66	138.99	185.32	370.64	926.60	1853.20	18532.	7.28	8.55	8.51
8-6 TO 9-0	(10/1/85)	48.31	96.62	144.93	193.24	386.48	966.20	1932.40	19324.	7.35	8.45	8.49
9-0 TO 9-6	(4/1/86)	50.35	100.70	151.05	201.40	402.80	1007.00	2014.00	20140.	7.41	8.50	8.52
9-6 TO10-0	(10/1/86)	52.49	104.98	157.47	209.96	419.92	1049.80	2099.60	20996.	7.47	8.53	8.53
10-0 2/	(4/1/87)	54.73	109.46	164.19	218.92	437.84	1094.60	2189.20	21892.	7.52 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(4/1/87)	$54.73	$109.46	$164.19	$218.92	$437.84	$1094.60	$2189.20	$21892.	----	8.51	9.88
0-6 TO 1-0	(10/1/87)	57.06	114.12	171.18	228.24	456.48	1141.20	2282.40	22824.	8.51	8.48	10.08
1-0 TO 1-6	(4/1/88)	59.48	118.96	178.44	237.92	475.84	1189.60	2379.20	23792.	8.50	8.51	10.35
1-6 TO 2-0	(10/1/88)	62.01	124.02	186.03	248.04	496.08	1240.20	2480.40	24804.	8.50	8.48	10.72
2-0 TO 2-6	(4/1/89)	64.64	129.28	193.92	258.56	517.12	1292.80	2585.60	25856.	8.50	8.51	11.28
2-6 TO 3-0	(10/1/89)	67.39	134.78	202.17	269.56	539.12	1347.80	2695.60	26956.	8.50	8.52	12.21
3-0 TO 3-6	(4/1/90)	70.26	140.52	210.78	281.04	562.08	1405.20	2810.40	28104.	8.50	8.48	14.08
3-6 TO 4-0	(10/1/90)	73.24	146.48	219.72	292.96	585.92	1464.80	2929.60	29296.	8.50	19.83	19.83
4-0 4/	(4/1/91)	80.50	161.00	241.50	322.00	644.00	1610.00	3220.00	32200.	9.88 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1971 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.88 PERCENT; TO DATE OF BONUS PAYMENT IS 7.48 PERCENT.
4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 187

BONDS BEARING ISSUE DATE JUL. 1, 1971

									APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/(5/1/81)	$33.53	$ 67.06	$100.59	$134.12	$268.24	$ 670.60	$1341.20	$13412.	6.31	9.53	8.51
4-6 TO 5-0 (11/1/81)	34.96	69.92	104.88	139.84	279.68	699.20	1398.40	13984.	6.56	8.52	8.50
5-0 TO 5-6 (5/1/82)	36.45	72.90	109.35	145.80	291.60	729.00	1458.00	14580.	6.75	8.45	8.50
5-6 TO 6-0 (11/1/82)	37.99	75.98	113.97	151.96	303.92	759.80	1519.60	15196.	6.91	8.53	8.51
6-0 TO 6-6 (5/1/83)	39.61	79.22	118.83	158.44	316.88	792.20	1584.40	15844.	7.04	8.48	8.50
6-6 TO 7-0 (11/1/83)	41.29	82.58	123.87	165.16	330.32	825.80	1651.60	16516.	7.15	8.48	8.51
7-0 TO 7-6 (5/1/84)	43.04	86.08	129.12	172.16	344.32	860.80	1721.60	17216.	7.25	8.60	8.51
7-6 TO 8-0 (11/1/84)	44.89	89.78	134.67	179.56	359.12	897.80	1795.60	17956.	7.34	8.47	8.50
8-0 TO 8-6 (5/1/85)	46.79	93.58	140.37	187.16	374.32	935.80	1871.60	18716.	7.41	8.51	8.50
8-6 TO 9-0 (11/1/85)	48.78	97.56	146.34	195.12	390.24	975.60	1951.20	19512.	7.47	8.49	8.50
9-0 TO 9-6 (5/1/86)	50.85	101.70	152.55	203.40	406.80	1017.00	2034.00	20340.	7.53	8.46	8.51
9-6 TO10-0 (11/1/86)	53.00	106.00	159.00	212.00	424.00	1060.00	2120.00	21200.	7.58	8.57	8.57
10-0 2/ (5/1/87)	55.27	110.54	165.81	221.08	442.16	1105.40	2210.80	22108.	7.63 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/87)	$55.27	$110.54	$165.81	$221.08	$442.16	$1105.40	$2210.80	$22108.	----	8.50	9.88
0-6 TO 1-0 (11/1/87)	57.62	115.24	172.86	230.48	460.96	1152.40	2304.80	23048.	8.50	8.50	10.07
1-0 TO 1-6 (5/1/88)	60.07	120.14	180.21	240.28	480.56	1201.40	2402.80	24028.	8.50	8.49	10.34
1-6 TO 2-0 (11/1/88)	62.62	125.24	187.86	250.48	500.96	1252.40	2504.80	25048.	8.50	8.50	10.71
2-0 TO 2-6 (5/1/89)	65.28	130.56	195.84	261.12	522.24	1305.60	2611.20	26112.	8.50	8.52	11.27
2-6 TO 3-0 (11/1/89)	68.06	136.12	204.18	272.24	544.48	1361.20	2722.40	27224.	8.50	8.49	12.19
3-0 TO 3-6 (5/1/90)	70.95	141.90	212.85	283.80	567.60	1419.00	2838.00	28380.	8.50	8.48	14.06
3-6 TO 4-0 (11/1/90)	73.96	147.92	221.88	295.84	591.68	1479.20	2958.40	29584.	8.50	19.79	19.79
4-0 4/ (5/1/91)	81.28	162.56	243.84	325.12	650.24	1625.60	3251.20	32512.	9.88 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1971 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.95 PERCENT; TO DATE OF BONUS PAYMENT IS 7.53 PERCENT.

4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 188

BONDS BEARING ISSUE DATE AUG. 1, 1971

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/	(6/1/81)	$33.61	$ 67.22	$100.83	$134.44	$268.88	$ 672.20	$1344.40	$13444.	6.37	8.51	8.50
4-6 TO 5-0	(12/1/81)	35.04	70.08	105.12	140.16	280.32	700.80	1401.60	14016.	6.61	8.50	8.49
5-0 TO 5-6	(6/1/82)	36.53	73.06	109.59	146.12	292.24	730.60	1461.20	14612.	6.80	8.49	8.49
5-6 TO 6-0	(12/1/82)	38.08	76.16	114.24	152.32	304.64	761.60	1523.20	15232.	6.95	8.51	8.49
6-0 TO 6-6	(6/1/83)	39.70	79.40	119.10	158.80	317.60	794.00	1588.00	15880.	7.08	8.46	8.49
6-6 TO 7-0	(12/1/83)	41.38	82.76	124.14	165.52	331.04	827.60	1655.20	16552.	7.19	8.51	8.50
7-0 TO 7-6	(6/1/84)	43.14	86.28	129.42	172.56	345.12	862.80	1725.60	17256.	7.28	8.53	8.50
7-6 TO 8-0	(12/1/84)	44.98	89.96	134.94	179.92	359.84	899.60	1799.20	17992.	7.36	8.49	8.49
8-0 TO 8-6	(6/1/85)	46.89	93.78	140.67	187.56	375.12	937.80	1875.60	18756.	7.43	8.49	8.49
8-6 TO 9-0	(12/1/85)	48.88	97.76	146.64	195.52	391.04	977.60	1955.20	19552.	7.50	8.47	8.49
9-0 TO 9-6	(6/1/86)	50.95	101.90	152.85	203.80	407.60	1019.00	2038.00	20380.	7.55	8.56	8.49
9-6 TO10-0	(12/1/86)	53.13	106.26	159.39	212.52	425.04	1062.60	2125.20	21252.	7.60	8.43	8.43
10-0 2/	(6/1/87)	55.37	110.74	166.11	221.48	442.96	1107.40	2214.80	22148.	7.64 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/87)	$55.37	$110.74	$166.11	$221.48	$442.96	$1107.40	$2214.80	$22148.	----	8.49	9.88
0-6 TO 1-0	(12/1/87)	57.72	115.44	173.16	230.88	461.76	1154.40	2308.80	23088.	8.49	8.52	10.08
1-0 TO 1-6	(6/1/88)	60.18	120.36	180.54	240.72	481.44	1203.60	2407.20	24072.	8.51	8.47	10.34
1-6 TO 2-0	(12/1/88)	62.73	125.46	188.19	250.92	501.84	1254.60	2509.20	25092.	8.50	8.51	10.72
2-0 TO 2-6	(6/1/89)	65.40	130.80	196.20	261.60	523.20	1308.00	2616.00	26160.	8.50	8.50	11.27
2-6 TO 3-0	(12/1/89)	68.18	136.36	204.54	272.72	545.44	1363.60	2727.20	27272.	8.50	8.51	12.21
3-0 TO 3-6	(6/1/90)	71.08	142.16	213.24	284.32	568.64	1421.60	2843.20	28432.	8.50	8.50	14.08
3-6 TO 4-0	(12/1/90)	74.10	148.20	222.30	296.40	592.80	1482.00	2964.00	29640.	8.50	19.81	19.81
4-0 4/	(6/1/91)	81.44	162.88	244.32	325.76	651.52	1628.80	3257.60	32576.	9.88 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1971 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.96 PERCENT; TO DATE OF BONUS PAYMENT IS 7.54 PERCENT.
4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 189

BONDS BEARING ISSUE DATES FROM SEP. 1 THROUGH NOV. 1, 1971

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
4-0 TO 4-6	1/(7/1/81)	$33.61	$ 67.22	$100.83	$134.44	$268.88	$ 672.20	$1344.40	$13444.	6.37	8.51	8.50
4-6 TO 5-0	(1/1/82)	35.04	70.08	105.12	140.16	280.32	700.80	1401.60	14016.	6.61	8.50	8.49
5-0 TO 5-6	(7/1/82)	36.53	73.06	109.59	146.12	292.24	730.60	1461.20	14612.	6.80	8.49	8.49
5-6 TO 6-0	(1/1/83)	38.08	76.16	114.24	152.32	304.64	761.60	1523.20	15232.	6.95	8.51	8.49
6-0 TO 6-6	(7/1/83)	39.70	79.40	119.10	158.80	317.60	794.00	1588.00	15880.	7.08	8.46	8.49
6-6 TO 7-0	(1/1/84)	41.38	82.76	124.14	165.52	331.04	827.60	1655.20	16552.	7.19	8.51	8.50
7-0 TO 7-6	(7/1/84)	43.14	86.28	129.42	172.56	345.12	862.80	1725.60	17256.	7.28	8.53	8.50
7-6 TO 8-0	(1/1/85)	44.98	89.96	134.94	179.92	359.84	899.60	1799.20	17992.	7.36	8.49	8.49
8-0 TO 8-6	(7/1/85)	46.89	93.78	140.67	187.56	375.12	937.80	1875.60	18756.	7.43	8.49	8.49
8-6 TO 9-0	(1/1/86)	48.88	97.76	146.64	195.52	391.04	977.60	1955.20	19552.	7.50	8.47	8.49
9-0 TO 9-6	(7/1/86)	50.95	101.90	152.85	203.80	407.60	1019.00	2038.00	20380.	7.55	8.56	8.49
9-6 TO10-0	(1/1/87)	53.13	106.26	159.39	212.52	425.04	1062.60	2125.20	21252.	7.60	8.43	8.43
10-0 2/	(7/1/87)	55.37	110.74	166.11	221.48	442.96	1107.40	2214.80	22148.	7.64 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(7/1/87)	$55.37	$110.74	$166.11	$221.48	$442.96	$1107.40	$2214.80	$22148.	----	8.49	10.08
0-6 TO 1-0	(1/1/88)	57.72	115.44	173.16	230.88	461.76	1154.40	2308.80	23088.	8.49	8.52	10.35
1-0 TO 1-6	(7/1/88)	60.18	120.36	180.54	240.72	481.44	1203.60	2407.20	24072.	8.51	8.47	10.72
1-6 TO 2-0	(1/1/89)	62.73	125.46	188.19	250.92	501.84	1254.60	2509.20	25092.	8.50	8.51	11.28
2-0 TO 2-6	(7/1/89)	65.40	130.80	196.20	261.60	523.20	1308.00	2616.00	26160.	8.50	8.50	12.22
2-6 TO 3-0	(1/1/90)	68.18	136.36	204.54	272.72	545.44	1363.60	2727.20	27272.	8.50	8.51	14.10
3-0 TO 3-6	(7/1/90)	71.08	142.16	213.24	284.32	568.64	1421.60	2843.20	28432.	8.50	19.84	19.84
3-6 4/	(1/1/91)	78.13	156.26	234.39	312.52	625.04	1562.60	3125.20	31252.	10.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1971 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.96 PERCENT; TO DATE OF BONUS PAYMENT IS 7.52 PERCENT.

4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 190

TABLE 190

BONDS BEARING ISSUE DATE DEC. 1, 1971

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/	(10/1/81)	$33.69	$ 67.38	$101.07	$134.76	$269.52	$ 673.80	$1347.60	$13476.	6.38	8.55	8.50
4-6 TO 5-0	(4/1/82)	35.13	70.26	105.39	140.52	281.04	702.60	1405.20	14052.	6.62	8.43	8.49
5-0 TO 5-6	(10/1/82)	36.61	73.22	109.83	146.44	292.88	732.20	1464.40	14644.	6.80	8.52	8.50
5-6 TO 6-0	(4/1/83)	38.17	76.34	114.51	152.68	305.36	763.40	1526.80	15268.	6.95	8.49	8.50
6-0 TO 6-6	(10/1/83)	39.79	79.58	119.37	159.16	318.32	795.80	1591.60	15916.	7.08	8.54	8.50
6-6 TO 7-0	(4/1/84)	41.49	82.98	124.47	165.96	331.92	829.80	1659.60	16596.	7.19	8.48	8.49
7-0 TO 7-6	(10/1/84)	43.25	86.50	129.75	173.00	346.00	865.00	1730.00	17300.	7.28	8.46	8.49
7-6 TO 8-0	(4/1/85)	45.08	90.16	135.24	180.32	360.64	901.60	1803.20	18032.	7.36	8.47	8.50
8-0 TO 8-6	(10/1/85)	46.99	93.98	140.97	187.96	375.92	939.80	1879.60	18796.	7.43	8.51	8.51
8-6 TO 9-0	(4/1/86)	48.99	97.98	146.97	195.96	391.92	979.80	1959.60	19596.	7.50	8.53	8.51
9-0 TO 9-6	(10/1/86)	51.08	102.16	153.24	204.32	408.64	1021.60	2043.20	20432.	7.55	8.46	8.49
9-6 TO10-0	(4/1/87)	53.24	106.48	159.72	212.96	425.92	1064.80	2129.60	21296.	7.60	8.53	8.53
10-0 2/	(10/1/87)	55.51	111.02	166.53	222.04	444.08	1110.20	2220.40	22204.	7.65 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(10/1/87)	$55.51	$111.02	$166.53	$222.04	$444.08	$1110.20	$2220.40	$22204.	----	8.50	10.08
0-6 TO 1-0	(4/1/88)	57.87	115.74	173.61	231.48	462.96	1157.40	2314.80	23148.	8.50	8.50	10.35
1-0 TO 1-6	(10/1/88)	60.33	120.66	180.99	241.32	482.64	1206.60	2413.20	24132.	8.50	8.49	10.72
1-6 TO 2-0	(4/1/89)	62.89	125.78	188.67	251.56	503.12	1257.80	2515.60	25156.	8.50	8.52	11.28
2-0 TO 2-6	(10/1/89)	65.57	131.14	196.71	262.28	524.56	1311.40	2622.80	26228.	8.50	8.48	12.20
2-6 TO 3-0	(4/1/90)	68.35	136.70	205.05	273.40	546.80	1367.00	2734.00	27340.	8.50	8.51	14.09
3-0 TO 3-6	(10/1/90)	71.26	142.52	213.78	285.04	570.08	1425.20	2850.40	28504.	8.50	19.81	19.81
3-6 4/	(4/1/91)	78.32	156.64	234.96	313.28	626.56	1566.40	3132.80	31328.	10.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1971 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.97 PERCENT; TO DATE OF BONUS PAYMENT IS 7.53 PERCENT.

4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.00%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 191

BONDS BEARING ISSUE DATE JAN. 1, 1972

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD								PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(5/1/81)	$32.63	$ 65.26	$ 97.89	$130.52	$261.04	$ 652.60	$1305.20	$13052.	6.36	8.52	8.50
4-0 TO 4-6 (11/1/81)	34.02	68.04	102.06	136.08	272.16	680.40	1360.80	13608.	6.63	9.52	8.50
4-6 TO 5-0 (5/1/82)	35.47	70.94	106.41	141.88	283.76	709.40	1418.80	14188.	6.84	8.46	8.49
5-0 TO 5-6 (11/1/82)	36.97	73.94	110.91	147.88	295.76	739.40	1478.80	14788.	7.00	8.44	8.50
5-6 TO 6-0 (5/1/83)	38.53	77.06	115.59	154.12	308.24	770.60	1541.20	15412.	7.13	8.51	8.50
6-0 TO 6-6 (11/1/83)	40.17	80.34	120.51	160.68	321.36	803.40	1606.80	16068.	7.24	8.51	8.50
6-6 TO 7-0 (5/1/84)	41.88	83.76	125.64	167.52	335.04	837.60	1675.20	16752.	7.34	8.55	8.50
7-0 TO 7-6 (11/1/84)	43.67	87.34	131.01	174.68	349.36	873.40	1746.80	17468.	7.43	8.47	8.49
7-6 TO 8-0 (5/1/85)	45.52	91.04	136.56	182.08	364.16	910.40	1820.80	18208.	7.50	8.48	8.50
8-0 TO 8-6 (11/1/85)	47.45	94.90	142.35	189.80	379.60	949.00	1898.00	18980.	7.56	8.51	8.50
8-6 TO 9-0 (5/1/86)	49.47	98.94	148.41	197.88	395.76	989.40	1978.80	19788.	7.61	8.53	8.50
9-0 TO 9-6 (11/1/86)	51.58	103.16	154.74	206.32	412.64	1031.60	2063.20	20632.	7.67	8.45	8.49
9-6 TO 10-0 (5/1/87)	53.76	107.52	161.28	215.04	430.08	1075.20	2150.40	21504.	7.71	8.52	8.52
10-0 2/ (11/1/87)	56.05	112.10	168.15	224.20	448.40	1121.00	2242.00	22420.	7.75 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/87)	$56.05	$112.10	$168.15	$224.20	$448.40	$1121.00	$2242.00	$22420.	----	8.49	10.08
0-6 TO 1-0 (5/1/88)	58.43	116.86	175.29	233.72	467.44	1168.60	2337.20	23372.	8.49	8.52	10.34
1-0 TO 1-6 (11/1/88)	60.92	121.84	182.76	243.68	487.36	1218.40	2436.80	24368.	8.51	8.47	10.71
1-6 TO 2-0 (5/1/89)	63.50	127.00	190.50	254.00	508.00	1270.00	2540.00	25400.	8.50	8.50	11.27
2-0 TO 2-6 (11/1/89)	66.20	132.40	198.60	264.80	529.60	1324.00	2648.00	26480.	8.50	8.52	12.20
2-6 TO 3-0 (5/1/90)	69.02	138.04	207.06	276.08	552.16	1380.40	2760.80	27608.	8.50	8.49	14.07
3-0 TO 3-6 (11/1/90)	71.95	143.90	215.85	287.80	575.60	1439.00	2878.00	28780.	8.50	19.79	19.79
3-6 4/ (5/1/91)	79.07	158.14	237.21	316.28	632.56	1581.40	3162.80	31628.	10.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1972 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.04 PERCENT; TO DATE OF BONUS PAYMENT IS 7.58 PERCENT.

4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 192

BONDS BEARING ISSUE DATE FEB. 1, 1972

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
3-6 TO 4-0	1/(6/1/81)	$32.71	$ 65.42	$ 98.13	$130.84	$261.68	$ 654.20	$1308.40	$13084.	6.43	8.50	8.50
4-0 TO 4-6	(12/1/81)	34.10	68.20	102.30	136.40	272.80	682.00	1364.00	13640.	6.69	8.50	8.50
4-6 TO 5-0	(6/1/82)	35.55	71.10	106.65	142.20	284.40	711.00	1422.00	14220.	6.89	8.50	8.50
5-0 TO 5-6	(12/1/82)	37.06	74.12	111.18	148.24	296.48	741.20	1482.40	14824.	7.05	8.47	8.50
5-6 TO 6-0	(6/1/83)	38.63	77.26	115.89	154.52	309.04	772.60	1545.20	15452.	7.18	8.49	8.50
6-0 TO 6-6	(12/1/83)	40.27	80.54	120.81	161.08	322.16	805.40	1610.80	16108.	7.29	8.49	8.50
6-6 TO 7-0	(6/1/84)	41.98	83.96	125.94	167.92	335.84	839.60	1679.20	16792.	7.38	8.53	8.50
7-0 TO 7-6	(12/1/84)	43.77	87.54	131.31	175.08	350.16	875.40	1750.80	17508.	7.46	8.50	8.50
7-6 TO 8-0	(6/1/85)	45.63	91.26	136.89	182.52	365.04	912.60	1825.20	18252.	7.53	8.50	8.50
8-0 TO 8-6	(12/1/85)	47.57	95.14	142.71	190.28	380.56	951.40	1902.80	19028.	7.59	8.53	8.49
8-6 TO 9-0	(6/1/86)	49.60	99.20	148.80	198.40	396.80	992.00	1984.00	19840.	7.65	8.43	8.48
9-0 TO 9-6	(12/1/86)	51.69	103.38	155.07	206.76	413.52	1033.80	2067.60	20676.	7.69	8.55	8.51
9-6 TO10-0	(6/1/87)	53.90	107.80	161.70	215.60	431.20	1078.00	2156.00	21560.	7.74	8.46	8.46
10-0 2/	(12/1/87)	56.18	112.36	168.54	224.72	449.44	1123.60	2247.20	22472.	7.77 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(12/1/87)	$56.18	$112.36	$168.54	$224.72	$449.44	$1123.60	$2247.20	$22472.	----	8.51	10.08
0-6 TO 1-0	(6/1/88)	58.57	117.14	175.71	234.28	468.56	1171.40	2342.80	23428.	8.51	8.50	10.34
1-0 TO 1-6	(12/1/88)	61.06	122.12	183.18	244.24	488.48	1221.20	2442.40	24424.	8.51	8.48	10.71
1-6 TO 2-0	(6/1/89)	63.65	127.30	190.95	254.60	509.20	1273.00	2546.00	25460.	8.50	8.52	11.27
2-0 TO 2-6	(12/1/89)	66.36	132.72	199.08	265.44	530.88	1327.20	2654.40	26544.	8.50	8.50	12.20
2-6 TO 3-0	(6/1/90)	69.18	138.36	207.54	276.72	553.44	1383.60	2767.20	27672.	8.50	8.50	14.08
3-0 TO 3-6	(12/1/90)	72.12	144.24	216.36	288.48	576.96	1442.40	2884.80	28848.	8.50	19.80	19.80
3-6 4/	(6/1/91)	79.26	158.52	237.78	317.04	634.08	1585.20	3170.40	31704.	10.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1972 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.05 PERCENT; TO DATE OF BONUS PAYMENT IS 7.60 PERCENT.

4/ BONUS PAYMENT IS MADE AT 19 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 193

BONDS BEARING ISSUE DATES FROM MAR. 1 THROUGH MAY 1, 1972

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/	(7/1/81)	$32.71	$ 65.42	$ 98.13	$130.84	$261.68	$ 654.20	$1308.40	$13084.	6.43	8.50	8.50
4-0 TO 4-6	(1/1/82)	34.10	68.20	102.30	136.40	272.80	682.00	1364.00	13640.	6.69	8.50	8.50
4-6 TO 5-0	(7/1/82)	35.55	71.10	106.65	142.20	284.40	711.00	1422.00	14220.	6.89	8.50	8.50
5-0 TO 5-6	(1/1/83)	37.06	74.12	111.18	148.24	296.48	741.20	1482.40	14824.	7.05	8.47	8.50
5-6 TO 6-0	(7/1/83)	38.63	77.26	115.89	154.52	309.04	772.60	1545.20	15452.	7.18	8.49	8.50
6-0 TO 6-6	(1/1/84)	40.27	80.54	120.81	161.08	322.16	805.40	1610.80	16108.	7.29	8.49	8.50
6-6 TO 7-0	(7/1/84)	41.98	83.96	125.94	167.92	335.84	839.60	1679.20	16792.	7.38	8.53	8.50
7-0 TO 7-6	(1/1/85)	43.77	87.54	131.31	175.08	350.16	875.40	1750.80	17508.	7.46	8.50	8.50
7-6 TO 8-0	(7/1/85)	45.63	91.26	136.89	182.52	365.04	912.60	1825.20	18252.	7.53	8.50	8.50
8-0 TO 8-6	(1/1/86)	47.57	95.14	142.71	190.28	380.56	951.40	1902.80	19028.	7.59	8.53	8.49
8-6 TO 9-0	(7/1/86)	49.60	99.20	148.80	198.40	396.80	992.00	1984.00	19840.	7.65	8.43	8.48
9-0 TO 9-6	(1/1/87)	51.69	103.38	155.07	206.76	413.52	1033.80	2067.60	20676.	7.69	8.55	8.51
9-6 TO10-0	(7/1/87)	53.90	107.80	161.70	215.60	431.20	1078.00	2156.00	21560.	7.74	8.46	8.46
10-0 2/	(1/1/88)	56.18	112.36	168.54	224.72	449.44	1123.60	2247.20	22472.	7.77 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/88)	$56.18	$112.36	$168.54	$224.72	$449.44	$1123.60	$2247.20	$22472.	----	8.51	10.35
0-6 TO 1-0	(7/1/88)	58.57	117.14	175.71	234.28	468.56	1171.40	2342.80	23428.	8.51	8.50	10.72
1-0 TO 1-6	(1/1/89)	61.06	122.12	183.18	244.24	488.48	1221.20	2442.40	24424.	8.51	8.48	11.28
1-6 TO 2-0	(7/1/89)	63.65	127.30	190.95	254.60	509.20	1273.00	2546.00	25460.	8.50	8.52	12.22
2-0 TO 2-6	(1/1/90)	66.36	132.72	199.08	265.44	530.88	1327.20	2654.40	26544.	8.50	8.50	14.09
2-6 TO 3-0	(7/1/90)	69.18	138.36	207.54	276.72	553.44	1383.60	2767.20	27672.	8.50	19.83	19.83
3-0 4/	(1/1/91)	76.04	152.08	228.12	304.16	608.32	1520.80	3041.60	30416.	10.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1972 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.05 PERCENT; TO DATE OF BONUS PAYMENT IS 7.57 PERCENT.

4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 194

BONDS BEARING ISSUE DATE JUNE 1, 1972

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
3-6 TO 4-0	1/(10/1/81)	$32.80	$ 65.60	$ 98.40	$131.20	$262.40	$ 656.00	$1312.00	$13120.	6.43	8.48	8.50
4-0 TO 4-6	(4/1/82)	34.19	68.38	102.57	136.76	273.52	683.80	1367.60	13676.	6.69	8.54	8.50
4-6 TO 5-0	(10/1/82)	35.65	71.30	106.95	142.60	285.20	713.00	1426.00	14260.	6.89	8.47	8.50
5-0 TO 5-6	(4/1/83)	37.16	74.32	111.48	148.64	297.28	743.20	1486.40	14864.	7.05	8.50	8.50
5-6 TO 6-0	(10/1/83)	38.74	77.48	116.22	154.96	309.92	774.80	1549.60	15496.	7.18	8.52	8.50
6-0 TO 6-6	(4/1/84)	40.39	80.78	121.17	161.56	323.12	807.80	1615.60	16156.	7.29	8.47	8.50
6-6 TO 7-0	(10/1/84)	42.10	84.20	126.30	168.40	336.80	842.00	1684.00	16840.	7.38	8.50	8.50
7-0 TO 7-6	(4/1/85)	43.89	87.78	131.67	175.56	351.12	877.80	1755.60	17556.	7.46	8.52	8.50
7-6 TO 8-0	(10/1/85)	45.76	91.52	137.28	183.04	366.08	915.20	1830.40	18304.	7.53	8.48	8.50
8-0 TO 8-6	(4/1/86)	47.70	95.40	143.10	190.80	381.60	954.00	1908.00	19080.	7.59	8.47	8.50
8-6 TO 9-0	(10/1/86)	49.72	99.44	149.16	198.88	397.76	994.40	1988.80	19888.	7.64	8.53	8.51
9-0 TO 9-6	(4/1/87)	51.84	103.68	155.52	207.36	414.72	1036.80	2073.60	20736.	7.69	8.53	8.50
9-6 TO10-0	(10/1/87)	54.05	108.10	162.15	216.20	432.40	1081.00	2162.00	21620.	7.74	8.47	8.47
10-0 2/	(4/1/88)	56.34	112.68	169.02	225.36	450.72	1126.80	2253.60	22536.	7.77 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(4/1/88)	$56.34	$112.68	$169.02	$225.36	$450.72	$1126.80	$2253.60	$22536.	----	8.48	10.35
0-6 TO 1-0	(10/1/88)	58.73	117.46	176.19	234.92	469.84	1174.60	2349.20	23492.	8.48	8.51	10.73
1-0 TO 1-6	(4/1/89)	61.23	122.46	183.69	244.92	489.84	1224.60	2449.20	24492.	8.50	8.49	11.28
1-6 TO 2-0	(10/1/89)	63.83	127.66	191.49	255.32	510.64	1276.60	2553.20	25532.	8.50	8.52	12.22
2-0 TO 2-6	(4/1/90)	66.55	133.10	199.65	266.20	532.40	1331.00	2662.00	26620.	8.50	8.47	14.09
2-6 TO 3-0	(10/1/90)	69.37	138.74	208.11	277.48	554.96	1387.40	2774.80	27748.	8.50	19.86	19.86
3-0 4/	(4/1/91)	76.26	152.52	228.78	305.04	610.08	1525.20	3050.40	30504.	10.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1972 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.07 PERCENT; TO DATE OF BONUS PAYMENT IS 7.59 PERCENT.

4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 195

BONDS BEARING ISSUE DATE JUL. 1, 1972

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/	(5/1/81)	$31.76	$ 63.52	$ 95.28	$127.04	$254.08	$ 635.20	$1270.40	$12704.	6.41	8.56	8.50
3-6 TO 4-0	(11/1/81)	33.12	66.24	99.36	132.48	264.96	662.40	1324.80	13248.	6.72	8.45	8.50
4-0 TO 4-6	(5/1/82)	34.52	69.04	103.56	138.08	276.16	690.40	1380.80	13808.	6.94	8.57	8.50
4-6 TO 5-0	(11/1/82)	36.00	72.00	108.00	144.00	288.00	720.00	1440.00	14400.	7.12	8.44	8.50
5-0 TO 5-6	(5/1/83)	37.52	75.04	112.56	150.08	300.16	750.40	1500.80	15008.	7.25	8.48	8.50
5-6 TO 6-0	(11/1/83)	39.11	78.22	117.33	156.44	312.88	782.20	1564.40	15644.	7.36	8.54	8.50
6-0 TO 6-6	(5/1/84)	40.78	81.56	122.34	163.12	326.24	815.60	1631.20	16312.	7.46	8.48	8.50
6-6 TO 7-0	(11/1/84)	42.51	85.02	127.53	170.04	340.08	850.20	1700.40	17004.	7.54	8.47	8.50
7-0 TO 7-6	(5/1/85)	44.31	88.62	132.93	177.24	354.48	886.20	1772.40	17724.	7.60	8.58	8.51
7-6 TO 8-0	(11/1/85)	46.21	92.42	138.63	184.84	369.68	924.20	1848.40	18484.	7.67	8.48	8.49
8-0 TO 8-6	(5/1/86)	48.17	96.34	144.51	192.68	385.36	963.40	1926.80	19268.	7.72	8.47	8.49
8-6 TO 9-0	(11/1/86)	50.21	100.42	150.63	200.84	401.68	1004.20	2008.40	20084.	7.76	8.48	8.50
9-0 TO 9-6	(5/1/87)	52.34	104.68	157.02	209.36	418.72	1046.80	2093.60	20936.	7.80	8.52	8.51
9-6 TO10-0	(11/1/87)	54.57	109.14	163.71	218.28	436.56	1091.40	2182.80	21828.	7.84	8.50	8.50
10-0 2/	(5/1/88)	56.89	113.78	170.67	227.56	455.12	1137.80	2275.60	22756.	7.87 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(5/1/88)	$56.89	$113.78	$170.67	$227.56	$455.12	$1137.80	$2275.60	$22756.	----	8.51	10.34
0-6 TO 1-0	(11/1/88)	59.31	118.62	177.93	237.24	474.48	1186.20	2372.40	23724.	8.51	8.50	10.71
1-0 TO 1-6	(5/1/89)	61.83	123.66	185.49	247.32	494.64	1236.60	2473.20	24732.	8.50	8.51	11.27
1-6 TO 2-0	(11/1/89)	64.46	128.92	193.38	257.84	515.68	1289.20	2578.40	25784.	8.50	8.50	12.20
2-0 TO 2-6	(5/1/90)	67.20	134.40	201.60	268.80	537.60	1344.00	2688.00	26880.	8.50	8.48	14.07
2-6 TO 3-0	(11/1/90)	70.05	140.10	210.15	280.20	560.40	1401.00	2802.00	28020.	8.50	19.81	19.81
3-0 4/	(5/1/91)	76.99	153.98	230.97	307.96	615.92	1539.80	3079.60	30796.	10.34 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1972 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.13 PERCENT; TO DATE OF BONUS PAYMENT IS 7.64 PERCENT.

4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 196

BONDS BEARING ISSUE DATE AUG. 1, 1972

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/	(6/1/81)	$31.83	$ 63.66	$ 95.49	$127.32	$254.64	$ 636.60	$1273.20	$12732.	6.49	8.55	8.50
3-6 TO 4-0	(12/1/81)	33.19	66.38	99.57	132.76	265.52	663.80	1327.60	13276.	6.78	8.50	8.50
4-0 TO 4-6	(6/1/82)	34.60	69.20	103.80	138.40	276.80	692.00	1384.00	13840.	7.00	8.55	8.50
4-6 TO 5-0	(12/1/82)	36.08	72.16	108.24	144.32	288.64	721.60	1443.20	14432.	7.17	8.48	8.50
5-0 TO 5-6	(6/1/83)	37.61	75.22	112.83	150.44	300.88	752.20	1504.40	15044.	7.30	8.46	8.50
5-6 TO 6-0	(12/1/83)	39.20	78.40	117.60	156.80	313.60	784.00	1568.00	15680.	7.40	8.52	8.50
6-0 TO 6-6	(6/1/84)	40.87	81.74	122.61	163.48	326.96	817.40	1634.80	16348.	7.50	8.51	8.50
6-6 TO 7-0	(12/1/84)	42.61	85.22	127.83	170.44	340.88	852.20	1704.40	17044.	7.58	8.50	8.50
7-0 TO 7-6	(6/1/85)	44.42	88.84	133.26	177.68	355.36	888.40	1776.80	17768.	7.64	8.46	8.50
7-6 TO 8-0	(12/1/85)	46.30	92.60	138.90	185.20	370.40	926.00	1852.00	18520.	7.70	8.55	8.51
8-0 TO 8-6	(6/1/86)	48.28	96.56	144.84	193.12	386.24	965.60	1931.20	19312.	7.75	8.45	8.49
8-6 TO 9-0	(12/1/86)	50.32	100.64	150.96	201.28	402.56	1006.40	2012.80	20128.	7.79	8.51	8.51
9-0 TO 9-6	(6/1/87)	52.46	104.92	157.38	209.84	419.68	1049.20	2098.40	20984.	7.83	8.50	8.51
9-6 TO10-0	(12/1/87)	54.69	109.38	164.07	218.76	437.52	1093.80	2187.60	21876.	7.87	8.52	8.52
10-0 2/	(6/1/98)	57.02	114.04	171.06	228.08	456.16	1140.40	2280.80	22808.	7.90 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/88)	$57.02	$114.04	$171.06	$228.08	$456.16	$1140.40	$2280.80	$22808.	----	8.49	10.34
0-6 TO 1-0	(12/1/88)	59.44	118.88	178.32	237.76	475.52	1188.80	2377.60	23776.	8.49	8.51	10.71
1-0 TO 1-6	(6/1/89)	61.97	123.94	185.91	247.88	495.76	1239.40	2478.80	24788.	8.50	8.49	11.27
1-6 TO 2-0	(12/1/89)	64.60	129.20	193.80	258.40	516.80	1292.00	2584.00	25840.	8.50	8.51	12.20
2-0 TO 2-6	(6/1/90)	67.35	134.70	202.05	269.40	538.80	1347.00	2694.00	26940.	8.50	8.49	14.07
2-6 TO 3-0	(12/1/90)	70.21	140.42	210.63	280.84	561.68	1404.20	2808.40	28084.	8.50	19.80	19.80
3-0 4/	(6/1/91)	77.16	154.32	231.48	308.64	617.28	1543.20	3086.40	30864.	10.34 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1972 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.15 PERCENT; TO DATE OF BONUS PAYMENT IS 7.65 PERCENT.

4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 197

BONDS BEARING ISSUE DATES FROM SEP. 1 THROUGH NOV. 1, 1972

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/	(7/1/81)	$31.83	$ 63.66	$ 95.49	$127.32	$254.64	$ 636.60	$1273.20	$12732.	6.49	8.55	8.50
3-6 TO 4-0	(1/1/82)	33.19	66.38	99.57	132.76	265.52	663.80	1327.60	13276.	6.78	8.50	8.50
4-0 TO 4-6	(7/1/82)	34.60	69.20	103.80	138.40	276.80	692.00	1384.00	13840.	7.00	8.55	8.50
4-6 TO 5-0	(1/1/83)	36.08	72.16	108.24	144.32	288.64	721.60	1443.20	14432.	7.17	8.48	8.50
5-0 TO 5-6	(7/1/83)	37.61	75.22	112.83	150.44	300.88	752.20	1504.40	15044.	7.30	8.46	8.50
5-6 TO 6-0	(1/1/84)	39.20	78.40	117.60	156.80	313.60	784.00	1568.00	15680.	7.40	8.52	8.50
6-0 TO 6-6	(7/1/84)	40.87	81.74	122.61	163.48	326.96	817.40	1634.80	16348.	7.50	8.51	8.50
6-6 TO 7-0	(1/1/85)	42.61	85.22	127.83	170.44	340.88	852.20	1704.40	17044.	7.58	8.50	8.50
7-0 TO 7-6	(7/1/85)	44.42	88.84	133.26	177.68	355.36	888.40	1776.80	17768.	7.64	8.46	8.50
7-6 TO 8-0	(1/1/86)	46.30	92.60	138.90	185.20	370.40	926.00	1852.00	18520.	7.70	8.55	8.51
8-0 TO 8-6	(7/1/86)	48.28	96.56	144.84	193.12	386.24	965.60	1931.20	19312.	7.75	8.45	8.49
8-6 TO 9-0	(1/1/87)	50.32	100.64	150.96	201.28	402.56	1006.40	2012.80	20128.	7.79	8.51	8.51
9-0 TO 9-6	(7/1/87)	52.46	104.92	157.38	209.84	419.68	1049.20	2098.40	20984.	7.83	8.50	8.51
9-6 TO10-0	(1/1/88)	54.69	109.38	164.07	218.76	437.52	1093.80	2187.60	21876.	7.87	8.52	8.52
10-0 2/	(7/1/88)	57.02	114.04	171.06	228.08	456.16	1140.40	2280.80	22808.	7.90 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/88)	$57.02	$114.04	$171.06	$228.08	$456.16	$1140.40	$2280.80	$22808.	----	8.49	10.71
0-6 TO 1-0	(1/1/89)	59.44	118.88	178.32	237.76	475.52	1188.80	2377.60	23776.	8.49	8.51	11.27
1-0 TO 1-6	(7/1/89)	61.97	123.94	185.91	247.88	495.76	1239.40	2478.80	24788.	8.50	8.49	12.20
1-6 TO 2-0	(1/1/90)	64.60	129.20	193.80	258.40	516.80	1292.00	2584.00	25840.	8.50	8.51	14.09
2-0 TO 2-6	(7/1/90)	67.35	134.70	202.05	269.40	538.80	1347.00	2694.00	26940.	8.50	19.81	19.81
2-6 4/	(1/1/91)	74.02	148.04	222.06	296.08	592.16	1480.40	2960.80	29608.	10.71 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1972 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.15 PERCENT; TO DATE OF BONUS PAYMENT IS 7.63 PERCENT.

4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 198

TABLE 198

BONDS BEARING ISSUE DATE DEC. 1, 1972

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) (2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
										PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/	(10/1/81)	$31.90	$ 63.80	$ 95.70	$127.60	$255.20	$ 638.00	$1276.00	$12760.	6.49	8.59	8.50
3-6 TO 4-0	(4/1/82)	33.27	66.54	99.81	133.08	266.16	665.40	1330.80	13308.	6.79	8.42	8.50
4-0 TO 4-6	(10/1/82)	34.67	69.34	104.01	138.68	277.36	693.40	1386.80	13868.	6.99	8.54	8.50
4-6 TO 5-0	(4/1/83)	36.15	72.30	108.45	144.60	289.20	723.00	1446.00	14460.	7.16	8.52	8.50
5-0 TO 5-6	(10/1/83)	37.69	75.38	113.07	150.76	301.52	753.80	1507.60	15076.	7.30	8.49	8.50
5-6 TO 6-0	(4/1/84)	39.29	78.58	117.87	157.16	314.32	785.80	1571.60	15716.	7.40	8.45	8.50
6-0 TO 6-6	(10/1/84)	40.95	81.90	122.85	163.80	327.60	819.00	1638.00	16380.	7.49	8.55	8.50
6-6 TO 7-0	(4/1/85)	42.70	85.40	128.10	170.80	341.60	854.00	1708.00	17080.	7.57	8.48	8.50
7-0 TO 7-6	(10/1/85)	44.51	89.02	133.53	178.04	356.08	890.20	1780.40	17804.	7.64	8.54	8.50
7-6 TO 8-0	(4/1/86)	46.41	92.82	139.23	185.64	371.28	928.20	1856.40	18564.	7.70	8.49	8.50
8-0 TO 8-6	(10/1/86)	48.38	96.76	145.14	193.52	387.04	967.60	1935.20	19352.	7.75	8.47	8.50
8-6 TO 9-0	(4/1/87)	50.43	100.86	151.29	201.72	403.44	1008.60	2017.20	20172.	7.79	8.53	8.50
9-0 TO 9-6	(10/1/87)	52.58	105.16	157.74	210.32	420.64	1051.60	2103.20	21032.	7.83	8.48	8.49
9-6 TO10-0	(4/1/88)	54.81	109.62	164.43	219.24	438.48	1096.20	2192.40	21924.	7.86	8.50	8.50
10-0 2/	(10/1/88)	57.14	114.28	171.42	228.56	457.12	1142.80	2285.60	22856.	7.90 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(10/1/88)	$57.14	$114.28	$171.42	$228.56	$457.12	$1142.80	$2285.60	$22856.	----	8.51	10.72
0-6 TO 1-0 •	(4/1/89)	59.57	119.14	178.71	238.28	476.56	1191.40	2382.80	23828.	8.51	8.49	11.27
1-0 TO 1-6	(10/1/89)	62.10	124.20	186.30	248.40	496.80	1242.00	2484.00	24840.	8.50	8.50	12.21
1-6 TO 2-0	(4/1/90)	64.74	129.48	194.22	258.96	517.92	1294.80	2589.60	25896.	8.50	8.50	14.09
2-0 TO 2-6	(10/1/90)	67.49	134.98	202.47	269.96	539.92	1349.80	2699.60	26996.	8.50	19.83	19.83
2-6 4/	(4/1/91)	74.18	148.36	222.54	296.72	593.44	1483.60	2967.20	29672.	10.72 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1972 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.16 PERCENT; TO DATE OF BONUS PAYMENT IS 7.64 PERCENT.
4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 199

BONDS BEARING ISSUE DATE JAN. 1, 1973

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/(5/1/81)	$30.90	$ 61.80	$ 92.70	$123.60	$247.20	$ 618.00	$1236.00	$12360.	6.49	8.48	8.50
3-0 TO 3-6 (11/1/81)	32.21	64.42	96.63	128.84	257.68	644.20	1288.40	12884.	6.82	8.57	8.50
3-6 TO 4-0 (5/1/82)	33.59	67.18	100.77	134.36	268.72	671.80	1343.60	13436.	7.07	8.45	8.50
4-0 TO 4-6 (11/1/82)	35.01	70.02	105.03	140.04	280.08	700.20	1400.40	14004.	7.24	8.51	8.50
4-6 TO 5-0 (5/1/83)	36.50	73.00	109.50	146.00	292.00	730.00	1460.00	14600.	7.38	8.49	8.50
5-0 TO 5-6 (11/1/83)	38.05	76.10	114.15	152.20	304.40	761.00	1522.00	15220.	7.49	8.52	8.50
5-6 TO 6-0 (5/1/84)	39.67	79.34	119.01	158.68	317.36	793.40	1586.80	15868.	7.59	8.52	8.50
6-0 TO 6-6 (11/1/84)	41.36	82.72	124.08	165.44	330.88	827.20	1654.40	16544.	7.66	8.51	8.49
6-6 TO 7-0 (5/1/85)	43.12	86.24	129.36	172.48	344.96	862.40	1724.80	17248.	7.73	8.44	8.49
7-0 TO 7-6 (11/1/85)	44.94	89.88	134.82	179.76	359.52	898.80	1797.60	17976.	7.78	8.50	8.50
7-6 TO 8-0 (5/1/86)	46.85	93.70	140.55	187.40	374.80	937.00	1874.00	18740.	7.83	8.54	8.50
8-0 TO 8-6 (11/1/86)	48.85	97.70	146.55	195.40	390.80	977.00	1954.00	19540.	7.87	8.47	8.49
8-6 TO 9-0 (5/1/87)	50.92	101.84	152.76	203.68	407.36	1018.40	2036.80	20368.	7.91	8.52	8.50
9-0 TO 9-6 (11/1/87)	53.09	106.18	159.27	212.36	424.72	1061.80	2123.60	21236.	7.94	8.48	8.48
9-6 TO10-0 (5/1/88)	55.34	110.68	166.02	221.36	442.72	1106.80	2213.60	22136.	7.97	8.49	8.49
10-0 2/ (11/1/88)	57.69	115.38	173.07	230.76	461.52	1153.80	2307.60	23076.	8.00 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/88)	$57.69	$115.38	$173.07	$230.76	$461.52	$1153.80	$2307.60	$23076.	----	8.49	10.72
0-6 TO 1-0 (5/1/89)	60.14	120.28	180.42	240.56	481.12	1202.80	2405.60	24056.	8.49	8.51	11.28
1-0 TO 1-6 (11/1/89)	62.70	125.40	188.10	250.80	501.60	1254.00	2508.00	25080.	8.50	8.48	12.21
1-6 TO 2-0 (5/1/90)	65.36	130.72	196.08	261.44	522.88	1307.20	2614.40	26144.	8.50	8.51	14.10
2-0 TO 2-6 (11/1/90)	68.14	136.28	204.42	272.56	545.12	1362.80	2725.60	27256.	8.50	19.84	19.84
2-6 4/ (5/1/91)	74.90	149.80	224.70	299.60	599.20	1498.00	2996.00	29960.	10.72 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1973 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.23 PERCENT; TO DATE OF BONUS PAYMENT IS 7.70 PERCENT.

4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 200

BONDS BEARING ISSUE DATE FEB. 1, 1973

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
2-6 TO 3-0	1/(6/1/81)	$30.98	$ 61.96	$ 92.94	$123.92	$247.84	$ 619.60	$1239.20	$12392.	6.60	8.46	8.50
3-0 TO 3-6	(12/1/81)	32.29	64.58	96.87	129.16	258.32	645.80	1291.60	12916.	6.91	8.55	8.50
3-6 TO 4-0	(6/1/82)	33.67	67.34	101.01	134.68	269.36	673.40	1346.80	13468.	7.14	8.49	8.50
4-0 TO 4-6	(12/1/82)	35.10	70.20	105.30	140.40	280.80	702.00	1404.00	14040.	7.31	8.55	8.50
4-6 TO 5-0	(6/1/83)	36.60	73.20	109.80	146.40	292.80	732.00	1464.00	14640.	7.45	8.47	8.50
5-0 TO 5-6	(12/1/83)	38.15	76.30	114.45	152.60	305.20	763.00	1526.00	15260.	7.55	8.49	8.50
5-6 TO 6-0	(6/1/84)	39.77	79.54	119.31	159.08	318.16	795.40	1590.80	15908.	7.63	8.50	8.50
6-0 TO 6-6	(12/1/84)	41.46	82.92	124.38	165.84	331.68	829.20	1658.40	16584.	7.71	8.49	8.50
6-6 TO 7-0	(6/1/85)	43.22	86.44	129.66	172.88	345.76	864.40	1728.80	17288.	7.77	8.56	8.50
7-0 TO 7-6	(12/1/85)	45.07	90.14	135.21	180.28	360.56	901.40	1802.80	18028.	7.82	8.43	8.49
7-6 TO 8-0	(6/1/86)	46.97	93.94	140.91	187.88	375.76	939.40	1878.80	18788.	7.86	8.52	8.50
8-0 TO 8-6	(12/1/86)	48.97	97.94	146.91	195.88	391.76	979.40	1958.80	19588.	7.90	8.49	8.50
8-6 TO 9-0	(6/1/87)	51.05	102.10	153.15	204.20	408.40	1021.00	2042.00	20420.	7.94	8.50	8.50
9-0 TO 9-6	(12/1/87)	53.22	106.44	159.66	212.88	425.76	1064.40	2128.80	21288.	7.97	8.53	8.50
9-6 TO10-0	(6/1/88)	55.49	110.98	166.47	221.96	443.92	1109.80	2219.60	22196.	8.00	8.47	8.47
10-0 2/	(12/1/88)	57.84	115.68	173.52	231.36	462.72	1156.80	2313.60	23136.	8.02 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(12/1/88)	$57.84	$115.68	$173.52	$231.36	$462.72	$1156.80	$2313.60	$23136.	----	8.51	10.72
0-6 TO 1-0	(6/1/89)	60.30	120.60	180.90	241.20	482.40	1206.00	2412.00	24120.	8.51	8.49	11.27
1-0 TO 1-6	(12/1/89)	62.86	125.72	188.58	251.44	502.88	1257.20	2514.40	25144.	8.50	8.50	12.21
1-6 TO 2-0	(6/1/90)	65.53	131.06	196.59	262.12	524.24	1310.60	2621.20	26212.	8.50	8.52	14.09
2-0 TO 2-6	(12/1/90)	68.32	136.64	204.96	273.28	546.56	1366.40	2732.80	27328.	8.50	19.82	19.82
2-6 4/	(6/1/91)	75.09	150.18	225.27	300.36	600.72	1501.80	3003.60	30036.	10.72 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF FEB. 1, 1973 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.24 PERCENT; TO DATE OF BONUS PAYMENT IS 7.71 PERCENT.
4/ BONUS PAYMENT IS MADE AT 18 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 201

BONDS BEARING ISSUE DATES FROM MAR. 1 THROUGH MAY 1, 1973

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
2-6 TO 3-0	1/(7/1/81)	$30.98	$ 61.96	$ 92.94	$123.92	$247.84	$ 619.60	$1239.20	$12392.	6.60	8.46	8.50
3-0 TO 3-6	(1/1/82)	32.29	64.58	96.87	129.16	258.32	645.80	1291.60	12916.	6.91	8.55	8.50
3-6 TO 4-0	(7/1/82)	33.67	67.34	101.01	134.68	269.36	673.40	1346.80	13468.	7.14	8.49	8.50
4-0 TO 4-6	(1/1/83)	35.10	70.20	105.30	140.40	280.80	702.00	1404.00	14040.	7.31	8.55	8.50
4-6 TO 5-0	(7/1/83)	36.60	73.20	109.80	146.40	292.80	732.00	1464.00	14640.	7.45	8.47	8.50
5-0 TO 5-6	(1/1/84)	38.15	76.30	114.45	152.60	305.20	763.00	1526.00	15260.	7.55	8.49	8.50
5-6 TO 6-0	(7/1/84)	39.77	79.54	119.31	159.08	318.16	795.40	1590.80	15908.	7.63	8.50	8.50
6-0 TO 6-6	(1/1/85)	41.46	82.92	124.38	165.84	331.68	829.20	1658.40	16584.	7.71	8.49	8.50
6-6 TO 7-0	(7/1/85)	43.22	86.44	129.66	172.88	345.76	864.40	1728.80	17288.	7.77	8.56	8.50
7-0 TO 7-6	(1/1/86)	45.07	90.14	135.21	180.28	360.56	901.40	1802.80	18028.	7.82	8.43	8.49
7-6 TO 8-0	(7/1/86)	46.97	93.94	140.91	187.88	375.76	939.40	1878.80	18788.	7.86	8.52	8.50
8-0 TO 8-6	(1/1/87)	48.97	97.94	146.91	195.88	391.76	979.40	1958.80	19588.	7.90	8.49	8.50
8-6 TO 9-0	(7/1/87)	51.05	102.10	153.15	204.20	408.40	1021.00	2042.00	20420.	7.94	8.50	8.50
9-0 TO 9-6	(1/1/88)	53.22	106.44	159.66	212.88	425.76	1064.40	2128.80	21288.	7.97	8.53	8.50
9-6 TO10-0	(7/1/88)	55.49	110.98	166.47	221.96	443.92	1109.80	2219.60	22196.	8.00	8.47	8.47
10-0 2/	(1/1/89)	57.84	115.68	173.52	231.36	462.72	1156.80	2313.60	23136.	8.02 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(1/1/89)	$57.84	$115.68	$173.52	$231.36	$462.72	$1156.80	$2313.60	$23136.	----	8.51	11.27
0-6 TO 1-0	(7/1/89)	60.30	120.60	180.90	241.20	482.40	1206.00	2412.00	24120.	8.51	8.49	12.20
1-0 TO 1-6	(1/1/90)	62.86	125.72	188.58	251.44	502.88	1257.20	2514.40	25144.	8.50	8.50	14.08
1-6 TO 2-0	(7/1/90)	65.53	131.06	196.59	262.12	524.24	1310.60	2621.20	26212.	8.50	19.81	19.81
2-0 4/	(1/1/91)	72.02	144.04	216.06	288.08	576.16	1440.40	2880.80	28808.	11.27 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAR. 1, 1973 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.24 PERCENT; TO DATE OF BONUS PAYMENT IS 7.69 PERCENT.

4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 202

BONDS BEARING ISSUE DATE JUNE 1, 1973

TABLE 202

BONDS BEARING ISSUE DATE JUNE 1, 1973

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
		FIRST EXTENDED MATURITY PERIOD										
										PERCENT	PERCENT	PERCENT
2-6 TO 3-0	1/(10/1/81)	$31.05	$ 62.10	$ 93.15	$124.20	$248.40	$ 621.00	$1242.00	$12420.	6.60	8.57	8.50
3-0 TO 3-6	(4/1/82)	32.38	64.76	97.14	129.52	259.04	647.60	1295.20	12952.	6.92	8.40	8.50
3-6 TO 4-0	(10/1/82)	33.74	67.48	101.22	134.96	269.92	674.80	1349.60	13496.	7.13	8.48	8.50
4-0 TO 4-6	(4/1/83)	35.17	70.34	105.51	140.68	281.36	703.40	1406.80	14068.	7.30	8.59	8.50
4-6 TO 5-0	(10/1/83)	36.68	73.36	110.04	146.72	293.44	733.60	1467.20	14672.	7.44	8.51	8.50
5-0 TO 5-6	(4/1/84)	38.24	76.48	114.72	152.96	305.92	764.80	1529.60	15296.	7.55	8.47	8.50
5-6 TO 6-0	(10/1/84)	39.86	79.72	119.58	159.44	318.88	797.20	1594.40	15944.	7.63	8.43	8.50
6-0 TO 6-6	(4/1/85)	41.54	83.08	124.62	166.16	332.32	830.80	1661.60	16616.	7.70	8.52	8.51
6-6 TO 7-0	(10/1/85)	43.31	86.62	129.93	173.24	346.48	866.20	1732.40	17324.	7.76	8.54	8.51
7-0 TO 7-6	(4/1/86)	45.16	90.32	135.48	180.64	361.28	903.20	1806.40	18064.	7.82	8.50	8.50
7-6 TO 8-0	(10/1/86)	47.08	94.16	141.24	188.32	376.64	941.60	1883.20	18832.	7.86	8.50	8.50
8-0 TO 8-6	(4/1/87)	49.08	98.16	147.24	196.32	392.64	981.60	1963.20	19632.	7.90	8.52	8.50
8-6 TO 9-0	(10/1/87)	51.17	102.34	153.51	204.68	409.36	1023.40	2046.80	20468.	7.94	8.48	8.49
9-0 TO 9-6	(4/1/88)	53.34	106.68	160.02	213.36	426.72	1066.80	2133.60	21336.	7.97	8.47	8.50
9-6 TO10-0	(10/1/88)	55.60	111.20	166.80	222.40	444.80	1112.00	2224.00	22240.	8.00	8.53	8.53
10-) 2/	(4/1/89)	57.97	115.94	173.91	231.88	463.76	1159.40	2318.80	23188.	8.02 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(4/1/89)	$57.97	$115.94	$173.91	$231.88	$463.76	$1159.40	$2318.80	$23188.	----	8.49	11.26
0-6 TO 1-0	(10/1/89)	60.43	120.86	181.29	241.72	483.44	1208.60	2417.20	24172.	8.49	8.51	12.19
1-0 TO 1-6	(4/1/90)	63.00	126.00	189.00	252.00	504.00	1260.00	2520.00	25200.	8.50	8.51	14.06
1-6 TO 2-0	(10/1/90)	65.68	131.36	197.04	262.72	525.44	1313.60	2627.20	26272.	8.50	19.76	19.76
2-) 4/	(4/1/91)	72.17	144.34	216.51	288.68	577.36	1443.40	2886.80	28868.	11.26 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1973 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.26 PERCENT; TO DATE OF BONUS PAYMENT IS 7.70 PERCENT.
4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 203

BONDS BEARING ISSUE DATE JUL. 1, 1973

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED-MATURITY
										PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/	(5/1/81)	$30.07	$ 60.14	$ 90.21	$120.28	$240.56	$ 601.40	$1202.80	$12028.	6.62	8.51	8.50
2-6 TO 3-0	(11/1/81)	31.35	62.70	94.05	125.40	250.80	627.00	1254.00	12540.	6.99	8.55	8.50
3-0 TO 3-6	(5/1/82)	32.69	65.38	98.07	130.76	261.52	653.80	1307.60	13076.	7.25	8.44	8.50
3-6 TO 4-0	(11/1/82)	34.07	68.14	102.21	136.28	272.56	681.40	1362.80	13628.	7.42	8.51	8.50
4-0 TO 4-6	(5/1/83)	35.52	71.04	106.56	142.08	284.16	710.40	1420.80	14208.	7.56	8.50	8.50
4-6 TO 5-0	(11/1/83)	37.03	74.06	111.09	148.12	296.24	740.60	1481.20	14812.	7.66	8.53	8.50
5-0 TO 5-6	(5/1/84)	38.61	77.22	115.83	154.44	308.88	772.20	1544.40	15444.	7.75	8.50	8.50
5-6 TO 6-0	(11/1/84)	40.25	80.50	120.75	161.00	322.00	805.00	1610.00	16100.	7.82	8.45	8.50
6-0 TO 6-6	(5/1/85)	41.95	83.90	125.85	167.80	335.60	839.00	1678.00	16780.	7.87	8.53	8.50
6-6 TO 7-0	(11/1/85)	43.74	87.48	131.22	174.96	349.92	874.80	1749.60	17496.	7.92	8.50	8.50
7-0 TO 7-6	(5/1/86)	45.60	91.20	136.80	182.40	364.80	912.00	1824.00	18240.	7.96	8.51	8.50
7-6 TO 8-0	(11/1/86)	47.54	95.08	142.62	190.16	380.32	950.80	1901.60	19016.	8.00	8.50	8.49
8-0 TO 8-6	(5/1/87)	49.56	99.12	148.68	198.24	396.48	991.20	1982.40	19824.	8.03	8.47	8.49
8-6 TO 9-0	(11/1/87)	51.66	103.32	154.98	206.64	413.28	1033.20	2066.40	20664.	8.06	8.52	8.50
9-0 TO 9-6	(5/1/88)	53.86	107.72	161.58	215.44	430.88	1077.20	2154.40	21544.	8.08	8.50	8.49
9-6 TO10-0	(11/1/88)	56.15	112.30	168.45	224.60	449.20	1123.00	2246.00	22460.	8.10	8.48	8.48
10-0 2/	(5/1/89)	58.53	117.06	175.59	234.12	468.24	1170.60	2341.20	23412.	8.12 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(5/1/89)	$58.53	$117.06	$175.59	$234.12	$468.24	$1170.60	$2341.20	$23412.	----	8.51	11.26
0-6 TO 1-0	(11/1/89)	61.02	122.04	183.06	244.08	488.16	1220.40	2440.80	24408.	8.51	8.49	12.19
1-0 TO 1-6	(5/1/90)	63.61	127.22	190.83	254.44	508.88	1272.20	2544.40	25444.	8.50	8.49	14.06
1-6 TO 2-0	(11/1/90)	66.31	132.62	198.93	265.24	530.48	1326.20	2652.40	26524.	8.50	19.79	19.79
2-0 4/	(5/1/91)	72.87	145.74	218.61	291.48	582.96	1457.40	2914.80	29148.	11.26 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1973 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.32 PERCENT; TO DATE OF BONUS PAYMENT IS 7.76 PERCENT.

4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 204

BONDS BEARING ISSUE DATE AUG. 1, 1973

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/	(6/1/81)	$30.15	$ 60.30	$ 90.45	$120.60	$241.20	$ 603.00	$1206.00	$12060.	6.75	8.49	8.50
2-6 TO 3-0	(12/1/81)	31.43	62.86	94.29	125.72	251.44	628.60	1257.20	12572.	7.10	8.46	8.50
3-0 TO 3-6	(6/1/82)	32.76	65.52	98.28	131.04	262.08	655.20	1310.40	13104.	7.33	8.49	8.50
3-6 TO 4-0	(12/1/82)	34.15	68.30	102.45	136.60	273.20	683.00	1366.00	13660.	7.49	8.55	8.50
4-0 TO 4-6	(6/1/83)	35.61	71.22	106.83	142.44	284.88	712.20	1424.40	14244.	7.62	8.54	8.50
4-6 TO 5-0	(12/1/83)	37.13	74.26	111.39	148.52	297.04	742.60	1485.20	14852.	7.72	8.46	8.49
5-0 TO 5-6	(6/1/84)	38.70	77.40	116.10	154.80	309.60	774.00	1548.00	15480.	7.80	8.53	8.50
5-6 TO 6-0	(12/1/84)	40.35	80.70	121.05	161.40	322.80	807.00	1614.00	16140.	7.86	8.48	8.49
6-0 TO 6-6	(6/1/85)	42.06	84.12	126.18	168.24	336.48	841.20	1682.40	16824.	7.91	8.51	8.50
6-6 TO 7-0	(12/1/85)	43.85	87.70	131.55	175.40	350.80	877.00	1754.00	17540.	7.96	8.48	8.49
7-0 TO 7-6	(6/1/86)	45.71	91.42	137.13	182.84	365.68	914.20	1828.40	18284.	8.00	8.49	8.50
7-6 TO 8-0	(12/1/86)	47.65	95.30	142.95	190.60	381.20	953.00	1906.00	19060.	8.03	8.48	8.50
8-0 TO 8-6	(6/1/87)	49.67	99.34	149.01	198.68	397.36	993.40	1986.80	19868.	8.06	8.54	8.50
8-6 TO 9-0	(12/1/87)	51.79	103.58	155.37	207.16	414.32	1035.80	2071.60	20716.	8.09	8.50	8.49
9-0 TO 9-6	(6/1/88)	53.99	107.98	161.97	215.96	431.92	1079.80	2159.60	21596.	8.11	8.52	8.49
9-6 TO10-0	(12/1/88)	56.29	112.58	168.87	225.16	450.32	1125.80	2251.60	22516.	8.13	8.46	8.46
10-0 2/	(6/1/89)	58.67	117.34	176.01	234.68	469.36	1173.40	2346.80	23468.	8.15 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/89)	$58.67	$117.34	$176.01	$234.68	$469.36	$1173.40	$2346.80	$23468.	----	8.49	11.27
0-6 TO 1-0	(12/1/89)	61.16	122.32	183.48	244.64	489.28	1223.20	2446.40	24464.	8.49	8.50	12.21
1-0 TO 1-6	(6/1/90)	63.76	127.52	191.28	255.04	510.08	1275.20	2550.40	25504.	8.50	8.50	14.09
1-6 TO 2-0	(12/1/90)	66.47	132.94	199.41	265.88	531.76	1329.40	2658.80	26588.	8.50	19.83	19.83
2-0 4/	(6/1/91)	73.06	146.12	219.18	292.24	584.48	1461.20	2922.40	29224.	11.27 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF AUG. 1, 1973 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.34 PERCENT; TO DATE OF BONUS PAYMENT IS 7.77 PERCENT.

4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 10 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 205

BONDS BEARING ISSUE DATES FROM SEP. 1 THROUGH NOV. 1, 1973

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 10 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/	(7/1/81)	$30.15	$ 60.30	$ 90.45	$120.60	$241.20	$ 603.00	$1206.00	$12060.	6.75	8.49	8.50
2-6 TO 3-0	(1/1/82)	31.43	62.86	94.29	125.72	251.44	628.60	1257.20	12572.	7.10	8.46	8.50
3-0 TO 3-6	(7/1/82)	32.76	65.52	98.28	131.04	262.08	655.20	1310.40	13104.	7.33	8.49	8.50
3-6 TO 4-0	(1/1/83)	34.15	68.30	102.45	136.60	273.20	683.00	1366.00	13660.	7.49	8.55	8.50
4-0 TO 4-6	(7/1/83)	35.61	71.22	106.83	142.44	284.88	712.20	1424.40	14244.	7.62	8.54	8.50
4-6 TO 5-0	(1/1/84)	37.13	74.26	111.39	148.52	297.04	742.60	1485.20	14852.	7.72	8.46	8.49
5-0 TO 5-6	(7/1/84)	38.70	77.40	116.10	154.80	309.60	774.00	1548.00	15480.	7.80	8.53	8.50
5-6 TO 6-0	(1/1/85)	40.35	80.70	121.05	161.40	322.80	807.00	1614.00	16140.	7.86	8.48	8.49
6-0 TO 6-6	(7/1/85)	42.06	84.12	126.18	168.24	336.48	841.20	1682.40	16824.	7.91	8.51	8.50
6-6 TO 7-0	(1/1/86)	43.85	87.70	131.55	175.40	350.80	877.00	1754.00	17540.	7.96	8.48	8.49
7-0 TO 7-6	(7/1/86)	45.71	91.42	137.13	182.84	365.68	914.20	1828.40	18284.	8.00	8.49	8.50
7-6 TO 8-0	(1/1/87)	47.65	95.30	142.95	190.60	381.20	953.00	1906.00	19060.	8.03	8.48	8.50
8-0 TO 8-6	(7/1/87)	49.67	99.34	149.01	198.68	397.36	993.40	1986.80	19868.	8.06	8.54	8.50
8-6 TO 9-0	(1/1/88)	51.79	103.58	155.37	207.16	414.32	1035.80	2071.60	20716.	8.09	8.50	8.49
9-0 TO 9-6	(7/1/88)	53.99	107.98	161.97	215.96	431.92	1079.80	2159.60	21596.	8.11	8.52	8.49
9-6 TO10-0	(1/1/89)	56.29	112.58	168.87	225.16	450.32	1125.80	2251.60	22516.	8.13	8.46	8.46
10-0 2/	(7/1/89)	58.67	117.34	176.01	234.68	469.36	1173.40	2346.80	23468.	8.15 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/89)	$58.67	$117.34	$176.01	$234.68	$469.36	$1173.40	$2346.80	$23468.	----	8.49	12.22
0-6 TO 1-0	(1/1/90)	61.16	122.32	183.48	244.64	489.28	1223.20	2446.40	24464.	8.49	8.50	14.10
1-0 TO 1-6	(7/1/90)	63.76	127.52	191.28	255.04	510.08	1275.20	2550.40	25504.	8.50	19.86	19.86
1-6 4/	(1/1/91)	70.09	140.18	210.27	280.36	560.72	1401.80	2803.60	28036.	12.22 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF SEP. 1, 1973 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 10 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.34 PERCENT; TO DATE OF BONUS PAYMENT IS 7.75 PERCENT.

4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 4 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 206

BONDS BEARING ISSUE DATE DEC. 1, 1973

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
2-6 TO 3-0	1/(6/1/81)	$29.64	$ 59.28	$ 88.92	$118.56	$237.12	$ 592.80	$1185.60	$11856.	6.60	8.57	8.50
3-0 TO 3-6	(12/1/81)	30.91	61.82	92.73	123.64	247.28	618.20	1236.40	12364.	6.93	8.48	8.50
3-6 TO 4-0	(6/1/82)	32.22	64.44	96.66	128.88	257.76	644.40	1288.80	12888.	7.15	8.44	8.50
4-0 TO 4-6	(12/1/82)	33.58	67.16	100.74	134.32	268.64	671.60	1343.20	13432.	7.31	8.58	8.50
4-6 TO 5-0	(6/1/83)	35.02	70.04	105.06	140.08	280.16	700.40	1400.80	14008.	7.45	8.51	8.50
5-0 TO 5-6	(12/1/83)	36.51	73.02	109.53	146.04	292.08	730.20	1460.40	14604.	7.55	8.44	8.50
5-6 TO 6-0	(6/1/84)	38.05	76.10	114.15	152.20	304.40	761.00	1522.00	15220.	7.63	8.52	8.50
6-0 TO 6-6	(12/1/84)	39.67	79.34	119.01	158.68	317.36	793.40	1586.80	15868.	7.71	8.52	8.50
6-6 TO 7-0	(6/1/85)	41.36	82.72	124.08	165.44	330.88	827.20	1654.40	16544.	7.77	8.51	8.50
7-0 TO 7-6	(12/1/85)	43.12	86.24	129.36	172.48	344.96	862.40	1724.80	17248.	7.82	8.49	8.50
7-6 TO 8-0	(6/1/86)	44.95	89.90	134.85	179.80	359.60	899.00	1798.00	17980.	7.87	8.45	8.50
8-0 TO 8-6	(12/1/86)	46.85	93.70	140.55	187.40	374.80	937.00	1874.00	18740.	7.90	8.58	8.51
8-6 TO 9-0	(6/1/87)	48.86	97.72	146.58	195.44	390.88	977.20	1954.40	19544.	7.94	8.47	8.49
9-0 TO 9-6	(12/1/87)	50.93	101.86	152.79	203.72	407.44	1018.60	2037.20	20372.	7.97	8.52	8.50
9-6 TO10-0	(6/1/88)	53.10	106.20	159.30	212.40	424.80	1062.00	2124.00	21240.	8.00	8.47	8.47
10-0 2/	(12/1/88)	55.35	110.70	166.05	221.40	442.80	1107.00	2214.00	22140.	8.03 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(12/1/88)	$55.35	$110.70	$166.05	$221.40	$442.80	$1107.00	$2214.00	$22140.	----	8.49	10.71
0-6 TO 1-0	(6/1/89)	57.70	115.40	173.10	230.80	461.60	1154.00	2308.00	23080.	8.49	8.49	11.27
1-0 TO 1-6	(12/1/89)	60.15	120.30	180.45	240.60	481.20	1203.00	2406.00	24060.	8.49	8.51	12.21
1-6 TO 2-0	(6/1/90)	62.71	125.42	188.13	250.84	501.68	1254.20	2508.40	25084.	8.50	8.52	14.08
2-0 TO 2-6	(12/1/90)	65.38	130.76	196.14	261.52	523.04	1307.60	2615.20	26152.	8.50	19.79	19.79
2-6 4/	(6/1/91)	71.85	143.70	215.55	287.40	574.80	1437.00	2874.00	28740.	10.71 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1973 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.35 PERCENT; TO DATE OF BONUS PAYMENT IS 7.83 PERCENT.

4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 207

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1974

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
2-6 TO 3-0 1/	(7/1/81)	$29.64	$ 59.28	$ 88.92	$118.56	$237.12	$ 592.80	$1185.60	$11856.	6.60	8.57	8.50
3-0 TO 3-6	(1/1/82)	30.91	61.82	92.73	123.64	247.28	618.20	1236.40	12364.	6.93	8.48	8.50
3-6 TO 4-0	(7/1/82)	32.22	64.44	96.66	128.88	257.76	644.40	1288.80	12888.	7.15	8.44	8.50
4-0 TO 4-6	(1/1/83)	33.58	67.16	100.74	134.32	268.64	671.60	1343.20	13432.	7.31	8.58	8.50
4-6 TO 5-0	(7/1/83)	35.02	70.04	105.06	140.08	280.16	700.40	1400.80	14008.	7.45	8.51	8.50
5-0 TO 5-6	(1/1/84)	36.51	73.02	109.53	146.04	292.08	730.20	1460.40	14604.	7.55	8.44	8.50
5-6 TO 6-0	(7/1/84)	38.05	76.10	114.15	152.20	304.40	761.00	1522.00	15220.	7.63	8.52	8.50
6-0 TO 6-6	(1/1/85)	39.67	79.34	119.01	158.68	317.36	793.40	1586.80	15868.	7.71	8.52	8.50
6-6 TO 7-0	(7/1/85)	41.36	82.72	124.08	165.44	330.88	827.20	1654.40	16544.	7.77	8.51	8.50
7-0 TO 7-6	(1/1/86)	43.12	86.24	129.36	172.48	344.96	862.40	1724.80	17248.	7.82	8.49	8.50
7-6 TO 8-0	(7/1/86)	44.95	89.90	134.85	179.80	359.60	899.00	1798.00	17980.	7.87	8.45	8.50
8-0 TO 8-6	(1/1/87)	46.85	93.70	140.55	187.40	374.80	937.00	1874.00	18740.	7.90	8.58	8.51
8-6 TO 9-0	(7/1/87)	48.86	97.72	146.58	195.44	390.88	977.20	1954.40	19544.	7.94	8.47	8.49
9-0 TO 9-6	(1/1/88)	50.93	101.86	152.79	203.72	407.44	1018.60	2037.20	20372.	7.97	8.52	8.50
9-6 TO10-0	(7/1/88)	53.10	106.20	159.30	212.40	424.80	1062.00	2124.00	21240.	8.00	8.47	8.47
10-0 2/	(1/1/89)	55.35	110.70	166.05	221.40	442.80	1107.00	2214.00	22140.	8.03 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/89)	$55.35	$110.70	$166.05	$221.40	$442.80	$1107.00	$2214.00	$22140.	----	8.49	11.27
0-6 TO 1-0	(7/1/89)	57.70	115.40	173.10	230.80	461.60	1154.00	2308.00	23080.	8.49	8.49	12.20
1-0 TO 1-6	(1/1/90)	60.15	120.30	180.45	240.60	481.20	1203.00	2406.00	24060.	8.49	8.51	14.08
1-6 TO 2-0	(7/1/90)	62.71	125.42	188.13	250.84	501.68	1254.20	2508.40	25084.	8.50	19.81	19.81
2-0 4/	(1/1/91)	68.92	137.84	206.76	275.68	551.36	1378.40	2756.80	27568.	11.27 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1974 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.35 PERCENT; TO DATE OF BONUS PAYMENT IS 7.81 PERCENT.

4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 208

BONDS BEARING ISSUE DATE MAY 1, 1974

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/	(5/1/81)	$28.71	$ 57.42	$ 86.13	$114.84	$229.68	$ 574.20	$1148.40	$11484.	6.63	8.50	8.50
2-6 TO 3-0	(11/1/81)	29.93	59.86	89.79	119.72	239.44	598.60	1197.20	11972.	7.00	8.49	8.50
3-0 TO 3-6	(5/1/82)	31.20	62.40	93.60	124.80	249.60	624.00	1248.00	12480.	7.25	8.53	8.50
3-6 TO 4-0	(11/1/82)	32.53	65.06	97.59	130.12	260.24	650.60	1301.20	13012.	7.43	8.48	8.50
4-0 TO 4-6	(5/1/83)	33.91	67.82	101.73	135.64	271.28	678.20	1356.40	13564.	7.56	8.55	8.50
4-6 TO 5-0	(11/1/83)	35.36	70.72	106.08	141.44	282.88	707.20	1414.40	14144.	7.67	8.48	8.50
5-0 TO 5-6	(5/1/84)	36.86	73.72	110.58	147.44	294.88	737.20	1474.40	14744.	7.75	8.46	8.50
5-6 TO 6-0	(11/1/84)	38.42	76.84	115.26	153.68	307.36	768.40	1536.80	15368.	7.82	8.54	8.50
6-0 TO 6-6	(5/1/85)	40.06	80.12	120.18	160.24	320.48	801.20	1602.40	16024.	7.88	8.54	8.50
6-6 TO 7-0	(11/1/85)	41.77	83.54	125.31	167.08	334.16	835.40	1670.80	16708.	7.93	8.43	8.50
7-0 TO 7-6	(5/1/86)	43.53	87.06	130.59	174.12	348.24	870.60	1741.20	17412.	7.96	8.50	8.51
7-6 TO 8-0	(11/1/86)	45.38	90.76	136.14	181.52	363.04	907.60	1815.20	18152.	8.00	8.51	8.51
8-0 TO 8-6	(5/1/87)	47.31	94.62	141.93	189.24	378.48	946.20	1892.40	18924.	8.03	8.54	8.51
8-6 TO 9-0	(11/1/87)	49.33	98.66	147.99	197.32	394.64	986.60	1973.20	19732.	8.06	8.47	8.50
9-0 TO 9-6	(5/1/98)	51.42	102.84	154.26	205.68	411.36	1028.40	2056.80	20568.	8.08	8.52	8.51
9-6 TO10-0	(11/1/98)	53.61	107.22	160.83	214.44	428.88	1072.20	2144.40	21444.	8.11	8.51	8.51
10-0 2/	(5/1/89)	55.89	111.78	167.67	223.56	447.12	1117.80	2235.60	22356.	8.13 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(5/1/89)	$55.89	$111.78	$167.67	$223.56	$447.12	$1117.80	$2235.60	$22356.	----	8.52	11.26
0-6 TO 1-0	(11/1/89)	58.27	116.54	174.81	233.08	466.16	1165.40	2330.80	23308.	8.52	8.48	12.18
1-0 TO 1-6	(5/1/90)	60.74	121.48	182.22	242.96	485.92	1214.80	2429.60	24296.	8.50	8.50	14.06
1-6 TO 2-0	(11/1/90)	63.32	126.64	189.96	253.28	506.56	1266.40	2532.80	25328.	8.50	19.77	19.77
2-0 4/	(5/1/91)	69.58	139.16	208.74	278.32	556.64	1391.60	2783.20	27832.	11.26 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1974 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.42 PERCENT; TO DATE OF BONUS PAYMENT IS 7.86 PERCENT.

4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 209

BONDS BEARING ISSUE DATE JUNE 1, 1974

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* — FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
2-0 TO 2-6	1/(6/1/81)	$28.78	$ 57.56	$ 86.34	$115.12	$230.24	$ 575.60	$1151.20	$11512.	6.75	8.48	8.50
2-6 TO 3-0	(12/1/81)	30.00	60.00	90.00	120.00	240.00	600.00	1200.00	12000.	7.10	8.53	8.50
3-0 TO 3-6	(6/1/82)	31.28	62.56	93.84	125.12	250.24	625.60	1251.20	12512.	7.34	8.50	8.50
3-6 TO 4-0	(12/1/82)	32.61	65.22	97.83	130.44	260.88	652.20	1304.40	13044.	7.50	8.52	8.50
4-0 TO 4-6	(6/1/83)	34.00	68.00	102.00	136.00	272.00	680.00	1360.00	13600.	7.63	8.47	8.50
4-6 TO 5-0	(12/1/83)	35.44	70.88	106.32	141.76	283.52	708.80	1417.60	14176.	7.72	8.47	8.50
5-0 TO 5-6	(6/1/84)	36.94	73.88	110.82	147.76	295.52	738.80	1477.60	14776.	7.80	8.50	8.50
5-6 TO 6-0	(12/1/84)	38.51	77.02	115.53	154.04	308.08	770.20	1540.40	15404.	7.86	8.47	8.50
6-0 TO 6-6	(6/1/85)	40.14	80.28	120.42	160.56	321.12	802.80	1605.60	16056.	7.91	8.52	8.51
6-6 TO 7-0	(12/1/85)	41.85	83.70	125.55	167.40	334.80	837.00	1674.00	16740.	7.96	8.51	8.51
7-0 TO 7-6	(6/1/86)	43.63	87.26	130.89	174.52	349.04	872.60	1745.20	17452.	8.00	8.48	8.51
7-6 TO 8-0	(12/1/86)	45.48	90.96	136.44	181.92	363.84	909.60	1819.20	18192.	8.03	8.53	8.51
8-0 TO 8-6	(6/1/87)	47.42	94.84	142.26	189.68	379.36	948.40	1896.80	18968.	8.06	8.52	8.51
8-6 TO 9-0	(12/1/87)	49.44	98.88	148.32	197.76	395.52	988.80	1977.60	19776.	8.09	8.45	8.51
9-0 TO 9-6	(6/1/88)	51.53	103.06	154.59	206.12	412.24	1030.60	2061.20	20612.	8.11	8.54	8.53
9-6 TO10-0	(12/1/88)	53.73	107.46	161.19	214.92	429.84	1074.60	2149.20	21492.	8.13	8.52	8.52
10-0 2/	(6/1/89)	56.02	112.04	168.06	224.08	448.16	1120.40	2240.80	22408.	8.15 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(6/1/89)	$56.02	$112.04	$168.06	$224.08	$448.16	$1120.40	$2240.80	$22408.	---	8.50	11.27
0-6 TO 1-0	(12/1/89)	58.40	116.80	175.20	233.60	467.20	1168.00	2336.00	23360.	8.50	8.49	12.20
1-0 TO 1-6	(6/1/90)	60.88	121.76	182.64	243.52	487.04	1217.60	2435.20	24352.	8.50	8.51	14.07
1-6 TO 2-0	(12/1/90)	63.47	126.94	190.41	253.88	507.76	1269.40	2538.80	25388.	8.50	19.79	19.79
2-0 4/	(6/1/91)	69.75	139.50	209.25	279.00	558.00	1395.00	2790.00	27900.	11.27 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1974 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.43 PERCENT; TO DATE OF BONUS PAYMENT IS 7.88 PERCENT.
4/ BONUS PAYMENT IS MADE AT 17 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 210

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1974

ISSUE PRICE . . . . . DENOMINATION	$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
2-0 TO 2-6 1/(7/1/81)	$28.78	$ 57.56	$ 86.34	$115.12	$230.24	$ 575.60	$1151.20	$11512.	6.75	8.48	8.50
2-6 TO 3-0 (1/1/82)	30.00	60.00	90.00	120.00	240.00	600.00	1200.00	12000.	7.10	8.53	8.50
3-0 TO 3-6 (7/1/82)	31.28	62.56	93.84	125.12	250.24	625.60	1251.20	12512.	7.34	8.50	8.50
3-6 TO 4-0 (1/1/83)	32.61	65.22	97.83	130.44	260.88	652.20	1304.40	13044.	7.50	8.52	8.50
4-0 TO 4-6 (7/1/83)	34.00	68.00	102.00	136.00	272.00	680.00	1360.00	13600.	7.63	8.47	8.50
4-6 TO 5-0 (1/1/84)	35.44	70.88	106.32	141.76	283.52	708.80	1417.60	14176.	7.72	8.47	8.50
5-0 TO 5-6 (7/1/84)	36.94	73.88	110.82	147.76	295.52	738.80	1477.60	14776.	7.80	8.50	8.50
5-6 TO 6-0 (1/1/85)	38.51	77.02	115.53	154.04	308.08	770.20	1540.40	15404.	7.86	8.47	8.50
6-0 TO 6-6 (7/1/85)	40.14	80.28	120.42	160.56	321.12	802.80	1605.60	16056.	7.91	8.52	8.51
6-6 TO 7-0 (1/1/86)	41.85	83.70	125.55	167.40	334.80	837.00	1674.00	16740.	7.96	8.51	8.51
7-0 TO 7-6 (7/1/86)	43.63	87.26	130.89	174.52	349.04	872.60	1745.20	17452.	8.00	8.48	8.51
7-6 TO 8-0 (1/1/87)	45.48	90.96	136.44	181.92	363.84	909.60	1819.20	18192.	8.03	8.53	8.51
8-0 TO 8-6 (7/1/87)	47.42	94.84	142.26	189.68	379.36	948.40	1896.80	18968.	8.06	8.52	8.51
8-6 TO 9-0 (1/1/88)	49.44	98.88	148.32	197.76	395.52	988.80	1977.60	19776.	8.09	8.45	8.51
9-0 TO 9-6 (7/1/88)	51.53	103.06	154.59	206.12	412.24	1030.60	2061.20	20612.	8.11	8.54	8.53
9-6 TO10-0 (1/1/89)	53.73	107.46	161.19	214.92	429.84	1074.60	2149.20	21492.	8.13	8.52	8.52
10-0 2/ (7/1/89)	56.02	112.04	168.06	224.08	448.16	1120.40	2240.80	22408.	8.15 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/89)	$56.02	$112.04	$168.06	$224.08	$448.16	$1120.40	$2240.80	$22408.	----	8.50	12.18
0-6 TO 1-0 (1/1/90)	58.40	116.80	175.20	233.60	467.20	1168.00	2336.00	23360.	8.50	8.49	14.04
1-0 TO 1-6 (7/1/90)	60.88	121.76	182.64	243.52	487.04	1217.60	2435.20	24352.	8.50	19.74	19.74
1-6 4/ (1/1/91)	66.89	133.78	200.67	267.56	535.12	1337.80	2675.60	26756.	12.18 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1974 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.43 PERCENT; TO DATE OF BONUS PAYMENT IS 7.86 PERCENT.

4/ BONUS PAYMENT IS MADE AT 16 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/91 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

V 46 / 193 OC 6 81 UMI

TABLE 211

BONDS BEARING ISSUE DATE NOV. 1, 1974

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/(5/1/81)	$27.87	$ 55.74	$ 83.61	$111.48	$222.96	$ 557.40	$1114.80	$11148.	6.83	8.54	8.50
2-0 TO 2-6 (11/1/81)	29.06	58.12	87.18	116.24	232.48	581.20	1162.40	11624.	7.25	8.47	8.50
2-6 TO 3-0 (5/1/82)	30.29	60.58	90.87	121.16	242.32	605.80	1211.60	12116.	7.50	8.52	8.50
3-0 TO 3-6 (11/1/82)	31.58	63.16	94.74	126.32	252.64	631.60	1263.20	12632.	7.67	8.49	8.50
3-6 TO 4-0 (5/1/83)	32.92	65.84	98.76	131.68	263.36	658.40	1316.80	13168.	7.78	8.57	8.50
4-0 TO 4-6 (11/1/83)	34.33	68.66	102.99	137.32	274.64	686.60	1373.20	13732.	7.88	8.51	8.50
4-6 TO 5-0 (5/1/84)	35.79	71.58	107.37	143.16	286.32	715.80	1431.60	14316.	7.95	8.44	8.50
5-0 TO 5-6 (11/1/84)	37.30	74.60	111.90	149.20	298.40	746.00	1492.00	14920.	8.00	8.53	8.50
5-6 TO 6-0 (5/1/85)	38.89	77.78	116.67	155.56	311.12	777.80	1555.60	15556.	8.05	8.49	8.50
6-0 TO 6-6 (11/1/85)	40.54	81.08	121.62	162.16	324.32	810.80	1621.60	16216.	8.08	8.44	8.50
6-6 TO 7-0 (5/1/86)	42.25	84.50	126.75	169.00	338.00	845.00	1690.00	16900.	8.11	8.52	8.51
7-0 TO 7-6 (11/1/86)	44.05	88.10	132.15	176.20	352.40	881.00	1762.00	17620.	8.14	8.49	8.51
7-6 TO 8-0 (5/1/87)	45.92	91.84	137.76	183.68	367.36	918.40	1836.80	18368.	8.16	8.54	8.51
8-0 TO 8-6 (11/1/87)	47.88	95.76	143.64	191.52	383.04	957.60	1915.20	19152.	8.19	8.48	8.51
8-6 TO 9-0 (5/1/88)	49.91	99.82	149.73	199.64	399.28	998.20	1996.40	19964.	8.20	8.50	8.51
9-0 TO 9-6 (11/1/88)	52.03	104.06	156.09	208.12	416.24	1040.60	2081.20	20812.	8.22	8.53	8.52
9-6 TO10-0 (5/1/89)	54.25	108.50	162.75	217.00	434.00	1085.00	2170.00	21700.	8.24	8.52	8.52
10-0 2/ (11/1/89)	56.56	113.12	169.68	226.24	452.48	1131.20	2262.40	22624.	8.25 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/89)	$56.56	$113.12	$169.68	$226.24	$452.48	$1131.20	$2262.40	$22624.	----	8.49	12.20
0-6 TO 1-0 (5/1/90)	58.96	117.92	176.88	235.84	471.68	1179.20	2358.40	23584.	8.49	8.51	14.07
1-0 TO 1-6 (11/1/90)	61.47	122.94	184.41	245.88	491.76	1229.40	2458.80	24588.	8.50	19.78	19.78
1-6 4/ (5/1/91)	67.55	135.10	202.65	270.20	540.40	1351.00	2702.00	27020.	12.20 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1974 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.50 PERCENT; TO DATE OF BONUS PAYMENT IS 7.92 PERCENT.
4/ BONUS PAYMENT IS MADE AT 16 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 212

BONDS BEARING ISSUE DATE DEC. 1, 1974

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
1-6 TO 2-0	1/(6/1/81)	$27.93	$ 55.86	$ 83.79	$111.72	$223.44	$ 558.60	$1117.20	$11172.	6.81	8.59	8.50
2-0 TO 2-6	(12/1/81)	29.13	58.26	87.39	116.52	233.04	582.60	1165.20	11652.	7.26	8.44	8.50
2-6 TO 3-0	(6/1/82)	30.36	60.72	91.08	121.44	242.88	607.20	1214.40	12144.	7.49	8.50	8.50
3-0 TO 3-6	(12/1/82)	31.65	63.30	94.95	126.60	253.20	633.00	1266.00	12660.	7.66	8.53	8.50
3-6 TO 4-0	(6/1/83)	33.00	66.00	99.00	132.00	264.00	660.00	1320.00	13200.	7.78	8.55	8.50
4-0 TO 4-6	(12/1/83)	34.41	68.82	103.23	137.64	275.28	688.20	1376.40	13764.	7.88	8.49	8.50
4-6 TO 5-0	(6/1/84)	35.87	71.74	107.61	143.48	286.96	717.40	1434.80	14348.	7.95	8.48	8.50
5-0 TO 5-6	(12/1/84)	37.39	74.78	112.17	149.56	299.12	747.80	1495.60	14956.	8.00	8.50	8.50
5-6 TO 6-0	(6/1/85)	38.98	77.96	116.94	155.92	311.84	779.60	1559.20	15592.	8.05	8.52	8.50
6-0 TO 6-6	(12/1/85)	40.64	81.28	121.92	162.56	325.12	812.80	1625.60	16256.	8.08	8.46	8.50
6-6 TO 7-0	(6/1/86)	42.36	84.72	127.08	169.44	338.88	847.20	1694.40	16944.	8.11	8.50	8.50
7-0 TO 7-6	(12/1/86)	44.16	88.32	132.48	176.64	353.28	883.20	1766.40	17664.	8.14	8.51	8.50
7-6 TO 8-0	(6/1/87)	46.04	92.08	138.12	184.16	368.32	920.80	1841.60	18416.	8.17	8.51	8.50
8-0 TO 8-6	(12/1/87)	48.00	96.00	144.00	192.00	384.00	960.00	1920.00	19200.	8.19	8.50	8.50
8-6 TO 9-0	(6/1/88)	50.04	100.08	150.12	200.16	400.32	1000.80	2001.60	20016.	8.21	8.47	8.49
9-0 TO 9-6	(12/1/98)	52.16	104.32	156.48	208.64	417.28	1043.20	2086.40	20864.	8.22	8.51	8.50
9-6 TO10-0	(6/1/89)	54.38	108.76	163.14	217.52	435.04	1087.60	2175.20	21752.	8.24	8.50	8.50
10-0 2/	(12/1/89)	56.69	113.38	170.07	226.76	453.52	1133.80	2267.60	22676.	8.25 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(12/1/89)	$56.69	$113.38	$170.07	$226.76	$453.52	$1133.80	$2267.60	$22676.	----	8.50	12.19
0-6 TO 1-0	(6/1/90)	59.10	118.20	177.30	236.40	472.80	1182.00	2364.00	23640.	8.50	8.49	14.06
1-0 TO 1-6	(12/1/90)	61.61	123.22	184.83	246.44	492.88	1232.20	2464.40	24644.	8.50	19.77	19.77
1-6 4/	(6/1/91)	67.70	135.40	203.10	270.80	541.60	1354.00	2708.00	27080.	12.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1974 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.51 PERCENT; TO DATE OF BONUS PAYMENT IS 7.93 PERCENT.

4/ BONUS PAYMENT IS MADE AT 16 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 213

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1975

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
1-6 TO 2-0 1/	(7/1/81)	$27.93	$ 55.86	$ 83.79	$111.72	$223.44	$ 558.60	$1117.20	$11172.	6.81	8.59	8.50
2-0 TO 2-6	(1/1/82)	29.13	58.26	87.39	116.52	233.04	582.60	1165.20	11652.	7.26	8.44	8.50
2-6 TO 3-0	(7/1/82)	30.36	60.72	91.08	121.44	242.88	607.20	1214.40	12144.	7.49	8.50	8.50
3-0 TO 3-6	(1/1/83)	31.65	63.30	94.95	126.60	253.20	633.00	1266.00	12660.	7.66	8.53	8.50
3-6 TO 4-0	(7/1/83)	33.00	66.00	99.00	132.00	264.00	660.00	1320.00	13200.	7.78	8.55	8.50
4-0 TO 4-6	(1/1/84)	34.41	68.82	103.23	137.64	275.28	688.20	1376.40	13764.	7.88	8.49	8.50
4-6 TO 5-0	(7/1/84)	35.87	71.74	107.61	143.48	286.96	717.40	1434.80	14348.	7.95	8.48	8.50
5-0 TO 5-6	(1/1/85)	37.39	74.78	112.17	149.56	299.12	747.80	1495.60	14956.	8.00	8.50	8.50
5-6 TO 6-0	(7/1/85)	38.98	77.96	116.94	155.92	311.84	779.60	1559.20	15592.	8.05	8.52	8.50
6-0 TO 6-6	(1/1/86)	40.64	81.28	121.92	162.56	325.12	812.80	1625.60	16256.	8.08	8.46	8.50
6-6 TO 7-0	(7/1/86)	42.36	84.72	127.08	169.44	338.88	847.20	1694.40	16944.	8.11	8.50	8.50
7-0 TO 7-6	(1/1/87)	44.16	88.32	132.48	176.64	353.28	883.20	1766.40	17664.	8.14	8.51	8.50
7-6 TO 8-0	(7/1/87)	46.04	92.08	138.12	184.16	368.32	920.80	1841.60	18416.	8.17	8.51	8.50
8-0 TO 8-6	(1/1/88)	48.00	96.00	144.00	192.00	384.00	960.00	1920.00	19200.	8.19	8.50	8.50
8-6 TO 9-0	(7/1/88)	50.04	100.08	150.12	200.16	400.32	1000.80	2001.60	20016.	8.21	8.47	8.49
9-0 TO 9-6	(1/1/89)	52.16	104.32	156.48	208.64	417.28	1043.20	2086.40	20864.	8.22	8.51	8.50
9-6 TO10-0	(7/1/89)	54.38	108.76	163.14	217.52	435.04	1087.60	2175.20	21752.	8.24	8.50	8.50
10-0 2/	(1/1/90)	56.69	113.38	170.07	226.76	453.52	1133.80	2267.60	22676.	8.25 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/90)	$56.69	$113.38	$170.07	$226.76	$453.52	$1133.80	$2267.60	$22676.	----	8.50	14.06
0-6 TO 1-0	(7/1/90)	59.10	118.20	177.30	236.40	472.80	1182.00	2364.00	23640.	8.50	19.76	19.76
1-0 4/	(1/1/91)	64.94	129.88	194.82	259.76	519.52	1298.80	2597.60	25976.	14.06 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1975 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.51 PERCENT; TO DATE OF BONUS PAYMENT IS 7.92 PERCENT.

4/ BONUS PAYMENT IS MADE AT 16 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 214

BONDS BEARING ISSUE DATE MAY 1, 1975

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
									PERCENT	PERCENT	PERCENT
1-0 TO 1-6 1/(5/1/81)	$27.06	$ 54.12	$ 81.18	$108.24	$216.48	$ 541.20	$1082.40	$10824.	7.00	8.50	8.50
1-6 TO 2-0 (11/1/81)	28.21	56.42	84.63	112.84	225.68	564.20	1128.40	11284.	7.50	8.51	8.50
2-0 TO 2-6 (5/1/82)	29.41	58.82	88.23	117.64	235.28	588.20	1176.40	11764.	7.75	8.50	8.50
2-6 TO 3-0 (11/1/82)	30.66	61.32	91.98	122.64	245.28	613.20	1226.40	12264.	7.90	8.48	8.50
3-0 TO 3-6 (5/1/83)	31.96	63.92	95.88	127.84	255.68	639.20	1278.40	12784.	8.00	8.51	8.50
3-6 TO 4-0 (11/1/83)	33.32	66.64	99.96	133.28	266.56	666.40	1332.80	13328.	8.07	8.52	8.50
4-0 TO 4-6 (5/1/84)	34.74	69.48	104.22	138.96	277.92	694.80	1389.60	13896.	8.13	8.52	8.50
4-6 TO 5-0 (11/1/84)	36.22	72.44	108.66	144.88	289.76	724.40	1448.80	14488.	8.17	8.45	8.49
5-0 TO 5-6 (5/1/85)	37.75	75.50	113.25	151.00	302.00	755.00	1510.00	15100.	8.20	8.53	8.50
5-6 TO 6-0 (11/1/85)	39.36	78.72	118.08	157.44	314.88	787.20	1574.40	15744.	8.23	8.49	8.49
6-0 TO 6-6 (5/1/86)	41.03	82.06	123.09	164.12	328.24	820.60	1641.20	16412.	8.25	8.43	8.49
6-6 TO 7-0 (11/1/86)	42.76	85.52	128.28	171.04	342.08	855.20	1710.40	17104.	8.26	8.56	8.50
7-0 TO 7-6 (5/1/87)	44.59	89.18	133.77	178.36	356.72	891.80	1783.60	17836.	8.29	8.52	8.49
7-6 TO 8-0 (11/1/87)	46.49	92.98	139.47	185.96	371.92	929.80	1859.60	18596.	8.30	8.47	8.49
8-0 TO 8-6 (5/1/88)	48.46	96.92	145.38	193.84	387.68	969.20	1938.40	19384.	8.31	8.54	8.49
8-6 TO 9-0 (11/1/88)	50.53	101.06	151.59	202.12	404.24	1010.60	2021.20	20212.	8.33	8.43	8.48
9-0 TO 9-6 (5/1/89)	52.66	105.32	157.98	210.64	421.28	1053.20	2106.40	21064.	8.33	8.51	8.50
9-6 TO10-0 (11/1/89)	54.90	109.80	164.70	219.60	439.20	1098.00	2196.00	21960.	8.34	8.49	8.49
10-0 2/ (5/1/90)	57.23	114.46	171.69	228.92	457.84	1144.60	2289.20	22892.	8.35 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/90)	$57.23	$114.46	$171.69	$228.92	$457.84	$1144.60	$2289.20	$22892.	----	8.49	14.08
0-6 TO 1-0 (11/1/90)	59.66	119.32	178.98	238.64	477.28	1193.20	2386.40	23864.	8.49	19.81	19.81
1-0 4/ (5/1/91)	65.57	131.14	196.71	262.28	524.56	1311.40	2622.80	26228.	14.08 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1975 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.58 PERCENT; TO DATE OF BONUS PAYMENT IS 7.98 PERCENT.

4/ BONUS PAYMENT IS MADE AT 16 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

V 46/193 OC 6 81 UMI

TABLE 215

BONDS BEARING ISSUE DATE JUNE 1, 1975

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
1-0 TO 1-6 1/	(6/1/81)	$27.12	$ 54.24	$ 81.36	$108.48	$216.96	$ 542.40	$1084.80	$10848.	6.99	8.55	8.50
1-6 TO 2-0	(12/1/81)	28.28	56.56	84.84	113.12	226.24	565.60	1131.20	11312.	7.51	8.49	8.50
2-0 TO 2-6	(6/1/82)	29.48	58.96	88.44	117.92	235.84	589.60	1179.20	11792.	7.75	8.48	8.50
2-6 TO 3-0	(12/1/82)	30.73	61.46	92.19	122.92	245.84	614.60	1229.20	12292.	7.90	8.53	8.50
3-0 TO 3-6	(6/1/83)	32.04	64.08	96.12	128.16	256.32	640.80	1281.60	12816.	8.00	8.43	8.50
3-6 TO 4-0	(12/1/83)	33.39	66.78	100.17	133.56	267.12	667.80	1335.60	13356.	8.06	8.51	8.50
4-0 TO 4-6	(6/1/84)	34.81	69.62	104.43	139.24	278.48	696.20	1392.40	13924.	8.12	8.56	8.50
4-6 TO 5-0	(12/1/84)	36.30	72.60	108.90	145.20	290.40	726.00	1452.00	14520.	8.17	8.48	8.50
5-0 TO 5-6	(6/1/85)	37.84	75.68	113.52	151.36	302.72	756.80	1513.60	15136.	8.20	8.51	8.50
5-6 TO 6-0	(12/1/85)	39.45	78.90	118.35	157.80	315.60	789.00	1578.00	15780.	8.23	8.52	8.50
6-0 TO 6-6	(6/1/86)	41.13	82.26	123.39	164.52	329.04	822.60	1645.20	16452.	8.25	8.46	8.50
6-6 TO 7-0	(12/1/86)	42.87	85.74	128.61	171.48	342.96	857.40	1714.80	17148.	8.27	8.54	8.50
7-0 TO 7-6	(6/1/87)	44.70	89.40	134.10	178.80	357.60	894.00	1788.00	17880.	8.29	8.46	8.50
7-6 TO 8-0	(12/1/87)	46.59	93.18	139.77	186.36	372.72	931.80	1863.60	18636.	8.30	8.50	8.49
8-0 TO 8-6	(6/1/88)	48.57	97.14	145.71	194.28	388.56	971.40	1942.80	19428.	8.31	8.48	8.50
8-6 TO 9-0	(12/1/88)	50.63	101.26	151.89	202.52	405.04	1012.60	2025.20	20252.	8.32	8.53	8.50
9-0 TO 9-6	(6/1/89)	52.79	105.58	158.37	211.16	422.32	1055.80	2111.60	21116.	8.33	8.49	8.51
9-6 TO10-0	(12/1/89)	55.03	110.06	165.09	220.12	440.24	1100.60	2201.20	22012.	8.34	8.50	8.50
10-0 2/	(6/1/90)	57.37	114.74	172.11	229.48	458.96	1147.40	2294.80	22948.	8.35 3/	----	8.50
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/90)	$57.37	$114.74	$172.11	$229.48	$458.96	$1147.40	$2294.80	$22948.	----	8.51	14.08
0-6 TO 1-0	(12/1/90)	59.81	119.62	179.43	239.24	478.48	1196.20	2392.40	23924.	8.51	19.80	19.80
1-0 4/	(6/1/91)	65.73	131.46	197.19	262.92	525.84	1314.60	2629.20	26292.	14.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1975 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.60 PERCENT; TO DATE OF BONUS PAYMENT IS 8.00 PERCENT.

4/ BONUS PAYMENT IS MADE AT 16 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 218

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1975

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
1-0 TO 1-6 1/	(7/1/81)	$27.12	$ 54.24	$ 81.36	$108.48	$216.96	$ 542.40	$1084.80	$10848.	6.99	8.55	8.50
1-6 TO 2-0	(1/1/82)	28.28	56.56	84.84	113.12	226.24	565.60	1131.20	11312.	7.51	8.49	8.50
2-0 TO 2-6	(7/1/82)	29.48	58.96	88.44	117.92	235.84	589.60	1179.20	11792.	7.75	8.48	8.50
2-6 TO 3-0	(1/1/83)	30.73	61.46	92.19	122.92	245.84	614.60	1229.20	12292.	7.90	8.53	8.50
3-0 TO 3-6	(7/1/83)	32.04	64.08	96.12	128.16	256.32	640.80	1281.60	12816.	8.00	8.43	8.50
3-6 TO 4-0	(1/1/84)	33.39	66.78	100.17	133.56	267.12	667.80	1335.60	13356.	8.06	8.51	8.50
4-0 TO 4-6	(7/1/84)	34.81	69.62	104.43	139.24	278.48	696.20	1392.40	13924.	9.12	8.56	8.50
4-6 TO 5-0	(1/1/85)	36.30	72.60	108.90	145.20	290.40	726.00	1452.00	14520.	8.17	8.48	8.50
5-0 TO 5-6	(7/1/85)	37.84	75.68	113.52	151.36	302.72	756.80	1513.60	15136.	8.20	8.51	8.50
5-6 TO 6-0	(1/1/86)	39.45	78.90	118.35	157.80	315.60	789.00	1578.00	15780.	8.23	8.52	8.50
6-0 TO 6-6	(7/1/86)	41.13	82.26	123.39	164.52	329.04	822.60	1645.20	16452.	8.25	8.46	8.50
6-6 TO 7-0	(1/1/87)	42.87	85.74	128.61	171.48	342.96	857.40	1714.80	17148.	8.27	8.54	8.50
7-0 TO 7-6	(7/1/87)	44.70	89.40	134.10	178.80	357.60	894.00	1788.00	17880.	8.29	8.46	8.49
7-6 TO 8-0	(1/1/88)	46.59	93.18	139.77	186.36	372.72	931.80	1863.60	18636.	8.30	8.50	8.50
8-0 TO 8-6	(7/1/88)	48.57	97.14	145.71	194.28	388.56	971.40	1942.80	19428.	8.31	8.48	8.50
8-6 TO 9-0	(1/1/89)	50.63	101.26	151.89	202.52	405.04	1012.60	2025.20	20252.	8.32	8.53	8.51
9-0 TO 9-6	(7/1/89)	52.79	105.58	158.37	211.16	422.32	1055.80	2111.60	21116.	8.33	8.49	8.50
9-6 TO10-0	(1/1/90)	55.03	110.06	165.09	220.12	440.24	1100.60	2201.20	22012.	8.34	8.50	8.50
10-0 2/	(7/1/90)	57.37	114.74	172.11	229.48	458.96	1147.40	2294.80	22948.	8.35 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/90)	$57.37	$114.74	$172.11	$229.48	$458.96	$1147.40	$2294.80	$22948.	----	19.77	19.77
0-6 4/	(1/1/91)	63.04	126.08	189.12	252.16	504.32	1260.80	2521.60	25216.	19.77 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1975 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.60 PERCENT; TO DATE OF BONUS PAYMENT IS 7.98 PERCENT.

4/ BONUS PAYMENT IS MADE AT 15 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 217

BONDS BEARING ISSUE DATE NOV. 1, 1975

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/	(5/1/81)	$26.27	$ 52.54	$ 78.81	$105.08	$210.16	$ 525.40	$1050.80	$10508.	7.50	8.45	8.50
1-0 TO 1-6	(11/1/81)	27.38	54.76	82.14	109.52	219.04	547.60	1095.20	10952.	7.98	8.55	8.50
1-6 TO 2-0	(5/1/82)	28.55	57.10	85.65	114.20	228.40	571.00	1142.00	11420.	8.17	8.55	8.50
2-0 TO 2-6	(11/1/82)	29.77	59.54	89.31	119.08	238.16	595.40	1190.80	11908.	8.26	8.46	8.50
2-6 TO 3-0	(5/1/83)	31.03	62.06	93.09	124.12	248.24	620.60	1241.20	12412.	8.30	8.51	8.50
3-0 TO 3-6	(11/1/83)	32.35	64.70	97.05	129.40	258.80	647.00	1294.00	12940.	8.34	8.47	8.50
3-6 TO 4-0	(5/1/84)	33.72	67.44	101.16	134.88	269.76	674.40	1348.80	13488.	8.36	8.48	8.50
4-0 TO 4-6	(11/1/84)	35.15	70.30	105.45	140.60	281.20	703.00	1406.00	14060.	8.37	8.53	8.50
4-6 TO 5-0	(5/1/85)	36.65	73.30	109.95	146.60	293.20	733.00	1466.00	14660.	8.39	8.51	8.50
5-0 TO 5-6	(11/1/85)	38.21	76.42	114.63	152.84	305.68	764.20	1528.40	15284.	8.40	8.48	8.50
5-6 TO 6-0	(5/1/86)	39.83	79.66	119.49	159.32	318.64	796.60	1593.20	15932.	8.41	8.54	8.50
6-0 TO 6-6	(11/1/86)	41.53	83.06	124.59	166.12	332.24	830.60	1661.20	16612.	8.42	8.48	8.50
6-6 TO 7-0	(5/1/87)	43.29	86.58	129.87	173.16	346.32	865.80	1731.60	17316.	8.42	8.45	8.50
7-0 TO 7-6	(11/1/87)	45.12	90.24	135.36	180.48	360.96	902.40	1804.80	18048.	8.43	8.51	8.51
7-6 TO 8-0	(5/1/88)	47.04	94.08	141.12	188.16	376.32	940.80	1881.60	18816.	8.43	8.50	8.51
8-0 TO 8-6	(11/1/88)	49.04	98.08	147.12	196.16	392.32	980.80	1961.60	19616.	8.44	8.52	8.51
8-6 TO 9-0	(5/1/89)	51.13	102.26	153.39	204.52	409.04	1022.60	2045.20	20452.	8.44	8.49	8.50
9-0 TO 9-6	(11/1/89)	53.30	106.60	159.90	213.20	426.40	1066.00	2132.00	21320.	8.44	8.52	8.51
9-6 TO10-0	(5/1/90)	55.57	111.14	166.71	222.28	444.56	1111.40	2222.80	22228.	8.45	8.49	8.49
10-0 2/	(11/1/90)	57.93	115.86	173.79	231.72	463.44	1158.60	2317.20	23172.	8.45 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(11/1/90)	$57.93	$115.86	$173.79	$231.72	$463.44	$1158.60	$2317.20	$23172.	----	19.75	19.75
0-6 4/	(5/1/91)	63.65	127.30	190.95	254.60	509.20	1273.00	2546.00	25460.	19.75 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1975 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.66 PERCENT; TO DATE OF BONUS PAYMENT IS 8.04 PERCENT.
4/ BONUS PAYMENT IS MADE AT 15 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 21B

BONDS BEARING ISSUE DATE DEC. 1, 1975

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
										PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/	(6/1/81)	$26.33	$ 52.66	$ 78.99	$105.32	$210.64	$ 526.60	$1053.20	$10532.	7.49	8.51	8.50
1-0 TO 1-6	(12/1/81)	27.45	54.90	82.35	109.80	219.60	549.00	1098.00	10980.	8.00	8.52	8.50
1-6 TO 2-0	(6/1/82)	28.62	57.24	85.86	114.48	228.96	572.40	1144.80	11448.	8.17	8.46	8.50
2-0 TO 2-6	(12/1/82)	29.83	59.66	89.49	119.32	238.64	596.60	1193.20	11932.	8.24	8.51	8.50
2-6 TO 3-0	(6/1/83)	31.10	62.20	93.30	124.40	248.80	622.00	1244.00	12440.	8.30	8.49	8.50
3-0 TO 3-6	(12/1/83)	32.42	64.84	97.26	129.68	259.36	648.40	1296.80	12968.	8.33	8.51	8.50
3-6 TO 4-0	(6/1/84)	33.80	67.60	101.40	135.20	270.40	676.00	1352.00	13520.	8.36	8.52	8.50
4-0 TO 4-6	(12/1/84)	35.24	70.48	105.72	140.96	281.92	704.80	1409.60	14096.	8.38	8.51	8.50
4-6 TO 5-0	(6/1/85)	36.74	73.48	110.22	146.96	293.92	734.80	1469.60	14696.	8.39	8.49	8.50
5-0 TO 5-6	(12/1/85)	38.30	76.60	114.90	153.20	306.40	766.00	1532.00	15320.	8.40	8.46	8.50
5-6 TO 6-0	(6/1/86)	39.92	79.84	119.76	159.68	319.36	798.40	1596.80	15968.	8.41	8.47	8.50
6-0 TO 6-6	(12/1/86)	41.61	83.22	124.83	166.44	332.88	832.20	1664.40	16644.	8.41	8.51	8.51
6-6 TO 7-0	(6/1/87)	43.38	86.76	130.14	173.52	347.04	867.60	1735.20	17352.	8.42	8.53	8.51
7-0 TO 7-6	(12/1/87)	45.23	90.46	135.69	180.92	361.84	904.60	1809.20	18092.	8.43	8.53	8.51
7-6 TO 8-0	(6/1/88)	47.16	94.32	141.48	188.64	377.28	943.20	1886.40	18864.	8.43	8.48	8.50
8-0 TO 8-6	(12/1/88)	49.16	98.32	147.48	196.64	393.28	983.20	1966.40	19664.	8.44	8.46	8.50
8-6 TO 9-0	(6/1/89)	51.24	102.48	153.72	204.96	409.92	1024.80	2049.60	20496.	8.44	8.51	8.52
9-0 TO 9-6	(12/1/89)	53.42	106.84	160.26	213.68	427.36	1068.40	2136.80	21368.	8.44	8.54	8.52
9-6 TO10-0	(6/1/90)	55.70	111.40	167.10	222.80	445.60	1114.00	2228.00	22280.	8.45	8.51	8.51
10-0 2/	(12/1/90)	58.07	116.14	174.21	232.28	464.56	1161.40	2322.80	23228.	8.45 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(12/1/90)	$58.07	$116.14	$174.21	$232.28	$464.56	$1161.40	$2322.80	$23228.	----	19.73	19.73
0-6 4/	(6/1/91)	63.80	127.60	191.40	255.20	510.40	1276.00	2552.00	25520.	19.73 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1975 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 15 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 7.68 PERCENT; TO DATE OF BONUS PAYMENT IS 9.06 PERCENT.
4/ BONUS PAYMENT IS MADE AT 15 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 219

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1976

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
										PERCENT	PERCENT	PERCENT
0-6 TO 1-0 1/	(7/1/81)	$26.33	$ 52.66	$ 78.99	$105.32	$210.64	$ 526.60	$1053.20	$10532.	7.49	8.51	9.08
1-0 TO 1-6	(1/1/82)	27.45	54.90	82.35	109.80	219.60	549.00	1098.00	10980.	8.00	8.52	9.11
1-6 TO 2-0	(7/1/82)	28.62	57.24	85.86	114.48	228.96	572.40	1144.80	11448.	8.17	8.46	9.15
2-0 TO 2-6	(1/1/83)	29.83	59.66	89.49	119.32	238.64	596.60	1193.20	11932.	8.24	8.51	9.19
2-6 TO 3-0	(7/1/83)	31.10	62.20	93.30	124.40	248.80	622.00	1244.00	12440.	8.30	8.49	9.23
3-0 TO 3-6	(1/1/84)	32.42	64.84	97.26	129.68	259.36	648.40	1296.80	12968.	8.33	8.51	9.29
3-6 TO 4-0	(7/1/84)	33.80	67.60	101.40	135.20	270.40	676.00	1352.00	13520.	8.36	8.52	9.35
4-0 TO 4-6	(1/1/85)	35.24	70.48	105.72	140.96	281.92	704.80	1409.60	14096.	8.38	8.51	9.42
4-6 TO 5-0	(7/1/85)	36.74	73.48	110.22	146.96	293.92	734.80	1469.60	14696.	8.39	8.49	9.50
5-0 TO 5-6	(1/1/86)	38.30	76.60	114.90	153.20	306.40	766.00	1532.00	15320.	8.40	8.46	9.60
5-6 TO 6-0	(7/1/86)	39.92	79.84	119.76	159.68	319.36	798.40	1596.80	15968.	8.41	8.47	9.73
6-0 TO 6-6	(1/1/87)	41.61	83.22	124.83	166.44	332.88	832.20	1664.40	16644.	8.41	8.51	9.89
6-6 TO 7-0	(7/1/87)	43.38	86.76	130.14	173.52	347.04	867.60	1735.20	17352.	8.42	8.53	10.08
7-0 TO 7-6	(1/1/88)	45.23	90.46	135.69	180.92	361.84	904.60	1809.20	18092.	8.43	8.53	10.34
7-6 TO 8-0	(7/1/88)	47.16	94.32	141.48	188.64	377.28	943.20	1886.40	18864.	8.43	8.48	10.71
8-0 TO 8-6	(1/1/89)	49.16	98.32	147.48	196.64	393.28	983.20	1966.40	19664.	8.44	8.46	11.27
8-6 TO 9-0	(7/1/89)	51.24	102.48	153.72	204.96	409.92	1024.80	2049.60	20496.	8.44	8.51	12.21
9-0 TO 9-6	(1/1/90)	53.42	106.84	160.26	213.68	427.36	1068.40	2136.80	21368.	8.44	8.54	14.09
9-6 TO10-0	(7/1/90)	55.70	111.40	167.10	222.80	445.60	1114.00	2228.00	22280.	8.45	19.78	19.78
10-0 2/	(1/1/91)	61.21	122.42	183.63	244.84	489.68	1224.20	2448.40	24484.	9.00 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1976 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ BONUS PAYMENT IS MADE AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.05 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 220

BONDS BEARING ISSUE DATE MAY 1, 1976

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
										PERCENT	PERCENT	PERCENT
0-0 TO 0-6	1/(5/1/81)	■25.50	$ 51.00	$ 76.50	$102.00	$204.00	■ 510.00	$1020.00	$10200.	----	8.55	9.05
0-6 TO 1-0	(11/1/81)	26.59	53.18	79.77	106.36	212.72	531.80	1063.60	10636.	8.55	8.50	9.08
1-0 TO 1-6	(5/1/82)	27.72	55.44	83.16	110.88	221.76	554.40	1108.80	11088.	8.52	8.44	9.11
1-6 TO 2-0	(11/1/82)	28.89	57.78	86.67	115.56	231.12	577.80	1155.60	11556.	8.50	8.52	9.15
2-0 TO 2-6	(5/1/83)	30.12	60.24	90.36	120.48	240.96	602.40	1204.80	12048.	8.50	8.50	9.19
2-6 TO 3-0	(11/1/83)	31.40	62.80	94.20	125.60	251.20	628.00	1256.00	12560.	8.50	8.47	9.23
3-0 TO 3-6	(5/1/84)	32.73	65.46	98.19	130.92	261.84	654.60	1309.20	13092.	8.50	8.55	9.29
3-6 TO 4-0	(11/1/84)	34.13	68.26	102.39	136.52	273.04	682.60	1365.20	13652.	8.50	8.44	9.34
4-0 TO 4-6	(5/1/85)	35.57	71.14	106.71	142.28	284.56	711.40	1422.80	14228.	8.50	8.55	9.42
4-6 TO 5-0	(11/1/85)	37.09	74.18	111.27	148.36	296.72	741.80	1483.60	14836.	8.50	8.47	9.50
5-0 TO 5-6	(5/1/86)	38.66	77.32	115.98	154.64	309.28	773.20	1546.40	15464.	8.50	8.54	9.60
5-6 TO 6-0	(11/1/86)	40.31	80.62	120.93	161.24	322.48	806.20	1612.40	16124.	8.50	8.48	9.72
6-0 TO 6-6	(5/1/87)	42.02	84.04	126.06	168.08	336.16	840.40	1680.80	16808.	8.50	8.47	9.88
6-6 TO 7-0	(11/1/87)	43.80	87.60	131.40	175.20	350.40	876.00	1752.00	17520.	8.50	8.49	10.08
7-0 TO 7-6	(5/1/88)	45.66	91.32	136.98	182.64	365.28	913.20	1826.40	18264.	8.50	8.54	10.34
7-6 TO 8-0	(11/1/88)	47.61	95.22	142.83	190.44	380.88	952.20	1904.40	19044.	8.50	8.49	10.70
8-0 TO 8-6	(5/1/89)	49.63	99.26	148.89	198.52	397.04	992.60	1985.20	19852.	8.50	8.50	11.26
8-6 TO 9-0	(11/1/89)	51.74	103.48	155.22	206.96	413.92	1034.80	2069.60	20696.	8.50	8.50	12.19
9-0 TO 9-6	(5/1/90)	53.94	107.88	161.82	215.76	431.52	1078.80	2157.60	21576.	8.50	8.49	14.06
9-6 TO10-0	(11/1/90)	56.23	112.46	168.69	224.92	449.84	1124.60	2249.20	22492.	8.50	19.78	19.78
10-0 2/	(5/1/91)	61.79	123.58	185.37	247.16	494.32	1235.80	2471.60	24716.	9.05 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1976 ENTER EACH PERIOD.

2/ BONUS PAYMENT IS MADE AT 15 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.11 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

■ FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 221

BONDS BEARING ISSUE DATE JUNE 1, 1976

PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) (2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
										PERCENT	PERCENT	PERCENT
0-0 TO 0-6	1/(6/1/81)	$25.56	$ 51.12	$ 76.68	$102.24	$204.48	$ 511.20	$1022.40	$10224.	----	8.53	9.05
0-6 TO 1-0	(12/1/81)	26.65	53.30	79.95	106.60	213.20	533.00	1066.00	10660.	8.53	8.48	9.08
1-0 TO 1-6	(6/1/82)	27.78	55.56	83.34	111.12	222.24	555.60	1111.20	11112.	8.50	8.42	9.11
1-6 TO 2-0	(12/1/82)	28.95	57.90	86.85	115.80	231.60	579.00	1158.00	11580.	8.48	8.64	9.15
2-0 TO 2-6	(6/1/83)	30.20	60.40	90.60	120.80	241.60	604.00	1208.00	12080.	8.52	8.48	9.18
2-6 TO 3-0	(12/1/83)	31.48	62.96	94.44	125.92	251.84	629.60	1259.20	12592.	8.51	8.45	9.23
3-0 TO 3-6	(6/1/84)	32.81	65.62	98.43	131.24	262.48	656.20	1312.40	13124.	8.50	8.47	9.28
3-6 TO 4-0	(12/1/84)	34.20	68.40	102.60	136.80	273.60	684.00	1368.00	13680.	8.50	8.54	9.35
4-0 TO 4-6	(6/1/85)	35.66	71.32	106.98	142.64	285.28	713.20	1426.40	14264.	8.50	8.47	9.41
4-6 TO 5-0	(12/1/85)	37.17	74.34	111.51	148.68	297.36	743.40	1486.80	14868.	8.50	8.56	9.50
5-0 TO 5-6	(6/1/86)	38.76	77.52	116.28	155.04	310.08	775.20	1550.40	15504.	8.50	8.46	9.60
5-6 TO 6-0	(12/1/86)	40.40	80.80	121.20	161.60	323.20	808.00	1616.00	16160.	8.50	8.51	9.72
6-0 TO 6-6	(6/1/87)	42.12	84.24	126.36	168.48	336.96	842.40	1684.80	16848.	8.50	8.50	9.87
6-6 TO 7-0	(12/1/87)	43.91	87.82	131.73	175.64	351.28	878.20	1756.40	17564.	8.50	8.52	10.07
7-0 TO 7-6	(6/1/88)	45.78	91.56	137.34	183.12	366.24	915.60	1831.20	18312.	8.50	8.48	10.33
7-6 TO 8-0	(12/1/88)	47.72	95.44	143.16	190.88	381.76	954.40	1908.80	19088.	8.50	8.47	10.70
8-0 TO 8-6	(6/1/89)	49.74	99.48	149.22	198.96	397.92	994.80	1989.60	19896.	8.50	8.52	11.27
8-6 TO 9-0	(12/1/89)	51.86	103.72	155.58	207.44	414.88	1037.20	2074.40	20744.	8.50	8.48	12.19
9-0 TO 9-6	(6/1/90)	54.06	108.12	162.18	216.24	432.48	1081.20	2162.40	21624.	8.50	8.51	14.06
9-6 TO10-0	(12/1/90)	56.36	112.72	169.08	225.44	450.88	1127.20	2254.40	22544.	8.50	19.77	19.77
10-0 2/	(6/1/91)	61.93	123.86	185.79	247.72	495.44	1238.60	2477.20	24772.	9.05 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1976 ENTER EACH PERIOD.
2/ BONUS PAYMENT IS MADE AT 15 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.13 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 222

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1976

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 5 YEARS 0 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* EXTENDED MATURITY PERIOD								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD TO DATE OF BONUS PAYMENT
										PERCENT	PERCENT	PERCENT
0-0 TO 0-6	1/(7/1/81)	$25.56	$ 51.12	$ 76.68	$102.24	$204.48	$ 511.20	$1022.40	$10224.	----	8.53	9.08
0-6 TO 1-0	(1/1/82)	26.65	53.30	79.95	106.60	213.20	533.00	1066.00	10660.	8.53	8.48	9.11
1-0 TO 1-6	(7/1/82)	27.78	55.56	83.34	111.12	222.24	555.60	1111.20	11112.	8.50	8.42	9.14
1-6 TO 2-0	(1/1/83)	28.95	57.90	86.85	115.80	231.60	579.00	1158.00	11580.	8.48	8.64	9.19
2-0 TO 2-6	(7/1/83)	30.20	60.40	90.60	120.80	241.60	604.00	1208.00	12080.	8.52	8.48	9.23
2-6 TO 3-0	(1/1/84)	31.48	62.96	94.44	125.92	251.84	629.60	1259.20	12592.	8.51	8.45	9.28
3-0 TO 3-6	(7/1/84)	32.81	65.62	98.43	131.24	262.48	656.20	1312.40	13124.	8.50	8.47	9.34
3-6 TO 4-0	(1/1/85)	34.20	68.40	102.60	136.80	273.60	684.00	1368.00	13680.	8.50	8.54	9.42
4-0 TO 4-6	(7/1/85)	35.66	71.32	106.98	142.64	285.28	713.20	1426.40	14264.	8.50	8.47	9.50
4-6 TO 5-0	(1/1/86)	37.17	74.34	111.51	148.68	297.36	743.40	1486.80	14868.	8.50	8.56	9.60
5-0 TO 5-6	(7/1/86)	38.76	77.52	116.28	155.04	310.08	775.20	1550.40	15504.	8.50	8.46	9.72
5-6 TO 6-0	(1/1/87)	40.40	80.80	121.20	161.60	323.20	808.00	1616.00	16160.	8.50	8.51	9.87
6-0 TO 6-6	(7/1/87)	42.12	84.24	126.36	168.48	336.96	842.40	1684.80	16848.	8.50	8.50	10.07
6-6 TO 7-0	(1/1/88)	43.91	87.82	131.73	175.64	351.28	878.20	1756.40	17564.	8.50	8.52	10.33
7-0 TO 7-6	(7/1/88)	45.78	91.56	137.34	183.12	366.24	915.60	1831.20	18312.	8.50	8.48	10.69
7-6 TO 8-0	(1/1/89)	47.72	95.44	143.16	190.88	381.76	954.40	1908.80	19088.	8.50	8.47	11.25
8-0 TO 8-6	(7/1/89)	49.74	99.48	149.22	198.96	397.92	994.80	1989.60	19896.	8.50	8.52	12.19
8-6 TO 9-0	(1/1/90)	51.86	103.72	155.58	207.44	414.88	1037.20	2074.40	20744.	8.50	8.48	14.05
9-0 TO 9-6	(7/1/90)	54.06	108.12	162.18	216.24	432.48	1081.20	2162.40	21624.	8.50	19.76	19.76
9-6 2/	(1/1/91)	59.40	118.80	178.20	237.60	475.20	1188.00	2376.00	23760.	9.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1976 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ BONUS PAYMENT IS MADE AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS [illegible].11 PERCENT. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

TABLE 223

BONDS BEARING ISSUE DATE NOV. 1, 1976

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
									PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/(5/1/81)	$23.78	$ 47.56	$ 71.34	$ 95.12	$190.24	$ 475.60	$ 951.20	$ 9512.	5.35	16.99	16.99
5-0 2/ (11/1/81)	25.80	51.60	77.40	103.20	206.40	516.00	1032.00	10320.	6.49	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)	EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/81)	$25.80	$ 51.60	$ 77.40	$103.20	$206.40	$ 516.00	$1032.00	$10320.	----	8.53	9.08
0-6 TO 1-0 (5/1/82)	26.90	53.80	80.70	107.60	215.20	538.00	1076.00	10760.	8.53	8.48	9.11
1-0 TO 1-6 (11/1/82)	28.04	56.08	84.12	112.16	224.32	560.80	1121.60	11216.	8.50	8.49	9.15
1-6 TO 2-0 (5/1/83)	29.23	58.46	87.69	116.92	233.84	584.60	1169.20	11692.	8.50	8.48	9.19
2-0 TO 2-6 (11/1/83)	30.47	60.94	91.41	121.88	243.76	609.40	1218.80	12188.	8.49	8.53	9.23
2-6 TO 3-0 (5/1/84)	31.77	63.54	95.31	127.08	254.16	635.40	1270.80	12708.	8.50	8.50	9.29
3-0 TO 3-6 (11/1/84)	33.12	66.24	99.36	132.48	264.96	662.40	1324.80	13248.	8.50	8.51	9.35
3-6 TO 4-0 (5/1/85)	34.53	69.06	103.59	138.12	276.24	690.60	1381.20	13812.	8.50	8.46	9.42
4-0 TO 4-6 (11/1/85)	35.99	71.98	107.97	143.96	287.92	719.80	1439.60	14396.	8.50	8.50	9.50
4-6 TO 5-0 (5/1/86)	37.52	75.04	112.56	150.08	300.16	750.40	1500.80	15008.	8.50	8.53	9.60
5-0 TO 5-6 (11/1/86)	39.12	78.24	117.36	156.48	312.96	782.40	1564.80	15648.	8.50	8.49	9.72
5-6 TO 6-0 (5/1/87)	40.78	81.56	122.34	163.12	326.24	815.60	1631.20	16312.	8.50	8.48	9.88
6-0 TO 6-6 (11/1/87)	42.51	85.02	127.53	170.04	340.08	850.20	1700.40	17004.	8.50	8.52	10.08
6-6 TO 7-0 (5/1/88)	44.32	88.64	132.96	177.28	354.56	886.40	1772.80	17728.	8.50	8.48	10.34
7-0 TO 7-6 (11/1/88)	46.20	92.40	138.60	184.80	369.60	924.00	1848.00	18480.	8.50	8.53	10.71
7-6 TO 8-0 (5/1/89)	48.17	96.34	144.51	192.68	385.36	963.40	1926.80	19268.	8.50	8.51	11.26
8-0 TO 8-6 (11/1/89)	50.22	100.44	150.66	200.88	401.76	1004.40	2008.80	20088.	8.50	8.48	12.19
8-6 TO 9-0 (5/1/90)	52.35	104.70	157.05	209.40	418.80	1047.00	2094.00	20940.	8.50	8.48	14.06
9-0 TO 9-6 (11/1/90)	54.57	109.14	163.71	218.28	436.56	1091.40	2182.80	21828.	8.50	19.79	19.79
9-6 4/ (5/1/91)	59.97	119.94	179.91	239.88	479.76	1199.40	2398.80	23988.	9.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1976 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.18 PERCENT.
4/ BONUS PAYMENT IS MADE AT 14 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.47%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 224

BONDS BEARING ISSUE DATE DEC. 1, 1976

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
4-6 TO 5-0	1/(6/1/81)	$23.78	$ 47.56	$ 71.34	$ 95.12	$190.24	$ 475.60	$ 951.20	$ 9512.	5.35	17.58	17.58
5-0 2/	(12/1/81)	25.87	51.74	77.61	103.48	206.96	517.40	1034.80	10348.	6.54	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(12/1/81)	$25.87	$ 51.74	$ 77.61	$103.48	$206.96	$ 517.40	$1034.80	$10348.	----	8.50	9.08
0-6 TO 1-0	(6/1/82)	26.97	53.94	80.91	107.88	215.76	539.40	1078.80	10788.	8.50	8.53	9.11
1-0 TO 1-6	(12/1/82)	28.12	56.24	84.36	112.48	224.96	562.40	1124.80	11248.	8.52	8.46	9.15
1-6 TO 2-0	(6/1/83)	29.31	58.62	87.93	117.24	234.48	586.20	1172.40	11724.	8.50	8.53	9.19
2-0 TO 2-6	(12/1/83)	30.56	61.12	91.68	122.24	244.48	611.20	1222.40	12224.	8.51	8.44	9.23
2-6 TO 3-0	(6/1/84)	31.85	63.70	95.55	127.40	254.80	637.00	1274.00	12740.	8.49	8.54	9.29
3-0 TO 3-6	(12/1/84)	33.21	66.42	99.63	132.84	265.68	664.20	1328.40	13284.	8.50	8.49	9.35
3-6 TO 4-0	(6/1/85)	34.62	69.24	103.86	138.48	276.96	692.40	1384.80	13848.	8.50	8.49	9.42
4-0 TO 4-6	(12/1/85)	36.09	72.18	108.27	144.36	288.72	721.80	1443.60	14436.	8.50	8.53	9.50
4-6 TO 5-0	(6/1/86)	37.63	75.26	112.89	150.52	301.04	752.60	1505.20	15052.	8.50	8.45	9.60
5-0 TO 5-6	(12/1/86)	39.22	78.44	117.66	156.88	313.76	784.40	1568.80	15688.	8.50	8.52	9.73
5-6 TO 6-0	(6/1/87)	40.89	81.78	122.67	163.56	327.12	817.80	1635.60	16356.	8.50	8.51	9.88
6-0 TO 6-6	(12/1/87)	42.63	85.26	127.89	170.52	341.04	852.60	1705.20	17052.	8.50	8.49	10.08
6-6 TO 7-0	(6/1/88)	44.44	88.88	133.32	177.76	355.52	888.80	1777.60	17776.	8.50	8.51	10.34
7-0 TO 7-6	(12/1/88)	46.33	92.66	138.99	185.32	370.64	926.60	1853.20	18532.	8.50	8.50	10.71
7-6 TO 8-0	(6/1/89)	48.30	96.60	144.90	193.20	386.40	966.00	1932.00	19320.	8.50	8.49	11.27
8-0 TO 8-6	(12/1/89)	50.35	100.70	151.05	201.40	402.80	1007.00	2014.00	20140.	8.50	8.50	12.20
8-6 TO 9-0	(6/1/90)	52.49	104.98	157.47	209.96	419.92	1049.80	2099.60	20996.	8.50	8.50	14.08
9-0 TO 9-6	(12/1/90)	54.72	109.44	164.16	218.88	437.76	1094.40	2188.80	21888.	8.50	19.81	19.81
9-6 4/	(6/1/91)	60.14	120.28	180.42	240.56	481.12	1202.80	2405.60	24056.	9.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1976 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.20 PERCENT.
4/ BONUS PAYMENT IS MADE AT 14 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.50%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 225

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1977

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
4-6 TO 5-0 1/	(7/1/81)	$23.78	$ 47.56	$ 71.34	$ 95.12	$190.24	$ 475.60	$ 951.20	$ 9512.	5.35	17.58	17.58
5-0 2/	(1/1/82)	25.87	51.74	77.61	103.48	206.96	517.40	1034.80	10348.	6.54	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/82)	$25.87	$ 51.74	$ 77.61	$103.48	$206.96	$ 517.40	$1034.80	$10348.	----	8.50	9.11
0-6 TO 1-0	(7/1/82)	26.97	53.94	80.91	107.88	215.76	539.40	1078.80	10788.	8.50	8.53	9.15
1-0 TO 1-6	(1/1/83)	28.12	56.24	84.36	112.48	224.96	562.40	1124.80	11248.	8.52	8.46	9.19
1-6 TO 2-0	(7/1/83)	29.31	58.62	87.93	117.24	234.48	586.20	1172.40	11724.	8.50	8.53	9.24
2-0 TO 2-6	(1/1/84)	30.56	61.12	91.68	122.24	244.48	611.20	1222.40	12224.	8.51	8.44	9.29
2-6 TO 3-0	(7/1/84)	31.85	63.70	95.55	127.40	254.80	637.00	1274.00	12740.	8.49	8.54	9.35
3-0 TO 3-6	(1/1/85)	33.21	66.42	99.63	132.84	265.68	664.20	1328.40	13284.	8.50	8.49	9.42
3-6 TO 4-0	(7/1/85)	34.62	69.24	103.86	138.48	276.96	692.40	1384.80	13848.	8.50	8.49	9.50
4-0 TO 4-6	(1/1/86)	36.09	72.18	108.27	144.36	288.72	721.80	1443.60	14436.	8.50	8.53	9.60
4-6 TO 5-0	(7/1/86)	37.63	75.26	112.89	150.52	301.04	752.60	1505.20	15052.	8.50	8.45	9.72
5-0 TO 5-6	(1/1/87)	39.22	78.44	117.66	156.88	313.76	784.40	1568.80	15688.	8.50	8.52	9.88
5-6 TO 6-0	(7/1/87)	40.89	81.78	122.67	163.56	327.12	817.80	1635.60	16356.	8.50	8.51	10.08
6-0 TO 6-6	(1/1/88)	42.63	85.26	127.89	170.52	341.04	852.60	1705.20	17052.	8.50	8.49	10.34
6-6 TO 7-0	(7/1/88)	44.44	88.88	133.32	177.76	355.52	888.80	1777.60	17776.	8.50	8.51	10.71
7-0 TO 7-6	(1/1/89)	46.33	92.66	138.99	185.32	370.64	926.60	1853.20	18532.	8.50	8.50	11.27
7-6 TO 8-0	(7/1/89)	48.30	96.60	144.90	193.20	386.40	966.00	1932.00	19320.	8.50	8.49	12.20
8-0 TO 8-6	(1/1/90)	50.35	100.70	151.05	201.40	402.80	1007.00	2014.00	20140.	8.50	8.50	14.08
8-6 TO 9-0	(7/1/90)	52.49	104.98	157.47	209.96	419.92	1049.80	2099.60	20996.	8.50	19.81	19.81
9-0 4/	(1/1/91)	57.69	115.38	173.07	230.76	461.52	1153.80	2307.60	23076.	9.11 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1977 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.19 PERCENT.
4/ BONUS PAYMENT IS MADE AT 14 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.55%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 226

BONDS BEARING ISSUE DATE MAY 1, 1977

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
4-0 TO 4-6	1/(5/1/81)	$23.08	$ 46.16	$ 69.24	$ 92.32	$184.64	$ 461.60	$ 923.20	$ 9232.	5.26	8.15	12.76
4-6 TO 5-0	(11/1/81)	24.02	48.04	72.06	96.08	192.16	480.40	960.80	9608.	5.58	17.49	17.49
5-0 2/	(5/1/82)	26.12	52.24	78.36	104.48	208.96	522.40	1044.80	10448.	6.74	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(5/1/82)	$26.12	$ 52.24	$ 78.36	$104.48	$208.96	$ 522.40	$1044.80	$10448.	----	8.50	9.12
0-6 TO 1-0	(11/1/82)	27.23	54.46	81.69	108.92	217.84	544.60	1089.20	10892.	8.50	8.52	9.15
1-0 TO 1-6	(5/1/83)	28.39	56.78	85.17	113.56	227.12	567.80	1135.60	11356.	8.51	8.45	9.19
1-6 TO 2-0	(11/1/83)	29.59	59.18	88.77	118.36	236.72	591.80	1183.60	11836.	8.49	8.52	9.24
2-0 TO 2-6	(5/1/84)	30.85	61.70	92.55	123.40	246.80	617.00	1234.00	12340.	8.50	8.49	9.29
2-6 TO 3-0	(11/1/84)	32.16	64.32	96.48	128.64	257.28	643.20	1286.40	12864.	8.50	8.52	9.35
3-0 TO 3-6	(5/1/85)	33.53	67.06	100.59	134.12	268.24	670.60	1341.20	13412.	8.50	8.47	9.42
3-6 TO 4-0	(11/1/85)	34.95	69.90	104.85	139.80	279.60	699.00	1398.00	13980.	8.50	8.53	9.51
4-0 TO 4-6	(5/1/86)	36.44	72.88	109.32	145.76	291.52	728.80	1457.60	14576.	8.50	8.51	9.61
4-6 TO 5-0	(11/1/86)	37.99	75.98	113.97	151.96	303.92	759.80	1519.60	15196.	8.50	8.48	9.73
5-0 TO 5-6	(5/1/87)	39.60	79.20	118.80	158.40	316.80	792.00	1584.00	15840.	8.50	8.54	9.89
5-6 TO 6-0	(11/1/87)	41.29	82.58	123.87	165.16	330.32	825.80	1651.60	16516.	8.50	8.48	10.08
6-0 TO 6-6	(5/1/88)	43.04	86.08	129.12	172.16	344.32	860.80	1721.60	17216.	8.50	8.50	10.35
6-6 TO 7-0	(11/1/88)	44.87	89.74	134.61	179.48	358.96	897.40	1794.80	17948.	8.50	8.51	10.72
7-0 TO 7-6	(5/1/89)	46.78	93.56	140.34	187.12	374.24	935.60	1871.20	18712.	8.50	8.51	11.28
7-6 TO 8-0	(11/1/89)	48.77	97.54	146.31	195.08	390.16	975.40	1950.80	19508.	8.50	8.49	12.21
8-0 TO 8-6	(5/1/90)	50.84	101.68	152.52	203.36	406.72	1016.80	2033.60	20336.	8.50	8.50	14.10
8-6 TO 9-0	(11/1/90)	53.00	106.00	159.00	212.00	424.00	1060.00	2120.00	21200.	8.50	19.85	19.85
9-0 4/	(5/1/91)	58.26	116.52	174.78	233.04	466.08	1165.20	2330.40	23304.	9.12 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1977 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.26 PERCENT.
4/ BONUS PAYMENT IS MADE AT 14 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.48%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 227

BONDS BEARING ISSUE DATE JUNE 1, 1977

										APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/	(6/1/81)	$23.08	$ 46.16	$ 69.24	$ 92.32	$184.64	$ 461.60	$ 923.20	$ 9232.	5.26	8.15	13.05
4-6 TO 5-0	(12/1/81)	24.02	48.04	72.06	96.08	192.16	480.40	960.80	9608.	5.58	18.07	18.07
5-0 2/	(6/1/82)	26.19	52.38	78.57	104.76	209.52	523.80	1047.60	10476.	6.80	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(6/1/82)	$26.19	$ 52.38	$ 78.57	$104.76	$209.52	$ 523.80	$1047.60	$10476.	----	8.48	9.11
0-6 TO 1-0	(12/1/82)	27.30	54.60	81.90	109.20	218.40	546.00	1092.00	10920.	8.48	8.50	9.15
1-0 TO 1-6	(6/1/83)	28.46	56.92	85.38	113.84	227.68	569.20	1138.40	11384.	8.49	8.50	9.19
1-6 TO 2-0	(12/1/83)	29.67	59.34	89.01	118.68	237.36	593.40	1186.80	11868.	8.49	8.49	9.23
2-0 TO 2-6	(6/1/84)	30.93	61.86	92.79	123.72	247.44	618.60	1237.20	12372.	8.49	8.54	9.28
2-6 TO 3-0	(12/1/84)	32.25	64.50	96.75	129.00	258.00	645.00	1290.00	12900.	8.50	8.50	9.34
3-0 TO 3-6	(6/1/85)	33.62	67.24	100.86	134.48	268.96	672.40	1344.80	13448.	8.50	8.51	9.41
3-6 TO 4-0	(12/1/85)	35.05	70.10	105.15	140.20	280.40	701.00	1402.00	14020.	8.50	8.50	9.49
4-0 TO 4-6	(6/1/86)	36.54	73.08	109.62	146.16	292.32	730.80	1461.60	14616.	8.50	8.48	9.59
4-6 TO 5-0	(12/1/86)	38.09	76.18	114.27	152.36	304.72	761.80	1523.60	15236.	8.50	8.51	9.72
5-0 TO 5-6	(6/1/87)	39.71	79.42	119.13	158.84	317.68	794.20	1588.40	15884.	8.50	8.51	9.87
5-6 TO 6-0	(12/1/87)	41.40	82.80	124.20	165.60	331.20	828.00	1656.00	16560.	8.50	8.50	10.06
6-0 TO 6-6	(6/1/88)	43.16	86.32	129.48	172.64	345.28	863.20	1726.40	17264.	8.50	8.48	10.33
6-6 TO 7-0	(12/1/88)	44.99	89.98	134.97	179.96	359.92	899.80	1799.60	17996.	8.50	8.49	10.70
7-0 TO 7-6	(6/1/89)	46.90	93.80	140.70	187.60	375.20	938.00	1876.00	18760.	8.50	8.53	11.25
7-6 TO 8-0	(12/1/89)	48.90	97.80	146.70	195.60	391.20	978.00	1956.00	19560.	8.50	8.47	12.17
9-0 TO 8-6	(6/1/90)	50.97	101.94	152.91	203.88	407.76	1019.40	2038.80	20388.	8.50	8.51	14.04
8-6 TO 9-0	(12/1/90)	53.14	106.28	159.42	212.56	425.12	1062.80	2125.60	21256.	8.50	19.72	19.72
9-0 4/	(6/1/91)	58.38	116.76	175.14	233.52	467.04	1167.60	2335.20	23352.	9.11 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1977 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.28 PERCENT.
4/ BONUS PAYMENT IS MADE AT 14 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.50%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 22B

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1977

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
4-0 TO 4-6 1/	(7/1/81)	$23.08	$ 46.16	$ 69.24	$ 92.32	$184.64	$ 461.60	$ 923.20	$ 9232.	5.26	8.15	13.05
4-6 TO 5-0	(1/1/82)	24.02	48.04	72.06	96.08	192.16	480.40	960.80	9608.	5.58	18.07	18.07
5-0 2/	(7/1/82)	26.19	52.38	78.57	104.76	209.52	523.80	1047.60	10476.	6.80	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/82)	$26.19	$ 52.38	$ 78.57	$104.76	$209.52	$ 523.80	$1047.60	$10476.	----	8.48	9.14
0-6 TO 1-0	(1/1/83)	27.30	54.60	81.90	109.20	218.40	546.00	1092.00	10920.	8.48	8.50	9.18
1-0 TO 1-6	(7/1/83)	28.46	56.92	85.38	113.84	227.68	569.20	1138.40	11384.	8.49	8.50	9.23
1-6 TO 2-0	(1/1/84)	29.67	59.34	89.01	118.68	237.36	593.40	1186.80	11868.	8.49	8.49	9.28
2-0 TO 2-6	(7/1/84)	30.93	61.86	92.79	123.72	247.44	618.60	1237.20	12372.	8.49	8.54	9.34
2-6 TO 3-0	(1/1/85)	32.25	64.50	96.75	129.00	258.00	645.00	1290.00	12900.	8.50	8.50	9.41
3-0 TO 3-6	(7/1/85)	33.62	67.24	100.86	134.48	268.96	672.40	1344.80	13448.	8.50	8.51	9.49
3-6 TO 4-0	(1/1/86)	35.05	70.10	105.15	140.20	280.40	701.00	1402.00	14020.	8.50	8.50	9.59
4-0 TO 4-6	(7/1/86)	36.54	73.08	109.62	146.16	292.32	730.80	1461.60	14616.	8.50	8.48	9.71
4-6 TO 5-0	(1/1/87)	38.09	76.18	114.27	152.36	304.72	761.80	1523.60	15236.	8.50	8.51	9.87
5-0 TO 5-6	(7/1/87)	39.71	79.42	119.13	158.84	317.68	794.20	1588.40	15884.	8.50	8.51	10.06
5-6 TO 6-0	(1/1/88)	41.40	82.80	124.20	165.60	331.20	828.00	1656.00	16560.	8.50	8.50	10.32
6-0 TO 6-6	(7/1/88)	43.16	86.32	129.48	172.64	345.28	863.20	1726.40	17264.	8.50	8.48	10.69
6-6 TO 7-0	(1/1/89)	44.99	89.98	134.97	179.96	359.92	899.80	1799.60	17996.	8.50	8.49	11.24
7-0 TO 7-6	(7/1/89)	46.90	93.80	140.70	187.60	375.20	938.00	1876.00	18760.	8.50	8.53	12.17
7-6 TO 8-0	(1/1/90)	48.90	97.80	146.70	195.60	391.20	978.00	1956.00	19560.	8.50	8.47	14.01
8-0 TO 8-6	(7/1/90)	50.97	101.94	152.91	203.88	407.76	1019.40	2038.80	20388.	8.50	19.70	19.70
8-6 4/	(1/1/91)	55.99	111.98	167.97	223.96	447.92	1119.80	2239.60	22396.	9.14 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1977 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.27 PERCENT.

4/ BONUS PAYMENT IS MADE AT 13 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.55%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 229

BONDS BEARING ISSUE DATE NOV. 1, 1977

ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
									PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/(5/1/81)	$22.42	$ 44.84	$ 67.26	$ 89.68	$179.36	$ 448.40	$ 896.80	$ 8968.	5.17	7.85	11.28
4-0 TO 4-6 (11/1/81)	23.30	46.60	69.90	93.20	186.40	466.00	932.00	9320.	5.51	8.15	13.01
4-6 TO 5-0 (5/1/82)	24.25	48.50	72.75	97.00	194.00	485.00	970.00	9700.	5.80	17.98	17.98
5-0 2/ (11/1/82)	26.43	52.86	79.29	105.72	211.44	528.60	1057.20	10572.	6.99	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)	EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/82)	$26.43	$ 52.86	$ 79.29	$105.72	$211.44	$ 528.60	$1057.20	$10572.	----	8.48	9.15
0-6 TO 1-0 (5/1/83)	27.55	55.10	82.65	110.20	220.40	551.00	1102.00	11020.	8.48	8.49	9.19
1-0 TO 1-6 (11/1/83)	28.72	57.44	86.16	114.88	229.76	574.40	1148.80	11488.	8.48	8.57	9.24
1-6 TO 2-0 (5/1/84)	29.95	59.90	89.85	119.80	239.60	599.00	1198.00	11980.	8.51	8.48	9.29
2-0 TO 2-6 (11/1/84)	31.22	62.44	93.66	124.88	249.76	624.40	1248.80	12488.	8.50	8.46	9.35
2-6 TO 3-0 (5/1/85)	32.54	65.08	97.62	130.16	260.32	650.80	1301.60	13016.	8.49	8.54	9.42
3-0 TO 3-6 (11/1/85)	33.93	67.86	101.79	135.72	271.44	678.60	1357.20	13572.	8.50	8.49	9.50
3-6 TO 4-0 (5/1/86)	35.37	70.74	106.11	141.48	282.96	707.40	1414.80	14148.	8.50	8.48	9.61
4-0 TO 4-6 (11/1/86)	36.87	73.74	110.61	147.48	294.96	737.40	1474.80	14748.	8.50	8.52	9.73
4-6 TO 5-0 (5/1/87)	38.44	76.88	115.32	153.76	307.52	768.80	1537.60	15376.	8.50	8.48	9.88
5-0 TO 5-6 (11/1/87)	40.07	80.14	120.21	160.28	320.56	801.40	1602.80	16028.	8.50	8.54	10.08
5-6 TO 6-0 (5/1/88)	41.78	83.56	125.34	167.12	334.24	835.60	1671.20	16712.	8.50	8.47	10.34
6-0 TO 6-6 (11/1/88)	43.55	87.10	130.65	174.20	348.40	871.00	1742.00	17420.	8.50	8.50	10.72
6-6 TO 7-0 (5/1/89)	45.40	90.80	136.20	181.60	363.20	908.00	1816.00	18160.	8.50	8.50	11.28
7-0 TO 7-6 (11/1/89)	47.33	94.66	141.99	189.32	378.64	946.60	1893.20	18932.	8.50	8.49	12.21
7-6 TO 8-0 (5/1/90)	49.34	98.68	148.02	197.36	394.72	986.80	1973.60	19736.	8.50	8.51	14.10
8-0 TO 8-6 (11/1/90)	51.44	102.88	154.32	205.76	411.52	1028.80	2057.60	20576.	8.50	19.83	19.83
8-6 4/ (5/1/91)	56.54	113.08	169.62	226.16	452.32	1130.80	2261.60	22616.	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1977 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.35 PERCENT.
4/ BONUS PAYMENT IS MADE AT 13 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.47%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 230

BONDS BEARING ISSUE DATE DEC. 1, 1977

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
3-6 TO 4-0	1/(6/1/81)	$22.42	$ 44.84	$ 67.26	$ 89.68	$179.36	$ 448.40	$ 896.80	$ 8968.	5.17	7.85	11.46
4-0 TO 4-6	(12/1/81)	23.30	46.60	69.90	93.20	186.40	466.00	932.00	9320.	5.51	8.15	13.29
4-6 TO 5-0	(6/1/82)	24.25	48.50	72.75	97.00	194.00	485.00	970.00	9700.	5.80	18.56	18.56
5-0 2/	(12/1/82)	26.50	53.00	79.50	106.00	212.00	530.00	1060.00	10600.	7.04	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(12/1/82)	$26.50	$ 53.00	$ 79.50	$106.00	$212.00	$ 530.00	$1060.00	$10600.	----	8.53	9.15
0-6 TO 1-0	(6/1/83)	27.63	55.26	82.89	110.52	221.04	552.60	1105.20	11052.	8.53	8.47	9.18
1-0 TO 1-6	(12/1/83)	28.80	57.60	86.40	115.20	230.40	576.00	1152.[illegible]	11520.	8.50	8.47	9.23
1-6 TO 2-0	(6/1/84)	30.02	60.04	90.06	120.08	240.16	600.40	1200.80	12008.	8.49	8.53	9.29
2-0 TO 2-6	(12/1/84)	31.30	62.60	93.90	125.20	250.40	626.00	1252.00	12520.	8.50	8.50	9.34
2-6 TO 3-0	(6/1/85)	32.63	65.26	97.89	130.52	261.04	652.60	1305.20	13052.	8.50	8.52	9.42
3-0 TO 3-6	(12/1/85)	34.02	68.04	102.06	136.08	272.16	680.40	1360.80	13608.	8.50	8.47	9.50
3-6 TO 4-0	(6/1/86)	35.46	70.92	106.38	141.84	283.68	709.20	1418.40	14184.	8.50	8.52	9.60
4-0 TO 4-6	(12/1/86)	36.97	73.94	110.91	147.88	295.76	739.40	1478.80	14788.	8.50	8.49	9.72
4-6 TO 5-0	(6/1/87)	38.54	77.08	115.62	154.16	308.32	770.80	1541.60	15416.	8.50	8.51	9.87
5-0 TO 5-6	(12/1/87)	40.18	80.36	120.54	160.72	321.44	803.60	1607.20	16072.	8.50	8.51	10.07
5-6 TO 6-0	(6/1/88)	41.89	83.78	125.67	167.56	335.12	837.80	1675.60	16756.	8.50	8.50	10.33
6-0 TO 6-6	(12/1/88)	43.67	87.34	131.01	174.68	349.36	873.40	1746.80	17468.	8.50	8.47	10.70
6-6 TO 7-0	(6/1/89)	45.52	91.04	136.56	182.08	364.16	910.40	1820.80	18208.	8.50	8.52	11.26
7-0 TO 7-6	(12/1/89)	47.46	94.92	142.38	189.84	379.68	949.20	1898.40	18984.	8.50	8.51	12.18
7-6 TO 8-0	(6/1/90)	49.48	98.96	148.44	197.92	395.84	989.60	1979.20	19792.	8.50	8.49	14.04
8-0 TO 8-6	(12/1/90)	51.58	103.16	154.74	206.32	412.64	1031.60	2063.20	20632.	8.50	19.74	19.74
8-6 4/	(6/1/91)	56.67	113.34	170.01	226.68	453.36	1133.40	2266.80	22668.	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1977 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.36 PERCENT.
4/ BONUS PAYMENT IS MADE AT 13 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.49%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 231

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1978

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
3-6 TO 4-0 1/	(7/1/81)	$22.42	$ 44.84	$ 67.26	$ 89.68	$179.36	$ 448.40	$ 896.80	$ 8968.	5.17	7.85	11.46
4-0 TO 4-6	(1/1/82)	23.30	46.60	69.90	93.20	186.40	466.00	932.00	9320.	5.51	8.15	13.29
4-6 TO 5-0	(7/1/82)	24.25	48.50	72.75	97.00	194.00	485.00	970.00	9700.	5.80	18.56	18.56
5-0 2/	(1/1/83)	26.50	53.00	79.50	106.00	212.00	530.00	1060.00	10600.	7.04	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/83)	$26.50	$ 53.00	$ 79.50	$106.00	$212.00	$ 530.00	$1060.00	$10600.	----	8.53	9.19
0-6 TO 1-0	(7/1/83)	27.63	55.26	82.89	110.52	221.04	552.60	1105.20	11052.	8.53	8.47	9.23
1-0 TO 1-6	(1/1/84)	28.80	57.60	86.40	115.20	230.40	576.00	1152.00	11520.	8.50	8.47	9.28
1-6 TO 2-0	(7/1/84)	30.02	60.04	90.06	120.08	240.16	600.40	1200.80	12008.	8.49	8.53	9.35
2-0 TO 2-6	(1/1/85)	31.30	62.60	93.90	125.20	250.40	626.00	1252.00	12520.	8.50	8.50	9.42
2-6 TO 3-0	(7/1/85)	32.63	65.26	97.89	130.52	261.04	652.60	1305.20	13052.	8.50	8.52	9.50
3-0 TO 3-6	(1/1/86)	34.02	68.04	102.06	136.08	272.16	680.40	1360.80	13608.	8.50	3.47	9.60
3-6 TO 4-0	(7/1/86)	35.46	70.92	106.38	141.84	283.68	709.20	1418.40	14184.	8.50	8.52	9.72
4-0 TO 4-6	(1/1/87)	36.97	73.94	110.91	147.88	295.76	739.40	1478.80	14788.	8.50	8.49	9.87
4-6 TO 5-0	(7/1/87)	38.54	77.08	115.62	154.16	308.32	770.80	1541.60	15416.	8.50	8.51	10.07
5-0 TO 5-6	(1/1/88)	40.18	80.36	120.54	160.72	321.44	803.60	1607.20	16072.	8.50	8.51	10.33
5-6 TO 6-0	(7/1/88)	41.89	83.78	125.67	167.56	335.12	837.80	1675.60	16756.	8.50	8.50	10.70
6-0 TO 6-6	(1/1/89)	43.67	87.34	131.01	174.68	349.36	873.40	1746.80	17468.	8.50	8.47	11.25
6-6 TO 7-0	(7/1/89)	45.52	91.04	136.56	182.08	364.16	910.40	1820.80	18208.	8.50	8.52	12.19
7-0 TO 7-6	(1/1/90)	47.46	94.92	142.38	189.84	379.68	949.20	1898.40	18984.	8.50	8.51	14.05
7-6 TO 8-0	(7/1/90)	49.48	98.96	148.44	197.92	395.84	989.60	1979.20	19792.	8.50	19.73	19.73
8-0 4/	(1/1/91)	54.36	108.72	163.08	217.44	434.88	1087.20	2174.40	21744.	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1978 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.36 PERCENT.

4/ BONUS PAYMENT IS MADE AT 13 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.54%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 232

TABLE 232

BONDS BEARING ISSUE DATE MAY 1, 1978

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/	(5/1/81)	$21.82	$ 43.64	$ 65.46	$ 87.28	$174.56	$ 436.40	$ 872.80	$ 8728.	5.12	7.52	10.45
3-6 TO 4-0	(11/1/81)	22.64	45.28	67.92	90.56	181.12	452.80	905.60	9056.	5.46	7.95	11.44
4-0 TO 4-6	(5/1/82)	23.54	47.08	70.62	94.16	188.32	470.80	941.60	9416.	5.77	7.99	13.20
4-6 TO 5-0	(11/1/82)	24.48	48.96	73.44	97.92	195.84	489.60	979.20	9792.	6.01	18.55	18.55
5-0 2/	(5/1/83)	26.75	53.50	80.25	107.00	214.00	535.00	1070.00	10700.	7.23	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(5/1/83)	$26.75	$ 53.50	$ 80.25	$107.00	$214.00	$ 535.00	$1070.00	$10700.	----	8.52	9.19
0-6 TO 1-0	(11/1/83)	27.89	55.78	83.67	111.56	223.12	557.80	1115.60	11156.	8.52	8.46	9.23
1-0 TO 1-6	(5/1/84)	29.07	58.14	87.21	116.28	232.56	581.40	1162.80	11628.	8.49	8.53	9.29
1-6 TO 2-0	(11/1/84)	30.31	60.62	90.93	121.24	242.48	606.20	1212.40	12124.	8.51	8.51	9.35
2-0 TO 2-6	(5/1/85)	31.60	63.20	94.80	126.40	252.80	632.00	1264.00	12640.	8.51	8.48	9.42
2-6 TO 3-0	(11/1/85)	32.94	65.88	98.82	131.76	263.52	658.80	1317.60	13176.	8.50	8.50	9.50
3-0 TO 3-6	(5/1/86)	34.34	68.68	103.02	137.36	274.72	686.80	1373.60	13736.	8.50	8.50	9.60
3-6 TO 4-0	(11/1/86)	35.80	71.60	107.40	143.20	286.40	716.00	1432.00	14320.	8.50	8.49	9.73
4-0 TO 4-6	(5/1/87)	37.32	74.64	111.96	149.28	298.56	746.40	1492.80	14928.	8.50	8.52	9.88
4-6 TO 5-0	(11/1/87)	38.91	77.82	116.73	155.64	311.28	778.20	1556.40	15564.	8.50	8.48	10.08
5-0 TO 5-6	(5/1/88)	40.56	81.12	121.68	162.24	324.48	811.20	1622.40	16224.	8.50	8.48	10.34
5-6 TO 6-0	(11/1/88)	42.28	84.56	126.84	169.12	338.24	845.60	1691.20	16912.	8.50	8.51	10.72
6-0 TO 6-6	(5/1/89)	44.08	88.16	132.24	176.32	352.64	881.60	1763.20	17632.	8.50	8.48	11.27
6-6 TO 7-0	(11/1/89)	45.95	91.90	137.85	183.80	367.60	919.00	1838.00	18380.	8.50	8.53	12.21
7-0 TO 7-6	(5/1/90)	47.91	95.82	143.73	191.64	383.28	958.20	1916.40	19164.	8.50	8.47	14.07
7-6 TO 8-0	(11/1/90)	49.94	99.88	149.82	199.76	399.52	998.80	1997.60	19976.	8.50	19.82	19.82
8-0 4/	(5/1/91)	54.89	109.78	164.67	219.56	439.12	1097.80	2195.60	21956.	9.19 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1978 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.44 PERCENT.
4/ BONUS PAYMENT IS MADE AT 13 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.44%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 233

BONDS BEARING ISSUE DATE JUNE 1, 1978

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
3-0 TO 3-6	1/(6/1/81)	$21.82	$ 43.64	$ 65.46	$ 87.28	$174.56	$ 436.40	$ 872.80	$ 8728.	5.12	7.52	10.59
3-6 TO 4-0	(12/1/81)	22.64	45.28	67.92	90.56	181.12	452.80	905.60	9056.	5.46	7.95	11.62
4-0 TO 4-6	(6/1/82)	23.54	47.08	70.62	94.16	188.32	470.80	941.60	9416.	5.77	7.99	13.48
4-6 TO 5-0	(12/1/82)	24.48	48.96	73.44	97.92	195.84	489.60	979.20	9792.	6.01	19.12	19.12
5-0 2/	(6/1/83)	26.82	53.64	80.46	107.28	214.56	536.40	1072.80	10728.	7.29	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(6/1/83)	$26.82	$ 53.64	$ 80.46	$107.28	$214.56	$ 536.40	$1072.80	$10728.	----	8.50	9.19
0-6 TO 1-0	(12/1/83)	27.96	55.92	83.88	111.84	223.68	559.20	1118.40	11184.	8.50	8.51	9.23
1-0 TO 1-6	(6/1/84)	29.15	58.30	87.45	116.60	233.20	583.00	1166.00	11660.	8.51	8.51	9.28
1-6 TO 2-0	(12/1/84)	30.39	60.78	91.17	121.56	243.12	607.80	1215.60	12156.	8.51	8.49	9.34
2-0 TO 2-6	(6/1/85)	31.68	63.36	95.04	126.72	253.44	633.60	1267.20	12672.	8.50	8.46	9.42
2-6 TO 3-0	(12/1/85)	33.02	66.04	99.06	132.08	264.16	660.40	1320.80	13208.	8.49	8.54	9.50
3-0 TO 3-6	(6/1/86)	34.43	68.86	103.29	137.72	275.44	688.60	1377.20	13772.	8.50	8.48	9.60
3-6 TO 4-0	(12/1/86)	35.89	71.78	107.67	143.56	287.12	717.80	1435.60	14356.	8.50	8.53	9.72
4-0 TO 4-6	(6/1/87)	37.42	74.84	112.26	149.68	299.36	748.40	1496.80	14968.	8.50	8.50	9.87
4-6 TO 5-0	(12/1/87)	39.01	78.02	117.03	156.04	312.08	780.20	1560.40	15604.	8.50	8.46	10.07
5-0 TO 5-6	(6/1/88)	40.66	81.32	121.98	162.64	325.28	813.20	1626.40	16264.	8.50	8.51	10.34
5-6 TO 6-0	(12/1/88)	42.39	84.78	127.17	169.56	339.12	847.80	1695.60	16956.	8.50	8.49	10.71
6-0 TO 6-6	(6/1/89)	44.19	88.38	132.57	176.76	353.52	883.80	1767.60	17676.	8.50	8.51	11.27
6-6 TO 7-0	(12/1/89)	46.07	92.14	138.21	184.28	368.56	921.40	1842.80	18428.	8.50	8.51	12.19
7-0 TO 7-6	(6/1/90)	48.03	96.06	144.09	192.12	384.24	960.60	1921.20	19212.	8.50	8.49	14.06
7-6 TO 8-0	(12/1/90)	50.07	100.14	150.21	200.28	400.56	1001.40	2002.80	20028.	8.50	19.77	19.77
8-0 4/	(6/1/91)	55.02	110.04	165.06	220.08	440.16	1100.40	2200.80	22008.	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1978 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.45 PERCENT.
4/ BONUS PAYMENT IS MADE AT 13 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.47%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 234

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1978

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
3-0 TO 3-6 1/	(7/1/81)	$21.82	$ 43.64	$ 65.46	$ 87.28	$174.56	$ 436.40	$ 872.80	$ 8728.	5.12	7.52	10.59
3-6 TO 4-0	(1/1/82)	22.64	45.28	67.92	90.56	181.12	452.80	905.60	9056.	5.46	7.95	11.62
4-0 TO 4-6	(7/1/82)	23.54	47.08	70.62	94.16	188.32	470.80	941.60	9416.	5.77	7.99	13.48
4-6 TO 5-0	(1/1/83)	24.48	48.96	73.44	97.92	195.84	489.60	979.20	9792.	6.01	19.12	19.12
5-0 2/	(7/1/83)	26.82	53.64	80.46	107.28	214.56	536.40	1072.80	10728.	7.29	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(7/1/83)	$26.82	$ 53.64	$ 80.46	$107.28	$214.56	$ 536.40	$1072.80	$10728.	----	8.50	9.24
0-6 TO 1-0	(1/1/84)	27.96	55.92	83.88	111.84	223.68	559.20	1118.40	11184.	8.50	8.51	9.29
1-0 TO 1-6	(7/1/84)	29.15	58.30	87.45	116.60	233.20	583.00	1166.00	11660.	8.51	8.51	9.35
1-6 TO 2-0	(1/1/85)	30.39	60.78	91.17	121.56	243.12	607.80	1215.60	12156.	8.51	8.49	9.42
2-0 TO 2-6	(7/1/85)	31.68	63.36	95.04	126.72	253.44	633.60	1267.20	12672.	8.50	8.46	9.50
2-6 TO 3-0	(1/1/86)	33.02	66.04	99.06	132.08	264.16	660.40	1320.80	13208.	8.49	8.54	9.61
3-0 TO 3-6	(7/1/86)	34.43	68.86	103.29	137.72	275.44	688.60	1377.20	13772.	8.50	8.48	9.73
3-6 TO 4-0	(1/1/87)	35.89	71.78	107.67	143.56	287.12	717.80	1435.60	14356.	8.50	8.53	9.88
4-0 TO 4-6	(7/1/87)	37.42	74.84	112.26	149.68	299.36	748.40	1496.80	14968.	8.50	8.50	10.08
4-6 TO 5-0	(1/1/88)	39.01	78.02	117.03	156.04	312.08	780.20	1560.40	15604.	8.50	8.46	10.34
5-0 TO 5-6	(7/1/88)	40.66	81.32	121.98	162.64	325.28	813.20	1626.40	16264.	8.50	8.51	10.72
5-6 TO 6-0	(1/1/89)	42.39	84.78	127.17	169.56	339.12	847.80	1695.60	16956.	8.50	8.49	11.28
6-0 TO 6-6	(7/1/89)	44.19	88.38	132.57	176.76	353.52	883.80	1767.60	17676.	8.50	8.51	12.21
6-6 TO 7-0	(1/1/90)	46.07	92.14	138.21	184.28	368.56	921.40	1842.80	18428.	8.50	8.51	14.09
7-0 TO 7-6	(7/1/90)	48.03	96.06	144.09	192.12	384.24	960.60	1921.20	19212.	8.50	19.82	19.82
7-6 4/	(1/1/91)	52.79	105.58	158.37	211.16	422.32	1055.80	2111.60	21116.	9.24 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1978 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.45 PERCENT.

4/ BONUS PAYMENT IS MADE AT 12 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.52%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 235

BONDS BEARING ISSUE DATE NOV. 1, 1978

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
2-6 TO 3-0	1/(5/1/81)	$21.24	$ 42.48	$ 63.72	$ 84.96	$169.92	$ 424.80	$ 849.60	$ 8496.	5.05	7.44	9.96
3-0 TO 3-6	(11/1/81)	22.03	44.06	66.09	88.12	176.24	440.60	881.20	8812.	5.45	7.54	10.59
3-6 TO 4-0	(5/1/82)	22.86	45.72	68.58	91.44	182.88	457.20	914.40	9144.	5.74	7.87	11.62
4-0 TO 4-6	(11/1/82)	23.76	47.52	71.28	95.04	190.08	475.20	950.40	9504.	6.01	8.08	13.52
4-6 TO 5-0	(5/1/83)	24.72	49.44	74.16	98.88	197.76	494.40	988.80	9888.	6.24	19.09	19.09
5-0 2/	(11/1/83)	27.08	54.16	81.24	108.32	216.64	541.60	1083.20	10832.	7.49	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(11/1/83)	$27.08	$ 54.16	$ 81.24	$108.32	$216.64	$ 541.60	$1083.20	$10832.	----	8.49	9.24
0-6 TO 1-0	(5/1/84)	28.23	56.46	84.69	112.92	225.84	564.60	1129.20	11292.	8.49	8.50	9.29
1-0 TO 1-6	(11/1/84)	29.43	58.86	88.29	117.72	235.44	588.60	1177.20	11772.	8.50	8.49	9.35
1-6 TO 2-0	(5/1/85)	30.68	61.36	92.04	122.72	245.44	613.60	1227.20	12272.	8.50	8.54	9.42
2-0 TO 2-6	(11/1/85)	31.99	63.98	95.97	127.96	255.92	639.80	1279.60	12796.	8.51	8.44	9.50
2-6 TO 3-0	(5/1/86)	33.34	66.68	100.02	133.36	266.72	666.80	1333.60	13336.	8.49	8.52	9.61
3-0 TO 3-6	(11/1/86)	34.76	69.52	104.28	139.04	278.08	695.20	1390.40	13904.	8.50	8.52	9.73
3-6 TO 4-0	(5/1/87)	36.24	72.48	108.72	144.96	289.92	724.80	1449.60	14496.	8.50	8.50	9.89
4-0 TO 4-6	(11/1/87)	37.78	75.56	113.34	151.12	302.24	755.60	1511.20	15112.	8.50	8.52	10.08
4-6 TO 5-0	(5/1/88)	39.39	78.78	118.17	157.56	315.12	787.80	1575.60	15756.	8.50	8.48	10.35
5-0 TO 5-6	(11/1/88)	41.06	82.12	123.18	164.24	328.48	821.20	1642.40	16424.	8.50	8.48	10.72
5-6 TO 6-0	(5/1/89)	42.80	85.60	128.40	171.20	342.40	856.00	1712.00	17120.	8.50	8.50	11.29
6-0 TO 6-6	(11/1/89)	44.62	89.24	133.86	178.48	356.96	892.40	1784.80	17848.	8.50	8.52	12.22
6-6 TO 7-0	(5/1/90)	46.52	93.04	139.56	186.08	372.16	930.40	1860.80	18608.	8.50	8.51	14.10
7-0 TO 7-6	(11/1/90)	48.50	97.00	145.50	194.00	388.00	970.00	1940.00	19400.	8.50	19.84	19.84
7-6 4/	(5/1/91)	53.31	106.62	159.93	213.24	426.48	1066.20	2132.40	21324.	9.24 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1978 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.54 PERCENT.
4/ BONUS PAYMENT IS MADE AT 12 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.42%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 236

BONDS BEARING ISSUE DATE DEC. 1, 1978

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
2-6 TO 3-0	1/(6/1/81)	$21.24	$ 42.48	$ 63.72	$ 84.96	$169.92	$ 424.80	$ 849.60	$ 8496.	5.05	7.44	10.06
3-0 TO 3-6	(12/1/81)	22.03	44.06	66.09	88.12	176.24	440.60	881.20	8812.	5.45	7.54	10.73
3-6 TO 4-0	(6/1/82)	22.86	45.72	68.58	91.44	182.88	457.20	914.40	9144.	5.74	7.87	11.80
4-0 TO 4-6	(12/1/82)	23.76	47.52	71.28	95.04	190.08	475.20	950.40	9504.	6.01	8.08	13.79
4-6 TO 5-0	(6/1/83)	24.72	49.44	74.16	98.88	197.76	494.40	988.80	9888.	6.24	19.66	19.66
5-0 2/	(12/1/83)	27.15	54.30	81.45	108.60	217.20	543.00	1086.00	10860.	7.54	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(12/1/83)	$27.15	$ 54.30	$ 81.45	$108.60	$217.20	$ 543.00	$1086.00	$10860.	----	8.47	9.24
0-6 TO 1-0	(6/1/84)	28.30	56.60	84.90	113.20	226.40	566.00	1132.00	11320.	8.47	8.55	9.29
1-0 TO 1-6	(12/1/84)	29.51	59.02	88.53	118.04	236.08	590.20	1180.40	11804.	8.51	8.47	9.35
1-6 TO 2-0	(6/1/85)	30.76	61.52	92.28	123.04	246.08	615.20	1230.40	12304.	8.50	8.52	9.42
2-0 TO 2-6	(12/1/85)	32.07	64.14	96.21	128.28	256.56	641.40	1282.80	12828.	8.50	8.48	9.50
2-6 TO 3-0	(6/1/86)	33.43	66.86	100.29	133.72	267.44	668.60	1337.20	13372.	8.50	8.50	9.61
3-0 TO 3-6	(12/1/86)	34.85	69.70	104.55	139.40	278.80	697.00	1394.00	13940.	8.50	8.49	9.73
3-6 TO 4-0	(6/1/87)	36.33	72.66	108.99	145.32	290.64	726.60	1453.20	14532.	8.50	8.53	9.88
4-0 TO 4-6	(12/1/87)	37.88	75.76	113.64	151.52	303.04	757.60	1515.20	15152.	8.50	8.50	10.08
4-6 TO 5-0	(6/1/88)	39.49	78.98	118.47	157.96	315.92	789.80	1579.60	15796.	8.50	8.51	10.34
5-0 TO 5-6	(12/1/88)	41.17	82.34	123.51	164.68	329.36	823.40	1646.80	16468.	8.50	8.45	10.71
5-6 TO 6-0	(6/1/89)	42.91	85.82	128.73	171.64	343.28	858.20	1716.40	17164.	8.50	8.53	11.28
6-0 TO 6-6	(12/1/89)	44.74	89.48	134.22	178.96	357.92	894.80	1789.60	17896.	8.50	8.49	12.20
6-6 TO 7-0	(6/1/90)	46.64	93.28	139.92	186.56	373.12	932.80	1865.60	18656.	8.50	8.49	14.08
7-0 TO 7-6	(12/1/90)	48.62	97.24	145.86	194.48	388.96	972.40	1944.80	19448.	8.50	19.83	19.83
7-6 4/	(6/1/91)	53.44	106.88	160.32	213.76	427.52	1068.80	2137.60	21376.	9.24 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1978 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.50 PERCENT.
4/ BONUS PAYMENT IS MADE AT 12 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.44%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 237

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1979

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
2-6 TO 3-0	1/(7/1/81)	$21.24	$ 42.48	$ 63.72	$ 84.96	$169.92	$ 424.80	$ 849.60	$ 8496.	5.05	7.44	10.06
3-0 TO 3-6	(1/1/82)	22.03	44.06	66.09	88.12	176.24	440.60	881.20	8812.	5.45	7.54	10.73
3-6 TO 4-0	(7/1/82)	22.86	45.72	68.58	91.44	182.88	457.20	914.40	9144.	5.74	7.87	11.80
4-0 TO 4-6	(1/1/83)	23.76	47.52	71.28	95.04	190.08	475.20	950.40	9504.	6.01	8.08	13.79
4-6 TO 5-0	(7/1/83)	24.72	49.44	74.16	98.88	197.76	494.40	988.80	9888.	6.24	19.66	19.66
5-0 2/	(1/1/84)	27.15	54.30	81.45	108.60	217.20	543.00	1086.00	10860.	7.54	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6	1/(1/1/84)	$27.15	$ 54.30	$ 81.45	$108.60	$217.20	$ 543.00	$1086.00	$10860.	----	8.47	9.29
0-6 TO 1-0	(7/1/84)	28.30	56.60	84.90	113.20	226.40	566.00	1132.00	11320.	8.47	8.55	9.35
1-0 TO 1-6	(1/1/85)	29.51	59.02	88.53	118.04	236.08	590.20	1180.40	11804.	8.51	8.47	9.41
1-6 TO 2-0	(7/1/85)	30.76	61.52	92.28	123.04	246.08	615.20	1230.40	12304.	8.50	8.52	9.50
2-0 TO 2-6	(1/1/86)	32.07	64.14	96.21	128.28	256.56	641.40	1282.80	12828.	8.50	8.48	9.60
2-6 TO 3-0	(7/1/86)	33.43	66.86	100.29	133.72	267.44	668.60	1337.20	13372.	8.50	8.50	9.72
3-0 TO 3-6	(1/1/87)	34.85	69.70	104.55	139.40	278.80	697.00	1394.00	13940.	8.50	8.49	9.88
3-6 TO 4-0	(7/1/87)	36.33	72.66	108.99	145.32	290.64	726.60	1453.20	14532.	8.50	8.53	10.08
4-0 TO 4-6	(1/1/88)	37.88	75.76	113.64	151.52	303.04	757.60	1515.20	15152.	8.50	8.50	10.33
4-6 TO 5-0	(7/1/88)	39.49	78.98	118.47	157.96	315.92	789.80	1579.60	15796.	8.50	8.51	10.70
5-0 TO 5-6	(1/1/89)	41.17	82.34	123.51	164.68	329.36	823.40	1646.80	16468.	8.50	8.45	11.26
5-6 TO 6-0	(7/1/89)	42.91	85.82	128.73	171.64	343.28	858.20	1716.40	17164.	8.50	8.53	12.20
6-0 TO 6-6	(1/1/90)	44.74	89.48	134.22	178.96	357.92	894.80	1789.60	17896.	8.50	8.49	14.06
6-6 TO 7-0	(7/1/90)	46.64	93.28	139.92	186.56	373.12	932.80	1865.60	18656.	8.50	19.77	19.77
7-0 4/	(1/1/91)	51.25	102.50	153.75	205.00	410.00	1025.00	2050.00	20500.	9.29 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1979 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.56 PERCENT.

4/ BONUS PAYMENT IS MADE AT 12 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.49%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 23B

BONDS BEARING ISSUE DATE MAY 1, 1979

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
2- 0 TO 2- 1 1/	(5/1/81)	$20.70	$ 41.40	$ 62.10	$ 82.80	$165.60	$ 414.00	$ 828.00	$ 8280.	5.01	6.46	9.59
2- 1 TO 2- 2	(6/1/81)	20.81	41.62	62.43	83.24	166.48	416.20	832.40	8324.	5.07	6.43	9.68
2- 2 TO 2- 3	(7/1/81)	20.92	41.84	62.76	83.68	167.36	418.40	836.80	8368.	5.12	5.81	9.78
2- 3 TO 2- 4	(8/1/81)	21.02	42.04	63.06	84.08	168.16	420.40	840.80	8408.	5.14	6.36	9.90
2- 4 TO 2- 5	(9/1/81)	21.13	42.26	63.39	84.52	169.04	422,60	845.20	8452.	5.19	6.33	10.01
2- 5 TO 2- 6	(10/1/81)	21.24	42.48	63.72	84.96	169.92	424.80	849.60	8496.	5.23	12.16	10.13
2- 6 TO 3- 0	(11/1/81)	21.45	42.90	64.35	85.80	171.60	429.00	858.00	8580.	5.45	7.37	10.07
3- 0 TO 3- 6	(5/1/82)	22.24	44.48	66.72	88.96	177.92	444.80	889.60	8896.	5.77	7.55	10.75
3- 6 TO 4- 0	(11/1/82)	23.08	46.16	69.24	92.32	184.64	461.60	923.20	9232.	6.03	7.89	11.82
4- 0 TO 4- 6	(5/1/83)	23.99	47.98	71.97	95.96	191.92	479.80	959.60	9596.	6.26	8.17	13.82
4- 6 TO 5- 0	(11/1/83)	24.97	49.94	74.91	99.88	199.76	499.40	998.80	9988.	6.47	19.62	19.62
5-0 2/	(5/1/84)	27.42	54.84	82.26	109.68	219.36	548.40	1096.80	10968.	7.75	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0- 0 TO 0- 6 1/	(5/1/84)	$27.42	$ 54.84	$ 82.26	$109.68	$219.36	$ 548.40	$1096.80	$10968.	----	8.53	9.29
0- 6 TO 1- 0	(11/1/84)	28.59	57.18	85.77	114.36	228.72	571.80	1143.60	11436.	8.53	8.46	9.34
1- 0 TO 1- 6	(5/1/85)	29.80	59.60	89.40	119.20	238.40	596.00	1192.00	11920.	8.50	8.52	9.42
1- 6 TO 2- 0	(11/1/85)	31.07	62.14	93.21	124.28	248.56	621.40	1242.80	12428.	8.51	8.50	9.50
2- 0 TO 2- 6	(5/1/86)	32.39	64.78	97.17	129.56	259.12	647.80	1295.60	12956.	8.50	8.46	9.60
2- 6 TO 3- 0	(11/1/86)	33.76	67.52	101.28	135.04	270.08	675.20	1350.40	13504.	8.50	8.53	9.73
3- 0 TO 3- 6	(5/1/87)	35.20	70.40	105.60	140.80	281.60	704.00	1408.00	14080.	8.50	8.47	9.88
3- 6 TO 4- 0	(11/1/87)	36.69	73.38	110.07	146.76	293.52	733.80	1467.60	14676.	8.50	8.50	10.08
4- 0 TO 4- 6	(5/1/88)	38.25	76.50	114.75	153.00	306.00	765.00	1530.00	15300.	8.50	8.52	10.34
4- 6 TO 5- 0	(11/1/88)	39.88	79.76	119.64	159.52	319.04	797.60	1595.20	15952.	8.50	8.48	10.71
5- 0 TO 5- 6	(5/1/89)	41.57	83.14	124.71	166.28	332.56	831.40	1662.80	16628.	8.50	8.52	11.27
5- 6 TO 6- 0	(11/1/89)	43.34	86.68	130.02	173.36	346.72	866.80	1733.60	17336.	8.50	8.49	12.19
6- 0 TO 6- 6	(5/1/90)	45.18	90.36	135.54	180.72	361.44	903.60	1807.20	18072.	8.50	8.50	14.07
6- 6 TO 7- 0	(11/1/90)	47.10	94.20	141.30	188.40	376.80	942.00	1884.00	18840.	8.50	19.79	19.79
7-0 4/	(5/1/91)	51.76	103.52	155.28	207.04	414.08	1035.20	2070.40	20704.	9.29 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1979 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.64 PERCENT.
4/ BONUS PAYMENT IS MADE AT 12 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.38%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 239

BONDS BEARING ISSUE DATE JUNE 1, 1979

PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD (A)TO MATURITY
ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
										PERCENT	PERCENT	PERCENT
2- 0 TO 2- 1	1/(6/1/81)	$20.70	$ 41.40	$ 62.10	$ 82.80	$165.60	$ 414.00	$ 828.00	$ 8280.	5.01	6.46	9.67
2- 1 TO 2- 2	(7/1/81)	20.81	41.62	62.43	83.24	166.48	416.20	832.40	8324.	5.07	6.43	9.76
2- 2 TO 2- 3	(8/1/81)	20.92	41.84	62.76	83.68	167.36	418.40	836.80	8368.	5.12	5.81	9.86
2- 3 TO 2- 4	(9/1/81)	21.02	42.04	63.06	84.08	168.16	420.40	840.80	8408.	5.14	6.36	9.99
2- 4 TO 2- 5	(10/1/81)	21.13	42.26	63.39	84.52	169.04	422.60	845.20	8452.	5.19	6.33	10.10
2- 5 TO 2- 6	(11/1/81)	21.24	42.48	63.72	84.96	169.92	424.80	849.60	8496.	5.23	12.16	10.22
2- 6 TO 3- 0	(12/1/81)	21.45	42.90	64.35	85.80	171.60	429.00	858.00	8580.	5.45	7.37	10.16
3- 0 TO 3- 6	(6/1/82)	22.24	44.48	66.72	88.96	177.92	444.80	889.60	8896.	5.77	7.55	10.86
3- 6 TO 4- 0	(12/1/82)	23.08	46.16	69.24	92.32	184.64	461.60	923.20	9232.	6.03	7.89	11.98
4- 0 TO 4- 6	(6/1/83)	23.99	47.98	71.97	95.96	191.92	479.80	959.60	9596.	6.26	8.17	14.05
4- 6 TO 5- 0	(12/1/83)	24.97	49.94	74.91	99.88	199.76	499.40	998.80	9988.	6.47	20.10	20.10
5-0 2/	(6/1/84)	27.48	54.96	82.44	109.92	219.84	549.60	1099.20	10992.	7.79	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0- 0 TO 0- 6	1/(6/1/84)	$27.48	$ 54.96	$ 82.44	$109.92	$219.84	$ 549.60	$1099.20	$10992.	----	8.52	9.29
0- 6 TO 1- 0	(12/1/84)	28.65	57.30	85.95	114.60	229.20	573.00	1146.00	11460.	8.52	8.52	9.35
1- 0 TO 1- 6	(6/1/85)	29.87	59.74	89.61	119.48	238.96	597.40	1194.80	11948.	8.52	8.44	9.42
1- 6 TO 2- 0	(12/1/85)	31.13	62.26	93.39	124.52	249.04	622.60	1245.20	12452.	8.49	8.54	9.51
2- 0 TO 2- 6	(6/1/86)	32.46	64.92	97.38	129.84	259.68	649.20	1298.40	12984.	8.50	8.50	9.60
2- 6 TO 3- 0	(12/1/86)	33.84	67.68	101.52	135.36	270.72	676.80	1353.60	13536.	8.50	8.51	9.72
3- 0 TO 3- 6	(6/1/87)	35.28	70.56	105.84	141.12	282.24	705.60	1411.20	14112.	8.50	8.45	9.88
3- 6 TO 4- 0	(12/1/87)	36.77	73.54	110.31	147.08	294.16	735.40	1470.80	14708.	8.50	8.54	10.08
4- 0 TO 4- 6	(6/1/88)	38.34	76.68	115.02	153.36	306.72	766.80	1533.60	15336.	8.50	8.50	10.34
4- 6 TO 5- 0	(12/1/88)	39.97	79.94	119.91	159.88	319.76	799.40	1598.80	15988.	8.50	8.51	10.71
5- 0 TO 5- 6	(6/1/89)	41.67	83.34	125.01	166.68	333.36	833.40	1666.80	16668.	8.50	8.50	11.26
5- 6 TO 6- 0	(12/1/89)	43.44	86.88	130.32	173.76	347.52	868.80	1737.60	17376.	8.50	8.47	12.79
6- 0 TO 6- 6	(6/1/90)	45.28	90.56	135.84	181.12	362.24	905.60	1811.20	18112.	8.50	8.52	14.08
6- 6 TO 7- 0	(12/1/90)	47.21	94.42	141.63	188.84	377.68	944.20	1888.40	18884.	8.50	19.78	19.78
7-0 4/	(6/1/91)	51.88	103.76	155.64	207.52	415.04	1037.60	2075.20	20752.	9.29 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1979 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.66 PERCENT.
4/ BONUS PAYMENT IS MADE AT 12 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.40%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 240

BONDS BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1979

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
2- 0 TO 2- 1	1/(7/1/81)	$20.70	$ 41.40	$ 62.10	$ 82.80	$165.60	$ 414.00	$ 828.00	$ 8280.	5.01	6.46	9.67
2- 1 TO 2- 2	(8/1/81)	20.81	41.62	62.43	83.24	166.48	416.20	832.40	8324.	5.07	6.43	9.76
2- 2 TO 2- 3	(9/1/81)	20.92	41.84	62.76	83.68	167.36	418.40	836.80	8368.	5.12	5.81	9.86
2- 3 TO 2- 4	(10/1/81)	21.02	42.04	63.06	84.08	168.16	420.40	840.80	8408.	5.14	6.36	9.99
2- 4 TO 2- 5	(11/1/81)	21.13	42.26	63.39	84.52	169.04	422.60	845.20	8452.	5.19	6.33	10.10
2- 5 TO 2- 6	(12/1/81)	21.24	42.48	63.72	84.96	169.92	424.80	849.60	8496.	5.23	12.16	10.22
2- 6 TO 3- 0	(1/1/82)	21.45	42.90	64.35	85.80	171.60	429.00	858.00	8580.	5.45	7.37	10.16
3- 0 TO 3- 6	(7/1/82)	22.24	44.48	66.72	88.96	177.92	444.80	889.60	8896.	5.77	7.55	10.86
3- 6 TO 4- 0	(1/1/83)	23.08	46.16	69.24	92.32	184.64	461.60	923.20	9232.	6.03	7.89	11.98
4- 0 TO 4- 6	(7/1/83)	23.99	47.98	71.97	95.96	191.92	479.80	959.60	9596.	6.26	8.17	14.05
4- 6 TO 5- 0	(1/1/84)	24.97	49.94	74.91	99.88	199.76	499.40	998.80	9988.	6.47	20.10	20.10
5-0 2/	(7/1/84)	27.48	54.96	82.44	109.92	219.84	549.60	1099.20	10992.	7.79	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0- 0 TO 0- 6	1/(7/1/84)	$27.48	$ 54.96	$ 82.44	$109.92	$219.84	$ 549.60	$1099.20	$10992.	----	8.52	9.35
0- 6 TO 1- 0	(1/1/85)	28.65	57.30	85.95	114.60	229.20	573.00	1146.00	11460.	8.52	8.52	9.42
1- 0 TO 1- 6	(7/1/85)	29.87	59.74	89.61	119.48	238.96	597.40	1194.80	11948.	8.52	8.44	9.50
1- 6 TO 2- 0	(1/1/86)	31.13	62.26	93.39	124.52	249.04	622.60	1245.20	12452.	8.49	8.54	9.61
2- 0 TO 2- 6	(7/1/86)	32.46	64.92	97.38	129.84	259.68	649.20	1298.40	12984.	8.50	8.50	9.73
2- 6 TO 3- 0	(1/1/87)	33.84	67.68	101.52	135.36	270.72	676.80	1353.60	13536.	8.50	8.51	9.88
3- 0 TO 3- 6	(7/1/87)	35.28	70.56	105.84	141.12	282.24	705.60	1411.20	14112.	8.50	8.45	10.08
3- 6 TO 4- 0	(1/1/88)	36.77	73.54	110.31	147.08	294.16	735.40	1470.80	14708.	8.50	8.54	10.35
4- 0 TO 4- 6	(7/1/88)	38.34	76.69	115.02	153.36	306.72	766.80	1533.60	15336.	8.50	8.50	10.71
4- 6 TO 5- 0	(1/1/89)	39.97	79.94	119.91	159.88	319.76	799.40	1598.80	15988.	8.50	8.51	11.27
5- 0 TO 5- 6	(7/1/89)	41.67	83.34	125.01	166.68	333.36	833.40	1666.80	16668.	8.50	8.50	12.20
5- 6 TO 6- 0	(1/1/90)	43.44	86.88	130.32	173.76	347.52	868.80	1737.60	17376.	8.50	8.47	14.08
6- 0 TO 6- 6	(7/1/90)	45.28	90.56	135.84	181.12	362.24	905.60	1811.20	18112.	8.50	19.83	19.83
6-6 4/	(1/1/91)	49.77	99.54	149.31	199.08	398.16	995.40	1900.80	19908.	9.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1979 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.67 PERCENT.
4/ BONUS PAYMENT IS MADE AT 11 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.45%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 241

BONDS BEARING ISSUE DATE NOV. 1, 1979

PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE) (2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD (A)TO MATURITY
ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.			
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
										PERCENT	PERCENT	PERCENT
1- 6 TO 1- 7 1/	(5/1/81)	$20.20	$ 40.40	$ 60.60	$ 80.80	$161.60	$ 404.00	$ 808.00	$ 8080.	5.03	5.41	9.27
1- 7 TO 1- 8	(6/1/81)	20.29	40.58	60.87	81.16	162.32	405.80	811.60	8116.	5.05	6.59	9.37
1- 8 TO 1- 9	(7/1/81)	20.40	40.80	61.20	81.60	163.20	408.00	816.00	8160.	5.13	5.95	9.44
1- 9 TO 1-10	(8/1/81)	20.50	41.00	61.50	82.00	164.00	410.00	820.00	8200.	5.16	5.93	9.53
1-10 TO 1-11	(9/1/81)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	5.20	5.90	9.62
1-11 TO 2- 0	(10/1/81)	20.70	41.40	62.10	82.80	165.60	414.00	828.00	8280.	5.23	11.88	9.72
2- 0 TO 2- 1	(11/1/81)	20.90	41.80	62.70	83.60	167.20	418.00	836.00	8360.	5.50	7.58	9.66
2- 1 TO 2- 2	(12/1/81)	21.03	42.06	63.09	84.12	168.24	420.60	841.20	8412.	5.58	7.53	9.72
2- 2 TO 2- 3	(1/1/82)	21.16	42.32	63.48	84.64	169.28	423.20	846.40	8464.	5.66	6.90	9.79
2- 3 TO 2- 4	(2/1/82)	21.28	42.56	63.84	85.12	170.24	425.60	851.20	8512.	5.71	6.86	9.88
2- 4 TO 2- 5	(3/1/82)	21.40	42.80	64.20	85.60	171.20	428.00	856.00	8560.	5.75	7.40	9.97
2- 5 TO 2- 6	(4/1/82)	21.53	43.06	64.59	86.12	172.24	430.60	861.20	8612.	5.80	7.36	10.05
2- 6 TO 3- 0	(5/1/82)	21.66	43.32	64.98	86.64	173.28	433.20	866.40	8664.	5.86	7.39	10.15
3- 0 TO 3- 6	(11/1/82)	22.46	44.92	67.38	89.84	179.68	449.20	898.40	8984.	6.11	7.57	10.84
3- 6 TO 4- 0	(5/1/83)	23.31	46.62	69.93	93.24	186.48	466.20	932.40	9324.	6.32	7.89	11.94
4- 0 TO 4- 6	(11/1/83)	24.23	48.46	72.69	96.92	193.84	484.60	969.20	9692.	6.51	8.09	14.00
4- 6 TO 5- 0	(5/1/84)	25.21	50.42	75.63	100.84	201.68	504.20	1008.40	10084.	6.69	20.07	20.07
5-0 2/	(11/1/84)	27.74	55.48	83.22	110.96	221.92	554.80	1109.60	11096.	7.99	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0- 0 TO 0- 6 1/	(11/1/84)	$27.74	$ 55.48	$ 83.22	$110.96	$221.92	$ 554.80	$1109.60	$11096.	----	8.51	9.35
0- 6 TO 1- 0	(5/1/85)	28.92	57.84	86.76	115.68	231.36	578.40	1156.80	11568.	8.51	8.51	9.42
1- 0 TO 1- 6	(11/1/85)	30.15	60.30	90.45	120.60	241.20	603.00	1206.00	12060.	8.51	8.49	9.51
1- 6 TO 2- 0	(5/1/86)	31.43	62.86	94.29	125.72	251.44	628.60	1257.20	12572.	8.50	8.53	9.61
2- 0 TO 2- 6	(11/1/86)	32.77	65.54	98.31	131.08	262.16	655.40	1310.80	13108.	8.51	8.48	9.73
2- 6 TO 3- 0	(5/1/87)	34.16	68.32	102.48	136.64	273.28	683.20	1366.40	13664.	8.50	8.49	9.89
3- 0 TO 3- 6	(11/1/87)	35.61	71.22	106.83	142.44	284.88	712.20	1424.40	14244.	8.50	8.48	10.09
3- 6 TO 4- 0	(5/1/88)	37.12	74.24	111.36	148.48	296.96	742.40	1484.80	14848.	8.50	8.51	10.35
4- 0 TO 4- 6	(11/1/88)	38.70	77.40	116.10	154.80	309.60	774.00	1548.00	15480.	8.50	8.53	10.72
4- 6 TO 5- 0	(5/1/89)	40.35	80.70	121.05	161.40	322.80	807.00	1614.00	16140.	8.50	8.48	11.28
5- 0 TO 5- 6	(11/1/89)	42.06	84.12	126.18	168.24	336.48	841.20	1682.40	16824.	8.50	8.51	12.22
5- 6 TO 6- 0	(5/1/90)	43.85	87.70	131.55	175.40	350.80	877.00	1754.00	17540.	8.50	8.48	14.10
6- 0 TO 6- 6	(11/1/90)	45.71	91.42	137.13	182.84	365.68	914.20	1828.40	18284.	8.50	19.86	19.86
6-6 4/	(5/1/91)	50.25	100.50	150.75	201.00	402.00	1005.00	2010.00	20100.	9.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1979 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.78 PERCENT.
4/ BONUS PAYMENT IS MADE AT 11 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.32%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 242

BONDS BEARING ISSUE DATE DEC. 1, 1979

ISSUE PRICE . . . . . DENOMINATION		$18.75 25.00	$37.50 50.00	$56.25 75.00	$75.00 100.00	$150.00 200.00	$375.00 500.00	$750.00 1000.00	$7500. 10000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
1- 6 TO 1- 7 1/	(6/1/81)	$20.20	$ 40.40	$ 60.60	$ 80.00	$161.60	$ 404.00	$ 808.00	$ 8080.	5.03	5.41	9.27
1- 7 TO 1- 8	(7/1/81)	20.29	40.58	60.87	81.16	162.32	405.80	811.60	8116.	5.05	6.59	9.37
1- 8 TO 1- 9	(8/1/81)	20.40	40.80	61.20	81.60	163.20	408.00	816.00	8160.	5.13	5.95	9.44
1- 9 TO 1-10	(9/1/81)	20.50	41.00	61.50	82.00	164.00	410.00	820.00	8200.	5.16	5.93	9.53
1-10 TO 1-11	(10/1/81)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	5.20	5.90	9.62
1-11 TO 2- 0	(11/1/81)	20.70	41.40	62.10	82.80	165.60	414.00	828.00	8280.	5.23	11.88	9.72
2- 0 TO 2- 1	(12/1/81)	20.90	41.80	62.70	83.60	167.20	418.00	836.00	8360.	5.50	7.58	9.66
2- 1 TO 2- 2	(1/1/82)	21.03	42.06	63.09	84.12	168.24	420.60	841.20	8412.	5.58	7.53	9.72
2- 2 TO 2- 3	(2/1/82)	21.16	42.32	63.48	84.64	169.28	423.20	846.40	8464.	5.66	6.90	9.79
2- 3 TO 2- 4	(3/1/82)	21.28	42.56	63.84	85.12	170.24	425.60	851.20	8512.	5.71	6.86	9.88
2- 4 TO 2- 5	(4/1/82)	21.40	42.80	64.20	85.60	171.20	428.00	856.00	8560.	5.75	7.40	9.97
2- 5 TO 2- 6	(5/1/82)	21.53	43.06	64.59	86.12	172.24	430.60	861.20	8612.	5.80	7.36	10.05
2- 6 TO 3- 0	(6/1/82)	21.66	43.32	64.98	86.64	173.28	433.20	866.40	8664.	5.86	7.39	10.15
3- 0 TO 3- 6	(12/1/82)	22.46	44.92	67.38	89.84	179.68	449.20	898.40	8984.	6.11	7.57	10.84
3- 6 TO 4- 0	(6/1/83)	23.31	46.62	69.93	93.24	186.48	466.20	932.40	9324.	6.32	7.89	11.94
4- 0 TO 4- 6	(12/1/83)	24.23	48.46	72.69	96.92	193.84	484.60	969.20	9692.	6.51	8.09	14.00
4- 6 TO 5- 0	(6/1/84)	25.21	50.42	75.63	100.84	201.68	504.20	1008.40	10084.	6.69	20.07	20.07
5-0 2/	(12/1/84)	27.74	55.48	83.22	110.96	221.92	554.80	1109.60	11096.	7.99	---	---
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0- 0 TO 0- 6 1/	(12/1/84)	$27.74	$ 55.48	$ 83.22	$110.96	$221.92	$ 554.80	$1109.60	$11096.	---	8.51	9.35
0- 6 TO 1- 0	(6/1/85)	28.92	57.84	86.76	115.68	231.36	578.40	1156.80	11568.	8.51	8.51	9.42
1- 0 TO 1- 6	(12/1/85)	30.15	60.30	90.45	120.60	241.20	603.00	1206.00	12060.	8.51	8.49	9.51
1- 6 TO 2- 0	(6/1/86)	31.43	62.86	94.29	125.72	251.44	628.60	1257.20	12572.	8.50	8.53	9.61
2- 0 TO 2- 6	(12/1/86)	32.77	65.54	98.31	131.08	262.16	655.40	1310.80	13108.	8.51	8.48	9.73
2- 6 TO 3- 0	(6/1/87)	34.16	68.32	102.48	136.64	273.28	683.20	1366.40	13664.	8.50	8.49	9.89
3- 0 TO 3- 6	(12/1/87)	35.61	71.22	106.83	142.44	284.88	712.20	1424.40	14244.	8.50	8.48	10.09
3- 6 TO 4- 0	(6/1/88)	37.12	74.24	111.36	148.48	296.96	742.40	1484.80	14848.	8.50	8.51	10.35
4- 0 TO 4- 6	(12/1/88)	38.70	77.40	116.10	154.80	309.60	774.00	1548.00	15480.	8.50	8.53	10.72
4- 6 TO 5- 0	(6/1/89)	40.35	80.70	121.05	161.40	322.80	807.00	1614.00	16140.	8.50	8.48	11.28
5- 0 TO 5- 6	(12/1/89)	42.06	84.12	126.18	168.24	336.48	841.20	1682.40	16824.	8.50	8.51	12.22
5- 6 TO 6- 0	(6/1/90)	43.85	87.70	131.55	175.40	350.80	877.00	1754.00	17540.	8.50	8.48	14.10
6- 0 TO 6- 6	(12/1/90)	45.71	91.42	137.13	182.84	365.68	914.20	1828.40	18284.	8.50	19.86	19.86
6-6 4/	(6/1/91)	50.25	100.50	150.75	201.00	402.00	1005.00	2010.00	20100.	9.35 3/	---	---

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1979 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.76 PERCENT.
4/ BONUS PAYMENT IS MADE AT 11 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.32%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 243

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1980

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD (A)TO MATURITY
										PERCENT	PERCENT	PERCENT
1- 6 TO 1- 7 1/	(7/1/81)	$20.20	$ 40.40	$ 60.60	$ 80.80	$161.60	$ 404.00	$ 808.00	$ 8080.	5.03	5.41	9.27
1- 7 TO 1- 8	(8/1/81)	20.29	40.58	60.87	81.16	162.32	405.80	811.60	8116.	5.05	6.59	9.37
1- 8 TO 1- 9	(9/1/81)	20.40	40.80	61.20	81.60	163.20	408.00	816.00	8160.	5.13	5.95	9.44
1- 9 TO 1-10	(10/1/81)	20.50	41.00	61.50	82.00	164.00	410.00	820.00	8200.	5.16	5.93	9.53
1-10 TO 1-11	(11/1/81)	20.60	41.20	61.80	82.40	164.80	412.00	824.00	8240.	5.20	5.90	9.62
1-11 TO 2- 0	(12/1/81)	20.70	41.40	62.10	82.80	165.60	414.00	828.00	8280.	5.23	11.88	9.72
2- 0 TO 2- 1	(1/1/82)	20.90	41.80	62.70	83.60	167.20	418.00	836.00	8360.	5.50	7.58	9.66
2- 1 TO 2- 2	(2/1/82)	21.03	42.06	63.09	84.12	168.24	420.60	841.20	8412.	5.58	7.53	9.72
2- 2 TO 2- 3	(3/1/82)	21.16	42.32	63.48	84.64	169.28	423.20	846.40	8464.	5.66	6.90	9.79
2- 3 TO 2- 4	(4/1/82)	21.28	42.56	63.84	85.12	170.24	425.60	851.20	8512.	5.71	6.86	9.88
2- 4 TO 2- 5	(5/1/82)	21.40	42.80	64.20	85.60	171.20	428.00	856.00	8560.	5.75	7.40	9.97
2- 5 TO 2- 6	(6/1/82)	21.53	43.06	64.59	86.12	172.24	430.60	861.20	8612.	5.80	7.36	10.05
2- 6 TO 3- 0	(7/1/82)	21.66	43.32	64.98	86.64	173.28	433.20	866.40	8664.	5.86	7.39	10.15
3- 0 TO 3- 6	(1/1/83)	22.46	44.92	67.38	89.84	179.68	449.20	898.40	8984.	6.11	7.57	10.84
3- 6 TO 4- 0	(7/1/83)	23.31	46.62	69.93	93.24	186.48	466.20	932.40	9324.	6.32	7.89	11.94
4- 0 TO 4- 6	(1/1/84)	24.23	48.46	72.69	96.92	193.84	484.60	969.20	9692.	6.51	8.09	14.00
4- 6 TO 5- 0	(7/1/84)	25.21	50.42	75.63	100.84	201.68	504.20	1008.40	10084.	6.69	20.07	20.07
5-0 2/	(1/1/85)	27.74	55.48	83.22	110.96	221.92	554.80	1109.60	11096.	7.99	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B)TO DATE OF BONUS PAYMENT
0- 0 TO 0- 6 1/	(1/1/85)	$27.74	$ 55.48	$ 83.22	$110.96	$221.92	$ 554.80	$1109.60	$11096.	----	8.51	9.42
0- 6 TO 1- 0	(7/1/85)	28.92	57.84	86.76	115.68	231.36	578.40	1156.30	11568.	8.51	8.51	9.51
1- 0 TO 1- 6	(1/1/86)	30.15	60.30	90.45	120.60	241.20	603.00	1206.00	12060.	8.51	8.49	9.61
1- 6 TO 2- 0	(7/1/86)	31.43	62.86	94.29	125.72	251.44	628.60	1257.20	12572.	8.50	8.53	9.73
2- 0 TO 2- 6	(1/1/87)	32.77	65.54	98.31	131.08	262.16	655.40	1310.80	13108.	8.51	8.48	9.88
2- 6 TO 3- 0	(7/1/87)	34.16	68.32	102.48	136.64	273.28	683.20	1366.40	13664.	8.50	8.49	10.08
3- 0 TO 3- 6	(1/1/88)	35.61	71.22	106.83	142.44	284.88	712.20	1424.40	14244.	8.50	8.48	10.35
3- 6 TO 4- 0	(7/1/88)	37.12	74.24	111.36	148.48	296.96	742.40	1484.80	14848.	8.50	8.51	10.73
4- 0 TO 4- 6	(1/1/89)	38.70	77.40	116.10	154.80	309.60	774.00	1548.00	15480.	8.50	8.53	11.28
4- 6 TO 5- 0	(7/1/89)	40.35	80.70	121.05	161.40	322.80	807.00	1614.00	16140.	8.50	8.48	12.21
5- 0 TO 5- 6	(1/1/90)	42.06	84.12	126.18	168.24	336.48	841.20	1682.40	16824.	8.50	8.51	14.10
5- 6 TO 6- 0	(7/1/90)	43.85	87.70	131.55	175.40	350.80	877.00	1754.00	17540.	8.50	19.84	19.84
6-0 4/	(1/1/91)	48.20	96.40	144.60	192.80	385.60	964.00	1928.00	19280.	9.42 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1980 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.77 PERCENT.

4/ BONUS PAYMENT IS MADE AT 11 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.37%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 2[illegible]

BONDS BEARING ISSUE DATE MAY 1, 1980

ISSUE PRICE		$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2) FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3) FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4) FROM BEGINNING OF EACH PERIOD (A) TO MATURITY
										PERCENT	PERCENT	PERCENT
1- 0 TO 1- 1	1/(5/1/81)	$19.71	$ 39.42	$ 59.13	$ 78.84	$157.68	$ 394.20	$ 788.40	$ 7884.	5.06	5.54	8.99
1- 1 TO 1- 2	(6/1/81)	19.80	39.60	59.40	79.20	158.40	396.00	792.00	7920.	5.09	6.14	9.07
1- 2 TO 1- 3	(7/1/81)	19.90	39.80	59.70	79.60	159.20	398.00	796.00	7960.	5.17	6.11	9.13
1- 3 TO 1- 4	(8/1/81)	20.00	40.00	60.00	80.00	160.00	400.00	800.00	8000.	5.23	6.08	9.20
1- 4 TO 1- 5	(9/1/81)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040.	5.28	6.04	9.27
1- 5 TO 1- 6	(10/1/81)	20.20	40.40	60.60	80.80	161.60	404.00	808.00	8080.	5.33	12.18	9.34
1- 6 TO 1- 7	(11/1/81)	20.40	40.80	61.20	81.60	163.20	408.00	816.00	8160.	5.70	6.56	9.28
1- 7 TO 1- 8	(12/1/81)	20.51	41.02	61.53	82.04	164.08	410.20	820.40	8204.	5.75	7.12	9.34
1- 8 TO 1- 9	(1/1/82)	20.63	41.26	61.89	82.52	165.04	412.60	825.20	8252.	5.82	7.08	9.40
1- 9 TO 1-10	(2/1/82)	20.75	41.50	62.25	83.00	166.00	415.00	830.00	8300.	5.88	7.04	9.46
1-10 TO 1-11	(3/1/82)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	5.93	7.00	9.52
1-11 TO 2- 0	(4/1/82)	20.99	41.98	62.97	83.96	167.92	419.80	839.60	8396.	5.98	6.37	9.59
2- 0 TO 2- 1	(5/1/82)	21.10	42.20	63.30	84.40	168.80	422.00	844.00	8440.	5.99	7.51	9.68
2- 1 TO 2- 2	(6/1/82)	21.23	42.46	63.69	84.92	169.84	424.60	849.20	8492.	6.05	7.46	9.74
2- 2 TO 2- 3	(7/1/82)	21.36	42.72	64.08	85.44	170.88	427.20	854.40	8544.	6.11	7.42	9.81
2- 3 TO 2- 4	(8/1/82)	21.49	42.98	64.47	85.96	171.92	429.80	859.60	8596.	6.15	7.37	9.88
2- 4 TO 2- 5	(9/1/82)	21.62	43.24	64.86	86.48	172.96	432.40	864.80	8648.	6.20	7.32	9.96
2- 5 TO 2- 6	(10/1/82)	21.75	43.50	65.25	87.00	174.00	435.00	870.00	8700.	6.24	7.28	10.05
2- 6 TO 3- 0	(11/1/82)	21.88	43.76	65.64	87.52	175.04	437.60	875.20	8752.	6.27	7.22	10.14
3- 0 TO 3- 6	(5/1/83)	22.67	45.34	68.01	90.68	181.36	453.40	906.80	9068.	6.43	7.59	10.88
3- 6 TO 4- 0	(11/1/83)	23.53	47.06	70.59	94.12	188.24	470.60	941.20	9412.	6.59	7.90	11.99
4- 0 TO 4- 6	(5/1/84)	24.46	48.92	73.38	97.84	195.68	489.20	978.40	9784.	6.76	9.18	14.06
4- 6 TO 5- 0	(11/1/84)	25.46	50.92	76.38	101.84	203.68	509.20	1018.40	10184.	6.91	20.11	20.11
5-0 2/	(5/1/85)	28.02	56.04	84.06	112.08	224.16	560.40	1120.80	11208.	8.20	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B) TO DATE OF BONUS PAYMENT
0- 0 TO 0- 6	1/(5/1/85)	$28.02	$ 56.04	$ 84.06	$112.08	$224.16	$ 560.40	$1120.80	$11208.	----	8.49	9.42
0- 6 TO 1- 0	(11/1/85)	29.21	58.42	87.63	116.84	233.68	584.20	1168.40	11684.	8.49	8.49	9.50
1- 0 TO 1- 6	(5/1/86)	30.45	60.90	91.35	121.80	243.60	609.00	1218.00	12180.	8.49	8.54	9.60
1- 6 TO 2- 0	(11/1/86)	31.75	63.50	95.25	127.00	254.00	635.00	1270.00	12700.	8.51	8.50	9.72
2- 0 TO 2- 6	(5/1/87)	33.10	66.20	99.30	132.40	264.80	662.00	1324.00	13240.	8.51	8.46	9.87
2- 6 TO 3- 0	(11/1/87)	34.50	69.00	103.50	138.00	276.00	690.00	1380.00	13800.	8.50	8.52	10.08
3- 0 TO 3- 6	(5/1/88)	35.97	71.94	107.91	143.88	287.76	719.40	1438.80	14388.	8.50	8.51	10.34
3- 6 TO 4- 0	(11/1/88)	37.50	75.00	112.50	150.00	300.00	750.00	1500.00	15000.	8.50	8.48	10.71
4- 0 TO 4- 6	(5/1/89)	39.09	78.18	117.27	156.36	312.72	781.80	1563.60	15636.	8.50	8.49	11.27
4- 6 TO 5- 0	(11/1/89)	40.75	81.50	122.25	163.00	326.00	815.00	1630.00	16300.	8.50	8.49	12.20
5- 0 TO 5- 6	(5/1/90)	42.48	84.96	127.44	169.92	339.84	849.60	1699.20	16992.	8.50	8.52	14.08
5- 6 TO 6- 0	(11/1/90)	44.29	88.58	132.87	177.16	354.32	885.80	1771.60	17716.	8.50	19.78	19.78
6-0 4/	(5/1/91)	48.67	97.34	146.01	194.68	389.36	973.40	1946.80	19468.	9.42 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1980 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.8[illegible] PERCENT.
4/ BONUS PAYMENT IS MADE AT 11 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.25%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

V 46/193 OC 6 81 UMI

TABLE 245

BONDS BEARING ISSUE DATE JUNE 1, 1980

									APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)
ISSUE PRICE	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7500.	
DENOMINATION	25.00	50.00	75.00	100.00	200.00	500.00	1000.00	10000.	

PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2) FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3) FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4) FROM BEGINNING OF EACH PERIOD (A) TO MATURITY
										PERCENT	PERCENT	PERCENT
1- 0 TO 1- 1	1/(6/1/81)	$19.71	$ 39.42	$ 59.13	$ 78.84	$157.68	$ 394.20	$ 788.40	$ 7884.	5.06	5.54	8.99
1- 1 TO 1- 2	(7/1/81)	19.80	39.60	59.40	79.20	158.40	396.00	792.00	7920.	5.09	6.14	9.07
1- 2 TO 1- 3	(8/1/81)	19.90	39.80	59.70	79.60	159.20	398.00	796.00	7960.	5.17	6.11	9.13
1- 3 TO 1- 4	(9/1/81)	20.00	40.00	60.00	80.00	160.00	400.00	800.00	8000.	5.23	6.08	9.20
1- 4 TO 1- 5	(10/1/81)	20.10	40.20	60.30	80.40	160.80	402.00	804.00	8040.	5.28	6.04	9.27
1- 5 TO 1- 6	(11/1/81)	20.20	40.40	60.60	80.80	161.60	404.00	808.00	8080.	5.33	12.18	9.34
1- 6 TO 1- 7	(12/1/81)	20.40	40.80	61.20	81.60	163.20	408.00	816.00	8160.	5.70	6.56	9.28
1- 7 TO 1- 8	(1/1/82)	20.51	41.02	61.53	82.04	164.08	410.20	820.40	8204.	5.75	7.12	9.34
1- 8 TO 1- 9	(2/1/82)	20.63	41.26	61.89	82.52	165.04	412.60	825.20	8252.	5.82	7.08	9.40
1- 9 TO 1-10	(3/1/82)	20.75	41.50	62.25	83.00	166.00	415.00	830.00	8300.	5.88	7.04	9.46
1-10 TO 1-11	(4/1/82)	20.87	41.74	62.61	83.48	166.96	417.40	834.80	8348.	5.93	7.00	9.52
1-11 TO 2- 0	(5/1/82)	20.99	41.98	62.97	83.96	167.92	419.80	839.60	8396.	5.98	6.37	9.59
2- 0 TO 2- 1	(6/1/82)	21.10	42.20	63.30	84.40	168.80	422.00	844.00	8440.	5.99	7.51	9.68
2- 1 TO 2- 2	(7/1/82)	21.23	42.46	63.69	84.92	169.84	424.60	849.20	8492.	6.05	7.46	9.74
2- 2 TO 2- 3	(8/1/82)	21.36	42.72	64.08	85.44	170.88	427.20	854.40	8544.	6.11	7.42	9.81
2- 3 TO 2- 4	(9/1/82)	21.49	42.98	64.47	85.96	171.92	429.80	859.60	8596.	6.15	7.37	9.88
2- 4 TO 2- 5	(10/1/82)	21.62	43.24	64.86	86.48	172.96	432.40	864.80	8648.	6.20	7.32	9.96
2- 5 TO 2- 6	(11/1/82)	21.75	43.50	65.25	87.00	174.00	435.00	870.00	8700.	6.24	7.28	10.05
2- 6 TO 3- 0	(12/1/82)	21.88	43.76	65.64	87.52	175.04	437.60	875.20	8752.	6.27	7.22	10.14
3- 0 TO 3- 6	(6/1/83)	22.67	45.34	68.01	90.68	181.36	453.40	906.80	9068.	6.43	7.59	10.88
3- 6 TO 4- 0	(12/1/83)	23.53	47.06	70.59	94.12	188.24	470.60	941.20	9412.	6.59	7.90	11.99
4- 0 TO 4- 6	(6/1/84)	24.46	48.92	73.38	97.84	195.68	489.20	978.40	9784.	6.76	8.18	14.06
4- 6 TO 5- 0	(12/1/84)	25.46	50.92	76.38	101.84	203.68	509.20	1018.40	10184.	6.91	20.11	20.11
5-0 2/	(6/1/85)	28.02	56.04	84.06	112.08	224.16	560.40	1120.80	11208.	8.20	----	----
(YEARS AND MONTHS AFTER MATURITY DATE)		EXTENDED MATURITY PERIOD**										(B) TO DATE OF BONUS PAYMENT
0- 0 TO 0- 6	1/(6/1/85)	$28.02	$ 56.04	$ 84.06	$112.08	$224.16	$ 560.40	$1120.80	$11208.	----	8.49	9.42
0- 6 TO 1- 0	(12/1/85)	29.21	58.42	87.63	116.84	233.68	584.20	1168.40	11684.	8.49	8.49	9.50
1- 0 TO 1- 6	(6/1/86)	30.45	60.90	91.35	121.80	243.60	609.00	1218.00	12180.	8.49	8.54	9.60
1- 6 TO 2- 0	(12/1/86)	31.75	63.50	95.25	127.00	254.00	635.00	1270.00	12700.	8.51	8.50	9.72
2- 0 TO 2- 6	(6/1/87)	33.10	66.20	99.30	132.40	264.80	662.00	1324.00	13240.	8.51	8.46	9.87
2- 6 TO 3- 0	(12/1/87)	34.50	69.00	103.50	138.00	276.00	690.00	1380.00	13800.	8.50	8.52	10.08
3- 0 TO 3- 6	(6/1/88)	35.97	71.94	107.91	143.88	287.76	719.40	1438.80	14388.	8.50	8.51	10.34
3- 6 TO 4- 0	(12/1/88)	37.50	75.00	112.50	150.00	300.00	750.00	1500.00	15000.	8.50	8.48	10.71
4- 0 TO 4- 6	(6/1/89)	39.09	78.18	117.27	156.36	312.72	781.80	1563.60	15636.	8.50	8.49	11.27
4- 6 TO 5- 0	(12/1/89)	40.75	81.50	122.25	163.00	326.00	815.00	1630.00	16300.	8.50	8.49	12.20
5- 0 TO 5- 6	(6/1/90)	42.48	84.96	127.44	169.92	339.84	849.60	1699.20	16992.	8.50	8.52	14.08
5- 6 TO 6- 0	(12/1/90)	44.29	88.58	132.87	177.16	354.32	885.80	1771.60	17716.	8.50	19.78	19.78
6-0 4/	(6/1/91)	48.67	97.34	146.01	194.68	389.36	973.40	1946.80	19468.	9.42 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1980 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 5 YEARS AND 0 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO DATE OF BONUS PAYMENT IS 8.86 PERCENT.
4/ BONUS PAYMENT IS MADE AT 11 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/91 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.25%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR 653, 10TH REVISION, AS AMENDED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SERIES E BONDS AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

APPENDIX

Summary of investment yields to maturity and extended maturity dates under regulations prescribed for Series E savings bonds with issue dates from May 1, 1941.*

Issues	Term to maturity (years and months)	Yield[1] during maturity period									
			1959	1965	1968	1969	1970	1973	1979	1980	1981
5/41-10/41	10- 0	2.90									
11/41- 4/42	10- 0	2.90									
5/42-11/43	10- 0	2.90									
12/43- 5/44	10- 0	2.90									
6/44-11/45	10- 0	2.90									
12/45- 5/48	10- 0	2.90									
6/48- 5/49	10- 0	2.90									
6/49-11/49	10- 0	2.90									
12/49- 5/50	10- 0	2.90	+.60								
6/50-10/50	10- 0	2.90	+.60								
11/50	10- 0	2.90	+.60								
12/50	10- 0	2.90	+.60								
1/51- 4/51	10- 0	2.90	+.60								
5/51-10/51	10- 0	2.90	+.60								
11/51- 4/52	10- 0	2.90	+.60								
5/52- 3/54	9- 8	3.00	+.50								
4/54- 9/54	9- 8	3.00	+.50								
10/54- 5/55	9- 8	3.00	+.50								
6/55- 3/56	9- 8	3.00	+.50								
4/56-11/56	9- 8	3.00	+.50								
12/56- 1/57	9- 8	3.00	+.50	+.40							
2/57- 5/57	8-11	3.25	+.50								
6/57- 5/59	8-11	3.25	+.50	+.40							
6/59- 5/60	7-.9	3.75		+.40							
6/60- 5/61	7- 9	3.75		+.40							
6/61- 8/61	7- 9	3.75		+.40	+.10b						
9/61- 2/62	7- 9	3.75		+.40	+.10b						
3/62- 8/62	7- 9	3.75		+.40	+.10b						
9/62- 1/63	7- 9	3.75		+.40	+.10b	5.00					
2/63- 3/63	7- 9	3.75		+.40	+.10b	5.00					
4/63- 5/63	7- 9	3.75		+.40	+.10b	5.00					
6/63- 7/63	7- 9	3.75		+.40	+.10b	5.00	+.50b				
8/63- 1/64	7- 9	3.75		+.40	+.10b	5.00	+.50b				
2/64-11/65	7- 9	3.75		+.40	+.10b	5.00	+.50b				
12/65-11/66	7- 0	4.15			+.10b	5.00	+.50b				
12/66- 5/67	7- 0	4.15			+.10b	5.00	+.50b				
6/67- 5/68	7- 0	4.15			+.10b	5.00	+.50b	+.50e			
6/68- 5/69	7- 0	4.25b				5.00	+.50b	+.50e			
6/69- 5/70	5-10	5.00					+.50b	+.50e			
6/70-11/73	5-10	5.50b						+.50e			
12/73- 5/74	5- 0	6.00									
6/74-11/74	5- 0	6.00									
12/74-10/75	5- 0	6.00							+.50b		
11/75-12/75	5- 0	6.00							+.50b		
1/76- 4/76	5- 0	6.00							+.50b		
5/76-10/76	5- 0	6.00							+.50b	+1.00e	
11/76- 5/79	5- 0	6.00							+.50b	+1.00e	+1.00e
6/79- 6/80	5- 0	6.50								+1.00e	+1.00e

APPENDIX (cont'd)

Summary of investment yields to maturity and extended maturity dates under regulations prescribed for Series E savings bonds with issue dates from May 1, 1941.*

Issues	Term to maturity (years and months)		Yield[1] during extended maturity period (10 years)								
			1959	1965	1968	1969	1970	1973	1979	1980	1981
5/41-10/41	10- 0	2.90	+.60								
11/41- 4/42	10- 0	2.90	+.60								
5/42-11/43	10- 0	3.00e	+.50								
12/43- 5/44	10- 0	3.00e	+.50								
6/44-11/45	10- 0	3.00e	+.50								
12/45- 5/48	10- 0	3.00e	+.50								
6/48- 5/49	10- 0	3.00e	+.50								
6/49-11/49	10- 0	3.75		+.40	+.10b						
12/49- 5/50	10- 0	3.75		+.40	+.10b	5.00					
6/50-10/50	10- 0	3.75		+.40	+.10b	5.00					
11/50	10- 0	3.75		+.40	+.10b	5.00					
12/50	10- 0	3.75		+.40	+.10b	5.00	+.50e				
1/51- 4/51	10- 0	3.75		+.40	+.10b	5.00	+.50e				
5/51-10/51	10- 0	3.75		+.40	+.10b	5.00	+.50e				
11/51- 4/52	10- 0	3.75		+.40	+.10b	5.00	+.50e				
5/52- 3/54	9- 8	3.75		+.40	+.10b	5.00	+.50e				
4/54- 9/54	9- 8	3.75		+.40	+.10b	5.00	+.50e				
10/54- 5/55	9- 8	3.75		+.40	+.10b	5.00	+.50e	+.50e			
6/55- 3/56	9- 8	3.75		+.40	+.10b	5.00	+.50e	+.50e			
4/56-11/56	9- 8	4.15e			+.10b	5.00	+.50e	+.50e			
12/56- 1/57	9- 8	4.15e			+.10b	5.00	+.50e	+.50e			
2/57- 5/57	8-11	4.15e			+.10b	5.00	+.50e	+.50e			
6/57- 5/59	8-11	4.15e			+.10b	5.00	+.50e	+.50e			
6/59- 5/60	7- 9	4.15e			+.10b	5.00	+.50e	+.50e			
6/60- 5/61	7- 9	4.25b				5.00	+.50e	+.50e			
6/61- 8/61	7- 9	4.25b				5.00	+.50e	+.50e			
9/61- 2/62	7- 9	5.00e					+.50e	+.50e			
3/62- 8/62	7- 9	5.00e					+.50e	+.50e	+.50e		
9/62- 1/63	7- 9	5.50e						+.50e	+.50e		
2/63- 3/63	7- 9	5.50e						+.50e	+.50e		
4/63- 5/63	7- 9	5.50e						+.50e	+.50e		
6/63- 7/63	7- 9	5.50e						+.50e	+.50e		
8/63- 1/64	7- 9	5.50e						+.50e	+.50e	+1.00e	
2/64-11/65	7- 9	5.50e						+.50e	+.50e	+1.00e	+1.00e
12/65-11/66	7- 0	5.50e						+.50e	+.50e	+1.00e	+1.00e
12/66- 5/67	7- 0	6.00e							+.50e	+1.00e	+1.00e
6/67- 5/68	7- 0	6.00e							+.50e	+1.00e	+1.00e
6/68- 5/69	7- 0	6.00e							+.50e	+1.00e	+1.00e
6/69- 5/70	5-10	6.00e							+.50e	+1.00e	+1.00e
6/70-11/73	5-10	6.00e							+.50e	+1.00e	+1.00e
12/73- 5/74	5- 0	6.00e							+.50e	+1.00e	+1.00e
6/74-11/74	5- 0	6.50e								+1.00e	+1.00e
12/74-10/75	5- 0	6.50e								+1.00e	+1.00e
11/75-12/75	5- 0	7.50e									+1.00e
1/76- 4/76	5- 0	7.50e									+1.00e
5/76-10/76	5- 0	8.50e[3]									
11/76- 5/79	5- 0	8.50e[3]									
6/79- 6/80	5- 0	8.50e[3]									

APPENDIX (cont'd)

Summary of investment yields to maturity and extended maturity dates under regulations prescribed for Series E savings bonds with issue dates from May 1, 1941.*

Issues	Term to maturity (years and months)	Yield[1] during second extended maturity period (10 years)								
			1965	1968	1969	1970	1973	1979	1980	1981
5/41-10/41	10- 0	3.75e	+.40	+.10b	5.00	+.50e				
11/41- 4/42	10- 0	3.75e	+.40	+.10b	5.00	+.50e				
5/42-11/43	10- 0	3.75e	+.40	+.10b	5.00	+.50e				
12/43- 5/44	10- 0	3.75e	+.40	+.10b	5.00	+.50e				
6/44-11/45	10- 0	3.75e	+.40	+.10b	5.00	+.50e	+.50e			
12/45- 5/48	10- 0	4.15e		+.10b	5.00	+.50e	+.50e			
6/48- 5/49	10- 0	4.25b			5.00	+.50e	+.50e			
6/49-11/49	10- 0	5.00e				+.50e	+.50e			
12/49- 5/50	10- 0	5.00e				+.50e	+.50e	+.50e		
6/50-10/50	10- 0	5.50e					+.50e	+.50e		
11/50	10- 0	5.50e					+.50e	+.50e		
12/50	10- 0	5.50e					+.50e	+.50e		
1/51- 4/51	10- 0	5.50e					+.50e	+.50e		
5/51-10/51	10- 0	5.50e					+.50e	+.50e	+1.00e	
11/51- 4/52	10- 0	5.50e					+.50e	+.50e	+1.00e	+1.00e
5/52- 3/54	9- 8	5.50e					+.50e	+.50e	+1.00e	+1.00e
4/54- 9/54	9- 8	6.00e						+.50e	+1.00e	+1.00e
10/54- 5/55	9- 8	6.00e						+.50e	+1.00e	+1.00e
6/55- 3/56	9- 8	6.00e						+.50e	+1.00e	+1.00e
4/56-11/56	9- 8	6.00e						+.50e	+1.00e	+1.00e
12/56- 1/57	9- 8	6.00e						+.50e	+1.00e	+1.00e
2/57- 5/57	8-11	6.00e						+.50e	+1.00e	+1.00e
6/57- 5/59	8-11	6.00e						+.50e	+1.00e	+1.00e
6/59- 5/60	7- 9	6.00e						+.50e	+1.00e	+1.00e
6/60- 5/61	7- 9	6.00e						+.50e	+1.00e	+1.00e
6/61- 8/61	7- 9	6.00e						+.50e	+1.00e	+1.00e
9/61- 2/62	7- 9	6.50e							+1.00e	+1.00e
3/62- 8/62	7- 9	6.50e							+1.00e	+1.00e
9/62- 1/63	7- 9	6.50e							+1.00e	+1.00e
2/63- 3/63	7- 9	7.50e								+1.00e
4/63- 5/63	7- 9	7.50e								+1.00e
6/63- 7/63	7- 9	7.50e								+1.00e
8/63- 1/64	7- 9	8.50e3/								+1.00e
2/64-11/65	7- 9	8.50e3/								
12/65-11/66	7- 0	8.50e3/								
12/66- 5/67	7- 0	8.50e3/								
6/67- 5/68	7- 0	8.50e3/								
6/68- 5/69	7- 0	8.50e3/								
6/69- 5/70	5-10	8.50e3/								
6/70-11/73	5-10	8.50e3/								
12/73- 5/74	5- 0	8.50e3/								
6/74-11/74	5- 0	8.50e3/								
12/74-10/75	5- 0	8.50e3/								
11/75-12/75	5- 0	8.50e3/								
1/76- 4/76	5- 0	8.50e3/								
5/76-10/76	5- 0	8.50e3/								
11/76- 5/79	5- 0	8.50e3/								
6/79- 6/80	5- 0	8.50e3/								

APPENDIX (cont'd)

Summary of investment yields to maturity and extended maturity dates under regulations prescribed for Series E savings bonds with issue dates from May 1, 1941.*

Issues	Term to maturity (years and months)	Yield[1] during third (and final) extended maturity period (10 years)				
			1973	1979	1980	1981
5/41-10/41	10- 0	5.50e	+.50e	+.50e	+1.00e	
11/41- 4/42	10- 0	5.50e	+.50e	+.50e	+1.00e	+1.00e
5/42-11/43	10- 0	5.50e	+.50e	+.50e	+1.00e	+1.00e
12/43- 5/44	10- 0	6.00e		+.50e	+1.00e	+1.00e
6/44-11/45	10- 0	6.00e		+.50e	+1.00e	+1.00e
12/45- 5/48	10- 0	6.00e		+.50e	+1.00e	+1.00e
6/48- 5/49	10- 0	6.00e		+.50e	+1.00e	+1.00e
6/49-11/49	10- 0	6.50e			+1.00e	+1.00e
12/49- 5/50	10- 0	6.50e			+1.00e	+1.00e
6/50-10/50	10- 0	6.50e			+1.00e	+1.00e
11/50	10- 0	7.50e				+1.00e
12/50	10- 0	7.50e				+1.00e
1/51- 4/51	10- 0	7.50e				+1.00e
5/51-10/51	10- 0	8.50e				
11/51- 4/52	10- 0	8.50e3/				
5/52- 3/54	9- 8	8.50e3/				
4/54- 9/54	9- 8	8.50e3/				
10/54- 5/55	9- 8	8.50e3/				
6/55- 3/56	9- 8	8.50e3/				
4/56-11/56	9- 8	8.50e3/				
12/56- 1/57	9- 8	8.50e3/				
2/57- 5/57	8-11	8.50e3/				
6/57- 5/59	8-11	8.50e3/				
6/59- 5/60	7- 9	8.50e3/				
6/60- 5/61	7- 9	8.50e3/				
6/61- 8/61	7- 9	8.50e3/				
9/61- 2/62	7- 9	8.50e3/				
3/62- 8/62	7- 9	8.50e3/				
9/62- 1/63	7- 9	8.50e3/				
2/63- 3/63	7- 9	8.50e3/				
4/63- 5/63	7- 9	8.50e3/				
6/63- 7/63	7- 9	8.50e3/				
8/63- 1/64	7- 9	8.50e3/				
2/64-11/65	7- 9	8.50e3/				

APPENDIX (cont'd)

Footnotes

1/ All yields are in terms of percent per annum, compounded semiannually. The first figure in each maturity period is the overall yield for that period at time of entry into period. Crediting of accruals is on a graduated basis unless otherwise indicated, the full rate being credited only upon holding to end of period (lesser credit if redeemed earlier). An "e" indicates accrual on an approximately level basis. A "b" indicates increased accrual on a bonus basis; that is, full rate is credited only if bond is held to end of period (no increase if redeemed earlier). Rate increases within period took effect at beginning of first full half-year interest accrual period starting on or after effective date as follows:

1959 - graduated improvement in rate to next maturity beginning June 1, 1959.
1965 - graduated improvement in rate to next maturity beginning December 1, 1965.
1968 - bonus improvement in rate to next maturity beginning June 1, 1968, which took effect as early as March 1, 1968, in some cases, but did not apply to first accrual period if it was less than a half-year.
1969 - maximum rate to next maturity beginning June 1, 1969.
1970 - bonus and level improvements in rate to next maturity beginning June 1, 1970.
1973 - level improvement in rate to next maturity beginning December 1, 1973.
1979 - bonus and level improvement in rate to next maturity beginning June 1, 1979.
1980 - level improvement in rate to next maturity beginning November 1, 1980.
1981 - level improvement in rate to next maturity beginning May 1, 1981.

2/ Yield does not apply if prevailing rate for Series E bonds at time extension begins is different from 8.50 percent.

3/ Yield does not apply if prevailing rate for Series E bonds at time extension begins is different from 8.50 percent. During this maturity period, bonds held until their first interest accrual date in 1991 will receive a bonus payment which will increase their yield from their first semiannual interest accrual date in 1980 to their first interest accrual date in 1991 by ½ of 1%.

* The purpose of this table is to summarize the history of yields on Series E savings bonds. Because of the graduated nature of these yields this table does not contain sufficient detail for the calculation of redemption values.

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federal register

Tuesday
October 6, 1981

Part III

Department of the Treasury

Fiscal Service, Bureau of Public Debt

Offering of United States Savings Bonds, Series EE

Department Circular, Public Debt Series No. 1-80, First Revision

V 46/193 OC 6 81 UMI

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 351

Offering of United States Savings Bonds, Series EE

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This First Revision of Department of the Treasury Circular, Public Debt Series No. 1–80, the offering circular for United States Saving Bonds of Series EE, is being issued to reflect improvements in the investment yields of these bonds.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376–0636.

SUPPLEMENTARY INFORMATION: The revision of the offering circular for Series EE bonds effectuates two improvements in their investment yield. On October 6, 1980, the Secretary announced that Series EE bonds sold on and after November 1, 1980, would provide a yield of 8 percent per annum, compounded semiannually, if held to maturity, and that outstanding Series EE bonds would have their yield for the remaining period to maturity increased by 1 percent per annum, compounded semiannually. On April 29, 1981, the Secretary announced that Series EE bonds would provide a yield of 9 percent per annum, compounded semiannually, if held to maturity and that outstanding Series EE bonds would have their yield for the remaining period to maturity further increased by 1 percent per annum, compounded semiannually. These yield increases will be applied as follows:

Series EE bonds bearing issue dates of May 1, 1981, and thereafter. Series EE bonds issued on or after May 1, 1981, and thereafter, will have an original maturity period of eight years and will provide an investment yield of 9 percent per annum, compounded semiannually, if held to their maturity dates. If a bond is redeemed prior to maturity, its intermediate yield will be less than 9 percent. For example, a bond redeemed one year after issue will yield approximately 6 percent per annum, compounded semiannually; a bond redeemed 5 years after issue will yield 8.5 percent per annum, compounded semiannually.

Series EE bonds bearing issue dates of November 1, 1980, to April 1, 1981. Series EE bonds bearing issue dates of November 1, 1980, to April 1, 1981, have an original maturity period of nine years and, at the time of their issue, provided a yield of 8 percent per annum, compounded semiannually if held to maturity. Additionally, due to the May 1, 1981, increase, these bonds will have their yield for the last 8½ years of their original maturity period increased by 1 percent per annum, compounded semiannually, resulting in an overall yield of 8.94 percent per annum, compounded semiannually, if held to maturity. Bonds redeemed prior to maturity will provide lower intermediate yields; for example, approximately 6 percent per annum, compounded semiannually, if redeemed after one year; 8.40 percent per annum, compounded semiannually, if redeemed after 5 years.

Series EE bonds bearing issue dates prior to November 1, 1980. Series EE bonds bearing issue dates of January 1, 1980, to October 1, 1980, have an original maturity period of 11 years and, at the time of their issue, provided an investment yield of 7 percent per annum, compounded semiannually, if held to maturity. This yield is increased by 1 percent per anum, compounded semiannually for the remaining period to maturity commencing with the first semiannual anniversary of their issue occurring on or after November 1, 1980, and by a further 1 percent per annum, compounded semiannually, commencing with the first semiannual anniversary of their issue occurring on or after May 1, 1981. The intermediate yields on these bonds are also improved. The tables in the circular provide detailed information on these yields.

This revision is effected under authority of Section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

Dated: September 11, 1981.

Paul H. Taylor,

Fiscal Assistant Secretary.

Accordingly, Department of the Treasury Circular, Public Debt Series No. 1–80, dated December 14, 1979, including the tables incorporated therein (31 CFR Part 351), is hereby revised and reissued as Department of the Treasury Circular, Public Debt Series No. 1–80, First Revision, effective as of May 1, 1981.

PART 351—OFFERING CIRCULAR FOR UNITED STATES SAVINGS BONDS, SERIES EE

Sec.
351.0 Offering of bonds.
351.1 Governing regulations.
351.2 Description of bonds.
351.3 Registration and issue.
351.4 Limitation on purchase.
351.5 Purchase of bonds.
351.6 Delivery of bonds.
351.7 Payment or redemption.
351.8 Taxation.
351.9 Reservation as to issue of bonds.
351.10 Waiver.
351.11 Fiscal agents.
351.12 Reservations as to terms of offer.

Authority: Sec. 22, Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c); (5 U.S.C. 301).

Source: Department of the Treasury Circular, Public Debt Series No. 1–80.

PART 351—OFFERING CIRCULAR FOR UNITED STATES SAVINGS BONDS, SERIES EE

§ 351.0 Offering of bonds.

The Secretary of the Treasury offers for sale to the people of the United States, United States Savings Bonds of Series EE, hereinafter referred to as "Series EE bonds" or "bonds." This offer, effective May 1, 1981, will continue until terminated by the Secretary of the Treasury. This revision also provides terms for Series EE bonds offered from November 1, 1980, through April 1, 1981.

§ 351.1 Governing regulations.

Series EE bonds are subject to the regulations of the Department of the Treasury, now or hereafter prescribed, governing United States Savings Bonds of Series EE and HH, contained in Department of the Treasury Circular, Public Debt Series No. 3–80 (31 CFR Part 353), hereinafter referred to as Circular No. 3–80.

§ 351.2 Description of bonds.

(a) *General.* Series EE bonds are issued only in registered form and are nontransferable.

(b) *Denominations and prices.* Series EE bonds are issued on a discount basis. The denominations and purchase prices are:

Denomination	Purchase price
$50	$25.00
75	37.50
100	50.00
200	100.00
500	250.00
1,000	500.00
5,000	2,500.00
10,000	5,000.00

(c) *Term to maturity.* The issue date of a Series EE bond is the first day of the month in which payment of the issue price is received by an authorized issuing agent. Bonds mature as follows:

Issue Dates and Maturity Dates

May 1, 1981, and thereafter—8 years from issue date.
Nov. 1, 1980–Apr. 1, 1981—9 years from issue date.
Jan. 1, 1980–Oct. 1, 1980—11 years from issue date.

(d) *Redemption.* A Series EE bond may be redeemed after six months from its issue date at fixed redemption values. See Tables appended to Circular. The Secretary of the Treasury may not call Series EE bonds for redemption prior to maturity.

(e) *Investment yield (interest)*—(1) *Current offering.* Series EE bonds with issue dates on and after May 1, 1981, will yield approximately 9 percent per annum, compounded semiannually, if held to maturity. The yield is less if a bond is redeemed earlier.

(2) *Bonds with issue dates from November 1, 1980 through April 1, 1981.* Series EE bonds with the above issue dates were originally offered to yield 8 percent per annum, compounded semiannually, if held to maturity. The yield to maturity is increased by 1 percent, effective with the first semiannual anniversary of the issue date occurring on or after May 1, 1981.

(3) *Bonds with issue dates from January 1, 1980 through April 1, 1981.* Series EE bonds with the above issue dates were originally offered to yield 7 percent per annum, compounded semiannually, if held to maturity. The yield to maturity is increased by 1 percent, effective with the first semiannual anniversary of the issue date occurring on or after November 1, 1980, and an additional 1 percent, effective with the first semiannual anniversary of the issue date occurring on or after May 1, 1981.

(f) *Accrual and payment of interest.* Interest accrues on a Series EE bond and becomes a part of the redemption value which is paid when the bond is cashed. For bonds with issue dates from January 1, 1980 through October 1, 1980, the redemption value increases on the first day of each month from the third through the thirtieth month after issue, and thereafter on the first day of each successive six-month period. For bonds with issue dates on and after November 1, 1980, the redemption value increases on the first day of each month from the third through the eighteenth month after issue, and thereafter on the first day of each successive six-month period. The interest on an outstanding bond ceases to accrue after its final maturity.

§ 351.3 Registration and issue.

(a) *Registration.* Bonds may be registered in the names of natural persons in single ownership, coownership, or beneficiary form. Bonds may also be registered in the names of organizations and fiduciaries. Specific rules and examples are contained in Subpart B of Circular No. 3–80.

(b) *Validity of issue.* A bond is validly issued when it (1) is registered as provided in Circular No. 3–80; and (2) bears an issue date and the validation indicia of an authorized issuing agent.

(c) *Taxpayer identifying number.* The inscription of a bond must include the taxpayer identifying number of the owner or first-named coowner. The taxpayer identifying number of the second-named coowner or beneficiary is not required but its inclusion is desirable. If the bond is being purchased as a gift or award and the owner's taxpayer identifying number is not known, the taxpayer identifying number of the purchaser and the word "GIFT" must be included on the inscription on the bond.

(d) *Restrictions on chain letters.* The issuance of bonds in the furtherance of a chain letter or pyramid scheme is considered to be against the public interest and is prohibited. An issuing agent is authorized to refuse to issue a bond if there is reason to believe that a purchase is in connection with a chain letter and its decision is final.

§ 351.4 Limitation on purchases.

The amount of Series EE bonds which may be purchased and held in the name of any one person in any one calendar year is limited to $30,000 (face amount). Subpart C of Circular No. 3–80 contains the rules governing the computation of amounts and the special limitation for employee plans.

§ 351.5 Purchase of bonds.

(a) *Payroll plans.* Bonds may be purchased through deductions from the pay of employees of organizations which maintain payroll savings plans. The bonds must be issued by an authorized issuing agent, which may be the employer organization or a financial institution or Federal Reserve Bank or Branch servicing that organization.

(b) *Over-the-counter/mail.*—(1) *At financial institutions.* Bonds registered in the names of individuals in their own right may be purchased over-the-counter or by mail at any financial institution, i.e., bank, savings and loan association, etc. qualified as an issuing agent.

(2) *At Federal Reserve Banks or Branches and the Bureau of the Public Debt.*—(i) *General.* Bonds registered in any authorized form may be purchased over-the-counter or by mail from a Federal Reserve Bank or Branch, and from the Bureau of the Public Debt, Washington, D.C. 20226.

(ii) *Remittance.* The application for purchase of a bond from a Federal Reserve Bank or Branch or from the Bureau of the Public Debt, Washington, D.C. 20226, must be accompanied by the remittance to cover the issue price. Checks or other forms of exchange, which will be accepted subject to collection, should be drawn to the order of the Federal Reserve Bank or Branch or the Bureau of the Public Debt, as the case may be. Checks payable by endorsement are not acceptable.

(3) *Payment with savings stamps.* Savings stamps will be accepted in payment for Series EE bonds purchased over-the-counter or by mail.

(c) *Bond-a-month plan.* A depositor of a financial institution qualified as an issuing agent may purchase bonds through a system of regular monthly withdrawals from the depositor's account.

(d) *Employee thrift, savings, vacation, and similar plans.* Bonds registered in the names of trustees of employee plans may be purchased either (1) from a Federal Reserve Bank or Branch, or (2) from a financial institution which:

(i) Is a qualified issuing agent;

(ii) Has been designated trustee of an approved employee plan eligible for the special limitation under § 353.13 of Circular No. 3–80; and

(iii) Has obtained prior approval to issue the bonds from the Federal Reserve Bank of the agent's district.

§ 351.6 Delivery of bonds.

Issuing agents are authorized to deliver Series EE bonds either over-the-counter or by mail. Mail deliveries are made at the risk and expense of the United States to the address given by the purchaser, if it is within the United States, its territories or possessions, or the Commonwealth of Puerto Rico. No mail deliveries elsewhere will be made, except to residents of Mexico and Canada, who participate in payroll savings plans and to residents of what was formerly the Panama Canal Zone. Bonds purchased by a citizen of the United States residing abroad will be delivered only to such address in the United States as the purchaser directs.

§ 351.7 Payment or redemption.

(a) *Incorporated banks, savings and loan associations, and other financial* *institutions.* A financial institution qualified as a paying agent under the provisions of Department of the Treasury Circular No. 750, (31 CFR Part 321), will pay the current redemption value of a Series EE bond presented for payment by an individual whose name is inscribed on the bond as owner or coowner, provided: (1) The bond is in order for payment and (2) the presenter establishes his or her identity to the satisfaction of the agent, in accordance with Treasury instructions and identification guidelines, and signs and completes the request for payment.

(b) *Federal Reserve Banks and Branches and the Bureau of the Public Debt.* A Federal Reserve Bank or Branch or the Bureau of the Public Debt will pay the current redemption value of a Series EE bond presented for payment, *Provided* the bond is in order for payment and the request for payment on the bonds is properly signed and certified in accordance with Circular No. 3–80.

§ 351.8 Taxation.

(a) *General.* The increment in value, represented by the difference between the price paid for a Series EE bond and the redemption value received for it, is interest. This interest is subject to all taxes imposed under the Internal Revenue Code of 1954, as amended. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all other taxation now or hereafter imposed on the principal or interest by any State, any possession of the United States or any local taxing authority.

(b) *Federal income tax on bonds.* An owner of Series EE bonds may use either of the following two methods for reporting the increase in the redemption value of the bond for Federal income tax purposes:

(1) *Cash basis.* Defer reporting the increase to the year of final maturity, redemption, or other disposition, whichever is earlier; or

(2) *Accrual basis.* Elect to report the increase each year as it accrues, in which case the election applies to all Series EE bonds then owned by the taxpayer and those subsequently acquired, as well as to any other obligations purchased on a discount basis, such as those of Series E.

If the method in paragraph (b)(1) of this section is used, the taxpayer may change to the method in paragraph (b)(2) of this section without obtaining permission from the Internal Revenue Service. However, once the election to use the method in paragraph (b)(2) of this section is made, the taxpayer may not change the method of reporting unless he or she obtains permission from the Internal Revenue Service. For further information, the District Director of the taxpayer's district, or the Internal Revenue Service, Washington, D.C. 20224, should be consulted.

(c) *Tax-deferred exchanges.* Department of the Treasury Circular, Public Debt Series No. 2–80 (31 CFR Part 352), authorizes the exchange of Series EE bonds for Series HH bonds with a continuation of the tax-deferral privilege. The rules governing tax-deferred exchanges are contained in that Circular.

(d) *Reissue.* A reissue that affects any of the persons named on a Series EE bond may have a tax consequence.

§ 351.9 Reservation as to issue of bonds.

The Commissioner of the Public Debt, as delegate of the Secretary of the Treasury, is authorized to reject any application for Series EE bonds, in whole or in part, and to refuse to issue or permit to be issued any bonds in any case or class of cases, if he deems the action to be in the public interest, and his action in any such respect is final.

§ 351.10 Waiver.

The Commissioner of the Public Debt, as delegate of the Secretary of the Treasury, may waive or modify any provision of this circular in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardship (a) if such action would not be inconsistent with law or equity, (b) if it does not impair any existing rights, and (c) if he is satisfied that such action would not subject the United States to any substantial expense or liability.

§ 351.11 Fiscal agents.

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury, or his delegate, in connection with the issue, servicing and redemption of Series EE bonds.

§ 351.12 Reservations as to terms of offer.

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds.

BILLING CODE 4810-40-M

TABLE 1

BONDS BEARING ISSUE DATES BEGINNING MAY 1, 1981

ISSUE PRICE		$25.00	$37.50	$50.00	$100.00	$250.00	$500.00	$2500.00	$ 5000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		50.00	75.00	100.00	200.00	500.00	1000.00	5000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2) FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3) FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4) FROM BEGINNING OF EACH PERIOD TO MATURITY
										PERCENT	PERCENT	PERCENT
0- 0 TO 0- 2 1/	(5/1/81)	$25.00	$ 37.50	$ 50.00	$100.00	$250.00	$ 500.00	$2500.00	$ 5000.	----	4.35	9.00
0- 2 TO 0- 3	(7/1/81)	25.18	37.77	50.36	100.72	251.80	503.60	2518.00	5036.	4.35	3.84	9.10
0- 3 TO 0- 4	(8/1/81)	25.26	37.89	50.52	101.04	252.60	505.20	2526.00	5052.	4.18	3.83	9.16
0- 4 TO 0- 5	(9/1/81)	25.34	38.01	50.68	101.36	253.40	506.80	2534.00	5068.	4.09	3.82	9.22
0- 5 TO 0- 6	(10/1/81)	25.42	38.13	50.84	101.68	254.20	508.40	2542.00	5084.	4.04	3.81	9.28
0- 6 TO 0- 7	(11/1/81)	25.50	38.25	51.00	102.00	255.00	510.00	2550.00	5100.	4.00	4.75	9.34
0- 7 TO 0- 8	(12/1/81)	25.60	38.40	51.20	102.40	256.00	512.00	2560.00	5120.	4.11	4.73	9.39
0- 8 TO 0- 9	(1/1/82)	25.70	38.55	51.40	102.80	257.00	514.00	2570.00	5140.	4.19	5.67	9.44
0- 9 TO 0-10	(2/1/82)	25.82	38.73	51.64	103.28	258.20	516.40	2582.00	5164.	4.35	5.64	9.49
0-10 TO 0-11	(3/1/82)	25.94	38.91	51.88	103.76	259.40	518.80	2594.00	5188.	4.48	4.67	9.53
0-11 TO 1- 0	(4/1/82)	26.04	39.06	52.08	104.16	260.40	520.80	2604.00	5208.	4.50	23.16	9.59
1- 0 TO 1- 1	(5/1/82)	26.52	39.78	53.04	106.08	265.20	530.40	2652.00	5304.	5.99	6.42	9.43
1- 1 TO 1- 2	(6/1/82)	26.66	39.99	53.32	106.64	266.60	533.20	2666.00	5332.	6.02	7.31	9.47
1- 2 TO 1- 3	(7/1/82)	26.82	40.23	53.64	107.28	268.20	536.40	2682.00	5364.	6.11	6.35	9.50
1- 3 TO 1- 4	(8/1/82)	26.96	40.44	53.92	107.84	269.60	539.20	2696.00	5392.	6.13	7.23	9.54
1- 4 TO 1- 5	(9/1/82)	27.12	40.68	54.24	108.48	271.20	542.40	2712.00	5424.	6.20	6.28	9.57
1- 5 TO 1- 6	(10/1/82)	27.26	40.89	54.52	109.04	272.60	545.20	2726.00	5452.	6.20	7.15	9.61
1- 6 TO 2- 0	(11/1/82)	27.42	41.13	54.84	109.68	274.20	548.40	2742.00	5484.	6.26	7.29	9.64
2- 0 TO 2- 6	(5/1/83)	28.42	42.63	56.84	113.68	284.20	568.40	2842.00	5684.	6.51	9.01	9.84
2- 6 TO 3- 0	(11/1/83)	29.70	44.55	59.40	118.80	297.00	594.00	2970.00	5940.	7.01	9.97	9.91
3- 0 TO 3- 6	(5/1/84)	31.18	46.77	62.36	124.72	311.80	623.60	3118.00	6236.	7.50	9.24	9.91
3- 6 TO 4- 0	(11/1/84)	32.62	48.93	65.24	130.48	326.20	652.40	3262.00	6524.	7.75	9.81	9.98
4- 0 TO 4- 6	(5/1/85)	34.22	51.33	68.44	136.88	342.20	684.40	3422.00	6844.	8.00	10.17	10.00
4- 6 TO 5- 0	(11/1/85)	35.96	53.94	71.92	143.84	359.60	719.20	3596.00	7192.	8.24	10.79	9.98
5- 0 TO 5- 6	(5/1/86)	37.90	56.85	75.80	151.60	379.00	758.00	3790.00	7580.	8.50	9.60	9.84
5- 6 TO 6- 0	(11/1/86)	39.72	59.58	79.44	158.88	397.20	794.40	3972.00	7944.	8.60	9.77	9.89
6- 0 TO 6- 6	(5/1/87)	41.66	62.49	83.32	166.64	416.60	833.20	4166.00	8332.	8.69	9.79	9.92
6- 6 TO 7- 0	(11/1/87)	43.70	65.55	87.40	174.80	437.00	874.00	4370.00	8740.	8.78	9.89	9.96
7- 0 TO 7- 6	(5/1/88)	45.86	68.79	91.72	183.44	458.60	917.20	4586.00	9172.	8.86	9.94	10.00
7- 6 TO 8- 0	(11/1/88)	48.14	72.21	96.28	192.56	481.40	962.80	4814.00	9628.	8.93	10.05	10.05
8-0 2/	(5/1/89)	50.56	75.84	101.12	202.24	505.60	1011.20	5056.00	10112.	9.00	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1981 ENTER EACH PERIOD.
2/ MATURITY VALUE IS REACHED AT 8 YEARS AND 0 MONTHS AFTER ISSUE.

TABLE 2

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1980

ISSUE PRICE		$25.00	$37.50	$50.00	$100.00	$250.00	$500.00	$2500.00	$ 5000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		50.00	75.00	100.00	200.00	500.00	1000.00	5000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2) FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3) FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4) FROM BEGINNING OF EACH PERIOD TO MATURITY
										PERCENT	PERCENT	PERCENT
1- 6 TO 1- 7	1/(7/1/81)	$26.96	$ 40.44	$ 53.92	$107.84	$269.60	$ 539.20	$2696.00	$ 5392.	5.10	6.31	9.35
1- 7 TO 1- 8	(8/1/81)	27.10	40.65	54.20	108.40	271.00	542.00	2710.00	5420.	5.16	7.19	9.38
1- 8 TO 1- 9	(9/1/81)	27.26	40.89	54.52	109.04	272.60	545.20	2726.00	5452.	5.26	6.24	9.40
1- 9 TO 1-10	(10/1/81)	27.40	41.10	54.80	109.60	274.00	548.00	2740.00	5480.	5.31	7.11	9.43
1-10 TO 1-11	(11/1/81)	27.56	41.34	55.12	110.24	275.60	551.20	2756.00	5512.	5.39	7.07	9.45
1-11 TO 2- 0	(12/1/81)	27.72	41.58	55.44	110.88	277.20	554.40	2772.00	5544.	5.46	12.43	9.47
2- 0 TO 2- 1	(1/1/82)	28.00	42.00	56.00	112.00	280.00	560.00	2800.00	5600.	5.75	8.73	9.44
2- 1 TO 2- 2	(2/1/82)	28.20	42.30	56.40	112.80	282.00	564.00	2820.00	5640.	5.87	7.78	9.45
2- 2 TO 2- 3	(3/1/82)	28.38	42.57	56.76	113.52	283.80	567.60	2838.00	5676.	5.94	7.73	9.47
2- 3 TO 2- 4	(4/1/82)	28.56	42.84	57.12	114.24	285.60	571.20	2856.00	5712.	6.01	9.42	9.48
2- 4 TO 2- 5	(5/1/82)	28.78	43.17	57.56	115.12	287.80	575.60	2878.00	5756.	6.13	7.62	9.48
2- 5 TO 2- 6	(6/1/82)	28.96	43.44	57.92	115.84	289.60	579.20	2896.00	5792.	6.18	8.43	9.50
2- 6 TO 3- 0	(7/1/82)	29.16	43.74	58.32	116.64	291.60	583.20	2916.00	5832.	6.25	8.64	9.51
3- 0 TO 3- 6	(1/1/83)	30.42	45.63	60.84	121.68	304.20	608.40	3042.00	6084.	6.65	9.34	9.57
3- 6 TO 4- 0	(7/1/83)	31.84	47.76	63.68	127.36	318.40	636.80	3184.00	6368.	7.03	9.80	9.58
4- 0 TO 4- 6	(1/1/84)	33.40	50.10	66.80	133.60	334.00	668.00	3340.00	6680.	7.37	10.19	9.57
4- 6 TO 5- 0	(7/1/84)	35.10	52.65	70.20	140.40	351.00	702.00	3510.00	7020.	7.68	10.71	9.52
5- 0 TO 5- 6	(1/1/85)	36.98	55.47	73.96	147.92	369.80	739.60	3698.00	7396.	7.99	9.52	9.42
5- 6 TO 6- 0	(7/1/85)	38.74	58.11	77.48	154.96	387.40	774.80	3874.00	7748.	8.12	9.50	9.41
6- 0 TO 6- 6	(1/1/86)	40.58	60.87	81.16	162.32	405.80	811.60	4058.00	8116.	8.24	9.46	9.40
6- 6 TO 7- 0	(7/1/86)	42.50	63.75	85.00	170.00	425.00	850.00	4250.00	8500.	8.33	9.60	9.39
7- 0 TO 7- 6	(1/1/87)	44.54	66.81	89.08	178.16	445.40	890.80	4454.00	8908.	8.42	9.61	9.37
7- 6 TO 8- 0	(7/1/87)	46.68	70.02	93.36	186.72	466.80	933.60	4668.00	9336.	8.50	11.31	9.33
8- 0 TO 8- 6	(1/1/88)	49.32	73.98	98.64	197.28	493.20	986.40	4932.00	9864.	8.68	9.00	9.01
8- 6 TO 9- 0	(7/1/88)	51.54	77.31	103.08	206.16	515.40	1030.80	5154.00	10308.	8.70	9.00	9.01
9- 0 TO 9- 6	(1/1/89)	53.86	80.79	107.72	215.44	538.60	1077.20	5386.00	10772.	8.71	9.06	9.01
9- 6 TO10- 0	(7/1/89)	56.30	84.45	112.60	225.20	563.00	1126.00	5630.00	11260.	8.73	8.95	8.99
10- 0 TO10- 6	(1/1/90)	58.82	88.23	117.64	235.28	588.20	1176.40	5882.00	11764.	8.74	9.04	9.01
10- 6 TO11- 0	(7/1/90)	61.48	92.22	122.96	245.92	614.80	1229.60	6148.00	12296.	8.76	8.98	8.98
11-0 2/	(1/1/91)	64.24	96.36	128.48	256.96	642.40	1284.80	6424.00	12848.	8.77	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1980 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY VALUE IS REACHED AT 11 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEBT CIRCULAR, PUBLIC DEBT SERIES NO. 1-80.

TABLE 3

BONDS BEARING ISSUE DATES FROM MAY 1 THROUGH OCT. 1, 1980

ISSUE PRICE		$25.00	$37.50	$50.00	$100.00	$250.00	$500.00	$2500.00	$ 5000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		50.00	75.00	100.00	200.00	500.00	1000.00	5000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD TO MATURITY
										PERCENT	PERCENT	PERCENT
1- 0 TO 1- 1	1/(5/1/81)	$26.28	$ 39.42	$ 52.56	$105.12	$262.80	$ 525.60	$2628.00	$ 5256.	5.06	5.54	9.24
1- 1 TO 1- 2	(6/1/81)	26.40	39.60	52.80	105.60	264.00	528.00	2640.00	5280.	5.09	6.45	9.28
1- 2 TO 1- 3	(7/1/81)	26.54	39.81	53.08	106.16	265.40	530.80	2654.00	5308.	5.19	6.41	9.30
1- 3 TO 1- 4	(8/1/81)	26.68	40.02	53.36	106.72	266.80	533.60	2668.00	5336.	5.27	6.38	9.32
1- 4 TO 1- 5	(9/1/81)	26.82	40.23	53.64	107.28	268.20	536.40	2682.00	5364.	5.34	6.35	9.35
1- 5 TO 1- 6	(10/1/81)	26.96	40.44	53.92	107.84	269.60	539.20	2696.00	5392.	5.40	12.79	9.38
1- 6 TO 1- 7	(11/1/81)	27.24	40.86	54.48	108.96	272.40	544.80	2724.00	5448.	5.80	7.15	9.35
1- 7 TO 1- 8	(12/1/81)	27.40	41.10	54.80	109.60	274.00	548.00	2740.00	5480.	5.87	8.01	9.37
1- 8 TO 1- 9	(1/1/82)	27.58	41.37	55.16	110.32	275.80	551.60	2758.00	5516.	5.98	7.06	9.38
1- 9 TO 1-10	(2/1/82)	27.74	41.61	55.48	110.96	277.40	554.80	2774.00	5548.	6.03	7.91	9.40
1-10 TO 1-11	(3/1/82)	27.92	41.88	55.84	111.68	279.20	558.40	2792.00	5584.	6.12	7.86	9.41
1-11 TO 2- 0	(4/1/82)	28.10	42.15	56.20	112.40	281.00	562.00	2810.00	5620.	6.19	7.81	9.43
2- 0 TO 2- 1	(5/1/82)	28.28	42.42	56.56	113.12	282.80	565.60	2828.00	5656.	6.26	8.64	9.44
2- 1 TO 2- 2	(6/1/82)	28.48	42.72	56.96	113.92	284.80	569.60	2848.00	5696.	6.35	7.71	9.45
2- 2 TO 2- 3	(7/1/82)	28.66	42.99	57.32	114.64	286.60	573.20	2866.00	5732.	6.41	8.52	9.47
2- 3 TO 2- 4	(8/1/82)	28.86	43.29	57.72	115.44	288.60	577.20	2886.00	5772.	6.48	8.46	9.48
2- 4 TO 2- 5	(9/1/82)	29.06	43.59	58.12	116.24	290.60	581.20	2906.00	5812.	6.55	8.40	9.49
2- 5 TO 2- 6	(10/1/82)	29.26	43.89	58.52	117.04	292.60	585.20	2926.00	5852.	6.62	7.50	9.50
2- 6 TO 3- 0	(11/1/82)	29.44	44.16	58.88	117.76	294.40	588.80	2944.00	5888.	6.65	8.70	9.52
3- 0 TO 3- 6	(5/1/83)	30.72	46.08	61.44	122.88	307.20	614.40	3072.00	6144.	6.99	9.38	9.57
3- 6 TO 4- 0	(11/1/83)	32.16	48.24	64.32	128.64	321.60	643.20	3216.00	6432.	7.33	9.70	9.58
4- 0 TO 4- 6	(5/1/84)	33.72	50.58	67.44	134.88	337.20	674.40	3372.00	6744.	7.62	10.32	9.57
4- 6 TO 5- 0	(11/1/84)	35.46	53.19	70.92	141.84	354.60	709.20	3546.00	7092.	7.92	10.60	9.51
5- 0 TO 5- 6	(5/1/85)	37.34	56.01	74.68	149.36	373.40	746.80	3734.00	7468.	8.19	9.53	9.42
5- 6 TO 6- 0	(11/1/85)	39.12	58.68	78.24	156.48	391.20	782.40	3912.00	7824.	8.31	9.51	9.41
6- 0 TO 6- 6	(5/1/86)	40.98	61.47	81.96	163.92	409.80	819.60	4098.00	8196.	8.41	9.47	9.40
6- 6 TO 7- 0	(11/1/86)	42.92	64.38	85.84	171.68	429.20	858.40	4292.00	8584.	8.49	9.69	9.40
7- 0 TO 7- 6	(5/1/87)	45.00	67.50	90.00	180.00	450.00	900.00	4500.00	9000.	8.58	9.51	9.36
7- 6 TO 8- 0	(11/1/87)	47.14	70.71	94.28	188.56	471.40	942.80	4714.00	9428.	8.64	11.37	9.34
8- 0 TO 8- 6	(5/1/88)	49.82	74.73	99.64	199.28	498.20	996.40	4982.00	9964.	8.81	8.99	9.00
8- 6 TO 9- 0	(11/1/88)	52.06	78.09	104.12	208.24	520.60	1041.20	5206.00	10412.	8.82	8.99	9.00
9- 0 TO 9- 6	(5/1/89)	54.40	81.60	108.80	217.60	544.00	1088.00	5440.00	10880.	8.83	9.04	9.01
9- 6 TO10- 0	(11/1/89)	56.86	85.29	113.72	227.44	568.60	1137.20	5686.00	11372.	8.84	9.00	8.99
10- 0 TO10- 6	(5/1/90)	59.42	89.13	118.84	237.68	594.20	1188.40	5942.00	11884.	8.85	8.95	8.99
10- 6 TO11- 0	(11/1/90)	62.08	93.12	124.16	248.32	620.80	1241.60	6208.00	12416.	8.85	9.02	9.02
11-0 2/	(5/1/91)	64.88	97.32	129.76	259.52	648.80	1297.60	6488.00	12976.	8.86	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF MAY 1 1980, ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY VALUE IS REACHED AT 11 YEARS AND [illegible] MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEBT CIRCULAR, PUBLIC DEBT SERIES NO. 1-80.

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TABLE 4

BONDS BEARING ISSUE DATES FROM NOV. 1, 1980 THROUGH APR. 1, 1981

ISSUE PRICE		$25.00	$37.50	$50.00	$100.00	$250.00	$500.00	$2500.00	$ 5000.	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION		50.00	75.00	100.00	200.00	500.00	1000.00	5000.00	10000.			
PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*								(2)FROM ISSUE DATE TO BEGINNING OF EACH PERIOD	(3)FROM BEGINNING OF EACH PERIOD TO BEGINNING OF NEXT PERIOD	(4)FROM BEGINNING OF EACH PERIOD TO MATURITY
										PERCENT	PERCENT	PERCENT
0- 6 TO 0- 7	1/(5/1/81)	$25.50	$ 38.25	$ 51.00	$102.00	$255.00	$ 510.00	$2550.00	$ 5100.	4.00	4.75	9.24
0- 7 TO 0- 8	(6/1/81)	25.60	38.40	51.20	102.40	256.00	512.00	2560.00	5120.	4.11	4.73	9.28
0- 8 TO 0- 9	(7/1/81)	25.70	38.55	51.40	102.80	257.00	514.00	2570.00	5140.	4.19	5.67	9.33
0- 9 TO 0-10	(8/1/81)	25.82	38.73	51.64	103.28	258.20	516.40	2582.00	5164.	4.35	5.64	9.37
0-10 TO 0-11	(9/1/81)	25.94	38.91	51.88	103.76	259.40	518.80	2594.00	5188.	4.48	4.67	9.40
0-11 TO 1- 0	(10/1/81)	26.04	39.06	52.08	104.16	260.40	520.80	2604.00	5208.	4.50	23.16	9.45
1- 0 TO 1- 1	(11/1/81)	26.52	39.78	53.04	106.08	265.20	530.40	2652.00	5304.	5.99	6.42	9.31
1- 1 TO 1- 2	(12/1/81)	26.66	39.99	53.32	106.64	266.60	533.20	2666.00	5332.	6.02	8.24	9.35
1- 2 TO 1- 3	(1/1/82)	26.84	40.26	53.68	107.36	268.40	536.80	2684.00	5368.	6.18	7.26	9.36
1- 3 TO 1- 4	(2/1/82)	27.00	40.50	54.00	108.00	270.00	540.00	2700.00	5400.	6.25	7.22	9.38
1- 4 TO 1- 5	(3/1/82)	27.16	40.74	54.32	108.64	271.60	543.20	2716.00	5432.	6.31	7.17	9.40
1- 5 TO 1- 6	(4/1/82)	27.32	40.98	54.64	109.28	273.20	546.40	2732.00	5464.	6.36	7.13	9.43
1- 6 TO 2- 0	(5/1/82)	27.48	41.22	54.96	109.92	274.80	549.60	2748.00	5496.	6.41	7.86	9.45
2- 0 TO 2- 6	(11/1/82)	28.56	42.84	57.12	114.24	285.60	571.20	2856.00	5712.	6.77	8.12	9.57
2- 6 TO 3- 0	(5/1/83)	29.72	44.58	59.44	118.88	297.20	594.40	2972.00	5944.	7.04	8.75	9.68
3- 0 TO 3- 6	(11/1/83)	31.02	46.53	62.04	124.08	310.20	620.40	3102.00	6204.	7.32	9.28	9.76
3- 6 TO 4- 0	(5/1/84)	32.46	48.69	64.92	129.84	324.60	649.20	3246.00	6492.	7.60	9.74	9.80
4- 0 TO 4- 6	(11/1/84)	34.04	51.06	68.08	136.16	340.40	680.80	3404.00	6808.	7.87	10.22	9.81
4- 6 TO 5- 0	(5/1/85)	35.78	53.67	71.56	143.12	357.80	715.60	3578.00	7156.	8.13	10.84	9.76
5- 0 TO 5- 6	(11/1/85)	37.72	56.58	75.44	150.88	377.20	754.40	3772.00	7544.	8.40	9.33	9.63
5- 6 TO 6- 0	(5/1/86)	39.48	59.22	78.96	157.92	394.80	789.60	3948.00	7896.	8.48	9.52	9.67
6- 0 TO 6- 6	(11/1/86)	41.36	62.04	82.72	165.44	413.60	827.20	4136.00	8272.	8.57	9.57	9.69
6- 6 TO 7- 0	(5/1/87)	43.34	65.01	86.68	173.36	433.40	866.80	4334.00	8668.	8.65	9.60	9.72
7- 0 TO 7- 6	(11/1/87)	45.42	68.13	90.84	181.68	454.20	908.40	4542.00	9084.	8.71	9.69	9.74
7- 6 TO 8- 0	(5/1/88)	47.62	71.43	95.24	190.48	476.20	952.40	4762.00	9524.	8.78	11.34	9.76
8- 0 TO 8- 6	(11/1/88)	50.32	75.48	100.64	201.28	503.20	1006.40	5032.00	10064.	8.94	8.98	8.98
8- 6 TO 9- 0	(5/1/89)	52.58	78.87	105.16	210.32	525.80	1051.60	5258.00	10516.	8.94	8.98	8.98
9-0 2/	(11/1/89)	54.94	82.41	109.88	219.76	549.40	1098.80	5494.00	10988.	8.94	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1980 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY VALUE IS REACHED AT 9 YEARS AND 0 MONTHS AFTER ISSUE.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN DEBT CIRCULAR, PUBLIC DEBT SERIES NO. 1-80.
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federal register

Tuesday
October 6, 1981

Part IV

Department of the Treasury

Fiscal Service, Bureau of Public Debt

Offering of United States Savings Bonds; Series HH

Dept. Circular, Public Debt Series No. 2-80, First Revision

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DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 352

Offering of United States Savings Bonds, Series HH

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This First Revision of Department of the Treasury Circular, Public Debt Series No. 2–80, the offering circular for United States Savings Bonds of Series HH, is being issued to reflect improvements in the investment yields of these bonds.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376–0636.

SUPPLEMENTARY INFORMATION: This revision of the offering circular for Series HH bonds effectuates two improvements in their investment yield. On October 6, 1980, the Secretary announced that Series HH bonds sold on and after November 1, 1980, would provide an investment yield of 7-½ percent per annum, compounded semiannually, and that outstanding Series HH bonds would have their yield improved by 1 percent per annum for the remaining period to original maturity. On April 29, 1981, the Secretary announced that Series HH bonds sold on and after May 1, 1981, would provide a yield of 8½ percent per annum, compounded semiannually, if held to maturity and that outstanding Series HH bonds would have their yield for the remaining period to maturity further increased by 1 percent per annum, compounded semiannually.

Thus, series HH Savings Bonds issued on or after May 1, 1981, will provide an investment yield of 8½ percent per annum on a level basis for their 10-year original maturity period. Series HH bonds purchased for cash will continue to have an interest adjustment reflected in their redemption values if cashed during the first 5 years from issue. Series HH bonds purchased on exchange are not subject to an interest adjustment.

Series HH bonds bearing issue dates of January 1, 1980, to October 1, 1980, were initially issued with an interest rate of 6½ percent per annum, compounded semiannually, and bonds bearing issue dates of November 1, 1980 to April 1, 1981, were initially issued with an interest rate of 7½ percent per annum, compounded semiannually. Thus, with the two rate increases, both of these groups of Series HH bonds provided an investment yield of 7½ percent per annum, compounded semiannually, for the first semiannual interest period starting on or after November 1, 1980, and will provide an investment yield of 8-½ percent per annum, compounded semiannually, in their ensuing semiannual interest periods to their maturity dates. The interest adjustment for bonds purchased for cash that are redeemed within 5 years of their issue will also be applicable to these bonds.

This revision is effected under authority of Section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

Accordingly, Department of the Treasury Circular, Public Debt Series No. 2–80, dated December 14, 1979, including the tables incorporated therein (31 CFR Part 352), is hereby revised and reissued as Department of the Treasury Circular, Public Debt Series No. 2–80, First Revision, effective as of May 1, 1981.

Dated: September 11, 1981.

Paul H. Taylor,

Fiscal Assistant Secretary.

PART 352—OFFERING CIRCULAR FOR UNITED STATES SAVINGS BONDS, SERIES HH

Sec.

352.0 Offering of bonds.
352.1 Governing regulations.
352.2 Description of bonds.
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352.6 Cash purchases.
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352.8 Reinvestment of matured Series H bonds.
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352.10 Taxation.
352.11 Reservation as to issue of bonds.
352.12 Waiver.
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352.14 Reservation as to terms of offer.

Authority: Sec. 22, Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c); (5 U.S.C. 301).

Source: Department of the Treasury Circular, Public Debt Series No. 2–80.

PART 352—OFFERING CIRCULAR FOR UNITED STATES SAVINGS BONDS, SERIES HH

§ 352.0 Offering of bonds.

(a) *Cash offering.* The Secretary of the Treasury offers for sale to the people of the United States, United States Savings Bonds of Series HH, hereinafter referred to as "Series HH bonds" or "bonds". This offer will continue until terminated by the Secretary of the Treasury.

(b) *Exchange offering.* The Secretary of the Treasury also offers to the people of the United States, United States Savings Bonds of Series HH in exchange for outstanding United States Savings Bonds of Series E and EE and United States Savings Notes (Freedom Shares). This offering will continue until terminated by the Secretary of the Treasury.

(c) *Effective date.* These offers are effective as of May 1, 1981. Revised terms are also provided for Series HH bonds offered from November 1, 1980 to April 1, 1981.

§ 352.1 Governing regulations.

Series HH bonds are subject to the regulations of the Department of the Treasury, now or hereafter prescribed, governing United States Savings Bonds of Series EE and HH, contained in Department of the Treasury Circular, Public Debt Series No. 3–80 (31 CFR Part 353), hereinafter referred to as Circular No. 3–80.

§ 352.2 Description of bonds.

(a) *General.* Series HH bonds are issued only in registered form and are nontransferable. Bonds sold for cash and bonds issued on exchange are distinguishable by: (1) The portraits, color and border design; (2), the tax-deferral legend on the bonds issued on exchange; (3) the word "CASH" or "EXCHANGE", as appropriate, on the back of the bond; and (4) text material.

(b) *Denominations and prices.* Series HH bonds are issued at face amount and are in denominations of $500, $1,000, $5,000 and $10,000.

(c) *Term.* Each bond bears an issue date which is the date from which interest is earned. The date is established as provided in § 352.6(d) for cash purchases and § 352.7(f) for exchange issues. The bond matures 10 years from the issue date.

(d) *Redemption.*—(1) *General.* A Series HH bond may be redeemed after six months from its issue date. The Secretary of the Treasury may not call Series HH bonds for redemption prior to maturity. A bond received for redemption by an agent during the calendar month preceding any interest payment will not ordinarily be paid until that date.

(2) *Bonds purchased for cash.* During the first five years from issue, the redemption value of a bond purchased for cash is less than face amount. See Tables appended to this circular. The difference between the face amount and redemption value represents an adjustment of interest. After five years, the bond will be paid at face amount.

(3) *Bonds issued on exchange.* Bonds issued on exchange, including authorized reinvestment, are not subject to an interest adjustment and will be redeemed at face amount at any time after six months from their issue dates.

(e) *Investment yield (interest).* The level interest payments on Series HH bonds will produce the investment yields specified below on all bonds issued on exchange and on bonds purchased for cash that are held for at least 5 years from their issue (see paragraph (d)(2) of this section for penalty provision for bonds redeemed earlier than 5 years from their issue).

(1) *Current offering.* Series HH bonds issued on and after May 1, 1981, will yield 8.5 percent per annum, compounded semiannually.

(2) *Bonds with issue dates from November 1, 1980 to April 1, 1981.* Series HH bonds with the above issue dates were originally offered to yield 7½ percent per annum, compounded semiannually. The yield to maturity is increased by 1 percent, effective with the first full semiannual interest accrual period beginning on or after May 1, 1981.

(3) *Bonds with issue dates from January 1, 1980 to October 1, 1980.* Series HH bonds with the above issue dates were originally offered to yield 6.5 percent per annum, compounded semiannually. The yield to maturity is increased by 1 percent, effective with the first full semiannual interest accrual period beginning on or after November 1, 1980, and an additional 1 percent, effective with the first full semiannual interest accrual period beginning on or after May 1, 1981.

(f) *Payment of interest.* The interest on a Series HH bond is paid semiannually by check drawn to the order of the registered owner or coowners, beginning six months from the issue date. Interest ceases at final maturity, or, if the bond is redeemed before final maturity, as of the end of the interest period next preceding the date of redemption. However, if the date of redemption falls on an interest payment date, interest ceases on that date.

§ 352.3 Registration and issue.

(a) *Registration.* Bonds may be registered in the names of natural persons in single ownership, coownership or beneficiary forms. Bonds may also be registered in the names of organizations and fiduciaries. Specific rules and examples are contained in Subpart B of Circular No. 3–80.

(b) *Validity of issue.* A bond is validly issued when it (1) is registered as provided in Circular No. 3–80 and in this circular; and (2) bears an issue date and the validation indicia of an authorized issuing agent.

(c) *Taxpayer identifying number.* The inscription of a bond must include the taxpayer identifying number of the owner or first-named coowner. The taxpayer identifying number of the second-named coowner or beneficiary is not required but its inclusion is desirable.

352.4 Limitation on purchases.

The amount of Series HH bonds that may be purchased for cash and held in the name of any one person in any one calendar year is limited to $20,000 (face amount). Bonds issued on authorized exchange or reinvestment are not subject to this limitation. Subpart C of Circular No. 3–80 contains the rules governing the computation of amounts and the special limitation for exempt organizations.

§ 352.5 Authorized issuing and paying agents.

Series HH bonds may be issued or redeemed only by (a) a Federal Reserve Bank or Branch, (b) the Bureau of the Public Debt, Washington, D.C. 20226, or (c) the Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101.

§ 352.6 Cash purchases.

(a) *Basis for issue.* Series HH bonds will be issued by an authorized issuing agent upon receipt of a properly executed application and payment in the form of (1) cash; (2) a check drawn to the order of the Federal Reserve Bank or Branch or the Bureau of the Public Debt, or (3) savings stamps

(b) *Role of financial institutions.* Financial institutions may submit purchase applications and payment to a Federal Reserve Bank or Branch on behalf of customers.

(c) *Registration.* Bonds may be registered in any authorized form in accordance with Subpart B of Circular No. 3–80.

(d) *Dating.* Bonds will be dated as of the first day of the month in which an authorized issuing agent receives a properly executed purchase application, and payment in immediately available funds, or, if payment is made by a financial institution through the Treasury tax and loan account, the first day of the month in which that account is credited.

§ 352.7 Issues on exchange.

(a) *Securities eligible for exchange.* Owners may exchange United States Savings Bonds of Series E and EE and United States Savings Notes (Freedom Shares) at their current redemption values for Series HH bonds. Series E bonds are eligible for exchange until one year after their final maturity dates. Series EE bonds become eligible for exchange six months after their issue dates.

(b) *Basis for issue.* Series HH bonds will be issued on exchange by an authorized issuing agent upon receipt of a properly executed exchange subscription with eligible securities and additional cash, if any, and any supporting evidence that may be required under the regulations. If eligible securities are submitted directly to a Federal Reserve Bank or Branch or the Bureau of the Public Debt, each must bear a properly signed and certified request for payment. Checks in payment of any cash difference (see paragraph (d) of this section) must be drawn to the order of the Federal Reserve Bank or Branch or Bureau of the Public Debt.

(c) *Role of financial institutions.* Department of the Treasury Circular No. 750, current revision (31 CFR, Part 321), authorizes financial institutions qualified as paying agents for savings bonds and notes to redeem eligible securities presented for exchange and to forward an exchange subscription and full payment to a Federal Reserve Bank or Branch for the issue of Series HH bonds. The securities redeemed on exchange by such an institution must be securities which it is authorized to redeem for cash.

(d) *Computation of issue price.* The total current redemption value of the eligible securities submitted in exchange in any one transaction must be $500 or more. If the current redemption value is an even multiple of $500, Series HH bonds must be registered in that exact amount. If the total current redemption value exceeds, but is not an even multiple of $500, the owner has the option either of furnishing the cash necessary to obtain Series HH bonds at the next highest $500 multiple, or of receiving payment of the difference between the total current redemption value and the next lower $500 multiple. For example, if the eligible securities presented for exchange in one transaction have a total current redemption value of $4,253.33, the owner may elect to:

(1) Receive $4,000 in Series HH bonds and the amount of the difference, $253.33; or

(2) Pay the difference, $246.67, necessary to obtain $4,500 in Series HH bonds.

(e) *Registration.* A Series HH bond issued on exchange may be registered in any authorized form (see Subpart B of Circular No. 3–80), subject to the following restrictions:

(1) If the securities submitted in exchange are in single ownership form, the owner must be named as owner or first-named coowner on the Series HH bonds. A coowner or beneficiary may be named.

(2) If the securities submitted in exchange are in coownership form, and one coowner is the "principal coowner", the "principal coowner" must be named as owner or first-named coowner. A beneficiary or coowner may be named. The "principal coowner" is a coowner who (i) purchased the securities submitted for exchange with his or her own funds, or (ii) received them as a gift, inheritance or legacy, or as a result of judicial proceedings, and had them reissued in coownership form, provided he or she has received no contribution in money or money's worth for designating the other coowner on the securities.

(3) If the securities submitted in exchange are in coownership form and both coowners shared in the purchase of the securities or received them jointly as a gift, inheritance or legacy or a result of judicial proceedings, both persons must be named as coowners on the Series HH bonds.

(4) If the securities submitted in exchange are in beneficiary form, the owner must be named on the Series HH bonds as owner or first-named coowner. If the owner is deceased, a surviving beneficiary must be named as owner or first-named coowner. In either case, a coowner or beneficiary may be named. A reissue that affects any of the persons required to be named on the Series HH bond may have a tax consequence.

(f) *Dating.* Series HH bonds issued on exchange will be dated as of the first day of the month in which the eligible securities presented for exchange are redeemed by a Federal Reserve Bank, the Bureau of the Public Debt, or a qualified paying agent, as evidenced by the payment stamp on the bonds and subscription form.

(g) *Tax-deferred exchanges.*—(1) *Continuation of tax-deferral.* Pursuant to the provisions of Section 1037(a) of the Internal Revenue Code of 1954, as amended, an owner who has not been reporting the interest on his or her Series E or EE savings bonds and savings notes on an accrual basis for Federal income tax purposes, and who exchanges those securities for Series HH bonds, may continue to defer reporting the interest on the securities exchanged until the taxable year in which the Series HH bonds received in the exchange reach final maturity, are redeemed, or are otherwise disposed of, whichever is earlier.

(2) *Tax-deferral legend.* Each bond issued on a tax-deferred exchange shall bear a legend showing how much of its issue price represents interest on the securities exchanged. This interest must be treated as income for Federal income tax purposes and reported in accordance with paragraph (g)(1) of this section.

(3) *Reporting of interest for any difference paid on exchange.* The amount of any difference paid to the owner (see paragraph (d)(1) of this section) must be treated as income for Federal income tax reporting purposes for the year in which it is received, up to the amount of the total interest on the securities exchanged.

(h) *Exchanges without tax-deferral.* The rules prescribed for exchanges under paragraphs (a) through (f) of this section also apply to exchanges by owners who (1) report the interest on their bonds of Series E and EE and savings notes annually for Federal income tax purposes; (2) elect to report all such interest in the year of the exchange regardless of whether or not it exceeds the amount of any cash difference received (see paragraph (d)(1) of this section), or (3) are tax-exempt under the provisions of the Internal Revenue Code of 1954, as amended. However, no amount will appear in the tax-deferral legend printed on the bond, and any part of the cash difference received (see paragraph (d)(1) of this section) which represents interest previously reported for Federal income tax purposes need not be treated as income.

§ 352.8 Reinvestment of matured Series H bonds.

(a) *General.* The face amount of Series H bonds purchased for cash that have reached final maturity may be reinvested in Series HH bonds. The Series H bonds, bearing properly signed and certified requests for payment must be submitted to a Federal Reserve Bank or Branch or the Bureau of the Public Debt with a reinvestment application.

(b) *Rules.* The reinvestment transaction will be subject to the rules governing exchanges, as set forth in § 352.7, and the Series HH bonds issued on reinvestment will be identical in all respects with those issued on a non-tax-deferred exchange.

§ 352.9 Delivery of bonds.

Authorized issuing agents will deliver Series HH bonds either (a) over-the-counter, or (b) by mail. Mail deliveries are made at the risk and expense of the United States, to the address given by the purchaser, if it is within the United States, one of its territories or possessions, or the Commonwealth of Puerto Rico. No mail deliveries elsewhere will be made. Bonds purchased by a citizen of the United States residing abroad will be delivered only to such address in the United States as the purchaser directs.

§ 352.10 Taxation.

The interest paid on Series HH bonds is subject to all taxes imposed under the Internal Revenue Code of 1954, as amended. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest by any State, any of the possessions of the United States, or any local taxing authority.

§ 352.11 Reservation as to issue of bonds.

The Commissioner of the Public Debt, as delegate of the Secretary of the Treasury, reserves the right to reject any application for Series HH bonds, in all or in part, and to refuse to issue or permit to be issued any bonds in any case or classes of cases, if he deems the action to be in the public interest, and his action in such respect is final.

§ 352.12 Waiver.

The Commissioner of the Public Debt, as delegate of the Secretary of the Treasury, may waive or modify any provision of this circular in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardships (a) if such action would not be inconsistent with law or equity, (b) if it does not impair any existing rights, and (c) if he is satisfied that such action would not subject the United States to any substantial expense or liability.

§ 352.13 Fiscal agents.

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury, or his delegate, in connection with the issue, servicing, and redemption of series HH bonds.

§ 352.14 Reservation as to terms of offer.

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds.

BILLING CODE 4810-40-M

TABLE 1

HH BONDS BEARING ISSUE DATES BEGINNING MAY 1, 1981 AND PURCHASED WITH CASH

					APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE ASSUMING EARLY REDEMPTION)		
ISSUE PRICE	$500.00	$1,000.00	$5,000.00	$10,000.00			
MATURITY VALUE	500.00	1,000.00	5,000.00	10,000.00			
AMOUNT OF EACH INTEREST CHECK*	21.25	42.50	212.50	425.00			
PERIOD OF TIME BOND IS HELD AFTER ISSUE DATE (YEARS AND MONTHS)	(1) REDEMPTION VALUE OF BOND				(2) FROM ISSUE TO EACH INTEREST PAYMENT DATE	(3) FOR HALF-YEAR PERIOD PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PAYMENT DATE TO MATURITY
					PERCENT	PERCENT	PERCENT
0-6 TO 1-0 ...1/ (11/1/81)	488.75	977.50	4887.50	9775.00	4.00	4.00	8.86
1-0 TO 1-6 .... (5/1/82)	487.26	974.52	4872.60	9745.20	5.99	8.09	8.92
1-6 TO 2-0 .... (11/1/82)	482.67	965.34	4926.70	9653.40	6.26	6.84	9.09
2-0 TO 2-6 .... (5/1/83)	479.11	958.22	4791.10	9582.20	6.51	7.33	9.25
2-6 TO 3-0 .... (11/1/83)	480.02	960.04	4900.20	9600.40	7.01	9.25	9.25
3-0 TO 3-6 .... (5/1/84)	483.52	967.04	4835.20	9670.40	7.50	10.31	9.15
3-6 TO 4-0 .... (11/1/84)	485.25	970.50	4852.50	9705.00	7.75	9.51	9.11
4-0 TO 4-6 .... (5/1/85)	488.48	976.96	4884.80	9769.60	8.00	10.09	9.01
4-6 TO 5-0 .... (11/1/85)	493.09	986.18	4930.90	9861.80	8.24	10.59	8.92
5-0 TO 5-6 .... (5/1/86)	500.00	1000.00	5000.00	10000.00	8.50	11.42	8.50
5-6 TO 6-0 .... (11/1/86)	500.00	1000.00	5000.00	10000.00	8.50	8.50	8.50
6-0 TO 6-6 .... (5/1/87)	500.00	1000.00	5000.00	10000.00	8.50	8.50	8.50
6-6 TO 7-0 .... (11/1/87)	500.00	1000.00	5000.00	10000.00	8.50	8.50	8.50
7-0 TO 7-6 .... (5/1/88)	500.00	1000.00	5000.00	10000.00	8.50	8.50	8.50
7-6 TO 8-0 .... (11/1/88)	500.00	1000.00	5000.00	10000.00	8.50	8.50	8.50
8-0 TO 8-6 .... (5/1/89)	500.00	1000.00	5000.00	10000.00	8.50	8.50	8.50
8-6 TO 9-0 .... (11/1/89)	500.00	1000.00	5000.00	10000.00	8.50	8.50	8.50
9-0 TO 9-6 .... (5/1/90)	500.00	1000.00	5000.00	10000.00	8.50	8.50	8.50
9-6 TO 10-0 .... (11/1/90)	500.00	1000.00	5000.00	10000.00	8.50	8.50	8.50
10-0 .... (5/1/91)	500.00	1000.00	5000.00	10000.00	8.50	8.50	----

1/ MONTH, DAY, AND YEAR ON WHICH REDEMPTION VALUES BECOME EFFECTIVE FOR ISSUES OF 5/1/81. FOR SUBSEQUENT ISSUE MONTHS ADD THE APPROPRIATE NUMBER OF MONTHS.

*AMOUNT OF EACH INTEREST CHECK EARNED DURING SEMIANNUAL PERIODS BEGINNING ON OR AFTER 5/1/81. THE FIRST PAYMENT AT THE NEW RATE WILL BE MADE 11/1/81 ON ISSUES OF 5/1/81.

TABLE 2

HH BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1980 AND PURCHASED WITH CASH

ISSUE PRICE	$500.00	$1,000.00	$5,000.00	$10,000.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE ASSUMING EARLY REDEMPTION)		
MATURITY VALUE	500.00	1,000.00	5,000.00	10,000.00			
AMOUNT OF EACH INTEREST CHECK*	21.25	42.50	212.50	425.00			
PERIOD OF TIME BOND IS HELD AFTER ISSUE DATE (YEARS AND MONTHS)	(1) REDEMPTION VALUE OF BOND **				(2) FROM ISSUE TO EACH INTEREST PAYMENT DATE	(3) FOR HALF-YEAR PERIOD PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PAYMENT DATE TO MATURITY
					PERCENT	PERCENT	PERCENT
1-6 TO 2-0 ...1/ (7/1/81)	486.73	973.46	4867.30	9734.60	5.10	6.34	8.95
2-0 TO 2-6 .... (1/1/82)	484.60	969.20	4846.00	9692.00	5.75	7.86	9.05
2-6 TO 3-0 .... (7/1/82)	483.86	967.72	4838.60	9677.20	6.25	8.46	9.10
3-0 TO 3-6 .... (1/1/83)	484.18	968.36	4841.80	9683.60	6.65	8.92	9.12
3-6 TO 4-0 .... (7/1/83)	486.36	972.72	4863.60	9727.20	7.03	9.68	9.06
4-0 TO 4-6 .... (1/1/84)	489.91	979.82	4899.10	9798.20	7.37	10.20	8.94
4-6 TO 5-0 .... (7/1/84)	494.85	989.70	4948.50	9897.00	7.68	10.69	8.74
5-0 TO 5-6 .... (1/1/85)	500.00	1000.00	5000.00	10000.00	7.93	10.67	8.50
5-6 TO 6-0 .... (7/1/85)	500.00	1000.00	5000.00	10000.00	7.97	8.50	8.50
6-0 TO 6-6 .... (1/1/86)	500.00	1000.00	5000.00	10000.00	8.00	8.50	8.50
6-6 TO 7-0 .... (7/1/86)	500.00	1000.00	5000.00	10000.00	8.03	8.50	8.50
7-0 TO 7-6 .... (1/1/87)	500.00	1000.00	5000.00	10000.00	8.06	8.50	8.50
7-6 TO 8-0 .... (7/1/87)	500.00	1000.00	5000.00	10000.00	8.08	8.50	8.50
8-0 TO 8-6 .... (1/1/88)	500.00	1000.00	5000.00	10000.00	8.10	8.50	8.50
8-6 TO 9-0 .... (7/1/88)	500.00	1000.00	5000.00	10000.00	8.12	8.50	8.50
9-0 TO 9-6 .... (1/1/89)	500.00	1000.00	5000.00	10000.00	8.13	8.50	8.50
9-6 TO 10-0 .... (7/1/89)	500.00	1000.00	5000.00	10000.00	8.14	8.50	8.50
10-0 .... (1/1/90)	500.00	1000.00	5000.00	10000.00	8.16	8.50	----

1/ MONTH, DAY, AND YEAR ON WHICH REDEMPTION VALUES BECOME EFFECTIVE FOR ISSUES OF 1/1/80. FOR SUBSEQUENT ISSUE MONTHS ADD THE APPROPRIATE NUMBER OF MONTHS.

*AMOUNT OF EACH INTEREST CHECK EARNED DURING SEMIANNUAL PERIODS BEGINNING ON OR AFTER 5/1/81. THE FIRST PAYMENT AT THE NEW RATE WILL BE MADE 1/1/82 ON ISSUES OF 1/1/80.

**FOR PREVIOUS CHECKS AND REDEMPTION VALUES SEE DEBT CIRCULAR, PUBLIC DEBT SERIES NO. 2-80.

TABLE 3

HH BONDS BEARING ISSUE DATES FROM MAY 1 THROUGH OCT. 1, 1980 AND PURCHASED WITH CASH

					APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE ASSUMING EARLY REDEMPTION)		
ISSUE PRICE	$500.00	$1,000.00	$5,000.00	$10,000.00			
MATURITY VALUE	500.00	1,000.00	5,000.00	10,000.00			
AMOUNT OF EACH INTEREST CHECK*	21.25	42.50	212.50	425.00			
PERIOD OF TIME BOND IS HELD AFTER ISSUE DATE (YEARS AND MONTHS)	(1) REDEMPTION VALUE OF BOND **				(2) FROM ISSUE TO EACH INTEREST PAYMENT DATE	(3) FOR HALF-YEAR PERIOD PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PAYMENT DATE TO MATURITY
					PERCENT	PERCENT	PERCENT
1-0 TO 1-6 ...1/ (5/1/81)	490.21	980.42	4902.10	9804.20	5.06	6.16	8.82
1-6 TO 2-0 .... (11/1/81)	487.02	974.04	4870.20	9740.40	5.90	7.37	8.94
2-0 TO 2-6 .... (5/1/82)	484.67	969.34	4846.70	9693.40	6.26	7.76	9.05
2-6 TO 3-0 .... (11/1/82)	483.74	967.48	4837.40	9674.80	6.65	8.39	9.11
3-0 TO 3-6 .... (5/1/83)	484.08	968.16	4840.80	9681.60	6.99	8.93	9.13
3-6 TO 4-0 .... (11/1/83)	486.33	972.66	4863.30	9726.60	7.33	9.71	9.07
4-0 TO 4-6 .... (5/1/84)	489.49	978.98	4894.90	9789.80	7.62	10.04	8.96
4-6 TO 5-0 .... (11/1/84)	494.78	989.56	4947.80	9895.60	7.92	10.84	8.74
5-0 TO 5-6 .... (5/1/85)	500.00	1000.00	5000.00	10000.00	8.15	10.70	8.50
5-6 TO 6-0 .... (11/1/85)	500.00	1000.00	5000.00	10000.00	8.17	8.50	8.50
6-0 TO 6-6 .... (5/1/86)	500.00	1000.00	5000.00	10000.00	8.20	8.50	8.50
6-6 TO 7-0 .... (11/1/86)	500.00	1000.00	5000.00	10000.00	8.21	8.50	8.50
7-0 TO 7-6 .... (5/1/87)	500.00	1000.00	5000.00	10000.00	8.23	8.50	8.50
7-6 TO 8-0 .... (11/1/87)	500.00	1000.00	5000.00	10000.00	8.24	8.50	8.50
8-0 TO 8-6 .... (5/1/88)	500.00	1000.00	5000.00	10000.00	8.25	8.50	8.50
8-6 TO 9-0 .... (11/1/88)	500.00	1000.00	5000.00	10000.00	8.26	8.50	8.50
9-0 TO 9-6 .... (5/1/89)	500.00	1000.00	5000.00	10000.00	8.27	8.50	8.50
9-6 TO 10-0 .... (11/1/89)	500.00	1000.00	5000.00	10000.00	8.28	8.50	8.50
10-0 .... (5/1/90)	500.00	1000.00	5000.00	10000.00	8.29	8.50	----

1/ MONTH, DAY, AND YEAR ON WHICH REDEMPTION VALUES BECOME EFFECTIVE FOR ISSUES OF 5/1/80. FOR SUBSEQUENT ISSUE MONTHS ADD THE APPROPRIATE NUMBER OF MONTHS.

*AMOUNT OF EACH INTEREST CHECK EARNED DURING SEMIANNUAL PERIODS BEGINNING ON OR AFTER 5/1/81. THE FIRST PAYMENT AT THE NEW RATE WILL BE MADE 11/1/81 ON ISSUES OF 5/1/80.

**FOR PREVIOUS CHECKS AND REDEMPTION VALUES SEE DEBT CIRCULAR, PUBLIC DEBT SERIES NO. 2-80.

TABLE 4

HH BONDS BEARING ISSUE DATES FROM NOV., 1980 TO APR., 1981 AND PURCHASED WITH CASH.

					APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE ASSUMING EARLY REDEMPTION)		
ISSUE PRICE	$500.00	$1,000.00	$5,000.00	$10,000.00			
MATURITY VALUE	500.00	1,000.00	5,000.00	10,000.00			
AMOUNT OF EACH INTEREST CHECK*	21.25	42.50	212.50	425.00			
PERIOD OF TIME BOND IS HELD AFTER ISSUE DATE (YEARS AND MONTHS)	(1) REDEMPTION VALUE OF BOND **				(2) FROM ISSUE TO EACH INTEREST PAYMENT DATE	(3) FOR HALF-YEAR PERIOD PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PAYMENT DATE TO MATURITY
					PERCENT	PERCENT	PERCENT
0-6 TO 1-0 ...1/ (5/1/81)	491.25	982.50	4912.50	9825.00	4.00	4.00	8.78
1-0 TO 1-6 .... (11/1/81)	489.84	979.68	4898.40	9796.80	5.99	8.08	8.83
1-6 TO 2-0 .... (5/1/82)	486.48	972.96	4864.80	9729.60	6.41	7.30	8.96
2-0 TO 2-6 .... (11/1/82)	484.56	969.12	4845.60	9691.20	6.77	7.95	9.05
2-6 TO 3-0 .... (5/1/83)	483.29	966.58	4832.90	9665.80	7.04	8.25	9.13
3-0 TO 3-6 .... (11/1/83)	483.59	967.18	4835.90	9671.80	7.32	8.92	9.15
3-6 TO 4-0 .... (5/1/84)	485.46	970.92	4854.60	9709.20	7.60	9.56	9.10
4-0 TO 4-6 .... (11/1/84)	488.80	977.60	4888.00	9776.00	7.87	10.13	8.99
4-6 TO 5-0 .... (5/1/85)	493.62	987.24	4936.20	9872.40	8.13	10.67	8.80
5-0 TO 5-6 .... (11/1/85)	500.00	1000.00	5000.00	10000.00	8.38	11.19	8.50
5-6 TO 6-0 .... (5/1/86)	500.00	1000.00	5000.00	10000.00	8.39	8.50	8.50
6-0 TO 6-6 .... (11/1/86)	500.00	1000.00	5000.00	10000.00	8.40	8.50	8.50
6-6 TO 7-0 .... (5/1/87)	500.00	1000.00	5000.00	10000.00	8.40	8.50	8.50
7-0 TO 7-6 .... (11/1/87)	500.00	1000.00	5000.00	10000.00	8.41	8.50	8.50
7-6 TO 8-0 .... (5/1/88)	500.00	1000.00	5000.00	10000.00	8.41	8.50	8.50
8-0 TO 8-6 .... (11/1/88)	500.00	1000.00	5000.00	10000.00	8.42	8.50	8.50
8-6 TO 9-0 .... (5/1/89)	500.00	1000.00	5000.00	10000.00	8.42	8.50	8.50
9-0 TO 9-6 .... (11/1/89)	500.00	1000.00	5000.00	10000.00	8.42	8.50	8.50
9-6 TO 10-0 .... (5/1/90)	500.00	1000.00	5000.00	10000.00	8.43	8.50	8.50
10-0 .... (11/1/90)	500.00	1000.00	5000.00	10000.00	8.43	8.50	----

1/ MONTH, DAY, AND YEAR ON WHICH REDEMPTION VALUES BECOME EFFECTIVE FOR ISSUES OF 11/1/80. FOR SUBSEQUENT ISSUE MONTHS ADD THE APPROPRIATE NUMBER OF MONTHS.

*AMOUNT OF EACH INTEREST CHECK EARNED DURING SEMIANNUAL PERIODS BEGINNING ON OR AFTER 5/1/81. THE FIRST PAYMENT AT THE NEW RATE WILL BE MADE 11/1/81 ON ISSUES OF 11/1/80.

**FOR PREVIOUS CHECKS AND REDEMPTION VALUES SEE DEBT CIRCULAR, PUBLIC DEBT SERIES NO. 2-80.

TABLE I

BONDS BEARING ISSUE DATES BEGINNING MAY 1, 1981—PURCHASED VIA EXCHANGE OF ACCRUAL TYPE OBLIGATIONS

ISSUE PRICE	$500	$1,000	$5,000	$10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
REDEMPTION AND MATURITY VALUE 1/	500	1,000	5,000	10,000			
PERIOD OF TIME BOND IS HELD AFTER ISSUE DATE	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION				(2) FROM ISSUE TO EACH INTEREST PAYMENT DATE	(3) FOR HALF-YEAR PERIOD PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PAYMENT DATE TO MATURITY
					PERCENT	PERCENT	PERCENT
.5 YEARS	$21.25	$42.50	$212.50	$425.00	8.50	8.50	8.50
1.0 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
1.5 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
2.0 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
2.5 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
3.0 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
3.5 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
4.0 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
4.5 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
5.0 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
5.5 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
6.0 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
6.5 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
7.0 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
7.5 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
8.0 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
8.5 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
9.0 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
9.5 YEARS	21.25	42.50	212.50	425.00	8.50	8.50	8.50
10.0 YEARS 2/	21.25	42.50	212.50	425.00	8.50	8.50	----

1/ AT ALL TIMES, EXCEPT THAT BOND IS NOT REDEEMABLE DURING FIRST 6 MONTHS.
2/ MATURITY REACHED AT 10 YEARS AND 0 MONTHS AFTER ISSUE DATE.

TABLE 2

BONDS BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1980—PURCHASED VIA EXCHANGE OF ACCRUAL TYPE OBLIGATIONS

ISSUE PRICE	$500	$1,000	$5,000	$10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
REDEMPTION AND MATURITY VALUE	500	1,000	5,000	10,000			
PERIOD OF TIME BOND IS HELD AFTER ISSUE DATE	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION *				(2) FROM ISSUE TO EACH INTEREST PAYMENT DATE	(3) FOR HALF-YEAR PERIOD PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PAYMENT DATE TO MATURITY
					PERCENT	PERCENT	PERCENT
1.5 YEARS . . 1/ (7/1/81)	$18.75	$37.50	$187.50	$375.00	6.82	7.50	8.50
2.0 YEARS . . . . (1/1/82)	21.25	42.50	212.50	425.00	7.22	8.50	8.50
2.5 YEARS . . . . (7/1/82)	21.25	42.50	212.50	425.00	7.46	8.50	8.50
3.0 YEARS . . . . (1/1/83)	21.25	42.50	212.50	425.00	7.61	8.50	8.50
3.5 YEARS . . . . (7/1/83)	21.25	42.50	212.50	425.00	7.73	8.50	8.50
4.0 YEARS . . . . (1/1/84)	21.25	42.50	212.50	425.00	7.81	8.50	8.50
4.5 YEARS . . . . (7/1/84)	21.25	42.50	212.50	425.00	7.87	8.50	8.50
5.0 YEARS . . . . (1/1/85)	21.25	42.50	212.50	425.00	7.93	8.50	8.50
5.5 YEARS . . . . (7/1/85)	21.25	42.50	212.50	425.00	7.97	8.50	8.50
6.0 YEARS . . . . (1/1/86)	21.25	42.50	212.50	425.00	8.00	8.50	8.50
6.5 YEARS . . . . (7/1/86)	21.25	42.50	212.50	425.00	8.03	8.50	8.50
7.0 YEARS . . . . (1/1/87)	21.25	42.50	212.50	425.00	8.06	8.50	8.50
7.5 YEARS . . . . (7/1/87)	21.25	42.50	212.50	425.00	8.08	8.50	8.50
8.0 YEARS . . . . (1/1/88)	21.25	42.50	212.50	425.00	8.10	8.50	8.50
8.5 YEARS . . . . (7/1/88)	21.25	42.50	212.50	425.00	8.12	8.50	8.50
9.0 YEARS . . . . (1/1/89)	21.25	42.50	212.50	425.00	8.13	8.50	8.50
9.5 YEARS . . . . (7/1/89)	21.25	42.50	212.50	425.00	8.14	8.50	8.50
10.0 YEARS 2/. . . (1/1/90)	21.25	42.50	212.50	425.00	8.16	8.50	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF JAN. 1, 1980. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY REACHED AT 10 YEARS AND 0 MONTHS AFTER ISSUE DATE.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES NO. 2-80, AS AMENDED AND SUPPLEMENTED.

TABLE 3

BONDS BEARING ISSUE DATES FROM MAY 1 THROUGH OCT. 1, 1980--PURCHASED VIA EXCHANGE OF ACCRUAL TYPE OBLIGATIONS

					APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE	$500	$1,000	$5,000	$10,000			
REDEMPTION AND MATURITY VALUE	500	1,000	5,000	10,000			
PERIOD OF TIME BOND IS HELD AFTER ISSUE DATE	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION *				(2) FROM ISSUE TO EACH INTEREST PAYMENT DATE	(3) FOR HALF-YEAR PERIOD PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PAYMENT DATE TO MATURITY
					PERCENT	PERCENT	PERCENT
1.0 YEARS . . . 1/ (5/1/81)	$18.75	$37.50	$187.50	$375.00	6.99	7.50	8.50
1.5 YEARS . . . . (11/1/81)	21.25	42.50	212.50	425.00	7.48	8.50	8.50
2.0 YEARS . . . . (5/1/82)	21.25	42.50	212.50	425.00	7.72	8.50	8.50
2.5 YEARS . . . . (11/1/82)	21.25	42.50	212.50	425.00	7.86	8.50	8.50
3.0 YEARS . . . . (5/1/83)	21.25	42.50	212.50	425.00	7.96	8.50	8.50
3.5 YEARS . . . . (11/1/83)	21.25	42.50	212.50	425.00	8.03	8.50	8.50
4.0 YEARS . . . . (5/1/84)	21.25	42.50	212.50	425.00	8.08	8.50	8.50
4.5 YEARS . . . . (11/1/84)	21.25	42.50	212.50	425.00	8.12	8.50	8.50
5.0 YEARS . . . . (5/1/85)	21.25	42.50	212.50	425.00	8.15	8.50	8.50
5.5 YEARS . . . . (11/1/85)	21.25	42.50	212.50	425.00	8.17	8.50	8.50
6.0 YEARS . . . . (5/1/86)	21.25	42.50	212.50	425.00	8.20	8.50	8.50
6.5 YEARS . . . . (11/1/86)	21.25	42.50	212.50	425.00	8.21	8.50	8.50
7.0 YEARS . . . . (5/1/87)	21.25	42.50	212.50	425.00	8.23	8.50	8.50
7.5 YEARS . . . . (11/1/87)	21.25	42.50	212.50	425.00	8.24	8.50	8.50
8.0 YEARS . . . . (5/1/88)	21.25	42.50	212.50	425.00	8.25	8.50	8.50
8.5 YEARS . . . . (11/1/88)	21.25	42.50	212.50	425.00	8.26	8.50	8.50
9.0 YEARS . . . . (5/1/89)	21.25	42.50	212.50	425.00	8.27	8.50	8.50
9.5 YEARS . . . . (11/1/89)	21.25	42.50	212.50	425.00	8.28	8.50	8.50
10.0 YEARS 2/. . . (5/1/90)	21.25	42.50	212.50	425.00	8.29	8.50	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF MAY 1, 1980. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY REACHED AT 10 YEARS AND 0 MONTHS AFTER ISSUE DATE.

* FOR EARLIER INTEREST CHECKS AND YIELDS SEE APPROPRIATE TABLE IN DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES NO. 2-80, AS AMENDED AND SUPPLEMENTED.

TABLE 4

BONDS BEARING ISSUE DATES FROM NOV. 1, 1980 THROUGH APR. 1, 1981—PURCHASED VIA EXCHANGE OF ACCRUAL TYPE OBLIGATIONS

ISSUE PRICE	$500	$1,000	$5,000	$10,000	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
REDEMPTION AND MATURITY VALUE	500	1,000	5,000	10,000			
PERIOD OF TIME BOND IS HELD AFTER ISSUE DATE	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION				(2) FROM ISSUE TO EACH INTEREST PAYMENT DATE	(3) FOR HALF-YEAR PERIOD PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PAYMENT DATE TO MATURITY
					PERCENT	PERCENT	PERCENT
.5 YEARS . . .1/ (5/1/81)	$18.75	$37.50	$187.50	$375.00	7.50	7.50	8.50
1.0 YEARS . . . . (11/1/81)	21.25	42.50	212.50	425.00	7.99	8.50	8.50
1.5 YEARS . . . . (5/1/82)	21.25	42.50	212.50	425.00	8.15	8.50	8.50
2.0 YEARS . . . . (11/1/82)	21.25	42.50	212.50	425.00	8.23	8.50	8.50
2.5 YEARS . . . . (5/1/83)	21.25	42.50	212.50	425.00	8.28	8.50	8.50
3.0 YEARS . . . . (11/1/83)	21.25	42.50	212.50	425.00	8.32	8.50	8.50
3.5 YEARS . . . . (5/1/84)	21.25	42.50	212.50	425.00	8.34	8.50	8.50
4.0 YEARS . . . . (11/1/84)	21.25	42.50	212.50	425.00	8.36	8.50	8.50
4.5 YEARS . . . . (5/1/85)	21.25	42.50	212.50	425.00	8.37	8.50	8.50
5.0 YEARS . . . . (11/1/85)	21.25	42.50	212.50	425.00	8.38	8.50	8.50
5.5 YEARS . . . . (5/1/86)	21.25	42.50	212.50	425.00	8.39	8.50	8.50
6.0 YEARS . . . . (11/1/86)	21.25	42.50	212.50	425.00	8.40	8.50	8.50
6.5 YEARS . . . . (5/1/87)	21.25	42.50	212.50	425.00	8.40	8.50	8.50
7.0 YEARS . . . . (11/1/87)	21.25	42.50	212.50	425.00	8.41	8.50	8.50
7.5 YEARS . . . . (5/1/88)	21.25	42.50	212.50	425.00	8.41	8.50	8.50
8.0 YEARS . . . . (11/1/88)	21.25	42.50	212.50	425.00	8.42	8.50	8.50
8.5 YEARS . . . . (5/1/89)	21.25	42.50	212.50	425.00	8.42	8.50	8.50
9.0 YEARS . . . . (11/1/89)	21.25	42.50	212.50	425.00	8.42	8.50	8.50
9.5 YEARS . . . . (5/1/90)	21.25	42.50	212.50	425.00	8.43	8.50	8.50
10.0 YEARS 2/. . . (11/1/90)	21.25	42.50	212.50	425.00	8.43	8.50	----

1/ MONTH, DAY AND YEAR ON WHICH INTEREST CHECK IS PAYABLE ON ISSUES OF NOV. 1, 1980. FOR SUBSEQUENT ISSUE MONTHS ADD APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY REACHED AT 10 YEARS AND 0 MONTHS AFTER ISSUE DATE.

[FR Doc. 81-28884 Filed 10-5-81; 8:45 am]

BILLING CODE 4810-40-C

federal register

Tuesday
October 6, 1981

Part V

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Offering of U.S. Savings Notes

Department Circular, Public Debt Series No. 3-67, Revised, 4th Amendment

V 46 / 193 OC 6 81 UMI

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 342

Offering of the United States Savings Notes; Amendment

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This amendment of the offering circular for United States Savings Notes, i.e., Department of the Treasury Circular, Public Debt Series No. 3–67, as revised (31 CFR Part 342), is being issued to show the latest improvements in the investment yield of savings notes.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376–0636.

SUPPLEMENTARY INFORMATION: On October 6, 1980, the Secretary of the Treasury announced that the interest rate paid on United States Savings Notes would be improved for the remaining period to next extended maturity by 1 percent per annum, compounded semiannually, commencing with the first semiannual interest accrual period beginning on or after November 1, 1980. On April 29, 1981, the Secretary announced that outstanding United States Savings Notes would have their yield for the remaining period to maturity further increased by 1 percent per annum, compounded semiannually, commencing with the first semiannual interest accrual period beginning on or after May 1, 1981. This amendment of the offering circular for savings notes effectuates these increases and provides tables of redemption values and investment yields which reflect the new rate.

As provided in the amendment, notes will accrue interest at a rate of 7½ percent per annum, compounded semiannually, in their first semiannual interest accrual period beginning on or after November 1, 1980 and at a rate of 8½ percent per annum, compounded semiannually, in their ensuing semiannual interest accrual periods. Additionally, savings notes will continue to be eligible for the ½ of 1 percent bonus provision specified in § 342.2a(c) of the Circular.

This amendment is effected under authority of Section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended: 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

Dated: September 11, 1981.

Paul H. Taylor,

Fiscal Assistant Secretary.

Accordingly, Department of the Treasury Circular, Public Debt Series No. 3–67, Revised, dated April 2, 1980, as amended and supplemented (31 CFR, Part 342), is hereby further amended by the removal of § 342.2a(b) and Tables 1–14 and the addition of new § 342.2a(b) and Tables 1–21 as follows.

PART 342—OFFERING OF UNITED STATES SAVINGS NOTES

§ 342.2a Extended terms and improved yields for outstanding notes.

* * * * *

(b) *Improved yields.* The investment yield on all savings notes that are in their first extended maturity period on November 1, 1980, is hereby increased to 7½ percent per annum, compounded semiannually, for the first interest accrual period beginning on or after November 1, 1980, and to 8½ percent per annum, compounded semiannually, for the ensuing semiannual interest accrual periods to their next maturity dates. The yield for notes thereafter entering a second extended maturity period will also be the 8½ percent rate, unless such rate is changed prior to the time the second extension period begins. The tables of redemption values and investment yields published herein will not apply if at the time the extension period begins the rate is different from 8½ percent per annum, compounded semiannually.

* * * * *

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TABLE 1

NOTES BEARING ISSUE DATE MAY 1, 1967

ISSUE PRICE	$20.25	$40.50	$60.75	$81.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD						
					PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/(5/1/81)	$43.84	$ 87.68	$131.52	$175.36	6.00	8.53	8.53
10-0 2/ (11/1/81)	45.71	91.42	137.13	182.84	6.13 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/81)	$45.71	$ 91.42	$137.13	$182.84	----	8.49	9.08
0-6 TO 1-0 (5/1/82)	47.65	95.30	142.95	190.60	8.49	8.52	9.11
1-0 TO 1-6 (11/1/82)	49.68	99.36	149.04	198.72	8.50	8.49	9.15
1-6 TO 2-0 (5/1/83)	51.79	103.58	155.37	207.16	8.50	8.50	9.19
2-0 TO 2-6 (11/1/83)	53.99	107.98	161.97	215.96	8.50	8.48	9.23
2-6 TO 3-0 (5/1/84)	56.28	112.56	168.84	225.12	8.50	8.53	9.29
3-0 TO 3-6 (11/1/84)	58.68	117.36	176.04	234.72	8.50	8.49	9.35
3-6 TO 4-0 (5/1/85)	61.17	122.34	183.51	244.68	8.50	8.50	9.42
4-0 TO 4-6 (11/1/85)	63.77	127.54	191.31	255.08	8.50	8.50	9.50
4-6 TO 5-0 (5/1/86)	66.48	132.96	199.44	265.92	8.50	8.51	9.60
5-0 TO 5-6 (11/1/86)	69.31	138.62	207.93	277.24	8.50	8.48	9.72
5-6 TO 6-0 (5/1/87)	72.25	144.50	216.75	289.00	8.50	8.50	9.88
6-0 TO 6-6 (11/1/87)	75.32	150.64	225.96	301.28	8.50	8.50	10.08
6-6 TO 7-0 (5/1/88)	78.52	157.04	235.56	314.08	8.50	8.51	10.34
7-0 TO 7-6 (11/1/88)	81.86	163.72	245.58	327.44	8.50	8.50	10.71
7-6 TO 8-0 (5/1/89)	85.34	170.68	256.02	341.36	8.50	8.51	11.26
8-0 TO 8-6 (11/1/89)	88.97	177.94	266.91	355.88	8.50	8.50	12.19
8-6 TO 9-0 (5/1/90)	92.75	185.50	278.25	371.00	8.50	8.50	14.06
9-0 TO 9-6 (11/1/90)	96.69	193.38	290.07	386.76	8.50	19.77	19.77
9-6 4/ (5/1/91)	106.25	212.50	318.75	425.00	9.08 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1967 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.69 PERCENT; TO DATE OF BONUS PAYMENT IS 7.03 PERCENT.

4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 2

NOTES BEARING ISSUE DATE JUNE 1, 1967

ISSUE PRICE . . . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/(6/1/81)	$44.04	$ 88.08	$132.12	$176.16	6.05	8.54	8.54
10-0 2/ (12/1/81)	45.92	91.84	137.76	183.68	6.17 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/81)	$45.92	$ 91.84	$137.76	$183.68	----	8.49	9.08
0-6 TO 1-0 (6/1/82)	47.87	95.74	143.61	191.48	8.49	8.52	9.11
1-0 TO 1-6 (12/1/82)	49.91	99.82	149.73	199.64	8.51	8.50	9.15
1-6 TO 2-0 (6/1/83)	52.03	104.06	156.09	208.12	8.50	8.50	9.19
2-0 TO 2-6 (12/1/83)	54.24	108.48	162.72	216.96	8.50	8.48	9.23
2-6 TO 3-0 (6/1/84)	56.54	113.08	169.62	226.16	8.50	8.52	9.29
3-0 TO 3-6 (12/1/84)	58.95	117.90	176.85	235.80	8.50	8.48	9.35
3-6 TO 4-0 (6/1/85)	61.45	122.90	184.35	245.80	8.50	8.49	9.42
4-0 TO 4-6 (12/1/85)	64.06	128.12	192.18	256.24	8.50	8.52	9.50
4-6 TO 5-0 (6/1/86)	66.79	133.58	200.37	267.16	8.50	8.47	9.60
5-0 TO 5-6 (12/1/86)	69.62	139.24	208.86	278.48	8.50	8.50	9.73
5-6 TO 6-0 (6/1/87)	72.58	145.16	217.74	290.32	8.50	8.51	9.88
6-0 TO 6-6 (12/1/87)	75.67	151.34	227.01	302.68	8.50	8.48	10.07
6-6 TO 7-0 (6/1/88)	78.88	157.76	236.64	315.52	8.50	8.52	10.34
7-0 TO 7-6 (12/1/88)	82.24	164.48	246.72	328.96	8.50	8.49	10.71
7-6 TO 8-0 (6/1/89)	85.73	171.46	257.19	342.92	8.50	8.52	11.27
8-0 TO 8-6 (12/1/89)	89.38	178.76	268.14	357.52	8.50	8.48	12.19
8-6 TO 9-0 (6/1/90)	93.17	186.34	279.51	372.68	8.50	8.50	14.07
9-0 TO 9-6 (12/1/90)	97.13	194.26	291.39	388.52	8.50	19.79	19.79
9-6 4/ (6/1/91)	106.74	213.48	320.22	426.96	9.08 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1967 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.73 PERCENT; TO DATE OF BONUS PAYMENT IS 7.05 PERCENT.
4/ BONUS PAYMENT IS MADE AT 24 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 3

NOTES BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1967

ISSUE PRICE . . . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD						
					PERCENT	PERCENT	PERCENT
9-6 TO10-0 1/(7/1/81)	$44.04	$ 88.08	$132.12	$176.16	6.05	8.54	8.54
10-0 2/ (1/1/82)	45.92	91.84	137.76	183.68	6.17 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/82)	$45.92	$ 91.84	$137.76	$183.68	----	8.49	9.11
0-6 TO 1-0 (7/1/82)	47.87	95.74	143.61	191.48	8.49	8.52	9.15
1-0 TO 1-6 (1/1/83)	49.91	99.82	149.73	199.64	8.51	8.50	9.19
1-6 TO 2-0 (7/1/83)	52.03	104.06	156.09	208.12	8.50	8.50	9.23
2-0 TO 2-6 (1/1/84)	54.24	108.48	162.72	216.96	8.50	8.48	9.29
2-6 TO 3-0 (7/1/84)	56.54	113.08	169.62	226.16	8.50	8.52	9.35
3-0 TO 3-6 (1/1/85)	58.95	117.90	176.85	235.80	8.50	8.48	9.42
3-6 TO 4-0 (7/1/85)	61.45	122.90	184.35	245.80	8.50	8.49	9.50
4-0 TO 4-6 (1/1/86)	64.06	128.12	192.18	256.24	8.50	8.52	9.60
4-6 TO 5-0 (7/1/86)	66.79	133.58	200.37	267.16	8.50	8.47	9.73
5-0 TO 5-6 (1/1/87)	69.62	139.24	208.86	278.48	8.50	8.50	9.88
5-6 TO 6-0 (7/1/87)	72.58	145.16	217.74	290.32	8.50	8.51	10.08
6-0 TO 6-6 (1/1/88)	75.67	151.34	227.01	302.68	8.50	8.48	10.34
6-6 TO 7-0 (7/1/88)	78.88	157.76	236.64	315.52	8.50	8.52	10.72
7-0 TO 7-6 (1/1/89)	82.24	164.48	246.72	328.96	8.50	8.49	11.27
7-6 TO 8-0 (7/1/89)	85.73	171.46	257.19	342.92	8.50	8.52	12.20
8-0 TO 8-6 (1/1/90)	89.38	178.76	268.14	357.52	8.50	8.48	14.07
8-6 TO 9-0 (7/1/90)	93.17	186.34	279.51	372.68	8.50	19.81	19.81
9-0 4/ (1/1/91)	102.40	204.80	307.20	409.60	9.11 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1967 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.73 PERCENT; TO DATE OF BONUS PAYMENT IS 7.02 PERCENT.

4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 4

NOTES BEARING ISSUE DATE NOV. 1, 1967

ISSUE PRICE . . . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD						
					PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/(5/1/81)	$42.66	$ 85.32	$127.98	$170.64	6.03	8.49	8.49
9-6 TO10-0 (11/1/81)	44.47	88.94	133.41	177.88	6.16	8.50	8.50
10-0 2/ (5/1/82)	46.36	92.72	139.08	185.44	6.27 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/82)	$46.36	$ 92.72	$139.08	$185.44	----	8.50	9.11
0-6 TO 1-0 (11/1/82)	48.33	96.66	144.99	193.32	8.50	8.48	9.15
1-0 TO 1-6 (5/1/83)	50.38	100.76	151.14	201.52	8.49	8.54	9.19
1-6 TO 2-0 (11/1/83)	52.53	105.06	157.59	210.12	8.51	8.49	9.23
2-0 TO 2-6 (5/1/84)	54.76	109.52	164.28	219.04	8.50	8.51	9.29
2-6 TO 3-0 (11/1/84)	57.09	114.18	171.27	228.36	8.50	8.48	9.35
3-0 TO 3-6 (5/1/85)	59.51	119.02	178.53	238.04	8.50	8.50	9.42
3-6 TO 4-0 (11/1/85)	62.04	124.08	186.12	248.16	8.50	8.51	9.50
4-0 TO 4-6 (5/1/86)	64.68	129.36	194.04	258.72	8.50	8.50	9.60
4-6 TO 5-0 (11/1/86)	67.43	134.86	202.29	269.72	8.50	8.48	9.73
5-0 TO 5-6 (5/1/87)	70.29	140.58	210.87	281.16	8.50	8.51	9.88
5-6 TO 6-0 (11/1/87)	73.28	146.56	219.84	293.12	8.50	8.49	10.08
6-0 TO 6-6 (5/1/88)	76.39	152.78	229.17	305.56	8.50	8.51	10.34
6-6 TO 7-0 (11/1/88)	79.64	159.28	238.92	318.56	8.50	8.49	10.71
7-0 TO 7-6 (5/1/89)	83.02	166.04	249.06	332.08	8.50	8.50	11.27
7-6 TO 8-0 (11/1/89)	86.55	173.10	259.65	346.20	8.50	8.50	12.20
8-0 TO 8-6 (5/1/90)	90.23	180.46	270.69	360.92	8.50	8.51	14.08
8-6 TO 9-0 (11/1/90)	94.07	188.14	282.21	376.28	8.50	19.79	19.79
9-0 4/ (5/1/91)	103.38	206.76	310.14	413.52	9.11 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1967 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.7[illegible] PERCENT; TO DATE OF BONUS PAYMENT IS 7.06 PERCENT.

4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.0[illegible]%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 5

NOTES BEARING ISSUE DATE DEC. 1, 1967

					APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE	$20.25	$40.50	$60.75	$81.00			
DENOMINATION	25.00	50.00	75.00	100.00			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD						
					PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/(6/1/81)	$42.87	$ 85.74	$128.61	$171.48	6.08	8.49	8.50
9-6 TO10-0 (12/1/81)	44.69	89.38	134.07	178.76	6.21	8.50	8.50
10-0 2/ (6/1/82)	46.59	93.18	139.77	186.36	6.32 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(6/1/82)	$46.59	$ 93.18	$139.77	$186.36	----	8.50	9.11
0-6 TO 1-0 (12/1/82)	48.57	97.14	145.71	194.28	8.50	8.48	9.15
1-0 TO 1-6 (6/1/83)	50.63	101.26	151.89	202.52	8.49	8.53	9.19
1-6 TO 2-0 (12/1/83)	52.79	105.58	158.37	211.16	8.50	8.49	9.23
2-0 TO 2-6 (6/1/84)	55.03	110.06	165.09	220.12	8.50	8.50	9.29
2-6 TO 3-0 (12/1/84)	57.37	114.74	172.11	229.48	8.50	8.51	9.35
3-0 TO 3-6 (6/1/85)	59.81	119.62	179.43	239.24	8.50	8.49	9.42
3-6 TO 4-0 (12/1/85)	62.35	124.70	187.05	249.40	8.50	8.50	9.50
4-0 TO 4-6 (6/1/86)	65.00	130.00	195.00	260.00	8.50	8.49	9.60
4-6 TO 5-0 (12/1/86)	67.76	135.52	203.28	271.04	8.50	8.50	9.72
5-0 TO 5-6 (6/1/87)	70.64	141.28	211.92	282.56	8.50	8.49	9.88
5-6 TO 6-0 (12/1/87)	73.64	147.28	220.92	294.56	8.50	8.50	10.08
6-0 TO 6-6 (6/1/88)	76.77	153.54	230.31	307.08	8.50	8.52	10.34
6-6 TO 7-0 (12/1/88)	80.04	160.08	240.12	320.16	8.50	8.50	10.71
7-0 TO 7-6 (6/1/89)	83.44	166.88	250.32	333.76	8.50	8.49	11.26
7-6 TO 8-0 (12/1/89)	86.98	173.96	260.94	347.92	8.50	8.51	12.19
8-0 TO 8-6 (6/1/90)	90.68	181.36	272.04	362.72	8.50	8.49	14.06
8-6 TO 9-0 (12/1/90)	94.53	189.06	283.59	378.12	8.50	19.78	19.78
9-0 4/ (6/1/91)	103.88	207.76	311.64	415.52	9.11 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1967 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.83 PERCENT; TO DATE OF BONUS PAYMENT IS 7.08 PERCENT.
4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 6

NOTES BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1968

ISSUE PRICE . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD						
					PERCENT	PERCENT	PERCENT
9-0 TO 9-6 1/(7/1/81)	$42.87	$ 85.74	$128.61	$171.48	6.08	8.49	8.50
9-6 TO10-0 (1/1/82)	44.69	89.38	134.07	178.76	6.21	8.50	8.50
10-0 2/ (7/1/82)	46.59	93.18	139.77	186.36	6.32 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/82)	$46.59	$ 93.18	$139.77	$186.36	----	8.50	9.15
0-6 TO 1-0 (1/1/83)	48.57	97.14	145.71	194.28	8.50	8.48	9.19
1-0 TO 1-6 (7/1/83)	50.63	101.26	151.89	202.52	8.49	8.53	9.24
1-6 TO 2-0 (1/1/84)	52.79	105.58	158.37	211.16	8.50	8.49	9.29
2-0 TO 2-6 (7/1/84)	55.03	110.06	165.09	220.12	8.50	8.50	9.35
2-6 TO 3-0 (1/1/85)	57.37	114.74	172.11	229.48	8.50	8.51	9.42
3-0 TO 3-6 (7/1/85)	59.81	119.62	179.43	239.24	8.50	8.49	9.50
3-6 TO 4-0 (1/1/86)	62.35	124.70	187.05	249.40	8.50	8.50	9.60
4-0 TO 4-6 (7/1/86)	65.00	130.00	195.00	260.00	8.50	8.49	9.73
4-6 TO 5-0 (1/1/87)	67.76	135.52	203.28	271.04	8.50	8.50	9.88
5-0 TO 5-6 (7/1/87)	70.64	141.28	211.92	282.56	8.50	8.49	10.08
5-6 TO 6-0 (1/1/88)	73.64	147.28	220.92	294.56	8.50	8.50	10.34
6-0 TO 6-6 (7/1/88)	76.77	153.54	230.31	307.08	8.50	8.52	10.72
6-6 TO 7-0 (1/1/89)	80.04	160.08	240.12	320.16	8.50	8.50	11.27
7-0 TO 7-6 (7/1/89)	83.44	166.88	250.32	333.76	8.50	8.49	12.20
7-6 TO 8-0 (1/1/90)	86.98	173.96	260.94	347.92	8.50	8.51	14.08
8-0 TO 8-6 (7/1/90)	90.68	181.36	272.04	362.72	8.50	19.81	19.81
8-6 4/ (1/1/91)	99.66	199.32	298.98	398.64	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1968 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.83 PERCENT; TO DATE OF BONUS PAYMENT IS 7.05 PERCENT.

4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 7

NOTES BEARING ISSUE DATE MAY 1, 1968

ISSUE PRICE . . . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/(5/1/81)	$41.52	$ 83.04	$124.56	$166.08	6.06	8.48	8.50
9-0 TO 9-6 (11/1/81)	43.28	86.56	129.84	173.12	6.19	8.50	8.51
9-6 TO10-0 (5/1/82)	45.12	90.24	135.36	180.48	6.31	8.51	8.51
10-0 2/ (11/1/82)	47.04	94.08	141.12	188.16	6.42 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/82)	$47.04	$ 94.08	$141.12	$188.16	----	8.50	9.15
0-6 TO 1-0 (5/1/83)	49.04	98.08	147.12	196.16	8.50	8.48	9.19
1-0 TO 1-6 (11/1/83)	51.12	102.24	153.36	204.48	8.49	8.53	9.24
1-6 TO 2-0 (5/1/84)	53.30	106.60	159.90	213.20	8.51	8.48	9.29
2-0 TO 2-6 (11/1/84)	55.56	111.12	166.68	222.24	8.50	8.50	9.35
2-6 TO 3-0 (5/1/85)	57.92	115.84	173.76	231.68	8.50	8.49	9.42
3-0 TO 3-6 (11/1/85)	60.38	120.76	181.14	241.52	8.50	8.51	9.50
3-6 TO 4-0 (5/1/86)	62.95	125.90	188.85	251.80	8.50	8.51	9.60
4-0 TO 4-6 (11/1/86)	65.63	131.26	196.89	262.52	8.50	8.50	9.73
4-6 TO 5-0 (5/1/87)	68.42	136.84	205.26	273.68	8.50	8.48	9.88
5-0 TO 5-6 (11/1/87)	71.32	142.64	213.96	285.28	8.50	8.50	10.08
5-6 TO 6-0 (5/1/88)	74.35	148.70	223.05	297.40	8.50	8.50	10.34
6-0 TO 6-6 (11/1/88)	77.51	155.02	232.53	310.04	8.50	8.52	10.71
6-6 TO 7-0 (5/1/89)	80.81	161.62	242.43	323.24	8.50	8.49	11.27
7-0 TO 7-6 (11/1/89)	84.24	168.48	252.72	336.96	8.50	8.50	12.20
7-6 TO 8-0 (5/1/90)	87.82	175.64	263.46	351.28	8.50	8.52	14.08
8-0 TO 8-6 (11/1/90)	91.56	183.12	274.68	366.24	8.50	19.79	19.79
8-6 4/ (5/1/91)	100.62	201.24	301.86	402.48	9.15 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1968 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 5.90 PERCENT; TO DATE OF BONUS PAYMENT IS 7.09 PERCENT.
4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 8

NOTES BEARING ISSUE DATE JUNE 1, 1968

ISSUE PRICE	$20.25	$40.50	$60.75	$81.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/(6/1/81)	$42.19	$ 84.38	$126.57	$168.76	6.11	8.53	8.50
9-0 TO 9-6 (12/1/81)	43.99	87.98	131.97	175.96	6.25	8.50	8.48
9-6 TO10-0 (6/1/82)	45.86	91.72	137.58	183.44	6.36	8.46	8.46
10-0 2/ (12/1/82)	47.80	95.60	143.40	191.20	6.47 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/82)	$47.80	$ 95.60	$143.40	$191.20	----	8.49	9.15
0-6 TO 1-0 (6/1/83)	49.83	99.66	149.49	199.32	8.49	8.51	9.19
1-0 TO 1-6 (12/1/83)	51.95	103.90	155.85	207.80	8.50	8.51	9.24
1-6 TO 2-0 (6/1/84)	54.16	108.32	162.48	216.64	8.50	8.49	9.29
2-0 TO 2-6 (12/1/84)	56.46	112.92	169.38	225.84	8.50	8.50	9.35
2-6 TO 3-0 (6/1/85)	58.86	117.72	176.58	235.44	8.50	8.49	9.42
3-0 TO 3-6 (12/1/85)	61.36	122.72	184.08	245.44	8.50	8.51	9.50
3-6 TO 4-0 (6/1/86)	63.97	127.94	191.91	255.88	8.50	8.50	9.60
4-0 TO 4-6 (12/1/86)	66.69	133.38	200.07	266.76	8.50	8.49	9.73
4-6 TO 5-0 (6/1/87)	69.52	139.04	208.56	278.08	8.50	8.52	9.88
5-0 TO 5-6 (12/1/87)	72.48	144.96	217.44	289.92	8.50	8.50	10.08
5-6 TO 6-0 (6/1/88)	75.56	151.12	226.68	302.24	8.50	8.50	10.34
6-0 TO 6-6 (12/1/88)	78.77	157.54	236.31	315.08	8.50	8.48	10.71
6-6 TO 7-0 (6/1/89)	82.11	164.22	246.33	328.44	8.50	8.50	11.27
7-0 TO 7-6 (12/1/89)	85.60	171.20	256.80	342.40	8.50	8.50	12.21
7-6 TO 8-0 (6/1/90)	89.24	178.48	267.72	356.96	8.50	8.49	14.08
8-0 TO 8-6 (12/1/90)	93.03	186.06	279.09	372.12	8.50	19.82	19.82
8-6 4/ (6/1/91)	102.25	204.50	306.75	409.00	9.15 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1968 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.01 PERCENT; TO DATE OF BONUS PAYMENT IS 7.17 PERCENT.
4/ BONUS PAYMENT IS MADE AT 23 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 9

TABLE 9

NOTES BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1968

ISSUE PRICE . . . . . . DENOMINATION		$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)		(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
						PERCENT	PERCENT	PERCENT
8-6 TO 9-0 1/	(7/1/81)	$42.19	$ 84.38	$126.57	$168.76	6.11	8.53	8.50
9-0 TO 9-6	(1/1/82)	43.99	87.98	131.97	175.96	6.25	8.50	8.48
9-6 TO10-0	(7/1/82)	45.86	91.72	137.58	183.44	6.36	8.46	8.46
10-0 2/	(1/1/83)	47.80	95.60	143.40	191.20	6.47 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)		SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/	(1/1/83)	$47.80	$ 95.60	$143.40	$191.20	----	8.49	9.19
0-6 TO 1-0	(7/1/83)	49.83	99.66	149.49	199.32	8.49	8.51	9.24
1-0 TO 1-6	(1/1/84)	51.95	103.90	155.85	207.80	8.50	8.51	9.29
1-6 TO 2-0	(7/1/84)	54.16	108.32	162.48	216.64	8.50	8.49	9.35
2-0 TO 2-6	(1/1/85)	56.46	112.92	169.38	225.84	8.50	8.50	9.42
2-6 TO 3-0	(7/1/85)	58.86	117.72	176.58	235.44	8.50	8.49	9.50
3-0 TO 3-6	(1/1/86)	61.36	122.72	184.08	245.44	8.50	8.51	9.61
3-6 TO 4-0	(7/1/86)	63.97	127.94	191.91	255.88	8.50	8.50	9.73
4-0 TO 4-6	(1/1/87)	66.69	133.38	200.07	266.76	8.50	8.49	9.88
4-6 TO 5-0	(7/1/87)	69.52	139.04	208.56	278.08	8.50	8.52	10.08
5-0 TO 5-6	(1/1/88)	72.48	144.96	217.44	289.92	8.50	8.50	10.34
5-6 TO 6-0	(7/1/88)	75.56	151.12	226.68	302.24	8.50	8.50	10.72
6-0 TO 6-6	(1/1/89)	78.77	157.54	236.31	315.08	8.50	8.48	11.27
6-6 TO 7-0	(7/1/89)	82.11	164.22	246.33	328.44	8.50	8.50	12.21
7-0 TO 7-6	(1/1/90)	85.60	171.20	256.80	342.40	8.50	8.50	14.09
7-6 TO 8-0	(7/1/90)	89.24	178.48	267.72	356.96	8.50	19.83	19.83
8-0 4/	(1/1/91)	98.09	196.18	294.27	392.36	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1968 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.01 PERCENT; TO DATE OF BONUS PAYMENT IS 7.14 PERCENT.

4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 10

NOTES BEARING ISSUE DATE NOV. 1, 1968

					APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE	$20.25	$40.50	$60.75	$81.00			
DENOMINATION	25.00	50.00	75.00	100.00			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD						
					PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(5/1/81)	$40.87	$ 81.74	$122.61	$163.48	6.09	8.47	8.50
8-6 TO 9-0 (11/1/81)	42.60	85.20	127.80	170.40	6.23	8.54	8.51
9-0 TO 9-6 (5/1/82)	44.42	88.84	133.26	177.68	6.36	8.46	8.49
9-6 TO10-0 (11/1/82)	46.30	92.60	138.90	185.20	6.47	8.51	8.51
10-0 2/ (5/1/83)	48.27	96.54	144.81	193.08	6.57 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/83)	$48.27	$ 96.54	$144.81	$193.08	----	8.49	9.19
0-6 TO 1-0 (11/1/83)	50.32	100.64	150.96	201.28	8.49	8.51	9.24
1-0 TO 1-6 (5/1/84)	52.46	104.92	157.38	209.84	8.50	8.50	9.29
1-6 TO 2-0 (11/1/84)	54.69	109.38	164.07	218.76	8.50	8.48	9.35
2-0 TO 2-6 (5/1/85)	57.01	114.02	171.03	228.04	8.50	8.52	9.42
2-6 TO 3-0 (11/1/85)	59.44	118.88	178.32	237.76	8.50	8.48	9.50
3-0 TO 3-6 (5/1/86)	61.96	123.92	185.88	247.84	8.50	8.52	9.60
3-6 TO 4-0 (11/1/86)	64.60	129.20	193.80	258.40	8.50	8.48	9.72
4-0 TO 4-6 (5/1/87)	67.34	134.68	202.02	269.36	8.50	8.49	9.88
4-6 TO 5-0 (11/1/87)	70.20	140.40	210.60	280.80	8.50	8.52	10.08
5-0 TO 5-6 (5/1/88)	73.19	146.38	219.57	292.76	8.50	8.50	10.34
5-6 TO 6-0 (11/1/88)	76.30	152.60	228.90	305.20	8.50	8.49	10.71
6-0 TO 6-6 (5/1/89)	79.54	159.08	238.62	318.16	8.50	8.50	11.27
6-6 TO 7-0 (11/1/89)	82.92	165.84	248.76	331.68	8.50	8.51	12.20
7-0 TO 7-6 (5/1/90)	86.45	172.90	259.35	345.80	8.50	8.49	14.07
7-6 TO 8-0 (11/1/90)	90.12	180.24	270.36	360.48	8.50	19.80	19.80
8-0 4/ (5/1/91)	99.04	198.08	297.12	396.16	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1968 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.08 PERCENT; TO DATE OF BONUS PAYMENT IS 7.18 PERCENT.

4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 11

NOTES BEARING ISSUE DATE DEC. 1, 1968

TABLE 11

NOTES BEARING ISSUE DATE DEC. 1, 1968

ISSUE PRICE . . . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD						
					PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(6/1/81)	$41.08	$ 82.16	$123.24	$164.32	6.16	8.52	8.50
8-6 TO 9-0 (12/1/81)	42.83	85.66	128.49	171.32	6.30	8.50	8.49
9-0 TO 9-6 (6/1/82)	44.65	89.30	133.95	178.60	6.42	8.51	8.49
9-6 TO10-0 (12/1/82)	46.55	93.10	139.65	186.20	6.53	8.46	8.46
10-0 2/ (6/1/83)	48.52	97.04	145.56	194.08	6.62 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(6/1/83)	$48.52	$ 97.04	$145.56	$194.08	----	8.49	9.19
0-6 TO 1-0 (12/1/83)	50.58	101.16	151.74	202.32	8.49	8.50	9.23
1-0 TO 1-6 (6/1/84)	52.73	105.46	158.19	210.92	8.50	8.50	9.29
1-6 TO 2-0 (12/1/84)	54.97	109.94	164.91	219.88	8.50	8.51	9.35
2-0 TO 2-6 (6/1/85)	57.31	114.62	171.93	229.24	8.50	8.48	9.42
2-6 TO 3-0 (12/1/85)	59.74	119.48	179.22	238.96	8.50	8.50	9.50
3-0 TO 3-6 (6/1/86)	62.28	124.56	186.84	249.12	8.50	8.51	9.60
3-6 TO 4-0 (12/1/86)	64.93	129.86	194.79	259.72	8.50	8.50	9.72
4-0 TO 4-6 (6/1/87)	67.69	135.38	203.07	270.76	8.50	8.51	9.88
4-6 TO 5-0 (12/1/87)	70.57	141.14	211.71	282.28	8.50	8.50	10.07
5-0 TO 5-6 (6/1/88)	73.57	147.14	220.71	294.28	8.50	8.48	10.34
5-6 TO 6-0 (12/1/88)	76.69	153.38	230.07	306.76	8.50	8.50	10.71
6-0 TO 6-6 (6/1/89)	79.95	159.90	239.85	319.80	8.50	8.51	11.26
6-6 TO 7-0 (12/1/89)	83.35	166.70	250.05	333.40	8.50	8.49	12.19
7-0 TO 7-6 (6/1/90)	86.89	173.78	260.67	347.56	8.50	8.52	14.06
7-6 TO 8-0 (12/1/90)	90.59	181.18	271.77	362.36	8.50	19.76	19.76
8-0 4/ (6/1/91)	99.54	199.08	298.62	398.16	9.19 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1968 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.12 PERCENT; TO DATE OF BONUS PAYMENT IS 7.20 PERCENT.

4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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TABLE 12

NOTES BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1969

ISSUE PRICE . . . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD						
					PERCENT	PERCENT	PERCENT
8-0 TO 8-6 1/(7/1/81)	$41.08	$ 82.16	$123.24	$164.32	6.16	8.52	8.50
8-6 TO 9-0 (1/1/82)	42.83	85.66	128.49	171.32	6.30	8.50	8.49
9-0 TO 9-6 (7/1/82)	44.65	89.30	133.95	178.60	6.42	8.51	8.49
9-6 TO10-0 (1/1/83)	46.55	93.10	139.65	186.20	6.53	8.46	8.46
10-0 2/ (7/1/83)	48.52	97.04	145.56	194.08	6.62 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/83)	$48.52	$ 97.04	$145.56	$194.08	----	8.49	9.23
0-6 TO 1-0 (1/1/84)	50.58	101.16	151.74	202.32	8.49	8.50	9.29
1-0 TO 1-6 (7/1/84)	52.73	105.46	158.19	210.92	8.50	8.50	9.35
1-6 TO 2-0 (1/1/85)	54.97	109.94	164.91	219.88	8.50	8.51	9.42
2-0 TO 2-6 (7/1/85)	57.31	114.62	171.93	229.24	8.50	8.48	9.50
2-6 TO 3-0 (1/1/86)	59.74	119.48	179.22	238.96	8.50	8.50	9.60
3-0 TO 3-6 (7/1/86)	62.28	124.56	186.84	249.12	8.50	8.51	9.72
3-6 TO 4-0 (1/1/87)	64.93	129.86	194.79	259.72	8.50	8.50	9.88
4-0 TO 4-6 (7/1/87)	67.69	135.38	203.07	270.76	8.50	8.51	10.07
4-6 TO 5-0 (1/1/88)	70.57	141.14	211.71	282.28	8.50	8.50	10.34
5-0 TO 5-6 (7/1/88)	73.57	147.14	220.71	294.28	8.50	8.48	10.70
5-6 TO 6-0 (1/1/89)	76.69	153.38	230.07	306.76	8.50	8.50	11.26
6-0 TO 6-6 (7/1/89)	79.95	159.90	239.85	319.80	8.50	8.51	12.19
6-6 TO 7-0 (1/1/90)	83.35	166.70	250.05	333.40	8.50	8.49	14.06
7-0 TO 7-6 (7/1/90)	86.89	173.78	260.67	347.56	8.50	19.77	19.77
7-6 4/ (1/1/91)	95.48	190.96	286.44	381.92	9.23 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1969 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.12 PERCENT; TO DATE OF BONUS PAYMENT IS 7.17 PERCENT.

4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 13

NOTES BEARING ISSUE DATE MAY 1, 1969

ISSUE PRICE . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD						
					PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(5/1/81)	$39.78	$ 79.56	$119.34	$159.12	6.13	8.55	8.51
8-0 TO 8-6 (11/1/81)	41.48	82.96	124.44	165.92	6.28	8.49	8.50
8-6 TO 9-0 (5/1/82)	43.24	86.48	129.72	172.96	6.41	8.51	8.50
9-0 TO 9-6 (11/1/82)	45.08	90.16	135.24	180.32	6.53	8.52	8.49
9-6 TO10-0 (5/1/83)	47.00	94.00	141.00	188.00	6.63	8.47	8.47
10-0 2/ (11/1/83)	48.99	97.98	146.97	195.96	6.72 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/83)	$48.99	$ 97.98	$146.97	$195.96	----	8.49	9.23
0-6 TO 1-0 (5/1/84)	51.07	102.14	153.21	204.28	8.49	8.50	9.29
1-0 TO 1-6 (11/1/84)	53.24	106.48	159.72	212.96	8.49	8.53	9.35
1-6 TO 2-0 (5/1/85)	55.51	111.02	166.53	222.04	8.51	8.47	9.42
2-0 TO 2-6 (11/1/85)	57.86	115.72	173.58	231.44	8.50	8.50	9.50
2-6 TO 3-0 (5/1/86)	60.32	120.64	180.96	241.28	8.50	8.52	9.60
3-0 TO 3-6 (11/1/86)	62.89	125.78	188.67	251.56	8.50	8.49	9.72
3-6 TO 4-0 (5/1/87)	65.56	131.12	196.68	262.24	8.50	8.51	9.88
4-0 TO 4-6 (11/1/87)	68.35	136.70	205.05	273.40	8.50	8.49	10.07
4-6 TO 5-0 (5/1/88)	71.25	142.50	213.75	285.00	8.50	8.51	10.34
5-0 TO 5-6 (11/1/88)	74.28	148.56	222.84	297.12	8.50	8.51	10.71
5-6 TO 6-0 (5/1/89)	77.44	154.88	232.32	309.76	8.50	8.50	11.26
6-0 TO 6-6 (11/1/89)	80.73	161.46	242.19	322.92	8.50	8.50	12.19
6-6 TO 7-0 (5/1/90)	84.16	168.32	252.48	336.64	8.50	8.48	14.06
7-0 TO 7-6 (11/1/90)	87.73	175.46	263.19	350.92	8.50	19.79	19.79
7-6 4/ (5/1/91)	96.41	192.82	289.23	385.64	9.23 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1969 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.19 PERCENT; TO DATE OF BONUS PAYMENT IS 7.22 PERCENT.

4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 14

NOTES BEARING ISSUE DATE JUNE 1, 1969

ISSUE PRICE . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD						
					PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(6/1/81)	$39.98	$ 79.96	$119.94	$159.92	6.20	8.50	8.50
8-0 TO 8-6 (12/1/81)	41.68	83.36	125.04	166.72	6.34	8.54	8.50
8-6 TO 9-0 (6/1/82)	43.46	86.92	130.38	173.84	6.47	8.42	8.49
9-0 TO 9-6 (12/1/82)	45.29	90.58	135.87	181.16	6.58	8.57	8.52
9-6 TO10-0 (6/1/83)	47.23	94.46	141.69	188.92	6.68	8.47	8.47
10-0 2/ (12/1/83)	49.23	98.46	147.69	196.92	6.77 3/	——	——
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/83)	$49.23	$ 98.46	$147.69	$196.92	——	8.49	9.23
0-6 TO 1-0 (6/1/84)	51.32	102.64	153.96	205.28	8.49	8.50	9.29
1-0 TO 1-6 (12/1/84)	53.50	107.00	160.50	214.00	8.49	8.52	9.35
1-6 TO 2-0 (6/1/85)	55.78	111.56	167.34	223.12	8.50	8.50	9.42
2-0 TO 2-6 (12/1/85)	58.15	116.30	174.45	232.60	8.50	8.50	9.50
2-6 TO 3-0 (6/1/86)	60.62	121.24	181.86	242.48	8.50	8.51	9.60
3-0 TO 3-6 (12/1/86)	63.20	126.40	189.60	252.80	8.50	8.48	9.72
3-6 TO 4-0 (6/1/87)	65.88	131.76	197.64	263.52	8.50	8.50	9.88
4-0 TO 4-6 (12/1/87)	68.68	137.36	206.04	274.72	8.50	8.50	10.08
4-6 TO 5-0 (6/1/88)	71.60	143.20	214.80	286.40	8.50	8.49	10.34
5-0 TO 5-6 (12/1/88)	74.64	149.28	223.92	298.56	8.50	8.52	10.71
5-6 TO 6-0 (6/1/89)	77.82	155.64	233.46	311.28	8.50	8.48	11.26
6-0 TO 6-6 (12/1/89)	81.12	162.24	243.36	324.48	8.50	8.51	12.20
6-6 TO 7-0 (6/1/90)	84.57	169.14	253.71	338.28	8.50	8.49	14.07
7-0 TO 7-6 (12/1/90)	88.16	176.32	264.48	352.64	8.50	19.80	19.80
7-6 4/ (6/1/91)	96.89	193.78	290.67	387.56	9.23 3/	——	——

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1969 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.22 PERCENT; TO DATE OF BONUS PAYMENT IS 7.24 PERCENT.
4/ BONUS PAYMENT IS MADE AT 22 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 15

NOTES BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1969

ISSUE PRICE . . . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST. EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
7-6 TO 8-0 1/(7/1/81)	$39.98	$ 79.96	$119.94	$159.92	6.20	8.50	8.50
8-0 TO 8-6 (1/1/82)	41.68	83.36	125.04	166.72	6.34	8.54	8.50
8-6 TO 9-0 (7/1/82)	43.46	86.92	130.38	173.84	6.47	8.42	8.49
9-0 TO 9-6 (1/1/83)	45.29	90.58	135.87	181.16	6.58	8.57	8.52
9-6 TO10-0 (7/1/83)	47.23	94.46	141.69	188.92	6.68	8.47	8.47
10-0 2/ (1/1/84)	49.23	98.46	147.69	196.92	6.77 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/84)	$49.23	$ 98.46	$147.69	$196.92	----	8.49	9.29
0-6 TO 1-0 (7/1/84)	51.32	102.64	153.96	205.28	8.49	8.50	9.35
1-0 TO 1-6 (1/1/85)	53.50	107.00	160.50	214.00	8.49	8.52	9.42
1-6 TO 2-0 (7/1/85)	55.78	111.56	167.34	223.12	8.50	8.50	9.50
2-0 TO 2-6 (1/1/86)	58.15	116.30	174.45	232.60	8.50	8.50	9.60
2-6 TO 3-0 (7/1/86)	60.62	121.24	181.86	242.48	8.50	8.51	9.72
3-0 TO 3-6 (1/1/87)	63.20	126.40	189.60	252.80	8.50	8.48	9.87
3-6 TO 4-0 (7/1/87)	65.88	131.76	197.64	263.52	8.50	8.50	10.07
4-0 TO 4-6 (1/1/88)	68.68	137.36	206.04	274.72	8.50	8.50	10.34
4-6 TO 5-0 (7/1/88)	71.60	143.20	214.80	286.40	8.50	8.49	10.71
5-0 TO 5-6 (1/1/89)	74.64	149.28	223.92	298.56	8.50	8.52	11.26
5-6 TO 6-0 (7/1/89)	77.82	155.64	233.46	311.28	8.50	8.48	12.19
6-0 TO 6-6 (1/1/90)	81.12	162.24	243.36	324.48	8.50	8.51	14.06
6-6 TO 7-0 (7/1/90)	84.57	169.14	253.71	338.28	8.50	19.77	19.77
7-[illegible] 4/ (1/1/91)	92.93	185.86	278.79	371.72	9.29 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1969 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.22 PERCENT; TO DATE OF BONUS PAYMENT IS 7.21 PERCENT.

4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 16

NOTES BEARING ISSUE DATE NOV. 1, 1969

ISSUE PRICE	$20.25	$40.50	$60.75	$81.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(5/1/81)	$38.73	$ 77.46	$116.19	$154.92	6.18	8.47	8.50
7-6 TO 8-0 (11/1/81)	40.37	80.74	121.11	161.48	6.33	8.47	8.50
8-0 TO 8-6 (5/1/82)	42.08	84.16	126.24	168.32	6.47	8.56	8.51
8-6 TO 9-0 (11/1/82)	43.88	87.76	131.64	175.52	6.59	8.43	8.49
9-0 TO 9-6 (5/1/83)	45.73	91.46	137.19	182.92	6.69	8.53	8.52
9-6 TO10-0 (11/1/83)	47.68	95.36	143.04	190.72	6.79	8.52	8.52
10-0 2/ (5/1/84)	49.71	99.42	149.13	198.84	6.87 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(5/1/84)	$49.71	$ 99.42	$149.13	$198.84	----	8.49	9.29
0-6 TO 1-0 (11/1/84)	51.82	103.64	155.46	207.28	8.49	8.53	9.35
1-0 TO 1-6 (5/1/85)	54.03	108.06	162.09	216.12	8.51	8.48	9.42
1-6 TO 2-0 (11/1/85)	56.32	112.64	168.96	225.28	8.50	8.49	9.50
2-0 TO 2-6 (5/1/86)	58.71	117.42	176.13	234.84	8.50	8.52	9.60
2-6 TO 3-0 (11/1/86)	61.21	122.42	183.63	244.84	8.50	8.50	9.72
3-0 TO 3-6 (5/1/87)	63.81	127.62	191.43	255.24	8.50	8.49	9.88
3-6 TO 4-0 (11/1/87)	66.52	133.04	199.56	266.08	8.50	8.51	10.08
4-0 TO 4-6 (5/1/88)	69.35	138.70	208.05	277.40	8.50	8.51	10.34
4-6 TO 5-0 (11/1/88)	72.30	144.60	216.90	289.20	8.50	8.49	10.71
5-0 TO 5-6 (5/1/89)	75.37	150.74	226.11	301.48	8.50	8.49	11.26
5-6 TO 6-0 (11/1/89)	78.57	157.14	235.71	314.28	8.50	8.50	12.20
6-0 TO 6-6 (5/1/90)	81.91	163.82	245.73	327.64	8.50	8.52	14.07
6-6 TO 7-0 (11/1/90)	85.40	170.80	256.20	341.60	8.50	19.77	19.77
7-0 4/ (5/1/91)	93.84	187.68	281.52	375.36	9.29 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF NOV. 1, 1969 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.29 PERCENT; TO DATE OF BONUS PAYMENT IS 7.26 PERCENT.

4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 17

NOTES BEARING ISSUE DATE DEC. 1, 1969

ISSUE PRICE . . . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD				PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(6/1/81)	$38.91	$ 77.82	$116.73	$155.64	6.22	8.48	8.49
7-6 TO 8-0 (12/1/81)	40.56	81.12	121.68	162.24	6.37	8.48	8.50
8-0 TO 8-6 (6/1/82)	42.28	84.56	126.84	169.12	6.50	8.51	8.50
8-6 TO 9-0 (12/1/82)	44.08	88.16	132.24	176.32	6.62	8.53	8.50
9-0 TO 9-6 (6/1/83)	45.96	91.92	137.88	183.84	6.72	8.49	8.48
9-6 TO10-0 (12/1/83)	47.91	95.82	143.73	191.64	6.81	8.47	8.47
10-0 2/ (6/1/84)	49.94	99.88	149.82	199.76	6.90 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(6/1/84)	$49.94	$ 99.88	$149.82	$199.76	----	8.49	9.29
0-6 TO 1-0 (12/1/84)	52.06	104.12	156.18	208.24	8.49	8.53	9.35
1-0 TO 1-6 (6/1/85)	54.28	108.56	162.84	217.12	8.51	8.47	9.42
1-6 TO 2-0 (12/1/85)	56.58	113.16	169.74	226.32	8.50	8.52	9.50
2-0 TO 2-6 (6/1/86)	58.99	117.98	176.97	235.96	8.50	8.48	9.60
2-6 TO 3-0 (12/1/86)	61.49	122.98	184.47	245.96	8.50	8.52	9.73
3-0 TO 3-6 (6/1/87)	64.11	128.22	192.33	256.44	8.50	8.49	9.88
3-6 TO 4-0 (12/1/87)	66.83	133.66	200.49	267.32	8.50	8.50	10.08
4-0 TO 4-6 (6/1/88)	69.67	139.34	209.01	278.68	8.50	8.50	10.34
4-6 TO 5-0 (12/1/88)	72.63	145.26	217.89	290.52	8.50	8.51	10.71
5-0 TO 5-6 (6/1/89)	75.72	151.44	227.16	302.88	8.50	8.51	11.27
5-6 TO 6-0 (12/1/89)	78.94	157.88	236.82	315.76	8.50	8.49	12.20
6-0 TO 6-6 (6/1/90)	82.29	164.58	246.87	329.16	8.50	8.51	14.08
6-6 TO 7-0 (12/1/90)	85.79	171.58	257.37	343.16	8.50	19.79	19.79
7-0 4/ (6/1/91)	94.28	188.56	282.84	377.12	9.29 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF DEC. 1, 1969 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.32 PERCENT; TO DATE OF BONUS PAYMENT IS 7.28 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 18

NOTES BEARING ISSUE DATES FROM JAN. 1 THROUGH APR. 1, 1970

ISSUE PRICE . . . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD						
					PERCENT	PERCENT	PERCENT
7-0 TO 7-6 1/(7/1/81)	$38.91	$ 77.82	$116.73	$155.64	6.22	8.48	8.49
7-6 TO 8-0 (1/1/82)	40.56	81.12	121.68	162.24	6.37	8.48	8.50
8-0 TO 8-6 (7/1/82)	42.28	84.56	126.84	169.12	6.50	8.51	8.50
8-6 TO 9-0 (1/1/83)	44.08	88.16	132.24	176.32	6.62	8.53	8.50
9-0 TO 9-6 (7/1/83)	45.96	91.92	137.88	183.84	6.72	8.49	8.48
9-6 TO10-0 (1/1/84)	47.91	95.82	143.73	191.64	6.81	8.47	8.47
10-0 2/ (7/1/84)	49.94	99.88	149.82	199.76	6.90 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(7/1/84)	$49.94	$ 99.88	$149.82	$199.76	----	8.49	9.35
0-6 TO 1-0 (1/1/85)	52.06	104.12	156.18	208.24	8.49	8.53	9.42
1-0 TO 1-6 (7/1/85)	54.28	108.56	162.84	217.12	8.51	8.47	9.51
1-6 TO 2-0 (1/1/86)	56.58	113.16	169.74	226.32	8.50	8.52	9.61
2-0 TO 2-6 (7/1/86)	58.99	117.98	176.97	235.96	8.50	8.48	9.73
2-6 TO 3-0 (1/1/87)	61.49	122.98	184.47	245.96	8.50	8.52	9.89
3-0 TO 3-6 (7/1/87)	64.11	128.22	192.33	256.44	8.50	8.49	10.08
3-6 TO 4-0 (1/1/88)	66.83	133.66	200.49	267.32	8.50	8.50	10.35
4-0 TO 4-6 (7/1/88)	69.67	139.34	209.01	278.68	8.50	8.50	10.72
4-6 TO 5-0 (1/1/89)	72.63	145.26	217.89	290.52	8.50	8.51	11.28
5-0 TO 5-6 (7/1/89)	75.72	151.44	227.16	302.88	8.50	8.51	12.22
5-6 TO 6-0 (1/1/90)	78.94	157.88	236.82	315.76	8.50	8.49	14.10
6-0 TO 6-6 (7/1/90)	82.29	164.58	246.87	329.16	8.50	19.86	19.86
6-6 4/ (1/1/91)	90.46	180.92	271.38	361.84	9.35 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JAN. 1, 1970 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.32 PERCENT; TO DATE OF BONUS PAYMENT IS 7.26 PERCENT.

4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 19

NOTES BEARING ISSUE DATE MAY 1, 1970

ISSUE PRICE	$20.25	$40.50	$60.75	$81.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)* FIRST EXTENDED MATURITY PERIOD				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
					PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/(5/1/81)	$37.68	$ 75.36	$113.04	$150.72	6.19	8.55	8.50
7-0 TO 7-6 (11/1/81)	39.29	78.58	117.87	157.16	6.36	8.45	8.50
7-6 TO 8-0 (5/1/82)	40.95	81.90	122.85	163.80	6.50	8.55	8.51
8-0 TO 8-6 (11/1/82)	42.70	85.40	128.10	170.80	6.63	8.48	8.49
8-6 TO 9-0 (5/1/83)	44.51	89.02	133.53	178.04	6.73	8.45	8.50
9-0 TO 9-6 (11/1/83)	46.39	92.78	139.17	185.56	6.83	8.54	8.53
9-6 TO 10-0 (5/1/84)	48.37	96.74	145.11	193.48	6.92	8.52	8.52
10-0 2/ (11/1/84)	50.43	100.86	151.29	201.72	7.00 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(11/1/84)	$50.43	$100.86	$151.29	$201.72	----	8.49	9.35
0-6 TO 1-0 (5/1/85)	52.57	105.14	157.71	210.28	8.49	8.52	9.42
1-0 TO 1-6 (11/1/85)	54.81	109.62	164.43	219.24	8.50	8.50	9.50
1-6 TO 2-0 (5/1/86)	57.14	114.28	171.42	228.56	8.50	8.51	9.60
2-0 TO 2-6 (11/1/86)	59.57	119.14	178.71	238.28	8.50	8.49	9.73
2-6 TO 3-0 (5/1/87)	62.10	124.20	186.30	248.40	8.50	8.50	9.88
3-0 TO 3-6 (11/1/87)	64.74	129.48	194.22	258.96	8.50	8.50	10.09
3-6 TO 4-0 (5/1/88)	67.49	134.98	202.47	269.96	8.50	8.50	10.34
4-0 TO 4-6 (11/1/88)	70.36	140.72	211.08	281.44	8.50	8.50	10.71
4-6 TO 5-0 (5/1/89)	73.35	146.70	220.05	293.40	8.50	8.48	11.27
5-0 TO 5-6 (11/1/89)	76.46	152.92	229.38	305.84	8.50	8.50	12.21
5-6 TO 6-0 (5/1/90)	79.71	159.42	239.13	318.84	8.50	8.51	14.08
6-0 TO 6-6 (11/1/90)	83.10	166.20	249.30	332.40	8.50	19.81	19.81
6-6 4/ (5/1/91)	91.33	182.66	273.99	365.32	9.35 3/	----	----

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF MAY 1, 1970 ENTER EACH PERIOD.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.39 PERCENT; TO DATE OF BONUS PAYMENT IS 7.30 PERCENT.

4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 20

NOTES BEARING ISSUE DATE JUNE 1, 1970

ISSUE PRICE	$20.25	$40.50	$60.75	$81.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
DENOMINATION	25.00	50.00	75.00	100.00			
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2) FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3) FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4) FROM BEGINNING OF EACH 1/2YR. PD. (A) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD				PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/(6/1/81)	$37.85	$ 75.70	$113.55	$151.40	6.23	8.56	8.51
7-0 TO 7-6 (12/1/81)	39.47	78.94	118.41	157.88	6.39	8.46	8.50
7-6 TO 8-0 (6/1/82)	41.14	82.28	123.42	164.56	6.53	8.51	8.51
8-0 TO 8-6 (12/1/82)	42.89	85.78	128.67	171.56	6.65	8.53	8.51
8-6 TO 9-0 (6/1/83)	44.72	89.44	134.16	178.88	6.76	8.50	8.50
9-0 TO 9-6 (12/1/83)	46.62	93.24	139.86	186.48	6.86	8.45	8.51
9-6 TO10-0 (6/1/84)	48.59	97.18	145.77	194.36	6.94	8.56	8.56
10-0 2/ (12/1/84)	50.67	101.34	152.01	202.68	7.02 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(B) TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(12/1/84)	$50.67	$101.34	$152.01	$202.68	----	8.49	9.34
0-6 TO 1-0 (6/1/85)	52.82	105.64	158.46	211.28	8.49	8.52	9.42
1-0 TO 1-6 (12/1/85)	55.07	110.14	165.21	220.28	8.50	8.50	9.50
1-6 TO 2-0 (6/1/86)	57.41	114.82	172.23	229.64	8.50	8.50	9.60
2-0 TO 2-6 (12/1/86)	59.85	119.70	179.55	239.40	8.50	8.49	9.72
2-6 TO 3-0 (6/1/87)	62.39	124.78	187.17	249.56	8.50	8.49	9.87
3-0 TO 3-6 (12/1/87)	65.04	130.08	195.12	260.16	8.50	8.52	10.07
3-6 TO 4-0 (6/1/88)	67.81	135.62	203.43	271.24	8.50	8.49	10.33
4-0 TO 4-6 (12/1/88)	70.69	141.38	212.07	282.76	8.50	8.49	10.70
4-6 TO 5-0 (6/1/89)	73.69	147.38	221.07	294.76	8.50	8.52	11.26
5-0 TO 5-6 (12/1/89)	76.83	153.66	230.49	307.32	8.50	8.49	12.18
5-6 TO 6-0 (6/1/90)	80.09	160.18	240.27	320.36	8.50	8.52	14.05
6-0 TO 6-6 (12/1/90)	83.50	167.00	250.50	334.00	8.50	19.74	19.74
6-6 4/ (6/1/91)	91.74	183.48	275.22	366.96	9.34 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUNE 1, 1970 ENTER EACH PERIOD.
2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.
3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.43 PERCENT; TO DATE OF BONUS PAYMENT IS 7.33 PERCENT.
4/ BONUS PAYMENT IS MADE AT 21 YEARS AND 0 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.05%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.
** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

TABLE 21

NOTES BEARING ISSUE DATES FROM JUL. 1 THROUGH OCT. 1, 1970

ISSUE PRICE . . . . . . DENOMINATION	$20.25 25.00	$40.50 50.00	$60.75 75.00	$81.00 100.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
PERIOD (YEARS AND MONTHS AFTER ORIGINAL MATURITY AT 4 YEARS 6 MONTHS)	(1) REDEMPTION VALUES DURING EACH HALF-YEAR PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)*				(2)FROM BEGINNING OF CURRENT MATURITY PERIOD TO BEGINNING OF EACH 1/2YR. PD.	(3)FROM BEGINNING OF EACH 1/2YR. PERIOD TO BEGINNING OF NEXT 1/2YR. PD.	(4)FROM BEGINNING OF EACH 1/2YR. PD. (4) TO 1ST EXTENDED MATURITY
	FIRST EXTENDED MATURITY PERIOD						
					PERCENT	PERCENT	PERCENT
6-6 TO 7-0 1/(7/1/81)	$37.85	$ 75.70	$113.55	$151.40	6.23	8.56	8.51
7-0 TO 7-6 (1/1/82)	39.47	78.94	118.41	157.88	6.39	8.46	8.50
7-6 TO 8-0 (7/1/82)	41.14	82.28	123.42	164.56	6.53	8.51	8.51
8-0 TO 8-6 (1/1/83)	42.89	85.78	128.67	171.56	6.65	8.53	8.51
8-6 TO 9-0 (7/1/83)	44.72	89.44	134.16	178.88	6.76	8.50	8.50
9-0 TO 9-6 (1/1/84)	46.62	93.24	139.86	186.48	6.86	8.45	8.51
9-6 TO10-0 (7/1/84)	48.59	97.18	145.77	194.36	6.94	8.56	8.56
10-0 2/ (1/1/85)	50.67	101.34	152.01	202.68	7.02 3/	----	----
(YEARS AND MONTHS AFTER 1ST EXTENDED MATURITY DATE)	SECOND EXTENDED MATURITY PERIOD**						(3)TO DATE OF BONUS PAYMENT
0-0 TO 0-6 1/(1/1/85)	$50.67	$101.34	$152.01	$202.68	----	8.49	9.41
0-6 TO 1-0 (7/1/85)	52.82	105.64	158.46	211.28	8.49	8.52	9.50
1-0 TO 1-6 (1/1/86)	55.07	110.14	165.21	220.28	8.50	8.50	9.60
1-6 TO 2-0 (7/1/86)	57.41	114.82	172.23	229.64	8.50	8.50	9.72
2-0 TO 2-6 (1/1/87)	59.85	119.70	179.55	239.40	8.50	8.49	9.87
2-6 TO 3-0 (7/1/87)	62.39	124.78	187.17	249.56	8.50	8.49	10.07
3-0 TO 3-6 (1/1/88)	65.04	130.08	195.12	260.16	8.50	8.52	10.34
3-6 TO 4-0 (7/1/88)	67.81	135.62	203.43	271.24	8.50	8.49	10.70
4-0 TO 4-6 (1/1/89)	70.69	141.38	212.07	282.76	8.50	8.49	11.26
4-6 TO 5-0 (7/1/89)	73.69	147.38	221.07	294.76	8.50	8.52	12.19
5-0 TO 5-6 (1/1/90)	76.83	153.66	230.49	307.32	8.50	8.49	14.05
5-6 TO 6-0 (7/1/90)	80.09	160.18	240.27	320.36	8.50	19.75	19.75
6-0 4/ (1/1/91)	88.00	176.00	264.00	352.00	9.41 3/	----	----

1/ MONTH, DAY AND YEAR ON WHICH ISSUES OF JUL. 1, 1970 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS, ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ EXTENDED MATURITY VALUE IS REACHED AT 14 YEARS AND 6 MONTHS AFTER ISSUE.

3/ YIELD ON PURCHASE PRICE FROM ISSUE DATE TO 1ST EXTENDED MATURITY DATE IS 6.43 PERCENT; TO DATE OF BONUS PAYMENT IS 7.30 PERCENT.

4/ BONUS PAYMENT IS MADE AT 20 YEARS AND 6 MONTHS AFTER ISSUE. YIELD FROM FIRST SEMIANNUAL ACCRUAL DATE ON OR AFTER 5/1/81 TO FIRST SEMIANNUAL ACCRUAL DATE IN 1991 IS 9.08%.

* FOR EARLIER REDEMPTION VALUES AND YIELDS, SEE APPROPRIATE TABLE IN THE REVISED DEPARTMENT CIRCULAR, PUBLIC DEBT SERIES 3-67, 3RD AMENDMENT, AS REVISED AND SUPPLEMENTED.

** THIS TABLE DOES NOT APPLY IF THE PREVAILING RATE FOR SAVINGS NOTES AT THE TIME THE EXTENSION BEGINS IS DIFFERENT FROM 8.50 PERCENT.

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BILLING CODE 4810-40-[illegible]

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federal register

Tuesday
October 6, 1981

Part VI

Department of Labor

Office of the Secretary

Office of Workers' Compensation Programs

Employment and Training Administration

Occupational Safety and Health Administration

Subpoenas Served on Departmental Employees; Procedures To Be Followed; Final Rules

V 46 / 193 OC 6 81 UMI

DEPARTMENT OF LABOR

Office of the Secretary

Office of Workers' Compensation Programs

Employment and Training Administration

Occupational Safety and Health Administration

20 CFR Parts 10 and 684

29 CFR Parts 2 and 1906

Subpoenas Served on Departmental Employees; Procedures To Be Followed; Final Rules

AGENCY: Office of Workers' Compensation Programs, Employment and Training Administration, Office of the Secretary and Occupational Safety and Health Administration, Labor.

ACTION: Final rules; request for comment.

SUMMARY: Because an increasing number of subpoenas are being served on Labor Department employees, and because of the lack of a uniform Departmental policy for responding to such subpoenas, there is established below one procedure to be followed by all Labor Department employees who receive subpoenas calling for the production of records or other materials, or the disclosure of information. This new procedure should result in more equitable treatment for the general public and place responsibility for determining the response to subpoenas on the appropriate Departmental officials.

DATES: These rules are effective on November 5, 1981. Comments on 20 CFR 684.95(d) and 29 CFR 2.4 must be received by November 5, 1981.

ADDRESS: Send comments to Sofia P. Petters, Counsel for Administrative Legal Services, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, N.W., Room N-2464, Washington, D.C. 20210; Telephone (202) 523-6807.

FOR FURTHER INFORMATION CONTACT: Sofia P. Petters, Counsel for Administrative Legal Services, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, N.W., Room N-2464, Washington, D.C. 20210; Telephone (202) 523-6807.

SUPPLEMENTARY INFORMATION: The final rule reflects some revisions to the proposed rule principally addressing comments received from within the Department of Labor. Also, some clarifications set forth in the recently published Justice Department regulations published at 45 FR 83208 have also been included in the final rule.

Section 2.20 has been revised to indicate that the regulation applies only to subpoenas issued in connection with proceedings to which the Labor Department is not a party. This was the intent of the proposed rule although not explicitly so stated. This is made clear in the final rule. In addition, a new paragraph (c) has been included to clarify which division of the Solicitor's Office, in Washington, D.C. or the field, a person is to initially notify when served with a demand, and which Departmental official shall make the final determination in terms of the manner in which the person is to respond. In this last regard, it should be noted that the former Office of the Deputy Solicitor of Labor has been divided into two offices, i.e., a Deputy Solicitor for National Operations and a Deputy Solicitor for Regional Operations. One of these persons will, in most instances, be responsible for the final determination.

Finally, § 2.20 has also been revised, through inclusion of paragraph (d), to expressly indicate that this rule may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by a party against the U.S. Department of Labor. That is, a court or other body seeking enforcement of a subpoena against an employee of the Department must be vested with jurisdiction by virtue of some other law of the United States, not Subpart C.

The order of §§ 2.21 and 2.22 has been reversed simply for clarity. New § 2.21 has also been revised to include the provision that the party causing a subpoena to be served shall furnish the appropriate Office of the Solicitor with a written summary of the information sought and its relevance to the proceeding in connection with which it was served. This provision parallels that contained in the new Justice Department regulations. It is often difficult to discern from the face of a subpoena precisely the nature of the information sought and the purpose for which it is sought. By requiring that a written summary of such information be furnished, the Department will be in a better position to determine the appropriate course to follow in responding to a subpoena. The burden of furnishing such a statement should be minimal, and as noted in the regulation, where the Associate Solicitor, Regional Solicitor, or Associate Regional Solicitor, whichever is appropriate, determines that a written summary is unnecessary, this requirement may be waived.

New § 2.22 has been revised by delegating to the Deputy Solicitor of Labor for National Operations and the Deputy Solicitor of Labor for Regional Operations authority, in most instances, for determining the manner in which employees shall respond to subpoenas served upon them.

Sections 2.23 and 2.24 are essentially the same as set forth in the proposal except that the "appropriate Deputy Solicitor of Labor" has been substituted for the Solicitor of Labor and Deputy Solicitor of Labor.

A new § 2.25 has been included to deal specifically with subpoenas served on employees of the Office of the Inspector General. Section 3(a) of the Inspector General Act of 1978 provides that the agency's Inspector General shall report to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, the office next in rank below such head, but shall not report to or be the subject of supervision by any other office of such establishment. As the Inspector General's office, by statute, can report to no office below the Office of the Under Secretary in the Labor Department, § 2.25 provides that the Inspector General or Deputy Inspector General shall make the determination regarding the disposition of subpoenas served upon employees and former employees of that office.

Consistent with the approach of establishing a uniform policy within the Department for responding to subpoenas, to the extent divisions within the Department have issued regulations addressing the manner in which employees of that division are to respond to subpoenas, those regulations are being revoked.

This document is being jointly executed by the Secretary of Labor, the Deputy Under Secretary for Employment Standards, the Assistant Secretary for Employment and Training and the Assistant Secretary for Occupational Safety and Health. Each of these signatories has rulemaking authority for the parts of the Code of Federal Regulations which today are being amended. These parts are: 20 CFR Part 10 (the Deputy Under Secretary for Employment Standards); 20 CFR Part 684 (the Assistant Secretary for Employment and Training); 29 CFR Part 2 (the Secretary of Labor); and 29 CFR Part 1906 (the Assistant Secretary for Occupational Safety and Health).

Publication of Two Sections as Final Rules; Request for Comment

It should be noted that two regulations which were not identified in the proposal, i.e., 20 CFR 684.95(d) and 29 CFR 2.4, are among those being revoked. These rules set forth the procedures for responding to subpoenas by employees of the Bureau of Labor Statistics and the Employment and Training Administration. As there was no public comment on the proposed revocation of subpoena rules for the other Department of Labor agencies, no objection to the revocation of these regulations is anticipated. Moreover, if these rules were not revoked it would thwart the intended purpose of the proposal—namely, to establish a uniform Department-wide procedure for responding to subpoenas. Consequently, the Department finds good cause that notice and public comment are unnecessary and contrary to the public interest at this time with respect to the revocation of 20 CFR 684.95(d) and 29 CFR 2.4. This finding is made pursuant to 5 U.S.C. 553(b)(3)(B). Nevertheless, interested members of the public are invited to submit comments regarding the revocation of these two regulations within 30 days to Ms. Sofia P. Petters at the above address. Should comments on these regulations be submitted, they will be addressed in a subsequent notice.

Drafting Information

This document was prepared under the direction and control of T. Timothy Ryan, Jr., Solicitor of Labor, U.S. Department of Labor, Room S-2002, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone (202) 523-7675.

Classification—Executive Order 12291

The revision is procedural in character. Therefore, this rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

The Department believes that the rule will have no "significant economic impact * * * upon a substantial number of * * * small [business] entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 91 Stat. 1164 (5 U.S.C. 605(b)). The Secretary has certified to the Acting Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the amendment is procedural in character. This rule only regulates the conduct of Labor Department employees, not the public, thus no economic impact is expected with respect to small entities, nor with respect to other entities as well. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act Certification

I, Raymond J. Donovan, Secretary of Labor, hereby certify, pursuant to 5 U.S.C. 605(b), that the rules contained in 20 CFR Parts 10 and 684 and in 29 CFR Parts 2 and 1906, described in this document, will not have a significant economic impact on a substantial number of small entities. This conclusion is reached because the regulation is procedural in character. The rule only regulates the conduct of Department of Labor employees, not the public, thus no economic impact is expected with respect to small entities.

Signed at Washington, D.C. this 30th day of September 1981.

Raymond J. Donovan,

Secretary of Labor.

Accordingly, there are amended the following parts of the Code of Federal Regulations:

(a) Part 10, Chapter I of Title 20, Code of Federal Regulations (20 CFR Part 10);

(b) Part 684, Chapter V of Title 20, Code of Federal Regulations (20 CFR Part 684);

(c) Part 2, Subtitle A of Title 29, Code of Federal Regulations (29 CFR Part 2); and

(d) Part 1906, Chapter XVII of Title 29, Code of Federal Regulations (29 CFR Part 1906) as set forth below.

Title 20—Employees' Benefits

PART 10—CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, AS AMENDED

1. The authority citation for Part 10 is revised to read as follows:

Authority: (5 U.S.C. 301); Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; (5 U.S.C. 8145, 8149); Secretary of Labor's Order No. 16-75, 40 FR 55913; Employment Standards' Order No. 78-1, 43 FR 51469.

§ 10.11 [Amended]

2. In § 10.11, paragraph (e) is removed and paragraph (f) is redesignated as paragraph (e).

PART 684—JOB CORPS PROGRAM UNDER TITLE VIB OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

§ 684.95 [Amended]

3. In § 684.95, paragraph (d) is removed, paragraph (e) is redesignated paragraph (d) and paragraph (f) is redesignated paragraph (e).

Title 29—Labor

PART 2—GENERAL REGULATIONS

4. The authority citation for §§ 2.20-2.25 (Subpart C) within Part 2, reads as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263.

§ 2.4 [Reserved]

5. Section 2.4 is removed and reserved.

6. 29 CFR Part 2 is amended by adding new Subpart C, §§ 2.20 through 2.25, to read as follows:

Subpart C—Employees Served With Subpoenas

§ 2.20 Purpose, scope and definitions.

(a) This subpart sets forth the procedures to be followed whenever a subpoena, order, or other demand (hereinafter referred to as a "demand") of a court or other authority, in connection with a proceeding to which the U.S. Department of Labor is not a party, is issued for the production or disclosure of (1) any material contained in the files of the Department, (2) any information relating to material contained in the files of the Department, or (3) any information or material acquired by any person while such person was an employee of the Department as a part of the performance of his official duties or because of his official status.

(b) For purposes of this subpart, the term "employee of the Department" includes all officers and employees of the United States Department of Labor appointed by, or subject to the supervision, jurisdiction, or control of the Secretary of Labor.

(c)(1) For purposes of this subpart, the term "appropriate Deputy Solicitor of Labor" means the Deputy Solicitor of Labor for National Operations when the person served with a demand is either employed by the National Office of the Labor Department, or who is a former Labor Department employee and is served with a demand in Washington, D.C. In all other cases, the term "appropriate Deputy Solicitor of Labor"

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means the Deputy Solicitor of Labor for Regional Operations.

(2) For purposes of this subpart, the term "appropriate Office of the Solicitor" means that Office of the Associate Solicitor of Labor (in Washington, D.C.) serving as counsel to the program to which the demand relates, where the person served with a demand is employed by the National Office of the Labor Department, or who is a former Labor Department employee and is served with a demand in Washington, D.C. In all other cases, the term "appropriate Office of the Solicitor" means that Regional Solicitor's Office or Associate Regional Solicitor's Office serving the locality in which the employee or former employee is served with a demand.

(d) This subpart is intended to provide instructions regading the internal operations of the Department of Labor, and is not intended, and does not, and may not, be relied upon to create any right or benefit, substantive or procedural, enforceable at law by a party against the Department of Labor.

§ 2.21 Procedure in the event of a demand for production or disclosure.

Whenever an employee or former employee of the Department receives a demand for the production of material or the disclosure of information described in § 2.20(a), he shall immediately notify the appropriate Office of the Solicitor. The appropriate Office of the Solicitor shall be furnished by the party causing the subpoena to be issued with a written summary of the information sought and its relevance to the proceeding in connection with which it was served. The Associate Solicitor, Regional Solicitor, or Associate Regional Solicitor, whichever is appropriate, may waive the requirement that a written summary be furnished where he or she deems it to be unnecessary. The election to waive the requirement of a written summary in no way constitutes a waiver of any other requirement set forth in this subpart.

§ 2.22 Production or disclosure prohibited unless approved by the appropriate Deputy Solicitor of Labor.

In terms of instructing an employee or former employee of the manner in which to respond to a demand, the Associate Solicitor, Regional Solicitor, or Associate Regional Solicitor, whichever is applicable, shall follow the instructions of the appropriate Deputy Solicitor of Labor. No employee or former employee of the Department of Labor shall, in response to a demand of a court or other authority, produce any material contained in the files of the Department or disclose any information relating to material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without approval of the appropriate Deputy Solicitor of Labor.

§ 2.23 Procedure where a decision concerning a demand is not made prior to the time a response to the demand is required.

If the response to the demand is required before the instructions from the appropriate Deputy Solicitor of Labor are received, a Department attorney or other government attorney designated for the purpose shall appear with the employee or former employee of the Department upon whom the demand has been made, and shall furnish the court or other authority with a copy of the regulations contained in this subpart and inform the court or other authority that the demand has been, or is being, as the case may be, referred for the prompt consideration of the appropriate Deputy Solicitor of Labor and shall respectfully request the court or other authority to stay the demand pending receipt of the requested instructions.

§ 2.24 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 2.23 pending receipt of instructions, or if the court or other authority rules that the demand must be complied with irrespective of instructions not to produce the material or disclose the information sought, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand, *"United States ex rel Touhy* v. *Ragen,"* 340 US. 462.

§ 2.25 Subpoenas served upon employees of the Office of the Inspector General.

Notwithstanding the requirements set forth in §§ 2.20 through 2.24, this subpart is applicable to demands served on employees or former employees of the Office of the Inspector General (OIG), except that wherever in §§ 2.21 through 2.24 there appear the phrases "appropriate Office of the Solicitor", "Associate Solicitor, Regional Solicitor, or Associate Regional Solicitor," and "appropriate Deputy Solicitor of Labor", there shall be substituted in lieu thereof "the Inspector General or Deputy Inspector General." In addition, the first sentence of § 2.22 shall not be applicable to subpoenas served upon employees or former employees of the Office of the Inspector General.

PART 1906—ADMINISTRATION WITNESSES AND DOCUMENTS IN PRIVATE LITIGATION [RESERVED]

7. The authority citation for Part 1906 reads as follows:

Authority: Sec. 8(g), 84 Stat. 1600, 29 U.S.C. 657.

8. Part 1906 of 29 CFR Chapter XVII is removed and reserved.

Signed at Washington, D.C. this 30th day of September 1981.

Raymond J. Donovan,

Secretary of Labor.

Robert B. Collyer,

Deputy Under Secretary for Employment Standards.

Albert Angrisani,

Assistant Secretary for Employment and Training.

Thorne G. Auchter,

Assistant Secretary for Occupational Safety and Health.

[FR Doc. 81-28904 Filed 10-5-81; 8:45 am]

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Part VII

Department of Energy

Nondiscrimination on the Basis of Age

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DEPARTMENT OF ENERGY

10 CFR Part 1040

Nondiscrimination on the Basis of Age; Age Discrimination Act of 1975, as Amended

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: These regulations implement the provisions of the Age Discrimination Act of 1975 (Act), as amended. The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions which permit continued use of age distinctions or factors other than age which may have a disproportionate effect on the basis of age. These regulations discuss what is age discrimination under the Act, the circumstances under which the statutory exceptions may be invoked, the responsibilities of the Department of Energy (DOE) and recipients of Federal financial assistance from DOE, as well as the requirements to be used in compliance and enforcement activities.

DATE: Comments must be received on or before November 5, 1981.

ADDRESS: Comments should be addressed to Carlos A. Ruiz, Director, Federally Assisted Programs Division, Office of Equal Opportunity, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW, Room 4B–112, Washington, D.C. 20585. .

FOR FURTHER INFORMATION CONTACT: Carlos A. Ruiz, Director, Federally Assisted Programs Division (FAPD), Office of Equal Opportunity (OEO); Marsha A. Harrison, Chief, Policy Branch, FAPD, OEO, U.S. Department of Energy, Room 4B–112, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2244; or Christine Krithades, Attorney-Advisor, Office of General Counsel, U.S. Department of Energy, Room 6A–211, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–8618.

SUPPLEMENTARY INFORMATION:

I. Background
II. Overview of Proposed Regulations
III. Comment Procedure

I. Background

In November 1975, Congress enacted the Age Discrimination Act (42 U.S.C. 6101, *et seq.*) as part of the amendments to the Older Americans Act (Pub. L. 94–135, November 28, 1975). At that time, the express purpose of the Act was to prohibit unreasonable discrimination based on age in programs and activities receiving Federal financial assistance, including the State and Local Fiscal Assistance Act of 1972. However,the Act also permitted federally assisted programs and activities, and recipients of Federal funds, to continue to use: (1) Some age distinctions and (2) "reasonable factors other than age." The Act applies to persons of all ages.

Prior to enactment of any regulations, the Act required the Commission on Civil Rights to conduct a study of age discrimination in Federally funded programs and activities. The Commission transmitted its study to the President and the Congress on January 10, 1978. The Act also required each affected Federal agency to respond to the Commission's findings and recommendations.

After receipt of the report of the Commission on Civil Rights and the Federal agency responses to the report, Congress amended the Age Discrimination Act of 1975 by enacting the Comprehensive Older Americans Act of 1978 (Pub. L. 95–478, October 18, 1978). Among other changes, Congress struck the word "unreasonable" from the statement of purpose clause. Therefore, the purpose of the Act now is to prohibit discrimination—not unreasonable discrimination—based on age in programs and activities receiving Federal financial assistance.

However, the Congress retained the exceptions to the prohibition against age discrimination. Thus, the Act still permits the use of: (1) Some age distinctions, and (2) "reasonable factors other than age." The Act continues to apply to persons of all ages.

II. Overview of Proposed Regulations

These regulations consist of five major areas including General Provisions, Standard for Determining Age Discrimination, Responsibilities of DOE Recipients, Investigation, Conciliation, and Enforcement Procedures, and an Appendix of Age Distinctions in DOE Statutes and Regulations.

The "General Provisions" section explains the purpose of the Age Discrimination Act, the programs and activities covered by the Act and the meaning of important terms used in these regulations. Definitions contained in Subpart A of 10 CFR Part 1040 apply to these regulations also. The Act generally covers all programs and activities which receive Federal financial assistance. However, the Act does not apply to age distinctions "established under any law" (interpreted by the Department of Health and Human Services to include Federal, State and local laws adopted by elective general purpose bodies) which provide benefits on the basis of age or in age-related terms. Thus, age distinctions which are "established under authority of any law" may continue in use.

The Act also excludes from its coverage most employment practices, except for programs funded under the public service titles of the Comprehensive Employment and Training Act (CETA) (Pub. L. 93–203, December 28, 1973). These proposed regulations cover any program or activity which is both a program of Federal financial assistance and provides employment such as the College Work Study Program (42 U.S.C. 2751 *et seq.*) and the Work Incentive Program (42 U.S.C. 630, *et seq.*). The principal tool for combatting age discrimination in employment continues to be the Age Discrimination in Employment Act (ADEA) (Pub. L. 90–202, December 15, 1967) which is administered by the Equal Employment Opportunity Commission. The ADEA protects persons between the ages of 40 and 70 in non-Federal employment from discrimination in employment based on age.

Sections under "Standards for Determining Age Discrimination" contain the rules prohibiting age discrimination and the conditions under which the statutory exceptions apply. Section 1040.84 (a) contains the following general prohibition: no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

As a general rule, separate or different treatment which denies or limits services from or participation in a program receiving Federal financial assistance will be prohibited by these regulations. This general rule is limited by the exceptions which are contained in Section 304 of the Act and which are explained in §§ 1040.86–1040.87 of these regulations. The specific prohibited actions do not include an absolute prohibition on separate or different treatment on the basis of age. The regulations permit the provision of special benefits to the elderly or children and youth in a program which serves the elderly or children or youth as part of a larger eligible population (§ 1040.84). (This section is discussed in more detail in the next section of this preamble.)

The regulations provide definitions for two terms which are essential to an understanding of the exceptions to prohibited age discrimination: "normal operation" and "statutory objective" (§ 1040.85). "Normal operation" is defined in a way that does not require a program to make significant changes in its operations if those changes would impair achievement of its objectives. At the same time, a change that merely disturbs administrative routine or convenience would be required. "Statutory objective" is defined to mean any purpose which is explicitly stated in a Federal, State or local statute or ordinance.

The regulations establish a four-part test, all parts of which must be met for an explicit age distinction to satisfy one of the statutory exceptions and to continue in use in a federally assisted program (§ 1040.86). An explicit age distinction is more likely to qualify under one of the statutory exceptions if it is applied flexibly, rather than automatically barring all those who do not meet the specific protected age categories.

Recipients of Federal funds are also permitted to take an action otherwise prohibited by the Act, if the action is based on "reasonable factors other than age." In that event, the action may be taken even though it has a disproportionate effect on persons of different ages. However, according to the regulations (§ 1040.87), such other-than-age factor must bear a necessary relationship to the program's normal operation or to the achievement of a statutory objective.

The regulations place on the recipient the burden of proving that an age distinction or a factor other than age does qualify for an exception (§ 1040.89).

The three sections under "Responsibilities of DOE Recipients" explain the responsibilities that rtecipients of Federal financial assistance have to comply with the Act and with these regulations. The three areas of responsibility focus on the general requirement to comply with provisions of the Act and with these regulations, requirements to notify subrecipients of their obligations to comply with these regulations, and the requirement to make information available to DOE to determine whether the recipient is complying with the Act and these regulations.

The appendix to this regulation contains DOE Federally Assisted Programs which have age distinctions.

III. Comment Period

Interested persons are invited to submit written comments with respect to the proposed regulations to Carlos A. Ruiz, Director, Federally Assisted Programs Division, Office of Equal Opportunity, Department of Energy, Forrestal Building, Room 4B-112, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Comments should be identified with the following designation: "Comments on Age Discrimination Regulations." All comments and related information must be received within the 30-day comment period in order to insure consideration.

Any information considered by the person furnishing it to be confidential must be identified as confidential and submitted in writing, one copy only. Any material not properly identified as confidential will be considered by DOE to be non-confidential. DOE reserves the right to determine the confidential status of the information and to treat it according to that determination.

Pursuant to Section 605 (b) of the Regulatory Flexibility Act, the DOE finds that Sections 603 and 604 of the Act do not apply to the proposed rule, because, if promulgated, it will not have a significant economic impact on a substantial number of small entities.

Pursuant to E.O. 12291, DOE has determined that this rule would not be a major rule because it will not have an annual effect on the economy of $100 million or more; will not impose a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographical regions; and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For the reasons set out in the preamble, Part 1040 of Chapter X of Title 10 of the Code of Federal Regulations is proposed to be amended as follows:

Issued in Washington, D.C., September 25, 1981.

James B. Edwards,

Secretary.

10 CFR Part 1040 is amended by adding a proposed (new) Subpart E, reading as follows:

PART 1040—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Subpart E—Nondiscrimination on the Basis of Age—Age Discrimination Act of 1975, as amended

General Provisions

Sec.
1040.81 Purpose.
1040.82 Application.
1040.83 Definitions.

Standards for Determining Age Discrimination

1040.84 Rules against age discrimination.
1040.85 Definitions of "Normal Operation" and "Statutory Objective".
1040.86 Exceptions to the rules against age discrimination. Normal operations or statutory objective of any program or activity.
1040.87 Exceptions to the rules against age discrimination. Reasonable factors other than age.
1040.88 Remedial and affirmative action by recipients.
1040.89 Burden of proof.

Responsibilities of DOE Recipients.

1040.89-1 General responsibilities.
1040.89-2 Notice to subrecipients.
1040.89-3 Information requirements.

Investigation, Conciliation and Enforcement Procedures

1040.89-4 Compliance reviews.
1040.89-5 Complaints.
1040.89-6 Mediation.
1040.89-7 Investigation.
1040.89-8 Prohibition against intimidation or retaliation.
1040.89-9 Compliance procedure.
1040.89-10 Hearings, decisions, post-termination proceedings.
1040.89-11 Remedial action by recipients.
1040.89-12 Alternative funds disbursal procedure.
1040.89-13 Exhaustion of administrative remedies.

Appendix: DOE federally assisted programs containing age distinctions

Authority: Age Discrimination Act of 1975, as amended, 43 U.S.C. 6101 *et seq.*; 45 CFR 90.

Subpart E—Nondiscrimination on the Basis of Age—Age Discrimination Act of 1975, as amended

General Provisions

§ 1040.81 Purpose.

The purpose of these regulations is to implement the Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. In accordance with the Age Discrimination Act, Federally assisted programs and activities and recipients of Federal funds may continue to use age distinctions and factors other than age which meet the requirements of the Act and these regulations.

§ 1040.82 Application.

(a) These regulations apply to each program or activity which receives or benefits from Federal financial assistance provided by DOE.

(b) These regulations do not apply to—

(1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body which:

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(i) Provides any benefits or assistance to persons based on age; or

(ii) Establishes criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974 (CETA), (29 U.S.C. 801 *et seq.*)

§ 1040.83 Definitions.

(a) "Act" means the Age Discrimination Act of 1975 as amended Title III of Pub. L. 94-135, 42 U.S.C. 6101 *et seq.*

(b) "Action" means any act, activity, policy, rule, standard or method of administration; or the use of any policy, rule, standard, or method of administration.

(c) "Age" means how old a person is or the number of years from the date of a person's birth.

(d) "Age distinction" means any action using age or an age-related term (for example, "18 or over").

(e) "Age-related term" means a word or words which necessarily imply a particular age or range of ages (for example, "children, "adult", "older person's", but not "student").

(f) "Days" means calendar days.

(g) "Discrimination" means unlawful treatment based on age.

(h) "FERC" means the Federal Energy Regulatory Commission, DOE.

(i) "FMCS" means the Federal Mediation and Conciliation Service.

(j) "Regional Civil Rights Officer" means the official in each DOE regional office with responsibility for administering DOE's civil rights program related to nondiscrimination in Federally assisted programs and activities.

(k) "Secretary" means the Secretary, Department of Energy.

Standards For Determining Age Discrimination

§ 1040.84 Rules against age discrimination.

The rules stated in this section are limited by the exceptions contained in §§ 1040.86 and 1040.87 of these regulations.

(a) *General rule:* No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

(b) *Specific rules:* A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements, use age distinctions or take any other actions which have the effect, on the basis of age, of:

(1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financing assistance; or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(c) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

§ 1040.85 Definitions of "Normal Operation" and "Statutory Objective".

For purposes of Section 1040.86 and 1040.87, the terms "normal operation" and "statutory objective" shall have the following meaning:

(a) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(b) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body.

§ 1040.86 Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.

A recipient is permitted to take an action, otherwise prohibited by § 1040.84, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation of a program or activity if:

(a) Age is used as a measure or approximation of one or more other characteristics;

(b) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue or to achieve any statutory objective of the program or activity;

(c) The other characteristic(s) can be reasonably measured or approximated by the use of age: and

(d) The other characteristic(s) are impractical to measure directly on an individual basis.

§ 1040.87 Exceptions to the rules against age discrimination. Reasonable factors other than age.

A recipient is permitted to take an action otherwise prohibited by § 1040.84 which is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial relationship to the normal operation of the program or activity or to the achievement of a statutory objective.

§ 1040.88 Remedial and affirmative action by recipients.

(a) Where a recipient is found to have discriminated on the basis of age, the recipient shall take remedial action as the Director, OEO, considers necessary to overcome the effects of the discrimination.

(b) Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age.

(c) If a recipient operating a program which serves the elderly or children, in addition to persons of other ages, provides special benefits to the elderly or to children, the provision of those benefits shall be presumed to be voluntary affirmative action provided that it does not have the effect of excluding otherwise eligible persons from participation in the program.

§ 1040.89 Burden of proof.

The burden of proving that an age distinction or other action falls within the exceptions outlined in §§ 1040.86 and 1040.87 is on the recipient of Federal financial assistance.

Responsibilities of DOE Recipients

§ 1040.89-1 General responsibilities.

Each DOE recipient has primary responsibility to ensure that its programs and activities are in compliance with the Act and these regulations. A recipient also has responsibility to maintain records, provide information, and to afford access to its records to DOE, to the extent required to determine whether it is in compliance with the Act and these regulations.

§ 1040.89-2 Notice to subrecipients.

Where a recipient awards Federal financial assistance from DOE to subrecipients, the recipient shall provide the subrecipients written notice of their obligations under these regulations.

§ 1040.89–3 Information requirements.

Each recipient shall:

(a) Make available upon request to DOE information necessary to determine whether the recipient is complying with the Act and these regulations.

(b) Permit reasonable access by DOE, upon request, to the books, records, accounts, and other recipient facilities and sources of information to the extent necessary to determine whether the recipient is in compliance with the Act and these regulations.

Investigation, Conciliation and Enforcement Procedure

§ 1040.89–4 Compliance reviews.

(a) DOE may conduct pre-award and post-award compliance reviews of recipients as prescribed in DOE regulations, 10 CFR Part 1040, Subparts G and H, or use other similar procedures that will permit it to investigate and correct violations of the Act and these regulations. DOE may conduct these reviews even in the absence of a complaint against a recipient. The review may be as comprehensive as necessary to determine whether a violation of these regulations has occurred.

(b) If a compliance review indicates a violation of the Act or these regulations, DOE will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, DOE will arrange for enforcement as described in § 1040.89–10.

§ 1040.89–5 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a written complaint with DOE alleging discrimination prohibited by the Act or these regulations. A complainant must file a complaint within 180 days from the date he/she first had knowledge of the alleged act of discrimination. For good cause shown, however, the Director, Federally Assisted Programs Division, OEO, may extend the time limit for filing a complaint. Complaints may be submitted to Regional Civil Rights Officers located in DOE's field offices or to the Director, FAPD, OEO, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

(b) The Director, FAPD, OEO, will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Accepting as a sufficient complaint any written statement which identifies the parties involved and the date the complainant first had knowledge of the alleged violation, describes generally the action or practice complained of, and is signed by the complainant.

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint.

(3) Widely disseminating information regading the obligations of recipients under the Act and these regulations.

(4) Notifying the complainant and the recipient of their rights and obligations under the complaint procedure, including the right to have a representative at all stages of the complaint procedure.

(5) Notifying the complainant and the recipient (or their representatives) of their right to contact DOE for information and assistance regarding the complaint resolution process.

(c) The Director, FAPD, OEO, will refer any complaint outside the jurisdiction of DOE to the proper Federal department or agency and will also notify the complainant and the recipient of the referral. The notification will contain an explanation for the referral and the the name, telephone number, and address of the Federal department or agency office having jurisdiction over the matter complained.

§ 1040.89–6 Mediation.

(a) Referral of complaints for mediation. DOE will refer to the Federal Mediation and Conciliation Service, in accordance with 45 CFR 90.43(c)(3), all complaints that:

(1) Fall within the jurisdiction of the Act and these regulations; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgment that an agreement is not possible. There must be at least one meeting with the mediator before the Director, FAPD, OEO, will accept a judgment that an agreement is not possible. However, the recipient and the complainant need not meet with the mediator at the same time.

(c) If the complainant and the recipient reach an agreement, the mediator shall prepare a written statement of the agreement and have the complainant and recipient sign it. The mediator shall send a copy of the agreement to the Director, FAPD, OEO, DOE. DOE will take no further action on the complaint unless the complainant or the recipient fails to comply with the agreement.

(d) DOE will use the mediation process for a maximum of 60 days after referring a complaint to mediation. Mediation ends if:

(1) 60 days elapse from the time the mediation agency receives the complaint; or

(2) Prior to the end of that 60 day mediation period, an agreement is reached; or

(3) Prior to the end of that 60 day mediation period, the mediator determines that an agreement cannot be reached.

(e) The mediator shall return unresolved complaints to the Director, FAPD, OEO, DOE.

§ 1040.89–7 Investigation.

(a) *Informal Investigation.* (1) The Director, FAPD, OEO, will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement.

(2) As part of the informal investigation, Regional Civil Rights Officers will use informal fact finding methods, including joint or separate discussions with the complainant and recipient, to establish the facts and, if possible, settle the complaint on terms that are mutually agreeable to the parties.

(3) If the complaint is resolved during the informal investigation, DOE will put the agreement in writing and have it signed by the parties and the Director, FAPD, OEO.

(4) The settlement shall not affect the operation of any other enforcement effort of DOE, including compliance reviews and investigation of other complaints which may involve the recipient.

(5) The settlement is not a finding of discrimination against a recipient.

(b) *Formal investigation.* If Regional Civil Rights Officers cannot resolve the complaint through informal inquiry, the Director, FAPD, OEO, will assign an Investigator to conduct a formal investigation of the complaint. If the investigation indicates a violation of these regulations, DOE will attempt to obtain voluntary compliance. If DOE cannot obtain voluntary compliance, it will begin enforcement as described in § 1040.89–10 and 10 CFR Part 1040, Subpart H, § 1040.111.

§ 1040.89–8 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by the Act or these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of

DOE's investigation, conciliation, and enforcement process.

§ 1040.89–9 Compliance procedure.

(a) DOE may enforce the Act and these regulations through procedures prescribed in Subpart H of DOE regulation 10 CFR Part 1040—Nondiscrimination in Federally Assisted Programs, which calls for—

(1) Termination of a recipient's Federal financial assistance from DOE under the program or activity involved where the recipient has violated the Act or these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before the Federal Energy Regulatory Commission (FERC). Therefore, cases which are settled in mediation, or prior to a hearing, will not involve termination of a recipient's Federal financial assistance from DOE.

(2) Any other means authorized by law including, but not limited to:

(i) Referral to the Department of Justice for proceedings to enforce any rights of the United States or obligations of the recipient created by the Act or these regulations, or under the terms of the Federal financial assistance.

(ii) Use of any requirement of, or referral to, any Federal, State, or local government agency that will have the effect of correcting a violation of the Act or these regulations.

(b) DOE will limit any termination under paragraph (a)(1) of this section to the particular recipient and particular program or activity DOE finds in violation of these regulations. DOE will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive Federal financial assistance from DOE.

(c) DOE will take no action under paragraph (a) until:

(1) The Director, OEO, has advised the recipient of its failure to comply with the Act, these regulations, or the terms of the Federal financial assistance and has determined that voluntary compliance cannot be obtained.

(2) Thirty days have elapsed after the Secretary or the Secretary's designee has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the Federal program or activity involved. The Secretary will file a report whenever any action is taken under paragraph (a).

(d) DOE also may defer granting new Federal financial assistance to a recipient when a hearing under § 1040.89–10 is initiated.

(1) New Federal financial assistance from DOE includes all assistance for which DOE requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities during the deferral period. New Federal financial assistance from DOE does not include increases in funding as a result of changed computation of formula awards or assistance approved prior to the beginning of a hearing under § 1040.89–10.

(2) DOE will not begin a deferral until the recipient has received a notice of an opportunity for a hearing under § 1040.89–10. DOE will not continue a deferral for more than 60 days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the FERC. DOE will not continue a deferral for more than 30 days after the close of the hearing, unless the hearing results in a finding against the recipient.

§ 1040.89–10 Hearings, decisions, post-termination proceedings.

DOE procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to DOE enforcement of these regulations. They are 10 CFR 1040.121 through 1040.124.

§ 1040.89–11 Remedial action by recipients.

Where the Director, OEO, finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that the Director, OEO, may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, the Director, OEO, may require both recipients to take remedial action.

§ 1040.89–12 Alternate funds disbursal procedure.

(a) When DOE withholds funds from a recipient under these regulations, the Secretary or designee may disburse the withheld funds directly to an alternate recipient: any public or non-profit private organization or agency, or State or political subdivision of the State.

(b) The Secretary or designee will require any alternate recipient to demonstrate:

(1) The ability to comply with these regulations; and

(2) The ability to achieve the goals of the Federal statute authorizing the program or activity.

§ 1040.89–13 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) One-hundred-eighty (180) days have elapsed since the complainant filed the complaint and DOE has made no findings with regard to the complaint; or

(2) DOE issues any findings in favor of the recipient.

(b) If DOE fails to make a finding within 180 days or issues a finding in favor of the recipient, the Director, OEO, will:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief; and

(3) Inform the complainant:

(i) That the complainant may bring a civil action only in a United States district court for the district in which the recipient is located or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That, before commencing the action, the complainant shall give 30 days notice, by registered mail, to the Secretarty of DOE, Secretary of the Department of Health and Human Services, the Attorney General of the United States, and the recipient;

(iv) That the notice must state: The alleged violation of the Act and these regulations; the relief requested; the court in which the complainant is bringing the action; and whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

APPENDIX—DOE FEDERALLY ASSISTED PROGRAMS CONTAINING AGE DISTINCTIONS

Statute—Name, public law, U.S. Code	Section and age distinction	Use of age/age related team			Popular name of program	CFDA
		Conditions benefits or assistance	Establishes criteria for participation	Describes beneficiaries or target groups		
Energy Conservation and Production Act, Title IV, Part A. Public Law 94-385, 42 U.S.C. 6861-6870.	Section 413(a) The Administrator shall develop and conduct, in accordance with the purpose and provisions of this part, a weatherization program. In developing and conducting such program, the Administrator may, in accordance with this part and regulations promulgated under this part, make grants (1) to States, and (2) in accordance with the provisions of subsection (d), to Indian tribal organizations to serve Native Americans. Such grants shall be made for the purpose of providing financial assistance with regard to projects designed to provide for the weatherization of dwelling units, particularly those where elderly or handicapped low-income persons reside, in which the head of the household is a low-income person.			X	Weatherization Assistance Program for Low-Income Persons.	81 042
Interagency Agreement between the United States Department of Energy and the United States Department of Labor, Interagency Agreement No. 99-9-1656-07-11. Authority: Comprehensive Employment and Training Act of 1978 (CETA) (Public Law 95-524, October 27, 1978; 92 Stat. 1909; 29 USC 801), the Energy Reorganization Act of 1974, as amended (Public Law 93-438, October 11, 1974; 88 Stat. 1233), and the Department of Energy Organization Act (DOE Act) (Public Law 95-91, August 4, 1977; 91 Stat. 565; 42 USC 7101).	Interagency Agreement, Section 1, Purpose: "The purpose of this agreement is to provide for a transfer of funds from the Department of Labor, Employment and Training Administration (ETA), Office of Youth Programs (OYP) to the Department of Energy, Directorate of Administration (AD), Office of Industrial Relations (OIR), to fund the Summer Science Student Program (SSSP). The SSSP will grant monies from DOL through DOE/OIR to DOE contractors to fund 480 participant slots for economically disadvantaged youths in an integrated program of career motivation and basic academic skill enrichment. The program is designed to motivate economically disadvantaged and academically talented youths to continue their education and to pursue energy-related careers upon graduation from high school.			X	Summer Science Student Program.	N/A
Executive Office of the President, Office of Science and Technology Policy, Memorandum, Subject: Research Apprenticeships for Minority High Schoolers, dated October 23, 1979.	Quotation from October 23, 1979 memorandum, paragraph 2, "The objectives are to stimulate broader interest in the minority communities in careers in science and engineering and to establish individual working relationships of high school students with active researchers who may become helpful mentors when students need advice on college and careers and need letters of recommendation.".			X	Summer Research Apprenticeship Program.	N/A

[FR Doc. 81-28659 Filed 10-5-81; 8:45 am]

BILLING CODE 6450-01-M

V46/193 OC 6 81 UMI

federal register

Tuesday
October 6, 1981

Part VIII

Department of the Interior

Geological Survey

Outer Continental Shelf; Oil and Gas Leasing in the Western Gulf of Mexico; Proposed Rule and Notice to Lessees

V 46 / 193 OC 6 81 UMI

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Oil and Gas Leasing in the Western Gulf of Mexico; Exploration Plans and Development and Production Plans

AGENCY: Geological Survey, Interior.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The proposed rule would modify existing Department of the Interior (DOI) practices and procedures related to the submission, review, and approval of exploration plans and development and production plans for Outer Continental Shelf (OCS) oil and gas leases and related to the coordination and consultation with affected States and local governments which are carried out during the Federal decisionmaking process relative to proposed plans. This proposed amendment to 30 CFR 250.34 is necessary to implement the provisions of Section 25 of the Outer Continental Shelf Lands Act as provided in the OCS Lands Act Amendments of 1978 which exempt the leases in the western Gulf of Mexico from the obligation of submitting a development and production plan as a prerequisite to commencing any development or production activities. The result of this action will be to substantially reduce the burden on the lessee to submit information on leases in the western Gulf of Mexico.

DATES: Written comments and recommendations on this proposal must be received on or before close of business November 5, 1981.

ADDRESSES: Comments and recommendations may be mailed to: Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092, (703) 860–7395.

SUPPLEMENTARY INFORMATION:

Background

This proposed rulemaking is undertaken as a part of a larger effort by DOI to review existing regulatory requirements with a view to the identification and subsequent elimination or modification of those requirements that are found to be unnecessary, burdensome, or counterproductive. Comments and recommendations are specifically solicited with respect to the proposed rule. Comments and recommendations regarding other regulatory requirements contained in existing provisions of 30 CFR 250.34 are also welcomed.

It is not the intention of this proposed rulemaking to eliminate any regulatory requirements which are necessary to the full administration of DOI responsibilities under the OCS Lands Act and other applicable statutes. It is the intent of this proposed rulemaking to reevaluate the recordkeeping and reporting burden imposed by DOI and to obtain a reduction of these requirements where that action will not effect adversely on the ability of the Department to carry out its responsibilities.

Discussion of Changes

1. Elimination of Development and Production Plans

The current requirement that development and production plans be submitted for leases on lands in the Gulf of Mexico which are not adjacent to Florida and for leases in any other area of the OCS on which oil or gas was discovered in paying quantities prior to September 18, 1978, before any development or production actiyities can be commenced is proposed to be eliminated.

Section 25(a)(1) of the OCS Lands Act, 43 U.S.C. 1351, authorizes the exemption of leases in such areas from the otherwise required development and production plans. The proposed regulation would clearly state that the Director may require by notice to lessees or other means the submission of information necessary to permit the Director to perform his duties and responsibilities under the OCS Lands Act and other authorities.

Such information required by the Director would be considered a "plan" for the purposes of section 307(c)(3)(B) of the Coastal Zone Management Act (CZMA). Such information is not subject to the approval time frames specified in subsections 26(g) and (h) of the OCS Lands Act nor to the coordination and consultation provisions of section 19 of the OCS Lands Act.

2. Relaxation of Time to Submit Exploration Plan

For leases issued with an initial term of 5 years, the current regulatory requirement calls for the submission of an exploration plan or a general statement of exploration intentions within 2 years. Under the proposed rule this time limit would be extended. The proposed regulations call for the submission of an exploration plan within 4 years of issuance of the lease, unless the Director authorizes submission of the plan by a later date but prior to the expiration of the lease. A request for permission to submit the initial exploration plan later than the end of the fourth year would have to be accompanied by a general statement of how the lessee proposes to obtain required approvals for the execution of its exploration intentions prior to the expiration of the lease. This proposed change is intended to allow lessees as much time as may be needed to develop exploration plans yet assuring that exploratory activities are conducted in a manner that is consistent with the prompt and efficient requirements of the OCS Lands Act. Lessees should anticipate the time requirements necessary to process and approve exploration plans. For leases issued with an initial period of more than 5 years, exploration plans would be required to be submitted within the period of time specified when the lease tracts are offered for sale.

3. Elimination of Requirement for Information to be Provided Without Cost to Lessor

The current regulations provide that the Director may require the submission of information needed to ensure that activities carried out under exploration plans, and development and production plans are being or will be carried out in a safe and environmentally acceptable manner without cost to the United States. See 30 CFR 250.34–1(k) and 250.34.2(n). It is proposed to delete that portion of the current regulation which states that information will be provided "without cost to the lessor." The Solicitor has determined that certain costs of providing information required to review and evaluate lease activities are reimbursable from the Government to the lessee under section 26(a) of the OCS Lands Act. (See Solicitor's Opinion, M–36924, 87 Interior Dec. 563, 1980). The Department intends to publish proposed regulations in a separate rulemaking indicating that some costs will be reimbursed.

4. Elimination of Requirement that Original Procedures be Complied With in all Instances Where a Proposed Revision to a Plan Calls for Additional Permits

30 CFR 250.34–1(j)(2) and 250.34–2(l)(2) provide that when the Director determines that a proposed revision to

an exploration plan, or development and production plan calls for additional permits, the proposed revision will be subject to all of the procedural requirements for the original approval of the plan. The proposed regulation would eliminate the requirement that all of these procedural requirements be met in every instance. This change is proposed in order that the Director may determine that a proposed modification does not require a total review, even though it may involve the issuance of additional permits.

5. Other Amendments, Conforming Changes, and Correction of Errors

It is proposed that the requirement in 30 CFR 250.34–1(a)(iv) that an exploration plan include the "approximate" location of each proposed exploratory well would be changed to require the "general" location in order to reflect the statutory requirement.

It is also proposed that §§ 250.34–1(f) and 250.34–1(h) be amended to allow the Director to require modification as well as to approve or disapprove a resubmitted exploration plan under § 250.34–1(f). Similarly, 30 CFR 250.34–2(h) and 250.34–2(j) would be amended to allow the Director to require modification as well as to approve or disapprove a resubmitted development and production plan.

Reference to "30 CFR 250.41(a)" in both 30 CFR 250.34–1(1) and 250.34–2(o) would be corrected to "30 CFR 250.36." Similarly, the reference in 30 CFR 250.34–2(a)(3)(i) to "(a)(3)(i)" would be corrected to "(a)(3)(ii)."

It is proposed that the requirement in 30 CFR 250.34–2(b)(1) that the Director publish a notice of receipt of a development and production plan be eliminated.

It is proposed that the requirement in 30 CFR 250.34–2(i)(2) be amended to authorize the Director to require modification as well as to approve or disapprove a resubmitted, modified plan within 60 days following close of the designated comment period.

The phrase "* * * to the extent that such information is accurate, current, and applicable to the geographic area and the proposed activities covered by the plan" is proposed to be deleted from 30 CFR 250.34–3(a) and (b).

Authors

Paul Smyth, Office of the Solicitor, U.S. Department of the Interior (202/343–4325); Jane Roberts, Platte Clark, Gerald Rhodes, and William Cook, Geological Survey, U.S. Department of the Interior (703/860–7541, 7395, 7549, and 6831, respectively).

Environmental Impact, Regulatory Impact Analysis, and Impact on Small Entities

The Department of the Interior has determined that these proposed amendments to the regulations in 30 CFR 250.34 do not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. The Department has also determined that promulgation of these proposed amendments is not a major action and does not require the preparation of a regulatory impact analysis under Executive Order 12291. Finally, the Department has determined that these proposed amendments will not have a significant economic effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

William P. Pendley,
Deputy Assistant Secretary of the Interior.
May 14, 1981.

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

For the reasons set out the preamble, it is proposed that 30 CFR 250.34 be amended as set forth below:

1. The fifth sentence of § 250.34–1(a)(1), beginning with the words "An exploration plan * * *", is removed.

2. Section 250.34–1(a)(1)(iv) is amended to remove the word "approximate", and add the word "general" in lieu thereof.

3. Section 250.34–1 (a)(3), (f), and (h) are revised to read as follows:

§ 250.34–1 Exploration plans.

(a) * * *

(3) For leases issued with an initial period of 5 years, the leasee shall submit an exploration plan prior to the end of the fourth lease year, unless the Director authorizes submission of an exploration plan at a later date, but before expiration of the lease, A request to the Director for permission to submit an exploration plan after the fourth anniversary of the lease date shall be supported by a general statement of exploration intentions. For leases issued with an initial period of more than 5 years, the lessee shall submit an exploration plan within the period of time specified at the time the tracts are offered for leasing. These requirements shall apply only to leases issued after December 13, 1979.

* * * * *

(f) The leassee may resubmit an exploration plan, as modified, to the Director. Within 30 days of resubmission, the Director shall approve, disapprove, or require modification of the modified plan based upon the criteria in paragraphs (e)(1)(i), (ii), and (iii) of this section.

* * * * *

(h) When the Director requires modifications to a resubmitted exploration plan as provided in paragraph (f) of this section, the Director may waive procedural requirements as he considers appropriate.

* * * * *

4. The third sentence of § 250.34–1(j)(2) dealing with additional permits is amended by removing the word "shall" and adding the word "may", in lieu thereof.

5. The last sentence of § 250.34–1(k) with respect to information submission is amended by removing the words "* * * and without cost to the lessor * * *".

6. The citation in the first sentence of § 250.34–1(l) is corrected by changing "30 CFR 250.41(a)" to read "30 CFR 250.36".

7. In § 250.34–2 the first sentence of (a)(1), (a)(2), and (h) are revised to read as follows:

§ 250.34–2 Development and production plan.

(a)(1) Except as provided in paragraph (a)(2) of this section no development or production activities may be commenced or conducted on any leased area, except in accordance with a development and production plan approved by the Director.* * *

* * * * *

(2)(i) For leases in the western Gulf of Mexico and for leases in any other area of the OCS with respect to which oil or gas has been discovered in paying quantities prior to September 18, 1978, development and production plans will not be required. For these leases, the Director may require, by notice to lessees, submission of the information in those parts of paragraphs (a)(1)(i), through (viii) of this section that are necessary to assure conformance with the Act, other laws, applicable regulations, lease provisions, or as otherwise needed by the Director to carry out his functions and responsibilities, Any information required by the Director under this subsection shall be submitted in a form and manner prescribed by the Director.

(ii) Any information required by the Director for leases described in paragraph (a)(2)(i) of this section above shall be considered a plan for the purposes of section 307(c)(3)(B) of the Coastal Zone Management Act.

* * * * *

(h) The lessee may resubmit a development and production plan, as modified, to the Director. Within 60 days following the 60-day comment period provided for in paragraph (c)(1) of this section, the Director shall approve, disapprove, or require modification of the modified plan based upon the criteria in paragraphs (g)(1)(i) through (vi) of this section.

* * * * *

8. The first sentence of § 250.34-2(a)(3)(i) is amended by removing "(a)(3)(i)" and adding "(a)(3)(ii)" in lieu thereof.

9. The beginning of the first sentence of § 250.34-2(b)(1) is revised to read as follows:

* * * * *

(b)(1) Within 10 days after a development and production plan has been submitted, the Director shall transmit a copy of the plan, except for those portions * * *.

* * * * *

10. The last sentence of § 250.34-2(i)(2) is revised to read:

(i) * * *

(2) * * * The Director shall approve, disapprove, or require modification of a plan as revised within 60 days following the 60-day comment period provided for in § 250.34-2(c)(1).

* * * * *

11. Section 250.34-2(j) is revised to read as follows:

* * * * *

(j) When the Director requires modifications to a resubmitted development and production plan as provided in (h) above, the Director may waive procedural requirements as he considers appropriate.

* * * * *

12. The third sentence of § 250.34-2(l)(2) dealing with additional permits is amended by removing the word "shall" and adding the word "may" in its place.

13. The last sentence of § 250.34-2(n) with respect to information submission is amended by removing the words "* * * and without cost to the lessor * * *".

14. The citation in the first sentence of § 250.34-2(o), is corrected by changing "30 CFR 250.41(a)" to read "30 CFR 250.36".

§ 250.34-3 [Amended]

15. The third sentence of § 250.34-3(a) is amended to remove the phrase "* * * submitted to the extent that such information is accurate, current, and applicable to the geographic area and the proposed activities covered by the plan."

16. The third sentence of § 250.34-3(b) is amended to remove the phrase "* * * submitted to the extent that such information is accurate, current, and applicable to the geographic area and the proposed activities covered by the plan."

(43 U.S.C. 1352)

[FR Doc. 81-29041 Filed 10-5-81; 8:45 am]

BILLING CODE 4310-31-M

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DEPARTMENT OF THE INTERIOR

Geological Survey

Notice to Lessees: Applications for Permission To Conduct Operations in the Western Gulf of Mexico

AGENCY: Geological Survey, Interior.

ACTION: Proposed notice to lessees.

SUMMARY: This proposed Notice to Lessees (NTL) and sample Application for Permission to Conduct Operations (APCO) explain how the proposed amendments to 30 CFR 250.34, published in the **Federal Register** today as Notice of Proposed Rulemaking, will be implemented if adopted. The NTL and sample APCO indicate the information to be required by the U.S. Geological Survey in an APCO in the western Gulf of Mexico. They are published as a supplement to the Notice of Proposed Rulemaking for 30 CFR 250.34, which proposes elimination of the requirement for development and production plans in the western Gulf of Mexico in accordance with the Outer Continental Shelf Lands Act Amendments of 1978. Comments on the proposed NTL and sample APCO may be incorporated into comments on the proposed rulemaking on 30 CFR 250.34 or may be submitted separately.

DATE: Written comments and recommendations on the proposed NTL and sample APCO, concerning the proposed change to 30 CFR 250.34 must be received on or before the close of business November 5, 1981.

ADDRESSES: Comments and recommendations may be mailed to Deputy Division Chief, Offshore Minerals Regulation, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092.

Inspection of a currently required development and production plan may be made at the locations listed below.

Gulf of Mexico OCS Region, 3301 N. Causeway Blvd., P.O. Box 7944, Metairie, Louisiana 70010

Freeport District Office, 200 West Second Street, Suite 300, Freeport, Texas 77541

Lake Charles District Office, 3727 Ryan Street, Lake Charles, Louisiana 70605

Lafayette District Office, 223 Bendell Road, P.O. Box 52289, Lafayette, Louisiana 70505

Houma District Office, 1700 Grand Caillou Road, P.O. Box 10145, Houma, Louisiana 70361

Metairie District Office, 3301 N. Causeway Blvd., P.O. Box 7966, Metairie, Louisiana 70002.

SUPPLEMENTARY INFORMATION: Under the current regulations of 30 CFR 250.34, OCS operators are required to submit development and production plans prior to commencing development and production operations on the OCS.

The proposed change to 30 CFR 250.34 is intended to reduce the paperwork burdens on operators by eliminating the requirement for development and production plans in the western Gulf of Mexico as authorized in the OCS Lands Act Amendments of 1978, Pub. L. 93–627. To implement the proposed change, the proposed NTL calls for an APCO in the western Gulf of Mexico (see map). The information requirements of the APCO are substantially less than those in a development and production plan, thereby reducing the paperwork burdens on OCS operators, while continuing to meet the information needs of the Government as lessor. The sample APCO is illustrative of the required information. For comparative purposes interested parties are invited to inspect copies of a comparable development and production plan filed under the current rules applicable in the western Gulf of Mexico. That document can be inspected at the addresses listed in the preamble of this document under "ADDRESSES."

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092, (703) 860–7395.

James N. Parrish,

Acting Deputy Chief, Offshore Minerals Regulation, Conservation Division.

United States Department of the Interior, Geological Survey, Conservation Division, Gulf of Mexico OCS Region

No. ————

Dated: ————.

Notice to Lessees and Operators of Federal Oil and Gas Leases in the Outer Continental Shelf, Gulf of Mexico OCS Region, Outer Continental Shelf, Applications for Permission to Conduct Operations in the Gulf of Mexico OCS Region

This Notice to Lessees and Operators (NTL) is provided, pursuant to Section 25 of the Outer Contintental Shelf (OCS) Lands Act Amendments of 1978 (Public Law 95–372); and 30 CFR 250.34 regarding lease and unit development and production information requirements in the western Gulf of Mexico. (The western Gulf of Mexico includes all areas of the Gulf of Mexico except those that are adjacent to the states, of Florida (see map).

Under the discretion authorized by 30 CFR 250.34–2(a)(2), the Director has determined to limit the information required for development and production activities for leases in the western Gulf of Mexico. Hereafter, information submitted in support of developmental activities in the western Gulf of Mexico will be referred to as "applications for permission to conduct operations" (applications). Information required for such applications pursuant to 30 CFR 250.34 shall include:

(i) A brief description of the specific work to be performed including the approximate commencement date and the estimated life of the project;

(ii) A brief description of the type of drilling vessel(s) to be used or platform(s) to be installed;

(iii) A plat showing the projected surface and bottom-hole location of each proposed well;

(iv) If not previsously submitted with an exploration plan, a report which evaluates the potential shallow hazards for each proposed well or platform site;

(v) Location of onshore support base(s), whether existing or proposed, and a brief description of proposed travel modes, routes, and frequency; and

(vi) Such other relevant information and data as the Director may require.

This NTL does not relieve lessees and operators, who are proposing development and production operations in the western Gulf of Mexico, from compliance with exsiting laws, regulations, NTL's and letters to lessees/operators governing *submission* and *content* of environmental reports required for:

1. States with approved Coastal Zone Management programs;

2. Proposed activities on the OCS in the western Gulf of Mexico for which the Deputy Conservation Manager, Offshore Operations Support, determines that additional information and data are required to evaluate the environmental impacts of activities for which:

(a) The location and design of development and production facilities which are proposed for installation are in areas of potentially hazardous natural bottom conditions and relatively untested deep water and remote areas;

(b) The location and design of development and production facilities are proposed for installation within the boundary of a proposed or established marine sanctuary within or near the boundary of a proposed or established wildlife refuge or areas of high ecological sensitivity;

(c) New or unusual technology is to be used.

The number of copies of applications will be the same as the number of copies of development and production plans as set forth in the letter dated January 29, 1979, as amended, from the Oil and Gas Supervisor, Operations Support, Gulf of Mexico Area. An additional copy of the application and Environmental Report is required, over and above that number specified in the above referenced letter, if the proposed action is adjacent to a State with an approved Coastal Zone Management Program and/or if the proposed action would induce activities which would originate, terminate, or transverse the boundary of the coastal zone of a State with an approved Coastal Zone Management Program.

This NTL is effective upon issuance.

D. W. Solanas,

Deputy Conservation Manager, Offshore Operations Support, Gulf of Mexico OCS Region.

Dated: ———.

Approved:

———,

Deputy Division Chief, Offshore Minerals Regulation.

BILLING CODE 4310-31-M

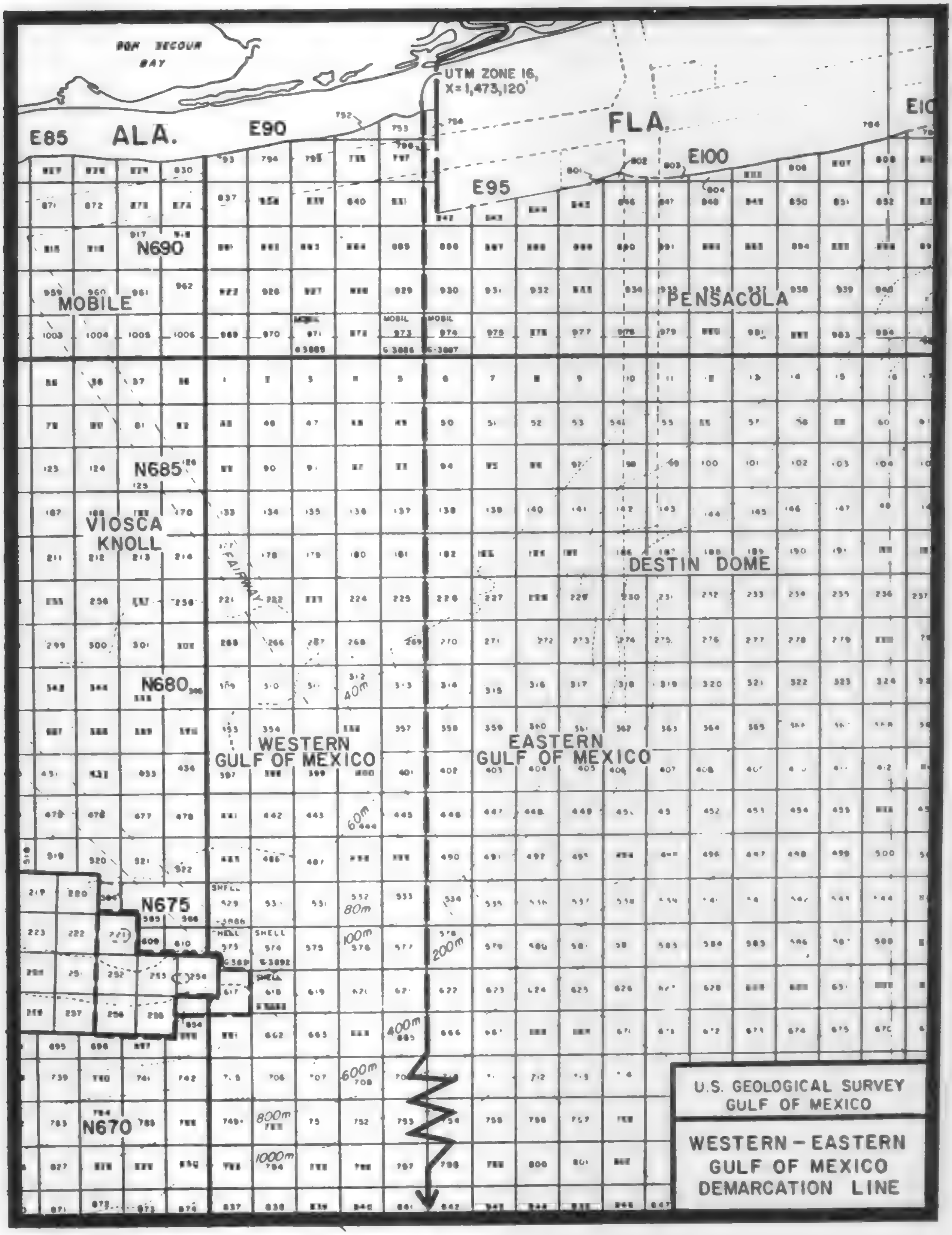
BON SECOUR BAY
UTM ZONE 16, X=1,473,120
E85
ALA.
E90
FLA.
E100
E95
N690
MOBILE
PENSACOLA
N685
VIOSCA KNOLL
FAIRWAY
DESTIN DOME
N680
40m
WESTERN GULF OF MEXICO
EASTERN GULF OF MEXICO
60m
N675
80m
100m
200m
SHELL
400m
600m
N670
800m
1000m
U.S. GEOLOGICAL SURVEY GULF OF MEXICO
WESTERN – EASTERN GULF OF MEXICO DEMARCATION LINE

APPLICATION FOR PERMISSION TO CONDUCT OPERATIONS
GULF OF MEXICO: OFFSHORE LOUISIANA
EUGENE ISLAND AREA
BLOCK 138 (OCS-G 5926)
CRUDE OIL COMPANY
PLATFORM "X"

23 June 1982

Mr. I. M. Petroleum
Senior Drilling Engineer
USA Oil Company
12345 Industry Road
P.O. Box 1234, OCS
New Orleans, Louisiana 70526
Phone: (318) 345-6789

Environmental Consultants, Inc.
P.O. Box 2133
New Orleans, Louisiana 70176
Phone: (318)/234-5678

NOTE: The information cited in this application is fictional. Any similarity to any actual lease is coincidental.

Crude Oil, Inc.

Block 138, (OCS-G 5926)

Offshore Louisiana

In compliance with 30 CFR 250.34 and the U.S. Geological Survey Notice to Lessees 81-12 of September 1, 1981, the following information is submitted for the Plan of Development and Production.

1. DESCRIPTION

A total of 12 wells will be involved in the development and production activities for Eugene Island Block 138 (Figure 1). Two wells (#1 and #2) were included in the Plan of Exploration. Ten additional wells (3 through 12) are proposed for drilling. Development and production activities for all wells will occur from Platform "X" which is positioned at the location of Well #1 (2345' FNL 3950' FWL) in Eugene Island Block 138.

2. SCHEDULE

The drilling phases will commence during January 1982. The estimated time to complete the work proposed in the Plan of Development and Production is approximately nine years.

3. LOCATION OF THE LEASE BLOCK, PLATFORM, AND ONSHORE FACILITIES

Eugene Island Block 138 is located approximately 62 miles from the nearest shore off the Louisiana coast. A location map of Block 138 relative to the shore line is given in Figure 2.

Development and production activities for all wells will occur from Platform "X" which is positioned at the location of Well #1 (2345' FSL, 3950' FWL) in Eugene Island Block 138 (Figure 1).

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Crude Oil, Inc. will use the existing onshore base facilities of Service Brothers, which are located in Baton Rouge, Louisiana (Figure 2). This base serves the operations. A crew boat and supply boat will each make four trips per week from this facility. Helicopter trips (20 per week) will originate from the heliport of Chopper Helicopters in Iberia, Louisiana (Figure 2). The onshore activities associated with Eugene Island Block 138 should not result in any increase in the size or number of onshore support and storage facilities or land and personnel requirements.

4. GEOLOGICAL AND GEOPHYSICAL DATA

Information on geological hazards and surface location relative to anomalies was discussed in the Plan of Exploration. A review of the Shallow Hazards Survey data indicates the location of Well #1 to be free of natural sea floor hazards, and no significant gas anomalies exist. Structure and cross section maps were included in the Plan of Exploration. A location map is given in Figure 1. The BHL and TVD for each well are given below:

WELL	BHL	TVD
#1 (Platform "X")	2345' FSL & 3950' FWL	12,100
#2	250' FNL & 1600' FWL	12,200
#3	350' FSL & 1500' FWL	12,300
#4	350' FNL & 1800' FWL	12,400
#5	650' FNL & 1600' FEL	12,500
#6	750' FNL & 2000' FEL	12,600
#7	650' FSL & 2000' FEL	12,700
#8	750' FSL & 1500' FEL	12,800
#9	2150' FSL & 2000' FEL	12,900
#10	2350' FSL & 2000' FEL	13,000
#11	3000' FSL & 600' FEL	13,100
#12	2500' FSL & 800' FEL	13,200

5. DESCRIPTION OF DRILLING RIG AND POLLUTION PREVENTION EQUIPMENT

Crude Oil, Inc. has a jack-up drilling unit, the Long John I Offshore Rig, under a long-term contract and intends to utilize this unit to drill the wells in Eugene Island Block 138.

[133.] Illustrations and features (e.g. pollution prevention equipment) of the self contained drilling and production platform are given in Figures 3 and 4.

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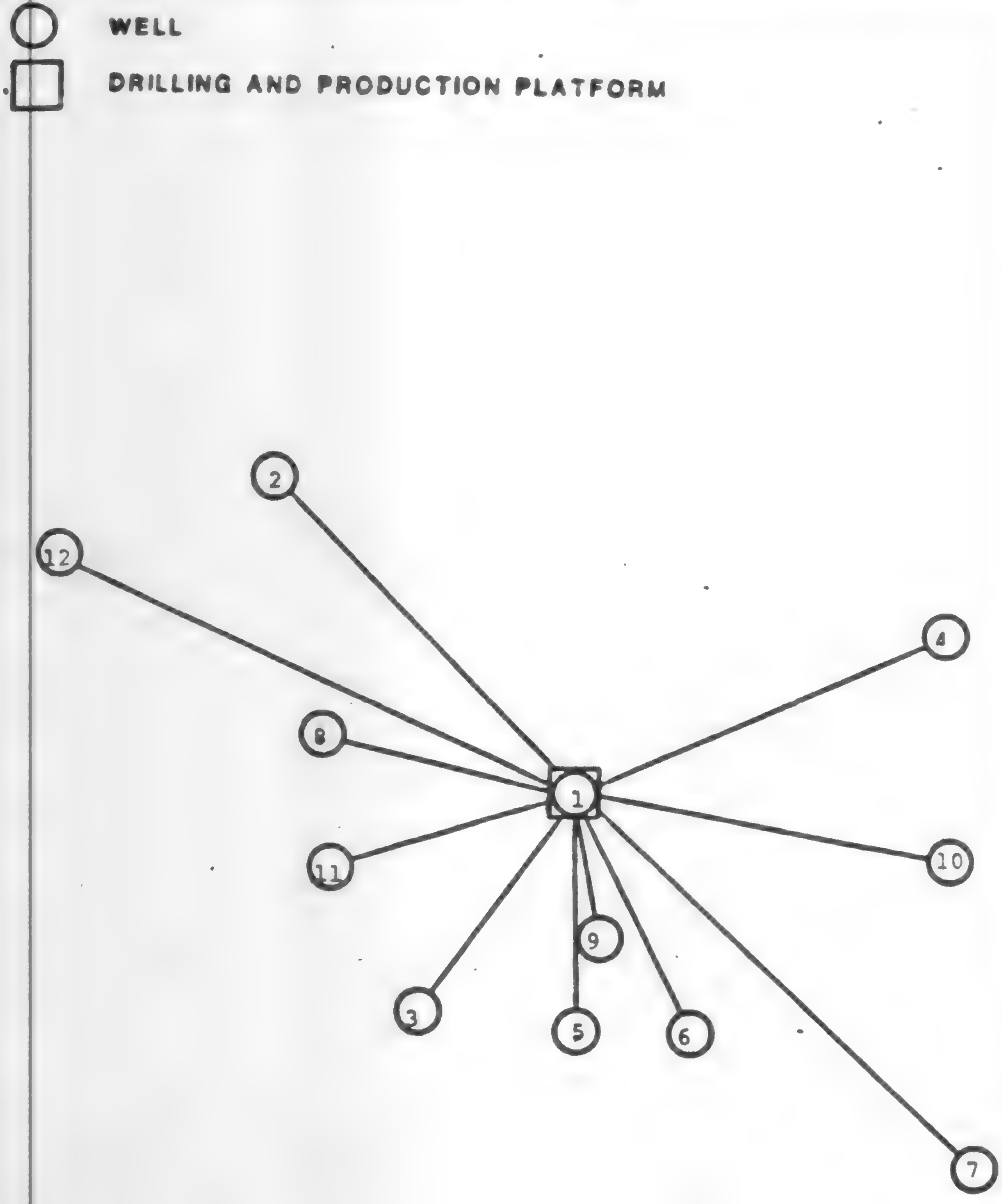
WELL
DRILLING AND PRODUCTION PLATFORM
1
2
3
4
5
6
7
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FIGURE 1. LOCATION MAP FOR ACTIVITIES ORIGINATING IN EUGENE ISLAND BLOCK 138.

Insert FIGURE 2. LOCATION MAP OF BLOCK 138 RELATIVE TO THE SHORE LINE

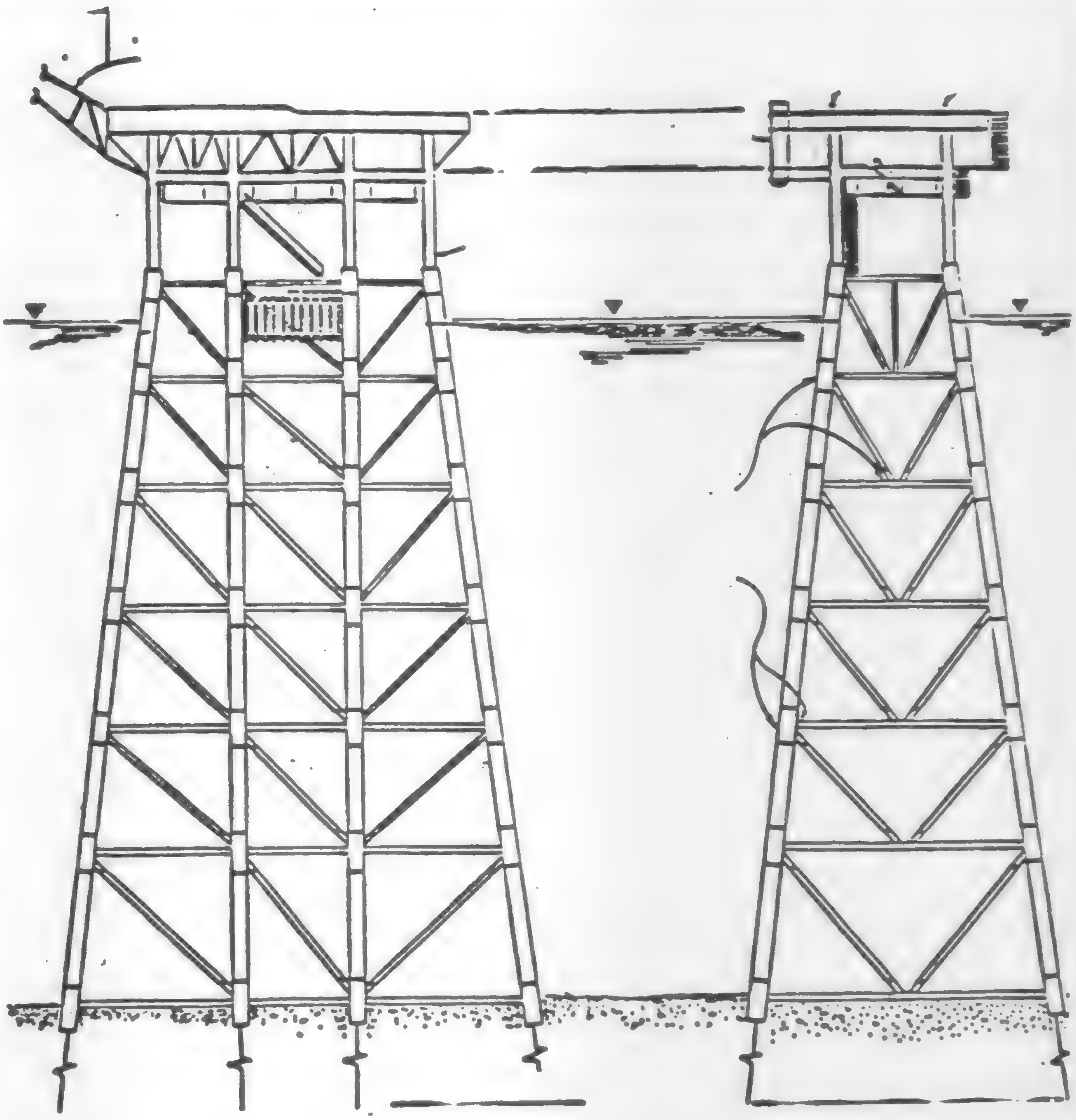

FIGURE 3 SELF CONTAINED DRILLING AND PRODUCTION PLATFORM, PART I

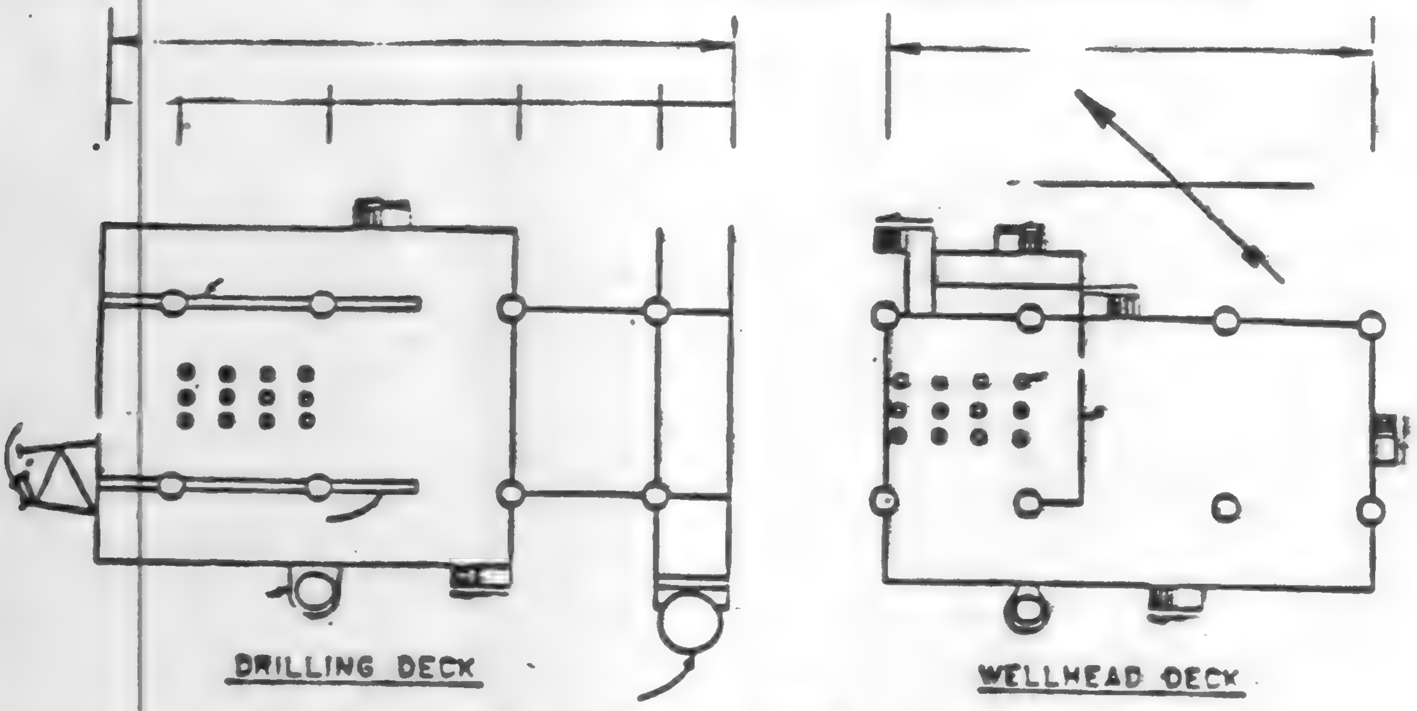

DESCRIPTION OF PLATFORM FEATURES

FIGURE 4 SELF CONTAINED DRILLING AND PRODUCTION PLATFORM

Note: Details of Figures 2 and 4 are available in the District Offices listed in the ADDRESSES Section of this Federal Register Notice.

[FR Doc. 81-29042 Filed 10-5-81; 8:45 am]

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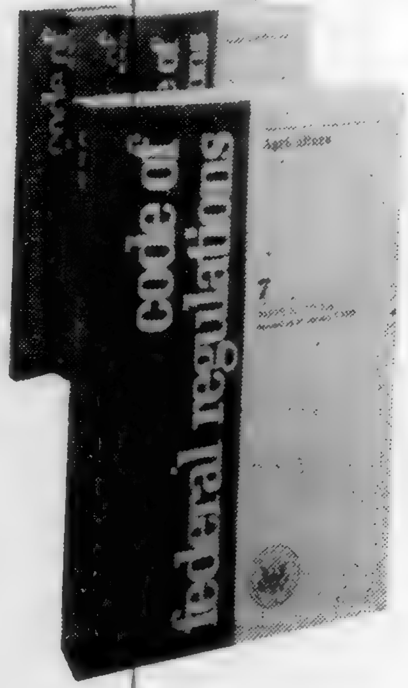

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Pages 49567-49822

federal register

Wednesday
October 7, 1981

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49567 **General Pulaski Memorial Day** Presidential proclamation.

49584 **Grant Program—Education** ED issues rules on the Experimental Program for Opportunities in Advanced Study and Research in Education.

49569 **Meat, Poultry and Poultry Products** USDA/AMS increases fees and charges for egg products, eggs, poultry and rabbit grading/inspection services.

49701 **Treasury Bonds of 2001** Treasury announces interest rate of 15¾ percent.

49760 **Outer Continental Shelf—Oil and Gas Lease Sale** Interior/BLM announces proposed sale notice for Sale 67 in Gulf of Mexico. (Part III of this issue)

49695 **Claims Against Iran** State provides procedures for filing statements of claim before the Iran-U.S. Claims Tribunal at The Hague.

49573 **Nuclear Power Plants and Reactors** NRC issues interpretative rule on fees for review of applications.

49577 **Securities** FRS makes additions to and deletions from list of over-the-counter margin stocks.

49594 SEC proposes rules on designation of securities eligible for trading in the national market system.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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49602 **Trademark Registration** Commerce/PTO proposes to revise application filing date requirements.

49632 **Textiles—Imports** CITA adjusts import restraint levels for certain cotton apparel products from Macau.

49589 **Fishing** Commerce/NOAA adjusts catch limitations for Cod, Haddock and Yellowtail flounder.

49814 **Air Pollution Control** EPA reproposes stack height regulations. (Part VI of this issue)

49794 **Budget Deferrals** OMB issues report. (Part V of this issue)

49627 **Tobacco** USDA/CCC establishes price support rates for eligible grades of 1981-crop Kentucky-Tennessee fire-cured, dark air-cured and Virginia sun-cured tobaccos.

49588, 49621 **Communications** FCC permits coast stations to reply to certain ship station calls and proposes to amend rules to reclassify coast stations. (2 documents)

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Wednesday, October 7, 1981

Presidential Documents

Title 3—

The President

Proclamation 4869 of October 5, 1981

General Pulaski Memorial Day

By the President of the United States of America

A Proclamation

As we pay homage again to the memory of General Casimir Pulaski, we are reminded of his dedication to freedom, his selfless service to our Nation, and his contributions to the achievement of American independence. His tireless devotion to democratic ideals continues to inspire us, his adopted countrymen, today. His name and deeds remain similarly alive in the hearts of the people of his native Poland, and indeed of people the world over. His is a model we can all emulate.

Upon his arrival in America in 1777, General Pulaski was appointed by Congress as Commander of the Horse in the Continental Army. He fought at the battle of Germantown, conducted expeditions to obtain provisions for the Continental soldiers during their harsh winter at Valley Forge, Pennsylvania and, as the Revolutionary War continued, saw service in New Jersey and Delaware. Following a gallant attempt to wrest Savannah, Georgia from British control, this valiant patriot died on October 11, 1779.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate October 11, 1981 as General Pulaski Memorial Day.

FURTHERMORE, in recognition of the supreme sacrifice General Pulaski made for his adopted country and for the cause of freedom, I do hereby designate October 11 of each succeeding year as General Pulaski Memorial Day.

I invite the people of the United States to honor the memory of General Pulaski by holding appropriate exercises and ceremonies on this date in suitable places throughout our land.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81–29297
Filed 10–5–81; 4:23 pm]
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Rules and Regulations

Federal Register
Vol. 46, No. 194
Wednesday, October 7, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 2855, 2856, 2859, and 2870

Increase in Fees and Charges

AGENCY: Agricultural Marketing Service,[1] USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The charges for the Federal voluntary egg products inspection; egg, poultry, and rabbit grading; and laboratory services and the Federal mandatory egg products inspection service overtime and appeal rates are changed to reflect increased cost associated with these programs. These amendments are being implemented on an interim basis without a prior proposal because of the Agency's need to increase these rates and charges to cover increased costs of these services. It is also being published for comment as a means of providing full public participation in the rulemaking process prior to promulgation of the final rule.

DATES: Interim rule effective November 1, 1981; comments must be received on or before December 7, 1981.

ADDRESS: Written comments may be mailed to D. M. Holbrook, Chief, Poultry Standardization Branch, Poultry Division, Agricultural Marketing Service, Room 3944, South Agriculture Building, Washington, D.C. 20250. (For further information regarding comments, see "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Larry W. Robinson, Assistant to the Director, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3938, South Agriculture Building, Washington, DC 20250, (202) 447-3271.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

An initial determination has been made that this interim rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation has been reviewed for cost effectiveness under USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291. It increases fees and charges to cover escalating costs of providing Federal voluntary grading, inspection, and/or laboratory services and Federal mandatory egg products inspection overtime and appeal services. Federal laws require that users pay for these services. It is anticipated that these increases will not have a significant economic effect on producers, packers, and consumers. Alternatively, the Agency could have significantly reduced or denied grading/inspection services presently provided the industry. This could place some processors at a disadvantage, because graded product is required by certain buyers. Also, the utilization of uniform U.S. grades on a nationwide basis facilitates interstate trading. Any denial or disruption of grading/inspection services could result in adverse impacts on the orderly marketing of poultry, rabbits, eggs, and egg products and on the quality of products available to consumers.

Effect on Small Entities

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the fees and charges merely reflect, on a cost-per-unit-graded/inspected basis, a minimal increase in the costs currently borne by those entities utilizing the services, and because competitive effects are offset under the major voluntary programs (resident shell egg and poultry) through administrative charges based on the volume of product handled, i.e., the cost to users increases in proportion to increased volume.

Comments

Interested persons are invited to submit written comments concerning these interim amendments. Comments must be sent in duplicate to the Poultry Division and should bear a reference to the docket number located in the heading of this document. Comments submitted pursuant to this document will be made available for public inspection in the Poultry Division during regular business hours.

Background

The Agricultural Marketing Act of 1946, as amended, provides for the collection of fees approximately equal to the cost of providing Federal voluntary egg products inspection; egg, poultry, and rabbit grading; and laboratory services. The Egg Products Inspection Act requires that the cost for overtime inspection be borne by the user of the service. The fees for these services are determined by the grader's or inspector's salary and fringe, cost of supervision, travel, and other overhead and administrative costs.

Since the last nonresident program fee increase, which was based primarily on the pay increase effective in October 1980, program costs have continued to rise. Federal employees recently received a 4.8 percent increase in conformity with the Federal Pay Comparability Act of 1970. Grader training, and other fringe costs have also increased 3 to 4 percent. In addition to these added costs, the grade level or pay scale of the graders performing service on a nonresident or lot basis has shifted to a higher level. This type of service has previously been performed by journeymen graders. However, the grading program, over the years, has shifted from a nonresident or lot basis to a resident program. Only 4 percent of the grading business is now comprised of nonresident work. With this small amount of work, it has become impractical and uneconomical to maintain a staff of journeymen graders solely for that purpose because a substantial portion of their time would be standby or nonproductive. Therefore, in many situations, supervisors are the only qualified employees available to handle this limited amount of work. The cost of maintaining a special staff of journeymen graders to handle lot grading would be greater than the cost under the new fee increase. Overall, the fee for nonresident service on an hourly basis is increased about 15 percent.

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[1] The Commodity Services program of the Food Safety and Quality Service, USDA, was transferred to the Agricultural Marketing Service, USDA, by USDA Secretary's Memorandum 1000-1, issued June 17, 1981. A notice detailing the Agency's reorganization is being drafted for later publication.

Costs have increased also for the resident shell egg and poultry grading programs. The hourly rate charged for graders under the resident grading programs does not cover costs of supervision, travel, and other overhead and administrative expenses. These costs are covered by an administrative service charge of $.015 per case of shell eggs and $.00015 per pound of poultry handled in plants using the service. These rates were last increased in 1976. Since that time, supervisory salaries have increased 38 percent; per diem, 50 percent; mileage, 50 percent; rent, 23 percent; and telephone, 65 percent. Postage, supplies, and other costs associated with overhead and administration have also increased dramatically over the past 5 years. Because these rates have not been increased since 1976, the overall program operated at an overhead deficit for the past 2 years. To compensate for these significant cost increases, the administrative service charges are being changed to $.020 per case of shell eggs and $.00020 per pound of poultry. Presently, these administrative charges are set at a minimum payment of $85 per billing period and a maximum of $675 for each official plant. These figures will be changed to $100 and $1,000, respectively. The percentage increase ranges from about 33 percent to 48 percent and averages about 39 percent.

In view of the situations described above, the hourly rate for nonresident voluntary grading service and the rate for such services performed on Saturdays, Sundays, or holidays are increased from $16.52 (regular hourly rate) and $18.88 (premium rate) to $18.96. The new nonresident premium rate is set at the same amount as the regular fee rate due to constraints on compensating employees for premium work. Because the cost of premium work is basically salary, the amount charged for premium work cannot exceed the maximum entitlement employees may receive for such work in accordance with 5 U.S.C. 5542. The hourly rate for voluntary appeal gradings or inspections is increased from $14.88 to $16.08. The hourly rate for laboratory analyses for other than individual tests is increased from $21.40 to $22.76, and the fees for individual tests are increased approximately 6.4 percent. The hourly rate for mandatory overtime inspection service is increased from $16.28 to $16.52. The hourly rate for certain mandatory appeal inspections is increased from $14.88 to $16.08. The holiday rate for mandatory inspection is unchanged. Administrative charges for the resident voluntary rabbit grading and egg products inspection programs, and nonresident voluntary continuous poultry and egg grading programs will continue to be based on 25 percent of the grader's or inspector's total salary costs. The minimum charge per billing period for these programs is increased from $85 to $100 per official plant. The inauguration of resident grading/inspection service charge is raised from $200 to $310.

The Agency is implementing these amendments effective November 1, 1981, because increased revenues are urgently needed to cover the costs of services. Therefore, it has been determined that the following amendments must be adopted immediately, on an interim basis. A final rule will be promulgated in the **Federal Register** after evaluation of comments received in response to this notice. Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule is impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**.

Accordingly, under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), and the Egg Products Inspection Act (21 U.S.C. 1031-1056), the U.S. Department of Agriculture hereby amends the Regulations Governing the Voluntary Inspection and Grading of Egg Products (7 CFR Part 2855); the Regulations Governing the Grading of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 2856); the Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 2859); and the Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products and United States Classes, Standards, and Grades (7 CFR Part 2870) as set forth below:

PART 2855—VOLUNTARY INSPECTION OF EGG PRODUCTS AND GRADING

1. Section 2855.510 is amended by revising paragraphs (b), (c), and (d) to read as follows:

§ 2855.510 Fees and charges for services other than on a continuous resident basis.

* * * * *

(b) Fees for product inspection and sampling for laboratory analysis will be based on the time required to perform the services. The hourly charge shall be $18.96 and shall include the time actually required to perform the sampling and inspection, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $18.96 per hour. Information on legal holidays is available from the Supervisor.

(d) The cost of an appeal grading, inspection, laboratory analysis, or review of a grader's or inspector's decision shall be borne by the appellant at an hourly rate of $16.08 for time spent performing the appeal and travel time to and from the site of the appeal, plus any additional expenses. If the appeal grading, inspection, laboratory analysis, or review of a grader's or inspector's decision discloses that a material error was made in the original determination, no fee or expenses will be charged.

2. Section 2855.550 is revised to read as follows:

§ 2855.550 Laboratory analysis fees.

(a) The fees listed for the following individual laboratory analyses cover costs involved in the preparation and analysis of the product, certificate issuance, and personnel and overhead costs other than the expenses listed in § 2855.530.

	Fee
Solids	$11.38
Fat	22.76
Bacteriological plate count	11.38
Bacteriological direct count	22.76
Coliforms	17.07
E. Coli (presumptive)	17.07
Yeast and mold count	11.38
Sugar	28.46
Salt	28.46
Color:	
NEPA	17.07
B-Carotene	22.76
Whipping test	11.38
Whipping test plus bleeding	17.07
Fat film test	28.46
Oxygen	11.38
Glucose:	
Quantitative	22.76
Qualitative	17.07
Palatability and odor:	
First sample	11.38
Each additional sample	5.69
Staphylococcus	34.14

	Fee
Salmonella: [1]	
Step 1	$22.76
Step 2	11.38
Step 3	22.76

[1] Salmonella test may be in three steps as follows: Step 1—growth through differential agars; Step 2—growth and testing through triple-sugar-iron and lysine-iron agars; Step 3—confirmatory test through biochemicals.

(b) The fee charge for any laboratory analysis not listed in paragraph (a) of this section, or for any other applicable services rendered in the laboratory, shall be based on the time required to perform such analysis or render such service. The hourly rate shall be $22.76.

3. Section 2855.560 is amended by revising paragraphs (a)(1) and (a)(3) to read as follows:

§ 2855.560 Charges for continuous inspection and grading service on a resident basis.

* * * * *

(a) * * *

(1) An inauguration charge of $310 will be made at the time an application for service is signed except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) or inspector(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition, there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location, within 12 months from the date of the inauguration of service.

* * * * *

(3) An administrative service charge equal to 25 percent of the grader's or inspector's total salary costs. A minimum charge of $100 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

PART 2856—GRADING OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

4. Section 2856.46 is amended by revising paragraphs (b) and (c) to read as follows:

§ 2856.46 On a fee basis.

* * * * *

(b) Fees for grading services will be based on the time required to perform the services. The hourly charge shall be $18.96 and shall include the time actually required to perform the grading, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $18.96 per hour. Information on legal holidays is available from the Supervisor.

5. Section 2856.47 is revised to read as follows:

§ 2856.47 Fees for appeal grading or review of a grader's decision.

The cost of an appeal grading or review of a grader's decision shall be borne by the appellant at an hourly rate of $16.08 for time spent in performing the appeal and travel time to and from the site of the appeal, plus any additional expenses. If the appeal grading or review of a grader's decision discloses that a material error was made in the original determination, no fee or expenses will be charged.

6. Section 2856.52 is amended by revising paragraphs (a)(1) and (a)(4) to read as follows:

§ 2856.52 Continuous grading performed on a resident basis.

* * * * *

(a) * * *

(1) An inauguration charge of $310 will be made at the time an application for service is signed except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location, within 12 months from the date of the inauguration of service.

* * * * *

(4) An administrative service charge based upon the aggregate number of 30-dozen cases of all shell eggs handled in the plant per billing period multiplied by $.020, except that the minimum charge per billing period shall be $100 and the maximum charge shall be $1,000. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

7. Section 2856.54 is amended by revising paragraph (a)(2) to read as follows:

§ 2856.54 Charges for continuous grading performed on a nonresident basis.

* * * * *

(a) * * *

(2) An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $100 will made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

PART 2859—INSPECTION OF EGGS AND EGG PRODUCTS (EGG PRODUCTS INSPECTION ACT OF 1970)

8. Section 2859.126 is revised to read as follows:

§ 2859.126 Overtime inspection service.

When operations in an official plant require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official plant shall give reasonable advance notice to the inspector of any overtime service necessary and shall pay the Service for such overtime at an hourly rate of $16.52 to cover the cost thereof.

9. Section 2859.370 is amended by revising paragraph (b) to read as follows:

§ 2859.370 Cost of appeals.

* * * * *

(b) The costs of an appeal shall be borne by the appellant at an hourly rate of $16.08, including travel time and expenses if the appeal was frivolous, including but not being limited to the following: The appeal inspection discloses that no material error was made in the original inspection, the condition of the product has undergone a material change since the original inspection, the original lot has changed in some manner, or the Act or these regulations have not been complied with.

PART 2870—VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS AND UNITED STATES CLASSES, STANDARDS, AND GRADES

10. Section 2870.71 is amended by revising paragraphs (b) and (c) to read as follows:

§ 2870.71 On a fee basis.

* * * * *

(b) Fees for grading services will be based on the time required to perform such services for class, quality, quantity (weight test), or condition, whether ready-to-cook poultry, ready-to-cook

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rabbits, or specified poultry food products are involved. The hourly charge shall be $18.96 and shall include the time actually required to perform the work, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Grading services rendered on Saturdays, Sundays, or legal holidays shall be charged for at the rate of $18.96 per hour. Information on legal holidays is available from the Supervisor.

11. Section 2870.72 is revised to read as follows:

§ 2870.72 Fees for appeal grading, laboratory analysis, or examination or review of a grader's decision.

The costs of an appeal grading, laboratory analysis, or examination or review of a grader's decision will be borne by the appellant at an hourly rate of $16.08 for the time spent in performing the appeal and travel time to and from the site of the appeal, plus any additional expenses. If the appeal grading, laboratory analysis, or examination or review of a grader's decision discloses that a material error was made in the original determination, no fee or expenses will be charged.

12. Section 2870.76 is amended by revising paragraph (a)(2) to read as follows:

§ 2870.76 Charges for continuous poultry grading performed on a nonresident basis.

* * * * *

(a) * * *

(2) An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $100 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

13. Section 2870.77 is amended by revising paragraphs (a)(1), (a)(4)(i), and (a)(5) to read as follows:

§ 2870.77 Charges for continuous poultry or rabbit grading performed on a resident basis.

* * * * *

(a) * * *

(1) An inauguration charge of $310 will be made at the time an application for service is signed, except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition, there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location within 12 months from the date of the inauguration of service.

* * * * *

(4) * * *

(i) Total pounds per billing period multiplied by $.00020, except that the minimum charge per billing period shall be $100 and the maximum charge shall be $1,000. The minimum charge also applies where an approved application is in effect and no product is handled.

(5) For rabbit grading: An administrative service charge equal to 25 percent of the grader's total salary costs. A minimum charge of $100 will be made each billing period. The minimum charge also applies where an approved application is in effect and no product is handled.

* * * * *

(Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*); Egg Products Inspection Act (21 U.S.C. 1031–1056))

Done at Washington, D.C. on October 1, 1981.

Eddie F. Kimbrell,

Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 81–29135 Filed 10–6–81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Specifically Approved States To Receive Stallions Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document removes the State of Texas from the list of specifically approved States authorized to receive certain stallions imported into the United States from countries affected with contagious equine metritis (CEM).

This action is being taken at the request of the State of Texas and because the agreement entered into between the State of Texas and the Department to provide additional inspection, treatment and testing of such horses to further insure their freedom from CEM as required by the regulations has been cancelled by the State of Texas. The intended effect of this action is to update the list of States specifically approved to receive stallions imported from countries affected with CEM.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Dulin, USDA, APHIS, VS, Room 818, Federal Building, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this rule will not have a significant effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this final rule.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. Only 26 stallions from countries affected with CEM were imported into the United States in 1980; one of those stallions was imported into the United States through Texas. There are seven States in addition to Texas currently approved to receive stallions from countries affected with CEM. With the removal of Texas from the list of States approved to receive stallions from countries affected with CEM, all such stallions which may have entered the State of Texas may be imported through any of the other seven States. Since only one stallion was involved, the economic impact of this action will not be significant on any substantial number of small entities.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication of this emergency action without prior opportunity for a public comment period because the State of Texas has cancelled the agreement with the Department to receive such stallions and has requested that Texas be removed from the list of States approved to receive stallions from CEM affected countries. Therefore, the deletion of Texas as a State approved to receive stallions from CEM countries must be made promptly in order to inform importers of horses from CEM countries of the current situation so that they can make appropriate plans to import stallions from CEM countries to States approved for such purpose.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency action effective less than 30 days after publication of this document in the **Federal Register.**

Section 92.2(i)(2) of Title 9, Code of Federal Regulations (9 CFR 92.2(i)(2)), among other things, authorizes the importation of male horses (stallions over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into specified States for further inspection, treatment and testing by the State of destination. The amendment established minimum standards which a State must meet in order to be approved to receive stallions imported from CEM-affected countries. These standards contain treatment, testing and handling procedures believed necessary to insure that the stallions being imported into the United States are free of the contagion of CEM.

This document deletes the State of Texas from the list of specifically approved States to receive such horses on the basis of a request made by that State and since the agreement entered into between the State of Texas and the Department to provide additional inspection, treatment and testing of such horses to further insure their freedom from CEM as required by the regulations has been cancelled by the State of Texas.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

§ 92.4 [Amended]

Section 92.4(a)(5)(ii) is amended by removing "The State of Texas" from the list of States approved to receive stallions pursuant to § 92.2(i)(2)(iv) of the regulations.

(Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306, 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134f)

Done at Washington, D.C., this 1st day of October 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81–29134 Filed 10-6-81; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 170

Fees for Review of Applications

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is promulgating an interpretative rule to clarify that fees for review of power reactor license applications and major fuel cycle license applications will be charged, as appropriate, when review of an application is completed, whether by issuance of a permit, license, or other approval, or by denial or withdrawal of an application, or by any other event that brings active Commission review of the application to an end.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: William O. Miller, Chief, License Fee Management Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301–492–7225.

SUPPLEMENTARY INFORMATION: Based upon the language of 10 CFR 170.12(b) and of footnote 3 to 10 CFR 170.21 (footnote 3 reads in pertinent part as follows: "When review of the permit, license, approval, or amendment is complete, the expenditures for professional manpower and appropriate support services will be determined and the resultant fee assessed, but in no event will the fee exceed that shown in the schedule of facility fees.* * *") the Commission has been billing power reactor construction permit applicants for the actual costs of review of withdrawn applications up to the time the applicant withdraws the application from Commission consideration.

It was the Commission's intent in promulgating 10 CFR Part 170 that charges be assessed whenever a review is brought to an end, whether by reason of issuance of a license, a denial of an application, or by its withdrawal, suspension or postponement. These charges are authorized and directed under Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a) and supported by judicial decision upholding charges for government services rendered to applicants based upon cost to the agency. See *e.g., Mississippi Power and Light v. NRC,* 601 F. 2d 223 (1979) *cert. denied* 444 U.S. 1102 (1980), and cases cited therein. The fee guidelines approved by the Commission and the Court of Appeals in *Mississippi Power and Light v. NRC, supra,* make clear the Commission's position that the review of an application at the request of an applicant is a service for which a charge may be made. Under the guidelines, fees may be assessed for services rendered at the request of an applicant whether or not these services are linked to or result in the issuance of a permit or license. For example, the guidelines support the inclusion in the fee schedule of "special projects and reviews" that do not result in issuance of permits, licenses or approvals but are yet subject to a fee for the service based upon actual cost. (10 CFR 170.21, Schedule F). The review given a power reactor application that does not end in a permit or license is analogous to a special project with respect to the work performed and the service rendered to the applicant.

The interpretative amendments to 10 CFR 170.12 are intended to remove any possibility of misunderstanding the Commission's intent to charge fees on withdrawal or denial of an application and in appropriate cases of suspension or postponement of action on an application. The Commission will consider billing an applicant for costs incurred in the processing and review of an application upon either a statement of intent by the applicant to postpone further review effort or a delay in the construction schedule which causes the staff to postpone further review. In the event an application is reinstated without significant changes, or review effort recommenced, subsequent charges will accrue only from the time of reinstatement or recommencement of review effort. In these cases the aggregate of charges for review of applications covered by the actual cost principle will not exceed the scheduled amount for the class of facility.

Although the impetus for issuing this interpretative rule stems from the withdrawal of power reactor construction permit applications, the interpretative amendments also apply to certain materials licenses applications subject to the actual cost principle as stated in footnote 4 to 10 CFR 170.31. These are primarily major fuel processing and fabrication plants, waste storage and disposal facilities, spent fuel storage facilities, uranium milling plants, evaluation of casks and packages, and special projects.

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Since the new language merely restates what the Commission's rule has been on collecting fees for withdrawn or otherwise terminated applications since the promulgation of revisions to 10 CFR Part 170 (43 FR 7218; February 21, 1978), the clarifying language is applicable to all license applications on file before the Commission on or after March 23, 1978, the effective date of the current version of 10 CFR Part 170, as well as to those received after adoption of the clarifying language.

Although the rules' changes in these amendments are interpretative only and could have been published effective immediately without notice and comment under 5 U.S.C. 553(b), and without the customary 30 days notice under 5 U.S.C. 553(d), the Commission decided to solicit public comment prior to adopting the clarifying language. (See 45 FR 74493, November 10, 1980.)

Four comments were received. All objected to the proposed rule. A 29-page comment submitted by Shaw, Pittman, Potts and Trowbridge, a law firm representing several electric utilities, claimed that the proposed rule could not be regarded as an interpretation of the existing fee rules, effective since March 23, 1978, but rather amounted to "a substantive amendment by which the Commission for the first time seeks to impose license fees on withdrawn applications." To support this claim the Shaw, Pittman comment argued that the 1978 fee regulation, 10 CFR Part 170, made no provision, "either directly or by fair inference," for the payment of fees, other than the application fee, for review of license applications that are withdrawn before a license or construction permit issues. Accordingly, Shaw, Pittman asserted that the NRC cannot, as the proposed interpretative rule would do, impose fees to recover costs incurred in processing license applications that were on file on or after March 23, 1978 but have since been withdrawn. "Even assuming that the Independent Offices Appropriation Act (IOAA) would permit the assessment of such fees for withdrawn applications," this commenter concluded, "at the most, the Commission can assess license fees on withdrawn applications only in connection with services and benefits rendered by the Commission after the effective date of the proposed amendment."

The other commenters generally agreed with the Shaw, Pittman position that fees for withdrawn applications were not imposed by the 1978 fee regulations and therefore cannot be imposed by an "interpretative" rule based on those regulations. The other commenters also raised the argument that the Commission lacks statutory authority to imposed fees for withdrawn applications because the applicant has received no "special benefit" when an application has been withdrawn. Public Service Company of Oklahoma, for example, noted that it "shared the widespread interpretation of Part 170 that such fees were to be charged only upon *successful* completion of review." (Commenter's emphasis.)

In response to these comments the Commission reaffirms at the outset its conclusion that NRC review of a license application constitutes a "special benefit" subject to a fee under the IOAA, whether or not a license issues after completion of the review. The NRC's work in performing these reviews is a service rendered at the request of the applicant. The Commission's fee guidelines, set out in the 1978 notice promulgating the present fee schedule, made it plain that under the IOAA fees could be assessed to recover the cost of providing these services:

> Fees may be assessed to persons who are identifiable recipients of "special benefits" conferred by specifically identified activities of the NRC. The term "special benefits" includes services rendered at the request of a recipient and all services necessary for the issuance of a required permit, license, approval, or amendment, or other services necessary to assist a recipient in complying with statutory obligations or obligations under the Commission's regulations.

See the Commission's fee guidelines (43 FR 7211, February 21, 1978). These guidelines were quoted with approval in *Mississippi Power and Light* v. *NRC, supra*. There is thus no doubt that pursuant to the IOAA and the fee guidelines the Commission has authority to impose a fee to recover the cost of processing a license application that has been withdrawn.

The notice of final rulemaking also made clear that under the fee schedules effective March 23, 1978, the Commission intended to exert this authority by imposing all fees allowed by the guidelines, barring exceptional circumstances. The relevant language from the notice is as follows:

> These guidelines determine whether or not the Commission may charge a fee for a particular service and what the maximum fee may be. In keeping with the sense of Congress expressed in the Independent Offices Appropriation Act of 1952 that agency activities performed on behalf of persons the agency serves "shall be self-sustaining to the full extent possible," the Commission is generally obliged to impose the fees allowed by these guidelines where it is fair and equitable to do so. The Commission recognizes that in exceptional circumstances fairness may require that a fee be set at a level below the cost of rendering the service. However, the Commission's discretion to reduce fees for certain service categories is limited by the IOAA mandate and by the requirement that a consistent and fundamentally fair fee structure must accord equal treatment to similarly situated recipients of agency services. [43 FR 7211 (February 21, 1978)].

Those NRC activities and services which the Commission did intend to exclude from cost recovery were identified with specificity in the notice. See 43 FR 7212, 7213. None of the services specified as exempt from fees could reasonably be interpreted to include review of license applications later withdrawn. Nor is there any suggestion or reason to believe that the Commission would have regarded it as generally unfair or inequitable to recover the costs of reviewing license applications which turn out to be unsuccessful. Rather, the notice of final rulemaking stated that "(t)hose regulatory services which provide special benefit to applicants and licensees include: 1. The *processing* and *reviewing* of applications or requests for construction permits, operating licenses, manufacturing licenses, materials licenses * * *" [43 FR 7213 (emphasis added)]. As this language indicates, the notice tied "special benefits" to the processing and reviewing, not necessarily to the issuance of the license itself. Amended language in the fee regulation, 10 CFR 170.12(b), confirmed this emphasis on completion of review rather than license issuance as the fee-triggering event:[1]

> 10 CFR 170.12(b) *License Fees.*
>
> Fees for construction permits, operating licenses, manufacturing licenses, and materials licenses, are payable upon notification by the Commission when the review of the project is completed.

Finally, the notice of final rulemaking announced a major change in the Commission's method of determining fees. Henceforth, facility fees were to be based on the Commission's actual "expenditures for professional manpower and appropriate support services required to process the application or request." 43 FR 7216. The switch to an actual-cost basis, as distinguished from fixed fees based on the average cost for issuing a particular type of license, made it possible to determine and impose a fee based on the actual cost for any license review, even when, because of withdrawal or some other reason for termination, the review was completed at an atypical intermediate stage short of license issuance.

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[1] The superseded rule, 10 CFR 170.12(b) (1977), had stated:

Fees * * * are payable when the construction permit manufacturing license operating license is issued.

For the reasons given in the above discussion, the Commission has concluded that the notice of final rulemaking and the language in the final rule itself gave fair and adequate notice to license applicants that for applications on file after March 23, 1978 the Commission would charge a fee for withdrawn applications. The fee would be sufficient to recover the costs the NRC had incurred in reviewing those applications, to the extent the costs were not already covered by the application fee. The commenters' arguments to the contrary place unwarranted emphasis on certain language in 10 CFR 170.12(a), dealing with application fees, which provides that "(a)ll application fees will be charged irrespective of the Commission's disposition of the application or a withdrawal of the application." The commenters assert that this language, which appeared in the original 1969 proposed fee regulations and remains unchanged in the current version of the regulations, must be taken as the Commission's total and exclusive mechanism for recovering review costs of withdrawn applications. Yet it is clear that the power reactor construction permit application fee, presently set at $125,000, falls far below the cost which the Commission can incur in reviewing an application prior to withdrawal.[2] It does, of course, guarantee the NRC at least partial cost recovery should an applicant become insolvent, but one could not reasonably interpret the 10 CFR 170.12(a) provision for retention of this fee as by itself a fulfillment of the Commission's expressed intent in the 1978 regulations to recover to the full extent allowable the cost of providing special benefits.

The commenters are correct that prior to adoption of the 1978 rule the Commission's regulations did not provide for recovery of withdrawn application costs beyond the amount of the application fee. Fees in addition to the application fee became payable only "when the construction permit * * * is issued." See 10 CFR 170.12(b) (1977). See also the proposed § 170.12(b) in the Commission's 1977 notice of proposed rulemaking, 42 FR 22149, 22162 (May 2, 1977). The commenters are not justified, however, in concluding that in the 1978 rule the Commission intended to continue this treatment of withdrawn applications. In addition to changed language in 170.12(b), a clear signal that the practice had changed was the switch in the 1978 final rule to an actual-cost basis for determining fees, which made practical the assessment of fees reflecting the actual review costs for a withdrawn application, to be collected "when the review, is completed," 10 CFR 170.12(b) (1979).[3] From this amended language in 170.12(b), viewed in the context of the overall rulemaking emphasis on cost recovery, it should have been plain that under the new fee schedule an applicant cannot avoid review cost already incurred by withdrawing the application. Fees assessed after March 23, 1978 for the review of construction permit (CP) or operating license (OL) applications, whether withdrawn or resulting in the issuance of a CP or OL, were to be based on the actual manpower and contractual services costs expended for the review. The maximum fee for a CP or OL prescribed by regulation is assessed and collected upon issuance of the CP or OL. The actual human resource expended for the review is determined after issuance of the CP or OL and the utility is notified whether or not a refund may be due. If the application is withdrawn, the human resource expended is determined after the licensing board has dismissed the case (if a hearing has commenced), and the utility is billed accordingly. Once an application (CP or OL) is filed and the staff begins review, the costs associated with the review are costs that are covered by § 170.12(b) rather than cost subject to the scope of § 170.12(a). The revised language of § 170.12(b) reflects this change.

The Shaw, Pittman comments cite 10 CFR 170.21, footnote 4, dealing with early site reviews, as a supposed contradiction to the Commission's position that the 1978 rules impose fees for withdrawn applications. Footnote 4 provides as follows:

> Where a fee has been paid for a facility early site review, the charge will be deducted from the fee for a construction permit issued for that site. A separate charge will not be assessed for a site review where the person requesting the review has an application for a construction permit on file for the same site, *except where the application is withdrawn by the applicant or denied by the Commission.* (Commenter's emphasis)

The comment states:

> Footnote 4 is based on the premise that the fee for a site review will ordinarily be included in the construction permit fee. The final "except" clause is necessary so that the early site review fee can be collected separately in the event that the construction permit application is withdrawn and no construction permit fee can be charged. However, if the Commission is correct in its "interpretation" here—that the current regulations were always intended to require payment of license fees on withdrawn construction permit applications—then the "except" clause in footnote 4 would be rendered totally meaningless and redundant. This is so because the construction permit fee still would be payable despite withdrawal and would include the cost of the NRC review of the site portion of the application. In short, there would be no need for a special provision to ensure collection of the site review fee upon withdrawal of the construction permit application.

The comment is correct that Footnote 4 rests on the premise that the fee for an early site review (ESR) will ordinarily be included in the CP fee, but the comment has misinterpreted the "except where * * *" clause. Footnote 4 is intended to cover early site reviews filed under Appendix Q of the regulations. The "except" clause is necessary so that the early site review fee can be collected separately in the event that the *early site review* application (Appendix Q) is withdrawn, not the CP application. An applicant might very well withdraw the ESR Appendix Q application without withdrawing the Part 50 CP application, for example, in a case where the applicant finds a more suitable site for a proposed plant while the ESR for the site initially selected is still in progress. Thus, the "except" clause is not meaningless and redundant. In fact, the language reinforces the Commission's intent to treat withdrawn Appendix Q applications the same as withdrawn CP applications, that is, charge for them if they are withdrawn.

The commenter also suggests that, if the Commission can collect a fee for a withdrawn CP application, then by a literal reading of footnote 4 the Commission could collect an illegal double recovery by charging for the ESR as well. The following example of how footnote 4 might work in practice demonstrates that no such double recovery is possible, although technically the Commission could recover a separate early site review fee in addition to a fee for the withdrawn construction permit application. Collection of separate fees could come about as follows: (1) An Appendix Q application is filed and review is started by the Commission, (2) the applicant subsequently files a CP application which incorporates by reference the Appendix Q ESR and review begins on the reactor design, (3) site problems develop and the applicant withdraws the Appendix Q application, (4) applicant requests continuation of CP design review while looking for another site, (5) applicant subsequently withdraws the CP application. Footnote 4 of § 170.21 allows the Commission to immediately bill the applicant for the Appendix Q application upon withdrawal despite the fact that there is an active CP application on file and being reviewed. When the CP application is subsequently withdrawn, the Commission could bill for the Office of Nuclear Reactor Regulation (NRR) design review and Office of Inspection and Enforcement (IE) quality assurance work that has been completed from the date the application was filed to the date of withdrawal. There could never be illegal double recovery by the Commission since the fees for both reviews would be based on the actual manpower expended separately for, (1) the Appendix Q review and (2) the CP design work.

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[2] The Commission has incurred costs of 6.1 million dollars in reviewing eight construction permit applications that have been withdrawn and billed since March 23, 1978. The application fees received from these applicants total only $945,000. Other applications have also been withdrawn for which the NRC has not yet completed the billing process.

[3] The change to an actual cost basis was not part of the rule proposed in 1977 but was adopted by the Commission in the final rule promulgated in 1978. Compared to the previous flat fee assessments this change benefits applicants by assuring that the fee for a facility license will not exceed the actual cost of processing (or a fixed fee set out in the schedule, whichever is lower), thereby giving applicants an opportunity to reduce their licensing costs below the level of fixed fees.

One commenter called attention to the express exemption from fees for withdrawal of application for early site reviews and argued that this exemption militated against charging a fee for a withdrawn application. It is correct that the Commission authorized an exemption from fees for certain early site reviews requested before March 23, 1978, in order to avoid an appearance of retroactively imposing a fee for a type of review where *no* fee had been prescribed by the regulations. This exemption was granted in the March 1978 notice of final rulemaking and is limited to early site reviews requested as special projects. It thus applies only to early site reviews requested under Appendix Q to 10 CFR Part 50, and not to early site reviews conducted as part of a standard construction permit review (see 10 CFR 2.101(a–1)).

In sum, the Commission does not find persuasive the commenters' assertions that the fee regulations adopted on March 23, 1978 provide no basis for the Commission to impose fees recovering the costs of processing applications withdrawn since that time. The proposed interpretative rule, 45 FR 74493, does not add substantively to the provisions already in the Commission's regulations. This being the case, the Commission rejects the commenters' characterization of the proposed rule as "an impermissible retroactive fee assessment" which will impose "severe hardship on large numbers of applicants." The Commission sees no unfairness or "severe hardship" in requiring persons who have requested and received NRC review of license applications to pay the costs of that review in accordance with the IOAA, the intent of Congress, and the intent of the Commission as expressed in the Statement of Consideration for the final rule and the language of the rule itself.[4] Applicants presumably entered into the licensing process prepared to pay the costs of review in the expectation that a license would eventually issue. In claiming "hardship" the commenters have not demonstrated that applicants' decisions to seek licenses or to put off withdrawing applications already before the Commission have in fact hinged on any reasonable belief that review costs would be picked up by the NRC whenever the applicant should choose to declare the quest for a license abandoned. The Commission rejects these general contentions of "hardship" and concludes that there is no unfairness in imposing fees for withdrawn applications in the manner described by the proposed interpretative rule.

Pursuant to Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a), the Atomic Energy Act of 1954, as amended, and Sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that the following amendments to Part 170, Title 10, Chapter I, Code of Federal Regulations, are adopted subject to codification.

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. The authority citation for Part 170 is revised to read as follows:

Authority: Sec. 501, 65 Stat. 290 (31 U.S.C. 483a); Sec. 301, Pub. L. 92–314, 86 Stat. 222 (42 U.S.C. 2201w); Sec. 201(f), Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841).

2. In § 170.12, paragraphs (b), (e), and (f) are revised, and a new paragraph (i) is added, to read as follows:

§ 170.12 Payment of fees.

* * * * *

(b) *License fees.* Fees for review of applications for construction permits, operating licenses, manufacturing licenses, and materials licenses, are payable upon notification by the Commission when the review of the project is completed. For the purposes of this part the review of a project is completed when a permit or license is issued, or an application for a permit or license is denied, withdrawn, suspended, or action on the application is postponed.

* * * * *

(e) *Approval Fees.* Fees for review of applications for spent fuel cask and shipping container approvals, standardized spent fuel facility design approvals, and construction approvals are payable upon notification by the Commission when the review of the project is completed. For the purposes of this part the review of a project is completed when the approval is issued, or the application for an approval is denied, withdrawn, suspended, or action on the application is postponed. Fees for facility reference standardized design approvals will be paid in five (5) installments based on payment of 20 percent of the approval fee (see footnote 3 § 170.21) as each of the first five (5) units of the approved design are referenced in an application(s) filed by a utility or utilities. In the event the standardized design approval application is denied, withdrawn, suspended, or action on the application is postponed, fees will be collected when the review is completed and the five (5) installment payment procedure will not apply.

(f) *Special Project Fees.* Fees for review of special projects are payable upon notification by the Commission when the review of the project is completed. For the purposes of this part the review of the project is completed upon notification by the staff that it has finished its review, upon withdrawal of

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[4] Although the interpretative rule is not "retroactive," as the commenters have characterized it, if it were the Commission would find ample legal authority for imposing such a rule. In *SEC v. Chenery Corp.*, 332 U.S. 194 (1974), cited by the Commenters, for example, the Supreme Court held that retroactive rulemaking was not *per se* forbidden and that "retroactivity must be balanced against the mischief of producing a result which is contrary to statutory design or to legal and equitable principles." The commenters, referring to *Chenery*, see no "mischief" in applying the Commission's interpretative rule prospectively only, but the Commission would regard it a substantial mischief unnecessarily to impose on the public treasury costs of more than six million dollars incurred by the government in performing services at the request of private beneficiaries (see footnote 2 above), albeit the requesters have now changed their minds about wanting those services, especially where Congress has made plain its intention that such costs should be recovered.

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the request, or suspension or postponement of further review.

* * * * *

(i) This section applies to all applications for licenses, permits, approvals or requests for review of special projects on file with the Commission on or after March 23, 1978.

Dated at Washington, D.C. this 1st day of October 1981.

Samuel Chilk,

Secretary of the Commission.

[FR Doc. 81-29201 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221, and 224

[Regs. G, T, U and X]

List of OTC Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The List of OTC Margin Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to margin requirements under certain Federal Reserve regulations. The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletion from the previously published List and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: October 5, 1981.

FOR FURTHER INFORMATION CONTACT: Jamie Lenoci, Financial Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2781.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of stocks traded over-the-counter on file at the Office of the Federal Register as of April 6, 1981. The List, as amended, includes those stocks that the Board of Governors has found meet the criteria specified by the Board and thus have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer to warrant incorporating such stocks within the requirements of Regulations G, T, U, and X. Copies of the current List may be obtained from any Federal Reserve Bank. A copy is also on file at the Office of the Federal Register.[1]

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion on the List specified in 12 CFR 207.5 (d) and (e), 220.8 (h) and (i), and 221.4 (d) and (e). No additional useful information would be gained by public participation. The requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78g and 78w) and in accordance with § 207.2(f)(2) of Regulation G, § 220.2(e)(2) of Regulation T, and § 221.3(d)(2) of Regulation U, there are set forth below additions to and deletions from the Board's List:

Additions to List

- AM Cable TV Industries, Inc.
  - $.10 par common
- Advanced Systems, Inc.
  - $.10 par common
- All American Industries, Inc.
  - $.10 par common
- Alpine Geophysical Corporation
  - $.10 par common
- Altair Corporation (Puerto Rico)
  - $1.00 par common
- Amber Resources Company
  - $.003125 par common
- Amdisco Corporation
  - $1.00 par common
- American City Bank (Los Angeles)
  - $2.50 par capital
- American Management Systems, Inc.
  - $.01 par common
- American Metals Service, Inc.
  - $.01 par common
- American Solar King Corporation
  - No par common
- Amoskeag Company
  - No par common
- Anacomp, Inc.
  - 9½% convertible subordinated debentures
- Andrew Corporation
  - $1.00 par common
- Antares Oil Corporation
  - $.01 par common
- Applicon Inc.
  - $.05 par common
- Aracca Petroleum Corporation
  - $.01 par common
- Avery Coal Co., Inc.
  - $.10 par common
- Bancorp Hawaii, Inc.
  - $1.00 par cumulative convertible preferred
- BancTec, Inc.
  - $.01 par common
- Bio-Medical Sciences, Inc.
  - $.01 par common
- Brock Hotel Corporation
  - $.10 par common
- Burton/Hawks, Inc.
  - $.01 par common
- CGA Computer Associates Inc.
  - $.10 par common
- Calvin Exploration, Inc.
  - $.01 par common
- Checkpoint Systems, Inc.
  - $.10 par common
- Cheezem Development Corporation
  - $.01 par common
- City Federal Savings and Loan Association (New Jersey)
  - $.01 par common
- Clinical Sciences Inc.
  - $.01 par common
- Cognitronics Corporation
  - $.20 par common
- Commerce Southwest Inc.
  - $1.00 par convertible preferred Class A.
  - $8.00 par convertible preferred
- Communications Corporation of America
  - $.01 par common
- Compucorp
  - No par common
- Computer Data Systems, Inc.
  - $.10 par common
- Computer Usage Company
  - $.25 par common
- Consul Corporation
  - $.01 par common
- Continuum Company, Inc., The
  - $.10 par common
- Corcom, Inc.
  - No par common
- Countrywide Credit Industries, Inc.
  - $.05 par common
- Crested Butte Silver Mining, Inc.
  - $.001 par common
- Crowley Foods, Inc.
  - $5.00 par common
- D. A. B. Industries, Inc.
  - $1.00 par common
- Dicomed Corporation
  - $.03 par common
- Dimis, Inc.
  - $.01 par common
- Discovery Oil, Ltd.
  - No par common
- Dominion Mortgage & Realty Trust
  - $.10 par shares of beneficial interest
- Electromagnetic Sciences, Inc.
  - $.10 par common
- Electrospace Systems, Inc.
  - $.10 par common
- Empire Oil & Gas Company
  - No par common
- ENZO Biochem, Inc.
  - $.01 par common
- Excel Energy Corporation
  - $.01 par common
- Fingermatrix, Inc.
  - $.01 par common
- First Coinvestors, Inc.
  - $.05 par common
- First Federal Savings and Loan Association of Raleigh
  - $1.00 par common
- Flagship Banks Inc.
  - No par cumulative convertible preferred

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[1] Copy of current List filed as part of original document.

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- Flight Transportation
  - $.01 par common
- Forum Group, Inc.
  - No par common
- Genentech, Inc.
  - $.02 par common
- General Hydrocarbons, Inc.
  - $.01 par common
- Geodyne Resources, Inc.
  - $.10 par common
- GeoResources, Inc.
  - $.01 par common
- Germania Federal Savings and Loan Association
  - $.01 par common
- Goody Products, Inc.
  - $.10 par common
- Graphic Scanning Corporation
  - 10% convertible subordinated debentures
- Great Southwest Industries Corp.
  - $.10 par common
- Greate Bay Casino Corporation
  - Class A, $.25 par common
- HCC Industries
  - No par common
- HGIC Corporation
  - $1.00 par common
- HLH Petroleum Corporation
  - $.03 par common
- Haverty Furniture Companies, Inc.
  - $1.00 par common
- Health Information Systems Inc.
  - $.01 par common
- HemoTec, Inc.
  - Voting, $.01 par common
- Henderson Petroleum Corporation
  - $.01 par common
- High Stoy Technological Corporation
  - $.02 par common
- Hittman Corporation
  - $.10 par common
- Hurco Manufacturing Company, Inc.
  - No par common, $.10 stated value
- ISC Systems Corporation
  - No par common
- Industrial Electronic Hardware
  - $.50 par capital
- Information Displays, Inc.
  - $.50 par common
- Infrared Industries, Inc.
  - No par common
- Intel Corporation
  - 7% convertible subordinated debentures
- Intertherm Inc.
  - $1.00 par common
- JMB Realth Trust
  - No par shares of beneficial interest
- Jacobson Stores Inc.
  - $1.00 par common
- Jones Intercable, Inc.
  - $.01 par common
- Keuffel & Esser Company
  - $1.00 par common
- Kroger Company, The
  - $.10 par common
- Lynden Transport, Inc.
  - $1.00 par common
- MCI Communications Corporation
  - $1.84 par cumulative convertible preferred
- M. D. C. Corporation
  - $.01 par common
- Magnuson Computer Systems, Inc.
  - No par common
- Matagorda Drilling and Exploration Company
  - $.02 par common
- Maxco, Inc.
  - $1.00 par common
- Merchants Bank of New York, The
  - $3.125 par capital
- Mid-America Petroleum, Inc.
  - $.02 par common
- Midwestern Resources, Inc.
  - $.001 par common
- Miller Technology & Communications Corporation
  - No par common
- Monitor Labs, Inc.
  - $.01 par common
- Monolithic Memories, Inc.
  - $.04 par common
- Multibank Financial Corp.
  - $6.25 par common
- National Computer Systems, Inc.
  - 9¼% convertible subordinated debentures
- Network Systems Corporation
  - $.02 par common
- Networks Electronic Corp.
  - $.50 par common
- Nitron, Inc.
  - No par common
- Nobility Homes Inc.
  - $.10 par common
- North American National Corporation
  - $1.00 par common
- Northwest Natural Gas Company
  - Series $2.375, no par convertible preferred
- Oil Securities, Inc.
  - $.05 par common
- Oklahoma Energies Corporation
  - $.001 par common
- Old Dominion Real Estate Investment Trust
  - No par shares of beneficial interest
- Omnimedical, Inc.
  - No par common
- Optimum Holding Corporation
  - $.20 par common
- Orbit Instrument Corporation
  - $.10 par common
- Pacer Technology & Resources, Inc.
  - $.01 par common
- Paraho Development Corporation
  - $.01 par common
- Physicians Insurance Company of Ohio
  - Class A, $4.00 par common
- Poly-Southfield Corporation
  - $.10 par common
- Quantronix Corporation
  - $.01 par common
- Radiation Technology, Inc.
  - $.01 par common
- Rehab, C. P. Corp.
  - $.05 par common
- Reliability Incorporated
  - No par common
- Robotic Vision Systems, Inc.
  - $.01 par common
- San/Bar Corporation
  - No par common
- Seattle Trust & Savings Bank
  - $14.00 par common
- Service Fracturing Company
  - $1.00 par common
- Silvey Corporation
  - No par common
- Sorg Printing Company, Inc.
  - $1.00 par common
- Spiral Metal Company, Inc.
  - $.01 par common
- Standard Logic, Inc.
  - $.025 par common
- Symbol Technologies, Inc.
  - $.01 par common
- System Industries, Inc.
  - $.01 par common
- Systematics General Corporation
  - $.01⅓ par common
- T G Bancshares Company
  - $5.00 par common
- TSI Inc.
  - $.10 par common
- Team, Inc.
  - $.30 par common
- Techtran Industries Inc.
  - $.01 par common
- Telepictures Corporation
  - $.01 par common
- Tellabs, Inc.
  - No par common
- Texas American Resources, Inc.
  - $.01 par common
- Tierco Group, Inc., The
  - $1.00 par common
- Time Sharing Resources, Inc.
  - $.01 par common
- Tomlinson Oil Company, Inc.
  - 12.25% convertible subordinated debentures
- Trans-Western Exploration, Inc.
  - No par common
- Trion Inc.
  - $.50 par common
- Tylan Corporation
  - No par common
- United American Energy, Inc.
  - No par common
- United States Mutual Real Estate Investment Trust
  - No par shares of beneficial interest
- Universal Energy Corporation
  - $.01 par common
- Universal Fuels Company
  - $.01 par common
- Up-Right, Inc.
  - No par common
- Veta Grande Companies, Inc., The
  - $.01 par common
- Weigh-Tronix, Inc.
  - No par common, $.50 stated value
- Westworld, Inc.
  - $1.00 par common
- Xicor, Inc.
  - No par common

Deletions From List

Stocks Removed for Failing Continued Listing Requirements

- Advanced Patent Technology, Inc.
  - $.10 par common
- Advent Corporation
  - $.10 par common
- Air Florida System, Inc.
  - Series B, $.50 par cumulative preferred
- Cavanagh Communities Corporation
  - $.01 par common
- Haley Corporation
  - $.25 par common
- Kaiser Steel Corporation
  - $1.46 par cumulative preferred
- MIC Cummunications Corporation
  - $1.80 par cumulative convertible preferred
- National Railway Utilization Corporation
  - $.05 par common
- PRF Corporation
  - $.10 par common
- Proprietors' Corporation
  - No par common
- Provident National Corporation
  - $1.00 par convertible preferred

Reliance Universal Inc.
  $1.25 par common
Sunstar Foods, Inc.
  $.50 par common
Super Dollar Stores, Inc.
  $1.00 par common
Tri-American Corporation
  No par common
Visual Sciences, Inc.
  $.01 par common

Stocks Removed for listing on a National Securites Exchange or Being Involved in an Acquisition

Aeroflex Laboratories, Inc.
  $.10 par common
Alabama Bancorporation, Inc.
  $1.00 par common
Allyn and Bacon, Inc.
  $.50 par common
American Financial Corporation
  No par common
Associated Madison Companies, Inc.
  $.40 par common
Bank Building & Equipment Corporation of America
  $1.33⅓ par common
Bond Industries, Inc.
  $1.00 par common
Brookwood Health Services, Inc.
  $1.00 par common
Caesars New Jersey, Inc.
  $.10 par common
  Warrants (expire 10/31/81)
Chicago and North Western Transporation Company
  Class A, $.83⅓ par common
Commonwealth Natural Resources, Inc.
  $5.00 par common
Computer Consoles, Inc.
  $.10 par common
Coradian Corporation
  $.01 par common
Danly Machine Corporation
  $5.00 par common
Ducommun, Inc.
  $2.00 par common
Energy Management Corporation
  No par common, $1.00 stated value
First Atlanta Corporation
  $5.00 par common
Galaxy Oil Company
  $.10 par common
Inter-Regional Financial Group, Inc.
  $.125 par common
Kampgrounds of America, Inc.
  $.12½ par common
Manufacturers Bank (Los Angeles)
  No par common
Mellon National Corporation
  $.50 par common
Monument Energy Service, Inc.
  $.01 par common
Mutz Corporation
  No par common
OLIX Industries, Inc.
  No par common
Pan American Bancshares, Inc.
  $1.00 par common
Par Systems Corporation
  $.10 par common
Peninsula Resources Corporation
  $1.00 par common
Pope, Evans and Robbins Inc.
  $.10 par common
Porta Systems Corp.
  $.01 par common
Republic National Life Insurance Company
  $1.00 par common
Rykoff, S. E. & Company
  $.10 par common
Santa Anita Realty Enterprises, Inc.
  $.10 par common
Sun Banks of Florida, Inc.
  $2.50 par common
Topaz, Inc.
  No par common
Varco International, Inc.
  No par common
Verbatum Corporation
  No par common
Wendy's International, Inc.
  No par common, $.10 stated

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)), October 1, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-29165 Filed 10-2-81; 4:22 pm]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9124]

George Irvin Chevrolet Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY This order, among other things, requires a Denver, Colorado, motor vehicle dealer to cease failing to make all the credit disclosures required by Federal law. Further, respondent is prohibited from using certain credit terms in advertisement promoting credit sales, unless those advertisements also include statutorily required information in the manner prescribed by Regulation Z.

DATES: Compliant issued March 6, 1979. Final order issued September 15, 1981.[1]

FOR FURTHER INFORMATION CONTACT: Sharon J. Devine, Assistant Director, or George S. Meyer, Attorney, 6R, Denver Regional Office, Federal Trade Commission, Suite 2900, 1405 Curtis Street, Denver, Colo. 80202, (303) 837-2271.

SUPPLEMENTARY INFORMATION: In the Matter of George Irvin Chevrolet Co., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.71 Financing; § 13.73 Formal regulatory and statutory requirements, 13.73-92 Truth in Lending Act; 13.155-95 Terms and conditions, 13.155-95(a) Truth in Lending Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533-20 Disclosures, 13.533-37 Formal regulatory and/or statutory requirements.

Subpart—Failing To Comply with Affirmative Statutory Requirements: § 13.1048 Failing to comply with affirmative statutory requirements, 13.1048-05 Federal Trade Commission Act, 13.1048-45 Truth in Lending Act. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1623 Formal regulatory and statutory requirements, 13.1623-95 Truth in Lending Act. Subpart—Misrepresenting Oneself and Goods—Prices: § 13.1823 Terms and conditions, 13.1823-20 Truth in Lending Act. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements, 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions, 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146 147; 15 U.S.C. 45, 1601, *et seq.*)

The Decision and Order, including further order requiring report of compliance therewith, is as follows:

The Commission having heretofore issued its complaint charging the respondent named in the caption hereof with violation of the Truth-in-Lending Act and the implementing regulations promulgated thereunder and of Section 5 of the Federal Trade Commission Act, as amended, and the respondent having been served with a copy of that complaint, together with a notice of contemplated relief; and

The respondent, its attorney, and counsel for the Commission having thereafter executed an agreement containing a consent order, an admission by the respondent of all the jurisdictional facts set forth in the complaint, a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in such complaint, and waivers and other provisions as required by the Commission's Rules; and

The Secretary of the Commission having thereafter withdrawn this matter from adjudication in accordance with § 3.24(c) of its Rules; and

The Commission having considered the matter and having thereupon

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[1] Copies of the Complaint and Final Order filed with the original document.

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accepted the executed consent agreement and placed such agreement on the public record for a period of sixty (60) days, now in further conformity with the procedure prescribed in § 3.24(f) of its Rules, the Commission hereby makes the following jurisdictional findings and enters the following order:

1. Respondent George Irvin Chevrolet Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Colorado, with its office and principal place of business located at 390 South Colorado Boulevard, in the city of Denver, State of Colorado.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondent, and the proceeding is in the public interest.

Order

It is ordered that respondent George Irvin Chevrolet Co., a corporation, its successors and assigns, and respondent's officers, agents, representatives and employees, directly or through any corporation or other device, in connection with any advertisement to aid, promote, or assist, directly or indirectly, any extension of consumer credit, as "advertisement" and "consumer credit" are defined in Regulation Z (12 CFR 226 *et seq.*) of the Truth-in-Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Stating that no downpayment is required, or stating the amount of the downpayment or of any installment payment required (either in dollars or as a percentage), the dollar amount of any finance charge, the number of installments or the period of repayment, or stating that there is no charge for credit, unless all of the following items are also clearly and conspicuously set forth in terminology prescribed by § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The cash price;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, the amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate; and

(e) The deferred payment price.

2. Failing in connection with all television and radio advertisements in which cost of credit disclosures must be made pursuant to § 226.10(d)(2) of Regulation Z, to make such disclosures clearly, conspicuously, and in meaningful sequence, as required by § 226.6(a) of Regulation Z. The following standards shall be met in order for a television advertisement to be deemed a "clear and conspicuous" disclosure within the meaning of this order:

(a) (i) The finance charge expressed as an annual percentage rate shall be presented simultaneously in both the audio and video portions of the television advertisement;

(ii) The remaining disclosures required by § 226.10(d)(2) of Regulation Z shall be presented in the video portion of the television advertisement;

(iii) Any of the remaining disclosures required by § 226.10(d)(2) of Regulation Z may be presented in the audio portion of the television advertisement, but if so presented, shall be presented simultaneously and in identical sequence in both the audio and video portions of the television advertisement;

(b) The video portion of the required credit disclosures shall contain letters large enough to be easily seen and read with reasonable ease on all television sets, regardless of picture tube size, that are commercially available to the consuming public;

(c) The video portion of the required credit disclosures shall contain letters of a color or shade that readily contrasts with the background on both color and black and white television sets. The background shall consist of only one color or shade;

(d) During the video portion of the required credit disclosures, no words or images shall appear on the television screen which are not part of the required disclosures; provided however, that during said disclosures two-thirds of the television screen may contain images which do not obscure or detract attention from the required disclosures;

(e) The video presentation of the required credit disclosures shall be no less than ten seconds' duration;

(f) During the audio portion of the required credit disclosures, no sounds which obscure or detract attention from the required disclosures may be presented;

(g) The audio portion of the required credit disclosures shall be spoken with sufficient deliberateness, clarity, and volume, so as not to obscure or detract attention from the required disclosures made in either the video or audio portion;

(h) The audio and video portions of the required credit disclosures shall immediately follow the specific representation which triggers the affirmative disclosure requirement contained in § 226.10(d)(2) of Regulation Z;

(i) The audio and video portion of the required credit disclosures shall not give such emphasis to any disclosure as to obsure or detract attention from the other credit disclosures.

It is further ordered that respondent, its successors and assigns, shall forthwith distribute a copy of this order to each of its operating divisions and to each person responsible for or connected with preparation of its television advertisements and secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered that respondent notify the Commission at least 30 days prior to any proposed change in respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, or any other circumstances which may affect any compliance obligation arising out of this order.

It is further ordered that respondent George Irvin Chevrolet Co., shall, within sixty (60) days after this order becomes final, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–29153 Filed 10–6–81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[IC–11970; File No. S7–907]

Temporary Rule Providing Exemptions to Certain Registered Separate Accounts and Other Persons

AGENCY: Securities and Exchange Commission.

ACTION: Interim rule with request for comments.

SUMMARY: The Commission today is adopting, on an emergency basis, a temporary rule providing registered separate accounts and certain other persons with exemptive relief from certain provisions of the Investment Company Act of 1940 and the rules thereunder to the extent necessary to permit them to organize new portfolio investment companies and to substitute shares of those companies for shares of existing portfolio investment companies. The Commission is also requesting comments on whether any additional or

different exemptive relief is necessary or appropriate prior to adoption of the proposed rule on a permanent basis.

DATES: Effective October 2, 1981. Comments must be received on or before December 2, 1981.

ADDRESSES: All communications on the matters discussed in this release should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Comments should refer to File No. S7-907 and will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: S. Elliott Cohan, Assistant Director (202-272-2060), or Mark J. Mackey, Special Counsel (202-272-2060), Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On September 25, 1981, the Internal Revenue Service ("IRS") issued Revenue Ruling 81-225 ("Revenue Ruling") which discusses the federal income tax status of earnings and gains derived from shares of one or more investment companies which constitute the funding media for certain variable annuity contracts offered through insurance company separate accounts organized and registered as unit investment trusts under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a-1 *et seq.*]. On September 28, 1981, the Commission issued a general statement of policy of its Division of Investment Management.[1] That statement expresses the views of the Division respecting certain disclosure requirements under the Securities Act of 1933 [15 U.S.C. 77a *et seq.*] and certain matters relating to the Act which should be considered by the sponsors of variable annuity separate accounts affected by the Revenue Ruling and the investment advisers and boards of directors of the underlying funding media.

The Commission believes that, as a result of the Revenue Ruling, many separate accounts might modify their methods of operation. Some separate accounts may substitute shares of a new portfolio investment company which are not available to the general public for shares of an existing portfolio company. Such substitutions would require exemptions from various provisions of the Act and rules thereunder. Because such substitutions might facilitate the continuation of investors' investment plans, the Commission has decided to propose and request comments on proposed rule 6c-6 which would provide these exemptions to separate accounts and certain other persons. At the same time as it is proposing to adopt the rule, the Commission has decided to adopt rule 6c-6 on a temporary basis, to be designated rule 6c-6(T). Separate accounts may also modify their operations in other ways that would require different or additional exemptive relief from the Act. Therefore, the Commission is also requesting comments on whether any different or additional exemptive relief from that contained in the proposed rule is necessary or appropriate.

Rule 6c-6(T)

Temporary Rule 6c-6(T), discussed below, provides registered separate accounts and certain other persons exemptive relief from various provisions of the Act and the rules thereunder to the extent necessary to permit them to organize new portfolio investment companies and to substitute shares of those companies for shares of existing portfolio investment companies. The Commission emphasizes that it is not expressing any views on the federal income tax implications, or the appropriateness, as a business matter, of engaging in the above described transactions, or of any other action which might be taken by registered separate accounts in connection with the Revenue Ruling.

Orders of the Commission are based on specific facts, undertakings, and representations contained in applications for exemptive relief. If the facts contained in an application are materially changed after the granting of the order, the order is no longer valid unless amended. Replacement of an existing portfolio company[2] with a new portfolio company[3] would be a material change in the facts upon which an existing order granted to a registered separate account has been based.[4] Paragraph (b) of rule 6c-6(T) provides that any such existing order of the Commission shall remain in full force and effect notwithstanding that the registered separate account invests in a new portfolio company in addition to or in lieu of an existing portfolio company provided, generally, that no other material changes in the facts, undertakings, or conditions upon which the order was based have occurred. For these purposes, the fact that the insurance company or an affiliated person of the insurance company (rather than the investment adviser to the existing portfolio company) serves as the new portfolio company's investment adviser would not be deemed a material change.

Section 17(d) of the Act [15 U.S.C. 80a-17(d)] and rule 17d-1 [17 CFR 270.17d-1] thereunder, provide, in part, that it shall be unlawful for any affiliated person of or principal underwriter for a registered investment company, or any affiliated person of such a person or principal underwriter, acting as principal to effect any transaction in which such registered company, or a company controlled by such registered company, is a joint or a joint and several participant unless an application regarding such joint enterprise or arrangement has been filed with, and an appropriate order has been granted by, the Commission. The organization of a new portfolio company and the substitution of the shares of that company for an existing portfolio company might require an order of exemption. Paragraph (c) of rule 6c-6(T) provides an exemption from section 17(d) and rule 17d-1 thereunder to the extent necessary to permit the organization of the new portfolio company without obtaining such an order.[5] For purposes of the rule, the organization of the new portfolio company shall encompass the substitution of the shares of that company for the shares of the existing portfolio company.

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[1] Securities Act Release No. 6352 (September 28, 1981).

[2] Subparagraph (a)(3) of the rule defines the term "existing portfolio company," generally, to be a registered open-end management investment company that was engaged in a continuous offering of its shares on September 25, 1981 and whose shares were owned by a registered separate account on that date.

[3] Subparagraph (a)(4) of the rule defines the term "new portfolio company," generally, to be a registered open-end management investment company which is organized to minimize the impact of the Revenue Ruling on contractowners of a registered separate account and which has many of the same characteristics as the existing portfolio company. The new portfolio company must have the same investment objectives, fundamental policies, and voting rights as the existing portfolio company for which it substitutes as a funding medium. Additionally, the new portfolio company must have an advisory fee schedule, including expenses assumed by the adviser, that is at least as advantageous to contractowners of the registered separate account as was the fee schedule of the existing portfolio company.

[4] Typical among such orders are various "start up" exemptions necessary for separate accounts to be organized as unit investment trusts under the Act.

[5] Similarly, an order under section 17 and rule 17d-1 might be required to allow certain persons, including the sponsoring insurance company of the registered separate account, to bear expenses arising our of the organization of the new portfolio company. Paragraph (d) of rule 6c-6(T) exempts such persons from section 17(d) and rule 17d-1 to the extent necessary to allow them to bear such expenses.

The exemptive relief is conditioned upon the boards of directors of both the existing portfolio company and the new portfolio company, including a majority of the directors of each company who are not interested persons of such company, determining that any expenses borne in connection with such organization are necessary and appropriate and are allocated in a manner that is fair and reasonable to all of the shareholders of their respective companies.[6] Moreover, such determinations and the basis upon which they are made must be recorded in the minute books of the respective portfolio companies and must be disclosed in the prospectus of the existing portfolio company.

Sections 2(a)(41) of the 1940 Act [15 U.S.C. 80a–2(a)(41)] and rules 2a–4 [17 CFR 270.2a–4] and 22c–1 [17 CFR 270.22c–1] thereunder specify certain procedures for registered investment companies to follow in pricing their shares for sale, redemption, and repurchase.[7] The amortized cost method of valuation does not comply with the procedures specified in section 2(a)(41) and rules 2a–4 and 22c–1 because it does not value securities at their current market value. The "penny rounding" method, whereby a company calculates its net asset value per share to the nearest one cent on share values of $1.00, also does not comply with rules 2a–4 and 22c–1. However, the Commission has issued orders subject to certain conditions which permit certain investment companies, including some existing portfolio companies, to use either the amortized cost valuation method or the "penny rounding" method of valuation. Paragraph (e) of rule 6c–6(T) provides that a new portfolio company shall be exempt from the Act and rules thereunder to the extent necessary to permit it to use the same method of valuation as the existing portfolio company for which it substitutes. This relief is conditioned, generally, upon the new portfolio company agreeing to all of the representations, undertakings, and conditions made or agreed to by the existing portfolio company in connection with its amortized cost or "penny rounding" order.

Section 26(b) of the 1940 Act [15 U.S.C. 80a–26(b)] requires a depositor or trustee of a registered unit investment trust, including a registered separate account, holding securities of a single issuer to receive Commission approval before substituting securities of another issuer for such securities. Substitution of securities of a new portfolio company for securities of an existing portfolio company, without receipt of prior Commission approval, would violate section 26(b) of the Act. Paragraph (f) of rule 6c–6(T) exempts a registered separate account from section 26(b) of the Act to the extent necessary to permit such a substitution provided that, within thirty days of the substitution, certain conditions are met. First, the registered separate account must notify all contract owners of the substitution of securities[8] and any determinations of the board of directors of the new portfolio company required to be made by paragraph (c) of rule 6c–6(T).[9] Second, the registered separate account must deliver a copy of the prospectus of the new portfolio company to all contract owners. Finally, the registered separate account must offer to those contract owners who would otherwise have surrender rights under their contracts the right, without the imposition of any withdrawal charges or contingent deferred sales loads, to surrender their contracts for a period of at least thirty days from the receipt of this offer, such surrender to be at the price next determined after the request for surrender is received by the insurance company.[10] The Commission believes that it is appropriate to offer contract owners of the registered separate account the right to withdraw the entire value of their contract, including the value attributable to payments made before January 1, 1981, without the imposition of a withdrawal charge or contingent deferred sales load, because some contract owners may believe that the value of the contract is diminished by the changes effected as a result of the Revenue Ruling.

Investment Advisers

The Commission believes that, as a result of the Revenue Ruling, some affiliated persons of insurance companies might become investment advisers to new portfolio companies. Such persons might not currently be registered as investment advisers under the Investment Advisers Act of 1940. In order to permit new portfolio companies to begin operations as soon as possible, the Commission's Office of Applications and Reports Services will expedite the processing of applications for registration as investment advisers ("ADV") of insurance company affiliates which intend to advise new portfolio companies. To ensure expedited treatment an affiliated person of an insurance company should attach a cover sheet to its ADV containing the following statement:

> * * * The company requests expedited treatment of the application for registration as an investment adviser pursuant to Investment Company Act Release No. 11970.
>
> * * *

Procedural Matters

The Commission believes it appropriate in light of the issuance of the Revenue Ruling to adopt rule 6c–6(T) immediately. Accordingly, the Commission, pursuant to section 4(b) of the Administrative Procedure Act [5 U.S.C. 553(b)], for good cause finds that prior notice and comment on rule 6c–6(T) is contrary to the public interest. In addition, the Commission, pursuant to section 4(d) of the Administrative Procedure Act [5 U.S.C. 553(d)], finds good cause to adopt rule 6c–6(T), effective immediately, because the rule is exemptive in nature.

Text of Rule

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 270.6c–6(T) to read as follows:

§ 270.6c–6(T) Temporary exemption for certain registered separate accounts and other persons.

(a) As used in this rule,

(1) "Revenue Ruling" shall mean Revenue Ruling 81–225, issued by the Internal Revenue Service on September 25, 1981.

(2) "Registered separate account" shall mean a separate account

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[6] Expenses of organizing the new portfolio company include, among other things, expenses associated with the redemption of the registered separate account's interests in the existing portfolio company and, if the redemption was in cash, expenses associated with the initial investment of the assets of the new portfolio company.

[7] These procedures, as interpreted in Investment Company Act Release Nos. 5847 (October 21, 1969), 6295 (December 2[illegible], 1970), and 9786 (May 31, 1977), require valuing portfolio securities at current market value and computing the price per share to within one-tenth of one percent.

[8] Although paragraph (f) of the rule allows registered separate accounts thirty days in which to notify contract owners of the substitution of securities, registered separate accounts which are otherwise required to provide notice of substitution in a shorter period of time must, of course, still do so.

[9] Paragraph (c) of rule 6c–6(T) is discussed above.

[10] Elimination of any contingent deferred sales load might be deemed to violate section 22(d) [15 U.S.C. 80a–22(d)] which prohibits the sale of any security of a registered investment company to the public at a price other than the current public offering price described in the prospectus of the company. Paragraph (g) of rule 6c–6(T) exempts a registered separate account from section 22(d) to the extent necessary to permit it to comply with paragraph (f) of the rule.

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registered as a unit investment trust under the Act.

(3) "Existing portfolio company" shall mean a registered open end management investment company, engaged in a continuous offering of its shares on September 25, 1981, all or part of whose shares were owned by a registered separate account on September 25, 1981.

(4) "New portfolio company" shall mean any registered open end management investment company which is designed to minimize the impact of the Revenue Ruling on the contract owners of a registered separate account, which new portfolio company has the same

(i) investment objectives,

(ii) fundamental policies, and

(iii) voting rights

as the existing portfolio company and has an advisory fee schedule, including expenses assumed by the adviser, that is at least as advantageous to the contract owners as was the fee schedule of the existing portfolio company.

(b) Any existing order of the Commission, granted to a registered separate account on or before September 25, 1981, shall remain in full force and effect notwithstanding that the separate account invests in a new portfolio company in lieu of, or in addition to, investing in an existing portfolio company; *provided,* That:

(1) No other material changes in the facts upon which the existing order was based have occurred;

(2) All representations, undertakings, and conditions made or agreed to by the registered separate account, and any other person or persons other than the existing portfolio company, in connection with the issuance of the prior order are, and continue to be, applicable to the registered separate account and any such other person or persons unless modified in accordance with this rule;

(3) All representations, undertakings, and conditions made or agreed to by the existing portfolio company in connection with the issuance of the prior order are made or agreed to by the new portfolio company unless modified in accordance with this rule; and

(4) The depositor of the separate account provides a letter, addressed to the Division of Investment Management, to be placed in the Commission's public files, which

(i) indicates that the separate account is relying upon this paragraph (b) of this rule,

(ii) provides a brief description of the new portfolio company, and

(iii) contains a representation that the provisions of this paragraph (b) have been complied with.

(c) Any affiliated person or depositor of, or principal underwriter for, a registered separate account or an existing portfolio company and any affiliated person of such person, principal underwriter, or depositor shall be exempt from section 17(d) of the Act and rule 17d–1 thereunder to the extent necessary to permit the organization of the new portfolio company; *Provided,* That:

(1) The boards of directors of both the existing portfolio company and the new portfolio company, including a majority of the directors of each company who are not interested persons of such company, determine that any expenses borne in connection with such organization are necessary and appropriate and are allocated in a manner that is fair and reasonable to all shareholders of their respective companies; and

(2) Such determinations, and the basis upon which they were made, are recorded in the minute books of the respective portfolio companies, and are disclosed in the prospectus of the existing portfolio company.

(d) Any affiliated person or depositor of, or principal underwriter for, a registered separate account and any affiliated person of such a person, principal underwriter, or depositor shall be exempt from section 17(d) of the Act and rule 17d–1 thereunder to the extent necessary to permit it to bear any expenses arising out of the organization of the new portfolio company.

(e) The new portfolio company shall be exempt from section 2(a)(41) of the Act and rules 2a–4 and 22c–1 thereunder to the extent necessary to permit it to use the same method of valuation for the purpose of pricing its shares for sale, redemption, and repurchase, as the existing portfolio company; *Provided,* That:

(1) The existing portfolio company had on September 25, 1981, an order of the Commission exempting it, for the purpose of pricing its shares for sale, redemption, and repurchase, from

(i) Section 2(a)(41) of the Act and rules 2a–4 and 22c–1 thereunder to the extent necessary to permit it to use the amortized cost valuation method or

(ii) Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit it to calculate its net asset value per share to the nearest one cent on share values of $1.00; and

(2) All representations, undertakings, and conditions made or agreed to by the existing portfolio company in connection with the prior order are made or agreed to by the new portfolio company unless modified in accordance with this rule.

(f) The registered separate account shall be exempt from section 26(b) of the Act to the extent necessary to permit the substitution of securities of the new portfolio company for securities of the existing portfolio company; *Provided,* That, within thirty days of such substitution:

(1) The registered separate account notifies all contract owners of the substitution of securities and any determinations of the board of directors of the new portfolio company required by paragraph (c) of this section;

(2) The registered separate account delivers a copy of the prospectus of the new portfolio company to all contract owners; and

(3) Concurrently with the notification referred to in paragraph (f)(1) of this rule or the delivery of the prospectus of the new portfolio company, whichever is later, the registered separate account offers to those contract owners who would otherwise have surrender rights under their contracts the right, without the imposition of any withdrawal charges or contingent deferred sales loads, to surrender their contracts for a period of at least thirty days from the receipt of this offer and any surrendering contract owner receives the price next determined after the request for surrender is received by the insurance company.

(g) The registered separate account shall be exempt from section 22(d) of the Act to the extent necessary to allow it to comply with paragraph (f) of this section.

Paperwork Reduction Act

The information collection required by this rule has been cleared by the Office of Management and Budget and given clearance number 3235–0140.

Regulatory Flexibility Act

The Chairman of the Commission has certified that the proposed rule is being promulgated in response to an emergency making compliance with the requirements of the Regulatory Flexibility Act impracticable. A final regulatory flexibility analysis has not been prepared at this time pursuant to 5 U.S.C. 604 because publication of a notice of rulemaking is not required under 5 U.S.C. 553(b)(B) and 5 U.S.C. 553 (d)(1) and (d)(3).

Statutory Basis

Rule 6c–6(T) is adopted pursuant to section 6(c) [15 U.S.C. 80a–6(c)] and section 38(a) [15 U.S.C. 80a–37(a)] of the Act.

George A. Fitzsimmons,
Secretary.
October 2, 1981.

Regulatory Flexibility Act

Waiver of Initial Regulatory Flexibility Analysis

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 608 that waiver of the requirements of 5 U.S.C. 603, insofar as they apply to the proposal of rule 6c–6 under the Investment Company Act of 1940, is necessary because the rule is being promulgated in response to an emergency that makes compliance with the provisions of that section impracticable. Compliance is impracticable because insurance company separate accounts, which have suspended sales in response to an Internal Revenue Service Revenue Ruling, will be delayed in the resumption of sales of tax deferred variable annuities if the rule, which is being temporarily adopted at the same time it is being proposed for comment for permanent adoption, is not promulgated immediately. Delay in adopting the rule will cause economic harm to members of the public investing in such accounts and adopting the rule will minimize disruption of investment plans of such persons.

Dated: October 2, 1981.

John S. R. Shad,
Chairman.

[FR Doc. 81–29217 Filed 10–6–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 40

[Order No. 957–81]

Standards for Inmate Grievance Procedures

Correction

In FR Doc. 81–28587 appearing on page 48181, in the issue of Thursday, October 1, 1981, make the following correction:

On page 48186, middle column, the third complete paragraph, first line reading:

"40 CFR is amended by revising" should have read:

"28 CFR is amended by revising".

BILLING CODE 1505–01–M

DEPARTMENT OF EDUCATION

34 CFR Part 703

Experimental Program for Opportunities in Advanced Study and Research in Education

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education is issuing final regulations for the Experimental Program for Opportunities in Advanced Study and Research in Education, administered by the National Institute of Education. These regulations revise the language and format of existing program regulations published in 45 CFR Part 1430, clarify authorized activities, create more flexibility for applicants, and promote ease of understanding.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Z. Alejandro, Telephone (202) 254–8827.

SUPPLEMENTARY INFORMATION:

Background

In 1979, the National Institute of Education (NIE) established an experimental program for the purpose of increasing opportunities for participation of individuals in advanced study and research on problems in the field of educational research and development, emphasizing such opportunities for minorities and women.

Institutional Project and Special Project grants were awarded in order to enable the Federal government to utilize the existing capabilities of institutions and organizations that had a record of success in recruiting and training members of underrepresented groups in educational research and in advancing the careers of those individuals who have been traditionally underrepresented. These persons still lag considerably behind nonminorities and males who have advanced to the higher levels of educational research and other disciplines. It is believed that, through further experimentation, models can be developed and strategies formulated to help create and maintain training and employment environments in which participation by members of underrepresented groups is the norm rather than the result of special efforts.

Changes in the Regulations

These final regulations remain substantially the same as those published in the notice of proposed rulemaking (NPRM) on December 30, 1980 (45 FR 86336), except for the following changes that were made after internal reviews:

- In § 703.4, *Effective date of these regulations*, the termination date of December 31, 1981 is deleted to allow additional projects to be funded until such time as NIE could determine that an adequate number of exemplary models are available and acceptable for replication.
- In § 703.5(b), *Definitions that apply to this program*, the terms "participant" and "underrepresented groups" are added for clarification.
- In § 703.11, *Types of projects and general requirements*, the heading is changed to read *"Authorized activities."* The activities and general requirements are redesignated under "authorized" and "required" activities (§§ 703.11 and 703.12, respectively).
- In § 703.12, *Additional requirements for Institutional Projects*, the heading is changed to read *"Required activities."*
- In § 703.13, *Additional requirements for Special Projects*, is incorporated into § 703.12.
- In §§ 703.12 and 703.13, the information about project duration is deleted and restated in new § 703.14.

Public Comments

No comments were received during the public comment period which ended on January 29, 1981.

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

Citation of Legal Authority

A citation of statutory or other legal authority appears in parentheses following the text of each section.

(Catalog of Federal Domestic Assistance number 84.117, Education Research and Development)

Dated: September 30, 1981.

T. H. Bell,
Secretary of Education.

The Secretary revises Part 703 in Title 34 of the Code of Federal Regulations to read as follows:

V 46 / 194 OC 7 81 UMI

PART 703—EXPERIMENTAL PROGRAM FOR OPPORTUNITIES IN ADVANCED STUDY AND RESEARCH IN EDUCATION

Subpart A—General

Sec.
703.1 The Experimental Program for Opportunities in Advanced Study and Research in Education.
703.2 Eligible parties.
703.3 Regulations that apply to this program.
703.4 Definitions that apply to this program.

Subpart B—Types of Projects the Secretary Assists Under This Program

703.10 Types of projects.
703.11 Authorized activities.
703.12 Required activities.
703.13 Projects and activities that are ineligible for support.
703.14 Project duration.

Subpart C—How One Applies for a Grant

703.20 Application procedures.

Subpart D—How the Secretary Makes a Grant

703.30 How the Secretary evaluates an application.
703.31 The selection criteria used by the Secretary.

Subpart E—Conditions that Must Be Met by a Grantee

703.40 Restrictions on the use of grant funds.
703.41 Allowable costs.
703.42 Restrictions on for-profit grantees.

Authority: Section 405 of the General Education Provisions Act, as amended by Section 301(a)(2) of the Education Amendments of 1972 (Pub. L. 92–318), 86 Stat. 328, 332 (20 U.S.C. 1221e).

Subpart A—General

§ 703.1 The experimental program for opportunities in advanced study and research in education.

This program supports experimental projects that explore ways of increasing opportunities for members of underrepresented groups to attain and participate in senior positions in the field of educational research. These projects demonstrate effective ways that—

(a) Enhance equality of opportunity within the educational research workforce.

(b) Increase the relevance and credibility of educational research through greater inclusion of contributions and perspectives of members of underrepresented groups.

(c) Improve the overall quality of educational research by drawing upon those talented members of underrepresented groups who currently are engaged in research other than educational research or are nonresearch professionals who are capable of making a significant contribution to educational research.

(20 U.S.C. 1221e(b)(2), (c) and (e)(1))

§ 703.2 Eligible parties.

A college, university, State or local educational agency, other public or private nonprofit or for-profit agency or organization is eligible to receive a grant.

(20 U.S.C. 1221e(e)(1))

§ 703.3 Regulations that apply to this program.

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(b) The regulations in this Part 703.

(20 U.S.C. 3474)

§ 703.4 Definitions that apply to this program.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Applicant
Application
Award
EDGAR
Local educational agency
Nonprofit
Public
Project
Secretary
State educational agency

(b) *Specific program definitions.* Other definitions used in this part are:

"Educational research" means research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, or demonstrations in the field of education (including career education).

"Experienced professional" means a person with a year or more of graduate-level training in educational research and at least one additional year of related professional experience in educational research.

"Participant" means an individual enrolled in a project assisted with Federal funds under this part.

"Underrepresented groups" means groups whose members have been traditionally underrepresented in educational research, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly

(20 U.S.C. 1221e(e)(1) and 3474)

Subpart B—Types of Projects the Secretary Assists Under This Program

§ 703.10 Types of projects.

The Secretary awards grants for two types of projects under this program—Institutional Projects and Special Projects. One purpose of both types is to advance the careers of members of underrepresented groups in the field of educational research.

(a) Institutional Projects provide opportunities to engage in advanced study and educational research.

(b) Special Projects provide short term study opportunities. The short courses are expected to—

(1) Stimulate the interests of noneducational researchers; and

(2) Attract to the educational research field those nonresearchers who have appropriate academic backgrounds and experience.

(c) Another purpose of both types of projects is to develop exemplary models illustrating ways of accomplishing the objectives of the program established in § 703.1.

(20 U.S.C. 3474)

§ 703.11 Authorized activities.

The Secretary funds projects that include one or more of the following activities:

(a) Develop and demonstrate effective ways to overcome barriers to the employment and advancement in educational research of members of underrepresented groups.

(b) Provide opportunities to conduct research studies for members of underrepresented groups who are either—

(1) Preparing for employment in educational research; or

(2) Seeking ways to further utilize their noneducational research capabilities; or

(3) Advancing in the field of educational research.

(c) Furnish information to participants about advanced study opportunities provided by others.

(d) Arrange for experts to advise the project and its participants on the application to this project of concepts and methods from relevant fields and disciplines.

(e) Engage persons to serve as mentors. One function of these persons is to advise participants about means for gaining access to communication networks of concern to the educational research and development community.

(20 U.S.C. 3474)

§ 703.11 Required activities.

(a) *General.* The Secretary funds only those projects that ensure that members of underrepresented groups and the organizations that represent them are involved in the planning for and in the conduct of the projects.

(b) *Institutional Projects.* The Secretary funds only Institutional Projects that—

(1)(i) Provide study opportunities at the post-doctoral level, except as provided in (b)(1)(ii) of this section;

(ii) Full-time, doctoral-level graduate work may be supported only if there is a showing that it is necessary to meet the objectives of the program established in § 703.1;

(2) Provide opportunities to post-doctoral students or experienced professionals to conceive and conduct educational research. That research may or may not reflect concerns and perspectives of underrepresented groups; and

(3) Develop and implement policies and procedures to increase the involvement, the professional growth, and the opportunities for advancement, of members of underrepresented groups, within one or more units of the grantee organization.

(c) *Special Projects.* The Secretary funds only Special Projects that—

(1) Provide seminars, workshops, short courses, or brief residential courses; and

(2) Emphasize at least one of the following:

(i) Research approaches and topics associated with the needs of members of underrepresented groups;

(ii) Development of skills needed in educational research, including statistical training and training in the conduct of syntheses and transformation of knowledge;

(iii) Enhancement of the potential of participants to publish and disseminate the results of their significant educational research by providing information and training about research techniques, report writing, and publishing processes; or

(iv) Any other skills directed to expanding and improving the ability of members of underrepresented groups to conduct research concerning equal educational opportunities.

(20 U.S.C. 3474)

§ 703.13 Projects and activities that are ineligible for support.

The Secretary does not fund projects that include—

(a) Pre-college or undergraduate programs of any type.

(b) Course work or other education or training that is not adapted specifically to the requirements of this program.

(20 U.S.C. 3474)

§ 703.14 Project duration.

(a) The initial period of a project is 12 months. If an application is for a multi-year project, continuation awards may be made for one or two additional 12 month periods.

(b) A Special Project may be continued beyond the initial 12 month period only if it provides a sequence of short term activities that are recurring (same activities for different participants) or intermittent (different activities for the same or different participants).

(20 U.S.C. 3474)

Subpart C—How One Applies for a Grant

§ 703.20 Application procedures.

One applies for a grant under the procedures of EDGAR § 75.100 through § 75.129.

(20 U.S.C. 3474)

Subpart D—How the Secretary Makes a Grant

§ 703.30 How the Secretary evaluates an application.

(a) The Secretary evaluates an application on the basis of the selection criteria in § 703.31.

(b) The Secretary awards up to 100 total points depending upon the degree to which each of these criteria is satisfied.

(c) The maximum possible score for each criterion is indicated in parenthesis following the identification of each selection criterion.

(d) The Secretary decides whether or not to fund a meritorious application based on its rank order under the selection criteria of § 703.31, and on whether the funding of the project will contribute to the widest possible distribution of projects throughout the United States.

(20 U.S.C. 3474)

§ 703.31 The selection criteria used by the Secretary.

(a) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each key person will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) In determining the qualifications of key personnel, the Secretary considers evidence of past experience and training in fields related to the objectives of the program as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Cost are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross reference.—See EDGAR § 75.590 Evaluation by the grantee.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows that the facilities, equipment, and supplies planned to be used are adequate.

(f) *Significance of the project in meeting the purpose of the program.* (25 points)

(1) The Secretary looks for information that shows the significance of the project in terms of the potential for developing methods for removing barriers to the participation of members of underrepresented groups in educational research and in initiating and advancing their careers in educational research.

(g) *Commitment of the applicant to the purpose of the program.* (20 points)

(1) The Secretary reviews each application for information that shows the extent to which the applicant is committed to meeting the purpose of the program.

(2) The Secretary looks for information that shows the commitment of the applicant to—

(i) The adoption of successful methods which are developed under the project; or

(ii) The continuation after termination of Federal funding of exemplary practices intitiated under the project.

(20 U.S.C. 3474)

Subpart E—Conditions That Must Be Met by a Grantee

§ 703.40 Restrictions on the use of grant funds.

A grantee may not use funds for construction, repair, remodeling, or alternation of facilities or sites.

(20 U.S.C. 3474)

§ 703.41 Allowable costs.

A grantee may provide financial assistance to participants of Special Projects in an amount up to $30 for each full day of participation, but the assistance may not exceed $150 a week.

(20 U.S.C. 3474)

§ 703.42 Restrictions on for-profit grantees.

A for-profit grantee must forego profits and share costs to the same extent that is required of a nonprofit grantee.

(20 U.S.C. 3474)

[FR Doc. 81-29156 Filed 10-6-81; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1933-4]

Approval of Maryland State Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to approve several amendments to the Regulations Governing the Control of Air Pollution in the State of Maryland, as a part of the Maryland State Implementation Plan (SIP). These changes include the modification of the definition of "Person," the deletion of two terms, and the revoking of a section of the regulations no longer relevant to the SIP. EPA is also correcting typographical errors appearing in a previous **Federal Register** notice, and approving two sections that were proposed but never finalized.

EFFECTIVE DATE: November 6, 1981.

ADDRESS: Copies of the amendments and accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Media and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106; Attn: Patricia Sheridan

Maryland Environmental Health Administration, Air Quality Programs, 201 W. Preston Street, Baltimore, MD 21201; Attn: George Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Edward A. Vollberg (3AH12), U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, telephone number (215) 597-8990.

SUPPLEMENTARY INFORMATION:

Background

On May 1, 1981 (46 FR 24601), EPA proposed approval of several amendments to the State regulations of the Maryland State Implementation Plan (SIP) which modified the definition of "Person," and deleted two terms and a section of the regulations. EPA is also correcting typographical errors as presented in a previous **Federal Register** notice, and approving two sections that were proposed but never finalized.

A. Regulation Changes.—(1) On May 22, 1980, Maryland submitted to EPA, Region III, a recodification of COMAR 10.18.01–10.18.07. Within this revision the definition of "Person," 10.18.01.01.0, was expanded to include Federal and local governments responsible for the use of property. (The recodification is being acted upon in a separate **Federal Register** notice). The definition change is now consistent with Section 302(e) of the Clean Air Act.

(2) As stated in the notice of proposed rulemaking (May 1, 1981, 46 FR 24601), the State of Maryland deleted the definitions of "Board" and "Commissioner" from its regulations. These terms are not used in the regulations. EPA is now approving the deletions.

(3) EPA is withdrawing from further consideration two sections of Maryland's regulations relating to sulfur content of process gases. They were replaced by current regulations COMAR 10.03.38.04 B (5) (a)–(d) and 10.03.39.04 B (5) (a)–(d). The withdrawn regulations 10.03.38.04 B (4) and (10.03.39.04 B (4)) were submitted by Maryland on April 24, 1974 and proposed for approval in the **Federal Register** on March 27, 1975 (40 FR 13521), but were never finalized.

(4) EPA is also approving COMAR 10.03.35.06 A (1) and (3). These sections were originally submitted by the State of Maryland to EPA on April 24, 1974, adopting specific stack test methods and incorporating minor modifications to some equipment specifications. The regulations were proposed for approval in the **Federal Register** on March 27, 1975 (40 FR 14521), but were never finalized.

B. Clarification of Previous **Federal Register** Notices.—EPA published in the **Federal Register** on December 21, 1978 (43 FR 59492) a final rule approving Maryland State regulations Sections 10.03.38.06 C(1)(d) and 10.03.39.06 C(1)(d), Prohibition of Certain Incinerators.

Due to typographical errors all references to these sections are incorrect and should be changed to read

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10.03.38.06 C(2)(d) and 10.03.39.06 C(2)(d), respectively.

Public Comments

No public comments were received during the 30-day comment period.

EPA Actions

By the notice, the Administrator hereby approves the above stated changes to the Regulations Governing the Control of Air Pollution in the State of Maryland as a revision to the Maryland State Implementation Plan.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that the SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401-642)

Dated: September 29, 1981.

Anne M. Gorsuch,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart V—Maryland

In § 52.1070 *Identification of Plan* (c)(51) and (52) are added to read:

§ 52.1070 Identification of plans.

* * * * *

(c) * * *

(51) A revision submitted by the State of Maryland on May 22, 1980, consisting of changes in definitions in sections 10.18.01.01 and revoking of obsolete regulations, COMAR 10.03.38.04 B(4) and 10.03.39.04 B(4).

(52) A revision submitted by the State of Maryland on April 24, 1974, consisting of changes in COMAR 10.03.35.06 A(1) and 10.03.35.06 A(3).

[FR Doc. 81-29144 Filed 10-6-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 81

[PR Docket No. 80-711; RM-3637; FCC 81-415]

Stations on Land in the Maritime Services; Amendment of the Commission's Rules Regarding Public Coast Station Replies to General Calls on Channel 16

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting rules in the Maritime Service to permit coast stations to reply to ship station calls which have not requested a particular coast station. This rulemaking was initiated in response to a petition submitted by Gulf Coast Communications, Inc. These rules will allow the coast stations to better serve the maritime public.

EFFECTIVE DATE: November 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Linda R. Figueroa, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 81.312 of the Commission's rules regarding public coast station replies to General Calls on Channel 16, PR Docket No. 80-711, RM-3637.

Report and Order—Proceeding Terminated

Adopted: September 22, 1981.

Released: September 30, 1981.

Summary

1. In this Report and Order, we are deleting § 81.312(a)(6) of the Commission's Rules which prohibits a public coast station operating on a shared frequency with other coast stations from answering a call not addressed to that particular coast station.

Background

2. This rule making proceeding was initiated in response to a petition submitted by Gulf Coast Communications, Inc., asking for the deletion of § 81.312(a)(6) of the Commission's Rules and Regulations. Section 81.312(a)(6) prohibits a public coast station operating on a shared frequency with another public coast station from answering a ship station until the ship station has transmitted the call sign or name of the particular coast station with which it wants to communicate, emergency calls excepted. A *Notice of Proposed Rule Making,* FCC 80-635, proposing to delete § 81.312(a)(6) was adopted on November 6, 1980, and published in the **Federal Register** on January 16, 1981 (46 FR 3939).

Comments

3. Comments were received from Gulf Coast Communications Inc. (Gulf Coast), General Telephone Company (GTE) and Robert L. Mohr d.b.a. Radio Call Corporation. All of these comments were favorable. The reasons given for deleting § 81.312(a)(6) were as follows:

(a) The crews of most foreign vessels do not have a good command of the English language, thereby making it difficult for them to transmit the call sign or name of the particular coast station with which they want to communicate.

(b) Section 81.312(a)(6) is a restrictive rule which results in many unanswered calls since public service is restricted only to those who use the "magic words".

(c) When a vessel does not receive an answer, the call is often repeated. This causes a cluttering of Channel 16, which may prevent a distress signal from getting through.

(d) In view of subsection (a)(7), which prohibits a public coast station from attempting to communicate with a ship station that has specifically called another coast station, subsection (a)(6) adds no further protection to public coast stations from other stations "jumping in" on its calls.

(e) Ship stations are unaware of this requirement in Part 81 since they are only required to be familiar with Part 83.

(f) The effect of an apparently unresponsive public coast station on foreigners, who cannot be expected to understand the intricacies of the subsection, may be to place an unnecessary block in relations between the United States and its international trading partners.

(g) The deletion of the subsection will promote a climate of healthy competition among public coast stations to render expeditious service to unaddressed calls on Channel 16. Protection against overaggressive competition will still be provided by subsection (a)(7). Furthermore, if a station earns a reputation for consistently giving the best service to unaddressed calls, satisfied callers will soon ask for it by name, thereby solving the problem of unaddressed calls on Channel 16.

Conclusion

4. We concur with the commenters that the subject rule is unnecessary and the proposed amendment will allow the coast stations to better serve the maritime public.

5. Regarding questions on matters covered in this document contact, Linda R. Figueroa (202) 632-7175.

6. Accordingly, it is ordered, That under the authority contained, in Sections 4(i) and 303(r) of the Communication's Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), the Commission's Rules are amended as set forth in the attached Appendix effective November 9, 1981.

7. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is revised as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

Section 81.312 is revised by removing paragraph (a)(6) and designating it [Reserved].

§ 81.312 [Amended]

(a) * * *

(6) [Reserved]

* * * * *

[FR Doc. 81-29166 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Atlantic Groundfish (Cod, Haddock, and Yellowtail Flounder); Adjustment in Catch Limitations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; adjustment in catch limitations.

SUMMARY: NOAA adjusts catch limitations for Atlantic groundfish. These adjustments are prescribed by regulation and are determined on a quarterly basis by the Regional Director. NOAA informs the public of cod, haddock, and yellowtail flounder catch limitations effective at the beginning of the 1981–1982 fishing year. This action will promote a balance of catch among vessel classes.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930-3097; telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Atlantic Groundfish (FMP) and implementing regulations establish catch limitations by vessel class, regulated species, and management area. The purpose of the catch limitations is to spread fishing effort throughout the year and achieve optimum yield.

The catch limitations for cod were revised downward during the previous fishing year (46 FR 21365, April 5, 1981), due to the high rate of cod landings. The Regional Director has decided to return to the original catch limitations for cod for the beginning of the fishing year on October 1, 1981, after considering all the factors required by 50 CFR 651.23(f)(2). Catch limits for haddock remain at the same level as during the 1980–81 fishing year. The catch limit for yellowtail flounder west of 69° West longitude for all vessel classes was increased to 5,000 pounds on June 5, 1981 (46 FR 30348). This limit remains the same.

The adjusted catch limitations are set forth in Appendix B.

Dated: October 1, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 651—ATLANTIC GROUNDFISH (COD, HADDOCK, AND YELLOWTAIL FLOUNDER)

For reasons set forth in the preamble, 50 CFR Part 651 is amended as follows:

1. The authority citation for Part 651 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In Part 651, Appendix B is revised to read as follows:

APPENDIX B.—Catch limitations

Vessel class	Gulf of Maine	Georges Bank and South
Cod (pounds per week)[1]		
Mobile gear:		
0 to 60 GRT	2,500	7,000
61 to 125 GRT	5,000	14,000
Over 125 GRT	7,000	25,000
Fixed gear	5,000	16,000
Haddock (pounds per week)[1]		
Mobile gear:		
0 to 60 GRT	5,000	7,000
61 to 125 GRT	7,000	14,000
Over 125 GRT	10,000	20,000
Fixed gear	16,000	16,000

Vessel class	West of 69° W.	East of 69° W.
Yellowtail Flounder[2]		
0 to 60 GRT	5,000	5,000
61 to 125 GRT	5,000	5,000
Over 125 GRT	5,000	5,000

[1] No overruns are allowed.

[2] Pounds per week or trip, whichever is the longer time period. No overruns are allowed.

[FR Doc. 81-29045 Filed 10-2-81; 8:46 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 194
Wednesday, October 7, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 812-3238]

Worthington Ford of Alaska, Inc., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, four motor vehicle dealerships, located in various parts of the country, and their corporate officer to make the text of written warranties readily available to prospective buyers, prior to sale; maintain up-to-date binders containing copies of written warranties in an easily accessible location; and conspicuously post signs advising consumers that all warranties are not the same and that written warranties are available for comparison upon request. The firms would be barred from improperly disclaiming, modifying or limiting the duration of implied warranties; and required to notify previous purchasers of motor vehicles whose implied warranty rights were improperly waived that they may have additional warranty protection. Each dealership would be required to appoint an individual who would be responsible for customer contacts resulting from the notice. Additionally, the order would require the dealerships to maintain specified records for a period of three years; instruct their employees as to the requirements of the Magnuson-Moss Warranty Act; and institute a program of continuing surveillance to ensure compliance with the terms of the order.

DATE: Comments must be received on or before December 7, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Randall H. Brook, Acting Director, 10R, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174. (202) 442-4655.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

[File No. 812-3238]

In the matter of Worthington Ford of Alaska, Inc., Worthington Chrysler-Plymouth, Inc., Worthington Ford, Inc., Cal Worthington Dodge, Inc., corporations, and Calvin Worthington, individually and as an officer of said corporations; Agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Worthington Ford of Alaska, Inc., Worthington Chrysler-Plymouth, Inc., Worthington Ford, Inc., Cal Worthington Dodge, Inc., corporations, and Calvin Worthington, individually and as an officer of said corporations, and it now appearing that said corporations, and Calvin Worthington, individually and as an officer of said corporations, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Worthington Ford of Alaska, Inc., Worthington Chrysler-Plymouth, Inc., Worthington Ford, Inc., Cal Worthington Dodge, Inc., by their duly authorized officer, Calvin Worthington, individually and as an officer of said corporations, and counsel for the Federal Trade Commission that:

1. Proposed respondent Worthington Ford of Alaska, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Alaska with its principal office and place of business located at 1950 Gambell Street, Anchorage, Alaska.

Proposed respondent Worthington Chrysler-Plymouth, Inc. is a corporation organized and existing under and by virtue of the laws of the State of California with its principal office located at 2850 Bellflower Boulevard, Long Beach, California.

Proposed respondent Worthington Ford, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of California with its principal office and place of business located at 2850 Bellflower Boulevard, Long Beach, California.

Proposed respondent Cal Worthington Dodge, Inc. is a corporation organized and existing under and by virtue of the laws of the State of Arizona with its principal office located at 2850 Bellflower Boulevard, Long Beach, California.

Proposed respondent Calvin Worthington is an officer of said corporations. He generally formulates, directs and controls the policies, acts and practices of said corporations, and his address is Route 3, Box 3924, Orland, California.

2. Proposed respondents admit all the jurisdictional facts set forth in paragraphs 2, 3, 4 and 5 of the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in

respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules (16 CFR 2.34), the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to each of proposed respondents' addresses as stated in this agreement shall constitute service. Proposed respondents waive any rights they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I. Definitions.

A. "Warranty Act" means the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 2301 *et seq.*).

B. "Service contract" means such contract as is defined in Section 101 (15 U.S.C. 2301) of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 2301 *et seq.*).

C. The definition of terms contained in Section 101 of the Warranty Act and in Rule 702 promulgated thereunder (16 CFR 702.1) as presently defined and as may be amended hereafter, shall apply to the terms of this order.

D. "Trucks" means all trucks except those larger than one ton capacity.

E. "Truck parts" means all truck parts which are at any time used on trucks as defined in I.D.

II

It is ordered that respondents Worthington Ford of Alaska, Inc., Worthington Chrysler-Plymouth, Inc., Worthington Ford, Inc., Cal Worthington Dodge, Inc., corporations, their successors and assigns, and their officers, and Calvin Worthington, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale and sale of automobiles, trucks and truck parts, and other consumer products:

A. Shall make available for the prospective buyer's review, prior to sale, the text of each written warranty on new cars, new trucks, and other new consumer products costing the consumer more than $15, by use of one or more of the following means:

(1) Clearly and conspicuously displaying the text of the written warranty in close conjunction to each warranted product; and/or

(2) Maintaining a binder or series of binders which contain(s) copies of the warranties for the products sold in each showroom in which any consumer product with a written warranty is offered for sale. Such binder(s) shall be maintained in each such showroom, or in a location which provides the prospective buyer with ready access to such binder(s), and shall be prominently entitled "Warranties" or other similar title which clearly identifies the binder(s). Such binder(s) shall be indexed according to product or warrantor and shall be maintained up to date when new warranted products or models or new warranties for existing products are introduced by substituting superseding warranties and by adding new warranties as appropriate.

The respondent shall either:

i. Display such binder(s) in a manner reasonably calculated to elicit the propective buyer's attention; or

ii. Make the binder(s) available to prospective buyers on request, and place signs reasonably calculated to elicit the propective buyer's attention in prominent locations in the display area advising such prospective buyers of the availability of the binder(s), including instructions for obtaining access; and/or

(3) Displaying the package of any consumer product on which the text of the written warranty is disclosed, in a manner such that the warranty is clearly visible to prospective buyers at the point of sale; and/or

(4) Placing in close proximity to the warranted consumer product a notice which discloses the text of the written warranty, in a manner which clearly identifies to prospective buyers the product to which the notice applies,

Unless 16 CFR 702.3(a)(1) is amended, in which case respondents shall comply with said regulation as amended.

B. Shall clearly and conspicuously display the text of each written warranty provided by respondents, or any of them, for used cars or trucks in a window of each warranted vehicle; *provided*, that in the event the Federal Trade Commission issues a final Trade Regulation Rule establishing requirements which make compliance with this paragraph legally impossible, or which requires disclosure of warranty terms on window forms, then this paragraph will be null and void.

This Section II shall not apply to media advertising.

III

It is further ordered that:

A. Respondents post, in a prominent location in each showroom, a sign, at least 36 inches wide by 48 inches high and reasonably calculated to elicit prospective buyers' attention, which contains a verbatim reproduction of the following language:

Important!

NOT ALL WARRANTIES ARE THE SAME

Compare warranties before you buy

There is warranty information in this showroom

If you can't find it, ask for it

Check for these things:

What costs are covered?
What do *you* have to do?
Are all parts covered?
How long does the warranty last?

B. Any respondent who offers warranties on used automobiles or trucks, shall post, in each used vehicle

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sales lot, in a prominent location, in a position reasonably calculated to elicit a prospective used vehicle buyer's attention, a sign, at least 36 inches wide by 48 inches high which contains a verbatim reproduction of the following language:

Important!

NOT ALL WARRANTIES ARE THE SAME

Compare warranties before you buy

Warranties (when given) are on the windows of used cars

If you don't see it, ask about it

Check for these things:

What costs are covered?
What do *you* have to do?
Are all parts covered?
How long does the warranty last?

C. The sign required by paragraphs III.A and III.B shall be posted for a period of not less than three years after service upon respondents of this order. The language in such sign shall be unencumbered by other written or visual matter, shall be spaced, indented and punctuated as indicated in paragraphs III.A and III.B above, and shall be printed in black against a solid white background, as follows:

1. The title of each sign shall be the word "Important" and shall be printed in capital letters in 4-inch boldface type followed by an exclamation mark.

2. The next phrase shall be printed on a separate line in capital letters and in 3-inch medium face type.

3. The next three phrases shall be printed on separate lines and in 3-inch medium face type.

4. Each succeeding phrase shall be printed on a separate line and in 2-inch medium face type.

5. The word "Important!" and each phrase shall be at least one inch from every other phrase.

IV

It is further ordered that respondents, in connection with the sale of automobiles, trucks and truck parts, and other consumer products in instances where respondents either make a written warranty to the consumer with respect to such consumer product, or, at the time of sale or within 90 days thereafter, enter into a service contract with the consumer which applies to such consumer product, shall:

A. Not disclaim or modify except as permitted by Section 108(b) of the Warranty Act, any implied warranty with respect to a consumer product;

B. Not limit the duration of any implied warranty with respect to a consumer product unless:

1. The written warranty is clearly and conspicuously designated a "Limited Warranty"; and

2. The limitation is for a period of time at least as long as the duration of any written warranty provided by respondents with respect to the product; and

3. The duration of the written warranty is for a reasonable duration; and

4. The limitation is conscionable, is set forth in clear and unmistakable language, and is prominently displayed on the face of the warranty.

V

It is further ordered that respondents shall:

A. Notify each consumer who purchased from respondents an automobile or truck manufactured after July 4, 1975, and who entered into a service contract with respondents at the time of sale, or within 90 days thereafter, or who received a warranty made by respondents and who executed either:

1. an offer to purchase which included language purporting to waive all implied warranties, or

2. a retail installment contract or security agreement which included language purporting to waive all implied warranties,

by mailing to each such consumer at the consumer's last residential address contained in the sales file folder, the notice set forth in the Appendix attached to this order. The Appendix may be sent by Worthington Ford, Inc. on behalf of Worthington Chrysler-Plymouth, Inc. and Cal Worthington Dodge, Inc. The address and telephone number of Worthington Ford of Alaska, Inc. shall be inserted in the appropriate blanks of the notices which are to be sent to customers of that dealership and the address and telephone number of Worthington Ford, Inc. shall be inserted in the appropriate blanks of the notices to be sent to all other customers of respondents. If the notice is returned undelivered, the return envelope is to be retained and the notice shall be sent to the customer's last employment address known to respondents or to the address of a co-signer, relative or other person through whom the customer may be reached.

B. Designate a responsible individual or individuals on behalf of each dealership and insert the name or names of the individual(s) for each dealership in the blank in the notice set forth in the Appendix, and provide written instructions to all dealership personnel who are normally in contact with the public and who have been regularly employed for seven (7) or more consecutive days, including, but not limited to, salesmen, service writers, office staff and service managers, directing them to refer all inquiries in response to the said notice to the designated individual(s). These written instructions shall also direct that said personnel shall not take any actions inconsistent with said notice to consumers.

C. Respond in writing to each oral or written communication received from consumers who were sent the notice contained in the Appendix to this order.

D. Not raise the defenses of disclaimer of implied warranty, or limitation or modification of implied warranty (except as permitted by Section 108(b) of the Warranty Act), in any correspondence, in any writing, or in any case or suit brought by consumers against respondents in connection with automobiles, trucks or truck parts, or other consumer products purchased from respondents if:

1. Said products were manufactured after July 4, 1975; and either,

2. The consumer entered into a service contract with any of the respondents covering said product at the time of the sale or within 90 days thereafter; or

3. Respondents made a written warranty to the consumer with respect to such consumer product.

E. Not raise the defense of lapse of statute of limitations with respect to any claim for the repair or replacement of an automobile, truck or truck part or other consumer product purchased from respondents, based on breach of an implied warranty, in any correspondence, in any writing, or in any case or suit brought by consumers against respondents in connection with automobiles, trucks, or truck parts, if such claim is asserted by a consumer within six months from the date on which the notice set forth in the Appendix attached to this order is mailed, and if:

1. Said product was manufactured after July 4, 1975; and either,

2. The consumer entered into a service contract with any of the respondents covering said product at the time of the sale or within 90 days thereafter; or

3. Respondents made a written warranty to the consumer with respect to such consumer product.

VI

It is further ordered that:

A. Respondents deliver a copy of this order to cease and desist to all of their present and future managerial employees and salespersons regularly employed for seven (7) or more consecutive days, and secure a signed statement acknowledging receipt of the order from each such person.

B. Respondents instruct all present and future employees, salespersons, agents, and other representatives of respondents, regularly employed for seven (7) or more consecutive days and engaged in the sale of automobiles or other consumer products on behalf of respondents, as to respondents' specific obligations and duties under the Warranty Act, all present and future implementing Rules promulgated under the Act and this order including but not limited to oral instruction accompanied by delivery to each of the above persons the most current Commission consumer education pamphlet on warranties on the following:

1. The availability and location of warranty information;

2. The nature of and differences among full warranties, limited warranties, and service contracts.

C. Respondents institute a program of continuing monitoring to reveal whether respondents and respondents' employees, salespersons, agents, and other representatives are in compliance with this order.

D. Respondents maintain complete records for a period of not less than three (3) years from the date of the incident, of any written information received which indicates the possibility of a violation of this order by any of respondents' employees, salespersons, agents, or other representatives.

E. Respondents maintain, for a period of not less than three (3) years after service upon them of this order, complete business records, including customer sale folders, relating to the manner and form of respondents' continuing compliance with all the terms and provisions of this order.

F. The records described in VI. D and E. shall be available upon request for inspection and copying by representatives of the Federal Trade Commission at respondents' place of business during normal business hours upon reasonable advance notice.

G. The corporate respondents named herein notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporate respondents which may affect compliance obligations arising out of this order.

H. For a period of five years after service upon him of this order, the individual respondent named herein shall promptly notify the Commission of the discontinuance of his present business or employment relating to the sale of consumer goods or services and/or his affiliation in a management or ownership capacity with a new business or employment relating to the sale of consumer goods or services.

I. Respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Appendix

[Name and Address of Consumer]
[Date]

Dear [Name of Consumer]: You may have some added warranty protection for your car or truck. When you bought your vehicle, there was a line on the back of the contract which said that you did not have any implied warranties under state law. This is not so. You do have these warranties, which are described below. Implied warranties only cover, however, the condition of the vehicle at the time it was purchased.

First, you have a warranty of "merchantability." This means the car or truck you purchased must have been fit for ordinary use. Second, you may have a warranty of "fitness for a particular purpose" if you bought your car or truck on the basis of any representation we might have made that the vehicle was fit for a *particular* purpose which is *different* from the ordinary purpose for which cars and trucks are used.

If you feel that you have a claim under one of these warranties, please contact us, preferably in writing, at (*insert full address*) and give us all the details.

If you wish to call us about any claims you may have, please call us at (*insert full telephone number*) and speak to ——————.

We will consider your claim and get back to you in writing as to what we are willing to do. We will not say that you have given up any implied warranty rights, nor will we tell you that you waited too long if you make your claim within 6 months of the date of this letter.

If you are not satisfied with our response, you may want to talk to the Federal Trade Commission in Seattle, Washington (Tel. (206) 442–4655).

However, we are not responsible for fixing any damage caused by normal wear and tear, by your misuse of the car or truck, by events beyond our control, or by your failure to properly care for your vehicle.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Worthington Ford of Alaska, Inc., Anchorage, Alaska; Worthington Chrysler-Plymouth, Inc., Long Beach, California; Cal Worthington Dodge, Phoenix, Arizona; and Calvin Worthington, individually and as an officer of the corporations.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charges that the corporate respondents and Cal Worthington violated the Warranty Act in the following respects:

1. Respondents failed to make the text of written warranties available to prospective buyers for review prior to sale.

2. Respondents attempted to improperly disclaim in writing all implied warranties while selling service contracts to the same customer.

The proposed order contains provisions which are directed specifically at the charged practices and other provisions which are remedial in nature. With respect to presale availablility of warranties, the respondents are required to comply with the F.T.C. requlation on this subject which permits the display of warranties in any of four different ways. For used cars, the order requires that warranties be displayed in the window of each vehicle. In both the new car showrooms and used car lots, respondents are required to post large signs to call to the attention of potential buyers points regarding warranty coverage, such as specific things to look for in warranties. The signs also advise the comparison of warranties before a purchase is made.

Other order provisions relate to respondents alleged attempted disclaimer of implied warranties. Respondents are ordered not to raise the defense of disclaimer of implied warranty. They are required to send a notice to all consumers who purchased cars in instances where the implied warranties were improperly waived. The consumers are told that they have implied warranty rights even though the papers they signed may have said that they did not have such rights.

Each dealership will appoint an individual who wil be responsible for customer contracts resulting from the notice. Any communications from notice recipients require that the respondent provide a written response.

The dealerships are also prohibited from using the defense of the lapse of the statute of limitation with respect to an implied warranty claim if such a claim is asserted by the consumer within 6 months of the sending of the notice.

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Several other order provisions relate to compliance with the order and compliance with the law in general. Respondents are ordered to deliver copies of the order to all employees selling cars. They are required to instruct all employees as to the requirements of the Warranty Act and the Warranty Act rules. A program of continuing surveillance is required to determine whether respondents' employees are complying with the order. Records must be kept of any written or oral information received which indicates a possibility of a violation of this order. The respondents are also required ot keep records, including customer sale folders, relating to their compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,
Secretary.

[FR Doc. 81-29152 Filed 10-6-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18131; File No. S7-787]

Designation of National Market System Securities

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments and solicitation of public comments.

SUMMARY: In response to a petition submitted by the National Association of Securities Dealers, Inc., the Commission is proposing amendments to its rule governing the designation of national market system securities. The primary effect of those amendments would be to increase substantially the number of securities that would be eligible for designation as national market system securities. In addition, the Commission is proposing amendments which would clarify the eligibility of American Depositary Receipts to be national market system securities.

DATE: Comments to be received on or before November 6, 1981.

ADDRESSES: All comments should be submitted in triplicate and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments should refer to File No S7-787 and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael J. Simon, Division of Market Regulation (202) 272-2889, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Section 11A(a)(2) of the Securities Exchange Act of 1934 (the "Act")[1] directs the Commission to designate, by rule, securities eligible for trading in the national market system ("NMS"). On February 17, 1981, the Commission adopted Rule 11Aa2-1 ("Rule")[2] under the Act providing criteria and procedures by which certain securities traded in the over-the-counter ("OTC") market will be designated as NMS securities. Specifically, the Rule provides that a limited number of more actively traded OTC securities that meet the "Tier 1 Criteria" established by the Rule will be designated as NMS securities on January 15, 1982. In addition, a greater number of OTC securities that meet the "Tier 2 Criteria" will be eligible for designation, upon application of the issuer, on August 1, 1982. The primary near-term substantive effect of designation as NMS securities will be to require that transactions in such securities be reported in a real-time system and that quotations for such securities be firm as to the quoted price and size.

The Commission today is proposing two sets of amendments to the Rule. First, on July 24, 1981, the National Association of Securities Dealers, Inc. ("NASD") submitted a Petition for Rule Amendment pursuant to Rule 4(a) of the Commission's Rules of Practice[3] requesting the Commission to adopt significant changes in the Rule. While the NASD is requesting certain changes in the Tier 1 Criteria and in the procedures for determining which securities are covered by Tier 1, the major focus of the NASD's petition is a proposal to relax substantially the Tier 2 Criteria to allow more issuers of OTC securities to elect national market system security status. As a preliminary matter, the Commission believes that the NASD's proposal may be an appropriate stept toward achieving the Congressional goal of including in the NMS all securities whose trading and other characteristics suggest that they will benefit from such inclusion. Second, and apart from the NASD's petition, the Commission is proposing certain clarifying amendments to the Rule concerning American Depositary Receipts ("ADRs").

I. The NASD's Petition

1. *The Proposal.* In its petition[4] the NASD stated that since the adoption of the Rule it has, through discussions with representatives of companies traded through NASDAQ, attempted to assess the impact of the Rule on the market for NASDAQ securities. The NASD further indicated that it had concluded that the designation of NMS securities will have a substantial and long lasting impact on the OTC market and that NMS designation and the accompanying dissemination of last sale information will be highly desired by many NASDAQ companies. The NASD also stated that, under the Rule, approximately 650 NASDAQ securities will be eligible for designation as NMS securities while there are approximately 1,650 NASDAQ companies that qualify for listing on the New York Stock Exchange, Inc. ("NYSE") or the American Stock Exchange, Inc. ("Amex"). Recognizing that exchange listing provides issuers with newspaper coverage and dissemination of transaction information comparable to that which will be provided by NMS designation, the NASD argued that the OTC market will be competitively disadvantaged unless the approximately 1,000 NASDAQ companies not within the Tier 2 parameters, which are eligible for NYSE or Amex listing, are eligible for designation under the Rule.

The NASD therefore proposes amendments to the Tier 2 Criteria, based substantially on the general Amex listing standards,[5] that would expand the number of companies eligible for designation to approximately 1,450.[6] Specifically, the NASD is proposing two alternative sets of Tier 2 Criteria: one set of criteria would cover relatively smaller companies that have a history of earnings, while the other set of criteria would cover relatively larger companies that, although their recent operations may not have been profitable, do have a substantial operating history. Securities which meet either one of the alternative criteria would be eligible for NMS designation.

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[1] 15 U.S.C. 78a *et seq.*

[2] 17 CFR 240.11Aa2-1. Securities Exchange Act Release No. 17549 (February 17, 1981), 46 FR 13992 (the "Adoption Release").

[3] 17 CFR 201.4(a).

[4] The petition is available for public inspection at the Commission's Public Reference Room. Request File No. S7-787.

[5] *See* CCH Amex Guide, §§ 10,000-10,019.

[6] As discussed below, in addition to the criteria based on the general Amex listing standards, the NASD is proposing volume and market maker criteria. The NASD indicates that there are approximately 200 securities that would substantially meet the Amex listing standards but would not satisfy the volume or market maker criteria.

With respect to the first alternative set of Tier 2 Criteria,[7] the NASD proposes a number of criteria based on the Amex listing standards, plus additional volume and market maker requirements. Based on the Amex standards, the NASD proposes that the issuer have net tangible assets of $4,000,000, and 400,000 publicly-held shares with a market value of $3,000,000. Also based on those standards, the NASD would require that the minimum bid price of the stock be $5 for five business days prior to the application date and that the issuer have had annual net income of at least $400,000 in the last fiscal year, or in two of the last three fiscal years. Finally, and in addition to the criteria based on the Amex listing standards, the NASD would require that the dollar value of shares traded within the preceding year be at least $1,000,000,[8] and that there be four market makers registered with respect to the security on each of the five business days prior to the application date.[9]

The second alternative set of Tier 2 criteria, based on the Amex's alternate listing criteria, would require that the issuer have net tangible assets of $12,000,000, and 1,000,000 publicly-held shares with a market value of $10,000,000. The NASD also would impose a requirement that the issuer have a five year operating history. Finally, the volume and market maker requirements would be the same as in the first alternative.

The NASD also is proposing separate Tier 2 criteria for rights and warrants.[10] Only rights to purchase an NMS security would be eligible for Tier 2 designation, and those rights automatically would be eligible for such designation. Warrants to subscribe to a security would be eligible for designation if the underlying security is an NMS security and the warrants meet the Tier 2 Criteria, except that, rather than requiring a specific number of publicly-held shares, both Tier 2 alternatives would require 450,000 warrants outstanding at time of issuance.[11]

In addition to the proposed Tier 2 amendments, the NASD also is recommending a number of relatively minor changes to the Rule. First, the NASD is proposing that the issuer of a security about to be designated as an NMS security under the Tier 1 Criteria should be given 15 business days to object to such designation.[12] Second, the NASD proposes making minor amendments to the Tier 1 Criteria similar to certain aspects of its Tier 2 proposals. Specifically, the NASD proposes (i) to require a minimum bid price of $10 for the five business days preceding the qualification date, rather than the current 10 days; (ii) to delete the requirement that there be 1,200 holders of record of 100 shares or more;[13] and (iii) to require four market preceding the qualification date, rather than on 90 per cent of the business days during a six months period.

2. *Discussion.* As a preliminary matter, the Commission believes that the NASD's proposed amendments are desirable. In adopting the original Tier 2 Criteria, the Commission determined that, in light of the ability of each issuer to make a specific determination as to whether to apply for NMS designation, the benefits of transaction reporting for Tier 2 securities outweighed any possible adverse effect that such reporting may have on those securities.[14] However, in light of the concerns raised by commentators (including the NASD), the Commission designed fairly restrictive criteria regarding the number of securities that would be eligible for Tier 2 designation. The Commission further indicated its belief that a substantially greater number of OTC securities might benefit from transaction reporting and indicated its intention, after observing the effects of transaction reporting on OTC securities, to consider amending the Tier 2 criteria to permit additional OTC securities to be eligible for designation.[15] The NASD's petition, however, as well as a letter from the American Society of Corporate Secretaries, Inc. ("ASCS") recommending that the Tier 2 Criteria be designed as broadly as possible,[16] indicate that it may be appropriate at this time to increase the number of securities eligible for voluntary designation. Furthermore, the Commission believes that the amended criteria contained in the NASD's proposal will not upset the balance that the Commission struck in originally adopting the rule.

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[7] The current Tier 2 Criteria require: net tangible assets of at least $2,000,000 and capital and surplus of at least $1,000,000; 400 holders of record of 100 shares or more and at least 250,000 publicly-held shares with a market value of $3,000,000; the price per share on each of the ten business days prior to the application date be $5 or more; the average volume of trading per month for the preceding six months be 100,000 shares or more; and at least four dealers act as NASDAQ market makers for at least 70 per cent of the business days during the six months preceding the application.

[8] This criterion would be satisfied as soon as there is $1,000,000 in trading volume within the one year period; thus, newly-traded securities could be eligible for designation, assuming the other criteria were satisfied, in less than a year.

[9] The NASD is proposing the requirement that there be four market makers over five business days in lieu of the current requirement in the Rule that there be four market makers for 70 percent of the business days of the previous six month period. The NASD argues that the six month requirement would prevent a new issue from being eligible for designation for at least those six months and that such a delay is inappropriate. The NASD also argues that administering this requirement would impose on it a significant additional data processing expense.

[10] The rule currently does not differentiate between rights, warrants and other securities. Therefore, rights and warrants currently would have to meet the generally applicable Tier 1 criteria to be subject to mandatory designation and would have to substantially meet the Tier 2 criteria to be eligible for voluntary designation. While the NASD is proposing specific Tier 2 requirements for rights and warrants, the NASD's proposals would not affect the mandatory designation of rights and warrants which meet the Tier 1 criteria.

[11] This proposal differs somewhat from the Amex listing standards for warrants which require that there be a minimum public distribution of 500,000 warrants. It also should be noted that, since the underlying security already is designated, the Tier 2 requirements concerning "shares" or the "security" would apply to the warrants and not to the underlying security.

[12] The rule currently states that designation will be effective 10 days after the qualification date. The NASD, in effect, is proposing that the issuer have 15 days after the effective date to object, and the NASD 10 days to act on that objection, for a total possible delay of effectiveness of 35 days. Of course, the only ground for objection under the rule would be that the issuer or the security did not meet one of the Tier 1 criteria; those criteria do not give the NASD discretion in making determinations concerning designation.

[13] The NASD argues that this requirement will be extremely difficult to administer since issuers are not required to report that information to the Commission and the rule contemplates that Tier 1 designations would be made without the need for additional submissions by issuers. The NASD further argues that the requirements concerning publicly-held shares, trading volume and four market makers obviate the need for a round lot shareholder requirement.

[14] In the past, a number of OTC representatives have argued that transaction reporting would result in disincentives to OTC market making (i) because of the direct (*e.g.*, clerical) costs associated with such reporting, and (ii) because OTC market makers might be less willing to acquire a position in a security subject to transaction reporting due to the concern that they would be unable to liquidate effectively a significant position if their competitors were aware, via transaction reporting, of the size of that position. *See* the Adoption Release at 20–21, 46 FR 13995–6.

[15] *See* Adoption Release at page 25, note 53, 46 FR [illegible]

[16] Letter dated July 2, 1981, from Earl J. Grimm, Jr., Chairman, Securities Industry Committee, ASCS, to the Commission. In that letter, the ASCS argued that the Tier 1 Criteria should be drafted as narrowly as possible to minimize the chance that securities are designated automatically contrary to the interests of their issuers. On the other hand, the ASCS argued that, because there could be negative implications as to securities not eligible for designation, Tier 2 should be drafted as broadly as possible to allow the widest range of securities to be designated. The ASCS also stated its belief that exchange traded securities, as well as OTC securities, should be eligible for NMS designation.

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The Commission first notes that, except for minor changes to ease administrative burdens on the NASD, the proposal would not affect the Tier 1 Criteria. Thus, the initial mandatory designation of NMS securities will continue to affect only the most actively traded and liquid OTC securities.

With respect to the Tier 2 Criteria, the NASD has proposed alternative sets of criteria substantively identical to the general Amex listing standards with added requirements concerning market makers and trading volume. The Commission believes that this is a reasonable approach. The Commission continues to believe that the availability of transaction reporting provides important benefits both to public investors and to the efficiency of the market as a whole.[17] Moreover, the Commission believes that the proposed alternative sets of standards are sufficient to identify securities which will benefit from last sale reporting. In particular, because both sets of standards increase the net tangible asset and publicly-held share criteria and retain a volume criterion (although at a significantly reduced level from the current rule), those standards should ensure that only the larger, actively traded OTC securities will be eligible for designation. In addition, while the Commission remains sympathetic to the concerns raised by the OTC market representatives,[18] the Commission notes that the NASD's proposal would retain the requirement that issuers of Tier 2 securities must affirmatively elect the NMS designation for their securities. The Commission anticipates that in making that election issuers will consider all the ramifications of that decision, including the effect of transaction reporting on the OTC market for their securities.

The Commission therefore requests public comment on the NASD's proposed amendments to the rule. In particular, the Commission seeks public comment on whether the NASD's proposed trading volume requirement will be sufficient to ensure that only those securities with sufficiently liquid markets will be subject to last sale reporting. In addition, the Commission specifically requests comment on the NASD's proposals concerning rights and warrants.[19]

II. ADRs

ADRs are receipts issued against securities of foreign issuers deposited in an American depositary. Pursuant to Rule 12g3–2 under the Act, ADRs are exempt from registration under Section 12(g) of the Act.[20] In addition, Form S–12 under the Securities Act of 1933[21] provides that, in most instances, the issuer of an ADR is deemed to be "the entity created by the agreement for the issuance of the [ADRs] . . . ."[22] In light of these unique aspects of ADRs, the Commission is proposing a number of amendments to the Rule.

First, the Rule currently permits, with limited exceptions not relevant here, only securities registered pursuant to Section 12 of the Act to be designated as NMS securities.

As noted above, however, ADRs are exempt from Section 12(g) registration and thus would not be eligible for designation unless the ADRs are registered despite that exemption. Because the Commission believes that information concerning the underlying foreign issuer, and not the ADRs, would be the most useful to investors, and in order to facilitate the eligibility of ADRs to be designated pursuant to the rule, the Commission is proposing to allow ADRs to be designated as NMS securities as long as the foreign securities against which the ADRs are issued are registered pursuant to section 12.[23]

Second, because much of the information required by both the Tier 1 and Tier 2 Criteria, such as net tangible assets and the NASD's proposed net income requirement, concerns the issuer of the underlying foreign security, the Commission is proposing to specify that, in the relevant instances, the "issuer" of the ADRs shall be deemed to be the underlying foreign issuer. In addition, the Commission is proposing to amend the instructions to the Tier 1 and Tier 2 Criteria because foreign issuers often file financial information with the Commission on forms other than those filed by domestic issuers.

III. Regulatory Flexibility Act Considerations

The Regulatory Flexibility Act, which became effective on January 1, 1981, imposes new procedural steps applicable to agency rulemaking which has a "significant economic impact on a substantial number of small entities."[24] The Chairman of the Commission has certified pursuant to the Regulatory Flexibility Act that the proposed amendments to Rule 11Aa2–1, if adopted, will not have a significant economic impact on a substantial number of small entities, or any other entities, because the costs of complying with the transaction reporting requirements will be small. Specifically, broker-dealers will report transactions through the NASDAQ terminals they already have. At most, the requirement will entail minimal additional clerical costs.

IV. Statutory Basis and Text of the Amendments

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Pursuant to the Securities Exchange Act of 1934 and particularly section 11A(a)(2) and 23(a) thereof, 15 U.S.C. 78K–1(a)(2) and 78w(a), the Commission proposes to amend § 240.11Aa2–1 in Chapter II of Title 17 of the Code of Federal Regulations by revising paragraphs (a)(2); (b) (1) and (2); (b)(4)(i) (B), (D) and (F); (b)(4)(ii) (A), (B), (D), (E) and (F); adding paragraphs (b)(4)(ii) (G), (b)(4)(iii) and (iv); and by revising Instruction 1 and adding Instruction 4 to paragraph (b) to read as follows:

§ 240.11Aa2–1 Designation of national market system securities.

(a) * * *

* * * * *

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[17] *See* the Adoption Release at 21–25, 46 FR at [illegible]

[18] *See* note 12, *supra*.

[19] In the Adoption Release at 15–16, 46 FR at 13994–5, the Commission solicited comment on whether exchange traded securities should be designated as NMS securities and, if so, which securities should be so designated. That comment period expired on July 10, 1981. In light of the NASD's proposal, the Commission again solicits commentators' views and arguments on this subject.

[20] 17 CFR 240.12g3–2(c).

[21] 17 CFR 239.19.

[22] *Id.* at General Instruction A. (II).

[23] The Commission understands that this would be consistent with the policy currently employed by stock exchanges with respect to exchange listings. Specifically, an exchange will list ADRs only if the underlying foreign security also is listed, and, therefore, registered under section 12.

[24] Although section 601(b) of the Regulatory Flexibility Act defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission has published its proposed definitions in Securities Exchange Act Release No. 17645 (March 20, 1981), 46 FR 19251 (March 30, 1981). A broker-dealer under the Commission's proposed definition of "small business" or "small organizations" is one that:

(1) Is permitted to maintain the amount of net capital specified in 240.15c–3–1 (a)(2) or (a)(3);

(2) Had less than six partners, officers and employees on the last business day of the preceding calendar year (or in the time that it has been in business, if shorter); and

(3) Is not affiliated with any person other than a natural person, that is not a small business, or small organization as defined in this section. * * *

The Commission is using this definition for the purposes of the proposed amendments to Rule 11Aa2–1. The Commission has received a number of comments on the proposed definition and currently is considering those comments as part of the process of adopting final definitions.

(2) The term "registered equity security" shall mean any equity security which is (i) registered pursuant to section 12(b) or 12(g) of the Act, (ii) issued by an insurance company meeting the conditions of section 12(g)(2)(G) of the Act, (iii) registered under the Securities Act of 1933 and issued by a closed-end investment management company registered under section 8 of the Investment Company Act of 1940, or (iv) an American Depositary Receipt issued against the equity securities of a foreign issuer if such equity securities are registered pursuant to section 12 of the Act.

* * * * *

(b) *Designation criteria.* (1) Any NASDAQ security which on the most recent qualification date meets each of the criteria set forth in paragraph (b)(4)(i) of this section ("Tier 1 Criteria") is hereby designated as a national market system security, such designation to be effective, pursuant to the terms of an effective designation plan, not later than the thirty-fifth business day following such qualification date.

(2) Any NASDAQ security not described in paragraph (b)(1) of this section which

(i) substantially meets the criteria set forth in paragraph (b)(4)(ii) or (b)(4)(iii) of this section ("Tier 2 Criteria");

(ii) is a right to purchase a security described in paragraph (b)(1) or (b)(2)(i) of this section; or

(iii) is a warrant to subscribe to a security described in paragraph (b)(1) or (b)(2)(i) of this section and meets the criteria set forth in paragraph (b)(4)(iv) of this section ("Warrants") shall be designated as national market system securities upon application of the issuer in accordance with the terms of an effective designation plan.

* * * * *

(4)(i) *Tier 1 criteria.* * * *

(B) There are at least 500,000 shares held by persons other than directors, or persons owning of record or beneficially 10 percent or more of the outstanding shares of the security ("publicly held shares").

* * * * *

(D) The price per share on each of the five business days preceding the most recent qualification date is $10 or more

* * * * *

(F) At least four dealers act as NASDAQ market makers with respect to the security on each of the five business days preceding the most recent qualification date.

(ii) *Tier 2 criteria*—Alternative 1.

(A) The issuer of the security has net tangible assets of at least $4,000,000.

(B) There are at least 400,000 publicly-held shares.

* * * * *

(D) The price per share on each of the five business days prior to the date of application by the issuer is $5 or more.

(E) The dollar value of shares traded during the 12 month period preceding the date of application by the issuer is at least $100,000.

(F) At least four dealers act as NASDAQ market makers with respect to the security on each of the five business days preceding the date of application by the issuer.

(G) The issuer of the security has had annual net income of at least $400,000 in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

(iii) *Tier 2 criteria*—Alternative 2.

(A) The issuer of the security has net tangible assets of at least $12,000,000.

(B) There are at least 1,000,000 publicly-held shares.

(C) The market value of publicly held shares is at least $10,000,000.

(D) The dollar value of shares traded during the 12 months preceding the date of application by issuer is at least $1,000,000.

(E) At least four dealers act as NASDAQ market makers with respect to the security on each of the five business days preceding the date of application by the issuer.

(F) The issuer has a five year operating history.

(iv) *Warrants.*

(A) The Warrants substantially meet the Tier 2 criteria; *provided, however* That they shall not be required to meet the criteria set forth in paragraphs (b)(4)(ii)(B) or (b)(4)(iii)(B) of this section.

(B) Immediately after the distribution there are at least 450,000 Warrants outstanding.

Instructions. 1. The computations required by (i)(A), (ii)(A) and (iii)(A) shall be taken from the issuer's most recent financial information filed with the Commission pursuant to section 12 or 13 of the Act. * * * 4. In the case of American Depositary Receipts, the computations required by (i)(A), (ii)(A), (ii)(G), (iii)(A) and (iii)(F) shall relate to the foreign issuer and not to any depository or any other person deemed to be an issuer for purposes of Form S–12 under the Securities Act of 1933 (§ 239.19).

* * * * *

George A. Fitzsimmons,

Secretary.

October 1, 1981.

Regulatory Flexibility Act Certification

I, John Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Rule 11Aa2–1 set forth in Securities Exchange Act Release No. 18131, if promulgated, will not have a significant economic impact on a substantial number of small issuers, small broker-dealers or any other broker-dealers. Specifically, broker-dealers will report transactions through the NASDAQ terminals they have already have, and, at most, the requirement will entail minimal additional clerical costs.

John S. R. Shad,

Chairman.

October 2, 1981.

[FR Doc. 81–29219 Filed 10–6–81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 385; Ref: Notice No. 356]

Finger Lakes Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amended boundaries for the previously proposed Finger Lakes viticultural area, Notice No. 356, 45 FR 73694. Based on testimony received at the public hearing held on the proposed Finger Lakes viticultural area, the Bureau of Alcohol, Tobacco and Firearms (ATF) believes the boundaries originally proposed are too broad to accurately reflect a grape-growing area distinguished from the surrounding areas by viticulturally significant geographic features. This notice proposes amended boundaries which ATF believes reflect such a distinctive area.

DATE: Written comments must be received by January 5, 1981.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044, (Attn: Notice No. 385).

Copies of the petition, the Notice of Proposed Rulemaking (No. 356), the appropriate maps, all written comments, and the hearing transcript are available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW., Washington, D.C.

A copy of the hearing transcript is also available for public inspection during normal business hours at: Buffalo Area Office, Bureau of Alcohol, Tobacco and Firearms, Federal Building, Room

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219, 111 West Huron Street, Buffalo, New York.

The hearing transcript may be obtained through the office of the hearing reporter: Lisa Clark, Tiro Reporting Services, 536 Executive Office Building, 36 West Main Street, Rochester, New York 14614.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

ATF was petitioned by the Finger Lakes Wine Growers Association to establish a viticultural area to be named "Finger Lakes." The proposed area is located in the west central part of New York State and encompasses 14 adjoining counties in their entirety. The petitioner stated that "the prominent geological features that outline the area so closely approximate these political boundaries; it is felt that these political boundaries best define the Finger Lakes area to the public."

ATF issued a notice of proposed rulemaking concerning Finger Lakes. This notice, No. 356, published November 6, 1980, in the **Federal Register** (45 FR 73694), proposed the establishment of Finger Lakes as a viticultural area with boundaries recommended by the petitioner. The proposed area included approximately 8,400 square miles with climatic conditions which varied by more than 60 days in the length of the growing season. At a public hearing and in the notice of proposed rulemaking, ATF sought to obtain information to more clearly define the current and prospective grape-growing areas. In addition, at the public hearing, information was sought as to which geographical features or conditions were the predominating factors in grape growing in the proposed area.

Public Hearing

A public hearing concerning the establishment of Finger Lakes as a viticultural area was held in Geneva, New York, on February 11, 1981. The witnesses giving testimony at the hearing all supported the boundaries of the Finger Lakes viticultural area as proposed.

The witnesses generally based their decision for the proposed boundaries on the historical significance of the name Finger Lakes and the fact that the State of New York officially designated the proposed 14-county area as the Finger Lakes Region. A witness explained that New York State is divided into vacation regions for recreational and tourism purposes. Witnesses further stated that the predominate geographical features which make the proposed area unique from the surrounding area are the 11 finger-shaped lakes and their climatic effects.

Many witnesses were questioned as to why the entire 14-county area was endorsed, when more than 98 percent of the grapes are grown in less than one-half of the counties. Questions were also asked about the location of the vineyards in the counties where grapes are grown. ATF sought further information as to the economical and commercial feasibility of grape growing in areas where grapes are not presently grown, particularly in areas relatively far from the lakes and subject to a comparatively short growing season.

In response to questions concerning the general location of the vineyards within the proposed area, testimony was given which placed the vineyards between or in the immediate vicinity of some of the Finger Lakes. Further, the petitioner stated with regard to the variation in the length of the growing season in the proposed area, "I think that the 143 days really define the boundaries. Once you get outside those boundaries as I understand it, you are getting into the possibility of not being too viable commerically. * * * I'm not saying that it's the best temperature. I'm saying that I believe once you get outside that area, you run into difficulty."

Other testimony was given which pointed out that the location of a vineyard, in many cases, was dictated by its proximity to a winery. As the number of wineries increases and expands away from the traditional winery areas, the number of vineyards will likewise expand. As evidence of the winery and vineyard expansion, testimony was given regarding growth since the enactment in New York of the Farm Winery Bill of 1976. ATF has learned that within the proposed area, 14 new wineries have been established, and throughout the State 29 new wineries have been established since June 1976. Many new wineries in the proposed area are located where none previously existed. These new wineries are generally located between two of the Finger Lakes, where the growing season is approximately 150 days.

After evaluating all the material regarding the proposed Finger Lakes viticultural area, ATF believes the proposed boundaries should be amended. The amended boundaries should more clearly define a distinct grape-growing area with geographic and climatic characteristics that distinguish the viticultural features of the proposed area from surrounding areas. ATF is proposing amended boundaries (1) which encompass an area with a relatively uniform growing-season length and (2) which include, and are proximate to, the 11 Finger Lakes. The petitioner submitted evidence that the lakes have a moderating effect on the climate, particularly that the winter climate in the area close to the lakes is less severe than in surrounding areas. With the amended boundaries, ATF believes the area would qualify as a viticultural area.

Amended Boundaries

The amended boundaries of the proposed Finger Lakes viticultural area, using landmarks and points of reference found on the U.S.G.S. maps submitted with the petition, are as follows: starting at the most northwest point, the intersection of the Erie Canal and the north/south Conrail line south of the City of Rochester, east along the course of the Erie Canal approximately 56 miles (45 miles due east) to the intersection of New York State Highway 89 (NY–89); south on NY–89 four miles to the intersection of highway US–20; east on US–20 for 36 miles to the intersection of Interstate 81 (I–81); south along I–81 for ten miles to NY–281; continuing south on NY–281 for 20 miles around the western city limits of Cortland where NY–281 becomes NY–13; continuing southwest on NY–13 (through the cities of Dryden and Ithaca) approximately 36 miles to the intersection of NY–224; from this point continue due west one mile to the southern boundary of Schuyler County, continuing west along this county line 20 miles to the community of Meads Creek; north along the Schuyler-Steuben county line four miles to the major east/west power line; west along the power line for eight miles to the intersection of NY–17 (four miles southeast of the community of Bath); northwest on NY–17 approximately nine miles to the intersection of I–390; northwest along I–390 for 21 miles to the intersection of NY–36; north two miles through the community of Dansville to NY–63; northwest on NY–63 approximately 18 miles to the intersection of NY–39, just south of Genesco; north on NY–39 nine miles to the intersection where the west and north/south Conrail lines meet at the community of Avon; north along the north/south Conrail line for 15 miles to the beginning point at the intersection of the Erie Canal.

Since the amended boundaries significantly change the boundaries as initially proposed, ATF believes public comment should be solicited.

Executive Order 12291

It has been determined that this proposed regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Public Participation

ATF requests comment from all interested persons concerning the amended proposed boundaries. Furthermore, while this notice proposes alternative boundaries for the Finger Lakes viticultural area, suggestions for other possible boundaries will be given consideration before a final decision is made.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future action.

ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting comments is not exempt from disclosure.

Since this notice pertains specifically to amending the boundaries and evidence on this and other aspects of the Finger Lakes viticultural area was gathered at the hearing, no further hearings are scheduled or are expected to be scheduled concerning this viticultural area.

Drafting Information

The principal author of this document is Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, the Director is issuing this notice of proposed rulemaking under the authority contained in Section 5 of the Federal Alcohol Administration Act.

(49 Stat 981, as amended; 27 U.S.C. 205)

Signed: July 29, 1981.

G. R. Dickerson,
Director.

Approved: September 1, 1981.

John P. Simpson,
Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-29089 Filed 10-6-81; 8:45 am]

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27 CFR Part 9

[Notice No. 387; Ref: Notice No. 352]

Lime Kiln Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: At a public hearing held on the proposed viticultural area, testimony was given which indicated that the boundaries originally proposed do not accurately reflect a distinct grape-growing area. One of the necessary elements in establishing a viticultural area is evidence relating to its geographical features, e.g. climate, which distinguish the features of the proposed area from surrounding areas. In our view, the disparity in the average rainfall in the proposed area and its likely effect on the grapes grown in the region fails to adequately distinguish the proposed area from surrounding areas. Moreover, this climatic feature does not delimit a distinct viticultural area. Therefore, the Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing this notice of proposed rulemaking to amend the boundaries to reflect such a distinctive area.

DATES: Written comments must be received by December 7, 1981.

ADDRESSES: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044. (Notice No. 387).

Copies of the petition, the proposed regulations in Notice No. 352 and this notice, the appropriate maps, the written comments, and a copy of the hearing proceedings are available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW, Washington, DC.

A copy of the hearing proceedings is available for public inspection during normal business hours at: The Office of the Regional Regulatory Administrator, Bureau of Alcohol, Tobacco and Firearms, 34th Floor, 525 Market Street, San Francisco, California.

FOR FURTHER INFORMATION CONTACT: Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

ATF was petitioned by Enz Vineyards of Hollister, California, to establish a viticultural area in San Benito County to be named "Lime Kiln Valley." The petitioner, in describing the climatic characteristics of the proposed area, stated that the western end of the proposed area, which is mountainous, received an average of 40 inches of rainfall per year, while the eastern end, being the valley floor, received an average of 16 inches a year.

Subsequently, ATF issued Notice No. 352, published in the **Federal Register** on October 27, 1980 (45 FR 70913), proposing the establishment of Lime Kiln Valley as a viticultural area. The boundaries of the proposed area were described by summits of peaks and generally followed the area's watershed boundary.

Public Hearing

A public hearing concerning the establishment of Lime Kiln Valley was held in Hollister, California, on January 21, 1981. The testimony at the hearing supported the establishment of a viticultural area, but a problem arose

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concerning the amount of rainfall within the proposed boundaries.

The petitioner stated that the variation in the rainfall would affect the grapes grown in the mountainous area differently than the grapes grown on the valley floor. After evaluating the entire record concerning the climate of the area, ATF believes the boundaries of the proposed Lime Kiln Valley should be amended to exclude the mountainous areas. This change would limit the proposed viticultural area to one which exhibits uniform climatic characteristics. To accomplish this, ATF is proposing an amended boundary based primarily on the 1,400-foot contour line and Cienega Road. With the amended boundary, Lime Kiln Valley appears to qualify as a distinct grape-growing region.

Since the amended boundary significantly reduces the area from the 9,500 acres originally proposed, ATF believes comments should be solicited on the amended boundary.

Public Participation

ATF requests comments from all interested persons concerning the amended boundaries. Furthermore, while this notice proposes possible boundary amendments for the Lime Kiln Valley viticultural area, suggestions for other possible boundaries will be given consideration before a final decision is made.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too later for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting comments is not exempt from disclosure.

Since this notice pertains only to amending the area's boundaries, no further hearings are now scheduled nor are any expected to be scheduled concernig this viticultural area.

Executive Order 12291

It has been determined that this proposed regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document is Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is proposed to be amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

(1) The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.27. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.27 Lime Kiln Valley.

(2) Subpart C is amended by adding § 9.27.

As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.27 Lime Kiln Valley.

(a) *Name.* The name of the viticultural area described in this section is "Lime Kiln Valley."

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the Lime Kiln Valley viticultural area are two U.S.G.S. maps entitled:

(1) "Mount Harlan Quadrangle, California," 7.5 minute series; and

(2) "Paicines Quadrangle, California," 7.5 minute series.

(c) *Boundaries.* The Lime Kiln Valley viticultural area is located in San Benito County, California. From the beginning point at the intersection of Thompson Creek and Cienega Road, the boundary proceeds, in a straight line to the summit of an unnamed peak (1,288 feet) in the northwest quarter of Section 28, T.14S./R.6E.;

(1) Thence in a straight line from the summit of the unnamed peak (1,288 feet) to a point where it intersects the 1,400-foot contour line, by the elevation marker, in the southwest quarter of T.14 S./R.6 E., Section 28;

(2) Thence following the 1,400-foot contour line through the following sections; Sections 28, 29, and 30, T.14 S./R.6 E.; Section 25, T.14 S./R.5 E.; Sections 30, 19, 20, and returning to 19, T.14 S./R.6 E., to a point where the 1,400-foot contour line intersects with the section line between Sections 19 and 18, T.14 S./R.6 E.;

(3) Thence in a straight line to the Cienega School Building along Cienega Road;

(4) Thence along Cienega Road to the point of beginning.

Signed: August 24, 1981.

G. R. Dickerson,

Director.

Approved: September 15, 1981.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-29091 Filed 10-6-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 386; Re: Notice No. 338]

Pinnacles Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice reopens the record for Notice No. 338 which

proposed The Pinnacles viticultural area located in Monterey and San Benito Counties, California. Based on evidence received in response to Notice No. 338, ATF feels that the name "The Pinnacles" would be inappropriate if used to designate the proposed viticultural area. For this reason, ATF is soliciting additional comments concerning alternatives to the name "The Pinnacles."

DATE: Comments must be received by November 23, 1981.

ADDRESSES: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044 (Notice No. 386).

Copies of comments will be available for public inspection during normal business hours at the: ATF Reading Room, Federal Building, Room 4407, 12th and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Norman Blake, Research and Regulations Branch (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On March 17, 1980, ATF published a notice of proposed rulemaking, Notice No. 338, in the **Federal Register** (45 FR 17027) proposing the establishment of a viticultural area in Monterey and San Benito Counties, California. ATF proposed the name "The Pinnacles" for the area. A public hearing concerning the proposal was held in Salinas, California, on May 2, 1980. Five persons testified at the hearing. ATF accepted written comments on the proposal until May 16, 1980. Two written comments were submitted.

Proposed Name—"The Pinnacles"

Representatives of Paul Masson Vineyards, Inc., and Joseph E. Seagram & Sons, Inc., objected to the use of the name "The Pinnacles" through both hearing testimony and written comment. They presented evidence that the terms "Pinnacle" and "Pinnacles" and the phrase "A Pinnacles Selection" have been used on labels for Paul Masson wines which are not derived from grapes grown in the proposed viticultural area. They contended that the use of the name "The Pinnacles" for the proposed viticultural area would violate Paul Masson's previously established "common law and statutory" rights to the use of the name. They further argued that naming the viticultural area "The Pinnacles" and thus allowing other wineries to use the name would confuse and mislead consumers who had come to recognize references to "A Pinnacles Selection" and "Pinnacles" as designations used on Paul Masson wines.

The petitioner, Chalone Vineyard, stated that the proposed viticultural area was closer in proximity and more similar in geographical factors than Paul Masson's vineyard to The Pinnacles National Monument, from which the proposed viticultural area name and Paul Masson's vineyard and label references are derived. The petitioner also pointed out that the term "The Pinnacles" is used, without objection by Paul Masson, in the address statement on the labels for wine produced by Chalone Vineyard. The petitioner, therefore, claimed that the proposed name for the viticultural area was appropriate and not misleading.

After carefully considering the evidence, ATF has decided not to allow the use of the name "The Pinnacles" for the proposed viticultural area. While ATF does not fully agree with either party, ATF does feel that the name "The Pinnacles" would not be appropriate for the proposed viticultural area because of Paul Masson's trademark claims and the possible consumer confusion that would result if "The Pinnacles" were approved for the proposed viticultural area. In addition, there has not been a sufficient showing that the name "The Pinnacles" is locally and/or nationally known as referring to the area specified by the proposed boundaries. Therefore, the proposed name does not meet the requirement of 27 CFR 4.25a(e)(2)(i). Accordingly, before deciding on a name for the proposed area, ATF is soliciting further comment from the public and the industry concerning the name of the proposed area.

Public Comment on New Name

ATF is soliciting suggestions and comments from all interested persons concerning additional names for the proposed viticultural area. ATF is particularly interested in receiving comments concerning the names "Chalone," "Gavilan," or derivations of those names. ATF will only accept comments regarding alternative names for the proposed area. ATF will not accept any new comments concerning the geographical or viticultural characteristics of the area or new comments regarding the boundaries of the area.

All comments received before the closing date will be carefully considered. All comments previously submitted concerning the proposed viticultural area will remain a part of the record, and resubmission of comments will not be necessary unless the commenter wishes to furnish additional information.

ATF will not recognize any material in the comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposal because this proposal, if promulgated as a final rule, would not have a significant economic impact on a substantial number of small entities. This proposal is not expected to have any other significant effect on a substantial number of small entities, or cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Available information indicates that this proposal, if promulgated as a final rule, would affect only one small entity.

Compliance With E.O. 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not a major rule since it will not result in—

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Drafting Information

The principal author of this document is Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This notice is issued under the authority in 27 U.S.C. 205.

V 46 / 194 OCT 7 81 UMI

Signed: September 2, 1981.

G. R. Dickerson,
Director.

Approved: September 15, 1981.

John M. Walker, Jr.,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-29066 Filed 10-6-81; 8:45 am]

BILLING CODE [illegible]10-31-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 2

Trademark Applications; Filing Dates

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Proposed rulemaking.

SUMMARY: Patent and Trademark Office proposes amendments of the rules of practice in trademark cases to revise the filing date requirements for an application for registration of a mark and to allow the Office to return applications which fail to meet these requirements. The amendments also define with additional specificity the nature of the drawing and specimens which must accompany an application in order for it to be entitled to a filing date. The proposed amendments are needed to reduce the special handling required to process and control applications not entitled to a filing date and the impact of such special handling on delaying other applications. Delays in application processing also occur when drawings fail to include a complete heading and Office personnel must enter the necessary data on a large volume of drawings. The proposed amendments are designed to speed the initial processing of applications and the filing of copies of drawings in the Trademark Search Room. An additional effect of the amendments would be a significantly earlier notification to an applicant of the status of papers filed as an application for registration of a trademark.

DATE: Written comments by January 5, 1982.

ADDRESSES: Address written comments to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. Written comments will be available for public inspection in Room 11E10 of Building 3, Crystal Plaza, 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Ms. Paula Hairston by telephone at (703) 557-7464 or by mail marked to her attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: The Patent and Trademark Office is considering amendments to the rules of practice in trademark cases to amend the requirements for receiving a filing date for an application for registration of a mark, to revise the procedures for returning papers which are not entitled to receive a filing date, to amend the requirements for a drawing submitted as part of an application, to delete the provisions for the Patent and Trademark Office to make or correct drawings for applications to register marks and to specify that a copy of a drawing is not acceptable as a facsimile showing how a mark is actually used in commerce.

The specific rules for which amendments are proposed are §§ 2.21, 2.52, 2.54, and 2.57. In addition, it is proposed to remove § 2.55.

Section 2.21 is proposed to be amended by revising paragraphs (a) and (c). The effect of revising paragraph (a) will be to make the heading a mandatory portion of the drawing of the mark. The result will be the denial of a filing date for an application when the drawing submitted as part of the application lacks the information required to be in the heading, namely, the applicant's full name and postal address, the date of first use of the mark, the date of first use of the mark in commerce (except for an application filed under § 44 of the Trademark Act), and the goods or services identified in the application, or a typical item of goods or services if a number of items are recited in the application. At present, if a drawing is submitted without a heading, or with an incomplete heading, an employee of the Service Division of the Trademark Examining Operation must type the information on the drawing before copies can be reproduced for filing in the Search Room for use by examiners and the general public. Because the applications are batched in numerical order for processing purposes, this added typing delays the processing, not only of the application directly involved, but also of all the applications with later serial numbers. Consequently, the submission of drawings with missing or incomplete headings affects other applicants and contributes to unnecessary delays in sending out filing receipts and in transmitting applications to the examiners.

It is also proposed to remove the words "or other identification" from existing paragraph (a) because they have no meaning.

Paragraph (c) of § 2.21 is proposed to be amended to change the procedure for dealing with applications that are so defective, i.e. that do not satisfy the requirements of § 2.21(a), that they are not entitled to a filing date.

The procedure within the Patent and Trademark Office under existing § 2.21(c) is that all incoming mail is date-stamped in the mail room. All papers submitted as applications for the registration of marks are given serial numbers and are then sent to the Finance Branch for the collection of the fees submitted. After the papers are annotated to show the fee submitted, the papers are returned to the mail room, which sends them to the Classification Team of Trademark Service Division for review. If any application fails to satisfy the requirements of §2.21(a), the applicant or his attorney is notified of the defect and allowed six months to correct it. In the meantime, the papers and fee are held in the Office. The time that elapses between the receipt of application papers in the Office and the dispatch of a letter notifying the applicant or his attorney that the application is not entitled to receive a filing date is approximately three to four weeks and occasionally longer.

If the defect is remedied within the six months allowed, the application is given an effective filing date as of the date when all of the requirements of § 2.21(a) are fulfilled. If the requirements for receiving a filing date are not satisfied, the fee, the drawing, and the remaining application papers are normally returned. Application papers which, when originally filed, are not entitled to receive a filing date impose extra handling burdens and costs upon the Patent and Trademark Office.

Under the proposed procedure, papers submitted as an application for registration of a mark will be reviewed immediately after their receipt in the mail room of the Patent and Trademark Office. Papers which are so defective that they are not entitled to receive a filing date will be returned to the applicant or his attorney together with any fee that was submitted. The papers will be accompanied by a letter describing the defect or defects. The applicant or his attorney will thus be notified that an application is not entitled to a filing date within about ten days from the date when the defective papers were received. This change will be beneficial to such applicants because they will be notified of, and hence have the opportunity to correct, defects in applications at an earlier time than is possible under existing § 2.21(c), and, therefore, obtain an earlier effective filing date, than is now possible. The change will also benefit other applicants by reducing the burden and costs of the Patent and Trademark Office which adversely affect the handling of their applications.

In the event that the applicant resubmits the original application papers together with any additional paper, specimen, drawing, or fee which is required to correct the defect in the original papers, the Patent and Trademark Office will exercise reasonable discretion in determining whether the lapse of time between the date of execution of the application and the receipt in the Office of the corrected papers requires reexecution of the application. A requirement by the examiner that the application be reexecuted will not affect the filing date. See § 2.32(b).

It should be noted that the certificate of mailing procedure, 37 CFR 1.8, does not apply to the filing of trademark applications and therefore does not apply to the filing of a resubmitted trademark application. This is not a change from current practice.

Section 2.52 is proposed to be amended by revising paragraph (d) to make it mandatory to include on every drawing submitted as part of an application the identifying information prescribed by the rule. Specifically, "must" is substituted for "should" in the present rule. The reason for this proposed amendment is explained above in the explanation of the amendment proposed for § 2.21(a).

Section 2.54 is proposed to be amended to bring this section into conformity with the proposed amendments of §§ 2.21(a) and 2.52 by excluding an omitted or incomplete heading as a defect which is remediable by amendment after an examiner issues an Office action. Section 2.54 is also proposed to be amended by eliminating the provision for correction of drawings by the Office. The provision is being eliminated because of the lack of facilities.

Section 2.55 is proposed to be removed because the official draftsman of the Office does not have the facilities for making drawings for applications to register marks.

Section 2.57 is proposed to be amended by adding new paragraph (b) to make it clear that a mere reproduction of the drawing by xerographic, photographic or other copying processes will not be accepted as a facsimile showing how the mark is actually used in commerce (or is actually used in the case of an application filed under section 44 of the Trademark Act). No change is being made in the requirement that a facsimile submitted in lieu of a specimen must clearly and legibly show the mark and all matter used in connection therewith as the mark is actually used.

The Patent and Trademark Office has determined that the proposed amendments are not major rules under Executive Order 12291 since they would benefit trademark applicants and reduce the burdens on the Office.

The proposed amendments will not have a significant adverse economic impact on a substantial number of small entities. (Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*)

Notice is hereby given that pursuant to the Commissioner's authority under Section 41 of the Trademark Act of July 5, 1946, 15 U.S.C. 1123, and Section 6 of the Act of July 19, 1952, 35 U.S.C. 6, the Patent and Trademark Office proposes to amend Part 2 of Title 37 of the Code of Federal Regulations as set forth below.

In the text of the proposed amendments, additions are indicated by arrows and deletions are indicated by brackets.

It is proposed to amend 37 CFR, Part 2 as follows:

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. Section 2.21 is proposed to be revised to read as follows:

§ 2.21 Requirements for receiving a filing date.

(a) Materials submitted as an application for registration of a mark will not be accorded a filing date as an application until all of the following elements are received:

(1) Name of the applicant;

(2) A name and address to which communications can be directed;

(3) A drawing [or other identification] of the mark sought to be registered [;] ►containing the information required by paragraph (d) of § 2.52;◄

(4) An identification of goods or services;

(5) At least one specimen or facsimile of the mark as actually used;

(6) A date of first use of the mark in commerce, or a certification or certified copy of a foreign registration if the application is based on such foreign registration pursuant to section 44(e) of the [act,] ►Trademark Act,◄ or a claim of the benefit of a prior foreign application in accordance with section 44(d) of the Act;

(7) The required filing fee for at least one class of goods or services. Compliance with one or more of the rules relating to the elements specified above may be required before the application is further processed.

(b) The filing date of the application is the date on which all of the elements set forth in paragraph (a) of this section are received in the Patent and Trademark Office.

(c) If the papers [are so defective that they cannot be accepted, the applicant will be notified and the papers and fee held 6 months. If the requirements for receiving a filing date have not been satisfied within such time, the papers and fee will be returned to the applicant or otherwise disposed of; the drawing or fee of an unaccepted application may be transferred to a later application.] ►and fee submitted as an application do not satisfy all of the requirements specified in paragraph (a) of this section, the papers will not be considered to constitute an application and will not be given a filing date. The Patent and Trademark Office will return the papers and any fee submitted therewith to the person who submitted the papers. The Office will notify the person to whom the papers are returned of the defect or defects which prevented their being considered to be an application.◄

2. Section 2.52 is proposed to be amended by revising paragraph (d) to read as follows:

§ 2.52 Requirements for drawings.

* * * * *

(d) *Heading.* Across the top of the drawing, beginning one inch (2.5 cm.) from the top edge and not exceeding one-fourth of the sheet, there [should] ►must◄ be placed a heading, listing in separate lines applicant's ►complete◄ name, applicant's post office address, the date[s] of first use ►of the mark, the date of first use of the mark in commerce (except for an application filed under section 44 of the Trademark Act),◄ and the goods or services recited in the application [(] or ►a◄ typical item of the goods or services if a number ►of items◄ are recited in the application [)]. This heading [may] ►should◄ be typewritten.

* * * * *

3. Section 2.54 is proposed to be revised to read as follows:

§ 2.54 Informal drawings.

A drawing not in conformity with [§§ 2.51 to 2.53] ►§ 2.51 or paragraphs (a), (b), (c), or (e) of § 2.52 or § 2.53◄ may be accepted for purposes of examination, but the drawing must be corrected or a new one furnished, as required, before the mark can be published or the application allowed. [The necessary corrections will be made by the Patent and Tradmark

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Office upon applicant's request and at his expense.]

4. Section 2.55 is proposed to be removed.

[§ 2.55 Patent and Trademark Office may make drawings.

The Patent and Trademark Office, at the request of applicants and at their expense, will make drawings if facilities permit.]

5. Section 2.57 is proposed to be revised as follows:

§ 2.57 Facsimiles.

►(a)◄ When, due to the mode of applying or affixing the trademark to the goods, or to the manner of using the mark on the goods, or to the nature of the mark, specimens as above stated cannot be furnished, five copies of a suitable photograph or other acceptable reproduction, not to exceed 8½ inches (21.6 cm.) wide and 13 inches (33.0 cm.) long, and clearly and legibly showing the mark and all matter used in connection therewith, shall be furnished.

►(b) A purported facsimile which is merely a reproduction of the drawing submitted to comply with § 2.51 will not be considered to be a facsimile depicting the mark as actually used on or in connection with the goods or in connection with the services.◄

Dated: August 27, 1981.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

Approved: September 2, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

[FR Doc. 81-29154 Filed 10-6-81; 8:45 am]

BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[OPTS 00028; TSH-FRL 1951-2]

Administrator's Toxic Substances Advisory Committee; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: There will be a meeting of the Administrator's Toxic Substances Advisory Committee to discuss matters related to EPA's implementation of the Toxic Substances Control Act (Pub. L. 94-569). The meeting will be open to the public.

DATES: The meeting will be held from 9:00 a.m. to 5:00 p.m. on Thursday, October 29, 1981 and from 9:00 a.m. to 3:00 p.m. on Friday, October 30, 1981.

ADDRESS: The meeting will be held in: Environmental Protection Agency, Rms. 3906 and 3908, Waterside Mall, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Goldie Beasley, Administrator's Toxic Substances Advisory Committee (TS-777), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-417, 401 M St., SW., Washington, D.C. 20460, (202-755-8040).

SUPPLEMENTARY INFORMATION: On Thursday, Dr. John Todhunter, the designated new Assistant Administrator for Pesticides and Toxic Substances, will discuss the Administrator's policy for controlling toxic chemicals and will present an update on the implementation of the Toxic Substances Control Act (TSCA). The Committee will then form concurrent study groups on Testing and the Premanufacturing Notification Program. At 3:30 p.m. the full Committee will reconvene and meet with Mr. Don Clay, Director, Office of Toxic Substances.

The Friday agenda includes a discussion of the Interagency Testing Committee's selection of chemicals for testing and an update on TSCA section 8 activities.

The meeting will be open to the public and time will be set aside for public comments concerning the work of the Committee. Any member of the public wishing to present an oral or written statement relating to the Committee's work should contact Ms. Marsha Ramsay, Executive Secretary, at the address or phone number listed above.

Dated: September 30, 1981.

Edwin H. Clark II,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-29155 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-31-M

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40 CFR Part 65

[EN-9-FRL 1950-7]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Delayed Compliance Orders for Phelps Dodge Corporation, Ajo and Morenci, Arizona Copper Smelters

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue administrative orders to the Phelps Dodge Corporation. The orders require the company to bring air emissions from its Ajo and Morenci, Arizona copper smelters into compliance with certain regulations contained in the federally-approved Arizona State Implementation Plan (SIP). Because the company is unable to comply with these regulations at this time, the proposed orders would establish an expeditious schedule requiring final compliance by January 1, 1985 at Morenci and December 31, 1985 at Ajo. Source compliance with the orders would preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by the order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the orders.

DATES: Written comments must be received on or before November 6, 1981, and requests for a public hearing must be received on or before October 22, 1981. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held twenty-one days after prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, EPA, Region 9, 215 Fremont Street, San Francisco, California 94105. Material supporting the order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: William D. Wick, Attorney-Advisor, Enforcement Division, EPA, Region 9, 215 Fremont Street, San Francisco, California 94105, (415) 556-8008.

SUPPLEMENTARY INFORMATION: Phelps Dodge Corporation operates copper smelters at Ajo and Morenci, Arizona. The proposed orders address stack and fugitive emissions at these facilities. The Ajo facility is subject to 40 CFR 52.125(d) and 40 CFR 52.126(b). The Morenci facility is subject to 40 CFR 52.125(d) and Regulation 7-1-3.6 of the Arizona State Department of Health Rules and Regulations for Air Pollution Control. The regulations limit the emissions of sulfur dioxide and particulates, and are part of the federally-approved Arizona State Implementation Plan. The Ajo order requires final compliance with the regulations by December 31, 1985, and the Morenci order requires final compliance by January 1, 1985. Phelps Dodge has consented to the terms of each order. Moreover, Phelps Dodge agreed to meet certain increments prior to final compliance as specified in the orders.

The proposed orders satisfy the applicable requirements of Section 113(d) of the Clean Air Act (the Act). If the orders are issued, source compliance with the terms of each would preclude further EPA enforcement action under Section 113 of the Act against the applicable source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded. However, source compliance with the order will not preclude assessment of any noncompliance penalties under Section 120 of the Act, if the respective sources fail to achieve final compliance by the dates set forth in the preceding paragraph of this notice, unless the source is otherwise entitled to an exemption under Section 120(a)(2)(B) or (C)).

Comments received by the date specified above will be considered in determining whether EPA should issue the orders. After the public comment period and any public hearing, if held, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the order in 40 CFR Part 65.

(Secs. 113 and 301(a) of the Clean Air Act as amended (42 USC 7413, 7601))

Dated: September 18, 1981.

Sheila M. Prindiville,

Acting Regional Administrator Region 9.

[The text of the Orders are printed below.]

United States Environmental Protection Agency—Region 9

In the Matter of Phelps Dodge Corporataion, Ajo, Arizona; Proceeding under Section 113(d)(4) of the Clean Air Act, as Amended (Docket No. 9–81–27); Delayed Compliance Order.

This Order is issued this date pursuant to Section 113(d)(4) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) (hereinafter referred to as the "Act") and contains a schedule for compliance, interim control requirements, and a reporting requirement. Public notice, opportunity for a public hearing, and thirty (30) days notice to the State of Arizona have been provided pursuant to Section 113(d)(1) of the Act.

Findings

On June 30, 1975, EPA issued a Notice of Violatioin to Phelps Dodge pursuant to Section 113(a) of the Act, 42 U.S.C. 7413(a), for violations of the particulate emission limit applicable to the Ajo Smelter, 40 CFR 52.126(b).

On August 28, 1975, a conference was held to discuss the Notice of violation, pursuant to Section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4).

On February 19, 1981, EPA issued another Notice of Violation to Phelps Dodge pursuant to Section 113(a) of the Act, 42 U.S.C. 7413(a), for violations of the particulate emission limit applicable to the Ajo Smelter, 40 CFR 52.126(b).

By letter dated February 23, 1981, Phelps Dodge waived its right to confer with the Administrator pursuant to Section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4).

At various times in 1980 and 1981, Phelps Dodge representatives met with EPA representatives. Phelps Dodge proposed the use of new means for reducing particulate and sulfur dioxide emisions to meet the requirements of 40 CFR 52.126(b)(1) and 40 CFR 52.125(d), respectively. The control systems will be retrofitted at the Ajo facility and will involve oxygen sprinkle smelting or oxygen enrichment (smelting by means of oxygen/fuel or oxygen fuel coupled with oxygen concentrate burners), novel methods of introducing concentrate feed, fuel, and oxygen in a reverberatory furnace.

Both oxygen sprinkle smelting and smelting by oxygen/fuel coupled with oxygen concentrate burners involve the installation of special burners in the roof of an existing reverberatory furnace. Both processes apply the basic principle of flash smelting in a reverberatory furnace by using burners which introduce copper concentrate and oxygen through the burner. Fuel can be added as needed. These burners make use of the heating value of the sulfur in the concentrate, and thus reduce fuel consumption. In oxygen sprinkle smelting most, if not all, of the concentrate enters the furnace through the roof-mounted sprinkle burner. In smelting by oxygen/fuel coupled with an oxygen concentrate burner, approximately half of the concentrate enters the furnace through the concentrate burners mounted on the longitudinal center axis of the roof and approximately half enters through side charging ports. Smelting of the side-charged concentrate is accomplished with the aid of the oxygen/fuel burners which are roof mounted in a line on each side of and parallel to the concentrate burners, but closer to the longitudinal edges of the roof than to the center axis.

Smelting by means of oxygen/fuel involves the use of burners which use oxygen rather than air (about 21% oxygen) as the source of oxygen for fuel combustion. In smelting by means of oxygen/fuel, all of the concentrate enters the furnace through separate charging ports. All of the processes have several advantages; 1) overall fuel consumption is reduced, 2) total gas volume from the reverberatory furnaces is reduced, thus increasing the sulfur dioxide concentration in the furnace off-gases, and 3) the reverberatory furnace of-gases can be treated in existaing and/or new sulfuric acid plants and their auxiliary gas cleaning equipment, thus reducing both particulate matter and sulfur dioxide emissions from the smelter.

On March 26, 1981, EPA filed a complaint (CIV 81–008 TUC) against Phelps Dodge in United States District Court for the District of Arizona, alleging violations of particulate emission regulations at the Ajo smelter (40 CFR 52.126(b)).

On March 26, 1981, EPA and Phelps Dodge lodged with the Court a proposed Consent Decree. The Decree was noticed for public comment in the **Federal Register** (46 FR 23166, April 23, 1981) and it will be signed and entered after publication of the Order in the **Federal Register.**

In that Decree, EPA and Phelps Dodge agreed that a Delayed Compliance Order for the time necessary to install and implement such innovative technology as provided by Congress in Section 113(d)(4) of the Act.

After a thorough investigation of all relevant facts, EPA has determined that:

1. Phelps Dodge is unable to comply immediately with 40 CFR 52.125(d) and 40 CFR 52.126(b);
2. The control systems proposed are new means of emission limitations for control of sulfur dioxide and particulate emissions from non-ferrous smelters;
3. The use of this innovative technology is likely to be adequately demonstrated upon expiration of this Order;
4. These means of emission reduction have a substantial likelihood of achieving final compliance at lower cost and with less energy consumption than conventional means;
5. Such new control systems are not likely to be used unless this Order is granted;
6. Compliance with 40 CFR 52.125(d) and 40 CFR 52.126(b) would be impractical prior to or during installation of the new control systems;

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7. Phelps Dodge shall use the best practicable systems of emission reduction, specified in paragraph 2(g) of this Order, during the period this Order is in effect;

8. The timetable for final compliance is as expeditious as practicable; and

9. The issuance of this Order is consistent with Section 113(d)(4) of the Act.

Order

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as practicable, and the terms of this Order comply with Section 113(d) of the Act. Therefore, it is hereby Agreed and Ordered that:

1. Phelps Dodge shall comply with 40 CFR 52.125(d) and 40 CFR 52.126(b) on or before December 31, 1985.

2. Phelps Dodge shall take the following actions in order to achieve compliance with the applicable SO_2 and particulate matter emission limitations:

(a) *Oxygen Plant:* Phelps Dodge shall design, construct and install one or more oxygen plants capable of producing a sufficient amount of oxygen per day (estimated at about 200 tons per day) to permit the program of oxygen-fuel smelting and/or oxygen sprinkle smelting and converter gas oxygen enrichment hereinafter described, and meet the increments of progress in the following compliance schedule:

(1) Let contracts for design and construction of plant on or before March 31, 1983;

(2) Commence site specific detailed design of the plant on or before June 30, 1983;

(3) Commence construction of plant on or before March 31, 1984; and

(4) Complete construction of plant and commence production of oxygen for use in the reverberatory furnace and converters on or before September 30, 1985.

(b) *Reverberatory Furnace:* (1) Commence installation of oxygen-fuel and/or oxygen sprinkle smelting burners and begin necessary modification to the furnace and furnace feed system on or before March 31, 1985;

(2) Complete installation of oxygen-fuel and/or oxygen sprinkle smelting burners and complete necessary modifications to the furnace and furnace feed system, and commence oxygen-fuel and/or oxygen sprinkle smelting, on or before September 30, 1985; and

(3) Commence commercial operation of oxygen-fuel and/or oxygen sprinkle smelting in the reverberatory furnace on or before December 31, 1985. In this oxygen-fuel and/or oxygen sprinkle smelting mode all reverberatory furnace process gases shall be ducted to the gas cleaning systems for particulate matter removal, and to a sulfuric acid plant and/or other EPA approved facilities for SO_2 removal prior to discharge to the atmosphere.

(c) *Converters:* Phelps Dodge shall commence commercial operation of oxygen-fuel and/or oxygen sprinkle smelting and converter gas oxygen enrichment on or before December 31, 1985. All converter gases shall be ducted to the converter gas sulfuric acid plant for particulate matter and SO_2 removal prior to discharge to the atmosphere. The percentage of converter oxygen enrichment, which may vary from time to time, shall at all times be sufficient to permit the treatment of all reverberatory furnace and converter gases at such acid plant and/or other EPA approved SO_2 removal facilities.

(d) *Sulfuric Acid Plant:* (1) Commence a study, if necessary with the use of independent contractors, of means to improve the efficiency of the converter acid plant to achieve an emission standard of 2600 ppmv (parts per million by volume) SO_2 (running 6-hour average). Such study shall include, among other things, consideration of the replacement of the cold heat exchanger, main gas blower and catalyst; and washing of the cooling, drying and absorption towers. Such study shall be completed on or before February 28, 1982;

(2) Report to EPA the conclusions of such study on or before May 31, 1982; and

(3) On or before January 1, 1983, commence a program to make such replacements and installations recommended by the report as could be necessary to achieve an emission standard of 2600 ppmv (running 6-hour average) and unless a later date is required by delivery schedules or other events reasonably beyond the control of defendant and is agreed to by EPA, complete said replacements and installations on or before June 30, 1984.

(e) *Fugitive Gases:* (1) Continue operation of existing fugitive gas capture systems (secondary converter hoods, matte tapping hoods and slag skimming hoods) maximizing the capture of all fugitive gases;

(2) Duct all captured fugitive gases to the main smelter stack, or other stacks if approved by EPA;

(3) Commence the development of a plan to evaluate the effectiveness of the existing fugitive gas capture systems, and a testing program to measure the particulate matter, sulfuric acid and SO_2 emission rates for the secondary converter hood gases, the matte tapping gases and the slag skimming gases (captured fugitive emissions) on or before December 31, 1981. A proposed testing plan shall be submitted to EPA, Region IX, for review and approval on or before April 30, 1982;

(4) Within sixty (60) days after receiving EPA's approval of the evaluation and testing plans, begin evaluation of the effectiveness of the existing fugitive gas capture systems, and commence the testing program to measure the items specified in subparagraph (3) of this paragraph. Testing shall be conducted as specified in Test Methods 1–5 and 8, except that a combined Method 5/8 sampling train shall be used;

(5) Complete the evaluation study and the testing program described in (e)(3) above within sixty (60) days after the commencement of the testing program;

(6) Report to EPA, within ninety (90) days after the completion of the evaluation and testing programs as to;

(a) The extent to which the efficiency of the existing fugitive gas capture systems must be improved, and the manner in which such improvements are to be achieved;

(b) The extent to which installation of particulate matter and SO_2 controls on captured fugitive gases are necessary to comply with SIP emission limits; and

(c) The manner in which it is proposed to control such particulates and sulfur dioxide, including the type, size and specifications of any captured fugitive emission control devices which are necessary to comply with SIP emission limitations.

(7) Install the necessary new or modified fugitive gas capture systems; and design, construct and install gas cleaning systems of the type, size and specification as determined in subparagraph (e)(6)(c) above to be necessary to comply with applicable emission limitations. This requirement shall be achieved as follows:

(a) Let contract for design of fugitive emissions control systems within ninety (90) days after EPA approves the report submitted pursuant to subparagraph (6) above or within 90 days after agreement is reached between the parties on any report modifications EPA deems desirable. Let contract for construction of such fugitive emissions control systems prior to June 30, 1984.

(b) Commence construction of fugitive emissions control systems on or before December 31, 1984;

(c) Complete construction of the new or modified fugitive gas capture systems, and the fugitive emissions control systems on or before December 31, 1985.

(8) For the purposes of this Order the following definitions shall apply:

(a) "Fugitive emissions" (or fugitive gases) means any air pollutants emitted into the atmosphere from other than a flue.

(b) "Captured fugitive emissions" means any fugitive emissions which have been gathered into a flue, except that emissions which are captured by primary converter hoods shall be considered process emissions and shall not be considered to be captured fugitive emissions.

(c) A "flue" means any duct, pipe, stack, chimney or conduit.

(f) *Operation and Maintenance:* The following operation and maintenance procedures shall be instituted no later than six months after entry of the Consent Decree noticed at 46 FR 23166 (April 23, 1981):

(1) Minimize unnecessary air infiltration (i.e., air infiltration that would prevent the treatment of all reverberatory furnace and converter gases in the sulfuric acid plant) by preventing leakage of air into the reverberatory furnace, the reverberatory furnace ducts, converter ducts and all air pollution control devices and their associated ducts. This shall be accomplished by a regular monthly (at a minimum) inspection and maintenance program for all major pieces of process equipment, including the reverberatory furnace and the converters, ducts and air pollution control equipment. There shall also be daily walk-through inspections for the purpose of detecting infiltration problems primarily attributable to inattention by plant personnel. Defects which permit unnecessary air infiltration shall be repaired within twenty-four (24) hours after detection unless satisfactory justification is provided in the summary report discussed below. A monthly inspection summary shall be prepared, retained and made available for examination by either EPA or ABAQC;

(2) Fugitive gas capture and control systems shall be inspected regularly at one month intervals (at a minimum) in order to ensure their proper operation and maintenance.

(g) *Interim Requirements:* (1) For the purposes of this Order the term "Supplementary Control System" (SCS) shall mean any technique for limiting the concentration of a pollutant in the ambient air by varying the emissions of that pollutant according to atmospheric conditions. The term does not include any dispersion technique based solely on the use of a stack the height of which exceeds good engineering practice [as determined under regulations implementing Section 123 of the Act]. EPA finds that the main stack at Ajo was in existence before the date of the enactment of the Clean Air Amendments of 1970;

(2) Phelps Dodge shall continue to operate its SCS to the extent necessary to avoid exceeding the NAAQS for SO_2;

(3) Existing control equipment shall be operated at maximum feasible efficiency. To ensure that this is accomplished for SO_2 removal, the smelter shall achieve at least 60 percent overall sulfur removal in calender years 1981, 1982, 1983, 1984 and 1985. The overall sulfur removal percenages shall be based on the sulfur balance reports routinely submitted to the ABAQC by Phelps Dodge. Calculations shall be performed assuming 365 operating days per year, using 1979 calculation procedures; and

(4) Until final compliance has been demonstrated with respect to the Ajo smelter, Phelps Dodge shall not process more than 64,000 tons of input sulfur in any calendar year, based on the sulfur balance reports routinely submitted to the ABAQC and using 1979 calculation procedures.

(h) *Monitoring Requirements:* (1) Install, operate and maintain a continuous in-stack SO_2 monitor (in accordance with the provisions contained in Appendix D to 40 CFR Part 52) at the outlet of the acid plant, by February 28, 1983. For the purpose of determining whether a monitor is meeting the performance specifications, the "emission standard" referred to in Appendix D shall be 2600 parts per million by volume (ppmv) SO_2. The span (full scale instrument reading) shall be set at 4000 ppmv. The performance test for this monitor shall be completed by August 28, 1983;

(2) Install and continuously operate and maintain continuous monitoring devices in any ducts or flues used to bypass gases around the smelter's SO_2 constant control system(s), by February 28, 1983. Such monitoring shall be adequate to disclose the time of the bypass, its duration and the approximate volume of gas bypassed; and

(3) Install, operate and maintain continuous in-stack sulfur dioxide monitors and continuous in-stack volumetric flow rate monitors in the main smelter stack (or in all ducts which discharge gases into the main smelter stack) by January 1, 1984 as required by 40 CFR 52.125(d)(5). Any other stack which could emit 5 percent or more of the total hourly allowable sulfur dioxide emissions from the New Cornelia Branch smelter shall also be equipped with such monitors by January 1, 1984. The performance tests for all of these monitors shall be completed by July 1, 1984.

3. No later than five (5) days after the end of each quarter, Phelps Dodge shall notify EPA in writing of its compliance or noncompliance (and reason therefor) with any incremental step or final compliance date provided in this Order. If any delay is anticipated in meeting any requirements of this Order, Phelps Dodge shall immediately notify EPA in writing citing the reasons for the anticipated delay. Such notification does not excuse the delay. All submittals and notifications to EPA pursuant to this Order shall be made to Director, Enforcement Division, Region 9, U.S. EPA, 215 Fremont Street, San Francisco, California 94105, or such other person as specified by EPA. In addition, all submittals and notifications to EPA required by this Order shall be transmitted simultaneously to the State or Arizona.

4. Phelps Dodge shall provide EPA and the State of Arizona at least 30 days notice prior to conducting any performance test, in order to afford EPA and the State of Arizona an opportunity to evaluate the test methods and procedures and to enable the agencies to have an observer present at such testing.

5. Nothing contained in this Order shall affect Phelps Dodge's responsibility to comply with State of Arizona laws or regulations or other Federal laws or regulations during the pendency of this Order. Phelps Dodge is hereby notified that its failure to meet the interim requirements of this Order or to achieve final compliance by December 31, 1985 at the source covered by this Order may result in a requirement to pay a non-compliance penalty in accordance with Section 120 of the Act, 42 U.S.C. 7420. In the event of such failure, Phelps Dodge will be formally notified pursuant to Section 120(b)(3), 42 U.S.C. 7420(b)(3), and any regulations promulgated thereunder. By acknowledging receipt of the notice contained in this paragraph, Phelps Dodge does not concede the appropriateness of the imposition of Section 120 noncompliance penalties under circumstances set out in such notice nor the appropriateness of the inclusion of such notice within this order.

6. This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator or her delegate determines on the record, after notice and hearing, that an inability to comply with 40 CFR 52.125(d) and 40 CFR 52.126(b) no longer exists.

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7. During the period this Order is in effect and where Phelps Dodge is in compliance with the terms of this Order, no Federal enforcement action pursuant to Sections 113 or 304 of the Clean Air Act shall be pursued against Phelps Dodge based upon non-compliance during the period this Order is in effect with the requirements for Phelps Dodge covered by this Order.

8. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. 7603.

9. This Order shall become effective upon final promulgation in the **Federal Register**.

Dated: ______.

______

Administrator, U.S. Environmental Protection Agency.

Phelps Dodge has reviewed this Order, consents to its terms and conditions, and believes it to be a reasonalbe means by which Phelps Dodge can achieve final compliance with 40 CFR 52.125(d) and 40 CFR 52.126(b).

Dated: September 24, 1981.

John F. Boland, Jr.,

Attorney, Phelps Dodge Corporation.

United States Environmental Protection Agency—Region 9

In the Matter of Phelps Dodge Corporation, Morenci, Arizona; Proceeding under Section 113(d)(4) of the Clean Air Act, as Amended (Docket No. 9–81–28); Delayed Compliance Order.

This Order is issued this date pursuant to Section 113(d)(4) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) (hereinafter referred to as the "Act") and contains a schedule for compliance, interim control requirements, and a reporting requirement. Public notice, opportunity for a public hearing, and thirty (30) days notice to the State of Arizona have been provided pursuant to Section 113(d)(1) of the Act.

Findings

On September 10–16, 1979, EPA's National Enforcement Investigations Center (NEIC) conducted source tests for particulate matter at the Morenci smelter which indicated that average converter particulate emissions were 432 lbs/hour, about seven times the allowable 52 lbs/hour, and that average roaster-reverberatory furnace emissions were 1200 lbs/hour, about twenty-four times the allowable 51 lbs/hour.

On February 13, 1981, EPA issued a Notice of Violation to Phelps Dodge, pursuant to Section 113(a) of the Act, 42 U.S.C. 7413(a), for the Morenci smelter violations documented by the September 10–16, 1979 source test.

By letter dated February 18, 1981, Phelps Dodge waived its right to confer with the Administrator pursuant to Section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4).

At various times in 1980 and 1981, Phelps Dodge representatives met with EPA representatives. Phelps Dodge proposed the use of new means for reducing particulate and sulfur dioxide emissions to meet the requirements of Regulation 7–1–3.6 of the Rules and Regulations for Air Pollution Control of the Arizona State Department of Health, and 40 CFR 52.125(d), respectively. The control systems will be retrofitted at the Morenci facility and will involve oxygen sprinkle smelting or oxygen enrichment (smelting by means of oxygen/fuel or oxygen fuel coupled with oxygen concentrate burners), novel methods of introducing concentrate feed, fuel, and oxygen in a reverberatory furnace.

Both oxygen sprinkle smelting and smelting by oxygen/fuel coupled with oxygen concentrate burners involve the installation of special burners in the roof of an existing reverberatory furnace. Both processes apply the basic principle of flash smelting in a reverberatory furnace by using burners which introduce copper concentrate and oxygen through the burner. Fuel can be added as needed. These burners make use of the heating value of the sulfur in the concentrate, and thus reduce fuel consumption. In oxygen sprinkle smelting most, if not all, of the concentrate enters the furnace through the roof-mounted sprinkle burner. In smelting by oxygen/fuel coupled with an oxygen concentrate burner, approximately half of the concentrate enters the furnace through the concentrate burners mounted on the longitudinal center axis of the roof and approximately half enters through side charging ports. Smelting of the side-charged concentrate is accomplished with the aid of the oxygen/fuel burners which are roof mounted in a line on each side of and parallel to the concentrate burners, but closer to the longitudinal edges of the roof than to the center axis.

Smelting by means of oxygen/fuel involves the use of burners which use oxygen rather than air (about 21% oxygen) as the source of oxygen for fuel combustion. In smelting by means of oxygen/fuel, all of the concentrate enters the furnace through separate charging ports. All of the processes have several advantages: (1) overall fuel consumption is reduced, (2) total gas volume from the reverberatory furnaces is reduced, thus increasing the sulfur dioxide concentration in the furnace off-gases, and (3) the reverberatory furnace off-gases can be treated in existing and/or new sulfuric acid plants and their auxiliary gas cleaning equipment, thus reducing both particulate matter and sulfur dioxide emissions from the smelter.

On March 26, 1981, EPA filed a complaint (CIV 81–088 TUC) against Phelps Dodge in United States District Court for the District of Arizona, alleging violations of particulate emission regulations at the Morenci smelter (Reg. 7–1–3.6).

On March 26, 1981, EPA and Phelps Dodge lodged with the Court a proposed Consent Decree. The Decree was noticed for public comment in the **Federal Register** (46 FR 23166, April 23, 1981) and it will be signed and entered after publication of this Order in the **Federal Register.**

In that Decree, EPA and Phelps Dodge agreed that a Delayed Compliance Order would be issued for the time necessary to install and implement such innovative technology as provided by Congress in Section 113(d)(4) of the Act.

After a thorough investigation of all relevant facts, EPA has determined that:

1. Phelps Dodge is unable to comply immediately with 40 CFR 52.125(d) and Arizona Reg. 7–1–3.6;

2. The control systems proposed are new means of emission limitations for control of sulfur dioxide and particulate emissions for non-ferrous smelters;

3. The use of this innovative technology is likely to be adequately demonstrated upon expiration of this Order;

4. These means of emission reduction have a substantial likelihood of achieving final compliance at lower cost and with less energy consumption than conventional means;

5. Such new control systems are not likely to be used unless this Order is granted;

6. Compliance with 40 CFR 52.125(d) and Arizona Reg. 7–1–3.6 would be impractical prior to or during installation of the new control systems;

7. Phelps Dodge shall use the best practicable systems of emission reduction, specified in paragraph 2(h) of this Order, during the period this Order is in effect;

8. The timetable for final compliance is as expeditious as practicable; and

9. The issuance of this Order is consistent with Section 113(d)(4) of the Act.

Order

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expenditious as practicable, and the terms of this Order comply with Section 113(d) of the Act. Therefore, it is hereby Agreed and Ordered that:

1. Phelps Dodge shall comply with 40 CFR 52.125(d) and Arizona Reg. 7-1-3.6 on or before January 1, 1985.

2. Phelps Dodge shall take the following actions in order to achieve compliance with the applicable SO_2 and particulate matter emission limitations:

(a) *Oxygen Plant:* Phelps Dodge shall design, construct and install one or more oxygen plants capable of producing a sufficient amount of oxygen per day (estimated at about 900 tons per day) to permit the program of oxygen-fuel smelting and/or oxygen sprinkle smelting and converter gas oxygen enrichment hereinafter described and meet the increments of progress in the following compliance schedule:

(1) Let contracts for design and construction of a 500 ton per day oxygen plant on or before July 31, 1980;

(2) Commence site specific detailed design of this plant on or before December 31, 1980;

(3) Commence construction of the plant on or before June 30, 1981;

(4) Complete construction of this 500 ton per day oxygen plant and commence production of oxygen for use in the reverberatory furnaces and converters on or before June 30, 1983;

(5) Let contracts for design and construction of an additional oxygen plant to provide all additional required oxygen (estimated at least 330 tons per day) on or before June 30, 1982;

(6) Commence site specific detailed design of the second plant on or before December 31, 1982;

(7) Commence construction of the second plant on or before June 30, 1983; and

(8) Complete construction of the second plant and commence production of oxygen for use in the reverberatory furnaces and converters on or before December 31, 1984.

(b) *Roaster:* At all times prior to December 31, 1984, Phelps Dodge shall duct all roaster gases to the converter gas sulfuric acid plants for particulate matter and SO_2 removal before discharge to the atmosphere.

(c) *Reverberatory Furnaces:* (1) Commence installation of oxygen-fuel and/or oxygen sprinkle smelting burners at reverberatory furnace No. 3 (or No. 5) before March 31, 1982;

(2) Complete installation of oxygen-fuel and/or oxygen sprinkle smelting burners at reverberatory furnace No. 3 (or No. 5) on or before March 31, 1983;

(3) Commence commercial testing of oxygen-fuel smelting and/or oxygen sprinkle smelting in reverberatory furnace No. 3 (or No. 5) on or before June 30, 1983;

(4) Commence installation of oxygen-fuel and/or oxygen sprinkle smelting burners at reverberatory furnace No. 5 (or No. 3) on or before September 30, 1983;

(5) Complete installation of oxygen-fuel burners and/or oxygen sprinkle smelting burners on reverberatory furnace No. 5 (or No. 3), and such other reverberatory furnaces as will be included in Phelps Dodge's commercial operation as set forth in subsection (6) below on or before September 30, 1984.

(6) Consistent with paragraph 1 above, commence commercial operation of oxygen-fuel and/or oxygen sprinkle smelting in reverberatory furnaces Nos. 3 and 5, on or before December 31, 1984. In this oxygen-fuel and/or oxygen sprinkle smelting mode all reverberatory furnace process gases shall be ducted to the converter gas sulfuric acid plant for particulate matter and SO_2 removal prior to discharge to the atmosphere; and

(7) Discontinue use of reverberatory furnaces Nos. 1, 2 and 4 on or before December 31, 1984, except that use for the processing of low sulfur material (containing less than 6% sulfur), such as copper precipitates, smelting furnace slag or converter slag, shall not be precluded. Any sulfur dioxide emissions from furnaces processing low sulfur material shall be included when determining whether the smelter is in compliance with the sulfur dioxide emission limitations. These furnaces shall also be subject to the applicable particulate matter regulations.

(d) *Converters:* Phelps Dodge shall commence commercial operation of oxygen-fuel and/or oxygen sprinkle smelting and converter gas oxygen enrichment on or before December 31, 1984. All converter gases shall be ducted to the converter gas sulfuric acid plants for particulate matter and SO_2 removal prior to discharge to the atmosphere. The percentage of converter oxygen enrichment, which may vary from time to time, shall at all times be sufficient to permit the treatment of all roaster, reverberatory furnace and converter gases in sulfuric acid plants.

(e) *Sulfuric Acid Plants:* (1) Commence a study, if necessary with the use of independent contractors, of means to improve the efficiency of the converter acid plants to achieve an emission standard of 2600 ppmv (parts per million by volume) SO_2 (running 6-hour average). Such study shall include, among other things, consideration of the replacement of rectangular gas heat exchangers, installation of new preheater and catalyst replacement, and such study to be completed on or before June 30, 1981;

(2) Report to EPA the conclusions of such study on or before August 31, 1981;

(3) On or before January 1, 1982 commence a program to make such replacements and installations recommended by the report as would be necessary to achieve an emission standard of 2600 ppmv (running 6-hour average) and unless a later date is required by delivery schedules or other events reasonably beyond the control of defendant and is agreed to by EPA, complete said replacements and installations on or before June 30, 1983.

(4) Permanently close the roaster acid plant before October 31, 1980;

(f) *Fugitive Gases:* (1) Continue operation of all existing fugitive gas capture systems (secondary converter hoods, matte tapping hoods and slag skimming hoods) to as to maximize the capture of all fugitive gases;

(2) Duct all captured fugitive gases to either of the two main smelter stacks or other stacks if approved by EPA;

(3) Commence the development of a plan to evaluate the effectiveness of the existing fugitive gas capture systems, and a testing program to measure particulate matter, sulfuric acid and SO_2 emission rates for the secondary converter hood gases, the matte tapping gases and the slag skimming gases (captured fugitive emissions) on or before December 31, 1980. A proposed testing plan shall be submitted to EPA, Region IX, for review and approval, on or before June 15, 1981;

(4) Within sixty (60) days after receiving EPA's approval of the evaluation and testing plans, begin evaluation of the effectiveness of the existing fugitive gas capture systems, and commence the testing program to measure the items specified in subparagraph (f)(3). Testing shall be conducted as specified in Test Methods 1 through 5, inclusive, and 8, except that a combined Method 5/8 sampling train shall be used;

(5) Complete the evaluation study and the testing program described in subparagraph (f)(3) within sixty (60) days after the commencement of the testing program.

(6) Report to EPA, within ninety (90) days after the completion of the evaluation and testing programs as to:

(a) The extent to which the efficiency of the existing fugitive gas capture systems must be improved, and the manner in which such improvements are to be achieved;

(b) The extent to which installation of particulate and SO_2 controls on captured fugitive gases are necessary to comply with applicable emission limitations; and

(c) The manner in which it is proposed to control such particulates and sulfur dioxide, including the type, size and specification of any captured-fugitive emission control devices which are determined to be necessary to comply with SIP emission limitations.

(7) Install the necessary new or modified fugitive gas capture systems; and design, construct and install gas cleaning systems of the type, size and specification as determined in subparagraph (f)(6)(c) above to be necessary to comply with applicable emission limitations. This requirement shall be achieved as follows:

(a) Let contracts for design of fugitive emissions control systems within ninety (90) days after EPA approves and/or modifies the report submitted pursuant to subparagraph (6) above or within 90 days after agreement is reached between the parties on any report modifications EPA deems desirable and let contracts for construction of such fugitive emissions control systems by December 31, 1983.

(b) Commence construction of fugitive emissions control systems on or before June 30, 1984;

(c) Complete construction of the new or modified fugitive gas capture systems, and the fugitive emissions control systems on or before December 31, 1985.

(8) For the purpose of this Order the following definitions shall apply:

(a) "Fugitive emissions" (or fugitive gases) means any air pollutants emitted into the atmosphere from other than a flue.

(b) "Captured fugitive emissions" means any fugitive emissions which have been gathered into a flue, except that emissions which are captured by primary converter hoods shall be considered process emissions and shall not be considered to be captured fugitive emissions.

(c) A "flue" means any duct, pipe, stack, chimney or conduit.

(g) *Operation and Maintenance:* The following operation and maintenance procedures shall be instituted no later than six months after entry of the Consent Decree noticed at 46 FR 23166 (April 23, 1981):

(1) Minimize unnecessary air infiltration (i.e., air infiltration that would prevent the treatment of all roaster, reverberatory furnace and converter gases in the sulfuric acid plants) by preventing leakage into the reverberatory furnaces, the reverberatory furnace ducts converter ducts and all air pollution control equipment and their associated ducts. This shall be accomplished by a regular monthly (at a minimum) inspection and maintenance program for all major pieces of process equipment (including reverberatory furnaces and converters), ducts and air pollution control equipment. There shall also be daily walk-through inspections for the purpose of detecting infiltration problems primarily attributable to inattention by plant personnel. Defects which permit unnecessary air infiltration shall be repaired within twenty-four (24) hours after detection, unless satisfactory justification is provided in the summary report discussed below. A monthly inspection summary report shall be prepared, retained and made available for examination by the EPA, or the Arizona Bureau of Air Quality Control (ABAQC); and

(2) Fugitive gas capture and control systems shall be inspected regularly at one month intervals (at a minimum) in order to ensure their proper operation and maintenance.

(h) *Interim Requirements:* (1) For the purposes of this Order the term "Supplementary Control System" (SCS) shall mean any technique for limiting the concentration of a pollutant in the ambient air by varying the emissions of that pollutant according to atmospheric conditions. The term does not include any dispersion technique based solely on the use of a stack the height of which exceeds good engineering practice [as determined under regulations implementing Section 123 of the Act]. EPA finds that the two main stacks at Morenci were in existence before the date of the enactment of the Clean Air Amendments of 1970;

(2) Phelps Dodge shall continue to operate its SCS to the extent necessary to avoid exceeding the National Ambient Air Quality Standards (NAAQS) for SO_2;

(3) Existing Control equipment shall be operated at maximum feasible efficiency. To ensure that this is accomplished for SO_2 removal, the smelter shall achieve at least 62 percent overall sulfur removal in calendar years 1981, 1982, 1983 and 1984. The overall sulfur removal percentages shall be based on the sulfur balance reports routinely submitted to the ABAQC by Phelps Dodge. Calculations shall be performed assuming 365 operating days per year, using 1979 calculation procedures; and

(4) Until final compliance has been demonstrated with respect to the Morenci smelter, Phelps Dodge shall not process more than 250,000 tons of input sulfur in any calendar year, based on sulfur balance reports routinely submitted to the ABAQC and using 1979 calculation procedures. Phelps Dodge shall not be subject to this limitation prior to January 1, 1981.

(i) *Monitoring Requirements:* (1) Install, operate and maintain a continuous in-stack SO_2 monitor (in accordance with the provisions contained in Appendix D to 40 CFR Part 52) at the outlet of each sulfuric acid plant train, by June 30, 1982. For the purpose of determining whether a monitor is meeting the performance specifications, the "emission standard" referred to in Appendix D shall be 2600 ppmv (parts per million by volume) SO_2. The span (full scale instrument reading) shall be set at 4000 ppmv. The performance test for this monitor shall be completed by December 31, 1982;

(2) Install and continuously operate and maintain continuous monitoring devices in any ducts or flues used to bypass gases around the smelter's SO_2 constant control system(s), by June 30, 1982. Such monitoring shall be adequate to disclose the time of the bypass, its duration and the approximate volume of gas bypassed; and

(3) Install, operate and maintain continuous in-stack sulfur dioxide monitors and continuous in-stack volumetric flow rate monitors in the two main stacks and the reverberatory furnace ventilation system stack by June 1, 1983 as required by 40 CFR 52.125(d)(5). Any other stack which could emit 5 percent or more of the total hourly allowable sulfur dioxide emissions from the Morenci smelter shall also be equipped with such monitors by June 1, 1983. The performance tests for all of these monitors shall be completed by December 31, 1983.

3. No later than five (5) days after the end of each quarter, Phelps Dodge shall notify EPA in writing of its compliance or noncompliance (and reason therefor) with any incremental step or final compliance date provided in this Order. If any delay is anticipated in meeting any requirements of this Order, Phelps Dodge shall immediately notify EPA in writing citing the reasons for the anticipated delay. Such notification does not excuse the delay. All submittals and notifications to EPA pursuant to this Order shall be made to Director, Enforcement Division, Region 9, U.S.

EPA, 215 Fremont Street, San Francisco, California 94105, or such other person as specified by EPA. In addition, all submittals and notifications to EPA required by this Order shall be transmitted simultaneously to the State of Arizona.

4. Phelps Dodge shall provide EPA and the State of Arizona at least 30 days notice prior to conducting any performance test, in order to afford EPA and the State of Arizona an opportunity to evaluate the test methods and procedures and to enable the agencies to have an observer present at such testing.

5. Nothing contained in this Order shall affect Phelps Dodge's responsibility to comply with State of Arizona laws or regulations or other Federal laws or regulations during the pendency of this Order. Phelps Dodge is hereby notified that its failure to meet the interim requirements of this Order or to achieve final compliance by January 1, 1985 at the source covered by this Order may result in a requirement to pay a non-compliance penalty in accordance with Section 120 of the Act, 42 U.S.C. 7420. In the event of such failure, Phelps Dodge will be formally notified pursuant to Section 120(b)(3), 42 U.S.C. 7420(b)(3), and any regulations promulgated thereunder. By acknowledging receipt of the notice contained in this paragraph, Phelps Dodge does not concede the appropriateness of the imposition of Section 120 noncompliance penalties under circumstances set out in such notice nor the appropriateness of the inclusion of such notice within this Order.

6. This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator or her delegate determines on the record, after notice and hearing, that an inability to comply with 40 CFR 52.125(d) and Arizona Reg. 7-1-3.6 no longer exists.

7. During the period this Order is in effect and where Phelps Dodge is in compliance with the terms of this Order, no Federal enforcement action pursuant to Sections 113 or 304 of the Clean Air Act shall be pursued against Phelps Dodge based upon non-compliance during the period this Order is in effect with the requirements for Phelps Dodge covered by this Order.

8. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Act, including, but not limited to, Section 303 of the Act, 42 U.S.C. 7603.

9. This Order shall become effective upon final promulgation in the **Federal Register**.

Dated:

———— ————,

Administrator, U.S. Environmental Protection Agency.

Phelps Dodge has reviewed this Order, consents to its terms and conditions, and believes it to be a reasonable means by which Phelps Dodge can achieve final compliance with 40 CFR 52.125(d) and Arizona Reg. 7-1-3.6.

Dated: September 24, 1981.

John F. Boland, Jr.

Attorney, Phelps Dodge Corporation.

[FR Doc. 81-29148 Filed 10-6-81; 8:45 am]

BILLING CODE 6560-[illegible]-M

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40 CFR Part 86

[AE-FRL 1951-1]

Motor Vehicle Pollution Control; Waiver of Oxides of Nitrogen (NO_x) Emission Standard for Light-Duty Diesel Vehicles; Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of opportunity for public hearing to consider applications for waivers.

SUMMARY: Under section 202(b)(6)(B) of the Clean Air Act (Act), the Administrator of EPA may waive the 1981-1984 model year NO_x standard applicable to diesel-powered light-duty vehicles if certain determinations are made after notice and an opportunity for a hearing. This notice announces receipt of a waiver application from Chrysler Corporation (Chrysler) and provides an opportunity for a public hearing to consider this, and any other timely applications.

DATES: This notice announces that EPA has scheduled a public hearing on October 21, 1981, beginning at 9:00 a.m., to consider Chrysler's waiver application, and any other NO_x waiver applications that EPA receives by October 19, 1981. Parties desiring to testify should notify the Manufacturers Operations Division, as noted below, not later than October 20, 1981. Interested parties should submit any relevant written comments by October 23, 1981, to ensure that the Administrator can consider these comments in deciding on the waiver applications. If no party testifies at the hearing, EPA will consider the waiver request based on written submissions to the record.

ADDRESSES: The hearing will be held at the Manufacturers Operations Division Conference Room, 499 South Capitol Street, S.W., 3rd floor, Washington, D.C. 20460. Parties wishing to testify at the hearing should notify Mr. Jerry Schwartz, as noted below. Manufacturers submitting NO_x waiver applications, or parties wishing to submit written comments, should direct their submissions in writing to the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. All public portions of waiver applications and other relevant information will be available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at U.S. Environmental Protection Agency, Central Docket Section (A-130), Gallery I, Waterside Mall, 401 M Street, S.W., Washington, D.C. (Docket Number EN-81-7).

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Schwartz, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-2495.

SUPPLEMENTARY INFORMATION:

I. Background and Discussion

Section 202(b)(6)(B) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(6)(B) (1977), allows any manufacturer to petition the Administrator of EPA for waiver of the 1981-1984 model year NO_x standard of 1.0 gpm. The Administrator, after notice and opportunity for public hearing, may waive the standard for any class or category of light-duty vehicles manufactured during the four model year period, beginning in model year 1981, up to a maximum level of 1.5 gpm, if the manufacturer can show that the waiver is necessary to permit diesel engined technology to be used on the subject vehicles. The waiver may be granted if the Administrator determines:

(i) That the waiver will not endanger public health;

(ii) That the waiver will result in significant fuel savings at least equal to the fuel economy standard applicable in each year under the Energy Policy and Conservation Act, and

(iii) That the technology has a potential for long-term air quality benefit and has the potential to meet or exceed the average fuel economy standard applicable under the Energy Policy and Conservation Act at the expiration of the waiver.

EPA published guidelines for diesel NO_x waiver applications in the **Federal Register** at 43 FR 30341, July 14, 1978, in order to apprise manufacturers of the information then deemed necessary to demonstrate that a waiver should be granted. EPA also published a notice in the **Federal Register** at 46 FR 20705 (April 7, 1981), announcing procedures for submitting NO_x waiver applications covering model years 1981–1984.

EPA has received an application from Chrysler for waiver of the 1984 model year NO_x standard for a 1.9 liter (L) engine family, vehicles of which will be powered by an engine that Chrysler plans to purchase from Automobiles Peugeot (Peugeot). Peugeot submitted a waiver application covering this engine on July 13, 1981. EPA held a public hearing to consider this, and other NO_x waiver applications, on July 23, 1981 pursuant to a **Federal Register** notice published on July 7, 1981.[1]

After the hearing, EPA requested and received from Peugeot supplemental information that EPA deemed necessary in order to fully evaluate Peugeot's application. The Agency expects to reach a decision on that request shortly.

Chrysler's application incorporates by reference Peugeot's application for this engine family. Additionally, Chrysler states that under its contract with Peugeot, Peugeot is totally responsible for design of the 1.9L engine and the emission control system. Thus, most of the information in Peugeot's application in Public Docket EN–81–7 will be relevant to Chrysler's application as well.

II. Hearing Procedures

The hearing will provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the waiver request at issue. Any party desiring to make an oral statement at the hearing should notify Jerry Schwartz, of EPA's Manufacturers Operations Division as listed above no later than October 20, 1981. The procedures for the hearing will be the same as those which EPA has employed in previous diesel NO_x waiver hearings.[2]

Presentations by the participants at the hearing and interested parties who make written submissions or file applications should address the considerations listed in previous NO_x waiver hearing notices[3] and in the **Federal Register** notice that announced consolidated proceedings to consider NO_x waiver applications for the 1981–1984 model years.[4]

Interested parties should submit written information to the record by October 23, 1981, to ensure its consideration by the Administrator in formulating this waiver decision. At the hearing, the Agency will make a verbatim record of any testimony. The Administrator will base determinations with regard to manufacturer's waiver request on the record of the public hearing and on any other relevant written materials. This information will be available for public inspection at the EPA Central Docket Section in docket number EN–81–7. Interested parties may obtain copies of documents in the public docket as provided in 40 CFR Part 2.

Dated: October 1, 1981.

Richard Wilson,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81–29157 Filed 10–6–81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6157]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

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[1] 46 FR 35126 (July 7, 1981).

[2] *See* 45 FR 27788, 27789 (April 24, 1980).

[3] *See* 45 FR 73790, 73792 (November 6, 1980).

[4] 46 FR 20705, 20706 (April 7, 1981).

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Duncan (Town), Greenlee County	Gila River	Intersection of State Highway 70 (Railroad Boulevard) and State Highway 75 (Main Street).	*3,648

Maps available for inspection at City Clerk's Office, 102 4th Street, Duncan, Arizona.

Send comments to the Honorable William Lackey, P.O Box 916, Duncan, Arizona 85534.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Humboldt County (Unicorporated Areas)	Eel River	At Intersection of Nissen Lane and Goble Lane	*18
			50 feet north of intersection of Redwood Highway (U.S. Highway 101) and Drake Hill Road.	*55
			At intersection of Eel River and center of Wildwood Avenue.	*106
			200 feet east from intersection of Holmes Flat Road and Tierney Road.	*147
		Van Duzen River	At intersection of Van Duzen Street and 4th Street	*67
			100 feet west from intersection of State Highway 36 and Odd Fellows Park Road.	*121
		South Fork Eel River	Intersection of South Fork Eel River and center of Briceland Thorne Road.	*310
		Mad River	At intersection of Janes Road and Iverson Lane	[illegible]
		Freshwater Creek	40 feet upstream from center of Howard Heights Bridge.	*42
		Jacoby Creek	50 feet upstream from center of Old Arcata Road	*21
			At confluence with Morrision Gulch	*107
		Trinity River	At confluence with Willow Creek	*442

Maps available for inspection at Department of Planning, 3015 H Street, Eureka, California 95501.

Send comments to the Honorable Danny Walsh, Chairman of the Board of Supervisors, Humboldt County Courthouse, Eureka, California 95501.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Solano County (Unincorporated areas)	Pennsylvania Avenue Creek	30 feet upstream from the center of Pennsylvania Avenue.	[illegible]
		Sacramento River	At intersection of [illegible] Lane and Collinsville Road	*7
		Old Alama Creek	30 feet upstream from the center of Vaca Station Road.	[illegible]
		Gibson Canyon Creek	Intersection of creek and center of PG and Access Road.	*79
		South Branch Gibson Canyon Creek.	50 feet upstream from the center of Putah South Canal.	*119
		Horse Creek	Intersection of creek and center of Southern Pacific Railroad.	*113
		Middle Swale to South Branch Horse Creek.	Intersection of creek and center of Southern Pacific Railroad.	*134
		Suisun Creek	Intersection of creek and center of Suisun Valley Road	*73
		Ledgewood Creek	30 feet upstream from the center of Mankas Corner Road.	*115
			At the intersection of Chadbourne and Rockville Roads.	#1
			At the intersection of Clayton and Gordon Valley Roads.	#2
			At the intersection of Mankas Corner and Ledgewood Roads.	[illegible]
		Ulatis Creek	Intersection of creek and center of Farrell Road	*232
		Green Valley Creek	40 feet upstream from the center of Rockville Road	*112
			500 feet west from intersection of creek and Green Valley Road.	*14
		Unnamed Tributary to Ulatis Creek	100 feet upstream from the center of Private Road	*254
		Wild Horse Creek	15 feet upstream from the center of Twin Creeks Main Road.	*152
		Laguna Creek	30 feet upstream from the center of Cherry Glen Road	[illegible]
		Dan Wilson Creek	25 feet upstream from the center of Interstate Highway 80 west.	[illegible]
		Lagoon Drain	150 feet south from the intersection of Rivera and Pena Adobe Roads.	*215
		McCoy Creek	Intersection of creek and center of Solano Avenue	*30
		Clayton Creek	Intersection of creek and center of Clayton Road	*145
		Alamo Creek	Intersection of creek and center of Crystal Road	*174
			200 feet east from the intersection of Madison Avenue and Montclair Court.	*118
		Encinosa Creek	30 feet upstream from the center of Foot Hill Drive	[illegible]
		Dickson Creek	50 feet west from intersection of creek and Pitt School Road.	*67
		Suisun Slough	100 feet west from the intersection of Scally and Emmington Roads.	*7
		Laurel Creek	50 feet upstream from Southern Pacific Railroad	*25
		Union Avenue Creek	At limit of detailed study (200 feet downstream from center of Dunnell Reservoir Dam).	*173
		Marina Creek	At the confluence with Marina Creek Tributary	*9
		Marina Creek Tributary	At the confluence with Marina Creek	[illegible]
		Industrial Creek	At the intersection of creek and the City of Rio Vista corporate limit.	[illegible]
		Gordon Valley Creek	50 feet upstream from the center of Gordon Valley Road.	*157

Maps available for inspection at the Department of Public Works, 550 Union Avenue, Fairfield, California.

Send comments to the Honorable Richard Brann, Chairman, Board of Supervisors, Solano County Courthouse, Fairfield, California 94533.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Ukiah (City), Mendocino County	Orrs Creek	40 feet upstream from center of Oak Street	[illegible]
		Gibson Creek	30 feet upstream from the center of Spring Street	[illegible]

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Doolin Creek	20 feet upstream from center of Cunningham Street	*610
		Russian River	At intersection of White Oak Drive and Oak Manor Drive.	*595
Maps available for inspection at the Department of Public Works, 203 S. School Street, Ukiah, California. Send comments to the Honorable Charles Myers, 203 S. School Street, Ukiah, California 95482.				
California	Vacaville (City), Solano County	Ulatis Creek	75 feet upstream from center of Nut Tree Road	*102
			At intersection of Ulatis Creek and Farrell Road	*232
		Shallow Flooding	At intersection of Valley Drive and Callen Street	#3
			At intersection of Hazel Street and Brown Street	#2
		Alamo Creek	Intersection of Alamo Creek and center of Alamo Drive.	*99
			100 feet upstream from center of West Monte Vista Avenue.	*207
		Shallow Flooding	150 feet east from intersection of Madison Avenue and Montclair Court.	*118
			350 feet southwest from intersection of California Drive with Mariposa Avenue.	*138
			At intersection of York Court and La Paz Street	*156
		Laguna Creek	20 feet upstream from center of Cherry Glen Road	*222
		Lagoon Drain	110 feet upstream from center of Interstate 80	*205
		Encinosa Creek	100 feet upstream from center of Alamo Drive	*210
			At intersection of Edgewater Drive and Encinosa Avenue.	#1
		Old Alamo Creek	Intersection of Old Alamo Creek and center of Leisure Town Road.	*67
		Gibson Canyon Creek	100 feet upstream from center of Southern Pacific Railroad.	*104
		South Branch Gibson Canyon Creek.	100 feet upstream from center of Interstate Highway 505.	*102
		Horse Creek	150 feet upstream from center of Nut Tree Airport Runway.	*116
		Middle Branch Horse Creek	110 feet upstream from center of Interstate Highway 505.	*97
		Pine Tree Creek	125 feet upstream from center of Imperial Road	*129
			At intersection of Bennett Hill Drive and Brown Street	#2
			At intersection of Markham Avenue and Brown Street	#3
		South Branch Horse Creek	80 feet upstream from center of Southern Pacific Railroad.	*130
		Middle Swale to South Branch Horse Creek.	25 feet downstream from center of Browns Valley Road.	*145
		Unnamed Tributary to Ulatis Creek	At intersection of Unnamed Tributary to Ulatis Creek and center of Farrell Road.	*236
		Shallow Flooding	500 feet east from intersection of Vaca Valley Road with North Orchard Avenue.	#1
Maps available for inspection at the Department of Public Works, City Hall, 650 Merchant Street, Vacaville, California 95688. Send comments to the Honorable William J. Carroll, Mayor, Vacaville City Hall, 650 Merchant Street, Vacaville, California 95688.				
California	Willits (City), Mendocino County	Haehl/Baechtel Creek	20 feet upstream from center of Commercial Road	*1,353
		Broaddus Creek	20 feet upstream from center of Main Street (U.S. Highway 101).	*1,372
		Mill Creek	50 feet upstream from center of Southern Pacific Railroad.	*1,362
Maps available for inspection at Department of Engineering, 74 E. Commercial Street, Willits, California. Send comments to the Honorable R. Wayne Bashore, 74 E. Commercial Street, Willits, California 95490.				
Colorado	Moffat County (Unincorporated Areas)	Yampa River	50 feet upstream of intersection of State Highway 394 and Yampa River.	*6,173
		Fortification Creek	25feet downstream of intersection of First Street By-Pass and Fortification Creek.	*6,182
			50 feet downstream of intersection of County Highway No. 112 and Fortification Creek.	*6,229
		Sand Gulch	80 feet upstream of intersection of State Highways 13 and 789 and Sand Gulch.	*6,280
		Sand Gulch Tributary	25 feet upstream of intersection of County Highway No. 22 and Sand Gulch Tributary.	*6,313
		Brotherton Gulch	40 feet upstream of intersection of Unnamed Road and Brotherton Gulch.	*6,274
		Cedar Mountain Gulch	50 feet upstream of intersection of Maple Street and Cedar Mountain Gulch.	*6,255
		Pine Ridge Gulch	40 feet upstream of intersection of Douglas Street and Pine Ridge Gulch.	*6,201
		Lay Creek	25 feet upstream of intersection of County Highway No. 17 and Lay Creek.	*6,151
			100 feet upstream of intersection of U.S. Highway No. 40 and Lay Creek.	*6,193
		Big Gulch	50 feet downstream of intersection of U.S. Highway No. 40 and Big Gulch.	*6,206
Maps available for inspection at Planning Department, 221 West Victory Way, Craig, Colorado 81625. Send comments to the Honorable Albert K. Camilletti, 221 West Victory Way, Craig, Colorado 81625.				
Idaho	Ammon (City) Bonneville County	Sand Creek Sheet Flow Area	At intersection of Ross Avenue and Sunnyside Road	#1
		Sheet Flow Area	At intersection of Ross Avenue and Malben Avenue	#2
		Ponding Area	At intersection of Ross Avenue and Aspen Lane	*4,708
		Ponding Area	At intersection of Del Avenue and Samuel Street	*4,714
Maps available for inspection at City Hall, 3270 Molen Street, Ammon, Idaho. Send comments to the Honorable George Wehmann, Mayor, City of Ammon, 3270 Molen Street, Ammon, Idaho 83401.				
Montana	Denton (Town), Fergus County	Wolf Creek	Intersection of Helena Street and Strouf Street	[illegible]
		Flood Channel	Intersection of Ketchner Street and Main Street	#1

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)

Maps available for inspection at Town Hall, 703 Lehman Street, Denton, Montana.

Send comments to the Honorable Robert Patterson, 703 Lehman Street, Denton, Montana 59430.

Montana	Lewistown (City), Fergus County	Big Spring Creek	Intersection of Creek and center of State Highway 238 (First Street).	*3,915
		Boyd Creek	Intersection of Seredy Street and Boyd Street	#1
		Little Casino Creek	Intersection of Creek and center of 4th Avenue	*3,930

Maps available for inspection at City Offices, Lewistown, Montana.

Send comments to the Honorable Wilbur Linstrand, City Office, Lewistown, Montana 59457.

Montana	Moore (Town), Fergus County	Moore West Channel	Intersection of Second Street East and First Avenue South.	*4,154
		Moore East Channel	Intersection of channel and center of Fourth Street East.	*4,168
		Moore Northeast Channel	At the northern and eastern corporate limits	#1
		Moore Southwest Channel	At the southern and western corporate limits	#1

Maps available for inspection at Town Clerk's Office, Moore, Montana.

Send comments to the Honorable Earl Bricker, Box 94, Moore, Montana 59464.

Montana	Sweet Grass County (Unincorporated Areas)	Boulder River	150 feet upstream from center of Old Boulder Bridge	*4,067
		Lower Deer Creek	100 feet upstream from center of U.S. Highway 10	[illegible]
		Middle Drainage	100 feet upstream from center of Interstate Highway 90.	[illegible]
		Spring Creek	100 feet upstream from center of Interstate Highway 90.	*3,945

Maps available for inspection at Clerk & Recorder's Office, Sweet Grass County Courthouse, Big Timber, Montana.

Send comments to the Honorable David Wilson, Sweet Grass County Courthouse, Big Timber, Montana 59011.

North Dakota	Kathryn (City), Barnes County	Spring Creek	Intersection of County Road 605 and 1st Street	*1,203

Maps available for inspection at City Hall, Kathryn, North Dakota.

Send comments to the Honorable Earl Stevens, Mayor, City of Kathryn, City Hall, Kathryn, North Dakota 58049.

North Dakota	Mayville (City), Traill County	Goose River	Intersection of 1st Street SW and 2nd Avenue SW	*954

Maps available for inspection at Mayville City Hall, 21 1st Street, N.E., Mayville, North Dakota.

Send comments to the Honorable Frederick Coleman, Mayor, City of Mayville, Box 220, Mayville, North Dakota 58257.

North Dakota	Portland (City), Traill County	Goose River	Intersection of 1st Street and Jahr Street	[illegible]
		South Branch Goose River	The area northwest of the intersection of 3rd Street and Broadway, from approximately 200 feet northwest of the intersection to the river.	[illegible]

Maps available for inspection at City Hall (Memorial Hall), 13 Bennett Avenue, Portland, North Dakota.

Send comments to the Honorable Douglas Sharpe, Mayor, City of Portland, City Hall (Memorial Hall), 13 Bennett Avenue, Portland, North Dakota 58274.

North Dakota	Stanley (township), Cass County	Red River of the North	At confluence with Wild Rice River	*907

Maps available for inspection at 13 Sleepy Hollow, Horace, North Dakota.

Send comments to the Honorable Gerald Floden, 13 Sleepy Hollow, Horace, North Dakota 58047.

Oregon	Corvallis (City), Benton County	Willamette River	Downstream edge of State Highway 34 Eastbound Bridge	*219
		Marys River	At center of 15th Street Bridge	*221
		Millrace	At intersection of 3rd Street and Hopkins Avenue	[illegible]
		Dixon Creek	Upstream edge of 10th Street	*223
		South Fork Dixon Creek	Approximately 50 feet upstream of confluence with North Fork Dixon Creek.	[illegible]
		Squaw Creek	Upstream edge of 35th Street	*232
		Oak Creek	Upstream edge of 30th Street	*226
		Stewart Slough	Upstream edge of Conifer Boulevard	*216

Maps available for inspection at Planning Department, 180 Northwest 5th Street, Corvallis, Oregon.

Send comments to the Honorable Alan Berg, City of Corvallis, P.O. Box 1083, Corvallis, Oregon 97339.

South Carolina	Easley (city), Pickens County	Brushy Creek	10 feet downstream of the intersection of Pearson Road and Brushy Creek.	[illegible]
		Middle Branch	30 feet upstream of the intersection of South Carolina Highway 134 (Crestview Road) and Middle Branch.	[illegible]

Maps available for inspection at City Hall, Easley, South Carolina.

Send comments to the Honorable Charles Ellenburg, P.O. Box 466, Easley, South Carolina.

South Carolina	Pickens County (Unincorporated Areas)	Town Creek	20 feet upstream from the intersection of South Carolina Highway 23 (Reece Mill Road) and Town Creek.	[illegible]
		Twelvemile Creek	Intersection of South Carolina Highway 183 (Walhalla Highway) and Twelvemile Creek.	[illegible]
			Intersection of Tater Hill Mountain Road and Twelvemile Creek.	[illegible]
		Wolf Creek	Intersection of South Carolina Highway 122 (Mauldin Lake Road) and Wolf Creek.	[illegible]
		Middle Branch	40 feet downstream from the intersection of South Carolina Highway 133 (Turtle Hole Road) and Middle Branch.	*894
		Brushy Creek	100 feet upstream from the intersection of Pearson Road and Brushy Creek.	*925

Maps available for inspection at Planning Department, Pickens County Courthouse, Pickens, South Carolina.

Send comments to the Honorable Marion Owens, P.O. Box 275, Pickens, South Carolina 29671.

Utah	North Ogden (City), Weber County	North Ogden Tributary	140 feet downstream from center of 3100 North Street	*4,545
		Coldwater Gulch	200 feet upstream from center of 500 East Street (at culvert entrance under 500 East Street).	*4,368
		Barrett Gulch	At retention pond east of 450 East Street	*4,750

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PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS —Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at City Hall, 505 East 2600 North, North Odgen, Utah.				
Send comments to the Honorable Eldon McColley, 505 East 2600 North Ogden, Utah 84404.				
Washington	Benton County (Unincorporated Areas)	Yakima River	50 feet upstream from center of 8th Street	*474
			200 north from intersection of Ward Gap and Byron Roads.	*849
		Yakima River-Right Overbank	At intersection of Ranch Road and North 48th Avenue	*376
		Zintel Canyon	300 feet east from intersection of South Buntin Street and West 19th Avenue.	*605
		Kennewick Sump Shallow Flooding	At intersection of East 19th Avenue and Oak Street	*368
Maps available for inspection at Engineering Dept., P.O. Box 110, Prosser, Washington.				
Send comments to the Honorable Lloyd Dallas, Chairman, Benton County Commissioners, P.O. Box 470, Prosser, Washington 99350.				
Washington	Clark County (Unincorporated Areas)	Columbia River	End of Image Road, 300 feet south of its intersection with Burlington Northern Railroad.	*29
		Lewis River	Intersection of County Highway 16 and 38	*34
		East Fork Lewis River	Intersection of river and center of Northwest Timmen Road (county Highway 21).	*30
			Intersection of river and center of Northeast Lewisville Road (State Highway 503).	*139
		Gee Creek	100 feet upstream from center of State Highway 501	*64
		Unnamed Tributary to Gee Creek	100 feet upstream from center of Northwest 54th Avenue.	*107
		Salmon Creek	75 feet upstream from center of Northeast Highway 99	*70
			50 feet upstream from center of Northeast Caples Road (State Highway 503).	*209
		Mill Creek	100 feet upstream from center of Northeast 199th Street.	*185
		Weaver Creek	100 feet upstream of center of Northeast 199th Street	*250
		Burnt Bridge Creek	50 feet upstream from center of Alki Road	*36
			50 feet upstream form center of Oak Drive	*177
		Washougal River	50 feet upstream from center of State Highway 140	*43
Maps available for inspection at Public Services Building, 1408 Franklin Street, Vancouver, Washington.				
Send comments to the Honorable John McKibbin, Chairman, Board of County Commissioners, P.O. Box 180, Vancouver, Washington 98668-5000.				
Washington	Dupont (Town), Pierce County	Puget Sound	200 feet west from intersection of Burlington Northern and Weyerhauser Corporation.	*10
Maps available for inspection at Town Hall, Dupont, Washington.				
Send comments to the Honorable Pola A. Andre, Mayor, Town of Dupont, Town Hall, P.O. Box 159, Dupont, Washington 98327.				
Washington	Ferndale (City), Whatcom County	Nooksack River	100 feet upstream from center of Interstate 5	*34
Maps available for inspection at City Hall, 936 Ferndale Street, Ferndale, Washington.				
Send comments to Mr. Ron Peterson, Ferndale City Manager, 936 Ferndale Street, Ferndale, Washington 98248.				
Washington	Jefferson County (Unincorporated Areas)	Duckabush River	1600 feet upstream of the intersection of U.S. Highway 101 (Olympic Highway) and Duckabush River.	*12
		Dosewallips River	10 feet upstream of the intersection of U.S. Highway 101 (Olympic Highway) and Dosewallips River.	*16
		Marple Creek	20 feet upstream of the intersection of Camp Parsons Road and Marple Creek.	*12
		Big Quilcene River (Left Overbank)	300 feet north of bridge over Big Quilcene River along Chimacum Road.	*25
		Big Quilcene River (Upstream Reach).	Intersection of U.S. Highway 101 (Olympia Highway) and Big Quilcene River.	*108
		Little Quilcene River	100 feet upstream of intersection of Chimacum-Quilcene Road and Little Quilcene River.	*41
		Salmon Creek	Intersection of West Uncas Road and Salmon Creek	*34
		Snow Creek	100 feet upstream from the confluence with Salmon Creek.	*13
		Chimacum Creek	100 feet upstream of the intersection of Chimacum-Hadlock Road and Chimacum Creek.	*71
		Port Townsend Creek	50 feet upstream of the intersection of Discovery Road (Downstream Crossing) and Port Townsend Creek.	*50
		Hood Canal at the Mouth of Duckabush River.	Intersection of U.S. Highway 101 (Olympic Highway) and Duckabush River.	*12
		Quilcene Bay at Quilcene	At mouth of Big Quilcene River	*10
		Port Discovery Bay at the Mouth of Salmon Creek.	Intersection of U.S. Highway 101 (Olympic Highway) and Salmon Creek.	*7
		Port Discovery Bay at Beckett Point.	South side of Beckett Point Road, 0.7 mile northwest along Beckett Point Road from its intersection with Chevy Chase to Cape George Road.	*7
		Strait of Juan de Fuca at Protection Island.	East side of gravel road, 600 feet south of the entrance to parking lot on Protection Island.	*7
		Hood Canal at Mouth of Dosewallips River.	At the mouth of Dosewallips River	*10
		Port Ludlow Bay	At the northern end of Swanson Road	*7
		Port Townsend Bay at Hadlock	At the southern end of Lower Hadlock Road	*8
Maps available for inspection at Planning Department, Jefferson County Courthouse, Port Townsend, Washington.				
Send comments to Honorable B. G. Brown, Jefferson County Courthouse, Port Townsend, Washington 98368.				
Washington	Sedro Woolley (City), Skagit County	Skagit River	At intersection of Graves Street and Dunlop Avenue	*51
Maps available for inspection at City Clerk's Office, 720 Murdock Street, Sedro Woolley, Washington.				
Send comments to Honorable Don Walley, Mayor, City of Sedro Woolley, 720 Murdock Street, Sedro Woolley, Washington 98284.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 24, 1981.

James P. Dokken,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–28985 Filed 10–6–81; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80–632]

Overseas Communications Services; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Comission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: Document considers request of ITT World Communications Inc. for extension of reply comments date in C.C. Docket No. 80–632 Concerning Overseas Communications Services. Extension of time granted to permit interested parties to submit detailed reply comments regarding proposed rulemaking. Intended effect of action is to provide Commission with most complete and meaningful record possible.

DATE: Reply comments not due on October 28, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Stuart Chiron, Common Carrier Bureau (202) 632–7265.

In the matter of Overseas Communications Services, ((CC Docket No. 80–632) (45 FR 76498; 11–19–89)); Order granting extension of time.

Adopted: September 25, 1981.

Released: September 29, 1981.

By the Common Carrier Bureau.

1. In this proceeding, the Commission is considering whether or not to change its 1964 TAT–4 policy decision, 37 FCC 1151, which created an overseas voice/record dichotomy. As a result of TAT–4, AT&T has not been able to offer overseas record services (other than Dataphone) and the IRCs have not been able to provide overseas voice services (other than Datel). Comments were filed on July 10, 1981, and reply comments are due on September 28, 1981.

2. On September 21, 1981, ITT World Communications Inc. (ITTWC) filed a motion to extend the time to submit reply comments until October 28, 1981. In support of its request ITTWC states that several members of top level management, whose input and review is necessary before the filing of the reply comments, are now, or will be, overseas at international telecommunications meetings. Finally, ITTWC represents that FTC, RCAG and TRT support a grant of the full relief requested and that ARINC, AT&T, API, NTIA and WUI do not object to a grant of additional time to file reply comments.

3. We believe, in view of the comprehensive studies submitted by NTIA and the IRCs, and the various overseas meetings, that the record in this proceeding will be more complete and meaningful if additional time is granted to file reply comments. However, we must note that several extensions of time have already been granted in this proceeding. We therefore will not be inclined to grant further extensions of time in this proceeding.

4. Accordingly, it is ordered that the date for all interested persons to file reply comments in CC Docket No. 80–632 is extended from September 28, 1981, to October 28, 1981.

5. This order is issued under § 0.291 of the Commission's Rules on Delegations of Authority, and is subject to review under § 1.115 of the Rules on Practice and Procedure.

Federal Communications Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 81–29129 Filed 10–6–81; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Parts 2 and 97

[Gen. Docket No. 81–414; FCC 81–290]

Amendment of the Commission's Rules To Authorize Spread Spectrum Techniques in the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry and proposed rulemaking.

SUMMARY: This proceeding proposes amendments to Parts 2 and 97 of the Commission's Rules and Regulations authorizing spread spectrum modulation in the Amateur Radio Service. Presently the rules implicitly prohibit this modulation technique. The Commission feels that allowing amateur experimentation with this relatively new modulation technique is in harmony with the basis and purpose of the Amateur Radio Service.

DATES: Comments must be submitted on or before March 1, 1982. Reply comments must be submitted on or before April 15, 1982.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael Kennedy, Office of Science and Technology, 2025 M Street, NW., Room 7334, Washington, D.C. 20554, (202) 632–7073.

SUPPLEMENTARY INFORMATION:

Inquiry and Proposed Rule Making

Adopted: June 30, 1981.

Released: September 18, 1981.

Introduction

1. The Federal Communications Commission is initiating this proceeding to propose changes in its Rules and Regulations to permit the use of spread spectrum modulation in the Amateur Radio Service. Although this modulation technique is not explicitly prohibited in the Amateur Service, its wideband spectral characteristics result in it being implicity forbidden by the rules. The Commission feels that spread spectrum modulation is technically compatible with the present modes of operation in the Amateur Service. Allowing amateur experimentation with this relatively new modulation technique is therefore in harmony with the basis and purpose of the Amateur Radio Service.[1] Therefore, the Commission is proposing to amend Parts 2 and 97 of its Rules and Regulations to authorize the use of spread spectrum modulation techniques.

2. Although we feel comfortable proposing the authorization of spread spectrum modulation in the amateur service at this time, we recognize that its use may confront the Commission with a number of problems. In spread spectrum systems a coding process is generally used to spread the signal's energy across a wide band of frequencies. It is necessary to know the code sequence in order to demodulate the signal and recover its content. Wideband receivers may be required to make technical measurements on the transmitted signal. There is a potential

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[1] Section 97.1(b) of the FCC Rules and Regulations illustrates in part the basis and purpose of the Amateur Radio Service as the "continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art."

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for interference in overlaying wideband emissions on amateur bands already occupied with conventional narrow band signals, although this is limited due to the low power density of spread spectrum signals. For these reasons, this Notice also requests comments on problems associated with the enforcement and interference issues raised by authorizing spread spectrum modulation in the Amateur Radio Service.

Background

3. Spread spectrum techniques were originally developed for military applications concerning covert communications and/or resistance to jamming. The radio frequency (RF) signal transmitted in a spread spectrum system occupies a very large bandwidth, perhaps many megahertz, as compared to the information signal's bandwidth. This wide bandwidth provides for the military a signal that is very hard to detect or jam. Spread spectrum emissions possess qualities, however, that may also be desirable to civil users of the spectrum.[2]

4. All spread spectrum systems employ some function other than the information signal to spread the RF bandwidth.[3] Direct sequence modulated and frequency hopping systems both use a high speed pseudorandom code sequence to achieve a large RF bandwidth. In direct sequence systems, this code sequence is combined with the information signal and this composite signal is used to modulate an RF carrier. The code sequence is used in frequency hopping systems to control a frequency synthesizer which generates the transmitter's many carrier frequencies. In pulsed-FM systems, a voltage function is used to sweep the transmitter's carrier over a wide frequency range. Although somewhat different in design, all three of these systems result in an RF signal with a very wide bandwidth. More detailed descriptions of the operation of these systems may be found in an IEEE press publication entitled *Spread Spectrum Techniques.*[4]

5. The Commission recognizes that spread spectrum may offer the communications user some unique advantages. Today the Commission adopted a Notice of Inquiry in the matter of wideband modulation techniques, including spread spectrum.[5] The Inquiry explores some possible civil uses of spread spectrum modulation and indicates some of the advantages associated with it. The coding techniques used in spread spectrum systems, for example, allow message privacy, selective addressing and code division multiple access. These last two advantages provide the user the ability to selectively access only one or a fraction of the total number of receivers sharing the same spectrum. Spreading the signal at the transmiter and collapsing it at the receiver result in a low signal power density while simultaneously providing the ability of the system to reject interference. These features suggest the feasibility of overlaying spread spectrum systems on occupied spectrum. While the Commission is investigating the general question of sperad spectrum desirability under that Inquiry, it may be that spread spectrum can be introduced into the Amateur Service with minimum potential for interference.

6. Spread spectrum techniques have not gone unnoticed in the amateur community. An article published in *QST,* the official publication of the American Radio Relay League, cited spread spectrum as a technology ripe for amateur experimentation.[6] The article indicated that the Amateur Radio Research and Development Corporation (AMRAD) would soon petition the Commission for Special Temporary Authorization (STA) to conduct tests using spread spectrum modulation. In March of this year the Private Radio Bureau, acting under delegated authority from the Commission, granted AMRAD an STA allowing the specific tests outlined in their petition.[7] Upon expiration of the STA, AMRAD must submit its findings to the Commission. The reports required by the STA will be inserted in the record of this proceeding and will be considered before final action is taken. If the results of the STA and the aforementioned NOI are favorable, the Commission will consider expanding the authorization of spread spectrum techniques. Now, however, the Commission proposes rule changes to permit broader experimentation with spread spectrum techniques in three bands.

Discussion and Proposal

7. Spread spectrum systems are inherently more complex than narrowband systems. Amateurs wishing to experiment with spread spectrum techniques will almost certainly have to construct their own equipment, due to the lack of commercially available equipment. The principle technical problem will be constructing devices which maintain their parameters over wide bandwidths. Incorrectly or poorly designed equipment will increase the possibility of both intra-service and inter-service interference. It is for this reason the Commission feels that authorization to use spread spectrum techniques should be restricted to Amateur Extra and Advanced Class licensees only. Amateurs presently licensed in these two classes have been tested in the advanced phases of radio electronics; material covering spread spectrum techniques will be added in the future to the appropriate examination syllabuses.

8. The Commission proposes to authorize spread spectrum modulation in the following three frequency bands: 50–54 MHz, 144–148 MHz, and 220–225 MHz. The International Telecommunications Union (ITU) Regulations require that "transmissions between amateur stations of different countries * * * shall be made in plain language."[8] Since this might restrict the international transmission of spread spectrum signals, we propose frequency bands above 50 MHz so as to naturally limit propagation. Most of the frequency bands allocated to the Amateur Service above 225 MHz are shared with government users.[9] Amateurs operating in these bands must not interfere with government systems. Rather than coordinate spread spectrum systems with government users in these bands at this time, the Commission proposes restricting spread spectrum transmissions to frequencies below 225 MHz.[10] However, we welcome requests

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[2] See, for example, the following FCC funded report: Walter C. Scales, "Potential Use of Spread Spectrum Techniques in Non-Government Applications", the MITRE Corporation, Report No. MTR–80W335, December 1980. This report is available from the National Technical Information Service, Springfield, VA 22161, Accession No. PB81–[illegible]

[3] R.C. Dixon, *Spread Spectrum Systems,* New York, Wiley-Interscience, 1976, p. 3.

[4] *Spread Spectrum Techniques,* ed. Robert C. Dixon, New York, IEEE Press, 1976.

[5] *Notice of Inquiry,* General Docket 81–413, adopted June 30, 1981, FCC 81–289.

[6] Paul L. Rinaldo, "Spread Spectrum and the Radio Amateur", *QST,* November 1980, pp. 15–17.

[7] The STA was issued on March 6, 1981 for a period of one year. Although it permits spread spectrum modulation, only those techniques necessary to perform the indicated experiments were authorized. Also, the authorization is limited to those amateurs that were included in AMRAD's petition.

[8] Article 41, Section 2(1), *Radio Regulations Annexed to the International Telecommunication Convention* (Geneva, 1959). (See *FCC Rules and Regulations,* Part 97, Appendix 2).

[9] *FCC Rules and Regulations,* Part 97, § 97.61(b)(5).

[10] The 220 to 225 MHz band is also shared with government users. However, the Interdepartment Radio Advisory Committee (IRAC) has already indicated that they would not object to amateur use of spread spectrum modulation in this band. Government radiolocation systems will still be the primary users in this band.

for STA's to perform limited spread spectrum experiments in the amateur bands above 225 MHz and will consider these on a case by case basis.

9. The Table of Frequency Allocations prohibits the use of pulsed emissions in a number of frequency bands including 50–54 MHz and 144–148 MHz.[11] It appears that this prohibition is no longer necessary, so we propose to discontinue it by deleting footnote US 1. Because WARC '79 adopted new emission designators, the use of which will be addressed in another preceeding, we will not at this time assign a designator to spread spectrum modulation. Until the Commission implements the decisions of WARC '79, we will use a footnote in the rules to indicate the authorization of spread spectrum modulation in a particular frequency band.

10. In order to allow amateurs maximum flexibility in the design of spread spectrum systems, the Commission intends to permit direct sequence modulated, frequency hopping, pulsed-FM, and hybrid systems.[12] We propose only that a system's authorized RF bandwidth be equal to or less than the width of the amateur band that the system is operating in and retained within that band. Therefore, amateurs may spread their transmitted energy across the complete band they are using. Although we do not anticipate interference problems, considering our limited operational experience with spread spectrum transmissions we are proposing that the local Engineer in Charge be allowed to require stations transmitting spread spectrum signals to take whatever steps are necessary to resolve cases of interference, including terminating operation. We request comments on our belief that the interference potential in overlaying spread spectrum on the three bands proposed here is low.

11. Amateurs are presently forbidden to transmit coded messages in either domestic or international communications.[13] Because of the previously cited ITU regulation, international transmission of spread spectrum signals will not be allowed. However, we shall exempt spread spectrum transmissions between domestic stations from this prohibition.

12. In order to facilitate the demodulation of spread spectrum emissions, we propose to require that any pseudorandom sequence used in generating the spread spectrum signal must be the output of one of a number of specific linear feedback shift registers.[14] We propose specific shift registers in the appendix because they provide the minimum level of coding necessary to spread the signal. We realize that more sophisticated coding procedures could be employed, but their use would further obscure the meaning of the communications. This would appear to violate the intent of Section 97.117 of the present rules. Additionally, we will require that amateurs log the technical characteristics of their transmitted signal and that identification be given in telegraphy on the center frequency of their signal.

13. A major concern of the Commission in allowing amateur use of spread spectrum techniques is the Commission's, and the amateur's own, ability to monitor and locate stations transmitting wideband emissions. Presently the Field Operations Bureau (FOB) monitors the content of amateur transmissions to insure that amateurs are not transmitting communications which are prohibited by our rules.[15] This monitoring, coupled with the self policing afforded by the amateurs themselves, assures the bands remain useable for amateurs and are not usurped by business or clandestine activities. However, FOB currently has no capability to monitor spread spectrum emissions. We propose to amend § 97.117 to include provisions to facilitate monitoring both by FOB and by other amateurs. We have precluded the use of esoteric encryption schemes and instead required that spreading codes be generated by linear shift registers. This will result in signals which may be received with only reasonable effort. This should facilitate self-monitoring, which has historically been very effective in the Amateur Radio Service. Additionally, we have proposed that amateurs log the technical characteristics of their signals and identify their transmissions in telegraphy. Considering that the characteristics of spread spectrum, e.g. low power density, are such that its transmission will not be disruptive to other users and the experimental nature of the Amateur Radio Service, we feel that we have imposed sufficient safeguards against its misuse. However, we request comments on these and other conditions the Commission could require to mitigate enforcement problems.

Questions

14. The questions listed below are not exhaustive. They merely typify the Commission's areas of concern. Information not directly responsive to these questions but relevant to the general subject matter of the Inquiry is welcome and invited. To facilitate staff review each response should clearly state the precise topic or question being addressed.

15. Please provide answers and supporting data to the following questions:

(a) Are the emission limitations specified in the proposed amendment to § 97.73 of the rules sufficient to prevent interference from spread spectrum systems to users in adjacent bands?

(b) Will interference to conventional amateur communications be a major problem? If so, what steps can the Commission take to mitigate this problem? What types of other communications will be most vulnerable?

(c) Is it necessary for the Commission to have the capability to monitor the content of all amateur communications? If not, how can we enforce the limitations on the use of the amateur service and detect unlicensed transmissions?

(d) Will the specific shift registers proposed in the amendment to § 97.117 of the rules facilitate self-monitoring by the amateur community?

Procedural Matters

16. Accordingly, the Commission adopts this *Notice of Inquiry and Proposed Rule Making* (NOI/NPRM) under the authority contained in Sections 4 (i) and 303 of the Communications Act of 1934, as amended. The proposed amendments to Part 2 and Part 97 of the rules are set forth in the appendix.

17. Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Commission finds that this NOI/NPRM will have no effect on small businesses. The frequencies involved are assigned to the Amateur Radio Service, which by definition is used for non-business communications only. To the extent that organizations such as amateur radio clubs hold amateur licenses, the only effect of the proposed action will be to enable these clubs to experiment with spread spectrum techniques, presumably for wider dissemination to the amateur community.

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[11] *FCC Rules and Regulations*, Part 2, § 2.106, footnote US 1.

[12] Hybrid spread spectrum systems are created by combining two or more of the basic spread spectrum techniques, e.g. a frequency hopping, direct sequence modulated system.

[13] *FCC Rules and Regulations*, part 97, § 97.117.

[14] For more information on linear code generator configurations, see R.C. Dixon's discussion in *Spread Spectrum Systems*, New, York, Wiley-Interscience, 1976, pp. 60–64.

[15] See *FCC Rules and Regulations*, Part 97, Subpart E—Prohibited Practices and Administrative Sanctions.

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18. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation, on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy of the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of Commission procedures governing *ex parte* presentations in informal rule making is available from the Consumer Assistance and Information Division, FCC, Washington, D.C. 20554.

19. Pursuant to the procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before March 1, 1982 and reply comments on or before April 15, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

20. In accordance with the provisions of § 1.419 of the Commission's Rules, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All comments should be clearly marked General Docket No. 81-414, and will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. All written comments should be sent to: Secretary, Federal Communications Commission, Washington, D.C. 20554. For further information on this proceeding, contact Michael Kennedy at (202)632-7073. For general information on how to file comments, please contact the FCC Consumer Assistance and Information Division at (202) 632-7000

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Part 2 of the Commission's Rules and Regulations is proposed to be amended as follows:

§ 2.106 [Amended]

In § 2.106, remove footnote US 1 and all references to it in the Table of Frequency Allocations.

PART 97—AMATEUR RADIO SERVICE

Part 97 of the Commission's Rules and Regulations is proposed to be revised as follows:

In § 97.3, Definitions, add a new paragraph (aa) to read as follows:

§ 97.3 Definitions.

* * * * *

(aa) Spread spectrum techniques. Any of a number of modulation schemes in which, (1) the transmitted radio frequency bandwidth is much greater than the bandwidth or rate of the information being sent and, (2) some function other than the information being sent is employed to determine the resulting modulated radio frequency bandwidth.

In § 97.7, Privileges of operator licenses, revise paragraphs (a) and (d) to read as follows:

§ 97.7 Privileges of operator licenses.

(a) Amateur Extra and Advanced Class. All authorized amateur privileges including exclusive use of spread spectrum techniques and exclusive frequency operating authority in accordance with the following table:

* * * * *

(d) Technician Class. All authorized amateur privileges, except spread spectrum techniques, on the frequencies 50.0 MHz and above. Technician Class licenses also convey the full privileges of Novice Class licenses.

* * * * *

In § 97.61, Authorized frequencies and emissions, add footnote number 1 to the 50–54 MHz, 144–148 MHz, and 220–225 MHz frequency bands as follows:

§ 976. Authorized frequencies and emissions.

(a) The following frequency bands and associated emissions are available to amateur radio stations for amateur radio operation, other than repeater operation and auxiliary operation, subject to the limitations of § 97.65 and paragraph (b) of this section:

Frequency band	Emissions	Limitations (See paragraph (b))
*	* * *	*
50.0 to 54.0[1]	A1	
50.1 to 54.0	A2, A3, A4, A5, F1, F2, F3, F5.	
51.0 to 54.0	A0	
144 to 148[1]	A1	
144.1 to 148.0	A0, A2, A3, A4, A5, F0, F1, F2, F3, F5.	
220 to 225[1]	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	
*	* * *	*

[1] Spread spectrum techniques for domestic communications only are authorized in this band.

In § 97.73, Purity of emissions, redesignate existing paragraph (d) as paragraph (e), revise existing paragraph (c) and redesignate it as paragraph (d), and add a new paragraph (c) to read as follows:

§ 97.73 Purity of emissions.

* * * * *

(c) The limitations specified in paragraph (b) of this section shall also apply to spread spectrum modulated signals except that for this purpose, "carrier frequency" is defined as the center frequency of the transmitted signal, and "mean power of the fundamental" is defined as the total emitted power.

(d) Paragraphs (a), (b), and (c) of this section notwithstanding, all spurious emissions or radiation from an amateur transmitter, transceiver, or external radio frequency power amplifier shall be reduced or eliminated in accordance with good engineering practice.

(e) If any spurious radiation, including chassis or power line radiation, causes harmful interference to the reception of another radio station, the licensee may be required to take steps to eliminate the interference in accordance with good engineering practice.

* * * * *

In § 97.84, Station identification, add a new paragraph (h) to read as follows:

§ 97.84 Station identification.

* * * * *

(h) When an amateur radio station is modulated using spread spectrum techniques, identification in telegraphy shall be given on the center frequency of the transmission. Additionally, this identification shall include a statement indicating that the station is transmitting a spread spectrum signal and the upper and lower frequency limits of that signal.

In § 97.103, Station log requirements, revise existing paragraph (g) and redesignate it as paragraph (h), and add a new paragraph (g) to read as follows:

§ 97.103 Station log requirements.

* * * * *

(g) In addition to the other information required by this section, the log of a station modulated with spread spectrum techniques shall contain information sufficiently detailed for another party to demodulate the signal. This information shall include at least the following:

(1) A technical description of the transmitted signal. If the signal is modeled after a published article, a copy of the article will be adequate.

(2) The dates that the signal format is changed. Changing the center frequency of the signal does not constitute a change in signal format.

(3) The chip rate (rate of frequency change), if applicable.

(4) The code rate, if applicable.

(5) The method of achieving synchronization.

(6) The center frequency and the frequency band over which the signal is spread.

(h) Notwithstanding the provisions of § 97.105, the log entries required by paragraphs (c), (d), (e), (f), and (g) of this section shall be retained in the station log as long as the information contained in those entries is accurate.

Revise § 97.117 *Codes and ciphers prohibited*, to read as follows:

§ 97.117 Codes and ciphers prohibited.

(a) The transmission by radio of messages in codes or ciphers in domestic and international communications to or between amateur stations is prohibited. All communications regardless of type of emission employed shall be in plain language except that generally recognized abbreviations established by regulation or custom and usage are permissible as are any other abbreviations or signals where the intent is not to obscure the meaning but only to facilitate communications.

(b) Spread spectrum transmissions between amateur stations of different countries are prohibited. However, for the purpose of the spread spectrum transmissions authorized between domestic stations in § 97.7 and § 97.61, pseudorandom sequences may be used to generate the transmitted signal provided the following conditions are met:

(1) The sequence must be the output of a binary linear feedback shift register.

(2) Only the following shift register connections may be used:

Number of stages in shift register	Taps [illegible] in feedback
7	[7,1]
13	[13,4,3,1]
19	[19,5,2,1]

(The numbers in brackets indicate which binary stages are combined with modulo-2 addition to form the input to the shift register in stage 1. The output is taken from the highest numbered stage.)

(3) For direct sequence modulation the successive bits of the highest stage of the shift register must be used directly to modulate the signal. No alteration or other data may be used for the direct sequence modulation. For frequency hop modulation, successive regular segments of the shift register sequence must be used to specify the next frequency, and no alteration or other data may be used for frequency selection.

(4) The shift register(s) may not be reset other than by its feedback during an individual transmission.

In § 97.131, Restricted operation, redesignate existing paragraph (b) as paragraph (c) and add a new paragraph (b) to read as follows:

§ 97.131 Restricted operation.

* * * * *

(b) If the operation of an amateur station using spread spectrum techniques causes interference to other licensed stations, the Commission's local Engineer in Charge may impose conditions necessary to resolve the interference, including termination of operation, on the offending station.

(c) In general, such steps as may be necessary to minimize interference to stations operating in other services may be required after investigation by the Commission.

June 30, 1981

Concurring Statement of Commissioner Abbott Washburn

Re: Notice of Inquiry and Proposed Rule Making To Amend Parts 2 and 97 of the Commission's Rules and Regulations To Authorize Spread Spectrum Modulation in the Amateur Radio Service

The second paragraph of this item states: "We feel comfortable proposing the authorization of spread spectrum modulation". I do not share this feeling of comfort when the same document includes the following language: "A major concern of the Commission in allowing amateur use of spread spectrum techniques is the Commission's, and the amateur's own, ability to monitor and locate stations transmitting wideband emissions". So there is no real control. While new technology is to be encouraged, especially that which allows more use of the spectrum, this should not be at the price of interference. There must be assurance that expanded use of this technology will contribute to the effective and efficient use of the spectrum while at the same time not adding interference to the detriment of other technologies and spectrum users in general.

In a related Notice of Inquiry adopted today, the Commission initiated a proceeding seeking information regarding the future authorization of spread spectrum and other wideband emissions not presently provided for in our Rules. That inquiry requests information and data regarding the technical characteristics, efficient use of spectrum, possible standardization, potential applications of this technology, etc. It also raises questions regarding the measurement of interference potential, emission testing and the necessity for Commission monitoring. With issues such as these still in the initial and infant stage of information gathering, the Commission seems to be prejuding important issues by rushing to Rulemaking. A more prudent approach would be first to obtain the facts on monitoring and interference via the NOI, assess these facts, and *then* move to Rulemaking. However, we are assured by the staff that the risks involved will be minimal. I hope this proves to be the case.

[FR Doc. 81-29108 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 22, 81, and 83

[Gen. Docket No. 81-656; FCC 81-412]

Amendment of the Commission's Rules To Reclassify Coast Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission's rules are inconsistent as to the definition of classes of stations, designated area of service and the frequency bands

assigned to the station. These amendments will correct these inconsistencies and bring the rules and station licenses into agreement with the actual operation of the coast station. It is also proposed to delete certain rules which restrict the free use of communications in frequency bands other than VHF. These rules were adopted when the short range communications system on VHF was first implemented to encourage all ship and coast stations to use VHF.

DATES: Comments must be received on or before November 9, 1981, and reply comments must be received on or before November 24, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION: In the matter of amendment of Parts 22, 81 and 83 to redefine classes of coast stations and clarification of rules which appear to restrict the free use of communication by users. Gen Docket No. 81-656.

Adopted: September 22, 1981.

Released: October 1, 1981.

By the Commission.

Reclassification of Coast Stations

1. This action proposes to amend the Commission's rules by redefining the classes of coast stations by mode and area of operation and frequency band. The assignment of frequencies to coast stations has not been consistent with our present definitions for classes of stations. These changes in class of station classification are an administrative and licensing convenience and do not affect the operation of any existing stations or impose any new restrictions on applications for new stations.

2. The present method of classifying coast stations is with a Roman numeral indicating the operational area and the authorized frequency band(s) and a capital letter indicating the mode of operation. A class I station provides service to vessels on the high seas over long distances. A class II station provides service of a regional nature. A class III station provides service of a local nature on VHF frequencies. The operational designator indicates the mode of operation. The operational designator "A" indicates the station is a telegraphy station. The operational designator "B" indicates that the station is a telephony station. The operational designator "F" indicates that the station has the capability transmit facsimile. The letter "L" appended to a class I or class II station indicates that the station provides service of a local nature in addition to its other service.

3. In Parts 81 and 83 of the rules, the customary use of the terms MF and HF apply to frequencies between 1605-4000 kHz and 4000-23000 kHz respectively. In Part 2 of the rules and the international Radio Regulations (RR), MF is in band 6 and extends from 300-3000 kHz and HF is in band 7 and extends from 3000 kHz-30 MHz.[1] There are inconsistencies in the authorized band limits in the definition of classes of coast stations in Part 81 of the rules, the band limits in the RR and Part 2 of the rules and the actual assignments to a particular coast station. For example, a class I coast station providing high seas service is precluded from having frequencies between 150-5000 kHz. The international allotment for high seas coast stations operating in the maritime mobile service contains frequencies between 4000-23000 kHz. We have, therefore, assigned 4 MHz frequencies to high seas coast stations. Conversely, a class II station which provides services of a regional nature on MF frequencies, may have frequencies between 150 kHz and 5000 kHz which gives it a capability to provide service to ships beyond the regional service area.

4. We are now proposing to rectify these inconsistencies by first, defining the frequency bands authorized to each class of station and, second, labelling each class of station in accordance with the service provided rather than using a numerical label. We feel that this method of classification of coast stations will clarify any confusion which may exist.[2]

Modification of Licenses

5. Section 81.36(c) of the rules now requires a modification of the license when the power of the transmitter is changed to either reduce or impair the service of the station, or the number of installed transmitters exceeds those authorized. The installed transmitters are no longer listed on the license and only the maximum permissible power is authorized on the license. Therefore, this rule may be deleted.

Removal of Restrictions in the VHF Coverage Area

6. In the Report to Congress, *A Study of Maritime Public Coast Station Operations, Services and Industry,* several rule changes were proposed which would eliminate restrictions on the choice of frequency bands for communications. The Commission adopted these restrictions in order to encourage the introduction of the VHF service as the primary means of short range communications in order to relieve congestion in the 2 MHz band and to provide an improved communications service. We now believe that VHF is firmly established as the primary short range communications system and that these restrictions may therefore be relaxed.

7. Sections 81.304(f)(1), 81.360(a)(3)(i) and 83.351 (c)(3)(iii) and (c)(4) restrict the use of frequencies below 4000 kHz for intership and ship to coast communications when within VHF communications range. All ships equipped to operate in the 2 MHz band are required to be additionally equipped with a VHF radio installation. Therefore, these ships have the capacity to operate in both bands. Because the VHF service is now established, we believe it is no longer necessary to restrict ship operators from using the system which is most satisfactory for their operational needs. We propose to eliminate this restriction.

8. Section 22.509(b) permits usage of Domestic Public Land Mobile Radio Service (DPLMRS) stations on board vessels, but requires the termination of communications on this system when VHF public coast station service becomes available. Such termination is required without regard for user preference. We propose to eliminate the termination requirement and allow vessels to use the communications system most appropriate to their needs.

9. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted

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[1] See the following table:

Band number (N)	Frequency subdivision	Frequency range
6	MF (medium frequency)	300–3000 kHz.
7	HF (high frequency)	3–30 MHz.
8	VHF (very high frequency).	30–3000 MHz.

"Band Number N" extends from 0.3X10 N–3.0X10N.
k=kilo (10^3), M=Mega (10^6).

[2] We note that shifting the 4 MMz frequencies from the regional services stations to high seas stations may result in a rate increase for ship stations using the independent station WLO, Mobile, Alabama. Station WLO concurs in the tariffs filed by American Telephone and Telegraph Company (AT&T) but uses 4 MHz frequencies for regional services while AT&T uses 4 MHz frequencies for high seas service. There is no restriction on station WLO from filing a separate tariff for 4 MHz frequencies should it desire to continue providing this service at the present rate.

by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

10. The Commission certifies that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rulemaking proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The changes in coast station classification are an administrative and licensing convenience. They do not affect existing station operations or impose new restrictions on applicants for new stations. Further, an unnecessary reporting requirement is deleted and regulatory limitations on ship operators' use of certain classes of communication systems are eliminated. The economic impact of the removal of these regulations is *de minimis*.

11. The proposed amendments to the rules, as set forth in the Appendix, are issued under authority contained in Sections 4(i) and 303(a), (b), (c) and (r) of the Communications Act of 1934, as amended.

12. Under the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 9, 1981, and reply comments on or before November 24, 1981. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

13. In accordance with the provisions of § 1.419 of the Commission's rules, an original and five copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

14. Regarding questions on matters covered in this document contact Nicholas G. Bagnato, telephone (202) 632–7175.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 22, 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 22—PUBLIC MOBILE RADIO SERVICES

In § 22.509, paragraph (b) is revised to read as follows:

§ 22.509 Permissible communications.

* * * * *

(b) Base stations in this service are normally authorized to communicate with associated land mobile stations in the same service. Base stations may also render service to properly licensed transient land mobile stations normally associated with another common carrier base station, including mobile units of Canadian registry. Under specific authorization from the Commission, service may be rendered to stations on board vessels. Applications for authority to communicate with vessels shall be accompanied by a showing of the following.

(1) The total number of land mobile units being served through the base station.

(2) The total number of land mobile units to which it is reasonably expected that such service will be furnished at any time in the next 12 months.

(3) The total number of stations on board vessels initially proposed to be served through the base station.

(4) The total number of stations on board vessels to which it is reasonably expected that such service will be furnished at any time in the next 12 months.

(5) Such other information as may be deemed pertinent, showing that communication with vessels will not degrade or deny service to land vehicles receiving or requesting land vehicular communication service over the radio facilities of the base station, and that such service to vessels is necessary and desirable.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. In § 81.3 paragraphs (h), (i), (j) and (s) are revised, new paragraphs are added and designated (k), (l), (u) and (v), and existing paragraph (k) is revised and designated (m) to read as follows:

§ 81.3 Maritime mobile service.

* * * * *

(h) *High seas telegraphy coast station.* A radiotelegraph public coast station licensed to provide a maritime service to ships at sea, including such service to several thousand kilometers, whose frequency assignment for this purpose includes appropriate frequencies below 525 kHz or between 4000 and 26500 kHz.

(i) *High seas telephony coast station.* A radiotelephone coast station (public or limited) licensed to provide a maritime service to ships at sea, including such services to ships at distances of several thousand kilometers, whose frequency assignment for this purpose includes frequencies between 4000 and 23000 kHz.

(j) *Regional telegraphy coast station.* A radiotelegraph public coast station licensed to provide a maritime service, primarily of a regional character, whose frequency complement contains frequencies between 2000 and 4000 kHz.

(k) *Regional telephony coast station.* A radiotelephone coast station (public or limited) licensed to provide a maritime service to ships at sea, including such services to ships at distances up to 275 kilometers (150 nautical miles), whose frequency assignment for this purpose includes frequencies between 1605 and 4000 kHz.

(l) *Local services (VHF) coast station.* A radiotelephone coast station (public or limited) licensed to provide a maritime mobile service, primarily of a local nature, whose frequency assignment does not include any frequency below 25,000 kHz.

(m) *Operational designator.* The letter "F" appended to the coast station indicates that the coast station is licensed for facsimile.

* * * * *

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(s) *Port operations service.* A maritime mobile service in or near a port, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the operational handling, the movement and safety of ships and, in emergency, to the safety of persons. Messages which are of a public correspondence nature shall be excluded from this service.

* * * * *

(u) *Ship movement service.* A maritime mobile safety service, other than a port operations service, between coast stations and ship stations, or between ship stations, in which messages are restricted to those relating to the movement of ships. Messages which are of a public correspondence nature shall be excluded from this service.

(v) *Port station.* A coast station in the port operations service.

* * * * *

2. In § 81.22, paragraph (a) is revised as follows:

§ 81.22 Administrative classification of stations.

(a) Stations in the maritime mobile service subject to this part are licensed according to class of station as follows:

(1) Public high seas telegraphy coast stations.

(2) Public high seas telephony coast stations.

(3) Public regional telegraphy coast stations.

(4) Public regional telephony coast stations.

(5) Public local services (VHF) coast stations.

(6) Limited high seas telephony coast stations.

(7) Limited regional telephony coast stations.

(8) Limited local services (VHF) coast stations.

(9) Marine utility stations.

* * * * *

§ 81.36 [Amended]

3. In § 81.36 paragraph (c) is removed and reserved.

§ 81.72 [Amended]

4. In § 81.72, in paragraph (b), replace the words "class I coast stations" with the words "high seas coast stations"; and in paragraph (c), replace the words "class II and class III coast stations" with the words "regional and local services (VHF) coast stations".

§ 81.103 [Amended]

5. In § 81.103, in paragraph (a), replace the words "class I public coast station" with the words "high seas public coast station" in paragraph (b), replace the words, "class II public coast station" with the words "regional public coast station"; and, in paragraph (c), replace the words "class III public coast station" with the words "local services (VHF) public coast station".

§ 81.206 [Amended]

6. In § 81.206, paragraph (a) replace the words "class I coast stations" with the words "high seas coast stations"; and replace the words "class II coast stations" with the words "regional coast stations".

§ 81.303 [Amended]

7. In § 81.303, in both paragraphs (a) and (b), replace the words "class III–B Public coast stations" with the words "local services (VHF) public coast stations".

§ 81.304 [Amended]

8. In § 81.304, paragraph (b)(22), replace the words "class III–B public coast station" with the words "local services (VHF) public coast station".

§ 81.306 [Amended]

9. In § 81.306, paragraphs (a), (b), (c), (e), and (f), replace the words "class I public coast stations" with the words "high seas public coast stations" and replace the words "class II" with the words "public regional".

§ 81.313 [Amended]

10. In § 81.313, paragraphs (a) and (b), replace the words "class I public coast stations" with the words "high seas public coast stations", replace the words "class II public coast stations" with the words "public regional coast stations" and replace the words "class III public coast stations" with "local services (VHF) public coast stations".

§ 81.330 [Amended]

11. In § 81.330, in paragraph (a), replace the words "public coast III–B stations (VHF)" with the words "local services (VHF) public coast stations"; in paragraph (b), replace the words "limited coast III–B station" with the words "local services (VHF) limited coast station" and replace the words "class III–B public coast station" with the words "local services (VHF) public coast station"; and in paragraph (c), replace the words "Class III–B public or limited station" with the words "local services (VHF) public or limited coast station".

§ 81.360 [Amended]

12. In § 81.360 paragraph (a)(2) is removed and reserved and in paragraph (a)(3) the phrase "after January 1, 1977" is deleted.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.351, paragraph (c)(3) is revised and (c)(4) is revoked and reserved as follows:

§ 83.351 Frequencies available.

* * * * *

(c) * * *

(3) All installations of transmitters employing SSB emissions (2.8A3A, 2.8A3H, and 2.8A3J) on frequencies in the band 2000–2850 kHz will be authorized only when the ship station is equipped for use of F3 emission on frequencies in the band 156–162 MHz.

(4) [Reserved]

* * * * *

2. In § 83.355, paragraph (b) is revised as follows:

§ 83.355 Frequencies from 5000 kHz to 27.5 MHz for public correspondence.

* * * * *

(b) The use of the working frequencies in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in § 83.351.

3. In § 83.358, paragraph (a) is revised as follows:

§ 83.358 Frequencies below 3000 kHz for safety purposes.

(a) The following carrier frequencies are authorized for intership safety communications in the respective geographic areas. In addition, on a non-interference basis to safety communications, the frequencies, except for 2670 kHz, may be used for operational communications and, in the case of commercial transport vessel and vessels of municipal and state governments, for business communications.

* * * * *

[FR Doc. 81-29167 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-567; RM-3619]

FM Broadcast Stations in Brookville and Versailles, Indiana; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Request for Supplemental Information; Extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing responses to a Request for Supplemental Information regarding a petition for rule making involving a proposed channel assignment to Brookville, Indiana. Consultant for the petitioner, Twin Forks, Inc., states that additional time is necessary to provide engineering data.

DATES: Comments must be filed on or before October 26, 1981, and reply comments on or before November 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments and Reply Comments

Adopted: September 30, 1981.

Released: October 1, 1981.

By the Acting Chief, Policy and Rules Division.

1. On July 22, 1981, the Commission adopted a *Request for Supplemental Information*, 46 FR 39629, published August 4, 1981, in the above-captioned proceeding. Comments were due September 28, 1981, and replies thereto are currently due October 19, 1981.

2. We now have before us for consideration a motion filed on September 24, 1981, for extension of time for filing initial comments to and including October 26, 1981, filed on behalf of Twin Forks, Inc. ("petitioner"). The petitioner's consultant states that additional time is needed to submit engineering data in response to the *Request* since a heavy case-load has prevented its completion as anticipated, and due to a recent illness which prohibits the consultant's resumption of a full work schedule at this time. It is indicated that counsel for WCNB, Inc., opponent herein, has been advised of the instant request.

3. Section 1.46(b) of the Rules states that extension requests must be filed seven days in advance of the deadline. Although this request was not received within the required time period, the Commission feels that it would be in the public interest to have this material available to it in arriving at a decision herein. In addition, since it appears that no other party to the proceeding would be prejudiced, we will grant the request.

4. Accordingly, it is ordered, That the time for filing comments and reply comments in response to the *Request for Supplemental Information* in the above-entitled proceeding is extended to and including October 26, 1981, and November 16, 1981, respectively.

5. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-29149 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 46, No. 194

Wednesday, October 7, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Freedom of Information Act; Assessment of Fees and Fee Waivers; Meetings

AGENCY: Administrative Conference of the United States, Committee on Public Access and Information.

ACTION: Notice of meetings.

SUMMARY: The Administrative Conference's Committee on Public Access and Information will meet on October 21, 1981, and again on November 5, 1981, to continue discussion of issues related to Freedom of Information Act fes and fee waivers. The discussion will focus on two separate sets of recommendations, submitted by consultants to the Administrative Conference, which were published in the **Federal Register** on September 9, 1981 (46 FR 45002).

DATE, TIME; PLACE OF MEETING: October 21, 1981, 9:30 a.m. and November 5, 1981, 9:30 a.m.; both meetings in the Library of the Conference at 2120 L Street, NW., Suite 500, Washington, DC. The meetings will be open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days in advance. Minutes of the meetings will be available on request.

FOR FURTHER INFORMATION CONTACT: Michael W. Bowers, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, DC. 20037; telephone (202) 254-7065.

SUPPLEMENTARY INFORMATION: The Committee on Public Access and Information of the Administrative Conference met on September 24, 1981, and discussed numerous issues presented in reports and proposed recommendations submitted to it by consultants, Russell B. Stevenson, Jr., and John E. Bonine. *See* Notice of Meeting and Request for Comment, 46 FR 45002, for a full listing of the consultants' recommendations. Following are the tentative conclusions reached by the Committee on several of the issues discussed at the meeting:

1. Congress should amend the Freedom of Information Act to permit agencies to collect from persons requesting records for a commercial or litigation purpose fees that reflect the costs of routine review of records to determine whether an exemption applies and should be asserted and of deletion of exempt information, in addition to the search and duplication costs now recoverable under the Act. *However,* fees charged for such requests should not include (1) the cost of agency review conducted on appeal of initial agency decisions on Freedom of Information Act requests, or (2) the cost of legal and policy analysis conducted by the agency prior to the initial agency decision to disclose or withhold the type of information covered by a request.

2. Persons requesting records for a primarily private purpose, not involving commercial activity or litigation, should ordinarily be assessed only the cost of search and duplication now recoverable under the Freedom of Information Act. The person making the request should have the burden of establishing that the request does not involve a commercial or litigation purpose.

3. Congress should amend the Freedom of Information Act to permit agencies to assess fees for routine review and deletion of exempt information from records whenever prsons, who would ordinarily only be charged for search and duplication, make requests which are clearly unreasonable in scope or frequency.

4. Persons requesting records for public benefit should continue to have fees waived or reduced under the Freedom of Information Act.

5. There is no feasible way for agency fee schedules to equitably spread the costs of review time between an initial requester of a record and subsequent requesters of the same document.

6. Fees assessed by agencies under the Freedom of Information Act should not include the agencies' overhead costs occasioned by the Act.

7. In the absence of more precise knowledge than is currently available on agency costs, agencies should not be permitted to retain fees collected under the Freedom of Information Act to defray the costs of compliance with the Act. However, the Congress should (1) require that agencies account by specific cost category for the costs of complying with the Act when they submit annual reports required by 5 U.S.C. 552(d), and (2) take such costs into account when appropriating funds for agencies' operations.

8. Persons should ordinarily not be charged for record searches if no records are produced by the agency. However, agencies should be permitted to assess search fees if a requester insists on further search after the agency, based on a preliminary search, informs the requester that the search is likely to be unproductive or that the records are all likely to be exempt from release.

9. Agency rules should require requesters to agree to pay fees up to a specified amount, unless the requester specifies a different amount or is entitled to a fee waiver. If fees are expected to exceed that amount, the agency should be required to notify the requester of that fact and seek the requester's agreement to pay additional fees. If the requester refuses to agree to pay any additional fees, the agency may suspend the search.

10. Agencies should be permitted to require advance payment of fees if a requester has failed to honor a previous commitment to pay fees that were owed an agency.

The Committee wishes to emphasize that the precise language of the conclusions set forth above was not discussed at the meeting, and, furthermore, that these conclusions may be reconsidered at future meetings in light of deliberation of issues not yet considered or public views submitted by the October 9, 1981, comment deadline.

Richard K. Berg,

General Counsel.

October 2, 1981.

[FR Doc. 81-29118 Filed 10-6-81; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981 Crop Price Support Rates; Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured Tobacco

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Notice of Determination of 1981-Crop Fire-Cured (Types 22 and 23), Dark Air-Cured (Types 35 and 36) and Virginia Sun-Cured (Type 37) tobacco price support rates.

SUMMARY: This notice sets forth the price support rates applicable to eligible grades of 1981-crop Kentucky-Tennessee Fire-Cured, Dark Air-Cured, and Virginia Sun-Cured tobaccos.

DATES: Effective October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, ASCS, (202) 447-6733. These rates reflect the national average price support level which is determined in accordance with a statutory formula prescribed in section 106 of the Agricultural Act of 1949, as amended. Since there are no options associated with this determination, an Impact Analysis has not been prepared.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified "not major." It has been determined that these program provisions will result in an annual effect on the economy of less than $5 million, will not cause a major increase in costs to consumers, and will not have an adverse effect on competition.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The title and number of the Federal Assistance Program to which this notice applies as set forth in the Catalog of Federal Domestic Assistance are: Title: Commodity Loan and Purchases; Number: 10.051. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget (OMB) Circular A-95 was not used to assure that units of local government are informed of this action.

Price support for Kentucky-Tennessee Fire-Cured, Dark Air-Cured and Virginia Sun-Cured tobaccos is made available each year by CCC through a cooperative marketing association in accordance with regulations codified at 7 CFR Part 1464. Price support is mandatory at the level determined in accordance with Section 106 of the Agricultural Act of 1949, as amended. Under Section 106, the level of support for the 1981 crop of tobacco is determined by multiplying the support level for the 1959 crop of such kind of tobacco by the ratio of the average of the index of prices paid by farmers for the three calendar years 1978–80 (which is 851) to the average index of prices paid by farmers for the 1959 calendar year (which is 298). The resulting ratio is 2.86. The support level for the 1981 crop of each eligible kind of tobacco is, therefore, 286 percent of the 1959 level ($1.11 per pound). The support rates determined by the Secretary for the various grades of 1981-crops of Kentucky-Tennessee Fired-Cured, Dark Air-Cured and Virginia Sun-Cured tobaccos as set forth in this Notice reflect the statutory required support level.

Since the Secretary of Agriculture has no discretion in determining the level of support for 1981 crops of Kentucky-Tennessee Fire-Cured, Dark Air-Cured and Virginia Sun-Cured tobaccos, which must be established in accordance with the formula prescribed by Section 106 of the 1949 Act, it has been determined that no further public rulemaking is required with respect to the price support rates specified herein.

Accordingly, the Secretary has determined that the following support rates will be in effect for the 1981 crop of Kentucky-Tennessee Fire-Cured (Types 22 and 23), Dark Air-Cured (Types 35 and 36), and Virginia Sun-Cured (Type 37) tobaccos (dollars per hundred pounds, farm sales weight):

DETERMINATIONS

A. 1981-Crop Kentucky and Tennessee Fire-Cured Tobacco, Types 22 & 23 Support Rates [1]

[illegible]	Length 47	Length 46	[illegible] 45	Length 44	Length 48
A1F	[illegible]	[illegible]	[illegible]		
A2F	[illegible]	[illegible]	161		
A3F	[illegible]	[illegible]	[illegible]		
A1D	[illegible]	[illegible]	[illegible]		
A2D	161	161	161		
A3D	153	[illegible]	[illegible]		
B1F	150	160	[illegible]	145	
B2F	145	145	[illegible]	141	
B3F	140	[illegible]	[illegible]	137	131
B4F	135	[illegible]	[illegible]	132	125
B5F	126	[illegible]	[illegible]	123	117
B1D	149	[illegible]	[illegible]	144	
B2D	144	[illegible]	144	140	
B3D	[illegible]	[illegible]	[illegible]	135	131
B4D	134	134	134	131	124
B5D	[illegible]	123	123	119	113
B3M	131	131	131	127	122
B4M	[illegible]	[illegible]	126	122	115
B5M	119	119	119	114	[illegible]
B3VF	131	131	131	127	120
B4VF	129	129	129	126	119
B5VF	121	121	121	118	111
B3G	131	131	131	127	119
B4G	126	126	126	122	114
B5G	114	114	114	[illegible]	104
C1L	152	152	152	[illegible]	
C2L	147	147	147	144	
C3L	142	142	142	[illegible]	132
C4L	135	135	135	132	126
C5L	127	127	127	125	118
C1F	152	152	152	[illegible]	
C2F	147	147	147	[illegible]	
C3F	142	142	142	[illegible]	132
C4F	135	135	135	132	125
C5F	127	127	127	123	116
C1D	151	151	151	[illegible]	
C2D	141	141	141	138	
C3D	135	135	135	132	126
C4D	126	126	[illegible]	124	118
C5D	118	118	118	116	[illegible]
C3M	130	130	[illegible]	127	121
C4M	124	124	124	123	116
C5M	116	116	116	113	104
C3VF	134	134	134	131	125
C4VF	127	127	127	125	119
C5VF	121	121	121	119	110
C3G	122	122	122	119	114
C4G	113	113	113	[illegible]	104
C5G	107	107	107	[illegible]	101

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[1] Only the original producer is eligible to receive price support. Tobacco is eligible for loan only if consigned by the original producer. Tobacco graded "No-G" (no grade), "U" (unsound), Tobacco graded "W" (doubtful keeping order) will have an advance rate 20 percent below the advance rate otherwise applicable. The association through which advances are made to the producer is authorized to deduct from the advance paid to such producer $1 per hundred pounds to apply against association overhead costs.

Grade	Support rates	Grade	Support rates	Grade	Support rates
X1L	124	X1D	119	X3G	[illegible]
X2L	121	X2D	114	X4G	81
X3L	115	X3D	109	X5G	[illegible]
X4L	109	X4D	100		
X5L	100	X5D	[illegible]		
X1F	125	X3M	[illegible]	N1L	72
122	X2F	X4M	[illegible]	N1D	62
X3F	117	X5M	89		
X4F	112			N1G	50
X5F	109	X3VF	109	N2	[illegible]
		X4VF	104		
		X5VF	98		

B. 1981—Crop Dark Air-Cured Tobacco, Types 35 and 36 Grade Support Rates [1]

Grade	Length 47	Length 46	Length 45	Length 44
A1F	158	158	158	
A2F	154	154	154	
A3F	148	148	148	
A1R	158	158	158	
A2R	154	154	154	
A3R	148	148	148	
B1F	148	148	148	145
B2F	142	142	142	141
B3F	137	137	137	135
B4F	125	125	125	124
B5F	116	116	116	115
B1R	147	147	147	145
B2R	141	141	141	140
B3R	135	135	135	134
B4R	124	124	124	123
B5R	115	115	115	114
B1D	146	146	146	144
B2D	140	140	140	139
B3D	133	133	133	132
B4D	123	123	123	122
B5D	114	114	114	113
B3M	122	122	122	121
B4M	113	113	113	112
B5M	106	106	106	105
B3G	118	118	118	117
B4G	113	113	113	112
B5G	105	105	105	104
C1L	150	150	150	149
C2L	146	146	146	145
C3L	141	141	141	140
C4L	130	130	130	129
C5L	119	119	119	117
C1F	150	150	150	149
C2F	146	146	146	145
C3F	140	140	140	139
C4F	130	130	130	129
C5F	119	119	119	117
C1R	149	149	149	148
C2R	145	145	145	144
C3R	139	139	139	137
C4R	127	127	127	126
C5R	117	117	117	116
C3M	122	122	122	121
C4M	114	114	114	113
C5M	106	106	106	105
C3G	124	124	124	122
C4G	113	113	113	112
C5G	102	102	102	101

[1] Only the original producer is eligible to receive price support. Tobacco is eligible for loan only if consigned by the original producer. Tobacco graded "No-G" (no grade), "U" (unsound) or scrap will not be accepted. A reduction of 20 percent in the advance rate will be made for tobacco graded "W" (doubtful keeping order), grades marked with the special factor "BL." The association through which advances are made to the producer is authorized to deduct $1 per hundred pounds from the advance paid to such producer to apply against association overhead costs.

Grade	Support rates	Grade	Support rates	Grade	Support rates
T3F	99	X1L	132	X3M	102
T4F	[illegible]	X2L	[illegible]	X4M	[illegible]
T5F	[illegible]	X3L	[illegible]	X5M	[illegible]
		X4L	119		
		X5L	109	X3G	[illegible]
				X4G	78
T3R	100	X1F	[illegible]	X5G	61
T4R	[illegible]	X2F	129		
T5R	88	X3F	[illegible]	N1L	[illegible]
		X4F	119	N2L	[illegible]
T3D	99	X5F	110		
T4D	96				
T5D	86				
T3M	97	X1R	130	N1R	54

Grade	Support rates	Grade	Support rates	Grade	Support rates
T4M	92	X2R	127	N2R	38
T5M	83	X3R	124		
		X4R	116	N1G	46
T3G	97	X5R	107	N2G	26
T4G	93				
T5G	83	X3D	105		
		X4D	97		
		X5D	89		

C. 1981 Crop Virignia Sun-Cured Tobacco, Type 37 Grade Loan Support Rate [1]

Grade	Length 46	Length 45	Length 44
A1F	159	160	150
A2F	150	150	145
A3F	145	145	144
A1R	160	160	150
A2R	150	150	145
A3R	145	145	145
B1F	155	156	145
B2F	150	151	145
B3F	141	142	140
B4F	[illegible]	131	128
B5F	105	105	101
B1R	150	150	145
B2R	145	145	141
B3R	135	135	135
B4R	125	127	127
B5R	103	104	100
B1D	133	134	129
B2D	129	129	124
B3D	123	123	120
B4D	109	109	109
B5D	[illegible]	94	89
B3M	109	109	104
B4M	99	99	[illegible]
B5M	[illegible]	[illegible]	[illegible]
B3G	109	109	106
B4G	[illegible]	99	94
B5G	[illegible]	[illegible]	[illegible]
C1L	154	154	139
C2L	144	144	129
C3L	134	134	125
C4L	124	129	122
C5L	[illegible]	[illegible]	[illegible]
C1F	152	154	139
C2F	149	149	139
C3F	139	139	129
C4F	129	130	125
C5F	[illegible]	[illegible]	[illegible]
C1R	114	114	109
C2R	103	103	97
C3R	[illegible]	[illegible]	93
C4R	[illegible]	[illegible]	86
C5R	80	79	78
C3M	104	105	100
C4M	[illegible]	99	97
C5M	[illegible]	92	89
C3G	92	[illegible]	89
C4G	89	[illegible]	89
C5G	82	[illegible]	91

[1] Only the original producer is eligible to receive advances. Tobacco is eligible for loan only is consigned by the original producer. Tobacco graded "No-G" (no grade), "U" (unsound), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) or scrap will not be accepted. The association through which advances are made to the producer is authorized to deduct from the advance paid to such producer $1 per hundred pounds to apply against association overhead costs.

Grade	Support rates	Grade	Support rates	Grade	Support rates
T3F	[illegible]	X1L	109	X3M	102
T4F	81	X2L	106	X4M	[illegible]
T5F	75	X3L	[illegible]	X5M	[illegible]
		X4L	91		
T3R	[illegible]	X5L	[illegible]	X3G	94
T4R	81	X1F	109	X4G	[illegible]
T5R	76	X2F	106	X5G	[illegible]
		X3F	[illegible]		
T3D	81	X4F	91	N1L	45
T4D	79	X5F	[illegible]	N2L	23
T5D	73	X1R	[illegible]	N1R	52
[illegible]	[illegible]	X2R	97	N2R	23
T4M	[illegible]	X3R	81		
T5M	73	X4R	87	N1G	52
		X5R	79	N2G	23
T3G	83				
T4G	[illegible]	X3D	[illegible]		
T5G	[illegible]	X4D	81		

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Grade	Support rates	Grade	Support rates	[illegible]	Support [illegible]
		X5D	-71		

(Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c); secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423)

Signed at Washington, D.C. on September 29, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-28832 Filed 10-6-81; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Public Workshop on Laboratory Accreditation; Future Directions in the United States

In the Federal Register of August 12, 1981 (46 FR 40785-7), the Department of Commerce announced plans for a two-day public workshop concerning the present status and future direction of laboratory accreditation activities in the United States. That open workshop will take place on November 16-17, 1981 at the National Bureau of Standards in Gaithersburg, Maryland. Its purpose is to provide a public forum for the expression of views upon which recommendations could be developed to bring about a desirable and effective distribution of responsibilities between the government and private sectors in the area of laboratory accreditation. For further information, contact James Bryson at the Bureau's Office of Engineering Standards, telephone 301-921-2368.

This notice contains a detailed agenda (Appendix 1) for the November workshop. It also contains brief abstracts (Appendix 2) of the presentations to be made at the workshop. There will be opportunities for audience participation in the discussion periods following each session, except for session 2.

As stated in the notice of August 12, papers on any of the subjects of the workshop by interested parties will be considered for publication in the proceedings of the workshop. Such papers must relate to one or more of the issues to be discussed at the workshop. They should be submitted no later than December 18, 1981, to Dr. Jack Williams, Office of Product Standards Policy, Room 3876, Department of Commerce, Washington, D.C. (202-377-3221). In an effort to provide uniformity and facilitate reproduction, it will be helpful if the papers could be submitted in "camera-ready" format, and according to the following typing guidelines: Paper size 8½ x 11; margins; 1 inch all around; single space with elite type (12 characters per inch).

Issued: October 1, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology, and Innovation.

Appendix 1.—Agenda—Workshop on Laboratory Accreditation: Future Directions in the United States; November 16-17, 1981

November 16

9:00 A.M.—Introduction—*Stanley I. Warshaw,* Director, Office of Engineering Standards, NBS

9:10 A.M.—Welcome Address—*Ernest Ambler,* Director, National Bureau of Standards (NBS)

Session No. 1—Background of U.S. Laboratory Accreditation. *Stanley Warshaw,* Director OES/NBS, moderator. Panel (Questions after last speaker.)

9:30 A.M.—(a) Meaning of Accreditation and Certification—*Baron Whitaker,* Consultant to UL

9:45 A.M.—(b) History of Laboratory Accreditation in U.S.—*Theodore Young,* Consultant

10:05 A.M.—(c) Status of Laboratory Accreditation in U.S.—*Charles Hyer,* V.P. The Marley Organization

10:20 A.M.—Discussion

10:45 A.M.—Coffee break

Session No. 2:

11:15 A.M.–International Trade Implications of Laboratory Accreditation—*Douglas Newkirk,* Assistant U.S. Trade Representative for GATT Affairs

Session No. 3—Need for Laboratory Accreditation.

11:45 P.M.—Purposes of Accreditation—*John Locke,* Coordinator, National Voluntary Laboratory Accreditation Program (NVLAP) (Questions to follow).

1:00 P.M.—Lunch

2:00 P.M.—Panel on Advantages and Disadvantages of Laboratory Accreditation (Questions after last speaker). *John Locke,* moderator. Presentations from perspective of

(a1) Independent laboratory—Earl Hess, President Lancaster Laboratories

(a2) William Levelius, Vice President, Northern Region Pittsburgh Testing Laboratories

(b1) Manufacturers—(2) Richard Gaynor, Vice President for Engineering and Research, Ready Mixed Concrete

(b2) John Grant, Consultant to American Petroleum Institute

(c) Exporter—Frank Walters, Staff Engineer, Waterloo Project Engineering Center, John Deere

(d) State and local government—Donald Pinkerton, Executive Director, NCSBCS

(e) Federal regulator—Robert Alexander, Office of Standards Development, Nuclear Regulatory Commission

(f) Consumer Representative—David Swankin, Swankin & Turner

4:00 P.M.—Discussion

5:15 P.M.—End of 34rd Session

November 17

Session No. 4—Criteria for Recognizing Laboratory Accreditation Systems. *James Bryson,* Chief, Office of Testing Laboratory Evaluation Technology, NBS, moderator

9:00 A.M.—(a) On ASTM E-36 Work—*Gerald Berman,* Group Leader, Laboratory Performance Group, NBS

9:15 A.M.—(b) A certifier's view—*Theodore Pritsker,* President, Associated Laboratories

9:30 A.M.—(c) The AALA proposal—*Louis Rossi,* Chairman, of Board, American Association for Laboratory Accreditation (AALA)

9:45 A.M.—Discussion

10:15 A.M.—Coffee break

10:45 A.M.—(d) On IECQ—*Howard Kontje,* Chief Engineer, Underwriters Laboratories, Inc.

11:00 A.M.—(e) On ILAC—*Howard Forman,* Consultant

11:15 A.M.—(f) On OECD GLP—*Carl Morris,* Senior Scientist, Test Rules Development Branch, EPA

11:30 A.M—(g) On the State-of-the Art—*Theodore Young,* Consultant

12:00 P.M.—Discussion

1:00 P.M.—Lunch

Session No. 5—A Mechanism to Accredit Organizations Which Accredit Testing Laboratories. *Jack Williams,* Acting Director, Office of Product Standards Policy, Department of Commerce, Moderator

2:00 P.M.—AALA Proposal and Viewpoints—*Louis Rossi,* Chairman, AALA

3:00 P.M.—Discussion.

4:30 P.M.—Wrap-Up—*Stanley Warshaw*

5:15 P.M.—End of Workshop

Appendix 2.—Abstracts of Presentations

Presentation of *Baaron Whitaker, 9:30 a.m., Monday, November 16, 1981, 1a—15 minutes.*

Subject: *Meaning of Accreditation and Certification.*

This presentation clearly defines laboratory accreditation. Particular attention is given to the differences between laboratory accreditation and product certification. Related areas include:

- The meaning of accreditation to the laboratory user;
- The meaning of certification to the product user;
- The attributes which define a competent laboratory;
- Functions of a certifier over and above functions of a laboratory accreditor;
- Similarities in accreditors' and certifiers' assessment techniques.

Presentation of: *Theodore Young, 9:45 a.m., Monday, November 16, 1981, 1b—20 minutes.*

Subject: *History of laboratory Accreditation in the United States.*

This presentation summarizes the evolution of accreditation in the United States starting with the earliest accreditation systems (DOA Federal Grain Inspection Service which was established in 1940) and identifies product areas for which accreditation programs were established roughly in chronological order. Special reference will be made to the Clinical laboratory Improvement Act (CLIA) system (the only system specifically identified in Federal Legislation) and the College of American pathologists system which is perhaps the largest non-governmental system in terms of number of accredited laboratories.

The presentation will conclude with a summary of events which led up to NVLAP.

Presentation of: *Charles Hyer,* 10:05 a.m., Monday, November 16, 1981, *1c—15 minutes.*

Subject: *Status of Laboratory Accreditation in the United States.*

This presentation provides the current and near future environment relative to laboratory accreditation, and describes how that environment seems to be affecting the operation of laboratory accreditation systems. Issues addressed will include the growth rate of laboratory accreditation systems, special product areas supporting growth in systems, any consolidation of systems, and percent of laboratories which have accreditation by more than one system. The relationship of public and private accreditation systems to businesses, trade associations, and professional associations will be summarized. A prognosis in what's ahead will conclude the presentation.

Presentation of: *Douglas Newkirk;* 11:15 a.m., Monday, November 16; *2—30 minutes.*

Subject: *International Trade Implications of Laboratory Accreditation.*

This presentation will cover the significance of domestic and international laboratory accreditation activities for U.S. trade interests.

Presentation of: *John Locke,* 12:00 p.m., Monday, November 16, *3—30 minutes.*

Subject: *Purposes of Laboratory Accreditation.*

Task Force C of the International Laboratory Accreditation Conference (ILAC) has prepared a report which describes some 10 or more reasons why laboratory accreditation is important. Detailed examples (foreign and domestic) illustrating each reason will be presented. Effects on all segments of the laboratory accreditation community will be summarized, as well as effects on international trade.

Panel Session on Advantages and Disadvantages of Laboratory Accreditation 2:00 p.m., Monday, November 16.

Presentation of: *Earl Hess, 3a1—10 minutes.*

Perspective: Independent Laboratory advocating accreditation of laboratories.

The nature of independent laboratory support of laboratory accreditation will be summarized. Advantages to the laboratory, to clients, and to the public will be described.

Presentation of: *William Levelius, 3a2—10 minutes.*

Perspective: Independent laboratory with many separate laboratory locations.

Concerns about accreditation of each independent site will be addressed in conjunction with how control of testing in separate locations is managed by the corporation. Similarities and differences between corporate control of the laboratories at separate locations and laboratory accreditation of those sites will be summarized. The advantages and disadvantages of each approach will be stated along with concerns about accreditation procedures themselves.

Presentation of: *Richard Gaynor, 3b1—10 minutes.*

Perspective: Manufacturer supportive of accreditation.

The effect of laboratory accreditation on the manufacturer will be described, along with advantages and disadvantages of using an outside accredited laboratory. Important qualities of an accreditor will be stated. An expression of general concerns with respect to laboratory accreditation will conclude the presentation.

Presentation of: *John Grant, 3b2—10 minutes.*

Perspective: Manufacturer with reservations about accreditation.

The effect of laboratory accreditation on manufacturers will be summarized, both for a manufacturer's laboratory and for an "outside" laboratory. Values used to judge competence of an outside laboratory will be described. Credentials which others seek when evaluating the work of a laboratory will be described. Concerns about and advantages of accreditation will conclude the presentation.

Presentation of: *Frank Walters, 3c—10 minutes.*

Perspective: Exporter.

The problems which a U.S. firm confronts when exporting a complex product will be summarized. Different perspectives from different countries in accepting test data will be noted. The implications of liability considerations in different countries and insurance considerations will be described. Desirable characteristics of a U.S. laboratory accreditation system important to the acceptance of test data internationally will conclude the presentation.

Presentation of: *Donald Pinkerton, 3d—10 minutes.*

Perspective: State and local governments.

State and local government code administrators have a special need for information about a product before they permit its use in their geographic area. Recognition of the competence of a testing laboratory is not sufficient for these purposes. The relationship between the needs of code administrators and laboratory accreditation will be described. Also the deficiencies of accreditation from the code administrator's standpoint and related concerns will be mentioned.

Presentation of: *Robert Alexander, 3e—10 minutes.*

Perspective: Federal regulatory responsibilities.

Regulatory responsibilities which can be fulfilled by reliance on accredited laboratories will be described. The need for assuring the competence of testing laboratories will also be discribed. The advantages and possible disadvantages of accreditation to the government, to the regulated industry sector, and to the public will be summarized.

Presentation of: *David Swankin, 3f—10 minutes.*

Perspective: Consumers.

The importance of laboratory accreditation to consumer will be described. Other issues include: When is laboratory accreditation "good enough"? How can information about an accredited laboratory be used? What kind of information do consumers want about product tests? . . about accredited laboratories? The presentation will conclude by describing advantages of accreditation and consumer concerns.

Presentation of: *Gerald Berman, 9:00 a.m., Tuesday, November 17, 4a—15 minutes.*

Subject: *Generic Criteria for Laboratory Accreditation Being Developed by ASTM Committee E-36.*

This presentation describes the development of generic criteria of a laboratory accreditation system for the laboratory evaluation process and for assessment procedures. The discussion will focus on the necessary attributes of an accreditation system and will summarize the work of ASTM Committee E-36.

Presentation of: *Howard Forman,* 11:00 a.m., Tuesday, November 17, *4e—15 minutes.*

Subject: *Considerations in Recognizing Laboratory Accreditation Systems in Different Countries.*

This presentation covers the status of deliberations in the International Laboratory Accreditation Conferences (ILAC). The status of international agreements recognizing laboratory accreditation systems in two or more countries will be summarized. Efforts to develop international guidelines to judge laboratory accreditation systems will be summarized.

Presentation of: *Carl Morris,* 11:15 p.m., Tuesday, November 17, *4f—15 minutes.*

Subject: *OCED Agreement on Inspection Agencies in Member Countries.*

The OECD is proposing a complete system for the recognition and acceptance of animal test data among testing laboratories in different countries. This presentation will summarized the guidelines which the laboratory inspection agencies in each country should meet in order that data from testing laboratories in that country will be acceptable in other countries. Technical and administrative criteria will be described along with difficulties encountered in implementation of the scheme.

Presentation of: *Theodore Young,* 11:30 p.m., Tuesday, November 17, *4g—30 minutes.*

Subject: *Mechanisms for Acceptance of Accrediting Organization—the State-of-the-Art.*

This presentation summarizes the key factors used to accept or reject accrediting organizations in the U.S. Some of these examples come from fields other than laboratory evaluation, and the presentation will relate the relevant features of these programs to accreditation of laboratories. The administrative characteristics of accepting or denying accreditation will also be described.

Presentation of: *Louis Rossi,* 2:00 p.m., Tuesday, November 17, *5—One hour.*

Subject: *Transforming NVLAP Into a Program to Accredit Accreditation Systems.*

The American Association for Laboratory Accreditation (AALA) has proposed that NVLAP be converted from a laboratory accreditation system to an accreditor of such systems. In this presentating, AALA will describe just how it proposes that such a scheme would work. This discussion will include mechanisms' used by existing laboratory accreditation systems, such as those Federal and State governments.

Presentation of: *Theodore Pritsker,* 9:15 a.m., Tuesday, November 17, *4b—15 minutes.*

Subject: *Characteristics of Laboratory Accreditation Systems Which Certifiers Look For.*

This presentation identifies criteria which a product certification system manager would want in an organization which uses laboratories accredited by a laboratory accreditation system. Included are: (a) A certifier's concern for adequate testing; (b) relationships between a certifier and testing laboratories; (c) the question of product liability and (d) minimum requirements for an accrediation system.

Presentation of: *Louis Rossi,* 19:30 a.m., Tuesday, November 17, *4c—15 minutes.*

Subject: *An Accreditation System's View of What Makes a Good Laboratory Accreditation System.*

This presentation includes a detailed description of criteria recommended by AALA to be used by an organization (such as a Federal agency) which would recognize the competence of laboratory accreditation systems. Administrative procedures as well as technical characteristics will be covered.

Presentation of: *Howard Kontje,* 10:45 a.m., Tuesday, November 17, *4d—15 minutes.*

Subject: *The IEC's Way of Evaluating Certifiers in Participating Countries.*

This presentation describes the IEC's criteria for accepting member-country inspectorates. Although this is a certification scheme, the approved member-country inspectorate must accredit laboratories which test the products covered by the system. Also covered will be a description of the problems encountered in formulating the scheme and of potential future changes to the system.

[FR Doc. 81-29143 Filed 10-6-81; 8:45 am]

BILLING CODE 3510-BP-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Certain Cotton Apparel Products from Macau; Adjusting Import Restraint Levels

October 1, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by the application of swing and carryforward, the levels of restraint established for men's and boys' woven cotton shirts in Category 340 from 110,275 dozen to 128,635 dozen and for women's, girls' and infants' woven cotton blouses in Category 341 from 75,382 dozen to 85,182 dozen, produced or manufactured in Macau and exported during the agreement year which began on January 1, 1981. The adjusted level for Category 340 includes the restoration of carryforward that was not used in 1980.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121))

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979 between the Governments of the United States and Portugal concerning products produced or manufactured in Macau provides for percentage increases in certain specific ceilings during an agreement year (swing) and for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the succeeding year's level. Pursuant to the terms of the bilateral agreement, the levels of restraint for Categories 340 and 441 are being adjusted for the twelve-month period which began on January 1, 1981.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 11, 1980, there was published in the **Federal Register** (45 FR 81643) a letter dated December 8, 1980, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 340 and 341, produced or manufactured in Macau, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the levels of restraint established for cotton textile products in Categories 340 and 341 to the designated amounts during the twelve-month period which began on January 1, 1981.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: On December 8, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products, produced or manufactured in Macau, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Portugal; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 1, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 340 and 341, produced or manufactured in Macau, in excess of the following adjusted levels of restraint:

AMENDED 12-MONTH LEVEL OF RESTRAINT[1]

Category	(Dozens)
340	[illegible]
341	[illegible]

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textile products from Macau, have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-29104 Filed 10-6-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Medical Research and Development Advisory Panel, Blood Products and Preservation Subcommittee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Blood Products and Preservation.

Date of Meeting: November 13, 1981.

Time and Place: 0900 hrs, Conference Room AS3102, Letterman Army Institute of Research, Presidio of San Francisco, CA.

Proposed Agenda: This meetng will be open to the public on 13 November 1981 from 0900-0915 hrs for administrative review and dicussion of the scientific research program of Blood Products and Preservation Division, Letterman Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S.C. and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 0915-1615 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personnal privacy.

Dr. Ryan Neville, Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129, (415/561-4367), will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81-29173 Filed 10-6-81; 8:45 am]

BILLING CODE 3710-08-M

Army Medical Research and Development Advisory Panel, Medicinal Chemistry Subcommittee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Medicinal Chemistry.

Date of Meeting: November 13, 1981.

Time and Place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, D.C.

Proposed Agenda: This meeting will be open to the public on 13 November 1981 from 0830-1330 hrs to discuss the scientific research program of the Medicinal Chemistry Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S.C. and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1330-1730 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would consitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, D.C. 20012 (202/576-3061) will furnish summary minutes, roster of

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[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Portugal, which provide, in part, that: (1) within the aggregate and group limits; specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be increased for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81-29174 Filed 10-6-81; 8:45 am]

BILLING CODE 3710-08-M

Army Medical Research and Development Advisory Panel, Surgery Subcommittee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Surgery.

Date of Meeting: November 19 and 20, 1981.

Time and Place: 0900 hrs, Marriott Hotel, San Antonio, Texas.

Proposed Agenda: This meeting will be open to the public on 19 November from 0900-1700 hrs for the administrative review and discussion of the Surgical Research Program of the U.S. Army Institute of Surgical Research, Ft. Sam Houston, TX. A tour of the facilities will also be conducted. Attendance by the public is open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), U.S.C., title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 0915 hrs through 1700 hrs on 20 November 1981 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual reasearch subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Ryan Neville, Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129, (415/561-4367), will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81-29171 Filed 10-6-81; 8:45 am]

BILLING CODE 3710-08-M

Army Medical Research and Development Advisory Panel, Vision and Laser Bioeffects Subcommittee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Vision and Laser Bioeffects.

Date of Meeting: November 17, 1981.

Time and Place: 0900 hrs, Conference Room AS3102, Letterman Army Institute of Research, Presidio of San Francisco, CA.

Proposed Agenda: This meeting will be open to the public on 17 November 1981 from 0900-0930 hrs for administrative review and discussion of the scientific research program of the Vision and Laser Bioeffects, Letterman Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552B(c)(6), U.S.C., Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 0930-1715 hrs for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Ryan Neville, Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129, (415/561-4367), will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield, M.D.

Colonel, MC, Deputy Commander.

[FR Doc. 81-29172 Filed 10-6-81; 8:45 am]

BILLING CODE 3710-08-M

Defense Communications Agency

Scientific Advisory Group; Closed Meeting

The DCA Scientific Advisory Group will hold closed meetings on 26 and 27 October 1981. The 26 and 27 October meetings will be at the Defense Communications Agency, Director's Management Information Center, at Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia.

The subject of the meetings will be the Defense Switched Network.

Any person desiring information about the Advisory Group may telephone (Area Code 202-692-1765) or write Chief Scientist-Associate Director, Technology, Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

These meetings are closed because the material to be discussed is classified requiring protection in the interest of National Defense.

(5 U.S.C. 522b(c)(1))

Irwin L. Lebow,

Chief Scientist-Associate Director, Technology.

[FR Doc. 81-29124 Filed 10-6-81; 8:45 am]

BILLING CODE 3610-01-M

DEPARTMENT OF EDUCATION

Advisory Panel on Financing Elementary and Secondary Education; Meeting

AGENCY: Advisory Panel on Financing Elementary and Secondary Education.

ACTION: Notice of meeting and site visit.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming activities of the Advisory Panel on Financing Elementary and Secondary Education. It also describes the functions of the Panel. Notice of these activities is required under the Federal Advisory Committee Act, Section 10(a)(2).

ACTIVITIES: *Site Visit* on October 22nd to three schools in the Northern Virginia area. *Meeting* on October 23rd from 9:00 a.m. to 5:00 p.m. in Room 3000, 400 Maryland Avenue, S.W., Washington, D.C. The public is invited to attend the meeting.

FOR FURTHER INFORMATION CONTACT: Will S. Myers, Executive Director, Advisory Panel on Financing Elementary and Secondary Education, P.O. Box 19125, Washington, D.C. 20036, (202) 635-8278.

SUPPLEMENTARY INFORMATION: The Advisory Panel on Financing Elementary and Secondary Education was established by Section 1203, Title XII of the Education Amendments of 1978 (Pub. L. 95-561). The Panel provides the Secretary and the Congress with advice and counsel concerning public policies on raising and distributing revenues to support elementary and secondary education. The Advisory Panel also provides advice to the Secretary concerning the conduct of studies authorized by Section 1203. The Advisory Panel will make annual reports to the President and the Congress in 1981 and 1982. The Advisory Panel will also provide recommendations for legislation or other appropriate action to Congress.

Agenda

1. Consideration of public support for private elementary and secondary education.
2. Discussion and adoption of the 1981 Annual Report.

3. Report on the research of the School Finance Project.

Records are kept of all Advisory Panel proceedings and are available for public inspection at the office of the Advisory Panel on Financing Elementary and Secondary Education located at 1200 19th Street, N.W., Room 725–M, Washington, D.C.

Signed at Washington, D.C. on October 2, 1981.

Will S. Myers,

Executive Director, Advisory Panel on Financing Elementary and Secondary Education.

[FR Doc. 81–29121 Filed 10–6–81; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

National Petroleum Council, Environmental Protection Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Environmental Protection Task Group of the Committee on Arctic Oil and Gas Resources will meet in October 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Environmental Protection Task Group meeting follow:

The sixth meeting of the Environmental Protection Task Group will be held on Wednesday, October 21, 1981, starting at 9:00 a.m., in the Quadrant Room of The Hotel Captain Cook, Fifth and K Streets, Anchorage, Alaska.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review and discussion of the draft Task Group report.
3. Approval of the draft Task Group report.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Environmental Protection Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Environmental Protection Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Oil, Gas and Shale Resources Development Division, Fossil Energy, 202/633–8395, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on October 1, 1981.

Jan W. Mares,

Assistant Secretary for Fossil Energy.

October 1, 1981.

[FR Doc. 81–29166 Filed 10–6–81; 8:45 am]

BILLING CODE 6450–01–M

National Petroleum Council, Subcommittee on Environmental Conservation; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Subcommittee on Environmental Conservation of the National Petroleum Council.

Date and Time: Thursday, October 29, 1981—10:00 a.m.

Place: The Madison Hotel, Executive Chambers I and II, Fifteenth and M Streets, N.W., Washington, D.C.

Contact: Georgia Hildreth, Chief, Advisory Committee Management Branch, Department of Energy, 1000 Independence Avenue, S.W., Forrestal Building, Room 4B222, Washington, D.C. 20585, Telephone: 202–252–5187.

Purpose of Parent Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Tentative Agenda:

- Review the draft report on Environmental Conservation—The Oil and Gas Industries
- Discuss any other matters pertinent to the overall assignment from the Secretary
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Branch at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Buidling, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on October 2, 1981.

Howard H. Raiken,

Director of Management, Systems Analysis Division.

[FR Doc. 81–29164 Filed 10–6–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration ADA Resources, Inc.; Notice of Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: September 4, 1981.

FOR FURTHER INFORMATION CONTACT: Product Resellers Branch, Attn: Adna S. Day, Office of Enforcement, 2000 M Street, N.W., Room 5108, Washington, D.C. 20461, 202/653–3541.

SUPPLEMENTARY INFORMATION: On November 2, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Ada Resources, Inc., (Ada Resources) of Houston, Texas on October 16, 1979, 44 Fed. Reg. 63135 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who belive they have a claim to all or a portion of the refund amount paid by Ada Resources pursuant to the Consent Order were requested to submit notice of their claims to the OE.

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Although interested persons were invited to submit comments regarding the Consent Order to the OE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Ada Resources refunded the sum of $100,000.00 by certified check made payable to the United States Department of Energy on November 2, 1979. This sum has been received by the OE and deposited into a suitable account pending determination of their proper distribution.

The following persons submitted notices of claim to the OE: Rapid Transit Lines, Inc., Metropolitan Transit Authority of Harris County, Texas.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $100,000.00, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on September 4, 1981 to implement special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 30th day of September, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-29110 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

Arcone Oil Company, Inc.; Notice of Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Product Resellers Branch, Attn: Adna S. Day, Office of Enforcement, 2000 M Street, N.W., Washington, D.C. 20461, 202/653-3541.

SUPPLEMENTARY INFORMATION: On September 17, 1980, the OE published notification in the **Federal Register** that it executed a Consent Order with Arcone Oil Company, Inc. (Arcone) of Newark, New Jersey on March 27, 1980, 45 Fed. Reg. 61657 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had a claim to all or a portion of the refund amount paid by Arcone pursuant to the Consent Order were requested to submit notice of their claims to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the OE, no comments were received. Therefore, the Consent Order was not modified.

The OE received no notices of claim to the refunds.

Pursuant to the Consent Order, Arcone refunded the sum of $200,000.00 by certified checks made payable to the United States Department of Energy. This sum has been deposited in a suitable account pending determination of its proper distribution.

ACTION TAKEN: The OE is unable, readily, to identify the persons entitled to receive the $200,000.00, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE has petitioned the Office of Hearings and Appeals (OHA) on September 11, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 30th day of September 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-29109 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-79-005; OFC Case No. 61004-9018-05-11]

Order Granting an Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting an exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE), hereby gives notice that in response to a petition from Air Products and Chemicals, Incorporated (Air Products or the Company) it has granted to Air Products a temporary exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). Title II prohibits the use of petroleum and natural gas as a primary energy source in certain new major fuel burning installations (MFBI's) unless an exemption for such use has been granted by ERA. Petinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500, 501 and 503 published on June 6, 1980, at 45 FR 38276 and 38302.

Air Products' petition, filed with ERA on September 17, 1979, requested the temporary exemption from the prohibitions of Title II of FUA for a new major fuel burning installation (MFBI) installed at its Calvert City, Kentucky, chemicals plant. The exemption request, based upon section 211(b) of FUA, asserts that at the end of a 5-year exemption period the Company will be able to comply with the applicable prohibitions through the use of a synthetic liquid fuel derived from coal. Pursuant to section 211(b) of the Act and 10 CFR 503.24, and subject to specified terms and conditions stated herein, ERA hereby issues this order granting a temporary exemption to Air Products to permit the use of petroleum and natural gas in the new MFBI installed at its Calverty City, Kentucky, facility.

In accordance with section 702(a) of FUA, this order shall take effect on December 7, 1981, the 60th calendar day after publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4226;

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-4257;

Marya A. Rowan, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967.

A public file containing a copy of this order and other documents and supporting materials on this proceeding is available upon request at: ERA, Room B-110, 2000 M Street, NW., Washington, D.C. Monday–Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: The MFBI for which the temporary exemption was requested is a new packaged boiler (hereafter, "new MFBI") having a design heat rate input of 86 million Btu's per hour and is capable of burning either petroleum or natural gas. Under the criteria of 10 CFR 500.5(b)(1), the new MFBI, when aggregated with other existing MFBI's at the same site, is jurisdictional for purposes of FUA.

Air Products' petition was filed under the provisions of the then-effective interim rule implementing certain provisions of FUA, published in the **Federal Register** on May 15, 1979, at 44 FR 28530, and on May 17, 1979, at 44 FR 28950. Subsequently, ERA's implementing FUA rule was finalized and became effective on August 5, 1980. (Codified at 10 CFR Parts 500, 501 and 503, published on June 6, 1980, at 45 FR 38276 and 38302.)

The final rule simplified the eligibility and evidentiary requirements for the synthetic fuels exemption authorized by section 211(b) of FUA, and ERA's determination to grant the requested exemption is based upon analysis of Air products' petition under the criteria established in the final rule at 10 CFR 503.24.

In accordance with the procedural requirements of FUA and 10 CFR § 501.64 of the then-effective interim rule, ERA published notice of its acceptance of Air Products' petition in the **Federal Register** on November 6, 1979, at 44 FR 64105. The notice provided a 45-day comment period during which interested persons could submit written comments on the petition for exemption and request that a public hearing be convened. The period expired on December 21, 1979. No comments were received and no person requested a public hearing.

As required by section 701(f) and (g) of the Act, ERA provided a copy of Air Products' petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments have been received from these agencies.

Pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis made by the ERA staff on Air Products' petition was published in the **Federal Register** on September 8, 1981, at 46 FR 44808. The Tentative Staff Analysis recommended that ERA issue an order granting the requested temporary exemption to Air Products subject to certain terms and conditions which were outlined therein. The notice of availability provided a 14-day comment period during which interested persons could submit written comments on the Tentative Staff Analysis or request that a public hearing be convened. That period expired on September 22, 1981. No comments were received nor was a public hearing requested.

From the filing of its petition to July of 1981, Air Products, because of circumstances beyond its control, was unable to satisfy a general requirement contained at section 214(b) of FUA, which requires that a petitioner for a temporary exemption furnish evidence of a binding contract for fuel, or facilities for the production of fuel, which would allow for compliance at the end of the proposed exemption period. In the absence of such evidence, ERA was unable to complete its analysis of Air Products' petition until July 17, 1981, at which time the Company filed evidence of a binding synthetic fuel contract with ERA. In compliance with section 701(c)(3) of FUA and 10 CFR § 501.68, ERA thrice extended, in six-month increments, the period for issuance of the final order on Air Products' petition (45 FR 42004, June 23, 1980; 45 FR 84119, December 22, 1980; and 46 FR 32304, June 22, 1981).

Decision and Order: Based upon review of the entire record of this proceeding, ERA has determined that Air Products has satisfied the requirements for the temporary exemption based upon the future use of synthetic fuels as set forth at 10 CFR 503.24. ERA has also determined, for the purposes of effectiveness of this order, that the updated compliance plan filed on July 17, 1981, by Air Products satisfies the requirement for submission of a final compliance plan pursuant to 10 CFR 503.24(c). Therefore, as authorized by section 211(b) of the Act, and subject to the terms and conditions stated below, ERA hereby grants Air Products a temporary exemption from the prohibitions of Title II of FUA to permit the temporary use of petroleum and natural gas in the new MFBI installed at Air Products' Calvert City, Kentucky, facility.

Terms and Conditions: Section 214(a) of FUA provides ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. Accordingly, such terms and conditions, as enumerated below, are attached to this order granting the requested exemption:

(1) Air Products shall submit to ERA, at the address provided below, a certification, executed by a duly authorized representative of the Company, certifying the date the new MFBI is first operated under the provisions of this order.

(2) The authorization granted by this order to use petroleum and natural gas in the new MFBI as its primary energy source shall terminate on the fifth anniversary of the date reported to ERA pursuant to (1) above, unless extended by ERA, or at the date of start of the demonstration period of the SCR–I Demonstration Plant, whichever occurs earlier. Once terminated, this order is not reinstateable and resumption of the use of petroleum and natural gas as a primary energy source in the new MFBI, except during periods of temporary emergency conditions qualifying under 10 CFR 501.192, will be contingent upon Air Products obtaining another exemption available under FUA for the new MFBI.

(3) If at anytime before the expiration of the temporary exemption granted by this order, or any extensions thereof, it becomes known that a supply of the SRC–I middle distillate from the SRC–I Demonstration Plant will be unavailable, for any reason, in sufficient quantity to serve as the primary energy source for the new MFBI, and Air Products is unable to obtain and produce evidence of a binding contract for a sufficient supply of a synthetic fuel from another supplier, the continued use of petroleum and natural gas as a primary energy source in the new MFBI is subject to Air Products qualifying the new MFBI for another exemption available under FUA.

(4) Prior to the operation of the new MFBI under the provisions of this order, and prior to the operation of the new MFBI using a synthetic fuel as its primary energy source, Air Products will secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

(5) The quality of any petroleum to be burned in the new MFBI under the provisions of this exemption will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

(6) Revisions to Compliance Plan: Air Products will submit to ERA, at the address provided below, an updated and duly certified compliance plan:

(a) Within 30 days from each anniversary of the date the new MFBI is first operated under the provisions of this order, as reported pursuant to (1) above;

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(b) Within one month of an alteration of any milestone in the compliance plan, together with the reasons for the alteration and its impact upon the scheduling of all other milestones in the plan; and

(c) At any time ERA, in its discretion, determines that a revised compliance plan is necessary.

(7) On or before the fifth anniversary of the date the new MFBI is first operated under the provisions of this order, unless otherwise extended by ERA, or within ten days from the date of start of the demonstration period of the SRC–I Demonstration Plant, whichever occurs earlier, Air Products shall submit to ERA, at the address provided below, a certification executed by a duly authorized representative of the Company, reporting that the use of petroleum and natural gas as a primary energy source in the new MFBI ceased.

(8) Any petition for extension of the temporary exemption granted by this order shall be filed with ERA in the manner and within the time frame prescribed at 10 CFR 501.60(a)(4) and 501.60(b).

Report Address: The reports required by this order shall be sent to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

OFC Case Number 61004–9018–05–11 shall be cited on each report.

Environmental Analysis: In accordance with section 763(1) of FUA, the granting or denial of any temporary exemption is not deemed to be a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969. Therefore, in connection with Air Products' petition for a temporary exemption, ERA is not required to prepare an environmental impact statement.

Effectiveness of Order: This order shall take effect on December 7, 1981.

Judicial Review: Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judical review at any time before December 7, 1981.

Issued in Washington, D.C. on September 29, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion Economic Regulatory Administrator.

[FR Doc. 81–29108 Filed 10–6–81; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

American Statistical Association Committee on Energy Statistics; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770), notice is hereby given that the American Statistical Association's Committee on Energy Statistics will meet with representatives of the Energy Information Administration (EIA) on Thursday, October 22, 1981, at the International Inn, 10 Thomas Circle, Northwest, Washington, D.C., from 2:30 p.m. to approximately 5:30 p.m., in the State Suite. The meeting will continue on Friday, October 23, 1981, in the International Inn, in the Monroe Room from 9:00 a.m. to approximately 4:00 p.m.

The purpose of the meeting is to enable the EIA to utilize the American Statistical Association's Committee on Energy Statistics to obtain advice on EIA programs and to benefit from the Committee's expertise concerning other energy statistical matters.

The tentative agenda is as follows:

A. Introductory Remarks
B. Major Topics
  1. EIA efforts to develop a set of energy indicators or ratios which could be used to demonstrate deviations from the norm.
  2. A suggested approach to industrial energy consumption data collection.
  3. Proposed new structure for EIA's Annual Forecast Volume.
  4. A discussion of the relative importance of the various factors contributing to reduced gasoline demand.
  5. Redesign of the weekly petroleum system—a progress report.
  6. Current efforts to integrate and organize EIA data and metadata.
  7. EIA future plans in the area of information validation.
  8. The Federal/State role in energy data collection.
C. Other Committee Business
  1. Topics for future business
  2. Public comment

The meeting is open to the public. Any member of the public may file a written statement with the EIA for forwarding to the Committee, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should inform Mr. Bruce D. Dwyer, EIA Committee Liaison, (202) 252–6460, or Dr. Fred C. Leone, Executive Director of the American Statistical Association, (202) 393–3253, at least five days prior to the meeting and reasonable provision will be made to include their presentations on the agenda. Subsequent to approval by the Committee, minutes and an executive summary of the meeting will be available for public review and copying at the Office of Planning and Rescources, EI–32, EIA, 1000 Independence Avenue, S.W., Room 2H055, Washington, D.C. 20585, (202) 252–6460, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Issued at Washinton, D.C. on October 2, 1981.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 81–29106 Filed 10–6–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders, Week of August 17 through August 21, 1981

During the week of August 17 through August 21, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

September 30, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appeals

Louisiana Crude Oil & Gas Co., Inc., 8/18/81, DRA–0289

On January 19, 1979, Louisiana Crude Oil & Gas Co., Inc. (LCOG) filed an Appeal of a Supplement Remedial Order (Supplemental RO) issued to it on December 14, 1978 by Region VI of the Office of Enforcement of the Economic Regulatory Administration (ERA). The Supplemental RO concluded that LCOG had improperly classified certain crude production as "new" oil during the period September 1973 through August 1976, and had therefore violated DOE price regulations. In its Appeal, LCOG alleged that the Supplemental RO erroneously determined for the months of May, June and November of 1974, the amount of new oil produced and sold from Tract 988A, the property in question. In support of its assertions, the firm maintained that its own calculations indicate different production and sales figures than those relied upon by the ERA for those months. Additionally, LCOG alleged that its own computations indicate that the Base Period Control Level (BPCL) used in the Supplemental RO to determine the amount of upper tier crude oil available for sale in February 1976 is also in error. The Decision and Order denied LCOG's Appeal on the ground that the firm failed to substantiate its allegations by submitting the data or documents upon which its conclusions rested.

The Decision and Order also granted in part a Motion for Modification submitted by the ERA on February 9, 1981. In this Motion, the ERA sought (i) to modify, as of February 1, 1980, the interest rates on outstanding overcharges due from LCOG, by replacing the stated interest rates of the Supplemental RO with the prime rate; and (ii) to modify the refund provisions of the Supplemental RO by replacing the stated remedy of price refunds or rollbacks with five optional remedies, one or more of which may be adopted by the ERA in an order to be issued at a subsequent date.

The Office of Hearings and Appeals (OHA) partially granted the motion for modification of the interest rate provisions of the Supplemental RO, allowing the prime rate to be assessed on overcharges outstanding after February 9, 1981, the date on which the Motion was filed. Additionally, the Decision and Order permitted the charging of interest at an annual rate of 12 percent for overcharges outstanding during the period February 1, 1980 through February 8, 1981.

The OHA granted in full the ERA's Motion as it pertained to the refund provisions. Nothing the inability of price refunds and rollbacks to effect restitution of the overcharges subsequent to decontrol, the Decision and Order concluded that the five optional remedies contained in the Motion would likely achieve the equitable results sought in an enforcement action.

Mobil Oil Corporation, 8/21/81, BEA-0170

Mobil Oil Corporation filed an Appeal of an Assignment Order which required Mobil to provide motor gasoline to Mountain Empire Oil Company. In considering the Appeal, the DOE found that the Assignment Order did not include sufficient findings of fact for ordering Mobil to provide motor gasoline to Mountain Empire. Accordingly, the Appeal was granted.

Pierson, Semmes, Crolius and Finley, 8/19/81, BFA-0706

Pierson, Semmes, Crolius and Finley (Pierson) filed an Appeal from a denial by the Director of the DOE Office of Fuels Conversion of an information request which the firm had submitted under the Freedom of Information Act (FOIA). The material requested by Pierson related to a Draft System Compliance Plan (Plan) submitted to the DOE by Gulf States Utilities Company. In considering the Appeal, the DOE found that the first thirteen pages of the Plan consist mostly of segregable, non-confidential material that should be released to Pierson. The DOE also determined that the remainder of the Plan was properly withheld pursuant to FOIA Exemption 4, and that discretionary release of this confidential, commercial material would be inappropriate.

Shell Oil Company, 8/18/81, BEA-0200

Shell Oil Company (Shell) filed an Appeal of an assignment order issued on January 15, 1980 by the Region VI Office of Petroleum Operations of the DOE. In considering the Appeal, the DOE determined that the January 15, 1980 assignment order was procedurally defective and should be rescinded. Shell's Appeal was therefore granted.

Summers, Hendrick, Spanos, Phillips & Grant, 8/17/81, BFA-0709

Summers, Hendrick, Spanos, Phillips & Grant filed an Appeal from determinations that has been issued to the firm pursuant to the Freedom of Information Act (FOIA) by the District Manager of the Southeast District Office of Enforcement. In those determinations, the District Manager withheld certain material responsive to the firm's request for information on the ground that the material falls within Exemption 4 of the FOIA. In considering the Appeal, the DOE found that the District Manager had failed to provide adequate explanations to support his determination that the material withheld falls within Exemption 4. Accordingly, the matter was remanded to the District Manager.

Vinson & Elkins, 8/21/81, BFA-0712

Vinson & Elkins filed an Appeal from a partial denial by the District Manager of the Southwest District of Enforcement of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the District Manager's determination was based on a thorough and conscientious search for responsive documents. since no responsive documents were found to exist, the Vinson & elkins' Appeal was denied.

Volpe, Boskey & Lyons, 8/18/81, BFA-0708

Volpe, Boskey & Lyons filed an Appeal from a denial by the director of the DOE's Office of Program support Procurement and Assistance Management of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE determined that Program Support correctly interpreted the request, that the request was not ambiguous, and that the responsive portion of the Source Evaluation Board Report was correctly withheld pursuant to Exemption 5. However, the DOE also determined that Program Support had not addressed the issue of segregable factual material. Accordingly, the DOE remanded on that issued.

Requests for Exception

Ideal BG Associates, 8/19/81, BEE-1664

Ideal BG Associates filed an Application for Exception from the provisions of 10 C.F.R. § 212.131 in which the firm sought to retroactively classify certain volumes of crude oil as "newly discovered crude oil." In considering the request, the DOE found that exception relief was necessary to permit the firm to realize the benefits of producing newly discovered crude oil.

Accordingly, exception relief was granted. An important issue discussed in the Decision and Order is granting relief by placing Ideal on the entitlements clean-up list as a claimant rather than allowing the firm to retroactively certify the crude oil as newly discovered and obtain additional monies from the purchaser.

Marlex Oil & Refining Inc., 8/19/81, BEE-1481

Marlex Oil & Refining, Inc. (Marlex) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). If granted, Marlex's request would permit the firm to sell entitlements for volumes of crude oil purchased by Marlex for permanent refinery inventory. The inventory for which Marlex seeks entitlements benefits was purchased in 1976 when the firm commenced its refining operations and in 1977 and 1979 when the inventory was enlarged to accommodate expansions of the Marlex refinery. In considering the Marlex application, the DOE ruled that Marlex must satisfy the criteria established for the approval of retroactive exception relief since the firm waited over four years after the acquisition of its initial inventory to apply for exception relief. The DOE concluded that Marlex had failed to demonstrate that it would incur an irreparable injury in the absence of a retroactive exception: DOE also ruled that Marlex had not advanced compelling reasons for granting its request. Accordingly, the Marlex exception request was denied.

Requests for Stay

Barkett Oil Co., 8/18/81, BRS-0137, BRS-0138

Barkett Oil Company filed an Application for Stay from the requirement under 10 CFR 205.196 that it file its Statements of Objections to two Proposed Remedial Orders within 40 days after service of the Notices of Objections. In considering the Application, the DOE determined that Barkett had not satisfied any of the criteria applicable to a stay request. Moreover, the DOE found that Barkett could both fulfill the regulatory requirements of § 205.196 and respond to the PROs without jeopardizing the constitutional claims of either the firm or its officers. Barkett Oil Company's stay request was therefore denied.

Interlocutory Orders

Gulf Oil Corporation, 8/21/81, BRZ-0107

Gulf Oil Corporation filed a Second Motion for Discovery in connection with the firm's objections to a Proposed Remedial Order (Case No. DRO-0194). In considering Gulf's Motion, the DOE determined that it would not grant interrogatories framed as follow-up questions if Gulf previously could have sought the same information by posing slightly different interrogatories. The DOE therefore granted those portions of Gulf's motion concerning interrogatories that were relevant to the enforcement proceeding and could not have been asked in Gulf's earlier motion. Accordingly, Gulf's motion was granted in part.

Louisiana Land and Exploration Company, 8/21/81, BRZ-0108

The Louisiana Land and Exploration Company filed a Motion to withdraw its Notice of Objection and terminate participation in the proceeding involving a Proposed Remedial Order issued to the

Marathon Oil Company (Case No. DRO-0195). According to LL&E, it has no direct interest in the determination of whether Marathon properly priced the crude oil which Marathon sold and no direct interest in the Marathon proceeding. In considering the LL&E Motion, the DOE noted that LL&E was not named as a party in the PRO issued to Marathon and that LL&E's participation resulted from the firm's voluntary request to participate, which the DOE has previously granted. The DOE further noted that no other party to the Marathon proceeding had objected to the Motion to Withdraw and that even absent LL&E's participation a full and just adjudication of Marathon's liabilities can be reached. Accordingly, the DOE determined that it would not be proper to compel LL&E's continued participation, and the Motion was granted.

The DOE, however, further noted that LL&E's withdrawal was at the risk of subsequent DOE determinations in the Marathon proceeding adverse to LL&E's interests. The DOE found that for two years LL&E had availed itself of the procedural opportunities that the OHA extends to party participants in remedial order proceedings and had raised significant issues concerning its relationship to the alleged pricing violations. DOE therefore determined that if it withdraws, LL&E will be prohibited from relitigating issues decided in the Marathon proceeding subsequent to its withdrawal to the extent that LL&E would have been bound had it remained a party to the conclusion of the Marathon PRO litigation. Because the termination of LL&E's participation was conditioned, LL&E was accorded ten days to elect to continue its participation without change in its status as a party.

Dismissals

The following submissions were dismissed without prejudice:

Name and case No.
Gulf States Oil & Refining Co., BEL-1616, BEN-1616
Oklahoma Refining Co., BER-0155

[FR Doc. 81-29111 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

Notices of Objection to Proposed Remedial Orders Filed During Period of August 24 through September 4, 1981

During the period of August 24 through September 4, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before October 27, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 30, 1981.

Equipment, Inc., Lafayette, Louisiana, BRO-1463

On August 31, 1981, Equipment, Inc., P.O. Box 52412, Lafayette, Louisiana 70501 filed a Notice of Objection to a Supplemental Proposed Remedial Order which the DOE Southwest Enforcement District of the Economic Regulatory Administration issued to the firm on July 31, 1981. In the Supplemental Proposed Remedial Order, the Southwest District found that during the period January 1, 1975 through December 31, 1976, Equipment Inc. committed pricing violations in its sales of crude oil produced from its Hayes #1 and Hayes #A-1 properties. According to the Supplemental Proposed Remedial Order, the firm's violations resulted in $98,919.30 of overcharges to its customers.

True Oil Co., Casper, Wyoming, BRO-1464

On September 1, 1981, True Oil Co., P.O. Box 2360, Casper, Wyoming 82602 filed a Notice of Objection to a Proposed Remedial Order which the DOE Central Enforcement District of the Economic Regulatory Administration issued to the firm on August 6, 1981. In the Proposed Remedial Order, the Central Enforcement District found that during the period September 1973 through October 1978, True Oil Co. committed pricing violations in its sales of natural gas liquids and natural gas liquid products. According to the Proposed Remedial Order, the True Oil Company violations resulted in $2,783,761.88 of overcharges to its customers.

State of California, BRO-1464

On August 31, 1981, the State of California filed a Notice of Objection to a Proposed Remedial Order which the DOE Central Enforcement District of the Economic Regulatory Administration issued to True Oil Co. on August 6, 1981. In the Proposed Remedial Order the Central Enforcement District found that during the period September 1973 through October 1978 True Oil Co. committed pricing violations in its sales of natural gas liquids and natural gas liquid products. According to the Proposed Remedial Order the True Oil Co. violations resulted in $2,783,761.88 of overcharges to its customers.

[FR Doc. 81-29112 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

DOE/NSF Nuclear Science Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee

Date and Time: Saturday, November 7, 1981—8:30 a.m.-6:30 p.m. Sunday, November 8, 1981—9:00 a.m.-6:00 p.m.

Place: Department of Energy, Forrestal Building, Room 4A104, 1000 Independence Avenue, S.W., Washington, D.C.

Contact: John R. Erskine, Division of Nuclear Physics, Mail Stop ER-23 GTN, Department of Energy, Washington, D.C. 20545, Telephone: 301-353-3613, FTS-233-3613.

Purpose of Committee: To provide advice to the Department of Energy and the National Science Foundation on the management of and long range planning for basic nuclear research programs.

Tentative Agenda:

- Reports of the Subcommittee on Manpower, Heavy Ion Facilities and Computational Capabilities for Nuclear Theory
- Discussion of the prepared revisions to the Long Range Plan by subareas: Theory; Weak Interactions; Electromagnetic Interactions; Light Ions; Heavy Ions; Pions; Kaons and Anti-protons; and Nuclear Science Related Research, Applications and Accelerator Developments
- General discussion of the Long Range Plan
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Executive Summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on October 2. 1981.

Howard H. Raiken,

Director of Management Systems Analysis Division.

[FR Doc. 81-29162 Filed 10-6-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 81-671 and 81-672; File Nos. BPH-800408AB and BPH-800829AV]

Kesler Broadcasting Co., Inc. and Nevada Broadcasting Corp.; Hearing Designation Order; Construction Permit for a New FM Station

Adopted: September 22, 1981.

Released: October 1, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration by the above-captioned mutually exclusive applications filed by Kesler Broadcasting Company, Inc. (Kesler) Nevada, Missouri, Req: 97.7 MHz, Channel 249 1 kW (H&V), 300 feet HAAT and Nevada Broadcasting Corporation (Nevada) Nevada, Missouri, Req: 97.7 MHz, Channel 249, 3KW (H&V), 300 feet HAAT.

2. *Kesler.* Since no determination has been reached that the antenna proposed by Kesler would not constitute a menace to air navigation, an issue regarding this matter is required.

3. *Kesler.* Section 73.2080(c) of the Commission's Rules provides that if an applicant for a construction permit for a new station proposes to employ five or more full-time employees, it must file an equal employment opportunity program. Kesler indicates that it proposes to employ ten employees. However, it has not submitted an EEO program. Accordingly, Kesler must file an amendment with the Administrative Law Judge.

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aurual services in such areas, will be considered under the standard comparative issue, for the purposes of determining whether a comparative preference should accure to either of the applicants.

5. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Kesler:

(a) whether there is a reasonable possibility that the tower height and location proposed by Kesler would constitute a hazard to air navigation.

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to operate as proposed.

2. To determine which of the porposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications would be granted.

7. It is further ordered, That a grant of the application of Kesler Broadcasting Company, Inc. is subject to the condition that in the event the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, the applicant will divest itself of KNEM or the FM station in accordance with the guidelines established in such rule-making proceeding.

8. It is further ordered, That Kesler Broadcasting Company Inc., file an amendment with the presiding Administrative Law Judge showing compliance with § 73.2080(c) of the Commission's Rules.

9. It is further ordered, That the Federal Aviation Administration is made a party to this proceeding.

10. It is further ordered, That to avail themselves of the opprtunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-29146 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-673 and 81-674; File Nos. BPH-800815AA and BPH-801218AC]

Madison Communications Corp. and Billy G. Walker; Designating Applications for Consolidated Hearing on Stated Issues; Order

Adopted: September 22, 1981.

Released: October 1, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Madison Communications Corporation (MCC) Madison, Florida, Req: 104.9 MHz, Channel #285A, 3.0kW (H&V), 300 feet, and Billy G. Walker (Walker) Madison, Florida, Req: 104.9 MHz, Channel #285A, 3.0 kW (H&V), 300 Feet.

2. Applicants for new broadcast stations are required by Section 73.3580(f) of the Commission's rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that Walker published the required notice. To remedy this deficiency, Walker will be required to publish local notice of its application, if it has not already done so, and file a statement of publication with the presiding Administrative law judge.

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the area and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants;

4. The proposals are mutually exclusive and must be designated for

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hearing in a consolidated proceeding. The applicants are qualified to construct and operate as proposed.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues;

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.
2. to determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

6. It is further ordered, That Billy G. Walker shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's Rules.

7. It is further ordered, That in the event the application of Billy G. Walker is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, Billy G. Walker will divest himself of either his AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

8. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communication Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-29147 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-675 and 81-6-76; File Nos. 20621-CD-P-(2)-79 and 20017-CD-P-79]

David H. Smith and Digital Paging Systems of Wisconsin, Inc.; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: September 28, 1981

Released: October 1, 1981.

In re Applications of David H. Smith, for a Construction Permit to establish a new one-way station on frequency 43.22 MHz in the Domestic Public Land Mobile Radio Service at Sussex, Wisconsin, and Milwaukee, Wisconsin and; Digital Paging Systems of Wisconsin, Inc., for a construction permit to establish a new one-way signaling facility to operate on frequency 43.22 MHz in the Domestic Public Land Mobile Radio Service at Milwaukee, Wisconsin.

By the Common Carrier Bureau:

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications. These applications are electrically mutually exclusive; therefore a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of David H. Smith, File No. 20621-CD-P-(2)-79, and Digital Paging Systems of Wisconsin, Inc., File No. 20017-CD-P-79, are designated for hearing in a consolidated proceeding upon the following issues:

(a) to determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) to determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within 43 dBu contours,[1] based upon the standards set forth in § 22.504(a) of the Commission's Rules,[2] and to determine and compare the need for the proposed services in said areas; and

(c) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. We note that these applications request authority to construct a one-way paging facility on frequency 43.22 MHz. The Commission has received a large number of compliants from the public across the country due to interference to television reception from stations operating on 43.22 MHz and 43.58 MHz. Therefore, pursuant to § 22.401(a) of our Rules (47 CFR 22.401(a)), it is further ordered, That any authorization granted as a result of the comparative hearing discussed above will be on a developmental basis for one year. Thus, we find that the public interest, convenience, and necessity will best be served by a grant to the conditions set out below:

(a) Pursuant to Rules § 22.406, quarterly surveys of possible interference with television reception in the geographic area within a two-mile radius of the base station(s) authorized herein shall be made during the first year of operation. The local representative of the Field Operations Bureau, Federal Communications Commission, shall receive prior notice of the commencement date of service to the public, on which date the first survey will start.

(b) Each quarter, a different sample of at least 25 television viewers distributed approximately evenly throughout the geographic area described above shall be contacted to determine whether they have experienced TV interference. If interference complaints are received either as a result of the interviews or in the normal course of business, the licensee shall determine the source and extent of such interference.

(c) The licensee shall promptly report all interference complaints to the Mobile Services Division (MSD) and act to correct any problems. In any event, the licensee shall submit to the MSD a written report, soon after the completion of each quarter, fully evaluating the continued existence of interference. A copy of any report submitted to the Mobile Services Division must be submitted at the same time to the local field office. Quarterly reports shall include but shall not be limited to, the following information:

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[1] For the purpose of this proceeding, the interference-free area is defined as the area within the 43 dBu contour as calculated from § 22.504 in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6406, equation 8.

[2] Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way signaling service. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50.50) for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

(1) Survey date(s).
(2) Method (telephone/on-site/other).
(3) Names, addresses and telephone numbers of persons contacted.
(4) Time of day survey conducted (morning/afternoon/night).
(5) Technical solutions tested and results.
(6) Names and telephone numbers of technical representatives consulted and/or employed.

(d) The local representative of the Field Operations Bureau may notify the grantee that its station is causing interference. The grantee must follow all instructions in such notices.

(e) Any grant made in this proceeding is subject to the provision of Rules § 22.404(c) that no interference may be caused to the regular services of stations operating in accordance with the Commission's Table of Allocations. If interference from the operation of the authorized base stations is brought to our attention, the Commission has the authority to order the station to cease operations immediately.

(f) Pursuant to § 22.404(a) of the Rules, any developmental authority granted in this proceeding is subject to cancellation without a hearing by the Commission at any time upon notice to the licensee. Although we are waiving § 22.404(d) of the Rules to permit the licensee to offer the service for hire, the licensee is directed to inform its customers that service on these channels is developmental and therefore subject to cancellation at any time.

(g) Pursuant to § 22.32(d) of the Rules, any conditional developmental grant made in this proceeding shall be considered final unless the Commission should revise its action in response to a petition for reconsideration which: (1) is filed by the applicant within 30 days from the date of this grant; (2) rejects the grant as made and explains the reason why the application should be granted as originally requested; and (3) returns the instrument of authorization. In the event that the Commission releases an order making a developmental grant in this proceeding, that order will serve as an interim authorization until such time as the grantee receives final developmental authorization, and it must be posted at the authorized control point of the station. Prior to the expiration of the developmental authorization, the grantee must submit an application (FCC Form 403) for permanent authorization under Subpart G of Part 22, otherwise the developmental authorization will automatically expire. This authorization is subject to the provisions of the Communications Act of 1934, as amended, subsequent acts, treaties, and all regulations made by this Commission, and is further subject to the conditions and requirements set forth in this authorization.

4. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

5. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

6. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

7. It is further ordered, That any authorization granted to Digital Paging Systems of Wisconsin, Inc. as a result of the comparative hearing designated herein shall be without prejudice to and conditioned upon whatever action, if any, the Commission may take as a result of allegations raised in petitions against Digital Paging Systems, Inc. and Graphic Scanning Corporation.

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-29145 Filed 10-6-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2196R]

Simac Forwarding, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Simac Forwarding, Inc., 7407 Katy Road, Suite 102, Houston, TX 77024, was cancelled effective September 9, 1981.

In letter dated August 12, 1981 (mailed to the licensee's last known address) Simac Forwarding, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2196R would be automatically revoked unless a valid surety bond was filed with the Commission.

Simac Forwarding, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2196R be and is hereby revoked effective September 9, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2196R issued to Simac Forwarding, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register.**

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-29161 Filed 10-6-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Texas Commerce Bancshares, Inc., Acquisition of Bank

Correction

In FR Doc. 81-27852 appearing at page 47301 in the issue for Friday, September 25, 1981, make the following correction:

On page 47301, in the third column, in the first paragraph, "section 3(a)(1)" should have read "section 3(a)(3)."

BILLING CODE 1505-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-14]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the South Carolina Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

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a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the South Carolina Public Service Commission involving the application of the Southern Bell Telephone Company for an increase in rates for telecommunications services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: September 28, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-29125 Filed 10-6-81; 8:45 am]

BILLING CODE [redacted]

[F-81-13]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agenies of the Federal Government in proceedings before the Washington Utilities and Transportation Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Service Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Washington Utilities and Transportation Commission involving the application of the Pacific Northwest Bell Telephone Company for an increase in rates for telecommuncations services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: September 28, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-29126 Filed 10-6-81; 8:45 am]

[redacted]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Procurement, Assistance and Logistics; Statement of Organization, Functions, and Delegation of Authority

Part A (Office of the Secretary) Chapter AMG (Office of Grants and Procurement) of the Statement of Organization, Functions, and Delegation of Authority of the Department of Health and Human Services (most recently amended at 44 FR 73165, December 17, 1979) is replaced to reflect the reorganization and retitling of the Office of Grants and Procurement (retitled the Office of Procurement, Assistance and Logistics). The purpose of the reorganization is to arrange functions and responsibilities in order to facilitate the functional management role of the Office of Procurement, Assistance and Logistics and to improve control, efficiency and effectiveness.

1. Under Part A, Chapter AMG, Office of Grants and Procurement delete the entire Chapter and replace it with the following: AMG.00 Mission; AMG.10 Organization; AMG.20 Functions.

AMG.00 Mission—The Office of Procurement, Assistance and Logistics carries out functional management responsibilities for the Secretary, the Under Secretary, and the Assistant Secretary for Management and Budget, in the areas of procurement, assistance (grants, cooperative agreements and loans), and logistics management, and provides centralized leadership in policy making, analyzing, monitoring, training, evaluation, audit resolution, technical assistance and reporting.

AMG.10 Organization—The Office of Procurement, Assistance and Logistics reports through the Deputy Assistant Secretary for Procurement, Assistance and Logistics to the Assistant Secretary for Management and Budget (ASMB). The Office consists of the following:

Immediate Office
Logistics Management Staff
Office of Procurement and Assistance Policy:
  Division of Procurement Policy
  Division of Assistance Policy
  Division of Cost and Audit Resolution Policy
Office of Procurement and Assistance Financial Management:
  Division of Audit Resolution
  Division of ADP Review
  Division of Operations
Office of Evaluation and Compliance
Office of Small and Disadvantaged Business Utilization

AMG.20 Functions—The Office of Procurement, Assistance and Logistics (OPAL), in the functional program areas of procurement, assistance, and logistics management:

1. Formulates Departmental level policies, standards, regulations and procedures on the administration of those functional areas and approves policies, standards, regulations, and procedures of the Operating Divisions needed for implementation of the Departmental issuances.
2. Formulates cost policies and procedures for determining and reimbursing the costs of grantee and contractor institutions applicable to HHS awards, including procedures necessary for indirect cost and similar cost negotiations.
3. Determines that the Operating Divisions and the Office of the Secretary (OS), are effectively supporting operational needs and are in compliance with law, regulations and policies.
4. Fosters the use of consistent policies, procedures, terms and conditions for assistance awards and contracts within the Department and among various Federal agencies. Recommends Government-wide policies to OMB and GSA.
5. Provides guidance and technical assistance to the Department's Operating Divisions and grantee/contractor organizations on procurement, assistance and logistics management matters.
6. Develops and directs Departmental training in the OPAL functional areas and establishes qualifications/certification

standards for contract and grant officers.

7. Provides liaison, counsel and support to other Government agencies, the Congress and professional associations.
8. Compiles and analyzes data required for proper functional administration and management.
9. Conducts reviews and other assessments of the Department's Operating Divisions to determine their compliance with OPAL issuances and their operational effectiveness in the procurement, assistance, and logistics areas; institutes or requires changes where appropriate or makes recommendations to the ASMB, the Under Secretary or the Secretary on such changes.
10. Approves new or revised forms for procurement, assistance and logistics management activities.
11. Resolves monetary audit findings and findings involving deficiencies in grantee/contractor accounting and management systems which affect awards made by more than one Operating Division or Federal agency.
12. Evaluates ADP facilities operated by State and local units of government, colleges and universities and other grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, equitable, and allowable under Federal cost principles; recommends Federal guidelines, standards and criteria and develops techniques for evaluating the appropriateness of grantee/contractor ADP charges to Federal programs.
13. Provides staff support and counsel to the ASMB, the Under Secretary and the Secretary on procurement, assistance and logistics matters.
14. Develops the Department's position on contract protests and mistakes in bids.

A. *Immediate Office of the Deputy Assistant Secretary*—Manages, directs, supervises and administers the Office of Procurement, Assistance and Logistics.

B. *Logistics Management Staff:*

1. Formulates Department-wide logistics management policies affecting equipment, materials and supplies, including requirements determination, provisioning, source selection, utilization, inventory management, storage, distribution, and transportation and traffic management; publishes these in regulations and manuals.
2. Formulates policies and procedures governing the use of commercial or industrial type goods and services needed by HHS.
3. Provides Department-wide guidance and technical assistance on logistics management matters.
4. Develops, participates in, and evaluates training programs in logistics management for Departmental staff.
5. Monitors the adaptation of logistics management policies by the Department's Operating and Staff Divisions to ensure consistent interpretation and application of policy.
6. Conducts analyses of logistics operations; develops and implements improvements or changes to meet Department-wide needs; and collects, analyzes and disseminates information on logistics activities.
7. Serves as the Department's liaison and maintains working relationships with OMB, GSA, OPM, GAO, Treasury and other Federal agencies to coordinate and assist in development of logistics policies and resolve issues arising from implementation of those policies; maintains similar relationships with associations of public and private organizations.
8. Develops and/or approves all new or revised forms used in logistics operations throughout the Department.
9. Formulates management controls for government-owned or furnished property in the possession of grantees and contractors.

C. *Office of Procurement and Assistance Policy:*

1. Formulates Department-wide procurement and assistance policies governing the award and administration of procurement and assistance activities; publishes these in regulations and manuals. Recommends and participates in development of Government-wide policies in these areas.
2. Provides advice and technical assistance on procurement and assistance activities and policy matters to the Department's Operating and Staff Divisions.
3. Develops, participates in, and evaluates training programs in procurement and assistance for Department staff; develops and participates in training activities for recipients of Department procurement and assistance awards.
4. Monitors the adaptation of procurement and assistance policies by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application.
5. Makes studies of problems requiring adoption of new policies or revision of current policies, including the application of Departmental management controls and reports, related to the Department's procurement and assistance policy activities.
6. Serves as the Department's liaison and maintains working relationships with OMB, GSA, OPM, Treasury and other Federal agencies to coordinate and assist in development of procurement and assistance policies and resolve issues arising from implementation of those policies; maintains similar relationships with associations of public and private grantee and contractor organizations.

Division of Procurement Policy:

1. Formulates Department-wide procurement policies governing the administration of procurement activities; publishes these in regulations and manuals.
2. Provides advice and technical assistance on procurement policy matters to the Department's Operating and Staff Divisions.
3. Develops, participates in, and evaluates training and certification programs in procurement for Department staff; develops and paticipates in training activities for contractors.
4. Monitors the adaptation of procurement policies by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application.
5. Makes studies of problems requiring adoption of new policies or revision of current policies, including the application of Department management controls and reports, related to the Department's procurement activities.
6. Serves as the Department's liaison and maintains working relationships with OMB, GSA, and other Federal agencies to coordinate and assist in development of procurement policies and resolve issues arising from implementation of those policies; maintains similar relationships with associations of contractor organizations.

Division of Assistance Policy:

1. Formulates Department-wide policies governing the award and administration of grants and other forms of Federal assistance;

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publishes these in regulations and manuals.

2. Provides advice and technical assistance to recipients and the Department's Operating and Staff Divisions on matters relating to the administration of grants and other forms of Federal assistance.
3. Develops, participates, in, and evaluates training programs on grants and other forms of Federal assistance for Department staff; develops and participates in training activities for recipients of Department assistance awards.
4. Monitors the adaptation of assistance policies by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application; reviews proposed Operating Division program regulations for assistance policy implications, and recommends concurrence or nonconcurrence.
5. Makes studies of problems requiring adoption of new policies or revision of current policies, including the application of Department management controls and reports, related to the Department's assistance activities.
6. Serves as the Department's liaison and maintains working relationships with OMB and other Federal agencies to coordinate and assist in development of assistance policies and resolve issues arising from implementation of those policies; maintains similar relationships with associations of public and private grantees and other recipient organizations.

Division of Cost and Audit Resolution Policy:

1. Formulates Department-wide cost and audit resolution policies and procedures governing the administration of procurement and assistance activities; publishes these in regulations, manuals and brochures.
2. Provides advice and technical assistance on cost and audit resolution matters to the Department's Operating and Staff Divisions.
3. Develops, participates in, and evaluates training programs in cost and audit resolution matters for Department staff; develops and participates in training activities for recipients of Department procurement and assistance awards.
4. Monitors the adaptation of cost and audit resolution policy by the Department's Operating and Staff Divisions to ensure consistent policy interpretation and application; reviews proposed Operating Division program regulations for cost and audit resolution policy implications, and recommends concurrence or nonconcurrence.
5. Makes studies of problems requiring adoption of new policies and procedures or revision of current policies and procedures, including the application of Department management controls and reports, related to cost and audit resolution matters.
6. Serves as the Department's liaison and maintains working relationships with OMB, GSA, and other Federal agencies to coordinate and assist in development of cost and audit resolution policies and resolve issues arising from implementation of those policies; maintains similar relationships with associations of public and private grantee and contractor organizations.

D. *Office of Procurement and Assistance Financial Management:*

1. Resolves audit findings on grantee/contractor organizations which affect the programs of more than one Operating Division or Federal department/agency. Makes recommendations to the Secretary and other officials on safeguards or other actions against grantee/contractor organizations when necessary to protect the interests of the Department.
2. Exercises functional management responsibilities over indirect cost and cost allocation negotiations performed by the Department's regional Divisions of Cost Allocation.
3. Reviews ADP facilities operated by State and local governments, universities, and other grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, equitable, and allowable under Federal cost principles; provides ADP counsel and guidance to the Operating Divisions, the regional Divisions of Cost Allocation, the Office of Management Analysis and Systems and other organizations.
4. Develops and presents training programs for Department staff and grantee/contractor organizations on audit resolution, ADP operations and cost determination, cost principles, and other areas related to the financial management, procurement and assistance activities.
5. Provides technical assistance to the Operating Divisions, grantee/contractor organizations, and other Federal agencies on the financial management of procurement and assistance activities.
6. Identifies procurement and assistance problem areas where special studies, new policies, policy changes, guidelines, etc. are needed; recommends and assists in the development of procurement and assistance policies and guidelines.

Division of Audit Resolution:

1. Reviews audit reports containing monetary findings or findings involving deficiencies in the management systems of grantee/contractor organizations which affect the programs of more than one Operating Division or Federal department; conducts or arranges for additional reviews or acquires additional information to the extent necessary to determine the actions required to resolve the findings and correct the deficiencies.
2. Coordinates with other affected Federal departments and agencies to establish a uniform Federal position on the actions needed to resolve dthe findings and correct the deficiencies.
3. Negotiates or determines the settlement of the findings and the actions needed to correct the deficiencies with grantee/contractor organizations and monitors the organizations to assure that the deficiencies are corrected. As delegated by OMB, performs these functions on behalf of all affected Federal departments and agencies.
4. As necessary, makes recommendations to the Secretary and other officials on safeguards or other actions against a grantee or contractor to protect the Department's interests where the organization is unwilling to correct serious deficiencies in a timely manner or fails to comply with previous agreements on corrective actions.
5. Provides and arranges for technical assistance to grantees and contractors on the correction of deficiencies and on other matters related to the financial management of procurement and assistance activities.
6. Upon request, reviews and approves accounting or other systems developed by grantees and contractors to comply with Federal accounting requirements.
7. Provides technical assistance to the Operating Division audit resolution

staffs on the resolution of audit reports assigned to them and on other matters related to the financial management of procurement and assistance activities.

8. Identifies procurement and assistance problem areas where special studies, new policies, policy changes, guidelines, etc. are needed: recommends and assists in the development of procurement and assistance policies and guidelines.
9. Develops and presents training programs for Department staff and grantee/contractor organizations on audit resolution, Federal accounting requirements, cost principles, and other areas related to the financial management of procurement and assistance activities.

Division of ADP Review:

1. Evaluates a wide range of sophisticated ADP facilities operated by State and local governments, colleges and universities, and other types of grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, equitable, and allowable under Federal cost principles. These reviews cover the propriety of cost accounting methods and billing algorithms, operational efficiency, hardware configurations and need, software, hardware and software compatibility, internal controls, etc.
2. Recommends and participates in the negotiation or determination of ADP cost recoveries and changes to costing/billing methods and internal controls where reviews disclose unreasonable, inequitable or unallowable charges to Federal programs. Recommends modifications to grantee/contractor ADP systems to improve operational efficiency based on state-of-the-art and advances in techniques.
3. Develops guidelines and analysis techniques for the Department's regional Divisions of Cost Allocation (DCAs) in their evaluation of grantee/contractor ADP costs and costing/billing methods. Provides technical assistance and training to DCAs in ADP operations and cost analysis techniques.
4. Provides technical assistance to grantee/ contractor organizations in analyzing and improving their ADP systems and ADP costing/billing methods.
5. Identifies common ADP costing/billing problems from a national perspective; recommends and participates in the development of policies, guidelines, model systems, etc. to overcome these problems; promote improvements in ADP costing/billing methods; and enhance the efficiency of grantee/contractor ADP systems.
6. Provides advice and assistance to the Office of Management Analysis and Systems and the Operating Divisions on their assessment of grantee requests for approval of Federal financial participation in the costs of ADP equipment and services under HHS public assistance programs.
7. Provides technical assistance to the Operating Divisions and other OPAL units on the development of computerized management information systems related to procurement, assistance and logistics activities, and on the acquisition of ADP equipment and services.

Division of Operations:

1. Exercises functional management responsibilities over indirect cost and cost allocation negotiations performed by the Department's regional Divisions of Cost Allocation (DCA):
   (a) Provides technical assistance and guidance to the DCAs in negotiating cost allocation plans, indirect cost rates, research patient care rates and other special rates with State and local governments, universities and other grantee/contractor organizations.
   (b) Conducts on-site reviews of DCA activities to ensure that proposal evaluations and negotiations are performed effectively and in compliance with Department and Government-wide policies; monitors the correction of deficiencies disclosed by the reviews.
   (c) Evaluates tentative DCA determinations on issues which may be appealed by grantees or contractors; provides guidance on whether and how the issues should be pursued prior to the DCA's final determination.
   (d) Reviews negotiation agreements on cost allocation plans, indirect cost rates, and other rates for completeness, understandability, and conformance with Department policies; and distributes them to users.
   (e) Provides direction to the DCAs in the preparation of their work plans; establishes workload reporting systems; receives and analyzes workload reports.
   (f) Performs limited analyses of the results of indirect cost negotiations to identify trends and problem areas and to gear review and negotiation effort to areas of greatest need.
2. Develops and presents training programs for Department staff and grantee/contractor organizations on indirect costs, cost principles, cost allocation and negotiation, and other areas related to the financial management of procurement and assistance activities.
3. Provides technical advice to the Operating Divisions, grantee/contractor organizations, and other Federal agencies on the financial management of procurement and assistance activities.
4. Publishes and maintains the names of organizations and individuals who have been debarred or suspended from receiving HHS contracts or financial assistance awards; distributes notices of Department-wide safeguards or other actions against grantees and contractors as well as notices of high risk organizations to HHS awarding offices and other concerned Federal agencies.

E. *Office of Evaluation and Compliance:*

1. Conducts evaluations and special management studies of the procurement, assistance and logistics management activities and systems of the Department.
2. Develops Departmental requirements and criteria for the performance and operation of the Operating Division and regional self-evaluation systems covering their procurement, assistance and logistics management programs.
3. Analyzes Operating Division, OIG, GAO and other assessment reports to identify trends and problem areas and to assess the overall performance of the Operating Divisions and regions in carrying out their procurement, assistance and logistics responsibilities.
4. Conducts quality assurance reviews to assess the Department's Operating and Staff Divisions compliance with OMB Circular A-76 and GAM Chapter 18-10.
5. Recommends corrective action and improvements where studies and reviews disclose deficiencies; establishes a monitoring program and conducts follow-up assessments on the progress of implemention on the recommendations outlined in the reports.
6. Recommends to the Deputy Assistant Secretary for

Procurement, Assistance and Logistics new policies and methods of administration.

7. Provides staff support to the Department's Audit Resolution Council in monitoring the audit resolution performance of the Department's Operating and Staff Divisions.
8. Develops the Department's position on contract protests and mistakes in bids submitted to the Secretary or GAO.

F. *Office of Small and Disadvantaged Business Utilization*

Operates under the supervision of the Under Secretary, and receives administrative support from the Office of Procurement, Assistance and Logistics. The Office:

1. Develops systematic procedures for insuring the effective implementation and administration of programs under Sections 8 and 15 of the Small Business Act as amended.
2. Exercises supervisory authority over personnel of headquarters and field activities when such personnel are performing duties for which the Office of Small and Disadvantaged Business Utilization has responsibility.
3. Assigns small busines technical advisors to offices which the Small Business Administration has assigned a procurement center representative.
4. Conducts outreach, liaison, and seminars for small and disadvantaged businesses.
5. Conducts seminars and training for Department employees engaged in the contract and grants process, on small and disadvantaged business programs and the labor surplus area programs.
6. Provides training for agency staff whose duties and functions relate to programs included in Sections 8 and 15 of the Small Business Act, as amended.
7. Monitors the effectiveness of HHS contractors in accomplishing the objectives of the HHS small and disadvantaged business subcontracting program.
8. Recommends Departmental labor surplus area, and small and disadvantaged business goals.
9. Cooperates and consults on a regular basis with the Small Business Administration with respect to carrying out the functions and duties of Sections 8 and 15 of the Small Business Act, as amended.
10. Provides advice and technical assistance to HHS activities on matters relating to the labor surplus area program and small and disadvantaged business programs.
11. Is responsible for the review of all solicitations to assure that awards are made to qualified labor surplus areas, small and disadvantaged businesses under the provisions of Sections 8 and 15 of the Small Business Act and under the provisions of Federal and Departmental procurement regulations.
12. Reviews and evaluates the performance of HHS activities (Operating Divisions, regional offices, etc.) in accomplishing the objectives of the small and disadvantaged business programs, and the labor surplus area program.
13. Represents the Department in dealing with all Government agencies on the disadvantaged and small business and labor surplus programs.
14. Represents the Department on standing top level Interagency Committees and Task Forces dealing with the labor surplus area program and the small and disadvantaged business programs.
15. Coordinates the execution of the Department's bank deposit program.
16. Serves as the Departmental ombudsman and maintains an outreach program to assist commercial firms and non-profit organizations understand how to do business with HHS and resolve procurement related matters.

Dated: September 29, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-29138 Filed 10-2-81; 8:45 am]

BILLING CODE 4110-12-M

Senior Executive Service Performance Review Board Membership

Title V, U.S. Code Section 4314(c)(4) of the Civil Service Reform Act of 1978, Pub. L. 95-454, requires that the appointment of Performance Review Board members be published in the **Federal Register.**

The following persons will serve on the Performance Review Boards or Panels which oversee the evaluation of performance appraisals of Senior Executive Service members of the Department of Health and Human Services:

Federal Performance Review Board Members

Faye G. Abdellah
Richard Adamson
Clifford Allen
William H. Aspden, Jr.
Pamela G. Bailey
Calvin B. Baldwin, Jr.
Albert Balows
Gerald L. Barkdoll
Francisco Bayo
David Bayse
Edwin D. Becker
William R. Berry
James Bloom
Gerald Boyd
Phillip Brachman
Gerald Britten
Everett Bryant
Ruby Burks
Ronald H. Carlson
Charles C. Carter
Thomas Chase
Lois Chatham
Robert A. Cohen
Sandy Crank
Martin M. Cummings
Ralph DeAngelus
Juan del Real
William A. Dobbs
Carl D. Douglass
Walter Dowdle
James Eagen
John C. Eberhart
John Elsbree
Louis D. Enoff
Joseph M. Exendine
William R. Gemma
Robert A. Goyer
Richard Greulich
Darrel Grinstead
Elizabeth J. Haglund
M. Gene Handelsman
George Hardy
Teresa Hawkes
Donald C. Healton
Joseph R. Held
Lawrence E. Hendricks
Joseph P. Hile
Donald Hopkins
Vince L. Hutchins
Robert A. Israel
James Jeffers
Margaret Jordan
Irving Kagan
Robert Kaiser
Martin Kappert
John H. Kelso
John Kennedy
Jin Kinoshita
Henry Kirschenmann
Ruth L. Kirschstein
Richard M. Krause
Carl Kupfer
Richard Kusserow
Michael Lane
James D. Lawrence
Claude J. Lenfant
Joseph R. Leone
David Lester
Mortimer B. Lipsett
Michael Maher
Thomas E. Malone
Dorothy H. Mann
Jaime Manzano
John E. Marshall
Warren Master
Charlene McCants
Marjory Mecklenburg
Gerald F. Meyer
Harry M. Meyer, Jr.
J. Donald Millar

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Sanford A. Miller
Bryan B. Mitchell
Edward J. Montminy
Joseph Mottola
Thomas P. Murphy
David Newhall III
Mark Novitch
Marie U. Nylen
Gregory F. O'Conor
Horace Ogden
Vincent Oliverio
Nicholas Onorato
Jack Orloff
Joseph G. Perpich
Julie C. Ponquinette
Arnold Pratt
Jane Presley
Alan S. Rabson
Joseph E. Rall
William F. Raub
Darrel A. Regier
Robert L. Ringler
Robert J. Rubin
Jay T. Sanford
Thomas Scarlett
Stephen Schiaffino
Fred Schutzman
James Scott
Kenneth W. Sell
Robert F. Sermier
Kevin Sexton
Richard Shute
James Sidbury
Clay Simpson
Vivian Smith
James A. Solomon
Dale W. Sopper
Thomas Staples
DeWitt Stetten, Jr.
James Stockdale
Raymond J. Sumser
Michio Suzuki
George Thompson
Larry Tomayko
Lorraine B. Torres
Robert L. Trachtenberg
William C. Watson, Jr.
Storm Whaley
Frances White
Daniel F. Whiteside
Tera Younger

Non-Federal Performance Review Board Member

James Mason

Dated: October 1, 1981.

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

[FR Doc. 81-29137 Filed 10-6-81; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT FEIS 81-46]

APS/S.D.G. & E. Interconnection Project

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the final environmental impact statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, BLM has prepared a FEIS on a proposal by Arizona Public Service Company and San Diego Gas and Electric Company to construct and operate a 500 KV transmission system interconnecting their power networks. The draft and supplement were released in August 1980, and April 1981 respectively. The California Public Utilities Commission (CPUC) was a joint lead agency for the preparation of this combined environmental document. The document also complies with the requirements of the California Environmental Quality Act.

FOR FURTHER INFORMATION CONTACT: Stan Wagner, Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, Phone: (602) 261-4127.

SUPPLEMENTARY INFORMATION: The BLM and CPUC have prepared a combined environmental document on a proposal by Arizona Public Service Company and San Diego Gas and Electric Company to construct a 500 KV transmission line and ancillary facilities from the Palo Verde Nuclear Generating Switchyard near Phoenix, Arizona, through the Yuma, Arizona area to the Miguel Substation near San Diego, California.

The document analyzes environmental effects of the proposal in addition to alternatives of various route alignments, no action, energy conservation and load management, alternative generating sources, and other transmission systems and technologies.

A limited number of copies are available upon request to the Arizona State Director, 2400 Valley Bank Center, Phoenix, Arizona.

Public reading copies will be available for review at the following locations:

Arizona State Office, BLM, 2400 Valley Bank Center, Phoenix, Arizona 85073 (602) 261-3706;
Phoenix District Office, BLM, 2929 W. Clarendon Ave. Phoenix, Arizona 85017 (602) 241-2501;
Yuma District Office, BLM, 2450 Fourth Ave., Yuma, Arizona 85364 (602) 726-6300;
Office of Public Affairs, Bureau of Land Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240;
California State Office, BLM, Federal Office Bldg., Rm. E-2841, 2800 Cottage Way, Sacramento, California 95825 (916) 484-4541;
California Desert District Office, BLM, 1695 Spruce St., Riverside, California 92507 (714) 787-1462;
El Centro Resource Area, BLM, 333 S. Waterman Ave., El Centro, California 92243 (714) 352-5842.

Dated: October 1, 1981.

Clair M. Whitlock,

Arizona State Director, Bureau of Land Management.

[FR Doc. 81-29151 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Termination of Classifications of Public Land

September 21, 1981.

1. During the period 1966-1970, the Bureau of Land Management in Arizona made a number of classifications of the public land under the authority of the Act of September 19, 1964, the Classification and Multiple Use Act.

Most of these actions classified public land for retention in Federal ownership for multiple use management, and segregated the lands from application or entry under some or all of the public land laws. Typically, these multiple use management classifications segregated the public lands from application for public sale, and agricultural entry under the Homestead, Desert Land and Indian Allotment laws. Some classifications also excluded land exchanges, state selections, and mining claims.

A second type of classification indentified lands as suitable for disposal under a particular public land law or laws such as state selection, exchange or the Recreation and Public Purposes Act.

These classifications also segregated the lands from appropriation under the other public land laws including the mining and mineral leasing laws.

2. These classifications have been determined to be no longer necessary. The Federal Land Policy and Management Act of 1976 (FLPMA) prescribed that the public lands be retained in Federal ownership and managed for multiple use unless land use planning procedures identify specific parcels for disposal or special management. FLPMA also repealed many of the public land laws that the classifications segregated the lands against. Public land managers now have the discretion to determine through land use planning the suitability of public land for disposal. Also, the surface management regulations in 43 CFR 3809 give the public land manager new authority to protect surface resources during exploration and mining operations.

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3. Pursuant to the regulations set forth in 43 CFR 2461.5(c)2, the classifications listed below are hereby terminated in their entirety.

AR032224: Published August 8, 1967, (FR Vol. 32, No. 152). Classified public lands for multiple use management.

Location: Pima and Apache Counties. Acreage: 4,943 acres. Segregation: sale, exchange, selection, agricultural, mining and mineral leasing laws.

A155: Published December 21, 1966, (FR Vol. 31, No. 246). Classified public lands for multiple use management.

Location: Cerbat Mountains, Mohave Co. Acreage: 114,980 acres. Segregation: sale, agricultural and state exchange laws.

A156: Published December 21, 1966, (FR Vol. 31, No. 246). Classified public lands for multiple use management.

Location: Black Mountains, Mohave Co. Acreage: 413,932 acres. Segregation: sale, agricultural, and state exchange laws.

A450: Published March 28, 1968, (FR Vol. 33, No. 59). Classified public lands for exchange.

Location: Safford, Graham Co. Acreage: 14,593 acres. Segregation: all public lands laws including the mining and mineral leasing laws, except private exchange law.

A466: Published March 9, 1967, (FR Vol. 32, No. 46). Classified public lands for multiple use management.

Location: central portion of Arizona Strip, Mohave Co. Acreage: 699,904 acres. Segregation: sale, agricultural and exchange laws.

A467: Published April 27, 1967, (FR Vol. 32, No. 81). Classified public lands for multiple use management.

Location: Safford Valley—San Simon area, Graham, Greenlee and Cochise Counties. Acreage: 972,434 acres. Segregation: sale and agricultural laws.

A676: Published August 24, 1967 (FR Vol. 32, No. 164). Classified public land for exchange in aid of Lake Mead National Recreation Area.

Location: Dolan Springs, Mohave Co. Acreage: 5,911 acres. Segregation: all public land laws including mining and mineral leasing laws except exchange in aid of Lake Mead National Recreation Area.

A702: Published June 28, 1967 (FR Vol. 32, No. 124). Classified public lands for multiple use management.

Location: eastern portion of Arizona Strip, Coconino Co. Acreage: 550,000 acres. Segregation: sale, agricultural and exchange laws.

A702A: Published June 6, 1970 (FR Vol. 35, No. 110). Classified public lands for multiple use management.

Location: near Fredonia, Coconino Co. Acreage: 8,860 acres. Segregation: sale, agricultural and exchange laws.

A1082: Published November 16, 1967 (FR Vol. 32, No. 222). Classified public lands for multiple use management.

Location: San Tan Mountains, Pinal Co. Acreage: 10,020 acres. Segregation: sale, agricultural, exchange and state selection laws.

A1099: Published October 24, 1967 (FR Vol. 32, No. 206). Classified public lands for multiple use management.

Location: Harcuvar Planning Unit, northern Yuma Co. and southwestern Yavapai Co. Acreage: 1,763,571 acres. Segregation: sale, agricultural and state exchange laws.

A1100: Published October 24, 1967 (FR Vol. 32, No. 206). Classified public lands for multiple use management.

Location: Vulture Planning Unit in western Maricopa Co. and northern Yuma Co. Acreage: 706,580 acres. Segregation: sale, agricultural and state exchange laws.

A1101: Published October 24, 1967 (FR Vol. 32, No. 206). Classified public lands for multiple use management.

Location: Little Horn Planning Unit in eastern Yuma Co. and western Maricopa Co. Acreage: 276,798 acres. Segregation: sale, agricultural and state exchange laws.

A1102: Published October 24, 1967 (FR Vol. 32, No. 206). Classified public lands for multiple use management.

Location: Oatman—Ajo Planning Unit in southern Maricopa Co. and western Pinal and Pima Co. and eastern Yuma Co. Acreage: 1,593,380 acres. Segregation: sale, agricultural and state exchange laws.

A1351: Published January 5, 1968 (FR Vol. 33, No. 3). Classified public lands for multiple use management.

Location: western portion of the Arizona Strip, Mohave Co. Acreage: 1,307,667 acres. Segregation: sale and agricultural laws; 8,219 acres in scattered tracts also segregated from exchange and mining laws.

A1359: Published January 23, 1968 (FR Vol. 33, No. 15). Classified public lands for multiple use management.

Location: Hualapai—Aquarius Mountain area in southeastern Mohave Co. Acreage: 583,622 acres. Segregation: sale, agricultural and state exchange laws.

A1360: Published January 23, 1968, (FR Vol. 33, No. 15). Classified public lands for multiple use management.

Location: Mohave Mountains, southwestern Mohave Co. Acreage: 334,830 acres. Segregation: sale and agricultural laws.

A1361: Published January 23, 1968, (FR Vol. 33, No. 15). Classified public lands for multiple use management.

Location: Music Mountains, Mohave Co. Acreage: 194,519 acres. Segregation: sale, agricultural and state exchange laws.

A1823: Published January 7, 1970, (FR Vol. 35, No. 4). Classified public lands for multiple use management.

Location: Cerro Colorado Hills, Pima Co. Acreage: 3,600 acres. Segregation: sale and agricultural laws.

A2031: Published July 23, 1968, (FR Vol. 33, No. 142). Classified public lands for multiple use management.

Location: Dos Cabezas Mountains, Cochise Co. Acreage: 53,397 acres. Segregation: sale and agricultural laws; 710 Acres in two parcels also segregated from mining laws.

A2152: Published December 19, 1968, (FR Vol. 33, No. 246). Classified public lands for multiple use management.

Location: Florence and Tucson areas, Pinal and Pima Counties. Acreage: 353,815 acres. Segregation: sale and agricultural laws.

A2153: Published December 19, 1968, (FR Vol. 33, No. 246). Classified 6,581 acres of public lands for transfer out of Federal ownership and 51,678 acres of public land for multiple use management.

Location: Florence and Tucson areas of Pinal and Pima Counties. Acreage: 58,259 acres. Segregation: 6,581 acres segregated from all public land laws including the mining laws; 51,678 acres segregated from sale and agricultural laws.

A3478: Published July 11, 1970, (FR Vol. 35, No. 134). Classified public lands for multiple use management.

Location: scattered tracts near Phoenix, Congress Junction, Bagdad, Topock, Tucson, Tombstone and Safford. Acreage: 3,712 acres. Segregation: all public land laws including the mining and mineral leasing laws, except the Recreation and Public Purposes Act.

A3732: Published Feburary 12, 1968, (FR Vol. 35, No. 30). Classified public lands for transfer out of Federal ownership by exchange.

Location: northeastern Cochise Co. Acreage: 7,787 acres. Segregation: all public land laws including the mining and mineral leasing laws, except exchange laws.

A4445: Published November 13, 1970, (FR Vol. 35, No. 221). Classified 45,098 acres of public land for transfer out of Federal ownership and 29,018 acres of public land for multiple use management.

Location: Kingman area of Mohave Co. Acreage: 74,116 acres. Segregation: 45,098 acres segregated from all public land laws including the mining laws, except the exchange laws; 29,018 acres segregated only from sale and agricultural laws.

A4721: Published July 29, 1970, (FR Vol. 35, No. 146). Classified public lands for multiple use management.

Location: Baker Canyon area of Cochise Co. Acreage: 4,814 acres. Segregation: sale and agricultural laws.

A5307: Published November 13, 1970, (FR Vol. 35, No. 221). Classified public lands for multiple use management.

Location: Wickenburg and Hieroglyphic Mountain areas of Maricopa and Yavapai Counties. Acreage: 165,116 acres. Segregation: sale and agricultural laws.

A5432: Published December 8, 1970, (FR Vol. 35, No. 237). Classified public lands for multiple use management.

Location: Mescal Mountain area of Gila Co. Acreage: 61,100 acres. Segregation: sale and agricultural laws.

A5480: Published November 21, 1970, (FR Vol. 35, No. 227). Classified public lands for multiple use management.

Location: along Lower Colorado and Bill Williams Rivers in Mohave and Yuma Counties. Acreage: 155,838 acres. Segregation: sale and agricultural laws.

A5927: Published December 15, 1970, (FR Vol. 35, No. 242). Classified public lands for multiple use management.

Location: Joshua Tree Forest area near Red Lake in Mohave Co. Acreage: 23,239 acres. Segregation: sale and agricultural laws.

A5945: Published December 15, 1970, (FR Vol. 35, No. 242). Classified public lands for multiple use management.

Location: fossil tracts site near Pima, Graham Co. Acreage: 320 acres. Segregation: sale, exchange, state selection, agricultural and mining laws.

The lands covered by these 31 classifications aggregate approximately 10,521,657 acres of public land.

These lands have been open to the operation of most of the current public land laws. This termination will restore the lands to the operation of the public land laws generally, subject to valid existing rights and requirements of applicable law.

4. Certain lands in the following classifications have been segregated against the operation of the mining or mineral leasing laws:

AR032224
A450
A676
A1351
A2031
A2153
A3478
A3732
A4445
A5945

At 10:00 a.m. on October 29, 1981 these lands will be open to location under the United States mining laws. All valid applications for mineral leasing of these lands received at or prior to 10:00 a.m. on October 29, 1981 shall be considered simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

5. Inquiries concerning the lands involved in the classifications terminated by this notice should be directed to Chief, Division of Technical Services, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, telephone 602-261-6027.

Clair M. Whitlock,

State Director.

[FR Doc. 81-29158 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 23474]

Colorado; Conveyance of Public Lands; Park County

September 28, 1981.

Notice is hereby given that pursuant to Sec. 206 of the Act of October 21, 1976 (90 Stat. 2756; 43 U.S.C. 1716), Morris Burk, Trout Creek Ranch, Fairplay, Colorado 80440, has received a patent for the following described public lands in Park County, Colorado:

Sixth Principal Meridian

T. 9 S., R. 76 W.,
  Sec. 17, W½SW¼;
  Sec. 20, N½NW¼ and NE¼SE¼;
  Sec. 21, SW¼NW¼ and NW¼SW¼;
  Sec. 31, Lot 2;
T. 10 S., R. 76 W.,
  Sec. 7, W½SE¼ and SE¼SE¼;
  Sec. 17, SW¼NW¼ and W½SW¼;
  Sec. 18, SE¼NE¼;
  Sec. 32, NE¼SW¼.
  Containing 679.36 acres.

The purpose of this notice is to inform and give constructive notice to the public and interested state and local governmental officials of the issuance of this conveyancing document.

Robert D. Dinsmore,

Chief, Branch of Adjudication.

[FR Doc. 81-29169 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

[C-23474]

Colorado; Order Providing for Opening of Public Lands

1. In an exchange of land made under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2743, 2756; 43 U.S.C. 1701, 1716) the following lands have been reconveyed to the United States:

Sixth Principal Meridian

T. 16 S., R. 69 W.,
  Sec. 32, E½E½, W½NE¼, NE¼NW¼ and NW¼SE¼;
  Sec. 33, SW¼SW¼;
  Containing 360.00 acres in Fremont County;
T. 9 S., R. 76 W.,
  Sec. 20, SE¼SW¼;
  Sec. 29, E½W½;
T. 10 S., R. 76 W.,
  Sec. 33, SW¼SW¼;
T. 11 S., R. 76 W.,
  Sec. 4, Lots 3 and 4.
  Containing 320.97 acres in Park County.

2. The United States owns the mineral rights by reservations in earlier patents as to the above-described lands in T. 16 S., R. 69 W., and T. 9 S., R. 76 W., therefore, these lands have been open to operation of the mining laws and the mineral leasing laws.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 are hereby opened to the operation of the public land laws. The SW¼SW¼ of section 33, T. 10 S., R. 76 W., and Lots 3 and 4 of section 4, T. 11 S., R. 76 W., are hereby further opened to operation of the mining laws (Ch. 2. 30 U.S.C.) and to the mineral leasing laws, subject to an existing oil and gas lease between private parties, recorded September 23, 1976 in Book 256, at page 266 of the records of the Clerk and Recorders Office, Park County, Fairplay, Colorado. All valid applications received at or prior to November 3, 1981 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Robert D. Dinsmore,

Chief, Branch of Adjudication.

September 28, 1981.

[FR Doc. 81-29170 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Kemmerer Resource Area, Rock Springs District Wyoming; Intent To Prepare a Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Initiation of a Resource Management Plan (RMP) for the Kemmerer Resource Area, Rock Springs District, Wyoming.

SUMMARY: The Rock Springs District is initiating a Resource Management Plan (RMP) to guide future management actions on the public lands within the Kemmerer Resource Area. The RMP is the first such land use plan under the new BLM planning regulations for the

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District. An existing Management Framework Plan presently guides decisions for the Kemmerer Resource Area until such time as the RMP is completed.

The Kemmerer Resource Area is located in Southwest Wyoming. The area extends from the Green River west to the Idaho-Utah border and from the Colorado border to Teton County on the north. Public land to be planned for includes 1,683,000 acres in Lincoln, Uinta, and Sweetwater Counties. This includes isolated acreage in the Star Valley of Lincoln County; most of Lincoln County with the exception of Forest Service, State of Wyoming, and private lands; less than half of Uinta County; and a small portion of western Sweetwater County.

The RMP will be a comprehensive land use plan that will identify allowable resource uses, levels of production that can be attained, resource condition goals, resource/program constraints, and general management practices needed to achieve RMP objectives. It will identify lands for transfer from BLM administration (via public disposition or transfer to another agency). It will not consider lands for wilderness or areas of critical environmental concern which were accomplished under the Kemmerer MFP amendment completed in September 1981. It will not consider further lands for coal development because the high potential coal areas have already been evaluated in the 1981 amendment of the Kemmerer MFP.

Background standards and procedures for this RMP preparation are contained in the **Federal Register** Vol. 44, No. 140, 42584–42652, of July 19, 1979; and Vol. 44, No. 153, 46386–46401, of August 7, 1979. The Washington Office of BLM will provide further guidance on standards for development of RMPs nationwide. The Wyoming State Office of BLM will issue guidance for RMP planning for all four Districts in the State of Wyoming to guide BLM managers in producing balanced land use decisions that meet requirements of law and regulation. The Rock Springs District will then issue planning criteria to provide the public a preview of the types of considerations that must go into the final RMP decisions.

Public participation will be an essential component of the RMP development. Several techniques for public involvement will be used at each phase of the RMP development to include: **Federal Register** announcements, one-to-one discussion with key groups and individuals interested in the Kemmerer Resource Area (especially public officials), and individual mailings to all parties who have expressed an interest in the process. For those persons wishing to be placed on this mailing list a BLM contact is provided below. Public meetings will only be called as needed or requested.

At the outset, BLM invites public identification of the issues that should be addressed in the RMP process. Comments may be sent to the address below. Issues that have been identified by BLM staff include: energy exploration/development conflicts with range use, wildlife preservation, recreation and watershed; needs for community lands in Kemmerer, Evanston, and Cokeville, and for Lincoln and Uinta Counties; needs for utility corridors; forest harvesting conflicts with wildlife preservation, recreation, watershed and soils; unauthorized use of public lands (e.g. illegal "squatting" on public lands surrounding cities); livestock use conflicts with wildlife and wild horses; off-road vehicle abuse on public and adjoining private lands; special wildlife needs for the Thomas Fork Wildlife ACEC; needs for processing energy-related rights-of-way in a timely fashion; needs to dispose of small, isolated public acreages in Star Valley and Bridger Valley; and needs to adjust grazing allotment boundaries in Bridger Valley for better management. Members of the public will be invited to participate in the RMP process during key phases where their comments could affect the outcome of RMP decisions. Members of the public who have not previously participated but wish to be in this RMP development should contact the Kemmerer office at the address below to be placed on the RMP mailing list.

An interdisciplinary team has been formed to develop the RMP. Disciplines to be represented include geology, range conservation, wildlife biology, realty, hydrology, recreation, and forestry.

DATES: The issue identification, planning criteria development, and inventory phases of the RMP process will begin in October of 1981. If programming/budgeting is approved, the RMP will be completed by October of 1985. If a public meeting is needed during the public participation process, the meeting will be announced through the **Federal Register**, local news media, and public mailings.

ADDRESS: Documentation of the RMP process and completed documents will be available at: Kemmerer Resource Area, U.S. Highway 30, Kemmerer, Wyoming 83101.

FOR FURTHER INFORMATION: For further information, if you wish to be placed on the RMP mailing list, or if you wish to add to the list of issues being considered in the RMP, contact Steve Howard, Area Manager, Kemmerer Resource Area, P.O. Box 632, Kemmerer, Wyoming 83101 (or phone: (307) 877–393).

Donald H. Sweep,

Rock Springs District Manager.

[FR Doc. 81-29180 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Rock Springs Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Rock Springs Advisory Council.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Rock Springs District Advisory Council. Notice of this meeting is required under 43 CFR Part 1780.

DATES: Field Trip November 4, 1981, 10:00 a.m. until 4:00 p.m. Meeting November 5, 1981, 8:00 a.m. until noon.

ADDRESSES: Field Trip November 4, 1981: meet at Fine Arts Center, Big Piney High School, 650 Piney Dr., Big Piney, Wyoming, 10:00 a.m. Meeting November 5, 1981, BLM Area Office, 431 Pine St., Pinedale, Wyoming.

FOR FURTHER INFORMATION CONTACT: Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901, (307–382–5350).

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Review of minutes from September 10, 1981 meeting.
2. Discussion of November 4, 1981 field trip.
3. Public comment period (between 10:30 and 11:30 a.m.).
4. Discussion of items of interest for future meetings.

The meeting and field trip are open to the public. Individuals wishing to go on the field trip will be expected to provide their own vehicle suitable for travel over rough, unpaved roads and surfaces. The field trip will acquaint the council with the Riley Ridge EIS area.

Anyone interested in addressing the council may either make an oral statement during the public comment period or file a written statement prior to the November 5, 1981 meeting. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours.

Jerry K. Ostrom,

Assistant District Manager.

[FR Doc. 81-29179 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Scientific Committee of the Outer Continental Shelf (OCS) Advisory Board; Advisory Committee Vacancy (Discretionary Secretarial Appointment)

Committee: Scientific Committee of the Outer Continental Shelf Advisory Board.

Purpose: To advise the Secretary, through the Assistant Secretary, Land and Water Resources, on the feasibility, appropriateness, and scientific value of the Bureau of Land Management's (BLM's) OCS Environmental Studies Program. The Committee may recommend changes in both scope and direction of the program and evaluate applicability of the data being produced.

Number of Vacancies: 14.

Date of Vacancy: August 24, 1981.

Total Number of Committee Members: 15.

Total Number of Discretionary Secretarial Appointments: 15.

Length of Term: 2 Years.

Compensation: Travel and per diem for attendance at meetings.

Qualifications: Appointees to the Committee will be selected for their scientific background and reputation within particular fields of expertise relevant to the OCS studies program. Examples of relevant disciplines are: fisheries biology, seabird and marine mammal ecology, marine benthic ecology, toxicology, marine chemistry, physical oceanography, meteorology, and socioeconomics.

Remarks: The OCS Environmental Studies Program is a major undertaking of the BLM to collect and analyze environmental and socioeconomic information that will be useful to decision making in the nation's OCS oil and gas leasing program. Members of the Scientific Committee will work closely with the Director of the BLM and with his staff in the Branch of Offshore Studies. Membership in the committee will represent the four major OCS regions: Atlantic, Gulf of Mexico, Pacific and Alaska.

Note.—Letters of recommendation or nomination should be accompanied by résumés and should be directed to Director (543), Bureau of Land Management, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. The final date for receipt of applications is November 15, 1981. For additional information with regard to this announcement, contact Dr. Piet DeWitt, Chief, Branch of Offshore Studies (543), Department of the Interior, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240. Telephone (202) 343-7744. We encourage the identification of female and minority candidates.

Garrey E. Carruthers,

Assistant Secretary, Land and Water Resources.

September 29, 1981.

[FR Doc. 81-29182 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Oil and Gas Lease Sales; List of Restricted Joint Bidders

This notice supersedes the List of Restricted Joint Bidders published in the **Federal Register** on Thursday, April 16, 1981, at 46 FR 22270. Pursuant to the authority vested in the Director of the Bureau of Land Management by the joint bidding provisions of 43 CFR 3316.3, the following companies shall be restricted from bidding with any other company on the same list at Outer Continental Shelf Oil and Gas lease sales held during the bidding period of November 1, 1981, through April 30, 1982.

Chevron U.S.A. Inc.
Exxon Corporation
Mobil Oil Corporation
Mobil Oil Exploration & Producing Southeast Inc.
Mobil Producing Texas & New Mexico Inc.
MTS Limited Partnership (Mesa Petroleum, Texaco Inc., and Sequoia Petroleum)
Shell Oil Company
Standard Oil Company of California
Texaco Inc.

Dated: September 24, 1981.

Robert F. Burford,

Director, Bureau of Land Management.

[FR Doc. 81-29187 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Minnesota-Wisconsin; Availability of BLM Maps of Public Lands and Minerals

Notice is hereby given that three new Bureau of Land Management (BLM) maps showing the location of public lands and Federal mineral rights in the Sandstone, Minnesota and Port Wing and Solon Springs, Wisconsin Areas, are now available to the public. The maps, prepared as a result of a Bureau-wide program to map areas of mineral interests, are published at the scale of 1:100,000 (one centimeter = one kilometer) in a format of 1° longitude by 30′ latitude (34 x 60 miles). They are sold for $2.00 each.

The new BLM maps are part of a series of BLM maps which cover selected areas of the three Lake States. BLM maps covering northern Minnesota, northeastern Wisconsin, and western Upper Michigan have already been printed and are available to the public. Additional maps covering northwestern Wisconsin and Lower Michigan will be published in the future.

For further information and/or a BLM map index, contact the Bureau of Land Management, Duluth Field Office, 125 Federal Building, Duluth, Minnesota 55802, (218) 727-6692; or Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, telephone (703) 235-2840.

Roger L. Hildebeidel,

Eastern States Director.

[FR Doc. 81-29139 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Coos Bay District Multiple Use Advisory Council; Meeting

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Coos Bay District Multiple Use Advisory Council will be held on Tuesday, October 27, 1981 at 9:00 a.m. at the Neighborhood Facility Building, 250 Hull Street, Coos Bay, Oregon.

Agenda for the meeting will include:

1. Refined Policy Statement for multiple use management of O&C Lands.
2. Review of public input on South Coast Curry Final Timber Management EIS.
3. Review relative merits of alternatives contained in South Coast Curry Final Timber Management EIS.
4. Arrangements for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:00 and 11:30 a.m. or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager of the Coos Bay District Office, 333 South Fourth, Coos Bay, OR 97420 by October 21, 1981. Depending upon the number of persons wishing to make an oral statement, a per-person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: September 25, 1981.

Paul M. Sanger,

District Manager.

[FR Doc. 81-29198 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Helicopter Use in Wild Horse Gatherings; Meeting

Notice is hereby given in accordance with Pub. L. 92–195 that a meeting to discuss the use of helicopters in gathering wild horses will be held at 1:00 p.m. on October 13, 1981 in the Vale District Office, 365 "A" Street West, Vale, Oregon 97918. The use of helicopters to gather wild horses throughout the Vale District in fiscal year 1982, as well as other aspects of the gathering and adoption process will be discussed.

The Vale District plans to gather approximately 300 horses in late October from the Barren Valley—Sheepheads—Alvord Herd Management Area. Additional public notice will be given if gatherings are to occur at later dates during the fiscal year.

Fearl M. Parker,

District Manager.

[FR Doc. 81-2919 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

[INT-DES 81-43]

Chikaskia Project—Kansas-Oklahoma; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Chikaskia Project, Kansas-Oklahoma.

The environmental statement presents various alternatives for meeting municipal and industrial needs of Wichita and surrounding areas in south-central Kansas. Flood protection, fish and wildlife, recreation, and environmental enhancement are other project purposes. Corbin dam would be located on the Chikaskia Rive in Sumner County, Kansas.

Copies are available for inspection at the following locations:

Office of Environmental Affairs, Bureau of Reclamation, Department of the Interior, Room 7622, Washington, DC 20240, Telephone (202) 343–4991
Library Branch, Division of Management Support, E&R Center, Denver Federal Center, Denver, CO 80225, Telephone (303) 234-3019
Office of the Regional Director, Bureau of Reclamation, Department of the Interior, 714 South Tyler Street, Suite 201, Amarillo, TX 79101, Telephone (806) 376-5473
Oklahoma Representative, Bureau of Reclamation, 50 Penn Place, Suite 560, Oklahoma City, OK 73118, Telephone (405) 231-4515
Wichita State University Library, Wichita, KS 67208
Wichita Public Library, 121 West 7th, Wellington, KS 67152
City of Blackwell Library, 121 West Padon, Blackwell, OK 74631

Single copies of the draft statement may be obtained on request to the Office of Environmental Affairs, Regional Director, or Oklahoma Representative, Please refer to the statement number above.

Written comments may be submitted to the Regional Director before December 31, 1981.

Dated: October 2, 1981.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 81-29160 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-09-M

Negotiation of Small Reclamation Projects Loan Repayment Contract Complete; Availability of Contract with South Weber Water Improvement District, Utah

In accordance with procedures established by the Department of the Interior concerning public participation in water service and repayment negotiations, the Bureau of Reclamation announces completed negotiations with the South Weber Water Improvement District for repayment of a supplemental small loan covering the cost of escalation for a pressurized sprinkler irrigation system being installed in South Weber, Davis County, Utah.

The project for the South Weber Water Improvement District is constructed in the community of South Weber, near the city of Ogden, Utah. The project is designed to serve approximately 1,300 acres of irrigable land and is operated and maintained by the South Weber Water Improvement District. The program includes a concrete-lined, 18 acre-foot equalizing reservoir, a pumping plant with a capacity of 8,000 gallons per minute, and about 48,000 feet of buried pipe ranging in size from 36- to 6-inch diameters. The program was estimated to cost $1,773,000 but actual costs amounted to about $1,845,759. A supplemental loan in the amount of $140,000 will be financed pursuant to the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended. The loan would be in addition to the $1,740,000 loan previously approved and covered by Contract No. 9–07–400–L0885, dated December 18, 1978. The district will repay all loan funds to the United States. The terms and conditions of the proposed contract are ultimately dependent upon the Commissioner of Reclamation's approval of the district's application for the loan and the Secretary's approval of the form of the proposed contract. The contract and report are currently in the review and approval process.

All meetings scheduled by the Bureau of Reclamation with the district for the purpose of discussing terms and conditions of the proposed contract would normally have been announced in advance of negotiations. However, in this case, since project construction is complete and no controversy exists over the nominal loan amount or contract action, the usual public participation procedures have been waived.

Copies of the contract may be obtained by contracting Mr. Marvin Hein, Small Loan Engineer, Division of Planning, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, Utah 84147, telephone number (801) 524–5289.

Dated: September 30, 1981.

Garrey E. Carruthers,

Assistant Secretary, Land and Water Resources.

[FR Doc. 81-29122 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-09-M

Office of the Secretary

Reservation of Colorado River Water for use on Federally Owned Lands in Arizona; Boulder Canyon Project

Pursuant to the authority contained in the Boulder Canyon Project Act dated December 21, 1928 (45 Stat. 1057), as amended; Section 301(b) of the Colorado River Basin Project Act dated September 30, 1968 (82 Stat. 887); and consistent with the Supreme Court Opinion of June 3, 1963 (373 U.S. 546); and the Supreme Court Decree of March 9, 1964, in *Arizona v. California et al.*, 376 U.S. 340) as supplemented January 9, 1979 (439 U.S. 419); and the February 9, 1944, contract between the United States and the State of Arizona, notice is given that there is hereby reserved to the United States out of the waters of the Colorado River the annual consumptive use of 1,280 acre-feet for use on federally owned lands in Arizona which are administered by the Bureau of Land Management of the Department of the Interior. The water so reserved is in addition to 800 acre/feet previously reserved for said purpose in Arizona by notice dated August 30, 1973 (Federal Register, Volume 38, No. 173, page 24389–24390, Friday, September 7, 1973). The water is for outdoor recreational purposes, including culinary, sanitary, and related uses. Its principal use is intended at Ah-Villa Park, a major recreation resource located along the lower Colorado River in the Parker Strip area of Yuma County, Arizona.

In times of shortage, the quantity of water available for delivery under this reservation will be accorded equal priority with all similar uses of water in Arizona authorized by contracts or other arrangements after September 30, 1968, irrespective of the order in which such contracts or other arrangements were made after September 30, 1968.

The aforesaid reservation of water is subject to:

(a) The provisions of the Colorado River Compact signed at Santa Fe, New Mexico, November 24, 1922;

(b) The provisions of the Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1057), as amended;

(c) The provisions of the Supreme Court Opinion of June 3, 1963, 373 U.S. 546, the Supreme Court Decree of March 9, 1964, in *Arizona* v. *California, et al.*, 376 U.S. 340, as supplemented January 9, 1979, 439 U.S. 419;

(d) The provisions of the Mexican Water Treaty, signed at Washington, D.C., on February 2, 1944, and Minute 242 of the International Boundary and Water Commission, United States and Mexico, dated August 30, 1973;

(e) The provions of section 301(b) of the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885).

For further information, you may contact Mr. LeGrand Neilson, Contracts and Repayment Branch, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, telephone No. (702) 293-8536.

Dated: September 29, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

FR Doc. 81-29123 Filed 10-6-81; 8:45 am]

BILLING CODE [illegible]

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

October 2, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP-102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub. No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

1. Sundance Marketing Enterprises, Incorporated: Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.

P.O. Box 1031, Lawrenceville, GA 30246: Principal Mailing Address (Street No., City, State, and Zip Code).

1842 Azalea Dr., Lawrenceville, GA 30246: Where Are Records of your Motor Transporation Maintained (Street No., City, State and Zip Code).

Andrea Danford, P.O. Box 1031, Lawrenceville, GA 30246: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

2. Triple I Distributors, Inc. (a Cooperative Association): Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.

429 Memorial Ave., West Springfield, MA 01089: Principal Mailing Address (Street No., City, State, and Zip Code).

429 Memorial Ave., West Springfield, MA 01089: Where Are Records of your Motor Transporation Maintained (Street No., City, State and Zip Code).

Mark Gitlin c/o Triple I Distribution, 429 Memorial Ave., West Springfield, MA 01089: Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address).

James H. Bayne,

Acting Secretary.

[FR Doc. 81-29130 Filed 10-6-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-158

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 149561 (Sub-II-3TA), filed September 28, 1981. Applicant: EDWARD P. CASTERLINE, d.b.a. CASTERLINE TRUCKING, 444 Roosevelt St., Exeter, PA 18643. Representative: Edward P. Casterline (same as applicant). *Metal castings, materials and supplies used in the manufacture of metal castings* between Luzerne County, PA, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, PA, NJ, DE, MD, VA, WV, NC, SC, GA, FL, AL, TN, KY, OH, MI, IN, WI, IL, MS, LA, AR, MO, IA, MN, KS, OK, and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: United Foundries, Inc., W. Sixth St., Wyoming, PA 18644.

MC 143623 (Sub-II-1TA), filed September 28, 1981. Applicant: CITY COAL & SUPPLY CO., INC., South Second St., Princeton, WV 24740. Representative: Kemper Powell (same as applicant). *Bagged Limestone Dust*, from Piqua, OH to Princeton, WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Celitite Inc., P.O. Box 1473, Princeton, WV 24740.

MC 138000 (Sub-II–38TA), filed September 28, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. (1) *Metal containers and bottle caps, and (2) materials, equipment and supplies used in the manufacture, sale and distribution of (1) above,* between points in the U.S. in and east of MN, IA, MO, KS, OK and TX for 270 days. Restricted to movement of traffic to, from or between facilities of or used by Crown, Cork and Seal. Supporting shipper: Crown, Cork and Seal, 9300 Ashton Road, Philadelphia, PA 19136.

MC 143210 (Sub-II–6TA), filed September 28, 1981. Applicant: W.C. HALL GENERAL HAULING, INC., P.O. Box 102, Callao, VA 22435. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. *General commodities (except classes A and B explosives),* between Montross, VA, on the one hand, and, on the other, points in CT, NJ and NY for 270 days. Restricted to the transportation of traffic originating at or destined to the facilities of Arrowhead Associates, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Arrowhead Associates, Inc., P.O. Box 425, Montross, VA 22520.

MC 103721 (Sub-II–1TA), filed September 28, 1981. Applicant: INDIAN VALLEY BULK CARRIERS, INC., Ridge Road, Tylersport, PA 18971. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Coal,* from points in Carbon, Lackawanna, Luzerne, Northumberland, and Schuylkill Counties, PA, to points in NJ and NY for 270 days. Supporting shipper: Centralia Coal Sales Company, P.O. Box 478, Wilkes Barre, PA 18703.

MC 150310 (Sub-II–2TA), filed September 28, 1981. Applicant: LOADLINE, LTD., P.O. Box 8009, Pittsburgh, PA 15216. Representative: Stanley E. Levine, 220 Grant Street, Pittsburgh, PA 15219. *Petroleum, petroleum products, vehicle and body sealer, and sound deadener compounds, in packages.* Between points in (1) Erie and Niagara Counties, NY; (2) McKean, Venango, and Warren Counties, PA; and (3) Hancock and Pleasant Counties, WV, on the one hand, and, on the other, points in AK, AZ, AR, CO, CT, DE, HI, ID, IL, IN, LA, ME, MD, MA, MI, MN, MT, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SD, TX, UT, VT, WA, WV, WI, and WY. Between points in Allegheny County, PA and Vicksburg, MS, on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Quaker State Oil Refining Company, P.O. Box 989, Oil City, PA 16301.

MC 155510 (Sub-II–2TA), filed September 28, 1981. Applicant: ORANGE DISTRIBUTION, INC., P.O. Box 486, Orange, VA 22960. Representative: David L. Bolyard, Post Office Box 1240, Arlington, VA 22210. *Such commodities as are dealt in or utilized by a manufacturer and distributor of paper, plastic and packaging products,* between facilities of Bestpak, Inc., in Fluvanna County, VA, on the one hand, and, on the other, points in and east of MN, IA, MO, AR and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Bestpak, Inc., Route 15, Fork Union, VA.

MC 136511 (Sub-II–15TA), filed September 28, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *Plastic articles* between Winchester, VA and Johnson County, TX for 270 days. Supporting shipper: Rubbermaid Commercial Products, Inc., 3124 Valley Ave., Winchester, VA 22601.

MC 156845 (Sub-II–2TA), filed September 28, 1981. Applicant: WINN'S HAULING INC., 6805 School Rd., Richmond, VA 23228. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *(1) Solar systems, component parts thereof and (2) materials, supplies and equipment used in the manufacture, distribution and sales of commodities in (1) above,* between points in Hanover and Henrico Counties, VA, on the one hand, and, on the other, points in AL, AR, IL, IN, KY, LA, MI, MO, MS and OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Reynolds Metals Co., P.O. Box 27003, Richmond, VA 23261.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 97457 (Sub-4–1TA), filed September 25, 1981. Applicant: WARNER & SONS TRUCKING CO., 6556 Belding Road, Belding, MI 48809. Representative: Gregory G. Prasher, Esq., Clary, Nantz, Wood, Hoffius, Rankin & Cooper, 500 Calder Plaza, Grand Rapids, MI 49503. *General commodities,* restricted to traffic having prior or subsequent movement by rail between Chicago, IL or Detroit, MI, and points in the State of MI in an areas on and west of I–75 and US–27 from Mackinaw City to Lansing and on and west of M–127 from Lansing to the IN border. Supporting shippers: There are five (5) supporting shippers.

MC 129059 (Sub-4–1TA), filed September 24, 1981. Applicant: WILSON DRIVEAWAY, INC., 32 W. Randolph St., Suite 1800, Chicago, IL 60601. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. *Motor vehicles and unaccompanied baggage, sporting equipment, and personal effects of owners thereof, in secondary movements in driveaway service,* between points in IL and IN, on the one hand, and, on the other, points in the U.S. There are seventeen (17) supporting shippers.

MC 142779 (Sub-4–2TA), filed September 28, 1981. Applicant: WEIER AIR FREIGHT, INC., 4928 S. Second St., Milwaukee, WI 53207. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *General commodities* (except Classes A & B explosives) between points in Brown, Calumet, Dodge, Fond du Lac, Kenosha, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Washington, Waukesha, and Winnebago Counties, WI, on the one hand, and, on the other, Milwaukee, WI and Chicago, IL and their commercial zones. Restricted to traffic having a prior or subsequent movement by water. Underlying ETA seeks 120 days authority. Supporting shippers: Schenkers International Forwarders, Inc., 4950 S. 2nd St., Milwaukee, WI 53207; Micro Design, Division of Bell & Howell, 857 State St., Hartford, WI 53027; Kleen Test Products, Division of Meridian Industries, 6040 Flint Road, Glendale, WI 53209; Mariner International Company, Division of Brunswick, 1939 Pioneer Road, Fond du Lac, WI 54935; and Arthur J. Fritz and Co., 2301 Mount Prospect Road, Des Plaines, IL 60018.

MC 145748 (Sub-4–3), filed September 25, 1981. Applicant: MEYERS TRANSFER, INC., Rt. 64 East, Mt. Morris, IL 61054. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Contract* irregular: *Machinery and Machine Parts* between the facilities of Swenson Spreader at or near Lindenwood, IL on the one hand, and, on the other, points in the U.S., under continuing contract with Swenson Spreader of Lindenwood,

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IL. Supporting shipper: Swenson Spreader, P.O. Box 127, Lindenwood, IL 61049.

MC 146419 (Sub-4-2TA), filed September 28, 1981. Applicant: SCHWANEBECK FREIGHT LINES, INC., P.O. Box 342C, R. R. #3, Mauston, WI 53948. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Furniture and fixtures* between Waunakee, WI, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY. Underlying ETA seeks 120 days authority. Supporting shipper: Marshall Erdman & Associates, 500 Division St., Waunakee, WI 53597.

MC 147259 (Sub-4-12TA), filed September 25, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. Van Winkle, 16901 Van Dam Road, South Holland, IL 60473. *Antenna Systems,* From Orange County, FL to points in the U.S. Supporting shipper: Antenna Technology, Inc., 895 Central Florida Parkway, Orlando, FL 32908.

MC 154331 (Sub-4-1TA), filed September 24, 1981. Applicant: BOB GALLANT TRUCKING, INC., 1935 Lombardy Drive, Rapid City, SD 57701. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709. *Beer and malt beverages in containers,* from the St. Louis, MO Commercial Zone to Rapid City, SD. Supporting shipper: Williams Distributing Co., Inc., 231 E. Main N, Rapid City, SD 57701.

MC 156705 (Sub-4-3TA), filed September 25, 1981. Applicant: ROYALE AMERICAN MOTOR LINE, INC., 5580 W. 96th St., P.O. Box 346, Indianapolis, IN 46077. Representative: Charles E. Mayer, Vice Pres. (same as above). *General commodities (except foodstuffs and commodities in bulk)* between all points in the U.S. Supporting shipper: Tradeway Distributors, Inc., 2350 Shadeland Ave., Indianapolis, IN 46219.

MC 158459 (Sub-4-1TA), filed September 24, 1981. Applicant: R.B.R. TRUCKING INC., 211 Kocher St., Rockton, IL 61072. Representative: Richard C. McArdle (same address as applicant). *Contract* irregular: *Water Conditioning Equipment,* with tanks, I/S w/fittings, plast. gran. valves, power pumps, elect. inst., pipe, plas, and steel. between Rockford, IL on the one hand and on the other, points in the U.S. Supporting Shipper: Illinois Water Treatment Co., 4669 Sheperd Trail, Rockford, IL.

MC 158464 (Sub-4-1TA), filed September 24, 1981. Applicant: RED STAR TRUC-KING COMPANY, 7904 Melvina, Burbank, Illinois 60459. Representative: Brady J. Langford, Attorney at Law, One N. LaSalle St., Suite 2265, Chicago, Illinois 60602. *Contract* irregular: New *furniture,* both assembled and unassembled, parts thereof, and material and equipment used in the manufacturing and distribution thereof between Alsip, IL and points in IL, IN, IA, MI, OH, NE, ND, SD, MO, KS, WI, and MN. Supporting shipper: S.K. Products Corporation, 5355 Bucknell Drive SW, Atlanta, Georgia 30378.

MC 158465 (Sub-4-1), filed September 24, 1981. Applicant: INDUSTRIAL STEEL CONSTRUCTION, INC., 6150 E Avenue, Hodgkins, IL 60525. Representative: Stephen H. Loeb, Suite 2027, 33 N. La Salle St., Chicago, IL 60602. *Metal and metal products,* between the facilities of Industrial Steel Construction, Inc., at Hodgkins, IL, on the one hand, and, on the other, Bettendorf, Cedar Rapids, Dubuque, Mt. Joy, and Waterloo, IA, Indianapolis, Mishawaka, and Terre Haute, IN, and Milwaukee, WI. Supporting shipper: Industrial Steel Construction, Inc., 6150 E Ave, Hodgkins, IL 60525.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 112822 (Sub-5-10TA), filed September 23, 1981. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, Cushing, OK 74023. Representative: Dwight E. Pilant, (same address as applicant). *Paper, paper products and toner,* from Lawton, OK to Tampa, FL; Denver, CO; St. Louis and Chesterfield, MO; Chicago, IL; Los Angeles, CA; Atlanta, GA; Houston, TX; and from Cedartown, GA to Lawton, OK and the commerical zones thereof. Supporting shipper: Ansley Paper Company, P.O. Box 249, Lawton, OK 73502.

MC 134262 (Sub-5-2TA), filed September 23, 1981. Applicant: FARMERS FEED AND SUPPLY TRANSPORTATION, INC., P.O. Box 385, Boyden, IA 51234. Representative: Bradford E. Kistler, P.O. Box 82028 Lincoln, NE 68501. Contract, Irregular. *Soil conditioners and fertilizer materials,* from the Bryan, TX, commercial zone, to points in CO, NJ, PA, OH, IN, MI, WI, KY, IL, IA, SD, OK, MN, NE, AR, ND, KS, MO, UT, MT, WY and ID, under a continuing contract(s) with Wonderlife Corporation of America. Supporting shipper: Wonderlife Corporation of America, 5875 Fleur Drive, Des Moines, IA 50315.

MC 136246 (Sub-5-3TA), filed September 25, 1981. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Pipe and related products,* from York, NE to points in the U.S. Supporting shipper: Kroy Industries, Inc., P.O. Box 309, York, NE 68467.

MC 139284 (Sub-5-7TA), filed September 24 1981. Applicant: TRUCKER'S, INC., 4316 South Main Street, Stafford, TX 77477. Representative: Damon R. Capps, 1300 Main Street, Suite 1230, Houston, TX 77002. (1) *Mercer commodities, metal and metal products, machinery and machinery parts, rubber and rubber products, plastic and plastic products, and pipe and related products,* between points in (a) TX, NM, CO, AR, MS, and AL, (b) between points in LA, AR MS, AL, CO, and NM, and (c) between points in OK, NM, CO, AR, MS, and AL; and (2) *Plastic and plastic products and rubber and rubber products,* between points in (a) TX on the one hand and LA and OK on the other hand and (b) between points in LA and OK. Supporting shippers: 13.

MC 146336 (Sub-5-11TA), filed September 24 1981. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609-109th Street, Grand Prairie, Texas 75050. Representative: D. Paul Stafford., P.O. Box 45538, Dallas, Texas 75245. Contract; irregular; *General Commodities* between points in the U.S. under continuing contract(s) with Jewel T Discount Grocery.

MC 154648 (Sub-5-2TA), filed September 24, 1981. Applicant: WAYNE PHILLIPS, INC., P.O. Box 648, Pharr, TX 78577. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Food and related products,* between points in the U.S. Supporting shippers: Tremar Import-Export Co., Inc., P.O. Box 974, Weslaco, TX 78596; Randolph Slaughter Co., 307 Market Street, Laredo, TX 78040; and C. H. Belt & Associates, 2151 Michelson #230, Irvine, CA 92715.

MC 155398 (Sub-5-2TA), filed September 25, 1981. Applicant: TISCHHAUSER TRUCKING, INC., R.R. 1, White City, KS 66873. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Contract,* irregular; *Fertilizer,* Part (1) From Woodward County, OK and Pryor in Mayes County, OK to points in KS, MO & TX. Part (2) From Joplin in Jasper County, MO to points in KS, OK & TX and Part (3) From Military in Cherokee County, KS to points in MO,

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OK & TX. Supporting shipper: N-REN Corporation, P.O. Box D, East Dubuque, IL 61025.

MC 156387 (Sub-5-2TA), filed September 25, 1981. Applicant: JIM L. LANGENFELD, d.b.a. D & J ENTERPRISES, Rural Route 2, Dow City, IA 51528. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Such commodities as are dealt in, used, or distributed by meat packinghouses,* From Denison, IA to points in the U.S. Supporting shipper: Dubuque Packing Co., P.O. Box 610, Denison, IA 51442.

MC 158304 (Sub-5-1TA), September 25, 1981. Applicant: SPRINT TRANSPORTATION COMPANY, P.O. Box 19529, Houston, TX 77024. Representative: Nelson M. "Mike" Davidson, Jr., P.O. Box 1148, Austin, TX 78711. *Contract*, Irregular; *Solidified sludge*, from points in TX to points in LA, MS, and AL, under continuing contract(s) with Rollins Environmental Services, Inc. of Deer Park, TX.

MC 158408 (Sub-5-1TA), filed September 23, 1981. Applicant: THREE RIVERS GYPSUM, INC., 2432 Walnut Ridge Street, Dallas, TX 75229. Representative: Ralph W. Pulley, Jr., 102 Metropolitan Savings Tower, 5944 Luther Lane, Dallas, TX 75229. *Contract*, Irregular; *General Commodities* (except commodities in bulk, commodities requiring special equipment, commodities of unusual value, hazardous materials and household goods) from the facilities of Amway Corporation in Arlington, TX to points in OK and AR under a continuing contract with Amway Corporation, 2001 Timberlake Dr., Arlington, TX, 76010.

MC 158434 (Sub-5-1TA), filed September 24, 1981. Applicant: TOM SHERMAN, Box 219, Clarence, IA 52216. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Contract carrier, irregular: Iron and steel articles,* from Toledo, OH; Detroit and Plymouth, MI; Chicago, IL; and St. Louis, MO to Commerce City, CO, under continuing contract(s) with American Metals Corporation of Commerce City, CO. Supporting shipper: American Metals Corporation, 5899 N. Dexter, Commerce City, CO 80022.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-29133 Filed 10-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-52)]

Richmond, Fredericksburg and Potomac Railroad Company, Exemption for Contract Tariff ICC-RFP-C-0004

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Jane F. Mackell, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Richmond, Federicksburg and Potomac Railroad Company (RFP) filed a petition on September 25, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its contemporaneously filed contract tariff ICC-RFP-C-0004, now October 31, 1981, so that the effective date would be on one day's notice. The contract covers track storage of paper and paper products in surplus RPF boxcars.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provisions for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition is granted. The shipper's excess production and the need for immediate storage facilities coupled with RFP's surplus freight cars create circumstances under which authorization of a provision exemption is warranted. RFP's contract tariff ICC-RFP-C-0004 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: September 30, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-29132 Filed 10-6-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29254]

Somerset Railroad Corp.—Construction and Operation of a Line of Railroad in Niagara County, NY

Somerset Railroad Corporation (Somerset Railroad), represented by Messrs. Charles J. McCarthy, of Belnap, McCarthy, Spencer, Sweeney & Harkaway, 1750 Pennsylvania Avenue, N.W., Washington, DC 20006; Frederic H. Lawrence and Gregory J. Blasi, of Huber, Magill, Lawrence & Farrell, 99 Park Avenue, New York, NY 10016; and Allen E. Kintigh, President, Somerset Railroad Corporation, c/o New York State Electric & Gas Corporation, 4500 Vestal Parkway East, Binghamton, NY 13902, hereby gives notice that on the 28th day of August, 1981, it filed with the Interstate Commerce Commission at Washington, D.C., an amended application pursuant to 49 U.S.C. 10901 for a decision approving and authorizing the construction, acquisition (in part) and operation of a line of railroad located wholly and solely within Niagara County, in the State of New York.

Somerset Railroad filed the original application in this proceeding on February 12, 1980 and amended the application in certain respects on November 19, 1980. The original application sought a certificate of public convenience and necessity authorizing the construction and operation of a railroad from a point westerly of the Hamlet of Gasport on the Consolidated Rail Corporation's (Conrail) Falls Road Branch Line to Somerset Station. The Initial Decision served March 13, 1981, denied the original application without prejudice to Somerset Railroad's amending the orignial application to seek authority over an alternate route. The Initial Decision was not appealed and, therefore, became the order of the Commission.

In the amended application, Applicant has applied for a route that runs from a point of origin on the Falls Road Branch Line of Conrail just west of Heath Road in the Town of Lockport, thence easterly about 1,000 feet to a connection with a Conrail industrial secondary track (Gulf Line), thence northeasterly about two miles along the Gulf Line right-of-way to a point at which it leaves the Gulf Line and runs northerly to a connection with the right-of-way of the abandoned Hojack Rail Line east of Fuller Road in the Town of Newfane. From that point, the proposed line follows the Hojack right-of-way in a northeasterly direction to its terminus at the Somerset Electric Generating Station (Somerset Station), a 625 Megawatt coal-fired unit now under construction by NYSEG in the Town of Somerset, NY.

In the alternative, Applicant has applied for a route from a point of origin on the Falls Road Branch Line of Conrail just west of Bear Road in the Town of Cambria and running in a generally northerly direction to a connection with the right-of-way of the abandoned Hojack West Line approximately 3,500 feet east of Palmer Road in the Town of Wilson. From that point, the line proceeds in a northeasterly direction along the Hojack right-of-way to its terminus at Somerset Station.

As a second alternative, Applicant has applied for a route (1) from a point of origin on the Bridge Branch of Conrail just east of the railroad's Niagara Yard in the City of Niagara Falls then generally north through an electric power transmission line corridor of the Power Authority of the State of New York and Niagara Mohaw Power Corporation along the north side of Niagara University to a point of connection with a Conrail line at the south end of the Robert Moses Powerdam forebay; and (2) from the end of Conrail's tracks at or near Riverview along the right-of-way of the abandoned Hojack Rail Line to its terminus at Somerset Staion. Conrail has a line that connects the two segments described above. Traffic between the two segments would be transported over the existing Conrail Line.

Applicant's proposed construction, acquistion and operation is necessary to provide rail service to Somerset Station. Such rail service is required for delivery of coal and limestone during generating station operation, and possibly plant equipment and materials after its construction. From their initial points of connection with Conrail, the Danielewicz Route is located approximately 15.5 miles, the Cambria Station Route 24.6 miles, and the Transmission Corridor Route 30.0 miles from Somerset Station.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 22), Revision of National Environmental Policy Act Guidelines, 363 I.C.C. 653 (1980) any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra* at p. 487.

Pursuant to 49 U.S.C. 10901 the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

James H. Bayne,

Acting Secretary.

[FR Doc. 81–29131 Filed 10–6–81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform, the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–2–188

Decided: September 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

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MC 682 (Sub-30), filed September 21, 1981. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, D.C. 20036, (202) 8[illegible]7–5868. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Gulf & Western Manufacturing Company, of Southfield, MI.

MC 20723 (Sub-8), filed September 21, 1981. Applicant: NED BARD & SON CO., P.O. Box 6, Leola, PA 17540. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–5731. Transporting (1) *machinery and machinery supplies*, and (2) *fabricated metal products*, between points in Lancaster and Chester Counties, PA, on the one hand, and, on the other, points in MD, and (3) *building materials, machinery and machinery supplies, fabricated metal products, and lumber and wood products*, between points in IA and those points in the U.S., in and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary Line between the United States and Canada.

MC 98542 (Sub-15), filed September 21, 1981. Applicant: COLLINS & SIMMONS, INC., Commerce Drive, Box 128, Dansville, NY 14437. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., in and east of MN, IA, KS, OK and TX.

MC 107012 (Sub-742), filed September 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *crockpot liners*, between points in Hinds County, MS, on the one hand, and, on the other, points in Gentry and Pettis Counties, MO.

MC 116632 (Sub-31), filed September 18, 1981. Applicant: H. O. BOUCHARD, INC., MRC Box 141A, Coldbrook Rd., Bangor, ME 04401. Representative: John R. McKernan, Jr., P.O. Box 586, Two Canal Plaza, Portland, ME 04112, (207) 774–4000. Transporting (1) *pet food and animal feed*, between points in NY, on the one hand, and, on the other, points in ME; (2) *baled sulphite wood pulp*, between ports of entry on the International Boundary Line between the U.S. and Canada, on the one hand, and, on the other, points in ME, NH, VT, MA, NY, NJ, PA, DE, MI, WI, and OH; (3) *baled wood pulp and building materials*, between points in ME, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, KY, MA, MD, MI, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WV, WI, and DC; and (4) *building materials*, between points in CT, ME, MA, NH, RI, and VT.

MC 121493 (Sub-2), filed September 21, 1981. Applicant: JACK FREEMAN TRUCKING CO., INC., 4948 S. Western Ave., Chicago, IL 60609. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, 312–726–6525. Transporting *general commodities* (except classes A and B explosives) (a) between points in Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties, IL, and (b) between points in Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties, IL, on the one hand, and, on the other, points in IL,

Note.—Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of Certificate of Registration No. MC–121493 (Sub-No. 1), issued January 8, 1964.

MC 127012 (Sub-4), filed September 10, 1981. Applicant: WILLIAM B. HUFF, R. F. D. #1, Box 361, Spanish Fork, UT 84660. Representative: William B. Huff (same address as applicant), (801) 489–9441. Transporting *petroleum, natural gas, and their products; chemicals and related products; metal products; machinery; and transportation equipment* between points in the U.S., under continuing contract(s) with Rocky Mountain Helicopters, Inc., of Provo, UT. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives or liquified petroleum gas, it shall be limited to a period expiring 5 years from its date of issuance.

MC 129712 (Sub-59), filed September 14, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326, 404–237–6472. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Metal Specialists Internationale, of Palm Harbor, FL.

MC 129712 (Sub-62), filed September 22, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338, (404) 451–0401. Transporting *such commodities* as are dealth in or used by manufacturers, distributors, and dealers of (1) agricultural, construction, forestry, industrial and irrigation equipment, (2) lawn and leisure products, (3) equipment used in maintenance, feeding and housing of hogs, livestock, and poultry, and (4) steel wood-burning stoves, between points in the U.S., under continuing contract(s) with Long Manufacturing-N.C., Inc., of Tarborough, NC.

MC 136773 (Sub-10), filed September 8, 1981. Applicant: S.T.S. MOTOR FREIGHT, INC., 107 Evergreen Road, Stratford, NJ 08084. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110, (215) 561–1030. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MA, MD, NJ, NY, PA, RI, VA and DC.

MC 142723 (Sub-5), filed August 31, 1981. Applicant: BRISTOL CONSOLIDATORS, INC., 108 Riding Trail Lane, Pittsburgh, PA 15215. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219–2383, 412–471–1800. Transporting *such commodities* as are dealt in or used by chain, variety, department and toy stores, between points in the U.S., under continuing contract(s) with Milton D. Myer Company, of Carnegie, PA.

MC 147312 (Sub-7), filed September 11, 1981. Applicant: DALOR TRANSIT, INC., 7520 West Ryan Rd., Franklin, WI 53132. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, 312–726–9722. Transporting *machinery*, between points in Milwaukee County, WI, on the one hand, and, on the other, points in the U.S.

MC 147632 (Sub-10), filed September 21, 1981. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63823. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440–0496 (216) 652–2789. Transporting *transportation equipment*, between the facilities used by APS, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147672 (Sub-3), filed September 21, 1981. Applicant: T. D. REEVES, d.b.a. T & R TRUCKING, P.O. Box 36, Darden, TN 38328. Representative: Daniel J. Perky, 43 N. Broad, Lexington, TN 38351 (901) 968–8118. Transporting *lightweight aggregate*, between points in the U.S., under continuing contract(s) with (a) Concrete Products Company, of Jackson, TN, and (b) Bell Block Company, of Bells, TN.

MC 152672 (Sub-6), filed September 21, 1981. Applicant: A. ROGER

LEASING, LTD., 850 Beaver Grade Rd., Coraopolis, PA 15108. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180 (703) 442–8330. Transporting *metal products and machinery,* between points in the U.S., under continuing contract(s) with (a) Copperweld Corporation, of Glassport, PA, (b) Forbes Steel and Wire Corporation, of Canonsburg, PA, and (c) Eastern Stainless Steel Company, of Baltimore, MD.

MC 155533, filed September 9, 1981. Applicant: SOUTHWEST BEEF EXPRESS, INC., 641 S. 91st Ave., Tolleson, AZ 85353. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014 (602) 264–4891. Transporting (1) *meat and meat byproducts,* between points in Maricopa County, AZ, on the one hand, and, on the other, points in CA, NV, UT, WA, OR, CO, NM and TX, and (2) *such commodities* as are dealt in or used by grocery, department, retail and discount stores, between points in AZ, on the one hand, and, on the other, points in CA, NV, UT, CO, NM and TX.

MC 156502, filed September 3, 1981. Applicant: McGREGOR CARTAGE COMPANY, INC. 6845 Dix, Detroit, MI 48209. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, 313–349–3980. Transporting *such commodities* as are dealt in or used by grocery stores, hardware stores and discount houses, between points in Wayne County, MI, on the one hand, and, on the other points in MI.

MC 158393, filed September 21, 1981. Applicant: ALMA TRANSPORTATION SERVICES, DIVISION OF ALMA DESK COMPANY, 1301 Lincoln Dr., High Point, NC 27261. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014 (301) 986–1410. Transporting *metal products,* between points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in NC, SC, TN, and VA.

Volume No. OPY–2–189

Decided: September 30, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 8022 (Sub-4), filed September 11, 1981. Applicant: M. KORSON & CO., INC., 91 Washington Street, Somerville, MA 02145. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109 (617) 523–2660. Transporting *commodities in bulk,* between points in MA and NY, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, OH, and MI.

MC 73533 (Sub-23), filed September 10, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 South Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli (same address as applicant) (301) 327–5800. Transporting *alcoholic beverages* between points in the U.S., under continuing contract(s) with Frederick P. Winner Ltd. of Baltimore, MD.

MC 107012 (Sub-739), filed September 9, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219–429–2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in the U.S.

MC 107012 (Sub-741), filed September 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representive: David D. Bishop (same address as applicant) 219–429–2110. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Foremost-McKesson, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-744), filed September 22, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy, 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representive: Gerald A. Burns (same address as applicant) 219–429–2234. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Four-Phase Systems, Inc., of Cupertino, CA.

MC 112822 (Sub-492), filed September 22, 1981. Applicant: BRAY LINES INCORPORATED, 1401 North Little St., Cushing, OK 74023. Representive: Dwight E. Pilant (same address as applicant) 918–225–0365. Transporting *general commodities* (except classes A and B explosives), between the facilities of The Pillsbury Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 117872 (Sub-13), filed September 21, 1981. Applicant: A. JOSEPH AND COMPANY, 325 E. Woodrow Wilson Ave,. P.O. Box 4798, Jackson, MS 39205. Representive: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, 601–948–5711. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of reflective materials, between points in Rankin County, MS, on the one hand, and, on the other, points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 135152 (Sub-53), filed September 21, 1981. Applicant: CASKET DISTRIBUTORS, INC., Rural Route 2, P.O. Box 327, West Harrison, IN 45030. Representive: Jack B. Josselson, 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202, (513) 241–4037.Transporting *automobile and truck tires* between points in PA, KY and NC, on the one hand, and, on the other, points in the U.S.

MC 138882 (Sub-383), filed September 21, 1981. Applicant: WILEY SANDERS TRUCK LINES, INC. P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant) 205–566–5184. Transporting *food and related products,* between points in Oswego County, NY, Rockingham County, NC, Butler County, OH, Milwaukee, WI, and Ft. Worth, TX, on the one hand, and, on the other, points in the U.S.

MC 141382 (Sub-8), filed September 14, 1981. Applicant: DON'S MOVING & DELIVERY SYSTEM, INC., 527 South Fremont, Janesville, WI 53545. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719 (608) 273–1003. Transporting *plastic products,* between the facilities owned or used by Onvoy Corporation and M. Holland Company, at points in the U.S., on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 142603 (Sub-56), filed September 21, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Tami L. Quinlan (same address as applicant) (413) 732–6283. Transporting *pulp, paper and related products* and *rubber and plastic products,* between points in the U.S., under continuing contract(s) with A-ROO Company, Inc., of Olmsted Falls, OH.

MC 142672 (Sub-181), filed September 14, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702 (501) 521–8121. Transporting *retail store fixtures* and *such commodities as are used in the manufacture of retail store fixtures,* between the facilities of Lozier Store Fixtures, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147312 (Sub-6), filed September 11, 1981. Applicant: DALOR TRANSIT, INC., 7520 West Ryan Rd., Franklin, WI

53132. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, 312-726-9722. Transporting *food and related products*, between the facilities of Ocean Spray Cranberries, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148153 (Sub-3), filed September 11, 1981. Applicant: WALBON & COMPANY, INC. 3242 Old Highway 8, Minneapolis, MN 55418. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Edina, MN 55424, 612-927-8855. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of carpet and carpet installation materials, between points in Whitfield, Murray, Catoosa, Bartow, Gordon, Floyd, and Gilmer Counties, GA, Hamilton County, TN, and Dallas and Ft. Worth, TX, on the one hand, and, on the other, points in MN, WI, IL, IA, ND, SD, NE, and MT.

MC 148632 (Sub-8), filed September 14, 1981. Applicant: DIXON MOTOR FREIGHT, INC., 2620 Old Egg Harbor Road, Lindenwold, NJ 08021. Representative: Gary V. Dixon (same address as applicant) (609) 767-5885. Transporting *general commodities* (except classes A and B explosives), between the facilities utilized by Owens Corning Fiberglas Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149043 (Sub-5), filed September 11, 1981. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Drive, Dayton, OH 45141. Representative: N. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, VA 22030, 703-691-0900. Transporting *liquid sweeteners* (1) between points in OH, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, WI, and DC, (2) between points in NY, NJ, MD, PA, and VA, on the one hand, and, on the other, points in IN, IL, MI, MA, KY, WV, and TN, (3) between points in IL, on the one hand, and, on the other, points in IN, MI, KY, TN, IA, GA, MA, and WV, (4) between points in IN, on the one hand, and, on the other, points in MI, KY, TN, IA, GA, and MA, (5) between points in PA, on the one hand, and, on the other, points in NC, VA, MD, TN, and DC, and (6) between points in GA, on the one hand, and, on the other, points in WV, VA, TN, and KY.

MC 150972 (Sub-1), filed September 18, 1981. Applicant: EDWARD BRINK AND GLENN BRINK d.b.a. BRINK FARMS, A-5717 138th Ave., Holland, MI 49423. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So., 2nd St., Elkhart, IN 46516, 219-293-3597. Transporting *waste or scrap materials not identified by industry producing*, between points in Ottawa County, MI, on the one hand, and, on the other, points in IL, IN, IA, MO, OH, PA, and WI.

MC 151932 (Sub-1), filed September 10, 1981. Applicant: K & C TRUCKING CO., INC., P.O. Box 407, Glenwood, IL 60425. Representative: Paul J. Maton, 10 South La Salle St., Suite 1620, Chicago, IL 60603, 312-332-0905. Transporting *hazardous and non-hazardous waste materials*, between points in the U.S., under continuing contract(s) with S.E.T. Liquid Waste Systems, Inc., of Wheeling, IL. Condition: To the extent any permit issued in this proceeding authorizes the transportation of Hazardous materials, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 151932 (Sub-2), filed September 11, 1981. Applicant: K & C TRUCKING CO., INC., P.O. Box 407, Glenwood, IL 60425. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *clay, concrete, glass or stone products, metal products, waste or scrap meterials*, and *coal and coal products*, between points in the U.S., under continuing contract(s) with Penn-Dixie Steel Corporation, of Kokomo, IN.

MC 152773, filed September 22, 1981. Applicant: LEROY V. HILL AND ROBERT E. HILL, d.b.a. L. V. HILL TRUCKING, 123 North Second, Iola, KS 66749. Representative: Charles H. Apt, 104 South Washington, Iola, KS 66749, (316) 365-3161. Transporting *sand, scrap iron, foundry castings and products*, between points in KS, on the one hand, and, on the other, points in OK.

MC 155742, filed September 21, 1981. Applicant: COBB TRANSPORT COMPANY, INC., d.b.a. THE COBB COMPANY, 6122 North 76th St., Milwaukee, WI 53218. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting *machinery* and *metal products*, between points in the U.S., under continuing contract(s) with Rose Company and Telsmith Division-Barber-Greene Co., both of Milwaukee, WI.

Volume No. OPY-3-182

Decided: October 1, 1981.

By the Commission, Review Board No. 2, Members Chandler, Fisher, and Williams.

W-506 (Sub-3), filed September 17, 1981. Applicant: PUGET SOUND FREIGHT LINES, 3720 Airport Way South, Seattle, WA 98134. Representative: James F. Walker (same address as applicant), (206) 623-1600. As a *water carrier*, transporting *general commodities* (except classes A and B explosives), between ports in WA, OR, and CA.

MC 10955 (Sub-16), filed September 25, 1981. Applicant: RENNER MOTOR LINES, INC., 1805 E. Market St., Akron, OH 44305. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and WI.

MC 107605 (Sub-29), filed September 23, 1981. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Rd., N.E., Minneapolis, MN 55413. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227-7731. Over *regular routes*, transporting *general commodities* (except classes A and B explosives), (1) between Minneapolis, MN and Duluth, MN, over Interstate Hwy 35, (2) between Duluth, MN and Williston, ND, over U.S. Hwy 2, (3) between Williston, ND and Deadwood, SD, over U.S. Hwy 85, (4) between Deadwood, SD and Sidney, NE, over U.S. Hwy 385, (5) between Fargo, ND and Belfield, ND, over Interstate Hwy 94, (6) between Bismark, ND and Oakley, KS, over U.S. Hwy 83, (7) between Pembina, ND and Kansas City, MO, over Interstate Hwy 29, (8) between LaCrosse, WI, and Spearfish, SD, over Interstate Hwy 90, (9) between Lincoln, NE and Sidney, NE, over Interstate Hwy 80, (10) between Chicago, IL and St. Louis, MO, over Interstate Hwy 55, (11) between Chicago, IL and the junction of Interstate Hwy 57 and Interstate Hwy 55, over Interstate Hwy 57, (12) between St. Louis, MO and Oakley, KS, over Interstate Hwy 70, (13) between St. Louis, MO and junction Interstate Hwy 55 and Interstate Hwy 40, over Interstate Hwy 55, (14) between St. Louis, MO and Oklahoma City, OK, over Interstate Hwy 44, (15) between Presho, SD and Clinton, OK, over U.S. Hwy 183, (16) between the junction Interstate Hwy 55 and Interstate Hwy 40 and Clinton, OK, over Interstate Hwy 40, (17) between Little Rock, AR and New Orleans, LA, over U.S. Hwy 167 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, LA, (18) serving all intermediate points in connection with routes (1) through (17) and (19) serving off-route points in ND, SD, NE, KS, OK, MN, IA, MO, AR, LA, WI and IL.

MC 107815 (Sub-11), filed September 23, 1981. Applicant: IOWA COACHES, INCORPORATED, 1180 E. Roosevelt Ext., Dubuque, IA 52001. Representative:

Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309, (515) 283–2076. Transporting *passengers and their baggage,* in the same vehicles with passengers, in charter and special operations, beginning and ending at points in IA, and extending to points in the U.S.

MC 116004 (Sub-65), filed September 18, 1981. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (same address as applicant), (214) 438–2611. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Dallas, TX and Laredo, TX, from Dallas over Interstate Hwy 35E to junction Interstate Hwy 35, then over Interstate Hwy 35 to Laredo, and return over the same route, serving all points in Nueces and Victoria Counties, TX, as off-route points.

MC 116915 (Sub-148), filed September 24, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227–2254. Transporting *lumber and wood products,* between points in the U.S.

MC 116915 (Sub-149), filed September 24, 1981. Applicant: ECK MILLER TRANSPORTATION CORPORATION, Route #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602, (502) 227–2254. Transporting *general commodities* (except classes A and B explosives), between points in Mobile County, AL, on the one hand, and, on the other, points in the U.S.

MC 125535 (Sub-33), filed September 25, 1981. Applicant: NATIONAL SERVICE LINES, INC., OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569–1161. Transporting *aluminum printing plates and sheets, gum solvents,* and *printing machinery,* between points in the U.S., under continuing contract(s) with Western Litho Plate, of St. Louis, MO.

MC 128075 (Sub-40), filed September 24, 1981. Applicant: JOHNSRUD TRANSPORT, INC., P.O. Box 447, Cresco, IA 52136. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *liquid commodities,* in bulk, between points in the U.S., under continuing contract(s) with A. E. Staley Manufacturing Company, of Decatur, IL.

MC 141094 (Sub-9), filed September 22, 1981. Applicant: ACME TRUCKING, INC., 109 E. Main St., Newark, OH 43055. Representative: Frank L. Calvary, 3066 North Star Rd., Columbus, OH 43221, (614) 459–4248. Transporting (1) *metal products,* between points in Grayson and Scott Counties, KY, on the one hand, and, on the other, points in the U.S., (2) *general commodities* (except classes A and B explosives), between points in Warren County, KY, on the one hand, and, on the other, points in the U.S., (3) *food and related products,* between Floyd, Clark and Harrison Counties, IN, Jefferson, Oldham and Bullitt Counties, KY, Franklin, Delaware, Union, Madison, Pickaway, Fairfield, Licking and Muskingum Counties, OH, and Love County, OK, on the one hand, and, on the other, points in the U.S., and (4) *pallets,* between points in the U.S.

MC 146844 (Sub-6), filed September 22, 1981. Applicant: NATIONAL TRUCK BROKERAGE, INC., d.b.a. HICKS MOTOR LINES, P.O. Box 176, Humboldt, TN 38343. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting (1) *food and related products,* (a) between points in TN and MS, on the one hand, and, on the other, points in the U.S., (b) between points in CA, on the one hand, and, on the other, points in the U.S., and (c) between Atlanta, GA, Clark County, SD, Franklin County, WA, Hubbard County, MN, Morgan County, IL, Grayson County, TX, and Green, Waupaca, and Dodge Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 147915 (Sub-5), filed September 24, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Blvd. and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between the facilities of Purex Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147915 (Sub-6), filed September 24, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Blvd, and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M St., N.W., Suite 501, Washington, DC 20036–4579, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between Philadelphia, PA, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing authority.

MC 150105 (Sub-1), filed September 23, 1981. Applicant: KING ASSOCIATED ENTERPRISES, LTD., P.O. Box 253, Butler, WI 53007. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. (414) 273–7410. Transporting *such commodities* as are dealt in by a manufacturer of wood products, between points in the U.S. under continuing contract(s) with Reclaimed Pallet Service, Inc., of Butler, WI.

MC 157064, filed September 25, 1981. Applicant: AL JACKSON'S TRUCKING, 3875 Newport Unit E, Denver, CO 80207. Representative: W. Allen Jackson (same address as applicant) (303) 399–6999. Transporting (1) *rubber and plastic products,* (2) *metal products* and (3) *machinery,* between points in the U.S., under continuing contract(s) with Packaging Systems International, Engbar Pipe & Steel Company, and Bateman Uranium Corporation & Bateman Coal Technology Corporation, all of Denver, CO.

MC 158314, filed September 21, 1981. Applicant: KAYES MOTOR SALES, INC., 29 S. Main St., Portville, NY 14770. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting *wrecked, disabled, repossessed, abandoned motor vehicles,* and *replacement vehicles for such vehicles,* between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

James H. Bayne,
Acting Secretary.

[FR Doc. 81–29205 Filed 10–6–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OPY–2–187]

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Decided: September 29, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant had demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. (Member Chandler not participating).

James H. Bayne,

Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 11592 (Sub-32), filed September 14, 1981. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW, Washington, DC 20036, (202) 223-5900. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) between points in the U.S.

MC 157782 (Sub-2), filed September 9, 1981. Applicant: DAVID C. BRITTON, P.O. Box 1404, Grand Forks, ND 58201. David C. Britton (same address as applicant) (701) 772-6681. (1) Transportation for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); and (2) As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158373, filed September 21, 1981. Applicant: KENNETH L. SALMONS, 7313 Pleasant Run, Scottsdale, AZ 85258. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 264-4891. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158382, filed September 22, 1981. Applicant: PITTS TRUCKING COMPANY, R.R. #4, Box 822, Greencastle, IN 46135. Representative: Steven B. Pitts (same address as applicant), 317-653-3772. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-29204 Filed 10-6-81: 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-157

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 134806 (Sub-1-18-TA), filed September 17, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Metal photo engraving plates,* from San Marcos, CA to points in MA, ME, NH, RI, VT, CT, NY and NJ under continuing contracts with NAPP Systems (USA) Incorporated, San Marcos, CA. Supporting shipper: NAPP Systems (USA) Incorporated, 360 South Pacific Avenue, San Marcos, CA 92069.

MC 155258 (Sub-1-1TA), filed September 21, 1981. Applicant: ALTON DELIVERY SERVICE CORP., 100 W. 43rd Street, New York, NY 10036.

Representative: John D. Heffner, Esq., Pepper & Corazzini, 1776 K Street, NW., Suite 700, Washington, D.C. 20006. *Contract carrier:* irregular routes: *Magazines,* from Mattoon and Chicago, IL to all points in GA, NC, SC, FL, TN, NY and NJ, under continuing contract(s) with Conde Nast Publications, New York, NY. Supporting shipper: Conde Nast Publications, 350 Madison Ave., New York, NY 10017.

MC 94635 (Sub-1-2TA), filed September 22, 1981. Applicant: INTERSTATE SAND & GRAVEL TRANSPORTATION, INC., 717 Elmer Street, Vineland, NJ 08360. Representative: Terrance D. Jones, 2033 K Street, N.W., Washington, D.C. 20006. *Contract carrier:* irregular routes: *Coal and coal products* from Tremont, Sheridan and Minersville, PA to Camden, NJ under continuing contract(s) with Donaldson Coal Co., Tremont, PA. Supporting shipper: Donaldson Coal Co., P.O. Box 66, Tremont, PA 17981.

MC 158361 (Sub-1-1TA), filed September 21, 1981. Applicant: G. F. C. FOAM CORPORATION d.b.a. GENERAL FOAM CORPORATION, West 100 Century Road, Paramus, NJ 07652. Representative: Kenneth M. Piken, Esq., Piken & Piken, P.C., Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374–4565. *Contract carrier:* irregular routes: *Paper and related products* between Wayne County, OH and Lake County, IN, on the one hand, and, on the other, Bristol, Lancaster, Allentown, PA, Patterson, Jersey City, NJ and New Paltz, NY, under continuing contract(s) with Packaging Corporation of America, Evanston, IL. Supporting shipper: Packaging Corporation of America, 1603 Orrington Ave., Evanston, IL 60204.

MC 158314 (Sub-1-1TA), filed September 18, 1981. Applicant: KAYES MOTOR SALES, INC., 29 S. Main Street, Portville, NY 14770. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580. *Wrecked, disabled, inoperative, repossessed, abandoned motor vehicles, and replacement vehicles for such vehicles,* between points in and east of MN, IA, MO, AR, and LA. Supporting shipper(s): Eldred Division of Ethan Allen, Inc., Eldred, PA 16731; Fibercel Corporation, 46 Brooklyn St., Portville, NY 14770.

MC 143127 (Sub-1-32TA), filed September 21, 1981. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Applicant: Catherine Jablonski (same as applicant). *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives and hazardous waste),* between points in the U.S. under continuing contract(s) with Xerox Corporation of Rochester, NY. Supporting shipper: Xerox Corporation, Joseph C. Wilson Center of Technology, Rochester, NY 14644.

MC 142603 (Sub-1-25TA), filed September 22, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Tami L. Quinlan (same as applicant). *Contract carrier:* irregular routes: *Paper products-Class 55 and plastic poly bags-Class 60* to all points in the U.S. under continuing contract(s) with the A-Roo Company, Olmsted Falls, OH. Supporting shipper: A-Roo Company, 24596 Bagley Road, Olmsted Falls, OH 44138.

MC 151307 (Sub-1-1TA), filed September 22, 1981. Applicant: TREFFLE & REID LeCLERC, 246 Tobique Road, Grand Falls, New Brunswick, CD E0J 1M0. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04111. *Passengers and their baggage in round trip charter operations* beginning and ending at points in Aroostook County, ME and extending to the U.S./CD border in ME. Supporting shipper: Caribou Rotary Club, 9 South St., Caribou, ME 04736; Fort Fairfield Lions Club, Dorsey Rd., Fort Fairfield, ME 04742; Limestone-Caswell Senior Citizens, Main St., Limestone, ME 04750.

MC 156510 (Sub-1-3TA), filed September 17, 1981. Applicant: J LINE, INC., P.O. Box 21, Gibson Hill Rd., Green, RI 02897. Representative: Howard L. Feldman, 506 Industrial Bank Bldg., Providence, RI 02903. *Contract carrier:* irregular routes: *General commodities (usual exceptions)* from Plainfield, CT to points in the U.S. (except AK and HI) under continuing contract(s) with Pervel Industries, Plainfield, CT. Supporting shipper: Pervel Industries, Plainfield Street, Plainfield, CT 06374.

MC 157152 (Sub-1-1TA), filed September 23, 1981. Applicant: TRIPP LANDCRUISE CORPORATION, 99 Pleasant Street, Northampton, MA 01060. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Passengers and their baggage in special and charter operations,* beginning and ending at points in Hampshire, Hampden and Franklin Counties, MA, and extending to points in the U.S., restricted to services arranged and/or procured by Tripp Associates, Ltd., a Broker of Motor Carrier Passenger Transportation authorized by the I.C.C. pursuant to MC–130998.

MC 154631 (Sub-1-8TA), filed September 24, 1981. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: Richard J. Wood, 357 Arnold Street, Woonsocket, RI 02895. *Contract carrier:* irregular routes: *(1) Plastic articles, (except in bulk)* from Shawnee, OK, Stratford, CT and Washington, NJ to points in AL, AR, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA WV, WI and *(2) Materials, equipment and supplies used in the manufacture, distribution and sale of plastic articles* from the above-named destinations to the above-named origins, under continuing contract(s) with Mobil Chemical Company, Plastics Division, of Macedon, NY. Supporting shipper: Mobil Chemical Company, Plastics Divisions, Macedon, NY 14502.

MC 158363 (Sub-1-1TA), filed September 17, 1981. Applicant: JOHN R. GUNN, P.O. Box 31, Mount Stewart, Prince Edward Island, CD C0A 1T0. Representative: F. H. Henderson, Inc., Bangor International Airport, P.O. Box 614, Bangor ME 04401. *Contract carrier:* irregular routes: Manufactured fish plant equipment (machinery and metal products) for and on behalf of Charlottetown Metal Products Limited and Island Metal Fabricators Ltd. from the International Boundary points of entry between CD and the U.S., being Calais, ME, to Portland, ME; Gloucester, Boston, and Bedford, MA, and Norfolk, VA and return with damaged or defective parts, under continuing contract(s) with Charlottetown Metal Products, Ltd., Charlottetown Metal Products, Ltd., Charlottetown, P.E.I., CD; Island Metal Fabricators, Ltd., Charlottetown, P.E.I. Supporting shipper(s): Charlottetown Metal Products, Ltd., P.O. Box 323, Charlottetown, P.E.I., CD; Island Metal Fabricators, Ltd., West Royalty Industrial Par, Charlottetown, P.E.I., CD C1E 180.

MC 142603 (Sub-1-24TA), filed September 16, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Tami L. Quinlan (same as applicant). *Contract carrier:* irregular routes: *Commodities as dealt in or used by manufacturing or distributor of sound, communication, educational and entertainment commodities* to all points in the U.S. under continuing contract(s) with the CBS Division of CBS, Inc., of New York, NY. Supporting shipper: CBS, Inc., 51 West 52 Street, New York, NY 10019.

MC 157409 (Sub-1-1TA), filed September 18, 1981. Applicant: ARNEYTOWN TRUCKING, INC., 215

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Miami Avenue, Trenton, NJ 08610. Representative: Thomas E. Carroll, Pres. (same as applicant). *Contract carrier:* irregular routes: *Metals and metal products, returned materials and supplies* between points of plant sites of Cambridge Lee Industries Warehouses east of the Mississippi River under continuing contract(s) with Cambridge Lee Industries, Inc. of New Brunswick, NJ. Supporting shipper: Cambridge Lee Industries, Inc., 475 Jersey Avenue, New Brunswick, NJ 08903.

MC 128866 (Sub-1-3TA), filed September 23, 1981. Applicant: B & B TRUCKING, INC., P.O. Box 2830, Cresson Road & I-295, Cherry Hill, NJ 08030. Representative: James A. Caulfield, Esquire, 4801 Massachusetts Ave., N.W., Suite 400, Washington, D.C. 20016. *Contract carrier:* irregular routes: *Scrap aluminum* from plant sites in Searcy and Atkins, AR; Fisherville, VA; Deerfield, IL; and Cherry Hill, NJ on the one hand, and, on the other to Terre Haute, IN under continuing contract(s) with Penny Plate, Inc., Haddonfield, NJ. Supporting shipper: Penny Plate, Inc., P.O. Box 3003, Haddonfield, NJ 08033.

MC 158285 (Sub-1-1TA), filed September 16, 1981. Applicant: THERMO-MATIC CORP., Howl Cavernf Road, P.O. Box 640, Cobleskill, NY 12043. Representative: Harold O. Orlofske, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Contract carrier;* irregular routes: *(1) Metal products* between Kent County, MI on the one hand, and, on the other, points in CO, IL, IN, MA, MN, and NY under continuing contract(s) with Le Fleur Distributing of Grand Rapids, MI; *(2) Rubber products, machinery, concrete products, and transportation equipment* between Kent County, MI on the one hand, and, on the other points in NJ, NY, TN, VA, WI, and WV under continuing contract(s) with American Supaflu Systems of Grand Rapids, MI; *(3) Metal products, machinery, electrical machinery, concrete products and equipment, materials, and supplies used in the manufacture and distributing of the above listed commodities* between Schoharie County, NY and Montgomery County, IL on the one hand, and, on the other, points in CO, IL, IN, MA, MI, MN, NV, PA, and TN under continuing contract(s) with National Stove Works of Cobleskill, NY; *(4) Rubber products, machinery, electrical machinery, and concrete products* between Schoharie County, NY on the one hand, and, on the other, points in MD, ME, NH, NJ, RI, TN and WI under continuing contract(s) with National Supaflu Systems of Cobleskill, NY. Supporting shipper(s): Le Fleur Distributing, 4629 Clyde Park, SW, Grand Rapids, MI 49509; American Supaflu Systems, Inc., 4629 Clyde Park, SW, Grand Rapids, MI 49509; National Stove Works, Inc., P.O. Box 640 Cobleskill, NY 12043; National Supaflu Systems, Inc., P.O. Box 640, Cobleskill, NY 12043.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 151277 (Sub-II-2TA), filed September 18, 1981. Applicant: COCHRAN TRANSPORTATION SERVICE, INC., 75 Grosvenor St., Athens, OH 45701. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Tire molds and general machined parts,* between the facilities of Athens Boring and Milling Co., Inc. at Athens, OH, on the one hand, and, on the other, points in IL, IN and PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Athens Boring and Milling Co., Inc., Mill St., Athens, OH 45701.

MC 141878 (Sub-II-5TA), filed September 21, 1981. Applicant: DIRECT COURIER, INC., 6310 C Gravel Ave., Fleet Industrial Park, Alexandria, VA 22310. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Live laboratory animals,* from Kingston, NY; Wilmington, MA; and Newfield, NJ to points in OH, IN, IL, MO, KS, KY, and MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Charles River Breeding Laboratories, Inc., 251 Ballardvale St., Wilmington, MA 01887.

MC 158327 (Sub-1TA), filed September 21, 1981. Applicant: EASTERN CONSOLIDATION & DISTRIBUTION SERVICES, INC., P.O. Box 3157, Shiremanstown, PA 17011. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *General Commodities* (except Classes A & B explosives) between Cumberland County, PA on the one hand, and, on the other, points in PA, MD, NJ, and NY for 270 days. Supporting shippers: (1) Oxford Chemicals, Inc., P.O. Box 80202, Atlanta, GA 30366; (2) Intertherm, Inc., 10820 Sunset Office Drive, St Louis, MO 63127; (3) Stainless Ice-Tainer Co., P.O. Box 1327, San Antonio, TX 78295; (4) Dubois Chemicals, Division of Chemed Corp., Dubois Towers, Cincinnati, OH 45202.

MC 140889 (Sub-II-22TA), filed September 21, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Igantius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Contract, irregular: *General commodities (except Classes A and B explosives)* from Los Angles County, CA to Cincinnati, OH; Chicago, IL and Dallas, TX, under a continuing contract(s) with Ajax-Nutone Div., Schovill Manufacturing Co., for 270 days. Supporting shipper(s): Ajax Nutone Div., Scovill Manufacturing Co., 825 S. Ajax Ave., City of Indstury, CA 91749.

MC 136343 (Sub-II-28TA), filed September 22, 1981. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108-1166. *Food and related products* from the facilities of Jack's Cookie Company, Inc. at Tampa, FL, to points in the U.S. in and east of MN, IA, MO, AR, and LA for 270 days. Supporting shipper: Jack's Cookie Company, Inc., P.O. Box 11477, Tampa, FL 33680.

MC 107012 (Sub-II-192TA), filed September 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). (1) *Machinery and parts and accessories for machinery* from Lexington, TN to points in the U.S., and (2) *Parts, materials, and supplies for machinery,* from points in and east of ND, SD, NE, KS, OK, and TX to Lexington, TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gilson Brothers Co., Highway 57, P.O. Box 152, Plymouth, WI 53073.

MC 107012 (Sub-II-193TA), filed September 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Horticultural Products* between Boston, MA, Charleston, SC, West Chicago, IL, and Bayonne, NJ, on the one hand, and, on the other, points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: JPA, 1400 Harvester Road, West Chicago, IL 60185.

MC 158202 (Sub-II-1TA), filed September 14, 1981. Applicant: PARSEC, INC., 1100 Gest Street, Cincinnati, OH 45203. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract carrier:* Irregular routes: Such *Commodities as are dealt in or used by manufacturers of games and toys, and materials, equipment and supplies, used in their manufacture, packaging and distribution,* between the facilities of Kenner Products Company, Division of C.P.G. Products Corp., in Hamilton County, OH, on the one hand, and, on the other, points in

Jeffersontown, Henderson and Richmond, KY; Crawfordsville, Evansville and Hayden, IN; and Girard and Erie, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Kenner Products Co., 2940 Highland Ave., Cincinnati, OH 45212.

MC 142359 (Sub-II–4TA), filed September 22, 1981. Applicant: PORT EAST TRANSFER, INC., Pulaski Highway & 68th St., Baltimore, MD 21237. Representative: Mel P. Booker, Jr., 110 S. Columbus St., P.O. Box 1281, Alexandria, VA 22313. *General commodities (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) in containers or trailers*, between Boston, MA and New York, NY and points in their commercial zones, restricted to traffic having an immediately prior subsequent movement by water or rail for 270 days. Supporting shipper: United States Lines, Inc., 27 Commerce Dr., Cranford, NJ 07016.

MC 150724 (Sub-II–4TA), filed September 16, 1981. Applicant: DONALD SANTISI TRUCKING COMPANY, 340 Victoria Rd., P.O. Box 4145, Youngstown, OH 44515. Representative: Andrew J. Burkholder, 275 E. State St., Columbus, OH 43215. *Metal products*, between Trumbull County, OH, on the one hand, and, on the other, Broward County, FL. An underlying ETA seeks 120 days authority. Supporting shipper(s): Syro Steel Co., 1170 N. State St., Girard, OH 44420.

MC 134427 (Sub-II–1TA), filed September 21, 1981. Applicant: JOHN T. SISK, Route 2, Box 182–B, Culpeper, VA 22701. Representative: Frank B. Hand, Jr., 523 South Cameron St., Winchester, VA 22601. *Contract; irregular: Flour, in bulk*, from Barksdale, MD and Martin's Creek, PA to Culpeper, VA, under continuing contract(s) with Seaboard Allied Milling Corp., Culpeper, VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Seaboard Allied Milling Corp., P.O. Box 917, Culpeper, VA 22701.

MC 128672 (Sub-II–2TA), filed September 22, 1981. Applicant: TIMBER TRUCKING CO., INC., P.O. Box 231, Ripley, WV 25271. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Contract; Irregular: Iron and steel articles and Mercer commodities*, between points in WV on the one hand, and, on the other, points in KY, MD, MO, NC, OH, PA, SC, TX, VA, and WV for 270 days, under continuing contract(s) with Pennzoil Co., Trojan Steel Co., and Dickirson Corp., Supporting shipper(s): Dickirson Corp., P.O. Box 750, Ripley, WV 25271; Trojan Steel Co., 1414 MacCorkle Ave., SW., Charleston, WV 25302; Pennzoil Co., 601 Grand Central Ave., Parkersburg, WV 26102–1588.

MC 150214 (Sub-II–5TA), filed September 23, 1981. Applicant: J. N. CARR TRANSPORT, INC., 351 Market Street, Espy, PA 17815. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Food or kindred products and materials, equipment and supplies used in the manufacture and distribution of food or kindred products* between Cedartown, GA, Plainfield, IL and Tampa, FL on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: Zartic Meats and Seafood, Inc., 808 West Avenue, Cedartown, GA 30125.

MC 113666 (Sub-II–22TA), filed September 23, 1981. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road., P.O. Drawer A., Freeport, PA 16229–0301. Representative: R. Scott Mahood (same as applicant). *Magnetite, flyash, flyash products and flyash by-products, in bulk and in bags*, From Syracuse, NY and Masontown, PA, to points in KY, MD, OH, PA, VA and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Halomet, Inc., P.O. Box 127, Syracuse, NY 13214–0127.

MC 158386 (Sub-II–1TA), filed September 22, 1981. Applicant: HAB-NAB TRUCKING, INC., 218 High St., Box 921, Seaford, DE 19973. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Fertilizer*, between Bridgeville, DE; Baltimore, MD; and Norfolk, VA on the one hand, and, on the other, points in MD, NJ and VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Royster Co., P.O. Box 127, Bridgeville, DE 19933.

MC 140464 (Sub-II–2TA), filed September 23, 1981. Applicant: NORTHERN STEEL TRANSPORT CO., 6041 Benore Rd., Toledo, OH 43612. Representative: Michael M. Briley, Esq., P.O. Box 2088, Toledo, OH 43603. *Metal Products*, between Erie and Wayne Counties, NY on the one hand, and, on the other, points in MI, OH and PA, for 270 days. Supporting shippers: (1) Doral Steel, Inc., 404 S. Reynolds Rd., Toledo, OH 43615; (2) Alpha Tube Corporation, P.O. Box 7472, Toledo, OH 43615.

MC 158017 (Sub-II–1TA), filed September 22, 1981. Applicant: P & P TRUCKING CORPORATION, 335 S. Forest Hill Dr., Austintown, OH 44515. Representative: Edwin Romero, 407 Legal Arts Centre, Youngstown, OH 44503–1748. Contract, irregular: *Iron and steel articles* (1) from Aliquippa, PA; Sparrows Point, MD; Perth Amboy, NJ to Youngstown, OH; (2) from Cuyahoga Falls, OH; Sparrows Point, MD; Perth Amboy, NJ; Youngstown, OH to Butler, PA; and (3) from Youngstown, OH to St. Louis, MO and Chattanooga, TN, under continuing contract(s) with Ohio Steel & Wire, Inc. of Youngstown, OH. Supporting shipper(s): Ohio Steel & Wire, Inc., 1640 Wilson Ave., Youngstown, OH 44506.

MC 158105 (Sub-II–1TA), filed September 22, 1981. Applicant: TIPTON TRUCKING CO., INC., 25 South Heald St., Wilmington, DE 19801. Representative: Nicholas J. Scafidi, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106. *Contract; irregular:* (1) *Bulk fuel (#1, 2, 4, 5, 6 Diesel Oil) commodities in tank vehicles*, from Philadelphia, Allentown, Chester and Coatesville, PA; Wilmington and Delaware City, DE; and Bel Air, MD to pts. in PA, DE, NJ, MD, VA and DC, under continuing contract(s) with K. F. Oil Co., F. C. Haab Oil Co., Terroco, Inc., Thermo Oil Co. and Roarda Co.; and (2) *Lumber and wood products (preserved wood, 4 x 4's)*, from Culpeper, VA to pts. in MD, PA, NJ, NY, NH, VT, DE, CT, and ME, under continuing contract(s) with Culpeper Wood Preservers, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There ae six supporting shippers. Their statements may be examined at the ICC Regional Offce in Philadelphia, PA.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4–4TA), filed September 22, 1981. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *(1) New intermodal cargo containers and (2) parts, supplies and materials used in the manufacture of intermodal cargo containers*, from Whitehall, NY, to Cook, Dupage, Lake and Will Counties, IL and Porter County, IN. Supporting Shipper: Trans-Global Container Corporation, Division of Rotterdam Ventures, Inc., Box 98, Buckley Rd., Whitehall, NY 12887.

MC 105159 (Sub-4–18TA), filed September 24, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 W. Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Tires, tubes and batteries* from Leavenworth, KS and Findlay and

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Columbus, OH to points in IA, IL, MN, ND, SD and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Battery & Tire Warehouse, Inc., 625 N. Fairview Ave., St. Paul, MN 55104.

MC 106674 (Sub-4-46TA), filed September 22, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Cleaning and Washing Compounds, Soap Products, Textile Softeners, Toilet Preparations, Mouthwash and Materials, Equipment and Supplies used in distribution thereof* between Byhalia, MS, on the one hand, and, on the other, points in DE, IL, IN, GA, KY, MD, MI, MO, NJ, NY, NC, OH, PA, TN, VA and WV. An underlying ETA seeks 120 days authority. Supporting shipper: Lever Brothers Company, Lever House, 390 Park Ave., New York, NY 10022.

MC 114241 (Sub-4-3), filed September 24, 1981. Applicant: C. T. HERTZSCH, INC., Speed, IN 47172. Representative: Louis B. Hartlage, P.O. Box 35750, Louisville, KY 40232. *Contract;* irregular: Transporting Glazed Structural Tile, Brick & Related Articles between points in IN, KY, OH, and TN under continuing contract(s) with L. Thorn Company, Inc. of New Albany, IN and Modern Concrete Company of Louisville, KY. Supporting shippers: L. Thorn Co., Inc., 6000 Grantline Rd., New Albany, IN and Modern Concrete, 2323 Ralph Ave., Louisville, KY.

MC 123980 (Sub-4-3TA), filed September 21, 1981. Applicant: MANDUS R. OLSON, 2148 Bunker Lake Boulevard NW., Anoka, MN 55303. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Tool boxes and hand tools,* from the facilities of Matco Tool Corp. at or near Tallmadge, OH to points in IL and MI. Supporting shipper: Matco Tool Corp., 124 W. Ave., Tallmadge, OH 44278.

MC 134518 (Sub-4-2TA), filed September 22, 1981. Applicant: CHEESE HAULING, INC., P.O. Box 1973, Bismarck, ND 58501. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Glass bottles,* from Streator, IL, to Mandan, ND. Supporting shipper: Central Bottling, P.O. Box 717, Bismarck, ND 58501.

MC 142001 (Sub-4-2TA), filed September 24, 1981. Applicant: RITE-GUY HAULING, INC., 7124 S. Hill Road, Deforest, WI 53532. Representative: Michael J. Wyngaard, 150 E. Gilman, Madison, WI 53703. *Commodities in bulk* from the facilities of Illinois Power Co., at or near Baldwin, East St. Louis, and Alton, IL to IA. Underlying ETA seeks 120 days authority. Supporting shipper: National Mineral Corp., 27th St. and 5th Ave., South, Fargo, ND 58102.

MC 1423305 (Sub-4-5 TA), filed September 22, 1981. Applicant: WISCONSIN EXPRESS LINES, INC., Route 2, Green Bay, WI 54301. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *food and related products* from the facilities of Giorgio Foods, Inc., at or near Temple, PA, to points in IA, IL, IN, MI, MN, MO, NE, OH, and WI, under a continuing contract with Giorgio Foods, Inc. Supporting shipper: Giorgio Foods, Inc., P.O. Box 96, Temple, PA, 19560.

MC 147008 (Sub-4-2 TA), filed September 21, 1981. Applicant: ALABERT NEAL WEBBER, JR., d.b.a. A. N. WEBBER, P.O. Box 95, Chebanse, IL 60922. Representative: Joel H. Steiner, 39 S. LaSalle, Suite 600, Chicago, IL 60603. *Metal products and machinery,* between the facilities of or utilized by Roper Corp. at Bradley, Chicago and Kankakee, IL; Chattanooga, and Knoxville, TN; Lafayette, McRae, Swainsboro, Atlanta, and Macon, GA; Orangeburg, SC; Williamsburg, KY; Nogales, AZ; Columbia and Hagerstown, MD; Dallas, TX; and Harrisburg, PA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Roper Corp., 1905 W. Court 60901, Kankakee, IL 60901.

MC 147008 (Sub-4-3 TA), filed September 21, 1981. Applicant: ALBERT NEAL WEBBER, JR., d.b.a. A. N. WEBBER, P.O. Box 95, Chebanse, IL 60922. Representative: Joel H. Steiner, 39 S. LaSalle , Suite 600, Chicago, IL 60603. *Metal products and machinery,* between points in the U.S. Supporting shippers: There are 6 supporting shippers

MC 147039 (Sub-4-13 TA), filed September 24, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Road, Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *Automotive parts, materials, accessories, and supplies used in the manufacture of automotive parts and automotive vehicles* between Laredo, Texas on the one hand, and, on the other, points in CA, FL, GA, KY, IL, IN, MN, MO, NJ, PA, TN, and WI. Supporting shipper: Ford Motor Company, One Parklane Blvd., Suite 200 East, Dearborn, MI.

MC 147039 (Sub-4-14 TA), filed September 24, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Road, Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *Automotive parts, materials, accessories, and supplies used in the manufacture of automotive parts and automotive vehicles* between points in Texas on the one hand, and, on the other, points in CA, FL, GA, KY, IL, IN, MN, MO, NJ, PA, TN, and WI. Supporting shipper: Ford Motor Company, Dearborn, MI 48126.

MC 149497 (Sub-4-20TA), filed September 24, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman, P.O. Box 1023, Wausau, WI 54401, 715-359-2907. *Contract* irregular: *General Commodities (except classes A and B explosives)* between points in the U.S. (except Akano HI), under continuing contract with Jessco Incorporated. Supporting shipper: Jessco Incorporated, 202 Spalding Street, Dowagiac, MI 49407.

MC 150358 (Sub-4-3), filed September 23, 1981. Applicant: RICHARD R. KROHN, d.b.a. NORTHWEST DELIVERY SERVICE, 4060 Trenton Ave., North, Plymouth, MN 55441. Representative: Grant J. Meritt, 4444 IDS Center, Minneapolis, MN 55402. *Food and related products* from Minneapolis-St. Paul, MN to points in IA, KS, MN, and MO. Supporting shipper: Gourmet Foods, Inc., 860 Vandalia St., St. Paul, MN 55114. An underlying ETA was granted effective August 28, 1981.

MC 152935 (Sub-4-8TA), filed September 21, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham, Hillenbrand Industries, Inc., Highway 46, Batesville, IN 47006. *Contract Carrier,* irregular routes: *Steel storage cabinets and book cases* between Richmond Hill, NY and points in Dayton and Middletown, OH; Indianapolis, IN; Lexington and Louisville, KY; and Pittsburgh, PA for 270 days. An underlying ETA has been granted for 120 days operating authority. Supporting shipper: Raymac Cabinet Company, Inc. of 87-49 130th St., Richmond Hill, NY 11418.

MC 154928 (Sub-4-2TA), filed September 22, 1981. Applicant: KNUTE TRUCKING, INC., P.O. Box 198 (Hillcrest), Rochelle, IL 61068. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract;* irregular: *Malt beverages,* from Longview, TX, and Winston-Salem, NC, to Rockford, IL, under a continuing contract(s) with Domino Distributing Co., Inc., of Rockford, IL. Supporting shipper: Domino Distributing Co., Inc., 5136 27th Ave., Rockford, IL 61109.

MC 155742 (Sub-4-3TA), filed September 22, 1981. Applicant: COBB TRANSPORT COMPANY, INC. d.b.a.

THE COBB COMPANY, 6122 North 76th Street, Milwaukee, WI 53218. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *Such commodities as are dealt in or used by a manufacturer of metal and rubber products* between the facilities of the Kelley Company, Inc., at Milwaukee, WI, on the one hand, and, on the other points in the U.S., under continuing contract(s) with the Kelley Company, Inc. Supporting shipper: Kelley Company, Inc., 6720 N. Teutonia Ave., Milwaukee, WI, 53209.

MC 156705 (Sub-4–2TA), filed September 21, 1981. Applicant: ROYALE AMERICAN MOTOR LINE, INC., 5580 W. 95th St., Indianapolis, IN 46268. Representative: Charles E. Mayer (same as above). *Mobile support. Delivery and material handling vehicles, and all parts and supplies used in the manufacture and distribution of such vehicles* between all points in the U.S. Supporting shipper: Reid-Holcomb Co., Inc., 5580 W. 96th St., Indianapolis, In 46268.

MC 156908 (Sub-4–2TA), filed September 24, 1981. Applicant: AMTRANS, INC., P.O. Box 04704, Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract;* irregular: *(1) fruit juices, fruit drinks, oleomargarine, and fixtures, and exempt agricultural commodities,* in mixed loads with the above commodities, from facilities of Cedarburg Dairy, Inc., in WI, to points in IL south of IL Hwy 17, and points in IA and IN; and *(2) materials, equipment, and supplies* used in the production and distribution of the commodities named in (1), above, from points in IL south of IL Hwy 17, and points in IA and IN, to the facilities of Cedarburg Dairy, Inc., in WI; under continuing contract(s) with Cedarburg Dairy, Inc., Supporting shipper: Cedarburg Dairy, Inc., W55 N155 McKinley Blvd., Cedarburg, WI 53012.

MC 157688 (Sub-4–2TA), filed September 21, 1981. Applicant: TRANS COASTAL TRANSPORTATION, INC., 619 Old Meadow Road, Matteson, IL 60443. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Lamb and lamb by-products* from Denver, CO to points in the U.S., restricted to the transportation of traffic originating at or destined to the facilities of Denver Lamb Company. Supporting shipper: Denver Lamb Company, 4900 Clarkson St., Denver, CO 80216.

MC 157701 (Sub-4–1TA), filed September 21, 1981. Applicant: HEARNEN BROS., TRUCKING, R.R. #1, Conde, SD 57434. Representative: John C. Wiles, P.O. Box 235, Watertown, SD 57201. *Non-alcoholic beverages and mineral water* in containers; between points in Minneapolis, MN to points in Aberdeen, SD. Supporting shipper: Pepsi-Cola Bottling Co. of Aberdeen, 11 North State, Aberdeen, SD.

MC 157760 (Sub-4–1TA), filed August 25, 1981. Applicant: PROFESSIONAL COACH DELIVERIES, INC., P.O. Box 15223, Milwaukee, WI 53515. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703–3279. *Busses,* in initial driveaway movements, between Los Angeles County, CA and points in WA, KY, CO, OR, and IL. Supporting shipper: Crown Coach Corporation, 2428 E. 12th St., Los Angeles, CA 90021.

MC 157909 (Sub-4–1TA), filed August 24, 1981. Applicant: MIDLAND RAIL WATER TRANSPORT, INC., 4511 S. Kedzie, Chicago, IL. Representative: Irwin Rozner, 134 N. LaSalle, Chicago, IL 60602. *Contract* irregular: *Commodities general* having a prior or subsequent movement by rail or water, between points in continental U.S. An underlying ETA was filed. Supporting shippers: Cofco, Inc., 6 W. Busse, Mt. Prospect, IL, and Transrail, Inc., 1499 Bay Shore, Burlingame, CA.

MC 157926 (Sub-4–2TA), filed September 22, 1981. Applicant: SPARHAWK TRUCKING, INC., 130 25th Avenue South, Wisconsin Rapids, WI 54494. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Such commodities as are dealt in or used by manufacturers, converters and printers of paper, paper products and plastic products* between Adams, Appleton, Biron, Stevens Point, and Wisconsin Rapids, WI, on the one hand, and, on the other, points in CA, CO, FL, GA, IA, IL, KS, MI, MO, OH, OK, TN, TX and UT. Authority sought for 270 days. Supporting shipper: Consolidated Papers, Inc., 231 N. First Ave., Wisconsin Rapids, WI 54494.

MC 158125 (Sub-4–2), filed September 21, 1981. Applicant: KEITH D. HUNT, d.b.a. HUNT TRUCKING, 210 E. State St., Plankinton, SD 57368. Representative: Thomas J. Simmons, 5301 North Cliff Ave., P.O. Box 480, Sioux Falls, SD 57101, (605) 339–3629. *Contract* irregular: *Lumber and wood products, and metal products,* between points in the US, under contract with Gary Biskenborn, Chamberlain, SD; Roger Lee, Carthage, SD; and Orin Jensen, Dexter, MN. An underlying ETA seeks 120 days authority. Supporting shippers: Gary Biskenborn, Chamberlain, SD 57325; Roger Lee, Carthage, SD 57323; Orin Jensen, Dexter, MN 55926.

MC 158319 (Sub-4–1), filed September 21, 1981. Applicant: GREAT LAKES BUS COMPANY, INC., 2701 Cass, Detroit, MI 48201. Representative: Major Finch III (same as above). Passengers and their baggage, in charter operations, between points in MI, IN, OH, on the one hand, and on the other all points U.S.A. Supporting shippers: There are 5 statements of support attached. An underlying ETA seeks 120 days authority.

MC 158340 (Sub-4–3), filed September 24, 1981. Applicant: M AND M TRANSIT COMPANY, 5630 W. 65th St., Chicago, IL 60638. Representative: Marva Bernas (same as above). *Contract* irregular: *palletized composite cans, metal ends, paper rolls, sheet steel, tin, and all materials, equipment and supplies used in the manufacturing, sale and distribution of the above commodities* from Itasca, IL to various points, in OH, IN, WI; and MI. "An underlying ETA seeks 120 days authority." Supporting shippers: Com-Can Company Inc., 800 E. Hollywood Ave., Itasca, IL 60143.

MC 158340 (Sub-4–4), filed September 24, 1981. Applicant: M AND M TRANSIT COMPANY, 5630 W. 65th St., Chicago, IL 60638. Representative: Marva Bernas (same as above). *Contract;* irregular: *Folding paper boxes KDF, Sheets, Rolls of paper and all Alton's finished products. All materials, equipment and supplies used in the manufacturing sale and distribution of Alton's commodities* between Chicago, IL and various points in OH, IN, WI, and MI. "An underlying ETA seeks 120 days authority." Supporting shipper: Alton Box Board Company Inc., 6550 S. Lavergne Ave., Chicago, IL 60638.

MC 158342 (Sub-4–1TA), filed September 21, 1981. Applicant: C & D EXCHANGE, INC., Tower City, ND 58071. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract;* irregular: *Anhydrous ammonia* from the facilities of Farmland Industries, Inc. at or near Barnesville, MN to points in Barnes County, ND, under continuing contract(s) with Ever Green Cooperative, of Tower City, ND. Supporting shipper: Ever Green Cooperative, Tower City, ND 58071.

MC 158348 (Sub-4–1), filed September 21, 1981. Applicant: JRX TRUCKING, INC., 9328 S. Central, Oak Lawn, IL 60453. Representative: John T. O'Connell, Attorney at Law, 521 S. LaGrange Road, LaGrange, IL 60525. *Fabricated metal products, cabinets, corrugated containers and aerosol products* from Chicago Commercial

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Zone to Dallas, TX on the one hand, and, on the other hand from Dallas, TX and Houston, TX to St. Louis, MO, Kansas City, MO, Milwaukee, WI, Indianapolis, IN and Chicago, IL. Supporting shipper: KAR Products, Inc., 1641 W. Glenlake, Itasca, IL 60143. An underlying ETA seeks 120 days authority.

MC 158355 (Sub-4-1TA), filed September 21, 1981. Applicant: F. A. R. CARTAGE CO., 5 N 038 Middle Creek Lane, St. Charles, IL 60174. Representative: James O'Grady, 9735 Sumac Rd., Des Plaines, IL 60016. *General Commodities, in containers or trailers, having prior or subsequent movement by rail, water, or air, (except classes A & B explosives, commodities in bulk, and used household goods)* between the commercial zone of Chicago, IL as defined, on the one hand, and, on the other, points in IL, MN, OH, IA, MI, WI, IN, MO, and TN. Supporting shipper: Nettles & Company, 9801 W. Higgins, Rosemont, IL 60018.

MC 158357 (Sub-4-2TA), filed September 22, 1981. Applicant: LEONARD ZERNONE, d.b.a. MEKIMLEN TRUCKING COMPANY, 1028 South Walnut, Arlington Heights, IL 60005. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603, 312/782-8880. *Metal and metal products* between Chicago, IL and its commercial zone, on the one hand, and, on the other, points in IN, WI, IA, OH, MN, MI, NJ, and PA. Supporting shippers: Cox Metals, Inc., 1919 West 74th Street, Chicago, IL 60636; and Lawndale Steel, Inc., 350 West Pershing Road, Chicago, IL 60609.

MC 158399 (Sub-4-1TA), filed September 22, 1981. Applicant: KARL K. KOTTER, d.b.a. METROPOLIS READY-MIX CONCRETE COMPANY, 100 Yasoda Street, Metropolis, IL 62960. Representative: Karl K. Kotter (same as applicant). *Salt in bulk,* from Metropolis, IL to points in KY on and west of U.S. Highway No. 65. Supporting shipper: Cargill Salt, P.O. Box 9300/Dept. 21, Minneapolis, MN 55440.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 136291 (Sub-3-2TA), filed September 21, 1981. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 3800 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). Contract: irregular; *auto parts and zinc die castings* from Warren, MI and Toledo, OH to Bowling Green, KY; Paris, TN; and Water Valley, MS under continuing contract(s) with Holley Carburetor Division of Colt Industries Operating Corporation. Supporting Shipper: Holly Carburetor Division of Colt Industries Operating Corporation, 11955 East Nine Mile Road, Warren, MI 48090.

MC 154103 (Sub-3-11TA), filed August 27, 1981. Republication—originally published in the Federal Register of 09-10-81, page 45214, volume 46, No. 175. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Copper, brass or tin anodes,* from the facilities of Univertical Corp. at Detroit, MI, on the one hand, and, on the other, to points in the U.S. in and east of ND, SD, NE, OK, KS, TX. Supporting shipper: Univertical Corp., 14841 Meyers Road, Detroit, MI 48827.

MC 158415 (Sub-3-1TA), filed September 23, 1981. Applicant: NEWPORT YELLOW CAB, INC., 136 East Fifth Street, Newport, KY 41071. Representative: Harry D. Rankin, Professional Arts Building, N.W.C. Fourth and Madison, Covington, KY 41011. *Contract carrier irregular routes. Consolidated Rail Corporation (Conrail) personnel and their equipment* between the Cincinnati Terminal Area and locations along Conrail's right of way in the states of KY, OH, and IN North of I-64. Supporting shipper: Consolidated Rail Corporation 1528 Walnut Street, Philadelphia, PA 19102.

MC 149133 (Sub-3-17TA), filed September 16, 1981. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, Post Office Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith (same as above). *Contract carrier:* irregular: *Such commodities as are dealt in by drug, variety and food stores, and material, supplies and equipment (except commodities in bulk) used by a manufacturer of such commodities;* from the facilities of Lever Brothers Company located at Hammond, IN, St. Louis, MO, Memphis, TN and Chicago, IL to points in the states of MD and GA, restricted to service performed under a continuing contract or contracts with Lever Brothers Company of New York, New York. Supporting shipper: Lever Brothers Company, 390 Park Avenue, NY, NY 10022.

MC 157367 (Sub-3-1TA), filed September 22, 1981. Applicant: OILEX TANK LINES, INC., P.O. Box 2087, Sebastian, FL 32958. Representative: Mr. Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *Refined petroleum products in bulk and in packages* between the facilities of Truck World, Inc. located in IN, MI, OH, PA, and WV. Supporting shipper: Truck World, Inc., 6984 Truck World Blvd., Hubbard, OH 44425.

MC 156615 (Sub-3-3TA), filed September 22, 1981. Applicant: LAWSON LINES, INC., 170 Hillsdale Drive, Fayetteville, GA 30214. Representative: John E. Lee (same as above). *Food and related products* between Atlanta, GA and the states of FL, IL, IA, KS, NY, MI, OH, PA, SC, and TX. Supporting shipper: Hi-Brands Food, Inc., P.O. Box 204-A, Peachtree City, GA 30269.

MC 111936 (Sub-3-2TA), filed September 22, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. *Tillers, heaters, lawn mowers, and garden supplies,* from points in AL, Lawrence County, TN, and Atlanta, GA to Matthews, NC. Supporting shipper: Furlong Distributors, Inc., P.O. Box 1916, Matthews, NC 28105.

MC 155394 (Sub-3-3TA), filed September 22, 1981. Applicant: LANIER EXPRESS, INC., 2275 Highway 54 West, Fayetteville, GA 30214. Representative: Edward J. Kiley, 1730 M. St., N.W., Suite 501, Washington, DC 20036. *Capacitors, and all related articles used in manufacturing of same; also company materials* between the plant sites of Union Carbide at Greenville, SC, Columbus, GA and Brownsville, TX. Supporting shipper: Union Carbide, P.O. Box 5928, Greenville, SC 29606.

MC 15312 (Sub-3-2TA), filed September 23, 1981. Applicant: KENNETH L. HORTON, 30 Peach Valley Drive, Spartanburg, SC 29303. Representative: Allan F. Carter, d.b.a. CAC Associates, P.O. Box 476, Ellenwood, GA 30049. *Contract:* Irregular: *Packaged roofing asphalt,* between points in AL, FL, GA, MS, NC, SC, TN under continuing contract(s) with King Hardware Company. Supporting shipper: King Hardware Company, P.O. Box 276, Douglasville, GA 30133.

MC 151463 (Sub-3-2TA), filed September 23, 1981. Applicant: BIGBEE TRANSPORTATION, INC., P.O. Box 32, Columbus, MS 39701. Representative: Norman J. Philion, 1920 N Street, N.W., Washington, D.C. 20036. *Beer,* from Golden, CO to Columbus and Tupelo, MS. Supporting Shipper: Old South Coor's Inc., P.O. Box 622, Columbus, MS 39701.

MC 155115 (Sub-3-3TA), filed September 22, 1981. Applicant: ANDERSON ARMORED CAR SERVICE, INC., P.O. Box 244, Anderson, SC 29622. Representative: Richard C. Otter, P.O. Box 273, Anderson, SC 29622. *Contract:* Irregular: *Precious metals and machinery components made from precious metals* between plant facilities of Reichhold Chemicals, Inc. located at Nashville, TN and plant facilities of Owens-Corning Fiberglas Corporation located at Anderson, SC. Supporting shipper: Reichhold Chemicals, Inc., 525 N. Broadway, White Plains, NY 10603.

MC 150221 (Sub-3-6TA), filed September 22, 1981. Applicant: CENTRAL SOUTHERN, INC., P.O. Box 375, Drayton, S.C. 29333. Representative: Kermit D. Williams, P.O. Box 375, Drayton, S.C. 29333. *Steel Barrels, Liquid capacity exceeding 5 gallons, Auto Body Parts and Accessories, Sheet Steel, and Materials, Equipment, and Supplies used in the manufacture thereof,* between points in FL, GA, AL, SC, NC, TN, VA, WV, KY, MD, DE, PA, NJ, NY, CT, MA, RI, OH, IN, IL, MI, and WI. Supporting shipper: Firestone Steel Products Company, P.O. Box 5587, Spartanburg, S.C. 29304.

MC 148202 (Sub-3-6TA), filed September 22, 1981. Applicant: K & W ENTERPRISES, INC., 6223 Triport Ct., Greensboro, NC 27414. Representative: Kim G. Meyer, 235 Peachtree St., N.E., Ste. 1200, Atlanta, GA 30303. *Contract,* irregular: *Synthetic Fiber yarn and raw yarn,* between Yadkin and Lenoir Counties, NC on the one hand, and, on the other, points in SC, GA, AL, FL, VA and PA under continuing contract(s) with Unifi, Inc. Supporting shipper: Unifi, Inc., P.O. Box 698, Yadkinville, NC 37055.

MC 144776 (Sub-3-5TA), filed September 22, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner Street, SW, Atlanta, GA 30310. Representative: Virgil H. Smith, 74 Highway N. Box 245, Tyrone, GA 30290. *Electric storage batteries, materials, equipment and supplies used in the manufacture, distribution and sale thereof,* between the facilities of Douglas Battery Mfg. Co., at Winston-Salem, NC on the one hand and points in the U.S. (except AK & HI) on the other hand. Supporting Shipper: Douglas Battery Mfg. Co., 500 Battery Drive, Winston-Salem, NC 27167.

MC 150938 (Sub-3-2TA), filed September 22, 1981. Applicant: NORMAN GRUBB LEASING, INC., 2018 Bethel Dr., High Point, NC 27260. Representative: Archie W. Andrews, 617 E. Lynrock Terrace, Eden, NC 27288. *New furniture* between points in NC, on the one hand, and, on the other, points in NJ, NY and PA. Supporting shippers: Cramco, Inc., 2200 E. Ann St., Philadelphia, PA 19134: Raleigh Office Supply, Inc., P.O. Box 2080, Raleigh, NC 27602: United Laboratories Company, 801 E. Linden Avenue, P.O. Box 184, Linden, NJ 07036.

MC 125037 (Sub-3-17TA), filed September 22, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Salt and salt products;* from the facilities of Cargill, Incorporated at Breaux Bridge, LA to points in AL and MS. Supporting Shipper: Cargill, Incorporated—Salt Division, P.O. Box 5621, Minneapolis, MN 55440.

MC 158365 (Sub-3-1TA), filed September 21, 1981. Applicant: J & L SERVICES, INC., 122 West Central Avenue, Lake Wales, FL 33853. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. *General commodities (except Classes A & B explosives, household goods as defined by the Commission and commodities in bulk),* between the facilities of Scott Paper Company at points in the U.S., on the one hand, and, on the other, all points in the U.S. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 140417 (Sub-3-1TA), filed September 21, 1981. Applicant: THOMAS MOBILE HOME REPAIR & SALES SERVICE, INC., 955 Farr Road, Columbus, GA 31903. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. *Mobile homes and component parts, when shipped with mobile homes,* between Muscogee, Chattahoochee and Harris Counties, GA, on the one hand, and, on the other, Russell, Lee, Barbour, Macon, Bullock, Chambers, Montgomery, Henry, Pike, Dale, Houston, Monroe and Tallapoosa, Counties, AL. Supporting shippers, Sun Dance Furniture and Mobile Homes, 2500 Victory Dr., Columbus, GA 31903; Environs Mobile Home Sales, 5414 Old Dominion Rd., Columbus, GA 31908; International Credit Corporation, 863 Burns Circle, Lilburn, GA 30247.

MC 158364 (Sub-3-1TA), filed September 21, 1981. Applicant: RUTH EQUIPMENT AND SUPPLY COMPANY, Rt. 2, Box 100, Ashland, KY 41101. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract carrier:* Irregular routes: *Coal* between the facilities of Ruth Contracting Corp., in Elliott, Boyd, Greenup, Carter and Lawrence Counties, KY, on the one hand, and, on the other, points in Lawrence and Scioto Counties, OH and Wayne and Cabell Counties, WV. Supporting shipper: Ruth Contracting Corp., Rt. 2, Box 100, Ashland, KY 41101.

MC 111936 (Sub-3-11TA), filed September 23, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Paper products, candy, institutional foods,* and *janitorial supplies,* from points in GA, IL, IN, MI, OH, SC, TN and WI to points in NC. Supporting shipper: Davidson Wholesale Company, P.O. Box 128, Thomasville, NC 27360.

MC 158414 (Sub-3-1TA), filed September 23, 1981. Applicant: HUB TRUCKING, INC., P.O. Box 190, Wedowee, AL. 36278. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35021-0217. (1) *Carpet Backing, Synthetic Yarn and Synthetic Bagging Fabric,* from Roanoke, AL, Bainbridge, GA, Hazlehurst, GA and Nashville, GA, to points in AR, CA, ID, IL, IN, MO, OK, OR, TX and WA; (2) *Pre-cut Log Buildings, Components, Materials and Supplies,* from Cohutta, GA, to points in AR, FL, IL, LA, MI, NC, OH, PA, SC, TN, TX, and WV; (3) *Wrought Iron Furniture,* from Wadley, AL, to points in DC, IL, MD, MA, MO, NC, OH, SC and VA; (4) *Metal Products,* from East Alton, IL, Sterling, IL, Atlanta, GA, Tampa, FL and Louisville, KY, to Wadley, AL. Supporting shippers: Amoco Fabrics Company, P.O. Box 836, Hazelhurst, GA, 31539, Logcrafters, Inc., P.O. Box 400, Cohutta, GA, 30710 and Craft House Casuals, Inc., P.O. Box 50, Wadley, AL 36276.

MC 158416 (Sub-3-1TA), filed September 22, 1981. Applicant: MISSION TRANSPORT OF KINGS MOUNTAIN, INC., Post Office Box 1326, Kings Mountain, NC 28086. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract;* irregular; *glass fiber products,* from Lexington and Shelby, NC, to points in OR, WA, CA, AZ, NM, NV, ID, MT, WY, and CO, under continuing contract with PPG Industries, Inc. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15221.

MC 142629 (Sub-3-2TA), filed September 22, 1981. Applicant: ED HOPSON PRODUCE CO., INC., P.O. Box 3287, Oxford, AL 36203. Representative: John W. Cooper, Attorney, P.O. Box 56, Mentone, AL 35984, (205) 634-4885. *Contract* Carrier, Irregular: *Pipe, Pipe Fittings, Valves and Accessories and Material, Equipment and Supplies* between the facilities of U.S. Pipe & Foundry Co., a division of

Jim Walters Corp. located at Bessemer and Birmingham, AL and all points in the U.S. except AK and HI under continuing contracts with U.S. Pipe & Foundry Co. Supporting shipper: U.S. Pipe & Foundry Co., a division of Jim Walters Corp., 3300 1st Ave. No., Birmingham, AL 35222.

MC 157976 (Sub-3-1TA), filed September 22, 1981. Applicant: CAROLINA CARRIER'S, INC., P.O. Box 338, Durham, NC 27702. Representative: Ralph McDonald, Attorney at Law, P.O. Box 2246, Raleigh, NC 27602. *Petroleum, natural gas and their products* from Charlotte, Fayetteville, Greensboro, Selma and Wilmington, NC to points in SC. Supporting shipper(s): Scotland Oil Company, P.O. Box 337, Laurel Hill, NC 28351.

MC 118420 (Sub-3-1TA), filed September 22, 1981. Applicant: BULLDOG TRUCKING OF GEORGIA, INC., P.O. Box 555, Carnesville, GA 30521. Representative: Kim G. Meyer, 235 Peachtree St., N.E., Suite 1200, Atlanta, GA 30303. *Animal feed, pallets and materials and supplies used in the manufacture, sale and distribution of animal feed,* between Franklin County, GA, on the one hand, and, on the other hand, points in LA, MS, AL, TN, KY, NC, SC, VA and MD. Supporting shipper: Delite Feeds, Inc., 301 Railroad St., Royston, GA 30662.

MC 146265 (Sub-3-1TA), filed September 22, 1981. Applicant: JAMES L. ENGLAND, d.b.a. JIM ENGLAND TRUCKING, P.O. Box 5483, Huntsville, AL 35805. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, N.E., Atlanta, GA 30309. *Contract* carrier, *irregular* routes, *flue dust,* from Beverly, OH to Huntsville, AL under a continuing contract with Plant-Roberts Chemicals, a partnership. Supporting shipper: Plant-Roberts Chemicals, a Partnership, Box 2112, Huntsville, AL 35804.

MC 147402 (Sub-3-1TA), filed September 22, 1981. Applicant: WACO DRIVERS SERVICE, INC., 138 Atando Avenue, Charlotte, NC 28206. Representatives: Archie B. Culbreth, John P. Tucker, Jr., Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Contract carrier,* irregular routes; *General commodities (except classes A and B explosives, commodities in bulk and used household goods),* between points in the U.S. (except AK and HI) under continuing contract(s) with Charlotte Freight Association, Incorporated of Charlotte, NC. Supporting shipper: Charlotte Freight Association, Incorporated 2508 Stariter Road, Charlotte, NC 28213.

MC 145855 (Sub-3-3TA), filed September 21, 1981. Applicant: JOHN RAY TRUCKING, INC., P.O. Box 206, Estaboga, AL 35260. Representative: John W. Cooper, Attorney, P.O. Box 56, Menton, AL 35984, (205) 634-4885. *Contract carrier,* irregular routes, *(1) Pipe, Pipe Fittings and Accessories from the Divisions of McWane, Inc. in Provo, UT and Phillipsburg, NJ to all points in the U.S. except AK and HI (2) Materials, Equipment and Supplies used or utilized in the manufacture and shipping thereof* from the destination points to the points of origin under continuing contracts with the Divisions of McWane, Inc. Supporting shippers: Atlantic States Cast Iron Pipe Co., 183 Setgreaves, Phillipsburg, NJ 08865. Pacific States Cast Iron Pipe Co., P.O. Box 1219, Provo, UT 84601.

MC 158411 (Sub-3-1TA), filed September 22, 1981. Applicant: GOODE TRUCKING COMPANY, INC., 280 Kapp Street, P.O. Box N-84, Winston-Salem, N.C. 27105. Representative: William Thomas Goode (same address as applicant). *Yearbooks and other printed matter, and material and supplies used in manufacture, printing and assembling of yearbooks.* Between points in Forsyth County, N.C. and points in the U.S. Supporting shipper, Hunter Publishing Co., 2505 Empire Drive, Winston-Salem, N.C. 27103.

MC 140025 (Sub-3-4TA), filed September 21, 1981. Applicant: L & T, INC., 2650 West Beaver Street, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract* carrier: irregular: *General Commodities (except Classes A & B Explosives),* between points in the U.S. under continuing contract with Bill Rivers Corp. Supporting shipper: Bill Rivers Corp., 5311 Doolittle Road, Jacksonville, FL 32205.

MC 107934 (Sub-3-19TA), filed September 18, 1981. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th Street, N.W., Washington, DC 20004. *Cotton and cotton blend yarns* from points in NC to points in AL, GA, KY, SC and TN. Supporting shipper(s): Parkdale Mills, Inc., P.O. Box 1787, Gastonia, NC 28052.

MC 157749 (Sub-3-1TA), filed September 21, 1981. Applicant: ALL AMERICAN TOWING SERVICES, INC., 7950 "C" Street, Millington, TN 38053. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103-0140. *Wrecked or disabled transportation equipment* between Shelby County, TN, AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MO, MN, MS, NC, OH, OK, PA, SC, TX, VA and WV. Supporting shipper(s): There are eight statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 128771 (Sub-3-1TA), filed September 21, 1981. Applicant: GOODMAN COMPANY, INC., P.O. Box 195, Glasgow, KY 42141. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *General Commodities, (except Classes A & B explosives)* Between points in Warren County, KY, on the one hand, and, on the other, points in Adair, Allen, Barren, Edmonson, Green, Hardin, Monroe, and Taylor Counties, KY, restricted to shipments having a prior or subsequent movement by rail. Supporting shipper(s): R. R. Donnelley & Sons Co., Donnelley Drive, Glasgow, KY 42141. General Electric Co., U.S. Highway 31-E, Scottsville, KY 42164. Dollar General Corporation, 427 Beech St., Scottsville, KY 42164. Union Underwear Company, Inc., #1 Fruit of the Loom Drive, Bowling Green, KY 42101.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 158308 (Sub-3-1TA), filed September 24, 1981. Applicant: ALL SOUTH FREIGHT SYSTEMS, INC., 1014 Sampler Way, East Point, GA 30344. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *General Commodities (except Classes A and B explosives),* between points in Clayton, Cobb, Dekalb, Fulton and Gwinnett Counties, GA, on the one hand, and, on the other, points in the state of FL. Supporting shippers: There are ten supporting statements appended to the application, which may be examined at the Interstate Commerce Commission's Regional Office, Atlanta, GA.

MC 158303 (Sub-3-1TA), filed September 24, 1981. Applicant: C & R FREIGHT SERVICES, INC., Brookley Industrial Complex, 1900-A S. Broad St., Unit D, Mobile, Alabama 36615. Representative: F. Lee Champion, III, Champion & Champion, P.O. Box 2525, Columbus, Georgia 31902. *(1) glass beads, used for sandblasting, machinery and machinery parts, metal pressroll machinery and parts, made of iron, steel, plastic or fiber; (2) machinery, equipment, materials, tools, drills, iron or steel sheets, bolts, screws, nails, and other materials and supplies used in the repairing or construction of ocean-going vessels; (3) blueprints, printed matter, plastic articles, fiberglass, and other* *materials used in the equipping and outfitting of ocean-going vessels; (4) microfilm, x-ray film and hospital records and chemicals used in the processing of microfilm and x-ray film; (5) metal, glass or plastic testing materials, equipment and supplies, including valves, gauges, thermostats, traps, instrument controls and tubing,* between Mobile, AL, on the one hand, and on the other, the states of AL, AR, FL, GA, LA, MS, NC, OK, SC, TN and TX. There are six support statements attached to this application which may be examined at the ICC Regional Office in Atlanta, Georgia.

MC 114334 (Sub-3-26TA), filed September 28, 1981. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *(1) iron and steel articles and (2a) scrap metals including crushed cars and (2b) materials and supplies (except in bulk) and equipment used in or in connection with production and manufacture of iron and steel articles* between points in TX, on the one hand, and points in OK, MO, OH, IN, AR, IL, LA and TX. Supporting shipper: Chapparal Steel Company, P.O. Box 1100 Midlothian, TX 76065.

MC 158428 (Sub-3-1TA), filed September 24, 1981. Applicant: ROBIN HOOD OIL CO., INC., P.O. Box 7070, Benson, NC 27504. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005. *Transportation equipment and petroleum products,* between points in Johnston, Harnett, Wake, and Durham Counties, NC, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA. Supporting shipper(s): Warren Oil Co., P.O. Box 251, Dunn, NC 28334; Auto Parts and Tires Warehouse, Inc., 101 West Divine Street, Dunn, NC 28334; and Cooper Kenworth, Inc., P.O. Box 1396, Durham, NC 27701.

MC 158453 (Sub-3-1TA), filed September 24, 1981. Applicant: EDDIE P. CARTER, d.b.a. CARTER TRUCKING CO., Rt. 3, Box 147-H, Ninety, Six, SC 29666. Representative: William B. Patrick, Jr., Post Office Box 1207, Greenwood, SC 29646. *Lumber, plywood, sawdust and shavings* between points in GA, NC, SC and TN. Supporting shippers: Boyd's Lumber Company, Inc., Rt. 2, Box 42, Newberry, SC 29108; Curtis Lumber Company, Inc., P.O. Box 146, Johnston, SC 29832; Sumter Hardwood Co., Div. of Korn Ind., P.O. Box 100, Sumter, SC 29150; Holmes Lumber Co., Inc., P.O. Box 879, Newberry, SC 29108.

MC 134247 (Sub-3-2TA), filed September 24, 1981. Applicant: SEVERANCE TRUCK LINES, INC., P.O. Box 1630, Lake City, FL 32055. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Contract;* irregular; *General Commodities (except commodities in bulk and Classes A and B explosives),* between points in the U.S. under continuing contracts with Distribution Services of America of Boston, MA and United Freight, Inc. of Morrow, GA. Supporting shippers: Distribution Services of America, 666 Summer Street, Boston, MA 02210 and United Freight, Inc., 1620 Southern Road, Morrow, GA 30260.

MC 136709 (Sub-3-1TA), filed September 24, 1981. Applicant: WALLACE TRUCKING COMPANY, Route 4, Box A-71, Laurinburg, NC 28352. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602. *Petroleum and petroleum products in bulk in tank vehicles and petroleum products in packages or drums* between points in Scotland, Mecklenburg, New Hanover, Guilford, Cumberland and Johnston Counties, NC, and points in NC, SC, GA, VA, PA, NY, AL, OK. Supporting shipper: Harris Petroleum Company, P.O. Box 586, Laurinburg, NC 28352.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 52460 (Sub-5-44TA), filed September 21, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., Tulsa, OK 74107. *Aviation Gasoline in bulk* between points in NM, OK, & TX. Supporting shipper: Tech Jet, P.O. Box 4, Love Field Terminal Bldg., Dallas, TX.

MC 53965 (Sub-5-12TA), filed September 21, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, One Woodward Avenue, 26th Floor, Detroit, MI 48226. Common; Regular. *General Commodities (except classes A & B explosives),* serving points in Roger Mills County, OK as off-route points in connection with carrier's regular route operations. Applicant intends to tack and interline. Supporting shipper: Diamond Shamrock Corporation, Box 631, Amarillo, TX 79105.

MC 99746 (Sub-5-1TA), filed September 21, 1981. Applicant: JEFFERSON TRUCK LINE, INC., 725 Girod St., New Orleans, LA 70130. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Steel pipe,* from Panama City, FL, to points in the U.S. Supporting shipper: Berg Steel Pipe Corporation, P.O. Box 2029, Panama City, FL 32401.

MC 116949 (Sub-5-2TA), filed September 22, 1981. Applicant: BURNS TRUCKING, INC., Rural Route 1, Box 304, So. Sioux City, NE 68666. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Contract Irregular; *Trailer Shells* from the Commercial Zone of Sioux City, IA, to the U.S.-Canada boundary line at or near Emerson, ND. Supporting shipper: Wilson Trailer Company, Sioux City, IA 51107.

MC 117119 (Sub-5-59TA), filed September 21, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Such commodities as are dealt in or used by retail stores (except commodities in bulk)* between points in GA, SC, NC, FL, IA, NE, IN on the one hand, and, on the other, points in the U.S. (except AK & HI), restricted to traffic originating at or destined to facilities of Wal-Mart Stores, Inc., Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 134547 (Sub-5-4TA), filed September 21, 1981. Applicant: BILBO TRANSPORT, INC., 2722 Singleton Blvd., Dallas, TX 75212. Representative: Mark H. Fetzer (address same as above). Contract: Irregular (1) *Trusses* between Ft. Worth, TX, and Morrilton, AR; Oka, AR, and Oklahoma City, OK, under a continuing contract with: Trussway Barns, Inc., P.O. Box 125, Hurst, TX 76053.

MC 145113 (Sub-5-2TA), filed September 22, 1981. Applicant: PLANTATION FOODS, INC., P.O. Box 887, Waco, TX 76703. Representative: Nelson M. "Mike" Davidson, Jr., P.O. Box 1148, Austin, TX 78767. Contract, Irregular; (1) *Bottle carrying cartons, can carrying cartons, paperboard, O/T corrugated boxes, folding boxes, KDF, pulpboard, store display racks, store display stands, plastic film, plastic sheeting, partitions, signs, and machinery,* from points in GA to points in AR, LA, MS, OK, and TX, under continuing contract(s) with Mead Packaging of Atlanta, GA. (2) *Christmas tree light strings, Christmas ornaments, and boxes,* from points in NY to points in TX, under continuing contract(s) with New York Merchandise Company of New York, NY. (3) *Steel strapping, non-metallic strapping, staples, and stiching wire,* from points in PA, IL, and NY, to points in TX and AR, under continuing contract(s) with Delta Strapping Corporation of Longview, TX.

MC 147196 (Sub-5–26TA), filed September 21, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse (same address as above). Contract: Irregular. *General Commodities,* between Orleans Parish, LA, Harrison County, TX, Mobile County, AL, Galveston County, TX on the one hand, and, on the other, the 48 states, under a continuing contract or contracts with the W. R. Zanes & Co. of LA., Inc., New Orleans, LA.

MC 147632 (Sub-5–5TA), filed September 17, 1981. Applicant: M & M FARM LINES, INC., Route 1, Bertrand, MO 63823. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440–0496. *Automotive and machinery parts, and materials, equipment and supplies as are dealt in or used by auto parts stores,* between Harris County, TX, on the one hand, and, on the other, Denver, CO; Omaha, NE; Great Bend, KS; St. Louis, and Kansas City, MO; Des Monies, IA; Minneapolis and St. Paul, MN; Charlotte, NC; Atlanta, GA; Winchester, VA; Harrisburg and Philadelphia, PA; Hauppauge and Albany, NY and Hartford, CT. Supporting shipper: APS, Inc., Houston, TX.

MC 147969 (Sub-5–8TA), filed September 21, 1981. Applicant: JOE S. BOWEN, INC., Post Office Box 262, Springdale, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Artificial Christmas Trees; Portable Ice Chests; Plastic Swimming Pools and Materials, Equipment and Supplies used in the manufacture thereof*—Between the facilities of Prairie Industries, Inc., in Boone County, IN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Prairie Industries, Inc., 320 North Patterson, Lebanon, IN 46052.

MC 150592 (Sub-5–12TA), filed September 22, 1981. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 561, 12th & Academy, York, NE 68467. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Pulp, paper, and allied products,* between McMinn County, TN, on the one hand, and, on the other, pts in IL, IA, KS, MN, MO, NE, OK, AND WI. Supporting shipper: Bowater Southern Paper Company, Calhoun, TN 37309.

MC 151637 (Sub-5–8TA), filed September 21, 1981. Applicant: LARRY BREEDEN TRUCKING, INC., 1301 Fayaetteville Road, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Paper and Paper Products and Materials, Equipment and Supplies used in the manufacture and distribution thereof*—Between the facilities of Champion International Corporation, at or near, Ft. Smith, AR—To points in MO, OK, TX and TN. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

MC 152136 (Sub-5–3TA), filed September 21, 1981. Applicant: DANE TRUCKING & CARTAGE COMPANY, P.O. Box 7506, Ft. Worth, TX 76111. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *General Commodities, (except classes A and B explosives, or hazardous materials)* between Palestine, TX on the one hand, and, on the other, points in the U.S. Restricted to shipments originating at or destined to the facilities of Wal-Mart Stores, Inc. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR.

MC 156142 (Sub-5–3TA), filed September 22, 1981. Applicant: HARBISON-REED TRANSPORT, INC., P.O. Box 10067, Jefferson, LA 70181. Representative: Billy R. Reid, 1721 Carl Street, Forth Worth, TX 76103. *Cooking and vegetable oils, in containers, and materials, equipment and supplies* used in the manufacture and distribution of such commodities, between St. Landry Parish, LA, on the one hand, and, on the other points in the U.S. in and east of MN, IA, NE, CO and NM. Supporting shipper: Lou Ana Foods, Inc., P.O. Box 591, Opelousas, LA 70570.

MC 158343 (Sub-5–1TA), filed September 21, 1981. Applicant: CHRIS CAMPBELL TRUCKING, INC., 1702 15th St., Woodward, OK 73801. Representative: Michael H. Lennox, P.O. Box 75613, Oklahoma City, OK 73147. *Oilfield Equipment, Materials and Supplies; Drilling Mud,* between OK, KS, TX. Supporting shipper: Dowell Fluid Service, Box 726, Seiling, OK 73663.

MC 158350 (Sub-5–1TA), filed September 21, 1981. Applicant: SMITH TRUCKING CO., Rural Route No. 1, Lecompton, Kansas 66050. Representative: William J. Smith (same as applicant). Contract; irregular *cranes and aerial devices and the materials and supplies used in their manufacture,* Between Grandview, MO, on the one hand, and all points and places within the continental U.S. on the other. Supporting shipper: Pitman Mfg. Co., 3rd. & Duck Rd., Grandview, MO 64030.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 155432 (Sub-6–1TA), filed September 21, 1981. Applicant: ALLISON INCORPORATED, 9917 Portland Ave., Tacoma, WA 98445. Representative: Gerald Meyer (same as applicant). *Hazardous waste material* from points in WA to points in OR and CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chemical Waste Management Inc., 1127—10th Ave., East, Seattle, WA 98102.

MC 158037 (Sub-6–1TA), filed September 17, 1981. Applicant: ALMAC OF ARIZONA, INC., d.b.a. ADVANCE MOVING & STORAGE, 2831 W. Indian School Rd., Phoenix, AZ 85017. Representative: Stanford E. Lerch, 650 N. Second Ave., Phoenix, AZ 85003. *Contract Carrier,* irregular route: *equipment, materials, supplies, records* and *other property* of The Mountain States Telephone and Telegraph Company (including *used, damaged* or *defective equipment, materials, supplies* and *property* used by the Company) in construction, servicing and communication systems under continuous contract with The Mountain States Telephone and Telegraph Company, between points in AZ, NM and El Paso County, TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Mountain States Telephone and Telegraph Company, 4215 N. 38th Dr., Phoenix, AZ 85019.

MC 151311 (Sub-6–2TA), filed September 16, 1981. Applicant: BEVERAGE DISTRIBUTORS, INC., P.O. Box 366, Yakima, WA 98907. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Malt beverages* from King County (Kent), WA to Yakima, Moses Lake, Ellensburg and Kennewick, WA for 270 days. An underlying ETA seeks 120 days authority. Restricted to shipments having a prior movement by rail. Supporting Shippers: R&R Beverage Company, 501 South 2nd Avenue, Yakima, WA 98902; Tri-Cities Beverage, Inc., 201 North Cedar, Kennewick, WA 99336; Maul Petroleum Ltd., d.b.a. Midway Beverage & Supply, P.O. Drawer 400, Moses Lake, WA 98837; and Jansen Distributing Co., 415 North Railroad Avenue, Ellensburg, WA 98926.

MC 134387 (Sub-6–27TA), filed September 19, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Michael J. O'Neill, 811 S. 59th Ave., Phoenix, AZ 85043. *Insulating* *materials,* between points in Mesa County, CO, on the one hand, and, on the other, points in UT, WY, MT, ID, OR, WA, CA, AZ, NM, NV, ND, SD, NE, KS, OK and TX, for 270 days. Supporting shipper: Pabco Insulation, Div. of Louisiana Pacific Corp., 1110 16 Road, Fruita, CO 81521.

MC 143660 (Sub-6–2TA), filed August 10, 1981. Applicant: CENTURY SERVICES, INC., 2838 Kilihau St., Honolulu, HI 96819. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract,* irregular, *Such commodities as are dealt in or used by retail department stores,* Between marion County, IN, on the one hand, and, on the other, points in IN; Champaign, IL, Louisville, KY, Portage, MI, and points in Defiance, Paulding, Van Wert, and Williams Counties, OH. Restricted to traffic moving under a contract or continuing contracts with J.C. Penney Co., Inc., for 270 days. Supporting shipper: J. C. Penney Co., Inc., 8001 Woodland Drive, Indianapolis, IN 46278. An underlying ETA seeks 120 days authority.

MC 42487 (Sub-6–65TA), filed September 21, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Contract Carrier,* irregular routes: *Foodstuffs and Pet Foods* and *materials, equipment and supplies* used or useful in the manufacture, sale and distribution of such commodities, from Denver, CO to Naperville, IL, Memphis, TN, Kansas City, MO and Toledo, OH, for 270 days. Supporting shipper(s): Nabisco, Inc., East Hanover, NJ 07936.

MC 145102 (Sub-6–15TA), filed September 17, 1981. Applicant: FREYMILLER TRUCKING, INC., 1400 S Union Ave., Bakersfield, CA 93307. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Contract carrier; irregular routes: Such commodities as are dealt in or used by retail merchandise stores and grocery stores* from points in the U.S. to facilities utilized by Smitty's Super Valu, Inc., at or near Phoenix, AZ, under continuing contract(s) with Smitty's Super Valu, Inc., Phoenix, AZ, for 270 days. Supporting shipper: Smitty's Super Valu, Inc., 2626 S 7th St., Phoenix AZ 85034.

MC 133779 (Sub-6–4TA), filed September 17, 1981. Applicant: FUNDIS COMPANY, 110 W. Broadway, Lovelock, NV 89419. Representative: Pete Fundis, POB 740, Lovelock, NV 89419. *General Commodities,* between CA and points in NV north of and on U.S. Hwy 6 for 270 days. Supporting shippers: There are 8 shippers. Their statements may be examined at the Regional Office listed.

MC 123061 (Sub-6–2TA), filed September 18, 1981. Applicant: LEATHAN BROTHERS INC., P.O.B. 16028, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 940 Donner Way, Salt Lake City, UT 84108. *Diatomaceous Earth products,* from the facilities of Eagle-Picher located in Pershing and Storey counties NV to points in CA for 270 days. Supporting shippers: Eagle-Picher Industries, Inc., P.O.B. 12130, Reno, NV 89519.

MC 158347 (Sub-6–1TA), filed September 17, 1981. Applicant: TIMMONS H. MARTIN, d.b.a. T. H. MARTIN TRUCKING, 8314 Scout Ave., Bell Gardens, CA 90201. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract Carrier,* Irregular routes: *Such commodities as are dealt in or used by manufacturers and distributors of insulation products,* (a) between Montebello and City of Commerce, CA, on the one hand, and, on the other, Houston and Galveston, TX; and (b) from Montebello and City of Commerce, CA, and Houston, TX, to Tacoma, WA, Salt Lake City, UT, Portland, OR, Boise, ID, Phoenix, AZ, Winnemucca, NV and Evanston, WY, under continuing contract(s) with Childers Products Company of Montebello, CA, and Extol Corporation, a Division of Childers Products Company, of City of Commerce, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Childers Products Company, 5129 Vale, Montebello, CA; Extol Corporation (A Division of Childers Products Company), 6459 Fleet Ave., City of Commerce, CA.

MC 136814 (Sub-6–1TA), filed September 18, 1981. Applicant: MATLOCK TRANSPORTATION, INC., 565 E Redlands Blvd., San Bernardino, CA 92408. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Contract Carrier,* Irregular routes: *Printed matter, magazines, periodicals, and parts thereof,* Between Merced, CA on the one hand, and, on the other, points in WA, OR, ID, IL, MT, UT, CO, OK, TX, NM, AZ, and NV; and Between Dallas, TX on the one hand, and, on the other, points in WA, OR, ID, MT, WY, UT, CO, OK, NM, AZ, NV and CA, for 270 days. Supporting shippers: Triangle Publications, Inc., P.O.B. 500 Radnor, PA 19088; World Color Press, Inc., P.O.B. 1248, Effingham, IL 62401.

MC 144572 (Sub-6–34TA), filed September 21, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717–17th Street, Denver, CO 80202. *Malt beverages,* from Bayonne, NJ; Milwaukee and Monroe, WI; and Pittsburgh, PA; to Casper and Evanston, WY, for 270 days. An underlying ETA seeks 120 days operating authority. Supporting shipper: White Cap Distributing Co., 450 South Walnut, Casper, WY 82601.

MC 144572 (Sub-6–35TA), filed September 22, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. B G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717–17th St., Denver, CO 80202. *Meat, meat products and articles distributed by meat packing houses,* from Dixon, CA to points in CO, CT, IL, MA, MD, NJ, NY, OH, PA, and the District of Columbia, for 270 days. An underlying ETA seeks 120 days operating authority. Supporting shipper: Armour Food Company, 111 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077.

MC 158234 (Sub-6–2TA), filed September 16, 1981. Applicant: PACIFIC MOTOR TRANSPORT, INC., P.O. Box 759, Tenino, WA 98589. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. *Contract carrier;* irregular routes: *Such commodities as are dealt in by sporting goods distributors and dealers, including Class A, B, and C explosives,* between points and places in the US under contract with Farwest Sports, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Farwest Sports, Inc., 13313 Reeder Road SW, Olympia, WA 98502.

MC 158390 (Sub-61TA), filed September 16, 1981. Applicant: MARY ELLEN BARKER, d.b.a., PACIFIC WEST COAST, 4236 Formosa St., Riverside, CA 92059. Representative: Mary Ellen Barker (same as above). *Hand held welding torches, propane cylinders, oxygen pellets, steel, concrete and aluminum poles and parts for street lighting* between points in AZ, CA, NV, OR, and WA for 270 days. Supporting shipper(s): Pacific Union Metal, 2320 Dominguez St., Long Beach, CA 90801; Cleanweld Products, 16016 Montoya St., Irvingdale, CA 91706.

MC 158305 (Sub-6–1TA), filed September 16, 1981. Applicant: R & J TRUCK, INC., 1395 S. Signal Dr., Pomona, CA 91766. Representative: James Debonis (same as applicant). *Foodstuffs and bakery goods, other than frozen,* from Los Angeles, San Bernardino, Riverside, Orange and San Diego Counties, CA, to points in AZ and

NV for 270 days. Supporting shipper: Distribution Services West, 1201 E Cerritos Ave., Anaheim, CA. 92805.

MC 158305 (Sub-6-2TA), filed September 16, 1981. Applicant: R & J TRUCK, INC., 1395 S. Signal Dr., Pomona, CA 91766. Representative: James Debonis (same as above). *Games or toys, plastic or rubber articles* from Los Angeles County to points in Los Angeles, Orange, Riverside, San Bernardino and San Diego counties, for 270 days. Supporting Shipper: Empire Carolina, P.O. B. 427, Tarboro, NC 27886.

MC 158301 (Sub-6-1TA), filed September 17, 1981. Applicant: ROAD RUNNER HOTSHOT SERVICE, INC., P.O.B. 1361, Glendive, MT 59330. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101. *Machinery, equipment, tools, and supplies used in the discovery, production, transmission, maintenance and refining of petroleum or natural gas in hotshot service* in and East of Hill, Choteau, Fergus, Golden Valley, Yellowstone, and Big Horn Counties in MT; in and West of Bottineau, McHenry, Ward, McLean, Mercer, Oliver, Morton, Grant, and Sioux Counties in ND; and the following WY Counties: Sheridan, Big Horn, Washakie, Johnson, Campbell, Crook, Weston, Natrona, Converse, and Niobrara for 270 days. Supporting shippers: There are ten shippers. Their statements may be examined at the San Francisco Regional Office.

MC 158391 (Sub-6-1TA), filed September 17, 1981. Applicant: ROCKY MOUNTAIN HOT SHOT SERVICE, INC., 3568 N. Salt Creek Hwy., Casper, WY 82601. Representative: Charles M. Williams, 1600 Sherman St., #665, Denver, CO 80203. *Mercer commodities,* except in bulk, between points in CO, UT, NM, SD, ND, NE, WY, MT, TX, KS, OK and ID for 270 days. There are eleven (11) supporting shippers.

MC 144883 (Sub-6-1TA), filed September 22, 1981. Applicant: S & M MARKETING, P.O.B. 4020, Foster City, CA 94404. Representative: Vic Suglio (same as applicant). *Foodstuffs and beverages,* from points in Monterey, Santa Cruz, San Mateo, San Francisco, Fresno, Merced, San Benito, Santa Clara, Alameda, Stanislaus, San Joaquin, Sacramento, Solano, Contra Costa, Napa, Sonoma, and Marin Counties, CA, to points in AZ, for 270 days. Supporting shippers: California Peanut Company, 500 W. Ohio Ave., Richmond, CA; California & Hawaiian Sugar Company, 1 California St., San Francisco, CA; E & J Gallo Winery, P.O.B. 1130, Modesto, CA.

MC 158400 (Sub-6-1TA), filed September 22, 1981. Applicant: SCREAMING EAGLE, INC., 5011 Alcova Rte., Box 17, Casper, WY 82601. Representative: Dale A. Urban (same address as applicant). *Oil field tools and equipment,* to and from Casper, WY to points in CO, ID, MT, ND, SD, OK, UT, NM, WY, TX, AZ, NV, CA, KS, NE, for 270 days. Supporting shippers: There are 6 shippers. Their statements may be examined at the Regional Office listed.

MC 152609 (Sub-6-6), filed September 21, 1981. Applicant: SHIPPERS FREIGHT SERVICES, INC., P.O.B. 1248, Lake Oswego, OR 97034. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. *Contract carrier,* Irregular routes: (1) *paper and paper articles* and (2) *materials and supplies* used in the manufacture and distribution of paper and paper articles, between the facilities of Paper-Pak Products, Inc. at or near La Verne, CA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, WY, TX, TN and AR, for the account of Paper-Pak Products, Inc., for 270 days. Supporting shipper: Paper-Pak Products, Inc., 1941 White Ave., La Verne, CA 91750.

MC 141867 (Sub-6-13TA), filed September 16, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Wy., Tacoma, WA 98421. Representative: Same as applicant. *(1) Commodities dealt in or used by the manufacturers of containers and (2) Commodities dealt in or used by the manufacturers of plastic articles and paper articles,* between points in and West of ND, SD, NE, MO, AR and LA, for 270 days. Supporting shipper: American Can Co., 333 Gellert Blvd., Daly City, CA 94015.

MC 128102 (Sub-6-2TA), filed September 18, 1981. Applicant: STATE MOTOR FREIGHT, INC., 3905 East "A", Pasco, WA 99301. Representative: Boyd Hartman, PO Box 3641, Bellevue, WA 98009. *Fertilizer* from points in Benton County, WA to points in UT and from Garfield, UT to points in WA, OR, ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chevron Chemical Company, Bowles Rd., E. of Finley, Kennewick, WA 99336.

MC 139380 (Sub-6-3TA), filed September 16, 1981. Applicant: STIDHAM TRUCKING, INC., P.O. Box 308, Yreka, CA 96097. Representative: Marci Gebhardt (same as applicant). *Wine, Champagne, Brandy, and Vermouth,* in containers in packages, from points in CA to points in OR for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: E & J Gallo Winery, P.O. Box 1130, Modesto, CA 95353, and Al C. Guisti Wine Company, 66 S.E. Morrison St., Portland, OR 97214.

MC 158394 (Sub-6-1TA), filed September 21, 1981. Applicant: SUNRUNNER TRANSPORTATION, INC., 2943 Weiding Rd., Tucson, AZ 85706. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract Carrier;* Irregular routes: *(1) cable television accessories and (2) materials, equipment and supplies used in the manufacture and distribution thereof* between Tucson, AZ on the one hand, and, on the other South Williamsport, PA, Sherburn, NY, Elizabeth, NJ and Los Angeles County, CA under continuing contract with Gerald Division of General Instruments Corporation of Tucson, AZ for 270 days. An underlying ETA seeks 120 days of authority. Supporting shipper: Gerald Division of General Instruments Corp., 4640 S. Park Ave., Tucson, AZ 85714.

MC 147012 (Sub-6-6TA), filed September 21, 1981. Applicant: T.B.T., Inc., P.O. B. 8472, Stockton, CA 95208. Representative: Mark J. Hannon, 1884 W Willow St., Stockton, CA 95203. *Contract Carrier:* Irregular routes: (1) *Chemicals: cleaning compounds; dry, liquid, solution; corrosive materials; in containers,* from the plant facility of Beaver Chemical Company, Inc., in Stockton, CA to points in AZ, ID, NV, OR, UT and WA, for the account of Beaver Chemical Company, Inc., for 270 days. Supporting shipper: Beaver Chemical Company, Inc., 1448 Shaw Rd., Stockton, CA 95206.

MC 157948 (Sub-6-1TA), filed September 16, 1981. Applicant: ROBERT J. WHITE, d.b.a. YUBA SUTTER AIRPORTER, 954 Cooper Ave., Yuba City, CA 95991. Representative: Robert J. White, 1534 La Palma Court, Yuba City, CA 95991. *Passengers and their baggage,* in charter operations in vehicles of 16 passengers or less between Sacramento, Yuba City, Marysville, CA., and Lake Tahoe, Reno, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: GBS Travel Agency, 2086 Live Oak Blvd., Suite D, Yuba City, CA 95991.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-28855 Filed 10-6-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

Certain Cap Screws From Italy; Termination of Countervailing Duty Investigation

AGENCY: International Trade Commission.

ACTION: Termination of countervailing duty investigation under section 104(b)(1) of the Trade Agreements Act of 1979, with regard to certain cap screws from Italy.

EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, telephone number (202) 523-0242.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such an industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for the review of the outstanding countervailing duty order on certain cap screws from Italy (T.D. 76-225).

On July 23, 1981, the Commission was notified by letter that Russell, Burdsall, and Ward, Inc., the original petitioner for the countervailing duty order, wished to withdraw its petition on cap screws.

While there is no provision in the Trade Agreements Act of 1979, or in its legislative history, permitting termination of a transition case investigation, termination of a properly instituted countervailing duty investigation is permitted under section 704(a) of the Tariff Act of 1930. That section directs the Commission to solicit public comment prior to termination and approve such termination only if it is in the public interest. Termination authority is explicit in cases based on newly filed countervailing duty petitions; it is implied with respect to existing countervailing duty orders.

On August 12, 1981, the Commission published a notice in the **Federal Register** (46 FR 40838) requesting public comment by September 11, 1981, on the proposed termination of the Commission investigation on certain cap screws from Italy. No adverse comments were received in response to the Commission's notice.

The Commission is therefore terminating its investigation under section 104(b)(1) of the Trade Agreements Act of 1979 on certain cap screws from Italy (T.D. 76-225), which covers all such cap screws, one-quarter inch in diameter and over, of iron or steel. The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured or threatened with material injury by reason of imports from Italy of cap screws covered by the countervailing duty order if the order were to be revoked.

In addiiton to publishing this **Federal Register** notice, the Commission is serving a copy of this notice on all persons who have written the agency in connecting with this investigation and is also notifying the Department of Commerce of its action is this case.

Issued: October 1, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[Fr Doc. 81-29220 Filed 10-6-81; 8:45 a.m.]

BILLING CODE 7020-02-M

Steel Welded Wire Mesh From Italy; Termination of Countervailing Duty Investigation

AGENCY: International Trade Commission.

ACTION: Termination of countervailing duty investigation under section 104(b)(1) of the Trade Agreements Act of 1979, with regard to steel welded wire mesh from Italy.

EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, telephone number (202) 523-0242.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such an industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communitites for the review of the outstanding countervailing duty order on steel welded wire mesh from Italy (T.D. 68-149).

On July 22, 1981, the Commission was notified by letter that Hurricane Industries, Inc., the firm which now holds the assets of the original petitioner for the countervailing duty order, "does not wish to continue in this investigation and hereby withdraws the petition as it applies to our company."

While there is no provision in the Trade Agreements Act of 1979, or in its legislative history, permitting termination of a transition case investigation, termination of a properly instituted countervailing duty investigation is permitted under section 704(a) of the Tariff Act of 1930. That section directs the commission to solicit public comment prior to termination and approve such termination only if it is in the public interest. Termination authority is explicit in cases based on newly filed countervailing duty petitions; it is implied with respect to existing countervailing duty orders.

On August 12, 1981, the Commission published a notice in the **Federal Register** (46 FR 40838) requesting public comment by September 11, 1981, on mesh from Italy. No adverse comments were received in response to the Commission's notice.

The commission is therefore terminating its investigation under section 104(b)(1) of the Trade Agreements Act of 1979 on steel welded wire mesh from Italy (T.D. 68-149). The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured or threatened with material injury by reason of imports from Italy of steel welded wire mesh covered by the countervailing duty order if the order were to be revoked.

In addition to publishing this **Federal Register** notice, the Commission is serving a copy of this notice on all persons who have written the agency in connection with this inestigation and is also notifying the Department of Commerce of its action is this case.

Issued: October 1, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-29218 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

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[Investigation No. 337–TA–97]

Certain Steel Rod Treating Apparatus and Components Thereof; Approval of Withdrawal of Motion for Temporary Exclusion Order and Denial of Motion for Expedited Consideration

AGENCY: International Trade Commission.

ACTION: Approval of withdrawal of motion for temporary exclusion order (Motion No. 97–55). Denial of motion for expedited Commission determination on permanent relief before October 30, 1981 (Motion No. 97–54).

SUPPLEMENTARY INFORMATION: Pursuant to section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, the Commission is currently conducting an investigation of alleged unfair acts and unfair methods of competition in connection with the importation or sale of certain steel rod treating apparatus and components thereof. In the course of investigation No. 337–TA–97, complainant Morgan Construction Co. moved for an expedited Commission determination on permanent relief (Motion No. 97–54) and for a temperary exclusion order (Motion No. 97–55).

Notice is hereby given that complainant Morgan Construction Co. has withdrawn its motion for a temporary exclusion order. After reviewing Motion No. 97–55 and the papers submitted in connection therewith the Commission has approved complainant's withdrawal of its motion. Notice is further given that the Commission has denied complainant's motion for a Commission determination on permanent relief before October 30, 1981 (Motion No. 97–54).

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission 701 E Street NW., Washington, D.C. 20436; telephone 202–523–0375.

Issued: October 1, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–29192 Filed 10–6–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–95]

Certain Surface Grinding Machines and Literature for Promotion Thereof; Commission Request for Comments Regarding Proposed Termination of Respondent Based on Settlement Agreement

AGENCY: International Trade Commission.

ACTION: A request for public comment on the proposed termination of respondent based on a settlement agreement.

SUMMARY: The settlement agreement would result in the termination of the investigation as to respondent Performance Machine Tools. This notice requests comments from the public on the proposed termination.

DATE: Comments will be considered if received on or before November 6, 1981. Comments should conform with § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMANTION: Complainant Brown and Sharpe Manufacturing Company and respondent Performance Machine Tools moved in a joint motion for termination of this investigation as to Performance on the basis of a settlement agreement. The Commission investigative attorney supports the motion. On August 17, 1981, the presiding officer recommended that the joint motion be granted.

Notice of the institution of the investigation was published in the **Federal Register** of January 22, 1981 (46 FR 7107).

Settlement Agreement

The settlement agreement provides in pertinent part as follows:

Pending a determination by the U.S. International Trade Commission of the complaint filed in the Investigation, Respondent shall refrain from importing, buying, selling, leasing, or otherwise transferring Surface Grinding Machines into the United States directly or indirectly from Taiwan or other countries, of the type and style which

(a) are reproductions, copies, colorable imitations, or simulations of B & S [Brown and Sharpe Manufacturing Company] High Precision Surface Grinding Machines that have been sold under the designations 510, 612, 618, 818, 824, 1024, 1030, 1244, and 1236, or

(b) are of the type offered for sale heretofore by Lian Feng Machine Co. of Taiwan, China, identified as Exhibit 14 attached to the B & S complaint in the investigation.

Respondent shall refrain from copying, reprinting, using, selling, or distributing any unauthorized copies of manuals, catalogs, brochures, or other printed material prepared or owned by B & S and bearing a B & S copyright notice.

Respondent shall refrain from printing, distributing, or authorizing the printing or distributing of any promotional material containing references to B & S or its trademarks, except in connection with the sale or servicing of B & S equipment.

Respondent shall refrain from using any B & S manual, catalog, or other printed material, whether or not protected by copyright, in connection with the maintenance, repair, or sale of surface grinding machines or components thereof, other than B & S surface grinding machines or components thereof.

Respondent shall refrain from importing, buying selling, or otherwise transferring Surface Grinding Machines made in foreign countries which simulate the trade dress of B & S High Precision Surface Grinding Machines as exemplified by Exhibits 14, 15, and 16B of the Complaint filed in the Investigation.

Respondent agrees to give to B & S two copies of all catalogs, manuals, advertisements, and promotional pieces promoting or making reference to surface grinding machines made by Lian Feng Machine Co. that have been used, sold, or distributed by respondent.

Respondent shall deliver to B & S prior to March 27, 1981 in affidavit form a statement relating to Respondent's purchase and sale of surface grinding machines made or sold by Lian Feng Machine Co., including (a) the total number purchased; (b) the dates of purchase; (c) the price paid; (d) the total number in inventory; (e) the total number sold; (f) the price of each sale; (g) the date of each sale.

Respondent shall deliver to B & S prior to March 27, 1981, all copies of catalogs, manuals, and advertisements in its possession that were prepared by or for Lian Feng Machine Co. that contain reference to surface grinding machines that are reproductions, copies, colorable imitations, or simulations of B & S High Precision Surface Grinding Machines that have been sold under the designations 510, 612, 618, 818, 824, 1024, 1030, 1244, and/or 1236.

B & S and the respondent agree to file a joint motion before the U.S. International Trade Commission to terminate the Investigation with respect to respondent without prejudice.

B & S agrees to refrain from instituting any civil action for any matters which have been raised in the complaint filed before the U.S. International Trade Commission.

B & S hereby releases the respondent from any and all claims arising from those issues raised in the B&S Complaint filed in the investigation, including, but not limited to copyright and trademark infringement and unfair competition.

Written Comments Requested

In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation as to respondent Performance Machine Tools on the basis of the settlement agreement on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than November 6, 1981. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Custom Service.

Additional Information

The original and 19 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's office.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW, Washington, D.C. 20436; telephone 202-523-0148.

Issued: September 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-29194 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-100]

Certain Thermal Conductivity Sensing Gem Testers and Components Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on November 2, 1981, in the Dodge Center, Room 201, 1010 Wisconsin Avenue, N.W., Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the **Federal Register.**

Issued: September 25, 1981.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81-29195 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-49 (Preliminary)]

Fireplace Mesh Panels From Taiwan

Determination

On the basis of the record [1] developed in investigation No. 731-TA-49 (Preliminary), the Commission unanimously determines [2] that there is a reasonable indication that an industry in the United States is materially injured [3] by reason of imports of fireplace mesh panels [4] from Taiwan, classifiable in items 642.87 and 654.00 of the Tariff Schedules of the United States, which are allegedly being sold in the United States at less than fair value (LTFV).

Background

On August 11, 1981, International Management Service Associates, Inc., filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that fireplace mesh panels imported from Taiwan are being sold in the United States at LTFV. The Commission instituted a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930, 19 U.S.C. 1673b(a), to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of fireplace mesh panels from Taiwan. The statute directs that the Commission make its determination within 45 days of its receipt of the petition or, in this investigation, by September 25, 1981.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection with the investigation was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of August 19, 1981 (46 FR 42219). A public conference was held in Washington, D.C., on September 4, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of Chairman Bill Alberger and Commissioners Catherine Bedell and Paula Stern

Our determination is based on the considerations set forth below.

The Domestic Industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as "the domestic producers as a whole of a like product or those producers whose collective output of the like product constitute a major proportion of the total domestic production of that product." [5] "Like product" is defined as a product which is like, or in the absence of like, most similar in characteristics and uses with the article under investigation.[6]

The imported articles subject to this investigation are precut, flexible fireplace mesh panels, both finished and unfinished, which are constructed of

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[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure, 19 CFR 207.2(j).

[2] Commissioners Eckes and Frank were sworn in on September 21 and 22, 1981, respectively and, therefore, did not participate in this determination.

[3] Vice Chairman Calhoun found that there is a reasonable indication that an industry in the United States is materially injured and threatened with material injury. Material retardation of the establishment of an industry is not at issue in this investigation because 11 U.S. firms currently produce fireplace mesh panels. This issue is not discussed further.

[4] For the purposes of this investigation, fireplace mesh panels are defined as precut, flexible mesh panels, both finished and unfinished, which are constructed of interlocking spirals of steel wire and are of a kind used in the manufacture of safety screening by U.S. manufacturers of fireplace accessories and wood-burning stoves.

[5] 19 U.S.C. 1677(4)(A).

[6] 19 U.S.C. 1677(10).

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interlocking spirals of steel wire and are of a kind used in the manufacture of safety screening by U.S. manufacturers of fireplace accessories and zero clearance fireplaces.[7] We find that the U.S. products that are like the imports are fireplace mesh panels of any size, with or without rings, with black oxide or black enamel finish, and of any gauge wire.[8] We find that fireplace mesh rolls are not like the imported mesh panels. The production of panels in the United States is a later stage in the production process than the production of rolls. Petitioner stated at the conference of September 4, 1981, that the panels were quite different from rolls and involved a separate step requiring a significant amount of labor.[9]

Based on the above, we have determined that the industry in this investigation is composed of the producers of fireplace mesh panels.[10]

Material Injury by Reason of Alleged LTFV Imports

Section 771(7) of the Act directs the Commission to consider, among other factors, (1) the volume of imports of the merchandise under investigation, (2) their impact on domestic prices, and (3) the consequent impact on the domestic industry.

Volume of Imports [11]

Between 1978 and 1980 imports of fireplace mesh panels from Taiwan rose dramatically, though irregularly, as a share of U.S. consumption. In 1978 imports from Taiwan accounted for 23% of apparent U.S. consumption and 44% of apparent U.S. open-market consumption. By 1980 the ratio of imports accounted for 47% of apparent U.S. consumption. The ratio of imports to apparent U.S. open market consumption reached 72%.[12] In absolute terms, imports from Taiwan totaled 4.0 million square feet in 1978, fell to 2.4 million square feet in 1979, and then increased to 3.8 million square feet in 1980. Although imports declined in January–June 1981, they still accounted for 31% of apparent U.S. consumption and 44% of apparent U.S. open-market consumption.[13]

Prices

Price comparisons of domestic and imported fireplace mesh panels revealed that the imported product consistently undersold the domestic product by an average of 50% from July 1979 to June 1981.[14] These margins were greatest in 1980, the year market penetration by the alleged LTFV imports was at an all-time high.

Available data [15] indicate that both U.S. producers' and importers' prices declined from 1979–1980. Although U.S. importers' prices rose in 1981, domestic prices of most U.S. producers did not increase.[16] The decline in domestic producers' prices indicate that price suppression or price depression by the imports may have taken place.

The Commission has confirmed that U.S. producers lost sales of at least $228,000 to imports from Taiwan because of the lower price of imports during the period in question.[17]

Impact on the Domestic Industry [18]

The condition of the U.S. fireplace mesh panel industry has deteriorated sharply since 1978. Data on shipments, production, capacity utilization, and employment reveal the extent of the industry's difficulties. From 1978 to 1980 commercial shipments dropped 72% from 5.5 million square feet to 1.5 million square feet.

This decline continued in 1981, though at a much slower rate, as shipments fell from 975,000 square feet to 931,000 square feet.[19] U.S. production similarly fell, dropping 68% from 1978 to 1980 and 5% in January–June 1981 as compared to January–June 1980.[20]

The production decline resulted in a decline in capacity utilization from 56% in 1978 to 13% in January–June 1981.[21] The drop in capacity utilization took place despite the fact that capacity was declining during the period. Capacity was not falling nearly as rapidly as production.

The decline in capacity utilization is reflected in employment data. Firms which provided the Commission with separate data on workers engaged in production of fireplace mesh panels reported that the number of such workers fell from 105 in 1978 to 28 in January–June 1981.[22]

Only four of the eleven companies in this industry provided information to the Commission on financial performance. At this preliminary juncture, the best data are available only on the overall operations of the establishments producing fireplace mesh panels.[23] Like the other economic data, the data available on financial performance show significant downward trends. For example, the ratio of net operating profit to sales for U.S. producers on the overall operations of the establishments in which fireplace mesh panels are produced declined from 17% in 1978 to a loss of 0.1% in 1980.[24] The limited data for firms participating in the open-market reveal more serious difficulties.

The importers did not present opposing views in this investigation. A letter was received from one domestic company opposing the petition on the grounds that the problems of the industry were attributable to the decline in the market for fireplace mesh panels. From 1973–78 the market for such panels boomed as a result of the dramatic increase in demand for fireplace screens with glass doors brought about by the 1973 OPEC oil embargo. In 1978, however, demand declined dramatically for several reasons—the market was saturated with glass-door fireplace screens, new housing starts declined rapidly as interest rates rose, and products that do not require fireplace mesh panels (e.g., wood-burning stoves and fireplace inserts) displaced fireplaces as a source of heat. Between 1978–80 U.S. apparent consumption of fireplace mesh screens fell 52% and between January–June 1980 and January–June 1981 it fell another 58%.[25]

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[7] Safety screening for woodburning stoves was also included in the notice of investigation. However, it now appears that woodburning stoves do not use the type of mesh panels subject to this investigation.

[8] Producing a panel of a particular size is simply a matter of cutting the panel to the required width. Attaching mounting rings is also a relatively minor variation on the basic mesh panel. Either type of finish is used to prevent corrosion of the metal. The gauge of wire used by manufacturers varies somewhat, although in a fairly narrow range because the wire used must be flexible and yet sturdy enough to retain its shape and not deteriorate when exposed to the heat of the fire.

[9] See Transcript pp. 72–75.

[10] We take note that Vice Chairman Calhoun, in his views, comments on what he perceives to be our failure to heed the admonition of the U.S. Court of International Trade in *Babcock & Wilcox v. United States*, slip op. 75 (C.I.T. Aug. 20, 1981). In view of the fact that a motion for stay of proceedings in that case is pending, it is inappropriate for the Commission to comment on the case. However, all Commissioners are quite cognizant of their statutory obligations to make injury determinations with respect to the narrowest range of products that compete with the like product for which information is available. We point out that, in this investigation, we have examined the broader information only with respect to profit and loss data, which was insufficient at this time for the like product alone. For all other indicia of injury, we relied solely on data for fireplace mesh panels, not for broader product lines.

[11] There are no official U.S. statistics (*e.g.*, Department of Commerce statistics) on U.S. imports of fireplace mesh panels. The Commission's analysis of the impact of imports in the U.S. market for fireplace mesh panels is hampered by the failure of several possibly important importers to respond to the Commission's questionnaire.

In the event that this case should require a final investigation, we would like to obtain more data on imports. In particular, we will want to explore the extent to which imports are competing with domestic production for intra-company consumption as well as with domestic production for the open market.

[12] See Staff Report, p. A–20.

[13] *Id.*

[14] *Id.*, pp. 21–22.

[15] *Id.*, p. A–20 for data problems with price information.

[16] *Id.*, p. A–23.

[17] *Id.*, p. A–24.

[18] As with the data on imports, information available to the Commission on the condition of the domestic industry is incomplete. In determining whether or not a reasonable indication of material injury or threat of material injury exists under section 733(a) of the Tariff Act of 1930 the Commission is required to base its decision upon the best information available to it at the time.

[19] Staff Report, p. A–9.

[20] *Id.*, p. A–8.

[21] *Id.*, p. A–9.

[22] *Id.*, p. A–17.

[23] See Staff Report at A–25.

[24] *Id.*, p. A–19.

Congress has indicated that "the law does not * * * contemplate that injury from LTFV imports be weighted against other factors."[26] Although other factors are considered, the essential point is that the Commission must satisfy itself that "in the light of all the information presented, there is a sufcicient casusal link between the alleged LTFV imports and the requisite injury."[27] The problems of the domestic fireplace mesh panel industry do coincide with the dramatic decline in demand. However, in this preliminary investigation, the information on increasing import penetration in the declining market, signifcant underselling, possible price suppression/depression and lost sales provides a reasonable indication that material injury is by reason of the alleged LTFV imports.

Conclusion

On the basis of the avialalbe data we determine that the investigation should continue.

Views of Vice Chairman Michael J. Calhoun

While I fully concur with my colleagues in their findings in this investigation, I offer a somewhat more detailed discussion of these findings. In the recent opinion of the Court of International Trade in *Babcock and Wilcox Co. v. United States,*[28] it is plain that the Court primarily took exception to our failure to consider product line profit data which was in our possession at the time and to our failure to solicit product line profit data from other domestic producers comprising the boiler tube and pipe industry.[29] In addition, it seems to me that the Court felt that, as a general matter, we have been to restrictive in our application of section 771(4)(D):

> The Commission's practice of *rigidly* adhering to a preference for isolation of *all* production factors supporting a product as a predicate for ascertaining the scope of an "industry" is not in step with the more flexible standard devised by Congress in section 771(4)(D)[30] (Emphasis added)

The Court's observation is well taken. While section 771(4)(D) does not have much to do with "ascertaining the scope of an industry," the language of section 771(4)(D) is rather clear in providing how we are to undertake the assessment of the impact of imports on doemstic production. This section directs that we will assess the impact of imports on the production of the product line whenever it is possible to achieve a "separate identification of production." This separate identification can be achieved in various ways including, but not limited to, the "production process" *or* "producer's profits."[31] To be sure, with regard to this issue the Senate Report, and the Court in citing it, observes that,

> In examining the impact of imports on the domestic producers comprising the domestic industry, the ITC should examine the relevant economic factors (*such as* profits, productivity, employment, cash flow, capacity utilization, etc.), *as they relate to the production of only the like product.*[32] (emphasis added)

The upshot, then, of such a reading of section 771(4)(D) is that whenver we are able to identify the production of the like product as a discrete undertaking, we are required to apply the material injury standard only to like product production and not to the production of a larger category of products. A corollary of this view must be that the criteria for differentiating the like product production from that of production of other products must afford us a sufficient basis upon which to decide whether the alleged harm has not been "inconsequential, immaterial or unimportant."[33]

The policy underlying such an interpretation of Title VII seems plain enough. Where the unfair import practices of subsidization and dumping occur, the determination regarding their impact ought to be made with regard to the domestic products with which they are in closest competition. To include a broader group of products tends to dilute whatever adverse impact may exist. Thus, while the indicia of impact sufficient to afford us an adequate basis on which to implement such a policy will obviously vary from case to case, if our standards for making product line assessments are overly rigid we defeat the policy.

In the context of this preliminary investigation, we have in our possession data on shipments, employment, production, capacity and capacity utilization, and prices regarding the like product. This constitutes virtually all of the data relevant to establishing the separate identification of the production of fireplace mesh panels and virtually all the data relevant to assessing the impact of imports on it, with the single exception of profit data. This information meaningfully distinguishes the production of the like product and, for purposes of this investigation, presents an adequate and rather uniform view of the impact of imports. Unless I have misread the Court opinion, the language of section 771(4)(D) and the Congressional interest, I feel compelled to use this information in making an assessment of the impact of imports on the production of the like product and to make it clear exactly how I am applying the language of that section to the facts of this case.

The Domestic Industry

In general, the domestic industry is defined as consisting of all domestic producers, of a like product or those producers whose total output of the like product constitutes a major portion of the domestic production of that product.[34] A like product is a product which is like or in the absence of like most similar in characteristics and uses with the imported product which is the subject of this investigation.[35]

The imported articles in this investigation are fireplace mesh panels from Taiwan. These panels are manufactured primarily for use in fireplace screens which in turn are used to provide protection from sparks given off by the fire. Fireplace mesh from Taiwan is imported in the form of precut flexible panels of interlocking spirals of steel wire with rings attached for mounting. Most of the imported panels are finished with black oxide and constructed from 20 gauge wire.[36] However, some panels are finished with black enamel and the gauge of the wire may vary from 19 to 21.

Domestically produced fireplace mesh is also sold in the form of precut, flexible panels with rings attached for mounting. These panels are typically finished with black enamel and constructed from 19.5 gauge wire. Some domestically produced panels are

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[25] Apparent U.S. open-market consumption fell 41% from 1978–80 and 52% from January–June 1980 to January–June 1981, Staff Report, p. A–15.

[26] H.R. Rep. No. 96–317, 96th Cong., 1st Sess. 47 (1979).

[27] S. Rep. No. 249, 96th Cong., 1st Sess. 75 (1979).

[28] *Babock & Wilcox Co. v. United States* No. 80–5–00772, Slip op. 81–75 (Ct. International trade).

[29] Id. at p. 10.

[30] Id. at pp. 10–11.

[31] See Section 771(4)(D).

[32] *Supra,* note 2, p. 9.

[33] See Section 771(7)(A).

[34] See Section 771(4)(A) of the Tariff Act of 1930.

[35] See Section 771(10).

[36] See Staff Report at p. A–3.

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occasionally sold without rings, or with a black oxide finish and can be manufactured with wire of 19 to 21 gauge.

Although domestic and imported fireplace mesh may differ with respect both to the gauge of wire used in construction and to the finish applied, I view these differences as being minor. Fireplace mesh, either foreign or domestic, is primarily produced for use in fireplace screens and, as such, must be produced within a narrow range of specifications.[37] The fireplace mesh must be strong enough to withstand constant exposure to heat while at the same time maintain its flexibility as a mesh. Strength and flexibility, the primary characteristics of the mesh, are a function of the gauge of wire used and the producer can choose any gauge of wire within the 19 to 21 gauge range. The black finish on the panels is for appearance and to retard rust, but these differences seem to have no discernible impact on demand in the marketplace.

In addition to fireplace mesh panels, fireplace mesh rolls are also produced and sold domestically. These rolls are different from panels in that they are the preliminary stage of production of panels and require a significant amount of labor to transform the rolls into panels. We have information that indicates that the larger panels of mesh are also used as decorative drapery walls, fence guarding for machines and other miscellaneous applications.[38] Therefore, I find that fireplace mesh rolls are not like the imported mesh panels.

Therefore, taking the best information available, it is my view, for purposes of this preliminary investigation, that the like product is fireplace mesh panels of any size, with or without rings, with black oxide or black enamel finish, and of any gauge wire and that the domestic industry is comprised of domestic producers of fireplace mesh panels.

Material Injury

Material injury is defined as harm which is not inconsequential, immaterial or unimportant.[39] In determining material injury by reason of imports, we are directed to consider, among other things, the volume of imports, the effect of the imports on prices, and the impact of the imports on the domestic industry.[40] Section 771(4)(D) requires the Commission to assess the effect of dumped imports in relation to the U.S. production of a like product if available data permit the separate identification of production in terms of such criteria as production process or the producer's profits.[41]

Although separate profitability data on fireplace mesh panels is not currently available, we do have the following information on production of fireplace mesh panels: price, production, shipments, employment, capacity, and capacity utilization. Furthermore, production of fireplace mesh takes place on equipment not used for the production of other products. Fireplace mesh is the exclusive end product and is not integrated into other products produced by the manufacturer at this point. Thus, the best available information in this investigation does permit sufficient distinction of production to compel and sufficient data to permit a specific assessment of production of fireplace mesh panels.

In my view, a reasonable indication of material injury or threat of material injury to production of fireplace mesh panels is demonstrated by several factors: Import volume from 1978 to 1980 has increased in relative terms; there has been price undercutting; and the domestic industry has suffered declines in production, capacity, capacity utilization and shipments. These factors are significant indicia of separate production and appear sufficiently associated with the LTFV imports to allow for analysis under section 771(4)(D). The financial performance of U.S. producers has suffered declines also, but, as I have observed, because the financial data is reported by the producing firms on a consolidated basis, the actual impact on the profitability of fireplace mesh production cannot be readily determined at this point in the investigation.

Volume of Imports

Imports of fireplace mesh panels during the first half of 1981 declined by 76 percent to 603,000 square feet from 2.2 million square feet during the first six months of 1980. Despite the decline, imports made up 44 percent of domestic open market consumption during the first six months of 1981 compared to 78 percent during the same period in 1980.

In 1978, imports were 4.0 million square feet, they declined to 2.4 million square feet in 1979 and then increased to 3.8 million square feet, or by 61 percent in 1980. The ratio of imports to apparent open-market consumption was 44, 32 and 72 percent for 1978, 1979 and 1980 respectively.

The import data for 1981 present a conflicting trend since it appears as if imports are beginning to decline both in absolute terms and as a percent of total imports compared to the 1978–1980 period. One reason for this may well be the seasonal nature of demand or unpredictable variations in imports which can reflect unusual trends in partial year data. In this preliminary case, however, the 1978–1980 trend presents enough data to support my finding. In the final investigation, more information on the current status of imports should put the 1981 partial data in better perspective.

Prices

Underselling of U.S. fireplace mesh panels by imports from Taiwan was found in each of those instances in which both importers' and domestic producers' prices could be compared. During the period from October 1979 to June 1981, imported fireplace mesh panels consistently undersold domestic panels by margins ranging from 29 to 61 percent. In comparison, the petitioners have alleged that dumping margins were 47 percent in the first six months of 1981 and 41 percent in 1980.

Impact on Domestic Producers

Several U.S. producers alleged that sales of fireplace mesh panels imported from Taiwan caused them to lose sales. Our staff has confirmed that U.S. producers lost sales of at least $228,000 to imports from Taiwan due to the lower price of the imports.

Furthermore, U.S. production of fireplace mesh panels declined 1.3 million square feet, or by 47 percent, during the first six months of 1981 compared to the same period in 1980. In addition, from 1978 to 1980 domestic production fell 9.2 million square feet or by 68 percent. Domestic capacity was down slightly in 1981 from 1980, by 734,000 square feet or 8 percent. Capacity utilization was 13 percent during the first six months in 1981 compared to 23 percent during the same period in 1980. From 1978 to 1980 capacity utilization fell from 56 percent to 19 percent. Total U.S. consumption declined 2.8 million square feet or 58 percent during the first half of 1981 compared to the corresponding period in 1980 and from 1978 to 1980 consumption fell 9.0 million square feet or by 52 percent.

In addition employment of production and related workers producing fireplace mesh panels declined steadily from 1978 to 1980 by 49 percent and this trend continued with employment falling by 56 percent during the first six months of 1981.

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[37] *Id.* at p. A–2.

[38] See Staff Report at p. A–5.

[39] See Section 771(7)(A).

[40] See Section 771(7)(B).

[41] See Section 771(4)(D).

As a final matter, with regard to the nexus between these factors and the imports under inquiry here, it could be argued that the indicia of the domestic industry's injury are a result of a decline in the domestic housing market during 1980. Other factors such as market saturation of glass-door fireplace screens and an increase in other products which are more energy efficient than fireplaces, such as wood burning stoves, have also been noted as contributing to the industry's decline. There can be little doubt that these factors may have contributed to the overall condition of the industry.

However, the legislative history specifically cautions us not to weigh other causes against imports.[42] Nevertheless, the impact of all of these factors cannot be ignored. Indeed, as I have observed before, rather than viewing these factors as competing causes, I see these factors as rendering the industry particularly vulnerable at this time to price competition and lost sales as a result of imports sold at less than fair value.[43]

Conclusion

On the basis of the best information available, I find that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from Taiwan of fireplace mesh panels which are allegedly being sold at less than fair value.

Issued: September 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-29196 Filed 10-6-81; 8:45 am]

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[42] See Senate Report, 96–249, p. 57.

[43] See Senate Report, 96–249, p. 58. See Views of the Commission, *Certain Steel Wire Nails from Japan, The Republic of Korea and Yugoslavia,* USITC Pub. 1175 (1981) note 2, p. 3, and Views of Vice Chairman Calhoun, *Tubeless Tire Valves from the Federal Republic of Germany,* USITC Pub. 1147 (1981).

[Investigation No. 701-TA-81 (Preliminary)]

Hard-Smoked Herring Filets From Canada; Institution of Preliminary Countervailing Duty Investigation and Scheduling of Conference

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary countervailing duty investigation to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of allegedly subsidized imports from Canada of hard-smoked herring filets, classified under item 111.80 of the Tariff Schedules of the United States.

EFFECTIVE DATE: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: John MacHatton, Supervisory Investigator (202–523–0439).

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted following receipt of a petition on September 30, 1981, filed by the McCurdy Fish Co., Lubec, Maine. The petition alleges that Canada provides subsidies to firms handling and processing fish, including those that smoke herring, and that, by reason of imports of this allegedly subsidized product, an industry in the United States is being materially injured or threatened with material injury.

Authority

Section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b) requires the Commission to make a determination of whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise which is the subject of the investigation by the administering authority (Commerce). Such a determination must be made within 45 days after the date on which a petition is filed under section 702(b). Accordingly, the Commission, on October 2, 1981, instituted preliminary countervailing duty investigation No. 701-TA-81. This investigation will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207) and particularly, subpart B thereof.

Written Submissions

Any person may submit a written statement of information pertinent to the subject matter of this investigation to the Commission on or before November 2, 1981. A signed original and nineteen copies of such statement must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data". Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10:00 a.m., e.d.t., on October 26, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact Mr. John MacHatton (202–523–0439) by 5:00 p.m., e.d.t., October 22, 1981. It is anticipated the parties in support of the petition for countervailing duties and parties opposed to such petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by Mr. John MacHatton.

Inspection of petition.

The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commisison.

Issued: October 2, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-29191 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation TA-203-8]

High-Carbon Ferrochromium Investigation; Report to the President

September 16, 1981.

To the President: In accordance with section 203(i)(2) and 203(i)(3) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2) and 2253(i)(3)), the United States International Trade Commission herein reports the results of an investigation concerning high-carbon ferrochromium.

The Commission advises, on the basis of information obtained in the investigation, that termination of import relief with respect to imports of certain high-carbon ferrochromium [1] would have a significant adverse economic effect on the domestic high-carbon

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[1] High-carbon ferrochromiunm is defined in item 606.24 of the Tariff Schedules of the United States (TSUS) as ferrochromium containing over 3 percent by weight of carbon. Relief is provided in the form of a temporary increase in duty, described in item 923.18 of the TSUS, of 4 cents per pound on chromium content, on imports of high-carbon ferrochromium valued less than 38 cents per pound entered on or before Nov. 15, 1981.

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ferrochromium industry, and therefore, relief should be extended. The Commission is of the view that inflation has rendered the present relief largely ineffective and, therefore, believes that the relief should be modified if it is extended. The Commission has discussed several alternative forms of extended relief. These alternative forms of extended relief are set forth in the Statement of the Commission, which follows.

The Commission instituted this investigation on May 27, 1981, following receipt, on May 15, 1981, of a petition filed by the Committee of Producers of High-Carbon Ferrochromium requesting an extension of the relief being provided. Public notice of the investigation and hearing was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of June 3, 1981 (46 FR 29794). A public hearing was held in connection with the investigation on July 22, 1981, in Washington, D.C. All interested persons were afforded an opportunity to be present, to present evidence, and to be heard.

The information contained in this report was obtained from fieldwork, from questionnaires sent to domestic manufacturers and importers, from the Commission's files, from other Government agencies, from information received at the hearing, from briefs filed by interested parties, and from other sources.

Statement of the Commission

On the basis of the information before the Commission in this investigation, it is our judgment that termination of import relief with respect to high-carbon ferrochromium would have a significant adverse economic effect on the domestic industry. We therefore advise that relief be extended in modified form[2] for an additional 3-year period to provide the domestic industry with more time in which to complete the process of adjusting to import competition. Because we believe the present relief is ineffective, we have discussed in this statement several alternative forms of extended relief for the President's consideration. It is also our view that the present relief, although no longer very effective, would be better than no relief after November 15, 1981, in view of information indicating a large buildup of inventories of imported high-carbon ferrochromium which could cause a significant decline in prices.[3]

The above advice is based on our assessment of several factors, including the present state of the industry's health, levels and trends of imports during the relief period (especially from South Africa), efforts made by the industry to adjust during the relief period, and the factors set forth in section 202(c) of the Trade Act of 1974.

The Product

High-carbon ferrochromium is one of several ferroalloys that is used as a source of chromium.[4] The bulk of all high-carbon ferrochromium is used in production of stainless steel, which by definition contains a significant amount of chromium (usually 10.5 percent or more).[5] High-carbon ferrochromium is also used in the production of superalloys, cast iron, alloy hard-facing rods, and in welding.[6]

State of Health of the Industry and Industry Efforts To Adjust To Import Competition

Despite the domestic industry's efforts to adjust, the health of the domestic industry has not improved much during the relief period. Except for a brief period of relative improvement during 1979, the first year of the relief period, industry capacity utilization, production, sales, and employment have continued to decline. Further, the number of companies producing high-carbon ferrochromium on a sustained basis has dwindled from five in 1978 to only two in 1981. One domestic producer has permanently discontinued domestic production, and two others have suspended production but have retained the capability of resuming production if economic circumstances so permit. Thus, the domestic industry today is far from healthy, and, in fact, is confronted with adverse forces similar to those which existed prior to the imposition of relief.

The industry enjoyed a certain level of prosperity in 1979, the first year of relief. Production was up by 30 percent, shipments increased by 9 percent, sales were up by 41 percent, and individual producers' profit margins averaged 1.6 percent during that year.[7] However, in the second and third years of the relief period, inflation contributed to the reduced effectiveness of the relief, and most imports exceeded the breakpoint price. Market conditions of higher import penetration and a decline in apparent domestic consumption cut short the possibility of continued improvement.[8]

Thus, in 1980, the domestic industry again found its performance declining. The industry's capacity utilization rate fell from 65 percent in 1979 to 50 percent in 1980.[9] Production declined from 131,222 short tons (chromium content) of high-carbon ferrochromium in 1979 to 99,500 short tons in 1980, or by 24 percent.[10] Further, the number of production employees involved in producing high-carbon ferrochromium declined from 639 in 1979 to 453 in 1980, or by 29 percent.[11] One factor which contributed to the reduced number of production employees was the decision made by two producers in mid-1980 to shut down their high-carbon ferrochromium furnaces for an indefinite time due to adverse market conditions. All of these factors forced the domestic industry into an economic and financial situation similar to that experienced prior to the imposition of relief.

Nonetheless, the domestic industry has made a considerable effort to adjust to import competition and improve its competitive position. Even though there have been no major technological innovations in the industry, domestic producers increased their capital expenditures significantly between 1978 and 1980. Capital expenditures, excluding expenditures for pollution control equipment, increased from * * * million in 1978 * * * million in 1980, or by * * * percent. These capital expenditures were used for such projects as upgrading plants and equipment beyond normal replacement, building reconstruction, a new chemical laboratory, upgraded dock facilities, furnace modification, and for new concentrators used to recapture chrome from the molten slag.[12]

The domestic industry made other specific efforts to adjust to import competition, including diversifying its product lines, making better use of raw materials (e.g., improving the premix process), adopting labor saving equipment and/or processes, and developing new marketing strategies. In addition, Macalloy has started a cogeneration project which, if implemented, will result in the capture of heat loss from the smelting furnace and the heat's conversion into steam for use on the nearby Charleston Naval Base and as electric power for use by the local utility. This project will potentially increase ferroalloy productivity 35 percent and result in a reduction of $4 million per year in alloy cost.[13]

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[2] Vice Chairman Calhoun, while supporting Chairman Alberger's conclusion in footnote 3, nevertheless recommends that relief be extended whether it is the current relief or relief in modified form.

[3] Chairman Alberger believes that an extension of the present relief would be only marginally better than termination of relief, and that it certainly would not allow for completion of the process of adjustment.

[4] Report at A-3.

[5] The only economically feasible substitute for high-carbon ferrochromium is stainless steel scrap. See Report at A-7 and A-8.

[6] *Id.*

[7] Report at A-19 through A-21 and A-35.

[8] We recognize that the decline in overall economic activity has also contributed to a decline in domestic consumption.

[9] Report at A-19 and A-20.

[10] *Id.*

[11] *Id.* at A-24 and A-25.

[12] *Id.* at A-37 and A-38.

Imports During the Relief Period

In the first year of relief, total imports declined by 29 percent, from 171,113 short tons in 1978 to 121,839 short tons in 1979. Imports from South Africa, the largest source country, declined by 33 percent, from 136,858 short tons in 1978 to 91,780 short tons in 1979. During the same period, U.S. production rose from 101,190 short tons to 131,222 short tons, or by 30 percent. However, in 1980, total imports and imports from South Africa rose by 21 and 22 percent, respectively. At the same time, domestic production fell 24 percent, to 99,500 short tons. Furthermore, total imports during January–March 1981 were 67 percent higher than were imports in the corresponding period of 1980. Likewise, imports from South Africa for the same period grew by 99 percent, from 12,766 short tons in January–March 1980 to 25,468 short tons in January–March 1981.[14] The aggregate share of total imports from countries other than South Africa remained relatively unchanged between 1978 and 1980, accounting for less than 30 percent of total imports.[15]

The ratio of U.S. shipments of imports to domestic consumption declined from 68 percent in 1978 to 54 percent in 1979. In 1980, the ratio rose to the high rate of 72 percent.[16]

Extension of Relief

Import relief for the domestic high-carbon ferrochromium industry should be continued for serveral reasons.

First, despite cost disadvantages, we believe the domestic industry is presently viable and can adjust to import competition. The domestic industry can continue to remain competitive as a stable secondary source of supply both to domestic and foreign high-carbon ferrochromium consumers. One advantage the domestic industry has over its foreign competitors is that it is located closer to U.S. customers and, therefore, can be more responsive to such customers, such as the U.S. stainless steel producers. Statements made by representatives of the stainless steel industry in their brief and at the hearing suggest that U.S. stainless producers will continue to buy high-carbon ferrochromium from the domestic industry in order to ensure a stable domestic source of supply.[17] They may not view the present primary foreign suppliers of high-carbon ferrochromium as stable enough to be their sole source of supply. Thus, to be competitive, the domestic industry does not necessarily have to have the same costs as or match the prices of foreign producers. However, it can enhance its competitive position vis-a-vis foreign producers if it can narrow any cost or price gaps.[18]

Second, the industry has not had sufficient time to adjust to import competition because unusually high inflation rates quickly eroded the effectiveness of the 38-cent breakpoint price. As a practical matter, the domestic industry has had only 1 year of effective relief, during which the industry began to recover somewhat as imports declined and domestic production increased. High inflation rates, however, soon eroded the domestic industry's protection. We do not believe there has been sufficient time to adjust to import competition, especially in such a capital-intensive industry.

Third, although the industry is viable, it is vulnerable at this time to import competition. Presently, only two out of five domestic producers actually produce high-carbon ferrochromium. In addition, the domestic industry has raised its prices only moderately since the beginning of relief, by less than 10 percent annually. Import penetration rose to 72 percent in 1980, which means that the domestic industry accounts for an ever decreasing share of the domestic market. Unless the industry is given additional time to adjust to import competition, it will continue to decline in size and market share.

An importer has informed the Commission that in anticipation of a possible rise in the breakpoint price as a result of the President's decision in this case, importers have built up large inventories of high-carbon ferrochromium. Termination of relief at this time might result in the importers selling their inventories of high-carbon ferrochromium at cut-rate prices, thereby causing a sharp drop in prices, even below the breakpoint price of 38 cents.

Section 202(c) Considerations

In deciding what advice we would give, we reviewed the various considerations set forth in section 202(c) of the Trade Act and would like to comment briefly on several of them.[19] First, we believe that prior to the time that the effectiveness of the breakpoint price was eroded because of inflation, import relief was effective in promoting adjustment by the domestic industry to import competition. Second, it is our view that even if the import relief now in effect, i.e., the present breakpoint price and 4-cent duty, were extended it would provide some protection to the domestic industry from extreme cuts in prices.[20] Third, we do not believe that relief has had, or that the extension of relief will have, a significant adverse impact on U.S. consumers, primarily because high-carbon ferrochromium accounts for less than 10 percent of the cost of producing a pound of stainless steel.[21] Failure to extend relief could have an adverse effect on stainless steel producers because of the possible demise of a stable secondary source of supply of high-carbon ferrochromium. The possible loss of a stable secondary source of high-carbon ferrochromium for the stainless steel industry could result in significant economic and social costs for taxpayers, communities, and workers.

For all the reasons discussed above, it is our view that relief to the high-carbon ferrochromium industry ought to be extended.

Form of Extended Import Relief

Set forth below for the President's consideration is a discussion of alternative forms of extended relief.[22]

Chairman Alberger, Vice Chairman Calhoun, and Commissioner Stern believe that an orderly marketing agreement (OMA) would provide the most economically effective and least disruptive form of modified relief.[23] It is

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[13] *Id.* at A–42 and A–44.

[14] Part of this increase in imports is the result of * * *.

[15] Report at A–16 through A–18.

[16] *Id.*

[17] See transcript at 234 and posthearing brief of Tool and Stainless Steel Industry Committee at 7.

[18] Vice Chairman Calhoun believes that this is the strongest premise upon which extension of relief can be based and that it is also the most reasonable standard by which to assess the domestic industry's success in adjusting to import competition.

[19] See the Report at A–47 through A–51 for further discussion of the section 202(c) considerations.

[20] See footnotes 2 and 3 on page 3.

[21] See report at A–49.

[22] Commissioner Bedell believes it is appropriate for the Commission to advise the President regarding alternative forms of extended relief but makes no recommendation on which form of modified relief would be the most effective.

[23] Chairman Alberger continues to believe, as he advised in 1978, that some form of quantitative restrictions is the best way to provide effective relief for this industry. Since imports from South Africa account for three-quarters of all imports, restrictions on imports from that country may be the most practicable, as well as the most effective form of relief.

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clear that section 203(e)(2) gives the President authority to negotiate an OMA on or before November 15, 1981, the date import relief is scheduled to end. This authority to negotiate would also clearly exist prior to the termination of any extended period of relief, if the present relief is extended. The President may also decide that section 203(h)(3) permits him to negotiate an OMA after November 15, 1981.

Since most imports come from South Africa, the President may in particular wish to consider negotiating an OMA with this country. Yearly data for 1978–80 show that imports of high-carbon ferrochromium from South Africa have consistently maintained at least a 75 percent share of the total import market. After declining dramatically during the first year of relief, the ratio of imports from South Africa to total U.S. consumption has already returned to a level near that prior to relief.

Should the President decide that it is within the scope of his authority under section 203,[24] there is the possibility of providing effective relief by upwardly adjusting the breakpoint price. Importers and some foreign producers contended in their briefs and during the Commission hearing that such an upward adjustment of the breakpoint price would constitute an increase in the "level of relief" and would be proscribed by section 203(h)(3) of the Trade Act, which provides that relief during an extension period may not be at a level greater than that in effect immediately prior to the extension. The domestic producers, on the other hand, argued that the level of relief is the increased tariff and not the breakpoint price and that the breakpoint price can therefore be adjusted upward to compensate for inflation without contravening section 203(h)(3).

It may be possible to adjust the breakpoint price in order to provide the domestic industry with the same benefits it received in 1979. The original breakpoint price was intended to allow the most efficient U.S. producer (* * *) to obtain an adequate financial return on its high-carbon ferrochromium operations.[25] Following imposition of relief, * * * net operating return rose dramatically from * * * percent in 1978 (prior to relief) to * * * percent in 1979. It rose further to * * * percent in 1980. By January–March 1981, however, * * * net operating return had fallen to * * * percent. In order for * * * to have achieved the same return in 1981 as it did in 1979, the average unit value of its high-carbon ferrochromium shipments would have to have been * * * cent higher per pound.[26] It is possible that a similar increase in the breakpoint price (i.e., to * * * cents per pound in 1981, which equals an annual increase of slightly less than * * * percent) might have resulted in an increase in prices sufficient to allow * * * to improve its net operating return to * * * percent. Thus, adjusting the breakpoint price upward at an annual rate of * * * percent (i.e., to * * * cents in 1982, * * * cents in 1983, and * * * cents in 1984) may be appropriate.

A net operating return of * * * percent is not the only level which might be deemed to be "an adequate return" (although it is roughly in line with the return achieved by the steel industry as a whole in 1980). Using the methodology and assumptions discussed above, achieving an * * * percent net operating return would call for breakpoint prices of * * * cents in 1982, * * * cents in 1983, and * * * cents in 1984. Achieving a * * * percent net operating return would call for breakpoint prices of * * * cents in 1982, * * * cents in 1983, and * * * cents in 1984.

Alternatively, it is possible to adjust the breakpoint price to reflect some measure of inflation. Between 1979 (the first year of relief) and 1980, the Producer Price Index for all metal and metal products rose by 10 percent, U.S. selling prices of imported high-carbon ferrochromium (50 to 55 percent chromium content) rose by 9 percent, U.S. selling prices of domestic high-carbon ferrochromium (50 to 55 percent chromium content) rose by 6 percent, and the Producer Price Index for pig iron and ferroalloys rose by 4 percent. On the other hand, * * * unit cost of goods sold for high-carbon ferrochromium operations fell by about * * * percent. Adjusted breakpoint prices using these annual rates of change are shown in the following tabulation (in cents):

RATES OF CHANGE

[In percent]

	10	[redacted]	[redacted]	[redacted]	* * *
1982	50.5	[redacted]	45.5	43.0	* * *
1983	55.5	53.5	48.0	44.5	* * *
1984	61.0	58.5	51.0	46.0	* * *

Of course, it is possible to adjust the rate of increase in the breakpoint price. We point out that the above tabulation reflects historical rates of increase for the indicators chosen and that these rates are dynamic and subject to change.[27]

Finally, it is possible to attempt to control the quantity of imports by setting an appropriate breakpoint price. As discussed on pp. A–44 through A–46 of the accompanying report, imports could be expected to remain at appproximately the 1980 level (147,000 short tons, chromium content) by imposing an adjusted breakpoint price of 46 cents. Continuing the 38-cent breakpoint price, or terminating relief, would be expected to result in annual increases in imports of about 5 percent.

Related to any adjustment of the breakpoint price may be a consideration of the desired effect on foreign producers. For example, the current U.S. selling price for imported high-carbon ferrochromium (50 to 55 percent chromium content) is about 47.5 percent per pound. Projections for 1982 call for a price of possibly as much as 50 cents. A breakpoint price of 44 cents correlates roughly with a U.S. price of 50 cents. Therefore, establishing a new breakpoint price at 44 cents or below would likely result in a general upward movement of prices (much as happened in 1979 after the 38-cent breakpoint price was established), so that significantly higher returns would be achieved by foreign producers and few, if any, additional duties would be collected. it is unlikely, however, that this would happen with a breakpoint price above 44 cents, indicating that imports probably would be subject to the additional 4-cent-per-pound duty, and foreign suppliers may have to hold steady, or even lower their prices.[28]

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[24] Chairman Alberger has some concern about the legal authority for such a modification and suggests that the record before us, particularly briefs submitted by the parties and the parties' oral arguments, contains a thorough analysis of the issues.

[25] See Communication from the President of the United States, Import Relief Action High-Carbon Ferrochrome, H. Doc. No. 96–29, 96th Cong., 1st Sess., at 3; Presidential Memorandum of Nov. 2, 1978 for the Special Representative for Trade Negotiations, 43 F.R. 51599 (1978).

[26] Assuming that all of the additional revenue received from this increase would go into operating profits.

[27] Since the Commission has suggested several alternative forms of relief to the President, it is difficult to advise whether it is feasible to phase down relief, and to what extent, under section 203(h)(2) during the extension period without knowing the specific alternative that may be chosen by the President.

[28] Commissioner Stern and Commissioner Bedell note that another possible option open to the President may be to impose quantitative restrictions on U.S. imports of high-carbon ferrochromium.

Conclusion

The domestic industry has made a considerable effort to adjust to import competition, but has not yet had a sufficient period of effective relief. Termination of import relief would have a significant adverse economic effect on the domestic industry. The import relief presently in effect is ineffective and the President should therefore extend import relief for the high-carbon ferrochromium industry in a modified form [29] for a 3-year period.

Issued: September 16, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-29193 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-79 (Final)]

Sodium Gluconate From the European Economic Community [1]

AGENCY: International Trade Commission.

ACTION: Institution of a final countervailing duty investigation.

SUMMARY: As a result of receiving notice from the United States Department of Commerce on September 16, 1981, that there is reason to believe or suspect that the European Economic Community is providing subsidies upon the manufacture, production, and exportation of sodium gluconate imported into the United States within the meaning of section 703 of the Tariff Act of 1930 (19 U.S.C. 1671b), the United States International Trade Commission (hereinafter "the Commission") hereby gives notice of the institution of investigation No. 701 TA-79 (Final) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. For purposes of this investigation, the item "sodium gluconate" means the sodium salt of gluconic acid ($NaC_6H_{11}O_7$), provided for in term 437.52 of the Tariff Schedules of the United States. This investigation will be conducted according to the provisions of Part 207 of the Commission's *Rules of Practice and Procedure* (19 CFR 207, 44 FR 76457), Subpart C, effective January 1, 1980.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Tim Timberlake, Staff Investigator, Office of Investigations, U.S. International Trade Commission, Room 348, 701 E Street, NW., Washington, D.C. 20436; telephone 202-523-4618.

SUPPLEMENTARY INFORMATION: On July 27, 1981, the Commission unanimously determined, on the basis of the information developed during the course of investigation No. 701-TA-79 (Preliminary), that there is a reasonable indication that an industry in the United States is materially injured by reason of the importation of allegedly subsidized sodium gluconate from the European Communities. As a result of the Commission's determination, the Department of Commerce (the adminstering authority) continued its investigation into the question of the alleged subsidies, and has preliminarily estimated that the net subsidy on sodium gluconate exported to the United States from the European Economic Community to be $107.05 per metric ton. The final determination by the Department of Commerce as to whether the European Community is subsidizing its manufacturers, producers, or exporters of sodium gluconate will be made by November 23, 1981.

Written Submissions

Any person may submit to the Commission a written statement of information pertinent to the subject of this investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before December 21, 1981. All written submissions, except for confidential business data, will be available for public inspection.

Any submission of business information for which confidential treatment is desired shall be submitted separately from other documents. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6).

Public Hearing

The Commission will hold a public hearing in connection with this investigation on December 15, 1981, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.), December 4, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a perhearing conference to be held at 2:00 p.m., e.s.t., on December 7, 1981, in Room 117 at the U.S. International Trade Commission Building. Prehearing statements must be filed on or before December 9, 1981. For further information concerning the conduct of the investigation, hearing procedures, and rules of general applications, consult the Commission's *Rule of Practice and Procedure*, Part 207, Subpart C (19 CFR 207), and Part 201, Subparts A through E (19 CFR 201).

(Section 207.20 of the Commission's *Rules of Practice and Procedure* (19 CFR 207.20, 44 FR 76458).)

Issued: September 29, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-29189 Filed 10-6-81; 8:45 am]

BILLING CODE 7020-02-M

[731-TA-38 (Final)]

Truck Trailer Axle-and-Brake Assemblies and Parts Thereof From Hungary; Institution of Final Antidumping Investigation and Scheduling of Hearing

AGENCY: International Trade Commission.

ACTION: Institution of a final antidumping duty investigation.

SUMMARY: On September 17, 1981, the United States Department of Commerce issued a preliminary determination that there is reason to believe or suspect that truck trailer axle-and-brake assemblies and parts thereof from Hungary are being sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673b). Accordingly, the United States International Trade Commission (hereinafter "the Commission") hereby gives notice of the institution of investigation No. 731-TA-38 (Final) to determine whether an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise provided for in items 692.32 and 692.60 of the Tariff Schedules of the United States (TSUS). This investigation will be conducted according to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207), Subpart C, effective January 1, 1980.

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[29] Chairman Alberger believes that an extension of the present relief would be only marginally better than termination of relief, and that it certainly would not allow for completion of the process of adjustment. Vice Chairman Calhoun, while supporting Chairman Alberger's conclusion, nevertheless recommends that relief be extended whether it is the current relief or relief in modified form.

[1] In its preliminary decision, the Commission entitled this case "Sodium Gluconate from the European Communities." Since the Department of Commerce has determined that the country in this case is the European Economic Community, the Commission has changed its title accordingly.

EFFECTIVE DATE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Abigail Eltzroth, Office of Investigations, U.S. International Trade Commission, Room 337, 701 E Street, NW., Washington, D.C. 20436; telephone (202) 523–0289.

SUPPLEMENTARY INFORMATION: On March 23, 1981, the Commission determined on the basis of the information developed during the course of investigation No. 731–TA–38 (Preliminary), that there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury by reason of imports of truck trailer axle-and-brake assemblies and parts thereof from Hungary, provided for in TSUS items 692.32 and 692.60, which are allegedly sold or likely to be sold at less than fair value. As a result of the Commission's determination, the Department of Commerce continued its investigation into the question of less-than-fair-value sales. The final determination by the Department of Commerce of whether truck trailer axle-and-brake assemblies and parts thereof from Hungary are being, or are likely to be, sold in the United States a less than fair value will be made within 75 days after the date of its preliminary determination, or, on this case, by December 1, 1981.

Written Submissions

Any person may submit to the Commission a written statement of information pertinent to the subject of this investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before December 16, 1981. All written submissions, except for confidential business data, will be available for public inspection.

Any submission of business information for which confidential treatment is desired shall be submitted separately from other documents. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information". Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

A staff report containing preliminary findings of fact will be available to all interested parties on November 19, 1981.

Public Hearing

The Commission will hold a public hearing in connection with this investigation on December 9, 1981, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.s.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.), December 1, 1981. All persons desiring to appear at the hearing and make oral presentation should attend a prehearing conference to be held at 10:00 a.m., e.s.t., on December 2, 1981, in Room 117 of the U.S. International Trade Commission Building and must file prehearing statements on or before December 4, 1981. For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure Part 207, Subpart C (19 CFR 207), and Part 201, Subparts A through E (19 CFR 201).

The Commission has waived Commission rule 201.12(d), "submission of prepared statements," in connecting with this investigation. This rule states that "Copies of witnesses' prepared statements should be filed with the Office of the Secretary of the Commission not later than 3 business days prior to the hearing and submission of such statements shall comply with §§ 201.6 and 201.8 of this subpart". It is nevertheless the Commission's request that parties submit copies of witnesses' prepared testimony as early as practicable before the hearing in order to permit Commission review.

(Section 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20).)

Issued: September 30, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–29190 Filed 10–6–81; 8:45 am]

BILLING CODE 7020–02–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–247–SP; 50–286–SP]

Atomic Safety and Licensing Board; Memorandum and Order

In the Matter of Consolidated Edison Company of New York (Indian Point, Unit 2) and Power Authority of the State of New York (Indian Point, Unit 3); Memorandum and Order (Giving Notice of the Addresses of Board Members and Rules for Conduct of Proceeding).

The Commission, by public notice[1] (46 FR 47,330 (1981)), has appointed an Atomic Safety and Licensing Board in this proceeding. The address for the Board members is:

Mr. Louis J. Carter, Chairman, Dr. Oscar H. Paris, Mr. Frederick J. Shon,
U.S. Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, D.C. 20555.

Rules for the conduct of this proceeding, including the admissibility of contentions, are set forth in the Commission Memorandums and Orders dated January 8, 1981 (CLI–81–1, 13 NRC 1) and September 18, 1981 (CLI–81–22, 14 NRC –).[2] The NRC Staff will be a party to this proceeding and the Licensees will be admitted as parties upon request filed on or before November 6, 1981. All others wishing to intervene shall file petitions for intervention on or before November 6, 1981, also.

It is, this 1st day of October 1981.

Ordered

That requests to participate and petitions to intervene shall be filed on or before November 6, 1981, and contentions shall comply with the rules set forth in the Commission's Orders of January 8 and September 18, 1981.

Signed in Bethesda, Maryland on October 1, 1981.

The Atomic Safety and Licensing Board.

Louis J. Carter,

Chairman, Administrative Judge.

Oscar H. Paris,

Administrative Judge.

Frederick J. Shon,

Administrative Judge.

[FR Doc. 81–29210 Filed 10–6–81; 8:45 am]

BILLING CODE 7590–01–M

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[1] The notice abstracted information from a Commission Memorandum and Order cited *infra*.

[2] These documents are available in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the local Public Document Room, White Plains Public Library, 100 Martine Avenue, White Plains, New York.

[Docket No. 50-341 (Operating License)]

Atomic Safety and Licensing Board; Order Rescheduling Evidentiary Hearing

In the Matter of The Detroit Edison Company (Enrico Fermi Atomic Power Plant, Unit 2); order rescheduling evidentary hearing

At the Prehearing Conference in this proceeding held on July 22, 1981, the Applicant, Detroit Edison Company, proposed March 2, 1982 as the appropriate date for beginning the evidentiary hearing. The other parties concurred. The parties also agreed upon February 8, 1982 as the date for filing written testimony. In response to a suggestion from the Board, however, the parties agreed to move the hearing date forward to December 1, 1981, provided that the members of the Board were available on that date, and provided that additional testimony on one contention might be heard in April or May of 1982 if the parties were not able to present evidence on that contention by December 1. In our Order Following Prehearing Conference on August 4, 1981, we set December 1, 1981 as the date for the evidentiary hearing.

Because of a change in the workload of one of the members of the Board, it now appears that that member will not be available on December 1. Accordingly, we move the hearing date back to March 2, 1982, originally proposed by the Applicant. This change in the hearing date will not affect the operation of the facility; the most recent estimate of Applicant's construction schedule shows that the facility will not be completed until November of 1982.

In light of the above, the schedule for the balance of this proceeding (as stated in our Order Following Prehearing Conference of August 4, 1981) is changed as follows:

1. Written testimony shall be filed on February 8, 1982. The Applicant shall send a messenger to CEE in order to take delivery of CEE's testimony.

2. The evidentiary hearing will begin on March 2, 1982. On that day a final prehearing conference will be held before the beginning of the evidentiary hearing. The location and hour of the hearing will be announced in a further order.

Dated at Bethesda, Maryland this 30th day of September, 1981.

For the Atomic Safety and Licensing Board.

Gary L. Milhollin,

Chairman, Administrative Judge.

[FR Doc. 81-29211 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-10-OLA]

Commonwealth Edison Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to Commission order, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on request for hearing and to preside over the proceeding in the event that a hearing is ordered.

Commonwealth Edison Company

Dresden Nuclear Power Station, Unit 1, Construction Permit No. DPR-2

This action is in reference to an order of the Commission dated September 28, 1981 concerning requests for hearings by several petitioners with regard to Commonwealth Edison Company's proposal to chemically decontaminate Dresden Nuclear Power Station, Unit 1.

The Board is comprised of the following Administrative Judges:

John H. Frye, III, Chairman, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. David L. Hetrick, Professor of Nuclear Engineering, University of Arizona, Tucson, Arizona 85721

Dr. Robert L. Holton, School of Oceanography, Oregon State University, Corvallis, Oregon 97331.

Issued at Bethesda, Maryland this 30th day of September, 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-29207 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co. (Zion Station, Unit Nos. 1 and 2); Exemption

I

The Commonwealth Edison Company (the licensee) is the holder of Operating License Nos. DPR-39 and DPR-48 (the licenses) which authorize operation of the Zion Station, Unit Nos. 1 and 2 located in Zion, Illinois, at steady state reactor core power levels not in excess of 3250 megawatts thermal (rated power). These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Appendix J was published on February 14, 1973 and in August 1975, each licensee was requested to review the extent to which each facility met the requirements.

On September 29, 1975, Commonwealth Edison Company (CWE but now referred to as CECo) submitted their evaluation of the Zion Station Unit Nos. 1 and 2, Dresden Station Unit Nos. 1, 2, and 3, and Quad Cities Station Unit Nos. 1 and 2. This Exemption addresses only the Zion Station Unit Nos. 1 and 2; the remaining Stations will be addressed by separate Exemptions, if necessary. The CECo submittal for the Zion Station was supplemented by letters on January 31, 1977, May 11, 1977, and July 7, 1980. In these submittals, CECo requested that certain penetrations and components be exempted from Appendix J requirements. The Franklin Research Center, as consultant to the NRR, has reviewed the licensee's submittals and prepared a Technical Evaluation Report on their findings. The NRC staff has reviewed this report and in its Safety Evaluation Report dated September 30, 1981, the staff has concurred in the report's bases and findings. The exemption requests found to be acceptable are as follows:

1. CECo requested an exemption to perform local valve leakage rate tests (Type C tests) prior to the integrated primary containment leakage rate test (Type A test) and to back-correct the results of the Type A test with the results of the Type C test. This is an exemption to the method of leakage calculation and based on our evaluation is conservative in that all measured local leakage from the Type C tests will be assumed to be in a direction out of the containment when back-correcting the results of the Type A test. Without this exemption, the licensee estimates an additional three days would be required at refueling outages without gaining test accuracy nor additional reliability of the containment leak testing. We agree that additional time would be required and would be an unnecessary cost in outage time for the licensee and in replacement power cost to the public. Therefore, this exemption should be granted.

2. CECo requested an exemption to exclude nitrogen line isolation valves AOV-SI 8880 from Type C testing. Our evaluation concluded that there was insufficient justification for the

exemption and that these valves should be included in the Type C testing program. However, we are advised by CECo that Type C testing of these valves (one on each unit) will require the installation of special high pressure valves which cannot be done until the refueling outages scheduled for the spring of 1982 for Unit 1 and fall of 1982 for Unit 2. This is due to the lead time required to engineer and purchase the quality valves, supports and connections. This schedule, if approved, will require an exemption of Type C testing of the valve in Unit 2 during the refueling outage scheduled to begin in September 1981. Without this exemption, the Unit 2 refueling outage scheduled to begin in September 1981 would be extended until a suitable procedure and equipment could be obtained to conduct the test.

This valve in Unit 2 was last tested in July 1980 in the Type A test. Based on the acceptable tests results to date of these valves which has indicated no unacceptable leakage, and the unnecessary cost in outage time for the licensee and replacement power costs to the public, the exemption should be granted to extend the Type C testing requirement on Unit 2 until the fall 1982 refueling outage. No exemption is required for Unit 1.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 30th day of September, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-29209 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-295]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-39, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Unit 1 (the facility) located in Zion, Illinois. The amendment was authorized by telephone September 4, 1981, and was confirmed by letter dated September 8, 1981.

The amendment provides a temporary change to the Technical Specifications to permit the reactor coolant pump bus undervoltage and underfrequency channel calibration and channel functional tests, previously required during the spring 1981 refueling outage, to be performed the next time these reactor coolant pumps are de-energized or the first unit shutdown after September 11, 1981, whichever is earlier. This amendment was issued on an expedited basis to maintain the plant at a steady-state condition and avoid subjecting the plant to a shutdown transient shown by our evaluation to be unnecessary.

The request for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the request for amendment dated September 4, 1981, (2) the Commission's letter dated September 8, 1981, (3) Amendment No. 69 to License No. DPR-39, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 30th day of September 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-29208 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-277]

Philadelphia Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 81 to Facility Operating License No. DPR-44, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications (TSs) for operation of the Peach Bottom Atomic Power Station, Unit No. 2 (the facility) located in York County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment temporarily revises the TSs to extend the limiting condition for operation on diesel generator operability from seven days to ten days. The extension starts at 7:00 PM EDT on September 28, 1981 and expires at 7:00 PM EDT on October 1, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 28, 1981, (2) Amendment No. 81 to License No. DPR-44, and (3) the Commission's letter to Philadelphia Electric Company dated September 28, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 28th day of September 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-29212 Filed 10-6-81, 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

South Carolina Electric & Gas Co., South Carolina Public Service Authority, Virgil C. Summer Nuclear Station; Order Extending Construction Completion Date

South Carolina Electric and Gas Company and South Carolina Public Service Authority are the holders of Construction Permit No. CPPR-94 issued by the Atomic Energy Commission[1] on March 21, 1973 for the construction of the Virgil C. Summer Nuclear Station presently under construction at a site in Fairfield County, South Carolina. By letter dated November 26, 1980 the permittees filed requests for an extension of the latest construction completion date for the facility from December 31, 1980 to June 30, 1982, because construction has been delayed due to (1) the diversion of NRC Staff resources from normal review assignments on the application, among others, to TMI-related assignments and the associated reorganization of the NRC Staff, (2) increased quality control activities, rework due to these inspections, and delays in the installation of pipe hangers and supports, (3) additional work to implement plant modifications required as a result of reassessments made following the TMI accident, (4) turnover of systems to plant start-up for preoperational testing, because of such pacing factors as hanging rework and hydrostatic tests, (5) readying systems for full hydrostatic tests as required to code stamp ASME code piping systems, (6) completing stress analyses (which involve hangers) required by the ASME code, and (7) upgrading the plant security system to meet NRC requirements.

This action involves no significant hazards consideration, good cause has been shown for the delay, and the requested extension is for a reasonable period, the bases for which are set forth in the NRC Staff Evaluation, dated September 30, 1981. The preparation of an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement of the Virgil C. Summer Nuclear Station, published in May 1981. A Negative Declaration and an Environmental Impact Appraisal have been prepared and are available, as are the above stated documents, for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the local public document room established for the Virgil C. Summer Nuclear Station in Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

It is hereby ordered that the latest completion date for CPPR-94 be extended from December 31, 1980 to June 30, 1982.

Date of issuance: October 1, 1981.

For the Nuclear Regulatory Commission.

D. G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-29213 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

Virgil C. Summer Nuclear Station; Negative Declaration Supporting: Extension of Construction Permit No. CPPR-94; Expiration Date

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the South Carolina Electric & Gas Company and the South Carolina Public Service Authority (permittees) request to extend the expiration date of the construction permit for the Virgil C. Summer Nuclear Station (CPPR-94) which is located in Fairfield County, South Carolina. The permittees requested an extension of the permit to June 30, 1982 to allow for a reasonable period for completion of construction of the Virgil C. Summer Nuclear Station, and further allowance for contingencies.

The Commission's Division of Licensing (staff) has prepared an environmental impact appraisal relative to this change to CPPR-94. Based upon this appraisal, the staff has concluded that an environmental impact statement for this particular action is not warranted because pursuant to the Commission's regulations in 10 CFR Part 51, and the Council of Environmental Quality's Guidelines, 40 CFR 1500.6, the Commission has determined that this change to the construction permit is not a major federal action significantly affecting the quality of the human environment.

The envirnonmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555; and at the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29201.

Dated at Bethesda, Md., this 30th day of September, 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-29214 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-358-OL]

Cincinnati Gas & Electric Co. (William H. Zimmer Nuclear Power Station, Unit 1) Prehearing Conference; Atomic Safety and Licensing Board

October 2, 1981.

Please take notice that a prehearing conference in this matter will take place on October 29 and 30, 1981, at the U.S. Post Office & Courthouse, Room 607, Courtroom No. 1, Fifth & Walnut Streets, Cincinnati, Ohio 45202. The conference will begin at 1:00 p.m. on October 29, and at 9:00 a.m. on October 30. The parties to this proceeding are directed to appear in person or by authorized representative. The purpose of the conference will be to review the status of the proceeding and any pending matters. The Board will issue a Memorandum by October 12 detailing specific matters which it wishes addressed at the conference.

The public is invited to attend the prehearing. However, oral limited appearance statements will not be accepted during this conference.

Dated at Bethesda, Maryland, the 2d day of October 1981.

For the Atomic Safety and Licensing Board.

John H. Frye III,

Chairman, Administrative Judge.

[FR Doc. 81-29208 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

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[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day continue under the authority of the Nuclear Regulatory Commission.

V46/194 OC7 81 UMI

[Docket Nos. 50-445 and 50-446]

Comanche Peak Steam Electric Station Units Nos. 1 and 2 and Texas Utilities Generating Company, et al.; Negative Declaration Supporting Amendments No. 4 to CPPR-126 and CPPR-127 Related to Change in Ownership Interests

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the amendments to Construction Permits CPPR-126 and CPPR-127 relating to changes in ownership interests in the Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, located in Somervell County, Texas. The construction permits are issued to the Texas Utility Generating Company. The amendments would include the Tex-La Electric Cooperative of Texas, Incorporated, as a co-owner of the facility with the present owners.

In accordance with 10 CFR Part 51, the Commission's staff has prepared an environmental impact appraisal (EIA) for the amendment. The Commission has concluded that an environmental impact statement for this action is not warranted, because there will be no adverse environmental impacts affecting the quality of the human environment attributable to the proposed action that would be in addition to those impacts evaluated in the Commission's Final Environmental Statement for Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, issued in June 1974; or in the Commission's Final Environmental Statement related to the operation of Comanche Peak Steam Electric Station, Units 1 and 2, NUREG-0775, issued in September 1981. A negative declaration is, therefore, appropriate.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, DC, and at the local public document room located at the Somervell County Public Library, P.O. Box 417, Glen Rose, Texas. A copy of the EIA may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of September 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-29216 Filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445 and 50-446]

Texas Utilities Generating Co., et al.; Issuance of Amendments to Construction Permits

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Construction Permit No. CPPR-126 and Amendment No. 4 to Construction Permit No. CPPR-127. The amendment reflects a readjustment of ownership interests among previous owners and the addition of a new co-owner of the Comanche Peak Steam Electric Station, Units 1 and 2 (the facilities). Previously, the construction permits were held by Texas Utilities Generating Company, Dallas Power and Light Company, Texas Electric Service Company, Texas Power and Light Company, Texas Municipal Power Agency and Brazos Electric Power Cooperative, Inc. Amendment No. 4 adds as a co-owner the Tex-La Electric Cooperative of Texas, Inc. Texas Utilities Generating Company has sole responsibility for the design, construction, and operation of the facilities, which are located in Somervell County, Texas.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendments.

Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated April 28, 1980, (2) the application for amendment dated May 28, 1981 and supplementary information dated July 27, 1981 and September 16, 1981, (3) Amendment No. 4 to Construction Permit No. CPPR-126, (4) Amendment No. 4 to Construction Permit No. CPPR-127, (5) the Commission's related Safety Evaluation, (6) the Environmental Impact Appraisal and (7) the Negative Declaration supporting the amendments to the construction permits. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Somervell County Public Library, On the Square, Glen Rose, Texas 76043. In addition, a copy of the above items (3), (4), (5), (6) and (7) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland this 30th day of September 1981.

For the Nuclear Regulation Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-29215 filed 10-6-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC78-3]

Electronic Mail Classification Proposal, 1978 (Remand); Prehearing Conference Rescheduled

October 2, 1981.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Rescheduling Prehearing Conference", dated October 2, 1981, the second Prehearing Conference previously scheduled to be held on October 7, 1981, at 2:00 p.m., is rescheduled for Friday, October 9, at 10:00 a.m., in the Commission Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C. 20268.

David F. Harris,

Secretary.

[FR Doc. 81-29176 Filed 10-6-81; 8:45 am]

BILLING CODE 7715-01-M

PRESIDENTIAL ADVISORY COMMITTEE ON FEDERALISM

Revenue Source Return Subcommittee; Open Meeting

The Revenue Source Return Subcommittee of the Presidential Advisory Committee on Federalism will meet on Thursday, October 22, 1981, from 9:00 to 12:00 p.m. in Room 2010 of the New Executive Office Building, at 17th Street and Pennsylvania Avenue, N.W., Washington, D.C.

The Subcommittee is part of the Advisory Committee on Federalism which was established by Executive Order 12303 on April 8, 1981. The Chairman of the Committee is U.S. Senator Paul Laxalt. The Subcommittee is composed of members from the full Committee which inlcude private citizens, public officials from state and local governments, and members of the Legislative and Executive branches of the federal government. The members serve at the pleasure of the President.

The Committee shall advise the President with respect to the objectives and conduct of the overall federalism policy of the United States.

The meeting will be open to public observation. Written comments or statements may be submitted at any time before or after the meeting and should be related to the substantive matter identified above. Approximately 75 seats will be available for the public on a first come, first served basis.

For further information, contact Rick Neal at (202) 456–7943.

Richard S. Williamson,

Assistant to the President.

[FR Doc. 81–29105 Filed 10–6–81; 8:45 am]

BILLING CODE 3195–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11965; (812–4929)]

Investors Mutual, Inc., et al.; Filing of Application for an Order of the Commission Pursuant to Section 6(c) of the Investment Company Act of 1940 Exempting Applicants from the Provisions of Section 22(d) of the Act and Rule 22d–1 Thereunder

October 1, 1981.

Notice is hereby given that Investors Mutual, Inc. ("Mutual"), Investors Stock Fund, Inc. ("Stock"), Investors Variable Payment Fund, Inc. ("Variable Payment"), Investors Selective Fund, Inc. ("Selective"), IDS Progressive Fund, Inc. ("Progressive"), IDS New Dimensions Fund, Inc. ("New Dimensions"), IDS Growth Fund, Inc. ("Growth"), IDS Bond Fund, Inc. ("Bond"), IDS Tax-Exempt Bond Fund, inc. ("Tax-Exempt"), IDS High Yield Tax-Exempt Fund, Inc. ("High Yield"), IDS Discovery Fund, Inc. ("Discovery"), 1000 Roanoke Building, Minneapolis, Minnesota 55402, each registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, and any other associated funds to be formed at a later date (collectively, "Funds"), and Investors Diversified Services, Inc. ("IDS"), IDS Tower, Minneapolis, Minnesota 55402, investment adviser and principal underwriter for the Funds (hereinafter, the Funds and IDS are referred to as "Applicants"), filed an Application on July 22, 1981, and an amendment thereto on August 28, 1981, for an order pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder, to the extent necessary to permit, as described below, the sale of shares of the Funds at net asset value to directors and employees of Applicants who are participants in qualified and non-tax qualified employee benefit plans without imposition of normal sales charges. All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the Application, each of the Funds is organized as a corporation under Nevada law and is currently engaged in a continuous public offering of its shares through IDS and its wholly owned subsidiary, IDS Marketing Corporation, at public offering prices equal to net asset value plus a sales charge. Applicants state that sales charges on the Funds vary with the size of the purchase and as set forth in the Fund's prospectus.

As stated in the application, IDS, a Delaware Corporation which serves as investment adviser and principal underwriter for each of the Funds, is the parent of IDS Life Insurance Company ("IDS Life") which underwrites and distributes a line of products including life insurance, fixed annuities and variable annuities. IDS in turn is a wholly owned subsidiary of Alleghany Corporation, a Maryland corporation ("Alleghany"). IDS, IDS Marketing, IDS Life, present subsidiaries of IDS, and any IDS subsidiaries acquired or formed subsequent to the date of this application, are hereinafter referred to as the "IDS Companies." Applicants further state that the Boards of Directors of the eleven Funds consist of from 10 to 13 members, and the Funds have seven employees. While each employee works for all the Funds and each Director serves on more than one Fund Board, there are several directors who do not serve on all the Boards. As of June 1, 1981, the IDS Companies had approximately 1,900 employees plus approximately 3,000 sales representatives. Alleghany has fewer than 25 directors and employees. Hereinafter, these individuals are referred to as "Associated Persons", and IDS employees and sales representatives together with Alleghany directors and employees are referred to as "IDS Associated Persons".

Applicants state that they propose to permit Fund employees and directors to participate in a plan (the "Fund Plan") which would permit those directors who do not serve on all Fund Boards to invest in all Funds without paying a sales charge and in addition to permit employees, retired employees and spouses or minor children of directors and employees to invest in all Funds without paying a sales charge so long as the purchase order is directed by the director or employee. Applicants represent that the purchase order(s) for the spouse and minor children must be directed by the director or employee while he is associated with the Funds. The Plan would permit purchases through a payroll deduction in the amount of $25 or more for each investment, provided those who do not purchase through a payroll deduction plan would have to meet the appropriate Fund's initial minimum and subsequent add-on investment requirement. Applicants state that they also propose to permit all employees of IDS to purchase Fund shares without a sales charge through an employee benefit plan qualified under Section 401 of the Internal Revenue Code (the "Qualified Plan"). IDS also intends to offer a non-qualified employee benefit plan (the "IDS Plan") which would permit employees and certain other persons to purchase shares of any of the Funds by direct purchases and through payroll deduction in amounts of $25 or more for each investment provided those who do not purchase through payroll deduction would have to meet the appropriate Fund's initial minimum and subsequent add-on investment requirement. The persons who would be eligible for the IDS Plan would be sales representatives, employees and directors of the IDS Companies; employees and directors of Alleghany; spouses and minor children of such persons to the extent orders on their behalf are directed by directors, employees or sales representatives of IDS or Alleghany; retired sales representatives and employees of the IDS Companies. The purchase order(s) for spouses and minor children must be directed by the employee or director while he is associated with IDS or Alleghany. Applicants state that participating Associated Persons would agree not to resell any Fund shares acquired through the above Plans except by repurchase or redemption by or for the account of the appropriate Fund.

Applicants represent that no individual sales solicitations or face to face group sales solicitations concerning the Fund Plan, the Qualified Plan, or the IDS Plan ("The Plans") will be made. Associated Persons will periodically receive notice concerning the Plans. Applicants state that this notice, which will be furnished at the expense of IDS, will describe the Funds and their investment objectives, indicate that investments in the Funds can be made at net asset value and detail the methods by which investments can be made. The notice will also indicate that additional information concerning the Plans and the Funds can be obtained from IDS and will inform Associated Persons of the availability of prospectuses of the Funds from IDS. Applicants state that a copy of the appropriate prospectus(es) will be furnished prior to or at the time any person makes an initial investment in a Fund through the Plans. Applicants state that each prospectus will contain appropriate disclosure concerning the Plans.

Section 22(d) of the Act provides that the shares of the Funds cannot be sold except at a current public offering price described in the prospectus. Rule 22d–1 provides for an exemption from Section 22(d) to permit sales of Fund shares at reduced charges or without any sales charge in specified circumstances. The sale of shares of the Funds to Associated Persons at net asset value under the Plans may conflict with the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder. Paragraph (i) of the Rule permits sales of Fund shares without any sales charge to directors, officers, employees or sales representatives of a Fund, its investment adviser and principal underwriter, provided that any such person who is not a director, officer or full-time employee of the Fund must spend one-half of his working time providing investment advice to the Fund, selling its shares or supervising those that are entitled to the elimination of sales charges. Applicants state that a director of one Fund who is not on the Board of a second Fund technically could not purchase shares of the other Fund under Rule 22d–1(i). Applicants further state that there are Associated Persons who do not qualify fo purchases at net asset value under Paragraph (i) as they are in positions that do not directly provide investment advice to, or distribute shares of the Funds or supervise persons employed in such positions. Also, spouses and minor children of Associated Persons or employees or directors of Alleghany or retired persons are not covered under the Rule.

Applicants state that arguably sales of Fund shares at net asset value by IDS under the Fund Plan or the IDS Plan would be permitted by Paragraph (f) of the Rule which permits the elimination of sales charges in a sale pursuant to a uniform offer described in a prospectus and made to, inter alia, employee benefit plans not qualified under Section 401 of the Internal Revenue Code, provided such non-qualified plans satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales-related expense.

Applicants further state that the term "employee benefit plan" is broadly defined, and "employer" is defined to mean affiliated employers within the meaning of Section 2(a)(3)(C) of the Act. The employers constituting the IDS Companies or the Funds are clearly "affiliated employers" within the meaning of Section 2(a)(3)(C) of the Act. Applicants state that the Fund and IDS Plans are employee benefit plans and offer clear economies of scale in sales effort and sales related expense. However, according to Applicants not all IDS Associated Persons would be deemed to be employees and the net asset value sales soley to the Associated Persons covered by the Fund and IDS Plans might not meet the uniform offer requirement of Paragraph (f).

Section 6(c) of the Act provides that the Commission by order upon application conditionally or unconditionally may exempt any person, security or transaction or any class of persons, securities or transactions from any provision of the Act or any Rule under the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that investment by Associated Persons in shares of the Funds at net asset value is supported by strong policy considerations, that such sales should result in demonstrable economies in sales effort and sales related expense as compared with other sales, and would not be unjustly discriminatory, and that the grant of the exemption requested by this application is appropriate in the public interest and consistent with the protection of investors and the purposes of Section 22(d) of the Act. Applicants further submit that the association of the Funds, including any new Funds advised by IDS which may be subsequently organized, with each other and with the IDS Companies and the relationship of Alleghany to IDS would result in economies in sales effort and sales related expense that justify elimination of all sales charges on Fund shares purchased by Associated Persons without discrimination against other employee benefit plans or other purchasers of Fund shares. Sales of Fund shares to such persons serve legitimate corporate purposes by promoting incentive and goodwill. Applicants allege that under the Plan there would be no adverse effects on the interests of investors, and that such sales do not involve any of the abuses against which Section 22(d) was directed.

According to the application, feathers of the Plans which are expected to give rise to economies of scale in sales effort and sales related expense are as follows: (i) Purchasers of shares of any Fund through payroll deduction will have shares purchased for their accounts at each payroll date with payment for such shares being made by IDS, thus relieving the Funds from concern about check clearance and delays in processing; (ii) Associated Persons will be sent notices with information about the Plans and the fact that Fund shares may be purchased without sales charge; and (iii) there will no personal solicitation of participants by IDS. In addition, Applicants state that they believe that the proposed investment in the Fund's shares would promote employees incentive, goodwill and loyalty.

Notice is further given that any interested person may, not later than October 23, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Managment, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29114 Filed 10-6-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7054]

Sage Laboratories, Inc., Common Stock, $1 Par Value; Application To Withdraw From Listing and Registration

October 1, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities and Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Sage Laboratories, Inc. (the "Company") is listed and registered on the BSE. On September 22, 1981, the common stock of the Company was listed on the NASDAQ system. The Company has determined that because the common stock is listed on NASDAQ, listing of the Company's stock is no longer necessary on the BSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the BSE. The BSE has posed no objection to this matter.

Any interested person may, on or before October 23, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29113 Filed 10-6-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 775]

Claims Against Iran

This notice concerns the procedures applicable to the filing of claims of U.S. nationals against Iran before the Iran-U.S. Claims Tribunal at The Hague. It supplements information provided in Public Notice 772 (46 FR 45057, September 9, 1981) and Public Notice 764 (46 FR 37418, July 20, 1981). For further information, contact David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

On October 2, the President of the Tribunal signed and the Tribunal released the following additional guidance with regard to the filing of statements of claim beginning on October 20, 1981. All such statements of claim must be filed with the Tribunal no later than January 19, 1982. Unless otherwise instructed, claimants should file their statements of claim with the Registrar of the Iran-U.S. Claims Tribunal at the Peace Palace, The Hague, The Netherlands. Claims of U.S. nationals totalling less than $250,000 will be submitted to the Tribunal by the U.S. Government; claimants with such claims who have not yet registered them with the Department of State are urged to do so immediately.

Iran-United States Claims Tribunal Administrative Directive No. 2

September 19, 1981.

1. *Introduction.* This Administrative Directive has been issued by the Iran-United States Claims Tribunal to inform interested parties concerning the Tribunal Rules which are being prepared. The Tribunal made substantial progress in developing Tribunal Rules during its meetings in September, 1981 and will hold further meetings in October at which it expects to complete such rules. Meanwhile there are set forth in this directive certain provisions of the forthcoming Tribunal Rules relating to filing claims with the Tribunal pursuant to paragraphs 1 and 2 of Article II of the Declaration of the Government of the Democratic and Popular Republic of Algeria concerning the Settlement of Claims by the Government of the United States of America and the Government of the Islamic Republic of Iran of January 19, 1981 ("Claims Settlement Declaration").

The Tribunal Rules will include the text of the UNCITRAL Arbitration Rules, modifications in those rules made by the Tribunal pursuant to its powers under the Claims Settlement Declaration, and notes to indicate how the Tribunal will implement or interpret the UNCITRAL Arbitration Rules, as modified.

2. *Statement of Claim.* (a) The contents of each Statement of Claim shall be as described in paragraph 6 of the Tribunal's Administrative Directive No. 1, except that with respect to sub-paragraph (b) the information shall include the nationalities of the parties, in addition to their names and last known addresses.

(b) The Tribunal Rules will modify Article 2 of the UNCITRAL Arbitration Rules by adding the following paragraph:

> The Registrar may refuse to accept any document which is not received within the required time period or which does not comply with the Claims Settlement Declaration or with the Tribunal Rules. Any such refusal by the Registrar is, upon objection by an arbitrating party concerned within thirty days of notification of refusal, subject to review by the arbitral tribunal.

(c) The Tribunal Rules will include the following Notes:

> (i) Upon the filing of a document, the Register shall note on all copies the date received. The Registrar shall issue a receipt to the arbitrating party which filed the document. In all cases in which the Registrar is required to deliver copies to the Agents he will secure a written receipt of such delivery which will be kept in the case file and be available for inspection or copying by any arbitrating party in that case.
>
> (ii) All documents filed with the Registrar are to be submitted on paper 8 1/2 inches × 11 inches or on A-4 size paper (21 cm × 29.5 cm), or on paper no larger than A-4. If a document, exhibit or other written evidence cannot conveniently be reproduced on paper no larger than A-4, it is to be folded to A-4 size, unless the Registrar permits otherwise in special circumstances.
>
> (iii) Upon receiving a Statement of Claim, the Registrar shall assign an identifying number to the claim. Thereafter, that identifying number shall be included in the caption of all documents in the case, including the award.
>
> (iv) Twelve copies of all documents shall be filed with the Registrar, unless a smaller number is determined by the arbitral tribunal. In the event that there are more than two arbitrating parties in a case, a sufficient number of additional copies shall be filed to permit service on all arbitrating parties in the case. Also, the artbitral tribunal or the Registrar, may at any time require a party which files a document to submit additional copies.
>
> (v) Exhibits and written evidence, other than those annexed to the Statement of Claim or Statement of Defense, shall be submitted in such numbers of copies as the artibral tribunal may determine in each case based on the nature and volume of the particular exhibit or written evidence and any other relevant circumstances.

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(d) The filing of documents with the tribunal shall consititute service on all of the other arbitrating parties in the case and shall be deemed to have been received by said arbitrating parties when it is received by the Agent.

3. *Effect of Date of Filing Statement of Claim.* (a) The Tribunal Rules will modify Article 18 of the UNCITRAL Arbitration Rules by adding the following paragraph:

> No priority for the scheduling of hearings or the making of awards shall be based on the date of filing the Statement of Claim.

(b) The Tribunal Rules will include the following Note to Article 18:

> All Statements of Claim with respect to matters as to which the Tribunal has jurisdiction pursuant to paragraphs 1 and 2 of Article II of the Claims Settlement Declaration which are filed between October 20 and November 19, 1981 will be deemed to have been filed simultaneously as of October 20, 1981. All such claims filed between November 20, 1981 and December 19, 1981 will be deemed to have been filed simultaneously as of November 20, 1981. All such claims filed between December 20, 1981 and January 19, 1982 will be deemed to have been filed simultaneously as of December 20, 1981.

Gunnar Lagergren,
President.

Dated: October 2, 1981.

David P. Stewart,
Administrator for Iranian Claims.

[FR Doc. 81-29119 Filed 10-6-81; 8:45 am]

BILLING CODE 4710-08-M

TENNESSEE VALLEY AUTHORITY

Coal Gasification Project in North Alabama; Record of Decision

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice is hereby given that in accordance with section 5.4.8 of TVA's procedures implementing the National Environmental Policy Act, 45 FR 54511–15 (1980), that TVA has decided to adopt the preferred alternatives identified in TVA's final environmental impact statement (EIS) "Coal Gasification Project" made available to the public on July 24, 1981. TVA has decided to:

1. Make available for sale the Murphy Hill site under TVA's control in north Alabama to a consortium of private entities which is being formed.
2. Commence preparation of the site for construction of a high-temperature process coal gasification plant including contruction of a barge slip and related facilities.
3. Continue design and permit activities until the consortium takes over.
4. Transfer TVA's rights in the project to the consortium.

FOR FURTHER INFORMATION CONTACT: Dr. Mohamed T. El-Ashry, Assistant Manager of Natural Resources (Environment), Tennessee Valley Authority, 215 Natural Resources Building, Norris, Tennessee 37828, or call TVA's Citizen Action Office toll free: 1–800–362–9250 (in Tennessee) or 1–800–251–9242 (in Alabama, Georgia, Kentucky, Mississippi, North Carolina, Virginia, Missouri, and Arkansas).

SUPPLEMENTARY INFORMATION: In 1979, TVA began evaluating the techncial, economic, and environmental feasibility of a coal-derived synthetic fuel facility in the Tennessee Valley region. Based on these studies, TVA proposed to demonstrate that a commercial-scale coal gasification plant producing medium-Btu gas could be permitted, constructed, operated, and the products produced at the plant marketed in an environmentally and economically acceptable manner.

On January 3 and January 8, 1980, public information meetings were held in Wakefield and Courtland, Alabama, respectively, to provide general information on the project. On February 19, 1980, a public scoping meeting was held in Wakefield, Alabama. TVA released a draft EIS for public review and comment on August 1, 1980 and held a public hearing on the draft EIS at Lake Guntersville State Park on September 23, 1980. On June 1, 1981, TVA released a supplement to the draft EIS for public review and comment.

The EIS evaluates the potential impacts and benefits associated with the construction and operation of a coal gasification plant by a consortium at Murphy Hill, Alabama, a site under TVA's control on Guntersville Reservoir and alternatives thereto. The Murphy Hill site consists of approximately 1,400 acres and has been designated for industrial development by TVA.

The U.S. Army Corps of Engineers cooperated in the development of the EIS. The Corps' direct involvement occurs in the context of the permitting of various project activities under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act. TVA also worked closely with the U.S. Environmental Protection Agency (EPA) in the preparation of the EIS and is represented on EPA's Coal Gasification/Indirect Liquefaction Working Group which is developing pollution control guidance for synthetic fuels projects.

Alternatives Considered: The following alterantives to the proposed action were considered by TVA in reaching its decision:

1. No action.
2. Synthetic fuels demonstration by other entities.
3. TVA's cooperation in the demonstration of energy technologies other than coal gasification.
4. Sites other than Murphy Hill.
5. Gasification processes other than high-temperature gasification.

These alternatives were evaluated in the EIS and the environmentally preferable alternatives identified as TVA's preferred alternatives. In adopting these preferred alternatives, TVA will cooperate in the design and construction of a commercial-scale coal gasification plant at the Murphy Hill site utilizing the Koppers-Totzek (K–T) process. Although the no-action alternative would avoid the environmental impacts associated with the construction and operation of a coal gasification plant, it would not achieve TVA's objectives and responsibilities outlined below.

Basis for Decision: As a corporate agency of the United States, TVA's statutory responsibilities include the generation of electric power, flood control, navigation improvement, and agricultural, natural resource, and industrial development in the seven-State Tennessee Valley region.

As part of TVA's general mandate to develop the resources of the region, TVA traditionally has played an important role in the development of coal-based technologies and of new ways to utilize the region's abundant coal resources. TVA is also committed to development of the resources of the region in a manner which will create economic opportunities and at the same time protect and enhance the environment.

In addition to regional benefits associated with the project, it would assist the national goal of attaining energy independence by providing an alternative energy source to imported oil and natural gas. For example, a two-module gasification plant would be capable of processing about 10,000 tons per day of eastern high-sulfur coal into the energy equivalent of approximately 25,000 barrels of oil per day. The product gas would be methananted to produce synthetic natural gas or processed into liquid fuels and chemicals such as methanol.

A number of factors were considered by TVA in its determination to proceed with the project including potential environmental consequences, socioeconomic impacts and benefits, technological and engineering feasibility, commercial feasibility, market potential for the products, financial and business relationships, and the possible use of the plant's products by TVA in the future.

In addition to providing a market for eastern high-sulfur coal and an alternative energy source, the coal gasification plant will provide substantial local and regional economic benefits. At the peak construction period, approximately 3,600 persons will be employed. The total construction-period payroll is estimated to be $176 million with the peak-year payroll expected to be approximately $66 million. Based on the projected number of inmovers at the peak construction period, $27 million per year of additional personal income should be generated in the area with $14 million spent per year in the retail sector. Approximately 800 persons will be employed when the plant commences operation. Depending upon the taxing scheme used by the State and Marshall County, approximately $6 million and $2 million could be generated in taxes annually to Marshall County and the State, respectively. (Marshall County collected about $2.7 million in property taxes in fiscal year 1980.)

The issue most frequently raised by persons commenting on the project was the preferred location of the plant. The area surrounding Murphy Hill is used predominantly for recreation purposes. However, fairly large industries have located within 12 miles of the site both upstream and downstream and the site itself has been designated for industrial development by TVA. Of the alternative sites evaluated, Murphy Hill will result in the lowest overall economic cost and offers significant environmental advantages in the area of solid waste disposal compared to the next preferable site, Courtland, which is an abandoned Air Force base. For most other environmental parameters, Murphy Hill is equivalent or preferable in comparison to other sites.

The EIS identified no potential environmental impacts associated with the preferred alternatives that would be so significant as to outweigh the benefits which will result from the project.

Considerations in Implementing the Decision: TVA's primary objective in proceeding with the project is to demonstrate that a coal gasification facility can be constructed and operated in the Tennessee Valley region in an economically and environmentally acceptable manner. In this latter regard, TVA has worked closely with the Corps and EPA in the environmental evaluation of the plant and in the design of the plant.

TVA devoted a substantial amount of time and resources to accumulating and evaluating existing data on potential emissions and discharges from gasification processes. A broad spectrum of coal gasification processes were reviewed and five processes were selected for more detailed consideration in the EIS. TVA determined that high-temperature processes, such as the K–T process, do not produce large quantities of potentially hazardous byproducts or pollutants. Although technology exists to control emissions and discharges from any of the processes to acceptable levels, the control of low-temperature processes would be substantially more complicated.

In addition to evaluating existing environmental data from coal gasification processes, TVA arranged to have the type of coal which will be utilized at the plant tested at two existing gasification plants, a Texaco plant in West Germany and a K–T plant in Greece, at an approximate cost of $8 million. Data from these tests will be utilized in the design of the plant's pollutant control systems and to support applications for necessary environmental permits.

When selecting between high-temperature processes, TVA concluded that only the K–T process was no commercially available and could support the schedule for a two-module plant.

The design of the plant will incorporate numerous features identified in the EIS that will minimize potential environmental impacts. Many other nondesign-related measures will be required as conditions to the various permits. TVA will ensure that these measures are taken by requiring the consortium to comply with all applicable Federal, State, and local environmental requirements.

TVA will provide for the following conditions in the land-transfer document or in TVA's contract with the consortium:

1. Implementation of a Spill Prevention Control and Countermeasures Program, approved by TVA, for oil and hazardous substances;

2. Development of postoperational monitoring program coordinated with EPA and the State of Alabama;

3. Preparation of a summary of postoperational environmental monitoring data with interpretations of the data;

4. Consistent with obligations with respect to proprietary information, distribute copies of engineering data and reports related to the environmental process, as such data and reports become available, to EPA, Region IV, and EPA–IERL–RTP (the Gasification/Indirect Liquefaction Working Group) for review on technology-related matters;

5. Design, construct, and operate all water-use facilities as specified in the EIS, dispose of dredged spoil on land, and limit all instream construction and maintenance activities to the period September–February, if practicable:

6. Site all plant structures and facilities, except for water-use facilities, outside of the 100-year floodplain and above the TVA structure profile elevation. Protect the solid waste disposal area from inundation by the 500-year flood and locate the disposal area outside of any regulatory floodway;

Incorporate noise control features into the plant design using a design goal of 65–DNL at the site boundary;

8. Minimize disturbance, as feasible, of shorelines and riparian habitat by locating the plant and ancillary facilities as far away from the shoreline as practicable;

9. Locate the palnt between "Murpyh Hill" and the ridge on the southeastern portion of the site; and

10. Require that the consortium advise TVA of significant changes in project scope, design, construction, and operation. Should the consortium wish to significantly modify the project, TVA will review this revision to satisfy the objectives specified for the project by TVA and Congress.

Accordingly, in light of these commitments, all practicable means to avoid or mitigate the project's associated environmental impacts will be utilized.

W. F. Willis,

General Manager, Tennessee Valley Authority.

[FR Doc. 81–29120 Filed 10-6-81; 8:45 am]

BILLING CODE 8120-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–22]

The Great Western Sugar Co.; Initiation of Investigation and Announcement of Hearing

On August 20, 1980, the Chairman of the Section 301 Committee received a petition from The Great Western Sugar Company alleging that EC export subsidies on sugar are granted in violation of Articles 8 and 10 of the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade ("Subsidies Code") and constitute an unreasonable and unjustifiable burden on U.S. commerce. The petition was filed pursuant to

Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411 *et seq.*). The United States Trade Representative has decided to initiate an investigation pursuant to 19 U.S.C. 2412(a).

Pursuant to 19 U.S.C. 2412(b) a hearing has been scheduled for November 4, 1981 at 9:30 a.m. to allow interested parties to submit their views on the issues raised by the petition. Requests to testify orally should be received no later than October 28, 1981 and shall conform to the requirements of section 2006.9 of Title 15 of the Code of Federal Regulations. The brief accompanying such oral testimony should be submitted no later than October 30 and should conform to the requirements of 15 CFR 2006.8(b).

Those interested parties who do not wish to testify orally but who do wish to submit written briefs must do so no later than November 4, 1981. Those briefs must meet the requirements of 15 CFR 2006.8(b).

Rebuttal briefs must conform to the requirements of 15 CFR 2006.8(c) and must be submitted no later than November 18, 1981.

All requests and written briefs should be sent to the attention of the Chairman, Section 301 Committee, Office of the United States Trade Representative, Room 222, 600 17th St. N.W., Washington, D.C. 20506.

The text of the petition is as follows:

Before the Section 301 Committee, Office of the United States Trade Representative

Petition Against EC Sugar Export Subsidies Submitted by the Great Western Sugar Company, Denver, Colorado. Mark Roy Sandstrom, Esq., 1920 N St., N.W., Washington, D.C. 20036, (202) 331-8800.

This petition seeks the elimination or reduction of the practice of the European Community (EC) of granting subsidies on sugar exports and is submitted pursuant to Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411–2416) and pursuant to the regulations of the Office of the United States Trade Representative (USTR) dealing with procedures for petitions received pursuant to Section 301 (15 CFR part 2006). This petition requests the United States to seek enforcement of rights secured by Articles 8 and 10 of the GATT Subsidies Code, to which both the United States and the EC are signatories, and rights secured by Section 301.

Statement of the Case

Since the Spring of 1981, the European Community has been paying substantial subsidies on sugar exported from its territory. This practice will result in the loss to U.S. domestic sugar producers of over $2.184 billion dollars in revenues in 1981.

As part of its Common Agricultural Policy (CAP), the EC sets "intervention" prices for large amounts of sugar produced within its territory (Quotas A and B Sugar). Under the CAP, the intervention price normally represents the price at which the EC agrees to purchase as much of a commodity as is offered. However, rather than utilizing the intervention buying mechanism to purchase its producers' surplus sugar whenever the world price falls below the intervention price, the EC exports all of the surplus and pays whatever subsidy is necessary to meet the lowest price in the world market. Indeed, at times, the subsidy has been more than twice the world market price.

By making exports of sugar economically attractive to its producers during periods of excess world supply and low prices, the EC continually aggravates conditions in the supply-sensitive sugar market. The dumping of its sugar surplus in times of excess world supply causes a significant depression in world prices. Furthermore, rather than meeting the lowest world price, the EC often undercuts the world market price of sugar by paying its producers more than the difference between the world price and the intervention price. By severely depressing the world market price of sugar, the EC's subsidies necessarily depress the price of sugar sold in the United States. Thus, the EC sugar subsidies cause serious prejudice to U.S. sugar producers and are an unreasonable burden on U.S. commerce in sugar.

Due to its aggressive sugar regime, the EC has increased its market share tremendously by displacing other more efficient sugar producers and severely depressing prices. A net sugar importer in 1975, the EC has in recent years become a major exporter of sugar. In 1980, the EC exported 3.9 million metric tons of sugar (raw value) and is predicted to equal or exceed this amount in 1981. As such, the EC has obtained over 20% of the freely traded sugar market, more than an equitable share of world sugar export trade. Moreover, the ED has displaced U.S. exports of sugar as a result of its subsidized sales abroad.

In filing this petition, Great Western requests that the United States join with other countries who have officially challenged the EC's system of sugar subsidies. In 1978, Australia and Brazil filed formal complaints against the EC sugar export subsidies under the General Agreement on Tariffs and Trade (GATT). Two GATT panels, formed upon the filing of the complaints, concluded that the EC's subsidies had depressed world sugar prices and caused serious prejudice, and threat of future prejudice, to the interests of Australia and Brazil. (Panel Reports L/4833, October 23, 1979—Australia and L/5011, October 7, 1980—Brazil.) The GATT Council adopted both Panel Reports.

Despite the findings of the panels and the recommendations of the Working Party, the EC has refused to limit or reduce its subsidies. Indeed, since April, 1981, the EC has subsidized and exported over 1.4 million metric tons of sugar at subsidies as high as 19.59 ECUs per 100 kg. (approximately equivalent to $216.86 per metric ton or 9.8 cents per pound). It is estimated that 3.5 million metric tons of sugar exports will be subsidized by the EC this year. This will result in the displacement of $135 million in export sales by U.S. producers. In addition, the EC's subsidized exports will depress prices in world and domestic markets resulting in a severe loss of $2.184 billion to U.S. sugar producers in 1981.

On behalf of Great Western and other domestic sugar producers, the United States must take appropriate steps under Section 301 and under the GATT Subsidies Code to insure that the EC elimiates the harmful effects of its subsidized sugar exports on the domestic sugar industry.

A. Identity of petitioner. Petitioner is The Great Western Sugar Company headquartered in Denver, Colorado. Great Western is a major domestic processor of sugar beets with thirteen processing plants located in six states. Great Western also operates two cane sugar refineries operated by its subsidiaries Godchaux-Henderson Sugar Company, Inc. in Reserve, Louisiana and by the Northern Ohio Sugar Company located in Fremont, Ohio. Great Western produces and sell approximately 11% of all sugar sold in the United States.

As a refiner of cane sugar, Great Western has been seriously hindered it its efforts to sell refined sugar in third country markets by the EC's sales of subsidized sugar to those same markets. Moreover, as a domestic sugar producer Great Western has suffered additional severe injury because the price at which it has been able to sell sugar in the United States since April of this year has been unfairly depressed as a result of the large volumes of subsidized sugar which the EC has sold in the world market.

B. *Description of United States Rights, Being Denied and Practice Which Is Subject of Petition.* (1) *EC Sugar Export Subsidies Deny the United States Rights Under the Subsidies Code.* The policy or practice which is the subject of this petition is the practice of the EC in awarding subsidies on the export of sugar from its territory. This practice denies the United States rights under Articles 8 and 10 of the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (hereinafter referred to as the Subsidies Code). Both the United States and the EC are signatories to the Subsidies Code. As such, Great Western seeks the enforcement of U.S. rights pursuant to sections 301 (a)(1) and (a)(2)(A) of the Trade Act of 1974, as amended, (19 U.S.C. 2411).

(2) *EC Sugar Export Subsidies Constitute An Unreasonable and Unjustifiable Burden Upon U.S. Commerce.* The depressing effect which the EC subsidized sugar exports have upon the price of sugar sold within the United States constitutes an unreasonable burden upon U.S. commerce in sugar within the meaning of section 301(a)(2)(B) of the Trade Act of 1974, as amended, (19 U.S.C. 2411(a)(2)(B)).

C. *Identification of Foreign Entity.* The European Community is the foreign entity with whom the United States has a trade agreement under which U.S. rights are being denied and whose policies unreasonably burden U.S. commerce. The EC regulations establishing the subsidies on sugar exports apply to all of the member states of the EC and to all sugar sold by an producer within the Community.

D. *EC Regulation Establishing the Export Restitution on Sugar.* The current sugar program is established under EC regulation 1785/81 (*Official Journal* L177 July 1, 1981). Restitutions for sugar take three forms and apply to community-grown sugar as well as sugar imported on a preferential basis from countries formally associated with the EC's member states. (See, Reg. 1785/81/ Article 19.) The three restitution programs are the standing export restitution, the weekly export tender (responsible for the bulk of the export sales) and the restitution for sugar exported in processed products.

E. *Identification of Product.* The product of concern in this petition is sugar grown from sugar beets or sugar cane (sucrose). This includes both raw cane sugar and sugar refined from beets or cane. Although the EC subsidizes exports of both raw and refined sugars, the bulk of the EC's exports are of refined sugar. Refined or "white" sugar is defined under EC Regulation as sugar containing, in the dry state, 99.5% or more by weight of sucrose, determined by the polarimetric method.

F. *EC Subsidies Abridge U.S. Rights Under GATT Subsidies Code and Constitute Unreasonable Burden on U.S. Commerce.* (1) *Economic Background.* Even a cursory examination of the world sugar market reveals that the U.S. industry has suffered severe and dramatic losses due to the current depression in the price of sugar. U.S. sugar producers will sell 6.325 million metric tons to the total sugar market in 1981 (including previously held stocks). Each 1 cent per pound in the market price affects revenues of sugar producers by $139.4 million, and corn and other sweetener producers' revenues by as much as $103.94 million. (1 cent per pound = $22.046 per metric ton; $22.046 × 6.325 million metric tons = $139.44 million.)

In 1981, the EC subsidized exports will depress the world market price by at least 15.66 cents per pound ($345.24 per metric ton). This in turn will depress prices in the U.S. market by essentially the same amount, resulting in lost revenues to domestic sugar producers of $2.184 billion. At the maximum, assuming other sweetener prices follow sugar prices precisely, the loss to other sweetener producers would be as much as $1.628 billion. But, making a much more conservative assumption that the price of corn and other sweeteners would rise only one-half as much as sugar prices, the revenue loss to these producers is $814 million. A conservative estimate of the total lost revenues to U.S. sweetener producers is thus $2.998 billion.

(2) *Discussion.* (a) *EC sugar subsidies are in direct contravention of the GATT Subsidies Code.*

(i) *Code Provisions.* Export subsidies by signatory countries are regulated by Articles 8 and 10 of the GATT Subsidies Code. Articles 8 and 10 provide, in pertinent part:

> **Article 8—Subsidies—General Provisions**
>
> 1. Signatories recognize that subsidies are used by governments to promote important objectives of social and economic policy. Signatories also recognize that subsidies may cause adverse effects to the interests of other signatories. * * *
>
> 3. Signatories further agree that they shall seek to avoid causing, through the use of any subsidy: * * *
>
> (c) serious prejudice to the interests of another signatory.
>
> **Article 10—Export Subsidies on Certain Primary Products**
>
> 1. In accordance with the provisions of Article XVI:3 of the General Agreement, signatories agree not to grant directly or indirectly any export subsidy on certain primary products in a manner which results in the signatory granting such subsidy having more than an equitable share of world export trade in such product, * * *
>
> 2. For purposes of Article XVI:3 of the General Agreement and paragraph 1 above:
>
> (a) 'more than an equitable share of world export trade' shall include any case in which the effect of an export subsidy granted by a signatory is to displace the exports of another signatory bearing in mind the developments on world markets; * * *
>
> 3. Signatories further agree not to grant export subsidies on exports of certain primary products to a particular market in a manner which results in prices materially below those of other suppliers to the same market.[1]

Both the United States and the EC are signatories to the Subsidies Code.

(ii) *Contrary to the mandate of Article (3) of the Subsidies Code, the EC has caused, through the use of subsidies, serious prejudice to the interests of the United States.* The GATT panels formed in response to complaints by Australia and Brazil against the EC's sugar subsidies each concluded that the EC's subsidies on exports caused serious prejudice and threat of serious prejudice to Brazil and Australia, depressed world prices and "constituted a permanent source of uncertainty in world sugar markets" (L/4833, p. 32; L/5011, p. 30) The subsidization of exports by the EC in 1981 has created the same price depressing effect in the world market as during the periods under review by the GATT panels in the Australian and Brazilian cases. Since the United States imports almost 45 percent of its sugar supply, the price depression caused by the EC subsidies in the world market is directly reflected in domestic sugar prices. Thus, depression of world sugar prices has caused depression in domestic prices and serious prejudice to the interests of the United States.

(iii) *EC restitutions result in the EC having more than an equitable share of world sugar export trade.* Article 10(1) of the Subsidies Code prohibits export subsidies on certain primary products which result in "the signatory granting such subsidy having more than an equitable share of the export trade in such product * * *" In contravention of Article 10(1), the EC has used subsidies to obtain more than an equitable share of world export trade in sugar. Since 1975, the EC has encouraged the production of sugar for export by authorizing unnecessarily large quotas far in excess of consumption in the EC and guaranteeing unreasonably high prices to EC producers for their production. In addition, the EC has made unlimited subsidies available to sugar producers to guarantee the exportation of excess production. In this manner the EC producers have been able to export their sugar without regard to the normal factors of supply and demand. Moreover, EC producers are dumping their sugar into the world market at the very time when International Sugar Organization countries have agreed to withhold sugar for export in an effort to avoid depressing prices still further. This point was emphasized in the GATT Panel Reports in the Australian and Brazilian cases where the panels concluded that the system of EC subsidies—particularly during periods of low world prices—has enabled the EC to seize an inordinate share of the world market in a very short period of time. Through 1975 the EC was a net sugar importer and exported only small amounts of sugar. However, after 1975, the EC began exporting large amounts of sugar: 1.9 million metric tons (raw value) in 1976, 2.7 million metric tons in 1977 and 3.6 million metric tons in 1978. This volume increased both relatively and absolutely so that in 1980 the total EC exports had grown to 3.9 million metric tons (raw value) or 14.4% of total world exports for that year.

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[1] A complete version of Article 8 and Article 10 is attached hereto as Exhibit A.

If one considers the amount of sugar which is freely traded in the world market, the EC penetration is even more remarkable. Out of the 27 million metric tons of sugar traded in 1980, 8.2 million metric tons were traded at prices fixed either under special arrangements (e.g., EC preferential imports) or long term bilateral contracts (e.g., Cuban exports to the Soviet Union). The market which actually fixed the world price in 1980 represented only 18.8 million metric tons of sugar. The EC's net exports to this free market in 1980 were 3.7 million metric tons (raw value). Thus, the EC's share has rapidly climbed from zero in 1975 to a substantial 20% of the world market for freely traded sugar in 1980.

Without subsidies, EC producers would not be able to export any sugar to the world market, except during periods of very high prices. EC sugar producers are relatively high cost producers. The price of sugar within the EC is protected and runs well over world sugar prices. Thus, EC producers have gained an inequitable share of world export trade. Their high volume of disruptive export sales has occurred solely as a result of the awarding of substantial subsidies to domestic producers.

(iv) *EC subsidized sugar displaces exports of U.S. producers.* Paragraph 2 of Article 10 of the Subsidies Code states that the concept of more than an equitable share of world export trade "shall include any case in which the effect of the export subsidy granted by a signatory is to displace the exports of another signatory * * *" Since the Spring of 1981, when the EC resumed subsidizing its exports after a short period of abstention, Great Western Sugar has been unable to sell sugar in particular third country markets primarily because of the effect of the subsidized EC imports in those markets. Great Western has, on a number of occasions, had its offers to sell sugar rejected as a result of lower priced offers by subsidized producers in the EC. In such cases the amount of the EC subsidy was many times greater than the amount by which Great Western's price exceeded the EC offer price.

In addition, the EC subsidies on exports of sugar displace U.S. sales because they reduce the "spread" between the price of raw sugar and refined sugar in the world market. A cane refiner needs a sufficient margin between the cost of his raw material (raw sugar) and the sale price of refined sugar to cover his refining costs. When the margin is too small, cane refiners cannot compete. The EC's dumping of large volumes of subsidized refined sugar into the market reduces the difference between raw and white sugar prices to the extent that no refiner, U.S. or foreign, can compete. In fact, the price of refined sugar has even been pushed below the price of raw sugar as a result of EC subsidized sugar (See L/4833, section 2.9, p.4).

It is estimated that U.S., sugar refiners as a whole, including Great Western, will lose $2.184 billion in sales in 1981 because EC exporters are selling with the benefit of subsidies.

(v) *EC subsidized prices are materially below other suppliers to the market.* EC policy contravenes Article 10(3) of the Subsidies Code which provides that signatories will not grant export subsidies in a manner which results in prices materially below those of other suppliers to the same market. Although the purpose of the EC subsidy program is to enable their producers to meet world prices, the subsidies are in practice often set at levels which undercut world prices. (See L/4833, section 4.36, p.29; and L/5011, sections 4.27–4.29, pp. 27–28.)

Indeed, in the supply sensitive world sugar market the mere anticipation of EC exports under the weekly tender program has the same effect on the market as a price undercutting action. This fact is illustrated by a recent article reporting market conditions published in the *Journal of Commerce* on Wednesday, July 29, 1981, (page 7A):

> **Sugar Trades Higher**
>
> World sugar futures traded higher with speculative buying and the authorization of fewer than expected export licenses by the European Community.

Accordingly, just as the issuance of the "fewer than expected" export licenses by the EC serves to raise the price at which sugar futures sell, the anticipation of the issuance of such licenses depresses the price of sugar futures.

(b) *EC subsidized sugar exports are an unreasonable burden on U.S. commerce.* As a result of falling sugar prices in the Spring of 1981, the EC began again to subsidize large volumes of exports. The EC will export over 4.3 million metric tons of sugar this year, at whatever level of subsidies are required, further depressing the world sugar prices. Given the link between U.S. prices and world prices, commerce in domestic sugar is suffering significant burdens. For every one cent reduction in the price at which sugar is sold in the United States, U.S. producers will lose approximately $139.44 million in revenues in 1981. It is estimated that the effect of the volume of EC subsidized sugar sales in the freely traded world sugar market is to depress world prices by at least 15.66 cents per pound or more. Thus, in 1981, U.S. sugar producers will lose over $2.184 billion in revenue as a result of the EC subsidies.

Moreover, these subsidies constitute an unreasonable burden upon U.S. commerce within the meaning of Section 301. In the first place, most sugar exporting countries, including the United States, are members of the International Sugar Organization. During periods of low prices these countries are obligated to restrict their sales of sugar to the world market. Export restrictions were imposed by exporting member countries of the ISO during the periods of low prices which existed during 1977 and 1978 and again during the period of low prices which existed in the United States and the world market since the Spring of this year. The purpose of holding these supplies from the market, of course, is to stabilize prices and refrain from exacerbating conditions in a market highly sensitive to excess supplies.

The EC, however, is not a member of the ISO. During these periods of low world prices, the EC not only refused to withhold its supplies from the market, but also undertook a deliberate policy of dumping any and all surpluses of sugar through subsidized exports. Again in 1981, the EC reinstituted subsidies on its growing export sales at the same time that other exporting countries who are members of the ISO imposed restrictions upon their exports. The dumping of large and ever growing subsidized surpluses of sugar into the world market, while other sugar exporting countries sacrifice by withholding their sugar from the market, exacerbates the problem of depressed world market prices, and accordingly, unreasonably burdens U.S. commerce. (See, Findings of GATT Panel, L/5011, pp. 28, 30.)

G. *Other Actions.* The Great Western Sugar Company has not filed and is not filing any other form of relief under the Trade Act of 1974, as amended, or any other provision of law.

In addition to the petition, the petitioner has also submitted economic study and a written brief in support of the petition which is available for review in the Office of the United States Trade Representative, Room 222, 600 17th St., NW., Washington, D.C. 20506.

Jeanne S. Archibald,

Chairman, 301 Committee.

[FR Doc. 81-29200 Filed 10-6-81; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

[Department Circular; Public Debt Series No. 30-81]

Treasury Bonds of 2001; Invitation for Tenders

October 1, 1981.

The Secretary announced on September 30, 1981, that the interest rate on the bonds designated Bonds of 2001, described in Department Circular—Public Debt Series—No. 30-81, dated September 23, 1981, will be 15¾ percent. Interest on the bonds will be payable at the rate of 15¾ percent per annum.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-29115 Filed 10-6-81; 8:45 am]

BILLING CODE 4810-40-M

United States and the Netherlands To Discuss Revision of Income Tax Treaty

The Treasury Department announced that representatives of the United States and the Netherlands will meet in Washington during the week of November 9, 1981 to discuss possible revision to the current U.S.-Netherlands income tax treaty. The present treaty was signed in 1948, and was last modified in 1966.

The discussions will review all of the provisions of the existing treaty in light of the U.S. and OECD model treaties. Among the issues to be considered are the treatment of investment income, business profits, personal service income and capital gains, the administrative provisions of the treaty and the need for a provision, consistent with current U.S. treaty policy, dealing with use of the treaty by residents of third countries.

The Treasury invites persons wishing to submit comments on any aspect of the income tax treaty to write, before November 1, 1981 to A. W. Granwell, International Tax Counsel, Department of the Treasury, Room 3064, Washington, D.C. 20220.

Dated: October 2, 1981.

John E. Chapoton,

Assistant Secretary (Tax Policy).

[FR Doc. 81-29203 Filed 10-6-81; 8:45 am]

BILLING CODE 4810-25-M

U.S. and New Zealand Income Tax Treaty Negotiations

The Treasury Department announced that representatives of the United States and New Zealand will meet in Washington during the week of October 26, 1981 to renegotiate the income tax treaty between the two countries which has been in effect since 1952.

The renegotiation was prompted by a change in New Zealand's tax law which will increase the New Zealand tax on dividends to 30 percent as of April 1, 1982. However, because the treaty has been in effect for so many years, the negotiations will encompass a complete review of all of its provisions. The discussions will take into account changes in the tax laws of both countries and developments in the model income tax treaties published by the Organization for Economic Cooperation and Development (OECD) and by the United States.

Anyone wishing to provide information or comments on tax matters related to the forthcoming negotiations is invited to do so by writing to A. W. Granwell, International Tax Counsel, U.S. Treasury Department, Room 3064, Washington, D.C. 20220.

Dated: October 2, 1981.

John E. Chapoton,

Assistant Secretary (Tax Policy).

[FR Doc. 81-29202 Filed 10-6-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Cooperative Studies Evaluation Committee; Meeting

The Veterans Administration gives notice under Pub. L. 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 U.S.C. 4101, will be held in Meeting Room B of the Holiday Inn, Massachusetts Avenue at Thomas Circle, NW., Washington, DC, 20005, on October 19 and 20, 1981. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including protection of human subjects. The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 8:30 a.m., on October 19 and 20, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, Veterans Administration Central Office, Washington, DC (202-389-3702) prior to October 5.

The meeting will be closed from 8:30 a.m. to 5:15 p.m. on October 19, and from 8:30 a.m. to 6:00 p.m. on October 20, for consideration of specific proposals in accordance with provisions set forth in subsection 10(d) of Pub. L. 92-463, as amended by section 5(c) of Pub. L. 94-409, and subsections (c)(6) and (c)(9)(B) of section 552b, title 5, United States Code. During this portion of the meeting, discussions and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasions of personal privacy. Additionally, premature disclosure of the Committee's recommendations would likely frustrate implementation of final proposed actions.

Dated: September 30, 1981.

Donald Custis,

Acting Administrator.

[FR Doc. 81-29141 Filed 10-6-81; 8:45 am]

BILLING CODE 8320-01-M

120-Bed Nursing Home Care Unit, Veterans Administration Medical Center Miami, Florida; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the proposed construction of a 120-Bed Nursing Home Addition at the Veterans Administration Medical Center (VAMC) in Miami, Florida. The project consists solely of adjacent construction, on a second story level, directly above the existing nursing home. The building addition was initially analyzed as part of the planned two level structure. This project now completes the facility as proposed. The existing nursing home structure was designed to provide for this expansion addition. The estimated project cost is approximately $12–14.5 million. This is a magnitude estimate and is subject to revisions.

Project impacts will be limited to those involving construction activities affecting the immediate VAMC environment.

Construction related traffic may cause disruption of onsite traffic flow. In addition, construction noise associated with the development of the addition is likely to cause annoyance to occupants of nearby buildings. Complaints about noise usually give rise to a controversial situation. The impact of dust and fumes that will exist during construction will be a short term effect lasting only during that phase of project development.

In relation to both construction and operation, the nursing home addition will be built in accordance with applicable Federal, State and local air quality standards.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: September 30, 1981.

Donald Custis,

Acting Administrator.

[FR Doc. 81–29142 Filed 10–6–81; 8:45 am]

BILLING CODE 8320–01–M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V. Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on November 9, 1981, at 1:00 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Estes Kefauver Federal Building—U.S. Courthouse, Room A–220, 110 Ninth Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in McKenzie College, 1000 Riverfront Parkway, Chattanooga, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: September 29, 1981.

R. S. Bielak,

Director, VA Regional Office, 110 Ninth Avenue, South, Nashville, Tennessee.

[FR Doc. 81–29183 Filed 10–6–81; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 194
Wednesday, October 7, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COPYRIGHT ROYALTY TRIBUNAL

DATE AND TIME: 10:00 a.m., Wednesday, October 14, 1981.

PLACE: 2033 K Street, N.W., Room 538, Washington, D.C.

STATUS: Open.

MATTERS BE BE CONSIDERED:

1. Possible declaration of controversy concerning distribution of 1980 cable royalty fees.

2. Petitions to initiate cable television royalty fee adjustment proceeding.

a. Petition of National Cable Television Association.

b. Petition of American Society of Composers, Authors and Publishers.

3. Request of the Motion Picture Association of America for establishment of interim cable television rates.

4. Possible commencement of proceeding for determination of interim adjustments of royalty for making and distributing phonorecords (mechanical royalty).

CONTACT PERSON FOR FURTHER INFORMATION: Thomas C. Brennan, Acting Chairman, Copyright Royalty Tribunal, 1111 20th Street, N.W., Room 450, Washington, D.C. 20036, (202) 653-5175.

Thomas C. Brennan,

Acting Chairman, Copyright Royalty Tribunal.

[S-1522-81 Filed 10-5-81; 11:11 am]

BILLING CODE 1410-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:35 a.m. on Friday, October 2, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Application of Metropolitan Savings Bank, New York (Brooklyn), New York, for the Corporation's consent to merge, under its charter and title, with Brooklyn Savings Bank, New York (Brooklyn), New York, and for consent to establish the ten offices of Brooklyn Savings Bank as branches of the resultant bank.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,941–L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

A personnel matter.

In calling the meeting, the Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: October 2, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1520-81 Filed 10-5-81; 10:49 am]

BILLING CODE 6714-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

September 30, 1981.

TIME AND DATE: 10 a.m., Wednesday, October 7, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Mid-Continent Coal & Coke Company, DENV 76-83-P, etc., IBMA 77-14. (Issues include whether violations of 30 CFR 75.308 occurred.)

2. Inland Steel Coal Company, VINC 77-164, IBMA 77-66. (Issues include whether under 30 CFR 75.1712-1 the operator was required to provide bathing facilities for construction workers.)

3. Alabama By-Products Corporation, BARB 76-153, IBMA 76-114. (Issues include whether violation of 30 CFR 75.1725 occurred.)

4. Kerr-McGee Corporation, CENT 79-156-M. (Issues include whether violation of 30 CFR 57.1505 occurred.)

5. United Mine Workers of America v. Secretary of Labor, MSHA, CENT 81-223-R; Petition for Discretionary Review. (Issues include scope of right of miners or miners representatives to contest citations issued by the Secretary of Labor.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1527-81 Filed 10-5-81; 3:13 p.m.]

BILLING CODE 6820-12-M

4

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Tuesday, October 13, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED.

1. Consideration of conceptual design and budget for the proposed new Jacksonville Branch building of the Federal Reserve Bank of Atlanta.

2. Review of reserve reporting and maintenance requirements of the Monetary Control Act.

3. Personnal actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr, Joseph B. Coyne, Assistant to the Board (202) 452-3204.

Dated: October 5, 1981.

James McAfee,

Assistant Secretary of the Board.

S-1529-81 Filed 10-5-81; 4:00 p.m.]

BILLING CODE 6210-01-M

5

FEDERAL RESERVE SYSTEM

orrection

In S-1498, appearing as Item 1 in the issue of Friday, October 2, 1981, page 48808, the paragraph titled "**TIME AND DATE**" is corrected to read as follows:

"**TIME AND DATE:** 11:30 a.m., Wednesday, October 7, 1981."

BILLING CODE 1505-01-M

6

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., October 28, 1981.

PLACE: On Board MV *Mississippi* at City Front, Greenville, MS.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Status report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris; telephone 601-634-5766,

[S-1523-81 Filed 10-5-81; 11:18 am]

BILLING CODE 3710-GX-M

7

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., October 26, 1981.

PLACE: On board MV *Mississippi* at City Front, Cape Girardeau, MO.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Status report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Commander's report on the Mississippi River and Tributaries Project in Memphis District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris; telephone 601-634-5766.

[S-1524-81 Filed 10-5-81; 11:18 am]

BILLING CODE 3710-GX-M

8

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., October 27, 1981.

PLACE: On board MV *Mississippi* at City Front, Vicinity of Beale Street, Memphis, TN.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Status report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris; telephone 601-634-5766.

[S-1525-81 Filed 10-5-81; 11:18 am]

BILLING CODE 3710-GX-M

9

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 3 p.m., October 29, 1981.

PLACE: On board MV *Mississippi* at City Front, Coast Guard Wharf, Morgan City, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Status report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Commander's report on the Mississippi River and Tributaries Project in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris; telephone 601-634-5766.

[S-1526-81 Filed 10-5-81; 11:18 am]

BILLING CODE 3710-GX-M

10

NUCLEAR REGULATORY COMMISSION

DATE: Week of October 5, 1981 (revised) and Week of October 12, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, October 6:*

3:00 p.m.

1. Discussion of TMI-1 Restart (closed meeting) (rescheduled from October 8)

Thursday, October 8:

10:00 a.m.

1. Affirmation/Discussion Session (public meeting) (as announced; time changed)

Items to be affirmed and/or discussed:

a. Interim Rule on Hydrogen Control

b. Petition for Extension of Deadline for Environmental Qualification of Class IE Electrical Equipment

c. Selection of Hearing Panel for Part 30 Proceeding (continued from October 1)

Tuesday, October 13:

10:30 a.m.

1. Briefing by Executive Branch (closed meeting)

2:00 p.m.

1. Discussion and Possible Vote on Revised Licensing Procedures—Proposed Rule Change to Part 2 (open/closed status to be determined)

Wednesday, October 14:

10:00 a.m.

1. Oral Presentations on TMI-1 Restart (public meeting)

2:00 p.m.

1. Continuation of Oral Presentations on TMI-1 Restart (if needed) (public meeting)

Thursday, October 15:

10:00 a.m.

1. Discussion of Management-Organization and Internal Personnel Matters (closed meeting)

3:00 p.m.

1. Affirmation/Discussion Session (public meeting)

Items to be affirmed and/or discussed:

a. Review of ALAB-646, In the Matter of Alabama Power Co. (Antitrust), and Alabama Power Company's Application for Stay *Pendente Lite* (postponed from October 1)

b. Central Electric Power Cooperative's Petition for Reconsideration (Virgil Summer OL—Antitrust) (postponed from October 1)

c. Final Amendment to 10 CFR Part 50, Clarifications to Emergency Preparedness Regulations

d. Request of the State of Illinois for a Hearing on G. E. Morris license Amendment

e. Implementation of Equal Access to Justice Act

f. Delegation of Part 70 Jurisdiction to Licensing and Appeal Boards

g. New Development in Florida Cities and Florida Power & Light Antitrust Matter

ADDITIONAL INFORMATION: Affirmation/Discussion of Selection of Hearing Panel for Part 30 Proceeding and TMI–1 Restart—Management Competence Decision were held in closed session. Briefing on Status of NUREG–0771 and –0772 (on Fission Product Behavior), previously announced for October 7, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

October 2, 1981.

Walter Magee,

Office of the Secretary.

[S–1528–81 Filed 10–5–81; 3:44 pm]

BILLING CODE 7590–01–M

11

POSTAL SERVICE

(Board of Governors)

Notice of Vote to Close Meeting

On September 29, 1981, the Board of Governors of the United States Postal Service voted to close to public observation its meeting scheduled for November 5, 1981. Each of the members of the Board voted in favor of closing this meeting, which is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Ching, Hughes, Hyde, Jenkins, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; and Counsel to the Governors Califano.

The meeting to be closed will consist of a discussion among the members of a number of postal officials who are regarded by the Postal Service management as probable candidates for promotion to senior positions within the Postal Service, consistent with the Postal Service's equal employment opportunity policy as reaffirmed by Board Resolution No. 81–11 of August 4, 1981.

The Board is of the opinion that public access to this discussion would be likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, not only in regard to the privacy of the officials immediately involved, but also in regard to the privacy of others whose comparative performance might be discussed.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(6) of title 5, United States Code, and § 7.3(f) of Title 39, Code of Federal Regulations, the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board has also determined that the public interest does not require that the Board's discussion be open to the public.

In accordance with section 552b(f)(1) of Title 5, United States Code, and § 7.6(a) of Title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that, in his opinion, the meeting to be closed may properly be closed to public observation, pursuant to section 552b(c)(6) of Title 5, United States Code and § 7.3(f) of Title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S–1521–81 Filed 10–5–81; 11:10 am]

BILLING CODE 7710–12–M

12

SECURITIES AND EXCHANGE COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 47525, September 28, 1981.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, September 22, 1981.

CHANGES IN THE MEETING: Rescheduling.

The following item will not be considered at a closed meeting scheduled for Thursday, October 1, 1981, following the 10:00 a.m. open meeting, but has been rescheduled for consideration at the closed meeting on Wednesday, October 7, 1981, following the 10:00 a.m. open meeting.

Regulatory matter regarding financial institution.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

September 30, 1981.

[S–1519–81 Filed 10–5–81; 9:16 am]

BILLING CODE 8010–01–M

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federal register

Wednesday
October 7, 1981

Part II

Federal Emergency Management Agency

Privacy Act of 1974; Annual Notice of Systems of Records

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Annual Notice of Systems of Records

AGENCY: Federal Emergency Management Agency.

ACTION: Annual notice of Privacy Act systems of records.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give notice of the existence and character of each system of records it maintains which contains information about individuals. The purpose of this notice is to fulfill the Privacy Act annual notice requirement by publishing a complete listing and description of all systems of records currently being maintained by the Federal Emergency Management Agency. Also, in an effort to economize on the cost of publication in the **Federal Register**, we are publishing minor administrative corrections to existing systems of records which were previously published. The last annual notice of the Federal Emergency Management Agency systems of records was published in the October 14, 1980, edition of the **Federal Register**, 44 FR 67830. During this past year, the Federal Emergency Management Agency published a correction to an existing systems of records at 45 FR 74995; a new system of records at 45 FR 82711; an addition of a new routine use to an existing system of records at 46 FR 17136; and an addition of a new routine use to three existing systems of records at 46 FR 33630. This annual notice incorporates all of those changes in the applicable systems of records notices.

During this past year, the Federal Emergency Management Agency has undergone a realignment of office responsibilities and, where applicable, the new system location and system manager has been corrected.

EFFECTIVE DATE: October 7, 1981.

FOR FURTHER INFORMATION CONTACT: Linda Keener, Freedom of Information and Privacy Specialist, Office of Public Affairs, at (202) 287-0313.

SUPPLEMENTARY INFORMATION: As a result of the recent realignment within the Federal Emergency Management Agency, we have decided to change the identification symbols of various systems of records to properly identify their specific location. For convenience, we have annotated after each system name whether the identification number has changed, and if so, the previous identification number assigned to the system.

FEMA/RMA-1, Payroll and leave accounting (previously FEMA/ACC-1)
FEMA/RMA-2, Travel and Transportation Accounting (previously FEMA/ACC-2)
FEMA/RMA-3, Committee Management Files (previously FEMA/ADM-1)
FEMA/RMA-4, Central Files (previously FEMA/ADM-2)
FEMA/RMA-5, Office Services File System (previously FEMA/ADM-3)
FEMA/RMA-6, Security Management System (previously FEMA/IG-1)
FEMA/RMA-7, Emergency Assignment System (previously FEMA/OS-1)
FEMA/RMA-8, Key Personnel Central Locator List (previously FEMA/OS-2)
FEMA/RMA-9, Grievance Records (previously FEMA/PER-1)
FEMA/NETC-1, Student Application and Registration Records, National Fire Academy (previously FEMA/FA-1)
FEMA/NETC-2, National Fire Academy Instructor Records (previously FEMA/FA-4)
FEMA/NETC-3, Student Academic and Course Records (previously FEMA/T&E-3)
FEMA/NETC-4, Home Study Courses (previously FEMA/T&E-4)
FEMA/T&E-2 is REVOKED
FEMA/FA-1, Federal Employees with Fire Related Expertise (previously FEMA/FA-2)
FEMA/FA-2, President's and Secretary's Award Nominees (previously FEMA/FA-3)
FEMA/COM-1, List of Custodians of Decision Info Sys (DIDS) Radio Receivers (same)
FEMA/EO-1, Equal Employment Opportunity Complaints of Discrimination Files (same)
FEMA/FIA-1, Federal Crime Insurance Program (same)
FEMA/FIA-2, National Flood Insurance Application and Related Documents Files (same)
FEMA/GC-1, Claims (litigation), (same)
FEMA/GC-2, FEMA Enforcement (Compliance), (same)
FEMA/IG-1, General Investigative Files (previously FEMA/IG-2)
FEMA/PA-1, Biographies (same)
FEMA/SUP-1, Operating Personnel Folder Files (same)
FEMA/REG-1, State and Local Civil Preparedness Instructional Program (SLCPIP), (previously FEMA/T&E-1)
FEMA/GOV'T-1, Uniform Identification System for Federal Employees Performing Essential Duties During Emergencies (same)
FEMA/NPP-1, National Defense Executive Reserve System (Previously FEMA/PP-1)
FEMA/NPP-2, Resource Interruption Monitoring System (Previously FEMA/PP-2)
FEMA/NPP-3, Industrial Group Consultation (previously FEMA/PP-11)
FEMA/SLPS-1, Disaster Recovery Assistance Files (previously FEMA/DR&R-1)
FEMA/SLPS-2, Temporary Housing Files (previously FEMA/DR&R-2)
FEMA/SLPS-3, Disaster Assistance Personnel Reserve Files (previously FEMA/DR&R-3)
FEMA/SLPS-4, FEMA Form 95-3, Appl for Enrollment in Arch Engr Prof Dev Prog. (previously FEMA/PP-4)
FEMA/SLPS-5, FEMA Summer Shelter Survey Program (previously FEMA/PP-5)
FEMA/SLPS-6, Program Management Information System (previously FEMA/PP-6)
FEMA/SLPS-7, Military Reserve Program (previously FEMA/PP-7)
FEMA/SLPS-8, Radioactive Materials Inventory (previously FEMA/PP-8)
FEMA/SLPS-9, Maintenance and Calibration (previously FEMA/PP-9)
FEMA/SLPS-10, Radiation Exposure and Radioactive Materials; Radiation Committee Records (previously FEMA/PP-10)
FEMA/SLPS-11, Interagency Directories System (previously FEMA/PP-3)

Certain personnel-related files are covered by the OPM Government-wide notices and subject to control by the Office of Personnel Management. The Personnel Investigations Records of present, former or potential FEMA employees are covered by the OPM/Central-9 system notice and maintained at the Office of Personnel Management. The following record systems are maintained at the Federal Emergency Management Agency but subject to control by OPM:

OPM/GOV'T-1, General personnel records
OPM/GOV'T-3, Adverse action records
OPM/GOV'T-5, Recruiting, examining, and placement records
OPM/GOV'T-6, Personnel research and test validation records
OPM/GOV'T-7, Applicant race, sex, ethnicity and disability status records
OPM/GOV'T-8, Confidential Statements of Employment and Financial Interests
OPM/GOV'T-9, Position classification review and retained rate of pay appeals

During the past months, there has been some question regarding the meaning of a new routine use which was adopted for the FEMA system of records entitled, National Flood Insurance Application and Related Documents Files, FEMA/FIA-2, which permits disclosure "to State and local government agencies engaged in floodplain management improved real property acquisition and relocation projects consistent with the National Flood Insurance Program." Therefore, we are revising the wording of this routine use to clarify what it means. The routine use will now read, "to State and local government agencies who provide the names and addresses of policyholders and a brief general description of their plan for acquiring and relocating their flood prone properties for FEMA's review to ensure that their State and/or local government agency is engaged in floodplain management improved real property acquisition and relocation projects consistent with the National Flood Insurance Program. The release of information on all policyholders is not consistent with the intent of the Privacy Act nor with our intent of including this routine use because not all of the policyholders' properties would qualify under the floodplain management improved real property acquisition and relocation projects. Furthermore, the routine use is not intended to permit a State and/or local government agency to go on a "fishing expedition" of our files but rather they must have a current plan for acquiring and relocating their flood prone properties which meets the FEMA's approval to ensure that they are engaged in floodplain management improved real property acquisition and relocation projects consistent with the National Flood Insurance Program.

Following are the notices of all FEMA systems of records and Appendix A which lists the routine uses which have been identified in each system notice as being applicable to more than one system notice and Appendix AA which lists the addresses of our ten Regional offices.

Dated: September 28, 1981.

James L. Holton,

Director, Office of Public Affairs.

FEMA/RMA-1

SYSTEM NAME:

Payroll and leave accounting.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; timekeepers at FEMA headquarters; National Emergency Training Center, Emmitsburg, Maryland, Computer Center, Olney, Maryland; and all FEMA Regional offices, addresses are listed in Appendix AA; bi-weekly payroll records are also maintained at classified location and relocation facilities under the FEMA Vital Operating Records Program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FEMA employees, headquarters and field, including full-time permanent, part-time, temporary, consultants, and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain earnings and leave statements provided directly to employees; net check listing; Federal and state withholding statement; bond applications; bond listing; listing of payroll checks mailed; requests by employees for allotments of pay for credit to savings account with financial institutions; and notification of personnel actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 112(a) of the Budget and Accounting Procedures Act of 1950; 31 U.S.C. 66(a); 5 U.S.C. 5501, et seq., 5525 et seq., and 6301 et seq.

PURPOSE(S):

For the purpose of administering the pay and leave requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used: (a) By the Department of the Treasury to issue checks and U.S. Savings bonds; (b) By the Department of Labor in connection with a claim filed by an employee for compensation due to a job-connected injury or illness; (c) By state offices of unemployment compensation in connection with claims by former Agency employees for unemployment compensation; (d) By Federal Employees' Group Life Insurance or Health Benefits carriers in connection with survivor annuity or health benefits claims or records reconciliations; (e) To provide officials of labor organizations recognized under the Civil Service Reform Act with information as to the identity of Agency employees contributing union dues each pay period and the amount of dues withheld from each contributor; (f) To disclose information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions; (g) To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court; (h) To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding; (i) To disclose information to officials of: the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; Social Security Administration; or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

Additional routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The net check listing, listing of payroll checks mailed, bond lists, and notification of personnel actions consist of paper records in file folders; information from these forms are keyed into a computer system and transmitted to the Department of the Treasury in San Francisco for preparing checks and bonds.

RETRIEVABILITY:

Net check listings, listings of payroll checks mailed, and bond lists are filed by payroll date. Federal and state withholding statements, bond applications, requests by employees for allotments of pay for credit to savings accounts with financial institutions, and notifications of personnel actions are filed alphabetically by name of individual.

SAFEGUARDS:

Paper records are retained in a locked container and/or room records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Listings of payroll checks mailed and bond lists are destroyed after 2 years. Personnel notification actions are destroyed after 6 years. All other records are retained in accordance with GSA General Records Control absence FEMA regulations governing the retention and disposal of records.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

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RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Treasury Form TDS 10-11, G-6, Earnings and Leave Statements; Net check listings; Listing of Payroll Checks Mailed are prepared by the Department of the Treasury in San Francisco; Form W-4, Federal and State Withholding Statements; SF 1192, Bond Application; SF 1198, Request by Employees for Allotment of Pay for Credit to Savings Account with a Financial Organization is submitted by the individual to the Department of the Treasury in San Francisco through FEMA payroll offices; and SF 50, Notification of Personnel Action.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA-2

SYSTEM NAME:

Travel and Transportation Accounting.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; National Emergency Training Center, Emmitsburg, Maryland; Computer Center, Olney, Maryland; and all FEMA Regional offices, addresses are listed in Appendix AA; at classified location and relocation facilities under the FEMA Vital Operating Records Program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FEMA employees, headquarters and field, including full-time permanent, part-time, temporary, consultants, and former employees who perform (temporary duty or permanent change of duty station) travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain requests and authorizations for travel; U.S. Government transportation requests; request for advances of funds; payment records of outstanding travel advances; paid travel vouchers; records of unused tickets; travel history records; collection vouchers for refunds of advances; and correspondence relating to travel claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701; 31 U.S.C. 71; 31 U.S.C. 65; 30 U.S.C. 52; 41 U.S.C. 3101; 50 U.S.C. App. 2253.

PURPOSE(S):

For the purpose of administering travel requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To finance and administration personnel for the purpose of recording and controlling obligations involving travel, and the storage and shipment of household goods, advances, refunds and expenditures of travel funds; to prevent errors leading to improper payments; to detect and recover overpayments; and to support billings to carriers for travel and transportation furnished.

Additional routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Travel authorizations are filed alphabetically by organization; transportation requests and records of unused tickets are filed by TR number; records of outstanding advances and travel history records are filed alphabetically by individual; and all advance, refund and payment records are filed by payment date in voucher number sequence.

RETRIEVABILITY:

See Storage section above.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Travel history records are retained indefinitely, all other records are sent to the Federal Records Center after five years where they are destroyed after 10 years.

SYSTEM MANAGER(S) AND ADDRESSES:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personnel identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

FEMA Form 60-2T, Official Travel Authorization; SF 1169, U.S. Government Transportation Request; and DD Form 1131, Request for Advance of Funds are submitted by authorized officials; SF 1038, Application and Account for Advances of Funds are submitted by employees requiring advances; DD Form 1351-2, (PAID) Travel Vouchers are received from the finance and administration office; SF 1170, Redemption of Unused Tickets are prepared from unused tickets turned in by travelers and the file copy of the related Transportation Request and Travel History Record by Individual are prepared from paid vouchers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA-3

SYSTEM NAME:

Committee Management Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; and all FEMA Regional Offices, addresses are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FEMA employees active in private associations in which FEMA has an interest; Federal government employees on FEMA internal committees and on FEMA sponsored international and interagency committees; Architects and engineers and other persons who are not FEMA employees who are appointed to the FEMA sponsored advisory committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Government employees—name, office address, and name of employing agency; Non-Government employees—biographical material including name of employer, title, address, legal voting residence, place and date of birth, marital status, military service, education, registration in professional societies, work experience, record of performance, publications authored, membership on other boards or committees, professional awards, and other information which can be used to determine fitness of individual to sit on the committee; Description of private associations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253; P.L. 42–463 (Federal Advisory Committee Act), E. O. 11769 (Advisory Committee Management).

PURPOSE(S):

For the purpose of maintaining a list of members of the various advisory committees in order to provide them with information on committee functions, meeting dates, agendas, and other purposes for managing the committee activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To assure that FEMA participation in private, nongovernmental associations, societies, etc., is limited only to the extent of FEMA interest therein; to assure preparation and submittal of certain input information that is needed for the reports required by laws and issuance cited above; to provide a tool with which top management can assure that the terms of the regulations regarding the creation and use of committees are being compiled with.

Additional routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By name of committee, society, or association, then alphabetically by name of individual.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained for two years after committee ceases to exist or society membership expires, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Biographical information submitted by government or nongovernmental individuals nominated for membership.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA-4

SYSTEM NAME:

Central Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Offices, National Emergency Training Center, Computer Center, Olney, Maryland, Addresses for the Regional Offices are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, including Congress, from whom an inquiry or request is received, and to whom a reply is addressed. Transmittals in response to routine requests for publications, etc., are not retained.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence applicable to the internal administration of the Agency; e.g., accounting, correspondence pertinent to the personnel program, budget, procurement, administrative services, etc., congressional correspondence, international FEMA activities, public affairs activities, correspondence concerning regional activities, equal opportunity, program analysis and evaluation, operations support (communications and computer services, operations center activities) Federal Insurance Administration, U.S. Fire Administration, training and education activities, activities concerning Nationwide plans and preparedness for peacetime and wartime emergencies, hazard mitigation, research program relative to Agency missions, Federal disaster assistance program activities.

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AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253; E. O. 12127, 44 FR 19367; E. O. 12148, 44 FR 43239; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of maintaining a record and background material concerning inquiries made to FEMA and FEMA responses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by inquirer's name, except that responses to Congressional inquiries are filed separately.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during the non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are cut off at end of calendar year and destroyed two years after cut off.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6 published in the Federal Register.

RECORD SOURCE CATEGORIES:

All records in the system consist of FEMA generated records according to a request or inquiry from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA-5

SYSTEM NAME:

Office Services File System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Resource Management and Administration, Washington, D.C. 20472; all FEMA Regional Offices, National Emergency Training Center, Emmitsburg, Maryland; Computer Center, Olney, Maryland, and Classified Location. Addresses of Regional Offices are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of FEMA, headquarters and field, including full time permanent, part time, temporary and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Trip ticket file, government driver's license file, accident report file, memoranda regarding car pools and parking pools, and telephone directories which contain no personal information but serve as a means of locating individuals during business hours.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 50 U.S.C. App. 2253; E.O. 12127, 44 FR 19367; E.O. 12148, 44 FR 43239; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the in-house use of identifying FEMA employees authorized to operate Government vehicles; to record individuals and vehicles involved in accidents involving FEMA owned or leased vehicles; to maintain a record of FEMA employees authorized official parking spaces; to maintain a record of FEMA employees participating in carpools; and to maintain telephone directories which contain no personal information but serve as a means of locating individuals during business hours; personnel within FEMA will use data or documents in the file or will develop same, as necessary, in connection with their duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses may include any of the uses listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data filed alphabetically.

RETRIEVABILITY:

By last name of employee or organizational element.

SAFEGUARDS:

Records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

These records become obsolete when updated records are prepared. Obsolete rosters and directories are destroyed. Accident reports are destroyed after six months.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURES:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

All records are FEMA generated based on data submitted by the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA-6

SYSTEM NAME:

Security Management System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Resource Management and Administration, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FEMA employees, other Federal agency employees, State employees, and contract employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Security records include: Statement of personal history, personal data (e.g. name, address, telephone number and social security number) contained on security clearance forms, rosters, lists, and forms for record container combinations and other related records. Also this system contains records concerning Personnel Security Program for positions associated with computer systems (Chapter 732 of Federal Personnel Manual). Records do not contain investigatory materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12127, 44 FR 19367; Executive Order 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of agency official use, based upon a need-to-know requirement, in maintaining office security for sensitive data and facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

An employee's level of security clearance may be reported to another agency for the purpose of interagency security administration.

Additional routine use may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-tape, drum, disc, paper, and index cards.

RETRIEVABILITY:

By name and social security number.

SAFEGUARDS:

Personnel screening; hardware and software computer security measures. Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for duration of employment. Disposition of records shall be in accordance with FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA-7

SYSTEM NAME:

Emergency Assignment System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Resource Management and Administration, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Emergency assignees to the FEMA Special Facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel data, social security number, personal data, skills inventory, assignment information, badge number, and other related information for the purpose of in-house official use, based upon a need-to-know requirement, to assist officials charged with emergency responsibilities in the assignment and coordination of activities in the Western Virginia Operation Division of FEMA. Authority for maintenance of the system: Executive Order 12148.

PURPOSE:

To assist officials charged with emergency responsibilities in the assignment and coordination of activities in the Western Virginia Operations Division of FEMA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

To provide the names, addresses and telephone numbers of FEMA subscribers

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having essential emergency functions to the General Services Administration for forwarding to the public telephone companies to designate those subscriber's home numbers as "essential" for the purpose of providing a minimum of delay in placing calls from their residences during a national disaster or civil emergency.

To assist officials charged with emergency responsibilities in the assignment and coordination of activities in the Western Virginia Operations Division of FEMA.

Additional routine uses may include Nos. 1, 2, 3, 5, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-tape, drum, disc and paper.

RETRIEVABILITY:

By name, personal characteristics or skills, badge number, and agency.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for duration of assignment. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

The individuals to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA-8

SYSTEM NAME:

Key Personnel Central Locator List.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Resource Management and Administration, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected Key FEMA Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files and related documents contain lists of key FEMA officials with their home telephone numbers, office telephone numbers, and itinerary who may be contacted in the event of a national disaster or civil emergency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12148, 44 FR 43239.

PURPOSE(S):

For the purpose of locating selected Key FEMA Personnel in the event of a national disaster or civil emergency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide the names, addresses and telephone numbers of FEMA subscribers having essential emergency functions to the General Services Administration for forwarding to the public telephone companies to designate those subscriber's home numbers as "essential" for the purpose of providing a minimum of delay in placing calls from their residences during a national disaster or civil emergency.

In the event of a national disaster or civil emergency which requires action by FEMA, the list will be referred to in order to locate selected Key Officials.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are destroyed on a monthly basis.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Telephone numbers and itineraries are furnished by the individuals on the list via telephone on a weekly basis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/RMA/9

SYSTEM NAME:

Grievance Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Resource Management and Administration, Washington, D.C. 20472; and classified location.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former employees who have submitted grievances with FEMA in accordance with Part 771 of the Office of Personnel Management regulations (5 CFR Part 771), or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by agency employees under Part 771 of the Office of Personnel Management regulations. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's fundings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievances and arbitration systems that FEMA may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954–58 Comp., p218, E.O. 10987, 3 CFR 1959–1963 Comp., p519, agency employees for personnel relief in a matter of concern or dissatisfaction which is subject to the control of FEMA management.

PURPOSE(S):

For the purpose of processing grievance complaints.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested; to disclose information to another Federal agency or to a court when the Government is a party to a judicial proceeding before the court; in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data included individually identifiable by inference; to disclosure information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties; to disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding; and to provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

Additional routine uses may include Nos. 1, 2, 5, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

By name of the individual.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by (1) the individual on whom the record is maintained; (2) testimony of witnesses; (3) from related correspondence from organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NETC/1

SYSTEM NAME:

Student Application and Registration Records, National Fire Academy.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, National Emergency Training Center, Emmitsburg, Maryland 21727.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and former applicants for admission to the courses and programs of the National Fire Academy and

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students registered for Academy courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include application forms and other information submitted by the applicants. Information collected includes, but is not limited to, name, sex, date of birth, education level, home address and job title. Files concerning students registered for Academy courses include the above information in addition to the next of kin (in case of emergency), home and/or business address, name or course, number of course credits, and grade, if any, and medical information in case of student injury or illness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93–498; Federal Fire Prevention and Control Act of 1974; 15 U.S.C. 2206; 5 U.S.C. 301; E. O. 12127, 44 FR 19367; and Reorganization Plan No. 3 of 1978, 43 FR 431943.

PURPOSE(S):

For the purpose of determining eligibility and effectiveness of Academy courses and to maintain necessary student records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine eligibility for participation in the courses and programs of the National Fire Academy; to supply students with information of courses, credits and grades; supplying Academy Registrar with record of student enrollment in Academy courses by geographic location; assessing use of course material in the field; and assessing the impact of course material on the community; to Members of the Board of Visitors for the purpose of advisory at the state and evaluating the participants evaluation of courses; to provide medical assistance to students who become ill or are injured during courses.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on microfilm, paper and computer.

RETRIEVABILITY:

By name of the applicant.

SAFEGUARDS:

Personnel screening; hardware and software computer security measures. Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Paper records are retained for 1 year, then transferred to microfilm for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Emergency Management Agency, Associate Director, National Emergency Training Center, Emmitsburg, Maryland 21727.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data

RECORD ACCESS PROCEDURES:

Same as Notificiaton procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

Subject individuals, applicant employers, educational institutions recommendations and instructors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NETC/2

SYSTEM NAME:

National Fire Academy Instructor Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, National Emergency Training Center, Emmitsburg, Maryland 21727.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals teaching Academy courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Instructor's name; home and/or business addresses and telephone numbers; titles of courses taught; dates and locations of courses; and evaluations of courses and instructors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Fire Prevention and Control Act of 1974; 15 U.S.C. 2201, et seq.; 5 U.S.C. 301 and 3109; E.O. 12127, 44 FR 19367; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of selecting emergency replacement instructors and providing instructors with lists of courses and students taught.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintaining a list of instructors selecting emergency replacement instructors; providing instructors with lists of courses and students taught. The Fire Administration will also use student evaluations of instructors to help determine effectiveness of courses taught. These evaluations will be anonymous. Student evaluations will be a consideration in the rehiring of an instructor.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Magnetic storage media; and temporary paper records, which exist only until data is automated.

RETRIEVABILITY:

Filed according to the surname of the Instructor.

SAFEGUARDS:

Personnel screening; hardware and software computer security measures. Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Paper records are retained until information can be automated. Automated data is retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Emergency Management Agency, Associate Director, National Emergency Training Center, Emmitsburg, Maryland 21727.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Instructors and students.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NETC/3

SYSTEM NAME:

Student Academic and Course Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, National Emergency Training Center, Emmitsburg, Maryland 21727. All Regional offices, Computer Center, Olney, Maryland. Addresses of the Regional Directors of FEMA are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who applies for and completes resident and field emergency management training conducted under the auspices of the National Emergency Training Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains student application records—FEMA 95-2, containing name, address, educational level, emergency management courses taken and where, emergency management organization and program affiliation, emergency management title, emergency management telephone number and length of emergency management service, employer, business title and business telephone number, student travel authorization and voucher for partial expense and date and location of course; individual training records; individual and business file for National Emergency Training Center Catalogs, Information Bulletins, etc.; Career Development Individual files; photographs with identification; MOBDES training files; Career Development directory; Student Expense files; completed Grant-in-aid forms; State recommendations, attendance and progress reports, student locators, and related academic documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E.O. 12148, 44 FR 43239.

PURPOSE(S):

For the purpose of monitoring and reporting statistics on training courses in emergency management and determine who has or has not been trained in emergency management courses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

National Emergency Training Center to maintain individual training records; to compile regional, State, headquarters, military training data for administrative purposes such as budget requirements, replies to congressional inquiries, internal reporting and performance statistics, Program reports, and transmittals of satisfactory course completion of State and local governments.

Regions—to maintain up-to-date statistics of National Emergency Training Center graduates assigned to regional jurisdictions and to inform States and local governments.

States—to maintain up-to-date statistics of National Emergency Training Center graduates assigned to State and local jurisdictions.

Headquarters, Office of Resource Management and Administration to record and obligate funds for students attending National Emergency Training Center courses and forward records to FEMA Office of Resource Management and Administration for payment purposes.

Computer Center—to prepare ADP documents relating to student participation.

Other routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and 3 x 5 index cards.

RETRIEVABILITY:

3 x 5 locator cards files alphabetically by name; academic records filed chronologically by course title; and travel authorizations and vouchers filed by fiscal year and State.

SAFEGUARDS:

Records are retained in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are considered permanent. Course folders retained in active file until course is completed, held 20 years in inactive file and subsequently transferred to Records Center, destroyed after 40 years.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, National Emergency Training Center, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate system manger. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing office's

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identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Education Institutions, National Emergency Training Center, records derived from student applications and academic records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NETC-4

SYSTEM NAME:

Home Study Courses.

SYSTEM LOCATION

Federal Emergency Management Agency, National Emergency Training Center, Emmitsburg, Maryland. All Regional Offices, and Computer Center, Olney, Maryland. Addresses of the Regional Directors of FEMA are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any citizen who desires to further his knowledge of emergency management in general, basic concepts of radiological monitoring, the duties of a local Emergency Management Director Coordinator, or the duties of a Shelter Manager, is eligible for these courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

File includes individual application forms, group enrollment forms, group completion forms, key punch cards and related computer printout indicating home study entry, progress, grades and completion, correspondence and related academic documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; Reorganization Plan No. 3 of 1978, 43 FR 41953; and E.O. 12148, 44 FR 43239.

PURPOSE(S):

For the purpose of providing home study courses to citizens who cannot attend regular classroom courses and certify applicants who successfully complete the courses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Michigan Technological University (MTU)—key punch cards to enter applicant into home study program and to release home study materials to applicants, and to forward certificates to applicants who successfully complete a course. Also used to prepare statistical reports for National Emergency Training Center. FEMA Computer Center—use key punch cards to establish printout including name, address, student number, numerical grade for each course unit, date of completion of each course unit and final grade and date of course completion. FEMA Computer Center provides printouts for MTU, National Emergency Training Center, FEMA Regions and State Emergency Management Offices.

National Emergency Training center—to respond to student inquiries relating to completion dates, requests for military reserve retirement credits and requests for certificates of completion that were awarded but did not arrive for the student. Uses MTU prepared statistics to prepare annual, quarterly and monthly reports for Director, FEMA. Provides course completion/progress data to State and local governments.

FEMA Regional Offices—use the printout to measure training progress in the Region. The Regions also provide each State Emergency Management Office with monthly printouts of home study activities and completion.

State Emergency Management Offices—Use the printouts to schedule more advanced training for students who have completed basic emergency management instruction through home study courses.

Other routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

FEMA Computer Center stores records on computer magnetic tapes or disks. National Emergency Training Center FEMA Regions, MTU and State Emergency Management Offices store printouts of records as developed and forwarded by FEMA Computer Center.

RETRIEVABILITY:

By name and address of Student Number.

SAFEGUARDS:

Records are retained in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

All Home Study records at National Emergency Training Center, are destroyed after 6 years. Home Study records held by FEMA Regions, Michigan Technological University and State Emergency Management Offices are destroyed when obsolete, superseded or no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, National Emergency Training Center, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Application forms completed and submitted by applicants for FEMA Home Study courses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/FA-1

SYSTEM NAME:

Federal Employees with Fire Related Expertise.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, U.S. Fire Administration, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees with expertise in fire prevention and control and associated fields.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, agency and area of expertise.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 8(e) and 21 (b)(1) and (e) of the Federal Fire Prevention and Control Act of 1974, P.L. 93–498; 88 Stat. 1535 (15 U.S.C. 2207, 2218); E. O. 12127, 44 FR 19367; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of identifying Federal employees with expertise in fire prevention and control and associated fields.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about individuals is provided to Federal, state, local or international agencies and members of the fire service community, including, but not limited to, fire safety and protection organization, state fire marshals, and firemen, in response to requests indicating that the individual or organization making the request would benefit from the expertise of individuals in the system. Such disclosures are made only if the subject individual has given prior written consent.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, bound paper directory and magnetic tape.

RETRIEVABILITY:

By individual's name, expertise, agency and geographic location.

SAFEGUARDS:

Personnel screening; hardware and software computer security measures. Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are updated biennially and retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

U.S. Fire Administrator, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Subject individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/FA-2

SYSTEM NAME:

President's and Secretary's Award Nominees.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, U.S. Fire Administration, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals nominated to receive the President's Award for outstanding Public Safety Service and individuals nominated to receive the Secretary's Award for Distinguished Public Safety Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of the candidate, his or her position and title, whether the nomination is for the President's or Secretary's Award, the public agency served, the locale where the candidate performs his or her duties, the name of the nominating official, a summary description of the outstanding contribution, distinguished service or extraordinary valor of the nominee, and the relevant duties relating thereto, and copies of any published factual accounts of the nominee's accomplishments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 2214; E.O. 12127, 44 FR 19367; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of selecting individuals who have been nominated to receive the President's Award for Outstanding Public Safety Service and the Secretary's Award for Distinguished Public Safety Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) President's Award Nominees—Information about individuals nominated for the President's Award is provided to selected members of the public safety community, including but not limited to, fire safety and protection organizations, state fire marshals and firemen, civil defense officers, and law enforcement, corrections or court officers in connection with the evaluation and selection of recipients. Information is also provided to the Department of Defense, the Department of Justice, and the Executive Office of the President; (b) Secretary's Award

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Nominees—Information about individuals nominated for the Secretary's Award is provided to selected members of the fire service community, including but not limited to, fire safety and protection organizations, state fire marshals and firemen in connection with the evaluation and selection of recipients. When it appears that a nominee's accomplishments are in the areas of civil defense or law enforcement, nominations may be sent to the Department of Defense and/or the Department of Justice.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by file number and cross-referenced alphabetically by nominee names.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

U.S. Fire Administrator, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURES:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Heads of Federal government departments and agencies, governors of states or territories, or chief executives of any general governmental unit within any state or territory.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/COM-1

SYSTEM NAME:

List of Custodians of Decision Info Sys (DIDS) Radio Receivers.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Federal Regional Center, 5321 Riggs Road, Gaithersburg, Maryland 20760 which falls within the responsibility of the Regional Director of FEMA in Region III, address is listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal agency personnel and officials and key personnel of emergency services of governments at State, county and local level.

CATEGORIES OF RECORDS IN THE SYSTEM:

A property accountability and operational location listing for DIDS radio receivers used for civil defense purposes. It contains the custodian's name, address, type facility of location, job title and telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; E.O. 12148, 44 FR 43239; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of determining exact location of receivers in need of maintenance, a listing of custodians of DIDS radio receivers, and provides basis to obtain statistical information as to what kind of operational locations or other installations are associated with the radio receivers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

The list of custodians maintains property accountability. It also provides a base to obtain statistical information as to what kind of operational locations or other installations are associated with the radio receivers. Provides a base for obtaining operational information on receiver operations by soliciting the custodians. Determines exact location of receivers in need of maintenance.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

By name of individual and location.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are kept as long as the person listed is custodian of a DIDS radio receiver; when receiver is given up, the name is removed from the list.

SYSTEM MANAGER(S) AND ADDRESS:

FEMA Regional Director, Region III, address is listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act

Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

The individual custodians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/EO-1

SYSTEM NAME:

Equal Employment Opportunity Complaints of Discrimination Files.

SECURITY CLASSIFICATION:

Limited Access.

SYSTEM LOCATION:

Federal Emergency Management Agency, Equal Opportunity Office, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any FEMA employee or applicant for employment, headquarters, regional and field offices, including full-time permanent, part-time and temporary employees, who files a complaint of discrimination against FEMA. Also, any persons who file or could file a complaint with FEMA alleging discrimination by a state or local government in violation of Title VI of the Civil Rights Act of 1964 and any other similar legislation involving discrimination by a state or local government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include complaints of discrimination brought against FEMA by employees or applicants because of race, color, religion, sex, age, handicapped, or national origin; records of counselor's reports, records of investigation, records of hearings and disposition of cases involving Equal Employment Opportunity. Files also include reports, documents, and information in support of or contrary to the complaint or potential complaint, records of hearings and disposition of the cases by the states or the Director, Federal Emergency Management Agency or higher authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Laws 92-261 and 93-211 as amended by Public Law 93-516, Equal Employment Opportunity Act of 1972, Executive Orders 11478 and 12067, Title VI, Civil Rights Act of 1964 (78 Stat.) (42 U.S.C. 2000d et seq.).

PURPOSE(S):

For the purpose of ascertaining whether discrimination has taken place.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) To EO Office to ascertain whether discrimination has taken place under the Equal Employment Opportunity Commission (EEOC) rules and regulations; (b) to Title VI Officers, Regional Officers and other investigators and reporting officers to ascertain whether discrimination under the Title VI rules and regulations have taken place; (c) to investigators (EEOC, U.S. Army Civilian Appeal Review Office, General Services Administration and private contractors) to secure testimony and affidavits of witnesses and other pertinent data involving Equal Employment Opportunity cases; (d) to State officials and investigators to secure testimony of witnesses and other pertinent data involving Title VI, Civil Rights act, cases; (e) to FEMA General Counsel for advice and legal assistance during hearings and appeals; (f) to EEOC and other Federal agencies with jurisdiction for hearings and appeals; and (g) to Agency Head and higher authority for purposes of making a decision and (H) to the U.S. Justice Department or other agencies as appropriate for enforcement action and where necessary in reporting.

Additional routine uses may include Nos. 4, 5, 7 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

The Equal Employment Opportunity files are considered permanent. The Civil Rights Act (Title VI) files are retained for 10 years after completion of the case. Significant and precedent cases are sent to the National Archives and Records Service of the General Services Administration and all others are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Equal Opportunity, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement and the access and contesting requirement under 5 U.S.C. 552a(k)(2). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contest. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access or contest is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

(a) For the Equal Employment Opportunity files—Information is secured from previous employers, friends, and acquaintances of the complainant and the alleged discriminating official, official personnel records, educational institutions, etc.; (b) For Civil Rights Act (Title VI) files—Information is secured from complainants and from FEMA officials who conduct Title VI compliance reviews at the State and local level, from citizens who have been denied services or use of facilities, from State and local government records and institutional and organizational records, from State officials who have observed violations or local officials who have reported violations to the State.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Director, Federal Emergency Management Agency, has determined that this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act, 5 U.S.C. 552a, pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in 44 CFR 6.87.

FEMA/FIA-1

SYSTEM NAME:

Federal Crime Insurance Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Various offices of a servicing agent under contract to the Federal Insurance Administration, Federal Emergency Management Agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual policyholders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names of policyholders, addresses of insured premises; type of premises; amounts and types of insurance desired; annual premiums; claims information; record of claim payments; record of premium payments; agent's name and address; other insurance held by policyholder; inspection report or protective devices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb, et seq.; E.O. 12127, 44 FR 19367.

PURPOSE(S):

For the purpose of verifying coverage of Federal Crime Insurance, issuing policies, claims adjusting and billing purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the servicing company for the contract and insurance adjustment firms retained by the servicing company for billing, verification of coverage, claims adjusting and issuance of policies; to property loss reporting bureaus; to State Insurance Departments and insurance companies investigating fraud or potential fraud in connection with burglary or robbery claims. Additional routine uses may include Nos. 1, 2, 3, 5, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Tape/disc library and paper files.

RETRIEVABILITY:

By name of policyholder, social security number of policyholder or policy number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Information partly current and partly historical. Retention of records shall be for 6 years or until no longer needed. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Insurance Administrator, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Private Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Individual policyholders; police reports (for verification of claims data; servicing companies (for verification of claims data).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/FIA-2

SYSTEM NAME:

National Flood Insurance Application and Related Documents Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Various offices of a servicing agent under contract to the Federal Insurance Administration; FIA Headquarters office, Federal Emergency Management Agency, Washington, D.C. 20472. Copies of some of the files are also provided to the FEMA Regional offices when additional information is requested from their respective offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for individual flood insurance and individuals insured.

CATEGORIES OF RECORDS IN THE SYSTEM:

Flood insurance, policy issuances and administration records and claims adjustment records, including applications for emergency and regular flood insurance, endorsements, renewal applications, cancellation notices, policy questionnaires, notice of loss, and proofs of loss.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001, et seq.; 5 U.S.C. 301; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E.O. 12127, 44 FR 19367.

PURPOSE(S):

For the purpose of carrying out the National Flood Insurance Program and verifying nonduplication of benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To property loss reporting bureaus, State insurance departments, and insurance companies investigating fraud or potential fraud in connection with claims, subject to the approval of the Office of Inspector General, FEMA; for use of insurance agents, brokers and adjusters, and lending institutions for carrying out the purposes of the National Flood Insurance Program; to Small Business Administration, the American Red Cross, the Farmers Home Administration; State and local government individual and family grant and assistance agencies, including but not limited to the State of Ohio Disaster Services Agency and the Johnstown, Pennsylvania, Redevelopment Authority for determining eligibility for benefits and for verification of nonduplication of benefits following a flooding event or disaster. To State and local government individual and family grant and assistance agencies which furnish to the Federal Insurance Administration the names and addresses of policyholders for purposes consistent with relocation projects of the Federal Insurance Administration and acquisition projects under the National Flood Insurance Program carried out pursuant to Section 1362 of the National Flood Insurance Act of 1973, as amended, and to State and local government agencies who provide the names and addresses of policyholders and a brief general description of their plan for acquiring and relocating their flood prone properties for FEMA's review to ensure that their State and/or local government agency is engaged in floodplain management improved real property acquisition and relocation projects consistent with the National Flood Insurance Program.

Additional routine uses may include Nos. 1, 5, 6, and 8, of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/disc/drum and file folders.

RETRIEVABILITY:

By name and policy number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Policy records are kept as long as insurance is desired and premiums paid and for an appropriate time thereafter and claim records are kept for the statutory time within which to file a claim.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Individuals who apply for flood insurance under the National Flood Insurance Program and individuals who are insured under the program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/GC-1

SYSTEM NAME:

Claims (litigation).

SECURITY CLASSIFICATION:

Limited Access.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of General Counsel, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, whether a FEMA employee or non-FEMA employee, who asserts a remedy from FEMA for some alleged injury to said individual or the individual's property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain claims, complaints or documents or any of these means by which an individual asserts a remedy from FEMA for some alleged injury to said individual or property; the data and documents submitted in support of the claims; the data and documents developed or obtained in making a decision or determination on such claims, including any appeals and any other relevant materials; including litigation file if such develops.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 31 U.S.C. 240 et seq.;
E. O. 12127, 44 FR 19367; E. O. 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943; 28 U.S.C. 2671 et seq.; and any specific authority depending on the nature of the claim.

PURPOSE(S):

For the purpose of processing claims and determining the validity of the claim.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To those FEMA employees responsible for processing claims, investigating claims, making recommendations concerning the validity of the claim, and making decisions regarding the claims; to other investigative or similar authorities responsible for investigating or making recommendations on complaints or claims, whether or not a part of FEMA or some other agency; to decision-making authorities outside of FEMA when required by law, regulation or order.

Additional routine uses may include Nos. 2, 3, 5, 6 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by name within general subject matter files.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel

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who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files are retained for 5 years after final decision and then destroyed if no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement and the access and contesting requirements under 5 U.S.C. 552a(k)(2). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contest. A determination as to the applicability of an exemption to a specific record shall be made at the time a request for notification, access or contest is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelop and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Claim or similar documents with supporting evidence submitted by claimant; Government employees; Members of the public and witnesses and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Director, Federal Emergency Management Agency, has determined that this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in 44 CFR 6.87.

FEMA/GC-2

SYSTEM NAME:

FEMA Enforcement (Compliance).

SECURITY CLASSIFICATION:

Limited Access.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of General Counsel, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, whether a FEMA employee or non-FEMA employee, alleged of violation of or noncompliance with some law or regulatory matter, including FEMA directives, instructions or particular programs administered by FEMA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains all allegations, reports, documents or similar items of information which allege that an individual, either acting in his/her official capacity or as a private citizen, has violated or is in nonconformance with some law or regulatory matter, including FEMA directives, instructions, and programs administered by FEMA, or misuse of Federal funds. The file may also include investigative reports or documents furnished by FEMA or any other agency charged with investigative responsibilities and any type of information submitted either by the subject individual or informants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; E.O. 12127, 44 FR 19367; E.O. 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943; and any specific authority depending on the nature of the allegation.

PURPOSE(S):

For the purpose of determining whether an allegation is substantiated and what action should be taken against the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To FEMA employees responsible for processing allegations, investigating the allegations, making recommendations concerning the validity of the allegation and making decisions as to what action, if any, should be taken against the individual; to other agencies charged with investigative responsibilities and enforcement actions of any nature including prosecution for violations of criminal laws; to employers, whether Federal, State or local agencies, whose employee is involved; and to State and local investigative authorities.

Additional routine uses may include Nos. 1, 2, 3, 4, 5, 6 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed by name within general subject matter files.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

(a) For FEMA employees—files are retained until obsolete or until separation of employees plus one year, whichever is longer, then destroyed if no longer needed. (b) for non-FEMA employees—files are retained for five years after final decision, then destroyed if no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472; all regional directors of FEMA, addresses are listed in Appendix A.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement and the access and contesting requirements under 5 U.S.C. 552a(k)(2). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contest. A determination as to the applicability of an exemption to a specific record shall be made at the time a request for notification, access or contest is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

Officials or employees charged with responsibility for enforcement action. Other sources include subject individual, informants or other persons knowledgeable of the matter, and organizational or individual records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Director, Federal Emergency Management Agency, has determined that this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in 44 CFR 6.87.

FEMA/IG-1

SYSTEM NAME:

General Investigative Files.

SECURITY CLASSIFICATION:

Limited access.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Inspector General, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual suspected of violating any criminal, civil, regulatory, licensing, or other enforcement laws, whether Federal, state, local or foreign.

CATEGORIES OF RECORDS IN THE SYSTEM:

The subject records may contain any identifying or other relevant information on subject individuals which might relate to possible violation of criminal, civil, regulatory, licensing, or other enforcement laws, whether Federal, state, local or foreign.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12127, 44 FR 19367; Executive Order 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of preventing and detecting fraud abuse, conducting and supervising audits and investigations relating to programs and operations, informing the Head of the establishment about problems and deficiencies relating to programs and administration and suggesting corrective actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) In the event that this system of records includes information which indicates a violation or potential violation of law, whether criminal, civil or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued thereto; (b) a record contained in this system of records may be disclosed as a routine use to possible sources of information in connection with civil or criminal investigations or inquiries under circumstances where it is necessary to disclose certain information in order to pose a question to those sources; (c) a record which is contained in this system and derived from another FEMA system of records may be disclosed as a routine use as specified in the **Federal Register** notice of the system of records from which the record is derived; (d) a record which is contained in this system may be disclosed to State Insurance Departments and insurance companies investigating fraud or potential fraud in connection with burglary, robbery or flood claims.

Additional routine uses may include any of the items listed in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and card.

RETRIEVABILITY:

By name and file number.

SAFEGUARDS:

Paper records are retained in a locked container and/or room. Records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Investigative files are retained at least 5 years after completion of the investigation and/or actions based thereon or until the office determines that the records are no longer needed. The files are then transferred to the Federal Records Center and kept for an additional 10 years and then destroyed. Index and cross-index cards are considered permanent or until the office determines that they are no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement and the access and contesting requirement under 5 U.S.C. 552a(j)(2), (k)(1) or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to notification, access and contest. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for notification, access or contest is received. Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

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RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

(1) Federal, state, local or foreign government agencies concerned with the administration of criminal justice and non-law enforcement agencies both public and private; (2) Members of the public; (3) Government employees; (4) Published material; (5) Witnesses and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Director, Federal Emergency Management Agency, has determined that this system should be exempted from subsections (c)(3) and (4), (d), (e)(1), (2), (3), (e)(4)(G), (H), and (I), (e)(5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in 44 CFR 4.86 and 4.87.

FEMA/PA-1

SYSTEM NAME:

Biographies.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of Public Affairs, Washington, D.C. 20472; Regional Directors of FEMA, addresses are listed in Appendix AA; National Emergency Training Center, Federal Emergency Management Agency, Emmitsburg, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key FEMA Headquarters and Regional offices, and State and local Emergency Management Directors/Coordinators.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Office of Public Affairs files contain biographies of key officials of FEMA, including Headquarters and Regional offices and a listing of State and local Emergency Management Directors/Coordinators; (b) Regional files contain biographies of Key Regional officials, and State and local Directors/Coordinators within regional geographic boundaries. Includes form on Notice of Appointment of Emergency Management Director/Coordinator; (c) Staff College files contain biographies of guest lecturers and other key officials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; E. O. 12148, 44 FR 43239; and Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of preparing speeches, correspondence and other public releases in connection with emergency preparedness program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

For use in preparing speeches, correspondence, and other public releases in connection with emergency preparedness program. Use as backup information to fulfill requirements of FEMA Director and Regional Directors.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

(a) FEMA officials—filed alphabetically by name, (b) State and local Directors/Coordinators—filed alphabetically by state.

SAFEGUARDS:

Paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Biographies for FEMA officials, headquarters and field, are retained in active file until end of calendar year after separation of employee, then retired to Federal Records Center. Biographies of State and local Directors/Coordinators are retained in active file until end of calendar year after termination, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Public Affairs, Federal Emergency Management Agency, Washington, D.C. 20472; for National Emergency Training Center Files—Associate Director, National Emergency Training Center, Emmitsburg, Maryland 21727; and all FEMA Regional Directors, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

The key officials on whom biographies are maintained and other knowledgeable sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SUP-1

SYSTEM NAME:

Operating Personnel Folder Files.

SECURITY CLASSIFICATION:

Limited Access.

SYSTEM LOCATION:

Files are located in Regional, field and Headquarters offices which are located separate from the Headquarters FEMA Personnel Office, which maintains the

Official Personnel File, depending upon the post of duty of the employee. It is noted that not all of FEMA supervisors maintain such a file.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current FEMA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relate to personnel matters, such as, copies of Form 50 and 52 Personnel actions (supervisor's copies), awards, letters of appreciation, promotions, step increases, position descriptions, reports of discussions held with employee regarding performance, copies of discussions written to employee concerning performance, leave, overtime hours, locator card information and related employment records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; FPM 293–31.

PURPOSE(S):

Because the Official Personnel Folder is maintained in the Headquarters, Washington, D.C., location, it is necessary to have an operating personnel folder available to the supervisor to evaluate performance, and related employment performance for awards, promotions or recommended disciplinary actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use by the supervisor in evaluating employee performance and monitoring of leave for the purpose of approving employee requests for leave.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and/or index cards.

RETRIEVABILITY:

By name or social security number.

SAFEGUARDS:

Records are located in lockable metal file cabinets or in secured rooms with limited access. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

The files will be destroyed after the employee leaves the Federal Emergency Management Agency through transfer or separation.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters and Regional and Field offices within the Federal Emergency Management Agency, or managerial officials in appropriate posts of duty of employee, Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the employee, from personnel actions as noted in official personnel folders, and from supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Director, Federal Emergency Management Agency, has determined that this system should be exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in 44 CFR 6.87.

FEMA/REG–1

SYSTEM NAME:

State and local Civil Preparedness Instructional Program (SLCPIP).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Primary system located at Federal Emergency Management Agency Regions, address listed in Appendix AA. Decentralized system located with State and local agencies contractors in various States who provide input to Regional offices. Duplicate data is forwarded to State Emergency Management offices by contractors in the States for information purposes only. Addresses of contractors and State Emergency Management offices are available at FEMA Regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals include local Emergency Management coordinators, teachers, school administrators and local officials who are in need of emergency management training.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system is comprised of 4 reporting forms only one of which has names. These are forwarded from the contractors at the State level to the Regional offices. The form with names is the SLCPIP Contractor's Roster. This form is used to give name, address, and title of participants for each course or workshop conducted. This is a monthly report to the Regions.

The Contracting Officer (Region) forwards to FEMA Associate Director, National Emergency Training Center, gross number of activities and participants. The Regions maintain the roster. The Headquarters FEMA Associate Director, National Emergency Training Center, consolidates all ten Regions reports and prepares a consolidated report to the Director, FEMA, when required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E. O. 12148, 44 FR 43239.

PURPOSE(S):

For the purpose of determining which officials are in need or have taken emergency management training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the contractor to report to the contracting officer (Region) his progress and expenditures. The Regions use this system to report quarterly to FEMA Headquarters Associate Director,

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National Emergency Training Center, progress of the training activities. The Associate Director, National Emergency Training Center, prepares a consolidated quarterly report to the Director, FEMA. Additional routine uses may include Nos. 2, 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

By name, address, name of course, date and location.

SAFEGUARDS:

Records are kept in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are retained in active file for one calendar year or fiscal year or until contract is completed. Records are then in inactive file for 3–6 years depending on program. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager in whose region you are interested in. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

The source for information on participants in a course is forwarded by the contractors in the various States as he conducts training activities in his State.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/GOV'T-1

SYSTEM NAME:

Uniform Identification System for Federal Employees Performing Essential Duties During Emergencies.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are located at the Personnel Office or designated office of local installation of the Department or Agency which currently employs the individual.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Only active Federal employees who have been assigned emergency duties for the Federal Government following the declaration of an emergency due to an expected attack on the United States or a natural or man-caused disaster occurs.

CATEGORIES OF RECORDS IN THE SYSTEM:

The indentification card will be provided directly to the employee who is assigned emergency duties. The card will include a photograph of the individual, individual's name, signature and emergency function, date of birth, height, weight, color of hair, color of eyes, and blood type. Each department, agency, or official authorized to issue the emergency identification card is responsible for maintaining the following information for the Federal Emergency Management Agency: (1) the number of cards issued and outstanding to Federal employees; (2) the card numbers and names of personnel to whom the cards have been issued; (3) the total number of cards recalled and in safekeeping; (4) the total number of cards destroyed; (5) the total number of cards lost or unaccounted for; (6) regaining possession of an destroying the emergency indentification card from personnel whose employment with the issuing agency has ceases; and (7) providing FEMA with copies of any directives published to implement the provisions of issuing emergency identification cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 201, 204, and 407 of the Federal Civil Defense Act of 1950, as amended; 50 U.S.C. App. 2251 et seq.; Reorganization Plan Number 3 of 1978, 43 FR 41943; and Executive Order 12148 of July 20, 1979, 44 FR 43239.

PURPOSE(S):

Upon an attack on the United States, or upon a declaration by the President or the Congress, or by a Federal Government official duly authorized by the President or the Congress, that an emergency situation exists due to an expected attack on the United States or a natural or man-caused disaster occurs, or is expected within the United States, Federal employees, who have been assigned emergency duty functions, are expected to be in need of freedom of movement in order to report for and carry out their emergency assignments. To facilitate such mobility and freedom of movement, a uniform means of identification is required to enable State and local civil defense authorities and law enforcement officials to readily recognize such Federal employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Each department, agency, or official authorized to issue the emergency identification card is responsible for maintaining the seven items of information listed under the categories of records in the system for FEMA and reporting this type of information back to FEMA for the purpose of maintaining a control over the number of emergency identification cards issued, to whom they are issued, for what purpose, and maintaining statistical information and the individuals provide the I.D. cards to State and local civil defense authorities and law enforcement officials to readily recognize Federal employees who have been assigned emergency duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders on lists and forms, and in computer processible storage media.

RETRIVABILITY:

By name of the Federal employee or FEMA emergency identification card number.

SAFEGUARDS:

These records are located in lockable metal file cabinets or in secured rooms with access limited to those personnel whose official duties require access.

RETENTION AND DISPOSAL:

Emergency identification cards will be issued for a period not to exceed five years. An annual review of the assignment of all personnel to whom such cards have been issued will be made. If the person no longer requires the assignment, the card will be recalled and the card number may be reassigned to another individual, or destroyed by burning or shredding. The card will be recalled at any time when the emergency assignments are withdrawn or the employee leaves the government service.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Resource Management and Administration, Federal Emergency Management Agency, will maintain records of card numbers issued to each Department or Agency authorized to issue the identification card for FEMA. The Departments or Agencies will maintain their own records of individuals to whom the identification cards have been issued. The Associate Director, Resource Management Administration, Federal Emergency Management Agency, Washington, D.C. 20472 is the appropriate address for records maintained by FEMA.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact the Department or Agency which currently employs the individual.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in this system should direct their request to the Department or Agency which currently employs the individual.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**. When requesting records maintained by a Department or Agency, the individual must also comply with the Privacy Act regulations of that Department or Agency.

RECORD SOURCE CATEGORIES:

Subject individuals, current supervisors who determine the need for issuance of an emergency identification card because of nature of emergency assignment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

NPP-1

SYSTEM NAME:

National Defense Executive Reserve System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Management Agency, Office of National Preparedness Programs, Washington, D.C. 20472; all FEMA regional offices listed in Appendix AA to these notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and incumbents of NDER assignments.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel and administrative records, skills inventory, training data, and other related records necessary to coordinate and administer the NDER program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Defense Production Act, 1950, Executive Order 11179, September 22, 1964, as amended by Executive Order 12148, July 20, 1979.

PURPOSE(S):

For the purpose of administering the NDER program, agency officials and officials of participating departments and agencies may obtain from the NDER Coordinator data relevant to reservists assigned to their units.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Periodically, a directory (containing name, title, business name and address, NDER unit, and status-emeritus or active) will be distributed to reservists and to NDER units. Additional routine use may include Nos. 3, 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-tape, drum, disc and paper.

RETRIEVABILITY:

By name, personnel data, skills or agency.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for duration of application or assignment. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, National Preparedness Programs, Federal Emergency Management Agency, Washington, D.C. 20472; all FEMA Regional Directors, addresses listed in Appendix AA of these notices.

NOTIFICATION PROCEDURE:

Inquires should be addressed to the system manager(s). Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager(s). Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

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SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NPP-2

SYSTEM NAME:

Resource Interruption Monitoring System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of National Preparedness Programs, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals reporting or commenting on resource shortages during national emergencies—private citizens; industry experts; business, labor and government leaders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes name, address, telephone number, statements about resource problems, and other related information necessary to monitor resource interruptions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12148, July 20, 1979.

PURPOSE(S):

For the purpose of assessing the status of resources (supply shortage or problems of maldistribution) which poses a threat to the health and welfare of communities or to the economy or security of the Nation when normal market mechanisms appear inadequate, agency analysts summarize reports for comparison to economic norms or for highlighting problems in an industry or in a geographic area. In-house agency use is also made of the computerized communication and conferencing components of the system for the purpose of carrying on conferences and discussions, and for transmitting other related communications among the offices of FEMA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Individual applications for assistance may be referred for response to another agency with emergency responsibilities. Information may be provided to Federal, State and local officials with emergency responsibilities and to selected industries for purpose of coordinating actions taken to alleviate the crisis situation; to news media. Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-tape, drum, disc and paper.

RETRIEVABILITY:

By name, problem resource, geographic area, and phrase in text.

SAFEGUARDS:

Personnel screening hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for duration of resource problem. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, National Preparedness Programs, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORIES:

Individual applicatications for assistance in locating alternate supplies; news media reports; notifications by individual correspondence or phone, from Congress, by original staff reports or reports from other agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/NPP-3

SYSTEM NAME:

Industrial Group Consultation.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of National Preparedness Programs, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals in industrial organizations, or national organizations who participate in emergency management services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, addresses, organization affiliation, and speech making.

PURPOSE(S):

For the purpose of obtaining speakers at conventions, seminars, courses, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; and E. O. 12148 dated July 20, 1979.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To communicate with industrial and national organizations who can perform emergency management services; to obtain speakers at conventions, seminars, courses, etc.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3 x 5 index cards.

RETRIEVABILITY:

By name, company or organizations.

SAFEGUARDS:

All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files kept until obsolete, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, National Preparedness Programs, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

Directly from the individuals in the system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-1

SYSTEM NAME:

Disaster Recovery Assistance Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472 and FEMA Regional Offices, addresses are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons applying for disaster recovery assistance following Presidentially declared major disasters or emergencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Socio-economic, demographic and financial information; disaster impact (including verification and cost estimates); disaster recovery plans and needs; and assistance requested by applicant. Files include applications for individual and family grant programs; temporary housing assistance; disaster unemployment assistance; home and personal loans; status of disposition of applications; and legal services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93–288, Disaster Relief Act of 1974; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E. O. 12148, 44 FR 43239.

PURPOSE(S):

The information is used by FEMA and its agents in carrying out the Federal disaster relief and recovery assistance programs in Presidentially declared disasters and emergencies; to coordinate recovery assistance; for making eligibility determinations; and verifying nonduplication of benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To other Federal, state and local agencies for the purpose of providing relief and recovery assistance.

Additional routine uses may include Nos. 1, 2, 3, 5, 6 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/disc/drum and file folders.

RETRIEVABILITY:

By name, address or case file number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Applications and supporting documents are retained until the disaster field office closes, and then moved to the FEMA Regional Office and kept for a period of three years after the date of the disaster declaration. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

Applicants for disaster recovery assistance, financial references, credit rating bureaus, insurance companies and agencies providing disaster relief.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-2

SYSTEM NAME:

Temporary Housing Files.

SECURITY CLASSIFICATION:

Unclassified.

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SYSTEM LOCATION:

FEMA Regional Offices, addresses listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for temporary housing assistance in Presidentially declared major disaster or emergency areas, and candidates for staff positions at Federal Disaster Assistance Centers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information is contained, such as name, address, social security number, telephone number, wages, job location, family income, insurance data (relating to home) as pertaining to some applicants, and disapproval or approval of applicants for aid or employment. There is general correspondence concerning complaints, plaudits, reinstatement on jobs or housing, requests for disbursement of payments and inquiries from tenants and landlords in regard to aid. Files also include general administrative and fiscal information, including payroll, payment schedules and forms, travel vouchers, time and attendance records, applications, termination notices, individual and family grant programs, damage and relocation information, leases, contracts, listings of emergency repairs given as a result of specific natural disasters, reasons for tenant eviction or denial of aid, sales information on homes after tenant purchase, and status of dispositions of applicants for housing.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93–288, Disaster Relief Act of 1974; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E.O. 12148, 44 FR 43239.

PURPOSE(S):

The information is used by FEMA and its agents in administering the Federal disaster relief and recovery assistance programs in Presidentially declared disasters and emergencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information may be disclosed to: local public assistance departments for relocation information; to the Post Office for location of individuals; to Department of Motor Vehicles and State Tax Departments for serial numbers and costs of mobile homes and vehicles; to local housing authorities and departments of community affairs to determine family status relating to relocation into other-than-temporary housing; and to utility companies regarding lease dates and forwarding information. Additional routine uses may include Nos. 1, 2, 3, 5, 6, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/disc/drum and file folders.

RETRIEVABILITY:

By name, address or case file number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Applications and supporting documents are retained until the disaster field office closes. When a Disaster Field Office has been audited and closed out, any pertinent records are shipped to the Regional Office and kept for a period of three years after the date of the disaster declaration. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Regional directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, drivers license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register.**

RECORD SOURCE CATEGORY

Subject individuals; social security and other State and city agencies; current or previous employers; credit rating bureaus; financial institutions; insurance companies and agencies providing disaster relief.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-3

SYSTEM NAME:

Disaster Assistance Personnel Reserve Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472; all Regional Offices, addresses listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals designated as active disaster Assistance Reservists.

CATEGORIES OR RECORDS IN THE SYSTEM:

File folders and computer files contain name, address, telephone number, social security number, grade and salary, professional specialities and experience in disaster relief and recovery activities, type and date of appointment, expiration data, availability, and duty station.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 93–288, Disaster Relief Act of 1974; Reorganization Plan No. 3 of 1978, 43 FR 41943; and E. O. 12148, 44 FR 43239.

PURPOSE(S):

The information is used by FEMA in fulfilling personnel requirements in preparation for as well as in actual disaster response and recovery periods following presidentially declared disasters and emergencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information may not be disclosed outside the Federal Emergency Management Agency except as listed in paragraphs 1, 2, 3, 4, 5, 6 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape/disc/drum and file folders.

RETRIEVABILITY:

Name, functional title.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Records are maintained until employee termination date. Disposition of records shall be in accordance with the FEMA Records Maintenance and disposition system.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6 published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

Applicants for and current employees of FEMA's disaster response and recovery personnel reserve.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-4

SYSTEM NAME:

FEMA Form 95-3, Appl for Enrollment in Arch Engr Prof Dev Prog.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for FEMA professional development courses: Fallout Shelter Analysis (FSA), Protective Construction (PC), Environmental Engineering (EE), Multiprotection Design (MPD).

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes applicant's name, address, date of birth, education and status of completion in the course.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, 44 USC 3104, 50 USC App. 2253.

PURPOSE(S):

For the purpose of ascertaining qualifications for certification as FSA for issuance of appropriate certificates and development of mailing lists for disseminating new information to them as appropriate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The names and addresses of the individuals are used to print mailing labels to send them the most up-to-date information on Fallout Shelter Analysis. Additional routine use may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Application forms are kept in loose-leaf binders. Some of the data are kept on computer magnetic tapes for processing in conjunction with dissemination of new information.

RETRIEVABILITY:

By the name of the individual to whom the record pertains.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; application forms in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files are considered permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

FEMA Form 95-3 submitted by applicants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

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FEMA/SLPS-5

SYSTEM NAME:

FEMA Summer Shelter Survey Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who apply for FEMA Summer Shelter Survey Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes student's name, address, telephone number, college, age, veteran's status, license, curriculum, number of college years completed, prior Summer Shelter Survey training, experience, availability of transportation and training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 50 U.S.C. App. 2253.

PURPOSE(S):

For the purpose of selecting students for employment under the Summer Shelter Survey Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The names, addresses and phone numbers are provided to the U.S. Army Corps of Engineers to offer the individuals employment until such time as FEMA is prepared to assume the selection process. A report is available to the Office of Personnel Management which indicates which students were hired and which were not.

Additional routine use may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Applications are maintained on magnetic tape, card and loose-leaf binders.

RETRIEVABILITY:

By the name of the individual to whom the record pertains.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; application forms in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for 2 years. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

FEMA Form 85-1 entitled "Application for FEMA Summer Shelter Survey Program" and FEMA Form Letter 1 entitled "FEMA Summer Shelter Survey Employment Questionnaire" submitted by applicants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-6

SYSTEM NAME:

Program Management Information System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Local Civil Preparedness Directors/Coordinators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes name and business address of all local civil preparedness directors/coordinators participating in FEMA contributions programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; 50 U.S.C. App. 2253; E. O. 12148, 44 FR 43239; Reorganization Plan No. of 1978, 43 FR 41943.

PURPOSE(S):

For the purpose of keeping an up-to-date listing of all local civil preparedness directors/coordinators and advising the public as to who the civil preparedness director/coordinator is for a particular location.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Responding to inquiries from the public advising who the local civil preparedness director/coordinator is for a particular location.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer paper printouts and microfiche.

RETRIEVABILITY:

By geographic location number printed alphabetically by State and agency name; name of director/coordinator can be retrieved on the computer printout.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; printouts are kept in locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be until obsolete. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

FEMA Form 19-1, Program Paper for Local Civil Preparedness, are prepared by local agencies and submitted to the State and FEMA Regional offices which in turn forward copies to FEMA Headquarters for computer development printouts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-7

SYSTEM NAME:

Military Reserve Program.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472; all FEMA Regional Directors, mailing addresses are listed in Appendix AA; and State and local civil preparedness agencies requesting information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military reservists who have or could have mobilization designation to FEMA, including FEMA Regional offices and State and local civil preparedness agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes copies of orders, lists of reservists assigned, and those eligible to be assigned, to the FEMA regions and State and local civil preparedness agencies; other related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 270; 10 U.S.C. 275; 41 U.S.C. 3101; 50 U.S.C. App. 2253; E. O. 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943; P. L. 93-579.

PURPOSE(S):

For the purpose of preparing statistical reports, rosters, lists of new assignees, review of assignments to provide information for reallocation of vacant spaces, provide basis for general management of the program including the preparing of efficiency and other reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Applications are processed by the uniformed service's personnel headquarters and if approved, issuances of assignment orders are distributed to interested offices for program recruiting, record and management purposes.

Additional routine uses may include Nos. 5, 7 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printouts and orders and related papers are filed in paper file folders in metal file cabinets.

RETRIEVABILITY:

At FEMA Headquarters—by region and military service; At FEMA Regional offices—by military service, State and individual name.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper file folders in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be as long as the individual is assigned to the program. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, mailing addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the appropriate system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

Reservist submits completed application to FEMA Regional or State and local civil preparedness agency where he or she desires to work. Application is endorsed at each level and forwarded through civil preparedness channels to the respective service personnel administrative headquarters for processing, and if approved, issuance of assignment orders. Copies of assignment orders are distributed to interested offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-8

SYSTEM NAME:

Radioactive Materials Inventory.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472; all FEMA Regional offices; National Emergency Training Center, Emmitsburg, Maryland; Computer Center; Olney, Maryland; and Defense General Supply Center, ATTN: DCPO, Richmond, Virginia. Mailing addresses for the Regional offices are listed in Appendix AA. Copies are also maintained at the appropriate State and local civil preparedness agencies and at State radiological systems maintenance and calibration facilities, and as applicable to another Federal agency or FEMA contractor having radioactive material on loan.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Custodians of FEMA Radioactive Material.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain a listing of all FEMA owned radioactive materials on loan to a State, other Federal agencies, FEMA contractors and others. Categories of information stored in the system include: custodian's name, address, city, county, telephone number, user authorization number and expiration date, date of transfer, FEMA Region, State, storage name, address, city, county, license number, type, expiration date, radioactive material nomenclature; isotope, activity; civil preparedness nomenclature; serial numbers; leak test data, ID number of item, voucher number and date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3104; 50 U.S.C. App. 2253; E. O. 12148, 44 FR 43239; Reorganization Plan No. 3 of 1978, 43 FR 41943.

PURPOSE:

For the purpose of controlling and maintaining a record to whom radioactive materials are loaned in order to avoid loss or unauthorized use.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

RADEF and Technological Hazards Branch, Office of State and Local Programs and Support—as an inventory of all FEMA owned radioactive materials including whether on loan or in storage; locating an item by ID number or serial number; determining custodian of an item; number of items on loan to a State, other Federal agency, contractor and others; record of license number authorizing custodian possession of material; inventory of items by radioisotope; using incapsulation date and radioisotope decay to determine activity at any given time. File may be sorted and/or searched by any items in Record-Category above. As records are updated, file incorporates records into a historical file so that previous information remains on storage enabling a listing of all previous data in file in various Record-Categories. This permits a listing of leak test history data, listing of all storage locations and date of transfer, listing of all custodians, date of transfer, license numbers under which item was loaned. Based on expiration date of license, lists can be prepared of licenses due for renewal and overdue. Based on leak test date, lists can be prepared of items scheduled for leak testing and overdue. Items in possession of unauthorized personnel can be traced to last custodian by serial number, ID number or other available nomenclature.

Regional Offices, FEMA—same uses as RADEF and Technological Hazards Branch, Office of State and Local Programs and Support; usually limited to radioactive material on loan to States in their respective regions. For lost or unauthorized sources entire file may be searched.

State Radiological Systems Maintenance, Maintenance and Calibration Facility, State Civil Preparedness Office, Other Federal Agencies, FEMA Contractors and others possessing loaned material: Same as RADEF and Technological Hazards Branch, Office of State and Local Programs and Support; usually limited to radioactive material items on loan to the user. For lost or unauthorized sources entire file may be searched.

Additional routine uses may include Nos. 1, 5, and 8 Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer magnetic tapes and disks, computer paper printouts.

RETRIEVABILITY:

Computer file is accessible by any of the categories listed in Record-Category above.

SAFEGUARDS:

Requests for computer printouts are made by other users through FEMA RADEF and Technological Hazards Branch. Authorized users have access to data on computer tapes and disks through computer terminals. Printouts at FEMA facilities are stored in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files are updated as changes occur. Previous data is stored in history file for historical data printouts described in Routine-Uses.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the appropriate system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identitification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the appropriate system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

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FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Data to update file is supplied by custodians of loaned material (note: transferee will report name of new custodian), State Civil Preparedness Agency Maintenance and Calibration Facility personnel, FEMA Regional offices, RADEF and Technological Hazards Branch of Office of State and Local Programs and Supports; other sources include other FEMA divisions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-9

SYSTEM NAME:

Maintenance and Calibration.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Programs and Support, Washington, D.C. 20472; all FEMA Regional Offices, FEMA Computer Center, Defense General Supply Center, ATTN: DCPO, Richmond, Virginia. Mailing addresses for the Regional Offices are listed in Appendix AA. Copies are also maintained at the appropriate State and local civil defense agencies and at State radiological systems maintenance and calibration facilities, and as applicable to another Federal agency.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All State RADEF Officers and Maintenance Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files containing the shipping and mailing addresses of the State radiological systems maintenance, maintenance and calibration facilities. It also contains the name and telephone number of the maintenance officer of the maintenance and calibration facility and the State RADEF officer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3104; 50 U.S.C. App. 2253; and E. O. 12148, July 20, 1979.

PURPOSE(S):

For the purpose of keeping an up-to-date list and addresses of the maintenance officer of the maintenance and calibration facility and the State RADEF officer.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

RADEF and Technological Hazards Branch—to address correspondence to the facilities. Names and telephone numbers are used to contact individuals by phone as required.

FEMA Regions: Same as RADEF and Technological Hazards Branch for the states in their region.

FEMA Computer Center—to prepare mailing and shipping labels for computer output.

Others: Copy furnished Defense General Supply Center, ATTN: DCPO, Richmond, Virginia, for use by them and the associated FEMA Federal Supply Depot to ship and mail supplies to the states for use under the Radiological Systems Maintenance contract. Information furnished to other FEMA elements, other Federal agencies and to State radiological maintenance facilities upon request in order to furnish supplies and/or information for use in the radiological systems maintenance contract.

Additional routine uses may include Nos. 5 and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and computer tapes and disks.

RETRIEVABILITY:

Filed by region then alphabetically by State name.

SAFEGUARDS:

Authorized users have access to data on computer tapes and disks through computer terminals. Printouts at FEMA facilities are stored in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

When a list is updated, the prior list is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472; and all Regional Directors of FEMA, addresses listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Information submitted by State RADEF Officer, Maintenance and Calibration Facility Officer, FEMA Regional Staff, and others knowledgeable of change in data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-10

SYSTEM NAME:

Radiation Exposure and Radioactive Materials; Radiation Committee Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Office of State and Local Program and Support, Washington, D.C. 20472; National Emergency Training Center, Emmitsburg, Maryland, and FEMA Computer Center, Olney, Maryland. Mailing addresses of the Regional Offices are listed in Appendix AA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Files contain the following types of individuals within FEMA or under FEMA Byproduct Materials License: All authorized users of sources of ionizing

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radiation; activity radiation safety officers; ionizing radiation dose records for individuals using or exposed to ionizing radiation under FEMA license or authorization; authorized custodians of FEMA sources of ionizing radiation; committee members and alternates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain records produced in the conduct of committee duties and functions which include the control and administration of, the procurement, use, handling, storage and disposal of all sources of ionizing radiation throughout FEMA and other users under FEMA licenses and authorizations, assuring compliance with licenses and authorizations issued to FEMA for ionizing radiation and the regulations applicable to these license holders. Records include committee members, authorized users, activity radiation safety officers, ionizing radiation dose records for individuals who may be exposed to FEMA sources of ionizing radiation, and inspections (surveys) of activities and facilities using FEMA sources of ionizing radiation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 50 U.S.C. App. 2253, 2281; 44 U.S.C. 2073 2093, 2095, 2111, 2112, 2201, 2232, 2233, 2234, 2273 and E.O. 12148, July 20, 1979.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Radiation control committee: In conduct of committee duties and functions including the following: Serving as an advisory board recommending approval and exercising control of the procurement, use, handling, storage, and disposal of sources of ionizing radiation for emergency management purposes; based upon the qualifications submitted, designate for approval all authorized users of sources of ionizing radiation within FEMA or under FEMA licenses or authorizations; recommend for approval activity radiation safety officers for all FEMA installations and other facilities where sources of ionizing radiation are used, handled or stored under FEMA licenses or authorizations; establishes general procedures and guidance governing the use, handling, storage of sources of ionizing radiation, including appropriate health physics or emergency procedures and precautions, establishing formal rules and regulations as necessary; assure that the rules and conditions of the FEMA licenses, authorizations, and regulations are observed in all FEMA activities; maintain records of the procurement, receipt, transfer and disposal of all FEMA sources of ionizing radiation; maintain ionizing radiation dose records for each FEMA employee and other individual who may have been exposed to ionizing radiation under FEMA licenses or authorizations; providing liaison with other Federal agencies with regard to committee duties and functions; maintain records of applications and amendments to licenses and authorizations for the use of ionizing radiation at FEMA facilities; maintains records of periodic inspections of all FEMA activities involved with sources of ionizing radiation under FEMA licenses and authorizations.

Additional routine uses may include Nos. 1, 5, and 8 of Appendix A.

PURPOSE(S):

For the purpose of procuring, using, handling, controlling, and administration of, the procurement, use, handling, storage and disposal of all sources of ionizing radiation throughout FEMA and other users under FEMA licenses and authorizations, assuring compliance with licenses and authorizations issued to FEMA for ionizing radiation and the regulations applicable to these license holders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and radioactive materials inventory on computer magnetic tape and disks.

RETRIEVABILITY:

Filed by subject and ionizing radiation exposure records subfiled alphabetically by name.

SAFEGUARDS:

Requests for computer printouts are made by other users through FEMA RADEF and Technological Hazards Branch. Authorized users have access to data on computer tapes and disks through computer terminals. Printouts at FEMA facilities are stored in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Files kept in accordance with 10 CFR 19, 20, 30 and 33. Files not covered by 10 CFR are kept for two years after completion then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

Reports prepared and submitted by committee members, activity radiation safety officers and users. Data for ionizing radiation dose records from individuals wearing dosimeters and film badge processors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FEMA/SLPS-11

SYSTEM NAME:

Interagency Directories System.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Federal Emergency Management Agency, Plans and Preparedness, Washington, D.C. 20472; all FEMA regional offices listed in Appendix AA to these notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal Emergency Management Agency employees and employees of other Federal, State and local agencies with related responsibilities; e.g., members of the Regional Preparedness Committee, the Interagency Emergency Preparedness Committee, and the Regional Field Board as well as Emergency Coordinators, Alternate Emergency Coordinators, State Emergency Preparedness Directors, and State Civil Defense Directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Includes name, office and home addresses and telephone numbers, and level of security clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11490, as amended and Executive Order 12148.

PURPOSE(S):

For the purpose of providing a locator service and a means of distributing publications and communications for in-house agency use and for the use of member agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

To provide the names, addresses and telephone numbers of FEMA subscribers having essential emergency functions to the General Services Administration for forwarding to the public telephone companies to designate those subscriber's home numbers as "essential" for the purpose of providing a minimum of delay in placing calls from their residences during a national disaster or civil emergency.

For the purpose of providing a locator service and a means of distributing publications and communications, interagency directories will be distributed to Federal, regional and state interagency committee members and to the agencies which they represent; e.g., State Emergency Planning Directors, holders of the FEMA Emergency Planning Reference Package for Regional Governments and Central Office Emergency Readiness Instructions and the White House Communications Agency. To the key personnel in Federal agencies and departments involved in emergency preparedness responsibilities.

Additional routine uses may include Nos. 2, 3, 5, and 8 of Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag-card, mag-tape, drum, disc and paper.

RETRIEVABILITY:

By name and agency.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records in a locked container and/or room. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Retention of records shall be for duration of individual membership in interagency organizations. Disposition of records shall be in accordance with the FEMA Records Maintenance and Disposition System.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Plans and Preparedness, Federal Emergency Management Agency, Washington, D.C. 20472; all Regional Directors of FEMA, addresses are listed in Appendix AA.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification, that is, driver's license, employing office's identification card, or other identification data.

RECORD ACCESS PROCEDURES:

Same as Notification procedure above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager. Written requests should be clearly marked "Privacy Act Amendment" on the envelope and letter. The letter should state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

FEMA Privacy Act Regulations are promulgated in 44 CFR Part 6, published in the **Federal Register**.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A

Introduction to Routine Uses: Certain routine uses have been identified as being applicable to many of the FEMA systems of record notices. The specific routine uses applicable to an individual system of record notice will be listed under the "Routine Use" section of the notice itself and will correspond to the numbering of the routine uses published below. These uses are published only once in the interest of simplicity, economy and to avoid redundancy, rather than repeating them in every individual system notice.

1. *Routine Use—Law Enforcement:* In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. *Routine Use—Disclosure When Requesting Information:* A record from a FEMA system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, regulatory, licensing or other enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. *Routine Use—Disclosure of Requested Information:* A record from a FEMA system of records may be disclosed to a Federal agency, in response to a written request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the

requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. *Routine Use—Grievance, Complaint, Appeal:* A record from a FEMA system of records may be disclosed to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized offical engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with agency's responsibility for evaluation of Federal personnel management.

To the extent that official personnel records in the custody of FEMA are covered within systems of records published by the Office of Personnel Management as government-wide records, those records will be considered as a part of that government-wide system. Other official personnel records covered by notices published by FEMA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine activities as a routine use.

5. *Routine Use—Congressional Inquiries:* A record from a FEMA system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

6. *Routine Use—Private Relief Legislation:* The information contained in a FEMA system of records may be disclosed as a routine use to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

7. *Routine Use—Disclosure to the Office of Personnel Management:* A record from a FEMA system of records may be disclosed to the Office of Personnel Management concerning information on pay and leave benefits, retirement deductions, and any other information concerning personnel actions.

8. *Routine Use—Disclosure of Information to NARS (GSA):* A record from a FEMA system of records may be disclosed as a routine use to the National Archives and Records Service of the General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 12906.

Appendix AA

Addresses for FEMA Regional Offices

Region I—Regional Director, FEMA, 442 J. W. McCormack, Boston, MA 02109

Region II—Regional Director, FEMA, 26 Federal Plaza, New York, NY 10007

Region III—Regional Director, FEMA, Curtis Building—7th Floor, 6th and Walnut Streets, Philadelphia, PA 19106

Region IV—Regional Director, FEMA, Gulf Oil Building, 1375 Peachtree Street, N.E. (Suite 664), Atlanta, GA 30303

Region V—Regional Director, FEMA, One North Dearborn Street (Room 540), Chicago, IL 60602

Region VI—Regional Director, FEMA, Federal Regional Center, Denton, TX 76201

Region VII—Regional Director, FEMA, Old Federal Office Building (Room 405), Kansas City, MO 64106

Region VIII—Regional Director, FEMA, Federal Regional Center, Building 710, Denver, CO 80225

Region IX—Regional Director, FEMA, 211 Main Street, San Francisco, CA 94105

Region X—Regional Director, FEMA, Federal Regional Center, Bothell, WA 98011

[FR Doc. 81-28937 Filed 10-6-81; 8:45 am]

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federal register

Wednesday
October 7, 1981

Part III

Department of the Interior

Bureau of Land Management

Outer Continental Shelf; Gulf of Mexico Proposed Oil and Gas Lease Sale No. 67

BILLING CODE: 4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf
Gulf of Mexico

Proposed Oil and Gas Lease Sale 67

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed sale notice. The following is a proposed sale notice for Sale 67 in the offshore waters of the Gulf of Mexico. This notice is hereby published as a matter of information to the public.

SEP 30 1981

Ed Hastey
Associate Director, Bureau of Land Management

Date: OCT 2 1982

Approved:

Donald Paul Hodel
Acting Secretary of the Interior

Proposed Sale Notice

Oil and Gas Lease Sale 67

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Hale Boggs Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., February 8, 1982, or by personal delivery to ____________ New Orleans, Louisiana, between the hours of 8:00 a.m., c.s.t., and 9:30 a.m., c.s.t., February 9, 1982. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., February 9, 1982. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR ______ 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., c.s.t., February 9, 1982," must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A, for bonus bid tracts. Bidders are advised that tract numbers are assigned solely for administrative purposes and that tract numbers are

not the same as block numbers found on leasing maps or official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of three decimal places after the decimal point, e.g., 50.123%, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $3 per acre or fraction thereof. The following systems will be utilized:

(a) Bonus Bidding with a Fixed Net Profit Share: Bids on tracts 67-133, 67-134, 67-135, 67-136, and 67-137 must be submitted on a cash bonus basis with a fixed net profit share rate of 50 percent and a capital recovery factor of 0.50. Bids on tracts 67-147, 67-148, 67-149, 67-150, 67-161, 67-162, 67-163, and 67-164 must be submitted on a cash bonus basis with a fixed net profit share rate of 40 percent and a capital recovery factor of 1.00. The net profit share payment shall be calculated according to the Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum royalty payment of $3 per acre or fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., c.s.t., February 9, 1982, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973) and the Affirmative Action Representation Form, Form 1140-7 (December 1971). See Item 14, "Information to Lessees."

6. Bid Opening. Bids will be opened on February 9, 1982, beginning at 10:00 a.m., c.s.t., ______________________, at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, February 9, 1982, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) the bidder has complied with all requirements of this notice and applicable regulations:

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $25 or more per acre or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental, and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Leasing Maps/Official Protraction Diagrams. Tracts offered for lease may be located on the following leasing maps/official protraction diagrams which are available from the Manager, New Orleans OCS Office, at the first address stated in paragraph 2.

(a) Outer Continental Shelf Leasing Maps - Texas Nos. 1 through 8. These maps are arranged in two sets, Nos. 1 through 4 (7 maps), which sell for $5 per set; and Nos. 5 through 8 (9 maps), which sell for $7 per set.

(b) Outer Continental Shelf Leasing Maps - Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for $17.

(c) Outer Continental Shelf Official Protraction Diagrams:

NH 16-4	Mobile
NH 16-7	Viosca Knoll
NH 15-12	Ewing Bank
NH 16-10	Mississippi Canyon
NG 14-3	Corpus Christi
NG 15-1	East Breaks
NG 15-2	Garden Banks
NG 15-3	Green Canyon
NG 17-1	St. Petersburg
NG 17-4	Charlotte Harbor

These sell for $2 each.

12. Tract Descriptions. The tracts offered for bids are as follows: Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice. Some of the blocks are included in prior environmental impact statements rather than the environmental impact statement for this sale.

PROPOSED TRACT LIST
OCS SALE 67

OCS LEASING MAP, SOUTH PADRE ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 1A
(Approved May 6, 1965)

Tract	Block	Description	Acreage
67–1	A-72	All	5760
67–2	A-73	All	5760
67–3	A-83	All	5760

OCS LEASING MAP, NORTH PADRE ISLAND AREA, TEXAS MAP NO. 2
(Approved July 16, 1954)

Tract	Block	Description	Acreage
67–4	919	1/	2630 (est.)
67–5	924	1/	2747 (est.)

OCS LEASING MAP, NORTH PADRE ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 2A
(Approved May 6, 1965)

Tract	Block	Description	Acreage
67–6	A-12	All	5760
67–7	A-13	All	5760

OCS LEASING MAP, MUSTANG ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 3A
(Approved January 23, 1967)

Tract	Block	Description	Acreage
67–8	733	All	5361.50
67–9	734	All	5329.26
67–10	A-58	All	5296.87
67–11	A-59	All	5760
67–12	A-60	All	5760

OCS LEASING MAP, MUSTANG ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 3A
(Approved January 23, 1967)
(Continued)

Tract	Block	Description	Acreage
67–13	A-151	All	5760
67–14	A-152	All	5760
67–15	A-153	All	5760
67–16	A-162	All	5760

OCS LEASING MAP, MATAGORDA ISLAND AREA, TEXAS MAP NO. 4
(Approved July 16, 1954)

Tract	Block	Description	Acreage
67–17	569	All	5760
67–18	586	All	5760
67–19	587	All	5760
67–20	588	All	5760
67–21	589	All	5760
67–22	603	All	5760
67–23	622	All	5760
67–24	636	All	5760
67–25	718	2/	4970 (est.)

OCS LEASING MAP, BRAZOS AREA, TEXAS MAP NO. 5
(Approved July 16, 1954)

Tract	Block	Description	Acreage
67–26	412	All	5760

OCS LEASING MAP, BRAZOS AREA, SOUTH ADDITION, TEXAS MAP NO. 5B
(Approved September 24, 1959)

Tract	Block	Description	Acreage
67–27	A-49	All	5760
67–28	A-50	All	5760
67–29	A-68	All	5760

OCS LEASING MAP, GALVESTON AREA, TEXAS MAP NO. 6
(Approved July 16, 1954)

Tract	Block	Description	Acreage
67–30	257	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7
(Approved July 16, 1954; Revised August 1955)

Tract	Block	Description	Acreage
67–31	20	2/	3450 (est.)
67–32	22	2/	1705 (est.)

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 7A
(Approved January 23, 1967)

Tract	Block	Description	Acreage
67–33	83	All	1485.82
67–34	120	All	2925.12
67–35	128	All	4364.41
67–36	A-244	All	2913.80
67–37	A-245	All	4353.09

OCS LEASING MAP, HIGH ISLAND AREA, SOUTH ADDITION, TEXAS MAP NO. 7B
(Approved September 24, 1959)

Tract	Block	Description	Acreage
67–38	A-565	All	5760
67–39	A-579	All	5760
67–40	A-580	All	5760

OCS LEASING MAP, WEST CAMERON AREA, LOUISIANA MAP NO. 1
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67–41	112	All	5000
67–42	114	All	5000
67–43	130	All	5000
67–44	283	All	5000
67–45	284	All	5000

OCS LEASING MAP, WEST CAMERON AREA, WEST ADDITION, LOUISIANA MAP NO. 1A
(Approved November 15, 1955; Revised January 30, 1957)

Tract	Block	Description	Acreage
67–46	379	All	5000
67–47	380	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–48	470	All	3186.36
67–49	471	All	2282.36
67–50	529	All	5000
67–51	530	All	5000

OCS LEASING MAP, EAST CAMERON AREA, LOUISIANA MAP NO. 2
(Approved June 8, 1954; Revised August 1, 1973)

Tract	Block	Description	Acreage
67–52	29	All	5000
67–53	30	All	5000
67–54	44	All	5000
67–55	86	All	5000
67–56	87	All	5000
67–57	191	All	5000
67–58	206	All	5000

OCS LEASING MAP, EAST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 2A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–59	260	All	5000
67–60	339	All	5000

OCS LEASING MAP, VERMILION AREA, LOUISIANA MAP NO. 3
(Approved June 8, 1954; Revised June 25, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67–61	17	3/	1723.[illegible] (est.)
67–62	44	All	5000
67–63	45	All	5000
67–64	46	S½	2500
67–65	47	All	5000
67–66	56	All	5000
67–67	105	All	5000
67–68	145	All	5000
67–69	158	All	5000

OCS LEASING MAP, VERMILION AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–70	25[illegible]	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3C
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–71	77	All	5000
67–72	194	All	5000
67–73	202	All	5000
67–74	203	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, NORTH ADDITION, LOUISIANA MAP NO. 3D
(Approved April 16, 1971; Revised January 18, 1972)

Tract	Block	Description	Acreage
67–75	248	All	5000
67–76	259	All	5000

OCS LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67–77	20	3/	3582.12 (est.)
67–78	21	3/	4789.31 (est.)
67–79	22	3/	4351.06 (est.)
67–80	23	3/	4691.75 (est.)
67–81	28	All	5000
67–82	29	All	5000
67–83	30	All	5000
67–84	31	All	5000

OCS LEASING MAP, EUGENE ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 4A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67–85	316	All	5000

OCS LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954)

Tract	Block	Description	Acreage
67–86	37	S½NE¼; NW¼; S½	4375
67–87	38	3/	2149.94 (est.)

OCS LEASING MAP, SHIP SHOAL AREA, SOUTH ADDITION, LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67-88	240	All	5000
67-89	259	All	5141.14
67-90	321	All	5000

OCS LEASING MAP, SOUTH PELTO AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
67-91	16	All	5000
67-92	24	All	5000
67-93	25	All	5000

OCS LEASING MAP, SOUTH TIMBALIER AREA, SOUTH ADDITION, LOUISIANA MAP NO. 6A
(Approved September 8, 1959; Revised July 22, 1968)

Tract	Block	Description	Acreage
67-94	224	All	5000
67-95	225	All	5000
67-96	314	All	5000

OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

Tract	Block	Description	Acreage
67-97	49	All	5000
67-98	50	3/	2637.37 (est.)

OCS LEASING MAP, SOUTH PASS AREA, SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 9A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67-99	75	All	5000
67-100	83	All	5000

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
67-101	118	All	4994.55
67-102	127	S½	2497.27

OCS LEASING MAP, MAIN PASS AREA, SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 10A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
67-103	221	All	4994.55
67-104	253	All	4994.55
67-105	254	All	4994.55

OCS OFFICIAL PROTRACTION DIAGRAM, MOBILE NH 16-4
(Approved October 10, 1972; Revised December 21, 1977)

Tract	Block	Description	Acreage
67-106	(778 (822	4/	5600
67-107	(779 (823 (824	4/	4150 (est.)
67-108	819	4/	2928
67-109	820	4/	3180
67-110	821	4/	3400
67-111	(825 (826	4/	2820
67-112	827	4/	3240 (est.)
67-113	828	4/	3180 (est.)
67-114	861	4/	5040 (est.)
67-115	862	4/	5440 (est.)
67-116	864	All	5760
67-117	865	All	5760
67-118	866	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, MOBILE NH 16-4
(Approved October 10, 1972; Revised December 21, 1977)
(Continued)

Tract	Block	Description	Acreage
67–119	867	All	5760
67–120	868	4/	5745 (est.)
67–121	869	4/	5735 (est.)
67–122	870	All	5760
67–123	905	All	5760
67–124	906	All	5760
67–125	908	All	5760
67–126	909	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, VIOSCA KNOLL NH 16-7
(Approved October 10, 1972; Revised February 15, 1973; Revised August 1, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–127	565	All	5197.59
67–128	825	All	5760
67–129	826	All	5760
67–130	869	All	5760
67–131	870	All	5760
67–132	987	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, EWING BANK NH 15-12
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–133	481	All	3596.36
67–134	525	All	2419.57
67–135	526	All	3516.99

OCS OFFICIAL PROTRACTION DIAGRAM, MISSISSIPPI CANYON NH 16-10
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–136	441	All	5760
67–137	485	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CORPUS CHRISTI NG 14-3
(Approved June 5, 1974; Revised January 27, 1976)

Tract	Block	Description	Acreage
67–138	567	All	5760
67–139	568	All	5760
67–140	569	All	5760
67–141	570	All	5760
67–142	611	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, EAST BREAKS NG 15-1
(Approved June 8, 1973; Revised January 27, 1976)

Tract	Block	Description	Acreage
67–143	244	All	5760
67–144	245	All	5760
67–145	288	All	5760
67–146	289	All	5760
67–147	292	All	5760
67–148	293	All	5760
67–149	336	All	5760
67–150	337	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, GARDEN BANKS NG 15-2
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67–151	105	All	5760
67–152	106	All	5760
67–153	149	All	5760
67–154	150	All	5760
67–155	158	All	5760
67–156	159	All	5760
67–157	169	All	5760
67–158	170	All	5760
67–159	213	All	5760
67–160	214	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, GREEN CANYON NG 15-3
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
67-161	97	All	5760
67-162	98	All	5760
67-163	142	All	5760
67-164	143	All	5760
67-165	152	All	5760
67-166	153	All	5760
67-167	154	All	5760
67-168	198	All	5760
67-169	199	All	5760
67-170	427	All	5760
67-171	428	All	5760
67-172	471	All	5760
67-173	472	All	5760
67-174	515	All	5760
67-175	516	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, ST PETERSBURG NG 17-1
(Approved October 10, 1972; Revised December 2, 1976)

Tract	Block	Description	Acreage
67-176	620	All	5760
67-177	662	All	5760
67-178	663	All	5760
67-179	664	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)

Tract	Block	Description	Acreage
67-180	624	All	5760
67-181	625	All	5760
67-182	626	All	5760
67-183	669	All	5760
67-184	670	All	5760
67-185	713	All	5760

OCS OFFICIAL PROTRACTION DIAGRAM, CHARLOTTE HARBOR NG 17-4
(Approved October 10, 1972; Revised December 2, 1976)
(Continued)

Tract	Block	Description	Acreage
67-186	714	All	5760
67-187	757	All	5760
67-188	758	All	5760
67-189	797	All	5760
67-190	798	All	5760
67-191	799	All	5760
67-192	800	All	5760
67-193	801	All	5760
67-194	802	All	5760
67-195	803	All	5760
67-196	841	All	5760
67-197	842	All	5760
67-198	843	All	5760
67-199	844	All	5760
67-200	845	All	5760
67-201	846	All	5760
67-202	847	All	5760
67-203	885	All	5760
67-204	886	All	5760
67-205	887	All	5760
67-206	888	All	5760
67-207	889	All	5760
67-208	890	All	5760
67-209	891	All	5760
67-210	929	All	5760
67-211	930	All	5760
67-212	931	All	5760
67-213	932	All	5760
67-214	933	All	5760
67-215	934	All	5760
67-216	935	All	5760
67-217	973	All	5760
67-218	974	All	5760
67-219	975	All	5760
67-220	976	All	5760
67-221	977	All	5760
67-222	978	All	5760
67-223	979	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, SOUTH EXTENSION, TEXAS MAP NO. 7C

(Approved September 24, 1959)

Tract	Block	Description	Acreage
67-224	A-374	All	5760
67-225	A-385	All	5760

OCS LEASING MAP, WEST CAMERON AREA, WEST ADDITION, LOUISIANA MAP NO. 1A

(Approved November 15, 1955; Revised January 30, 1957)

Tract	Block	Description	Acreage
67-226	289	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B

(Approved September 8, 1959)

Tract	Block	Description	Acreage
67-227	535	All	5000
67-228	623	All	5000

OCS LEASING MAP, EAST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 2A

(Approved September 8, 1959)

Tract	Block	Description	Acreage
67-229	328	All	5000

OCS LEASING MAP, SOUTH MARSH ISLAND AREA, SOUTH ADDITION, LOUISIANA MAP NO. 3C

(Approved September 8, 1959)

Tract	Block	Description	Acreage
67-230	176	All	5000

OCS LEASING MAP, WEST DELTA AREA, LOUISIANA MAP NO. 8

(Approved June 8, 1954)

Tract	Block	Description	Acreage
67-231	78	All	5000

1/ That portion of the lease block seaward of the Three Marine League Line measured from the historic shoreline described in the United States vs. Louisiana, No. 9 Original (394 U.S. 836).

2/ That portion of the lease block seaward of the Three Marine League Line.

3/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13).

4/ That portion of the lease block which is more than three geographical miles seaward from the low water line off the coast of Mississippi and/or Alabama.

13. Lease Terms and Stipulations. Leases resulting from this sale for tracts 67-170 through 67-175 will be for an initial term of 10 years. All other leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New Orleans OCS Office, at the first address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, listed in paragraph 4 (a), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5 Minimum Royalty. Hereby deleted.

Sec. 6 Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of ___ percent with a ____ capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term DCM refers to the Deputy Conservation Manager for Field Operations, Gulf of Mexico OCS Region, U.S. Geological Survey, and the term Manager refers to the Manager of the New Orleans OCS Office, Bureau of Land Management.

Stipulation 1

If the DCM, having reason to believe that a site, structure, or object of historical or archaeological significance hereinafter referred to as "cultural resource," may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (a) locate the site of such operation so as not to affect adversely the identified location; or (b) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and to the Manager for review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation 2

Stipulation 3

(To be included only in the lease resulting from this sale for tract 67-

Stipulation 2

(To be included only in the lease resulting from this sale for tract 67-230.)

Operations within the area of Alderdice Bank shown as "3 Mile Zone" in Figure 1 (attached to and made a part of this lease) shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (a) above or other appropriate operational restrictions.

Stipulation 3

(To be included only in the lease resulting from this sale for tract 67-96.)

(a) Operations within the area of Diaphus Bank shown as "1 Mile Zone" in Figure 2 (attached to and made a part of this lease) shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) Operations within the area of Diaphus Bank shown as "3 Mile Zone" in Figure 2 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation 4

(To be included only in leases resulting from this sale for tracts 67-13 and 67-14.)

(a) Operations within the area of Southern Bank shown as "1 Mile Zone" in Figure 3 (attached to and made a part of this lease) shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

(b) All production and development operations within the areas shown as "3 Mile Zone" in Figure 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

Stipulation 5

(To be included only in leases resulting from this sale for tracts 67-39 and 67-40.)

Operations within the area of Applebaum Bank shown as "3 Mile Zone" in Figure 4 (attached to and made a part of this lease) shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (a) above or other appropriate operational restrictions.

Stipulation 6

(To be included only in leases resulting from this sale for tracts 67-72, 67-73, and 67-74.)

(a) No structures, drilling rigs, or pipelines will be allowed within the 85 m isobath of Parker Banks as shown in Figure 5 (attached to and made a part of this lease).

(b) Operations within the area of Parker Banks shown as "1 Mile Zone" in Figure 5 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(c) Operations within the area shown as "3 Mile Zone" in Figure 5 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation 7

(To be included only in leases resulting from this sale for tracts 67-151, 67-152, 67-153, and 67-154.)

(a) No structures, drilling rigs, or pipelines will be allowed within the 85 m isobath of Geyer Bank as shown in Figure 6 (attached to and made a part of this lease).

(b) Operations within the area of Geyer Bank shown as "1 Mile Zone" in Figure 6 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(c) Operations within the area shown as "3 Mile Zone" in Figure 6 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DCM shall require shunting as specified in (1) above or other appropriate operational restrictions.

Stipulation 8

(To be included only in the lease resulting from this sale for tract 67-224.)

(a) No structures, drilling rigs, or pipelines will be allowed within the aliquots established for the East Flower Garden Bank as follows:

High Island Area, East Addition, South Extension, Block A-374: W½W½NW¼; SE¼SW¼NW¼; SW¼NE¼SW¼; W½SW¼; W½SE¼SW¼; SE¼SE¼SW¼.

(b) Exploration, development, and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom; however, if the shunting method is not adequate, as determined by the monitoring program proceedings outlined in this stipulation, to protect the unique character of the subject area, then the material must be transported a minimum of ten miles from any 50 m isobath surrounding live reef-building coral before disposal.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration and development operations.

No drilling permits shall be issued by the DCM until he has found that the lessee's exploration plans and development and production plans filed under 30 CFR 250.34 are adequate to insure that exploration, development, and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

As a part of any exploration plans or development and production plans, a reef monitoring program must be included. The monitoring program will be designed to assess the effects of oil and gas exploration, development, and production operations on the viability of the coral reefs and associated communities. The monitoring plan shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that program personnel and equipment will be available at the time of operations. The monitoring team will submit its findings to the DCM on a regular schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations.

The affected aliquots are as follows:

High Island Area, East Addition, South Extension, Block A-374: SW¼SW¼NE¼; E½NW¼; E½NW¼NW¼; NE¼SW¼NW¼; N½NE¼SW¼; SE¼NE¼SW¼; NE¼SE¼SW¼; W½NW¼SE¼; SE¼NW¼SE¼; SW¼SE¼; SW¼SE¼SE¼.

(c) Exploration, development, and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration, development, and production operations.

No drilling permits shall be issued by the DCM until he has found that the lessee's exploration plans and development and production plans filed under 30 CFR 250.34 are adequate to insure that exploration, development, and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

The affected aliquots are as follows:

High Island Area, East Addition, South Extension, Block A-374:
N½NE¼; N½S½NE¼; SE¼SW¼NE¼; S½SE¼NE¼; NE¼SE¼; NE¼NW¼SE¼; N½SE¼SE¼; SE¼SE¼SE¼.

Stipulation 9

(To be included only in the lease resulting from this sale for tract 67-225.)

(a) No structures, drilling rigs, or pipelines will be allowed within the aliquots established for the West Flower Garden Bank as follows:

High Island Area, East Addition, South Extension, Block A-385:
SW¼SW¼NW¼; NW¼SW¼; NW¼SW¼SW¼.

(b) Exploration, development, and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom; however, if the shunting method is not adequate, as determined by the monitoring program proceedings outlined in this stipulation, to protect the unique character of the subject area, then the material must be transported a minimum of ten miles from any 30 m isobath surrounding live reef-building coral before disposal.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration and development operations.

No drilling permits shall be issued by the DCM until he has found that the lessee's exploration plans and development and production plans filed under 30 CFR 250.34 are adequate to insure that exploration, development, and production operations in the lease area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

As a part of any exploration plans or development and production plans, a reef monitoring program must be included. The monitoring program will be designed to assess the effects of oil and gas exploration, development, and production operations on the viability of the coral reefs and associated communities. The monitoring plan shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that program personnel and equipment will be available at the time of operations.

The monitoring team will submit its findings to the DCM on a regular schedule established by the DCM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations.

The affected aliquots are as follows:

High Island Area, East Addition, South Extension, Block A-385:
SW¼NW¼NW¼; N½SW¼NW¼; SE¼SW¼NW¼; SW¼SE¼NW¼; NE¼SW¼; E½SW¼SW¼; SW¼SW¼SW¼; W½SE¼SW¼; NE¼SE¼SW¼; W½NW¼SE¼.

(c) Exploration, development, and production operations are permitted within the aliquots described below with the following restrictions:

All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

No garbage, untreated sewage, or other solid waste shall be disposed of from vessels (workboats, crew-boats, supply boats, pipelaying vessels) during exploration, development, and production operations.

No drilling permits shall be issued by the DCM until he has found that the lessee's exploration plans and development and production plans filed under 30 CFR 250.34 are adequate to insure that exploration, development, and production operations in the leased area will have no significant adverse effect on the biotic communities associated with the high value reef sites on the Flower Garden Banks.

The affected aliquots are as follows:

High Island Area, East Addition, South Extension, Block A-385:
NE¼; NE¼NW¼; N½NW¼NW¼; SE¼NW¼NW¼; N½SE¼NW¼; SE¼SE¼NW¼; SE¼SE¼SW¼;
E½SE¼; E½NW¼SE¼; SW¼SE¼.

Stipulation 10

(To be included only in leases resulting from this sale for tracts 67-106 through 67-126 and 67-176 through 67-223.)

Prior to any drilling activity or the construction or placement of any structure for exploration or development on this lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the DCM as part of any exploration or development plan a bathymetry map, prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum of 1,820 m radius of a proposed exploration or production activity site.

For the purpose of this stipulation, "live bottom areas" are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna.

If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the DCM photo-documentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the DCM will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

(a) the relocation of operations to avoid live bottom areas;
(b) the shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;
(c) the transportation of drilling fluids and cuttings to approved disposal sites;
(d) the monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

Stipulation 11

(To be included only in leases resulting from this sale for tracts 67-99, 67-100, 67-128 through 67-131, 67-133 through 67-147, 67-149, 67-150, and 67-155 through 67-175.)

All or portions of this lease may be subject to mass movement of sediments, unstable slopes, active faulting, or gaseous sediments. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease unless or until the lessee has demonstrated to the DCM's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads, and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for slumping and mass movement of sediments. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas is allowed, all slump blocks or mass movement of sediments in the lease must be mapped. The DCM may also require soil testing before exploration and production operations are allowed.

Stipulation 12

(To be included only in leases resulting from this sale for tracts 67-176 through 67-223.)

Pipelines will be required: (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple-use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. The lessor's decision regarding the selected means of transportation will be made within the context of an intergovernmental planning process for assessment and management of transportation of Outer Continental Shelf oil and gas with participation of federal, state, and local government and the industry. Where feasible, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other uses as determined on a case-by-case basis.

Following the development of sufficient pipeline capacity, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DCM. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a), as amended.

Stipulation 13

(To be included only in leases resulting from this sale for tracts 67-1 through 67-16, 67-25, and 67-138 through 67-142.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors, or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors, or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 14

(To be included only in leases resulting from this sale for tracts 67-96 and 67-165 through 67-175.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Naval Air Station, New Orleans, Louisiana 70146.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Naval Air Station, New Orleans, Louisiana 70146, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Naval Air Station, New Orleans, Louisiana 70146, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 15

(To be included only in leases resulting from this sale for tracts 67-38, 67-39, 67-40, and 67-141 through 67-150.).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Armament Division, Barksdale Air Force Base, Shreveport, Louisiana.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, of any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability, or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors, or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Armament Division, Barksdale Air Force Base, Shreveport, Louisiana, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities, conducted within designated warning areas

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors, or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Armament Division, Barksdale Air Force Base, Shreveport, Louisiana, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 16

(To be included only in leases resulting from this sale for tracts 67-111, 67-112, 67-113, and 67-122.)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Training Wing Six, Naval Air Station, Pensacola, Florida 32508.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Training Wing Six, Naval Air Station, Pensacola, Florida 32508, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Training Wing Six, Naval Air Station, Pensacola, Florida 32508, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 17

(To be included only in leases resulting from this sale for tracts 67-106 through 67-110, 67-114 through 67-121, 67-123 through 67-126, and 67-176 through 67-18[illegible].)

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Armament Division, Eglin Air Force Base, Florida.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability, or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors, or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Armament Division, Eglin Air Force Base, Florida, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities, conducted within designated warning areas

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors, or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Armament Division, Eglin Air Force Base, Florida, on utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation 18

(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraph 4(a) of this notice.)

The net profit share payment specified in Section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production saved, removed, or sold from the lease area may be taken in amount, except as provided in Section 15(d). The net profit share obligations of the lessee shall be calculated to include as a credit, the value of production taken in amount by the lessor.

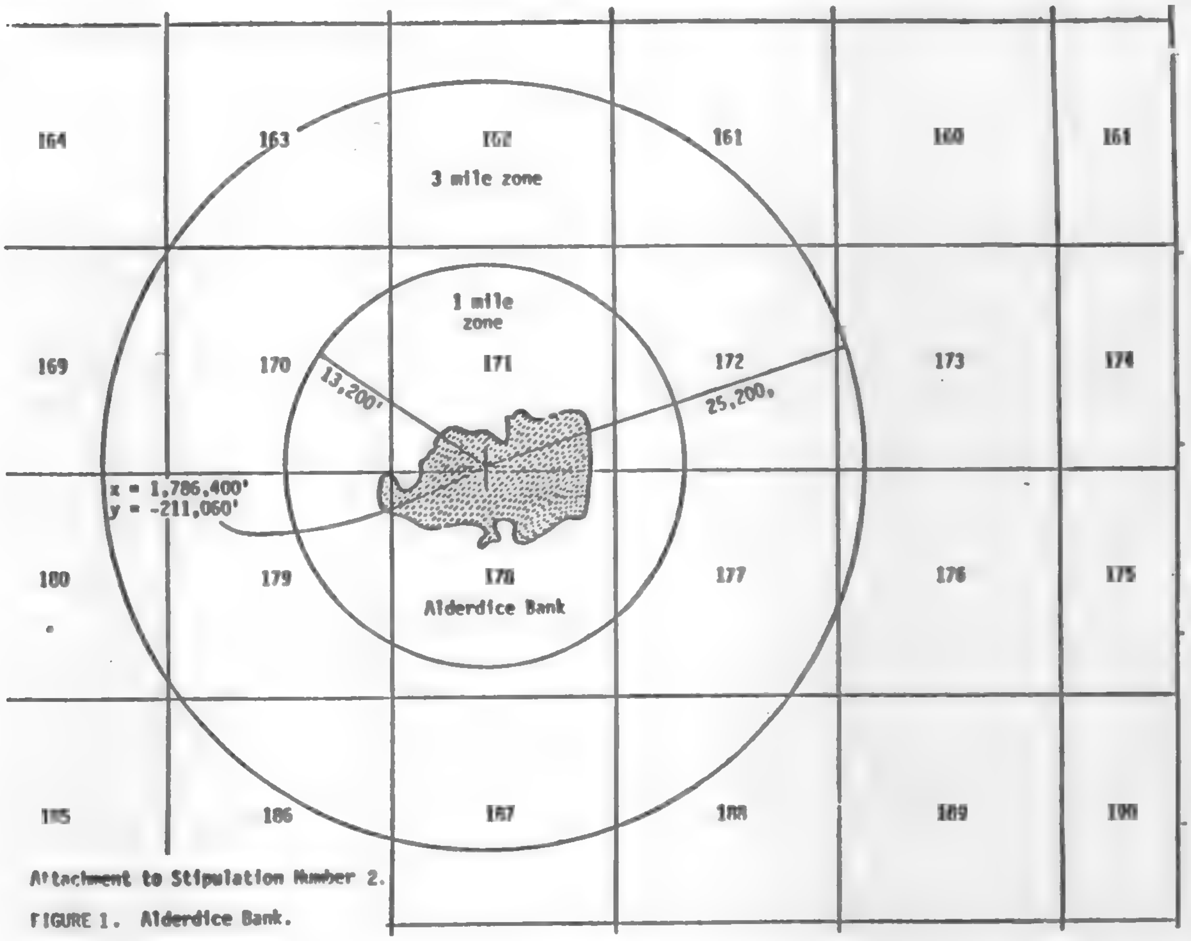
164
163
162
3 mile zone
161
160
161
1 mile zone
169
170
13,200'
171
172
25,200'
173
174
x = 1,786,400'
y = -211,060'
180
179
178
Alderdice Bank
177
176
175
185
186
187
188
189
190

Attachment to Stipulation Number 2.

FIGURE 1. Alderdice Bank.

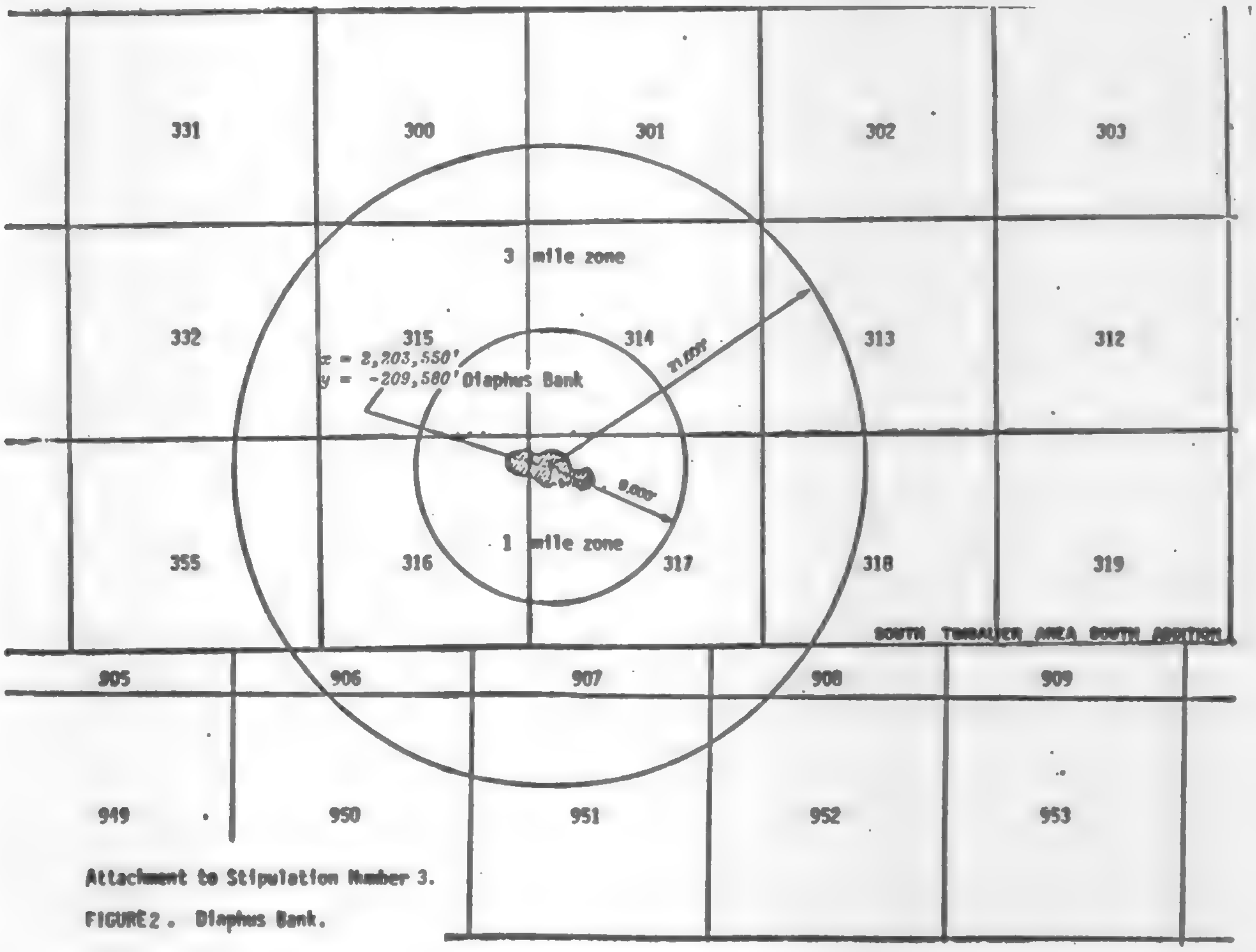
331
300
301
302
303
3 mile zone
332
315
314
313
312
x = 2,203,550'
y = -209,580'
Diaphus Bank
21,000'
8,000'
355
316
1 mile zone
317
318
319
SOUTH TIMBALIER AREA SOUTH ADDITION
905
906
907
908
909
949
950
951
952
953

Attachment to Stipulation Number 3.

FIGURE 2. Diaphus Bank.

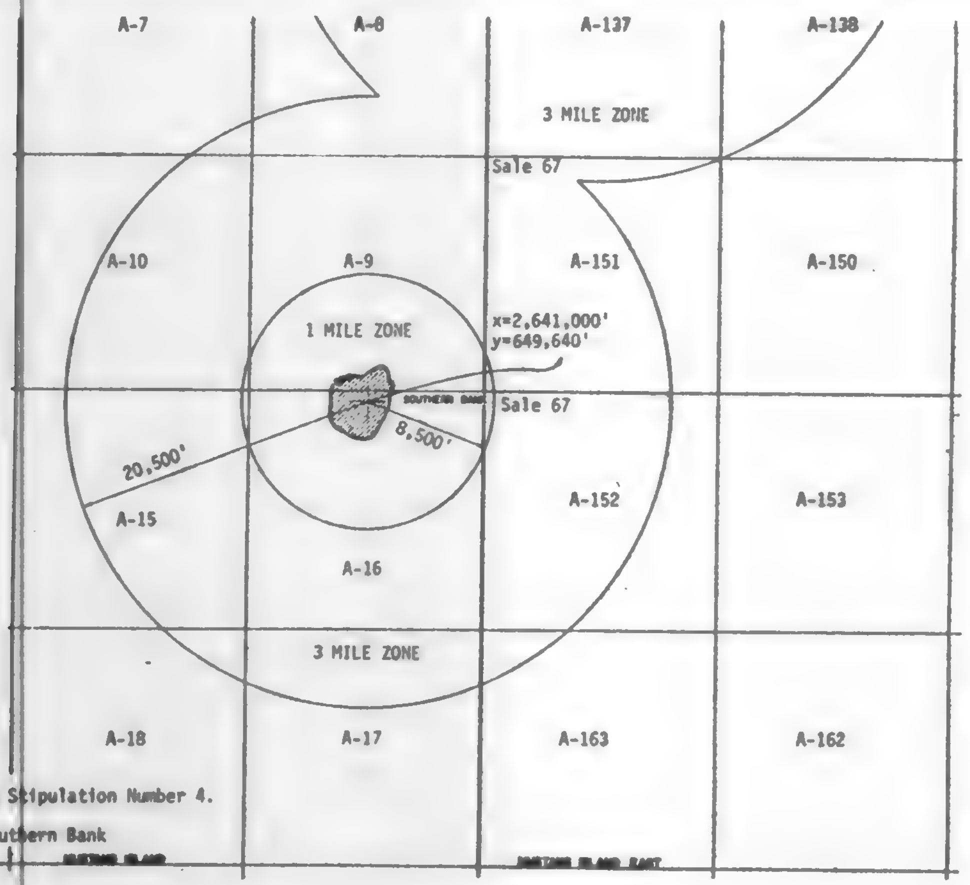
A-7
A-8
A-137
A-138
3 MILE ZONE
Sale 67
A-10
A-9
A-151
A-150
1 MILE ZONE
x=2,641,000'
y=649,640'
SOUTHERN BANK
Sale 67
8,500'
20,500'
A-15
A-152
A-153
A-16
3 MILE ZONE
A-18
A-17
A-163
A-162
MUSTANG ISLAND
MUSTANG ISLAND EAST

Attachment to Stipulation Number 4.

FIGURE 3. Southern Bank

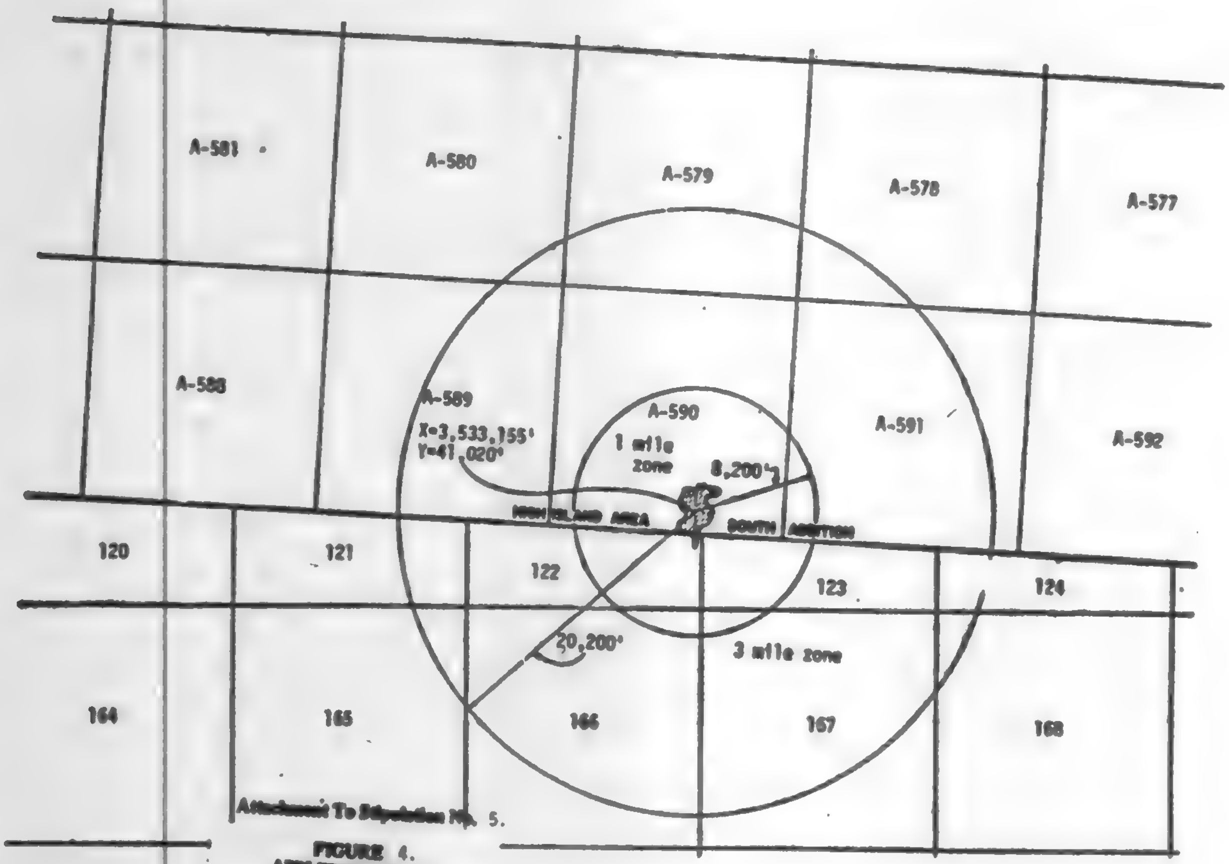
A-581
A-580
A-579
A-578
A-577
A-588
A-589
X=3,533,155'
Y=41,020'
A-590
1 mile zone
8,200'
A-591
A-592
HIGH ISLAND AREA
SOUTH ADDITION
120
121
122
123
124
20,200'
3 mile zone
164
165
166
167
168

Attachment To Stipulation No. 5.

FIGURE 4.
APPLEBAUM BANK

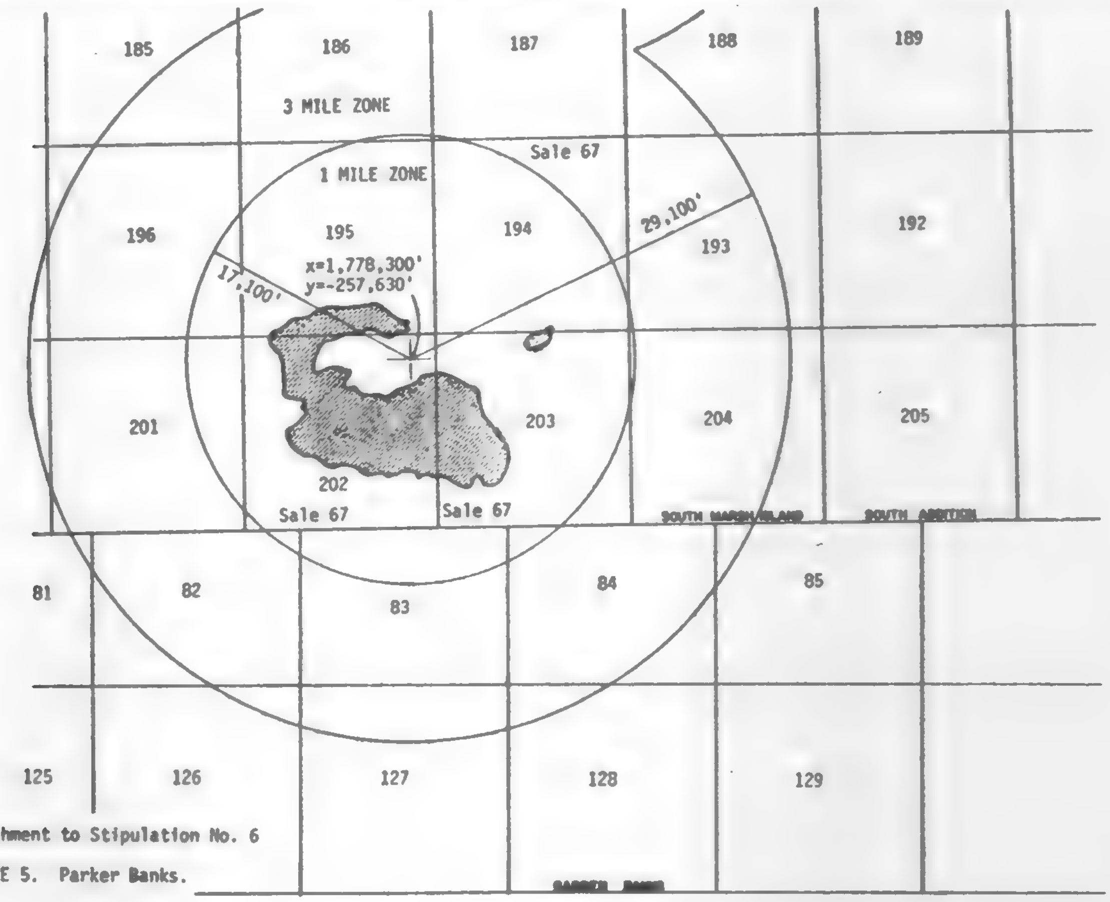
185
186
187
188
189
3 MILE ZONE
Sale 67
1 MILE ZONE
196
195
194
29,100'
193
192
17,100'
x=1,778,300'
y=-257,630'
201
203
204
205
202
Sale 67
Sale 67
SOUTH MARSH ISLAND
SOUTH ADDITION
81
82
83
84
85
125
126
127
128
129
GARDEN BANKS

Attachment to Stipulation No. 6

FIGURE 5. Parker Banks.

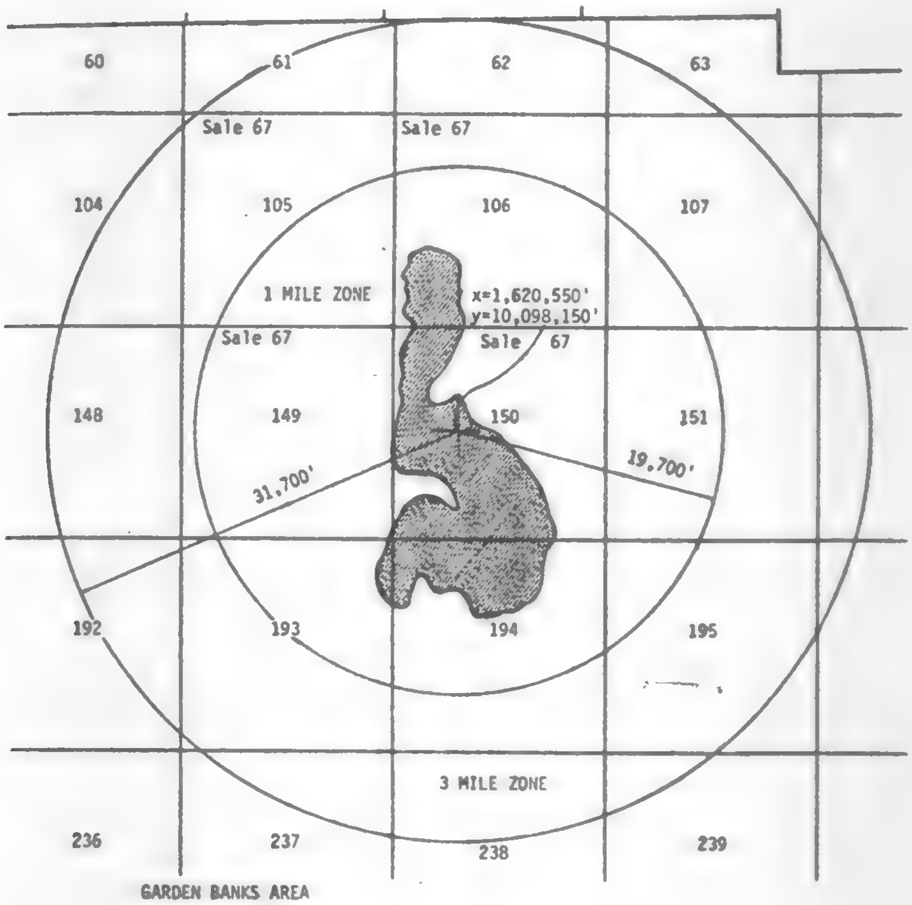
60
61
62
63
Sale 67
Sale 67
104
105
106
107
1 MILE ZONE
x=1,620,550'
y=10,098,150'
Sale 67
Sale 67
148
149
150
151
19,700'
31,700'
192
193
194
195
3 MILE ZONE
236
237
238
239
GARDEN BANKS AREA

Attachment to Stipulation No. 7.

FIGURE 6. Geyer Bank.

14. Information to Lessees. The Department of the Interior will seek the advice of the states of Texas, Louisiana, Mississippi, Alabama, and Florida, and other federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely affected by the proposed activities, then the DCM, Offshore Field Operations, USGS, after appropriate consultation with the Regional Director, U.S. Fish & Wildlife Service; the Manager, BLM; the states; the Environmental Protection Agency (EPA); and other federal agencies with jurisdiction and expertise to protect the environment, will require the lessee, pursuant to Section 5(a) of the OCS Lands Act of 1953, as amended, to undertake any measures to protect live bottom areas.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et. seq.), as amended. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with Section 4(e) of the OCS Lands Act, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with Section 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

Bidders are advised that the Department of Energy is authorized, under Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all federal oil and gas leases.

Bidders are advised that the West Indian manatee (sea cow) is a marine mammal which is officially listed as an endangered species by the Department of the Interior. It is protected by the Endangered Species Act of 1973, as amended (86 Stat. 1027, 16 U.S.C. 1361-1407), and various other state and federal laws and regulations. On October 22, 1979 (44 FR 60963), Interior promulgated regulations (50 CFR 17.100-17.108) providing a means for establishing manatee protection areas. Also, there is the Florida Manatee Sanctuary Act of 1978 declaring the entire state of Florida as "refuge and sanctuary for the manatee." A Cooperative Agreement between Interior and Florida on endangered species became effective on June 23, 1976.

Bidders are advised that EPA is considering the disposal of hazardous waste from an existing platform located on tract 67-105 (Main Pass Area, South and East Addition, Block 254). Detailed information is available from Kenneth Biglane, Director, Hazardous Response Support Division, U.S. EPA-WH 548A, 41 M Street, S.W., Washington, D.C. 20460.

Bidders are also advised that the National Oceanic and Atmospheric Administration (NOAA) is considering whether to propose the designation of a marine sanctuary, pursuant to Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (16 U.S.C. 1431-1434), in the area of the Flower Garden Banks in the Gulf of Mexico. Revised proposed regulations describing the boundaries of the possible sanctuary and possible restrictions which NOAA might impose on oil and gas operations within the sanctuary were published on June 26, 1980 (45 FR 43205). Tracts offered in this sale that are within the boundaries of the marine sanctuary under consideration are tracts 67-224 and 67-225. While a final decision has not been made by NOAA concerning restrictions in the sanctuary, the restrictions under consideration by NOAA for tracts within the sanctuary may be more stringent than those restrictions included by lease stipulation in this Notice of Sale.

Bidders on tracts 67-224 and 67-225 are also advised that EPA has expressed its intention to require lessees within the boundaries of the Flower Garden Banks Marine Sanctuary under consideration by NOAA to obtain National Pollution Discharge Elimination System (NPDES) permits, pursuant to its authority under Section 402 of the Clean Water Act (P.L. No. 95-217), containing ocean discharge restrictions and other conditions which may be more stringent than those imposed through lease stipulation or Interior regulation.

For those tracts listed in paragraph 13 above providing for leases with an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to USGS either an exploration plan or a general statement of exploration intentions prior to the end of the tenth lease year.

[FR Doc. 81-29159 Filed 10-6-81; 8:45 am]
BILLING CODE 4310-84-C

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 429[illegible]). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

V46/194 OC7 81 (UMI)

federal register

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Wednesday
October 7, 1981

Part IV

Department of the Interior

Bureau of Land Management

Outer Continental Shelf; Transfer of Jurisdiction and Relocation of Lease Files

V 46/194 OC 7 81 UMI

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Transfer of Jurisdiction for the South Atlantic Outer Continental Shelf

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Transfer of Jurisdiction for the South Altantic Outer Continental Shelf (OCS).

The Bureau of Land Management of the U.S. Department of the Interior issues and maintains leases for minerals and right-of-way grants on the submerged lands of the Outer Continental Shelf (OCS) under the authority of the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343), as amended (92 Stat. 629).

In order to balance program workload, all Bureau of Land Management field jurisdiction over the South Atlantic OCS region is being transferred from the New Orleans OCS Office to the New York OCS Office. Thus, the New York OCS Office will be the office of record for all Bureau of Land Management transactions involving leases and rights-of-way in the entire Atlantic OCS area.

The New York OCS Office will publish a list of the existing South Atlantic OCS leases affected by this change.

Dated: September 28, 1981.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

[FR Doc. 81-29166 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-M

BILLING CODE 4310-84-M

BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF OFFICE

RELOCATION OF SOUTH ATLANTIC OCS LEASE FILES

Agency: Bureau of Land Management, Department of the Interior

Action: Notice

Summary: Effective September 14, 1981 the New York Outer Continental Shelf (OCS) Office, Bureau of Land Management, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Suite 32-120, New York, New York 10278, has responsibility for the maintenance of OCS oil and gas leases issued for the South Atlantic region resulting from OCS Sale No. 43, conducted on March 28, 1978, and OCS Sale No. 56, conducted on August 4, 1981.

Henceforth all correspondence and inquiries pertaining to the following OCS Lease File Numbers should be directed to the New York OCS Office at the above address:

Sale No. 43

OCS-G 3657-R
3658-R
3659-R
3660-R
3661-R
3662-R
3663
3664

OCS-G 3665-R
3666
3667-R
3668-R
3669
3670
3671
3672

OCS-G 3673
3674
3675
3676
3677
3678
3679
3680

OCS-G 3681
3682
3683
3684
3685
3686
3687
3688
3689
3690-R
3691

OCS-G 3692
3693
3694-R
3695
3696
3697-R
3698
3699
3700
3701
3702

OCS-G 3703
3704
3705
3706
3707-R
3708-R
3709
3710
3711
3712
3713

Sale No. 56

OCS-A 0220
0221
0222
0223
0224
0225
0226
0227
0228
0229
0230
0231
0232
0233
0234
0235
0236
0237

OCS-A 0238
0239
0240
0241-R
0242
0243
0244
0245-R
0246-R
0247
0248
0249
0250
0251
0252-R
0253-R
0254
0255

OCS-A 0256
0257
0258
0259-R
0260-R
0261
0262
0263
0264
0265
0266
0267
0268
0269
0270
0271
0272
0273

The appropriate district office of the Geological Survey remains:

U.S. Geological Survey
Mid-Atlantic District
Mainland Professional Plaza
515 Tilton Road
Northfield, New Jersey 08225
Telephone Number (609) 641-7966

FOR FURTHER INFORMATION CONTACT:

Frederick C. Gray, New York OCS, (212) 264-2401

Frank Basile

Frank Basile
Manager
New York OCS Office

[FR Doc. 81-29186 Filed 10-6-81; 8:45 am]

BILLING CODE 4310-84-C

V46/1994 OC7 81
UMI

federal register

Wednesday
October 7, 1981

Part V

Office of Management and Budget

Budget Deferrals; Report of the President to Congress

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals; Report of the President to Congress

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report twenty-six deferrals of fiscal year 1982 funds totaling $737.2 million. The deferrals are primarily routine in nature and do not, in most cases, affect program levels.

The deferrals are for programs in the Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, Interior, Labor, State, Transportation, and Treasury, the Pennsylvania Avenue Development Corporation, and the Motor Carrier Ratemaking Study Commission, as well as for Appalachian regional development programs.

The details of each deferral are contained in the attached reports.

Ronald Reagan.

The White House,

October 1, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Funds Appropriated to the President	
	Appalachian Regional Development Programs	
D82-1	Appalachian regional development programs.......	15,000
	Department of Agriculture:	
	Forest Service	
D82-2	Timber salvage sales..............................	6,723
D82-3	Expenses, brush disposal..........................	40,349
	Department of Commerce:	
	General Administration	
D82-4	Participation in U.S. expositions................	507
	National Oceanic and Atmospheric Administration	
D82-5	Construction......................................	2,000
	Department of Defense-Military:	
D82-6	Military construction, all services...............	38,837
	Family Housing, Defense	
D82-7	Family housing, defense...........................	1,902
	Department of Defense-Civil:	
	Wildlife conservation, Military Reservations	
D82-8	Wildlife conservation, all services.............	507
	Department of Energy	
	Energy Programs	
D82-9	Fossil energy construction........................	135,000
D82-10	Strategic petroleum reserve.......................	8,000
	Department of Health and Human Services:	
	Health Services Administration	
D82-11	Health services...................................	1,508
	Alcohol, Drug Abuse, and Mental Health Administration	
D82-12	Construction and renovation, St. Elizabeths Hospital..........................	11,500
	Office of Assistant Secretary for Health	
D82-13	Scientific activities overseas (special foreign currency program)................................	7,000
	Department of the Interior:	
	Heritage Conservation and Recreation Service	
D82-14	Land and water conservation fund..................	30,000
	Geological Survey	
D82-15	Payments from proceeds, sale of water...........	45
	Bureau of Mines	
D82-16	Drainage of anthracite mines......................	991
	Department of Justice:	
	Federal Prison System	
D82-17	Buildings and facilities..........................	2,700
	Department of Labor:	
	Employment and Training Administration	
D82-18	Employment and training assistance..............	49,881
	Department of State	
D82-19	United States Emergency Refugee and Migration Assistance Fund..................................	25,043
	Department of Transportation:	
	Federal Aviation Administration	
D82-20	Civil supersonic aircraft development termination	3,446
D82-21	Facilities and equipment (Airport and airway trust fund)...............................	185,782
	Department of the Treasury:	
	Office of Revenue Sharing	
D82-22	State and local government fiscal assistance trust fund...........................	109,728
D82-23	State and local government fiscal assistance trust fund...........................	6,287 1/
	Federal Law Enforcement Training Center	
D82-24	Construction.....................................	4,200
	Other Independent Agencies:	
	Pennsylvania Avenue Development Corporation	
D82-25	Land acquisition and development fund...........	30,996
	Motor Carrier Ratemaking Study Commission	
D82-26	Salaries and expenses............................	150
	Total Deferrals............	737,173

1/ Outlays only.

****

SUMMARY OF SPECIAL MESSAGES
FOR FY 1982
(in thousands of dollars)

	Rescissions	Deferrals
First special message.......................	---	737,173 1/

1/ NOTE: All amounts listed represent budget authority except for $6,287 thousand in one general revenue sharing deferral of outlays only (D82-23).

Deferral No: D82-1

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority $ ____ (P.L. ____)
Bureau Appalachian Regional Development Programs	Other budgetary resources 18,000,000
Appropriation title & symbol Appalachian Regional Development Programs 11x0090 1/	Total budgetary resources 18,000,000 Amount to be deferred: Part of year $ 15,000,000 Entire year ____
OMB identification code: 11-0090-0-1-452	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation provides funds for the Appalachian Regional Commission's highway, area development, and research and local development district support activities. As part of the President's comprehensive economic plan for spending reductions, the non-highway activities of the Commission were proposed for termination in 1981.

Funds associated with non-highway activities will be deferred until the issue of termination of the Commission is resolved. These deferred funds will be available to pay termination costs for this account.

Estimated Effect: This deferral action will provide for termination costs associated with elimination of funding proposed for the Appalachian Regional Commission.

Outlay Effect: This deferral has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-79).

Deferral No: D82-2

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Agriculture	New budget authority $ 2,390,000 (P.L. 94-588)
Bureau Forest Service	Other budgetary resources 16,722,769
Appropriation title & symbol Timber Salvage Sales 12x5204 1/	Total budgetary resources 19,112,769 Amount to be deferred: Part of year $ ____ Entire year 6,722,769
OMB identification code: 12-5204-0-2-302	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: The National Forest Management Act of 1976 provided the salvage sale fund to meet catastrophes that occur during a given year or when other market conditions occur so that immediate action can take place to harvest the dead and dying trees. Sufficient reserves must be held in order to meet these catastrophes, so that salvage sale activity can take place without undue delay.

The Act authorized the Secretary to require purchasers of sales of dead, damaged, insect infested, or down timber to make monetary deposits into a designated fund to cover the costs associated with such sales.

This deferral is necessary because of the time lag between the deposit of receipts from salvage sales and the expenditure of funds to cover costs associated with making additional sales on that National Forest.

The collections becoming available in the current year are estimated and the related salvage sale operations may not necessarily be planned in the same year. Efficient program planning and accomplishment is facilitated by administering a stable program well within the funds available in any one year for this purpose.

The amount deferred is in excess of the planned program requirement and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

D82-2

Estimated Effects:

This deferral has no programmatic or budgetary effects. Rather, the reserve reflects the resources that are not currently required for obligational authority in meeting current year's program requirements.

Any emergency funding needed to meet the necessary obligations to sell material as a result of a catastrophe must come from the available funds within the present reserve.

Outlays Effect:

There will be no outlay effect from this deferral action since the remaining funds are adequate to carry out the planned program.

1/ This account was the subject of a similar deferral in FY 1981 (D81-1A).

Deferral No: D82-3

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 84-190) $46,384,000
Bureau Forest Service	Other budgetary resources 49,349,000
Appropriation title & symbol Expenses, Brush Disposal 12X5206 1/	Total budgetary resources 95,733,000 Amount to be deferred: Part of year $____ Entire year 49,349,000
OMB identification code: 12-9922-0-2-302 Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Purchasers of National Forest timber deposit the estimated cost to the Forest Service of disposing of brush and other debris resulting from their cutting operations pursuant to P.L. 84-190. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus, seasonal factors frequently require deferring use of deposits until the following fiscal year. Efficient program planning is facilitated by operating a stable program well within the funds available in any one year for this purpose.

1/ This account was the subject of a similar deferral in FY 1981 (D81-2).

Estimated Effects:

This deferral has no programmatic or budgetary effects. Much of the disposal work for which deposits have been made cannot be done or is not planned to be done during the same year that the timber is harvested and the collections are realized. Examples include areas where the timber purchaser has not completed all of the contract obligations during the year the harvest is accomplished.

Outlay Effect:

This deferral has no effect on FY 1982 outlays.

Deferral No: D82-4

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency
Department of Commerce

Bureau General Administration
Office of the Secretary

Appropriation title & symbol

Participation in United States Expositions
130/41805 1/

OMB identification code:
13-1805-0-1-376

Grant program ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☒ Multiple-year September 30, 1984 (expiration date)
☐ No-year

New budget authority $ ---
(P.L. ________)

Other budgetary resources 3,050,775

Total budgetary resources 3,050,775

Amount to be deferred:
Part of year $________
Entire year 507,475

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other ________

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other ________

Justification: This program was established to provide for necessary expenses for designing, constructing and operating a Federal pavilion at the Knoxville International Energy Exposition to be held in Knoxville, Tennessee in 1982 as authorized under Public Law 91-269. Congress provided five-year funding of a U.S. Pavilion at Knoxville; these funds expire in 1984. Of the funds remaining available, $2.5 million is intended for obligation in FY 1982; the remaining $507,475 is not required until FY 1983. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: The proposed deferral has no effect on the Knoxville Exposition Fund activities as planned for fiscal year 1982.

Outlay Effects: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-3A).

Deferral No: D82-5

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority $ --- (P.L.______)
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources 23,700,000
Appropriation title & symbol Construction 13x1452 1/	Total budgetary resources 23,700,000
	Amount to be deferred: Part of year $ ______ Entire year 2,000,000
OMB identification code: 13-1452-0-1-306	Legal authority *(in addition to sec. 1013)*: ☒ Antideficiency Act ☐ Other ______
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ______ *(expiration date)* ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ______

Justification: Public Law 96-38 included supplemental appropriations to fund NOAA's Western Regional Center (WRC) in Seattle, Washington. Due to delays in construction, the estimated date of completion has been extended into FY 1983. The above funds proposed for deferral will not be required during FY 1982. This deferral is consistent with congressional intent to provide no-year funding for this project and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: The funds proposed for deferral will not affect the construction progress of the WRC during FY 1982.

Outlay Effect: This deferral action will have no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-4).

Deferral No: D82-6

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Defense - Military	New budget authority $ --- (P.L.______)
Bureau	Other budgetary resources $1,677,[illegible]9[illegible],1[illegible]
Appropriation title & symbol See coverage section on next page	Total budgetary resources $1,677,[illegible],1[illegible]
	Amount to be deferred: Part of year $ $3[illegible],8[illegible]7,000 Entire year ______
OMB identification code: See coverage section on next page	Legal authority *(in addition to sec. 1013)*: ☒ Antideficiency Act ☐ Other ______
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1983 September 30, 1984 September 30, 1985 *(expiration date)* ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ______

D82-6

Coverage: 1/

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Military construction, Army	211/52050	21-2050-0-1-051	
Military construction, Army	210/42050	21-2050-0-1-051	
Military construction, Army	219/32050	21-2050-0-1-051	
Military construction, Navy	171/51205	17-1205-0-1-051	$17,200,000
Military construction, Navy	170/41205	17-1205-0-1-051	
Military construction, Navy	179/31205	17-1205-0-1-051	
Military construction, Air Force	571/53300	57-3300-0-1-051	
Military construction, Air Force	570/43300	57-3300-0-1-051	
Military construction, Air Force	579/33300	57-3300-0-1-051	
Military construction, Defense Agencies	971/50500	97-0500-0-1-051	11,670,000
Military construction, Defense Agencies	970/40500	97-0500-0-1-051	3,218,000
Military construction, Defense Agencies	979/30500	97-0500-0-1-051	
Military construction, Army National Guard	211/52085	21-2085-0-1-051	
Military construction, Army National Guard	210/42085	21-2085-0-1-051	
Military construction, Army National Guard	219/32085	21-2085-0-1-051	
Military construction, Air National Guard	571/53830	57-3830-0-1-051	4,500,000
Military construction, Air National Guard	570/43830	57-3830-0-1-051	
Military construction, Air National Guard	579/33830	57-3830-0-1-051	
Military construction, Army Reserve	211/52086	21-2086-0-1-051	2,249,000
Military construction, Army Reserve	210/42086	21-2086-0-1-051	
Military construction, Army Reserve	219/32086	21-2086-0-1-051	
Military construction, Naval Reserve	171/51235	17-1235-0-1-051	
Military construction, Naval Reserve	170/41235	17-1235-0-1-051	
Military construction, Naval Reserve	179/31235	17-1235-0-1-051	
Military construction, Air Force Reserve	571/53730	57-3730-0-1-051	
Military construction, Air Force Reserve	570/43730	57-3730-0-1-051	
Military construction, Air Force Reserve	579/33730	57-3730-0-1-051	
North Atlantic Treaty Organization Infrastructure	97X0804	97-0804-0-1-051	
			$38,837,000

1/ These accounts were the subject of a similar deferral during FY 1981 (D81-7A).

Justification:

The above amounts in the listed five-year appropriations are currently deferred under provisions of the Antideficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

These funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination.

D82-6

Estimated Effect:

These deferrals have no programmatic or budgetary effect because the funds would not be obligated if they were made available.

Outlay Effect:

These deferrals have no effect on FY 1982 outlays.

Deferral No: D82-7

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense - Military

Bureau: Family Housing, Defense

Appropriation title & symbol:
Family Housing, Defense
970/40700 1/

New budget authority $ ---
(P.L. ______)
Other budgetary resources $ 3,9[illegible],000
Total budgetary resources 3,[illegible]6[illegible],00[illegible]

Amount to be deferred:
Part of year $ 1,[illegible]9[illegible],000
Entire year ______

OMB identification code:
97-0701-0-1-051

Grant program ☐ Yes ☒ No

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other ______

Type of account or fund:
☐ Annual
☒ Multiple-year September 30, 1984 (expiration date)
☐ No-year

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other ______

Justification:

These funds were appropriated for family housing construction and debt payment. Proceeds from sales of surplus family housing facilities have created unprogrammed balances in the Family Housing account. The 1982 Budget proposes the reappropriation of these currently excess funds in 1982, in the amount of $1,992,000 for debt payment. These funds are deferred pending completion of congressional action on the 1982 budget request.

Estimated Effect:

Deferral of these funds will have no programmatic or budgetary effect on the debt payment program.

Outlay Effects:

This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral during FY 1981 (D81-28).

Deferral No: D82-8

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense - Civil

Bureau:

Appropriation title & symbol:
See coverage section below

New budget authority $ 969,000
(16 U.S.C. 670f (a))
Other budgetary resources 916,6[illegible]3
Total budgetary resources $1,[illegible]8[illegible],[illegible]3

Amount to be deferred:
Part of year $ ______
Entire year 596,[illegible]63

OMB identification code:
See coverage section below

Grant program ☐ Yes ☒ No

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other ______

Type of account or fund:
☐ Annual
☐ Multiple-year ______ (expiration date)
☒ No-year

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other ______

Coverage 1/

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Wildlife Conservation, Army	21x5095	21-1500-0-1-303	$380,000
Wildlife Conservation, Navy	17x5095	17-1501-0-1-303	123,000
Wildlife Conservation, Air Force	57x5095	57-1502-0-1-303	93,663
			$[illegible]6,[illegible]63

Justification:

These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law--to carry out a program of natural resources conservation.

1/ These accounts were the subject of a similar deferral during FY 1981 (D81-9A)

D82-8

Since apportionments have been made for all known program requirements, prudent financial management requires the deferral of the balance of the funds, which could not be used effectively during the current year even if made available for obligation. These funds are being deferred under the provisions of the Antideficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because: (1) installations may be accumulating funds over a period of time to fund a major project, and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months. Additional amounts will be apportioned if program requirements are identified.

Estimated Effect:

This deferral has no programmatic or budgetary effect because the funds could not be obligated if made available.

Outlay Effect:

This deferral action has no effect on outlays.

Deferral No: D82-9

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. ____) $ ---
Bureau Energy Programs	Other budgetary resources 496,545,823
Appropriation title & symbol Fossil Energy Construction 89X0214	Total budgetary resources 496,545,823
	Amount to be deferred: Part of year $ 135,000,000 Entire year ____
OMB identification code: 89-0214-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: The Administration has proposed terminating all funding for fossil energy synthetic fuel demonstration plants. In response, the Congress deferred $135,000,000 until 1982 for the SRC I project in the Supplemental Appropriations and Rescission Act, 1981 (P.L. 97-12). This action defers the $135,000,000 in Fossil Energy Construction funds for the SRC I coal liquefaction project pending transfer of these funds to the Energy Supply R&D operating account. This transfer would reduce the need for new budgetary authority in that account.

Estimated Effect: The effect of this transfer will be to preserve these funds pending congressional action on the transfer request.

Outlay Effect: The deferral action has no effect on FY 1982 outlays.

Deferral No: D82-10

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Energy

Bureau Energy Programs

Appropriation title & symbol

Strategic Petroleum Reserve
89X0218

New budget authority (P.L. ______) $ ---

Other budgetary resources 62,005,000

Total budgetary resources 62,005,000

Amount to be deferred:
Part of year $ 8,000,000
Entire year ______

OMB identification code:
89-0218-0-1-274

Grant program ☐ Yes ☒ No

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other ______

Type of account or fund:
☐ Annual
☐ Multiple-year ______ (expiration date)
☒ No-year

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other ______

Justification: Funds appropriated to this account are for the development of the Strategic Petroleum Reserve, including oil acquisition and transportation, facilities development, planning, and administration. This deferral of $8 million is taken to provide for unanticipated costs associated with the development of facilities for Phase II of the reserve. The funds will be made available as the need arises.

The deferral of these funds is consistent with Congressional intent to provide no year funding for this account and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral action will have no programmatic effects. The Department has funds available to obligate in accordance with the baseline budget plan.

Outlay Effects: This deferral has no effect on FY 1982 outlays.

Deferral No: D82-11

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services

Bureau Health Services Administration

Appropriation title & symbol

Health Services
75X0350 1/

New budget authority (P.L. ______) $ ---

Other budgetary resources 1,558,340

Total budgetary resources 1,558,340

Amount to be deferred:
Part of year $ 1,508,000
Entire year ______

OMB identification code:
75-0350-0-1-551

Grant program ☐ Yes ☒ No

Legal authority (in addition to sec. 1013):
☐ Antideficiency Act
☐ Other ______

Type of account or fund:
☐ Annual
☐ Multiple-year ______ (expiration date)
☒ No-year

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other ______

Justification:

The Omnibus Budget Reconciliation Act of 1981 provided for the closure or transfer to community use of the Public Health Service Hospital System in 1982. The funds proposed for deferral were scheduled for Federal renovation projects on the hospitals and were appropriated in 1978. Since the hospitals will be transferred or closed in 1982, it would be inappropriate for the Federal Government to continue renovating facilities it no longer owns. There may be some cases, however, where a small amount of Federally-assisted capital improvement may facilitate transferring certain hospitals in to community ownership. Under this proposal, these funds would be held in reserve in anticipation of this event. The remaining $50,340 will be used for the government's liability for surviving patients of the Tuskegee syphilis study and their dependents.

Estimated effects:

Projects in five of the eight hospitals for which the 1978 Appropriations Act provided funds, including new telecommunications systems and replacement boilers, would not be completed.

Outlay effects: This deferral will have no effect on FY 1982 outlays.

1/ This account was the subject of a deferral in FY 81 (D81-53).

Deferral No: D82-12

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L.) $ ---
Bureau Alcohol, Drug Abuse, and Mental Health Administration	Other budgetary resources 44,700,000
Appropriation title & symbol Construction and Renovation, Saint Elizabeths Hospital 75X1312 1/	Total budgetary resources 44,700,000
	Amount to be deferred: Part of year $ Entire year 11,500,000
OMB identification code: 75-1312-0-1-551	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Funds were provided in the Second Supplemental Appropriations Act, 1978 (P.L. 95-355), for the purpose of upgrading Saint Elizabeths Hospital to meet accreditation standards. In 1979 the Joint Commission on Accreditation of Hospitals granted a one year accreditation contingent upon implementation of the renovation plans. Saint Elizabeths Hospital was again given a one year accreditation in August 1980 and is now scheduled for a 1981 survey in October or November for the purpose of accreditation. This deferral represents amounts not required for obligation in 1982, based on the current renovation schedule for the hospital. This deferral is consistent with Congressional intent to provide no-year funding for this project, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: The amount deferred could not be economically used this fiscal year, if made available, due to the planned renovation schedule.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-10A).

Deferral No: D82-13

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health & Human Services	New budget authority (P.L.) $ ---
Bureau Office of the Asst. Secretary for Health	Other budgetary resources 15,000,000
Appropriation title & symbol Scientific Activities Overseas (Special Foreign Currency Program) 75X1102 1/	Total budgetary resources 15,000,000
	Amount to be deferred: Part of Year $ Entire year 7,000,000
OMB identification code: 75-1102-0-1-552	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The Scientific Activities Overseas Program of the Department of Health and Human Services (HHS) is funded with appropriations which consist of excess foreign currencies owned by the United States. The currencies of Egypt, Burma, Guinea, India, and Pakistan held by the Treasury have been designated as in excess of normal U.S. needs. Funds for this program, which remain available until expended, are used for scientific research projects in those countries.

The amount of funds to be obligated during FY 1982 and the amount to be deferred for the entire year were determined after a careful review of the scientific merit of project proposals in the countries for which excess currency is available. The research projects in those countries that will contribute toward meeting U.S. scientific needs have been selected for funding in FY 1982 by HHS. The amount being deferred is excess to current program requirements and is being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect:

This deferral has no programmatic or budgetary effect because the funds would not be obligated if made available.

Outlay Effect:

This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-11A).

Deferral No: D82-14

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 95-74) $ 30,000,000
Bureau Heritage Conservation and Recreation Service	Other budgetary resources 84,128,000
Appropriation title & symbol Land and Water Conservation Fund 1/ 14X5005	Total budgetary resources 114,128,000
	Amount to be deferred: Part of year $ ____ Entire year 30,000,000
OMB identification code: 14-5005-0-2-303	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☒ Annual 2/ ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☒ Contract authority (annual) ☐ Other ____

Justification: Under P.L. 95-74 (16 U.S.C 460L (10a); $30 million of contract authority becomes available each fiscal year to the Land and Water Conservation Fund in addition to regular appropriations. The authority is made available by the Congress for use specifically as an anti-escalation measure in purchasing authorized Federal recreation land (Public Law 90-401; Senate Report 90-1071, to accompany S. 1401). This authority was last used in 1969 and 1970. Thus, the contract authority has lapsed in fiscal years 1971-1981. The funds will be utilized in the future, as in the past, on a special case basis for emergency situations consistent with our understanding of congressional intent.

This deferral is consistent with congressional intent to provide no-year funding and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665). This contract authority lapses at the end of each fiscal year if it is not used. An equal amount becomes available at the beginning of the next fiscal year.

Estimated Effect: This reserve for contingencies has no fiscal, economic or budgetary effect in the current year. The funds would be made available and obligated only in unforeseeable circumstances.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

1/ This amount was the subject of a similar deferral during FY 1981 (D81-13).

2/ The deferred funds have a one-year availability.

Deferral No: D82-15

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. ____) $ ---
Bureau Geological Survey	Other budgetary resources 45,000
Appropriation title & symbol Payments from Proceeds, Sale of Water Mineral Leasing Act of 1920, Sec. 40(d) 1/ 14X5662	Total budgetary resources 45,000
	Amount to be deferred: Part of year $ ____ Entire year 45,000
OMB identification code: 14-5662-0-2-301	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Permanent, indefinite, special

Justification: Section 40(d) of the Mineral Leasing Act of 1920 (30 U.S.C. 229(a)) provides that when lessees or operators drilling for oil or gas on public lands strike water, water wells may be developed by the Department from the proceeds from sale of water from existing wells. Receipts have been accruing to this permanent account at the rate of about $3,000 per year. At the start of fiscal year 1965, the account had an unobligated balance of $16,000. It is estimated that by the start of fiscal year 1982 the unobligated balances will be $45,000. None of these receipts have been obligated over the past ten years and none are planned for obligation in fiscal year 1982 because the total available is too small to be put to practical use for the purpose designated by law. Thus the funds could not be used effectively during the current period even if made available for obligation. This deferral action is taken under the provisions of the Anti-Deficiency Act (31 U.S.C. 665).

Estimated Effects: There will be no programmatic budgetary effects in fiscal year 1982 as a result of this deferral since the receipts will continue to accrue but will remain unobligated until such time as an amount is available which can be used effectively.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1982 (D81-14).

Deferral No: D82-16

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority $ --- (P.L.)
Bureau Bureau of Mines	Other budgetary resources 990,703
Appropriation title & symbol Drainage of Anthracite Mines 1/ 14X095■	Total budgetary resources 990,703
	Amount to be deferred: Part of year $ --- Entire year 990,703
OMB identification code: 14-0956-0-1-306 Grant program ■ Yes ☐ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☒ Other Matching grant provision of P.L. 84-219 (69 Stat 460)
Type of account or fund: ☐ Annual ☐ Multiple-year ______ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ______

Justification: Funds in this account are used to match funds made available by the Commonwealth of Pennsylvania for water monitoring stations and for sealing and other public safety and health projects. The unobligated balance is being deferred because the Commonwealth of Pennsylvania is not expected to provide further matching funds during this fiscal year. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral action will have no FY 1982 program impact because matching funds are not expected to be provided in FY 1982.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-15A).

Deferral No: D82-17

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

gency Department of Justice	New budget authority $ --- (P.L.)
ureau Federal Prison System	Other budgetary resources 14,787,800
ppropriation title & symbol uildings and Facilities .5X1003 1/	Total budgetary resources 14,787,800
	Amount to be deferred: Part of year $ Entire year 2,700,000
MB identification code: .5 - 1003 - 0 - 1 - 753 rant program ☐ Yes ■ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ______
ype of account or fund: ☐ Annual ☐ Multiple-year ______ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ______

Justification: This appropriation finances planning, acquisition of sites, and construction of new penal and correctional facilities as well as construction, remodeling and equipping of necessary buildings and facilities at existing penal and correctional institutions. Projects are undertaken to reduce overcrowding, close old and antiquated penitentiaries and provide a safe and humane environment for staff and inmates. These funds were appropriated in the Departments of State, Justice and Commerce, the Judiciary and Related Agencies Appropriation Act of 1981 and previous years. Due to the time required for planning, site acquisition, design efforts and selection of contractors, it is not possible to complete the construction, renovation, and rehabilitation associated with all these projects during FY 1982. The amount deferred of $ 2,700,000 represents funding for major and minor repair projects at existing facilities. This deferral is consistent with Congressional intent to provide no-year funding for these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: The amount deferred for the entire year could not be economically used, if made available in FY 1982, because of the planned phased procurement, construction and installation cycle.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-16B).

Deferral No: D82-18

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Labor	New budget authority $ --- (P.L. ______)
Bureau Employment & Training Administration	Other budgetary resources 754,155,000
Appropriation title & symbol Employment and Training Assistance 1/ 161/20174	Total budgetary resources 754,155,000
	Amount to be deferred: Part of year $ [illegible]81,000 Entire year ______
OMB identification code: 16-0174-0-1-504	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ______
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ______

Justification: This appropriation provides for a system of Federal, State, and local programs of training and other services for economically disadvantaged, unemployed, and underemployed persons intended to lead to permanent gains in employment and increased self-sufficiency. These funds are deferred pending receipt of a plan for the use of these discretionary resources in FY 1982.

Estimated Effect: This deferral action has no programmatic or budgetary effects.

Outlay Effect: This deferral has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-36B).

Deferral No: D82-19

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of State	New budget authority $ --- (P.L. ______)
Bureau	Other budgetary resources 35,043,300
Appropriation title & symbol United States Emergency Refugee and Migration Assistance Fund, Executive 1/ 11X0040	Total budgetary resources 35,043,300
	Amount to be deferred: Part of year $ 35,043,300 Entire year ______
OMB identification code: 11-0040-0-1-151	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ______
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ______ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ______

Justification: Section 501(a) of the Foreign Relations Authorization Act, 1976, (Public Law 94-141) and Section 414(b)(1) of the Refugee Act of 1980 (Public Law 96-212) amended section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed $50 million to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

By Executive Order No. 11922 of June 16, 1976, the President allocated all funds appropriated to him for the Emergency Fund to the Secretary of State but reserved to himself the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

The Emergency Fund contains an estimated $35,043,300 in unobligated balances from prior-year authority. These funds have been deferred consonant with the President's authority set out in Executive Order No. 11922 and to achieve the most economical use of appropriations. It is anticipated that reapportionments may be made case-by-case as the President determines assistance to be furnished and designates refugees to be assisted by the Fund. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There are no programmatic or budgetary effects resulting from this deferral.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral during FY 1981. (D81-37A).

Deferral No: D82-20

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency
Department of Transportation

Bureau
Federal Aviation Administration

Appropriation title & symbol
1. Civil Supersonic Aircraft Development, 69X1358
2. Civil Supersonic Aircraft Development Termination, 69X0106
3. Research and Development, 69X1300

OMB identification code:
69-0106-0-1-402

Grant program ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☐ Multiple-year ______ (expiration date)
☒ No-year

New budget authority $ ---
(P.L. ______)

Other budgetary resources 3,446,294

Total budgetary resources 3,446,294

Amount to be deferred:
Part of year $ -0-
Entire year 3,446,294

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other ______

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other ______

Coverage	Total Budgetary Resources	Amount Deferred
1. Civil Supersonic Aircraft Development	$3,007,717	$3,007,717
2. Civil Supersonic Aircraft Development Termination	342,120	342,120
3. Research and Development	96,457	96,457
Total	$3,446,294	$3,446,294

Justification: These accounts finance the termination of the supersonic transport development program. The total cost of setting contractor claims and closeouts, airline refunds, completion of specifically designated technology programs, and necessary governmental administrative costs incidental to these activities is included. These funds were appropriated by the Department of Transportation and Related Agencies Appropriation Acts, 1971 and 1972. Because of the difficulty in ending such a complex and massive undertaking, termination has taken a number of years. Settlement is being accomplished as quickly as possible consistent with the legitimate claims of the contractors and the protection of government interests. This deferral action is consistent with Congressional intent to provide no-year funding for this program and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral action has no programmatic or budgetary effect because the funds could not be used if made available.

Outlay Effect: The deferral action has no effect on FY 1982 outlays.

Deferral No: D82-21

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency
Department of Transportation

Bureau
Federal Aviation Administration

Appropriation title & symbol
Facilities and Equipment (Airport and Airway Trust Fund), 1/
69X8107 690/48107
698/28107 691/58107
699/38107

OMB identification code:
69-8107-0-7-402

Grant program ☐ Yes ☒ No

Type of account or fund:
☐ Annual 698/28107 September 30, 1982
699/38107 September 30, 1983
☒ Multiple-Year 690/48107 September 30, 1984
691/58107 September 30, 1985
(expiration date)
☐ No-year

New budget authority $ ---
(P.L. ______)

Other budgetary resources 385,783,045

Total budgetary resources 385,783,045

Amount to be deferred:
Part of year $ ______
Entire year 185,783,045

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other ______

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other ______

Justification.

Funds from this account are used to procure specific Congressionally approved facilities and equipment for the expansion and modernization of the national airspace system. Projects financed from this account include construction of buildings and purchase of new equipment for new or improved air traffic control towers, automation of the en route airway control system and expansion and improvement in the navigational and landing aid systems. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Acts of 1981 and prior years. The estimated total cost for each project is included in the budget submission and appropriation for the year in which it is requested. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with the Congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 665)

D82-21

Estimated Effects:

This deferral action is consistent with normal operation for this program. The amount deferred could not be economically used if made available in FY 1982 because of the planned multi-year procurement, construction, and installation cycle.

Outlay Effect:

This deferral action has no effect on FY 1982 outlays because the funds could not be used if made available.

1/ This account was the subject of a similar deferral in FY 1981 (D81-178).

Deferral No: D82-22

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Treasury	New budget authority $ ______ (P.L. ______) Other budgetary resources 109,738,363
Bureau Office of Revenue Sharing	
Appropriation title & symbol State and Local Government Fiscal Assistance Trust Fund 20X8111 1/	Total budgetary resources 109,738,363
	Amount to be deferred: Part of year $ 2,000,000 Entire year 107,738,363
OMB identification code: 20-8111-0-7-851	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act P.L. 92-512, P.L. 94-488 (Sec. 6) ☒ Other P.L. 96-604
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ______ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ______

Justification

The Secretary of the Treasury must hold in reserve an amount to meet valid claims from State and Local governments that past general revenue sharing payments to them were too small. Because the total amount appropriated for all governments is fixed, the alternative to such a reserve is recurring recomputations of entitlements of 39,170 governments for prior entitlement periods. Accordingly, the Office of Revenue Sharing withheld from obligation an amount equal to one-half of one percent of the amounts appropriated (exclusive of noncontiguous States adjustment funds) for each entitlement period through FY 1975. In addition, one-half of one percent of the $4,988 million (exclusive of noncontinguous States adjustment funds) appropriated for general revenue sharing in the Economic Stimulus Appropriations Act, 1977 (P.L. 95-29), the FY 1978 and the FY 1980 Appropriations, exclusive of noncontiguous States adjustment funds (P.L. 95-119, P.L. 96-103) was also withheld from obligation. An additional amount is projected to be held in reserve from the FY 1982 appropriation of approximately $218,065.

This cumulative unobligated reserve is available to the Secretary of the Treasury to satisfy legitimate claims against the Trust Fund for prior entitlement periods. After adjusting for such releases from the reserve, the

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1/ This account is the subject of another deferral (D82- 23) and was the subject of a similar deferral during FY 1981 (D81-18).

D82-22

deferred amount projected to carryover into FY 1982 is $109.7 million. The unobligated amount of $109.7 million plus the additional amount of the 1982 appropriation retained in the Trust Fund will be further reduced whenever the Secretary determines the amount is adequate to meet foreseeable liabilities against the Trust Fund. The reduction will be made by paying the additional amount to recipients as part of the regular distribution.

Estimated Effect:

This action will postpone distribution of the amount of the reserve until necessary adjustments and corrections have been identified. It will also avoid substantial confusion and complexities in the administration of the program.

Outlay Effect:

This deferral has the effect of shifting an estimated $107.5 million in outlays; $ 53.6 million from FY 1982 into FY 1983 and $53.6 million from FY 1982 into FY 1984.

Deferral No: D82-23

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Treasury	New budget authority $ ______ (P.L. ______)
Bureau Office of Revenue Sharing	Other budgetary resources 109,738,363
Appropriation title & symbol State and Local Government Fiscal Assistance Trust Fund 20X8111 1/	Total budgetary resources 109,738,363 Amount to be deferred: Part of year $ 6,287,398 2/ Entire year ---
OMB identification code: 20-8111-0-7-851 Grant program ☒ Yes ☐ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act P.L. 92-512 Sections 121 & 123 ☒ Other P.L. 94-488, P.L. 96-604
Type of account or fund: ☐ Annual ☐ Multiple-year ______ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ______

Justification

The State and Local Government Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. This deferral represents payments withheld from various governments involved in annexations or disincorporations and for reasons of noncompliance with the requirements of the State and Local Fiscal Assistance Act, as amended.

Estimated Effect

The release of these funds is contingent upon adherence by the various governments to the compliance regulations, and determinations as to which higher level of government is eligible to receive those funds withheld because of annexations and disincorporations.

Outlay Effect

This deferral has no effect on FY 1982 outlays because the funds are expected to be disbursed during FY 1982.

1/ This account is the subject of another deferral. (D82-22) and was the subject of a similar deferral in FY 1981 (D81-19B).

2/ Deferral of outlays only.

Deferral No: 082-24

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Treasury	New budget authority $ --- (P.L. ________) Other budgetary resources 9,344,000 Total budgetary resources 9,344,000
Bureau Federal Law Enforcement Training Center	
Appropriation title & symbol Construction 20X0103	Amount to be deferred: Part of year $ ________ Entire year 4,200,000
OMB identification code: 20-0103-0-1-751	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ________
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ________ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ________

Justification: This appropriation provides for the costs of adapting the former Glynco Naval Air Station in Brunswick, Georgia, for the permanent location of the Federal Law Enforcement Training Center.

This deferral action is being taken because the funds are not required for construction activities in FY 1982. The deferral will remain available for major maintenance, repairs, alterations and renovations in subsequent years.

The deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral has no programmatic or budgetary effects.

Outlay Effects: This deferral has no effect on FY 1982 outlays.

Deferral No: 082-25

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Pennsylvania Avenue Development Corporation	New budget authority $ --- (P.L. ________) Other budgetary resources 44,398,326 Total budgetary resources 44,398,326
Bureau	
Appropriation title & symbol Land acquisition and development fund 42X4084 1/	Amount to be deferred: Part of year $ 30,[illegible]5,[illegible] Entire year ________
OMB identification code: 42-4084-0-3-451	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ________
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ________ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Borrowing authority

Justification

The 1974 land use plan for the eastern sector of the Pennsylvania Avenue Development Corporation project area is being reviewed and updated in light of current real estate trends and market conditions. This update consists of a study to determine what design configuration and mixture of land uses -- i.e., office, retail, and housing -- is now appropriate for the eastern area in view of changes in the market and economy over the last 8 years. This study is aimed at refining the plan for the blocks east of the FBI building so that new development will be economically self-sufficient and will work within the resources available to private developers.

The study initially was scheduled for completion in the spring of 1981. However, the complexities of the study required some additional time. The study is now scheduled for completion in October, 1981.

Estimated Effects:

The effect of this deferral is that the Corporation will not proceed with major new land acquisition east of the F.B.I. building until the results of the study are evaluated. This wor is expected to be completed soon.

Outlay Effects: This deferral has the effect of shifting $20.0 million in FY 1982 outlays into FY 1983 and $10.8 million in outlays from FY 1983 into 1984.

1/ This account was the subject of a similar deferral in FY 1981 (D81-40A).

Deferral No: D82-26

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Motor Carrier Ratemaking Study Commission	New budget authority $ --- (P.L. ______)
Bureau	Other budgetary resources 1,800,000 Total budgetary resources 1,800,000
Appropriation title & symbol Salaries and Expenses 1/ 48X2700	Amount to be deferred: Part of year $ ______ Entire year 150,000
OMB identification code: 48-2700-0-1-401	Legal authority *(in addition to sec. 1013)*: ☒ Antideficiency Act ☐ Other ______
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ______ *(expiration date)* ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ______

Justification: The Motor Carrier Ratemaking Study Commission is authorized to study the collective ratemaking process for all rates of motor common carriers. The Commission is to determine whether motor carriers require antitrust immunity in this process. The study is scheduled to last until January 1, 1983 and was fully funded in P.L. 97-12. The funds being deferred will not be needed until FY 1983.

This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral is in accord with the Commission's plans. It will have no effect on the study.

Outlay Effects: This deferral will have no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-131).

[FR Doc. 81-29199 Filed 10-6-81; 8:45 am]

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federal register

Wednesday
October 7, 1981

Part VI

Environmental Protection Agency

Stack Height Regulations

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AD-FRL-1920-8, Docket No. A-79-01; AD-FRL-1920-8]

Stack Height Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: Section 123 of the Clean Air Act requires EPA to promulgate regulations to assure that the degree of emission limitation required for the control of any air pollutant under an applicable State Implementation Plan (SIP) is not affected by that portion of the stack height which exceeds good engineering practice (GEP) or by any other dispersion technique. Regulations to implement Section 123 were proposed on January 12, 1979 at 44 FR 2608. Today's action reproposes these regulations to incorporate changes to the original proposal.

DATES: Comments must be received by the Central Docket Section no later than 4:00 p.m. (EST) on November 3, 1981. Rebuttal and/or supplementary comments must be received by the Central Docket Section no later than 4:00 p.m. (EST) on November 18, 1981.

ADDRESS: All comments must be submitted (in duplicate if possible) to: Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. A-79-01, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Polkowsky, MD-15, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Telephone (919) 541-5540.

SUPPLEMENTARY INFORMATION:

Docket Statement: All pertinent information concerning the development of these proposed regulations is included in Docket No. A-79-01. The Docket is open for inspection by the public between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at the EPA Central Docket Section, West Tower Lobby, Gallery One, 401 M Street, SW, Washington, D.C. Documents normally available to the public, such as **Federal Register** notices and Congressional reports are not included in the docket. A reasonable fee may be charged for copying documents.

I. Background

A. Statute

Section 123 was added to the Clean Air Act by the 1977 Clean Air Act Amendments. It prohibits stacks taller than GEP height and other dispersion techniques from affecting the emission limitations required to meet the national ambient air quality standards (NAAQS) or prevention of significant deterioration air quality increments (PSD increments). Section 123 requires EPA to promulgate regulations which define GEP stack height, and which restrict the use of other dispersion techniques, including intermittent or supplemental control techniques. The Agency will address intermittent control techniques in a future action.

B. Rulemaking

On January 12, 1979 (44 FR 2608), we published a notice proposing limitations on stack height credit and other dispersion techniques. The notice proposed specific rules to be used in determining GEP stack height for any source and specific requirements for SIP revisions. We provided a 60-day period for the submission of public comment on these proposed regulations. At the request of one commenter, we extended the comment period for an additional 20 days (44 FR 15735, March 15, 1979) after which we announced that we would hold a public hearing followed by a 30-day period for the submission of comments on the hearing (44 FR 24329, April 25, 1979). The hearing was held on May 31, 1979. We also provided for public comment on the fluid modeling guidance (44 FR 40359 July 11, 1979). Finally, we recently provided 30 days for comments on additional technical information prepared after the close of the earlier comment periods (46 FR 24596, May 1, 1981).

We received numerous comments on the proposed rules and technical reports. We have considered all comments and have made a number of changes in the regulations in response to these comments. The revisions are outlined in Section VI entitled "Highlights of Changes from the January 1979 Proposal." Our detailed responses to all comments appear in the "Discussion of Public Comments" section which follows the proposed regulatory language. Background information on unchanged sections of the proposed regulations can be found in the preamble to the January 12, 1979 proposal (44 FR 2608).

C. Documents

In developing the proposed regulations, we relied on the EPA documents listed below and other reference documents. These served as background information for the regulations. Copies of the documents are available in Docket No. A-79-01. Copies of EPA documents may also be available, depending on supply, from the EPA library, (MD-35), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

(1) "Identifying and Assessing the Technical Bases for the Stack Height Regulatory Analysis," December 1979, prepared for the U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards by the H.E. Cramer Co., Inc.

(2) "Cost and Economic Impact Analysis of the Proposed Stack Height Regulation," August 1980, prepared for the U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards by Energy and Environmental Analysis, Inc.

(3) "Impact Assessment Report for the Stack Heights Regulations," April 1981, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards.

(4) "Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for Stack Height Regulations)," July 1981, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, EPA-450/4-80-023.

(5) "Guideline for use of Fluid Modeling to Determine Good Engineering Practice Stack Height," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, July 1981, EPA-450/4-81-003.

(6) "An Assessment of the Potential Effect of Stack Height on Sulfate Formation and Sulfur Deposition," December 1979, U.S. Environmenal Protection Agency, Office of Air Quality Planning and Standards.

(7) "Guideline for Fluid Modeling of Atmospheric Diffusion," April 1981, U.S. Environmental Protection Agency, Environmental Sciences Research Laboratory, EPA-600/8-81-009.

(8) "Impact Assessment Report for the Reproposed Stack Height Regulation," August 1981, U.S. Environmental Protection Agency.

II. Program Overview

This preamble provides a brief description of the problem and regulatory program to introduce the proposed regulatory language. Following this regulatory language is a section entitled "Discussion of Public Comments," which provides further information on the background of the regulations and gives our responses to public comments.

A. The Problem

There are two general methods for preventing violations of the NAAQS and PSD increments. Emission controls reduce, on a continuous basis, the quantity, rate or concentrations of pollutants released into the atmosphere from a source. In contrast, dispersion techniques rely on the dispersive effects of the atmosphere to carry pollutant emissions away from a source and to prevent high concentrations of pollutants near the source. The Clean Air Act requires pollution sources to meet the NAAQS and PSD increments by complying with emission limitations instead of relying on dispersion techniques.[1]

Tall stacks and intermittent or supplemental control systems are the two basic types of dispersion techniques. Tall stacks enhance dispersion by releasing pollutants into the air at elevations high above ground level, increasing the volume of air through which pollutants must travel to reach the ground. Releasing pollutants from a tall stack allows a source to reduce the ambient levels of its pollution as measured at ground level without reducing the amount of pollution it releases. Intermittent and supplemental control systems vary a source's rate of emissions to take advantage of meteorological conditions. When atmospheric conditions do not favor disperison and a NAAQS or PSD increment may be violated, the source temporarily reduces its pollutant emissions. When conditions favor rapid dispersion, the source emits pollutants at higher rates.

Use of dispersion techniques instead of constant emission controls can result in additional atmospheric loadings which may contribute to undesirable environmental effects. The use of tall stacks increases the possibility that pollution will travel long distances before it settles to the ground.

Atmospheric loading may also limit opportunities for industrial growth since the Clean Air Act sets ceilings on maximum pollution inceases to be allowed from new pollution sources. In addition, the use of dispersion techniques can also decrease incentives to develop new, more effective pollution control technology. See H. Rep. No. 95–294 at 80–91.

Although dispersion techniques may produce adverse effects, some stack height is needed to prevent excessive concentrations of pollutant emissions created by airflow turbulence, over nearby structures or terrain features (ground level meteorological phenomena). Section 123 responds to this problem by allowing EPA to give a source credit for that portion of its stack height needed to prevent excessive concentrations near the source. This height is called GEP stack height.

The regulations proposed today define "excessive concentrations," "nearby," and other important concepts. They also establish methods for determining the GEP stack height of all stationary sources built after 1970.

B. The Program

These regulations do not limit the physical stack height of any source. Instead, they set limits on the stack height to be used in ambient air quality modeling for the purpose of setting an emission limitation.

We are proposing to allow credit up to 65 meters for all sources. Sixty-five meters represents a reasonable estimate of the height needed to insure that emissions will not be affected by common ground-level meteorological phenomena which may produce excessive pollutant concentration. Typical causes of these phenomena include surface roughness and the temperature changes caused by the solar hearing and terrestrial cooling cycle. See the technical support document on page 26.

1. Methods of Determining GEP Stack Heights. The regulations establish two basic methods of calculating a source's GEP stack height using either a mathematical formula or physical demonstration through fluid models or field studies.

(a) Mathematical Formula—Excessive concentrations may be produced by downwash, wakes, and eddies caused by structures located near the stack. We are proposing to adopt a formula with which to calculate the GEP stack height needed to avoid excessive concentrations caused by nearby structures. The formula is the height of the structure plus one and one-half times the height or width of the structure, whichever is less ($Hg=H+1.5L$). The formula has been derived from the traditional engineering practice of building a stack to approximately two and one-half times the height of a nearby structure.

Under the formula, sources with structures that are as wide as they are tall will get credit for a GEP stack height equal to two and one-half times the height of the structure. For sources with structures which are taller than they are wide, the formula stack height credit will be less than two and one-half times the structure height. Sources with tall, thin structures do not need a full two and one-half times credit because thin structures produce less severe downwash effects. See the technical support document on pages 5–14.

(b) Physical Demonstration—In some cases, a source may need a stack taller than the formula height to prevent excessive concentrations of a pollutant due to downwash, wakes, or eddies created by structures or terrain obstacles. In such cases, Section 123 provides that a source may obtain credit for all of the stack height necessary to avoid excessive concentrations. We are proposing to require such a source to demonstrate that maximum concentrations using the sources proposed stack height, without consideration of nearby structures or terrain obstacles, can increase by at least 40 percent when the effects of the structures or terrain obstacles are considered. Several commenters raised questions about the appropriateness of the 40 percent test and suggested the substitution of a 20 percent test. Further comment and data on this issue are solicited.

This difference in concentrations must be shown either by a fluid model study conducted in accordance with guidelines published by EPA or by a field study which has been approved by the reviewing authority.

Before a source can obtain credit for a GEP stack height determined by a fluid model or field study demonstration, Section 123(c) requires that the reviewing authority must notify the public of availability of the source's demonstration and must provide an opportunity for a public hearing.

Several commenters requested EPA to permit the use of stack heights above the GEP height to prevent excessive concentrations on elevated terrain features caused by the plume impaction. Plume impaction occurs when a plume comes into contact with an elevated terrain feature causing a violation of a NAAQS or PSD increment. Limiting stack height to GEP in complex terrain may result in predicted violations resulting from plume impaction. We are proposing a process of setting emission limitations in elevated terrain areas to address this problem.

This process consists of three steps:

(1) The GEP stack height is determined based on the previously described methods;

(2) The source is modeled at the GEP stack height. Terrain features which are higher than the GEP stack height are

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[1] See Section 110(a)(2)(B), 123, 302(k) and 302(m) of the Act, 42 U.S.C. 7410(a)(2)(B), 7423, 7602(k), and 7602(m). The Notice of Proposed Rulemaking contains a more detailed discussion of the Act's prohibition of the use of dispersion techniques. See 44 FR 2608–2610.

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included in the model of an elevation equal to the GEP stack height. A maximum concentration is determined with this modeling.

(3) The source is then modeled with all terrain features at their actual heights in order to determine a stack height which would result in concentrations equal to those determined in step (2). This new stack height is the maximum for which the source may receive credit. If this stack height is less than the stack height the source proposes to use, the source's emission limitation is based on the concentration determined in step (2). If this height equals or exceeds the proposed stack height, the source's emission limitation is determined using the proposed stack height and actual terrain.

This process allows the use of a stack height sufficient to avoid plume impaction, but requires emission limitations as restrictive as those for comparable sources not located in elevated terrain.

2. Grandfathered Stack Height. Before the 1970 Clean Air Act became effective of December 31, 1970, some sources constructed stacks taller than their GEP height. Congress, in Section 123, recognized this and grandfathered those sources' stack heights. Thus, sources are allowed credit for their stack height in existence on December 31, 1970.

The definition of "in existence" has been changed from the previous proposed regulations. Under the new definition, a source's stack is considered to be "in existence" if the source commenced construction of the facility prior to December 31, 1970.

3. Other Dispersion Techniques. The regulations prohibit the use of other dispersion techniques to attain or maintain any NAAQS or protect a PSD increment. Those techniques include major alteration of plume characteristics such as the manipulation of exhaust flow rates or temperatures for the purpose of enhancing plumb rise.

We received several comments on the January 1979 proposal questioning in what circumstances the combination of exhaust gases would be considered a dispersion technique. To address those comments, we are adding a provision to this definition to make it clear that combinations of exhaust gases will not be considered dispersion techniques unless they are for the purpose of enhancing plume rise. A sourrce may decide to replace several existing stacks with a single new stack, combining the exhaust gases from several process units into a single exhaust plume in the new stack. Combining several exhaust gas streams into a single plume may increase plume rise. However, this would not per se be prohibited unless there is manipulation in the design or operation of the source for the sole purpose of enhancing plume rise.

The significance of other dispersion techniques is not well documented and the Agency intends to give further consideration to the need for restrictions of this type prior to promulgation. Comments and data on this issue are solicited.

III. State Implementation Plan Requirements

All States would be required to review and revise, as necessary, their SIPs to comply with these new regulations on stack height credits and dispersion techniques. After the States adopt these regulations, they will be required to review existing emission limitations to determine whether these limitations have been affected by stack height credit above GEP levels or any other dispersion technique.

IV. Impact Analysis.

We prepared a series of impact analyses on the regulations. These analyses are in Docket No. A–79–01. The analyses show the expected "worst-case" national annual costs to fossel-fuel power plants affected by the regulation to be approximately $44 million per year, with expected reductions in SO_2 emissions of 286,000 tons per year. Nationally, these costs would increase electric utility rate charges approximately 0.1 to 0.2 percent. The effects on individual electric power company rates range from a 0.2 to a 1.9 percent increase. The required reduction in emissions would also shift coal usage with eastern regions of the U.S., but would cause little increase of western coal usage in the East.

V. Highlights of Changes From Previous Proposal.

1. Definition of "Stack"—We have omitted flares from this definition.

2. De Minimis Height—We have established a deminimis level of 65 meters.

3. Definition of "Nearby"—We have restricted application of this term to structures when using formula to determine GEP.

4. Definition of "Excessive Concentrations"—We have deleted the required demonstration of a NAAQS or PSD increment violation.

5. Definition of "In Existence"—We have included all stacks on which construction commenced as of December 31, 1970.

6. Definition of "Dispersion Technique"—We have specifically exempted smoke management programs.

7. Plume Impaction Issue—We have incorporated a process for determining the emission limitation for sources in complex terrain based on its GEP stack height but allowing the source to avoid certain plume impaction problems.

VI. Regulatory Flexibility Analysis

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have significant economic impact on a substantial number of small entities. This rule has been structured to apply only to sources with stacks above 65 meters (213 feet). Based upon our impact analysis, only electric utility plants and possibly one smelter will be significantly impacted by these regulations.

VII. Executive Order 12291.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not "major" because it does not result in an annual effect on the economy of $100 million, nor does it result in a major increase in costs or prices for consumers, Federal, State, or local governments or individual industries, including the electric power industry.

VIII. Solicitation of Comments.

The Agency actively solicits comments on all aspects of the proposed regulation, and particularly on the system for determining the air quality impact of sources in complex terrain.

Sec. 110, 301(a), and 123, Clean Air Act as amended, (72 U.S.C. 7410, 7601(a) and 7423))

Dated: October 2, 1981.

Anne M. Gorsuch,

Administrator.

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

It is proposed to amend Part 51 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. Section 51.1 is amended by revising paragraph (z) and by adding paragraphs (ff), (gg), (hh), (ii), (jj), (kk), (ll), and (mm) as follows:

§ 51.1 Definitions.

* * * * *

(z) "Emission limitation" and "emission standard" mean a requirement established by a State, local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

* * * * *

(ff) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct. Stack height is the distance from the ground-level elevation of the plant to the elevation of the stack outlet.

(gg) "In existence" means that the owner or operator has obtained all necessary preconstruction approvals or permits required by Federal, State, or local air pollution agencies and either has (1) begun, or cause to begin, a continuous program of physical on-site construction of the facility or (2) entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operation, to undertake a program of construction of the facility to be completed in a reasonable time.

(hh) "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by (1) using that portion of a stack which exceeds good engineering practice stack height, except to avoid plume impaction on elevated terrain, (2) varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant, or (3) manipulating source design and source process parameters, exhaust gas parameters, or stack parameters, or any other selective handling of exhaust gas streams for the purpose of increasing exhaust gas plume rise. The preceding sentence does not include: (1) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream; (2) the use of smoke management in agricultural or silvicultural programs; or (3) recombining the exhaust gases from several stacks into one stack as long as there is no manipulation of exhaust flow rates or temperatures for the purpose of enhancing plume rise.

(ii) "Good engineering practice stack height" means the greater of:

(1) 65 meters;

(2) $H_g = H + 1.5L$, where

H_g = good engineering practice stack height
H = height of nearby structure(s)
L = lesser dimension (height or projected width) of nearby structure(s);

(3) The height demonstrated by a fluid model or a field study approved by the reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, structures, or terrain obstacles.

(jj) "Nearby" as used in § 51.1(ii)(2) of this part is that distance up to five times the lesser of the height of width dimension of a structure but not greater than 0.8 km (one-half mile).

(kk) "Excessive concentrations" for the purpose of determining good engineering practice stack height in a fluid model or field study means a maximum concentration due to downwash, wakes, or eddy effects produced by structures or terrain features which is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

(ll) "Plume impaction" means concentrations in excess of national ambient air quality standards or prevention of significant deterioration increments which result when a plume comes into contact with elevated terrain.

(mm) "Elevated terrain" means terrain which exceeds the elevation of the good engineering practice stack as calculated under subsection (ii) above.

2. It is proposed to amend § 51.12 by adding paragraphs (j), (k) and (l) as follows:

§ 51.12 Control strategy: General.

* * * * *

(j) The plan must provide that the degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice of by any other dispersion technique, except as provided in § 51.12(k) and (l) of this part. The plan must provide that before a State submits to EPA a new or revised emission limitation that is based on stack height determined through a fluid model or field study, the State must notify the public of the availability of the demonstration and must provide opportunity for public hearing on it.

(k) The provisions of §§ 51.12(j) and 51.18(l) of this part shall not apply to (1) stack heights in existence, or dispersion techniques implemented prior to December 31, 1970, of (2) coal-fired steam electric generating units, subject to the provisions of Section 118 of the Clean Air Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974.

(l) Creditable stack heights for any source seeking credit for stack height above GEP because of plume impaction may be established by determining the stack height necessary to predict the same maximum air pollution concentration on any elevated terrain feature as the maximum concentration which results from modeling the source using the GEP stack height and assuming the elevated terrain features to be equal in elevation to the GEP stack height. If this stack height is greater than the stack height the source proposes to use, the source's emission limitation and air quality impact shall be determined using the proposed stack height and the actual terrain heights.

3. It is proposed to amend § 51.18 by adding paragraph (l) as follows:

§ 51.18 Review of new sources and modifications.

* * * * *

(l) Such procedures must provide that the degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in § 51.12(k) and (l) of this part. Such procedures must provide that before a State issues a permit to a source based on a stack height determined through a fluid model or field study, the State must notify the public of the availability of the demonstration and must provide opportunity for public hearing on it.

Discussion of Public Comments

The following paragraphs discuss the comments received on the January 12, 1979 proposal of stack height regulations (44 FR 2608), including the May 31, 1979 public hearing comments, fluid modeling guideline comments, and comments on technical information released on May 1, 1981. A copy of all comments received and a transcript of the public hearing is included in Docket No. A-79-01.

1. *The GEP Formula*—Section 123 of the Act states that the GEP stack height is "the height necessary to insure that emissions from the stack do not result in excessive concentrations of any air pollutant" and "shall not exceed two and one-half times the height of such source unless the owner or operator of the source demonstrates * * * that a greater height is necessary." Based on studies reviewed in the draft technical support document, July 1978 (final, dated

July 1981), we proposed use of the formula ($H_g=H+1.5L$) to determine GEP stack height. In cases where the nearby structure is wider than it is high, the formula yields a GEP stack height of two and one-half times the building height. However, if the structure is taller than it is wide, then the formula yields a GEP height which is less than two and one-half times the structure height. Studies of airflow over structures cited in the technical support document indicate that tall, thin structures disturb airflow less than wider structures of the same height. Accordingly, sources near thin structures do not require as much stack height to avoid structure-induced downwash of their stack emissions.

Section 123 grants the Administrator discretion to define GEP height, based on two statutory directives. First, the statute provides that GEP height is to be the height necessary to prevent excessive concentrations due to downwash, wakes, or eddy effects created by the source, nearby structures, or terrain as determined by the Administrator. Second, GEP is not to exceed two and one-half times the height of the source unless the source demonstrates, to the Administrator's satisfaction, that a greater height constitutes GEP. Thus the Administrator has discretion to establish a method to determine GEP which reflects data on the height necessary to avoid excessive concentrations caused by downwash, wakes, and eddies.

Thirty commenters questioned the applicability, technical formulation, and use of the formula. The comments fall into eight categories discussed below:

A. Many commenters objected to the proposed formula because, in some cases, the use of the formula would define GEP stack height as less than two and one-half times the height of the source. This may require a source to perform a fluid modeling or field study to justify a stack height less than two and one-half times the height of the source. The commenters stated that Section 123 requires a source to justify its stack height only when it wishes to receive credit for a stack greater than two and one-half times the source height. We find, however, that Section 123 supports the use of the proposed formula. Section 123(c) defines GEP as that stack height necessary to avoid excessive concentrations. Section 123(c) also requires a demonstration to justify any GEP height which exceeds two and one-half times the height of structures. Section 123 does not prohibit us from requiring a demonstration to justify a GEP height at heights which are less than two and one-half times the source's height if we find that such a demonstration is needed to make an accurate determination of the stack height necessary to avoid excessive concentrations. As described above, allowing a source near a tall, thin structure to obtain credit for a stack two and one-half times the height of that structure would allow the source more credit than it needs to avoid excessive concentrations due to structure-induced downwash. Furthermore, no commenter presented any evidence to demonstrate that the proposed GEP formula does not accurately determine that stack height necessary to avoid excessive concentrations caused by structure-induced downwash.

B. Some electrical power industry commenters stated that the two and one-half times rule traditionally has been used to define the minimum, not maximum, stack height necessary to avoid downwash problems. Our review of stack height literature indicates that a stack height up to two and one-half times a structure height is sufficient to prevent downwash at most facilities. Moreover, we are not using the formula to set a limit on maximum stack height credit. Sources which wish to claim additional stack height credit may do so provided they demonstrate a need through fluid modeling or field studies.

C. One commenter suggested that additional credit should be given to avoid the effects of stack tip-included downwash. Stack tip downwash is created by the structure of the stack itself and affects emissions when the flow rate is well below the stack design flow rate. We believe that additional stack height credit for stack tip downwash is not necessary. Stack tip downwash effects can be reduced or eliminated by methods other than increasing stack height, such as redesigning stack flow parameters. Section 51.1(hh) of the proposed regulations defines manipulations of stack flow parameters which increase plume rise as "dispersion techniques." However, stack tip downwash can frequently be solved by manipulations which will not increase plume rise or affect the energy efficiency of the source. As general guidance is difficult to formulate, sources within stack tip downwash problems should consult a reviewing agency before manipulating any stack flow parameters in order to insure that they will not be held in violation of the Act's prohibition on the use of dispersion techniques.

D. Commenters also noted that the formula was based on structures of simple design and does not address either complex structures or sources which do not have specific building-like structures around their process units. We acknowledge that we have not investigated all possible combinations of structures. However, we have suggested methods for applying the formula to sources with complex structures. The technical support document discusses methods for applying the formula to multiple-tiered buildings or multiple-building facilities.

E. One commenter felt that we should include a 20 percent safety factor into the formula to insure that downwash is avoided. It is appropriate to include "safety factors," or margins for error when regulatory limits are based on theory in order to compensate for possible inaccuracies or overpredictions in the theory. However, the stack height formula is based on empirical data instead of theory. The formula accurately predicts the amount of stack height needed to prevent excessive concentrations due to downwash under a variety of meteorological conditions. No additional margin of safety is needed.

F. One commenter felt that the assumptions used in developing the formula were too conservative. As explained in response E, the formula is based on empirical data gathered from fluid modeling and field studies. The formula provides accurate representations of stack heights necessary to avoid excessive concentrations.

G. One commenter suggested that the formula should be based on aerodynamically efficient structures instead of traditional rectangular structures in order to induce the construction of pollution sources that would not need tall stacks to avoid structure-induced downwash. Although Section 123 gives us considerable discretion in defining GEP stack height, we feel that Congress would have provided a clear indication of its intent if it had wanted us to use Section 123 to promote radical changes in industrial design practices. We can find no indication of such intent in either the language of Section 123 or its legislative history. In the absence of a clear Congressional directive and a significant potential for emissions reductions,we have decided to base the GEP formula on traditional rectangular building designs.

H. One commenter argued that stack height should be measured from the point at which the source's process emissions enter the stack rather than from ground level. However, GEP formula height is based on the height of an external structure which interferes with the flow of emissions once emitted from a stack. The height at which process emissions enter a stack does not affect the manner in which external structures interrupt the flow of stack emissions. Considerations of emission entry points are not relevant to a determination of GEP stack height based on the formula. In addition, it is easier to calculate the amount of stack height needed to prevent a structure from causing excessive concentrations if both the structure and the stack are measured from ground level.

2. *Definition of "In Existence"*—In the January 12, 1979 proposal we defined "in existence" as the actual physical height of a stack on December 31, 1970. Comments were received that argued the intent of Section 123 was to give full credit to the full stack height planned or projected to be constructed provided that a source had contracts for construction or commenced construction of its stack prior to December 31, 1970. Since the time of proposal, the Agency has reviewed the definition of "in existence." In this period, the Agency issued regulations to implement the visibility protection provisions of 169A of the Clean Air Act (45 FR 80084). In these regulations, "in existence" was defined in a manner similar to "commenced construction." (See definition of "commenced" in Section 169.) The Agency agrees that there was no Congressional intent to penalize sources which in good faith planned construction of plants before the Act was implemented. This means that plants which had commitments for construction before December 31, 1970 should be able to model their emissions based on the committed stack height.

Some commenters also claimed that the date for defining "in existence" should be August 7, 1977, which was the enactment date of the amendments which added Section 123 to the Clean Air Act. However, Section 123 clearly states that "in existence" refers to the date of enactment of the Clean Air Act Amendments of 1970 which was December 31, 1970.

Some confusion appears to have occurred about the fact of what was grandfathered by the term "in existence." The Act clearly states that the "stack height in existence,"not just the stack, is grandfathered. Therefore, a source which is replacing a stack for only old production units may build that new stack to the grandfathered height for those production units.

3. *Definition of Nearby*—In our January 1979 proposed regulations, we requested comments on the use of our definition of nearby in GEP determinations for both structures and terrain features. We intended the definition of "Nearby" to set a limit on the distance from a stack to a structure or terrain feature beyond which a source could not use that structure or terrain feature to claim stack height credit.

Some commenters requested that we extend the maximum distance for application of the formula. However, we did not receive any substantive technical support for this increase. We did receive comments arguing that giving any credit for stack heights based on nearby structures would encourage sources to place stacks near large structures. We believe that sources are not likely to manipulate structure size or placement solely for the purpose of increasing their stack height credits. The costs of building large new structures would discourage most sources from attempting such manipulations. Also, many new sources of emissions will be required to meet applicable new source performance standards under Section 111 of the Act, best available control technology under EPA's PSD program, or lowest achievable emission rate in nonattainment areas. After installing the emissions controls required by these programs, most sources should be able to meet their SIP emission limitations without a need for increased stack height credit. These new sources would have little motivation to manipulate structure sizes and locations. Accordingly, we have retained the proposed definition of "nearby" for structures. Sources cannot apply the formula to structures located at distances greater than 0.8 km (one-half mile) or 5 times the height or width of the structure, whichever is less. However, sources can conduct a fluid model or field study to ascertain the effect of more distant structures.

We also proposed to apply the same limitations to terrain features that cause downwash. Commenters indicated that several problems could result from applying these limits to terrain features. First, the boundaries of terrain features are not always distinct and easy to define. This makes it difficult to make precise measurements of distances from a source to a terrain feature and difficult to calculate a distance equivalent to five times the height or width of a terrain feature.

Second, commenters noted that some terrain features can cause downwash effects at distances greater than 0.8 km from a source. At the same time, other commenters pointed out that the leislative history of Section 123 indicates that Congress intended that only terrain features within 0.4 km (one-quarter mile) be used in calculating GEP height based on the formula. We decided to change the proposed rule to require any source wishing to claim stack height credit to prevent downwash, wakes, or eddies, caused by any terrain feature to demonstrate the existence of excessive concentrations in a fluid model or field study. These techniques allow a source to take into account the downwash effect of an entire terrain feature if it causes excessive concentrations. Any terrain feature which is close enough to a source to cause excessive concentrations must be considered a "nearby" feature.

4. *Definition of "Excessive Concentrations"*—During the comment period, arguments were made that the 40 percent change in concentration criterion was not fully supported by the technical support information. Individual commenter stated that the 40 percent criterion was too high or too low, but none provided data to support any different criterion.

The January 1979 proposed regulations also included in the definition of "excessive concentrations" a requirement that the downwash causes a violation of a NAAQS or a PSD increment. Some comments challenged this requirement. Commenters stated that when downwash occurs, high levels of pollutants contact the ground for very short periods of time. Little mixing of emissions with ambient air occurs before the emissions reach the ground. The ambient air quality standards and PSD increments are based on concentrations measured after pollutants have dispersed into the ambient air. These standards also measure average concentrations over varying times (from 1 hour to 1 year). The high pollutant concentrations of extremely short duration caused by downwash do not represent ambient air quality as measured by the NAAQS and PSD increments. We agree with the commenter's views and have deleted from the definition of "excessive concentrations" the requirements for a violation of a NAAQS or PSD increment.

5. *Definition of "Dispersion Technique"*—There was concern expressed in some comments that the broad definition of "dispersion technique" could lead to inconsistencies among the Regional Offices of EPA, the States, or local control agencies in applying the definition. We have provided guidance in the new regulations to help alleviate inconsistencies.

Some comments questioned the effect of the regulations on prescribed burning, a practice use particularly in forest lands for clearing forest undergrowth. Similar practices and used in some areas to clear crop wastes. The Agency realizes that both of these types of burning are conducted on an intermittent basis when atmospheric conditions favor dispersion of emissions. However, prescribed buring is not used as an alternative to constant emission controls. Therefore, we are not defining either prescribed burning or crop waste burning as a dispersion technique. In addition, we are working with the Department of Agriculture in establishing smoke management technique guidelines for prescribed burning to minimize air quality impacts. We hope these guidelines will be available in the near future.

One commenter noted that the DEP stack height formula defines a physical stack height but ignores plume rise produced by the heat and velocity of the exhaust gases. In large power plants, these factors produce an effective stack height much greater than the actual physical height. In addition, the comments correctly pointed out that the technical support document was based on studies which did not include plume rise. Fluid models and field studies take into account gas flow rates and temperature, in addition to stack height. Accordingly, they will take into account some plume rise in establishing the GEP stack height. We recognize that increased plume rise can reduce an emission limitation established by modeling. We have proposed to prohibit alterations of plume characteristics for the purpose of enhancing plume rise.

6. *Definition of "Emission Limitation"*—Commenters challenged the proposed requirement that opacity limits and equipment or fuel specifications must also be met on a constant basis. They stated that this phrase unlawfully expanded the definition of "emission limitation" contained in Section 302(k) of the Act. We agree that Section 302(k) does not specifically mention either opacity or equipment and fuel specifications. However, we find that other sections of the Clean Air Act which define emission limitations and dispersion techniques support our requirement. Section 302(m) specifically includes both equipment and fuel specifications in its definition of "means of emission limitation." Section 123 prohibits use of a dispersion technique to meet any SIP emission limitation. Opacity limitations are currently included in our SIP emission limitation requirements. See, for example, 40 CFR 51.19(c). We feel it is important to insure that opacity limits also are met on a continuous basis. This definition applies to all of 40 CFR Part 51. Accordingly, we have retained both of these requirements in our "emission limitation" definition.

7. *Impaction Issue*—Many of the comments requested us to allow a source located in complex terrain to obtain stack height credit if it can demonstrate that its stack emissions impact on an elevated terrain feature. Plume impaction (also known as plume impingement) occurs when a plume from a stack comes into contact with a terrain feature which is high enough to interrupt the plume before significant dispersion of the pollutants occurs. The nature of the air pollution problem created by plume impaction is similar to the problem created by downwash. In this proposal, we have adopted a policy for setting emission limitations at GEP stack height for plants subject to impaction problems. This method allows a source to use stack height to avoid impaction but not in setting an emission limitation. Once an emission limitation and a modeling stack height are determined by the proposed process, they would be used in determining all impacts of the source.

8. *Definition of "Immediate Vicinity"*—The January 1979 proposal did not define the "immediate vicinity" of a source. Some comments were received stating that such a definition is needed to limit the distance from the source within which a showing of excessive concentrations could be used to determine good engineering practice stack height. We feel that a specific definition is not necessary. The measurement of excessive concentrations is based on comparing predictions of maximum concentrations with and without the downwash-inducing structure or terrain. The ratio decreases rapidly when measuring the downwashed plume further from the source. Structures or terrain features located at great distances from a source will not produce a 40 percent difference in concentration. In addition, any demonstration of a 40 percent difference in concentrations indicates an actual downwash problem. A source should be able to obtain credit to avoid a downwash problem regardless of the distance from the source to the obstacle causing the problem. The introduction of an arbitrary limit on the distance for measuring excessive concentrations cannot be technically supported.

9. *Definition of a "Stack"*—Comments were received concerning the proposed definition of a "stack." All of the comments on this subject argued that flares are not designed to disperse pollutants but for the release of heat during upset conditions. The comments also argued that the emmissions from flares are hard to measure due to the variability of the rate of flow and composition of the emissions stream. For these reasons, we have deleted flares from the definition of a "stack."

10. *Increasing Stack Height at Existing Sources*—The proposed regulations generally allow credit for the formula height to all sources. However, the reviewing authority had discretion to require a demonstration of downwash for a source raising its existing stack or rebuilding its stacks on existing units, even if the new height is equal to or less than the formula height. Comments were received stating that this provision could lead to inconsistencies in implementation of the regulations. Some commenters requested EPA to provide specific criteria to determine which sources would have to demonstrate a downwash problem instead of claiming credit for formula height. Most of these commenters favored the establishment of an automatic formula height credit for existing sources. However, two commenters argued that the language of Section 123 and the legislative history show that Congress did not intend that all sources should automatically get credit for the formula stack height. These commenters suggested that we require downwash demonstrations for all stack height credit increases requested by existing sources with stacks exceeding the *de minimis* height. We agree that inconsistencies could result, and we have established that the formula is the best determination of good engineering practice stack height based on nearby structures. Therefore, we have eliminated the review authority discretion to require a downwash demonstration if the stack is equal to or below the formula height.

11. *De Minimis Height*—We proposed a minimum GEP stack height of 30 meters (100 feet) which would automatically be granted to all sources in order to enable sources to release their emissions at levels high enough to avoid the turbulent atmosphere conditions commonly found near the earth's surface. We reviewed information which stated that the 30 meter review cutoff would (1) be basically meaningless since most sources can justify, by the formula, a stack height above 30 meters, generally in the range of approximately 65 meters, and (2) result in some inaccurate modeling of emissions at smaller sources since current modeling may not be accurate for emissions released at less than 50 meters above ground level. Recognizing these problems, we

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determined that we should raise the de minimis stack height to 65 meters (213 feet). We have evaluated the potential for additional sulfate formation and transport from stacks in the 30 to 65 meter height range. While it is true that additional stack height can increase sulfate formation and transport, we found that no significant increase in sulfate formation will result from any increase in the de minimis height from 30 to 65 meters. A copy of the report prepared on this subject is available in Docket No. A–79–01. In addition, a review of EPA's National Emissions Data System shows that only approximately 3 percent of the total stationary sources had stacks over 65 meters and that these sources emitted 70 percent of the sulfur dioxide emitted by stationary sources.

12. *Regulatory Impact*—We prepared a draft regulatory impact paper in July of 1978 for the proposed stack height regulations. This paper was limited to an investigation of the impact on the electric power generating industry. Several of the comments received on the proposed regulations took issue with the methods and assumptions of that analysis. The major comments were: (1) that the assessment for GEP stack height at the affected source did not sufficiently take into account the correct building size of local terrain, (2) that the analysis did not look at all industry groups, and (3) that the economic effects on the power industry were underestimated. We decided to investigate the effects of the regulation in more detail. Another regulatory impact report and the two supporting documents were included in Docket A–79–01 in April 1981. We first determined which industry categories would be affected by the final regulations. We found that almost the entire impact would be felt by the electric power generating industry so we used that industry as the basis for economic impact study. Structure heights and terrain configuration vary widely from plant to plant, so no individual plant could serve as a reliable model for estimating an average GEP stack height for all plants. The study, completed in April 1981, used actual power plant building information to generate GEP formula heights. This study was part of the technical documents released for public comment on May 1, 1981 at 46 FR 24596. We prepared a detailed response to comments received on this report which is included in Docket No. A–79–01.

We did not consider terrain in this study because we could not obtain accurate data on terrain conditions near existing power plants. However, we do not believe that terrain considerations will increase compliance costs. Sources with terrain downwash problems can perform fluid modeling or field studies to justify additional stack height credit. Sources with terrain impaction problems will be able to use existing stack height above GEP to model their air quality impacts. If they still have an impaction problem at full actual stack height with the GEP determined stack height emission limitation, the source must reduce its emissions further or construct a taller stack to avoid the impaction problem. The use of a taller stack would not change the GEP-determined emission limitation. The source also has the option of monitoring the impaction point to check on the modeled prediction. In no case may the emission limitation be less restrictive than the limitation shown to be needed to avoid NAAQS or PSD increment violations at the GEP stack height with terrain limited to the GEP stack height. This assures all sources an equal assessment of pollution control.

The Agency prepared a final regulatory impact evaluation based on these newly proposed regulations and information furnished by commenters during the comment period on technical documents. The major change to the impact assessment involved reviewing plants under the new definition of "in existence" which reduces the number of plants that are subject to the regulation. We have also increased the costs to reflect 1981 dollars. The comments on the April 1981 report stated that the cost assessments should be based on the projected GEP–SIP emission further reduced by 20 percent to account for sulfur variability. The Cramer ratio is conservative for noncomplex terrain and since the assumption was made that the current SIP just meets the NAAQS, a further reduction of 20 percent in the GEP–SIP may be overly conservative. However, costs were developed based on this further reduction, and they are part of a sensitivity analysis in the "Impact Assessment Report for the Reproposed Stack Heights Regulations" (July 1981). The economic effect of terrain impaction ws not considered in the April 1981 assessment. The newly proposed regulations allow for the use of stack height to avoid this problem and no further review is necessary.

The costs for purchase of lower sulfur coal at the potentially affected power plants is expected to be $44 million per year.

13. *Fluid Modeling*—These regulations require, in some cases, that fluid modeling or field studies be used to demonstrate the stack height needed to avoid downwash at a source. We received comments stating that fluid modeling facilities are not readily available and that sources need a significant increase in permitting time to perform a fluid model study. In response to this comment, we reviewed the availability of fluid modeling facilities. This review is included in the Docket as a memorandum entitled "Fluid Model Facilities for GEP Stack Height Studies," dated July 8, 1980. We determined that while fluid modeling facilities are less readily available than computer modeling facilities, they are reasonably available. Also, most sources will not need to perform fluid modeling. The fluid modeling requirement is only for sources that wish to have a stack height above the formula height. More importantly, we feel that fluid modeling and field studies are the most reliable means available to demonstrate the existence of excessive concentrations due to downwash.

Commenters also argued that fluid modeling measurements may be subject to error. We realize that any modeling is subject to error; however, because complex downwash flow patterns are not predictable by computer simulation, fluid modeling and field studies are the best means to determine GEP stack height.

14. *State Resource Limitations*—Comments from States on the proposed regulations indicated that States would have difficulties meeting the requirements for reviewing emission limitations due to limited resources. The increase in the de minimis stack height has reduced this burden by eliminating all review for sources with stack heights below 65 meters. States will still need to review fluid modeling and field study reports which will require specialized personnel. Our fluid modeling guidelines will assist the States in their calculations. In addition, case-by-case assistance will be available for evaluating field studies.

The requirement for providing a public hearing review of all stack height demonstrations using fluid modeling or field studies can be fulfilled by incorporating stack height review into any public hearing on a permit or SIP revision. The hearing requirement will generally not place an additional burden on the State since most current regulations require States to provide opportunity for public comment on most permits and all SIP revisions.

15. *Economic and Technological Infeasibility*—The proposed regulations contained language that required sources to comply with the rule even

where the source faced economic and technological problems. The Supreme Court held that, in general, Congress did not intend EPA to consider economic and technical feasibility problems in approving State Implementation Plans or plan revisions.[2] The inclusion of the wording referencing this in the proposed regulations was superfluous. Thus we have deleted the wording concerning economic and technological infeasibility. However, we will not approve a SIP revision allowing a source to use dispersion techniques even where the use of constant controls is economically or technologically infeasible.

16. *Exemption of BACT, RACT, and LAER Sources*—Comments were received that request us to exempt from the stack height credit limitations sources required by the new source review rules, or nonattainment area rules to install control technology meeting best available control technology (BACT), lowest achievable emission rate, (LAER), and reasonably available control technology (RACT) requirements. The commenters argued that since a source subject to any of these requirements would have to install the most stringent emission controls possible, it should receive unlimited stack height credit. Section 123 makes no provision for such an exception. The Clean Air Act clearly requires sources to meet both GEP limits and the emission requirements of BACT, LAER and RACT. Most sources meeting these emission requirements and not having impaction problems will not need stack height credits above their formula stack height to meet ambient standards or PSD increments.

17. *Scaling Factors for Large Facilities*—One comment mentioned that the proposed formula is biased towards very large structures. The comment stated that a large structure which receives credit up to the formula height would get a proportionally higher stack height credit than a smaller source. However, large structures need higher stack height credits. The disturbance of air flow around a structure is related to the size of the structure. It should be also noted that the GEP formula is not just related to height. If a source is very tall, but thin, the formula equates to the height of the source plus one and one-half times the width of the source. Finally, the economic constraints of building excessively large structures just for the purpose of obtaining increased stack height credit help to limit the abuse of the formula.

18. *Exemption for Odor Emission Sources*—Three comments were received requesting that the GEP stack height credit limitations not apply to sources that have strong odorous emissions. The Act does not provide for the establishment of controls based solely on odors. Any source which emits only an odorous substance which is not one of the pollutants regulated under the Act would not be subject to GEP stack height constraints. Any source which emits a pollutant regulated under the Act must comply with the Act's ban on dispersion techniques even if the substance also happens to have a strong odor. Section 123 contains no exceptions for odorous emissions.

19. *Impact on the Bubble Concept*—We have established, in another notice (44 FR 71780, December 11, 1979) the concept of considering only the net changes in all emissions from a source for the purpose of computing emissions decreases or increases. This concept allows a source to place controls where they will be the most cost effective. Comments were received which claimed that limiting stack height would inhibit a source's ability to trade off emissions from various production units. However, trade-off situations are not exempt from the requirement to use constant emission controls. Therefore, we cannot support any exemption from the GEP requirement for sources in a trade-off situation.

20. *Hawaiian Exemption*—One commenter petitioned for an exemption from the requirements of Section 123 for sources in Hawaii due to their unique air quality situation. The Act does not provide for any particular exemptions. Therefore, the Agency does not exempt any State from these requirements.

21. *Issues Beyond the Scope of the Regulation*—A comment was received concerning the definition of a local air pollution control agency as it appears in the Code of Federal Regulations, Title 40 Part 51. Although today's action modifies Part 51, it does not address this definition. We will review this definition in future rulemaking.

[FR Doc. 81-29286 Filed 10-6-81; 8:45 am]

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[2] See Union Electric v. EPA, 427 U.S. 246(1976): rehearing denied 2[illegible]9 U.S. 873(1977).

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/OPM		DOT/FHWA	USDA/OPM
DOT/FRA	LABOR		DOT/FRA	USDA/LABOR
DOT/MA	HHS/FDA		DOT/MA	MSPB/FDA
DOT/NHTSA			DOT/NHTSA	
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of October 11 through October 17, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

47792 9–30–81 / Handling of Almonds grown in California; administrative rules governing quality control; comments by 10–16–81

45323 9–11–81 / Lemons grown in California and Arizona, minimum size requirements; comments by 10–13–81

45542 9–11–81 / Milk in the Alabama-West Florida Marketing Area; proposed marketing agreement and order; comments by 10–13–81

Commodity Credit Corporation—

41487 8–17–81 / Processed agricultural commodities; standards for approval of dry and cold storage warehouses for processed agricultural commodities, extracted honey and bulk oils; comments by 10–16–81

Food and Nutrition Service—

40764 8–11–81 / Food stamp administrative grants provisions; comments by 10–13–81

Forest Service—

40706 8–11–81 / Timber management planning provisions; comments by 10–13–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

45563 9–16–81 / Foreign fisheries; Bering Sea and Northwest Pacific; comments by 10–16–81

DEFENSE DEPARTMENT

Office of the Secretary—

45368 9–11–81 / Education of handicapped children in the DOD dependents schools; comments by 10–13–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

46142 9–17–81 / Utah; high-cost gas produced from tight formations; comments by 10–13–81

ENVIRONMENTAL PROTECTION AGENCY

45378 9–11–81 / Approval and promulgation of implementation plans, Connecticut revisions; comments by 10–13–81

41814 8–18–81 / Approval and promulgation of State implementation plans; Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin; comments by 10–17–81

45157 9–10–81 / Approval and promulgation of State implementation plans; Arkansas; prevention of significant deterioration regulations; comments by 10–13–81

45162 9–10–81 / Glyphosate; tolerance; comments by 10–13–81

45160 9–10–81 / Revisons of Delaware air quality plans; comments by 10–13–81

45381 9–11–81 / Revision of Pennsylvania State implementation plan; comments by 10–13–81

45159 9–10–81 / Revision of State implementation plan; Virginia; comments by 10–13–81

FEDERAL COMMUNICATIONS COMMISSION

37923 7–23–81 / Amendment to permit increased antenna height to Class A FM commercial broadcast stations in Puerto Rico and the Virgin Islands; reply comments by 10–15–81

48733 10–2–81 / Bell System Procurement practices; comments by 10–15–81

37920 7–23–81 / FM broadcast station, Delhi, La.; changes in table of assignment; reply comments by 10–13–81

42703 8–24–81 / FM broadcast stations in Greenfield and Springfield, Mo.; changes in table of assignments; comments by 10–13–81

42701 8–24–81 / FM broadcast stations in Hudson and Adrian, Mich., and Swanton, Ohio; changes in table of assignments; comments by 10–13–81

42474 8–21–81 / FM broadcast station in Hilo, Hawaii; changes in table of assignments; comments by 10–13–81

46147 9–17–81 / FM broadcast stations in Natchitoches, La.; changes in table of assignments; reply comments by 10–13–81

[*See also* 46 FR 37058, 7–17–81]

42475 8–21–81 / FM broadcast station in Petosky, Mich.; changes in table of assignments; comments by 10–13–81

42477 8–21–81 / FM broadcast station in Redding, Calif.; changes in table of assignments; comments by 10–13–81

42483 8–21–81 / FM broadcast stations in Truth or Consequences, N. Mex.; changes in table of assignments; comments by 10–13–81

46147 9–17–81 / Future role of television translators and low-power television broadcasting; comments by 10–13–81

[*See also* 46 FR 42478, 8–21–81]

40899 8–13–81 / Policy regarding character qualifications in broadcast licensing; reply comments by 10–16–81

37927 7–23–81 / Release, allocation, assignments, and criteria for use of the remaining 250 channels in the 800 MHz private land mobile reserve band; reply comments by 10–14–81

41534 8–17–81 / TV broadcast station in Barstow, Calif.; changes in table of assignments; comments by 10–13–81

FEDERAL TRADE COMMISSION

41080 8–14–81 / Trade regulation rule: labeling and advertising of home insulation; comments by 10–13–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

42470 8–21–81 / Prescription drug products; patient package insert requirements; comments by 10–15–81

INTERSTATE COMMERCE COMMISSION

43721 8–31–81 / Certificate to construct, acquire or operate railroad lines; application procedures for a certificate to construct, acquire or operate railroad lines; comments by 10–15–81

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43812 8–31–81 / Control, custody, care, treatment and instructing of inmates; comments by 10–16–81

LABOR DEPARTMENT

Office of the Secretary—

41438 8–14–81 / Practice before the Board of Service Contract Appeals; comments by 10–13–81

41428 8–14–81 / Rules of practice for administrative proceedings enforcing labor standards in Federal and federally assisted construction contracts and Federal service contracts; comments by 10–13–81

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41456 8–14–81 / Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to nonconstruction contracts subject to the Contract Work Hours and Safety Standards Act); comments by 10–13–81

41444 8–14–81 / Procedures for predetermination of wage rates; comments by 10–13–81

41380 8–14–81 / Service Contract Act; Labor standards for Federal Service Contracts; comments by 10–13–81

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45365 9–11–81 / Description of office, disclosure of official records; availability of information, promulgation of regulations; comments by 10–12–81

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44775 9–8–81 / Recordkeeping by brokers and dealers; comments by 10–12–81

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41523 8–17–81 / Business loan policy for small business lending companies; comments by 10–16–81

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39460 8–3–81 / Operational visibility from navigational bridge of commercial vessels operating in U.S. water; comments by 10–12–81

43701 8–31–81 / Safety zone; vicinity Bascule Bridge, Ft. Lauderdale, Fla.; comments by 10–15–81

Federal Aviation Administration—

40646 8–10–81 / Certification: pilot and flight instructors; proposed amendment of instrument rating requirements; comments by 10–12–81

40529 8–10–81 / Need requirement and fees for certification of foreign airmen and air agencies; comments by 10–12–81

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45785 9–15–81 / Disclosure of loan guaranty information; comments by 10–15–81

Deadlines for Comments on Proposed Rules for the Week of October 18 through October 24, 1981

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Agricultural Marketing Service—

47588 9–29–81 / Milk in the Memphis, Tennessee; Fort Smith, Arkansas; and Central Arkansas Marketing Areas; comments by 10–19–81

42487 8–21–81 / Establishment of United States Standards for grades of canned celery; comments by 10–20–81

Animal and Plant Health Inspection Service—

46784 9–22–81 / Harry S Truman Animal Import Center, importation of certain animals; comments by 11–23–81

42438 8–21–81 / Mediterranean fruit fly; designation of additional areas in Hillsborough Co., Fla., as regulated areas; emergency regulation;.comments by 10–20–81

Food Safety and Quality Service—

42487 8–21–81 / Establishment of United States standards for grades for canned celery; comments by 10–20–81

CIVIL AERONAUTICS BOARD

38930 7–30–81 / Tariffs; sum of segments fares; permission to use rather than higher through fare; reply comments by 10–19–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

44203 9–3–81 / Tanner crab off Alaska; fishery management plan; comments by 10–19–81

COMMODITY FUTURES TRADING COMMISSION

42463 8–21–81 / Large traders reporting requirements; routine filing of series '03 reports; comments by 10–20–81

DEFENSE DEPARTMENT

Office of the Secretary—

42876 8–25–81 / Discharge Review Boards; procedures and standards; comments by 10–18–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

47239 9–25–81 / High-cost gas produced from tight formations; Colorado; comments by 10–21–81

39445 8–3–81 / Inclusion of construction work in progress for public utilities; reply comments by 10–23–81

ENVIRONMENTAL PROTECTION AGENCY

48720 10–2–81 / Benomyl; tolerances; comments by 10–19–81

FEDERAL COMMUNICATIONS COMMISSION

32888 6–25–81 / Amateur radio service provisions; reply comment period extended to 10–21–81

[*See also* 45 FR 83592; 12–19–80]

44793 9–8–81 / Amendment of the Commission's rules to reclassiy coin-operated electronic games From Class B to Class A Computing Devices; reply comments by 10–20–81

43204 8–27–81 / FM broadcast station in Bismarck, N. Dak; changes in table of assignments; comments by 10–19–81

43215 8–27–81 / FM broadcast station in Blakely, Ga.; changes in table of assignments; comments by 10–20–81

39629 8–4–81 / FM broadcast station in Brookville and Versailles, Ind.; changes in table of assignments; reply comments by 10–19–81

43203 8–27–81 / FM broadcast station in Cape Coral, Fla.; changes in table of assignments; comments by 10–19–81

39627 8–4–81 / FM broadcast station in Carnelian Bay and South Lake Tahoe, Calif., changes in table of assignments; reply comments by 10–19–81

44008 9–2–81 / FM broadcast station in Cheney, Grand Coulee, and Spokane, Wash.; changes in table of assignments; comments by 10–19–81

43202 8–27–81 / FM broadcast station in Durant, Okla.; changes in table of assignments; comments by 10–19–81

43201 8–27–81 / FM broadcast station in Ellijay Ga.; changes in table of assignments; comments by 10–19–81

43209 8–27–81 / FM broadcast stations in Goose Creek, S.C.; changes in table of assignments; comments by 10–20–81

43208 8–27–81 / FM broadcast station in Kodiak, Ala.; changes in table of assignments; comments by 10–20–81

43212 8–27–81 / FM broadcast station in Kremmling, Colo.; changes in table of assignments; comments by 10–19–81

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S.J. Res. 78 / Pub. L. 97–52—To provide for the designation of October 2, 1981, as "American Enterprise Day" (Oct. 2, 1981; 95 Stat. 959) Price: $1.50

S.J. Res. 103 / Pub. L. 97–53—To authorize and request the President of the United States to issue a proclamation designating the seven calendar days beginning October 4, 1981, as "National Port Week". (Oct. 2, 1981; 95 Stat. 960) Price: $1.50

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49825	**Leif Erikson Day** Presidential proclamation.
50022	**Child Welfare** HHS issues model State legislation for the adoption of children with special needs.
49827	**Securities** FRS amends Regulation T to establish margin requirements for options on exempted debt securities.
50014, 50015	**Income Tax** Treasury/IRS proposes to amend rules and announces hearing date on proposed rules on industrial development bonds. (2 documents) (Part II of this issue)
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49842	**Pensions** PBGC amends regulation on allocation of residual assets in terminating, non-multiemployer pension plans.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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49883 **Hazardous Materials Transportation** DOT/RSPA authorizes shipment of fluorinated hydrocarbons and their numerous mixtures and removes obsolete reporting requirement.

49889 DOT/RSPA updates regulations on shipment of hazardous materials.

49878 **Transportation—Administrative Practice and Procedure** DOT implements the Equal Access to Justice Act.

49914 **Marine Safety** DOT/CG amends life float and buoyant apparatus standards.

449939 **Imports** CITA amends export visa requirement for certain man-made fiber apparel products from the Republic of Korea.

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Presidential Documents

Title 3—

The President

Proclamation 4870 of October 6, 1981

National Guard Day

By the President of the United States of America

A Proclamation

Three hundred and forty-five years ago, the first settlers organized militia units to defend their homes and lives in Massachusetts Bay Colony. With these first units the tradition of the citizen-soldier was born and took root in America, a tradition exemplified by the willingness of private citizens to leave their civilian occupations, don the uniform of their country, and serve their States and their Nation when the need arises.

These citizen-soldiers camped with Washington at Valley Forge and charged up San Juan Hill. They fought in the Meuse-Argonne and on Omaha Beach. Since World War II, the National Guard has played a role in every major American crisis or conflict including Korea, Berlin, and Vietnam. When called upon by their country, the men and women of the Guard have always responded.

When disaster has struck in times of peace, the Guard has been equally ready to serve, whether in the flood waters of Johnstown, or on the slopes of Mount St. Helens. The Guard has been responsible for saving countless lives and millions of dollars of property and equipment by its quick responses and efficiency.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, ask all Americans to celebrate Wednesday, October 7, 1981, as National Guard Day and to honor the Army and Air National Guard of the United States for service to their communities, to their States and to their Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of October, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-29514
Filed 10-7-81; 10:14 am]
Billing code 3195-01-M

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Presidential Documents

Proclamation 4871 of October 6, 1981

Leif Erikson Day, 1981

By the President of the United States of America

A Proclamation

Nordic stories passed through the ages tell us of the Viking Leif Erikson and his explorations across the North Atlantic. One of the most daring of the great Norse adventurers, he may have been the first European to discover our continent. Scandinavian tales tell us of a cargo of timber and wild grapes he brought from North America to his home in Greenland more than four centuries before Columbus.

Above all, Leif Erikson was an explorer, and he has come to symbolize mankind's efforts to push back his frontiers, master the elements, and conquer his fear of the unknown.

In honoring him, and in honoring the Nordic people whose achievements have continuously enriched the Western world, we also honor the act of discovery.

As a mark of respect to the courage of Leif Erikson and his Viking followers, the Congress of the United States, by joint resolution approved September 2, 1964 (78 Stat. 849, 36 U.S.C. 169c), authorized the President to proclaim October 9 in each year as Leif Erikson Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Friday, October 9, 1981, as Leif Erikson Day, and I direct the appropriate Government officials to display the flag of the United States on all Government buildings that day.

I also invite the people of the United States to honor the memory of Leif Erikson on that day by holding appropriate exercises and ceremonies in suitable places throughout the land.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of October, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-29515
Filed 10–7–81; 10:15 am]
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Rules and Regulations

Federal Register
Vol. 46, No. 195
Thursday, October 8, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 684]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period October 9–15, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: October 9, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on October 6, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 908.984 is added as follows:

§ 908.984 Valencia Orange Regulation 684.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period October 9, 1981, through October 15, 1981, are established as follows:

(a) District 1: 450,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: October 7, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–29553 Filed 10–7–81; 11:50 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Docket No. R–0082]

Amendment to Regulation T To Establish Margin Requirements for Options on Exempted Debt Securities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending Regulation T (12 CFR Part 220) to provide a separate margin requirement for options on debt securities issued or guaranteed by government entities (exempted debt securities). The Board's existing margin rule for options was adopted to apply to options written on corporate equity securities. Absent this amendment to Regulation T, that rule would be automatically applicable to a new type of option on exempted debt securities for which filings have been made with the Securities and Exchange Commission (SEC). The initial margin required for the writing of uncovered options on Treasury and government agency securities and the specification of appropriate cover under this new amendment rule will be determined by the rules of the exchange on which the option is traded, provided those rules have been approved by the SEC. In addition, brokers and dealers will be required to obtain from customers writing over-the-counter options on exempted debt securities either the margin or the covering security position which is equivalent to the comparable exchange-traded option requirement. The amendment will continue the Board's present policy of not according loan value to an option so that it cannot be used as collateral for loans for the purpose of purchasing or carrying securities. On June 19, 1981 the Board published two alternative proposed amendments for comment (46 FR 32033) identified as the "good faith proposal" and the "premium based proposal." The

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rule adopted is a modification of the "good faith proposal".

EFFECTIVE DATE: October 28, 1981.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Bruce Brett, Securities Regulation Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2781).

SUPPLEMENTARY INFORMATION: The Board of Governors amends its Regulation T to provide a separate margin for options on exempted debt securities. Public comment was received on two alternative proposals and on issues identified in the Federal Register notice.

An option contract on mortgage pass-through certificates guaranteed by the Government National Mortgage Association (GNMA options) has been approved by the SEC for trading on the Chicago Board Options Exchange (CBOE) and option contracts on Treasury bills, notes and bonds that have been proposed by the New York Stock Exchange (NYSE), American Stock Exchange (AMEX) and CBOE are currently being considered by the SEC (see Securities Exchange Act Release No. 17577, February 26, 1981, and Securities Exchange Act Release No. 17995, May 11, 1981). One of the SEC's requirements for the approval of trading of GNMA options was that CBOE margin rules conform with the Board's margin requirements.

Twenty-three comments were received. Of those that took a general position on the two alternatives, ten supported the premium based alternative and eight supported the good faith alternative. However, many specific changes were recommended for each alternative. There was no disagreement with the Board's position that the current margin for options in Regulation T was not appropriate for options on exempted debt securities. No commenters on the issue supported the part of the "good faith" proposal giving loan value to the long side of the option and most expressly recommended that the Board deny loan value. The fact that CBOE, NYSE and AMEX had agreed to adopt each other's maintenance margin rules for option contract proposals already filed with the SEC was cited by several commenters as the reason why the "good faith" proposal should be adopted.

The "good faith proposal" adopted by the Board differs in two material respects from the proposal previously published for comment. First, the initial margin will be determined by the rules of the exchange on which the option is traded, subject to approval by the SEC rather than determined by each individual broker/dealer. Second, the definition of what constitutes adequate cover will also be determined by the same exchange rules, subject to SEC approval, rather than specified by the Board.

The Board retains authority to itself to set margin with respect to these option contracts if future circumstances should warrant. For example, this authority may be invoked without prior notice in an emergency, or if the Board determines that the level of margin prevailing is not adequate to forestall speculative price movements that could have adverse effects on the underlying securities markets.

PART 220—CREDIT BY BROKERS AND DEALERS

Accordingly, pursuant to sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g, 78w) the Board adopts the following amendments to § 220.4(i) and § 220.8 (b) and (j) of Regulation T (12 CFR Part 220):

1. Section 220.4(i) is revised to read as follows:

§ 220.4 Special accounts.

* * * * *

(i) *Special bond account.* (1) In a special bond account a creditor may extend and maintain credit on any exempted security, registered non-equity security, or OTC margin bond. The maximum loan value of securities held in this account shall be as prescribed from time to time in § 220.8 of this part (the supplement to Regulation T).

(2) Put and call options on exempted securities may be issued, endorsed or guaranteed in this account if either a security position in lieu of margin (cover) is held in the account or the amount of margin prescribed by the Board from time to time in § 220.8 of this part (the supplement to Regulation T) is included in the adjusted debit balance.

(3) A security position held in the account may serve in lieu of the margin required for writing a call or a put, if the following conditions are met:

(i) For writing a call, the covering long security position shall be valued at no more than the exercise price of the call or

(ii) For writing a put, the amount of margin required for a covering short security position shall be based on a value not less than the exercise price of the put.

(4) Any security position held in the account which serves in lieu of the margin required for a put or a call shall be unavailable to support any other option transaction in the account.

(5) The customer may either designate at the time the option order is entered which security position held in the account is to serve in lieu of the margin required or have a standing agreement with the creditor as to the method to be used for making the determination on any given day.

2. Section 220.8 (b) and (j) are revised to read as follows:

§ 220.8 Supplement.

* * * * *

(b) *Maximum loan value for a special bond account.* The maximum loan value of an exempted security, an OTC margin bond, or a registered nonequity security which is not a put, call or combination thereof shall be as determined by the creditor in good faith. No put, call or combination thereof shall have any loan value.

* * * * *

(j) *Margin required for the writing of options.* (1) The amount to be included in the adjusted debit balance of a general account, special bond account, or special convertible debt security account pursuant to paragraphs (d)(5) and (i) of § 220.3 of this part, as the margin required for the issuance, endorsement, or guarantee of any put or call on an equity security shall be 30 per cent of the current market value of the underlying security with an adjustment for any applicable increase or reduction.

(2) The amount to be included in the adjusted debit balance of an account pursuant to § 220.4(i) of this part as the margin required for the issuance, endorsement, or guarantee of a put or call on an exempted debt security or the security position to be held in lieu of margin shall be equivalent to (i) The amount specified by the rules of the national securities exchange on which the option is traded provided that all such rules have been approved or amended by the Securities and Exchange Commission pursuant to sections 19(b) or 19(c) of the Securities Exchange Act of 1934, or (ii) in the case of an option on an exempted debt security which is not traded on an exchange an amount or security position which the creditor in good faith deems to be equivalent to the margin or the cover on comparable exchange-traded options.

Regulatory Flexibility Analysis

The Board of Governors of the Federal

Reserve System has amended Regulation T to establish a margin requirement for options on exempted debt securities that is separate from and less stringent than the Regulation T margin requirement that applies to options on equity securities. The need to amend the regulation follows from the approval by the SEC to allow trading of such exempted debt security options beginning as early as October, 1981. The Board amended the Regulation in such a way that the margin required for writing these "interest rate" options will be determined by the rules of the exchanges trading such options.

By adopting industry standards that are subject to approval by the SEC before implementation, the Board sought to create a margin regulatory structure that was flexible enough to match the margins and the risks of a variety of different "interest rate" options and that was consistent with the goal of minimal regulatory complexity and the need for adequate regulatory oversight. This approach to regulation streamlines regulatory compliance. That is, instead of possibly having to meet a separate initial margin requirement of the Federal Reserve and a maintenace margin rule of an exchange, brokers must only satisfy an exchange standard. Such a reduction in regulatory overlap is expected to be particularly beneficial to many small brokers, for whom compliance costs constitute a large proportion of administrative expenses.

Regulatory burden is further reduced by explicitly relating the margin requirement to that established by the exchange trading the option contract; any remaining burden upon self-regulatory organizations (SROs)—specifically, securities exchanges and the National Association of Securities Dealers—to write rules will be confined to the particular products that trade in their respective markets. Moreover, as a result of these Regulation T amendments, no SRO should be in a position to influence the trading of options in another market by setting different margin levels for its member organizations than were deemed appropriate by the exchange upon which the option is traded and were approved by the SEC.

By order of the Board of Governors of the Federal Reserve System, October 2, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-29310 Filed 10-7-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-67-AD; Amdt. No. 39-4231]

Airworthiness Directive; Artex Aircraft Supplies, Inc., Emergency Locator Beacon Replacement Battery Pack, P/N 00-21-006

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD) which requires removal from service of the Artex replacement battery pack, P/N 00-21-006, which was designed for use in the Emergency Beacon Corporation (EBC), Emergency Locator Transmitter (ELT). This action is necessary because the battery pack was not subjected to the saltwater immersion test required by TSO-C91. If an ELT powered by this battery pack were to encounter saltwater following a crash or ditching, the Artex battery pack would fail, rendering the ELT inoperative.

DATES: Effective date October 19, 1981. Compliance is required within the next 30 days after the effective date of this AD.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Lium, Systems & Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION: Emergency Locator Transmitters (ELT) are approved under TSO-C91. Personnel-type ELTs (ELT(P)) must pass a saltwater immersion test, among others. Automatic fixed type ELTs (ELT(AF)) are exempt from this requirement.

Personnel-type ELTs are designed to be removed from the aircraft following a ditching or a crash and used by the occupants while awaiting rescue, possibly while floating on a raft or in the water. Resistance to saltwater is therefore a critical feature of the personnel-type ELT.

Since Artex has stated that their battery pack would not pass the required saltwater test, and that the battery pack cannot be modified in the field to conform to the requirements of TSO-C91, an Airworthiness Directive is being issued which requires removal from service of all Artex battery packs, P/N 00-21-006, designed for use in the Emergency Beacon Corporation ELT.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon is impractical, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Artex Aircraft Supplies, Inc.: Applies to Artex replacement battery packs, P/N 00-21-006, which are designed for use in the Emergency Beacon Corporation Emergency Locator Transmitter.

Within 30 calendar days after the effective date of this AD, inspect the ELT and if the battery is an Artex Battery Pack, P/N 00-21-006, replace it with a battery pack with a different part number which is approved under TSO-C91 for use in this ELT.

Note.—If no replacement battery pack is immediately available, placard the ELT "Not to be used in salt water." The airplane may be operated for up to 90 days with a placarded ELT.

Alternative means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

This amendment becomes effective October 19, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(a); and 14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information, Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the court of appeals of the United States or the United States Court of Appeals for the District of Columbia.

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Issued in Seattle, Washington, on September 28, 1981.

Robert O. Brown,

Acting Director, Northwest Region.

[FR Doc. 81-[illegible] Filed 10-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-56-AD; Amdt. 39-4229]

Airworthiness Directives: British Aerospace Corporation Model DH-114 Heron Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires a modification to the wing leading edge access doors on British Aerospace Corporation (formerly deHavilland) DH-114 Heron Series 1B and all Series 2 airplanes which have had Modification 154 (de-icing on wing leading edges between outboard engines and fuselage) or Modification 469 (improved leading edges between outboard engines and fuselage). One U.S. operator experienced a situation in which an access door opened during flight and caused a partial loss of control. This AD requires the modification of the closing mechanism to prevent closure without the locking mechanism being engaged.

EFFECTIVE DATE: October 18, 1981.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to British Aerospace Corporation (deHavilland) Hatfield, Herty, England, or may be examined at the FAA Northwest Region, 9010 E. Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Project Engineer, Foreign Aircraft Certification Branch, ANW-150S, Federal Aviation Administration, Seattle Area Aircraft Certification Office, 9010 E. Marginal Way South, Seattle, Washington 98108, Telephone (206) 767-2530.

SUPPLEMENTARY INFORMATION: One U.S. operator of a DH-114 Heron airplane experienced a partial loss of control when a leading edge door opened during flight. The airplane descended at a high rate with heavy buffeting. The airplane was immediately landed. An investigation was made by the National Transportation Safety Board (NTSB) from which it was recommended that the leading edge access doors be modified to ensure they remain closed during flight. The NTSB received numerous reports from operators who had experienced similar incidents. These incidents were not reported through the FAA Service Difficulty Program. The manufacturer and the British Civil Aviation Authority were also advised of the problem, but they reported no records of similar occurrences since 1962. They pointed out that improper closure of the doors could also be a factor in the incident. British Aerospace Corporation provided a copy of Manufacturer's Technical News Sheet W.11, Issue 2, and Modification No. Heron 1171 (Amendment 1 incorporated) which, when accomplished, would ensure the positive engagement of the toggle fasteners on the wing leading edge access doors. This modification applies only to airplanes already modified in accordance with Modification No. 154 or 469.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires modification of the leading edge access doors in accordance with Modification No. Heron 1171 on all applicable British Aerospace Corporation DH-114 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me be the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace Corporation: Applies to all operators of DH-114 Heron Series 1B and all Series 2 airplanes which have been modified in accordance with Modification 154 or 469.

To ensure wing leading edge access doors remain properly secured, accomplish the following unless already accomplished:

1. Within 350 hours time in service after the effective date of this AD, modify the wing leading edge access doors in accordance with British Aerospace Corp. Manufacturer's Technical News Sheet W.11, Issue 2, and Modification No. Heron 1171 (Amendment No. 1 incorporated) dated October 17, 1961, or a later FAA approved revision.
2. Alternate means of compliance may be used which provide an equivalent level of safety when approved by the Chief, Seattle Area Aircraft Certification Office, FAA, Northwest Region.
3. Airplanes may be flown to a maintenance base for repairs or replacement in accordance with FAR 21.197.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the addresses listed above. These documents may also be examined at FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective October 18, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on September 25, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-29236 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-59-AD; Amdt. 39-4230]

Airworthiness Directives: Lockheed-California Company Model L-1011 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) which requires a check and/or inspection of the brake supply valve function and eventual modification of the parking brake and anti-skid control circuits on Lockheed Model L-1011 series airplanes. It has been determined

that compliance with this AD may result in an inadvertant change to the anti-skid available warning system which causes a lack of failure annunication when the caution and warning light test is accomplished during compliance with the descent checklist with the landing gear retracted. This amendment is needed to correct the original modification procedure to allow the system to function properly with the landing gear either retracted or extended, thereby restoring the original functional characteristics of the system.

DATE: Effective date October 18, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63–11, U–33, B–1. This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Lonnie Tarver, Aerospace Engineer, Systems and Equipment Branch, ANW–130L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2831.

SUPPLEMENTARY INFORMATION: AD 81–08–01, Amendment 39–4079 (46 FR 20535, April 6, 1981), requires a check and/or inspection of the brake supply valve function and eventual modification of the parking brake and anti-skid control circuits to prevent unannunciated failures of the anti-skid system. Two alternative methods of compliance were specified.

After issuing Amendment 39–4079, the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region, obtained information which indicated that the modification incorporated by Lockheed L–1011 Service Bulletin 093–32–179, dated December 30, 1980, inadvertently changed the operational characteristics of the anti-skid warning system such that it would only function properly with the landing gear extended. In at least one case an operator reported an incorrect anti-skid failure annunciation during a check with the landing gear retracted, which was corrected when the landing gear was extended.

Since this situation is likely to exist or develop in other airplanes of the same type design that are in compliance with this alternative provision of Amendment 39–4079, an amendment to AD 81–08–01 is being issued to incorporate minor circuitry changes which preclude erroneous warning indications, when the required checks are made with the landing gear in the retracted position.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 81–08–01, Amendment 39–4079, (46 FR 20535, April 6, 1981) by revising paragraph 2(b) to read as follows:

(b) Within 1 year from the effective date of this amendment, modify the parking brake and anti-skid electrical circuits either in accordance with the Accomplishment Instructions of Part 2 of Lockheed Service Bulletin 093–32–145 dated May 1, 1980, or Part 2 of Lockheed Service Bulletin 093–32–179, Revision 1, dated April 7, 1981, or later revisions to either service bulletin approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Dept. 63–11, U–33, B–1.

These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108 or Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This amendment become effective October 18, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c)), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator as defined by Section 1605 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485). As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle Washington, on September 25, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81–29249 Filed 10–7–81; 8:45 am]

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14 CFR Part 39

[Docket No. 81–NE–17, Amdt. 39–4226]

Airworthiness Directives; Sikorsky S–76A Helicopters Certificated in All Categories

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment establishes a reduced replacement time for the Sikorsky S–76A main rotor rotating scissors assembly and requires repetitive inspections of the center bolt of the assembly and the hub/scissors bearings. During the course of recent engineering tests of main rotor head components and the analysis of the resulting data, it was found that the replacement time for the main rotor rotating scissors assembly must be reduced to prevent an unsafe condition. The vibratory stresses in the scissors assembly may be increased significantly by bearing wear and thus reduce the fatigue life.

DATES: Effective date—October 8, 1981. Comments must be received on or before November 9, 1981.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 81–NE–17, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable publications may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. Copies of these publications are contained in the Rules Docket, Federal Aviation Administration, Office of the

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Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: William E. Garlock, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7336.

SUPPLEMENTARY INFORMATION: During the course of recent engineering tests of main rotor head components and the analysis of the resulting data, it was found that the replacement time for the main rotor rotating scissors assembly must be reduced to prevent an unsafe condition. The vibratory stresses in the scissors assembly may be increased significantly by bearing wear and thus reduce the fatigue life.

The FAA has therefore determined that the replacement time for the S-76A main rotor rotating scissors assembly be reduced to 500 hours time in service, and that repetitive inspections be established for the hub/scissors bearings for play and wear and the scissors center pivot bolt for fretting, scoring, and corrosion pits, respectively. The requirements for these inspections are specified in Chapter 5 of the Sikorsky S-76A Maintenance Manual, SA 4047-76-2.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule and was not preceded by notice and public procedure, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended effective October 8, 1981, by adding the following new airworthiness directive:

Sikorsky Aircraft. Applies to S-76A series helicopters certificated in all categories.

To prevent fatigue failures of the main rotor scissors assembly:

1. Replace P/Ns 76104-08020-044, -045, and -046, and P/N 76070-10005-042 main rotor rotating scissors assemblies with a serviceable part prior to the accumulation of 500 hours time in service or within 25 hours time in service after the effective date of this AD, whichever occurs later.

2. Within the next 50 hours time in service after the effective date of this AD, unless already accomplished within the last 50 hours time in service, and thereafter at intervals not to exceed 100 hours from the last inspection, conduct inspections of the hub/scissors bearings for play and wear and the scissors center pivot bolt for fretting, scoring, and corrosion pits in accordance with Temporary Revision No. 5-24, dated September 8, 1981, or an FAA approved equivalent, Items 42A (Inspection Check 65-14-00, Page 207, dated February 16, 1980, including Temporary Revision No. 65-15, dated September 8, 1981, or an FAA approved equivalent) and 42B of the Sikorsky S-76A Maintenance Manual, SA 4047-76-2.

Note.—"FAA approved" means approved by the Chief, Engineering and Manufacturing Branch, New England Region.

The manufacturer's specifications and procedures identified and described herein and made a part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts, and at FAA Headquarters, 800 Independence Avenue, SW, Washington, D.C.

This amendment becomes effective October 8, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final Order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Court by Appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Burlington, Mass., on September 25, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-29273 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-42; Amdt. 39-4226]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale Model SA 330 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and modification of the main rotor blade lever eyebolt pivot ball bearings on Societe Nationale Industrielle Aerospatiale (SNIAS) Model SA 330 series helicopters. This AD is needed to prevent the loss of balls from the pivot bearings during flight and possible loss of blade pitch control and resulting loss of control of the helicopter.

DATE: Effective October 12, 1981. Compliance as prescribed in body of AD.

ADDRESSES: The applicable service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, ATTN: Customer Support.

Copies of the service bulletins are contained in the Rules Docket, Docket No. 81-ASW-42, Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or J. H. Major, Helicopter

Policy and Procedures Staff, ASW-211, FAA, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, ext. 502.

SUPPLEMENTARY INFORMATION: Several main rotor blade lever eyebolt pivot ball bearings have experienced inadequate lubrication and balls have reportedly escaped from these pivot bearings on SNIAS Model SA 330 series helicopters. Loss of balls causes severe helicopter vibration during flight and can cause loss of blade pitch control. Inadequate lubrication may cause bearing roughness or failure. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires inspection of the main rotor blade lever eyebolt ball bearings and modification, as necessary, to ensure proper lubrication and retention of the balls in the races.

The AD requires removal of the inside seal on the two pivot ball bearings of each lever, if installed, to ensure bearing lubrication. In addition, MRC ball bearings that do not have sealing flange retaining ring must be removed from service to prevent possible loss of the bearing's balls. The pivot bearings must have a sealing flange retaining ring to preclude loss of the balls through the bearing loading slots in the inner and outer race shoulder of the bearings. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure herein are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to all Model SA 330 series helicopters certificated in all categories. (Airworthiness Docket No. 81-ASW-42.)

Compliance is required within 50 hours' time in service after the effective date of this AD, unless already accomplished.

To ensure bearing lubrication and to prevent balls escaping from each main rotor blade lever assembly eyebolt pivot ball bearing, accomplish the following:

(a) Applies to main rotor heads P/N 330A.31.0020 and 330A.31.0030, all dash numbers, not modified to AMS 07.43.008. Incorporate modification AMS 07.43.008 as described in paragraph 2, Accomplishment Instructions, of SNIAS Service Bulletin No. 65.30, dated November 20, 1979, or FAA approved equivalent.

(b) Applies to main rotor heads P/N 330A.31.0020 and 330A.31.0030, all dash numbers, not modified to AMS 07.43.028. Incorporate modification AMS 07.43.028 as described in paragraph 2, Accomplishment Instructions, of SNIAS Service Bulletin No. 65.38, dated July 4, 1980, or FAA approved equivalent.

(c) Applies to main rotor heads P/N 330A.31.0000.05 to .18 inclusive not modified to AMS 330A.07.43.038, and main rotor heads 330A.31.0020.00 to .04 inclusive not modified to AMS 330A.07.43.037, and main rotor heads P/N 330A.31.0030.00 to .03 inclusive not modified to AMS 330A.07.43.037. Inspect in accordance with paragraph C, Description, of SNIAS Service Bulletin No. 01.33, dated March 31, 1981, or FAA approved equivalent. Before further flight, replace bearings which are not fitted with sealing flange retaining ring, with serviceable bearings having the same MRC part number, that are fitted with the sealing flange retaining ring, or with serviceable bearings manufactured by FAFNIR, or with an FAA approved equivalent bearing.

(d) Equivalent means of compliance with this AD must be approved by the Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective October 12, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If this action is subsequently determined to involve a significant regulation, a regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on September 24, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-29220 Filed 10-7-81; 8:45 am]

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14 CFR Part 71

[Airspace Docket No. 81-AEA-43]

Establishment of Airway V-419 From Carmel, NY, to Westminster, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment designates a new airway from over the Carmel, NY, VORTAC, to the Westminster, MD, VORTAC. This action is required to provide a bypass route for departures from LaGuardia and Westchester County Airports en route to southern terminals. Establishment of this route will reduce air traffic control delays and workload.

EFFECTIVE DATE: October 8, 1981. Comments must be received on or before November 9, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81-AEA-43, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW, Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, involving the designation of an airway which is urgently required to reduce ATC delays and associated workload within the New York area and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to add V-419 from over Carmel, NY, VORTAC via the intersection of the Carmel 244° and Sparta, NJ, VORTAC 093° magnetic radials; direct to Sparta; direct to Stillwater, NJ, VORTAC; thence via the intersection of Stillwater 205° and Modena, PA, 056° magnetic radials; Modena; to Westminster VORTAC. V-419 will be used primarily for departures from LaGuardia and Westchester Airports to reduce delays when they are in excess of 30 minutes. This action is urgently needed to provide ATC relief during the current controller shortage. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 409).

Under the circumstances provided, the FAA concludes that there is an immediate need for a regulation to designate V-419 between Carmel, NY, and Westminster, MD. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 GMT, October 8, 1981 as follows:

V-419 [Added]

By adding a new airway V-419 to read as follows:

V-419 From Carmel, NY; INT Carmel 232° and Sparta, NJ, 082° radials; Sparta; Stillwater, NJ; INT to Stillwater 194° and Solberg, NJ, 227° radials; Modena, PA, to Westminster, MD.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on September 24, 1981.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-29237 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 18605/80-APC-6]

Alteration of Group II Terminal Control Area; Honolulu, HI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment reconfigures the Group II Terminal Control Area (TCA) at Honolulu, HI, which first became effective on November 27, 1980. This action extends the southern boundary of the TCA to encompass airspace released when Warning Areas W-319 and W-320 were modified and renamed W-181. The increase in TCA airspace will not impose an additional burden on visual flight rules (VFR) operations due to the former nature of the airspace and because of its distance from the land mass.

The objective of this action is to provide for the most efficient utilization of the available airspace while accommodating the legitimate concerns of the airspace users and, in particular, to provide the highest degree of safety for passengers in public air transportation.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. B. Keith Potts, Airspace and Air Traffic Rules Division (AAT-200), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3731.

SUPPLEMENTARY INFORMATION:

History

On April 23, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to modify the Honolulu, HI, TCA (46 FR 23065).

The original Honolulu TCA was developed when Warning Areas W-319 and W-320 were active. Those warning areas were located in international airspace and were utilized by the Department of Defense for military training. The southern boundary of the TCA was designed to coincide with the boundaries of those warning areas. On September 4, 1980, the FAA rescinded W-319 and W-320 through nonregulatory means and replaced them with a new but lesser warning area airspace (W-181).

Warning Area W-181 was described in a Notice of Proposed Rulemaking published in the **Federal Register** on January 24, 1980 (45 FR 5744). The nonregulatory change which defines W-181 releases airspace which will be efficiently utilized as part of the TCA to more safely expedite arriving and departing traffic at Honolulu International Airport. By extending the southern boundaries of Area "E" of the TCA to a continuous 32-nautical mile arc of the Runway 4R instrument landing system distance measuring equipment, the following advantages are realized:

1. A standard instrument departure (SID) procedure (CARAT ONE SID) with accompanying transitions can be utilized in accordance within the FAA policy to container departing aircraft within the TCA until exiting through the TCA ceiling.
2. Arriving aircraft can be more efficiently sequenced because of the additional continuous airspace.
3. The extension will not impose an additional burden on VFR operations due to the former restricted nature of the airspace and because of its 30-mile distance from the land mass.

Section 71.401(b) of Part 71 was republished in the **Federal Register** on January 2, 1981 (46 FR 768).

Discussion of Comments

The FAA received a total of three comments in response to the proposed modification. All three commenters concurred in or had no objections to the proposal. The Air Transport Association endorsed the reconfiguration. The Aircraft Owners and Pilots Association recommended that the FAA continue to portray suggested VFR procedures on the Honolulu VFR Terminal Area Inset on the Hawaiian Islands/Mariana Islands Sectional Aeronautical Chart. This will be done.

The Air Line Pilots Association (ALPA) recommended that consideration be given to establishing TCA corridors from the 9,000-foot TCA ceiling to an altitude of 12,500 feet extending from the 32 DME lateral limits of the TCA to 40-45 DME to contain jet traffic. No rationale for this proposal was offered. The FAA does not concur with ALPA's recommendations for TCA corridors. The 9,000-foot ceiling has been used for Stage III separation service since TRSA was implemented in 1975. That altitude was selected to contain overflights that were known to transit Oahu at and below 8,500 feet daily. This activity has not changed since implementation of the TCA on November 27, 1980. Since uncontrolled VFR aircraft activity above 9,000 feet immediately outside the TCA 32 DME boundary is nonexistent, corridors as suggested by ALPA would serve no useful purpose. The proposed alteration of Area "E" meets the objectives of the TCA program.

Local Benefits

The modification of the Group II TCA, as proposed in the notice, provides airspace for streamlining air traffic control procedures, thereby making operations more economical for users of the TCA. No adverse economic impact on VFR operations is expected.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.401(b) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 768) is amended effective November 26, 1981, by revising Area E of the Honolulu, HI, TCA, to read as follows:

Subpart K—Terminal Control Areas

§ 71.401 Designation.

* * * * *

(b) Group II Terminal Control Areas:

* * * * *

Area E. That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL within a 32-mile radius of the ILS Runway 4R DME extending from the Honolulu VORTAC 119° radial clockwise to a line 0.5 miles north of and parallel to the Honolulu VORTAC 293° radial, excluding Areas A, B, C, D, G, H and J.

(Secs. 307(a), 313(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a) and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—This amendment involves only a small alteration of navigational and air traffic control procedures over a limited area of open ocean. The FAA has, therefore, concluded that it: (1) Is not a major regulation under Executive Order 12291; (2) is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the regulatory evaluation prepared for this action is contained in the Washington and Regional dockets.

Issued in Washington, D.C., on October 2, 1981.

Ramon A. Alvarez,

Acting Director, Air Traffic Service.

BILLING CODE 4910-13-M

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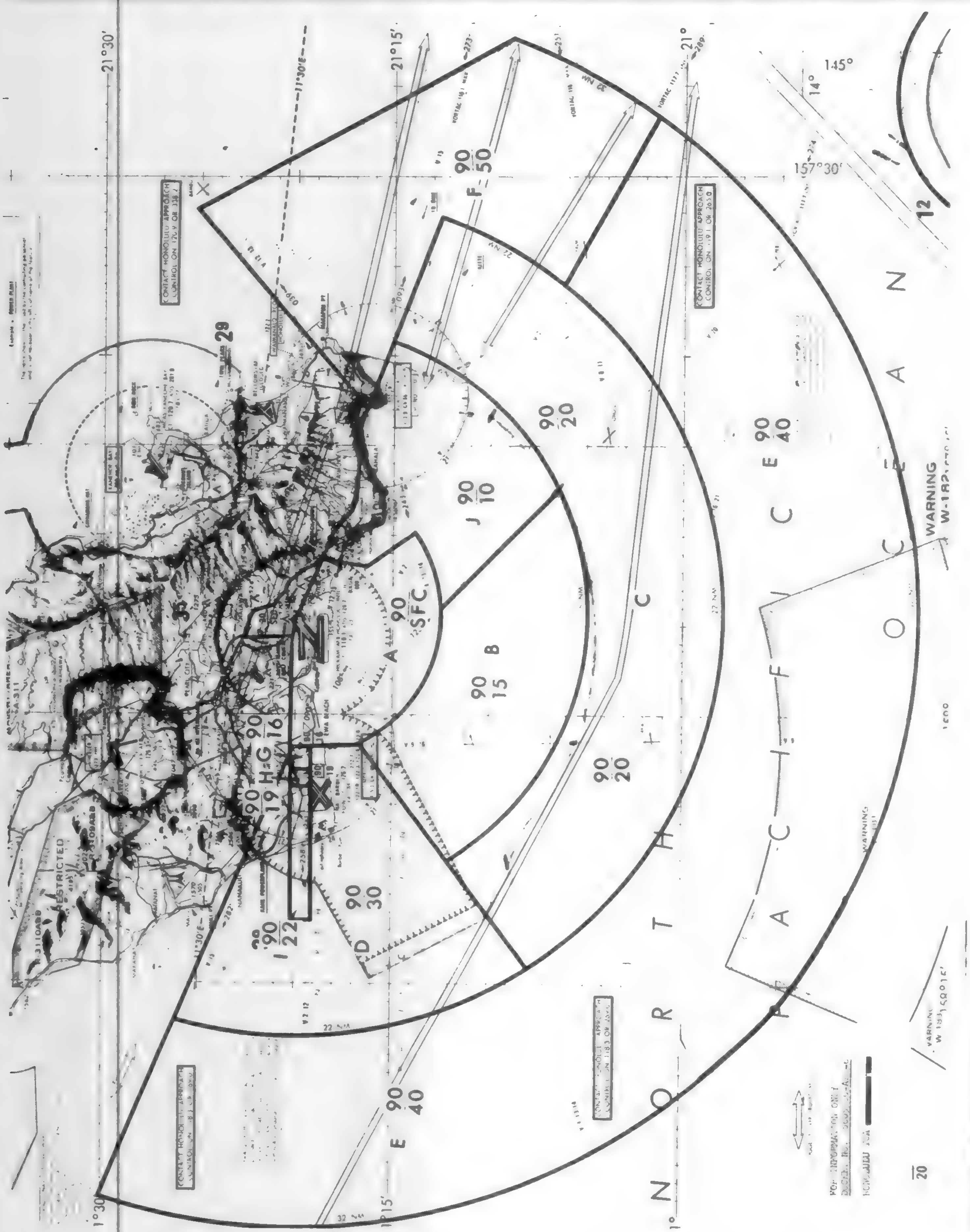
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[FR Doc. 81-29236 Filed 10-7-81; 8:45 am]

14 CFR Part 71

[Airspace Docket No. 81-AWE-20]

Establishment of Transition Area, Grass Valley, California

Correction

In FR Doc. 81-26885, published at page 46124, on Thursday, September 17, 1981, on page 46125, in the first column, in the first paragraph, in the fourth line of § 71.181 "(latitude 39°13′15″N." should be corrected to read "(latitude 39°13′25″N."

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-18132]

Delegation of Authority to Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission is amending its rules governing delegation of authority with respect to the Securities Exchange Act of 1934 ("Act") to delegate authority to the Director of the Division of Market Regulation to publish notice of the filing of plans, and amendments to plans, concerning the designation of national market system securities and to approve such plans and amendments.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Michael J. Simon (202) 272-2889, Division of Market Regulation, Securities and Exchange Commission, Room 391, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is amending its rules governing delegation of authority to delegate to the Director of the Division of Market Regulation and other senior staff the authority to publish notices of proposed designation plans for national market system securities, and amendments to such plans, filed under Rule 11Aa2-1 (17 CFR 240.11Aa2-1) and to approve such plans and amendments. The Commission finds, in accordance with the Administrative Procedure Act ("APA") (5 U.S.C. 533(b)(3)(B)) that this amendment relates solely to agency organization, procedures, or practice and that notice and procedures pursuant to the APA therefore are unnecessary and that such amendment shall be adopted, effective immediately.

Accordingly, 17 CFR Chapter II is amended by adding a new paragraph (a)(37) to § 200.30-3 to read as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(37) Pursuant to Rule 11Aa2-1, 17 CFR 240.11Aa2-1, to publish notice of the filing of a designation plan with respect to national market system securities, or any proposed amendment thereto, and to approve such plan or amendment.

* * * * *

(Pub. L. 87-592, 76 Stat. 394, 15 U.S.C. 78d-1, 78d-2)

By the Commission.

George A. Fitzsimmons,
Secretary.
October 1, 1981.

[FR Doc. 81-29222 Filed 10-7-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 81-261]

Special Tonnage Tax and Light Money; Payment Exemption; Dominica

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This rule amends the Customs Regulations by adding Dominica to the list of nations whose vessels are exempted from the payment of higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. Satisfactory evidence has been furnished by the Department of State that no discriminating duties of tonnage or impost are imposed in ports of Dominica upon vessels belonging to citizens of the United States or on their cargoes. This document provides reciprocal privileges to vessels registered in Dominica.

EFFECTIVE DATE: June 15, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Tomenga, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels which enter United States ports (46 U.S.C. 121, 128). However, vessels of a foreign nation may be exempted from the payment of special tonnage taxes and light money upon presentation of proof satisfactory to the President that no discriminatory duties of tonnage or imposts are imposed by that foreign nation on United States vessels or their cargoes (46 U.S.C. 141). The President has delegated the authority to grant this exemption to the Secretary of the Treasury. Section 4.22, Customs Regulations (19 CFR 4.22), lists those nations whose vessels have been exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

On June 15, 1981, the Department of State advised the Department of the Treasury that satisfactory evidence had been obtained from the Government of Dominica that no discriminating duties on tonnage or impost are imposed or levied in ports of that country upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into that country on United States vessels.

In its communication, the Department of State advised that no discriminating duties of tonnage or impost were imposed or levied upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into ports of the Dominica from June 15, 1981.

Declaration

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR, 1959-1963 Comp., Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 101-5 (46 FR 9336), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, in respect to vessels of Dominica and the produce, manufactures, or merchandise imported into the United States in such vessels from Dominica or from any other foreign

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This suspension and discontinuance shall take effect from June 15, 1981, in respect to vessels of Dominica, and shall continue only for so long as the reciprocal exeptions of vessels wholly belonging to citizens of the United States and their cargoes shall be continued.

Amendment to the Regulations

To reflect the reciprocal privileges granted to vessels registered in Dominica, the list in § 4.22, Customs Regulations (19 CFR 4.22), of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money, is amended by adding Dominica in appropriate alphabetical order.

(R.S. 251, as amended, 4219, as amended, 4255, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 5, 121, 128, 141))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely implements a statutory requirement and involves a matter in which the public is not particularly interested, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary. Further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d)(1).

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act." That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of State and Treasury participated in its development.

Dated: September 2, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81–29818 Filed 10–7–81; 8:45 am]

BILLING CODE 4810–22–M

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19 CFR Parts 132, 141, and 142

[T.D. 81–260]

Quota Merchandise, Statistical Information, and Merchandise Released Under Immediate Delivery Procedure

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: The "Customs Procedural Reform and Simplification Act of 1978," made significant changes in the Customs laws relating, in part, to the entry and warehousing of imported merchandise. Customs Regulations amendments implementing these changes were published; however, several sections of the Customs Regulations needed further changes. This document amends the Customs Regulations to:

(1) Clarify the procedure relating to quota merchandise when the quota is nearing fulfillment;

(2) Remove a mandatory requirement to aggregate statistical information from multiple invoices;

(3) Clarify the circumstances under which a district director may authorize release of merchandise from warehouse under a special permit; and

(4) Clarify what documentation may be filed after merchandise is released under the immediate delivery procedure.

EFFECTIVE DATE: November 9, 1981.

FOR FURTHER INFORMATION CONTACT: Relating to quota merchandise—Bill Slyne, Duty Assessment Division, (202–566–2957); Relating to statistical information—William L. Marchi, Duty Assessment Division, (202–566–8235); Relating to merchandise released under the immediate delivery procedure—Benjamin H. Mahoney, Entry Procedures and Penalties Division, (202–566–5778). U.S. Customs Service, 1301 Constitution Avenue, NW, Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Public Law 95–410, the "Customs Procedural Reform and Simplification Act of 1978," made significant changes in the Customs laws relating, in part, to the entry and warehousing of imported merchandise. Final amendments to the Customs Regulations implementing these changes were published in the **Federal Register** on August 9, 1979, as T.D. 79–221 (44 FR 46794).

Based upon our experience and further review, Customs determined that several sections of the Customs Regulations amended by T.D. 79–221 needed further changes. Accordingly, on December 30, 1980, Customs published a notice of proposed rulemaking (NPRM), in the **Federal Register** (45 FR 85781), to amend the following sections of the Customs Regulations (19 CFR Chapter 1):

1. Section 132.13(a)(1) Customs Regulations (19 CFR 132.13(a)(1)), to clarify the procedure relating to quota merchandise when the quota is nearing fulfillment;
2. Sections 141.61(e)(1)(i) and (f)(2), Customs Regulations (19 CFR 141.61(e)(1)(i), (f)(2)), to remove a mandatory requirement to aggregate statistical information from multiple invoices;
3. Section 142.21(f), Customs Regulations (19 CFR 142.21(f)), to clarify the circumstances under which a district director may authorize release of merchandise from warehouse under a special permit; and
4. Section 142.22(b), Customs Regulations (19 CFR 142.22(b)), to clarify what documentation may be filed after merchandise is released under the immediate delivery procedure.

Discussion of Changes as Proposed

§ 132.13(a)(1)

As amended by T.D. 79-221, the first sentence of § 132.13(a)(1)(ii) provided that "Except in emergency cases, as provided for in § 142.21(e)(2) of this chapter, absolute quota merchandise shall not be released under this immediate delivery procedure if the quota is nearing fulfillment." To correct an inconsistency in the regulations, this sentence subsequently was amended by T.D. 80–26, published in the **Federal Register** on January 21, 1980 (45 FR 3901), to provide that "Absolute quota merchandise shall not be released under the immediate delivery procedure if the quota is nearing fulfillment."

A question of interpretation was raised as to whether absolute quota merchandise could be released under the immediate delivery procedure if the quota were not nearing fulfillment. To clarify this point, the NPRM proposed to amend § 132.13(a)(1)(ii) to provide that except as provided for in § 142.21(e)(2) (relating to perishable merchandise of a class approved by Headquarters subject to an absolute quota) and § 142.21(g) (relating to release of merchandise when authorized by Headquarters), absolute quota merchandise shall not be released under the immediate delivery procedure.

Section 132.12, Customs Regulations, relating to the opening of potentially filled quotas, provides a procedure in paragraph (c)(2) to be used in the event quantities specified on entry summaries for consumption or withdrawals for consumption shall be prorated against the quota quantity.

The NPRM further proposed to amend § 132.13(a)(1) by deleting the last sentence of § 132.13(a)(1)(ii) and by adding a new § 132.13(a)(1)(iii) to provide that the procedure set forth under § 132.13(c)(2), relating to the opening of potentially filled quotas, also applies to tariff and absolute quota when the quota is nearing fulfillment.

§§ *141.61(e)(1)(i) and (f)(2)*

Section 141.61(e)(1)(i), as amended by T.D. 79-221, provided that if a class or kind of merchandise from the same country of origin subject to the same statistical reporting number is included in more than one invoice, the information shall be combined and reported under one statistical reporting number. That section also provided that when consolidating information from several invoices under one reporting number, a worksheet itemizing the entered value of the merchandise from each invoice shall be attached to the appropriate form.

Section 141.61(f)(2), as amended by T.D. 79-221, relating to values on multiple invoices, required that the aggregate of the entered values of all the merchandise on each of the multiple invoices be shown on an attached worksheet.

The procedures relating to aggregating statistical information were proposed initially to reduce the loss of statistical data because detailed information on line items of the Tariff Schedules of the United States Annotated (TSUSA) valued under $250 was not reported. By combining data under one TSUSA number, many line items valued under $250 could be included in the detailed data. Additionally, many TSUSA line items on Customs entry summaries could be eliminated, thus realizing significant savings in computer processing time.

The effective date of implementing these sections was September 10, 1979. However, after publication of T.D. 79-221 on August 9, 1979, a number of individual customhouse brokers, their trade association, and other interested parties advised Customs of serious problems and burdens they were experiencing in attempting to establish procedures to comply with the new regulations.

After reviewing the matter, Customs found there was merit to these complaints. Accordingly, a notice was published in the **Federal Register** as T.D. 79-248 on September 24, 1979 (44 FR 55001), delaying implementation of § 141.61(e)(1)(i) and (f)(2), to January 1, 1980. Subsequently, on October 26, 1979, Customs field personnel were directed by Customs Headquarters to advise importers, brokers, and other interested parties that there would be an indefinite delay in implementing these sections.

Customs determined that the problems and financial burden that the new requirements would impose on certain segments of the importing public outweighed the benefits to be gained in reducing processing costs and time, and providing more complete statistical data.

On the other hand, some importers and nonautomated brokers preferred to aggregate the TSUSA numbers. A practice has been established in many locations to permit entry summaries to be filed in this manner.

Therefore, Customs determined to permit importers and brokers, at their option, to either:

1. Aggregate the TSUSA number regardless of the number of invoices involved; or
2. List the TSUSA number within each invoice.

The NPRM proposed to amend §§ 141.61(e)(1)(i) and (f)(2) to provide that the broker and importer may use either procedure.

§ *142.21(f)*

Section 142.21(f), as amended by T.D. 79-221, provided that at the discretion of the district director, merchandise may be released from a warehouse under a special permit provided the importer has on file one of the types of Customs bonds provided for in § 142.4, Customs Regulations (19 CFR 142.4).

The purpose of this provision is to avoid unnecessary delay in releasing merchandise from a bonded warehouse when an importer must travel a great distance from (1) the bonded warehouse to the customhouse to file the withdrawal for consumption with estimated duties attached, and (2) the customhouse to the bonded warehouse to obtain release of the merchandise.

Under § 142.21(f), an importer may obtain prompt release of merchandise from a bonded warehouse by filing Customs Form 3461. The importer may accummulate several of these forms over a period of days and then make one trip to the customhouse within the required 10-day period to file the withdrawal for consumption with estimated duties attached.

However, it appears that some importers, who do not travel great distances between their bonded warehouses and the customhouse and, therefore, can obtain prompt release of merchandise from the warehouse, may take advantage of the benefit of § 142.21(f) merely to forestall the payment of estimated duties until 10 days after release of the merchandise from the bonded warehouse.

The NPRM proposed to amend § 142.21(f) to ensure that the procedure will not be used by some importers merely to delay payment of estimated duties. It was proposed to amend § 142.21(f) to provide that the district director may authorize release from warehouse under a special permit under the following circumstances:

1. The warehouse is located a considerable distance from the customhouse and actual release of the merchandise from the warehouse could not be effected within the next full business day after the day of the payment of duty, and
2. The district has sufficient manpower to permit such practice.

§ *142.22(b)*

Section 142.21, as amended by T.D. 79-221, provides that merchandise may be released under a special permit for immediate delivery, in accordance with section 448(b), Tariff Act of 1930, as amended (19 U.S.C. 1448(b)), under circumstances relating to the following:

1. Contiguous countries,
2. Fresh fruits and vegetables,
3. Agency of the U.S. Government,
4. Articles of a trade fair,
5. Quota-class merchandise,
6. Release from warehouse followed by warehouse withdrawal for consumption, and
7. When authorized by Headquarters.

Section 142.22(b) lists the documentation which must be filed after the release of merchandise for which a special permit for immediate delivery had been issued. They are:

1. An entry summary for consumption, with estimated duties attached, an entry summary for warehouse, or an entry summary for entry under a temporary bond;
2. A withdrawal for consumption, with estimated duties attached;
3. An entry for transportation and exportation, immediate transportation without appraisement, or direct exportation; or
4. An application to destroy.

Section 142.28, Customs Regulations (19 CFR 142.28), provides, in part, that an entry for exportation, or for transportation and exportation, or an application to destroy, may be filed for merchandise released under a special permit for immediate delivery and later found to be prohibited.

A question of interpretation was raised by Customs personnel as to under what circumstances, relating to the release of merchandise under the immediate delivery procedure of § 142.21, would the transportation entries specified in § 142.22(b)(3) be used. Transportation entries may be used only with respect to the release of fresh fruits and vegetables under § 142.21(b) and absolute quota merchandise under § 142.21(e)(2). However, § 142.22(b)(3) did not set forth these two circumstances under which the transportation entries may be used. Therefore, an ambiguity was raised concerning the proper document to be used.

In a related matter, § 142.28 provides for the use of an entry for exportation, or for transportation and exportation, or an application to destroy merchandise released and later found to be prohibited. However, neither § 142.22(b)(3) nor § 142.22(b)(4) made any reference to merchandise released under the immediate delivery procedure and later found to be prohibited. An ambiguity also was raised with regard to the proper documents to be used.

The NPRM proposed to amend § 142.22(b)(3) to provide that the transportation entries shall be filed only in the circumstances under §§ 142.21 (b) and (e)(2), and to provide that an entry for exportation, or for transportation and exportation, shall be filed in the circumstance under § 142.28.

Similarly, that document proposed to amend § 142.22(b)(4) to provide that an application to destroy shall be filed in the circumstances under §§ 142.21 (b) and (e)(2), and § 142.28.

Two additional changes to § 142.22(b) were proposed. It was proposed to amend § 142.22(b)(1) to clarify that the entry summary documents may be filed in any of the circumstances listed in § 142.21 except for merchandise released from warehouse under § 142.21(f). It was proposed to amend § 142.22(b)(2) to clarify that a withdrawal for consumption shall be filed only for merchandise released from warehouse under § 142.21(f).

Pursuant to the NPRM, interested parties were given until March 2, 1981, to submit comments on the proposal. Five commenters responded to the notice. Except for one clarifying change, the amendments are being adopted as proposed.

Discussion of Comments

One commenter requests Customs to clarify and simplify its procedures to relieve congestion of air carrier terminals at various international airports. Because this suggestion is outside the scope of the proposed rule, Customs will not consider the comment as part of this document. However, as part of our continuing effort to improve operations, Customs will endeavor to clarify and simplify procedures wherever possible.

Several commenters object to amending § 132.13(a)(1)(ii), relating to quota merchandise. One commenter believes that prohibiting the release of absolute quota merchandise under the immediate delivery procedure if the quota were not nearing fulfillment would create an obstacle to the importing community. It is claimed that pier and rail demurrage costs would result because quota entries could not be processed by Customs timely. Another commenter believes that the regulations should allow all absolute quota merchandise to be released under normal entry procedures.

As noted in the proposal, this is not a new concept but merely a clarification of the existing procedure for regulating the release of absolute quota merchandise under the immediate delivery procedure, whether or not a quota is nearing fulfillment. The purpose of the rule is to assure that § 132.13(a)(1)(ii) is read consistently with § 142.21, relating to the immediate delivery procedure. The uniform procedure of restricting release of absolute quota merchandise under the immediate delivery procedure is necessary for Customs to maintain quantitative control of the merchandise. Accordingly, the rule is being adopted as proposed.

Concerning the proposed amendments to §§ 141.61(e)(1)(i) and (f)(2), relating to statistical information, one commenter indicates that there are many cases when merchandise bearing the same statistical reporting number is reported separately. The commenter suggests that the regulations provide that an importer, at his option or when required because of licensing or requirements of other government agencies, may report the same statistical reporting number as often as necessary.

Customs is not aware of requirements that merchandise subject to the same statistical reporting number must be reported separately on the Customs entry summary document. We believe that adoption of the suggestion would result in an increase in the number of tariff line items that must be processed. This would necessarily increase the statistical data processing costs. Customs does not favor allowing merchandise on one invoice subject to the same 7-digit TSUSA reporting number to be entered on the entry summary more than once. Accordingly, the amendment is being adopted as proposed. An importer, at his option, may enter the same 7-digit number once for each invoice, or combine and report the same number once on the entry summary for all the merchandise subject to classification under that number from all invoices.

Several commenters object to the proposed amendment to § 142.21(f), relating to the release of merchandise from warehouse under a special permit. One commenter states that the phrase "considerable distance from the customhouse" in proposed § 142.21(f)(1)(i) is too broad and would be subject to misinterpretation. The commenter suggests that the phrase "outside of the official limitations of the city in which the Customs House is located" be used. Customs disagrees with the suggestion because if adopted, it would tend to work to the disadvantage of an importer having a warehouse in a city encompassing large geographical boundaries. Customs believes the proposed language is satisfactory.

Two commenters object to the language of that portion of proposed § 142.21(f)(1)(i) relating to the time of actual release of the merchandise from the warehouse. One commenter claims that is is unlikely that actual release of the merchandise from the warehouse "could" be completed within the next full business day because there is no present procedure under which Customs notifies the importer that the forms are available for pickup at the customhouse. Furthermore, if mail service were used, notice would not reach the importer for several days. The commenter notes that the only way in which an importer could ascertain the status of the forms submitted for withdrawal of the merchandise would be to travel each day to the customhouse. Economically, this would be very expensive. The second commenter notes that depending upon the reliability of the mail and availability of private transportation, release could be made within a span of one to three days.

Customs believes these concerns have merit and seeks to minimize any economic hardships upon the importer and avoid delay in processing paperwork. To clarify this matter, the word "may" is being substituted for the word "could" in proposed § 142.21(f)(1)(i).

Two commenters made suggestions to facilitate the release of merchandise from warehouse including using the procedure similar to the entry procedure currently in effect. Because these suggestions appear to be beyond the scope of the proposed rule they will not be considered as part of this document. However, Customs will consider these comments as part of its review of warehouse operation.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code (as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act") because it was the subject of a notice of proposed rulemaking issued before January 1, 1981, the effective date of the Act.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

Parts 132, 141, and 142, Customs Regulations (19 CFR Parts 132, 141, and 142), are amended as set forth below.

William T. Archey,

Acting Commissioner of Customs.

Approved:

John P. Simpson,

Acting Assistant Secretary of Treasury.

September 2, 1981.

PART 132—QUOTAS

1. The first sentence of § 132.13(a)(1)(ii) is revised to read as follows:

§ 132.13 Quotas after opening.

(a) *Procedure when nearing fulfillment.*—(1) *For release of merchandise.*

* * * * *

(ii) *Absolute.* Except as provided for in § 142.21 (e)(2) and (g) of this chapter, absolute quota merchandise shall not be released under the immediate delivery procedure.

2. The last sentence of § 132.13(a)(1)(ii) is removed.

3. A new § 132.13(a)(1)(iii) is added to read as follows:

§ 132.13 [Amended]

(a) *Procedure when nearing fulfillment.*—(1) *For release of merchandise.* * * *

(iii) *Quota Proration.* When it is determined that entry summaries for consumption or withdrawals for consumption must be amended to permit only the quantity of tariff-rate and absolute quota merchandise determined to be within the quota, the entry summaries for consumption or withdrawals for consumption must be returned to the importer for adjustment. The time of presentation for quota purposes in that event shall be the same as the time of the initial presentation of the entry summaries for consumption or withdrawals for consumption provided—

(A) An adjusted entry summary for consumption, or withdrawals for consumption, with estimated duties attached, is deposited within 5 working days after Headquarters authorizes release of the merchandise, and

(B) The importer takes delivery of the merchandise within 15 working days after release is authorized.

* * * * *

PART 141—ENTRY OF MERCHANDISE

1. Section 141.61(e)(1)(i) is revised to read as follows:

§ 141.61 Completion of entry and entry summary documentation.

* * * * *

(e) *Statistical information*—(1) *Information required on entry summary or withdrawal form*—(i) *Where form provides space*—(A) *Single invoice.* For each class or kind of merchandise subject to a separate statistical reporting number, the applicable information required by the General Statistical Headnotes, Tariff Schedules of the United States Annotated ("TSUSA"), shall be shown on the appraisement entry, Customs Form 7500; the entry summary, Customs Form 7501 or 7502; the transportation entry and manifest of goods, Customs Form 7512, when used to document an incoming vessel shipment proceeding to a third country by means of an entry for transportation and exportation, or immediate exportation; the rewarehouse entry, Customs Form 7519; the manufacturing warehouse entry, Customs Form 7521; the withdrawal form, Customs Form 7505 or 7506; or the record of vessel/aircraft foreign repair or equipment purchase, Customs Form 226, in the space provided.

(B) *Multiple invoices.* If a class or kind of merchandise from the same country of origin subject to the same statistical reporting number is included in more than one invoice, the importer may, at his option (1) list each invoice separately on the appropriate form listed under paragraph (e)(1)(i)(A) of this section and for each class or kind of merchandise within each invoice subject to a separate statistical reporting number, report the applicable information required by the General Statistical Headnotes, Tariff Schedules of the United States Annotated (TSUSA); or (2) combine the information for each class or kind of merchandise and report it under one statistical reporting number for all invoices. When consolidating information from several invoices under one reporting number, a worksheet itemizing the entered value of the merchandise from each invoice in the manner prescribed in paragraph (f)(2)(ii) of this section shall be attached to the appropriate form.

* * * * *

§ 141.61 [Amended]

2. Section 141.61(f)(2) is revised to read as follows:

* * * * *

(f) *Value of each invoice.* (1) * * *

(2) *Multiple invoices.* (i) If the importer or his agent elects the first option specified in paragraph (e)(1)(i)(B) of this section, the information required to be restated by paragraph (f)(1) of this section for a single invoice shall be restated for each invoice. The required information shall be shown on a worksheet attached to the form or placed across columns (2a) or (2b) on Customs Form 7501 and 7502, and in the same general location on Customs Forms 7505, 7506, 7519, and 7521.

(ii) If the importer or his agent elects the second option specified in paragraph (e)(1)(i)(B) of this section, the information required to be restated by paragraph (f)(1) of this section for a single invoice shall be restated for each invoice. The final amount in the summary computation shall represent the aggregate of the entered values of all the merchandise on each of the multiple invoices. The required information shall be shown on an attached worksheet.

(iii) The worksheet also shall contain:

(A) A statistical reporting number restatement for the merchandise from each invoice subject to the same statistical reporting number from the same country of origin, and

(B) An aggregatge total value which represents the entered value.

(iv) To permit the identification of the merchandise entered under each reporting number, each class or kind of merchandise, from one country reported under a single statistical reporting number shall be coded identically on each invoice and on the worksheet.

PART 142—ENTRY PROCESS

1. Section 142.21(f) is revised to read as follows:

§ 142.21 Merchandise eligible for special permit for immediate delivery.

* * * * *

(f) *Release from warehouse followed by warehouse withdrawal for consumption.* Merchandise may be released from warehouse under a special permit—

(1) At the discretion of the district director when

(i) The warehouse is located a considerable distance from the customhouse and actual release of the merchandise from the warehouse may not be effected within the next full business day after the day of the payment of duty, and (ii) The district has sufficient manpower to permit such practice;

(2) The importer shall have on file one of the types of Customs bonds provided for in § 142.4; and

(3) The immediate delivery permit shall be annotated to state that a warehouse withdrawal for consumption will be filed for this merchandise.

* * * * *

2. Section 142.22(b) is revised to read as follows:

§ 142.22 Application for special permit for immediate delivery.

(a) * * *

(b) *Customs custody.* Merchandise for which a special permit for immediate delivery has been issued under § 142.21 of this part shall be considered to remain in Customs custody until the filing of one of the following:

(1) An entry summary for consumption, with estimated duties attached, an entry summary for warehouse, or an entry summary for entry under a temporary importation bond, which may be filed in any of the circumstances under § 142.21 of this part except for merchandise released from warehouse under § 142.21(f) of this part;

(2) A withdrawal for consumption, with estimated duties attached, which shall be filed only for merchandise released from warehouse under § 142.21(f) of this part;

(3) An entry for transportation and exportation, immediate transportation without appraisement, or direct exportation, which shall be filed in those circumstances under § 142.21(b) and (e)(2) of this part; or entry for transportation and exportation, or direct exportation, which shall be filed in the circumstances under § 142.28 of this part or

(4) An application to destroy, which shall be filed in those circumstances under §§ 142.21(b) and (e)(2), and § 142.28 of this part.

(R.S. 251, as amended (19 U.S.C. 66), sec. 484, 552, 553, 557, 624, 46 Stat. 722, as amended, 742, as amended, 744, as amended, 759 (19 U.S.C. 1484, 1552, 1553, 1557, 1624); 92 Stat. 888, (Pub. L. 95–410), October 3, 1978)

[FR Doc. 81–29302 Filed 10–7–81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Ch I

Pavement Type Selection; Policy Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of policy statement.

SUMMARY: This notice provides a statement of FHWA policy on how the type of materials used in the various pavement components of a Federal-aid project should be determined.

FOR FURTHER INFORMATION CONTACT: Mr. L. M. Noel, Pavement Branch, Highway Design Division, (202) 426–0327, or Michael J. Laska, Office of the Chief Counsel, (202) 426–0800, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: This notice establishes a policy on Pavement Type Selection pending completion of the rulemaking process initiated on August 21, 1980, with the issuance of an advance notice of proposed rulemaking (ANPRM) (FHWA Docket No. 80–14). This policy is based on an initial analysis of comments made to Docket No. 80–14. The policy is designed to provide the public with acceptable highway service at a minimal annual or life cycle cost while permitting maximum flexibility. The policy encourages the consideration of alternate designs and strategies in the type selection process. As used in this policy, pavement type includes both new and rehabilitated pavements including their components of overlays, shoulders, bases, and subbases.

The FHWA policy can be addressed under the following four key issues:

1. Pavement type selection should be based upon an engineering evaluation considering the factors contained in the 1980 AASHTO publication entitled "An Informational Guide on Project Procedures."

2. Pavement type determinations should include an economic analysis based on life cycle costs of the pavement type. Estimates of life cycle costs should become more accurate as pavement management procedures begin providing historical cost, serviceability, and performance data. States without this data are encouraged to obtain it.

3. An independent engineering and economic analysis and final pavement type determination should be performed or updated a short time prior to advertising on each pavement type being considered.

4. Where the analysis reflects that two or more initial designs and their forecasted performance are determined to be comparable (or equivalent), then alternate bids may be permitted if requested by the contracting agency. The Division Administrator shall review the analysis and concur in the finding of equivalency prior to PS&E approval. Price adjustment clauses where utilized would also have to be treated on an equal basis.

This policy is written with the intention of taking advantage of fluctuating material prices while not compromising good design and pavement management practices.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued: September 29, 1981.

R. A. Barnhart,
Federal Highway Administrator.

[FR Doc. 81–29181 Filed 10–7–81; 8:45 am]

BILLING CODE 4910-22-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2618

Allocation of Assets in Non-Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to final rule adding Subpart C—Allocation of Residual Assets.

SUMMARY: This is an amendment to the regulation on the allocation of assets in terminating, non-multiemployer pension plans. This amendment prescribes rules for the distribution of any assets that remain after all plan benefits have been paid in terminating plans that close out

pursuant to a Notice of Sufficiency from the Pension Benefit Guaranty Corporation. The amendment is necessary to set forth the rules under which those residual assets may revert to the employer. The amendment is further necessary to establish rules for computing what portion of the residual assets is due to employee contributions, and thus must be returned to the employees, and for distributing residual assets among eligible employees or their beneficiaries. The effect of the amendment is to provide plan administrators with needed guidance as to how they should distribute any assets remaining after all plan benefits have been paid.

EFFECTIVE DATE: November 9, 1981.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Office of the General Counsel, Code 220, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202-254-4895.

SUPPLEMENTARY INFORMATION: On October 2, 1980, the Pension Benefit Guaranty Corporation ("PBGC") published a supplemental notice of proposed rulemaking (45 FR 65259) containing rules to implement the provisions of Section 4044(d) of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208 (the "Act"), concerning the allocation and distribution of residual assets. Residual assets are plan assets that remain after the allocation of assets to benefits through priority category 6, pursuant to the provisions of sections 4044 (a) and (b) of the Act and Part 2618 of this chapter (formerly Part 2608). Part 2618, Allocation of Assets in Non-Multiemployer Plans, was published as a final rule in the **Federal Register** on January 28, 1981 (46 FR 9480) (correction published February 4, 1981 at 46 FR 10720; amendment published February 24, 1981 at 46 FR 13689) and was redesignated "Part 2618" on June 24, 1981 at 46 FR 32574.

A number of comments on the October 2, 1980 proposal were received. After reviewing these comments, the PBGC has decided to make several of the recommended changes. In addition, the comments highlighted some unintended ambiguities in the proposal that have been eliminated in this final amendment. A full discussion of the comments received and the changes made in the final regulation follows:

Purpose and Scope

Section 2618.1 has been revised to clarify the purpose of each subpart of Part 2618. Thus, Subpart A contains general rules for applying Subpart B, which covers the allocation of assets to priority categories 1 through 6, and Subpart C, which covers the allocation of any assets remaining after all priority category 6 benefits have been provided. In addition, the amendment makes clear that the rules in both Subpart B and Subpart C have prospective application only.

Section 2618.1 of the proposal provided that the rules in Subparts A and B applied to all plans terminating after the date of enactment of the Act. This was in recognition of the fact that the rules are interpretative of section 4044 of the Act and PBGC presumes that the assets of all plans closing out pursuant to a Notice of Sufficiency from PBGC were allocated in accordance with the provisions of section 4044 in the absence of final regulations governing allocation in such plans. However, in the final regulation published on January 28, 1981 (46 FR 9480), and amended on February 24, 1981 (46 FR 13689), Subparts A and B were adopted effective April 1, 1981. This amendment reflects that change and clarifies coverage.

Coordination With the Internal Revenue Code

Several comments perceived an unintended conflict between the proposed allocation to employees and beneficiaries in plans not providing for reversion and Revenue Ruling 80-229, I.R.B. 1980-34. Moreover, PBGC notes that other provisions of the Internal Revenue Code and regulations may require an allocation or reallocation that varies from the basic allocation. Guidance concerning the procedure to be followed in event of a reallocation was also requested. In order to clarify the interaction of the allocation and non-discrimination requirements, and to state the procedure to be followed in the event of a reallocation, § 2618.32(c) has been revised. Specifically, this amendment makes clear that a plan administrator need not risk disqualification of a plan while allocating residual assets and need not seek PBGC approval of a reallocation required by the Internal Revenue Service to avoid disqualification of the plan. The plan administrator, however, must notify PBGC of any reallocation and revised distribution.

One comment concerned problems posed in a plan with one or more participants who have accrued the maximum benefit permissible under the Act and who would otherwise be entitled to receive a share of the residual assets. It was suggested that the regulation provide that any residual that produces an "excess benefit" be reallocated among other participants, or revert to the employer if all participants have the maximum benefit. Reallocation among other participants is provided for in this situation by § 2618.32(c) of this final amendment. However, the problem of possible reversion of an "excess benefit" to the employer in a plan that provides that there can be no reversion is not treated in the regulation. That situation occurs infrequently and involves legal issues that will not be addressed at this time.

Allocation to Employer

Section 2618.30 provides that residual assets that are not attributable to employee contributions may revert to the employer if the plan provides for reversion and the distribution does not violate any provision of law. This provision reflects the language in section 4044(d)(1) of the Act. One comment noted that the phrase "the distribution does not violate any provision of law" is too restrictive and disregards judicial elucidation and equity. It was suggested that the regulation require that "the distribution does not violate law or equity" and that "a good faith determination to terminate has been made under the fiduciary standards" of the Act. PBGC believes that the regulation should not, and need not, go beyond the statutory language. The allocation process is separate from any judicial remedies based on equity or violations of the fiduciary standards of the Act. Moreover, PBGC believes that "provision of law" includes judicial interpretation of written laws and does not preclude a court from exercising its equitable powers. PBGC further notes that the provisions on fiduciary responsibility and the enforcement of fiduciary responsibilities are found in Title I of the Act and are not within PBGC's jurisdiction.

One comment suggested that the regulation provide that residual assets may revert to the employer if the plan so provides *at the time of such reversion*. If adopted, this suggestion would permit post-termination amendments, which is contrary to PBGC's established position supported by the cases of *Audio Fidelity Corp.* v. *PBGC*, 624 F. 2d 513 (4th Cir. 1980); *In re Del Chemical Corp.*, No. 79-C-250 (E.D. Wisc. 1979); and *Plumbers and Steamfitters, Local Union 530 Annuity Fund* v. *Shaffer*, 457 F. Supp. 954 (W.D. Pa. 1978). The final regulation does not adopt the suggestion, but makes clear that reversion to the employer is permitted only if the plan provides for reversion as of the date of plan termination.

Residual Assets Attributable to Employee Contributions

Several comments objected to the proposed formula for allocating residual assets between employer and employees in contributory plans since it would result in the employees always sharing in residual assets. Under proposed § 2618.31(b), the employees' share of the residual would be determined by multiplying the residual by a fraction the numerator of which is the present value of all benefits assigned to priority category 2 and the denominator of which is the present value of all benefits assigned to priority categories 2–6. PBGC agrees with the comments that this formula would give a portion of the residual assets to employees in all cases without regard to the fact that some of that portion may not be attributable to employee contributions and agrees that section 4044(d)(2) does not require that conclusion. However, PBGC proposed this simplified formula with the belief that lesser administrative burdens and costs might make it attractive to plan administrators and employers. For example, PBGC believes that determining the employees' share of the residual under this formula could be less costly in many cases than tracing actual investment income.

The proposal, and this final amendment, would allow plan administrators to use an alternative method for tracking investment income attributable to employee contributions, if PBGC approves the use of the alternative method. A request to use an alternative method must be submitted within 30 days after the date a Notice of Sufficiency is issued, or the plan administrator will be precluded from using an alternative method. Rules concerning timely submission, contents of the request, and submission of supporting data are set forth in § 2618.31(d). In deciding whether to approve a proposed alternative, PBGC will consider the accuracy and equities of the proposed method and if it is consistent with the statutory scheme and protects the rights of participants and beneficiaries.

One possible alternative method, set forth in § 2618.31(c)(1), is an accounting of actual investment income, to be offset by interest already allocated to priority category 2. Another example of an acceptable alternative is the formula set forth in § 2618.31(c)(2), which is an attempt to estimate investment gains or the amount by which actual investment income exceeded projected investment income. Under that formula *total plan assets* would be multiplied by a fraction, the numerator of which is net employee contributions and the denominator of which is net employee contributions plus all employer contributions, with all such contributions credited with the interest rate used in the plan's actuarial assumptions. The employees' share of the residual, which cannot exceed the total residual, would be determined by subtracting, from the product of the multiplication, the assets already allocated to priority category 2. Using either of these alternatives could result in a finding that all investment income on employee contributions already had been allocated to employees in the computation of their priority category 2 benefits.

Both of the alternative methods discussed above, as well as the basic method set forth in § 2618.31(b), require the computation and valuation of priority category 2 benefits. PBGC has determined, however, that the priority category 2 computation is not required in all cases. Since PBGC believes that it would be inequitable to require that time and money be spent to determine otherwise unnecessary figures, this final regulation contains a third possible alternative method for establishing the employees' share of the residual assets that will be considered by the PBGC at the request of a plan administrator. Under this third alternative, § 2618.31(c)(3), the employees' share of the residual assets would be determined by multiplying the residual assets by a fraction, the numerator of which is net employee contributions and the denominator of which is net employee contributions plus total employer contributions. Since this formula has the advantage of simplicity, using figures that are normally readily available, PBGC believes that it would be inequitable to limit the use of this formula to those plans for which priority category 2 benefits need not be computed. Therefore, the use of the formula in § 2618.31(c)(3) will not be denied by PBGC solely because a priority category 2 computation is required under § 2618.12. The PBGC will take note of the timing of employee and employer contributions in deciding whether to permit the use of this method.

Two comments received from the public interpreted the basic and alternative formulas as providing that contributing employees *must* share in the residual. They suggested that any residual almost always results from (1) advance or anticipatory funding, (2) the accrual method used, or (3) anticipation of "excess interest" in benefit formulas. The regulation does not preclude a showing that all of the residual is attributable to employer contributions for reasons such as the above, and any such claim would be addressed on a case-by-case basis.

Additional objections to the proposed allocation of residual assets between employer and employees were based on contentions (1) that residual assets may result from the type of plan, *i.e.* a plan in which the employer contributes what is actuarially needed to meet the benefits, or (2) that the Act does not require that contributing employees share in "excess interest" over the rate of interest specified in the plan. PBGC disagrees with both contentions. Regardless of the obligation assumed by the employer in a plan described in (1) above, employer and employee contributions are commingled and therefore indistinguishable. Thus, they contribute proportionately to any investment income. It follows that employees and employer should share that income proportionately. The employees in terminating plans bear the risk of loss of benefits where assets do not cover benefits through priority category 6 and the employer bears the risk of loss where assets do not cover benefits through priority category 4. It follows that both employer and employees should share the gains, if any, when assets reach beyond priority category 6.

With respect to the contention that employees who contribute should be limited to the interest rate provided in the plan, the legislative history of the Act supports a contrary conclusion. See Opinion Manual Letter No. 76–65.

Allocation Among Eligible Participants and Beneficiaries

Under the proposal, in § 2618.32(a), the employees' share of the residual in a plan that does not provide for reversion to the employer generally would be allocated among the pool of eligible participants and beneficiaries on a pro rata basis according to the present value of the respective participant's benefits assigned to priority categories 2–6, determined as of the date plan assets are to be distributed. One comment suggested that this would give a share of the residual assets to retirees who are already receiving full benefits under the plan whereas active participants are deprived of the opportunity to accrue additional benefits. It was suggested that the regulation permit residual assets attributable to employer contributions to be allocated in any manner permitted by a plan that does not result in prohibited discrimination.

Of course, residual assets attributable to employee contributions must always be distributed among those entitled to benefits in priority category 2 in proportion to the value of those benefits or, if an alternative method of allocation based on pro rata contributions in a contributory plan is approved under § 2618.31(c)(3), in proportion to the respective contributions. However, nothing in the regulation would preclude an employer from providing in the plan for the exclusion of specific groups of participants from sharing in the residual assets attributable to employer contributions, unless otherwise legally prohibited. The regulation is, therefore, unchanged in this respect.

One comment pointed out that an allocation among the pool based on relative accrued benefits may result in inequities, and recommended that the regulation permit an employer to propose and use, subject to PBGC approval, an alternative method. The ratio of the present value of a participant's benefits assigned to priority categories 2–6 to the present value of all benefits assigned to those categories was proposed by PBGC as the most logical and administratively simple basis for comparing the interests of pool members when the entire residual is to be distributed to them. The inequities envisioned by the comment are inherent in the statutory allocation provisions which, nevertheless, provide the most objective basis for allocating residual assets in plans that do not provide for reversion. Therefore, PBGC has not adopted this suggestion.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981 (46 FR 13193), because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries or significant adverse effects on competition, employment, investment, productivity, innovation, or competition.

In consideration of the foregoing, Part 2618 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby revised as follows:

1. The table of contents of Part 2618 is amended to add a new Subpart C and new sections as follows:

PART 2618—ALLOCATION OF ASSETS IN NON-MULTIEMPLOYER PLANS

* * * * *

Subpart C—Allocation of Residual Assets

Sec.
2618.30 Allocation to employer.
2618.31 Residual assets attributable to employee contributions.
2618.32 Allocation among eligible participants and beneficiaries.

Authority: Secs. 4002 and 4044, Pub. L. 93–406, as amended by secs. 403(l), 406, and 402(a)(7), Pub. L. 96–364, 94 Stat. 1208, 1302, and 1299 (1980) (29 U.S.C. 1302 and 1344).

2. Section 2618.1 is revised as follows:

§ 2618.1 Purpose and scope.

(a) *Purpose.* Section 4044 of the Employee Retirement Income Security Act of 1974, as amended, contains rules for allocating a plan's assets when the plan terminates. These rules have been in effect since September 2, 1974, the date of enactment of the Act. Subpart A of this part sets forth general rules for applying Subparts B and C. Subpart B interprets the rules and describes procedures for allocating plan assets to priority categories 1 through 6. Subpart C interprets the rules and describes procedures for the allocation and distribution of any plan assets remaining after all benefits in priority categories 1 through 6 have been provided.

(b) *Scope.* This part applies to any non-multiemployer plan covered by Title IV of the Act that submits a Notice of Intent to Terminate, or for which PBGC commences an action to terminate the plan under section 4042 of the Act, on or after the effective date of each subpart.

3. Section 2618.2 is amended to add the following definitions, each to be inserted in alphabetical order among the definitions now in § 2618.2:

§ 2618.2 Definitions.

* * * * *

"Pool of eligible participants and beneficiaries" means—

(a) For a contributory plan that provides for reversion of residual assets to the employer, those individuals entitled to benefits in priority category 2, determined as of the date plan assets are to be distributed; and

(b) For any plan that does not provide for reversion of residual assets to the employer, those individuals entitled to benefits in priority categories 2 through 6, determined as of the date plan assets are to be distributed.

* * * * *

"Residual assets" means the plan assets remaining after all liabilities of the plan to participants and their beneficiaries for benefits through priority category 6 have been satisfied.

* * * * *

§ 2618.4 [Amended]

4. Section 2618.4 is amended by inserting the words "or distributed" between the words "allocated" and "upon."

5. Part 2618 is amended by adding a new Subpart C after § 2618.17, reading as follows:

Subpart C—Allocation of Residual Assets

§ 2618.30 Allocation to employer.

(a) Except for residual assets that are attributable to employee contributions, as computed under § 2618.31, residual assets in a plan may revert to the employer if—

(1) The plan provides, as of the date of plan termination, for the return of residual assets to the employer; and

(2) The distribution does not violate any provision of law.

(b) If the requirements of paragraph (a) of this section are not satisified, residual assets shalll be allocated among the pool of eligible participants and beneficiaries in accordance with § 2618.32(a).

§ 2618.31 Residual assets attributable to employee contributions.

(a) If a plan provides for employee contributions, any residual assets attributable to those employee contributions, as determined under paragraph (b) or (c) of this section, shall be allocated among the pool of eligible participants and beneficiaries in accordance with § 2618.32(b). In the absence of evidence to the contrary submitted pursuant to paragraphs (c) and (d) of this section, PBGC will assume that a portion of the residual assets is attributable to employee contributions.

(b) Unless an alternative method of computation is approved by PBGC pursuant to paragraphs (c) and (d) of this section, the portion of residual assets attributable to employee contributions shall be computed by multiplying the total residual assets by a fraction—

(1) The numerator of which is the present value of all benefits assigned to priority category 2, pursuant to § 2618.12; and

(2) The denominator of which is the present value of all benefits assigned to priority categories 2 through 6, pursuant to §§ 2618.12 through 2618.16.

(c) Notwithstanding the provisions of paragraph (b) of this section, a plan administrator may use an alternative method for determining the portion of residual assets attributable to employee contributions, subject to written approval by the PBGC as provided in paragraph (d) of this section. Examples of alternatives that generally would be acceptable to the PBGC are as follows:

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(1) Determine the amount attributable to employee contributions, based on the difference between employee contributions to the plan, minus withdrawals and distributions, credited with actual earnings for each plan year, and the value of the benefits assigned to priority category 2, pursuant to §§ 2618.10 and 2618.12.

(2) Determine the amount attributable to employee contributions, but not in excess of total residual assets, by multiplying total plan assets by a fraction, the numerator of which is total employee contributions to the plan, minus withdrawals and distributions, and the denominator of which is the sum of such employee contributions and all employer contributions to the plan, with all contributions accumulated at the interest rate or rates used in the plan's actuarial assumptions, and subtracting the total assets allocated to priority category 2, pursuant to §§ 2618.10 and 2618.12.

(3) Determine the amount attributable to employee contributions by multiplying total residual assets by a fraction, the numerator of which is total employee contributions to the plan, minus withdrawals and distributions, and the denominator of which is the sum of such employee contributions and all employer contributions to the plan.

(d) A plan administrator may request approval of an alternative method under paragraph (c) of this section by submitting to the PBGC a description of the alternative method that is proposed and a statement that the residual assets will not be allocated or distributed until written approval is received from PBGC. The request must be submitted no later than 30 days after the,date a Notice of Sufficiency is issued under Part 2617 of this chapter, addressed to Office of Program Operations, Code 500, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. For purposes of this section, a request is considered submitted on the date on which it is postmarked by the United States Postal Service or, if not so postmarked or if the date is illegible, on the date it is received by the PBGC. Documents received after regular business hours are considered submitted on the next regular business day. In addition, a plan administrator shall submit computations illustrating that the proposed alternative method would equitably determine the amount of the residual attributable to employee contributions and properly allocate it among the pool of eligible participants and beneficiaries.

§ 2618.32 Allocation among the pool of eligible participants and beneficiaries.

(a) *Plans that do not provide for reversion to the employer.* Subject to the provisions of paragraph (c) of this section, in a plan to which § 2618.30(b) applies, the share of each member of the pool of eligible participants and beneficiaries in the residual assets shall be computed by multiplying total residual assets by a fraction—

(1) The numerator of which is the present value of the member's benefits assigned to priority categories 2 through 6, pursuant to §§ 2618.12 through 2618.16; and

(2) The denominator of which is the present value of all benefits assigned to priority categories 2 through 6, pursuant to §§ 2618.12 through 2618.16.

(b) *Contributory plans that provide for reversion to the employer.* Subject to the provisions of paragraph (c) of this section, the share of each member of the pool of eligible participants and beneficiaries in the residual assets in a contributory plan that provides for reversion to the employer shall be computed by multiplying the residual assets allocable to the pool of eligible participants and beneficiaries, as computed under § 2618.31(b) or (c), by a fraction—

(1) The numerator of which is the present value of the member's benefits assigned to priority category 2, pursuant to § 2618.12, or the member's contribution remaining in the plan if § 2618.31(c)(3) applies; and

(2) The denominator of which is the present value of all benefits assigned to priority category 2, pursuant to § 2618.12, or all members' contributions remaining in the plan if § 2618.31(c)(3) applies.

(c) Any amount allocated to a member under paragraph (a) or (b) of this section is subject to allocation or reallocation by the plan administrator or the Secretary of the Treasury to the extent that the allocation would result in disqualification of the plan or discrimination prohibited by the Code and regulations and rules issued thereunder. The plan administrator shall notify the PBGC, in writing, within 30 days of any reallocation and shall file with PBGC the revised distribution information as part of the information to be filed under Part 2617 of this chapter. A previously issued Notice of Sufficiency will not be affected by the reallocation and the revised distribution.

Effective date. November 9, 1981.

Raymond J. Donovan,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Notice of Proposed Rulemaking.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 81–29360 Filed 10–7–81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Oklahoma Permanent Regulatory Program; Informal Conference on Status

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of informal conference.

SUMMARY: On January 19, 1981, the Secretary of the Interior approved Oklahoma's program to administer and enforce provisions of the Surface Mining Control and Reclamation Act (SMCRA) and the permanent regulatory program rules contained in 30 CFR Chapter VII (*See* 46 FR 4902–4911). On September 10, 1981, the Director, OSM, notified the Oklahoma Department of Mines that OSM had reason to believe that Oklahoma may not be able to administer, implement, maintain or enforce its approved program for the reasons discussed below under "SUPPLEMENTAL INFORMATION." (*See* Administrative Record No. OK–317.)

Under the provisions of 30 CFR 733.12(c), the Director may hold an informal conference to discuss the facts surrounding the Director's notification if such an informal conference is requested by the State. By letter dated September 21, 1981, the Oklahoma Department of Mines has requested that the Director hold an informal conference (*See* Administrative Record No. OK–318). Accordingly, the Director hereby notifies Oklahoma and the public that OSM will hold an informal conference on October 14, 1981, at the address shown below under "ADDRESSES." All interested persons may attend the informal conference.

DATE: OSM has scheduled an informal conference on October 14, 1981, to be held at the address below.

ADDRESSES: The informal conference will be held on October 14, 1981, beginning at 1:00 p.m. at: Oklahoma Department of Mines, Conference Room, 4040 N. Lincoln, Oklahoma City, Oklahoma 73105, Telephone: (405) 521-3859.

Copies of Administrative Record documents referenced in this notice are available for public inspection and copying during normal business hours at:

Office of Surface Mining, Administrative Record, Room 153, Interior, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343-4728

Office of Surface Mining, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-3920

Oklahoma Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, Oklahoma 73105, Telephone (405) 521-[illegible]

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Acting Assistant Director, Program Operations and Inspection, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343-4225.

SUPPLEMENTARY INFORMATION: On February 28, 1980, Oklahoma submitted a proposed program to regulate surface coal exploration, mining and reclamation within the State in accordance with Section 503 of SMCRA. The Secretary reviewed the State's submission, provided the public an opportunity to review it, and gave it his partial approval on October 10, 1980 (45 FR 67361-67372). Oklahoma resubmitted its program on December 8, 1980. The Secretary reviewed and invited public comment on those program elements that were not approved in his initial decision.

The Secretary conditionally approved Oklahoma's program on January 19, 1981 (46 FR 4902-4911), whereby primacy was granted to the State. In the **Federal Register** notice announcing his decision, the Secretary stated that his conditional approval was made with the understanding that implementation would begin with the lifting of a court injunction issued on January 9, 1981. The court injunction barred the State from enforcing its program. At the same time, the Court also ordered Oklahoma to continue to enforce the interim program established in Section 502 of SMCRA, 30 U.S.C. 1252. [A detailed discussion on the facts surrounding the injunction can be found in the Secretary's January 19, 1981, decision notice under the heading "State Court Litigation" at 46 FR 4910. Also, a copy of the Court injunction is available for review in OSM's Administrative Record. *See* Administrative Record No. OK-304.]

On February 12, 1981, under the provisions of the Oklahoma Administrative Procedures Act, the Oklahoma Legislature rescinded the State's permanent program regulations. By letter dated February 23, 1981, the Oklahoma Department of Mines informed OSM of the Legislature's action (*See* Administrative Record No. OK-300). On July 20, 1981, the Oklahoma County District Court lifted the injunction restraining the Department of Mines from implementing its program and dismissed the case on the grounds that as a result of the action of the State Legislature the basis for the suit was moot.

The Director now has reason to believe that Oklahoma may no longer be able to implement its permanent program due to the State Legislature's rescission of Oklahoma's surface mining regulations. The Director also has reason to believe that with the vacating of the injunction, Section 503(d) of SMCRA which prohibits the imposition of a Federal program by OSM is no longer applicable. Thus, the Director now wishes to discuss with Oklahoma how the State plans to implement, enforce or maintain its program, as required by Section 504(a)(3) of SMCRA.

In situations where a State may not be able to implement its approved program, the procedures set forth in 30 CFR 733.12(b) apply. This provision requires the Director to notify the State regulatory authority in writing and to indicate which portions of the program the Director believes are not being effectively implemented, administered, maintained or enforced, to state the reasons for such belief, and to specify a time period for the State regulatory authority to accomplish remedial actions. As mentioned earlier, the Director made his written notification to the Oklahoma Department of Mines on September 10, 1981 (*See* Administrative Record No. OK-317).

Section 733.12(c) of 30 CFR requires, in part, that the Director provide the State regulatory authority an opportunity for an informal conference within 15 days of receipt of the Director's written notification. On September 25, 1981, the Oklahoma Department of Mines requested the Director to hold such an informal conference (*See* Administrative Record No. OK-318).

The Director has agreed to Oklahoma's request, and hereby gives public notice of the informal conference for all persons wishing to attend. The date, time and location of the informal conference are identified above under the "Dates" and "Addresses" sections of this notice. The Director is notifying Oklahoma on the details of the informal conference by letter. A copy of the letter will be placed in the Administrative Record shortly.

Conference Rules

The informal conference is an opportunity for the Director to discuss the status of the implementation of Oklahoma's program with Oklahoma officials.

Because the conference will be informal, no testimony from the public will be taken nor will any transcript of the meeting be kept. However, persons wishing to attend the informal conference will be permitted to do so. Additionally, OSM will place notes of the informal conference in the Administrative Record for public review.

Other Information

In Oklahoma's letter requesting the informal conference, the Oklahoma Department of Mines also requested that the Secretary extend the deadlines for Oklahoma to meet the four conditions of the Secretary's approval. OSM is acting on Oklahoma's request by proposing a rule to provide such an extension. This action will be announced in a separate **Federal Register** notice.

Dated: October 5, 1981.

Dean Hunt,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 81-29295 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 110 and 162

[CGD 77-028]

Anchorage Grounds, Mississippi River Below Baton Rouge, La., Including South and Southwest Passes

AGENCY: Coast Guard, DOT.

ACTION: Final rule/interim final rule.

SUMMARY: This rule amends the anchorage grounds regulations for the Lower Mississippi River. These amendments are needed because the increased use by vessels has resulted in overcrowding. These changes incorporate anchorages previously established on a temporary basis, reduce restrictions on the use of

anchorages, and should facilitate vessel operation in the area.

The regulations in § 110.195 are all final rules except for paragraphs (a)(24) through (a)(28). The exceptions deal with the Lower, Middle and Upper Baton Rouge Anchorage area. They are being issued as interim final rules subject to further comment and changes where necessary.

The regulation in § 162.80 paragraph (b) which deals with mooring on the Mississippi River below Baton Rouge, La., including South and Southwest Passes, is also being issued as an interim final rule subject to further comment and changes where necessary.

DATES: (1) *Effective Date:* These rules become effective on November 9, 1981.

(2) *Comment Closing Date.* Comments on the Interim final rules may be submitted on or before November 23, 1981.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/44) (CGD 77-028), U.S. Coast Guard, Washington, D.C. 20593. The comments will be available for inspection and copying between the hours of 7 a.m. and 5 p.m., Monday through Thursday, except holidays, at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel W. Ziegfeld, Project Manager, Office of Marine Environment and Systems (G-WWM/TP11), Department of Transportation, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 755-6148.

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Coast Guard published a notice of proposed rulemaking (43 FR 59521) concerning these amendments. Subsequently, two correction documents were published, one on January 12, 1979 (44 FR 2606), and another on February 5, 1979 (44 FR 6956). Due to the comment period extending over the Christmas Holidays, the comment period was initially extended until March 5, 1979 (44 FR 8902). During the extended comment period, two individuals requested that a public hearing be held on the proposal. Accordingly, a supplemental notice on July 16, 1979, (44 FR 41245) scheduled a public hearing for August 15, 1979 at New Orleans, LA and reopened the comment period until August 30, 1979.

Drafting Information

The principal persons involved in drafting this rule are: Mr. Daniel W. Ziegfeld, Project Manager, Office of Marine Environment and Systems, and Lieutenant Collin LAU, Project Attorney, Office of the Chief Counsel.

Discussion of Comments Received

Thirty-six comments were received in response to: the notice of proposed rulemaking; the subsequent corrections to this notice; and the public hearing which was held.

Two commenters encouraged the use of more visible markings to assist mariners in fixing their position within a designated anchorage. Additional funds have been requested to upgrade the markings of all anchorage grounds on the Lower Mississippi River.

A comment recommended that all cardinal references to the side of the river be deleted. The cardinal references have been deleted and replaced by the terms "left descending bank" or "right descending bank." These terms are the only side differentiation terms normally used by industry or government on the Lower Mississippi River.

Three commenters requested that the Coast Guard prohibit vessels from anchoring or conducting cargo transfer operations near populated areas to eliminate the possibility of air and noise pollution. It would be inappropriate to attempt to regulate these matters in conjunction with anchorage regulations. Air and noise pollution are subject to other federal, state, and local regulations. The statutory authority, 33 U.S.C. 471, under which the Coast Guard establishes anchorages is primarily concerned with the safety of navigation. Accordingly, the Coast Guard cannot accommodate these requests. However, a note has been added to paragraph (c)(6) pointing out the possibility of independent restrictions pertaining to the use of anchorage areas.

Four comments requested clarification of the anchorage grounds description. In response, a clause has been added in the final rule stating that all anchorage widths are measured from the average low water plane (ALWP).

Several commenters requested that vessels carrying cargoes of particular hazard, as defined in 33 CFR 126.10 or cargoes of petroleum products in bulk, be prohibited from entering various anchorage areas. At present, there are no incidents on record which warrant this type of restriction. The Captain of the Port will monitor movement of this cargo to ensure the continued safety of vessels in these anchorages. As stated in paragraph (c)(8), the New Orleans General Anchorage and Quarantine Anchorage will remain areas where permission from the Captain of the Port must be obtained before vessels carrying these cargoes may enter.

Two commenters felt that elimination of the anchorage in the Destrehan area, 121.1 A.H.P. to 121.4 A.H.P. was unjustified. The Destrehan anchorage was eliminated due to its immediate proximity to the new I-410 bridge over the Mississippi River. Ships anchored or maneuvering within this anchorage area would present an unacceptable hazard to the bridge and to vessels planning to navigate the eastbank secondary span of the bridge.

Specific Comments on § 110.195:

1. (a)(2) [same in Final Rule]:

Two comments concerned Boothville Anchorage (a)(2). One requested that the original size of the anchorage, which had its upper limit at mile 18.5 A.H.P., be maintained. In response to this comment, the Coast Guard has expanded the upper limit of the proposed anchorage one-tenth of a mile. This still retains a distance of one-tenth of a mile between the anchorage area and a pipeline. The other comment requested that this area be made a temporary anchorage only to be used when the Pilottown Anchorage (a)(1) is filled to capacity, and only if enlargement and deeping of the Pilottown Anchorage occurs. Since the Pilottown Anchorage has not been enlarged at this time, it is felt that this request cannot be accommodated.

2. (a)(9) [deleted in Final Rule]:

The Augusta Anchorage was deleted because vessels anchored conventionally in this anchorage frequently "tailed-out" into the navigation channel. This created a significant physical obstruction and visibility hazard. Further, the primary user is in the final stages of obtaining permits for mid-stream moorings.

3. (a)(15) [(a)(14) in Final Rule]:

One commenter requested that Kenner Bend Anchorage, which is suitable for cargo transfer, be enlarged to extend from mile 115.1 to mile 115.6 A.H.P. The Coast Guard has agreed to this; thus, the anchorage area has been enlarged 0.2 miles.

4. (a)(17) [deleted in Final Rule]:

Three comments were received objecting to the establishment of the St. Rose Anchorage (a)(17). These comments stated that vessels using this anchorage would seriously reduce the visibility of vessels transiting the point of a bend in an area which is highly congested. Further, there are two existing docks and one existing barge dock within the proposed anchorage. In view of the comments received, this proposed anchorage has been deleted.

5. (a)(18) [(a)(16) in Final Rule]:

One commenter recommended changing the title of this anchorage from "Cargo Transfer" to "Bonnet Carre Anchorage." Since "Bonnet Carre" is the customary title utilized by the mariner, the Coast Guard has adopted this recommendation.

6. (a)(19) [(a)(17) in Final Rule]:

The title of this anchorage has been revised by deleting "Special Purpose" since the anchorage restrictions in the proposed rule have been deleted (See DISCUSSION OF COMMENTS, item 10).

One commenter recommended that the La Place anchorage be shortened by 0.4 miles to extend only from mile 134.7 to mile 135.0 above Head of Passes. A permit for a barge fleet which overlaps the previous temporary La Place anchorage between miles 134.3 and 134.7 was approved without objection. The Captain of the Port has subsequently determined that during certain conditions, such as low water, the concurrent location of the barge fleet and anchorage would be unsafe. That portion of the anchorage (134.3 to 134.7) mile has therefore not been made permanent, however it may be established as a temporary anchorage by the District Commander, conditions permitting, with the recommendation of the Captain of the Port (COTP).

7. (a)(26), (27), (28) [(a)(24), (25), (26) in Final Rule]:

Two commenters reported a problem with the proposed Lower Baton Rouge Anchorage (a)(26), contending that vessels in this anchorage represent a hazard to vessels turning upstream from the Port Allen Locks. Two commenters objected to the proposed location of the Upper Baton Rouge Anchorage (a)(28) between mile 230.6 and 231.4 A.H.P. because of its close proximity to the Exxon Terminal. The Lower, Middle and Upper Baton Rouge Anchorages were incorrectly described in the notice of proposed rulemaking of December 21, 1978 (43 FR 59521). In the NPRM, they were described as areas off the left descending bank. They should have been described as areas off the right descending bank. Because it is desirable to have these anchorages established as part of this rulemaking, these anchorages are being published as interim final rules subject to additional comments. Thus, new comments regarding these anchorages are requested and should be sent to the above address.

8. (c)(6)[same in Final Rule]:

Twenty-five commenters addressed the provisions of proposed paragraph (c)(6) that would have prohibited the transfer of cargo in anchorages unless permission was obtained from the Captain of the Port. The commenters stated that this provision would effectively eliminate mid-stream transfers of cargo on the lower Mississippi. The commenters were primarily concerned with the lack of criteria to guide the COTP, the problems involved with scheduling transfers on short notice, and the potential overcrowding of the Cargo Transfer Anchorage (Bonnet Carre). Numerous commenters also pointed out the lack of any navigational accidents attributable to the mid-stream handling of cargo. The intent of the provision was to insure that the COTP is aware of operations conducted within the anchorages, not to prohibit all mid-stream transfers per se. The paragraph has been revised to require only notification to the COTP prior to and upon completion of cargo transfer operations in the anchorages. Within the General and Quarantine Anchorages, transfer operations are prohibited due to their proximity to New Orleans where anchorage space is in particular demand.

9. (c)(8) [deleted in Final Rule]:

One commenter objected to paragraph (c)(8), stating that a limit on the length of time a vessel may anchor in the Wills Point Anchorage or the Belle Chasse Anchorage would be counterproductive. The commenter stated that such a restriction will result in vessels avoiding use of these two anchorages, thus causing overcrowding in the others. Since this is contrary to the purpose of these regulations, the Coast Guard has deleted this paragraph.

10. (c)(12) [deleted in Final Rule]:

One commenter expressed concerns relating to the restrictions proposed for the La Place Anchorage. The commenter indicated that with the increase in the number of vessels calling in this reach of the river and the reduction in size of two anchorages above this area, the La Place Anchorage should be available for use by all vessels. The commenter felt that the provision requiring a pilot to remain on board an anchored vessel would make use of the anchorage economically impractical and result in vessels avoiding use of the area. In response to these comments, the Coast Guard has deleted this paragraph to insure that this prime anchorage area is utilized to the maximum extent possible.

11. After publication of these proposed rules, it was noted that an existing regulation (33 CFR 110.195(b)(2), which addresses mooring requirements on the Mississippi, was inadvertently excluded from the proposal. Since breakaway barges due to improper mooring constitutes a severe hazard to Mississippi River navigation, it is considered necessary to retain that regulation specifically addressing mooring. The Coast Guard also considers it appropriate to relocate the existing regulation in 33 CFR 110.195(b)(2) to 33 CFR 162.80(b). However, because the notice of proposed rulemaking of December 21, 1978 (43 FR 5921) stated that 33 CFR 110.195(b)(2) was to be deleted, the Coast Guard is publishing the new 33 CFR 162.80(b) and interim final rule subject to additional comments. New comments regarding this rule are requested and should be sent to the above address.

The Corps of Engineers in 1979 constructed the Bel Air Revetment from mile 60.0 to 65.5 LDB, LMR, AHOP. The Bel Air Revetment overlaps the proposed Will's Point Anchorage by one-tenth of a mile. Proposed paragraph (c)(5) of this rule prohibits vessels anchoring over revetted banks. Therefore, for the sake of consistency, the Coast Guard has shifted Will's Point Anchorage upriver one-tenth of a mile.

12. Minor editorial changes have been made to the New Orleans General Anchorage and paragraph (c)(5) of the proposed rule for the sake of clarity.

Regulatory Impact Analysis

The proposed regulations have been evaluated under Executive Order 12291 and the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated May 22, 1980, and have been determined to be neither significant or major.

In the Lower Mississippi River Area, there are approximately 8,450 vessel arrivals and 22,120 vessel movements yearly. That is, approximately 23 vessels arrive in port and approximately 60 vessels leave or move to different areas to transport cargo daily.

About 60 vessel anchorage spaces are required daily to accommodate the flux of vessel traffic. Currently, there are only 23 permanently established anchorage spaces. Since 1971, the Coast Guard has coped with the excess demand of anchorage spaces by the temporary establishment of 37 anchorage spaces in various anchorages. This rule will make permanent anchorages already established as temporary anchorages. The permanency of these anchorages will aid users of the Lower Mississippi in planning voyages. There will be no cost or price increases and the rules will not affect employment, investment, productivity, or innovations.

In consideration of the foregoing, Chapter I of Title 33, Code of Federal Regulations is amended as follows:

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PART 110—ANCHORAGE REGULATIONS

1. By revising § 110.195 to read as follows:

§ 110.195 Mississippi River below Baton Rouge, La., including South and Southwest Passes.

(a) *The Anchorage Grounds.* Unless otherwise specified, all anchorage widths are measured from the average low water plane (ALWP).

(1) *Pilottown Anchorage.* An area 5.2 miles in length along the right descending bank of the river, 1,600 feet wide, extending from mile 1.5 to mile 6.7 above Head of Passes.

Caution: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(2) *Boothville Anchorage.* An area 6.3 miles in length along the right descending bank of the river, 1,000 feet wide extending from mile 12.2 to mile 18.5 above Head of Passes.

(3) *Ostrica Anchorage.* An area 0.9 mile in length along the right descending bank of the river, 800 feet wide, extending from mile 23.5 to mile 24.4 above Head of Passes.

(4) *Port Sulphur Anchorage.* An area 2.2 miles in length along the left descending bank of the river, 800 feet wide, extending from mile 37.5 to mile 39.7 above Head of Passes.

(5) *Davant Anchorage.* An area one mile in length along the left descending bank of the river, 800 feet wide, extending from mile 53.5 to mile 54.5 above Head of Passes.

(6) *Alliance Anchorage.* An area 2.2 miles in length along the right descending bank of the river, 800 feet wide, extending from mile 63.6 to mile 65.8 above Head of Passes.

(7) *Wills Point Anchorage.* An area 1.1 miles in length along the left descending bank of the river, 800 feet wide, extending from mile 66.5 to mile 67.6 above Head of Passes.

(8) *Cedar Grove Anchorage.* An area 0.6 mile in length along the right descending bank of the river, 700 feet wide, extending from mile 70.6 to mile 71.2 above Head of Passes.

(9) *Belle Chasse Anchorage.* An area 2.1 miles in length along the right descending bank of the river, 1,000 feet wide, extending from mile 73.1 to mile 75.2 above Head of Passes.

(10) *Lower 12 Mile Point Anchorage.* An area 2.3 miles in length along the right descending bank of the river, 800 feet wide, extending from mile 78.5 to mile 80.8 above Head of Passes.

(11) *Lower 9 Mile Point Anchorage.* An area 2.3 miles in length along the right descending bank of the river, 800 feet wide, extending from mile 82.7 to mile 85.0 above Head of Passes.

Caution: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(12) *New Orleans General Anchorage.* An area 1.6 miles in length along the right descending bank of the river extending from mile 89.3 to mile 90.9 above Head of Passes. From mile 89.3 to mile 90.5 above Head of Passes, the area has a width of 550 feet measured from the riverward edge of the Cutoff Revetment. The riverward edge of the Cutoff Revetement is 400 feet from the average low water plane. From mile 90.5 to mile 90.9 above Head of Passes, the area has width of 800 feet measured from the shore.

(13) *Quarantine Anchorage.* An area 0.7 mile in length along the right descending bank of the river, 800 feet wide, extending from mile 90.9 to mile 91.6 above Head of Passes.

Caution: A wreck is located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(14) *Kenner Bend Anchorage.* An area 0.5 mile in length along the right descending bank of the river, 700 feet wide, extending from mile 115.1 to mile 115.6 above Head of Passes.

(15) *Ama Anchorage.* An area 1.5 miles in length along the left descending bank of the river, 700 feet wide, extending from mile 115.7 to mile 117.2 above Head of Passes.

(16) *Bonnet Carre Anchorage.* An area 1.5 miles in length along the left descending bank of the river, 600 feet wide, extending from mile 127.3 to mile 128.8 above Head of Passes. This area is located adjacent to the river end of the Bonnet Carre Spillway.

(17) *La Place Anchorage.* An area 0.3 mile in length along the left descending bank of the river, 600 feet wide, extending from mile 134.7 to mile 135.0 above Head of Passes.

(18) *Reserve Anchorage.* An area 0.5 mile in length along the right descending bank of the river, 800 feet wide, extending from mile 137.0 to mile 137.5 above Head of Passes.

(19) *Lower Grand View Reach Anchorage.* An area 0.6 mile in length along the left descending bank of the river, 700 feet wide, extending from mile 146.5 to mile 147.1 above Head of Passes.

(20) *Upper Grand View Reach Anchorage.* An area 1.1 miles in length along the left descending bank of the river, 700 feet wide, extending from mile 147.7 to mile 148.8 above Head of Passes.

(21) *Lower Sunshine Anchorage.* An area 0.9 mile in length along the left descending bank of the river, 800 feet wide, extending from mile 165.0 to mile 165.9 above Head of Passes.

(22) *Upper Sunshine Anchorage.* An area 0.7 mile in length along the left descending bank of the river, 800 feet wide, extending from mile 166.3 to mile 167.0 above Head of Passes.

(23) *Baton Rouge General Anchorage.* An area 1.5 miles in length along the right descending bank of the river, 1,400 feet wide, extending from mile 225.8 to mile 227.3 above Head of Passes.

Caution: There are two wrecks located within the boundaries of this anchorage. Mariners are urged to use caution in this anchorage.

(24) *Lower Baton Rouge Anchorage.* An area 0.5 mile in length near mid-channel between mile 228.5 to mile 229.0 above Head of Passes with the west limit 1100 feet off the right descending bank and having the width of 700 feet at both upper and lower limits.

(25) *Middle Baton Rouge Anchorage.* An area 0.2 mile in length near mid-channel between mile 229.6 to mile 229.8 above Head of Passes with the west limit 1100 feet off the right descending bank and having a width of 700 feet at both upper and lower limits.

(26) *Upper Baton Rouge Anchorage.* An area 0.4 mile in length near mid-channel between mile 230.6 and mile 231.0 above Head of Passes with the west limit 1100 feet off the right descending bank of the Mississippi River and having a width of 1075 feet at its upper limit and 1200 at its lower limit.

(b) *Temporary Anchorages.* (1) Temporary anchorages are non-permanent anchorages established by the Commander, Eighth Coast Guard District to provide additional anchorage space. Establishment of temporary anchorages is based on recommendations by the Captain of the Port.

(2) Each vessel using temporary anchorages shall anchor as prescribed by the Captain of the Port.

(3) Establishment of each temporary anchorage and any requirement for the temporary anchorage will be published in the Local Notice to Mariners.

(4) Each person who has notice of any requirement prescribed for a temporary anchorage shall comply with that requirement.

(c) *The Regulations.* (1) Anchoring is prohibited outside of established anchorages except in cases of emergency. In an emergency, if it becomes necessary to anchor a vessel outside an established anchorage, the vessels shall be anchored so that it does not interfere with or endanger any facility or other vessel. The master or person in charge of the vessel shall notify the Captain of the Port of the location of the emergency anchoring by the most expeditious means and shall move the vessel as soon as the emergency is over.

(2) In an emergency, if it becomes necessary to anchor a vessel in South Pass or Southwest Pass, the vessel shall be positioned as close to the left descending bank as possible.

(3) No vessel may be anchored unless it maintains a bridge watch, guards and answers Channel 16 FM (or the appropriate VTS New Orleans sector frequency), maintains an accurate position plot and can take appropriate action to ensure the safety of the vessel, structure, and other vessels.

(4) When anchoring individually, or in fleets, vessels shall be anchored with sufficient anchors, or secured with sufficient lines, to ensure their remaining in place and withstanding the actions of winds, currents and the suction of passing vessels.

(5) No vessel may be anchored over revetted banks of the river or within any cable or pipeline area. The locations of revetted areas and cable and pipeline areas may be obtained from the District Engineer, Corps of Engineers, New Orleans, LA.

(6) The intention to transfer any cargo while in an anchorage shall be reported to the Captain of the Port, giving particulars as to name of ships involved, quantity and type of cargo, and expected duration of the operation. The Captain of the Port shall be notified upon completion of operations. Cargo transfer operations are not permitted in the New Orleans General or Quarantine Anchorages. Bunkering and similar operations related to ship's stores are exempt from reporting requirements.

Note.—Activities conducted within a designated anchorage (e.g. cargo transfer, tank cleaning, stack blowing, etc.) may be restricted by other Federal, State or local regulations. Owners, or persons in charge of any vessel should consider all safety and/or environmental regulations prior to engaging in any activity within designated anchorages.

(7) Nothing in this section relieves the owner or person in charge of any vessel from the penalties for obstructing or interfering with navigation or navigational aids or for failing to comply with the navigation laws for lights, day shapes, or fog signals and any other applicable laws and regulations.

(8) Vessels carrying cargoes of particular hazard as defined in 33 CFR 126.10 or cargoes of petroleum products in bulk may not be anchored in the New Orleans General Anchorage (a)(12) or Quarantine Anchorage (a)(13) without permission from the Captain of the Port.

(9) Except when required by the United States Public Health Service for quarantine inspection, the Quarantine Anchorage, (a)(13), may be used as a general anchorage.

(10) When the Bonnet Carre Spillway is open, no vessel may be anchored in the Bonnet Carre Anchorage (a)(16).

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

2. By adding § 162.80(b) to read as follows:

§ 162.80 Mississippi River Below Mouth of Ohio River, Including South and Southwest Passes.

* * * * *

(b) *Mooring on Mississippi River below Baton Rouge, La., including South and Southwest Passes.* (1) When tied up individually or in fleets, vessels shall be moored with sufficient lines and shore fastenings to insure their remaining in place and withstanding the action of winds, currents and the suction of passing vessels.

(Sec. 7, 38 Stat. 1053, as amended, (33 U.S.C. 471); Sec. 6(g)(1)(A) 80 Stat 937, (49 U.S.C. 1655(g)(1)(A); Sec. 12, 92 Stat. 1471, (33 U.S.C. 1231); 49 CFR 1.46 (c)(1) and (n)(4))

Dated: September 14, 1981.

J. W. Kime,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 81-29361 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD5 80-20R]

Drawbridge Operation Regulations; Cambridge Harbor, Md.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Maryland State Highway Administration, the Coast Guard is changing the regulations governing operation of the drawbridge on Maryland State Highway 342 across Cambridge Harbor, mile 0.1, at Cambridge, Maryland, by extending the midday period when the draw need not be opened for the passage of vessels, and deleting that portion of the regulations providing for the departure of passenger trains on the Pennsylvania Railroad at Cambridge. These changes are being made because of an increase in vehicular traffic congestion during the period of change and the fact that passenger trains no longer serve Cambridge. This action will accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation. Additionally, several other changes are being made which are editorial in nature.

EFFECTIVE DATE: This amendment becomes effective on November 7, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Bridge Administrator, telephone (804) 398-6222.

SUPPLEMENTARY INFORMATION: On January 12, 1981, the Coast Guard published a proposed rule (46 FR 2652) concerning this amendment. The Commander, Fifth Coast Guard District, also published these proposals in Public Notice (5-476) dated January 22, 1981, which was included in Local Notice to Mariners No. 4 dated January 27, 1981. Interested persons were given until February 11, 1981, and February 23, 1981, respectively, to submit comments.

This regulation has been reviewed under the provisions of E.O. 12291 and has been determined not to be a major rule. In addition, the regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation was not conducted because the expected economic impact is so minimal as to not warrant an evaluation. Anticipated benefits to be derived are mainly intangible and include savings in time and increased convenience for motorists, and less wear and tear on the draw machinery of the bridge. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this regulation will not have a significant economic impact on a substantial number of small entities. These conclusions are supported below in the Discussion.

Drafting Information

The principal persons involved in drafting this rule are Ann B. Deaton, Project Manager, Fifth Coast Guard District, Aids to Navigation Branch, and LCDR Mark P. Troseth, Project Attorney, Assistant Legal Officer, Fifth Coast Guard District.

Discussion

No comments were received in response to the proposed rule published in the **Federal Register** on January 12, 1981, or to these proposals published in Coast Guard Public Notice (5-476) on January 22, 1981.

There are no known businesses that will be significantly impacted by the

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change, since those commercial marine interests operating in the area do not normally require a bridge opening between 12 noon and 1 p.m. The only boats that may be affected by the hour-long closure period are pleasure boats; however, the time delay would be of short duration, and any resultant fuel consumption would not be considered significant.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.270 to read as follows:

§ 117.270 Cambridge Harbor, MD; bridge.

(a) The draw shall be opened on signal except that:

(1) From 8 p.m. to 6 a.m., every day, and from 12 noon to 1 p.m., Monday through Friday, the draw need not be opened for the passage of vessels.

(b) A copy of the regulations in this section shall be posted in a conspicuous place on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, (33 U.S.C. 499); sec. 6(g)(2), Pub. L. 89–670, 80 Stat. 937, as amended (49 U.S.C. 1655)(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3))

Dated: August 27, 1981.

John D. Costello,

Rear Admiral, Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 81–29316 Filed 10–7–81; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1928–7]

Air Programs; Approval of Revision of Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces its approval of a revision of the Maryland State Implementation Plan resulting from actions by the Maryland Legislature to establish consistency between the State ambient air standards and the National Ambient Air Quality Standards. The revision also includes a new ambient air quality standard for lead.

EFFECTIVE DATE: November 9, 1981.

ADDRESSES: Copies of the SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices.

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Patricia Sheridan

State of Maryland, Air Management Administration, Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201, Attn: Mr. George Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Patricia Sheridan, Air Media & Energy Branch (3AH11), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597–8176.

SUPPLEMENTARY INFORMATION: On October 24, 1979, the State of Maryland submitted amendments to its State Implementation Plan (SIP) for Total Suspended Particulate Matter, Sulfur Dioxide, Nitrogen Dioxide, and other miscellaneous changes. The amendments are a result of action by the Maryland Legislature removing the authority of the Secretary of Health and Mental Hygiene to establish more restrictive standards for pollutants for which National Ambient Air Quality Standards already exist. In addition, existing regulations were required to be amended to be no more restrictive than necessary to attain and maintain ambient air quality standards, provided that there is no conflict with Federal requirements. Also, a new ambient air quality standard for lead was established, and the air quality episode criteria for the ozone alert stage has been changed to be consistent with the current Federal ozone standard.

EPA proposed approval of this revision and solicited comments on May 29, 1981, 46 FR 28871, and on June 16, 1981, 46 FR 31446. The Connecticut Department of Environmental Protection expressed concern for the proposed revision and its impact on the Prevention of Significant Air Quality Deterioration (PSD) increments in its state. However, the demonstration of air quality impacts resulting from this revision indicates that the revised emission limitations will not cause or contribute to a violation of the National Ambient Air Quality Standards (NAAQS) and will not cause substantial degradation of air quality in any other state. All major sources with a potential for impact are required under this SIP revision to remain at present emission levels. Furthermore, the State of Connecticut is approximately 130 miles from the nearest Maryland border, and EPA's approved reference models are only valid out to 50 kilometers from a source. No reference techniques have yet been established for accurately evaluating impacts beyond 50 km. All remaining comments were in favor of the revision.

This revision meets the criteria of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51. In view of this evaluation, the Administrator approves the revision to the Maryland State Implementation Plan as proposed in 46 FR 28871 (1981), and 46 FR 31446 (1981).

Note.—Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b) I certify that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401–642)

Dated: October 2, 1981.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart V—Maryland

1. In § 52.1070 *Identification of Plan*, (c)(50) is added as follows:

§ 52.1070 [Amended]

* * * * *

(c) The plan revision listed below was submitted on the date specified * * *

(50) A revision submitted by the State of Maryland on October 24, 1979 consisting of amendments to the following regulations:

COMAR 10.18.01 as recodified in 40 CFR 52.1070(c)(45), 10.18.02 as recodified in 40 CFR 52.1070(c)(45), 10.18.03 as recodified in 40 CFR 52.1070(c)(45), 10.18.04 as recodified in 40 CFR 52.1070(c)(45), 10.18.05 as recodified in 40 CFR 52.1070(c)(45), 10.18.06 as recodified in 40 CFR 52.1070(c)(45), 10.18.07 as recodified in 40 CFR 52.1070(c)(45).

[FR Doc. 81-29306 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Parts 60 and 61

[A-9-FRL-1875-2]

Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); Delegation of Authority to State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: The Environmental Protection Agency is amending its regulations on Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS). The rules delegate authority to implement and enforce the NSPS and NESHAPS programs to 19 state and local air pollution control agencies in California. These delegations are being issued under the Clean Air Act which requires the Administrator to delegate this type of authority to any State or local agency that submits adequate procedures for implementation and enforcement.

DATES: The amendments to the list of addresses of Air Pollution Control Districts in 40 CFR 60.4(b)(F) and 61.04(b)(F) are effective October 8, 1981. Delegation of pollutant categories to each Air Pollution Control District is effective as of the date of delegation shown in the table in §§ 60.4(b)(F)(1) and 61.04(F)(1).

FOR FURTHER INFORMATION CONTACT: David Solomon, Permits Branch, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105; Attn: E-4-2 (415) 556-8005.

SUPPLEMENTARY INFORMATION: Sections 111(c) (NSPS) and 112(d) (NESHAPS) of the Clean Air Act require the Administrator of EPA to delegate authority to implement and enforce NSPS and NESHAPS to any state or local agency that submits adequate procedures. Pursuant to Sections 111(c) and 112(d), EPA, Region 9, has delegated authority to implement and enforce the NSPS and NESHAPS programs to various state and local agencies in California.

The NSPS and NESHAPS programs are delegated by each category of pollutant, not by the total program. A request for delegation of authority for each pollutant category is submitted by a state or local agency to EPA where it is reviewed and delegated if it meets the proper standards.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(b), EPA has, in the past, in addition to informing the state or local agency, published notices of delegation in the **Federal Register.** However, these notices did not specify which particular pollutant category had been delegated.

The primary purpose of this action is to rectify any ambiguities that might exist concerning which agencies have previously been delegated the authority to administer a particular pollutant category and to rectify any omissions EPA has made in publishing past notices of delegation in the **Federal Register.**

This notice lists, in tabular form, only Air Pollution Control Districts that are affected by this notice. The table lists the specific category or categories of pollutant that the District has been delegated authority over. In addition, a list of addresses which revises and adds new addresses of Air Pollution Control Districts to the list found in 40 CFR 60.4(b)(F) and 61.04(b)(F).

Pursuant to NSPS and NESHAPS regulations, sources are required to submit all required reports to the state or local agency that has jurisdiction over the source, and to EPA.

The Administrator finds good cause to forego prior public notice and to make this rulemaking effective immediately. It is an administrative change, not one of substantive content, and imposes no additional burdens on the parties affected.

The delegation actions reflected in this administrative amendment were effective on the dates of delegation, which appear in the table. No useful purpose would be served by delaying the technical changes included herein.

Regulatory Impact: Pursuant to Executive Order 12291, EPA must determine whether a newly promulgated regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This rule is not a major regulation because it neither creates new responsibilities nor adversely affects the economy in any significant way. Nor is this regulation a new rule *per se.* It is merely a rule providing public notice of past delegations that previously were not published in the **Federal Register** and listing the specific pollutant categories that have been so delegated.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 111 and 112 of the Clean Air Act, as amended, (42 U.S.C. 1857C-6 and 1857C-7))

Dated: July 30, 1981.

Anne M. Gorsuch,

Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Subparts A of Parts 60 and 61 of Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

1. Sections 60.4(b)(F) and 61.04(b)(F) are each amended by revising the addresses of the following Air Pollution Control Districts.

§ 60.4 Address.

§ 61.04 Address.

* * * * *

(b) * * *

(F) California.

Del Norte County Air Pollution Control District, 909 Highway 101 North, Crescent City, CA 95531

Fresno County Air Pollution Control District, P.O. Box 11867, 1246 L Street, Fresno, CA [illegible]

Monterey Bay Unified Air Pollution Control District, 1270 Natividad Road, Room 105, Salinas, CA 93906

Northern Sonoma County Air Pollution Control District, 134 "A" Avenue, Auburn, CA 95448

Santa Barbara County Air Pollution Control District, 300 North San Antonio Road, Santa Barbara, CA 93110

Shasta County Air Pollution Control District, 2650 Hospital Lane, Redding, CA 96001

South Coast Air Quality Management District, 9150 Flair Drive, El Monte, CA 91731

Stanislaus County Air Pollution Control District, 1030 Scenic Drive, Modesto, CA [illegible]

Trinity County Air Pollution Control District, P.O. Box AK, Weaverville, CA 96093

Ventura County Air Pollution Control District, 800 South Victoria Avenue, Ventura, CA 93009

2. Sections 60.4(b)(F) and 61.04(b)(F) are further amended by adding the

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addresses of the following Air Pollution Control Districts.

§§ 60.4 and 61.04 [Amended]

* * * * *

(b) * * *

(F) California.

Amador County Air Pollution Control District, P.O. Box 430, 810 Court Street, Jackson, CA 95642
Butte County Air Pollution Control District, P.O. Box 1229, 316 Nelson Avenue, Oroville, CA 95965
Calaveras County Air Pollution Control District, Government Center, El Dorado Road, San Andreas, CA 95249
Colusa County Air Pollution Control District, 751 Fremont Street, Colusa, CA 95952
El Dorado Air Pollution Control District, 330 Fair Lane, Placerville, CA 95667
Glenn County Air Pollution Control District, P.O. Box 351, 720 North Colusa Street, Willows, CA 95988
Great Basin Unified Air Pollution Control District, 863 North Main Street, Suite 213, Bishop, CA 93514
Imperial County Air Pollution Control District, County Services Building, 939 West Main Street, El Centro, CA 92243
Kings County Air Pollution Control District, 330 Campus Drive, Hanford, CA 93230
Lake County Air Pollution Control District, 255 North Forbes Street, Lakeport, CA 95453
Lassen County Air Pollution Control District, 175 Russell Avenue, Susanville, CA 96130
Mariposa County Air Pollution Control District, Box 5, Mariposa, CA 95338
Merced County Air Pollution Control District, P.O. Box 471, 240 East 15th Street, Merced, CA 95340
Modoc County Air Pollution Control District, 202 West 4th Street, Alturas, CA 96101
Nevada County Air Pollution Control District, H.E.W. Complex, Nevada City, CA 95959
Placer County Air Pollution Control District, 11491 "B" Avenue, Auburn, CA 95603
Plumas County Air Pollution Control District, P.O. Box 480, Quincy, CA 95971
San Bernardino County Air Pollution Control District, 15579–8th, Victorville, CA 92392
San Luis Obispo County Air Pollution Control District, P.O. Box 637, San Luis Obispo, CA 93406
Sierra County Air Pollution Control District, P.O. Box 286, Downieville, CA 95936
Siskiyou County Air Pollution Control District, 525 South Foothill Drive, Yreka, CA 96097
Sutter County Air Pollution Control District, Sutter County Office Building, 142 Garden Highway, Yuba City, CA 95991
Tehama County Air Pollution Control District, P.O. Box 38, 1760 Walnut Street, Red Bluff, CA 96080
Tulare County Air Pollution Control District, County Civic Center, Visalia, CA 93277
Tuolumne County Air Pollution Control District, 9 North Washington Street, Sonora, CA 95370
Yolo-Solano Air Pollution Control District, P.O. Box 1006, 323 First Street, #5, Woodland, CA 95695

3. Section 60.4(b)(F) is amended by adding paragraph (b)(F)(1) to read as follows:

§ 60.4 [Amended]

* * * * *

(b) * * *

(F) * * *

(1) This notice lists in tabular form, only Air Pollution Control Districts that are affected by this notice. The table lists each pollutant category by its subpart letter and pollutant source name. A star (*) or cross(†) is used to indicate the specific pollutant category that an Air Pollution Control District has been delegated authority over and the date of that delegation. Delegations effective as of August 30, 1979 are indicated by a star (*) and delegations effective as of November 19, 1976 are indicated by a cross (†).

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POLLUTION CONTROL DISTRICT	NEW SOURCE PERFORMANCE STANDARDS (NSPS)																						
	Fossil Fuel Fired Steam Generators Constructed After 8/17/71	Electric Utility Steam Generating Units Constructed After 9/18/78	Incinerators	Portland Cement Plants	Nitric Acid Plants	Sulfuric Acid Plants	Asphalt Concrete Plants	Petroleum Refineries	Storage Vessels For Petroleum Liquids Constructed After 6/11/73 Prior To 5/17/78	Storage Vessels For Petroleum Liquids Constructed After 5/18/78	Secondary Lead Smelters	Secondary Brass And Bronze Ingot Production	Iron And Steel Plants	Sewage Treatment Plants	Primary Copper Smelters	Primary Zinc Smelters	Primary Lead Smelters	Primary Aluminum Reduction Plants	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	Phosphate Fertilizer Industry: Super Phosphoric Acid Plants	Phosphate Fertilizer Industry: Diammonium Phosphate Plant
POLLUTANT CATEGORY	D	Da	E	F	G	H	I	J	K	Ka	L	M	N	O	P	Q	R	S	T	U	V
DEL NORTE								*							*	*	*	*			
FRESNO															*	*	*	*	*	*	*
GREAT BASIN	*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*
HUMBOLDT								*							*	*	*	*			
KERN																					
KINGS	*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*
LOS ANGELES	*		*	*	*	*	*	*	*		*	*	*	*					*	*	*
MENDOCINO															*	*	*	*			
MERCED	*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*
MODOC	*		*	*				*													
MONTEREY BAY																					
NORTHERN SONOMA															*	*	*	*			
SAN BERNARDINO	*		*	*	*	*	*	*	*		*	*	*	*					*	*	*
SAN DIEGO	*																				
SAN JOAQUIN															*	*	*	*	*	*	*
TRINITY															*	*	*	*			
TULARE	*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*
VENTURA								*											*	*	*
YOLO-SOLANO	+						+		+												

* 8/30/79
+ 11/19/76

POLLUTION CONTROL DISTRICT	NEW SOURCE PERFORMANCE STANDARDS (NSPS)										NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)				
	Phosphate Fertilizer Industry: Triple Super Phosphate Plant	Phosphate Fertilizer Industry: Granular Triple Super Phosphate Storage Facilities	Coal Preparation Plants	Ferralloy Production Facilities	Steel Plants: Electric Arc Furnaces	Kraft Pulp Mills	Grain Elevators	Stationary Gas Turbines	Lime Manufacturing Plants	Ammonium Sulfate Manufacture	Asbestos	Beryllium	Beryllium Rocket Motor Firing	Mercury	Vinyl Chloride
POLLUTANT CATEGORY	W	X	Y	Z	AA	BB	DD	GG	HH	PP	B	C	D	E	F
DEL NORTE			*	*		*	*		*						*
FRESNO	*	*	*	*	*						*	*	*	*	
GREAT BASIN	*	*	*	*							*	*	*	*	
HUMBOLDT			*	*		*	*		*						*
KERN						*	*		*		*				*
KINGS	*	*	*	*	*						*	*	*	*	
LOS ANGELES	*	*			*		*				*	*	*	*	
MENDOCINO			*	*											*
MERCED	*	*	*	*	*						*	*	*	*	
MODOC											*	*	*	*	
MONTEREY BAY											*	*	*	*	
NORTHERN SONOMA			*	*											
SAN BERNARDINO	*	*			*		*				*	*	*	*	
SAN DIEGO											*				*
SAN JOAQUIN	*	*	*	*	*	*			*		*	*	*	*	*
TRINITY			*	*											*
TULARE	*	*	*	*	*	*			*		*	*	*	*	*
VENTURA	*	*	*	*	*										
YOLO-SOLANO					+						+			+	

* 8/30/79
+ 11/19/76

[FR Doc. 81-29375 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-38-C

40 CFR Part 81

[A-S-FRL 1932-2]

Designation of Areas for Air Quality Planning Purposes; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On February 1, 1980, Ohio EPA requested that the total suspended particulate (TSP) designation for Ross County be redesignated from primary nonattainment to unclassifiable. To support their request Ohio EPA provided technical information to show that the monitoring data upon which the original designation was based were not valid. EPA reviewed the data and is changing the air quality attainment designation for Ross County to attainment for TSP. This action will be effective on December 7, 1981 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective December 7, 1981.

ADDRESSES: Copies of the redesignation request and the supporting air quality data are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216

Written comments on this action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Delores Sieja at the EPA, Region V, address above or call (312) 886-6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (the Act). This section directed each State to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the State. The Administrator was required to promulgate the State lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

On March 3, 1978 and October 5, 1978 (43 FR 9025, 43 FR 46013) EPA designated Ross County as nonattainment of the primary NAAQS for TSP. This designation was based on monitoring data collected from an Ohio EPA monitor located on top of the water treatment plant in Chillicothe, Ohio. This monitor recorded violations of the annual primary and 24-hour secondary TSP NAAQS between 1976 and 1980.

EPA can redesignate an area to unclassifiable only upon a showing that the ambient monitor data upon which the designation was based were invalid. Monitor data are considered invalid when that data are shown to be unduly influenced by a particulate point or area emission source on the same site as the monitor.

On February 1, 1980, Ohio EPA requested that Ross County be redesignated from primary nonattainment to unclassifiable. Ohio EPA provided technical support for its redesignation request by showing that the Chillicothe water treatment plant monitor was unduly influenced by fugitive emissions at the monitor site. Microscopic analyses of hi-vol filters from monitors in the area, dispersion calculations and site surveys by Ohio EPA personnel indicate that fugitive emissions from pneumatic conveyors and from traffic at the treatment plant site have influenced the monitor readings. In addition, in January, 1981, Ohio EPA placed a new monitor, in accordance with EPA monitor siting requirements, approximately 250 meters from the water treatment plant site. Since installation of the new monitor, the TSP readings at the monitor have been lower than corresponding readings at the water treatment plant monitor.

EPA believes that the monitor data upon which the original designation was based were not valid and that Ross County should be redesignated to unclassifiable. Upon collection of two years of valid data at the new monitor site, the attainment status of Ross County will be reevaluated.

Since EPA views this action as a noncontroversial rulemaking, it is today changing the section 107 attainment designation of Ross County from primary nonattainment to unclassifiable for TSP without prior proposal. This action will be effective 60 days from the date of this **Federal Register** notice. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose the action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities since it imposes no burden on sources.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely changes the designation of one area, and imposes no regulatory requirement on anyone.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

(Section 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: October 2, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C—Section 107 Attainment Status Designations

Section 81.336 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended. In the table for "Ohio—TSP" the entry for Ross County is revised to read as follows:

§ 81.336 Ohio.

OHIO—TSP

	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Ohio Counties:				
* * *	*	*	*	*
Ross			X	
* * *	*	*	*	*

[FR Doc. 81-29304 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-38-M

V 46/195 OC 8 81 UMI

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1-16

[FPR Amdt. 216]

Procurement Forms; New Editions of Standard Forms 18 and 21

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation prescribes the use of the September 1981 editions of Standard Forms 18 and 21. New editions of these forms were required to incorporate revised provisions and to make desirable design changes. The effect will be to make improved forms available for use.

EFFECTIVE DATE: February 1, 1982, but may be observed earlier.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

SUPPLEMENTARY INFORMATION: It is anticipated that copies of the new editions of the forms will be available for use by February 1, 1982. The forms may be obtained by submitting requisitions in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity.

PART 1-16—PROCUREMENT FORMS

Subpart 1-16.2—Forms for Negotiated Supply Contracts

1. Section 1-16.201-1 is revised to read as follows:

§ 1-16.201-1 Form prescribed.

Request for Quotations (Standard Form 18, September 1981 edition) is prescribed for use in obtaining price, delivery, and related information from suppliers in accordance with this section. (See § 1-16.901-18 for an illustration of the form.) Standard Form 36, Continuation Sheet, may be used with the Request for Quotations form when additional space is needed.

Subpart 1-16.4—Forms for Advertised Construction Contracts

2. Section 1-16.401 is amended by revising paragraph (e) to read as follows:

§ 1-16.401 Forms prescribed.

* * * * *

(e) Bid Form (Construction Contract) (Standard Form 21, September 1981 edition).

* * * * *

Subpart 1-16.9—Illustration of Forms

3. Sections 1-16.901-18 and 1-16.901-21 are revised to illustrate the new editions of Standard Forms 18 and 21.

BILLING CODE 6820-61-M

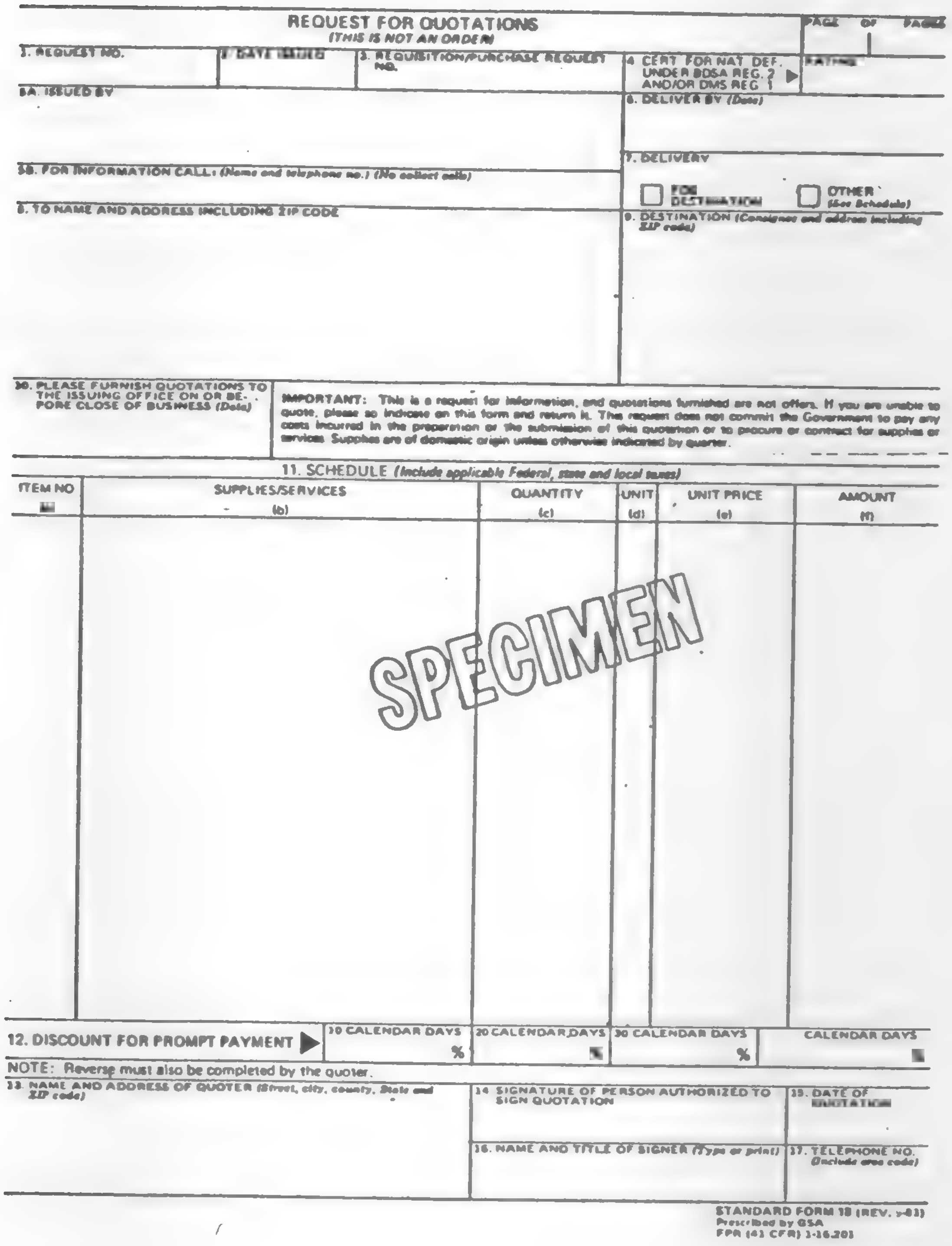

REQUEST FOR QUOTATIONS
(THIS IS NOT AN ORDER)

PAGE OF PAGES

1. REQUEST NO.
2. DATE ISSUED
3. REQUISITION/PURCHASE REQUEST NO.
4. CERT. FOR NAT. DEF. UNDER BDSA REG. 2 AND/OR DMS REG. 1 ▶
RATING
5A. ISSUED BY
5B. FOR INFORMATION CALL: *(Name and telephone no.) (No collect calls)*
6. DELIVER BY *(Date)*
7. DELIVERY
☐ FOB DESTINATION ☐ OTHER *(See Schedule)*
8. TO NAME AND ADDRESS INCLUDING ZIP CODE
9. DESTINATION *(Consignee and address including ZIP code)*
10. PLEASE FURNISH QUOTATIONS TO THE ISSUING OFFICE ON OR BEFORE CLOSE OF BUSINESS *(Date)*

IMPORTANT: This is a request for information, and quotations furnished are not offers. If you are unable to quote, please so indicate on this form and return it. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation or to procure or contract for supplies or services. Supplies are of domestic origin unless otherwise indicated by quoter.

11. SCHEDULE *(Include applicable Federal, state and local taxes)*

ITEM NO (a)	SUPPLIES/SERVICES (b)	QUANTITY (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)

SPECIMEN

12. DISCOUNT FOR PROMPT PAYMENT ▶	10 CALENDAR DAYS	20 CALENDAR DAYS	30 CALENDAR DAYS	CALENDAR DAYS
	%	%	%	%

NOTE: Reverse must also be completed by the quoter.

13. NAME AND ADDRESS OF QUOTER *(Street, city, county, State and ZIP code)*
14. SIGNATURE OF PERSON AUTHORIZED TO SIGN QUOTATION
15. DATE OF QUOTATION
16. NAME AND TITLE OF SIGNER *(Type or print)*
17. TELEPHONE NO. *(Include area code)*

STANDARD FORM 18 (REV. 3-81)
Prescribed by GSA
FPR (41 CFR) 1-16.201

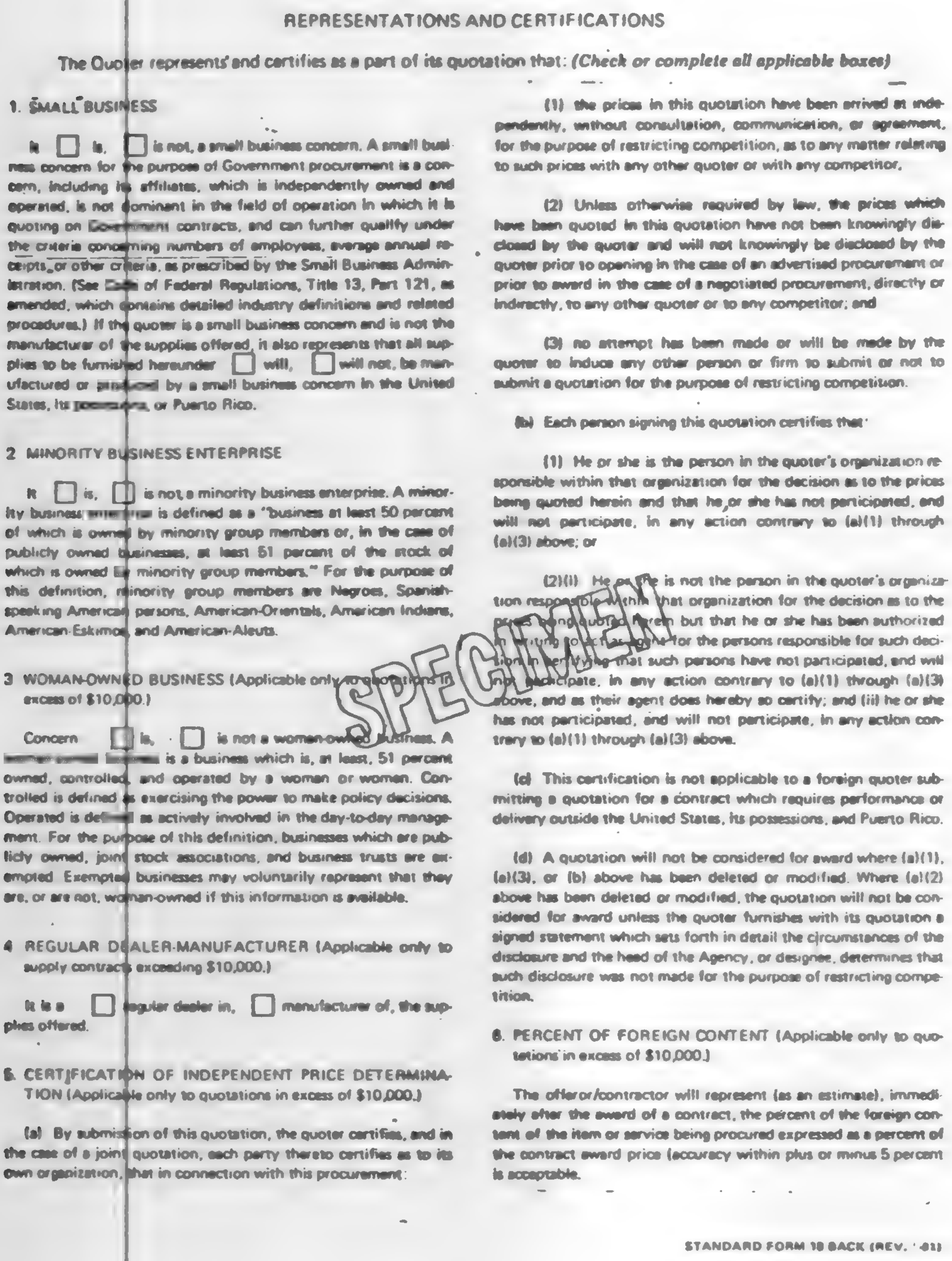

REPRESENTATIONS AND CERTIFICATIONS

The Quoter represents and certifies as a part of its quotation that: *(Check or complete all applicable boxes)*

1. SMALL BUSINESS

It ☐ is, ☐ is not, a small business concern. A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is quoting on Government contracts, and can further qualify under the criteria concerning numbers of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.) If the quoter is a small business concern and is not the manufacturer of the supplies offered, it also represents that all supplies to be furnished hereunder ☐ will, ☐ will not, be manufactured or produced by a small business concern in the United States, its possessions, or Puerto Rico.

2 MINORITY BUSINESS ENTERPRISE

It ☐ is, ☐ is not, a minority business enterprise. A minority business enterprise is defined as a "business at least 50 percent of which is owned by minority group members or, in the case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members." For the purpose of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American Indians, American-Eskimos, and American-Aleuts.

3 WOMAN-OWNED BUSINESS (Applicable only to quotations in excess of $10,000.)

Concern ☐ is, ☐ is not a woman-owned business. A woman-owned business is a business which is, at least, 51 percent owned, controlled, and operated by a woman or women. Controlled is defined as exercising the power to make policy decisions. Operated is defined as actively involved in the day-to-day management. For the purpose of this definition, businesses which are publicly owned, joint stock associations, and business trusts are exempted. Exempted businesses may voluntarily represent that they are, or are not, woman-owned if this information is available.

4 REGULAR DEALER-MANUFACTURER (Applicable only to supply contracts exceeding $10,000.)

It is a ☐ regular dealer in, ☐ manufacturer of, the supplies offered.

5. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION (Applicable only to quotations in excess of $10,000.)

(a) By submission of this quotation, the quoter certifies, and in the case of a joint quotation, each party thereto certifies as to its own organization, that in connection with this procurement:

(1) the prices in this quotation have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other quoter or with any competitor,

(2) Unless otherwise required by law, the prices which have been quoted in this quotation have not been knowingly disclosed by the quoter and will not knowingly be disclosed by the quoter prior to opening in the case of an advertised procurement or prior to award in the case of a negotiated procurement, directly or indirectly, to any other quoter or to any competitor; and

(3) no attempt has been made or will be made by the quoter to induce any other person or firm to submit or not to submit a quotation for the purpose of restricting competition.

(b) Each person signing this quotation certifies that:

(1) He or she is the person in the quoter's organization responsible within that organization for the decision as to the prices being quoted herein and that he or she has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above; or

(2)(i) He or she is not the person in the quoter's organization responsible within that organization for the decision as to the prices being quoted herein but that he or she has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above, and as their agent does hereby so certify; and (ii) he or she has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above.

(c) This certification is not applicable to a foreign quoter submitting a quotation for a contract which requires performance or delivery outside the United States, its possessions, and Puerto Rico.

(d) A quotation will not be considered for award where (a)(1), (a)(3), or (b) above has been deleted or modified. Where (a)(2) above has been deleted or modified, the quotation will not be considered for award unless the quoter furnishes with its quotation a signed statement which sets forth in detail the circumstances of the disclosure and the head of the Agency, or designee, determines that such disclosure was not made for the purpose of restricting competition.

6. PERCENT OF FOREIGN CONTENT (Applicable only to quotations in excess of $10,000.)

The offeror/contractor will represent (as an estimate), immediately after the award of a contract, the percent of the foreign content of the item or service being procured expressed as a percent of the contract award price (accuracy within plus or minus 5 percent is acceptable.

STANDARD FORM 18 BACK (REV. '-81)

SPECIMEN

BID FORM (Construction Contract)	1. REFERENCE *(Project/Solicitation Number) (Include on correspondence)*
2. *Read the instructions to Bidders (Standard Form 22).* Submit original and ________ signed copies of this form	3. DATE OF INVITATION
4. NAME AND LOCATION OF PROJECT	5. BIDDER'S NAME AND ADDRESS *(Include ZIP Code) (Type or print)*
	6. TELEPHONE NO. *(Include Area Code)* / 7. DATE
8. MAIL BID TO:	

In compliance with the above-dated invitation for bids, the undersigned hereby proposes to perform all work for

in strict accordance with the General Provisions (Standard Form 23-A), Labor Standards Provisions Applicable to Contracts in Excess of $2,000 (Standard Form 19-A), specifications, schedules, drawings, and conditions, for the following amount(s):

SPECIMEN

(Continue on other side)

STANDARD FORM 21 (REV. [illegible]-81)
Prescribed by GSA, FPR (41 CFR) 1-16.401

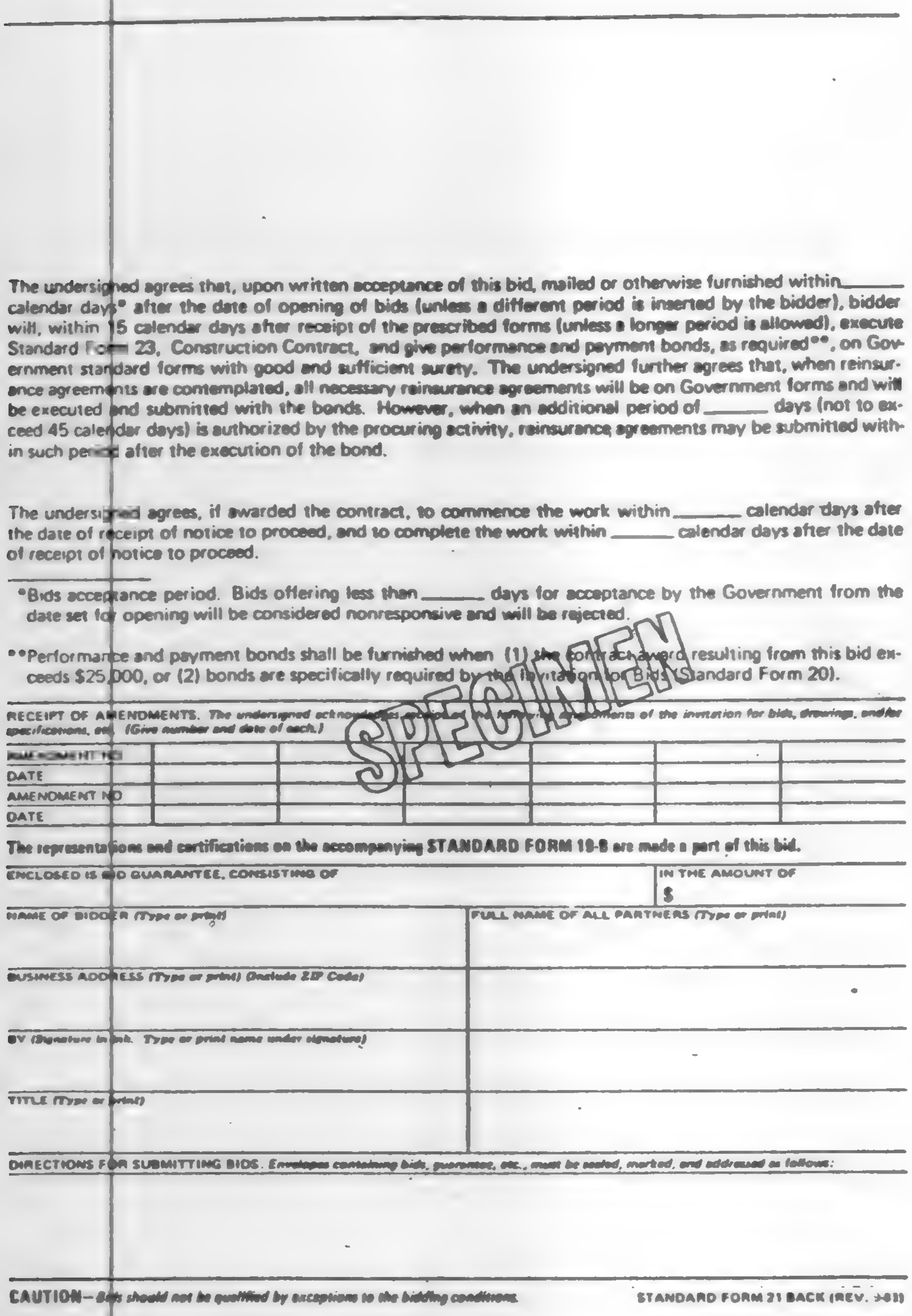

The undersigned agrees that, upon written acceptance of this bid, mailed or otherwise furnished within ______ calendar days* after the date of opening of bids (unless a different period is inserted by the bidder), bidder will, within 15 calendar days after receipt of the prescribed forms (unless a longer period is allowed), execute Standard Form 23, Construction Contract, and give performance and payment bonds, as required**, on Government standard forms with good and sufficient surety. The undersigned further agrees that, when reinsurance agreements are contemplated, all necessary reinsurance agreements will be on Government forms and will be executed and submitted with the bonds. However, when an additional period of ______ days (not to exceed 45 calendar days) is authorized by the procuring activity, reinsurance agreements may be submitted within such period after the execution of the bond.

The undersigned agrees, if awarded the contract, to commence the work within ______ calendar days after the date of receipt of notice to proceed, and to complete the work within ______ calendar days after the date of receipt of notice to proceed.

---

*Bids acceptance period. Bids offering less than ______ days for acceptance by the Government from the date set for opening will be considered nonresponsive and will be rejected.

**Performance and payment bonds shall be furnished when (1) the contract award resulting from this bid exceeds $25,000, or (2) bonds are specifically required by the Invitation for Bids (Standard Form 20).

SPECIMEN

RECEIPT OF AMENDMENTS. *The undersigned acknowledges receipt of the following amendments of the invitation for bids, drawings, and/or specifications, etc. (Give number and date of each.)*

AMENDMENT NO						
DATE						
AMENDMENT NO						
DATE						

The representations and certifications on the accompanying STANDARD FORM 19-B are made a part of this bid.

ENCLOSED IS BID GUARANTEE, CONSISTING OF	IN THE AMOUNT OF $
NAME OF BIDDER *(Type or print)*	FULL NAME OF ALL PARTNERS *(Type or print)*
BUSINESS ADDRESS *(Type or print) (Include ZIP Code)*	
BY *(Signature in ink. Type or print name under signature)*	
TITLE *(Type or print)*	

DIRECTIONS FOR SUBMITTING BIDS. *Envelopes containing bids, guarantee, etc., must be sealed, marked, and addressed as follows:*

CAUTION—*Bids should not be qualified by exceptions to the bidding conditions.*

STANDARD FORM 21 BACK (REV. 3-81)

BILLING CODE 6820-61-C

§ 1-16.901-18 Standard Form 18, Request for Quotations.

(a) Page 1 of Standard Form 18.
(b) Page 2 of Standard Form 18.

§ 1-16.901-21 Standard Form 21, Bid Form (Construction Contract).

(a) Page 1 of Standard Form 21.
(b) Page 2 of Standard Form 21.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: September 28, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–29365 Filed 10–7–81; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

41 CFR Ch. 14

Procurement Regulations

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This rulemaking action revises the Interior Procurement Regulations (IPR) System by (1) establishing new procedures for issuance and maintenance of agency procurement regulations; (2) updating provisions regarding procurement authority, mistakes in bid, bid protests, and small business and related programs, and (3) removing provisions pertaining to internal agency procedures which are not of interest to business concerns and the general public. This action is being taken since these rules were scheduled for review on the Department's Semi-annual Agenda of Rules published in the Federal Register on April 30, 1981 (46 FR 24496). This action will significantly reduce the number of procurement regulations published by the Department since such regulations will now be limited to only those deemed necessary for business concerns and the general public to understand basic and significant policies and procedures of the Department.

EFFECTIVE DATE: This rule is effective on December 15, 1981.

FOR FURTHER INFORMATION CONTACT: William Opdyke, (202) 343-6431.

SUPPLEMENTARY INFORMATION:

Explanation

In response to Secretary Watt's January 28, 1981, request for identification of excessive, burdensome, or counterproductive rules, the Interior Procurement Regulations (IPR) codified under Chapter 14 and Subchapters 14H and 14R of 41 CFR were specifically targeted for review and included on the Department's Semi-annual Agenda of Rules Scheduled for Review or Development.

This rulemaking action is the first of two actions which will revise 41 CFR Chapter 14. This action removes internal procedures from the IPR and provides for elimination or reduction and revision of these procedures for issuance as internal directives consistent with the requirements of Federal Procurement Regulations Section 1–1.008. Copies of these directives are available after December 15, 1981 from the Office of Acquisition and Property Management, Department of the Interior, Washington, D.C. 20240.

A second notice of rulemaking action will be published in the Federal Register at a future date and will propose revisions to the remaining provisions of the IPR not affected by this current rulemaking notice. These remaining provisions consist of rules which are of interest to business concerns and other interested parties and public comment on these revisions will be invited.

Rulemaking actions on Subchapters 14H and 14R of 41 CFR will be made by separate notice in the Federal Register at a future date.

Primary Author

The primary author of this rule is William Opdyke, Office of Acquisition and Property Management, telephone (202) 343-6431.

Waiver

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, since the changes being made under this rulemaking action involve internal rules of agency organization and procedure, public participation in the rulemaking process is waived in this instance in accordance with 5 U.S.C. 553(b).

Impact

The Director, Office of Management and Budget has exempted agency procurement regulations from the requirements of Executive Order 12291 pursuant to a memorandum dated April 8, 1981. The Department of the Interior certifies that this rule will not have significant economic effect on a substantial number of small entities.

(Sec. 205(c), 63 stat. 390; 40 U.S.C. 486(c), and 5 U.S.C 301)

Dated: September 29, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

PART 14-1 GENERAL

1. The Table of Contents for Part 14–1 is amended to remove the following subparts, headings, and all entries applicable to them: "Subpart 14–1.2—Definition of Terms" (§§ 14–1.205 and 14–1.206); "Subpart 14–1.9—Reporting Possible Antitrust Violations" (§ 14–1.902); "Subpart 14–1.10—Publicizing Procurement Actions" (§§ 14–1.1003 and 14–1.1003–7); "Subpart 14–1.12—Responsible Prospective Contractors" (§§ 14–1.1204 and 14–1.1204–1); "Subpart 14–1.16—Reports on Identical Bids" (§ 14–1.1603); "Subpart 14–1.23—Environmental Protection" (§§ 14–1.2302 through 14–1.2302–5) and "Subpart 14–1.50—Advance Procurement Planning" (§§ 14–1.5000 through 14–1.5005).

2. The Table of Contents for Part 14–1 is also amended to remove §§ 14–1.007–2, 14–1.009, 14–1.009–2, 14–1.010, 14–1.302, 14–1.302–3, 14–1.305, 14–1.305–50, 14–1.305–51, 14–1.305–52, 14–1.352, 14–1.352–1, 14–1.352–2, 14–1.352–3, 14–1.353, 14–1.400, 14–1.401, 14–1.404–1, 14–1.404–2, 14–1.404–3, 14–1.450, 14–1.450–1, 14–1.450–2, 14–1.450–3, 14–1.450–4, 14–1.701, 14–1.701–50, 14–1.702, 14–1.704–2, 14–1.704–3, 14–1.704–4, 14–1.710–4, 14–1.1300, 14–1.1301, 14–1.1302–1, 14–1.1302–2, 14–1.1302–3, 14–1.1302–4, 14–1.1302–5, 14–1.1302–6, 14–1.1302–7, 14–1.1302–8, 14–1.1310, 14–1.1350, and 14–1.1351.

3. The Table of Contents for Part 14–1 is further amended to revise the heading for § 14–1.704–1 and Subpart 14–1.13 and to add new entries §§ 14–1.340, 14–1.710–2, 14–1.850 and Subpart 14–1.8 as follows:

* * * * *

Subpart 14-1.3—General Policies

Sec.

* * * * *

14–1.340 Women-owned business.

Subpart 14-1.7—Small Business Concerns

* * * * *

14–1.704–1 Business utilization and development specialists.

* * * * *

V 46/195 OC 8 81 UMI

Sec.
14-1.710-2 Small business subcontracting program.

Subpart 14-1.8—Labor Surplus Area Concerns

14-1.850 Department of the Interior program direction and operation.

Subpart 14-1.13—Minority Business Enterprises

4. Section 14-1.000 is revised to read as follows:

§ 14-1.000 Scope of part.

This part describes the methods by which the Department of the Interior implements, supplements, and deviates from the Federal Procurement Regulations (FPR).

5. Subpart 14-1.0 is revised to read as follows:

Subpart 14-1.0—Regulation System

§ 14-1.001 Scope of subpart.

This subpart sets forth introductory information pertaining to the Department of the Interior Procurement Regulations System.

§ 14-1.002 Purpose.

This subpart establishes the Interior Procurement Regulations (IPR) as Chapter 14 of the Federal Procurement Regulations System (41 CFR Part 14).

§ 14-1.003 Authority.

IPR are issued pursuant to the authority of 5 U.S.C. 301, 40 U.S.C. 486(c), or other authority specifically stated.

§ 14-1.004 Applicability.

The FPR and IPR apply to all procuring activities of the Department except as otherwise specified by law.

§ 14-1.006 Issuance.

§ 14-1.006-1 Code arrangement.

IPR are issued in the Code of Federal Regulations as Chapter 14 of Title 41. Subsidiary procurement regulations issued by bureaus and offices of the Department are identified by alphabetical designations as subchapters of Chapter 14 as follows:

14A—Office of the Secretary
14B—(Reserved)
14C—(Reserved)
14D—Fish and Wildlife Service
14E—Bureau of Mines
14F—Geological Survey
14G—(Reserved)
14H—Bureau of Indian Affairs
14I—(Reserved)
14J—Bureau of Land Management
14K—National Park Service
14L—Office of Territorial Affairs
14M—(Reserved)
14N—(Reserved)
14O—(Reserved)
14P—Office of Surface Mining Reclamation and Enforcement
14Q—(Reserved)
14R—Office of Water Research and Technology
14S—Bureau of Reclamation
14T—(Reserved)
14U—(Reserved)
14V—(Reserved)
14W—(Reserved)
14X—(Reserved)
14Y—(Reserved)
14Z—(Reserved)

§ 14-1.006-2 Publication.

(a) IPR and subsidiary procurement regulations of bureaus and offices are published in the daily issue of the **Federal Register** and in cumulative form in the Code of Federal Regulations. IPR are also issued in separate loose-leaf volume form.

(b) Interior Procurement Regulation Directives (IPRD) and subsidiary procurement directives of bureaus and offices are not published in the **Federal Register** or the Code of Federal Regulations since they contain instructions of interest primarily for internal administrative guidance which do not affect the general public.

§ 14-1.007 Arrangement.

§ 14-1.007-1 General plan.

The general plan, numbering system, and nomenclature used in the IPR conform to the FPR, to the extent possible.

§ 14-1.007-2 [Removed]

§ 14-1.007-3 Citation.

IPR shall be cited in accordance with Federal Register Standards approved for the FPR.

§ 14-1.008 Agency implementation.

(a) The Interior Procurement Regulations (IPR) System consists of published Departmental procurement regulations (IPR); published subsidiary procurement regulations of bureaus and offices; unpublished Departmental procurement regulation directives (IPRD), and unpublished procurement directives of bureaus and offices. All regulations and directives issued under the IPR System shall be kept to a minimum and shall not repeat, paraphrase, or restate material already contained in the FPR. All issuances shall conform to the style and arrangement of the FPR, to the extent possible.

(b) In accordance with FPR § 1-1.008, IPR are limited to those regulations deemed necessary for business concerns, and others properly interested, to understand basic and significant Department of the Interior procurement policies and procedures which implement, supplement, or deviate from the FPR. IPR are issued by the Office of Acquisition and Property Management and signed by the Assistant Secretary—Policy, Budget, and Administration or Deputy.

(c) Subsidiary procurement regulations of bureaus and offices are limited to those rules necessary for satisfying special and unique needs of a bureau or office which are not covered under other regulations. Subsidiary procurement regulations are reviewed by the Office of Acquisition and Property Management and approved by the Assistant Secretary—Policy, Budget, and Administration or Deputy prior to publication.

(d) Interior Procurement Regulation Directives (IPRD) are issued by the Office of Acquisition and Property Management and contain Departmentwide instructions of interest primarily for internal administrative guidance which do not affect the general public.

(e) Procurement directives issued by bureaus and offices contain detailed and specific instructions and procedures necessary to provide internal guidance on procurement matters related to the FPR and the IPR System which do not affect the general public. Each bureau and office is required to establish review procedures for exercising oversight of all procurement directives issued to prevent unnecessary duplication of higher-level coverage; ensure consistency and uniformity among issuances, and control the number of directives issued. These review procedures shall be approved by the Office of Acquisition and Property Management prior to implementation.

§ 14-1.009 [Removed]

§ 14-1.009-2 [Removed]

§ 14-1.010 [Removed]

Subpart 14-1.2—[Removed]

6. Subpart 14-1.2 is removed in its entirety.

Subpart 14-1.3—General Policies

§§ 14-1.302, 14-1.302-3, 14-1.305, 14-1.305-50, 14-1.305-51, 14-1.305-52, 14-1.352, 14-1.352-1, 14-1.352-2, 14-1.352-3, and 14-1.353 [Removed]

7. Sections 14-1.302, 14-1.302-3, 14-1.305, 14-1.305-50, 14-1.305-51, 14-1.305-52, 14-1.352, 14-1.352-1, 14-1.352-2, 14-1.352-3, and 14-1.353 are removed.

8. New § 14-1.340 is added to read as follows:

§ 14-1.340 Women-owned business.

The Office of Small and Disadvantaged Business Utilization is responsible for development and implementation of the Department's women's business enterprise program in accordance with Part 111, Chapter 8 of the Departmental Manual (111 DM 8).

Subpart 14-1.4—Procurement Responsibility and Authority

9. Subpart 14-1.4 is amended by removing §§ 14-1.400, 14-1.401, 14-1.404-1, 14-1.404-2, 14-1.404-3, 14-1.450, 14-1.450-1, 14-1.450-2, 14-1.450-3, and 14-1.450-4 and revising §§ 14-1.402 and 14-1.404 to read as follows:

§ 14-1.400 [Removed]

§ 14-1.401 [Removed]

§ 14-1.402 Authority of contracting officers.

(a) Redelegation to Assistant Secretaries. The authority of the Secretary with respect to all matters relating to procurement of personal property and nonpersonal services (including construction) has been redelegated to the Assistant Secretaries under Part 205, Chapter 11 of the Departmental Manual (205 DM 11). Each Assistant Secretary is responsible for providing oversight and direction and for ensuring compliance with the provisions of this Subpart 14-1.4.

(b) Redelegation to the heads of bureaus and offices. Assistant Secretaries have redelegated their procurement authority to the heads of bureaus and offices subject to limitations prescribed in Part 200 of the Departmental Manual. Redelegation of authority to individual contracting officers by the heads of the procuring activities is subject to any limitations prescribed in Part 200 of the Departmental Manual, the requirements of FPR Subpart 1-1.4, and the requirements of this Subpart 14-1.4.

§ 14-1.404 Selection, designation and termination of contracting officers.

Contracting officers shall be selected, designated as such, and this designation terminated as provided in FPR § 1-1.404 and the Contracting Officers' Warrant System Manual, copies of which may be obtained from the Office of Acquisition and Property Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. Designation of contracting officers shall be accomplished by delegation of authority to individuals who meet the qualifications set forth in the Contracting Officers' Warrant System Manual.

§ 14-1.404-1 [Removed]

§ 14-1.404-2 [Removed]

§ 14-1.404-3 [Removed]

§ 14-1.450 [Removed]

§ 14-1.450-1 [Removed]

§ 14-1.450-2 [Removed]

§ 14-1.450-3 [Removed]

§ 14-1.450-4 [Removed]

Subpart 14-1.7—Small Business Concerns

§§ 14-1.701, 14-1.701-50, 14-1.702, 14-1.704-2, 14-1.704-3, 14-1.704-4, and 14-1.710-4 [Removed]

10. Sections 14-1.701, 14-701-50, 14-1.702, 14-1.704-2, 14-1.704-3, 14-1.704-4, and 14-1.710-4 are removed.

11. Section 14-1.704 is revised to read as follows:

§ 14-1.704 Department of the Interior program direction and operation.

The Office of Small and Disadvantaged Business Utilization is responsible for developing and monitoring policies, procedures, regulations and guidelines necessary for the effective administration of the Department's small and disadvantaged business programs in accordance with Part 111, Chapter 8 of the Departmental Manual (111 DM 8). Implementation of these programs is accomplished through various Interior Procurement Regulation Directives (See IPR § 14-1.008(d)).

12. Section 14-1.704-1 is recaptioned and revised to read as follows:

§ 14-1.704-1 Business utilization and development specialists.

Business utilization and development specialists (BUDS) are appointed by the heads of procuring activities and are responsible for implementing and monitoring the Department's small and disadvantaged business programs within their organizations. BUDS are also responsible for advising small and disadvantaged firms interested in participating in procurement programs of the Department.

13. Section 14-1.705-50 is amended by removing paragraph (a) and removing the designation of paragraph (b) to read as follows:

§ 14-1.705 Cooperation with the small Business Administration.

§ 14-1.705-50 Surety bond guarantee assistance.

Invitations for bids or requests for proposals where the cost of the procurement is not expected to exceed $1,000,000 shall include the following provision:

Surety Bond Guarantee Assistance

As provided in 13 CFR Part 115, the Small Business Administration may, under certain circumstances, provide assistance to small businesses on surety bonds required hereunder. Further information may be obtained from the contracting officer or the nearest office of the Small Business Administration.

14. Section 14-1.706-2 is revised to read as follows:

§ 14-1.706-2 Review of SBA set-aside proposals.

The Assistant Secretary—Policy, Budget, and Administration will take all required actions on any appeals made by the Administrator of SBA to the head of the agency under FPR § 1-1.706-2. When SBA has appealed to the head of the agency, the head of the procuring activity disapproving a set-aside shall promptly forward the justification for the decision for sequential review, through the Director, Office of Small and Disadvantaged Business Utilization, and the Chief, Division of Acquisition and Grants, Office of Acquisition and Property Management, in order for action to be taken by the Assistant Secretary—Policy, Budget, and Administration.

15. Section 14-1.706-5 is revised to read as follows:

§ 14-1.706-5 Total set-asides.

(a) To implement the requirements of FPR §§ 1-1.703-2(g), 1-1.706-5 (d) and (e) and 1-1.706-6(c), a statement substantially as follows shall be included in each solicitation in excess of $10,000 and in each solicitation of $10,000 or less which is a small business set-aside:

> The following product or service classification code(s) and small business size standard(s) apply to this procurement: (Item or Schedule) No. Classification Code Size Standard. (Insert appropriate information from FPR § 1-1.701-1.)

(b) The statement should be inserted only once for each classification code and size standard applicable to the procurement.

(c) If the articles or services to be procured cannot be identified with an industry for which a classification code and size standard have been specifically established, then it shall be assumed that the size standard is 500 employees or less. (See FPR § 1-1.701-1(a)(2)).

16. Section 14-1.706-6 is revised to read as follows:

§ 14-1.706-6 Partial set-asides.

The instructions set forth in IPR § 14-1.706-5 shall be observed to implement the requirements of FPR §§ 1-1.703-2(g) and 1-1.706(d) that the product or service classification code and the small business size standard shall be set forth in the solicitation.

17. New § 14-1.710-2 is added as follows:

§ 14-1.710 Subcontracting with small business concerns.

§ 14-1.710-2 Small business subcontracting program.

Subcontracting reports under contracts subject to a Small Business and Small Disadvantaged Business Subcontracting Plan shall be submitted on Standard Form 294, Subcontracting Report for Individual Contracts and Standard Form 295, Summary Subcontract Report. Standard Form 294 shall be submitted semiannually to the contracting officer. Standard Form 295 shall be submitted quarterly to the Office of Small and Disadvantaged Business Utilization, Room 2527, Department of the Interior, Washington, D.C. 20240.

18. Subpart 14-1.8 and § 14-1.850 are added as follows:

Subpart 14-1.8—Labor Surplus Area Concerns

§ 14-1.850 Department of the Interior program direction and operation.

The Office of Small and Disadvantaged Business Utilization is responsible for development and implementation of the Department's labor surplus area procurement program in accordance with Part 111, Chapter 8 of the Departmental Manual (111 DM 8).

Subpart 14-1.9 [Removed]

19. Subpart 14-1.9 is removed in its entirety.

Subpart 14-1.10 [Removed]

20. Subpart 14-1.10 is removed in its entirety.

Subpart 14-1.12 [Removed]

21. Subpart 14-1.12 is removed in its entirety.

Subpart 14-1.13 Small and Disadvantaged Business Program.

22. Subpart 14-1.13 is recaptioned as follows:

Subpart 14-1.13 Minority Business Enterprises

23. Section 14-1.1302 is revised to read as follows:

§ 14-1.1302 Agency programs.

The Office of Small and Disadvantaged Business Utilization is responsible for development and implementation of the Department's minority business enterprise program and the Historically Black Colleges program. Implementation of these programs is accomplished through various Interior Procurement Regulation Directives (see IPR § 14-1.008(d)).

Subpart 14-1.16 [Removed]

24. Subpart 14-1.16 is removed in its entirety.

Subpart 14-1.23 [Removed]

25. Subpart 14-1.23 is removed in its entirety.

Subpart 14-1.50 [Removed]

26. Subpart 14-1.50 is removed in its entirety.

PART 14-2—PROCUREMENT BY FORMAL ADVERTISING

1. The Table of Contents for Part 14-2 is amended to remove the following subparts, headings, and all entries applicable to them: "Subpart 14-2.1—Use of Formal Advertising" (§§ 14-2.104 and 14-2.104-1) and "Subpart 14-2.2—Solicitation of Bids" (§§ 14-2.201 through 14-2.207-50).

2. The Table of Contents for Part 14-2 is further amended to remove §§ 14-2.405, 14-2.405-50, 14-2.406-50, and 14-2.407-1.

Subpart 14-2.1 [Removed]

3. Subpart 14-2.1 is removed in its entirety.

Subpart 14-2.2 [Removed]

4. Subpart 14-2.2 is removed in its entirety.

Subpart 14-2.4—Opening of Bids and Award of Contract

5. Subpart 14-2.4 is amended by removing §§ 14-2.405, 14-2.405-50, 14-2.406-50, 14-2.407-1, and revising §§ 14-2.406-3, 14-2.406-4, and 14-2.407-8 to read as follows:

§ 14-2.405 [Removed]

§ 14-2.405-50 [Removed]

§ 14-2.406 Mistakes in bids.

§ 14-2.406-3 Other mistakes disclosed before award.

(a) The Director, Office of Acquisition and Property Management is delegated authority to make the administrative determinations under FPR § 1-2.406-3(a) pursuant to FPR § 1-2.406-3(b).

(b) Each administrative determination shall be approved by the Associate or Assistant Solicitor, Division of General Law, prior to submission to the Director, Office of Acquisition and Property Management.

(c) In addition to the requirements of FPR § 1-2.406-3(d)(2), the bidder alleging the mistake shall furnish in support of original worksheets a certification of authenticity in the form of a statement of identification by the bidder signed before a notary public.

§ 14-2.406-4 Disclosure of mistakes after award.

(a) Contracting officers are authorized to make the determinations under FPR § 1-2.406-4(b) after review of the proposed determination is obtained from the appropriate Office of the Solicitor.

(b) Copies of each approved determination made under FPR § 1-2.406-4(b) shall be forwarded to the Office of Acquisition and Property Management.

§ 14-2.406-50 [Removed]

§ 14-2.407 Award.

§ 14-2.407-1 [Removed]

§ 14-2.407-8 Protests against award.

(a) Responsibility. The Office of the Solicitor shall be responsible for handling bid protests filed with the General Accounting Office (GAO). All communications relative to protests at the GAO shall be coordinated with the Assistant Solicitor for Procurement.

(b) Determination to Make Award. (1) If a written protest before award has been lodged with the procuring activity only, the procedures of FPR § 1-2.407-8(b) shall be followed. Prior to making an award of a contract under the circumstances set forth in FPR § 1-2.407-8(b)(4), the contracting officer shall obtain the advice of the Assistant Solicitor for Procurement.

(2) If a protest before award has been lodged directly with the GAO and the contracting officer determines in writing that it is necessary to make an award under FPR § 1-2.407-8(b)(4), such determination must be approved by the

head of the procuring activity concerned and by the Director, Office of Acquisition and Property Management, before award.

PART 14-3—PROCUREMENT BY NEGOTIATION

1. The Table of Contents for Part 14-3 is amended to remove the following subparts, headings and all entries applicable to them: "Subpart 14-3.1—Use of Negotiation" (§§ 14-3.103, 14-3.150, 14-3.151, 14-3.151-1, and 14-3.152); "Subpart 14-3.2—Circumstances Permitting Negotiation" (§§ 14-3.201 through 14-3.214); "Subpart 14-3.3—Determinations, Findings and Authorities" (§§ 14-3.303 through 14-3.305-51, Appendices A, B, C, and D); "Subpart 14-3.4—Types of Contracts (§§ 14-3.408, 14-3.410, 14-3.410-2); and "Subpart 14-3.12—Cost Accounting Standards" (§§ 14-3.1203 through 14-3.1211).

2. The Table of Contents for Part 14-3 is further amended to remove § 14-3.603, 14-3.603-1, 14-3.604-3, 14-3.604-4, 14-3.650, 14-3.650-1, and 14-3.650-2.

Subpart 14-3.1 [Removed]

3. Subpart 14-3.1 is removed in its entirety.

Subpart 14-3.2 [Removed]

4. Subpart 14-3.2 is removed in its entirety.

Subpart 14-3.3 [Removed]

5. Subpart 14-3.3 is removed in its entirety.

Subpart 14-3.4 [Removed]

6. Subpart 14-3.4 is removed in its entirety.

Subpart 14-3.6—Small Purchases

§§ 14-3.603, 14-3.603-1, 14-3.604-3, 14-3.604-4, 14-3.650, 14-3.650-1, and 14-3.650-2 [Removed]

7. Sections 14-3.603, 14-3.603-1, 14-3.604-3, 14-3.604-4, 14-3.650, 14-3.650-1, and 14-3.650-2 are removed.

Subpart 14-3.12 [Removed]

8. Subpart 14-3.12 is removed in its entirety.

PART 14-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

1. The Table of Contents for Part 14-4 is amended to remove "Subpart 14-4.11—Procurement and Contracting for Government-Wide Automated Data Processing Equipment, Software, Maintenance Services and Supplies" and § 14-4.1150 and "Subpart 14-4.53—Aircraft Services" and § 14-4.5300.

2. The Table of Contents for Part 14-4 is further amended to remove §§ 14-4.1004-1, 14-4.1004-2, 14-4.1004-4, 14-4.1004-5, 14-4.1005, 14-4.1005-1, 14-4.5201, 14-4.5202, 14-4.5203, 14-4.5204, and 14-4.5205.

Subpart 14-4.10—Architect-Engineer Services

§§ 14-4.1004-1, 14-4.1004-2, 14-4.1004-4, 14-4.1004-5, 14-4.1005, and 14-4.1005-1 [Removed]

3. Sections 14-4.1004-1, 14-4.1004-2, 14-4.1004-4, 14-4.1004-5, 14-4.1005, and 14-4.1005-1 are removed.

Subpart 14-4.11 [Removed]

4. Subpart 14-4.11 is removed in its entirety.

Subpart 14-4.52—Appraisal Services (Real Property)

§§ 14-4.5201, 14-4.5202, 14-4.5203, 14-4.5204, and 14-4.5205 [Removed]

5. Sections 14-4.5201, 14-4.5202, 14-4.5203, 14-4.5204, and 14-4.5205 are removed.

Subpart 14-4.53 [Removed]

6. Subpart 14-4.53 is removed in its entirety.

PART 14-8 [REMOVED]

1. The Table of Contents for Part 14-8 is removed.

2. Part 14-8 is removed in its entirety.

PART 14-10—BONDS AND INSURANCE

1. The Table of Contents for Part 14-10 is amended to remove "Subpart 14.10.2—Sureties on Bonds" and § 14-10.201 and "Subpart 14-10.5—Insurance Under Cost—Reimbursement Type Contracts" and § 14-10.501.

Subpart 14-10.2 [Removed]

2. Subpart 14-10.2 is removed in its entirety.

Subpart 14-10.5 [Removed]

3. Subpart 14-10.5 is removed in its entirety.

PART 14-12 [REMOVED]

1. The Table of Contents for Part 14-12 is removed.

2. Part 14-12 is removed in its entirety.

PART 14-16—PROCUREMENT FORMS

1. The Table of Contents for Part 14-16 is amended to remove §§ 14-16.804 and 14-16.804-3.

Subpart 14-16.8—Miscellaneous Forms

§§ 14-16.804 and 14-16.804-3 [Removed]

2. Sections 14-16.804 and 14-16.804-3 are removed.

PART 14-18—PROCUREMENT OF CONSTRUCTION

1. The Table of Contents for Part 14-18 is amended to remove "Subpart 14-18.2—Formal Advertising" and § 14-18.208, "Subpart 14-18.7—Labor Standards for Contracts Involving Construction" and §§ 14-18.704 through 14-18.705-10, and "Subpart 14-18.8—Termination of Construction Contracts" and §§14-18.803 and 14-18.803-5.

Subpart 14-18.2 [Removed]

2. Subpart 14-18.2 is removed in its entirety.

Subpart 14-18.7 [Removed]

3. Subpart 14-18.7 is removed in its entirety.

Subpart 14-18.8 [Removed]

4. Subpart 14-18.8 is removed in its entirety.

PART 14-26—CONTRACT MODIFICATIONS

1. The Table of Contents for Part 14-26 is amended to remove § 14-26.404.

Subpart 14-26.4—Novation and Change of Name Agreements

§ 14-26.404 [Removed]

2. Section 14-26.404 is removed.

PART 14-30—CONTRACT FINANCING

1. The Table of Contents for Part 14-30 is amended to remove the following subparts, headings, and all entries applicable to them: "Subpart 14-30.2—Basic Policies" (§§ 14-30.201 and 14-30.250), and "Subpart 14-30.5—Progress Payments Based on Costs" (§§ 14-30.501 and 14-30.505).

2. The Table of Contents for Part 14-30 is further amended to remove §§ 14-30.403, 14-30.406, 14-30.406-50, 14-30.408, 14-30.408-1, 14-30.410 and 14-30.413.

Subpart 14-30.2 [Removed]

3. Subpart 14-30.2 is removed in its entirety.

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Subpart 14-30.4—Advance Payments

§§ 14-30.403, 14-30.406, 14-30.406-50, 14-30.408, 14-30.408-1, 14-30.410, and 14-30.413 [Removed]

4. Sections §§ 14-30.403, 14-30.406, 14-30.406-50, 14-30.408, 14-30.408-1, 14-30.410, and 14-30.413 are removed.

Subpart 14-30.5 [Removed]

5. Subpart 14-30.5 is removed in its entirety.

PART 14-55 [REMOVED]

1. The Table of Contents for Part 14-55 is removed.

2. Part 14-55 is removed in its entirety.

PART 14-63—AUDIT

1. The Table of Contents for Part 14-63 is amended to remove §§ 14-63.102, 14-63.105, 14-63.105-1, 14-63.105-2, and 14-63.105-3.

Subpart 14-63.1—Audit of Contractor's Records

§§ 14-63.102, 14-63.105, 14-63.105-1, 14-63.105-2, and 14-63.105-3 [Removed]

Sections 14-63.102, 14-63.105, 14-63.105-1, 14-63.105-2, and 14-63.105-3 are removed.

[FR Doc. 81-29136 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

43 CFR Public Land Order 6034

[A-13379]

Arizona; Revocation of Townsite Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will revoke the withdrawal made by Departmental Order of April 8, 1946, reserving public lands for the San Luis Townsite. The lands have been patented under the Townside laws.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Order of April 8, 1946, which reserved the following described lands for townsite purposes, is hereby revoked:

Gila and Salt River Meridian

T. 11 S., R. 25 W.,
  Sec. 12, E½E½SW¼NW¼, SE¼NW¼.

The area described contains 50 acres in Yuma County.

2. The lands described in paragraph 1 have been patented under the townsite laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix Arizona 85073.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29335 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6037

[A-13385]

Arizona; Revocation of Executive Order No. 5438

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will revoke the withdrawal made by Executive Order No. 5438 of September 5, 1930, which withdrew lands in aid of legislation to include the lands within the Petrified Forest National Monument. The lands are now a part of the Petrified Forest National Park, and remain segregated from operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 5438 of September 5, 1930, which withdrew the following lands for classification and in aid of legislation, is hereby revoked in its entirety:

Gila and Salt River Meridian

T. 18 N., R. 24 E.,
  Sec. 10, SW¼;
  Secs. 14, 22, 24, 26, 28, and 34.

The areas described aggregate approximately 4,000 acres in Apache County.

2. The lands described in this order were established as part of the Petrified Forest National Park on December 2, 1962, pursuant to the Act of March 28, 1958, 72 Stat. 69, and remain closed to location, settlement or entry under the public land laws, including the mining and mineral leasing laws. The lands will continue to be administered by the National Park Service, Department of the Interior, in accordance with the provisions of the above cited Act.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29338 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6041

[A-12667]

Arizona; Powersite Restoration No. 760; Revocation of Powersite Reserve No. 602; Partial Revocation of Water Power Designation No. 5 (AR-2)

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order totally revokes an Executive order and partially revokes a Secretarial order affecting powersite withdrawls of public lands in the Aravaipa Canyon Primitive Area in Arizona. The lands described herein remain closed to location, sale, settlement, or entry under the general land laws, including the mining, but not the mineral leasing laws.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-156-Arizona, it is ordered as follows:

1. The Executive Order of April 14, 1917, creating Powersite Reserve No. 602, and the Secretarial Order of February 9, 1917, creating Water Power Designation No. 5 (AR-2), are hereby revoked so far as they affect the following described lands:

Gila and Salt River Meridian

T. 6 S., R. 17 E.,
  Sec. 13, lots 1 to 8, inclusive.
T. 6 S., R. 18 E.,
  Sec. 7, SE¼SE¼;
  Sec. 8, S½S½;
  Sec. 9, SW¼SW¼;
  Sec. 13, S½SW¼, SW¼SE¼;
  Sec. 14, W½, S½SE¼;

Sec. 15, N½, S½;
Sec. 16, N½, NW¼SW¼, NE¼SE¼;
Sec. 17, NE¼, N½NW¼, NW¼SW¼, NE¼SE¼;
Sec. 18, lots 1 to 4, inclusive NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 23, N½NE¼, NE¼NW¼;
Sec. 24, NE¼, N½NW¼.
T. 6 S., R. 19 E.,
Sec. 19, lots 1, 2, 3, E½.

The areas described aggregate approximately 3,484 acres in Pinal and Graham Counties.

The subject lands are classified for multiple use management and are segregated from sale, exchange, selection, agricultural land laws, and mining location and entry. They are included in the Aravaipa Canyon Wilderness Study Area which has been recommended for inclusion in the National Wilderness Preservation System.

The lands will not be subject to location, entry, or selection under the public land laws, including the mining laws, unless and until an appropriate opening order is issued by the authorized officer.

The lands have been and will continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

October 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-29337 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6044

[A-10342]

Arizona; Withdrawal of Lands for Havasu National Wildlife Refuge; Partial Revocation of Reclamation Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 2,781 acres of public lands for enlargement of the Bill Williams Unit of the Havasu National Wildlife Refuge, and, simultaneously, partially revokes the existing reclamation withdrawals on approximately 2,091 acres.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described lands lying outside of the present boundary of the Havasu National Wildlife Refuge, as established by Executive Order No. 8647 of January 22, 1941, and as enlarged by Public Land Order No. 559 of February 11, 1949, are hereby withdrawn from settlement, sale, location, or entry under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and added to the Bill Williams Unit of the Havasu National Wildlife Refuge:

Gila and Salt River Meridian, Arizona

T. 11 N., R. 17 W.,
Sec. 19, those portions of Lot 1, SW¼NE¼, E½NW¼, and N½SE¼ lying south of Havasu National Wildlife Refuge boundry;
Sec. 20, E½, E½W½, SW¼SW¼;
Sec. 25, S½SE¼;
Sec. 26, SE¼SW¼, S½SE¼;
Sec. 28, N½, N½SW¼, SE¼SW¼, SE¼SE¼;
Sec. 34, N½N½, SE¼NE¼;
Sec. 36, N½SE¼NE¼.
T. 11 N., R. 18 W.,
Sec. 12, that portion of the SW¼SW¼ lying between Havasu National Wildlife Refuge boundary and State Highway 95;
Sec. 13, those portions of the E½NE¼ SW¼, N½S½SE¼, and SE¼SE¼ lying south of the Havasu National Wildlife Refuge boundary;
Sec. 24, NE¼NE¼.

The areas described aggregate approximately 1,693 acres in Yuma and Mohave Counties.

2. Subject to valid existing rights, the surface estate in the following described lands was acquired under exchange made pursuant to Section 8 of the Taylor Grazing Act of June 28, 1934, as amended, 43 U.S.C. 315g. These lands are hereby reserved as a part of and added to the Havasu National Wildlife Refuge:

Gila and Salt River Meridian, Arizona

T. 11 N., R. 17 W.,
Sec. 19, Lot 2, NE¼SW¼, S½SE¼;
Sec. 21, SW¼SW¼;
Sec. 25, S½SW¼;
Sec. 27, SW¼NE¼, S½NW¼;
Sec. 29, E½NW¼;
Sec. 33, S½NE¼, SE¼NW¼;
Sec. 35, N½NE¼, S½NE¼SW¼, NW¼SW¼, S½NW¼SE¼.
T. 11 N., R. 18 W.,
Sec. 11, that portion lying between Havasu National Wildlife Refuge and State Highway 95;
Sec. 13, W½E½SW¼, NW¼SW¼, and those portions of the E½SW¼SW¼, S½SW¼SE¼, and SW¼SE¼SE¼, lying south of the Havasu National Wildlife boundary.

The areas described aggregate approximately 1,088 acres in Yuma and Mohave Counties.

3. Subject to valid existing rights, the above described lands, to the extent that the ownership thereof is vested in the United States, shall hereafter be administered by the U.S. Fish and Wildlife Service, Department of the Interior, as a wildlife refuge, in cooperation with the Bureau of Reclamation.

4. The Departmental Orders of January 31, 1903, September 8, 1903, July 8, 1919, June 4, 1930, and October 16, 1931, withdrawing lands for reclamation purposes, are hereby revoked so far as they affect the lands described in this order, excepting, however, the Order of July 8, 1919, as to the SW¼SW¼, W½SE¼SW¼ Section 20 and the NW¼NE¼NW¼ Section 29, T. 11 N., R. 17 W. This 70 acres will remain withdrawn for so long as needed by the Bureau of Reclamation as a material source.

5. This order shall remain in effect for a period of 40 years from the date of this order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29336 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6025

[SAC-077399]

California; Powersite Restoration Nos. 608 and 709, Revoking Powersite Reserve Nos. 299 and 431; Partially Revoking Powersite Reserve Nos. 231, 320, 364, 396, and 484

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order totally and partially revokes several Executive orders which withdrew lands for powersite purposes. The lands affected total 7,949 acres of public and privately owned lands. This action opens approximately 3,994 acres of public lands to operation of the public land laws generally. The remaining 3,955 acres are privately owned.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916-484-4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy

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and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and Section 24 of the Federal Power Act of June 10, 1920, as amended, 41 Stat. 1075, 16 U.S.C. 818, and pursuant to the determination of the Federal Energy Regulatory Commission in DA–1106 and DA–1108 California, it is ordered as follows:

1. Executive Orders of December 1, 1911, October 18, 1912, November 27, 1912, May 27, 1913, August 1, 1913, April 3, 1914, and March 16, 1915, creating Powersite Reserve Nos. 231, 299, 320, 364, 396, 431 and 484, are hereby revoked insofar as they affect the following described lands:

Mount Diablo Meridian, California

Power Site Reserve No. 231

T. 29 N., R. 1 W.
  Sec. 2, NE¼SW¼, and N½SE¼;
  Sec. 4, Lot 1.

T. 30 N., R. 1 W.,
  Sec. 30, E½NW¼;
  Sec. 31, Lot 1.

T. 30 N., R. 2 W.,
  Sec. 28, SW¼SE¼;
  Sec. 32, S½NE¼, NE¼NW¼, and NW¼SW¼;
  Sec. 34, S½NW¼, and S½
  Sec. 36, N½.

Power Site Reserve No. 364

T. 29 N., R. 1 E.,
  Sec. 2, NW¼SW¼;
  Sec. 6, Lots 7, 8, 13, 14, 15, 16 and 17;
  Sec. 11, Lots 1 and 2;
  Sec. 12, Lots 4, 5, and 8.

T. 33 N., R. 1 E.,
  Sec. 26, S½SE¼;
  Sec. 28, SE¼SW¼;
  Sec. 32, SW¼SW¼;
  Sec. 33, N½NW¼;
  Sec. 34, NW¼NE¼, S½NW¼, and NW¼SW¼.

T. 29 N., R. 2 E.,
  Sec. 18, Lots 1, 2, 3, and 4, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
  Sec. 20, N½;
  Sec. 22, N½, and N½S½.

T. 32 N., R. 2 E.,
  Sec. 19, Lots 3 and 4, NE¼SW¼, and SE¼.

T. 29 N., R. 3 E.,
  Sec. 19, Lot 1, NE¼SW¼, and N½SE¼;
  Sec. 20, NW¼SW¼, and NE¼SE¼;
  Sec. 29, N½NW¼;
  Sec. 30, NE¼NE¼.

T. 30 N., R. 1 W.,
  Sec. 26, SE¼SE¼;
  Sec. 30, NE¼;
  Sec. 34, SE¼SE¼.

T. 31 N., R. 1 W.,
  Sec. 14, NE¼SW¼, and S½SW¼;
  Sec. 20, S½N½;
  Sec. 22, N½NE¼, and NW¼.

T. 32 N., R 1 W.,
  Sec. 6, NE¼, and N½SE¼;
  Sec. 32, SE¼NE¼, and SW¼SW¼.

T. 33 N., R. 1 W.,
  Sec. 32, N½NW¼, and SE¼NW¼.

T. 31 N., R. 2 W.,
  Sec. 22, S½SW¼;
  Sec. 24, NE¼SW¼;
  Sec. 26, N½;
  Sec. 28, N½NE¼, and SE¼NE¼.

T. 33 N., R. 2 W.,
  Sec. 22, W½W½;
  Sec. 28, NE¼NE¼, S½NE¼, NE¼SW¼, . S½SW¼, and SE¼,
  Sec. 32, N½N½.

Power Site Reserve No. 484

T. 31 N., R. 2 W.,
  Sec. 8, NE¼SE¼, and S½SE¼.

Power Site Reserve No. 299

T. 26 N., R. 1 W.,
  Sec. 24, SE¼SE¼;
  Sec. 26, SE¼NE¼, SW¼NW¼, and NW¼SW¼;
  Sec. 32, S½SW¼.

Power Site Reserve No 320

T. 25 N:, R. 1 E.,
  Sec. 8, NE¼, and NE¼NW¼;
  Sec. 12, Lot 1.

Power Site Reserve No. 396

T. 25 N., R. 1 E.,
  Sec. 14, S½NW¼;
  Sec. 20, S½N½;
  Sec. 22, SW¼NW¼, and NW¼SW¼.

T. 25 N., R. 1 W.,
  Sec. 23, Lot 1 and 8;
  Sec. 24, Lots 3, 4, 7, and 8, and N½S½.

Power Site Reserve No. 431

T. 25 N., R. 1 W.,
  Sec. 24, Lots 1, 2, 5, and 6.

The area aggregates approximately 7,949.42 acres in Tehama and Shasta Counties, California.

2. Of the lands listed in Paragraph 1, the following are privately owned and are not subject to disposition under the public land laws. The effect of this order is to revoke Power Site Reserves Nos. 231, 320, 364, 396, and 484 insofar as they pertain to these lands:

T. 25 N., R. 1 W.,
  Sec. 23, Lots 1 and 8.

T. 29 N., R. 1 W.,
  Sec. 2, NE¼SW¼, and N½SE¼.

T. 30 N., R. 1 W.,
  Sec. 30, NE¼, and E½NW¼;
  Sec. 31, Lot 1;
  Sec. 34, SE¼SE¼.

T. 32 N., R. 1 W.,
  Sec. 6, NE¼, and N½SE¼;
  Sec. 32, SE¼NE¼, and SW¼SW¼.

T. 33 N., R. 1 W.,
  Sec. 32, N½NW¼, and SE¼NW¼.

T. 30 N., R. 2 W.,
  Sec. 32, S½NE¼, NE¼NW¼, and NW¼SW¼;
  Sec. 36, N½.

T. 31 N., R. 2 W.,
  Sec. 8, NE¼SE¼, and S½SE¼;
  Sec. 22, SW¼SW¼;
  Sec. 24, NE¼SW¼.

T. 33 N., R. 2 W.,
  Sec. 28, SE¼.

T. 25 N., R. 1 E.,
  Sec. 8, NE¼, and NE¼NW¼;
  Sec. 12, Lot 1;
  Sec. 22, SW¼NW¼, and NW¼SW¼.

T. 29 N., R. 1 E.,
  Sec. 2, NW¼SW¼;
  Sec. 6, Lots 7, 8, 13, 14, 15, 16, and 17.

T. 33 N., R. 1 E.,
  Sec. 26, S½SE¼;
  Sec. 28, SE¼SW¼;
  Sec. 32, SW¼SW¼;
  Sec. 33, N½NW¼;
  Sec. 34, NW¼NE¼, S½NW¼, and NW¼SW¼.

T. 29 N., R. 2 E.,
  Sec. 18, Lot 2, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼, and SE¼SE¼;
  Sec. 22, NE¼, NW¼, N½SW¼, and N½SE¼.

T. 32 N., R. 2 E.,
  Sec. 19, Lots 3 and 4, NE¼SW¼, and SE¼.

T. 29 N., R. 3 E.,
  Sec. 20, NE¼SE¼;
  Sec. 29, N½NW¼;
  Sec. 30, NE¼NE¼.

The area aggregates approximately 3,954.89 acres in Tehama and Shasta Counties, California.

3. Of the lands described in Paragraph 1, the following are vacant public lands. The effect of this order is to revoke Power Site Reserves Nos. 231, 299, 364, 396, and 431 insofar as they pertain to these lands.

T. 25 N., R. 1 W.,
  Sec. 24, Lots 1, 2, 3, 4, 5, 6, 7, and 8, and N½S½.

T. 26 N., R. 1 W.,
  Sec. 24, SE¼SE¼;
  Sec. 26, SE¼NE¼, SW¼NW¼, and NW¼SW¼;
  Sec. 32, S½SW¼.

T. 29 N., R. 1 W.,
  Sec. 4, Lot 1.

T. 30 N., R. 1 W.,
  Sec. 26, SE¼SE¼.

T. 31 N., R. 1 W.,
  Sec. 14, NE¼SW¼, and S½SW¼;
  Sec. 20, S½N½;
  Sec. 22, N½NE¼, and NW¼.

T. 25 N., R. 1 E.,
  Sec. 14, S½NW¼;
  Sec. 20, S½N½.

T. 29 N., R. 1 E.,
  Sec. 11, Lots 1 and 2;
  Sec. 12, Lots 4, 5, and 8.

T. 30 N., R. 2 W.,
  Sec. 28, SW¼SE¼;
  Sec. 34, S½NW¼, and S½.

T. 31 N., R. 2 W.,
  Sec. 22, SE¼SW¼;
  Sec. 26, N¼;
  Sec. 28, N½NE¼, and SE¼NE¼.

T. 33 N., R. 2 W.,
  Sec. 22, W½W½;
  Sec. 28, NE¼NE¼, S½NE¼, NE¼SW¼, and S½SW¼;
  Sec. 32, N½N½.

T. 29 N., R. 2 E.,
  Sec. 18, Lots 1, 3, 4, SE¼SW¼, NE¼SE¼, and SW¼SE¼;
  Sec. 20, N½.

T. 29 N., R. 3 E.,

Sec. 19, Lot 1, NE¼SW¼, and N½SE¼;
Sec. 20, NW¼SW¼.

The area aggregates approximately 3,994.53 acres in Tehama and Shasta Counties.

The State of California has waived its preference right of application for highway right-of-way or material sites as provided by Section 24 of the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

At 10 a.m. on November 6, 1981, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The public lands described above have been and will continue to be open to the filing of applications and offers under the mineral leasing laws and to location and entry under the United States mining laws.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81–29940 Filed 10–7–81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6040

[CA–599]

California; Partial Revocation of Public Land Order No. 80, as Amended

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will partially revoke a military withdrawal which withdrew public lands for use by the War Department as a civilian housing project in connection with the operation of the Sierra Ordnance Depot. This action will restore the lands to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, California State Office, 916–484–4431.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 80 of January 16, 1943, as amended by Executive Order No. 9526 of February 28, 1945, and Public Land Order No. 611 of October 12, 1949, which withdrew the following described public lands for use in connecton with the operation of the Sierra Ordnance Depot, is hereby revoked insofar as it affects the following described lands:

Mount Diablo Meridian

T. 26 N., R. 16 E.,
Sec. 2, all that portion of land within the SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼ lying southeasterly of the southerly right-of-way line of the Western Pacific Railroad Company.

The area described aggregates approximately 56 acres in Lassen County.

The lands lie adjacent to Herlong, California. The topography is generally level. The vegetative cover consists of sagebrush and bitterbrush with an undercover of native grasses.

2. At 10 a.m. on November 6, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to applications and offers under the mineral leasing laws and to location under the United States mining laws at 10 a.m. on November 6, 1981.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81–29931 Filed 10–7–81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6042

[CA 7389; CA 7390]

California; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive order and two Secretarial orders affecting 240 acres of public land withdrawn for public watering purposes. This action will restore the lands to location for nonmetalliferous minerals under the United States mining laws. The lands will remain segregated from operation of the public land laws generally, for the National Cooperative Land and Wildlife Management Area by Public Land Order No. 2693 of June 7, 1962.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Dianna Storey, California State Office, 916–484–4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Orders of April 4, 1933 and November 24, 1933, as Interpretation Nos. 182 and 192, is hereby revoked insofar as it affects the following described lands:

San Bernardino Meridian

Interpretation No. 182 of April 4, 1933 (CA 7389)
T. 18 S., R. 1 E.,
Sec. 14, NE¼.

The area described contains 160 acres in San Diego County.

Interpretation No. 192 of November 24, 1933 (CA 7390)
T. 18 S., R. 1 E.,
Sec. 34, NE¼NW¼, SW¼NW¼.

The areas described aggregate 80 acres in San Diego County.

3. The above described public lands remain segregated from operation of the public land laws generally, for the Otay National Cooperative Land and Wildlife Management Area, LA 0140244, by Public Land Order No. 2693 of June 7, 1962.

4. The above described public lands will be open to location for nonmetalliferous minerals under the United States mining laws at 10 a.m. on November 6, 1981. The lands have been and shall continue to be open to location for metalliferous minerals under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

October 1, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81–[illegible] Filed 10–7–81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6033

[M-41835]

Montana; Revocation of Stock Driveway Withdrawal No. 257; Montana No. 17

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew public lands for use as a stock driveway. Subsequent to this withdrawal, the lands were added to the Helena National Forest by Public Land Order No. 3938. This action will open the lands to national forest status.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Chief, Branch of Lands and Minerals Operations, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of November 30, 1939, which withdrew the following described public lands for a stock driveway, is hereby revoked:

Principal Meridian

T. 14 N., R. 8 W.,
Sec. 14, S½SE¼.

The area described contains 80 acres in Lewis and Clark County.

2. At 8 a.m. on November 6, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981

[FR Doc. 81-29341 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6027

[OR-19044]

Oregon; Powersite Restoration No. 695; Partial Revocation of Powersite Reserve No. 125

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 360 acres of land withdrawn for a powersite reserve. This action will restore the public lands involved to operation of the public land laws, generally.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-545-Oregon, it is ordered as follows:

1. The Executive Order of July 2, 1910, which created Powersite Reserve No. 125 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 125

T. 3 S., R. 14 E.,
Sec. 13, SE¼SW¼;
Sec. 23, E½NW¼ and NW¼SW¼;
Sec. 26, SW¼SW¼ and E½SE¼;
Sec. 35, SE¼NE¼ and SW¼NW¼.

The area described contains 360 acres in Wasco and Sherman Counties.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 10 a.m. on November 6, 1981, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29346 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6028

[OR-19020]

Oregon; Powersite Restoration No. 695; Partial Revocation of Indian Powersite Reserve No. 2

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order in part as to 759.90 acres of lands withdrawn for an Indian powersite reserve. The lands remain withdrawn for the Warm Springs Indian Reservation.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION, CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-545-Oregon, it is ordered as follows:

1. The Secretarial Order of November 1, 1910, which created Indian Powersite Reserve No. 2 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Indian Powersite Reserve No. 2

T. 11 S., R. 11 E.,
Sec. 29, NW¼NE¼.
T. 10 S., R. 12 E.,
Sec. 1, SE¼NW¼;
Sec. 13, SE¼SE¼;
Sec. 24, NE¼NE¼.
T. 11 S., R. 12 E.,
Sec. 10, SE¼NW¼.
T. 9 S., R. 13 E.,
Sec. 10, lot 8 and SW¼SE¼;
Sec. 11, S½S½;
Sec. 16, SW¼NW¼;
Sec. 19, SE¼SW¼ and SW¼SE¼;
Sec. 20, W½NW¼ and NW¼SW¼;
Sec. 31, lot 2 (West of River).
T. 7 S., R. 14 E.,
Sec. 8, NW¼SW¼.

The areas described aggregate 759.90 acres in Jefferson and Wasco Counties.

2. The lands described above are included in the Warm Springs Indian Reservation and are not open to operation of the public land laws, including the mining and mineral leasing laws.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29343 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6029

[OR-19035]

Oregon; Powersite Restoration No. 695; Partial Revocation of Powersite Reserve No. 68

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 390.86 acres of lands withdrawn for a powersite reserve. This action will restore the public lands involved to operation of the public land laws generally.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-545-Oregon, it is ordered as follows:

1. The Executive Order of July 2, 1910, which created Powersite Reserve No. 68 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 68

T. 16 S., R. 12 E.,
  Sec. 3, NE¼SE¼.
T. 17 S., R. 12 E.,
  Sec. 7, lots 3 and 4, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
  Sec. 20, W½SE¼;
  Sec. 29, NW¼NE¼.

The areas described aggregate 390.86 acres in Deschutes County.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 10 a.m. on November 6, 1981, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955. (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29846 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6030

[OR-19342]

Oregon; Revocation of Secretarial Order of November 8, 1946

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This action revokes a Secretarial order which withdrew 462.05 acres of land for timber preservation areas. This action will restore 179.31 acres to operation of the public land laws generally. The remaining 282.74 acres continue to be withdrawn for powersite and water power designation purposes. Accordingly, these lands remain segregated from operation of the public land laws generally.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of November 8, 1946, which withdrew the following described lands for timber preservation purposes, is hereby revoked:

Willamette Meridian

Revested Oregon and California Railroad Grant Land

T. 27 S., R. 10 W.,
  Sec. 5, S½S½NE¼, N½SW¼, and N½N½SE¼.
T. 27 S., R. 11 W.,
  Sec. 14, lots 5, 6, and S½ of lot 3;
  Sec. 15, S½ of lot 7, S½ of lot 8, N½ of lot 9, and N½ of lot 10.

Reconveyed Coos Bay Wagon Road Land

T. 28 S., R. 10 W.,
  Sec. 3, lot 2, S½NE¼, and NE¼NW¼ SE¼.

The areas described aggregate 462.05 acres in Coos County.

2. The following described lands are withdrawn for Water Power Designation No. 17 of January 12, 1921, Water Power Designation No. 14 of December 12, 1917, and Powersite Reserve No. 659 of December 12, 1917, and remain segregated from operation of the public land laws generally:

Willamette Meridian

T. 28 S., R. 10 W.,
  Sec. 3, lot 2, S½NE¼, and NE¼NW¼SE¼.
T. 27 S., R. 11 W.,
  Sec. 14, lots 5 and 6;
  Sec. 15, S½ of lot 7, S½ of lot 8, N½ of lot 9, and N½ of lot 10.

The areas described aggregate 282.74 acres.

3. At 10 a.m. on November 6, 1981, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands in paragraph 1, except as described in paragraph 2, will be open to such forms of disposition as may by law be made of revested Oregon and California Railroad Grant Land and Reconveyed Coos Bay Wagon Road Land.

4. The lands have been and continue to be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 81-29847 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6031

[OR-19070]

Oregon; Powersite Restoration No. 695; Revocation of Powersite Reserve No. 412

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order as to 1,080 acres of lands withdrawn for a powersite reserve. This action will restore the lands to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-545-Oregon, it is ordered as follows:

1. The Executive Order of January 21, 1914, which created Powersite Reserve No. 412 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 412

Deschutes National Forest

T. 24 S., R. 7 E.,
  Sec. 14, NE¼ and N½SE¼.
T. 24 S., R. 8 E.,
  Sec. 32, S½SE¼;
  Sec. 33, NE¼SE¼;
  Sec. 34, N½SW¼ and NW¼SE¼.
T. 24 S., R. 9 E.,
  Sec. 8, NE¼, E½SW¼, NE¼SE¼, and W½SE¼;
  Sec. 17, NW¼NE¼, NE¼NW¼, and S½NW¼;
  Sec. 19, W½SE¼.

The areas described aggregate 1,080 acres in Klamath County.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 10 a.m. on November 6, 1981, the lands will be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-2934[illegible] Filed 10-7-81; 8:45 am]

BILLING CODE [illegible]310-84-M

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43 CFR Public Land Order 6038

[OR-19168]

Oregon; Powersite Restoration No. 347; Partial Revocation of Powersite Classification No. 311

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial Order in part as to 1,459.56 acres of lands withdrawn for a powersite classification. This action will restore the lands to such forms of disposition as may by law be made of national forest lands.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-565-Oregon, it is ordered as follows:

1. The Secretarial Order of November 18, 1938, as modified by a Bureau of Land Management Order of April 18, 1952, which created Powersite Classification No. 311 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Classification No. 311

Mt. Hood National Forest

T. 1 S., R. 8 E.,
  Sec. 12, lots 1, 2, 7, 8, 9, 10, 15 and 16;
  Sec. 13, lot 4;
  Sec. 23, NE¼SE¼ and S½SE¼;
  Sec. 24, E½NW¼.
T. 1 S., R. 8½ E.,
  Sec. 1, lots 2 through 6, inclusive, S½NW¼ and W½SW¼;
  Sec. 2, lots 1, 3 through 7, inclusive, SE¼NE¼ and E½SE¼;
  Sec. 11, lots 1, 2, and 3, E½NE¼ and NE¼SE¼;
  Sec. 12, NW¼NW¼.

The areas described aggregate 1,459.56 acres in Hood River County.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. The NW¼NE¼NW¼ of Section 24, T. 1 S., R. 8 E., W.M., is included in a recreation area and remains withdrawn from operation of the public lands laws, including the mining laws.

4. At 10 a.m., on November 6, 1981, the lands will be open to such forms of disposition as may by law be made of national forest lands, except as provided in paragraph 3 of the order.

5. The lands have been open to applications and offers under the mineral leasing laws and, except as provided in Paragraph 3, to location under the United States mining laws subject to the provisions of the Act of August 11, 1955, (69 Stat. 682; 30 U.S.C. 621).

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29342 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6045

[OR-20223-A]

Oregon; Partial Revocation of Public Water Reserve No. 64

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive order in part as to 150 acres of public land withdrawn as a public water reserve. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of June 5, 1919, which withdrew certain lands for public water reserve purposes, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Public Water Reserve No. 64

T. 31 S., R. 37 E.,
  Sec. 25, N½N½SE¼, SW¼NW¼SE¼, and W½SW¼SE¼.
T. 31 S., R. 38 E.,
  Sec. 28, NE¼SW¼, and NW¼SE¼.

The areas described aggregate 150 acres in Malheur County.

2. At 10 a.m. on November 6, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on November 6, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to nonmetalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29332 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6046

[OR-20408]

Oregon; Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew 187.46 acres of land for use as a stock driveway. This action will restore 120 acres of public land to operation of the public land laws generally. The balance of 67.46 acres remains withdrawn by Powersite Reserve No. 323.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of January 18, 1927, which withdrew the following described public lands for a stock driveway, is hereby revoked:

Willamette Meridian

T. 34 S., R. 18 E.,
Sec. 4, lots 1, 6, 7, and E½SE¼.

The area described contains 187.46 acres in Lake County.

2. Lots 1 and 6 are included in Powersite Reserve No. 323 of December 14, 1912, and remain withdrawn from operation of the public land laws generally.

3. At 10 a.m on November 6, 1981, the public lands described in paragraph one, except as provided in paragraph two, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29348 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6032

[U-28339]

Utah; Partial Revocation of Camp Williams Military Reservation

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an order which withdrew and reserved public lands for use of the Utah National Guard as a target range. This action will restore the lands to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801-524-4245.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 1922 of April 24, 1914, which withdrew and reserved public lands as a National Guard target range, is hereby revoked insofar as it affects the following described lands:

Salt Lake Meridian

T. 4 S., R. 2 W.,
Sec. 6, portion of lots 3 and 4, and lots 5, 6, 7, 8, and 9.
Sec. 7, lot 1.

The area described contains 226.979 acres in Salt Lake County.

2. At 10 a.m., on November 6, 1981, the lands shall be open to operation of the public lands generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All valid applications received at or prior to 10 a.m., on November 6, 1981, shall be considered simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to applications and offers under the mineral leasing laws and to location under the United States mining laws at 10 a.m., on November 6, 1981.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 136 E. South Temple, University Club Building, Salt Lake City, Utah 84111.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29349 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6039

[OR-19838 (WASH)]

Washington; Powersite Restoration No. 719; Partial Revocation of Powersite Reserve No. 742

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order in part as to 40 acres of land withdrawn for a powersite reserve. This action will restore the public land involved to operation of the public land laws generally.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-214-Washington, it is ordered as follows:

1. The Executive Order of June 2, 1920, which created Powersite Reserve No. 742, is hereby revoked insofar as it affects the following described land:

Willamette Meridian
Powersite Reserve No. 742

T. 6 N., R. 30 E.,
Sec. 28, NE¼SE¼.

The area described contains 40 acres in Benton County, Washington.

2. The State of Washington has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 10 a.m. on November 6, 1981, the public land will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been open to applications and offers under the mineral leasing laws and to location

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under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29356 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6047

[OR 22151 (WASH)]

Washington; Revocation of Executive Order

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes an Executive Order which withdrew approximately 5.5 acres of land for lighthouse purposes. This action will restore the land to operation of the public land laws, including the mining laws.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of March 26, 1901, which withdrew the following described land for use by the U.S. Coast Guard for lighthouse purposes is hereby revoked:

Willamette Meridian

T. 36 N., R. 2 E.,
Sec. 5, Unsurveyed portion of Eliza Island.

The area described contains approximately 5.5 acres in Whatcom County, Washington.

2. At 10 a.m., on November 6, 1981, the land described above will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on November 6, 1981, the land described above will be open to location under the United States mining laws. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29351 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6026

[W-71684]

Wyoming; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

Public land order.

SUMMARY: This order revokes a Departmental order in part as to 77.51 acres of land withdrawn for reclamation purposes. The lands are located within the Wind River Indian Reservation and remain in tribal ownership.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Departmental Order of September 27, 1918, which withdrew certain lands for the Riverton Unit, Bull Lake Reservoir Site, is hereby revoked insofar as it affects the following described lands:

Wind River Meridian

T. 3 N., R. 2 W.,
Sec. 19, lot 4, and SE¼SW¼.

The area described contains 77.51 acres in Fremont County.

2. The lands remain in tribal ownership, subject to any outstanding rights and interest.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29359 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6035

[W-71803]

Wyoming; Revocation of Secretarial Order of December 29, 1928, Air Navigation Site No. 16.

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order affecting 80.13 acres of public land withdrawn for use by the Federal Aviation Administration as a beacon site and an intermediate landing field for maintenance of air navigation facilities. This action will restore the lands to operation of the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-778-2220, extensions 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of December 29, 1928, which withdrew the following described public land for use in connection with the Federal Aviation Administration, is hereby revoked:

Sixth Principal Meridian

T. 19 N., R. 99 W.,
Sec. 4, lot 5, SE¼NE¼ (formerly E½NE¼).

The area described contains 80.13 acres in Sweetwater County.

2. At 10 a.m. on November 6, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws at 10 a.m. on November 6, 1981.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

October 1, 1981.

[FR Doc. 81-29360 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6036

[W-71307]

Wyoming; Partial Revocation of Stock Driveway Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes three Secretarial Orders which withdrew land for use as a stock driveway. This action will restore the lands to operation of the public land laws generally.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of March 18, 1920, creating Stock Driveway Withdrawal No: 128 (Wyoming No. 13), is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian, Wyoming

T. 34 N., R. 86 W.,
Sec. 5, S½NW¼, and SW¼;
Sec. 6, lots 1, 2, and S½NE¼;
Sec. 8, W½;
Sec. 17, E½, and NW¼;
Sec. 20, NE¼, and W½SE¼;
Sec. 29, S½NE¼, NW¼NE¼, and SE¼;
Sec. 32, E½, and SW¼.

The area described contains 2,199.94 acres in Natrona County, Wyoming.

2. The Secretarial Order of April 20, 1921, creating Stock Driveway Withdrawal No. 144 (Wyoming No. 18), is hereby revoked insofar as it affects the following described land:

T. 34 N., R. 86 W.,
Sec. 20, W½SE¼;
Sec. 29, NW¼NE¼.

The area described contains 120.00 acres in Natrona County, Wyoming.

3. The Secretarial Order of May 16, 1927, enlarging Stock Driveway No. 144 (Wyoming No. 18), is hereby revoked insofar as it affects the following described lands:

T. 35 N., R. 81 W.,
Sec. 5, lots 1, 2, 3, 4, and S½N½;
Sec. 6, lots 3, 4, 5, 6, 7, SE¼NW¼, and E½SW¼;
Sec. 7, lot 1, NW¼NE¼, NE¼NW¼, and SE¼SE¼;
Sec. 8, S½SW¼;
Sec. 18, lots 1, 2, 3, 4, E½, E½W½;
Sec. 19, lot 4, SE¼SW¼, and S½SE¼;
Sec. 30, lots 1, 2, NE¼ and E½NW¼.
T. 36 N., R. 81 W.,
Sec. 20, E½, E½NW¼. and NE¼SW¼;
Sec. 21, W½W½;
Sec. 29, NE¼, E½NW¼, and S½;
Sec. 30, SE¼;
Sec. 31, lots 1, 2, 3, 4, E½W½, and W½SE¼.
T. 35 N., R. 82 W.,
Sec. 1, lots 1, 2, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 23, N½;
Sec. 24, All;
Sec. 25, N½N½.

The above described area aggregates 5,131.44 acres in Natrona County, Wyoming.

4. At 10:00 a.m., on November 6, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on November 6, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. The lands have been and continue to be open to location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquires concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
October 1, 1981.

[FR Doc. 81-29330 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 35, 78, 97, 109, 167, 185, 196, and 426

[CGD 76-170]

Casualty Reporting Requirements

AGENCY: Coast Guard, DOT.

ACTION: Confirmation of effective date and notice of intent.

SUMMARY: On November 24, 1980 (45 FR 77439) the Coast Guard published an Interim Final Rule to amend casualty reporting requirements for vessels. It included the following major changes: The physical damage monetary criteria was increased to 25,000 dollars; some intentional groundings do not need to be reported; losses of main propulsion or primary steering systems or components are a separate reporting criteria; and occurrences which materially affect vessel fitness for service or route must be reported. Those amendments were necessary in order to provide more comprehensive and useful reporting criteria that would be the initial step in a marine investigation. Comments regarding the changes in the Interim Final Rule were to be received on or before January 15, 1981.

The Interim Final Rule noted that in order to be in compliance with the Federal Reports Act of 1946, Forms CG-924e and CG-2692 had to be submitted to and approved by the Office of Management and Budget (OMB). The Interim Final Rule affects the occasions when a report must be submitted and for that reason OMB approval of the action had been sought concurrently with the publication of the Interim Final Rule.

On May 6, 1981 the Office of Management and Budget in accordance with the Paperwork Reduction Act approved both CG-2692 and CG-924e for use through May 31, 1984.

The Coast Guard has received numerous comments regarding the Interim Final Rule. Many of those expressed concern that the broadening of the reporting requirements to include injuries to persons other than crew members and passengers would result in duplicated reporting in that persons employed by shipyards are already subject to reporting requirements of the Occupational Safety and Health Act. The Coast Guard is considering these concerns and all other comments and is presently studying the casualty reports received under the interim requirements with the view that some time in early 1982 a proposal to revise these reporting requirements may be developed. Because the written comments to date adequately state the writer's views, the Coast Guard does not believe that public hearing is necessary at this time. The Coast Guard would appreciate receiving specific comments concerning actual experience of duplicative reporting based on the Interim Final Rule.

DATES: Additional comments concerning the Interim Final Rule must be received on or before January 1, 1982.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/24) Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Capt. D. A. Frankenhauser, Office of Merchant Marine Safety (G-MMI/24) Room 2407, U.S. Coast Guard Headquarters, 2100 2nd St., SW., Washington, D.C. 20593. Area Code (202) 426-[illegible]534.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

October 1, 1981.

[FR Doc. 81-29[illegible]17 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-14-M

Office of the Secretary

49 CFR Part 6

[OST Docket No. 71]

Department of Transportation Rules Implementing the Equal Access to Justice Act; Request for Comments

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Interim final rule with request for comments.

SUMMARY: The Department of Transportation (DOT) is publishing this interim final regulation to implement the Equal Access to Justice Act (EAJA) (Pub. L. 96-481, 94 Stat. 2325). The Act, which takes effect October 1, 1981, provides for the award of attorney fees and other expenses to parties who prevail over the Federal Government in certain administrative and court proceedings. It requires agencies conducting proceedings under § 554 of the Administrative Procedure Act (APA) to establish uniform procedures for making awards after consultation with the Chairman of the Administrative Conference of the United States (ACUS).

These interim final regulations, generally, will set uniform procedures under the EAJA for any adversary adjudications conducted pursuant to § 554 by this Department or any of its operating administrations. They will presently, however, apply only to Coast Guard license, certificate or document suspension and revocation proceedings that are conducted by it before DOT administrative law judges.

EFFECTIVE DATE: This interim rule is effective October 1, 1981. Comments should be submitted by December 7, 1981.

ADDRESSES: Comments should be sent to: Docket Clerk (Docket No. 71), 400 Seventh Street, SW., Room 10421, Washington, D.C. 20590. Comments are available for public examination at that address Monday through Friday from 9:00 a.m. to 5:30 p.m. Persons wishing to have receipt of their comments acknowledged must send a stamped, self-addressed post card with their comments. The docket clerk will return those post cards when the comments are docketed.

FOR FURTHER INFORMATION CONTACT: Lynne Adams-Whitaker, Office of General Counsel, C-50, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-4723.

SUPPLEMENTARY INFORMATION:

Background

The Equal Access to Justice Act (EAJA), authority for these rules, was enacted by the 96th Congress (Pub. L. 96-481, 94 Stat. 2325, 5 U.S.C. 504 *et seq.*). It provides for the award of attorney fees and other expenses to eligible individuals and entities that are parties to certain administrative proceedings (proceedings conducted under § 554 of the APA before government agencies) and prevail over the government. Eligible prevailing parties are entitled to awards of fees and expenses, unless the presiding officer or judge of the proceeding finds that the position of the United States was substantially justified or that special circumstances make an award unjust. Under the EAJA, eligible parties include individuals with a net worth of no more than $1 million; sole owners of unincorporated businesses, partnerships, corporations, associations, or organizations with a net worth of no more than $5 million and no more than 500 employees; and tax-exempt charitable, educational or religious organizations and agricultural cooperative associations with no more than 500 employees regardless of net worth. The Act directs agencies to establish uniform procedures for the submission and consideration of fee and expense applications.

Section 554 of the APA applies in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing. In the Department of Transportation, at this time, the Coast Guard is statutorily required to conduct certain proceedings to which section 554 of the APA applies (46 U.S.C. 239; 46 CFR Part 5). Specifically, the Coast Guard conducts hearings in all cases involving acts of incompetency or misconduct committed by any licensed officer or holder of a certificate of service while acting under the authority of that license, document or certificate of service. These hearings are conducted in order to investigate the alleged acts of misconduct or incompetency and to determine if a licensee or certificate holder should have the license or certificate revoked.

Request for Comments

The Department will consider all comments received by December 7, 1981 to determine ways to improve the rule and to ease the burdens of compliance. After a thorough review of the comments, amendments will be proposed by the Department, if deemed necessary or warranted. Of course, comments will be considered and amendments proposed only within the constraints and requirements of the EAJA.

Immediate Effective Date

The APA generally prohibits publication of a substantive rule less than 30 days before its effective date (5 U.S.C. 533(d)(3)). The APA, however, excepts those rules where the agency has good cause for seeking immediate publication and publishes a description of its reasons with the rule.

The EAJA requires that "each agency shall by rule establish uniform procedures for the submission and consideration of fee and expense award applications." The effective date for the Act is October 1 of this year. In order that this Department have implementing rules in place by this date, it is necessary that these regulations be issued and effective by October 1. In addition, it should be noted that these rules impose no burden on the public; they merely provide a mechanism for the public to use if it so desires.

Absence of Prior Notice

Under Section 553(b) of the APA, notice of a proposed rulemaking is required to be published in the **Federal Register** before a final rule may be issued. This requirement does not apply where the agency for good cause finds (and incorporates the finding and a brief statement of reasons in the rule) that notice is impracticable, unnecessary or contrary to the public interest. The Department found it to be impracticable to provide prior notice for this rulemaking since the effective date for these regulations, under the Act, is October 1 of this year and the model regulations upon which these regulations are based were developed only recently. Implementing regulations, as stated above, must be in place by October 1, and, thus, time is not available for a notice and comment period, and assessment of comments before development of a final rule.

Further, on March 4, 1981, the Chairman of ACUS requested comment from the public on its draft model regulations for Federal implementation of the EAJA. As a result, numerous comments from the public and Federal agencies were used in the development of the ACUS final model rule on the subject [46 FR 32900]. Since this DOT regulation largely follows the ACUS model rule and since public comments were considered and many are reflected in that rule, the Department does not believe that additional notice is essential before issuing this interim rule. It should be noted, however, that the Department is requesting comment from the public on this interim final rule. Changes to this interim rule will be made if necessary or warranted, and if statutorily feasible.

Regulatory Flexibility Act Determination

Notwithstanding that the Regulatory Flexibility Act (RFA) does not require an analysis of the economic impact on small entities for final rules issued without prior notices, the Department has determined that this final regulation will not have a significant economic effect on a substantial number of small entities for three reasons: (1) These rules have been specially developed to implement an act which has as its primary purpose a reduction in the financial burden of Federal litigation on small partnerships, corporations, associations and public and private organizations as well as individuals; (2) the volume of covered Departmental proceedings is small and, thus, there is no expectation that small entities will have a need to invoke these procedures often, if at all; and (3) the Department expects to be required to reimburse few, if any, small entities under these procedures.

Regulatory Evaluation

This regulation is classified as a "non-major" regulation under Executive Order 12291. This regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures; the regulation is not significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

Environmental Impact

This regulation will have no environmental impact.

Issued in Washington, D.C., on September 21, 1981.

Andrew L. Lewis,

Secretary.

Note.—Subsequent to the development of this interim final rule, the Department of Transportation became aware of the preparation by the Department of Justice (DOJ) of a draft rule to implement the EAJA in its programs. The DOJ draft rule differs in certain respects from the interim rule being adopted here and the ACUS model rule upon which the interim rule is based. The Department of Transportation will carefully consider the differences between the DOJ rule and this interim final rule. Changes to the interim rule, based on the DOJ rule, may be adopted after the comment period on this interim rule is closed where this Department believes it best to defer to DOJ's expertise and interpretation of the EAJA's provisions. After it is issued, a copy of the DOJ rule will be placed in the docket for this rulemaking.

Accordingly, 49 CFR is amended by adding Part 6 to read as follows:

PART 6—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Subpart A—General Provisions

Sec.
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Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

Subpart A—General Provisions

§ 6.1 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before government agencies, such as the Department of Transportation or any of its operating administrations. An eligible party may receive an award when it prevails over the Department of Transportation or any of its operating administrations unless the agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that this agency will use to make them.

§ 6.3 When the act applies.

The Act applies to any adversary adjudication pending before this agency at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final agency action occurs.

§ 6.5 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Department of Transportation or any of its operating administrations. These are adjudications under 5 U.S.C. 554 in which the position of the Department of Transportation or any of its operating administrations is represented by an attorney or other representative who enters an appearance and participates in the proceeding. Coverage of the Act begins at designation of a proceeding or issuance of a charge sheet. Any proceeding in which the Department of Transportation or any of its operating administrations may prescribe or establish a lawful present or future rate is not covered by the Act. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise "adversary adjudications." For the Department of Transportation, the types of proceedings generally covered include: Coast Guard suspension of revocation of licenses, certificates or documents under 46 U.S.C. 239; 46 CFR Part 5.

(b) The Department of Transportation or any of its operating administrations may also designate a proceeding not listed in paragraph (a) as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. This agency's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 6.7 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to an adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in paragraph (b) of this section.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization as described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was designated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The number of employees of an applicant includes all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the administrative law judge determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the administrative law judge may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) an applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

(h) An applicant who appears *pro se* in a proceeding is ineligible for award of attorney fees. However, eligibility for other expenses is not affected by *pro se* representation.

§ 6.9 Standards for awards.

(a) An eligible applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the Department of Transportation, where it has initiated the proceeding, or on the appropriate operating administration, such as Coast Guard, whose representative shall be called "operating administration counsel." The Department of Transportation or operating administration may avoid an award by showing that its position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 6.11 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents or expert witnesses.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest market rate at which the Department of Transportation pays expert witnesses, or $24.09 per hour, whichever is less. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the administrative law judge shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, analysis, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

(e) Fees may be awarded only for work performed after desgination of a proceeding.

§ 6.13 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Department of Transportation may adopt regulations providing that attorney fees may be awarded at a rate higher than $75.00 per hour in some or all of the types of proceedings covered by this part. The Department of Transportation will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act (5 U.S.C. 553) and 49 CFR Part 5.

(b) Any person may file with the Department of Transportation a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with 49 CFR 5.11 et seq. The petition should identify the rate the petitioner believes this agency should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. This agency will respond to the petition, within 60 days after it is filed, by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

§ 6.15 Delegations of authority.

The Secretary of Transportation delegates to the head of each operating administration of this Department the authority to take final action on matters pertaining to the Act in actions that require § 554 proceedings. The head of each operating administration may redelegate this authority.

§ 6.17 [Reserved]

Subpart B—Information Required From Applicants

§ 6.19 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if—

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes this agency to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 6.21 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in this part) when the proceeding was designated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this subpart. The administrative law judge may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the administrative law judge or in a sealed envelope labeled "Confidential Financial Information", accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on the counsel representing the Department of Transportation or on the counsel representing the operating administration against which the applicant seeks an award, as appropriate, but need not be served on any other party to the proceeding. If the administrative law judge finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Department of Transportation's or any of its operating administrations' established procedures under the Freedom of Information Act (49 CFR Part 7, Appendices A–H).

§ 6.23 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The administrative law judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed. The administrative law judge may, within his or her discretion, make a determination as to whether a study, conducted by an applicant, was necessary to the preparation of the applicant's case.

§ 6.25 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Department of transportation's or any of its operating administrations' final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) the date on which an initial decision or other recommended disposition of the merits of the proceeding by an administrative law judge becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of the Department of Transportation's or any of its operating administrations' final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

Subpart C—Procedures for Considering Applications

§ 6.27 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 6.21(b) for confidential financial information.

§ 6.29 Answer to application.

(a) Within 30 days after service of an application, counsel representing the operating administration against which an award is sought may file an answer to the application. Where the Department of Transportation has initiated the proceeding and an award is sought, its counsel may file an answer to the application. Unless the operating administration's counsel or the Department of Transportation's counsel, where it has initiated the proceeding, requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award request.

(b) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the Department of Transportation's or the operating administration's position. If the answer is based on any alleged facts not already in the record of the proceeding, the Department of Transportation or the operating administration counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 6.37.

§ 6.31 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 6.37.

§ 6.33 Comments by other parties.

Any party to a proceeding, other than the applicant and Department of Transportation, where applicable, or operating administration, may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application, unless the administrative law judge determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 6.35 Settlement.

The applicant and Department of Transportation counsel, where applicable, or the operating administration counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with the agency's standard settlement procedure. If a prevailing party and the Department of Transportation counsel, where applicable, or operating administration counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 6.37 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or Department of Transportation counsel, where applicable, or operating administration counsel, or on his or her own initiative, the administrative law judge may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing.

Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the administrative law judge order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 6.39 Decision.

The administrative law judge shall issue an initial decision on the application as soon as possible after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Department of Transportation's or its operating administrations' position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 6.41 Agency review.

Where Department of Transportation or operating administration review of the underlying decision is permitted, either the applicant or Department of Transportation counsel, where applicable, or operating administration counsel may seek review of the initial decision on the fee application, or the Department of Transportation or operating administration may decide to review the decision on its own initiative. If neither the applicant nor Department of Transportation or operating administration counsel seeks review within 30 days after the decision is issued, it shall become final.

§ 6.43 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 6.45 Payment of award.

An applicant seeking payment of an award from the Department of Transportation or any of its operating administrations under this Part shall submit a copy of the Department of Transportation's or any of its operating administrations' final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. The copy of the decision and the statement should be submitted to the head of the affected operating administration or the Secretary of Transportation, where the Department of Transportation has initiated the proceedings. The operating administration or, where the Department of Transportation has initiated the proceeding, the Department of Transportation will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

[FR Doc. 81-29311 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

49 CFR Parts 172, 173, and 179

[Docket No. HM-166H; Amdt. Nos 172-70, 173-150, and 179-29]

Dispersant and Refrigerant Gases; Removal of Obsolete Compliance Reporting Requirements

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule

SUMMARY: This final rule amends the Hazardous Materials Regulations to authorize the shipment of fluorinated hydrocarbons and their numerous mixtures under a group category of Dispersant gas, n.o.s. or Refrigerant, gas, n.o.s. and removes an obsolete reporting requirement (§ 179.105–9) concerning DOT Specification 112 and 114 pressure tank cars bearing the owner's reporting mark.

EFFECTIVE DATE: This amendment is effective July 1, 1982. However, compliance with the regulations as amended herein, is authorized immediately.

ADDRESS: Copies of supporting documents, Regulation Evaluation and Environmental Assessment are available for inspection and reproduction at the following address: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Room 8426, 400 Seventh Street, SW., Washington, D.C. 20590. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202-472-2726).

SUPPLEMENTARY INFORMATION: On January 8, 1981, the MTB published a notice of proposed rulemaking under Docket HM-166H; Notice No. 80-10 (46 FR 2121), which proposed to amend the Hazardous Materials Regulations to authorize the shipment of fluorinated hydrocarbons and their many mixtures under a group category of Dispersant gas, n.o.s. or Refrigerant gas, n.o.s. Authorizing the use of Dispersant gas, n.o.s. or Refrigerant gas, n.o.s. and the addition of "R" numbers will help make shipping paper entries less complex and simplify the identification of the numerous gases and their mixtures.

Included in this rulemaking, but not included in the notice, is the deletion of § 179.105–9. On September 7, 1978 (43 FR 39792), Docket No. HM-144; Amdt. No. 179-24, added § 179.105–9 which required owners of DOT Specification 112 and 114 pressure tank cars to provide to the Bureau a listing of those cars bearing the owner's reporting mark and plans of the owner to retrofit them with safety devices. Since § 179.105–9 has served its purpose and is no longer applicable, it is being deleted without public notice.

The MTB received three comments on Notice 80-10. Based on the comments received, and upon further review, four changes have been added to the final rule. First, Trifluoromethane and chlorotrifluoromethane mixture (R-503) has been added to the Table in § 172.101. Second, Bromotrifluoromethane (R-13B1) or (H-1301), Dichlorodifluoromethane (R-12), Dichlorodifluoromethane and difluoromethane mixture (constant boiling mixture) (R-500), and Difluoroethane have been added to the Table in § 173.304. Third, proposed Notes 27 and 28 have been changed to read 28 and 29 respectively because Note 27 was added under Docket HM-174 on March 30, 1981. Also, new Note 28 has been changed by deleting the reference to 112A340W and 112A400W tank cars because these particular tank cars do not have bottom outlets. Fourth, Bromotrifluoromethane (R-13B1) or (H-1301) has been added to the Table in § 173.315.

The MTB has determined that this regulation is consistent with Section 2 of Executive Order 12291, and is a non-major rule under the terms of that Order since the effect of the rule is to simplify the identification of the numerous gases and their mixtures and to make the shipping paper entries less complicated. Pursuant to the Regulatory Flexibility Act, this rule will not result in a significant economic impact on a substantial number of small entities because its effect will be to reduce costs and simplify procedures.

In consideraton of the foregoing, 49 CFR Parts 172, 173 and 179 are amended to read as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

§ 172.101 [Amended]

1. In § 172.101 the Hazardous Materials Table is amended by deleting or adding as indicated by the entities listed below:

BILLING CODE 4910-60-M

V 46/195 OC 8 81 UMI

§ 172.101 Hazardous Materials Table.

(1) +/E/A/W/	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(3A) Identification number	(4) Label(s) required (if not excepted)	(5) Packaging (a) Exceptions	(5) Packaging (b) Specific requirements	(6) Maximum net quantity in one package (a) Passenger carrying aircraft or railcar	(6) Maximum net quantity in one package (b) Cargo only aircraft	(7) Water shipments (a) Cargo vessel	(7) Water shipments (b) Passenger vessel	(7) Water shipments (c) Other requirements
	* * * * * (DELETE) * * * * *										
	Dichlorodifluoromethane	Nonflammable gas	UN1028	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture)	Nonflammable gas	UN2602	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-dichlorotetrafluoroethane mixture	Nonflammable gas	[illegible]	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-monochlorodifluoromethane mixture	Nonflammable gas	[illegible]	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-trichloromonofluoromethane mixture	Nonflammable gas	[illegible]	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture	Nonflammable gas	[illegible]	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane-trichlorotrifluoroethane mixture	Nonflammable gas	[illegible]	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	1,1-Difluoro-1-chloroethane. See Difluoromonochloroethane										
+/	Difluoroethane	Flammable gas	[illegible]	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
+/	Difluoromonochloroethane	Flammable gas	UN2517	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
	Dispersant gas or Refrigerant gas. See 173.314 NOTE [illegible] and 173.315 NOTE [illegible]										
	Monobromotrifluoromethane	Nonflammable gas	[illegible]	Nonflammable gas	173.306	173.304 173.314	150 pounds	300 pounds	1,2	1,2	
	Monochlorodifluoromethane	Nonflammable gas	[illegible]	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Monochloropentafluoroethane	Nonflammable gas	UN1020	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Monochlorotetrafluoroethane	Nonflammable gas	UN1021	Nonflammable gas	173.306	173.304 173.314	150 pounds	300 pounds	1,2	1,2	

(1)	(2)	(3)	(3A)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
+/ E/ A/ W/	Hazardous materials descriptions and proper shipping [illegible]	Hazard [illegible]	Identifi- [illegible] number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only [illegible] craft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Monochlorotrifluoro-[illegible]	Nonflammable gas	UN1022	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Refrigerant gas. See Dispersant Gas										
	• • • • •										
	(ADD)										
	• • • • •										
	Bromotrifluoromethane (R-13B1 or H-1301).	Nonflammable gas	UN1009	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	1-Chloro-1,1-difluoroethane. See Chlorodifluoroethane (R-142b)										
+/	Chlorodifluoroethane (R-142b) or (1-Chloro-1,1-difluoroethane).	Flammable [illegible]	UN2517	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1	
	Chlorodifluoromethane (R-22)	Nonflammable gas	UN1018	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1	
	Chlorodifluoromethane and chlorpentafluoroethane mixture (constant boiling mixture) (R-502). See Refrigerant gas, [illegible]										
	Chloropentafluoroethane (R-115)	Nonflammable gas	UN1020	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Chlorotetrafluoroethane (R-124)	Nonflammable gas	UN1021	Nonflammable gas	173.306	173.304 173.314	150 pounds	300 pounds	1,2	1,2	
	Chlorotrifluoromethane (R-13)	Nonflammable gas	UN1022	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane (R-12)	Nonflammable gas	UN1028	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (R-500). See Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.										
	Dichlorodifluoromethane (R-12) and dichlorotetrafluoroethane (R-114) mixture. See Refrigerant gas, n.o.s. or Dispersant gas, [illegible]										

(1)	(2)	(3)	(3A)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
+/ E/ A/ W/	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	Dichlorodifluoromethane (R-12) and chlorodifluoromethane (R-22) mixture. See Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.										
	Dichlorodifluoromethane R-12 and trichlorofluoromethane (R-11) mixture. See Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.										
	Dichlorodifluoromethane (R-12), trichlorofluoromethane (R-11) and chlorodifluoromethane (R-22) mixture. See Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.										
	Dichlorodifluoromethane (R-12) and trichlorotrifluoroethane (R-113) mixture. See Refrigerant gas, n.o.s. or Dispersant gas, n.o.s.										
	Difluoroethane (R-152a)	Flammable gas	UN1030	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1,2	
	Dispersant gas, n.o.s. See Refrigerant gas, n.o.s.										
	Refrigerant gas, n.o.s. or Dispersant gas n.o.s.	Nonflammable gas	UN1078	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Refrigerant gas, n.o.s or Dispersant gas, n.o.s.	Flammable gas	NA1954	Flammable gas	173.306	173.304 173.314 173.315	Forbidden	300 pounds	1,2	1,2	
	Trifluoromethane and chlorotrifluoromethane mixture (constant boiling mixture) (R-503). See Refrigerant gas, n.o.s.										
	* * * * *										

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PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.300, paragraph (i) is added to read as follows:

§ 173.300 Definitions.

* * * * *

(i) *Refrigerant gas or Dispersant gas.* The term "Refrigerant gas" or "Dispersant gas" applies to all flammable or nonflammable, nonpoisonous refrigerant gases, dispersant gases (fluorocarbons) listed in §§ 172.101, 173.304(a)(2), 173.314(c), 173.315(a)(1) and 173.315(h), and mixtures thereof, or any other compressed gas meeting one of the following:

(1) A nonflammable mixture containing not less than 50% fluorocarbon content, having a vapor pressure not exceeding 260 psig at 130°F.

(2) A flammable mixture containing not less than 50% fluorocarbon content, not over 40% by weight of a flammable component, having a vapor pressure not exceeding 260 psig at 130°F.

3. In § 173.304, the following named gases listed in the table in paragraph (a)(2) are deleted or added to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(2) * * *

Kind of gas	Maximum permitted filling density (See Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in—[1]
• •	•	• •
(Delete)		
• •	•	• •
Dichlorodifluoromethane (See Note 8).	119	DOT-3A225; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET, DOT-4E225; DOT-9; DOT-39; DOT-41; DOT-3E1800.
Difluoroethane (See Note 8).	79	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225; DOT-4BW225; DOT-3E1800.
Difluoromonochloroethane (See Note 8).	100	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225, DOT-3E1800; DOT-39.
Monochlorodifluoromethane (See Note 8).	105	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4B240ET; DOT-4E240; DOT-39; DOT-41; DOT-3E1800.
Monochloropentafluoroethane (See Note 8).	110	DOT-3A225, DOT-3AA225; DOT-3B225, DOT-4A225; DOT-4B225; DOT-4BA225, DOT-4BW225; DOT-3E1800; DOT-39
Monochlorotrifluoromethane (See Note 8).	[illegible]	DOT-3A1800; DOT-3AA1800, DOT-3; DOT-3E1800; DOT-39
• •	•	• •
(Add)		
• •	•	• •
Bromotrifluoromethane (R-13B1 or H-1301.	124	DOT-3A400, DOT-3AA400; DOT-3B400; DOT-4A400; DOT-4AA480; DOT-4B400, DOT-4BA400; DOT-4BW400, DOT-3E1800, DOT-39.
Chlorodifluoroethane (R-142b) 1-chloro-1, 1-difluoroethane) (See Note 8).	100	DOT-3A150; DOT-3AA150; DOT-3B150; DOT-4B150; DOT-4BA225, DOT-4BW225, DOT-3E1800, DOT-39.
Chlorodifluoromethane (R-22) (See Note 8).	105	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-4B240; DOT-4BA240; DOT-4BW240. DOT-4B240ET; DOT-4E240; DOT-39; DOT-41; DOT-3E1800.
Chloropentafluoroethane (R-115) (See Note 8).	110	DOT-3A225, DOT-3AA225, DOT-3B225. DOT-4A225; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-3E1800, DOT-39.
Chlorotrifluoromethane (R-13) (See Note 8).	[illegible]	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-39.
Dichlorodifluoromethane (R-12) (See Note 8).	119	DOT-3A225, DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4B225. DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-4E225; DOT-9; DOT-39; DOT-41; DOT-3E1800.
Dichlorodifluoromethane and Difluoroethane mixture (constant boiling mixture) (R-500) (See Note 8).	(2)	DOT-3A240; DOT-3AA240; DOT-3B240; DOT-3E1800; DOT-4A240; DOT-4B240; DOT-4BA240; DOT-4BW240; DOT-4E240, DOT-9; DOT-39.
Difluoroethane (R-152a) (See Note 8).	[illegible]	DOT-3A150, DOT-3AA150; DOT-3B150, DOT-4B150; DOT-4BA225, DOT-4BW225; DOT-3E1800.
Refrigerant gas, n.o.s. or Dispersant gas, n.o.s. (See Note 8).	(2)	DOT-3A240; DOT-3AA240, DOT-3B240; DOT-3E1800; DOT-4A240; DOT-4B240, DOT-4BA240; DOT-4BW240; DOT-4E240; DOT-9; DOT-39
• •	•	• •

---

[1] § 173.34(a), (b), § 173.301(j) (See notes following table)

[2] Not liquid full at 130° F.

4. In § 173.314, the following named gases listed in the Table in paragraph (c) are deleted or added as indicated; Note 4 is revised; and Notes 28 and 29 are added to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

(a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
• •	•	• •
(Delete)		
• •	•	• •
Dichlorodifluoromethane; Note 13.	119	DOT-106A500X, 110A500W, Note 25
	125	DOT-105A300W.
	123	DOT-112A340W, 114A340W.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture); Note 13.	(1)	DOT-106A500X, 110A500W, Note 25
		DOT-105A300W
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 25
	125	DOT-105A300W
	(2)	DOT-112A340W, 114A340W
Dichlorodifluoromethane-monochlorodifluoromethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 25
	125	DOT-105A300W
	123	DOT-112A340W, 114A340W.
Dichlorodifluoromethane-monofluorotrichloromethane mixture; Note 13.	(1)	DOT-106A500X, 110A500W, Note 25
	(1)	DOT-105A300W
		DOT-112A340W, 114A340W
Dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 25
	125	DOT-105A300W
	(2) 123	DOT-112A340W, 114A340W.
Dichlorodifluoromethane-trichlorotrifluoroethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 25
	125	DOT-105A300W
	123	DOT-112A340W, 114A340W.
Difluoroethane	79	DOT-106A500X, 110A500W, Note 25
	79	DOT-112T400W, 112J400W
	[illegible]	DOT-105A300-W, Note 23.
Difluoromonochloroethane; Note 13.	100	DOT-106A500X, 110A500W, Note 25
		DOT-105A100W, Notes 4 and 23
Monobromotrifluoromethane.	124	DOT-110A800W, Notes 7 and 13.
	140	DOT-105A500W, Note 13.
Monochlorodifluoromethane; Note 13.	105	DOT-106A500X, 110A500W, Note 25
	110	DOT-105A300W.
	[illegible]	DOT-112A400W
Monochlorotetrafluoroethane; Note 13.	125	DOT-106A500X, 110A500W, Note 25
	[illegible]	DOT-112A400W

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Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
* * * * *		
(Add)		
* * * * *		
Bromotrifluoromethane (R-13B1 or H-1301).	124	DOT-110A800W, Notes 7 and 13
	140	DOT-105A500W, Note 13.
Chlorodifluoroethane (R-142b) 1-Chloro-1,1-difluoroethane; Notes 4, and 13.	100	DOT-106A500X, 110A500W, Note 25
		DOT-105A100W
		DOT-114A340, Notes 23, 28 and 29.
Chlorodifluoromethane (R-22)	105	DOT-106A500X, 110A500W, Note 25
	110	DOT-105A300W
	108	DOT-112A400W
	(²)	DOT-114A340W. Notes 28 and 29
Chlorotetrafluoroethane (R-124); Note 13.	125	DOT-106A500X, 110A500W, Note 25.
	126	DOT-112A400W.
Dichlorodifluoromethane (R-12), Note 13.	119	DOT-106A500X, 110A500W, Note 25
	123	DOT-112A340W, 114A340W, Notes 28 and 29.
		DOT-105A300W
Difluoroethane (R-152a), Note 4, Note 13	79	DOT-106A500X, 110A500W, Note 25
	79	DOT-112T400W, 112J400W, 114A340W, Notes 23, 28 and 29.
	84	DOT-105A300W, Note 23.
Refrigerant gas, n.o.s.	(²)	DOT-106A500X, 110A500W, Note 25
Dispersant gas, n.o.s.		DOT-105A300W.
		DOT-112A340W, 114A340W, Notes 23 and 27.
* * * * *		

NOTE 4: For tank cars other than DOT-106A and DOT-110A used for the transportation of liquefied flammable gases, interior pipes of loading and unloading valves must be equipped with excess-flow valves of approved design

* * * * * *

NOTE 28: DOT-114A340W tank cars may be equipped with bottom outlets, except that the bottom outlets must be rendered inoperative and effectively sealed to preclude bottom unloading when transporting flammable gases

NOTE 29: A maximum safety relief valve setting of 280.5 psig is authorized on DOT Specification 114A340W tank car tanks.

* * * * *

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[1] Note 22

[2] Note 21

5. In § 173.315, the following named gases listed in the Table in paragraph (a)(1) are deleted or added as indicated; the Table in paragraph (h) is revised by changing the heading in the second column and the named gases are deleted or added to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see note 1)	Percent by volume (see paragraph (f) of this section)	Type (see note 2)	Minimum design pressure (psig)
* * * * *				
(Delete)				
* * * * *				
Dichlorodifluoromethane (see note 9)	119	do	DOT-51, MC-330, MC-331	150
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see note 9).	See par. (c) of this section.	do	MC-330, MC-331	250
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture (see note 9).	119	do	DOT-51, MC-330, MC-331	150
Dichlorodifluoromethane-monofluorotrichloromethane mixture (see note 9).	(See par (c) of this section	[illegible]	DOT-51, MC-330, MC-331	150
Difluoroethane	79	do	MC-330, MC-331	150
Difluoromonochloroethane (see note 9)	100	do	MC-330, MC-331	100
Monobromotrifluoromethane (see note 9)	133	See note 7	DOT-51, MC-330, MC-331	365
Monochlorodifluoromethane (see note 9)	105	do	DOT-51, MC-330, MC-331	250
* * * * *				
(Add)				
* * * * *				
Bromotrifluoromethane (R-13B1 or H-1301); (see note 9)	133	do	DOT-51, MC-330, MC-331	365
Chlorodifluoroethane (R-142b) (1-Chloro 1,1-difluoroethane); (see note 9).	100	do	DOT-51, MC-330, MC-331	100
Chlorodifluoromethane (R-22); (see note 9)	105	do	DOT-51, MC-330, MC-331	250
Dichlorodifluoromethane (R-12); (see note 9)	119	do	DOT-51, MC-330, MC-331	150
Difluoroethane (R-152a)	79	do	DOT-51; MC-330, MC-331	150
Refrigerant gas, n.o.s. or dispersant gas, n.o.s	See par (c) of this section	do	DOT-51, MC-330, MC-331	See par. (c)(1) of this section.
* * * * *				

PART 179—SPECIFICATION FOR TANK CARS

6. § 179.105-9 is deleted and reserved.

§ 179.105 Special requirements for Specifications 112 and 114 tank cars. [Reserved]

(49 U.S.C. 1803, 1804, 1808; (49 CFR 1.53, App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034, nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.)) a regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C. on September 28, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-29107 Filed 10-7-81; 8:45 am]

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49 CFR Parts 172, 173, 175, 178 and 179

[Docket HM-166G; Amdt. Nos. 172-69, 173-19, 175-20, 178-67, 179-28]

Shipment of Hazardous Materials; Miscellaneous Amendments

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This is not a major rule. This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on rulemaking petitions from industry and on petitions from within the Department. This action is necessary to update the regulations and to reduce MTB's backlog of rulemaking petitions.

All of the amendments in this rulemaking are supported by the general public and are designed to reduce government regulation and paper work, clarify existing regulations, and to authorize the use of additional packaging which heretofore has not been authorized for the shipment of certain hazardous materials.

EFFECTIVE DATE: This amendment is effective July 1, 1982. However, compliance with the regulations as amended herein, is authorized immediately.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202-472-2726).

SUPPLEMENTARY INFORMATION: On January 8, 1981, the Materials Transportation Bureau published a Notice of Proposed Rulemaking, Docket No. HM-166G; Notice No. 80-9 [46 FR 2126], which proposed a number of miscellaneous amendments to the Hazardous Materials Regulations. Notice No. 80-9 included a brief statement regarding each proposal and invited public comments prior to the closing date of February 23, 1981. Based on comments received on this notice, these proposals are being incorporated as final amendments to the Hazardous Materials Regulations.

One of the proposed amendments included in Notice 80-9 was in reference to ammonium hydroxide. Because of the urgent need for ammonium hydroxide by farmers for this important agricultural product, an expedited amendment was made to § 173.245(a)(36) and published in the **Federal Register** on March 19, 1981 (46 FR 17564). This rulemaking includes the remaining amendments as proposed in Notice 80-9.

Four commenters concurred in the removal of Rosin (*colophony*) *or* Resin from 49 CFR. The National Cargo Bureau, Inc., recommended that this product not be deleted. Based on the limited hazard of Rosin *or* Resin during transportation, the fact that no new information was furnished to support its retention, and the strong support received from other commenters, the MTB hereby removes Rosin *or* Resin from § 171.101 and § 173.1060.

Three comments were received regarding the proposed amendment of paragraph (8), Appendix A, Part 173, regarding the method of testing corrosion to skin. One comment received was just to express their approval of the proposed amendment. One commenter stated that there has been some confusion in his company about the interpretation of this paragraph. It appears that this commenter is confused by the words in paragraph (8) which reads "any of the readings". His main concern appears to be, which reading must show ulceration or necrosis for the corrosive hazard to be required. The MTB believes that the present words are clear and suggests that if this commenter has further questions regarding these tests, he should contact MTB with specific questions. The last commenter on this subject stated that his concurrence was contingent upon their understanding that (a) continued testing is necessary only until at least two rabbits show positive results, and thereafter no additional testing is necessary; and (b) further testing of additional rabbits would be continued until at least five rabbits are tested before the material is determined to be noncorrosive. Although paragraph (1) of Appendix A in Part 173 states that a minimum of six rabbits are to be used in this test, the MTB agrees that it is not necessary to put all six of the rabbits through the test when it is obvious from the results of the first two rabbits tested that the product is corrosive. When the product being tested is a "borderline" situation, then it is necessary to test six or more rabbits to determine whether the material is or is not corrosive to skin.

One commenter recommended that MTB eliminate the requirement in § 173.206(f) for absorbing or neutralizing the gases that may vent from a lithium battery cell. The MTB does not agree with this recommendation because any release of a hazardous material, especially during transportation by air, should be completely absorbed or neutralized. The proposed addition of paragraph (g) of § 173.206 has been withdrawn from this rulemaking. One commenter stated that the test proposed is inadequate to reliably demonstrate all possible hazardous reactions which may occur. Additional tests were recommended which were not included in the notice of proposed rulemaking. Another commenter recommended that the MTB limit the size of the cell to 12 grams of lithium. In view of the comments received, further consideration will be given to this subject in a future notice of proposed rulemaking.

Several changes in this rulemaking are for the addition of Specification 19B wooden boxes. The Specification 19B wooden box has been added to some paragraphs that were not specifically listed in the Notice. After the notice was published, and upon further study, there was no valid reason why the 19B box should not be added to the other paragraphs where the 15A box is authorized. Also, the 19A box has been added to some paragraphs for the same reason. Editorial changes have been made to most of the affected paragraphs in order to eliminate unnecessary words and for clarity.

The MTB has determined that this regulation is consistent with Section 2 of Executive Order 12291, and is a non-major rule under the terms of that Order since the rule will not result in any significant costs or other adverse effects. Pursuant to the Regulatory Flexibility Act, this rule will not result in a significant economic impact on a substantial number of small entities because its effect will be to reduce costs and simplify procedures.

In consideration of the foregoing, 49 CFR Parts 172, 173, 175, 178, and 179 are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.101 the Hazardous Materials Table is amended by deleting, revising, or adding the entries listed below:

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§ 172.101 Hazardous materials table.

(1)	(2)	(3)	(3A)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
+/ E/ A/ W/	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	* * * [DELETE] * * *										
W	Rosin (colaphony) or Resin	ORM-C		None	173.505	173.1060			1,2	1,2	
	* * * [ADD] * * *										
	Potassium superoxide	Oxidizer	UN2466	Oxidizer	None	173.187	Forbidden	100 pounds	1,2	1	Keep dry. Stow away from powdered metals, permanganates and combustible packagings and cargo
	Sodium superoxide	Oxidizer	UN2547	Oxidizer	None	173.187	Forbidden	100 pounds	1,2	5	Keep dry. Stow away from powdered metals, permanganates and combustible packagings and cargo
	* * * [REVISE] * * *										
E	Allyl alcohol (RQ-100/45.4)	Flammable liquid	UN1098	Flammable liquid and Poison	None	173.119	1 quart	10 gallons	1,2	1	
	n-Butyl isocyanate	Flammable liquid	UN2485	Flammable liquid and Poison	None	173.119	1 quart	10 gallons	1,2	1	
E	Crotonaldehyde (RQ-100/45.4)	Flammable liquid	UN1143	Flammable liquid and Poison	None	173.119	1 quart	1 gallon	1,2	1	
	Flammable liquid, corrosive, n.o.s.	Flammable liquid	UN2924	Flammable liquid and Corrosive	None	173.119	1 quart	1 quart	1,2	1	
	Flammable liquid, poisonous, n.o.s.	Flammable liquid	UN1992	Flammable liquid and Poison	None	173.119	1 quart	10 gallons	1,2	1	
	Potassium peroxide	Oxidizer	UN1491	Oxidizer	None	173.187	Forbidden	100 pounds	1,2	1,2	Keep dry.
	* * *										

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PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.31, paragraph (a)(5) is revised; paragraph (b)(3) is amended by adding the following two sentences at the end to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

(a) * * *

(5) After December 31, 1978, each Specification 112 and 114 tank car must be equipped with shelf couplers in accordance with § 179.105–6 of this subchapter.

(b) * * *

(3) * * * All closures of openings in tank cars must be inspected to the extent practical for corrosion of or damage to the gasket seating surface and for serviceability of packing, gaskets, and hold-down bolts. All defective packing, gaskets, bolting or threaded elements must be replaced.

* * * * *

3. In § 173.60, paragraphs (a)(4), (a)(5), (b)(1), (c)(1), (d)(1) and (d)(3) are amended to add Specification 19B (§ 178.191) in the introductory text of each paragraph to read as follows:

§ 173.60 Black powder and low explosives.

(a) * * *

(4) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *.

(5) Specification 14, 15A, 16A or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

* * * * *

(b) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

* * * * *

(c) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

(d) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

(2) * * *

(3) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). * * *

* * * * *

4. In § 173.63, paragraphs (a)(2), (c)(1), (c)(2), and (d)(2), are amended to add Specification 19B (§ 178.191) in the introductory text of each paragraph; paragraphs (b) and (e)(1) are revised to read as follows:

§ 173.63 High explosive with liquid explosive ingredient.

(a) * * *

(2) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

(3) * * *

(b) High explosives (dynamite) containing 10 percent or less of a liquid explosive ingredient in cartridges or bags as prescribed in § 173.61 (d) and (e) may be packed in wooden boxes, Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter), gross weight not to exceed 140 pounds, or fiberboard boxes, Specification 12H, 23F, or 23H (§§ 178.209, 178.214, 178.219 of this subchapter), gross weight not to exceed 65 pounds.

* * * * *

(c) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

* * * * *

(2) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

(d) * * *

(2) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). * * *

* * * * *

(e) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). Wooden boxes.

* * * * *

(5) § 173.64, paragraph (a)(1) is revised to read as follows:

§ 173.64 High explosives with no liquid explosive ingredient and propellant explosives, Class A.

(a) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, or 178.191 of this subchapter). Wooden boxes.

* * * * *

6. In §173.65, paragraphs (a)(1), (b)(1), (c)(1), (c)(2), and (h)(1) are revised; paragraphs (g), (i)(1), and (i)(2) are amended to add Specification 19B (§ 178.191) in the introductory text of each paragraph to read as follows:

§ 173.65 High explosives with no liquid explosive ingredient nor any chlorate.

(a) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes.

* * * * *

(b) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes with inside strong paper or cloth bags not over 50 pounds capacity each, packed with filling holes up.

* * * * *

(c) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes with inside strong paper or cloth bags not over 100 pounds capacity each, packed with filling holes up.

(2) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes with strong siftproof liners, Specification 2L (§ 178.30 of this subchapter).

* * * * *

(g) Nitrocellulose must be packed in wooden boxes complying with Specification 14, 15A, 16A, or 19B) (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter), with inside packages which must be: * * *

(h) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes. Gross weight not to exceed 140 pounds.

* * * * *

(i) * * *

(1) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). * * *

(2) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). * * *

* * * * *

7. In § 173.66, paragraph (e)(1) is revised to read as follows:

§ 173.66 Detonators.

(e) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes.

* * * * *

8. In § 173.68, paragraph (d)(1) is revised to read as follows:

§ 173.68 Detonating primers.

* * * * *

(d) * * *

(1) Specification 14, 15A, 16A, or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes.

* * * * *

9. In § 173.79, paragraph (a)(1) is revised to read as follows:

§ 173.79 Jet thrust units (jato), class A explosives; rocket motors, class A explosives; igniters, jet thrust (jato), class A explosives; and igniters, rocket motor, class A explosives.

(a) * * *

(1) Specification 14, 15A, 15E, 16A, or 19B (§§ 178.165, 178.168, 178.172, 178.185, 178.191 of this subchapter). Wooden

boxes, or wooden boxes, fiberboard lined.

* * * * *

10. In § 173.91, paragraph (a)(2) is revised; the introductory text of paragraphs (b)(1), (c)(1), (d)(1), (e)(1), and (g)(1), is revised to read as follows:

§ 173.91 Special fireworks.

(a) * * *

(2) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes. Gross weight not to exceed 500 pounds.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter). * * *

(c) * * *

(1) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter). * * *

* * * * *

(d) * * *

(1) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter). * * *

* * * * *

(e) * * *

(1) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter). * * *

* * * * *

(g) * * *

(1) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes, or Spec. 12B (§ 178.205 of this subchapter) fiberboard boxes which must be constructed to comply with § 178.205–30 of this subchapter. * * *

* * * * *

11. In § 173.92, the heading and paragraph (a)(1) are revised to read as follows:

§ 173.92 Jet thrust units (jato), class B explosives; rocket motors, class B explosives; igniters, jet thrust (jato), class B explosives; igniters, rocket motors, class B explosives; and starter cartridges, jet engine, class B explosives.

(a) * * *

(1) Specification 14, 15A, 15E, 16A, or 19B (§§ 178.165, 178.168, 178.172, 178.185, 178.191 of this subchapter). Wooden boxes, or wooden boxes, fiberboard lined.

* * * * *

12. In § 173.93, paragraphs (a)(5), (a)(6), (a)(8), (a)(9), (a)(11), (b)(3), (d)(3), the introductory text of paragraph (e)(1), and the first sentence in paragraph (g)(1) are revised to read as follows:

§ 173.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) * * *

(5) Specification 14, 15A, or 19B (§§ 178.165, 178.168, 178.191 of this subchapter). Wooden boxes, metal-lined, Spec. 2F (§ 178.25 of this subchapter). Gross weight not to exceed 200 pounds.

(6) Specification 14, 15A, or 19B (§§ 178.165, 178.168, 178.191 of this subchapter). Wooden boxes, or Spec. 23F or 23H (§§ 178.214, 178.219 of this subchapter) fiberboard boxes, with inside cloth or paper bags, not exceeding 25 pounds net weight each and capable of withstanding at least two drops on end from a height of 4 feet, without breakage or sifting of contents. Outside container not to exceed 50 pounds net weight.

* * * * *

(8) Specification 14, 15A, 15B, 15C, or 19B (§§ 178.165, 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes, or Spec. 12H, 23F, or 23H (§§ 178.209, 178.214, 178.219 of this subchapter) fiberboard boxes, with inside fiber or metal containers not exceeding 1½ pounds capacity each. Gross weight not to exceed 200 pounds in wooden boxes or 65 pounds in fiberboard boxes.

(9) Specification 14, 15A, 15B, 15C, or 19B (§§ 178.165, 178.168, 178.169, 179.170, 178.191 of this subchapter). Wooden boxes, or Spec. 23F or 23H (§§ 178.214, 178.219 of this subchapter) fiberboard boxes, with not more than four strong inside tight metal containers of not more than 25 pounds each. The gross weight in fiberboard boxes may not exceed 65 pounds.

* * * * *

(11) Specification 14, 15A, 16A or 19B (§§ 178.165, 178.168, 178.185, 178.191 of this subchapter). Wooden boxes, not lined, authorized only for grains not less than 1-inch in diameter or 3 inches in length, provided such grains are tightly packed and are coated with a protective material. Gross weight not to exceed 200 pounds.

(b) * * *

(3) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes, metal-lined, Specification 2F (§ 178.25 of this subchapter).

(d) * * *

(3) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes, metal-lined, Specification 2F (§ 178.25 of this subchapter).

* * * * *

(e) * * *

(1) Specification 15A, 15B, 15E, or 19B (§§ 178.168, 178.169, 178.172, 178.191 of this subchapter). * * *

* * * * *

(g) * * *

(1) Solids in tightly closed metal cans or fiber containers, not exceeding 1 pound each, or in inside metal cans or fiber containers containing not more than one grain of propellant, not exceeding 5 pounds each, and liquids in polyethylene bottles compatible with contained liquid, with screw-cap closures taped, not exceeding 1-pound or 16 fluid ounces capacity each, packed in an outside wooden box, Spec. 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter); or outside fiberboard box Spec. 12B, 23F, or 23H (§§ 178.205, 178.214, 178.219 of this subchapter). * * *

13. In § 173.94, paragraph (a)(1) is revised to read as follows:

§ 173.94 Explosive power devices, Class B

(a) * * *

(1) Specification 14, 15A, 15E, 16A, or 19B (§§ 178.165, 178.168, 178.172, 178.185, 178.191 of this subchapter). Wooden boxes or wooden boxes, fiberboard lined.

* * * * *

14. In § 173.95, paragraph (a)(1) is revised to read as follows:

§ 173.95 Rocket engines (liquid), Class B explosives.

(a) * * *

(1) Specification 14, 15A, 15E, 16A, or 19B (§§ 178.165, 178.168, 178.172, 178.185, 178.191 of this subchapter). Wooden boxes or wooden boxes, fiberboard lined.

* * * * *

15. In § 173.108, paragraph (a)(2) is revised to read as follows:

§ 173.108 Common fireworks, signal flares, hand signal devices, smoke signals, smoke candles, smoke grenades, smoke pots, and Very signal cartridges.

(a) * * *

(2) Specification 15A, 15B, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.185, 178.190, or 178.191 of this subchapter). Wooden boxes. Gross weight not to exceed 100 pounds, except gross weight of 500 pounds is authorized for Very signal cartridges only.

* * * * *

16. In § 173.109, paragraph (a)(1) is revised to read as follows:

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§ 173.109 Toy caps.

(a) * * *

(1) Specification 15A, 15B, 16A, 19A or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes. Gross weight not to exceed 150 pounds.

* * * * *

17. In § 173.111, paragraph (a)(1) is revised to read as follows:

§ 173.111 Cigarette loads, explosive auto alarms, toy propellant devices, toy smoke devices, trick matches, and trick noise makers, explosive.

(a) * * *

(1) Specification 15A, 15B, 16A, 19A or 19B (§§ 178.168, 178.169, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes. Gross weight not to exceed 150 pounds.

* * * * *

18. In § 173.112, paragraph (a)(1) is revised to read as follows:

§ 173.112 Oil well cartridges.

(a) * * *

(1) Specification 15A, 15B, 16A, 19A or 19B (§§ 178.168, 178.169, 178.185, 178.190, or 178.191 of this subchapter). Wooden boxes. Gross weight not to exceed 150 pounds.

* * * * *

19. In § 173.119, the introductory text of paragraph (m)(2) is revised and paragraph (m)(14) is revised to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(m) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). * * *

* * * * *

(14) Specification 112A200W or 114A340W (§§ 179.100, 179.101 of this subchapter). Tank cars. Authorized only for propylene oxide except 112A200W also authorized for acrylonitrile and dichlorobutene.

* * * * *

20. In § 173.121, paragraph (a)(3) is revised to read as follows:

§ 173.121 Carbon bisulfide (disulfide).

(a) * * *

(3) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, or 178.191 of this subchapter). Wooden boxes with strong inside metal containers or with inside glass or earthenware container not over 5 pints capacity each.

* * * * *

21. In § 173.122, paragraphs (a)(2) and (b)(1) are revised to read as follows:

§ 173.122 Acrolein, inhibited.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with strong inside tight metal containers not over 5 gallons capacity each.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, or 178.191 of this subchapter). Wooden boxes, or Spec. 12B (§ 178.205 of this subchapter) fiberboard boxes having not more than one inside glass container of not over 1-quart capacity, securely cushioned within a metal container.

22. In § 173.123, paragraph (a)(1) is revised to read as follows:

§ 173.123 Ethyl chloride.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, or 178.191 of this subchapter). Wooden boxes with glass, earthenware, or metal inside containers not over 1-pound capacity each.

* * * * *

23. In § 173.124, the first sentence of paragraph (a)(1) is revised to read as follows:

§ 173.124 Ethylene oxide.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.191 of this subchapter) wooden boxes and Spec. 12B (§ 178.205 of this subchapter) fiberboard boxes, with inside metal containers not over 12-ounce capacity each. * * *

* * * * *

24. In § 173.133, paragraphs (a)(1) and (b)(1) are revised to read as follows:

§ 173.133 Spirits of nitroglycerin.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes lined with paraffined paper, Spec. 2L (§ 178.30 of this subchapter), and with inside metal containers, securely closed with rubber stoppers tied in place. The inside containers must be entirely surounded by at least 2 inches of dry, fine sawdust or kieselguhr. Not more than 6 quarts of this mixture may be packed in any outside wooden box.

(b) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-quart capacity each, cushioned by at least 2 inches of dry, fine sawdust or kieselguhr.

25. In § 173.134, paragraph (a)(2) is revised to read as follows:

§ 173.134 Pyroforic liquids, n.o.s.

(a) * * *

(2) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes or Spec. 12B (§178.205 of this subchapter) fiberboard boxes enclosing not more than four strong tight metal cans with inside containers of glass or metal, not over 1-quart capacity each, having positive screwcap closures adequately gasketed ahead of the threads. Inside containers must be cushioned on all sides with dry, absorbent, incombustible material in a quantity sufficient to absorb the entire contents. The strong tight metal cans must be closed by positive means, not by friction.

* * * * *

26. In § 173.135, paragraph (a)(1) is revised to read as follows:

§ 173.135 Diethyl dichlorosilane, dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.

(a) * * *

(1) Specification 15A, 16B, or 19B (§§ 178.168, 178.186, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-gallon capacity each, securely closed and cushioned with incombustible absorbent material.

* * * * *

26a. In §173.136, paragraph (a)(1) is revised to read as follows:

§ 173.136 Methyl dichlorosilane and trichlorosilane.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-quart capacity each, securely closed and cushioned with incombustible absorbent material.

* * * * *

27. In § 173.137, paragraph (a)(1) is revised to read as follows:

§ 173.137 Lithium aluminum hydride, ethereal.

(a) * * *

(1) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-quart capacity each, enclosed in air-tight metal cans and cushioned with

sufficient incombustible cushioning material to completely absorb the contents in event of leakage.

* * * * *

28. In § 173.139, paragraphs (a)(1) and (a)(2) are revised to read as follows:

§ 173.139 Ethylene imine, inhibited, and propylene imine, inhibited.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside securely sealed glass ampules or glass bottles, contents not over 16 fluid ounces or 1-pound each, in tightly closed metal cans. If more than one ampule or bottle is packed in a metal can, ampules or bottles must be separated by fiberboard partitions. Ampules or bottles must be cushioned with sufficient incombustible cushioning material to completely absorb contents in event of leakage. Not more than 5 pints of liquid may be packed in any outside wooden box.

(2) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with not more than four inside metal drums, Spec. 37B (§ 178.132 of this subchapter), not over 1-gallon capacity each, or not more than one Spec. 37B metal drum of 5 gallons capacity, in one outside box. Inside drums must be surrounded on all sides with incombustible absorbent cushioning material.

* * * * *

29. In § 173.140, paragraph (a)(1) is revised to read as follows:

§ 173.140 Zirconium, metallic, solutions, or mixtures thereof, liquid.

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside metal containers. Each inside container shall not contain more than 20 individual glass or porcelain jars, not exceeding 2-ounce capacity each, securely closed and completely cushioned in incombustible cushioning material in sufficient quantity to completely absorb the contents in event of leakage.

30. In § 173.141, paragraph (a)(1) is revised to read as follows:

§ 173.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with securely closed inside metal containers not over 5 gallons capacity each, or in tightly closed glass bottles not exceeding 1-quart capacity each, securely cushioned in incombustible cushioning material in sufficient quantity to completely absorb the contents in event of leakage.

* * * * *

31. In § 173.143, paragraph (a)(2) is revised to read as follows:

§ 173.143 Methylchloromethyl ether, anhydrous.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, except that inside containers up to 3 gallons each are authorized when only one inside container is packed in each outside box.

* * * * *

32. In § 173.145, paragraph (a)(2) is revised to read as follows:

§ 173.145 Dimethylhydrazine, unsymmetrical, and methylhydrazine.

(a) * * *

(2) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside glass bottles not exceeding 1-gallon capacity each, cushioned by means of vermiculite within tin cans which shall be tightly closed, or containers not over 2 quarts capacity each made of aluminum not less than 0.04 inch thick. Closures and gaskets must be of material which will not react dangerously with or be decomposed by contact with the contents.

* * * * *

33. In § 173.154, paragraph (a)(8) is revised to read as follows:

§ 173.154 Flammable solids, organic peroxide solids and oxidizers not specifically provided for.

(a) * * *

(8) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers.

* * * * *

34. In § 173.155, paragraph (a)(1) is revised to read as follows:

§ 173.155 Bags, nitrate of soda, empty and unwashed.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes.

* * * * *

35. In § 173.156, paragraph (a)()1) is revised to read as follows:

§ 173.156 Barium peroxide and calcium peroxide.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-pound capacity each; or with inside glass containers not over 5 pounds capacity each, cushioned with incombustible cushioning material; or with inside metal containers or lining, Spec. 2F (§ 178.25 of this subchapter).

* * * * *

36. In § 173.157, paragraph (a)(1) is revised to read as follows:

§ 173.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B, (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside metal containers or lining, Specification 2F (§ 178.25 of this subchapter), or with securely closed inside paper bags lined with polyethylene at least 0.002 inch thick, or with inside aluminum drums of at least 16 gage metal throughout. Net weight (dry weight) in each inside DOT–2F metal container or in each paper bag may not exceed 1-pound. Gross weight may not exceed 200 pounds.

* * * * *

37. In § 173.158, paragraph (a)(1) is revised to read as follows:

§ 173.158 Benzoyl peroxide, dry; chlorobenzoyl peroxide (para), dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry.

(a) * * *

(1) Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter). Wooden boxes with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1-pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by an appropriate fire-resistant cushioning material. The net weight in outside container must not exceed 50 pounds, except that for lauroyl peroxide, dry, a net weight not over 100 pounds is authorized.

* * * * *

38. In § 173.160, paragraph (a)(1) is revised to read as follows:

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§ 173.160 Calcium chlorite and sodium chlorite.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 2¼ pounds capacity each or metal not over 5 pounds capacity each.

* * * * *

39. In § 173.161, paragraph (a)(1) is revised to read as follows:

§ 173.161 Calcium phosphide.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, or 178.191 of this subchapter). Wooden boxes, lined, Spec. 2F (§ 178.25 of this subchapter), and with hermetically sealed inside containers.

* * * * *

40. In § 173.163, paragraph (a)(4) is revised to read as follows:

§ 173.163 Chlorate of soda, chlorate of potash, and other chlorates.

(a) * * *

(4) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with tightly closed inside containers which must be of metal not over 10 pounds capacity each; or of glass not over 5 pounds each; or of fiber, Spec. 2G (§ 178.26 of this subchapter), not over 6 pounds capacity each.

* * * * *

41. In § 173.164, paragraph (a)(3) is revised to read as follows:

§ 173.164 Chromic acid or chromic acid mixture, dry.

(a) * * *

(3) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes, with inside glass bottles of not over 5 pounds capacity each, with closures securely fastened, each bottle individually packed in a tight metal container, and cushioned therein with incombustible mineral packing material; or with inside tightly closed metal containers, not over 10 pounds capacity each.

* * * * *

42. In § 173.175, paragraph (a)(1) is revised to read as follows:

§ 173.175 Lacquer base, or lacquer chips, dry.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside metal containers, Spec. 2F (§ 178.25 of this subchapter).

* * * * *

43. In § 173.176, paragraph (d)(1) is revised to read as follows:

§ 173.176 Matches.

* * * * *

(d) * * *

(1) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes, with inside containers. Gross weight must not exceed 100 pounds.

* * * * *

44. In § 173.177, paragraph (a)(2) is revised to read as follows:

§ 173.177 Motion picture film and X-ray film.

(a) * * *

(2) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with each reel in a tightly closed metal can, or strong cardboard of fiberboard box with cover held in place by adhesive tape or paper. Gross weight must not exceed 200 pounds.

* * * * *

45. In § 173.184, paragraph (a)(2) is revised to read as follows:

§ 173.184 Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.

(a) * * *

(2) Specification 14, 15A, 15B, or 19B (§§ 178.165, 178.168, 178.169, 178.191 of this subchapter). Wooden boxes lined, Spec. 2M (§ 178.31 of this subchapter).

* * * * *

46. In § 173.187, the heading, the introductory text of paragraph (a) and paragraph (a)(1) are revised to read as follows:

§ 173.187 Potassium peroxide; potassium superoxide; sodium peroxide or sodium superoxide.

(a) Potassium peroxide, potassium superoxide, sodium peroxide or sodium superoxide must be packed in specification containers as follows:

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside air-tight metal cans.

* * * * *

47. In § 173.188, paragraph (a)(1) is revised to read as follows:

§ 173.188 Phosphoric anhydride.

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside tightly stoppered glass bottles not over 1-pound capacity each; or metal cans, not over 3 pounds capacity each, hermetically sealed (soldered) or closed with cork securely held in place by metal strap soldered in position. Inside containers must be cushioned with elastic incombustible packing materials.

* * * * *

48. In § 173.189, paragraph (a)(1) is revised to read as follows:

§ 173.189 Phosphorus, amorphous, red.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside air-tight metal containers.

* * * * *

49. In § 173.190, paragraph (b)(1) and (c)(1) are revised to read as follows:

§ 173.190 Phosphorus, white or yellow.

* * * * *

(b) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside hermetically sealed (soldered) metal cans, inclosed in other hermetically sealed (soldered) metal cans, or inside water-tight metal cans containing not over 1-pound with screw-top closures, or Spec. 2F (§ 178.25 of this subchapter).

* * * * *

(c) * * *

(1) Specification 15A, 15B, 19A or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter). Wooden boxes with inside hermetically sealed (soldered) metal cars, inclosed in other water-tight metal cans containing not over 1-pound with screw-top closures, or with soldered closures.

* * * * *

50. In § 173.191, paragraph (a)(1) is revised to read as follows:

§ 173.191 Phosphorus pentachloride.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or glazed earthenware containers, not over 25 pounds capacity each, cushioned with mineral packing. When inside containers are packed in the same outside container with other articles, they must be enclosed in tightly closed metal cans. Net weight not to exceed 50 pounds in each outside box.

* * * * *

51. In § 173.193, paragraph (a)(1) is revised to read as follows:

§ 173.193 Picric acid, trinitrobenzoic acid, or urea nitrate, wet.

(a) * * *

(1) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers, cushioned and tightly closed. The net weight in an outside package must not exceed 25 pounds dry weight. (See § 173.65(e) for shipment of wet picric acid, wet trinitrobenzoic acid and wet urea nitrate in excess of 25 pounds, and § 173.192 for exemption up to 16 ounces.)

* * * * *

52. In § 173.195, paragraphs (a)(1) and (b)(2) are revised to read as follows:

§ 173.195 Pyroxylin plastic scrap.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes lined, Spec. 2F or 2M (§§ 178.25, 178.31 of this subchapter). Gross weight must not exceed 450 pounds each.

* * * * *

(b) * * *

(2) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with tightly closed inside metal containers.

53. In § 173.197, paragraph (a)(1) is revised to read as follows:

§ 173.197 Pyroxylin plastics, in sheets, rolls, rods, or tubes.

(a) * * *

(1) Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter). Wooden boxes.

* * * * *

54. In § 173.201, paragraph (a)(2) is revised to read as follows:

§ 173.201 Rubber scrap, rubber buffings, reclaimed rubber, or regenerated rubber.

(a) * * *

(2) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes lined, Spec. 2F or 2M (§§ 178.25, 178.31 of this subchapter).

* * * * *

55. In § 173.202, paragraph (a)(1) is revised to read as follows:

§ 173.202 Sodium metal liquid alloy, potassium metal liquid alloy, and sodium potassium liquid alloy.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers of a type examined by the Bureau of Explosives and approved by the Associate Director for HMR. Inside containers must be cushioned with incombustible cushioning material. Each container must have been tested hydrostatically to a pressure of not less than 60 pounds per square inch. Closing devices must be protected from injury. Not more than 300 pounds of sodium or potassium liquid alloy may be shipped in one outside box.

* * * * *

56. In § 173.203, the introductory text of paragraph (a)(1) is amended to read as follows:

§ 173.203 Tetranitromethane.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). * * *.

* * * * *

57. In § 173.204, paragraph (a)(1) is revised to read as follows:

§ 173.204 Sodium hydrosulfite.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not exceeding 5 pounds capacity each, or metal containers.

* * * * *

58. In § 173.205, paragraph (a)(1) is revised to read as follows:

§ 173.205 Sodium picramate, wet.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not exceeding 1-quart capacity each, and cushioned in outside container.

* * * * *

59. In § 173.206, paragraphs (b)(1), (e)(1), and (f) are revised to read as follows:

§ 173.206 Sodium or potassium, metallic; sodium amide; sodium potassium alloys; sodium aluminum hydride; lithium metal; lithium silicon; lithium ferro silicon; lithium hydride; lithium borohydride; lithium aluminum hydride; lithium acetylide-ethylene diamine complex; aluminum hydride; cesium metal; rubidium metal; zirconium hydride, powdered.

* * * * *

(b) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal drums, Spec. 37A or 37B (§§ 178.131, 178.132 of this subchapter) having welded side seams, net weight not over 30 pounds, or with inside glass containers, each enclosed in a tin container.

* * * * *

(e) * * *

(1) Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside air-tight copper cartridges having a minimum wall thickness of 0.02-inch. Cartridges having less than 0.022 inch wall thickness must be separated or securely cushioned in the boxes. Gross weight must not exceed 75 pounds.

(f) Lithium batteries comprised of one or more cells are not subject to the requirements of this subchapter, if they meet the following requirements.

(1) Each cell may contain no more than 0.5 gram of lithium or lithium alloy.

(2) Each battery may contain an aggregate quantity of no more than 1 gram of lithium or lithium alloy.

(3) Each cell must be hermetically sealed.

(4) Cells must be separated so as to prevent short circuits.

(5) Batteries must be packed in strong outside packagings except when installed in electronic devices.

(6) If a battery contains more than 0.5 gram of lithium or lithium alloy, it may not contain a liquid or gas that is a hazardous material according to this subchapter unless the liquid or gas, if free, would be completely absorbed or neutralized by other materials in the battery.

60. In § 173.207, paragraphs (a)(1) and (b)(1) are revised to read as follows:

§ 173.207 Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside bottles enclosed in tightly closed metal cans, or hermetically sealed (soldered) metal cans.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside bottles of not more than 5 pounds capacity each, or tightly sealed metal cans.

* * * * *

61. In § 173.208, paragraphs (a)(1) and (b)(1) are revised to read as follows:

§ 173.208 Titanium metal powder, wet or dry.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal cans not exceeding 1-gallon each, and not more than 12 metal cans in one

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outside box; or not more than 1 inside metal can of not less than 22-guage metal and not over 10 gallons capacity. Metal cans must be tightly closed.

* * * * *

(b) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter). Wooden boxes with inside metal containers, closed by push-in covers, held in place by soldering at least four points, or in screw-cap metal cans. Inside containers must not exceed 10 pounds net weight each and must be cushioned by an incombustible material. Gross weight not to exceed 75 pounds.

* * * * *

62. In § 173.214, the introductory text of paragraphs (a)(1) and (c)(1) are revised to read as follows:

§ 173.214 Hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, mechanically produced, finer than 270 mesh particle size; hafnium metal or zirconium metal, wet, minimum 25 percent water by weight, chemically produced (see Note 1), finer than 20 mesh particle size; hafnium metal or zirconium metal, dry, in an atmosphere of inert gas, chemically produced (see Note 1), finer than 20 mesh particle size.

* * * * *

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes or Spec. 6B or 6C (§§ 178.98, 178.99 of this subchapter) metal drums with inside glass or noncarbon polyethylene containers having net weight of not over 10 pounds each. * * *

* * * * *

(c) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes or Spec. 6B or 6C (§§ 178.98, 178.99 of this subchapter) or Spec. 17C or 17H (§§ 178.115, 178.118 of this subchapter) metal drums with inside glass or noncarbon polyethylene containers having net weight of not over 10 pounds each. * * *

* * * * *

63. In § 173.216, paragraph (a)(1) is revised to read as follows:

§ 173.216 Zirconium picramate, wet.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers of not over 1-quart capacity each, tightly stoppered and cushioned.

* * * * *

64. In §173.218, paragraph (a)(1) is revised to read as follows:

§ 173.218 Isopropyl percarbonate, unstabilized.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass, earthenware, or metal containers, of not over 2 gallons capacity each which must be maintained at a temperature below 0° F. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

65. §173.221, paragraph (a)(2) is revised to read as follows:

§ 173.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass, earthenware, or metal containers, not over 1-gallon each, cushioned with incombustible packing material in sufficient quantity to absorb any leakage. Metal containers authorized only for materials which will not react dangerously with or be decomposed by contact with metal.

* * * * *

66. In § 173.222, paragraph (a)(1) is revised to read as follows:

§ 173.222 Acetyl peroxide and acetyl benzoyl peroxide, solution.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, cushioned with incombustible packing material in sufficient quantity to absorb any leakage.

* * * * *

67. In § 173.223, paragraph (a)(1) is revised to read as follows:

§ 173.223 Peracetic acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass, earthenware, or polyethylene containers not over 1-gallon capacity each, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat. Polyethylene container must have a vented closure capable of preventing leakage of liquid contents. Cushioning material must be in sufficient quantity to absorb any leakage. Boxes with inside polyethylene containers must be marked "Keep This Side Up."

* * * * *

68. In § 173.224, paragraph (a)(1) is revised to read as follows:

§ 173.224 Cumene hydroperoxide, dicumyl peroxide, diisopropylbenzene hydroperoxide, paramenthane hydroperoxide, pinane hydroperoxide, and tertiary butylisopropyl benzene hydroperoxide.

(a) * * *

(a) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers, not over 1-gallon each, cushioned with incombustible packing material in sufficient quantity to absorb any leakage.

* * * * *

69. In § 173.225, paragraphs (a) and (a)(1) are revised to read as follows:

§ 173.225 Phosphorus trisulfide; phosphorus sesquisulfide; phosphorus heptasulfide; and phosphorus pentasulfide.

(a) Phosphorus trisulfide, phosphorus sesquisulfide and phosphorus heptasulfide must be packaged as follows.

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers, hermetically sealed (soldered) or water-tight metal cans with screw-top closures.

* * * * *

70. In § 173.226, paragraph (a)(1) is revised to read as follows:

§ 173.226 Thorium metal, powdered.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers, closed by push-in covers, held in place by soldering at least four points, or in screw-cap metal cans. Inside containers must not exceed 10 pounds net weight each. Gross weight not to exceed 75 pounds.

* * * * *

71. In § 173.230, the introductory text of paragraphs (a)(1) and (a)(4) are revised to read as follows:

§ 173.230 Sodium, metallic, dispersion in organic solvent.

(a) * * *

(1) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter).* * *

* * * * *

(4) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter).* * *

72. In § 173.231, paragraph (a)(1) is revised to read as follows:

§ 173.231 Calcium, metallic, crystalline.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside airtight metal containers not over 1-gallon capacity each.

* * * * *

73. In § 173.233, paragraph (a)(1) is revised to read as follows:

§ 173.233 Nickel catalyst, finely divided, activated or spent.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside airtight metal containers having closing device fastened by positive means (not friction); or inside airtight glass containers of not over 1-quart capacity each, securely cushioned by an appropriate fire-resistant cushioning material.

* * * * *

74. In § 173.238, paragraphs (a)(1), (2) and (3) are revised to read as follows:

§ 173.238 Aircraft rocket engines (commerical) and/or aircraft rocket engine igniters (commerical).

(a) Aircraft rocket engines (commerical) and their igniters may be offered for tranportation when of a type examined by the Bureau of Explosives and approved by the Associated Director for HMR to be so described and classed, and when packaged as follows:

(1) Specification 15A, 15B, 15E, 16A, or 19B (§§ 178.168, 178.169, 178.172, 178.185, 178.191 of this subchapter). Wooden boxes. Igniters must be packaged in sealed metal containers examined by the Bureau of Explosives and approved by the Associated Director for HMR and packed in wooden boxes as specified above when shipped separately from the aircraft rocket engines.

(2) Aircraft rocket engines (commerical), when examined by the Bureau of Explosives and approved by the Associated Director for HMR may be packed in the same outside shipping container with their separately packaged igniters. Igniters must be packed in separate sealed metal containers in strong inside containers.

(3) Aircraft rocket engines (commerical) and/or their igniters, packed in any other manner than specified in paragraphs (a) (1) and (2) of this section, must be in containers of a type examined by the Bureau of Explosives and approved by the Associate Director for HMR.

* * * * *

75. In § 173.239, paragraph (a)(1) is revised to read as follows:

§ 173.239 Barium azide—50 percent or more water wet.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 1-pound capacity each. Bottles shall have rubber stoppers wire tied for securement. If shipment is to take place at a time freezing weather is to be anticipated, a suitable antifreeze solution must be used to prevent freezing.

* * * * *

76. In § 173.245, paragraph (a)(7) is revised to read as follows:

§ 173.245 Corrosive liquids not specifically proved for.

(a) * * *

(7) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers which must be glass, earthenware, polyethylene or other nonfragile plastic material (bags are not authorized), not over 1-gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside container.

* * * * *

77. In § 173.247, paragraphs (a)(1), (a)(5), and (a)(6) are revised to read as follows:

§ 173.247 Acetyl bromide; acetyl chloride; acetyl iodide; antimony pentachloride; benzoyl chloride; boron trifluoride- acetic acid complex; chromyl chloride; dichloroacetyl chloride; diphenylmethyl bromide solutions; pyrosulfuryl chloride; silicon chloride; sulfur chloride (mono and di); sulfuryl chloride; thionyl chloride; tin tetrachloride (anhydrous); titanium tetrachloride; trimethyl acetyl chloride.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, except that inside containers up to 3 gallons each are authorized when only one is packed in an outside box.

* * * * *

(5) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside aluminum bottles of 99 percent pure aluminum not over 1-gallon capacity each, having aluminum screw caps with gasket resistant to contents. Authorized for chromyl chloride only.

(6) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers of securely closed soft-lead tubes having not more than 65 fluid ounces capacity each, individually packed in securely closed steel tubes, with not more than 3 such steel tubes fastened together as a unit. The inside units shall be cushioned on all sides with an appropriate fire-resistant cushioning material. Authorized only for titanium tetrachloride.

* * * * *

78. In § 173.248, paragraph (a)(3) is revised to read as follows:

§ 173.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.

(a) * * *

(3) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, except that inside containers up to 3 gallons each are authorized when only one is packed in each outside box.

* * * * *

79. In § 173.249, paragraph (a)(2) and (b)(3) are revised to read as follows:

§ 173.249 Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid; sodium hydroxide solution; potassium hydroxide solution; boiler compound, liquid, solution.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 2 gallons each, or with metal containers, not over 5 gallons each.

* * * * *

(b) * * *

(3) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, or with inside metal cans, not over 5 gallons each.

* * * * *

80. In § 173.251, the introductory text of paragraph (b)(1) is revised to read as follows:

§ 173.251 Boron trichloride and boron tribromide.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 15P, or 19B (§§ 178.168, 178.169, 178.170, 178.182, 178.191 of this subchapter). * * *

* * * * *

81. In § 173.252, paragraph (a)(1) is revised to read as follows:

§ 173.252 Bromine.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-quart each; or with stone or earthenware jugs not over 1-gallon each.

* * * * *

82. In § 173.253, the heading and paragraph (a)(1) are revised to read as follows:

§ 173.253 Chloroacetyl chloride.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 5 pints capacity each; cushioned by an appropriate fire-resistant cushioning material.

* * * * *

83. In § 173.254, paragraph (a)(2) is revised to read as follows:

§ 173.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, except that inside containers up to 3 gallons are authorized when only one is packed in each outside box.

* * * * *

84. In § 173.255, paragraph (a)(3) is revised to read as follows:

§ 173.255 Dimethyl sulfate.

(a) * * *

(3) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with one inside glass container not over 1-quart capacity, closed by ground glass stopper or other eqully efficient closure securely fastened in place, and cushioned within a hermetically sealed (soldered) metal can with an appropriate fire-resistant absorbent, cushioning material, the can then being cushioned with an appropriate fire-resistant cushioning material in the outside box.

* * * * *

85. In § 173.257, paragraph (a)(7) and (c) are revised to read as follows:

§ 173.257 Electrolyte (acid) and alkaline corrosive battery fluid.

(a) * * *

(7) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside polyethylene or other electrolyte acid resistant plastic containers, not over 1-gallon each.

* * * * *

(c) Electrolyte acid or corrosive battery fluid contained in polyethylene containers not over 2 quarts capacity each and packaged not more than three containers in Specification 15A, 15B, 15C, 16A, 19A, or 19B wooden box (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter), or packaged as prescribed in paragraph (a)(6) of this section, and bearing a corrosive label, may be securely attached to self-propelled vehicles or mobile agricultural machinery, or securely braced on a railcar floor.

* * * * *

86. In § 173.259, paragraph (a)(1) is revised to read as follows:

§ 173.259 Electrolyte, acid, or alkaline corrosive battery fluid, packed with battery charger, radio current supply device, or electronic equipment and actuating devices.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes, provided the liquid is in bottles securely closed and cushioned as prescribed in paragraph (a) of this section, and separated from charger supply device, and parts, or electronic equipment, by a strong solid wooden partition.

* * * * *

87. In § 173.261, paragraph (a)(1) is revised to read as follows:

§ 173.261 Fire-extinguisher charges.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 5 pints each, and cushioned with an appropriate cushioning material.

* * * * *

88. In § 173.262, paragraphs (a)(4) and (b)(3) are revised to read as follows:

§ 173.262 Hydrobromic acid.

(a) * * *

(4) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon each, except that inside containers not over 3 gallons are authorized when only one is packed in each outside box.

* * * * *

(b) * * *

(3) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with one inside polyethylene bottle, with screw-up closure, not over 1-gallon capacity.

* * * * *

89. In § 173.263, paragraph (a)(1) is revised to read as follows:

§ 173.263 Hydrochloric (muriatic) acid; hydrochloric (muriatic) acid mixtures; hydrochloric (muriatic) acid solution, inhibited; sodium chlorite solution (not exceeding 42 percent sodium chlorite); and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass, earthenware, polyethylene or other nonfragile plastic containers resistant to the lading (bags are not authorized), not over 1-gallon each, except that inside containers not over 3 gallons each are authorized when only one is packed in each outside box.

* * * * *

90. In § 173.264, paragraph (a)(1) is revised to read as follows:

§ 173.264 Hydrofluoric acid; White acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers which are hydrofluoric acid resistant. These containers are authorized only for strengths of acid for which they are adequate, but in no case may the strength of acid exceed 70 percent.

* * * * *

91. In § 173.265, the spelling of hydrofluosilicic is corrected to read hydrofluorosilicic in the heading and each time it appears in paragraphs (a), (a)(1), (b), (c) and (d); paragraphs (a)(1) and (c)(3) are revised to read as follows:

§ 173.265 Hydrofluorosilicic acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers of natural rubber, ceresine, or other material of equal efficiency resistant to hydrofluorosilicic acid.

* * * * *

(c) * * *

(3) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-gallon capacity each, with rubber or ground-in glass stoppers.

* * * * *

92. In § 173.266, paragraphs (a)(1), (b)(1) and (c)(4) are revised to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 1-quart capacity each; bottles must have vented closure and must be packed in metal container vented at bottom, packed in another metal container vented at top; cushioning material shall be used between glass bottle and inner container and between inner and outer metal containers; cushioning material shall be vermiculite or equivalent in an amount at least 10 times the volume of the solution shipped and shall be wet with at least 10 percent water by volume to which has been added a stabilizing agent.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers of not more than 1-gallon capacity each. Inside containers must be well cushioned with an appropriate fire-resistant cushioning material. Cushioning of inside containers in outside wooden boxes by means of elastic packing, such as wooden strips or large corks fastened securely in position, is authorized if the completed package will pass the swing test prescribed for boxed carboys in Specification 1A (§ 178.1 of this subchapter).

(c) * * *

(4) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers of polyethylene, or other plastic material resistant to the lading, not over 1-pint capacity or 16 ounces by weight each. Inside containers must be securely cushioned with an appropriate fire-resistant cushioning material.

* * * * *

93. In § 173.267, paragraphs (a)(1) and (c)(1) are revised to read as follows:

§ 173.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 7 pounds capacity each, individually inclosed in tightly closed metal cans and cushioned therein with incombustible mineral material.

* * * * *

(c) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles with glass stoppers held in place by plaster of Paris covered by strong cloth and securely tied. Glass bottles having necks with molded screw threads must be closed by threaded type acid-resistant plastic caps equipped with an elastic composition cushion and with glass, porcelain or similar liner impervious to the acid. Such caps, when secured in place by at least one complete continuous thread, must be capable of preventing any leakage of the acid.

* * * * *

94. In § 173.268, paragraphs (d)(1), (e)(1), (i)(1) and (j)(1) are revised to read as follows:

§ 173.268 Nitric acid.

* * * * *

(d) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 5 pints capacity each, individually inclosed in tightly closed metal cans and cushioned therein with appropriate fire-resistant cushioning material. (See paragraphs (g) and (h) of this section).

* * * * *

(e) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 5 pints capacity each. (See paragraphs (g) and (h) of this section).

* * * * *

(i) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles with glass stoppers held in place by plaster of Paris covered by strong cloth and securely tied. Glass bottles having necks with molded screw threads must be closed by threaded-type acid-resistant plastic caps equipped with an elastic composition cushion and with glass, porcelain or similar liner impervious to the acid. Such caps, when secured in place by at least one complete continuous thread, must be capable of preventing any leakage of the acid.

* * * * *

(j) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A, 19B or 12B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191, 178.205 of this subchapter). Wooden or fiberboard boxes with not over 12 inside glass ampoules having a capacity of not over 4 fluid ounces each. Each ampoule must be well cushioned with incombustible mineral packing material, such as vermiculite or other equally efficient material, and be packed in a cylindrical cardboard tube having wall thickness of at least ⅛ inch, with the inside coated with wax, and be equipped with metal bottom and metal screw-cap top. Inside packages must be separated by efficient means.

95. In § 173.269, paragraph (a)(1) is revised to read as follows:

§ 173.269 Perchloric acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 5 pints capacity each, cushioned with incombustible mineral material in sufficient quantity to absorb any leakage.

* * * * *

96. In § 173.270, paragraph (a)(1) is revised to read as follows:

§ 173.270 Phosphorus tribromide.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, except that inside containers up to 3 gallons each

are authorized when only one container is packed in an outside box.

* * * * *

97. In § 173.271, paragraph (a)(4) is revised to read as follows:

§ 173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(4) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, except that inside containers not over 3 gallons each are authorized when only one container is packed in an outside box.

* * * * *

98. In § 173.272, paragraphs (g) and (i)(1) are revised to read as follows:

§ 173.272 Sulfuric acid.

* * * * *

(g) *Sulfuric acid concentration of greater than 95 percent of not over 100.5 percent:* Authorized packaging is described in paragraphs (i)(1)—(4), (6) and (14)—(22), and 29 of paragraph (i) of this section.

(i) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-gallon capacity each, except that inside containers not over 3 gallons each are authorized when only one container is packed in an outside box.

* * * * *

99. In § 173.273, paragraph (a)(1) is revised to read as follows:

§ 173.273 Sulfur trioxide.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-gallon each.

* * * * *

100. In § 173.274, paragraph (a)(1) is revised to read as follows:

§ 173.274 Fluosulfonic acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside containers not over 1-gallon each, except that inside containers not over 3 gallons each are authorized when only one container is packed in an outside box, as prescribed in Note 1 and 2 to this section.

* * * * *

101. In § 173.275, paragraph (a)(1) is revised to read as follows:

§ 173.275 Difluorophosphoric acid, anhydrous; monofluorophosphoric acid, anhydrous; hexafluorophosphoric acid; and mixtures thereof.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter) wooden boxes, Spec. 12B (§ 178.205 of this subchapter) fiberboard boxes, or Spec. 21C (§ 178.224 of this subchapter) fiber drums with inside polyethylene or other nonfragile plastic bottles resistant to the lading, not over 2 gallons capacity each, closed by means of threaded acid-resistant caps; caps must have at least one complete continuous thread and be additionally sealed to the bottle to prevent turning of cap after bottle is closed.

* * * * *

102. In § 173.276, paragraph (a)(2) is revised to read as follows:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(2) Specification 15A, 15B, 15C, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.190, 178.191, of this subchapter). Wooden boxes with inside glass bottles not exceeding 1-gallon capacity each, cushioned by means of vermiculite within tin cans which shall be tightly closed.

* * * * *

103. In § 173.277, paragraph (a)(1) is revised to read as follows:

§ 173.277 Hypochlorite solutions.

(a) * * *

(1) Specification 15A, 15B, 15C, 19A, 19B or 12B (§§ 178.168, 178.169, 178.170, 178.190, 178.191, 178.205 of this subchapter). Wooden or fiberboard boxes with inside glass, earthenware, or polyethylene containers of not more than 1-gallon capacity each. Gross weight must not exceed 65 pounds nor contain more than 4 glass or earthenware inside containers if their capacity is greater than 5 pints each, or more than six such inside polyethylene containers.

* * * * *

104. In § 173.278, paragraph (a)(1) and (b)(1) are revised to read as follows:

§ 173.278 Nitrohydrochloric acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers of not over 5 pints capacity each, individually inclosed in tightly closed metal cans and cushioned therein with sufficient incombustible mineral material.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers of not over 5 pints capacity each, individually inclosed in tightly closed metal cans and cushioned therein with sufficient incombustible mineral material.

* * * * *

105. In § 173.280, paragraph (a)(1) is revised to read as follows:

§ 173.280 Trichlorosilanes.

(a) * * *

(1) Specification 15A, 16B or 19B (§§ 178.168, 178.186, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-gallon capacity each, securely closed and cushioned with incombustible absorbent material.

* * * * *

106. In § 173.281, paragraph (a)(1) is revised to read as follows:

§ 173.281 Benzyl bromide (bromotoluene, alpha).

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 1-gallon capacity each, closed by means of screw caps which are resistant to action of the contents. Bottles must be packed in metal cans having slip-on or friction closures and cushioned in outside boxes with incombustible material.

* * * * *

107. In § 173.282, paragraph (a)(1) is revised to read as follows:

§ 173.282 Isopropyl percarbonate, stabilized.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 2 gallons capacity each which must be maintained at a temperature below 75°F. Shipments are authorized only by private or contract motor vehicle.

108. In § 173.288, paragraph (a)(1) is revised to read as follows:

§ 173.288 Chloroformates.

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of

this subchapter). Wooden boxes with inside glass containers of not over 1-pint capacity each, cushioned with incombustible mineral material.

* * * * *

109. In § 173.291, paragraph (a)(6) is revised to read as follows:

§ 173.291 Flame retardant compound, liquid.

(a) * * *

(6) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, except that containers not over 3 gallons are authorized when only one is packed in an outside box.

* * * * *

110. In § 173.293, paragraph (a)(1) is revised to read as follows:

§ 173.293 Iodine monochloride.

(a) * * *

(1) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside containers not over 1-quart capacity each; or with stone or earthenware jugs not over 1-gallon capacity each.

* * * * *

111. In § 173.295, paragraph (a)(1) is revised to read as follows:

§ 173.295 Benzyl chloride.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, except that inside containers not over 3 gallons each are authorized when only one is packed in an outside box.

* * * * *

112. In § 173.298, paragraph (a)(1) is revised to read as follows:

§ 173.298 Memtetrahydro phthalic anhydride.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass containers not over 1-gallon capacity each.

* * * * *

113. In § 173.302, the first sentence of paragraph (a)(2) is revised to read as follows:

§ 173.302 Charging of cylinders with nonliquefied compressed gases.

(a) * * *

(2) Specification 3HT (§ 178.44 of this subchapter) cylinders for aircraft use only, having a maximum service life of 24 years. * * *.

* * * * *

114. In § 173.304, Note 7 to the table in paragraph (a)(2) is revised; the first two sentences of paragraph (f)(1) are revised to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(2) * * *

Note 7.—Specification 3HT cylinders for aircraft use only, having a maximum service life of 24 years. Authorized only for nonflammable gases. Cylinders must be equipped with pressure relief devices only of the frangible disc type which meet the requirements of § 173.34(d). Each frangible disc must have a rated bursting pressure which does not exceed 90 percent of the minimum required test pressure of the cylinder. Discs with fusible metal backing are not permitted. Cylinders may be shipped only when packed in strong outside packagings.

* * * * *

(f) * * *

(1) Inside nonrefillable metal containers having a capacity not over 32 cubic inches. Containers must be packaged in Spec. 12B (§ 178.205 of this subchapter) fiberboard boxes equipped with top and bottom pads which will provide three complete thicknesses of fiberboard on top and bottom of each box, or Spec. 15A, 15B, 15C, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.190, 178.191 of this subchapter) wooden boxes. * * *.

115. Section 173.315 is amended by revising paragraph (m) (5) and (6) and adding (7) to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

(m) * * *

(5) Is loaded to a filling density no greater than 56 percent;

(6) Is securely mounted on a farm wagon; and

(7) Is operated in conformance with the requirements of Part 172 of this subchapter except that shipping papers are not required.

116. In § 173.329, paragraph (a)(2) is revised to read as follows:

§ 173.329 Bromacetone; chlorpicrin and methyl chloride mixtures; chlorpicrin and nonflammable, nonliquefied compressed gas mixtures.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.191 of this subchapter). Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, Spec. 2C (§ 178.22 of this subchapter). Bottles must not contain over 1-pound of liquid each, may not be filled to over 95 percent capacity, must be tightly and securely closed, and be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gauge United States standard. Total amount of liquid in outside box must not exceed 24 pounds.

* * * * *

117. In § 173.331, the introductory text of paragraph (a) and the fifth sentence of paragraph (a)(1) are revised to read as follows:

§ 173.331 Gas identification sets.

(a) Gas identification sets containing Poison A materials, irritating materials, and chlorine must be packaged in Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.190, or 178.191 of this subchapter) wooden boxes under the following conditions:

(1) * * * The cans must be packed in Specification 15A, 15B, 19A, or 19B (§§ 178.168, 178.169, 178.190, 178.191 of this subchapter) wooden boxes. * * *

* * * * *

118. In § 173.332, the introductory text of paragraph (c)(1) is revised to read as follows:

§ 173.332 Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid, liquefied.

* * * * *

(c) * * *

(1) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). * * *.

* * * * *

119. In § 173.345, paragraph (a)(1) is revised to read as follows:

§ 173.345 Limited quantities of Poison B liquids.

(a) * * *

(1) In glass packagings not over 1-quart capacity each, or in metal containers or polyethylene bottles not over 1-gallon capacity each, packed in outside steel, or wooden boxes, barrels, or drums.

* * * * *

120. In § 173.346, paragraph (a)(9) is revised to read as follows:

§ 173.346 Poison B liquids not specifically provided for.

(a) * * *

(9) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, except that

inside containers not over 3 gallons are authorized when only one is packed in each outside container; or with inside metal containers not over 10 gallons capacity each.

* * * * *

121. In § 173.347, paragraph (a)(1) is revised to read as follows:

§ 173.347 Aniline oil.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside metal containers not over 10 gallons capacity each, or glass bottles not over 1-pound capacity each. Not more than 25 glass bottles shall be packed in one outside box.

* * * * *

122. In § 173.351, paragraph (a)(1) is revised to read as follows:

§ 173.351 Hydrocyanic acid solutions.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes. Completed package, with glass bottles filled with water, must be capable of withstanding six four-foot drops onto solid concrete in the following order; bottom, four sides, and top, without breakage.

123. In § 173.352, paragraph (a)(3) is revised to read as follows:

§ 173.352 Sodium and potassium cyanide solutions, and cyanide solution, n.o.s.

(a) * * *

(3) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191, of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon capacity each, or inside metal containers not over 10 gallons capacity each, and without galvanizing.

* * * * *

124. In § 173.353, the introductory text of paragraph (a)(2) is revised to read as follows:

§ 173.353 Methyl bromide and methyl bromide mixtures.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, 19A, 19B or 12B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191, 178.205 of this subchapter). * * *

* * * * *

125. In § 173.354, paragraph (a)(1) is revised to read as follows:

§ 173.354 Motor fuel antiknock compound or tetraethyl lead.

(a) * * *

(1) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers of not over 1-pint capacity each, or metal cans, enclosed in hermetically sealed (soldered) strong metal cans.

* * * * *

126. In § 173.356, paragraph (a)(2) is revised to read as follows:

§ 173.356 Thiophosgene.

(a) * * *

(2) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 1-quart capacity each, securely packed in absorbent incombustible cushioning material in sufficient quantity to absorb any leakage.

127. In § 173.357, the introductory text of paragraphs (a)(1) and (c)(1) are revised; paragraph (c)(2) is revised to read as follows:

§ 173.357 Chloropicrin and chloropicrin mixtures containing no compressed gas or Poison A liquid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.191 of this subchapter). * * *

* * * * *

(c) * * *

(1) Specification 15A, 15B, 15C, 16A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.191 of this subchapter). * * *

(2) Specification 15A, or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes, metal strapped, with chloropicrin absorbed in an efficient absorbing material packed in hermetically sealed metal cans not over 1-quart capacity each.

* * * * *

128. In § 173.358, paragraph (a)(3) is revised to read as follows:

§ 173.358 Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, organic phosphorous compound, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.

(a) * * *

(3) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers of not over 5 gallons capacity each.

* * * * *

129. In § 173.359, paragraphs (a)(4) and (b)(3) are revised to read as follows:

§ 173.359 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphorus compound mixtures; organic phosphate compound mixtures; parathion mixtures; tetraethyl dithio pyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, liquid (includes solutions, emulsions, or emulsifiable liquids).

(a) * * *

(4) Specification 15A, 15B, 15C, 15E, or 19B (§§ 178.168, 178.169, 178.170, 178.172, 178.191 of this subchapter). Wooden boxes with inside metal containers not over 10 gallons capacity each.

* * * * *

(b) * * *

(3) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers of not over 5 gallons capacity each.

* * * * *

130. In §173.360, paragraph (a)(2) is revised to read as follows:

§ 173.360 Perchloromethylmercaptan.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.191 of this subchapter). Wooden boxes with inside glass bottles not over 2 quarts capacity each, individually enclosed in tightly closed metal cans and cushioned therein with incombustible material. Net weight not to exceed 100 pounds in one outside box.

* * * * *

131. In § 173.362, paragraph (a)(2) is revised to read as follows:

§ 173.362 4-Chloro-o-toluidine hydrochloride.

(a) * * *

(2) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside glass, polyethylene, or equally efficient containers not over 1-quart capacity each. Glass containers must be securely packed in tightly closed metal containers.

* * * * *

132. In § 173.365, paragraphs (a)(8) and (a)(9) are revised to read as follows:

§ 173.365 Poison B solids not specifically provided for.

(a) * * *

(8) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with inside paper bags, securely closed and packed within a waterproof duplex bag, Spec. 2J (§ 178.28 of this subchapter). Net weight not to exceed 100 pounds in one outside box.

(9) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside metal cans not over 25 pounds capacity each; glass or earthenware containers not over 1-gallon capacity each; except that inside containers of not over 5 gallons capacity each and containing not over 25 pounds net weight are authorized when only one inside container is packed in each outside box. Fiber cans or boxes, Spec. 2G (§ 178.26 of this subchapter), or sliding-top wooden boxes, lined to prevent sifting, not over 25 pounds capacity each. Net weight not to exceed 100 pounds in one outside box.

* * * * *

133. In § 173.369, paragraphs (a)(7) and (a)(8) are revised to read as follows:

§ 173.369 Carbolic acid (phenol), not liquid.

(a) * * *

(7) Specification 15A, 15B, 15C, 16A, 19A or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes with inside glass or earthenware containers not over 1-gallon or 5 pounds capacity each, except that inside containers not over 3 gallons or 15 pounds capacity each are authorized when only 1 is packed in each outside box; or with inside metal containers not over 10 gallons capacity each.

(8) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside metal containers, Spec. 2F (§ 178.25 of this subchapter). Net weight not to exceed 250 pounds in one outside box.

* * * * *

134. In § 173.370, paragraphs (a)(1) and (c)(2) are revised to read as follows:

§ 173.370 Cyanides and cyanide mixtures, dry.

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside metal containers, Spec. 2F (§ 178.25 of this subchapter), not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, Spec. 2F (§ 178.25 of this subchapter), or in glass bottles not over 5 pounds capacity each.

* * * * *

(c) * * *

(2) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Wooden boxes with inside metal containers, Spec. 2F (§ 178.25 of this subchapter), not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, Spec. 2F (§ 178.25 of this subchapter).

* * * * *

135. In § 173.372, paragraph (a)(2) is revised to read as follows:

§ 173.372 Mercury Bichloride (mercuric chloride).

(a) * * *

(2) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with inside strong paper bags in tightly closed inside wooden boxes.

136. In § 173.375, paragraph (a)(1) is revised to read as follows:

§ 173.375 Sodium azide.

(a) * * *

(1) Specification 15A or 19B (§§ 178.168, 178.191 of this subchapter). Wooden boxes with inside paper bags, securely closed and packed within a waterproof duplex bag, Spec. 2J (§ 178.28 of this subchapter). Net weight not to exceed 100 pounds in one outside box.

* * * * *

137. In § 173.377, paragraphs (a)(2) and (b)(2) are revised to read as follows:

§ 173.377 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphorus compound mixtures; organic phosphate compound mixtures; parathion mixtures; tetraethyl dithiopyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, dry.

(a) * * *

(2) Specification 15A, 15B, or 19B (§§ 178.168, 178,169, 178.191 of this subchapter). Wooden boxes with inside metal or fiber cans not over 12 pounds capacity each, or paper bags, Spec. 2D (§ 178.23 of this subchapter), not over 20½ pounds capacity each. Inside containers must be capable of withstanding the tests prescribed in paragraphs (c) and (d) of this section.

* * * * *

(b) * * *

(2) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal cans not over 12 pounds capacity each. Inside containers must be capable of withstanding the tests prescribed in paragraph (c) of this section.

* * * * *

138. In § 173.382, paragraph (a)(3) is revised to read as follows:

§ 173.382 Irritating materials, not specifically provided for.

(a) * * *

(3) Specification 15A, 15B, or 19B (§§ 178.168, 178.169, 178.191 of this subchapter). Wooden boxes with inside metal containers not over 1-gallon capacity each. Net weight not to exceed 80 pounds in one outside box.

* * * * *

139. In § 173.384, the introductory text of paragraph (a)(2) is revised to read as follows:

§ 173.384 Monochloroacetone, stabilized.

(a) * * *

(2) Specification 15A, 15B, 15C, 16A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.191 of this subchapter).

* * *

140. In § 173.385, paragraph (a)(1) and Note 1 following paragraph (c) are revised to read as follows:

§ 173.385 Tear gas grenades, tear gas candles, or similar devices.

(a) * * *

(1) Specification 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter). Metal-strapped wooden boxes. Functioning elements not assembled in grenades or devices must be in a separate compartment of these boxes, or in inside or separate outside boxes, Spec. 15A, 15B, 15C, or 19B and must be so packed and cushioned that they may not come in contact with each other or with the walls of box during transportation. Not more than 50 grenades and 50 functioning devices shall be packed in one box and the gross weight of the outside box must not exceed 75 pounds.

* * * * *

Note 1.—Grenades or other similar devices may be shipped completely assembled when offered by or consigned to the U.S. Department of Defense, provided the functioning element is so packed that it cannot accidentally function. The outside containers must be metal-strapped wooden boxes, Spec. 15A, 15B, 15C, or 19B (§§ 178.168, 178.169, 178.170, 178.191 of this subchapter).

141. In § 173.500, the introductory text of paragraph (b)(2) is revised to read as follows:

§ 173.500 Definitions.

* * * * *

(b) * * *

(2) An ORM–B material is a material (including a solid when wet with water) capable of causing significant damage to a transport vehicle from leakage during transportation. Materials meeting one or both of the following criteria are ORM–B materials:

* * * * *

142. In § 173.1060, the entire section is deleted and reserved as follows:

§ 173.1060 [Reserved]

143. In § 173.300, paragraph 8 of Appendix A is revised to read as follows:

§ 173.300 Consumer commodity.

* * * * *

Appendix A—Method of Testing Corrosion to Skin.

* * * * *

(8) Corrosion will be considered to have resulted if the substances in contact with the rabbit skin have caused destruction or irreversible alteration of the tissue on at least two out of each six rabbits tested. Tissue destruction is considered to have occurred if, at any of the readings, there is ulceration or necrosis. Tissue destruction does not include merely sloughing of the epidermis, or erythema, edema, or fissuring.

PART 175—CARRIAGE BY AIRCRAFT

144. In § 175.10, the introductory text of paragraph (a)(12) is revised to read as follows:

§ 175.10 Exceptions.

(a) * * *

(12) Hazardous materials which are loaded and carried on or in cargo aircraft only and which are to be dispensed or expended during flight for weather control, forest preservation and protection, flood control, or avalanche control purposes when the following requirements are met: * * *.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

145. In § 178.245-6, the last sentence in paragraph (a) is revised to read as follows:

§ 178.245-6 Name plate.

(a) * * * Upon such plate shall be plainly marked by stamping, embossing, or other means of forming letters into or onto the metal plate itself the following information in characters at least ⅛-inch high: * * *

* * * * *

146. In § 178.251-7, the second sentence in paragraph (a) is revised to read as follows:

§ 178.251-7 Identification and marking.

(a) * * * The plate must be marked in letters and numerals at least ⅛-inch high by stamping, embossing, or other means of forming letters into or onto the metal plate itself. * * *

* * * * *

147. In § 178.255-14, the introductory text of paragraph (a) is revised to read as follows:

§ 178.255-14 Marking.

(a) In addition to marking required by the American Society of Mechanical Engineers Code, every tank shall bear permanent marks at least ⅛-inch high stamped into the metal near the center of one of the tank heads or stamped into a plate permanently attached to the tank by means of brazing or welding or other suitable means as follows: * * *.

* * * * *

PART 179—SPECIFICATIONS FOR TANK CARS

148. In § 179.102-1, paragraph (a)(1) is revised; paragraph (a)(6) is added to read as follows:

§ 179.102-1 Liquefied carbon dioxide.

(a) * * *

(1) All plates for tank, manway nozzle and anchorage of tanks must be made of carbon steel complying with ASTM Specification A516-79b, Grades 55, 60, 65, or 70, or AAR Specification TC128-78, Grade B. The ASTM A516 plate must also meet the Charpy V-Notch test requirements of ASTM A20-79b (see Table 15) in the longitudinal direction of rolling. The TC128 plate must also meet the Charpy V-Notch energy absorption requirements of 15 ft-lb minimum average for 3 specimens and 10 ft-lb minimum for one specimen at minus 50° F in the longitudinal direction of rolling in accord with ASTM Specification A370-77. Production-welded test plates prepared as required by W4.00 of AAR Specifications for Tank Cars, Appendix W, must include impact test specimens of weld metal and heat-affected zone. As an alternate, anchor legs may be fabricated of stainless steel, ASTM Specification A240-79 Types 304, 304L, 316 or 316L for which impact tests are not required.

* * * * *

(6) Tank anchor to tank shell fillet welds must be examined by radioscopy or other non-destructive testing technique to determine that such welds do not have internal voids or discontinuities.

149. In § 179.102-4, paragraph (a)(4) is added to read as follows:

§ 179.102-4 Vinyl fluoride, inhibited.

(a) * * *

(4) Tank anchor to tank shell fillet welds must be examined by radioscopy or other non-destructive testing technique to determine that such welds do not have internal voids or discontinuities.

§ 179.200-7 [Amended]

150. In § 179.200-7, paragraph (d) is amended by deleting the bottom line of the table which reads "ASTM A 240-70, Type 430A.........65,000 22" and by deleting the last line of the footnote which reads "Practice C......Type 430A.... .0060.

* * * * *

151. In § 179.200-14, paragraph (c) is revised to read as follows:

§ 179.200-14 Expansion capacity.

* * * * *

(c) The opening in the tank shell within the dome shall be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening shall be reinforced in an approved manner. This additional reinforcement may be accomplished by the use of a dome opening of the flued-type as shown in Appendix E, Figure E 10C of the AAR Specification for Tank Cars or by the use of reinforcing as outlined in Appendix E, E3.04 and Figures E10K and E10L. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes shall be provided in the tank shell with nipples projecting inside the tank at least 1-inch.

* * * * *

§ 179.220-7 [Amended]

152. In § 179.220-7, paragraph (d) is amended by deleting the bottom line of the table which reads "ASTM A 240-70, Type 430A...... .65,000 22".

* * * * *

153. In § 179.220-15, paragraph (b) is amended by adding the following sentence at the end to read as follows:

§ 179.220-15 Support system for inner container.

* * * * *

(b) * * * The inner container and outer shell must be permanently bonded to each other electrically either by the support system used, piping, or by a separate electrical connection of approved design.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1).

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms Executive Order 12291 or is a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.) A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on September 28, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-29103 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

Correction

In FR Doc. 81-21180, on page 37509, in the issue of Tuesday, July 21, 1981, correct the CFR Part heading now reading "50 CFR Part 651" to read: 50 CFR Part 652.

BILLING CODE 1505-01-M

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50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of continued reduction in weekly fishing time.

SUMMARY: This notice continues the allowable fishing time of 12 hours per week for fishing vessels harvesting Atlantic surf clams within the fishery conservation zone. Action is necessary to reduce the harvest of surf clams to a level compatible with revised estimates of resource abundance, and to constrain harvests to protect the continued viability of the resource.

EFFECTIVE DATE: October 4, 1981.

FOR FURTHER INFORMATION CONTACT: Frank Grice, Chief, Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930-3097; Telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: The surf clam fishery regulations (50 CFR 652.22(a)(4)) provide for reduction of surf clam fishing time if the Regional Director determines, on review of available information and public comment, that the quota for surf clams for any quarterly period will be exceeded.

The Regional Director has consulted at length with spokespersons for the harvesting and processing sectors of the surf clam industry, and with the Mid-Atlantic Fishery Management Council in an effort to develop a course of action which will protect the resource, but which will not cause or contribute to financial hardship for persons involved in the industry.

On July 21, 1981 the Regional Director published notice of a reduction to 12 hours in the fishing week for Atlantic surf clams in the **Federal Register** (46 FR 37509). The Regional Director has determined that fishing time should continue to be restricted to 12 hours per week. Continuation of the reduction of fishing time will be effective on October 4, 1981.

A regulatory flexibility analysis is not required under the Regulatory Flexibility Act because this notice is exempt from the notice and comment requirements of the Administrative Procedure Act. In addition the action does not have a significant economic effect on small businesses for the purposes of Section 609 of the Regulatory Flexibility Act.

This notice does not call for additional collection of information from the public under the Paperwork Reduction Act of 1980.

(16 U.S.C. 1801 *et seq.*)

Dated: October 2, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-29221 Filed 10-5-81; 10:26 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 195
Thursday, October 8, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1139

[Docket No. AO–374–A6]

Milk in Lake Mead Marketing Area; Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rule.

SUMMARY: This action extends the time for filing exceptions to a recommended decision concerning a proposed amended order for the Lake Mead marketing area. Proponent cooperative association requested additional time to complete an analysis of the decision.

DATE: Exceptions now are due on or before November 4, 1981.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued August 27, 1980, published September 3, 1980 (45 FR 58366).

Recommended Decision: Issued September 9, 1981; published September 15, 1981 (46 FR 45776).

Notice is hereby given that the time for filing exceptions to the above listed recommended decision which was issued on September 9, 1981 (46 FR 45776) is hereby extended to November 4, 1981.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: October 2, 1981.

Eddie F. Kimbrell,

Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 81–29231 Filed 10–7–81; 8:45 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 1960

Special Servicing of Delinquent and Problem Case FmHA Farm Borrowers

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise its regulations pertaining to the servicing of delinquent and problem case borrowers. Delinquencies and problem cases are increasing and therefore, creating the need for the proposed servicing tool. The intended effect is to provide a guide letter to be used as a means of notifying delinquent and potential problem case borrowers at the beginning of the production season of conditions that must be met for them to continue receiving FmHA assistance.

DATES: Comments must be received on or before October 19, 1981.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, South Agriculture Building, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn L. Pickinpaugh, Acting Director, Farm Real Estate and Production Loan Division, FmHA, Room 5312, South Agriculture Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, (202) 447–5044.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291, and has been determined to be non-major because there is not an annual effect on the economy of $100 million or more, or a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This action does not directly affect any FmHA programs or projects that are subject to A–95 clearinghouse review.

CFDA program numbers and titles are listed as follows:

10.404	Emergency Loans
10.406	Farm Operating Loans
10.407	Farm Ownership Loans
10.408	Grazing Association Loans
10.409	Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.416	Soil and Water Loans
10.428	Economic Emergency Loans

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statement". It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

FmHA believes that a 10 day comment period is adequate. The guide letter and procedure reference are administrative tools which will assist FmHA County Supervisors to better perform their jobs. It will not require any additional input from the public than already exists; neither will any member of the public receive any benefit or detriment by reason of this change other than better servicing of loan accounts. Therefore, a 60 day comment period is unnecessary.

Major Alternative Actions Considered

(1) Continue with present policy in servicing potential problem case and delinquent borrowers.

This alternative allows potential problem case and delinquent borrowers to continue receiving short notice of FmHA intent to discontinue financial assistance when in most cases it is too late for borrowers to make any tpe of management decisions that could improve their financial position.

(2) Develop a servicing guide letter. This proposed action was selected because it provides a servicing tool that can be used for better servicing of loan accounts. The projected cost and savings are undetermined.

PART 1960—GENERAL

The Farmers Home Administration recommends this alternative and therefore, proposes to amend § 1960.12 of Subpart A of Part 1960, Chapter XVIII, Title 7, Code of Federal Regulations by adding a new paragraph (e) to read as follows:

§ 1960.12 Supervision and servicing by the County Supervisor.

* * * * *

(e) The County Supervisor will use Guide Letter 1960–A–1 to notify delinquent and potential problem case borrowers at the beginning of the production season of conditions that must be met for them to continue receiving FmHA assistance.

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: September 21, 1981.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 81–29334 Filed 10–7–81; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 205 and 290

[Docket No. ERA–R–81–05]

Change in Public Hearing Date for Proposed Rule Establishing New Administrative Procedures for Import and Export of Natural Gas

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Proposed rule; change in public hearing date.

SUMMARY: On August 26, 1981, the Economic Regulatory Administration (ERA) of the Department of Energy issued a proposed rule establishing the administrative procedures regarding applications to import or export natural gas under Section 3 of the Natural Gas Act. The proposal provided for a public hearing to be held in Washington, D.C., on October 7, 1981, with requests to speak at the hearing being due September 29, 1981. Written comments were not due until November 3, 1981.

Considering the complex nature of the issues raised by the proposed rulemaking and in response to specific request to re-schedule the public hearing after the date on which the written comments are due, ERA has determined to change the date of the hearing from October 7 to November 12. Requests to speak at that hearing will be due on November 3 and should be filed in accordance with the procedures outlined in the proposed rule (46 FR 44701, September 4, 1981). Those persons who requested to speak at the earlier hearing will be listed as speakers at the November 12 hearing, unless they noitify ERA to the countrary. Although the written comment period will not be changed, all participants at the hearing will be given an opportunity after the hearing to supplement their written comments on the basis of any new issues raised at the hearing.

Due to the broad scope of this rulemaking and to assist ERA in preparing for the hearing, it would be appreciated if all persons requesting to speak would indicate in their request the particular issues they will be addressing in their oral presentation.

DATES: Written comments are due by November 3, 1981, 4:30 p.m. Requests to speak are due by November 3, 1981, 4:30 p.m.

Hearing to be held on November 12, 1981, at 10:00 a.m., e.s.t. and continued if necessary at the same location on the next business day.

ADDRESS: All written comments and requests to speak at the public hearing should be sent to the Office of Public Hearings Division, Economic Regulatory Administration, Docket No. ERA–R–81–05, Room B–210, RG–33, 2000 M Street, NW., Washington, D.C. 20461.

Hearing location: Room 2105, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Cynthia A. Ford (Public Hearing Division), Economic Regulatory Administration, 2000 M Street NW., Room B–210, RG–30, Washington, D.C. 20461 (202) 653–3081

Paula A. Daigneault (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street NW., Room 7109, RG–13, Washington, D.C. 20461, (202) 653–3220

Michael T. Skinker (Office of General Counsel), Department of Energy, 1000 Independence Avenue SW., Room 6E-042, GC–15, Washington, D.C. 20585 (202) 252–6667.

Issued in Washington, D.C., October 2, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81–29285 Filed 10–7–81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81–NW–69–AD]

Airworthiness Directives: McDonnell Douglas Model DC–10–40 Airplanes Equipped With Pratt and Whitney JT9D–20 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require replacement of the 20 nose cowl attachment bolts and nuts with higher strength parts on each wing-mounted engine installed on Douglas Model DC–10–40 airplanes equipped with Pratt and Whitney JT9D–20 series engines. This AD is needed to minimize the possibility of the nose cowl separating from the engine in the event of a fan blade failure during high power operation.

DATES: Comments must be received not later than December 4, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). Comments may be submitted to and information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Duane Naff, Aerospace Engineer, ANW–140L, Federal Aviation Administration, Northwest Region, Los Angeles Area

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Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2835.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each Federal Aviation Administration public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel. Attention: Airworthiness Rules Docket No. 81–NW–49–AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

During a recent incident involving a DC–10–40 aircraft, the number three engine nose cowl separated from the aircraft as a result of a fan blade failure.

Investigation revealed that several attachment bolts were sheared and/or pulled from the nutplates as a result of the initial impact of the failed blade. The remaining fasteners were unable to retain the nose cowl with the combination of aerodynamic loads and imbalance forces.

The stronger bolts and nuts which would be required under this AD will minimize the possibility of nose cowl separation resulting from similar occurrences.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–10–40 airplanes equipped with Pratt and Whitney JT9D–20 series engines, certificated in all categories. Compliance required within twelve (12) calendar months from the effective date of this AD, unless already accomplished.

To minimize the possibility of the nose cowl separating from the engine, in the event of fan blade failure, accomplish the following:

A. Replace the nose cowl attaching bolts and nuts on engines 1 and 3 as outlined in the Accomplishment Instructions of McDonnell Douglas DC–10 Service Bulletin 71–123 dated June 23, 1981, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

B. Alternate means of compliance with the AD which provide an equivalant level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way Suoth, Steattle, Washington 98108, or 4344 Donald Douglas Drive, Long Beach, California 90808.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, such entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact".

Issued in Seattle, Washington, on September 30, 1981.

Robert O. Brown,

Acting Director, Northwest Region.

[FR Doc. 81–29298 Filed 10–7–81; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 812–3000]

North American Philips Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 81–27812 appearing on page 47088, in the issue of Thursday, September 24, 1981, make the following correction:

On page 47090, middle column, the third line of the fourth complete paragraph, reading "retention of both materials which", should have read "retention of both materials which support the ad claims, as well as those which".

BILLING CODE 1505–01–M

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16 CFR Part 13

[File No. 802–3099]

Volkswagen of America, Inc.; Proposed Consent Agreement with Analysis To Aid Public Comment

Correction

In FR Doc. 81–28094 appearing on page 47619, in the issue of Tuesday, September 29, 1981, make the following corrections:

1. On page 47621, third column, the designation *"Exhibit B"* was omitted between the lines reading: "Volkswagen of America, Inc." and "Reimbursement Request Engine Repair Due to Diesel Oil Filter Leak".
2. On page 47622, second column, eighth line under *"Reimbursement Offer"* reading "engine part that had to be repaired or" should have read "engine part that had to be".

BILLING CODE 1505–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 81–062]

Drawbridge Operation Regulations; Willamette River, Oreg.

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of Multnomah County, Oregon, the Coast Guard will consider changing the regulations governing the Morrison, Burnside and Broadway Bridges across the Willamette

River at Portland, Oregon. The proposed change would require that requests for bridge openings be made in advance. This proposal is being made because of limited requests for openings of the draws. This action may relieve the bridge owner of the burden of having persons constantly available to open the draws and may still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before November 7, 1981.

ADDRESS: Comments should be submitted to, and are available for examination from 8:00 a.m. to 4:30 p.m., Monday through Friday, at the office of the Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, District Bridge Administrator, Aids to Navigation Branch, Room 3564, Federal Building, 915 Second Avenue, Seattle, Washington 98174, telephone (206) 442–5864.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed post card or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: John E. Mikesell, District Bridge Administrator and Lt. B. W. Edwards of the District Legal Officer's Staff.

Discussion of the Proposed Regulations

Under current operating regulations, the four Multnomah County drawbridges across the Willamette River at Portland, Oregon, are under constant attendance and open upon request for the passage of vessels, except during authorized closed periods. During the course of a five week strike by county employees, which included bridge tenders for the Hawthorne, Morrison, Burnside and Broadway Bridges, the bridges were manned during the day shift only, with other hours being handled on a call-back basis. It was determined, by Multnomah County, that this method of operation presented no problems in providing a satisfactory level of service to maritime traffic. During the strike, the Coast Guard received no complaints concerning the operation of the affected bridges.

Based upon experience gained during the strike, Multnomah County has requested that the operating regulations for the Morrison, Burnside and Broadway Bridges be changed to require advance notice be given for bridge openings, except when the water elevation reaches +12 feet and during Rose Festival Week, at which times all bridges would open on call. On weekdays, Monday through Friday, between the hours of 0800 and 1630, one hour advance notice would be required for bridge openings; at all other times two hours advance notice would be required. Advance notification of required openings would be made by contacting the drawtender at the Hawthorne Bridge by marine radio, telephone, or other suitable means. Operation of the advance notice bridges would be accomplished by the use of on-call bridge operators and trained bridge maintenance personnel. The owner of the bridges proposes to install clearance gauges at the drawspan on each of the 4 bridges involved, one on the downstream side of the westerly pier and one on the upstream side of the easterly pier. The bridge owner also proposes to install informational signs upstream of the Hawthorne Bridge and downstream of the Broadway Bridge. In the event of an emergency requiring immediate opening of one of the bridges, it is proposed that the Hawthorne Bridge operator would radio the Coast Guard alerting them of the emergency and that the Hawthorne Bridge would be unmanned for the period of time required to attend to the emergency. A review of bridge openings for the past year indicates that the Morrison, Burnside and Broadway Bridges average less than one opening per day each, with about half of the openings occurring at night. Twenty three companies or organizations, identified as having an interest in navigation on this reach of the Willamette River, were contacted for a preliminary response to the proposal. Six responses were received, four had no objection, one was concerned about safety and one about the convenience of passage.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.750 to read as follows:

§ 117.750 Willamette River at Portland, Oreg., Columbia River at Vancouver, Wash., and North Portland Harbor (Oregon Slough), Oreg., bridges (highway and railroad); signals.

(a) The draws of the Burlington Northern railroad bridges at Vancouver, Wash., and at St. Johns, Oreg., shall open on signal.

(b) The draws of the Interstate Highway Bridge at Vancouver, Wash., the Union Pacific railroad/highway bridge, and Hawthorne Bridge at Portland, Oreg., shall open on signal, except during closed periods (see paragraph (i)(1) of this section, and § 117.758a).

(c) The draws of the Broadway, Burnside and Morrison Bridges at Portland, Oreg., shall:

(1) Open on signal, except during closed periods (see paragraph (i)(1) of this section), on weekdays Monday through Friday, between the hours of 0800 to 1630, if at least one hour notice is given, and at all other times if at least two hours notice is given. Notice shall be given by marine radio, telephone or other means to the drawtender of the Hawthorne Bridge.

(2) Open on signal for the emergency passage of harbor patrol and fireboats if notice is given to drawtender at the Hawthorne Bridge. At such times the Hawthorne Bridge will be unmanned and cannot open for the passage of vessels.

(3) Open on signal, except during closed periods (see paragraph (i)(1) of this section), without advance notice when the water elevation reaches and remains above +12 feet.

(4) Open on signal, except during closed periods (see paragraph (i)(1) of this section), without advance notice during Portland Rose Festival Week.

(d) Call signals for opening of draw. These signals shall be as prescribed for each bridge in paragraph (e) of this section. It is given by vessels as notice to bridge operators to open the draw, or in case the draw is already open, that they intend to pass through. A call signal given twice in rapid succession indicates that vessel has authority to pass bridges during closed periods (see paragraph (i)(1) of this section).

(e) Answering signals—(1) Acknowledging signal. Shall be the same as the call signal for each bridge. Its purpose is to acknowledge the call signal of a vessel and to indicate that the operator intends to open the draw as soon as practicable, or that he will hold it open.

(2) Danger signal. Shall consist of a series of short blasts, at least four, given in rapid succession, and repeated if necessary. Its purpose is to answer the call signal of a vessel and to indicate that the draw cannot, or will not, be opened at once, or, when vessels are waiting in the vicinity, that the draw, if open, is about to be closed. It is also to be used in emergency to revoke an acknowledging signal.

(3) Rescinding signal. Shall be the reverse of the call signal for each bridge. It is given by a vessel to cancel a previous call signal, to indicate that the vessel does not intend to pass through and that the draw need not be opened, or may be closed.

(4) Answer to rescinding signal. (i) Answer by the bridge operator to a rescinding signal shall be the danger signal (see paragraph (e)(2) of this section).

(5) Call signals. The following call signals are prescribed for vessels wishing to have the drawspans opened or held open.

(i) Burlington Northern railroad bridge, at Vancouver, Wash., one long followed by one short blast.

(ii) Interstate Highway Bridge, at Vancouver, Wash., two long followed by one short blast.

(iii) (Reserved)

(iv) Burlington Northern railroad bridge, at St. Johns, Oreg., one long followed by one short blast.

(v) Broadway Bridge, two long followed by one short blast.

(vi) Union Pacific Railroad bridge, one long followed by one short blast.

(vii) Burnside Bridge, one long followed by two short blasts.

(viii) Morrison Bridge, one long followed by three short blasts.

(ix) Hawthorne Bridge, one long followed by four short blasts.

Call signals may be given on any form of whistle, horn, siren, or trumpet with sufficient range or volume to be heard by bridge operators.

(f) To bridge owners. All bridges to which this section applies shall be equipped with suitable air whistles of sufficient size and range that signals sounded on same shall be distinctly audible up and down stream under adverse wind and weather conditions for a distance of 2,500 feet, except for the Burlington Northern Railroad Co. bridges over the Columbia and Willamette Rivers, which shall have a range of at least 5,000 feet under the same conditions.

(g) To navigators. (1) A vessel, desiring at any time (except during closed periods, and except for bridges which require advance notice, see paragraphs (c)(1) and (i)(1) of this section) to pass through any of the above-mentioned bridges, under which it cannot pass with the draw closed, shall sound the call signal for such bridge as prescribed in paragraph (e) of this section, and shall repeat such signal at intervals until it is answered by the operator of the bridge (see paragraphs (d) and (h) of this section). In case two vessels approaching from opposite directions would meet at or near the bridge, the vessel bound downstream should be considered as having the right of way. When either vessel waits for passage of the other, it shall again give the call signal for the bridge and receive acknowledgement before proceeding. It is incumbent upon navigators to make sure that their signals are understood before proceeding through a drawspan, and when approaching bridges, vessels should be kept under control, with a view to stopping, if necessary, before reaching the bridge.

(2) Vessels authorized to pass through bridges during closed periods, as provided in paragraph (i)(1) of this section and in the case of the Broadway, Burnside and Morrison Bridges, after contacting the drawtender at the Hawthorne Bridge, shall sound the call signal twice in rapid succession. Signals to open shall be given by vessels at a distance of at least 1,000 feet from the bridge, except in case of a vessel leaving a wharf or anchorage or when waiting less than 1,000 feet from the bridge. In such cases the signal shall be given early enough to allow the operator of the bridge sufficient time in which to clear and open the draw before arrival of the vessel.

(3) All vessels when passing any bridge shall be moved as expeditiously as is consistent with established rules governing speed in the harbor of Portland, and all towboats engaged in handling other craft or in towing logs through any of the bridges shall be of sufficient power to handle the tow without unduly delaying the closing of the drawspan.

(4) Vessels with hinged or adjustable masts or booms projecting above their fixed structures shall lower same and pass under the bridge, if practicable, without signaling for the draw to open.

(h) To bridge operators. (1) If the bridge is already open, when a call signal is given, the operator shall promptly answer the vessel calling by giving the acknowledging signal or hold it open, as the case may be.

(2) In case the draw cannot be opened at once when the call signal is given, the operator shall promptly answer the vessel calling by giving the danger signal and shall repeat same, if necessary. As soon as the exigency which prevented opening has been removed the bridge operator shall promptly sound the regular acknowledging signal for that bridge to advise vessels that the draw can be opened at once, and he shall thereupon proceed to open same if there is a vessel waiting to pass through.

(3) When two vessels arrive at a bridge at or near the same time and blow the call signal, lift spans, when opened, shall be raised high enough to clear the taller vessel. If either vessel at any drawbridge waits for passage of the other and again gives the call signal, the bridge operator shall promptly answer with the acknowledging signal and shall hold the span open. In case the intentions of a waiting vessel are not understood by a bridge operator, when the draw is open he shall sound the danger signal as a warning to vessels that he is about to close the draw.

(4) If a rescinding signal is given by a vessel to cancel a previously given call signal, and it is evident the vessel does not intend to pass through, the bridge operator shall answer with the danger signal (four or more short blasts) and may then close the draw, or need not open it.

(i) Closed periods. (1) The periods from 7 a.m. to 8:30 a.m. and 4 p.m. to 5:30 p.m. are hereby designated closed periods during which the draw spans of bridges carrying street traffic over the Willamette River at Portland shall not be opened to navigation except as below provided, or when necessary to prevent accident.

(2) Closed periods above defined shall not be effective on Saturday, Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, or days observed in lieu of these under State law: Provided, That closed periods shall not apply against harbor patrol or fireboats

answering calls. At the Broadway Bridge only, oceangoing vessels of 750 gross tons or over that are entering the harbor directly from the ocean, and who have given advance notice (see paragraph (c) of this section) may signal and pass through this bridge at any hour. Vessels authorized to pass through bridges during closed periods or in case of emergency when opening of the draw is necessary to prevent accident, shall sound the call signal twice in rapid succession, i.e., with an interval of not over 5 seconds between signals. The Broadway Bridge shall be opened, however, for oceangoing vessels of 750 tons or over under the rule above whether the vessel gives a single or double call signal.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46 (c)(5), 33 CFR 1.05–1(g)(3))

Dated: September 2, 1981.

R. I. Copin,

Captain, U.S. Coast Guard, Commander, 13th Coast Guard District, Acting.

[FR Doc. 81–29314 Filed 10–7–81; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD5 81–11R]

Drawbridge Operation Regulations; North Landing River (AIWW), Va.; U.S. Government Bridge at Chesapeake

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rule.

SUMMARY: At the request of the Norfolk District Engineer, Corps of Engineers, Norfolk, Virginia, the Coast Guard is considering the establishment of regulations that would limit the opening of the drawbridge across the Atlantic Intracoastal Waterway, (North Landing River), mile 20.2 at Chesapeake, Virginia. This proposal is being made in order to reduce the number of draw openings and improve the flow of vehicular traffic across the bridge. This action will reduce the number of draw openings, improve the flow of vehicular traffic across the bridge and still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before November 7, 1981.

ADDRESS: Comments should be submitted to and are available for review from 8 a.m. to 4:30 p.m., Monday through Friday at the office of the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Bridge Administrator, Aids to Navigation Branch, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705 (804–398–6222).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written comments. Persons submitting comments should include their name and address, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement of their comments should enclose a stamped, self-addressed postcard or envelope.

The Commander, Fifth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in the light of comments received.

This proposed regulation has been reviewed under the provisions of E.O. 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation of the proposal has not been conducted because the expected economic impact is so minimal as to not warrant the evaluation. In accordance with Section 605(b) of the Regulatory Flexibility (Act (94 Stat. 1164), it is also certified that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

These conclusions are supported in the following discussion of the Proposed Regulations.

Drafting Information

The principal persons involved in drafting this proposal are: Wayne J. Creed, Project Manager, Fifth Coast Guard District, Aids to Navigation Branch and LCDR Mark P. Troseth, Project Attorney, Assistant Legal Officer, Fifth Coast Guard District.

Discussion of the Proposed Regulations

The proposed regulations would restrict draw openings to the hour and half-hour for the passage of pleasure craft from 6 a.m. to 7 p.m. every day throughout the year. At all other times the bridge would open on signal for the passage of pleasure craft. Commercial vessel traffic would not be affected by the proposed regulations. It is understood that the proposed regulations would reduce the number of draw openings, improve the flow of vehicular traffic across the bridge and still provide for the reasonable needs of navigation. With this in mind, it is reasonable to assume that the proposed regulations are in the public interest.

There are no known businesses that will be significantly impacted by the proposed regulations. Since the regulations only affect pleasure craft, the only costs will be those of minor time delays and fuel used by these entities. This cost is considered insignificant because the time delays will be one-half hour or less.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding § 117.351 to read as follows.

§ 117.351 North Landing River (AIWW), Va.; U.S. Government bridge at Chesapeake.

(a) From 6 a.m. to 7 p.m. the draw will open on the hour and half-hour for the passage of pleasure craft.

(b) from 7 p.m. to 6 a.m. the draw will open on signal for the passage of pleasure craft.

(c) The drawbridge shall open on signal at any time for public vessels of the United States, commercial vessels and any vessel in an emergency involving danger to life or property. The signal to request an emergency opening is four or more short blasts of a whistle or horn.

(d) A copy of the regulations in this section shall be posted on both sides of the bridge.

(Sec. 5. 28 Stat. 362, as amended (33 U.S.C. 499); Sec. 6(g)(2), Pub. L. 89–670, 80 Stat. 937, as amended (49 U.S.C. 1655(g) (2)); 49 CFR 1.46 (c)(5), 33 CFR 1.05–1(g)(3))

Dated: August 21, 1981.

John D. Costello,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 81–29315 Filed 10–7–81; 8:45 am]

BILLING CODE 4910–14–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the Semiannual Agenda of Regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, and Executive Order 12291 "Federal

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Regulation" dated February 17, 1981 the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the Endowment has issued or expects to issue and currently effective rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Schurman, General Counsel, National Endowment for the Humanities, 806 15th Street, N.W., Washington, D.C. 20506, 202-724-0367.

SEMIANNUAL AGENDA OF REGULATIONS:

Regulations to be issued:
- Nondiscrimination on the Basis of Handicap;
- Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from NEH;
- Nondiscrimination on the Basis of Sex;

Regulation under review:
- Nondiscrimination on the Basis of Race, Color, or National Origin Within NEH-Funded Programs

None of the above regulations is a "major rule" within the meaning of Executive Order 12291, nor would any of the regulations have a significant economic impact on a substantial number of small entities.

Dated: September 30, 1981.

Joseph D. Duffey,
Chairman.

[FR Doc. 81-29303 Filed 10-7-81; 8:45 am]

BILLING CODE 7536-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 33, 75, 94, 160, 180, and 192

[CGD 79-167]

Life Floats and Buoyant Apparatus; Requirements for Painters With Float-Free Links and Other Changes

AGENCY: Coast Guard, DOT.

ACTION: Proposed Rules.

SUMMARY: This proposal would require that life floats and buoyant apparatus on tank vessels, passenger vessels, cargo and miscellaneous vessels, small passenger vessels, and oceanographic vessels be secured to the vessel by means of a painter and a float-free link. A new specification regulation would be added for the float-free link, and the specification regulations for life floats and buoyant apparatus would be revised to require that each new life float and buoyant apparatus be equipped with a painter attachment fitting and a float-free link. This proposal is intended to prevent life floats and buoyant apparatus from quickly drifting away from a vessel casualty. The need for this action arises from a vessel casualty in which some loss of life might have been prevented if the buoyant apparatus had not been carried away. In addition, this proposal would revise the specification regulations for life floats and buoyant apparatus to require that each new life float and buoyant apparatus be equipped with retroreflective material in order to make it more visible in night searches. A number of other changes are proposed to the specification regulations to bring construction methods and documents incorporated by reference up to date.

DATES: Comments must be received on or before January 6, 1982.

ADDRESSES: (1) Comments should be mailed to the Commandant (G-CMC/24) (CGD 79-167), U.S. Coast Guard, Washington, DC 20593. Between the hours of 7:00 A.M. and 5:00 P.M. Monday through Thursday, comments may be delivered to, and are available for inspection and copying at the Marine Safety Council (G-CMC/24) Room 2418, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, DC.

(2) The Draft Evaluation has been included in the public docket for this rule making, and may be examined at the Marine Safety Council (G-CMC/24) at the address listed above.

(3) Copies of Report No. NTSB-MAR-79-1 are available from the National Technical Information Service, Springfield, VA 22151, or from the National Transportation Safety Board, Washington, DC 20594.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markle, Office of Merchant Marine Safety (G-MMT-3/12), Department of Transportation, U.S. Coast Guard Headquarters, Washington, DC 20593, (202) 426-1444.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, data, or arguments. Comments should include names and addresses, identify this notice (CGD 79-167) and the specific section of the proposal, and give reasons. The proposal may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held if a written request raises a genuine issue.

Drafting Information

The principal persons involved in drafting these regulations are: Mr. Robert Markle, Office of Merchant Marine Safety, and Mr. Michael Mervin, Office of the Chief Counsel.

Discussion of the Proposed Regulations

a. Painters and Float-Free Links for Life Floats and Buoyant Apparatus

This proposal would amend the regulations for tank vessels, passenger vessels, cargo and miscellaneous vessels, small passenger vessels, and oceanographic vessels to require that life floats and buoyant apparatus, where carried, would have to be equipped with a painter at least 30 m (100 ft.) long. The painter would have to be attached to the vessel at one end and to the apparatus at the other end through a float-free link. (Throughout the rest of this document, the term "apparatus" refers to both life floats and buoyant apparatus.) Operators of affected vessels would have to retrofit the apparatus on board their vessels with painters and float-free links within one year of publication of the final rules.

The float-free link would consist of a wire with a loop secured in each end. For apparatus between 6 and 40 persons capacity, the link would be of a strength approximately 25% to 75% of the buoyancy of the apparatus. For larger apparatus, the percentage is smaller, but the link would have a minimum strength of 1800 N (400 lb.). This would keep the apparatus near a vessel that capsizes or sinks in water that is not as deep as the length of the painter; however, the float-free link would prevent the apparatus from being submerged by a vessel that sinks in deeper waters. The painter would be required to have a strength of 17 kN (3800 lb.). This is about twice the buoyant force of the largest apparatus made, so there is an ample margin of safety on the strength of the painter. It is also equivalent to the strength of the 2 in. circumference manila painter required for life floats and buoyant apparatus in the current regulations, so that it would be necessary only to supply an additional 22 m (72 ft.) length of painter rather than completely replace the painter already on the vessel. To retain this strength, painters must be resistant to deterioration in ultra-violet light.

Some larger existing apparatus have painter attachment fittings which can be used for attaching the float-free link. Smaller apparatus have not been required to be equipped with such fittings, so it will be necessary to secure the float-free link to the apparatus with a wire or rope wrapped around the body of the device. Since a painter is now required, all apparatus should already have an arrangement of this type.

An alternative approach wold be to allow the use of smaller painters for small apparatus. For the smallest life floats and buoyant apparatus, this could result in a savings of up to an estimated $13 on the full length of painter or $9 for the additional 22 m (72 ft.) of painter that would be be required to meet these proposed regulations. This has not been proposed because it would add complexity to the regulations and their enforcement. Comments are specifically invited on this matter.

This proposal is the result of a recommendation from the National Transportation Safety Board's investigation of the capsizing of the DIXIE LEE II in which 13 of the 27 persons on board drowned (NTSB recommendation M–79–7). The Board concluded that the loss of the buoyant apparatus (it was not tethered to the vessel and floated away) contributed to the loss of life after the capsizing. The complete report of the Board may be found in report no. NTSB–MAR–79–1 (see the Addresses section for information on how to obtain copies of the report).

Althought the casualty involved a small passenger vessel, the rules proposed in this document would apply to all inspected vessels that carry life floats or buoyant apparatus since the same problems that occurred in the DIXIE LEE II incident would occur in any accident involving a life float or buoyant apparatus. There are, however, very few inspected vessels other than small passenger vessels that carry this apparatus. These include tank vessels operating on certain sheltered waters, some offshore supply vessels operating in the Gulf of Mexico, and passenger vessels on international voyages.

b. Float-Free Link Specification Regulation

In addition to the proposed amendments to the vessel regulations, a new specification regulation for a float-free link is proposed in this document. It is identified as Subpart 160.073 and describes a link that can be constructed inexpensively, without the need for Coast Guard approval and inspection. This will enable almost anyone with modest workshop facilities to construct the devices.

c. Revisions to Life Float and Buoyant Apparatus Specification Regulations

Under this proposal, the buoyant apparatus manufacturer would be required to provide a float-free link with each apparatus, so that it will be ready for proper installation when it is received by the vessel operator.

A requirement is also being proposed for a painter attachment fitting on each new apparatus. The existing buoyant apparatus specification regulation requires a painter attachment fitting for all apparatus weighing over 75 lb., so that smaller apparatus must now have a wire or line tied around them in order to attach the painter. The painter attachment fitting would make this unnecessary. The amended requirements also include a strength test for the painter attachment fitting which would require that the fitting withstand twice the buoyant force of the apparatus.

A requirement for each new buoyant apparatus to be equipped with retroreflective material is being proposed. Retroreflective material increases visibility of lifesaving equipment under searchlights, improving the chances of rescue at night. The proposed regulation is consistent with Resolution A.274(VIII) of the Inter-governmental Maritime Consultative Organization (IMCO), "Recommendation on Retro-reflective Tapes on Life-saving Appliances." The Coast Guard intends to eventually require all lifesaving equipment on commercial vessels to be equipped with this material to aid search and rescue at night. The proposed regulations would not require existing devices to be retrofitted with retroreflective material. By limiting the requirement to new apparatus, the retroreflective material can be applied under controlled conditions and should last for the life of the device.

In addition to the proposed requirements for float-free links, painter attachment fittings, and retroreflective material, a number of other revisions to the life float and buoyant apparatus specification regulations are also proposed in this document. These revisions would reorganize the regulations to make them clearer, delete references to obsolete material, include requirements for modern plastic apparatus construction, include requirements for tests and inspections by independent laboratories, and make a number of minor revisions.

It is proposed to shorten the life float specification regulation (Subpart 160.027) by referencing the buoyant apparatus specification regulation (Subpart 160.010) for most of the construction and test requirements. This is possible because the life float is just a special type of buoyant apparatus. This arrangement will shorten the total space required by the two specification regulations and will ensure the uniformity of requirements for the two devices.

Another proposed change is the use of independent laboratories to supervise the tests and inspections that are conducted for approval and production quality control. The independent laboratories replace Coast Guard inspectors in performing these functions. The approval and production inspection and test proecedures were established in a final rule (CGD 76–048) that was published in the **Federal Register** on December 17, 1979 (44 FR 73038). The revised specification regulations for the life floats and buoyant apparatus would reference these procedures.

The list of documents incorporated by reference into the proposed revised life float and buoyant apparatus specification regulations has been revised to delete outdated documents and to comply with the current requirements of the Office of the Federal Register on incorporations by reference.

Reference to old drawing of life floats and buoyant apparatus has been dropped since these drawings are of obsolete balsa wood types. Important features of these drawings have been extracted and are now part of the proposed revised regulations either as figures or word descriptions.

The revision to the buoyant apparatus specification regulation would delete all reference to construction using balsa wood and metal air tanks. Construction of this sort is obsolete, and no such devices have been approved for new construction for many years. Instead, the specification includes requirements for construction of the apparatus with plastic buoyancy foam. This type of construction is now used exclusively for these devices, although specific requirements have not been proposed until now. The proposed requirements are based on similar requirements for lifeboats and ring life buoys, as well as the existing methods of apparatus construction. All currently approved life floats and buoyant apparatus meet these requirements and will not have to be retested for approval if the amendments are adopted.

A new requirement is being proposed for corrosion resistance of metal parts. All metal parts would be required to have the corrosion resistance of 410 stainless steel and not be in contact with galvanically incompatible metals. This proposed requirement is intended to prevent corrosion of metal in a salt air environment.

The maximum permissible lot size for buoyant apparatus has been increased from 50 to 300. This proposal would

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make buoyant apparatus lot sizes consistent with the existing 300 unit lot maximum that applies now only to life floats.

A bean loading test has been described as an alternate strength test for production testing of peripheral body type buoyant apparatus. (A peripheral body type buoyant apparatus is pictured in Figure 160.010–3(p) of this proposal.) This test has been permitted as an alternate in the past, but it was contained in a referenced Navy specification that has been cancelled.

The proposed requirements would also permit manufacturers to discontinue buoyancy and watertight integrity tests as part of the required production tests, provided that controls are maintained on the amount and quality of buoyancy foam used in the construction of the apparatus. This will allow some cost savings with no loss of quality. These tests were necessary on a regular basis for the old types of construction since there would be some variance between different balsa apparatus, and since air leaks were possible in air tank type devices.

In the life float specification regulation, some alternate types of platform design have been described. This proposed change includes requirements for plywood platforms and for net platforms, both of which are currently made by some manufacturers. These requirements are based on current practice and will not cause any changes in currently approved life floats. Tests for accepting platforms of alternative construction are prescribed.

Finally, a number of editorial changes are being proposed to improve the wording of the specification regulations. Measurements are specified in SI (metric) units with customary U.S. units following them parentheses.

Effective Date

The effective date for the new float-free link specification regulation and the revised specification regulations for life floats and buoyant apparatus, would be 6 months after publication of the final rules. The effective date for the other rules requiring apparatus to be equipped with 30 m painters and float-free links would be one year after publication of the final rules. This will give vessel operators, independent laboratories and apparatus manufacturers sufficient time to prepare for and implement the changes that would be required.

Draft Evaluation

A Draft Evaluation has been prepared for these regulations in accordance with the Department of Transportation's Order on Regulatory Policies and Procedures. That order (DOT 2100.5, 5/22/80, 44 FR 11034, 2/26/79 as amended by 44 FR 28128, 5/14/79) requires that the evaluation quantify, to the maximum extent practicable, the estimated cost of the regulations to the private sector, consumers, and federal, state, and local governments, as well as the anticipated benefits and impact of the regulations. The Draft Evaluation also includes the Environmental Assessment required by the National Environmental Policy Act of 1969 (Pub. L. 91–190). This proposed rule making has also been evaluated under Executive Order 12291 ("Federal Regulation," 2/17/81, 46 FR 13193, 2/19/81), and has been determined not to be a "major rule" as defined in that order since the annual effect on the economy would be less than $100 million and no major increase in prices will result.

This proposal is expected to result in an initial cost of about $170,000 and a recurring annual cost of about $35,000. These costs will be imposed directly on the private sector (the manufacturers of life floats and buoyant apparatus, and operators of affected vessels. The manufacturers and operators are expected to pass the costs through to the ultimate consumers of affected maritime services in the form of price increases. However, because of the low overall cost of the proposal, increases in individual prices will be negligible. There is no effect on federal, state, and local governments except in their capacities as users of life floats and buoyant apparatus and as consumers of maritime services. Implementation and enforcement of these rules would be accomplished within the scope of current Coast Guard marine safety activities, so that there will not be any need for additional federal budget commitments. The primary benefit identified for the proposal is improved effectiveness for life floats and buoyant apparatus by preventing them from floating away from the scene of a vessel casualty.

An initial regulatory flexibility analysis is required by the Regulatory Flexibility Act (Pub. L. 96–354) unless the proposed rule will not have a significant impact on a substantial number of small entities. It is hereby certified that an initial regulatory flexibility analysis is not required and that this proposed rule making would not have a significant impact on any affected entity. The small entities that would be affected by the proposed rule are primarily the owner-operators of tour, fishing, and charter boat businesses. The average initial cost of these proposed regulations would be about $17 for each affected boat, with an average annual upkeep or replacement cost of less than $1 for each affected boat. This is not a significant impact on any operator. Many life float and buoyant apparatus manufacturers are small businesses. This proposed rule making would add about $12.50 to the cost of each device produced. The average price of these devices at retail is about $500. The added cost would not be a significant impact on these producers.

In consideration of the foregoing, the Coast Guard proposes to amend Title 46 of the Code of Federal Regulations as follows:

SUBCHAPTER D—TANK VESSELS

PART 33—LIFESAVING EQUIPMENT

1. By adding the following entry for § 33.20–25 to the table of contents of Part 33 as follows:

* * * * *

Subpart 33.20—Stowage of Lifeboats, Liferafts, and Buoyant Apparatus

Sec.

* * * * *

33.20–25 Stowage of buoyant apparatus—TB/LBR.

* * * * *

2. Section 33.15–15(a) is amended by revising Table 33.15–15(a) to read as follows:

§ 33.15–15 Required equipment for rigid type liferafts and buoyant apparatus—TB/LBR.

* * * * *

TABLE 33.15–15 (a)

Letter identification	Item	Liferaft: Great Lakes	Liferaft: Lakes, bays, sounds, rivers	Buoyant apparatus—All waters
a	Boathook	1	1	None.
b	Lifeline	[1] 1	[1] 1	[1] 1.
c	Matches (boxes)	1	None	None.
d	Oars (units)	[2] 1	[2] 1	None.
e	Oil, storm (gallons).	1	None	None.
f	Painter	1	1	[3] 1.
g	Rowlocks(units)	[2] 1	[2] 1	None.
h	Sea anchor	1	None	None.
i	Signals, distress (units).	[2] 1	None	None.
j	Water light	1	None	[4] [5] 1.

[1] Not required on Type A liferafts.

[2] For description of unit see Section 33 15–20.

[3] See § 33.20–25(a)(3).

[4] Not required on buoyant apparatus for less than 25 persons.

[5] Applies to ocean, coast wise and Great Lakes routes.

(46 U.S.C. 391a; 49 CFR 1.46)

3. By revising § 33.15–20(f) to read as follows:

§ 33.15–20 Description of equipment for liferafts and buoyant apparatus—TB/LBR.

* * * * *

(f) *Painter.* Liferaft painters must be of manila rope not less than 69 mm (2¾ in.) in circumference and of a length not less than 3 times the distance between the deck on which the liferafts are stowed and the light draft of the vessel. Painters for buoyant apparatus are described in § 33.20-25(a)(3).

* * * * *

(46 U.S.C. 391a; 49 CFR 1.46)

4. By revising § 33.20-20 as follows:

§ 33.20-20 Hydraulic releases—TB/ALL.

(a) Each hydraulic release used in the installation of any liferaft, inflatable liferaft, or buoyant apparatus must meet Subpart 160.062 of this chapter.

(46 U.S.C. 391a; 49 CFR 1.46)

5. By adding a new § 33.20-25 to read as follows:

§ 33.20-25 Stowage of buoyant apparatus—TB/LBR.

(a) Each buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the painter attachment fitting on the buoyant apparatus on the other end.

(2) If the float-free link can not be attached directly to the painter attachment fitting, it must be attached by wire or line that—

(i) Has a breaking strength of at least 17 kN (3800 lb.),

(ii) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, is corrosion resistant.

(3) The painter must—

(i) Be at least 30 m (100 ft.) long,

(ii) Have a breaking strength of at least 17 kN (3800 lb.),

(iii) If plastic, be of a dark color or be of a type certified to be resistant to deterioration from ultraviolet light,

(iv) Be secured to the vessel at the end opposite the float-free link, and

(v) Be faked in such a way that it runs out freely when the buoyant apparatus floats away from the sinking vessel.

(4) If the buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength of at least 17 kN (3800 lb.), and

(iv) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(46 U.S.C. 391a, 49 CFR 1.46)

SUBCHAPTER H—PASSENGER VESSELS

PART 75—LIFESAVING EQUIPMENT

6. By revising § 75.15-10(d) and -10(e) to read as follows:

§ 75.15-10 Stowage.

* * * * *

(d) Each life float and buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the painter attachment fitting on the life float or buoyant apparatus on the other end.

(2) If the float-free link can not be attached directly to the painter attachment fitting, it must be attached by wire or line that—

(i) Has a breaking strength of at least 17kN (3800 lb.),

(ii) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, is corrosion resistant.

(3) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength of at least 17 kN (3800 lb.), and

(iv) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) Stowing of life floats and buoyant apparatus must allow easy launching. Life floats and buoyant apparatus over 185 kg (400 lb.) must not require lifting before launching.

(5) Life floats and buoyant apparatus must not be secured to the vessel except by the painter and by lashings which can be easily released or hydraulic releases. They must not be stowed in more than four tiers. When stowed in tiers, the separate units must be kept apart by spacers.

(6) There must be means to prevent shifting.

(e) Each hydraulic release used in the installation of any liferaft, inflatable liferaft, lifefloat, or buoyant apparatus must meet Subpart 160.062 of this chapter.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

7. By revising § 75.20-35(d) as follows:

§ 75.20-35 Description of equipment for life floats and buoyant apparatus.

* * * * *

(d) *Painter.* The painter must be—

(1) At least 30 m (100 ft.) long, but not less than 3 times the distance between the deck on which the life floats and buoyant apparatus are stowed and the light draft of the vessel,

(2) Of a breaking strength of at least 17 kN (3800 lb.),

(3) Of a dark color if plastic, or of a type certified to be resistant to deterioration from ultraviolet light,

(4) Secured to the vessel at the end opposite the float-free link, and

(5) Faked in such a way that it runs out freely when the life float or buoyant apparatus floats away from the sinking vessel.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 94—LIFESAVING EQUIPMENT

8. By revising § 94.15-10(d) and -10(e) to read as follows:

§ 94.15-10 Stowage.

* * * * *

(d) *Life float and buoyant apparatus stowage.* Each life float and buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the painter attachment fitting on the life float or buoyant apparatus on the other end.

(2) If the float-free link can not be attached directly to the painter attachment fitting, it must be attached by wire or line that—

(i) Has a breaking strength of at least 17 kN (3800 lb.),

(ii) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, is corrosion resistant.

(3) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength of at least 17 kN (3800 lb.), and

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(iv) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) Stowing of life floats and buoyant apparatus must allow easy launching. Life floats and buoyant apparatus over 185 kg (400 lb.) must not require lifting before launching.

(5) Life floats and buoyant apparatus must not be secured to the vessel except by the painter and by lashings which can be easily released or hydraulic releases. They must not be stowed in more than four tiers. When stowed in tiers, the separate units must be kept apart by spacers.

(6) There must be means to prevent shifting.

(e) Each hydraulic release used in the installation of any liferaft, inflatable liferaft, lifefloat, or buoyant apparatus must meet regulations of Subpart 160.062 of this Chapter.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

9. By revising § 94.20–35(d) as follows:

§ 94.20–35 Description of equipment for life floats and buoyant apparatus.

* * * * *

(d) *Painter.* The painter must be—

(1) At least 30 m (100 ft.) long,

(2) Of a breaking strength of at least 17 kN (3800 lb.),

(3) Of a dark color if plastic, or of a type certified to be resistant to deterioration from ultraviolet light,

(4) Secured to the vessel at the end opposite the float-free link, and

(5) Faked in such a way that it runs out freely when the life float or buoyant apparatus floats away from the sinking vessel.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

SUBCHAPTER Q—EQUIPMENT, CONSTRUCTION AND MATERIALS: SPECIFICATIONS AND APPROVAL

PART 160—PORTS AND WATERWAYS SAFETY—GENERAL

10. By revising Subpart 160.010 to read as follows:

Subpart 160.010—Buoyant Apparatus for Merchant Vessels

Sec.
160.010–1 Incorporations by reference.
160.010–2 Definitions.
160.010–3 General requirements for buoyant apparatus.
160.010–4 Buoyant apparatus with plastic foam buoyancy.
160.010–6 Capacity of buoyant apparatus.
160.010–7 Methods of sampling, inspections and tests.
160.010–8 Nameplate and marking.
160.010–9 Procedure for approval.
160.010–11 Independent laboratory.

Authority: 46 U.S.C. 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 160.010—Buoyant Apparatus for Merchant Vessels

§ 160.010–1 Incorporations by reference.

(a) The following National Bureau of Standards publication is incorporated by reference into this subpart:

(1) "The Universal Color Language" and "The Color Names Dictionary" in *Color: Universal Language and Dictionary of Names,* National Bureau of Standards Special Publication 440.

(b) The following Military Specifications are incorporated by reference into this subpart:

(1) MIL–P–19644 C—Plastic Molding Material (Polystyrene Foam, Expanded Bead).

(2) MIL–P–21607 C—Resins, Polyester, Low Pressure Laminating, Fire Retardant.

(3) MIL–P–21929 B—Plastic Material, Cellular Polyurethane, Foam-In-Place, Rigid (2 and 4 Pounds per Cubic Foot).

(4) MIL–P–40619 A—Plastic Material, Cellular, Polystrene (For Buoyancy Applications).

§ 160.010–2 Definitions.

(a) *Buoyant apparatus.* Buoyant apparatus is flotation equipment (other than lifeboats, liferafts, and personal flotation devices) designed to support a specified number of persons in the water, and of such construction that it retains its shape and properties and requires no adjustment or preparation for use. The types of buoyant apparatus generally in use are the box-float type and the peripheral-body type defined in paragraphs (b) and (c) of this section.

(b) *Box-float.* Box-float is buoyant apparatus of a box-like shape.

(c) *Peripheral-body.* Peripheral body is buoyant apparatus with a continuous body in the shape of either an ellipse or rectangle with a circular, elliptical, or rectangular body cross-section.

§ 160.010–3 General requirements for buoyant apparatus.

(a) Each buoyant apparatus must be capable of passing the tests in S/ 160.010–7.

(b) Materials not covered in this subpart must be of good quality and suitable for the purpose intended.

(c) Buoyant apparatus must be effective and stable, floating either side up.

(d) Each buoyant apparatus must be of such size and strength that it can be handled without the use of mechanical appliances, and its weight must not exceed 185 kg (400 lb.).

(e) The buoyant material must be as near as possible to the sides of the apparatus.

(f) Each buoyant apparatus must have a life line securely attached around the outside, festooned in bights no longer than 1 m (3 ft.), with a seine float in each bight, unless the line is of an inherently buoyant material and absorbs little or no water. The life line must be at least 10 mm (⅜ in.) diameter and have a breaking strength of at least 5400 N (1215 lb.).

(g) Pendants must be fitted approximately 450 mm (18 in.) apart around the outside of each buoyant apparatus. Each pendant must be at least 6 mm (¼ in.) diameter, at least 3.5 mm (12 ft.) long, secured in the middle, and have a breaking strength of at least 2400 N (540 lb.). Each pendant must be made up in a hank, and the hank secured by not more than two turns of light twine.

(h) Each peripheral body type buoyant apparatus without a net or platform on the inside must also have a life line and pendants around the inside.

(i) Plastic line or webbing must not be used unless it is of a type represented by its manufacturer as ultraviolet light resistant, or it is pigmented in a dark color. A typical method of securing lifelines and pendants to straps of webbing is shown in Figure 160.010–3(i). If webbing is used to secure lifelines and pendants, it must be at least 50 mm (2 in.) wide and must have a breaking strength of at least 3.4 kN (750 lb.) for apparatus of under 25 persons capacity, and 6.8 kN (1,500 lb.) for apparatus of 25 persons capacity and higher.

(j) Buoyant apparatus must have a fitting with an inside diameter of at least 50 mm (2 in.) for the attachment of a float-free link and painter. A float-free link meeting the requirements of Subpart 160.073 of this chapter must be attached to the painter attachment fitting.

(k) Each edge and exposed corner must be well rounded. Buoyant apparatus with a rectangular cross-section must have corners rounded to a radius of at least 75 mm (3 in.).

(l) Buoyant apparatus must not have any evident defects in workmanship.

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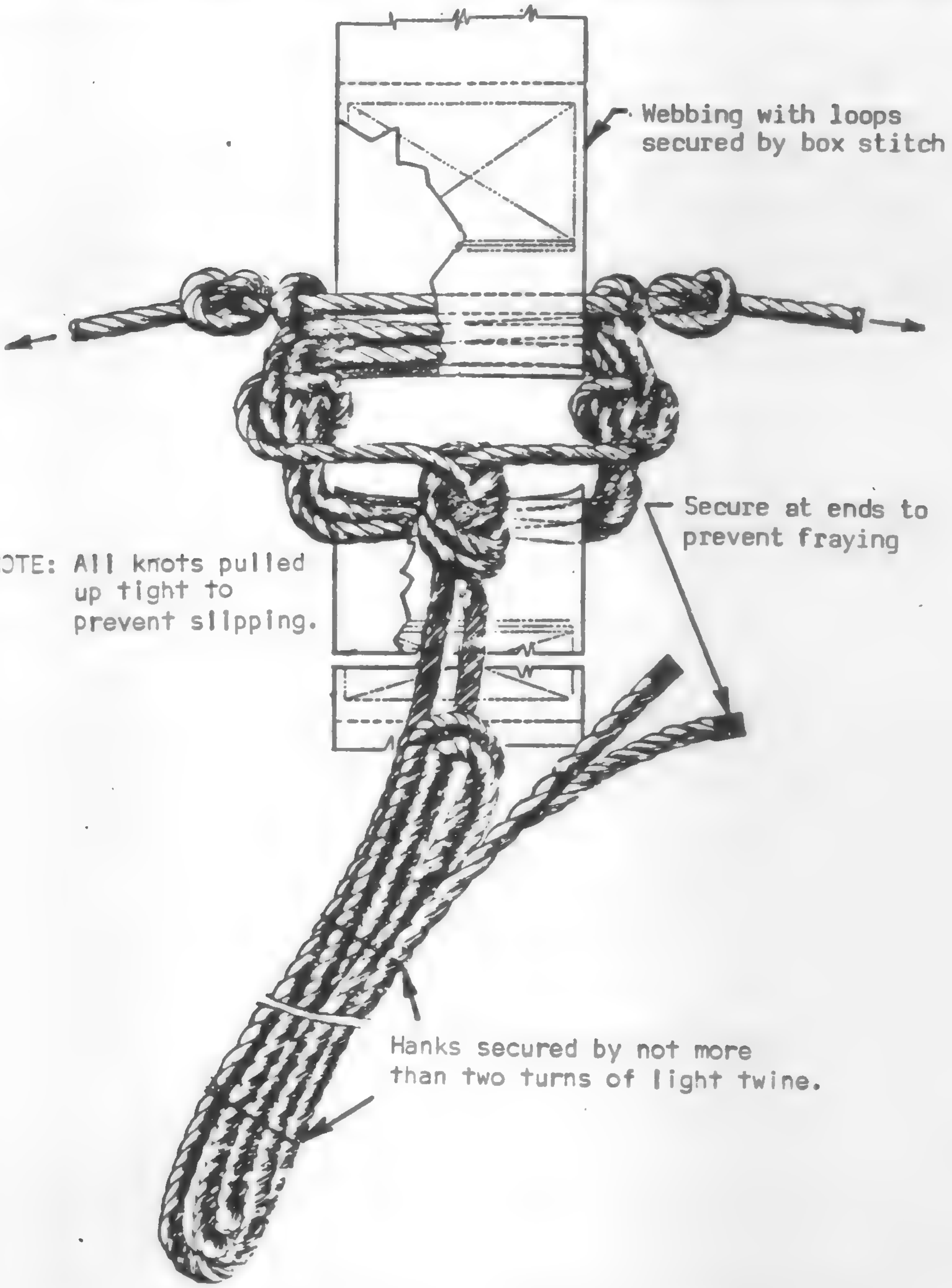
Webbing with loops secured by box stitch
Secure at ends to prevent fraying
NOTE: All knots pulled up tight to prevent slipping.
Hanks secured by not more than two turns of light twine.

Figure 160.010-3(i)-Acceptable method of rigging a pendant.

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(m) Each metal part of a buoyant apparatus must be—

(1) 410 stainless steel or have salt water and salt air corrosion characteristics equal or superior to 410 stainless steel; and

(2) Galvanically compatible with each other metal part in contact with it.

(n) The color of the buoyant apparatus must be primarily vivid reddish orange as defined by Sections 13 and 14 of the "Color Names Dictionary."

(o) When fibrous-glass-reinforced plastic is used in the construction of a buoyant apparatus, each cut edge of laminate must be protected from entry of moisture by resin putty or an equivalent method.

(p) Each buoyant apparatus must have Type II retroreflective material meeting subpart 164.018 of this chapter on each side and end. The material must be in strips at least 50 mm (2 in.) wide extending from top to bottom over the side or end and continuing over the top and bottom surfaces of the apparatus. For peripheral body apparatus, each strip must extend completely over the top and bottom surface of the body. For box type apparatus, the strip must extend at least 300 mm (12 in.) inboard from the edge over the top and bottom surface. Each strip must be positioned near the center of the side or end, but so that it is not obscured by any strap. A typical arrangement is shown in Figure 160.010-3(p).

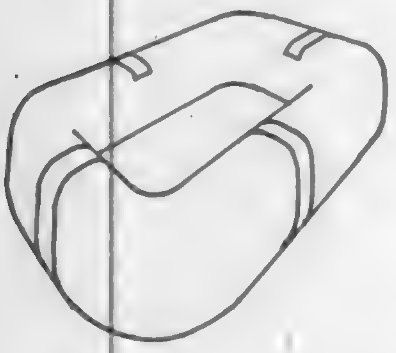

Figure 160.010-3(p)-Typical arrangement of retroreflective material (body fittings omitted).

§ 160.010-4 Buoyant apparatus with plastic foam buoyancy.

(a) Buoyant apparatus with plastic foam buoyancy must have a plastic foam body with an external protective covering. The body may be reinforced as necessary to meet the tests in § 160.010-7.

(b) Plastic foam used in the construction of buoyant apparatus must be a unicellular type accepted by the Commandant as meeting one of the following:

(1) Subpart 164.015 of this chapter.

(2) MIL-P-19644.

(3) MIL-P-21929.

(4) MIL-P-40619.

(c) The external protective covering must be—

(1) Fibrous-glass-reinforced plastic, constructed of a polyester resin listed on the current Qualified Products List for MIL-P-21607, or accepted by the Commandant as meeting MIL-P-21607;

(2) Elastomeric vinyl accepted by the Commandant as meeting § 160.055-3(j) of this Chapter; or

(3) Any other material accepted by the Commandant as providing equivalent protection for the body of the apparatus.

§ 160.010-6 Capacity of buoyant apparatus.

(a) The number of persons for which a buoyant apparatus is approved must be the lowest number determined by the following methods:

(1) Final buoyancy of the buoyant apparatus in Newtons after the watertight integrity test as described in §§ 160.010-7(e) and -7(f), divided by 145 (divided by 32 if buoyancy is measured in pounds). The divisor must be changed to 180 (40 if buoyancy is measured in pounds) if the apparatus is designed so that persons supported are only partially immersed or where facilities are provided for climbing on top of the apparatus.

(2) Number of 300 mm (1 ft.) increments in the outside perimeter of the buoyant apparatus. The inside edge of peripheral-body type buoyant apparatus is not considered in determining the capacity.

§ 160.010-7 Methods of sampling, inspections and tests.

(a) *General.* Production tests must be conducted under the procedures in Subpart 159.007 of this chapter. An inspector from the independent laboratory must inspect the place of manufacture, observe the various operations involved in the construction process and determine that buoyant apparatus are made in accordance with this subpart and of materials and parts conforming strictly with the plans and specifications submitted by the manufacturer and approved by the Commandant.

(b) *Sampling of production lots.* A production lot must consist of not more than 300 buoyant apparatus of the same design and capacity manufactured by one factory. Samples for production tests must be selected at random from each lot. The required sample size for various lot sizes is given in Table 160.010-7(b).

TABLE 160.010-7(b)—SAMPLE SIZE FOR VARIOUS LOT SIZES

Lot size	Sample size
0 to 30	1
31 to 60	2
61 to 90	3
91 to 300	4

(c) *Testing of sample buoyant apparatus from production lots.* Each sample buoyant apparatus selected for test from a production lot must be subjected to the tests described in paragraphs (d) through (g) of this section. The stability test in paragraph (h) must be performed whenever a question of stability arises.

(d) *Strength tests.* The buoyant apparatus tested for approval must be subjected to the drop test. Buoyant apparatus tested for production lot inspections must also be subjected to the drop test except that in the case of peripheral body type apparatus, the beam loading test may be substituted.

(1) *Drop test.* Drop the complete sample buoyant apparatus into still water from a height of 18 m (60 ft.) twice, once flat and once endwise. There must be no damage that would render the apparatus unserviceable.

(2) *Beam loading test.* The buoyant apparatus must be stood on edge on one of its longer sides. A wood block 600 mm (24 in.) long and wide enough to cover the body of the apparatus must be centered on the top edge of the apparatus. A loading beam must be set at right angles to the float at a height so that the beam is in a horizontal position with its center on the center of the wood block. The loading beam must be hinged at one end and a load applied at the other end at a uniform rate of 225 kg (500 lb.) per minute until the load at the end of the beam as shown on Table 160.010-7(d)(2) is reached. The beam is then held stationary for 10 minutes. The device used to apply the load must be a chain fall, hydraulic cylinder or other device that allows the device to unload as the strain on the buoyant apparatus relieves. At the end of the 10 minute

period, the drop in the load on the device must not exceed the maximum permissible drop shown in Table 160.010–7(d)(2). If the buoyant apparatus is not one of the sizes listed in the table, the loads must be determined by linear interpolation.

Note.—Because of the lever ratio of the beam loading apparatus described here, the actual loads applied to the apparatus are twice the loads shown in the Table.

TABLE 160.010–7(d)(2)—BEAM LOADING TEST

Size of buoyant apparatus (persons)	Test load (kg (lb.))	Maximum permissible drop (kg (lb.))
[illegible]	2,400 (5,280)	120 (264)
40	1,800 (3,960)	90 (198)
25	1,500 (3300)	75 (165)
15	1,200 (2,640)	60 (132)
10	900 (1,980)	45 (100)

(e) *Buoyancy test.* Known weights are loaded on the sample buoyant apparatus until it is awash. The buoyancy is the downward force exerted by the weights loaded on the apparatus. A raised platform of known weight having two runners on edge spaced so as to bear on the apparatus may be used to support the weights out of water to avoid the necessity for making allowances for the displacement of submerged weights. This test is not a required production test if the manufactuer—

(1) Uses the same plastic buoyancy foam used in previous production lots,

(2) Determines that the density of each batch of foam used is within a range specified on the approved plans, and

(3) Closely controls the amount of foam used in each apparatus.

(f) *Watertight integrity test.* The buoyant apparatus is submerged for 24 hours at a depth of 3 m (10 ft.) or equivalent water pressure. The final buoyancy of the buoyant apparatus is determined in accordance with paragraph (e) of this section. The final buoyancy must be at least 145 N (32 lb.) per person capacity of the buoyant apparatus, or 180 N (40 lb.) per person capacity of the apparatus is designed so that persons supported are only partially immersed or if facilities are provided for climbing on top of the apparatus. The loss of buoyancy must not exeed 5 percent of the initial buoyancy. This test is not a required production test if the manufacturer uses the plastic buoyancy foam controls permitted as an alternative to the buoyancy test in paragraph (e) of this section.

(g) *Painter attachment strength test.* The apparatus must be positioned with its painter attachment fitting at the lowest point of the apparatus, directly below the center of buoyancy. The apparatus must be suspended in this position from the highest edge. A load equal to twice the buoyancy of the apparatus must be suspended from the painter attachment fitting for 10 minutes. The fitting must remain firmly attached to the buoyant apparatus and the apparatus must not sustain any visible damage.

(h) *Stability test.* With the sample buoyant apparatus floating in water, a weight of 22.5 kg of iron per meter of length (15 lb. per foot) must be suspended in the water from the life lines along one of the longer edges. The same test must be performed along one of the shorter edges. The minimum weight along any one edge must be 27 kg (60 lb.). The buoyant apparatus must neither capsize nor become partially awash under either of these tests.

(i) *Weight test.* One buoyant apparatus of the lot submitted for approval must be weighed. The weight of the complete buoyant apparatus must be within the limit required in § 160.010–3(d).

(j) *Lot acceptance or rejection.* Inability of a sample buoyant apparatus to pass any one or more of the tests required in this section causes rejection of the lot. Each buoyant apparatus in a rejected lot must be reworked by the manufacturer to correct the defects found before the lot is resubmitted for inspection and testing.

§ 160.010–8 Nameplate and marking.

(a) A substantial nameplate must be permanently attached to each buoyant apparatus. The nameplate must contain the name of the manufacturer, symbol or serial number, approval number, dimensions, and number of persons capacity. Space must be provided for the date and the identification of the independent laboratory.

(b) The nameplates of buoyant apparatus accepted must be marked with the identification of the independent laboratory and the date.

§ 160.010–9 Procedure for approval.

(a) A buoyant apparatus is approved by the Coast Guard under the procedures in Subpart 159.005 of this chapter.

(b) The tests required for approval are those in § 160.010–7, and must be performed on the first production lot of buoyant apparatus produced by the manufacturer.

§ 160.010–10 Independent laboratory.

(a) The approval and production tests in this subpart must be conducted by an independent laboratory accepted by the Coast Guard under Subpart 159.010 of this chapter.

11. By revising Subpart 160.027 to read as follows:

Subpart 160.027—Life Floats for Merchant Vessels

Sec.
160.027–2 Type.
160.027–3 Additional requirements for life floats.
160.027–7 Pre-approval tests for alternate platform designs.

Authority: 46 U.S.C. 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 160.027—Life Floats for Merchant Vessels

§ 160.027–2 Type.

(a) Each life float must meet the requirements in Subpart 160.010 of this chapter for a peripheral body type buoyant apparatus designed so that persons supported are only partially immersed (180 N (40 lb.) of buoyancy per person required).

§ 160.027–3 Additional requirements for life floats.

(a) Each life float must have a platform designed to drop through the center of the float, whichever way the life float is floating. A typical arrangement is shown in Figure 160.027–3(a).

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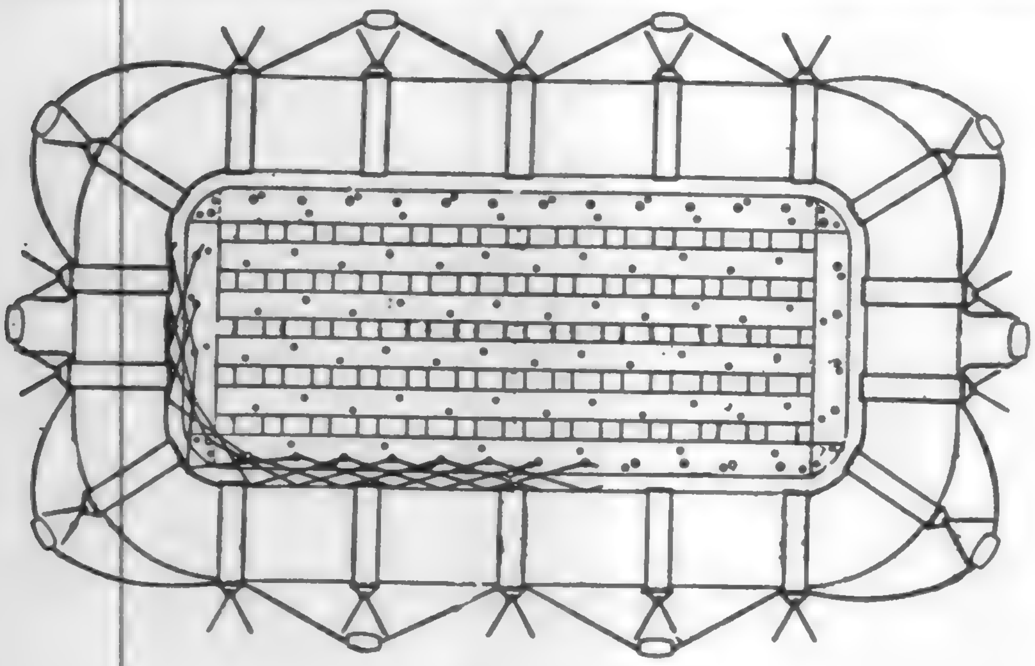

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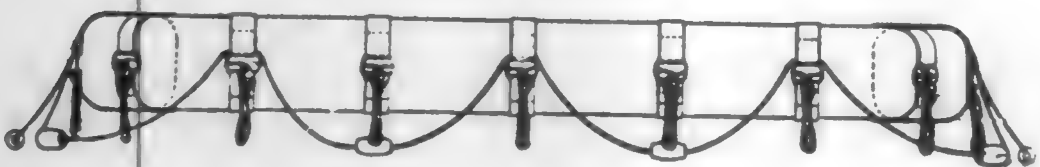

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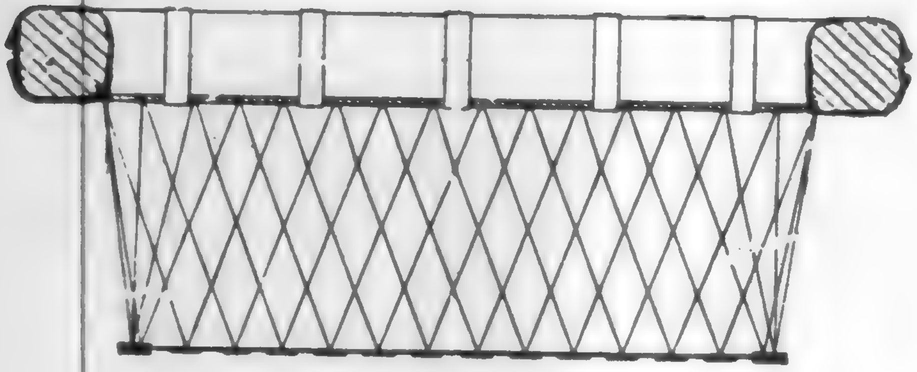

SECTION THRU FLOAT

Figure 160.027-3(a) - Typical Life Float.

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(b) The platform must meet the requirements of one of the following subparagraphs:

(1) A lattice type platform must be of western red cedar, port orford cedar, sitka spruce, northern white pine, or southern cypress slats constructed on an oak frame. The slats must have nominal cross-section dimensions not less than 90 mm (3⅝ in.) by 9.5 mm (⅜ in.). The frame members must have nominal cross-section dimensions not less than 100 mm (4 in.) by 12.5 mm (½ in.). The space between adjacent slats must not exceed the width of the slats. The space between each frame member and the adjacent slat must not exceed twice the width of the slats. The platform must be riveted together at each intersection of—

(i) Frame members,

(ii) Slats, and

(iii) Frame members and slats.

(2) A plywood platform must be made of exterior or marine type plywood with surfaces that are either "A" or "B" grade as commonly designated in the plywood industry. Holes 35 mm (1⅜ in.) to 50 mm (2 in.) in diameter must be drilled through the platform. The number of holes must be at least the number equal to (L–25) (W–25)/225, where L is the length of the platform in cm and W is the width of the platform in cm. (The formula is (L–10) (W–10)/36 where L and W are measured in inches.) The thickness of the plywood must be at least—

(i) 12.5 mm (½ in.) for life floats of 10 persons capacity and under,

(ii) 16 mm (⅝ in.) for life floats between 11 and 25 persons capacity inclusive, and

(iii) 19 mm (¾ in.) for life floats of 26 persons capacity and over.

(3) A platform of construction differing from that described in either (1) or (2) of this paragraph will be approved if it has holes to permit the passage of water and if it passes the tests in S/ 160.027–7. The number of holes must be the same as required for a plywood platform. If the platform is netting on a frame, the netting must be constructed of cordage with a breaking strength of at least 1600 N (355 lb.). The netting must be constructed on not more than 5 cm (2 in.) centers and must be knotted together at each point where the lines intersect.

(4) Each platform must have a surface that protects it from deterioration from exposure to weather. For a wood platform, this surface must be at least two coats of water resistant spar varnish, or two coats of marine paint.

(5) Each part of the platform, including surfaces, edges, and rivets must be smooth and must not have cutting edges, points, or splinters which would be dangerous for bare feet.

(6) The platform must be arranged so that under normal stowed conditions, it can be retained in the center of the float and can be readily released from this position for use.

(c) The platform must be suspended from the body of the float by a net or an equivalent arrangement, which when fully extended, holds the top of the platform approximately 900 mm (36 in.) below the center of the float body.

(1) The net must be constructed of cordage with a minimum breaking strength of 1600 N (355 lb.). The net must be attached to the platform through holes on centers that do not exceed 165 mm (6½ in.).

(2) If the platform is suspended from the body of the float by an arrangement other than a net as described in paragraph (c)(1) of this section, the arrangement must be of equivalent to the net in terms of strength, resistance to tangling, and allowing the platform to freely pass through the center of the life float body.

§ 160.027–7 Pre-approval tests for alternate platform designs.

(a) The tests in this section are for life float platforms that do not meet the requirements of either § 160.027–3(b) (1) or (2).

(b) The float body must be supported so that the platform is suspended in the air by the net or equivalent supporting arrangement. The platform must be loaded evenly with a weight equal to 60 percent of the weight of the total number of persons for which the float is to be rated, assuming a weight of 75 kg (165 lb.) per person. The weight must be alowed to remain on the platform for ten minutes after which it is removed. The supporting arrangement and platform must not show any evidence of damage or permanent deformation as a result of this test.

(c) The float body must be supported so that the platform is suspended in the air by the net or equivalent supporting arrangement. A bag of sand, shot or similar granular material weighing 90 kg (200 lb.) must be dropped onto the center of the platform from a height of 3 m (10 ft.). The supporting arrangement and platform must not show any damage that would affect the serviceability of the float or platform.

(d) As part of the buoyancy test required in S/ 160.010–7(e) of this chapter, the platform must be loaded with weights equal to ½ the rated capacity of the float. There must be no damage to the supporting arrangement or platform as a result of this test.

Note.—Since the weights on the platform will be submerged during this test, allowance must be made for the displacement of the submerged weights. The weight required is calculated by the formula $W=(18d)/(d-4895)$, where W is the required submerged weight per person (in kg) and d is the density of the material (in kg/cu. m). (In customary U.S. units, the formula is $W=(40d)/(d-63)$ where W is in lb. and d is in lb./cu. ft.)

12. By adding a new Subpart 160.073 to read as follows:

Subpart 160.073—Float-free Link for Life Floats and Buoyant Apparatus

Sec.
160.073–1 Scope.
160.073–5 Certification.
160.073–10 Construction and performance.
160.073–15 Tests.
160.073–20 Marking.

Authority: 46 U.S.C. 481; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 160.073—Float-Free Link for Life Floats and Buoyant Apparatus

§ 160.073–1 Scope.

(a) This subpart contains requirements for a float-free link used for connecting a life float or buoyant apparatus to a painter on a vessel. The float-free link is designed to be broken by the buoyant force of the life float or buoyant apparatus so that the float or apparatus breaks free of a vessel that sinks in water deeper than the length of the painter.

§ 160.073–5 Certification.

(a) The float-free link is not approved by the Coast Guard. The manufacturer of the link must certify that it meets all of the requirements of this subpart by application of the markings required in § 160.073–20.

(b) If the manufacturer wants the link to be listed in the Coast Guard publication "Equipment Lists," the manufacturer must send a letter requesting the listing to Commandant, U.S. Coast Guard, G–MMT–3/12, Washington, DC 20593.

§ 160.073–10 Construction and performance.

(a) The link must be constructed essentially as shown in figure 160.073–10. The link must be formed from a single salt water corrosion-resistant wire. A loop at least 50 mm (2 in.) in diameter must be provided at each end of the wire. Each loop must be permanently secured.

(b) The breaking strength of each link must be between:

(1) 450 N (100 lb.) and 600 N (134 lb.) for links intended for life floats and buoyant apparatus of 10 persons and less capacity.

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(2) 900 N (200 lb.) and 1200 N (268 lb.) for links intended for life floats and buoyant apparatus of 11 to 20 persons capacity.

(3) 1800 N (400 lb.) and 2400 N (536 lb.) for links intended for life-floats and buoyant apparatus of 21 persons and more capacity.

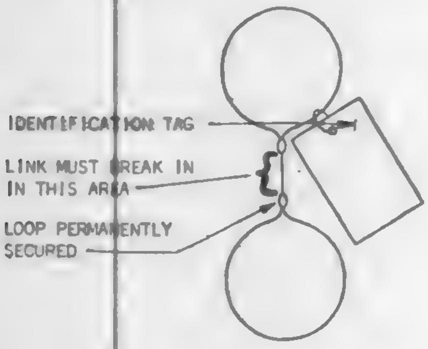

Figure 160.073–10. Typical configuration of float-free link for life floats and buoyant apparatus.

§ 160.073–15 Tests.

(a) The manufacturer shall perform a tensile test on the first three links made from a particular spool of wire. The test must be done by slowly loading the link until it breaks. The link must break between the limits specifed in § 160.073–10(b). The break must occur in the length of wire between the points where the loops are secured (see Figure 160.073–10).

(b) If each of the three links passes the test, each link constructed in the same manner from the same spool of wire may be certified by the manufacturer as meeting the requirements of this subpart.

(c) If one or more of the three links fails the test, no link manufactured in the same manner and from the same spool of wire as the test links may be certified as meeting the requirements of this subpart.

§ 160.073–20 Marking.

(a) Each link certified by the manufacturer to meet the requirements of this subpart must have a corrosion resistant, waterproof tag attached to it that has the following information on it (the manufactures must make the appropriate entries in the indicated spaces):

FLOAT-FREE LINK FOR LIFE FLOATS AND
BUOYANT APPARATUS OF ———
PERSONS CAPACITY. NOMINAL
BREAKING STRENGTH———.
MEETS U.S. COAST GUARD
REQUIREMENTS—46 CFR 160.073. MADE
BY: (name and address) (date)

SUBCHAPTER T— SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

PART 180—LIFESAVING EQUIPMENT

13. By revising § 180.15–5(c) as follows:

§ 180.15–5 Description of equipment for life floats and buoyant apparatus.

* * * * *

(c) *Painter.* The painter must be—

(1) At least 30 m (100 ft.) long,

(2) Of a breaking strength of at least 17 kN (3800 lb.),

(3) Of a dark color if plastic, or of a type certified to be resistant to deterioration from ultraviolet light,

(4) Secured to the vessel at the end opposite the float-free link, and

(5) Faked in such a way that it runs out freely when the life-float or buoyant apparatus floats away from the sinking vessel.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

14. By revising § 180.20–1 to read as follows:

§ 180.20–1 Stowage of lifesaving appliances.

(a) Each life float and buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-free link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the painter attachment fitting on the life float or buoyant apparatus on the other end.

(2) If the float-free link can not be attached directly to the painter attachment fitting, it must be attached by wire or line that—

(i) Has a breaking strength of at least 17 kN (3800 lb.),

(ii) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, is corrosion resistant.

(3) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength of at least 17 kN (3800 lb.), and

(iv) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) Stowing of life floats and buoyant apparatus must allow easy launching. Life floats and buoyant apparatus over 185 kg (400 lb.) must not require lifting before launching.

(5) Life floats and buoyant apparatus must not be secured to the vessel except by the painter and by lashings which can be easily released or hydraulic releases. They must not be stowed in tiers more than 1.2 m (4 ft.) high. Tiers of life floats or buoyant apparatus must not interfere with navigation of the vessel. When stowed in tiers, the separate units must be kept apart by spacers.

(6) There must be means to prevent shifting.

(e) Each hydraulic release used in the installation of any liferaft, inflatable liferaft, lifefloat, or buoyant apparatus must meet Subpart 160.062 of this chapter.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

SUBCHAPTER U—OCEANOGRAPHIC VESSELS

PART 192—LIFESAVING EQUIPMENT

15. By revising § 192.15–10(d) and –10(e) to read as follows:

§ 192.15–10 Stowage.

* * * * *

(d) *Life float and buoyant apparatus stowage.* Each life float and buoyant apparatus must be secured to the vessel by a painter and a float-free link.

(1) The float-feee link must be—

(i) Certified to meet Subpart 160.073 of this Chapter,

(ii) Of proper strength for the size of the life float or buoyant apparatus as indicated on its identification tag, and

(iii) Secured to the painter at one end and secured to the painter attachment fitting on the life float or buoyant appartatus on the other end.

(2) If the float-free link can not be attached directly to the painter attachment fitting, it must be attached by wire or line that—

(i) Has a breaking strength of at least 17 kN (3800 lb.),

(ii) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light, and

(iii) If metal, is corrosion resistant.

(3) If the life float or buoyant apparatus does not have a painter attachment fitting, a means for attaching the painter must be provided by a wire or line that—

(i) Encircles the body of the device,

(ii) Will not slip off,

(iii) Has a breaking strength of at least 17 kN (3800 lb.), and

(iv) If plastic, is of a dark color or is of a type certified to be resistant to deterioration from ultraviolet light.

(4) Stowing of life floats and buoyant apparatus must allow easy launching. Life floats and buoyant apparatus over 185 kg (400 lb.) must not require lifting before launching.

(5) Life floats and buoyant apparatus must not be secured to the vessel except by the painter and by lashings which can be easily released or hydraulic releases. They must not be stowed in tiers more than 1.2 m (4 ft.) high. When stowed in tiers, the separate units must be kept apart by spacers.

(6) There must be means to prevent shifting.

(e) Each hydraulic release used in the installation of any liferaft, inflatable liferaft, lifefloat, or buoyant apparatus must meet Subpart 160.062 of this chapter.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

16. By revising § 192.20–35(d) as follows:

§ 192.20–35 Description of equipment for life floats and buoyant apparatus.

* * * * *

(d) *Painter.* The painter must be—

(1) At least 30 m (100 ft.) long,

(2) Of a breaking strength of at least 17 kN (3800 lb.),

(3) Of a dark color if plastic, or of a type certified to be resistant to deterioration from ultraviolet light,

(4) Secured to the vessel at the end opposite the float-free link, and

(5) Faked in such a way that it runs out freely when the life-float or buoyant apparatus floats away from the sinking vessel.

(46 U.S.C. 481, 49 U.S.C. 1655(b)(1); 49 CFR 1.46)

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

September 30, 1981.

[FR Doc. 81-29329 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Railroad Administration

49 CFR Ch. II

[Docket No. RSSI-81-1; Notice No. 2]

General Safety Inquiry; Public Hearings

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of additional public hearings.

SUMMARY: The purpose of this notice is to confirm the schedule for the second and third 2-day public hearings that FRA will conduct to obtain information from the public to assist in evaluating and improving the effectiveness of its safety regulatory program as it applies to small railroads.

DATES: (1) The second 2-day public hearing will begin at 10 a.m. on October 15, 1981.

(2) Prepared statements and comments for this hearing should be submitted to the principal program person by October 8, 1981.

(3) Persons desiring to participate in this hearing should notify the principal program person by October 8, 1981.

(4) The third 2-day public hearing will begin at 10 a.m. on November 9, 1981.

(5) Prepared statements and comments for this second hearing should be submitted to the principal program person by November 4, 1981.

(6) Persons desiring to participate in the second hearing should notify the principal program person by November 4, 1981.

ADDRESSES: (1) October 15 hearing location—Mark Building, Auditorium, located at 12th and Spruce Streets, St. Louis, Missouri.

(2) November 9 hearing location—Federal Building, Room 15018, 450 Golden Gate Avenue, San Francisco, California.

(3) Docket Clerk, Office of Chief Counsel, FRA; Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

(1) *Principal Program Person:* Rolf Mowatt-Larssen, Office of Safety (RRS-20), FRA, Washington, D.C. 20590, Phone (202) 426-0924.

(2) *Principal Attorney:* Lawrence I. Wagner, Office of Chief Counsel (RCC-30), FRA, Washington, D.C. 20590, Phone (202) 426-8836.

SUPPLEMENTARY INFORMATION: On August 3, 1981, FRA published in the **Federal Register** a notice announcing these public hearings (46 FR 39461). Interested persons should refer to that notice for a summary of the issues to be addressed at these hearings. The initial hearing announced in that notice was held in Washington, D.C. as scheduled.

This notice confirms that the dates for the second and third hearings and establishes the locations for these hearings. Additionally, this notice establishes the dates for the submission of written statements and notification to FRA of intent to participate in the additional hearings.

The second 2-day hearing is scheduled to occur on October 15 and 16, 1981, in the Mark Building Auditorium located at 12th and Spruce Streets in St. Louis, Missouri. The third 2-day hearing will occur on November 9 and 10, 1981, in Room 15018 of the Federal Building located at 450 Golden Gate Avenue in San Francisco, California.

Issued in Washington, D.C., on October 2, 1981.

Joseph W. Walsh,

Associate Administrator for Safety.

[FR Doc. 81-29188 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 22

Permits To Take Golden Eagle Nests; Availability of Draft Environmental Assessment and Reopening of Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of draft environmental assessment for public inspection and comment; reopening of the comment period on the proposed rule.

SUMMARY: To comply with the National Environmental Policy Act of 1969, the Fish and Wildlife Service has prepared a draft environmental assessment in conjunction with a proposed rule to permit the destruction or removal of certain golden eagle nests which interfere with resource development or recovery operations. This notice advises the public that the draft environmental assessment is available for public inspection and comment. Also, to allow the public an opportunity to comment on the proposed rule after reviewing the draft environmental assessment, the comment period on the proposed rule is reopened.

DATES: Comments on the draft environmental assessment or the proposed rule are due on or before November 9, 1981.

ADDRESSES: Comments may be mailed to Director (LE), U.S. Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005, or delivered weekdays to the Division of Law Enforcement, U.S. Fish and Wildlife Service, 3rd Floor, 1375 K Street, N.W., Washington, D.C. between 7:45 a.m. and 4:15 p.m. Comments should bear the identifying notation REG 22-02-2. Both documents and any comments

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received may also be inspected weekdays during normal business hours at the Service's Division of Law Enforcement, 3rd Floor, 1375 K Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343-9242.

SUPPLEMENTARY INFORMATION: On January 3, 1980 (45 FR 809-811), the Service published a proposed rule to permit the otherwise prohibited destruction or removal of golden eagle nests which interfere with resource development or recovery operations, if the nests are not under construction or occupied and the taking is compatible with the preservation of the regional population of golden eagles. For details consult the Federal Register of January 3, 1980.

The Service is giving notice of the availability for inspection and comment of the environmental assessment prepared in conjunction with the Service's proposed rule concerning permits to take golden eagle nests which was published in the Federal Register on January 3, 1980 (45 FR 809). Notice is also given that the comment period on the proposed rule has been reopened. Comments on the draft environmental assessment or the proposed rule must be received on or before the date indicated above under the caption "Dates." Single copies of both documents are available upon request by contacting the person identified above under the caption "For Further Information Contact."

Public Comments Invited

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Interested persons are invited to submit written comments regarding the proposed rule or the draft environmental assessment. Those comments and any additional information received will be considered by the Department in adopting a final rule. Correspondence should be mailed or delivered to the address given at the beginning of this notice.

Determination of Effects

In accordance with Executive Order 12291 "Federal Regulation," the Department of the Interior has determined that the proposed rule is not major. This determination is discussed in more detail in a Determination of Effects prepared by the Service. A copy of that document may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Because this rule was proposed before January 1, 1981, under the Regulatory Flexibility Act, Pub. L. 96-354, the Department does not have to determine whether this rule will have a significant economic effect on a substantial number of small entities.

Information Collection

The information collection requirements contained in the proposal have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

The primary author of this notice is John T. Webb, Division of Law Enforcement, U.S. Fish and Wildlife Service.

Dated: October 1, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-29224 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 195
Thursday, October 8, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review; Rescheduling of Previously Announced Meeting

A notice of September 30, 1981 (46 FR 47803) announced a meeting of the Committee on Judicial Review of the Administrative Conference of the United States to be held on October 15, 1981. That meeting has been rescheduled and will be held at 1:30 p.m. Friday, October 23, 1981 at the Office of Covington & Burling, Main Conference Room (11th Floor), 1201 Pennsylvania Avenue, NW., Washington, D.C.

For further information concerning this meeting contact Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202-254-7065.)

Richard K. Berg,
General Counsel.
October 5, 1981.

[FR Doc. 81-29284 Filed 10-7-81; 8:45 am]

BILLING CODE 6110-01-M

CIVIL RIGHTS COMMISSION

Ohio Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on October 24, 1981, at the Christopher Inn, 300 E Broad Street, Columbus, OH 43215. The purpose of this meeting is to hear the report from the SAC Conference and to discuss rechartering for fiscal year 1982.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Henrietta H. Looman, 1222 Woodland Avenue, N.W., Canton, OH 44703, 216/454-2278, or the Midwestern Regional Office, 230 Dearborn Street, 32nd Floor, Chicago, IL 60604, 312/353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 2, 1981.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 81-29300 Filed 10-7-81; 8:45 am]

BILLING CODE 6335-01-M

Utah Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the Utah Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on October 28, 1981, at the Jewish Community Center, 2416 E. 17th South, Salt Lake City, UT 84108. The purpose of this meeting is to hear a report on the SAC chair-person's conference; discuss the current project; and civil rights issues in the state.

Persons desiring additional information or planning a presentation to the Committee, should contact the Acting Chairperson, Mr. Fred Oswald, 1827 Princeton Avenue, Salt Lake City, UT 84105, 801/535-6929, or the Rocky Mountain Regional Office, Brook Towers, Suite 2235, 1020 15th Street, Denver, CO 80202, 303/327-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. October 5, 1981.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 81-29301 Filed 10-7-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Investigation of Imports of Chromium, Manganese and Silicon Ferroalloys and Related Materials

AGENCY: Office of Industrial Resource Administration (formerly Office of Industrial Mobilization), International Trade Administration, Commerce.

ACTION: Notice of initiation of an investigation under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and request for comments.

SUMMARY: This notice is to advise the public that an investigation is being conducted under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effects on the national security of imports of chromium, manganese and silicon ferroalloys and related materials. Interested parties are invited to submit written comments, opinions, data, information or advice to the Office of Industrial Resource Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: Comments must be received by December 7, 1981.

ADDRESS: Written comments (11 copies) should be sent to Richard V. Meyers, Compliance Officer, Office of Industrial Resource Administration, International Trade Administration, Department of Commerce, 14th and Constitution Avenue, NW, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Richard V. Meyers, Compliance Officer, Office of Industrial Resource Administration, International Trade Administration, Department of Commerce, 14th and Constitution Avenue, NW, Washington, D.C. 20230 (202/377-3634).

SUPPLEMENTARY INFORMATION: In an application received August 18, 1981, the Secretary of Commerce was requested to initiate an investigation under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effect on the national security of U.S. imports of chromium, manganese and silicon ferroalloys and related materials provided for in TSUS items 606.2200, 606.2400, 923.18, 606.2600, 606.2800, 606.3000, 606.35, 606.3600, 606.3700, 606.3900, 606.4000, 606.4200, and 606.4400. Accordingly, such an investigation is being undertaken in accordance with International Trade Administration Regulation 15 CFR 359.

Interested parties are invited to submit written comments, opinions, data, information or advice with respect to this question to the Office of Industrial Resource Administration,

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International Trade Administration, Department of Commerce, by December 7, 1981.

While all relevant material will be helpful, the Department is especially interested in information relative to the criteria listed in § 359.4 of the Regulation (15 CFR 359.4) as follows:

(a) The effect on the national security of the quantity of imports of the article in question or other circumstances related to its import;

(b) The requirements of national security with regard to:

(1) Domestic production of the article in question needed for projected national defense requirements;

(2) The capacity of domestic industries to meet projected national defense requirements of the article in question;

(3) The existing and anticipated availabilities of human resources, products, raw materials, production equipment and facilities, and other supplies and services with respect to the article in question that are essential to the national defense;

(4) The growth requirements of domestic industries to meet national defense requirements of the article in question and the supplies and services including the investment, exploration and development necessary to assure such growth; and

(5) Any other relevant factors.

(c) The quantity, availability, character and uses of the article in question with regard to:

(1) The impact of foreign competition on the economic welfare of any domestic industry essential to our national security;

(2) The displacement of any domestic products causing substantial unemployment, decrease in the revenues of government, loss of investment or specialized skills and productive capacity, or other serious effects; and

(3) Any other relevant factors that are causing or will cause a weakening of our national economy.

All material should be submitted with eleven copies and will be made available at the Department of Commerce for public inspection and copying, except for information or material that is national security classified or determined to be confidential as provided in § 359.6 of the Regulation (15 CFR 359.6). Additionally, communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning this investigation will be maintained in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230. The records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration's Freedom of Information Officer, at the above address or by calling (202) 377-3031.

If deemed appropriate by the Department, a public hearing may be held to elicit further information as provided in § 359.8 (15 CFR 359.8) of the Regulation. Adequate notice will be given as to time, place and matters to be considered at the hearing(s) so that interested parties will have an opportunity to participate.

The findings of this investigation and a recommendation by the Secretary of Commerce for action or inaction regarding the imports of chromium, manganese and silicon ferroalloys and related materials shall be made to the President no later than August 17, 1982.

Dated: October 5, 1981.

Bo Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 81-29249 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductors, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States established or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: October 13, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Ave., NW., Washington, D.C. The meeting will continue to its conclusion on October 14, in Room 6802, Main Commerce Building.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Charter of the Committee was signed on September 18, 1981, but because the Notice of Determination to close meetings to the public was not signed until September 29, 1981, the meeting is called on short notice. This meeting is required because of the need to obtain and consider the Committee's advice on proposals to revise the multilateral list soon to be discussed in formal COCOM sessions in Paris, France.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: 202-377-2583.

Dated: October 2, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-29250 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-25-M

Steel Trigger Price Mechanism Procedures Manual

AGENCY: Department of Commerce, International Trade Administration.

ACTION: Publication of steel trigger price mechanism (TPM) procedures manual.

SUMMARY: The Department of Commerce is publishing its steel trigger price mechanism (TPM) procedures manual, which describes the manner in

which the Department monitors the importation of basic steel mill products into the United States.

FOR FURTHER INFORMATION CONTACT: Thomas A. Ehrgood, Jr., Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

In the **Federal Register** of April 20, 1981 (46 FR 22738), the Department of Commerce published a proposed steel trigger price mechanism (TPM) procedures manual. Subsequent to that publication, and in response to the Department's request, numerous comments were submitted by the public regarding many aspects of TPM administration. Most of the comments focused on related party monitoring procedures and on the manner in which the Department adjusts resale prices in the United States before comparing them with applicable trigger prices.

The final procedures manual published today includes an ex-mill price monitoring policy, to be implemented by the Department of Commerce, that will be effective as to shipments exported in the fourth quarter of 1981. The manual also includes new procedures to be followed by the Department in evaluating unrelated resale prices in the United States. Those procedures will be followed by the Department beginning on January 1, 1982, and will thus apply to shipments exported on or after that date.

The TPM was originally adopted in early 1978 as an administrative mechanism designed to permit the Department of the Treasury, then the agency administering the U.S. antidumping and countervailing duty laws, to administer the U.S. antidumping law by means other than sole reliance on the prosecution of multiple, concurrent antidumping investigations initiated by representatives of the domestic steel industry. In March 1980, the TPM was suspended as a result of the filing of antidumping petitions against exports of certain carbon steel products by producers in seven European countries. Those antidumping petitions were subsequently withdrawn, and the TPM reinstated, effective October 1980, when it was concluded that the TPM represented the most satisfactory means of balancing the interests of domestic and foreign steel producers within the statutory framework of the U.S. antidumping and countervailing duty laws.

The TPM is an administrative mechanism that does not prescribe market behavior. Information, both that provided by importers at the time of entry summary and that provided by certain importer/resellers following entry, is the linchpin of the TPM's operation. In order for the TPM to achieve its objective of administering the U.S. unfair trade laws through the monitoring of import transactions, it is essential that two conditions prevail. First, the information provided to the U.S. government must be accurate. Second, parties must refrain from willful distortion of trading and distribution channels such that information regarding international import transactions becomes meaningless as an indication of whether unfairly traded foreign steel may be entering the domestic steel market. The Department has become aware of increasing changes in patterns of behavior that may seriously undermine both of these essential conditions.

With regard to the first condition—that accurate information be provided—the Department understands that some importers, either acting alone or in conjunction with other U.S. parties, may be acting in disregard of the legal obligation to report full and accurate information on Special Summary Steel Invoices that are presented to the U.S. Customs Service at the time of entry summary. Those importers and other parties should be aware of the substantial criminal and civil penalties attaching to the commission of Customs fraud. See 18 U.S.C. 542 and 19 U.S.C. 1592, respectively. The Department refers any information that it receives concerning possible violations of the Customs statues to the Customs Service for investigation and possible action. Also, importers and other parties should be aware of their general obligation to report accurate information to U.S. government agencies. See 18 U.S.C. 1001.

Of no less serious concern to the Department is the submission of inaccurate information regarding prices charged, and costs incurred, in resales following entry of imported products by related-party importers to unrelated U.S. purchasers. Although Customs sanctions are sometimes not directly applicable, related importers who are discovered to have sold imported steel in the United States at prices that do not include the trigger price and full costs run the substantial risk that antidumping or countervailing duty investigations will be initiated by the Department based on those sales. The information that may lead the Department to initiate such investigations may be obtained through an audit program that has recently been implemented for the purpose of reviewing resale practices in the United States or from interested parties who may provide relevant information.

To the extent that the reporting of incomplete or inaccurate information has been hitherto attributable to a lack of understanding by the public of the TPM and the procedures thereunder, this publication of the procedures manual should reduce the incidence of unintentional inaccuracies.

The undermining of the second essential condition of the TPM—that trading and distribution channels not be so distorted as to make information about the import transaction meaningless as an indication of whether steel is being fairly traded—is at least as critical to the maintenance of the TPM system. Misuse of offshore buying offices undermines the central premise upon which the TPM was adopted in 1978, namely, that prices charged to U.S. importers, or by related importers to unrelated purchasers in resales, are reliable indicators of whether steel entering U.S. commerce has been fairly priced by the foreign producer. Consistent with this premise, CIF landed trigger prices were established as benchmarks to be applied to steel as priced to buyers positioned at entry points to the U.S. market. The increasing willingness of foreign producers to redirect their U.S. sales to customers positioned at points outside the United States threatens to create an artificial condition in which the effective entry points to the U.S. market are outside the country. If this condition materializes, port of entry monitoring under the TPM will have lost its usefulness.

The ex-mill price monitoring policy proposed in the April 20 notice reflected the Department's decision that, despite the fundamental landed price character of the TPM, the desire to maintain the TPM does not permit the Department to be indifferent toward offshore procurement practices. The proposed policy would have addressed the offshore procurement problem by applying in all cases when a producer sold to an independent middleman whose U.S. importer affiliate had not made a resale to an unrelated U.S. purchaser prior to entry summary. Numerous comments were received by the Department opposing the proposed policy on the ground that the policy would seriously disadvantage non-mill-related middlemen relative to their mill-related competitors and on the ground that the monitoring of ex-mill prices is not a proper concern of the Department and is inconsistent with the fundamental

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character of the TPM as a landed price monitoring system.

The ex-mill price monitoring policy that the Department is adopting here reflects the Department's concern that an across-the-board policy of monitoring ex-mill prices whenever a non-mill-related middleman has not resold some or all of the merchandise prior to entry summary might have unacceptably adverse consequences for independent middlemen as a class. The policy also reflects, however, the Department's conclusion that misuse of offshore procurement opportunities may also occur when merchandise has been resold prior to entry. Most important, though, the policy adopted reflects the Department's decision that, as much as it would prefer to adopt a policy of indifference toward offshore procurement practices, such a policy would be inconsistent with the Department's intention to preserve the integrity of the TPM.

The TPM is solely a guide for the Department to use in deciding to investigate whether sales into the United States have been made at less than fair value or with the benefit of countervailable subsidies. Since such investigations focus on ex-mill prices, the TPM monitoring system cannot be limited to methods that do not accurately reflect the transactions upon which those investigations would be based. The policy adopted today is intended to provide the Department with the degree of flexibility required to address the various types of transactions that certain foreign producers and their customers have employed in order to disguise the entry into the United States of steel initially sold by the producer at prices that neither the producer nor the customer would want to appear on an SSSI. Under the new policy, the Department will seek ex-mill price information whenever it concludes that transactions have been structured in such a way that the landed prices normally monitored under the TPM are not reliable indicators of how the steel entering the United States was priced in the initial sale by the producer. If it discovers that the ex-mill price appears to be a price below fair value or that the production of the product benefited from unfair subsidization, the Department will consider whether the initiation of an antidumping or a countervailing duty investigation is warranted.

The new ex-mill price monitoring policy is consistent with a general policy of the Department regarding its monitoring of steel imports under the TPM. The policy is that formal adherence by foreign sellers and their customers to the procedures as described in this procedures manual does not guarantee that unfair trade practices will not be detected and, when detected, addressed by the Department in accordance with its self-initiation authority under the U.S. antidumping and countervailing duty laws. The Department is determined that the objective of detecting potentially injurious unfair trade practices will not be frustrated by parties' adoption of business practices intended to create only the appearance, and not the reality, of conformance with TPM procedures.

Contents

1. TPM product coverage
2. Collection and review of import data
3. Determination of applicable trigger prices for specific steel product imports
4. The relevant invoice price: related and unrelated party transactions
5. Adjustments made to the invoice price in order to determine the comparison price
6. Foreign Trade Zone, warehouse, and Temporary Importation Bond entries
7. SSSI instructions

1. TPM Product Coverage

For TPM monitoring purposes, the Department of Commerce has adopted the steel mill products categorization system of the American Iron and Steel Institute (AISI). All imported steel products falling within the first thirty-two AISI import product categories, shown below, are covered by the TPM. With the exception of steel entered under a Temporary Importation Bond, certain steel imports into Foreign Trade Zones (see Section 6 below), and defense shipments, all imports of steel products falling within these categories require presentation of a Special Summary Steel Invoice (SSSI) to the U.S. Customs Service at the time of entry summary.

AISI Category and Product

1. Ingots, blooms, billets, slabs, etc.
2. Wire rods
3. Structural shapes, plain, 3 inches and over
4. Sheet piling
5. Plates
6. Rail and track accessories
7. Wheels and axles
8. Concrete reinforcing bars
9. Bar shapes under 3 inches
10. Bars, hot rolled, carbon
11. Bars, hot rolled, alloy
12. Bars, cold finished
13. Hollow drill steel
14. Welded pipe and tubing
15. Other pipe and tubing
16. Round and shaped wire
17. Flat wire
18. Bale ties
19. Galvanized wire fencing
20. Wire nails
21. Barbed wire
22. Black plate
23. Tin plate
24. Terne plate
25. Sheets, hot rolled
26. Sheets, cold rolled
27. Sheets, coated (including galvanized)
28. Sheets, coated, alloy
29. Strip, hot rolled
30. Strip, cold rolled
31. Strip, hot and cold rolled, alloy
32. Sheets, other, electric coated

Second quality steel is included under the TPM but is monitored separately from prime quality steel.[1] The Department's monitoring of second quality steel consists of maintaining records, classified by importer, of all importations of steel designated as being of second quality. Thus the Department is aware at all times of who is importing second quality steel. The monitoring objective is, through the maintenance of complete records and the monitoring of individual importers' trade patterns, to identify transactions or series of transactions in which importers may be seeking to circumvent TPM monitoring by misdesignating prime quality steel. Such misdesignation on a SSSI may, of course, constitute a violation of Customs or other statutory provisions.

Although Customs regulations require that SSSIs be presented with respect to imports of all products falling within the first thirty-two AISI import product categories, neither all categories nor all products within a category are covered by trigger prices. From time to time, the Department will add products to, or delete products from, the group of products that are currently covered by trigger prices.

The current TPM Price Manual sets forth product coverage with explanatory notes to aid in interpretation.

Any written submission requesting a product coverage change will be considered a request that will initiate the following procedure; Notice of such request will ordinarily be published in the **Federal Register.** Such notice will invite interested parties to submit comments within thirty days from the date of **Federal Register** publication. Requests and comments should be submitted in duplicate for each product coverage issue addressed. Both requests and comments (in non-confidential versions when appropriate) will be maintained in a public file. Notice of the Department's final decisions will also be published in the **Federal Register.**

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[1] Second quality steel is defined as steel that does not meet the industry standard for prime quality product. Overrollings or odd-lot shipments are not treated as second quality steel if the steel is in prime condition. Customs Service import specialists determine whether merchandise is of prime or second quality.

The Department requests that all written submissions, both original requests and comments on such requests, be specific with respect to the products involved and provide detailed information with respect to domestic market structure, foreign import penetration levels, price levels, and any other economic factors pertinent to the product coverage change request. Failure to provide supporting data may cause the rejection of the request and will lead to delays in considering the request. A failure to provide such information substantially reduces the likelihood that the Department will have a sufficient basis to act favorably upon the request or to give full weight to the comment.

2. Collection and Review of Import Data

United States Customs Service import specialists obtain steel price data from documents filed by importers at the time the entry summary is filed. The principal entry summary document for TPM purposes is the Special Summary Steel Invoice (C.F. 5520) (SSSI),[2] which contains basic information with respect to individual international transactions. On the basis of information contained in an SSSI, a Customs Service import specialist adjusts the invoice price, if necessary, and then compares the adjusted invoice price with the trigger price that he has determined to be applicable to the steel product involved. The SSSI and the import specialist's analysis are then forwarded to the Department of Commerce in Washington, D.C.

The Department reviews the information and the import specialist's analysis and may request additional information from the importer, particularly when the imported steel appears to be priced below the applicable trigger price or when the international transaction is between related parties. If the Department concludes, after review of all available information with respect to both this and other transactions, that the price of the imported steel product is below the applicable trigger price, the Department will consider whether the initiation of a formal antidumping or countervailing duty investigation is warranted.

3. Determination of Applicable Trigger Prices for Specific Steel Product Imports

The TPM Price Manual sets forth trigger prices for basic steel mill products by AISI import product category. Prior to the first quarter 1981 edition of the TPM Price Manual, Tariff Schedule (TSUSA) item numbers were included as interpretative aids. Because TSUSA item numbers do not directly correlate with AISI product categories, the inclusion of such numbers was often misunderstood. Beginning with the first quarter 1981 TPM Price Manual, TSUSA item numbers are no longer being included.

The trigger prices set forth in the TPM Price Manual comprise base prices, extras, ocean freight, insurance, interest, and handling components. Base prices apply to given types, grades and sizes of steel products. The TPM Price Manual includes extras that expand the base coverage to other sizes, grades, qualities, and special conditions.

A product will be considered to fall within a grade listed in the TPM Price Manual if (1) its grade is identical to a listed grade; (2) its grade represents a modification of a listed grade that does not reduce the cost of producing the product; or (3) regardless of how it is identified, it meets the specifications of a listed grade.

If the grade of steel is covered, then size is the next criterion to consider. If the size of the imported steel falls within the range of sizes covered, then that product is covered. If a product has a size specification that falls between two size specifications listed, it is covered and the size specification with the higher dollar value is to be used unless otherwise noted in the TPM Price Manual. If the size of the imported steel is smaller than the smallest size listed in the Manual, or if it is larger than the largest size listed in the Manual, then that imported steel product is not covered by a trigger price. In the case of certain products, such as pipe and tube and stainless steel wire, the base prices are combined with the size and/or grade extras so that one individual price is published for each grade/size. The rules described in this paragraph apply in such cases.

If an imported steel product includes extras other than grade or size that are not listed in the TPM Price Manual, then, assuming that such product without such extras would be covered by a trigger price, that imported steel product is covered by a trigger price. In such a case the applicable trigger price includes only the listed extras.

The ocean freight component of trigger prices is based on shipping costs to four geographic areas: Atlantic Coast, Pacific Coast, Gulf Coast and Great Lakes. The Atlantic Coast freight applies to shipments arriving at Atlantic Coast ports, including Puerto Rico. The Pacific Coast freight applies to shipments arriving at Pacific Coast ports, including Alaska and Hawaii, as well as to shipments arriving at those border ports in California that border Mexico, plus shipments arriving at those border ports in Washington, Idaho and Montana that border the province of British Columbia, Canada. The Gulf Coast freight applies to shipments arriving at Gulf Coast ports as well as to shipments arriving at those border ports in Arizona, New Mexico and Texas that border Mexico. The Great Lakes freight applies to all shipments arriving at ports on the northern border of the United States, with the exception of those border ports in Washington, Idaho and Montana that border the province of British Columbia, Canada.

The applicable trigger price freight component for a given shipment is determined by reference to the first port of arrival into the United States. For example, a shipment arriving at New Orleans, and then transported inland to Chicago where Customs entry is made, would have a Gulf Coast freight component.

The insurance component of a trigger price is equal to one percent of the sum of the base price extras and ocean freight components.

The interest and handling trigger price components vary according to the same four geographic areas that determine the ocean freight trigger price component. Interest represents the seller's financing costs, at current interest rates, from the time of export through thirty days after arrival into the United States. The TPM interest component is based on the average shipping times from Japan to each of the four geographic areas. The handling charge component represents the cost of unloading the steel from the importing conveyance (if not included in the ocean freight charge), any wharfage and port charges, and the cost of loading the steel onto the conveyance that will remove it from the pier area in the first port of arrival. The handling charge component is intended to represent all handling costs normally incurred in unloading the steel product from the vessel and removing it from the pier area in the first port of arrival.

For the purpose of determining which quarterly trigger price will apply to an individual importation, the date of exportation from the country of exportation, as defined by Customs regulations, controls.

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[2] Generally, unless otherwise requested by the District Director of the U.S. Customs Service, the SSSI is presented in lieu of, and not in addition to, the Special Customs Invoice (C.F. 5515).

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4. The Relevant Transaction Price: Related and Unrelated Party Transactions

In the process of moving from a foreign producing mill to an ultimate U.S. consumer, a steel product may be the subject of several different sales transactions. Insofar as the prices in the transactions will vary, and insofar as TPM monitoring consists of price-to-price comparisons, the decision as to which transaction or transactions will be monitored is the key to the reliability of the Department's monitoring efforts.

This section describes which transactions will be monitored depending primarily on whether the international, *i.e.* import, transaction is between related or unrelated parties.[3]

The U.S. Customs Service, for its purposes, applies section 402(g) of the Tariff Act of 1930, as amended.

A. The International Transaction Is Between Unrelated Parties

If the foreign seller is unrelated to the U.S. importer,[4] the Customs import specialist will compare the price in the transaction between those parties with the applicable trigger price, and the Department generally monitors only that transaction. Adjustments as described in Section 5 are made by Customs import specialists to that transaction price before comparison with the applicable trigger price. Only in exceptional situations, when the Department has reason to believe that an unrelated transaction price does not reflect the actual price at which the U.S. buyer has acquired the steel product, will the Department monitor any other transaction. Some of those situations are described below under "C. *The monitoring of the ex-mill price.*"

B. The International Transaction Is Between Related Parties

If the international transaction is between related parties and the imported steel has been resold to an unrelated U.S. purchaser prior to the presentation of entry summary documents to the U.S. Customs Service, the importer will report on the SSSI information regarding the resale transaction price. Customs import specialists compare the resale price to the unrelated party with the applicable trigger price. Although the related party price is reported on the SSSI, the price between the related parties will not be monitored. Except when the Department deems it necessary to monitor the ex-mill price, the resale transaction between the importer and the unrelated U.S. purchaser will be the only transaction monitored by the Department.

If a resale of the steel product has not been made to an unrelated party prior to the presentation of entry summary documents to the U.S. Customs Service, the foreign seller will report on the SSSI information regarding the related party intracompany price. Customs import specialists compare the related party price with the applicable trigger price. If the related party price is below the applicable trigger price, it is treated by the Department as a basis for considering the initiation of an antidumping investigation. If, following the identification of below trigger related party transactions, the importer provides the Department with information showing a resale at trigger price plus full costs, including profit,[5] the Department will disregard the below trigger related party price. If an antidumping investigation is initiated on the basis of a below trigger related party price when no resale price is available, respondents will be required to show, where appropriate, that resales are at or above fair value—not trigger price.

When the related party international transaction price is at or above trigger price, the Department may continue to seek eventual resale price and cost data.

In addition to the monitoring of related party and resale prices as described above, the Department may monitor ex-mill prices in situations described below under "C. *The monitoring of the ex-mill price.*"

C. The Monitoring of the Ex-Mill Price

The Department will obtain and monitor the ex-mill price[6] whenever it believes, based on its evaluation of all the circumstances of a transaction, that such monitoring is required to realize the objectives of the TPM. The objectives of the TPM, which relate to the promotion of fair trade by means of an administrative mechanism that monitors transaction prices to or in the United States, are achievable only if and to the extent that those prices remain reliable indicators of the prices at which foreign steel is entering U.S. commerce. If parties structure their transactions in such ways that, by use of artificially-contrived distribution channels, effective entry into U.S. domestic commerce no longer occurs in the United States itself, then the Department will be forced to go beyond its reliance on C.I.F. landed prices to seek information about the prices at which the product initially entered the stream of commerce with eventual destination in the United States. The price, the ex-mill price, will be evaluated to determine whether it appears that the producing mill has sold at less than fair value or has received unfair subsidies in connection with the production of the product.

The following list of criteria is offered as illustrative of the types of situations in which the Department may seek to monitor the ex-mill price.

1. The related seller is a mere agent for the importer, whose business, independent of TPM-related considerations, is the domestic distribution or consumption of steel rather than the performance of an international trading function;

2. The import transaction is the last in a chain of transactions that, based on all known circumstances, appears to be of a length and complexity designed to circumvent TPM monitoring rather than to achieve traditional commercial objectives. This would include a situation where the Department has reason to believe that a foreign producer has sold to a middleman with knowledge that the middleman would insert additional parties between it and a related importer in the United States; or

3. The Department finds significant increases in imports of certain producers' products, which increases appear to be attributable to the use of related party selling operations or cooperative unrelated party selling operations rather than to an increase in market demand.

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[3] For purposes of determining whether one party is related to another, the Department will in general apply the following criteria set forth in section 771(13) of the Tariff Act of 1930, as amended:

(A) Such person is the agent or principal of the exporter, manufactures, or producers;

(B) Such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer, or producer;

(C) The exporter, manufacturer, or producer owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in any business conducted by such person; or

(D) Any person or persons, jointly or severally, directly or indirectly, through stock ownership or control or otherwise, own or control in the aggregate 20 percent or more of the voting power or control in the business carried on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 percent or more of such power or control in the business of the exporter, manufacturer, or producer.

[4] The importer is the person by whom or for whose account the product is being imported. (See SSSI instruction number 8.) The importer is not necessarily the importer of record.

[5] See Section 5 below.

[6] The ex-mill price is the price paid to the producer for its product. In situations where the producer receives payment from an agent or a related party, the Department may determine the actual price received in light of individual circumstances.

In interpreting and applying the above criteria, the Department will be guided by the fundamental objective of preserving the integrity of the TPM.

5. Adjustments Made to the Invoice Price in Order To Determine the Comparison Price

A. Adjustments Made to International Transaction Prices

If the invoice price of the imported steel product is C.I.F. (cost, insurance and freight), duty unpaid, landed at the first port of arrival, with payment thirty days after arrival, and is a metric ton price, then the Customs Service import specialist makes no adjustment to the invoice price for comparison with the applicable trigger price. If the invoice terms are different, the adjustments described below are made to the invoice price before comparison.

If the terms of sale are other than C.I.F. landed at the first port of arrival, freight and insurance costs are added or subtracted in order to adjust the price to C.I.F., landed at the first port of arrival.

If the handling costs incurred in removing the steel product from the pier area at the first port of arrival are not included in the invoice price, the Customs Service import specialist includes them. If the inland freight and handling costs incurred after the first port of arrival are included in the invoice price, they are deducted.

If the invoice price includes duty, the duty is deducted.

If the terms of payment provide for payment at a time other than thirty days after arrival, a plus or minus interest adjustment is made based on the actual terms of payment. In making this adjustment, the actual interest rate is used if known.[7] If the actual interest rate is not known, a rate of twenty-one and one-half percent is used for the fourth quarter of 1981. The rate used will be reviewed on a quarterly basis and will be changed to reflect significant changes in the U.S. prime rate. The current rate will be listed in the TPM Price Manual.

If the invoice price is in units other than metric tons, the Customs Service import specialist converts the units to metric tons and adjusts the invoice price accordingly.

B. Adjustments Made to Resale Transaction Prices

The above adjustments also apply to the resale price in the United States if the resale price is being used for comparison. The resale price is used if the international transaction price is between related parties. In such cases the interest adjustment is based on the date thirty days after the resale invoice date.

Resale price adjustments will differ depending on whether or not the unrelated resale transaction is a back-to-back sale made prior to presentation of entry summary documents in connection with which no warehousing or processed services will be performed by the related importer or by a third party for the related importer's account. (Hereafter, such sales will be referred to as "back-to-back sales.")

If the resale is a back-to-back sale, adjustments will be made to the resale transaction price to reflect all costs relating specifically to the entry of the product into the United States, including brokerage, duty, and handling. The Department will not make an adjustment to reflect general selling and administrative expenses, *i.e.* overhead, in such resale transactions.[8] No adjustment will be made to reflect profit.

If the resale is not a back-to-back sale, adjustments will be made to the resale transaction price to reflect full costs incurred by the reseller in connection with the resale. Such full costs include, but are not limited to, (1) brokerage, duty, and inland freight charges; (2) general selling and administrative expenses, *i.e.* overhead;[9] and (3) the costs of warehousing, distributing,[10] processing, and fabricating, whether such services are performed by the related importer or by a third party for the related importer's account. Full costs for these purposes, and for the remainder of this section unless otherwise stated, thus represent all costs incurred beyond the C.I.F. trigger price; they do not include the cost of purchasing the product.

The Department will make adjustments in non-back-to-back sales prices to reflect a profit component equal to eight percent of full costs, as defined above.

If the Department determines that a related importer, in a non-back-to-back sale, has resold at a price that does not include the trigger price, full costs, and the profit component, the Department will consider the transaction price to be below trigger price and may use this information for the purpose of initiating an antidumping investigation.

In a non-back-to-back sale, the Department will also analyze the resale transaction price to determine whether that price exceeds the cost of bringing the product into inventory[11] by an amount equal to a normal markup. The question of whether a markup is a normal markup is to be determined by reference to traditional industry averages for sales of like products. When the related importer performs a distribution function, selling out of warehouse (or similar facility), with or without further processing the product, the Department understands the normal markup to be in the range of fifteen to twenty-five percent. When the related importer performs other functions, the normal markup may fall outside that range, but will in no event be less than full costs plus the profit component.

If the importer has not included a normal markup, the Department may review again the resale price to evaluate whether the price may be at less than fair value.

C. Related Party Audits

The Department conducts audits of related importers in order to verify information regarding resale practices in the United States. In conducting these audits, the Department ascertains whether reported data have been calculated in accordance with reasonable accounting methods and whether the inventory accounting method used by the importer for the purpose of identifying relevant resale transactions is a reasonable one.

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[7] The actual rate should reflect the current cost to the seller of its short-term borrowed funds. Although import specialists will always use the stated actual rate, the Department will not use a stated actual rate if that rate appears to be unreasonably low.

[8] When the product has been resold prior to entry in a back-to-back sale, the related importer will still be required to report all selling expenses on the SSSI. in determining whether it will deduct selling expenses, the Department will make the deduction unless the related importer has provided Customs with a resale invoice at the time of entry summary that clearly shows that the resale is a back-to-back sale as defined above. The presentation of such as invoice is not a Customs entry requirement.

The Department is adopting this procedure so that all foreign sellers selling to U.S. purchasers for immediate possession upon entry in the United States, whether such sales are direct, through a related importer, or through an unrelated middleman performing a sales agent function, may be priced identically, *i.e.* at trigger price (plus duty, etc.).

[9] The Department expects that overhead allocated to individual transactions will be calculated on the basis of expenses incurred in a recent accounting period. Thus, for example, the interest cost component added in a resale transaction will be based on total interest expense incurred in a recent period. The Department expects that the interest cost component will reflect the cost of carrying merchandise in inventory, regardless of whether the importer or its foreign affiliate incurs such cost.

[10] Distribution, for these purposes, occurs following the product's having been brought into inventory.

[11] The cost of bringing product into inventory includes the cost of purchasing the product, or the applicable trigger price, whichever is higher, plus brokerage, duty, inland freight, etc. It does not include general selling and administrative expenses or the costs of performing warehousing, distributing, processing, or fabricating services.

D. Commissions

When a commission is paid by a foreign seller to a U.S. buyer (or to an affiliate of the U.S. buyer), whether related or unrelated, and whether the importer of record or not, the commission will be treated as a reduction in the invoice price paid by the buyer. The same will be true when a related importer pays a commission to an unrelated U.S. buyer in a resale following entry. The intention is that the invoice price will be reduced by the amount of the commission in all cases when the commission represents an effective reduction in price to the buyer.

A commission paid by a foreign seller to a party other than the buyer or an affiliate of the buyer will not be considered an adjustment to the price paid by the buyer unless the buyer or an affiliate of the buyer receives, directly or indirectly, some or all of the commission. Also, when the buyer receiving the commission is related to the seller, any deduction made will be to the related party transaction price, not to a subsequent resale price.

A commission paid by a related importer to a third party non-buyer in connection with a resale in the United States is included in that importer's general expenses, which will be deducted from the resale transaction price unless the resale is a back-to-back sale as defined above. However, if the Department learns that such commissions are paid on back-to-back sales and are received, directly or indirectly, by the buyer or an affiliate of the buyer, then the Department will deduct such commission from the resale transaction price.

6. Foreign Trade Zone, Warehouse, and Temporary Importation Bond Entries

A. *Foreign Trade Zone entries*—When steel subject falling within the first thirty-two AISI import product categories is entered into a Foreign Trade Zone (FTZ), FTZ rules apply. Current policy of the Foreign-Trade Zones Board, as reflected in Board Order No. 172, is that steel products covered by a trigger price will not be permitted to enter under "nonprivileged foreign status" if the imported steel is to be transformed in the FTZ and subsequently entered for consumption into the United States. Such steel is monitored in the form in which it enters the FTZ.

If steel subject to TPM is entered into an FTZ for storage only (no transformation), the importer may elect to use either privileged or non-privileged foreign status. If the steel, though priced below the applicable trigger price, is withdrawn from the FTZ for exportation, any Department inquiry resulting from a below trigger price sale will be terminated when the importer furnishes to the Department proof of such exportation.

The date of exportation from abroad determines which quarter's trigger price is used.

The Department will apply its related party monitoring practices in FTZ situations if the international transaction is between related parties.

B. *Warehouse entries*—When steel subject to TPM is entered into a bonded warehouse on a warehouse entry, it will be monitored as it enters the warehouse. An SSSI must be presented at the time of entry, and Customs Service import specialists report the shipment to the Department at that time. If the imported steel, though priced below the applicable trigger price, is withdrawn from the warehouse for exportation, any Department inquiry resulting from a below trigger price sale will be terminated when the importer furnishes to the Department proof of such exportation.

C. *Temporary Importation Bond entries*—When steel subject to TPM is entered under a Temporary Importation Bond (T.I.B.), it is not subject to TPM and presentation of an SSSI is not required. This is because the Customs Service requires that such products be exported as a condition of the T.I.B. entry. If steel is imported under a T.I.B. for processing and then exported, it is assumed that such product will not be re-imported into the United States. If the exported product is subsequently re-imported into the United States, the Department requires presentation of an SSSI indicating that such foreign-made steel had been previously entered under a T.I.B., and describing both the earlier T.I.B. entry and the subsequent importation.

7. SSSI instructions [12]

The Special Summary Steel Invoice (Customs Form 5520) is the basic reporting form for TPM. The U.S. Customs Service is the agency with authority over the SSSI. The SSSI is required to be presented, in duplicate, for all shipments of steel falling within the first thirty-two AISI import product categories, provided the purchase price, including all expenses incident to placing the merchandise in condition packed ready for shipment to the United States, of a shipment from a contiguous country is $5,000 or more, or such price of a shipment from a non-contiguous country is $10,000 or more. A shipment of steel mill products is defined, for TPM purposes, as that quantity shipped from one seller to one buyer, on one carrier, entering at one port of entry. At land border crossings, one carrier is defined as one conveyance, such as one truckload or one freightcarload.

If an SSSI is not presented at the time the entry summary is presented, Customs Service import specialists will reject the entry summary and order redelivery of the steel to Customs custody or assess liquidated damages. If an SSSI presented at the time the entry summary is presented is prepared incorrectly or inadequately, the entry summary may also be rejected.

The numbered items which follow correspond to the item numbers on the SSSI. If the SSSI covers several types of steel priced in different ways, information with respect to each type should be shown separately.

1. *Seller:* Show the name and address (city and country) of the seller of the steel. If the steel was not sold before export, show the name and address (city and country) of the person from whom the steel was obtained by the United States importer. If the steel is consigned show the name and address of the consignor.

2. *Document Number:* If there is a document other than the invoice that would permit ready identification of the shipment, show the number of such document and identify it. If there is no such document, enter "None."

3. *Invoice Number and Date:* Show the invoice number and the date the invoice was issued.

4. *Codes for Extras (column 18):* This item refers to the additional price for extras such as width, length, etc. This code must be shown in column 18a, and the price for each extra must be shown in column 18b if the steel is sold on a base plus extras basis. The extras listed are expressed in terms as now understood in the United States market.

5. *References:* Identify the specific shipment, for example by name of shipping vessel, in such a way as to permit ready identification of the shipment if further information is requested.

6. *Producer if Other Than Seller:* Show the producer's name and address (city and country). If a single entity, corporate or otherwise, owns or controls more than one producing mill, and if all such producing mills are located within one country, then the name and address of that entity may be shown here. If such

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[12] The wording of the instructions set forth in this section differs, in some cases, from the wording of previously published SSSI instructions. Any different wording is intended solely to clarify existing instructions; no substantive change in any instruction is intended.

producing mills are located in more than one country, the mill actually producing the steel must be identified.

7. *Buyer:* Show the name and address of the buyer of the imported steel. In those instances where the importer is related to the foreign seller, and the importer has sold the steel to a person in the United States who is unrelated to the importer or the foreign seller, this item must show the name and address of the unrelated person, and must show the word "unrelated" in parentheses.

8. *Importer:* Show the name and address of the person by whom or for whose account the steel is being imported. Check yes or no to indicate whether the importer is also the importer of record. If the steel is consigned, show the name and address of the consignee. If the firm shown in this box is selling agent insert the words "selling agent" in parentheses after the name of the firm.

9. *Country of Origin:* Show the name of the country in which the imported steel was produced or manufactured. Any additional labor and/or material added to the steel in another country must substantially transform the steel in order to change the country of origin. When steel is invoiced in, or exported from, a country other than the one in which it was produced or manufactured, the actual country of origin should be specified, rather than the country the steel was invoiced in or exported from.

10. *Date Price Terms agreed:* Show the date on which the final sale price for this shipment was agreed upon. If a contract or purchase order was renegotiated, show the date of such renegotiation. If the international transaction bringing the steel to the United States is between related parties, and if the importer has resold the steel to an unrelated party in the United States, show here the date on which the final sale price to the unrelated party was agreed upon.

11. *Currency Used/Exchange Rate:* Show the currency of the country used to make payment. If a foreign currency is used, indicate what exchange rate has been agreed upon by the parties, or, in the absence of agreement upon a fixed rate of exchange, indicate how the actual rate of exchange will be determined.

12. *Terms of Sale, Payments and Discounts:* Show the following with respect to the international sale:

(A) How payment is to be made (letter of credit, draft, etc.);

(B) The terms and place of delivery (C.I.F., F.O.B. port, etc.) (charges to place of delivery are presumed to be included in the unit price);

(C) Discounts involved, by type and amount; and

(D) Time of payment (30 days after delivery, 90 days after bill of lading, etc.)

The same information should be shown in 19c with respect to a resale price to an unrelated party.

13. *Marks and Numbers:* Show the marks and numbers that appear on the package(s) in which the steel is contained. Such marks and numbers must be shown opposite the description of the steel contained in such package(s). Indicate the quantity of packages for which identification is provided.

14. *AISI Category:* Show the applicable AISI import product category number. Such category numbers are set forth on the list found in the section of this notice entitled "TPM product coverage."

15. *Description of Goods (Include Specifications):* Each individual steel product must be described completely and accurately on the invoice. Show the name by which it is known in the country of production or exportation, the article number, its grade or quality, size and dimensions, and all other characteristics essential to a complete description. In addition to such full description, steel specifications that the steel meets must be shown.

When information about the component materials of any imported steel product is essential to a determination of the applicable trigger price, the TSUSA classification or Customs valuation, the SSSI must include a chemical analysis of the product or the formula under which it was manufactured, a description of each of the component materials of which the product is composed, and the percentage of each component by weight and value.

16. *Quantity:* Show the total quantity in the weights and measures of the country or place from which the steel is shipped or in the weights and measures of the United States. Show the net weight, not the gross weight. Also, specify whether actual weight or theoretical minimum weight is shown.

17. *Base Price:* For each steel product, show the price per unit, exclusive of extras, on which the total sale price was based. The base price is a component of the invoice unit price shown in column 19b.

Note.—If the steel is sold on a base price and extras system, show the base price in column 17, the extras in column 18 and the total in column 19b. If, instead, the steel is sold on a single unit price basis, show that price in columns 17 and 19b, and leave column 18 blank. Since the extras are not shown in this column, they must be clearly described in column 15.

18. *Extras:* For each steel product show the price of each extra added to the base price. Show codes from item 4 where applicable. Charges for such extras constitute a component of the invoice unit price, shown in column 19b. More than one extra may be listed for each product.

19a. *Home Market Unit Price:* The seller completing an SSSI must state the unit base price, terms and currency at which any seller sold or offered for sale and consumption such or similar steel product in the home market on the date nearest to the date shown in item 10. If such or similar steel product is not sold or offered for sale and consumption in the home market, the statement "Not sold in home market" must be entered in column 19a.

Note.—When the international transaction bringing the steel product to the United States is between related parties and the importer has sold such product to an unrelated party in the United States, also show here the unit base price, terms and currency at which such or similar product was sold or offered for sale and consumption in the home market on the date nearest to the date of exportation rather than the date of purchase.

19b. *Invoice Unit Price:* The unit price for each steel product is the price in the currency of purchase per unit of measure. Specify the unit of measure.

If the current unit price for export to the United States is not the same as the invoice unit price (or contract price), the seller completing the SSSI may show the export price in parentheses under the invoice price in column 19b and explain.

Note.—If the steel product was not sold before exportation, the seller completing the SSSI must state the price that it would have received or would have been willing to receive had such steel product been sold in the ordinary course of trade for exportation to the United States.

19c. *Resale Unit Price:* When the international transaction bringing the goods to the United States is between related parties and the importer has sold the goods to an unrelated party in the United States, the price shown in column 19c must be the price to the unrelated party. If the international transaction is between unrelated parties, or if the international transaction is between related parties but no resale to an unrelated party has been made, column 19c must be left blank. Regarding the resale price to the unrelated party, the following information must be shown:

(A) Unit of quantity used:

(B) Whether weight is actual weight or theoretical minimum weight, or other;

(C) Terms or payment;

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(D) Time of delivery, if different from the time shown in item 12;

(E) Whether the amount of any duty paid (shown in item 29) is included in the price;

(F) Whether the following importer's costs are included in the price: Unloading, if not included in ocean freight; wharfage and handling on the pier, and reloading onto the next conveyance at the pier location (shown in item 28); and

(G) Whether the importer's selling expenses and processing costs—i.e. processing, distribution and warehousing costs—and, if such costs were incurred, allocable overhead, including commissions, (shown in item 30) are included in the price.

20. *Invoice Totals:* Show the total price (invoice unit price (column 19b) times total number of units (column 16)).

21. *Assists, Dies, Molds, Tools, Engineering Work, Etc.:* If the invoice price or value of the steel does not include the costs of assists, dies, molds, tools, engineering work, etc., furnished for the production of the steel, check item 21 and explain.

22. *Declaration of Seller/Shipper:* If any buying or selling commission, rebate, drawback or bounty has been or will be made or granted upon exportation of the steel product, check box A and explain. If any payment or other element of value other than that shown on the SSSI has been or will be paid, granted, or received in connection with the sale of such product, check box B and explain.

23. *Packing Costs:* Show the packing costs for the international shipment, if the packing cost is not included in the unit price in column 19b. Show both the total cost and the cost per unit of quantity.

24. *Transportation Costs to Point of Exportation:* Show the total cost and the unit cost of transporting the steel product from the mill or factory to the point of exportation, that is, the foreign inland freight charge.

25. *Ocean, Air or Other International Freight:* Show the total cost and the cost per unit of quantity. International freight is defined as the freight from the point of export to the first point of arrival in the United States. All freight surcharges such as bunker surcharges must be included.

26. *Insurance Costs:* Show the insurance costs pertaining to the international transaction from the place of shipment to the place of delivery in the United States. Show here the total cost and also the cost per unit of quantity.

27. Freight from U.S. Point of Importation: Show here the total cost and also the cost per unit of quantity of transporting the steel from the point of arrival into the United States if these costs are borne by the exporter or a party related to the exporter. If these costs cannot be determined before entry, provide the contract terms stating the exporter's liability.

28 *Other Costs:* All charges, fees, and costs, whether or not they are included in the invoice unit price (column 19b), must be specified separately by name and amount. Show the total cost and the cost per unit of quantity, and specify whether such charges, fees and costs are included in the invoice unit price. When charges, fees or costs do not apply uniformly to all items, indicate the items to which such charges, fees or costs apply. Such charges, fees and costs include, but are not limited to, unloading charges, reloading charges, wharfage fees, handling charges, additional insurance, commissions, license fees and royalties. No costs shown in items 23 through 27, 29 or 30 should be shown here.

If the actual amounts of any charges, fees or costs are unknown to the seller or shipper, they may not be estimated. The type of the specific charge, fee or cost must be indicated, followed by the statement "Actual amount not known."

29 *Duty:* If the price(s) shown in columns 19b or 19c are price(s) which include duty, show the amount paid for duty in this box.

30. *Selling Expenses and Processing:* In the case of an international transaction between related parties and a resale to an unrelated U.S. party, show the amount of the importer's selling expenses, including commissions, and processing costs—i.e., processing, distribution and warehousing costs. (Do not show here any costs that are shown in item 28.)

Distribution costs include, for example, the costs of breaking up a shipment into smaller lots for resale.

The foreign seller or the importer must identify by name, and specify the amount, of each component of such total amount. When a cost component does not apply uniformly to all items, identify the item(s) to which such component applies. If processing or warehousing costs are not known at the time the SSSI is presented, the foreign seller or importer must show amounts based on standard processing or warehousing costs, based on several months' experience and adjusted for inflation, with the understanding that such amounts are subject to subsequent verification by audit or otherwise.

If processing, warehousing or distribution costs are incurred by the related importer, the related importer must allocate to processing, distribution and warehousing services a reasonable portion of its overhead costs.

31. *Declaration of Importer:* If the international transaction is between related parties, the importer must indicate in this item whether the merchandise has been resold to an unrelated party as of the date it signs the SSSI. The importer must show the date in this item and sign the SSSI.

If the international transaction (whether between related parties or unrelated parties) is based on terms of sale that do not include any of the charges in items 24 through 28, the importer may provide this information as long as the importer indicates that it is supplying the charges and signs the SSSI.

Note.—Whenever an importer provides the data in column 19c (resale unit price) and/or items 24 through 30, the importer must place an asterisk (*) next to these amounts to show that it, not the foreign seller, is supplying the data. The importer should then sign the SSSI in item 31.

The information that is required in column 19c and/or items 24 though 30 may be supplied on a continuation sheet, provided that copies of the continuation sheet are attached to each copy of the SSSI and the information is plainly identified as to the column or item on the SSSI to which it relates. The words "See Attached" should be entered in the appropriate column or item of the SSSI if a continuation sheet is used.

Dated: October 5, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-29299 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From Italy; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from Italy. The review is limited to the only known exporter, Snia Fibre S.p.A. (formerly Italviscosa), and to the period June 1, 1980 through May 31, 1981. The review disclosed no shipments to the United States of this merchandise during this time period.

There are no known unliquidated entries.

As a result of the review, the Department has preliminarily decided to require cash deposits equal to the calculated margin found on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4273/2657).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 1, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 19845) the final results of its first administrative review of the antidumping finding on viscose rayon staple fiber from Italy and announced its intent to conduct the next administrative review by the end of June, 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted that administrative review of the antidumping duty finding on viscose rayon staple fiber from Italy.

Scope of the Review

This review covers imports of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed, and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments). These fibers are currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA).

The only known exporter to the United States is Snia Fibre S.p.A. (formerly Italviscosa). The review covers the period June 1, 1980 through May 31, 1981. There are no known shipments to the United States during this time period and there are no known unliquidated entries.

Preliminary Results of the Review

As provided by § 353.48(b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 18.6%, based on the weighted-average margin on the last known shipments for Italviscosa, shall be required on all shipments of viscose rayon staple fiber from Italy entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments within 30 days from the of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication of this notice. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 2, 1981.

[FR Doc. 81–29226 Filed 10–7–81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From Finland; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On July 22, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on viscose rayon staple fiber from Finland. The review was limited to the only known exporter, Kemira oy Sateria, and to the period March 1, 1980 through February 28, 1981. Interested parties were given an opportunity to submit written or oral comments on these preliminary results. We received no comments.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202–377–4273/2657).

SUPPLEMENTARY INFORMATION:

Background

On March 21, 1979, an antidumping finding with respect to viscose rayon staple fiber from Finland was published in the **Federal Register** as Treasury Decision 79–87 (44 FR 17156–7). On July 22, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the finding (46 FR 37746). The Department has now completed its administrative review of that finding.

Scope of the Review

The imports covered by this review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 in the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of one Finnish exporter of viscose rayon staple fiber to the United States. That firm is Kemira oy Sateri. The review covered the period March 1, 1980 through February 28, 1981.

Final Results of the Review

The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review. There are no known shipments to the United States during this time period and no known unliquidated entries.

As provided by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated duties based upon the most recent margin, that is 3.9 percent of the entered value, shall be required on all shipments of viscose rayon staple fiber from Finland entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of March 1983.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 1, 1981.

[FR Doc. 81–29227 Filed 10–7–81; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers' and Management-Labor Textile Advisory Committees; Public Meetings

AGENCY: International Trade Administration Commerce.

SUMMARY: The Secretary of Commerce established the Importers and Retailers' Textile Advisory Committee on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

TIME AND PLACE: November 5, 1981 at 10:30 a.m. for the Importers and Retailers' Textile Advisory Committee and 1:30 p.m. for the Management-Labor Textile Advisory Committee. The meetings will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. (Public entrance to the building is on 14th Street between Constitution Avenue and E Street, N.W.)

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meetings will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meetings. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Dated: September 29, 1981.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-29225 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistant Application Announcement; Portfolio Growth Company Program

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) requirement to provide management consulting services under its Portfolio Growth Company Program in the Standard Metropolitan Areas of Cleveland, Chicago, Detroit, and St. Louis was announced in the **Federal Register** on September 28, 1981 under Project I.D. Number 05-10-80014-01.

Due to budgetary revisions, the requirement for a Portfolio Growth Program award to service this area is cancelled.

Dated: October 2, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81-29287 Filed 10-7-81; 8:45 am]

BILLING CODE 1350-53-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council and Its Administrative Subcommittee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established an Administrative Subcommittee. The Council and its Administrative Subcommittee will hold separate public meetings. The Council will hold its 38th regular meeting to consider status reports on fishery management plans (FMP's) under development; draft FMP for shallow-water reef fishery; draft FMP for coastal migratory pelagics resources; draft Caribbean section of the Atlantic billfish FMP; draft FMP for the fishery resources of Puerto Rican and St. Croix geological platforms; discuss National Marine Fisheries Service legal opinion on Puerto Rico's seaward boundary for purposes of the Magnuson Fishery Conservation and Management Act, as well as discuss administrative matters and other Council business. The Administrative Subcommittee will neet to consider matters related to the Council budget and administrative operations.

DATES: The Council meeting will convene on Tuesday, November 3, 1981 at approximately 1:30 p.m., and will adjourn on Wednesday, November 4, 1981, at approximately noon. The Council's Administrative Subcommittee meeting will also convene on Tuesday, November 3, 1981, at approximately 9 a.m., but will adjourn at approximately noon.

ADDRESS: The public meetings will take place at the Conference Room of the Condado Beach Hotel, Ashford Avenue, San Juan, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, telephone: (809) 753-4926.

Dated: October 5, 1981.

Jack L. Falls,

Chief, Administrative Support Staff.

[FR Doc. 81-29327 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's Surf Clam/Ocean Quahog Resources Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Surf Clam/Ocean Quahog Resources Subpanel, which will meet to discuss surf clam ocean quahog quotas, surf clam area reopening and other related fishery matters.

DATE: The public meeting will convene on Friday, October 30, 1981, at approximately 10 a.m., and will adjourn at approximately 4 p.m. The meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress of the agenda.

ADDRESS: The meeting will take place at the Sheraton, Route 13, Dover, Delaware.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, 300 South New Street, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: October 2, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-29325 Filed 10-7-81; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Meeting Amendment

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice in Change in Meeting Location for the New England Fishery Management Council.

SUMMARY: The schedule meeting location for the New England Fishery Management Council, as published in the **Federal Register**, October 1, 1981 (46 FR 48283), has been changed as follows:

From

King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

To

Holiday Inn, Peabody, Massachusetts.

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway, Route One, Saugus, Massachusetts 01906, Telephone: (617) 231–0422.

Dated: October 5, 1981.

Jack L. Falls,

Chief, Administrative Support Staff.

[FR Doc. 81–29326 Filed 10–7–81; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Current Membership of Departmental Performance Review Board

This notice announces the current membership of the Department Performance Review Board (PRB) in the Department of Commerce. The purpose of the Departmental PRB is to review the performance of appointing authorities and their immediate deputies who are in the SES and other SES members whose ratings are initially prepared by their respective appointing authorities. The original membership was announced in the **Federal Register** of April 15, 1980, (45 FR 25443) and changes in membership were announced in the **Federal Register** of August 21, 1981, (46 FR 42500). One of the individuals whose appointment was announced in the August 21, 1981, notice is no longer serving as a Departmental PRB member and ten additional members have been appointed. The person no longer serving as a member is:

Lorin Goodrich, formerly Director, Office of Management and Administration, Economic Development Administration

Departmental PRB members are appointed for a two year term expiring September 1, 1983. The current full membership of the Departmental PRB, excluding the former member named above, and including the *ten* additional members is as follows:

Guy W. Chamberlin, Jr., Director, Office of Administration, National Bureau of Standards
Clifford J. Parker, Deputy Assistant Secretary for Resources Management, Office of the Secretary
Joseph C. Brown, Deputy Director for Personnel, Office of the Secretary
Daniel Levine, Deputy Director, Bureau of the Census, Office of the Chief Economist
Shirley Kallek, Associate Director, Economic Fields, Bureau of the Census, Office of the Chief Economist
Anthony DeAngelo, Director, Office of Program Operations, Economic Development Administration
William Skidmore, Director, Office of Export Administration, International Trade Administration
John B. Roose, Deputy to the Deputy Assistant Secretary for Export Development, International Trade Administration
Peter Hale, Director, Office of Country Marketing, International Trade Administration
Allan A. Stephenson, Associate Director for Policy and Market Development, Minority Business Development Agency
James W. Brennan, Deputy General Counsel for Fisheries, Enforcement and Regions, National Oceanic and Atmospheric Administration
Dale N. Hatfield, Deputy Assistant Secretary for Communication and Information
Lucy Falcone, Deputy Assistant Secretary for Domestic Economic Policy, Office of Policy
Edward L. Brady, Associate Director, International Affairs, National Bureau of Standards
Herbert C. Wamsley, Director, Trademark Examining Operation, Patent and Trademark Office
Frederic A. Heim, Assistant Inspector General for Audits, Office of Inspector General

Additional members:

Beverly L. Milkman, Director, Office of Technical Assistance, Economic Development Administration
John L. Evans, Deputy to the Deputy Assistant Secretary for Import Administration, International Trade Administration
Melinda L. Carmen, Director, Office of Investigations, Office of the Assistant Secretary for Trade Administration, International Trade Administration
Vincent F. DeCain, Deputy to the Deputy Assistant Secretary for Export Administration, International Trade Administration
Eugene K. Lawson, Deputy Assistant Secretary for East-West Trade, International Trade Administration
Augustine J. LaCovey, Director, Office of Public Affairs, National Oceanic and Atmospheric Administration
Otto J. Wolff, Special Assistant to the Secretary of Commerce
Harry M. Singleton, Deputy Assistant Secretary for Congressional Operations, Office of Congressional Affairs
H. Stephen Halloway, Associate General Counsel for Legislation and Regulation, Office of General Counsel
Katherine M. Bulow, Special Assistant to the Assistant Secretary for Administration

Persons desiring any further information about the Departmental PRB or its membership may contact Mr. Raymond D'Antonio, Executive Secretary to the Departmental Performance Review Board, Office of Personnel, Main Commerce Building, Room 5119, Washington, D.C. 20230, (202) 377–4534.

Dated: October 5, 1981.

Raymond D'Antonio,

Executive Secretary, Departmental Performance Review Board, Department of Commerce.

[FR Doc. 81–29252 Filed 10–7–81; 8:45 am]

BILLING CODE 3510-BS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending the Export Visa Requirement for Certain Man-Made Fiber Apparel Products From Republic of Korea

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Advising that in order to meet the "correct category" requirement, visas for man-made fiber woven shirts in category 640, produced or manufactured in the Republic of Korea, must be visaed as follows on and after October 13, 1981 (underlined part only):

1. *Category 640–D* (Only T.S.U.S.A. Numbers 380.0455, 380.8431 and 380.8433).
2. *Category 640–O* (All T.S.U.S.A. Numbers except 380.0455, 380.8431 and 380.8433).

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: The export visa requirement established under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, as amended, between the Governments of the United States and the Republic of Korea, calls for the inclusion on each visa of the correct category and quantity of the merchandise. To ensure that men's and boy's man-made fiber shirts in Category 640 are charged to the correct levels under the agreement, it has been agreed that the export visas for this category shall include a "D" to identify dress shirts in T.S.U.S.A. numbers 380.0455, 380.8431 and 380.8433 and an "O" for shirts other than dress shirts which include all other T.S.U.S.A. numbers in the category except numbers 380.0455, 380.8431 and 380.8433.

EFFECTIVE DATE: October 13, 1981.

FOR FURTHER INFORMATION CONTACT: William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On May 25, 1972, a letter dated May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (37 FR 10605), prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea, for which the Government of the Republic of Korea had not issued an export visa. On July 23, 1973, a further letter dated July 18, 1973, was published in the **Federal Register** (38 FR 19723) which added the requirement that the correct category and quantity of the merchandise must also be included on the export visa.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amends the directives of May 25, 1972 and July 18, 1973 to require that visas for man-made fiber textile products in Category 640 include a "D" or an "O" to differentiate between dress shirts in T.S.U.S.A. numbers 380.0455, 380.8431 and 380.8433 and shirts, other than dress shirts, in all other T.S.U.S.A. numbers in the category except numbers 380.0455, 380.8431 and 380.8433.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

October 5, 1981.

Committee For The Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea for which the Government of the Republic of Korea had not issued an appropriate export visa. It also amends, but does not cancel, the directive of July 18, 1973 which established the requirement that the correct category and quantity of the merchandise be shown on the visa.

Effective on October 13, 1981, the directives of May 19, 1972 and July 18, 1973 are amended to require that export visas for man-made fiber textile products in Category 640, produced or manufactured in the Republic of Korea, shall be visaed as follows: (Underlined part only)

Category 640–D (Only T.S.U.S.A. numbers 380.0455, 380.8431 and 380.8433); or *Category 640–0* (All T.S.U.S.A. numbers in the category except T.S.U.S.A. numbers 380.0455, 380.8431 and 380.8433).

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of man-made fiber textile products in Category 640 from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81–29251 Filed 10–7–81; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held 8–12 November 1981 at the Mystic Ramada Inn, Mystic, Connecticut.

The purpose of the DACOWITS Committee is to assist and advise the Secretary of Defense on matters relating to women in the Services. The Committee meets semiannually.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meeting and discussions:

Sunday, 8 November 1981—Mystic Ramada Inn

12:00 noon–9:00 p.m.—Registration
3:00 p.m.—Executive Committee Meeting
4:00 p.m.–6:00 p.m.—Briefing for all DACOWITS Members, Former Members, and Military Representatives
7:00 p.m.–8:30 p.m.—"No-Host" Cocktail Buffet

Monday, 9 November 1981—Mystic Ramada Inn

8:00 a.m.–12:00 noon—Registration
9:00 a.m.–9:45 a.m.—Official Opening
10:00 a.m.–12:30 p.m.—OSD/Service Briefings
12:30 p.m.–2:00 p.m.—Official Department of Defense Luncheon (By invitation only)
2:00 p.m.–3:00 p.m.—OSD/Service Briefings
3:00 p.m.–5:30 p.m.—Subcommittee Meetings
7:00 p.m.–10:30 p.m.—Official Department of Defense Reception and Dinner (By invitation only)

Tuesday, 10 November 1981—New London, Connecticut

8:00 a.m.–6:00 p.m.—Field Trip to the U.S. Coast Guard Academy at New London, Connecticut

Wednesday, 11 November 1981—Mystic Ramada Inn

8:00 a.m.–12:00 noon—OSD/Service Briefings
12:00 noon–1:30 p.m.—"No-Host" Luncheon
1:30 p.m.–5:30 p.m.—Subcommittee Meetings
7:00 p.m.–8:30 p.m.—"No-Host" 30th Anniversary Dinner

Thursday, 12 November 1981—Mystic Ramada Inn

8:00 a.m.–9:45 a.m.—General Business Session—Adjourn

Members of the public will not be permitted to go on the field trip or attend the social functions.

The following rules and regulations will govern the participation by members of the public at the meeting.

(1) All business sessions, to include Executive Committee sessions, will be open to the public.

(2) Interested persons may submit a written statement and/or make an oral presentation for consideration by the Committee during the meeting.

(3) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify Captain Mary J. Mayer, USAF, DACOWITS, Executive Secretary, OASD (Manpower, Reserve Affairs and Logistics), Room 3D322, the Pentagon, Washington, D.C. 20301, (202) 697–5655 by 29 October 1981.

(4) Length and number of oral presentations to be made will depend on the number of requests received from the members of the public.

(5) Oral presentations by members of the public will be permitted only from 8:00 a.m. to 8:30 a.m. on Thursday, 12 November 1981, before the full Committee.

(6) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 40 copies of the presentation/statement by 29 October 1981.

(7) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within five (5) days after the close of the meeting.

(8) Members of the public will not be permitted to enter into the oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the Committee.

(9) Members of the public will be permitted to orally question the scheduled speakers if time allows after

the official participants have asked questions and/or made comments.

(10) Questions from the public will not be accepted during the subcommittee sessions, the Executive Committee sessions, or the Business Session on Thursday, 12 November 1981.

Additional information regarding the Committee and/or this meeting may be obtained by contacting the DACOWITS Executive Secretary, OASD (MRA&L), the Pentagon, Washington, D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

October 5, 1981.

[FR Doc. 81-29243 Filed 10-7-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Commission on Excellence in Education; Amended Meeting

AGENCY: National Commission on Excellence in Education.

ACTION: Notice of Meeting.

SUMMARY: This notice amends the announcement of a first meeting of the National Commission on Excellence in Education published in the **Federal Register** on September 29, 1981 on page 47651.

DATES: October 9, 1981 (9:00 a.m. until 5:15 p.m.), October 10, 1981 (9:00 a.m. until 12:00 noon).

LOCATION:

October 9, 1981, Hubert H. Hunphrey Building, 200 Independence Avenue, S.W., Penthouse, Room 800, Washington, D.C.

October 10, 1981, Federal Office Building #6, 400 Maryland Avenue, S.W., Room 3000, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Milton Goldberg, Executive Director, 1200 19th Street, N.W., Washington, D.C. 20208 (202) 254-5750.

The agenda for the open public meeting includes:

Swearing-In of Members

Remarks by Secretary of Education, T. H. Bell

Discussion of Charter and Work of Commission

Presentations by Outside Experts

Dated: October 5, 1981.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 81-29296 Filed 10-7-81; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59067; TSH-FRL 1952-8]

Toxic Substances; Certain Chemicals; Test Marketing Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of four applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: October 23, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-59067]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on TMEs received by the EPA:

TME 81-37

Close of Review Period. November 13, 1981.

Manufacturer's Identity. Polymer Industries, Inc., P.O. Box 7392, Charlotte, NC 28217.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Inorganic complex metallic phosphate.

Use. The manufacturer states that the TME substance will be used as a water treatment.

Production Estimates. Claimed confidential business information.

Physical and Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that exposure data will be controlled by others during manufacture and 2 workers may experience possible skin irritation 2 days/yr when reactor is drained and pumped into drums.

Environmental Release/Disposal. No data were submitted.

TME 81-38

Close of Review Period. November 13, 1981.

Manufacturer's Identity. Polymer Industries, Inc., P.O. Box 7392, Charlotte, NC 28217.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Inorganic peroxy based complex.

Use. The manufacturer states that the TME substance will be used as a water treatment.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that exposure data will be controlled by others during manufacture and 2 workers will experience possible skin irritation 2 days/yr when reactor is drained and pumped into drums.

Environmental Release/Disposal. No data were submitted.

TME 81-39

Close of Review Period. November 13, 1981.

Manufacturer's Identity. Polymer Industries, Inc., P.O. Box 7392, Charlotte, NC 28217.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Inorganic complex metallic sulfate.

Use. The manufacturer states that the TME substance will be used as a water treatment.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that exposure data will be controlled by others during manufacture and 2 workers will experience possible skin irritation 2 days/yr when reactor is drained and pumped into drums.

Environmental Release/Disposal. No data were submitted.

TME 81-40

Close of Review Period. November 13, 1981.

Manufacturer's Identity. Polymer Industries, Inc., P.O. Box 7392, Charlotte, NC 28217.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Epoxy aryl polyammonium polymer, modified.

Use. The manufacturer states that the TME substance will be used as a water treatment.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that exposure data will be controlled by others during manufacture and 2 workers will experience possible skin irritation 2 days/yr when reactor is drained and pumped into drums.

Environmental Release/Disposal. No data were submitted.

Dated: October 2, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-29256 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-00011A; TSH-FRL 1953-4]

Toxic Substances; Confidential Business Information; Availability of Security Manuals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Office of Pesticides and Toxic Substances has adopted revised procedures for maintaining the security of Confidential Business Information (CBI) submitted under the Toxic Substances Control Act (TSCA). Two Manuals have been developed to replace the existing TSCA Confidential Business Information Security Manual. One is for EPA use, the other is for EPA contractors.

DATE: The requirements of the Manuals are effective July 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John B. Ritch, Jr., Director, Industry Assistance Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, Room E-511, 401 M St., SW., Washington, D.C. 20460, In Washington, D.C.: (554-1404), Toll Free: (800-424-9065), Outside the USA: (Operator—202-554-1404).

Copies of the Manuals may be obtained from the Industry Assistance Office.

SUPPLEMENTARY INFORMATION: This notice announces the adoption of a revised TSCA Confidential Business Information Security Manual setting forth the procedures to be followed by EPA to maintain the security of proprietary information submitted under TSCA. The revised Security Manuals replace the original Manual adopted by EPA and announced in the **Federal Register** of July 25, 1978 (43 FR 32186).

EPA has been working under the procedures set out in the original Manual for more than two years. During that period, minor changes were made to some of the procedures in order to meet program needs which either were not addressed in the Manual or were found to be causing administrative problems. As a result of periodic program analysis, EPA revived the Data Security Task Force to consider substantive changes to the Manual. Proposed changes were published and public comments were invited in the **Federal Register** of July 2, 1980 (45 FR 45016).

At the time of the adoption of the original Manual, most of the Confidential Business Information in EPA's possession was received from parties reporting chemical substances for inclusion on the Inventory of Chemical Substances under section 8(b) of TSCA. Since that time EPA has been acquiring ever increasing amounts of CBI under TSCA as other sections of the Act are put into effect. Increases in the number of CBI submissions and greater administrative burdens in handling larger amounts of CBI led the agency to conclude that the security procedures developed primarily for protection of Inventory data no longer met the EPA policy expressed in the January 25, 1978 **Federal Register** (43 FR 32186), as "a balance between the need for security and the need for EPA to perform its primary statutory duties under TSCA." The procedures outlined in the two revised Manuals meet this goal by providing security while also affording sufficient administrative flexibility for EPA to carry out its mission.

A number of format changes have been made in the revised Security Manuals. The Manual is now divided into two volumes: the "TSCA Confidential Business Information Security Manual" and the "Contractor Requirements for the Control and Security of TSCA Confidential Business Information." Other changes include:

1. The Special Category classification for TSCA CBI has been eliminated.
2. The procedures for access authorization have been simplified.
3. Logging-in procedures have been restructed and made more flexible.
4. Authorization procedures for discussing CBI on the telephone have been modified.
5. Approval for the use of telecopiers to transmit CBI between EPA and submitters with the permission of the submitter has been added.
6. Express delivery services have been added to the approved methods of transmittal.
7. The procedures for staff-generated CBI have been expanded and clarified.
8. Provisions for handling and storing CBI while employees are traveling have been added.
9. A provision on secretarial procedures has been added.
10. A provision on handling incoming mail from businesses has been added.
11. An appendix on maintenance of discipline has been added, including excerpts from the EPA Conduct and Discipline Manual.
12. A provision has been added which allows individual program offices to develop specific security procedures to meet their needs. These procedures must be consistent with the requirements of the TSCA CBI Security Manual and be approved by the Chief, Information Control Branch (ICB).

Many major responsibilities have been reassigned. The Deputy Assistant Administrator for Toxic Substances (DAA/OTS) and Division Directors have been assigned several responsibilities formerly assigned to the Assistant Administrator for the Office of Pesticides and Toxic Substances (OPTS). The position of DAA/OPII has been eliminated. The Chief, ICB, will have the responsibilities of the OPTS Document Control Officer (DCO), and the position of OPTS DCO has been eliminated. The Office of Inspector General will now have many of the responsibilities of the Security and Inspection Division (SID) which was eliminated in a reorganization. The Security Branch retains some of the responsibilities of SID. The responsibilities of the Director, Management Information and Data Systems Division (MIDSD), Document Control Officers and Assistants, EPA employees, and Security

Representatives have not changed significantly.

Comments received from chemical industry representatives on the revised Security Manuals were considered and many are incorporated into the final draft. The comments are divided into two groups. The first group of comments pertains to the CBI Security Manual but in some cases may also be applicable to the Contractor Requirements Manual. The second group of comments pertains only to the Contractor Manual. The substantive comments are summarized below together with the agency's response.

Comments on the CBI Security Manual

1. Some comments requested that a specific provision be included for notification to CBI submitters if their documents are either lost, compromised, or cannot be accounted for by EPA or its contractors. EPA will notify submitters as soon as possible, if the agency reasonably believes that CBI has left EPA control or is subject to unauthorized release.

2. Comments requested that the Special Category classification for TSCA CBI not be eliminated. The volume of CBI and resource limitations dictate the abolition of the Special Category classification. As program activity and volume have expanded, the number of employees requiring access to CBI materials has increased, making the Special Category classification more burdensome than beneficial. The confidentiality system as a whole should benefit from the lessened administrative burden resulting from the elimination of the Special Category. The stringent handling procedures and careful control measures required and enforced for all TSCA CBI will ensure that former Special Category information will receive the degree and quality of protection intended for it under the previous manual.

3. Comments expressed concern about the risk of disclosure when EPA or contractor employees take CBI home prior to a trip. Employees will take CBI home only in rare circumstances and when prior approval is granted. All reasonable precautions are required to maintain the security of CBI. Because of the variance in individual circumstances, it would be difficult to establish precise step-by-step procedures for employees to follow. However, a number of specific guidelines are described in the manual for those rare occasions when CBI is taken home prior to a trip.

4. Comments requested that EPA maintain logs of telephone conversations involving CBI and that prior to discussing CBI over the telephone, the caller should put the other party on notice that CBI will be discussed. Requiring logs for all telephone calls involving CBI would be quite burdensome. It would also create a great deal of extra material which would have to be protected as CBI (the logs themselves). The suggestion to notify the other party that CBI will be discussed has been adopted.

5. A comment questioned the security of CBI documents shipped to the Federal Records Center (FRC) for storage. Records stored at FRC remain EPA property and EPA will stipulate to FRC the limited level of access allowed for CBI materials.

6. A comment requested that the definition of CBI include photographic materials and samples. The definition of CBI documents has been expanded to include these terms.

7. Comments requested notification if EPA or contractor-generated documents are determined not to constitute CBI. The number of documents generated would place a great burden on the Agency were such a suggestion adopted. As a general guideline, if there is a dispute as to whether a document should be considered CBI, there is a presumption that the document is CBI until the status is resolved.

8. Some comments requested that the cover sheet for CBI documents be signed by the user each time he/she has access to the document. The purpose of signing the cover sheet is to record all the parties who have had access to a CBI document. It is sufficient that a user only sign the cover sheet the first time he or she has access to a CBI document. It is sufficient that a user only sign the cover sheet the first time he or she has access to a CBI document.

9. Some comments suggested that the Security Manual include provisions for release of CBI materials to Congress, courts, or in agency proceedings. It was not considered necessary to include this subject in the Security Manual because it is already covered in EPA's Public Information Regulations, 40 CFR 2.209.

10. A comment stated that EPA should conduct periodic management reviews of its security program. EPA believes that periodic reviews will prove beneficial and plans to perform them.

11. A comment suggested that making periodic audits of CBI materials on hand "at least annually" seems inadequate. The "at least annually" provision is merely a minimum and audits may be conducted more frequently, as the Agency's resources allow.

12. A comment requested that a recall procedure be established for ensuring the return of CBI materials checked out to individuals. CBI materials may be checked out from document control areas for up to 90 days by cleared personnel who have approved storage facilities. A recall procedure is presently being formulated.

13. A comment requested that CBI portions of contractor- or EPA-generated documents should be highlighted. EPA encourages this practice whenever practicable. Any document that is generated which containes CBI must immediately be taken to a DCO/DCA for logging in and control.

14. A comment was received that submitters be notified when an EPA or contractor employee, cleared for CBI, terminates his or her employment. The notice would contain a description of the CBI to which the employee has had access. In view of the size of EPA and the number of submitters of confidential information, it would not be possible from an administrative standpoint for EPA to provide such notice. However, the Agency believes that the comment's concerns are addressed by the sanctions under TSCA section 14(d) for unauthorized disclosure of CBI by EPA employees past or present. Those criminal penalties greatly reduce the risk that a former employee will violate the disclosure prohibition.

15. A request was made to have a copy of the CBI stamp include the prohibition against disclosure. The current CBI stamp puts an employee on notice that a document contains CBI. Additional cautionary wording is contained on the green cover sheets attached to CBI.

16. It was suggested that procedures be established to verify the identity of a CBI submitter prior to discussing CBI over the telephone. This is the current practice.

17. A comment suggested that when it is necessary to transfer CBI documents from an EPA facility, the original be retained and only a copy be transferred. This is the current practice.

18. A comment requested that submitters be made aware of the advantages and opportunity for split transmissions of data to protect CBI. EPA employees currently advise CBI submitters how to transmit their data securely.

19. A comment suggested that work areas where CBI is used should not be protected solely by card access systems. EPA will not rely solely on one physical security system.

20. In the area of computer security, suggestions were made for write-only access, audits, and unannounced inspections. Chapter IV of the Manual, which discusses security requirements

V 46/195 OC 8 81 UMI

for computer centers, provides for such safeguards.

21. It was recommended that employee confidentiality agreements be retained for more than five years following the termination of an employee. Five years is believed adequate. Retention of these agreements beyond the five years would have little effect on security.

22. A comment requested that CBI logs be treated as CBI themselves. Current EPA practice requires that CBI logs be treated as confidential.

23. A comment requested that the restriction on the use of Kodachrome film be eliminated because it can be developed by independent processing laboratories. This restriction has been removed.

24. A comment requested that the employee Security Manual cite the Trade Secrets Act, 18 U.S.C. 1905, which prohibits the disclosure of CBI. This has not been done because section 14(d) of TSCA states that 18 U.S.C. 1905 does not apply to TSCA CBI. Section 14(d) of TSCA provides a specific criminal penalty for wrongful disclosure of TSCA CBI by government employees and EPA TSCA contractors and their employees.

25. Several comments stated that the U.S. Department of Justice should not be exempted from the security requirements imposed on other government agencies which request access to CBI. Because of the special relationship which exists between the Department of Justice (DOJ) and EPA in prosecuting cases for EPA under TSCA and providing legal advice to the agency, it is necessary to exempt the Justice Department from the security requirements of the Manual.

26. A comment expressed the belief that other Federal agencies which CBI should be prohibited from disclosing it further. A Federal agency which receives CBI is prohibited from disclosing it further unless certain conditions are met which are listed in EPA's Public Information Regulations, 40 CFR 2.209(c)(5).

27. A comment stated that EPA employees should be cleared to receive CBI only on a need to know basis. This is the current practice.

28. A comment stated that notes or working papers derived from CBI should be safeguarded. This is the current practice. Refer to section III(H) of the employees' Security Manual.

29. A comment suggested that if an EPA employee telephones a company for information, the company should be informed that it may claim any information submitted as confidential. This is the current practice.

30. A comment recommended that an unauthorized person should not be allowed in an area where CBI is located. Present facilities do not allow this recommendation to be adopted. This recommendation will be incorporated whenever the agency's limited resources and physical constraints allow in future facility redesign.

31. A comment suggested that the meeting sign-in sheet list the document control numbers of CBI documents discussed at a meeting. Employees will be encouraged to follow such a procedure whenever practicable.

32. A comment stated that other Federal agencies must justify their need for CBI in writing. This is required. Refer to 40 CFR 2.209(c) of EPA's Public Information Regulations.

33. Comments were received that inquired whether EPA consultants and employees of EPA contractors who have access to TSCA CBI receive security clearance checks. Consultants are EPA employees. They undergo a National Agency Check and Inquiries (NACI) investigation. Consultants are subject to criminal and administrative penalties as EPA employees for any breach of confidentiality. Resource constraints keep EPA from individualy investigating all contractor employees. Contractors are responsible for the conduct of their employees. Contractors may lose their contracts for a breach of confidentiality and can be sued by CBI submitters for unauthorized disclosure of CBI. In addition, contractors and their employees are subject to the TSCA section 14(d) criminal penalties for wrongful disclosure.

34. A comment requested that the confidentiality agreements signed by EPA employees state that the disclosure of CBI could damage the submitter of such information. Employees are currently so instructed.

Comments on the Contractor Requirements Manual:

1. A comment requested that CBI submitters be allowed to enter into direct confidentiality agreements with EPA contractors who have access to CBI. Direct confidentiality agreements between submitters and contractors are not appropriate because submitters already have the right as third party beneficiaries to sue contractors for an unwarranted disclosure of CBI, and contractors and their employees are subject to criminal penalties for wrongful disclosure.

2. A comment stated that CBI should not be disclosed to EPA subcontractors. EPA imposes the same security requirements on its subcontractors as it does on its contractors. EPA permits subcontractors to receive CBI because contractors may not have adequate personnel and resources to accomplish all the tasks in a contract.

3. A comment requested specific guidelines for determining the type of notice which should be given when CBI is transferred to a contractor. The type of notice given is discretionary (see 40 CFR 2.306(j) of EPA's Public Information Regulations). Because of the volume of CBI which is transferred or may be transferred in the future, individual notice is often impracticable and a **Federal Register** notice will be used.

4. A comment expressed concern about EPA's legal authority to authorize a contractor to collect CBI directly from a business. EPA has the legal authority under TSCA sections 8(c), 11(a) and 14(a) for such a procedure.

5. A comment requested that EPA be notified whenever a contractor reproduces TSCA CBI. Contractors handling CBI materials are required to maintain a reproduction log which is monitored regularly by EPA; notice to EPA each time would be duplicative and would not be feasible from an administrative standpoint.

6. Some comments asked that the Office of Inspector General's (OIG's) role in contractor security plan review and approval be specified. OIG's role is to review a contractor's security plan and inspect its physical facilities for compliance with EPA's procedures. After reviewing the OIG's report, the Chief of the Information Control Branch decides to approve or disapprove a contractor for access to CBI.

7. A comment suggested that contractors be given a description of all CBI transferred to them. Current document handling procedures require this.

8. It was requested that provisions for disclosure of contractor conflicts of interest and financial accountability be included. Consideration of conflicts of interest and financial accountability is already part of the agency's standard contracting process.

Dated: July 29, 1981.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

[FR Doc. 81-29258 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51327; TSH-FRL 1953-1]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufactue notice (PMN) to EPA at least 90 days before manufacture or import comments. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seven PMN's provides a summary of each.

DATE: Written comments by: November 29, 1981. PMN 81–489, 81–490, 81–491, 81–492, 81–493, 81–494, 81–495.

ADDRESS: Written comments, identified by the document control number "[OPTS–51327]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St. SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St. SW., Washington, DC 20460 (202–426–2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–489

Close of Review Period. December 29, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—East North Central.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic modified epoxy-ester resin.

Use. The manufacturer states that the PMN substance will be used as an ingredient of coating for packaging.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	[redacted]
1 year	1,000	[redacted]
2 year	[redacted]	[redacted]
3 year	15,000	100,000

Physical/Chemical Properties

Appearance—Solid.

Acid value—50.

Molecular weight—>10,000.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 12 workers may experience dermal exposure up to 4 hrs/day, up to 10 days/yr during sampling and fill off.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to land. Disposal is to an approved landfill.

PMN 81–490

Close of Review Period. December 29, 1981.

Manufacturer's identity. Claimed confidential business information.

Specific Chemical Identity. 2,2-dimethyl-1,3-propanediol, polymer with 2-ethyl-2-hydroxymethyl-1,3-propanediol, 1,4-cyclohexanedimethanol, 1,6-hexanedioic acid, 1,3-isobenzofurandione and tall oil acids.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	[redacted]	Maximum
1st year	1,000	12,000
2d year	6,000	45,000
3d year	12,000	100,000

Physical/chemical Properties

Boiling point—313°F.

Flash point—164°F.

Percent by volume—11.1.

Weight/gallon—9.10.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing and use 106 workers may experience dermal and inhalation exposure up to 8 hrs/day, up to 260 days/yr during sampling, drumming, and spray application.

Environmental Release/disposal. The manufacturer states that 100-1,000 kg/yr will be released to the land. Water of reaction is vented through an afterburner. Filter aid is disposed of to a controlled landfill.

PMN 81–491

Close of Review Period. December 29, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—West North Central.

Specific Chemical Identity. Claimed confidential business information. Generic name provided; Amine salt of a phosphonic acid.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

pH—7.0.

Specific gravity—1.132.

Flash point—106°F.

Pour point—<−40°F.

Toxicity Data. The manufacturer states that the substance is expected to exhibit a very low order of toxicity.

Exposure. The manufacturer states that principal exposure during manufacture and use will occur during drumming, disposal or material transfer.

Environmental Release/disposal. The manufacturer states that less than 10 kg/yr will be released to the air and land. Disposal is to a publicly owned treatment works (POTW).

PMN 81–492

Close of Review Period. December 29, 1981.

Manufacturer's identity. The Goodyear Tire and Rubber Company, 1144 E. Market Street, Akron, OH 44316.

Specific Chemical Identity. 1, 3-bis(1-methylethenyl) benzene.

Use. The manufacturer states that the PMN substance will be used as an intermediate for polymers and specialty chemicals.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear liquid.

Boiling point—448.5° ±1.8° F.

Flash point—199° F (PMCC).

Melting point——41.06° F.

Solubility: Water—Hydrates.

Density—0.925.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5 g/kg.

Acute dermal toxicity LD_{50} (rabbit)—>2 g/kg.

Primary skin irritation (rabbit)—Minimally irritating.

Primary eye irritation (rabbit)—Minimally irritating.

Ames salmonella—Non-mutagenic.

Exposure. The manufacturer states that during manufacture 6 workers may experience dermal exposure up to 8 hrs/day, up to 335 days/yr during transfer of material.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the water 24 hrs/day, 335 days/yr. Disposal is by POTW and incineration.

PMN 81-493

Close of Review Period. December 29, 1981.

Manufacturer's Identity. Dow Corning Corporation, P.O. Box 1592, S. Saginaw Road, Midland, MI 48640.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Co-polymeric organopolysiloxane.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Liquid.
Specific gravity—1.075.
Flash point (closed cup)—220° F.
Viscosity—1,000 cps.
Solubility: Water—Insoluble.
Color—Water white/straw yellow.
Vapor Pressure—5 mm @ 25° C.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 1 worker may experience dermal exposure 1 hr/day, up to 5 days/yr during the drumming off process.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated.

PMN 81-494

Close of Review Period. December 29, 1981.

Importer Identity. CIBA-GEIGY Corporation, Saw Mill River Road, Ardsley, NY 10502.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: (Alkylaminoalkyl)-(substituted) benzotriazole.

Use. The importer states that the PMN substance will be used as a corrosion inhibitor for lubricating oils.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Yellow to brown liquid.
Viscosity—70–90 cSt @ 40° C.
Solubility: Alcohol—Readily soluble. Aliphatic hydrocarbons—Readily soluble. Ketones—Readily soluble.
Refractive index—n25/D
Vapor pressure mbar—$\sim 10^{-5}$ @ 20° C $\sim 2\times10^{-5}$ @ 70° C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—3,300 mg/kg.
Skin irritation (rabbit) (Draize)—Severe.
Eye irritation (rabbit) (Draize)—Slight.

Exposure. The importer states that exposure is a remote possibility since the process is largely mechanical.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to the air, land, and water. Spent lubricant, grease, etc., will be periodically transferred to drums for suitable disposal to landfill or regeneration.

PMN 81-495

Close of Review Period. December 29, 1981.

Importer's Identity. CIBA-BEIGY Corporation, Saw Mill River Road, Ardsley, NY 10502.

Specific Chemical Identity. Bis(3,5-di-*tert*-butyl-4-hydroxybenzyl)malonic acid, diester with 1-acrylol-2,2,6,6-tetramethyl-4-piperidinol.

Use. Claimed confidential business information. Generic use information provided: The importer states that the PMN substance will be used in an open use.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity—1.06.
Melting point—113–118°C.
Solubility: Water—<0.01. Acetone—4.5. Benzene—1.5. Toluene—10. Ethyl acetate—30. Chloroform—10.
Vapor pressure mbar—$\sim {}^{3}\times10^{-6}$ @ 20°C; $\sim {}^{2}\times10^{-4}$ @ 100°C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5,000 mg/kg.
Skin irritation rabbit) (Draize)—Minimal.
Eye irritation (rabbit) (Draize)—None.

Exposure. The importer states that exposure may occur during manual transfer.

Environmental Release/Disposal. The importer states that less than kg/yr will be released to the air, land, and water.

Dated: October 2, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-29256 Filed 10-7-81; 8:45 am]

BILLING CODE [illegible]-31-M

[OPTS-51328; TSH FRL 1953-3]

Toxic Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMNs and provides a summary of each.

DATE: Written comments by: PMN81-496 and 81-497, November 30, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51328]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, RM. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-496

Close of Review Period. December 30, 1981.

Importer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Specific Chemical Identity. 3-hydroxy-l-propanesulfonic acid.

Use. The importer states that the PMN substance will be used as an intermediate.

IMPORT ESTIMATES

	Kilogram per year	
	Minimum	Maximum
1st year	100	400
2d year	100	400
3d year	[illegible]	[illegible]

Physical/Chemical Properties

Appearance—Yellow clear solution.

Specific gravity—1.36.

Boiling point @ 760 mm/Hg—>100° C.

Solubility: Water @20° C—Dilutable.

Toxicity Data. No data were submitted.

Exposure. The importer states that during processing and use 84 workers may experience dermal and inhalation exposure up to 24 hrs/day, up to 322 days/yr.

Environmental Release/Disposal. The importer states that less than 10 kg/yr will be released to the air, land and water. Disposal is to a publicly owned treatment works (POTW). All other liquid and solid wastes will be drummed for destruction in a licensed thermal oxidizer of for disposal in a licensed chemically secure landfill, or for treatment, or recovery.

PMN 81-497

Close of Review Period. December 30, 1981.

Manufacturer's Identity. CIBA-GIEGY Corporation, Saw Mill River Road, Ardsley, NY 10502.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymers of alkylamines and aryl epoxides.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Orange, yellow solid.

Vapor pressure mbar—$<10^{-5}$ @ 20° C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—2,400 mg/kg.

Acute dermal toxicity LD_{50} (rat)—>3,000 mg/kg.

Skin irritation (rabbit)—Moderate.

Eye irritation (rabbit)—Moderate.

Skin sensitization (guinea pig)—Extreme skin sensitizing potential.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air, land and water. Disposal is by burial or incineration in approved sites or facilities.

Dated: October 2, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-29257 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-31-M

[LCE-FRL 19526]

Clean Air; Receipt of Application Pursuant to Steel Industry Compliance Extension Act of 1981; Alabama By-Products Corp.

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt.

SUMMARY: On September 21, 1981 EPA received an application from the Alabama By-Products Corporation pursuant to the Steel Industry Compliance Extension Act of 1981 (Pub. L. 97-23). The application requests that EPA extend certain deadlines for achieving compliance with Clean Air Act requirements. The Administrator will be making her interim findings with regard to Alabama By-Products Corporation's eligibility for an extension within a few weeks. Persons desiring to make public comments are encouraged to do so without delay.

DATES: Effective September 21, 1981.

ADDRESS: Section 113(e)(3) of the Clean Air Act, as amended, provides that any records, reports or information obtained by the Administrator pursuant to this subsection shall be available to the public unless the Administrator determines, pursuant to a request by the applicant company, that such information is confidential within the meaning of 18 U.S.C. 1905. Documents received by the Administrator that are not confidential in nature have been placed in Public Docket Number EN 81-16-D: Alabama By-Products Corporation, and are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at: Central Docket Section, Gallery One, West Tower Lobby, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Michael Alushin (EN-329), Office of Legal Counsel and Enforcement, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (202) 755-0658.

William A. Sullivan, Jr.,

Deputy Associate Administrator for Enforcement Policy.

[FR Doc. 81-29254 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-41-M

[LCE-FRL 1952-7]

Receipt of Application Pursuant to Steel Industry Compliance Extension Act of 1981; United States Steel Corp.

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt.

SUMMARY: On September 21, 1981 EPA received an application from the United States Steel Corporation pursuant to the Steel Industry Compliance Extension Act of 1981 (Pub. L. 97-23). The application requests that EPA extend certain deadlines for achieving compliance with Clean Air Act requirements. The Administrator will be making her interim findings with regard to U.S. Steel's eligibility for an extension within a few weeks. Persons desiring to make public comment are encouraged to do so without delay.

DATE: Effective September 17, 1981.

ADDRESS: Section 113(e)(3) of the Clean Air Act, as amended, provides that any records, reports or information obtained by the Administrator pursuant to this subsection shall be available to the public unless the Administrator determines, pursuant to a request by the applicant company, that such information is confidential within the meaning of 18 U.S.C. 1905. Documents received by the Administrator that are not confidential in nature have been placed in Public Docket Number EN 81-16-B: U.S. Steel, and are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at: Central Docket Section, Gallery One, West Tower Lobby, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Michael Alushin (EN-329), Office of Legal Counsel and Enforcement, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-0658.

William A. Sullivan, Jr.,

Deputy-Associate Administrator for Enforcement Policy.

[FR Doc. 81-29253 Filed 10-7-81; 8:45 am]

BILLING CODE 6560-41-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reasons why any of the following applicants should not receive a license are requested to commmunicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

Laufer Shipping Corp., 5521 N.W. 82nd Avenue, Miami, FL 33166
  Norman Laufer, Vice President/Director
  Arthur Laufer, President/Director
  Anthony Soto, Vice President
American Forwarding Company, 2100 Stemmons Freeway, Dallas, TX 75207
  Aziz Riad Soliman, President
  Barbara Ann Moussa, Secretary/Treasurer
A & K Forwarding, Inc., c/o New Japan Air Service (America) Inc., 60 East 42nd Street, Suite 2114, New York, NY
  Yasuo Kashima, President/Treasurer/Director
  Yasuko Kashima, Secretary/Director
Charles F. McCormack, 400 Jericho Tpke., Rm. 205, Jericho, NY 11753
Richard A. Madrazo, d.b.a. Ram Forwarding Company, 30 Versey Street, New York, NY 10047
C.I.F. Inc., P.O. Box 524276, Miami, FL 33152
  Manuel Reyes, Sole Officer
Amcorp Shipping, Inc., 40 Exchange Place, Rm. 1403, New York, NY 10005
  Monica Streinberg, President
  Wolgang Steinberg, Vice President
  Jochen Semler, Secretary
  Kira M. Semler, Treasurer
International Export Packers, Inc., 4600 Eisenhower Avenue, Alexandria, VA [illegible]
  David W. McCreight, Executive Vice President
  Mary A. Martin, Secretary
  Dora A. Hawkins, Treasury
  Jack Kagan, President
Fuentes International, Inc., 7411 N.W. 54th Street, Miami, FL 33166
  Clara Fuentes, Sole Officer
Arnis Kapostins, 320 Corey Way, South San Francisco, CA 94080
Lynden Air Freight, Inc., 5700 Sixth Avenue South, P.O. Box 81007, Suite 200A, Seattle, WA [illegible]
  Larry G. Evenson, President
  Franklin D. Roe, Vice President
  Robert G. Mann, Vice President
  Kitty Samuel, Treasurer
  Kenneth D. Loving, Secretary
  Jim Jansen, Director
  Richard A. Korpela, Director

Dated: October 2, 1981.

By the Federal Maritime Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-29223 Filed 10-7-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Farmers Investment Company, Inc.; Formation of Bank Holding Company

The Farmers Investment Company, Inc., Eyota, Minnesota, a bank holding company, has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to acquire 100 percent of the voting shares of The First Dover Investment Company, Dover, Minnesota; 74.4 percent or more of the voting shares of The First State Bank of Dover, Dover, Minnesota, and 90.9 percent or more of the voting shares of The Elgin-Millville State Bank, Elgin, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The Farmers Investment Company, Inc., Eyota, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Elgin Financial Services, Inc., Elgin, Minnesota and Elgin Investment Company, Elgin, Minnesota.

Applicant states that Elgin Financial Services would perform the activities of making or acquiring loans and other extensions of credit such as would be made by a factoring company. These activities would be performed from offices of Applicant's subsidiary in Elgin, Minnesota, and the geographic area to be served is Elgin, Minnesota. Applicant further states that Elgin Investment Company would engage in the activities of a general insurance agency in a town with a population not exceeding 5,000 persons. These activities would be performed from offices of Applicant's subsidiary in Elgin, Minnesota and Millville, Minnesota and the geographic areas to be served are Elgin and Millville, Minnesota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than October 30, 1981.

Board of Governors of the Federal Reserve System, October 1, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29245 Filed 10-7-81; 8:45 am]

BILLING CODE 6210-01-M

Pine River Holding Co.; Formation of Bank Holding Company

Pine River Holding Company, Pine River, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94.8 percent or more of the voting shares of Pine River State Bank, Pine River, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Pine River Holding Company, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Pine River Agency, Inc., Pine River, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of selling insurance in a community that has a population not exceeding 5,000. These activities would be performed from offices of Applicant's subsidiary in Pine River, Minnesota, and the geographic areas to be served are Pine River, Minnesota and the area within a 15 mile radius of Pine River, Minnesota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration or resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentatation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views of requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 31, 1981.

Board of Governors of the Federal Reserve System, October 1, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29244 Filed 10-7-81; 8:45 am]

BILLING CODE 6210-01-M

Texas American Bancshares, Inc.; Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Prestonwood National Bank, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 31, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29246 Filed 10-7-81; 8:45 am]

BILLING CODE 6210-01-M

Texas American Bancshares, Inc.; Acquisition of Bank

Texas American Bancshares, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Pioneer National Bank, Richardson, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 31, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specially any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 1, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29247 Filed 10-7-81; 8:45 am]

BILLING CODE 6210-01-M

UST Corp.; Proposed Acquisition of First Commonwealth Associates

UST Corp., Boston, Massachusetts, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire certain assets of First Commonwealth Associates, Houston, Texas.

Applicant states that the proposed subsidiary would perform the activities of acting as an investment or financial adviser to individuals and business entities. These activities would be performed from offices of Applicant's subsidiary in Houston, Texas and the geographic areas to be served are the States of Texas, Oklahoma, Arkansas, Florida and Mississippi. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this questions must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any question of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than October 30, 1981.

Board of Governors of the Federal Reserve System, October 1, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29248 Filed 10-7-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-81-1093]

Privacy Act of 1974; Amendment to Existing System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act system of records: HUD/DEPT-42, Rent Subsidy Program Files.

EFFECTIVE DATE: This notice shall become effective without further notice on November 9, 1981, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

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FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202–755–53333. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The categories of records covered by the Rent Subsidy Program Files (HUD/DEPT–42) are being amended to specify that Section 221(d)(3) BMIR program applicants and recipients are included in the system. Authority for maintenance of the system is being amended to include Section 221(d)(3) authority. The prefatory statement containing General Routine Uses applicable to the Department's systems of records was published at 45 FR 67608 (October 10, 1980). Appendix A, which lists the addresses of HUD's field offices was published at 45 FR 67626 (October 10, 1980). The Rent Subsidy Program Files (HUD/DEPT–42) notice was published previously at 45 FR 67616 (October 10, 1980). The notice is published below in its entirety, as amended. A report of the Department's intention to amend this system was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on August 27, 1981.

Authority: 5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C. October 2, 1981.

Judith L. Tardy,

Assitant Secretary for Administration.

HUD/DEPT—42

SYSTEM NAME:

Rent Subsidy Program Files.

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Low-rent housing applicants and recipients under Section 236 and Rent Supplement and Section 221(d)(3) BMIR programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for rent subsidy and recertifications include name, address, telephone number, race, household composition, employment data, detailed financial information, monthly rent payment and supplement calculations. HUD review and certification, description of rental unit participant will occupy; subsidized tenant move-out records; verification of employment, income and bank deposits, credit bureau reports; and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 201 of the Housing and Community Development Admendments of 1978, (12 U.S.C. 1715z–la), Sec. 101 of the Housing Act of 1965 (12 U.S.C. 1701s), and Section 101(11) of the Housing Act of 1961, (12 U.S.C. 171SL).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs in prefatory statement. Other routine uses: to General Accounting Office—for purposes of audit; to IRS—for investigation; to local and state housing authorities—for reference purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In files, folders and on magnetic tape/disc/drum.

RETRIEVABILITY:

Name; case file number.

SAFEGUARDS:

Limited access; lock file cabinets; security checks and limited authorization to secured computer facilities.

RETENTION AND DISPOSAL:

Files are active and kept up-to-date; partly current and partly historical. Files are either sent to GSA Federal Record Center for storage or disposed in accordance with HUD Handbook.

SYSTEM MANAGER(S) ADDRESS:

Director, Program Planning Division, HMHO, Department of Housing and Urban Development, 451 Seventh Street, S.W., Wahsington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contacting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individual; other individuals; current or previous employers; credit bureaus; financial institutions; other corporations or firms; federal government agencies; non-federal government agencies; project and project managers.

[FR Doc. 81–29242 Filed 10–7–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Idaho, Wilderness Decision

The Bureau of Land Management (BLM) has completed the inventory phase of the wilderness review of public lands in the Sand Dunes area near St. Anthony, Idaho.

The inventory of the three Sand Dunes units was not completed with the Statewide inventory in November 1980, due to an earlier appeal received on the initial inventory decision.

On April 29, 1981, the Interior Board of Land Appeals (IBLA) ruled on the appeal, instructing the BLM to continue the inventory through the intensive inventory phase.

The proposed decision and comment period on the intensive inventory were announced in the June 3, 1981, Federal Register.

After analysis of public comment, an additional 240 acres of lands in Unit 35–3 were found not to meet the wilderness inventory criteria, resulting in the following final decision:

SAND DUNES INTENSIVE INVENTORY FINAL DECISION

Unit		Acres		
Name	Number	Not identified as WSA	Identified as WSA	Total
Sand Mountain	35–3	21,100	5,732	26,832
Black Knoll	35–4		7,095	7,095
Big Sandy	35–5		10,735	10,735
Total		21,000	23,562	44,662

Publication of this notice marks the beginning of a 30-day protest period from October 9, 1981, to November 9, 1981.

The decisions will become final on November 9, unless timely protests are received by the Idaho State Director of the BLM.

Persons wishing to protest any of these decisions must file a written protest with BLM Idaho State Director, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724, on or before 4:15 PM, November 9, 1981. Only those protests received by the Idaho State Director by the time and date specified will be accepted.

The protest must specify the inventory unit(s) to which it is directed. It must include a clear and concise statement of the reasons for the protest as well as data to support the reasons stated.

The State Director will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest.

Any person adversely affected by the State Director's decision on a written protest, may appeal such decision under the provisions of 43 Code of Federal Regulations (CFR) Part 4.

For further information contact the following office: Idaho State Office, Bureau of Land Management, Box 042, Federal Building, 350 W. Fort Street, Boise, Idaho 83724.

Dated: October 1, 1981.

Theodore G. Bingham,

Acting State Director, BLM, Idaho.

[FR Doc. 81-29176 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

[F-14895-A]

Alaska Native Claims Selection

Correction

In FR Doc. 81-26544, at page 45426, in the issue of Friday, September 11, 1981, make the following change to page 45427, the middle column, the fourth paragraph, now reading "T.4N., R.98W." is corrected to read "T.3N., R98W."

BILLING CODE 1505-01-M

[F-14858-A]

Alaska Native Claims Selection

This decision approves lands for conveyance to Gana-a 'Yoo, Limited.

Notaaghleedin, Limited, for the Native village of Galena, filed selection application F-14858-A, as amended, on October 16, 1974, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)) (ANCSA), as amended by Pub. L. 96-487 (94 Stat. 2491), for the surface estate of certain lands in the vicinity of Galena.

On April 6, 1978, in accordance with Title 10, Chapter 05, Secs. 396 and 399 of the Alaska Business Corporation Act, and as authorized by Pub. L. 94-204, Sec. 30 (89 Stat. 1148), the Native villages of Galena (Notaaghleedin, Limited), Kaltag (Takathlee-tondin, Incorporated), Nulato (Nik'aghun, Limited) and Koyukuk (Mineelghaadza', Limited) formed a new corporation which consolidated individual village interests into one single constituent corporation, Gana-a 'Yoo Limited.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act, as amended, and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, as amended, containing approximately 5 acres, is considered proper for acquisition by Gana-a 'Yoo, Limited, and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA, as amended:

U.S. Survey No. 2023 situated at Galena.
Containing 4.84 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

> * * * The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)), as amended by Pub. L. 96-487 (94 Stat. 2491). * * *

The grant of the above-described lands shall be subject to:

1. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), as amended by Pub. L. 96-487 (94 Stat. 2491), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and
2. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), as amended by Pub. L. 96-487 (94 Stat. 2491).

Gana-a 'Yoo, Limited, (for the village of Galena) is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA, as amended. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 105,457 acres. The remaining entitlement of approximately 9,743 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, as amended, conveyance of the subsurface estate of the lands described above shall be issued to Doyon, Limited, when the surface estate is conveyed to Gana-a 'Yoo, Limited, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above-described lands.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

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2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until November 9, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Gana-a 'Yoo, Limited, Box 38, Galena, Alaska 99741

Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701

Ann Johnson,
Chief, Branch of ANCSA Adjudication.

[FR Doc. 81-29059 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-8610]

Alaska Native Claims Selection

This decision approves certain lands on Kodiak Island for conveyance pursuant to Sec. 14(h)(5) of the Alaska Native Claims Settlement Act.

On December 17, 1973, Clara Helgason filed selection application AA-8610 under the provisions of sec. 14(h)(5) and sec. 14(h)(7) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(h)(5), 1613(h)(7) (1976)) (ANCSA), as amended by Pub. L. 96-487 (94 Stat. 2491), for the surface estate of certain lands within the Kodiak National Wildlife Refuge (Public Land Order 1634, May 16, 1958, as amended), located on Kodiak Island in the vicinity of Terror Bay.

Section 14(h)(5) of ANCSA authorizes the conveyance to an individual Alaskan Native of the surface estate is not to exceed 160 acres of land occupied as a primary place of residence since August 31, 1971. Section 14(h)(7) further provides that such occupied lands located within the National Wildlife Refuge System may be conveyed for the purpose set forth in sec. 14(h)(5).

As to the lands described below, the application submitted by Clara Helgason is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, aggregating approximately 160 acres, is considered proper for acquisition by Clara Helgason and is hereby approved for conveyance pursuant to sec. 14(h)(5) and sec. 14(h)(7) of ANCSA:

Kodiak National Wildlife Refuge

Seward Meridian, Alaska (Partially Surveyed)

A parcel of land located within Secs. 16, 17, and 21, T. 27 S., R. 24 W., more particularly described as follows:

Beginning at the point for corner No. 1, a meander corner at the line of mean high tide on the east shore of Uganik Passage, located approximately 4.1 chains northwesterly of an abandoned mine shack,

Thence easterly, approximately 15.0 chains to corner No. 2, at the intersection with the section line of Secs. 16 and 17, T. 27 S., R. 24 W., Seward Meridian, Alaska;

Thence southerly, along the section line between Secs. 16 and 17, approximately 40.0 chains to corner No. 3;

Thence easterly, approximately 20.5 chains to corner No. 4;

Thence southerly, approximately 80.0 chains to corner No. 5, located on the north bank of an unnamed creek (locally known as Little Creek);

Thence northwesterly, along the general sinuosities of the north bank of the unnamed creek, approximately 18.5 chains to corner No. 6, a meander corner at the line of mean high tide on the easterly shore of Uganik Passage;

Thence north and northwesterly, with meanders along the line of mean high tide on the easterly shore of Uganik Passage, approximately 140.0 chains to corner No. 1, the point of beginning.

Containing approximately 160 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

> The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(h)(5), 1613(h)(7)), as amended by Pub. L. 96-487 (94 Stat. 2491).

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), as amended by Pub. L. 96-487 (94 Stat. 2491), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971, (43 U.S.C. 1601, 1621(g)), as amended by Pub. L. 96-487 (94 Stat. 2491), that the above-described lands which were within the boundaries of the Kodiak National Wildlife Refuge on December 18, 1971, remain subject to the laws and regulations governing use and development of such refuge.

Pusuant to Sec. 14(h)(5) of ANCSA, as amended, conveyance of the subsurface estate of the lands described above shall be issued to Koniag, Inc., Regional Native Corporation, when conveyance is granted to Clara Helgason for the surface estate, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the above-described lands.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week for four (4) consecutive weeks, in the Kodiak Mirror.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until November 7, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501

Clara Helgason, Terror Bay, Kodiak Island, Alaska 99697

Koniag, Inc., Regional Native Corporation, P.O. Box 746, Kodiak, Alaska 99615

Ann Johnson,

Chief, Branch of ANCSA Adjudication

[FR Doc. 81-29260 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

[A-17000]

Arizona; Application for Public Lands for State Indemnity Selection

1. Under the provisions of Sections 2275 and 2276 of the Revised Statutes 43 U.S.C. Sections 851, 852), the State of Arizona has filed application A-17000 to acquire public lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. Pursuant to the provisions of 43 CFR 2091.2-6 the lands described below are segregated from settlement, sale, locations or entry under the public land laws, including the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

2. Those lands described in previous publications in the **Federal Register** Volume 46, No. 44, March 6, 1981, pages 15579-15581; Volume 46, No. 97, May 20, 1981, pages 27562-27563; Volume 46, No. 131, July 9, 1981, page 35561; Volume 46, No. 136, July 16, 1981, pages 36949-36950; Volume 46, No. 136, July 16, 1981, pages 36950-36951; Volume 46, No. 148, August 3, 1981, pages 39479-39480; and the following described lands were segregated in accordance with 43 CFR 2091.2-6 as of August 27, 1981:

- T. 1 N., R. 3 W., GSR Mer., Arizona,
  - Sec. 3, N½SW¼, N½S½SW¼, E½SW¼SW¼SW¼, SE¼SW¼SW¼.
- T. 1 N., R. 4 W.,
  - Sec. 11, NE¼NE¼, S½NE¼, N½SE¼;
  - Sec. 12, SW¼NW¼NW¼NE¼, NW¼SW¼NW¼NE¼, S½SW¼ NW¼NE¼, N½NW¼SW¼NE¼, N½NW¼, N½N½S½NW¼;
  - Sec. 13, Part of NW¼NW¼NE¼, S½N¼NW½, S½SE¼NW¼.
- T. 1 N., R. 5 W.,
  - Sec. 2, E½E½SW¼, W½SE¼;
  - Sec. 11, NE¼, E½E½NW¼;
  - Sec. 12, SW¼;
  - Sec. 24, N½SW¼SW¼, SW¼SW¼SW¼;
  - Sec. 25, W½NW¼NW¼, NW¼SW¼NW ¼, N½SW¼SW¼NW¼, S½SW¼SW¹ /4SW ¼, E½SW¼SW¼;
  - Sec. 26, E½NE¼, S½SW¼SW¼NE¼, SE¼SW¼NE¼.
- T. 2 N., R. 4 W.,
  - Sec. 31, Lots 3-4, E½SW¼, SE¼;
  - Sec. 32, All;
  - Sec. 33, S½;
  - Sec. 34, All.
- T. 2 N., R. 5 W.,
  - Sec. 23, E½E½NE½NE¼NE¼, E½SE½NE¼NE¼, E½E½SE¼NE¼, E½E½NE¼SE¼, E½NE¼SE¼SE¼, SW¼NE¼SE¼SE¼, E½SW¼SE ½SE¼, SW¼SW¼SE¼SE¼, SE¼SE¼SE¼;
  - Sec. 26, E½NE¼, S½NE¼NW¼NE¼, SE¼NW¼NE¼, S½S½SW¼SW¼NE ¼, E½SW½NE¼,SE¼SE¼SE¼SE¼ NW¼, E½NE¼NE¼NE¼SW¼, S½NE¼NE¼SW¼, SE¼SW¼NE ½SW¼, SE½NE¼SW¼, SE¼SW¼;
  - Sec. 36, E½, NW¼, SE¼NE¼SW¼, E½SE¼SW¼.
- T. 1 S., R. 5 W.,
  - Sec. 10, SW¼;
  - Sec. 11, NW¼SE¼, S½SE¼;
  - Sec. 14, W½NE¼, SE¼NE¼, W½, SE¼;
  - Sec. 15 All;
  - Sec. 22, E½NE¼, SW¼NE¼, N½NW¼; SE¼NW¼, NE¼SW¼, N½SE¼;
  - Sec. 23, N½ NE¼, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, NW¼SE¼.
- T. 3 S., R. 4 W.,
  - Sec. 11, Lot 36.
- T. 4 S., R. 8 W.,
  - Sec. 1, SE¼NW¼;
  - Sec. 23, E½NE¼SE¼SW¼, SE¼SE¼ SW¼;
  - Sec. 28, S½S½S½SE¼.
- T. 5 S., R. 8 W.,
  - Sec. 4, N½SW¼NE¼, N½S½SW¼NE¼, N½SE¼NW¼, N½S½SE¼NW¼.
- T. 5 S., R. 5 E.,
  - Sec. 13, Lots 6-7 S¼SW¼NE¼, S½S½NW¼, N½SW¼, NW¼SE¼, E½SW¼SE¼;
  - Sec. 24, Lot 1, E½SW¼NE¼, SE¼NE¼, W½SE¼SE¼NW¼, SW¼SE¼NW¼, NE¼SW¼, SW¼NW¼SW¼, E½NW¼SW¼, S½SW¼.
- T. 5 S., R. 6 E.,
  - Sec. 17, W½;
  - Sec. 18, Lots 4-5, E½SW¼, SE¼.
- T. 5 S., R. 10 E.,
  - Sec. 20, E½;
  - Sec. 21, NE¼, S½.
- T. 6 S., R. 5 E.,
  - Sec. 1, S½.
- T. 12 S., R. 11 E.,
  - Sec. 27, W½E½, W½;
  - Sec. 28, NE¼, E½NW¼, SW¼NW¼, S½.
- T. 12 S., R. 13 E.,
  - Sec. 19, Lots 3-4, W½NE¼, SE¼NE¼, E½W½, SE¼.
- T. 13 S., R. 11 E.,
  - Sec. 4, Lots 3-4;
  - Sec. 5, Lots 1-4, incl., W½SE¼NW¼, SW¼NW¼, SW¼, S½NE¼NE¼SE¼, W½NE¼SE¼, SE¼NE¼SE¼, W½SE¼, W½SE¼SE¼, W½E½SE¼ SE¼;
  - Sec. 8, SW¼SE¼;
  - Sec. 17, All;
  - Sec. 20, W½;
  - Sec. 29, N½, SW¼;
  - Sec. 30, Lots 1-2, NE¼, E½NW¼.
- T. 14 S., R. 12 E.,
  - Sec. 29, Lots 1-32, incl., NE¼;
  - Sec. 30, Lots 9-72, incl.;
  - Sec. 35, Lots 1-2, NW¼, N½SW¼.
- T. 14 S., R. 13 E.,
  - Sec. 19, SE¼.
- T. 15 S., R. 12 E.,
  - Sec. 1, Lots 8-9, 24-31, incl.;
  - Sec. 3, Lots 1-2, 5-28, incl.;
  - Sec. 4, Lots 1, 5-8, incl., 11-12, 29-38 incl., SE¼NE¼;
  - Sec. 5, Lots 53-69, incl.;
  - Sec. 8, Lots 1-9, incl., 24-44 incl., 60-67 incl.;
  - Sec. 9, N½NW¼, SW¼NW¼, N½SE¼NW¼;
  - Sec. 10, Lots 37-40 incl., 58-60, incl.;
  - Sec. 19, Lots 1-4, incl., E½, E½W½;
  - Sec. 20, W½, SE¼;
  - Sec. 22, NE¼NE¼SE¼, S½NE¼SE¼, SE¼SE¼;
  - Sec. 23, NE¼NE¼, S½N½, SW¼, NE¼NW¼SE¼, S½NW¼SE¼, NE¼SE¼;
  - Sec. 24, SW¼NW¼.
- T. 16S., R. 10 E.,
  - Sec. 4, Lots 1, 9, 11, W½E½SE¼, SW¼;
  - Sec. 8 NE¼;
  - Sec. 9 Lots 2, 4, 5, N½N½, SE¼NW¼.
- T. 16 S., R. 11 E.,
  - Sec. 6, Lots 3-5, SE¼NW¼.
- T. 22 S., R. 21 E.,
  - Sec. 15, E½NE¼, S½NW¼, N½SW¼;
  - Sec. 20, E½NW¼;
  - Sec. 34, S½NE¼.
- T. 22 S., R. 22 E.,
  - Sec. 3, Lots 5-12, incl., 17, 19, 20, 22-24, incl., 29, 32-39, incl., 42, 43, 47-51, incl., 54, 55, 60-62, incl., 68-78, incl., 86-87, 90, 92-93, 97, 101, 103-105, incl., 107, 108, 110-129, incl. 132-137, incl., 139, 141, 143-157, incl.;
  - Sec. 4, Lots 11, 23-23, incl., 36, 39, 40, 45-46, 50, 57, 59, 62, 63, 66-70, incl., 72-73, 76-77, 82-85 incl. 87-90, incl., 93-103, incl.
- T. 14 N., R. 1 W.,
  - Sec. 29, unpatented Mineral Survey in N½;

Sec. 31, Lots 14–22, incl.
T. 14 N., R. 2 W.,
Sec. 3, W½SW¼;
Sec. 4, S½;
Sec. 9, N½N½, SW¼NW¼, W½SW¼;
Sec. 10, NW¼NW¼.
T. 1 N., R. 8 E.,
Sec. 14, NE¼;
Sec. 36, S½SE¼.
T. 1 N., R. 15½ E.,
Sec. 23, NE¼NW¼;
Sec. 24, SW¼NW¼;
Sec. 25, NE¼NE¼, S½NW¼;
Sec. 26, NW¼NE¼, S½NE¼, SE¼;
Sec. 27, SE¼NE¼, NE¼SE¼;
Sec. 35, E½, E½W½SE¼SW¼, E½SE¼SW¼.
T. 1 N., R. 16 E.,
Sec. 7, Lots 1–2, NE¼, E½W½;
Sec. 8, Lot 1;
Sec. 30, Lots 1–4, incl., NW¼, W½SW¼;
Sec. 31, Lots 1–4, incl., W½W½.
T. 4 N., R. 1 E.,
Sec. 3 Lots 1–3, S½NE¼, SE¼NW¼;
Sec. 6, Lot 33;
Sec. 8, S½SE¼NE¼SE¼.
T. 5 N., R. 1 E.,
Sec. 28, E½;
Sec. 29, NW¼NW¼;
Sec. 30, NE¼, E½W½, W½SE¼;
Sec. 31, Lots 1–4, incl., E½W½, W½E½, SE¼SE¼;
Sec. 33, N½NE¼;
Sec. 34, All.
T. 5 N., R. 3 E.
Sec. 1, SE¼NE¼, SE¼NW¼.
T. 5 N., R. 4 E.
Sec. 6, SW¼NE¼, E½SW¼;
Sec. 7, Lot. 1.
T. 6 N., R. 2 E.,
Sec. 22, NW¼NW¼.
T. 6 N., R. 3 E.,
Sec. 12, NE¼;
Sec. 29, SE¼NW¼NW¼, N½SW¼NW¼NW¼, N½NE¼NW¼NW¼, W½E½NW¼, S½SE¼SE¼NW¼, SE¼SW¼NW¼, NE¼NE¼SW¼, N½NW¼NE¼SW¼, N½SE¼NE¼SW¼, NW¼SE¼SW¼;
Sec. 35, Lots 5–13, incl., 30–36, incl., NE¼, E½W½NE¼NW¼, W½NE¼NE¼NW¼, E½SE¼NE¼NW¼, E½NW¼SE¼NW¼, NE¼SE¼NW¼, E½SE¼SE¼NW¼, W½E½NW¼SE¼.
T. 6 N., R. 4 E.,
Sec. 7, Lot 2, SE¼NW¼;
Sec. 8, NE¼SE¼;
Sec. 9, Lot 1, SE¼NE¼.
T. 7 N., R. 2 E.,
Sec. 15, unpatented land west of I–17 highway in E½;
Sec. 26, Lots 40–44, incl., 49, 52, 53, 55, 56, 58, N½NE¼, NE¼NW¼.
T. 7 N., R. 3 E.,
Sec. 30, Lots 1, 2, E½NW¼.
T. 11 N., R. 2 E.,
Sec. 23, Lots 11–13, 20, 32.
T. 1 N., R. 23 W.,
Sec. 1, Lots 1–4, S½N½, S½ (All);
Sec. 12, N½;
Sec. 14, N½;
Sec. 27, NW¼NW¼NW¼.
T. 2 N., R. 22 W.,
Sec. 3, Lots 1–2, S½NE¼;
Sec. 16, W½;
Sec. 17, SE¼;
Sec. 30, E½;
Sec. 31, Lots 1–6, E½ (All).
T. 3 N., R. 21 W.,
Sec. 19, W. 660′ of S. 660′ of Lot 1, Lots 2–4, incl., S½SW¼SW¼NE¼, S½SE¼NW¼, E½SW¼, NW¼NW¼SE¼, S½NW¼SE¼, SW¼SE¼, SW¼NE¼SE¼SE¼, W½SE¼SE¼, SE¼SE¼SE¼.
T. 3 N., R. 22 W.,
Sec. 15, SE¼;
Sec. 23, N½N½, N½S½N½;
Sec. 24, S½N½NE¼NE¼, S½NE¼NE¼, W½NE¼, SE¼NE¼, NW¼, N½S½, N½N½ SE¼SW¼, E½SE¼SE¼.
T. 4 N., R. 17 W.,
Sec. 28, All.
T. 4 N., R. 18 W.,
Sec. 23, NE¼.
T. 4 N., R. 19 W.,
Sec. 21, N½NW¼, SW¼NW¼, SW¼SE¼NW¼, E½SE¼NW¼;
Sec. 22, NE¼, E½SE¼, E½E½NW¼SE¼, SW¼SE¼, E½NW¼;
Sec. 27, NE¼SW¼, S½SW¼;
Sec. 28, NW¼SE¼, S½SE¼;
Sec. 33, E½.
T. 4 N., R. 20 W.,
Sec. 33, N½.
T. 4 N., R. 22 W.,
Sec. 36, E. 330′ of Lot 5.
T. 8 N., R. 18 W.,
Sec. 32, N½, N½NE¼SW¼, N½N½SE¼;
Sec. 36, NW¼.
T. 9 N., R. 18 W.,
Sec. 5, NW¼NE¼, S½NE¼, NW¼, NW¼SW¼SW¼, E½NW¼SW¼, E½SW¼, W½SE¼ (UNS);
Sec. 8 E½, E½W½, SW¼NW¼, N½NW¼SW¼, SE¼NW¼SW¼, SW¼SW¼ (UNS);
Sec. 9, W½ (UNS);
Sec. 17, N½NE¼, N½S½NE¼, S½SE¼NE¼ (UNS).
T. 9 N., R. 19 W.,
Sec. 2, Lots 1–6, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
T. 10 N., R. 19 W.,
Sec. 1, Lot 3;
Sec. 23, All ex. MS 4406–A;
Sec. 24, W½W½;
Sec. 25, SW¼NE¼NW¼, W½NW¼, W½SE¼NW¼, SE¼SE¼NW¼, NE¼SW¼, N½NE¼NW¼SW¼, SE¼NE¼NW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, SW¼SE¼, W½SE¼SE¼;
Sec. 28, N½N½, NE¼SE¼NE¼, SW¼NW¼, W½SW¼, S½NE¼SW¼, SE¼SW¼, SW¼NE¼SE¼, S½NW¼SE¼, SW¼SE¼, W½SE¼SE¼;
Sec. 35, N½NE¼, NE¼NW¼;
Sec. 36, NW¼NW¼.
T. 19 N., R. 21 W.,
Sec. 7, Lots 4, SE¼SW¼;
Sec. 17, All;
Sec. 18, Lots 1–4, E½W½, E½ (All);
Sec. 19, Lots 1–4, E½W½, E½ (All);
Sec. 20, All;
Sec. 21, All;
Sec. 28, N½N½;
Sec. 29, N½N½;
Sec. 30, Lot 1, N½NE¼, NE¼NW¼.
T. 19 N., R. 22 W.,
Sec. 12, S½S½;
Sec. 24, N½, E½SW¼, E½NW¼SW¼, NW¼NW¼SW¼, SE¼.
T. 20 N., R. 21 W.,
Sec. 6, Lots 1–6, E½SW¼, SE¼ (All);
Sec. 30, Lots 1–4, E½W½, E½ (All);
T. 21 N., R. 21 W.,
Sec. 26, All;
Sec. 28, All;
Sec. 30, Lot 4, SE¼SW¼, S½SE¼, Subject to Airport Lease;
Sec. 31, Lots 1–4, E½W½, E½, (All), Subject to Airport Lease & Post Office Site);
Sec. 34, All.
T. 1 S., R. 23 W.,
Sec. 5, N. 330′ of Lot 3, SW¼SW¼NW¼, W½NW¼SW¼, NW¼SW¼SW¼, N½SW¼SW¼SW¼;
Sec. 20, W½NW¼NW¼, NW¼SW¼NW¼, SW¼NW¼SW¼.
T. 16½ N., R. 18 W.,
Sec. 20, S½NE¼SE¼, E½SE¼NW¼SE¼, E½NE¼SW¼SE¼, E½SE¼SW¼SE¼, NW¼SE¼SE¼, those portions lying outside of I–40 R/W (AR–035253);
Sec. 28, NW¼NW¼.
T. 17 N., R. 18 W.,
Sec. 1, S½NE¼SE¼, SE¼NW¼SE¼, S½SE¼, those portions lying east of the I–40 R/W and west of the RR R/W.
T. 19 N., R. 17 W.,
Sec. 18, Lots 2, 8, 9, 12, 13, 17, 18, 19, 21.
T. 21 N., R. 17 W.,
Sec. 8, N½NE¼SW¼, SW¼NE¼SW¼, N½N½SE¼NE¼SW¼, SW¼NW¼SE¼NE¼SW¼, NW¼SW¼SE¼NE¼SW¼, S½SE¼SE¼NE¼SW¼, NW¼SW¼, S½SW¼, S½S½SW¼NW¼SE¼, S½SW¼SE¼NW¼SE¼, NE¼SW¼SE¼, NW¼SW¼SE¼.
T. 21 N., R. 18 W.,
Sec. 8, All, except Lot 2 and NE¼NE¼NE¼.
T. 22 N., R. 18 W.,
Sec. 4, All;
Sec. 36, All.
T. 23 N., R. 18 W.,
Sec. 32, S½S½NE¼NE¼, SE¼SW¼NE¼, SE¼NE¼, S½NE¼SW¼, SE¼SW¼, SE¼.
T. 23 N., R. 19 W.,
Sec. 12, Lots 1–4, NW¼NE¼, W½, W½SE¼.
TR. 3N., R. 13 W.,
Sec. 8, E½SE¼;
Sec. 17, N½N½NE¼NE¼, that portion north of CAP R/W.
T. 39 N., R. 7 E.
Sec. 4, Lots 3, 5–12, incl., N½SW¼NE¼, N½SE¼NW¼, less highway R/W PHX–000790.
T. 3 S., R. 1 E.,
Sec. 4, Lots 1–4, incl., S½, S½N½;
Sec. 9, All;
Sec. 16, All;
Sec. 17, NE¼, S½,
Sec. 18, All;
Sec. 19, NE¼, S½;
Sec. 20, All;
Sec. 21, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, All;
Sec. 32, All;
Sec. 33, All.

T. 28 N., R. 21 W.,
Sec. 4, Lots 1–4, S½N½, S½;
Sec. 5, Lots 1, 2, S½NE¼, SE¼;
Sec. 8, E½, S½SW¼;
Sec. 9, All;
Sec. 16, All;
Sec. 17, All;
T. 29 N., R. 20 W.,
Sec. 6, Lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, Lots 1–4, E½, E½W½;
Sec. 18, Lots 1–4, E½, E½W½;
Sec. 19, Lots 1–4, E½, E½W½;
Sec. 30, Lots 1–4, E½, E½W½;
Sec. 31, Lots 1–4, E½, E½W½;
T. 29 N., R. 21 W.,
Sec. 1, Lots 1.4, S½N½, S½;
Sec. 2, Lots 1–4, S½N½, S½;
Sec. 3, Lots 1, 2, S½NE¼, SE¼;
Sec. 10, E½;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, E½;
Sec. 22, E½;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 33, E½;
Sec. 34, All;
Sec. 35, All;
Sec. 36, All.
T. 30 N., R. 19 W.,
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
T. 30 N., R. 20 W.,
Sec. 24, All;
Sec. 25, All;
Sec. 35, All;
Sec. 36, All.
T. 19 S., R. 22 E.,
Sec. 25, S½SW¼;
Sec. 26, S½S½;
Sec. 27, S½SE¼;
Sec. 34, NE¼, N½SE¼;
Sec. 35, SW¼NW¼.
T. 20 S., R. 22 E.,
Sec. 12, E½, E½W½.
T. 7 S., R. 26 E.,
Sec. 26, SW¼NW¼, W½SW¼;
Sec. 27, S½N½, S½;
Sec. 34, All;
Sec. 35, All.
T. 8 S., R. 26 E.,
Sec. 3, NE¼, E½NW¼, NW¼NW¼, E½SE¼, NW¼SE¼.
T. 1 N., R. 5 W.,
Sec. 9, W½NE¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 27, E½NW¼, NE¼SW¼;
Sec. 29, W½,NW¼;
Sec. 31, W½SE¼.
T. 1 S., R. 5 W.,
Sec. 3, S½N½.
T. 1 S., R. 6 W.,
Sec. 4, Lots 3, 4, NE¼SE¼NW¼, E½SW¼.
T. 1 S., R. 7 W.,
Sec. 1, N½NW¼SW¼, N½SE¼NW¼SW¼;
Sec. 2, N½NE¼SE¼.
T. 4 N., R. 17 W.,
Sec. 28, That part of N½SE¼NE¼ lying north of Hwy 60 R/W, NE¼NE¼, S½NE¼NW¼NE¼, S½NW¼NE¼, E½NE¼SE¼NW¼, SE¼SE¼NE¼NW¼, N½SW¼NE¼.
T. 4 N., R. 18 W.,
Sec. 14, S½S½NE¼, S½SE¼NW¼;
Sec. 23, N½NE¼SW¼.
T. 8 S., R. 14 W.,
Sec. 17, That part of N½SE¼SW¼ lying north of I–8 R/W, that part of N½S½SE¼ lying nort of I–8 R/W, that part of S½SW¼SE¼ lying south of the I–8 R/W and north of the Railroad R/W, that part of SE¼SE¼ lying south of I–8 R/W, E½NE¼SW¼, S½NE¼SE¼, W½NE¼NW¼SE¼, W½NW¼SE¼, SE¼NW¼SE¼.
T. 20 N., R. 16 W.,
Sec. 12, W½NE¼NE¼SE¼, W½NE¼SE¼, SE¼NE¼SE¼, E½E½NE¼NW¼SE¼, SE¼NW¼SE¼, NE¼NE¼SW¼SE¼, W½SE¼SE¼, E½SE¼SE¼.
T. 12 N., R. 18 W.,
Sec. 6, Lots 1, 2, 3, E½SW¼, SE¼;
Sec. 7, Lots 2, 3, 4, E½NE¼, W½E½, E½W½;
Sec. 18, Lot 1.
T. 12 N., R. 19 W.,
Sec. 12, N½NE¼, SW¼NE¼, NW¼, NE¼NE¼SW¼, NW¼SW¼, N½SW¼SW¼;
Sec. 13, N½;
Sec. 14, NE¼NE¼NE¼, E½NW¼NE¼NE¼, S½N½NE¼, S½NE¼.
T. 13 N., R. 19 W.,
Sec. 20, N½SW¼;
Sec. 23, That part of SW¼NE¼NW¼ lying west of Hwy 95 R/W, that part of S½NE¼ lying south of Hwy 95 R/W, NE¼SE¼, NE¼NW¼SE¼.
T. 14 N., R. 20 W.,
Sec. 4, W½ Lot 4, SW¼SE¼NW¼NW¼, W½SW¼NW¼, W½NE¼SW¼NW¼, SE¼NE¼SW¼NW¼, SE¼SW¼NW¼, W½SW¼SE¼NW¼, W½NE¼SW¼, SW¼NE¼NE¼SW¼, W½SE¼NE¼SW¼, W½SW¼, SE¼SW¼, W½W½SW¼SE¼, SE¼SW¼SW¼SE¼;
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 8, NE¼, E½NW¼, E½NW¼NW¼, E½NW¼NW¼NW¼, SW¼NW¼NW¼, SW¼NW¼, S½;
Sec. 9, W½SW¼NE¼NE¼, W½NE¼NW¼NE¼, NW¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, SW¼NE¼SE¼NE¼, W½SE¼NE¼, W¼SE¼SE¼NE¼, SE¼SE¼SE¼NE¼, W½, SE¼;
Sec. 27, NE¼.
T. 15 N., R. 20 W.,
Sec. 32, All;
Sec. 33, W½NE¼NW¼, W½NW¼, N½NW¼SE¼NW¼, SW¼NW¼SE¼NW¼, W½NE¼NW¼SW¼, W½W½SW¼.
T. 12 N., R. 1 E.,
Sec. 15 Lots 1 and 2—all les- Hwy R/W.
T. 11 N., R. 2 E.,
Sec 5, Lots 6, 8, SW¼NW¼—all less Hwy 69 R/W;
Sec. 8, Lot 3;
Sec. 17, E½NE¼;
Sec. 26, NW¼NE¼, S½NE¼, NE¼SE¼.
T. 12 N., R. 2 E.,
Sec. 29, S½;
Sec. 30, Lots 5, 6;
Sec. 32, S½ Lot 7, E½NE¼, N½NW¼NE¼, N½SW¼NW¼NE¼, E½SE¼NW¼NE¼, NW¼SE¼NW¼NE¼, E½NE¼SW¼NE¼, N½SE¼NE¼NW¼, N½N½NW¼.
T. 13 N., R. 2 E.,
Sec. 6, Lots 1, 2, N½ Lot 3, N½, Lot 4, S½NE¼, SE¼—all less Hwy 169 R/W;
Sec. 7, NE¼NE¼, E½NW¼NE¼, NE¼NW¼NW¼NE¼, NW¼SW¼NE¼, N½SE¼SW¼NE¼, N½SE¼NE¼, E½SW¼SE¼NE¼, NW¼SW¼SE¼NE¼, SE¼SE¼NE¼, NE¼NE¼SE¼, E½NW¼NE¼SE¼.
T. 14 N., R. 2 E.,
Sec. 27, SW¼;
Sec. 33, Lots 1, E½NE¾, NE¼SE¼;
Sec. 34, Lots 3, 4, NW¼, N½SW¼.

3. The following described lands were segregated in accordance with 43 CFR 2091.2–6 as of September 9, 1981:

T. 1 N., R. 5 W., GSR Mer., Arizona,
Sec. 8, E½NE¼, W½NW¼, NW¼SW¼.
T. 1 N., R. 6 W.,
Sec. 1, E½SE¼.
T. 2 N., R. 5 W.,
Sec. 31, Lot 4.
T. 2 N., R. 6 W.,
Sec. 25, S½;
Sec. 36, All.

4. The segragation of the above described public lands shall terminate upon issuance of a document of conveyance to such lands, or upon publication in the **Federal Register** of a notice of termination of the segregation or the expiration of 2 years from the date of the filing of the selection application, whichever occurs first. However, where administrative appeal or review actions have been sought pursuant to Part 4 or Subpart 2450 of 43 CFR, the segragative period shall continue in effect until publication of a notice of termination of the segregation in the **Federal Register.**

5. Inquiries concerning the segregation of the lands referenced above should be addressed to the District Manager, Bureau of Land Management, Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

Mario L. Lopez,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–29278 Filed 10–7–81; 8:45 am]
BILLING CODE 4310–84–M

[Serial No. I–17847]

Idaho; Proposed Withdrawal of Lands

October 1, 1981.

The U.S. Forest Service, Department of Agriculture, on July 20, 1981, filed application, Serial No. I–17847, for the withdrawal of the following described lands from location under the mining laws, subject to valid existing rights:

Boise Meridian

Salmon National Forest

T. 20 N., R. 18 E.,
  Sec. 35,
  Beginning at the confluence of Panther Creek and Moyer Creek said point being more particularly located in the unsurveyed NE¼NW¼.
  From point of beginning, North 19°27'. West 430 feet, to Corner No. 1,
  Thence South 18°04' West, 3,055 feet, to Corner No. 2, thence North 80°38' East, 2,640 feet, to Corner No. 3, thence North 33°49' West, 2,978 feet, to Corner No. 1, the true point of beginning.

The area described aggregates 82 acres in Lemhi County.

The lands were segregated from entry and location under the general mining laws for a period of two years from August 7, 1981, when the notice was published in the **Federal Register**, or until the withdrawal action is completed, or the application is cancelled, whichever is the shortest period of time.

Present authorized uses may continue until preparation of site construction of improvements begin. The land will then be closed to all non-Forest Service uses, except for public access on Forest developed roads.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

On or before December 7, 1981, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

All communications in connection with the proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Federal Building, 550 West Fort Street, Box 042, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-29279 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

[M 9703]

Montana; Termination of Proposed Withdrawal and Reservation of Lands: Correction

September 29, 1981.

Document under Serial Number M 9703, dated August 17, 1981, published as Federal Register Document 81-24723 on page 42921 for the issue of August 25, 1981 is hereby corrected by substituting "6,458.35 acres" in Sentence 6 of Column 2 for "3,428.56 acres" to read "application involving 6,458.35 acres."

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-29281 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 19177; 2320 (943.4)]

Oregon; Order Providing for Opening of Land; Correction

In FR Doc. 81-24649 appearing at page 42920, in the issue of Tuesday, August 25, 1981, make the following changes: Paragraph 5 should read paragraph 6, and paragraph 6 should read paragraph 7. In paragraph 6 (formerly paragraph 5) "* * * except as provided in paragraphs 3 and 4," should read: "* * * except as provided in paragraphs 3, 4, and 5." The new paragraph 5 should read: "The land in Sec. 35, T. 21 S., R. 3 E., is withdrawn for a reservoir project by Public Land Order No. 1464 of August 7, 1957, and will not be open to operation of the public land laws, including the mining laws and mineral leasing laws."

Dated: September 29, 1981.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-29283 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

[Designation Order NM-010-8101]

New Mexico; Off-Road Vehicle Designations

September 30, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Off-Road Vehicle (ORV) Designation.

SUMMARY: Notice is hereby given relating to the use of ORV's on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The subject lands, under administration of the Bureau of Land Management, are designated as open, closed or limited to off-road motorized vehicle use.

The areas affected by these designations are known as Navajo Peak ORV Study Unit 01 and Sabinoso ORV Study Unit 33. These areas are located in the Taos Resource Area of the Bureau of Land Management, Albuquerque District Office and consist of approximately 28,160 acres within Rio Arriba and San Miguel Counties, New Mexico. These designations are a result of land-use decisions developed with public involvement and input in the 1979 Taos Resource Area Management Framework Plan and the 1981 Sabinosa ORV implementation plan.

The Navajo Peak ORV Study Unit 01 shares the same boundaries with BLM Wilderness Study Area #NM-010-059. The unit is adjacent to the U.S. Forest Service Rio Chama Wilderness Area. The Rio Chama, which bisects the unit in a north-south direction, has been designated by the State of New Mexico as a State "Scenic and Pastoral" River.

The Sabinoso ORV Study Unit No. 33 shares the same boundaries with BLM Wilderness Study Area #NM-010-55. The unit is surrounded by an array of private and State lands.

Range users who hold livestock permits in either of the subject ORV units will be allowed special permission to travel in areas and routes designated as "limited" or "closed" only during the period when they are permitted to have livestock grazing in the area. This use will be limited to specific needs for range management such as access to livestock and repair of fences or range improvements in their specific range allotment. No special permit from the Bureau will be required for this use.

The Navajo Peak and Sabinoso ORV units are designated as follows:

Area	Acres	Purpose	Designation
Sabinoso Unit—All of Navajo Peak Unit (except 160 acres designated Closed).	16,640	Protection of Scenic and WSA values	Limited to existing ways and trails, except to range permittee in season of use.
Navajo Peak—T. 27 N., R. 2 E., Sec. 28, NE¼	160	Protection of riparian habitat and floodplain protection of scenic values.	Closed except to range permittees in season of use.

This designation becomes effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the State Director. In the event a violation of trespass occurs in a "limited use" or "closure" area, the violator will be subject to penalties under 43 CFR 8372.0–7.

A map of the subject areas for ORV use designations and review of the environmental assessments which describe the impacts of these designations is available at the following Bureau of Land Management Offices:

Bureau of Land Management, Taos Resource Area, P.O. Box 1045. Taos, New Mexico 87571–1045
Bureau of Land Management, Albuquerque District Office. P.O. Box 6770, Albuquerque, NM 87107

Marvin LeNoue,
Acting State Director.

[FR Doc. 81–29282 Filed 10–7–81; 8:45 am]

BILLING CODE 4310–84–M

Colorado; Redelegation of Authority

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

EFFECTIVE DATE: This redelegation will become effective October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Harold R. Martin, Chief, Division of Technical Services, (303) 837–3814, Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

SUMMARY: Section 1.1(a)(3) of Bureau Order No. 701, dated July 23, 1964 as amended by notice published at 45 FR 81128 on Tuesday, December 9, 1980, (FR Doc. 80–38128 filed 12–8–80, 8:45 a.m.) authorizes the Bureau of Land Management State Directors to redelegate that authority for "land use" to District Managers. This action is taken so Bureau of Land Management field personnel can be more responsive to the public demand for uses of public land by having the District Offices as the main focal point for land and realty actions.

In general, this redelegation authorizes the BLM District Manager to assume responsibility for all realty actions for which applications are filed or proposals are made for use or disposition of public lands under the jurisdiction of the Bureau of Land Management in Colorado.

The authority herein redelegated is to District Mangers in Colorado with respect to public lands under the jurisdiction of each District office to take action on matters listed in section 1.9 of Part 1 of Bureau Order 701.

For applications involving more than one BLM district, all affected District Managers shall approve the action.

The District Managers may redelegate this authority to Area Managers under their supervision for actions involving public lands entirely within a single Resource Area.

Bob Moore,
Associate State Director.
September 30, 1981.

[FR Doc. 81–29278 Filed 10–7–81; 8:45 am]

BILLING CODE 4310–84–M

Boise District; Owyhee Management Framework Plan, Idaho; Initiation of Management Framework Plan Amendment and Notice of Intent To Prepare Environmental Impact Statement

October 1, 1981.

SUMMARY: Notice is hereby given in accordance with 43 CFR 1601.3(g) and 40 CFR 1501.7 that the Bureau of Land Management, Boise District, is beginning a process to amend the Owyhee Management Framework Plan (MFP) and to prepare an associated EIS. The purpose of the Amendment/EIS is to study and develop recommendations on the suitability of certain lands for inclusion in the National Wilderness Preservation System. The lands under consideration are located in Southwest Idaho, Owyhee County, and have been identified as Wilderness Study Areas. Specifically, these areas are identified as:

WSA ID–16–40
WSA ID–16–41
WSA ID–16–42
WSA ID–16–45
WSA ID–16–47

SUPPLEMENTARY INFORMATION: The study and EIS will include alternatives for each WSA ranging from total wilderness to no wilderness. As appropriate to respond to issues on resource conflicts, various alternative combinations of suitable and nonsuitable recommendations as well as boundary adjustments may be considered.

The MFP Amendment will be prepared in accordance with the new Resource Management Plan (RMP) process outlined in the Draft Wilderness Study Policy published in the **Federal Register**, Volume 45, No. 24, on December 19, 1980. The Final Wilderness Study Policy is expected to be released in late October, 1981. The MFP Amendment will be adjusted to reflect any changes in the study policy. The study of the five WSAs will be completed at the end of 1982.

Major issues to be addressed in the Amendment will include the grazing of livestock, all forms of mineral activity, motorized vehicle access, land tenure, watershed, rangeland ecological conditions, social and economic considerations, and the values of wilderness. Specific issues which surfaced during the intensive wilderness inventory and during pre-planning and informational meetings announced in the March 19, 1981, **Federal Register** will also be addressed. The issues that have so far surfaced include:

1. To what degree should local input into wilderness designation in Owyhee County and the state in general affect the designation of BLM wilderness areas?
2. Will wilderness designation result in changes in livestock grazing levels or affect current and future range developments and methods of operation?
3. Are BLM Wilderness Study Areas manageable as wilderness, particularly plateau areas; what constitutes manageability, particularly with regard to cherry stem roads?
4. What are the social and economic values of wilderness; how will wilderness designation affect current socio-economic conditions of local communities and the State of Idaho as a whole?

5. What ecological condition should WSAs be in to be considered for wilderness; should WSAs in poor ecological condition be added to the National Wilderness Preservation System (NWPS), especially if they are the only representation of a particular ecosystem in the United States or are currently not in the NWPS; if so, what methods of ecosystem restoration are acceptable in wilderness areas?

6. Are WSAs with a long history of livestock use (which show evidence of this use) really wilderness; if so, are range developments (which are necessary for livestock use) to be implemented for the purpose of maintaining or improving ecological condition?

7. What impact would wilderness designation have on future visitor use to the area; what would be the impact of additional use on Owyhee County government services, livestock operations, private service businesses, and BLM management needs?

8. What impact would wilderness designation have on future needs to supply food and essential minerals to the American people?

An interdisciplinary team will develop the Amendment/EIS. This team will at a minimum include the following disciplines:

Wilderness Specialist
Range Conservationist
Outdoor Recreation Planner
Soils Scientist
Geologist
Realty Specialist
Wildlife Biologist
Visual Resource Specialist
Economist
Social Scientist

Public meetings formulating wilderness alternatives and the scoping of the EIS will be held at the following times and locations:

November 19, 1981, 7:00 p.m.: BLM, Boise District Office, 3948 Development Avenue, Boise, Idaho
November 20, 1981, 7:00 p.m.: Owyhee County Cooperative Extension Service Building, Highway 78, Marsing, Idaho

Public comments on issues and wilderness alternatives will be accepted until December 4, 1981, at the BLM, Boise District Office. Specific notices of other meetings and opportunities for public participation concerning the EIS will be announced in the **Federal Register** and local media. For further information contact: the District Manager or District Wilderness Coordinator, 3948 Development Avenue, Boise, Idaho 83705, telephone (208) 334-1582.

Alan B. Tripp,

Acting District Manager.

[FR Doc. 81-29280 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

Chevron Shale Oil Co.; Right-of-Way; Tentative Meetings and Preparation of Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to hold scoping meetings and prepare an environmental impact statement.

SUMMARY: The U.S. Department of the Interior, Bureau of Land Management, Grand Junction District Office will prepare an environmental impact statement on a proposed 100,000 barrel per day shale oil project in Garfield County, Colorado. The project would include a combination of underground and open pit mining; shale oil retorting and upgrading facilities; a water system, including an intake structure in the Colorado River, pipelines and storage reservoir; and associated transportation facilities, including syncrude pipeline, electric power line, roads and community facilities.

Alternatives that will be analyzed include the applicant's proposal, alternate mining and processing methods, alternate pipeline routes, and alternate transportation methods. Other alternatives may be developed subsequent to scoping. The level of detail in the EIS will be determined following the scoping process; it will be equivalent to the level of anticipated impacts. The impact analysis will define how the components of the proposed action and alternatives interact with the surrounding environment. Impacts will be traced to the point where they no longer have significant effects.

A series of scoping meetings will be held during the first two weeks of December, 1981. Tentatively, a public meeting will be held in each of the following. Grand Junction, DeBeque, Rifle, and Denver, Colorado. Notice of all meetings will be published in local media at least two weeks before each meeting. The scoping process will involve personal contact with agencies and individuals, in addition to formal contact with other federal, state, and local agencies and groups.

In accordance with the final regulations of the Council on Environmental Quality for Implementation of Procedural Provisions of the National Environmental Policy Act (40 CFR, Part 1500) the scoping meetings will:

a. Inform affected federal, state and local agencies, and other interested groups or individuals about the proposal.

b. Define the scope and significant issues to be analyzed in the EIS. This includes identification and elimination from detailed study those issues which are not significant.

c. Identify environmental reports which may be related to the proposal or may contain relevant data.

d. Identify related consultation and review requirements which will be addressed in the EIS, including identification of mandated documentation.

FOR FURTHER INFORMATION CONTACT: Robert W. Kline, Coordinator, Chevron Oil Shale EIS, Bureau of Land Management, 764 Horizon Drive, Grand Junction, CO 81501. Telephone: Commercial—303-243-6552; FTS—323-0011.

David A. Jones,

District Manager.

[FR Doc. 81-29275 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Pinyon Grazing Statement; Intent To Prepare an Environmental Statement and Scoping Meetings; Correction

This notice replaces the notice of the same title that appeared September 2, 1981 on page 44064.

The Department of the Interior, Bureau of Land Management, Cedar City District Office will be preparing a grazing management environmental impact statement in connection with 1974 Federal court order to prepare site specific activities on public lands. The BLM was directed to address specific geographic areas, identify particular grazing management programs, analyze the environmental impacts associated with the management programs, and analyze viable grazing management alternatives.

BLM administered lands in Beaver, Iron, and Washington Counties north and west of the Union Pacific right-of-way will be considered.

In preparation for the environmental impact statement BLM has completed resource inventories and is preparing land use plans or Management Framework Plans. Three public open houses will be held for the purpose of obtaining comments on Management Framework Plan objectives and recommendations and proposed alternatives for analysis in the fourthcoming Pinyon Grazing Environmental Impact Statement.

The open houses will be held as follows: October 27, 1981, at the Library in Milford, Utah from 3:00 p.m. to 7:00 p.m.; October 28, 1981, at the Community Center in Beryl, Utah from 3:00 p.m. to 7:00 p.m.; and October 29, 1981, at the BLM District Office in Cedar City, Utah from 3:00 to 7:00 p.m. Interested individuals may attend any of the open houses or send written comments to the address below.

Those who wish to attend may come at their convenience and will have the opportunity to go over the Management Framework Plan and proposals which the environmental statement will address and provide any information they desire to an attendant employee at the meeting.

For information concerning the Management Framework Plan and proposed alternatives for the environmental impact statement, contact the following individual: Area Manager, Bureau of Land Management, 444 South Main, Cedar City, Utah 84720. (801) 586-2458.

J. Kent Giles,

Acting District Manager.

October 2, 1981.

[FR Doc. 81-29284 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

Phoenix District; Kingman Resource Area Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Kingman Resource Area (Phoenix District) Grazing Advisory Board will be held on November 4, 1981.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

The agenda for the meeting will include:

1. Review of the new rangeland management policy.
2. 8100 Funds—Distribution policy.
3. Status of allotment management plans—Cerbat/Black
4. Hualapai/Aquarius—range program summary.
5. Status of range improvements—FY 81.
6. Proposed range improvements—FY 82.
7. Arrangements for future meetings.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: September 29, 1981.

Malcolm J. Schnitker,

Acting District Manager.

[FR Doc. 81-29277 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

Riley Ridge Project; Intent To Prepare Environmental Impact Statement and Hold Public Meetings

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Prepare an environmental impact statement (EIS) and hold public scoping meetings on the development of a natural gas field and associated gas processing and sweetening plant in Sublette and Lincoln Counties, Wyoming, hereafter called the Riley Ridge Project.

SUMMARY: This notice describes the action to be analyzed in the EIS; the geographic area that would be affected; the preliminary list of issues and concerns; the scoping process to be used, including the public scoping meetings times and places; the locations of offices which have information available for public review both during and at the completion of the process; and the BLM contact for further information.

SUPPLEMENTARY INFORMATION:

Action

The action to be analyzed in the EIS consists of a gas processing and sweetening plant and associated development of a paleozoic natural gas field in the Riley Ridge-Tip Top area in western Wyoming.

Sixty to one hundred deep gas wells have been proposed for drilling over the next 20 to 40 years. As a result of the degree of contaminants in the gas, a gas processing and sweetening plant is proposed for construction in the area.

The BLM, U.S. Geological Survey (GS), and Forest Service (FS) will jointly prepare the EIS on the Riley Ridge Project. An agreement between these agencies (Agency Memorandum of Understanding) for preparation of the EIS has been negotiated. BLM will serve as administrative lead agency for the EIS. GS and FS will serve as joint lead agencies.

Geographic Area

The geographic area to be analyzed for effects is generally in southwestern Wyoming. The well field is located approximately 10 miles southwest of Big Piney, Wyoming, in Sublette County. The proposed and alternative locations for the sweetening plant are in Lincoln and Sublette Counties. Regional and cumulative impacts may extend beyond these geographic areas.

Issues and Concerns

Important issues and concerns which have been identified to date, include:

1. Potential socioeconomic impacts on Big Piney, Marbleton, LaBarge, Pinedale, and Kemmerer, Wyoming.
2. Potential impacts on terrestrial wildlife and their habitat.
3. Potential impacts on aquatic wildlife and their habitat.
4. Potential adverse health and safety problems associated with hydrogen sulfide and carbon dioxide in the natural gas.
5. Potential impacts on airsheds and air quality.
6. Potential impacts on watersheds and water quality.
7. Potential impacts to aesthetics and land use.

The public is encouraged to present their ideas on these and other issues and concerns for consideration in the EIS at the public scoping meetings and throughout the EIS process. All issues and concerns will be considered in preparation of the EIS.

DATES: Public scoping meetings will be held on the following dates and locations for the purpose of identifying issues and concerns for the EIS:

1. *Date:* November 2, 1981; *Place:* Cheyenne Clubroom West, Hitching Post Inn, 1700 W. Lincolnway, Cheyenne, Wyoming; *Time:* 7:00 p.m. until meeting is completed (no later than 10:00 p.m.).
2. *Date:* November 3, 1981; *Place:* Kemmerer Junior High School Library, 1525 Third West, Kemmerer, Wyoming; *Time:* 7:00 p.m. until meeting is completed (no later than 10:00 p.m.).
3. *Date:* November 4, 1981; *Place:* Pinedale High School, Room 10, 101 East Hennick Street, Pinedale, Wyoming; *Time:* 7:00 p.m. until meeting is completed (no later than 10:00 p.m.).
4. *Date:* November 5, 1981; *Place:* Big Piney High School Library, 650 Piney Drive, Big Piney, Wyoming; *Time:* 7:00 p.m. until meeting is completed (no later than 10:00 p.m.).

ADDRESSES: BLM, GS, and FS have prepared a scoping document which provides a description of the project and a preliminary list of issues and concerns. Copies of this document can be obtained by visiting the following locations:

—Bureau of Land Management, Office of Special Projects, 555 Zang Street, Third Floor East, Denver, Colorado 80228.

—Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming 82001.

—Bureau of Land Management, Rock Springs District Office, North Highway 187, Rock Springs, Wyoming 82901.

—Bureau of Land Management, Pinedale Resource Area Office, Molyneux Building, Pinedale, Wyoming 82941.

—U.S. Geological Survey, District Oil and Gas Office, 126 Elk Street, Rock Springs, Wyoming 82901.

—U.S. Forest Service, Bridger-Teton National Forest, 340 North Cache Street, Jackson, Wyoming 83001.

—U.S. Forest Service, Big Piney District Office, Highway 189, Big Piney, Wyoming 83113.

In addition, copies of the scoping document can be obtained by writing to the following address: Bureau of Land Management, Office of Special Projects, 555 Zang Street, Third Floor East, Denver, Colorado 80228.

Any persons wishing to submit any issues for consideration in the scoping process are encouraged to do so. Such written scoping input should be sent to the office listed above and received no later than November 13, 1981 in order to be considered in determining the scope of the EIS.

FOR FURTHER INFORMATION CONTACT: Robert E. Pizel or Catharine Eckberg, Office of Special Projects, Bureau of Land Management, 555 Zang Street, Third Floor East, Denver, Colorado 80228, (303) 234-6737.

All attendees of the public scoping meetings will be given an opportunity to participate and raise issues for consideration in the EIS.

In addition, if at any time during the EIS process any person wishes to raise issues for consideration in the EIS, they should feel free to do so by contacting the following office: Bureau of Land Management, Office of Special Projects, 555 Zang Street, Third Floor East, Denver, Colorado 80228.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-292[illegible]4 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Aminoil USA, Inc.

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Aminoil USA, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0434, Block 149, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 30, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-29269 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Union Oil Company of Calif.

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4000, Block 53, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 30, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-29270 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Shell Oil Co.

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2825, Block 65, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 30, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-29271 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco Inc.

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the West Delta/Gand Isle Federal Unit Agreement No. 14-08-001-2454, submitted on September 21, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the West Delta/Grand Isle Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 1, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-29272 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning 8:30 a.m. (EDT), on Thursday, October 22, 1981, at Canal Visitor Center located at 6399 Canal Road, one mile south of Rockside Road in Valley View, Ohio.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff-4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

Matters to be discussed at this meeting include:

1. Briefing on health and safety problems pointed out in recent professional reports.

2. Update on Park Operations.

The meeting will be open to the public. It is expected that about 100 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, Telephone (216) 650-4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: October 2, 1981.

Robert A. Ritsch,

Acting Associate Director, Recreation Resources, National Park Service.

[FR Doc. 81-29266 Filed 10-7-81 8:45 am]

BILLING CODE 4310-70-M

National Capital Region, Public Affairs Meeting

The National Park Service is seeking public comments and suggestions on the planning of the 1981 Christmas Pageant of Peace, which opens December 17 on the Ellipse, south of the White House.

A public meeting will be held at the National Savings and Trust Building, 15th and New York Avenue, 5th floor, on November 18 at 10 a.m.

Interested persons who would like to comment at the meeting should notify the National Park Service by November 16, by calling the Office of Public Affairs between 9 a.m. and 4 p.m., weekdays at 426-6700.

Dated: October 5, 1981.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 81-29267 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

[Federal Coal Lease Nos. B-20989, B-038770, M-073109, M-35734, M-35735, M-42881]

Western Energy, Inc. and Area "C" Within Rosebud Mine, Mont.; Intent To Prepare Environmental Impact Statements

AGENCY: Office of Surface Mining Reclamation and Enforcement, the Interior.

ACTION: Notice of a public scoping meeting and notice of intent to prepare draft environmental impact statements on a comprehensive coal mining and reclamation plan and a site-specific coal mining and reclamation plan.

SUMMARY: The Office of Surface Mining (OSM) has received a comprehensive mining and reclamation plan for the remaining life of the Rosebud Mine and a site-specific mining and reclamation plan (MRP) for Area "C", Block 1. The comprehensive MRP would be used to assess the impacts of past, present, and anticipated future mining at the Rosebud Mine. The Area "C" MRP has been submitted for approval and permitting pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM has determined that this and subsequent permit approval or disapproval within the Rosebud Mine would be significant Federal actions affecting the human environment, thus requiring environmental impact statements (EIS's).

The Rosebud coal mine is located approximately 30 miles south of

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Forsythe, Montana, adjacent to the town of Colstrip. The mine would eventually cover approximately 22,000 acres of State, private, and Federal land. The mine would continue for operation for approximately 35 years, with a maximum annual production of 15 million tons of coal. The present mine has been in operation since 1968. Prior mining began in 1924.

OSM and the Montana Department of State Lands (DSL) will prepare the EIS's with assistance from the U.S. Geological Survey. The EIS's will present alternative actions that the Department of Interior and the State of Montana could take on the mining and reclamation plans and the environmental impacts of these alternatives. No immediate permitting decision depends on the finding of the comprehensive EIS, which would serve as a reference document for cumulative environmental impacts. The Area "C" EIS would be a permitting document and would be a site-specific analysis of the proposed permit area, the remaining unmined parts of Area "C", and adjacent areas. The major alternatives thus far identified for Departmental consideration are:

a. No action.

b. Approval of the Mining and Reclamation Plan.

c. Disapproval of the Mining and Reclamation Plan.

d. Approval of the Mining and Reclamation Plan with design modifications and/or with necessary stipulations to meet the requirements of SMCRA and the Montana Strip and Underground Mining Act and regulations pursuant to these Acts.

The comprehensive EIS would assess the impacts of all past, present, and anticipated future mining at the Rosebud Mine. Since there are other developments in the adjacent areas, including the Colstrip power generating units and the Big Sky Mine, cumulative impacts of all known developments will be evaluated using available information.

A public scoping meeting will be held in Colstrip, Montana, on October 15, 1981, to define potentially significant issues under the National Environmental Policy Act. The major issues identified to date by OSM and DSL include the cumulative effects on groundwater hydrology, air quality, socioeconomic conditions, and transportation.

The Mining and Reclamation Plan submitted by Western Energy is available for public review during normal working hours at the Office of Surface Mining, Region V, second floor, Brooks Towers, 1020 15th Street, Denver, Colorado; the State of Montana, Department of State Lands, Rosebud County, Rosebud, Montana. Comments on the proposed plan and/or significant issues may be submitted to the Regional Director, Office of Surface Mining, at the Denver address below, until October 19, 1981.

FOR FURTHER INFORMATION CONTACT: Walter C. Swain or Floyd Johnson, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202.

October 5, 1981.

Dean Hunt,

Acting Director.

[FR Doc. 81-29263 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-05-M

[Federal Lease ES 15444]

Pending Decision To Approve Plan for Greenwood Land and Mining Co., Greenwood No. 1 Mine, Ky.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of pending decision to approve proposed underground coal mining and reclamation plan in accordance with 30 CFR 211.5(c)(2).

SUMMARY: Pursuant to § 211.5 of Title 30 and § 1500.2 of Title 40, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSM) has completed an environmental review of the proposed mining and reclamation plan and has recommended approval of the plan according to Geological Survey coal mining regulations (30 CFR 211) and the Surface Mining Control and Reclamation Act of 1977 (Section 522e).

The office has prepared a technical analysis and an environmental assessment in consultation and coordination with the Forest Service and the Geological Survey and from these studies has determined that significant impacts that could ensue from the proposed operation have been addressed.

The proposed mine is located within the boundaries of the Daniel Boone National Forest, about 2 miles east of Parkers Lake, Kentucky.

The proposed mining operation would extend an existing underground mine now operating on land adjacent to the Federal lease area. Construction on the existing underground mine commenced in late spring of 1975. In accordance with the Surface Mining Control and Reclamation Act of 1977, the operator resubmitted a request for authorization to mine to the State of Kentucky in November of 1978. Kentucky permit no. 274-5004 was issued to Greenwood Land and Mining Co. for the operation, effective January 5, 1979.

Location of Lands To Be Affected

Applicant: Greenwood Land and Mining Company.
Mine Name: Greenwood No. 1.
State: Kentucky.
County: McCreary.
Quadrangle: Wiborg.
Latitude: 36° 51′ 38″.
Longitude: 84° 26′ 42″.
Size: 409.25 Acres.

The proposed extension of the existing mining operation involves the removal of approximately 256,000 tons of Federally-owned coal acquired under Federal Coal Lease ES-15444. Mining of Federal Coal would occur over a 12-month period. Coal extraction will be by the room and pillar method with no pillars removal due to the Forest Service surface ownership. No surface disturbance is planned and none will be provided for at a later date (Section 522e).

The purpose of this notice is to inform the public that based on OSM staff review and analysis of the mining and reclamation plan, the Regional Director, Region II Office of Surface Mining, has prepared a finding of no significant impact and is recommending approval of the Greenwood mine plan.

DATES: Comments on the purposed decision for approval or requests for a public meeting must be received by the Regional Director, Region II on or before the close of business, October 28, 1981. A final decision to approve or disapprove the proposed plan will be made by the Assistant Secretary, Energy and Minerals. The decision will consider the recommendations of OSM the Forest Service and the Geological Survey and any public comments received on or before October 28, 1981.

ADDRESS: Copies of the technical analysis, environmental assessment, and finding of no significant impact are available upon request or can be reviewed in the Office of Surface Mining, Region II. Any comments on the proposed approval should be submitted to the Regional Director, Region II, Office of Surface Mining, 530 Gay Street, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Joe Maddox or Willis Gainer, Office of Surface Mining, Region II, 530 Gay Street, Suite 500, Knoxville, Tennessee.

Dean Hunt,

Acting Director.

October 15, 1981.

[FR Doc. 81-29262 Filed 10-7-81; 8:45 am]

BILLING CODE 4310-05-M

Receipt of Complete Petition for Designation of Lands as Unsuitable for Surface Coal Mining Operations; Texas

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of Receipt of a Complete Petition for Designation of Lands as Unsuitable for Surface Coal Mining Operations and Request for Comments.

SUMMARY: Notice is given that the Office of Surface Mining (OSM) has received a petition to designate certain lands in the northeast portion of the Camp Swift Military Reservation in Texas as unsuitable for surface coal mining operations, pursuant to Section 522 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272). Interested persons are requested to submit relevant information and comment on the issues raised in the petition.

DATE: Information on which to base analyses of the issues raised by the petitioner is being sought from all interested parties. In order to be timely considered, Comments should be received by November 9, 1981.

ADDRESS: Comments should be sent to: Raymond L. Lowrie, Regional Director, Region IV, Office of Surface Mining, 818 Grand Avenue, Scarritt Building, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Federal Lands Coordinator, Region IV, Office of Surface Mining, 818 Grand Avenue, Scarritt Building, Kansas City, Missouri 64106, Telephone (816) 374–3920.

SUPPLEMENTARY INFORMATION: Under Section 522 of the Surface Mining Control and Reclamation Act of 1977 (Act) and its implementing regulations, persons with interests which are or may be adversely affected by surface coal mining operations may petition the Office of Surface Mining to have an area of Federal land designated as unsuitable for all or certain types of mining. The petitioner alleges that:

1. Reclamation of the lands is not technologically feasible pursuant to Section 522(a)(2) of the Act and 30 CFR 762.11(a).
2. Mining will affect "fragile lands." As defined in 30 CFR 762.5, fragile lands include those containing critical habitats for endangered species. See, Section 522(a)(3)(B) of the Act and 30 CFR 762.11(b)(2).
3. Mining will affect renewable resource lands which would suffer a substantial loss or reduction of long-range productivity of water supply. See, Section 522(a)(3)(C) of the Act and 30 CFR 762.11(b)(3).

The petition was submitted to OSM on August 7, 1981, and was determined to be complete on September 10, 1981. The petition will be processed in accordance with the procedures as set forth in 30 CFR Part 769.

The following describes the petitioner and the land involved:

Petitioner: John R. Prager of Route 1, Elgin, Texas
State: Texas
County: Bastrop
Petition area is described as: Approximately one-fourth of the northeastern portion of the Camp Swift Known Recoverable Coal Resource Area (KCRCA) consisting of 2375 acres, more or less. These public lands are located in the David Holderman and Agustin Martinez surveys, Bastrop County, Texas, and are more precisely described as Corps of Engineers Tract Numbers A–32, A–26, A–27, A–25, A–23, A–20, A–10, A–24, A–18, A–17, A–16, A–15, A–14, A–13, A–8, D–134, D–148, D–143, D–144, and D–149.

A review of the area's suitability for mining will be undertaken by OSM. Factual information such as coal resource data on Federal lands will be supplied by the U.S. Geological Survey. In addition, the Bureau of Land Management and the Department of the Army, as the surface managing agencies, will make recommendations on the petition. A decision on the petition will be made by August 7, 1982.

Copies of the petition may be obtained upon request from the Office of Surface Mining at the address listed above. The public record on the petition is available for public review during normal working hours at the Division of State and Federal Programs, Office of Surface Mining, Region IV, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

After reviewing and analyzing available information, OSM will issue a draft evaluation document which will be available for public review. This will be followed by a public hearing held near the area covered by the petition. The time and place of the hearing will be announced at a later date.

After completion of the analyses and public hearing, the Department of the Interior may designate the area or a portion thereof as unsuitable for all or certain types of surface coal mining operations. The agency may also decline to designate all or part of an area as unsuitable.

Dated: October 2, 1981.

James R. Harris,
Director.

[FR Doc. 81—29261 Filed 10-7-81; 8:45 am]
BILLING CODE 4310-05-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities; Grant Program Announcement

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Introduction

The National Endowment for the Humanities is an independent Federal agency created in 1965 to support research, education, and public activity in the humanities.

The establishment of the agency resulted from the determination of Congress that it is appropriate and necessary for the Federal government to complement and assist the support for the humanities provided by state and local governments and private sources.

The Endowment is directed by a Chairman and the National Council on the Humanities, an advisory body comprised of 26 distinguished private citizens. The Chairman and the Council are appointed by the President, subject to Senate confirmation.

The Endowment's grantmaking is carried out through six divisions—Education Programs, Fellowships and Seminars, Public Programs, Research Programs, Special Programs, State Programs—and an Office of Planning and Policy Assessment.

Equal Opportunity

The programs of the National Endowment for the Humanities are administered in harmony with the goals of Title VI of the Civil Rights Act of 1964 prohibiting discrimination in Federally assisted programs on the grounds of race, color, or national origin, of Title IX of the Education Amendments of 1972 prohibiting certain discrimination on the basis of sex under education programs or activities receiving Federal financial assistance of Section 504 of the Rehabilitation Act of 1973, as amended, prohibiting certain discrimination against qualified handicapped persons, and of the Age Discrimination Act of 1975 prohibiting certain discrimination on the basis of age.

SCHEDULE OF DEADLINES

Program	Deadline for receipt of applications	For projects beginning after
Division of Education Programs		
Elementary and Secondary Education.	Oct. 15, 1981, Apr. 1, 1982	Apr. 1982, Oct. 1982.
Higher Education/Individual: Institutions:		
Consultant Grants.	Dec. 1, 1981, Mar. 1, 1982, June 1, 1982.	Mar. 1982, June 1982, Oct. 1982.
Pilot Grants	Oct. 1, 1981, Apr 1, 1982.	Apr. 1982, Oct. 1982.
Implementation Grants.	June 1, 1982	Jan. 1983.
Higher Education/Regional-National Grants.	Jan. 6, 1982, July 1, 1982.	July 1982, Jan. 1983
Division of Fellowships and Seminars		
Fellowships for Independent Study and Research.	June 1, 1982	Jan. 1, 1983.
Fellowships for College Teachers.	June 1, 1982	Jan. 1, 1983.
Summer Stipends for 1982.	Oct. 5, 1981	Summer 1982.
Fellowships for Journalists.	Mar. 1, 1982	Fall 1982
Summer Seminars for College Teachers:		
Participants: 1982 seminars.	Apr. 1, 1982	Summer 1982.
Directors: 1983 seminars.	July 1, 1982	Summer 1983.
Seminars for Professional-School Teachers.	Mar. 1, 1982	Summer 1982.
Centers for Advanced Study.	Feb. 1, 1982	Fall 1983.
Division of Public Programs		
(Provisional Deadlines):		
Humanities Projects in Libraries.	Jan. 15, 1982	July 1, 1982.
Humanities Projects in Media.	Jan. 8, 1982.	July 1, 1982.
Humanities Projects in Museums and Historical Organizations.	Jan. 15, 1982	July 1, 1982.
Division of Research Programs		
General Research Program:		
Basic Research Program.	Apr. 1, 1982	Jan 1, 1983.
Basic Research: Archaeological Projects.	Oct. 15, 1981.	Apr. 1, 1982.
State, Local and Regional Studies.	Sept. 1, 1981. Mar. 1, 1982.	Apr. 1, 1982, Oct. 1, 1982
Research Conferences.	Sept. 15, 1981, Feb. 15, 1982, Nov. 15, 1982.	Jan. 1, 1982, July 1, 1982, Apr. 1, 1983.
Research Materials Program:		
Research Tools and Reference Works: Editions.	Oct. 1, 1981	July 1, 1982
Translations	July 1, 1982	Apr. 1, 1983.
Publications	Nov. 1, 1981, May 1, 1982.	Apr. 1, 1982, Oct 1, 1982.
Research Resources Program.	June 1, 1982	Apr. 1, 1983.
Intercultural Research.	Feb. 15, 1982	July 1, 1982
Division of Special Programs		
Challenge Grants	None currently scheduled.	
Program Development.	Jan. 15, 1982, July 15, 1982	Aug. 1, 1982, Feb. 1, 1983
Science, Technology and Human Values: Joint NEH-National Science Foundation Program:		
(A) Preliminary Proposals.	Jan. 1, 1982, May 1, 1982, Sept. 1, 1982.	June 1, 1982, Dec. 1, 1982, Apr. 1, 1983.
(B) Formal Proposals.	Apr. 1, 1982, Aug. 1, 1982, Dec. 1, 1982.	June 1, 1982, Dec. 1, 1982, Apr 1, 1983.
Individual Incentive Awards.	Feb. 1, 1982, July 1, 1982.	
Sustained Development Awards.	Feb. 1, 1982, July 1, 1982.	
Youth Programs: Youthgrants:		
(a) Preliminary Narrative.	Oct. 15, 1981	May 1, 1982.
(b) Formal Application.	Nov. 15, 1981.	May 1, 1982
Youth Projects:		
(1) Major Projects Grants:		
(a) Preliminary Proposal.	Dec. 1, 1981	July 1, 1982.
(b) Formal Application.	Jan. 15, 1982	July 1, 1982.
(2) Planning and Pilot Grants.	Apr. 15, 1982	Oct. 1, 1982.
Division of State Programs[1]		
Office of Planning and Policy Assessment		
Planning and Assessment Studies	Feb. 1, 1982, Aug. 1, 1982.	June 1, 1982, Dec. 1, 1982.

[1] Contact state council offices (See addresses listed at end of this announcement).

How the Endowment Operates

How Grants Are Awarded

The Endowment awards grants through a careful review process.

In most programs, applications are sent to appropriate specialist reviewers outside of the agency. Simultaneously, NEH staff members assemble panels to consider all of the applications submitted to each program by the required deadline. Members of the panels are familiar with subjects, institutions, and organizations represented by the applications and include teachers, scholars, members of various professions, and members of the general public.

Recommendations of the reviewers and panelists whether to fund or not to fund the applications are forwarded to the National Council on the Humanities. The Council meets four times a year to consider the views of reviewers, panelists, and staff members concerning applications and to recommend action to the Chairman. By law, the Chairman makes the final decision on each application.

Grants may be outright grants, or matching grants under which the grantee has to raise funds from other sources to match the Federal award, or a combination of the two. Humanities institutions also may apply for support under the Challenge Grants program, in which one Federal dollar is awarded to match three dollars raised from other sources (see below).

Areas Funded by NEH

Congress has defined the humanities as the study of language; linguistics; literature; history; jurisprudence; philosophy; archaeology; comparative religion; ethnics; the history, criticism and theory of the arts; those aspects of the social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment, with particular attention to the relevance of the humanities to the current conditions of national life.

Areas Not Funded

The Endowment does not provide support for: Predoctoral fellowships.

Research or study to acquire an academic degree.

Travel by individuals to professional meetings.

Original works of art, or performance or training in the arts.

Challenge Grants

The following areas are eligible for support only from the Challenge Grants program:

Construction or restoration costs, except for limited amounts necessary to carry out other purposes of an application.

Museum or library acquisitions, except for limited amounts needed to achieve other purposes of an application.

Costs of permanent equipment which is not essential to complete a broader program or project.

Are You Eligible?

You may apply for Endowment support if you are a United States citizen or national or a foreign national who has lived in the United States or its territories for at least three years at the time you apply. NEH welcomes applications for support from nonprofit groups, institutions and organizations engaged in projects involving the humanities.

If You Want to Apply

If you plan to seek a grant from the Endowment, you should request guidelines and application forms for the program in which you are interested. Contact the Public Affairs Office, Mail Stop 351, National Endowment for the Humanities, 806 15th St. N.W., Washington, D.C. 20506.

Program Summaries

Division of Education Programs

ELEMENTARY AND SECONDARY EDUCATION—Grants support the development and application of improved approaches to the teaching of literature, languages, history, and the other humanities in elementary and secondary schools.

Eligible applicants: Elementary and secondary schools and school systems, colleges, universities, other educational organizations.

EXTENDED TEACHER INSTITUTES—Enable teachers to join school-centered institutes in humanities curriculum and faculty development under the direction of leading scholars and experts from schools and universities.

GENERAL PROJECTS—Grants support planned programs which strengthen humanities teaching or curriculum development in individual schools or which promise application in many schools.

Contact: Assistant Director, Elementary and Secondary Education, Mail Stop 202, Telephone (202) 724–0373.

HIGHER EDUCATION/INDIVIDUAL INSTITUTIONS—Grants support the design, testing, implementation, and evaluation of curricular programs to strengthen teaching of the humanities in individual colleges and universities.

Eligible applicants: Two- and four-year colleges, universities, non-profit technical schools, professional colleges, and other post-secondary and post-graduate institutions.

CONSULTANT GRANTS—Provide consultant assistance in planning new courses and curricular programs.

Contact: Program Officer, Consultant Grants, Mail Stop 202, Telephone (202) 724–1978.

PILOT GRANTS—Enable institutions to test and evaluate new courses and teaching programs on a pilot basis.

Contact: Program Officer, Pilot Grants, Mail Stop 202, Telephone (202) 724–0393.

IMPLEMENTATION GRANTS—Introduce a new humanities curriculum or make extensive revision in an existing one.

Contact: Program Officer, Implementation Grants, Mail Stop 202, Telephone (202) 724–0393.

HIGHER EDUCATION/REGIONAL-NATIONAL—Grants promote the development, testing, and dissemination of imaginative approaches to the teaching of the humanities at many institutions.

Eligible Applicants: Colleges and universities, nonprofit academic and professional associations and organizations.

HUMANITIES INSTITUTES GRANTS—Enable faculty from various institutions to collaborate in developing humanities curricula on particular topics.

CURRICULUM MATERIALS GRANTS—Support the development, testing, and dissemination of imaginative materials useful to the teaching of the humanities.

GENERAL PROJECTS IN HIGHER EDUCATION—Support other collaborative projects designed to improve the teaching of the humanities.

Contact: Assistant Director, Higher Education/Regional-National, Mail Stop 202, Telephone (202) 724–0311.

Division of Fellowships and Seminars

FELLOWSHIPS FOR INDEPENDENT STUDY AND RESEARCH—For scholars, teachers, and others to undertake fulltime independent study and research.

Eligible Applicants: Individuals.

Contact: Program Officer, Fellowships for Independent Study and Research, Mail Stop 101, Telephone (202) 724–0333.

FELLOWSHIPS FOR COLLEGE TEACHERS—For teachers in two-year, four-year, and five-year colleges and universities which do not have means to support advanced study and research to undertake programs of general study, studies related to their courses, or research projects.

Eligible Applicants: Individuals.

Contact: Program Officer, Fellowships for College Teachers, Mail Stop 101, Telephone (202) 724–0333.

SUMMER STIPENDS—For college and university teachers and other humanists to provide support for two consecutive months of full-time independent study and research.

Eligible Applicants: Individuals. College and university teachers must be nominated by their institutions; others apply directly to the division.

Contact: Program Officer, Summer Stipends, Mail Stop 101, Telephone (202) 724–0333.

SUMMER SEMINARS FOR COLLEGE TEACHERS—PARTICIPANTS—For teachers at undergraduate and two-year colleges to participate in eight-week summer seminars directed by distinguished scholars at institutions with libraries suitable for advanced study.

Eligible Applicants: Individuals. Applications are submitted to the seminar director.

Contact: Program Officer, Summer Seminars, Mail Stop 101, Telephone (202) 724–0376.

DIRECTORS—For scholars at institutions with libraries suitable for advanced study to design and direct summer seminars.

Eligible Applicants: Institutions.

Contact: Program Officer, Summer Seminars, Mail Stop 101, Telephone (202) 724–0376.

FELLOWSHIPS IN THE HUMANITIES FOR JOURNALISTS—For full-time practicing journalists to spend an academic year at the University of Michigan or Stanford University studying the humanistic dimensions of their professional interests.

Eligible Applicants: Individuals apply to the fellowship institutions.

Contact: Program Officer, Professions Program, Mail Stop 101, Telephone (202) 724–0376.

SUMMER SEMINARS FOR PROFESSIONAL SCHOOL TEACHERS—(law-school teachers and teachers in medical and other schools of health care)—to participate in four- to six-week summer seminars directed by distinguished humanists.

Eligible Applicants: Individuals apply to the seminar director.

Contact: Program Officer, Professions Program, Mail Stop 101, Telephone (202) 724–0376.

FELLOWSHIP SUPPORT TO CENTERS FOR ADVANCED STUDY—To provide opportunities for scholars in the humanities to undertake study and research and to exchange ideas with scholars in other fields at centers for advanced study.

Eligible Applicants: Independent centers for advanced study, research libraries, and other equivalent institutions. Individuals apply to the centers.

Contact: Program Officer, Centers for Advanced Study, Mail Stop 101, Telephone (202) 724–0376.

Division of Public Programs

Grants through this division support projects using the resources of the humanities to provide insight,

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information and perspective on the history and culture of American and foreign societies for the general adult public.

HUMANITIES PROJECTS IN MEDIA—Encourage and support the production of high quality humanities film, radio and television programs for national and regional broadcast and distribution to a broad adult audience; must involve direct collaboration between humanities scholars and seasoned producers, writers and directors.

Eligible Applicants: Non-profit institutions and groups, including public television and radio stations.

Contact: Assistant Director, Media Projects, Mail Stop 403, Telephone (202) 724–0318.

HUMANITIES PROJECTS IN MUSEUMS AND HISTORICAL ORGANIZATIONS—Support the development of interpretive exhibits and programs using cultural and historical objects that draw on the past for insight and perspective in presentation to the public.

Eligible Applicants: Museums, historical societies and other non-profit organizations and institutions that have collections or resources to present interpretive exhibits and programs.

Contact: Assistant Director, Museums and Historical Organizations Projects, Mail Stop 402, Telephone (202) 724–0327.

HUMANITIES PROJECTS IN LIBRARIES—Encourage public interest in humanities resources of libraries and stimulate their use through thematic programs, exhibits, media, publications and other library activities.

Eligible Applicants: Non-profit libraries or library-related agencies serving the adult public may apply; public libraries, academic and special libraries; state, county and regional libraries and associations and library schools.

Contact: Assistant Director, Library Projects, Mail Stop 406, Telephone (202) 724–0760.

Division of Research Programs

RESEARCH RESOURCES—Grants for projects to place hitherto unavailable materials in public repositories; to facilitate access by preparing catalogues, inventories, registers, guides, bibliographies, and other finding aids; and to improve the ways in which librarians, archivists, and others care for and make available the research materials entrusted to them.

Eligible Applicants: Institutions and individuals.

Contact: Assistant Director, Research Resources Program, Mail Stop 350, Telephone (202) 724–0341.

RESEARCH MATERIALS—Support is provided for preparation of reference works considered of highest importance for the advancement of research in the humanities and for the general dissemination of knowledge throughout the country. There are four major areas of support:

RESEARCH TOOLS AND REFERENCE WORKS—Grants support the creation of research tools such as dictionaries, encyclopedias, atlases, catalogues raisonnés, linguistic grammars, descriptive catalogues, and data bases.

Eligible Applicants: Institutions, non-profit professional associations and societies, individuals.

EDITIONS—Grants support the preparation of editions of documents and works from all fields in the humanities.

Eligible Applicants: Institutions, non-profit professional associations and societies, individuals.

TRANSLATIONS—Grants support the creation of annotated translations into English of primary and secondary documents and works significant to the humanities.

Eligible Applicants: Institutions, non-profit professional associations and societies, individuals.

PUBLICATIONS—Provide support to publishers for publication subvention of manuscripts resulting from NEH grants and, on a limited basis, for works whose preparation was not previously aided by the Endowment.

Eligible Applicants: Commercial and non-profit presses, publishing houses.

Contact: Assistant Director, Research Materials Program, Mail Stop 350, Telephone (202) 724–1672.

GENERAL RESEARCH—Program provides support for projects in all fields of the humanities and aspects of the social sciences that explore a problem through original research and creative thought. Awards are made in three areas:

BASIC RESEARCH—Supports research projects, often longer-term and collaborative, in all fields of the humanities, including archaeology.

Eligible Applicants: Institutions, educational organizations, individuals.

RESEARCH CONFERENCES: Support meetings of scholars whose purpose is to discuss and advance research in a particular topic or field.

Eligible Applicants: Institutions, historical societies, educational organizations, individuals.

STATE, LOCAL AND REGIONAL STUDIES—Support research that fosters the understanding of the history and culture of regions and communities.

Contact: Assistant Director, General Research Program, Mail Stop 350, Telephone (202) 724–0276.

INTERCULTURAL RESEARCH—Program supports grants through major organizations to enable American scholars to pursue research abroad, engage in collaborative projects, and participate in international conferences to increase understanding of the traditions, culture and values of foreign countries as a base for the study of contemporary international affairs.

Eligible Applicants: Research agencies or organizations.

Contact: Intercultural Research Regranting Program, Mail Stop 350, Telephone (202) 724–0226.

Division of Special Programs

CHALLENGE GRANTS—Grants are to improve the financial situation of the nation's cultural institutions and enable them to continue or expand their humanities programs; institutions must match each Federal dollar with at least three dollars in new or increased donations from non-Federal sources.

Eligible Applicants: Cultural institutions whose work is in the humanities.

Contact: Challenge Grants, Mail Stop 800, Telephone (202) 724–0267.

PROGRAM DEVELOPMENT—For projects that support research and dissemination of the humanities to the public on a national or regional basis. Projects expand proven programs or initiate new humanities activity for adult groups, especially those traditionally without access to humanities resources.

Eligible Applicants: Non-profit institutions and groups.

Contact: Assistant Director, Program Development, Mail Stop 401, Telephone (202) 724–0398.

SCIENCE, TECHNOLOGY AND HUMAN VALUES—Program supports, in conjunction with the National Science Foundation, projects which bring humanities resources and perspectives to bear on value issues in science and technology, including individual interdisciplinary studies and institutional development projects in this area.

Contact: Coordinator, Science, Technology and Human Values, Mail Stop 104, Telephone (202) 724–0354.

YOUTH PROJECTS—Grants support out-of-school humanities projects involving active participation by large groups of young people under the direction of experienced professionals in the humanities and in youth work.

Eligible Applicants: Institutions or organizations.

Contact: Youth Programs, Mail Stop 103, Telephone (202) 724–0396.

YOUTHGRANTS IN THE HUMANITIES—Grants support humanities projects with concrete end products initiated, developed, and conducted by young people themselves, including educational projects, research in the humanities, media presentations and community programs. No thesis work or foreign travel projects are eligible.

Eligible Applicants: Individuals or groups, directly or through institutions.

Contact: Youth Programs, Mail Stop 103, Telephone (202) 724–0396.

Division of State Programs

For humanities projects involving topics of interest or concern to the citizens of each state; operated through volunteer councils in each state.

Eligible Applicants: Councils in compliance with Endowment authorizing legislation; non-profit agencies, civic association or groups apply to the council in their state, the District of Columbia or Puerto Rico (see addresses at the end of this announcement).

Contact: Director, Division of State Programs, Mail Stop 404, Telephone (202) 724–0286.

Office of Planning and Policy Assessment

PLANNING AND ASSESSMENT STUDIES PROGRAM—Grants to support studies and experiments designed to collect and analyze data—including information about financial, material, and human resources—which help assess the condition of important sectors in the humanities. Explorations of significant trends or emerging issues in the humanities are also encouraged, along with the design, testing, and implementation of analytical tools for evaluation and policy analysis.

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Contact: Assistant Director, Planning and Assessment Studies Program, Mail Stop 303, Telephone (202) 724–0369.

Further Information

For further information about the Endowment or any of its programs, contact the Office of Public Affairs, National Endowment for the Humanities, Mail Stop 351, 806 Fifteenth St. NW., Washington, D.C. 20506, Telephone (202) 724–0386.

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Addresses of State Humanities Councils

ALABAMA

The Committee for the Humanities in Alabama, Box A–40, Birmingham-Southern College, Birmingham, AL 35204, (205) 324–1314

ALASKA

Alaska Humanities Forum, 429 D Street, Room 211, Loussac Sogn Building, Anchorage, AK 99501, (907) 272–5341

ARIZONA

Arizona Humanities Council, 112 North Central Ave., Suite 304, Phoenix, AZ 85004, (602) 257–0335

ARKANSAS

Arkansas Endowment for the Humanities, The Remmel Building, Suite 102, 1010 West 3rd Street, Little Rock, AR 77201, (501) 663–3451

CALIFORNIA

California Council for the Humanities, 312 Sutter Street, Suite 601, San Francisco, CA 94108, (415) 391–1474

COLORADO

Colorado Humanities Program, 855 Broadway, Boulder, CO 80302, (303) 442–7298

CONNECTICUT

Connecticut Humanities Council, 195 Church Street, Wesleyan Station, Middletown, CT 06457, (203) 347–6888

DELAWARE

Delaware Humanities Forum, 2600 Pennsylvania Avenue, Wilmington, DE 19806, (302) 738–8491

DISTRICT OF COLUMBIA

D.C. Community Humanities Council, 1341 G Street, N.W., Suite 620, Washington, DC 20005, (202) 347–1732

FLORIDA

Florida Endowment for the Humanities, LET 360, University of South Florida, Tampa, FL 33620, (813) 972–4094

GEORGIA

Georgia Endowment for the Humanities, 1589 Clifton Road, N.E., Emory University, Atlanta, GA 30322, (404) 329–7500

HAWAII

Hawaii Committee for the Humanities, 2615 South King Street, Suite 211, Honolulu, HI 96826, (808) 947–5891

IDAHO

The Association for the Humanities in Idaho, 1409 West Washington Street, Boise, ID 83702, (208) 345–5346

ILLINOIS

Illinois Humanities Council, 201 W. Springfield Avenue, Room 1002, Champaign, IL 61820, (217) 333–7611

INDIANA

Indiana Committee for the Humanities, 4200 Northwestern Avenue, Indianapolis, IN 46205, (317) 925–5316

IOWA

Iowa Humanities Board, Oakdale Campus, University of Iowa, Iowa City, IA 52242, (319) 353–6754

KANSAS

Kansas Committee for the Humanities, 112 West Sixth Street, Suite 509, Topeka, KS 66603, (913) 357–0359

KENTUCKY

Kentucky Humanities Council, Inc., Ligon House, University of Kentucky, Lexington, KY 40508, (606) 258–5932

LOUISIANA

Louisiana Committee for the Humanities, 1215 Prytania Street, Suite 535, New Orleans, LA 70130, (504) 523–4352

MAINE

Maine Council for the Humanities and Public Policy, P.O. Box 7202, Portland, ME 04112, (207) 773–5051

MARYLAND

The Maryland Committee for the Humanities, 330 North Charles Street, Room 306, Baltimore, MD 21202, (301) 837–1938

MASSACHUSETTS

Massachusetts Foundation for the Humanities and Public Policy, 237–E Whitmore Administration Bldg., University of Massachusetts, Amherst, MA 01003, (413) 545–1936.

MICHIGAN

Michigan Council for the Humanities, Nisbet Building, Suite 30, Michigan State University, East Lansing, MI 48824, (517) 355–0160

MINNESOTA

Minnesota Humanities Commission, Metro Square, Suite 282, St. Paul, MN 55101, (612) 224–5739

MISSISSIPPI

Mississippi Committee for the Humanities, Inc., 3825 Ridgewood Road, Room 111, Jackson, MS 39211, (601) 982–6752

MISSOURI

Missouri State Committee for the Humanities, Loberg Building, Suite

202, 11425 Dorsett Road, Maryland Heights, MO 63043, (314) 739-7368

MONTANA

Montana Committee for the Humanities, P.O. Box 8036, Hellgate Station, Missoula, MT 59807, (406) 243-6022

NEBRASKA

Nebraska Committee for the Humanities, Cooper Plaza, Suite 405, 211 N. 12th Street, Lincoln, NE 68508, (308) 474-2131

NEVADA

Nevada Humanities Committee, P.O. Box 8065, Reno, NV 89507, (702) 784-6587

NEW HAMPSHIRE

New Hampshire Council for the Humanities, 112 South State Street, Concord, NH 03301, (603) 224-4071

NEW JERSEY

New Jersey Committee for the Humanities, Rutgers, The State University, CN 5062, New Brunswick, NJ 08903, (201) 932-7726

NEW MEXICO

New Mexico Humanities Council, 1805 Roma N.E., Room 106, The University of New Mexico, Albuquerque, NM 87131, (505) 277-3705

NEW YORK

New York Council for the Humanities, 33 West 42nd Street, New York, NY 10036, (212) 354-3040

NORTH CAROLINA

North Carolina Humanities Committee, 112 Foust Bldg., UNC-Greensboro, Greensboro, NC 27412, (919) 379-5325

NORTH DAKOTA

North Dakota Humanities Council, Box 2191, Bismarck, ND 58501, (701) 663-1948

OHIO

The Ohio Program in the Humanities, 760 Pleasant Ridge Avenue, Columbus, OH 43209, (614) 236-6879

OKLAHOMA

Oklahoma Humanities Committee, Executive Terrace Building, 2809 Northwest Expressway, Suite 500, Oklahoma City, OK 73112, (405) 840-1721

OREGON

Oregon Committee for the Humanities, 418 S.W. Washington, Room 410, Portland, OR 97214, (503) 241-0543

PENNSYLVANIA

Pennsylvania Humanities Council, 401 N. Broad Street, Philadelphia, PA 19108, (215) 925-1005

PUERTO RICO

Fundacion Puertorriquena de las Humanidades, Box 4307, Old San Juan, PR 00904, (809) 723-2087

RHODE ISLAND

Rhode Island Committee for the Humanities, 86 Weybosset Street Room 307, Providence, RI 02903, (401) 521-6150

SOUTH CAROLINA

South Carolina Committee for the Humanities, 17 Calendar Court, Columbia, SC 29206, (803) 738-1850

SOUTH DAKOTA

South Dakota Committee on the Humanities, University Station, Box 35, Brookings, SD 57006, (605) 688-4823

TENNESSEE

Tennessee Committee for the Humanities, 1001 18th Avenue South, Nashville, TN 37212, (615) 320-7001

TEXAS

Texas Committee for the Humanities, 1604 Nueces, Austin, TX 78701, (512) 473-8585

UTAH

Utah Endowment for the Humanities, 10 West Broadway, Broadway Building, Suite 900, Salt Lake City, UT 84101, (801) 531-7868

VERMONT

Vermont Council on the Humanities and Public Issues, Grant House, P.O. Box 58, Hyde Park, VT 05655, (802) 888-3138

VIRGINIA

Virginia Foundation for the Humanities and Public Policy, One-B West Range, University of Virginia, Charlottesville, VA 22903, (804) 924-3296

WASHINGTON

Washington Commission for the Humanities, Olympia, WA 98505, (206) 866-6510

WEST VIRGINIA

The Humanities Foundation of West Virginia, Box 204, Institute, WV 25112, (304) 768-8869

WISCONSIN

Wisconsin Humanities Committee, 716 Langdon Street, Madison, WI 53706, (608) 262-0706

WYOMING

Wyoming Council for the Humanities, Box 3274-University Station, Laramie, WY 82701, (307) 766-6496

Dated: October 2, 1981.

Joseph D. Duffey,

Chairman.

[FR Doc. 81-29290 Filed 10-7-81; 8:45 am]

BILLING CODE 7536-01-M

Performance Review Board; Appointment of Members

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: Appointment of Members of the Performance Review Board.

DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: David Johnstone, Personnel Officer, National Endowment for the Humanities, 806 15th Street, N.W., Washington, D.C. 20506, 202-724-0356.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with the regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendation to the appointing authority relative to the performance of the senior executive. This notice is published to account for additions and deletions to the membership of the Performance Review Board, and as such, rescinds the notice published in 44 FR, page 64577, dated November 7, 1979. The members of the Performance Review Board are: (1) Geoffery Marshall, Deputy Chairman, (2) John Whitelaw, Deputy Chairman for Management, (3) Channing Phillips, Congressional Liaison Officer.

Joseph D. Duffey,

Chairman.

[FR Doc. 81-29289 Filed 10-7-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Science and Engineering Education; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Science and Engineering Education

Date and time: October 26, 1981—9:00 a.m. to 5:00 p.m., October 27, 1981—9:00 a.m. to Noon

Place: National Science Foundation, Room W–651, 5225 Wisconsin Avenue NW., Washington, D.C. 20550

Type of meeting: Open

Contact person: Dr. Alphonse Buccino, Director, Office of Program Integration, Room W–660, National Science Foundation, Washington, D.C. 20550, (202) 282–7947

Purpose of committee: To provide advice on science and engineering education activities

Agenda: Status reports on program budget and National Science Board events relevant to Science and Engineering Education

Summary minutes: May be obtained from contact person, Dr. Alphonse Buccino, at the above address

M. Rebecca Winkler,

Committee Management Coordinator.

October 6, 1981.

[FR Doc. 81–29366 Filed 10–7–81; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 81–41]

Reports, Recommendations, Responses; Availability

- **Notice of Hearing:** In connection with its investigation of the Pacific Gas & Electric Company pipeline rupture which occurred in San Francisco, Calif., on Aug. 25, the Board will convene a hearing on Nov. 3 in the Ceremonial Courtroom, United States District Court, 450 Golden Gate Ave., San Francisco.
- **Highway Accident Report:** *D&J Transportation Co., commuter Bus Run-off-Roadway, I–9 Near Triangle, Va., Feb. 18, 1981 (NTSB–HAR–81–6).*—In the early phase of its investigation of this accident, the Board last Mar. 20 issued three recommendations dealing with inspection programs and related problems: **H–81–17 and –18** to the Federal Highway Administration and **H–81–9** to the National Highway Transportation Safety Administration (46 FR 24333, 4–30–81). As a result of its complete investigation, the Board on Sept. 9 issued these recommendations to—

Commonwealth of Virginia: Establish a Statewide program for soil buildup removal at guardrail installations to provide for optimum rail height throughout the design life of the rail **(H–81–51)**. Revise the State's accident history data system to permit storage and retrieval of information for each roadway on divided highway facilities **(H–81–52)**. Revise methods for selecting and locating traffic barriers on all highways within the State to include a consideration of the severity of accidents **(H–81–53)**.

Federal Highway Administration: Expedite the completion, validation, and utilization of the BARRIER VII, GUARD, and CRUNCH computer simulation programs in the advancement of guardrail technology **(H–81–54)**.

Secretary of Transportation: Establish a separate vehicle classification for commuter buses for the collection of accident data and development of safety statistics **(H–81–55)**. Institute a program for gathering and analyzing exposure data for the commuter bus industry. Parameters that should be included are: number of carriers, number of buses, miles traveled, rider population, and age of buses in service **(H–81–56)**. Survey the States to determine which State agency or agencies are responsible for the regulation of commuter intrastate buses and define the orientation of the regulation in each State; i.e., revenue or safety **(H–81–57)**. Evaluate the effectiveness of State regulation of commuter buses in terms of safe operation, driver qualification, hour of driver service, inspection of vehicles, vehicle maintenance, recordkeeping and other appropriate criteria **(H–81–58)**. Explore the feasibility of encouraging the placement responsibility for commuter bus regulation and safety with a single State agency and designating a single agency within the U.S. Department of Transportation to provide technical guidance **(H–81–59)**.

- **Marine Accident Report:** *Liberian Chemical Tankship COASTAL TRANSPORT Collision With U.S. Offshore Supply Vessel SALLEE P., Lower Mississippi River, Near Venice, La., Nov. 24, 1980 (NTSB–MAR–81–12).*—As a result of its investigation of this accident, the Board on Sept. 4 issued the following recommendation to the Trans-Atlas Marine Corporation:

Instruct the operators of Trans-Atlas Marine Corporation vessels to participate in the New Orleans Vessel Traffic Service (VTS) system when underway on the Mississippi River in the VTS areas **(M–81–81)**.

- **Pipeline Accident Report:** *Four Corners Pipe Line Company, Pipeline Rupture and Fire, Long Beach, Calif., Dec. 1, 1980 (NTSB–PAR–81–4).*—Recommendations resulting from this accident investigation were issued by the Board on Aug. 26 to—

Four Corners Pipe Line Company: Develop written procedures for handling suspected pipeline leaks and train its personnel so that these procedures are followed accurately and expeditiously **(P–81–23)**. Establish, in addition to the on-the-job-training, a formal training program for dispatchers, including periodic qualification tests in pipeline dispatching operations **(P–81–24)**. Expedite the inclusion of line No. 8 into the Four Corners supervisory control and surveillance system so that it can be completely controlled and monitored from the control center, and limit the use of line No. 8 to low volatility material until the line is modified **(P–81–25)**. Establish maximum delivery pressures into line No. 8 and direct its shippers (Union, Aminoil, and others) not to exceed this pressure when pumping into the system **(P–81–26)**. Require its employees to change and set correctly the recording charts for pressure and flow data and to monitor these charts on a continuing basis **(P–81–27)**. Revise its maintenance and repair procedures to include the removal of the full length of pipe when replacing longitudinal seam failures **(P–81–28)**.

Aminoil USA, Inc.: Instruct its employees regarding the equipment maintenance and repair program for pressure relief valves and shutdown equipment at its Lease Automatic Custody Transfer (LACT) units and make periodic checks to see that the program is carried out **(P–81–29)**. Install and maintain pressure recording devices on its LACT units to provide a record of its pump discharge pressures and the dates and time of operation **(P–81–30)**.

Union Oil Company of California: Instruct its employees regarding the equipment maintenance and repair program for pressure relief valves and shutdown equipment at its LACT units and make periodic checks to see that the program is carried out **(P–81–31)**. Install and maintain pressure recording devices on its LACT units to provide a record of its pump discharge pressures and the dates and times of operation **(P–81–32)**.

Atlantic Richfield Company, Watson Refinery: Establish a procedure to require its supervisory personnel to check closely valve lineups in its refinery piping so that similar accidents are prevented **(P–81–33)**.

American Society of Mechanical Engineers, Gas Piping Standards Committee: Develop guidelines for the amount of pipe to be removed in the repair of longitudinal seam failures in operating pipelines **(P–81–34)**.

- **Safety Recommendations:**

To the *Federal Aviation Administration* (Sept. 24)—

Issue an Airworthiness Directive to require mandatory compliance with provisions of General Dynamics-Convair Division Service Bulletin 640(340D) 27–6, dated February 23, 1981 **(A–81–119)**. Determine the cause of and take appropriate action to prevent elevator vibration/flutter in Convair 340, 440, 640, and 580 aircraft **(A–81–120)**.

Issue a maintenance bulletin to notify Convair 240, 340, 440, and 580 inspectors, operators, and owners that, at major inspections, the nose gear door hinge bushings should be lubricated with MIL–L–7870 oil according to the manufacturer's maintenance manual **(A–81–121)**.

To the *Yorktown (N.Y.) Highway Department* (Sept. 24)—

Conduct a traffic engineering study of the intersection of Aqueduct Street and Old Croton Dam Road to determine what traffic control devices are warranted to improve safe operation at this intersection and make appropriate changes **(H–81–70)**.

Each of the above recommendations is designated "Class II, Priority Action."

- **Responses to Recommendations:**

From the *Federal Aviation Administration* (Sept. 18) **A–72–55; A–72–178 and –179; A–79–81:** FAA has issued several notices of proposed rulemaking relative to crewmember

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flight and duty time limitations and rest requirements for domestic, flag, and supplemental air carriers; commercial operators of large aircraft; commuter airlines; other air taxi operators; and commercial operators. In view of generally negative responses and Executive Order 12291 (46 FR 13193, 2–19–81), FAA withdrew pending rulemaking action on May 8. FAA's responsibility for regulating safety in air transportation will be reassessed, and issues relative to labor-management relations will be directed to unions and airline companies for resolution. (44 FR 12785, 3–8–79; 44 FR 25954, 5–3–79; 45 FR 85532, 12–29–80)

From the *National Oceanic and Atmospheric Administration* (Sept. 11) **M–81–42 and –43:** National Weather Service (NWS) will include reported sea conditions on the San Francisco Bar with the coastal forecast; when information is available from bar pilots concerning hazardous conditions, NWS also will issue a Special Marine Statement. National Ocean Survey will include a caution note in Coast Pilot 7 warning mariners of possible sea conditions when crossing San Francisco Bar, this information to be published soon and disseminated through Weekly and Local Notices to Mariners to update the July edition of Coast Pilot 7. (46 FR 39062, 7–30–81)

From the *American Bureau of Shipping* (Sept. 16) **M–81–64 and –65:** ABS agrees that when structural damage occurs between Special Surveys, permanent repairs should be completed by the vessel's next Special Survey; however, ABS policy is that outstanding recommendations are to be completed prior to crediting Special Survey. Recently revised circular 227 on Intermediate Surveys places strong emphasis on salt water ballast tank examinations. (46 FR 42373, 8–20–81)

From the *Association of American Railroads* (Sept. 17) **R–79–74:** AAR believes that carriers will continue to install additional radio capacity when they find it warranted, but operating officers will insist that the primary sources of operating information and directions continue to be train orders, timetables, special instructions, signals, and rules; these could be superseded by radio only when operating rules covering radio usage are strictly followed. (46 FR 26719, 5–14–81)

From the *Federal Emergency Management Agency* (Sept. 9) **R–81–21 and –22:** By a recent reorganization of FEMA, the National Fire Academy is continuing the programs initialed under United States Fire Administration and is directly assisting Urban Mass Transportation Administration in developing rail rapid transit system training program guidelines. NFA and UMTA are developing a national training curriculum for fire service personnel through interagency agreement; a workshop is planned at NFA for rail rapid transit personnel, fire/rescue first responders dealing with rail rapid transit, and others. (46 FR 17684, 3–19–81)

From *The Family Lines Rail System* (Sept. 16) **R–81–84 and –85:** Procedures now insure that the location of the bearing in the train is accurately determined and that the trains are properly inspected when a defect is identified by the hot box detector. Training procedures have been reviewed and are being monitored so that an accident will be prevented when an overheated bearing is located by the detector. (46 FR 46238, 9–17–81)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquires Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

October 2, 1981.

[FR Doc. 81–29150 Filed 10–7–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

State of Washington: Staff Assessment of Proposed Amended Agreement Between the NRC and the State of Washington

Note.—This document was originally published in the issue of September 17, 1981. It is reprinted at the request of the Nuclear Regulatory Commission.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of proposed amended agreement with State of Washington.

SUMMARY: Notice is hereby given that the Nuclear Regulatory Commission is publishing for public comment a proposed amendment to the existing Section 274b. Agreement between NRC and the State of Washington which was effective December 31, 1966. The request dated August 17, 1981 from the Governor of the State of Washington, if approved, would permit the State of Washington to regulate byproduct material as defined in Section 11e.(2) of the Atomic Energy Act, as amended, (uranium mill tailings) after November 8, 1981 in conformance with the requirements of Section 274o. of the Atomic Energy Act of 1954, as amended.

A staff assessment of the State's proposed radiation control program to implement the amended agreement is set forth below as supplementary information to this notice. A copy of the complete program description submitted by Washington including a narrative prepared by the State of Washington and describing the State's proposed program for control over byproduct materials as defined in Section 11e(2) of the Act and appropriate State legislation, and Washington regulations is available for public inspection in the Commission's public document room at 1717 H Street, NW, Washington, D.C.

DATE: Comments must be received on or before October 19, 1981.

ADDRESS: All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed amended agreement should send them to the Nuclear Regulatory Commission, Office of State Programs, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Craig Z. Gordon, Office of State Programs, Nuclear Regulatory Commission, Washington, D.C. 20555 Phone: (301) 492–9886.

SUPPLEMENTARY INFORMATION: Assessment of Proposed Washington Programs To Regulate Byproduct Material as Defined in Section 11e(2) of the Act. Reference: Criteria 29–36 of "Guidance of States and NRC in Discontinuance of NRC Regulatory Authority Thereof by States Through Agreement," 44 FR 42818.

I. Introduction

The Uranium Mill Tailings Radiation Control Act of 1978 amended the requirements for Section 274 of the Atomic Energy Act, "Cooperation With States" and imposed certain requirements that must be met by Agreement States in order to regulate uranium mill tailings after November 8, 1981. Governor John Spellman of the State of Washington has requested NRC to amend its agreement with NRC to permit continued State regulation of uranium mill tailings after this date. His request was supported by a description of the State's program for control or uranium mill tailings. NRC staff has completed an assessment of the State's proposal as follows:

II. Assessment of Proposed State of Washington Radiation Control Program for Uranium Mill Tailings

1. Statutes

State statutes or duly promulgated regulations should be enacted, if not already in place, to make clear State authority to carry out the requirements of Pub. L. 95–604, Uranium Mill Tailings Radiation Control Act (UMTRCA).

In the enactment of any supporting legislation, the State should take into account the reservations of authority to the United States in UMTRCA as stated in 10 CFR 150.15a.

It is preferable that State statutes contain the provisions of Section 6 of the

Model Act,[1] but the provisions may be accomplished by adoption of either procedures by regulation or technical criteria. In any case, authority for their implementation should be adequately supported by statute, regulation or case law as determined by the State Attorney General.

In the licensing and regulation of ores processed primarily for their source material content and for the disposal of byproduct material, procedures shall be established which provide a written analysis of the impact on the environment of the licensing activity. This analysis shall be available to the public before commencement of hearings and shall include:

a. An assessment of the radiological and nonradiological public health impacts;

b. An assessment of any impact on any body of water or groundwater;

c. Consideration of alternatives to the licensed activities; and

d. Consideration of long-term impacts of licenses activities.

A detailed evaluation of the pertinent Washington Statutes, Chapter 110, Laws 1979—Senate Bill No. 2197, Chapter 70.121 of the Revised Code of Washington (RCW): Public Health and Safety Statute, and Amendments to Washington Administrative Code (WAC) 402–52 has been performed by NRC staff. The State's statutes provide sufficient authority for Washington agencies to comply with the requirements of UMTRCA. The evaluation was performed against and relates to a checklist (which is included in the Washington proposal) which outlines each statutory requirement and section number contained in UMTRCA. Relevant provisions of the Washington Statute were cited and reflected as to how the UMTRCA requirements are satisfied. Resolution of deficiencies were made by frequent contacts with the State's Department of Social and Health Services (DSHS) and the State's Attorney General's Office. Where deficiencies could not be adequately addressed by regulations, the State has committed to incorporate necessary requirements into the licensing process by appropriate license conditions or order.

2. Regulations

State regulations should be reviewed for regulatory requirements, and where necessary incorporate regulatory language which is equivalent to the extent practicable or more stringent than regulations and standards adopted and enforced by the Commission, as required by Section 274o. (see 10 CFR Part 40 and 10 CFR 150.31(b)).

On January 1, 1980, Title 402 of the Washington Administrative Code was amended by WAC 402–22–150 to incorporate Special Requirements for Issuance of Specific Licenses for Source Material Milling and by WAC 402–52–100, Criteria Related to Disposition for Uranium Mill Tailings or Wastes. These regulations followed the Suggested State Regulations of the Council of State Governments which were deemed by the staff to be equivalent, to the extent practicable to the requirements of 10 CFR 40, Appendix A. Satisfactorily addressed in Title 402 regulations are: bonding requirements, siting requirements, criteria for tailings management, dam stability analyses, surety arrangements, requirements for ownership, and criteria for ongoing active maintenance for uranium mill tailings impoundments.

3. Organizational Relationships Within the States

Organizational relationships should be established which will provide for an effective regulatory program for uranium mills and mill tailings.

When personnel in agencies other than the lead agency are included in the professional staff's effort, their availability on a routine and continuing basis must be demonstrated. Arrangements for availability for such resources have been proposed by Washington through interagency memoranda of understanding with the Departments of Ecology and Natural Resources. Contained in each agreement are duties of the agency, the period required for their performance, and procedures to resolve disputes if they should arise. An organization chart outlining the organizational relationships between the Radiation Control Section and other State agencies is also included. The proposal acknowledges that all MOU's between Radiation Control Section and other State agencies are only for the work required by State statutes. Although not contained in the proposal, commitments for assistance by various State agencies assures that consideration for necessary budgeting has been confirmed.

4. Personnel

Personnel needed in the processing of the license applications can be identified or grouped according to the following skills: Technical, Administrative, and Support.

In order to meet the requirements of UMTRCA, current indications are that 2–2.75 total professional person-years' effort is necessary to process and evaluate a new conventional mill license, in-situ license, or major license renewal. A complete review of in-plant safety, production of the environmental assessment, and consultant use are primary considerations in the total professional effort for each licensing case. With respect to clerical support, one secretary is required to process two conventional milling applications, including the pre-licensing and post-licensing phases. Legal support is also an essential element of the mill program, and the effort is set at a minimum of ½ staff-year. In addition, consideration must be given to such post-licensing activities as issuance of minor amendments, mill inspections, and environmental monitoring. Professional staff effort is estimated at 0.5–1.0 person-years for each year of post-licensing activities.

Currently, there are two conventional licensed uranium milling operations in the State of Washington. We estimate the total professional staff-years effort within the Radiation Control Section (RCS) directly responsible for regulation of uranium mills and mill tailings to be well within our guidelines. Specialty functions and responsibilities of each staff member have been outlined and broken down by percentage of time devoted to the mill program in the proposal. Eight of the ten professional positions having full-time and part-time responsibilities in uranium mill regulation have been filled. (This does not include the Supervisor of the Radioactive Materials Program and a Radiation Health Physicist II normally assigned to Special Projects.) State funds are committed for the remainder and there is an active effort to fill the existing vacancies. The make-up of the Uranium Mill Subunit of the RCS is as follows:

a. Nancy P. Kirner, RHP III, Supervisor of Radioactive Materials Program. Will be responsible for planning, directing, and supervising the operations and emergency response activities for the regulation of uranium mills and mill tailings.

b. Terry C. Frazee, RHP II, Compliance Supervisor, Responsible for supervision and planning activities of

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[1] The reference is to the Model Uranium Mill Radiation Control Act, a copy of which has been placed in the Commission's Public Document Room. Section 6 of the Model Act requires that, among other things, statutory authority must be enacted to make clear State authority to carry out the requirements of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, as amended. UMTRCA specifies that when States license an activity involving mill tailings, that has a significant impact on the human environment, they must prepare a written independent analysis of the impact of such license on the environment, including any activities conducted pursuant thereto.

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compliance program and inspection staff.

c. Donaly C. Peterson, RHP II, Environmental Radiation Protection Supervisor. Duties and responsibilities include supervision of professional staff for environmental radiation monitoring at the uranium mill facility.

d. Robert R. Verellen, RHP II, Licensing Supervisor. Will direct and supervise the licensing activities of source materials and prepare licenses in final form.

e. Robert H. Bidstrup, RHP I, Manager of Uranium Milling Control Program. Responsible for planning and coordinating licensing and compliance functions of the uranium mill subunit. Will also supervise health physicists responsible for control of uranium milling operations.

f. Arden C. Scroggs, Kent M. Prendergast, and Leonard Knowles, RHP I—Responsible for evaluation of radiological impacts associated with regulation of uranium mills and mill tailings; conducting field inspections at mills to assure licensee compliance with license conditions; evaluation of license applications, license amendments, preparation of safety evaluation reports; and environmental impact statements prior to issuing licenses.

The Radiation Control Section staff have attended the following short-term training courses related to uranium mill regulation: NRC "Orientation Course in Regulatory Practices and Procedures"—Kirner, Frazee, Peterson, Verellen, Haars; NRC "Inspection Procedures"—Kirner, Frazee, Haars; NRC "Uranium Mill Training for State Regulatory Personnel"—Verellen; NRC "Radiological Emergency Response Training"—Kirner, Frazee, Bidstrup Verellen; "EPA Groundwater Migration Course"—Frazee, Peterson, Verellen, Bidstrup; Eberline Instrument Corp. "Use of Instrumentation and Environmental Surveillance at Uranium Processing Facilities"—Peterson, Scroggs, Frazee.

During evaluations of license applications the State must have access to speciality resources such as hydrologists, geologists, and geotechnical engineers. It is also recommended that radioactive materials regulatory personnel have some training in these areas in addition to specialized training in uranium mill health physics and preparation of environmental assessments. Mr. Knowles has obtained many years of education and training in the field of geology; he will serve as staff geologist. Consultants to provide hydrological, geological and geotechnical assistance have been identified by Washington and are adequately qualified. Such consultants will be utilized to perform an independent review of a proposed license application. Memoranda of Understanding (MOU) or contracts between the Radiation Control Section (RCS) and consultants provide for a RCS evaluation of consultants' work. Consultants will be compensated on a fee-for-service basis to be reimbursed through provisions of State regulation specific to preparation of environmental reports.

5. Functions To Be Covered

The State should develop procedures for licensing, inspection, and preparation of environmental assessments.

Each uranium mill license application will be evaluated against State statutes, regulations, and NRC Regulatory Guides. A list of NRC Regulatory Guides utilized by the State in evaluating licensing actions has been furnished. State personnel will perform in-plant safety reviews. The individual in charge for licensing is also responsible for assuring that the in-plant safety review meets State requirements. The safety evaluation report is written under guidance from the State's Uranium Mill Project Manager.

Inspections of all byproduct material licensees are conducted by Washington in accordance with general procedures outlined in the State Radiation Control Section's manual. These procedures which are common to all routine inspections have been supplemented by instructions specific to inspections at mills. The general procedures have been judged acceptable during the periodic NRC review meetings with Washington. The functions of State inspectors are to prepare for inspections, conduct on-site inspections, prepare a written report of the inspection, prepare enforcement letters, and review corrective actions. With respect to uranium mill inspections, inspectors are required to review all aspects of mill operations and tailings control with appropriate consultation and review by the division's environmental RCS's Radiation Subunit. The compliance staff and the environmental radiation safety staff conduct both joint and independent inspections. This is to assure that the facility's effluents meet the requirements of the State Environmental Policy Act (SEPA). Inspections of each of the two mills will be conducted at least on an annual basis.

Preparation of an environmental impact statement by persons outside State government is not specifically prohibited by State law. However, Federal statute, i.e., Section 274o.(3)(c) requires the State to prepare a written analysis of the impact on the environment with respect to uranium mill tailings from proposed operations. Sections WAC-402-22-040(5), WAC 402-22-070(6), and WAC 402-52 of the Washington Regulations, and SEPA guidelines (§ 197-10-230(13)) indicate that DSHS will act as lead agency to independently prepare the environmental impact statement (EIS).[2] On January 5, 1981 the State issued its most recent EIS for the Dawn Mining Company application to expand the existing tailings disposal area. With technical assistance from NRC on the radiological assessment, a determiniation was made that all requirements and criteria had been satisfied by Dawn to minimize the potential for adverse environmental effects.[3]

Procedures for coordinating, organizing, and completing an environmental impact statement have been submitted in a separate section of the proposal. This process, described in detail, basically is as follows: (1) The environmental report is received from the applicant; (2) A review of the report is performed by consultant teams; (3) The consultants' assessments are reviewed by the Radiation Control Section and other State agencies; and (4) These entities submit reports to the State Uranium Mill Project Manager who then prepares the environmental impact statement for issuance.

As a supplement to the reporting requirements required by regulation or license conditions, the State should require the licensee to submit in writing on a semi-annual schedule reports specifying the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents from all pathways during the previous six months of operations. This data shall be reported in a manner that will permit the regulatory agency to confirm annual radiation doses to nearest individuals are within the requirements of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations."

The environmental impact statement on Dawn's facility has identified the dose contribution from the expansion operation (with a below-grade pit) as having little bearing on overall site compliance with 40 CFR Part 190. Dose estimates from the existing operation, especially the front end of the mill circuit, indicate a need for better effluent control. The State has required Dawn by license condition to keep all effluent control equipment in good working order and in use at all times during mill operations. Furthermore, the licenses of both mills (the other being Western Nuclear's Sherwood Facility) were amended to require a determination of compliance with 40 CFR Part 190 using on-site data collected from the licensee's radiological monitoring programs. The monitoring programs must conform to specifications of NRC Regulatory Guide 4.14, Radiological Effluent and Environmental Monitoring at Uranium Mills" (issued as revision 1, April 25, 1980). These amendments require the licensee to perform land-use surveys, to develop and maintain a quality assurance program, emergency response procedures, data review programs, and semi-annual reporting specifications.

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[2] WAC-402-070(6)(a)(ii)(B) also requires consideration of long-term impacts for decommissioning, decontamination, and reclamation relevant for the proposed activities.

[3] This radiological assessment continues to be refined by NRC and a final radiological assessment will be included in the EIS. Renewal of the Dawn license is expected to be issued by December, 1981.

The Department's Environmental Radiation Subunit is responsible for review and verification of the licensee's environmental monitoring data. Dose assessments have been made at both mills. The assessment for Dawn was completed by NRC using computer models. At Western Nuclear's Sherwood Facility, the Department's report of the assessment shows the mill to be in compliance with 40 CFR Part 190. This finding was based upon field data taken during the period of July 1979–June 1980. Both mills are required to submit their own dose assessments by May 1, 1982 which will be based on data collected during CY 1981. The Environmental Subunit will then assess and confirm that radiation doses to nearest receptors are within the limits of 40 CFR Part 190.

6. Instrumentation

The State should have available both field and laboratory instrumentation sufficient to ensure the licensee's control of materials and to validate the licensee's measurements.

The Radiation Control Section has utilized a portion of funds authorized under its UMTRCA grant to purchase field equipment for monitoring and surveillance purposes. The submitted list shows the following detection capabilities:

a. Sampling of air particulates—The State has four (4) area air samplers to detect natural uranium, Ra-226, Th-230, and Pb-210 in addition to adequate personal air sampling equipment (lapel samplers).

b. Sampling of radioactive gases—scintillation detectors with compatible scintillation cells (ZnS) are utilized for detection of Radon-222.

c. Site surveillance—The State owns two portable survey meters designed to be used with interchangeable detector probes, i.e., proportional, Geiger-Mueller, and scintillation probes for detection of alpha, beta, and gamma radiations, respectively. A micro-R meter for counting of low-level gamma does rates also has been obtained. There are two general purpose survey meters providing versatility for use in field and laboratory. Alpha scintillation probes are currently being used with these survey meters.

d. Equipment calibration—Procedures have been developed and staff has been trained in calibration of radiation detection equipment. National Bureau of Standards traceable sources for calibration of counting equipment have been identified and are utilized. The State is currently working with the University of Washington to establish a regional calibration facility.

The Environmental Radiation Laboratory is a division within the State's Office of Public Health Laboratories and Epidemiology and provides direct support to the Radiation Control Section in the areas of environmental monitoring and processing of samples. It has all necessary equipment to analyze and evaluate environmental samples taken around milling activities including alpha counters for uranium and thorium, alpha spectrometer, alpha scintillation counter, intrinsic Germanium-Lithium detector, and automatic TLD analyzer.

Procedures have been developed for determining uranium and radium-226 concentration by precipation methods. Development of procedures for Thorium-230 analysis began in July 1981. All laboratory methods are derived from NRC Regulatory Guide 4.14 and EPA procedures and guides used for laboratory support of a uranium will control program. The laboratory also participates regularly in the inter-laboratory quality assurance (QA) program offered by EPA. A full-time chemist contributes to the main staffing effort and is responsible for carrying out effective QA. This is done by supplementing environmental samples with standards, spiked samples and blank samples for evaluation. The State has committed to further developing procedures for evaluating Ra-226 by emanation, Pb-210 analysis, Po-210 analysis, and familiarizing staff with alpha spectroscopy evaluation.

7. Conclusion

Based on the foregoing, the NRC staff concludes that the State of Washington has met the criteria for an amended agreement.

III. Amendment to Agreement Between the United States Nuclear Regulatory Commission and the State of Washington for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, the United States Atomic Energy Commission [4] (hereinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of December 6, 1966 with the State of Washington under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on December 31, 1966 and provided for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, it is necessary to enter into this amendment in order to implement new requirements of section 274 of the Act which become fully effective on November 8, 1981; and

Whereas, the Commission found on ———— that the program of the State for the regulation of materials covered by this amendment is in accordance with the requirements of section 274o. of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, this amendment is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting on behalf of the State, as follows:

Section 1. Article I of the Agreement of December 6, 1966 is amended by adding "as defined in section 11e.(1) of the Act;" after the words "byproduct materials" in paragraph A., by redesignating paragraphs B. and C. as paragraphs C. and D., and by inserting

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[4] Under the provisions of the Energy Reorganization Act of 1974, the regulatory functions formerly carried out by the Atomic Energy Commission are now carried out by the Nuclear Regulatory Commission as of January 19, 1975.

V 46/195 OC 8 81 UMI

the following new paragraph immediately after paragraph A.:

"B. Byproduct materials as defined in section 11e.(2) of the Act;".

Section 2. Article II of the Agreement of December 6, 1966 is amended by inserting "A." before the words "This Agreement," by redesignating paragraphs A. through D. as subparagraphs 1. through 4., and by adding the following at the end thereof:

"B. Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct materials as defined in section 11e.(2) of the Act:

"1. Prior to the termination of a State license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.

"2. The Commission reserves the authority to establish minimum standards governing reclamation, long term surveillance or maintenance, and ownership of such byproduct material. Such reserved authority includes:

"a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;

"b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State at the option of the State (provided such option is exercised prior to termination of the license);

"c. The authority to permit use of surface or subsurface estates, or both, of the land transferred to the United States or the State pursuant to subparagraph B.2.b. of this Article;

"d. The authority to require the Secretary of the Department of Energy, other Federal agency, or State, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect the public health and safety, and other actions as the Commission deems necessary; and

"e. The authority to enter into arrangements as may be appropriate to assure Federal long term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian tribe or land owned by an Indian tribe and subject to a restriction against alienation imposed by the United States.".

Section 3. Article III of the Agreement of December 6, 1966 is amended by inserting "otherwise licensable by the State under Article I of this Agreement" after the words "special nuclear material."

Section 4. Article VII of the Agreement of December 6, 1966 is amended by inserting "all or part of" after the words "terminate or suspend," by inserting "(1)" after the words "finds that," and by adding at the end before the period the following:

", or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with the provisions of section 274 of the Act.".

Section 5. Article VIII of the Agreement of December 6, 1966 is amended by redesignating it Article IX and by inserting a new Article VIII as follows:

"In the licensing and regulation of byproduct material as defined in section 11e.(2) of the Act, or of any activity which results in production of such material, the State shall comply with the provisions of section 274o. of the Act. If, in such licensing and regulation, the State requires financial surety arrangements for the reclamation or long term surveillance or maintenance of such material,

"A. The total amount of funds the State collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and

"B. Such State surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long term management of such byproduct material and its disposal site.".

This amendment shall becomed effective on ———.

Done at Olympia, State of Washington, in triplicate, this day of ———.

For the State of Washington.

John Spellman,

Governor.

Done at Washington, D.C., in triplicate, this day of ———.

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino,

Chairman.

Dated at Bethesda, Maryland, this 11th day of September, 1981.

For the United States Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 81-27130 Filed 9-16-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Human Factors; Rescheduled Meeting

The ACRS Subcommittee on Human Factors scheduled for October 14, 1981, Washington, DC has been rescheduled to November 2, 1981. Notice of this meeting was published September 23.

Dated: October 5, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-29294 Filed 10-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-35 issued to Boston Edison Company (the licensee), which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station Unit No. 1 (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications relating to the spiral fuel unloading pattern to allow the center cell to be the first removed during the 1981 refueling outage.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since it does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 22, 1981, (2) Amendment No. 49 to License No. DPR-35, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A sigle copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of October 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-29291 Filed 10-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-437 CP]

Offshore Power Systems (Manufacturing License for Floating Nuclear Power Plants); Prehearing Conference

October 2, 1981.

Under date of September 30, 1981, the NRC Staff furnished copies of Supplement 4 to the Safety Evaluation Report. Accordingly, pursuant to the Order of September 3, 1981, a prehearing conference will be held at the following location at 10:00 a.m. on November 2, 1981: NRC Public Hearing Room, 5th Floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland 20014.

Said conference is being held to discuss the establishment of a schedule in order to conclude this proceeding.

On or before October 23, 1981, the parties (other than Applicant and the Staff) shall advise (1) whether they will attend the prehearing conference and (2) whether they will participate in any subsequent proceedings.

It is so ordered.

For the Atomic Safety and Licensing Board.

Sheldon J. Wolfe,

Administrative Judge.

[FR Doc. 81-29292 Filed 10-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-19311]

Pennsylvania Power and Light Co. and Allegheny Electric Cooperative, Inc. (Susquehanna Steam Electric Station); Receipt and Availability of Application for License, Low-Level Radioactive Waste Holding Facility

Pennsylvania Power and Light Company and Allegheny Electric Cooperative, Inc. (PP&L) currently hold USNRC Construction Permits, Nos. CPPR-101 and CPPR-102, for construction of two 1050 MWe General Electric boiling water nuclear power reactors for PP&L's Susquehanna Steam Electric Station (SSES) located in Luzerne County, Pennsylvania. PP&L is currently seeking Operating Licenses for the two reactors.

On August 14, 1981, the Commission received an application from PP&L for a by-product material license authorizing the storage of low-level radioactive wastes generated from operation of the SSES in an onsite Low-Level Radioactive Waste Holding Facility. If granted, the license would authorize PP&L to store, on a contingency basis, dry active waste and dewatered, solidified (cement) waste for up to four years per rector.

The application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Local Public Document Room Maintained at the Osterhout Free Library in Wilkes-Barre, Pennsylvania. The application is filed in the Dockets for the Reactor Operating Licenses, Nos. 50-387 and 50-[illegible]88.

Dated this 30th day of September, 1981 in Silver Spring, Maryland.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 81-29293 Filed 10-7-81 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

October 5, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available)
The office of the agency issuing this form
The title of the form
The agency form number, if applicable
How often the form must be filled out
Who will be required or asked to report
The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected
Whether small businesses or organizations are affected
A description of the Federal budget functional category that covers the information collection
An estimate of the number of responses
An estimate of the total number of hours needed to fill out the form
An estimate of the cost to the Federal Government
An estimate of the cost to the public
The number of forms in the request for approval
An indication of whether section 3504(h) of Pub. L. 96-511 applies

The name and telephone number of the person or office responsible for OMB review and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be direced to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

- Agricultural Marketing Service

Florida Avocados—Marketing Order No. 915
On occasion, weekly, annually
Businesses or other institutions
Florida avocado producers and handlers under M.O. 915
SIC: 017 515
Small businesses or organizations
Agricultural research and services: 339 responses; 27 hours; $508 Federal cost; 3 forms; $206 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The avocado administrative committee forms are used to obtain information from producers and handlers relating to the size, quantity, maturity, pack and container requirements of the order.

- Agricultural Marketing Service

Filberts Grown in Oregon and Washington—Marketing Order No. 982
On occasion, annually, other—see SF83
Businesses or other institutions
Eight filbert handlers in Oregon and Washington
SIC: 203, 514, 515
Agricultural research and services: 487 responses; 85 hours; $894 Federal cost; 21 forms; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The 21 board forms used by filbert handlers enable the filbert control board to determine handler inventory, shipment information and distribution control of certified merchantable filberts under volume regulation.

- Agricultural Marketing Service

California Pears, Plums and Peaches—Marketing Order No. 917
Monthly, quarterly, annually
Businesses or other institutions
California fresh pear, plum and peach handlers under M.O. 917
SIC: 514
Small businesses or organizations
Agricultural research and services: 2,723 responses; 595 hours; $516 Federal cost; 6 forms; $2,763 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The control and commodity committee's forms are used to obtain information from handlers relating to monthly shipments of fresh pears, plums, and peaches, pears in storage, and on organic pear handlers and shipments.

- Forest Service

Benefit-Cost Analysis of Visual Management in National Forest Timber Harvesting, Benefits Phase
Nonrecurring
Individuals or households
Volunteer grps. in approx. 4 small cities in Rocky Mtn. area
Area and regional development: 250 responses; 63 hours; $6,000 Federal cost; 1 form; $225 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The Resource Planning Act and National Forest Management Act require the Forest Service to manage lands to protect and enhance scenic beauty. Forest Service landscape architects need measures to public reaction to help guide landscape planning and meet visual management goals. This study is being undertaken now because the Forest Service is already developing cost data on visual management. Without accompanying est. of public benefits there is no way to evaluate cost effec. of their activities.

- Agricultural Marketing Service

Florida Interior District Grapefruit Marketing Order Number 913
On occasion, annually
Businesses or other institutions
Florida interior district grapefruit handlers under M.O. 913
SIC: 515 017
Small businesses or organizations
Agricultural research and services: 380 responses; 6 hours; $500 Federal cost; 2 forms; $106 public cost; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

The interior grapefruit marketing committee forms are used to obtain information from handlers relating to their interior district grapefruit shipments for specified time periods, which the committee uses to compute handlers prorate bases when weekly volume regulations are issued.

Extensions (Burden Change)

- Economic and Statistics Service

Wheat Pasture Survey
Other—see SF83
Farms
Wheat growers
SIC: 011
Small businesses or organizations
Agricultural research and services: 2,210 responses; 185 hours; $19,000 Federal cost; 1 form; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Provides information on the grazing of wheat pasture in Kansas, Oklahoma, and Texas. Survey shows percentage of seeded wheat with sufficient growth to pasture, percentage of wheat being pastured and carrying capacity. This information helps cattle producers in deciding on the winter disposition of their feeder stock.

Reinstatements

- Food and Nutrition Service

Federal Outlay Report
FNS–360
Annually
State or local governments
State welfare and education agencies
SIC: 943

Food and nutrition assistance: 1,008 responses; 24,192 hours; $102,300 Federal cost; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202–395–7340

Collects data to measure geographic distribution of program costs by Federal appropriation.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

- National Oceanic and Atmospheric Administration

Requirements Study of Needs and Uses for a National Environmental Data Referral Service
Nonrecurring
State or local governments/businesses or other institutions
Users of environmental data and others
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: $70,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

The survey is intended to elicit from potential users of an environmental data referral service the types of information needed, the format and media of presentation desired, and any special products wanted. The information will be used to design the service to meet the needs.

- Economic and Statistical Analysis

Solid Waste Disposal Supplemental Survey
Nonrecurring
Businesses or other institutions
New plt & equip expend for solid waste disp
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 45 responses; 14 hours; $425 Federal cost; 1 form; $275 public cost; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

Secures data on expenditures for solid waste collection and disposal. Authorized by 15 U.S.C. 175. Required for the preparation of BEA's estimates on national expenditures for pollution abatement and control.

- Bureau of the Census

1982 Census of Wholesale Trade Forms
CB–5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012–5018, 5101–5118
Nonrecurring
Businesses or other institutions
Wholesale establishments
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 400,000 responses; 266,666 hours; $0 Federal cost; 38 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The 1982 economic censuses, conducted under the provision of title 13, constitute the primary source of facts about the structure and functioning of a large segment of the economy, and as such provide essential information for Government, business, and the general public. They furnish an important part of the framework for the national accounts and serve as benchmarks for economic indicators.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

- Office of Educational Research and Improvement

National Assessment of Educational Progress Writing Assessment Field Tests, October–December 1981
2371–TB 9, 10, 11
Biennially
Individuals or households
9-, 13-, 17-year old students
Research and general education aids: 3,000 responses; 1,000 hours; $110,994 Federal cost; 3 forms; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Congress has mandated the collection of national assessment survey data. New background questions for the 1983–84 writing assessment will be field-tested this fall to determine their clarity and appropriateness. The information will be used by national assessment to guide item revision, review and selection for the full writing assessment.

Revisions

- Office of Postsecondary Education

Lender's Request for Interest and Special Allowance
ED 799
Quarterly, semiannually, annually
Businesses or other institutions
Colleges/univ. profess. schools, Jr. Colleges, lenders
SIC: 822, 601, 602, 603, 604, 605
Higher education: 48,000 responses; 63,000 hours; $145,000 Federal cost; 1 form; $252,000 public cost; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

This form is used by lenders to request payment of interest and special allowance. This is the only reporting form to permit the department to determine the Government's obligation to lenders in the guaranteed student loan program.

Extensions (Burden Change)

- Office of Postsecondary Education

Request for Collection Assistance Under Federal Insured Student Loan Program
ED 1249–1
On occasion Businesses or other institutions
Educational Institutions acting as lenders
SIC: 822, 602, 603, 604, 605
Small Businesses or organizations
Higher education: 21,500 responses; 10,750 hours; $50,424 Federal cost; $86,000 public cost; 1 form not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The ED Form 1249–1 is used by lenders to request skip trace assistance on delinquent student loans where the lender is unable to locate the student borrower.

Reinstatements

- Office of Postsecondary Education

Lender's Application for Insurance Claim on Federal Insured Loans
OE 1207, ED 1207
On occasion
Businesses or other institutions
Educational Insts. acting as lenders
SIC: 822, 602, 603, 604, 605
Higher education: 51,120 responses; 25,560 hours; $54,750 Federal cost; $204,480 public cost; 1 form not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The ED 1207 is used by lenders to request payment of claims on defaulted guaranteed student loans. It provides ED loan and payment history which is essential in determining the validity of a claim and the amount to be paid the lender.

- Office of Educational Research and Improvement

Application for Federal Assistance (non-Construction)—Capacity Building for Statistical Activities in Seas
2413
Annually
State or local governments
State agencies responsible for elementary-secondary education
SIC: 941
Research and general education aids: 40 responses; 1,600 hours; $45,000 Federal cost; $16,000 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

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The information is needed to evaluate which states are most capable of using grant funds to improve their data systems. This is a competitive grant program, and only a few States may receive grants in any one year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

Extensions (No change)

- Human Development Services

Quarterly Estimate of Expenditures, Allotment Need for Foster Care and Adoption Assistance
Quarterly
State or local governments
State agencies
SIC: 832
Social services: 220 responses; 1,760 hours; $20,000 Federal cost; $16,000 public cost; 1 form not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Financial status report—is used for Federal monitoring of any State budget estimate payments and, used to compute the maximum funding authorizied. The form is also used to fulfill budget requirements for advancing Federal matching funds to States to meet their entitlement payments obligations.

Reinstatements

- Social Security Administration

Quality Control in Aid to Families with Dependent Children (AFDC) and Quality Control in Adult Programs
SSA–4341 and 4342
Semiannually
Individuals or households/State or local governments welfare recipients
SIC: 944
Public assistance and other income supplements: 56,058 responses; 815,826 hours; $268,634 Federal cost; 2 forms; not applicable under 3504(h)
Robert Neal, 202–395–6880

Sections 402(a)(6), 403(c), and (j) of the Social Security Act provide for information required to ensure the proper and correct expenditure of public assistance funds. These forms provide the information necessary to comply with congressional directive section 201 of H.R. 4389 and Pub. L. 96–123 (Michel amendment) and to make incentive payments under 403(j). Data is also used to take corrective actions to improve program performance.

- Human Development Services

Quarterly Statement of Expenditures for Foster Care and Adoption Assistance
Quarterly
State or local governments
State agencies
SIC: 832
Social services: 880 responses; 3,520 hours; $40,000 Federal cost; 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Financial status report—is used for Federal monitoring of State financial data and expenditure of funds allotted for the foster care maintenance assistance and adoption assistance payments and all training and administrative costs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Reinstatements

- Housing Programs

Mortgagee's Application for Partial Settlement (Multifamily Mortgage)
HUD–2537
On occasion
Businesses or other institutions
FHA approved mortgagees
SIC: 616
Small businesses or organizations
Mortgae credit and thrift insurance: 300 responses; 50 hours; $1,110 Federal cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Needed to supply information so that a partial cash settlement can be processed immediately.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

New

- Legal Activities

Equal Access to Justice Act
Nonrecurring
Individuals or households/State or local governments/farms/businesses or other institutions
Eligible
SIC: Multiple
Small businesses or organizations
Federal litigative and judicial activities: 50 responses; 500 hours; $0 Federal cost; $5,000 public cost; 1 form; NPRM under 3504(h)
Andy Uscher, 202–395–4814.

Rules establish procedures for the submission and consideration of application for awards against the DOJ under the equal access to Justice Act.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

- Departmental Management

Customer Survey Data Request
ETA 8562
On occasion
Businesses or other institutions
Manufacturers, wholesalers, retailers, distributers
SIC: Multiple
Small businesses or organizations
Other labor services: 25,000 responses, 31,250 hours, $200,000 Federal cost, 1 form, not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

Data and information needed to make determinations of eligibility of petitioning workers to apply for worker adjustment assistance in accordance with section 223 of the Trade Act of 1974.

- Departmental Management

Producers/Purchasers Survey Data Request
ETA 8566
On occasion
Businesses or other institutions
Manufacturers, distributers, importers
SIC: Multiple
Small businesses or organizations
Other labor services: 250 responses, 438 hours, $5,000 Federal cost, 1 form, not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

To acquire aggregate statistics needed by the Secretary of Labor to make determinations of eligibility of petitioning workers to apply for worker adjustment assistance in accordance with section 223 of the Trade Act of 1974.

- Departmental Management

29 CFR Part 16—Equal Access to Justice Act
On occasion
Individuals or households/State or local Governments/farms/businesses or other institutions
Parties who prevail in adver. proc. against an agen., etc.
SIC: Multiple
Small business or organizations
Other labor services: 300 responses, 300 hours, $5,000 Federal cost, 1 form, not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

The Equal Access to Justice Act (5 U.S.C. 504) provides for the payment of fees and expenses to eligible parties who prevail in an adversarial proceeding against an agency of the government. These rules constitute the Labor Department's rules for implementing the act.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Revisions

- Internal Revenue Service

Computation of Minimum Tax—Individuals
4625
Annually
Individuals or households
Individuals with certain tax preference items
Central fiscal operations: 70,000 responses, 76,138 hours, $182,227 Federal cost, 1 form, not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 4625 is used by individuals who have certain tax preference items exceeding $10,000 ($5,000 for married individuals filing separately). The information is needed to help verify whether taxpayers are complying with the law and have paid the correct minimum tax.

Extensions (burden change)

- Internal Revenue Service

Statement of Income, and Profit and Loss Accounts
1090
Annually
businesses or other institutions
Railroads
SIC: 401
Central fiscal operations: 500 responses, 500 hours, $7,411 Federal cost, 1 form, not applicable under 3504(h)
Irene Montie, 202–395–6880

This form may be used by railroads in lieu of page 1 of form 1120 to report the annual income, and profit and loss accounts. (IRS sections 6011 and 6012). The tax is assessed based on the information supplied on the form. The data are used to verify the correctness of the tax liability.

- Internal Revenue Service

Employee's Withholding Allowance Certificate
W–4
On occasion
Individuals or households
All employees and employers
Central fiscal operations: 23,204,000 responses, 16,706,880 hours, $2,894,755 Federal cost, 1 form, not applicable under 3504(h)
Irene Montie, 202–395–6880

Employees file this form to tell the employer (1) how many withholding allowances they are claiming, (2) the amount they want their withholding tax increased or decreased each pay period, and (3) if they are entitled to claim exemption from income tax withholding. Employers use the information to determine the proper amount of income tax to withhold from the employee's wages.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2745

New

- Summary Phase II Hazardous Waste Management Regulations

Nonrecurring, On occasion, Annually, Other—see SF 83
State or local governments, businesses or other institutions
Owners and oper. of haz. waste treat., stor. and disposal facil.
SIC: Multiple
Small businesses or organizations
Pollution control and abatement: 15,164 responses, 82,584 hours, $2,185,699 Federal cost, 1 form, not applicable under 3504 (h)
Edward H. Clarke, 202–395–7340

Summary of Phase II Hazardous Waste Management Regulations information burdens associated with the following six (6) sets of regulations, facility location standards and treatment facility standards, incineration standards and temporary land disposal standards. Required for evaluating part B permit applications and for ensuring compliance with periodic inspection and monitoring requirements.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202–634–6983

Reinstatements

- Recordkeeping Requirements Under the Age Discrimination in Employment Act

On Occasion
Businesses or other institutions/State or local Governments/farms
Employers covered by the Age Discrimination in Employment Act
SIC: multiple
Small businesses or organizations
Federal law enforcement activities: 1 responses, 0 hours, $0 Federal cost, 1 form, not applicable under 3504 (h)
Laverne V. Collins, 202–395–6880

Required by the Age Discrimination in Employment Act of 1967, as amended. Employers, employment agencies, and labor organizations which are subject to the act are required to maintain certain records. The data are needed to assist EEOC in enforcing the provisions of the act.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—202–389–4481

Extensions (burden change)

- Notification of Performance of Bank Services

6120/06
On occasion
Businesses or other institutions
Insured commercial and mutual savings banks
SIC: 602 603
Small businesses or organizations
Mortgage credit and thrift insurance: 760 responses, 380 hours, $2,533 Federal cost, 1 form, $3,400 Public cost, not applicable under 3504 (h)
Irene Montie, 202–395–6880

Purpose is to inform the FDIC of the name, location and applications processed by the bank's electronic data processing servicer. This is in accordance with the Bank Service Corporation Act.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202–254–9515

New

- Application for Federal Assistance (Short Form)

FEMA 85–14A
On occasion
State or local governments
State or local governments
SIC: 919
Defense-related activities: 1,235 responses, 1,235 hours, $40,000 Federal cost, 1 form, not applicable under 3504 (h)
Robert Veeder, 202–395–4814

FEMA administers Grant-In-Aid programs to State and local governments which require the use of this form in accordance with the provisions of OMB Circular A-102, uniform administrative requirements for Grants-In-Aid to State and local governments.

- Preapplication for Federal Assistance

FEMA 85–12A
On occasion
State or local governments
State and local governments
SIC: 919
Defense-related activities: 1,000 responses, 1,000 hours, $40,000 Federal cost, 1 form, not applicable under 3504 (h)
Robert Veeder, 202–395–4814

FEMA administers Grant-In-Aid programs to State and local governments which require the use of this form in accordance with the

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provisions of OMB Circular A-102, uniform administrative requirements for Grants-In-Aid to State and local governments.

- Contributions

FEMA 85-21
Quarterly
State or local governments
State and local governments
SIC: 919
Defense-related activities: 220 responses; 1,540 hours; $60,000 Federal costs; 1 form not applicable under 3504 (H)
Robert Veeder, 202-395-4814

FEMA administers a formula grant-in-aid (emergency assistance) program to State governments which requires the use of the program

- Personnel and Administrative Expense and Summary (Local)

FEMA 85-16A
Annually
State or local governments
State and local governments
SIC: 919
Defense-related activities: 50 responses; 100 hours; $4,000 Federal costs; 1 form not applicable under 3504 (H)
Robert Veeder, 202-395-4814

FEMA administers a formula grant-in-aid (emergency assistance) program to State governments which requires the use of the program

Federal Maritime Commission

(Agency Clearance Office—Ronald D. Murphy—202-523-5326)

New

- Admission, Withdrawal and Expulsion Provisions of Steamship Conference Agreements—46 CFR Part [illegible]

General Order 9
On occasion
Businesses or other institutions
Conferences of water common carriers
SIC: 441
Water transportation: 55 responses; 110 hours; $1,270 Federal costs; 1 form not applicable under 3504 (H)
William T. Adams, 202-395-4814

The commission uses General Order 9 to fulfill the statutory requirements of the Shipping Act, 1916, which requires conference agreements to have admission, withdrawal and expulsion provisions.

Federal Trade Commission

(Agency Clearance Office—Carl Hevener—202-523-3373)

Revisions

- Antitrust Improvements Act Notification And Report Form

FTS C4
On occasion
Businesses or other institutions
Business organizations of all types
SIC: All
Other Advancement and regulation of commerce: 1,440 responses; 72,300 hours; $435,700 Federal costs; 1 form not applicable under 3504 (H)
Paula Daigneault, 202-395-7340

Statutory report required from persons and corporations of specified size involved in proposed acquisitions, mergers or tender offers satisfying specified economic and financial criteria, for use in antitrust enforcement.

Interstate Commerce Commission

(Agency Clearance Office—Carroll Stearns—202-633-0204)

Extensions (Burden Change)

- Designation of Agents—Motor Carriers & Brokers

BOC-3
On occasion
Businesses or other institutions
Motor Carriers and transportation brokers
SIC: 421
Small businesses or organizations
Ground transportation; 6,000 responses; 1,500 hours; $0 Federal costs; 1 form not applicable under 3504 (H)
Donald Arbuckle, 202-395-7340

This report informs the ICC of the agents, designated by motor carriers and brokers, to whom notices, orders and process issued by the courts may be served (49 USC 10329 (a)(2) and 49 CFR 1044).

Notice of Intent to Perform Interstate Transportation for Certain Nonmembers Under 49 U.S.C. 10526 (a)(5)
OCP 102
Annually
Businesses or other institutions
Agricultural cooperatives & controlled by member farmers
SIC: 999
Small businesses or organizations
Ground transportation: 125 responses; 64 hours; $3,000 Federal costs; 1 form not applicable under 3504 (H)
Donald Arbuckle, 202-395-7340

49 U.S.C. 10526 (a)(5) requires any agricultural cooperative intending to perform certain nonmember transportation of non-exempt commodities to file notice of this intent with the commission. Form OCP serves as notice and is used on the cooperative's trucks to authorize the transportation. It also provides basic information for compliance checks.

NATIONAL CREDIT UNION ADMINISTRATION

Agency Clearance Officer—Mr. Troy Robinson—202-357-1202

Extensions (Burden Change)

- Article III Section 5(d)

Bylaw III5D
On occasion
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance: 12,578 responses; 5,240 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Phillip T. Balazs, 202-395-4814

This bylaw requires that if a member desires to withdraw shareholdings below contingent liability when delinquent as a borrower for whom he/she is comaker, endorser or guarantor, the written approval of the credit committee or loan officer is required.

- 12 CFR 748.5 Filing of reports

12 CFR 748. 5
Annually
Businesses or other institutions
Federal credit unions
SIC: 614
Small businesses or organizations
Mortgage credit and thrift insurance: 17,453 responses; 8,744 hours; $0 Federal cost; 1 form; $2,910 public cost; not applicable under 3504(h)
Philip T. Balazs, 202-395-4814

Each federally insured credit union shall file an annual certification with the NCUA regional director, and State supervisory authority where appropriate, indicating compliance with section 74B in its entirety.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

- Discretionary Accounts (17 CFR 15c 1-7)

On occasion
Businesses or other institutions
Registered brokers, dealers and municipal securities dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 200,000 responses; 16,700 hours; $5,000 Federal cost; 1 form; $1,002,000 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Rule 15c 1-7 was adopted in 1937. The purpose of the rule is to provide a standard to determine whether a transaction is manipulative or fraudulent and to establish a means to ensure that all transactions occurring in a discretionary account are noted. This discourages fraudulent and manipulative practices and provides a means to monitor for illegal practices.

- Reports by national securities exchanges and registered national securities associations of changes in membership A. of any of their MBR (17 CFR 240.17A–19 and 249.635)

On occasion
Businesses or other institutions
Agent and reg. national securities dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 3,600 responses; 900 hours; $31,000 Federal cost; $21,600 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 17A–19 and Form X–17A–19 were adopted in 1974. The rule and related form were designed to facilitate the program in which a broker-dealer would be examined by and report to only one self regulatory organization. The form was to be filed whenever a change in membership status occurred, thereby giving notice to the Commission so that the examining authority could be redesignated, if necessary.

- Qualifications and fees relating to broker-dealers not members of a national securities association (17 CFR 240.15B8–1)

On occasion
Businesses or other institutions
Securities brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 1,000 responses; 333 hours; $8,400 Federal cost; $7,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Under sections (a)(3) and (d)(2)(ii) of rule 15B8–1, adopted in 1965, SECO broker-dealers must file in writing information making accurate a form U–4 for any associated person when the information becomes inaccurate. Under sections (a)(4) and (d)(2)(ii) of rule 15B8–1, a SECO broker-deler must annually file a list of associated persons who are no longer associated with that broker-dealer.

- Record retention requirements for registered transfer agents (17 CFR 240.17A D–7)

Other—See SF83
Businesses or other institutions
Registered transfer agents
SIC: 628
Small businesses or organizations
Other advancement and regulation of commerce: 625,000 responses; 625,000 hours; $1,700 Federal cost; $4,063,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 17A D–7, adopted June 16, 1977, is needed (1) to assure that registered transfer agents are maintaining minimum records to monitor and to control adequately their performance and (2) to permit the appropriate regulatory agencies ("ARA's") to examine those transfer agents for compliance with the Commission's rules. The Commission and other ARA's use rule 17A D–7 records primarily for inspection purposes.

- Record making requirements for registered transfer agents (17 CFR 240.17AD–6)

Other—See SF83
Businesses or other institutions
Registered transfer agents
SIC: 628
Small businesses or organizations
Other advancement and regulation of commerce: 625,000 responses; 1,562,500 hours; $1,700 Federal cost; $10,156,000 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 17A D–6, adopted June 16, 1977, is needed (1) to assure that registered transfer agents are maintaining minimum records to monitor and to control adequately their performance and (2) to permit the appropriate regulatory agencies ("ARA's") to examine those transfer agents for compliance with the Commission's rules. The Commission and other ARA's use rule 17A D–6 records primarily for inspection purposes.

- Notices regarding "exempt transfer agent" status (17 CFR 240.17AD–4(b) and (c))

Nonrecurring
Businesses or other institutions
Registered transfer agents
SIC: 628
Small businesses or organizations
Other advancement and regulation of commerce: 16 responses; 8 hours; $1,080 Federal cost; $240 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Rule 17AD–4(b) and (c), adopted June 16, 1977, is used to notify the Commission and other appropriate regulatory agencies ("ARA's") when a registered transfer agent is exempt from the minimum performance standards and certain recordkeeping provisions of the Commission's rules. The notice provides an ARA with a written record of transfer agents operating on the basis of exempt status.

- Exemption for foreign SECO broker-dealers from associated person assessment (17 CFR 240.15B9–1(c), form SECO–2F (17 CFR 249.502A)

Nonrecurring
Businesses or other institutions
Securities brokers and dealers
SIC: 621
Small businesses or organizations
Other advancement and regulation of commerce: 30 responses; 30 hours; $250 Federal cost; $750 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Under rule 15B9–1, adopted in 1967, a broker-dealer must file a form SECO–2F for every associated person who confines his securities activities to outside the U.S. The form, adopted in 1968, helps to certify the person's competence, and exempts the person from the Commission assessment on associated persons.

- Form 8, amendment to application for registration or report pursuant to section 12, 13 or 15(d) of the Securities Exchange Act of 1934

Sec. 1856
Monthly
Businesses or other institutions
Reg. that are req. to amend a prev. filed regist. stmt, etc.
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce: 3,055 responses; 36,660 hours; $8,058 Federal cost; $2,352,350 public cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Form 8 is the one-page form that is used as the cover page for amendments to applications for registration or annual, quarterly or current reports filed pursuant to section 12, 13 or 15(d) of the Securities Exchange Act of 1934 that elicit material information from issuers in order to enable investors to make informed and knowledgeable investment decisions.

Revisions

- Form and content of and requirement for financial standards under the Securities Act and the Energy Policy and Conservation Act of 1975

1887
On occasion—quarterly—annually—other—See SF83
Businesses or other institutions
Public sale under the Sec. Act of '33
SIC: Multiple
Small businesses or organizations

Other advancement and regulation of commerce: 1 response; 1 hour; $323,985 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Investors and security holders need reasonably current financial statements in order to make considered investment and certain voting decisions. Regulation S–X, originally adopted in 1940, prescribes the form and content of and requirements for those financial statements which are included in registration statements, annual and other reports, certain proxy and information statements and certain other documents.

Arnold Strasser,

Acting Assistant Administrator for Reports Management.

[FR Doc. 81–[illegible] Filed 10–7–81; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18134; SR–Phlx–81–10]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

October 1, 1981.

In the matter of Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, PA 19103 (SR–Phlx–81–10).

On July 27, 1981, Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and rule 19b–4 thereunder, copies of a proposed rule change to delete its Rule 235 and to amend its Rule 455, both relating to short sales, in order to conform its requirements to those of Commission Rule 10a–1 under the Act.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17990, July 31, 1981) and by publication in the Federal Register (46 FR 43536, August 28, 1981).[1] No written comments were received by the Commission with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–29320 Filed 10–7–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11971; 812–4963]

Eaton and Howard Balanced Fund, et al.; Filing of Application

October 2, 1981.

Notice is hereby given that Eaton & Howard Balanced Fund, Eaton & Howard Growth Fund, Inc., Eaton & Howard Income Fund, Eaton & Howard Stock Fund, Eaton & Howard Cash Management Fund, Diversification Fund, Inc., The Exchange Fund of Boston, Inc., Depositors Fund of Boston, Inc., Capital Exchange Fund, Inc., Fiduciary Exchange Fund, Inc., Second Fiduciary Exchange Fund, Inc., Leverage Fund of Boston, Inc., Vance, Sanders Special Fund, Inc., Vance, Sanders Common Stock Fund, Inc., Vance, Sanders Investors Fund, Inc., Vance, Sanders Income Fund, Inc., Vance, Sanders Municipal Bond Fund, Ltd., Vance, Sanders Exchange Fund and Eaton Vance Tax Free Cash Management Fund (collectively the "Funds"), each of which is an open-end, management investment company registered under the Investment Company Act of 1940 (the "Act"), Eaton & Howard, Vance Sanders, Inc. ("EHVS") and Eaton & Howard, Vance Sanders Distributors, Inc. ("Distributors") (together with the Funds, referred to herein as "Applicants", 24 Federal St., Boston, Mass. 02110), filed an application on August 31, 1981, and an amendment thereto on September 14, 1981, pursuant to Section 6(c) of the Act for an order of the Commission declaring that Mr. F. Stanton Deland, a director, trustee or general partner of the Funds, shall not be deemed to be an "interested person", within the meaning of Section 2(a)(19) of the Act, of the Applicants solely because of his positions as a director of the Boston Company, Inc., and Boston Safe Deposit and Trust Company, and pursuant to Section 10(f) of the Act exempting Applicants from the provisions of Section 10(f) so as to permit the Funds to purchase securities in public offerings in which Shearson Loeb Rhoades, Inc., or a Shearson Subsidiary, which may be deemed to be affiliated persons of Mr. Deland, participates as a princial underwriter. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicants state that EHVS acts as investment adviser to each Fund and that Distributors acts as principal underwriter for Vance, Sanders Special Fund, Inc., Vance, Sanders Common Stock Fund, Inc., Vance, Sanders Investors Fund, Inc., Vance, Sanders Income Fund, and Vance, Sanders Muncipal Bond Fund, Ltd. Applicants state that as of April 30, 1979, Vance, Sanders & Company, Inc., which had previously served as investment adviser to the Vance, Sanders Funds, purchased substantially all of the assets of Eaton & Howard, Inc., which had previously served as investment adviser to the Eaton & Howard Funds. The combined firm, known as Eaton & Howard, Vance, Sanders, Inc., was merged with EHVS, effective February 20, 1981, in a reorganization which did not effect the actual control or management of EHVS or its obligations or functions with respect to the Funds.

Applicants state that Mr. Deland serves as a non-interested director of the Eaton & Howard Funds and presently is, or may be nominated as, a director, trustee or general partner of all or some of the Vance, Sanders Funds or other funds now or hereafter managed by EHVS. It may be anticipated that EHVS or a successor organization may from time to time in the future organize and sponsor additional investment companies registered under the Act, and it is likely that Mr. Deland will be nominated to join the respective boards of directors, trustees or general partners of any such additional investment companies. Applicants, including any investment companies organized in the future by EHVS or a successor, state that they do not want to include Mr. Deland among the directors, trustees or general partners of Applicants who are deemed to be interested persons under the Act.

Applicants state that Mr. Deland is a partner in the law firm of Sherburne, Power & Needham. Applicants further state that he also serves as Chairman of Brigham and Women's Hospital, Inc., President of New England Peabody Home for Crippled Children, Trustee of Wentworth Institute, Director of Brookline Trust Company, Harvard Medical Center Corporation, Controlled Risk Insurance Co., Ltd. and several small companies. Additionally, Mr.

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[1] The Phlx filed an amendment to the proposed rule change, notice of which was given in Securities Exchange Act Release No. 18059 (August 24, 1981). 46 FR 43536 (August 28, 1981).

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Deland is an outside director of The Boston Company, Inc. ("TBC") and its wholly-owned subsidiary, Boston Safe Deposit and Trust Company ("Boston Safe").

Applicants state that it is their firm position that Mr. Deland is a non-interested director of the Funds for which he serves and the Applicants expressly deny that he is an interested person of any Applicant. Because of the facts set forth below, Applicants state that they deem it appropriate to seek an order under the Act to determine Mr. Deland's status as a non-interested director.

Applicants state that in 1976 The Boston Company Financial Strategies, Inc., a wholly-owned subsidiary of TBC, formed a subsidiary, TBCFS, Inc., which registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act"). TBCFS, Inc. subsequently changed its name to The Boston Company Investment Creation, Inc., and, in 1980, became a direct subsidiary of TBC—changing its name to The Boston Company Capital Group, Inc. ("Capital").

Applicants state that on February 12, 1981, certain individuals who are the principal shareholders of TBC (the "Principal Shareholders") entered into an agreement with Shearson Loeb Rhoades Inc. ("Shearson"), a broker-dealer registered under the 1934 Act, pursuant to which the Principal Shareholders agreed to sell and Shearson agreed to purchase 285,237 shares of TBC owned by the Principal Shareholders in exchange for junior subordinated convertible notes of Shearson in the aggregate principal amount of $11,979,954 (i.e., $42 per TBC share). In addition, Shearson entered into a letter of intent with TBC for the acquisition of its remaining stock for $42 per share in cash, or approximately $35 million.

Applicants state that on April 21, 1981, Shearson and American Express Company ("American Express") announced the proposed acquisition of Shearson by American Express. Subsequently, Shearson and TBC indicated that the TBC/Shearson transaction would be delayed until completion of the Shearson/American Express transaction. Applicants state that the Shearson/American Express transaction was consummated on June 29, 1981. Thereafter, on July 24, 1981, Shearson and TBC entered into a definitive agreement providing for the merger of a subsidiary of Shearson into TBC as a result of which TBC shareholders (other than the Principal Shareholders, who will have already sold substantially all their TBC stock to Shearson, dissenting shareholders and Shearson) would receive $42 in cash for each share of stock of TBC and TBC would become an indirect, wholly-owned subsidiary of Shearson, which in turn is an indirect, wholly-owned subsidiary of American Express. Applicants state that shortly before that merger, Shearson will purchase from the Principal Shareholders substantially all their shares of TBC stock in exchange for 10% junior subordinated convertible notes of Shearson, which will be convertible after one year from their date of issue into shares of American Express stock at $26.75 principal amount per share. The merger transaction is subject to approval by TBC's shareholders. Applicants state that such approval was obtained and the TBC/Shearson merger transaction occurred on September 23, 1981.

Applicants state that TBC is a holding company which, through its subsidiaries, engages in the business of providing asset management and related services. Boston Safe is a long established trust company engaged primarily in custodial, investment management and other trust company, fiduciary and related trust banking services. Capital's business relates primarily to the structuring and placement or sale of oil and gas programs and other investment programs and ventures. Shearson (which changed its name to Shearson/American Express, Inc., on September 3, 1981) is one of the largest full-line investment services firms serving the United States and foreign securities and commodities market.

Applicants state that Mr. Deland has represented to them that he is not a shareholder in Shearson or American Express, has no material relationship with Shearson or American Express, is not, by reason of his position as a director of TBC, in a position to control or exercise a controlling influence on Shearson or American Express, and is not controlled by either Shearson or American Express. None of the Applicants is in any way affiliated with Shearson.

Applicants represent that it is not contemplated that any subsidiary of TBC will render services to the Applicants in a broker-dealer capacity. Sections 2(a)(19) (A)(v) and (B)(v) of the Act define an "interest person" of an investment company, an investment adviser or a principal underwriter to include any broker or dealer registered under the 1934 Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act includes in its deifnition of an "affiliated person" any person directly or indirectly controlling, controlled by or under common control with such other person. Applicants state that since Mr. Deland is a director of TBC, which controls Capital, and which will be under common control with Shearson as a result of the TBC/Shearson merger transaction, he could be deemed to be an "interested person" of Applicants. However, Applicants note that Mr. Deland states unequivocally that his position as one of eighteen directors of TBC does not permit him to control Capital, and that he is not a part of managment of TBC and, thus, does not control Capital. Mr. Deland further states that in fact he does not now and never has had any relationship with Shearson or American Express and he is not now, and will not as a result of the TBC/Shearson merger transaction become, directly or indirectly controlled by Shearson or American Express. Section 2(a)(9) of the Act provides that a natural person shall be presumed not to be a controlled person.

Applicants state that the Funds are registered investment companies of the type subject to Section 10(a) of the Act. Under that Section, each Fund must have a board of directors no more than sixty percent of the members of which are "interested persons" of such company. In the case of those Funds which continuously offer their shares through a principal underwriter, Section 10(b) of the Act requires that a majority of the directors must not be interested persons of such principal underwriter. Section 10(f) of the Act provides in pertinent part the no registered investment company shall knowingly purchase or acquire, during the existence of any underwriting or selling syndicate, any security a principal underwriter of which is an officer, director, investment adviser or employee of such investment company, or is a person of which any such officer, director, investment adviser or employee is an affiliated person.

Applicants assert that Mr. Deland is a person of recognized integrity, judgment, independence and competence. Further, Applicants assert that Mr. Deland's continued service is an important and valuable asset to the Funds and it is their opinion that he is now and will continue to be in fact a non-interested director, trustee or general partner, as the case may be, and that it is in their best interests that he be permitted to serve as a non-interested director, trustee or general partner.

Applicants assert that neither the present relationship of Mr. Deland with TBC, Boston Safe and Capital nor the relationship which will exist with

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Shearson as a result of the TBC/Shearson merger transaction will impair Mr. Deland's independence in acting on behalf of the Funds and their shareholders.

Applicants represent that Mr. Deland is not a director or officer of Capital and therefore has no authority or responsibility for management of the operations of Capital. Applicants assert that the existence of Capital creates no conflict of interest for Mr. Deland, since even if he were actively involved with Capital, the Funds would, in normal course, not purchase or sell investments from or through Capital. Furthermore, the Funds have expressly undertaken not to transact any business with Capital.

Applicants state that Mr. Deland is not now, and as a result of the TBC/Shearson merger transaction, will not become, a director or officer of Shearson or American Express and will not have any responsibility for the management or operations of Shearson or American Express.

Applicants also state that for the foregoing reasons Mr. Deland also should not be considered an affiliated person of Capital, Shearson or any registered broker-dealer subsidiaries of Shearson for purposes of Section 10(f) of the Act, and request an affirmative finding to that effect in order to permit the Funds to continue to purchase securities of which Shearson or the registered broker-dealer subsidiaries of Shearson is a principal underwriter.

Applicants further state that Shearson is an important factor in the broker-dealer community and a significant resource for broker-dealer services. The Funds, thus, consider it not to be in their interest to foreclose themselves from this important resource. Applicants represent that brokerage commissions paid to and dealers' markup earned by Shearson from the Funds has been and is *de minimus* in relation to Shearson's gross revenues.

Applicants assert that Mr. Deland's position as a director of TBC and Boston Safe will not affect the relationship of the Funds with Shearson. Applicants state that under the investment advisory and management agreements between the Funds and EHVS, EHVS is delegated authority to select broker-dealers and to place securities transaction orders of the Funds, subject to the overall review of the Board of Directors, Trustees or General Partners, as the case may be. Applicants state that Mr. Deland has not had, and will not have, any part in the selection of broker-dealers or the placement of securities transaction orders on behalf of the Funds and has undertaken that he will not participate in the future.

Applicants finally state that they agree as a condition to the granting of their requested order that Mr.Deland will not vote on, or participate in any board discussion on the allocation of any portfolio brokerage by the Funds, the selection of broker-dealers with which the Funds effect portfolio transactions as principal, the purchase, during the existence of any underwriting or selling syndicate, of any security with respect to which Shearson or any broker-dealer subsidiary of Shearson is a principal underwriter, or matters involving any relationship between the Funds and Shearson or any of the broker-dealer subsidiaries of Shearson; provided, however, that for the purpose of determining the number of votes of interested as well as non-interested directors required to take action on any matters referred to above, Mr. Deland will be counted as a director in determining the total number of directors and will be counted as a non-interested director in counting the number of non-interested directors, and provided, further, that nothing contained above is intended to limit or prohibit Mr. Deland from voting and acting upon any matter relating to the approval or continuation of investment advisory contracts.

Section 6(c) of the act provides that the Commission, by order upon application, may exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act conditionally or unconditionally if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 10(f) of the Act further provides that the Commission by rules or regulations upon its own motion, or by order upon application may conditionally or unconditionally, exempt any transaction or classes of transactions from the restrictions contained therein to the extent such exemption is consistent with the protection of investors.

Notice is further given that any interested persons may, not later than October 26, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request tht he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and Regulations promulgated under the act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29324 Filed 10-7-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11967; 812-4917]

General Cash Fund, Inc.; Filing of Application

October 1, 1981.

In the matter of General Cash Fund, Inc., 600 Madison Ave., New York, NY 10022 (812-4917).

Notice is hereby given that General Cash Fund, Inc. ("Applicant"), a no-load, open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on July 14, 1981, requesting an order of the Commission, pursuant to § 6(c) of the Act, exempting Applicant from the provisions of § 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share, for purposes of effecting sales and redemptions of its shares, using the amortized cost method of valuation. In all other respects, it is represented that Applicant's portfolio securities will be valued in accordance with Investment Company Act Release No. 9786 (May 31, 1977). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund designed as an investment vehicle for investors who desire to place assets in money market instruments where the primary considerations are safety, liquidity and, to the extent consistent with the foregoing, a high income return. Applicant represents that its portfolio may be invested exclusively in a variety of short-term money market instruments consisting of marketable securities issued or guaranteed by the United States government or its agencies or instrumentalities (whether or not subject to repurchase agreements); time deposits and certificates of deposit issued by domestic banks, foreign branches of domestic banks, domestic branches and London branches of Japanese banks, and savings and loan associations; bankers' acceptances; and commercial paper rated A–2 or better by Standard & Poor's Corporation, Prime-2 or better by Moody's Investors Services, Inc., or, if not rated, of equivalent quality as determined by Applicant's Board of Directors. It is asserted that all investments by Applicant will consist of obligations maturing within one year from the date of acquisition, and that the average maturity of all its investments (on a dollar-weighted basis) will be 120 days or less. It is further asserted that all of the securities in Applicant's portfolio will be purchased with and payable in United States dollars.

As here pertinent, § 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, as here relevant, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

In support of the relief requested, Applicant states that the experience of its sub-investment adviser and administrator in advising other funds indicates that two qualities are helpful in order to attract investment, namely (1) stability of principal and (2) steady flow of investment income. Applicant asserts that, by utilizing high quality money market instruments of short maturities concerned with a stable net asset value, preferably $1.00 per share, it would be possible to provide these features to be a variety of investors. The application states that experience in the management of other funds has further shown that, given the nature of Applicant's policies and operation, there will normally be a neglible discrepancy between market value and amortized cost value of such securities. Applicant maintains that its board of directors has determined in good faith that in light of the characteristics of Applicant as described above, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of such securities.

Section 6(c) of the Act provides, in part, that the Commission upon application may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemption it has requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors of Applicant shall be the following:

(a) Review by Applicant's board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of Applicant's $1.00 amortized cost price per share from the net asset value per share as determined by using available market quotations, and the maintenance of records of such review. Applicant states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value. In addition, Applicant states that the quotations or estimates may include, inter alia, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market investments published by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, Applicant's board of directors will promptly consider what action, if any, should be initiated.

(c) Where Applicant's board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; the sale of portfolio

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instruments prior to maturity to realize capital gains or losses, or to shorten the Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share a determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of director's considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subjected to inspection by the Commission in accordance with § 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under § 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, if any, to those United States dollar—denominated instruments which Applicant's board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's board of directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than October 26, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–29321 Filed 10–7–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22219; 70–6616]

Ohio Power Co.; Proposed Purchase of Coal-Bearing Land and Additional Land As Site of Future Coal Preparation Plant

October 2, 1981.

In the matter of Ohio Power Company, 301 Cleveland Avenue, S.W., Canton, Ohio 44702 (70–6615).

Ohio Power Company ("Ohio Power"), a public-utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application and amendments thereto with this Commission pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

Ohio Power or Franklin Real Estate Company, an associate company, on behalf of Ohio Power, proposes to purchase about 1,000 acres ("Plant Site") located near Dundas, Ohio, as the site of a proposed centralized coal preparation plant and approximately 5,000 acres of coal-bearing land (the "Coal Lands") located in Vinton County, Ohio, the proposed location of the coal preparation plant.

Ohio Power has determined that it would be economical to supply its coal-fired James M. Gavin Plant, located near Gallipolis, Ohio, with locally-mined coal in lieu of western coal which has heretofore been shipped to and used by the Gavin Plant. The western coal was used initially to meet emission standards which have since been relaxed, permitting the use of local coal having higher sulphur content and less consistent quality. Local coal, however, must be washed and processed to assure relative consistency of fuel supply.

Ohio Power states that construction of a coal preparation plant large enough to process coal for the Gavin Plant and other potential users would be beneficial, and it has encouraged numerous independent coal producers to join together to construct such a plant. A project has been proposed whereby a non-affiliate corporation would be created or selected which, after obtaining suitable financing, would construct, own, and operate a preparation plant which would be designed to economically wash the raw coal mined by independent producers. Local coal would be obtained through long-term supply contracts with a number of independent producers and processed at the preparation plant.

American Electric Power Service Corporation ("AEPSC"), on behalf of Ohio Power, has been negotiating options to purchase the plant site. Since the time that the options were acquired, the overall project has progressed to the stage where Ohio Power believes that the project will be carried out. Therefore, it is necessary that the options to purchase, which were negotiated to preclude speculation, should not be allowed to expire or lapse.

Accordingly, Ohio Power proposes to purchase, or to have Franklin Real Estate Company purchase on its behalf, the Plant Site at a purchase cost of approximately $1,300,000. Ohio Power also proposes to acquire for not more than $400,000 an additional 200–300 acres of land in the vicinity of the Plant Site which would be used to augment railroad facilites and build truck haulage roads. It is anticipated that the land acquired would be sold or, alternatively, leased to the envisioned non-affiliated corporation for a term concurrent with the term of the coal supply agreements and coal washing agreements entered into by Ohio Power. At the conclusion of such a lease, Ohio Power would have the right, at its option, to purchase the preparation plant for an amount not greater than the equity contributed by the shareholders of the coal preparation corporation.

In the event that financing in the amount necessary to permit the construction of a preparation plant of suitable size cannot be obtained by the non-affiliate corporation, Ohio Power would consider undertaking the construction and operation of a preparation plant on the Plant Site to process coal for its own needs. If such an alternative becomes desirable, Ohio Power would file an appropriate application to seek authorization for such a project.

Ohio Power also proposes to acquire the Coal Lands either directly or through Franklin Real Estate Company, in order to control sufficient coal reserves to continue to supply the Preparation Plant with run of mine or raw coal following the expiration of the individual long-term coal supply contracts, as well as to have coal lands available for sub-lease to independent small coal producers in the event that those suppliers who have entered into long-term contracts with Ohio Power are unable to fulfill their contractual commitments.

The application and any amendments thereto are available for public inspection throught the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at th address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as amended or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursunt to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29323 Filed 10-7-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11968; 812-4928]

Sigma Capital Shares, Inc.; Filing of Application

October 1, 1981.

Notice is hereby given that Sigma Capital Shares, Inc. ("Capital"); Sigma Venture Shares, Inc. ("Venture"); Sigma Income Shares, Inc. ("Income"); Sigma Investment Shares, Inc. ("Investment"); Sigma Tax-Free Bond Fund, Inc. ("Tax-Free"); and Sigma Trust Shares ("Trust"); registered under the Investment Company Act of 1940 ("Act") as open-end, diversified management investment companies; and Sigma Special Fund, Inc. ("Special"), registered under the Act as an open-end, non-diversified management investment company; and Delfi Capital Sales, Inc. ("Delfi"), a broker-dealer registered under the Securities Exchange Act of 1934 which acts as National Distributor and Principal Underwriter for each of the above-named investment companies (hereinafter collectively referred to as the "Funds", Greenville Center, C-200, 3801 Kennett Pike, Wilmington, Delaware 19807), filed an application on July 24, 1981 for an order of the Commission, pursuant to Section 11(a) of the Act, permitting certain transfers and exchanges among the Funds and, pursuant to Section 6(c) of the Act, exempting the Funds and Delfi (the "Applicants") from Section 22(d) in connection with such transfers and exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that shares of Capital, Venture, Income, Investment, Trust and Special are offered for sale and sold at net asset value plus a sales charge which varies from 8.50% to 1.50% (of the offering price) based upon the amount invested. It is also stated that shares of Tax-Free are offered and sold at net asset value plus a sales charge which varies from 4.75% to 1.50% (of the offering price), based upon the amount invested. It is asserted that shareholders of Capital, Venture, Income, Investment, Trust and Special have the privilege of exchanging all or part of their investment in shares of those Funds into shares of any others of those Funds at the relative net asset values then in effect and without sales or other charges. The application states that this exchange privilege is not available to those shareholders of Special who became shareholders prior to July 11, 1979, and who are entitled to continue to purchase shares of Special at net asset value; nor is the exchange privilege presently available to shareholders of Tax-Free.

Applicants request that the Commission grant an order (1) permitting shareholders of Tax-Free the privilege of investing all of part of their investment in shares of Tax-Free into shares of Capital, Venture, Income, Investment, Trust or Special at the relative net asset values then in effect, without any sales or other charges, upon the condition that exchanging shareholders who have held their shares for less than six months must pay the difference between the sales charge paid on the original purchase and the sales charge that would be due if the shareholders were making an investment in one or another of the Funds at the time of the exchange; and (2) permitting shareholders of Tax-Free who have held their shares for six months or more to exchange their shares for shares of Capital, Venture, Income, Investment, Trust or Special at relative net asset value and without any sales of other charges.

Section 11(a) of the Act provides, in pertinent part, that it is unlawful for any registered open-end investment company or principal underwriter thereof to make an offer to the holders of its securities or of the securities of any other open-end company to exchange their shares for shares of the same or another such company on any basis other than the relative net asset values of the respective securities unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is submitted that the application

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seeks to permit shareholders of Tax-Free to participate in the exchange privilege described above on the same basis as Capital, Venture, Income, Investment, Trust, and Special, but only on the condition that shareholders of Tax-Free must have held the shares to Tax-Free to be exchanged for six months prior to exercising the exchange privilege unless those shareholders pay the difference between the sales charge paid on the original purchase of the Tax-Free shares and the sales charge that would be due if the shareholders were making an investment in one or another of the other Funds at the time of the exchange. The application states that the reason for the six-month restriction is to discourage attempts at circumventing the higher sales charges which may have been imposed on the sale of shares of the Fund into which the transfer is being made had such amount of shares been purchased initially.

Applicants submit that the exemption requested is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 26, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued is this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-29319 Filed 10-7-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22218; 70-6646]

Southwestern Electric Power Co.; Proposed Acquisition of Rail Cars by Means of 20-Year Lease

October 2, 1981.

In the matter of Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156 (70-6646).

Southwestern Electric Power Company ("SWEPCO"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application with this Commission pursuant to Sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act").

SWEPCO proposes to acquire, pursuant to a capital lease financing, 362 one hundred ton, high side, open top, rotary dump gondola rail cars (the "Equipment") for use in unit train service between the Belle Ayr and Eagle Butte, Wyoming, mine sites of Amax Coal Company and SWEPCO's Welsh Unit No. 3 power plant under construction near Cason, Texas. Welsh Unit No. 3 is a coal fired 528-megawatt electric generating unit which is scheduled for commercial operation in the spring of 1982. The purchase price of the Equipment, which will include freight charges, sales or use taxes, inspection fees, and transaction costs incurred by SWEPCO, will be approximately $15,000,000. The Equipment is being manufactured by Evans Products Company ("the Builder") and will be sold by the Builder under a Conditional Sale Agreement (the "CSA") to Cason Car Corporation (the "Lessor"). Under the terms of the CSA and the related Agreement and Assignment, the Builder will assign its right, title, and interest in the Equipment and the CSA to a bank acting as agent (the "Agent") on behalf of one or more institutional investors (the "Investors") who will provide 100% of the purchase price of the Equipment.

SWEPCO proposes to enter into a lease of the railroad Equipment with the Lessor for a 20-year term. The Lease will require SWEPCO to make semi-annual rental payments in an amount sufficient to equal the Lessor's obligations under the CSA to repay the Investors for the purchase price of the Equipment, plus interest. The exact interest rate will be filed by amendment and will depend on market conditions at the time of the placement of the debt under the CSA. The lease will be a net lease under which SWEPCO, among other things, will agree to pay all taxes and charges on the Equipment or assessed against the Lessor (other than income taxes assessed against the Lessor on its fees). Upon payment of the last rental installment, SWEPCO will receive title to the Equipment.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 30, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-29322 Filed 10-7-81; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 01/01-0317]

Patriot Small Business Investment Corp.; Application for License

An application for a license to opeate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Patriot Small Business Investment Corporation (Patriot), 63 Franklin Street, Boston, Massachusetts 02110, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders are as follows:

Allyn L. Levy, 250 Hammond Pond Pkwy., Chestnut Hill, MA 02167, President and Director
Edward J. Ofcharsky, 5 Sesame Street, Wakefield, MA 01880, Treasurer

Allen Goodman, 27 Reservoir Drive, Newton, MA 02167, Clerk
James R. White, 21 Ann Vinal Road, North Scituate, MA 02060, Director
Franklin Fox, 74 Beacon Street, Boston, MA 02108, Director
Edward Halperin, White Pine Knoll, Wayland, MA 01778, Director
Paul A. Schmid III, 178 West Canton Street, Boston, MA 02116, Director
Salvatore Macera, 19 Union Wharf, Boston, MA 02109, Director
Harbor National Bank of Boston, 57 Franklin Street, Brookline, MA 02110, 40%
Brookline Trust Company, 1341 Beacon Street, Brookline, MA 02146, 60%

The Applicant, a Massachusetts corporation, will begin opeations with $500,000 paid-in capital and paid-in surplus. Patriot will conduct its activities principally in the State of Massachusetts.

Matters involved in SBA's consideration of the application include the general business reputation and charcter of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is hereby given that any person may on or before October 23, 1981, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Admiistration, 1441 L Street, NW, Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 2, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[FR Doc. 81-29328 Filed 10-7-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 776]

Approval of State Department Senior Executive Service Performance Awards

As authorized in 5 U.S.C. 5384 and pursuant to the recommendations of the Performance Review Board of the Department of State, performance awards are approved for the following career members of the Senior Executive Service (SES) of the Department of State:

SES Members

J. Brian Atwood, Dean, Office of Academic Affairs, Foreign Service Institute;
John R. Crook, Assistant Legal Adviser, Economic and Business Affairs;
David C. Gompert, Acting Deputy Assistant Secretary, Bureau of European Affairs;
George S. Harris, Office Director, Office of Analysis for Near East and South Asia, Bureau of Intelligence and Research;
Charles J. Henkin, Deputy Director, Bureau of Politico-Military Affairs;
Joseph H. Linnemann, Deputy Assistant Secretary, Bureau of International Narcotic Matters;
Michael J. Matheson, Assistant Legal Adviser, Politico-Military Affairs;
Philip H. Stoddard, Deputy Assistant Secretary for Current Analysis, Bureau of Intelligence and Research;
C. Thomas Thorne, Jr. Office Director, Bureau of Intelligence and Research.

Dated: September 30, 1981.

Andrew L. Steigman,

Acting Director General of the Foreign Service and Director of Personnel.

[FR Doc. 81-29313 Filed 10-7-81; 8:45 am]

BILLING CODE 4710-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-075]

Port Access Route Study

AGENCY: Coast Guard, DOT.

ACTION: Notice of Study Results.

The purpose of this notice is to publish results of the Port Access Routes study announced on April 16, 1979, in the **Federal Register** (44 FR 22543) and modified on January 31, 1980 (45 FR 7026). Only the results for study area 21 are published in this notice. Generally, this area includes the Gulf of Mexico coast from St. Marks, Florida, to the west. Results for other study areas have been published as follows: Areas 13 to 20 (coast of South Carolina, Georgia, and Florida) in 46 FR 48376; areas 5, 5a and 6 (New York and Delaware Bay approaches and Long Island Sound) in 46 FR 49035. Results for the remaining study areas (1 to 4 off New England, 7 to 12 along Maryland, Virginia and North Carolina coasts, and 22 to 32 covering the California, Oregon, Washington, and Alaska coasts) will be published in a future **Federal Register**.

Background

The Ports and Waterways Safety Act (PWSA), (Pub. L. 95-474, 92 Stat. 1473, 33 U.S.C. 1223) mandated that the Coast Guard "undertake a study of the potential traffic density and the need for safe access routes." The **Federal Register** for April 16, 1979 (44 FR 22543) announced the scope of the study and included a description of each area to be studied. Coast Guard district staff officers were assigned responsibility for executing the study; and it has been conducted under the standards contained in sections 4 and 5 of the PWSA. As a result of the study, appropriate ships' routing measures, such as safety fairways and traffic separation schemes, may be proposed. Where the study indicates that no new routing measures are to be designated in an area, notice of such a conclusion is to be published in the **Federal Register**. However, areas for which results are published may be studied again in the future as changes in conditions warrant re-evaluation.

This study has included not only a consideration of new routing measures, but also a review of existing schemes and fairways to confirm their continuing appropriateness and adequacy. In the Gulf of Mexico, the existing arrangement of shipping safety fairways and fairways anchorages was established by the U.S. Army Corps of Engineers under the authority to issue permits for construction of structures in navigable waterways of the U.S., in the interest of navigational safety. This authority, contained in the River and Harbor Act of 1899, was extended to structures located on the Outer Continental Shelf (OCS) by the OCS Lands Act, as amended (92 Stat. 635; 43 U.S.C. 1333(e)). Pursuant to this authority, shipping safety fairways were established by denying permits for structures within certain designated lanes as described in 33 CFR 209.135.

In the Gulf of Mexico, there are over 800 miles of 2-mile wide fairways some of which are over 100 miles out into the Gulf. They were established by the Corps of Engineers between 1948 and 1968 (with a few subsequent amendments) because of the dangers being created by rapidly developing offshore drilling activity. The risk of collisions between vessels and structures was growing; and most ships were going many miles out of their way to avoid oil structures. Many interests, including oil companies, maritime associations, shipping companies, and government agencies participated in the development of the fairway system. In 1978, amendments to the PWSA delegated the authority to establish fairways to the Secretary of the

Department in which the Coast Guard is operating.

Method

The Port Access Route study for the area of the coast of the Gulf of Mexico was conducted by the Eighth Coast Guard District in accordance with section 4(c) of the PWSA. The study has involved contacts with other federal agencies, state government officials, and representatives of a wide variety of interests in the area. The PWSA requires that the study "to the extent possible, reconcile the need for safe access routes with the needs of all reasonable uses of the area involved."

For study purposes, the area was described in the **Federal Register** (44 FR 22543) as including the entire Gulf of Mexico coast from St. Marks, Florida, to the west. Specifically, the designation is from the coast seaward to the 1800 meter curve or the limit of Mexican jurisdiction, from a line bearing 199°T from the intersection of the Florida Coast at 83°50.0'W latitude to the Mexico/United States border.

The study team in the Eighth District compiled an extensive mailing list for soliciting participation of interested parties. Public hearings were also held for discussion of alternatives; and preliminary drafts of study results were distributed for comments.

Data sources used in the study also included a traffic pattern printout from the Automated Mutual Assistance Vessel Rescue System (AMVER), and a traffic density display from the Naval Ocean Survey Information Center (NOSIC). However, since the numerical data available for the study was limited in its degree of precision, some conclusions are based on extrapolations and assumptions from statistical trends.

Any new regulations, such as modifications to safety fairways, will be announced as proposed rules with an opportunity for public comment.

Summary

On the basis of the Port Access Route study, conducted in accordance with the PWSA, no major change to the existing shipping safety fairway scheme in the Gulf of Mexico is recommended. However, several modifications are proposed for the area, including the establishment of new anchorage areas at Sabine Bank and Calcasieu Pass/Lake Charles, the establishment of safety fairways at Southwest Pass, and at Mermentau/Lower Mud Lake. Also, new precautionary areas and a traffic separation scheme (TSS) are proposed for the Galveston/Houston entrance.

As a preliminary step, in accordance with the PWSA delegation of fairway authority, the existing Corps of Engineers Gulf Fairway regulations will be adopted by the Coast Guard by notice in the **Federal Register**.

Conclusions

The Ports and Waterways Safety Act (PWSA) authorizes the Coast Guard (through the Secretary of Transportation) to use a variety of routing measures to provide safe access routes at the approaches to U.S. ports. These measures include shipping safety fairways, in which no structures are permitted; traffic separation schemes, in which vessels must obey directional designations that apply in the traffic lanes; and precautionary areas, where ships must navigate with particular caution. Also available as elements of navigation safety management are anchorages, which are charted areas where vessels can anchor outside of the path of vessel traffic. The Port Access Route study is intended to determine what combination of routing measures, if any, is appropriate for a study area.

Following are the conclusions and recommendations of the Port Access Route study for the Gulf of Mexico.

(a) The PWSA specifically delegates authority to establish safety fairways to the Secretary of the Department in which the Coast Guard is operating. The fairways currently in the Gulf of Mexico (33 CFR 209.135) were created by the Corps of Engineers as a regulatory tool to insure an obstruction-free corridor for vessels in an area becoming congested with drilling platforms. Experience with these fairways over the last fifteen years has shown them to be an effective routing measure in reducing the risk of vessel/structure collisions. The study team in the Eighth Coast Guard District evaluated data from a wide scope of government, business, consumer and other sources, and determined that for the most part the existing fairway arrangement is quite adequate and well used. Only in a few instances are modifications found to be in order.

In order to implement the authority of the PWSA, it is necessary for the Coast Guard to adopt the existing Corps fairway designations where they are considered justified. The mechanics of this adoption will be a Notice of Proposed Rulemaking to bring the fairways within the authority of the PWSA. Subsequently, the Corps is expected to delete their fairway regulations as appropriate. Although it will be the responsibility of the Coast Guard to designate the fairways, it will continue to be the responsibility of the Corps of Engineers to enforce the regulations by denying permits for structures in the defined areas.

(b) Because of increased traffic density in both general cargo and Liquefied Petroleum and Natural Gas (LPG/LNG), two additional anchorages for Sabine Bank are recommended. These include the following:

(1) *Sabine Bank LNG/LPG Anchorage.* The area enclosed by lines joining points at:

Latitude	*Longitude*
29°17'00"N	93°43'00"W
29°17'00"N	93°41'08"W
29°15'00"N	93°41'08"W
29°15'00"N	93°43'00"W

(2) *Sabine Bank General Anchorage.* The area enclosed by lines joining points at:

Latitude	*Longitude*
29°26'06"N	93°43'00"W
29°26'06"N	93°41'08"W
29°24'06"N	93°41'08"W
29°24'06"N	93°43'00"W

(c) Presently, there is an LPG facility near Lake Charles, Louisiana; and an LNG facility is scheduled to begin operations during 1981. Because of the increased traffic density, both in general cargo and LNG/LPG, two modifications are recommended in the vicinity. These include consideration of additional buoyage for the Calcasieu Pass/Lake Charles Shipping Safety Fairway; and the establishment of an LNG/LPG anchorage as follows:

Calcasieu Pass/Lake Charles LNG/LPG Anchorage. The area adjacent to the Calcasieu Pass Shipping Safety Fairway and enclosed by lines joining at:

Latitude	*Longitude*
29°16'00"N	93°16'00"W
29°16'00"N	93°14'20"W
29°13'00"N	93°14'17"W
29°13'00"N	[illegible]

(d) The study concluded that the existing fairway at Southwest Pass is insufficient in the pilot boarding area. At present, inbound and outbound vessels come into conflict to the east of the sea buoy where the pilots both board and disembark. The area west of the sea buoy is identified as a dredge material dump site. This area is void of soundings—a situation that gives ship masters great concern and results in their tendency to restrict maneuvering to the area east of the buoy. This places an inbound vessel directly in the path of an outbound vessel maneuvering to disembark the pilot and then depart south in the fairway. Additionally, vessels tend to anchor in the extreme western end of the fairway anchorage, further restricting and complicating the maneuvering and safety of the vessels.

Therefore, it is recommended that the Southwest Pass Entrance Mid-Channel

Lighted Whistle Buoy be moved from a center point 100 yards, 090° true from its present position. It is further recommended that a safety fairway of 4000 yards radius be established from the proposed new location of the entrance buoy. The fairway is required to ensure the absence of obstructions. This will give greater identified maneuvering area for inbound vessels to the west of the pilot debarking area and it will move the boundary of the anchorage area further eastward, making the area clear of outbound vessel maneuvers. The proposed fairway will be described as follows:

Southwest Pass Fairway. The area enclosed by a line from point 1 (2852'18"N; 8928'06"W) to point 2 (2852'18"N; 8926'03"W) to point 3 (2852'30"N; 8926'03"W) to point 4 (2853'30"N; 8923'51"W) and then an arc from point 4 to point 1 centered on Southwest Pass Entrance Mid-Channel Lighted Buoy Whistle at point 5 (2852'39"N; 8925'54"W) with a 4000 yard radius.

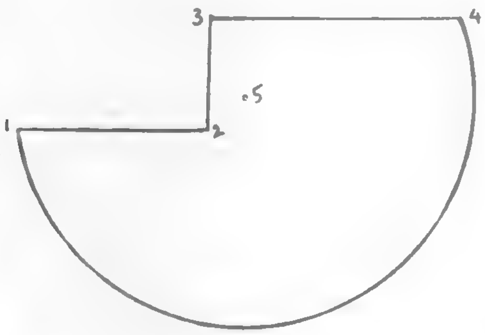

(e) During the study the recommendation was made to move an existing fairway at the mouth of the Mermentau River to the channel which has been cut from Lower Mud Lake. Study data indicated that water traffic now gains access to the Gulf via the channel, which is located approximately five (5) miles east of the mouth of the Mermentau.

Since the Corps of Engineers had also concluded that the fairway at Mermentau River was no longer required for navigation safety, disestablishment of the fairway was proposed by the Corps in 46 FR 34583.

The proposed location of the new Mermentau Fairway, which would continue to be for shallow draft vessel traffic, is as follows:

Mermentau/Lower Mud Lake Safety Fairway. The area between a line joining points at:

Latitude	*Longitude*
29°43'24"N	93°00'18"W
29°42'00"N	93°00'18"W

and a line joining points at

Latitude	*Longitude*
29°43'33"N	93°00'48"W
29°42'00"N	93°00'48"W

(f) While the Port Access Route Study was being conducted, a Board of Inquiry was convened by the Coast Guard to examine recent vessel casualties in the Galveston area. Many of the recommendations of this Board of Inquiry are addressed by the present report.

Because of the increase in traffic flow, the increase in ship size, and the increase in volume of hazardous cargoes being transported into the ports of Houston and Galveston, a traffic separation scheme (TSS) is proposed for the approach to Galveston Bay. The TSS will overlay the existing Galveston Bay Entrance Approach Safety Fairway (33 CFR 209.135(d)(10)). Also, a precautionary area at both ends of the TSS—at the northwest, or shoreward, end of the fairway, and at the southeast, or seaward, end of the fairway—will be provided.

The alignment of the traffic separation zone is skewed to the southwest of the center of the approach safety fairway. This was done to overlay the proposed Galveston deep channel. The 1000 foot wide separation zone overlays a proposed 600 foot wide channel; and if the channel is completed, the separation zone will represent a deep water route as well.

This scheme must be adopted by the Inter-Governmental Maritime Consultative Organization (IMCO) before it can receive international recognition.

The designation of the proposed precautionary areas and TSS are as follows:

Galveston Bay Precautionary Areas and Traffic Separation Scheme.

(1) An inshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	*Longitude*
29°18'06"N	94°39'12"W
29°16'06"N	94°37'00"W
29°18'00"N	94°34'54"W
29°19'24"N	94°37'06"W
29°19'48"N	94°38'06"W

(2) An offshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	*Longitude*
29°07'42"N	94°27'48"W
29°06'18"N	94°26'12"W
29°06'18"N	94°23'54"W
29°09'06"N	94°20'36"W
29°11'12"N	94°24'00"W

(3) A traffic separation zone 1000 feet wide having a centerline described by a line connecting the following geographical positions:

Latitude	*Longitude*
29°09'06"N	94°26'18"W
29°17'00"N	94°35'54"W

(4) A traffic lane for inbound (northwesterly heading) traffic between the separation zone and a line connecting the following geographical positions:

Latitude	*Longitude*
29°18'00"N	94°34'54"W
29°11'12"N	94°24'00"W

(5) A traffic lane for outbound (southeasterly heading) traffic between the separation zone and a line connecting the following geographical positions:

Latitude	*Longitude*
29°16'06"N	94°37'00"W
29°07'42"N	94°27'48"W

(g) One proposal evaluated during the study was a seaward extension of the existing fairway system throughout the Gulf. However, comments received indicated that generally the present fairway, system is quite adequate, and the Corps of Engineers stated that they have not issued permits for structures beyond the Gulf safety fairways as established in 33 CFR 209.135. Furthermore, a seaward extension of the fairways would create a unnatural traffic flow for portions of the Gulf. The present fairway system has been historically followed due to a large number of obstructions present within these waters. As of now, it appears unnecessary to extend these fairways seaward.

(h) Some consideration was given to recommendations that all fairways be marked by racon (radar beacon) buoys. However, by 1 June 1982, all vessels 1600 gross tons and over will be required to have an accurate electronic position fixing device, such as LORAN-C, in accordance with 33 CFR 164.41. Thus, the need for racon buoys in fairways should be greatly reduced except where a clearly demonstrated need is established.

Implementation

Implementation of the above study results will require that existing Corps of Engineers' fairways be adopted by the Coast Guard; that new fairways and anchorages by published as notices of proposed rulemaking; and that new precautionary areas and traffic

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separation schemes be submitted to the Inter-Governmental Maritime Consultative Organization (IMCO) for adoption and international recognition. It is expected that these processes will be initiated in the near future.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Young, Office of Marine Environment and System (G–WWM–2), Room 1608, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, D.C. 20593, (202) 426–4958 between 7:30 a.m. and 4:30 p.m. Monday through Thursday, except holidays.

Dated: September 24, 1981.

W. E. Caldwell,

Chief, Office of Marine Environment and Systems.

[FR Doc. 81–292[illegible]6 Filed 10–7–81; 8:45 am]

BILLING CODE 4910–14–M

Maritime Administration

Approval of Applicant as Trustee; Terrebonne Bank and Trust Co.

Notice is hereby given that Terrebonne Bank & Trust Company, with offices at 720 East Main Street, Houma, Louisiana, has been approved as Trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21—221.30.

Dated: September 28, 1981.

By Order of the Acting Maritime Administrator.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81–291[illegible]7 Filed 10–7–81; 8:45 am]

BILLING CODE 4910–81–M

National Highway Traffic Safety Administration

Petitions To Commence Defect Proceedings; Denials

This notice sets forth the reasons for the denial of petitions to commence a proceeding to determine whether to issue an order pursuant to section 152(b) of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1412(b).

Phillips, 1977 Dodge van. On January 7, 1981, Mr. Toris V. Phillips of Corte Madera, California, petitioned NHTSA to commence a defect proceeding with respect to alleged difficulties of several systems in a 1977 Dodge van that he had leased. Areas of concern were the transmission, parking brake, ignition wire, and wheel shaft area. In addition, Mr. Phillips believed that front frame rail cracking had not been corrected under a 1980 recall campaign.

NHTSA reviewed its records and source files and determined that inadvertent shifting of automatic transmission occurred less often in Chrysler Corporation products than in those of the two other major American manufactures. Analysis of the other alleged defects indicated that they were not safety-related (broken transmission seal and wheel shaft noise) or maintenance problems (parking brake and ignition wire). The van was examined by Chrysler who found no frame rail cracking. The current owner of the van expressed satisfaction with it.

NHTSA concluded that there was no reasonable probability that the order requested would be issued at the conclusion of the investigation, and on August 25, 1981, the petition was denied.

Zach, 1976 Fiat 128. Mr. Jerry Zach of Mequon, Wisconsin, petitioned the agency on February 22, 1981, alleging that Fiat 128 passenger cars may contain a safety-related defect, an excessively stiff front suspension that may cause poor vehicle handling in cold weather.

NHTSA's files contained a number of reports of steering or front suspension related problems in Fiat 128 vehicles but none relating to the MacPherson strut or front shock absorber, indicating that Mr. Zach's problem was an isolated one. No complaints about performance of the system were linked to cold weather or snow. The Ministry of Transport in Canada reported no complaints of poor handling in cold weather due to excessive front suspension stiffness.

NHTSA concluded that there was no reasonable probability of issuance of the order at the end of the investigation, and the petition was denied on August 25, 1981.

(Secs. 124, 152, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1410a, 1412); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 1, 1981.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 81–29140 Filed 10–7–81; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

Hazardous Materials Regulations; Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulations of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes November 9, 1981.

ADDRESS COMMENT TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) Affected	Nature of exemption thereof
8715–N	W. L. Gore & Associates, Inc., Newark, DE	49 CFR 173.119(m), 175.3	To authorize the shipment of tetra-etch etchant, classed as a flammable liquid with a subsidiary of corrosive, packed in non-DOT specification sealed metal cans of up to 1 pint overpacked in a DOT Specification 12B fiberboard box. (Modes 1, 2, 4.)
8716–N	Foote Mineral Co., Exton, PA	49 CFR 173.28(m)	To authorize reuse of non-reconditioned 30-gallon DOT Specification 17C steel drums for shipment of lithium metal, classed as a flammable solid. (Mode 1.)
8717–N	Goodloe E. Moore, Inc., Danville, IL	49 CFR 173.28(m)	To authorize reuse of non-reconditioned DOT Specification 17H, 55 gallon steel drums with a 10 mil polyethylene liner for shipment of certain adhesives, classed as a flammable liquid. (Mode 1.)
8718–N	Structural Composites Industries, Azusa, CA	49 CFR 173.302(a)(1), 173.304(a)(1), 175.3	To manufacture, mark and sell non-DOT specification, limited cycle life, fiberglass reinforced plastic cylinders for shipment of various non-flammable compressed gases. (Modes 1, 2, 3, 4, 5.)

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) Affected	Nature of exemption thereof
8719-N	Halliburton Services, Duncan, OK	49 CFR 173.263(a)(1)	To authorize the use of a non-DOT specification 12,000 gallon lined marine portable tank for shipment of hydrochloric acid solutions classed as corrosive material (Modes 1, 3.)
8720-N	Applied Environments Corp., Van Nuys, CA	49 CFR 173.302(a)(4), 175.3	To manufacture, mark and sell non-DOT specification non-reusable welded steel cylinders similar to DOT Specification 39 for shipment of various non-flammable gases. (Modes 1, 2, 4.)
8721-N	Colorado Contractors Association, Inc. Denver, CO.	49 CFR 173.118a, 173.119, Part 173, Subpart C	To authorize the shipment of various flammable and combustible liquids in non-DOT specification compartmented portable tanks used as construction project service vehicles. (Mode 1.)
8722-N	Northrop Corp., Hawthorne, CA	49 CFR 172.101(6)(b), 173.276, 175.3, 175.30	To authorize shipment of hydrazine in non-DOT Specification nonpressurized Type 347 stainless steel storage tanks overpacked in a stainless steel shipping container. (Modes 1, 2, 3, 4, 5.)
8724-N	Stauffer Chemical Co., Westport, CT	49 CFR 173.154	To authorize four shipments of non-DOT specification pressure vessels lined with refractory bricks contaminated with a minute quantity of carbon disulfide, classed as a flammable solid, n.o.s., to a disposal sight. (Mode 1.)
8725-N	NCF Industries, Los Alamitos, CA	49 CFR 173.302(a)(1), 173.304(a)(1)	To manufacture, mark and sell in non-DOT specification (composite reinforced metal) aluminum cylinders up to 1,000 lbs. water capacity for shipment of flammable and nonflammable compressed gases. (Mode 1.)
8726-N	Whitehall Laboratories Inc., New York, NY	49 CFR Appendix B, Part 107, Subpart B, Parts 170-177	To authorize the shipment of safety book matches contained in a rigid fiber tray, overwrapped with paper, on top of which is placed two small rigid fiberboard boxes containing tins of anacin tablets, all of which are overwrapped in plastic or cellophane and overpacked in strong fiberboard cartons. (Mode 1, 2.)
8728-N	S.A.Y. Industries Inc., Leominster, MA	49 CFR 172.400	To authorize the shipment of methyl alcohol, classed as a flammable liquid, without the required flammable liquid label. (Mode 1.)
8729-N	Inland Steel Container, Chicago, IL	49 CFR 175.3, 178.102-4	To authorize the reuse of drums manufactured in accordance with DOT Specification 6D but inadvertently marked DOT Specification 37M, for shipment of those hazardous materials authorized in DOT Specification 6D with a 2SL liner (Mode 1, 2, 3, 4, 5.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on October 1, 1981

Joseph T. Horning,

Chief, Exemptions and Approvals Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-29232 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials Regulation; Applications for Renewal or Modification of Exemptions or Applications To Become Party To Exemption

AGENCY: Materials Transportation Bureau, DOT

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing

DATE: Comment period closes October 23, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

Application No.	Applicant	Renewal of exemption
5038-X	Synthatron Corp., Parsippany, NJ [1]	5038
5652-X	Air Products and Chemicals, Inc., Allentown, PA [2]	5652
6397-X	Foote Mineral Co., Exton, PA	6397
6536-X	South Jersey Gas Co., Folsom, NJ	6536
6536-X	SunOlin Chemical Co., Claymont, DE	6536
6543-X	Synthatron Corp., Parsippany, NJ [3]	6543
6614-X	Continental Chemical Co., Sacramento, CA	6614
6618-X	Monsanto Co., St. Louis, MO [4]	6618
6724-X	GPS Industries, City of Industry, CA	6724
6902-X	Great Lakes Chemical Corp., El Dorado, AR	6902
6902-X	Synthatron Corp., Parsippany, NJ	6902
6974-X	Tavco, Inc., Chatsworth, CA	6974
7056-X	Diamond Shamrock Corp., Cleveland, OH	7056
7491-X	Process Engineering, Inc., Plaistow, NH	7491
7605-X	General Dynamics, Fort Worth, TX	7605
7605-X	General Dynamics, Fort Worth, TX [5]	7605
7765-X	Carleton Controls Corp., East Aurora, NY [6]	7765
7768-X	Plasti-Drum Corp., Lockport, IL	7768
7890-X	Union Carbide Corp., New York, NY	7890
8129-X	Resource Technology Services, Inc., Devon, PA	8129
8137-X	Ensign Bickford Co., Simsbury, CT	8137
8199-X	Dow Corning Corp., Midland, MI	8199
8214-X	Thiokol Corp., Odgen, UT	8214
8230-X	G. Fredrick Smith Chemical Co., Columbus, OH	8230
8232-X	Eurotainer, Paris, France [7]	8232
8244-X	Halliburton Services, Inc., Duncan, OK [8]	8244
8247-X	Container Corporation of America, Wilmington, DE	8247
8248-X	Western Electric Co., Greensboro, NC	8248
8255-X	Applied Environments Corp., Van Nuys, CA [9]	8255
8269-X	M-D Trailer Co., Ft. Worth, TX	8269
8274-X	Compagnie des Containers Reservoirs, Neuilly-sur-Seine, France	8274
8274-X	ANF Industrie, Paris, France	8274
8275-X	Compagnie des Containers Reservoirs, Neuilly-sur-Seine, France	8275
8275-X	ANF Industrie, Paris, France	8275
8279-X	Hamler Industries, Inc., Chicago Heights, IL	8279
8314-X	Barber Steamship Lines, Inc., New York, NY	8314
8336-X	Cities Service Co., Tulsa, OK	8336
8344-X	All-Sports Supply, Inc., Portland, OR	8344
8531-X	Monsanto Co., St. Louis, MO	8531
8602-X	Minnesota Valley Engineering, New Prague, MN [10]	[illegible]
8654-X	Isomedix, Inc., Whippany, NJ [11]	8654
8708-X	Great Lakes Chemical Corp., West Lafayette, IN	8708

[1] To authorize water and cargo-only aircraft as additional modes of transportation.

[2] To renew and to authorize octanoyl chloride, classed as corrosive material, as an additional commodity.

[3] To authorize water as an additional mode of transportation.

[4] To authorize dichloroaniline, classed as a poison B, and allow use of an insulated MC-307 cargo tank equipped with heating coils.

[5] To authorize an escape system containing a detonating fuse, small arms ammunition and an explosive powder device, all class C explosives, as an additional unit.

[6] To authorize an additional pressurized container identical to those presently authorized except for the fitting installation and a larger burst disc.

[7] To renew and to authorize isopentane and pentane, classed as flammable liquids, as additional commodities.

[8] To authorize use of a 500 gallon vertical marine portable tank and update drawings pertaining to the tanks presently authorized for shipment of various flammable, combustible and corrosive materials.

[9] To authorize oxygen, classed as nonflammable gas, as an additional commodity.

[10] To authorize an additional 1920 gallon portable tank for shipment of various nonflammable gases.

[11] To authorize water as an additional mode of transportation.

Application No.	Application	Parties to exemption
3109-P	Hydraulic Research Textron, Pacoima, CA	3109
3216-P	Pennwalt Corp., Philadelphia, PA	3216
4453-P	IRECO Chemicals, Salt Lake City, UT	4453
6126-P	Rhone-Poulenc Inc., Monmouth Junction, NJ	6126
6228-P	Airco Welding Products, Murray Hill, NJ	6228
6657-P	Valweld Inc., Appleton, WI	6657
6762-P	Green Chemical Co., Inc., Winchester, VA	6762
6802-P	Monroe Welding Supply Co., Sioux City, IA	[illegible]
6802-P	Welders Gas & Supply, Sioux Falls, SD	[illegible]
6806-P	Kaiser Aluminum Chemical Corp., Pleasanton, CA	[illegible]
6895-P	GTE Service Corp., Washington, DC	6895
7052-P	Battery Safety Society, Inc., Fairfax, VA	7052
7607-P	Engineering-Science, McLean, VA	7607
8129-P	University of Florida, Gainesville, FL	[illegible]
8308-P	MHC Messengers, Inc., Avenel, NJ	[illegible]
8441-P	Raytheon Co., Portsmouth, RI	8441
8465-P	CIL Inc., Brampton, Ontario, Canada	8465
8489-P	Degussa Corp., Teterboro, NJ	8489
8569-P	U.S. Department of Defense, Washington, DC	8569
8572-P	Western States Energy, Inc., Salt Lake City, UT	8572
8582-P	The Chesapeake & Ohio Railway Co., Cleveland, OH	8582
8582-P	The Western Maryland Railway Co., Baltimore, MD	8582
8582-P	The Baltimore & Ohio Railroad Co., Baltimore, MD	8582
8623-P	W. R. Grace & Co., Lexington, MA [1]	[illegible]
8654-P	Mayo Clinic, Rochester, MN	8654
8687-P	Purex Corp., Carson, CA	8687

[1] To request party status and to authorize potassium cyanide solution as an additional commodity.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on October 1, 1981.

Joseph T. Horning,

Chief, Exemptions and Approvals Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-29233 Filed 10-7-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Performance Review Board; List of Members

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Members of Senior Executive Service Performance Review Boards.

DATE: Performance Review Board effective October 1, 1981.

FOR FURTHER INFORMATION CONTACT: James W. House, RM:P:X, 1111 Constitution Avenue, NW., Room 3213, Washington, DC 20224, Telephone No. (202) 566-4633, (not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 4314(c)(4) of the Civil Service Reform Act of 1978, the members of the Internal Revenue Service's Senior Executive Service Performance Review Board are as follows:

Joseph T. Davis, Chairman, Acting Deputy Commissioner
Russell E. Dyke, Assistant Commissioner, Planning and Research
M. Eddie Heironimus, Assistant Commissioner, Taxpayer Service and Returns Processing
Harold A. McGuffin, Regional Commissioner, Southeast Region
Roger L. Plate, Regional Commissioner, Midwest Region

The members of the Internal Revenue Service's Senior Executive Service Performance Review Board for Inspection are as follows:

Joseph T. Davis, Chairman, Acting Deputy Commissioner
Paul K. Trause, Inspector General, Department of the Treasury
Lester Stein, Assistant to Chief Counsel

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978 (43 FR 52122).

Joseph T. Davis,

Acting Deputy Commissioner.

[FR Doc. 81-29312 Filed 10-7-81; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

Foreign Portfolio Investment Survey Advisory Committee; Reestablishment Notice

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776, 5 U.S.C. App. I, Supp. II), and with approval of the Secretary of the Treasury and the concurrence of the Office of Management and Budget, the Office of the Assistant Secretary (International Affairs) announces the reestablishment of the following advisory committee:

Title: Foreign Portfolio Investment Survey Advisory Committee.

Purpose: The International Investment Survey Act of 1976 (the Act), as amended, requires the collection and analysis of data relating to international investment and its effect upon the national security, commerce, employment, inflation, general welfare, and foreign policy of the United States. Section 8(a) of the Act requires the Treasury, in performing functions mandated by the Act, to secure balanced, diverse, and responsible views from qualified persons representing business, organized labor, and the academic community. The Committee will furnish expertise on international securities and other markets and provide knowledgeable advice and recommendations on technical problems and policy issues to be addressed in studies and surveys of international portfolio investment.

A total of fifteen (15) members will be selected from nominations received by the Department of the Treasury from the Congress, business and professional organizations, labor organizations, and the public. Members will serve without compensation, except for preapproved travel and other expenses incurred in the performance of Committee business. Nominees should be knowledgeable in one or more of the following areas:

1. International securities or other financial markets;
2. Analysis of international investment;
3. Private sector costs of compliance with government reporting regulations; and/or
4. Legal aspects of international investment and government regulations.

Questions or comments relating to the establishment and functions of this Committee should be addressed within 30 days to Mr. David Curry, Acting Director, Foreign Portfolio Investment Survey, Room 225 1625I, Department of the Treasury, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220 (phone: 202-634-2271).

Marc E. Leland,

Assistant Secretary (International Affairs).

[FR Doc. 81-29288 Filed 10-7-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice under the provisions of Pub. L. 92-463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, on November 19, 1981, at 8:30 a.m. The purpose of the meeting will be to assemble and analyze information concerning toxicological issues which the Veterans Administration needs to formulate appropriate medical policy and procedures in the interest of veterans who may have encountered herbicidal chemicals used during the Vietnam Conflict.

The meeting will be open to the public up to the seating capacity of the room. Members of the public may direct questions, in writing only, to the Chairman, Barclay M. Shepard, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Transcripts of the proceedings and rosters of the Committee members may be obtained from Mr. Donald Rosenblum, Office of the Special Assistant to the Chief Medical Director for Environmental Medicine (102), Room 848, Department of Medicine and Surgery, Veterans Administration Central Office, Washington, DC 20420 (Telephone: (202) 389-5411).

Dated: October 1, 1981.

Donald Custis,

Acting Administrator.

[FR Doc. 81-29234 Filed 10-7-81; 8:45 am]

BILLING CODE 8320-01-M

Voluntary Service National Advisory Committee;

The Veterans Administration gives notice that the annual meeting of the Veterans Administration Voluntary Service National Advisory Committee, composed of representatives of 45 national voluntary organizations and three associate national voluntary organizations, will be held at the Dallas Marriott Hotel Market Center, 2101 Stemmons Freeway, Dallas, Texas, on October 26 through 28, 1981.

Registration of the conferees and preliminary meetings on procedural matters will be held beginning at 9 a.m. on October 26, 1981. An opening ceremony and recognition program will be held in the afternoon from 3 to 5 p.m. The committee will officially convene with a Plenary Session at 9 a.m., October 27, in the Conquistador Ballroom of the hotel and will conclude at 2:30 p.m. on October 28, 1981.

The purposes of the meeting are to instruct committee members and officials of their organizations in obligations they have accepted for volunteer recruitment, communications and program interpretation and to seek the advice of the committee in further developing volunteer participation in the care and treatment of veteran patients throughout the agency's nationwide medical program.

Dated: October 1, 1981.

Donald Custis,

Acting Administrator.

[FR Doc. 81-29235 Filed 10-7-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 195
Thursday, October 8, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

Items
Commodity Futures Trading Commission 1
Federal Deposit Insurance Corporation 2, 3
Federal Reserve System 4
National Transportation Safety Board .. 5

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, October 16, 1981.

PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1531-81 Filed 10-6-81; 3:11 pm]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, October 13, 1981, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Sunrise Bank, a proposed new bank, to be located at the southeast corner of Woodmore Oaks Street and Sunrise Boulevard, Unincorporated Sacramento County (P.O. Citrus Heights), California.

Applications for Federal deposit insurance and for consent to acquire assets and assume liabilities and to establish one branch:

Northland State Bank, a proposed new bank in organization, to be located at 301 South Cedar Street, Kalkaska, Michigan, for Federal deposit insurance; for consent to acquire the assets of and assume the liability to pay deposits made in the two Kalkaska branches of The Cadillac State Bank, Cadillac, Michigan, located at 301 South Cedar Street and 102 Raudman, Northland Plaza, Kalkaska, Michigan; and for consent to establish the office of The Cadillac State Bank located at 102 Raudman, Northland Plaza as a branch of the resultant bank.

Applications for consent to establish a branch:

Thunderbird Bank, Phoenix, Arizona, for consent to establish a branch at the intersection of Cave Creek and Bell Roads, Phoenix, Arizona.

The Drovers & Mechanics Bank, York, Pennsylvania, for consent to establish a branch on the northwest corner of the intersection of Kenneth and Loucks Roads, West Manchester Township, Pennsylvania.

Applications for consent to change the general character of the bank's business from that of a stock savings bank to a commercial bank and for consent to establish a branch:

Banco Financiero de Ahorro de Ponce, Ponce, Puerto Rico, for consent to change the general character of its business from that of a stock savings bank to a commercial bank; and for consent to establish a branch at 268 Ponce de Leon Avenue, San Juan (Hato Rey), Puerto Rico.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,873-L—First State Bank of Northern California, San Leandro, California
Case No. 44,914-L—Franklin National Bank, New York, New York
Case No. 44,915-NR—United States National Bank, San Diego, California
Case No. 44,930-NR—The First National Bank of Cripple Creek, Cripple Creek, Colorado
Memorandum and Resolution re: The Des Plaines Bank, Des Plaines, Illinois
Memorandum and Resolution re: International City Bank and Trust Company, New Orleans, Louisiana
Memorandum and Resolution re: American Bank & Trust Company, New York, New York

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.
Morrison, Hecker, Curtis, Kuder & Parrish, Kansas City, Missouri, in connection with the liquidation of The Mission State Bank & Trust Company, Mission, Kansas.
Feldstein, Gelpi, Hernandez & Castillo, Old San Juan, Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.
Francis, Doval, Munoz, Acevedo, Otero & Trias, San Juan (Hato Rey), Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Memorandum and Resolution re: Amendment to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, and Notices of Acquisition of Control," which would delegate to the Director of the Division of Bank Supervision and the regional directors, if delineated criteria are met, increased authority to approve branch applications of insured State nonmember banks.

Memorandum and Resolution re: Technical amendments to Parts 303, 304 and 309 of the Corporation's rules and regulations to correct inconsistent cross-references and update form numbers and titles.

Memorandum and Resolution re: Proposed amendment to Part 327 of the Corporation's rules and regulations, entitled "Assessments," which would (1) require insured banks to pay interest on delinquent assessment payments owed to the Corporation if the delinquencies are not caused by the Corporation, and (2) require the Corporation to pay interest on assessment overpayments by insured banks if the overpayments are caused by the Corporation.

Memorandum and Resolution re: Amendment to the revised policy statement concerning interest rate futures contracts, forward contracts and standby contracts, which would provide that the policy statement applies to futures contracts for domestic bank certificates of deposit.

Memorandums and Resolutions re: Delegation of authority to the Director of the Division of Liquidation to sell mortgage and installment loans acquired by the Corporation from failed banks to the Federal National Mortgage Association in accordance with prescribed guidelines.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director. Division of Liquidation:

Memorandum re: Reports Required Under Delegated Authority Expenditures

Reports of the Director. Office of Corporate Audits:

Audit Report re: EDP Security Audit Follow-Up, dated April 6, 1981.

Audit Report re: Transportation Charges Interface Program and Related Practices, dated June 12, 1981.

Discussion Agenda:

Memorandum re: Purchase Request for San Francisco Regional Office Space.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: October 6, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1539-81 Filed 10-6-81: 4:11 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, October 13, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance:

Oregon State Bank, a proposed new bank, to be located at 324 S.W. Third Street, Corvallis, Oregon.

Request for modification of a condition previously imposed in granting consent to merge:

Western Bank, Coos Bay, Oregon.

Memorandum and Resolution re: Relief from the restitution requirements of Section 108 of the Truth in Lending Act for violations of section 226.8(a) of Regulation Z.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,913–L—Fidelity Bank, Utica, Mississippi

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: October 6, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S 1534-81 Filed 10-6-81: 4:11 pm]

BILLING CODE 6714-01-M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, October 14, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed revision to the Federal Reserve Bank employee salary structure adjustment policies.
2. Proposed revisions to the Federal Reserve Banks' Performance Cash Awards Program.
3. Federal Reserve Board officer salary administration.
4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
5. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: October 6, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1532-81 Filed 10-6-81: 3:42 pm]

BILLING CODE 6210-01-M

5

NATIONAL TRANSPORTATION SAFETY BOARD

[NM—81—36]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 47699, September 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Thursday, October 8, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The meeting has been rescheduled for 2 p.m., Thursday, October 8, 1981, and the agenda as now revised is set forth below:

STATUS: Open.

MATTER TO BE CONSIDERED:

1. OMB-Directed Study of Field Investigation Practices.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

October 6, 1981.

[S-1530-81 Filed 10-6-81: 12:24 pm]

BILLING CODE 4910-58-M

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federal register

Thursday
October 8, 1981

Part II

Department of the Treasury

Internal Revenue Service

Income Tax; Definition of the Term "Issue"; Proposed Rulemaking and Announcement of Public Hearing on Proposed Regulations

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-264-81]

Income Tax; Definition of Term "Issue"; of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the definition of the term "issue" for purposes of section 103(b) of the Internal Revenue Code. The regulations reflect the position announced by the Internal Revenue Service in Revenue Ruling 81-216. These regulations would provide guidance to purchasers of industrial development bonds and persons connected with industrial development bond financings.

DATES: Written comments must be delivered or mailed by December 7, 1981. The regulations are proposed to be effective for obligations sold after August 23, 1981.

FOR FURTHER INFORMATION CONTACT: Harold T. Flanagan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3294).

SUPPLEMENTARY INFORMATION:

Background

Section 103(b) provides that gross income generally includes interest on industrial development bonds. An industrial development bond is an obligation which is issued as part of an issue all or a major portion of the proceeds of which are to be used directly or indirectly in the trade or business of a person who is not an exempt person and the payment of principal or interest on which in whole or in major part is secured by property used in a trade or business or by payments in respect to such property.

There are several exceptions to the general rule. Section 103(b)(4) provides an exemption for obligations substantially all of the proceeds of which are to be used to provide certain exempt activities. Section 103(b)(5) provides a similar exemption for obligations substantially all of the proceeds of which are to be used to provide industrial parks.

Section 103(b)(6) provides another exemption for certain small issues the face amount of which does not exceed $1,000,000 or, in limited circumstances, $10,000,000. In applying these statutory limits an issue of less than $1,000,000 is nonetheless not entitled to the exemption under section 103(b)(6) if the amount exceeds $1,000,000 when combined with the amount of all prior issues of bonds issued under section 103(b)(6) for the benefit of the same entity and for facilities in the political jurisdiction (*i.e.,* the same municipality or county). Section 103(b)(6) also provides that, if an issuer makes the necessary election, the limit for an exempt small issue of industrial development bonds is increased from $1,000,000 to $10,000,000. In such case, however, certain other amounts must be aggregated with the issue of obligations in question for purposes of determining whether the $10,000,000 limitation has been exceeded.

Explanation of Provisions

The proposed regulations would supersede Revenue Ruling 81-216 which revoked Rev. Ruls. 78-159, 77-55 and 74-380 which deal with the application of section 103(b) to multiple lots of obligations. The regulations follow the position provided in Rev. Rul. 81-216.

The regulations would provide rules to determine whether multiple lots of obligations are part of the same issue. This is of particular significance in determining whether such issue, in conjunction with prior issues, exceeds the $1,000,000 or $10,000,000 limitation. The determination is based on whether the obligations (1) are sold at substantially the same time, (2) are sold under a common plan of marketing, (3) are sold at substantially the same rate of interest, and (4) a common or pooled security will be used or available to pay debt service for such obligations. However, additional facts also may be considered. Illustrations of common or pooled security arrangements are provided.

The proposed regulations would generally apply to obligations sold after August 23, 1981. However, there is an exception for issuers that obtain a ruling to the effect that there has been a significant financial commitment by August 23, 1981, to proceed with the issue, and that such commitment was based on the revoked revenue rulings. This exception provides the same relief as would be provided under section 7805(b) with respect to pending issuances which are adversely affected by Rev. Rul. 81-216 or this regulation.

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, and the public. These regulations will not impose substantial new reporting or recordkeeping requirements.

Drafting Information

The principal author of these proposed regulations is Harold T. Flanagan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before the adoption of these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held on November 12, 1981 as announced by a Notice of Public Hearing on Proposed Regulations also published in Part II of this issue of the Federal Register.

Adoption of Amendments to the Regulations

PART I—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

The proposed amendments to 26 CFR Part 1 read as follows:

Paragraph 1. Paragraph (b) of § 1.103-7 is amended by adding a new subparagraph (6), and paragraph (c) is amended by adding new examples (16), (17) and (18). These new provisions read as follows:

§ 1.103-7 Industrial development bonds.

* * * * *

(b) *Industrial development bonds.* * * *

(6) *Issue.* (i) For purposes of section 103(b), obligations are part of the same issue if—

(A) The obligations are sold at substantially the same time,

(B) The obligations are sold pursuant to a common plan of marketing,

(C) The obligations are sold at substantially the same rate of interest, and

(D) A common or pooled security will be used or available to pay debt service for such obligations.

Additional facts and circumstances may further evidence whether or not such obligations are part of the same issue. A common plan of marketing may exist where obligations are sold under the same indenture or official statement or when the purchase of one obligation is conditioned on the purchase of another obligation by the same holder or group of holders. Security for obligations is common or pooled if the same funds are available to, or the same person may, pay debt service on such obligations, or when such obligations are guaranteed by the same person (including the United States of America or an agency or instrumentality thereof) or pledge of same assets.

(ii) The provisions of paragraph (b)(6)(D)(i) of this section apply to obligations sold after August 23, 1981, unless the issuer demonstrates to the satisfaction of the Commissioner that on August 23, 1981, there was a significant financial commitment to issue the obligations and that such commitment was made in reliance on prior rulings by the Commissioner.

* * * * *

(c) *Examples.* * * *

Example (16). On January 15, 1982, State A sells 25 lots of 9-percent term bonds under separate indentures. Proceeds from the sale of each lot will be loaned to 25 corporations to construct manufacturing facilities. Each lot will be secured by the note of the corporation which received the proceeds from that lot and a mortgage on the facility. Payments on each note will be kept separate and used to pay principal and interest on bonds which are part of that lot. Payment of the principal and interest on such bonds also is secured by the full faith and credit of A. The bonds are sold pursuant to a common plan of marketing, are sold on the same date, have the same interest rate, and are secured by the guarantee of A. Therefore, all 25 lots are part of the same issue for purposes of section 103(b).

Example (17). On October 1, 1981, industrial development authorities B, C, and D, political subdivisions of State E, each sell 9-percent bonds under separate indentures. The proceeds of each lot will be used to finance three different facilities to be owned by Corporation Y and to be located in the jurisdictions of B, C and D respectively. Repayment of the bonds is guaranteed by Y although repayment of the debt service for each lot will be from the revenues from the corresponding facility. The bonds are sold pursuant to a common plan of marketing, are sold on the same date, have the same interest rate, and are guaranteed by Y. Therefore, the bonds are part of the same issue for purposes of section 103(b).

Example (18). On November 15, 1982, State G sells 5 lots of 10 percent revenue bonds each under a separate indenture but the same official statement. Proceeds from the sale of each lot will be used to provide industrial facilities for various unrelated corporations, in accordance with G's program of encouraging the development of small businesses in the State. Each separate lot is secured solely by a mortgage on the industrial facility which has been provided by the proceeds of such lot and the note of the user corporation. All the lots are sold pursuant to one contract and are intended to be sold to Trust X which, in turn, will issue trust participation certificates to individuals, giving each holder an undivided interest in the corpus of the trust. Although the creditworthiness of each lot of obligations will not be uniform, each of the lots will be sold at a uniform interest rate. Since the bonds are sold pursuant to a common plan of marketing, are sold on the same date, have the same interest rate, and have pooled security, the bonds are part of the same issue for purposes of section 103(b).

Par. 2. The second sentence of paragraph (a) of § 1.103–10 is revised to read as follows:

§ 1.103–10 Exemption for certain small issues of industrial development bonds.

(a) *In general.* * * * If an issue (as defined in § 1.103–7(b)(6)) is an exempt small issue or an exempt small refunding issue, then under the requirements of section 103(b)(6) and this section the interest paid on the debt obligations is not includable in gross income, and the obligations are treated as obligations described in section 103(a)(1) and § 1.103–1 of this part, even though such obligations are industrial development bonds as defined in section 103–(b)(2) and § 1.103–7 of this part. * * *

* * * * *

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 81–29307 Filed 10–5–81; 4:40 pm]

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26 CFR Part 1

[LR–264–81]

Income Tax; Definition of Term "Issue"; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the definition of the term "issue" for purposes of section 103(b) of the Internal Revenue Code of 1954.

DATES: The public hearing will be held on November 12, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by October 29, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–264–81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 103(b) of the Internal Revenue Code of 1954. The proposed regulation appears also in Part II of this issue of the **Federal Register**.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall be waived with respect to this particular hearing. Persons who wish to speak at the public hearing need only to submit an outline of their oral comments to be presented at the public hearing and the time they wish to devote to each subject by October 29, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building unitl 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 81–29306 Filed 10–7–81; 4:40 pm]

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Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Procedures for State Programs

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 731 and 732

Surface Coal Mining and Reclamation Operations; Procedures for State Programs

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rules.

SUMMARY: The Secretary of the Interior is amending 30 CFR Parts 731 and 732 to provide that a State which has not received approval of a State program by a final decision of the Secretary may resubmit a State program at any time after that decision, rather than waiting until a Federal program is implemented, as presently required.

EFFECTIVE DATE: November 9, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240, telephone: (202) 343-4225.

SUPPLEMENTARY INFORMATION: On March 13, 1979 (44 FR 15311-15463), the Secretary promulgated final rules for the permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act).

The rules, among other things, established requirements and procedures for the development, review and approval of programs submitted by States for the purpose of obtaining primary jurisdiction under the Act to regulate surface coal mining and reclamation operations on non-Federal and non-Indian lands within their respective borders.

Certain provisions of the rules establish requirements with respect to dates when States may resubmit programs following a final decision of the Secretary to disapprove a State program.

Section 731.12(b)(1) provides that States may submit a proposed program at any time later than June 3, 1980, if "implementation of a Federal program under 30 CFR Part 736 has been completed. . . ." Similarly, § 732.14 provides that after a final decision disapproving a State program, the State may submit another proposed State program at any time after implementation of a Federal program.

On January 22, 1981, the Secretary published proposed rules amending §§ 731.12 and 732.14 to provide that a State which has not received approval of its State program by a final decision of the Secretary may resubmit a State program at any time after that decision rather than waiting until a Federal program is implemented (46 FR 6997-6998). Public comments were invited for 30 days ending February 23, 1981, and two comments were received. The final rules being published today contain no substantive differences from the proposed rules. One additional editorial change has been made to delete any reference to the date by which a State shall submit a State program. As it has already passed, the date of June 3, 1980, is of historical interest only.

As stated in the preamble to the proposed rules (46 FR 6997-6998, January 22, 1981), existing §§ 731.12(b)(1) and 731.14 preclude a State which has not received approval of its program from submitting another program until after a Federal program has been implemented in the State. These Sections are based in part on the express language of section 504(e) of the Act, which provides that a "State which has failed to obtain approval of a State program prior to implementation of a Federal program may submit a State program at any time *after such implementation*" (emphasis supplied). A re-examination of § 504(e) of the Act indicates that while it authorizes §§ 731.12 and 732.14, it does not mandate the restriction on resubmission of proposed State programs. The language in section 504(e) is permissive in that it states that a State *may* submit a new program after the Federal program is implemented. By this permissive language it is clear that Congress intended that the implementation of a Federal program would not end the chance for resubmission of a proposed State program.

Section 101(f) supports this interpretation. It asserts that the States are better suited to regulate the surface mining of coal because of the diversity of physical conditions among the various States (30 U.S.C. 1201(f)). In accordance with this finding Congress established as one of the purposes of the Act (section 102(g)) "to assist the States in developing and implementing a program to achieve the purposes of this Act". The States should, therefore, in order to gain primacy, be able to submit proposed programs as often and as early in the regulatory scheme as they wish. This would provide the additional benefit of eliminating wasteful expenditure of Federal resources in developing and implementing Federal programs that are not needed because a State has a new program ready to submit soon after the Secretary's final decision on the original decision. This would be the situation in a case in which much of a State's original program submission has been approved.

Two comments were received in response to the **Federal Register** notice of proposed rulemaking. One commenter supported the proposed rules and urged their adoption as final rules. One commenter disagreed with the proposed changes and recommended that they be rejected. The latter commenter supported the existing regulations, pointing out that Congress has explicitly established in section 504(e) that the Act be fully implemented by a date certain. The commenter, although agreeing that one of the purposes of section 504(e) is to provide for a smooth transition from Federal to State regulation, asserted that section 504(e) also requires that the permanent regulations be implemented in a timely manner to protect the rights of citizens. The commenter also stated that OSM would not have the financial or human resources to work on both a State and Federal program simultaneously and noted the hardship imposed on States, industry, individuals and citizen groups who would have difficulty commenting responsibly if a State and Federal program are developed at the same time.

The Secretary has carefully considered the commenter's points and agrees that section 504(e) was intended to provide that the permanent program regulations be implemented in a timely manner. The Secretary, however, believes that the proposed rule changes will not frustrate this purpose and would in many cases provide for earlier implementation of the permanent regulatory program in a State. Allowing a State to resubmit its program before a Federal program is implemented, particularly if much of the State program was approved earlier, could result in a shortened rulemaking period and an earlier implementation of the permanent regulatory program in that State. A Federal program, by contrast, involves publishing both proposed and final rules and could take considerably longer to be implemented.

Regarding the commenter's second point that OSM does not have the resources available to work on both a State and a Federal program, the Secretary is committed to implementing the Act and the permanent regulatory program. Sufficient resources are available to OSM and will be used to the full extent necessary. While State primacy is clearly anticipated by the

Act, citizen rights and environmental safeguards will not be sacrificed.

It should also be noted that although the States, industry and citizen groups may be asked to comment on both a State and a Federal program, a Federal program for a State must consider and incorporate where appropriate the State laws and regulations. Thus, there should not be such a burden on commenters since much of the programs will duplicate each other.

Note.—I have determined that, pursuant to 702(d) of the Act, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on these rules. I have also determined that these rules are not major rules under Executive Order 12291 and have further certified that the rules will not have a significant economic effect on a substantial number of small entities as the rules are essentially a procedural change with no direct or indirect impact on small entities.

Dated: September 23, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

For the reasons set out in the preamble, Subchapter C, Chapter VII of Title 30, Code of Federal Regulations, is amended as set forth below.

PART 731—SUBMISSION OF STATE PROGRAMS

1. 30 CFR 731.12 is amended by redesignating paragraphs (b)(1), (b)(2) and (b)(3) as (b)(2), (b)(3) and (b)(4) and adding a new paragraph (b)(1) to read as follows:

§ 731.12 Submission of State programs.

* * * * *

(b) States may submit a proposed program at any time, if:

(1) By a final decision, the State program submitted under 30 CFR 731.12(a) is disapproved; or

(2) Implementation of a Federal program under 30 CFR Part 736 has been completed; or

(3) There have been no surface coal mining and reclamation operations since August 3, 1977, but coal exploration or surface coal mining operations are anticipated; or

(4) A State program has been enjoined by a court of competent jurisdiction, in which case the requirements of 30 CFR 730.12 shall apply.

* * * * *

PART 732—PROCEDURES AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF STATE PROGRAM SUBMISSIONS

2. 30 CFR 732.14 is revised to read as follows:

§ 732.14 Resubmission of State programs.

If, by a final decision, the program is disapproved, the State may submit another proposed State program to the Regional Director at any time after the date of the final decision, or at any time after implementation of a Federal program for that State under 30 CFR Part 736. Resubmitted State programs must meet the requirements of 30 CFR 731.14 and will be acted upon pursuant to 30 CFR 732.12–732.16.

(30 U.S.C. 1253)

[FR Doc. 81-29303 Filed 10-7-81; 8:45 am]

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October 8, 1981

Part IV

Department of Health and Human Services

Office of the Secretary

Model Act for the Adoption of Children With Special Needs

V 46/195 OC 8 81 UMI

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Model Act for Adoption of Children With Special Needs; Final Legislation

AGENCY: Department of Health and Human Services.

ACTION: Publication of final model State Legislation.

SUMMARY: Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 [Pub. L. 95–266], which was signed into law on April 24, 1978, mandates issuance of model State adoption legislation by the Secretary of Health and Human Services. Pursuant to this Act, draft model State legislation proposed by the Model Adoption Legislation and Procedures Advisory Panel was published for comment in the **Federal Register** on February 15, 1980. Comments on the Panel's proposal were received from 17,202 persons, including 9,838 petitioners. After review of the comments and further study of the issues, and in accordance with Pub. L. 95–266, the Department herein is publishing final model legislation, entitled the Model Act for the Adoption of Children with Special Needs.

The major distinction between the draft version of the model legislation published previously and the final version published now is the particular focus in the final version on special needs children, i.e., the large numbers of children who are not readily placed in adoptive homes because of characteristics such as age, race, ethnic background, sibling relationship, medical condition, or physical, mental, or emotional handicap. These children often remain in institutional or foster care throughout childhood, deprived of the benefits of permanent home environments and loving families. Because of the tragic dimensions of this problem for these children and in keeping with the intent of Congress as revealed by the legislative history of Pub. L. 95–266, the Secretary has determined that the model legislation should concentrate on the elimination of barriers to the permanent adoption of special needs children.

To encourage and facilitate such adoptions, the final Model Act provides for financial assistance to families who adopt special needs children, expands the grounds for adjudications freeing such children for adoption, clarifies the roles of adoption agencies and State adoption administrations in arranging and providing support services for adoption, and includes various other provisions to promote and assist the permanent adoptive placement of special needs children.

Several sections included in the earlier draft of the model legislation which were not relevant to facilitating the adoption of special needs children were omitted from the final verion. These include provisions concerning revocation of relinquishment, putative fathers, and private (unlicensed) adoptive placement.

The provisions on adoptive records were rewritten to protect the privacy of birth parents while assuring that adoptees and adoptive families have access to information concerning the adoptee's medical and genetic history.

The legal status of this final Model Act should be emphasized. It is not Federal law nor Federal regulation, nor does it set conditions for the receipt of Federal aid. It is simply model State legislation, all or parts of which individual State legislatures may choose to enact into State law.

DATES: The recommendations of the Model Adoption Legislation and Procedures Advisory Panel were published in Volume 45, Number 33 of the **Federal Register** of February 15, 1980 at page 10622. Comments were solicited and reviewed following that publication and were considered in the preparation of the final version. As this is simply model legislation, parts or all of which State legislatures have the option to enact, there is no "effective date".

ADDRESS: For further information please write to: Warren Master, Acting Commissioner, Administration for Children, Youth and Families, 400 6th Street, S.W., Washington, D.C. 20201.

Dated: September 25, 1981.

Approved:

Richard S. Schweiker,
Secretary.

Model Act for the Adoption of Children With Special Needs

DEPARTMENT OF HEALTH AND HUMAN SERVICES

September 1981

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Introduction

The development of the Model Act for the Adoption of Children with Special Needs was mandated by the United States Congress in Title II of Pub. L. 95–266, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. In Title II—Adoption Opportunities, Congress found that many thousands of children with special needs remain in institutional or foster care because of barriers which exist to the adoption of these children. As one means to eliminate these barriers, Congress provided for the development and issuance of model adoption legislation and procedures which can be used by the States and territories of the United States to facilitate the adoption of children with special needs.

Philosophy of the Model Act

The Model Act is the first comprehensive adoption law for children with special needs developed under Federal sponsorship. It has been written at a time when national attention has been focused on the many children in institutional or foster care for whom adoption might offer a permanent family. To increase the likelihood that children with special needs who need adoption services are identified and then placed for adoption, the Model Act focuses on ameliorating or eliminating various obstacles to adoption which exist in present law and practice. The Model Act concentrates on those obstacles which an adoption law can reasonably be expected to reach: the barriers in the legal process and in the operation of public and voluntary adoption agencies. The Model Act also provides for a range of adoption services to these children. Counseling and other services are made available to birth parents, adoptive parents, and prospective adoptive parents at critical junctures throughout the adoption process. The purpose of these services is to provide all parties with the full information they need to make informed decisions, decisions which will have a life-long effect both for themselves and for a child.

Use of the Model Act

The Model Act appears at an opportune time, when attention has been drawn to the need to improve adoption services to children with special needs and their families. The Model Act is suggested legislation for the States to enact. It is not Federal law or regulation, nor will States be required to enact it in order to receive Federal reimbursement for services. Each State remains free to select from among the many provisions of the Model Act those which it finds will improve its existing adoption services for children with special needs and their birth and adoptive parents. The severability of the various provisions is expected to increase the likelihood that the Model Act will be used as Congress intended: To eliminate barriers to adoption and to provide home environments for waiting children with special needs who would benefit by adoption. States will not have to undertake complete revisions of their adoption laws but can follow an incremental approach by selecting specific provisions which address their most critical needs. Nor will a State be confronted with a dilemma if it finds certain portions of the Model Act to be unnecessary or inconsistent with its philosophy and practice of adoption; the various parts can be severed without major redrafting of the titles and sections which remain.

Preamble

The legislature finds that family life is optimal for the rearing of children with special needs, and that there are many special needs children in the State who are without permanent families. It further finds that for those children, age, race, ethnic background, handicap, or the need to be placed with siblings must not preclude the benefits of family life. It is the policy of this State that adoption is a positive social and legal process intended as a service to include those children with special needs.

Title I—General Provisions

Section 101. Policy and Purposes

(a) *Philosophy of Act.* It is the policy of this State to encourage the adoption of children with special needs who are without permanent families and who would benefit by adoption. Although there are qualified persons seeking to adopt special needs children, many such children remain in institutions or foster homes because of legal and other barriers to their placement in permanent adoptive homes. It is the intention of this State to facilitate the elimination of such barriers to adoption and to promote the provision of stable and loving family environment of special needs children who are without permanent families.

(b) *Purposes of Act.* The purposes of this Act are to provide adoption services without cost to each child with special needs in the State who needs such services; and

(1) To provide procedures and services which will safeguard and promote the interests of each child with special needs who is in need of adption and which will protect the rights of all parties concerned;

(2) To provide legal procedures for promptly terminating parental rights after the birth parents have been provided or offered appropriate services and cannot or choose not to care for their special needs child;

(3) To establish a system which will identify each special needs child who is in need of adoption services, and which will monitor and assure that such services are provided;

(4) To identify persons willing to assume the responsibilities and accept the privileges of parenthood, and to encourage them to apply their parenting skills and desires on behalf of children with special needs who are in need of adoption;

(5) To provide financial assistance to make possible the adoption of any child with special needs;

(6) To assure that any reimbursement paid to any agency placing a special needs child for adoption is reasonable and does not exceed the cost of the services provided.

(c) *Construction.* The provisions of this Act shall be liberally construed to effectuate the purposes thereof.

Commentary to Section 101

The purpose of the Model Act for the Adoption of Children with Special Needs, hereafter referred to as the Model Act, address a number of serious problems in the delivery of adoption services by the States.

Many children with special needs who need adoption services are not receiving them. A primary purpose of the Act is to assure that adoption services are provided to these children, whether in institutional, foster, or other substitute care—formal or informal, public or voluntary. Often children with special needs to do not receive services because of State or agency failure to identify such children as adoptable. Such failure may be due to the lack of adequate case review or to obstacles which could be removed through legal or other action, particularly the termination of parental rights, or through interstate efforts to recruit adoptive parents for children formerly viewed as unadoptable. The identification of children with special needs in need of adoption, removal of obstacles to their adoption, and vigorous recruitment of appropriate adoptive families are all express purposes of the Act.

The costs associated with adopting a child with special needs may constitute a further obstacle to adoption. The Act provides for a financial subsidy to persons who adopt special needs children. In addition, the Model Act prohibits the charging of fees by agencies. Voluntary agencies who provide services to children with special needs and their birth and adoptive parents will be reimbursed for these services by the State, since they receive no direct public support. *See* Model Act section 107 (hereinafter cited as M.A.)

Section 102. Definitions.

(a) As used in this Act, unless the context otherwise requires:

(1) "Adoptee" means a person of any age who has been legally adopted.

(2) "Adoption" means the judicial act of creating the legal relationship of

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parent and child where it did not exist previously.

(3) "Adoptive parent" means an adult who has become the mother or father of a child through the legal process of adoption.

(4) "Adult" means a person 18 or more years of age.

(5) "Agency" means any entity authorized pursuant to the laws of any jurisdiction within the United States to place children preliminary to adoption.

(6) "Birth parent" means the mother or father of genetic origin of a child, but does not include a putative father of a child.

(7) "Child" means a son or a daughter by birth or by adoption, who has special needs and is under the age of 18 years.

(8) "Court" means the [ ] court.

(9) "*De facto* parent" means a person, other than a parent, who has exercised physical care, custody, or control of a child for at least eighteen months, has developed a parental relationship with the child based upon significant emotional and psychological ties between them, and wishes to assume the status of *de facto* parent.

(10) "Family assessment" means a comprehensive study of prospective adoptive parents or, in the case of single parent adoptions, of a prospective adoptive parent by an agency for the purpose of determining whether the prospective adoptive parent can provide a suitable adoptive home for a specific child with special needs or a category of children having certain special needs.

(11) "Genetic and social history" means a comprehensive report, when obtainable, on the birth parents, siblings to the birth parents, if any, other children of the birth parents, if any, and parents of the birth parents, which shall contain the following information:

(a) Medical history;
(b) Health status;
(c) Cause of and age at death;
(d) Height, weight, eye and hair color;
(e) Ethnic origins; and
(f) Where appropriate, levels of educational and professional achievement.

(12) "Guardian *ad litem*" means an attorney or other person appointed by the court during litigation to represent the interest of a party.

(13) "Health history" means a comprehensive report of the child's current health status and medical history, including neonatal, psychological, physiological, and medical care history.

(14) "Minor" means a person under eighteen years of age who has not been emancipated according to the laws of this State.

(15) "Parent" means the birth or adoptive mother or the birth or adoptive father whose parental rights have not been terminated.

(16) "Parent-child relationship" means the rights, powers, privileges, immunities, duties, and obligations existing between parent and child, as defined by State law.

(17) "Putative father" means any man not deemed or adjudicated under the laws of a jurisdiction of the United States to be the father of genetic origin of a child and who claims or is alleged to be the father of genetic origin of such child.

(18) "Relinquishment" means the informed and voluntary release in writing of all parental rights with respect to a child by a parent to an agency for the purpose of the adoption of the child.

(19) "Special needs" means those characteristics of age, race, ethnic background, sibling relationship, medical condition, and physical, mental, or emotional handicap which constitute a barrier to the adoption of a child.

(b) As used in this Act, pronouns of the masculine gender include the feminine.

Commentary to Section 102

The following definitions should be noted:

"Agency." Adoption agencies which exclusively serve American Indian families and are expressly so empowered by Indian tribal law should be considered agencies for the purposes of this definition.

"Birth parent." Several different terms are presently used in various States and agencies to denote a child's mother or father of genetic origin—"biological" parent, "natural" parent, "birth" parent, "original" parent, "genetic" parent—and there is some controversy surrounding the use of each of these terms. Arguments have been raised, for example, that "natural" implies that an adoptive parent is unnatural, and "genetic" and "biological" seem overly technical for general usage. The term "birth parent" is used in the Model Act because of the increasing preference for the use of that term among the individuals to whom it refers.

"Child." The provisions of the Model Act are designed only for children with special needs who need adoption services or who have already been adopted. Thus, the narrow definition of child as one "who has special needs." *See* M.A. section 102(a)(19) for the definition of "special needs."

"Court." The court designated by the legislature in this definition will be that court with jurisdiction over all the types of proceedings set out in the Model Act: termination of parental rights (and perhaps the related area of child abuse and neglect adjudications), child custody and child placements, adoption, and appointment of guardians. Because of the broad knowledge and expertise which should reside in this court, it is recommended that the court be a division of, or equal in stature to, the highest trial court of general jurisdiction. *See* ABA Comm. on Standards for Judicial Administration, *Standards Relating to Court Organization*, section 1.10 (1974).

"*De facto* parent." This concept is introduced in the Model Act in order to confer some legal standing upon persons who, as a result of assuming parental caretaking responsibilities for an extended time, develop a parental relationship with a child based upon strong emotional and psychological bonds. For example, a foster parent with custody of a special needs child for the required time might be a *de facto* parent, provided that sufficient emotional ties have developed. Short-term interruptions of the physical caretaking function, as in the case of a child intermittently hospitalized during the foster care period, should not preclude the foster parent from fitting the definition of *de facto* parent.

"Minor." The age limit specified here may require adjustment in accordance with individual State law.

"Parent." There are two circumstances in which an identifiable birth parent would not be considered to be the present parent of a child. The first is where the birth parent's rights have been terminated. If the child is subsequently adopted, the adoptive parent is thereafter the "parent" unless and until his rights are terminated. If the child has not been adopted, the child's court-appointed guardian exercises the authority of a legal parent, but the child has no present parent. The second situation is where the child was born under circumstances in which State law has presumed another man to be the child's father, as when conception occurred as the result of intercourse between the child's married mother and a man not her spouse. The law presumes that such a child is the product of the marital union; the legal father of the child is the mother's husband unless he asserts evidence to rebut the presumption. Similarly, the legal father of a child born as the result of artificial insemination would be the spouse of the woman who so conceived rather than the sperm donor.

All "parents," as defined in this subsection, possess full legal rights with respect to their children. The Model Act does not distinguish between the parental rights of wed and unwed birth parents, nor between the parental rights of birth mothers and birth fathers. Because the definition of "birth parent" expressly excludes putative fathers, however, the term "parent" likewise does not extend to them.

"Special needs." The definition of the conditions which, singly or in some combination, constitute special needs is derived from section 473(c)(2) of Pub. L. 96–272, the Adoption Assistance and Child Welfare Act of 1980. To be eligible for services under the Model Act, children in need of adoption must have one or more of the characteristics or conditions listed in the definition.

Section 103. Who May Be Adopted: Who May Place a Special Needs Child For Adoption

(a) *Who may be adopted.* Any minor who has been characterized a child with special needs may be adopted if the requirements of this Act are met, and such minor has not living parent or the parental rights of all living parents and of any putative father of such minor have been terminated according to the laws of this State or of another jurisdiction. Nothing in this Act shall be deemed to establish any new rights of putative fathers beyond those rights otherwise established under existing law.

(b) *Who may place a special needs child for adoption.* A special needs child may be place for adoption by an agency only.

Commentary to Section 103

This section sets forth the principle that termination of parental rights should in every case precede a court decree of adoption. Because parental rights are terminated prior to adjudication of the adoption petition, the only consent required for a child's adoption under the Model Act is that of the guardian of the child's person or of an agency empowered to consent to the adoption of a special needs child following a formal relinquishment by the child's parent. It should be noted that although the termination of parental rights is a precondition to adoption, this provision does not make termination contingent upon the availability of an adoptive home.

There are three major reasons for bifurcating the adoption process. A two-step adoption process provides the most beneficial framework for agency efforts on behalf of the children with special needs who have been in the foster care system for too long. Many of these children have been considered ineligible for adoption because their parents, while not effectively exercising custodial rights of parental responsibilities, nonetheless refuse to consent to their adoption. The fact that termination of parental rights, such a proceeding should be initiated without delay. In addition, when termination of parental rights can be accomplished prior to placement of the special needs child for adoption, the child and potential adoptive parents will benefit from knowing that the child is legally free for adoption.

Section 104. Character and Effect of Termination of Parental Rights and of Adoption of a Child With Special Needs

(a) *Effect of relinquishment and termination of parental rights.* A relinquishment to an agency or a judicial order terminating the relationship between a parent and a child with special needs divests the parent and the special needs child of all legal rights, powers, privileges, immunities, duties, and obligations with respect to each other, except that:

(1) No relinquishment or termination order entered pursuant to this Act shall deprive a child with special needs of any benefit due him from any third person, agency, State, or the United States; nor shall any action under this Act affect any rights and benefits that such child derives as a member of an American Indian tribe;

(2) The right of the special needs child to inherit from and through the parent whose rights have been terminated shall be eliminated only by a final order of adoption;

(3) Any debt incurred by the parent on behalf of a son or daughter with special needs prior to the termination of parental rights shall be enforceable against the parent; and

(4) No relinquishment to an agency shall deprive a child with special needs of any right to support due him under any other law.

(b) *Effect of adoption.* Adoption creates the legal relationship of parent and child. There is no legal distinction between an adoptee and a person not adopted except that adoption of a child shall not affect any right to benefits conferred by the Federal government, or any legal rights created by law for an American Indian child.

Commentary to Section 104

Subsection (a). Because termination of parental rights itself does not substitute a new parent for the parent whom the child loses, this subsection protects against the loss of inheritance or other rights and benefits to which a child may be eligible through the parent whose rights are terminated. Hence the provision implements, for State benefits, a policy comparable to that enabled under Title II of the Social Security Act. For example, a child with special needs who has been receiving social security benefits on the basis of a parent's disability is eligible to continue to receive such benefits until and, in some instances, after, he has been adopted by another person; custody or other parental rights with respect to the child are not eligibility criteria. 42 U.S.C. 402(d) (1976). An example of a benefit due from a third person would be a gift by trust or will made to the child as the son or daughter of the named parent. Such a gift, likewise, will not be lost by the termination of parental rights.

Subsection (b). Most adoption statutes contain a provision similar to this one, stating the principle that the adoptive family, for all legal purposes, supersedes the birth family. This Model Act provision, likewise, emphasizes the character of adoption as a process with lifelong implications for the family and the social relationships of the parties involved. Upon completion of the adoption, the adoptee becomes in all legal respects as the birth son or daughter of the adopting persons, and, through them, acquires relationships to other adoptive family members. These new relationships are, for inheritance and all other purposes, equivalent to those of a son or daughter born to the adoptive parents.

Section 105. Jurisdiction of Courts

(a) Exclusive and continuing jurisdiction. The [ ] court shall have exclusive original jurisdiction over all proceedings arising under this Act. The court may make orders necessary or appropriate thereto and relating to the placement and care of children, and shall review at least annually the case of every child with special needs over whom it has retained jurisdiction, until the child is adopted or attains majority.

(b) Jurisdiction after child reaches majority. The court having jurisdiction over a child with special needs with respect to whom parental rights have been terminated but who has not been adopted may, for good cause shown, continue its jurisdiction after the child reaches majority, but shall review the continuation of its jurisdiction at least annually.

Commentary to Section 105

Subsection (a). The principle is well established that all proceedings relating to the custody of children and their personal guardianship and welfare should be under the exclusive

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jurisdiction of one court with broad authority. *See* ABA Comm. on Standards for Judicial Administration, *Standards Relating to Court Organization* section 1.10 (1974). Such a court is more likely to foster consistent and informed application of the law and judicial discretion than a variety of specialized courts with overlapping jurisdiction.

It is highly recommended that statutes or court rules regarding venue consider primarily the residence of the child, and that transfer of venue be required when a proceeding involving a child is brought in one county while another proceeding involving the same child is pending in another county.

Subsection (b). This provision allowing the court to retain jurisdiction beyond the age of majority is intended to meet the need of handicapped or other persons who could remain eligible for financial assistance or other governmental benefits so long as there is a judicial mandate for such services.

Annual court review of continued jurisdiction is explicitly required, not only under this subsection, but also under termination of parental rights and adoption titles of this Act. *See* M.A. sections 206, 502. Mandatory periodic judicial review is also required for all other cases in which the court retains jurisdiction. Such review helps to assure that children with special needs do not remain in the foster care system merely due to inadvertence of the court or agency involved and to move these children more rapidly toward a stable long-term placement.

Section 106. Governing Law

(a) *Full faith and credit.* Full faith and credit shall be given to the public acts, records, and judicial proceedings of an American Indian tribe or another State or jurisdiction of the United States. The courts and agencies of this State shall extend recognition, in accordance with applicable principles of comity, to the public acts, records, and judicial proceedings of a jurisdiction outside the United States whenever the interests of the child or the adopted person will be served thereby.

(b) *Law governing American Indian children.* The validly enacted laws of the United States relating to termination of parental rights and adoption of American Indian children shall be given effect in any case to which they apply.

Commentary to Section 106

Subsection (a). In spite of the constitutional mandate of "full faith and credit," which provides some uniformity of treatment to citizens beyond the boundaries of their own States, the lives of adoptees have traditionally been plagued with legal uncertainties. The fact that a decree of adoption is recognized by a State different from the issuing State does not assure consistent treatment of all adoptees, since the legal effects accorded the adoptive status, particularly with respect to matters of inheritance, vary among the States.

Although an adoption may not be subject to attack in the State which granted it, the courts of other States need not apply the same statute of limitations, or may cite due process considerations in overturning the decree. Unless each of the jurisdictions of the United States enacts a uniform adoption law, there will continue to be some element of uncertainty in the legal implications of adoption for the parties directly and indirectly involved. Two points should be made regarding these uncertainties. First, the courts and officials of each State should strive to build a record that will tend to withstand collateral attack and merit full faith and credit. And second, courts considering arguments based upon the principle of full faith and credit should seek to protect the interests of the adoptee.

Subsection (b). The regulation of affairs of federally-recognized Indian tribes is primarily within the province of the Federal government. For that reason, any valid Federal law regarding the subject of this Act supersedes State law in all circumstances to which the Federal law applies.

Section 107. Fees

(a) *Charging of fees prohibited.* No agency, public or voluntary, shall charge fees:

(1) For adoption services to children with special needs who are the responsibility of an agency, or to the birth or prospective adoptive parents of such children; or

(2) For postadoption services to the adoptive family of any child with special needs who, immediately prior to adoption, was the responsibility of an agency.

(b) *Reimbursement of expenses.* The State adoption administration shall reimburse voluntary agencies which provide adoption or postadoption services to persons to whom fees may not be charged pursuant to subsection (a) hereto. Such reimbursement shall not exceed the actual cost of services provided, and shall be in accordance with purchase of service rates established by the State adoption administration.

(c) *Penalty for illegal fees.* Any person, agency, association, or corporation who gives, requests, receives, or accepts payment of cash or other consideration in violation of this Section 107 shall be guilty of [misdemeanor].

Commentary to Section 107

The Preamble to the Model Act establishes the principles that adoption is a service to children, and that children with special needs should not be denied the benefits of family life. In keeping with this philosophy, the Model Act abolishes fees for services to these children, their birth parents, and their prospective adoptive families. By their nature, fees may act as deterrents to families who seek to adopt a child; they may erect psychological or very real financial barriers to families, thereby reducing the chances a child has to be adopted.

A primary purpose of the Model Act is to remove barriers to the adoption of special needs children awaiting adoption. Proscription of fees for services to or on behalf of these children removes one of the obstacles to their adoption.

The financial burden for the extension of adoption services is transferred back to the State through the requirement that it reimburses voluntary agencies. Implementation of the philosophy of the Model Act demands that comprehensive services be available at no cost if the thousands of special needs children awaiting adoption are to be placed with permanent families. Legislators debating enactment of the Model Act, when weighing the benefits against the potential for increased costs, should consider the potential for continued (and perhaps even increased) costs to the State of not enacting this provision: the expense of keeping a special needs child in foster care, including social and medical services, or the expense of a child re-entering the foster care system if an adoption breaks down because the necessary postadoption services were not available. In addition, any financial argument must be balanced against the social benefits of securing permanent homes for the waiting children.

Section 108. Priority of Proceedings; Judicial Review

(a) *Priority on court calendar.* Judicial proceedings for emergency protection of children, termination of parental rights, and adoption of children with special needs, and objections thereto, shall be considered to have the highest priority and shall be advanced on the dockets of trial and reviewing courts so as to provide for their earliest practicable disposition. An adjournment or continuance of a proceeding under this

Act shall not be granted without a showing of good cause therefor.

(b) *Judicial review.* Any party aggrieved by an order, judgment, or decree of the court in a suit for emergency protection of children, termination of parental rights, or adoption may, within thirty days after notice of its entry, file notice of an appeal to the [ ] court. Procedures for an appeal are governed by the rules applicable to appeals from the [ ] court in civil cases. A petition for the child's adoption may not be heard pending the appeal of a decree terminating a parent-child relationship.

(c) *Priority of appeals.* Appeals from orders under this Act shall be given priority in the reviewing court and shall take precedence over all other matters, except for already docketed appeals from orders in other termination or adoption proceedings and other matters which are given priority by specific statutory provision. No postponements, continuances, recesses, or adjournments for longer than three days shall be granted except with the consent of all the parties, and none shall be granted after the appeal has been docketed for sixty days. An appeal from an order under this Act shall be decided within ninety days of filing.

(d) *Decree judgment-proof after one year.* Subject to the disposition of an appeal, upon the expiration of one year after a decree of termination of parental rights or of adoption is issued, such decree cannot be questioned by any person including the petitioner, in any manner upon any grounds whatsoever, including fraud, misrepresentation, failure to give any required notice, or lack of jurisdiction over the parties or over the subject matter.

Commentary to Section 108

Subsection (a). The policy articulated supports the right of children with special needs to have matters regarding their interests adjudicated with the greatest promptness. The provision pays deference to the great significance which the passage of time has in the life of a young person. The requirement that a person who requests a continuance must show cause for the postponement is designed to discourage unnecessary delay.

Subsection (b). The time limits imposed upon appeals are deemed the maximum that should be allowed in light of the commitment to affording stability and permanence to the children with special needs who come within the court's jurisdiction.

Subsection (d). The interest of an adopted child in a stable and permanent family also underlies the one-year statute of limitations which is imposed upon collateral attack of termination or adoption decrees. The rationale of the present provision, which is intended to cut off attacks based upon any error, is grounded upon a balancing of the interests of the child with special needs, other parties, and society. When such a child has been in an adoptive home for one year or more, that child's right to continuation of a stable and permanent family environment outweighs the right of a parent who, for whatever reason, has not been involved enough with the child to have had knowledge of the decree in question; the child's right also outweighs society's interest in protecting the integrity of the judicial process in cases of fraud.

Section 109. Severability

If any provision of this Act or the applicability thereof is held invalid, the remaining provisions of this Act shall not be affected thereby.

Commentary to Section 109

The severability clause is a common device to ensure the continued effectiveness of other provisions of the Model Act in the event that any single section or subsection is declared invalid.

Section 110. Effective Date

This Act shall take effect on

____

Commentary to Section 110

Generally, an effective date should be set at three to six months after enactment to afford sufficient time to adopt whatever administrative changes are necessary to implement the Act.

Section 111. Prior Laws Repealed

The following laws or portions thereof are hereby repealed [suspended] by this Act:

[ ].

Commentary to Section 111

Since many States already have statutes dealing with child abuse and neglect, child protective services, termination of parental rights, foster care and adoption, each State which adopts parts or all of this Model Act should make a special attempt to maintain consistency as to definitions and other aspects of adoption law.

Title II—Termination of Parental Rights of a Child With Special Needs

Section 201. Relinquishment of Parental Rights With Respect to a Child With Special Needs; Voluntary Judicial Termination of Parental Rights With Respect to a Child With Special Needs

(a) *Effect of relinquishment.* A voluntary relinquishment to an agency shall be effective to terminate the parental rights of the person executing it and shall transfer from the parent to the agency all powers of such parent, including the right to place a special needs child for adoption and to consent to the adoption of the child. Relinquishment of a child by one parent does not diminish the parental rights of the other parent of the child, nor does it relieve either parent of a duty otherwise provided by law to support the child until such child has been adopted or such parent's parental rights have been terminated by judicial decree.

(b) *Relinquishment by American Indian parent.* A voluntary relinquishment by an American Indian parent who is a member of a federally-recognized tribe shall conform to requirements of Federal law.

(c) *Procedures for relinquishment.* Except as provided in the following subsection (d), procedures for a voluntary relinquishment of a special needs child shall be the same as for voluntary relinquishments generally.

(d) *Counseling of parent prior to relinquishment.* Prior to taking a relinquishment, the agency shall counsel the parent of a special needs child regarding relinquishment, adoption, and the alternatives to relinquishment, and shall assist him in understanding and exploring the assistance and services which may be available to his special needs child if he chooses not to relinquish the child.

(e) *Court termination required when parents fail to understand process.* If the agency doubts the comprehension by the parent of the meaning or consequences of relinquishment, or if the parent so requests, the agency shall not proceed to take a relinquishment, but shall assist the parent in petitioning the court for voluntary termination of parental rights.

(f) *Procedures for voluntary judicial termination of parental rights.* Except as provided in the following subsection (g), procedures for voluntary judicial termination of parental rights with respect to a special needs child shall be the same as for voluntary terminations generally.

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(g) *Confirmation of counseling.* At the hearing on a petition for voluntary termination of parental rights, the court shall ascertain that the petitioner has been counseled by the agency regarding termination and adoption and regarding the assistance and services which may be available to his special needs child if he chooses not to terminate his rights as to the child, and that the petitioner voluntarily chooses to terminate his rights.

(h) *Disposition upon denial of petition.* Where the court denies a petition for voluntary termination of parental rights, the court shall order an agency to assess the needs of the child, the care the child is receiving, and the plan of the unsuccessful petitioner for the child with special needs. The agency shall submit a report on its investigation to the court within thirty days of such order.

Commentary to Section 201

There are two means by which a parent may give up a special needs child for adoption, by signing a legally binding relinquishment of parental rights, or by petitioning a court for termination of parental rights.

More than fifteen States presently allow a parent to relinquish a child to a licensed agency without court involvement or approval. In these States relinquishments are given binding legal effect as of the time of execution, or as of the expiration of a period of time in which the parent may revoke the relinquishment. The Model Act similarly provides for the finality of an agency relinquishment. *See* M.A. sections 201(a), 208. The arguments against such a method of terminating parental rights—that parents might be subject to undue agency pressure to give up their children and that due process protections of parents' and children's rights cannot be assured—are outweighed by a number of factors favoring agency relinquishments as one option for parents. Many parents are intimidated by judicial proceedings, and will use the services of an agency to place their children for adoption so that they can be spared the personal trauma of a court appearance. Some parents may wish to avoid the delays inherent in judicial proceedings, or the expense of hiring legal representation for a court appearance.

Parents' preferences between the two methods of termination will vary, as will the needs and preferences of agencies to which parents come for assistance in relinquishing their children with special needs. There will be cases in which agency personnel question the competence or understanding of the relinquishing parent; in those cases, the agency should have the opportunity to take the proceeding before a court. The agency would then assist the parent in filing a petition to terminate parental rights.

Subsection (b). This subsection brings to the attention of adoptive practitioners the fact that there are distinct Federal requirements applicable to relinquishments by American Indian parents who are members of federally-recognized tribes.

Subsections (d) and (g). These provisions protect against ill-considered relinquishments or termination by parents whose feelings of inability or unwillingness to rear their special needs child might be mitigated by information regarding available community resources.

Subsection (e). Subsection (e) requires the agency to remove the relinquishment to a court if a parent so requests or if doubts arise regarding the parent's mental competence or comprehension. Although this removal is mandated when such doubts arise, it should be noted that an agency is never required to take relinquishments without judicial supervision; if an agency prefers to take all of its parents before the court for judicial termination of the relationship between a parent and a child with special needs, the Model Act does not prevent such a policy.

Section 202. Restoration of Parental Rights Relinquished or Voluntary Terminated With Respect to a Child With Special Needs

(a) *Petition for restoration of parental rights.* Any time after one year after the execution of a relinquishment or issuance of a decree of voluntary termination of parental rights, if the special needs child as to whom parental rights were relinquished or terminated has neither been adopted nor is in an adoptive placement, the parent whose rights were relinquished or terminated may petition the [ ] court for restoration of parental rights. However, upon fifteen days notice to the petitioners and the court having jurisdiction of the petition, and unless otherwise ordered by the court, an agency may place a child for adoption during the pendency of the petition and such placement will have the effect of terminating the petition. In the case of an adoptive placement made during the pendency of such a petition, the prospective adoptive parent(s) with whom the child is placed shall be notified by the agency of the petition prior to placement.

(b) *Appearance by guardian or agency.* Any guardian of the child's person and the agency to which the child was relinquished shall have the right to receive notice and appear at the hearing to show cause why such restoration or rights should not occur. If the court finds upon clear and convincing evidence that restoration of parental rights would be in the best interest of the child with special needs, it shall order restoration.

Commentary to Section 202

The restoration of the parent-child relationship provided by this section is a provision appropriate to circumstances which can arise when termination of parental rights is a proceeding legally separate and distinct from adoption.

While termination of parental rights is a crucial first step in facilitating adoptive placement of the many children who have languished for years in a "temporary" foster care situation, it may actually contribute to instability for some children with special needs. When adoptive placements break down or are never effectuated, children whose parents surrendered them with expectations that they would be adopted into permanent home environments, may instead be living with temporary caretakers who cannot provide them with stability or permanence. If so desired by the parent and if the child is not in an adoptive placement, the parent may petition to resume the parental role.

Section 203. Procedures for Involuntary Termination of Parental Rights With Respect to a Child With Special Needs

(a) *General procedures.* Except as provided in this Section and Sections 204, 205, 206, 207, and 208, procedures for suits involving involuntary termination of parental rights with respect to a child with special needs shall be governed by the laws and rules applicable to involuntary termination of parental rights generally.

(b) *Filing a petition.*

(1) A petition seeking involuntary termination of the relationship between a parent and a child with special needs may be filed by any person or entity otherwise entitled under existing law to file such a petition and by:

(A) A public or voluntary child placement, child-caring or adoption agency having responsibility for the special needs child;

(B) Either parent with respect to the other parent;

(C) The guardian of the special needs child;

(D) Any attorney for or guardian *ad litem* of the child appointed in a prior proceeding, acting as friend of the child in the instant proceeding; or

(E) A *de facto* parent of a special needs child, as defined in Section 102 of this Act.

(2) A child placement or child-caring agency having custody of any special needs child it has reason to believe has been abandoned shall promptly seek an adjudication of [neglect or abandonment consistent with State statute]. The circumstances constituting abandonment are defined in Section 205.

Commentary to Section 203

Subsection (b). Included in the list of persons eligible to petition for involuntary termination of parental rights of a child with special needs are those deemed to have a legitimate interest in the welfare of the child with special needs.

(1)(A)—There will be cases in which an agency with custody, guardianship, or other legal interest in a child will deem it in the child's best interest to seek involuntary termination of parental rights. Such an agency need not be an "agency" as defined in Section 102 of the Model Act; any child placement agency, whether or not authorized to place for adoption, may petition, as may a child-caring agency.

The distinction between these two types of agencies is that a child placement agency is a public or voluntary agency authorized to place children for foster care or adoption, or both; a child-caring agency is one such as a group home or a residential treatment center which is authorized only to exercise custody and control of children, but not to perform placement services.

(1)(B)—A parent may petition for involuntary termination of the parental rights of the child's other parent.

(1)(C) and (1)(D)—The child's present legal custodian or guardian may petition to sever the parent-child relationship. A guardian *ad litem* or attorney for the child appointed in previous proceedings regarding the child may also petition for involuntary termination of parental rights.

(1)(E)—In some instances, the child's *de facto* parent is in the best situation to know the child, the frequency and quality of contacts between the child and the birth parent, and the efforts of any involved agency in fostering a permanent, stable situation for the child.

Section 204. Assessment of Child With Special Needs and Report

(a) *Assessment required in contested actions.* A court with jurisdiction of a contested suit for involuntary termination shall order an assessment of needs of the child with special needs who is the subject of the suit. Such assessment shall be conducted by a non-party agency selected by the court. Reasonable costs for the assessment shall be paid or reimbursed by the State adoption administration.

(b) *Time for completion of assessment; court's use of report.* A report of the assessment shall be submitted within thirty days after the court directive, unless the court grants a request for an extension. The report may be introduced into evidence in accordance with the rules of evidence. In the absence of an objection, the report may be used by the court whether or not introduced into evidence, in deciding whether the petition for involuntary termination of parental rights shall be granted.

(c) *Contents of assessment.* The assessment shall include but not be limited to the physical, mental, and emotional conditions of the child and parents, history of intrafamily relationships, services offered in an attempt to reunify the family, the proposed plan to meet the special needs of the child, and the wishes of the child according to his maturity of judgment.

Commentary to Section 204

When the parent whose parental rights are subject to involuntary termination appears and contests the petition, the judge is required to order an assessment of the child's needs and to delay adjudication of the petition until a report of the assessment has been submitted to the court. The court will need full information on the background and condition of the child to evaluate adequately the factors making up the grounds for involuntary termination.

Section 205. Grounds for Involuntary Termination of Parental Rights With Respect to a Child With Special Needs

(a) *Grounds for involuntary termination of parental rights.* An order of the court for involuntary termination of the legal parent-child relationship shall be rendered if the court finds that the termination is in the best interest of the child, and that one or more of the following circumstances or any other grounds for involuntary termination otherwise provided by State law, exist:

(1) The identity or location of the parent is unknown and the parent has not claimed the child for a period of sixty days after the child is found; despite deiligent efforts to ascertain the parent's identity and location;

(2) As a ground for an order of involuntary termination against the father or putative father, the child was conceived as the result of an act of forceible rape; or, as a ground for an order of involuntary termination against the father, putative father, or mother, the child was conceived as the result of an act of incest;

(3) The child has been adjudicated to have been abused [or neglected or dependent—insert appropriate term from State statue] in a prior proceeding. In determining whether termination of parental rights would be in the best interest of the child in such case, the court shall consider and make written findings regarding the factors contained in subsection (b) of this Section 205 and the following conditions or acts of the parent:

(A) Emotional illness, mental illness, mental deficiency, or use of alcohol or controlled substances rendering the parent unable to care for the immediate and ongoing physical or phsychological needs of the child; or

(B) Any proven act or acts of abuse or neglect toward any child in the family subsequent to the adjudication of abuse or neglect; or

(C) Repeated or continuous failure by the parents, although physically and financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for his physical, mental, or emotional health and development; but a parent who, legitimately practicing his religious belief, does not provide specified medical treatment or education for a child, is not for that reason alone a negligent parent;

(4) The child has been out of the physical custody of the parent for one year; or the parent, including the father whose paternity has been adjudicated, has failed to take physical custody of the child within sixty days of the birth or adjudication; and:

(A) The conditions which led to the separation still persist, or similar conditions of a potentially harmful nature continue to exist;

(B) There is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future; and

(C) The continuation of the legal parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent family.

In determining whether termination of parental rights would be in the interest of the child under this subsection (4), the court shall consider and make written findings regarding the factors contained in subsection (b) of this Section 205;

(5) The child has been out of the physical custody of the parent for a period of eighteen months and:

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(A) The child has developed an emotionally stable relationship with his *de facto* parent;

(B) The *de facto* parent has expressed an intent to adopt the child; and

(C) The child wishes to be adopted by the *de facto* parent.

(b) *Factors to be considered in certain instances.* In determining whether to terminate parental rights under subsections (a)(3) or (a)(4) of this section, the court shall consider and make written findings regarding:

(1) The timeliness, nature, and extent of services offered or provided to the parent and the child to facilitate reunion of the child with the parent;

(2) The terms of any social service contract agreed to by an authorized agency and the parent, and the extent to which all parties have fulfilled their obligations under such contract;

(3) The feelings and emotional ties of the child with respect to his parents; and

(4) The effort the parent has made to adjust his circumstances, conduct, or conditions to make it in the best interest of the child to return him to his home, including:

(A) The extent to which the parent has maintained regular visitation or other contact with the child as part of a plan to reunite the child with the parent;

(B) The payment of a reasonable portion of substitute physical care and maintenance if financially able to do so;

(C) The maintenance of regular contact or communication with the custodian of the child; and

(D) Whether available additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within a reasonable period of time.

(c) *Factors to be considered in all instances.* Where any of the circumstances in subsections (a)(1) through (a)(5) of this Section 205 exist, the court shall consider:

(1) The contents of the assessment and report, if any, submitted pursuant to Section 204 of this Act;

(2) The specific benefits to the child of continuing the legal parent-child relationship;

(3) The wishes of the child regarding termination of the legal parent-child relationship.

(d) *Rehabilitation of parent.* The maintenance of a legal parent-child relationship for the purpose of rehabilitation of a parent shall not be sufficient grounds for continuation of such relationship.

(e) *Deprivation of custody through divorce, separation, act of other parent.* Notwithstanding any other provisions of this section 205, no legal parent-child relationship may be terminated solely because a parent has been deprived of the legal custody of a child by reason of a divorce or a legal separation, or of the physical custody of a child by the act or conduct of the other parent of the child.

Commentary to Section 205

The section sets forth several supplemental grounds for involuntary termination of the legal relationship between a parent and a child with special needs. These grounds are in addition to grounds for involuntary termination otherwise provided by State law.

Subsections (a), (b), (c). Subsection (a) articulates supplemental grounds for a court order terminating the legal parent-child relationship; subsections (b) and (c) add a number of factors the court must consider in various termination situations.

With regard to the nature of the grounds for termination, several questions are often debated: whether the State's termination of the parent-child relationship ought to be based upon parental unfitness or upon consideration of the child's "best interests," and, if both criteria are used, what relative weight should be accorded to each.

In the Model Act the court is directed to consider both the best interests of the special needs child and parental conduct indicating unfitness or non-involvement. Both factors should be weighed before a termination order is entered. The decision as to what course of action would be in the child's best interests is to be made with specific reference to the type of parental conduct alleged in the petition.

Parental Conduct. Except for the prior adjudication of abuse or neglect (subsection (a)(3)), the parental conduct criteria for termination of parental rights all constitute some degree of non-involvment in the child's past or present life. These are grounds which presume such inability, unsuitability, or lack of interest in parenting the child that further consideration of parental conduct is unnecessary.

When the child has never been in the physical custody of his parents, or when the child has been out of the parent's care for a year or more (subsection (a)(4)), the potential for the parent's initial or renewed involvement with the child must be considered before the parental conduct criterion for termination is met. That potential will be influenced by the current conditions surrounding the child which characterize him as a special needs child.

In the type of situation delineated in subsection (a)(5), a parent who cannot be faulted for miscoduct or lack of present parenting ability nevertheless may be deemed to have forfeited the parent-child relationship. In these cases the parental conduct criterion is included in the Model Act in response to the need to remove obstacles to adoption of children who have long been in need of permanent homes. Some of these children have been in the long-term care of foster parents willing to adopt them but unable to do so because of the belated reappearance of a parent. The parent, perhaps out of touch with the child for many years through no fault of his own (perhaps having been lost to the agency, or neglected by an understaffed agency, or not understanding the legal means for regaining custody of the child), may be capable of reassuming custody and parenting his child. In such a case, if the child wishes to remain in his present home and be adopted, the birth parent's interest in custody and control of the child has effectively been superseded by that of a new family unit whose right to continued integrity should not be violated.

Where the child has previously been adjudicated to have been abused or neglected (subsection (a)(3)), the "parental conduct" criterion for termination of parental rights is deemed to have been met, and the second standard, the child's best interests, is controlling in the determination to terminate parental rights.

Best Interests of the Child. Subsections (b) and (c) are intended to provide quidance to the court in determining whether, given certain parental conduct or circumstances, termination of parental rights would be the child's best interests.

In two sets of circumstances—prior abouse or neglect, and absence from the parent's care for a year or failure of the parent to take custody of his child—the child's best interests are deemed to be inextricably related to the parent's demonstrated potential to care for the child in the future. This potential is defined by specific acts or omissions of the parent with respect to the child or his siblings. Subsection (b) requires that, if termination is sought pursuant to subsections (a)(3) and (a)(4), the services offered to the family by the State be considered in evaluating the parent's past efforts and future parenting potential.

Where prior abuse or neglect has been found (subsection (a)(3)), it is critically important that agency intake and service practices reflect an understanding of families which abuse or neglect their children. Treatment services should be offered by trained workers who have the capacity to encourage positive growth.

Where the child has been out of the parent's physical custody for a year or the parent has not taken physical custody of his child (subsection (a)(4)), and where there has been a prior adjudication of neglect or abuse (subsection (a)(3)), the court must also consider whether the parent maintained regular visits, assumed reasonable support and maintenance obligations, and cooperated with the agency (subsection (b)(4)). These factors are important indices of whether additional services are likely to bring about a lasting parental adjustment which will permit the child's return to the parent. Where parental contact has been sporadic, such as sending an annual birthday card, and does not indicate any pattern of ability to sustain ongoing communication, the court should probably regard such contact as insignificant evidence of parental interest in the child.

In conjunction with the grounds enumerated in subsection (a)(1) through (5), the court should always consider the assessment of the child, the opportunities the child will have to remain in touch with his heritage, and the child's wishes regarding termination.

Subsection (d). Subsection (d) provides that, although the parent's need for a relationship with the child may be considered, such a need may not control the court's decision regarding termination of that relationship.

Subsection (e). Divorce, separation, or unlawful deprivation of the custody of a child do not constitute parental conduct criteria upon which a termination action can be based. This subsection eliminates any ambiguities with respect to these issues which may be created by the grounds for termination in subsection (a).

Section 206. Disposition of Petition for Involuntary Termination of Parental Rights With Respect to a Child With Special Needs

(a) *Disposition upon granting petition.* If, after considering all the evidence at the adjudicatory hearing, the court finds that sufficient grounds exist for involuntary termination of the legal parent-child relationship, it shall:

(1) Enter an order terminating the legal parent-child relationship; and

(2) If such order has the effect of terminating the parent-child relationship with respect to both parents or to the last surviving parent, appoint an individual or Agency guardian of the child's person. The guardian of the child's person shall report to the court within ninety days on a permanent placement plan for the child with special needs. At least every six months thereafter, a report shall be made to the court on the implementation of such plan. The court shall review the plan for the special needs child no less than once a year.

(b) *Denial of petition.* (1) If the court finds that sufficient grounds for involuntary termination of the legal parent-child relationship do not exist, it shall make an appropriate order with respect to the custody and protection of the special needs child, and may either continue its jurisdiction or dismiss the petition as may be appropriate in the circumstances.

(2) If the court finds that the services or social service contract as described in Section 205 (b)(1) and (b)(2) of this Act were insufficient or inadequate, the court may order an agency to develop a plan of service for the child with special needs and his parents.

(3) Any order the court makes under subsection (b)(1) of this Section 206 shall specify what residual rights and responsibilities remain with each living parent, and shall designate the period of time the order shall remain in effect, with mandatory review by the court no later than six months thereafter and at subsequent intervals of not more than one year.

(c) *Court reviews of permanent placement plan.* In conducting reviews pursuant to subsections (a)(2) and (b)(3) of this Section 206, the court or a hearing officer designated by the court shall hold a hearing and require the presence of the guardian of the child's person or any other person the court or the hearing officer deems necessary to conduct the review.

Commentary to Section 206

Subsection (a). If the court finds that the dual criteria of parental conduct and best interests of the child with special needs have been met, it must enter an order terminating parental rights. Since the rights of one parent may be terminated without affecting the rights of the other, it is possible that the entry of a termination order would not necessitate the appointment of a legal guardian for the child. If the child will be left without a guardian, however, the court must appoint one.

Any person or agency appointed as guardian pursuant to this subsection must report back to the court on the completed placement plan for the child. This mandate attempts to ensure that, following a termination decree, a child in fact is adopted or settled into a permanent placement. By retaining jurisdiction, a judge has the power to hold a hearing and to make further orders should that be deemed necessary.

Subsection (b). Where the court finds that grounds do not exist to grant the petition for termination of parental rights, the petition may be dismissed. Even if the court dismisses the petition for termination, it retains the power to enter further orders to protect the welfare of the special needs child. Depending on the circumstances surrounding a particular case, it may be in the child's best interest for the court to continue its jurisdiction so the court can monitor the case through periodic reviews until such time as facts warrant a further hearing on the petition.

Subsection (c). The importance of periodic case review in assuring that a child receives appropriate adoptive and other services is widely acknowledged. *See* M.A. Section 301(b) (commentary). Many States require regular court review of the cases of children who are under the jurisdiction of the court. To prevent these reviews from becoming a *pro forma* submission of a social services report which receives scant judicial attention, this subsection requires a court hearing at which serious consideration of the child's situation is much more likely to occur. The hearing does not demand rigid procedural formality and may be held by a court official other than a judge. Personal testimony by individuals familiar with the child's case should, however, be required.

Section 207. Court Order Granting Termination of Parental Rights of a Child With Special Needs

(a) *Form and content of orders.* Every order the court makes pursuant to Section 206 of this Act shall be in writing and shall recite the findings upon which the order is based, including findings pertaining to the jurisdiction of the court. Every order must fix responsibility for the support of the child with special needs.

(b) *Finality of orders.* Except as otherwise provided for an interlocutory order, all orders are final, effective, and binding on all persons after the date of entry unless stayed pending an appeal.

Commentary to Section 207

The requirement that every order be in writing and recite the findings upon which it was base will facilitate meaningful appellate review. The order must also fix responsibility for the child's support with the birth parent whose rights have not been terminated or the guardian of the child's person, as appropriate.

The fact that all orders are deemed to be final from the date of entry ensures that an aggrieved party may take an immediate appeal.

Section 208. Effect of Termination Decree or Relinquishment of a Child With Special Needs

(a) *Effect of termination.* Upon relinquishment of a special needs child or termination of parental rights with respect to a child with special needs through a court decree, the parent ceases to be the legal parent of the child as to whom rights have been terminated, as set forth in Section 104 of this Act. No such parent has a right to notice of proceedings for adoption of the special needs child by another or to object to the adoption or otherwise to participate in the proceedings.

(b) *Parental rights independently terminable.* The legal parent-child relationship may be terminated with respect to one parent without affecting the legal relationship between the special needs child and the other parent.

(c) *Agency to provide notice if termination challenged.*

(1) If the validity of a relinquishment or court order terminating parental rights with respect to a child with special needs is challenged in a court of this State, the court in which such challenge is filed shall:

(A) Notify any agency to which the child was relinquished, which is presently responsible for the child, which placed the child for adoption, or which provided postplacement services; and

(B) Hold a hearing to determine if any notice shall be provided the child and if so, the nature of the notice. At such hearing the court may appoint an attorney *ad litem* to represent the child.

An agency which is notified under section (c)(1)(A) of this section shall notify the adoptive parents of a child who has been adopted or, if the child has not been adopted, the prospective adoptive parents, if any. Such notice shall inform the parties of the pendency of the challenge and of their right to be heard regarding such challenge. The agency issuing such notice shall certify to the court in which the attack was filed that the requirements of this subsection have been met.

(2) If the validity of a relinquishment or court order terminating parental rights with respect to a child with special needs is challenged in a court of any other jurisdiction, any agency of this State which learns of such challenge by any means shall notify the agency responsible for the child prior to his placement or adoption, which in turn shall notify the adoptive or proposed adoptive parents, if any, of the pendency of a proceeding which may affect their status with respect to the child.

Commentary to Section 208

Subsection (a). The provisions follows the traditional approach of divesting both parent and child of all rights towards one another, except that the child's right to inherit from his birth parent is terminated only upon a final order of adoption. *See* M.A. Section 104. This approach is consistent with a public policy commitment to the best interests of the child.

This subsection underscores the finality of the decree and the fact that following termination a parent will have no standing to object to an adoption or other planning on behalf of the child with special needs.

Subsection (c). Whenever a relinquishment or termination decree is collaterally attacked, the special needs child and any adoptive or prospective adoptive parents clearly have a vital stake in the outcome of the action. The adoptive or prospective adoptive parents or agencies which have an interest in the child should be provided with notice and made parties to a collateral attack. This provision assures a complete examination of the issues, and apprises these parties of the potential modification in legal status of the child.

More important, however, providing notice to adoptive or proposed adoptive parents prevents their belated discovery of a matter of critical importance to them. For prospective adoptive parents, the possible reversal of the termination of parental rights may affect their decision to commence adoption proceedings. For adoptive parents this early notification and, perhaps, intervention in the collateral attack proceedings may prevent an extended legal battle with potential harmful consequences for the child.

The agency serves as a conduit for the provision of notice in these cases. This protects the anonymity of the birth and adoptive parents, and prevents birth parents from discovering the whereabouts of a child as to whom they have no rights as that point.

Agencies of one State which learn of a collateral attack filed in another jurisdiction are required to notify the agency responsible for the child prior to placement or adoption, which in turn shall notify the adoptive or prospective adoptive parents of the challenge. If the agency which learns of the out-of-state challenge to the termination of parental rights is not the agency that was responsible for the child prior to placement or adoption, it shall ascertain the identity of the agency which has or had responsibility for the child from the State adoption administration.

Section 209. Authority and Duties of Guardian of Child's Person

(a) *Authority to consent.* The guardian of the child's person has the authority without limitation to consent to marriage and enlistment in the military service of the United States, to consent to any medical, psychiatric, or surgical treatment, and to consent to the adoption of the child unless the child has a living parent whose rights have not been terminated.

(b) *Right to custody of child.* The guardian of the child's person has the right to physical custody of the child or to determine an appropriate placement for the child, subject to the review of the court. When he does not have physical custory of the child, the guardian of the child's person or his designee has the duty of reasonable visitation with the child.

(c) *Responsibilities.* The guardian of the child's person has the responsibility to ensure that the child receives adequate support, care, nurture, and education, and to ensure that the child has legal representation in legal actions.

(d) *Reports to court.* An individual or agency appointed as guardian of the child's person shall report to the court within ninety days on a permanent plan for the child. At least every six months thereafter, a report shall be made to the court on the implementation of such plan.

Commentary to Section 209

The terms "legal custodian" and "legal custody" are frequently confused with "guardianship" in discussions of child welfare laws of different States. The occasions for appointment of a guardian of a child's person differ from State to State. The distinction between the two terms is frequently blurred, particularly when States make use of concepts such as "temporary guardianship" or "permanent custody."

The concept of "guardian" is usually broader than that of "custodian" or "legal custodian." As used in the Model Act, the authority and duties of a guardian encompass those of the legal custodian and also include the authority to make decisions permanently affecting the child's welfare, including consent to the adoption. However, to provide enough flexibility to accommodate variations in State law, the Model Act also presumes that a court may appoint a guardian without terminating parental rights. *See* M.A. section 206(b). Also in the interest of flexibility, the definition of "guardian" does not preclude delegation of the physical custody of the child while still maintaining the duty of overseeing the child's physical care and control through visitation.

Legislatures considering enactment of the Model State Adoption Act may need to adjust these definitions to fit previously established usages in their own jurisdictions.

Title III—Adoption Services For Children With Special Needs

Section 301. Duties of the State Adoption Administration

It is the duty of the State to ensure that all children with special needs in the State who need adoption services receive them in an appropriate and timely fashion and to ensure that all adoption services provided to these children meet accepted standards of practice. To promote the effective discharge of these duties, [there is hereby created] the State adoption administration, [which] shall have responsibility for the [administration] [supervision] of all public adoption programs for children with special needs within the State and shall, at a minimum, have the following duties:

(a) *Regulation of Agencies.* Consult with the [State licensing agency] to develop regulations designed to ensure that all public and voluntary providers of adoption services to children with special needs meet accepted standards of practice.

(b) *Linkages with foster care; case planning and review system.* Establish linkages between adoption services and public and voluntary foster care services, to ensure that adoption is evaluated as one option for special needs children in foster care and that adoption services are available for children according to their special needs. To carry out this responsibility, the State adoption administration shall implement or cause to be implemented a short-term and long-term case planning system in all public and voluntary adoption agencies in the State and shall cooperate with the [State foster care agency] in conducting periodic case reviews. All children with special needs in the care or the responsibility of public and voluntary adoption agencies in the State shall be included in the case planning and case review systems.

(c) *Specialized programs for children with special needs; recruitment of adoptive parents.* To meet the needs of children with special needs:

(1) Provide specialized programs, staffed by persons whose skills are specifically suited to meeting the special needs of such children; and

(2) Regularly recruit or ensure the recruitment of adoptive parents to meet the special needs of such children.

(d) *Family assessments.* Provide or ensure the provision of a family assessment to any adult, married or unmarried, who applies to adopt a child with special needs.

(e) *Persons to be served.* Provide or cause to be provided preplacement, placement postplacement, and postadoption services:

(1) For all children with special needs who are the responsibility of the State and for whom adoption is the plan; and

(2) As appropriate, for the birth parents, prospective adoptive parents, and adoptive parents of such children.

(f) *Public information.* Publish and disseminate information to the public regarding adoption programs and services for children with special needs within the State. Such information shall include, at a minimum:

(1) The numbers and characteristics of the special needs children available for adoption;

(2) The requirements for persons who seek to adopt a child with special needs; and

(3) The steps in the adoption process, and the services and financial assistance available to persons who adopt a child with special needs.

(g) *Public education.* Conduct a program of public education on adoption of children with special needs.

(h) *Adoption resource exchange.* Establish and maintain, or cause to be established and maintained, a Statewide adoption resource exchange or listing service of children with special needs awaiting adoption and potential adoptive parents of such children.

(i) *Training of staff.* Provide or ensure the provision of appropriate training for persons performing services leading to the adoption of children with special needs and required by this Act.

(j) *Statistics.* Keep statistics relating to adoption which will be designed to present a true and accurate account of adoption services provided to children with special needs within this State and to such children outside this State whose physical custodian or guardian is a resident of this State. The court and each agency shall provide such statistical information to the State adoption administration as may be required by it in order to carry out the purposes of this subsection (j).

(k) *Forms.* Develop forms which may be employed to implement the provisions of this Act.

(l) *Standards for record keeping.* Establish standards for the compiling and maintenance of agency records.

Commentary to Section 301

The opening sentence of the section is a statement of policy, emphasizing the affirmative duty of the State to strive to provide permanent homes through adoption for the State's children with special needs.

The State adoption administration created or designated by the legislature may be an already existing unit within the State government. The individual public agencies which provide adoption services will usually provide foster care services as well, so the umbrella State adoption administration will be intimately involved with the operation of public foster care programs. The precise administrative role of the umbrella authority will be determined by whether the State's social service system is State-administered or county-administered and State-supervised.

Subsection (a). This provision is an essential element in a scheme to provide adoption services of high quality on a Statewide basis for children with special needs. The positive and negative sanctions inherent in the licensing and regulation processes, although not the only tools for maintaining or upgrading agency performance, are among the most effective. Licensing and regulation serve not only to eliminate poor service providers; agencies are encouraged, by the very existence of mandatory standards, to keep their performance from fallng to unacceptable levels. Because States have their own licensing statutes and regulations, the Model Act has not addressed this matter *per se.*

Subsection (b). The linking of adoption resources with the foster care system is a vital first step in serving the large numbers of children who are spending their childhood in "temporary" foster care. A recent nationwide study of children in such temporary care showed that forty-five percent had already spent more than two years in foster care. U.S. Dept. of Health, Education and Welfare, National Study of Social Services to Children and their Families 120 (1978). (*See also* H. Maas, "Children in Long-Term Foster Care," 48 *Child Welfare* 321 (1969).)

One problem in serving these children has been the inability to identify them. Some States have already met this problem by instituting mandatory administrative foster care case reviews similar to this subsection.

Because of the close organizational link between public adoption and public foster care agencies, the duty of the

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State adoption administration under this subsection should be fairly simple within the public sector. The more complicated task will be linking voluntary foster care services with public adoption services, and public foster care with voluntary adoption resources.

Subsection (c). A primary value of a Statewide adoption authority is its ability to equitably distribute State adoption funds and resources to serve the children who need them most. Through use of the statistical data compiled pursuant to subsection (j), the Statewide agency can identify broad segments of the foster care population for whom special recruitment of potential adoptive parents may be needed. The importance of active recruitment of appropriate families is illustrated by the frequent disparity between the types of child needing adoption and the types of children that unrecruited applicants are willing to adopt.

Subsection (d). Closely related to the State's duty to oversee active recruitment of adoptive parents suitable to the population of waiting children with special needs is the duty to provide family assessments to applicants who repond to these special recruitment efforts. The problem of allocation of agency resources between providing family assessments and performing other adoption services is a longstanding one. M.A. § 303 (commentary). However, the value of providing these assessments to all persons who express an interest in adopting a child with special needs cannot be overemphasized.

Subsection (e). In addition to providing Statewide planning and coordination, the State agency is responsible for ensuring the provision of adoption services to all children with special needs and their families.

Subsection (f) and (g). Public information and education is an essential part of the recruitment process. Awareness of the types of children with special needs needing homes, and of the State assistance which may be provided to adoptive children and families (for example, adoption assistance, *see* Title IV of the Model Act), can be useful in recruiting potential adoptive parents. Public education also fosters greater understanding of issues and attitudes which affect the lives of children with special needs and their families.

Subsection (h). As of July 1980, forty States had established State adoption exchanges. Child Welfare League of America, Inc., *A Report of 10 Regional Needs Assessment Workshops to Develop and Strengthen Adoption Exchanges* (1980). The remaining States provide some information and referral services to assure that all potential adoptive homes in the State may be considered in the search for a family for any particular child. It should be emphasized that this resource is of optimal value only when it is actively used as a recruitment tool. The State adoption exchange should be linked with all State adoption agencies and with any available regional or national exchanges to facilitate planning for the adoption of children with special needs.

Subsection (i). While the State adoption administration can be expected to offer special expertise and training resources, the training programs pursuant to this subsection should be jointly planned by the State agency and the local agency involved, as the latter can draw upon the unique perspective and particular problems of its own workers. As those most directly involved in adoption services, adoptees, adoptive parents, and birth parents should not be overlooked as training resources in the preparation of these programs. Trainees should include not only adoption personnel, but also foster care workers, lawyers, judges, court officials, and other citizens having an interest in the adoption of children with special needs.

Subsection (j). The maintenance of statistical data by the State agency is necessary to facilitate planning of adoption programs for children with special needs, to account for the interstate movement of children, and to monitor the provision of services of public and voluntary agencies.

The statistics kept pursuant to this subsection should include, but need not be limited to: (1) The number and characteristics (such as age, sex, race, ethnicity, handicap, length of time in care) of children with special needs in foster care for whom adoption is the appropriate plan, and a division of the numbers of such children according to those whose parents' rights have and have not been terminated, and the number and characteristics of those who have no living legal parent but who have not been placed for adoption, as well as those children with special needs placed for adoption by agencies within the State; (2) the number and characteristics of special needs children placed into subsidized adoptions; (3) the number and characteristics of birth parents of children with special needs to whom adoption services have been provided, with such data to be collected in three categories: Those whose parental rights were terminated through relinquishment, through voluntary court actions, and through involuntary court action; and (4) the numbers of inquiries from potential adoptive applicants, applications to agencies for family assessment and adoption, applicants who have received family assessments and have been approved as adoptive families, and approved applicants who have had children placed in their home for adoption.

Subsection (l). The importance of good recordkeeping in adoption practice is increasingly recognized. Information in individual case records serves as a base for compiling of agency and State data concerning placement and adoption of children with special needs. Agency records of parental relinquishment are vital in documenting due process safeguards. Furthermore, agency records often are the primary source of the child's medical and social history prior to adoption.

Section 302. Adoption as the Plan for the Child With Special Needs

(a) *Determination that adoption is the best plan for the child.* A child with special needs shall be placed for adoption only upon a determination by the agency responsible for planning for the child that adoption is the best available plan to meet the physical and emotional needs of the child during his minority. Such a determination shall be made only after consideration of alternative short-term and long-term plans for meeting the needs of the child for a family and home.

(b) *Purpose of services to parents.* The services to parents offered under Section 201 of the Act shall be provided with the primary purpose of assisting the parents in arriving at the best available permanent plan for their special needs child. Provisions of such services to a parent shall not be dependent upon the decision of such parent to relinquish a child with special needs for adoption.

Commentary to Section 302

Subsection (a). The provision imposes upon the agency having responsibility for the child with special needs the legal duty of making an affirmative decision that adoption is preferable to other possible alternatives for the child's long-term care, before the child is placed for adoption.

Subsection (b). The services referred to are the counseling and referral services of the agency to the parents. *See* M.A. Sections 201. A parent cannot make an informed decision regarding the special needs child's best long-term interest without knowledge of alternative resources and arrangements.

Section 303. Placement for Adoption of a Child With Special Needs

(a) *Actions required before placement of a child.* An agency shall make a placement for adoption of a special needs child only:

(1) When there is satisfactory evidence that all parental rights over the child have been terminated according to the laws of this State or of another jurisdiction, except that a child may be placed in the home of the prospective adoptive parents of the child prior to the termination of all parental rights if the agency informs the prospective adoptive parents, in writing, that the child may not be adopted if parental rights are not terminated; and

(2) When a family assessment of the prospective adoptive parent or parents has been completed and has found the prospective parent or parents suitable for the special needs child in question.

(b) *Who may apply for a family assessment.* Any adult, married or unmarried, may apply to an agency for a family assessment. If an applicant is married, the application shall be made by both spouses jointly.

(c) *Priority for receipt of family assessment.* Any person who applies to the State adoption administration and expressly requests to adopt a specific child or type of child with special needs shall be given priority for a family assessment. The assessment may be performed by the State adoption administration or by another public or voluntary agency, but the State adoption administration shall ensure that any applicant described in this subsection (c) receives an assessment within six months of his request therefor.

(d) *Arbitrary eligibility criteria prohibited.* An agency shall not exclude from consideration as a potential adoptive parent the foster parent of a special needs child solely because of his status as the child's foster parent, or any applicant solely by virtue of restrictive criteria unrelated to the potential parent's ability to care for a special needs child.

(e) *Denial of application.* When an agency denies the application of a person who has applied to adopt pursuant to subsection (c) of this section, the agency shall inform the applicant, in writing, of the denial and of the reasons therefor.

(f) *Agency responsibilities prior to placement of a child with special needs.* Before making a placement for adoption of a child with special needs, an agency shall:

(1) Obtain a current health assessment of the child, including any necessary psychiatric and psychological evaluation, and the present physical, intellectual, and emotional needs of the child;

(2) Compile a written report describing the services provided to the birth parents of the child;

(3) Determine that adoption is the best available permanent plan for the child;

(4) Complete a family assessment of the prospective adoptive parent or parents, including their suitability for the child to be placed, and prepare a written report thereof;

(5) Compile a detailed written health history and genetic and social history of the child, including information from the current health assessment referred to in (1) above, which:

(A) Excludes information which would identify any birth parent or members of a birth parent's family and is set forth in a document that is separate from any document containing such identifying information;

(B) Shall be retained by the agency until at least sixty years after the attainment of majority of the child, and an agency which ceases to function as an agency shall transfer to the State adoption administration any documents and information retained pursuant to this subsection (f)(5);

(C) Shall be supplemented throughout the period of time referred to in (B) above with any further information received by the agency which is relevant to the child's health history or genetic and social history but which excludes information identifying any birth parent or member of a birth parent's family;

(D) Shall be available, throughout the period of time referred to in (B) above, only to:

(i) The adoptive parents of the child or, in the event of the death of the adoptive parents, the child's guardian;

(ii) The adoptee upon reaching the age of eighteen;

(iii) In the event of the death of the adoptee, the adoptee's spouse if he is the legal parent of the adoptee's child or the guardian of any child of the adoptee;

(iv) In the event of the death of the adoptee, any progeny of the adoptee who is age eighteen or older.

(6) Provide to the prospective adoptive parent or parents a copy of the health history and genetic and social history compiled in accordance with subsection (5) above; and

(7) Provide such other services as may be necessary to carry out the purposes of this Act.

(g) *Reports.* The report required by subsection (f)(2) of this section hereof shall be submitted to the court with the petition for termination of parental rights or, if such petition is not filed, with the petition for adoption. All other reports required by this subsection (f) shall be retained by the agency and used to prepare the report accompanying the petition for adoption. If any information for any report required by this subsection (f) cannot be obtained, the report shall state the reasons therefor.

(h) *Confidentiality of records.* Notwithstanding any other law concerning public hearings and records, all court files containing records of judicial proceedings conducted under this Act, and any health, genetic and social, medical, and any other information relating to children with special needs submitted to the court in such proceedings, shall be kept in separate sealed files and withheld from public inspection by anyone, including the adoptee, the adoptive parents, other parties to the adoption proceedings, the birth parents, or any other persons, except under court order. In the absence of a court order, the only information relating to the birth parents or members of a birth parent's family which may be disclosed is the health history and genetic and social history compiled pursuant to subsection (f)(5) of this section; this information may be disclosed by the adoption agency only, and only as provided by subsection (f)(5) of this section.

(i) *Penalty.* A person who knowingly obtains or discloses information or aids and abets another in obtaining or disclosing information or who willfully destroys or fails to record or preserve information violation of the provisions of this Title, shall be punished by a fine of up to $10,000 or up to six months imprisonment, or both.

Commentary to Section 303

The section sets out the adoptive placement procedures which agencies must follow for children with special needs.

Subsection (a). When a child with special needs is placed with a family, the parties involved should understand that the placement cannot lead to adoption unless the child is legally free for adoption; that is, unless all parental rights with respect to the child have been terminated. *See* M.A. Section 103(a). The fact that a child has been freed for adoption prior to placement relieves the child, the prospective adoptive parents and agency of the uncertainty inherent in the birth parents' continued legal interest in the child. When placement occurs only after termination of parental rights, all parties' efforts may be wholeheartedly devoted to the creation of a viable

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family bond between child and adoptive parents.

There will be some special circumstances, however, in which it may be in the interest of a child with special needs to be placed with a prospective adoptive family before all parental rights have been terminated. This section would not preclude such placements. When an agency has located an appropriate adoptive family for a child with special needs and the process of terminating the rights of an uninvolved parent has just begun, the child should not be expected to forego the benefits of living with the potential adoptive family for the months necessary to complete termination proceedings.

Under the Model Act such pre-termination placements are subject to the State's foster care regulations and licensure requirements. It should be emphasized, however, that these are a special category of foster care placement since all parties have, at the outset, a set of expectations which are quite different from the usual expectations of foster care placements. Because of the hazards inherent in combining the role of foster parent with the status of potential adoptive parent, two points should be emphasized.

First, such placements with prospective adoptive families should occur only when clearly appropriate conditions exist. There should be a strong likelihood that all parental rights will be terminated within a short time after the placement, as, for example, when one parent has already relinquished, the other parent is absent and has not been located after good faith efforts, and a court hearing to involuntarily terminate his parental rights has already been scheduled.

Second, the potential adoptive family with whom a child with special needs is placed prior to termination of all parental rights should be made fully aware, by the placing agency or the court, that the change from a foster care to an adoptive placement is contingent upon termination of all parental rights with respect to the child.

Subsection (c). The limited resources of adoption agencies and the consequent delays in applicants' obtaining approval as potential adoptive parents are well known. To facilitate the elimination of barriers to the adoption of children with special needs and to provide permanent and loving home environments for these children, the Model Act attempts to assure optimal use of agency resources for the adoptive placement of children with special needs. Providing family assessments to applicants willing to adopt older, handicapped and other special needs children is a crucial step in facilitating placement of these children.

Subsection (d). The first restriction imposed by subsection (d) relates to two traditionally controversial issues: (1) Should foster parents be precluded from eligibility as adoptive parents in order to maintain integrity of the foser care system? (2) If not precluded, should foster parents be given priority consideration to be adoptive parents for children who have been in their care? Subsection (d) explicitly answer the first of these questions in the negative. With respect to the second issue, some foster parents (i.e., *de facto* parents) should indeed receive priority consideration as adoptive parents. Some of the factors which an agency might find relevant in designating particular foster parents as eligible for priority consideration are: length of time the child has been placed with the foster parents, evidence of emotional and psychological bonds between the child and the foster parents, and the effects of this relationship upon the special needs child's total development.

Subsection (e). As one means of preventing an agency from screening out applicants arbitrarily, this subsection requires the agency to notify an applicant, in writing, of the denial of his application and to include a statement of the reasons for the denial. An application to adopt might be denied on the basis of objective criteria, independent of the family assessment, or on the basis of the findings of that assessment. Denial may be appealed in accordance with Section 305 of the Model Act.

Subsection (f). The provision for an extensive record of the adoptee's health and genetic history is of particular importance for special needs children, many of whom may suffer some health disorder. The purpose of the sixty-year retention requirement is to ensure that a biological child of the adoptee will have access to information which may bear on his own health or the health of his children.

Section 304. Postplacement Services for Children With Special Needs

(a) *Postplacement services and report required.* After a placement for adoption of a special needs child is made, the agency which made the placement shall provide or cause to be provided supportive services to the adoptive family and the child with special needs until the planned adoption has been completed. Such services shall include periodic visitation and may include counseling. The agency shall provide reports on the placement as required by the court.

(b) *Agency services to ensure timely filing of adoption petitions.* The agency which is providing postplacement services shall inform the adoptive family that a petition for adoption shall be filed within twelve months of the special needs child's placement for adoption, and shall provide such services as are appropriate to assist the adoptive family to file the petition in a timely manner.

(c) *Removal of a child with special needs from adoptive placement; agency and court responsibilities.* If, after the placement has been made and before the final decree of adoption, the agency providing postplacement services determines that the placement is no longer in the interests of the child with special needs, the agency which placed the child shall:

If no interlocutory decree of adoption has been entered, remove the child or cause the child to be removed from the custody of the prospective adoptive parents only after ten days' notice and an opportunity to appeal the removal in accordance with Section 305 of the Act, except that no prior notice shall be required if the agency determines that the child is in immediate danger; or

(2) If the court has entered an interlocutory decree of adoption, immediately recommend to the court that the child with special needs be removed from the custody of the prospective adoptive parents and state the grounds upon which removal is recommended. The court shall provide the prospective adoptive parents an opportunity to be heard before ordering removal of the child, unless the court finds the child to be in immediate danger.

(d) *Dismissal of petition and vacation of interlocutory decree.* If the child with special needs is removed from the custody of the prospective adoptive parents, the court shall dismiss any petition for adoption which has been filed and vacate any interlocutory decree of adoption which has been entered.

(e) *Agency services to unsuccessful petitioners.* The agency which provided postplacement services to a family from which a special needs child was removed pursuant to subsection (c) hereof shall offer and, upon the family's request, provide such counseling services as may be necessary to assist the family in adjusting to the removal of the child.

Commentary to Section 304

Subsections (a) and (b). In order to maximize the positive character of agency involvement with the adoptive family after placement, the provision mandates performance of supportive services as well as the traditional reporting function performed by the agency at this stage.

Subsection (c). Fair hearing procedures have been imposed upon an agency which decides to remove a special needs child from the custody of the proposed adoptive parents. Unless the child is in immediate danger, notice of the intent to remove and the grounds for such action must be timely provided to permit the adoptive applicants to seek administrative appeal of the agency decision. if an interlocutory decree of adoption has been entered, however, the agency cannot remove the special needs child without prior approval of the court.

Section (e). The agency which provided postplacement services should continue its involvement with the proposed adoptive family in the event that a child with special needs is removed from their home. Counseling services should be offered to aid in their adjustment to the child's removal.

Section 305. Agency Appeals

(a) *Right of appeal.* Any person who meets one or more of the following criteria shall have the right of appeal to the State adoption administration:

(1) Is entitled to a family assessment under Section 303(c) of this Act and has been refused a family assessment to which he is entitled, or has not had a family assessment begun within sixty days or completed within six months after his application to the agency; or

(2) Has been notified by an agency that has application to adopt a child with special needs has been denied; or

(3) Has applied for, but been refused, financial assistance for the adoption of his foster child; or

(4) Has received notice that a child with special needs is to be removed from an adoptive placement in his home.

(b) *Time for filing appeal.* An appeal pursuant to this section shall be filed within sixty days of the action which constitutes the basis for the appeal, except that an appeal of the removal of a special needs child from an adoptive placement shall be filed within ten days of receipt of notice from the agency of the intended removal of the child.

(c) *Time limit on agency action on appeal.* All appeals to the State adoption administration shall be approved or denied within sixty days of the date the appeal is filed.

Commentary to Section 305

This section provides an appeal process for aggrieved parties and specifies time limitations for bringing such appeals. The purposes of the provision are to achieve certainty for the legal status of the special needs children involved, to facilitate their adoptive placement, and to protect agencies from untimely challenges to their relinquishment and placement procedures.

Subsection (a). Subsection (a) enumerates a variety of grounds upon which parties adversely affected by agency action may bring an appeal to the State adoption administration.

Subsections (b) and (c). Such administrative appeal must be filed with the State adoption administration within the sixty-day limitation period. The adoption administration is then required to act upon an appeal within sixty days after it is filed.

Title IV. Adoption Assistance For Children With Special Needs

Section 401. Purpose and Administration

The State adoption administration shall establish an ongoing program of adoption assistance payments to make possible the adoption of every child with special needs who might not be adopted without financial assistance.

Commentary to Section 401

Adoption assistance may be viewed as a new program financed in part with Federal financial participation, or it may be seen as a continuation of a State's existing adoption subsidy program since some children with special needs may not be eligible for assistance payments matched with Federal funds. In such cases adoption assistance and services under this title may be funded from State foster care appropriations or other States sources.

The concept of adoption assistance for children with special needs is not new, although until the 1970's the idea was slow to gain acceptance in the face of the traditional idea that an adoptive family should assume full responsibility for the needs of the adoptee. Since the first adoption subsidy act was passed by the New York State Legislature in 1978, forty-nine States and two jurisdictions have enacted legislation to subsidize adoptions. The purpose of these laws is to provide financial assistance to assure the adoption of children whose handicap, age, minority background, or sibling group membership might otherwise prevent their placement and adoption.

It has been shown that the assistance concept can faciliate the adoption of children with special needs, and at the same time save communities a sizable portion of the expenditures which would be necessary to keep the same children in foster and institutional care.

As stated in the comments accompanying the Model State Subsidized Adoption Act published by HEW, an adoption assistance program is meant to be a part of the usual, ongoing child welfare services of a State. It is not intended to discourage vigorous recruitment of the most desirable adoptive families for children with special needs waiting in the foster care system to be adopted.

For a more comprehensive discussion of the Model State Subsidized Adoption Act and for model regulations to accompany the Act, *See* U.S. Dept. of Health, Education, and Welfare, *Subsidized Adoption in America (1976).*

Section 402. Eligibility for Adoption Assistance

(a) *Requirements for eligibility.* Any child with special needs is potentially eligible for adoption assistance who is the responsibility of an agency, legally free for adoption, and not likely to be adopted by reason of one or more special needs, such as:

(1) Physical or mental disability,

(2) Emotional disturbance,

(3) Recognized high risk of physical or mental disease,

(4) Age,

(5) Sibling relationship, or

(6) Racial or ethnic factors.

(b) *Certification of unconditional eligibility.* A child who is potentially eligible for adoption assistance pursuant to subsection (a) hereof must be certified as eligible by the State adoption administration. Any child who meets one or more of the requirements of subsection (a) of this section shall be certified as unconditionally eligible after reasonable efforts to find an appropriate adoptive family who would adopt the child without adoption assistance have proved unsuccessful, except that when the child has developed significant emotional ties with his foster parents who seek to adopt him, no such efforts are required.

(c) *Means test.* There shall be no income eligibility test (means test) for the prospective adoptive parent(s) of a special needs child certified under subsection (b) of this section in determining eligibility for adoption assistance to cover medical and other expenses which are related to the child's special needs, or to cover expenses related to the adoption process, such as the legal and court costs of adoption. An income eligibility test shall be applied in determining eligibility for general adoption assistance to cover expenses unrelated to the child's special needs or the adoption process.

(d) *Notification of eligibility.* Any agency or person who has physical custody of a child with special needs shall be notified in writing when the child is certified as eligible for adoption assistance.

Commentary to Section 402

To be potentially eligible for adoption assistance pursuant to this section, the child must be in the custody of a public or voluntary agency and be legally free for adoption. In addition, the child must be unlikely to be adopted for reasons like those enumerated in subsection (a). A child who meets the above criteria must be certified as eligible for adoption assistance by the State adoption administration.

There will be many children in need of adoption assistance who do not meet the criteria for Federal financial participation and States will have to utilize State funding to provide for the special needs of these children. However, States will need to draft regulations ensuring that no Federal reimbursement is claimed for children eligible under Model Act for adoption assistance but not eligible for Federal financial participation.

Subsection (a). Regarding the enumerated reasons for which a child might be certified as unconditionally eligible for a subsidy under subsection (a), the following deserve comment: "Emotional distrubance"—the cause for such a disturbance is irrelevant. "Recognized high risk of physical or mental disease"—an example would be the occurrence of an injury at birth or the potential of an inherited condition which could manifest itself in mental or physical disability later in life. "Age"—the exact age criterion may vary; any age is relevant so long as it is a factor inhibiting the child's adoption. "Sibling relationship"—this factor refers to sibling groups who should be placed as a unit whenever possible. "Racial or ethnic factors"—these criteria are general because they will vary according to geographic area and social climate.

The "reasonable efforts" that must be made to find an adoptive family for a child with special needs prior to certifying him as unconditionally eligible for adoption assistance should include affirmative recruitment of adoptive parents, use of adoption resource exchanges, and referral to appropriate specialized agencies. For the child who has developed significant emotional ties with his foster parents and whose foster parents wish to adopt him, no search for another adoptive family is required.

Subsection (c). It should be emphasized that the basis for the adoption assistance is the special need of the child. Hence subsection (c) prohibits consideration of the family's financial ability to meet medical and other expenses related to the child's special needs, as well as expenses related to the adoption process.

Section 403. Adoption Assistance Agreement

(a) *Requirements of assistance agreement; when assistance payments may begin.* Before any adoption assistance payments may be made to the prospective adoptive parents who have been determined to be eligible for adoption assistance, there must be a written agreement between the parent(s) entering into the assisted adoption and the State adoption administration through its designated agency. This agreement must be completed within one year after the final decree of adoption.

(1) Adoption assistance in individual cases may commence with the adoptive placement, or at the appropriate time after the interlocutory or final decree of adoption, and will vary with the needs of the child as well as the availability of other resources to meet the child's needs.

(2) The assistance may be for special services only or for money payments, and either for a limited period or for a long term, or for any combination of the foregoing. The amount of the time-limited or long-term adoption assistance may in no case exceed that which would be allowable from time to time for such child under foster family care, or in the case of a special service, the reasonable fee for the service rendered.

(b) *Annual certification of eligibility.* When adoption assistance is for more than one year, the adoptive parents shall present an annual certification that:

(1) The adopted child remains under their care; and

(2) The conditions which caused the child to be certified as eligible for adoption assistance continue to exist.

(c) *Continuing special need required for certification.* For the purpose of the annual recertification, the special need(s) which caused the child to be certified shall be deemed to continue to exist if the child was certified as eligible pursuant to:

(1) Subsections (a)(1) or (a)(2) of Section 402 of this Act, and the physical or mental disability or emotional disturbance has not been corrected; or

(2) Subsection (a)(3) of Section 402 of this Act, and the recognized high risk of physical or mental disease continues to exist; or

(3) Subsections (a)(4), (a)(5), or (a)(6) of Section 402 of this Act.

(d) *Duration of assistance; modification.* The adoption assistance agreement shall be continued in accordance with its terms but only so long as the adopted child is the legal dependent of the adoptive parents and the child's condition continues, except that in the absence of other appropriate resources provided by law and in accordance with regulations issued pursuant to this Act, it may be continued after the adopted child reaches majority. Termination of modification of the assistance agreement may be requested by the adoptive parents at any time.

(e) *Certification not affected by adoptive parents' residence or change of child's residence.* A child who is a resident of another State when eligibility for assistance is certified by that State shall be considered certified and eligible to receive assistance by this State upon becoming a resident of this State, subject to the annual recertification requirements of this section. The domicile or residence of the adoptive parents at the time of application for adoption, placement, legal decree of adoption, or thereafter shall not affect the certification of a child who has been certified as eligible for adoption assistance by this State.

Commentary to Section 403

Subsection (a). It is anticipated that, in virtually all cases, the adoption assistance agreement will be completed prior to the final decree of adoption. However, there may be unusual circumstances which would justify an exception to this general rule.

Assistance payments may begin after an agreement is signed—as early as the time of placement or after an interlocutory or final adoption decree has been issued. Adoption assistance may be made available for costs related to the adoption process, such as legal and court costs of adoption, other costs incidental to adoption placement, or costs for medical treatment or other needs.

Time-limited assistance is designed to help with expenses of integrating the child into the family or to provide funds for a specific short-term service. Long-term adoption assistance is designed for children who cannot be adopted unless their long-term financial needs are met by subsidy. The ceiling on the subsidy to accord with foster family allowances is based on current practice in a majority of the States. One objective of the adoption assistance program is to provide permanent adoptive homes for children in foster care at no more cost to the State than foster care.

Subsections (b), (c), and (d). These subsections have been drafted to give the State the flexibility to provide adoption assistance with either Federal or non-Federal funds. Such variations can be covered by the State regulations accompanying the Model Act. For example, Federal financial participation may be available only until the child reaches age 18 (or 21 if a physical or mental handicap is established). A State may, however, deem it necessary in some cases to extend financial assistance for a limited period of time to allow a child to complete schooling, for instance. Also, some children under the program will need special care, treatment, and services for an indeterminate period, and the termination of the subsidy at the age of maturity could work a hardship for them before other benefits can be found.

For the purposes of recertification, a special need "continues to exist" (subsection (c)) unless there has been a change in the child's need for the services or support which the adoption assistance provides. If the special need is a medical handicap which eventually warrants no further therapy, the assistance to provide such therapy would terminate. But if the special need is a characteristic which makes general support payments necessary in order to find a permanent home for the child, the special need—and hence the assistance—should be continued until the child no longer needs to be supported.

Subsection (e). Since the adoption assistance is designed to provide a child in special circumstances with a permanent adoptive home, certification of the child in another State or interstate movement of the adoptive family should not affect such assistance.

Title V. Adoption Proceedings for Children With Special Needs

Section 501. Procedures for the Adoption of a Child With Special Needs

Except as provided in section 502, court procedures for the adoption of a child with special needs shall be governed by the laws and rules applicable to adoptions generally.

Section 502. Plan for the Special Needs Child

(a) *Retention of jurisdiction.* If the court denies a petition for adoption, the court may not terminate its jurisdiction until or unless another court or agency accepts or assumes jurisdiction sufficient to plan for the care of the child with special needs and to cause the plan to be implemented. However, if the placement of the child with special needs was made pursuant to the Interstate Compact on the Placement of Children and the jurisdiction of the sending agency has not been legally terminated under Article V(a) of the Compact, the court shall not exercise its jurisdiction in a manner contrary to or inconsistent with the Compact.

(b) *Plan for the child.* If the court which denies a petition for adoption retains jurisdiction over the child with special needs, it shall order such child removed from the home and care of the petitioner, unless the court approves an agency plan for continued placement for foster care with the unsuccessful petitioner. The agency which made the placement for adoption or another agency shall, with the approval of the court, make a plan for the child with special needs which takes into consideration those factors which characterize him as a child with special needs. Where appropriate the plan shall include arrangements for another placement of the special needs child for adoption. If adoption is not practicable, the plan shall include a full statement of the reasons therefor and the measures to be taken to secure an alternative permanent placement for the child with special needs.

(c) *Report and review of plan.* The plan shall be filed with the court, and the agency or person responsible shall file with the court a report thereon at least every six months until the child with special needs is adopted or until the court otherwise terminates its jurisdiction. No less frequently than once a year, the court or a hearing officer designated by the court shall hold a hearing and require the person or agency responsible for the special needs child to personally appear and report on the progress toward implementation of the plan.

Commentary to Section 502

Subsection (a). The provision is designed to assure that future proceedings involving a special needs child who is the subject of an unsuccessful petition for adoption shall be conducted before a court familiar with the child and his circumstances, including his unique special needs. The court which denied the petition for adoption may, however, terminate its jurisdiction if there is good cause. Circumstances established good cause include the fact that another court of this or another State presently has or previously had jurisdiction over the special needs child, or that a second adoption petition is filed by a family whose residence is elsewhere.

Subsections (b) and (c). The requirement that a long-term plan for the child with special needs be submitted to the court and regularly reported upon protects the child from becoming an inappropriate resident of foster care institutions through the simple inadvertence of agency personnel, and encourages efforts to again place the child for adoption if possible. Adoption remains the plan of preference and, therefore, an explanation is required if the plan submitted does not find adoption to be practicable for the child with special needs.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	MSPB/OPM		DOT/FHWA	MSPB/OPM
DOT/FRA	LABOR		DOT/FRA	LABOR
DOT/MA	HHS/FDA		DOT/MA	MSPB/FDA
DOT/NHTSA			DOT/NHTSA	
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Last Listing October 7, 1981

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

[illegible]